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HOUSE OF REPRESENTATIVES—*Tuesday, June 10, 1969*

The House met at 12 o'clock noon.

Rev. Robert W. Olewiler, Grace Reformed Church, Washington, D.C., offered the following prayer:

Almighty God, we thank Thee for Thy never-changing faithfulness throughout all generations. We are grateful for our beloved country and we pray Thee to bless our land with honorable industry, sound learning, and pure living. We thank Thee for the Members of this House of Representatives and we beseech Thee to direct and prosper their consultations that the safety, honor, and welfare of Thy people may be everywhere preserved and Thy glory everywhere advanced.

We confess that we are not worthy of all Thy goodness and we ask Thy mercy. Help us to prove our repentance by lives dedicated more fully to Thee and to the common good. May all that we are and all that we do reflect Thy holy will, now and forever. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

CONGRESSIONAL REORGANIZATION

(Mr. SISK asked and was given permission to address the House for 1 minute.)

Mr. SISK. Mr. Speaker, because of the keen interest on the part of many of the Members in the subject of congressional reorganization, I believe it would be well to make a brief report on that subject.

The Congressional Reorganization Subcommittee of the Committee on Rules has met for about 6 hours in three executive sessions to analyze the differences between the various bills before us.

In addition to that, the Rules Committee staff, augmented by help from the Legislative Reference Service and the legislative counsel's office, has put in additional 12 hours in staff meeting time, plus additional desk time.

We have about completed our work on title I of the various bills, which we feel is likely to be the most controversial part of whatever the committee finally comes up with.

Bearing in mind that as the flow of legislation from the committees increases, and bearing in mind also the August recess, and considering the size of the task before us, we believe we will be expressing a reasonable hope if we say we expect to be ready to begin hearings in September.

I might say, Mr. Speaker, that the subcommittee is not approaching its task on the basis that we will do as little as we can to get by. We are trying to do a workmanlike job and I hope that the Members and those outside Congress who are anxious to see something done will not become impatient.

WHY THE RISE IN THE INTEREST RATES?

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS of Alabama. Mr. Speaker, yesterday's increase in interest rates by major banks to 8.5 percent is a very serious development. In my opinion this action is wholly unjustified.

It raises the question once more as to the extent of competition between banks. If I understand yesterday's action correctly, by far the great majority of major banks across the country all increased their prime rate to the same level on the same day.

If a comparable event were to be seen in another important industry the question of antitrust action would be raised. What about banking? Is the banking fraternity subject to the same antitrust laws that regulate other business enterprise? I believe the American people deserve to know.

This action will inevitaby mean higher mortgage rates along with higher rates on other consumer-type loans. It will have an adverse effect on building, and will contribute to greater economic instability generally.

The 10-percent income surtax on individuals and corporations was justified by its supporters as a dampener on the inflationary trend. It clearly has not worked that way. I have seen no evidence whatever that the surtax has slowed the increase in interest rates.

I believe that the banks ought to reconsider their move, now, today; and at the same time the administration and the congressional leadership must offer to the country a new and more far-reaching plan for cutting back on Government spending.

The Government should provide more convincing evidence of plans for long-term reductions in spending as a force for monetary stability. This will give the banks of our country, the international monetary community, and the American people the confidence required in a time of doubt and uncertainty.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON REGULATORY AGENCIES, SELECT COMMITTEE ON SMALL BUSINESS, TO SIT TODAY DURING GENERAL DEBATE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Subcommittee on Regulatory Agencies of the Select Committee on Small Business may sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. YOUNG. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 11271, AUTHORIZING APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 413 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 413

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill

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to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH) and, pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 413 provides an open rule with 2 hours of general debate for consideration of H.R. 11271 to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The authorization to NASA for fiscal year 1970 is as follows:

Research and development	$3,264,427,000
Construction of facilities	58,200,000
Research and program management	643,750,000
Total authorization	3,966,377,000

Under research and development, there are 19 programs involved. The authorizations range from a high of $1,766,800,000—the Apollo program—to a low of $2.5 million—advanced missions.

Authorization for the construction of facilities are: Electronics Research Center, $8,088,000; Goddard Space Flight Center, $670,000; John F. Kennedy Space Center, $12.5 million; Langley Research Center, $4,767,000; Manned Spacecraft Center, $1,750,000; Wallops Station, $500,000; various locations for improvements, rehabilitation, and alterations of Government-owned facilities, $26,425,000; facility planning and design, $3.5 million.

The sum of $643,750,000 is authorized for research and program management. These funds would provide for the salaries, benefits, and other related expenses of NASA Government personnel and the cost of military and civilian personnel detailed to the agency. The authorization also provides indirect support to the research and development effort in the form of travel, automatic data processing, facilities services, technical services, and adminstrative services.

Mr. Speaker, I urge the adoption of House Resolution 413 in order that H.R. 11271 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the Committee on Rules ought to be commended for bringing out an open rule for the first time on a bill, and I want to commend the members of that committee for not waiving points of order, or doing violence to some other rule of the House of Representatives.

Mr. YOUNG. Mr. Speaker, on behalf of the members of the Committee on Rules, and myself, I thank the gentleman.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, appreciate the kind remarks made by the distinguished gentleman from Iowa, and I am glad to assure the gentleman from Iowa that we are sending out another open rule from the Committee on Rules calling for open debate.

Mr. Speaker, the rule before us today provides for full debate without waiving points of order, with 2 hours of debate for the consideration of H.R. 11271, which is the NASA authorization for fiscal 1970.

Mr. Speaker, the purpose of the bill is to authorize appropriations for fiscal 1970 for NASA.

Three major areas are authorized in the bill:

Research and development	$3,264,427,000
Facility construction	58,200,000
Research and program management	643,750,000

The Apollo manned flight program receives a major share of the funding. The sum of $1,766,800,000 is programed for 1970.

The John F. Kennedy Space Center will receive some $12,500,000 in construction funds for construction, modification of launch pads for future Apollo program flights. Other construction funds are programed for the Goddard and Langley Space Centers, and the Electronics Research Center.

NASA administrative costs are authorized for fiscal 1970 at $643,750,000.

A new section is added to the bill, section 7, which will have the effect of cutting off funds to universities where riots occur. The cutoff will take the form of ending of grants for research being done on a campus. Anyone participating in such disturbances, student or faculty, will be cut off from grant-in-aid or administratively used Federal funds.

Additional views are filed by the gentleman from Texas (Mr. TEAGUE), the gentleman from Pennsylvania (Mr. FULTON), and several other members. They believe that funds should be provided for the Saturn V and Saturn I-B rockets. If a regular funding program is not continued, they expect needed rockets at future times to cost substantially more.

The gentleman from New York (Mr. KOCH) opposes authorizations totaling some $258,000,000 more than requested in the Apollo program by the administration. He also opposes the new section 7 language cutting off grant programs to universities where riots have occurred.

The gentleman from Washington (Mr. PELLY) and the gentleman from Pennsylvania (Mr. FULTON) also call attention to the rising unused authorizations in the NASA program and believe that present funding requests should be curtailed somewhat.

Personally, Mr. Speaker, I would like to call the attention of the House once again that prior hereto in the supplemental budget we limited the administration's spending to $192.9 billion. We have also passed the maritime authorization bill which increased the expenditure over and above that amount of money. This is the second bill with an authorization which will increase expenditures over and above the $192.9 billion by approximately $258 million. I simply call that to the attention of the Members of the House because if we are going to place a top limit on administrative spending, then it seems to me that it is rather unfair to the executive to be placed under strict orders to keep down spending while Congress goes along adding other requests for appropriation of funds for programs it supports, but gives no such leeway to the executive.

In other words, Mr. Speaker, I think Congress has a responsibility to do its part in keeping spending down as low as possible.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Speaker, I will not use all the time, but I want to call attention to the fact, as the gentleman from California stated, that I will have an amendment on page 5, line 14, to require a reduction in the outstanding authorization for which no appropriations have been made for the fiscal years 1967, 1968, and 1969 in amount totaling $327,070,000. My amendment will read as follows:

> On page 5, after line 14, insert the following:
>
> "(h) Notwithstanding any other provision of law, authorizations to the National Aeronautics and Space Administration, enacted for fiscal years 1967, 1968, and 1969, for which appropriations have not been made, totaling $327,070,000, are hereby cancelled, effective June 30, 1969, or the date of this Act, whichever is later."

This will reduce the total amount of authorization outstanding, even with the current 1970 authorization added on, to a level below the Nixon budget of over $70 million.

The total authorization outstanding for NASA will be, at the end of this fiscal year, $70 million below the Nixon budget which carries over $327,070,000 in unfunded authorization.

In response to my inquiry regarding unfunded authorization NASA has provided views in their letter dated May 26, 1969, which I quote for the RECORD:

> NATIONAL AERONAUTICS
> AND SPACE ADMINISTRATION,
> *Washington, D.C., May 26, 1969.*
>
> Hon. JAMES G. FULTON,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. FULTON: After our discussions on Thursday and after rereading your additional views on pages 170–171 of the House Committee on Science and Astronautics Report No. 91–255, we have put our heads together here and come up with language which will, I believe, accomplish the objective which you outlined to me. NASA would have no objection to a provision of this type.
>
> The language we have come up with is as follows:
>
> "Amend Section 1 of H.R. 11271 by adding the following new subsection (h) to the end thereof:
>
> "'(h) Notwithstanding any other provision of law, the authorization of any appropriation to the administration enacted prior to the effective date of this Act shall expire on June 30, 1969, or the effective date of this Act, whichever is later, but only to the extent that such appropriation has not theretofore actually been made.'"
>
> This would rescind authorization under which no appropriation has been made totalling $327,070,000 for Fiscal Years 1967, 1968, and 1969.

We would be glad to discuss this further with you if you wish.

Sincerely yours,

ROBERT F. ALLNUTT,
Assistant Administrator for Legislative affairs.

I would also like to insert in the RECORD our analysis of unfunded authorization presently existing on the books, and a recapitulation of authorization rescinded under the basic Space Act.

NASA UNFUNDED AUTHORIZATION

	R. & D.	C. of F.	AO	Total
Fiscal year 1967:				
Authorized	$4,248,600,000	$95,919,000	$655,900,000	$5,000,419,000
Appropriated	4,245,000,000	83,000,000	640,000,000	4,968,000,000
Unfunded	3,600,000	12,919,000	15,900,000	32,419,000
Fiscal year 1968:				
Authorized	4,147,565,000	69,980,000	648,206,000	4,865,751,000
Appropriated	3,925,000,000	35,900,000	628,000,000	4,588,900,000
Unfunded	222,565,000	34,080,000	20,206,000	276,851,000
Fiscal year 1969:				
Authorized	3,370,300,000	39,600,000	603,173,000	4,013,073,000
Appropriated	3,370,300,000	21,800,000	603,173,000	3,995,273,000
Unfunded	0	17,800,000	0	17,800,000
Total unfunded July 1, 1968	226,165,000	64,799,000	36,106,000	327,070,000

RECAPITULATION OF TOTAL AUTHORIZATION RESCINDED THROUGH JUNE 30, 1968

Rescission date	Fiscal years affected	Total rescinded
June 30, 1964	1959, 1960, and 1961	$47,625,700
June 3J, 1965	1962	30,050,000
June 30, 1966	1963	70,000,000
June 30, 1967	1964	178,326,000
June 30, 1968	1965 and 1966	65,396,200
Total		391,397,900

UNFUNDED AUTHORIZATION—RESCISSIONS TO DATE PURSUANT TO SEC. 307 OF THE SPACE ACT

	R. & D.	C. of F.	AO	Total
Authorization rescinded June 30, 1964:				
Fiscal year 1959:				
Authorized:				
Public Law 85-568	(1)	$101,983,000	(1)	
Public Law 86-12	$20,750,000		$3,354,000	
Appropriated	66,675,000	69,825,000	86,286,300	$222,786,300
Rescinded	4,075,000	32,158,000	167,700	36,400,700
Fiscal year 1960:				
Authorized	333,070,000	62,800,000	94,430,000	490,300,000
Appropriated	330,875,000	62,800,000	91,400,000	485,0/5,000
Rescinded	2,195,000	0	3,030,000	5,225,000
Fiscal year 1961:				
Authorized	671,453,000	127,787,000	170,760,000	970,000,000
Appropriated	670,453,000	122,787,000	170,760,000	964,000,000
Rescinded	1,000,000	5,000,000	0	6,000,000
Authorization rescinded June 30, 1965:				
Fiscal year 1962:				
Authorized	1,305,539,000	323,075,000	226,686,000	1,855,300,000
Appropriated	1,302,500,000	316,000,000	206,750,000	1,825,250,000
Rescinded	3,039,000	7,075,000	19,936,000	30,050,000
Authorization rescinded June 30, 1966:				
Fiscal year 1963:				
Authorized	2,957,878,000	786,237,000	(2)	3,744,115,000
Appropriated	2,897,878,000	776,237,000	(2)	3,674,115,000
Rescinded	60,000,000	10,000,000	(2)	70,000,000
Authorization rescinded June 30, 1967:				
Fiscal year 1964:				
Authorized	4,119,575,000	713,060,000	518,185,000	5,350,820,000
Appropriated	3,998,494,000	680,000,000	494,000,000	5,172,494,000
Rescinded	121,081,000	33,060,000	24,185,000	178,326,000
Authorization rescinded June 30, 1968:				
Fiscal year 1965:				
Authorized, Public Law 88-369	4,341,100,000	262,880,000	623,526,000	5,227,506,000
Appropriated, Public Law 88-507	[3] 4,291,100,000	262,880,000	623,526,000	5,177,506,000
Rescinded	50,000,000	0	0	50,000,000
Fiscal year 1966:				
Authorized, Public Law 89-53	4,536,971,000	62,376,850	591,049,850	5,190,396,200
Appropriated, Public Law 89-128	4,531,000,000	60,000,000	584,000,000	5,175,000,000
Rescinded	5,971,000	2,376,000	7,049,000	15,396,200

[1] Such sums as may be necessary.
[2] Included in R. & D. appropriation for fiscal year 1963.
[3] Excludes $72,494,000 appropriated in fiscal year 1965 against fiscal year 1964 existing authorization.

We are in an era where the most exciting events in space are taking place. One of the greatest events in the history of mankind is going to take place on July 16 of this year when our astronauts, in the Apollo 11, try to land on the Moon. Incredible difficulties that the average person cannot imagine are present.

But I must say to you that everybody enjoys going with the astronauts to the Moon. I want to point out if this Congress and this House decides that we will have to cut this budget much below what this committee has decided, after having come up with a unanimous report recommending these amounts, then one of the first items to be eliminated is live television coverage of the astronauts on their flight to the Moon. It is unnecessary.

So if this House wants to take the position that the U.S.S.R. has taken so that we will not have live television coverage so the whole world can see, then we should cut it and say that, first, the unnecessary things have to go. Certainly, live television coverage for back here is one of those unnecessary amounts that will first go.

As for me, I want the live television coverage. I am against these cuts.

I would like to quote from President Johnson's letter of transmittal dated January 1969, forwarding his Report on U.S. Aeronautics and Space Activities for 1968.

> The APOLLO 8 flight was preceded by the very successful 11-day orbit of the Earth in APOLLO 7—the first manned flight test of the APOLLO spacecraft.
>
> These great missions bring us nearer to reaching our national goal of landing men on the Moon in this decade.
>
> Our astronauts have now flown 18 manned space missions, during which they experienced 3,215 man hours in space flight. Together with the activities of the Soviet Union, this makes a total to date of 28 manned flights and 3,846 man hours in space."

I should point out that of the 28 manned missions quoted by the President, 18 of these were by the United States. Since that time Apollo 9 and 10 have been successfully completed bringing the total U.S. manned flights to 20. Likewise of the 3,846 man-hours quoted by the President includes 3,215 U.S. man-hours. Since that time Apollo 9 and 10 have flown, adding 1,299 U.S. man-hours to our record, making a total of 4,514 man-hours in space for the United States.

We should never forget that we are in a real competition with the Soviet Union in every aspect of space exploration. I would like to include here a very provocative estimate of the future space programs of both ourselves and Russia, written by Dr. Charles S. Sheldon, Senior Specialist with the Science Policy Division of the Library of Congress. Dr. Sheldon is recognized as an outstanding authority in evaluating the comparative achievements of the United States and the Soviet Union. I am sure his assessment of the future can have important values to the Members:

FUTURE DIRECTIONS FOR THE SPACE PROGRAMS

Attempting to predict the future of the space program is a difficult assignment as it depends upon political decisions as much as on technical capabilities. At least, there are more engineering possibilities than there are financial resources likely to be made availa-

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ble to pursue them. The issue of future goals has been with the United States for several years, particularly as the accomplishment of the dominating Apollo mission appeared nearer.

Estimating what the Soviet Union will elect to do in space may be ever harder for a Western observer because of Soviet restrictions on freedom of information. But in one limited sense, the task might be considered easier. The United States abounds in paper plans, but until the President and the Congress agree on funding, our plans stay on paper, and there is no formal commitment to go ahead. In the Soviet case, they have stated at several levels of authority, including the highest, more positively their long run goals, although without a real, public timetable. They, too, undoubtedly have to face hard budget choices before actual hardware work can begin.

The announced Soviet goal is a comprehensive exploitation of space technology including the exploration and settlement (where practical) of the planets, along the way exploring the Moon in greater detail, and using Earth orbital stations for a host of practical purposes.

SPACE STATIONS: WHAT IS LIKELY FROM THE UNITED STATES AND THE SOVIET UNION?

Under the Apollo Applications Program, the United States will have the capability of conducting at least rudimentary space station work. If, as planned, an S–IVB Saturn stage is placed in orbit, and the empty tankage turned into a station of sorts, considerable enclosed space would become available. NASA proposes that a docking hub be attached to the upper end of the S–IVB interim station, and to this hub would be coupled Apollo command and service modules serving as ferries, and also a modified lunar module serving as support for ATM, the Apollo telescope mount for astronomical research.

NASA would like to have the go-ahead to plan and construct a fairly permanent scientific station in orbit with an ultimate capacity of about 100 scientists and technicians. No concrete plan has been approved, but such a station would be within our technical capabilities in the late 1970's.

The United States plans to have flying no later than the mid-1970's a Manned Orbiting Laboratory of the Department of Defense. Its early version would barely qualify as a space station, as it would provide space for only two men for 30 days, without resupply. Later versions might be more roomy and more permanent when ferries for resupply became available.

The Soviet Union has claimed that the docked combination of Soyuz 4 and 5 in January 1969 represented a rudimentary space station, inasmuch as there were four rooms, and space for up to 12 men. In actual operations, the period the ships were docked was measured only in a few hours, and transfers between ships required EVA, rather than crawling through a continuous tunnel.

The Soviet Union has pictured a hub for a future space station to which up to four Soyuz craft could dock like spokes to a wheel. This hub should be within the lift capability of their Proton class proven launch vehicle. For the future, the Russians speak confidently of building a large orbital station for many men, for the purpose both of conducting Earth applications work and scientific observation of the stars, but also serving as an orbital assembly and launch facility to send manned expeditions to the Moon and planets. The beginnings of such a capability probably already exist, but it would be risky to predict whether such a station will appear soon, or only after some years.

MANNED LUNAR LANDING: WHO WILL BE FIRST?

When President Kennedy in 1961 asked Congress to support Project Apollo, his advisors had told him this was a project in which the United States had a good chance of being first. As of today, the odds are overwhelmingly in our favor, as all the necessary components for a manned landing and return have been tested almost as completely as is possible short of an actual landing attempt. This flight is now scheduled for Apollo 11 in the summer of 1969, if Apollo 10 in the spring goes well. Our being first to circumnavigate the Moon with men was a success that most estimators had not granted us in advance.

The Soviet Union has yet to fly a launch vehicle large enough to support a lunar landing, although such a vehicle has been predicted to appear soon by leading NASA officials. Because of past Soviet conservatism, one would not expect them to risk men in such a flight without some prior testing even if the vehicle should now appear. There is an outside chance only, that the Russians would launch a lunar landing craft unmanned in the first flight of a new large first stage. If the upper stage consisted of the already-tested Proton vehicle, one could visualize that a crew would transfer from a smaller, already-proven Earth orbital craft, and then conduct the lunar landing ahead of the United States. But many aspects of testing and scheduling militate against this.

Alternatively, the Soviet Union could forego immediate use of a very large launch vehicle, and instead assemble equipment in orbit brought up by 8 or 10 Proton class vehicles. Logic generally argues against this as a way to beat the United States, because there has not been enough practice in that kind of mass assembly and checkout.

WILL EITHER COUNTRY SEND MEN TO THE PLANETS?

The reliability demands for a planetary round trip are on the order of a couple of years instead of a week as needed for visiting the Moon. So aside from the much greater weights required to suppply the logistics for any real exploration of the planets, probably much more experience is required. Human health on so extended a mission is also in some question, although partial long duration tests of closed cabins have been conducted on Earth.

Some NASA officials would like a manned fly-by of Mars, and possibly of Venus on the same flight, before the end of the 1970's, but no such mission has won official approval and funding. A Mars landing rarely is talked of before the mid-1980's, and this has not been approved either. Failure to make a decision now will effect later possibilities because of the long lead times for preparations. The $100 billion price tag often quoted discourages most officials and legislators. But this high cost might be overcome in large measure if a low cost reusable ferry to Earth orbit were to be developed.

The Soviet Union has talked more positively about manned flight to the planets, but it would face exactly the same technical and cost problems that we do. However, if they elected to pay that price, planetary flight in the 1970's or 1980's would not be beyond their technical capabilities. A measure of this commitment may be provided by the unveiling and application of a new large launch vehicle if it appears.

HOW DO THE TWO COUNTRIES PLAN TO COMPETE IN SPACE APPLICATIONS?

It is within the expected capacity of the United States to improve the completeness and quality of its weather reporting, with some good prospect for providing accurate forecasts of a week or so.

The Soviet Union will probably improve the reliability of their weather satellite equipment, and they are also interested in providing better forecasts. Their theory of weather systems may keep pace with ours, but they may lag for a time in computer capacity on the ground to support weather analysis.

The United States working with IntelSat, the international consortium, can be expected to provide a growing number of channels to all parts of the world for telephone, television, and computer links. Direct broadcast will come more slowly for reasons of political concern and limited channel capacity. Domestic distribution of communications by satellite may appear, but delays are likely because of dispute over control of such a system.

The Soviet Union has tried to interest other countries in a Soviet communications satellite system called InterSputnik, but this has had such a poor reception that the U.S.S.R. may join IntelSat. If it does, it probably will want a share of the space hardware presently being built only in the United States.

The Earth resources field is one which suggests a large expansion of space activity in the next decade. The United States seems likely to go ahead, and it would be hard to believe the Russians would neglect Earth resources work, although their specific plans are not known.

CAN THE TWO COUNTRIES COOPERATE AS WELL AS COMPETE?

This is the hope of well-intentioned people everywhere. In some sense, cooperation already exists. There is a considerable exchange of information at meetings of scientists and engineers, and data are filed at the United Nations. There have been treaties negotiated on excluding weapons from space, not making territorial claims to other celestial bodies, and rescuing astronauts.

Further, there have been specific plans for trading of space-collected weather pictures over the "cold line" between Suitland, Maryland and Moscow. There is a joint effort underway to write a textbook on space biology. There has been some coordination of efforts on geomagnetism.

But the big question of Russians and Americans going to the Moon together has been asked more in a rhetorical sense than as a concrete offer by either side. Each side has probably been somewhat reluctant to pursue such a goal too openly during any period that one or the other was markedly ahead. Nor has either been willing to give up any basic, independent capability to operate in space, which might be implied by such a division of labor as specialization in launch vehicles or spacecraft.

Two principal motives for cooperation offered have been to lessen tensions politically, and save money. The question of tensions may be more influenced by broader political issues than space. Money savings are problematical, except as someday sharing of data might permit a division of missions as between one planet and another, for example.

No assessment of the prospects can be made successfully without forecasting the future political climate which is beyond our present capabilities.

I want to point out to you that NASA has been cutting this budget and likewise we have been cutting it. For example, in the fiscal year 1968 our committee approved $4,992,000,000 and in the fiscal year 1969 budget it came down to $4,217,000,000 and this year the committee has reduced the budget to $3,966,377,000.

Our committee thus has cut the space budget, that is the peaceful uses of space, $1 billion in 2 years. Let me see some other committees who have done that. I would like them to submit it for the RECORD also—the same sort of actions cutting millions of dollars as we have done.

In order that all Members may have before them a complete budget history of the NASA program, I insert in the RECORD at this point a series of tables showing the legislative history and expenditures in the program since its inception.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—BUDGET HISTORY SUMMARY ALL APPROPRIATIONS

[In millions of dollars]

Fiscal year	Budget request	Authorization	Appropriation [1]	Obligations	Expenditures
1959 DOD transfer	146.6	146.6	146.6	298.7	145.5
1959	[2] 280.0	259.2	184.3		
1960	508.3	490.3	[2] 523.6	487.0	401.0
1961	964.6	970.0	964.0	908.3	744.3
1961 DOD transfer	2.7	2.7	2.7		
1962	1,940.3	1,855.3	1,825.3	1,691.6	1,257.0
1963	3,787.3	3,744.1	3,674.1	3,448.4	2,552.4
1964	5,712.0	5,350.8	5,100.0	4,864.8	4,171.0
1965	[3] 5,445.0	5,227.5	[3] 5,250.0	5 500.7	5,092.9
1966	5,260.0	5,190.4	5,175.0	5,350.5	5,932.9
1967	5,012.0	5,000.4	4,968.0	5,011.8	5,425.7
1968	5,100.0	4,865.8	4,588.9	4,520.4	4,723.7
1969	4,370.4	4,013.1	3,995.3	[4] 4,213.3	[4] 4,249.7
Subtotal	38,529.2	37,116.2	36,397.8	36,295.5	34,696.1
1970	3,760.5			[4] 3,878.0	[4] 3,950.0
Total	42,289.7			40,173.5	38,646.1

[1] Actual amounts appropriated, except the DOD transfers.

[2] 1959 budget request includes $20,750,000 R. & D. and $24,250,000 CoF for supplementals. Amount appropriated in 1960 includes supplementals of $16,675,000 R. & D. and $21,825,000 CoF, against 1959 authorization.

[3] 1965 budget request includes $141,000,000 for proposed R. & D. supplemental. Amount appropriated in 1965 includes R. & D. supplemental of $72,494,000 against 1964 authorization.

[4] Estimate.

RESEARCH AND DEVELOPMENT

[In millions of dollars]

Fiscal year	Budget request	Authorization	Appropriation [1]	Obligations	Expenditures
1959 DOD transfer	146.6	146.6	146.6	175.7	34.0
1959	[2] 90.9	70.7	50.0		
1960	345.3	333.1	[2] 347.6	307.9	255.7
1961	671.0	671.4	670.4	644.1	487.0
1961 DOD transfer	1.6	1.6	1.6		
1962	1,380.5	1,305.5	1,302.5	1,261.3	935.6
1963	2,968.3	2,957.9	2,897.9	2,878.6	2,308.4
1964	4,351.7	4,119.6	3,926.0	3,824.4	3,317.4
1965	[3] 4,523.0	4,341.1	[3] 4,363.6	4,358.6	3,984.5
1966	4,575.9	4,537.0	4,531.0	4,468.9	4,741.1
1967	4,246.6	4,248.6	4,245.0	4,249.3	4,487.2
1968	4,352.0	4,147.6	3,925.0	3,816.6	3,946.1
1969	3,677.2	3,370.3	3,370.3	[4] 3,460.1	3,520.0
Subtotal	31,330.6	30,251.0	29,777.5	29,445.5	28,017.0
1970	3,051.4			[4] 3,168.9	3,235.0
Total	34,382.0			32,614.4	31,252.0

[1] Actual amounts appropriated except the DOD transfers; excludes transfers between NASA appropriations.

[2] 1959 budget request includes $20,750,000 for proposed supplemental. Amount appropriated in 1960 includes a supplemental of $16,675,000 against 1959 authorization.

[3] 1965 budget request includes $141,000,000 for proposed supplemental. Amount appropriated in 1965 includes a supplemental of $72,594,000 against 1964 authorization.

[4] Estimate.

CONSTRUCTION OF FACILITIES

[In millions of dollars]

Fiscal year	Budget request	Authorization	Appropriation [1]	Obligations	Expenditures
1959	[2] 98.3	102.0	48.0	38.0	24.8
1960	68.6	62.8	[2] 84.6	89.7	54.3
1961	122.8	127.8	122.8	98.2	98.2
1961 DOD transfer	1.1	1.1	1.1		
1962	333.1	323.1	316.0	217.1	114.3
1963	819.0	786.2	776.2	569.8	225.3
1964	800.0	713.0	680.0	546.6	437.7
1965	281.0	262.9	262.9	522.2	530.9
1966	74.7	62.4	60.0	270.4	572.4
1967	101.5	95.9	83.0	115.9	288.6
1968	76.7	70.0	35.9	64.5	126.1
1969	45.0	39.6	21.8	[3] 104.9	[3] 70.0
Subtotal	2,821.8	2,646.8	2,492.3	2,637.3	2,542.6
1970	58.2			[3] 58.2	[3] 60.0
Total	2,880.0			2,695.5	2,602.6

[1] Actual amounts appropriated, except the DOD transfer; excludes transfers between NASA appropriations.

[2] 1959 budget request includes $24,250,000 for proposed supplemental. Amount appropriated in 1960 includes a supplemental of $21,825,000 against 1959 authorization.

[3] Estimate.

Note: Fiscal year 1959 amounts include $29,900,000 authorized and $23,000,000 appropriated for the National Advisory Committee for Aeronautics. Obligations and expenditures include amounts obligated and paid out against unobligated and unexpended balances brought forward from NACA's "Construction and equipment" appropriation accounts for fiscal years prior to fiscal year 1959.

RESEARCH AND PROGRAM MANAGEMENT [1]

Fiscal year	Budget request	Authorization	Appropriation [2]	Obligations	Expenditures
1959	90.8	86.5	86.3	85.0	86.7
1960	94.4	94.4	91.4	89.4	91.0
1961	170.8	170.8	170.8	166.0	159.1
1962	226.7	226.7	206.8	213.2	207.1
1963					18.7
1964	560.3	518.2	494.0	493.8	415.9
1965	641.0	623.5	623.5	619.9	577.5
1966	609.4	591.0	584.0	611.2	619.4
1967	663.9	655.9	640.0	646.6	649.9
1968	671.3	648.2	628.0	639.3	651.5
1969	648.2	603.2	603.2	[3] 648.3	[3] 659.7
Subtotal	4,376.8	4,218.4	4,1280.0	4,212.7	4,136.5
1970	650.9			[3] 650.9	[3] 655.0
Total	5,027.7			4,863.6	4,791.5

[1] Formerly titled "Administrative operations."

[2] Actual amounts appropriated; excludes transfers between NASA appropriations.

[3] Estimate.

Note: Fiscal year 1959 amounts include $80,500,000 authorized and $78,100,000 appropriated for the National Advisory Committee for Aeronautics. Expenditures include amounts paid out of unexpended balances brought forward from NACA's "Salaries and expenses" appropriation accounts for fiscal years prior to fiscal year 1959.

I would like to point out that the Air Force and the DOD have requested a net increase of over $515 million in the fiscal year 1970 budget over that for fiscal year 1969 for astronautical space and research and development programs. That means something. They are raising aeronautics and space funds by a half billion dollars, when NASA is reducing its budget.

In fact, in space they are reporting a net increase of more than $128 million alone in the military space programs as well as a net rise of $387 million in aeronautical research and development. Thank heaven we had already developed, through NASA research, the communications system available for use by the military.

There is one other thing. I would like to compliment the Secretary of the Air Force, my friend, Dr. Robert C. Seamans, Jr., formerly Deputy Administrator, NASA, in stating today, June 10, that the Air Force manned orbiting laboratory, the MOL program, now being carried on has been terminated and this will permit NASA to go ahead, as we have always believed, with research and development of the manned orbiting workshop. I quote a letter received from the U.S. Air Force this date to this effect:

DEPARTMENT OF THE AIR FORCE,
Washington, June 10, 1969.

DEAR SIR: The Secretary of the Air Force has requested that I inform you that the Department of Defense (DoD) has terminated the Air Force Manned Orbiting Laboratory (MOL) Program.

In arriving at this decision, a number of factors were considered. First, it was determined that most essential DoD space missions could be accomplished with lower cost unmanned spacecraft. Second, the potential worth of possible future applications of the experimental equipment being developed for MOL, plus the information expected from the flights on man's utility in space for military purposes, while worthwhile, did not equate in immediate value to other DoD programs.

Attached is a list of the associate and major subcontractors. It should be clearly understood that termination is not in any sense an unfavorable reflection on any of the MOL contractors. They have all worked very hard and have achieved excellent results.

Likewise, MOL termination should not be construed as a reflection on the Air Force. The MOL goals were practical and achievable; maximum benefit was being taken of hardware and experience from NASA and other DoD space projects; and the program was well-managed and good progress was being made. Under other circumstances, its continuation would have been fully justified.

The Deputy Secretary of Defense has scheduled a press conference for 10:30 a.m., today, June 10, 1969, at which time this information will be given to the news media.

Sincerely,

JOHN J. SHAUGHNESSY.
Colonel, USAF, Chief, Plans Group, Legislative Liaison.

There has been excellent coordination between NASA and DOD so that none of the efforts by DOD will have been wasted as a result of the termination of the MOL program. In fact, there has been excellent interagency cooperation with all agencies of the Government. I insert in the RECORD at this point a report prepared for me on this subject:

INTERAGENCY COOPERATIVE EFFORTS OF NASA

The National Aeronautics and Space Administration is actively working with other government agencies on an ever increasing scale. The close coordination with the Department of Defense and the U.S. Air Force, in particular, is a major consideration of the Space Agency. The extent of coordination includes hundreds of daily contacts at the working levels and several key mechanisms have evolved for coordination at the management and policy levels of the two organizations. Foremost among these is the Aeronautics and Astronautics Coordinating Board with six panels devoted to coordination, concerted effort and exchange of broad areas of technical information of common interest. The thirteen NASA research advisory committees deal with more specialized subjects with strong representation from the DOD and other agencies. In all, about 130 committees. boards and groups at Headquarters and Center levels have NASA, DOD and Service membership.

The interchange of information which occurs in the meetings of joint bodies and in the conduct of the formal agreements which are frequently set forth is supplemented by frequent briefings. The result is that all levels in both agencies are well informed regarding plans, programs and problem areas of common interest.

Symposia on subjects of mutual interest have also been held. For example the Apollo, AAP and Manned Orbiting Laboratory systems symposium in April 1968 and the Space Station Symposium at Langley also in 1968. Others are planned for this year in the disciplines of bioastronautics and manned space flight operations.

Other significant examples of the productive cooperation with the Air Force are jointly developed specifications for flammability and toxicity, cooperative fuel cell development and the modification of a Gemini pressure suit for MOL use. Planning is currently underway to investigate the feasibility and merit of joint approach to major development program for the Space Shuttle.

NASA's Directorate of Space Medicine in the Office of Manned Space Flight maintains a very close relationship with the U.S. Air Force particularly the MOL program Office. One significant result of this working arrangement is the inclusion of USAF proposals for flight medical experiments to NASA for inclusion in their medical/behavioral experiments program. This arrangement permits improved coordination of the NASA/DOD effort in the medical area. The USAF conventionally sponsors development of the required hardware and NASA accepts funding responsibility for their integration into the NASA flight system. The current list of approved for flight AAP experiments includes three which originated with the Air Force. This cooperation is expected to yield tangible dividends to both NASA and the Air Force providing data and experience of direct application to the Manned Orbiting Laboratory.

Joint Scientific Advisory Groups reviewed and advised on future actions to be taken on the study of the changes in blood cell production that has been present in several space flights. Such activities permit the NASA/DOD personnel to formally address major questions related to man's adaptation and ability to live and work in progressively longer, more complex space missions with the academic community. This exchange benefits both the government personnel and the members of the Advisory panels in that operational limitations could be discussed directly with those government members responsible for the flight programs.

The DOD details active duty military personnel with NASA, provides aircraft for R&D and administrative purposes, performs industrial security and contract services. NASA provides special R&D support, uses its unique talents and facilities, including tracking network, to assist the DOD in its development of aircraft, satellite and missiles.

NASA and the DOD have carried out a number of combined studies with the objective of elimination of overlap and achieving economies. Areas investigated included manned space flight recovery operations, support service contracts at the Kennedy Space Center and the AF Eastern Test Range and Tracking and data acquisition. The significant result of these studies was the confirmation that the greatest opportunity for economy lie in the early planning stages, thereby adding incentive to early coordination of future programs in the manner the space shuttle is presently being evaluated.

The Lunar Receiving Laboratory, the quarantine facility authorized by Congress, in Houston, Texas, is the result of an agreement involving NASA and regulatory agencies of the government whose responsibility it is to protect the public's health, agriculture and other living resources. These agencies in the course of exercising of their specific statutory responsibilities contributed their specialized knowledge and experience relating to quarantine and containment.

The Departments of Agriculture; Health, Education and Welfare; and Interior; the National Academy of Science and NASA cooperated in the formulation of policy and technical procedures appropriate to the isolation and containment of the lunar samples, astronauts, spacecraft and other Apollo mission related equipment.

In addition, to consultation on policy matters, the Regulatory Agencies are furnishing scientific personnel as members of the technical staff of the Lunar Recovery Laboratory as specialists in fields such as virology-bacteriology, botany, entomology, etc. Three officers from the U.S. Air Force Veterinary Corps are supporting the LRL in the disciplines of pathology, food technology and small animal care. Each agency also provides "on call" special consultants and will furnish research teams to certify the LRL as a containment facility.

In the area of oceanography NASA has been working closely with the Department of the Army and Interior in Project Tektite. The objective of this study is determination of the capability of a small group of men to satisfactorily perform a real mission while living isolated on the ocean floor, under saturated diving conditions for an extended period of time. It is expected that data obtained from manned operations under water might be valuable in planning long-duration manned space flight missions.

NASA is engaged in development of space employed sensors with application to many ocean uses. They have demonstrated the feasibility of using remote sensors to locate cold water upwellings, biologically rich areas and thermal boundaries associated with ocean currents and using this data to improve the productivity of commercial fishing.

Another objective of oceanography space cooperation is the improvement of ship routing by measurement of sea State, detection of navigation hazards and monitoring of sea ice.

NASA's oceanographic interest extends to the improved development of the continental shelf by mapping of submarine topography and identifying potential oil sources.

NASA is also participating in the Gulf Stream Drift Mission along with the Naval oceanographic office. The Marshall Space Flight Center is providing a crew member to serve on the "Ben Franklin" submersible. The craft will embark on a four week voyage, continuously under water, from Miami along the coast to Cape Hatteras and then out to sea at an average speed of about 2 knots. NASA is placing emphasis on operations, psychological and physiological measurements although there is also interest in the maintenance and repair aspects.

NASA is also participating in Bomex, a project with the objective of studying the joint behavior and interactions of the atmospheric-ocean system. Purpose of this effort, undertaken by the Departments of Commerce, Interior, Defense, Transportation, Navy, AEC, National Science Foundation and others is to validate the current theory of energy transfer across the interface of tropical and sub-tropical waters and the atmosphere. NASA's role in the operation is in the collection, management and analysis of data.

NASA has and continues to coordinate activities with the Department of the Interior in geology, geography, prediction and assessment of flood damage, hydrology and water resources management the Department of Agriculture in agriculture and forestry and the Environmental Science Services Administration of the Department of Commerce in hydrology and certain interdisciplinary projects.

Much effort in NASA's program has gone into exploring the capabilities of instruments for measuring phenomena and characteristics which might be observable from space. For example, there have been extensive efforts with the USDA to identify ways in which space technology might facilitate more effective utilization of the nation's agricultural and forestry resources. It has been shown that the presence of crop and forest disease can be detected from multispectral data even before it can be identified through purely visual means. Marketing data on crop forecasting, corp conditions and yields are very useful to private industry, the Federal and State governments.

In the conduct of its very important programs, NASA has utilized the competence, personnel and facilities of many other government agencies. In the process of this interaction, many opportunities to cooperate and assist other agencies became evident. As can be seen by this brief accounting, the net result was beneficial to these agencies and the nation as a whole.

This program is looked upon as an outstanding program of technical competence in this country by all the peoples of the world. In my district I have had Col. Gordon Cooper, the astronaut on Gemini 5 and on Mercury 9, come to my district and speak at four high school commencements. More than 25,000 people showed up and stood up for that man at various events in Pittsburgh, Pa., last night. This is a tremendously popular program with all the people of the United States. At the time Colonel Cooper said:

> In the past 10 years we in the United States have made more progress in science, technology, and exploration of our environment than the progress of mankind has made in 10,000 years.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MILLER of California. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

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[Roll No. 77]

Anderson, Ill.
Anderson, Tenn.
Ashbrook
Ayres
Bates
Blatnik
Brasco
Brown, Ohio
Byrnes, Wis.
Cabell
Cahill
Carey
Casey
Celler
Clark
Clay
Collins
Cramer
Cunningham
Dawson
Dorn
Dowdy
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Feighan
Gettys
Giaimo
Gilbert
Goldwater
Gubser
Hébert
Heckler, Mass.
Holifield
Kee
Kirwan
Kuykendall
Kyros
Landgrebe
Leggett
Lennon
Lowenstein
Mann
Matsunaga
Mills
Morse
Nelsen
O'Konski
Ottinger
Patman
Pelly
Pickle
Pike
Powell
Purcell
Reid, N.Y.
Reifel
Ronan
Rosenthal
St. Onge
Sandman
Scheuer
Schwengel
Scott
Sebelius
Shipley
Skubitz
Smith, N.Y.
Springer
Stuckey
Thompson, N.J.
Tunney
Whitehurst
Wilson, Charles H.
Wright

The SPEAKER. On this rollcall 355 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. MILLER of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11271, with Mr. ROONEY of New York in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. MILLER) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. FULTON) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, our needs on Earth are so great that they can be met only with the continued accelerated growth of the real wealth of the United States.

Research and development stimulate growth. Leadership in science and technology is essential to maintain our competitive position in the world market. Continued growth in our national productivity is required to provide the rising standard of living we have grown to expect over the last three decades.

Technical progress occurs most rapidly under the pressure of difficult goals, demanding schedules, and tight, but adequate budgets. The last decade has demonstrated that space research and development stimulates such progress.

Permit me to give you one example. The computer industry now provides our Nation with over 800,000 jobs and has added $20 billion a year to our gross national product.

We are moving into our second decade of space exploration. Thousands of close-up photographs of the Moon have been taken by automated spacecraft from the surface and from lunar orbit. Our Apollo astronauts have added significantly to the photographic study of the Moon and the Earth, and scientists will be studying these photographs for years to come.

Our Mariner spacecraft have taken intriguing pictures of a part of the surface of Mars and sent back valuable scientific data about our cloud-wrapped neighboring planet, Venus.

Our communication satellites are commercially owned and are giving us routine coverage of world events on a regular basis at a profit.

Worldwide weather coverage from space has reached operational status. Weather satellites are sending back valuable pictures of the Earth's cloud cover and weather stations on a routine basis.

These pictures are received in 40 other countries, besides the United States, who have made the relatively small investment in equipment needed to interrogate our satellites as they pass overhead.

Research by the U.S. Navy has provided the basic technology and procedures for first generation navigation systems utilizing satellites.

The Navy's transit satellites have demonstrated the use of space technology to provide both surface vessels and submarines with precise position fixes in all kinds of weather. Furthermore, these fixes are accurate within yards whereas celestial navigation involves possible errors of miles.

We have much to report in the way of progress. Besides weather communication and navigation, we have launched surveillance and scientific probes of many kinds into space.

In the field of geodesy—a scientific discipline concerned with determining the shape and size of the earth and its gravitational field—more was learned in the first few months of the satellite geodesy than in the previous two centuries.

In the exciting new field of X-ray astronomy, celestial sources of X-rays were first discovered via sounding rockets and over 40 X-ray sources have been observed. The discovery of the Van Allen Radiation Belt was a major scientific achievement of our space program.

Pictures taken by our Gemini and Apollo astronauts with their handheld cameras reveal heretofore unrecognized geological features on earth of interest in the geological field.

Some Gemini photographs have been interpreted by geologists to reveal some promising possibilities of detecting oil and mineral deposits in remote areas of our globe.

Many fields have been stimulated by our space program, for the programs involve not only science and technology, but also almost every form of ordinary business and professional activity.

Computer technology, power conversion systems, structural and fabrication techniques, as well as management systems, are benefiting as a result of our space efforts. There are new products and new processes, new companies and whole new industries.

The requirements of the space program for a worldwide communications network demanded major improvements in the state of the art of computer technology.

The computer complex at Houston that handled the Mercury flights performed 1 million calculations a minute. Today's Apollo system handles 50 times that many—50 million calculations a minute—80 billion in a day.

Time will not permit me to elaborate on all of the so-called fallout from the space program, but the direct economic impact is quite obvious.

But of even greater importance in the long run are the basic contributions of the program to bringing together people from all disciplines—from medicine and the life sciences, through physics, astronomy and engineering to economics and public administration—and causing them to work together toward a common goal—the longterm survival of men in space.

This forced intermingling of knowledge and skills will do much to create new solutions to many of our immediate as well as long-range social and urban problems.

The Apollo program is the largest single step our Nation has ever undertaken to mobilize Government, industry, and the scientific and educational communities of our country to achieve a single national goal.

The achievement of the lunar landing, within the decade is, I believe, a visible indication of the strength, maturity, and indeed the greatness of our Nation. A country that can stay the course of a peaceful decade-long program to land men on the Moon and return them safely to Earth is a nation that can solve, if it will, any of its other problems.

The latter part of 1968 and the earlier part of this year have allowed us to witness our greatest successes in manned space flight.

And now we stand on the threshold of completing the first phase of our lunar program. In less than 6 weeks' time, we will watch a Saturn V carry three brave astronauts into space, with two of them actually landing on the Moon.

In early 1961, the late President Kennedy announced the Nation's goal in manned space flight, "To land men on the Moon and return them safely to Earth in this decade."

Now, 8 years later, on July 20, we will have kept the faith: Government, industry—both management and labor—the scientific and educational communities have done their job well. But it is not only for these segments of our society to take pride in this achievement. It is likewise for every American citizen who, with his tax dollars, has supported the effort.

However, when our astronauts reach the Moon next month, we will have only arrived at the first plateau in our exploration in space. Our logical next step will be the exploration of the Moon and con-

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duct other programs in near and far space.

Lunar exploration is of the greatest national importance—for furthering our scientific knowledge, for determining the better potential for using the Moon as a base, and for demonstrating our international leadership in the exploration of space.

The Moon has particular scientific interest and potential direct benefits because of its close association to the Earth.

A number of landings are necessary to establish an understanding of the origin, history, processes, and present state of the Moon and its relation to the Earth and the solar system.

It is now expected that at least 10 landings will be needed at various distinct areas to gather data required for the major decisions on future uses of the moon.

The lunar exploration program involves the emplacement of scientific experiment packages on the moon's surface. The goal of Apollo 11 is the successful landing and safe return of the astronauts.

And the first landing will represent a large step from lunar orbital operations since descent to lunar surface, the lunar landing astronauts' activities on the lunar surface, and the ascent into the lunar orbit for eventual return to the earth are all new operations in a new environment.

The other lunar landings will continue to increase our lunar knowledge from the experience we gained in each previous lunar landing.

Production of the flight hardware for accomplishing these missions is being completed, the trained mission teams have been assembled, and following the first flight and on succeeding flights, precision landings will be made in different areas where significant economic features and important processes have been identified.

At the same time, we must carry out our operations in a way that maximizes safety and effectiveness in an operational sense. A steady, reasonably spaced launch rate is the most economic and efficient use of facilities, hardware, and personnel.

Undue spreading or gaps in the sequence will result in major programmatic programs in safety, reliability, costs, and maintaining of trained teams. The above factors lead to the judgment that about three missions per year is a good choice for launch intervals.

The effect of delaying this project by inadequate funding will require that NASA fly missions that do not effectively use the hardware that has been produced in Apollo. Missions would be flown without surface science package, without provisions for extension for staytimes or increased astronaut mobility.

The only alternative for this inefficient use of hardware would be to introduce an undesirable and costly gap in the flight sequence.

It is for these reasons that after full and complete hearings, the committee recommends in H.R. 11271 a total authorization of $3,966,377,000 which is broken down as follows:

Research and development: $3,264,427,000.

Construction of facilities: $58,200,000.

Research and program management: $643,750,000.

At the outset, let me say that the total authorized figure in this bill is $250,850,000 above the administration's request. A majority of this increase is in the manned space flight category.

One of the increases approved by the committee is for the Apollo program to support Saturn 5 vehicle improvements, for the development of surface science packages, crew training, launch flight, and recovery operations, and for Apollo applications.

We have also increased the space flight operations line item for additional support to the space station shuttle program.

Another increase in the administrations' request has been approved by the committee and is recommended in order to reinstate Saturn 5 production and to provide for the procurement of long leadtime items.

I will be followed by other members of the committee: the ranking minority member, the subcommittee chairman, and others who will outline in more detail the line items in H.R. 11271.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the question has come up on the Nixon budget for space in the coming fiscal year. On authorization, including $117 million already appropriated, the budget is $3,833,000,000. The committee report is for $3,966,377,000, which looks as if it is $133 million more than the Nixon budget.

However, Mr. Chairman, I have an amendment that I spoke of previously—that some may not have heard about—to cut $327 million of carryover authorization for the years 1967, 1968, and 1969. If that amendment carries, then the current authorization as well as previous authorizations will be $193 million less than the Nixon current and previous authorizations.

So this budget figure we are speaking of is quite a cut. We are cutting, at the same time that the Department of Defense is going up by $515 million for aeronautics and space programs.

Likewise, this particular budget the committee has approved on which the chairman has well spoken, is $1 billion less than the fiscal year 1968 budget. That means a cut of $1 billion in 2 years by our Science and Astronautics Committee on the space budget.

In addition, NASA has been able to work out well on its program, and we are now coming, on July 16, to the Moon launch. I would caution the committee against cutting the authorization at this time, because we have had such success that we should keep it rolling. So when our committee report this year on a minimum budget comes out unanimously, I think the committee has done a good job and I hope the House will sustain the Science and Astronautics Committee, on both sides, on a nonpartisan basis.

I would say also that this program is the best safety and security the United States has. It helps the military on communications. It helps them on weather. It helps them on navigation. It helps on many things for our domestic economy, and it has raised the technical competence of our Nation to the highest in the world. This is good peaceful competition. This is where we should beat the Russians, and we should beat them cleanly and freely by putting Apollo XI on the Moon with our full backing today.

Looking ahead to the Apollo launch on July 16, if any Member wants to go see it, I am sure he can get in touch with "TIGER" TEAGUE, the chairman of the Manned Space Flight Subcommittee, or with me, the ranking minority member and we will try to get him aboard. It is like seeing Columbus off.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I am glad to yield to the gentleman from Texas.

Mr. TEAGUE of Texas. I believe it should be pointed out to the House that this is an authorization bill. The President has appointed a panel to make a study of space and to come forth with recommendations in September. If they do not want to use the money we authorized they do not have to.

Mr. FULTON of Pennsylvania. That is right.

We must always remember there has been a tremendous success so far.

The Apollo 204 fire, when it occurred, cost upwards of $800 million, for one fire.

We must upgrade these Saturn V's so that these men will have the best vehicle. We must have the best communications. We must have the best facilities for monitoring so that they will have the highest safety.

I believe we are going to be the first on the Moon, July 20. It is one of those historic things every one of us can take part in.

Mr. Chairman, I take pride in the careful and detailed attention that our committee gave to the NASA budget this year. I wish to comment briefly on our committee actions.

The orignal NASA fiscal year 1970 request in January for research and development was $3,051,427,000. The Nixon budget submitted by NASA in April included $3,006,427,000 or $45,000,000 less than the original request for research and development. The committee's review of the authorization request resulted in the addition of $258,000,000 to the amended request. This action results in a recommended authorization of $3,264,427,000 for research and development.

NASA originally requested $1,651,100,000 for continuation of the Apollo program in fiscal year 1970. The Nixon budget for the Apollo program recommended $1,691,100,000, or a net increase of $29,000,000. The committee recommends an increase of $75,700,000 over the amended budget.

During fiscal year 1970 a portion of the increased funding recommended by the committee in the Saturn V program would be used for engineering, manu-

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facture and test operations leading to the qualification of the simplified and improved J-2S engine on a schedule which would permit early incorporation in flight stages.

In addition, increased effort would be made on determining further improvements in the space vehicle and its operation. All of these efforts would be directed to obtaining more effective and efficient vehicles with lower cost in the manufacture, production, assembly, test, and checkout.

The committee recommends that an additional $32,100,000 in fiscal year 1970 authorized funds be provided to support Saturn V vehicle improvements in the basic Apollo program.

For fiscal year 1970, the Nixon budget requested $225,627,000 in new authorization for space flight operations. That is a net total of $11 million less than the original NASA request of $236,627,000 in new authorization for space flight operations.

NASA requested $191,327,000 in new authorization for Apollo applications. The subsequent budget amendment reduced this request to $134,327,000. The committee agreed that the original request by NASA for Apollo applications would allow adequate program progress. A further reduction as proposed by the amended budget would delay the initiation of Apollo application flights 5 months. Therefore the committee recommends $191,327,000 in new authorization for Apollo applications.

The committee also recommends the authorization of additional funds in the amount of $52,200,000 to reinstitute Saturn V production. This was further supported by a budget amendment adding $46,000,000. After a careful review of the requirements for a sound space program into the next decade and the most effective means of realizing returns from our basic Apollo investment, the committee is convinced that follow-on Saturn V launch vehicles must be available not only to carry on progressive Earth orbital, lunar, and deep-space operations in the future but also to preserve the forward progress of the United States in science and technology.

The committee has, therefore, recommended $354,827,000 in new authorization for fiscal year 1970 for the total space flight operations line item.

Under space science and applications, NASA requested a total of $55,600,000 for supporting research and technology in three programs. These funds have been earmarked for support of 880 proposed research tasks, most of which would be carried out under contract by universities, industry, nonprofit organizations, and other Government agencies; a portion of these tasks are slated to be performed in-house at NASA centers.

The committee recommended a total reduction of $12 million in space science supporting research and technology funds in the fields of physics and astronomy, lunar and planetary programs and bioscience. While the committee recognizes the value of such research, and has supported it over the years, some of the proposed research tasks are believed not to be urgent, and therefore can be deferred.

In addition to the reduction of $3 million in NASA's request for supporting research and technology, the committee also voted to defer funding for four Explorer class satellites which NASA has proposed for initiation during fiscal year 1970.

The committee also voted to defer funding for the Mariner Mercury 1973 mission for which NASA has requested $3 million for fiscal year 1970 as the initial increment of an estimated total cost of approximately $90 million for this single mission. The committee recognizes that the swing-by Venus to Mercury is an attractive mission. However, it must be considered in the context of our entire planetary exploration program and the anticipated costs involved in that program.

In summary, NASA's planetary exploration program, while not as aggressive or diversified as some would like, represents very substantial future expenditures, and even today is the largest part, dollarwise, of the space science program.

Unfortunately, NASA has all but canceled the remainder of the biosatellite program. Last December, the two 21-day biosatellite missions were terminated, and under the revised NASA budget submitted to Congress in April one of the two remaining 30-day biosatellite missions was also slated to be canceled.

It has been estimated that cancellation of biosatellite–F will result in at least $2,000,000 in unrecoverable hardware costs, and if an appropriate portion of the development costs of the 30-day satellite were assigned to biosatellite–F, the amount of unrecoverable costs would be many millions more.

Because the Nation has such a substantial investment in biosatellite–F, and because the study of an instrumented primate in space for 30 days has been described as one of the most important research projects leading to a better understanding of the physiological and psychological effects of the space environment on men, the committee voted to restore the $12,000,000 which the budget amendment had eliminated from the original budget submission for fiscal year 1970.

The committee has taken the position that the space applications program should receive greater emphasis. The earth resources survey project is of special interest. Accordingly, the committee voted to increase, by $10,000,000, the amount requested by NASA for support of the earth resources technology satellite for fiscal year 1970. This will make available $24,100,000 for this purpose during the forthcoming fiscal year.

The committee believes that the development of ERTS should be undertaken immediately and aggressively pursued; the launch schedule should be compressed if possible plans for additional spacecraft should be made; and work on ground equipment should be undertaken without delay. In order that this expression of congressional intent shall not be disregarded, the NASA authorization bill for fiscal year 1970 has been amended to prohibit the transfer or reprograming of any portion of the $24,100,000 authorized for ERTS to any other use.

Under advanced research and technology, NASA's initial budget request for the nuclear rockets program was $36,500,000; the Nixon budget contains the same amount. This is substantially less than the $55,000,000 authorized for fiscal year 1969 and also represents a major reduction from the fiscal year 1968 level.

The committee is recommending that NASA proceed with the Nerva engine development at a somewhat faster pace than proposed by NASA. To do so, an increase in the nuclear rockets program of $13,500,000 is recommended. This action is taken on the basis that the nuclear rocket will provide an across-the-board advance in space propulsion in the late 1970's and 1980's. Launch vehicle systems using a nuclear upper stage in combination with a variety of lower stages could perform many missions in considerably shorter times or carry much larger payloads than our present launch vehicles.

In summary, because of the great importance of this program to the long-range future of space flight, the committee recommends that an additional $13,500,000 in fiscal year 1970 authorized funds be provided for a total of $50 million. Additionally the committee recommends that the law be written so as to stipulate that the $50 million is to be used only for the nuclear rockets program.

For chemical propulsion, NASA initially requested $25,100,000. In the revised budget NASA reduced this request to $22,850,000. The recommendation of the committee is to add $5,250,000 for a total of $28,100,000, of which $2,250,000 is to restore funds cut by the budget amendment and $3 million is for an increase in large solid motor work.

In previous years this committee has been a strong supporter of the 260-inch solid rocket motor program because of its inherent simplicity, reliability, and potential for achieving major cost reductions in payload cost per pound. The next major logical step in this program is the fabrication of a full-length test booster with a movable nozzle.

There is considerable concern caused by the lack of recognition given to increased propulsion development by NASA and the administration. Although the Committee on Science and Astronautics has shown some minor concern on this subject, I remain almost a one-man show in pushing hard for more booster and for additional upper stage propulsion capability. I have consistently advocated more funds to insure our future superiority in this important field. Only by my efforts have we been able to get NASA to place emphasis on exotic fuel research. This has resulted in research in boron and fluorine mixtures that can provide upward to 45 percent more push-per-pound or specific impulse to our rockets. This is the type potential that needs to be explored. My criticism continues to be that NASA tends to emphasize the large engineering and manufacturing projects with less and less emphasis on science and research. It is necessary that NASA respond to these needs to push back the frontiers of science.

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This research is needed to keep this country abreast of our Russian competitor so that we will not be overwhelmed by them.

There is the imminent possibility of another shock such as October 1957 when because of our too little and too late booster capability the Russians were able to put tons into orbit and all we could do is belatedly launch a "grapefruit." Now, in testimony before our committee, Administrator Webb stated that the Russians are expected to have a new booster of more than 10 million pounds of thrust. He also testified that the Russians have always had a forward-thrusting development program with respect to large boosters. Their new booster will be almost one-third larger than our Saturn V rocket. Where does that leave us?

This leaves us with the same second-best propulsion capability that has throttled us since the inception of our space program. Therefore, NASA should place all propulsion research under the authority of the Office of Advanced Research and Technology. It should provide sufficient funding to provide a broad, forward-looking, and vigorous program in this field.

The current NASA program leaves us without a single new booster project in our space program, as well as no new research for boosters in NASA. They have a contingency for $3.1 million which they may utilize for further development. I contend, as I have for years, that NASA needs to complete the development of the 260-inch large solid booster. This development has progressed remarkably, but as NASA gets close to the final item they begin to reduce the funds. Now we have no project at all, only a contingency. The important thing about the 260-inch solid booster is that it is a means for placing large weights in orbit economically. Additionally, its propellant is storable for long periods of time. It provides momentary reaction capability. It is easily strapped together to double or treble the thrust at boost.

It is much simpler than the more expensive, more complex liquid engines. It is a part of the advanced technology which should be fully supported to make progress in our space program. I recommend that NASA organize a sustained effort to bring their large solid technology to fruition and to plan programs which could utilize this booster. This is particularly true for the advanced nuclear engine stages, the spike nozzle concept for upper stage use and engines using the boron and fluorine and other exotic additives. Such a program would give our country the propulsion capability it needs to stay foremost in the space field.

NASA initially requested $78,900,000 for aeronautical vehicles. The budget amendment reduced this amount by $1,200,000, to $77,700,000.

To the initial request of $78,900,000 the committee had added a modest increase of $2 million for a total authorization of $80,900,000 for use in structural analysis—mainly in helicopters; for V/STOL propulsion; and for V/STOL noise source analysis. The committee also recommends restoring the $1,200,000 cut by the budget amendment. Therefore, the total amount recommended for authorization is $80,900,000 for aeronautical vehicles.

For tracking and data acquisition, NASA initially requested $298 million, which was $13.8 million more than the fiscal year 1969 operating plan and $8.2 million more than was authorized. The requested increase was attributed primarily to increasing workloads of the three major networks: Satellite network, the manned space flight network, and the deep space network.

The material submitted by NASA and the presentation before the committee generally supported the NASA contention that the workload on all of the networks in the tracking and data acquisition area will increase in future years, including fiscal year 1970, both as to quantity and complexity of data to be acquired and processed.

The Nixon budget reduced NASA's request by $20 million, from $298 million to $278 million. This reduction would result in: First, deferral of all planned improvements to the networks; and second, deferral of improved communications. Additionally, other reductions would be necessary.

To emphasize the concern of the committee on not impairing network capabilities—but still taking into account the issues of improved efficiency and more intensive scrutiny of requirements being placed on the three operational networks—an increase of $15 million to the budget amendment amount is recommended. This action results in a recommended authorization of $293 million, which is $5 million less than the initial NASA request.

So much for our committee action on NASA's great research and development programs. I hope and believe that the House will sustain us.

There are two other matters of consequence in the NASA budget. One is the construction of facilities program and the other is research and program management, which formerly was called administrative operations.

For new construction, both the Johnson and Nixon budgets recommended $58,200,000, the smallest total in several years. The committee did not change that figure.

For research and program management, the Johnson and Nixon budgets also were identical at $650,900,000. Nevertheless, the committee believes some economies can be realized in management. Accordingly, we have cut this figure by $7,150,000 to a lower total of $643,750,000.

Mr. Chairman, I strongly support the committee's actions. I recommend that the bill be passed with the dollar figures as reported by the Committee on Science and Astronautics.

I wish to address myself to the Apollo program briefly at this point.

By 1970 the National Aeronautics and Space Administration will have spent approximately $23.9 billion to place men on the Moon and return them safely to Earth. On July 20, 1969, man, for the first time in history will set foot on the natural satellite of the Earth, the Moon. All of this has taken much money and time. All of this effort with skilled personnel in research and development is being accomplished right here on Earth.

We stand today as a better nation because of the Apollo program. Seven block I command and service modules have been built. Twenty block II command modules qualified for lunar flight are currently being completed. Twelve Saturn 1-B's have been built. Five of these have been launched, including the flights of Apollo 5 and 7, and the remaining nine Saturn 1-B's have been assigned to the Apollo applications program. As of today, the Apollo applications program represents our only near earth orbital manned capability in the early 1970's. Fifteen Saturn V vehicles are nearing completion. Five of these vehicles have been flown successfully. These Saturn V flights included the unprecedented successful Apollo 4, 6, 8, 9, and 10 missions. The remaining Saturn V vehicles have been assigned to lunar exploration through 1972. Fifteen lunar modules have currestly been completed or are in production. Three lunar modules have been flown on the Apollo 5, 9, and 10 missions. Lunar module 5 will be flown on the lunar landing flight in July of this year, Apollo 11. The remaining 11 lunar modules will be used for lunar exploration and for the Apollo applications program.

What has been the value of the development of this tremendous capability in space? Actually the Nation and the world is receiving more than was originally anticipated in value from the development of the Apollo program. Today we stand on the threshold of long duration flights to the Moon and the use of near Earth orbit for man's benefit. The remaining vehicles in the Apollo program will not only teach us more about the world in which we live, but provide the test beds for extended use of near and deep space.

We stand on the verge of a renaissance tied to the development of space for new knowledge and application. Continued probing on my part and by other members of the committee has caused NASA to reassess its production schedules and its scientific goals. Consequently, today we approach the lunar landing with greater confidence that all of these vehicles will be adequately utilized for maximum return on our investment. We have continually probed, questioned and encouraged NASA to adequately define the Apollo and Apollo applications missions. I am pleased to report to my colleagues today that each vehicle in the Apollo program has a definite assignment. Each vehicle in the Apollo program, and the lunar exploration to follow, is being adequately defined. The missions for the Apollo applications program have now been adequately identified.

Without the diligence of the committee we might still be without a well structured and completely defined Apollo program. However, we now have a working schedule which will insure maximum utilization of the vehicle and spacecraft in the Apollo applications program.

To assure my colleagues that there is a firm schedule for each and every ve-

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hicle programed to date. I insert at this point in the Record a detailed analysis of vehicle assignments, uses and costs:

COMMAND AND SERVICE MODULES

Designation and disposition, March 7, 1969

Block I

CSM 002: Land impact tests.
CSM 009: Flown on AS-201.
CSM 011: Flown on AS-202.
CSM 012: Destroyed in fire.
CSM 014: Structural tests.
CSM 017: Flown on AS-501 (Apollo 4).
CSM 020: Flown on AS-502 (Apollo 6).

Block II

CSM 101: Flown AS-205 (Apollo 7).
CSM 102: Structural test.
CSM 103: Flown on AS-503 (Apollo 8).
CSM 104: Flown on AS-504 (Apollo 9).
CSM 105: Vibration Testing.
CSM 106: Assigned to AS-505 (Apollo 10).
CSM 107: Assigned to AS-506 (Apollo 11).
CSM 108: Assigned to Lunar Mission.
CSM 109: Assigned to Lunar Mission.
CSM 110: Assigned to Lunar Mission.
CSM 111: Assigned to Lunar Mission.
CSM 112: Assigned to Lunar Mission.
CSM 113: Assigned to Lunar Mission.
CSM 114: Assigned to Lunar Mission.
CSM 115: Assigned to Lunar Mission.
CSM 115A: Assigned to Lunar Mission.
CSM 116: Tentatively assigned to AAP.
CSM 117: Tentatively assigned to AAP.
CSM 118: Tentatively assigned to AAP.
CSM 119: Tentatively assigned to AAP.

Major CSM Test Articles

CSM 2TV-1: Thermal vacuum testing.
CSM 2S-1: Impact testing.
CSM 2S-2: Structural testing.
CSM 004: Structural and thermal testing.
CSM 006: Structural testing.
CSM 007: Manned uprighting testing.
CSM 008: Structural testing.
CSM 010: Thermal and dynamic testing.

The average recurring unit cost for producing these Block II Command & Service Module is $55 million.

SATURN IB LAUNCH VEHICLES

Designation and disposition/status, March 7, 1969

SA-201: Launched—AS-201.
SA-202: Launched—AS-202.
SA-203: Launched—AS203.
SA-204: Launched AS-204 (Apollo 5).
SA-205: Launched—AS-205 (Apollo 7).
SA-206: Storage—Tentatively assigned to AAP.
SA-207: Storage—Tentatively assigned to AAP.
SA-208: Storage—Tentatively assigned to AAP.
SA-209: Storage—Tentatively assigned to AAP.
SA-210: Storage—Tentatively assigned to AAP.
SA-211: Storage—Tentatively assigned to AAP.
SA-212: Storage—Tentatively assigned to AAP.
SA-213: Manufacturing and long-lead procurement.
SA-214: Manufacturing and long-lead procurement.

The average recurring unit production cost of the Saturn IB launch vehicle is $42 million.

SATURN V LAUNCH VEHICLES

SA-501: Launched—AS-501 (Apollo 4).
SA-502: Launched—AS-502 (Apollo 6).
SA-503: Launched—AS-503 (Apollo 8).
SA-504: Launched—AS-504 (Apollo 9).
SA-505: At KSC—AS-505 (Apollo 10).
SA-506: At KSC—AS-506 (Apollo 11).
SA-507: Being Prepared for Shipment to KSC.
SA-508: Test and checkout.
SA-509: Static test.
SA-510: Post manufacturing checkout.
SA-511: Manufacturing and postmanufacturing checkout.
SA-512: Ditto.
SA-513: Manufacturing.
SA-514: Ditto.
SA-515: Ditto.

The average recurring unit cost for these Saturn V launch vehicles is $186 million.

LUNAR MODULE

Designation and disposition

LTA-1: Systems integration.
LTA-2: Flown on AS-502 (Apollo 6).
LTA-3: Structural test at WSTF.
LTA-5D: Propulsion test at WSTF.
LTA-8: Thermal vacuum test at MSC.
LTA-10: Flown on AS-501 (Apollo 4).
LTA-3DR: Structural test at MSC.
PA-1: Propulsion test at WSTF.
LM-1: Launched on AS-204 (Apollo 5).
LM-2: Structural test then tentatively assigned to AAP for Backup ATM.
LM-3: Launched on AS-504 (Apollo 9).
LM-4: Assigned to AS-505 (Apollo 10).
LM-5: Assigned to AS-506 (Apollo 11).
LM-6: Assigned to Lunar Mission.
LM-7: Ditto.
LM-8: Ditto.
LM-9: Ditto.
LM-10: Ditto.
LM-11: Ditto.
LM-12: Ditto.
LM-13: Ditto.
LM-14: Ditto.
LM-15: Tentatively assigned to AAP for ATM.

The average recurring unit cost for producing these flight Lunar Modules is $41 million.

It is important to note that despite the recent successes of the Apollo program, the total launches in calendar year 1968 by the United States was substantially lower than in 1967. Our launch rate of 1967 was a numerical drop from two preceding years. However, the 62 U.S. launches in 1968 and the eight successful launches in 1969 reflect a growing sophistication in capability of our national space effort. During 1968 the Soviet Union conducted successfully 74 launches, slightly exceeding their 1967 total of 67 launches. So far in 1969 the Soviets have launched 22 vehicles. The Russians have conducted in their more recent flights not only rendezvous but dockings and transfer of personnel from one vehicle to another. They have successfully landed vehicles in the Indian Ocean and in Soviet heartland. They have launched primitive life forms on circumlunar flights. All of these are indicative of the vitality and progress of the Soviet space effort. The Soviets today have a stable of launch vehicles of ever-increasing capability including the Vostok class of vehicles for manned space flight, the Molniya type vehicle for unmanned satellite activity, as well as the Cosmos and Elektron type satellites for scientific investigation. It had been stated that the Soviets have under development a vehicle purported to have the thrust in excess of 10 million pounds. With this launch vehicle the Soviets will be capable not only of launching extremely large Earth orbital space stations but also will be capable of direct ascent lunar flights. Surely this is a time in our history when we should maintain our capabilities and capitalize on the developments which we have already made in the manned space flight program and particularly in Apollo and Apollo applications program.

In the area of advanced missions, intensive study has been under way in NASA during the past year in the development of manned permanent space stations, lunar bases and low-cost space transportation systems. The space station studies point to a multipurpose general usage laboratory that will be more advanced than the initial Saturn I workshop of the Apollo applications program. This could well be the first truly multination manned space capability. Such activities of astronomy, earth science and applications, industrial processes, physics, life sciences, and advanced technology will all be explored in this effort. Such space stations should have a life of 2 or more years and a crew of at least nine or more personnel.

Likewise, extensive studies are underway on space transportation systems to effectively utilize a large Earth orbital space station, a low-cost transportation system to carry men to orbit and return is required. Studies in parallel with space stations are being made emphasizing an operationally efficient and cost-effective transportation system. These vehicles will provide a capability to fly in space much as we fly in aircraft today. They will provide for personnel rotation, expendibility, resupply and delivery of experiments, experimental modules and the experimenters themselves. It is expected that the cost will be reduced from the current level of approximately $500 per pound for near-Earth orbit to approximately $10 to $50 per pound for the same missions. Again, it opens new vistas for truly international participation in manned space flight.

In the area of lunar exploration, I have continually questioned NASA and insisted on adequate definition of post-Apollo flights. I am pleased to report that studies have been initiated and definition of missions have reached a sufficient point of maturity so that lunar exploration following lunar exploration landing can progress smoothly.

Following the initial lunar landing, three Apollo flights will be made to the Moon, each landing at a different designated area. Each one of these areas represents unique geological features of the lunar surface and will allow us to better understand the evolution of the Moon, the Earth, and our universe. Included on each one of these flights will be Apollo lunar experiment packages designed to give seismic data on the lunar surface to better describe the geological conditions of the Moon. Experiments will be conducted to study the solar wind, observe the gross lunar terrain, and examine in detail the composition of the lunar surface.

Following these three flights, six more missions are being defined in detail which will extend man's stay time on the lunar surface, provide increased mobility for the astronauts, and expand our capability to determine the ultimate usefulness of the lunar surface for both science and utilitarian purposes. Improved Apollo systems will allow 3- to 4-day missions on the lunar surface. Highly mobile flying units will be able to range up to 6 miles from the spacecraft during the first half of the 1970's. All of these activities contributed to expanding our base

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of knowledge and determining the ultimate uses of space.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Chairman, the models we have before us today represent the only two large payload launch vehicles that the United States has. The smaller of these two vehicles, the Saturn IB, can launch 40,000 pounds, or 20 tons, into a near-earth orbit. The larger Saturn V can launch 285,000 pounds, or 142 tons, into near-earth orbit or 100,000 pounds to the lunar surface or beyond. The Saturn IB has two stages—the first stage built by the Chrysler Corp., and the second stage is built by the McDonnell Douglas Corp. On top of these two stages is a command and service module which is part of both the Saturn V and Saturn IB.

The command and service module is built by North American Rockwell Corp. Twelve of these vehicles have been built. Five have been flown successfully and the remaining seven will be used in the Apollo applications program to deliver the second stage tank to earth orbit to be utilized as a workshop and to launch on another mission a lunar module which has been altered to carry telescopes for extensive observation of the sun. Each of these missions will require two launch vehicles with two additional Saturn IB vehicles—one to revisit the workshop and one to revisit the telescope mount for a duration of up to 56 days.

Funds in the budget for this year will provide for the completion of the 13th and 14th Saturn IB vehicle already on the production lines. No additional vehicles of this size are being procured at this time. The 13th and 14th vehicle will provide sufficient backup so as to allow successful completion of the Apollo applications program.

The larger third stage Saturn V vehicle has a first stage built by the Boeing Co., a second stage built by the North American Rockwell Corp., a third stage built by the McDonnell Douglas Corp. which is identical with the second stage of the Saturn V, an instrument which is identical with the instrument on the Saturn I-B built by IBM, a lunar module spacecraft built by the Grumman Aircraft & Engineering Corp. and the command and service module built by North American Rockwell.

Five of these vehicles have been successfully flown and the fifth is still in orbit at this time. Fifteen of these vehicles are currently being manufactured. It is planned to use the sixth Saturn V vehicle for a lunar landing. The seventh, eighth, and ninth Saturn V vehicles will be used to deploy Apollo lunar experiment packages at three additional sites on the moon's surface to gain more knowledge of the moon and its interaction with the earth.

The 10th through 15th vehicle will be used to extend man's exploration of the lunar surface during the next 3 years. None of this will take place beyond the lunar landing if the funds which have been requested in the fiscal year 1970 authorization are not made available; $52.2 million have been added to the NASA request for the Saturn V vehicle so that long procurement leadtime hardware for a 16th Saturn V vehicle can be initiated. It is important to recognize that even with these additional funds added, an 18-month gap in the production of the Saturn V vehicle will take place and production will not be reinitiated until 1973 since the last of the current 15 Saturn V vehicles will be delivered in 1970.

Some of the items required for this Saturn V vehicle, a model of which we have before us, require as much as 42 months to procure—such as forgings for propellant pumps on each stage of the rocket, components of the instrument unit, pumps, and small retrorockets to separate the stages, some valves and fittings all require long leadtime to deliver. It is imperative that if our national space program is not to come to a halt in the 1970's that we proceed with a long leadtime purchase of the Saturn V vehicles necessary to support a progressive national space program.

It is important to point out that the original budget submission included no funds for this purpose. The amended budget submitted by President Nixon included $46 million for this purpose. However, because of the urgent nature of this requirement and the extensive hearings held by the committee, an additional $6.2 million above the amended NASA budget was added for long leadtime hardware procurement. I have mentioned specific missions planned for each one of the Saturn V and Saturn IB vehicles. The lunar exploration beyond the initial lunar landing would utilize the remaining nine Saturn V vehicles. Funds included in this budget would allow the procurement of sufficient equipment to extend the astronaut's exploration radius while operating on the moon as well as extend the length of time on the lunar surface from 1 to 3 days on each flight.

Saturn vehicles will be available because of the early success that is being achieved in the lunar landing effort. The investment of this money for additional lunar exploration represents a dividend since it will allow us to use vehicles which would originally have been used for final development of the lunar landing for actual lunar exploration. It would be folly for us not to take advantage of this opportunity. Therefore, I urge my colleagues to support the authorization as included in the bill before us.

Mr. Chairman, in considering the manned space flight portion of the fiscal year 1970 NASA authorization, three budget levels were examined: The budget level as submitted to the Congress by NASA, a $4.2 billion total budget as originally submitted by NASA to the Bureau of the Budget, and a $4.7 billion also submitted to the Bureau of the Budget, which would, in NASA's view, assure a start on making the United States preeminent in space. After extensive hearings, both in Washington, at the major NASA manned space flight centers, and at the key industrial contractors, it was the conclusion of the Manned Space Flight Subcommittee that adequate funds for our national space program had not been included in the budget as originally submitted. Consequently, the subcommittee made several changes to the budget which were sustained by the full committee. Two of these several changes were further supported when an amended budget was submitted by the new administration. In two notable cases, lunar exploration and Saturn V production, the budget submitted by the new administration increased the funds available for these purposes.

Mr. Chairman, so that I may be brief, I will summarize these changes. The committee has added funds in the following areas to assure a balanced and successful continuing space program.

First. A total of $32.1 million has been added for reducing the cost of manufacture, assembly, and start of the Saturn V vehicle.

Second. A total of $4.6 million has been added above the new administration's budget for lunar exploration so that in flights following the initial lunar landing our astronauts may extend their range of exploration and spend additional time on the lunar surface and have sufficient equipment to allow a significant return of information on each flight.

Third. The amended budget assumes a successful lunar landing on the Apollo 11 flight and calls for plans to reduce the total lunar flights in 1970 from five to three. Based on this assumption, the amended budget reduced funds in the Apollo program by $39 million. Based on extensive testimony it is apparent that even if NASA sustains its highly successful lunar landing schedule, adequate preparations for flights and adequate astronaut training cannot be sacrificed. Therefore, the committee supported the original NASA request for funds in the operations of the Apollo program in fiscal year 1970.

Fourth. The amended budget reduced the Apollo applications program by $57 million. It is planned to suspend the production of the last two Saturn IB vehicles and delay the start of the Apollo applications program by at least 5 months and delay the availability of backup hardware for the Apollo applications program missions by 8 to 9 months. It is the committee's view that the further delay of the Apollo applications program can only adversely affect our development of space for utilitarian gains and allow the orderly development, in the 1970's, of a space station. Both the workshop of the Apollo applications program and the astronautical telescope mount will be our Nation's first major capability in a manned workshop and manned scientific observatory in space. Therefore, the committee supports the original request which is $57 million higher than the amended budget.

Fifth. The Nation has only two large payload launch vehicles—the Saturn IB and the Saturn V. We have built 12 Saturn IB's with two more to be completed, and we have completed 10 of 15 Saturn V's. Unless funds are provided for long leadtime items in this budget, the Apollo program will come to a halt. With the completion of the 15th Saturn V in 1970, even with the funds provided in this budget, Saturn V production will be stopped for 18 months and then restarted in 1973. Up to 42 months are

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required for some of the long leadtime items. The new administration's budget added $46 million for this effort. The committee sustained this same view and based on testimony before the committee added $6.2 million above the amended budget for the purpose of Saturn V long leadtime hardware.

Sixth. The committee, during this year's authorization process, received extensive testimony on the future of our national space effort in 1970. The desirability of developing large manned orbital space stations with earth oriented applications and the development of a low-cost reuseable shuttle to travel between earth and a space station were extensively examined. The early development of such a shuttle should provide a new era in transportation by being fully recoverable and therefore low cost. The committee was impressed by the view that to assure an adequate national space effort and at the same time reduce the total cost of operations in the 1970 period that the early definition and development of both a space station and a low-cost reuseable shuttle is of paramount importance. Therefore, the committee added $66 million to the administration's request for space station and space shuttle design activity. It is my belief that this item is the single most important activity for our Nation to assure an adequate space effort in the middle 1970's and beyond.

Mr. Chairman I have tried to be brief with respect to several significant changes to the fiscal year 1970 NASA authorization but I must reemphasize that the decisions made this year will determine whether we have a major space program after 1970. I urge your support and the support of all the members of this committee in the recommendations made by Chairman MILLER and the other members of our committee.

I. WHY SPACE?

Our growth and survival as a nation has become dependent on technological progress during this latter half of the 20th century. To maintain our leadership among the community of nations requires our leadership in science and technology to allow our leadership in the world market place. Our personal standard of living in an ever more populated world demands this same technological leadership.

With demanding but obtainable goals our national research and development capability can remain a vital and effective cornerstone of progress. Our space program is a major stimulus to our development and growth as a nation.

The present budget before the Congress does provide substantial funds for meeting needs on earth. The fiscal year 1970 request includes about $27.2 billion for aid to the poor, $18.5 billion for medical and health related activities and about $9.8 billion for education. Cutting the space program would not provide much help in proportion to adding to these programs, while it would most certainly inhibit future economic and technical growth which provides the real wealth to meet future needs in these areas.

We have just completed 10 years in space. We have viewed the Moon at close range. Spacecraft have retrieved valuable data from the vicinity of both Mars and Venus.

Space satellite communications today are a commercial success.

Forty nations of the world avail themselves of satellite weather data from U.S. satellites.

Not only in communications, weather and navigation but also in business and industry our Nation benefits from our space effort. New products and processes derived from our space effort are fostering new industries and companies.

Several hundred technological advances emanating from the space program have been made available to industry through the NASA technology utilization program. For example:

The fuel cell, which had lain dormant for many years, was activated to power spacecraft in orbit. Twenty-eight natural gas companies now have a $20,000,000 program for adaptation of the fuel cell for home power units.

We had to know on a real-time basis, that is, while it was happening, how fast the hearts of the astronauts were beating while they were in space. We had to know how much oxygen they were using; we had to know how their muscles were responding to their strange environment. So we invented another new system, biosensor to computer to data gathering equipment, and through the communications network to the Manned Spacecraft Center at Houston—from 100 miles—or from a quarter of a million miles out in space. Now, a half a dozen newly formed companies are now manufacturing adapted space-created instruments for the use of doctors and hospitals here on earth.

The need for fireproof materials for Apollo spacecraft has demanded a complete testing and documentation of the flammability characteristics of hundreds of materials. These results have been computerized and are available for the asking. Within a short time there will be no excuse for a large percentage of disastrous fires—from mattresses burning, to children's sweaters catching fire, to aircraft curtains igniting. Information on flammability of materials developed for Apollo has been passed along to the aircraft manufacturers for their guidance in outfitting new jet transports. Fireproof Beta cloth has been developed which has the potential use for firefighter suits in municipal departments as well as on board our aircraft carriers at sea.

A television camera system designed to visibly detect hydrogen leaks in the testing of the J-2 rocket engine, sensitive to infrared radiation, has been adapted for use aboard aircraft to enhance visual approach and landing capability. Radiant sources such as runway lights or other similar incandescent arrays are "picked up" by this system at distances as great as 5 miles, even through cloud cover fog, or other adverse weather conditions.

To analyze a variety of problems related to rocket engines vibration, ignition, and combustion processes, a contractor developed a cross correlated spectral analysis computer program. It is being used for studies of brain reactions in animal subjects. The program is also expected to find application in oceanography for underwater noise studies and surface wave studies, in earthquake prediction, in analyzing vibration and wind factors for bridge construction, and for other purposes.

A less obvious effect of our national space program is the gathering together of people from diverse skills and background to work toward common goals. This will surely lead to an improvement in our ability to find new ways to deal with not only space-oriented but Earth-oriented social and urban problems as well.

Apollo with its lunar landing is tangible proof that our national vitality can be marshalled for the good of mankind. It is essential that we maintain the momentum of our activity into the second decade of space exploration and utilization so that the maximum return be achieved for our human and material investment.

II. STAC WINTER STUDY

The Science and Technology Advisory Committee convened on December 6 through 9, 1968, to consider the prospects for manned space flight in the decade 1975–85. Members of this distinguished body included three Nobel Prize winners, Chairman Charles H. Townes, Luis Alvarez, and William Shockley. Dr. Lee DuBridge was also a member up to the time of his appointment as President Nixon's science advisor. The findings of this group were published in a document entitled, "Uses of Manned Space Flight, 1975–85" proceedings of a winter study conducted at LaJolla, Calif., December 1968, and released in April 1969.

Conclusions reached by the Committee are as follows:

> 1. The United States should remain in the forefront of all major categories of space activity, including space sciences, solar system exploration, manned flight capability, and economic applications.

I agree wholeheartedly with this conclusion.

> 2. It is reasonable to utilize ½ to 1 percent of the gross national product to support this nation's civilian space flight program.

This is reasonable in my view also.

> 3. Within the space flight program the following elements are of major importance and should be strongly supported:
>
> a. An aggressive automated planetary exploration program as recommended by the Space Sciences Board of the National Academy of Sciences. Options must be kept open for a manned phase to follow the early automated phase.

This requires more study, in my view.

> b. An economic applications program of the general nature recommended by the 1968 Summer Study on Space Applications carried out by the National Academy of Sciences.

This entire program of economic applications requires much more than NASA has given in the past.

> c. A continuation of lunar exploration following the Apollo landing as recommended by the Lunar and Planetary Missions Board of NASA.

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I strongly agree.

> d. A vigorous program of astronomical observations in Earth orbit along the general lines recommended by the Astronomy Missions Board of NASA.

This, too, I strongly endorse.

> e. The extension of manned space flight capability in Earth orbit to longer duration and to permit application for scientific and technological purposes.

This is very important and I agree.

> 4. The achievement of a manned low-cost transportation system is the keystone to the future development and large scale practical application of the space program. Development of such a system and plans for its effective use deserve high priority.

This must be done, I strongly endorse.

> 5. The use of a long duration manned space station appears to be a logical step in the evolution of manned space flight capability. It offers considerable potential support to the scientific and technological programs which appear desirable in a number of disciplines, and is necessary as a precursor to eventual manned planetary exploration. Since a space station should be designed to support men in the weightless condition unless unexpected biomedical problems are encountered or overwhelming engineering advantages for artificial gravity are discovered.

This conclusion does not go far enough, this is a must for the Nation's future.

> 6. It is generally agreed that strong arguments exist for placing observatories and laboratories in Earth orbit. Large, complex facilities and instruments for astronomy, Earth Applications, space physics, life sciences, and new materials development all have interesting potentials, and all can profit from manned attendance. Relative emphasis among these activities and the extent of manned attendance desirable in each must be decided by appropriate studies and early experiments.

I agree with this conclusion.

These and further detailed recommendations indicate a generally favorable attitude toward the role that space can play in the United States and toward the specific program objectives which NASA is now pursuing in manned space flight.

III. NEED FOR MAINTAINING PRODUCTION OF THE SATURN V LAUNCH VEHICLE

The Saturn V is the most powerful launch vehicle ever to be developed, produced and proven in space. Possessing six times the payload capability of the Nation's intermediate-size booster, the Saturn V is the free world's largest booster and the only launch vehicle capable of lifting large payloads into earth orbit or carrying out manned missions to lunar distances. The United States has no immediate plans to develop any other booster of equal or greater power, since the Saturn V provides the Nation with the basic launch vehicle capability to carry out a variety of space operations in the 1970's. Development of the proposed space shuttle will provide a low-cost transportation system for carrying 12 to 25 tons of payloads into a low-earth orbit.

In the range of large payload weights, the Saturn V is the Nation's sole means of launching 125 tons into earth orbit, sending 50 tons out to lunar distances, and landing 20 tons on the lunar surface. This versatile launch vehicle is the key to capitalizing on the gains of the Nation's first decade in space and realizing returns on the skills, technology, equipment, and facilities created in Apollo. The Saturn V provides the payload capability required for a progressive space program in the 1970's, including continued lunar exploration and future missions such as the space station or deep-space missions.

Effective utilization of the Saturn V can be maintained only by preserving the industrial capability brought into being at great expense over the last 9 years. Continuing the present trend will result in expensive shutdown and startup costs. Skills will be lost and have to be retrained, tooling refurbished, and parts requalified. In fact, the restart would take on many aspects of an R. & D. program. The projected unit cost reductions associated with learning and with streamlining the existing production base would therefore be impossible of achievement under stop-startup conditions. Certainly the longer the gap the more difficult and costly are the startup conditions.

Another important factor associated with loss in production capability in the technical support required to complete the flight program associated with the present buy of 15 vehicles. A substantial cadre of skilled personnel is required at the factory to handle unforeseen technical problems encountered in the flight program. With no future production, this support will undergo steady degradation.

To preserve the technological strength of the United States it is essential to provide for follow-on production beyond the 15th Saturn V launch vehicle—the last one in the current program. Additional Saturn V's are required to continue a sound space program through the next decade and to prevent disruption or loss of the gains of the first 10 years in space.

IV. SPACE STATION

The Nation requires the technical and political power resident in a flexible and extensive capability in earth orbital manned space flight. From earth orbit the world can be readily assessed and accessed. Earth orbit also affords effective outward viewing from the scientific standpoint and otherwise takes advantage of the unique characteristics the space environment, such as weightlessness and unlimited hard vacuum.

The next logical and necessary step in the progress of earth orbital space flight is the establishment of a space station or a centralized and sustained base of operations. Such a station will do much for the general advance of our capability as a space-faring nation. In fact, the capabilities for sustained operations that can be developed in a more economical and safe way through establishment of a space station in earth orbit is directly applicable to the establishment of lunar bases or to manned exploration of the planets in the future.

The utilization of a space station concept opens many arenas for more rapid progress in scientific knowledge, technology advance, and applications of space flight. Typical of these are the possibilities for more extensive international cooperation. The space station will be the first program where nonastronauts can participate directly in space flights. Thus, foreign nationals will not only find it easier to participate as investigators, but can have the opportunity to involve themselves in the actual conduct of their experiments in space. These statements are just as applicable to user elements within our own national structures.

As a result of the studies underway, we are likely to find that the development of a space station is the most attractive option for space progress and benefits in the immediate future and that we should move out as rapidly as possible.

V. NEED FOR CONTINUING LUNAR EXPLORATION

The Moon provides an opportunity to better understand the evolution of the universe, provides the potential for an extra terrestrial base and serves as a demonstration of space leadership by our country.

If we are to achieve any of these ends the Moon must be visited several times and in several different places.

The flight hardware is now being completed for 10 missions. An orderly rate of flight will assure safety and economy in operations.

V. NEED FOR CONTINUING LUNAR EXPLORATION

Lunar exploration is of great national importance—for furthering our scientific knowledge, for determining the future potential for using the Moon as a base, and for demonstrating our international leadership in the exploration of space.

The Moon has particular scientific interest and potential direct benefits because of its close association to the Earth. A number of landings are necessary to establish an understanding of the origin, history, processes, and present state of the Moon and its relation to the Earth and the solar system. It is now expected that 10 or more landings will be needed at various distinct areas to gather data required for the major decisions on future uses of the Moon.

Production of the flight hardware for accomplishing these missions is being completed, the trained mission teams have been assembled, and the initial lunar landing is expected this summer. Following the first flight, the plan is to visit at least three additional lunar regions, each of a generally different nature, and then with the remaining six flights to make precision landings at points where significant unique features and important processes have been identified.

At the same time we must carry out our operations in a way that maximizes safety and effectiveness in an operational sense. A steady, reasonably spaced launch rate is the most economic and efficient use of facilities, hardware, and personnel. Undue spreading or gaps in the sequence will result in major programmatic problems in safety, reliability, costs, and maintaining of trained teams. The above factors lead to the judgment that about three missions per year is a good choice for launch interval.

We have a good understanding now of the basic methods and measurements to obtain the needed data. Candidate landing sites have already been selected. Sufficient lead time exists to provide scientific instrumentation, means to significantly improve mobility, and extensions of surface staytime for the last six flights which will significantly improve the quality of the data return.

The effect of delaying this project will require that NASA fly missions that do not effectively use the hardware that has been produced in Apollo. Missions would be flown without surface science packages, without provisions for extended stay-times or increased astronaut mobility. The only alternative to this inefficient use of hardware would be to introduce an undesirable and costly gap in the flight sequence.

VI. NEED FOR LOW COST SPACE TRANSPORTATION

Past and current manned spacecraft and launch vehicle systems are characterized by high cost of flight hardware and support operations. This condition was not unexpected, for the emphasis in both of these space transportation elements for pioneering flight missions has been on performance and reliability.

To support future space flight operations, there is a strong need to greatly reduce the annual costs of space transportation operations, while sustaining the necessary number of space flights. During this first decade of space operations, our technology base has steadily advanced to the point that new systems can be defined now, which can satisfy first, the basic need of major reductions in the cost of placing satellites, men, equipment, and supplies, into orbit, and second, major advances in space system versatility. To use space as we use other parts of our environment, it must be accessible, readily and economically. The most significant feature of the new concept is maximum reusability from flight to flight.

This new class of space vehicles, the space shuttle, is a key to national space flight operations in the last half of the 1970's and beyond. As presently conceived, the space shuttle will have the inherent capability for multiapplications. Space operations by other agencies, such as the Department of Defense, could use the shuttle and its support equipment with little modification. To maintain a space station or base for sustained operations in Earth orbit, extensive logistic support operations are required. Present systems or modifications thereto will be costly and limited in performance for the task of logistic support of a space station. In addition to low operational costs and large and flexible payload delivery and return capability, the ability to carry nonastronaut personnel to and from orbit under low acceleration loads in a shirtsleeve environment is of fundamental importance to effective use of space for exploration and operations. Internationally, the United States can use the development of a space shuttle to establish world leadership in the field of space transportation. The use of a space shuttle will provide a broad range of experience in space operations—experience that would be directly applicable to almost anything the United States would want to do in space.

VII. APOLLO APPLICATIONS

Plans in Apollo applications provide for continuation of flight hardware development and for integration of modified subsystems into hardware for five Earth-orbital flights.

We must realize that manned space flight is still in an embryonic stage. Yet, this year, within the target date set 8 years ago, and well within the lower range of the costs estimated at that time, we fully expect to land men on the Moon and return them to Earth with our first samples of the Moon's soil.

For the first time we will be in position to evaluate the natural resources of another world. With the insatiable demands of an industrial society for raw materials, a body one-fourth the diameter of Earth, only 3 days away, demands exploring.

Apollo applications uses the equipment developed and produced in Apollo to begin to bring us return on our basic investment.

Apollo applications will utilize the facilities, the Saturn launch vehicles, the spacecraft, the worldwide communications network, and the teams of scientists, engineers, and workers. The Nation's first space station, with some 10,000 feet of free volume, the Saturn upper stage, will be launched into orbit, outfitted and used as a base for experiments, observations and other work in space.

The experiments to be conducted on board early space stations will include evaluations of man's physiological and psychological tolerance to the space environment for long periods, beginning with a 28-day mission, then one of 56 days, and building up to perhaps 1 year. By studying the "well man" in space, the Nation expects to gain significant information on improving health and preventing sickness here on Earth. Dividends from this part of our space investment can benefit each one of us—all of mankind.

Another important part of this program is the linking to the workshop of a large solar telescope called the Apollo telescope mount. Approximately 32,000 times as much energy as the human race is now using reaches the Earth each year from the sun. Thus it can be to our great advantage to acquire as much information about the sun as possible not only for its value to science, but in the hope that eventually some portion of that energy may be diverted to use on Earth.

The Apollo telescope mount experiments are designed to scientifically study the Sun. The surface of the Sun, the observable sunspot cycle, and the nature and pattern of the solar flare activity may hold the key to understanding the basic forces and elements which control the solar system. The unmanned Orbiting Solar Observatory—OSO—spacecraft provided the first opportunity to study the Sun without the interference of the Earth's atmosphere. The Apollo telescope mount will provide a significant increase in the quality and depth of our knowledge of the Sun by providing greater pointing accuracy than was possible with the smaller Orbiting Solar Observatory; a capability of film return which can provide better quality pictures than has previously been possible; and a selective discrimination capability provided by the crewmember who will manage the instruments to permit the gathering of data on phenomena of the greatest scientific interest.

The substantial scientific benefits of the solar astronomy mission will make a significant contribution to the knowledge required to plan future space operations activities. It will test the effectiveness of man's combined capabilities of scientific judgment, reasoning, and motor response in the orbital operation of complex scientific instruments to a greater degree than any previous manned experiment. It will provide a much more extensive and valid understanding of the future utility of manned space flight. The solar astronomy mission also incorporates a number of technological and operational concepts which are under active consideration as integral elements of the space station. These include: launch, rendezvous, and docking of a sophisticated unmanned experiment payload; the use of control moment gyros for stabilization and control; the use of gravity gradient torque in momentum management; and the use of a large gimballed system for precise pointing and stabilization of major instruments.

Crew activities are structured around the operation of this solar observatory. Medical observations on the crew during this open-ended 56-day mission will add significantly to the data base on man's reaction to the space environment. These activities can be conducted on a minimum interference basis with the solar experiment operations.

The rationale for developing both the man-operated Apollo telescope mount and the automated Orbiting Astronomical Observatory II lies primarily in the difference in the scientific objectives of the two missions and the differing nature of the phenomena to be investigated.

The Orbiting Astronomical Observatory II objective is principally to obtain observations of stellar bodies in ultraviolet light. One important task for this satellite is to survey the sky and map all objects radiating in ultraviolet. It will take 6 months of observing to catalog only one-fourth of the celestial sphere. The extended mission duration currently characteristic of automated satellites, is ideally suited for such programs.

The scientific objectives of the Apollo telescope mount, and therefore its operation are quite different. The ATM will record, with high spatial and spectral resolution, X-ray, ultraviolet, and visible radiation from unique features on and about the sun.

One unique feature offered by the Apollo telescope mount, because of the presence of man, is the capability for the use of film to record the scientific data.

Photographic film, classically used at all ground based astronomical observatories, is capable of recording more information per unit of observing time than any other form of detection.

Another unique feature afforded by

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the manned Apollo telescope mount missions is the determination of man's capabilities in the operation and maintenance of complex scientific instrumentation in space.

Since its inception in fiscal year 1966, the Apollo applications program schedule has slipped a total of 40 months because of reduction in funding requests and budget cuts.

The manned space flight program is supporting the earth resources program to the maximum extent possible by continuing to photograph earth resources from Apollo spacecraft as was done in Gemini. It is anticipated that the Apollo applications program will also support the earth resources program. Excellent photography in support of the program was obtained through a four-camera arrangement on the Apollo 9 mission.

VIII. APOLLO

The Apollo program's four manned missions have brought us within striking distance of meeting the goal of placing men on the Moon and returning them safely to Earth within this decade. Exploration of the Moon will extend man's knowledge to a new world. We will begin to understand the dynamic processes on Earth through direct comparison of the Earth and the Moon. Through lunar exploration we will be able to evaluate the natural resources of the 14.6-million-square-mile lunar surface. By exploring the Moon we have the opportunity to gain new understanding of the solar system and its origin and perhaps to gain clues to the origin of life.

The Apollo program was conceived, designed, and developed to achieve a capability for the United States in the realm of manned space exploration. The immediate objective of the program will be achieved by the initial manned lunar landing and return of the astronauts to Earth. The planning and the development of this Apollo capability included sufficient hardware and facilities to attain the immediate objective with a reasonable allowance for contingencies. Continued success in the Apollo program and an early lunar landing will make Apollo hardware available for continued development of capability.

The lunar exploration program is planned to take advantage of success in the Apollo program. This program involves the emplacement of scientific experiment packages on the Moon's surface. Operational capabilities will also be increased and the accumulation of scientific data significantly increased. The exact number and the schedule of lunar exploration flights is subject to budgeting limitations and the success of prior missions.

Since NASA is unable to completely simulate the one-sixth gravity environment of the lunar surface, it is difficult to predict, with high confidence, the metabolic rate data necessary to estimate the difficulty astronauts may have in doing tasks on the lunar surface. Biomedical unknowns have raised concerns regarding the degree to which lunar surface activities might fatigue the crew and adversely affect performance during the critical ascent and rendezvous phases. As a result it was decided to defer deployment of the Apollo lunar scientific experiments package—ALSEP. The ALSEP design requires deployment of all experiments prior to establishing the Moon-Earth radio communications link, making partial deployment unfeasible. However, the first landing will include several scientific experiments including a seismometer to measure moonquakes, a multipiece glass mirror to reflect the light of ruby-lasers mounted in telescopes on Earth for the purpose of measuring the physical relationships between the Earth and the Moon more accurately, as well as devices to measure solar wind and tools to obtain geological samples.

The major manned space flight milestone schedule for 1968 was achieved in December with the Apollo 8 mission. As with all progressive efforts, Apollo looks forward to the continued challenge of planned operations for this year. The accomplishment of the lunar landing this year will mark the beginning of a period of lunar exploration planned for the Apollo program. The primary goal is to assess the utilization of the Moon in the interest of our Nation and its potential for benefiting the world.

IX. MANAGEMENT OF THE PROGRAM

The NASA fiscal year 1970 request for manned space flight is down some 40 percent compared to fiscal year 1966. Comparing the funding request for fiscal year 1970 along with the effects of inflation to prior years, it is evident that the level of activity in manned space flight will be reduced to that of 8 years ago, namely fiscal year 1962.

This reduction in funding is reflected in the overall manpower situation. By June of next year, employment on the manned space flight programs will be at its lowest point since June 1962. This is about one-third of the 300,000 employment peak that was reached in February 1966.

NASA has been faced with situations which have required the release of some of the more successfully performing contractors. NASA has been reducing both civil service and contractor personnel levels at the Marshall Space Flight Center for several years because of the very successful performance of the Saturn family of launch vehicles. NASA was forced to require the release of approximately 1,600 contractor personnel associated with the Saturn I-B launch vehicle. The continued reduction in the capability that has been built up so long and so painstakingly makes it difficult for NASA to get good people to work on the programs because they feel as soon as the hardware on which they are working becomes successful they are out of a job.

The estimated reductions for fiscal year 1969 are as follows:

All locations in manned space flight:	
Hardware contractor	−23,581
Support contractor	+154
Civil service	−747
Total	−24,174

Assignments of the three contractors involved in support of the Office of Manned Space Flight have been continually screened to assure a consistent role for each and to avoid duplication of effort.

Bellcomm's role in support of manned space flight consists of the requirements aspect of systems engineering, including: First, the determinations of system specifications and conceptual designs of major elements of the program; second, the review of ongoing programs to identify and evaluate possible alternative courses of action; third, preparation of long-range plans and participation in development plans for future manned space flight programs; and fourth, implementation of long-range studies.

The Boeing-Tie role, on the other hand, stresses the implementation aspect of systems engineering for Apollo, including areas of program control, configuration management, technical integration, design certification and flight readiness reviews, logistics, and other downstream assignments related to the day-to-day planning and implementation required at this stage of the Apollo program.

The role of the General Electric Co. has been primarily that of a supplier of checkout and electrical ground support equipment. In addition, General Electric has provided engineering support to Apollo program office and the three manned space flight centers in the areas of test and checkout, reliability and quality, data management, and management system development. General Electric's role as the Apollo quality contractor has been stressed because of its across-the-board involvement in reliability and quality.

Our national space program is an essential element of our growth and progress. Mr. Chairman, I urge the support of this body to insure this continued progress for our Nation.

Mr. DADDARIO. Mr. Chairman, I am in strong support of H.R. 11271. More than 90 percent of all NASA dollars are contracted outside of Government and spent in the private sector of our economy. At the peak of activity in fiscal year 1966, the space program employed a combined force of some 420,000 industry, university, and Government men and women, only 35,000 of whom were NASA employees. It is interesting to note that in the first decade of space exploration, this Nation mobilized for the space program a force comparable to that required to build the transcontinental railroads in the 19th century.

The peak of 420,000 persons has long since passed. The number will drop to about 125,000 the end of this fiscal year. In contrast, the Soviet Union is still building its space activities, with the clearly expressed intention of attaining preeminence in space.

As I look at NASA today, the problem is to preserve the strong scientific, technological base and the management capability that has been created these past 10 years. The Nation cannot afford to suffer the loss of these trained personnel organized as effective teams.

Of NASA's 32,000 employees, about 80 percent are technicians, scientists, engineers, and other professionals. These are the people who conduct and manage the supporting research and development work in NASA research centers, and protect the Nation's investment in manned space flight.

What has the Nation invested in the

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manned space flight program? The total in ground installations and facilities represents a capital investment of $4.5 billion. NASA has been able to make use of ground facilities and plants worth about $760 million established by the Department of Defense for missile and other programs. Beyond this, American industry has invested some $650 million of its stockholders funds in new facilities and equipment required to do this job.

At the Marshall Space Flight Center, NASA manages the work of industry in the development of launch vehicles and the integration of experimental devices in spacecraft.

In New Orleans, La., NASA administers a very large installation called the Michoud Assembly Facility. Here industrial contractors have manufactured Saturn booster first stages. The Mississippi test facility, which is 40 miles from Michoud, represents another large facility which was converted from Mississippi delta swamp land. Here the first and second stages of the Saturn V have been test fired prior to acceptance from the manufacturer.

The Manned Spacecraft Center at Houston, Tex., was converted from a cattle range to a modern installation in less than 3 years. The work of managing the development of spacecraft, the training of flight crews, and the support of manned space flight operations is carried on in this center.

The Kennedy Space Center in Florida is the center for launch operations affecting manned space flight. All of the flight equipment that is manufactured and tested at all of the various facilities is shipped to this center by barge, helicopter or special aircraft for integration into the Apollo Saturn vehicles which are then launched from the cape.

After the craft is launched into space, the mission is controlled from the Mission Control Center at Houston.

These manned space flight facilities are spread across the United States—Government installations in Florida, Alabama, Mississippi, Louisiana, Texas, and New Mexico, and plants used by industry in California, New York, Wisconsin, and Minnesota—and, of course, subcontractors and vendors in all parts of the country.

Altogether, the manned space flight program is carried out by a team that consists of the Washington office, three field centers, 12 prime contractors and some 17,000 subcontractors.

Another precious national asset is the working relationship between NASA and more than 200 universities across the country who are furnishing expert knowledge and research capabilities available from no other source. We should note here that NASA has not just used the university capabilities, but strengthened the universities in the process by helping them build additional research facilities. NASA also sponsored a predoctoral program which has produced 1,300 Ph. D.'s in space-related disciplines.

In the past 10 years we have created the facilities, the technologies, the trained manpower, the industrial know-how, and the university relationships that comprise a very vital national resource. We cannot afford to see these facilities, these men, these Government-industry-university teams dispersed; for, once they are dispersed, it will be extremely difficult and expensive to rebuild the capabilities they represent.

A typical example is the Saturn V production gap that NASA will experience, even with fiscal year 1970 funding. Gaps in the delivery of vendor items will occur, and with no fiscal year 1970 funding, these gaps, now 17 to 27 months in length, would increase to about 30 or 40 months. Under these circumstances, it can be expected that NASA will lose some vendor services and will be burdened with the requirement for some requalification effort. If fiscal year 1972 became the first year when funds are made available, the gaps would increase to over 4 years. A shutdown of such length could almost surely result in the loss of all of NASA's qualified vendor sources.

The situation of the in-plant effort at the major Saturn V contractors is also marginal. Specialized skills for specific manufacturing operations will experience gaps, and if no fiscal year 1970 funding is made available, these skills will be lost and a new labor force would have to be assembled and retrained in fiscal year 1971 before production can be reinitiated.

If the gap is extended by 1 more year—that is no fiscal year 1971 funding—the ability of our present major primes to completely reestablish both the manufacturing as well as the engineering capability becomes a serious question.

Today the United States stands at the crossroads. If we go below the level of funding recommended by this committee, which incidentally does not include the continuous loss due to inflation, it will no longer be possible for us as a Nation to continue to hold together these hard-won capabilities and utilize them effectively in meeting the challenges that face this Nation in the 1970's.

Continuing advances in science, technology and the ability to manage large enterprises will be the cornerstone of our national power in the future. Much of America's present national power has been derived from past large-scale Government and university research programs. The beneficial effects of research suppport of university education is well known. This lesson has not been lost on the Soviet Union. The Soviet Union has poured vast energies and resources into technology since World War II. They, too, appreciate the power of large-scale technical advances. They are building whole new cities based on space. They are graduating large numbers of scientists, engineers, and technologists. These accomplishments will enable them to move forward to a position of world leadership. They know that future world power and prestige depend upon meeting the challenge of new technological advances involving substantial investments.

We as a Nation must maintain the spirit of national challenge. Maintaining a strong effort to meet the challenge of space is not easy. We have built a great capability in NASA. We have organized a mighty industrial base to put together the systems that are flying today. We have attracted an extremely brilliant group of university scientists to work for the Nation in the space program. This Government-industry-university team has proven itself in carrying out a sound American space program. We must not lose this great national asset.

Mr. FULTON of Pennsylvania. Mr. Chairman, it is a pleasure to yield to my good compatriot, the gentleman from Ohio (Mr. MOSHER) for 5 minutes or such time as he may consume.

Mr. MOSHER. Mr. Chairman, my support for H.R. 11271, the NASA authorization bill, is considerably tempered by my long-time, strong feeling that priorities in our national space program have been badly distorted, and that distortion obviously will continue for at least another year according to the proposals in this bill.

In using the word distorted, I refer to the most expensive aspect of our national space effort, the manned space flight program. Approximately two-thirds of the research and development funds in the proposed NASA budget are earmarked for support of manned space flight, and in past years the percentage has been even greater.

These enormous expenditures for manned space flight should force us to give more attention to the question of priorities within the NASA program. The problem has become particularly acute during this period of enforced budget constraint when, for reasons really not related to the merits of the space program, the total NASA budget has declined. Yet, the Apollo program, because it is the Nation's only announced goal in space with a specific target date, has always been adequately funded.

The result has been a serious neglect of certain very important areas of the unmanned space effort.

Mr. Chairman, as a member of the Subcommittee on Space Science and Applications, I have become acquainted with many of the details of the unmanned space program. I am convinced that the most significant scientific data thus far has been generated by our relatively modest unmanned program.

With automated spacecraft NASA has accomplished rather extensive exploration of the Moon, as well as significant information about the nearby planets, Mars, and Venus.

With unmanned satellites we have learned a great deal about the sun, the stars, the spatial environment of the earth, and the Earth-Sun relationship. NASA's successful unmanned, instrumented missions are too numerous to recount, and yet they are too few as related to the total budget.

I suggest that the most important aspect of the unmanned effort is the space applications program. This program includes satellite systems for communication and meteorology, to mention just two which have already produced remarkable results. These unmanned space systems provide measurable economic benefits. Other applications satellites on the horizon may make even greater contributions toward solving our problems here on Earth and improving the quality of our lives.

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I think the most existing new program in this area is the earth resources technology satellite project. The ERTS satellite will include television cameras, infrared imagers, microwave radiometers and various other types of remote sensors for collecting a wide variety of data of great value to geologists, cartographers, agriculturists, hydrologists, and oceanographers, among others.

In short, such a satellite will be a powerful new tool for measuring, assessing and understanding our earth environment and our natural and cultural resources. This is a really "down to earth" program that can produce literally billions of dollars in benefits for life on our own planet.

By authorizing an additional $10 million for this project for the forthcoming fiscal year, our committee has gone on record as favoring an accelerated earth resources satellite development program.

Recently, the National Academy of Sciences issued a report on Applications Satellites. The Academy concluded that:

> We are convinced that the present space-applications program is too small by a factor of two or three, if we measure it in the light of the substantial opportunities that can be pursued effectively only if financial support is increased.

Our committee believes that an effective Earth resources satellite system, in terms of its potential benefits to mankind, will provide the greatest direct return on investment the space program has to offer. The goal is to discover and assess the resources of our planet, to improve their exploitation and management, to assist in their conservation and in their application for the public good.

Mr. Chairman, let me close by saying that I believe it is essential to the future strength and progress of our country that we continue with a vigorous space program, and I think that H.R. 11271 will make it possible to do so during the forthcoming year.

But I trust that in the months ahead both the Congress and the administration will review all aspects of our national space program, hopefully to achieve a better balance between the manned and unmanned programs.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may desire to the gentleman from Minnesota (Mr. KARTH) the chairman of the Subcommittee on Space Science and Applications.

Mr. KARTH. Mr. Chairman, I rise in support of the bill, H.R. 11271, as reported by the Committee on Science and Astronautics, with particular reference to the program for space science and applications as recommended by the subcommittee of which I am chairman.

Our committee gave very careful scrutiny to the NASA budget for fiscal year 1970. We held 7 days of hearings in March on the original budget request—the Johnson budget—followed by 3 days of committee discussion in executive session. Then, after the President submitted his revised budget, we held another day's hearing in April—on the Nixon budget—and reconsidered all of our prior decisions in an additional executive session. Our subcommittee report was considered further by the full committee which approved it on April 23.

I recite this history in order that the Members will know that detailed attention has been given by our committee to NASA's request for funds for space science and applications, and that a hard look has been taken at all issues and all items of possible controversy.

Now, the substantive question is, What did we do about it?

Well, we made some cuts. We made a few increases, which I will explain. Overall, our proposal to the House is for an authorization of $524,400,000 for research and development in space science and applications in fiscal year 1970. That is approximately $35 million less than the original budget request submitted to the Congress in January. It is $6,600,000 more than the revised budget submitted in April.

In addition, our portion of the NASA budget includes $9 million for the sustaining university program, $88 million for administration—R. & P.M.—and $3.8 million for construction. Each of these three items is unchanged from the identical figures proposed by both President Johnson and President Nixon.

The committee report to the House—Report No. 91–255—has been available to the Members since May 19. I am hopeful that those of you who are interested in particular programs in this report have taken advantage of the opportunity to read the justification for NASA's proposals, as well as the reasons for the committee's action on the proposals. Today, I wish to touch only on a few highlights.

Our biggest cut was one of $8 million in what is called supporting research and technology. The reason for this reduction is that we learned from the testimony that for several prior years NASA had not been spending all that it has asked for to finance these support studies in certain fields. We made other reductions of $2 million in physics and astronomy and $3 million in the lunar and planetary program.

We also went along with several reductions proposed in the new Nixon budget, although these items, of course, do not now show up as current budgetary cuts. They include $8 million for planetary explorers, $10 million for the procurement of certain launch vehicles and $7.4 million for three space applications programs which the committee felt could be deferred for a year.

On the other hand, we decided in favor of NASA's original requests—the Johnson budget—on two related items which were reduced in the revised budget—Nixon. These items are a restoration of $12 million for a bioscience program called Biosatellite–F, and a restoration of $1.6 million for the Delta launch vehicle that is required to put Biosatellite–F into orbit. Biosat–F is a 30-day primate flight already planned and virtually ready to go, designed to determine the biological effects of weightlessness and cosmic radiation on a living specimen removed from the Earth's rotation. Cancellation of this project now would result in an unrecoverable loss of several millions of dollars.

In only one instance has our subcommittee proposed an increase in the original NASA budget request. This is for the program called Earth resources surveys. In my judgment, Mr. Chairman, it is the most important action that our committee took.

Specifically, we have added $10 million to the budget item of $14.1 million that was included in both the Johnson and Nixon programs for the Earth Resources Technological Satellite. Our purpose is to accelerate the development of this experimental satellite system which has as its objective the design, testing and ultimate operation of sophisticated sensor spacecraft in orbit around the earth.

An ERS system of this sort has potential benefits to mankind that can be tremendous in scope—and in our own time, our own generation. Started now, such a system can in a few years produce extremely valuable data for the discovery, inventory, management, and conservation of the natural resources of this planet. And then similarly it can record the changes that take place from year to year or season to season, in farm patterns, in forests, river basins, ocean currents, cloud cover, geography, geology and mineralogy. We already have an Earth Resources Survey Program Review Committee, chaired by NASA and including representation from interested user agencies such as the Department of Agriculture, the Department of the Interior, the Department of Commerce, and the Navy.

Mr. Chairman, it is time that we take more positive steps toward providing greater material benefits from our space expenditures to a wider cross-section of our population—benefits that are something more than those which accrue to industry, to universities, to research institutions and certain communities in the vicinity of NASA centers and aerospace plants. Those dollar benefits from such public expenditures are real enough, but they are not the end objective of the space program; rather, they are a necessary means to the end objective, which is the exploration of outer space.

On the other hand, the potential benefits of the earth resources satellites are of a different sort—they are end-result benefits of direct significance to farmers, fishermen, and engineers engaged in river basin planning; to the people involved in the harvest of timber and the exploitation of minerals; plus all those who are concerned with the location and development of highways, harbors, inland waterways, power transmission lines, airports, new cities, and parks. The list is almost endless.

These people are entitled to end-result benefits from our space program. Here is an opportunity to offer a large segment of our population something more than pride in our astronauts; something more than the inner satisfaction that we all feel for the accomplishments of the space flights to the Moon and the planets. Incidentally, it also is a way to expand the community of support for the next decade of missions in outer space, both manned and unmanned.

So, while the Earth resources survey is different, in that its objectives are strictly terrestrial, it is complementary rather than competitive with outer space exploration. And the Earth resources

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survey can hardly be called expensive. The authorizing legislation now before the House includes $35.1 million for this work, of which $24.1 million is designated for ERTS only. The ultimate cost of ERTS, including current and future funding, is estimated at less than $50 million.

I have taken this time to justify this budget item, not because I think the House will cut it or reject it, but rather because it is an appropriate occasion today to describe briefly to my honorable colleagues a new and modest space program that I am confident will yield tremendous dividends here on earth to a broad spectrum of our society.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

Mr. KARTH. Yes. I am glad to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I believe the gentleman will agree with me and with the gentleman from Ohio that we should go ahead with the manned space flight system in order to get low-cost transportation, which would be at 10 percent of the present cost. Next, I believe he will agree we should have a shuttle developed as well as a manned orbiting workshop with laboratories in it. We should also be able to check out life sciences in space. That we can only do with men, and possibly come up with new procedures. It has been suggested by Dr. Barnard, an eminent scientist from South Africa, that we might be able to get the answer to tissue transplants in this manner, as he believes tissue rejection can be overcome in space. Do you not think that those things should be equally emphasized?

Mr. KARTH. Yes. My answer to the gentleman from Pennsylvania is I feel very strongly the applications technology satellite programs are those which have not received the emphasis they should and are extremely important programs. Probably in the final analysis they hold a greater potential payoff for the taxpayers than any other single program or combination of programs. I do think that we need a well balanced overall manned and unmanned program, but I am inclined to agree with the gentleman from Ohio that in the past it has not been balanced as well as I would like to see it. I think, if the gentleman will permit me to say so, it is because the budget has been going down as opposed to reaching a reasonably decent level where the scientific and technological endeavors of the space agency could be reached and which, if they were reached, would provide a better balanced program.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield further?

Mr. KARTH. Yes.

Mr. FULTON of Pennsylvania. I would agree with the gentleman that the Earth resources program should be greatly emphasized both in the atmosphere and in space.

The benefits from space application are expected to be large—larger than originally believed, and certainly larger than the costs of achieving them. An extensive, coherent, and selective program will be required to achieve these benefits.

First, and of paramount importance, the possibility is that failure of any one launch in such a program can extend to as much as 3 years the interval between opportunities to obtain R. & D. results from space. While the situation can be ameliorated to some degree by increasing both the "experiments stockpile" and the booster stockpile to permit a "call-up" launch in the event of a launch failure, we are convinced that a substantial increase in the present schedule of test-bed satellite launches—to at least double—is required if many important space applications are to be achieved within the next decade.

Second, high-caliber scientists and engineers are not challenged by, or attracted to, a program the launch schedule of which can only be characterized as "leisurely." The kinds of scientists and engineers needed for space applications will be attracted by a vigorous program providing frequent opportunities to try new approaches in space, and by a program strongly supported by the Government.

The present space-applications program is too small by a factor of two or three, if measured in the light of the substantial opportunities that can be pursued effectively only if financial support is increased. Additional funding would permit expansion of the applications program, and would enable the Nation to proceed toward critically needed investments in preparation for future operational applications systems. NASA would be able to carry certain work through the space flight operational experimental phase, so that both the potentials and the problems of future systems could be thoroughly understood.

NASA should give greater emphasis in its future programs and activities to earth-satellite programs with promise of beneficial applications.

It should commit additional Federal funds to support, in certain applications, both an expanded research and development program and prototype operations that will test out the technical capabilities and benefit potentials of possible practical applications.

NASA should accept responsibility for organizing the required space-flight operational experiments in close cooperation with potential users, and for providing the necessary satellites and related ground equipments to execute this important phase in the development of space applications. Personnel from potential user agencies should be involved from the beginning in the planning and design of experimental programs.

Examining existing or suggested patterns for international space applications underscores the importance of institutional arrangements that can be adapted easily and rapidly to functional requirements as they evolve with the technology. Imaginative organizational and political innovation may be as crucial as technical innovation in this sphere, especially where national systems interface with international ones.

NASA, in cooperation with the Department of State, should continue to develop its international programs concerned with space applications, even in the face of budgetary problems, to ensure the development of a favorable climate for international acceptance and use of practical space applications, as they become technically feasible.

Business and industry in the United States will be involved in practical applications of space technology. The implementation of space-applications programs will require education and training of very large numbers of data interpreters and technicians, and a substantial number of high-level scientists and engineers. NASA and user agencies should cooperate with universities, technical schools, and industrial organizations in meeting this crucial manpower problem.

The list of ultimate users and recipients in space-applications programs is certain to be long and diverse. This situation presents special technical, social, and political problems in the couplings to and among users. Moreover, many proposed systems will not fit into existing patterns of governmental agencies and, hence, will present formidable management problems.

Studies should be made to identify clearly the interests and possible responsibilities of the various user agencies with the ultimate objective of creating appropriate, viable, and effective organizations capable of adopting and managing the new systems.

Support of sensor-signature R. & D. should be increased, as we are convinced that a modest investment in this area will generate great advances in our capability to evaluate the use of satellites for beneficial purposes.

In the near future, satellites can be flown with imaging sensors that can provide useful output data. A common approach involving forestry, agriculture, geography, hydrology, and possibly oceanography is feasible. Moreover, if a properly phased R. & D. effort could be started immediately, an operational system for overall earth-resources information seems realizable within a decade, if the results of R. & D. are favorable.

NASA should promptly initiate a pilot program to provide pictorial information in familiar and immediately usable form. This early system, which could be of global land use, would furnish much of the understanding required for future, more advanced systems.

Space applications are further advanced in meteorology than in other fields. The sensors, data use and interpretation, and organization are also ahead. There probably are few common features with other disciplines. Direct quantitative inputs for mathematical models are needed in the interests of numerical weather prediction. For this purpose, large, high-speed electronic computers are available, and several techniques for securing the data from geosynchronous as well as low-altitude, polar-orbiting satellites seem promising.

NASA should continue to support and expand its space-technology programs aimed at securing the quantitative, worldwide, general-circulation atmospheric information required by the meteorological community for mathematical models of the world weather system.

At present, more than 14,000 small data-collection platforms—for meteorol-

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ogy, oceanography, hydrology, and related disciplines—are operating around the world; the number is expected to reach 26,000 by 1975. Only restricted synoptic, real-time data-collection service from these data platforms now exists. It is important that all the data be collected on a timely schedule, and a satellite system is substantially less costly than the conventional means of doing so.

Broadcast by satellites is technically feasible from low-power satellites with large ground stations for transmission and/or rebroadcast, to high-power satellites with direct broadcast into homes.

Of all the uses, two seem so easy technically, so reasonable economically, and so potentially desirable that consideration of their implementation by the proper authorities would be a matter of high priority. One is a multichannel distribution system for the use of network television transmission for both the private and public sectors of the industry. The other is a multichannel system of the "teleclub" type for educational, instructional, and informational television for developing countries, as well as for those audiences sparsely spread throughthe United States, who require and need programing suited to their special interests—such as, physicians, lawyers, engineers, and educators.

A satellite system for navigation and traffic control over the North Atlantic would be likely to pay its way for shipping alone, provided all shipping were included. It would also provide for aircraft.

You can see there are gains to be achieved immediately. But I likewise feel that when we have a laboratory in a manned orbital workshop or space station the procedures must be geared to the development of new devices.

With the perspective of these varied values, NASA's program for the next two decades must make reasonable choices in emphasis and in specific projects among a wide variety of possibilities. Furthermore, planning for the time period 1975-85 requires a projection of the state of technology for that period. The major goals which involve manned flight, or a combination of manned and unmanned operations may be grouped in three categories:

First. Extensive exploration and initial colonization of the Moon.

Second. Exploration of Mars, or possibly other planets, including manned landings.

Third. The extensive use of orbiting stations for Earth applications, astronomy, and research in the natural and life sciences.

These three classes of possible goals have been considered broadly, with some concentration of attention on the significance of a reduction in cost of launches into space and on the possible uses of manned space stations. In connection with goals of the third class, two types of national orbiting facilities deserve consideration: space observatories and space laboratories. Both may be operated in conjunction with the same space stations.

Observatories would serve the space-oriented disciplines of astronomy and high energy cosmic ray physics, and the Earth-oriented disciplines of Earth sciences and resources, communication, and traffic control. For these disciplines, the unique advantages of a space observing platform, above the atmosphere and at a high vantage point above the Earth, are so compelling that it can only be a matter of time before man utilizes them heavily. Man's role in these operations will probably be most important in deploying, servicing, and repairing complex and versatile experimental equipment, and in assisting in early test and development of new systems.

Space laboratories would serve the life sciences—biomedicine and biology; high energy particle physics; the study of the physics and chemistry of matter in zero gravity; and work on the formation and processing of new materials possible only in zero gravity. The medical study of man himself in zero gravity is important in preparation for future roles of man in space; a manned space station will make possible, for the first time, prolonged and thorough studies of both man and other biological systems. Man as an experimenter in the physics and materials laboratories would play a role more similar to that in Earth laboratories than in the case of space observatories.

In general, a balanced space program is desired which not only reaps the returns of present capabilities, but also progresses steadily toward the much greater capabilities achievable in the future. The program must also be balanced in its use of manned and automated operations. The merits of each mode must be considered in the light of the particular objectives of the program involved, with the hope that plans can be laid for an integrated program which best uses all potentialities.

Recognizing that they must be somewhat tentative because of the abbreviated nature of this study, we nevertheless have drawn the following conclusions from our discussions:

The benefits to the Nation, both internal and international, dictate that the United States remain in the forefront of all major categories of space activity, including first, space sciences; second, exploration of the solar system; third, manned space flight capability; and fourth, economic applications of space flight.

It is reasonable to utilize one-half to 1 percent of the gross national product—$4 to $8 billion—to support this Nation's civilian space flight program.

Within the space flight program the following elements are of major importance and should be strongly supported:

First. An aggressive automated planetary exploration program as recommended by the Space Sciences Board of the National Academy of Sciences. Options must be kept open for a manned phase to follow the early automated phase.

Second. An economic applications program of the general nature recommended by the 1968 Summer Study on Space Applications carried out by the National Academy of Sciences.

Third. A continuation of lunar exploration following the Apollo landing as recommended by the Lunar and Planetary Missions Board of NASA.

Fourth. A vigorous program of astronomical observations in Earth orbit along the general lines recommended by the Astronomy Missions Board of NASA.

Fifth. The extension of manned space flight capability in Earth orbit to longer duration and to permit application for scientific and technological purposes.

Achievement of a manned low-cost transportation system is the keystone to the future development and large-scale practical application of the space program. Development of such a system and plans for its effective use deserve high priority.

The use of a long duration manned space station appears to be a logical step in the evolution of manned space flight capability. It offers considerable potential support to the scientific and technological programs which appear desirable in a number of disciplines, and is necessary as a precursor to eventual manned planetary exploration. Such a space station should be designed to support men in the weightless condition unless unexpected biomedical problems are encountered or overwhelming engineering advantages for artificial gravity are discovered.

It is generally agreed that strong arguments exist for placing observatories and laboratories in Earth orbit. Large, complex facilities and instruments for astronomy, Earth applications, space physics, life sciences, and new materials development all have interesting potentials, and all can profit from manned attendance. Relative emphasis among these activities, and the extent of manned attendance desirable in each, must be decided by appropriate studies and early experiments.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. ROUDEBUSH).

Mr. ROUDEBUSH. Mr. Chairman, I too rise in strong support of this authorization bill for NASA for fiscal year 1970, and I will say, Mr. Chairman, that I support the bill in the way we reported it from the committee, because in my opinion it represents a minimum program and in my opinion it is a well-rounded program.

Mr. Chairman, the National Aeronautics and Space Administration is now in its 11th year of existence. NASA was activated on October 1, 1958, with a nucleus of personnel from the National Advisory Committee for Aeronautics, its facilities, and personnel and space projects inherited from the Army and Navy.

We have watched the agency grow from its infancy to a mature, well-rounded organization of scientists, engineers, and technicians capable of tackling the most complex problems of space age technology. Starting with an in-house force of 9,000 in 1959, the NASA strength rose to its peak in 1967 of 35,000 personnel and is now tapering off to a level of 33,900 by the end of this fiscal year with a further reduction to 31,600 planned for fiscal year 1970.

We have watched the development of a tremendous industry work force numbering at its peak some 400,000 people which was used to apply previously developed aeronautical knowledge to space work and to expand the Nation's base of

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space competence. As projects such as Ranger, Lunar Orbiter, Surveyor, Mercury, and Gemini have been successfully completed, many of the aerospace industrial teams have been disbanded. By the end of this fiscal year the industry work force will have dwindled to approximately 200,000 personnel with a further dismantlement of this competence in the offing for fiscal year 1970.

The Nation's major space "firsts" now number 41 as compared to 27 by the Soviet Union. Of 255 NASA launches to date 211 have been deemed successful, which represents a very respectable launch success rate of about 83 percent. This record excludes thousands of sounding rockets launched successfully to expand our scientific and technological knowledge of space phenomenon necessary to the successful accomplishment of other major programs.

We can justly point with pride at this Nation's achievements in space. But our successes have not come cheaply. Since the inception of the space program, 11 budget requests have been submitted by the President aggregating $38.5 billion. The Congress, in its judgment, has cut $2.1 billion from these requests, authorizing a total of $37.1 billion and appropriating $36.4 billion for the space effort.

Many people question the need for billions of dollars for space exploration when our needs on earth are so great. I, for one, am a strong supporter of the space program and despite the seemingly staggering sums that are required for space, consider that this Nation should maintain its space posture as best while we can at the same time take into consideration our needs on earth.

My support for a strong space effort is not based so much on the technological challenge that space exploration presents, but rather the benefits that accrue to mankind as a result thereof. Many fields have been stimulated by our space program, for the projects involve not only science and technology but also almost every form of ordinary business and professional activity. Computer technology, power conversion systems, structural and fabrication techniques as well as management systems, to cite a few fields, are benefiting as a result of our space efforts. There are new products and new processes, new companies and whole new industries which have been borne of the space age.

Mr. Chairman, H.R. 11271, the NASA Authorization Act for 1970 now before the House is, in my opinion, a minimal program which will maintain at least some of the momentum built up over these last 11 years. I say minimal because in my judgment it is far from optimum. The bill now under consideration will provide the National Aeronautics and Space Agency with new obligational authority in the amount of $3,966,377,000. This is almost $1 billion short of the amount considered necessary to move this Nation to a position of world leadership in space and aeronautics, according to the testimony received by the Committee on Science and Astronautics during its deliberations on the bill.

The budget guidelines issued by the previous administration were, in effect, that NASA should submit estimates for a minimum program for continuing ongoing programs, include only new starts considered absolutely essential, and wherever possible, defer new programs and leave the decisions to the new administration. Under these guidelines, NASA requested $4.2 billion, but also submitted an optional budget of $4.7 million as the optimum required to maintain world leadership in space. The Bureau of the Budget approved a program of only $3,760,527,000 in new obligational authority, $1 billion short of the optimum and $0.5 billion short of the minimum program.

The new administration subsequently submitted an amended budget of $3,715,527,000 which was $45 million less than the original request. This year's authorization request is the smallest submitted by NASA since fiscal year 1962. The Committee on Science and Astronautics, after very careful scrutiny of the fiscal year 1970 requirements, which involved not only extensive hearings in Washington, but considerable field investigation, has added $250,850,000 to the overall request. This adjustment is a composite of additions in the amount of $270 million and reductions of $19,150,000.

Actually the bill before you now breaks down into three broad categories. For research and development $3,264,427,000; for construction of facilities, $58,200,000; and for research and program management—formerly called Administrative Operations—$643,750,000.

The research and development part of the request can be readily considered in four general categories which coincide basically with the program offices in NASA and with the subcommittee organization of our committee. These categories are: Manned space flight; space science and applications; advanced research and technology; and tracking and data acquisition. I would like to address myself generally to these areas.

As in past years, manned space flight activities continue to comprise the largest portion of the NASA budget. This program is basically designed to develop and demonstrate the capability of man in space both for operations and exploration.

It is in this segment of the budget that we find the fantastically successful Apollo program. The readiness of the Saturn V launch vehicle and the Apollo command and service module for lunar operations was demonstrated by the Apollo 8 mission in December 1968 and the readiness of the lunar module was demonstrated by Apollo 9 in March 1969. Just last month the final qualification of the lunar module in lunar orbit was demonstrated by the highly successful Apollo 10 Moon orbital mission. Hopefully, next month Apollo 11 will accomplish the Nation's objective of landing man on the Moon and returning him safely to Earth in this decade.

The fiscal year 1970 amended budget request was $1,691,100,000 for the Apollo program. The committee added $75.5 million to this program and is recommending an authorization for Apollo of $1,766,800,000. The adjustments to the program consist of an additional $32.1 million for Saturn V vehicle improvements in the basic Apollo program primarily to initiate the development of a simplified, improved and more economical version of the J-2 engine; an additional $4.6 million for scientific equipment and systems modifications necessary to institute a proposed series of six additional landings on the lunar surface beyond those presently planned; and $39 million more than requested for Apollo operations to assure that maximum safety measures are sustained in crew training, and launch and flight recovery operations for fiscal year 1970.

For space flight operations, the amended budget included $225,627,000. This program involves the application of the capabilities developed in the Gemini and Apollo programs to manned missions of increasing duration and complexity in the future. The committee is recommending a total new authorization of $354,827,000 for this line item.

The program focuses on the development of a manned space station system for flight in the mid-1970's. An initial series of manned orbital missions designated as "Apollo applications" is scheduled to begin in fiscal year 1972. This plan involves five launches using the Saturn I-B vehicle and the Apollo spacecraft modified to meet mission requirements.

The committee adjustment of $129,200,000 to this line item includes $66 million for the initiation of a program to develop a space shuttle system; $57 million to augment the amended budget for Apollo applications in order to avoid costly delays in flight schedule; and $6.2 million to reinstitute the Saturn V production lines at the Michoud assembly plant in Louisiana.

The advanced missions programs, which is the third category of manned space flight activities in the research and development field, is basically a study program to determine the direction of future manned space efforts. Long-range planning is absolutely essential to the promulgation of an orderly program of future space endeavors. The committee has approved the NASA request of $2.5 million for these purposes.

The next category of space expenditures in the field of research and development is that for space science and applications. For these purposes the President requested $517,800,000 for fiscal year 1970. The committee is recommending $524,400,000, which is $6.6 million more than requested.

The space science part of this program is broad based, concentrating on studies of the solar system, stars, and space environment. Planetary exploration will receive increased emphasis in 1970. The program includes analysis of data acquired from Mariner-Mars 1969 and the Pioneer series of spacecraft, preparation for the Mariner-Mars 1971, development of the Viking orbiter and lander spacecraft for the Mars 1973 opportunity, and continued development of the Pioneer spacecraft for investigations of the interplanetary medium as far out as the orbit of Jupiter. This program also includes research on Earth and its local environment through the use of balloons, sounding rockets, explorers, and orbiting geophysical observatories. Solar studies are carried out

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using the orbiting solar observatory. The orbiting astronomical observatory, explorers, and sounding rockets support a program of research in astronomy, including investigations in the optical, radio, X-ray and gamma ray regions of the spectrum. The bioscience program continues to investigate the effects of the space environment on living organisms and to study methods of increasing knowledge on the origin, nature, and distribution of life in the universe.

The applications part of this program is made up of activities for adapting space technology to the direct benefit of mankind. Tiros and Nimbus continue to support requirements of the atmospheric sciences research community and improvements in operational weather satellite systems. The development of a meteorological satellite for synchronous orbit is planned to begin in 1970. Applications technology satellites are being used to develop information and test techniques for new applications in the areas of communications, navigation, and traffic control. Geodetic satellites will continue to conduct measurements on a global basis. The Earth resources survey program will receive increased emphasis in fiscal year 1970 with the initiation of an Earth resources technology satellite to test remote sensing and data acquisition techniques.

The committee's action to add $6.6 million to the request for space science and applications represents a composite of additions and reductions. Two small scientific satelites, two small astronomical satellites, and the initiation of the Venus to Mercury planetary mission were deferred. The development work on the biosatellite F project was reinstated and $10 million was added to the space applications program to give further emphasis and impetus to the development of the Earth resources survey project.

The third general area of research and development is advanced research and technology. This is a continuing project aimed at providing a technical base for significant future aerospace missions. This effort covers the spectrum of activity from basic research to improving our fundamental scientific knowledge, through applied technology to improve our practical capability for developing advanced space and aeronautical systems. The specific areas of efforts in this program are basic research, space vehicles systems, electronics systems, human factor systems, space power and electric propulsion systems, nuclear rockets, chemical propulsion, and aeronautical vehicles.

The amended budget requested $277.4 million for these activities for fiscal year 1970. The committee has added $31.5 million resulting in a recommended authorization of $308.9 million. One of the most significant additions by the committee was the increase of the nuclear rocket program from $36.5 million to $50 million. This program has primarily to do with the development of the nuclear powered rocket engine, NERVA. In reviewing the NASA request for this item, the committee is urging NASA to proceed with the NERVA engine development at a somewhat faster pace than proposed by the budget submission. Another significant adjustment was the addition of $3 million to continue technical improvements in the 260-inch solid rocket motor.

The next category in the research and development program is the tracking and data acquisition effort which provides the support required by the space flight programs. As in the current year, the largest part of the fiscal year 1970 request is for the operation of the worldwide network of tracking and data acquisition facilities.

NASA had originally requested $298 million for these purposes and the committee reduced the request by $5 million. The amended budget included only $278 million for these purposes and consequently the committee action is $15 million above the amended budget request.

The second broad category of requirements for fiscal year 1970 is the construction of facilities program. The NASA request for fiscal year 1970 was $58.2 million and the committee has approved the request as submitted. I should point out to my colleagues that the majority of the facilities required in support of the space program have been completed. The capital value of NASA's plants at the present time is approximately $4.4 billion. Most of the annual requests for the last 2 years have been basically for capital plant improvements rather than for new facilities. Our estimate is that the construction program from here on out will be at about the level being requested for fiscal year 1970.

Just a brief word about the research and program management part of the bill now before the House. This element of the annual request basically provides the funds for compensation of personnel and related benefits and the general housekeeping activities of 18 field centers. It is interesting to note that over 71 percent of the request is for personnel compensation and benefits for the 31,600 personnel on the NASA rolls. About 70 percent are scientists, engineers, and technicians doing research, development and test work. The remaining 30 percent provide professional, administrative, and clerical support to the research and development program.

For fiscal year 1970, NASA requested $650,900,000 to cover these costs. The committee has reduced this request by $7,150,000 and is recommending authorization in the amount of $643,750,000.

Mr. Chairman, I fully realize that it is difficult to even consider the addition of over $250 million to the President's request for space at a time when there are so many other critical demands on our national resources. However, based on our most careful review of space activities for 1970 and the future, I am convinced that we must do this if our Nation is to maintain any semblance of leadership in space. I recommend the passage of H.R. 11271 which would authorize appropriations in the amount of $3,966,377,000 for NASA in fiscal year 1970.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BELL).

Mr. BELL of California. Mr. Chairman, in considering the NASA authorization today, it might be valuable to reflect on the many benefits which have accrued to our Nation and its citizens because of our journey to the frontiers of space.

Domestically and internationally, space exploration inspires social progress and economic growth.

It stimulates international cooperation and creates new opportunities, new wealth, new jobs, and the expansion of international markets.

The energizing force of the space program is a seedbed for invention, a stimulus to higher productivity and a taskmaster for precision and reliability.

Even aside from the direct goals of space exploration, our Nation has reaped many indirect benefits.

Advances in aeronautical technology stemming from NASA research give promise of reducing noise pollution caused by the sonic boom.

Other research is progressing toward perfection of vertical and short takeoff aircraft, improving prospects for transportation between crowded cities.

The Earth resources satellite will help us to manage our limited supplies of fresh air, clean water, and mineral reserves.

It will speed the coming of the day when we can tap the wealth of the oceans, examine the totality of how the weather affects the oceans, how the oceans affect the weather, and how both are affected by change in the Sun's radiation.

Nimbus III, a new weather satellite, has demonstrated the possibility of providing the detailed information needed for accurate, long-range weather forecasts which can save billions of dollars per year.

The Communications Satellite Corporation is now operating at a profit, indicating that this benefit of space flight is here to stay.

Space requirements have been a principal stimulus to the computer industry which now grosses $20 billion per year and provides 800,000 jobs—more than 1 out of every 100 in the United States.

More than 2,750 technological advances have been shared with industry through the NASA technology utilization program.

These include medical applications, power conversion systems, structural and fabrication techniques, improvements in metallurgy, television and other electronic equipment, new lubricants, better insulation, welding and galvanizing methods, fireproof materials, and safety measures.

Of special benefit is the technology of perfection developed to meet the demands of space flight.

Of the 15 million parts in the Saturn V launch vehicle, only five experienced noncritical failures in the Apollo 8 mission last December.

This performance is 99.9999 percent perfect.

If such perfection can be achieved in space flight, it can also be achieved in all other realms of human endeavor.

It is an inspiration to excellence.

It is a convincing demonstration that the most complex of problems can be approached and overcome by systematic commitment to specific goals.

Mr. Chairman, the fruits of the space program have far exceeded early expectations.

In July we hope to witness the landing of the first man on the Moon.

We have learned many lessons during these years, some of them too expensive to be repeated.

Principal among these is that we cannot fail to continue a well-balanced space effort.

The realities of the future demand nothing less.

Such a level is reflected in the authorization bill before us, and I would urge my colleagues to support it.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Pettis).

Mr. PETTIS. Mr. Chairman, I rise in support of H.R. 11271, the NASA authorization bill, for fiscal year 1970.

I support this bill because I am convinced that a vigorous national space program has great potential for improving the quality of our lives here on earth.

Many people think of space exploration as an exciting adventure which has little, if anything, to do with the welfare of mankind. There are a good many who wonder if our expenditures for space are justified, and whether the funds might not be better spent for other needs which seem nearer at hand, and more urgent.

For this reason, I think it is important to recognize some of the practical contributions which our space program has made, and will make in the future.

Mr. Chairman, in this regard I want to mention one part of the unmanned program which I consider to be most significant—the so-called applications satellite projects. These include satellite systems for communications, meteorology, and navigation, among others. These are the space systems which bear a direct relationship to the Nation's economy and which can make immediate contributions toward solving some of our more pressing problems.

NASA can point with understandable pride to steady progress, highly worthwhile accomplishments, and the attainment of many objectives. Communications satellites are now in daily operational use, both by the military and by commercial communications carriers.

Most of you already have seen the results of communication by satellites on your own television sets. Broadcasts originating from abroad have been brought into millions of American homes, and important overseas events have been witnessed by our citizens "live via satellite."

It is now possible to make a telephone call anywhere in the world using satellites, whereas only a few years ago many places were simply inaccessible.

More important, perhaps, is the potential that communications satellites have for the field of education. Direct broadcast satellites of the future could revolutionize the educational systems of every country in the world.

Closely related to this work in communications, research in navigation and traffic control techniques and equipment has already indicated that satellites can assist overocean aircraft and ships at sea to obtain more precise position information under all weather conditions and will some day aid in air-sea traffic control, and in coordination of emergency rescue operations.

NASA's meteorological satellite projects have been the most successful of all NASA programs. The United States has launched more than 20 meteorological satellites without a single spacecraft failure. Our weather satellites have been operational for 3 years, and our weather forecasters currently receive valuable data from satellites on a routine daily basis.

As meteorological satellite systems improve, there is every reason to believe that it will be possible to make accurate weather forecasts up to 2 weeks in advance, rather than just a few hours, which is the best we can do today. Among other things, better weather forecasting will help prevent food shortages by permitting better management of agriculture and reducing the risks of farming.

Even now, weather satellites enable us to monitor storms over great areas, and to give early warnings of severe weather conditions coming our way. The value of lives and property saved in this way cannot be calculated.

Perhaps the most exciting new project in space applications is the so-called Earth resources survey program. In cooperation with the Departments of Agriculture, Commerce, Interior and Navy, NASA is now designing a research satellite for surveying the World's natural resources from space.

Within the next few years we should have operational satellites capable of measuring, describing, and understanding our environment, our natural and cultural resources.

For example, healthy crops and trees can be distinguished from diseased and infected ones using sophisticated sensors in such satellites. Early detection of plant disease over wide areas of farmland and forest will make it possible to save millions of dollars worth of crops and timber every year.

Geologists believe that an earth resources satellite system will assist them in petroleum and mineral exploration, as well as in scientific investigation of the earth.

In addition, such a satellite will be very helpful in the management of our water resources. Patterns and rates of melting snow can be monitored by satellite over wide areas. Predictions of spring runoff can, therefore, be made more accurately so that the impounding and release of water in reservoirs can be better managed. In that way, seasonal flooding, irrigation and power production can be brought under better control. This can mean tremendous savings in the prevention of flood damage, increased crop yields, and electric power profits.

In short, a better understanding of the earth's resources, and their more thoughtful use and conservation, will come from our investment in the space program; an investment I am certain will prove to be worthwhile.

Mr. Chairman, in my humble opinion, this Congress has a great opportunity today to take another step toward the development of a nuclear-powered engine. This engine is already over the major hurdles and will contribute greatly to the peaceful uses of nuclear energy.

The technical feasibility of manned and unmanned probes to the outermost planets in the solar system and orbital laboratories has already been demonstrated. On the basis of gigantic strides made by space technology during its first decade of existence, we can expect even more impressive accomplishments during the three remaining decades in this century. This claim is neither a boast nor a guess, because the NERVA nuclear-powered engine is already more than half-way along toward a flight-type model.

One variable could still affect the future of the U.S. space program: Will continuity of effort be maintained, so that the space program is able to chart a systematic and logical sequence of effort toward its long-range goals?

Continuity of effort, then, is essential to the overall success of our space effort. Because propulsion is the pacing item in the ongoing space program, it will be necessary to have a flight-type NERVA engine for application to the next generation of missions in the late 1970's, 1980's, and beyond.

Specific mission plans will have been generated by then, even though these missions are still being investigated and defined. Continuity of effort is particularly significant at this point in time because this is the crucial transitional period from conventional chemical rocket propulsion to nuclear propulsion. This transition represents a quantum-scale technological advance.

Availability of a nuclear-powered engine will release space science from the restrictions imposed by chemical propellants. Current technology has essentially brought the conventional solid and liquid propellants to their maximum stage of development. The most efficient of these chemically propelled engines are capable of a specific impulse of 400 and maximum burning durations of about 3 minutes.

Having extracted the maximum power from conventional propellants, aerospace engineers and scientists must now move ahead into the nuclear field of propulsion or restrict future development in accordance with the limitations imposed by the technology of the 1960's.

In contrast, the recently completed NERVA technology program has already demonstrated that a specific impulse of 800 and up is possible. Furthermore, the nuclear engine is capable of at least 60 minutes of firing time, in bursts of preselected duration.

This new reservoir of power will enable heavier payloads, faster trips, increased reliability, and improved flexibility in short- and long-range space program planning.

Another advantage of the NERVA engine is that it is completely compatible with the Saturn and Titan, and other large- and intermediate-class launch ve-

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hicles that have already been proven during earlier programs.

Mated to the lower stages of these conventional vehicles, NERVA extends the flight capabilities enormously. For example, the payload capability of the Saturn V will be doubled by replacing the current third stage with the nuclear engine.

The extended versatility provided by the NERVA engine is another way of describing the advantage of cost effectiveness. Anything a conventional vehicle can do, can be done better and more economically by using an upper stage NERVA. It is as though one of the major automobile manufacturing companies had developed an internal combustion engine that combined all the best qualities of a racing car and truck engine, and then provided the miles-per-gallon capability of the Volkswagen.

Aside from its application to deep space probes, the NERVA engine also has promising uses relative to satellites and orbital laboratories. Within a decade, space stations will be widely used to advance basic and applied research in many scientific disciplines: physics, astronomy, biology, communications, medicine, and meteorology, to name a few.

Space operations related to these sciences will undoubtedly require heavier payloads, greater maneuverability, velocity changes, and minimum costs. All of these criteria can be met by calling upon the unique characteristics of the nuclear-powered engine.

Reviewing past accomplishments and projecting forward to the ultimate nuclear rocket capability helps to underscore the need for continuity in the NERVA program.

Nearly 10 years of effort have already been expended, and the major milestone of completing the technology program was achieved in 1969. Continued effort is required to further improve organic and inorganic materials in the various components that are subjected to cryogenic and radioactive environments.

Additional effort is required in the design and demonstration of flight-type hardware. Then all of the components must be mated into a flight-type engine, and flight experience will be required to isolate anomalies that cannot be detected in ground testing.

Finally, experience that can be obtained only during actual missions will be required to bring the nuclear engine to its maximum potential of performance. Brought to its highest point of development, the NERVA engine is expected to be capable of the following: Specific impulse in the range of 875 to 900; several hours of firing duration; high reliability; mission flexibility; and reusability.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. Price).

Mr. PRICE of Texas. Mr. Chairman, I would like to speak a moment in behalf of this program. As a freshman member of the Science and Astronautics Committee and as a former jet pilot with approximately 5,000 hours of flying time, I appreciate the tremendous knowledge and insight that I have gained as a member of this committee as well as the great work of our distinguished chairman of the full committee, the minority leader, Mr. Fulton's articulate knowledgeable leadership, and the chairmen of the subcommittees who have held hearings on this bill. Of course, in our judgment, we feel that this bill as was reported out of the committee is reported at an appropriately funded level and that we should try to sustain this program.

Mr. Chairman, if there has been one bright spot in America this year, it has been our astronauts and the achievements which they have accomplished by offering their lives in the exploration of outer space. We have had riots, we have had problems, and we have had other disturbances. But I feel we must recognize the fact that the one bright spot has been our astronauts and the feats which they have accomplished.

So, I think to do anything less than what we have recommended here would be pulling our confidence from under our astronauts as they are about to set foot on another planet.

So, Mr. Chairman, for this reason I think we should show them that they have the confidence and support of the Congress in their endeavors.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I would like to compliment the distinguished gentleman from Texas (Mr. Price), a new member of our committee, upon his excellent statement and compliment him also upon his fine work on the committee. The gentleman from Texas has gone to the various installations. The background and experience which he possesses in this field has been invaluable to the work of the committee. His keen interest in the space activities of this Nation stand him in good stead with his colleagues on both sides of the aisle. We look forward to many valuable contributions from Mr. Price in the future formulation of space policy.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia (Mr. Hechler).

Mr. HECHLER of West Virginia. Mr. Chairman, advanced research and technology forms a great reservoir which will determine the strength and the future of the space program. We are authorizing close to $800 million in advanced research and technology—in tracking and data acquisition, and technology utilization. These are areas which will determine the kind of a space program we will have in the 1970's and in the 1980's.

Mr. Chairman, I would also like to point out that the agency for which we are authorizing this money is named the National Aeronautics and Space Administration. We must never forget that the authorization goes for aeronautics as well as space. The subcommittee and the full committee has through the years been putting increasing stress, and has urged NASA itself to put increasing stress on the development of aeronautics.

This weekend I had a conversation with the first man to break the sound barrier, Col. Charles (Chuck) Yeager, one of the most renowned citizens of the State of West Virginia. He made a pioneer flight on October 14, 1947, when he became the first man to fly faster than the speed of sound.

Colonel Yeager pointed out that we are in danger of drying up the reservoir of advanced research in aeronautics, unless we can put the type of emphasis which we put on the development on aeronautics at the time when the old NACA was in operation. At that time, by the kind of research we developed, we made America preeminent in the world in aeronautics.

I hope we can put additional stress on aeronautics in considering this space authorization because I believe that this is an area where the payoff is very great. And unless we continue to advance forward this cutting edge, America will lose its preeminence in the world of aeronautics.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Podell).

Mr. PODELL. Mr. Chairman, I would like to rise at this time to express my support for the program and for the wonderful work done in technology in the space program that has been done under guidance of our distinguished chairman, the gentleman from California. Under his direction we of the committee have made a thorough investigation of the various facets of our space program today.

I would like to talk for a moment perhaps not on the importance of going to the Moon, which I feel is important, yet places an unreal aspect on the work of the space program. I believe the technological advances that have improved the very fabric of our society are even more important, things that we have accomplished as a result of our efforts up to today. Today there are over 2,500 new technological products that have been brought about because of our work in the space program, creating new industries, creating new jobs; for example, the computer industry, which is a direct result of the working of the space program which is today a $20 billion industry in America employing some 800,000 people. That is approximately 1 percent of the total working force of America.

Satellite development: The need for global communication and weather observation, has brought us all immediate benefits. Not to forget TV viewing for those who wish to watch TV.

Weather watch and early warning systems for natural weather disasters have saved innumerable lives. An example of this is, as many of us will recall, recently when the early warning satellite predicted Hurricane Carla, and permitted the evacuation in Galveston and parts of Louisiana of some 500,000 people, thus saving countless numbers of lives.

To those of us who talk of austerity, I say—try and put that in terms of dollars and cents.

Then in the field of communications systems, there is the development of the miniature TV camera, in size 4 inches by 3 inches by 2 inches, and which weighs

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just over 1 pound, which will soon be of benefit in police work and be used by firemen and be used in the medical field and so on.

In the medical field the advances and achievements are truly outstanding. As a result of the necessity of measuring physical reactions on behalf of the astronauts thousands of miles away has brought about the development of ingenious medical instruments.

There has been the development of new sensors which can detect cancer.

There has been the development of an oscillometer which can detect life in a seemingly dead person so that no longer will it happen as has happened where an individual who was apparently dead and then buried when, in fact, he was still alive.

The astronaut helmet has been adapted for the treatment of asthmatic children.

The lunar walker has been adapted for paraplegics and other crippled people so that they can move more easily in the street and for climbing stairs and so on.

There are delicate sensors which can now detect Parkinson's disease and monitor the health of other medical patients in their homes.

Then there is a "space blanket" which fits into a shirt pocket and which provides sportsmen with warmth and comfort outdoors.

There are new heat-resistant paints that will change the entire system of painting in our own homes so that no longer will paint crack and peel in a couple of years, but instead will remain for years and years and years, saving many millions of dollars to homeowners who, of course, are using paints of various kinds.

For those Members who may be chubby perhaps as I am, there is the development of the new teflon pans which permits you to fry your eggs without butter.

These are just but a few of the thousands of technological improvements that have improved the fabric of our existence.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. Is the gentleman saying that all these things have been brought about through the space program?

Mr. PODELL. That is correct.

Mr. GROSS. Is the gentleman saying that all the medical advancement and research has been brought about through the space program?

Mr. PODELL. All of the things that I mentioned a moment ago have been brought about as a result of new technology and developments as a result of the space program.

Mr. GROSS. Then do you suppose we ought to cut down on the NIH and scores of other similar programs? This Government has a $370 billion national debt and only yesterday the prime interest rate was increased to 8½ percent.

The goose is not hanging high and everything is not lovely in this country in spite of all the wonderful things that have been done, and I just do not find it possible to credit all these discoveries to the space program.

Mr. PODELL. Let me suggest that I certainly agree with the gentleman's concern about this increase to 8½ percent on the prime interest rate, which is going to prevent many middle-class citizens from applying for loans.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLER of California. Mr. Chairman, I yield to the gentleman from New York (Mr. PODELL) 1 additional minute.

Mr. PODELL. Mr. Chairman, I would like to emphasize this to the gentleman from Iowa, that the space program has only been in its infancy so far as the development of new technological improvements is concerned, and I am sure, they will extend even further.

Mr. Chairman, these are some of the reasons I support the program fully.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Chairman, I rise in support of this bill. Even though I am a new member of the committee, I may have a little extra perspective on space as I represent a district which is heavily involved in the space program.

Let me say, I think the space program, just as any other program before Congress, must stand on its own merits regardless of whose district it is in.

I think we must view this program as part of our national requirements and ascertain what place it has in our national priorities. To turn our backs today from the space program when we are about to land on the Moon; to turn our backs from the investment this country has made to date; to turn from the scientific knowledge that we have gained; to destroy the scientific and engineering teams we have put together, would certainly be wasteful and foolish, and not in our national interests. We are today on the brink of great dividends being returned from the space program. It would be foolhardy, I think, for me or for anybody else to stand here and predict exactly what returns will come from the space program. I believe it was in 1934 or 1935 when a report was filed in Congress about future scientific progress. Radar, computers and Moon rockets were not included.

I think we can say, however, that the space program has given us great benefits, not only in terms of national interest and national prestige, but benefits right here on Earth. There is no reason to expect any less in the future. We are not shooting money up in the air. This money is being spent on Earth, and the benefits are being derived on Earth.

What dollar value do you put on helping a child who cannot hear, hear again? What dollar value would anybody put on the potential of a cure for cancer? There is not a dollar value. We are spending less than 2 percent of our national budget and 1 percent of our gross national product on the space program. The space industry provides jobs to industries employing over 200,000 people here on Earth.

Let me illustrate the spinoff from the space program mentioned earlier which has benefited us on Earth.

They include such items as a new electromagnetic hammer which allows you to smooth and shape metal without weakening it. This new tool is being used in shipbuilding, the automobile industry and in aircraft factories.

Studies at the Langley Research Center in Virginia on the causes of airplane accidents on wet runways have led to safer designs for highway and airport runway surfaces and have already saved millions of dollars and many lives by reducing the number of rainy day accidents. Fifteen major airports have already modified runways and 25 States are experimenting with treacherous sections of highways based on the new knowledge. For example, in California, five heavily traveled test strips were grooved. Before this grooving, there were 124 accidents. After the grooving, there were only eight accidents during a similar length of time. An unusual tough coating which has been developed for spacecraft is the basis of a new long-wearing paint which was developed for consumer use. Approximately 25 companies are now producing this paint.

In the area of medical research, the same technique using digital computers to enlarge or clear up photographs of the moon are being used to clarify medical and biological X-rays. A wheelless wheelchair for crippled children has resulted from the proposed moon explorer. An astronaut's helmet has become a respirometer for young children. Even in the area of cancer research, a scientist engaged in basic research into the effects of space radiation and body cells has discovered intercellular linkages which may help in understanding the behavior of certain types of cancer. This discovery is serving as a basis for further study by scientists to determine if these cell bridges exist in, and possibly constitute, the basic cause of uncontrolled proliferation in many types of human cancer.

The company which develops instruments for spacecraft is researching electronic sight-aid for the blind. They have also developed a small electronic sensing device, an integral part of a spacecraft, for restoration of hearing to the deaf by surgical implantation. Eye surgery with a pinpoint of intense light from a laser has been accomplished successfully and indicates that the laser can be used in eye tumor removal, retina welding and brain surgery. What dollar value can be put on the saving of human life? What monetary figure can be put on restoring the hearing of a deaf child?

Many of these important advances have not been given sufficient publicity. Knowledge of them may possibly affect those who feel that there have been no real benefits from the space program.

There are many more examples of benefits both direct and indirect from the space program. The real question before us is whether or not we are going to cut the budget on this program and in effect take this country out of the space business. I think it would be tragic at this time to cut back a program which has accomplished so much, and which has such vast potential to man in space and

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also to man in his environment on Earth.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I would like to compliment the gentleman, one of the new members on the committee, particularly for his devoted and dedicated attention to duty. This is not an easy committee to serve on. Many technicalities and many technical programs are involved, as well as questions involving interrelation between programs on which judgment must be exercised. So far the gentleman has demonstrated real judgment and has been impartial on the space program. So I would like to compliment him especially.

Mr. FREY. I thank the gentleman.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Koch).

Mr. KOCH. Mr. Chairman, this bill authorizes $204.9 million more for the Office of Manned Space Flight than was requested by the administration. The amendments I will offer would reduce the amount authorized for the Apollo program, and for space flight operations to the original request of the President.

Manned space flight is by far the most expensive part of the national space program. It is also important to understand that there are two agencies of the government now making large-scale expenditures for manned space flight operations. On the one hand, there is NASA with its Apollo program and the proposed manned flights to follow the initial lunar landing. On the other hand, the Air Force has had its manned orbiting laboratory (MOL), which was canceled today.

As I pointed out in my additional views which appear on page 167 of the report which accompanies the bill under consideration, it seems to me at least unwise, and at most outrageous, for Congress to increase these enormous expenditures for manned space flight in the light of the urgent economic and social problems faced by people on earth.

I have had correspondence with officials of NASA in an attempt to determine the primary goals of the manned space flight program. Based upon this correspondence I have concluded that these problems are limited to determining the physiological and psychological effects of the space environment upon man, and assessing man's ability to perform in space. It seems equally clear that the scientific objectives of manned space flight are secondary and that in virtually every case, aside from medical and biological data, the scientific objectives of space exploration can be achieved more effectively and economically using automated spacecraft. Thus it appears that the greatest values which will be produced by our national space effort will be achieved using automated equipment.

For these reasons I strongly favor an increased effort in the relatively less expensive unmanned space program, costing one-fifth that of the manned program, and a reduced effort, in the future, in the extremely costly manned space flight program. For fiscal year 1970, however, I am prepared to support the request of the administration for the manned program.

Mr. Chairman, I rise also in support of an amendment which I will offer to strike out section 7 of the NASA authorization bill.

Section 7 is a new section added to the bill by the Science and Astronautics Committee, of which I am a member. It attempts to deal with the type of unrest and disorders which have occurred on a number of campuses of American colleges and universities.

I submit that the Science and Astronautics Committee is not the proper forum to consider such a statutory proposal. I submit further that if such legislation is deemed necessary it should be considered by appropriate committees of Congress, public hearings should be held in the traditional manner, and an attempt made to deal with the problem as a whole, not simply in connection with NASA's relations with colleges and universities.

As I said in my additional views in the report that accompanies the bill, on page 169, it seems quite irresponsible for a committee such as ours to attempt to deal with a subject such as this, in a piecemeal fashion, without benefit of hearings, and then to propose to the House of Representatives a statutory provision which is beyond the committee's proper jurisdiction.

Mr. MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri (Mr. Symington).

Mr. SYMINGTON. Mr. Chairman, I wish to say how much I appreciate the opportunity to serve on this committee—and participate in the hearings which produced the budget we review today. It would be presumptuous of a freshman Member to "commend," but certainly not to thank the chairman, and the chairmen of the three subcommittees for their courtesy and understanding in orienting the new Members to the demanding and complicated issues involved, not only in the space program per se, but in the relevance of its technology to life on earth.

In a time when some thoughtful persons perceive a conflict between space exploration and unfinished terrestrial business, I think the committee's opening panel hearings on "The Role of Technology in the Urban Crisis" demonstrated clearly that while looking out to the stars the committee has its feet on the ground.

The budget under discussion today—the smallest in years—has been pared down to the rough equivalent in financial costs of 2 months of our current military involvement. It is a minimal level, I should think, given the challenge that is ours as Frank Borman described as "envoys of man" seeking to learn enough about our universe, and the Earth's life-sustaining atmosphere, to judge correctly the likely long-term effects of the haphazard use of our growing powers, and guide ourselves accordingly.

The Departments of Agriculture, Interior and Commerce look forward to considerable savings occasioned by the penetrating findings of Earth resources satellites. Mining and fisheries to await with interest the unlocked secrets of mineral formations and the undersea life cycle once science is given this key to turn. If our own well-endowed agencies of Government welcome these improvements, think of their application to a more carefully constructed and efficient program to assist other countries to develop their own resources.

Lastly, we well remember Borman's report on this floor and his description of Earth seen from the Moon's edge as a little ball hanging in the stillness of space, and the sense of brotherhood and the need for brotherhood it gave. To translate the perception of a spaceman into more fervent efforts on Earth is not an unworthy challenge. We have witnessed an historic meeting of astronauts and cosmonauts and shared their humor. Why must such spirit be restricted to such brief encounters? Our encounter with the land that produced Chekhov and Titov must not be brief; it must be a lasting one. At least that is the vision we should keep before us, knowing that while a few reach for the Moon, millions still reach, as it were, for the Sun. If the nobler task for nations and governments is to see that the reach of the helpless does not exceed their grasp, reasonable men might some day agree on the point.

Meanwhile the cement of human curiosity and shared challenge can help bind a fragmented civilization and give it both the time and the techniques to heal its wounds. The world's warm reception to the men and the knowledge produced by our space program should encourage us to pursue it at the recommended level.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. Biaggi).

Mr. BIAGGI. Mr. Chairman, I thank the chairman.

I am delighted to associate myself with the remarks made by my colleagues, the gentleman from New York (Mr. Podell), and the gentleman from Missouri (Mr. Symington).

Like the gentleman from Missouri (Mr. Symington), I, too, am a member of that committee and am privileged to serve thereon. It has been a period of enlightenment for me. There is no doubt their approach and application is genuine, sincere, and broad, ever mindful of the needs of the people.

The question that comes to my mind in connection with some of the criticism is the thrust of priorities. Those who suggest that the money should be expended on the domestic level rather than on this effort are losing sight of the application of the technological spinoff of this program. This spinoff so clearly enunciated by Congressman Podell is only a promise of what the future holds to help alleviate the burdens of mankind. This program is part and parcel of a phenomenon in America today.

For the first time in my memory we are spending extraordinary sums of money in a peacetime effort, without the spilling of blood and without the needless sacrifice of lives. The Government is involving itself in a program which is producing benefits and hence a better way of life.

It has been said that the urban prob-

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lems can be better addressed as a result of the studies. The subcommittees on which I have served have clearly demonstrated this interest and have clearly illustrated this need, thus assuring me that the ultimate conclusion will be satisfactory as far as the total community is concerned.

This committee does not suffer from tunnel-vision. It carefully applies itself to the multifaceted problems of today. Surely, we think in terms of the dramatic, the manned space programs which are essential. However, now that we are about to achieve our objective, we find critics emerging from all portions of the Nation. This objective did not just happen. It was the result of genuine, sincere application on the part of the people in this program.

I cannot reiterate too emphatically, to those who suggest a question of priorities, that they should reappraise or at least examine the total picture and be more knowledgeable, for to cut any money at this time would be performing a disservice to a most noteworthy program and affect adversely the priorities of the domestic scene as well.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. Railsback).

Mr. RAILSBACK. Mr. Chairman, I should like to thank the gentleman from Pennsylvania for yielding. I should like at this point to ask the gentleman from New York (Mr. Koch) a couple of questions.

I also am concerned with section 7, which deals with, what appears to me to be, punitive provisions in respect to campus disorders and provides for permitting the administration to make a determination that some student has violated the rules or has been convicted of an offense, and then provides for funds to be cut off.

I should like to ask this: As I understand it, the gentleman will offer an amendment. Does the amendment contain two sections? Is this the second part? Is the portion relating to campus disorders the second part of the amendment?

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from New York.

Mr. KOCH. Yes; there are two separate amendments. One has to do with the appropriations and the other would strike the section the gentleman has referred to, section 7.

Mr. RAILSBACK. That being the case, I want to indicate my strong support for at least the second amendment that the gentleman intends to offer, because it has been my experience that the students feel very strongly they have no voice, first of all, and they feel that their antagonists are the administration. What we are doing here is saying, I think, that the administrators in their wisdom have the right to determine if a particular grievance which may be against the college administration has violated the university rules. Once that decision is made their funds can be cut off. I think this is wrong.

Mr. KOCH. Mr. Chairman, will the gentleman yield further?

Mr. RAILSBACK. I yield.

Mr. KOCH. I want to make it clear that support of this amendment has nothing to do with whether one is for doing something about student disruption or not. It is my contention that not every committee in the Congress should tack on an amendment to its authorization or appropriation bill, regulating the students on campus. If there is to be a Federal law controlling student activity on the campus—and I do not believe there should be because the Federal Government has no business playing schoolmaster with its funds—it should come out of a proper committee having such jurisdiction and after hearings are held, so that what we do is not done in haste. Unfortunately, I believe we are now going to see every committee of this Congress trying to deal with this problem of student unrest and disruption. In reacting this way, we are panicking and doing what some students are doing, not acting rationally and logically.

Mr. RAILSBACK. I believe there are already two sections that came out of an HEW bill relating to campus disorders. I am inclined to agree, if we start doing this piecemeal we will not do a good job, first, and second we run the risk of driving all the moderate students right over with the radicals.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. Cabell), a member of the committee.

Mr. CABELL. Mr. Chairman, I thank the distinguished chairman of the committee for yielding me this time.

I feel I would indeed be remiss if I did not attempt to correct the Record on one particular aspect of the authorization which is before us, as was enunciated by the distinguished gentleman from New York (Mr. Koch). Mr. Koch gave the implication that there is a duplication between the DOD and NASA with reference to our exploration and development of space and space technology. I would like for the Record to show that it has been announced this morning that the DOD has abandoned its manned orbiting laboratory which has engendered some criticism in the past with reference to a possible conflict between the two departments. I think it is significant for two very imporant reasons that this be brought to your attention today.

One reason is that this proves definitely America's space program is one which is intended for the development of space and space technology as well as survival in a space environment for peaceful purposes and peaceful purposes only. Therefore it is more important than ever that the full authorization as recommended by this committee for the Apollo applications program be retained in the authorization before you today.

I would also like to call your attention to the fact that the Russian space effort is entirely under the control of the Russian military. I do not think it should take a lot of time to give you the very serious implications to America of that fact. I also call your attention to the fact—and there is no use in being naive about it—that what we learn from space we can apply to peaceful processes without domination by the military. However, I am sure that if the need arises, we have sufficient intelligence and balance within our Department of Defense so that they can take what we learn in our peaceful exploration and use and adapt it if it becomes necessary. However, unless we develop our capabilities we will not have anything to turn back to.

I do urge that you keep this authorization as the bill outlines it before you.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I am delighted to yield to the gentleman from Florida.

Mr. FUQUA. I want to thank the gentleman from Texas, because I concur 100 percent in his statement. I think it is even more imperative that we recognize the fact, based on the decision made by the DOD today, that we should proceed with the Apollo applications program as the committee has recommended to Congress. It is very important in the light of what happened today and even more important than it was before.

Mr. Chairman, during this decade of the 1960's, the Apollo goal of landing men on the moon has served as the focus for a broad complex effort in the development of manned space flight. The Mercury and Gemini flights were forerunner programs providing the foundation for Apollo and beyond.

MANNED SPACE FLIGHT PROGRAMS

Mercury, Gemini, and Apollo—through Apollo 9—have provided nearly 4,000 man-hours of experience, including duration up to 14 days; guidance, rendezvous, docking, and lunar orbital flight; more than 13 man-hours of activity outside the spacecraft; precise reentry flight control, and a perfect record of safety in flight.

Early experiments in manned space flight were largely in the areas of equipment performance and in the functioning of man himself in the space environment. With the maturing of the program, experiments were conducted in other areas. The spectacular photographs from Gemini flights from Mars are perhaps the best known. Pictures stimulated considerable interest in earth resources, for example, and a more advanced experience in this area was conducted on Apollo 9.

Beginning with Apollo lunar surface exploration, and the Apollo applications orbital workshop and solar astronomy experiments, manned capabilities for scientific and applications purposes will be used even more extensively. Results of these missions will permit a more detailed assessment of man's role in space. For actual exploration on the moon, the advantage of having men on the job was obvious.

ASTRONOMY

For the solar astronomy experiments, a number of major astronomical instruments will be needed. These will perform the detailed observations required over a broad range of the electromagnetic spectrum. Various large instruments are required for the X-ray optical, and radio wavelength regions, as well as unique instruments for solar observations.

The potential roles of man in such experimentation fall into five general cate-

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gories. These are: first, to maintain, repair, and replace faulty subsystems; second, to update, modify, and replace subsystems; third, to deploy the initial structure; fourth, to aline and calibrate; and fifth, to operate instruments as a scientist-astronaut.

Of course, astronomical observations in space can be conducted without man. However, when we are dealing with large, complex, and hopefully long-lived telescopes, we are faced with an economic decision as to whether man should maintain and update the instrument in space. Instruments such as the long focus solar telescope appear more feasible if manned deployment and adjustment are available.

EARTH SCIENCES AND APPLICATIONS

Other programs for earth sciences and applications call for observation of the Earth. These observations will be conducted in broad areas of the spectrum using both active and passive techniques. In the earth sensing area, the instrument requirements are in general an extension of earlier imagery, radiometry, and spectrometry capabilities, allowing higher spatial and spectral resolution and better vertical sounding discrimination. New instruments may of course be expected.

As in the case of astronomy, the roles of man—or of manned spacecraft—should be resolved by economic studies. There is little support for man as a scientific operator; most functions can be preprogramed or controlled from the ground. At the same time, it is admitted that a manned spacecraft should have windows and that the flight of an occasional scientific specialist should not be discouraged. However, obtaining applications data, whether experimental or operational, tends to be repetitive, prolonged, and peculiarly suited to automation.

In the applications area, there appears to be natural roles for man in the developmental phases of new instruments and in the proof of feasibility of measurement techniques. These are laboratory activities, where the man observes instrument performance and makes adjustments as required. Such functions are not particularly sensitive to geographic coverage, and need not be in the orbits of an operational system.

The role of man may be particularly pertinent when dealing with structures of great size or light materials, erectable only in zero gravity. This role of man is again a matter of economics; the Echo balloon and the 1,500-foot antenna span of the radio astronomy Explorer show that simple structures can be deployed automatically.

As in astronomy, man can contribute to the earth sciences and applications program by performing repairs, calibrations, alterations, and maintenance. For those instruments which are accessible to him—on a space station or via shuttle from space station or the earth—he can assure the quality of the data and extend the useful lifetime of sensors.

It is likely that the best observatory program is a combination of manned and unmanned stations. The decision on the proper combination should include consideration of economic factors. At this time we do not have sufficient data to make this tradeoff. However, appropriate studies and tests have been initiated to form a basis for such an evaluation.

Mr. CABELL. I thank the gentleman for his contribution to this very important subject.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I want to compliment and commend the gentleman for the statement that he has made. I believe he uses excellent judgment on the committee. With his previous administrative experience he has contributed a lot in making sure there is no duplication between the military and the peacetime space programs. Also he has paid a great deal of attention to the programs within NASA itself. On his trips with us we have checked through these various programs to see that they are being well run. I think he deserves a great deal of credit from this side.

Mr. CABELL. I thank the gentleman from Pennsylvania. I would like to commend the ranking minority member of the committee for his diligence and the amount of time that he gives to this important subject. I think the committee is better off for his membership on the committee.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. CASEY), a former member of the committee and one whom we are very proud to call an alumnus.

Mr. CASEY. Mr. Chairman, I want to thank the distinguished chairman of the House Committee on Science and Astronautics for yielding me this time. I did indeed have the pleasure of serving with this distinguished committee and I might say that I miss the excitement as well as the work and the education that I received while serving on that committee.

Mr. Chairman, I want to join in urging the House to approve this request for authorization and I want to reiterate what the gentleman who just preceded me in the well, the gentleman from Texas (Mr. CABELL), stated with reference to the need that it is more urgent now to give full authorization in funding to the NASA program, especially in view of the fact that the Department of Defense has canceled the manned orbiting laboratory program under their operation.

Now, one thing that I have been pleased to hear today is some of the Members expressing themselves as to the spin-off, if you want to call it that, by the application of the knowledge and the techniques and mechanics, if you will, that have been developed in the space program.

True, I want to say to the gentleman from Iowa, "The goose does not hang high." Sure, we are tight for money. I want to say to the other gentleman from New York (Mr. KOCH) who urges that more things be done for social benefits, I have never seen this House during the 11 years I have been here, and based upon my observations prior to that time, cancel out a program and use the money for another program. In other words, if they want to do it, they do it. They do not worry about whether they have cash on hand with which to do it.

So, I want to say to the gentleman that each of the programs that comes before this House stands on its own merit.

Mr. Chairman, we must stay abreast in our space program. We must show the leadership to our own constituencies because in my view we have short memories as everyone knows. We one day stand and applaud Frank Borman and his associates and others who make these tremendous flights, but 30 days later one does not hear much more about it. You know, I daresay thousands of times in the well of this House some Member in the past has said, "We cannot do this or we cannot do that any more than I can fly to the moon."

Mr. Chairman, that old expression is out the window now because you can fly to the moon. Why? Because President Kennedy said we were going to land a man on the moon in this decade and in spite of the accidents which we have had, in spite of the tragedy we had and the failures which we have had, this dedicated committee of the House and the dedicated committee in the other body as well as the dedicated men and women in both Government and industry have made that prediction come true and have made that challenge come true.

Mr. Chairman, are we going to throw this opportunity away? Are we going to show that we are through? We are just beginning. We need a manned orbiting laboratory, but in my opinion it should be under NASA. It should be a peaceful exploration. It should be a program in which we can invite other friendly countries to participate in the exploration of space.

In the spin-offs we have learned more in oceanography in several of these flights than we could gather within the span of 20 years using ships on the surface of the ocean.

Mr. Chairman, we have made advancements in medicine, as was pointed out by the gentleman from New York (Mr. PODELL) but not in cures. That is the work of the National Institute of Health, to find cures. But in technology you help the National Institute of Health in finding cures and in helping your hospitals at home in monitoring the patients with less personnel, and with more accuracy.

Mr. Chairman, we must never quit and be afraid to move ahead. I daresay—and I have said this before but will repeat it again—if Queen Isabella, after she pawned her jewelry to send Columbus on his adventurous trip to the New World had had to stand for reelection, she would have probably been beaten for taking that gamble.

And there were some so jealous that when Columbus came back he was jailed.

Let us show the strength and the fortitude and the leadership that we need to keep this country first in space, and in the peaceful use of space. We in this House are the ones who can show that leadership, and we in this House can take pride in what has gone on in our space program. Let us continue to give it our support.

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The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CHAPPELL. Mr. Chairman, I rise to support H.R. 11271. This bill, authorizing funds for research and development, construction of facilities, and research and program management and for other purposes for the National Aeronautics and Space Administration, amounts to $3,966,377,000 for the fiscal year 1970.

There is probably no finer peace program in the Nation. Aside from all its benefits to the military in the areas of communications, navigation and weather observation, its overflow benefits to our society has resulted in more than 2,750 technical innovations that are presently, or soon to be used in industry, medicine and other nonaerospace applications. NASA research has already resulted in sharper X-ray pictures, longer lasting paints, safer highways, smaller TV cameras and miniature medical instruments, just to mention a few of the benefits to the public.

This is the type of legislation, as compared to so many of our so-called giveaway programs, which we need to pass, for it is this type of program which encourages and assists man to help himself to develop new businesses and broaden his horizon for more financial benefits.

I urge the passage of the bill.

Mr. FASCELL. Mr. Chairman, this bill includes an addition in amount of $3 million for the large solid booster rocket development. This is an area where the committee voted to increase the authorization over the original fiscal year 1970 budget request. It is an area that the committee has followed very closely over the past years. They are very familiar with the facts involved. And over the past 4 years I have supported this uphill battle, to pursue the development of this 260-inch large solid rocket booster. We are convinced that this development is essential if we are to reduce the enormous costs of launching large payload weights into orbit, which surely we will be doing in the future. We have proved the correctness of this position by the progress that has been demonstrated.

We have not had a large first stage booster development since the Saturn V was initiated during the beginning of the space program. It is our intention to take advantage of newer materials and methods in producing this highly reliable and efficient booster. To do this, it is necessary that NASA be authorized an additional $3 million which we have included in this bill, restricting its use for this work only. In previous years I have been a strong supporter of research, particularly in the booster field. I have supported the 260-inch solid booster because of its inherent simplicity, reliability and potential major cost reduction in payload cast per pound in orbit. Additionally, the successful experiment to date has tended to bear out the expectations that I have just enumerated.

The next logical step in the program, after three successful one-half-length firings, is to bring the development to its final conclusion, that of firing a full-length test booster. The bill does not provide for this booster to be produced in quantity or to commit enormous sums for production facilities. I merely propose that the program be completed with sufficient component technology development—such that the device can be considered for a planned mission if required. This booster is now about 75 percent developed, and to fail to complete it at this time would only result in extensive start-up cost and additional expenses in a future search for this type of cheaper and simpler booster. We would also be failing to take advantage of prior year expenditures.

I should remind my colleagues that now is the time to place emphasis on our research program, particularly in the propulsion field, before we embark on our continuation space program. I need not remind you of the limitations to our early space program caused by a lack of propulsion power. The history of power generation devices is one of too little, too late, and a crash program to catch up that costs many times an orderly program of development. For these reasons I urge you to support the full amount, $28.1 million, recommended by the committee for this program.

Mr. BOGGS. Mr. Chairman, today we are considering H.R. 11271, authorizing funds for the National Aeronautics and Space Administration.

I am sure that all of us here today share a proper pride in the remarkable progress the National Aeronautics and Space Administration has made since its inception in October 1958. The scope of NASA's programs and the successes it has achieved have truly been testimony to outstanding management and leadership. I am sure that you are deeply impressed and excited by the results of the Apollo and unmanned space flight programs so far.

We have come a long way, to be sure. But it is a mere first step in the journey we have before us. In the years ahead the United States should explore space to the utmost of our ability. I hope we will be sending spacecraft to the outer reaches of the solar system, and perhaps some day beyond. American astronaut-scientists will soon probe the moon and possibly the planets. This will be a great investment for the American people. But the return to them will be far, far greater.

It has been said that people either progress through the willing and courageous acceptance of great challenges, or they stagnate and their society disintegrates through the rejection of reality. Nations are either dynamic and continue to grow, or they wither and die.

The need for a national space program and the energy it injects into a national society has been recognized by almost every nation on the earth. And the list is lengthening. Aside from ourselves and the Soviet Union, England, France, Germany, Italy, Canada, and even India, to name only a few, have space programs well underway. To be sure, theirs are much more modest than ours. They have nowhere near the resources available to invest that we have. Nevertheless, effective national space programs will give those nations a share in tomorrow's technology. It will give them the right of influence and decision in the future shaping and molding of world affairs.

For me, there is no question that the nations which fail to master the space technology that is within their capabilities will, in turn, fail to develop the technological knowledge necessary for the development of their people.

As far as the United States is concerned, it is vital that we achieve unquestioned superiority in every aspect of space exploration, because the advance that is inherent in the knowledge gained, in the security potential of operational capabilities, and in the economic value of applied technology derived from space research, is becoming more and more decisive.

Whether or not the whole vast effort is worth the cost is the basic question. The NASA program is costing us about one-half of 1 percent of our gross national product.

The Soviet Union spends much more on its space program in relation to its gross national product than we do. The motivation, I am sure, for the Soviet Union to undertake a national space program is not much different from ours in essence, but it sharply differs in emphasis.

Within their frame of political reference, it was vital that they impress the world that, under the Communist system, they had achieved a level of general technological achievement on a parity with ours. And there is no question that they momentarily succeeded with Sputnik I in convincing many people, especially in the undeveloped areas, that this was so.

What must be underscored here, at this point, is the return being made to the investors. As far as I know, the Soviet Government is returning little or no benefits to the Soviet citizen out of their space exploration. Their program is being paid for by the Russian people at the price of better and more houses to live in, better and less expensive shoes on their feet, and fully stocked food stores for them to shop in. The reverse is true here, as you well know. Not one American that I know of has gone without the things that he needs or wants solely because we have undertaken to explore space.

With us, the new knowledge we are gaining in space science and technology is producing in turn new materials, new processes, new techniques; testimony that our space program was the decision of our people and has been their collective investment. Likewise, the profit is theirs.

The list of benefits from space research is almost endless. The application of space sciences to the problems of people and society expands at a logarithmic rate. If nothing more, space science and the resultant applied technology are providing us with a means to create a better society, making possible healthier people, and the achievement of solutions to world problems that were the source of despair only a few years ago.

However, there is more to our space program than just profit. It is quite possible that the future of the world may well depend upon our accomplishments in this field. Our national security depends upon every sinew and fiber of our

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society. It depends utterly upon the knowledge of our people and their willingness to put that knowledge to work whenever necessary. Where space developments and capabilities are needed for our defense, they are as important to our society as are the most advanced arms and armament necessary for maintaining the superior strength of our Armed Forces.

We recognize the potential threat that lies with space operations. The use of space for hostile purposes holds grim possibilities which our leaders have thoroughly explored and evaluated. We have no choice but to develop the greatest capability in space to guard against any contingency and to prevent any nation from developing space technologies which we could not match or counter.

We would be foolish to assume or presume that we could, by sheer rationalization, select the specific knowledge we would need for our future security, or to decide that the cost of investigating any given area of national interest was too high. Hence the exploration of space as a national goal for security reasons is a motivation that carries with it a high priority.

There is no question that America must experience a rate of progress in every facet of its culture that is dynamic and questing. We must not cease growing. We must not cease to dare, to venture. Everything learned from space exploration thus far indicates that the discoverable knowledge awaiting those who will be able to examine the universe from outside the earth's atmosphere is beyond estimation. Surely we will find the answers to the origin of our solar system. our galaxy, and the forces that govern them.

Satellite telescopes now orbiting the earth have produced information about the universe in a few short days that we have been unable to acquire from the 200-inch giant telescope since its installation on Mount Palomar.

If our effort in the bioastronautics disciplines results in improving the health of our people through greater knowledge of human anatomy and life processes, that alone could provide one of the major justifications for the funds we are committing to space. If by sending men into space we can discover new and far-reaching scientific facts that can answer the problems of hunger and poverty in the less favored portions of our world, then that alone would be worth the price that we and other nations will pay.

No one can foresee what new things we must have, what energies we must mobilize, in order to insure our future survival as a nation and as a leading member of the world community.

It would be a fallacy for any nation to assume that through the sheer force of armed strength or through the pressures of overwhelming technological might it can dictate the ultimate destiny of men. We live in a world of change. Who can foresee the challenges that will affect us all?

Now, H.R. 11271 represents an outstanding effort on the part of the Committee on Science and Astronautics. Every facet of NASA's budget has been weighed and evaluated in relation to the overall space program. A casual reading of the committee report reveals very quickly the mature and well developed judgment the members of the committee exercised in their areas of responsibility.

These are times of critical decision in our national program of space exploration. This House has endorsed and supported the program for more than 10 years. Let us not fail to continue that support.

Mr. BARING. Mr. Chairman, around our Nation and the world we have vast testing and programing facilities dedicated to America's effort to achieve success in the exploration of outer space and, I am sure, someday in the future, due to our efforts today, we will be able to make good use of those usable elements which our astronauts and scientists find in space. We have committed billions of dollars to continue our research, development and exploration of space already and along these same lines we must continue this commitment.

I, therefore, Mr. Chairman, state my full support of H.R. 11271, the National Aeronautics and Space Administration Authorization Act of 1970.

Almost every Member in Congress has some space-connected program in his or her district which not only is helping build toward a better future for America but today, right here and right now, is supplying a major market for employment.

My State of Nevada is a prime example of what I have just cited. We have the exciting NERVA rocket program at our test site near Las Vegas which is successfully engrossed in testing nuclear reactors and engines for future space flights. As our scientists have pointed out, to quote from the bill:

> A nuclear stage would be capable of performing a wide variety of advanced space missions beyond the performance potential for chemical rockets.

And to continue in the bill—

> The advantages of nuclear propulsion over chemical propulsion results from its high payload performance, propulsion efficiency and versatility.

Our nuclear rocket program as advanced for fiscal year 1970 is set at $50 million—a part of the overall $3,264,427,000. I urge for approval by the House of Representatives to authorize appropriations to the National Aeronautics and Space Administration.

Mr. JONES of Alabama. Mr. Chairman, I wish to commend the distinguished chairman, Hon. GEORGE P. MILLER, and the members of the Committee on Science and Astronautics for bringing before us this bill and report which recognizes the need for our Nation to advance and take advantage of our investment and its many beneficial applications to more Earth-bound problems.

The committee has wisely increased the authorization for funds to reinstate production of the mighty Saturn V launch vehicles and other needs of the Apollo program and spaceflight operations.

In so preserving these essential programs, the committee has assured the most economical utilization of our space technology.

Reductions and curtailments would have meant forfeiture of that which could be realized and eventually higher costs when the magnificent NASA and space industry team had to be reassembled to start again on what must be our national commitment to move ahead in this area.

Our Nation, with such a small percentage of the world population, has achieved world leadership by riding the first waves of each new age.

In so doing, our citizens of the United States have realized a level of personal prosperity unequaled at any time in recorded history.

It was this idea which prompted the late President John F. Kennedy to advocate that the Nation "set sail on this new sea" not merely to be the first on the moon but to strengthen our national leadership in a new and adventuresome age.

The benefits of space technology for medical and biological sciences, communications, weather prediction and management, for industrial and research techniques, and for a world of day-to-day improvements is well documented. These benefits continue to increase and become more important to each of us.

It is our responsibility to assure that our space program does not become a political football, cashing in on the more tangible and immediate results at the expense of meaningful, long-term endeavors.

The committee's proposal before us today moves in the right direction of a worthwhile effort.

I urge support of full authorization as reported by the Committee on Science and Astronautics.

Mr. BURLISON of Missouri. Mr. Chairman, the House is considering H.R. 11271, the bill authorizing appropriations of approximately $4 billion for fiscal year 1970 for the National Aeronautics and Space Administration.

I have carefully studied the bill and the 178-page committee report which accompanies it. I have carefully listened to the extensive debate today.

Unfortunately, the committee report does not carefully delineate the difference between the request for funds in the President's budget and the amount here authorized. However, as can best be ascertained, the authorization in the bill is for somewhere in the neighborhood of a quarter of a billion dollars more than was requested by the administration.

After studying the report and hearing the debate above alluded too, I am unable to see justification for an authorization exceeding the request of the administration. In view of our crucial domestic needs in this country, we should be more circumspect in the expenditure of billions of dollars in space.

Nevertheless, in my judgment, the space program is necessary and our progress in that area is commendable.

Mr. Chairman, a rollcall vote cannot be obtained in the Committee of the Whole on the amendment to lower the authorization on the President's request therefore a record vote after the com-

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mittee rises cannot be had unless the amendment is agreed to.

On final passage before the House I will vote in favor of the legislation and have chosen to explain my vote as above set out.

Mr. WOLFF. Mr. Chairman, we are rapidly approaching the mission of Apollo 11 and if the previous successes in our space program are any indication an American will be walking on the moon next month. This is such an awesome undertaking that the reality of today is often confused with yesterday's fiction.

Yet we are on the threshold of what truly is man's greatest adventure.

We have come this far in our space program because of the impetus of one man—President John F. Kennedy. It was President Kennedy who, in his first months in office, committed the United States to a manned lunar landing "before this decade is out."

Now, Mr. Chairman, an important daily newspaper, Newsday, in an editorial on June 3, has come up with an excellent idea of how we might honor President Kennedy's memory in a way he would have appreciated. Newsday suggests, and I shall write to the Vice President and the administrator of NASA supporting this suggestion, that the spacecraft to be used in the Apollo 11 mission be commissioned "The John F. Kennedy."

The aforementioned Newsday editorial clearly explains the reasons behind this suggestion and I wish to include that editorial in the RECORD at this point:

[From the Newsday, June 3, 1969]

Now Is the Time To Take Longer Strides To Honor John F. Kennedy

In a special State of the Union message in May 1961, President John F. Kennedy challenged America to land a man on the moon and return him safely to earth "before this decade is out." There is every reason to believe his vision will be fulfilled before this summer is finished.

If we do succeed, John F. Kennedy, more than any other public figure, will have inspired our achievement. For he was the first President to make the exploration of space a national priority and the first to point us definitely toward the moon. Soon after he entered office he sharply increased the budget request for development of the large Saturn rocket booster; he began to assemble the manpower and scientific talent upon which success would depend; and he began to spell out his dream.

The U.S., he believed, achieved world leadership by riding the first waves of each new age—the industrial revolution, modern invention and nuclear power. He believed we should "set sail on this new sea" not merely to be the first on the moon but to strengthen our national leadership in a new and adventuresome age.

He saw, too, beyond the parochial national interest of space exploration and appealed to the Russians to cooperate in joint efforts. "The cold reaches of the universe," he said, "must not become the new arena of an even colder war." His hope was that we might not see space "governed by a hostile flag of conquest, but by a banner of freedom and peace . . . not . . . filled with weapons of mass destruction, but with instruments of knowledge and understanding . . . for the progress of all people."

The Kremlin turned a deaf ear to his pleas, but even today his aspirations are eloquent reminders of what the space venture may yet become.

Kennedy looked upon the landing of a man on the moon as one of the great human adventures of modern history. "No single space project in this period," he said, "will be more impressive to mankind or more important . . . (or) so difficult or expensive to accomplish." Controversy surrounded the project from the beginning. Critics labeled it a "science fiction stunt," or said it cost too much, or argued that other space projects were more important. Kennedy refused to retreat.

"In a very real sense," Kennedy declared, "it will not be one man going to the moon . . . it will be an entire nation. For all of us must work to put him there . . . This is not merely a race. Space is open to us now; and our eagerness to share its meaning is not governed by the efforts of others. We go into space because whatever mankind must undertake, free men must fully share."

Within two months, if all goes well, the first man will land on the moon, and as Kennedy predicted, millions of others will share their experience vicariously, even as we did in the thrilling ride of Apollo 8 around the moon at Christmas.

It seems fitting that the leadership of John F. Kennedy be recognized as the culmination of his vision is reached. He would have smiled wryly at all of the monuments which now bear his name, for he was a man who admired human deeds and the achievements of the spirit above steel and concrete. Newsday suggests, therefore, that the spacecraft which carries the astronauts to the first moon landing be commissioned "The John F. Kennedy."

Controversy still surrounds the need for a moon landing, but whatever the arguments, the nation is about to accomplish what Kennedy challenged us to do eight years ago. To those who say the risks of failure are large, the answer is that Kennedy would have understood—he was a man to whom risks were familiar.

An aircraft carrier of the U.S. Navy already bears his name. But even though he was a naval hero, Kennedy abhorred war. It would be appropriate for the first spacecraft to reach the moon, envisioned by Kennedy as a vessel of peace, also to be named in his honor.

Mr. PRICE of Texas. Mr. Chairman, we have all been awed and impressed with the marvels of manned space flight, with the seeming miracles which are being performed daily by the scientists and engineers of our space program. In a matter of several months we expect to set humans and manmade machines on the surface of the moon. Our successes in conquering space are indeed phenomenal.

If we are to draw a philosophical conclusion from these events, it is that there are no limits to the ability of purposeful, thoughtful men in tune with the facts of their environment. Indeed, the sky is no longer the limit.

Romantic and awesome as these visions are, as far as I am concerned they are not the primary benefits of the space program. Mining the moon or selling real estate there are not the objectives of the space program. We have already begun to realize the primary benefits of the space program in the form of spin-off discoveries, applications, and stimulation of the scientific mind. From communications, to manufacturing, to agriculture, to biomedicine—to name just a few fields—the impact of the space program is staggering. Even so we are only beginning to feel the effects of the growth of our knowledge. The macrocosm is teaching us about the microcosm.

My colleagues are aware, I am sure, of the technology utilization program started by the directors of the National Aeronautics and Space Administration. The purpose of the program is to watch for and report discoveries and applications which can be used in general industrial and commercial areas.

I think the general public is aware of the strides which have been made in metallurgy due to the impetus of the space program. The opportunity for commercial application of newly developed alloys such as corrosion-resistant titanium, or lighter weight aluminum, or high-strength stainless steels. Applications in the future of this new materials technology should not only make our lives easier, and living costs lighter, but increase our safety at the same time.

I have only to mention the computer and the tremendous advances in computer technology as a spinoff of the space program to fully justify our investment in the program. Refining, air traffic control, industrial process control, medical diagnosis, weather analysis, agriculture: computer applications as a result of the space program are too numerous to mention.

System engineering techniques—originally developed to assist in management of the Apollo program—is now being applied to such fields as medicine, law enforcement, transportation, and traffic problems, State water projects, and electrical power generating and distribution systems.

Space medicine has fathered enormous advances in various biomedical fields. Development of artificial organs and special heart-lung equipment which maintains the patient's life while these and other organs are being subjected to surgery are spinoff benefits of the space program.

Of great importance to the people of my area of the country are the benefits being derived which contribute to land and water conservation and to the development of more scientific approaches to agriculture. Satellites are being utilized to discover and map earth resources. We know that this technology puts us at the brink of great breakthroughs in geologic exploration, water conservation and utilization, forestry, agriculture, and transportation.

The moon is a first step for man. I expect we will reach even farther among the stars to know the universe. But in the final analysis it is ourselves and our immediate environment we are coming to know.

Mr. BELL of California. Mr. Chairman, the committee has fought for the continuation of the NERVA program from its inception to provide an important new propulsion capability in the years to come. Need I remind the House that we are fighting to preserve the impetus that now exists in the program and to insure that the funding level is consistent with an orderly, efficient development. We are not asking for unusually large sums that are normally associated with a development of this type. We are asking specifically for $13.5 million additional to carry out the following work:

First, to increase the fabrication and procurement of development components—specifically the long lead-time items needed for such an engine—and to provide greater assurance of meeting the present schedule of delivering a flight-ready engine in the latter half of the 1970's;

Second, to advance the procurement of a new exhaust duct and associated equipment required for the existing engine test stand in Nevada;

Third, to provide some increases in contractor technical staffing; and

Fourth, to accelerate stage system design concepts, analytical studies, and associated facility design leading toward the initiation of a stage development at a later date.

In fiscal year 1969 NASA failed to fund this program at the authorized level because of budget restrictions within the administration. Testimony revealed that the results of this reduction will add $30 million to the cost of the development. Also, there has been a reduction of the contractor engineering and scientific personnel which will result in a further cost penalty when the eventual rehiring of new personnel occurs. There will be a further reduction at the Nuclear Rocket Development Center in Nevada of about 50 percent of the testing personnel at the station. Furthermore, there will be no engine testing for the next 2 years. Although NASA did program $32 million in fiscal year 1969 for this program area, a reduction of the order which we are discussing has serious effects on the program.

Mr. Chairman, in view of the importance of this program to our space capability in the latter 1970's, it is urgent that we support this program at a level which will not cost more in the long run and extend the development time. The testimony that the committee has taken over the years has adequately shown the enormous improvement that this rocket provides over existing chemical systems. For most missions, the payload improvement is approximately 100 percent, and of course many more missions are possible that would be otherwise uneconomical by purely chemical means. Also, much more flexibility is inherent with this propulsion device over most chemical means. Therefore, the committee chose to increase the program to the $50 million level to prevent further deterioration of the progress and the special technical talent that has been assembled to carry out this work. I believe that the program has been improved by this addition and that the space effort will attain this desired capability sooner by providing the full amount.

Mr. Chairman, in summary this new propulsion capability will provide us with a true space transportation system—a "bus-type" it might well be called. It marks a significant departure from "riding ammunition" which is what we do today. This is not satisfactory for the long pull; we need an advanced propulsion system such as NERVA for the future.

In another advanced area, electric propulsion technology offers great potential for future missions. While all of the near-term deep space missions currently are planned to be conducted with chemical propulsion, eventually electric propulsion could be advantageously used instead for many of these missions. For example, the payload capability of most launch vehicles could be substantially increased with the use of solar electric propulsion for high energy missions. This means that modest-sized launch vehicles could carry out missions that otherwise would require much larger vehicles. For planetary orbiters, electric propulsion could reduce planet approach velocities, making it much easier to get into orbit.

Our experience to date—both flight and ground testing—confirms the potential advantages of electric propulsion in providing spacecraft operational flexibility, simplicity, increased payload or decreased trip time, or reduced spacecraft weight. All of these advantages are highly valuable. To achieve them and to avoid playing second fiddle to the Soviets we must move forward actively.

Mr. LUKENS. Mr. Chairman, in the last decade we have seen some wonderful things come to fruition through our national space effort. These were more than just spectacular pictures of the space phenomena—what they really represented were the results of the forward thrust of our science and technology. There is little doubt that we must maintain this forward thrust for the maintenance of our national and international well-being.

In many ways too numerous to mention here today, our life has been improved through the technology process of the space program. Nothing can match the vigorous outpouring of products, processes, ideas, hundreds of thousands of jobs, and the stimulus to our education system—these are representative of the many and diverse impacts of the space program on our way of life.

Now is the time to stand up for our space program. During the past several years it has been cut substantially time and again. I believe it has been cut to the bone and we should resist any other reductions. I strongly believe this is the psychological moment to encourage those who have been so instrumental in bringing about the remarkable achievements of the past 10 years in space, both in Government and industry. No other major program has suffered such a proportionately large reduction from its earlier levels. Few other programs are as valuable to maintaining the strength of our Nation.

Turning now to a specific area I would like to say that propulsion is one of the keys to progress. We are now using chemical rockets but they have limitations. We can now look forward to an exciting advance in propulsion that will enable us to continue our forward thrust into new regimes of technology and space exploration. This advancement is the nuclear rocket for space propulsion—NERVA. This new engine, a workhorse of the future, offers us many features that will provide greatly enhanced capability in the coming space program.

Fundamentally, nuclear propulsion makes large amounts of propulsive energy available for a variety of purposes. The benefits to be realized fall into several categories: First, extend the performance of launch vehicles now in existence; second, make feasible certain near Earth mission that would otherwise be impractical with chemical propulsion systems; and third, increase the potential for mission success due to special characteristics which can be brought into the system design. Most important, all of these benefits can be achieved through the development of one basic propulsion system. These factors lead to the prediction that the NERVA engine in a nuclear stage will become a workhorse propulsion system of the future space program, beginning in the late 1970's, and thereafter.

The earliest applications of the nuclear rockets in the advanced space programs are likely to be in lunar logistics, unmanned exploration of the solar system, and Earth-orbital operations. A nuclear stage, powered by a 75,000 pound thrust NERVA engine and incorporated as a third stage on a standard Saturn V launch vehicle, will approximately double the gross payload of the Saturn V. In terms of useful payload, the introduction of nuclear propulsion will turn marginal situations into effective, substantial capabilities.

Another class of missions involves a more sophisticated mode of orbital operations. Here, the nuclear rocket will be called upon to operate many times during the mission and could be reused after being resupplied with propellant. Included might be reusable interorbit ferries, plying between low orbit and synchronous or lunar orbit, and maneuvering satellites moving about extensively on demand. At the same time, the early development and flight use of nuclear rockets will form the foundation for more advanced missions. As these missions begin to crystallize, the requirements for higher payload, longer operating duration and reliability will be in constant demand. A nuclear stage powered by the NERVA engine can provide this performance and is the only advanced propulsion system now under development by the Nation on a schedule consistent with the other requirements imposed by these missions.

As a new propulsion system type, nuclear rockets can be expected to be used for decades and in ways we may not now contemplate. Space missions during this time period will make increasingly better use of advanced propulsion systems, and, concurrently, nuclear rocket performance will evolve toward ultimate capability. Thus, the near-term benefits of nuclear rocket development will be backed up by substantial longer-range benefits.

During testimony before the Congress, it became evident that the budget request submitted by the President provided for only a minimum program and that a modest increase in funds would allow for more efficient progress and enhance the possibility of earlier flight experience and use. We are thoroughly convinced of the importance of the nuclear rocket to our overall space program and give it our whole-hearted support.

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Because the nuclear rocket program, like other technical programs aimed at extending the frontiers of knowledge, provides for the needs of the future, it is frequently suggested that Congress defer the funding of such efforts and concentrate on the more immediate needs of our Nation. It is important to remember, however, that the nuclear rocket is a long-lead-time development, and work must proceed now if it is to be made available for missions of the late 1970's and 1980's. We must not ignore the vital role of an ever-advancing technology in keeping the Nation strong. A dynamic technology is a source of wealth, know-how and stimuli which are assets to be drawn upon in the solution to a variety of national problems. Its preservation at this time requires that we be farsighted enough to invest now in the advanced technologies which will become the capabilities of the future.

For reasons such as these I offered an amendment in committee to increase the nuclear rockets program by $13,500,000. I believe it highly important to sustain the program effort now underway to insure that we shall have this important national capability in future years.

Mr. RARICK. Mr. Chairman, I wholeheartedly support the amendment of the gentleman from Indiana (Mr. Roudebush). In these times of great confusion and little faith, the American people are entitled to this tribute for pride in accomplishment.

I can think of no more fitting words than "Place Our Flag on the Moon," an editorial by Don Carpenter which appeared in the Glendale Independent on June 4, which I would like to read into the Record:

> Gradually Americans are being turned against their national flag and what it stands for. In most cases, this has been so subtle that many Americans do not realize that it has been done. But watch the people near you at a parade; many do not know what to do when the flag passes or they feel self-conscious. The men often do not remove their hats, they do not stand, they don't even stop talking.
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> Or observe the number of flags displayed on a national holiday. Notice the number of homes or business houses that do not display the American Flag . . . And notice the almost belligerent apathy when the matter is broached by members of the American Legion, the Veterans of Foreign Wars, the Boy Scouts, Girl Scouts or some other organization that still take pride in patriotism.
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> Throughout history, veneration of a symbolic standard has been tradition. Men have died defending or carrying the banner they are pledged to defend. Flags have been planted in the soft sand of newly discovered lands, carried across trackless miles of ice, unfurled atop the loftiest mountains. They have become the most revered of "decorations" as they flutter above the graves of brave men, because of the deep meaning in a flag. In a small piece of colored cloth is embodied all of the history, the tradition, the honor of a nation, and all the courage and valor of the men who established that nation.
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> It is small wonder that when someone wants to insult a nation, the greatest insult is desecration of that nation's flag. It goes deeper than destruction of cloth—it involves an almost personal insult for every person who honors that flag. Small wonder the desecration of a flag stirs resentment. It is the ultimate insult; it is the extension of the failure to honor the flag by simply standing as it passes on parade.
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> Realizing that things do not simply happen—they are planned and programmed—let's consider an incredible conflict in the Congress, one that is receiving little attention in the nation's press:
>
> There is a rumor that the Flag of the United States of America may not accompany the astronauts when they fly to the Moon in the months ahead (except as painted on the side of their spacecraft). There is a persistent rumor also that the spider flag of the United Nations will be planted on the Moon by the American astronauts.
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> In the Congress, Congressman John Rarick has been seeking information on this matter and is "concerned over the reluctance of our space administration people to confirm or deny to our citizens that our astronauts on reaching the Moon may not be authorized to erect the U.S. flag. The solon notes that it is American technology, American tax dollars and American men who are involved. He asks that Old Glory be raised on the Moon and that it be flown first over the U.S. Capitol.
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> Seeking an answer to this important though simple question, Mr. Rarick receives words and sweeping generalities. He is told that the National Aeronautics and Space Administration (NASA) is "giving consideration" to what articles will be taken to the Moon to be left and those that will be brought back for permanent display on earth. The bulk of the reply is the usual mimeographed bureaucratic gibberish. Such as, "We appreciate knowing of your constituent's expression of concern and assure you that all viewpoints will be seriously considered before decisions are reached."
>
> The answer from NASA should be quick and positive: The American Flag will be carried to the Moon, and God willing, placed there by our astronauts. The proper time for the announcement would be June 14, National Flag Day and the final day of National Flag Week.

Mr. Carpenter's words express my sentiments and I feel the desires of the vast overwhelming numbers of our fellow countrymen.

We owe this vote to our people.

Mr. BINGHAM. Mr. Chairman, we have before us today another situation in which, after the amendment process has been completed, the legislation under consideration contains a number of unfortunate provisions as well as some necessary ones.

I support the amendment offered by my colleague from New York (Mr. Koch), to eliminate the additions to the amount authorized over and above the amount requested in both the Nixon and Johnson NASA budgets, and to eliminate the misguided attempt of the committee to use this legislation as a kind of club against students who participate in campus disturbances. With regard to the latter, I thoroughly agree with the gentlemen from Illinois (Mr. Railsback) when he said that this kind of legislation will tend to drive the moderate students into the camp of the radicals. Furthermore, I do not believe that we should commit ourselves to 10 manned moon explorations for purposes of reaping scientific evidence before we have achieved our first manned landing on the moon and before we determine in some preliminary way whether there appears to be enough of scientific interest on the moon to require 10 manned explorations.

I oppose the amendment offered by the gentleman from Indiana (Mr. Roudebush). I believe the matter of what flag or flags should be carried to the moon should have been left to the President's discretion. I would personally hope that the President would direct that a United Nations flag be planted on the moon along with the U.S. flag to symbolize our support of the United Nations, our recognition that the tremendous American achievements in outer space have been built on the discoveries of scientists of many nations, and to reaffirm our determination that the moon will not become an arena for conflict among nations.

Finally, I have grave doubts about the wisdom of even planning for explorations of Mars and other distant planets, which will assuredly cost billions of dollars, when we have so many unmet needs here at home which will require all the resources and commitment we can muster for many years to come.

However, despite these and other reservations, I have decided to vote in favor of this legislation. In doing so, I have been greatly influenced by the judgment of my friend and colleague from New York (Mr. Koch) who serves so ably on the Science and Astronautics Committee.

Another element in my decision to vote for this legislation is the fact that it does not prescribe any rigid time schedule for proposed future space operations and expenditures. The timing of such undertakings and expenditures—if they are to be made at all—will be decided later by the administration through its requests for appropriations which are, of course, subject to congressional review and action. My own view is that, so long as the present stringent lack of funds for badly needed domestic programs persists, there should be a drastic stretching out of the space program. We have responded to the challenge posed by early Soviet space achievements, and we have proved our capacity to overtake them in the race to the Moon. There is now considerably less urgency attached to our space efforts. With that in mind, I intend to devote careful attention, when they come before the House, to administration appropriations requests that will determine, in the final analysis, whether, and at what rate, we proceed with the program and related expenditures authorized by this legislation.

Mr. PICKLE. Mr. Chairman, the National Aeronautics and Space Administration constantly shows dramatic proof of progress. In the 11 years of NASA's existence, the United States has come from behind and now leads the world in space technology and space exploration—a far different aspect than when Sputnik was launched in 1957 while America merely watched.

I strongly support H.R. 11271.

Critics may assail the $3.2 billion authorization as exorbitant, but this is tunnel vision that is completely out of place in the void, limitless space. The research and development program does not benefit NASA alone. Already, we have used their technological know-how and breakthroughs in the field of medicine, our communications systems have become more sophisticated and streamlined, and our jobs have increased throughout related industries.

In reviewing the money needs for

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NASA it is easy to call the glamour names of the space industry—names like Lovell, Borman, Anders are justly revered in American history. They have taken us to new vistas and we are indebted for their skill and courage. In the glamour of a space shot, however, it is too often too easy to overlook the quiet people who make the program work. Men like Dr. Thomas Paine, Administrator, NASA; men like Dr. Kurt Debus, Director, John F. Kennedy Space Center in Florida; men like Dr. Robert Gilruth, Director, Manned Spacecraft Center in Houston; and the thousands and thousands of faceless scientists, researchers, technicians, and workers throughout the system—all of these deserve our praise.

In little more than a month, the United States will land men on the moon. Again, a nation will unite breathlessly from lift-off until the men and machinery have splashed down safely. In casting my vote for these appropriations, I am honored to have played a small part in this Nation's space efforts.

Mr. FULTON of Pennsylvania. Mr. Chairman, we have no further requests for time.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to myself.

Mr. Chairman, I take these 2 minutes to express to the Committee on Science and Astronautics my personal deep appreciation of the manner in which the members have conducted that committee, and also to pay my respects to the very efficient staff of that committee.

Mr. Chairman, this committee is now going on 10 years old, and at no time have politics entered into the picture, and at no time has it become factional.

Mr. Chairman, I particularly want to commend the gentleman from Texas (Mr. Teague), the gentleman from Minnesota (Mr. Karth), the gentleman from West Virginia (Mr. Hechler), and the gentleman from Connecticut (Mr. Daddario), and the chairmen of the subcommittees, on the excellent work that they have done.

Mr. Chairman, it has been an exceptionally great pleasure also to work with the Members on the other side of the aisle. There have been times when the distinguished gentleman from Pennsylvania (Mr. Fulton) and I have disagreed, but in the main we get along very well.

Mr. Chairman, I have no further requests for time.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding. I want to compliment the chairmen of the full committee, as well as the subcommittee chairmen and the ranking subcommittee minority members for their detailed work and attention to this program.

This is not the kind of a committee where large issues involving flaming emotions occur. This is a scientific program. In evaluating these major programs it takes quite a bit of judgment, and a good bit of homework. I want to say that I believe everybody on the committee did their homework.

Mr. MILLER of California. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Apollo, $1,766,800,000;

(2) Space flight operations, $354,827,000;

(3) Advanced missions, $2,500,000;

(4) Physics and astronomy, $112,600,000;

(5) Lunar and planetary exploration, $131,800,000;

(6) Bioscience, $27,400,000;

(7) Space applications, $138,400,000, of which $24,100,000 is to be used only for the Earth Resources Technology Satellite Project;

(8) Launch vehicle procurement, $114,200,000;

(9) Sustaining university program, $9,000,000;

(10) Space vehicle systems, $30,000,000;

(11) Electronics systems, $35,000,000;

(12) Human factor systems, $23,600,000;

(13) Basic research, $21,400,000;

(14) Space power and electric propulsion systems, $39,900,000;

(15) Nuclear rockets, $50,000,000, which is to be used only for the nuclear rockets program;

(16) Chemical propulsion, $28,100,000, of which $3,000,000 is to be used only for the two-hundred-and-sixty-inch large solid motor project;

(17) Aeronautical vehicles, $80,900,000;

(18) Tracking and data acquisition, $293,000,000; and

(19) Technology utilization, $5,000,000.

(b) For "Construction of facilities", including land acquisitions, as follows:

(1) Electronics Research Center, Cambridge, Massachusetts, $8,088,000;

(2) Goddard Space Flight Center, Greenbelt, Maryland, $670,000;

(3) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, $12,500,000;

(4) Langley Research Center, Hampton, Virginia, $4,767,000;

(5) Manned Spacecraft Center, Houston, Texas, $1,750,000;

(6) Wallops Station, Wallops Island, Virginia, $500,000;

(7) Various locations, $26,425,000; and

(8) Facility planning and design not otherwise provided, for, $3,500,000.

(c) For "Research and program management," $643,750,000.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

Sec. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Sec. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (8) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof, including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committe before the expiration of such period as transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 4. Notwithstanding any other provisions of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, either committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Sec. 6. No part of the funds authorized under this Act shall be used to provide payment, assistance, or services, in any form, to any person who is convicted by a court of competent jurisdiction of an act to overthrow the Government of the United States.

Sec. 7. If any institution of higher education determines, after affording notice and opportunity for hearing to an individual attending or employed by such institution—

(a) that such individual has, after the date of the enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution; or

(b) That such individual has been convicted in any Federal, State, or local court of competent jurisdiction of inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned;

then the institution shall deny any further payments to or for the benefit of such individual which (but for this section) would be due or payable to such individual and no part of any funds appropriated pursuant to this Act shall be available for the payment of any amount (as salary, as a loan or grant of any kind, or otherwise) to such individual.

Sec. 8. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1970".

Mr. FULTON of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, and that it be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Fulton of Pennsylvania: On page 5, after line 14, insert the following:

"(h) Notwithstanding any other provision of law, authorizations to the National Aeronautics and Space Administration, enacted for fiscal years 1967, 1968, and 1969, for which appropriations have not been made, totaling $327,070,000, are hereby cancelled, effective June 30, 1969, or the date of this Act, whichever is later."

Mr. MILLER of California. Mr. Chairman, I have discussed this with the ranking minority member and with the members on this side and we accept the amendment.

Mr. FULTON of Pennsylvania. I thank the gentleman.

May I just say this. This reduces the total authorization outstanding below the Nixon budget for the NASA space program as discussed in my remarks on the rule.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, what I want to get straight is this: Is the bill $250 million above the Nixon budget asking?

Mr. FULTON of Pennsylvania. May I give the gentleman the figures?

Mr. GROSS. Yes; but first I would like to observe that the report accompanying this bill does not give comparative figures.

Mr. FULTON of Pennsylvania. The Nixon budget, that is the amended budget, is $3,833,000,000. The committee actually reported out for the current authorization $3,966,377,000.

My amendment after cutting $327,070,000 from the existing authorization which could be used for appropriation reduces the total amount now outstanding and authorized for NASA by $193,693,000 below the Nixon budget. That is not taking into consideration the figure of $117,473,000 which was held back from appropriation expenditures in the act of 1968 under the expenditure control act.

Mr. GROSS. The gentleman from Washington (Mr. Pelly) in the report on page 172 says that this bill, as reported by the committee, is $250,850,000 in excess of the amount recommended by the new administration.

My question is, What does your amendment do toward eliminating that $250,850,000?

Mr. FULTON of Pennsylvania. You are talking of the current authorization for the fiscal year 1970. My amendment says that the previous authorization that is unused for the 1967 fiscal year and the 1968 fiscal year and the 1969 fiscal year will be canceled as of June 30, 1969. It does not affect the current authorization.

Mr. GROSS. With all due respect to the gentleman, I must say that that sounds like gobbledygook to me. Can I not get an answer to the question?

Mr. FULTON of Pennsylvania. I do not touch the current authorization by this amendment.

Mr. GROSS. Then the $250,850,000 is still in the authorization; is that correct?

Mr. FULTON of Pennsylvania. The current authorization of the committee is $250 million more than the Nixon amended budget.

Mr. GROSS. So, it is still there?

Mr. FULTON of Pennsylvania. That is the current authorization. But as to the total authorization outstanding, when you adopt my amendment it is $193,693,000 less than the Nixon total outstanding authorization, considering the current fiscal year 1968, 1969, and the coming fiscal year beginning July 1, 1970.

Mr. GROSS. This authorization is more than the actual appropriation for the last year; is that correct?

Mr. FULTON of Pennsylvania. It is about the same as the appropriation for last year. The appropriation for last year was $3,995,300,000.

Mr. GROSS. Is the Nixon administration not recommending cuts in spending for this as well as other purposes. According to your figure of $3,095,300,000 for last year, this bill is $900,000,000 more.

Mr. FULTON of Pennsylvania. I do not believe that it is. You have to realize that on July 16 we are launching the third manned shot to the Moon.

Mr. GROSS. Let me ask a question on that score. Is it not true that, regardless of what you do in this bill, it will have no effect whatever on the July 16th flight?

Mr. FULTON of Pennsylvania. We have to move ahead and get more modern equipment.

Mr. GROSS. But how about the July 16 flight? This bill is not going to affect that?

Mr. FULTON of Pennsylvania. If we cut the authorization the first thing that must go are the nonessential expenditures, which I think you would agree with. The first thing that will then go is the live television coverage of the Apollo 11 flight to the Moon. We will have no television coverage at all. It will not be worldwide; it will not even be for this country.

Mr. GROSS. Would that be fatal? Let us get back to the original question. The money that would be authorized in the consideration of this bill would have nothing to do with the flight on July 16. The money is already there, is it not?

Mr. FULTON of Pennsylvania. Last night I had Astronaut Col. Gordon Cooper in my district speaking before 25,000 cheering people. He said to me just last night as I left Pittsburgh and he was flying down to Cape Kennedy again:

> For heavens sake, have them back us now. This is when we astronauts need the encouragement.

And I thoroughly agree with him. So it would have an effect.

Mr. GROSS. I am glad to encourage them, but I do not know that that entitles me to vote $250 million more than this new administration says you need for this program. I do not know that any astronaut needs that kind of encouragement.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(On request of Mr. Fulton of Pennsylvania, and by unanimous consent, Mr. Gross was allowed to proceed for 3 additional minutes.)

XUM

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. You see, if you use that argument, then you should vote against the Nixon administration upping the Johnson administration by $40 million on the Apollo program and the space flight operations program for the Nixon administration went $46 million above the Johnson administration's budget. Why are you not against that?

Mr. GROSS. The gentleman from Washington (Mr. PELLY) does not say that. The gentleman from Washington (Mr. PELLY) says that the request was $45 million below the Johnson budget request.

Mr. FULTON of Pennsylvania. Yes, but that has all sorts of research and development programs in it.

Mr. GROSS. I do not care about that.

Mr. FULTON of Pennsylvania. That is the figure that is clear down. The Johnson budget was $3,878,000,000, with $117,300,000 retention. The Nixon budget is clear down, much lower than that, because if you take off the $117 million retention it is down to $3,715,000,000.

Mr. GROSS. Let me ask the gentleman this question: How much money is there for space over in the Department of Defense?

Mr. FULTON of Pennsylvania. I have already explained that the Department of Defense is going to up the 1970 budget through the science adviser to the Secretary of Defense by $515 million, and that $128 million of that will be space and the rest of that will be aeronautics.

Mr. GROSS. Are they spending as much or more than you want to authorize on an annual basis in the Department of Defense?

Mr. FULTON of Pennsylvania. If you took all the missile programs in there, I would say it would be decidedly more, because, as you well know, that budget runs up to an $80 billion figure. I am not at liberty to discuss parts of the Department of Defense budget that we know of for military uses in outer space that are restricted. I think you had better get some other Member on the floor in the Armed Services Committee, who can better tell you what I am allowed to reveal and what I am not. I know a good bit about it.

Mr. GROSS. You could put a dollar value on it, could you not? That would not be betraying much by way of secrets.

Mr. FULTON of Pennsylvania. I would say that in the total space budget you are speaking of, if we include the communications of the military and their relevance to ours in space, has been going between $1,800 million and $2,000 million. Now they want to increase it by $128 million. But if you include in the total space budget programs such as the Navy program on navigation, and the programs of all the other departments, I would put that amount somewhere between $7 and $9 billion. This includes the $3.96 billion level for just the peaceful uses of space.

Mr. GROSS. Then the total for space is somewhere on an annual basis of $11 billion to $14 billion.

Mr. FULTON of Pennsylvania. But it is not the same function. The military communications must be kept entirely separate. They are really expending their amount on defense installations, which I think is wise. I think it prevents a new world war, in Pearl Harbor style, from starting.

The CHAIRMAN. The time of the gentleman has again expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FULTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KOCH

Mr. KOCH. Mr. Chairman, I have two amendments to offer. Will it be appropriate to treat them both at this time?

The CHAIRMAN. They could be handled together by unanimous consent.

Mr. KOCH. Mr. Chairman, I suggest we handle the first one first, and it will be easier—for myself, also.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from New York, as the first amendment.

The Clerk read as follows:

Amendment offered by Mr. KOCH: On page 1, line 7, strike out "$1,766,800,000" and insert "$1,691,100,000".

On page 1, line 8, strike out "$354,827,000" and insert "$225,627,000".

Mr. KOCH. Mr. Chairman, the bill authorizes $258 million more for research and development than was requested by the administration, and the bulk of the increase is earmarked for the manned space flight program. Based upon correspondence which I have had with officials of NASA, the purposes of manned space flight are limited to determining the physiological and psychological effects of the space environment upon man, and assessing man's ability to perform in space. It seems clear that the scientific objectives of such flights are secondary, and it appears that in virtually every case these objectives could be achieved more effectively and more economically using automated spacecraft. I am convinced that the greatest values from our vast expenditures in the national space effort have been, and will be, achieved using automated equipment, and I strongly favor an increased effort in the relatively less expensive unmanned program, and a reduced effort in the extremely costly manned space flight program.

In a period of extraordinary and urgent demands upon our national resources brought about by enormous defense expenditures, and pressing economic and social problems many of which are not being met adequately, I regard it as at least unwise, at most outrageous, for Congress to increase the already large-scale expenditures for manned space flight.

It is noteworthy that Congress learned for the first time this year that NASA plans to make 10 manned space flights to the moon after the initial Apollo landing.

In my view, manned exploration of the moon should not be based upon the availability of Saturn-Apollo equipment taking billions of dollars from our needs here on earth, but rather upon genuine scientific objectives and the amount of new information each successive flight can produce. Before committing ourselves to 10 additional manned lunar landings, let us first see what the first ALSEP and the soil samples brought back by the Apollo astronauts produce. It is possible that the ALSEP and the soil analysis will reveal that there is not enough material of scientific interest on the moon to warrant a total of 10 more manned missions. Must we proceed at a rate of three lunar landings a year—after the initial landing—when there are urgent priorities here on Earth?

I support our need and desire to explore space, but there is a matter of priorities which our committee must recognize. Until the hungry in this country, and indeed this planet, are adequately fed, we should take pause before we shoot for the outer planets when those trips could be stretched out and delayed, but not terminated.

In summary, I oppose any increase in the manned space flight budget beyond the amount of the Administration request as entirely unwarranted.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are two or three points that should be made in connection with this amendment. If we will observe the models in front of us, the one on the right is Saturn V. Whatever we do today will determine whatever kind of space program we have 4 or 5 years or more into the future. If we adopt the amendment offered by the gentleman from New York (Mr. KOCH), it means in 1970 the production of Saturn V will stop.

My subcommittee went to Huntsville, to Cape Kennedy, to New Orleans, and to North American Rockwell, the McDonnell and Douglas Corps., where these are made.

The amount of money which is recommended by our committee will permit the long leadtime items for the Saturn V to be procured. Then we will not have a gap where the teams that build the Saturn V will disintegrate.

I urge that the amendment be defeated.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I believe we should point out the delay which will be occasioned if we do not institute this Saturn V program. We have completed number 11 out of 15 of them. The contracts are already let. The question is: Shall we cancel the contracts, which will probably cost more than otherwise?

I believe the gentleman from Texas and I in our separate remarks pointed out that if we do not have the funds there will be a gap in production of Saturn V's that will run probably 18 to 42 months.

If we get beyond 42 months we have lost the teams, we have lost the equipment, and we have lost the energy and the mobility and really the driving force; is that not correct?

Mr. TEAGUE of Texas. That is true. Of course, we already have a gap of a number of months.

XUM

Mr. FULTON of Pennsylvania. Already there is a gap of somewhere between 12 and 18 months.

I am strongly against the gentleman's amendment.

We who have been working on this program for a good many years have been looking into scheduling. On NASA's own figures, if we go below three flights a year, the so-called Apollo lunar flights, it will cost in 2 years over $300 million more. So it is cheaper and more efficient to go at a optimum rate of three a year.

We have been all through this. As a matter of fact, to save money we have cut down from five flights last year. I hope we will have only four flights or maybe five this year. Then we are going to cut down to three. We are cutting down. We cut a billion dollars out of the program, at the committee level, from 1968 fiscal year through 1970 fiscal year.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from New York.

Mr. LOWENSTEIN. I wonder if the gentleman could explain to me whether it is the contention of the committee that the President and the administration are insufficiently aware of these problems, or are insufficiently enthusiastic about doing the proper thing for the space program. I am troubled about ignoring or overruling the President lightly on a matter about which he has been so deeply concerned.

Could the gentleman tell me why he thinks the administration requested the smaller amount of money? I share your enthusiasm for the space program and want to see it adequately financed, but this is a puzzling situation.

Mr. TEAGUE of Texas. Of course, we are all aware of the problem of lack of money. We know that NASA asked the Bureau of the Budget for this amount of money which we have in this bill. We also know that the Bureau of the Budget agreed to a lesser amount. Just why they did it I do not know.

I am very confident that my subcommittee, considering all the work we did and all the study we gave to it, has done what is right for the space program.

Mr. LOWENSTEIN. What troubles me is not that the committee has not done a commendable or even an admirable job, but in dealing with the total problem of national priorities, we do have difficulties in deciding more or less piecemeal about each question. We might be wise to pay closer attention to the assessment of the administration as to these needs.

I am prepared to overrule the assessment of the administration on national priorities when I feel it is wrong, and I know the gentleman is, too. But I am asking how we are to determine whether our assessment on this particular request is wrong, or whether their assessment on this particular request is wrong. I should like to know, if possible, what impelled the administration to make the recommendation that we are asked to exceed today. This administration has not seemed to me particularly shy about its requests for money for space or military and security matters. So while I am sure that the committee has done its job well, those of us who are trying hard to balance priorities more equitably are concerned about going beyond even the requests of the President in this field.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. Teague of Texas was allowed to proceed for 1 additional minute.)

Mr. TEAGUE of Texas. I would say to the gentleman I believe the administration expressed its own doubt when the President appointed a panel headed by Dr. DuBridge to come up with recommendations on the space program.

This bill is an authorization bill. If they want to use the money they can. If they do not want to they do not have to. Since they themselves appointed a panel which will come back in September, which is quite late, it shows they are not certain on all points as to what the space program should be.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania (Mr. Fulton) rise?

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise in order to answer the gentleman further. I have a statement by Mr. Thomas Paine, Administrator, under date of May 30, 1969, on the certainty of the program in the future, about which the gentleman remarked. The Administrator of NASA says:

> In line with our testimony on the amendments to the FY 1970 NASA Budget, we are in the process of reassessing certain elements of the Apollo Applications Program. The AAP program has been making substantial progress over the past two years despite stringent fiscal limitations. We have been working to establish a relatively firm program schedule and total run-out costs to make possible definitization of major AAP contracts. As you know, we have been proceeding in recent months on essentially a level-of-effort basis under letter contracts because of program and schedule uncertainties.
>
> We had hoped to be able to definitize these contracts by the end of this month. But as detailed cost estimates for 1971 and beyond have become clearer and as negotiations with the contractors have progressed, I have decided that we should not definitize the AAP contracts now. We should first complete our reassessment of the AAP program elements in the context of NASA's manned space flight planning for FY 1971 and beyond.
>
> Accordingly, I have asked the Office of Manned Space Flight, together with the other appropriate NASA offices, to undertake a further assessment of AAP program elements in the context of Manned Space Flight and total NASA programs as best we can foresee them for 1971 and beyond. I have asked that the alternatives considered include, among other possibilities, launching the workshop and ATM on a Saturn V, thereby eliminating two separate Saturn IB launches and automatic rendezvous and docking. I am also asking that the content of each proposed AAP mission be reviewed to see whether future costs can be reduced while strengthening the AAP program.
>
> I am writing to you at this time to keep you informed of the status of our AAP program planning.
>
> Sincerely yours,
>
> T. O. Paine,
> *Administrator.*

In recent weeks, NASA has begun issuing requests for proposals from the aerospace industry on planned post-Apollo programs. The space agency is in the midst of a major reorganization within its Office of Manned Space Flight to manage the studies.

NASA's latest effort is to establish two task groups within the manned space flight area—one to deal with proposed earth-orbiting space stations; the other to evaluate the space shuttle systems that would provide logistics for the stations.

Basically, NASA wants to initiate work on a space station that could be orbited in 1975 with a 12-man crew, but with growth potential through modularity that would permit an eventual crew of 100 men and women.

Responses from industry to the requests for proposals on portions of the space station studies were due June 9. Other proposals, concerned with experimental modules, were due by May 22.

NASA would prefer to establish the kind of space station that would provide broad support for various activities, such as oceanography, meteorology, and physics.

It also would support biomedical laboratories, physical science workshops and solar and stellar observatories.

NASA has initiated studies of experiments. The definition phase of the space station program now being undertaken will include an in-depth evaluation of the most preferred concepts, including the necessary logistics systems.

It can thus be seen that there are in negotiation many contracts resulting in hundreds of subcontracts. Likewise it can be seen that the NASA leadership does not know what money they are going to get yet. Therefore, NASA people are in a position where they cannot see beyond 1971 just what the programs are. This is not an appropriation procedure, but an authorization procedure which establishes a financial ceiling within which NASA will operate. Therefore, I believe the amendment of the gentleman from New York (Mr. Koch), should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Koch).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ROUDEBUSH

Mr. ROUDEBUSH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Roudebush: On page 9, after line 16, insert the following new section:
>
> "Sec. 8. The flag of the United States, and no other flag, shall be implanted or otherwise placed on the surface of the moon, or on the surface of any planet, by the members of the crew of any spacecraft making a lunar or planetary landing as a part of a mission under the Apollo program or as a part of a mission under any subsequent program, the funds for which are provided entirely by the Government of the United States. This act is intended as a symbolic gesture of national pride in achievement and is not to be construed as a declaration of national appropriation by claim of sovereignty.
>
> On page 9, line 17, strike out "Sec. 8." and insert "Sec. 9."

Mr. MILLER of California. Mr. Chairman, I am prepared to accept the amendment.

Mr. FULTON of Pennsylvania. Mr. Chairman, this side accepts the amendment as well.

XUM

Mr. KOCH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KOCH. Is there an opportunity to discuss this amendment notwithstanding the fact that it has been accepted by the committee chairman?

The CHAIRMAN. The gentleman may ask for recognition.

Mr. KOCH. I do so.

The CHAIRMAN. However, the Chair first recognizes the gentleman from Indiana (Mr. ROUDEBUSH) to explain his amendment.

Mr. ROUDEBUSH. Mr. Chairman, the amendment I have offered would require that our astronauts upon landing on the Moon, hopefully next month, implant or otherwise place the flag of the United States, and no other flag, on the lunar surface. The amendment would apply, not only to the scheduled Apollo 11 landing, but to subsequent landings on any other celestial bodies as a result of follow-on programs, the funds for which have been or will be provided entirely by the United States.

I feel compelled to offer this amendment in view of the many proposals being put forth which advocate that our spacecraft carry to the surface of the moon the United Nations flag, the flags of other nations, or other emblems or articles symbolic of international cooperation in space exploration. I endorse the concept contained in the basic Space Act which stipulates that the United States cooperate with other nations, or groups of nations, in the peaceful exploration of outer space. My amendment is not intended as a departure from that concept.

I certainly would have no objection to transporting the flags of other nations or articles to the surface of the moon aboard our spacecraft and my amendment would not prohibit such acts. However, I consider that Congress must emphatically insist that no flag other than that of the United States be physically placed on the moon's surface.

The American people are extremely proud of our accomplishments in outer space, particularly the successes achieved in the Apollo program. Through the television medium and our advanced technology, the American public have become more aware of the direction our space program is taking, and in fact now have a sense of personal participation, as they view with pride the accomplishments of our American astronauts via live television.

The fulfillment of our national objective of landing man on the moon and returning him safely to earth next month will be a historical event. The accomplishment of this objective will not have been inexpensive. Over $23 billion in hard-earned taxpayers money will have been spent to carry out this formidable task. In all due fairness to the American taxpayer it does not seem too much to ask that our flag—Old Glory—be left on the lunar surface as a symbol of U.S. preeminence in space to which the citizens of this Nation can refer with just pride.

There are those who will oppose my amendment on the grounds that it violates the Treaty on Outer Space. I can assure my colleagues that no part of the treaty prohibits the placement of a national symbol on the surface of any celestial body. I have very carefully reviewed the language of the treaty, as well as the accompanying papers, and can find no restriction against such an act.

There are precedents for such actions. The Antarctic Treaty of 1959 reserved that area exclusively for peaceful activity and provided for cooperation in scientific endeavors. The American flag has been implanted in the Antarctic on more than one occasion. The Soviet Union's recent unmanned interplanetary station Venus 5 delivered to the planet Venus a pennant with a bas relief of Lenin and the U.S.S.R. coat of arms. Since these acts have not been construed as treaty violations, then I submit that the placing of the U.S. flag on the lunar surface will likewise not constitute a violation of the Treaty on Outer Space.

To allay the fears of those who consider my amendment a violation of the treaty I have included language in my amendment to assure all that there is no intent to declare sovereignty by this action. I quote the last sentence in my amendment:

> This act is intended as a symbolic gesture of national pride in achievement and is not to be construed as a declaration of national appropriation by claim of sovereignty.

Mr. Chairman, our achievements in space technology have been made possible only through the dedicated efforts of thousands of Americans and billions of U.S. tax dollars. History and national pride dictate that our achievements be duly commemorated. I know of no act more significant nor symbolic that would memorialize our achievements than the erection of the "Stars and Stripes" on the surface of the moon.

Mr. KOCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak on this amendment because a similar, although I am sure slightly different amendment, was proposed in the Science and Astronautics Committee and it was defeated to the best of my recollection.

Mr. Chairman, what is disturbing to me is that after the committee did defeat it, it is offered on the floor and accepted as part of the committee report.

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr. KOCH. Of course.

Mr. ROUDEBUSH. This is not the same amendment as offered in the committee, I will say to the gentleman from New York. The language is very much different and all of the objections to the amendment offered in the committee have now been met.

Mr. KOCH. Your original proposal in the committee was that no flag other than the U.S. flag should be taken on these space flights. Now you propose that we allow other flags to be carried under cover in the Apollo vehicle, but that we not allow their removal from the spacecraft and their display on the Moon. I submit that as a practical matter there is little difference in the amendment which was rejected by the committee and the one you are offering today.

I think the committee in its original vote against your amendment made its feelings very clear. And I believe it is wrong to accept the amendment so similar to the defeated one without giving the committee the opportunity to discuss it especially in view of the discussion in the committee on how your original proposal would run counter to the spirit of international outer space agreements. I felt then and do now as other members did who spoke in committee that our national interests and the world's would be best served if there was at least one place in the cosmos where nationalism would give way to international friendship.

The space treaty which we entered into, when we said that the Moon would not be the subject of someone or some country taking physical possession of it, did we not mean that? None of us would dispute that the U.S. flag should be implanted on the Moon, and most of us in the committee at that time thought there would be nothing wrong with having other flags such as the U.N.'s placed thereon; and it would not be in derogation of America's honor and prestige to do so, rather it would enhance it. When the matter came up before the Space Committee I thought that the "silly season" had started, but fortunately, the committee in its good sense defeated the amendment. I advised my confreres at that time if the amendment carried, then I would propose another amendment making it a 5-year felony to burn a flag on the Moon, to point up the irrationality of these approaches which were denigrating the great opportunity now given to man in exploring outer space.

Up to now the space program has exhibited great international cooperation and spirit—and unfortunately, this amendment runs counter to that spirit of brotherhood and undermines that international good will. For this reason it should be defeated.

Mr. ROUDEBUSH. Would the gentleman yield? Since the gentleman is talking about the silly season, I believe his remarks are something I would classify in the silly season in this House.

Mr. KOCH. I thank the gentleman.

Mr. FULTON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

I would like to explain the reasons why I am supporting the amendment. The previous amendment had been intended—as has been stated—to prevent any other flag from being carried in any one of our space capsules in any subsequent program by our astronauts.

Actually, in previous flights we have had aboard with the astronauts the flags of many nations. These flags have been presented to the Ambassadors of the various nations as tokens of good will. I feel this is a very good gesture.

Incidentally, as I believe the chairman will corroborate, the flag of the United States of America is already on the Moon, and remains there after a Surveyor flight.

Is that not right?

Mr. MILLER of California. If the gentleman will yield, the gentleman is right.

It was there unofficially, I believe, but it was related to one of the Surveyor-type preliminary Moon flights, and I have a picture in my office of the Surveyor with the flag on the side of it.

Mr. FULTON of Pennsylvania. I did not want to make it sound illegal, but at least the flag is already there. But this concerns what we shall do in the future. I have understood there is to be a flag that is to be carried to the Moon. It is to be with the astronaut when he lands on the Moon and steps out of the capsule.

I have known Astronaut Neil Armstrong, the commander of Apollo 11, for many years, ever since he was a pilot on the X-15 out at Edwards Air Force Base in California. I have discussed with him whether he would be willing to take a flag, and he said that yes, he is doing it. I have also discussed this with the Administrator of NASA, with General Phillips, head of the Manned Space Flight, and with Dr. George Mueller, and also other NASA leaders. In response to that, on June 9, I have a letter which covers both these points, from Dr. Willis H. Shapley, Associate Deputy Administrator, to me. It states:

> In response to your inquiry, I can now advise you that NASA's plans are to erect an American flag on the surface of the moon.

May I say parenthetically that it is not only intended to implant, but to erect an American flag; not only to carry it aboard and carry it out, but to put it in a cairn or something to hold the flag.

> We also plan to take and bring back from the moon an American flag for presentation to the Congress. Our final decisions on the symbolic articles to be taken on the lunar mission and their disposition are, of course, subject to approval by the President.

That brings me to my final statement: Everything that these astronauts carry is subject to the final approval of the President. So no matter what we do here, I want it to be understood that we are not infringing upon the prerogatives of the President, nor denying him the power of his office either as Commander in Chief or as head of the Government. We are recommending that this be done.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Chairman, I thank the gentleman for yielding, and I would ask the gentleman is it not true that, regardless of what we do today, that the descent part of the lunar module has a great big "U.S.A." and a great big American flag painted on it?

Mr. FULTON of Pennsylvania. That is certainly right, and I am glad the gentleman asked the question.

Mr. LOWENSTEIN. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, I am troubled about the amendment for a number of reasons, none of which have to do with my enthusiasm for the American flag or my joy at the prospect of its arrival on the Moon.

Of course, as has been pointed out today, the flag is already there for all intents and purposes. I am not clear precisely what the difference is between its being there "unofficially" and its being there "officially." It is either there or it is not there, and as we all know, as a matter of fact, it is there and the rest seems a bit of a quibble.

Everyone is enormously proud of the achievements of our scientists, technicians, and astronauts, and few hearts will not beat faster in this country and everywhere else on Earth when the module bearing the American flag touches down on the Moon. That is why I am troubled about this amendment.

In the first place, the first man on the Moon will not need to be wrapped in an American flag for it to be generally known that he is an American. Would it be a slight to his Americanism if we were to use the unusual occasion of his appearance on the Moon to confirm his—and our—adherence to the human race as well? I rather think not. Could this best be done by his bearing a United Nations flag as well as an American flag? Might such a gesture enhance America's standing on this planet? If the President thinks so, would that be such a bad thing to do these days, all things considered?

Then there is the question of whether this sort of ad hoc tinkering is the best way to make a decision like this. It seems to me, despite words to the contrary, that this amendment is precisely an attempt to tell the President what it would be most suitable for him to do. Otherwise I cannot see what the amendment is supposed to do. But I wonder what has been discovered suddenly that suggests the President lacks what it takes to make this particular decision. Is he lacking in patriotism so one cannot trust his decisions about the space program? Is his devotion to the flag underdeveloped? Has he been found embracing a Union Jack in secret or abusing the memory of Betsy Ross?

The President quite properly has the authority to decide what he wants done about this matter, and whatever my disagreements with him on other questions, I am sure he will make this decision in the best interest of the country and the world. I am distressed to find so many of my colleagues apparently so mistrustful of his patriotism or so doubtful about his judgment that they want to legislate this decision so abruptly, without even inquiring if the President has any thoughts on the matter.

Or are we counting on the Senate to stop this odd proposal from becoming law, so we can engage here in a bit of political flag planting without the results becoming too awkward for all concerned?

Perhaps none of this would be worth worrying about if it were not for the harm we can do the United States by tying the President's hands this way, and by announcing, in the process, how narrow a spirit moves us in this body today, on the eve of so magnificent a triumph of human initiative and ingenuity. Would it really denigrate American taxpayers if the President were to decide that it was in the national interest to let America provide the vehicle by which other emblems might be placed on the Moon subsequent to the American flag? But that decision, too, would be illegal if this amendment became law.

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman.

Mr. ROUDEBUSH. My amendment does provide for an American flag solely to be carried to the Moon.

Mr. LOWENSTEIN. I know. What I am saying is that it troubles me that if this amendment is adopted the President could not in his wisdom decide that other items might—even subsequently—be added to the decorations being contributed to the Moon.

Mr. ROUDEBUSH. If the gentleman will yield further, I hope the amendment is adopted.

Mr. LOWENSTEIN. Of course, I understand the gentleman hopes the amendment is adopted. Otherwise I assume he would not have offered it. I am trying to explain why I hope it is not adopted.

Suppose the President feels it is in the best interests of this country to plant other items in addition to the American flag—perhaps symbols of the great religions. Or a symbol of peace. Must Russians be ceded permanent rights to the use of such symbols? Would that demean the flag? Or even pictures of someone not Lenin—George Washington perhaps. Or Pope John XXIII. Or John F. Kennedy. Dwight Eisenhower. Einstein. Gandhi. Jules Verne. Mrs. Roosevelt. Lincoln. Beethoven. Martin King, Jr. Buddha. Moses. Jesus. What I am saying is simply that it strikes me as bad policy for us to make this decision.

Personally I would hope the President would not go in for a picture gallery on the Moon, at least not right away. I don't think it added much to the prestige of the Soviets to send Lenin off into space—it seemed somewhat parochial. It was hardly an encouraging or attractive augury of what to expect if people from the Earth are now to engage in exterior decorating in that spirit and with that kind of taste.

Maybe planting anything on the Moon risks contaminating it and should be sacrificed—maybe whatever it is we are to take along, we should waive and not plant after all. Are we really prepared to make such decisions here?

But whatever is ultimately decided, I want to make it very clear that it is not somehow more patriotic to say that only the American flag should be planted on the Moon. I think, to the contrary, that it will help America more if we were to use our strength in a way that would show a generous awareness of the other peoples' sensibilities. Planting a U.N. flag after, or next to, ours, if any flags are to be planted, might after all be the best way to capture this moment for ourselves, for the human race, for history, for the future. I rather think so, but I am willing to accept the President's decision.

In any case, this is too solemn a moment in the eternity of human experience to yield to ordinary temptations of political flag waving or flag banning. Think of how many contributions from how many peoples through how many centuries will have gone into that

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breathless landing. And what a hopeful opening to more peaceful, more cooperative times it could be.

But if in the end the President decided to send only the American flag onto the Moon, how much better off we would all be if that decision could have been made without a prior display of the narrowest form of chauvinism. We do no credit to America this way. We do her no service.

Mr. RYAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment raises very serious questions as to whether or not we are serious about international cooperation in space. President John F. Kennedy in September 1963 spoke about a joint expedition to the Moon. In his speech to the United Nations on September 20, 1963, he suggested "sending someday in this decade to the Moon, not the representatives of a single nation, but the representatives of all of our countries."

Instead of such cooperation, man's efforts to reach the Moon have been a matter of national competition, and the United States presumably will be first. When it happens, no one will ever doubt that the United States was first to land a man on the Moon. History will not be rewritten, and the accomplishment will always stand as a matter of national pride and prestige.

In the successful achievement of the lunar landing mission, I would think the United States might want magnanimously to share man's conquest of space—not flaunt it. It is a very chauvinistic attitude to insist that the U.S. flag "and no other flag shall be implanted on the surface of the Moon." It may well be that the President would decide that it would be appropriate to place on the Moon the flag of the United Nations. The amendment would deny the President the authority to have that kind of symbolic gesture made.

By resolution of the General Assembly of the United Nations, the members of the United Nations have forsworn any claim to sovereignty in outer space or on celestial bodies and declared that the United Nations Charter will apply.

I join my colleagues in expressing very grave reservations concerning the hasty acceptance of this amendment on the floor. It seems to me that we ought to reconsider the matter now. I would hope the amendment would not be pressed.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. The question comes up when other nations are acting similarly, why should we not be free to do what we want in our feeling of pride for our own country? I understand that the Russians recently sent the coat of arms as well as a picture of Lenin to the surface of Venus.

I quote from a Moscow Tass International news release dated May 16, 1969:

> Having covered some 350 million kilometers in 130 days of flight the automatic station delivered to Venus with a pennant with a bas-relief of Lenin and the U.S.S.R. coat of arms.

I do not think we should in any way object to that, because they have made such a very successful flight to Venus. I rather compliment them. But in the same vein, because this is peaceful competition, why should we not stand up for our fellows and our country by calling for the implanting of our flag on the surface of the moon? I support that.

Mr. RYAN. If I may respond to the gentleman, of course, our flag will be on the Moon. The question is whether any other flag will be allowed, including the U.N. flag. The lunar landing itself will make clear that we are the pioneer in space. However, the amendment would deny to the President and our astronauts authority to permit any other flag, even as a symbol of good will and international cooperation.

Mr. SYMINGTON. Mr. Chairman, I oppose the amendment restricting Presidential discretion with regard to the future implantation of flags on the moon and other planets. I realize the Congress is determined to "assert" itself in matters of foreign policy, but I think this particular form of assertion not only rather diminutive but unwarranted and unwise. The amendment's modest disavowal of intent to claim extraterrestrial sovereignty fails to relieve it of a tinge of chauvinism contrary to the spirit of the space treaty and related assurances.

Only last January, Astronaut Frank Borman, addressing a joint session of Congress in this Hall, described himself and his colleagues as envoys of mankind, who "stood on the shoulders of giants." Many of the giant spirits and intellects of the past which have propelled curious man and fortunate America to this pinnacle of achievement came, and still come, from other nations. Jefferson wanted us to maintain "a decent respect for the opinions of mankind." What "respect" does this graceless edict demonstrate for the opinions of nations which produced Galileo, Copernicus, Newton, Einstein, Tsiolkovskiy, and other giants in thought and deed?

Will the moon's first visitors come from an ingrate society? On the other hand what star or stripe is tarnished on Old Glory by a simple gesture honoring the whole history of man, his collective dream, and his epic persistence without which our own continent might yet be undiscovered?

It is argued that the Soviet Union has placed on Venus a pennant bearing the likeness of Lenin and the U.S.S.R. coat of arms, and, presumably, no other standard. I do not recall that this occasioned the general approbation of mankind. Nor did I realize we were accepting lessons from that particular source in how to win the hearts and minds of men. On the contrary, I thought recognition of the dignity, sovereignty, and inherent worth of all nations and peoples were one of the distinguishing features of the Nation and system our great flag represents.

It is further argued that the American taxpayer deserves the honor. The American taxpayer pays for something more tangible than prideful symbolism. He invests, he hopes, in a secure, just, and peaceful world and the best use of his Government's judgment to that end. To deprive him of that best judgment does him no honor.

Colonel Borman won heartfelt good will for America on his trip abroad following his return from lunar orbit. Will future visits of this kind be enhanced or impaired by this decree?

> If Apollo 8 was a triumph at all—

Said Borman—

> it was not an American triumph of all mankind—and we acknowledge it as being such.

He did describe the mission as "an American accomplishment in a narrow sense." This amendment would fit the latter description.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ROUDEBUSH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KOCH

Mr. KOCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows.

> Amendment offered by Mr. KOCH: On page 8, strike out section 7 beginning on page 8, line 21, and ending on page 9, line 16, and redesignate the succeeding section accordingly.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes in support of his amendment.

Mr. KOCH. Mr. Chairman, I am opposed to the new section 7 of H.R. 11271, which deals with unrest and disorder on the campuses of American colleges and universities. It is my belief that adequate criminal laws already exist to deal with unlawful activities on college campuses and that such laws should be enforced against students to the same extent as other citizens. I further believe that discipline on campus is the special responsibility of college administrators and I feel certain that they have sufficient authority to deal with these problems. Students must be held responsible for their conduct—but the Federal Government has no business using its funds to play schoolmaster.

In any case, if this Congress wishes to consider Federal regulations, then legislation should be introduced and submitted for the consideration of appropriate committees of Congress and public hearings should be held in the traditional manner. It seems to me quite irresponsible for a committee such as ours to attempt to deal with a subject such as this, in a piecemeal fashion, without benefit of hearings, and then to propose to the House of Representatives a statutory provision which is beyond the committee's competence and authority.

I think it is especially noteworthy that those who have opposed Federal aid to education on the basis of their fear that such financial assistance would ultimately lead to control of education by the Federal Government seem to be the very ones who would assert Federal control by denying Federal funds in cases of campus unrest.

Mr. STOKES. Mr. Chairman, I rise in support of the amendment. It is perfectly obvious to me that the committee which has reported this bill has expended

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a great number of hours with reference to the subject of space technology. It is equally important to me, though, and equally obvious to me that the committee has not expended any time whatsoever with reference to the subject of campus unrest.

I happen to sit on two committees of this Congress, both of which have been considering this tremendous problem confronting this Nation. I sit on the Education and Labor Committee of this House. I sit on the House Internal Security Committee. The Committee on Education and Labor, and particularly the one dealing with higher education, has been considering this momentous problem for some 3 months.

They are unable at this time to report to this body any particular kind of legislation due to the tremendous problems that campus unrest presents for this country. Just this past week our House Internal Security Committee conducted hearings regarding the SDS activities on college campuses.

The overwhelming evidence is that the majority of students in this country are not involved in violence. It does seem to me we ought to take into account the testimony we have heard from some of the outstanding educators in this country. They have said to us that we already have sufficient laws on the books to deal with campus unrest.

Just a few weeks ago the Attorney General of the United States appeared before our committee and said to us at that time that he has adequate laws to deal with the problems of unrest in this country. He has said in effect also that additional laws at this time regarding campus unrest merely play into the hands of the militants.

It would seem to me we ought to wait until those who have this particular jurisdiction given to them bring to this body some recommendation, before we attempt by piecemeal to enact legislation in this area.

Therefore I urge this Congress at this time to support the amendment offered by the gentleman from New York (Mr. KOCH). In support of my remarks I insert the statement of Attorney General John N. Mitchell before the Special Subcommittee on Education of the Committee on Education and Labor concerning campus disorders on May 20, 1969:

Campus Disorders

(Statement of Attorney General John N. Mitchell)

INTRODUCTION

Madam Chairman and Members of the Subcommittee:

I appreciate the opportunity to appear before this Subcommittee to state my views on a matter of grave concern to all of us—violence on the campus.

At the outset, let me state that I shall confine my remarks to those aspects of the problem which fall within the ambit of my responsibilities and authority as Attorney General. I leave to others, including Secretary Finch, who has already appeared before this Subcommittee, those facets of the problem which relate to education itself and Federal financial assistance to the colleges and universities and to the students who attend them.

Also at the outset, I want to make clear that the problem to which we are addressing ourselves is one which involves a small fraction of our school population and an equally small fraction of our schools, but is, nevertheless, a most serious problem requiring attention at the highest levels of school administration, state and local government, and Federal government.

Most of our students at our colleges and universities across the country are of serious purpose in their quest for truth and knowledge. This great majority recognizes the bounds of permissible dissent and that violence and disruption are not the appropriate means to effect necessary or desirable reforms.

On the other hand, we have those relatively few violence-prone militants who seek only to destroy or who are misguided into believing that terror can lead to improvement.

Permit me to give you some of the factual background of campus disorders, which has come to the attention of the Justice Department, to illustrate what I consider to be the proper role of the Department, and to call to your attention existing federal criminal laws which are available to deal with various aspects of this grave problem.

THE PROBLEM

As I indicated in my recent Law Day speech, we have already had disturbances on more than 250 college campuses. These incidents have resulted in more than 3000 arrests and in property damage exceeding $2 million. The incidence of disorders has continued to increase in frequency and in the extent of violence. For example, in California alone:

At San Francisco State College a bomb permanently blinded one student, and a second bomb was discovered before it exploded.

At Pomona College in Claremont, a secretary was blinded in one eye and lost two fingers when a bomb exploded as she was removing it from a college mailbox.

At the University of California in Santa Barbara, a custodian at the Faculty Club died from burns when he picked up a package containing a bomb.

At Berkeley, in the last eight months, there have been four instances of arson and two bombings, and $1.1 million in property damage.

In short, the wave of student disorders has brought personal injury, death, and millions of dollars of property damage. And it has disrupted the education of many earnest students. Further, the evidence indicates that this upswing in disorders is attributable, in some part at least, to planned and concerted action by certain small groups. One of these is the Students for a Democratic Society (SDS). I would like to highlight for the Subcommittee some of the activities of this militant student group.

THE MILITANT STUDENT MOVEMENT—ORGANIZATION, OPERATION, AND GOALS

The militant student movement currently instigating and leading many campus disorders across the country involves several groups, consisting largely of students, many of them post-graduate students varying in age from 21 to 30 years, and a number of chronic demonstrators who join their ranks although they are no longer in college.

By and large these groups have no constructive objective; their sole aim is to disrupt. Their leaders brag about being revolutionaries and anarchists. They state their purpose to be to close the schools. They openly and brazenly profess a desire to destroy the establishment.

Most prominent in major campus disorders today is the Students for a Democratic Society, although many disorders have occurred in which its members have not been present and a good many disorders have been instigated by other groups such as the Black Student Union. Often, however, in such cases, members of the SDS soon join in and eventually assume a leading role in the demonstration, press statements, and negotiations.

The influence of the SDS cannot always be measured by the small number of its members that engage in any particular campus violence. On occasion SDS with less than 50 members has been able to capitalize on the issues and climate on the campus and obtain large numbers of allies who compound its disruptive influence.

The student allies of SDS are frequently law abiding students who many times have honest and indeed justifiable criticism abount university administration and policies.

I recognize that the students of today are an "involved generation" which wish to tell us—as strongly as possible—that they are dissatisfied with many aspects of American life. I firmly believe that students on university campuses should enjoy the fullest and most vigorous debate guaranteed by the First Amendment. Indeed, it may even be advisable for some universities to permit even more dissent than the minimum guaranteed by the Constitution.

But I must draw the line at those actions which seriously disrupt a university and which involve a substantial denial of rights for those students who wish to pursue scholarship and civility.

The Students for a Democratic Society, despite a loose organizational structure, appears, through its local chapters, to carry out a national SDS policy keyed to widespread unrest among large segments of the otherwise peaceful student community. This organizational and operational relationship of the SDS leadership and some 250 local constituent chapters can best be illustrated by looking at the proposals and resolutions of the national leaders and the volume and frequency of the incidents following these national meetings.

For example, one of the resolutions approved at the SDS National Council meeting at Boulder, Colorado, in October 1968, entitled "Boulder and Boulder", called for the organization of a national strike of high school and college students on November 4 and 5, 1968, and the mobilization of large militant SDS regional demonstrations in major cities to protest the elections. Typical of the planned responses to this resolution were the strikes at the University of Michigan of November 4, at the University of Denver on November 5, and the demonstration at the Lincoln Memorial here in Washington on November 5.

One of the highlights of the SDS National Council meeting at the University of Michigan in December 1968 was a panel discussion on the need for a nationwide coordinated attack on military activities on campuses—ROTC units and military research grants. Significant is the fact that in the four months prior to that meeting our records reflect only six violent actions directed at ROTC installations on campuses. For the four and a half months since, we record 22 such incidents.

The most recent SDS National Council meeting was held at Austin, Texas, in late March of this year. Since that meeting the tempo of campus disorders has substantially increased. Examples are:

(1) Harvard, April 9: Students, led by the SDS, forcibly ejected officials from an administration building.

(2) American University, April 23: A group of members of the SDS occupied the administration building.

(3) George Washington University, April 24: Members of the SDS occupied the Institute for Sino-Soviet studies.

(4) University of Washington, April 24: The SDS participated in a demonstration which succeeded in halting the operation of the Student Placement Center.

(5) Columbia University, April 30: Members of the SDS took over two university buildings.

(6) Stanford University, May 1: SDS members occupied an administration building.

(7) Northeastern University, May 13: Some 40 students led by the SDS took over a meeting room and lounge.

As distressing as the SDS campus activities are, and although not the subject of specific inquiry by this Subcommittee, I do want to note in passing the projected expansion of violent SDS activities into the labor field, our high schools, and even our armed forces.

While the foregoing examples of the involvement of SDS in campus disorders are ominous, it would be an oversimplification to blame all of the trouble on campuses today on the SDS. While the SDS often furnishes the aggressive leadership to exploit campus problems, there are many frictions and difficulties which would probably cause unrest even without the SDS. It is important for school authorities to recognize these frictions and difficulties and to maintain communication with the students concerning them. It is equally important, however, for school authorities and student bodies to recognize the basic intransigence of the militants and to understand the goals which these militants are pursuing. School authorities must take prompt and effective action to resist disruption by the militants.

ROLE OF THE DEPARTMENT OF JUSTICE

We must not lose sight of the fact that dealing with student unrest is, in the first instance, the responsibility of our college and university officials. When police authority is needed to restore law and order, the courts or the local police should be utilized immediately. The Federal Government does, however, have an important role and interest in the matter.

The fact that the student disorders are nationwide, that they disrupt Federally funded programs and that Federal criminal statutes may be violated gives the Federal government a substantial interest in the problem. A facet of this interest falls within the area of my responsibilities as Attorney General.

As I see it, the role of the Department of Justice is threefold—preventive, investigative and prosecutive.

PREVENTION AND CONTROL ACTIVITIES

As I have indicated, the first responsibility with respect to campus disorders rests with campus officials. When law enforcement authorities are required, these authorities should be state and local. On occasion, however, the Department of Justice Community Relations Service has been requested to send personnel to attempt to calm the storm. As you know, the Community Relations Service consists of persons skilled in establishing communication between conflicting factions. They are trained mediators, experienced in the art of dealing with emotionally charged situations which have racial overtones. Most recently, the Community Relations Service was called upon in connection with Berkeley disorders last week.

Another element of the Department of Justice which is active with respect to campus disorders is the Law Enforcement Assistance Administration. As you know, this Administration was established by the enactment of the Omnibus Crime Control and Safe Streets Act of 1968. Insofar as campus disorders are concerned, the Law Enforcement Assistance Administration has been incorporating in seminars for police chiefs programs on campus disorders, their causes and control. The Administration is in the process now of planning a special conference on campus disorders to be held later this year. We expect that among approximately 300 conference participants, we will have college and university presidents and administrators, faculty members, state and local police and campus police.

INVESTIGATIVE ACTIVITIES

Under its jurisdiction to investigate suspected violations of the Federal law, the Federal Bureau of Investigation is obtaining, and we are evaluating, information about campus disorders and those who cause them. Some of the background information stated earlier is the result of these efforts. In addition, we are making this information available to state and local law enforcement officials in jurisdictions where campus disorders may occur.

Through our investigative activities we hope to develop a full picture of the problem. We are looking for solid evidence to answer such vital questions as:

How serious is the problem and how best can responsible students, college authorities and government leaders deal with it?

Have those who lead or engage in student disorders violated Federal law and can they be successfully prosecuted?

Are existing Federal (and state) laws adequate to deal with the problem?

While our investigative efforts are intense, we must not be precipitous in our conclusions or actions. You may be assured, however, that these questions will be answered as quickly as our ability and resources permit. It would be inappropriate for me, of course, to discuss the specifics of our investigative activities.

FEDERAL CRIMINAL LAWS—PROSECUTIVE POWERS

The prosecutive powers of the Attorney General are limited—quite properly—by the scope of Federal criminal law. Since most illegal activity on college campuses is in violation of state and local laws—such as trespass, illegal entry, assault and malicious destruction of property—I believe that current Federal laws are adequate. I therefore do not recommend to Congress that additional legislation be enacted at this time. However, should our investigations or congressional hearings reveal a need for some additional authority to deal with this problem, I will at that time recommend appropriate legislation.

I would like to briefly outline for the Subcommittee the scope of existing Federal criminal laws that are available, should our investigations warrant their use.

First, Section 2121 of Title 18 of the United States Code prohibits travel in interstate commerce, or the use of any facility of interstate commerce, by any person with the intent to incite, organize or promote a riot or to commit any act of violence in furtherance of a riot, or to aid or abet any person in furthering a riot. Violators are subject to a maximum fine of $10,000 and 5 years imprisonment.

Second, Section 231 of Title 18 prohibits the teaching or demonstrating of the use of firearms or explosives or incendiary devices or techniques with the intent that the same will be used in a civil disorder which may obstruct commerce or the conduct of any Federally protected function. It prohibits the transportation, or manufacture for transportation, of any such devices with the intent that they be used in furtherance of a civil disorder. The section also proscribes attempts to obstruct firemen or law enforcement officers in the performance of their duties during a civil disorder. A fine of $10,000 and imprisonment for 5 years may be imposed upon a violator.

Third, Section 245 of Title 18 is designed to protect the civil rights of persons participating in or receiving benefits from various Federally protected activities. Such activities include receiving Federal financial assistance, as is the case of most institutions of higher learning and many students. Interference by force or threat of force with these rights, carries a range of penalties extending to life imprisonment if death results. This law, of course, would only be utilized in an unusual case where local law enforcement could not act.

In addition to the statutes to which I have referred, there are some other Federal laws, one or more of which might well come into play during the course of campus disorders, depending upon the facts in each particular case.

CONCLUSION

In summary, I share the Subcommittee's concern about the violence now taking place on our college campuses. In the first instance responsibility rests with the college and university administrators. They must recognize the difference between dissent and disorder. When law enforcement assistance is necessary to quell disorder, it should come primarily from the states and communities involved. Federal law enforcement assistance when appropriate, is the responsibility of the Department of Justice. In carrying out our role, we are working toward prevention and control, we are conducting investigations, and we will prosecute, when prosecution is indicated, those who seek to destroy our colleges and universities.

Let me close with a repetition of one optimistic observation I touched upon earlier—the vast bulk of our college youth know why they are in school and will not permit the minority to deprive them of their educational opportunities.

I would be pleased to answer any questions you may have.

Mr. ROUDEBUSH. Mr. Chairman, I rise in opposition to the amendment which would strike this section of the bill. Actually we have heard a great deal of discussion about piecemeal action on bills authorizing funds for various branches of the Government. I have before me—and I have not had a chance to do all the research on it—Public Law 90–550, authorizing appropriations for the independent offices, last year, which had this amendment in it. Also Public Law 90–575, the Higher Education Act, had this amendment in it. Public Law 90–557, appropriations for HEW—from the gentleman's own committee—had this in it. Public Law 90–580, appropriations for DOD, had it. They all contained similar provisions, similar to this section of the NASA authorization.

This provision was adopted in the commitee. I must say I was the author of the amendment. I think it was unanimously adopted. It merely provides the NASA organization—which expends approximately $9 million a year on student grants in our universities—could in case a graduate student gained his funds from NASA was involved in a riot and was convicted of the crime, cancel his money. It would cancel the money he received from the Federal Government for higher education.

I do not see anything so terrible about a provision of this kind. I hope this House will reject the amendment offered by the gentleman from New York (Mr. Koch) and allow this section to stay in the bill.

Mr. RAILSBACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have only the greatest respect for the author of section 7, the gentleman from Indiana (Mr. Roudebush), who has just spoken.

However, Mr. Chairman, I do strongly support the pending amendment which would strike section 7 for a number or reasons. The first reason is because it has been enacted in I think a rather hurried manner without due consideration given to the probable consequences. The other laws referred to by the gentleman—and there are other laws on the books that relate to the same subject—in my opinion provide additional reason for the cause today of trying to strike out section 7 at this time. This may be repetitive.

Even more important, I had a chance to take a trip to some college campuses with some of my colleagues. One of our purposes was to see if we could determine what are the causes of the student discontent and student unrest. I had the privilege of going to Harvard and MIT, as well as to Northeastern University. We met with the so-called radicals, including members of the SDS and the Afro-Americans and the student government leaders.

We met with the faculty, including two Nobel Prize winners, one of whom was George Wald, certainly one of the most respected professors on the Harvard campus. We met with President Pusey of Harvard. We met with President Mary Bunting of Radcliffe, who had had obscenities shouted at her. This was after the takeover at Harvard.

We went to listen. This is what we did. The very fact that all of the students, including the members of the SDS and the Afros, were willing to meet with us for a minimum sitting of 2 hours, at a time right before final examinations, and the very fact that we were the ones who had to go to a next appointment or they would have stayed all day, leads me to believe that we who are part of the so-called establishment or system, or whatever they call us, have not apparently been willing to listen, or even more important, to respond, to inquire, to recognize or to even consider the problems of the students. The college administrators have indeed been guilty of shirking their responsibility, as well as some of the faculty.

I believe it is important to note that all of the people with whom we met—the administrators including President Pusey and President Mary Bunting, who had been harassed, to the faculty members—all of them, moderates, liberals, and conservatives, and all of the students indicated that if we enact repressive legislation in this session of Congress then it will have the effect of driving the moderates, the well-intentioned, the people willing to work within the system, right over to the radical side.

That is why I strongly support the amendment to strike section 7.

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Florida.

Mr. FREY. Does the gentleman think legislation such as this is just another step in getting the Federal Government further involved in the universities and in our educational system—which, from a personal viewpoint, is something I should like to see reversed.

Mr. RAILSBACK. I think it is another case of the Federal Government interceding where it has no business.

Mr. LOWENSTEIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the issue we are discussing in this rather casual fashion is one which should be discussed thoroughly and most thoughtfully by this body at the proper time.

The problem of student unrest, and the broader question of violations of first amendment rights anywhere in this country, must be a primary concern of all Americans. We ought to do better by so primary a concern than to tackle it as a footnote to a totally different problem.

In the first place, I cannot believe anyone seriously thinks that this kind of footnote will minimize or discourage student disruption. I have heard no argument to this effect.

In fact, if we are to note the testimony of educators—faculty, administrators, and college presidents alike—as well as of students themselves—in short, the testimony of almost everybody who is most concerned, the effect of this kind of legislation is likely to be the opposite of its alleged intent. If we are to believe what those most deeply involved in the effort to curb campus disorders have told us, this proposal is of no value in that effort. In fact, most of them think it will make their task more difficult.

One must suspect other fish are being fried, or perhaps that students are being fried to haul in other and more political fish. If we are really interested in trying to minimize student discontent, we might talk about how to do that instead of going off on political fishing expeditions.

Furthermore, I wonder if we really want to tell academic institutions that in order to continue working on space research, they have to take orders from the Federal Government about how to handle their internal affairs.

Many of us have supported Federal aid to education on the premise that such aid would not lead to Federal control. But some who have long proclaimed their hostility to big Government, to Federal control, seem eager to throw away their basic principles the moment they see a chance to install a kind of control that is to their liking. I wish they would think again. I think they would find their position on this matter inconsistent and dangerous.

It seems to me the last thing we should start doing now is to try to dictate to institutions how they should run themselves, using Federal economic reprisals to punish disobedience. Institutions of higher learning lose accreditation for succumbing to political influence or interference. Do we really want to institutionalize procedures that heretofore led to disaccreditation?

It is easy to deliver polemics here and easy to vote for legislation which will gain swift cheers from concerned people who have not thought out the consequences of the legislation. But if the price of such behavior is to increase the student discontent we are denouncing, and to further impede the work of those in the educational community who have been in the front lines of this battle, we act irresponsibly when we yield to these temptations.

I must add that I am startled to see so many rising against the recommendations of the administration on so many of these issues.

We override the President's view of how much money this bill should authorize. We dictate what he should do about flags on the moon. Now we are to ignore the views of the administration on this question too. We have no indication that the President, or the Cabinet officers most concerned with campus matters, wish further legislation at this time. We have, in fact, clear indications to the contrary.

Are we the only people on the floor prepared to pay any attention to the President's position on these matters? What is becoming of the Republican Party? Do they know something about the President's leadership that we do not? How self-indulgent must we be to vote one way when the evidence so heavily suggests that to do so is to make matters worse?

I would hope that instead of following this course, we will accept the Koch amendment today and then proceed in due course, and in a proper fashion, to consider student unrest as the major problem it is and to see what, if anything, could be done by Congress that would assist universities in their efforts to cope with their problems.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I wonder if the gentleman would be good enough to advise us about something. If this particular language is stricken from this bill, would the gentleman be in a position to support a move which is now developing in the Committee on Education and Labor—and incidentally we had our first hearing on it this morning—to bring out a bill that would attempt to deal with this whole problem of student unrest? Would the gentleman be inclined to support an omnibus bill in this direction, or would you want to knock this out first?

Mr. LOWENSTEIN. No. As a matter of legislative procedure, I would much rather consider legislation from the proper committee, study the hearings, weigh the merits, debate the proposal, and then vote on it. I cannot support proposals I have not seen, but I assure the gentleman I would study his and other proposals carefully and with an open mind. Legislation by rider seems to me an especially limiting way to deal with campus unrest.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the chairman.

Mr. MILLER of California. I would like to make a distinction between what the gentleman is talking about, which is generic legislation, and the legislation in this bill. The legislation is in this bill because NASA is making an effort to replace into the bank of science the people it pulls out. There was great concern sometime ago that we were taking people out of the science field. We spend $10 million a year substantially for students to replace these people. We are not concerned with the function and are not

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trying to solve the whole problem of student unrest nor are we trying to encroach on the work of the Committee on Education and Labor which Mr. PUCINSKI just referred to. This is merely to protect what we have already.

Mr. PUCINSKI. Mr. Chairman, I move to strike the last word.

I think the House ought to be informed that our committee began marking up a bill this morning which attempts to deal with the overall problem of student unrest and addresses itself to the question of where the Federal responsibilities begin and where it ends.

This bill is carefully constructed to make sure that the Federal Government does not inject itself into the management or operation of institutions of higher learning in this country. The bill instead requires that the local board of the university, after consulting with the faculty, administrators, and students, would prepare and present to the Office of Education in its application for Federal funds its workable plan for dealing with student unrest at the particular university.

I believe unless the House does act on some such broad provision, we will continue to see provisions such as section 7 cropping up in every single bill that comes before this Congress.

I have the highest respect for the chairman of the Space Committee, and he seems to indicate that in the absence of any other legislation, he needs this legislation very urgently in this bill. I would not want to challenge his good judgment. I believe that the House will have to make a decision here very shortly as to whether or not we are going to deal with this problem piecemeal as we did in section 504 or address ourselves to the basic problem and run with the ball and establish some sensible criteria and guidelines in this country for all universities.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the chairman of the committee.

Mr. MILLER of California. I want to say that I would be very happy to support the principles you have set forth in the bill which you propose bringing out. In the meantime, however, there is no such legislation, and in order to protect the Government's investment we have seen fit to recommend legislation of this kind pending this other type of legislation.

I do think that perhaps your committee is a bit overdue in bringing out the legislation which you now discuss.

Mr. PUCINSKI. I thank the distinguished chairman.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Chairman, I am curious about what would happen under this proposed provision if, in fact, an instiution declined to carry out these requirements. Would it then be barred from participating further in research? If that is the case, whose nose are we chopping away at to spite whose face? And in any event, what is the rush? Is this matter not being studied by the Committee on Education and Labor? Is it not possible that we may be doing something that would be damaging not only to NASA in principle, but which would in fact actually do harm to the research itself?

Mr. MILLER of California, Mr. Chairman, if the gentleman from Illinois will yield further, I think there has been any number of different times in the past where this has been included in legislation.

Mr. LOWENSTEIN. Mr. Chairman, if the gentleman from Illinois will yield further, my questions remain, What would be the impact of this section of the legislation? How would it be enforced?

Mr. BIAGGI. Mr. Chairman, one of the most disturbing crises of American society today is the crisis on our college campuses. The blatant disrespect by student radicals and sympathizers for law and order and the rights of other students threatens not only academic freedom but also our very system of higher education. The language of the university is reason, but what is the defense against the physical violence of individuals who do not speak this language. It is the rule of law, quickly and firmly executed.

The young people of our times are more committed, more concerned, and better informed than any previous generation. Unfortunately, some of them, perceiving what they consider to be injustices or faults in our society have taken it upon themselves to inflict their vision on the majority. Often that limited vision does not take the form of any constructive proposal of how the university could be restructured to meet better the needs of society. Rather it is a nihilist approach which has no goal but to destroy.

It is sad that those student dissenters who do have legitimate complaints and who are willing to participate in reasonable discussion allow themselves to be taken in by lawless radicals. It is sad that they aline themselves with the actions of these radicals and in the end become indistinguishable from them. But the college men and women of today are not children. They do not want to be treated that way and I, for one, do not think they should be. Whatever the intent of their actions they are responsible for them. I do not think we restore order to the college campus by attempting to dissect or excuse the motives of the dissenters.

I believe that we, the elected Representatives of the people, have a strict responsibility to oversee and account for the expenditure of public funds. There is no justification for the expenditure of tax moneys which enable student rebels, with the aim of closing down institutions of higher learning or perpetrating physical violence, to remain on our college campuses.

During the last session of Congress we took several steps to withhold Federal student aid from student law breakers. The fiscal year 1969 Appropriations Act for the Departments of Labor and Health, Education, and Welfare, prohibits the use of such funds for grants or loans to any individual convicted by any court of any crime involving the use of force or the seizure of property of an institution of higher education. The Higher Education Amendments of 1968 provide that institutions of higher education, after a hearing, may deny for a 2-year period Federal student assistance under the National Defense Education Act and the Higher Education Act to individuals who are convicted of any crime involving the use of force, disruption or seizure of college property, or who willfully refuse to obey a lawful regulation or order of the institution of higher learning.

The college and university presidents and administrators have taken no action to implement the provisions of the Higher Education Amendments. The Department of Health, Education, and Welfare has taken no action to implement the provisions of the fiscal year 1969 Appropriations Act. Perhaps this is so because the law expires this June 30. H.R. 11271 provides us with another opportunity to express our strong intention that Federal funds will not be available to students who place themselves outside of the law. Last year's NASA Appropriation Act prohibited grants to institutions from whose campuses Armed Forces recruiters are barred. H.R. 11271 takes a stronger approach. It provides that institutions of higher learning may deny the payment of NASA funds to individuals who by willfully refusing to obey a lawful regulation of the institution contribute to the disruption of the institution or who have been convicted in any court of "inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned."

I am extremely pleased that New York has enacted a law which requires all colleges and universities in the State to adopt rules and regulations for "the maintenance of public order" which must be filed with the State within a 90-day period or be ineligible to receive any State aid until filed. I believe that it is this kind of resolution on the part of the colleges, the States and Congress which demonstrates our unwillingness to be intimidated by threats or to submit to the lawless demands of radicals. I give H.R. 11271 my wholehearted support and strongly solicit the support of my colleagues in the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. KOCH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KOCH. Mr. Chairman, I demand tellers.

Tellers were refused.

PARLIAMENTARY INQUIRY

Mr. RYAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will state his parliamentary inquiry.

Mr. RYAN. Is it in order to ask for a division on the last amendment?

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The CHAIRMAN. Was the gentleman on his feet asking for recognition?

Mr. RYAN. The gentleman was on his feet asking for recognition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. KOCH).

The question was taken; and on a division (demanded by Mr. RYAN) there were ayes—15, noes 83.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. RAILSBACK

Mr. RAILSBACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAILSBACK: On page 8, line 24 through line 3 on page 9, strike out all of paragraph (a) and redesignate paragraph (b) as paragraph (a).

Mr. RAILSBACK. Mr. Chairman, section 7 is really divided into two categories. Category (a) that I am trying to knock out would provide for the administration of the institution of higher education to make a determination whether an individual has wilfully refused to obey a lawful regulation or order of the college. It differs in that respect from subparagraph (b) which requires that an individual student actually be convicted in a Federal, State, or local court of competent jurisdiction.

Mr. Chairman, it is my belief that some of the grievances, in fact, many of the grievances expressed by the students are legitimate grievances and, unfortunately, some of their main grievances deal with the administration which we are giving the right to, in subparagraph (a), to make the determination as to whether Federal funds can be cut off from a particular student.

In other words, it seems to me that the Federal Government is getting involved in a particular dispute where both sides may have legitimate complaints, but I can tell the Members from my experience in the trips that I have taken to the college campuses that there is not any question but there has been an archaic relationship between the administration and the students. For that reason, I believe that this particular part of section 7 is even more repressive in character than is section (b), which at least requires a court determination instead of leaving it to the sole discretion of the college administration.

So I hope, Mr. Chairman, that at least we can knock out this one section which in my opinion would be extremely repressive, and for all of the other reasons that were given in the arguments that occurred earlier in respect to the amendments that were offered earlier.

I sincerely believe that the students want a voice, and I believe that they are entitled to have some kind of a voice. I believe the administrators have not listened to them. So I hope that we can adopt this particular amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RAILSBACK).

The amendment was rejected.

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 2, line 16, strike out "$50,000,000" and insert in lieu thereof "$36,500,000".

Mr. RYAN. Mr. Chairman, this amendment would reduce the NASA authorization bill by $13.5 million. It relates to the fact that the Committee on Science and Astronautics has reported out an authorization for the NERVA nuclear rocket program of $50 million, whereas the Johnson administration and the Nixon administration requested $36.5 million for fiscal year 1970. Therefore, my amendment would set the figure at that requested in the budget submission.

Mr. Chairman, I should like to call the attention of my colleagues to the views ably stated by our colleague from New York (Mr. WYDLER) on page 175 of the report, in which he pointed out that it is unnecessary to exceed the budget request for the nuclear rockets program. He said:

> The proposed authorization of $50 million, $13.5 million in excess of the NASA request, appears to be an unnecessary addition of funds at this time. Therefore, it is my view that no more than $36.5 million should be authorized for nuclear rockets program for fiscal year 1970.

I believe that this increase should be evaluated in the light of the intent of the NERVA program.

On past occasions I have taken the floor of the House to discuss in detail the policy that is embraced in proceeding with the hardware development of a nuclear rocket engine, pointing out that NASA is determined to proceed with the full development of the NERVA nuclear rocket engine without having a specific mission approved for it.

It is perfectly clear from testimony year in and year out before the House Committee on Science and Astronautics that the NERVA program is related to the promotion of glamorous and clostly manned space flight, specifically a manned mission to Mars. Its purpose is interplanetary travel.

The NERVA program, which is expected to ultimately cost some $2 billion, is the forerunner of a manned Mars mission which I estimated last year would cost perhaps $200 billion into the 1980's.

Before authorizing more money for this program than even NASA requested, at least we should be aware of what NASA intends for the future. Although no specific decision may have been made, once the investment has been made, NASA will argue, "There is not much money invested in this program that the investment will be completely wasted if we do not continue."

The question of national priorities is at last becoming a subject of debate. Not only is it important to establish a rational allocation of our resources between our domestic social needs and the space and military budgets, but it is imperative to set priorities within the space program, to define objectives, and find a balance between manned and unmanned missions.

Once NERVA hardware is developed, at the very least Congress will be asked to support vastly expensive missions for the purpose of justifying its $2 billion development cost.

Unmanned planetary exploration missions are already underway with conventional hardware and propulsion systems. There is no reason to assume that it will be of interest repeatedly to send extremely heavy manned payloads into orbit or to the lunar surface until further data confirms that man contributes significantly more to space missions than simply additional cost factors and severe weight and safety problems. Earth-orbital and lunar missions, manned and unmanned, may be conducted with hardware that is currently on hand. Only the adoption of a manned planetary goal under current limitations in the state of the art would require a significant advance in propulsion capability. Such a goal has not yet been adopted. At a probable cost of $200 billion for a manned Mars mission should Congress permit such a goal to be quietly built into the system?

Despite repeated requests, NASA has not yet presented a detailed, technical comparison between weights and costs of nuclear and chemical propulsion upper stages for the review of my technical advisers.

NASA's argument in favor of developing a space nuclear propulsion capability rests on the determination to send increasingly heavier payloads into deep space. There is good reason to assume that in the future it may be possible to decrease rather than continually increase the weight of payloads—manned as well as unmanned. Further growth in the skills of microminiaturization would also have obvious and important application on our own planet. NASA should be encouraged to place more emphasis on developing these skills instead of continuing to project even heavier payloads.

An expensive long leadtime flight hardware development such as the NERVA nuclear rocket engine for which there is no mission requirement should not be pursued until such time as the Congress approves a national goal which would lead to such a requirement. Although the options provided by such a development may be desirable, it should be remembered that other options concerning allocation of resources are closed when such a costly and extensive development is undertaken.

Therefore, Congress at the least should keep the authorization at the level requested in the budget submission—not increase it.

Mr. FULTON of Pennsylvania. Mr. Chairman, in response to the gentleman from New York I would say that his amendment would eliminate one of the most important parts of the space program. As I have said earlier today, the nuclear rocket will provide an across-the-board advance in space propulsion in the late 1970's and 1980's. Launch vehicle systems using a nuclear upper stage in combination with a variety of lower stages could perform many missions in considerably shorter times or carry much larger payloads than our present launch vehicles. For example, proceeding at a somewhat more rapid pace would provide NASA with an early cost effective means of using NERVA for round trip low earth orbit-to-synchro-

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nous-orbit or low earth orbit-to-lunar-orbit of large space station modules being planned for the 1970's.

In testimony before the committee, it was evident that this potential high performance has been shown to be feasible. Over the past several years all significant milestones have been achieved very successfully in the extensive technology program—as I will show later. It was also evident from the testimony that the fiscal year 1970 budget request provided for a minimum program and that modest additional funding would allow for more efficient progress and enhance the possibility of earlier flight experience and use.

The added funds would be used for the following:

To increase the fabrication and procurement of development components—particularly in long leadtime items—and provide greater assurance of meeting the present schedule of delivering a flight-ready engine in late 1976.

To advance the procurement of a new exhaust duct and associated equipment required for the existing engine test stand in Nevada.

To provide some increases in contractor technical staffing.

To accelerate stage system design concepts and analysis studies leading toward the initiation of a stage development at a later date.

Within the nuclear rockets program it is recommended that the increase of $13.5 million be allocated approximately as follows:

[In millions of dollars]

Item	NASA request	Recommended changes	Recommended authorization
NERVA	27.5	+11.5	39.0
Nuclear rocket development station	1.0	+.1	1.5
Supporting research and technology	8.0	+1.5	9.5
Total	36.5	+13.5	50.0

The gentleman from New York may well have overlooked this important point: In any logically progressing space program, there will be a continuing growth in payload and energy requirements and in sophistication of operations. The advanced propulsion represented by the NERVA engine is an important element in such a program. History has shown us that propulsion has always been a pacing item in man's progress. Because of the leadtimes involved in the development of a new type of propulsion, it is necessary to proceed with such work well ahead of specific mission definitions.

The nuclear rocket is the next major advance in propulsion, but it will not be available until the late 1970's. By that time specific plans will have been established regarding the next generation of missions. We cannot now say with certainty what they will be, but we can indicate some of the likely choices.

One possible mission is the so-called Grand Tour mission to Jupiter-Saturn-Uranus-Neptune. The planet flyby geometry of the four-planet Grand Tour mission to Jupiter-Saturn-Uranus-Neptune requires a specific flyby velocity and hence a specific and invariable launch velocity. Hence, for any selected mission mode and launch opportunity, there is little if any saving in trip time to be gained with a larger launch vehicle.

While the trip times are fixed by flight geometry, the allowable payload is a function of the launch vehicle employed. For a typical four-planet Grand Tour to Jupiter - Saturn - Uranus - Neptune launched on October 6, 1978, and passing outside the rings of Saturn—trip time of 11 years to Neptune—rough estimates of the relative payload capabilities would be approximately as follows:

First. Titan/Centaur—assumed to be a Titan IIID/Centaur/Burner II—2,220 pounds.

Second. Titan/NERVA—Titan core must be increased in diameter to accommodate NERVA. Payload estimated for two 120-inch seven-segment strap-on solid motors with large diameter core first stage Titan+NERVA—6,000 pounds.

Third. Saturn IB/NERVA—single-engine NERVA stage on an S–I with four 120-inch, seven-segment solid strap-ons—19,000 pounds.

Fourth. Saturn IC/NERVA—single-engine NERVA stage on a four-engine S–IC—24,000 pounds.

Fifth. Saturn V/NERVA—single-engine NERVA on an S–II on an S–IC—70,000 pounds.

The very substantial performance capability of the Saturn V/NERVA would permit more comprehensive missions to the outer planets than would the smaller launch vehicles. But there are other missions which could use boosters including a NERVA stage.

The nuclear rocket is intended to be used in a wide specrtum of missions in the late 1970's and beyond, extending the capability of launch vehicles and enhancing the effectiveness of many major space programs. All of the prospective boosters with NERVA-powered upper stages could perform a large variety of unmanned missions in addition to the grand tour.

Furthermore, the Saturn V with a nuclear-rocket third stage or possibly some other intermediate booster with a nuclear upper stage, could beneficially perform advanced manned missions in lunar exploration and Earth-orbital operations. Among the candidate unmanned missions are a Mars surface sample return, a variety of outer planet orbiter/lander missions, a Mercury orbiter, a comet rendezvous, and many others as yet undefined.

Among the possible missions in manned space programs are lunar base logistics—manned or unmanned—single-launch manned lunar mission providing both mobility and staytime for exploration of any specified topographical feature or region; direct delivery of large payloads—manned or unmanned—to synchronous orbit; transfer of large orbiting payloads from low-altitude, medium-inclination orbit to other synchronous or polar orbit; and, perhaps, round-trip transportation of manned spacecraft from low altitude to synchronous orbit and back (with the possibility of reuse).

Payloads for typical missions are as follows:

[In thousands of pounds]

Missions	Nuclear Saturn V	All-chemical Saturn V
1. Lunar:		
Transfer	180	112
Landed	63	35
2. Synchronous, equatorial orbit	138	72
3. Polar orbit (from 52° Cape Kennedy launch orbit)	115	57
4. Jupiter probe (2-yr. trip)	84	32
5. Grand tour (1978)	52	[1] (30)
6. Solar probe (0.2 AU)	40	[1] (23)

[1] For these missions the all-chemical launch vehicle would have a 4th stage, such as the Centaur, with a resultant increase in costs for development and operations. In contrast, a nuclear Saturn V would not need a 4th stage.

[In thousands of pounds]

Missions	Launch vehicles			
	S–IC/ nuclear or solid/solid nuclear	S–IC/ S–IVB or solid/solid S–IVB	Solid/ nuclear	Solid/ S–IVB
1. Lunar, transfer	65–74	39–44	36–46	21–26
2. Synchronous, equatorial orbit	50–59	17–22	25–35	7–9
3. Polar orbit (from 52° Cape Kennedy launch orbit)	43–52	9–13	19–29	[1] (18–21)
4. Jupiter probe (2-yr. trip)	28–37	[1] (16)	7–17	[1] (11–13)
5. Grand tour (1978)	12–20	[1] (8)	0–6	[1] (5–6)
6. Solar probe (0.2 AU)	7–15	[1] (6)	0–3	[1] (4)

[1] For these missions the all-chemical launch vehicles would have an additional stage, such as the Centaur, with a resultant increase in costs for development and operations. For very high energy missions, the nuclear booster could be used as shown here or with a Centaur added to give even greater payloads.

I have given these data in some detail to stress the versatility of nuclear-rocket propulsion and to avert a possible misconception that the NERVA engine is useful only with the Saturn V launch vehicle. The efficiency of nuclear propulsion results in large payload gains at velocities corresponding to lunar missions, synchronous-orbit missions, and a wide spectrum of deepspace missions for which all-chemical systems would at least require multiple launches or more stages.

As I said a moment ago, the NERVA stage can be usefully employed in Earth orbit missions. But it might be helpful to emphasize how much the improvements over chemical stages really are.

With the Saturn V it is possible, of course, to land men on the Moon. The initial Apollo capability provides for landing two men for on the order of 1 day stay time. By using a nuclear NERVA-type stage in place of the S–IVB stage we would be able to perform a lunar landing mission with substantially increased payloads, on the order of 70-percent increase or more. There is actually quite a leverage in that increase in payload in terms of useful capability. From studies it has been indicated that, with this kind of addition in payload capability, the stay time on the Moon can be extended up to 100 man-days or more. Other possibilities are: larger automated payloads to the planets, moving large space stations in orbit, or some combination of these activities, in the late 1970's and 1980's.

A very important message emerges from what I have said so far:

Wherever the emphasis is placed in the space program by the late 1970's and the 1980's, the resulting need for improved performance can be met by one basic propulsion system, the NERVA nuclear rocket. Because of this versatility, the relatively modest investment the Nation is making in these years in the nuclear rocket will enable us to respond on relatively short notice to whatever directions the space program should take. No other single propulsion development will provide this capability and ability to respond.

Benefits from the use of nuclear rocket propulsion are many and great. It is important to recognize that fundamentally the nuclear rocket provides a large amount of propulsion energy for any of of a number of purposes. As I have said, the energy can be used to increase payloads, for example, doubling the payload of Saturn V and other possible high capacity launch vehicles for many applications. It can be used to shorten trip times. Substantial increases in payloads can permit more experiments, more redundancy or otherwise increase markedly the probability of mission success.

As we have continued to examine appropriate applications of nuclear propulsion, other potential advantages have been brought into clearer focus. They include high reliability, controlability and flexibility of operations. The NERVA development program is being directed to incorporate these advantages in the flight engine. Studies have also shown that nuclear rockets are compatible with a variety of possible large and intermediate class launch vehicles. These factors reinforce the prediction that the nuclear rocket will be a workhorse propulsion system in the late 1970's and thereafter for the types of missions I described a few moments ago. They also show that a visualization of the significance of NERVA solely in terms of individual missions inadequately represents the capability it offers.

To make this capability available, several steps are required. The first important step has been essentially completed, that is the establishment of basic feasibility and the basic knowledge and understanding required to proceed with the development of actual flight hardware. The next step is the reduction of this technology to practice. This step requires the design and development of flight engine hardware through component testing and integration, and through engine system qualification. That hardware once developed must then be proven in flight. Later flights will be operational missions in which the propulsion system must be completely dependable and compatible with mission objectives. Through all these steps, the propulsion system will be evolving toward its ultimate performance which will comprise even higher specific impulse, longer operating duration, and greater reliability.

These steps are a time consuming process and indicate one of the important reasons we are proceeding now with this next significant step. The leadtimes are such that, as I indicated, the nuclear stage will not become operational until the late 1970's when major increases in payload and available velocity will be appropriate. A second factor is that having such an advanced propulsion system in development provides our Nation with space program flexibility, keeping open many mission options without requiring other large commitments in the near term. Third, the introduction of nuclear propulsion will be economic in the overall space program due to both cost effective operations and its versatility.

In deciding on a program's future, it is instructive to look at its past. On the NERVA program there is a long history of the successful solving of many extremely difficult problems. During the past 5 years there has been the steady attainment of one important milestone after another. This kind of achievement builds confidence that the future will bring equal success. The following milestones show just what has happended since early 1964:

Kiwi-B4D, one power test, May 1964.

Kiwi-B4E, two power tests, August–September 1964.

NRX-A2, two power tests, September–October 1964.

Kiwi-TNT, January 1965.

NRX-A3, three power tests, April–May 1965.

Phoebus-1A, one power test, June 1965.

NRX/EST, 10 starts, December 1965–March 1966.

NRX-A5, two power tests, June 1966.

Phoebus-1B, one power test, February 1967.

Phoebus, two cold flow tests, July–August 1967.

NRX-A6, one power test, December 1967.

XECF, cold flow, February–April 1968.

Phoebus-2A, three power tests, June–July 1968.

Pewee-1, two power tests, November–December 1968.

From the information obtained in all of the above tests, the detailed definition of the NERVA engine has been initiated. In some cases, alternative conceptual designs are being analyzed. This process will allow rational design selections to be made in light of the requirements. Personnel of the AEC and the Marshall Space Flight Center, Kennedy Space Center, Lewis Research Center, as well as others are working to insure that the requirements and design choices are reasonable and justified.

It is expected that a comprehensive preliminary design will be achieved by late this year which will serve as a base line approach satisfying all of the stated functional requirements. Of course, there are and will be design changes after completing this preliminary design phase, but NASA and the AEC are proceeding with great care at the present to minimize such changes, since they become more difficult and expensive as the development program progresses.

In fiscal year 1970 then it is planned to be engaged in substantial fabrication of hardware for component test activities. The component tests are intended to substantiate the design solutions selected and will lead to the qualification of the components involved.

The presently estimated overall schedule for the NERVA development program leads to qualification of the engine for flight, or PFRT, in about 1977. The program of system design, component design, component development, and fabrication relating both to the reactor and nonreactor components will lead to a series of reactor and engine tests to prove out the system and demonstrate reliability. It is estimated that a total of four reactors and eight complete engine systems will be needed to conduct development and qualification testing leading to the availability of the engine for flight. Completion of this testing, together with the supporting analyses and documentation, will provide a propulsion system suitable for vehicle application.

The existing test cell C will be used to conduct all reactor testing. Engine test stand-1—ETS-1—will be used for engine tests. Modifications are required, and their design is being initiated, to the ETS-1 hot hydrogen exhaust system, propellant plumbing and altitude simulation system to allow full power testing of a flight configuration engine. It is planned to fund these modifications to ETS-1 out of NERVA research and development funds.

The total estimated cost to develop the NERVA engine is approximately $600 million. In addition, it is estimated that approximately $500 million will be required for stage development. The initiation date for the stage development program has not yet been determined, but will probably occur in the early 1970's.

As has been shown in the past, the development of this engine is solidly based upon a large accumulation of information and experience obtained in the technology phase of the work.

By way of summary I would say that the activity in the nuclear rocket program this past year has added to the foundation of knowledge and experience upon which flight-engine development will be based. The technology phase of the NERVA project is nearly complete; preliminary design of the 75,000-pound-thrust NERVA engine is underway. This technology promises an advancement in space propulsion of major importance—advancement in terms of high payloads and velocity increments, enhanced reliability and mission-success probability, and all-round operational versatility.

The benefits to be derived from the use of nuclear rockets are spread throughout the advanced space program of the late 1970's and beyond. Lunar exploration, Earth-orbit operations and deep-space scientific missions are still profitable areas for nuclear propulsion. Addition of a NERVA-powered stage to any of a variety of boosters in the Saturn V and intermediate-size range will be a major contribution to progress in this time period. Furthermore, by means of one such development with a variety of

XUM

applications, we maintain many options without having to pursue a large number of advanced developments and give the Nation the capability to respond on relatively short notice to new mission directions we might choose to take. This approach is particularly valuable in times of cost sensitivity and program definition. The nuclear rocket, therefore, will contribute strongly to our Nation's preeminence in space and, as a particularly valuable focus of advanced technology, contribute to our general technological strength.

For these many reasons I urge the defeat of the amendment of the gentleman from New York.

Mr. MILLER of California. Mr. Chairman, I move that all debate on the pending amendment cease at this time.

The CHAIRMAN. The question is on the motion offered by the gentleman from California (Mr. MILLER).

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

TRANSPORTATION TO WHITE HOUSE

The CHAIRMAN. The Chair recognizes the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, I wish to announce that following the vote on the bill there will be a bus outside the House wing of the Capitol for those Members of the House and their staff who wish to go to the White House to hear a few remarks by the President on his return from the conference at Midway.

LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. ALBERT. Mr. Chairman, I take this time only to announce some changes in the program.

The bill H.R. 6543, the Public Health Cigarette Smoking Act of 1969, will not be brought up this week as previously announced.

Tomorrow we expect to call up the bill—H.R. 1035—limiting the use for demonstration purposes of any federally owned property in the District of Columbia, which will be considered under an open rule providing for 2 hours of debate.

On Thursday, we have programed the bill H.R. 4314, joint labor-management trust funds for scholarships and child care centers, subject to a rule being granted.

I thank the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Under the rules, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, pursuant to House Resolution 413, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third heading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FULTON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 330, nays 52, not voting 50, as follows:

[Roll No. 78]

YEAS—330

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Bevill
Biaggi
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Caffery
Cahill
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gaydos
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hogan
Horton
Hosmer
Howard
Hull
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Karth
Kazen
King
Kleppe
Kluczynski
Koch
Landrum
Langen
Lipscomb
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McClory
McClure
McCulloch
McDade
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Rarick
Rees
Reid, Ill.
Reifel
Rhodes
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roybal
Ruth
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Schwengel
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Snyder
Stafford
Staggers
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—52

Barrett
Betts
Biester
Brown, Mich.
Button
Byrne, Pa.
Chisholm
Clay
Collier
Dellenback
Eilberg
Farbstein
Fraser
Goodling
Gross
Gude
Hall
Henderson
Hicks
Hungate
Hutchinson
Joelson
Jones, N.C.
Kastenmeier
Keith
Kyl
Landgrebe
Latta
Lowenstein
McCarthy
McDonald, Mich.
Mikva
Myers
Nix
Obey
Ottinger
Railsback
Randall
Reid, N.Y.
Reuss
Rosenthal
Ruppe
Ryan
Scherle
Schneebeli
Skubitz
Steiger, Ariz.
Steiger, Wis.
Stokes
Taft
Whalen
Wyatt

NOT VOTING 50

Anderson, Tenn.
Ashbrook
Ayres
Bates
Blatnik
Brasco
Brooks
Brown, Ohio
Carey
Celler
Conyers
Cunningham
Dawson
Dwyer
Edmondson
Edwards, Calif.
Feighan
Garmatz
Gettys
Goldwater
Hébert
Heckler, Mass.
Holifield
Kee
Kirwan
Kuykendall
Kyros
Leggett
Lennon
McCloskey
Mann
Matsunaga
Mills
Nelsen
O'Konski
Patman
Pelly
Powell
Riegle
Ronan
Scheuer
Scott
Smith, N.Y.
Springer
Stuckey
Thompson, N.J.
Tunney
Udall
Wilson, Charles H.
Wold

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Scheuer against.

Until further notice:

Mr. Garmatz with Mr. Pelly.
Mr. Feighan with Mr. Ayres.
Mr. Mills with Mr. Goldwater.
Mr. Lennon with Mr. Nelsen.
Mr. Carey with Mrs. Heckler of Massachusetts.
Mr. Brasco with Mr. Smith of New York.
Mr. Thompson of New Jersey with Mrs. Dwyer.
Mr. Holifield with Mr. McCloskey.
Mr. Kirwan with Mr. Kuykendall.
Mr. Charles H. Wilson with Mr. Riegle.
Mr. Gettys with Mr. Ashbrook.
Mr. Edwards of California with Mr. Brown of Ohio.
Mr. Celler with Mr. Bates.
Mr. Brooks with Mr. Cunningham.
Mr. Blatnik with Mr. O'Konski.
Mr. Kyros with Mr. Springer.
Mr. Mann with Mr. Scott.
Mr. Ronan with Mr. Wold.
Mr. Stuckey with Mr. Leggett.
Mr. Edmondson with Mr. Tunney.
Mr. Udall with Mr. Dawson.
Mr. Powell with Mr. Conyers.
Mr. Kee with Mr. Matsunaga.
Mr. Patman with Mr. Anderson of Tennessee.

Mr. HUNGATE changed his vote from "yea" to "nay."

Mr. RUPPE changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore (Mr. JOELSON). Without objection, it is so ordered.

There was no objection.

RAISE IN PRIME INTEREST RATE UNCONSCIONABLE

(Mr. HANLEY asked and was given permission to address the House for 1 minute.)

Mr. HANLEY. Mr. Speaker, in one of the crassest examples of disregard for the public interest, several major banking institutions yesterday announced that they are raising their prime interest rate to an unconscionable 8½ percent. It is crass because it has all the earmarks of a grand conspiracy; it is unconscionable because it will force many of the little people of this country right to the wall.

The fact of the matter is that this will drive the effective interest rates on almost every type of loan, including home mortgages, beyond the limits of the usury laws in many States.

We all know that banks, like other financial enterprises, are in business to make money. This is the essence of the free, competitive marketplace. But they are governmentally chartered institutions with a distinct responsibility to the public, and their charters to lend should not and cannot be interpreted as licenses to gouge the people.

Mr. Speaker, this latest defiance of the public interest is the fourth increase in the prime rate since last December, a rise of 25 percent in 6 months. It is uncalled for. It could force many small enterprises out of business; it could cripple the homebuilding industry; it certainly will be a disaster for the average American home buyer.

As the distinguished chairman of the House Banking and Currency Committee noted yesterday, Mr. Speaker, it seems rather strange to me that those major bankers all miraculously arrived at the same figure on the same morning. But then maybe it is not so strange, Mr. Speaker. Maybe it is just a plain, old-fashioned conspiracy, into which the Justice Department ought to look.

I urge the President to take strong actions to reverse this trend and I hope the House Banking Committee will convene as early as possible to examine the whole Federal Reserve System with a view to overhauling it and bringing it back to reality under closer congressional scrutiny. Unless Congress and the President act quickly and effectively, we are going to find ourselves in a credit crunch that will make 1966 look like a picnic.

THE HIKE IN INTEREST RATES

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, I should like to join with the expressions which were just made by the gentleman from New York. I think that the newest hike in interest rates continues and increases the unfortunate game of bouncing off the borrower bench some of our healthiest and worthiest economic elements.

I believe we can safely predict that this new rise in interest rates will have no more lasting effect on inflation than have the previous increases. The Secretary of the Treasury, David Kennedy, stated correctly before this rise that a further increase in the prime rate at this time would not in itself effectively restrain the demand for credit.

By following this myopic, tunnel vision approach of interest rates as an effective restraint on inflation we are being at this point counterproductive and inordinately cruel—counterproductive because increased interest to the selective class of borrowers who can afford the interest rate now because of increases of prices which they can feed into the inflationary channel will keep them in the forefront of the borrowing bench. It is cruel because we are not intelligently being selective in the use of scarce capital. We are keeping it available to the borrower who is either born with the instincts of a crapshooter or a borrower who has some direct control over the market price so he can add on the interest cost. It is cruel because the higher interest rates go the surer it is the ultimate level of settling down will be higher. From a high of 7½ percent one can predict perhaps the rate would settle back to 6¼ percent, but from a high of 8½ percent one can only look for a settling back to about 7½ percent. This is called the rachet effect. It is easier to move up than down.

Interest rates represent a price. Price on any commodity serves as a rationing agent. Certain people at a given level because of the economic imperatives are priced out of the market. Unfortunately the market does not respond to the rational priorities of needs for our society so the scarcity of capital does not necessarily follow the most desirable or healthiest course.

At this time both expansion and inflation are working against the Government and in a way that is not responsive to higher interest restrictions. Because we are in a virtual war economy there is an expected profitability in new plant construction and higher inventory accumulation. With a level of unemployment down to near or below 3 percent, the consumer balances off his concern for stable credit with an expectation of higher income. Both business and consumers rush into a money market of escalating price as early as possible so that debt created at such time can be paid off in cheaper dollars later.

What this indicates, Mr. Speaker, is that under present circumstances higher interest rates are worse than neutral in the battle against inflation. Such additional increases can only fan the flames and at the same time continue to make unwise allocations of limited investment capital. There must be a better route to take. When will we realize that a war economy can only be controlled by the tougher medicine, of harsher but fairer measures to restrict areas of investment and to restrain price and wage policies?

OEO "EVALUATES" ITSELF

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I have come across the most shocking instance of bias in "evaluations" of OEO projects I have ever heard of, and one which brings into question the basis for all project reviews.

An evaluation report on South Florida Migrant Legal Services Program, Inc., was submitted by Volt Information Sciences, Inc., by a man who lists himself as a "Volt consultant" and chairman of the evaluation team. In a letter to me, Volt says:

> Volt does not knowingly assign specialists to tasks in which the specialists have interests in the case.

Yet a report of the executive director, South Florida Migrant Legal Services Program, Inc., dated December 20, 1967, says that this same man "has agreed to act as the program's liaison man in Washington. His function will be to contact various Government agencies upon our request and forward to us such information as he may acquire from these agencies."

OEO set up what many Members of the Congress assumed was an independent evaluation of OEO projects by outside contractors. This particular evaluation was conducted under OEO contract No. B-89-4391, to assess the value of an $800,000 2-year legal services program which had applied for a new 3-year $2,800,000 program. Needless to say, a full and proper evaluation of such a project would be valuable both to OEO and Congress.

When I asked Christopher Clancy, OEO Legal Services acting director, who selected the members of the evaluation team, he informed me that it had been done by Dan Bradley, OEO's legal services representative in Atlanta. I contacted Mr. Bradley, and he confirmed this, saying that he had picked the evaluators after asking the advice of others. I asked Volt if this was standard procedure to let OEO name Volt evaluators, and they replied that, "It is not Volt's policy or practice." Yet that is what has happened.

In addition to the chairman of the evaluation team, who is apparently both a project consultant, Volt consultant, as well as an evaluator of the same project, two other members of the team have the distinct opportunity for bias. One is the full-time paid director of another OEO funded legal services project. The other is a Washington attorney, associated with the law firm of Arnold & Porter. The deputy director of the program which was to be evaluated lists himself as a former associate of the same Washington law firm. The remaining panel member is a member of the American Bar Association's legal aid committee, apparently recommended to Mr. Bradley by the ABA's Washington office.

Here we have a shocking case of the selection of three men to evaluate an OEO program, not by the independent contractor who files the report, but by an OEO regional official. And that OEO official has selected as chairman of the team a man who is shown as the Washington representative of the program; a lawyer from the same law firm, out of the thousands of firms in the Nation, as the program's deputy director lists himself as being associated formerly; and the director of another OEO project who could hardly be expected to give an adverse report. Perhaps he had been or will be subject to a similar "evaluation" by the director of this program, if that is OEO's practice.

I do not bring this matter to the attention of the House without realizing the seriousness of the implications. This and other project evaluations are given wide distribution within OEO and other Government agencies, and to congressional committees to justify funding, refunding and appropriations and authorizations. The General Accounting Office, the congressional watchdog, itself makes extensive use of evaluation reports in reviewing the operations of OEO. In its recent report to Congress on OEO, in the section dealing with legal services, GAO says that they used as a partial basis for their investigation some 34 evaluation reports in OEO's files. Fortunately they sampled two of that number in depth, and were critical of the nature of evaluation efforts in general.

These evaluation reports, then, are important to OEO, to Congress, and to the projects themselves. If this one case is not an isolated one, and I rather doubt that it is, OEO's so-called independent contract evaluation setup is nothing more than a sham. It is merely a fraudulent way to produce a desired result through a contractor, while maintaining control over selection of evaluators. I believe this situation requires several immediate steps to be taken;

First. Congress should appropriate no additional funds to OEO until we are assured of an impartial and independent evaluation process, completely out of the hands of OEO.

Second. I am asking General Accounting Office to make a thorough investigation and report of OEO's contractors and evaluation process.

Third. Steps should be taken now to free project evaluations from OEO control.

Fourth. OEO should not refund the program which was evaluated by this particular handpicked team.

A full and complete investigation should be made into the activities of the South Florida Migrant Legal Services, Inc., to learn why such great pains were taken to insure a favorable evaluation report. Someone went to a great deal of time and effort to put together such an evaluation team subject to such great bias and the evaluation report itself stands as proof that a whitewash of all the charges against the program was to be the end product of the evaluation.

CORRECTING THE RECORD ON JUSTICE IN ALABAMA

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, I include at this point in the RECORD a portion of a press release issued by the gentleman from New York (Mr. BUTTON) based on a speech which it is my understanding he delivered in his district last Sunday:

> If you were a witness to a lynching, and you could help prevent a tragedy, you would not hesitate to help, would you? That is the opportunity that has been offered to me.
>
> I am glad to be able to say that I did not hesitate to try to help one of the fine Americans of our time, Mr. Richmond Flowers.
>
> For there is a lynch mob afoot, and they mascarade themselves in the guise of justice—an Alabama racist justice.
>
> A lynching based on bitter hatred of a man who has stood up against the mob, against racism, for decency, and for the law—even when he had been warned that ruin, and though possible assassination, were ahead if he defied the racists—racists who bombed churches; who killed in their hoods under the cover of night; who held other Americans in subjection with threats, fear and violence; who sought to stand in the school house door, to stem the forward advance of human kind.
>
> Because Richmond Flowers, as Attorney General of Alabama, did stand up courageously against these evils, be exposed himself not only to the haters, calumnies, but to the vile retributions. Ruin was threatened to him, but he went on—and now the haters are seeking to extract their pound of flesh, even at the cost of distorting the presumably even-handed system of justice in which we instinctively trust.
>
> It is almost inconceivable to you that the Federal juries in Alabama could be so prejudiced; but for the man whom George Wallace has bitterly described as his worst enemy, nothing could be too bad. And so the lynching.
>
> But the appellate courts do not depend on Alabama juries and are not in Wallace's hands, and so I believe there is real reason to hope and expect that actual justice will prevail for Richmond Flowers.
>
> In the meantime, let me reiterate my position as stated when I announced my intention to employ Mr. Flowers, in the belief that his talents and his credentials could well serve the people of my District and the country:
>
> "Richmond Flowers has served the people well in his distinguished career. He deserves as much in temporary adversity, and I am gratified to be able to have some part in trying to assure such for this fine man."
>
> The feeling on my part has been well expressed by a lady who wrote to me from our area. This is what she said:
>
> "My husband and I both applaud you for showing your faith in Mr. Richmond Flowers, and having the courage to do it. I am perfectly certain that Mr. Flowers has never done anything dishonest. He has always shown great courage in opposing injustice, and I felt sure that the time would come when he would be accused of some wrong doing, merely because he was unwilling to compromise his principals. Under no circumstances will I ever believe he has done anything dishonest; he is not that kind of person."
>
> But to some people, who apparently lack this lady's insight, and who have not had the advantage—as I have—of being able to see, at first hand, spiteful hatred at work, the issues apparently are obscured. To them, I ask in all good will, do you question that Richmond Flowers was long ago prejudged and condemned in Alabama, long before an Alabama jury lynched him; do you really doubt that such a man would be crucified as a victim of racist politics?
>
> I consider it impossible for Mr. Flowers to have received a fair trial under these circumstances. Until an appellate court reviews his case strictly on facts and law, it is urgent to withhold final judgment and I am confident the fair-minded people of Albany and Schenectady counties will do so.

When the gentleman saw fit to employ on his congressional staff a former Attorney General of Alabama who had just been convicted in a Federal court along with two other men on extortion charges, I was surprised that any Member should continue to presume a man's innocence immediately following his conviction in a Federal court, but felt that the hiring of staff personnel was an individual Member's own business and his own responsibility. When the gentleman, however, added to this an attack upon citizens of my district I felt compelled to take the floor to set the record straight.

On February 27, 1969, following a 5-week trial in the Federal court for the northern district of Alabama, Richmond Flowers was found guilty on two counts of conspiracy to commit extortion and two counts of extortion and received a $10,000 fine and an 8-year sentence in a Federal penitentiary. Two other individuals in this same trial were also found guilty. The cases are now on appeal to the Fifth U.S. Circuit Court of Appeals.

The 12 citizens who composed the jury, the 23 citizens on the grand jury which indicted him, Justice Department officials who reviewed the case, and the Federal Judge who presided over the court and passed the sentence have all been swept aside by the gentleman from New

York as examples of "Alabama racist justice" who "lynched" Mr. Flowers.

Mr. Speaker, citizens do not volunteer to serve on juries in Alabama, as in any other State. Those who served on the grand jury which brought the indictment and those who served on the jury which convicted the individuals in this case were required by law to so serve as a duty of citizenship. The record will reflect that during a long trial voluminous evidence and testimony were presented in this case and that the rights of the defendants were fully protected by the presiding judge. The members of the biracial jury which returned a unanimous verdict of guilty sought only to render the fair and honest judgment which the law required of them in this case. The record will reveal it to be both a reasonable and responsible decision.

Mr. Speaker, I find highly unjustified the criticism of this jury by the gentleman from New York (Mr. BUTTON) who, in announcing his appointment of Mr. Flowers to his staff, said he knew nothing about the trial.

Attorneys for Mr. Flowers and the two other men had the opportunity and did, in fact, use all their strikes in selecting a jury. It is inconceivable to me that the gentleman should believe that out of a venire of more than 80 persons, not one was a fair, honest, responsible law-abiding American, as his statement implies.

As you know, it takes only one vote for acquittal to result in a mistrial in a Federal court. This was not the case with the Flowers trial. All the jurors, and they were polled, Mr. Speaker, said they were in agreement with the verdict submitted by the foreman of guilty on all four counts.

Mr. Flowers' trial took 5 weeks in Federal court. Prior to his indictment in August 1968, his case had been under investigation for several years. The case was reviewed by Justice Department officials here in Washington, including those in the Civil Rights Division.

Do you, Mr. Speaker, think it within the realm of possibility that had Civil Rights Division officials thought this case was based on racist politics they would have permitted its prosecution?

Mr. Speaker, a Federal grand jury indicted Mr. Flowers and a Federal jury convicted him after hearing the testimony. The gentleman from New York (Mr. BUTTON) I am sure, would be loath to convict someone after hearing only the prosecution's testimony, but that is what he has done. He has convicted an Alabama jury of rendering "racist justice" but he admittedly is not familiar with the testimony that jury heard.

The jury panel was selected at random by a system approved last year by the judges of the Fifth U.S. Circuit Court of Appeals. That jury represented a cross section of the 31 counties in the northern district. I am absolutely confident it was a fair jury and that presiding Judge Clarence W. Allgood provided the same type of justice in his court in Alabama that Mr. Flowers would have received anywhere in the Nation.

Mr. Speaker, my constituents and fellow citizens over whom the gentleman has set himself up as judge and jury are innocent of doing anything other than their duty under the law.

REPRESENTATIVE LUJAN INTRODUCES LEGISLATION TO ESTABLISH EMERGENCY TAX ON EXCESS CORPORATE PROFITS

(Mr. LUJAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LUJAN. Mr. Speaker, today I am introducing, along with other of my colleagues, legislation to establish an emergency tax on excess corporate profits. If enacted, our program will raise enough funds to make the continuation of the 10-percent surtax on individual incomes unnecessary.

The need to raise moneys to pay for our expenditures in the Vietnam war is clear and unarguable. Our defense spending has risen by 59 percent since the original large scale escalations of 1965. Corporate profits during the same period have risen by 33 percent, and, of course, have risen much more than that in certain industries which are directly involved in the war effort. It seems to me far more equitable for those interests which have profited from the war to bear the major share of the financial burden than to place that burden on the individual taxpayer.

Taxes on excess wartime profits is the method we have traditionally employed to pay for our wars. We had one during World War I, and during World War II. Within 6 months after the Communist invasion of South Korea Congress had enacted such a tax. I think it is only logical that we at least seriously consider a similar measure for this war before continuing with the surtax.

I would like to point out that our legislation is in no way intended to hamper the growth of business, especially small businesses. Corporations whose net profits are $25,000 or less would be totally exempted from taxation under our proposal, and allowances are made for corporations in financial difficulties.

Mr. Speaker, I think it is an unfair measure. I think that Congress, and members of the key committees, are aware of the unpopularity of the surtax, and I therefore urge my colleagues to give this reasonable alternative the most careful consideration.

EVALUATION OF BENEFITS OF WATER RESOURCE DEVELOPMENT PROJECTS

(Mr. JONES of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. JONES of Alabama. Mr. Speaker, as chairman of the Flood Control Subcommittee, Committee on Public Works, I have announced that the subcommittee will begin hearings shortly on the evaluation of benefits of water resource development projects.

Specific dates will be announced later after consultation with the gentleman from Maryland, Representative GEORGE H. FALLON, chairman of the Public Works Committee.

Many Members have expressed an interest in this important subject, and I want to include my statement at this point in my remarks:

STATEMENT BY MR. JONES OF ALABAMA

In the determination of our national priorities and goals, water resource development projects have been consistently and unjustly downgraded. This has occurred despite the fact that we cannot ever overstate the importance of water resources to the development of our Nation. Without full and proper attention to the water which we possess, we cannot help to reach successfully the levels of attainment to which this Nation is dedicated.

Water is an invaluable commodity. However, most people simply take it for granted until the supply runs low in quantity or quality.

But that lack of concern does not apply to everyone. There are many who share my belief that measures are urgently needed to carry forward vital programs for the protection of lives and property of our citizens against the ravages of floodwaters, for the protection of our valuable coastal resources from erosion, for the development and improvement of waterways and harbors as an essential element of the national transportation system, for the generation of low-cost hydroelectric power, for the development of water supplies of suitable quantity and quality to serve our Nation's cities, industries and farms, for the conservation and enhancement of wildlife resources, for providing increased opportunties for our citizenry to enjoy healthful outdoor recreational opportunities, and, in general, for inducing economic development as a means of enhancing the general welfare.

In the Flood Control Act of 1936, the Congress established for the first time a national flood control policy. Destructive floods obstructing navigation, highways, railroads and other channels were held to be a menace to national welfare. The law stated that the Federal Government should improve or participate in improvements of navigable waters or their tributaries for flood control "if the benefits to whomever they may accrue are in excess of the estimated costs, and the lives and social security of people are otherwise adversely affected." Over the years this criteria has been made applicable to almost all types of water resource development projects.

Despite this broadest possible statement of Congressional intent, the planners, economists and academicians have not been able to state with any degree of accuracy the true benefits brought about by water resource development projects. The Executive Branch has issued document after document on the various analytical procedures they considered acceptable in the evaluation of the benefits and costs of projects. In 1962, President Kennedy approved a memorandum from the Secretaries of the Army, Interior, Agriculture and Health, Education, and Welfare setting forth a statement of policies, standards, and procedures in the formulation, evaluation, and review of plans for the use and development of water and related land resources for use by all Federal agencies in their formulation of land and water resources development projects. That memorandum was subsequently printed as Senate Document No. 97, 89th Congress. However, it soon became apparent to all who were involved in this area that the agencies were not uniformly following the planning policies set forth in that document for the evaluation of benefits. The Corps of Engineers, in particular, was not taking into account the total benefits which were permissible under

Senate Document No. 97, and in many studies were obviously understating the true value of a proposed project.

In this time of highly competitive needs and limited budgets, we can no longer afford the luxury of understanding the total benefits of water resource development projects. We must recognize and compute all the benefits and all the costs properly. Without the knowledge of total benefits and costs, we cannot intelligently judge the alternatives available to us.

A recent study of a highly developed 10 mile section of the Tennessee River near Decatur, Alabama, indicated some 6,000 people have found employment in river-front manufacturing plants. But the benefits didn't stop at the waterline. These waterfront plants were responsible for 1,000 other new jobs in supplying industries away from the water and for 33,000 jobs in industries consuming products of the waterfront plants. Numerous other benefits are also inherent in this type of development.

The analyses which have been heretofore applied to projects are inadequate and outdated. Proper consideration and application of total benefits must be forthcoming.

For all of the reasons which I have stated, the Subcommittee on Flood Control will hold public hearings shortly in Washington on the entire matter of evaluation of benefits of water resource development projects with a view toward determining appropriate legislation setting forth the necessary criteria for use by the pertinent Federal agencies.

CAMPUS DISORDER—REPORT OF THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCULLOCH. Mr. Speaker, Dr. Milton S. Eisenhower, Chairman of the National Commission on the Causes and Prevention of Violence, issued the Commission's Interim Statement on Campus Disorder on Monday, June 9, 1969.

The statement is calm, factual, constructive and logical. I commend it to all Members of Congress, yes, to all citizens who are concerned about the causes and the cure of campus disorders.

The interim statement follows:

INTERIM STATEMENT ON CAMPUS DISORDER

The members of this Commission, along with most Americans, are deeply disturbed by the violence and disorder that have swept the nation's campuses. Our colleges and universities cannot perform their vital functions in an atmosphere that exalts the struggle for power over the search for truth, the rule of passion over the rule of reason, physical confrontation over rational discourse.

We are equally disturbed, however, by the direction of much public reaction to campus unrest. Those who would punish colleges and universities by reducing financial support, by passing restrictive legislation, or by political intervention in the affairs of educational institutions, may unwittingly be helping the very radical minority of students whose objective is to destroy our present institutions of higher education.

So threatening is the situation, so essential is the need for understanding and calm appraisal, that this Commission feels compelled to speak now rather than to remain silent until publication of its final report next fall. We offer our comments during the summer pause in the hope that they will contribute to constructive thought and action before the beginning of the new academic year in September.

The problem of campus unrest is more than a campus problem. Its roots lie deep in the larger society. There is no single cause, no single solution. We urge all Americans to reject hasty and simplistic answers. We urge them to distinguish between peaceful protest and violent disruption, between the non-conformity of youth and the terror tactics of the extremists. We counsel patience, understanding and support for those in the university community who are trying to preserve freedom and order on the campus. We do so in the conviction that our universities and colleges are beginning to learn how to achieve change without disorder or coercion.

I

During the past year, many of America's universities and colleges have been seriously wounded. These wounds arise from multiple causes. One is the increasingly violent expression of widespread student discontent. Although much of this discontent often focuses on grievances within the campus environment, it is rooted in dissatisfactions with the larger society that the campus can do little about.

Students are unwilling to accept the gaps between professed ideals and actual performance. They see afresh the injustices that remain unremedied. They are not impressed by the dangers that previous generations have overcome and the problems they have solved. It means little to them that the present adult generation found the way out of a major depression to unparalleled heights of economic abundance, or that it defeated a massive wave of vicious totalitarianism and preserved the essential elements of freedom for the youth of today. To students, these triumphs over serious dangers serve primarily to emphasize other problems we are just beginning to solve.

Today's intelligent, idealistic students see a nation which has achieved the physical ability to provide food, shelter and education for all, but has not yet devised social institutions that do so. They see a society, built on the principle that all men are created equal, that has not yet assured equal opportunity in life. They see a world of nation-states with the technical brilliance to harness the ultimate energy but without the common sense to agree on methods of preventing mutual destruction. With the fresh energy and idealism of the young, they are impatient with the progress that has been made but seems to them to be indefensibly slow.

At a time when students are eager to attack these and other key problems, they face the prospect of being compelled to fight in a war most of them believe is unjustified. This traumatic experience has precipitated an unprecedented mass tension and frustration.

In assessing the causes of student unrest, it would be a mistake to assume that all causes are external. There are undoubtedly internal emotional pressures and internal value conflicts in many students which contribute to their own dissatisfaction and thus to the tension and turmoil of campus life.

Students attribute the shortcomings they see to the smugness of their elders and the weaknesses of social institutions. They see the university, guardian of man's knowledge and source of his new ideas, as an engine for powering the reform of the larger society, and as the first institution they are in a position to reform.

We emphasize that most students, despite their views of society's failures, accept as valid the basic structure of our democratic system; their main desire is to improve its ability to live up to its stated values. Their efforts to do so are welcome when they take the form of petitions, demonstrations and protests that are peaceful and non-violent. Although many persons are unsettled by these activities (which are often of a bizarre nature), we must all remember that peaceful expression of disturbing ideas and petitions for the redress of grievances are fundamental rights safeguarded by the First Amendment of our Constitution. Methods of dealing with "campus unrest" must not confuse peaceful protest and petition with violent disruption. To do so will aggravate rather than solve the problem.

A small but determined minority, however, aims not at reform but at the destruction of existing institutions. These are the nihilists. They resort to violent disruption as the means best suited to achieve their ends. By dramatic tactics of terror, they have focused widespread public attention upon themselves and have often induced university authorities either to surrender or to meet force with force. When they have managed on occasion to provoke counter-force to an excessive degree, they have succeeded in enlisting the sympathies of the more moderate campus majority.

They are the agent that converts constructive student concern into mindless mob hysteria. They are the chief danger to the university and its basic values.

There is also a minority of students who are not nihilists, but who feel that violence and disruption may be the only effective way of achieving societal and university reform.

II

Forcible obstruction and violence are incompatible with the intellectual and personal freedom that lies at the core of campus values. In its recent *Declaration on Campus Unrest*, the American Council on Education noted that "there has developed among some of the young a cult of irrationality and incivility which severely strains attempts to maintain sensible and decent human communications. Within this cult is a minute group of destroyers who have abandoned hope in today's society, in today's university, and in the processes of orderly discussion to secure significant change." These "destroyers seek to persuade more moderate students that verbal expressions of grievance go unheeded, while forcible tactics bring affirmative results."

Despite some eloquent and subtle rationalizations for violent methods of protest, the record of experience is incontrovertible. While violent protest is sometimes followed by the concessions sought, it more often produces a degree of counter-violence and public dismay that may gravely damage the cause for which violence is invoked.

Even when violence succeeds in achieving immediate social gains, it tends frequently to feed on itself, with one power group imposing its will on another until repressive elements succeed in reestablishing order. The violent cycles of the French and Russian revolutions and of the decade resulting in the Third Reich are stark summits of history to ponder. All history teaches that as a conscious method of seeking social reform, violence is a very dangerous weapon to employ.

That is why our nation has sought to avoid violent methods of effecting social change, and to foster instead the principles of peaceful advocacy proclaimed in the Bill of Rights and the rule of law. As the President has just reminded us:

"The purpose of these restraints is not to protect an 'establishment,' but to establish the protection of liberty; not to prevent change, but to insure that change reflects the public will and respects the rights of all."

The university is the citadel of man's learning and of his hope for further self-improvement, and is the special guardian of this heritage. Those who work and study on the campus should think long before they risk its destruction by resorting to force as the quick way of reaching some immediate goal.

Father Theodore Hesburgh of Notre Dame has observed that the university, precisely because it is an open community that lives

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by the power of reason, stands naked before those who would employ the power of force. It can survive only when the great majority of its members share its commitment to rational discourse, listen closely to those with conflicting views, and stand together against the few who would impose their will on everyone else.

Kingman Brewster of Yale has persuasively articulated this policy:

"Proposition one is the encouragement of controversy, no matter how fundamental; and the protection of dissent, no matter how extreme. This is not just to permit the 'letting off of steam' but because it will improve [the university] as a place to be educated. Proposition number two is a convincing intention to deal speedily and firmly with any forcible interference with student and faculty activities or the normal use of any [university] facilities. . . . I see no basis for compromise on the basic proposition that forcible coercion and violent intimidation are unacceptable means of persuasion and unacceptable techniques of change in a university community, as long as channels of communication and the chance for reasoned argument are available."

Several attitudes held by members of the university community have often interfered with the application of these sensible standards. One is the belief of many that the civil law should not apply to internal campus affairs. They feel that the academy is an enclave, sheltered from the law, that the forces of civil authority may not enter the campus, save by invitation. This is a serious misconception—a residue of the time when the academy served *in loco parentis,* making and enforcing its own rules for students' behavior and protecting them from the law outside, save for such extreme crimes as murder and arson. Now that students themselves have firmly discarded school authority over their personal lives, they must logically accept the jurisdiction of civil authority. They cannot argue that of all Americans they are uniquely beyond the reach of the law.

At the same time, the university is ill equipped to control violent and obstructive conduct on its own. Most institutions have few campus police; most of these are not deputized and thus do not possess true police power. Few schools have explicit rules either defining the boundaries of permissible protest or stating the consequences if the boundaries are crossed. Some have very loose rules for disciplinary proceedings; others have diffused disciplinary power so widely among students, faculty and administration that effective discipline is difficult to impose; and is seldom imposed quickly enough to meet an emergency. And in most institutions the ultimate internal disciplinary sanction of suspension or expulsion lies unused because the campus community shrinks from its probable consequence—exposure of dismissed students to the draft and what students call the "death sentence" of Vietnam.

III

Out of many discussions with faculty members, students and administrators, and with full appreciation that no two institutions are the same, we offer the campus community the following specific suggestions:

(1) A broad consensus should be achieved among students, faculty and administration concerning the permissible methods of presenting ideas, proposals and grievances and the consequences of going beyond them. Excellent guidelines have been provided by the American Council on Education's recent Declaration on Campus Protest. These could usefully be supplemented by more detailed statements developed by representatives of the American Association of University Professors, the American Association of Universities, the American Council on Education, the Association of Land Grant Colleges and State Universities, the National Student Association, and possibly others. Where agreed upon and explicit codes of student conduct and procedures for student discipline are lacking, they should be adopted; where they already exist they should be reviewed and, if necessary, improved.

Students have the right to due process and to participate in the making of decisions that directly affect them, but their right of participation should not be so extensive as to paralyze the disciplinary process itself. Codes for campus conduct should place primary reliance on the power of the institution to maintain order in its own house, and on its courage to apply its own punishment when deserved. These codes should also recognize the universal duty to obey the civil and criminal laws of the larger society, and the right of the civil authorities to act when laws are violated.

(2) Universities should prepare and currently review contingency plans for dealing with campus disorders. Advance plans should be made to determine, insofar as possible, the circumstances under which the university will use (i) campus disciplinary procedures, (ii) campus police, (iii) court injunctions, (iv) other court sanctions and (v) the civil police. A definite plan, flexibly employed at the moment of crisis, is essential. There have been enough violent and obstructive incidents on enough campuses to permit institutions to assess alternative courses of action and to anticipate both the varieties of disorder which might occur and the most appropriate response.

Most importantly, university authorities should make known in advance that they will not hesitate to call on civil police when circumstances dictate, and should review in advance with police officials the degrees of force suitable for particular situations. It is a melancholy fact that even in cases where the need for calling the civil police has been generally recognized, the degree of force actually employed has frequently been perceived as excessive by the majority of the campus community, whose sympathies then turned against the university authorities. Indeed, there is reason to believe that a primary objective of campus revolutionaries is to provoke the calling of police and the kinds of police conduct that will bring the majority over to their side.

(3) Procedures for campus governance and constructive reform should be developed to permit more rapid and effective decision-making. There is great misunderstanding and confusion as to where ultimate authority for campus decision-making lies. The fact is that the authority is shared among several elements.

By law, trustees are granted full authority over colleges and universities. But trustees cannot supervise the day-to-day affairs of a university; hence they delegate power to the president. The president, however, in addition to being the agent of the trustees, is the leader of the faculty. His effectiveness derives as much from campus consensus of faculty and students as it does from the power delegated to him by the trustees.

In the American system of higher education, the faculty plays the primary role in determining the educational program and all issues directly relevant to education and faculty research. Unlike the systems of some other countries, educational control in the American system is faculty-oriented; anything else is a deviation from the norm.

Faculty control of education and research is the best guarantee we have of academic freedom. It is a precious asset that must not under any circumstances be sacrificed. Most student demands for change pertain to educational and research matters and too often their efforts have been directed toward administrative officers who usually do not have the power which students assume they possess. And often, too, some faculty members have mistakenly joined with students in using coercive force against administrative officers when it is the faculty itself that should deal appropriately and effectively with the issues in question.

Most other powers in the university are diffused. For most purposes, shared power is an asset. But to prevent disorders, universities must be able to respond quickly. Campus protests are sometimes escalated to the level of force because legitimate grievances, peacefully urged, have been referred to university committees which were slow to respond. Scholars have the habit of examining any hypothesis, debating it exhaustively, deferring decision to await more evidence, and when something must be decided, shunning a consensus in favor of subtle shades of disagreement and dissent. For the process of education, these are admirable qualities. But for dealing with naked force, they can be a prescription for disaster. Faculties therefore have a special obligation to organize themselves more effectively, to create representative groups with power to act, and to maintain constant and systematic lines of communication with students. They should be ready to meet every challenge to the educational integrity of the institution. If this integrity is compromised, it will be the faculty that suffers the most.

Students should, of course, have a meaningful role in the governance of all non-educational, non-research functions. They should serve, too, on committees dealing with educational and related questions, exercising their right to be heard on these subjects, so long as the faculty remains paramount.

(4) Faculty leaders and administrative officers need to make greater efforts to improve communications both on the campus and with alumni and the general public. Campus difficulties are constantly aggravated by misinformation and misunderstanding. On campus, large numbers of faculty and students often act on the basis of rumor or incomplete information. Alumni and the general public receive incomplete, often distorted, accounts of campus developments. The communications media, on and off the campus, concentrate on controversy. Much of the peaceful progress of our colleges and universities is never communicated to the outside world. Campus authorities have the responsibility to see to it that a balanced picture is portrayed.

IV

To the larger society, we make these suggestions:

(1) The majority of the American people are justifiably angry at students who engage in violent and obstructive tactics. While the public varies widely in its desire for social change, it shares a common belief in the value of social order. It also regards university students as among the most privileged in society—among those who should understand best the importance of freedom and the dangers of anarchy. One outlet for this public resentment has been the support of legislation withholding financial aid both from students who engage in disruption and from colleges and universities that fail to control them.

There has also been a steady weakening of public sentiment in favor of the additional public funding that higher education so badly needs. Current appropriations for new facilities and for annual operating costs have been insufficient. Some private universities have faced a reduction in individual and corporate gifts.

Existing laws already withdraw financial aid from students who engage in disruptive acts. Additional laws along the same lines would not accomplish any useful purpose. Such efforts are likely to spread, not reduce the difficulty. More than seven million young Americans are enrolled in the nation's colleges and universities; the vast majority neither participate in nor sympathize with campus violence. If aid is withdrawn from even a few students in a manner that the

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campus views as unjurt, the result may be to radicalize a much larger number by convincing them that existing governmental institutions are as inhumane as the revolutionaries claim. If the law unjustly forces the university to cut off financial aid or to expel a student, the university as well may come under widespread campus condemnation.

(2) We believe that the urge to enact additional legislation should be turned into a channel that could assist the universities themselves to deal more effectively with the tactics of obstruction. State and municipal laws against trespass and disorderly conduct may not be wholly effective means of dealing with some acts of physical obstruction. They were not written to deal with such conduct, and they do not cope with the central issue—forcible interference with the First Amendment rights of others. We are presently considering whether there is a need for statutes authorizing universities, along with other affected persons, to obtain court injunctions against willful private acts of physical obstruction that prevent other persons from exercising their First Amendment rights of speech, peaceable assembly, and petition for the redress of grievances. Such laws would not be aimed at students exclusively, but at any willful interference with First Amendment rights, on or off the campus, by students or by non-students. They would also be available to uphold the First Amendment rights of students as well as other citizens.

(3) Finally, we urge the American people to recognize that the campus mirrors both the yearnings and the weaknesses of the wider society. Erik Erikson, a renowned student of youth, has noted that young and old achieve mutual respect when "society recognizes the young individual as a bearer of fresh energy, and he recognizes society as a living process which inspires loyalty as it receives it, maintains allegiance as it extracts it, honors confidence as it demands it."

One effective way for the rest of us to help reduce campus disorders is to focus on the unfinished task of striving toward the goals of human life that all of us share and that young people admire and respect.

THE ABM CONTROVERSY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURLESON), is recognized for 30 minutes.

Mr. BURLESON of Texas. Mr. Speaker, I ask unanimous consent that all Members who may so desire, be permitted to extend their remarks on the subject I am about to discuss.

Mr. Speaker, on yesterday when requesting this special order, I made it clear that I questioned no man's sincerity or his motives, in opposing the so-called anti-ballistic-missile system, but I think it is my right to question judgment. As I said then and I repeat, the debate, beginning to rage and will be raging during the weeks ahead, involves not only the development of the ABM, but goes now into our very defense preparations.

The latter has recently come about, I presume, by reason of the stories about some defense contracts, exceeding in costs, original estimates, and of waste and extravagance. Of course, no one is going to stand up here and defend waste and extravagance although it is built into most anything the Government does. It always has been but that is no reason to permit unnecessary expenditures. In fact, I do not know of many things the Government does that should not be done for less. This applies to domestic as well as military programs.

Mr. Speaker, in my opinion, this issue is the greatest which will face this Congress. As a matter of fact, I think it is the greatest question which has faced this Congress in the last several years, because it vitally involves what could be our very survival.

Secretary of Defense Melvin Laird has declared it is his policy to consider Russia's capability rather than attempting to gear U.S. military readiness to estimates of Soviet intentions. It seems to me this is the crux of the whole question. It is matter of the kind of world in which we live. Are we willing to stake the future of this Nation on good intents of our potential adversaries in this world? We talk about all the other good things which this money could be used for, but what have we to gain, if all this is accomplished and leaves our Nation in peril? Are we to believe that in our weakness our adversaries will love us? The Secretary of Defense has warned against major and irretrievable miscalculations, if our judgment on intentions proves faulty. He further said that based upon the best information available to him, he concludes that the Soviet Union has the capability of achieving by the mid-1970's, a superiority over the presently authorized and programed forces of the United States in all areas, including offensive strategic forces, defensive strategic forces, and conventional forces. It is inconceivable that we should risk the grave peril to this Nation, if Russia or any other achieves this superiority.

Those who oppose the ABM have expressed skepticism that it will not work but equally prominent are those convinced that it will. Our potential enemies are unlikely to gamble on who is right. As one eminent scientist put it, "They will be deterred by the very fact that it might work," and deterrence, after all, is the name of the game.

Other critics of the program say that the ABM will endanger the arms control talks but the Kremlin, which already has an ABM of a sort around Moscow, has given no such indication.

I have a great deal of respect for the judgment of the Senator from the State of Washington, HENRY JACKSON. He is an informed expert on our defense posture and that of the Soviet Union, as well as Communist China. Recently, he authored an article entitled, "Five Dangerous Myths," and the first of these is that the Soviets are on a fixed course toward more peaceful and moderate policies and are ready to leave their neighbors alone. Well, Senator JACKSON concludes that the contrary is true of this reassuring notion and reminds us that a Czech citizen might be permitted some doubts.

The second myth, which the Senator mentions, is that the Soviet rulers are becoming progressively more liberal and civil rights conscious and are about to rejoin Western society. The plain fact is, says Senator JACKSON, that in the past year or two there have been increasing signs in the Soviet Union of a move to the right, a move toward the hardliners. And the third point is the idea that it is the United States who is responsible for heating up the arms buildup. Well, the evidence decisively refutes this notion. The Soviets acted first to develop long range, intercontinental, surface-to-surface missiles. They acted first to test-fire an ABM against an incoming nuclear-armed missile. This was back in 1962 and they are the only nation to have done this. The Soviets acted first to test a 60-megaton bomb. The only nation to possess anything like a bomb of that size. They were the first to develop and deploy a fractional, orbital bombardment system, a first strike oriented weapon and they are the only nation to have developed or deployed such a system. Next, the Russians have acted first to deploy an ABM setup and they have been testing, improving, and updating the system ever since. Today they have over 60 antiballistic missiles deployed on launch pads. We, on the other hand, have not yet deployed an ABM setup of any kind. Yet the critics of the ABM in today's debate say we are escalating the arms race. Well, the fourth point made by Senator JACKSON involves the notion in some quarters that the only way to manage our problems with the Soviets is instant negotiations. He sites many perils in this and says Moscow uses such negotiations to prolong conflict—not to end it.

Now, in this connection, Mr. Speaker, some of those who would leave us bare of an ABM system and, as a matter of fact as I said in the beginning, who go even further and attack our defense preparation, seem to place their trust in doing nothing and say we should have time to talk to the Soviets about disarmament. If past experiences mean anything, the talks, even if and when started, are likely to drag on for years. Meanwhile, we cannot rationally ignore the potential peril represented by the continuing Soviet buildup in offensive missiles and missile-firing submarines.

The fifth point in Senator JACKSON's article refers to the latest version of the devil's theory of history. This has to do with the so-called military-industrial complex. Seemingly this is supposed to promote tensions known as the cold war. The Communist started and have sustained the cold war—not a conspiracy of some sort between the military and industry. The statements made by General Eisenhower in his departure from office warned of the military-industrial complex and it was a perfectly good admonition but his statements have been only partially quoted on many occasions. The President in his speech to the Air Force Academy just a few days ago called attention to the other part in which former President Eisenhower said there should be no overshadowing of the idea of the military-industrial complex, to the detriment of our military preparedness. Yes, there is no doubt we have in this Nation those who profit from war's preparation. This, of course, is a thing we must watch. As mistakes are made they should be corrected and even more, greatest care should be exercised to prevent mistakes. Be this as it may, it is not reason to take chances with our very survival.

Unfortunately, there is clearly manifested in the world today a weakening in world alliances, an increasing reluctance on the part of hitherto friendly nations to closely cooperate with the United States as they did in the past. This should be a warning to the American people. The drawing away reflects a lack of confidence in America and in our readiness to defend ourselves and the free world. If free nations believe U.S. armed might is impaired, that America's strength is running down and that we no longer have the will to fight when challenged, serious fissures will open in the free world's front against Soviet expansionism. Moreover, if small nations fear that America's military strength is eroded, what is likely to be the judgment of the Soviet Union? The Soviets have a far greater capacity to gauge U.S. strength and combat readiness.

The changed strategic military balance embodies the grave danger of inviting the Soviets to take the type of risk which they have always avoided in the past. The Soviet attitude surely would be changed and the war risk reduced if the United States began to deploy the anti-ballistic-missile system which the President has said is essential to the safety of the American people. Finally, Mr. Speaker, it seems to me that thus far discussions about the technical and financial aspects of the ABM proposal has caused the real point of the discussion to be obscured. That point, quite simply, is whether the United States of America should abandon the idea of defending itself from communist aggression or whether we should entrust our security to the willingness of the Soviet Union to abide by its many pledges on disarmament. As I understand, the opponents of the ABM system and, as I said earlier, a sentiment which spills over into keeping our defenses strong, want the United States to repose its hopes for survival in neither offense nor defense but in disarmament agreements with the Soviet Union. They want bridgebuilding, coexistence and phase cut-backs of offensive forces as well as defensive ones. They oppose the ABM because they believe it will upset the balance of terror and stand in the way of disarmament. Well, Mr. Speaker, I would not have it on my conscience if I did not oppose with all I have this philosophy and these conclusions. Again, it comes down to the proposition of what sort of world it is in which we live. I think we live in a terribly dangerous one and that the only answer, until there are better ones, is to be prepared.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. BURLESON of Texas. I am glad to yield to the gentleman from Indiana, a ranking member of the Armed Services Committee.

Mr. BRAY. I want to congratulate the gentleman from Texas for bringing this very important matter to our attention.

I also read the article written by our former colleague, Senator Jackson. I read that several times. Every time I read it I was most proud I served in the House with that gentleman from the State of Washington.

I well remember that in 1941 they were betting Hitler and Japan would never bother us. I remember in the service in 1941 they used stovepipes instead of mortars at that time to train the troops.

To me it is sad so many Americans today want to make a career out of weakening their own country. I am not questioning their sincerity. Just the same as the gentleman stated, I do not question their sincerity, but certainly in my opinion it is very poor judgment.

Russia already must think that the ABM is a good weapon, because they have already installed it.

Then there is the idea that many people propose that we in turn must not have the same type of weapon, because it would make Russia unhappy. The kindest word I have to say about that philosophy is it is stupid.

Mr. Speaker, I again wish to congratulate the gentleman from Texas for bringing this important matter before this body.

Mr. BURLESON of Texas. I thank the gentleman from Indiana for his comments.

I now yield to the gentleman from Illinois (Mr. Pucinski).

Mr. PUCINSKI. Mr. Speaker, I want to join in commending the gentleman from Texas for his very timely and much-needed statement here today. There is no question but what the American people have been very badly misled by the vociferous opponents of the ABM. One of the things which disturbs me is that among the most vociferous of these people are those who readily admit they have not even been briefed on the full intelligence situation regarding the need for the deployment of the ABM. I recall very recently Dr. Wiesner was here in Washington. Of course, Dr. Wiesner has been the leading opponent of this system. I asked him at that time if it was not rather strange that he takes this strong position in opposition to the ABM when the Atomic Energy Commission advises me that he has not been briefed on the nuclear warhead for the ABM and the Department of Defense advises me he has not been briefed on the ABM itself and on the latest intelligence situation. I must say that I listened with a somewhat heavy heart when this very distinguished scientist said that he had purposely removed himself from security briefings some months ago because he wanted to be free to criticize the ABM system. My observation then was, what if the briefings convinced him it was necessary? In other words, some of our good friends who oppose the ABM do not want to be confused by the facts.

Mr. Speaker, I believe the gentleman is making a very strong and very much needed statement here today. I would rather err on the side of strength than to be in a position where this country recognizes and realizes at some distant point in the future that we are not prepared for Soviet or Communist China's aggression. I have said in the well of the House that it is not a question of whether or not we are right but it is a question of whether we can afford to be wrong. This is so especially when we look down the range and recognize that if we were to break ground tomorrow on an ABM system it would take us 48 months or 4 years, if we got all of the breaks, to make the first ABM site operational. It so happens that we know for a fact—and this is not speculation or rumor or gossip—we know for a fact, and indisputable fact, that Red China is now completing her production capability and in 48 months or 4 years she will be capable of producing 200 nuclear warhead ballistic missiles ready and capable of waging an attack on the United States. Thereafter every 12 months Red China wil be producing another 200. So in my judgment it is absolute folly and literally playing Russian roulette with the future of this country for opponents of the ABM to delay deployment of that system and delay the work on the two Safeguard installations which President Nixon has recommended as a starter.

I hope that those gentlemen who believe we should not do it are prepared to suffer the consequences. The tragedy of this debate, though—and I think it is a great tragedy—is that if they are wrong, they will never have a chance to talk about it. So it seems to me that the gentleman in the well has made a most significant and most important contribution in this debate. I hope this message will get the widest coverage so that the American people will recognize there are in this Chamber, Members on both sides of the aisle who take a responsible position in support of the ABM.

To read some of the statements in our press and to look at some of the things in the other media, you would get the impression that everyone in the Congress, on both sides, is opposed to the ABM. The gentleman in the well has made it perfectly clear there are strong, responsible, capable voices who see the full danger and are willing to support us. I congratulate my colleague from Texas for taking this time.

Mr. BURLESON of Texas. I appreciate very much what the gentleman from Illinois has said. This is exactly the reason why I felt impelled to take the floor today in order that other voices be heard.

And, Mr. Speaker, I hope that some sentiment will be created around this country to offset the propaganda that is now being spewed out in all directions in opposition to the ABM proposal.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. BURLESON of Texas. I shall be happy to yield to the distinguished chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. Rivers).

Mr. RIVERS. Mr. Speaker, I want to associate myself with the splendid—splendid—speech of the gentleman from Texas. The gentleman is a responsible legislator. He has held many responsible positions in this House of Representatives. I wish to also acknowledge the contribution which has been made by the gentleman from Illinois (Mr. Pucinski), who indicates a great knowledge of the problems confronting this Nation.

Mr. Speaker, in my opinion the problems and the confusion which is gripping America today is exactly what the gentleman has characterized. Our side is not being told. However, I hope that this is the catalyst, the catalyst, that will bring to the well of the House other

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knowledgeable, responsive and responsible voices on this vital, vital program which the President of the United States has elected to debate at this time. He did not have to do this. He had plenty money and plenty authorization to proceed with the basics of an ABM system. But he elected to bring the American people into his confidence. This debate is now raging and the only voices we have seen given prominence are those who are tiring of the war in Vietnam. This is a symptom. This is what the Communists want. They want us to tire. They want us to bring home all of the troops. They do not want to worry about the security of America. We see it in NATO where our so-called allies have not come up with their commitments. Their affluence has closed their eyes to reality, and Americans with three or four cars in every garage, despite the warning signals will not open their eyes to reality.

Mr. Speaker, the gentleman from Texas has made a great contribution. We are getting it from the horse's mouth. Those Russians are working day and night to perfect their ABM system, and they have a large one.

Mr. Speaker, the only thing that compels the Russians to make this move now is their trembling fear of China. They have now turned most of their antennas and they are now aimed at Red China, not because they trust us, but because they fear China and they know that China is moving. One may ask, "How can we afford this?" Well, in response to that I reply that we are spending less money today percentagewise on our military posture than we did in the 1950's. We can afford this. Our GNP is the largest it has been in our history.

Mr. Speaker, the late Sam Rayburn, among other things, said this about America: "Now we can afford this."

He said, he would rather be a live American with an empty pocketbook than a dead one with a full one.

Now, we can delay this. We can take a calculated risk. We did that when we tried to arm our allies in the Pacific prior to World War II and there was a raging debate on this floor on the issue and it carried by only one vote. They did not put certain guns in emplacement out in the Pacific and the Japanese took this island. But in this conflict if we are wrong, no one will ever live to tell the tale.

This is a deterrent. If Russia has no wrong intentions the thing would not amount to anything in their plan. They have no problems. Only the Russians know whether or not they are going to attack us. This is a deterrent, protection, this is the thing which will positively bring retribution on these people.

Now we have the Polaris, the Poseidon, we have the AMSA coming up, we have the B–52s, which can get through any defense devised by man. We have those. But this is not enough. America is much too young to die. America has great promise. We have just begun to scratch the knowledge of what is up in the skies above us.

It is because of voices like those who have spoken today, and others who will come to the surface at the proper time, and who will come to the surface now to defend the position of the President of the United States to go forward with this program, that we will do so.

We have the MIRV system. The Russians are moving into the MIRV program with multiple warheads. We must be in a position to defend this country against this sort of surprise attack because, as the gentleman from Illinois has said, if it comes we will have only one opportunity; tomorrow will be too late.

The gentleman from Texas has performed a great service, as he always does, and I hope others will follow suit. I am confident that this House will pass an ABM system, but what we want is for America to have one. Without one—without one we are wide open, I can tell you that, because I know whereof I speak.

Mr. Speaker, again I congratulate the gentleman from Texas.

Mr. BURLESON of Texas. Mr. Speaker, I thank the gentleman very much for his contribution and his able comments. The gentleman has referred to our multiple weapon system. I have here a clipping out of the morning Washington Post which says in part:

> Opposition to continued U.S. testing of missiles with clustered warheads increased yesterday despite indications that Russia may be improving its capabilities with the same type of weaponry.

Now, listen to this:

> Russian capability in the field of MIRV—Multiple independently targetable re-entry vehicles—

I believe is what that stands for—are being used by Nixon administration officials in the Pentagon and elsewhere to persuade Congress to support continued U.S. testing of similar weapons.

Well, now, I do not need any persuasion from anybody, as the gentleman from Illinois, the gentleman from South Carolina, and the gentleman from Indiana have indicated. This is not a time when we can be wrong.

This article continues:

> A bipartisan group of 56 Senators and Representatives, however, urged President Nixon to postpone flight testing of MIRVs until the United States has had the opportunity to assess the intentions of the Soviet Union to reach agreements on the control of strategic armaments.

I hope there will be 479 remaining Members of the House and Senate who will oppose this action of 56.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. BURLESON of Texas. I will be glad to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I want to thank the gentleman for yielding, and for affording me the opportunity of joining with those who have preceded me here in congratulating the gentleman from Texas for the much-needed and most valuable support for the defense of our country.

Mr. Speaker, it seems to me from watching the newspapers and reading the syndicated press that in many, many of our news magazines, or so-called independent news services, that there is a deliberate and concentrated effort to discredit the military of this country and all those who seek to defend this country and its traditional institutions. It seems to me just recently I saw, I believe, the night before last one of the so-called news programs and I was really shocked that they would spend almost 15 minutes of an entire news conference giving slanted and distorted views of the news—never well balanced—never presenting both sides—but always with the slur or the innuendo and the slant that they want to give to it.

The ABM system just happens to be one of the targets of the twisted news that so many of us are subjected to.

The fact is that we do need more research and development for our antiballistic-missile system. I join in the facts that have been brought forth by the gentleman from Texas and with those who have spoken on it because these facts are true. But the fact is that all this administration has asked for is to go into a prototype of the ABM and not for a full deployment. They keep talking about the need for research and development. They want more research and development—that is fine—but we have had research and development for years now. It is time that we do something with the end results of this research and development.

It is not unreasonable then to assume that the time has come if the administration thinks so to at least go to a prototype. That is all we are asking for, two deployments of the ABM system.

There is one thing that has been overlooked today in the discussion and that is the colors that are so easily shifted by those who are decrying or many of those who are decrying and opposing the ABM system when just recently in the last administration they were for it and even in the last two administrations—they were proposing it or they were silent. They were lending their support either by their presence or by their words. This goes for elected officials on both sides as well as those who were appointed and serving in official capacities within previous administrations.

Now they are coming out of the woodwork and saying, "I am against it." But they were not against it before. So how can they take one position now and the opposite position before?

I think those who speak out of ignorance do a disservice to the country. The gentleman from Texas I think is performing a great service for our country. I speak as a member of the Committee on Armed Services who has gone through extensive hearings on this. I do not say who is right and who is wrong on this. But I join with those who have spoken before in saying that we cannot afford to take the chance that we might be wrong.

Mr. BURLESON of Texas. I thank the gentleman and appreciate his fine contribution to this discussion.

Mr. WHITE. Mr. Speaker, I rise in support of my distinguished colleague from Texas in support of the implementation of a system of antiballistic missiles for the protection of this Nation. In the Armed Services Committee we have heard much information on this subject, and at this time, unless compelling contrary evidence is presented, I must support the deployment of the ABM system for these reasons:

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First. It is a defense weapon, and will not serve to escalate the arms race.

Second. It is feasible. Russia has installed such a system, and relies upon it. Our tests of the various components corroborate the effectiveness of the entire system.

Third. Without the ABM, once Red China develops a vehicle for its nuclear weapons, under an irresponsible and militant leadership, it could make demands on the United States and even hold an American city as hostage.

Fourth. We need an ABM system as our defense against an accidental launching of an enemy ballistic missile. Once launched, they cannot be recalled. Do we want our only defense to be retaliation?

Fifth. If we are to deter a potential enemy, the United States must protect its deterrent power. A nation hostile to our form of government and our way of life must know that this country is defending a destructive power that would cause unacceptable damage if an attack were launched against us. To be realistic in the world today, we must recognize that readiness serves to prevent war, and weakness and unpreparedness serve to invite it.

Sixth. There is discussion that this money for ABM should be diverted to building houses and domestic programs. Without ABM for defense it is conceivable that such houses would be wiped off the earth in the event of attack.

Mr. Speaker, these represent my opinions based on the best information I have been able to obtain. I feel this matter is of great urgency, and in the absence of compelling contrary evidence, we must proceed at once with the deployment of the ABM Safeguard missile.

Mr. ANDERSON of Illinois. Mr. Speaker, the so-called military-industrial complex has been under heavy fire from the academic-journalistic complex. In this barrage of criticism the first casualties have been truth and reason.

Critics of the military have escalated their attacks from pinpoint fire to area bombardment taking as their target anything that wears a uniform. This undiscriminating assault on all things military poses a serious threat both to the continued strength of our Nation's defenses and to their continued credibility.

We must bear constantly in mind that the primary purpose of our Armed Forces is not to fight wars but to prevent wars; and their effectiveness as a preventive force depends in large measure on the assessment our adversaries make of public support and maintaining an adequate defense. If the only voices our adversaries hear are those clamoring constantly against every military expenditure, against every new weapons system, against the ROTC, for a unilateral reduction in arms—then the dangers mount that those adversaries will miscalculate our wills and be tempted to put it to the most dangerous kind of test.

Therefore, I think the President should be applauded vigorously for his attempt at Colorado Springs to put the debate over our military posture back in rational perspective. He recognized explicitly the continuing need for civilian controls, for a close watch on expenditures, and a constant balancing of priorities. But he also gave eloquent voice to some basic truths that have been so often lost sight of—especially to the importance of military strength in the maintenance of peace.

In his inaugural address, the President pledged that—

> we will be as strong as we need to be for as long as we need to be.

His address at the Air Force Academy was a timely reminder that that pledge still stands. His announcement that we will begin to withdraw U.S. troops from Vietnam is evidence that we will do as much as we need to do but for no longer than it needs to be done.

GENERAL LEAVE TO EXTEND

Mr. BURLESON of Texas. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks on the subject of the ABM system.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

U.S. SUPREME COURT

(Mr. BEVILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BEVILL. Mr. Speaker, over the past several weeks the U.S. Supreme Court has received much notoriety in the press.

I believe this would be a most appropriate time for Congress to see that the U.S. Supreme Court removes itself from a policymaking role.

Through a persistent and calculated drive over the past several years, the U.S. Supreme Court has been seizing more and more of the power that belongs to Congress. It has succeeded in doing this by declaring much of the legislation passed by Congress as unconstitutional.

Mr. Speaker, no longer does the U.S. Supreme Court merely react to the initiatives of the other branches of our Government, but it has assumed the initiative itself. The leading of reforms is not the proper function of the Court. Its primary role is that of impartial and objective arbiter of our constitutional system. It should not be the reformer. It should not be the protagonist. It should not be the primary lawmaker. These are the assigned roles of Congress.

When the U.S. Supreme Court, in effect, enters the legislative field, the result is legislation without the customary safeguards as provided in the Constitution by way of checks and balances. The singular voice of the Court replaces the orderly legislative process requiring approval of the two Houses of Congress, the executive approval or veto, the accountability of the legislators to the voters, and the opportunity for legislative appeal.

Judicial finality can be autocratic and oppressive. It is government by a committee of nine. Controversial positions, such as the decision which, in effect, outlawed prayers in public schools, assumed by the Court, have imposed upon the Nation new standards of conduct. These positions have been taken on the initiative of the Supreme Court without congressional support.

Mr. Speaker, I say the time has come for a sharp reduction in the U.S. Supreme Court's initiative in political and social matters. Abnegation rather than activism is the proper posture for the highest tribunal of the land.

Elections are the hallmark of democracy and responsibility. Since Supreme Court Justices are not elected, other restrictions should be placed on their office. Their term should be limited to 10 years, subject to reconfirmation by the U.S. Senate. There should be mandatory retirement at age 70.

With these tangible controls, and with a realistic adoption of the Justices of the proper role of the Court, the Court will remove itself from a policymaking position. It can then remove itself from its total absorption with the rights of the individual lawbreaker that now infringes on the public's right—the right of all to protection of life and property. We can then return to the proper separation of powers by the legislative, executive, and judicial branches of Government as our Founding Fathers so masterfully conceived.

PAYMENT LIMITATION TO FARMERS

The SPEAKER pro tempore (Mr. JOELSON). Under previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, when the House considered the Agriculture appropriations bill, it attached an amendment which limits to $20,000 the total annual payments which any one farmer could receive from the Government under the agriculture program. This measure has now gone over to the Senate for its consideration, and I have received a number of requests for information on the subject of payments limitation as it affects existing farm programs. In the belief that this information might be useful to the Congress as well as other concerned citizens, I have summarized below some of the data which led me to conclude that a farm payments limitation is justified and desirable. As indicated, this information has been placed in the CONGRESSIONAL RECORD for easy reference. Item No. 4, which I am placing in today's RECORD, is a study conducted recently at Louisiana State University and furnished to me by the U.S. Department of Agriculture. This study concludes that for the same acre of land, "soybeans are not competitive with cotton under present price, yield, and cost relationships."

Following is the summary of material referred to:

First. "Schnittker" study of payment limitations: CONGRESSIONAL RECORD, April 30, 1969, page 10867.

This study was made last fall by USDA experts at the request of President Johnson. Because its findings did not conform with policy positions of former Agriculture Secretary Freeman, it was suppressed until the new administration took office. This entry in the RECORD includes the full text of the study. Its prin-

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cipal findings: the limitation—even more restrictive than the one just voted by the House—would yield budget savings as high as $300 million annually, would not have "serious adverse effect" on present programs, and problems of administration are not good reasons for opposing it. It is important to note that Secretary Hardin's recent criticism of limitations was based almost entirely on the assumption that the "snap-back" provision would remain in effect.

Second. Listing of individual payments: CONGRESSIONAL RECORD, May 21, 1969, page 13287.

This shows name, address, and amount received by each farmer in the United States whose aggregate 1968 payments for cotton, wheat, and feed grains exceeded $25,000.

Third. Hunger and farm payments in non-food-aid counties: CONGRESSIONAL RECORD, May 12, 1969, page 11978.

This gives sobering data about each of the 428 U.S. counties which on March 31 had not taken the initiative to institute a Federal food-aid program—food stamps or direct distribution—for needy families. Curiously the very counties where wealthy farmers get the biggest payments for not growing crops deliberately exclude food-aid to the poor.

The text of the Louisiana State University study follows:

SOYBEAN-COTTON COMPETITION

(By Clyde St. Clergy, farm management specialist, Louisiana Cooperative Extension Service, LSU, Baton Rouge, La.)

True competition between cotton and soybeans for the same acre of land had not been a reality until announcement of the 1969 Cotton Program. Previous competition between the two crops for the cotton diverted acreage was normally weighted in favor of soybeans by the level of support for beans and the amount of payment made for diverting cotton acreage. The net income derived from beans, plus the direct payments for diverting the acreage, was pitted against the income cotton could generate from the open market.

This year soybeans must compete directly with cotton without benefit of cotton diversion payments. Thus, the amount of beans planted on non-supported cotton acreage will be directly dependent upon the soybean support level.

While we do not know the soybean support level, the simple algebraic equation presented below will help estimate at what level it must be set to be competitive with cotton.

The equation is as follows:

$$Y_s(P_s)-C_s=Y_c(P_c)-C_c$$

Where:

Y_s=Estimated yield of soybeans per acre.

P_s=Price of soybeans (unknown).

C_s=Variable cost of soybeans per acre.

Y_c=Estimated yield of cotton per acre.

P_c=Price of cotton per pound of lint (.2025).

C_c=Variable cost of cotton per acre less cost of ginning (ginning cost assumed to be offset by sale of seed).

Louisiana average variable costs for soybeans and cotton and the three-year average yield for the two crops are as follows:

Variable cost per acre:	
Cotton (does not include ginning cost)	$81
Soybeans	27
Three-year average yield:	
Cotton (pounds)	622
Soybeans (bushels)	24

Inserting these into the equation and solving for P_s we find:

$$24(P_s)-27=622(.2025)-81$$

$$24(P_s)=622(.2025)-81+27$$

$$P_s=\frac{622(.2025)-81+27}{24}$$

$$P_s=\frac{71.96}{24}$$

$$P_s=\$2.99 \text{ per bushel}$$

Assuming a support level of $2.25; a solution for the yield level of soybeans is as follows:

$$Y_s(2.25)-27=622(.2025)-81$$

$$Y_s(2.25)=622(.2025)-81+27$$

$$Y_s=\frac{622(.2025)-81+27}{2.25}$$

$$Y_s=\frac{71.96}{2.25}$$

$$Y_s=32 \text{ bushels}$$

Normally land consistently capable of yielding 32 bushels of soybeans will yield 750 pounds or more of lint cotton per acre. Assuming this yield level for cotton and beans, a competitive bean price would be as follows:

$$32(P_s)-27=750(.2025)-81$$

$$32(P_s)=750(.2025)-81+27$$

$$P_s=750(.2025)-81+27$$

$$P_s=\frac{750(.2025)-81+27}{32}$$

$$P_s=\frac{97.88}{32}$$

$$P_s=\$3.62 \text{ per bushel}$$

It would appear, on the basis of these calculations, that soybeans are not competitive with cotton under present price, yield and cost relationships.

SENSITIVITY TRAINING

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, the accelerated use of "sensitivity training" as a tool to indoctrinate the masses for a "planned change" in the United States has resulted in confusion, frustration, and wholesale disorientation among our unsuspecting people.

Sensitivity training has been successfully used by the Bolsheviks as a brainwashing technique to erode an individual's will to resist, to destroy moral values, and as a method of controlling enslaved millions.

Why would free men utilize sensitivity training tactics, by whatever name or label, on their fellow Americans?

Think it over the next time you are watching a one-sided panel discussion or an emotional public service broadcast on TV; a slanted newscast or even reading the weighted editorials in your newspaper. It all boils down to whether we are to be groups or individuals, robots or free men.

For research reading:

"Brainwashing in Red China," by Edward Hunter, 1951.

"Battle for the Mind," by William Sargant, 1957.

"Brainwashing," by Edward Hunter, 1962.

"Manipulation of Human Behavior," by Biderman and Zimmer, 1961.

"Thought Reform and the Psychology of Totalism," by Robert Jay Lifton, 1961.

So that our colleagues may have the benefit of a documented research paper on the subject, I include a report prepared by SOS—Series on Sensitivity, box 20698, Long Beach, Calif., as follows:

SENSITIVITY TRAINING FOR PLANNED CHANGE

Legislators, educators and law enforcement officials are deeply concerned about the anarchy and rebellion taking place across the length and breadth of our land. In the churches, leaders and laymen, alike, are apprehensive about the revolutionary changes taking place within their denominations which would replace our Christian-Judaic concepts with a Humanist philosophy. Parents are fearful that the schools and volunteer organizations, to which they entrust the development of their youth, are not only failing to reinforce those principles which have provided the foundation of our country, but, in some cases, are undermining these very ideals. Unfortunately, most of these concerned individuals are not aware that tax money, tuition, tithing and contributions are all being used to promote and perpetuate programs which are helping to bring about the very conditions which they fear. Some of these programs come under the general heading of sensitivity training.

Sensitivity training programs, in their various forms, are being adopted for use by many groups and organizations throughout the nation. These groups include churches, public and parochial school administrators, teachers and students, businessmen, government employees and youth groups, including YMCA's, etc.

After reading this material we hope you will share our concern about the following facts: In spite of the claimed goals of sensitivity training, which are love, trust, openness of communication, leadership and a better understanding of others, these programs have been proven to cause distrust and the breakdown of communication between participants. Sensitivity programs incorporate the use of criticism, undermine authority and encourage permissiveness. These programs downgrade, rather than uplift the individual, and dwell on the negative, instead of the positive. They discourage individual responsibility and promote "fellowship" instead of leadership.

Undoubtedly, most people presenting or participating in such programs are convinced that they serve a needed and worthwhile purpose in helping individuals to adjust to society's problems. However, many specialists in the field of psychiatry recognize criticism to be an integral part of the brainwashing technique used so destructively by the Chinese Communists on our military men in Korea and even now being used by the Viet Cong on captured American servicemen. Because sensitivity training programs incorporate the use of criticism and emotion-manipulating non-verbal and body-awareness exercises, we question the advisability of voluntary adult participation, and strongly object to its mandatory use with public employees and school children. We question even the voluntary use of such training in youth groups such as the YMCA's.

Personal feelings and political attitudes disclosed in sensitivity training sessions often become a part of a permanent file on each individual. Included in the file are evaluations by the Trainer or Group Leader, who is usually associated with psychiatry, mental health or the behavioral sciences. From these records can be found those who are "deemed" to be "maladjusted", "neurotic" or "psychotic" in educational, social, occupational or religious fields.

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Those American psychiatrists and psychologists who are attempting to make sick minds well have earned public respect for proper efforts in this field of endeavor. It is difficult for us to comprehend that there does exist a mis-use of psychology. Communist and Nazi psychopolitics (the art of asserting and maintaining dominion over the thoughts and loyalties of individuals, officers, bureaus, and masses, and the effecting of the conquest of enemy nations through 'mental healing') was designed to use psychology to subvert respect for parental authority, loyalty to country, religious and moral convictions and the worth of the individual in making his own decisions—in other words, to make well minds sick. Unfortunately, conscientious workers in the field of mental health have sometimes worked to promote techniques and programs which, unknown to them, were purposely designed to accomplish these last-named results.

Presentation of this material is not intended to imply a subversive element in all group psychology programs. It is important to realize that psychiatry has been used for good purposes, as well as mis-used for bad. This material has been compiled in order that you may more easily recognize procedures used in sensitivity training and similar programs which you, as an individual may wish to avoid.

Sensitivity training, in its various forms is but one type of many programs in use to change the attitudes and behavior of the American public. In this report we have touched on a few of these "change" programs. In doing so we have included information and references from many and varied sources—both those who support this theory of "planned change" and those who do not. Material was chosen for its pertinence to this particular question, and assembled for consecutive reading.

Examples of Classified Ads Appearing in Underground Newpapers

Hippies: sell underground papers: Free Press, Countdown, Oracle. Come to the Paper House behind the Blue Grotto, 1010 N. Fairfax.

Sensitivity training: A series of social sensitivity training sessions conducted by a qualified practitioner in the field of mental health beginning on 24th May. Separate 12 hour marathons will also be continued and the next will be on 13 May. For reservations call WE 1–0332.

Social sensitivity games: Evening group encounters for self understanding, increased social awareness and the personal search for authenticity. Weekly 2½ hour sessions conducted by qualified specialists in Beverly Hills area. Membership $25 per month after first complimentary session. Telephone 476–1949 and ask for "Games."

Group therapy for couples—married or not. Ambivalent about remaining together? Improve communication and enhance enjoyment through this daring, swinging approach. Sat. Eves. from 9. For information call Irv Rich, therapist, 386–8171.

Marathon encounter: For deeper Sensitivity and Self Understanding, $20 per 24 hour session. Special Student fee. Westwood area. Reservations for May 26–27 & June 2–3 session, 474–6313 for information.

Sex Hang-Ups? Just "normal"? We need you! Write giving phone & "sketchy" details to: Behavioral Research Associates—720 N. Brand 105C Glendale, Calif.

Male scientist 35, wants scientific girl. Do you prefer the workshop when others dance and play? Rather perform experiments than run in the fast-moving crowd? Prefer lab to a party? I'm like that. I would like to get to know you. Sincere girl please reply. No men. Steve, POB 967, Lawndale.

Marathons: A series of social sensitivity marathons conducted by qualified specialists in the field of mental health. An opportunity to increase self awareness and see yourself as others see you. $25 per 12-hour session. Phone WE10332 for reservation. Next meetings May 13 and 27.

Where are you at? Find out explore yourself thru 4th dimensional therapy.
Jon Sikes, 393–0636.

Sexual discussion group forming. No subjects taboo. Limited enrollment. Send $1.00 for details to Behavioral Research Assoc. 720 W Brand Blvd. Glendale, Calif.

Group therapy for young adults. New group now forming, limit of 12. Fri 8–11 pm. Emphasis of group interaction, focusing on the 'here and now.' For reservations call Irv Rich, therapist. 386–8171.

Drama Class: Creativity & Joy Sensitivity, sensory & fantasy experiences: Emotional honesty found & used. Tu. $4 Th. $3, Berghoff, GL 4–5465.

Psychodrama: Every Friday 9 pm. 411 S. Ardmore L.A. Between Wilshire & 4th 387–2851.

Free self awareness group. Self run. Mostly current & former college students. Hollywood Hills. Sat. eves. 737–1082.

The sexualization education: The Organic-Historic reality of consciousness-expansion. Inventive experimental approach to learning, problem-solving, communication. Blake College 342 E 10 Eugene, Oregon 97401.

[From the Police Chief's Manual, November 1967]

Sensitivity Training: A Word of Caution

(By W. Cleon Skousen)

Recently there has developed a rapidly growing fad among behavioral scientists (recently adopted name for sociologists) to urge police departments and other public officials to take "sensitivity training." It is described as the latest method of improving "interpersonal relations." This means getting a better understanding of other people, catching their point of view and appreciating their aspirations or frustrations. It is also designed to discover their attitude toward you so you can change where necessary.

It is easily understood why such a program had a strong initial appeal to the police. If the law enforcement profession could develop a sound understanding and a wholesome working relationship with the public it would be the fulfillment of the policeman's greatest dream.

From the first, however, one thing disturbed police administrators. It looked as though this sensitivity training was too much like a one-way street. They found that the police were going to be trained to be sensitive to the feelings, aspirations and frustrations of hoodlums, narcotics addicts, alcoholics, riot-makers and ex-convicts, but, from all the police could tell, a comparable effort was not going to be made to get criminals, looters, junkies and rioters to be sensitive to the havoc they were creating in the community. What about that?

And there was another problem. Since the major police departments and many of the minor ones had already set up rather elaborate training programs in public and interpersonal relations, why not concentrate on the criminals, the third-generation welfare recipients, the hippies, beatniks, riot-inciters and other off-beat citizens to see if, by some happy miraculous development, they might not meet the police halfway? But the behavioral scientists said no.

Gradually the awful truth crept out. It was the *police*, the behavioral scientists said, who were failing to come half-way! Admit this to be a fact, take sensitivity training to correct it, and the behavioral scientists promised that the police would discover the molotov-cocktailers, the psychedelic set, the ex-convict fraternity, and all the other misunderstood mentalities could be converted into a friendly, cooperative, responsive and ever-loving cadre of sensitive citizenry. Altogether, it was a rather amazing line of logic. They were saying, in effect, "Criminals and mob-makers are the problem, therefore let's have the police take remedial training so the criminal and mob-makers will change."

Nevertheless, some of the police decided to take a look. What they discovered was not at all reassuring. Studies of sensitivity training revealed that instead of producing harmony, understanding, reconcilation and feelings of mutual adjustment, too often the very opposite occurred.

WHAT IS SENSITIVITY TRAINING?

Police officials discovered that sensitivity training was not all what they had expected. They were already familiar with the conference method of discussing and ventilating problems. They were also familiar with traditional group therapy where alcoholics, hardened criminals or psycho-neurotics sit together to share their mutual problems and seek group support for individual improvement. However, "sensitivity training" seemed to be deliberately designed to achieve something entirely different.

As a rule, somewhere between fifteen to twenty people are assigned to each training unit. These units are called "T-Groups"—Training Groups. The object is to explore feelings and attitudes. Everyone meets on a first-name basis. The participants are instructed to tell the absolute truth as to their personal feelings on any and all subjects, describe their weaknesses, ventilate personal problems, expose hostilities and define frustrations. They are also instructed to disclose their beliefs, state their moral values, describe their attitudes and see if they can defend the convictions which they express.

In summary, it is a session of group confession and group criticism.

It is the task of the behavioral psychologist who leads the group to see that the participants probe their most sensitive feelings on the most sensitive subjects. He will also lead out where necessary in challenging the beliefs, attitudes and moral values which the various group members may express.

It will be recognized immediately that the purpose of sensitivity training is focussed in the opposite direction from group therapy. Group therapy takes a person with an acute problem such as alcohol, drugs, or a criminal-prone personality and utilizes the strength of group interaction to fortify an individual in seeking to rise above his problem. Sensitivity training, on the other hand, focusses the scrutiny of the group on the personal convictions already established by the individual and seeks to undermine them if possible.

A study of logs of numerous sensitivity or T-Group training sessions would lead one to believe that the promoters of these programs are trying to homogenize the members of the group. Individualism must be sacrificed. Group dependency must be established. When one member holds out for a conviction or moral value which is above the norm of the group, the tendency is for the group to gang up on that member in an attempt to justify their own lower values. Ridicule, sarcasm and other "honest" feelings are expressed against the hold-out. At sensitivity "marathons" where the sessions are usually twenty-four hours without food or sleep, the person with individualistic views may be under verbal attack for two or three hours at a time. Since very few people have taken the time to construct a complete brief and thereby justify their various beliefs, such a procedure tends to destroy even shallow roots which the individual may have developed. If this happens, then he commences to feel very dependent upon the group. He begins seeking "consensus" before he dares take a position. Approval can become more important to him than truth.

RESULTS OF GROUP CONFESSIONALS

The group confessionals also have their impact. A psychological climate is nurtured in

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the T-Group so the members will open up their hearts and memories to disclose some of their most delicate feelings and private problems. The logs show that there is an obvious pre-occupation with sex problems during this phase of the T-Group session. In this temporary climate of intimacy, each participant is inclined to go far beyond personal propriety or normal restraint. As a result, when the climate has cooled off the various members often feel a sense of shame and isolation for regurgitating such intimate matters. When the group meets again there are often feelings of hostility. Those who have stripped their souls during the public confessional begin to get feelings of abject debasement. As they look around the group each one becomes a secret accuser. Normal feelings of gregarious companionship are replaced by suspicion and restraint. All of this can have a highly traumatic effect on the individual participant.

A Long Beach paper published excerpts from the log of a YMCA T-Group to demonstrate what an emotional gauntlet the participants had passed through. After "interacting" for a considerable period of time, the log read: ". . . Mary Kay arrived crying . . . she said, 'I'm glad I'm Burt's friend—this whole mess makes me sick!' Martha got too involved. Bobbie nudged her to be quiet. Rick told Mary Kay to shut her mouth . . . Mary Kay said, 'I feel for him (Burt).' . . . she told Martha 'I hate you . . .' " (Long Beach Independent, December 16, 1966, in an article by George Robeson entitled, "Dynamite: To Be Handled With Care.")

As complaints from parents began to pile up, a Long Beach psychiatrist warned, "There is danger of serious psychological damage rather than benefit from this type of group therapy meeting. . . ." Actually, this was not a "group therapy" meeting but a session in sensitivity training. The difference between the two is one of emphasis. Group therapy emphasizes strengthening convictions and attitudes, sensitivity training is to manipulate, alter or destroy attitudes.

WHY WAS T-GROUP TRAINING USED ON U.S. PRISONERS BY THE RED CHINESE?

Although the Behavioral Science faction officially adopted these techniques of group confession and group criticism in 1946, the Government exposed it as a psychological warfare device utilized by the Red Chinese against U.S. prisoners during the Korean War.

Major William E. Mayer, a medical doctor and psychiatrist for the Army, interviewed every single prisoner of war upon his return. It was discovered that these prisoners had been subjected to extensive T-Group training as a means of dividing them, destroying their esprit de corps, eliminating respect between officers and enlisted men, and causing them to become informers against fellow Americans. Never in the annals of U.S. military service was there such a complete breakdown among captured prisoners.

Major Mayer described the results of the group confessions and group criticism seminars: ". . . The Chinese couldn't have cared less about what you talked, really. It was the function of talking, because very rapidly other soldiers begin to stop smiling and start listening. Very rapidly the soldier who was talking gets the feeling that . . . he had gone too far; he had exposed himself too much. . . . So when ten men would walk out of a self-criticism group, they would walk out in ten separate directions, divided like sticks in the Old Testament that you can break so easily when they are apart but are so strong if they're together." (A direct quote from the film "The Ultimate Weapon—Brainwashing," narrated by Major William E. Mayer, M.C., U.S. Army.)

Therefore what American soldiers went through in the Communist Chinese prisoners-of-war camps, American citizens are now being asked to go through in sensitivity T-Group Training.

What are the so-called Behavioral Scientists attempting to accomplish?

BASIC CONCEPTS OF "BEHAVIORAL SCIENTISTS"

The advocates of behavioral science operate on the principle that human behavior is fixed and determined by material circumstances (inheritance and environment) and that if you could computerize all the factors you would find that what we call "free will" is not voluntary at all but a mechanical reaction to measurable forces which need to be discovered and catalogued. In other words, the code of Judaic Christian morality is cruel and unfair. People do what they do because of forces working upon them which need to be understood and accommodated. Each person should decide what is right for him and insofar as possible forget about the law, morals, religion, and so forth.

Of course, it naturally follows that if people do not really have a choice in their actions then the whole basis for the American penal code is untenable. This will explain the fight which the behavioral scientists have carried on for years to treat criminals as "sick" people. They would wipe out the system of penalties in the legal code. They view a criminal as someone who is responding to compulsory forces for which he should not be held responsible but should be "treated."

In the *Scientific American* for November, 1963, Edward J. Sachar wrote an article entitled, "Behavioral Science and Criminal Law." Said he: "The behavioral sciences proceed from premises diametrically opposed to the moral premises of the law. . . . The goals of the behavioral sciences are the understanding and the manipulation of behavior. For these ends the concept of free will . . . is of no use. On the contrary it is necessary to postulate that the behavior and the thought of men are determined in accordance with discoverable laws. Only with this working premise can the determinants—social, psychological, physiological and cultural—be identified and their workings analyzed." (pp. 40–41)

This will help explain why so much of sensitivity training is devoted to challenging and discrediting the Judaic-Christian value-system of any who may participate in a T-Group. At the base of this sensitivity training technique lies an ideological war against the entire warp and woof of the American culture.

It deserves to be recognized for what it is.

A WARNING TO ORANGE COUNTY PARENTS

(By State Senator John G. Schmitz)

The most familiar duty of an elected representative of the people is to express their will in the making and carrying out of laws. But an elected representative has a further duty. When, from his point of vantage at the seat of government, he learns of a grave danger to the people he represents, he can be the first to sound a warning.

For several months I have been receiving reports from well-informed and reliable sources about a practice called "Sensitivity Training" which has been used here in California in the State Department of Corrections, in certain large business corporations, and in YMCA groups of high school students. Sensitivity training has already been made mandatory on a continuing basis for many California parole officers and their office staff.

These reports aroused my deep concern from the beginning, because this "sensitivity training" employs almost exactly the same method that was used to brainwash American prisoners of war in Korea—organized "group criticism."

Group criticism compels the participant to bare his soul before 10 to 15 other persons who are required to do likewise, under the direction of a group leader. The individual is pressed to seek out real or imagined shortcomings in his personality and in his thinking, to humble himself and give up his independence of mind and judgment, to make himself utterly dependent on the good opinion of the others in the group and the leader of the group.

In time this eats away the very foundadations of individual resistance to indoctrination and outside control. Group criticism is used regularly and scientifically for this purpose in every communist country. In the North Korean prison camps it systematically broke down the self-confidence of American prisoners and their trust in one another as individuals and as Americans.

On March 27th a newspaper report revealed that a sensitivity training program, financed in part by the U.S. Office of Education, has been proposed for the schools of Garden Grove. The group criticism sessions will include teachers, school counselors, *and individual children whom they select and compel to attend.* Over 7500 seventh-grade and eighth-grade boys and girls in Garden Grove schools are thus to be exposed to the same kind of psychological pressures which broke strong men in Korea and have driven seasoned parole agents in Los Angeles to the verge of nervous breakdown.

The news story stated that Garden Grove school officials expect "routine approval" of this plan.

I am confident that Orange County parents will not submit so tamely to so great a threat to their children. For if your child thinks for himself and takes pride in himself, if he respects sound moral values, if he dares to be right when the majority is wrong—then "sensitivity training" is like a gun aimed at his head.

This vicious program can be blocked if only enough Orange County people know what is happening and tell their friends and neighbors. Many might write to our fine Orange County School Superintendent, Dr. Robert Peterson, and ask his help in the fight against it. Those who live in Garden Grove should write, phone or visit their school officials and demand that they never introduce "sensitivity training." To the best of my knowledge this is the first attempt to require group criticism for children at any public school in America. We must crush it under the weight of a united public opinion before it has become a rooted destroyer of the best in our children.

SELECTED QUOTATIONS

From: "*Brainwashing*", by Major William E. Mayer, M.D. Based on his experiences as chief neuro-psychiatrist of the U.S. Army in charge of the Task Force in Tokyo responsible for rehabilitation of returned American Prisoners of War from Korea:

"The students (American prisoners) were all divided into guided discussion groups, the seminar method. In such groups of twelve or fifteen at the very most, you were not required to agree with the few simple points that had been presented and then reiterated again and again in the morning's lecture. You were merely required to put them into your own words and comment upon them any way that you wanted. You did not have to take part in the discussion. The penalty for not doing so was that your discussion group wasn't allowed to have supper until you did, which meant that the pressures, of course, became internal."

"Well, this was the formal structure of the education, but the thing that made it work so well for the overall objective was the little gimmicks that were connected with it; the informing, the self-criticism, and the control of the soldier's mail. Informing is a way of life in the people's democracy and if you are to understand anything about Communism, you must understand this. Informing as it is done in the Communist state can only be

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done when you reject our basic premise that the individual is an entity, that he has dignity and worth, that he is entitled to certain things like privacy. And once you abandon this concept of the individual and visualize him as does the Marxist as a fragment of a class in that greatest of all realities, the struggle between the classes, then of course informing becomes not a miserable, mean, nasty renunciation of individual loyalties, it becomes an exercise in social responsibility which is exactly the way it was encouraged and exactly the way it grew even among Americans."

"Confession is terribly important in the Communist state. Confess that it's wrong and analyze your confession. Analyze why it's wrong, why it's destructive. Assert your determination not to do it again in the future, and preferably, write this down and sign it . . ."

"The Chinese weren't interested at all in what you told them and they could care less about anti-social activities. What they were interested in is what happens between you and the man who informs after he informs, even though it doesn't hurt you at all."

"What the Communists are doing with their informing and their self-criticism and their revaluation of their basic relationship between individuals is the are preventing the counter-revolution, because every revolution has got to begin with a conspiracy between you and me, between two men. If you can divide on this individual level, if you can drive a wedge between each of the first two men, you've got no revolution."

"Now self-criticism helped this and that's why it's done not only in the Chinese army and in their prison camps, but it is even done in the Kremlin. It's done in the cells of the party here in the U.S. It's a collectivized group religious confessional, sort of . . ."

"And again, the Chinese couldn't have cared less about what you talked, really. It was the function of talking, because very rapidly other soldiers begin to stop smiling and start listening. Very rapidly the soldier who was talking gets the feeling that somehow, somehow, he couldn't think just now, he had gone too far; he had exposed himself too much. . . ."

"So when ten men would walk out of a self-criticism group, they would walk out in ten separate directions, divided like those sticks in the Old Testament that you can break so easily when they are apart and they are so strong if they're together."

NOTE.—This complete testimony is given in a film entitled "The Ultimate Weapon," produced by Film Associates of California.

From: "Communist Psychological Warfare (Brainwashing)," by Edward Hunter, foreign correspondent and author of "Brainwashing In Red China" and "Brainwashing—The Story of the Men Who Defied It." Following are excerpts from his consultation with the Committee on Un-American Activities, House of Representatives, 85th Congress.

"I spent 30 years, a little bit more perhaps, in countries under various forms of Communist pressure and attack. What I am witnessing in America is no different from what I saw in these other countries."

"I see, primarily, as part of this softening up process in America, the liquidation of our attitudes on what we used to accept as absolute moral standards. We now confuse moral standards with the sophistication of dialectical materialism, with a Communist crackpot, theology which teaches that everything changes, and that what is right or wrong, good or bad, changes as well. So nothing they say is really good or bad. There is no such thing as truth or a lie; and any belief we actually held was simply our being unsophisticated. They don't say this in so many words, except to those who are already indoctrinated in communism. What they do say to the rest of us is to be objective . . ."

"The Communists are being abetted in their brainwashing program in the U.S. by the collapse of traditional American ideals of self-reliance and individual integrity."

"The basis for modern psychological warfare, which makes it different from whatever was done in the past, are the findings of the Russian psychologist, Pavlov. He was not a Communist. He had completed his most important discoveries before the Communists took power. His first discovery was the effectiveness of using a living animal in experiments, rather than a dead animal. His second great discovery was that the instincts of an animal, that we call reflexes, were of 2 kinds. One was the reflexes which the animal was born with, its unconditioned reflexes. The other was its conditioned reflexes, which man can train into the animal. Most of us have heard of Pavlov's experiments with dogs and lights. He first provided a bowl of food and turned on a light of a certain color, then an empty bowl and turned on a different colored light. After he had done this a number of times, he turned on the light that accompanied the food, but presented an empty bowl to the animal, and the dog deposited just as much saliva as when the bowl was full. When he switched the lights and the bowls of food, the animal became neurotic, barked, was driven into a state which among human beings we call insanity."

"When the Communist hierarchy in Moscow discovered that it was unable to persuade people willingly to follow communism, when they found that they could not create what they wanted, the 'new Soviet man' in which human nature would be changed, they turned to Pavlov and his experiments. They considered people the same as animals anyway, and refused to recognize the role of reason or divinity in a human being. They took over the Pavlovian experiments on animals and extended them to people. They did so with the objectives of changing human nature and creating a 'new Soviet man'. People, they anticipated, would react voluntarily under Pavlovian pressures, in a way the dog does, to Communist orders, exactly as ants do in their collectivized society."

NOTE.—Complete text of "Communist Psychological Warfare (Brainwashing)" available for 15¢ from Superintendent of Documents, U.S. Gov't. Printing Office, Washington, D.C.

From: "Brainwashing—The Story of the Men Who Defied It", by Edward Hunter, Pyrmid Publications, New York.

"All or most of the techniques used therapeutically by neuropsychiatrists and psychiatrists for the rehabilitation of mentally ill persons are employed by the communist hierarchy to produce hysterical and obsessive delusional states in the population under their domination."

"If brainwashing can make a single individual neurotic, what about the inhabitants of a village, or a city, or even a country, when subjected to these same pressures? There is no doubt any longer that this type of mind attack is being waged against entire populations . . . The only possible conclusion is that a long-range program is being pursued which, if left unhindered over a long period, will make whole populations just as neurotic as a single individual . . . The identical process of brainwashing, as imposed on civilian or military prisoners, is being applied to the inhabitants of whole villages, towns, and cities, by 'group discussions' and 'learning' meetings, frequent demonstrations . . . They are undergoing what the disciples of Pavlov callously term 'mental hygiene'. The process is a parody of 'group therapy' . . . (It is) applied with particular intensity to the very young and the teenagers. If this manipulation of minds is able to continue unhampered, within a comparatively few years a 'new youth' will be produced with blind spots in their minds, making them oblivious to anything not acceptable to Pavlovian symbolism."

A Comparison

COMMUNIST USE OF SELF-GROUP CRITICISM
BRAINWASHING

Communist Self-Group Criticism originated in Russia in 1929 with the Communist slogan: "Through Bolshevist self-criticism we will enforce the dictatorship of the proletariat". This method of thought control and mind-manipulation, sometimes called brainwashing, in based on the Pavlovian theory of conditioning, and is used to control all the peoples behind the Iron Curtain, and to create The New Soviet Man. The populace is divided into communes and then into small groups of 10–15, forced to meet regularly and participate in Self-Group Criticism. This spotlights the agitators or potential troublemakers, who are then brought into the "correct" line of thinking. This procedure has created the most effective tyranny ever devised. Through Self-Group Criticism (divulging their innermost thoughts and informing on themselves and others) the people create their own police state and control one another.

AMERICAN USE OF SELF-GROUP CRITICISM
SENSITIVITY TRAINING

American Self-Group Criticism originated in Connecticut in 1946 to bring about Human Change. Participants are divided into small groups of 10–15 and employ Self-Group Criticism for the purpose of acquiring "appropriate" attitudes and behavior. Participants are pressed to seek out real or imagined shortcomings in their personality and thinking, to criticize themselves and others in the group. This spotlights the individualists, who are then taught "new", "improved" and "appropriate" behavior and attitudes. Group standards are developed which give rewards to an individual as he changes his actions from less to more group-centered behavior. Through Self-Group Criticism an atmosphere of doubt and dissatisfaction is created in which participants are conditioned to accept the idea that our social system must be changed.

BRAINWASHING

Mandatory.
8 to 16 Group Members—1 Leader.
Seminar, large group indoctrination.
Relax personal defenses.
Group conformity.
Self-Group Criticism.
Confessions.
Pressures, tension, anxieties, fatigue.
3 Steps: Unlearn, change, re-learn.
Favors and rewards for change.
Uncover reactionaries.
Uncover information.
Undermines authority, leadership.
Realigns loyalties.
Changes individuals and society.

"Conscientious practice of self-criticism is still another hallmark distinguishing our Party from all other political parties"—Mao-Tse-Tung.

SENSITIVITY TRAINING

Mandatory and voluntary.
8 to 16 Trainees—1 Trainer.
Seminar, large group indoctrination.
Permissive Atmosphere.
Interdependence.
Self-Group Criticism.
Open, Honest, Truthful.
Pressures, tension, anxieties, fatigue.
3 Steps: Unfreeze, change, re-freeze.
Supports and rewards for change.
Uncover individualists.
Uncover information.
Undermines authority, leadership.
Realigns loyalties.
Changes individuals and society.

"Sensitivity Training is a means for altering the basic personality structure of an individual"—Carl Rogers, Western Behavioral Sciences Institute.

After hearing others confess their wrongdoings, one is apt to feel his own weren't so bad after all, thus causing one to accept

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lower moral standards. After discovering that one's own family standards are far different from those of "the group", one is apt to doubt whose standards are correct. After receiving impressions that one's church teachings are out of step with current times, according to the background of the trainer, or "the group", one is apt to doubt church doctrine. After criticizing one's home, family, friends, church attitude, beliefs and ideas, one is apt to doubt that he has any values, ideals or beliefs worth keeping or defending. Programs of this nature can and do realign loyalties away from family, home, church and co-workers. After being discouraged from individual decision-making, in favor of "the group decision", one is apt to feel inadequate and unable to make decisions without approval of the group. Guilt feelings may result from having knowingly hurt someone. Having disclosed attitudes that differ from the group norm, and knowing that this information may be put into an individual profile record, one is apt to feel apprehensive for fear this information may be used against him.

WHAT IS SENSITIVITY TRAINING?

Origin and history: The National Training Laboratories in Group Development had its beginning in 1946, comprising members from the Connecticut Interracial Commission (concerned with problems of Negro-White relations), the Connecticut Staff of National Conference of Christians and Jews (concerned with problems of Jewish-non-Jewish relations and interreligious problems), and Connecticut Department of Education (concerned with citizenship programs and practices). Kurt Lewin headed the Research Staff which included Ronald Lippitt of the Research Center for Group Dynamics; Kenneth Benne, Teachers College, Columbia University and later at Boston University; and Leland Bradford of the Division of Adult Education Services of the NEA (National Education Association). These three were the founders of Sensitivity Training (Laboratory Training) and carried on the work of Kurt Lewin who died in 1947. In 1954 the name was changed to the National Training Laboratories in order to symbolize the growing involvement of different disciplines of social science and practice, including business administration, political science, anthropology and psychiatry.

The interest of these Behavioral Scientists lay in human change and how to bring it about. In 1956 the National Training Laboratories held its first workshop for industrial administrators and National church executives, and in 1958 sponsored its first laboratory for educational administrators and key executives of volunteer organizations. In 1960 they conducted an intensive eight week program to teach selected young social scientists the skills of human relations and have kept this program in continuous operation. A program to train trainers for within-organizations was also established.

Extent: The National Education Association (NEA), from its National Training Laboratories in Bethel, Maine, coordinates the work of several hundred trainers in training centers and universities in the United States. This includes training for heterogeneous groups and for social groups of business executives, school executives, community leaders, teachers, college students and faculty, juvenile court judges, wives of young executives, governmental officials, professional church workers, supervisory personnel in local school districts and national voluntary association executives. In order to acquire professional trainers, the National Education Association (NEA) works with, and obtains assistance from, the National Institute of Mental Health. These programs are funded by foundations, government agencies and private donors. In addition, regional centers, stressing Sensitivity or Laboratory Training have been developed at Boston University, Temple University, The George Washington University, University of Texas, University of Chicago, Rocky Mountain Laboratory, Intermountain Laboratory, sponsored by University of Utah, University of California, Northwest Laboratory, initiated by the Seattle Public Schools and aided by the University of Washington, and others.

Training programs are being conducted in Puerto Rico, Nigeria, India, England, France, Belgium, Denmark, Norway, Sweden, Australia, Germany, Netherlands. Proponents claim that cross-national T-Groups appear to be an excellent medium in which to examine "culture shock," inter-nation conflict and the idea of a common "human nature".

Behavioral Scientists and educators, by "merging science and democracy" have created a planned change potential for the "total personality system" and the "total social system". One of the methods in widespread use is Sensitivity Training. Sensitivity Training is conducted under various titles, such as: Sensitivity Training, Group Dynamics, Leadership Training, Group Confession, Group Discussion, Interpersonal Competence, Interpersonal Relations, Self-Evaluation, Human Potential Workshop, T-Group Training, Auto-Criticism, Operant Conditioning, Self-Honesty Sessions, Human Relations Lab, Class in Group Counseling Synanon Games Clubs, Management Development, Basic Encounter Group.

Trends in training: Sensitivity Training programs have been in almost constant transition regarding objectives, designs and methods. Early training groups dealt with "on-the-job" problems and "then-and-there" matters. These were objective programs, independent of the mind, covering external matters. Later, the involvement turned to "gut-level" "here-and-now" events and attention focused upon matters such as "central life values" and personal attitudes toward home, friends, family, politics, sex and religion. These are subjective programs, relating to, proceeding from or taking place within the individual's mind or emotions.

Purposes of laboratory training: The laboratory attempts to recruit for its training those who are already leaders in various organizations—those who are in a position to encourage change in the group life of their organizations or communities. Since changed behavior, as well as increased knowledge is the aim of such training, participants must become more deeply involved than would be necessary if gaining knowledge were the only aim. Only by deeper involvement can resistance to change be overcome. Trainers stress the importance of participants permanently maintaining their change of attitudes and behavior. Unless there is an equivalent change in the attitudes and expectations and reactions of those to whom the trainee relates, in the back-home situation, changed behavior will be maintained only with difficulty. For this reason, the Lab encourages organizations to send teams rather than individuals. Team members are able to reinforce one another, to encourage continual self-training and collaborate on "improving" the "back-home" situation. Follow-up sessions are usually provided. One of the easiest ways to be sure that a given change will be thoroughly "internalized" is to get the trainee to become a trainer. In the "back-home" situation he may then become an effective Change Agent.

Change agents: Persuading persons or organizations to put into practice new ideas of behavior patterns is the purpose of a Change Agent. Some Change Agents are used for the constructive purpose of increasing production or efficiency in management. Through the use of Sensitivity Training or similar techniques, however, some Change Agents attempt to bring about a change in political, moral and religious values when working in churches, universities, volunteer organizations, youth groups, etc.

Methods used in training: The learner is involved in the training situation to a point where he feels it vital to become an accepted member of the group and to help work out group problems. An attempt is made to develop an atmosphere of permissiveness in which it is possible for individuals to examine their own behavior, ideas, motives and values, and to accept criticism from others without defensiveness. Group standards are developed which give rewards to an individual as he changes his actions from less to more group-centered behavior. Opportunities are created for each learner to test and practice "new," "improved," and "appropriate" behavior.

Anxieties: Participants can become easily aroused in the training situation for several reasons: (1) Failure to measure up to expectations of others. (2) Rejection by the group or trainer. (3) Attacks from others. (4) Loss of status. (5) Fear of ridicule or hurt. (6) The consequences of changing.

The individual is open to a variety of threatening experiences. It becomes the duty of the trainer to dispel these anxieties without making it easy for the trainee to escape from the change process. Proponents maintain this is one of the most crucial points of training and at this point the responsibility of the trainer closely parallels that of the therapist. Training situations where the target is behavioral change do violence to the expectations of those who come for training, expecting one kind of situation and find another in which their behavior, attitudes, values, standards and ideas are being probed.

Role of trainer: The role of the trainer is a complex one. He is an initiator, agenda planner, mediator, a source of new values, behavior model and a facilitator of the learning process. The trainer has no alternative but to manipulate; his job is to plan and produce behavior in order to create changes in other people. The victim of mind-manipulation does not know he is a victim. Results occurring from training would naturally depend upon the trainer's intelligence, emotional reactions, anxieties, imaginative capacity, political attitudes, religious beliefs, moral standards and general character traits.

DEVICES USED IN TRAINING

1. Ground rules: Agreed upon by trainer and trainees at opening session. As one helps to formulate these rules one feels "committed" to abide by them. Some often used are: agreeing to stay the entire time; agreeing to be open and honest with the group; no talking during non-verbal exercises; no side conversations because thoughts, feelings, ideas, etc. become "group property"; physical violence prohibited because if anger could be released through physical expression it would not be so likely to be expressed verbally. Use of language normally thought objectionable is encouraged for free expression.

2. Self and group criticism: For the purpose of discovering personality changes that need to be made. Sometimes encouraged under the guise of "giving perceptions".

3. Testing: Written tests are often administered at the beginning and end of training as an instrument for measuring the degree of change accomplished.

4. Periods of silence: This technique coupled with the call to close one's eyes is used when a member's defense mechanisms have stifled the group from attaining the "Lab" goals.

5. Trainer's record: Trainers record in writing their most potent feelings. This gives the trainer further insight as to trainee's reactions at different stages of training.

6. Non-verbal exercises: During a specified amount of time, participants are to convey their feelings by means other than the spoken word. They may use their eyes, facial

expressions, body movements, etc. At times these exercises are accompanied by music.

7. Body awareness exercises: These, along with the non-verbal exercises, are intended to more readily bring about a "feeling level". In one example, everyone lies on the floor and all push in toward the center. The purpose is to achieve a "psychological unity". Another, often used, is to "push" a person to the ground in order for him to "feel" hostility. Then "the group" hastens to help him up, offering "love" and solace to assure this individual that he is "loved" and cared about. These procedures supply the feeling of support necessary in order to be able to "trust" the group members, and to be able to accept the ideas, standards and judgments of "the group".

8. Marathon sessions: A marathon is an extremely intensive experience. Participants meet for a period of several days to a week or more, during which time they do not sleep except for an occasional nap and do not leave the rest of the group except to freshen up or get a bite to eat. This uninterrupted pressure is intended to lower the defenses and drive participants to interact truthfully, authentically and transparently. They are urged to talk "gut-level" to be totally honest, intimate and "authentic". For some it is a way of "turning on", or "recharging emotional batteries".

9. Nude marathons: The newest innovation in interpersonal honesty is the Nude Marathon. Proponents justify this experiment by rationalizing that man has hidden his emotional conflicts behind numerous masks. In our society clothing is a mask which we traditionally remove only in the presence of persons with whom we are intimate. In this situation, clothing is removed as a facilitator of emotional transparency and interpersonal honesty.

10. Wrapup: The wrap-up is a device used by trainers to summarize what the trainees were supposed to have learned in the "lab." One frequently reported wrap-up message is that "in the outside world, they are not on the same wave lengths you are. You have reached a wave length that not many others have achieved. They can't possibly understand unless they've been in a group."

Psychodelic effect: Some forms of "group therapy" result in "consciousness expansion" and have been known to bring about an effect similar to that of LSD. For many it is a new fad and a way of "dropping out" or "blowing their mind". Some people, who might be termed "change agents" seem to become "hooked" on these procedures. Sensitivity Training becomes an obsession and nothing else in life has much meaning for them.

Is sensitivity training brainwashing? "Human relations fits into a context of institutional influence procedure which includes coercive persuasion in the form of thought reform or brainwashing as well as a multitude of less coercive, informal patterns." This quote appears on page 47 of "Issues In Training" from the National Training Lab of the National Education Association. The chapter goes on to explain the 3 steps to bring about the integration of attitudes: (1) Unfreezing—force acting on an individual motivating him to change, either by increasing pressure or by reducing some of the threats of resistance to change. (2) Changing—the actual process of learning new attitudes. (3) Refreezing—the integration of changed attitudes into the rest of the personality. The essential elements to original Unfreezing are: 1. Removal of supports for old attitudes. 2. Saturation of environment with the attitudes to be acquired. 3. A minimizing of threat. 4. Maximum support for the desired change.

Is sensitivity training therapy? Proponents of these programs agree that major similarities exist between Sensitivity Training programs and some forms of group psychotherapy. The rather distinct differences that existed a few years ago appear to be coming more and more blurred. These proponents feel it unnecessary to draw clear-cut distinctions between them and seem to agree that what is needed now is a general theory which would bring under one *conceptual scheme* the various psychotherapies, sensitivity training, psychiatric case work, counseling, guidance, and existential psychology into the *preventative mental health field*.

"Issue in Human Relations Training," 1962, National Training Laboratory, National Education Association (NEA), in promoting Sensitivity Training programs, says that "ill" persons reach out for help while relatively "well" individuals find themselves in a dilemma. Although they *appear* to behave appropriately and *seem* "normal" by most cultural standards, they may actually be in need of mental health care in order to help them change, adapt and conform to the *planned society* in which there will be no conflict of attitudes or beliefs.

"Concepts of Community Psychiatry—a Framework for Training," U.S. Dept. of Health, Education & Welfare (HEW) Document 1319, National Institute of Mental Health ($1.75, Gov't Printing Office, Wash., D.C.) recommends that psychiatrists treat whole communities instead of individuals. It also advises not to wait for patients to come to them because the psychiatrist "carries equal responsibility for all those who do not come." Thus he will be "dealing with those who are not yet sick" but Those who have been "defined as maladjusted in the educational, social, occupational or religious fields and may be struggling on their own. . . ."

Growth Centers for Human Potential

Western Behavioral Sciences Institute, 1150 Silverado, LaJolla, Calif. 92037. . . . One of the leading psychologists is Carl Rogers who, in "2000 A.D." (published in the Oracle, an underground newspaper), set forth the thesis that: in the future there will be a greater freedom of sexual relationships in adolescents and adults; prurience is dying out; possessiveness of another individual will be diminished; by the year 2000 each individual will be assured of infertility in early adolescence; it will take positive action to re-establish fertility; most unions will be childless; temporary unions may be legalized as a type of marriage with no permanent commitments, no children and no alimony. From a Western Behavioral Sciences Institute brochure we read: "Our work is supported by grants and contracts from government agencies (e.g., Office of Education, Vocational Rehabilitation Admin., Office of Naval Research, Office of Economic Opportunity) and from philanthropic organizations (e.g., the Charles Kettering, Babcock, Eli Lilly and Ford Foundations.) In addition, some of our research is underwritten by gifts from private donors. Our budget for the fiscal year 1967–68 is $750,000. . . . Among our 13 current projects are studies on attitudes and values of youth elite groups in more than a dozen countries; new uses of mass media; the development of programmed (audio-taped) instructions for small, basic encounter groups; the designing and testing of simulation "games" as a classroom technique; the use of the intensive group experience as an aid to educational innovation in an entire school system; a large-scale evaluation of San Diego's Community Action Program (the "war on poverty") and the development of a policy-research program to aid educational planning for the future."

Esalen Institute, Big Sur, California. Richard Farson, advisor at Esalen and former director of Western Behavioral Sciences Institute, travels throughout the U.S., lecturing before college, business and church groups. Among his proposals is the establishment of networks of families who would monitor each other's marriages. His predictions of the Year 2000 closely parallel those of Carl Rogers, briefly outlined above. Bob Crist, one of three leaders of the Stanford University branch of Esalen, also executive director of the Mid-peninsula "Free" University, was quoted in the San Francisco Chronicle March 10, 1968 as saying: "I'm a living experiment in community sexuality. We believe that in today's climate of sexual permissiveness, traditional moral questions are no longer even questions." Paul Bindrim, Hollywood psychologist, a member of Esalen, conducts nude therapy sessions and marathon encounters. George Leonard, Sr., Editor of Look Magazine's West Coast office, is Vice President of Esalen Institute. His "Utopian" educational ideas are exposed in his book, "Education and Ecstasy." Michael Murphy, President and co-founder of Esalen, in his article, "Growth of A Growth Center," in Newsletter, American Assoc. of Humanist Psychology, said: "50,000 from all walks of life have participated in our program at Big Sur. We have also worked with groups from the Peace Corps, Calif. Teachers Assoc., various schools, colleges, clinics and major American corporations . . . Educators are increasingly aware that life's important lessons are learned early in a child's development, and many teachers are trying to reach children with sensitivity training before their creativity and spontaneity are stifled entirely in the classrooms . . ." Esalen, Big Sur received a $21,000 grant for a project at University of Calif. at Santa Barbara to experiment with Sensitivity Training in all levels of elementary and high schools. Last year a series of Esalen programs were broadcast over 40 educational radio stations, distributed by National Education Radio.

Schools

In 1958 the National Education Association initiated Sensitivity Training workshops for Educational Administrators. Since then, "Change Agents", by using various entry strategies, have implemented these techniques into many of our schools. Title III of the Elementary-Secondard Education Act, funded by the U.S. Office of Education for "The exploratory development of models of planned change in education", provides the link between the behavioral scientists and the schools. Programs for interdependence among universities and school systems (private and parochial) were created through grants from the U.S. Office of Education and the Fund For The Advancement Of Education Of The Ford Foundation. These programs allow the Federal Government to serve as a catalyst for bringing about educational change. Two of the programs are Co-operative Project For Educational Development (COPED) and Projects To Accelerate Creativity In Education (PACE).

Since Sensitivity Training techniques can be incorporated into almost any class of instruction, teachers trained in these procedures often use them in the classroom without the knowledge or consent of principals or other school officials. A permissive atmosphere is created in which students are free to express themselves. Psychodrama and role-playing require students to divulge home-family situations, and family authority is undermined by student acceptance of peer judgments. Assignments may include diaries of innermost feelings or essays incorporating self-criticism or confessions. Students may volunteer for Peer Analysis (criticism by classmates) and encouraged to make personality changes deemed by the class to be necessary. Debates involving topics such as legalizing narcotics, prostitution or abortion, study of the "sexual revolution", the generation gap, hippies, etc., can be directed toward student acceptance of the "objective" view. Some Gym and Drama classes include body-awareness exercises. The San Francisco Chronicle 9–7–68, as well as Eastern papers, have reported protests by irate parents because high school students were encouraged to touch and embrace each other in a darkened room and then asked to write a theme on the sensations they experienced. The "experimental colleges" push Sensitivity Training, usually led by students. One such course at the University of California at Davis evolved into nude sensitivity.

Instructors using Sensitivity Training formats are convinced that in this "new technological age" students must be equipped with new visions and that traditional eduaction, culture, economics, politics, etc., must undergo drastic changes. Their message to the students usually develops along the following lines: We are building a new social architecture. Education today is not relevant. Students today should be educated in their senses instead of their intellect. Youth has more to teach than has the older generation. Students have the right to their own influences; students can teach students better, just as convicts can work with convicts better and mental patients can help mental patients better. There should be no examinations, grades, terms or credits. The only meaningful changes in education will come through rebellion, when the students take over the design of their own education as they are doing now.

"Major Educational Revolution Yet To Come", by Dr. T. M. Stinnett, former NEA official, NEA Reporter "... tomorrow's teacher is going to be a director of learning instead of a ladler of facts or alleged facts ... education for the future must be humanistic and humanizing." "The Dual Purpose Education" by Frank H. Bowles, Ford Foundation, NEA Journal, December 1966: "... The goals, in short, are behavioral. If we claim that they are intellectual, we fool ourselves ... Our colleges and universities are the board of strategy for the intellectual and social revolution in education ..." In the NEA Reporter of 11–10–67 we read from Dr. Stinnett: "... In the U.S. today, education has gained the power to change society against the will of the politicians. It has become the key to economic progress and to the constant renewal of society. In other words, it is now master as all as servant and this for the first time in history."

"Learning and teaching in the future," by John I. Goodlad, NEA Journal, February 1968: "The most controversial issues of the 21st century ... will pertain to the ends and means of modifying human behavior and who shall determine them. The first educational question will not be 'What knowledge is of most worth?', but 'What kinds of human beings do we wish to produce?" The possibilities virtually defy our imagination ... Sedatives, barbiturates, tranquilizers and various psychedelics provide powerful ways of controlling behavior by direct action on the brain. Similarly, we can manipulate behavior by applying electric currents to regions of the brain. Experiments are now under way with drugs and brain extracts designed to enhance learning or memory. Aldous Huxley long ago introduced us to the possibilities of genetic selectivity through the availability of sperm and ovum banks. The means of drastically altering the course of human development through artificial insemination, chemical treatment and electric manipulation are with us. We are already tampering with human evolution ..." The Valuator, Calif. Teachers Assoc., Fall 1968 issue: Robert Maynard Hutchins, President of the Center For the Study of Democratic Institutions, Santa Barbara, Calif., says: "... the teachers must control the educational programs. They must have organizations which will attempt to resist the impositions placed on the teaching vocation by superintendents, by school boards, the legislature and the governors."

Those dedicated educators, school board members and legislators who value and defend our Judaic-Christian culture would agree with Professor E. Merrill Root who said: "Our real war is not a battle of bullets, but of brains; not of space, but of spirit; not of missiles, but of minds; not of weapons, but of wills. ... Thus, our greatest danger today is not atomic fission, but academic fission; our greatest peril is not nuclear fallout, but scholastic falldown. Teachers and texts that accentuate the negative can be of far greater danger to America than the loosing of a hundred panzer divisions or the launching of a thousand missiles. ..."

House Resolution No. 233

A resolution relative to a study of sensitivity training

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules refer to an appropriate committee the study of sensitivity training, or any of its variants, including, but not limited to, its origin, methods, operation and goals, and to direct such committee to report its findings and recommendations thereon to the Assembly not later than the fifth legislative day of the 1969 Regular Session of the Legislature.

[From the San Diego (Calif.) Union, Dec. 6, 1968]

Sensitivity Training Gets Sharp Scrutiny

(By Charles Davis)

A panel of state assemblymen yesterday heard "sensitivity training" extolled as a mind-stretching technique of improving personalities and condemned as a debased of morals and individuality.

Six hours of hearings by the Assembly Interim Committee on Education produced these conclusions:

1. There is no uniformly understood definition of sensitivity training.
2. Whatever it is, it is either very, very good or very, very bad.

"This is something," committee chairman Leroy F. Greene, D-Sacramento, said at the close of the day, "that's not going to be easily resolved."

The committee convened in the State Building as the outgrowth of a resolution authored by Assemblyman John Stull, R-Leucadia, for a study of sensitivity training, particularly in the public schools.

Donald Shealor, a county Department of Education Guidance coordinator, denied that the subject matter is "brainwashing," as some speakers contended, or that it is required in any school in the county.

Parents from Poway, Lakeside, Ramona and Coronado—nearly all of them voicing frames of reference that varied from Shealor's—disagreed. They said it is being conducted in schools in their communities.

GRADUATE'S REPORT

One direct confrontation was between Shealor and Pamela Bunn; a 1968 Poway High School graduate. Miss Bunn said that in one of her classes, students were encouraged to talk about boy-friend-girlfriend relationships and marital backgrounds of their parents.

Greene told Shealor that if Miss Bunn is accurate, "she is telling you quite a bit." Shealor replied he will check into Miss Bunn's account of activities at the school.

Dr. Layne Longfellow, a post-doctoral fellow at the Center for Studies of the Person and the Western Behavioral Sciences Institute, both in La Jolla, was one of several speakers offering definitions.

In "encounter groups" of sensitivity programs, Longfellow said, "people simply sit around in a room and attempt to develop an atmosphere where they can say anything they feel like saying."

Nudity Course Stirs Uproar at University of California Campus

DAVIS.—Chancellor Emil M. Mrak of the University of California campus here confirmed today UC ties were being cut with an off-campus course in which men and women students reportedly disrobed and joined hands in a ring for a "sensitivity training" experience.

A university spokesman said "sensitivity training" encouraged the participants to speak freely and fully in an attempt to better understand themselves.

He said such training is a form of group therapy gaining wide acceptance in education and business, though the participants were fully clothed.

The nudity issue was the second controvery to involve the Davis campus' series "48" courses. Last year, a storm erupted over a class which studied protests and demonstrations.

The chancellor said the class was one of the so-called series "48" experimental courses for lower division students which permit professors to give from one to four units of university credit for individualized study and research.

[From the San Diego (Calif.) Union November 1968]

Dr. Barbour's Column: Encounter Group

Q—"My son is 17. Last night he returned from church in tears. He had attended an 'encounter group' meeting for 'sensitivity training.' The members meet twice a week. They pick a victim for each meeting. Then the members tell him what they don't like about him. My son's friends criticized his manners, haircut, eye color, acne scars, intelligence, vocational plans, clothes, car, and even his parents. They were brutal and extremely unfair. An assistant minister leads the group. He has had no training in counseling or psychology. The man publicly called my son 'chicken,' for getting upset. Do you approve of encounter groups, Dr. Barbour?"

A—I do not approve of the type of encounter group your son attended.

"Sensitivity training" is a fad just now. I've worked with a few groups. Where I was responsible I saw to it that the group members were carefully chosen. I had psychiatrists lead the meetings. They were familiar with the case histories of each person present. When things began to get rough, the psychiatrists stepped in. The meetings seemed to be helpful. However poorly led encounter groups can destroy mental health. They have caused suicides. Tell your son to drop out of his group immediately. People who value their sanity should stay away from the encounter groups unless they are led by qualified psychiatrists.

COMMUNICATION NEED REPORTED

"Sensitivity training" is a type of therapy which has been somewhat surreptitiously, replacing education in Marin County schools (because, its proponents say, "civilization is sick").

Tamalpais Union High School District has a committee studying this matter, not really to investigate it but with an eye to procuring a federal grant to finance its expanded use. All members of the committee are people already involved in its promotion.

Their report says some interesting things.

One "ultimate goal" of sensitivity training, it states, is development of "communication skills."

Let's have a look at some of the communication skills of the committee itself.

"In the sensitivity training group," they write, "attention is focused upon the 'process' (as opposed to a content orientation) and 'feeling' (as opposed to intellectual, theoretical, or cognitive) aspects for the group's interaction. This focus is on the 'here and now' (as opposed to the 'then and there') experiences of the participating individuals, and participation is focused upon the specific and personal (as opposed to the vague and general) experience and interaction."

This is communication?

CARL HEPP.

MILL VALLEY.

XUM

[From the Belvedere-Tiburon (Calif.) Ebb Tide, Dec. 11, 1968]

Letter to the Editor

EDITOR: In the November 25 issue, your feature article concerned "Sensitivity Training" presently being proposed for incorporation into the curriculum of Tamalpais High School.

Not having been present, I cannot say whether or not your reporter accurately presents an explanation of sensitivity training given by Dr. Walter Lee, Drake High School Psychologist. In any event, in my opinion, Dr. Lee presents only some truths, known by almost everyone, and a number of assumptions. And it seems that he presents sensitivity training as a kind of panacea for man's mental ills and specifically as a prophylactic measure to protect adolescents. Certainly he overstates himself and the value of so-called "Sensitivity Training". He considers it science; that is open to question. No psychologist who is worth listening to would consider psychology as science in the literal sense. To be sure there are some scientific principles utilized in the field of psychology as well as in the field of sociology; however, the term science applies an exactness, a measurability, and definite laws which ensure predictability. I feel that he utilized a number of scientific terms little understood, if at all, by the lay community. Further, he makes many assertions which are half-truths and based, it seems to me, on wishful thinking. One such wish is his implication that adolescents will respond as adults do. They cannot.

When Dr. Lee said, "our society teaches us to control or repress our emotions rather than to deal honestly with them or authenticate" he is in gross error. Society does not teach us to repress our emotions; experience and our perceptions lead us to do so. Furthermore, controlling our emotions is actually to deal honestly with them rather than the reverse, as implied by Dr. Lee. What he means by authenticate, I am not sure.

Certainly there is value in some of the methods utilized by this school of psychology as attested by man's use of them for ages; used PER SE in a high school curriculum, in my opinion, is a very dangerous and destructive program. It is destructive in its usurpation of the prerogatives of the parents by implying that the parents are incapable of raising their children. And even if the parents were incapable, it is not the business of psychologists to usurp authority, but to recommend a remedy for the incompetent and to deal with the parents. The danger of the program was recognized by some of the participants of the meeting who questioned about a possible risk. A person who is willing to take a risk is willing to lose. Are these psychologists, teachers, and parents willing to have their children hurt? Apparently a great number of parents do not really care, or don't trust their own common sense enough to object openly in the face of the opinions of the authorities who have PhD's, or master's degrees or are professionally trained in the field of education. Furthermore the privacy of the child, his right, is threatened. No adult would permit himself to be forced to participate, and no responsible psychologist would force himself on others.

Your article indicates early that a Study Group was formed to produce some guidelines to be presented to the parents. It was noted that there were no parents or members of the community on the professional study committee. To me that kind of situation is insulting, arrogant, and presumptious, and suspicious.

I have a question, as a psychiatrist newly arrived in California. Why were no psychiatrists invited by the school administrations and by this group to comment on an approach which deals with the feelings and thoughts, conscious or otherwise, of adolescents (particularly of adolescents)? If a psychiatrist were to invite himself into the schools to express expert opinion in regard to the problems of youth as well as to offer suggestions on how to solve them, he would be asked to leave. Yet the teachers, laymen in psychology, and phychologists, who are not allowed to practice psychotherapy without the supervision of a physician, have the temerity to meddle with the thoughts, behavior and feelings, of young people and to imply that these methods will increase "man's humanness and help him deal with his emotions." Adolescent behavior is already very human, and adolescent inhibition is a natural defense mechanism, normal in the young individual. Not all adolescents are emotionally disturbed or ill.

In their zeal for the welfare of mankind, these educators thrust themselves into the role of what I call the superficial pseudo-intellectual. And we don't need any more of them.

There is much to be said in connection with all of the ideas expressed by this group that a letter is not sufficient. But it is certain that the importance of healthy parenthood is far greater than the importance of any school system that exists. Dealing with the feelings of children and adolescents in a direct manner in the schools is just as much out of place as dealing with sexual matters by the schools; Hence, parents should not surrender, nor shirk their responsibilities in these matters. Likewise the schools should not accept the responsibilities belonging to the parents. To be sure, many parents are far from adequate, but a poor parent is better than a non-parent (by far) in the majority of cases. It is time that the parents took a better look, not only at the thoughts and opinions of those whom they consider authorities, but also at the great fund of knowledge which they themselves have, but which they do not feel they can express confidently. Is it because they are unable to use such words as Cybernetics, genetics, theosophy, and scientology? If so, we should all submit.

JOHN C. MORRIS, M.D.

BELVEDERE.

(EDITOR'S NOTE.—If we had an award for the best community oriented letter of the year, we would give it to Dr. Morris for this one.)

[From National Review, December 1968]

Education and Ecstasy

Jeffrey Hart's review of George Leonard's *Education and Ecstasy* [NR, Nov. 19] may be to some a delightful balm in which to bask, like a tingling suntan lotion. We, however, must let loose one loud, long, despairing shriek, as of someone about to sink in icy undertow for the third time: Help! Beware!

Leonard's view of McLuhan's global village—the eradication of Western Culture, literacy, religion, sports, reason, conscience, and the death of the book—all these are not mere fruity Southern California figments of a psychedelic moon trip. *They are here*—in Northern California, in Orange County, in Our Schools, in yours (Madison Heights, Mich.—who knows where else?)—seeded, metastasized throughout our public educational system by its national organization, the NEA.

We first knew of this last May, when 35 high school teachers came down out of the hills after a weekend retreat of sensitivity-training encounter groups, and some began using Esalen techniques in English classes. Body-awareness games such as Passing in a Circle, Blind Walk, Group Lift replaced spelling, composition, literature. Group criticism sessions singled out the most obnoxious class members and shattered their complacency. Weeping students stood before the class revealing their hideous home life. Some classes meditated or formed boy-girl pairs (dyads, in the lingo) to sit knee-to-knee, discussing their "here-and-now feelings."

In our daughter's freshman English class, students formed a close standing circle, took turns going into the center to be passed limply around. As one girl fell toward a boy, he stepped back, seeing that to catch her he would have to touch her breasts. "She would have fallen if I hadn't grabbed her," said our fourteen-year-old.

Since then, research has established that these techniques come from various Behavioral Science centers, such as George Leonard's own Esalen Institute, the Western Behavioral Science Institute, and National Training Laboratories, an arm of the National Education Association.

Therefore, do not smile in amusement at the latest antics in the land of palm trees, prophets and peyote. Instead, go down to your own school, turn on the lights, and see if your own children are slithering across the floor to lie in piles like alligators, or shouting and crying in a group confessional like unholy rollers. They just might be.

CARL AND NAN HEPP.

MILL VALLEY, CALIF.

Your reviewer of *Education and Ecstasy* finds the book great fun. Unfortunately, I can't because I'm living in a university where "T-groups" are the great fad and where young and middle-aged students are acting as though the Second Coming had happened at their last mini-encounter. The whole mad fad may be over by 1970 but the damage it has done will be with us for a long time.

I say damage because I've seen some of the problems the T-group concept can bring. Before your reviewer tosses off the Esalen Institute and its twins he should look into the extent of their influence on one university.

E. L. DAWSON.

EGGERTSVILLE, N.Y.

A "Sensitive" Subject for Everyone—Sex Education in the Schools

The Washington Post, 2–21–69 and the Long Beach Press Telegram, 2–28–69, both datelined New York, reported that Sensitivity Training is a major part of a new course designed to release teachers from their anxieties and help them to be better teachers of Sex Education in the elementary schools. Dr. Tom McGinnis, New York psychotherapist, led teachers through a 15-hour marathon, during which they were broken down by fatigue and the constant prodding of the instructor, to cry and expose their areas of self-doubt and fear, following which the instructor rocked them in his arms, like babies until they had regained their composure.

Sex Education has already been implemented into many school districts and, reportedly, parents are combatting SIECUS sex programs in such cities as: El Paso, Tomball, Wichita Falls and Fort Worth, Texas; Seattle, Renton and Mount Vernon, Washington; Wichita, Kansas; Grants Pass Sutherlin and Forest Grove, Oregon; Maiden Rock and Oconomowoc, Wisconsin; Roseland and Berkeley Heights, New Jersey; Chickasha, Tulsa, Lawton and Oklahoma City, Oklahoma; North Haven, Connecticut; Louisville and Ashland, Kentucky; Miamisburg, Ohio; Huntington, West Virginia; New Orleans, Louisiana; and most cities throughout Minnesota and California.

Many child psychologists have testified against the advisability of some of these Sex Education programs now being used in the schools—programs in which ALL school children may soon be involved. You owe it to these children and to yourselves to search out the facts.

Changes in Education

Excerpts from "Sixteenth Report, Senate Investigating Committee on Education,"published by the Senate of the State of California, 1957:

"The Committee has thought it worthwhile to bring to the attention of the Legislature the sources of some of the current

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changes in the educational policy and methods. These sources are not ordinarily publicized to lay citizens and parents. Children may be greatly affected by these ideas and the committee believes they should be known to the Legislature and the parents and thoroughly discussed in public."

Honorable Carroll Reese: "The National Education Association went far further than a mere education program in the book (Education for International Understanding In American Schools). The general tone of the volume is that we must sacrifice considerable of our national independence in order to create a stable and peaceful world. The goal is set as producing citizens who might be called World-minded Americans. We cannot escape the conclusion that what is meant is the production of advocating a world state. Again, we say that some day a world state may be desirable and possible. However, we are living in a very realistic era in which "One World" could only be accomplished by succumbing to Communism. There is a definite call to political action or at least to a promotion of the idea that we must surrender some of our political independence." . . . "Although the current (teachers) Guides present the program as something new, the theories are not new at all." "As in 1930 and 1936 Teachers' Guides, the current Guides cite such educators as John Dewey, Wm. Heard Kilpatrick, Boyd H. Bode and George S. Counts. However, other names have been added such as Fritz Redl, Gordon W. Allport, Harold Benjamin, Kenneth Benne, Theodore Brameld, Ronald Lippit, Ernest O. Melby, and many others."

"Section 13230 of the California State Education Code Specifically states that instruction must be given in patriotism. The word patriotism was not found in checking through the Guides. As far as could be identified, there was no material especially directed to stir a child's love of or loyalty to his country or native land. Because of the continual pressure for consideration of group welfare, a child is instructed in world-mindedness, he may be inclined to forget that his first loyalty is to his country."

"Religion is treated as a factor which contributes to bias or prejudice."

"The group philosophy in the Guides appears to be a collective philosophy, in which the welfare of the group is considered above all personal ambitions, desires, and incentives. . . . this philosophy would have a tendency to weaken the American tradition of individual freedom. . . . Children are to contribute to the group and merge their identity within the groups." "In the group philosophy, such personal ambitions as seeking to improve one's status, or striving for success, ambitions which are generally attributed to the middle classes by the Guides, would interfere with the proper functioning of the group. The child is not to work primarily for personal improvement or personal gain but for group acceptance and group welfare. It is also possible that children will be forced to conform to group standards, and have proper group attitudes, or they will be suspected of poor mental health." "Mental health pertains to attitudes, behavior and social and group adjustment." "There are many methods recommended in the Guides to assist children in developing proper attitudes and behavior and in overcoming poor "mental health". In solving children's problems or poor "mental health", the teacher is to take an active part." "In the modern school, every act, every attitude, every incident portraying the child's behavior will be subject to a thorough inspection and judgment by the teacher, and may be recorded in the child's permanent record."

"Teachers Guide to Education in Early Childhood, Page 8 says: Learning is changed behavior. The test of learning is in the changed behavior of the learner. Little meaningful learning takes place on a purely verbal level; meaningful learning results in changed feelings, understanding and behavior of the child . . ."

"The committee wanted to learn more about Dr. Moreno. . . . (He is) a New York mental expert famed as discoverer of psychodrama, group therapy and sociometric techniques in psycho-therapy . . . born in Bucharest, Rumania in 1892 . . . came to the United States in 1927 . . . naturalized in 1935. . . . He did his first psycho-dramatic work at Hunter College in 1929 and was responsible for the first psychometric conference at Philadelphia in 1932. Dr. Moreno's technique is vast and covers many areas: education, veterans, industry, hospitals, mental health, UNESCO and Government. . . . Many educators and others have credited Dr. Moreno with some of the techniques used currently in the classrooms of America. . . . Current sociometric terms coined by J. L. Moreno are: Psychodrama, group therapy, group psychotherapy, role playing, racial cleavages & saturation, social-emotional expansiveness, hypnodrama, interpersonal situation, interpersonal therapy and dynamics.

"Dr. Moreno, in his book, 'Who Shall Survive,' says: 'If God would come into the world again he would not come into it as an individual, but as a group, as a collective . . . I have heard that a form of socio-psychodrama is used for Communist propaganda in the Philippines, India and China, in order to convert people to communism . . . This is an illustration in point that highly directive sociodramas can be used for the indoctrination of any set of values, religious, communistic or fascistic . . .'

"Dr. Moreno says, in his book, 'Sociometry, Experimental Method and Science of Society, an Approach to a New Political Orientation—Sociometry and Marxism.' 'The idea of communism must and can be halted. It can only be halted by an idea which is superior to it . . . He (Marx) raised the question as to who should govern the means of production in order to assure society from uneven and unjust distribution of income. Thus far Marx was correct. But the conclusions he drew from it have not stood up in the crucial test of reality . . . He (Marx) did not permit himself to doubt the value and veracity of the social revolution itself. The sociometrist, however much the idea to change the world may burn in him, entertains a different point of view. What may be of little significance to the practical revolutionary Marxist is of the greatest importance to him—the sociometrist is interested in the social revolution as a 'social experiment.' It is to an extent immaterial to him whether it succeeds or fails . . . he is interested in it primarily as an exploratory experiment and not as a social crusade what one learns from it and not only whether society improves through it . . . socialism is the revolution of one class, the economic proletariat; sociometric revolution is a revolution of all classes, of total mankind . . . The sociometric proletariat has its victims in all classes.

Sociometric revolutions do not promise violent and rapid results . . . their success depends upon a new learning process applied to small groups . . . it tries to encourage the masses to insist on change of the legal, social, political and cultural order . . . At last we sociometrists . . . developed 'psychological and social shock methods' which may well become scientific instruments of social action. . . . As human society is ailing we can expect a psychiatric empire to emerge gradually and spread over the globe. Politicians and diplomats will move into second status. Social scientists, sociatrists and sociometrically oriented socialists will move into first. The mentor in the White House, a future President of the United States may well be a psychiatrist before another century has passed. . . .' "

"Psychodrama and Sociodrama in American Education", edited by Dr. Robert Bartlett Haas, with an introduction by J. L. Moreno. . . . Subsection 6 of Section 1, "Psychodrama and the Philosophy of Cultural Education" by Ronald B. Levy: ". . . 'psychodrama' includes the whole family of the techniques and processes which are involved in the 'unrehearsed' but not unplanned, dramatization of human problems for the purpose of dealing with them effectively. . . . The diagnostic psychodrama is intended as a kind of research tool. It offers a method whereby individuals and groups may by analyzed with respect to their potentialities for some type of future action . . . while the therapeutic psychodrama is concerned with pathological behavior and maladjustment, the educational psychodrama is concerned with the control and direction of normal behavior toward desired goals. Like all psychodrama it is a group process by which we seek to modify existing behavior . . ."

From: "Report of the Joint Interim Committee on the Public Education System," published by the Senate of the State of California, 1961:

"The beliefs of children which are to be changed by the schools to suit the State Dept. of Education are filtered through all of their publications."

"We find no evidence that the State Dept. of Education was authorized at any time by the Legislature to change the beliefs or loyalties of children in the public schools. Furthermore, we do not consider 'changed behavior' as a proper purpose or goal for education."

"Listed below are some of the beliefs on democracy and good citizenship which will be changed:

"From: The democratic principles defined in the Declaration of Independence, the Constitution and the Bill of Rights.

"To: Constantly changing democratic principles.

"From: Fixed ideals of the American way of life.

"To: The developing American way of life.

"From: Independence.

"To: Interdependence.

"From: Individualism.

"To: The group or collectivism.

"From: Individual achievement.

"To: Group participation.

"From: Respect for adult authority.

"To: Respect for the group.

"From: Love of freedom.

"To: Love of security.

"From: Loyalty to this nation.

"To: Loyalty to the world.

"From: Competition between individuals.

"To: Conformity in the group.

"From: Recognition for work well done.

"To: Equal recognition for unequal work.

"From: The parents are responsible for the whole child.

"To: The schools are responsible for the whole child."

The public schools in the State of California use many different devices to test the attitudes and beliefs of school children, given without the consent or knowledge of the parents . . . it seems strange to us that tests on such intangibles as attitudes and beliefs are considered reliable and helpful, whereas, tests on tangible knowledge acquired by a student in a certain subject are considered unreliable and harmful. . . . These (psychological) tests would compel a child to expose his secret thoughts, snoop into a student's beliefs on spiritual values and religion; would lead the student to question his beliefs; direct the child's mind toward criticism of his home, parents and teachers; undermine America and our way of life; encourage students to spy and report on those for whom they should have the highest respect; direct the children's minds into the garbage pit of human thought; force the child to testify against himself."

(NOTE.—The above reports are available at the main branches of California Public Libraries.)

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Industrial administrators, since 1956, have attended National Education Association workshops and thus Sensitivity Training has been implemented into many of our large businesses and corporations. Self and group criticism procedures used in the programs are known to cause dissension, turmoil and distrust among co-workers.

In "What Price Human Relations?", appearing in Harvard Business Review, March-April 1957, the author, M. D. McNair says: "Too much emphasis on Human Relations encourages people to feel sorry for themselves, makes it easier for them to slough off responsibility, to find excuses for failure, to act like children . . . There is a de-emphasis of analysis, judgment and decision making . . ."

In "Yourself as Others See You", Business Week, March 16, 1963, the author, George Odiorne says: (Sensitivity Training) sets up nothing but a stress situation . . . This is nothing more than an experiment to test your toleration for frustration . . . In such an emotional binge courtesy goes by the board.

In "The Future of Sex," Look Magazine, 7-25-67, by George Leonard, Sr. Editor of Look and Marshall McLuhan, we are informed that in the future we will all participate in communal living and all love one another equally, even those of the same sex; also, that we will not have a well-rounded personality until we have experienced everything This includes homosexuality and hallucinatory drugs. Included in the article is that paragraph: "Many forward-looking corporations, especially in the Aerospace Industry, already are engaged in Sensitivity Training sessions for their male executives. The behavior encouraged in these sessions would make a John Wayne character wince; manly males learn how to reveal their emotions; to become sensitive to others, to weep openly if that is what they feel like doing—all this in the pursuit of higher profits—Sensitivity works!

In "It's OK To Cry in the Office," Look Magazine 7-19-68, written by John Poppy, one of Look's Sr. Editors: "You don't just dip a few executives into encounter groups. You change the world, company or town, they live in."

Selected young social scientists, since 1960, have attended National Education Association workshops and have implemented Sensitivity Training techniques into Civil Rights and poverty programs, in order to create better human relations. Unfortunately, since Sensitivity Training centers on Criticism, the so-called "better human relations" often turn to increased antagonism and greater division in understanding. Human Relations Commissions often recommend Sensitivity Training.

Public employees of the Peace Corps, Internal Revenue Service, Office of Economic Opportunity, U.S. State Department, probation and parole departments, to name but a few, have been subjected to Sensitivity Training techniques, channeled originally from the National Training Lab of the National Education Association.

MRA—Moral Re-Armament (Sing-Out, Up With People) operates for the purported purpose of promoting a message of love, brotherhood and universal understanding. Universal understanding, possibly, can only be acquired by rejecting attitudes and beliefs which may be in conflict with others throughout the world. While seeming to reject absolutes of a religious or national nature, MRA does direct its members toward absolute honesty, absolute purity, absolute unselfishness and absolue love. Group Confessionals are used to help members correct any deviation from the absolutes elevating them to a unique "feeling level" which further establishes group conformity.

Key executives of volunteer organizations, since 1958, have attended NEA workshops to acquire the technique of directing human change within their organizations. Through promotion of group-ism and interdependence, changes are made in personal attitudes, behavior patterns and value systems.

In "Examining Sensitivity Training and the Laboratory Method", May 1968 issue of Forum of the Association of Secretaries of the YMCA it states: ". . . YMCA personnel became involved in these techniques, first as participants and later as trainers. The impact of these new techniques became widespread in the YMCA starting in 1961, when they were incorporated into the Organization Development Project (ODP) . . ."

"Do You Know Who You Are?", Parade Section, Long Beach, Calif. Independent, Press-Telegram 9-15-68, reports that nearly 1000 YMCA high school students from throughout the U.S. assembled at St. Olaf College in Minnesota recently to "pour out their innermost feelings and frankly criticize one another". A YMCA official from Arlington, Texas commented: "These kids have been changing right before eyes, and theirs."

"Joy", July 1968 Redbook Magazine, By Dr. Wm. C. Schutz, associate in residence at The Esalen Institute, Big Sur, Calif. (last paragraph): "The person attending one of our (Esalen) workshops is taking the risk of changing his life. A married person in a workshop may be forced to acknowledge real feelings of desperation and decide not to stay married. When a Christian organization like the YMCA puts its boys through an encounter group to develop their independence, they may find some of the boys questioning Christian principles. These are not only possibilities, they happen. But they are necessary risks for individual development . . ."

[From the Long Beach (Calif.) Independent, Dec. 9, 1966]

YMCA PROBES TEENAGE PSYCHE

(By George Robeson)

I had heard of Synanon, the group-therapy home for narcotics addicts, but I hadn't heard of "T-Groups" until they were formed at the Los Altos YMCA. Some parents in the eastern and northeastern sections of the city wish the groups hadn't been formed at all, and are trying to keep "T-Grouping" out of the Los Altos YMCA program.

At Synanon, addicts form small groups to reveal their personal problems, admit their needs, expose their emotional conflicts, and criticize each other.

It may work well for tortured junkies who have little left to lose by trying, but some of the parents associated with the Los Altos "Y" think a similar program is a bit too heady for the average teenager.

The Los Altos "T-Groupers" (it stands for "Training Group") have held several "retreats," often in the mountains. At the retreats, 8 to 12 teenagers attempt to air all their feelings, all their problems, and explore all their shortcomings. One or two adults serve as moderators. It's been going on for about a year now, but never has been officially authorized as a part of the program by the Y's executive board.

One 19-year-old boy said he thought he was a pretty stable individual until he attended a 5-day "retreat." Since then, he says, he has suffered recurring emotional distress—and the group-session was held almost a year ago.

An 18-year-old girl reports that she was advised by her fellow teenage T-Groupers to leave home because she couldn't get along with her father.

I have a "log" of a T-Group session held in Oregon last July by a YMCA group from San Mateo. It's about 42 pages long. All the way through it, youngsters are bursting into tears. Maybe that's good for them. I don't know. I'm not a psychiatrist.

But neither are the adults supervising the sessions, and that's what disturbs some of the parents.

In a "To Whom it May Concern" letter, Dr. Michael J. Singer, a Long Beach psychiatrist, has this to say of T-Group or "sensitivity group" sessions:

They should be conducted by a group leader who is either a physician, preferably a psychiatrist; or a doctor of clinical psychology licensed to do psychotherapy; or a psychiatric social worker, licensed by the state; or a person with a master's degree in psychology, licensed by the state for psychotherapy work.

"Any other individual assuming the role of group leader . . . is not fully trained or qualified to handle the problems that might arise if there were emotionally disturbed youngsters in a group 'airing their feelings and problems'," Dr. Singer said. "There is danger of serious psychological damage rather than benefit from this type of group-therapy meetings, particularly if an emotionally disturbed person in this group is not being treated by a fully qualified and trained psychotherapist."

The Los Altos Y Staff says that T-Grouping will "establish a climate of trust and openness which allows young people to experience acceptance, support, love and appreciation for their self-worth, as well as democratic processes. It is not group therapy."

The parents with whom I talked are fearful that one disputed program may disrupt the entire Los Altos YMCA program, which they feel is an excellent one. But their greater fear is that T-Group retreats, such as one now planned in Long Beach this month with 30 local youngsters and 30 from a YMCA in Port Angeles, Wash., may open emotional valves that group leaders can neither close nor control.

[From the Long Beach (Calif.) Independent, Dec. 16, 1966]

DYNAMITE: TO BE HANDLED WITH CARE

(By George Robeson)

The Los Altos YMCA has answered this column on their proposed "T-Groups" or "sensitivity training" for teenagers. The Y's answer was a letter sent to members of the organization. It's signed by a member, Mrs. Charles Orcutt, but it's mimeographed, and the envelopes are addressed on a machine and are stamped by the Y's postage meter as mail from a non-profit organization, so it is a letter from the organization, not from Mrs. Orcutt.

The letter says that "sensitivity training"—groups of 8 to 12 youngsters gathering at "retreats" to bare their feelings and emotions and criticize each other—is "learning how your feelings and thoughts are transmitted and picked up by others through your tone of voice, eye contact and body movements, as well as words. There are opportunities to experiment with communication so that you develop confidence in the ways that reveal what you feel, thereby discarding things that misinterpret what you want to say. It helps you to be honest about what you feel."

The letter says the program is not group psychotherapy. But, as the earlier column said, at least one prominent Long Beach psychiatrist has said that it is psychotherapy, of a sort that must be under the direction of a psychotherapist—not a "group leader" from the Y. Dr. Michael J. Singer calls the program "dangerous." I suppose a psychiatrist knows about those things, after all those years of schooling and specialized training. And he says the danger to teenagers is one of "serious psychological damage."

The letter from the Y makes the point that I have not been involved in sensitivity-sessions. They have me there. I've never been involved in a murder, either, but like other reporters I've written a number of murder stories by interviewing the people who possessed what seemed to be the best knowledge of the crime.

In addition to the reports of some disturbed teenagers who have participated in

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these sessions, I have a 42-page log of a sensitivity-retreat, written by the group-leaders themselves.

Some excerpts: "Bob and Rick wondered why Marcia liked her parents. She became increasingly nervous, in motion, tapping her foot, wiggling her arms, squeezing her hands . . . She is unhappy with her mother, for she works. Her brother bothers her for he drinks and smokes. Robbie, sitting next to Marcia, asked her to close her eyes and relax for five minutes . . . Robbie put his hand on her knee to stop the motion of her foot, and while he did this he spoke softly and gently to her . . . gradually she started to relax. There was total silence. When she opened her eyes she said, 'Everything looks different.' She thought a piece of cement was crushing her and then it went away."

"Mary Kay arrived, crying . . . she said, 'I'm glad I'm Burt's friend—this whole mess makes me sick' . . . Martha got too involved. Robbie nudged her to be quiet. Rick told Mary Kay to shut her mouth. . . . Mary Kay said, 'I feel for him (Burt)' . . . she told Martha, 'I hate you' . . ."

Well, it's all pretty heady stuff, what with kids crying and baring their souls to other kids.

Under the proper conditions, with highly-trained and licensed psychotherapists, this type of program can be a valuable tool in smoothing the jagged edges of a torn personality. But it has its inherent dangers, magnified many times when the personality belongs to a youngster. That's not my opinion. That's medical opinion.

My opinion in this matter isn't worth much. And neither is the opinion of anyone else without an M.D. after his name.

Summary Sheet on Sensitivity Training

Legislators, educators and law enforcement officials are deeply concerned about the anarchy and rebellion taking place throughout the nation. In the churches, leaders and laymen, alike, are apprehensive about the revolutionary changes taking place within their denominations. Parents are fearful that the schools and volunteer organizations, to which they entrust the development of their youth, are not only failing to reinforce those principles which have provided the foundation of our country, but, in some cases, are undermining these very ideals. Unfortunately, most of those concerned individuals are not aware that tax money, tuition, tithing, and contributions are all being used to promote and perpetuate programs which are helping to bring about the very conditions which they fear. Some of these programs come under the general heading of Sensitivity Training, a controversial, experimental procedure intended to create a "new culture" through re-education.

Sensitivity Training programs, in their various forms, are being adopted for use by many groups and organizations throughout the nation. These groups include churches, public and parochial schools, administrators, teachers and students, businessmen, government employees and youth groups, including YMCA's, etc.

In spite of the claimed goals of Sensitivity Training, which are love, trust, openness of communication, leadership and a better understanding of others, these programs have been proven to cause distrust and the breakdown of communication between participants. Sensitivity Training Programs incorporate the use of Criticism, undermine authority and encourage permissiveness. These programs downgrade, rather than uplift, and dwell on the negative, instead of the positive. Individual decision-making is sacrificed in favor of the group consensus, thereby promoting "followship" instead of leadership. Decisions reached in such a setting are often based on emotion, rather than reason. Emotion-manipulating non-verbal and body-awareness exercises create a "new feeling level" in which inhibitions are "thrown to the winds".

Undoubtedly, most people presenting or participating in such programs are convinced that they serve a needed and worthwhile purpose. But Sensitivity Training is based on Self and Group Criticism, and many specialists in the field of mental health recognize Self and Group Criticism to be an integral part of the brainwashing technique used so destructively by the Chinese Communists on our military men in Korea and even now being used by the Viet Cong on captured American servicemen.

Communist Self and Group Criticism originated in Russia in 1929 with the Communist Party slogan: "Through Bolshevist Self-Criticism we will enforce the dictatorship of the proletariat". This method of thought control and mind-manipulation, sometimes called Brainwashing, is based on the Pavlovian theory of conditioning, and is used to control all the peoples now behind the Iron Curtain. The populace is divided into communes and then into small groups of 10–15, forced to meet regularly and participate in Self and Group Criticism. This spotlights the agitators or potential trouble-makers, who are then brought into the "correct" line of thinking. This procedure has created the most effective tyranny ever devised. Through Self and Group Criticism (informing and divulging their inner-most thoughts) the people create their own police state and control one another.

Sensitivity Training participants (in the small group structure) are also divided into groups of 10–15, meet on a regular basis and employ Self and Group Criticism for the purpose of acquiring "appropriate" attitudes and behavior pattern and to discover one's "identity". A participant is pressed to seek out real or imagined shortcomings in his personality and thinking, to Criticize himself and others. In an atmosphere of permissiveness, attitudes and old standards of behavior are probed and criticized by others.

Proponents claim that "Sensitivity Training is a means to alter the basic personality structure of an individual". Participants are manipulated by group pressure and by the scientific techniques of the trainer, whose job is to plan and produce behavior in order to create changes in other people. Results occurring from training would naturally depend upon the intelligence, emotions, anxieties, religious beliefs, moral standards and general character traits of the trainer and group members. Much of Sensitivity Training is devoted to challenging and discrediting the Judaic-Christian value system. After Criticizing church, home, friends, family and moral and political convictions, one is apt to doubt he has any standards or ideals worth keeping or defending. Programs of this nature can and do realign loyalties away from family, home, church and co-workers.

Sensitivity Training is conducted under various titles, such as: Human potential Workshop, Self-evaluation, Interpersonal Relations, Group Confessional, Leadership Training, T-Group Training, Operant Conditioning, Human Relations Lab, Basic Encounter Groups, Self-Actualization, etc.

Behaviorial scientists and educators, by merging science and democracy, have developed a planned change potential for the "total personality system" and the "total social system." One of the methods in widespread use is Sensitivity Training. This program was developed in 1946 at the National Training Laboratory. In 1952, the Lab became an official arm of the National Education Association (NEA). The National Training Lab and its affiliates across the nation recruit for training those who are already leaders, those who are in a position to encourage change in their "back-home" organizations or communities. Upon completion of training, these persons may then become "Change Agents", who persuade persons or organizations to put into practice new ideas or behavior patterns not naturally developed. The NEA works with and obtains help from the National Institute of Mental Health. The programs are funded by foundations, government agencies and private donors.

In 1956 the National Training Laboratories of the NEA held its first workshop for Industrial Administrators and National Church Executives, and in 1958 sponsored its first laboratory for Educational Administrators and key Executives of Volunteer Organizations. Industrial Administrators are finding that Sensitivity Training, implemented into many large businesses and organizations, are causing turmoil, dissension and distrust among co-workers. Churches are using Sensitivity Training techniques at retreats, through prayer therapy and in leadership training. Change Agents work to neutralize differences and to encourage unification of churches in order to more easily fit into the "New Society". Members are often encouraged to participate in protest demonstrations. The U.S. Office of Education is channeling trial Sensitivity Training programs into church schools. Educational systems are being influenced by Change Agents using Sensitivity Training procedures, which can be incorporated into almost any class of instruction. Students are conditioned to become less dependent on authority figures such as parents and teachers, to look to those of their own age level to clarify and solve problems. Title III of the Elementary-Secondary Education Act funded by the U.S. Office of Education for "the exploratory development of models of planned change in education" provides the link between the behavioral scientists and the schools. Volunteer organizations, all across the nation, employ Sensitivity Training. YMCA personnel became involved in these techniques, first as participants and later as trainers. The impact of these techniques became widespread in YMCA starting in 1961, when they were incorporated into the Organization Development Project (ODP). Dr. William Shutz of Esalen Institute, famous for its Sensitivity Training sessions, says: ". . . When a Christian organization like the YMCA sends its boys through an encounter group to develop their independence, they may find some of the boys questioning Christian principles. These are not only possibilities, they happen. But they are necessary risks for individual development."

Selected young social scientists, since 1960, have attended workshops sponsored by the National Training Lab of the National Education Association and have implemented Sensitivity Training into civil rights and poverty programs, in order to create better human relations. Unfortunately, since Sensitivity Training centers on Criticism, the so-called "better human relations" often turn to increased antagonism and greater division in understanding. Employees of the Peace Corps, Internal Revenue Service, Office of Economic Opportunity, U.S. State Dept., to name but a few, have been subjected to Sensitivity Training. Police are being given Sensitivity Training. Cleon Skousen points out in his November 1967 issue of "Law and Order" that police are being trained to be sensitive to the feelings and aspirations of the narcotic addicts, riot-makers and ex-convicts, but that no comparable effort is being made to make the law-breakers sensitive to the havoc they are creating. Judges, parole and probation officers, through Sensitivity training, have become so "sensitive" to the attitudes of the law-breaker that they are hesitant to exert the authority necessary to protect the law-abiding citizen. Newspapers sensitive to the hippie movement heavily advertise Sensitivity Training for: mind-expansion effects, sensory and fantasy experiences, sex hang-ups, 4th dimensional therapy, marathons, psychodrama, sociodrama, sexualization education, etc.

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Summary: The widespread use of planned change programs throughout our society is creating the climate which conditions individuals and groups to make the changes deemed necessary be behaviorial scientists and other unelected planners. These changes call for a new culture and all that it implies: New education in which we educate the senses and emotions, instead of the intellect; new religion, a humanist philosophy in which man replaces God as the supreme being. This, in turn, calls for a new morality, "situational ethics", which encourages individuals to do whatever seems right to them at the moment. World planners have long felt that war can be eliminated with the hemogenization of societies into a common human nature, devoid of a belief in absolutes and a concept of right and wrong, with no specific loyalties or allegiances. They reason that with no conflict of interests, there will be no cause for war. Sensitivity training and similar "change" programs discredit these absolutes, debase the individual and destroy the foundations of our Judaic-Christian heritage. At the base of this training lies an ideological war against our entire American culture.

SELECTED QUOTATIONS

From: "Mental Robots" by Lewis Albert Alesen, M.D., Past President of the Los Angeles County Medical Association and California Medical Association, Past Chief of Staff, Los Angeles County General Hospital Published in 1962 by the Caxton Printers Caldwell, Idaho:

"Americans today are being deluged with a cleverly planned and skillfully executed barrage of propaganda designed to achieve adoption of a somewhat nebulous group of proposals by federal, state, and local governments classified under the broad, general and disarmingly innocent title of 'The Mental Health, Program.'"

"The American citizen is by birth, early training, and tradition a believer in fair play, and one who is compassionate and sympathetic with the troubles of his fellows. When an appeal is made to his finer emotions, he is apt to respond in the manner suggested by that appeal and with very little, if any, thought to the underlying reasons and the ultimate results. Sponsors of all manner of causes—both good and evil—have been quick to recognize this trait of American character and to capitalize upon it by fair means or foul."

"Herbert Philbrick has been recently quoted as stressing Soviet psychiatry is the psychiatry of Pavlov, upon whose original work on dogs the theory of the conditioned reflex is based. This conditioned reflex is the principle underlying all of the procedures employed by the Soviets in their brainwashing and brain-changing techniques. Under its skillful use the human can be, and has been in countless instances, so altered as completely to transform the concepts previously held and to prepare the individual so treated for a docile acceptance of all manner of authoritarian controls."

"Its objectives may be concisely and accurately described as the ultimate destruction of the human individual as a person; the eradication of all the traditions, ideals, and moral concepts which he has learned from home, church and school; the transformation of the individual from any bourgeoisie notions of self-reliance, independence and individual initiative to just another number in the master record book who has been bred, reared and taught by every device and artifice wherever possible to deny and reject responsibility for himself, and to transfer that reasonsibility to the group, that is, the State."

"The master plan under which it works has been the result of the efforts of countless thousands of individuals, most of whom were and are so busily engaged in the narrow confines of their own special interests that they have not had the time, the inclination, or the ability to gain a perspective of the ultimate aims of the plans which they have so actively aided in bringing to fruition."

"During the past ten or fifteen years there have been conducted summer sessions in group dynamics on the campus of Gould Academy at Bethel, Maine, under the direction of the National Training Laboratory in Group Development, a subdivision of the National Education Association. At these summer sessions there are found in attendance teachers, students, and business and professional men and women among others. The fundamental objective of this training is to prepare those so trained in the subtle art of propagandizing without seeming so to do. Here among academic surroundings a carefully arranged schedule of indoctrination has been prepared by the National Education Association, highlighted by a quaint patois in which the words 'work shop' and 'buzz sessions' are used to designate the means and the ends at the same time."

From: "Brainwashing, a Synthesis of the Russian Textbook on Psychopolitics" (The Communist Manual of Instructions on Psychopolitical Warfare) Excerpts taken from the book, "Mental Robots" by Lew Albert Alesen, M.D., and from the complete text of the synthesis:

"In rearranging loyalties we must have a command of their values. In the animal the first loyalty is to himself. The second loyalty is to his family unit, his parents and brothers and sisters. This is destroyed by making a family unit economically nondependent, by lessening the value of marriage, by making an easiness of divorce and by raising the children wherever possible by the State. The next loyalty is to his friends and local environment. This is destroyed by lowering his trust and bringing about reportings upon him allegedly by his fellows. . . ."

"If we could effectively kill the national pride and patriotism of just one generation we will have won that country. Therefore there must be continual propaganda abroad to undermine the loyalty of the citizens in general and the teenager in particular."

"Mass neo-hypnotism can accomplish more or less the same results when guided by an experienced psychopolitical operator. An end goal in such a procedure would be the alteration of the loyalties of an entire nation in a short period of time by mass neo-hypnotism, a thing which has been effectively accomplished among the less-usable states of Russia."

"The educational program of Psychopolitics must, at every hand, seek out the levels of youth who will become the leaders in the country's future, and educate them into the belief of the animalistic nature of Man. . . . They must be taught, above all things, that the salvation of Man is to be found only by his adjusting thoroughly to this environment."

"The realm of defamation and degradation, of the psychopolitician, is Man himself, and by bringing about, through contamination of youth, a general degraded feeling, command of the populace is facilitated to a very marked degree."

"If a psychiatric ward could be established in every hospital in every city in a nation, it is certain that, at one time or another, every prominent citizen of that nation could come under the ministrations of psychopolitical operatives or their dupes." . . . "The cooperation of the government to obtain these vast sums of money is best obtained by the organization of mental health groups composed of leading citizens and those who bring their lobbying abilities to bear against the nation's government. Thus can be financed many programs, which might otherwise have to be laid aside by the psychopolitician."

"Any man who cannot be persuaded into Communist rationale is, of course, to be regarded as somewhat less than sane, and it is, therefore completely justified to use the technique of insanity upon the non-Communist." . . . "One of the first and foremost missions of the psychopolitician is to make an attack upon Communism and insanity synonymous. It should become the definition of insanity, of a paranoid variety, that 'A paranoid believes he is being attacked by Communists.' Thus, at once the support of the individual so attacking Communism will fall away and wither."

"*Psychopolitics* is the art and science of asserting and maintaining dominion over the thoughts and loyalties of individuals, officers, bureaus, and masses, and the effecting of the conquest of enemy nations through 'mental healing'."

(NOTE.—Complete text of this Communist Manual available for $1.00 from Truth, Inc., P.O. Box 10188, Fort Worth 14, Texas.)

From: Lavrenti P. Beria, former head of the Soviet Secret Police. "Psychopolitics is an important if less known division of Geopoltics."

From: "Encyclopedic dictionary": Geo-Politics: 'A doctrine, of Nazi Germany, advocating aggressive expansion.'"

From: "Encyclopedia Americana": "Geo-Politics: 'For this university of education . . . modern Germany—The Third Reich—is primarily responsible. The war which blocked Germany's initial drive for world dominion and the revolution which put into power the Nazis who were to launch the second drive gave us Geo-Politics. German Geopolitik is the logical product of a materialistic and deterministic school of thought which, through more than two centuries, has progressively gained sway over the German mind until it reduced man to a status of biochemical entity . . . Geopolotics, in its quest for an invincible brand of power politics has taken unto itself such varied fields as economics, jurisprudence, the social sciences, medicine, psychology and military strategy.'"

"CHANGE" PROGRAMS IN THE CHURCHES

Church executives, across the nation, since 1956, have attended workshops sponsored by the National Education Association's National Training Laboratory. Sensitivity Training techniques are used by church members at retreats, through prayer therapy (meditation, thanksgiving, self-criticism, group criticism) and in leadership training, in order to neutralize differences and encourage unification into a one-world church. Many churches openly promote Sensitivity Training programs and use the techniques in their organizations. In other churches GHANGE AGENTS, who have taken this training, are working to alter existing standards, values and beliefs. This is accomplished through self-group criticism and criticism of doctrine and authority. Changes in moral standards are being brought about through group participation in body and sensory experiences.

Readers Digest, September 1967 and Psychology Today, December 1967 reveal that the U.S. Office of Education granted $110,000 to the Western Behavioral Sciences Institute at La Jolla, California to conduct education research. The Institute, one of five national centers for research, is one of the leading promoters of Sensitivity Training. Dr. Carl Rogers, internationally known psychologist at the Institute reveals that, in addition to the federal grant, they were given a Babcock Foundation grant to implement basic encounter techniques for "self-directed change" into the Roman Catholic schools, Immaculate Heart College, Los Angeles.

In April and May of 1968 a "13th Annual Spring Training Laboratory" was conducted at Green Lake, Wisconsin, sponsored by the Dept. of Educational Development of the National Council of the Churches of Christ in the U.S.A. Many laboratories of this nature are in periodic progress throughout the

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nation. At this particular lab, two sessions concentrated on T–Group training in "Human Relations" and "Personal Growth." The third lab dealt with "Innovation and Change" and was for the purpose of enrolling "24 national or regional staff persons responsible for change in congregations, regional committees, etc., pastors and church workers who want to initiate change in congregations or their organizations; and persons who want to initiate community change."

In working to bring about change in the church and social structure, three steps are always apparent: First: Identify the problem and create in the participants a feeling of guilt, fear, insecurity and doubt. Second: Approach the problem by encouraging group discussion, group confession and self-group criticism. Third: Solve the problem by creating a dependence upon the decisions of "the group", instead of independent judgment. It has been proven that there is a reflex action of submission to the group with every act of verbal confession in a group structure. When a "manipulated" group consensus is arrived at in this manner, more often than not the decisions arrived at are based upon emotion, rather than reason. Commitment to action follows, and often calls for participation in protest demonstrations.

Twin Circle, 4–14–68, reports on a Catholic Liturgy in Oklahoma designed to "sensitize" the mass-goers. Music by the Beattles was played and films were shown depicting poverty throughout the world. Summonses were handed out at the end, charging the members with theft and neglect, and they were told to return the following Sunday with a plea of "Guilty" if the total effect of the Liturgy had been felt.

In many instances, Change Agents are not only encouraging a compromise of beliefs, but some are working to completely erase our Judaic-Christian concepts. An example is reported in The Sign magazine of January 1968 in an article entitled "Religion For A One-Story Universe" by Arthur McNally, C.P. The author issues a warning and reveals the following: In the "new theology" of "The Church of Tomorrow" there will be no Heaven to hope for, no Hell to fear and no Divine Providence to trust. Man will no longer need a belief in the "myth" of God. God is just "the on-going-ness of things" and those who cling to the old concept of God as a Father will be exhibiting regressive behavior. It is a full-blown religion perilously close to atheistic humanism, but few people see it for what it is. Last year, 16,000 people of many religious denominations were brain-washed in programs of this nature given at the Ecumenical Institute in Chicago. The institute normally teaches between two and three hundred per weekend on the Chicago campus, and another nine thousand attend courses around the nation. The Ecumenical Institute originated in 1954 when the World Council of Churches decided to establish a center for education to deal with church and social renewal. The liturgy services at the Institute seem like exercises in group dynamics; lots of swaying, handclapping and foot-stamping, interlaced with oriental gongs and sing-song recitations. "Let any church send us thirty laymen for a weekend, and we will send back twenty-nine awakened, revolutionary people", says Joe Matthews, Dean of the Institute.

Selected Quotations

From: "The Impact of Science on Society" by Bertrand Russell, published by Simon & Schuster, New York, 1953:

"I think the subject which will be of most importance politically is Mass Psychology. Mass Psychology is, scientifically speaking, not a very advanced study, and so far its professors have not been in universities; they have been advertisers, politicians, and above all, dictators. This study is immensely useful to practical men, whether they wish to become rich or to acquire the government. . . . Its importance has been enormously increased by the growth of modern methods of propaganda. . . . It may be hoped that in time anybody (p. 29) will be able to persuade anybody of anything, if he can catch the patient young and is provided by the State with money and equipment. This subject will make great strides when it is taken up by scientists under a scientific dictatorship. . . ."

"Various results will soon be arrived at. First, that the influence of home is obstructive. Second, that not much can be done unless indoctrination begins before the age of ten. Third, that verses set to music and repeatedly intoned are very effective. Fourth, that the opinion that snow is white must be held to show a morbid taste for eccentricity. It is for future scientists to make these maxims precise and discover exactly how much it costs per head to make children believe that snow is black, and how much less it would cost to make them believe it is dark gray."

"Although this science will be diligently studied, it will be rigidly confined to the governing class. The populace will not be allowed to know how its convictions were generated. When the technique has been perfected, every government that has been in charge of education for a generation will be able to control its subjects securely without the need of armies or policemen. As yet there is only one country which has succeeded in creating this politician's paradise." (p. 30)

"Fichte laid it down that education should aim at destroying free will, so that, after pupils left school, they shall be incapable, throughout the rest of their lives, of thinking or acting otherwise than as their schoolmasters would have wished. But in his day this was an unattainable idea; what he regarded as the best system in existence produced Karl Marx. In the future such failures are not likely to occur when there is dictatorship. Diet, injections, and injunctions will combine from a very early age to produce the sort of character and the sort of beliefs that the authorities consider desirable, and any serious criticism of the powers that be will become psychologically impossible. Even if all are miserable, all will believe themselves happy, because the government will tell them that they are so."

(NOTE.—Bertrand Russell is a world-renowned atheist and one of six such atheists selected by UNESCO (United Nations Educational, Scientific and Cultural Organization) to rewrite the history of the world. Reference: "Mental Robots" by Lewis Albert Alesen, M.D. Bertrand Russell received the Nobel Peace Price in 1950 for literature defending humanity and freedom of thought. Bertrand Russell created the International War Crimes Tribunal which met in Stockholm, Sweden, April and May of 1967 and found President Johnson and the United States guilty of war crimes because of the U.S. involvement in the war in South Viet Nam.)

From: "The Psychiatry of Enduring Peace and Social Progress," a series of lectures appearing in Psychiatry Journal of the Biology and the Pathology of Interpersonal Relations, Volume No. 9, February 1946, published by the Wm. A. White Psychiatric Foundation, District of Columbia . . . (The Restablishment of Peacetime Society). Speaker: G. Brock Chisholm, C.B.E., M.D., Deputy Minister of Health, Dept. of National Health and Welfare, Canada. Major General, Canadian Army. (Later, in 1948, elected Director General of WHO—United Nations World Health Organization):

"We are all now, perforce, citizens of the world, whether we are sufficiently mature adequately to carry that responsibility or not. In the face of this new status as world citizens, we must accept the uncomfortable fact that we are the kind of people who fight wars every fifteen or twenty years. We always have, for as far back as we know anything of the race, and if we go on being the same kinds of people, it is to be supposed that we will continue to fight each other."

"The responsibility for charting the necessary changes in human behavior rests clearly on the sciences working in that field. Psychologists, psychiatrists, sociologists, economists and politicians must face this responsibility. It cannot be avoided. Certainly the psychiatrists are not in the least backward in staking out their claim to possessing superior intelligence and know-how with which to alter materially and permanently human behavior."

"We have swallowed all manner of poisonous certainties fed us by our parents, our Sunday and day school teachers, our politicians, our priests, our newspapers and others with a vested interest in controlling us . . ."

"The re-interpretation and eventually eradication of the concept of right and wrong which has been the basis of child training, the substitution of intelligent and rational thinking for faith in the certainties of the old people, these are the belated objectives of practically all effective psychotherapy . . ."

"The suggestion that we should stop teaching children moralities and rights and wrongs and instead protect their original intellectual integrity has of course to be met by an outcry of heretic or iconoclast . . . We all recognize these reactions as those of the immature, the inferior, the guilty, which are not found in the mature, integrated personality. Freedom from moralities means freedom to observe, to think and behave sensibly, to the advantage of the person and the group, free from outmoded types of loyalties and from the magic fears of our ancestors."

"If the race is to be freed from its crippling burden of good and evil it must be psychiatrists who take the original responsibility . . ."

"Should discounts be offered for treatment of whole families? Should attempts be made by the profession to induce governments to institute compulsory treatment for the neuroses as for other infectious diseases?"

"There are indeed areas of hope. Some help may well be found in possible developments of shorter, more effective techniques of treatment. Shock, chemotherapy, group therapy, hypno and narco-analysis, psycho-drama and even surgery can all be used, and some of these methods may be employed by other than trained psychiatrists."

"There is something to be said for taking charge of our own destiny, for gently putting aside the mistaken old ways of our elders if that is possible. If it cannot be done gently, it may have to be done roughly or even violently—that has happened before."

"Let us discard the bromides which have kept us drugged, obedient to the old people and afraid of their displeasure. Let us accept our own responsibiilty to remodel the world in bolder, clearer and more honest lines."

Speaker: Abe Fortas, Washington Lawyer and Under Secretary of Interior. (Later in 1965, appointed by President Johnson to the U.S. Supreme Court.):

"General Chisholm's remarkable lecture on the the Re-Establishment of Peacetime Society will undoubtedly startle many people . . . He not only pleads for mature men and women, but the nature of his plea discloses that he himself is that extraordinary creature: a man of maturity."

[From the San Francisco (Calif.) Examiner and Chronicle, Aug. 27, 1967]

Scientists Predict End of Individualism

WIESBADEN (West Germany).—Society may well become depersonalized and desexualized within the next 50 years, two New York scientists said yesterday.

And anyone who tries to be an individual "will be looked upon as odd, reactionary and antigroup."

Prof. Stanley Less of Columbia University read the thesis yesterday to the International Congress of Psychiatry. Prof. William Wolf, secretary of the American Society for the Advancement of Psychotherapy, was the coauthor.

Failure to adapt to the "group" is likely to be a prime source of psychic stress in the new society, the scientists held.

"Preoccupation with romantic love may well become diluted and many interactions between men and women may change considerably," their paper said. "Our future society might be far less sexualized as compared to our current civilization."

They added that "unanimity of thinking would be seen as the normal pattern."

Psychotherapists, Less and Wolf declared, would have to deal with the question of "what the sources of pride and pleasure will be for the man of the future when labor will no longer be the prime motivation for his existence."

Summary

On the preceding pages it has been attempted to show:

1. The new Soviet man is being created in Red China, Communist Russia, all the captive nations, and is being attempted in the free nations, through the use of Communist psychopolitical warfare.

Communist Psychopolitical Warfare is: "The art and science of asserting and maintaining dominion over the thoughts and loyalties of individuals, officers, bureaus and masses, and the effecting of the conquest of enemy nations through 'mental healing.'" It is accomplished by thought control, destruction of moralities and individual thinking, directed group conformity, informing and self-criticism.

2. The Aryan super race which Hitler attempted to build through mass annihilation depended also upon massive *thought control.* The Third Reich was responsible for *Geopolitiks*—in this case the control of the populace through "education"—(control of the press, burning and re-writing of books). *Informing* on one another brought about the elimination of those who, either by reason of their race or their attitudes, did not "conform." These are part of the tactics being used in Communist-controlled countries today to build *the new Soviet man.*

3. A new American man, whose thoughts can be controlled is anticipated through the use of mass psychology.

4. The new world citizen, who will be freed from the dangers of war, may be developed through education and mass psychology. According to some leaders this can be accomplished by ridding individuals of all set standards of behavior and all moral guidelines. With no conflict of ideas or attitudes, there will be no war.

In the War For Survival the bow and arrow was once considered the ultimate weapon.

Much later we considered the Atomic Bomb to be the ultimate weapon.

Today we know the ultimate weapon is: control of the minds of men.

Related Reading

SENSITIVITY TRAINING AND PROGRAMS FOR PLANNED CHANGE

1. "Inhibitions Thrown to the Winds," Life Magazine, July 12, 1968.
2. "The Great Group Binge," by Hoover, West Sect., L.A. Times, January 1967.
3. "2000 A.D., A Symposium," by Carl Rogers, Alan Watts, Herman Kahn, ORACLE newspaper, Vol. 1, #12; 1371 Haight St., San Francisco, Calif. 94117.
4. "Issues in Human Relations Training," by Irving Weschler and E. H. Schein, National Training Laboratories of the National Education Association, 1962.
5. "The Dynamics of Planned Change," Lippit, Watson and Westly, 1958.
6. "Science and Human Behavior," by B. F. Skinner, McMillan Co., N.Y., 1965.
7. "Self-Renewal: The Individual and the Innovative Society," John W. Gardner, 1965.
8. "Introduction to Western Behavioral Sciences Institute," Richard Farson, Mimeo.
9. "T-Group Theory and Laboratory Method," by Bradford, Gibb, Benne and Berenson.
10. "Examining Sensitivity Training and the Laboratory Method," by James M. Hardy, Executive, and Richard L. Batchelder, Associate, Research & Development Division, National Board of YMCA. May 1968 issue of Forum of the Association of Secretaries of the YMCA.

EDUCATION

1. "Guidance and Counselling in Groups," NEA Journal, October 1966.
2. "Sensitivity Training in the Classroom," NEA Journal, January 1967.
3. "Change in School Systems," by National Training Laboratories of NEA.
4. "Peer Analysis, A Way to Help Adolescents," by Dr. Allen Hasson, California Teachers' Association Journal, January 1968.
5. "Concepts for Social Change," by Goodwin Watson for COPED, Nat'l. Tr. Lab., NEA.
6. "Education and Ecstasy," by George B. Leonard, Sr., Editor, Look magazine, three-part series, September 17, October 1 and October 15, 1968.

CHURCHES

1. "How," by Sister Gertrude J. Donnelly, Catholic Action Office, Notre Dame, Ind.
2. "Communicating Love Through Prayer," by Rosalyn Rinker, Zondervan Pub., Mich.
3. "Taste of New Wine" (and Workbook) by Keith Miller, Word Book Publishers.

COMMUNIST USE OF THOUGHT CONTROL AND BRAINWASHING

1. "Brainwashing (The Story of the Men Who Defied it)" by Edward Hunter with Dr. Leon Freedom, Pyramid Books, 1962.
2. "Brainwashing in Red China—The Calculated Destruction of Men's Minds," by Edward Hunter, Vanguard Press, New York.
3. "In Every War But One," by Eugene Kinkead, Norton Co., New York, 1959.
4. "In the Presence of my Enemies," by John W. Clifford; Norton, 1963.
5. "Rape of the Mind," by J. A. M. Meerloo, M.D., World Publishers, N.Y., 1956.
6 "The Communist Persuasion," by Father E. Winance; Kenedy, 1959.
7. "Battle for the Mind," by Wm. W. Sargant, Doubleday, 1957.

PUBLICATIONS EXPOSING SENSITIVITY TRAINING, SIECUS, AND MIND MANIPULATION

1. "Sensitivity Training, the Trojan Horse," by Marie Heller Paul, California Educators, Associated Box 1129, Long Beach, Calif., 90801, 25¢.
2. "Sensitivity Training," by Dr. W. S. McBirnie, Voice of Americanism, P.O. Box 90, Glendale, California, $1.
3. "The Truth About the New Sex Education in the Schools," by Dr. W. S. McBirnie, Voice of Americanism, P.O. Box 90, Glendale, California, $1.
4. "Sensitivity Training," Church League of America, 422 N. Prospect St., Wheaton, Illinois, October 1968, 50¢
5. "To Deceive the Elect—Cursillo," by Dr. DeTar, Athanasius Press, Reno, Nevada, $1.
6. "The Church and Group Mania," by The Methodist Laymen, Box 323, Hollywood, Calif.
7. "Brainwashing in the High Schools," and "Collectivism on Campus," both by E. M. Root.
8. "Education for Survival in the Struggle Against Communism," Senate Document 93, 87th Congress. (Supt. of Documents, Government Printing Office, Wash., D.C., 35¢).
9. "Sex Education Fad," from the Congressional Record, volume 114, part 14, page 19027, 10¢ each, $7.50 per 100 from Congressman John Rarick, House Office Bldg., Washington, D.C. 20515.

(Note.—Congressional Records should be available for reading at the main branch of your public library.)

10. "NEA—Blackboard Power," by Gordon Drake, Sacramento County Families United, P.O. Box 20294, Sacramento, California 95820, 75¢.
11. "Sensitivity Training—Hearings Conducted by the California State Legislature," (pro and con presentations) $2.50 from Assembly Committee on Rules, Room 3173, State Capitol, Sacramento, California 95814.

THE INCOME TAX SURCHARGE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, the administration is going all out in urging Congress to extend the 10-percent surtax on the moderate-income taxpayer, due to expire on June 30.

As so many times in the past, the wise sayings of European central bankers are being invoked to give plausibility to the administration's request. Unless this surtax on the average moderate-income taxpayer is continued, say the central bankers, inflation in the United States will be uncontrollable, and the dollar will be "devalued"—whatever that means.

Parenthetically, the central bankers, in advising the United States that it ought to be running a budgetary surplus nowadays, never seem to advise us to attain that surplus by cutting our swollen military expenditure. Neither do they advise us to attain that surplus by plugging the billions of dollars worth of tax loopholes which benefit wealthy beneficiaries. Instead, the only road to fiscal morality that they hold out before us is further socking it to the average moderate-income taxpayer.

I do not quarrel with the European central bankers' general thesis that we need, as part of our anti-inflational arsenal, a budget that is balanced or even in surplus.

There are several ways of achieving this end. Let us look at those ways in terms of the political configuration of the House of Representatives.

There are 192 Republicans in the House. About 20 of these are sufficiently conservative so that they cannot be counted on by their own President if he takes a liberal stand on tax reform. About five or 10 are so liberal that they will from time to time vote with the liberal Democrats despite their President. But by and large, around 170 of the 192 Republicans can be said to be in Mr. Nixon's corner if he really wants them.

Among the 247 Democrats are some 60 or 70 conservatives, mostly from the South, who are available for a conservative coalition with the Republicans. The remaining 170-odd Democrats are more or less in the liberal-progressive spectrum, though as one moves from the more liberal-progressive 100 through the

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remaining 70, the liberality-progressiveness obviously diminishes.

Now, let us apply this arithmetic to various ways of securing a budget surplus.

What about securing a budget surplus by cutting back on the most swollen item in the budget, military expenditures? Some $5 billion or so could be cut from this without in any way weakening our security. If President Nixon would give the lead, he could take his 170 Republican votes and add to them close to 100 Democratic votes, for a clear majority of some 270. Unfortunately, President Nixon has elected to do just the opposite. Digging himself in behind the Pentagon's swollen budget, he took occasion last week at the Air Force Academy commencement to denounce "new isolationsts" and "unilateral disarmers." So, while a fight will be made, as a realistic method of restoring or creating a budget surplus, we must apparently forget important cuts in military expenditures.

What about a straight continuation of the surtax, to yield $9 billion in the next fiscal year, as the administration urges? By putting on the screws, the administration, let us assume, could line up its 170 surefire Republican votes for continuing this surtax on the moderate-income taxpayer. He would have trouble getting many Democratic votes, either liberal or conservative. Therefore, a realistic guess is about 30 Democrats, or a total of 200 votes, for the naked extension of the surtax—clearly not enough.

This leaves us with a third possibility—an administration-liberal Democratic congressional coalition for the purpose of damping down inflation, in a just equitable way, by tax loophole plugging, with the surtax continued only at the level needed to take care of the transitional period while the loophole-plugging program is taking hold. Let us suppose that President Nixon came up to Congress this afternoon and requested the kind of loophole-plugging tax program, yielding around $9 billion annually once it gets going, that 100 or so of us liberal-progressive Democrats have been calling for for more than a year.

As threescore of us said in our letter a couple of weeks ago to the Ways and Means Committee, such a loophole-plugging package should include "not only the 7-percent investment tax credit, but action on such loopholes as oil depletion, capital gains property untaxed at death, the unlimited charitable deduction, special treatment for stock options, the multiple corporation loophole, the provision permitting payment of estate taxes by the redemption of government bonds at par, hobby farms, accelerated depreciation on speculative real estate, foundations, and conglomerate mergers."

President Nixon could show us the way to fiscal responsibility, at home and abroad, by coming up before Congress with such a loophole-plugging program, accompanied by a continuation of the surtax for so long, and only so long, as it was necessary for this loophole-plugging program to have its revenue effect. For such a package, Mr. Nixon could have the votes of his 170 Republicans plus, I would judge, 100 of us Democrats, for a clear majority of 270. The Republicans would vote for the package because they believed in it, or because their leader had staked his reputation on it. The Democrats would vote for the package because it applies fiscal responsibility in a way that is fair to the average moderate-income taxpayer by plugging tax loopholes.

What we are not going to do is vote blindly in a few days to extend the surtax for another year on the administration's representation that it will produce a tax-reform program in the sweet-by-and-by, perhaps next November. Swallowing that bait could well mean that we use our votes now to saddle a further tough tax burden on the average moderate-income taxpayer, yet find ourselves in November, even assuming a genuine tax-reform program is presented, without enough Republican votes to pass it.

So let me be very clear. If President Nixon wants to fight inflation—if he wants to protect the international value of the dollar—let him form here and now a coalition with the liberal Democrats to enact a prompt and meaningful loophole-plugging tax program, with the surtax continued only insofar as it is needed to permit the phasing in of such a program. We Democrats will give him the votes he needs.

So the question is: Will Mr. Nixon fight inflation and defend the dollar? I hope he will—and I will help him do it.

THE ANGLO-FRENCH CONCORDE OBSERVED

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, last week I had the opportunity to cast my famished eyeballs upon a working SST at the Paris Air Show. The aircraft in question was the Anglo-French Concorde, which I saw both in flight and on exhibit at the exposition. To say the least, the experience was enlightening and utterly convincing. Surviving it is an experience in itself.

Previously, when I expressed opposition to the SST and its subsidization by our Government as a commercial enterprise, the reaction of its proponents was strong. Beating their chests and baring their souls, they resurrected the Wright brothers and questioned my devotion to motherhood, blueberry pie, and the Emancipation Proclamation. When I questioned the effects of the sonic boom and our order of social priorities, many bellows of outrage were heard. I was against progress. I was helping put America into second place in the commerical aircraft field. We would learn to love the sonic boom in time. Thomas Jefferson would have been for it. So what if we sent people across oceans and continents in a few fleeting hours. Traffic jams of several hours on your way from airport to final destination would also be beneficial to sweet humor and business.

In Paris I saw and heard the Concorde, and it was unforgettable, indeed. To begin with, as thousands of observers can attest, the noise of this aircraft, even at minimal speeds, is outrageous, intolerable, and hideous. Its noise assaults the eardrums like a combination of a brass band, Custer's last charge, and your neighbors' children tooting on Christmas bugles.

After observing the aircraft in flight, I inspected it at the air show, conducting a series of interviews with high-ranking officials of our military, our Embassy in Paris, and leaders in the aerospace field. All of these individuals were unanimous in that they felt that Government subsidization of the SST was quite low on our order of national priorities. They felt that the Concorde was still in its technological infancy, and did not justify substantial government investment on such a high-risk item at this point.

A Reuters dispatch from Paris on June 2 substantiates my personal observations. The roof of an apartment house near Le Bourget Airfield was significantly damaged as the Concorde passed over it. Reports said that the backwash from the craft might have blown off parts of the roof as it passed overhead. I can only say that, when it is in full flight, life and property, in massive quantities and proportions and for many, many miles, would find themselves in instant, severe jeopardy. Any debate over the SST would be solved instantly by allowing the craft to fly in a manner so as to fulfill its promised goals.

So I therefore reiterate my opposition to this monstrous assault upon tranquillity, privacy, environmental and personal property. There is absolutely no reason for the U.S. Government, particularly at this time, to subsidize such a private commercial venture. We require urban mass transit, aid to housing, pollution-fighting programs, and other forms of domestic social programs. The last thing this Nation must have is a federally subsidized SST. It may take only 2 hours to get from Kennedy Airport to London. I live 15 miles from Kennedy Airport and it takes me that long to get from home to Kennedy. Meanwhile, must I settle for traffic jams of 2 to 3 hours after or before jet flights across continents and oceans?

ROGERS INTRODUCES BILL TO CREATE FEDERAL COMMISSION ON JUDICIAL QUALIFICATIONS

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing legislation which would establish a Federal Commission on Judicial Qualifications. The purpose of this bill is to establish machinery to deal with Federal judges who, through their actions, have failed to meet the standard of good behavior required by article III of the Constitution, or who are unable to execute their duties and responsibilities due to mental or physical disability, intemperance, laziness, or incompetence.

The Judicial Conference is meeting today, and I hope that the Conference will consider the matter of judicial qualifications.

I think that most would agree that the performance of the Federal judiciary has been exemplary, and in the overwhelming majority of instances, above reproach.

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But there are over 500 Federal judges in the United States, and with this number, it is almost inevitable that some will fail to act as they should in executing their duties and responsibilities.

Instances of senility, laziness, alcoholism, and incompetence are rare, but provisions should be made to deal with such matters.

Historically, impeachment has been the only method by which Federal judges have been removed from office, and experience shows that this method simply does not work well.

Only eight impeachments have been attempted in the history of this Nation, and four ended in acquittals after congressional trials.

Moreover, as a remedy for judicial unfitness, impeachment suffers from several serious defects. First, it lies only for treason, bribery, or other high crimes and misdemeanors, and it is unclear whether some of the conditions that clearly warrant corrective action—senility, disability, laziness, incompetence, and alcoholism—fall within this category.

But, even if these are impeachable offenses, one questions whether it is sensible or humane to remove a senile or alcoholic judge through the public spectacle of impeachment.

Second, impeachment is a cumbersome process. An impeachment trial, properly conducted, would require the constant presence of 100 Senators to hear testimony for a period of several weeks, for the average length of trials has been 16 to 17 days.

Mr. Speaker, this is not due process of law. During the last impeachment trial, some 30 years ago, it was observed that at one point only three Senators were present and that one of them was writing letters and not listening to the testimony at all.

A better method for dealing with the problem is needed, and I believe that the Commission which would be created in this legislation is the best solution.

The Commission would be composed of 11 members appointed by the President. It would include two judges of the U.S. district courts, two judges of the U.S. circuit courts, two attorneys who have practiced law for at least 10 years, and five citizens from the general public.

It would be empowered to investigate the conduct, or physical or mental ability of judges only upon the formal complaint or report of a citizen.

Should such investigation give the Commission cause to believe that the conduct of the judge is or has been inconsistent with the good behavior required by article III, or that his mental or physical disability prevents him from carrying out his duties, the Commission shall then order a hearing concerning the conduct or ability of such judge.

At the hearing, the accused judge may be represented by counsel, offer evidence in his own behalf, and confront and cross-examine witnesses against him.

If the Commission, nine of the 11 members concurring, determines that the conduct of such judge has been or is inconsistent with the good behavior required by article III of the Constitution, or that his disability prevents him from executing his duties, it then reports its findings to the Judicial Conference of the United States, recommending that the judge be removed from office.

Following such recommendation, the Commission shall also order the judge to cease the exercise of any judicial powers or prerogatives pending disposition of the Commission's recommendation by the Judicial Conference.

It is then incumbent upon the Judical Conference to review the record, the findings, and the determination of the Commission both on the law and on the facts.

Should the Conference accept the recommendation of the Commission, the aggrieved judge may seek review of the Conference's action by writ of certiorari to the Supreme Court.

Upon affirmance by the Supreme Court, the Conference shall certify to the President its determination that the conduct of the judge has been inconsistent with the good behavior required by article III of the Constitution, or that his disability prevents him from performing his duties, and the President shall then remove the judge from office.

The removal provisions of this bill have been founded upon the tenure requirements of article III of the Constitution.

Article III, section 1 reads:

> The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Article III, section 1 says nothing at all about what the term "good behavior" shall or shall not cover, who shall make the determination that a judge's behavior has or has not been good, or how a termination of tenure for that reason should be accomplished.

Article II, section 4, states:

> The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

This language offers the procedure of impeachment and trial for removal of all civil officers, including judges, but with a far different list of offenses, and no mention of "good behavior."

Moreover, that the impeachment procedure was not intended to be the exclusive method of removing "civil officers" is borne out by the fact that members of the executive branch who also are civil officers are subject to removal by the President, or in the case of inferior officers, by the heads of departments—article II, section 2, clause 2. The eligibility of the latter group of civil officers to such summary removal operates to negative any conclusion that the constitutional provision for impeachment was intended by the framers to serve as the sole means for removing civil officers endowed with a special form of tenure; that is, Federal judges who hold their offices, not for life, but "during good behavior."

Therefore, if civil officers enjoying a tenure limited to a period of years may be removed, not only by invocation of the impeachment provision but also by an alternative procedure, it does not logically follow that Federal judges, solely by reason of the fact that they hold during good behavior, are subject to removal exclusively by recourse to the impeachment procedure.

In short, there is no positive correlation between tenure during good behavior and the impeachment process, for if the "good behavior" clause were deleted from article III, section 1, the impeachment provision would survive and Federal judges would remain subject thereto in the same manner as all other civil officers independently of variations in the duration of tenure. Stated in the alternative, judges are removable by impeachment proceedings because they are civil officers and not because they are judges.

In addition, the impeachment process may be regarded as one of the checks and balances designed to vest in the legislative branch a particular measure of restraint over the remaining two branches, executive and judicial. But, this should in no way deny to each of those branches the retention of a wherewithal for disciplining and removing its own personnel.

Mr. Speaker, the eight impeachments of Federal judges in our history have been for offenses within the enumeration of article II. However, there continues to be a gap in the judicial system with respect to means for dealing with judicial conduct or behavior that is not "good," but yet cannot be classed as "high crimes and misdemeanors."

Other States, including my own State of Florida, have enacted such commissions to deal with similar problems experienced in the State judiciary, and the results in those States have been well received.

I think that the time has come for us to act at the Federal level.

Past indiscretions and the suspicion of present misdeeds cast a black cloud over the image of the Federal judiciary in the minds of many citizens.

To insure the good health of our judicial institutions, this cloud must be removed.

INTRODUCTION OF LEGISLATION TO PROMOTE SERIOUS DIALOG ON MULTIDISCIPLINARY APPROACH TO OPERATIONS OF THE FEDERAL GOVERNMENT

(Mr. DADDARIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. DADDARIO. Mr. Speaker, today I am introducing a bill, on behalf of the gentleman from Ohio (Mr. MOSHER), and myself, which we hope will promote serious dialog and something more than lipservice concerning the systems—or multidisciplinary—approach to the operations of the Federal Government.

In essence, this bill would reorient the Department of the Interior, but retain its functions and expand it into a department of resources, environment, and population. It would, further, transfer to the new department the functions or subunits from six existing departments or independent agencies.

There is no question in my mind that this bill represents the kind of operational reorganization which the Congress will be compelled to negotiate in the future.

It must be obvious by now that the problems of our society cannot be handled by simply treating the symptoms here and there—and then only when they reach alarming proportions. The reason we cannot is very simple: we do not have the time any more and the magnitude of the problems is far too great. The dilemmas of society are snowballing today, picking up frightening speed and momentum.

We act as though we were at the turn of the 20th century. We try to solve our difficulties as though each were an isolated sore spot that a little financial salve, judiciously applied, will heal. And we keep assuming next year, or the one after, is soon enough. In short, we do not look at the interrelationships of the various problems and treat the whole syndrome. I think we are going to have to adopt the systems approach and adopt it soon. Time is running out.

Hence this bill—which recognizes the inseparability of natural resources, environment, and population, and treats them as constituent elements of a source of trouble which is creating half a hundred individual problems ranging from the annoying to the critical.

It is not necessary for me to enumerate the problems at this point. They have been identified and bandied about vocally for some years. Many Members of Congress and many committees, including my own Committee on Science and Astronautics, have treated some of their facets comprehensively. Hundreds of bills have been introduced in the past two Congresses dealing with conservation, scores dealing with pollution, about 40 dealing with population or family planning—about a half dozen dealing with the systematic treatment of the environment.

I am unaware, however, of any major legislative effort made to link our resources, our environmental, and our population problems together. In my view this is mandatory for they are all part of the same ball of wax.

This viewpoint is subscribed to, let me add, by the distinguished committee on resources and man—a blue-ribbon unit of the National Academy of Sciences-National Research Council, headed by Dr. Preston E. Cloud of UCLA.

Under the sponsorship of three Federal agencies and a private foundation, Dr. Cloud's committee has for some time been working on a special study which treats precisely the three elements of the new bill, together with their numerous subdivisions.

The report of the committee, to be called "Resources and Man," will be released in the near future—and it will emphasize strongly the necessity for considering problems of resources and environment within the population context. The report notes:

> Birth rates over most of the world cannot be brought to control-levels by presently acceptable measures . . . (yet) . . . it is our judgment that a population less than the present one would offer the best hope for comfortable living for our descendants and long duration for the species.

The committee adds that—

> The Malthusian limits are more likely to be extended by recognizing their validity and doing something about them than by thoughtless ridicule.

Among the committee's more stringent recommendations is one:

> To intensify efforts to limit population increase in the nation and the world by whatever means are practicable, working toward a goal of *zero rate of growth by the end of the century*.

Mr. Speaker, it has been the privilege of both Mr. MOSHER and myself to serve not only on subcommittees dealing with substantive science and technology, but on those directly concerned with our national space program as well.

We feel there is one great lesson—among many—to be learned from that program; namely, if we are going to solve intricate modern problems, whether physical or social, we had better adjust our thinking to a systems approach.

In spite of the outcries against the space program, what we have learned from it in terms of multidisciplinary management is worth every dollar we have spent.

One wearies of those who like to say: "We can go to the moon, but we can't clear up our traffic jams; or we can go to the moon, but we can't curb crime or build model cities, or if we can spend billions on space, why can't we spend enough to educate our unemployed and provide everyone with adequate housing?"

There are many answers to these questions, including the fact that the moon program involves only scientific and technological factors which are simple compared to the social, economic, and political ramifications arising from automation and congested living. Beyond this, however, while the space program has been expensive in terms of planning, management research, and cerebral effort, it has been cheap in terms of natural resources. In regard to the latter, our entire space program has probably consumed less in 10 years than the housing industry uses up in a week, or the paper industry in a day, or the auto-oil industry in a couple of hours. Put another way, the space program is easy on resources and environment but it uses, relatively, a lot of people. That is precisly the combination we want—rather than the reverse situation which is the source of so many of society's current plagues.

So, from this standpoint, we must separate our thinking about programs such as NASA's from those involving our needs for more housing, new cities, rapid transits, highways, and consumer goods. In the long-run we are going to have to continue to develop low-resource interests and industries which require the efforts of many people widely dispersed. In this context, the space program is a genuine prototype of rare significance.

At any rate, it is because we have made liberal use of brainpower and developed the systems technique to a high degree that we have achieved first-class results from our space program.

Mr. Speaker, it is this trial, I think, which we must follow in our approach to the many severe social challenges now facing us. We will, it seems to me, have to organize our Federal activities in just this way in order to cope with them.

It is no longer adequate that our Government be geared to single purpose missions. The cross currents and connecting ties are too intense and too numerous. This seems particularly true in the case of those agencies whose original charters have altered so much over the years as to become almost unrecognizable.

The Department of the Interior is surely one of these—and yet its functions as they have evolved, together with others which might reasonably be assigned to it, could be among the most meaningful, most useful and most exciting of any Government endeavor if subjected to proper reorientation. The Department is already heavily committed to the stewardship of natural resources. It is but a step from there to the general environment—the two cannot be divorced—and beyond a doubt "environment" is rapidly becoming a function of Government no less important than Defense, Justice, Agriculture, Treasury or any other Federal charge. At the same time, it is totally unrealistic to attempt to deal with the conservation of resources and the environment without relating them to population trends.

It is easy to see why, politically speaking, few of us want to deal with human procreation as the central issue which it is. Governmental activity in this area is still unpopular and for good reason, for it carries with it great dangers and the gruesome potentialities so clearly outlined by Huxley and Orwell.

But we are reaching the point where we have no choice but to curb and disperse, somehow, the accelerating crush of a crawling, sprawling humanity which is voraciously stuffing its collective maw with more and more of the irreplaceable resources of this planet. And doing so in a way which seldom permits the regeneration of those resources.

Attempting to deal with our resources, environment, urban problems, crime, educational crises, unemployment, or any other major social ill without simultaneously dealing with the population factor simply means we are racing an engine that has no transmission. The power train is broken and the wheels just do not turn. We will get nowhere.

Nor is there much comfort to be drawn from an occasional national downswing in the increase of birth rates. They are so little as to be unimportant, especially when considered in worldwide perspective; and unless overall trends are soon stabilized or actually reversed, they are also going to be too late.

Those who today shake their heads over the behavior of humanity, and who advance this or that theory of why people and nations act as they do, might think about all this. Any scientist who has observed the reactions of mammals to overcrowding is not surprised by the

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disturbing convolutions of our contemporary civilization.

The answers to the severe problems we face, I am convinced, no longer lie in the traditional vein we have all been taught to revere—growth. Throughout history, and especially in America, growth—ipso facto—has been held good. The great healer and dilemma-solver. The fountainhead of abundance and well-being. The mainspring of a "viable" and "vigorous" economy. The source of national security. For the short run, it still seems that way. But many thoughtful people are now becoming uncomfortably aware that, for the long run, uncontrolled growth means extinction.

Mr. Speaker, the functions spelled out in the bill for the new department should have widespread, expert consultation. The agencies which the bill suggests be transferred should be carefully scrutinized to ascertain their most effective arrangement. But, most of all, the bill should create some hard thought concerning the need for multidisciplinary government techniques in the solution of national problems.

I should add, finally, that I believe this trend sooner or later must surface in the legislative branch as well as the executive. Our branch, too, is not geared to systems action. It is my intention to have concrete suggestions to make in this regard in the near future.

Mr. Speaker, I request that the remarks of the cosponsor, Mr. Mosher, be included in the Record at this point, and that they be followed by the text of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Remarks of Representative Charles A. Mosher

I thoroughly agree with the gentleman from Connecticut, Mr. Daddario, that our national efforts in the effective development of natural resources, and to combat those forces that are polluting our environment, and to control the voracious trends in our population—I agree that our efforts to date in these areas are much too piecemeal and occasional.

I also agree that environmental, natural resource and population problems are intimately interrelated, so that policy making and management, including support of research and technological development should be coordinated for all three of those areas.

So crucial have become these problems, genuine coordination is now imperative. The need is immediate.

And that need obviously implies some very significant restructuring and reassignment of missions in our federal agencies.

Therefore, I gladly join with Mr. Daddario to introduce a bill which would concentrate responsibility for environmental, natural resource and population problems in a renamed and reorganized Department of the Interior.

As my colleague from Connecticut has just indicated, we propose the transfer of several existing functional units to the new, enlarged Department of Resources, Environment, and Population, in addition to those functions already being performed by the Interior Department.

Those which our bill would transfer to the new department are: the Bureau of the Census; the Environmental Science Services Administration; the Forest Service; the Soil Conservation Service; the Appalachian Regional Commission; the Atlantic-Pacific Oceanic Canal Study Commission; the Tennessee Valley Authority; the Environmental Control Administration; and the National Air Pollution Control Administration.

Of course, Mr. Speaker, we recognize that adequate hearings and discussion may indicate why there should be other transfers, or that some of these changes we are proposing may not be necessary, to achieve the ultimate purpose of the bill we are introducing today.

Thus, we do not pretend that this legislation is perfectly conceived in its introductory form.

Moreover, we fully recognize the many, many difficulties always faced in any such major reorganization proposal. We obviously may be stirring up a bureaucratic hornets nest, and we are raising very difficult questions as to consolidation of congressional committee jurisdictions.

So be it! I repeat that the need for some such coordination is imperative in the Nation's interest. It is already past due.

And I suggest that need was in part recognized by President Nixon in his very important and welcome message to the Congress on May 29, in which he announced the establishment of a new cabinet-rank Environmental Quality Council, and a new Citizens' Advisory Committee on Environmental Quality.

The bill Mr. Daddario and I are introducing today appropriately supplements, but also greatly augments that initiative by the President.

I say it augments, because we insist that Environmental Quality control must also be intimately linked with the management of natural resources and population trends.

In these brief remarks I want to emphasize that I associated myself completely with the longer statement previously entered in the Record today by Mr. Daddario. Our immediate purpose is to trigger a very lively consideration in the Congress and in the Executive Branch, of the imperative need to reorganize and consolidate our government's functions in the entire, interrelated areas of population, natural resources and environmental development.

Our bill may not be the precise or final answer to this crucial need, but we submit it is an important, necessary first step.

H.R. 12000

A bill to redesignate the Department of the Interior as the Department of Resources, Environment, and Population, and to transfer to such department certain programs and functions currently being carried out by other Federal departments and agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

REDESIGNATION OF DEPARTMENT

Section 1. (a) The Department of the Interior shall, on and after the effective date of this Act, be known and designated as the Department of Resources, Environment, and Population. The Secretary of the Interior, the Under Secretary of the Interior, and the Assistant Secretaries of the Interior shall, on and after such date, be known as designated as the Secretary of Resources, Environment, and Population, the Under Secretary of Resources, Environment, and Population, and the Assistant Secretaries of Resources, Environment, and Population, respectively.

(b) Such changes shall be made in the titles of other officers and activities of the Department of Resources, Environment, and Population as the Secretary of Resources, Environment, and Population may determine to be necessary by reason of the enactment of this Act.

(c) Any reference in a law, regulation, document, or record to the Department of the Interior or to an officer or activity the title of which is redesignated by subsection (a) or under subsection (b) shall be held and considered to be a reference to the Department of Resources, Environment, and Population or to such officer or activity as so redesignated.

DUTIES AND FUNCTIONS OF THE DEPARTMENT

Sec. 2. The duties and functions of the Department of Resources, Environment, and Population (hereinafter referred to as the "Department"), in addition to those assumed by or transferred to the Department or the Secretary of Resources, Environment, and Population (hereinafter referred to as the "Secretary") under this Act or specifically vested in the Department or the Secretary by other provisions of law, shall be essentially as follows:

(1) to monitor all the Nation's natural resources, including marine resources, to develop or support programs for their use and conservation, and to recommend to the President appropriate actions or regulations to achieve these ends;

(2) to be responsible for the continued or improved quality of the Nation's physical environment, for the necessary accumulation and dissemination of information with respect thereto, and for the carrying out of national policies promulgated toward this end; and

(3) to develop plans and be responsible for such policies on population management as may be devised by the Government of the United States, including ways and means of effecting voluntary limitations on population and programs for encouraging the even distribution of population throughout the Nation.

TRANSFERS TO DEPARTMENT

Sec. 3. (a) There are hereby transferred to the Secretary all of the following organizational entities and all functions with respect thereto:

(1) The Bureau of the Census.

(2) The Environmental Science Services Administration.

(3) The Forest Service.

(4) The Soil Conservation Service.

(5) The Appalachian Regional Commission.

(6) The Atlantic-Pacific Oceanic Canal Study Commission.

(7) The Tennessee Valley Authority.

(8) The Environmental Control Administration.

(9) The National Air Pollution Control Administration.

(b) Within 180 days after the effective date of this Act the President may transfer to the Secretary any function, being exercised by a department, agency, or officer of the Federal Government and not transferred to the Secretary by subsection (a), upon a determination that such function is integrally related to the broad objectives of the Department under this Act or is primarily related to one or more of the programs or functions transferred to the Secretary by subsection (a).

(c)(1) All of the personnel, assets, liabilities, contracts, property, records, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the entities transferred under subsection (a) are hereby transferred to the Secretary.

(2) So much of the positions, personnel, assets, liabilities, contracts, property, records, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, in connection with any functions transferred under subsection (b) as the Director of the Bureau of the Budget shall determine shall be transferred to the Secretary.

(3) Personnel engaged in functions transferred under this section shall be transferred in accordance with applicable laws and regulations relating to transfer of functions; except that any transfer of personnel shall be without reduction in classification

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or compensation for one year after such transfer.

(d) In any case where all of the functions of any office or agency are transferred pursuant to this section, such office or agency shall lapse.

(e) Nothing in this section shall affect the performance by the Secretary on a continuing basis of functions being performed by the Secretary of the Interior immediately prior to the effective date of this Act and assumed by the Secretary under this Act.

AMENDMENTS TO OTHER LAWS

SEC. 4. (a) Section 10(d)(1) of title 3, United States Code, is hereby amended by striking out "Secretary of the Interior" and inserting in lieu thereof "Secretary of Resources, Environment, and Population".

(b) Section 101 of title 5 of the United States Code is amended by striking out "the Interior" and inserting in lieu thereof "Resources, Environment, and Population".

(c) Subchapter II (relating to executive schedule pay rates) of chapter 53 of title 5 of the United States Code is amended as follows:

(1) Section 5312 is amended by striking out "the Interior" in paragraph (6) and inserting in lieu thereof "Resources, Environment, and Population".

(2) Section 5314 is amended by striking out "the Interior" in paragraph (8) and inserting in lieu thereof "Resources, Environment, and Population".

(3) Section 5315 is amended by striking out "the Interior" in paragraphs (18) and (42) and inserting in lieu thereof "Resources, Environment, and Population".

(4) Section 5316 is amended by striking out "the Interior" in paragraphs (25), (30), (42), (45), (50), (57), (59), (107), and (108) and inserting in lieu thereof "Resources, Environment, and Population".

ANNUAL REPORT

SEC. 5. The Secretary shall, as soon as is practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Department during the preceding fiscal year.

SAVINGS PROVISIONS

SEC. 6. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of duties, powers, or functions which are transferred by or under section 3 of this Act by (A) any department or agency, any functions of which are transferred by or under such section 3, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this Act takes effect before any department or agency (or component thereof) any functions of which are transferred by or under section 3 of this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the department or agency before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the effective date of this Act, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency any functions of which are transferred by this Act shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by or under section 3 of this Act, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under section 3 of this Act—

(A) such department or agency (or a component thereof) is transferred to the Secretary, or

(B) any function of such department, agency, component, or office is transferred to the Secretary,

then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the department, agency, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function, power, or duty transferred by or under section 3 of this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency (or component thereof) or officer or office which is so transferred, or the functions of which are transferred, shall be deemed to be a reference to the officer or agency in which this Act vests such functions after such transfer.

(e) Orders and actions of the Secretary in the exercise of functions transferred by or under section 3 of this Act shall be subject to judicial review to the same extent and in the same manner as if such order and actions had been by the department or agency exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by or under section 3 of this Act shall apply to the exercise of such function by the Secretary.

(f) In the exercise of the functions transferred by or under section 3 of this Act, the Secretary shall have the same authority as that vested in the department or agency exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such department or agency.

EFFECTIVE DATE

SEC. 7. This Act shall take effect ninety days after the enactment of this Act, or on such prior date after the enactment of this Act as the President shall prescribe and publish in the Federal Register.

SOME REFLECTIONS ON THE PROBLEMS OF OUR TIME: THE CAMPUS REVOLUTION—PART III

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, continuing escalations of dissent, confrontation, and resulting violence on American campuses lead me to offer my own contribution to the increasing efforts to analyze, explain, and solve the problem. However, this contribution will not take the form of a solution.

I expect the campus revolution to become worse, and I foresee it spreading to other institutional settings. Yet I can think of no way to prevent this course from occuring except through rapid and major changes in basic goals and values of our culture.

I do not expect changes to take place with sufficient rapidity to satisfy the young. For if they did, the resulting changes required of most adults would cause even larger problems, as a "backlash" against change grew to greater proportions.

What I hope to bring about, therefore, is an improvement in general understanding of the overall problem, not a solution to it.

I picture our human situation today as that of passengers on a great ship embarked on a long voyage. The ship is now entering stormy seas. It cannot turn back, and it is impossible to tell the storm to dissipate. We passengers must proceed to suffer through a storm such as we have never encountered before. We may emerge safely. Or the ship may sink with all aboard.

The campus revolution is a part of that storm. Understanding it may help us to weather the storm and emerge safely. Disregarding or suppressing the campus revolution may indicate that our navigational gear is inadequate to steer us through the storm.

Usually voices heard first, most frequently and most loudly after every campus incident condemn the use of violence by students, and offer as a solution, prompt employment of all necessary force. If force does not succeed, stiff sanctions for any violations of establishment rules are next proposed.

The conventional wisdom—generally voiced by conservatives and liberals alike—requires condemnation of violence and exhortation for adherence to rules.

The special liberal contribution to this dialog, if any, generally, is an addendum; after the ritual condemnation of violence and plea for law and order liberals call for improved communication and understanding of dissenters. The extreme establishment liberal may even suggest that some student demands are reasonable; and, even though student tactics are wrong, undue violence by the forces of law and order should be condemned.

I do not mean to derogate these reactions, whether by conservatives or liberals. I consider, however, that such reactions tend to avoid the problem rather than approach a solution. Human institutions and rules can be stable and satisfying to those who live under them when there exists widespread agreement as to the underlying values and purposes. When such agreement exists, rules are obeyed, institutions fostered. Whenever agreement does not exist, rules become disregarded and institutions undermined, and such collapse applies equally to educational institutions, religious institutions, economic institutions, and governmental institutions.

Today, here in America, in all these institutions, no widespread agreement prevails regarding their values and purposes. Our youth, and the campuses merely reflect that fact first.

Holders of institutional power almost invariably see their role as one of protecting the status quo. Political-power figures are particularly prone to identify both their continuation in power and their preserving of existing political institutions as synonymous with the good of society. This leads such leaders to encourage public reaction favoring this conservative posture, and opposing the threats and uncertainties of change.

It is not at all surprising that there should be an almost unanimous outcry from the political power structure condemning campus dissent and violence and favoring repression by increased use of the police power and legal sanctions. The general belief is that the conservative posture on all political issues becomes strengthened by continued campus dissent and confrontation—confrontation generally classified as liberal or radical.

I must take issue with almost all of this reaction. If it is not actually wrong, I see it as at least largely irrelevant to analysis and solution of the total problem.

In every major period of change in human society the then-existing structure of law and regulation is disrupted. Use of violence is normal, not unusual. This has been true in the United States from the American Revolution—which we proudly acclaim—through the Civil War and more recently the civil rights struggle. During this latter struggle both sides have found it necessary to engage in all forms of dissent, where it was felt that such action contributed to the cause.

Violence has been a consequence of such dissent in all too many instances, and blame for that violence can be assessed against both sides. Those who violate existing laws invariably, in such revolutionary situations, contend that the laws no longer reflect values of society, that existing mechanisms for change in the structure of the law no longer are adequate or sufficiently rapid. Those who defend the law contend either that it does represent the values of society, or that if it fails to do so perfectly, that until it is changed, sufficient legal, peaceful, and rapid processes exist to justify all necessary efforts to uphold the law.

If it is true that the system of conventional social values represented by existing law, and the institutional power relationships inherent in that structure, are no longer in accordance with strongly felt needs of large segments of society, then inevitably there will be periods of social turmoil.

We have experienced many disruptions ranging from peaceful and legal political action, public dissent and protest, demonstrations—both peaceful and violent—to extreme, planned, and organized violence aimed directly at society's most sacred institutions, including the state itself. Generally such unrest is accompanied by other manifestations of societal rejection, such as new styles in dress and appearance, the rise of bizarre cults, increased use of drugs and other stimulants, the rejection of language and sex taboos, and higher rates of criminality, suicide, and welfare.

Throughout the long history of the orient, whenever such periods of turmoil occurred, the dynasty in power was said to have lost the mandate of Heaven. Now the question facing us today in this country is fundamentally the problem whether or not our existing value system and institutional structures have indeed lost the mandate of Heaven.

I find it almost pointless to condemn tactics of either side in a true revolutionary confrontation, since each side is firmly convinced that it is morally right. Each side claims the tide of history is with it, that the Almighty has blessed its cause. Spokesmen for the power structure tend to condemn dissent, protest, passive or violent civil disobedience, and organized and violent destruction of social institutions. Leaders of the dissenters may, in turn, condemn refusal by spokesmen of power structures to talk, to negotiate, to share their power, to change this rule or that regulation, to grant amnesty to trespassers. Or dissenters condemn them for using force, bringing in the police, calling up the National Guard, or using guns and gas to quell what is described as a peaceful demonstration.

Each side naturally uses tactics it sees as helping best to achieve immediate goals. But all will avoid excesses which are seen weakening the cause. Both sides fight for allegiance of the uncommitted middle, generally citing—as evidence of the virtue of their own side—unreasonableness, and abuses and excesses of the other side. And there will be many cases of unplanned and accidental violence.

When the establishment condemns dissent, protest, confrontation and violence it asserts that the existing values, existing institutional structures and existing mechanisms of change are good and require no alteration. When the dissenters condemn the establishment's use of force it becomes an assertion that the establishment itself is evil and should recognize that evil and change voluntarily. Yet both courses are sterile in terms of producing a solution to more fundamental problems.

Instead of mutual condemnation and escalation of force, we need to examine the real questions at stake:

Is society in whole or in part going through a period of revolutionary change?

Are the commonly accepted values of society adequate to today's needs? Can we formulate and examine these values? Are the values changing? Should they change?

Are contemporary institutional structures—Government, corporation, church, school, and so forth—serving the human purpose which caused their creation and growth?

Is the distribution of power in society just? Does it satisfy the needs of human beings? Do all races and classes have equal opportunity for achieving power?

Are relationships between our society and other societies in the world just? Do relationships get carried out properly and fairly by the national government? Is nuclear war between nations inevitable? Is the Vietnam war morally right?

Does the system of law under which we live produce justice? Does our economic system best meet human needs?

How do you achieve radical change in human societies? Can it be done without violence? How do you organize a revolution?

Although this list of questions may seem to be random, and sometimes irrelevant to campus conflict, the queries are intended to be representative of those that need to be asked—and are being asked—about conditions of man in the world today. Questions are being asked by college students, and by intelligent adults of all ages. And they are questions that have always been asked by a few people in every age. Today these questions are being asked by a much larger number of people.

Why today should so many more college students be asking those particular questions, and others like them? For one thing, there are a lot more college students today than ever before. For another, most of those college students are from the more affluent families of the most affluent society ever in human history. It seems quite likely that whenever young people are unconstrained by necessity to think first of economic well-being, then these are the kinds of questions and problems to which they are attracted.

Probably the most important reason students ask these questions is that they live in a new era of the global village which appears to be situated on a path leading to its own destruction if no one comes up with better answers to these questions.

Therefore we should not be surprised that such questions are asked by intelligent youth in every part of the world. And once the questions have been asked, we also should not be so surprised at the answers which youth give. If adults—the power holders, the decisionmakers—were not so wrapped up in institutional cocoons and bound by trappings of the past, I think they would be reaching many of the same answers. But change is so painful to the old, and it is easier altogether to avoid the questions.

Having asked the questions and having reached different answers than those reached by power holders, students now are moving to take action. The campus leaders generally perceive their role as one seeking revolutionary change. They are not averse to using their own brand of revolutionary tactics. Can the adult world, particularly the holders of power, understand these tactics and deal with them? Or will we use the old shibboleths to avoid understanding? Again I must ex-

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press my own feelings that we must understand before we act, if we are to achieve successful passage through the storm.

Campus violence almost always results from confrontation between students and authority over some unresolved issue. Increasingly a militant minority of an entire generation plans and leads such confrontations on issues of their own selection and increasingly, the militant minority are being joined by a small fraction of the faculty, and by the leaders of noncampus organizations of many types. The range of issues is so broad that it covers almost the entire scope of society's present values, and the institutional framework which expresses those values. The issues spring from questions such as I listed earlier.

While the large majority of campus students are initially passive, tactics of the militant minority seek to radicalize this passive majority and involve it within the confrontation. In this effort, militants capitalize on all of their advantages. They speak the language and they share the life styles of the passive majority; they select issues which the majority can easily support with enthusiasm. Such issues generally find the establishment—at a disadvantage because of strong inner-contradictions in its position.

An example of such an issue, that of a university lagging in efforts to enroll minority students, but at the same time spending large sums to acquire adjoining property occupied by minorities and forcing those people to move.

Confrontations, as sought by militants, takes place in various ways—tailored to both the issue and to the circumstances. It involves demands, petition, protest, demonstration, strike, peaceful civil disobedience or violent civil disobedience.

In most cases, normal institutional methods of securing change become rejected as futile or too slow; such normal methods are considered futile when no accepted and workable channel exists for expression of student positions; too slow if it requires time running beyond the student's annual school cycle.

In most cases, militants—even when they do not deliberately use violence—use methods which they expect may provoke violence. A major thesis of the militants is that society is violent, authoritarian and coercive in much of its operation. Militants therefore make part of their general strategy for radicalizing the passive majority, an effort to involve the majority in situations where the establishment will react with violence and coercion. When the establishment can be provoked to use authority in an illegal or unnecessarily violent manner, militants reap large benefits among the passive majority.

There are many parallels between the turmoil on campuses and the practice of guerrilla warfare in a revolutionary setting. The intense interest of college students in the copious literature of modern revolution is not just a scholarly coincidence. It would be highly erroneous, however, to assume that the militant minority are captive of any particular revolutionary dogma. In most cases they are much too sophisticated to accept any of the competing and fragmented Marxist ideologies.

The modern student militant may be a graduate student of politics, economics, sociology, or philosophy. He has studied Marx, Lenin, Mao, Castro, Che Guevara, Ho Chi Minh, Giap, Fanon, Debray, Marcuse and dozens of other revolutionary theorists and activists. He may be widely traveled in Europe, Asia, or Latin America, and know at first hand the problems of revolutionary societies. He will probably be capable of making an independent analysis of any particular situation to determine if the objective conditions for revolution are present or can be developed. And he is capable of planning a course to exploit to the fullest any weaknesses he may be able to observe within the Establishment.

This is a far cry from the picture of the 1930 style Communist agitator who infiltrated some labor union or civic organization.

It is characteristic of most revolutionary attitudes that there is a strong feeling of the moral righteousness of revolutionary goals. This is characteristic of today's student militants. They perceive themselves as rejecting the shoddy hypocrisy of the older generation as they seek to establish a more humane, just, and moral society. To the extent that this is true, it becomes another strong attraction in winning the passive majority over to the militants. In successful revolutions, it is frequently the moral superiority of the revolutionaries and their goals as compared with the moral decadence and corruption of the Establishment, which provides the key to victory.

While the militant minority of students are not adverse to provoking violent confrontations with authority, their purpose is not the overthrow of that authority, but as I have said above, the winning of new adherents among the passive majority. In a true revolutionary situation—and in many ways we are close to this today—each side feels that whatever violence it may use is justified by the importance and rightness of its goals. But the militants, generally recognize that they cannot match the raw power of the established authority. Their aim therefore is to subvert and demoralize that power—to cause it to over-react, and to ultimately take over the authority structure through democratic processes.

Instead of lamenting the existing level of violence on the campuses we perhaps should consider ourselves fortunate that it is not greater. Certainly it is far less than has been the case in most ghetto uprisings.

Objectively speaking, if the militant minority's most extreme criticism of the status quo on the campuses is perceived by the passive majority as being justified then an increasing radicalization of this majority will take place. Campus confrontations will spread and increase in intensity. With each year a new generation of militants will move out into the institutions of the adult society. And as the number of these militants increase, they will seek ways of confrontation within the Government, the corporation, the labor unions and other social institutions. To a considerable extent this is just beginning to happen now.

Since the young militants' criticism is grounded to a considerable extent in a new system of values—and in the contradictions which they observe in the present value system—dialog between the old and the young must involve these value systems. Channels for achieving this dialog must be greatly expanded, not only within the institutions of higher education, but throughout society.

A move in this direction, one which reduces situations involving violent confrontation strictly on issues chosen by the militants, will decrease the rate of radicalization of the passive majority. Just as violent conflicts have been reduced in labor-management situations by establishing a framework within which a good-faith bargaining takes place, so will violence on campus and in other institutional settings be reduced if a process of good-faith bargaining on values and goals can be established.

While it will be difficult, the establishment must be willing to subject itself to self-analysis and to make changes whenever this analysis indicates the need to do so. Reduced reliance on force and coercion, while speeding the process of dialog, self-analysis and constructive changes, in the long run will protect the stability of social organization better than any alternative course.

By the same token, depriving the militant minority of their most effective tool for confrontation and for expansion—their believable assertion that the establishment is immoral, unjust, coercive, violent, materialistic and unchanging—will substantially reduce the possibility of violent revolutionary change.

I am not sufficiently dogmatic or perceptive to be able to prescribe the values and goals of the next generation, or the institutional framework for implementing them. I know that they will be vastly different from today. I want to achieve them with the least resort to violence and coercion. To do this requires a new level of sensitivity to the changing needs of humanity and a willingness to examine our own rigid preconceptions in the light of those new needs. The younger generation may be further ahead of us than we have ever thought possible.

HIGHWAY SAFETY—COMMENTARY NO. 2

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, last Thursday, June 5, I began the first in a series of commentaries on highway safety and the needless slaughter and maiming of people on our Nation's roads. My remarks can be found on page 15015 of the RECORD for that day. During the period which will elapse between the time that I express these words and the time they are read by my colleagues and the other followers of the RECORD, approximately 165 people will lose their lives in traffic accidents. The Subcommittee on Roads of the House Public Works Committee, of which I am a member, is pres-

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ently involved in hearings and investigations regarding the progress of the Highway Safety Act of 1966. Our findings to this date have left me deeply concerned.

Some have indicated that the statistics for the first 3 months of 1969 showing a fatality increase of only 2 percent over the first 3 months of 1968 are encouraging. They submit such findings by noting that each year 2 million more drivers and 2 million more motor vehicles are being fed into the traffic stream; thus statistically, fewer are being either maimed or killed. I disagree. Since 1960 the traffic death toll has increased from 37,910 to a record of 55,200 in 1968; 55,000 deaths a year is too many. We must do something to stop such needless slaughter; not to mention those who are physically or mentally impaired for life.

During our hearings on the Highway Safety Act, Mr. Albert B. Kelly, vice president of the Insurance Institute for Highway Safety, testified that—

> The program has been severely jeopardized by budgetary restrictions, staffing limitations, and generally inadequate levels of resources.

He went on to say:

> Programs under the Highway Safety Act already have been so severely weakened that it would take few additional setbacks to assure their disablement.

He added that because the National Highway Safety Bureau, which administers the Highway Safety Act, is without a Director—and has been for nearly 3 months—it is vulnerable to the problems of "sinking morale and high staff turnover" which afflict leaderless Government programs. This is a regrettable commentary on an almost incredible indifference.

Mr. Speaker, other witnesses have testified that the problems of highway safety are great and continuing. I shall have more to say regarding this major issue in the future.

NEW ENGLAND COLLEGE AND OTHERS FACE DIFFICULTIES BECAUSE OF CUTBACKS IN FEDERAL AID TO EDUCATION

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, a short time ago I received a letter from a Mr. Donald Woodrow, vice president of administrative affairs of New England College in Henniker, N.H. His letter dealt with the proposed cutbacks in many Federal aid-to-education programs. He also included some charts—which, unfortunately, cannot be reproduced in the RECORD—which display graphically the quandry that many colleges and universities, particularly the smaller ones, find themselves in as a result. Other important education leaders have also called these matters to my attention.

I offer only a few comments on Mr. Woodrow's letter, since it speaks for itself. Unfortunately many of these cutbacks will be necessary, even at a time when we should be increasing our commitment to education. The Nixon administration and the Congress are trapped between inflation on the one hand and a shortage of funds on the other.

Clearly we cannot continue the deficit spending of past years. The results of that experiment are already painfully clear, and to continue would only make the situation worse. The Congress and the administration must establish strict priorities in spending, and get the Government back on a sound financial footing.

I hope my colleagues will take the time to read Mr. Woodrow's letter, and realize that many of the problems which New England College and others are facing today are the direct result of the Government policies of yesterday.

Mr. Speaker, I would like to add on a personal note that it has been my pleasure to know Don Woodrow well. The fine reputation which New England College has today as one of the outstanding small, liberal arts colleges in the country, is in no small part the result of his efforts together with others. The enthusiasm and constructive attitude which he has devoted to his duties is helping guide the destinies of this promising institution of higher learning to yet greater achievements.

The material referred to follows:

JUNE 3, 1969.

Hon. JAMES C. CLEVELAND,
Longworth House Office Building,
Washington, D.C.

DEAR JIM: For some time now I have been very concerned about federal aid to education and, more specifically, how it relates to New England College. I am enclosing a number of charts which reflect rising costs and tuition fees, as plotted against the National Defense Student Loan maximum allowance which has remained stable. Also enclosed is a chart indicating total expenditures at New England College and the rise and fall of federal aid to our students. Not only does the maximum NDSL allowance (which once was well above tuition costs) fall considerably below our current tuition charge but the number of students applying for aid has risen from approximately 50 students to 300, thus making it necessary to divide less money among more people. We are in a serious situation and have cut aid to each student and are seriously considering cutting back our Upward Bound program which the Government has urged upon us.

My additional concern is that the Federal Government is scrutinizing the ratio of black to white enrollment and I fear a college such as ours, which has unsuccessfully tried to attract black students, will further be cut because of an unfavorable ratio. In our attempts to attract black students on scholarships, our Admission Director has indicated that the "bidder's" market is high because other wealthier colleges are offering a more attractive package than we can afford. However, I think it is wonderful that finally a serious attempt is being made to educate our black population and I am wholeheartedly in favor of this mass attempt to correct a hundred years of abuse. Conversely, I hope we are not going to be penalized because our financial aids are insufficient to enable us to offer top dollar in the educational market place to our black brothers and thereby lose additional federal aid because of our unsuccessful efforts.

It would appear that the federal budget for financial aid to education has been severely cut, not only in bricks and mortar but in student aid. I would still hope that the idea of loaning money to students, with subsequent repayment under the income tax plan, is not lost in Congress and that a serious look be given to the federal aid to education program in general.

With best regards.

Sincerely,

DONALD P. WOODROW,
Vice President, Administrative Affairs.

MAY 16, 1969.

Memo from: Dr. Martin.
To: Don Woodrow.
Subject: Decrease in Financial Aid to Students.

The recent cut-back in the three major federal aid programs for 1969–70 will have a definite effect on the New England College student assistance program. As shown in the table below, New England College has received significant cuts in the NDSL program and the College Work Study program. The EOGs remain about the same as last year.

	NDSL	College work study	E.O.G.
1968–69	$53,544	$30,272	$25,770
1969–70	44,325	13,896	25,574
Reduction in aid	9,219	16,376	196

It should be noted that this reduction in aid comes at a time when our students costs for board, room, tuition and fees have reached an all-time high. As shown in Graph No. I, these costs for the year 1969–70 will be $2900. When the estimated costs of books, personal expenses and travel are added to the above figure, the typical student at New England College will be spending about $3500 for a college education.

Assuming that we have as many applications for financial aid in the year 1969–70 as we had in the year 1968–69, we will have to reduce our aid to each student by approximately 24%. If we choose to keep the level of aid at about the same amount, we will have to reduce the number of students receiving aid by 24%.

It is interesting to note that the $1,000 maximum NDSL allowance which was established in 1959–60 represented approximately two-thirds of our total student costs at that time. In 1969–70 the $1,000 maximum student loan allowance represents less than one-third of the total student costs.

Graph No. 2 shows the accumulated total for the NDSL, the College Work Study program and EOG program. You will note that the total for all these programs is $83,795, which is $25,791 less than last year.

Our student aid program will be further handicapped in 1969–70 by the fact that the so-called Grants in Aid (scholarships granted by the college from student income) will be reduced from $55,000 in 1968–69 to $40,000 in 1969–70, as shown on Graph No. 3. Apparently other pressures on the college budget necessitated this reduction in the college's scholarship budget for Grants in Aid. I am sure you are aware of the fact that we have only one endowed scholarship in the amount of $5,000.

As the student fees at New England College have increased, there has been some tendency to enroll more students from well-to-do families. There is no accurate index of family income. However, in the Admissions Office we watch the percentage of students enrolled from private schools each year. Families who can afford a private secondary school education are often from a higher income bracket than the families who send their sons or daughters to a public school. In 1968–69 27% of our entering class came from private schools. This year the Admissions Committee has been able to reduce the percentage of students enrolled from private schools to 16%.

The availability of the three major government student aid programs and of the college Grants in Aid has made it possible to

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enroll a reasonable number of students from the lower income bracket. The cut-back in scholarships in our college budget and the cut-back in government funds will certainly reduce our ability to assist students from families with low incomes.

Because of our location and costs, we have enrolled very few students from economic and culturally deprived areas. However, we do participate in conferences sponsored by National Scholarship Service and Fund for Negro Students (NSSFNS) and the College Board Project Access. If our funds for financial aid continue to decrease, I believe that we will be unable to actively seek students from deprived areas.

You will be interested to know that during the current year one black student received a $850 scholarship and a $500 loan. For the coming year we have granted a student from India a $2,000 scholarship and a $600 college job. Also for next year we are providing one deprived students with a $1,000 E.O.G., $400 College Work Study, a $400 scholarship and a $600 loan.

As the college grows older and as college costs become greater, the natural selectivity of students from higher income brackets will be unavoidable. If we are to retain a respectable percentage of students from the lower income brackets, we must see that the amount of money available for financial aids is substantially increased.

From 1960–61 to 1968–69 the total number of students receiving aid increased from 54 to 300, as shown in Chart 4. During this time the average aid from all sources, including government aid, increased from $377 to $549.

PRIME LENDING RATES

(Mr. WIDNALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, the unprecedented increase in the prime lending rate by the country's major banks yesterday signals the end of calm acceptance of the banks interest policies.

This increase is unjustified. It comes at a time when the economy is beginning to slow down. It comes at a time when mortgage funds are needed. Despite this, the banks have raised their lending rate to the highest in history.

The banks have not been willing to say "no" to corporate borrowers. They do not have to raise interest rates to cut down on borrowing. They have to refuse to make the loans. Recent history has shown that higher interest rates will not stop corporate demand for funds.

If the banks are unwilling to discipline themselves, then the Federal Reserve Board might have to by not raising its discount rate, and then tightening up on the lending of funds to banks through the discount window.

The banks also seem to ignore the impact this decision will have on borrowers other than large corporations. Many of the banks have said that the increase will not affect mortgages, small business loans, or consumer loans. It is difficult to see how this will be true.

Homebuilding, a very major part of our economy, will be seriously hampered. Funds for all types of housing are needed. This increase will materially reduce the availability of such funds.

Finally, this increase could have a serious effect on the chances for the extension of the surtax. It is difficult for the administration to argue that the surtax is deflationary and its continuation necessary, while the banks have boosted the prime rate four times since December.

MARY ANN VENEZIA, SPELLING BEE FINALIST

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, I am very proud at this time to extend my congratulations to the 73 bright boys and girls from all parts of this Nation who took part in the 42d annual National Spelling Bee, sponsored by the Scripps Howard and other newspapers.

In the 14th District of New Jersey, the contest was sponsored by the Jersey Journal, a leading newspaper in Northern New Jersey, and the winner was a delightful 13 year old, Miss Mary Ann Venezia, daughter of Mr. and Mrs. Thomas A. Venezia, of 31 Beacon Avenue, Jersey City, N.J., a student at St. Nicholas School.

All of us in Hudson County are very proud of Mary Ann, who finished eighth in the finals. This is no small feat when you consider that several million youngsters competed in local contests throughout the United States.

At a time when young America seems to be getting more than its share of criticism it is good to see decent youngsters like Mary Ann come to the fore. Unfortunately, it is only rarely that we read in the newspapers about the decent majority. The Jersey Journal deserves the thanks of a grateful community for sponsoring this event and for emphasizing the positive.

Mary Ann Venezia is a worthy representative of our community. She is a credit to her family, the sisters at St. Nicholas School and above all to herself. I know that her recent success is only the first of many.

Mr. Speaker, at this point in the RECORD I would like to insert an editorial from the Jersey Journal on June 6, 1969, which puts into words how Hudson County feels about Mary Ann Venezia.

The editorial follows:

SHE DID US PROUD

Mary Ann Venezia, the spelling champion of Hudson County, made it to eighth place in the national tournament before she missed a word. It is a remarkable record of which she, her family, her teachers and schoolmates at St. Nicholas, and the whole county can be proud. Only once before had a Hudson champion got so far in the national standings. To our new champion, Mary Ann Venezia: Congratulations and well done!

CHARLES S. JOELSON

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, today members of Local 1270, of the United Federation of Postal Clerks, Passaic, N.J., presented a resolution of thanks to our good friend and esteemed colleague, the Honorable CHARLES S. JOELSON, who will soon be leaving this House.

Mr. JOELSON has been nominated by Gov. Richard J. Hughes and confirmed by the senate of our State as judge of the superior court of New Jersey, and he is expected to take his seat on the bench later this year.

Mr. Speaker, the resolution was presented today by President Charles G. Porretta, Vice President John F. Eenennaam, Miss Minnie P. McNeal, secretary, and Amady Rossman, treasurer. I include this resolution following my remarks and I should like to associate myself with the authors of this resolution.

Mr. Speaker, I am happy to see Mr. JOELSON move to the bench because I know of his knowledge of and devotion to the law. Yet, this House will miss his great talents, his sense of humor, and, above all, his compassion and basic decency. I shall miss him and I know that all Members on both sides of the aisle share this same view.

The resolution follows:

RESOLUTION BY UNITED FEDERATION OF POSTAL CLERKS, LOCAL NO. 1270, PASSAIC, N.J.

Whereas: Charles S. Joelson has served the Eighth Congressional District with honor and distinction as a Member of the House of Representatives since January, 1961, and

Whereas: Charles S. Joelson has been nominated by Governor Richard J. Hughes and confirmed by the Senate of the State of New Jersey as a Judge of the Superior Court of the State of New Jersey, and

Whereas: Charles S. Joelson by his performance in supporting legislation beneficial to postal employees in the Eighth Congressional District, has been our good and true friend, Now therefore be it

Resolved: That Local 1270, United Federation of Postal Clerks, at a regular meeting held on May 25, 1969, at Passaic, New Jersey, extend to Congressman Charles S. Joelson, our warmest regard and heartfelt thanks for his previous services to the members of Local 1270, and wishes him good health and long years of service in his new endeavor as Judge; and be it further

Resolved: That as an expression of our friendship for him, that a copy of this resolution be presented in Washington, D.C. by officers of Local 1270, to our friend, Charles S. Joelson.

32D ANNUAL INTERFAITH DINNER HELD IN BOSTON

(Mr. McCORMACK (at the request of Mr. ALBERT) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, on May 15, 1969, the 32d annual dinner of the Massachusetts Committee, Catholics, Protestants, and Jews, took place in Boston, Mass., with over 1,200 persons in attendance.

This organization, an outstanding one, is dedicated to the furtherance and strengthening of understanding and of the American spirit among our people. The organization consists of outstanding citizens of all races, colors, and creeds.

It has a notable record of effectively stimulating areas of understanding on the deeper and nobler qualities of life, and sharply reducing areas of misunderstanding, tension, and disagreement.

It is also unusual in that it operates

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effectively without paid quarters, or any paid officers or employees, depending entirely on voluntary contributions.

At its yearly banquet, three persons noted for their rich qualities that constitute nobility of character are selected as the recipients of the organization's award, a distinctive one. While the members of this organization are too numerous to mention, it is recognized by all members there is one who is deserving of special commendations, whose dedication to the organization and its purposes, and whose untiring work and unselfish leadership throughout the years, has played a most important part in its success. I refer to Mr. Ben G. Shapiro, the secretary since the inception of this splendid committee.

For 32 years leaders of the Catholic, Protestant, and Jewish faiths have worked together with this committee to improve group relations, engaging in many outstanding activities, too numerous to mention but among which are: the good citizenship program of the Boston Park Department; Tufts University civic education project; Brandeis University three chapels program; Human Relations Center at Boston University; Boston College Institute of Human Sciences. In addition, the committee has distributed many thousands of copies of educational material to schoolteachers and heads of educational institutions throughout the United States.

Each year the committee sponsors an annual junior good will dinner in cooperation with the Boston Red Sox, bringing together boys of the Boston public and parochial schools. The 18th annual junior good will dinner was held at Fenway Park, on January 29, 1955. The general aims and purposes are to sponsor good will work in the general Greater Boston community; to serve as a medium through which representative citizens can endorse the basic democratic principle of good will among men of different faiths and different racial origins; to bring out and emphasize the many fine things which citizens of different faiths have in common; and to encourage and support those forces in the community which generate in the individual a respect for the validity and dignity of the particular religious faiths of others, with no qualifications or reservations, based upon racial origins, or the color of a person's skin.

The toastmaster of this year's dinner was Mr. Peter Fuller, treasurer of Fuller Foundations, and former chairman, Massachusetts Cancer Crusade. The chairman of the dinner was Oscar W. Haussermann, an outstanding citizen.

The recipients of the awards and citations were: Hon. Carl B. Stokes, mayor of Cleveland, Ohio; Dr. Sidney Farber, director of research, Children's Cancer Research Foundations; and, Mr. Wayne Newton, distinguished recording artist and humanitarian.

In my remarks, I include—

Remarks of Oscar W. Haussermann, general chairman;

Remarks of Peter Fuller, toastmaster;

Remarks of Hon. Kevin H. White, mayor of Boston, Mass.;

Remarks of John I. Ahern;

Remarks of David A. Thurm;

Remarks of Hon. Francis W. Sargent, Governor of the Commonwealth of Massachusetts;

Remarks of Ben G. Shapiro, secretary of the committee;

Citation to Hon. Carl B. Stokes, presented by Sidney R. Rabb;

Citation to Dr. Sidney Farber, presented by Louis R. Perini;

Citation to Mr. Wayne Newton, presented by Mr. H. D. Hodgkinson;

Remarks of Dr. Sidney Farber;

Remarks of Mr. Wayne Newton, delivered by Mr. John Kahane.

Remarks of Hon. Carl B. Stokes; and

Citation of Honor presented to Station WNAC–TV, by Mr. Peter Fuller and accepted by Mr. William M. McCormick, vice president and general manager of WNAC–TV.

The material follows:

Introductory Remarks of Chairman Oscar W. Haussermann, at the 32d Annual Dinner of the Massachusetts Committee of Catholics, Protestants, and Jews, May 15, 1969

Reverend Clergy; Your Excellency, Governor Sargent; Your Honor, Mayor White; Distinguished Guests; Ladies and Gentlemen:

This, as our notices have said, is the Thirty-Second Annual Senior Good Will Dinner of our Massachusetts Committee of Catholics, Protestants and Jews.

Our Toastmaster this year is Peter Fuller. Envy leaves me—a broken-down Hoosier catcher—silent as to his impressive achievements as a champion athlete; and our time schedule precludes me from doing justice to his adult career after his graduation from Milton Academy and Harvard College.

As many of you know, he is the Treasurer of the Fuller Foundation; a regent of Boston College; a Trustee of the Dexter School; a Director of the American Cancer Society; a Trustee of "The Jimmy Fund"; and a member of the Corporation of Massachusetts General Hospital.

Two years ago the American Cancer Society awarded him a medal for his record-breaking achievement as Chairman of the Massachusetts Cancer Crusade, and last year he received a citation from the National Association for the Advancement of Colored People for his work in founding The Positive Program for Boston, a Roxbury based service organization.

Ladies and gentlemen, your Toastmaster, Mr. Peter Fuller.

Remarks by Peter Fuller, Toastmaster

It is a great privilege for me to be a small part of the Massachusetts Committee, Catholics, Protestants, and Jews program honoring three distinguished gentlemen who by their actions and their very lives have personified the meaning of the word brotherhood. All of you that are here tonight of course know the meaning of the word brotherhood—if you didn't, you wouldn't be here. I don't presume to lecture you in any way, but rather to try to put into words, however inadequate my idea, as to why we are here.

People have said to me in the past, "What do you accomplish by these dinners?" Well, this dinner started 32 years ago by Ben Shapiro . . . in the old Boston City Club. Two-hundred twenty-one people attended, and for those days it was a smashing success because at that time the idea of universal brotherhood united for the common good was not accepted by the majority of citizens. The Bible says we must be our brother's keeper. The words are familiar, but the actions—even today when we have all made great strides towards that precept—these actions are not always in keeping with the words. The men that are being honored tonight, by their actions, have made the phrase "my brother's keeper" a reality. You are going to hear in detail about these men on an individual basis, so I shall not speak of them again except to reiterate my pride at being able to share the dais with them and the rest of our distinguished head table and all of you good friends.

So then if we all know what we are here for and what the meaning of brotherhood is, what is the purpose of the dinner? I look at it in this way. The Massachusetts Committee of Catholics, Protestants, and Jews benefits the following affairs: Boston University Human Relations Center, Tufts University Civic Education Project, Good Citizenship Program of the Boston Park Department, Brandeis University Three Chapels Program, and the Massachusetts Department of Education.

But of even greater importance I believe is that when we go out tonight from this dinner, hopefully our vigor and purpose will be renewed to spread the word of brotherhood in our business, in our social contacts, to our children, in our travels, wherever we may go and under whatever circumstances. It is easy. to proclaim brotherhood and understanding in the comfey and friendly environs of the Statler Hilton Hotel among friends. But if we are not willing, each one of us, to go out from this dinner and spread the word and live the life, no matter where we are, of brotherhood, then in my opinion we are hypocrites and this dinner and my words are "as sounding brass or a tinkling cymbal—signifying nothing." I am suggesting, and do not be misled, although we can all think of parts of our country where things are a good deal worse than they are in Boston, that here in Boston, indeed without our own individual affairs, there is a great deal of room for improvement. If I may be pardoned for speaking of myself, I am not known for my meekness and lack of aggressiveness because all my life I have striven, as a result of childhood illness, to be stronger, but I have found in recent years that it takes a good deal more courage and understanding not to react as your human instincts might impel you to react, both physically, mentally, or idealistically if you prefer. Simplistic answers, easy, quick sounding, beautiful to the ear, do not solve today's problems which have arisen over the centuries and will not be wiped out over a fortnight. So then I really think that what I want to say to all of you is, let us join again in brotherhood at this dinner; let us pledge ourselves again to carry this message throughout our lives and throughout the world regardless of rebuff, hard words, cold shoulders, and yes, perhaps even physical abuse that we may encounter. Let's never get our eyes off the Shining Grail that is at the end of the long journey. This Shining Grail that is the reward for a life that is well lived and has been dedicated at least in part to helping those less fortunate than ourselves to achieve a measure of happiness and dignity on this earth. Let us have the courage of the convictions we express here tonight.

And now it is a pleasure for me to introduce the man who for the last 32 years has labored, and this is the correct word for it, to make this dinner the success that it is, to blend the diverse elements in our city together so that we can have the experience that we are going to have here tonight in the honoring of three great Americans. I consider that Ben Shapiro, by dint of his great energy, his willingness to take the buffets and continue to press forward, his deep feeling for his fellow man, has rightfully earned the success that this dinner has achieved under his guidance. He has not been deterred by ingratitude or failure to appreciate his good services, which are sometimes more the rule than the exception. Instead he comes back strongly like Anteaus of fabled yore whose vigor was renewed with each fall to his mother earth.

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I thank, on behalf of the committee, the press, radio, television WNAC–TV, newspapers of Metropolitan Boston, airlines who have provided their hostesses who served as ushers here tonight, and the following individuals who assisted in the arrangement of the dinner:

Mr. Louis Miller, who assisted with reservations.

Mr. Isadore Zack, publicity.

Mr. Benjamin Bartzoff, television and general arrangements.

Mr Jerry Hayes, arrangements for airline hostesses.

The Boston Edison Company, lighting and decorations.

John Donnelly Company, for making the poster which provides the background of our stage tonight.

Commissioner McNamara and the Boston Police Department for courtesies extended to our guests of honor.

Ladies and Gentlemen, I give you your indefatigable secretary of this committee and the Commissioner of the Massachusetts Commission Against Discrimination, Mr. Ben G. Shapiro.

Remarks by Mayor Kevin H. White

I want to congratulate Mr. Ben Shapiro and his committee for the choice of three such outstanding men for this year's highest honor:

Dr. Farber, who has dedicated his life and his scientific talent to the fight against one of the terrible killers of children;

Wayne Newton, who has not only achieved brilliant success in his professional career but has found time to render real help to young people who are less fortunate;

And, my good friend Carl Stokes who shares with me one of the most hazardous of occupations, and one with the shortest life-expectancy—Mayor of a large city.

Now Dr. Farber, secure in his distinguished profession, does not need the limelight; and Wayne Newton cannot be made any more popular that he is by any words of mine. But my friend Carl Stokes is in politics and he needs all the help he can get; so I want to say a few words about Carl and his city.

Carl Stokes is the Mayor of Cleveland—a city with 800,000 people and a million problems. Like all big cities, it has high buildings and even higher taxes; cold winters and long hot summers. In coping with his problems, Carl indulges in his favorite hobby; walking. He gets out there on those hot summer nights and walks through his city.

(This is getting to be so useful a tactic for mayors that there is some question whether older men can serve in the job: they may not be able to cover enough ground.)

Seriously, I think Carl Stokes is one of the truly great men in public life today. The city of Cleveland is fortunate to have him as Mayor, and I am fortunate to have him as my friend. Each time I see Carl I find new reasons to admire him. The most recent occasion was the meeting at the White House two weeks ago between a delegation of big city mayors and the president and vice-president. Mayor Stokes headed the Mayors' delegation and his presentation of the problems of the cities was the most forceful and eloquent that I have ever heard. If more federal aid to the cities, which we need so soon comes, I am sure that Carl Stokes will have played an important role in achieving it. And until that help does start coming through, he is going to be one of the most articulate reminders to the nation of the problems—and the potential—of the American City. I know that Carl will have something to say tonight which will be worth hearing.

It is not my role tonight to make a lengthy speech on the topic which brings us here—brotherhood. But I do want to say that at the present point in our history nothing is more important to the future of Boston than the promotion of respect and understanding among the people of our city.

It is not the brotherhood of the past that we require—the brotherhood which sought to break down barriers between religious groups—but it is the brotherhood which seeks to break down the much greater barriers which separate black and white; rich and poor; the downtown businessman and the neighborhood resident.

There is a new dimension now in the concept of brotherhood. We must accept the challenge and we must win the victory. We are grateful to Mr. Ben Shapiro and to all who endorse and support his efforts. Now it is up to all of us to make the spirit that enables this evening permeate the life of our city. Nothing we do—as individuals, as professionals, as citizens—can be more important.

Remarks by John I. Ahern

Thank you Mr. Fuller, and good evening ladies and gentlemen, one of the nice and continuing by-products of the Massachusetts Committee, Catholics, Protestants and Jews is the junior good will dinner sponsored by the committee each year in the press headquarters at Boston's Fenway Park. This activity has been going on for nearly two-thirds of the life of the committee. It was conceived some 18 years ago by the late and beloved Michael T. Kelleher and our own secretary Ben Shapiro. Its sole purpose was, and is, to provide a plausible vehicle for indoctrinating young men in the spirit of brotherhood and love of his fellow man.

I well recall the first junior good will dinner. It was held in the spring of 1951 in the heart of Chinatown at a site known as the Chinese City Hall. It was purely experimental in nature. The guests of honor, selected for the most part from the athletic world, included Lou Boudreau, then manager of the Red Sox, and Tommy Holmes, manager of the old Boston Braves, also included was the late, great Harry Agganis who, after an amazing athletic career at Boston University where he excelled in every sport, went on to be a major league first baseman for the Red Sox until his untimely death so early in life.

From that early beginning, the program became more formalized and bigger. Joe Cronin and Tom Yawkey of the Red Sox organization saw the merit of this undertaking and the next year through their kind invitation, it was moved to the press room at Fenway Park where some 130 public and parochial school students, chosen by their headmasters, were the guests of the committee.

To my mind, this junior good will dinner is the best and most interesting dinner of the year. Outstanding leaders in our community act as sponsors of these boys and four young men are chosen to give talks on brotherhood and what brotherhood means to them.

All of us may take great pride in the fact that during these 18 years more than 3,000 boys have been our guests and to the best of my knowledge no lad who has attended these annual dinners has ever, in any way, been involved in juvenile delinquency or has he done anything to discredit himself, his school or his family.

I only wish that all of you had an opportunity to sit in and mix with these young men at the junior good will dinner. While they represent a broad cross section of the greater Boston high schools, each, in his own way is individualistic and different.

The young man seated next to you could well be the captain of the football team and an excellent student as well, or he could be the outstanding debater in his school and a member of the track squad, or a musician in the band and a hockey star. Whoever he is, you can bet he will be a well-rounded boy. healthy of body and mind, active in several phases of his educational life, determined and eager to be successful in his chosen field but, most importantly, he will have a great and a consuming interest in fair play and in spreading the good will of brotherhood among his fellow students. He is the type of a lad you would love to have as your own son.

Tonight we are going to reenact one portion of the program held last January at Fenway Park, and as spokesman for all of the boys, we have, as our speaker, a young man who possesses all the credentials to be their representative.

A resident of Brighton and a sophomore at Boston Latin, his extra curricular activities read like a young man's "Who's Who." Let me present them to you.

He is: A member of the debating squad; a member of the Junior Electronics and Technological Society; an editor of the school's literary magazine; a member of the Leaders Training Fellowship; president of the Senior United Synagogue Youth Chapter at his temple; a participant in the honors course at Boston Latin; a volunteer for the Massachusetts Association for the Blind; a participant in regional and State science fairs; a participant at the model United Nations program at Harvard University; a competitor in the State finals of the Knights of Pythias speech contest; a 1968 Ford Future Scientist Award winner; and an excellent student as his participation in the honors course attests.

With all of these accomplishments, he is but 15 years of age. After completion of his studies and his undergraduate college course, he hopes to go to either law or medical school.

It is a distinct pleasure and a privilege to present to this vast audience the Junior Good Will Young Man of the Year and the symbolic spokesman for 3000 good, young men of the past, present and future, who not only believe in the spirit of brotherhood, but work at it—here is David A. Thurm, of Boston Latin School.

Remarks of David A. Thurm, Boston Latin High School

Each and every person in the world whether he be a farmer in the Tibetan hills or a scientist working on ingenious devices, each feels the problems that face society today. And each yearns for peace and a solution to the drastic dilemmas facing our world.

This solution isn't easy and it's going to be a long and hard road before we reach the end of our problems. This road is there for us to take but there is one factor that keeps us from making any forward progress. And this hinderance is the general attitude of the people. They see things only when the event affects them directly. They walk around in a trance-like state, each entirely engulfed in his own problems and each thinking of the world only in relation to himself. The people are so wrapped up in their own concerns that they never find time to consider the rights of others.

When you walk down the street or ride on the trolley, look about you and see the attitudes reflected on the faces of the people. Only on a rare occasion will you see a man with a contented expression or a smile. Very few times is the mournful, echoing trend of the faceless crowd broken by a peal of laughter or gay talk.

Another interesting event comes when you see the response of the people to the common courtesy of a "thank you," "please" or "excuse me." Some will eye you suspiciously wondering what devious plot you are scheming by saying those trick words. Some glance at you as if you were crazy. And still others will for a brief moment crack a smile as if some ray of happiness and decency had broken through their shield of apathy.

It is almost paradoxical that when a baby is born he knows only two facial expressions: the blank stare and the smile, all other expressions are learned by watching the nameless mass's looks and habits. Somewhere in the struggle to gain maturity one forgets how to smile or be concerned.

You wake up in the morning, hurry to get dressed; eat breakfast and catch the bus. Then you quickly review the test material in your head. In school you race into your homeroom and hurriedly arrange your books for the next class. One continues at this break-neck speed all day long. It is this jet-set pace that is partially responsible for the apathy and negative attitude of humanity. How do you expect to help a person in need if you can't even take time out to notice the presence of others?

As you run to catch the bus just stop, look and listen to the world before it passes you by. Maybe in this instant of rest you'll take note of the crippled man, struggling across the street, or the blind man, lost in a neverending expanse of darkness. Then it's off again—running, running, running—stop, take hold, and assess the people around you. Maybe the boy that you called an idiot yesterday will somehow appear different today and you might even see some good in him. Look at the beauty of nature surrounding you. But most of all look at your fellow man. Guide him in his struggles; feel his pain; help him with his problems. Care about the child, the wanderer and the human race. So stop, look around you and care about your fellow man.

And it is through this simple formula that you can change your attitude and the attitudes of those around you so as to make yourself more able to understand others. With this assessment of your actions and attitudes comes the first step toward world peace and brotherhood.

As I read the previous remarks at the junior goodwill dinner, I looked about and saw not blank apathy but rather healthy optimism.

For there I was fortunate to meet my peers who had risen to not only defeat the existing evils but also to shatter the attitude of indifference that surround them.

They have risen to the challenge and have taken the first step but before any further progress can be made we must all join hands and free ourselves from the bonds of apathy so that we can see the light of freedom and peace.

I feel deeply honored that I am able to talk with the leaders here at the head table for it is from them that my comrades and I have gotten the spark and initiative to start on the road toward peace and world brotherhood.

Statement by Gov. Francis W. Sargent

What has made this organization what it is, what has made this gathering what it is, comes down to the single word "Brotherhood".

That word once was narrowly defined to mean the absence of racial and religious prejudice.

I would suggest to you tonight a broader concept for the word—rather than a brotherhood based on tolerance, I suggest a brotherhood based on understanding and even on love.

We have all around us a season of discontent that is marked by disorder, dissent, even violence.

I would suggest a brotherhood of mankind that permits each of us to listen to—and to hear—the voice and the thoughts of the other man.

That means we must not stifle dissent.

I did not say tolerant dissent—I said permit it, welcome it, even encourage it.

But I did not say permit, welcome or encourage disorder, or the violence that often follows disorder.

We must permit dissent. It is our heritage and even our hope.

But we cannot condone disorder. That will be our undoing.

Remarks by Ben G. Shapiro, Secretary

Gentlemen of the clergy, Governor Sargent, Mayor White, our guests of honor, distinguished guests, ladies and gentlemen, since this is the thirty-second annual dinner of the Massachusetts Committee of Catholics, Protestants and Jews, I suppose that someone could infer that anyone over 30, or any organization over 30 years, should be suffering from what is popularly known as the generation gap. Oftentimes in instant definitions and slogans there is a brightness and a slickness to them that, first, makes them acceptable in everyday speech, and secondly, because they are acceptable, they bear an aura of infallibility. But I would like to make some observations tonight about a few of the activities of our committee that are attempts to nullify this thing called the generation gap. Tonight in our audience are forty-five young men and women from fifteen colleges and universities. Over the past 31 previous dinners, it has always been our custom and, more than that our belief, that the younger people of the community should be part of our audience. At this dinner, and at other dinners, the collegians have witnessed the awards and have heard the talks of the men and women who have won our citations. I fully and firmly believe that the 1500 college students who have been our guests over the years have learned something from the people who have spoken here; I am sure they learned something for their own benefit from the lives of the people who have been honored here. These collegians have come to our institutions of higher learning from every State in the Nation; some have come from foreign lands. The letters your committee have received over the past three decades have told us the dinners have been an inspiration to them. I like to feel that they have served a worthwhile purpose.

Your committee annually sponsors the junior good will dinners at Fenway Park. And through the cooperation of Dick O'Connell and Tom Yawkey the dinners have been highlighted by the attendance of many of the Red Sox players over the years. These dinners are now in their 18th season; the average attendance of youngsters has been 150 young men each year. So, nearly 3000 lads have been influenced in a small way by our committee on the ideas and ideals of good will.

And, although our committee is over 30, we are continually keeping alive our interest in youth through our association with programs on the college and university campuses. At Boston College we are involved with the Institute of Human Sciences; at Tufts University we are supporting the work of the Civic Education Center; at Brandeis University the three-chapel program of the Catholic, Protestant and Jewish faiths has our support, and at Boston University our support of fellowships for young scholars helps us to participate in their programs for civil rights.

I must confess to you that at these dinners most of the head table guests and, indeed, the award recipients are and have been over 30. But year after year the program has been "stolen"—and I mean that in the nicest sense of the word—by the young orators from the Boston high schools. Their poise, their diction, their profound thoughts have been lessons for all of us. You all know that we have had some of America's outstanding personalities at these dinners over the years; yet I must say that the speakers from our local schools have made us sit up straighter as we listened to them; some of us who are sentimentalists have had tears in our eyes as we have listened to them with pride. We have heard them. They have taught us. And we have had a sense of pride in ourselves that we have been smart enough to have them speak to us.

May I end on this note: there never should have been a legitimate reason for such a thing as the so-called "generation gap." To solve all differences of opinions between not only the generations, but of people in every strata of society, we must make a beginning toward understanding. That beginning comes with what is called "good will." For all the logic, for all the intellectualism, for all the marshalling of opinions, I am convinced that nothing can be achieved until, first, there is good will on every side of every question facing society.

Citation to Hon. Carl B. Stokes Presented by Sidney R. Rabb

The Massachusetts Committee of Catholics, Protestants, and Jews, at its Thirty-second Annual Dinner, presents this citation and testimonial to the Honorable Carl B. Stokes, Mayor of Cleveland, who has faced the difficult social and economic problems of our roiled new day with an understanding and a wise sense of direction that have heartened men of good will throughout our land.

His student years (interrupted shortly after his eighteenth birthday by service in the Army of Occupation in Germany) developed inborn qualities of character that distinguish him today. As a schoolboy he contributed to the family income by delivering newspapers and working in neighborhood stores. In his law school days in Minnesota he worked weekends as a dining car waiter on a de luxe Minneapolis to Dallas train.

After Government service in various appointive offices in Ohio, he was elected three successive times as a member of the Ohio Legislature. His outstanding performance in that body led to his election in 1967 as Cleveland's Mayor.

Since earning his Bachelor of Science in Law degree at the University of Minnesota and his LL.B. degree at the Cleveland Marshall Law School, he has received the National Award of the Fellowship Committee of Philadelphia and honorary degrees from a half dozen institutions of learning, including Tufts University.

In recognition of his dynamic civic leadership, the Massachusetts Committee of Catholics, Protestants and Jews presents to Mayor Stokes this citation and award.

Dated at Boston, Massachusetts, this fifteenth day of May, 1969.

Citation to Dr. Sidney Farber, Presented by Louis R. Perini

The Massachusetts Committee of Catholics, Protestants, and Jews, at its Thirty-second Annual Dinner, presents this citation and testimonial to Dr. Sidney Farber, physician, educator, President of the American Cancer Society whose compassion as a healer, skill as a pathologist, acumen as a teacher, and commitment as a founder of medical research organizations and Boston's Jimmy Fund have made him a leader in the ageless struggle against disease, especially cancer and cerebral palsy in the very young. The most modest of men, he bears with charm and dignity the testimonials of esteem of universities, learned societies and grateful governments. Professionally and personally he exemplifies Schweitzer's ideal, the man who practices "reverence for life" in his dedication to eliminating man's malignant enemies.

In recognition of his distinguished service to mankind, the Massachusetts Committee of Catholics, Protestants and Jews presents to Dr. Farber this citation and award.

Dated at Boston, Massachusetts, this fifteenth day of May, 1969.

Citation to Wayne Newton, Presented by H. D. Hodgkinson

The Massachusetts Committee of Catholics, Protestants and Jews, at its Thirty-second Annual Dinner, presents this citation and testimonial to Wayne Newton, gifted, gracious stage and television star who has cheered and charmed vast audiences within and far beyond the borders of our land. His status as a balladeer is indicated by the fact that more than nine million records of his songs have been distributed here and abroad.

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A native of Norfolk, Virginia, he is remembered there as an excellent student, President of his high school class, Student Body President and talented performer at sociables in school and church.

His quiet social service has been in varied fields. He is the sole support of St. John's Indian Mission and School in Arizona; has helped the Nat King Cole Cancer Foundation and the establishment of its Medical Library; and has contributed in various ways to men and institutions in need of aid. On a tour in South Vietnam, he visited isolated bases and hospitals, collected soldiers' messages to folks back home and faithfully delivered them on his return.

In warm appreciation of the example he has set for young Americans in dealing with their fellow men in this modern age of stress and strain, the Massachusetts Committee of Catholics, Protestants and Jews presents to Wayne Newton this citation and award.

Dated at Boston, Massachusetts, this fifteenth day of May, 1969.

Remarks of Dr. Sidney Farber

It is with gratitude that I acknowledge the honor that you are conferring upon me tonight. It is with particular pleasure that I find myself joined with the distinguished Mayor of the City of Cleveland, whose leadership will help to carry his City and so the country, toward a more happy era, and with a young man who has not waited for more advanced age to share with some of his far less fortunate fellowmen, the fruits of his talent and hardwork. The program of your Committee expresses in easily understood language the spirit of this community to which I owe so much. I congratulate you on your conception, and your achievements in your dedication.

It is part of being a doctor to work in behalf of one's fellowman. This is implied in the Oath of Hippocrates and is founded upon the centuries of tradition handed down from the priests of old. This occasion permits me to pay honor to the community which has given me the precious opportunity, as a doctor, to work in behalf of patients, with no restrictions, not only as to race, creed or color, but also as to ability to pay. You have given my colleagues and me the opportunities these past 21 years, to work in this manner in behalf of children with cancer, and their parents and families, and now of patients of all ages in accordance with our plans for the immediate future. For this reason, I ask that the trustees and staff of our Children's Cancer Research Foundation share with me this honor tonight, and join with me in this expression of gratitude to our community and to you.

I have traveled widely to participate in the planning and acceleration of research programs against the dread diseases still responsible for sickness, misery, suffering and death. Wherever I have gone, I have seen human beings react in much the same way, whatever the claims of nationality, the peculiarities of skin pigment, philosophical or theological traditions, or of political practices. The cry of anguish of a mother who has lost a child, or the grief of a marriage partner may vary in tonality, or in the proportion of visible to controlled grief, but the reaction to the loss of a loved one is everywhere basically the same. Children with leukemia in relapse beyond medical control, everywhere cling to their parents and respond to the tender and warm ministrations of doctors and nurses with mute appreciation for skillful and affectionate care so freely given.

Doctors and medical scientists are accustomed to sharing their observations and the fruit of their research without delay with all other doctors and scientists throughout the world. There are no secret remedies in the world of medicine. This they do by publication of their findings in medical and scientific journals, by announcing the results of their research at professional meetings, and by joining together in small groups in special conferences containing representatives from almost all, but unhappily not yet all the nations of the world, the better to plan further research on a world-wide basis and to apply what has been learned for the benefit of patients everywhere. It should be heartwarming for you to know that the sharing of knowledge has increased enormously since the end of World War II, despite cold wars, actual wars, political upheavals, disturbances throughout the world of many different kinds, and even horrifying evidences of man's ability to take life on a greater and greater scale with the aid of modern technology.

Let us take heart as we are able to see, through the clouds of war and the pollution of the air, evidences of many different kinds of a better future for all of us. May I take but one example from my own experience. The world of medicine and science is now perfecting techniques borrowed from the achievements of technology to bring to every patient with cancer in the country, and hopefully the world, the results of research from the laboratories as rapidly as is consistent with safety and proof of the effectiveness of new treatments. This calls for the voluntary cooperation of scientists throughout the world who are willing to record on central machinery set up for the purpose, the progress of their own research for the evaluation of their peers, even before definitive completion of studies. Scientists everywhere will be able to move more quickly toward the solution of life threatening problems. Such a plan calls for international cooperation and selflessness, as well as for expertise in the use of modern means of communication, of data collection and retrieval. Our contribution to this achievement is being perfected here now as part of a world enterprise, without restriction, for the good of patients of all nationalities, of all colors, and of all manner of worship, and political and economic practice.

May I leave you with a note of personal optimism—in these very disturbing times there should be no glossing over the enormity of our problems, no easy solutions offered for the eradication of the cancers of our society, no hasty assignment of blame.

Let society, which includes all of us, grapple with these and other world concerns as objectively, thoroughly and dispassionately as we investigate the causes, the methods of cure, and the possibility of total control of the many diseases we call cancer. I have no doubt that the achievement of this goal, the control of cancer, as will be the case with all the dread diseases, will one day be a reality. The solution of the social and economic problems of the greater world will depend equally upon honesty and courage, the precise definition of causes and the discovery of methods of their eradication, and the determination that there will be created by the efforts of all a better world for all mankind.

Remarks Delivered by Mr. Jackie Kahane

Wayne Newton has written a brief message which he has asked me to read:

"My dear friends, I regret that I cannot be with you tonight on this great occasion. It is humanly impossible and I regret this more than I can tell you, but may I tell you that I'm deeply touched by this tribute of yours so gracefully tendered.

"Even though I could not be with you in person tonight, I have a good picture of the audience. It's the greatest assemblage of diverse religious, ethnic and minority groups, ever brought together in one body. With the possible exception of when Sammy Davis, Jr. dines alone.

"This brotherhood award means a great deal to me personally. For those of you who know me, and know my background, know that I'm of Indian ancestry, my wife is Japanese-American, my manager is Catholic, my drummer is Protestant, my road secretary is a Negro, my comedian is Jewish, and I raise Arab horses. I've often been referred to as the U Thant of show business.

"It's a happy accident that I'm surrounded by these people of various ethnic and religious origins. They weren't hired for any other reason than ability. Show business has always been one industry where a man or woman is judged only by talent, and ability, and never by color or religion, and I'm proud to represent a business such as show business. One of the biggest thrills of my life was going to Viet Nam recently to entertain the troops. There I saw true brotherhood in action. Americans of every religion, race and color working together.

"It made me proud to be an American. Because never has a country given as much of its food, as much of its money, and as many of its sons, to protect the lives of people around the world.

"As I was entertaining the boys, and looked out into their faces, I knew that many of these boys, returning home, would find greater roadblocks to dignity in peace, than they knew in war.

"It is up to every person, especially those of my generation, to strive to create a world of true peace, and equality. The battlefield is here, and the victory for humanity must be won.

"I am doubly honored because I was informed that I'm the youngest man ever to receive the brotherhood award. Being young, I accept this award on behalf of my generation, a generation that despite all its turmoil is working to close not only the generation gap but also the prejudice gap.

"It is true that the young generation is confused and restless, but we are also idealistic and spirited. And we are all well aware that youth holds the lease on this country's future.

"And while a small minority may be trying to weaken the foundation of the establishment, the great majority are trying to establish stronger foundations, foundations which are based upon brotherhood, equality and humanitarianism.

"My generation believes as Booker T. Washington said: 'You can't keep a good man down without staying down with him.' And, ladies and gentlemen, the last direction my generation wants to go is down.

"I'm especially sorry that I couldn't be in Boston with you tonight, because Boston holds a special place in my heart.

"The people of Boston in the past have given me many testimonials of their affection, but this far exceeds them all.

"In the record business it's considered a great honor to be awarded a gold record, but it's a much greater honor to live by the golden rule.

"As I said before, my wife is Japanese, and her people have many beautiful and meaningful proverbs. My favorite is, 'One can stand still in a flowing stream, but not in a world of men.' And I'm not going to stand still after winning this award. I will continue to live and work for the time when awards for brotherhood will no longer be necessary. It will be a way of life.

"Until that time, may I congratulate you all on your great work and thank you again for this honor."

Ladies and gentlemen, I think that all will agree that in this day of singing idols, with long hair and loose morals, Wayne Newton stands out as a shining example to our Nation's youth.

I am proud to accept this award for a young man that I watched grow and mature to a great star. It is a tribute to his character that, with all his early fame and success, he still feels the responsibility, and the social conscience, to earn and deserve an award such as this.

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ADDRESS BY MAYOR CARL B. STOKES, CLEVELAND

I am with you tonight to be honored, and while some degree of sophistication might reasonably be expected of a big-city mayor, I'm still new enough in the role to be surprised and delighted to find myself in such distinguished company on such an illustrious occasion.

In fact, as I look about me at the men and women of influence, power and of prestige and position gathered here—it strikes me as a perfect opportunity to demand reparations for my fellow Clevelanders.

We Clevelanders are still somewhat put out by the fact that our city's founder, General Moses Cleaveland, took one look at our place back in 1796, gave it his name, and left immediately for civilized home and hearth in his native New England, never to be seen again on the shores of Lake Erie.

So we had to go it alone, and while we did make it. it has been pretty embarrassing to have had a founding father who barely stayed long enough for a cup of coffee.

But I suppose we can call it even, now. After all, we captured the "Hawk" from the Red Sox. And now that I think about it, General Cleaveland was from Connecticut anyway.

I always enjoy visiting Boston. A great sense of history fills your city and your State, and it turns my thought to those who helped make that history, but how many of these names do you know?

Crispus Attucks, first to fall in the American Revolution.

Peter Salem, who killed the British commander at Bunker Hill.

Phillis Wheatley, the second American woman to write a book.

Cuff Whittemore, Cato Wood, Cambridge Moore, Caesar Prescott, Caesar Jones, who helped defend "The bridge that arched the flood" at Concord on that April day nearly 200 years ago.

Lewis Temple, inventor of the "Temple Iron", the harpoon which led to vast wealth in the whaling industry—and who died in poverty.

Paul Cuffee, spirited sailing captain who refused to pay his property tax because he was denied the full rights of citizenship, and who thereby became the first Negro to enjoy all the legal privileges granted to the white citizens of Massachusetts.

All were black. All helped write the history of this great State, as my distinguished friend Senator Edward Brooke is doing today.

Every American boy and girl learns the dates, the names, the place of history. They learn that on April 6, 1909: Admiral Robert E. Peary discovered the North Pole.

But all of us would have to admit that the same school lesson did not tell us that Peary's dedicated Negro assistant, Matthew Henson, was the first man to actually reach the pole. Peary, unable to walk, arrived by dogsled less than an hour later to confirm Henson's reading of their position.

Someone recently complained in a letter to a newspaper that he saw Negro cowboys depicted in a TV western, and everyone knew there were no Negro cowboys in the old West.

The sad thing is that our mind's eye—conditioned by gaps in our history—does see white cowboys.

I don't expect to make headlines in this day and time by observing that the black American has been erased from the pages of American history. You know that. You know what that sort of practice has contributed to.

Now, after three centuries of his own personal dark ages, the American Negro is filling in the gaps of history. He is rediscovering his long-ago-lost heritage. He has weighed the words on America's documents and marble monuments against America's deeds, and his anger, finally, at what has been done to him is echoing across our land.

Black power!

Black studies!

Reparations from the racist hands of white America!

Alexis de Tocqueville summed it up when he said, "A grievance patiently endured, so long as it seemed beyond redress, becomes intolerable once the possibility of remedy crosses men's minds."

The cries of the rebels are going to have to be responded to; their genuine grievances must be redressed.

Every American—that is, every American who understands this pluralistic society of ours—ought to be part of the Negroes struggle to develop: black identity; black pride; black culture; black economic and political power.

But none of these vital elements to one's sense of worth and peer-level in American society justifies or rationalizes the efficacy of a separate black nation within our nation.

I believe with Winston Churchill that "Democracy is the worst form of government—except for every other kind." I believe in "the system."

For the system can be made to work.

Not through anarchy. Not through nonnegotiable demands. Not through senseless destruction.

On that point I agree with Bayard Rustin, who said recently: "I am very much opposed to violence as a means of protest—the appearance of youngsters on campuses carrying guns and attempting to get decisions while holding guns at the heads of administrators is first of all very bad for the students. Because they are being systematically taught in college that social change takes place at the point of a gun. This is not true. And they're going to be very much disabused." Today's youth is too intelligent not to learn this eventually, hard though the lesson is, on them and on us.

But I would warn: You cannot condemn the oppressed for the means by which they seek freedom and justice and at the same time continue the denial of freedom and justice! You cannot have it both ways.

Justice Oliver Wendell Holmes, that great Bostonian, said: "Life is action and passion. I think it is required of a man that he should share the action and passion of his time at peril of being judged not to have lived."

There is the story told about Pericles of Ancient Greece, who, in his later years, came across a young lawyer of Athens who was involved in the actions and passions of his time.

Pericles upbraided the young man for being too bold and brash, for concerning himself with things better left to older men.

Partronizingly, the older man said, "Of course, I understand, for I too was overeager in my youth. But now that I am older I have learned better. Take my advice and do not become so involved."

To which the young man replied: "I regret, sir, I did not have the privilege of knowing you when you were at your best."

America, then, is in that very challenging and dangerous stage of involvement.

In the words of former Health, Education and Welfare Secretary John W. Gardner: "Extremists of the right and of the left work with purposeful enthusiasm to deepen our suspicion and fear of one another and to loosen the bonds that hold society together. The trouble, of course, is that they may succeed in pulling the society apart. And will anyone really know how to put it together again?"

I believe that the fabric of America, weakened thought it may be, will hold; that those who seek to pull our society apart will fail, although we may not see it for a time and we may have doubts and good reason for doubting.

For the first time in history a nation has almost within its grasp the ability and the means to banish the age-old terrors of hunger, disease, poverty, and ignorance—but to implement that potential our society must reach an unprecedented level of political and social awareness and of political and social activism.

In that fact lies the seed of the paradoxical hope I want to hold out to you this evening: that from today's unwanted crucible of dissent and unrest will emerge a nation more concerned about human values and more effective in caring for human needs than any the world has known.

You may ask: was it necessary to follow this badly built pathway to our goal, with its terrible strains on our nation? Leave the answer to history. We *are* on that pathway, and even if we did not choose it, never forget that it is here and that you and I helped build it.

I believe that America will emerge from the journey knowing in its collective conscience, for the first time, that this is not going to be a decent society for any of us until it is for all of us.

I want to conclude with an epitaph on a Concord gravestone, marking the last resting place of one John Jack, a black slave who earned his freedom and became a successful farmer and respected citizen. It was written by Daniel Bliss, a great-uncle of Ralph Waldo Emerson, and it reads:

"God wills us free, man wills us slaves. I will as God wills, God's will be done. Here lies the body of John Jack, a native of Africa who died March 1773 aged about sixty years.

"Tho' born in a land of liberty, he lived a slave. Till by his honest, tho' stolen labors, he acquired the source of slavery, which gave him his freedom, tho' not long before death the great tyrant, gave him his final emancipation, and set him on a footing with kings.

"Tho' a slave to vice, he practiced those virtues without which kings are but slaves."

John Jack: Born in a land of liberty, enslaved, freed again by his own labors.

John Jack made it, and so will America.

CITATION TO WNAC–TV, PRESENTED BY PETER FULLER AND ACCEPTED BY WILLIAM M. MCCORMICK

Citation of honor presented to WNAC–TV, for the most outstanding public service in the cause of good will and better understanding on the occasion of the 15th consecutive telecast of our dinner proceedings by the Massachusetts Committee, Catholics, Protestants, and Jews, at its 32d annual dinner, May 15, 1969.

OSCAR W. HAUSSERMANN,
Chairman.
BEN G. SHAPIRO,
Secretary.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PATMAN (at the request of Mr. ALBERT), for today, on account of official business.

Mr. MATSUNAGA (at the request of Mr. ALBERT), for today through Friday, June 13, 1969, on account of official business.

Mr. MANN (at the request of Mr. GARMATZ), for Tuesday, June 10, and Wednesday, June 11, on account of official business.

Mr. THOMPSON of New Jersey (at the request of Mr. PERKINS), on June 10 and 11, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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Mr. Rivers, for 1 hour, on Thursday, June 12; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Hunt), to revise and extend their remarks and to include extraneous matter to:)

Mr. Findley, today, for 5 minutes.

(The following Members (at the request of Mr. Nichols) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Rarick, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Reuss, for 30 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Jones of Alabama and to include an editorial.

Mr. Fallon (at the request of Mr. Jones of Alabama) and to include a news item.

Mr. Edwards of Alabama and to include extraneous material.

Mr. Fulton of Pennsylvania to include extraneous matter in the remarks he made today on H.R. 11271.

Messrs. Wydler, Winn, and Weicker (at the request of Mr. Fulton of Pennsylvania) to extend their remarks in the general debate on the NASA authorization.

Mr. Daddario immediately following Mr. Teague of Texas during debate.

Mr. Fulton of Pennsylvania to revise and extend his remarks just prior to motion by Mr. Miller of California to close debate on the Ryan amendment.

Mr. Biaggi before the vote on the Koch amendment.

Mr. Daniels of New Jersey in two instances and to include extraneous materials.

(The following Members (at the request of Mr. Hunt) and to include extraneous matter:)

Mr. Conte.

Mr. Cleveland in two instances.

Mr. Anderson of Illinois in two instances.

Mr. Cederberg.

Mr. Gude.

Mr. Robison.

Mr. Minshall.

Mr. Bob Wilson in four instances.

Mr. Steiger of Wisconsin.

Mr. Wyman in three instances.

Mr. Johnson of Pennsylvania.

Mr. Langen.

Mr. Arends.

Mr. Findley.

Mr. Carter.

Mr. Lukens.

Mr. McDonald of Michigan.

Mr. Don H. Clausen.

Mr. Horton in two instances.

Mr. Bell of California.

(The following Members (at the request of Mr. Nichols) and to include extraneous matter:)

Mr. O'Hara in two instances.

Mr. Long of Maryland.

Mr. Steed in two instances.

Mr. Ottinger in five instances.

Mr. Celler.

Mr. Obey in four instances.

Mr. Evins of Tennessee.

Mr. Rarick in four instances.

Mr. Ichord.

Mr. Blanton in two instances.

Mr. Wolff in three instances.

Mr. Gonzalez in two instances.

Mr. Edwards of California in two instances.

Mr. Hanna.

Mr. Galifianakis.

Mr. Helstoski.

Mr. Jacobs in two instances.

Mr. Biaggi in two instances.

Mr. Nichols.

Mr. Pucinski in six instances.

Mr. Nix in two instances.

Mr. Kastenmeier in two instances.

Mr. Moorhead in three instances.

Mr. Burlison of Missouri.

Mr. Pickle in two instances.

Mr. Bingham in two instances.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 35. Joint resolution to provide for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. NICHOLS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 11, 1969, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER. Committee on Rules. H. Res. 436. A resolution providing for the consideration of H.R. 1035. A bill limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes (Rept. No. 91–301). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 11972. A bill to amend the Higher Education Act of 1965 to deny Federal assistance to institutions of higher education which lower their academic standards in the case of particular groups or categories of students; to the Committee on Education and Labor.

By Mr. ANNUNZIO (for himself, Mr. Anderson of California, Mr. Dulski, Mr. Gray, Mr. Hanna, Mrs. Hansen of Washington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks, Mr. McCarthy, Mr. McCulloch, Mr. McKneally, Mr. Madden, Mr. Minish, Mr. Moorhead, Mr. Nix, Mr. Olsen, Mr. Pepper, Mr. Pucinski, Mr. Rees, Mr. Rodino, Mr. Ryan, Mr. Shipley, and Mr. Steiger of Arizona):

H.R. 11973. A bill to amend the Small Business Act to make crime protection insurance available to small-business concerns; to the Committee on Banking and Currency.

By Mr. BIAGGI:

H.R. 11974. A bill to impose an excess-profits tax on the income of corporations during the present emergency; to the Committee on Ways and Means.

By Mr. BOW:

H.R. 11975. A bill to create a body corporate known as Daughters of Union Veterans of the Civil War, 1861–65; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 11976. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 11977. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

By Mr. DENNEY:

H.R. 11978. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 11979. A bill to provide for the compilation by the Secretary of the Interior of a National Land and Water Inventory, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DUNCAN:

H.R. 11980. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11981. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11982. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11983. A bill to amend chapter 89 of title 5, United States Code, relating to enrollment charges for Federal employees' health benefits; to the Committee on Post Office and Civil Service.

By Mr. ESHLEMAN:

H.R. 11984. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. GALIFIANAKIS:

H.R. 11985. A bill to provide for the more efficient development and improved management of national forest commercial timberlands, to establish a high-timber-yield fund, and for other purposes; to the Committee on Agriculture.

By Mr. GALLAGHER:

H.R. 11986. A bill to authorize the Civil Aeronautics Board to relieve congestion at certain airports having a high density of air traffic by designating the specific airport to be utilized by air carriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 11987. A bill to reclassify certain key positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GUDE:

H.R. 11988. A bill to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HANNA:

H.R. 11989. A bill to prohibit tampering with speedometers on motor vehicles used in commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 11990. A bill to amend titles, I, X, XIV, XVI, and XIX of the Social Security

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Act, and part A of title IV of such act, to increase the Federal share of a State's public assistance expenditures to 90 percent, to provide for the establishment of nationally uniform minimum standards for aid or assistance thereunder, and to repeal the freeze on the number of children with respect to whom Federal payments may be made under the AFDC program; to the Committee on Ways and Means.

By Mr. LUJAN (for himself, Mr. Lowenstein, Mr. Addabbo, Mr. Bingham, Mr. Brasco, Mr. Brown of California, Mrs. Hansen of Washington, Mr. Hathaway, Mr. Kyros, Mr. Mikva, Mrs. Mink, Mr. Olsen, Mr. Ottinger, Mr. Pike, Mr. Podell, Mr. Rosenthal, Mr. Scheuer, and Mr. Tiernan):

H.R. 11991. A bill to impose an excess-profits tax on the income of corporations during the present emergency; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 11992. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MESKILL:

H.R. 11993. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. MOORHEAD:

H.R. 11994. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MOSS:

H.R. 11995. A bill to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 11996. A bill to amend title 10 of the United States Code in order to prohibit the use of Armed Forces members and equipment in the making of certain motion pictures; to the Committee on Armed Services.

By Mr. OLSEN:

H.R. 11997. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OTTINGER:

H.R. 11998. A bill to reclassify certain key positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PETTIS:

H.R. 11999. A bill to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DADDARIO (for himself and Mr. Mosher):

H.R. 12000. A bill to redesignate the Department of the Interior as the Department of Resources, Environment, and Population, and to transfer to such Department certain programs and functions currently being carried on by other Federal departments and agencies; to the Committee on Government Operations.

By Mr. PRYOR of Arkansas:

H.R. 12001. A bill to amend the Agriculture Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. ROGERS of Florida:

H.R. 12002. A bill to establish a Federal Commission on Judicial Qualifications for improvements in the administration of the Courts of the United States; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.R. 12003. A bill to authorize the Secretary of the Interior to establish the Lincoln Homestead National Recreation Area; to the Committee on Interior and Insular Affairs.

H.R. 12004. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. STEIGER of Wisconsin:

H.R. 12005. A bill to provide that the flag of the United States of America may be flown for 24 hours of each day at certain shrines in Fredonia and Waubeka, Wis.; to the Committee on the Judiciary.

By Mr. TEAGUE of California (by request):

H.R. 12006. A bill to provide for the more efficient development and improved management of national forest commercial forest land, to establish a high-timber-yield fund, and for other purposes; to the Committee on Agriculture.

By Mr. WHALEN:

H.R. 12007. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. WIDNALL:

H.R. 12008. A bill to amend section 23 of the United States Housing Act of 1937 to make it clear that certain specified requirements (including the workable program requirement) do not apply to low-rent housing in private accommodations which is or will be assisted (or purchased for resale) under that section; to the Committee on Banking and Currency.

By Mr. BROWN of California:

H.R. 12009. A bill to set forth a congressional statement on a national educational policy and to direct the Secretary of Health, Education, and Welfare to initiate a comprehensive study on the formulation of a plan to implement such policy; to the Committee on Education and Labor.

H.R. 12010. A bill to provide an improved and enforcible procedure for the notification of defects in tires; to the Committee on Interstate and Foreign Commerce.

H.R. 12011. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12012. A bill to amend title 39, United States Code, to prohibit the mailing of unsolicited sample drug products and other potentially harmful items, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12013. A bill to provide for the elimination, over a 5-year period, of the mandatory oil import control program; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN (for himself, Mr. Kluczynski, and Mr. Wright):

H.R. 12014. A bill to amend title 23 of the United States Code to authorize the United States to cooperate in the construction of the Darien Gap Highway to connect the Inter-American Highway with the Pan American Highway System of South America; to the Committee on Public Works.

By Mr. CLAY:

H.R. 12015. A bill to provide for orderly trade in footwear; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 12016. A bill to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 12017. A bill to amend title II of the Social Security Act to increase to $3,600 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 12018. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 12019. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 12020. A bill to provide workmen's compensation protection to coal miners and their surviving dependents denied benefits under State law for disability or death from pneumoconiosis caused by exposure to coal-dust during their employment; to authorize the Secretary of Labor to provide or make provision for payment of supplementary compensation to persons receiving workmen's compensation benefits under State law for such disability or death; to reimburse States for the payment of certain workmen's compensation claims; to provide grants to States for research and planning with respect to occupational injuries and diseases in coal mines; and for other purposes; to the Committee on Education and Labor.

H.R. 12021. A bill to amend title II of the Social Security Act to make disability insurance benefits and the disability freeze more readily available to coal miners and other individuals suffering from pneumoconiosis, and to amend titles II and XVIII of such act to make health insurance benefits available without regard to age to all individuals receiving cash benefits based on disability; to the Committee on Ways and Means.

By Mr. HANLEY (for himself, Mr. Ashley, Mrs. Chisholm, Mr. Friedel, Mr. Kastenmeier, Mr. Lowenstein, Mr. St Germain, and Mr. Wright):

H.R. 12022. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any persons to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

By Mr. HANNA:

H.R. 12023. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 12024. A bill to amend the joint resolution designating June 14 of each year as Flag Day (37 U.S.C. 157) to provide appropriate recognition of the Pledge of Allegiance to the Flag, and its author, Francis Bellamy; to the Committee on the Judiciary.

By Mr. McMILLAN (for himself, Mr. Flowers, Mr. Wyatt, Mr. Dellenback, Mr. Martin, Mrs. May, Mr. Gonzalez, Mr. Gettys, Mr. Don H. Clausen, Mr. Ullman, Mr. Wold, Mr. Steiger of Wisconsin, Mr. Montgomery, Mr. Griffin, Mr. Morton, Mr. Johnson of California, Mr. Addabbo, Mr. Karth, Mr. Biaggi, Mr. Hanley, Mr. Cramer, Mr. Conyers, Mr. Stephens, Mr. Olsen, and Mr. Rhodes):

H.R. 12025. A bill to provide for the more efficient development and improved management of national forest commercial forest land, to establish a high-timber-yield fund, and for other purposes; to the Committee on Agriculture.

By Mr. MIKVA:

H.R. 12026. A bill to provide for the improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MINSHALL:

H.R. 12027. A bill to amend the Communications Act of 1934 to establish orderly pro-

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cedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas:

H.R. 12028. A bill to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; to the Committee on Agriculture.

By Mr. ROGERS of Florida:

H.R. 12029. A bill to prohibit the issuance of any license, permit, or other authority by the Federal Governor with respect to the submerged lands beneath Lake Okeechobee, Fla.; to the Committee on Public Works.

By Mr. WHITE:

H.R. 12030. A bill to amend title 39, United States Code, to exclude from the U.S. mails as a special category of nonmailable matter certain obscene material sold or offered for sale to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McCLORY:

H.J. Res. 769. Resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. NICHOLS:

H.J. Res. 770. Resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. STRATTON:

H.J. Res. 771. Resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.J. Res. 772. Resolution supporting the establishment of a national cemetery at Vandenberg Air Force Base, Calif.; to the Committee on Veterans' Affairs.

By Mr. FOLEY (for himself, Mr. FRIEDEL, Mr. WALDIE, Mr. EVANS of Colorado, Mr. TIERNAN, Mr. MATSUNAGA, and Mr. ST GERMAIN):

H. Con. Res. 287. Concurrent resolution relating to an Atlantic Union delegation; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLANTON:

H.R. 12031. A bill for the relief of Dr. Rodrigo Tiongson; to the Committee on the Judiciary.

By Mr. CEDERBERG:

H.R. 12032. A bill for the relief of the Holley Carburetor Co.; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 12033. A bill for the relief of Hector Enrique Gonzales; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 12034. A bill for the relief of Donald C. Goewey; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 12035. A bill for the relief of Francesco Parinisi; to the Committee on the Judiciary.

By Mr. MIKVA:

H.R. 12036. A bill for the relief of Nevenka Opacic; to the Committee on the Judiciary.

H.R. 12037. A bill for the relief of Ali Somay; to the Committee on the Judiciary.

By Mr. OBEY:

H.R. 12038. A bill for the relief of Stanley Wronski; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

140. By the SPEAKER: Petition of Homere Rousseau, New York, N.Y., relative to a proposal for the elimination of air pollution; to the Committee on Banking and Currency.

141. Also, petition of the Okinawa Teachers Association, Naha, Okinawa, relative to the return of Okinawa to Japan; to the Committee on Foreign Affairs.

142. Also, petition of the Village Assembly, Tomigusuku, Okinawa, relative to the return of Okinawa to Japan; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

THE DARIEN GAP, FINAL LINK IN THE PAN AMERICAN HIGHWAY SYSTEM

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, the closing of the 249-mile highway gap between Panama and Colombia is a project of highest emotional value to all Latin American countries. For over 15 years this project has been given top priority over all highways in Latin America by the Pan American Highway Congresses of the Organization of American States. The surveys to close the gap, undertaken by the OAS under the direction of the Bureau of Public Roads, have been financed by a $3 million special fund, two-thirds contributed by the United States and one-third contributed by all Latin American countries. These surveys are just being completed and the recent breakthrough by the Bureau of Public Roads, which was cited as one of the 10 outstanding engineering achievements of 1968 by the National Society of Professional Engineers, has proven the feasibility of a route 212 miles shorter and $116 million less costly than that previously designated for linking North and South America. By a formal international agreement signed on May 1, 1969, in Bogotá, the public works ministers of Panama and Colombia gave the highest priority to the construction of this short route.

Since the early 1930's the United States has appropriated over $170 million to assist in the construction of the Inter-American Highway through the countries of Central America and Panama. Each of these countries furnished at least one-third matching funds, though Mexico constructed their 1,587 miles without U.S. participation. The entire highway, extending 3,100 miles from Texas to the Panama Canal, has been open for 6 years and the final few unpaved miles in Costa Rica are now under contract for asphalt surfacing. However, the highway ends at Panama, and there is no road connecting Central America and Panama with South America.

This Inter-American Highway has been an outstanding example of international cooperation and highlights the importance of major interconnecting highways in a country's development. Without question it has been the most important single factor in the success of the Central American common market. Where only a few years ago practically no commerce crossed between these countries, and the borders were the scenes of armed conflict, now the traffic flow over the highway has broken down the barriers and resulted in rapidly increasing industrial exchange and social integration.

The benefits already evident from the increasing use of the Inter-American Highway could be greatly enhanced by extending it through the Darien Gap to connect with the highway system of South America. There is sound economic justification for the construction of the highway in Panama and Colombia alone, and the projected advantage to all of Latin America stirs the imagination. As a result this program has unanimous political and emotional support of all the countries of the OAS.

Three years ago the Inter-American Development Bank issued a comprehensive report entitled "Multinational Investment Programs and Latin American Integration," which was prepared by the Development and Resources Corporation of New York—the so-called "Lilienthal Report." This report recommended the closing of the Darien Gap as an outstanding project for highlighting the importance of multinational integration and as being fundamental to Latin American progress. The report pointed out that the Darien project could well prove to be the cornerstone for a new structure of international cooperation in the whole field of transport and communication.

The Pan American Highway Congresses, recognizing the success of the Inter-American Highway, have urged that the Darien program be authorized as a continuation of the U.S. Inter-American Highway Authority under the Bureau of Public Roads. Closing the Darien Gap by following the policies and procedures which have worked so well throughout Central America would result in crediting the overall Alliance for Progress program.

Studies undertaken in connection with the long route, originally proposed in

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Colombia, supported economic feasibility on the basis of a 461-mile highway project. The recent breakthrough in proving the feasibility of the short 249-mile route greatly enhances the economic returns since the same benefits will accrue from about half the investment. The present estimate, developed under the direction of the Bureau of Public Roads for the short route, totals $149 million; $89 million for 199 miles in Panama, and $60 million for 50 miles in Colombia, including the crossing of the forbidding Atrato River Swamp. These estimates are based on sound engineering designs and include allowances for engineering, contingencies, and inflation of 25 percent over the 10-year construction period proposed. The detailed surveys are sufficiently advanced to permit initiation of construction from several headings in Panama and Colombia.

In addition to the great emotional and political benefit of assisting in the closing of the highway gap between North and South America, the sound economic benefits include the development of forest products, basic minerals, agriculture, and of considerable importance, the opening up of the Pan American highway system for tourists. While the immediate economic values would benefit Panama and Colombia, it is obvious that the industrial, recreational, and political potentials extend throughout the Americas.

Today, I have introduced a bill, along with my colleagues, the gentleman from Illinois (Mr. Kluczynski) and the gentleman from Texas (Mr. Wright), to authorize the United States to cooperate with the Government of the Republic of Panama and the Government of Colombia in the construction of approximately 250 miles of highway in these two countries, in the location known as the Darien Gap, to connect the Inter-American Highway with the Pan American highway system of South America. The construction of this highway would be under the administration of the Secretary of Transportation, in consultation with the Department of State, the same as the construction of the Inter-American Highway, and would be subject to the same requirements as those applying to the Inter-American Highway.

Obligation of U.S. funds would be conditioned upon the agreement of each of the two countries to provide all necessary rights-of-way, not to impose or permit the imposition of tolls on the highway, not to levy or assess any fee, tax, or other charge for use of the highway by vehicles or persons from the United States that does not apply equally to vehicles and persons of such country, to continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with treaties and international conventions establishing such reciprocal recognition, and to provide for the maintenance of the highway after it is completed in condition adequately to serve the needs of present and future traffic.

This bill would authorize the appropriation of not to exceed $100 million, which would be expended over a period of approximately 10 years to pay two-thirds of the cost of construction of the highway.

REPRESENTATIVE JOE L. EVINS' CIRCUIT RIDING CONCEPT PAYS OFF

HON. RAY BLANTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BLANTON. Mr. Speaker, the gentleman from Tennessee (Mr. Evins) has long been recognized as an outstanding champion of small town and rural America.

Through the years he has fought to assist our smaller communities with their limited resources to participate to a much greater degree in Federal programs of assistance.

Thanks to Joe Evins and others who joined him in this effort, our smaller communities are now participating in many Federal programs.

Congressman Evins has also developed and followed through on new concepts with respect to small town America.

For example, he pioneered in the multicounty circuit riding concept of bringing government to the people. At his suggestion and on his recommendation, a circuit-riding team of Federal officials toured a number of counties in Tennessee, explaining Federal programs at regional conferences, discussing local problems, visiting with local officials—truly bringing government to the people and bridging the gap between Washington and local communities.

As evidence of the success of these Partnership for Progress Conferences, specific projects have been developed and approved in this area. The city of Kingston, Tenn. for example, recently received approval of funds to finance a new community center.

Another of Congressman Evins' accomplishments has been the establishment of the Office of Small Town Services in the Department of Housing and Urban Development. This office acts as a liaison between our smaller communities and the various departments in HUD.

This office is the voice of Smalltown America in HUD.

Because of the great interest in our smaller communities, I am placing in the Record herewith articles concerning Congressman Evins' accomplishments in this field.

The articles follow:

[From the Roane County (Tenn.) News, May 29, 1969]

CITY GETS FUNDS FOR COMMUNITY CENTER

Kingston is going to have a community center, with two-thirds of the financing coming from a Federal grant.

This was announced this week by Mayor Chester Fultz and Roy Bowen, chairman of the park and recreation commission upon notification of the grant from the Department of Housing and Urban Development.

The City is getting a grant of $243,812 from HUD to be used for a neighborhood facility to be designed as a community center.

The center is to be located on City-owned land at the junction of Patton Ferry Road and Race St., near Roane County High School.

Total cost of the project is put at $365,718 and the provision of the site and other local services will be included in the City's portion of the cost.

Mayor Fultz and Bowen, who is coordinator of program development for the County school system, said the project is a direct result of a "circuit-riding" trip of Federal agency officials which started at Kingston last June. The "circuit-riding" concept was developed by Congressman Joe L. Evins of the Fourth District.

At the team visit, numerous prospects were discussed in terms of local, state and national cooperation. Several others than suggested still are in discussion stage.

Fultz and Bowen said the next step in the project will be the completion of certain "paper work" and the completion of the final detail drawings by the architect-engineers.

The firm handling the project is Barge, Waggoner and Sumner, which handled most of Kingston's street and sewer projects.

"We are indebted to Congressman Evins for his work in the circuit-rider project," said Fultz. "It has certainly made a big development possible for Kingston."

He also expressed appreciation to Charles Sonneborn, who made the circuit trip as the representative of HUD, and others in that agency.

Kingston's formal application was filed with HUD at Atlanta in March. Fultz, Bowen and several others made a trip there to deliver the application.

Other details as to the center will be announced in the near future.

Evins expressed gratification that the grant had been approved and that dividends were being seen from the "circuit riding" program. He thanked officials of Kingston, who set up the first stop on the tour.

Sonneborn, who is director of Small Town Services for HUD, issued the following statement:

"The approval of the Neighborhood Facilities grant for Kingston shows the value of the circuit-riding concept initiated by Congressman Joe L. Evins. Programs that can remove Federal officials from behind their desks in Washington and take them to the grass-roots are invaluable from both standpoints.

"They give the Federal officials valuable insight into local problems and in providing local officials and information and assistance normally unavailable.

"In the case of HUD, whose delivery system is limited to regional offices and statewide program representatives, it is hoped that the service as provided by circuit-riding teams can reach the local officials and advise on their specific problems."

[From the Rural Electric Newsletter, May 23, 1969]

SMALL TOWN OFFICE TO STAY; NRECA BACKS RURAL HOUSING

Rep. Joe L. Evins (D-Tenn.) has been assured by Housing and Urban Development Secretary George Romney that HUD will not close its Office of Small Town Services.

Evins, chairman of the House Subcommittee on Appropriations for HUD, received strong backing from rural electrics and other rural organizations in his efforts to keep the office open following reports it would be phased out. He received a large number of telegrams and letters expressing support for the office during hearings on HUD funds.

In its position paper on rural area development last January, NRECA recommended that the office be expanded to insure better coordination among HUD agencies for rural development and to assist rural communities in solving the complicated requirements when applying for HUD assistance.

In testimony last week on HUD appropriations, NRECA's William E. Murray, legislative representative for rural area development, pointed out that a great deal of knowledge and work is required by applicants for

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HUD help, and that small towns and rural areas often are at a disadvantage because, unlike big cities, they do not have the expertise or full-time personnel to prepare and follow through on applications.

Murray said that this problem could be substantially overcome by expansion of the Office of Small Town Services, which was authorized last year.

"Presently," said Murray, "the office has a very limited staff and a very limited budget. We would urge that it be considerably expanded so that it can provide effective liaison with HUD agencies, plus advisory and informational services to insure a better delivery system for HUD assistance in rural areas."

Murray expressed support for full funding in fiscal 1970 of the new home ownership and rental mortgage interest subsidy programs.

He said that if the goal of a decent home for every American as reaffirmed by the 1968 Housing Act is to be achieved, "much more emphasis must be placed on meeting housing needs of rural areas."

NRECA General Manager Robert D. Partridge this week re-emphasized that more attention needs to be given to rural housing. In a statement presented Tuesday to the National Rural Area Development Conference on Community Building in Fort Lauderdale, Fla., Partridge said, "If by magic we could rehabilitate all the substandard housing in our urban areas, only one-half of America's housing problem would be solved." He pointed out that rural areas have less than one-third of the nation's population, but 56 percent of the nation's substandard housing.

He said the dimensions of rural America's housing needs are largely unknown and are overshadowed by urban problems. "We realize," he said, "that the urban crisis and the rural crisis are really the same crisis and they cannot be separated or successfully dealt with on a piecemeal, individual or isolated basis . . . The country cannot succeed in one and fail in the other."

The three-day NRECA-sponsored conference, which opened Tuesday, explored "New Techniques in Community Facilities and Housing" in attempts to answer the pressing need for housing and community development in rural areas.

CONGRESSMAN ROBERTS' WORK CITED

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. FALLON. Mr. Speaker, the work of one of the most industrious members of the Public Works Committee, of which I am chairman, has been cited by the Longview, Tex., Morning Journal.

The newspaper editorial reviews Congressman Roberts' broad interest in many areas of concern to his constituents, but particularly singles out his great and valuable work and leadership in the proper development of water resources.

So that all of our colleagues can know of the high esteem in which Congressman Roberts is held by the people of east Texas, I include the editorial from the Longview Morning Journal as part of my remarks at this point:

Our Congressman at Work

One of the finest examples we know of a congressman at work for his district and for the best interests of his country is being shown in this Congress by U.S. Rep. Ray Roberts of the 4th Texas District.

We can review here only a part of Congressman Roberts' work, for—to paraphrase an old saying—a citizen's work is from sun to sun, a congressman's work is never done. To Ray Roberts, being a U.S. Representative is full time work.

Mr. Roberts was in Longview briefly Friday and presented the National Safety Council's Award of Merit to the Defense Products Manufacturing Division of R. G. LeTourneau, Inc. He cited the company for "playing an extremely vital role in our defense program" in handling $154 million in defense contracts, and praised employes and the safety program for having achieved 2,482,972 man hours without a disabling injury.

The visit here was part of a busy weekend schedule of calls in the 4th Texas District—a necessary activity for a congressman who seeks to keep in close touch with the people of the region he represents.

A veteran in the work of Congress, Ray Roberts has shown himself alert and knowledgeable in legislative processes and an effective man not only in the committees and halls of the Congress but also in dealing with other federal agencies in and out of Washington.

The record shows he has not been content merely to attend House sessions and vote; he continuously studies district and national needs and problems, initiates and introduces bills, and works with others for passage of specific legislation touching both local and national conditions.

On a matter of the keenest interest to taxpayers, Rep. Roberts is working with other congressmen in the House and on the Ways and Means Committee to help close loopholes they feel enable some millionaires and tax exempt foundations to avoid paying income taxes.

"When we can close these loopholes we will be able to reduce the tax load on the average taxpayer or make some payments on the national debt," Roberts explains in his newsletter. "In addition, I am supporting the proposal to increase the income tax exemption from $600 to $1,000 per person," and he adds that he is hopeful "that we can find the funds for a $1,200 exemption."

The so-called "Ray Roberts No Work No Eat" bill is a measure the purpose of which he explains this way: "This bill would change our welfare system from a give-away program to a work program. Able-bodied men and women would be required to work to receive federal assistance. It would not affect our elderly or disabled."

Congressman Roberts has introduced another bill of great importance to retired people and other citizens drawing Social Security. Under his bill, a man and wife could earn up to $4,800 a year and still receive their full Social Security benefits. This would be very helpful to older people now on limited income and plagued by rising living costs.

There is another area in which Rep. Roberts has been active. This is the effort to reduce federal spending as a means of combatting inflation with its higher prices and reduced purchasing power of the dollar.

"We have made some headway in reducing federal spending," he reports. "We placed a mandatory ceiling on federal spending which would slow down the big spenders in their efforts for more urban welfare and foreign giveaways. If we had had a few votes from some of the Eastern big city members of Congress earlier," he believes many of the changes he is seeking could have become law some time ago.

Mr. Roberts believes, and we think rightly so, that these legislative items are among the most important matters now before the Congress—important to the people because they would benefit those who are shouldering the largest tax burden in the nation, the skilled hourly workers and white collar people in the middle income bracket.

Rep. Roberts will be warmly applauded for introducing a bill, H.R. 4208, to make it a federal offense to mail obscene material to minors or to families which have minors in the home. Homes and offices in Longview and East Texas have had their private decency invaded by this flood of pornographic smut, apparently designed to exploit the natural curiosity of children and young people as it deals with filthy sex and perversion and sadistic behavior. The Roberts bill seeks to get around recent Supreme Court decisions and still empower the Post Office Department to protect the public, and he appeals to citizens to support the crusade against obscene material and the President's recommendation to control this tide of smut being sent through the mail.

The Congressman's leadership at the Washington level and his coordinating efforts in the Sabine River Basin flood prevention and development project are well known. He invited the members of the Flood Control Subcommittee of the House Committee on Public Works to Longview for a public hearing which, with much more recent work in Washington, has resulted in the Sabine project being placed in line for Presidential recommendation for inclusion in the next omnibus Rivers and Harbors improvement bill.

As a member of this subcommittee and as representative of most of the upper Sabine Basin, Mr. Roberts has taken great pride in the work of Chairman Robert E. Jones (congressman from Alabama) and his asssociate committee members, not only in the broad scope of the public hearing in Longview but also in the thorough manner in which they have followed through in Washington on this important flood control and development project.

These matters are only a few of the many in which Congressman Roberts is concerned and in which he is working in a dedicated and effective manner to bring about changes and improvements. We feel that the people of the 4th Texas District are deeply interested in this kind of constructive work and appreciate the continued efforts of their congressman.

WORLD FAMOUS FERTILIZER CENTER AIDS FARMERS

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. JONES of Alabama. Mr. Speaker, the June issue of the Progressive Farmer magazine printed an excellent article on the work of the Tennessee Valley Authority's world famous National Fertilizer Development Center at Muscle Shoals, Ala. The account briefly traces the history of the center and tells of its importance in the development of new plant foods and in the reduction of the cost for plant nutrients.

Although the development of new fertilizer is of foremost importance to farmers, the National Fertilizer Center is of great concern to every person in this Nation because each of us is a consumer of farm produce.

In developing new products and new procedures to make farming more efficient, the center has played a significant role in holding down the cost of farm production and enabling the farmer to market his produce at the lowest possible prices.

The article points out that research work at the center offers great promise

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of more impressive achievements in the years ahead.

So that all of my colleagues may know of the National Fertilizer Development Center, I include this article from the Progressive Farmer magazine at this point:

Where the Plant Food Search Goes On

(By Fred Myers)

The South can boast that it holds the largest fertilizer research facility in the world. It is TVA's National Fertilizer Development Center at Muscle Shoals, Ala. From this complex of chemical plants and laboratories have come new discoveries, to make the fertilizer you buy today one of the best investments you can make.

The Center is near Wilson Dam, which was built during World War I to supply electricity for the manufacture of nitrates to be used for explosives, but the war ended before the dam was completed. The nitrate plant, built by the War Department, sat idle until 1933 when it was released to TVA for use in a national program to develop new and better fertilizers. Since phosphate was badly needed, TVA hired engineers to modify and operate the plant to produce concentrated superphosphate. Scientists were hired to discover new fertilizer compounds.

Beginning in 1934, the use of high-analysis phosphate was demonstrated on thousands of Tennessee Valley farms and then on farms throughout the South and in other parts of the country. Today the program is broader. In nearly every state, more than a dozen experimental nitrogen and phosphate fertilizers are being tested under farm conditions in cooperative educational programs with colleges.

During the 1950's, new types of fertilizers, new ways of producing and distributing them, and new demands by farmers put pressure on the fertilizer industry to change from its traditional mixed-fertilizer system. But the biggest changes didn't come until the 1960's. Before technology came to the rescue, more than one farmer cursed the dusty, dirty, trash-filled powder which caked in bags and clogged applicators. Now, new manufacturing techniques—many of them developed by TVA—have helped make possible the granulation of more than 90% of all dry fertilizer sold.

The form in which fertilizer was marketed changed most with bulk blending. With this technique, you can make "prescription" fertilizers to solve specific soil fertility problems. In 1960, there were fewer than 300 bulk blending plants in the United States. Now there are more than 4,000.

Those in the fertilizer industry—and farmers—were surprised at the speed with which bulk blending spread. But they have been even more conscious of the rising popularity of liquid mixed and suspension fertilizers. Intensive basic research at the Center—including some dramatic breakthroughs in the 1950's—set the stage for an upward spiral in the production and use of these two types of fluid fertilizer. The rush to fluids shows no sign of stopping, and they offer several advantages. One of the most important is that micronutrients and pesticides can easily be added to the fertilizer mixture and applied at the same time.

With the introduction of fluids, however, came the need for more modern technology. Besides belts and bins for handling granular fertilizers, the industry suddenly needed pipes, tanks, mixers, meters, different application equipment, and information never before needed by the industry. Again, the Center conducted demonstrations, supplied engineering help to companies, and conducted research to find better ways of making and applying liquid mixers and suspensions. And it's still doing these things.

It has also introduced new fertilizers for industry to use in making fluid grades. First came 10-34-0 which was soon replaced by 11-37-0, now commonly used in making high-analysis liquid mixes. A 12-40-0 suspension developed by TVA is being introduced to the industry to make high-analysis suspensions—some containing as much as 50% plant nutrients. Suspensions with an even higher analysis are being tested.

What are you likely to see in coming years? Research at the Center gives two interesting clues. First, there will be nitrogen granules which, because of a coating, will release nitrogen throughout the growing season or even longer. This will be a real advantage to producers of forage or other crops requiring repeated applications of nitrogen for fastest growth and top yields. One slow-release fertilizer—sulfur-coated urea—is already in the advanced pilot plant stage of development.

Second, fertilizers of the future will become even more concentrated. Some compounds, still being studied in the laboratory, contain up to four times as much plant nutrients as today's average fertilizer. Such high-analysis fertilizers will mean the application of fewer tons to get the same crop response. They will also save on freight, handling, and storage costs.

Few farmers 20 years ago would have predicted these things would happen by 1969: That they would have a choice of buying fertilizer by the bag, the truck, or the tank. That granular fertilizer without dust and lumps would be the rule, not the exception. That the leading grade in the South—then 4-10-7 with 21% plant nutrients—would be replaced by 6-12-12 with 30% plant nutrients.

But there's still much to be done. And scientists at the Center will take enough time from their greenhouse, laboratory, and production studies to tell you that the search goes on.

SUFFERING IN SILENCE

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. NICHOLS. Mr. Speaker, the people of my district are becoming increasingly alarmed by the ever-growing inflation in our country. I am sure that most of our colleagues are hearing from their constituents on this matter, also.

The one group of people that inflation hurts most is the group which is retired or reaching retirement age. Our elderly usually must live on a fixed income which does not go up as prices rise. As a result, they must lower their standard of living.

The following letter was printed in the "Letters to the Editor" section of the Montgomery Advertiser recently. I urge my colleagues to read this letter and give careful consideration to this important matter. The letter follows:

Suffering in Silence

Editor, The Advertiser:

There are more than 20,000,000 people over 65 years of age living in our country today who have paid into the government insurance or Social Security their dollars when a dollar would buy from 6 to 20 times more than it will today. We are law-abiding citizens who are not asking for any handouts from the taxpayer. All we are asking for is to give us back our dollars with the same value as they had when we paid them.

No we are not asking for $1.79 a pound steak or $1.19 a pound pork chops. We have been enjoying chicken at 29 cents a pound but even this went up to 45 cents last week. There are hundreds of items out of our reach.

The fact is we are paying the same for electricity, water, gas, telephone service, clothes and food as the man making 35 to 80 dollars a day. This is the man who governs the prices we all have to pay, and the big demand for help will be with us as long as the government keeps paying handouts to almost half the people of our nation in the form of welfare, rent subsidies and various farm programs.

We are the forgotten people, living on an average of $100 a month in this highly inflated period. But we are not complaining, we are not demanding or (blackmailing, a more appropriate word). We are not burning or looting. We are not demanding millions from the churches which we know will tear them into splinters.

We are not threatening our mayors, councilmen, governors, congressmen, senators or president. Neither are we boycotting our merchants. However, we do have to spend our little insurance wisely to exist at today's money value. We are living a whole month on about the equal of three days salary of the average American worker.

We pay our sales taxes, our property taxes and insurance, if we are lucky enough to own our homes; and, if not, we pay rent the same as if we were making $4 to $10 an hour. Yes, we are from all walks of life: farmers, factory workers, clerks, merchants and businessmen that have paid our income tax and Social Security. We have given to colleges, churches, Boy Scouts, the YMCA and every worthy organization and would like to continue to help financially but it is impossible on our deflated dollar.

Yet we see able-bodied people who have never paid any taxes except sales and gasoline tax and who have never worked a day in their lives drawing a much larger welfare check than our insurance is paying us. They also get commodities and many more benefits to make them more comfortable, healthy and ready to loot, burn and riot if they do not have their way.

Yes, old people can get hungry too but you never hear of a committee from Washington being sent to find them.

We have been tied in with HEW so our insurance money can be used to pay these welfare checks and also to make it appear our insurance is a form of welfare or a handout from Washington, which we rightly resent.

We could organize and carry an election in our country but we do not believe in a block vote. We believe in true democracy.

You do not see our names and pictures smeared all over the front pages of the newspapers or see us marching on television. You do not see or hear of us breaking any laws nor do we intend to for we have too much respect for our country and ourselves. We are not asking for one thing that would not be good for everyone, for we are not a privileged group and are not asking for anything that would not help and probably save our nation: that is, to curb inflation, so that we can have chicken at least for Sunday dinner and peace of mind if someone comes to see us we will have some food to serve them. Our pride and dignity will not allow us to accept handouts.

Think about it and help save our nation from the death of inflation.

George Blackmon.

Prattville, Ala.

THE STEADY PROGRESS TOWARD PEACE

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. ARENDS. Mr. Speaker, it is understandable that Americans of all persuasions are becoming weary of involvement in the fate of other nations and that most Americans are anxious that our attention and resources be devoted to the ills of our strife-torn society.

The President was correct in saying that the easy and politically popular thing to do would be to promise an end to Vietnam and all other foreign entanglements. Americans yearn for peace.

Unfortunately history does not give us what we want when we want it.

I congratulate the President for his courage and statesmanship in reminding us that—

> The world of our desires remains distant from the world of reality, and it may elude us entirely if we fail to see our present situation clearly and act accordingly.

Now the withdrawal of U.S. troops from South Vietnam will begin. If conditions permit, the withdrawal will continue. This is a sound beginning. Let us not be so impatient for more instant solutions that we undermine the steady progress toward peace.

MINNESOTA FUTURE FARMERS OF AMERICA

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. LANGEN. Mr. Speaker, I am pleased and honored to announce that the Minnesota Association of the Future Farmers of America has conferred upon me its degree of Honorary State Farmer at its 39th annual State convention at the University of Minnesota on May 5. I would like to take this opportunity to thank the Future Farmers both for the compliment they have paid me and for the excellent work they and their organization perform. The following resolution was passed by the Minnesota House of Representatives. I submit the resolution for inclusion in the RECORD as follows:

HOUSE RESOLUTION 27

A house resolution commending the Future Farmers of America

Whereas, the Minnesota Association of the Future Farmers of America will hold its 39th annual State Convention at the Institute of Agriculture, University of Minnesota on May 4th to 6th, 1969; and

Whereas, this organization has a membership of over 14,000 students enrolled in high school vocational agriculture in 270 secondary schools in Minnesota; and

Whereas, members of this organization are contributing to the agricultural economy of this great State of Minnesota through the application of recommended practices in their investment of nearly four million dollars in agricultural programs; and

Whereas, this organization annually conducts outstanding conservation programs such as reforestration, beautification, improvement of wildlife habitat and raising and releasing of over 11,000 wild mallard ducklings and over 35,000 pheasants and also engages in a tree planting program involving over 900,000 seedlings each year; and

Whereas, this organization has participated with the State and National Safety Councils to promote the use of emblems on slow moving vehicles on our roads; fire and railroad crossing safety projects; and

Whereas, this is the only known youth organization conducting a state-wide educational program on health hazards resulting from the use of tobacco, alcohol and narcotics; and

Whereas, this organization has contributed over $200,000 to charitable activities since 1953 including $65,000 for a speech therapy building at Camp Courage; contributed over $2,000 in cash and gifts for mentally retarded; and

Whereas, this organization has contributed garden and carpenter tools for marginal farmers in Africa, Asia, and Latin America and books for agriculture students in the Philippines and Korea; therefore,

Be it resolved that the House of Representatives commend the Minnesota Association of the Future Farmers of America for their outstanding program and significant contributions to the development of citizenship and rural leadership qualities in its members as well as the agricultural economy of the State of Minnesota.

Be it further resolved that the Chief Clerk of the House of Representatives forward a copy of this resolution to the Minnesota Future Farmers of America organization at the State Department of Education, Vocational Education Section.

Mr. Sathre moved that House Resolution No. 27 be now adopted.

The question was taken on the adoption of House Resolution No. 27, and House Resolution No. 27 was adopted.

SCANDAL AT SBA—XI

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. GONZALEZ. Mr. Speaker, my studies of the Small Business Administration under its current leadership have reflected one thing more than anything else, and that is that the SBA needs leadership and management that is vastly better than anything now at hand. I am sure that some of my colleagues have thought that I was only making partisan gestures, but the fact is that the minority membership of the Senate Select Committee on Small Business apparently agrees with me.

I do not wish anything but good for the Administrator of the SBA, personally. But with respect to his performance, I wish for very substantial improvement, and sooner rather than later.

Mr. Speaker, I call the attention of the House to two newspaper stories from the Washington Post, dated June 6 and June 10, 1969. These articles reflect widespread concern over the quality of leadership at SBA. It is such problems as these articles reveal that lead to scandal, and there has been too much of that already at SBA.

The articles follows:

[From the Washington (D.C.) Post, June 6, 1969]

NIXON IS SENDING WHITE HOUSE AIDE TO PREVENT MORE TROUBLE AT SBA

(By Rowland Evans and Robert Novak)

Conditions at the top of the Small Business Administration have now become so serious that President Nixon is planning to dispatch a member of his own White House staff to a major SBA job in an effort to prevent disaster.

The presidential aide Mr. Nixon has tentatively picked is his special assistant Leonard Story Zartman, a top-flight expert on minority affairs who is now Daniel (Pat) Moynihan's deputy on the Urban Affairs Council, as general counsel of SBA.

Thus Zartman, a highly regarded former official of the Eastman Kodak Co. in Rochester, N.Y., would become the chief commissar of the huge SBA as Mr. Nixon's trusted agent there.

Under Hilary Sandoval, the Mexican-American newsdealer from San Antonio named to head the agency after a furious internal administration battle, the SBA is acting like a beached whale.

Sandoval is earnest and well-meaning, but has proved to be a strikingly incompetent administrator. His first major error was a series of appointments of Texas-based cronies who have been disasters. (One of them, Albert Fuentes, was fired three weeks ago and almost immediately thereafter was indicted by a grand jury on a charge of conspiracy to defraud the Federal Government.)

Some other top level officials hired by Sandoval have not been fired, but cannot get routine Civil Service Commission clearance in their new jobs. One of these is the present acting general counsel, a Texan of Chinese-American background named Daniel Garbern, who is an old Sandoval crony.

The story of Sandoval's vain effort to put Garbern on the payroll at the $30,000-a-year pay scale (GS–18) normal for that high position—the top Civil Service supergrade—tells much about the internal chaos rocking SBA. The Civil Service Commission (CSC) has kept Garbern on emergency 30-day status at the GS–15 level—$19,700 a year—and the unfortunate Garbern is now near the end of his third and last 30-day emergency appointment.

The reason the CSC has refused Garbern permanent status at the top rate is simply that he is unqualified. He came to the SBA from his old job as Corporation Court Judge in El Paso.

"The SBA general counsel ought to have the competence to manage a Wall Street law factory," one congressional critic told us, "and Garbern just isn't near that ball park."

Garbern is not the only top Sandoval appointee who cannot pass CSC muster. Philip Pruitt, named by Sandoval to head the Office of Minority Entrepreneurship, is also still uncleared for a similar $30,000-a-year salary.

Pruitt's third emergency 30-day appointment expires on June 14 and indications are that the Commission may not renew it, partly for the same reason that has stymied Garbern.

But there is another complicating factor. Late last year, the Commission authorized three GS–18 jobs for SBA in the field of minority capitalism. Since then, President Nixon's Commerce Department has set up its own minority program and the Commission gave it one of the three GS–18 jobs.

Thus, Sandoval is losing out to the Commerce Department in a bureaucratic struggle for supergrade jobs to push black capitalism.

But even worse for Sandoval's standing within the Administration is his treatment of SBA's holdover Black Advisory Council, named last year to help advance black capitalism. Sandoval fired the Council's Washington representative—the able Walter Cooper, who was on loan from Eastman Kodak and has now returned to his job there—and attacked SBA's black capitalism program as tokenism.

To Republican Congressmen on the Senate and House Small Business committees, this spelled deep political trouble, and they took their complaints privately to the White House itself, stopping just short of demands for firing Sandoval.

Mr. Nixon's response is to leave Sandoval where he is for the time being, thus avoiding a showdown with Republican Sen. John Tower of Texas, who sold Sandoval to the White House in the first place.

Instead of firing Sandoval, the President

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will surround him with Story Zartman, a young man who stands high with Republicans on Capitol Hill and is widely experienced in the field of minority entrepreneurship.

[From the Washington (D.C.) Post, June 10, 1969]

GOP Study of SBA Raps Sandoval

A Republican-commissioned study of the scandal-rocked Small Business Administration levels sharp criticism at Republican-appointed administrator Hilary J. Sandoval Jr., sources said yesterday.

The report, prepared for GOP members of the Senate Select Committee on Small Business, maintains the loan-granting agency is suffering from a "management gap," sources within SBA said.

The Senate committee opens hearings on the SBA today.

The agency has been in the news recently on two fronts—first, because of loans granted under previous Democratic administrators to firms controlled by a Mafia loan shark, and more recently, because of the indictment of one of Sandoval's top lieutenants, Albert Fuentes Jr.

The report, which will not be released publicly, takes Sandoval, an appointee of President Nixon, to task for allegedly not giving direction to SBA's career people, the source said.

The report will also focus on "management abilities and programs," including the minority ownership program stressed by Sandoval's predecessor, Howard J. Samuels, the source said.

James Reed, Sandoval's assistant for Congressional relations and public affairs, said he doubts the report reflects the views of most Republican Senators on the Committee.

THE ECONOMY OF PENNSYLVANIA

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. JOHNSON of Pennsylvania. Mr. Speaker, Gov. Raymond P. Shafer, of Pennsylvania, addressed the AFL–CIO State convention in Philadelphia on June 5, 1969, and presented a report on the economy of Pennsylvania. His remarks are as follows:

Remarks by Gov. Raymond P. Shafer at the AFL–CIO State Convention

There is nothing more important to Pennsylvania's great labor movement and its leaders than the condition of our economy. A healthy economy means better jobs, better incomes and living standards for all union members.

That is why I have chosen this occasion to present to this Convention a Report on the Economy of Pennsylvania.

I am proud of the advances we Pennsylvanians have been making. There is no question that we still have weaknesses in our economic growth, but most signs point to a growing, prosperous Commonwealth.

It is a fact that for the past two years we have had the lowest unemployment, highest employment and fastest increase in personal income in our history.

The most recent unemployment figures show that the rate in May was 2.6 percent, the lowest for any May on record. It was the same story in January, February, March and April of this year.

We gained 44,900 jobs from March to April for a total number of 4,771,800 Pennsylvanians earning a livelihood. That happens to be the highest number of people employed for any April on record.

Average weekly earnings were $125.29 for production workers in all manufacturing industries—a record high for that month.

Now, let's take a longer view of what is happening.

Since 1965, total personal income increased almost $10 billion to $40.1 billion in 1968.

In January, 1963, unemployment was 9 percent. In January, 1968, it was 2.8 percent.

There were only 4.1 million workers in Pennsylvania in January, 1963, last January there were 4.7 million employed—an increase of 605,000 in six years.

Our aggressive industrial development program, through the Pennsylvania Industrial Development Authority, has provided loans for more than 4,000 new plants and plant expansions. An investment of $193 million by the State has created 123,000 new jobs with an annual payroll of $591 million.

There are a lot of other things happening in our State to improve the economic climate. The future is bright because our industrial base is becoming more diversified, as shown in a study by my Economic Advisory Council.

Diversification means more growth and better jobs. Major new companies have been attracted and major old companies have chosen Pennsylvania for expansion: Chrysler Corporation, RCA, American Can, Proctor and Gamble, Owens Illinois, Litton Industries, Westinghouse, Pittsburgh Plate Glass, U.S. Steel, to name only a few.

In addition, Pennsylvania has launched its own unique program to train the unemployed and underemployed from the ghetto and rural poverty areas.

This program, which we call T.E.A.M., is producing an excellent partnership between labor, industry and government to solve the problem of those citizens who need help to get and hold decent jobs at decent wages.

The first graduating class of T.E.A.M. is now being placed. It was a class trained by operating an engineering union to handle heavy machinery for highway construction. Each graduate was assured of a union card and a job, starting at about $5 an hour. That's a long way from joblessness.

One of the union officials said recently that an employer told him he would take as many graduates as he could produce.

This is just an example of some of the good things we are doing with our revenues in Harrisburg in partnership with labor and industry.

I cite all this because there is a revolution in attitude going on toward Pennsylvania—especially in the national and international business community. The old Pennsylvania is gone—the Pennsylvania of joblessness, economic stagnation and little growth.

Pennsylvania dares because the times demand daring and courage. We are not waiting in our Pennsylvania for change to conquer us. We are conquering change. We are getting ready for the 21st century.

Take a close look, we've got—

A brand new modern constitution. A brain power program for modern industry. Economic development that is creating 100,000 new jobs a year. A first of its kind Partner City Plan to help our communities cure their housing, transportation, and urban planning ills.

A $500 million plan to clean our air, water and land; to create new recreation facilities. A commitment to provide a system of education aimed at a quality knowledge for all. A transportation plan that's building more highways and preparing for high speed corridors. Strong laws to insure human rights, equal opportunity in housing, employment and education.

In addition to all this, we are doing everything within our power to make state government as modern as business in providing services to 11.7 million people.

We have established the first Citizens Priority Commission in the United States to help us decide long-range goals and put them in their order of importance so that the money we have available is spent for the most essential needs of all Pennsylvanians.

We have put the computer to work as never before to help our General Assembly, through the Legislation Data Processing Center and to help the executive branch through a new Bureau of Management Information Systems.

We have become the first state to finance its own long range Planning-Programming Budgeting System.

We are the first state in the nation to present a budget with a forecast of expenditures over the next half decade.

And for the hundreds of thousands of public employes in our Commonwealth at the State and local level we are seeking from the General Assembly a law that will give them the right to bargain collectively—a right that is long past due.

All this is not being done without shaking the status quo. We face fiscal problems just like every other state in the nation. But we are facing the reality of these problems with truth and candor. The people know where we stand and where we must go if we are to achieve our goals.

This is our Pennsylvania moving ahead today for tomorrow. We invite anyone with the same desire to join us.

HOW CONGLOMERATES WORK

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. LUKENS. Mr. Speaker, with all the furor about conglomerates revolving around us today, it might be wise to look at an honest appraisal of this national phenomenon. Recently, I read an editorial in the Franklin Chronicle, an outstanding weekly in my district, and insert it at this point:

[From the Franklin (Ohio) Chronicle, May 8, 1969]

How Conglomerates Work

"Important to a capitalistic society. . ."
"crack trouble-shooting teams. . ."
"an improvement in efficiency"
"vigor, imagination"
"meet the developing and complex demands of a changing world. . ."

All of these statements have been used to describe the operation of multi-product, multi-market companies known today as conglomerates.

The conglomerate type of business organization has been with us for many decades. Our economy is actually in the midst of the fourth such major merger movement of this century. As Senator Roman L. Hruska puts it: "Our approach to this matter (conglomerates) may be somewhat more productive if we establish the premise that actually mergers are part of a normal process and that quiet times are the exceptions. In this way, we can stop looking at the merger movement as an aberration."

In today's frenzied concern over conglomerates as a form of business, the fact that they have solid, positive advantages which account for their long existence as an important mechanism of corporate organization and finance, is often being overlooked.

A more stable environment is produced through the opportunity to smooth out and guard against the dangerous economic excesses of seasonal and cyclical fluctuations.

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Management of a conglomerate is in a position to shift large amounts of capital where it can be most productively used. This in turn produces a corollary attribute of the fullest possible employment with the least amount of "out of work" time and therefore engenders the highest possible standard of living.

The conglomerate structure helps business to create stability in the face of today's rapidly shifting market and consumer demands. With diversity in many industries, the conglomerate is less vulnerable to adversity in any one industry. New products and services can be brought to the attention of all consumers so that they can buy if they choose.

These infusions of new capital, new ideas and new expertise have in many cases revitalized outdated and sluggish companies and returned them to the economy as a competitor. In these cases a conglomerate can make use of decentralized management in its affiliated companies. This puts decision-making at a grass-roots-level which is most responsive to the needs of the plant and the community. Creativity, individual initiative, and old style entrepreneurism are encouraged by this large measure of local autonomy.

It can be seen then that the movement toward conglomerate business structures has been developing steadily for many years. The population growth rate has exploded, the demands of the consumer have increased, goods and services are multiple and varied, and the form of business has changed to keep pace. The current form, called conglomerate, is no more a creature of a specific time and place than space travel and undersea living—but rather the current representative of a steady progression of building on the past toward the future.

PURVEYORS OF VIOLENCE: THE REVOLUTIONARY UNION

HON. RICHARD (DICK) ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. ICHORD. Mr. Speaker, the Congress and the American public should be constantly aware of the threat to our internal security posed by those organizations which are engaged in revolutionary violence. In order to preserve our precious American heritage, groups which are dedicated to the violent overthrow of the Government should be fully exposed and prosecuted under the law. We cannot tolerate in our midst revolutionary groups which advocate America's destruction by force and violence.

An informative article in the San Francisco Examiner of May 19, 1969, by Edward S. Montgomery described the recent emergence of an extremely militant organization called the Revolutionary Union. According to this report, the membership of the Revolutionary Union is "comprised of a select group of Marxist-Maoist leader from within the underground Red Guard, the Students for a Democratic Society, the Resistance, Progressive Labor Party, and similar Communist dominated groups." The article disclosed that the Revolutionary Union maintains chapters in Berkeley, Palo Alto, and San Francisco, Calif. In addition, this group has regularly conducted classes in "revolutionary tactics, guerrilla—sic—warfare and sabotage" and "training sessions in the use of rifles, handguns, and automatic weapons are held periodically."

Mr. Montgomery, an investigative reporter who has received numerous awards, including a Pulitzer Prize, testified as an expert witness before the Committee on Un-American Activities on June 27 and 28, 1968, concerning subversive activities relating to the San Francisco riot of September 1966.

I insert in the RECORD a copy of the text of Mr. Montgomery's article:

REVOLUTIONARY UNION—MILITANTS' AIMS COME INTO FOCUS

(By Ed Montgomery)

The long range objective of Bay Area militants was brought into sharper focus with the recent emergence of the Revolutionary Union and last week's rioting in Berkeley and Palo Alto.

A forerunner to a proposed nationwide Revolutionary Party, the Revolutionary Union membership is comprised of a select group of Marxist-Maoist leaders from within the underground Red Guard, the Students for a Democratic Society, the Resistance, Progressive Labor Party, and similar Communist dominated groups.

There are chapters in Palo Alto, San Francisco and Berkeley. Classes are conducted regularly in revolutionary tactics, guerrilla warfare and sabotage. Training sessions in the use of rifles, handguns and automatic weapons are held periodically in a canyon behind Half Moon Bay and in the East Bay hills.

LEADERS

Heading up the RU is Prof. H. Bruce Franklin of Stanford, an avowed Marxist-Maoist revolutionary who co-founded the local Red Guard.

Sharing authority with him as an official spokesman is Robert Avakian, Berkeley revolutionary militant who was active in the Standard Oil strike in Richmond and who recently served a jail term for desecrating the American flag.

Another principal functionary of the RU is Steve Hamilton, a campus agitator who was expelled from UC in 1966. Long identified with the Communist-indoctrinated Progressive Labor Party, Hamilton once headed the Medical Aid for Viet Cong Committee and was one of the Oakland Seven recently acquitted of conspiracy. He presently is serving a 75-day jail term for his part in a campus disturbance in 1967.

APRIL 3 MOVEMENT

Franklin, whose Red Guard served as the nucleus of the RU, has also been active in the April 3d Movement at Stanford.

At a meeting of some 500 militants in Memorial Church at Palo Alto Wednesday night, Franklin made the motion calling for the demonstration at Stanford Research Institute on Friday.

The attack on SRI, quelled by tear gas, is but one facet of a revolutionary program through which Franklin and his colleagues admittedly hope to reduce Stanford University to an institution run by students and the working class.

EXAMPLES

In a recent speech in Washington, D.C., Franklin described an example of revolution within the university and added:

"This is not a description of Columbia University in 1968. It's Lenin's description of St. Petersburg University in 1908.

"When Lenin describes even earlier events, it sounds like the Free Speech Movement at Berkeley and its aftermath . . ."

PEKING

At another point, in lauding the revolutionary takeover of Peking University, Franklin remarked:

"In the Cultural Revolution in China, students began struggling for increased admission of workers . . . different class content in courses, radical changes in testing and grading, and student power as opposed to faculty and administration power. As that struggle advanced, they closed down the schools.

"The result is that the universities are now run by the workers . . ."

In the course of an interview last March, Franklin, who has taught revolutionary tactics at the far out Mid-Peninsula Free University, told of his direct ties with individuals recently returned from Red China.

REVOLUTIONARY PARTY

He outlined the "need" for an organization which would serve as a cohesive agent for revolutionary leaders and as the forerunner of a revolutionary party with nationwide political power.

The Revolutionary Union, first announced during a demonstration protesting the scheduled induction of Red Guard Chris Milton three weeks ago, represents the first step.

POWER TO THE PEOPLE

A statement of principles for the RU, with Franklin, Avakian and Hamilton as the official spokesmen, reads in part:

"We recognize the need for organized armed struggle against the power of the state, and assume the responsibilities of revolutionaries in the preparation of that struggle. The people must be armed, organized under the direction of a revolutionary party serving the working class . . .

"The organized repressive violence of the state (police) must be met with the organized revolutionary violence of the people. Power to the People!"

PEOPLE'S PARK, SRI

Several known members of the RU, along with unaffiliated leftist militants, have been active behind the scenes at Peoples' Park, focal point for Thursday's riot in Berkeley, according to police.

With Tom Hayden of the SDS, Avakian and Hamilton have made periodic appearances at Sproul Plaza, staging area for the riot.

Intelligence sources more than two weeks ago learned of plans by RU members and other militants to make People's Park and the SRI in Palo Alto issues which would lead to direct confrontations with police.

NATIONAL FLAG DAY SHRINES, OZAUKEE COUNTY, WIS.—LEGISLATION TO ALLOW THE FLAG TO BE FLOWN 24 HOURS A DAY AT THE SCHOOLHOUSE SHRINE IN FREDONIA, WIS., AND THE FLAGPOLE AND MONUMENT SHRINE IN WAUBEKA, WIS.

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, this Saturday will mark the 54th annual observance of Flag Day, a day commemorated by Presidential proclamation since 1949. This year, President Nixon called for the national observance of Flag Day stating:

> Our flag is a fragile but infinitely strong piece of cloth. What that piece of cloth stands for we all know. What we sometimes forget, however, is that it is precisely because those things which the flag represents are intangible that we need a flag at all. . . . Our ideals we can honor with our words and

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deeds; our flag must be honored by an essentially spiritual reaction to a visual stimulus.

The principles of government and human dignity which our flag represents should be reaffirmed by all. Hunger, despair, and discrimination, though, obscure the flag's meaning to many tens of thousands of Americans. We must never tire in our efforts to make the principles for which our flag stands a reality for all our citizens.

Mr. Speaker, I think it is only fitting that as Flag Day approaches we not only reaffirm our faith in the flag and that for which it stands, but also honor Dr. Bernard J. Cigrand, a Wisconsin educator whose untiring efforts around the turn of the century led to the first National Flag Day being declared by President Woodrow Wilson on June 14, 1916.

In recent years the National Fraternal Flag Day Foundation, a nonprofit corporation established by Wisconsin fraternal societies, has carried on the work of Dr. Cigrand. Mr. Speaker, I would like at this time to insert for the RECORD a statement issued by the National Fraternal Flag Day Foundation, describing the work of Dr. Cigrand and the efforts of the foundation to honor his achievements and to encourage the observance of Flag Day:

NATIONAL FRATERNAL FLAG DAY FOUNDATION

Over three quarters of a century ago, a 19 year old, $40 a month schoolteacher, stirred by a deep love of the American Flag, held the first Flag Day exercises in a little country schoolhouse located near Fredonia, Wisconsin. Bernard J. Cigrand, who later became a professor of dentistry and a college dean, began a lifelong crusade on June 14, 1885, to honor the adoption of the Stars and Stripes by the Continental Congress on June 14, 1777.

Thirty-one years later in 1916, his devotion to the Flag was rewarded when June 14 was declared as National Flag Day by President Woodrow Wilson, who said, "the Flag has vindicated its right to be honored by all nations of the world and feared by none who do righteousness." In 1949, long after Dr. Cigrand's death, Congress and the President of the United States proclaimed the Flag would be displayed on all government buildings on June 14 and asked the American people to join in the observance of the Flag's anniversary.

What has happened to the little country schoolhouse where Dr. Cigrand conceived his patriotic idea? It has been purchased and restored to its original appearance and condition by the National Fraternal Flag Day Foundation, a non-profit corporation established by Wisconsin fraternal societies most of whom are members of the National Fraternal Congress of America.

Each year, traditional flag-raising ceremonies are held at the tiny Wisconsin schoolhouse, highlighting the week-long observance of Fraternal Week, sponsored by the National Fraternal Congress of America. Honor salutes are given the Flag and Dr. Cigrand by marching units, drum and bugle corps, bands, Boy and Girl Scout troops, veterans' groups and fraternal societies' representatives. Catholic, Protestant and Jewish religious leaders also take part. Anyone attending this annual event can see the original desks and books used by Dr. Cigrand's pupils, along with the original flagpole in the schoolyard where the first observance took place over 75 years ago.

The "father" of Flag Day, which is now the symbol of Fraternal Week, has left behind a lasting inspiration to today's and tomorrow's Americans. It is the aim of the National Fraternal Flag Day Foundation to immortalize the ideal of Dr. Cigrand by continuing to maintain the cobble-stone schoolhouse, located in Ozaukee County, in its original condition and to make it a National Shrine for the purpose of honoring the Flag. It is hoped to perpetuate this National Shrine as a "must" for every Wisconsin tourist.

Mr. Speaker, I have introduced legislation today which would allow the National Fraternal Flag Day Foundation to fly the flag 24 hours a day at two shrines located in Ozaukee County, Wis. The first is the schoolhouse shrine in Fredonia, Wis., where Dr. Cigrand first held Flag Day exercises in 1885. The second is the flagpole and monument shrine in Waubeka, Wis., which honors Flag Day and Dr. Cigrand.

Legislation is not needed to allow the flag to be flown 24 hours a day, but in the past such legislation has been passed to pay special tribute to those people and events which symbolize our Nation's heritage. Dr. Cigrand and his crusade to honor the adoption of the flag by the Continental Congress on June 14, 1777, deserves such a tribute.

THE NATIONAL TIMBER SUPPLY ACT

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. GALIFIANAKIS. Mr. Speaker, congressional investigations perform a very valuable and effective service to both Congress and the American public. Generally, they occur because public response to a national problem is so strong as to seek the assistance of Congress. It is entirely fitting and proper that appropriate committees of the Congress address themselves to these petitions for relief.

This was precisely the situation when the House Committee on Banking and Currency, on which I am privileged to serve, conducted hearings in March. The purpose of these hearings was to explore the causes of recent sudden and drastic increases in the cost of construction lumber products. The investigation was most instructive. During the course of the 5-day hearings, it became evident that the Federal Government itself was a contributor to the price situation by being at least partially responsible for an inadequate timber supply.

The testimony of the lumber and plywood manufacturing industry was particularly persuasive to me in that it revealed the effort which private owners are putting into the management of their forest lands to increase the yield. They have approached the problem scientifically and have produced remarkable results in the interest of the American consumer.

My interest in this aspect of modern forest scientific management was, of course, enhanced by the fact that Dr. Bruce Zobel at the North Carolina State University, at Raleigh, is one of the foremost researchers in the highly productive area of genetic selection as a factor in improving timber yield.

Dr. Zobel delivered an address not long ago at the 1969 annual meeting of the American Pulpwood Association on the "Third Forest," the manmade forest, which is entirely germane to the problem we face today. I include his statement at this point in my remarks and commend it to the attention of every Member of this House. All of us who are familiar with hybrid corn, super-rice, and prize cattle as a consequence of proper selection and breeding will, I am sure, have a revelation when we have completed reading this piece about "supertrees" and their significance to the American forest system.

The statement follows:

A shortage of both pine and hardwood timber in parts of the Southeast now appears to be a very real possibility. Not a famine, but shortages! For a long time this region has been regarded as one of "unlimited wood reserves." In the past, local shortages have developed but they have been of short duration, and tight situations have tended to return to normal each time. This outcome was to be expected because the Southeast had large timber reserves in relation to its wood-using capacity. Practically all the forest land was potentially commercial, at least from the standpoint of accessibility—for the terrain is favorable—and from the standpoint of suitability—for the soils generally are strong enough to produce marketable products of the right species. These favorable factors have tended to give some industry leaders a false impression about the ready availability of future wood supplies. But there are several elements that make this rosy outlook deceptive, and planning for future needs is urgent.

FALSE IMPRESSION ABOUT AVAILABLE WOOD SUPPLY

1. The first major element is labor quality and labor supply. Mechanization is clearly a very substantial part of the solution to the labor problem; and in the Southeast, with so much level to gently rolling terrain and relatively rock-free soils, it holds high promise of success. But complete freedom from labor is obviously not possible even with maximum mechanization. If the timber can't be harvested economically, it really is of little importance how much wood we grow.

2. Equally well known is the current economic situation associated with a value assessment of the woodland resource that in the short-term view has made rapid liquidation of merchantable timber on company holdings look financially attractive. If this were limited to isolated cases it would not be particularly serious, but nearly every industry is indulging in it, often without assuring that a proper reserve of young timber will be available that will attain merchantable dimensions by the end of the liquidation period.

3. Tree length (long "log") harvesting has "forced" concentration of logging into the larger and older timber stands to more fully gain the economic advantages from mechanization. Stands of this character are rapidly being depleted in many areas of the Southeast.

4. Misinterpretation of published inventories has frequently occurred. The total growing-stock data have been interpreted as being available for management or harvesting.

5. The conversion of timberland to fields, pastures, ponds, reservoirs, lakes, and other uses is currently proceeding at an accelerated pace. Especially dramatic is the increase in converting the best site, those most suitable for hardwoods, into farmland.

6. A considerable portion of today's inventory of timber from farm woodlots is not available, especially the older, larger stands

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from the more substantial landowners not engaged primarily in forest production. Additionally, much timber now being harvested is from what might be called "one-shot logging."

7. More and more land, especially prime hardwood lands in the Piedmont and mountains, is being reserved primarily for recreation and "conservation" purposes, usually with plans for seriously limiting further cutting.

WHAT SHOULD BE DONE?

How can we combat the forces that continue to gnaw away at the available land and growing stock for forest production per se and continue to provide for the ever increased timber needs? It is obvious that the productivity of timberland must be improved by all possible methods. The right kind of site preparation tailored to site quality will help, as will better and more complete utilization. Future intensive management will use trees that grow faster, have better form, more uniform woods, higher resistance to disease and greater adaptability to adverse conditions of site and weather; it will also include fertilization in the situations where the forest manager deems the practice prudent and profitable. No single practice is enough—all methods must be employed if the greatest increase in productivity is to be achieved.

I am pessimistic about obtaining any really significant yield increase in the Southeast from timberlands in the hands of small landowners, at least in our time. Clearly the bulk of increased timber production must be developed from the timberland acreage under large industrial ownerships and to a more limited degree from publicly owned forests.

Propaganda about means of increasing wood yields sometimes implies that the greater the yield the greater the financial return. This implication is erroneous, for biological systems also encounter the law of diminishing returns. At some point in intensive forest management short of maximum physical production, the greatest net return for each dollar expended will be obtained. Our main problem then is to find out what costs can be tolerated in each intensive management operation to assure greatest net return on the invested dollar.

SITE PREPARATION IMPORTANT FOR PINE PRODUCTION

Intensive site preparation is important. Unfortunately, it is most expensive on the best sites, especially on the moist ones where it is a "must." Often we are asked the questions, "How much can be spent for site preparation?" and "How much will KG-blading, windrowing and bedding, 'buy' in contrast to no blading, no windrowing, or no bedding?" These have only tentative answers. My opinion is that intensive preparation, including bedding, will pay well for pine on the better, moist sites and is essential for planted hardwoods. For drier pine sites, investment in the most intensive culture may not give the most economic returns; however, neither experience nor study has persisted long enough to provide solid "actuarial" information on these questions.

Fertilization is currently much on the forest manager's mind. Under some circumstances, especially on sites where vital nutrients are lacking, it is essential, but in other situations it is often strictly secondary. In the Coastal Plains wetlands, for example, fertilizers are no substitute for control of soil moisture. The current concentration on adding chemical constituents to the soil to improve site quality seems strange in the historic context of past studies of site that have demonstrated the dominant role of physical characteristics and the interrelationships of water movement and moisture retention in determining growth capacity of the land. There is no question that if maximum increase in growth from the use of fertilizers is to be achieved, a combination of proper site preparation, including soil supply, plus use of receptive trees is required.

In recent years, tree improvement has received a lot of publicity and not without some justification. In some instances, gains for characteristics such as disease resistance have been spectacular. Yield improvement has been much better than expected; some early tests have produced growth of two to three cords per acre per year (two to three tons of dry wood per acre per year) at only 7.5 years of age.

When all the improvements are added together, a clearer picture of the future tree develops. It will be more uniform, with fewer defects; and if handled correctly, silviculturally, it will make harvesting and manufacturing operations much more efficient. Wood will be more uniform. Facilitating quality control operations and resulting in a better end product at a lower cost.

MANAGEMENT NEEDED FOR BEST HARDWOODS

The first and greatest need for improvement of hardwood production is simply the application of more intensive forest management. This improvement will not come, however, until industry is sufficiently convinced of the need for hardwood that it is willing to invest in the silviculture necessary to produce it. Hardwood is currently considered a cheap source of raw material. With the kind of care necessary for proper establishment and growth of natural stands or plantations, except perhaps on the very prime sites, hardwood as a raw material source will no longer be cheap. Hardwood fibers will cost even more when it is necessary to grow the trees on marginal or nonhardwood sites. Where natural regeneration is used, clear-cutting plus the removal of cull trees is essential to obtain relatively good stands of the most desirable species. When planting is done, maximum site preparation, including bedding, will be necessary.

It is indicated that the most economic hardwood silviculture consists of harvesting by clear-cutting, removal of culls, and natural regeneration. Regeneration of desired species by this method has been satisfactory whenever reasonably good stands existed before the clear-cutting. However, vast acreages of prime hardwood sites are so "beat up" from past mismanagement that expensive site preparation and artificial establishment of desired species may be required. These measures all add up to expensive wood.

The future intensity of hardwood management for pulp production depends on the need for this type fiber. When the need has been low, the policy of many companies has called for planting pine wherever it will grow, leaving the most difficult to manage (although often productive) sites for hardwood. In many areas the most easily operable hardwood land of sufficiently high productive capacity has been preempted for pine production. Intensive management for short rotation crops of about 10 to 15 years appears as one possibility. As of now the most promising species for this purpose is sycamore, but in some areas ash and sweetgum are showing good potential. Growth of short rotation hardwood fiber will require maximum site preparation, probably fertilization, and certainly use of improved growing stock. Such stands will produce very uniform trees and be ideally suited to harvest by mechanization.

TRUE TREE FARMING AHEAD

Trees produced under intensive forest management will be small, relatively uniform and grown under management conditions, such as bedding, that may make harvesting more difficult. However, overall they will be ideally suited for mechanization, whatever terrain and trafficability of soils pose no restrictions. As time goes on I feel we will plant at wider spacing, assuring that each established tree remains alive and will be merchantable at time of thinning or harvest cutting. Mechanical thinning becomes more feasible, with greater uniformity, less diseases, and better formed trees in the plantation, obviating silvicultural thinning with its primary stress on selectivity and maximization of mean annual increment on the choicest boles.

Wood from the future pine tree will be more uniform, but when short rotations are followed it will have shorter cells with thinner walls. Moisture content will be high (about one-third greater than old trees), and yields per unit volume solid wood will be considerably lower and very much lower per unit green weight. The trees produced will have a high proportion of juvenile wood, which amounts to about 50% in stands 15 years of age or less. There will be a larger proportion of bark and the small size trees will make necessary the development of small, mobile, relatively inexpensive harvesting equipment.

Intensive management and extensive use of monocultures will make future stands more susceptible to climatic catastrophes such as ice or wind, and imported diseases and insects will pose a greater problem. Because of their young age and stand density, practically no seed will be produced. The intensity of harvest, short rotation and good utilization and frequent use of heavy machinery for management operations may pose problems of site deterioration and may make soil amendments more important. Many of these factors suggest the value of somewhat longer rotations.

Mr. Speaker, the careful work of genetic selection and hybridization of our most valuable timber resources is, despite its appeal, only symptomatic of the overall effort of private forest industry enterprise in stimulating maximum production from every acre of land in their care.

They have engaged in other forest management practices such as fertilization, aerial reseeding, thinning, cultivation, and salvage which are astonishing and highly productive. This is the reason why the private forest lands, representing less than one-fifth of the softwood timber inventory of the Nation manages to surpass the productivity of the three-fifths of the inventory managed by the Forest Service of the Department of Agriculture. It is a fact that the Federal timber lands produce only one-third of the Nation's softwood timber harvest annually, while the much smaller private industrial lands surpass that production.

It is the responsibility of the Congress to overcome that imbalance. We can do it only by providing the Forest Service with the financial means to match and even surpass the regenerative capacities of the private lands. I believe that the means is available to us in the National Timber Supply Act which I submit for House consideration today. I am aware that many other Members of this distinguished body are already on record as advocating passage of this identical bill. They include those members interested in housing, those concerned with fiscal responsibility, and those who want to promote the concept of efficient management of our national resources. This diversity of support is, I believe, a harbinger of glad tidings for our Federal forests. I believe this bill will pass and I am convinced that its passage will enable the application to Federal lands of

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the most advanced kind of forest management which will pay dividends to our Nation forever.

I urge all of my colleagues in the House to examine this National Timber Supply Act and, whether their district is rural or urban, to support it for the greater good of the Nation.

STATEMENT RE INTRODUCTION OF AMENDMENT TO THE COMMUNICATIONS ACT OF 1936

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. DENNEY. Mr. Speaker, today I am introducing a bill which would provide that before the Federal Communications Commission could lift an incumbent's license and give it to another applicant it would first have to find that the incumbent was unqualified to stay on the air. Only then would other applicants for the facility be considered.

I am joining the sponsorship of this legslation in an effort to curb actions of the kind recently taken by the FCC which could endanger the stability of broadcast license holdings. I point to recent FCC actions in entertaining the request of outside applicants for a broadcast license at the same time the current holder of the license is seeking a renewal. There is a danger that every broadcasting station will face costly proceedings to defend its license repeatedly against outside applicants.

I feel that legislation is urgently needed to insure the continuation and growth of radio and television broadcasting service.

ARE WE ALREADY TOO LATE?

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. STEED. Mr. Speaker, the Daily Oklahoman, Oklahoma's largest daily newspaper, has expressed concern at the state of our naval armament in the following thought-provoking editorial:

ARE WE ALREADY TOO LATE?

The Communist conquest and domination of the entire world has been the unswerving ambition of the Soviet Union since the days of Lenin. Russia now has an army more powerful than any three other nations combined. All it needs to attain its goal is a navy which can overwhelm the navy of the United States.

With this in mind, for the past several years, Russia has vastly enlarged its ship building capacity and this year will turn out 28 new submarines to the United States' one or two.

At the present time, Russia already has 250 attack submarines compared to the United States' 105. Of this number, 100 are missile launching submarines compared to only 41 of the United States. Of surface to surface missile carrying ships, Russia has 25 and the United States has none.

Of minecraft, Russia has 300 and the United States only 86. Of missile patrol boats, Russia has 150, the United States none.

Of destroyers, the United States has 177, of which 163 are more than 20 years old. Russia has 86 destroyers, all of them less than 20 years old.

Of the attack submarines, 60 of the 105 in the United States are more than 20 years old. All of Russia's 250 are less than 20 years old.

At the present rate of construction, within four years Russia can have more than three times as many attack submarines as the United States and they will be armed with bigger missiles than the Polaris and their estimated range is 1,500 miles.

For years many of our defense experts have talked about intercontinental missiles to be launched by Russia from within the Soviet Union.

Apparently very little thought has been given to the fact that Russia, in a few years, will be able to place 50 missile attack submarines off our Atlantic coast, another 50 within the Gulf of Mexico, another 50 in range of our Pacific coast and all could be commanded to discharge their missiles at the same second of time, aimed at every military airport, every naval base and installation and at every electric power station of size in the country.

Russian missiles could strike every one of our metropolitan cities and create a nationwide panic. We would have no means of defense, other than our submarines, if located near Russia.

The defense of the United States could be paralyzed within 15 minutes and the United States could become a Russian satellite.

No other country in the world could oppose the might of Russia and Russian commissars could take over the governments of any or every nation. China would be the only likely nation to offer resistance and that would be futile, for Russian hydrogen bombs would destroy China's nuclear bases and could destroy any Chinese city.

It is likely that in addition to the submarine armada, Russia would place in orbit a half dozen space ships loaded with hydrogen bombs of which one could be orbiting over the United States every 15 minutes and their bombs could be dropped on any desired target at Russia's pleasure.

President Nixon might be the last elected president of this country.

For the last eight years, our defense department has concentrated its attention and spent its money upon Vietnam. It soon may have to give additional attention to North Korea. Both North Korea and North Vietnam are supplied by Russia with abundant weapons and ammunition and tactical experts to supervise their warfare.

It is to Russia's advantage to keep the war going in Vietnam and start another in Korea. It probably will not permit North Vietnam to accept a peace settlement.

Only one thing will deter Russia from taking over the United States through submarine warfare, and that one thing would be such a powerful navy and submarine force of the United States that it could do damage to Russia equal to the destruction it caused in the United States.

A number of our military leaders recognize the doom that awaits us but for fear of alarming the public have spoken only in guarded terms.

The ABM safeguard system might be able to shoot down 80 percent of intercontinental missiles from Russia, but the other 20 percent could destroy us. It would afford no protection against submarine missiles. It is so much simpler for Russia to attack us by submarine that the use of intercontinental missiles would be only supplementary.

If the United States had as many as 75 nuclear powerered submarines equipped with Poseidon missiles and maintained most of them within target range of Russia's vital cities and military installations, Russia would be unlikely to attack our country.

A crash program to enormously increase our naval strength and merchant marine, regardless of cost, appears to be the only deterrent to a capture of this country by Russia.

THE POSTMASTER GENERAL MEETS THE PRESS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. NIX. Mr. Speaker, this past Sunday, Postmaster General Winton M. Blount appeared on the television interview show, "Meet the Press." He was questioned closely by some of the television network's outstanding reporters on the subject of the administration bill on the Postal Corporation.

This interview showed the Postmaster General at his energetic best as he presented the case for the Postal Corporation. I believe that the contents of this interview should be studied carefully by every Member of Congress as this is one of the most serious problems which the Congress will face this session.

Under unanimous consent I submit this statement for enclosure in today's Congressional Record, as follows:

MEET THE PRESS, JUNE 8, 1969

Edwin Newman. I'm Edwin Newman, and this is Meet the Press.

Announcer. Meet the Press, now celebrating its 21st year on television, and winner of every major award in its field, is a public affairs presentation of NBC News.

Newman. President Nixon has recently proposed to Congress, sweeping reforms of our postal system.

Our guest, today, on Meet the Press, is the Postmaster General of the United States, Winton M. Blount.

We'll have the first questions, now, from Paul Duke of NBC News.

Duke. Mr. Blount, since taking office in January, you have repeatedly indicated you believe the postal service is on the verge of collapse in this country. Just how close to collapse are we?

Postmaster General Blount. Well, Mr. Duke, as you know, in 1966, there was a total collapse of the postal service in the city of Chicago. This is a major city, where a tremendous amount of mail is handled, and the same conditions exist today that existed in 1966. And this kind of breakdown in the mail service could happen in any city, particularly, the major cities of this country at any time.

Duke. Well, what are the grim realities? What would a breakdown in service mean?

Blount. Well, I think a breakdown in service would be tremendous in this nation. The mail service in this country touches everybody in the nation. We have almost 200 million customers.

The economic impact of the Post Office Department is tremendous. Just take the Social Security checks, alone, for instance, that go to 30 million people in this country every month. Now, if we had a breakdown in the mail service, that alone would cause tremendous disruption and economic hardship to many people in this nation.

Duke. Well, what are the main things wrong with the postal service that you've found since you took over your job?

Blount. You don't have that much time on this program.

DUKE. But, could you give us the highlights, the worst things that are wrong with the system?

BLOUNT. Well, there are so many things, that it's difficult to pinpoint just the specific matters in a short period of time, but there are a great number of things.

We don't have control of the principal costs of this Department. As you know, the wages are set by Congress.

We don't have control of the rates charged by this Department. That's set by Congress.

We don't have control of the funds that we generate—we need to generate to build a Capital facilities that we need.

And, all of these things, combined with the lack of continuity of management in the Post Office Department, just make for an impossible condition.

NEWMAN. Thank you, gentlemen.

You've just met Paul Duke, of NBC News. The other reporters on our panel today are Don Oberdorfer of the Washington Post; John L. Steele of Time and Life magazines; and Stanley Cohen of Advertising Age.

Lawrence E. Spivak, permanent member of the Meet the Press panel, will be back next week.

We'll continue the questions now with Mr. Oberdorfer.

OBERDORFER. Mr. Postmaster General, you've pledged yourself to take politics out of the Post Office, but some Republicans on Capitol Hill feel that the plans you've submitted are going to end up taking the politics away from them, and giving it to somebody else, namely the Executive Branch.

What assurance is there, that even under your corporate plan, the plan for a corporation, a future President, or this President wouldn't name politically minded people to run the Post Office, and we'd have just as much politics, but of a different sort than we have now?

BLOUNT. Well, number one, we provide for a board of directors, composed of nine people. Seven of these will be part-time outside people, appointed by the President, with advice and consent of the Senate.

Now, these seven outside members of the Board, who set the policies, will be charged with the responsibility of running the Department, and will serve staggered seven year terms, so that you would have a continuity of policy; and the specific language in the bill provides that these men will be appointed without regard to politics.

Now, all we're really trying to do is to put this Department on the same basis that other operations in the government operate under, by removing the day-to-day political intervention in this Department.

OBERDORFER. Mr. Postmaster General, when you came into office, I believe you were very unhappy, and perhaps even shocked, to find that there were 21 hundred and 64 postmasterships in the country which were not filled, because the political system couldn't agree on somebody to fill them. And now, four months later, you've not sent up a single name for a postmastership to replace—to fill these vacancies. Why not?

BLOUNT. Well, we have been setting up regional management selection boards. We have 15 regions in the country, and these regions are going to make the recommendations for the postmasters in these vacancies that you refer to.

Now, we've been in the process of setting up these boards, getting the people to serve them, set up the policies under which they're going to make their selections; and at the same time, we have sent to the Congress a bill to remove the confirmation procedure from the Senate, in order that we can proceed with operation of these boards in the selection of postmasters.

OBERDORFER. Well, can you send up some names to Capitol Hill, so that some of these jobs can be filled, or do you have to wait for Congress to move that bill?

BLOUNT. We can send up the names in the same way in which it is presently done. The President can nominate, and the Senate will confirm the nominations.

NEWMAN. Mr. Steele?

STEELE. Mr. Postmaster General, you reportedly recently told a friend, or visitor, to your office, that I've developed—this is quoting you—I've developed a reputation as a work politician in Washington, and I gladly accept this accolade.

Won't you really have to be the best politician around town to get this program through the Congress?

BLOUNT. Well, number one, I don't agree that this is quoting me precisely.

I say—I think that the members of Congress are going to have to examine the proposals that we have made, because we're talking about major legislation, and we're going to spend as much time before Committees testifying, explaining our bills to the members of Congress, and I'm quite certain, they will adopt the basic concept that we have submitted.

STEELE. Now, it's generally thought that this bill is in pretty bad shape right now in the Congress. You were very successful as a businessman, and you won most of your fights.

What is the difference in coming here in a political atmosphere, as opposed to the business community, in which you've spent a great deal of time, and with very marked success? What is the difference between these two areas?

BLOUNT. Well, the differences are, of course, that you have to use a great amount of persuasion amongst the members of the Congress in trying to do something as major as the postal reform that we have got before Congress.

We're going to—and, as a matter of fact, it would be wrong if Congress did not spend the kind of time that it's going to take to explain this legislation, examine it, test its concepts, and I'm quite certain that they will. It's an interesting transition.

STEELE. Well, one of the difficulties seems to be some of the leaders of your own party, the House Republican Leader, Gerald Ford of Michigan, said after a recent White House leadership meeting, that our people have waited eight years to get in front of the line on postal patronage, and they are bitter that a Republican White House wants to turn off the spigot before they've even had a drink.

Now, what can you do to change this kind of thinking on the part of your own party?

BLOUNT. Well, the President made this decision at the very beginning of this Administration. It is unfortunate that the Republican party has stood on the sidelines for the past eight years, and watched this Department run politically, and they, naturally, were waiting for the political appointments.

On the other hand, you've got to start somewhere. As the President states, its always the party out of power that's talking about taking politics out of the Post Office Department, never the party in power. And this is the reason, I think, that the Republican party deserves a great deal of credit for making this kind of decision.

NEWMAN. Mr. Cohen?

COHEN. Mr. Blount, members of Congress seem convinced that there are enough things wrong with your Department so that something has to be done. The question is, what?

Many members, such as, Chairman Dulski, of the House Post Office committee, are willing to support changes, but they want to retain certain of the powers, such as their control over wages.

What changes do you think are indispensable to effective postal reform?

BLOUNT. Well, I think there are several things that are vital to—to major postal reform, which must be done, in lieu of partial reform. I think it'll be a mistake to have partial reform of the Post Office Department.

I think, number one, we have to have a hand in setting our wages through collective bargaining with the unions.

Number two, we have to have a hand in setting our rates through the procedures that we have prescribed in our reform bill.

Number three, we have to have the freedom and ability to seek our own capital funds to invest in new facilities, and the mechanization that's needed.

And, number four, it's vital to have all this done in such a way that you provide for continuity of management.

I'm the fifth Postmaster General since 1961, and if you ran any organization that had a turnover in its chief executive officer that often, it would be in turmoil. And this is a vital necessity in whatever reform packages is finally enacted.

COHEN. Much of the resistance to change is coming from the postal unions. The figures show that the postal unions have done comparatively better than other unions, under the present setup, in that they have been getting larger wage increases than other unions have gotten through collective bargaining.

What do you think that you can offer the postal workers, which would induce them to give up this arrangement that they have with Congress, and to subject themselves to collective bargaining with your corporation?

BLOUNT. Well, the working conditions that the postal employee works in, in most of our urban centers, is absolutely deplorable. The conditions are unbelievable until you go into the post offices and see the conditions under which these people work.

The kind of benefits that are available through this postal reform bill are not available through the Congressional process as the way the Post Office Department is now run. There's no way to get the kind of capital required to build the facilities that are necessary to bring the working conditions for the employees into the condition it needs to be

But, the labor-management relations are absolutely awful. The labor-management relations are based on an Executive Order by the President, 10988. Now, under this Executive Order, the unions really have—in collective bargaining, have very little rights.

Now, we can sit and say no to our proposal, and they have no recourse. And we propose, under collective bargaining procedures, that they will have, as a final step in grievances, for instance, final and binding arbitration.

This is true in almost every industrial contract that's arrived at in the collective bargaining procedures. It's a vital step, as far as employes are concerned.

NEWMAN. Mr. Duke?

DUKE. Mr. Blount, do you think the postal unions have too much power over postal policy?

BLOUNT. Well, I think that the postal unions, of course, are principally involved with the setting of wages, as far as Congress is concerned, and that's the principal interest that they have. And, I simply believe that that ought to be in the collective bargaining process, rather than in Congressional process.

DUKE. Well, you said a moment ago that you were certain that Congress will adopt the concept of a private corporation to run the Post Office Department, and yet the unions are lobbying very fiercely against this concept, as you know, and it's freely acknowledged on Capitol Hill that your plan is not going to be approved this year.

When do you think the Congress may approve it?

BLOUNT. Well, Mr. Duke, I don't accept what you're saying.

Number one, the statements made by members of the unions, or members of the Congress, or others, were principally made prior to the time that we put our proposal before Congress.

They're now in process of examining the proposal that we have, and we have been meeting with the members—representatives of the unions; we've been meeting with the members of Congress, and I think they all are finding more in this legislation than they thought would be there.

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And, as we again attempt to explain the provisions of this bill, and discuss the concepts that we have, with the people that are affected by it, I think you're going to find much greater support than might be evidenced.

Duke. But suppose the plan is not approved this year. What will this mean to the postal service?

Blount. Well, of course, we are still going to run the Post Office Department in the—but we will have the same kind of restrictions the Department has operated under for decades.

Now, we've had many Postmaster Generals that have tried manfully to do something about this system. Postmaster General Summerfield, who was Postmaster General under President Eisenhower, did great things to bring modern management to the Post Office Department. But since then, we've had a rotation of Postmaster Generals for—one every two years, as a matter of fact, in the last eight years.

And, as you know, Larry O'Brien, who was Postmaster General, came up with a concept for total postal reform, and I think it was a great concept, and we're trying to implement that concept.

There's no really partisan way, or Democratic way, or Republican way of delivering the mail. There's only the right way to deliver it. And that's what we're trying to do.

Newman. Mr. Oberdorfer?

Oberdorfer. Mr. Postmaster General, you said a moment ago, that, in your opinion, it was a mistake to have a partial reform of the postal system.

Does this mean you're taking a take it or leave it attitude toward Congress about your plan?

Blount. Not at all. In my testimony before the House Committee last week—I testified two days—I made it very clear that, while we have drafted this comprehensive legislation in the best manner in which we could, in the time limitations we had, obviously, there are improvements that can be made in this legislation.

There are vital points, however, that must be covered in any postal reform, or, again, I think it would be a mistake, if we don't have that kind of reform bill.

Oberdorfer. Well, there's some feeling on the part of people in Congress, that one of the big faults of your plan, as far as the unions are concerned, particularly, is that it does not provide for a truly compulsory arbitration, because it's up to a wage and labor dispute panel to decide whether something is going to go to compulsory arbitration. The unions say that since they don't have the right to strike, they've got to have a substitute for it.

Would you be willing to amend your plan to provide that the unions could ask for, and get, compulsory arbitration anytime they feel they need it?

Blount. Well, number one, I personally strongly feel that, in lieu of the right to strike, that the employees should have a procedure, a mechanism that would truly give them impartial judgment on the matters that would come on impasse between management and employees. We think our bill provides it.

Now, there are two areas; one the area of a grievance procedure, and we don't spell out all of the details of how you arrive at a grievance procedure in the language of the bill which we have drafted. On the other hand, every grievance procedure that I know about, and certainly most collective bargaining agreements that provide for a grievance procedure, provide for final and binding arbitration as a last step in that grievance procedure.

Now, we would certainly anticipate that would be the case with the Post Office Department.

Oberdorfer. Another point the people object to is that they say that it's a mistake to take the Postmaster General out of the Cabinet, and to abolish the historic job of Postmaster General, that you're never going to get anybody who is as good as the job requires for the salary that is allowed, unless he has the prestige of being in the President's Cabinet.

Why do you feel that it's necessary for the Postmaster General's job to be abolished, and taken out of the Cabinet?

Blount. Well, again, I think it's vital that we insulate this Department from partisan political politics as much as possible.

Now, the other vital thing is to provide for continuity of management. Now, you must provide for this over a long term, in order to have a constant direction, a constant policy in—which the Department is trying to enforce.

So, I think it's vitally necessary that it—that the Postmaster General be removed from the Cabinet, and that the Chief Executive Officer of this Department be a permanent, long term employee.

Newman. Mr. Steele?

Steele. Mr. Postmaster General, after your testimony this week in the Congress, one of the chief points of opposition seemed to be a reluctance on the part of Congress to quitclaim its powers over the Post Office Department.

Chairman Dulski, of the House Post Office Committee, has introduced legislation which would accomplish a good many of the reforms you speak, but still keep the Post Office as a government department, and still keep the Congressional powers.

Where does this approach fall short? Why do you really have to have a government corporation?

Blount. Well, there are many fine provisions in H.R. Four, the bill that Mr. Dulski introduced. On the other hand, it does stop short of total postal reform, so that I think these things are—we must incorporate all of these matters in a bill, in order to bring about major postal reform.

We want—one reform bill is all we're going to get through Congress. We can't do this thing piecemeal, and I just think it's necessary that we do it all at once.

Steele. Well, where does the Dulski approach really fall short on what two or three major items that you need?

Blount. Well, it keeps, for instance, the Postmaster General in the Cabinet. And I think that this is vital that the Chief Executive Officer of this Department be removed from the Cabinet, and removed from partisan politics.

There are other areas.

Steele. One thing that puzzles me is, why, of all government activities, should the Post Office Department make money? We don't—it's a government service, and we don't demand the same thing from a foreign aid program, or the State Department, or the Commerce Department. Why the Post Office Department?

Blount. It's not a question of making money. It's a question of operating this Department in the most economical way that it can be operated.

Now, it's just inexcusable that the taxpayers of this country are bearing a billion dollar a year deficit, in my opinion, for the operation of the Post Office Department. We can still provide the services to the people of this country, but we can do it in an economical, efficient fashion.

Newman. About four minutes left, gentlemen.

Mr. Cohen?

Cohen. Mr. Blount, the managers of your postal corporation would be required to pay their way. This puts them under the same pressures that the railroads and the telegraph company has, to close down unprofitable services.

What protection would the public have against the postal corporation that decided to cut out services?

Blount. Well, there are a great number of protections in this regard. We provide for an independent panel of rate commissioners, that is, independent from our operating management. They are selected by, and report to, only the outside directors of the United States Postal Service.

They are charged with protecting the public interest. Any change in service, the operating management would have to propose to this panel of rate commissioners, who would have public hearings, who would make their recommendations to the outside members of the Board, who also are charged with the protection of the public interest, and they will then make what recommendations and change of service that they choose to make.

Cohen. The Post Office does many things besides delivering mail. For example, it and which are said to have saved consumers enforces the Postal Fraud Laws, which are among our oldest consumer protection laws, a hundred million dollars last year.

What assurance is there that a postal corporation, duty bound to pay its own way, will be willing to spend the money that's necessary to give adequate enforcement of these fraud laws?

Blount. Well, there's specific language in the bill that requires that these laws, or the laws on obscenity, the laws on fraud, and all of the other laws that apply to the Post Office Department, will carry over and be effective on this corporation.

Cohen. Mr. Kappel, who designed this postal corporation, said he prefers to have a Post Office operated by private industry, but that no one would want it, in view of the mess that its affairs are in.

Do you feel that the Post Office should be part of the government, even if it gets its house in order?

Blount. Well, I think that we have, as a national policy, providing postal service to all of the people of this country. And this is one of the problems that if you have it in private industry, they would concentrate in the high density areas where it's most profitable, and have a tendency to eliminate other areas in the country.

So I think that it, certainly at the present time, is necessary that we have a nationwide postal system as a part of the government.

Newman. About a minute and a half left, gentlemen.

Mr. Duke?

Duke. Mr. Blount, some Congressmen, including some Republican Congressmen, say your relations with Capitol Hill are not very good, and this is hurting prospects for the private postal plan.

Is their criticism justified?

Blount. Well, I couldn't make any comment about their own particular criticism. We are trying to meet with the members of Congress and explain to them the contents of our bill, and what we are trying to do, and I think we are making progress with it.

Duke. Well, the ranking Republican on the House Post Office Committee, Robert Corbett, of Pennsylvania, was quoted a few days ago as saying, he does things and then consult us. I can't tell you one thing he's planning to do.

Is Mr. Corbett correct?

Blount. Well, I would suggest to you that Mr. Corbett introduced our reform bill into Congress. We did have an opportunity to explain this bill in detail to him, as I say to all the members of the Congress, we have had the opportunity to talk with them about it, and I'm very pleased with the reaction.

Newman. Half a minute left, gentlemen. Mr. Oberdorfer.

Oberdorfer. Mr. Postmaster General, isn't there some way to stop this flood of unwanted mail that most people get, or at least charge decent rates for it, so that you won't get a ton of mail that you don't want?

XUM

BLOUNT. You've got less than 30 seconds for that answer?

NEWMAN. About 15 seconds.

BLOUNT. Well, this is a complex question. There is not enough information in the Department to determine whether or not the various classes are paying the appropriate rates. We have an institution of what's called an incremental cost system, which will develop that kind of information.

NEWMAN. And at that point, our time is up. Thank you, Postmaster General Blount for being with us today on Meet the Press.

COLLEGE UNREST

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. CEDERBERG. Mr. Speaker, in this month's issue of Nation's Business, noted economic historian and educator, Dr. Robert Hessen, makes a number of very astute observations regarding the campus unrest which plagues our Nation today. His remarks, which rather succinctly summarize the Socialist direction of today's revolutionaries, also give a very adequate answer to the questions regarding the limits to which dissent can go in our society before it ceases to be dissent and takes on the flavor of anarchy. I highly recommend the following article to my colleagues:

In an age of moral crisis, when violence is sweeping college campuses like a virulent disease, the most dangerous error a businessman can make is to believe that he has nothing at stake, that somehow student rebellion can be quarantined.

Campus rebels already have launched attacks against business firms. In the past year, college campuses were the staging grounds for:

A threatened seizure of New York's Consolidated Edison Co., one of the nation's largest utilities.

A plan to send hundreds of "customers" into Macy's where, at a prearranged time, they would stage a mass looting of the world's largest department store.

A protest in the new General Motors Building in New York, with pickets carrying signs declaring: "Expropriate GM profits for a free, beautiful subway system."

The attacks on business, however, have not been confined to threats or slogans. On many college campuses, recruiters for the Dow Chemical Co., which manufactures napalm, have been physically obstructed by sit-ins and body blockades.

An attempt in mid-March to obstruct recruiters for General Electric represented an attack on profit-making as such. At Queens College in New York, GE recruiters were harassed by student leftists who accused GE of "profiteering" by using colleges as the "breeding grounds" to train future scientists and engineers for industry. These attacks on business, however, have thus far been comparatively minor skirmishes.

The rebels' main assault has been against the colleges. The basic tactic is to seize buildings, to disrupt classes and to create a general climate of terror and intimidation. At Columbia, rebels have held hostages, roughed up professors, burned a professor's research notes and looted the files of the university's president. At Brandeis University, they threatened to burn down libraries and lecture halls unless their demands were met. At San Francisco State College, they were urged to carry weapons and an unsuccessful attempt was made to dynamite a college building. And at Cornell University, weapons actually were carried.

Although these campus actions have been extensively reported, the press and TV coverage has not adequately explained the rebels' goals, or analyzed the arguments they use to justify their resort to force. As a result, while most Americans undoubtedly feel the rebels' actions are improper, they do not understand the long-range implications of student rebellion, or know how to answer the rebels' arguments.

A NEW AMERICAN REVOLUTION

Socialism is the ideology which unites the leading groups of student rebels. The largest group is Students for a Democratic Society, a loose-knit, nationwide organization which claims over 35,000 members on 250 campuses. Other groups include the Progressive Labor Party, the Young Socialist Alliance, the Youth International Party and the Third World Liberation Front. (In all, the rebels comprise no more than 3 or 4 per cent of the student population.)

Despite disagreements about strategy and tactics, these groups are agreed upon the necessity of a revolution in America to overthrow capitalism and establish socialism. Some hope to transform America into a carbon copy of Mao's China or Castro's Cuba, while others claim to have no particular blueprint in mind. Tom Hayden, a founder of SDS, recently declared: "First we will make the revolution, and then we will find out what for."

The student rebels are trying to establish the principle that use of force is a proper means to achieve their goals. Therefore, they confront the college with "non-negotiable" demands. At the University of Chicago, for example, rebels demanded immediate admission, on full scholarship, of every youth whose family income is under $7,000 a year, with a $60-a-week compensation to be paid the family.

Such demands are deliberately arbitrary, so that no matter what response the college makes, the rebels win. If the college yields, or tries to negotiate, that serves as an invitation to the rebels to make new demands. On the other hand, if the college rejects the original demand, the rebels cite that refusal as justification for their use of brute force.

But as Ayn Rand recently noted: "If and when, in any dispute, one side initiates the use of physical force, that side is wrong—and no consideration or discussion of the issues is necessary or appropriate."

The basic goal underlying the rebels' arbitrary demands is to achieve "student power." Backed up by the threat of force, they insist on voting power over the university's budget and curriculum, over the hiring promotion and salaries of faculty, and over recruiting of students. They attempt to justify this goal by invoking a slogan—"participatory democracy." They claim that people have a right to vote on anything that affects their lives, and that students, therefore, should have voting control over the university.

If the student rebels succeed in establishing "participatory democracy," it could become applicable in all areas which affect peoples' lives. Workers, for example, would be entitled to voting power over a company's pricing and production policies, over the salaries and promotions of executives, and over the hiring of new workers. And customers would vote on the prices charged in stores.

The concept of private ownership and control would be destroyed—which is, in fact, the aim of the student left.

The proper answer to the demand for "student power" is that a college is not a cooperative, and that an entering student does not acquire any proprietary interest. (In this context, it does not matter whether the college is private or tax-supported.) Anyone who enters an institution as a student is bound by its rules.

If a student does not like the administrative policies or the curriculum, he has the same option as the client of any private business or public institution, namely, to withdraw and try to find a more suitable source of the service he seeks.

He has no moral or legal right, however, to cripple or close the college if it fails to meet his demands.

A LESSON TO BE LEARNED

If student rebels are permitted to continue their periodic disruptions, the quality of education necessarily will deteriorate. Scientific inquiry and serious scholarship cannot be carried on in an atmosphere of strife.

A number of eminent professors already are leaving our major universities for new posts in Canada and for smaller campuses in out-of-the-way places.

Many faculty members and administrators seem impotent in the face of terror. We are seeing a rerun of the kind of tactics used by Nazi students in the early 1930's, when they intimidated and disrupted German universities.

The fate of Japan's universities also can provide a powerful object lesson to anyone who minimizes the seriousness of student rebellion. In Japan, a nationwide organization of student leftists, the Zengakuren, can and does call months-long strikes.

Last year, Tokyo University did not award any medical degrees, because its students lacked adequate training to qualify as physicians. This year, the university will not award any diplomas or admit any new students in the fall.

The Japanese economy's growth and prosperity has been jeopardized by the crippling of its universities which educate the future scientists, engineers and executives. If student rebels are allowed to cause the deterioration of our colleges, if college administrators respond to aggression with appeasement, we, too, will suffer irreparable losses.

An equally serious threat is that use of force will spread to other groups in our society. If students can seize university property, workers can seize factories, customers can seize stores and tenants can seize buildings.

The attacks on business noted earlier are only trial balloons in the rebels' long-range drive to plunge America into a socialist revolution. They realize they are numerically too weak for an all-out assault on business. This was acknowledged in a resolution passed at the January, 1969, national convention of SDS: ". . . Students alone cannot and will not be able to bring about the downfall of capitalism." Therefore, the rebels now are actively recruiting revolutionary allies.

PROSPERITY? IT'S "ENSLAVEMENT"

Traditionally, socialists have addressed their primary appeal to workers. However, workers have shared in the general prosperity of American capitalism, and thus they value a home in the suburbs more than a place at the revolutionary barricades. This has caused today's leftists to attack the affluence of the working class as a form of exploitation, as enslavement to material goods. According to Prof. Herbert Marcuse, one of the intellectual mentors of the rebels, the role of the student leftists is to teach the workers that they do not need cars or refrigerators or television sets or washing machines. Marcuse declares: "This merchandise prevents the liberation of the serfs from their 'voluntary servitude'."

Since American workers have shown almost no support for attempts to attack business, the student rebels have had to look elsewhere for allies. At its January convention, SDS decided to de-emphasize its opposition to the Viet Nam war and turn itself into "an anticapitalist youth movement."

According to a friendly editorial in *The Guardian:* "While continuing to expand its base on the traditional college campuses, SDS organizers will increase their efforts in high schools, the military, community colleges and trade schools, and especially among young workers in factories and among the unemployed." The recent rash of high school riots seems to bear witness to SDS' new directions.

A PREOCCUPATION WITH SWAHILI

The student leftists also have joined forces with the black militant groups on college campuses. The search for revolutionary allies explains why white leftists are supporting the campaign by black militants for separatism and even segregation. It also explains why student rebels are more eager to promote the study of Swahili and African music than the study of science or business or law or any other subjects which would give Negro students a greater stake in the American economy.

To the socialists, the primary appeal of the proposed autonomous black studies departments is that they will dwell on details of slavery and discrimination, foster a sense of estrangement from American society, and thereby make Negro students receptive to the call for revolution.

In view of the threats posed by the student rebels, businessmen, as alumni, can urge every college to deny its facilities and funds to any group which advocates force, either on or off campus. As voters, they can urge legislators to impose more careful controls on money used for state-supported colleges.

As a measure of self-defense, every college can adopt the policy promulgated by the University of Notre Dame: "Anyone or any group that substitutes force for rational persuasion" will be given 15 minutes to cease and desist. Those who refuse to comply will be suspended, and if they persist, will be expelled.

Both as taxpayers and as private donors, businessmen must concern themselves with how their money is being spent in the colleges. It is short-sighted and self-destructive for businessmen to make gifts to colleges which give sanctuary, or grant amnesty, to student terrorists. Those who value the preservation of a free society should stop subsidizing the advocates of terrorism and socialism.

DRAFT REFORM

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. McDONALD of Michigan. Mr. Speaker, with each passing year the need for improving our system of military manpower procurement has become more and more urgent. I joined as a cosponsor of a resolution which endorses the President's efforts, through the Department of Defense, to begin preparation for an all-volunteer military force through administrative changes in the structure of the armed services and to place new emphasis on the attraction of greater numbers of qualified volunteers to the military. This type of military service is compatible with the basic principles of democracy and our free society. However, it must be realized that this sweeping change will take time to implement. In recognition of the critical need for draft reform the President has recommended the adoption for a lottery system based on a draft-the-youngest-men-first basis. Its primary purposes are to provide greater equity and certainty for our young men who face the draft. These two goals are certainly commendable and should receive prompt consideration even through the Universial Military Training and Service Act of 1969 does not expire until 1971.

In addition I feel it is vitally important to formulate alternative ways in which both young men and women could serve their country in some other capacity than the military. Due to the substantial opposition, especially among the young, to the Vietnam conflict and the role of the Military Establishment in our society, there has been an increased interest in providing an opportunity for nonmilitary national service. I also believe this approach deserves serious consideration.

For these reasons I would like to call to the attention of my colleagues an article entitled "Draft Problems: A Bold Answer" which appears in the June issue of the American Bar Association Journal. Although I do not necessarily agree with all the author, William Prickett, has to say, I feel it is a thought-provoking statement on this most important problem. The text of his remarks is as follows:

DRAFT PROBLEMS: A BOLD ANSWER

(By William Prickett)

(NOTE.—The vagaries and inequities of the draft laws are a significant factor in the restlessness and lawlessness manifested by today's youth. Moreover, many students who lack motivation toward academic life and who consequently turn their energies elsewhere would not be present on university campuses but for the draft. Yet a lottery is not the answer, but rather a system of requirements and incentives that would bring every qualified man into the military, and at the optimum time with respect to his personal plans and the needs of the military.)

Solicitor General Erwin N. Griswold, former dean of the Harvard Law School, spoke with grim clarity in a speech before the American Law Institute in May of 1968 about the growing lawlessness that marks American society, particularly its youth. As a factor "contributing to emotion and to strong reaction", he cited our draft laws—their inequities and the real or apparent arbitrariness of administration. "To some extent," he said, "this [arbitrariness] is inherent in the system of local administration—which has a measure of merit—but in our colleges and universities, there are students who come from many different places, and the different policies of different draft boards sometimes stand out rather starkly when they are placed side by side."

A less widely recognized impact of the draft is the presence in our universities, particularly our graduate schools, of many students who, though able, are not really motivated toward intellectual life or professional training and who therefore take their energy out in other activities. Yet another effect is the increase in early marriage and parenthood, the Dean pointed out.

"Finally," he observed, " . . . the draft has all but made effective academic discipline impossible."

Why is this? The students who have misbehaved at Columbia, or California, or Stanford, or wherever, should be expelled, you say. Their conduct surely merits that, as far as the University is concerned. But what happens if they are expelled, or even suspended for a year? They cease to be students, they are immediately classified I-A, and are very likely to be drafted. Perhaps that is what should be done. But it does convert the academic penalty into something potentially far more serious, and many Faculty members, who usually participate in disciplinary actions, have not been willing to take such a responsibility.

Dean Griswold thus states the problem, but does not offer any solution. Uncomfortable memories of the Dean's tax class remind me that this was often the way: The Dean would state a tax problem with clarity and force and then ask some hapless student for the answer. Boldness very occasionally served when adequate research or preparation was lacking. The following, then, is a bold answer to one part of the problem the Dean poses.

The present draft law is wrong from every point of view. The uncertainties it creates begin for young men at about the age of 16 and may continue until the age of 26. These uncertainties are created not only by international crises but by the vagaries of standards in selecting those who are required to do military service. Even worse, the present system puts a definite premium on the avoidance, if not the evasion, of military service. It makes even honorable young men magnify small or create fanciful physical disabilities in order to avoid apparently useless and possibly dangerous years with the military. It gives early marriage to a teen-age sweetheart the added allure of posssibly avoiding military service. Finally, as the Dean points out, the draft induces many college students who are not properly qualified or motivated to embrace the scholarly world of graduate school in the hope of avoiding military service.

From the military point of view the draft is not satisfactory. While the need of the armed services for manpower varies from time to time, the military establishment of the United States does need a substantial number of young men each year. It needs a "mix" of privates, company-grade officers and specialists on a continuous basis in order to fill the ranks of privates, noncommissioned officers, specialists and officers. Those who serve in today's Army must be physically and mentally well qualified. It has been reported that only about half of the young men of America are in fact qualified at present. The military establishment needs a firm, fair national policy that will provide the manpower necessary for the defense commitments of the United States. The manpower policy must, however, be flexible enough to respond to the varying needs of the country, depending on the international situation at any given time.

What young men of America need is a law that combines certainty and fairness, that allows a young man to plan his education, his family and his career, allows him to fulfill honorably his legitimate obligation to his country and deals equally with all: rich, poor, ignorant, intelligent, white and black. The military services need a law that provides them with the quantity and quality of men that enable them to meet the military obligations of the country. Can the varying needs of the military establishment for adequate manpower and the legitimate desires of the youth of the United States for certainty and fairness be satisfactorily reconciled in a new law? The rest of this paper is to show it can.

The lottery system should be rejected. A lottery system honestly run might be fairer than the haphazard draft system currently in force, but it seems undesirable that the high obligation of doing military service should depend on the turn of a card or the drawing of a lot. In addition, that system would not solve the problem of the uncertainty. In fact, it might increase the uncertainty in that one's obligation to serve would not be entirely dependent on the extent that one could magnify physical defects or on the vagaries of the local board, but on the whim of Lady Luck.

It should be adopted as national policy that every young man, except those in jail or mental institutions, be required at some time in his life to perform a period of federal service. (As will be explained further on, "federal service" does not necessarily mean military service.) Having established that principle, it remains to work out a system under which this service would be performed.

In order for the system to work, it should have built into it incentives, so that each individual youth would do his federal service at the optimum time, from his point of view as well as the point of view of the Armed Forces of the United States. Furthermore, since the basic objective is to fill the military manpower requirements of the Armed Forces, the period of service should be no longer than is necessary from their point of view.

The largest need of the military is for privates, apprentice seamen and basic airmen. From the point of view of the military, the optimum age for a private, airman or apprentice seaman is 18. From the point of view of most young men, it is easiest and best to do military service at 18. The majority have not married nor have they started on their trade, profession or career. Therefore, one would start with the proposition that the shortest period of military service would be for young men who enter the military service after their eighteenth birthday or graduation from high school, whichever occurs sooner. (A premium on graduation from high school might well be built into the system.) The basic period of service for those entering at 18 or after graduation from high school would have to be determined by the minimum time it would take the military to train the young men to be militarily useful or to utilize their services in time of actual crisis or warfare. Thus the basic period might have to vary from time to time.

This is all very well for the young man who is not going to college. This system would enable him to get his military service in at the optimum time for him and the military service. But what about those who are going to college? The young men that are going to college should not, under any circumstances, be excused from service. On the contrary, since the college man usually enjoys more benefits than others before going to college and is likely to enjoy more benefits from the country after college, he should be required to give something more by way of federal service. On the other hand, college students should be freely deferred on the justification that the military service needs college graduates, not as privates, but as junior officers. From the point of view, then, of the military, college men should be encouraged to enter the military service when they have completed their college education rather than before. However, in order to make it clear that deferment of federal service during a period when a man is in college is not a favor to those lucky enough to go to college, the period of service after college should be somewhat longer than the period required of those who enter military service at 18 or upon graduation from high school. For example, if it were determined that the period of service for the 18-year-olds should be eighteen months, then the period for the college graduate should be set at twenty-two or perhaps twenty-four months. Of course, if a student dropped out of college, was expelled or failed, he would be required within a reasonably short time to perform his federal service obligation. The period of obligation would be correspondingly longer because it had been deferred.

Early marriage would in no way exempt the individual from performing his national service obligation. However, a girl might think twice about an early marriage to a youth she knows is certainly going to have to do his federal service.

All very well for the high school graduate and those going to college, but what about those who are going on to graduate school? Their situation should likewise be examined first in terms of the needs of the military establishment. The military, for example, needs doctors. Therefore, those who are going to enter the medical field should not be encouraged to do their military service as privates, nor should they be encouraged to do their military service after the completion of college. Rather, incentives should be built into the system to encourage them to do their service as doctors. Not only should they be freely deferred through college and medical school (and perhaps even internship), but the Government might well pay for their last year of medical school if necessary. However, at the end of their medical education, the young doctors would have a service obligation that would be somewhat longer than that of the 18-year-old or the college graduate. Of course, the doctor's rank and military pay would be commensurate with the training he had received and his professional status. The military would also expect that a man of his age and professional standing might be married.

As for graduate students whose specialty would have no value in the armed services, they would have already had the choice of doing the minimum service as privates when they turned 18 or doing military service for a somewhat longer period when they graduated from college. If, however, they elected to continue their education into graduate school, they would then have at the end of that period a correspondingly longer period of service to perform, either as privates or as officers if qualified. For example, if the basic period for the 18-year-old was eighteen months and for the college graduate twenty-four months, the graduate student might be required to do thirty or thirty-two months of service. Of course, the period of service required of 18-year-olds, college students and graduate students would have to be reviewed and set from time to time (*i.e.*, every two years) in view of the current necessities of the military service and in order to readjust incentives for the young men to do their military service at the optimum time from their own point of view as well as that of the Armed Forces.

This basic plan would provide the military with the manpower it needs and would make the manpower available at a time when the individual is best suited for the tasks for which the military needs him. At the same time, it would eliminate the uncertainty that exists today and that is so unfair and disturbing to our young men. It would reverse the situation that puts a premium on the avoidance or evasion of military service and that, by encouraging deception, is thought by some to warp the moral fiber of each young generation.

However, the proposal as yet does not contain any alternative for the many young men who genuinely do not meet the high physical and mental requirements of the military service today. If those who cannot qualify physically or mentally are entirely excused from the obligation of federal service, do not the same incentives remain that currently encourage the avoidance or evasion of military service? The answer is that the inability to qualify for military service because of physical or mental defects should not be the basis for the total avoidance of federal service. Those who could not meet the high standards for military service would still have the basic obligation to perform a service to the United States. The Peace Corps, the reconstitution of the Civilian Conservation Corps and service in state and federal hospitals and mental institutions all provide vast unfilled opportunities for service. However, federal service other than military service should not be an easy, short-term alternative to the rigors of military service. It should be at least as lengthy as corresponding military service and just as arduous. In the second place, nonmilitary federal service should not be the basis for the many rights and benefits that accrue to those who have served in the Armed Forces. These benefits and rights should be reserved to the young men who are able to perform military service for the country. In other words, the alternative form of service for those not physically or mentally qualified for military service should not be made attractive enough so that the physically and mentally qualified young men would prefer to do this service rather than do their military service. On the other side of the coin, it seems likely that many handicapped persons would welcome the opportunity to serve in a limited way.

The present draft applies only to young men, and my proposal speaks only of the young men of the nation. However, in these days of equality, the obligation to do federal service for the country should not be confined to the young men, but should be made to apply to the young women as well.

Of course, it is obvious that there would be heavy "costs", financial and otherwise, in carrying out these proposed reforms, and it might be that the costs are too high. However, this suggested revision of the basic federal service law would solve many of the problems which American youth is having in connection with the draft and would help stem some of the growing lawlessness.

CONGRESSMAN HECHLER IS "SCREAMING"

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. HECHLER of West Virginia. Mr. Speaker, I believe that those of us in public life need to stand back once in awhile and look at ourselves as others see us. There is a great danger that men who listen to and believe public adulation will get too big for their britches, and lose perspective. It is very healthy to have an editor take the bark off an official. Too many of us are oversensitive about such criticism, or perhaps we bemoan the fact that criticism breeds cynicism.

I welcome and encourage criticism. It stimulates healthy public discussion. From the heart of the coalfields comes a good, biting piece of editorializing which appeared in the Logan News on May 30, 1969, where the able editor, Roscoe Spence, writes a column entitled "Chief Logan Speaks."

There have been many public comments and some speculation that the only reason I am undertaking the fight to protect the health and safety of coal miners is that I have ambition for some higher office. First, I would like to point out that I do not consider there is any higher office than that of a Member of the U.S. House of Representatives. In fact, it is entirely probable that some Members of the U.S. Senate may be thinking of running for the "upper House"—the House of Representatives. I believe I can understand the natural inclination of any young person or a Member of the U.S. Senate wanting to become a Representa-

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tive, where he can be closer to the people and play a more direct part in helping the people with the major problems of the day. Second, with respect to the speculation that my position on coal mine legislation is motivated by political considerations, I would like to point out that I have successfully incurred the ire of many coal operators, the top leadership of the United Mine Workers, the heads of a number of local unions in West Virginia, and now the Logan News has deserted me. Surely, a person interested in or having political ambitions would not deliberately stir up such formidable opposition if he had any serious thoughts of running for some other office.

In any event, I am sure, Mr. Speaker, that you will enjoy this article:

CHIEF LOGAN SPEAKS

The great wealth of Logan County lies in its vast coal beds and reserves. If there be anyone anywhere who doubts this they just do not realize how hard it is to buy an acre of coal land until they have tried it.

Modern coal mining machinery is both very costly, and very sophisticated. It takes an experienced hand to operate a continuous miner, a coal cutting machine and coal loading equipment.

There is no doubt but that more dust is put into the air by this type coal production. And there is no doubt that it is increasing the amount of dust a 1969 coal miner pulls into his lungs each shift. We know there is a serious problem in this connection.

Also we know it is very easy to spend someone else's money! Those who are crying for redress and a complete, all at once approach to the problem are appealing to the most undesirable and basic emotions.

Congressman Ken Hechler is screaming like an emotionally upset man over every phase of the health and safety program which is being prepared in Congress. We simply ask: Does Hechler think this problem is something new? Does he think that suddenly the coal operators turned loose extra dust in the working places to harm the men working there? Does he think that union officials who have fought the fight for the working miners have suddenly set in motion a death trap for the men? These men have put into the welfare of the men working in the mines all they had through the years. Are they suddenly scoundrels who are filching money from the welfare fund? Does Hechler and the others think coal dust is a sudden hazard in the mines of the nation? What do they really want? In Hechler's case it is hard to tell. Sometimes we think he does not know. It matters not what position is popular at the moment—there is the spot where you find Hechler. The Statehouse Faction is reported to have considered dropping Hechler in 1966. We suggest that 1970 would be a good year to search for a new member of Congress from the Fourth West Virginia District and that a strong Republican candidate should emerge to present him with the first major opponent and the first real race.

For a great many years we have watched the events closely in the coal fields. Particularly we have watched union officials and the fights they have waged continuously for the miners. And even now as we write this a Local Union President of the UMWA came to our office and expressed great disagreement with his congressman who he says wants to be all things to all men and to walk on the water.

Also for a great many years we have done printing and advertising for the coal companies which operate in our field. They are here to make a profit. Is there something wrong with that? They pay their bills—is this wrong? They purchase great amounts of intricate machinery which makes jobs for those who build this equipment—is this wrong? What we are saying is the fact that there are many good qualities about those who own and operate the mines of Logan County. They are trying to solve a problem which has beset both the miner and the company for which he works. We think there are more good coal operators than there are good congressmen—in this we could be wrong it is based on our personal contacts with coal people and with congressmen.

Emotional cries and emotional appeals will not cure anything wrong with the coal industry—spending someone else's money will not stop the infection of black lung. The ton of coal will only bring so much on the market. Every cost factor must come out of the price that ton of coal brings. The alternative is to remove coal from the economy and it would seem to us that Hechler is bent on doing just this. Why?

We became disillusioned with Hechler when he began a campaign which you have heard very little from since the last election. His proposal at that time was to permit transients to vote anywhere they happened to be on election day. He was part of the early human rights movement and marched with the Negro people at Selma in one of the first confrontations and then he dropped this movement when it lost its appeal to the average citizen or has he been at it without publicity. Hechler was a great champion of the Midway Airport for Southern West Virginia and campaigned in another emotionally loaded campaign for that project but evidently it became subordinated to something with more splash and emotionalism and we have heard of no follow up on it. When it starts to rain Hechler begins asking why the Bailey Dam is not being completed but when the sun shines he looks to something else. We think the man is shallow—too shallow!

DISSEMINATION OF OBSCENE MATERIALS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, we talk a great deal these days about air and water pollution and the sad state of our environment, but there is another kind of pollution about which I am concerned, along with many other Members of this body. This is the pollution of the mind—the pollution that is the result of the disturbing increase in pandering, pornographic mail. The ruthless peddlers of smut who are thoughtlessly polluting our Nation's mailboxes are a serious annoyance to people who are not interested in what they have to offer and, especially, to responsible parents who do not wish their children to be exposed to this salacious junk.

It is all well and good to talk about freedoms and liberties, but there is a place to draw the line. Mr. Speaker, the unsolicited smut going through the mails and being purveyed to youngsters clearly violates the standards of taste and decency to which I think most responsible adults subscribe. I am not one who recklessly blasts the Supreme Court for being at the root of all our troubles. But I do feel that since the Court finds it difficult to arbitrarily define obscenity, we in the Congress ought to responsibly act to safeguard the right of citizens to be protected from unsolicited, pornographic mail.

Part of the problem has been the reluctance, in the past, of the Justice Department to work with those of us in Congress toward some acceptable legislation. Since the new administration took office, however, there has been progress. The administration's proposals for cracking down on pornographic mail are based on what can realistically be done within the bounds of the Constitution and they have pointed the way for us to move on this issue. I have now introduced a bill which is aimed at "affording to the public protection from the offensive intrusion into their homes, through the postal service, of sexually oriented mail matter." The bill covers unsolicited literature and advertising. Envelopes must bear the name and address of the sender. Those not wanting such material will be able to file their names with a local postmaster. Selling or leasing any list of those not wanting obscene mail will be a violation of the law. Postmasters will have the authority to request action by the Justice Department against any violators and courts will be able to restrain defendants from mailing activities. There is also a provision allowing the courts to direct postmasters not to accept pornographic mail. The measure I have introduced also defines quite clearly what is and what is not prohibited. The kinds of material which constitute obscene mail are defined and spelled out.

Mr. Speaker, I know from discussions with my constituents that the abuse of our mails by smut peddlers is very real and very disturbing to thoughtful, concerned Americans. I hope we will be successful in our efforts to effectively deal with this situation before it can become more serious and widespread. We are charged with the responsibility for overseeing the Post Office and assuring that it is not allowed to become the tool of selfish, unprincipled elements of our society. I do not wish to in any way shirk that responsibility.

BROADCAST LICENSES AND THE PUBLIC INTEREST

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. OTTINGER. Mr. Speaker, the current controversy over the Federal Communications Commission's apparently hasty renewal of a broadcast license for television station WPIX in New York City raises once again the serious question of how best to serve and protect the public interest in broadcasting. A perceptive analysis of the issue by Jack Gould was published recently in the New York Times and I present it for inclusion in the RECORD so that it may have the broad readership it deserves:

Television: Challenging Those Who Control the TV Channels

(By Jack Gould)

Challenges by citizens groups to renewals of licenses for long-established television stations have aroused more reaction in Washington than any other recent development in broadcasting. The controversy poses a long-range social question of substantial importance: Is TV to be a "locked-in" medium in perpetuity?

Upward of 40 bills have been introduced in the House and Senate to shield existing broadcasters from last-minute petitions to lift their franchises and award them to other groups claiming they could render a more fruitful program service. And the Federal Communications Commission, in what can only be described as unseemly haste, elected not even to study a thoughtful 350-page petition from a group of New Yorkers which sought to block renewal of The Daily News's license for WPIX on Channel 11. The WPIX renewal was rushed through the F.C.C. bureaucracy even though there was no legal barrier to the regulatory agency's power to pause and examine what the petitioners had in mind. That particular battle may be headed for the courts.

Through a proposed amendment to the Communications Act, Senator John O. Pastore, Rhode Island Democrat and Chairman of the Senate Communications subcommittee, would, for all practical purposes, wipe out the feasibility of any meaningful challenge to present occupants of television's channels. Under his suggested bill, no competing application for an existing channel could be entertained by the F.C.C. until the commission itself had first found that the present license-holder had been remiss in his responsibilities. And, if the wording of the amendment means what it appears to say, the F.C.C. would be required to rely primarily, if not wholly, on the representations of the license-holders.

It is small wonder that Broadcasting magazine, the alter ego of the lobbyists of the National Association of Broadcasters, has applauded Senator Pastore and other congressmen who have advanced similar proposals. Everyone knows that the F.C.C. has never lifted a license solely on the ground of inadequate program performance. Now, if Senator Pastore's bill clears through Congress, the preservation of the status quo will be tighter than ever.

The motivation behind the Senator's solicitude for present broadcasters is the desire to avoid interminable hearings prompted by capricious challenges which, on the surface, appear to have more nuisance value than substance. But the danger is that such a curb may also outlaw challenges having genuine merit.

When a group prepares an exhaustive petition, with extraordinarily explicit detail on how it would use a channel, the effort hardly can be considered frivolous. And that was the precise accomplishment of the New York group headed by Lawrence K. Grossman, a former vice president of the National Boardcasting Company. His associates include representatives of the Puerto Rican and Negro minorities in both the proposed management of a new station and in its financial structure. The outline of how the outlet would become involved in the community reflects a heartening awareness that broadcasting could be notably different from what it is now. There would be entertainment and commercials, but no plugs for cigarettes or anything in the nature of advertising warlike toys, and over 23 per cent of the week's scheduling would be devoted to programs outside of entertainment and sports.

With some legal uncertainty still attached to The Daily News case, the merits of the challenge can hardly be assessed precipitously. The likelihood of upsetting the WPIX renewal is perhaps not too strong, but for the F.C.C. (save for the dissenting Commissioner Nicholas Johnson) to give the fast brushoff to such a document hardly speaks well for the agency's receptivity to new concepts.

The organized campaign to assure broadcasters indefinite immunity to challenges poses a unique problem of major social consequence. The clearcut purpose of a system of renewing licenses every three years is to keep broadcasting performance under constant review. If that is not the purpose, then a permanent franchise might as well be granted and all the costly fol-de-rol of renewal proceedings unceremoniously junked at great savings to the taxpayer.

Senator Pastore and his like-minded colleagues in the Senate and House raise the point that the huge investments of existing licensees should not be jeopardized by challenges either not seriously intended or wanting in the necessary financial resources. But this line of thinking overlooks one simple remedy: the F.C.C. could readily devise special application requirements that would quickly separate bona fide challenges from playthings intended purely as harassment. Since the burden of proof might properly be placed on the challenger, exacting documentation of the sincerity of his intentions and his ability to perform might be demanded.

But candor is also necessary when it comes to discussing an existing television station's huge stake in its occupancy of a channel. At least 90 percent of the value of the broadcasting property rests in the channel per se, and under the law that channel does not belong to the broadcaster but to the public. Banner sums of tens of millions of dollars are not paid out for studio equipment and antenna towers. What lies at the heart of the unconsionable trafficking in licenses is the desire to control a priceless facility with the knowledge that it is perennially protected.

Yesterday's generation, which was lucky enough to scoop up channels in the early days, does have a very real monopoly, a monopoly that both Congress and the F.C.C. majority go to inordinate lengths to preserve. But broadcasting is much more than a tangible item of property; it is the dominant medium for the conveyance of opinions and attitudes.

Just because a broadcaster has held a license for two decades or more does not automatically mean that he alone is best qualified to meet the needs of a continuously changing society and the rising requirements and goals of emerging groups with fresh ideas and approaches. Shutting out these eager forces from even a prayer of gaining access to the best Very High Frequency channels is bound sooner or later to bring an increasingly strong reaction. The opening of V.H.F. channels to some new blood is clearly a matter deserving of a long-range review by Congress, the F.C.C. and the White House. True diversity begins with diversity of management and it might as well be faced that this means finding room for newcomers. Shunting them off to less desirable Ultra-High frequency channels or Cable TV is electronic segregation. Since all V.H.F. channels everywhere have been spoken for, it may well be that the only socially desirable solution is to consider whether one licensee should control a channel seven days a week. Shared channels have worked in London commercial TV and, if that is the only way of increasing the number of entrepreneurs in American television, it deserves consideration. Why, for instance, should only three companies have access to national networks when there might be six dividing weekdays and weekends? Shared channels are part of the basic structure of radio: there are daytime stations and full-time stations.

Every proposed innovation inevitably raises howls of disapproval, but that is hardly the important issue in television. Unless existing broadcasters affirmatively open their doors to those who believe the home screen can be very different and infinitely more useful than it now is, then sooner or later serious challenges to the status quo will increase. The rearguard action in Washington to thwart those ambitions is the most telling evidence of the case for change.

FINANCING OF URBAN HOUSING

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. HELSTOSKI. Mr. Speaker, the problem of financing urban redevelopment and the construction of urban housing has long had the attention of Congress and ways and means had to be found to provide such financing at the lowest cost to the Government, and at the lowest possible interest rate to the borrower.

The recent increase in interest rates cannot help but affect the mortgage market, further reducing the available funds for housing starts. Not being an economist, I do not know when this money game will come out of the clouds.

Because of this financial crisis, Mr. Speaker, I would like to bring to the attention of my colleagues in this House the proposal of Mr. Alvin E. Gershen, president of the New Jersey State Board of Professional Planners—his unique idea of financing the rebuilding of urban housing so that the average American can participate in it as a sound personal investment.

Based upon an intensive study of urban housing problems, the Gershen plan calls for a program of national urban bonds, for sale by a Federal agency, along the lines that the Treasury Department now sells savings bonds.

Under this plan, the average investor could receive a return of 7 to 9 percent a year. The high yield from the urban bonds would result from a combination of tax free income and a real estate depreciation currently enjoyed by investors under Federal tax laws.

It is hoped that such bond sales could account for hundreds of millions of dollars each year to finance nonprofit and limited-profit housing construction in urban areas.

Under the proposed program, 20 year bonds would be offered at 4½ or 5 percent, and in amounts ranging from $500 up to keep them within reach of the small investor. Thus a family with a taxable income of $8,500 would earn $25 a year in tax free dividends from a $500 bond. Added to this would be another $11 in real estate depreciation allowances, based on the current system which permits real estate owners to write off for Federal tax purposes a portion of their property's worth each year. The combined income would amount to an annual return of 7.3 percent.

Further, Mr. Speaker, if the family's taxable income was $16,500, the depreciation tax credit would be $14, which, with the $25 in dividends, would amount to 7.8 percent a year.

This program would attack the chief

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problem in building urban housing—the difficulty in getting long-term financing.

Neither the Federal Government nor the large business corporations have demonstrated their ability to provide enough capital to make a significant impact on housing problems. Private enterprise cannot do it alone. Profits are not worth the investment. Government cannot do it alone, either. Local government does not have the money and the Federal Government has other priorities. We need a vehicle to bring the people, the Government, and the business sector together, and the national urban bonds programs could be that vehicle.

Mr. Speaker, I believe that this approach to the ills of urban housing has much merit and I would like to share with my colleagues the remarks made by Mr. Gershen before the concurrent session of the American Management Association, Conference on Urban Affairs, which was held on May 28, 1969, at the Waldorf-Astoria Hotel in New York City. I also wish to include, as part of my remarks, a report outlining Mr. Gershen's proposal for financing the construction of urban housing, which he presented at the time of his speech and some informational material on his background.

This material follows:

A Stake in the System

(Remarks of Alvin E. Gershen, before the concurrent session of the American Management Association, Conference on Urban Affairs)

We are here today to talk about a stake in the system—what's in it for Americans to make our cities survive the 20th Century.

There isn't much point in going through the litany of problems. You know as well as I how serious they are—how close we are to total failure.

I do want to say, however, as far as housing is concerned, that we are only kidding ourselves if we think cities are going to be a fit place to work in if the people who live in them don't have decent housing.

Cities aren't brick and mortar. They are the flesh and blood of their inhabitants. A family needs pride. They need a place they want to come home to at night. As the cities decay physically, so does the quality of life of their inhabitants.

So what are we to do? For the past two decades, we have, as a nation, been merely fencing with our urban housing problems. Congress has passed a number of housing acts. Hundreds of millions of dollars have been spent on urban renewal projects. There have been some successes. But in those 20 years has the state of American cities grown worse or better? You know the answer. That's why you are here today. We haven't done nearly enough and what we have done, we haven't done nearly fast enough.

For those who say urban renewal is necessarily a slow process, I say that deterioration and despair are fast processes—and ferociously expensive in terms of wasted opportunities, wasted money, wasted lives.

The cities are reaching the point of no return. In New York, in Newark, in Camden, owners are abandoning buildings rather than continue to pay confiscatory taxes or bring them up to housing code standards.

We have local property tax rates in some cities in New Jersey that approach 8 percent of true value a year. These are the cities with the greatest need for renewal and the least financial ability to carry it out. So we are faced not only with finding better ways of building urban housing, but faster ways. Time has nearly run out for us.

We cannot afford to wait for the end of the war in Vietnam and pin our hopes on the diversion of billions of dollars in federal aid to the cities. That will have to happen, but we can't wait until it does.

We are confronted with a national emergency no less serious to my mind than the Great Depression of the 1930's. The outbreak of World War II.

And the Nixon Administration will have to do what the Roosevelt Administration did in those dark days—go to the people and make them believe the battle is worth fighting, that the cause is good and that we can win.

It is to this end that I suggest a program I like to call "National Urban Bonds." Under such a program a federal agency would sell investment bonds to the people in much the same way that the Treasury Department sold defense bonds in the forties; savings bonds now.

The money, I believe, would come from small, private investors—from the nation's middle-income families. It will come from what President Nixon has referred to as "the independent people's sector" of the national economy.

I believe that this kind of a program can raise hundreds of millions of dollars each year—the kind of money that must be spent if there is going to be any meaningful impact on urban housing needs.

A little earlier, I compared this program with our savings bonds. There are two significant differences. The Urban bonds would be a somewhat different kind of investment, because: one, the dividends would be tax exempt and two, the investor also would get writedowns on his federal income tax since he would, in effect, be investng in real estate, and entitled to deductions based on building depreciation allowances.

Let's see how it would work.

Let's take a family with a taxable income of $8,500. Their $500 National Urban Bond, bearing an interest rate of 5% and amortized over 20 years would give them a non taxable income of $25 per year. Add to this a depreciation allowance on the face value of the bond of another $25. The non taxable income and tax allowance would total $50. A family with a taxable income of $8,500 is in a 22 percent tax bracket. The annual effective tax savings therefore is $11. This $11 added to the income at 5% of $25 gives a total increment of $36. This is equivalent to an annual return of 7.3 percent.

That's not a bad investment. I think that these bonds will be attractive to the small investor. Applying the same set of conditions to a taxable income of $16,500, the annual return would be 7.8 percent.

Now the same $500 bond could be amortized in 10 years instead of twenty. If this were the case the annual return on 5 percent National Urban Bonds for a family with a taxable income of $8,500 would be 8.3 percent and for a family with a taxable income of $16,500 would be 9.3 percent. Not bad at all. This could represent a break for the nation's middle class.

I propose that bonds be sold in small denominations, so that we provide an opportunity to as many American families as possible to invest in the rebuilding of our urban areas.

In any event, each one would be dated and depreciation allowances would begin at the time of purchase. I would propose that allowances be made so that the depreciation schedule be accelerated if the holder kept the bond at least 10 years. This would be consistent with current federal income tax policy covering owners of real estate.

The millions raised under this program would be used by non-profit housing corporations. But ownership could be transferred from one non-profit corporation to another non-profit corporation or to a tenants cooperative. Transfer of ownership would not have any effect on the bond holder. All of the real estate outstanding at any one time would serve as the security against all the outstanding debts of the national agency floating the National Urban Bonds. The credit of the federal government would not be pledged against possible defaults. I would suggest that a premium be added to the basic interest rate and applied by the issuing agency as a fund against possible defaults.

The past experience of the Federal Housing Administration shows this to be sound fiscal practice. As has been the case with F.H.A. experience, I believe the premium would produce susbtantial surpluses and these surpluses could be used for programs of rent supplements or interest supplements as well as for seed money loans. All this without appropriations from Congress.

It is very important that this concept be viewed as one which is independently sound—a "money maker" rather than a drain on the federal treasury. It is also important that we realize that once the fund is established, it will have its own strength and not be dependent on annual federal appropriations with the consequent possibility of cutbacks.

In the years since World War II, America has helped millions of Americans buy homes. We've done it with FHA, with the Veterans Administration, and with income tax credits. We have created tens of thousands of prosperous new suburban communities.

We have to face the fact that these new communities have contributed to the decline of the cities, drawing away from urban living some of the best of our citizenry. We have proved that the combination of government financing and individual private investment from home-buying citizens can perform housing miracles.

We can do it again in the cities. But we have to unify the nation behind the effort. Private enterprise can't do it alone. Profits aren't worth the investment. Government can't do it alone either. Local government doesn't have the money and the federal government has other priorities—priorities, as we have seen in the case of Vietnam—that are often unpredictable.

We need a vehicle to bring the people, the government and the business sector together, and I believe the National Urban Bonds program could be that vehicle.

The American citizen is, I believe, sympathetic and patriotic. He knows the problems of the cities and I believe he would like to help.

But he has his own family, his own problems, his own set of priorities.

The National Urban Bonds program would give him this chance to help and at the same time give a generous return on his investment. Properly administered and promoted, this kind of program could attract tens of thousands of investors each year.

And they would have a stake in the system—a piece of the action.

I want to point out here that while this program is designed to involve large numbers of the American middle class, it in no way precludes the participation of the wealthy or of business interests. In fact, I think the bonds will prove attractive to investors from these areas, also.

But let me discuss with you for a few minutes why I think this kind of program can work and why, perhaps, other programs have not worked. There are several basic costs in financing and operating multi-family housing units: Land, construction, real estate taxes, maintenance and operation, type of ownership. The last factor is the cost of money—the length of the mortgage, the interest rate and the amortization schedule.

All of these factors are included in the monthly rent the tenant must pay. It goes without saying that if the rents are above certain levels, the housing units will be out of the reach of the people they are designed to serve.

Now, federal urban renewal aid can offset land costs. Construction and maintenance costs are relatively fixed and relatively predictable.

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Real estate taxes are not. But through a procedure of paying these taxes based on shelter rents rather than on property tax assessments, the necessary predictability can be achieved. We should deal with this problem more forthrightly.

Since the kind of housing we are considering here is non-profit or limited-profit, rentals can be reduced considerably.

In other words, there are no insurmountable problems in finding sites for housing in cities, in building the housing, in maintaining it and in keepng the real estate taxes within reason. Admittedly, each of these five factors needs additional study and solution in terms of reducing their cost values.

However, the most basic and by far the biggest problem is in finding long-term financing. The federal government so far has not made sufficient capital available. And few big corporations are willing to involve themselves as long-term financiers. Like the rest of us, most major corporations borrow money when they build. The insurance companies are exceptions but they concentrate on high-yield mortgages.

So, we ought then to turn our attention to the people—the middle—income citizen, the consumer—the bedrock of our economy—and collectively, the holder of great wealth. We may as well look at the political realities. There is a certain amount of resentment among the American middle-class—the feeling that the government is concentrating all its energies on the poor—that social programs contain nothing anymore for the middle class American and on the other that special fiscal legislation benefits only the rich.

There has been much talk lately dealing with depreciation allowances as well as tax free bonds. This talk comes from the feeling that the "rich get richer" and are given certain tax advantages which are witheld from other segments of our population.

Now, I think that from the pragmatic point of view, it is not in the cards for Congress to totally eliminate depreciation allowances from holders of real estate—not withstanding the fact that there may be good cause to consider doing this. Similarly, I feel that tax free government bonds will not be removed from the money market place.

The concept of National Urban Bonds, therefore, tends to bridge these gaps by providing the same opportunities for depreciation allowances or tax free bonds to the great bulk of middle class Americans who before now never participated in these "savings."

We all know that the reluctance of Congress to pass any legislation aiding the cities is due in large measure to this middle-class suburban dissatisfaction. We are not going to rebuild America's slums until a large cross section of the electorate wants it done.

I believe a National Urban Bonds can dramatically help here because it is a program with something in it for the average American citizen. I believe Americans want decent cities no matter where they live and I think they will see in this kind of program a way to get what they want.

A New Proposal for Financing the Construction of Urban Housing

(A report by Alvin E. Gershen, presented to the American Management Association, Conference on Urban Affairs)

The purpose of this report is to describe and recommend a program to overcome the, as yet, insurmountable problem of financing construction of critically needed urban housing. The program is designed to utilize voluntary participation of a previously untapped source of investments in what would be known as "National Urban Bonds."

The source of funds would be small private and personal investments from middle income families—the "independent people's sector" * of the national economy—rather than the traditional commercial and governmental sources of mortgages and financing.

The effect of such investments would be to make available a resource for the hundreds of millions of dollars per year which are required to make significant progress in the redevelopment and rehabilitation of the blighted core districts of our metropolitan areas. For it is only through the expenditure of sums of this magnitude that decent and desirable dwellings can be offered to moderate income families in place of the dilapidated, deteriorating, or obsolescent and low value structures which continue to comprise a majority of the housing stock within the nation's largest cities.

It should be emphasized that these hundreds of millions of dollars represent for the most part money directed into the private construction industry, and would constitute an important stimulus of national productivity.

The particular attractiveness of National Urban Bonds as an investment opportunity to middle income families and small investors would be based upon the combined inducements of dividend payments and annual writedowns on the federal personal income tax. A rather modest outlay, for example, of $500 could produce the tangible economic benefit of a substantially reduced tax bill.

For the first time the utilization of a tax writedown becomes available, practicable, and genuinely useful for persons and families of average or modest means.

While this proposed program, in contrast to existing programs, is designed to involve large numbers of the middle income segments of the population who, as a result, will be receiving direct benefits, this in no way precludes the participation of upper income citizens or business corporations.

It is apparent that both the public and private sectors of industry have been unable to resolve the problems of urban housing at this particular point in the nation's development. While annual home building activity has frequently set new records, the major share of this output has not occurred in the urban core areas. With the generally favorable or responsive suburban construction market, central city redevelopment—and this is generally synonymous with building new homes in central cities—has represented a far less promising return for privately invested capital.

The challenge in our urban core areas is two fold. To stop the steady deterioration of the physical plant and to make provisions for sound social, economic and physical renewal.

To attempt to rebuild the physical plant without making provisions for sound social and economic opportunities for all our people is to repeat the mistakes of the past and to fail to maximize the opportunities of the present. Conversely, to recognize the need for providing adequate social and economic opportunity and for making available new, imaginative, and bold programs to deal with America's poor while the problems of the physical environment are ignored is to fail to recognize the value of a sound housing supply.

In order to provide for meaningful long range social, education and economic programs of betterment for our poor or culturally deprived, long term, real solutions to the problems of our physical environment, including our housing stock, must be found.

In 1949 the federal government adopted a National Housing Act, which for the first time focused attention on environment as well as on housing conditions. The preface to the Act identifies a national goal of "a decent home in a suitable living environment for every American family."

The matter of housing and redevelopment is most closely identified with the country's most densely populated municipalities. These include the largest municipalities as well as many smaller ones which are just as old.

Part and parcel of the need to maintain and redevelop these older communities, is to provide not only for low income families, but also for the moderate income citizen. We should point out that "moderate income" is a special term used in the housing field to refer to people who earn more than the maximum allowable for eligibility for public housing, yet are unable to afford decent housing at the prevailing rates in the private or conventional market.

Fundamentally, we are concerned with providing not only "a decent home," but "a suitable living environment" as well. Federal programs to redevelop neighborhoods and to provide for rehabilitated housing have been helpful in aiding American cities and have resulted in significant improvements throughout the country. Three things seem to be apparent: (1) we have not taken maximum advantage of available opportunities; (2) we lack general knowledge and appreciation of existing programs, and (3) this lack has prevented us from proposing new programs to fill the gaps in existing legislation, federal as well as state.

A major function of federally aided urban renewal has been to make available to private development interests vacant and reasonably sizeable parcels assembled and cleared by public means. Such land is offered at a price that would attract the private builder and far below the cost that would be entailed if all the expenses of acquiring small, intensively developed parcels and demolition were borne by the entrepreneur. Because of the high prevailing land cost per unit of area in central cities, residential reconstruction has generally taken the form of multi-storied apartment buildings.

Despite the general individual success of such projects, their number has been small in relation to the total urban situation of decay and obsolescence. Municipal obligations for land acquisition and clearance in a federally aided renewal project, representing typically about a fourth or less of the total cost, can nonetheless be very great. The debt capacity of the municipality often does not permit funding of a scale sufficient to make an impact upon the total community landscape, even with federal aid.

However, what has retarded even more the residential development of our central cities has been the difficulty (or the cost) of obtaining money to finance construction or reconstruction.

In order to approach the problem of the gap between needed housing and projected construction, we need a fundamental understanding of the financing and ownership of multi-family housing units.

Stated broadly, a multi-family housing unit is physical shelter which, as an economic entity, relates to the community on the basis of the *monthly cost of a dwelling unit*. A family looking for housing accommodations judges whether or not it can "afford the monthly rent." This monthly rent is made up of costs which can be reduced to a function of the following:

(1) Cost of land.
(2) Cost of construction:
(a) Labor;
(b) Materials;
(c) Design services.
(3) Cost of money:
(a) Length of mortgage;
(b) Interest rate;
(c) Amortization schedule.

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* Phrase attributed to President Nixon in syndicated column by Don Oberdorfer appearing in *The Philadelphia Inquirer*, January 28, 1969.

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(4) Real estate taxes.
(5) Maintenance and operating costs.
(6) Type of ownership.

But in actuality, it is the cost of money, more than any of the other five determinants, which accounts for the totally inadequate response to the need for urban redevelopment.

As already stated, the use of federally aided urban renewal programs can minimize the problem of land cost, transferring diversely owned, over valued and expensive land into vacant, developable parcels saleable at a determined fair market value. The two relatively "fixed" items among the six listed above are the construction cost and the overhead of maintenance and operation.

The cost of construction is composed primarily of the price of labor and materials and the fees for architectural and engineering and design services which are relatively inflexible in a given project. Maintenance and operating costs do not vary considerably between profit and non-profit housing.

Real estate taxes, on the other hand, can vary considerably according to type of ownership. Specifically, non-profit and limited dividend (or limited profit) ownership corporations, by paying taxes based on total rentals received rather than on the valuation of land and improvements (cost to replace structure and depreciation), can be afforded a necessary measure of tax predictability.

This paper essentially deals with the "Cost of Money." It is economically feasible, on the one hand, to obtain developable land in the central city through urban renewal and, on the other, to operate non-profit or low profit housing for families of moderate income and above. But the failure in urban redevelopment thus far has been in not bringing the two situations together in the volume necessary to be responsive to the moderate income housing need.

As concerns either private or public housing, or that which is held and managed by a non-profit or cooperative housing corporation, the construction itself is always privately undertaken. The real unanswered challenge in this field, on which this report now focuses, is the adequate provision of the long-range permanent financing for non-publicly owned housing.

Certain federal housing programs for bona fide non-profit or limited profit housing corporations now offer relatively low interest rates for housing developed to meet the needs of moderate income families and individuals. The Housing Act of 1965 set a maximum interest rate of 3 percent on non-profit housing or limited profit housing built under the 221(d)(3) FHA program and for non-profit housing corporations under the 202 Senior Citizens Direct Loan Program of the Housing Assistance Administration. In addition to low interest rates, these programs offer 40 and 50 year mortgages, respectively, and this combination provides a stronger basis for lower rents than could be offered in "normal" profit-motivated housing.

The difficulty in the case of the 202 Senior Citizens Housing Program, in which construction financing is obtained from federal government loans, is simply the lack of funds which have thus far been made available. The difficulty as concerns 221(d)(3) housing, where the construction is financed by banks and other private lending institutions, is the inability of potential projects to successfully compete for private capital among other investment possibilities, particularly within the tight money market of the past few years. In addition, there appears to be serious regulatory and statutory limitations in this program that inhibit its maximum utilization in core areas.

It has been suggested that big business could represent the major administrative and financial resources for this construction if a suitable investment framework were designed. Yet even the nation's largest corporations generally become mortgagees rather than mortgagors when undertaking capital improvements and do not necessarily have competence in the construction field.

What is proposed here is that the middle income family, upon whose purchasing power the sustenance of the American economy primarily depends, can similarly be regarded as the basic means of support in the implementation of a gigantic master plan for urban redevelopment. Vast numbers of people whose incomes are above the poverty level will feel that "there is something in it for them."

This must be so if their interest is to be maintained in the rebuilding of America's cities, although in Congress over the past two decades, and particularly in the lower house among those representing blue and white collar classes, there has been hesitation in endorsing certain legislation addressed to the problems of central cities.

The concept of National Urban Bonds reflects first a financing mechanism for the construction of non-profit and limited profit moderate income housing, or for the rehabilitation of certain substandard rental housing owned by a non-profit or limited profit earning corporation. Coupled with this financing mechanism is a system of tax incentives that encourages individuals as well as corporations to invest for meaningful guaranteed dividends, combining tax free income and depreciation allowances.

This yield might very well be limited to a return of four or four and a half percent. However, the investor will realize a double barreled tax saving. The income from the bond similar to municipal bonds would not be taxable and there would be an amortization deduction. Therefore, the yield to the individual bond holder would actually be much higher.

The bonds would be sold initially in small denominations to make them attractive to the small non-institutional investor and provide fluidity of participation.

The feature of a tax credit would afford the bond holder the benefit of depreciation allowances. This would be similar to existing tax regulations which apply to individuals or corporations having an equity position in income property. It is proposed that National Urban Bond funds be lent at 100 percent of housing development costs primarily to non-profit or cooperative housing corporations which do not themselves utilize depreciation allowances.

Each bond would be dated and depreciation allowances would commence at the time of initial purchase. The issue would be given a life of twenty years. Preferably, the depreciation schedule could be accelerated if the holder kept the bond for a period of ten years or more. Such would be consistent with present federal income tax policy concerning owners of real property. If the bond was sold in less than ten years, there would be adjustments for normal depreciation allowances. At the end of the twenty year period of time the process would repeat itself.

What such a program might mean to typical tax paying American families in terms of specific dollar benefits is related in the accompanying tables. It will be noted that these examples refer to joint returns and to taxable rather than gross income. It is also suggested this program permit the taxpayer to take his standard deductions, in addition to the amortization deduction.

The tax rates used in the illustrations were those in effect during 1968 but do not reflect the temporary surcharge. Further, a factor for an accelerated depreciation was not included as it would tend to make the security much less attractive after the fifth year.

In Tables I and II the benefits derived from a $500 investment in National Urban Bonds of twenty year maturity are related to annual taxable income ranging from $3,500 to $16,500. The data in Table I are based on a dividend return of 4½ percent, while Table II reflects a 5 percent rate. The upper half of each table shows an amortization schedule of twenty years (at a non-accelerated rate) while the lower half indicates a ten year schedule.

For example, in the case of an $8,500 taxable income and a twenty-year amortization at 5 percent the annual tax credit would amount to $11.00 or $220 over the life of the bond. The income produced at 5 percent would equal the level of the initial investment, while the total increment, $720 would represent 145 percent of the investment, or an annual yield of 7.3 percent. For a $16,500 income under the same conditions, the annual tax credit would be $14.00, producing a total earned increment of $780, a return of 156 percent on the original $500 investment, or 7.8 percent annually.

If a twenty year bond receiving a 5 percent return were amortized on a ten year basis, then an $8,500 income would reflect an annual tax credit of $16.50, applicable over the first ten years. Combined with the annual earned income of $25, or $250 over the first ten years, the total increment would amount to $415, or a ten year return of 83 percent on the $500 investment. With this ten year amortization schedule the annual tax deduction for a $16,500 income would be $21.50 producing a total credit and dividend increment of $465 or 93 percent of the initial investment.

As currently envisoned, the ownership of a housing project could pass at any time from a non-profit corporation to that of a tenants cooperative, or to any other non-profit corporation. This transaction would have no effect upon the individual bond purchaser, as his invested funds would have been lent by the agency responsible for selling the National Urban Bonds. All construction resulting from National Urban Bond sales would serve as security against the total outstanding debts of the lending agency and its mortgagees. It is further suggested that a premium be added to the designated interest rate and applied by the agency for administration and as a fund against possible default by a housing corporation. When not required as a reserve against defaults, such income could be utilized to accumulate management and seed money founds. Ultimately, these reserves could be applied as rent and interest supplements.

The experience of the Federal Housing Administration during the past thirty years has indicated that with a mortgage insurance premium of merely half a point, substantial surpluses are produced. Similarly, the National Urban Bond program would become, in effect, a "money maker" rather than a drain upon the Federal treasury.

In line with this point is a statement attributed in a recent Associated Press article to the Secretary of Housing and Urban Development, George Romney, concerning the objectives of the previous administration on housing designed for particular income groups. The Secretary was quoted as saying that the number of such dwellings which has been recommended for construction was "above and beyond the resources and funding available," but that. "we can't quarrel with the goals in terms of the need".

A number of articles appearing since the new administration took office have indicated growing dissatisfaction with certain aspects of the Federal income tax structure and the discrepancy between supply and demand as pertains to adequate housing in central cities.

In the first situation inconsistencies are noted in regulations which often enable high income recipients to pay lower taxes than families and individuals in lesser brackets, owing to special exemptions and deductions not available to the latter.

On the matter of adequate central city housing, emphasis has been placed, in part, on the need to stimulate rehabilitation of

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deteriorating structures, the incentive for which is often lacking owing to local property assessment procedures that automatically lead to a higher tax bill as soon as significant improvements are made.

It is felt that sales of National Urban Bonds can provide some remedies for each of these problems by making available a new source of construction funding, providing new tax benefits to the middle income brackets, and providing funds for structural rehabilitation of certain types of substandard buildings.

Finally it might be noted that funds created through the sales of National Urban Bonds are not subject to an annual governmental budgetary review and the resulting possibility of a cutback. While the level of new investment in these bonds may vary from year to year because of different types of economic influences, one would at the outset be led to expect a general pattern of growth, reflective of the overall expansion of the nation's economy.

TABLE I.—NATIONAL URBAN BONDS (NUB) 4½ PERCENT BOND

Taxable income (gross income less deductions and exemptions)	$3,500	$8,500	$12,500	$16,500
Tax bracket (ignoring surcharge) on a joint return (percent)	17	22	25	28

$500 security: 20-year bond, 20-year amortization:	
4½ percent annual income, nontaxable	$22.50
Amortization allowance of face value taken for a tax deduction	25.00
Total	47.50

Effective savings on taxes at—	17 percent	22 percent	25 percent	28 percent
Tax savings:				
1 year	$8.07	$10.45	$11.88	$13.30
20 years	161.50	209.00	237.50	266.00
Income at $22.50 times 20 years	450.00	450.00	450.00	450.00
Tax savings over 20 years	161.50	209.00	237.50	266.00
Total increment	611.50	659.00	687.50	716.00
Total return over 20 years (percent)	122	132	138	143
Annual return (percent)	6.1	6.6	6.9	7.2

Note: At the end of the 20-year term the investor may have the original $5,000 returned.

$500 security: 20-year bond, 10-year amortization:	
4½ percent income, nontaxable	$22.50
Amortization	50.00
Total	72.50

Effective savings on taxes at—	17 percent	22 percent	25 percent	28 percent
Tax savings:				
1 year	$12.33	$15.95	$18.13	$20.30
10 years	123.25	159.50	181.25	203.60
Income at $22.50 times 10 years	225.00	225.00	225.00	225.00
Tax savings over 10 years	123.20	159.50	181.25	203.60
Total increment	348.25	348.50	406.25	428.60
Total return over 10 years (percent)	67.7	76.9	81.3	85.7
Annual return (percent)	7.0	7.7	8.1	8.6

TABLE II.—NATIONAL URBAN BONDS (NUB) 5 PERCENT BOND

Taxable income (gross income less deductions and exemptions)	$3,500	$8,500	$12,500	$16,500
Tax bracket (ignoring surcharge) on a joint return (percent)	17	22	25	28

$500 security: 20-year bond, 20-year amortization:	
5 percent income, nontaxable	$25
Amortization allowance of face value taken for a tax deduction	25
Total	50

Effective savings on taxes at—	17 percent	22 percent	25 percent	28 percent
Tax savings:				
1 year	$8.50	$11	$12.50	$14
20 years	170.00	220	250.00	280
Income at $25 times 20 years	500.00	500	500.00	500
Tax savings over 20 years	170.00	220	250.00	280
Total increment	670.00	720	750.00	780
Total return over 20 years (percent)	134	145	150	156
Annual return (percent)	6.7	7.3	7.5	7.8

Note: At the end of the 20-year term the investor may have the original $5,000 returned.

$500 security: 20-year bond, 10-year amortization:	
5 percent income, nontaxable	$25
Amortization allowance of face value taken as a tax deduction	50
Total	75

Effective savings on taxes at—	17 percent	22 percent	25 percent	28 percent
Tax savings:				
1 year	$12.75	$16.50	$18.75	$21.50
10 years	127.50	165.00	187.50	215.00
Income at $25 times 10 years	250.00	250.00	250.00	250.00
Tax savings over 10 years	127.50	165.00	187.50	215.00
Total increment	377.50	415.00	437.50	465.00
Total return over 10 years (percent)	75.5	83.0	87.5	93.0
Annual return (percent)	7.6	8.3	8.8	9.3

BACKGROUND—ALVIN E. GERSHEN

Mr. Alvin E. Gershen is the senior member of the firm of Alvin E. Gershen Associates, Trenton, New Jersey. He is forty-two years old, married, and has six children. He has a Bachelor Degree in Civil Engineering from the City College of New York and a M.P.A. degree from the New York University Graduate School of Public Administration. He did additional graduate work in city planning at Columbia University. Mr. Gershen organized his firm eight years ago with the expressed purpose of providing total community development services. The firm specializes in planning, engineering, urban renewal, and housing. The firm has achieved particular success in creative planning and development and has been responsible for many successful planning, urban renewal and housing programs for the development of over 5,000 dwelling units of housing in New Jersey.

During the past several years, Mr. Gershen has applied his particular experience and knowledge in housing and development problems by preparing legislative programs in New Jersey and West Virginia. Foremost among these programs, were his services as a consultant to the Governor's Task Force on Housing in West Virginia and his services as Chairman of the Governor's Task Force on Housing and Urban Renewal in New Jersey. This latter work culminated in the passage of the most significant urban legislation in decades by the New Jersey Legislature. Most notable was the creation of the new Department of Community Affairs and the establishment of the State Housing Finance Agency.

Mr. Gershen was appointed in 1960 to represent the State of New Jersey on the Meadowlands Regional Development Agency. His joint publication of the paper "Develop the Meadows" was the foundation for Meadowlands activities that culminated recently in the enactment of the Meadowlands Development Commission legislature by the State of New Jersey.

Mr. Gershen was formerly associated with the New York City Planning Commission and also was Chief of Technical Operations of the New Jersey Division of State and Regional Planning. He was also active in private home building in the mid 1950s. He has been President of the New Jersey State Board of Professional Planners since its creation in 1963 and is a member of the American Institute of Planners, the American Society of Planning Officials, National Association of Housing and Redevelopment Officials, and National Society of Professional Engineers. He is assistant Director of the New Jersey Federation of Planning Officials and a licensed professional planner in New Jersey and Michigan and a licensed professional engineer in New York and New Jersey. He has lectured and taught at the Graduate School of Public Administration, New York University, College of the City of New York as well as Rutgers. The State University of New Jersey. He is a consultant to the New Jersey Civil Service Commission and has been responsible for the publication of articles and periodicals in professional journals. He recently was appointed to the New Jersey Council on the Arts. He is listed in Who's Who in the East in 1968.

CONGRESSMAN JACOBS ASSAILS PRESIDENT NIXON ON EC-121 INCIDENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. JACOBS. Mr. Speaker, on February 26, 1968, when he was running, President Nixon delivered at Hillsboro, N.H., this statement:

> What we can do is to not let this (seizure of Pueblo) happen again. I say that wherever we have—and we must have ships of this type gathering intelligence so that we will not have a surprise attack—let us make sure that we have in the area other ships or planes that can come to the rescue of such a ship in the event that it comes under attack.

This Administration knew that was going to happen, or at least they had reason to know it, because this ship had been harassed for weeks prior to the time that it was picked up by the North Koreans.

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Mr. Speaker, I now direct your attention to Presidential Candidate Nixon's remarks in the Detroit Free Press on September 29, 1968:

> What we should have done was to bring in the power to defend that ship or get out of those waters. Let's not let that happen again, and I won't let that happen.
>
> What happened to the *Pueblo* should and will be avoided in the future. During the weeks before the ship was seized—when North Korea was warning and threatening us—we should have either moved in with cover for the ship or we should have pulled it out of there. I would have made certain one of these two actions were taken. We did neither and the inevitable occurred.

Mr. Speaker, I now direct your attention to an article by Sarah McClendon written for the North American Newspaper Alliance within a day or two after the U.S. reconnaissance aircraft was shot down by North Korea:

> A high South Korean official warned President Nixon three weeks ago that North Korea was going to shoot down two United States reconnaissance planes and capture an American spy ship. The warning, according to a reliable source who must go unnamed, was delivered to Mr. Nixon at the time of President Eisenhower's funeral by the former South Korean Ambassador to the United States, Il Kwon Chung.

And finally, Mr. Speaker, an item by Mr. Richard Homan, from the Washington Post, April 26, 1969:

> The United States provided fighter plane protection for its reconnaissance flights off North Korea "for a considerable length of time after the seizure of the U.S.S. *Pueblo* last year." But this protection was discontinued before the Navy E.C.–121 was shot down by North Korea last week, General Earle G. Wheeler, Chairman of the Joint Chiefs of Staff disclosed yesterday.
>
> It was ended—

He said—

> because after using it for a certain period of time . . . we had no response in the way of hostile activities.

In other words, Mr. Speaker, it worked so we decided it was no good.

President Kennedy said:

> It is easier to make the speeches than to make the decisions.

How true.

HOW TO RADICALIZE STUDENTS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. BINGHAM. Mr. Speaker, today's article by Mr. Tom Wicker of the New York Times as to the kind of legislation now being seriously considered in the House Education and Labor Committee is most disturbing. If it is at all accurate, then we are gravely threatened by panic.

The article follows:

[From the New York Times, June 10, 1969]

In the Nation: How To Radicalize Students

(By Tom Wicker)

Washington, June 9.—It may already be too late to stop the punitive, unnecessary and ill-conceived legislation against students and universities now being seriously considered in the House of Representatives; but if anything can halt the blundering rush of vengeful politicians into Federal control of education, it may be the sensible statement issued today by the National Commission on the Causes and Prevention of Violence.

Mrs. Edith Green of Oregon apparently does not have the votes to get this legislation out of her subcommittee. So she will try to get the full Education and Labor Committee at its meeting tomorrow to take the bill away from the subcommittee; for this purpose she is believed to have a majority of nineteen—fourteen Republicans and five Democrats—of the 35 members. And if it can be pushed through the Education and Labor Committee, it will almost surely reach the House floor, where the spirit of vengeance is matched, these days, only by the mood of panic.

It is incredible, even so, that such legislation could even be contemplated; one has to go back to the South of a decade ago, when communities closed their schools to save them from integration, to find such suicidal folly. This bill would make mandatory the complete cutoff of Federal assistance of any kind to any university or college that did not set up a rigid code of conduct, including a table of penalties, for its students *and* faculty (as if the latter were mere employees); however viewed, that is intolerable intrusion by the Government into the control and administration of private institutions.

Since colleges themselves administer such programs as National Defense Education loans and the college work-study program, they would lose Federal funds for them. Many students who have never participated in any kind of disorder, but who either receive these funds or ought to, would thus be penalized.

CUTTING OFF AID

The Green bill also would force colleges to cut off any form of Federal assistance to any student, faculty member, research fellow or employee who had "contributed to a substaninstitution" (whatever that may mean).

This does not refer merely to student loans and grants; the bill says specifically that the assistance to be terminated also includes veterans' benefits under the G.I. Bill of Rights; payments of a surviving child's insurance benefits under Social Security; and salaries of faculty members engaged in training Peace Corps volunteers. All these, plus loans and grants, to be denied for a period of five years, and almost as an afterthought, the bill adds that if a student so penalized at one institution then transfers to another, the second has to honor the cutoff of assistance ordered by the first, no matter what the student's subsequent conduct.

DANGERS OF MEASURE

The thought-control aspects of the bill are made even more clear by the fact any student applying for or entitled to any form of Federal payment would have to sign an affidavit that he had never "contributed to a substantial disruption"; in short, behaving as Congress commands is an absolute prerequisite for receiving even inherited Social Security benefits or combat-earned GI benefits.

Representatives Ogden Reid of New York and John Brademas of Indiana, who are leading the opposition in this repugnant measure, circulated today a number of statements by college presidents denying the need for it and pointing to its inequities and dangers.

The college heads emphasized that such punitive legislation would have as a primary effect the further embitterment and alienation of a student generation already in revolt against the standards and attitudes of its elders. That also was a main point of today's statement by the Commission on Violence.

Its chairman, Dr. Milton Eisenhower, himself a former college president, pointed out on the commission's behalf that if "aid is withdrawn from even a few students in a manner that the campus views as unjust, the result may be to radicilize a much larger number by convincing them that existing governmental institutions are as inhumane as the revolutionaries claim."

The Violence Commission, scarcely a radical body, viewed the roots of student unrest as lying "deep in the larger society" and one effective remedy, it suggested, "is to focus on the unfinished task of striving toward the goals of human life that all of us share and that young people admire and respect."

Now *there* would be something really useful for Congress to do. Fat chance.

SAVING THE POTOMAC RIVER

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. GUDE. Mr. Speaker, I have been especially pleased with the outcome of efforts to save the Hunting Creek area on the Potomac from the encroachment of developers. That the destruction of this marshland was averted is due largely to the commendable efforts of Congressman Reus, chairman of the Conservation and Natural Resources Subcommitte of the House Government Operations Committee, and of Secretary of the Interior Walter J. Hickel. We who enjoy the natural beauty of the Potomac and who are concerned that it remain unaltered according to its established boundaries are grateful to these men for their timely and persistent efforts to protect this river.

The maintenance of river shorelines, however, is no more important than the safeguarding of the river waters. It would be incongruous from the standpoint of conservation to work for one and ignore the other. The pollution problem in the Potomac has become one of crisis proportions and notorious repute. That it should prevail in a waterway to which all Americans make patriotic claim intensifies the evil. Hence, those of us who laud the efforts of Mr. Reuss and Secretary Hickel for their achievements in Hunting Creek are hoping that continued combinations of expertise and resolve will yield some progress in eliminating the pollution of the Potomac.

With these thoughts in mind, I am entering into the Record today a copy of Secretary Hickel's letter to Secretary of the Army Resor, under whose authority the permit to fill Hunting Creek would have been issued, and a subsequent letter from Chairman Reuss to Secretary Hickel. Also, I am including a copy of the April 16, 1969, Washington Post editorial which reports the initial success of the efforts to block the Hunting Creek destruction, and finally a clipping from today's Washington Post announcing the order suspending the Hunting Creek landfill. I think this chronology of letters and reports well represents some of the most recent and best efforts aimed at protecting the Nation's rivers.

The material follows:

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APRIL 3, 1969.

Hon. STANLEY R. RESOR,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: I have had an opportunity to review the facts pertinent to the issuance on May 29, 1968, of a Department of the Army permit to construct a bulkhead and to fill 9.39 acres of the Potomac River at the mouth of Hunting Creek, Virginia, by Howard P. Hoffman Associates, Inc. As you know, on April 26, 1968, former Under Secretary of the Interior Black withdrew Departmental objections to granting of the permit.

The Department now considers the proposal as a needless act of destruction of the environment of the Nation's Capital, and urges reconsideration of the permit previously issued for the proposal by the Department of the Army.

The filling and the subsequent construction of an apartment building at the confluence of Hunting Creek with Potomac River is not in keeping with the widely publicized goal of this Department to preserve and protect the values of the Potomac River. The skyscape along the Potomac has been unnecessarily desecrated already. The further deterioration of "Washington's River" should be stopped and efforts renewed to improve the river and restore its former attractiveness. The Department intends to firmly contest any needless filling of the Potomac or affront to its landscape. The view of the river from our Nation's Capital parklands and the integrity of the parklands themselves must be protected and preserved.

The plan as now approved involves a much smaller area than originally considered in 1964 when the proposal to fill consisted of a wedge-shaped tract of about 36 acres jutting out into the river for some 2,000 feet. But we have no reason to believe that the original plan will not be proposed piecemeal from time to time in the future. In fact, the Hoffman proposal opens the door to future enlargements, since it will create a small bay that will be on obvious candidate for further filling. The justification would be essentially the same, that natural values have already been downgraded by existing developments. The door should not be opened further, even to such an apparently small degree. The unnecessary nibbling of areas of high public value must be stopped if we are to maintain all the qualities of our environment.

The Virginia Legislature has given its sanction to the initial proposal. Yet the State has not acted to complete this sanction by formal issuance of a patent.

In spite of many assertions made that the habitat in the Hunting Creek area has continued to be degraded, we find that since the proposal was made in 1964, the area in question has not lost any of its value. It still provides a feeding and resting ground for migratory waterfowl. It still provides a vista across the Potomac from the George Washington Parkway. It still forms a natural margin for Jones Point, a Federal property administered by the National Park Service with a major potential for addition to the developed parks of the Capital area. Serious and irrevocable changes would occur in that open water area between the fill site and Jones Point should the project go forward.

The potential of the lands along the Potomac in Federal ownership should be maintained undiminished in value for use by all the people. Any fill project at the mouth of Hunting Creek would not be in keeping with this aspiration.

The time has come for the government to take a firm stand to protect the fast vanishing natural shorelines of our nation.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

APRIL 10, 1969.

Hon. WALTER J. HICKEL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: Every Member of this Subcommittee agrees with the position you have taken in your letter of April 3 to Secretary of the Army Stanley R. Resor that "the time has come for the Government to take a firm stand to protect the fast vanishing shorelines of our Nation."

We therefore congratulate you on your letter to Secretary Resor in which you urge him to reconsider permitting the bulkheading and filling of 9.39 acres of the Potomac River at the mouth of Hunting Creek, Virginia, by Howard P. Hoffman Associates, Inc.

The hearings conducted by our Subcommittee and the report issued by our Committee fully demonstrate the validity of your statement that the proposed fill would be "a needless act of destruction of the environment of the Nation's capital."

We would appreciate your keeping us advised of further developments both with respect to the Hunting Creek fill proposal and the Department's plans for preserving and protecting the potential of the Potomac River for the use of all of the people.

We are delighted that you acted so promptly on this matter.

With best regards.

Sincerely,

HENRY S. REUSS,
Chairman, Conservation and Natural Resources Subcommittee.

[From the Washington (D.C.) Post, Apr. 16, 1969]

SAVING THE POTOMAC RIVER

Lusty cheers are in order for Secretary of the Interior Walter J. Hickel from everyone who wishes to preserve the Potomac River in its natural beauty. The Secretary has reversed his predecessor's approval of a landfill at Hunting Creek near Alexandria, to avert what he accurately describes as "a needless act of destruction of the environment of the Nation's Capital." The reversal of policy is not only of great interest to conservationists because of its importance to wild waterfowl. It is also basic to protection of the Potomac as one of the country's great rivers.

Even louder cheers are in order for the House Government Operations Subcommittee which investigated the proposed misuse of the marshland in the mouth of Hunting Creek and brought out a unanimous report opposing it. Among other disclosures, the Subcommittee pointed to a potential windfall for the developers who could acquire the submerged land at about $1590 per acre under a 1964 Virginia law despite the fact that adjacent land recently sold for about $144,000 per acre.

The stand now taken by Interior is the more important because it reflects a general policy. Secretary Hickel has said pointedly that "further deterioration of 'Washington's river' should be stopped and that his Department intends firmly to contest any needless filling of the Potomac or affront to its landscape." Rigid enforcement of that policy is imperative to protection of the environment of this Capital City. If private developers were permitted to encroach on the river with their landfills to support apartment projects, there would be little left of the Potomac within a few decades.

The river belongs to the public. Any encroachment on it must be regarded as an outrageous grab of public property, which becomes especially indefensible when the result would be to destroy the natural beauty and utility of the river as such. The whole community, and not just the conservationists, out to burn with indignation every time a suggestion is made to raid the river for apartment sites or any comparable development.

[From the Washington (D.C.) Post, June 10, 1969]

HUNTING CREEK LANDFILL IS ORDERED SUSPENDED

(By Helen Dewar)

The Department of the Army has suspended authority for a controversial landfill and high-rise apartment project at the mouth of Hunting Creek near Alexandria.

It has ordered the Army Corps of Engineers, which has jurisdiction over all landfills on public waterways, to hold a new public hearing on the project "at the earliest possible time."

The Department's action comes in the wake of protests from conservationists and Congressmen and a dramatic about-face by the Interior Department.

At issue are 9.5 acres of marshland along the Potomac River, a last refuge for wintering water fowl in the Washington area that has become the latest battleground in conservationists' efforts to protect what is left of open lands and open vistas along the Potomac.

The Corps initially denied a permit for the landfill project to Howard P. Hoffman Associates Inc. of New York but reversed itself last year after the Interior Department withdrew its own earlier objections and approved the project.

The issue was reopened when Interior Secretary Walter J. Hickel called on the Army two months ago to block the project.

Reversing the position of his predecessor, Hickel said the Potomac shoreline had been "desecrated" enough already and stated Interior's firm intention to fight the Hunting Creek project.

In a related development, a House Government Operations subcommittee under Rep. Henry S. Reuss (D-Wis.) came out unanimously against the project.

The Department of the Army's suspension of the landfill authority pending a new hearing was disclosed in letters received yesterday by the subcommittee and by Sen. William B. Spong (D-Va.), who had also opposed the project.

In the letters, Robert E. Jordan III, of the Army general counsel's office, questioned the adequacy of required surveys on the impact of such projects on wildlife. He also suggested that new information was needed on "changing conditions" in the area.

Particularly, he said, the hearing should include "facts and viewpoints relative to the effect of the proposed landfill on navigation, fish and wildlife and other matters affecting the public interest."

Hunting Creek empties into the Potomac near the Woodrow Wilson Bridge and lies near the new Jones Point National Park as well as Hunting Towers, an existing Alexandria high-rise apartment development.

RADICALS' DEMANDS STUN AND POLARIZE WELFARE LEADERS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. BOB WILSON. Mr. Speaker, I include in the RECORD the following article from the June 1 Washington Post which emphasizes most forcefully the serious "social welfare" gap developing in America today:

RADICALS' DEMANDS STUN AND POLARIZE WELFARE LEADERS

(By Eve Edstrom)

". . . or get off the pot."

The full, obscene demand was shouted over a seized microphone last Sunday night as more than 5000 of the Nation's social welfare leaders convened to hear an opening address by their president.

In stunned silence, those who had devoted decades to helping the poor heard themselves called "racist pigs," and "fat cats," and members of the "white imperialistic oppressive society."

"Are we going to have too much self-respect to allow a minority in this world to . . . on the rest of humanity?" another speaker shouted.

The platform had been taken over by dissident students, new organizations of militant social workers, and welfare mothers. Two deep, they lined the vast stage in the grand ballroom in the New York Hilton.

When one of the captive audience attempted to lead a mass walk-out, a human chain blocked the exits. Welfare mothers, under the direction of the dashiki-clad Dr. George A. Wiley, said nobody was going to leave until thousands of dollars were anteed up for more of the poor to attend conference conventions. With that, plastic ice buckets were passed around for contributions.

The temporary ballroom dividing wall had to be removed to free the delegates before the 96th annual forum of the National Conference on Social Welfare could begin. Some three hours late, outgoing president Arthur S. Flemming began his opening address: "An Action Platform for Human Welfare."

But the chaos was not over. Wiley and his welfare mothers had set the stage for others to do their thing during the remaining days of the conference—black social workers, Spanish-speaking people, militant students, an Indian who inveighed against the raping of squaws, and a young girl who shrilled that she was a former mental patient and an ex-drug addict.

After four days of confrontations and conciliations, a delegate sat outside the ballroom where the Conference was coming to a close.

"I said to myself this couldn't be happening to US!" he said.

"What am I going to do? Just say a tired liberal is going home."

There were many like him, people who had come prepared to adopt a platform for bringing economic and social gains to the poor.

They had scheduled workshops to "tell it like it is" and to simulate a "live" confrontation. Indeed, they were going to discuss the "challenge to the professional—can you train the non-professional?"

The non-professionals are still laughing. The time for well-meaning words is over, they said. The time for action is now.

The failure to silence the militants was a conscious strategy of Flemming, who also is president of the National Council of Churches and president of Macalester College in St. Paul, Minn., where former Vice President Hubert H. Humphrey is teaching.

Despite contrary advice from some of his board members, Flemming wanted to keep the avenues of communication wide open and, by not stopping anyone from speaking, prevent the possibility of violence.

And so it was with some pride that at the end of the conference, Flemming turned over the gavel to the new president, Wilbur J. Cohen, with the words: "I did not use this gavel once this week—I didn't think it appropriate."

Yet the conference that began with threats being made in public ended with one made in private.

Three representatives of the National Association of Black Social Workers cornered Cohen and one said: "We are going to make trouble for you in Chicago," the site of next year's meeting.

The three were angry with Cohen for giving what they characterized as a "law and order" speech. Cohen never said "law and order" but he declared he opposed violence and threats under any guise.

Nor were Cohen's credentials as a former HEW Secretary and long-time battler for liberal causes sufficient.

Ron Lewis, a Negro faculty member at Berkeley's School of Social Welfare, scoffed: "Did you say that guy was a former Secretary of Health or Welfare of something? No wonder the country is in the shape it is in. He's a negative force. He has no vision. He wants to take us backwards, undo everything we've accomplished this week."

In truth, Cohen's speech was an attempt to temporize some of the decisions that had been made during the week by the polite and patient Flemming.

Wiley, for example, had demanded that the Conference contribute $35,000 to pay the way for 250 poor people to attend next year's conference. And the conference had agreed.

But that vote must be ratified by a mail ballot which will call for an increase in member agency dues. There already is talk that many members would prefer to desert the conference than "pay blackmail" to Wiley's National Welfare Rights Organization.

However, Wiley's initial success caused others to become bolder.

By Tuesday night, the National Association of Black Social Workers had captured all microphones and listed numerous demands, in their representation on policy-making boards.

The conference again was halted until one of the dissidents cockily announced: "This assembly may now proceed with business due to the fact that the board of directors has pretty much accepted the demands made upon them."

By the time the conference had ended, a radical shift in power to give minorities a far greater voice than their numbers actually warranted was underway.

Of all professions, the social welfare workers should have been prepared for the confrontations that took place. But, as one observer said, they thought they were immune from attack because their lives have been spent helping the helpless.

AGRICULTURE AMENDMENT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. CONTE. Mr. Speaker, I would like to take this opportunity to thank all of my colleagues who supported my amendment limiting farm subsidy payments to $20,000 per producer.

I want also to assure them of my intention to continue this fight by doing all I can to see that the measure succeeds in the other body.

As evidence of my continuing concern, I include in today's RECORD a copy of my statement submitted last Friday, June 6, 1969, to the Subcommittee on Agriculture of the Senate Appropriations Committee:

STATEMENT BY HON. SILVIO O. CONTE IN SUPPORT OF THE CONTE AMENDMENT BEFORE THE SUBCOMMITTEE ON AGRICULTURE, SENATE APPROPRIATIONS COMMITTEE, JUNE 6, 1969

Mr. Chairman, I appreciate this opportunity to present my views in support of the imposition of a $20,000 limitation on aggregate payments to any producer, excluding sugar.

As you know, last week the House of Representatives again expressed its overwhelming support for my proposal. This year my amendment passed by a margin even greater than last year—by a record vote of 224 to 142.

Mr. Chairman, I don't believe I need burden this Committee with an extensive explanation of the basic reason for this amendment. There can be no question that the vote in the House clearly reflected the wishes of most Americans who demand an end to the inequity of excessively large payments going to a handful of corporate farm giants. At a time when the need to combat inflation is creating strong pressure for spending limitations for rural and urban development, educational, health, housing and nutritional programs, there is no justification for continuing these excessive payments which have no place in any workable farm program.

Last week when the Agricultural Appropriations Act for 1970 was before the House, the parliamentary rules under which the House of Representatives operates did not permit me to offer more extensive legislation. While I believe my amendment by itself represents a substantial step forward, I acknowledge that certain changes which have been suggested would be appropriate at this time.

As I said during the debate on the House floor last week, I take no pride of authorship in this amendment, and I am ready to work with Secretary Hardin and members of this body on both sides of the aisle to ensure that this limitation becomes an effective part of our farm program.

I disagree most emphatically, however, with Dr. Hardin's suggestion that such changes cannot be made at this time.

I have been advised, in consultations with agricultural experts, including the distinguished former Under Secretary of Agriculture, Dr. John A. Schnittker, that a workable program of payment limitations can be achieved based on my amendment.

Dr. Hardin himself has acknowledged before this Committee that it is possible to design "a sound farm program" which would include payments limitation.

While supporting my amendment as a reasonable and appropriate method of payment limitations—limitations which are a necessary part of any sound and equitable farm program—Dr. Schnittker and others have suggested that two additional modifications would be appropriate.

These two recommended changes—repeal of the so-called "snapback provision" on cotton and a provision to permit some increased planting by those affected by the payment limitations—are, I should add, responsive to the two basic objections raised by Secretary Hardin to the Conte amendment.

Such modifications would be entirely germane to the Agricultural Appropriations Act for 1970, since they would be limited to the crop year 1970 and would restrict the expenditures of funds appropriated for 1970 in an equitable manner, providing potential government savings in excess of $200 million. Yet these changes would not interfere with the attainment of the goals of the programs financed by these appropriations.

The first and more important additional change—recommended by virtually all those familiar with the farm program—is the repeal of the so-called "snapback provision", Section 103(d)(12) of the 1965 Act. This device was inserted into that bill because large cotton interests had foreseen the inevitable success of an amendment such as mine. We cannot permit this provision to stand. It defeats the very clear intent of the Congress.

The second recommended change is some adjustment of current acreage allotments, permitting some increased planting by those affected by the payment limitation. I am advised that this can be done without materially affecting the total amount of production.

With respect to cotton, even the analysts in the Department of Agriculture's Economic Research Service have predicted that there will be no appreciable increase in total cotton production with this change. The reason for this is that, while the more competitive farmers in the Mississippi Delta and in California will increase their production, less cotton will be grown in the blackbelt of Texas and in the Southeast when my payment limitation goes into effect.

Time does not permit me now to propose the specific legislative language for these additional changes. I understand, however, that such legislation is now being drafted by interested members in this body and I would be happy to support proposals along the lines I have suggested.

In conclusion, may I repeat that such legislation can be adopted now and will clearly be germane to this payment limitation portion of the Agriculture Appropriations Act of 1970.

At a time when funds needed to tackle critical domestic ills are being cut back it makes no sense to permit farm program subsidy payments in excess of $20,000 to some 10,000 large farmers who, by any reasonable standards, already have high incomes.

It is my hope, Mr. Chairman, that this Committee will report my amendment, together with the additional modifications I have suggested, thereby assuring government savings in fiscal year 1970 of anywhere from $200 to $300 million in agricultural expenditures.

Without my amendment, some 3000 large farmers will collect $150 million in subsidies in 1970. Five to 10 large corporations may each receive subsidies of $1 million or more. One large corporation received over $4 million in farm subsidies in 1967 and over $3 million in 1968.

I submit that to continue these huge payments is indefensible at a time when government funds are urgently needed for many other worthy domestic programs.

Thank you again, Mr. Chairman, for this opportunity to present my views.

CUMBERLAND GI IS KILLED IN WAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. Robert H. Martin, Jr., a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and to honor his memory by including the following article in the RECORD:

[From the Baltimore (Md.) Sun, June 6, 1969]

CUMBERLAND GI IS KILLED IN WAR

Marine Pfc. Robert H. Martin, Jr., of Cumberland, who had been previously wounded in Vietnam, was killed by a landmine June 2 while on patrol in the Mekong River delta, the Defense Department announced yesterday.

Private Martin, 19, had been stationed in Vietnam since February with the 5th Marine Division near Anhoa.

NO MENTION OF WOUNDS

Never one to worry his parents about the dangers of Vietnam life, his family learned he had previously been awarded a purple heart only when the family was informed of his death.

His mother, Mrs. Beatrice Martin, said yesterday her son always wrote cheerful letters and never mentioned being wounded.

Private Martin was born in Cumberland and spent his life in the Western Maryland community.

He enjoyed hunting and fishing in the mountains around Cumberland. "But," his mother said, "He never got a deer."

PARENTS, SISTER SURVIVE

A 1968 graduate of Fort Hill High School, he enlisted in the Marine Corps last July. He planned to become a conservationist.

Besides his mother, he is survived by his father, Robert H. Martin, Sr.; a sister, Mrs. Bobbie Jean Shirk, of Martinsburg, W. Va., and his maternal grandmother, Mrs. Maudie Hipsley, of Cumberland.

OBSCENITY IN THE MAILS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. FINDLEY. Mr. Speaker, on May 2 of this year, President Nixon submitted to the Congress certain proposals which would build upon and strengthen existing legislation to give the public recourse against those who send salacious and obscene materials through the mails.

In the last 5 years the number of complaints to the Post Office Department about the receipt of pornographic mail has almost doubled. Certainly, there has been a marked increase in complaints from my own constituents, and I must say that the complaints are thoroughly justified. Some of this material which is being directed at child and adult alike is so crude and disgusting that it makes mild by comparison the inscriptions and drawings on privy walls.

More than once a constituent has forwarded to me a sealed envelope bearing the embarrassed notation that the ladies of my office staff should not be the ones to open that particular piece of mail. Such notations have not been misplaced.

In 1967, the Congress established a procedure which has proved to be inadequate. A citizen, once he determines that mail he has received is "erotically arousing or sexually provocative," can file with his post office a judicially enforceable order prohibiting the sender of that pornography from directing any further such mail to his home. The limitations of this approach were quickly apparent.

First, the initial mailing of pornographic material takes place with impunity. Second, the procedure which the recipient of that mail is required to go through to preclude further delivery of similar material is difficult, time consuming, costly, unsure of success, and not widely known. Finally, the procedure places the burden of action upon the wrong party. Rather than the purveyor of the offensive material bearing the responsibility for his own actions, the recipient of the offensive material is forced to bear that responsibility by taking steps to prevent a recurrence of the offensive conduct.

Plainly, new legislation is called for, and the American people will welcome the strong and forthright approach set forth in President Nixon's proposals. Fully supporting the President's statement, I am today introducing the legislation he recommends which would accomplish two objectives not adequately dealt with by existing law.

First, my proposal would prohibit anyone from using the mails to convey to those under 18 years of age matter that is harmful to minors. Harmful matter is defined to include that which is both offensive to prevailing standards in the adult community concerning what is suitable material for minors and which is also substantially without redeeming social value for minors.

Second, my proposal prohibits the use of the U.S. mails to convey to anyone matter which is designed or intended to appeal to a prurient interest in sex. This provision would prohibit the pandering of salacious material via the U.S. postal service.

There is, of course, a fine line between those things which are patently offensive and violate the right of privacy and those things which are constitutionally protected by the First Amendment to the Constitution. It must be recognized, however, that the failure of the Congress to act in this area would not mean that the line had not been drawn between pornography and literature deemed not to be offensive. Inaction would simply mean that the line had been drawn in favor of pornography and against other constitutional rights which assure to the individual his privacy. It would be far better, then, for the Congress deliberatively to consider and balance these competing interests, fully cognizant of the historic principles involved. It seems clear to me that no individual should have the constitutional right to invade the very sanctity of the home and expose a child of tender years to pornographic material without providing a means by which the child can understand and evaluate that material.

While the publication of obscene material may be subject to a different and more stringent constitutional standard, the use of the U.S. mails for the distribution of that material seems to me to be quite a different matter. Although the use of the mail does not—and should not—deprive it of its first amendment protection, it does, in my opinion, necessitate the consideration of other equally important factors.

Family life is important to the structure of our society and serves a vital purpose worthy of protection by fostering the very diversity of opinions, values, and societal norms upon which a democratic republic thrives. The power of an all-pervasive national government can be utilized either to encourage that individuality and diversity or to stifle it. Too often in the past, perhaps inadvertently, that power has had a stifling effect. We in Congress must always be alert to this problem and must seek to provide the climate within which a free and diverse people may raise their families according to their own best judgment.

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BUSINESS RESPONSE THROUGH ADVERTISING TO THE ISSUES OF THE DAY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. BOB WILSON. Mr. Speaker, I recently had the privilege of attending the American Advertising Federation's 11th Annual Government Affairs Conference in Washington, D.C. With the recent attention focused on some segments of the advertising industry, I was pleased that this conference was an important step in promoting a meaningful dialog between industry and Government. I would like to take this opportunity to share the excellent speech of one of the participants, Norman E. Cash, president of the Television Bureau of Advertising:

BUSINESS RESPONSE THROUGH ADVERTISING TO THE ISSUES OF THE DAY

(Presentation prepared by Television Bureau of Advertising to be presented by Norman E. Cash, president)

Thank you for letting us be here on your agenda this morning.

Our time in history somehow associates *size* with *importance*. As this cartoon illustrates, we like to make even *ourselves* larger and, therefore, more important.

We do it in our advertising.

And today we find the same concern over size among some of our most serious businessmen.

So I think it speaks well for us in the advertising business that our largest advertiser is also our most important one and in so many ways illustrates the best that advertising can be. I do *not* refer to General Motors. Nor do I mean Procter & Gamble, proud as we are of them both.

I refer to the Advertising Council whose advertising campaigns last year received some $352 million worth of media time and space, a figure that's some 90% of the *combined* expenditures of both GM and P & G.

I feel it is significant that our country's largest advertiser is the one most *conspicuously* dedicated to the public good.

I say "conspicuously" because I believe almost *all* advertising is for the public good. An ad that presents news of a faster way to communicate is a public service. An advertisement for a new car or a message for an established product . . . all these help meet a *need* and are public service.

And news *of* a public need . . . this too is public service. And this type of advertising . . . that also meets corporate *business* objectives . . . is what I'd like to talk with you about this morning. I speak *not* of charity but of business.

Two years ago, Bruce Palmer of NICB told our Board that "The first business of business is profits . . . but that profits deteriorate in a suspicious, resentful, hostile atmosphere."

The atmosphere in which we do business . . . how much it's changed since this businessman kept his rifle handy by the rear wheel of his wagon. That gun may be a symbol of business responsibility *in those days*.

Calvin Coolidge (in a talkative mood) said "The Business of America is *Business*". Coolidge was updated when Henry Luce said "The Business of Business is *America*".

A blue-sky slogan? I don't think so.

Take for example, the problem of unemployment and its related problem of help-wanted. Unemployment may sound like a *public* problem, but help wanted is a *business* problem and the two are being brought together . . . for the good of *both*. Watch how one manufacturer uses his advertising skill to combine a social and corporate message into one commercial.

(Roll, General Electric Commercial.)

The need for better lighting to help reduce crime becomes a job with a social challenge . . . and illustrates a concern for people . . . and advertising made it happen.

At the other end of the unemployment scale . . . the hardcore unemployed. Here again business is using advertising to tell many messages in one message.

(Roll, Gulf Watts Service Station Commercial.)

A Gulf message for the ghetto . . . for its stockholders and for its customers.

Both these messages illustrated the growing involvements of business in the environmental problems of urban decay and rural blight, poverty and pollution, schools . . . crime . . . delinquency. This concentrated list is really a cover . . . of a booklet some half million copies of which were distributed after three hours of network TV sponsored by the Institute of Life Insurance.

Here is how their program was introduced.

(Roll, Institute of Life Insurance Commercial.)

The president of Xerox attacked a related problem in their six and a half hours of programming called "Of Black America" when he said, "We believe that understanding the world we *live* in is as much our *business* as the world we work in."

The growing interest in business involvement with our social problems is illustrated by TvB's invitation to address a joint meeting of two important NICB groups: Those involved with public affairs, and those responsible for company contributions. These people are close to senior management too but usually do not share your skills in the use of mass media advertising . . . *advertising* that we believe can help top management meet these new and broader corporate goals.

Often you have assigned your advertising agency responsibility only for marketing your product. Their skills like yours, can be put to work changing the environment within which your product is marketed . . . but only if you will show them the difference between a *cost*-per-thousand method of evaluating advertising and advertising media . . . and *contributions*-per-thousand . . . which is often more important.

How do these two measures differ? Who, for example, would sponsor a program reaching mainly the unemployed? But there is such a program . . . and public utilities and phone companies sponsor it . . . and it's called "Opportunity Line." Now covering half of America, it is a want-ad of the air . . . aimed at those who can't or don't read the help-wanted ads of their daily newspaper.

When half of such locally produced public service programming is not offered for sale, we believe it is a lost opportunity for the advertiser and the viewer.

Perhaps you saw last month's "Grocery Manufacturer" magazine's article about a local program the Heinz Company sponsors . . . called "Job Call". Here's a kinescope segment.

(Roll Heinz KDKA–TV Kinescope.)

The budget for that program is from the public relations budget of Heinz, not the regular advertising budget.

Perhaps you saw in the October 6th New York Time Magazine the story of kids and cars . . . an article that showed this poster and containing this Advertising Council ad.

The same message has become a television message.

(Roll Advertising Council Take-Your-Keys Commercial.)

The ideas of the Advertising Council can become *your* ideas just as Royal Globe Insurance takes this idea to be their own.

(Roll Royal Globe Insurance Take-Your-Keys Commercial.)

Crime is an obvious expense to insurance companies . . . but *we* pay the premiums. Speaking of crime, this little fellow cost *us* billions last year . . . because we paid this man to catch him. And even this private policeman is cheap when you look at the electronic equipment *he* used . . . equipment we paid for not to stop an enemy invasion, but as part of our private police force of 170,000 . . . which we maintain to keep employee dishonesty at the two-*billion* dollar level . . . because "More thieves break *out* than break *in*" . . . our own employees cost us two billion *business* dollars a year . . . in what they take from our business.

Crime is a business expense when pilferage equals profits . . . as it does for the A & P.

It seems the only ones to have benefited from all this are the criminals . . . and the Pinkerton and Burns stockholders.

Let me bring up one more business and social problem . . . and invite any of you to find a way to communicate it to the American people. This happy man . . . our friendly bookie . . . is our closest link to drugs in our high schools. The two dollar bet with him is his payoff to the police . . . which is his license to underwrite the whole of syndicated crime. How big is his take? Listen to an expert?

(Roll Salerno Kinescope.)

Crime is a concern of business for business reasons. It may become part of our advertising . . . like this message from the Patrolmen's Benevolent Association telling about the policeman who may never walk again thanks to his injury sustained while putting down riots on the Columbia University Campus. Or this ad from the Uniformed Firemen's Association . . . telling how hard it is to put out fires and dodge bricks and bottles at the same time.

This man is a crime fighter . . . by putting up lights on his home. A message sponsored by the Realtors' National Foundation, Inc.

An ad like this . . . with increases like these can lead to an R. H. Macy Department store ad with this gun control message . . . or a similar one from Abraham & Straus . . . and both for business reasons: If people are afraid to go out on the streets at night, why have branch stores open?

Did you see the cover story in last month's "Nation's Business"? It talked about Operation Shakedown . . . as the underworld comes into the business world . . . and the National Council on Crime and Delinquency in its booklet asks . . . will your business be next?

NCCD, incidentally, offers a series of folders that *we* as advertisers could offer . . . as a public service to our viewers and readers, as a business service to our customers . . . as a profit move for ourselves.

Shoplifting is a crime but even good booklets like these won't impress teenagers until we find a way to let them know the booklets exist . . . perhaps through paid advertisements like this ad in a recent paper.

Your name . . . your corporate name . . . adds importance, adds belief . . . and sponsorship makes it better.

Much of the concern over crime starts with the *need* for more police, for *better* police . . . for more understanding of *current* police. Here are two different messages . . . that could have been *your* contribution.

(Roll Los Angeles Police Force Message.)

(Roll Detroit Police Force message.)

Poverty is another business concern . . . for both social and business reasons.

(Roll Urban America "Kitty" Commercial.)

If poverty could be reduced by one-third, the increase in consumer spending would be 21%.

Education is a business concern . . . at all levels of education. Here is an ad for the United Negro College Fund . . . a fund to which almost every major corporation do-

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nates dollars. We would like to show you a contribution made by the Polaroid Corporation . . . a three-minute commercial run twice on network television . . . and then offered in one minute version for other advertisers. This, to us, is *modern* corporate advertising *proving* corporate concern.

(Roll Polaroid Commercial for UNCF.)

Where can you go to help? Everywhere are messages that need telling, and experts to help. The Urban Coalition knows the cities and their problems, the National Alliance of Businessmen knows unemployment, the National Council on Crime and Delinquency knows crime's costs; but they all need your advertising skills and your advertising budgets.

Why should you help? Senator Dirksen gave one reason: "Government can't do it alone." I believe your own business records will give you another reason. And so will your citizenship.

I would like to close this morning by thanking you all for one example of what we can together accomplish . . . you with your advertising skills, and we, the mass media with our audiences.

Hunger in our land of plenty is a business concern . . . a social concern. It also became a personal concern when CBS telecast its report to America.

I call your attention to the folder describing the results. At the top, it says the program "moved the nation to tears." This was the first step.

But at the bottom of the folder is the *real* result: it moved the people to *action*.

As people deeply concerned with the business of advertising, as manufacturers and media, how well we *use* our skills may well determine our *right* to advertise . . . and test our belief that the "Business of Business is America".

As individuals, as companies, you have done much to help and we in media have done much too. Together, we believe we can *both* do more.

Thank you.

WHEN THEY DON'T COUNT ON YOU, THEY MAY BE COUNTING YOU OUT

If you want to know what you can expect from your public, perhaps you should first know more about what your public expects from you.

Reported here is the percent and the type of people who expect and wish business, governnment, education, religion, unions to do more in helping solve these social problems:

[In percent]

	Government	Business	Schools	Religious	Unions
Pollution	89	30	3	5	5
Violence	85	11	20	30	10
Crime	90	12	7	10	7
Education	35	12	84	15	5
Delinquency	50	12	47	45	6
Poverty	82	30	11	25	15

Information comes from the TvB-commissioned R. H. Bruskin and Associates nationwide survey of 2,664 adults between September 2 and October 3, 1968.

TvB's Question: "In your personal opinion, which of these groups should be more involved in helping solve these social problems?"

I WISH WE WERE A NATION WITH PRIDE

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. MINSHALL. Mr. Speaker, our country would be a better place in which to live if we had more young people speaking out loud and clear for what is right, more young men like Sp4c. Paul C. Mathieson.

Paul Mathieson comes from Fairview Park, Ohio, in the 23d Congressional District I represent. Only recently, at his request, I sent him an Ohio State flag in which his parents assure me he takes great pride. Specialist Mathieson has served a good share of his Army time in Vietnam. He interrupted his education to fulfill his obligation to his country, signed up for 13 months in Vietnam, and plans when he completes his service requirements to continue his education at Cleveland State College.

His parents, Mr. and Mrs. C. J. Mathieson, were kind enough to share with me a recent interesting letter they received from Paul, written on a recent visit to Japan. His concluding paragraphs are particularly compelling. We often let the vocal minority drown out the Paul Mathiesons who are the hope and the future of our great Nation, and who, when the count is down, are in the vast majority of our youth.

TOKYO, JAPAN, *May 11, 1969*.

HI MOM & DAD: The favorite flower of Japan is the azalea bush. They come in all colors. They have a lot of evergreens over here also.

Japan is all mountains. The size of it is equivalent to the state of Ohio.

There are 14 million people in Tokyo city at night. During the day 10 million come into the city to work. This doesn't include tourists.

They have buddha temples everywhere.

The people are very camera shy. They don't throw litter on the streets. They go out of their way to help a foreigner. They have pride. Something we Americans lack!

The boys and girls in Junior High School wear uniforms and the boys' hair is very short. They go to school 5½ days a week. Every tour we have taken so far, there have been school kids there also. They really get an education.

I really am ashamed of the way the Americans are spoiled. Everything is there and taken for granted. When I went thru Saigon, on my way to Japan, and saw the barbed wire downtown I got scared to think that this could have been Cleveland.

Something has to be done about the younger generation in the U.S.A. The riots just make them look more like spoiled brats every day. We have everything; but don't appreciate it.

If our government can't control their own people then who the devil can! They say we are the mightiest nation. I wish we were a nation with pride and not these asinine riots.

Love,

PAUL.

"ALL THESE MORNINGS"

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. CELLER. Mr. Speaker, one of the current books deserving consideration and a wide audience is a new and charitably brief opus by Shirley Povich, the renowned sports columnst for the Washington Post.

The book is an entertaining one, and it is entitled "All These Mornings" because, as we all know, Mr. Povich's daily epistle in the Post is entitled "This Morning." Many years ago Mr. Povich prevailed upon a young tennis-playing clerk/typist with the Federal Government, named Bob Considine to cast his lot with the field of journalism. The subsequent Considine success has been legendary and I am pleased to insert in the RECORD Mr. Considine's foreword to Mr. Povich's new book. The foreword follows:

FOREWORD TO "ALL THESE MORNINGS"

There's been a lot of idle talk among whippersnapper sportswriters that I have a soft spot in my heart for Shirley Lewis Povich. Well, I have, and I have had since he saved me from a rapidly receding career as the State Department janitor in charge of filing top secret dispatches from our Ambassador Extraordinary and Minister Plenipotentiary to the Kingdom of the Serbs, Croats, and Slovenes.

Shirley led me by my nose-ring and taught me how to sit down in the press boxes of the land and, consequently, the box seats of the world. And he taught me how to report what I observed with as much dignity and decorum as I could summon. He is one of those relatively few users of the Queen's English who can write a simple declarative sentence. What a magnificent gift! Born in Maine, which speaks a tongue hardly decipherable until Edmund Muskie came along, reared in Washington, D.C., where gobbledegook was invented, Shirley has steadfastly used the 26 sharp-edged tools of the alphabet as God—who is obviously an Englishman—intended. His daily prose, as you will see as you read along, never fails to pin down a point, a thought, a sentiment, a belief. Herbert Bayard Swope called the creation of a daily journalistic endeavor "the curse of everydayness." Shirley Povich has turned that dour evaluation into "the joy of everydayness."

Fellow working stiffs marvel at his endless zest for what is happening in the ever-expanding and wonderful world of sports. They thirst for the replenishing well-springs of this jaunty observer whose home-town club has not won a pennant since 1933; whose pro football team has not done well since George Preston Marshall's fur coat turned gray.

Shirley is a special person in that having worked in one town all of his newspaper life he has never become—and, of course, never will—a home town referee. Like a Ralph McGill in Atlanta or a Galileo at the Vatican he has had his problems with the Establishments. I never saw him back up an inch.

Some day I'm going to ask him a great favor, if I find him in a pleasant mood. I'm going to ask him to let me carry his typewriter.

BOB CONSIDINE.

WATER POLLUTION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. EDWARDS of California. Mr. Speaker, in 1966 the Congress promised the people of the United States that the growing crisis of water pollution would be attacked by the Federal Government through financial support of the efforts of communities to control their own pollution. Along with many other promises to meet our civilian needs, this promise too has been broken.

We have the chance during this Con-

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gress to keep our past promises and to start work on the Herculean task of cleaning up our Nation's waterways. For these reasons I am joining those who advocate the appropriation of the full $1 billion authorized for community sewage plants during the coming fiscal year.

At present the administration is requesting but $214 million, an inadequate figure, which would bring current sewage treatment programs to a near halt. I understand other inadequate programs are under consideration by the administration, programs which would cost the local community far more than the present grant programs.

The $1 billion funding would result in at least twice that amount of new construction as Federal water pollution programs are on a matching basis with local communities.

I would repeat the urgings of Maryland's able Governor, Marvin Mandel:

> Our people are fed up with billion-dollar talk and million-dollar action.

Let me cite my own area, San Francisco Bay, as an example of the magnitude of the water pollution problem.

The taxpayers of the bay area have spent hundreds of millions of dollars on water pollution facilities, but recent studies show that expenditures of up to $2 billion are needed to meet the problem.

At the same time the bay is facing a relatively new threat—the threat of red tides which discolor its water and spread odors across its surface.

These tides are apparently the result of the addition of nutrients to bay waters, a new factor in problems of the bay.

We must either meet and overcome these problems of our waterways, or abandon them for all times as open sewers, a place of contamination.

This Congress must act to meet this and other pressing needs of our Nation.

WE WERE VERY TOGETHER

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. WOLFF. Mr. Speaker, Fred M. Hechinger, education editor of the New York Times, in a column that appeared on June 2, has described with incisive perception a factor that goes to the root of student unrest.

Rather than attempting to paraphrase Mr. Hechinger's excellent and well-expressed thoughts, I include his column in the RECORD so that our colleagues might have the benefit of his important thoughts:

[From the New York Times, June 2, 1969]

WE WERE VERY TOGETHER

(By Fred M. Hechinger)

After the student occupation of Harvard's University Hall, an undergraduate reporter wrote in The Harvard Crimson: "What was most euphoric, however, was us and what we were to each other. For those few hours we *were* brothers and sisters. . . . You had to realize, whatever your politics and whatever your tactics, that we were very beautiful in University Hall, we were very human, and we were very together."

This theme has run through all student uprisings, and it is being overlooked at the risk of missing what may be the most significant—though irrational and entirely nonpolitical—ingredient of the student rebellion: a search for an emotional, communal escape from reality.

"Emotions are our guts; without them we are but thinking machines, and the destruction of which such machines (Bundy, Kissinger) are capable has left its scars on all of us," wrote Nicholas Gagarin, the Crimson commentator.

Through most of the campus unrest runs a theme of intoxication with rebellion-forged bonds among a passionate new community—a heady replacement for the lonely life of reason, especially when that life is too often debased by pedantry. This theme was hailed by the chroniclers of the communes briefly established in last year's occupied buildings at Columbia. It reflected the mood of the 9,000 gathered all night in Cornell's Barton Hall.

There is nothing new in the emotional search for a camaraderie of danger. It is deeply felt by veterans of virtually every war, and the warmth of shared experience becomes mystically glorified as the terror that once accompanied it fades from memory. That was why Londoners after World War II readily agreed with Churchill that the days of the Blitz were indeed their "finest hour."

CAMARADERIE OF DANGER

The stark fact, however, is that the camaraderie of danger or fear does not lend itself to institutionalization. It continues in Israel's frontier settlements, but only as long as the external threat persists. In ordinary life, it ocasionally envelopes groups of people, like a flash flood, when a mining town is hit by disaster below or when a child is trapped in a well. During the city's school shutdown last year, the embattled bonds of resistance created a campfire unity among the black and white teaching staff in Intermediate School 271 in Ocean Hill-Brownsville, but the harmony has long since evaporated. It went with the police barricades.

Through the ages, men—and particularly rulers—have made efforts to bottle the essence of togetherness and let out a whiff of it whenever the masses seemed to get restless and bored. The Romans called it "bread and circuses," which (depending on one's station in the economy) could mean either affluence or welfare along with the artificially created excitement of the arena.

In this century, the state-run business of communal excitement was developed to extreme efficiency and fever pitch by the Nazis' Nuremberg Party Congress—gigantic tribal hate-ins which Hitler's oratory pointed against imaginary enemies outside the magic circle.

The colleges themselves are no newcomers to the art of creating shared-danger togetherness. Hazing, after all, was a clumsy and often violent effort at mass-produced cohesion among freshmen by exposing them to legalized persecution. It went out of style only after it had become clear that violence, especially when officially condoned, soon gets out of hand.

SUBSTITUTE FOR BOREDOM

The synthetic rah-rah spirit of the gridiron, occasionally reinforced by panty raids and food riots, fits the pattern. It is a tribute to the greater academic and social consciousness of today's youth that it has created the teach-in as a form of togetherness protest. But the teach-in became institutionally condoned so quickly that only the boredom remained. Talk marathons, once legalized, were thus replaced by building occupations.

Those who doubt that boredom, and the human search for the excitement of shared risks are ingredients of the present student unrest, should consider that Sweden has had its share of youth rebellion and even violence. Sweden is, after all, the country where social justice has been nationalized and slums do not exist.

The pursuit of communal excitement, especially among the young, is perfectly natural. The trouble starts when its emphasis on emotion and sentimentality, instead of being an occasional escape, becomes dominant and a full-time occupation. It is then that empathy and prejudices quickly become scrambled, and the anger of the commune, in its world-saving zeal, ceases to focus on aid to the oppressed and looks for scapegoats.

The world of scholarship puts a premium on the lone, personal effort, and therefore is exposed to loneliness. In an era of television, political consensus, commercially propagated togetherness and social directors even for children's parties, loneliness is likely to pose a threat to many youths who should have been, but in fact were not, prepared for it by parents, teachers and society.

EDITOR'S LETTER TO TODAY'S GRADUATES

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. O'HARA. Mr. Speaker, Maury Vincent, the well-known editor of the Macomb Daily of Mount Clemens, Mich., has written an "open letter" to today's high school graduates, a letter which I encourage everyone to read.

Mr. Vincent's letter contains a thoughtful message to these graduates:

> Set your sights on a high goal and make every effort to achieve that goal.
>
> So tuck your dreams and your hopes under your arm—

Writes Mr. Vincent—

> And make it straight for the future.

Mr. Vincent's letter follows:

GRADUATES: YOURS IS THE GIFT OF THE FUTURE

Dear high school graduates of 1969:

Very soon now, you will reach a milestone in your life . . . graduation from high school. That diploma you'll be receiving is the transfer document which takes you from relative serenity of sheltered waters to the turbulent sea of the mainstream of society with all of its challenges. As you approach this important moment in your lives, I'd like to discuss a few people with you—people like Socrates, Marcus Aurelius, President John F. Kennedy and Galloping Joe—plus some ideas—philosophy if you will—as well as the enigma of the student of today and tomorrow.

But wait a minute. Galloping Joe? you ask. Who is he and how did he get into such distinguished company? Well, Galloping Joe—like Reggie Trombley or Joe DeLamielleure—was a hardrunning football back for a high school on Detroit's East Side when I was a senior at St. Ambrose High School. You know St. Ambrose today as a football powerhouse. Back in my day we were the league's doormats. We lost the opening game of the 1939 season by the score of 69–0.

Galloping Joe knew but one way to play football. Once the ball was snapped, he tucked it under his arm and barrelled straight ahead. No fancy running for him. And on this afternoon, after Joe has run over me the third straight time and is helping me to my feet after scoring, I say to him: "Joe

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how come you don't engage in some fancy broken-field, swivel-hipped, side-stepping running instead of running over me like a Sherman tank?

As he walked away, Galloping Joe said: "Man, the quickest way to that goal line is straight ahead."

We'll get back to that later.

I can't help but feel that life is a relay race run by succeeding generations. Some of us lead, some trail behind and some drop out, but the majority of us plod along, enjoying a bit of the scenery along the way and perhaps suffering a pang or two but accomplishing most of those things expected of human beings. The important factor to realize here is that we have a goal . . . a finish line for which we strive and expend every effort at our command, transcending the confusion and chaos of a world gone mad.

This world has been confused before. It has been chaotic before. And, certainly, it has been mad before. Your parents and I are familiar with the pattern. We grew up in the depression and in our late teens or early twenties we fought that second big war to end all wars. Yet, there followed Korea and now there is Vietnam. The world and times do change, have changed and are constantly changing.

Language, for instance, has undergone great changes. Webster's third international dictionary, published in 1963, had to add 100,000 words to the list first published in 1934. Your parents, as I do, recall that in our high school days we didn't have, and therefore had no words like, astronaut, atom bomb, antibiotics, contact lens, black power, white backlash, sit in, love in, hippie, yippie, up tight and way out.

So the quest for knowledge and identity goes on in an ever-changing world. Socrates was asked by the young men at his feet—the intellectuals of their time—what is the earth made of? How did it come to be? What are human beings here for? How can we be happy?

And Socrates said to them: "Do not bother your heads overmuch with problems regarding creation or the substance of things. Here you are, a man, living for a while in a world with other men. What you must do is to think how you can live and help others to live, most nobly and wisely."

Think how you can live and help others to live most nobly and wisely.

Certainly, a great part of that thinking process is education and college is a major portion of that education. But today's student—along with his university—is often an enigma to those who live in the broader spectrum of society. Long hair, beards, social protests, sit-ins, the use of drugs—all these are manifestations of a situation which students can hardly explain to themselves, much less to outsiders or elders.

"Why," a businessman or laborer or housewife often ask, "are today's kids the way they are? We weren't like that."

In answering that question, Professor Donald Brown of the University of Michigan, states that student discontent is not new. Trends born of a mass world culture accounts for its prominence today. Today's rapid social, cultural and technological changes have largely done away with the Hollywood rah-rah of the campuses. The modern student has less fun (and feels guilty about having fun), says Prof. Brown. He works harder and relates his intellectual life more closely with his social life than did the student of the past. The more sophisticated modern student also becomes more concerned over issues of individual rights within the university and in society.

This is normal, Prof. Brown explains, since greater sophistication generally leads to a concern over man's relation to his society and his political order.

The contradictions of society—affluence and freedom existing alongside poverty and enslavement of ignorance, discrimination and hopelessness—become clearly visible to these young adults. An awareness of these contradictions constitutes a growing up, a "loss of innocence" which is intensified by rapid mass communications that expose hypocrisy in a seeming authoritative fashion.

Along with this trend toward loss of innocence, says Prof. Brown, has come a search for a new socio-political stance. Old notions like patriotism no longer stir a person as they once did. The new mass ethic of the younger intelligentsia stresses an existential view of self-determination, responsibility, meaningful and personal communication and the essence of one's self-identity. Fraternities and sororities go begging for members. The days of the raccoon coats and goldfish swallowing are passe.

Students today not only want to know who they are and what they are but where they're going as well. Can any of we parents honestly say that at the age of the youngsters in our midst now we were aware of the world around us as they are?

Alright, you ask Prof. Brown, as how does a university or college prevent student stress and alienation? By meeting students' needs for widespread, meaningful intellectual and social interaction, says Brown, adding: "Given the inherent shyness of young people, and yet their great need to communicate with one another, a university atmosphere which throws them together but provides little mutual intellectual experience will quite naturally lead them to seek ways to interact that do not always reflect the purposes of the university."

A sit-in is born.

In his meditations, the philosopher Marcus Aurelius wrote: "If you work at that which is before you, following right reason seriously, vigorously, calmly, without allowing anything else to distract you . . . if you hold to this, expecting nothing, but satisfied to live now according to nature, speaking heroic truth in every word you utter, you will live happy. And there is no man able to prevent this."

How perfectly does it describe our young people of today. They seek, and achieve, a truth which has eluded many parents. That truth is their relationship to one another and the world in which they live. It is an attribute that too many of we parents do not possess . . . and in spite of this our children, most of them, are surviving and will grow to become the stalwart parents and leaders of tomorrow.

You young people reading this are a part of that future.

In his inaugural speech, President John F. Kennedy said: "The world is very different now. For man holds in his mortal hands the power to abolish all form of human poverty and all forms of human life. . . . And yet, the same revolutionary beliefs for which our forebears fought are still at issue around the globe . . . the belief that the rights of man come not from the generosity of the state but from the hand of God. . . . Let the word go forth from this time and place to friend and foe alike that the torch has been passed to a new generation of Americans . . . born in this century, tempered by war, disciplined by a cold and bitter peace, proud of our ancient heritage . . . and unwilling to witness or permit the slow undoing of those human rights to which this nation has always been committed and to which we are committed today."

Although President Kennedy meant these words for all Americans, I am certain he was thinking primarily of you young people . . . the citizens, the parents, the leaders of tomorrow . . . the heirs of this battered old globe which grows heavier on our shoulders every day as we grow older and feel the burden of its weight.

We are getting tired and it's about time for others to step out into this relay race of life.

So tuck your dreams and your hopes under your arm and make straight for the future . . . remembering the words of that gridiron philosopher, Galloping Joe, who said: "Man, the only way to that goal line is straight ahead."

I wish you well.

THE THIEU GOVERNMENT AND THE U.S. COMMITMENT IN VIETNAM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. BINGHAM. Mr. Speaker, I commend to my colleagues and other readers of the RECORD the following lead editorial from today's New York Times:

MIDWAY TOWARD PEACE?

The size of the first 25,000-man American troop reduction in Vietnam is less important than the policy direction it indicates. The Vietnamese are as familiar as Americans with the old Chinese saying: "A journey of 1,000 miles must begin with a single step."

The Nixon-Thieu announcement at Midway is a step toward American disengagement from Vietnam. Before disengagement is completed, a negotiated settlement will have to intervene that assures North Vietnam's withdrawal and an agreed shape for South Vietnam's political future. But nothing is more likely to advance those goals at this time than progressive de-Americanization of the war.

Two other decisions taken at Midway may prove ultimately to be of importance. But not enough is known about them yet for a judgment to be made. President Thieu spoke of a new land reform program which President Nixon has agreed to help finance. If, as rumored, it involves immediate cancellation of all land rents and transfer of the land to tenants tilling it—without delay for clearance of land titles and compensation to landlords, which could come later—peasant support for Saigon and Vietcong interest in negotiation could both be stimulated.

The third decision at Midway, which could prove the most important of all, evidently concerns a new proposal for South Vietnamese elections that doubtless will be advanced in Paris in the coming weeks. The precise nature of the proposal has not been disclosed, nor is it clear whether detailed agreement was reached. But it is not likely that the Paris negotiations can be moved very far off dead center until there is a negotiable reply to the Vietcong proposal for an interim coalition government to conduct new elections in South Vietnam. A proposal for a mixed electoral commission, including Vietcong representatives, could bring the two sides within negotiating range.

The political future of South Vietnam is what the war is all about. Mutual withdrawal of external forces—which could be brought about tacitly by American troop cuts—can begin but it cannot be completed until an agreement is negotiated on the future government of South Vietnam.

The ten points advanced by the National Liberation Front and Mr. Nixon's eight points coincide to a considerable degree, as both sides have acknowledged. But it is unlikely that Hanoi and the N.L.F. can be enticed into serious private talks until the central point of disagreement—an interim coalition—is opened for negotiations as well.

Some of the newsmen have reported from Saigon and Midway that the Nixon-

Thieu conference results have caused great concern in South Vietnam about the firmness of the U.S. commitment.

If that is so—and I hope it is—President Nixon is to be commended. For it is high time that the Government of South Vietnam should begin to realize that it will not continue to enjoy U.S. support no matter how it behaves.

In the light of this, it is gravely disturbing that, since returning from Midway, President Thieu has stated that Vietnamese who advocate a coalition government will be punished. Surely, if this attitude continues and is implemented, the prospects for a political settlement of the war will be dim indeed. The United States ought to make clear that its support will be withdrawn if the Thieu Government insists on blocking the possibility of an agreement with Hanoi and the NLF in this fashion.

As the Times editorial suggests, no agreement on elections will be possible unless both sides are reasonably satisfied that the elections can be carried out under free and fair conditions. This means not only supervisory arrangements for the elections themselves but governmental arrangements in all parts of the country that will minimize improper pressures on the electorate.

BLACK STUDIES WITH A RED HEAD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. RARICK. Mr. Speaker, the manipulation by the intellectual elite never ceases to amaze.

The exclusive Bryn Mawr College for women, pressured into accepting a black studies program, has tentatively appointed the Communist Party's national committeeman, Dr. Herbert Aptheker, to its faculty.

I include in the Record a June 8 report from the New Hampshire Sunday News:

[From the New Hampshire Sunday News, June 8, 1969]

Bryn Mawr Picks Top U.S. Red, Dr. Aptheker To Direct "Black Studies Program"

(By Victor Lasky)

New York, June 7.—Would you believe that a leading Communist has been appointed by Bryn Mawr College—yes, Bryn Mawr College—as director of its Black Studies Program (BSP)?

Well, you'd better believe it. It's true.

Dr. Herbert Aptheker, a member of the Communist Party's National Committee and its leading "expert" on the "Negro Question," has been named to direct "Black Studies" at the exclusive college for women beginning next September.

That is, of course, if the appointment is not withdrawn. Already considerable opposition to Dr. Aptheker is building, particularly among horrified alumni. Even some faculty members have voiced misgivings, not so much because Dr. Aptheker is a devoted Communist but because his own writings persistently revealed him to be a slavish follower of the "Party Line."

Dr. Aptheker, however, is well aware of the significance of his appointment to the cause of communism. He is quoted in the "Daily World"—the successor paper of the "Daily Worker"—as saying:

"It is thrilling, with wide national significance for the Communist Party. It also reflects something of what this student movement is all about, which many people have failed to understand."

The "Daily World" contended that Dr. Aptheker was appointed "after black students demanded a Black Studies Program with him as its head."

The idea of "black studies," in itself, is controversial.

Legitimate fears have been expressed that such programs will not encourage scholarship as much as revolutionary activism not only on the campuses but in black communities across the nation.

Now, the appointment of Dr. Aptheker, who is white, to head the Black Studies Program at one of the nation's more elegant institutions will only tend to confirm the widespread fears.

Another aspect of "Black Studies" that has caused concern has been the tendency of such programs—as at Antioch College—to lead to the separation of black and white students. This tendency has been excoriated by such leading negro spokesmen as Roy Wilkins of the National Association for the Advancement of Colored People (NAACP) and the renowned psychologists, Dr. Kenneth Clark.

The record clearly demonstrates that Dr. Aptheker is far from an objective scholar. His writings are completely attuned to the shifts and turns of the Communist Party "line."

He is a leading Communist historian. And, as Dr. Wilson Record wrote in his monumental book, "The Negro and the Communist Party":

"The Communists wrote American history, and especially negro American history, with a purpose. The Party, like its mother organization in the USSR, demanded that the past explain and justify the present, and that it point to the future—a future in which great things were seen for the party.

"If the role of great negro figures was distorted, if small men were clothed in the garments of the mighty, if undifferentiated protest was imbued with heavy ideological overtones, if the accomplishments of moderate leaders were reduced to insignificance, if facts and scholarship suffered in the process, this could not evoke major concern.

"The Party historian was a Party man first and a historian second."

In a footnote, Dr. Record added:

"Aptheker is currently a good case in point."

TRIBUTE TO LENA WASHINGTON

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. BELL of California. Mr. Speaker, on May 23 in Los Angeles, a large contingent of leaders of my political party met at the Biltmore Hotel to honor one of our most popular and most effective members.

Lena Washington has now served the Republican State central committee for more than 20 years.

Since 1948 she has held virtually every position and has been entrusted with virtually every important responsibility that can be given to a key executive staff member.

She was my indispensable aide when I was chairman of the Republican State and county central committees in California.

She served such other former party chairmen as Secretary Robert Finch, Senator George Murphy, Assemblyman George Milias, former Assemblyman Laughlin Waters, and a host of others with equal distinction.

In recognition of her service to her party Lena Washington was selected to serve as honorary secretary of the Republican National Convention of 1952 and as a presidential elector for the State of California in 1968.

More impressive than all the honors that have come her way, however, is the galaxy of Republican friends and admirers she collected over the last 20 years.

Not the least of these is the President of the United States who was a Los Angeles Congressman when Lena first began her service with our party in California.

Lena Washington has been a good friend and a tireless supporter of many of the most distinguished men in public life who have carried the Republican banner.

It is fitting that this good friend be given evidence of the high regard, admiration, and respect that all of us feel for her.

REMEMBER ME

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. WOLFF. Mr. Speaker, recently an excellent newspaper in my congressional district, the Oyster Bay Guardian, printed a poem written by an American soldier on duty in Vietnam. This poem poignantly describes the terrible conditions to which our boys in Vietnam are subjected.

The author of the poem, Sp4c. Donald P. Fleury, asks something very simple but something very important of those of us back home. He asks in a sincere plea "Remember Me."

I would hope that we would never forget for a moment that hundreds of thousands of our brave young men are fighting a war 10,000 miles from home. To remind the people of the United States and to give appropriate recognition to Specialist Fleury's just request, I wish to include his poem in the Record at this point:

Remember Me

(By Donald P. Fleury)

(Note.—Sp4c. Donald P. Fleury is with the First Engineering Battalion of the First Infantry Division of the U.S. Army, stationed at Lai Khe, VietNam. He is the son of Mr. and Mrs. E. C. Fleury, of 78 Hawthorne Road, East Norwich.)

You know last night while standing guard,
I thought I'd write a poem,
And tell it like it really is to all you people
back home.
You folks read all the papers and watch the
TV shows,
But even with all of that, not one really
knows.

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You hear the good side of all our battles, the enemies we kill,
But you've never seen your buddy fall, while charging up a hill.
At home you walk down crowded sidewalks, or in a crowded mall,
But here, the brush or jungle trail is thick, and you have to crawl.
Back in the world, you have bridges built, to go across a river,
But here in Nam we walk right in, and when it's cold we shiver.
You've got air conditioners there, to cool your shop or den,
But over here it's so damn hot, we think it's hell we're in.
At home you take your wife or girl, go out and dance all night,
But here we stand guard, sometimes stiff with fright.
Have you ever looked around at all the things you've got?
Or stopped to think of the many things we've not?
You have cold beer, fresh water, and hot meals to eat,
Any one of those to us would really be a treat.
And every day you take a walk down life's easy path,
But I'll bet you never had to go a month without a bath!
To you a bath is water, hot enough to make it steam.
To us it's nothing more than a leech-infested stream.
You have no doubt been scared enough to think the end was near,
But I'll bet you never had to live a year in total fear.
You folks have got it easy, compared to us across the sea,
But all any soldier asks is, "Please remember me!".

EULOGY FOR TRUMAN WARD

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. PUCINSKI. Mr. Speaker, one of Capitol Hill's best loved institutions has passed away. I learned with great sorrow of the loss of Truman Ward, majority clerk of the House of Representatives, and my friend for more than 10 years.

In all that will be said in remembrance of this exceptional man, I would like to say a word or two about his fondness for the freshmen of this House. His office was a sanctuary for newcomers to Capitol Hill for more than 48 years.

Looking back to the time of my own first days in Washington in 1959, I remember that Truman was one of the first and friendliest people to welcome me to this labyrinth we call Capitol Hill. It seemed to me, as it must to most freshman Congressmen, still a little ill at ease in these historic surroundings, that he knew everyone and that there was nothing he could not find a way to do.

He was extraordinarily generous with his time and the services of his office. That office, piled to the ceiling with paper samples, with noisy and impressively ink-stained machines, with catalogs and boxes and printed matter of every description—that office was home ground to many Members.

Truman was the original Mr. Unflappable. Somehow all his promised deadlines were met, despite the countless dilemmas of last-minute changes in copy. More often than not, his suggestions about the text or tone of a newsletter salvaged an ordinary report and made an eloquent and effective one.

In half a century of serving the Congress, he knew and was a friend to thousands of men and women who came to Washington during the five decades that established this Capital City as capital of the world. Truman Ward was part of that history.

He was a link with the excitement and diversity of our past. What makes him unforgettable is that he was younger in spirit than any of us.

We have lost a living journal of Washington's history, but the stamp of Truman Ward's friendship, humility, generosity, and humor is enshrined forever in the permanent memory of his friends.

Mrs. Pucinski joins me in extending deepest condolences to Mrs. Ward and her family.

GRADUATION NOW SOUNDING AT GEORGIA SOUTHERN COLLEGE

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. HAGAN. Mr. Speaker, today, when countless graduation ceremonies are taking place in every town across this vast Nation, I feel that the following article from the Bulloch Herald and Times of Statesboro, Ga., deserves my colleagues' attention. I believe that Ric Mandes has said things about graduation which most of us often have difficulty in putting into actual words and I am sure his comments will ring a nostalgic cord in everyone's heart:

[From the Statesboro (Ga.) Bullock Herald and Times, June 5, 1969]

GRADUATION NOW SOUNDING AT GEORGIA SOUTHERN COLLEGE

(By Ric Mandes)

STATESBORO.—This is the time of graduation on college and high school campuses throughout the nation. It is the time of the long good-bye to the people, places, and things this young set has come to know so well during the past twelve or sixteen years.

No longer will the bell's ring to interrupt their lives every fifty minutes; no longer will the din of the dining hall smack their ears; no longer will the thrill of victory or the ache of defeat found in a cold winter's football night invade their weekends.

The library stacks, the bluebooks, the syntax of grammar, the thrust of Shakespeare are now over, temporarily for the high school crew, permanently for the college set, except for those whose horizons date graduate school.

Generally speaking though, it is a time of special exodus for millions of students. Friends touch with a final closeness as they stand in lines of march ready to move toward the stage; a thousand miles of footsteps that have crossed the twelve or sixteen years are caught up in silent, simple posture as the last walk is made.

Some graduation exercises are held in stadiums in a bright sun that somehow reflects the still, almost fresh, tracks of that special halfback's run across the turf. Some are scheduled at night in auditoriums. To stand in the nocturnal scene of so many memories, seeing the ease of the night soften sets of hard brick steps, the bare dirt spots of the campus, the stone benches, even the old buildings. This is something.

It is graduation time. . . . when the special halfback, the sights, and the sounds move into the form of tall hooded ones, bearers of future title, tactics, and tones.

Graduation is now, And for just a few more minutes it is loose and free . . . as tomorrow begins its final and definite approach.

DEPARTMENT OF AGRICULTURE VIOLATIONS OF CIVIL RIGHTS ACT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. EDWARDS of California. Mr. Speaker, as many of my colleagues are aware, I have been extremely concerned about the widespread violations of title VI of the Civil Rights Act of 1964 in Department of Agriculture programs. On May 19, as chairman of the Democratic Study Group Task Force on Civil Rights and Minority Affairs, I wrote to Secretary of Agriculture Hardin and asked what steps he was taking to implement recommendations of Attorney Mitchell which are directed to establishing procedures to end the flagrant violations of Federal law at USDA.

On May 20, I inserted in the CONGRESSIONAL RECORD at pages 13170–13176, a copy of the Attorney General's letter to Secretary Hardin, additional documentation from the U.S. Commission on Civil Rights as to widespread discrimination in USDA programs, and my letter to the Secretary. On May 22, my distinguished colleague from Michigan (Mr. CONYERS) included additional documentation with his remarks which appear in the RECORD at pages 13456–13465.

On May 20, I received a response from Secretary Hardin. While the Secretary's letter expressed his personal dedication to the elimination of discriminatory practices wherever they may exist in the Department of Agriculture, his letter did not address itself to the specific steps he intends to take to end the present violations of Federal law.

I have therefore written another letter to Secretary Hardin asking that he keep me informed of the administrative changes which are to be taken to bring USDA programs into compliance with title VI. I await his response with great interest.

For the information of my colleagues who are also appalled by the current situation at the Department of Agriculture with respect to title VI compliance, I insert at this point in the RECORD Secretary Hardin's response to my first letter and a copy of my second letter to the Secretary:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, May 21, 1969.

Hon. DON EDWARDS,
House of Representatives.

DEAR CONGRESSMAN EDWARDS: I have your May 19 letter relative to the reports of the

U.S. Commission on Civil Rights regarding the program of this Department.

You have asked that I advise you of the steps being taken or being planned to implement the suggestions of the U.S. Commission on Civil Rights and the Attorney General relative to civil rights enforcement in this Department.

The 1968 report of the Civil Rights Commission is a part of the material you include in the Congressional Record for May 20, 1969. In connection with that report, I am sure that you will be interested in Secretary Freeman's January 17, 1969 response to it.

You will note from that response that Secretary Freeman took exception to parts of the report. However, he pointed out that he had requested additional funds in the 1970 budget for civil rights work in this Department.

Those funds—$250,000, originally included in the Johnson budget for 1970—were retained in the revised budget President Nixon sent to Congress on April 15. We already have $320,000 for equal opportunity and civil rights enforcement within my office for fiscal year 1969. If the additional $250,000 is approved by the Congress, we will then have a total of $570,000 for civil rights enforcement in my immediate office.

This, however, does not give the complete picture. An additional 11 people are detailed for contract compliance work. These people are paid by their employing agencies. Additionally, the Office of the Inspector General conducts investigations and special audits in the civil rights area at a cost that will approximate $350,000 in 1970. Thus, there will be more than $1 million available at the Department level in 1970 assuming the Congress appropriates the additional $250,000 requested.

In addition, the operating agencies are active in implementing and enforcing civil rights laws and orders. While no specific amounts are separately identified for this work, at least $2.5 million to $3 million will be used by our agencies in fiscal year 1970 for civil rights activities. This makes a total of $3.5 million to $4.0 million in the Department of Agriculture in 1970, principally for enforcement of Title VI of the Civil Rights Act.

I assure you of my dedication to the elimination of discriminatory practices wherever they may exist within this Department. I think that our budget demonstrates the serious concern of this Department in the civil rights area. It is my intention that we live up to the intent of the law.

Money alone, however, does not assure an effective civil rights program. Consequently, I have emphasized the importance of an effective civil rights enforcement program to the line officials of this Department because in the final analysis the job will be done or not done at the operational level by the program administrators.

At the moment, I am developing our organization and program for civil rights enforcement. This work is going forward without delay. For instance, I have scheduled a conference for May 22 with Father Hesburgh, Chairman of the Civil Rights Commission; William H. Brown, Chairman of the Equal Employment Opportunity Commission; and a representative of the Civil Rights Division of the Justice Department, to review our programs, policies, and organization in this important area.

There are some vacant positions in this area at the moment, but I assure you that as soon as the organizational pattern and fund situation is clarified we will build a staff to do an effective job of civil rights enforcement in USDA.

In a very short time this Department will be in a position to carry out a more effective program to fulfill the intent of the law and to meet the standards of adequacy as determined by the Civil Rights Commission, the Attorney General, and other bodies charged with responsibility in this area.

Sincerely,

CLIFFORD M. HARDIN.

JUNE 3, 1969.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for your prompt response to my letter of May 19, which raised specific questions with respect to the steps your Department is taking to implement the recommendations of the Attorney General and the U.S. Commission on Civil Rights relative to ending discrimination in USDA programs.

I particularly appreciate your personal assurances of dedication to the elimination of discriminatory practices wherever they may exist in the Department of Agriculture. I note with great interest that you anticipate that your Department will have $3.5 to $4.0 million in 1970, principally for enforcement of Title VI, and I was pleased that the House provided the $250,000 in additional funds requested by the Department for civil rights enforcement. I hope that these funds will be directed toward ending the present violations of law which have been documented by Attorney General Mitchell and the Civil Rights Commission.

I had hoped that your letter would state precisely the steps you are taking to make the administrative changes recommended. However, I recognize that you may not have had sufficient time to make a full and adequate response. I therefore ask that you keep me informed as to the administrative changes which are to be undertaken to bring the programs of your Department into compliance with the law.

Again, my thanks for your prompt reply to my letter.

Sincerely,

DON EDWARDS,
Member of Congress.

CONGRESSMAN GENE SNYDER SUPPORTS VIETNAM DISENGAGEMENT AND THE SAFEGUARD ABM

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. CARTER. Mr. Speaker, my colleague, GENE SNYDER, spoke last Saturday to the State convention of the Kentucky Motor Transportation Association at Louisville. His speech in support of President Nixon's disengagement of our troops in Vietnam and in support of the Safeguard anti-ballistic-missile system is worthy of consideration by the Members of this body and I include it in the RECORD:

CONGRESSMAN GENE SNYDER SUPPORTS VIETNAM DISENGAGEMENT AND THE SAFEGUARD ABM

When Paul Young asked if I would come speak to you today several months ago, I readily accepted. I thought it would be a real opportunity for me to come and express my appreciation publicly for the help that you folks—and Paul in particular—have been to me in my efforts to put together certain facts and information in regard to the trucking industry and its impact on roads, and its impact upon the economy of the nation and the economy of Kentucky. He has always been most helpful and I want to let you, the members of this association, know of the diligent efforts that your staff makes in attempting to work with the Kentucky Congressional delegation.

I must confess, however, that I had great reservations when, a few weeks ago, we had lunch together and in the course of conversation, I said that I suspected it would be about time for me to put together some very pertinent facts in regard to the trucking industry and prospective trucking legislation so that I might talk here today about those things which concern your industry—and Paul said: "Look, these folks talk the trucking industry all the time, and they will be talking it in their work sessions. It would be much more appreciated if you would speak about other matters than our industry." He said it would be more of a diversion at this lunch hour. Upon pursuing that point just a little, it was with a certain amount of fear and trepidation that I agreed to be here today when Paul said he thought it would be good if I would discuss Vietnam and the controversial ABM.

These are deep and complex matters. They are matters that are of concern to every American—but I suppose more particularly to Members of the Congress for several reasons. Certainly in regard to the ABM, we must reach conclusions that will permit us to cast a vote for the best of our country—cast a vote in accordance with what we believe will be for the best for the preservation of our country and the preservation of peace in the world. In regard to Vietnam, while we in the Congress do not have the final say-so as to the conduct of the war, whether it will proceed or whether it won't, we know that we must weigh very carefully what we say because as the news media carries our words over the air and into the press, the future of the solution to that conflict can be impaired as well as enhanced by what we have to say.

It has been well over a year now since I have spoken publicly to the issue of Vietnam. It is with a great amount of reservation and hesitation that I do so today. My position has consistently been that this is a bad war. I have consistently questioned our involvement in it to the extent that we are involved.

I remember well President Johnson telling a few of us at the White House of General Eisenhower's comment to President Kennedy when he turned over the reins of government to him. President Johnson indicated that General Eisenhower said he realized the problems that were existent in Southeast Asia where he himself had committed some six or seven hundred advisor—that while he did not desire to avoid making firm decisions—that he was glad that his successor, and not he, would have to make the decision as to what our future role would be in South Vietnam.

What I have to say here today is not intended to be an indictment of any past or the present administration—and what I have to say I have tried to weigh carefully so as not to endanger peace in any way by joining with those who would compromise our position to the point that we cannot have a respectable peace. I would not want to contribute to anything that would put this government in a more difficult position than it is as it negotiates for peace. Certainly, I, as one individual, would not be in a position to do that. I know that. But weighed with all of the other comments that have been made by Members of the Congress, a trend establishes itself and one which can be either helpful or hurtful to the negotiators in Paris—or wherever they may be meeting that we don't know about.

It consitently has been my position that a military conflict is what exists in Vietnam—and that a military conflict is a war, whether declared or not, whether justified or not—and that we should conduct ourselves on the battlefield as is customary in time of war;

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that we should be committed to win and should not commit American boys to any cause with any other goal in mind. I have not changed my position.

I said through two campaigns, when asked about the issue, I felt we should win or get out. For two years, during the 90th Congress, I labored under the previous administration with the awesome responsibility of answering the inquiries of my constituents and—yes—sending out those letters of sympathy and condolence, knowing full well that that Administration was not committed to the course that I thought best—win or get out.

It was with all of the vigor at my command that I supported to the fullest extent the nomination and election of Richard Nixon to the Presidency of the United States. I did this for many reasons—both domestically and within the purview of foreign policy—I believed he was the man best equipped to solve many of our problems. But I believe the most overwhelming, most compelling reason that I supported Richard Nixon with the vigor that I did, and even to the exclusion of some at the convention—at least one—whose political philosophy I perhaps favored was because I felt that he was the man in this country, the one man best equipped to lead us in these troubled times; to lead us particularly in the area of foreign affairs, and to lead us where he was committed to lead us—where he had committed himself so fully and that was *out of the war in Vietnam*. And I am standing here today with confidence that Mr. Nixon *was* committed to that course in that campaign.

And I stand here today fully convinced that he *is* committed to that course today. We are moving toward a disengagement of the conflict in Vietnam.

This I believe.

I believe it not solely out of hope, but based upon the facts as we see them developing. If you eliminate the possibility of winning the war—which I do not agree with, but which I accept as being a fact under a previous administration and now under this administration—

Then I think you must likewise confess that it is a practical impossibility to simply abandon ship—honorably.

We have a war that has lasted for five years—since the Gulf of Tonkin Resolution. To get out of that war—honorably—yet without winning—takes time.

The President's statement to the nation on May 14 said, and I quote: "We have ruled out attempting to impose a purely military solution on the battlefield.

"We have also ruled out either a one-sided withdrawal from Vietnam, or the acceptance in Paris of terms that would amount to a disguised defeat."

Let me, too, call your attention to the statement of Secretary Laird at his meeting with the press at the Airlie House in Warrenton, Virginia, on May 3, 1969. Asked by the press to comment upon the statement of the Senior Senator of the Republican Party, Senator Aiken, and the Senate Whip, Senator Scott, both of whom had demanded that the troops be withdrawn immediately from Vietnam—Secretary Laird said that there were three conditions, all of which, or any one of which, should be met before our troops could be withdrawn from Vietnam. These conditions were, first, that we must have an agreement on mutual withdrawal in Paris as far as the peace talks are concerned; or secondly, that there must be a sufficient upgrading and modernization of the South Vietnamese forces so that they can, in fact, take over the responsibilities, or at least more of the responsibilities of the war in Southeast Asia; or thirdly, that the level of activity on the part of the Viet Cong or the North Vietnamese substantially reduces in the area of South Vietnam.

He made it clear that all of these, *or any one of these conditions would permit us to begin the withdrawal of troops*.

Tomorrow the President meets on Midway Island. He will discuss with South Vietnam's President this war—and I am fully convinced of the seriousness with which Mr. Nixon goes to that meeting.

I have sat across the table, and we have looked face to face—and when asked how things were going in Kentucky—in a nutshell, my response was: "you are doing pretty well, but the sands of time will soon run out on Vietnam, Mr. President."

I witnessed the seriousness of his look. I saw the impressive attitude that he had as we discussed the future of that conflict. I say to you here today that having ruled out the possibility of a military victory, that I firmly believe this administration will move to disengage American military troops from the conflict in South Vietnam as fast as they can within the confines of the safety of our troops there.

There are those who say "Well, we ought to pack up and come home," and that is the position that I have taken—if we are not going to win, I think so too.

But there is a practical aspect of doing that that makes it impossible. Aside from the political implications, which I do not think are worth the lives of the American boys that have been sacrificed there—the practical problem is the sacrifice of that last group of Americans as you attempt to board them on ship or plane to bring them out. Assuming that you can remove yourself into enclaves, the truth of the matter is the last groups—probably 20 percent of our forces—would probably be annihilated.

This could not be tolerated, and would not be tolerated either by the administration or the American people.

But I think as we look toward the three points that Secretary Laird made, we recognize that the idea of the Vietnamese forces taking over the responsibility of defending their country should not be, must not be, and cannot be the long, drawn-out process that we have been told it must be.

I remember six months ago the talk of four or five years to upgrade the Vietnamese and train them for the defense of their own country. Stop and think a minute in retrospect—can we accept this as being a true fact? My idea is—we cannot.

In this country, we train American boys for five or six months to defend the homeland of another—and I say that it is not asking too much of those whose homeland American boys are defending to say to them that there is no legitimate reason why it should take you any longer to train your soldiers to defend our country than it takes Americans to learn to defend your country.

Yes, I think that, being committed as we are, we would have an obligation to continue technical advice and support by way of arms and munitions to a freedom-loving people . . . if that is in fact what we determine they are. But I think it is immoral—not the war immoral as the leftists would say—but immoral for patriotic Americans to be asked to fight a tour of duty in any country, but not to win the war . . . only to fight until they complete their tour of duty or lose their life or limb.

So it is today that I say to you—first, I am not in agreement with what is known as a limited war. If we are to be committed to a conflict, we should be committed to use all of the resources at our command to win and save American lives that are there committed. But I face the grave reality that the leadership of our country under administrations of different political faiths have elected that that not be the course.

I, therefore, find myself committed, consistent with the stand that I have taken heretofore, to say that if that not be our course, then we should move as expeditiously as possible to disengage from the conflict the American troops. And I say to you with confidence, the confidence that I have not had in any administration's actions in many a year . . . that I believe this administration is moving in that direction. I ask you and the people of my Congressonal District and my home state to watch carefully the actions of this administration for the next few weeks, and I will be watching too.

I believe the events of the next few weeks, after that meeting tomorrow at Midway, will bear out the confidence that I express here today in the President.

I believe the events of the next few weeks will bear out the confidence of the electorate in Kentucky last November in this administration. I do not want to mislead you in any way. I am not suggesting that within the next few weeks we will be out of Vietnam, but I think you will see the evidence of the ultimatums—if that be the proper word—the evidence of the *understanding*—that's a better word—of the various meetings that have been taking place, including that one tomorrow which will lead to the disengagement of our troops from Vietnam.

Now, let me talk for a few minutes about the Safeguard ABM system. I would like to outline the chronology of the development of the system . . . provide a brief description of its components and their capabilities.

The Army has been working on ballistic missiles for many years . . . and in 1956 began work on the Nike-Zeus system. In 1962 the Nike-Zeus successfully demonstrated its ability to intercept an offensive intercontinental missile warhead. However, the technology of the time would permit the Nike-Zeus to handle only a few incoming missiles, thereby rendering it ineffective as a valid defense. New developments in both radar and warhead technology made possible the interception of large numbers of incoming missiles at great altitudes, outside the earth's atmosphere. Even with this increased capability, it was and is still impossible to provide a complete defense of the whole United States against large numbers of missiles. By 1966, the Russians appeared to be building many more offensive missiles than were required for their defense. They commenced installation of a defense of their own. In 1967, a new threat to our security appeared with the Chinese development of thermonuclear weapons and intercontinental missiles. Our technology offered the possibility of a complete defense against a limited threat such as that posed by Communist China. This threat was apparently the basis for the decision to employ the Sentinel system around selected cities to provide full defense against the Chinese and to offer the option of protecting Minuteman bases from the threat of Russian attack.

In 1969, this year, several courses of action were considered in reviewing the employment of an ABM system. These were: to do nothing; to continue the Sentinel program; or to establish a purely defensive ABM system which would contain no offensive implication.

The third choice was elected and the decision was made to employ the Safeguard system with an initial deployment of two sites. This choice provides the United States with a great flexibility. It can, if necessary, provide substantial protection of our strategic offensive force against an increased Russian threat—to preserve our deterrent without adding new offensive missiles. It will provide protection against the Chinese threat without the necessity of aiming new offensive missiles at China.

I would like to go through the basic components of the system, their characteristics and progress in their development and test. The components are: the PARS, Perimeter Acquisition Radar—the MSR, Missile Site Radar—the Spartan missile, the Sprite missile, and the Data Processing Subsystem.

The first is Perimeter Acquisition Radar, the PAR. It has a very large radar face to provide the long-range capability and ac-

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curacy to provide the information for the system. It is housed in a building that is some 2000 feet square and 130 feet high. It has an antenna diameter of over 100 feet. The PAR has a detection range of over 1000 miles against the expected ICBM. In order to provide the capability for this system, it must not only detect the enemy warhead out quite some distance, it has to detect a number of them, if necessary, since we have to be prepared for a number of missiles coming in simultaneously.

The PAR uses an electronically steered beam so that this beam can be scanned across the sky very rapidly, acquiring a great deal of information in a very short time. The normal radar you are familiar with uses a big dish that is moved around mechanically and would not be suitable at all for this sort of system. The principles, functions, power level and frequency of the PAR are similar to the existing space and air defense radar in operation today. It has been decided that the first PAR will be assembled at an operational site. The technology involved in the PAR is so well known and sufficiently reliable that this proposed procedure is entirely satisfactory.

The Missile Site Radar is designed on the same general technical principle, and has to do very much the same kind of job that PAR does but a more complex one. The MSR has a shorter range within which to pick up the track of the incoming missile in flight. However, the MSR with its data processor must ready interceptors for launch, launch them, and guide them to intercept.

The Spartan missile is the long-range missile used in the area defense. The Spartan is a scaled up version of the Nike-Zeus, which was fired many tens of times. And in its system test phase made several successful interceptions of ICBMs fired from the West Coast in 1962 and 1963. But the first Spartan was not fired until the 30th of March 1968. It has had several firings to date.

The Sprint is a very fast missile. It has to get off the ground and get up and intercept the incoming warhead when it is within the atmosphere. *This is really a very impressive development.* The area defense concept is provided by the Perimeter Acquisition Radar to intercept the warhead a long way out, the Missile Site Radar to acquire it when it is within range and to guide the Spartan and/or Sprint to the intercept point. There is one other component that is very important in the system and that is the Data Processing Subsystem. There are large capacity data processing elements in each PAR and each MSR. The computer capability is extensive and is one of the things that provides a very impressive capability for the entire system.

This basically is the chronology of the development and a statement of the components involved in Safeguard.

The current debate on the Safeguard system has taken a curious turn down a dark, and I think illogical road. Suddenly it is wrong in the eyes of some of its critics to plan to defend the United States of America. Weapons of any kind are wrong they reason, even if they are purely defensive in nature. For an encore, the same folks, might well reason that the presence of the policeman on the beat provokes robbery and criminal excesses and should therefore be removed to promote domestic stability.

There are some ABM defenses that unfortunately are ineffective and wasteful and, therefore, should not be attempted. For example, we do not have the scientific wherewithal to protect our population centers effectively against a massive Soviet attack. No such theoretical defense could guarantee stopping 100% of all incoming Soviet ICBMs. Therefore, it is absolutely senseless to waste our national largess by pouring it into a bottomless pit.

However, we do have the capability to protect our population centers against a small unsophisticated Chinese Communist attack of the scale and type they might be capable of launching during the next 10 years or so. And I take violent issue with any of the opponents who take the dangerously naive position that we need not and should not do so.

And I say—why shouldn't we? What assurances do we have that the Red Chinese will spare our cities during a moment of frantic confrontation? They don't have a very good track record to date. Just read their endless barrage of threats—all of this noise without a nuclear ICBM capability at the present time. How loud will those threats and harangues become when they soon have a nuclear ICBM capability? What if they decided to strike at our major industrial and population centers? If successful, our sustained warmaking capability would be severely blunted. The United States would have been reduced to relative impotence. We must maintain our retaliatory threat to prevent such a possibility. That's what Safeguard is all about.

It is imperative that we protect ourselves when we can from an irresponsible attack from Asia. By the same token, let us protect ourselves from other fanatic countries that may acquire nuclear weapons in the future.

Then, too, what assurances do we have that through error or failure in another country's fail-safe procedures that a nuclear tipped ICBM may not be accidentally launched at a pretargeted destination in the United States? It could very well happen.

Safeguard as presently envisioned will provide protection against fanatical unsophisticated attack or accidental launch. We can't afford not to have this protection. I see no virtue in nakedness.

We do have the technological capability to protect the necessary minimum of our deterrent force against anything that even the Soviets might throw at us. This is Safeguard's primary mission, protecting a sufficient amount of our defensive, second-strike deterrent force—thereby making any Soviet first-strike attempt utterly foolhardy in view of the guaranteed destruction that our remaining protected retaliatory forces could unleash upon them. This deterrent, second-strike capability is essential in discouraging Soviet surprise attack, thereby safeguarding our national viability and preserving any meaningful world peace. We must provide that Safeguard protection.

We must endorse the President's Safeguard program.

It calls only for a start—only for protection at two Minutemen sites in Montana and North Dakota. It is a modest, phased, reasoned step which will only grow larger if our highest-level intelligence evaluation discloses an increase in enemy first-strike capability. If we don't take this minimal step, we will be unable to meet the developing threat from Red China or from some other country. We will be unable to protect our country and our resources from an accidental nuclear attack . . . and we will be unable to keep pace with the currently reported Soviet erosion of our deterrent force, if the Soviets continue to install great numbers of offensive SS-9 ICBMs.

Safeguard, I say, is a small premium to pay for all of that insurance—and insurance is what we are talking about.

In capsule, let me say this about Safeguard: if the proponents, and I am one of them, are successful in the contest and are wrong, we will have wasted some money. That's bad—but it is the worse that can happen from an error in favor of Safeguard. On the other hand, if the opponents are successful and are wrong, then we have wasted a country.

Thank you.

ODOMETER TAMPERING OUTLAWED

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. HANNA. Mr. Speaker, I rise today to introduce legislation dealing with still another facet of consumer protection. I note with regret the continuing need for such legislation and express the hope that Congress shall continue to see and to respond to its responsibilities in this oft neglected field.

This bill prohibits "tampering" with speedometers and odometers and conditions the sale of any vehicle so altered, providing also for punishment of any individual found guilty of violating its provisions. It is hoped that this effort will serve as a deterrent of such activities until such time as the automotive industry may adopt a sealed or "nonpickable" odometer, should the report I have requested in this bill of the Secretary of Transportation find such a device feasible.

At this point, for further explication of the need and aims of this bill, I offer the following excerpts from a Consumers Union press release of April 24, 1969, for insertion into the RECORD:

MILEAGE TAMPERING MAY COST CONSUMERS $1 BILLION ANNUALLY

MOUNT VERNON, N.Y.—"If it is important to protect the consumer from the butcher who cheats a few cents on the hamburger, it's at least as important to protect him from the odometer 'artist' who chisels a few hundred dollars on a used car."

So says Consumers Union, the nonprofit testing and advisory organization, after conducting a study of mileage tampering, a practice that is not even illegal in most states.

The total cost to consumers may be $1 billion a year, CU says in the May issue of its magazine, *Consumer Reports*.

"But the cost must be assessed in terms of safety as well," it notes.

Even with the best of care, a car with 75,000 miles on the odometer is not the car it was at 25,000 miles. The prudent owner knows this and is less likely to take his steering or wheel bearings or exhaust system for granted. But the owner of a low-mileage used car may be lulled by the odometer. Until the critical moment, he may have been completely unaware that his car was dangerously in need of repairs—a menace to himself and others.

THE ODOMETER RAID

Some indication of the scope of mileage tampering was disclosed as a result of an "odometer raid" staged last summer by the Massachusetts Attorney General's Division of Consumer Protection.

Working in pairs, state investigators selected 24 new-car showrooms at random, entered and announced they were conducting a "routine check" of cars on display in the dealers' used-car lots.

Mainly on the basis of educated guesswork—comparing the odometer readings with the appearance of the cars—the investigators listed about 250 vehicles open to suspicion of odometer tampering.

Locating the former owners wasn't easy—about 70 per cent of them could not be traced and some would not cooperate. Of those who were found, 20 owners said the reading on their odometers when they

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traded in their cars was much higher than the readings found by inspectors.

MILEAGE CUT IN HALF

On average, between 20,000 and 30,000 miles had been subtracted. One man said his odometer reading had been pared from 90,000 to 45,000 miles.

Massachusetts' Assistant Attorney General Robert L. Meade decided he had strong cases against six of the biggest new-car dealerships in his state. Massachusetts is one of four states with "little FTC laws" patterned on the anti-deceptive practices provisions of the Federal Trade Commission Act (the others are Washington, Vermont, and Hawaii). Acting under his state's laws, the official succeeded, after months of polite arm-twisting, in convincing three of the dealers to sign an assurance of discontinuance.

That meant, simply, that they filed an agreement in court saying they would not offer "for sale any vehicle upon which the odometer has been adjusted in any manner . . . so that it does not disclose . . . the true mileage . . ." As in consent orders filed with the FTC, assurances of discontinuance in Massachusetts are carefully worded so that the signer does not admit to having used certain specific deceptive sales practices in the past, but, nevertheless, agrees *not* to use the same deceptive practices in the future.

The assistant attorney general is still negotiating with two of the other dealers. He took sterner action against the sixth on the list. Saying it had flatly refused to cooperate, he filed suit for permanent injunction.

SUGAR-COATED WITH SECRECY

"All things considered," the *Consumer Reports* article says, "the Great Odometer Raid might have been a very bitter pill, indeed, for any auto dealer to swallow had it not been for a high level decision to sugar-coat the pill with secrecy.

"The Attorney General's office could have given the names of the dealers to newspapers, but it decided not to—this time. The only excuse offered by a state official was that it would have been 'unfair to ruin these guys when everyone else is doing it too.'

"But by not alerting the press," the article adds, "the state deprived itself and the public of a most effective enforcement tool in consumer protection cases—the glare of publicity."

COSTS TO CONSUMER

According to one report, Americans bought nearly 20 million used cars in 1967 and paid an estimated $20 billion for them. *Automotive News,* the trade journal, says that prices start falling off sharply after a car has traveled 30,000 miles. Beyond that distance, a two-year-old car loses about $10 of value for every 1000 miles.

"Assuming that only half the used cars sold in 1967 were two years old or older, and that only half of them had 20,000 miles 'picked' or 'spun' off their odometers," *Consumer Reports* says, "it doesn't seem unreasonable to estimate that consumers are being misled on used-car lots to the tune of $1 billion a year."

HOW TAMPERING IS DONE

Technically speaking, odometer tampering is all too easy to do.

The favorite technique in the trade is called "picking" because most operators use a homemade assortment of specially shaped ice picks. The procedure of turning back the odometer only takes a few minutes (and usually involves only the digit for tens of thousands of miles). If the picker is skilled, his handiwork is rarely detectable by a used-car shopper.

With less skill but much more patience, an odometer tamperer can spin the speedometer cable with a high-speed electric motor to the desired low reading. But since it can take hours to spin off just a few thousand miles, spinning is most commonly used by the amateur.

The simplest way to falsify an odometer is by disconnecting the speedometer cable. Dealers will sometimes do that on a new car to be used as a demonstrator or to be driven cross-country to the point of sale.

Is a tamperproof odometer possible?

The answer is a qualified yes, according to Consumers Union's automotive engineers.

YANKEE KNOW-HOW

"While anything Yankee know-how can put together," the article says, "Yankee know-how can probably take apart."

General Motors' 1969 models have odometers that cannot be spun backward. But there is no way for the used-car buyer to detect whether the mileage reading has been spun forward beyond 99,999.9 to zero and then some youthfully low second-time-around setting.

In GM cars made after January 1, the odometer will exhibit a telltale color separation between the numbers if it has been picked. But, a GM spokesman admits, the buyer would have to be "a knowledgeable individual" to recognize the evidence.

Consumers Union engineers say one way of cutting down on tampering would be to make the odometer unit much less accessible, and possibly sealed in plastic. To be completely tamperproof, the speedometer cable would have to be sealed in two places—where it connects with the speedometer head and at either the transmission or the front wheel connection, depending on the car.

SOME PROBLEMS

This type of sealing might present some problems. To fix a broken odometer of this type, or to install a new one, would probably be impossible without breaking the seal.

"But," the article adds, "mechanics could be required to reseal the unit and verify the original mileage."

It concedes that enforcement might be difficult, yet "no more impossible than any other weights and measures regulation."

In the absence of tamperproof odometers and effective anti-tampering legislation, Consumer Reports says there may be limited protection for consumers in title registration laws:

"A used-car buyer in one of 41 states that require car titles to be registered—much as home titles are—might be able to certify the odometer reading with the car's former owner. But the process takes time and patience.

"For example, in Connecticut, a title-law state, any person may send any automobile's vehicle identification number (it's the same as the serial number) and $1 to the Motor Vehicle Division, and computers there will perform a title search. With that information in hand, the prospective buyer can request verification from the last previous owner.

"The system isn't foolproof, certainly. The former owner is under no legal obligation to cooperate, and the dealer probably won't hold a car for you if a hotter prospect comes along."

There is no assurance either that other title-law states will make the same information available to the consumer.

ROAD TO RUIN

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. OTTINGER. Mr. Speaker, A. Q. Mowbray has written what I believe to be one of the most important books this year, "Road to Ruin." Published by J. B. Lippincott, this well-researched, well-written work exposes the depredations of the 20th-century highwaymen that are pushing our runaway roadbuilding program.

The excellent review by Mary Perot Nichols, which appeared in the book review section of the Sunday Washington Post explains the importance of Mr. Mowbray's book and why it should be read by everyone concerned with preserving a livable environment. I am inserting a copy for the information of my colleagues:

[From the Washington Post, June 8, 1969]

FEEDING THE MANY-LANED MONSTER

("Road to Ruin." By A. Q. Mowbray. Lippincott. 240 pp. $5.95.)

(By Mary Perot Nichols)

From sea to shining sea, America is being uglified by the most massive public works effort in the history of the world—the $60-billion interstate highway program. *Road to Ruin* is a testament of what man hath wrought with this cataclysmic amount of money.

The Highway Trust Fund was set up by legislation in 1956. It is a perpetually filling pitcher of money which is derived from a one-cent tax on every gallon of gas sold and taxes on various other auto products. The more gas is sold, the more roads are built; the more roads there are, the more gas is sold, and around and around we go until we arrive at where are now—3,600,000 square miles of land surface with 3,600,000 miles of roads and streets; that is, one mile of street for every square mile of land. And that's not counting land for parking lots. As Mowbray points out, Los Angeles, with the most advanced case of asphaltitis in the country, "devotes an estimated two-thirds of its downtown land to the storage or movement of automobiles—about one-third for parking lots and garages and the rest for roads and freeways."

If there was to be a limit to this orgy of road-building, such as the proposed end of the Highway Trust Fund in 1972, it would not be so alarming. But, as Mowbray shows, the highway lobbyists and their political friends are promising bigger and better highway programs for the future. *Road to Ruin* is a good piece of propaganda for the cause of a balanced transportation system. But for those who have followed various community uprisings against highways in the press, there is little that is new. For the uninitiated, this compendium of highway horrors in Nashville, Cleveland, Chicago, Washington and other cities is useful and instructive.

Indeed, Mowbray's story of Governor Nelson Rockefeller's pet road, the Hudson River Expressway, is worth the $5.95 price of admission. He also quotes the mayor of Tarrytown, New York, where the Rockefellers have their fabulous Pocantico Hills estate. Said the mayor, the Expressway is a "crass abuse of gubernatorial power by Mr. Rockefeller, whose own lands stand to increase in value by millions of dollars while Hudson River communities are cut to pieces, while taxable properties are wiped out and all life irreparably disrupted."

Not only does this Expressway destroy the natural beauty of the Hudson shore (so much for Rockefeller's conservation image!), but it literally wipes out about 1,000 Negro homes in Ossining. Since there is no low-cost housing program in the area, the highway produces, in effect, Negro removal. (So much for the governor's civil rights image!) Even former Interior Secretary Stewart Udall comes off badly in the book because he caved in on the Hudson River Expressway—one of his last acts in office.

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But when outrage is piled on outrage, it's a bit numbing. One feels helpless. The book could have offered more practical proposals on what to do about all this. A landmark court decision which awarded damages to a citizen who had his privacy and view ruined by a six-lane freeway gets short shrift from Mowbray. There have been other cases in the field that could have been touched upon. There have also been some famous victories against the highwaymen that should have been analyzed.

Inexplicably, or perhaps just as a mordant witticism, Mowbray mentions a bug that has been eating up highways in Australia. Is he recommending importing such a bug to American soil or just being funny?

He proposes amending the Highway Trust Fund so that some of the boodle can be used for mass transit. But this gambit has been tried and overwhelmingly defeated for the past three or four years. Too late for Mowbray's book, but offering a slight glimmer of hope is the proposal, embraced by Transportation Secretary John A. Volpe, to create a Mass Transit Trust Fund. Already, a bill introduced by Congressman Edward I. Koch of New York has attracted seventy co-sponsors. If passed, it wouldn't stop the automobile in its tracks, but it would initiate a countervailing power to the highway lobby. Once the billions start to pour forth from Washington, the Mass Transit Trust Fund will attract a cluster of businesses dependent upon it and congressmen willing to protect and increase it.

Mowbray's book is a good text on what is happening in this country because of our crazy, short-sighted devotion to a single mode of transport. An index would have been helpful, but that's a small quibble. With propaganda tools like this, the climate of opinion may begin to change. Who knows? Some day in the not too distant future, riding a train may be avant-garde.

The Hudson River Expressway, to which Miss Nichols devotes so much attention in her review, represents an incredible abuse of governmental power. The book describes extent to which New York's Gov. Nelson A. Rockefeller has gone to advance this highway project, despite a clear conflict of interest in that it enhances his family's personal holdings at the expense of the broader public interest. This situation would be scarcely believable if the record were not so clear.

Since Mr. Mowbray finished his book there have been a number of even more amazing revelations regarding actions by the Governor, by the Hudson River Valley Commission, by former Secretary of the Interior Stewart Udall, and by the U.S. Army Corps of Engineers. In subsequent records, I will discuss these in greater detail. At this time, however, I would like to enter the section of Mr. Mowbray's book that exposes the expressway and its friends:

[From 'Road to Ruin' by A. Q. Mowbray]

Chapter 10—A Road for Rocky

The battle over the Hudson River Expressway includes just about all the elements of similar battles across the nation, plus a few that are unique. The proposed route along the east bank of the Hudson River is being pushed vigorously by a Republican state administration; it is violently opposed by nearly all the affected communities; and it is viewed with unconcealed distaste by the federal authorities in Washington. It promises to enhance or to despoil an area of great natural beauty, depending upon whose testimony is being heard. The threat of wholesale displacement of people, mostly Negro, in one community gives substance to charges of white racism. A proposed interchange threatens to destroy what is left of the once quiet charm of a riverside suburban village.

A citizens' group organized to fight the expressway is made up of predominantly upper-middle-class Republicans, the party that traditionally opposes centralized authority in Washington. Yet this group of Republicans found itself turning to a Democratic Administration in Washington for help in fighting the Republicans in the State House. Finally, there are the ugly charges that a patrician governor is twisting arms to build this expressway because it promises to increase the value of the lands in his private estate adjoining the proposed route.

In May, 1965, a bill was introduced in the Rules Committes of the New York State Senate and State Assembly providing for construction of a highway. "Beginning at a point on interstate route 503 in the vicinity of Beacon or in the vicinity of Wiccopee, to be determined by the superintendent of public works, thence in a generally southerly direction to the vicinity of Ossining and then continuing southerly, west of U.S. route nine, along or near the Hudson river to the north city line of New York, thence generally southerly and easterly to a connection with interstate route connection 512 in the city of New York, to be determined by the superintendent of public works."

In the controversy that developed over this proposed highway, its opponents charged that this bill was unique in several respects. First, its title was vague and nondescriptive, stating merely that this was a bill "to amend the highway law, in relation to state expressways on the state highway system," without stating the location of the proposed highway. Second, no sponsor for the bill appeared on the document; usually the New York State Department of Public Works is identified as the sponsor. Third, in violation of customary practice, no preliminary plan was announced and no public hearings held before the legislation was introduced. Fourth, the route numbers used in the description of the highway are the route numbers used by the Department of Public Works on its own internal maps; they are not the numbers found on any public maps, and therefore they are not likely to be meaningful to the casual observer. Fifth, a bill such as this is customarily accompanied by a supporting memorandum explaining the need for the legislation. No such memorandum was sent to the legislature until after the bill had passed.

Finally, the bill shot through the legislative mills with record-breaking speed. It emerged from the Rules Committee of the Senate and was passed on May 24. On the following day it reached the floor of the Assembly. Despite its vague title, Assemblyman Lawrence A. Cabot noted that the expressway would run through his district. He left the floor of the Assembly and called the district office of the Department of Public Works in Poughkeepsie, but was told the department knew nothing about the expressway or the legislation. He then called the department headquarters in Albany and was told that the bill had been "requested" by the localities along its route. Knowing that this was untrue, he hurried back to the floor in time to vote against the measure, but in vain.

Sensing a "railroad," Cabot asked Speaker Anthony Travia to recall the bill, but Travia said that a special courier was rushing it to Governor Rockefeller for his signature. The governor signed the bill on May 28, the same day that the supporting memorandum from the Department of Public Works reached the legislature. The memorandum was dated May 14.

So poorly identified was the bill that at least two state senators later admitted they voted for it in error, believing it was just a routine highway study bill. Said one of them, "I have been deluded. I am ashamed."

A companion bill that received the same priority treatment provided for a 3.5-mile east-west spur expressway to connect the Hudson River Expressway with Route 9A about three miles to the east. This spur would run roughly along the northern edge of the Rockefeller family estate, and its ostensible purpose would be to remove traffic from Route 117, a winding, two-lane country road which cuts through the heart of the estate where the Rockefeller mansions are located. The spur has thus become known as the "relocated route 117."

Only two assemblymen voted against the highway legislation: Mr. Cabot, a Democrat, and Richard A. Cerosky, a Republican. The proposed Hudson River Expressway would run through their districts. After passage of the bill, Mr. Cabot had several private conferences with Governor Rockefeller, asking him to support repeal of the legislation or to modify the proposed route. The governor refused. Mr. Cabot also asked the governor for factual evidence supporting the need for the expressway, but Rockefeller replied that no traffic studies had been made.

The mayors of the towns strung along the east bank of the Hudson River in the path of the expressway unanimously condemned it. Shortly after the passage of the legislation, the mayors of Ossining, Briarcliff, Irvington, Tarrytown, Dobbs Ferry, North Tarrytown, and Hastings sent telegrams to their state legislators asking them to repeal the expressway act and chastising those who had voted for it: "Your vote in favor of this bill without consulting local communities and without considering possible effects of the route chosen is frightening."

The failure to consult with those affected was deeply resented. Said Assemblyman Cabot, "What irks me most is that the Department of Public Works introduced legislation affecting particular areas without any prior knowledge on the part of the legislators who are to vote on it." U.S. Representative Richard L. Ottinger, the young freshman congressman who gave strong leadership to the expressway opponents, complained, "No hearings of any kind were held. No notice was given to the public. The mayors of the villages to be affected were ignored in spite of promises by the governor that they would be consulted." Ossining Mayor Richard E. Purdue accused Governor Rockefeller of "bad faith, bad judgment, and bad public policy" in pursuing his "juggernaut tactics."

The citizens of the affected towns were equally outraged. Assemblyman Cabot reported that he and his fellow legislators received more mail on this issue than the combined mail on the sales tax, capital punishment, and birth control.

Rockefeller's state officials stood foursquare behind his decision. Westchester County Planning Commissioner S. J. Schulman declared that the expressway "will result in cleaning up the shoreline of the Hudson, and it ties in with the new federal highway program for beautiful highways and the state plan to clean up the waterways." Charles E. Pound, commissioner of parks, recreation, and conservation for Westchester County, also saw the expressway as an opportunity to "clean up the riverfront and provide a magnificent scenic drive." The opposition charged that Schulman and Pound were confusing beautiful highways with highways through beautiful areas, and that there were more effective ways to "clean up" a waterfront than to build expressways along it.

Schulman and Pound, however, were joined by all the state, county, and local politicians who owed their jobs to Rockefeller patronage or who simply were awed by the Rockefeller name. Strong support also came from the Westchester County Association, representing some 550 business organizations.

The newspaper nearest the center of the

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storm, *The Tarrytown Daily News*, enthusiastically supported the expressway from the outset, pointing out that it could "add millions to area wealth." With its eye firmly on commercial gain, the newspaper urged its readers to "face up to facts. The expressway will be built. . . . Let's forget politics. Let's thank the governor for inking legislation that gives the project daylight. . . . Let's concentrate on building the project along the shoreline of the Hudson where it belongs."

During the gubernatorial campaign that fall, pressure on the governor reached such a pitch that he finally agreed to repeal the part of the highway act providing for the route *south* of Tarrytown. That part, he said, could be added later. True to his word, he did push the repeal, and it passed the following spring. The governor thereupon was accused by the communities *north* of Tarrytown of using divide-and-conquer tactics, since the opposition of the reprieved towns south of Tarrytown would now be difficult to maintain at fever pitch. The only remaining bone of contention was the 10-mile portion of the Hudson Expressway between Tarrytown and Ossining, plus the relocated Route 117 spur along the Rockefeller estate.

Tarrytown, population about 12,000, and North Tarrytown, population about 9,000, lie along the eastern shoreline of the Hudson roughly 20 miles north of Manhattan's Central Park. The two towns, and their bedroom suburbs of Philipse Manor and Sleep Hollow Manor, house a number of upper-middle-class citizens who commute to the city on the Hudson branch of the Penn Central railroad, whose tracks run right along the river's edge. The 3-mile-long Tappan Zee bridge brings the six-lane New York State Thruway across the Hudson just at the southern edge of Tarrytown, from which point it swings southward toward the city of New York.

Ossining, about 10 miles north of Tarrytown, has a lower percentage of affluent commuters; therefore a higher percentage of its population of 22,000 depends for its livelihood on local industry. Roughly 12 per cent of the population of Ossining is Negro. Dominating the town at its southern edge is the great, gray rock of Sing Sing Prison.

Just north and east of the Tarrytowns, at the heart of Washington Irving's beautiful and historic Sleepy Hollow country, is the 3,500-acre Rockefeller estate, which centers on the Pocantico Hills and stretches from the Saw Mill River Parkway all the way to the Hudson River in a narrow corridor north of Tarrytown. The mansions on the estate include homes for John, David, Laurance, and Nelson Rockefeller.

At one time, no doubt, Tarrytown was a lovely, quiet village nestled along the banks of the Hudson, with a splendid view of the majestic river rolling along at its feet. But the sleepy-village atmosphere was dispelled when the town permitted construction of a giant $100-million General Motors assembly plant on the banks of the river. Assembled Chevrolets pour out of this plant in an unceasing stream, some on the tracks of the Penn Central, which run right through the plant, and others on truck vans, which thunder along U.S. 9 through the center of Tarrytown. A clot of traffic chokes the streets of Tarrytown during shift change at the plant; but the pounding of the heavy automobile vans through the streets is incessant.

From the opposite shore, the banks of the Hudson at this point and north toward Ossining invite the eye. The wooded land rises rather steeply from the water's edge, and the roofs of the villages interrupt the foliage in a pleasing pattern. A closer inspection, however, reveals no evidence that the river affords pleasure to the community. Its waters are heavily polluted, and the railroad tracks along its edge isolate it from the villagers. Its cluttered shoreline portrays the blight of neglect and careless waste disposal typical of so many American riverbanks.

At Tarrytown itself, the enormous gray complex of the General Motors plant completely destroys any scenic value that this section of the shoreline might once have had. Thus Tarrytown finds itself of two minds with regard to the proposed Hudson River Expressway. On the one hand, a planned interchange ramp going right down into the parking lot of the General Motors plant should siphon off plant traffic that now clogs the village streets. On the other hand, if the expressway is built, the town will all but disappear in the snarl of interchange ramps connecting the Hudson River expressway with the eastern terminus of the Tappan Zee bridge and the New York State Thruway. What is left of the town, once nestled securely in the scenic bosom of the Hudson, will be caught in the tentacles of two superhighways, with approach lanes and ramps running freely through its vitals.

A few weeks after the legislation for the Hudson River Expressway and the Route 117 relocation passed, a group of aroused residents formed a Citizens' Committee for the Hudson Valley and proclaimed that they were "unequivocally" opposed to the routes and prepared "to fight these proposed highways and any other future scarifying encroachments of the Hudson's remaining natural beauty, by publicity, by organization of community protests, and, where feasible, by legal action." The committee added that "urban sprawl, expressways, industrial ugliness are not needed in the Hudson Valley. This legislation is an act of madness. Our government has become the foe instead of the friend of the people." The first chairman of the committee, William Rodgers, declared that the proposed expressway would engulf a beautiful and priceless heritage in "automobile fumes, commercial ugliness, and technological progress."

Opposition to the expressway grew. In June, angry officials of the towns and villages along the route charged that the expressway would destroy the "quiet charm" of their communities, "slash real estate values, wipe out years of town planning, and burden their downtown areas with the roar and stench of heavy truck traffic." A representative of the town of Mount Pleasant said his first choice for the route would be "a half mile off shore and ten feet under water."

Support came from Washington. Interior Secretary Udall stated that such an expressway would seriously impair the highly scenic and historic values in the corridor. The Federal Bureau of Outdoor Recreation urged that the expressway be killed. "The construction of such a highway," it said, "serving commercial and industrial traffic as well as private automobile traffic, would seriously impair and destroy prime recreation values. It would destroy public access routes to the river necessary to scenic and recreation enjoyment."

On the contrary, said *The Tarrytown Daily News*: "We, too, believe in scenic conservation, but we also hold that . . . there should be roads—such as the expressway—that make it possible for the masses to enjoy this scenery."

The Hudson River Valley Commission, a regional planning group headed by Laurance Rockefeller, reported that the expressway would be an excellent means of providing much better "visual access" to the river for motorists. The Citizens' Committee thereupon asked angrily what kind of visual access it would be "when you are thundering along at 60 miles per hour between two high speed trucks?"

In reply to an anxious inquiry from Senator Jacob Javits, Governor Rockefeller counterattacked. Charges that the expressway would impair the beauty of the valley, he said, were "most idiotic" and most "viciously false." The governor promised that the highway builders would work closely with the Hudson River Valley Commission, "recently created on my recommendation," to "enhance" and "restore" the scenic beauty of the Hudson. "Some uninformed or deliberately misleading critics have characterized the proposed road as a 'truck expressway' and have conjured up the specter of a noxious, noisy 'gasoline alley' along the riverfront," Rockefeller fumed. "According to the studies of the Department of Public Works, the traffic on the proposed road would consist of more than 95 per cent passenger cars and less than 5 per cent trucks."

Editorial writers for *The Tarrytown Daily News* unswervingly touted the governor's expressway. One editorial warned: "Hysteria blocks progress and the rights of the majority. Its to be regretted that minorities nurse imaginary wounds . . . . We think thanks should be showered on the governor for planning now and not waiting until the area is more choked with traffic." Another said that "interference" from Washington would be overcome. "This is a sovereign state, and it is its right to build the expressway the way it will benefit all. If Washington will not contribute towards it, the state will finance the job itself."

As spokesman for the "hysterical minorities," William Rodgers condemned the newspaper for supporting a highway that would destroy community and esthetic values along the eastern shore of the Hudson. "We shall fight you," he wrote the editor, with sweeping Churchillian defiance, "in the legislature, over the telephone, in small meetings, in the streets, and along the beaches of the polluted Hudson until the end—or until there is no fight left in us."

Destruction of scenic values along the Hudson was only one of many arguments leveled at the expressway. But specific complaints about dislocation of people and businesses could not be formulated until the state released information about the exact route. So far, only the corridor had been defined in general terms. Not until June, 1967, more than two years after passage of the legislation, did the state publicly reveal detailed plans for the expressway. The Citizens' Committee later charged that the behavior of state officials during those years—statements issued and later denied, maps released and later disavowed—was purposefully designed to confuse and confound the opposition.

Many nasty accusations flew about during the long fight over the expressway, and the ugliest of all was the charge that Governor Rockefeller's desire to move in the bulldozers was born of a wish to increase the value of the land in his Pocantico Hills estate. The proposed relocation of Route 117 (also called the Pocantico Expressway) would run along the northern edge of the estate, through relatively inaccessible land. Over the years, the Rockefellers had obtained zoning changes in the northern parts of the estate, with the apparent intention of developing it with apartments, shopping centers, and office buildings. A relocated Route 117 would not only divert traffic from the areas near the family mansions, but it would sent traffic into the areas marked for development. Some estimated that construction of the Pocantico Expressway would quadruple the value of the 3,000 acres in the northern part of the Rockefeller estate, which is some distance from the barbed-wire-enclosed family enclave in the south.

In addition to this, the intersection of the Hudson River and Pocantico expressways along the shore of the river would create a region of incalculable commercial value. The land to the north of this intersection belongs to the Rockefeller family.

Tarrytown Mayor Anthony Veteran has called the expressway plan a "crass abuse of gubernatorial power by Mr. Rockefeller, whose own lands stand to increase in value by millions of dollars while Hudson River communities are cut to pieces, while taxable properties are wiped out and all life irreparably disrupted. . . . This expressway is for the benefit only of the Rockefellers paid for

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by public expense. It's a fraud from start to finish." William Rodgers, the first chairman of the Citizens' Committee, states bluntly that "the story behind this scandal is a singular demonstration of the avarice of the very rich."

The governor has repeatedly denied that his interest in the expressways is in any way connected with personal financial gain. He has denied, in fact, that the relocation of Route 117 would improve his family's property. And in a cynical attempt to avoid responsibility for a proposal that he all too obviously initiated, the governor told the press that he had "no choice" but to support the recommendation of the State Department of Public Works. As Mr. Rodgers notes, the mind boggles at the picture of the billionaire governor of the Empire State knuckling under to a decision by his own highway department affecting the welfare of his own baronial estate.

Although the rest of the Rockefeller family has not commented publicly, there are reports that other members of the family are opposed to the Route 117 relocation. According to one member of the Citizens' Committee, the governor has said ruefully, "My brother John isn't even speaking to me" on the question.

State employees are unanimously loyal to the governor, as one might expect. In a press interview in January, 1966, Joseph P. Ronan, administrative deputy in the Department of Public Works, admitted that there were "political" overtones in the whole subject. "They all think Rockefeller is pushing this 117 thing for personal reasons, but it just isn't so. There has been no pressure from the governor on this matter. None."

The innuendos continue, however. Ossining's Mayor Purdue stated baldly: "The proposed road is more than just another state highway. It is an outright investment in the North Tarrytown property of Governor Rockefeller." *The New York Times* noted that "the old two-lane road winds close to the homes of three of the Rockefeller brothers—the governor and Laurance and David Rockefeller—and a replacement for it has been sought by some members of the family since 1932." An irate member of the Tarrytown Board stated publicly that the benefits that would accrue to the property owner at the junction of the two proposed expressways would "make Senator Dodd look like a kid stealing green apples."

Representative Ottinger wonders why the "unnecessary and extravagantly wasteful expressway has been pressed with such unseemly haste and cloaked in such strange secrecy?" "What is it for?" he asked in a public meeting, "Whose interests will it serve?" He promised that, before any construction could proceed, federally sponsored hearings would have to be held. Then, he went on, "the question of who benefits from this road—and how—will be fully and publicly explored."

The Taxpayers Association of the Town of Mount Pleasant, in which the bulk of the Rockefeller estate is located, is also highly critical of the governor's part in the Route 117 relocation fight: "It is well known to many persons in Mount Pleasant that the Rockefellers have been trying since 1932 to have Route 117 relocated. They want truck and automobile traffic through residential park and the hamlet of Pocantico Hills, which they own, reduced as much as possible.

"One look at a map of the proposed relocation indicates it has been designed to cross the estate where it will do the least amount of damage and will be far removed from all Rockefeller homes. . . . When the Governor commented that the revised alignment of the road would result in less cutting-up of properties, he was entirely right. It would—his family's. He failed to mention that the hiking and equestrian trails he said would be protected are wholly within the Rockefeller preserve.

"Also omitted from the Governor's remarks was reference to the commercial zoning the Rockefellers sought and obtained now in the vicinity of the new expressway. . . . This zoning was revoked by the Mount Pleasant Town Board last January as being inconsistent with the semi-rural atmosphere of adjoining areas. At the hearings, a spokesman for the Governor's family said the Rockefellers did not object to the rezoning, but 'they do think, however, that rezoning should be deferred until the route of the spur [Route 117] is determined.' Does this signify the disinterest or displeasure the Governor would like the public to believe his family has in the 117 relocation?

"The Mount Pleasant Taxpayers Association objects to the Governor's repeated assertions that opposition to the relocation is politically motivated. Mount Pleasant citizens of all political persuasions, like the preponderance of citizens everywhere, aware of the facts, are shocked by the ruthless manner in which the 117 relocation and Hudson River Expressway were rammed through the Legislature . . . and are aghast at the questionable way in which these roads are being given top construction priority."

At the public hearings on the Hudson River Expressway held in February, 1968, an opponent of the highway stood up in the rear of the packed Ossining High School auditorium, and, with the aid of a bullhorn, shouted to District Engineer M. Nicholas Sinacori, who was presiding, that, in view of the fact that Mr. Sinacori worked for Mr. Rockefeller, whose private real estate interests were involved in the decision, Mr. Sinacori should disqualify himself to chair the hearing. An aide to Mr. Sinacori left the stage, walked up the aisle, and gently quieted the obstreperous citizen.

In the spring of 1966, a carrot was added to the stick behind the Hudson River Expressway. The state announced plans to build a 4-mile-long riverfront park between the expressway and the river, complete with sand beaches, marinas, bicycle and hiking paths, fishing piers, and plenty of parking space for automobiles. The opponents of the expressway were inclined to agree with *The New York Times* editorial stating that this plan sounded like "elaborate window dressing" designed to make the expressway more palatable to the residents. Of course, the park was a fine idea, and would be a big step forward in the badly needed rehabilitation of the banks of the Hudson, said the editorial. But this should be done without building an expressway; the two were entirely separate questions.

At the February, 1968, hearings in Ossining, detailed plans for the park development were unveiled. Artists' breathtaking renderings showed vast green areas containing badminton and tennis courts, swimming pools, fishing piers, a marina for 400 boats, picnicking areas, a restaurant, a golf course, hiking trails, and, of course, parking space for 2,000 automobiles. When the full sweep of the scene was uncovered for the thousand residents jamming the school auditorium, many of them laughed cynically. "It's great," shouted one, "but where are all the ferris wheels?" Another citizen asked, "Why can't waterfront parks be built along the Hudson *without* an expressway?" The school building rang with applause.

In his testimony at the Ossining hearings, John G. Mitchell, chairman of the Staten Island Greenbelt Natural Areas League, questioned the "sincerity of the state in its proposal to combine this truck route with a waterfront park—built, incidentally, on fill into the river in total disregard of the river's delicate ecology. The paradox of picnic tables and passing trucks is all too familiar to us. The state recreation planners also envisioned such incompatible uses for the Staten Island greenbelt—a hiking trail, if you will, 70 feet from a 55-mile-per-hour parkway!"

Another speaker suggested that the riverfront park could easily be built without the highway. He turned to District Engineer Sinacori during the hearing and told him that, as a gesture of good faith, the state of New York should publicly declare its intention to build the park, even though the expressway should be defeated. The state, he argued, should not hold out the park "as some kind of lure, or prize." The boisterous applause drowned any reply that the engineer may have wished to offer.

In the late summer of 1966, the Citizens' Committe uncovered a report by the State Department of Public Works issued four years earlier over the signatures of Superintendent J. Burch McMorran and District Engineer M. Nicholas Sinacori, in which the Hudson River route for an expressway was rejected as unsound. The report argued that the river route "would confine costly facilities to a narrow corridor without provision for the greatest traffic needs of the region."

If the expressway was such a bad idea in 1962, the committee asked, why was it suddenly the solution to the region's traffic problems in 1966? The committee implied that the Department of Public Works, against its better judgment, was knuckling under to pressure from the governor. During the remaining years of the controversy, the committee returned again and again to this question, but heard no satisfactory answer.

In June, 1967, more than two years after passage of the enabling legislation, state officials sponsored the first public "information meeting" on the expressway. According to one witness, the meeting was "jammed to the rafters with more than a thousand people." The opening presentation by highway officials was interrupted with "some applause, jeering, yelling and laughter." The hero of the hour was Representative Ottinger, whose long, impassioned condemnation of the proposed highway route was greeted with enthusiastic applause at every other sentence and a standing ovation at the end.

The legislation for this highway, said Ottinger, had been rushed through the legislature in an "extremely unusual—not to say irregular fashion." Since that time, plans for the highway had been "shrouded in mystery." Ottinger had repeatedly asked the governor and his representatives to explain the need for the expressway. The answers, he said, ranged from the "unresponsive to the ridiculous."

Ottinger heaped derision on the argument that the highway would benefit the region by making available filled land in the river for recreation purposes. This justification, he said, was spurious, ridiculous, and self-contradictory. Can't they think of cheaper and more effective ways to provide parks and recreation lands, he asked, than to build a six-lane commercial expressway? The claim that the expressway would enhance the scenic resources of the river valley, he said, was a "desperate and dishonest effort to justify the project after the fact."

The congressman noted that the state was just then in the process of going to the voters for approval of a $2½ billion bond issue for transportation, most of it to be spent on highways. This money, he said, could be used by the state to build highways without recourse to federal aid and thus without the need to comply with federal requirements. If the state was planning to use that means of ramming through the Hudson River Expressway, said Ottinger, it would fail, because the approval of two federal agencies would still be required. The expressway was to be built for about half its length on fill in the river, and the law clearly stated that this required approval of the U.S. Army Corps of Engineers. Also, a bill sponsored by

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Ottinger and passed by the Congress the previous fall required that any decision by any federal agency (the U.S. Army included) affecting the Hudson River Valley had to be reviewed by the Secretary of the Interior, who was already on record in opposition to the Hudson River Expressway.

Ottinger called for curbs on the unlimited state powers of eminent domain. "The state," he said, "cannot be permitted to just crash around the countryside, dividing villages, destroying homes, wiping out whole sections of towns, desecrating natural resources, without any effective check."

At the June meeting, James C. Harding, commissioner of public works for Westchester County, presented forecasts of traffic demands to justify the need for the Hudson River Expressway. He also defended the "cloak of secrecy" in which the state and county agencies had wrapped their plans for the highway. It was a very difficult thing, he said, for engineers to take the public into their confidence during preliminary design stages. The minute anything is announced, the engineers are "deluged with requests for information as to just where it is going to be located. This, they, of course, do not know, until perliminary investigations, designs, etc., been completed." It is impossible to present a highway project to the public without drawing criticism from "some group or other."

As for Secretary Udall's statement that the Hudson River Expressway would impair the natural beauty of the valley and destroy public access routes to the river necessary to scenic and recreation enjoyment, Mr. Harding replied that "this is ridiculous. Where is there any adequate public access to the river now between Ossining and North Tarrytown? Where are there any recreation areas? How can any public access or recreation areas be provided except by means of a road similar to that proposed?"

Community leaders in Ossining and Tarrytowns had been arguing for years that the traffic problems existed *in* the towns, not along the entire 10-mile route *between* the towns. They had long ago prepared an alternate plan which included construction of bypass routes around the towns, connected by an inland route using an abandoned roadbed of the New York Central, bordering the eastern edge of the Rockefeller estate. This plan, the mayors claimed, would be far less disruptive of existing property and would cost less than half the estimated $115 million for the expressway. State officials unswervingly treated this proposal with disdain.

Eight months after the June meeting, the state held the first official public hearings to unveil detailed plans for the Hudson River Expressway. During the twelve hours of hearings, which heard testimony from some seventy persons, only three spoke in favor of the proposed highway. These February hearings clearly delineated the destructive route of the bulldozer. Of the 9,000 residents of North Tarrytown, 853 would lose their homes—nearly 10 per cent of the population. Also in the path of the highway were thirteen businesses and a 2½-acre park including a children's playground. The tax-assessment value of the property scheduled for demolition exceeded half a million dollars.

Altogether, it looked as if Tarrytown would lose $2 million in assessed valuation, including public and private waterfront property, an insurance company, many homes, a firehouse, a recreation facility, the state police barracks, parts of two schools, Washington Irving and Tarrytown Board Clubs, the village's Losee Park, a commuter parking area, and several additional business sites. This was an impressive list for a village having a population of only about 12,000 persons.

A clergyman testified that most of the displaced persons in the Tarrytowns were low-income families. Those who owned their homes lacked the means to buy new ones. Many, however, were tenants who would be forced to find new homes to rent. These did not exist. After four years of operation, a full-time urban renewal director with a staff in North Tarrytown had been able to place five or six families. "How are they going to find places for 900 people," the clergyman asked, "when a full-time urban renewal director has been able to find only five or six?"

The expressway threatened to plow through the Negro section of Ossining, displacing a quarter to a third of the entire Negro population of the town. Of the thousand or so persons threatened with displacement, about 90 percent were Negro. The ugly accusation was that Ossining Mayor John Donzella looked with favor on the expressway for this very reason—that it would wipe out a large section of the Negro community. "Wipe out" would be accurate, since Ossining, with a population of some 22,000, has no low-cost housing program. As one witness said, "The consequences of these displacements can not be other than a forced departure from the village of Ossining."

The first night of the hearings, the Ossining NAACP distributed handbills designed to look like circus posters. In big, black Barnum-and-Bailey type, they shouted: "Welcome to Rocky's Magic Road Show Featuring The Hon. J. Donzella. Guaranteed to be the Greatest Sleight of Hand Show on Earth. See Gov. Rockefeller & Mayor Donzella Make 1,000 Black People Disappear. See Gov. Rockefeller's Concern for Ossining's Black Residents Evaporate Into Thin Air! See Ossining Mayor John Donzella's Relocation Housing Program Vanish Before Your Very Eyes!!!"

William B. Rascoe, president of the Ossining NAACP, charged that the officials of the village had repeatedly refused to entertain any proposals for relocation housing. The expressway, he said, would "slash into the very heart of the community, destroying the homes of hundreds of Negro families. To all intents and purposes, these are plans for Negro removal." The village government, said Rascoe, sees the expressway as "an opportunity to get rid of hundreds of its Negro residents."

One Negro resident deplored the "total disregard for human lives that has been displayed by the governor, the State Department of Transportation, and, last but certainly not least, the village government of Ossining." At the conclusion of his testimony, he read a statement prepared by his wife:

"The outlook of over 200 families in the village of Ossining is one of bleak despair, a despair compounded with frustration at the injustice this road would bring to most of those families, who are Negroes. The history of the Negro people in the United States has been one of bitter rejection, of a continuing struggle up the economic and social ladder of this land to achieve some degree of self-respect and sense of accomplishment. Some have succeeded in overcoming the barriers thrown up in their paths, and through almost superhuman effort have managed to take a place in the mainstream of American life.

"This is what many of the 200 families have done. Homes obtained after many years of privation and self-denial are being threatened by this proposed highway. According to this plan, the road would cut through the area where the majority of the Negroes in this village have purchased homes. These are families who have achieved stability through prudent use of their meager resources—families who wanted to assume full citizenship, its rights and responsibilities. A number of the people threatened are elderly, retired people, who cannot hope to purchase again to replace those homes acquired while actively employed.

"These people lend dignity and worth to any community, and if they are forced to leave their homes, Ossining will be poorer spiritually and morally for their departure. The proposed highway would wipe out much of the stable Negro community while retaining blighted slum areas. Such action would only add discontent and anger among those residents who could lose what incentive they have for forging ahead.

"It is not our desire to stand in the way of 'progress,' but is progress to be measured only by the number of motor vehicles that thunder along a six-lane highway at 60 miles per hour? We love the Hudson and are moved by its grandeur and beauty. What mechanized juggernaut roaring along its banks can appreciate the river? Is not the human element worthy of consideration? Cannot New York State truly be the Empire State and concern itself with social justice as well as superhighways? This great state must surely put man before motor."

It may be more than just coincidence that, during the tumultuous days following the assassination of Dr. Martin Luther King, Jr., racial tensions reached near the explosion point in Ossining. Students left their classes in the high school and ran through the corridors. Several hundred of them massed in Main Street, blocking traffic for three hours. But property damage was held to several broken windows, and there were just a few injuries to Negro youths. Only quick action by a Negro neighborhood youth corps director and officials of the Ossining Interfaith Council for Action and the Afro-American Teens took the steam out of the impending disaster.

Negroes weren't the only minority group threatened by the expressway. The lines drawn by the highway engineers passed right through Sing Sing Prison. One citizen commented wryly: "Now that I see that the expressway is going to pass through Sing Sing Prison, I hereby resolve to make an extra effort never to be found guilty of a felony in New York State, and I hope that the State Department of Transportation will show the same resolve."

As the second night of the hearings came to a close well after midnight in the Sleepy Hollow High School in North Tarrytown, and the echoes of the jeers and hisses died, all possible debate and dialogue seemed exhausted. But the big questions still remained. Would the state of New York use part of its $2.5-billion transportation bond issue to build this expressway wholly with state funds and thus avoid a possible federal veto? Would the Hudson River Valley Commission, the regional planning group created by the governor (and now headed by Alexander Aldrich, the governor's cousin) approve the plan for the expressway? Would Interior Secretary Stewart Udall weaken in his opposition to the expressway, as Representative Ottinger had warned? Would the nearly unanimous hostility displayed at the public hearings persuade the governor to change his plans for the expressway?

Several months later, in July, 1968, one of these questions was answered, and a hint was dropped about another. The Hudson River Valley Commission unanimously approved the plan for the expressway, a decision that was a surprise to no one. Also predictable was the reaction of Representative Ottinger, who protested that the decision made a "complete sham" of the Commission's assignment "to encourage the preservation, enhancement, and development of the scenic, historic, recreational and natural resources" of the valley. The Commission, he said, had "allied itself with the violators of the river."

The hint was dropped by a New York state official who declared that the expressway would be financed from state funds.

By the end of the year, yet another question was answered: Stewart Udall's opposition collapsed. Further studies by his Bureau of Outdoor Recreation, he said, had concluded that the Hudson River Expressway would not "unfavorably affect the scenic, historic, or recreational values" of the Hudson

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Valley. In a letter to the Corps of Engineers, Udall wrote that the Department of the Interior would not stand in the way of the necessary dredging and filling along the river's edge. He did ask, however, that the work be done carefully to prevent "undue siltation and turbidity in the Hudson River."

Udall's about-face, one of his last official acts as Secretary of the Interior, comprised what *The New York Times* called a "victory for Governor Rockefeller but a defeat for the public." Representative Ottinger was incensed. "I just don't believe that any self-respecting Secretary of the Interior could impartially conclude that a six-lane highway is an advantageous use of the resources of the Hudson River," he fumed. Udall, he went on, must have "succumbed to pressure growing out of his long-time close relationship with the Rockefeller family."

The Citizen's Committee for the Hudson Valley, which had worked for so many years to thwart the governor, joined forces with the Sierra Club and the NAACP to decide whether a court action offered any hope as a last-ditch measure. At the time of this writing, that decision had not been made.

THE FORGOTTEN MINORITY

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. PUCINSKI. Mr. Speaker, NBC News in Chicago recently televised a program that clearly illuminated the plight of children in our school system who cannot speak English.

In particular, this timely program called attention to the severely inhibiting forces that blunt the intellectual development of Spanish-speaking children in the United States. In our city of Chicago, 400,000 Spanish-speaking Americans live and work. Their children attend Chicago public schools and more than 50 percent of those children drop out of school because the language barrier eventually becomes insurmountable.

Without question, the most urgent problem which faces the Nation today is the breakdown in communication between the many different minority groups, age groups, and interest groups, which together comprise the very fabric of our society.

Competent bilingual teachers who do not speak English as their native language can help to build the bridges which are needed between school and community, just as bilingual education itself can help to restore the linguistically disadvantaged American to his rightful place in our society.

While the 91st Congress intends to improve access to effective programs of bilingual education, educators can be instrumental in creating a climate of opinion in States and local communities which actively support our attempts in Congress to insure that no man is excluded from an excellent education because of his cultural heritage.

Diversity has traditionally been one of our Nation's great strengths. The interplay of cultures has provided a constant source of those new ideas which are necessary for continuing progress and the renewal of our national energies.

Bilingual education is an affirmation of the value of this heritage from the past; it is also a promise to the future—a future in which all Americans may share in the development of a society in which diversity is cherished as a national asset.

Harry Mantel, of NBC News in Chicago, produced and wrote this brilliant documentary concerning the enormous conflicts confronting Latin American children in our schools. In spotlighting the need for effective bilingual education in Chicago's schools, the program invites similar inquiries into other American school systems. The problem is not isolated to Chicago alone.

Chicago's NBC affiliate, radio station WMAQ, and Mr. Mantel have performed a notable public service in producing this important documentary. This is radio at its very best. I am pleased to announce that WMAQ has agreed to make this tape available to any radio station that wishes to focus similar attention in this very important problem of the "Forgotten Minority."

Mr. Speaker, the full text of "Forgotten Minority," telecast in Chicago on May 25, follows:

FORGOTTEN MINORITY

ACT 1

Producer-writer: Harry Mantel.

Director: Robert Sprentall.

Technical supervisors: Harry Dinaso, John Hoffman.

Narrator: Bill Lindsay.

(Open cold.)

LINDSAY. Good evening. This is Bill Lindsay. There is a tragedy in the education process in Chicago . . . a crisis that concerns an estimated one out of every ten Chicagoans directly. Unlike the Blacks, the Latin Americans have not protested violently against the machine-like process of gearing them to failure in Chicago's high schools. By age 16, unable to cope with the English language . . . the majority of Mexican, Puerto Rican, Cuban and South American children will legally drop out of school at the rate of six out of every ten. This is the hopelessness facing Roberto Contreras and thousands of other Latin American school children each year in Chicago. They have not been taught English . . . They are the silent minority—the Forgotten Minority.

(Theme in and under.)

ANNOUNCER. Forgotten Minority—A Special Report!

(Theme up and under.)

FACTORY WORKER. 16 (almost unintelligible.)

JUANA CERDA. Most of the students go gambling in the rooms or in Morris Hall and in the Lawrence Room they are always gambling. They lose their money. They don't buy their lunch. They rather spend their money gambling.

MARY BUCH. The teachers do not communicate with the students . . . and I guess in a way they're afraid or maybe they just don't care. Like for instance in the auditorium of the school you see students drunk either by liquor or by pot.

JOHN MENDEZ: They keep on kicking me out for hardly any reasons. Then I don't get no grades on my report card. They said they can't give me none. I had hardly gone to school and I had hardly gone—and they keep kicking me out. When I first went to school they didn't give me no books . . . and they said they don't have no more books—and I can't study . . . or nothing.

(Music.)

LINDSAY. There is a sense of futility that hangs over the Latin Americans who live in this city . . . their population is estimated as high as 400 thousand. Chicago once meant for them hope and a means of finding a better life. A better job and education for their children—a better life than they lived in Mexico, Puerto Rico, Cuba, South America, or Texas. There was belief when they migrated to this city the language barrier would be overcome. But belief too often has become despair. Before Bruno Escamilla quit Harrison High school he admits he was a trouble maker; he had no communication with his teachers; the English language was a frustration. Now at age 22, married, unskilled, he is determined to return to school, but not in Chicago.

ESCAMILLA. I'm going back to Texas and I'm going to school over there because here is like a rat race you know. You get home and before you know it, it's time to get up and go to work again.

REPORTER. What do you think you can accomplish in Texas that you can't accomplish here?

ESCAMILLA. Well, there's a lot of chances over there. They've got a lot of schools. They got a lot of trades that offer to you to go back . . . and educate myself again. Over here I don't even know where to go. I don't even know where to go and ask for some information for courses that are valuable to me.

LINDSAY. It is painfully difficult for a Spanish speaking student to answer the English speaking teacher whom he fails to understand. The teacher does try perhaps the best he or she could under the circumstances. But the language gap is still there, and there is little effort by the board of education to provide bi-lingual teachers in the high schools.

MAGDALENA GARCIA: The board of education knows definitely, dead definitely that we need bi-lingual teachers. We need bi-lingual counselors. Our teachers . . . now in the United States . . . shameful . . . and disgracefully they get a degree only to open a door to a job and be behind a desk but not to work within the school classes and the children as children. As far as I'm concerned if we want a better America we have to wake up and accept human beings as human beings and accept them with the two languages and try to understand them. We cannot understand human beings until we start to level with them and accept them before we can really work with them. If they can't communicate with the students, they can't communicate with the parents, they can't communicate with anybody for that matter without the Spanish speaking language, and yet they try. The only thing they're doing is humiliating them so that they can push them out of school.

LINDSAY. The charge that Latin American children are being pushed out of high schools was made by Miss Magdalena Garcia, a hospital technician, who fortunately was able to overcome the language barrier. Now she fights for those who fail.

(Music in and under.)

LINDSAY. One of the Latin Americans in Chicago, Roberto Contreras, aged 15, refuses to flunk out or drop out of Harrison High School. He is determined to remain in school regardless of his failing grades because he believes he can succeed if only he can lick the language barrier. Roberto discusses his plight with NBC Reporter Frank Rios:

RIOS. (Speaks Spanish).

ROBERTO. The problems is that the teacher not speak two languages . . . English, Spanish . . . but my problem is my counselor . . . He don't know how to speak Spanish. But I don't know how to speak English good. I understand a little, but no more . . . and you know other . . . friends . . . he told me the school is not good. I don't know why. The school is beautiful . . . but the teacher he no . . . (breaks into Spanish).

RIOS. You came from Mexico to this coun-

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try and you were anxious to study because you knew science technology was more advanced.

Student. (Answers in Spanish).

Rios. You believe now. . . . what is the most difficult problem that you find in this country.

Roberto. (Answers in Spanish).

Rios. The language barrier and the teachers.

(Music in and under.)

Lindsay. Roberto Contreras and the thousands of other Latin American children despair over the language barrier, finally raising their voices in anguish. Hoping for help whether it comes or not. But no longer are their community leaders silent . . . Vociferously they demand an answer to this dilemma . . . Forgotten Minority . . . A Tragedy In the Education Process—continues after this message:

(End act one.)

Music in and under.

Lindsay. A major focal point for Latin Americans in Chicago is the Emmanuel Presbyterian Church at 1850 South Racine Avenue on Chicago's West side.

(Music: Seque to church choir, then choir under.)

Lindsay. Here in the Pilsen neighborhood, in the shadows of old Chicago, the community today is mainly Mexican. The Emmanuel Church encourages the Mexican residents to do much for themselves in learning English and running their own community organizations. Their church choir sings in both Spanish and English, any attempt to drop their heritage is frowned upon.

(Choir: Up and seque into adults learning English, then bring adults under.)

(Voices: "Where are you from . . . I'm from Mexico . . . etc.")

Lindsay. In the evening class underway now, one sees only adult Mexicans and the Anglo lady teacher. The absence of their children is apparent.

(Voices: Seque into "Hi Joe, how are you, Hi Joe, How are you. I got a new job yesterday. Fine, thanks, etc." Establish then under.)

Lindsay. The city of Chicago has taught English to foreign speaking people for more than 50 years in evening schools. The classes can be conducted in the city's churches as well as in public school buildings. However, there is a school board requirement that each member of the class must be at least 16 years old, which only by coincidence is also the state's legal dropout age.

(Voices: Up and seque into adults learning Spanish . . . then under.)

Lindsay. Long time Chicagoans living in Pilsen area know their neighborhood has changed and that this change likely will continue. Rather than fight it, they've joined it. We hear their class learning Spanish from the wife of one of the two ministers. Right now they're conjugating Spanish verbs.

(Voices: Up and under . . . then out.)

Lindsay. Perhaps as many as 400 thousand, or more, Latin Americans live throughout the city of Chicago. Although estimates of their numbers do vary, there is one statistic that remains fixed in the minds of their community leaders. The dropout rate for their youngsters in Chicago's schools is about the same as New York's Puerto Ricans. About Sixty Percent. Six out of Ten. Perhaps shackled the rest of their lives by the language barrier and ignorance. Their parents and leaders are terribly concerned. But not all of these are Latin Americans. The Reverend Henry Murray is one of the Emanuel church's two ministers. He's an Anglo. He sees another reason for the dropout.

Murray. There are two types of dropouts in one sense. One type is the youngster who comes from Mexico or Texas speaking little or no English and for whom the school is a hostile environment that is not able to communicate with him at all because of complete lack of bi-lingual staff people and particularly Latin American staff people who are sympathetic to his cultural adjustment problems. The other type of youngster is the youngster who has a good facility in English, but because of the lack of sympathy of the school system . . . because of what really in a sense is a kind of racism in relation to the Latin American, ends up being pressured and harassed and eventually forced out of school.

(Music: Establish and under.)

Lindsay. What can be called the quest for equality underlies a growing barrage of complaints from the Latin American communities. They detest the melting pot ideology. It frustrates their individuality. One of the Pilsen residents is Jose Castillo, father of five, a machinist, born and raised in the United States:

Castillo. It seems like the teachers have a very great lack of interest in the Latin American students. I know for a fact that years back the Latin Americans were mixed with other nationalities such as the Italians or the Irish or the Polish or what have you . . . and they were all accepted as individuals by themselves but when a great number of them together . . . they seem that the people feel not a great desire to be with them. They don't give them an opportunity to do what they want to do. They want the people to get out of school totally unprepared to go work on the docks, to work on the railroads, to work driving a truck. They don't have any opportunity at all.

(Music: Up and under.)

Lindsay. Mrs. Grace Gonzalez is a Chicago public school teacher. She believes that a monolingual and monocultural society are absolutely wrong. She speaks for thousands who want Latin Americans teaching their children in Chicago. Mrs. Gonzalez contends that the school board is dragging its heels.

Mrs. Gonzalez. They keep telling us that there aren't any teachers who are qualified. Well, if they would just look around, look in their files they would find that there are people of our nationality that can go in there and be counselors and be teachers and have a feeling toward these children that apparently up to now they haven't had as is evidenced by the dropouts that we have in our community.

(Music: Up and under.)

Lindsay. Chicago's failure to provide bilingual, bicultural teachers and educational administrators to serve its Latin Americans has drawn the anger of Mrs. Mary Gonzales, mother of two.

Mrs. Mary Gonzales. Many people have the thinking that a Mexican is lazy first of all, that he's asleep, that he's under his big sombrero taking a siesta in the afternoon and is not concerned with what is going around, what is happening around him. Well, the only thing I would like to say at this point is we're not asleep, we're waking up. We're going to move, and the school, the board of education is either going to have to wake up and realize that we are here and admit that we are here and accept the fact that we are here and work with us . . . or we're going to work against them until we get what we need in our schools.

(Music: Up and under—take out at will.)

Lindsay. Mrs. Josephine Mendez, mother of seven, worries about her 15 year old son, John, failing in school. She claims the teachers don't care about the kids . . . she says the kids roam the streets not wanting to go to school . . . and get suspended for as much as 30 days.

Mrs. Mendez. I think they should let us know in time when a child is absent or cutting classes they should let us know the same day. They have our phone number in the office. They should let us know right away, not a month later, when it's too late . . . then when we do take them back, they've been cutting for a whole month, you know. We don't want them here, we don't want to bother with them.

(Music out.)

Lindsay. About one third of Harrison High school's three thousand students are latin Americans, most of them of Mexican origin. The school is only one of about nine high schools in Chicago where Latin Americans are concentrated. But the problems of one are reported to be similar to the problems of the others. A leading community voice in the Harrison school area is the Reverend Jose Burgos, co-pastor of the Emmanuel Presbyterian Church. The Reverend Burgos says he has lost his patience with the school board for it failure to provide bilingual teachers and for the deepening frustration of parents in the school offices, where only English is spoken. He does not want to see the Latin American culture abandoned in his community.

Burgos. We would like very much to have PTA's run in Spanish with some leader of the community to chair the PTA and be open to the whole community to voice all their problems and their concerns. We would like courses in Latin American history there. We feel that identity is one of the greatest problems that our people need. We need people that can have some self respect. We need people that can be identified with their own background and to be proud of it.

(Music: In and under.)

Burgos. The Latin Americans are in the same cage that the Afro-Americans are. I think that the problems of the Latin American are worse than the problems of the black. And I say this because we are not the second class citizens we are the third class citizens. And I say this because the blacks, Afro-American people, now have a greater representation on the board of education. They have greater representation at City Hall. They have greater representation in places of responsibility . . . while the Latin Americans are at the bottom of the scale in this kind of representation. Our voice has not been heard. That's why they call us the silent minority.

(Music: Up and under.)

Lindsay. Chicago's Latin Americans are gradually taking the posture of the city's Afro-Americans in their determination to achieve equality. One school official dissecting the crisis of the Latin American dropouts in Chicago frankly stated: "We have been seriously derelict at the high school level . . . This was just never discovered." Forgotten Minority—A Tragedy in the Education Process—continues after this message:

(End Act Two.)

Lindsay. The language barrier at Harrison High and the critical dropout rate are thorny problems for the district school superintendent, Al Cheatham. Since taking his post one year ago, he has received a steady stream of complaints about the lack of bilingual education and the futility of the job future facing Latin American students. He sadly admits that the problem has recently fallen into focus.

Cheatham. It is obvious how difficult a task it is for our youngsters to try to manage the matter of learning English as well as to understand their course content. To this and we have moved to ask our superiors to immediately begin planning with the committee for the institution of a program designed to provide the educational skills necessary for our students who are Spanish speaking. By that I mean we want a full scale bilingual educational program designed for our high schools.

Lindsay. It appears that Al Cheatham, too, may join the ranks of those frustrated. Chicago does teach English as a second language to Latin American school children, but only in the elementary school. Edwin Cudecki (Kuh-deck-ee) heads the TESL (tess-uhl) program and also directs the division of foreign languages. He says there is some tutoring for some Spanish speaking students at several Chicago high schools, but there is no bilingual program throughout the system because of a lack of money. Cudecki says the school board does not have enough funds; and the money available from the federal government through Title Seven of the Elementary and Secondary Education Act falls far short of what Chicago has requested.

CUDECKI. We submitted a preliminary proposal in December of 1968 for approximately a million and something dollars which would have included bilingual centers in the elementary school as well as at the high school level and some of the high schools singled out were Harrison High School, Tuley High School and Wells High School to give a greater service than what we're able to do now. This preliminary proposal was cut down to $79,000 which means we can establish two bilingual centers and at the bilingual conference, sponsored by the U.S. office of education in Washington, D.C. among the guidelines is one that suggests that the bilingual centers begin at the elementary school level to insure the success of the program. And with the limited amount of funding available, we preferred trying to make this program a success because we have to convince many people, many administrators, many lay people in fact of the need for such a program.

LINDSAY. There is a great deal of continuing criticism leveled at the school administration for failing to budget a bilingual program to the high schools . . . for those failing bewildered children who soon will join the unskilled labor force. One critic is Chicago Congressman Roman Pucinski, chairman of the house sub-committee on general education and co-author of the bilingual education act.

PUCINSKI. My fear is that the Board of Education has a false sense of priorities and I'm not willing to accept their excuses, their alibis. I think the time is long past due and they ought to recognize that there are certain serious trouble spots in our educational system. And the Latin American community is one of them. These young people do have a very high intellectual capacity. They're not illiterate . . . And it would be a great mistake to write these young Latin Americans off as being incapable of absorbing the learning process. They are fully capable. Their only problem is that they do not understand English . . . and it would seem to me that if private language schools can teach you how to speak Spanish in a matter of 30 or 40 or 50 days under a high concentrated course, it would seem to me that the board of education would adopt the same policy in reverse and put in these high density, high pressure English language courses in high schools where you have your high concentration of Latin American youngsters. To me, this is dereliction at the highest level and I am perfectly unwilling to accept the alibis and excuses. The educators are going to have to learn that they can't write off every single problem we have with the alibi that there's no money available. There is money available. There's got to be more prudent use of the money that we have available.

LINDSAY. The charge that there is ignorance of the Latin American school problem at high level of the administration was perhaps borne out when a top official was asked for a reply to the community's complaint. The person he suggested to answer the charge turned out to be one of the persons who was doing the complaining. Miss Dolores Guerrero is one of the six Spanish resource teachers now working with thousands of Latin Americans in Chicago's high schools. Their task is not so much to teach them English, a logistical impossibility, but to try to get them through high school and onto a trade school or college. Miss Guerrero has knocked on many official doors in her frustrated efforts to develop a logical program of language training in the high schools, where the language crisis exists more so than in the elementary schools where there is a TESL program.

GUERRERO. The problem is not the academic achievement. The problem is the language—only the language—because some of these kids that come from Mexico, from Puerto Rico . . . are already in that level. They don't have to come to the United States to learn how to add and subtract . . . they know this already. What they need is the communication of the regular classroom, following directions, getting into a more advanced material. But if they don't have the basic need of communication, how can they further any education if they don't know the language. It's like anyone going to China and being on a high school level and not being able to continue his education because he doesn't know Chinese.

RIOS. How can they surmount this language barrier?

GUERRERO. If programs with intensive English classes were given this will solve the problem, and they probably would have to go as basic, as audio-lingual, first listening, comprehension, then reading and writing. But, if they are exposed to reading and writing without having the basics of comprehending and speaking how can anything be accomplished.

(Music: In and under.)

LINDSAY. A leading authority on the learning process says "When we talk about a dummy . . . we're saying that a person can't do something that we expect him to do . . . so we all may be dummies on a football field . . . or in a course in nuclear physics . . . our expectations for a child are such that we normally label practically 50 percent of the children who come into the schools as dummies . . . because we're expecting them all to do what the average child can do." By that definition, the youngster we heard earlier, Roberto Contreras, who is failing his courses at Harrison High, could be considered a dummy . . . if he has to respond to problems in an environment where only English is spoken. Roberto says he was a good student in Mexico, before he came to Chicago. He took a job in the city to help support himself and went to school expecting that he would be able to learn from his teachers. But he quickly learned one thing . . . that he spoke only Spanish and not English while his teacher spoke only English and not Spanish. Under these conditions it is rather difficult to learn American history, geography, science, mathematics and English rhetoric. Roberto discusses his problem in the best English he knows with a community leader, Juan Morales:

MORALES. How do you feel about the system? Do you think that we have to have somebody who will be able to communicate with you?

ROBERTO. Well, I no got it . . . (talks in Spanish).

MORALES. You have nobody to communicate with you . . . are you planning to leave the school? (translation in spanish).

ROBERTO. No . . . well, he's told me he's got many children. My friend, she told me . . . I don't come to school, but I don't speak English. See my problem. The answer to my problem . . . are on the class me talk to the other teacher in English. You told me be quiet you don't speak English. You know I don't understand much in English.

MORALES. What grade are you in?

ROBERTO. In second grade.

MORALES. In second year.

ROBERTO. Well, I would say . . .

MORALES. Robert, where do you come from?

ROBERTO. Monterey, Mexico.

MORALES. Were you grades good in Mexico?

ROBERTO. Is good in Mexico . . . and here they are on the . . . not good . . . but I don't speak English and any teacher who told me I don't speak English . . . you got an F . . . well Okay . . . but my teacher in English now told me in Spanish . . . you got an F . . . you got an F . . . well okay.

MUSIC: IN AND UNDER

LINDSAY. Roberto Contreras wants to become an engineer. He'll be lucky to finish a Chicago high school. NBC News wondered about his real ability and aptitude, but those tests used by the school board are given only in English. We, therefore, had Roberto and 11 other Latin American children, most of them potential dropouts, tested in Spanish . . . to see what their learning abilities really are in their native tongue. Forgotten Minority—a Tragedy in the Education Process—continues after this message.

(End Act 3.)

(Music: In and under, out at will.)

LINDSAY. Any parent whose child was considered a dummy might naturally be concerned about the child's undiscovered abilities and potentials. Educators agree much of the learning potential remains below the surface of fulfillment, like the bulk of the iceberg that lies below the surface of the water. The problem of communicating to masses of minority children is not unique to only Roberto and other Latin Americans in Chicago . . . a similar problem exists for the city's Indian children, the migrated Southern Whites, the Blacks, Why the communication gets bogged down by dialects and concepts. In the case of the Latin American, NBC News with the cooperation of Science Research Associates, had Roberto and 11 other children from Harrison High school, many of them potential dropouts, tested in both Spanish and English. Although the results were predictable, the documentation was believed to be necessary.

The one group of 11 children were a cross section of Latin Americans in various grades of the school. All were having trouble with their courses and it was doubtful that the seniors in the group could qualify for college even if they wanted to. The battery of tests given by S.R.A. indicated that if Spanish were spoken the group had the ability of making at least average grades through high school. Average grades . . . as compared to the poor or failing grades they are getting. Two highly qualified consultants from Science Research Associates analyzed for NBC News the capabilities of Roberto. First, Dr. C. G. Gray:

GRAY. Roberto is an interesting case. He's one of millions that we see as we travel around the United States. Roberto is the case of a boy that comes from a home where they speak Spanish and Roberto is very fluent in Spanish . . . He has very little English. He is attempting to function in a school situation where English is the dominant language . . . so that Roberto is functioning as far as school goes as a retarded child would function. Whereas, Roberto is actually a very capable person. So we tested Roberto in Spanish with directions and all that he understands . . . and his test scores indicate that he's probably in the top quarter of the population as far as ability goes. Yet when we test him in English, Roberto will fall in the bottom quarter or next to the bottom quarter . . and as far as working in a school situation where everything is done in English, Roberto will continue to function in the bottom quarter level, which probably means he'll fail most of his work in English. . . . Whereas if he were . . . if he knew English and could work in English on the same level in which he could work in Spanish he could be functioning as an above average student . . . probably as an honor student.

LINDSAY. The solution to the problem suggested by Dr. Gray is already an accomplished fact in Miami, Florida in the Dade county school system, which has received special funds appropriated by Congress to educate the Cuban refugee children there.

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However, other areas of the country where Latin Americans have concentrated . . . New York City . . . Chicago . . . Southwest Texas . . . Philadelphia . . . for example . . . are not as fortunate as Dade county and they must rely entirely on funds from local taxes, state aid or stringently measured help from Washington . . . under the Elementary and Secondary Education Act. Earlier we heard that Chicago's request for more than one million dollars under this act was slashed to 79 thousand dollars. The money for Roberto and the others may not be there at this time, but nevertheless what should be done to save these children? Dr. Gray answers:

Gray. The same thing that should be done for Roberto that's done for any student who has this problem . . . and there's millions of them . . . that have this problem. Before you can learn anything in any kind of situation you have to start at the point where the child is and take him from that point. All right, Roberto is expected to function in English so that the first thing that we can do for Roberto, if we're going to continue his school instruction in English . . . the first thing we can do is teach him English. Then when he is understanding English, then he can learn . . . in English . . . and with any student, regardless of what the language problem is, you first have to overcome this before you can teach him what you're trying to teach him. Now if you want to teach him in Spanish . . . then his learning problem is removed. With a child as capable as Roberto is, my guess is that probably six months of concentrated effort in learning English would have him functioning at a very capable level in English.

Lindsay. Dr. Thomas Edwards, Dr. Gray's associate, has worked for many years on the problems of culturally disadvantaged people, traveling and meeting teachers throughout the United States, Hawaii, Alaska, Puerto Rico and the Virgin Islands. He was "trying," as he says, "to pinpoint very specifically the nature of the problem." As he puts it, "there is not only linguistic isolation but also a cultural isolation . . . isolation from the mainstream culture . . ."

Edwards. We have deluded ourselves into assuming that we have a melting pot culture but we don't. There's an awful lot of emotional stuff that a youngster has deposited in his early childhood experiences and if we tell a Puerto Rican youngster knock off the Spanish you're in America, just turn your back on that—and also on all the other aspects of his indigenous culture you're forcing him really to go through a traumatic experience of self hatred, self rejection, rejection of his parents, his peers, and this whole warm security blanket culture that has spawned him. My feeling then is that it's highly possible and very desirable for these youngsters to become cultural straddlers so that they can operate with equal ease and efficiency in their own indigenous culture as well as in the mainstream culture of the United States. And, ultimately become citizens of the world—so that they become tricultural if you will.

(Music: Bridge.)

Lindsay. A British sociologist and social educator, Richard Hauser, says, "the solution is to avoid allowing the young people to be failures, trained in a failure atmosphere, in a failure school and in a failure area." Five years ago, Hauser says a government study group declared that half the children in Britain are failures because the educational system is not reaching them. Is the educational system of Chicago reaching its children? Dr. Thomas Edwards, a Negro, says he was convinced through high school that he was a dummy. He said his achievement expectancy level was so low that he was sure he was a dummy. He said he only snapped out of this sense of failure after his teacher said something positive and sincere to him that led to his motivation to write, and he says he hasn't stopped writing since.

Edwards. We can make a mistake if we focus our attention too exclusively on the language problem and not consider how the youngster feels about himself as a member of a minority group . . and a Black kid . . as a youngster from Spanish speaking background or whatever . . kind of cultural isolate he is . . and he's likely to have a very depressed level of aspiration. He might say who am I . . I'm nobody . . I'm neither fish nor fowl . . I'm not Anglo . . I'm not Spanish . . I'm nothing and this can be very, very damaging how the youngster feels about himself. He won't aspire because he's not convinced that he can achieve. His achievement expectancy level is very low. I doubt that this chap Roberto realizes that he has a learning potential . . If we don't look at the totality of the psychological development of this youngster in terms of his attitude toward himself and society we're going to have all this wasted manpower . . brilliant people . . who are doing nothing. In a society as great as ours I think our undergirding philosophy is that everybody should enjoy self fulfillment . . and they're not happy people who feel like social rejects.

(Music: Up and under.)

Lindsay. The conclusion of Forgotten Minority—A Tragedy in the Education Process—after this message.

(End Act 4.)

(Music up and under.)

Lindsay. Less than a year ago Chicago's schools were decentralized into three major areas each with its own director of human relations. On the North Side's Area C, Juan Cruz is a specialist in the problems of Latin Americans who attend six high schools. Here, like Harrison on the West Side, the dropout problem is just about as serious. Cruz says there are about 100 Latin American organizations in the city of Chicago, each trying to help the Latin American children get through school. But he points out that most of these groups work independently with very little political power to speak of and they have no alderman in the city council. From his own sources, Cruz believes there may be more than 400 thousand Latin Americans living in Chicago, although the city's own estimate is in the neighborhood of only 150 thousand. The next census should reveal the correct number. Cruz says that the Mexican and Puerto Rican leadership are trying to merge to form a united group, and they are trying to get the other Latin Americans to join them. The purpose obviously is to achieve political power and to bring an end to their educational tragedy and numerous other minority problems. Cruz also attacks the melting pot myth:

Cruz. We are facing the cultural assimilation of the students where our youngsters have learned to behave in certain ways. They have acquired attitudes that are peculiar to the Latin American society and then when they come into the schools where the teacher has middle class values, the Anglo Saxon type of attitudes, then we are asking our youngsters to divorce themselves completely from this Latin American culture. It is detrimental to their learning and to the personality. Right now our Puerto Rican and Mexican youngsters are looking to find who they are. They're asking who am I. I'm neither Latin American. I'm neither Anglo Saxon—Therefore, I'm not an American.

(Music up and under.)

Lindsay. I am not an American, I am not an American. How many young Latins; how many young blacks; how many young whites, feel such alienation for our society? School officials say the answer to the problem is money. They warn that almost 8 thousand Chicago teachers may be fired this year unless the schools get more money. But is it enough of an excuse for failing to solve . . . or at least attack problems . . . simply by saying ". . . we need more money". Some suggestions have been made in this program: A crash program to make Latin American children proficient in English so they may learn other subjects in that language . . . Teachers proficient in two languages, knowledgeable in two cultures, able to reach youngsters trying to adjust to a different society. Chicago's great universities might provide part of the answer . . . . . special programs, or volunteers. The Latin Community might provide volunteers as it wishes to do and as it's done in the Miami schools. Even the state's teaching requirements might be amended for this crisis. It would seem that almost any effort is better than no effort at all. This city . . . this country . . . beset by so many other difficult problems cannot afford to lose so many potentially productive citizens simply because they do not know English . . . to lose six of every ten youngsters growing up in the Forgotten Minority.

(Music: Up and under—Student saying cannot speak English, I don't understand English etc.)

Announcer. This has been a special report, "Forgotten Minority, a Tragedy in the Education process." Reporter, Bill Lindsay. Field Reporters, Harry Mantel and Frank Rios. Technical Supervisors, Harry Dinaso and John Hoffman. Director, Bob Sprentall. Producer-Writer, Harry Mantell.

(Music: Up to fill.)

THE PRESIDENT'S MESSAGE ON CRIME

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. BOB WILSON. Mr. Speaker, one of the most critical problems facing America today is our staggering crime rate. I have received numerous letters from deeply concerned constituents regarding the imperative importance of action to halt the upward crime spiral on all levels, from the purse snatcher to the Mafia extortionist, and am most pleased that the new administration has decided to give this matter prompt and detailed attention. The following article by my distinguished colleague from Virginia, Hon. Richard H. Poff, briefly summarizes the major thrust of the administration's new programs and I include this statement in the Record:

THE PRESIDENT'S MESSAGE ON CRIME

President Nixon's message on Organized Crime is the first preplanned, coordinated, systematically-organized attack the nation has attempted on the problem. It is bold, imaginative, innovative, and yet realistic and altogether responsible. It recognizes that the jurisdiction and responsibility are shared jointly by the Federal, state and local governments and it does not attempt to blink away the unblinkable fact that more citizen safety is going to cost the citizens more money. The expenditure increase of FY 1970 is the only increase made in any agency of the government by the new Nixon budget.

I am particularly pleased that the President has endorsed new witness immunity legislation. We now have more than 50 such statutes on the federal law books. For a variety of reasons, these 50 are now practically useless. The National Commission on Reform of Federal Criminal Laws has recommended a universal witness immunity law applying not only to courts and grand juries but to Congress and executive agencies of the government. It will employ a new concept. More importantly, it will facilitate a new function. It will greatly enhance the information and evidence-gathering capacity of the federal law enforcement establishment.

I am also pleased that the President sup-

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ports the policy announced earlier by the Attorney General. The Achilles heel of the organized crime apparatus is its vast treasure houses of property and money. Those treasure houses were filled by income acquired illegally and surreptitiously in violation of both federal and state laws. Needless to say it is money which has not been declared for federal tax purposes. Moreover, it is the money from these storehouses that has been used by organized crime to invade the world of legitimate business enterprise.

The President and the Attorney General intend to target upon these treasure houses, using wherever possible the antitrust laws of the techniques illustrated by the antitrust laws.

Initially, the principal thrust will be against the largest single source of income, namely that derived from illegal gambling. The Wagering Tax amendment bills introduced by Senator Roman Hruska and I can be helpful in this effort. Our bills are designed to fill, so far as it is legislatively possible to do so, the void in law enforcement left by decisions in the Marchetti and Grosso cases. Beyond this, the Attorney General shortly will submit a draft of a new statute bottomed upon the interstate commerce clause, which makes professional gambling in areas where it is unlawful under state laws a Federal crime as well. The definition is so structured as to focus federal concern principally upon the gambling mechanisms of syndicated crime rather than upon the conduct of individuals. The new statute will recognize the problem of official corruption in connection with gambling. The simple fact of the matter is it is difficult for illegal gambling apparatus to grow big enough to operate profitably without the active cooperation of law enforcement officials in key places.

I was impressed that the President understands the organized crime problem enough to refrain from pledging that his organized crime program will eliminate organized crime. Those knowledgeable in the area agree that no single law and no package of laws is likely ever to be wholly successful. This is because the dimensions and complexities of the problem are in many respects byond the capacity of any government, but a government so powerful as to be unacceptable to America.

INTERNATIONAL MONETARY MUDDLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. RARICK. Mr. Speaker, we hear many internationalists praising international finance—always apologizing as to why it must work or how it should work. Seldom do we hear scholars on finance who dare suggest the true answer to the problem—the return to a gold standard.

Mr. Speaker, I include in the RECORD Dr. Harry Schultz' paper "The International Monetary Muddle" from the June 14 Human Events:

THE INTERNATIONAL MONETARY MUDDLE

(By Harry Schultz)

The world has been preoccupied with international monetary problems for several years. Crisis follows crisis and each one threatens to be the complete collapse that only pessimists are meant to forecast.

The scene is chaotic, with endless national and international actions being taken, each one making the man in the street more confused. Governments emit nonsensical blurbs to minimize the appearance of bedlam and to cover their own footmarks. The press faithfully reproduce government views, seldom questioning their logic, and ignoring like the plague any thinking from the right wing.

Britons and Americans alike have been brainwashed over a period of years to believe that they (the private citizens) are the cause of the problems . . . that their idleness reduces exports, their greed increases imports and their shortsightedness results in low savings, high consumption and highly speculative investments.

Individual actions are blamed for balance-of-payments crises which reduce confidence and provide a playground for the supposed big bad wolf, the speculator who rocks the boat by selling weak currencies and buying strong ones. Incidentally, anyone who invests in *anything* is now categorized as a speculator rather than an investor.

Our politicos would have us believe that the solution lies in making speculation ineffective. If we produce an international currency we can demonetize gold (which we are assured is worthless anyway). So what are they waiting for? Fortunately there are a few apostles of logical thinking left in the world and they are digging their toes in at the Alice-in-Wonderland attitude taken by most world monetary authorities who even seem unable to agree on what they want, let alone on how to achieve it.

Any hope of a future situation of genuine stability lies with those individuals who believe that a satisfactory and permanent monetary system could exist if based on sound principles. It is quite untrue that no such permanency can be achieved simply because no previous system has lasted forever. If you build a house on sand it falls, but if you build one on rock it lasts, if not forever, at least for several hundred years, and most of us would opt for that sort of a system.

Before we can build our proverbial house we must understand what is sand and why, and what is rock and why. Clearly most of our present leaders are unaware that there is a difference between the two.

THE SCENE AT THE MOMENT

The international monetary system is the means by which transactions across national boundaries are financed. The balance of payments of any country is the external accounts of that country, and it records all money leaving the country to pay for goods and services purchased abroad as well as all money coming into the country to pay for goods and sevices purchased by foreigners.

A German buying goods in England cannot pay the English manufacturer in marks, as these would be useless in England. What the German must do is change his marks for pounds and pay his debt in pounds sterling.

Each and every such trade requires a monetary exchange transaction to finance it and this requires that there is a *rate* at which all currencies can exchange. Under the gold exchange system (under which we live) these rates are fixed versus each other and versus gold, and it requires that individual nations have stocks of internationally acceptable payments media: i.e., gold or convertible currencies, if they wish to trade freely. If they do not have such stocks, then their trade may be limited to direct exchanges of goods, which are unwieldy and limit trading potential.

Some may ask: but why the need for trade? The answer is that without international exchange our living standards would be greatly reduced. This seems to be one point agreed on by all economists. Trade enables specialization and a far higher level of production from the available resources in the world. It also works for a leveling of living standards throughout the world. If you limit trade, the discrepancy between developed and underdeveloped, between rich and poor must widen.

Countries add to their reserves when they export goods and services and reduce them when they import. Reserves can be held in any currencies, but since the last war the dollar and pound sterling have been the principal currencies used for this purpose.

The pound has been used mostly by those countries which are in the sterling area, many of which made big loans to the United Kingdom during the war and which now look upon these debts of the U.K.'s as their reserves. Other countries have relied on the dollar, immediately after World War II seemed to have achieved an unassailable position. Gold is also used as a reserve asset, although some countries have relied on it more than others.

Since the Bretton Woods Conference of 1944, which laid the foundations of the present system, the U.S. dollar has had its price fixed vis a vis gold while other currencies are usually quoted in terms of the dollar and so, indirectly, are related to gold and each other.

The various exchange rates cannot move more than 1 per cent away from parity (their fixed price) in either direction, because when they do, the government in question is required to move in and buy its own currency if the price is falling or sell it if the price is rising. Unless the country has the stocks of gold and convertible currencies just mentioned, it obviously could not maintain the value of its currency in this way.

The price of gold, the dollar and other currencies has been held steady by the U.S., which has guaranteed to buy and sell gold at $35 an ounce. This was intended to give absolute stability to the whole system.

Since Bretton Woods *aimed* to give stability why, one might ask, has it failed to do so? The visible signs of the recurrent crises are that the reserves of some countries are running out or seem liable to run out. These countries have and do continually (or on balance) spend more abroad than foreigners have spent with them. Deficits in the balance of payments have been financed by the countries in question paying out of their reserves until they have reached the point where they could no longer do this.

When this point comes into view, all and sundry can see that the value of the currency may be changed and anyone who holds that currency will worry about the loss in purchasing power he may suffer if the currency is devalued.

No one wants to see his capital drastically reduced overnight, and under IMF regulations any readjustment must take place either overnight or over a weekend. A country cannot (say the rules) continually make small changes in the value of its money, but may occasionally make a fairly major readjustment when all other measures to stop the outflow of reserves have failed.

We have had this very situation in the U.S. and U.K. After the war the U.S. had what seemed to be unlimited reserves and a huge trading surplus. But now she faces a payments *deficit* . . . and when government-subsidized trade is deducted, an *increasing* deficit at that.

For example, Common Market steel exports to the U.S.A. increased by 38 per cent in the last half of 1967 and voluntary *quotas* are now being discussed with major steel exporters to the states in an effort to aid U.S. domestic production and sales.

Although the U.S. claims to be the top-ranking nation in the individual gold-holding-nations cup, this position is largely a government confidence trick. Her true total gold holdings probably do not now exceed $5.8 billion (after gold claims and gold loans are deducted), or only enough to cover less than one-third of her direct overseas dollar claims, and less than one-sixth of indirect dollar claims.

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The U.S. has been forced over the years to stop first her own citizens from trading in gold (at any price) and now she has had to *virtually* give up the fixed gold price of $35 per ounce.

Since *admitting* to this would have been tantamount to a dollar devaluation, a two-tier system was set up by which the official rate is still $35 and the major central banks agreed to deal at this rate. The U.S. will only supply gold to these banks at the fixed rate, or at least that is how it goes in theory. But analyst J. F. Smith's description is more accurate of the system as it is *in fact* practiced: "Instead of calling this a devaluation, it is called a two-tier system on the pretense that the official book figure of $35 is still a price even though (virtually) *no gold is sold to anyone at that rate.*"

All other gold is called non-monetary gold and can be bought and sold (by the citizens of those countries which permit it) at the free market price. In fact, this too is a farce. The U.S. having previously (and strenuously) persuaded other countries to hold dollars rather than trade them in for gold, now not only manages to pressure central bankers not to ask for gold at the official price, but also tries to get as much gold (other people's) sold on the free market as possible so as to hold that price *down.*

A case in point here is the U.S. refusal to buy (or let IMF buy) South African gold at $35 an ounce in the hope that this will force it onto the free market. They seem to have had some limited success here.

The U.K. has the same sort of problems. It has those huge debts abroad which originated during the war and have been added to ever since, by borrowing abroad (so as to be able to support the parity of the pound sterling at home). Her reserves are pitifully small and could not *begin* to pay off all her overseas debts. So a run on the pound, for any reason, tends to rock the international boat.

Many countries have staked their savings on the system set up at Bretton Woods and have felt they must be very tolerant of the U.K.'s economic problems. These allies have endlessly lent money (or refrained from withdrawing their reserves) in the hope that Great Britain would put her house in order and that the crumbling fabric of the international monetary system would survive.

Not least of these loans was the infamous Basel Agreement of 1968 (if it can be called an agreement, for no one will say definitely if anything *was* agreed) by which huge sums were ostensibly put at Britain's request. They were in practice a loan to pay off other loans at best and at worst they were nothing but a public relations smokescreen. The confidence that this bought was fleeting and it only took another month of bad trade figures to bring back the gold gloom (and a lower pound price).

We have finally reached the point where people are beginning to realize that loans only worsen a bad situation and put off the reckoning for a few more weeks. The U.K. and the U.S. are virtually bankrupt and this despite the 1967 devaluation which was supposed to set the pound back on its feet.

Those countries which hold a large part of their reserves in pounds and dollars are realizing that their hard-earned savings will soon be reduced again unless a solution is found and so they frantically meet time and again to discuss the situation, but with no visible success as yet.

Each time there is failure to find a permanent solution, another loan or gimmick has to be found to support the parities of key currencies, and each one gives yet another gasping space to be followed by yet another crisis. Every loan is a burden placed upon the back of the people and the U.K. would appear to have achieved a position now from which it is almost impossible for her to extricate herself. Her debts are so large that it will take a surplus of 40 million pounds ($96 million) every month for 3.3 years to get rid of them and Wilson's government has just had to admit that the payments deficit for 1968 was in excess of 500 million pounds.

Many burdens are imposed on the country in a misguided effort to cure the payments deficit and as a manifestation of good intent to impress past, present and possible future creditors. The additional controls and burdens that the British people have accepted during the last four years are astounding. Exchange controls have been put on all external movements of money; prices and wages have been frozen or tightly subject to government regulation, and all the time taxes are going up, and money is becoming more expensive to borrow.

Selective Employment Tax (that most unwarranted and unpopular of all British taxes) was inflicted in an effort to encourage exports and discourage home consumption—but it has simply raised costs and administrative expenses. Tax surcharges and purchase taxes leap like March hares (only more regularly), and all in the name of reducing the deficit, yet the deficit spirals relentlessly upward in defiance of all actions and controls.

It is surprising that most people have not yet paused to wonder whether we might be walking in the wrong direction, whether we are perhaps mistaking sand for rock. When you are looking for an address and cannot find the way, you ask somebody; but after asking the way 10 times and never finding the information to be correct, you begin to question the understanding of the informants.

When are the people of the free world going to begin doing this? When are they going to realize that those who direct the way do not know the way, let alone realize that they must make a 180-degree turn before they find it?

Until they understand the *basic forces* which determine the international and national economies, they will never find the way. This necessitates a discussion about problems which may seem far removed from the balance of payments. But we must understand why there are payment deficits before we can stop them, and those who are in the driving seat at the moment seem blissfully unaware of how the motor (which drives them along) operates. Modus Operandi Ignoramous.

THE CAUSE OF THE PROBLEMS

Our governments are fighting basic economic forces and wonder why they do not win. After World War II each currency was given a fixed price versus gold and versus each other; i.e., the value of goods and services in each country was fixed versus those in all other countries and exchange rates were the rates at which trade could take place.

Now it would have been very *clever* if all these rates had proved just and proper at that time (which they were not), but for them to have truly reflected the value of each country's goods and services *forever* would have been a *miracle.* Individuals *change* continually, economies change far more continually and less predictably (they are run by governments), so how can exchange rates, or the tradable value of goods and services remain the same forever? No rational person should have expected that they would, and indeed they have not.

The reason they have not done so is that the value of money in some countries has been eroded faster than in others. Governments find themselves unable to resist offering their electorate greater and greater benefits (mirages) in an effort to stay in power, but in order to carry out these promises even partially they have had to find a lot of money from somewhere.

They have taxed part of it from the rich to give to the poor, but it has not been possible to get enough in this way and so governments have been forced to borrow. There is a distinct limit to the amount they have been able to borrow genuinely from private individuals who wish to save and trust the government with their savings. In fact, this source seems now to be drying up on them completely.

As confidence in the British and American governments has waned, the price of bonds has collapsed, thus forcing up the rates of interest payable on it. The governments can *dictate* the amount they want to borrow, but if they do this they give up all control over interest rates. And for both political and economic reasons it makes no sense (even to our mad hatters) to force interest rates into the sky.

No, they have been unable to tax enough or to borrow enough from genuine savings, so they have had to resort to the lowest of the low, and in a court of law it could be called stealing, but in polite political circles the end product is called inflation.

Governments have borrowed from the banks, who have used the resulting government bonds as *collateral* against which to increase their reserves. These measures have been undertaken in part in pursuance of the mirages "everything for everyone" and in part on the neo-Keynesian theories of keeping the economy bouyant. The moment there appears to be a downturn on the way, badly financed government expenditure is undertaken to try to alleviate the situation.

Unfortunately, however, the second prerequisite of deficit financing is conveniently forgotten. In the ensuing upturn the money created during the depression is never recouped. The money supply rises *constantly* (In Great Britain it rose by 9.9 per cent last year) and if you increase the money supply, prices must rise.

It may be fashionable to say here, "Ah, yes, but not, if the velocity of circulation is reduced," and this is theoretically true, but the pressures of inflation increase velocity rather than reduce it. The private sector sees the value of money falling so it will not increase savings and will not invest unless interest rates, potential capital gains or tax benefits are huge. It tends to spend now in case prices are higher next year.

The government in the U.K. has, over the past 20 years, tried to blame inflation (i.e., the fall in the value of money) on the banks which it was said were able to increase the money supply by constantly increasing loans. But this is no longer produced as their alibi. Banks can increase the money supply, but they are also bound to decrease it again. They cannot permanently increase it unless they have a permanent increase in deposits.

The politicians have realized that they can no longer hold the banks responsible for our inflation, so they have turned to the theory that the spendthrift individual citizen constantly increases the velocity of money turnover.

Admittedly, the faster the rate of inflation the faster will be the velocity of circulation, as witnessed by the 1920's hyper-inflation in Germany, but—and it is a big but—why should velocity of circulation increase when the value of money is not falling? In other words, monetary circulation only increases after inflation has set in, but will not start it by itself. Indeed, it can only increase indefinitely if inflation is rife because under normal circumstances; i.e., with no inflation it may alter slightly (seasonally) but it returns to normal again.

To hear the modern politician speak, you would think that velocity of circulation proceeded upwards and only upwards by a ratchet-like process. This is nonsense and it is quite ridiculous to blame it for an inflation that has plagued us for 20 years.

Demand cannot pull up prices unless there is a permanent increase in the money supply over and above any increase in output of goods and services. Neither can costs pull them up unless the same situation prevails. Since the banks cannot cause this increase nor can anyone else, we are left with government as the only possible culprit. Governments have done this either because it was the *only* way they know or because it was the *easy* way to *finance* the schemes that *they* judged their electorate needed or demanded. So they have had a vested interest in attempting to convince us that their expenditure produces wealth and equality while at the same time persuading us that we are the culprits; that we, not they, are to blame for causing inflation.

Henry Hazlitt in his mini-book, *Life and Death of the Welfare State,* goes into the relationship between the idea of a welfare state and the value of money in some detail, and I urge you to read it. Perhaps it suffices to say that any effort to introduce a welfare state (or a free or semi-free state providing welfare for all) cannot produce either wealth or equality. It cannot do so because it cannot offer a *choice* of service to the individual and it produces no *competition* between *suppliers.* It is expensive to run and has no built-in efficiency incentive.

A voucher system of providing social services for the *really* poor (as advocated by the Institute of Economic Affairs) would be much cheaper and would offer choices. In America a very costly social program is being undertaken to help all families below the official poverty line. In fact, 43 per cent of these families own an auto and 4 per cent own *two*—they would be the upper middle classes in England and would be the *rich* almost anywhere outside Europe.

It is because all these well-intentioned schemes waste resources and also put continual pressure on governments to create money that we are in such trouble now. The Viet Nam war is often blamed for all American problems, but this is quite stupid, as it is only responsible for a quarter of the gain in government expenditure since 1960. Civilian outlay has risen 50 per cent faster than the military and eight times faster than the population itself.

Herr Blessing has said that gold crises will occur *continually* until and unless the Anglo-Saxons stop inflating. In Henry Hazlitt's words, "All these schemes are unsound and in the end all of them will prove futile. The truth is that no solution of the monetary problem, national or international, will be possible until inflation is stopped and that will not be stopped as long as we have the Welfare State."

So long as we insist upon inflating we must have payments problems. When the value of money is reduced faster in one country than in another, that country must lose exports and increase imports. Its goods will, at the fixed rate of exchange, seem ever more expensive to the foreigner and vice versa.

Because the overseas accounts of each country must balance in practice, gold or convertible currencies must leave the country in the event of a so-called balance-of-payments deficit. As the reserves dwindle, so does world confidence in the ability of the monetary authorities concerned to hold the parity of the currency. This position was reached in the U.K. in November 1967 and devaluation took place.

Since then there have been endless rumors about the waning strength of the dollar and ultimate disaster was only warded off temporarily by the erection of the two-tier facade.

France also, despite seemingly enormous reserves, was nearly brought to her knees by internal troubles. Had she *not* put her faith in gold over a period of years one does not like to think what might have happened during the spring riots of 1968. She lost $1.4 billion worth of gold during that spring but still had $4.6 billion left with which to stave off a further crisis in November 1968.

When any major power reaches the sort of position outlined above, there must always be a crisis under our present gold exchange system. No one wants to see their savings devalued and so they must remove as much as they are able from the offending currency as soon as its devaluation seems likely (or even possible). The system is inherently unstable and the instability is usually blamed on an "irrational" preference many people seem to have for holding gold rather than paper money.

Government actions (whether joint or separate) to alleviate the position of various currencies as they became weak, have tended to have entirely the wrong effect, simply because the governments and monetary authorities involved do not understand what is causing the trouble. They are not generally bad men, but sophisticated ignorance can create as much havoc as evil intentions and certainly this has happened in the international monetary sphere. World authorities seem to look on investors and dealers of any sort as the big bad wolf who is just waiting to eject the whole world into chaos so that they can benefit.

Every man has a right to protect his property and most people would agree that creation of this climate *should* be the first role of every government. But most governments today are doing precisely the opposite. They want to *forbid* people to do it themselves, which must add up eventually to national and/or international suicide.

None of the controls imposed in the name of payments surpluses can fulfill their objectives. If funds are not free to move around the world, the world in general will not benefit from the successes of individual countries whether technical, managerial or whatever. The poor nations remain poor and most of the richer nations see their riches wither away. Also the individual payment position will not be improved.

The first point is that any such act is likely to invoke retaliation and this in turn leads to a general movement towards isolation, protectionism and shrinking world trade. Secondly, it may improve the immediate position while creating a future position that is untenable. In other words, we are slowly mortgaging the future to hold a present position that cannot possibly last. Both the U.K. and U.S. offer numerous examples.

The United States recently released, or at least claimed it was releasing, all its remaining gold stocks for payment of its international debts. This was done to give her creditors confidence that she *could* pay her debts. But since it meant abolishing her gold reserve requirement *behind* the dollar it is hardly likely to inspire confidence in anyone. It has freed her to meddle with her currency more than ever and thus worsen her payments position.

The U.K. has done just as badly by limiting overseas investment and now even prohibiting U.K. capital from going abroad to finance world trade; i.e., to act as the world's working capital. This will restrict world trade, which is certainly not in her interest, and it will have a catastrophic (and catastrophic is too weak a word) effect on the future payments position. The U.K. has traditionally had a trade deficit with the world but has counterbalanced it with an "invisible" surplus, a surplus in such things as banking, insurance and investments.

Had it not been for her Victorian investments abroad, the U.K. would be in an even worse state today, but her government appears too short-sighted to understand or admit this. Instead of encouraging the sector which has *always* proved to be her lifeline, the government has chopped it stone dead and turned instead to cajole and beat the sector where they have rarely been in a surplus and where there is less likelihood of one in the future. The economy has been subjected to more controls and taxes than can easily be counted, and all this in the name of a trade surplus which no one should suppose could be achieved anyway.

Another burden that the U.K. economy has been made to bear by its Socialist masters (and, incidentally, the Conservatives do not escape all blame here) is the nationalized industry sector.

All countries have to support a public sector of *some* sort, but the nationalization of many major sectors is too much for any country to bear. Out of four major industrial countries, the percentage of the working population employed by the public sector (excluding the armed forces) is 24.1 per cent in the U.K., about 15 per cent in the U.S.A., about 12 per cent in West Germany and about 7 per cent in Japan. While the U.K. burden is by far the heaviest, growth in the public sector since 1960 has risen by about 39 per cent in the U.S., over 20 per cent in Japan, 12 per cent in West Germany and only by about 10 per cent in the U.K.

This means that 76 per cent of the working population in the U.K. are supporting 24 per cent, many of whom are completely unproductive in terms of producing goods and services that people want and for which they are willing to pay. The rest, those employed by the nationalized industries, produce under conditions which are free of competition and so there is no yardstick by which to measure the efficiency of their use of resources and no reason to suppose that they use them efficiently. Other sectors of the economy, such as agriculture, are highly protected in both the U.S. and U.K. and any form of protection must mean that production is less efficient than it is in other countries.

Gibbon summed up our predicament very well when he spoke of the fall of Athens and unless we learn from Athens' failure we too must expect to follow her. He said, "In the end more than they wanted freedom they wanted security. They wanted a comfortable life and they lost it all . . . security, comfort, and freedom. When the Athenians finally wanted not to give to society but for society to give to them, when the freedom they wished for most was freedom from responsibility, then Athens ceased to be a free society and never was free again."

THE CURE

There are two parts to the solution of any problem. The first is to *understand* the problem and the reasons why there *is* a problem. (The previous section was intended to do this.) Then the second part is to define what is wanted in *place* of what one already has, because until one knows in which direction to go, there is absolutely no hope of getting there.

We do not like the instability of the present system because it disrupts trade and interferes with our living standards. We want a system that is stable, one that is not going to change or to need changing. We want one that restricts governments' abilities to inflate and does not allow them to point accusing fingers at other people when they (the governments) get into trouble. Such a system would encourage trade and overseas investment because it would stimulate confidence in government and the future.

At the moment we have a situation in which all currencies are fixed vis a vis each other and all are fixed at their present level vis a vis gold (at least this is how it is all meant to be.) The internal values of the currencies change, but their external values in relation to each other cannot. So the quantities of goods and services moving from country to country change to compensate for the changing value of money itself. This produces imbalance in the external accounts. As these imbalances grow, the likelihood of major currency revaluations grows, and each and every national crisis brings a major *international* monetary crisis nearer, as people holding weak currencies try to unload them on an already overloaded market (in return for gold or stronger currencies).

The kernel of the problem is that two currencies, which are at present very weak, form the greater part of the *world reserves,* so that with each rock of the boat the *whole* system

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(rather than just two currencies) is liable to collapse. South American currencies, by contrast, can be permanently near to devaluation and it does not really matter (except to the residents of the country concerned) because world trade does not depend on such currencies and in addition, the currencies concerned do not attract the savings of other nations.

There are two ways of tackling our problem, which is a dual one. The system is one where two currencies are weak and this fact threatens the entire world's money arrangement. It is also one in which there is no self-correcting mechanism.

There are two possible solutions, the first of which would be to set up a system whereby the world monetary structure does not depend on two currencies but has an automatic mechanism which slowly corrects the problems as they emerge. The second would be to have a system whereby the two key currencies cannot become weak.

The main industrial countries have tried endlessly over the last few years to improve the two reserve currencies, in an effort to support our crumbling international edifice. As the reserves of the U.S. and U.K. have dwindled, loans have been made to push the day of reckoning further away. The per capita public debt of the two countries has climbed as the reserves have wasted away.

The gnomes of Zurich have always realized that no loan can solve the problem but can only give a "breathing space" (a phrase we hear far too frequently) and in the case of the U.K. it is hardly even a breathing space any more but rather one loan to pay off another which has fallen due. Unless the internal economies of the countries concerned can be put right, these breathing spaces (loans) achieve nothing, or perhaps worse than nothing. With each new loan the British economy has been subjected to endless temperature-taking by the IMF and the gnomes. Taxes and controls have been piled on in the attempt to plug the payment gap. Devaluation itself was a dismal failure and yet we all continue to plod along the same old road.

Our governments must understand that taxes do not reduce public spending power when there is a government deficit or when the extra money only goes back again into people's pockets. The only way that taxes would help is if this revenue were used to reduce the public debt and if government spending were cut. Then the money supply would be reduced instead of redistributed and there would be the cutting back of effective demand that has ostensibly been the aim, for example, of most U.K. economic measures since Labour took office.

Another reason that the tax measures for the purpose of maintaining the parity of sterling cannot succeed is that the level of taxation is far too high and the *disincentive* effect of it must *reduce* rather than increase production.

Government spending was 18.5 per cent of GNP in the U.S.A. in 1968, 16.7 per cent in the U.K., 15.4 per cent in West Germany, 13.4 per cent in France and only 9.5 per cent in Japan. The high figures for the U.S. and the U.K., combined with the high percentage of the working population employed by the state, goes a long way towards explaining why the currencies are so weak.

Then we come to the *controls* which were imposed for the same reasons as the taxes, and with just as little success. The price and wage controls in the U.K. are the most blatant and obvious example. A Briton can no longer negotiate wages, nor can prices reflect the forces of supply and demand. The government has in effect removed all the signposts that should guide the economy.

There are no longer any forces left directing resources to their most efficient use, and so the resources stay immobile and underproductive. Yet these controls were imposed to *improve* mobility and productivity. What the U.K. desperately *needs* is competition to force geographical and occupational mobility onto its resources. What it is *getting* is a system that discourages enterprise, investment, saving and productivity.

Throughout the world the hand of Big Brother is making itself felt everywhere, every time we think or move. In the international sphere there has been a cutting back of individual liberty, a stifling of competition and loss of good will. All of this will in the end prove disastrous to world living standards, as country after country turns inwards to solve its problems. Unless the trend is reversed, international trade and investment must collapse and everyone will suffer.

The Chase National Bank's comment on the latest round of controls over international financing operations: "It would be difficult to think of a strategy more damaging to our economic interests or better calculated to play into the hands of those in Europe and elsewhere who wish to see U.S. influence diminished."

Thus world monetary authorities have fallen far short in their efforts to strengthen the currencies because they have totally failed to *understand* what has weakened them. We see government overexpenditure and a government sector which grows like a cancer and which directs resources in directions which will not be productive. Only by having stable internal governments with sound currencies will the present system work, and enough governments have proved for sufficiently long periods that this *is* impossible.

Governments seem unable to avoid growing. They have done so since history began and there is no reason to suppose that they will stop doing so now *unless* there is some automatic mechanism to check them. The French body politic is perhaps the only major government that has finally realized that government expenditure is closely related to currency crises. They have cut public expenditure severely, but whether they will stop inflation and reintroduce competition in all sectors remains to be seen.

AN ALTERNATIVE SYSTEM

Since there appears to have been complete failure to make the present gold exchange system work, and since it seems unlikely that it will ever succeed (because it cannot adjust to a changing world), then we must look for another system.

There is much talk in the world today that it should be possible to create a currency that could be used for all international transactions. All currencies would be exchangeable for it and it could be expanded as the need arose. Many economists feel that there is a shortage of international liquidity and hence the payments crises and the drift to isolationism.

Any idea along the lines of an international currency is, however, totally impractical and undesirable. It would merely inflict on us more of the same crises as we experience now. Who would create the currency and expand or contract it as the need arose? Why, an enlarged IMF, of course, which could expand it every time a crisis was imminent.

The answer here is that there is no shortage of international liquidity but only an *uneven distribution* because there is no force working for international balance. If some countries run permanent payments deficits (for the reasons discussed above) while others are extremely competitive and run surpluses, then the deficit countries should find themselves short of money.

Just as an individual who spends more than his income will eventually find himself facing bankruptcy, so a country should find the same and it will not be because there is a shortage of money.

Germany's chief banker, Herr Blessing, says that world trade does not depend on international liquidity. What causes trouble is "the pursuit of grandiose political, economic and social objectives which militate against price stability and balanced international settlements."

Any system under which it is possible for an organization or body to produce money will not work. The pressures from deficit countries to increase the money supply by making loans to them would be unbearable. The supply will spiral and the value of it and confidence in it will collapse. Sir Leslie O'Brien, governor of the Bank of England, finds "the attack on gold to be ironic, for it is not gold which is the root cause of the present uneasiness, but doubts about the alternative reserve assets. Let us concentrate on containing the role of the alternatives first and leave to the last any discarding of gold in which most of the world, rightly or wrongly, still firmly believes."

Another proposed system that received wide support is adjustable, or floating, exchange rates. At least it has wide support from economists, but is regarded with great suspicion in banking circles. Bankers like to know exactly how much money they have rather than to feel that its value can change constantly. Despite their views, however, the system does have its merits. All currencies would be free to fluctuate versus other currencies and versus gold.

So instead of having traumatic devaluations from time to time (and the *threat* of them more *frequently*) any currency which was inflating relatively fast, or which was losing in relative efficiency, would find its value falling in world markets. It would buy less and less abroad and comparative prices of domestic goods and services would be cheaper to foreigners. There would then be an automatic reduction in imports and an increase in exports which would tend to push the price of the currency back up again.

To take today's German mark as an example: demand for it would rise as demand for German goods and services rose. The price of the mark is thus pushed up, which in turn reduces exports and increases imports and so balance is restored.

There would be no need for the rest of the world to clamor for a revaluation of the mark: it would happen slowly and automatically. It is claimed there would also be little or no need for gold or large quantities of currency reserves to be available to support currencies at a fixed level and that there could never be a shortage of international liquidity. This is surely an exaggerated claim. If not, the idea is suspect. It could work *only* if *every* currency is convertible into gold.

But the main disadvantage would be that the value of any currency could not be known in advance and this might easily hamper trade. Importers and exporters would be hard pressed to calculate the price they would have to pay for the currency they need. It is claimed this hurdle is comparatively small. Traders should always be able to buy currency forward and thus know "a price" in advance, and a healthy exchange market would soon develop for this purpose. (It would be an additional expense for businessmen, of course.)

Also, arbitrage operations would expand to equate currencies throughout the world and so eliminate cross rates. Future currency markets are insufficient today for the floating exchange system, and their worldwide development is an unknown quantity, especially with respect to the *cost*. For currencies in trouble the cost might restrict trade badly. In any case, trade could hardly be more restricted, it is claimed, by the uncertainties of future exchange rates than it is at present through government actions to correct payment deficits. There would be no need or excuse for any tariffs, or quotas or exports subsidies.

Another criticism of this system is perhaps equally important. It is that there would be nothing to restrain governments from inflating even faster than at present. If they did this, residents might begin to

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demand more goods from abroad (as happens now), but almost immediately the value of the currency would fall, restricting imports again.

If the country continued to inflate, the value of the currency would continue to fall but it would be *seen* to be falling and residents would see their living standards falling too. Surely when such governments were no longer able to hide the fact that inflation was "devaluating the pound (or dollar) in your pockets" the electorate would stop clamoring for the welfare state and all its attendant expenses. Of course a currency can fall quite far before this happens.

Floating rates seem unlikely of adoption. More popular is the "crawling peg" system, which still requires reserves, is more accommodating and perhaps, more realistic for the times. It won't do much good nor much harm, thus political odds favor it. In short, it is a compromise. Compromises usually win the most votes but seldom solve problems permanently.

The last system that must be considered to provide a sensible substitute for our gold exchange standard is the good old gold standard that worked so well for the Victorians. It has its opponents, but it also has a large band of advocates.

My friend, the late Prof. Wilhelm Roepke in his book, *Crises and Cycles*, says, "The abandonment of the gold dollar by Roosevelt must be viewed as one of the most disastrous acts on record of any government and any country in modern times, both for itself and for the world."

Then T. Jefferson Coolidge, once undersecretary of the treasury, said in the book, *"Why Centralized Government"*: "Free enterprise has made us great and prosperous and free enterprise is an essential of democracy.

"Consider certain principles deemed through the centuries as vital for free enterprise under (sound) governments: the gold standard, so that money is free and stable and cannot be ruined by unwise government."

When there is no gold standard he felt that: "We have no assurance of future convertibility into gold or anything else. The Administration is all-powerful as regards monetary values. No sound principles have been established. Rather, past principles considered sound for centuries have been laid aside and in their place the Administration is the dictator of what is to be done from day to day."

Many opponents of reintroducing the gold standard object on purely political grounds. Why, we are asked, should countries that have continually rocked the boat by hoarding gold (*e.g.*, France) benefit from the imposition of a gold standard? And why should Russia be given a built-in advantage (as she is known to have large stocks)? Then again, why should the world's major gold producer, South Africa, receive such a bonanza when she undertakes policies that are politically unacceptable to so many? Why indeed, when those countries which have forborne from collecting gold (or converting their dollar and pound holdings into gold) would lose out so badly? But then, why cut off one's nose to spite one's face when the gold standard could solve all our problems?

Under a gold standard all currencies must be backed by gold to a certain fixed extent and the gold which backs the currency also acts as the country's reserves. If there is a payment deficit, gold leaves the country and this causes an immediate contraction of the money supply and internal deflation. This would be a true deflation and not the cockeyed deflationary "measures" undertaken by politicians at the moment. Then, if the country had a surplus on its foreign accounts, gold would flow into the country and the internal currency would be expanded against it. Prices and imports would rise and exports would fall, thus restoring the balance. Under this system imbalance is simply not possible, *nor* is internal inflation.

The general grouse against it is that no government can inflate to get its country out of a depression. But surely having watched this fallacious Keynesian principle at work for so long, people must soon begin to associate deficit financing with the balance-of-payments deficit and monetary-folly mess we are in today.

A gold standard has other advantages over our present system. Currently the price of gold is fixed versus the dollar and although there is *meant* to be a free market as well, the price there tends to be kept down by certain political pressures. Because the free price has so far rarely been more than $42 an ounce, the amount of gold now available would not finance world trade (another of the arguments put forward by the anti-gold standard brigade). If the gold standard were brought in, the price of gold would doubtless rise by agreement and this would stimulate production.

At the moment Russia is mining large quantities of the ore because production cost there is ignored and in addition she is very short of foreign exchange. If the free world insists on keeping the price of gold down, it will find that soon Russia will be the *only* country still mining gold.

Most people feel gold is valuable and would prefer to trust it rather than paper money. Since this is a fact of life and is unlikely to change, it would be sensible to institute a proper gold standard. This is the only system which will *last* because it regulates economies automatically instead of having to rely on politicians with their eyes on the next election.

Getting back to our simile of rock versus sand, as a foundation, gold is like a rock; it respects the principles of sound money and *until* we build our international monetary edifice on bed rock it will *always be* liable to collapse.

In the words of George Bernard Shaw, "You have to choose between trusting to the natural stability of gold or to the honesty and intelligence of the members of a government and with due respect for these gentlemen I advise you, as long as the capitalist system works, vote for gold."

AGAINST WISCONSIN HISTORY AND AGAINST DEMOCRACY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. OBEY. Mr. Speaker, for the past several years State legislatures throughout the country have passed resolutions, in one form or another, asking Congress to call a constitutional convention in an effort to overturn the Supreme Court's ruling that both houses of a State legislature must be apportioned according to population.

If a constitutional convention for the purpose of changing our national Constitution were held today, it is doubtful whether only one part of that Constitution would be open for change. A convention of that sort could be a pandora's box, opening up even the basic foundation of American freedom, the Bill of Rights, to possible and serious attack.

Because the Milwaukee Journal has printed an excellent editorial on this subject, I am inserting it into the RECORD for the benefit of the Members of Congress.

The editorial follows:

[From the Milwaukee (Wis.) Journal, June 1, 1969]

AGAINST WISCONSIN HISTORY AND AGAINST DEMOCRACY

So far gone in right wing domination is the legislative joint finance committee, that it let itself be a vehicle to get a measure introduced that is not only outside its purview but pure mischief making.

It is the same old proposal to support the "Dirksen amendment" to abolish fair representation in one house of state legislatures. It would petition congress to call a constitutional convention to frame an amendment by which the United States would expressly reject the principle of one man, one vote.

This unworthy subject embroiled the three previous legislatures, and each house passed it at one time or another before it got killed or pigeonholed in the other. Its revival this time was engineered by Assemblyman Merkel of Brookfield, a John Birchite and finance committeeman, who found 14 like minded cosponsors.

Diehard opposition to the rule of equal populations in election districts is nothing more than a plea for a lawmakers' right to gerrymander, to rig districts with regional or partisan crookedness. It is an antidemocratic cause that ought to be repugnant as well as obsolete. Even in their own interest, right wingers are the silliest of all to pursue it because the biggest population shift supposed to be reflected in fair redistricting is to the suburbs, where they get most of their own votes. They should quit when they are ahead!

If this were merely something to divert a busy legislature for a while, then to be discreetly forgotten, that would be disservice enough. But its passage in Wisconsin just now, perish the thought, could plunge congress and the whole country into constitutional crisis.

That is because one more state legislature would make the required 34, which have acted similarly over the years, to force the issue of a convention for the first time in national history—a can of worms that no wise people would poke around in. Congress would get entangled in disputing over validity of the petitions; over uncharted procedure for calling a convention, over the risks of its running off in all sorts of equally dangerous directions.

Wisconsin lawmakers should not permit this state—which has had a one man, one vote rule for 121 years—to push the country over this brink, and in so rotten a cause at that. The Merkel resolution does not even deserve debate time before getting buried.

YONKERS NEWSPAPER TELLS THE COMMUTER'S STORY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. OTTINGER. Mr. Speaker, in no part of the Nation is the plight of the commuter railroads and the public they serve better dramatized than in New York. The commuter rail crisis—and it is exactly that—has developed through a complex set of circumstances that must be unraveled before too much longer or our metropolitan areas will surely strangle in their own traffic.

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Two enterprising and perceptive reporters for the Yonkers, N.Y., Herald Statesman have authored an informative series of articles on the Penn Central Railroad and the people whose daily lives it affects so profoundly. I commend the series, written by Mark Flaumen and Sarah Dowson, to the attention of all those concerned with the problems of transportation in the United States today, and congratulate the Herald Statesman for the space it devoted to this series.

[From the Yonkers (N.Y.) Herald Statesman, May 19, 1969]

WHAT THEY SAY ABOUT PENN CENTRAL

(By Mark Flaumen and Sarah Dowson)

"I'm a cook, contortionist, and fireman," said the graying businessman with the alligator attache case as he boarded the local to Manhattan, "you have to be to stay alive on this railroad."

If you're a commuter, a member of that tightly knit fraternity forged with the glue of misery, you know the story.

You say you just want to read the paper, maybe catch a nap, and most of all get where you're going on time, but you also know that life on the Penn Central just isn't that simple.

You're called on to put out a fire when this heater under your seat gets hotter than called for; to cook your own dinner when the roast your wife broiled is four hours old; and to squeeze into a corner while 90 frantic commuters battle for 60 treasured seats.

You're frantic, impatient, and entirely disgusted. But is the Penn Central really that bad?

The public service commission, which regulates the operations of all utilities in the state, has issued a set of standards for Penn Central service, but the railroad falls far short of most of the requirements.

The standards focus on better on-time performance, cleanliness of trains and stations, more adequate seating, proper maintenance of machinery to prevent service failures, and safety requirements.

A look at a recent incident, which is matched with a similar sideshow almost every week, provides an example of how deaf the railroad is to its obligations and why commuters talk of their experiences like old war buddies at a combat reunion.

The commuter catastrophe went something like this:

Commuters arrived at the Ludlow station at 7:30 a.m. and were told trains would be delayed 30 minutes to an hour due to a derailment at Spyten Duyvil. Waiting until 11 a.m. without sighting a train, they called Penn Central information and a recording repeated the original message they'd heard four hours before.

Shortly after 11, a train was spotted chugging up the rails, but before the now angry group on the platform could fantasize the feel of a seat, it moved half empty through the station without stopping.

This was only the first of a four-act show that finally ended when a crammed train pulled in around noon, and the "Ludlow Losers" stood all the way to Manhattan.

Poor service, while the most frustrating, is not the railroad's most important deficiency. Inadequate safety precautions is a matter of more immediate concern to many commuters, railroad workers, and politicians.

Commuter groups have expressed this concern to the PC and the PSC, and a typical complaint concerns another incident at the Ludlow station.

According to commuters, an unscheduled train passed slowly through the station at 8:05 a.m. one day this winter, scraping a stone wall with a screen protruding from a tilted coach car.

Stones were dislodged and hurled at people waiting on the platform, observers report. They say there would have been serious injuries had the train been moving fast.

Union officials have for years echoed the commuters gripes on bad service and dangerous conditions, and charge the present situation is the result of neglect, not "unfortunate mishaps" as the railroad often explains.

The unions have charged that most locomotives are too heavy for the PC's lightweight rails, and the clumsy swaying motion of many coaches caused by worn wheel axles are jolting the rails dangerously out of line.

Others have testified that when they tag cars for the Harmon repair shops for maintenance the tags are simply ripped off.

Martin Shapp, a PC control tower operator, admitted at March PSC hearings that large stretches of track are left unsupervised on weekends. Mr. Shapp, who is leaving the railroad and felt free to speak, said he has seen at least three derailments in the last six months.

"Rats, rust, garbage a must" is among the other phrases painted on the banners of the commuter revolt.

The reference here is to P.C. suburban stations, which one commuter said "destroy the old cliche of 'its a nice place to visit,' because the only thing they're nice for is a roaring bonfire."

A spot check of several area stations showed that while the trains and platforms are surprisingly clean and neat, some stationhouses have become actual dumping grounds with old stoves and broken pieces of furniture strewn around, huge holes in the walls, cracked sidewalks, and exposed electric wires and rails.

Worst of all shortcomings is the attitude of Penn Central officials. They have continuously proven their ability to be indifferent.

This only escalates the conflict between commuters and the railroad because people who feel they are being denied common courtesy are rarely willing to be understanding or ready to reach a compromise.

Examples of poor attitude are as common as late trains. At the Ludlow incident, when trains were delayed more than four hours, Penn C. spokesmen said police and the local radio station were notified of the delays, but both sources denied receiving any information from the railroad.

WCBS Radio, which broadcast daily mass transportation reports, has complained in a series of editorials. "The Captive Commuter," that the P.C. constantly covers up its mistakes at the expense of the truth.

"It has become common place for spokesmen for the Long Island Rail Road and the Penn Central to say their trains are running on schedule," said general manager Joseph T. Dembo, "when they are not. Whatever system the commuter railroads have for channeling and coordinating train announcements, they seem to be directed to keeping the commuter in the dark."

When the P.C. announced a new schedule on the Hudson Division last year, officials proudly announced that "it is designed to improve morning rush hour service."

Rep. Richard L. Ottinger, who is an active commuter supporter, retorted after studying the schedule and being beseiged by letters from constituents that "it actually results in a loss of certain services. The new schedule doesn't allow commuters to get to their jobs on time."

What lies beneath the railroad's failure to provide good and courteous service?

Besides the claim that the PC loses millions of dollars a year in passenger service, James M. Loconto, chief of the passenger division, has blamed much of the problem on Vandalism.

At a PSC hearing, Mr. Loconto asserted that Vandalism results in continuous damage to equipment, which in turn causes failures, lateness, and derailments. Union officials have agreed that vandalism is a major problem.

But there are others, including Rep. Ottinger, who are unwilling to remove the burden of responsibility from the shoulders of the railroad, and who say the PC is purposely attempting to downgrade passenger service.

Mr. Ottinger believes this plot stems from the desire of PC officials to get out of the reportedly unprofitable passenger business.

"The railroads," he said, "particularly the PC, have for years followed a policy of deliberately downgrading passenger service so that declining revenues could be used as justification for discontinuing trains."

Rep. Ottinger's comments have received some proof of validity by the discovery of a PC interoffice memo, stating the company's intention to eventually phase out some types of passenger service.

Whether the claims are true or not, the commuter-PC controversy is not totally the fault of the railroad.

Many commuters are white collar workers who live in nice, suburban homes and work in plush Manhattan offices. They compare these surroundings with an outmoded and unprofitable means of transportation. They simply have come to expect comfort and convenience and this accentuates much of the disappointment and annoyance.

What the prospects are for a railroad which has been blamed for everything from rats to water pollution, it is difficult to say. PC officials are becoming fiercely defensive while commuters are gaining increasing support from politicians.

Continued commuter action may be showing some results as a check of a new schedule, effective April 1, showed most trains running within five minutes of due time.

Perhaps it is a sign of better things to come.

Perhaps it is only a mirage.

[From the Yonkers (N.Y.) Herald Statesman, May 19, 1969]

RIDING THE PENN CENTRAL HOME—A NIGHTMARE ON WHEELS

(By Mark Flaumen)

It all began with a blast of wet snow in the face, an ominous announcement, and a nagging feeling that it was going to be a long time getting home.

And it was. It was an evening on the Penn Central in the midst of a February storm.

You walked bravely out of your mid-Manhattan office to make your way through the swirling drifts to Grand Central Station, where the journey back to Yonkers would begin.

You knew it wasn't a normal day and you didn't expect service to be spectacular, because on the Penn Central it never is anyway. But the difference between what you expected and what you experienced. . . .

Grand Central was in a state of bedlam. The scene was similar to a frontier revival meeting with people dashing in circles, and writhing, and cursing themselves for ever trusting the PC to get them home on time.

It was a Bufferin commercial, a nightmare, a science fiction story on "The day after."

Lines of 20 stretched out from the two open cashier windows and commuters waited hungrily for tickets like the jobless on depression bread lines.

You finally put your soggy money before the cashier, only to be told that though there were no signs, you "are on the wrong line, buddy. Tickets to Yonkers on your left."

You control yourself. You know it will take all of your energy just to get home.

An hour has crawled by and you have your tickets tucked in the pocket of your overcoat, which in the heat of the station

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feels like you're wearing an Eskimo suit in a steam room.

Now to catch your train. You want to check the time on the station clock, but you're going against the stream and the crowd drags you upstairs to the mezzanine.

Back down on the main floor you check the wall schedule and notice that your train is due in five minutes.

You're in luck, or so you think.

On the platform, you check with the conductor to be sure.

"Train to Yonkers, yes sir," he blares, "leaving in three minutes."

So you sit back and read your paper thinking it wasn't that bad after all. You read the front page, the editorials, and the sports section and you notice that the train is now packed: standing room only.

The engines have cooled, no longer hissing and belching, but heat in the coach is building up. A hushed mumble passes through the car and the man next to you echoes the question: "Why aren't we moving."

The PC isn't one to keep its customers guessing and so a minute later the same confident conductor ducks his head in the car with the message that the train for Yonkers, two platforms over, is about to leave.

Two hundred commuters spill out of the wrong train and run in every direction, pushing and clawing at each other to be first on platform 28.

Arriving at the promised land, you find a hundred others already there battling it out with five conductors who are huddling in a corner.

"When's the train coming?" the crowd chants repeatedly, and it sounds like the chorus from a protest song.

Two trains line the sides of the platform. A repairman is tinkering around under one and the other is locked with the lights out.

You watch a fellow commuter reach the breaking point. He leaps out of the crowd, waving his arms and coming face to face with a conductor who is casually smoking his pipe.

"Which train," the commuter barks. "I demand to know which one of these trains is going to Yonkers!"

"This one" says the conductor, pointing to the right.

"No, this one here's being repaired," says his colleague, pointing to the left.

The crowd growls.

A railroad supervisor, dressed in a business suit, pushed through the waiting commuters like a fullback on his way to the goalpost.

He yells at the conductors. He yells at the commuters. He slaps his hands at his sides.

"Don't tell me that," says a conductor.

"I'll tell you that," says the supervisor.

A fight breaks out between a commuter and a conductor.

A policeman rushes in and gets lost in the crowd.

The repairman says the train needs major repairs.

The clock strikes 9.

Someone shouts that a train is leaving on track 32.

The commuters turn around, walk off the platform, through the main floor, out the main door . . . into the cool comforting storm to a local hotel for a meal and a room and the promise to try again tomorrow.

[From the Yonkers (N.Y.) Herald Statesman, May 19, 1969]

Penn Central Relations Department Doesn't Want Any Relations

(By Sarah Dowson)

If anyone wonders why so little has been written about Penn Central, credit might go to its Public Relations department. In the words of one employee, it exists "just to keep down information."

During February, WCBS radio station put out three press releases—editorials on their involvement with commuter railroads. One said their information from the railroads, Penn Central in particular, was often incorrect. Penn Central said it was operating on a normal schedule during the aftermath of the storm, which was not the case said the station.

WCBS was embarrassed to give out wrong information, and said it would carefully qualify schedule reports by naming their source in the future.

When asked about the editorials, Norman Stone, PR head, said, "That's absolutely untrue. I don't know why the radio stations are doing this. It must be for some purpose of their own that we don't know about."

"The descriptive literature on the Westchester trip ticket was misleading," said R. Raleigh D'Adamo, Mass Transit Coordinator Counsel for New York City.

"This ticket was actually good for Putnam and Duchess counties, as well as Westchester," he said, "but the advertising gave the impression that it was only good for Westchester."

D'Adamo said he had conferred with members of the Public Service Commission and Penn Central's management, and that "everything is going to be worked out at a meeting."

When reporters try to work through Penn Central's public relations department, they usually get nowhere. Secrecy is the rule of thumb, and when questions are asked, spokesmen claim they don't know the specifics.

When asked about increasing the time between the departures and arrivals of trains, Robert Patterson, Director of Transportation said, "I don't know the particular case you're talking about, but it must have something to do with rearranging schedules to coordinate the coming and going of all trains."

He promptly switched the subject to his home and children.

When asked why so many stations were closed over the years, a spokesman said, "Which ones?" When several were identified, he said, "Why, most people aren't buying tickets at the ticket agent's offices any more. They're buying the commutation passes through the mail."

A PR spokesman was quite willing to call up the personnel director and get information about management trainees, but during the conversation he said, "Of course, we'll respect your wishes. She's just getting it for her personal information, I'm sure, and it won't be publicized."

The PR spokesman kept modifying the statistics about management trainees to reflect a lower turnover rate . . . and these were only estimates. And they couldn't be released for publication. Neither could the salaries of different levels of employes.

In the dispatcher's office, the dispatcher explained his job at length. Suddenly he grinned and said jokingly to the PR spokesman standing by, "I'm not talking too much, am I?"

"You're doing fine," the spokesman replied.

There are times when the reticence can hurt the railroad's image. After the Feb. 9th snowstorm. The Herald Statesman wanted to hear railroad's story on equipment and personnel problems during the storm.

The slant of the question was not negative, and the spokesman said, "I'll see if I can get in touch with the man who handles that." It was late the next day before the spokesman called back. It was unfortunate for the railroad, because the story contained the plight of the commuter only. Information did not arrive in time so readers could sympathize with the railroad.

Newspaper reporters aren't the only group that has trouble getting information from the railroad. Lawyers, too, can have a hard time.

"One thing always seems to happen at the Public Service Commission hearings," said a veteran sparring partner with Penn Central attorneys. "Every time we call upon the railroad for specific information, whether it be for ground rents or suburban service, they claim there is no expert present who can give us the information."

[From the Yonkers (N.Y.) Herald Statesman, May 19, 1969]

Commuters Plight: Unsolved Complaints

(By Sarah Dowson)

Commuters as well as Penn Central employes are worried about safety hazards—whether from vandalism or lack of proper maintenance.

When surveyed at random on the trains, about half of the commuters are satisfied with the service. The others complain about late trains, unclean rest rooms, discourteous conductors and dirty stations and car interiors.

The stations are dreary, the trains are uncomfortable, and conductors do occasionally growl at passengers who are a little slow at producing tickets or money.

"It's because there are spotters on the trains—railroad employes who act like undercover agents keeping an eye on conductors to make sure they collect all fares and don't pocket any money," said one employe.

Nobody really knows why the stations are eyesores, though, and nobody can really explain why the rides are so bumpy that a passenger holding a cup of coffee is bound to get it spilled.

One irate commuter has documented his plight. He is Rev. William Bangert, who teaches at the St. Andrew on Hudson Seminary and who is an occasional rider from Poughkeepsie to Grand Central.

On Dec. 29th, 1968, he says, he took the 5:50 train out of Grand Central. "A nauseating odor emanated from the rest room. A woman complained to a member of the crew, who courteously expressed agreement with the disgusting conditions.

"He said it had been reported but nothing had been done. He suggested she write a letter to the complaint department."

A few days later on January 3rd, he said, he took the 3:40 p.m. from Grand Central. His train left the station with the seats turned backwards and passengers sat that way, in discomfort, all the way to Harmon.

"Some people changed their seats while the train was in motion, and that was a very dangerous thing to do," he said.

On the 12th, commuters from Grand Central were inconvenienced at Harmon, a transfer point, because there was only one car waiting, said Rev. Bangert. In addition to the overcrowding, the train arrived 45 minutes late, he said.

Another commuter wonders why "between 6:30 and 9:30 a.m., half-empty trains completely bypass Spuyten Duyvil." Samuel A. Winston of 555 Cappock St., Riverdale, complains that even though there are 2,000 apartments under construction near Spuyten Duyvil now, Penn Central still goes out of its way to discourage passenger service.

"Ticket agents never get information from the dispatcher," complains Edward H. Zimmerman who commutes from Greenburgh.

"Why doesn't the railroad have any provision for substitute trains when one happens to be stalled? Why are there punitive single-passenger fares?" Irving Margola from Armonk has these questions on his mind.

Congressman Richard L. Ottinger, D.-Pleasantville, summarized the commuters' plight when he said, "It's clear that Penn Central has no interest in commuter service. Robert Minor, a senior vice president of Penn Central, was unwilling to make one positive statement about passenger service at last fall's series of hearings."

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[From the Yonkers (N.Y.) Herald Statesman, May 20, 1969]

Railroad Commuters Organize

(By Sarah Dowson and Mark Flaumen)

Commuter groups are within range of becoming the most powerful force combatting Penn Central's lack of interest in its passenger service.

At least three groups in the Westchester area have been able to pierce the smokescreen. Members of each testified at the series of rate increases and standards of service hearings at the Public Service Commission last fall and this spring.

The groups are the Transportation Action Committee, composed of commuters from Westchester, Putnam, Rockland and Orange counties and some from Connecticut's Fairfield county; the Ludlow Commuters Association with Ben Morris of Yonkers at the helm; and a less formally organized group from Garrison, N.Y., spearheaded by Roy T. Kristensen.

Few commuters complain about fare increases. Maintenance, and decent conditions in the stations and on the trains are their major concerns.

"We're frustrated because trains are late, there's no heat, no air conditioning. The toilets, trains and stations are filthy, and there's no information about trains," said Milton Harth, president of the TAC. He is a Manhattan executive who formed the TAC in February.

Bernard Bierman, another company president who has testified at recent hearings, is a commuter from Croton who joined the group as its director of research.

Harth doesn't mince words when he says what the railroad should be doing, but isn't. "The railroad should order 83 new passenger coaches costing $225,000 and $250,000 apiece," he says, naming one of his group's recommendations.

About roadbeds, he says, "There's a program under way now to replace 20,000 rail ties. But at the April 16th hearing, I cross-examined the railroad's witness, William Glavin, and made him confirm that this was only about 2 per cent of the ties."

Other testimony stated there were 350 miles of commuter tracks with 3,000 ties per mile.

Ben Morris, an advertising executive in Manhattan, has worried for 10 years that Ludlow station would be phased out as a stop for Yonkers commuters.

In addition to being a frequent visitor at the hearings, Morris has launched the campaign "Operation Bulldog," explaining that the LCA "expects to hang onto the railroad" until grievances are corrected.

LCA represents commuter associations from the West Bronx northward to Croton-Harmon on the Hudson division. Morris says he wants to inform and enlighten the public—if not by obtaining information from Penn Central, at least by asking some probing questions.

He has asked:

How does the 1968 safety performance compare with that of previous years? When will public address systems be installed at stations?

Why has Penn Central stopped issuing individual figures on earnings from its railroad operations? Does the railroad credit suburban operations with some of the income it derives from its property around Grand Central Terminal?

What are Penn Central's real intentions with regard to suburban service?

"The answers to these questions seem to be in the negative," says Morris. "Penn Central officials just won't be specific about any of their plans, so we have to stay informed and turn on the pressure."

"We are 35,000 strong," proclaims Mr. Morris. "We demand decency of standards, and we shall use every lawful means at our disposal to embarrass, harass, petition and insist that we get adequate service."

A commuter for 15 years, Roy Kristensen is concerned about adequate train service for Garrison, better parking for commuters. and getting the railroad to take an interest in making a profit. He and his group have already put pressure on Penn Central to restore a train.

"Last April, Penn Central was planning to remove train Number 836, leaving Garrison at 6:49 and arriving at Grand Central terminal at 8:16. They wanted to bypass Garrison completely and use the same train for Ossining, but we got them to compromise, after a fashion. Now the train is a local, both for Ossining and Garrison, but it gets into New York late—never before 8:50," he laments.

Neither the railroad nor the towns has taken responsibility to provide commuters with adequate parking, Mr. Kristensen said, and added it's common knowledge the railroad is selling its land as soon as the towns will buy.

Peekskill Corporation Counsel Leone Pecoraro says Penn Central has sold some of its property, bought in the 1800's, to the town "to alleviate its tax problem and cut down on maintenance costs."

"Fifteen years ago, there was no room for cars to park at the Peekskill station," says Kristensen. "The town, which had bought the property, made a small lot, and put no parking signs on the street.

"Then, when more space was needed, they put in parking meters. Then they put in another lot. About five years ago, there was a rash of vandalism on the meters. The town took out the meters and prohibited parking again. Now, we have an honor system. Each commuter who parks is supposed to put 25 cents in a mailbox there. What a laugh!"

[From the Yonkers (N.Y.) Herald Statesman, May 20, 1969]

Trains—Commuter Wants a Better Explanation

(By Sarah Dowson)

Walter T. Arnold, President of Alltex Machinery Corp. in Manhattan, has been a commuter on the New York, New Haven and Penn Central railroad for 18 years. He lives at 12 Leith Place in White Plains.

He became actively involved in criticism of the railroad in February, when his 7:58 train from White Plains arrived in Grand Central at 10:15. The conductors could give him no satisfactory explanation of the train's lateness, he says, so he figured that if half of the morning had been wasted, he might as well waste the other half and visit the railroad's executive headquarters at 466 Lexington Ave.

"They gave me the name of a person I tried to find, before someone told me he had retired six months ago," laughed Mr. Arnold. "So then I talked to another man who could only account for about 45 mintues of the train's lateness."

"The irony of the situation was compounded, though, because of what happened during those 45 minutes. Someone had discovered something hanging down from one of the cars. I remember that the fireman got off the train and spent almost the whole time looking for whatever it was.

"Meanwhile, the conductors just sat there and let him do the work. If they had helped, the job would have taken only a few minutes!"

Mr. Arnold recalled happier days in the dim and misty past when conductors, as captains of their trains, were proud of them and saw that they were in good working condition.

"A man who does his job well can be excused for grumpiness," said Mr. Arnold, "but when he doesn't. I certainly don't excuse him, and I certainly don't excuse the conductors today. I've seen conductors give the signal to leave when passengers were still getting on the train," he said.

Complaining that conductors designate smoking cars according to their own whims, Mr. Arnold said that once he and a group of other commuters rebelled when a conductor made their train a non-smoking car.

"We felt that since we were there and smoking at the time he put up the sign, we were just going to relax and keep on smoking," he said. "At first he threatened to put us off the train but when he saw we weren't leaving, he said he wouldn't bother because it was too much work.

"Not only are the conductors rude to passengers, but they're rude to their employers," says Mr. Arnold. "You'd think they'd at least have some respect for the people who are giving them their paychecks, but when you ask them for information, all they say is 'What can I do if this railroad is lousy?' or some other derogatory remark."

Mr. Arnold does not think much of the promotional and public relations campaigns of Penn Central. "One thing they did to supposedly help us commuters out was to originate a batch of express trains between Grand Central and White Plains."

The trains began about five years ago and since then, he says, their arrival and departure time span has been lengthened a few minutes on every new timetable. "No wonder the Public Service Commission can always say Penn Central has maintained its 80 per cent on time performance," he concluded.

Two suggestions for improvement of the railroad's commuter service have occurred to Mr. Arnold. Brake tests should be performed properly. The engineers often forget to test their brakes completely, he has noticed. "One night the last three cars in our train had their brakes on. When the engineer started, we all got quite a jolt until he disengaged the brakes."

The second suggestion had to do with the loop in Grand Central Terminal. The loop half-circles around in extensions of tracks so that an incoming train on track 39 or 40 can disembark passengers and board again a few minutes later, circle the loop, and exit on an outgoing track at the other side of the terminal.

"There's a problem, though. It takes about seven minutes to negotiate the loop, and this is always a delay beyond the schedule. The whole process could be easier if Penn Central put a platform on the other side of the loop.

Then, after passengers disembarked at one side, the train could negotiate the loop without passengers, and board them on the other side. They would avoid a delay, it would be more comfortable, and much less hazardous should there ever be a break down in the loop."

If Mr. Arnold feels good about the railroad at all, he remembers the time two New Haven trains made a trip upstate because the regular tracks were closed from a derailment.

"This was about a month ago at the time of the mail train derailment. The New Haven trains ran out of Penn Station and took all of us back upstate. I got off at Mamaroneck and took a taxi home.

"This extra service was free of charge. I wrote a letter of praise to Vice President Goodwin, and got a cordial reply."

[From the Yonkers (N.Y.) Herald Statesman, May 21, 1969]

The Sound and Fury of Hearings

(By Mark Flaumen and Sarah Dowson)

The Public Service Commission, a regulatory agency with the responsibility for supervising the Penn Central Rail Road and all state utilities, seems to be capable of taking only one kind of action—holding hearings.

The hearings, usually supervised by PSC Commissioner John T. Ryan, have been continuing for years. It is always the same cast—politicians, commuters, railroad officials; the same charges, the worn out defenses, the inevitable lack of action.

The PSC has done so little to exercise its powers for the improvement of commuter service, that most commuters refer to it as a "branch office" or a "rubber stamp" for the Penn Central.

The railroad must apply to the PSC for all fare increases. And like the henpecked husband replying "yes dear" to his growling spouse, the PSC has allowed fares to skyrocket in the past decade without comparable improvements in service.

The fare between New York and Yonkers was 52 cents in 1955 but has jumped 170 per cent to the present $1.40 level. The monthly commuter fare, $8.43 in 1955, is now $28, a 232 per cent increase.

In October, 1968, the PC applied for fare increases amounting to $500,000 a year for Westchester and Putnam riders including a $1 a month increase for monthly commutation fares and 60 cents more for a one way trip to Manhattan.

The PSC called for a new series of hearings which began in January. Politicians and commuters filed in to protest the proposed fare hikes, citing instances of poor service and dangerous conditions as grounds for rejection of the proposal.

PSC inspectors back up the commuters claims. They reported a total of 56 safety defects, 32 service inadequacies in passenger cars, and four safety defects in locomotives for the year.

Inspectors also reported that though the PC is required to have an 80 per cent on time performance rate it met this requirement only one month, fell to a low of 37 per cent in December, and had a one day performance of 6.3 per cent.

All of these reports were violations of PSC directives issued in 1967, but instead of fining the railroad the $5,000 per violation which is its power, the PSC approved the fare increases after slight modification.

A new set of directives was issued, but since the fare hikes were effective Feb. 1, there was no time to test the railroad's willingness to comply.

This latest PSC action prompted immediate protests from commuters and politicians.

Ben Morris, head of the Ludlow Commuters Organization, called for boycotts and other actions and asked the PSC for aggressive imposition of fines against the railroad.

Rep. Richard L. Ottinger, calling the PSC "a watchdog without teeth," echoed Mr. Morris' demand for heavy use of fines.

Feeling the heat of public pressure, the PSC brought a $40,000 suit against PC for failure to properly maintain equipment.

The suit is now pending in the courts.

When complaints began mounting that the railroad was not complying with the new directives for improved service issued at the January PSC hearings, the PSC did not back up its orders with fines.

What the commission did do was to call new hearings to "obtain information that could lead to new orders."

Rep. Ottinger, a railroad employe, and commuter groups scored the PC and the railroad defended itself at yet another hearing. The testimony of these hearings is being studied and no date has been set for evaluation of action.

The main argument the PC has used at the hearings is that it can not make a profit on commuter service and it therefore does not have the funds to make necessary improvements.

The PSC has backed this by essentially reiterating the argument in stating, "we are to be understood as meaning that it has been generally recognized . . . that railroad passenger business cannot be operated at a profit."

The primary reason for high costs, the railroad says, is that a full compliment of personnel and equipment must be maintained for what is essentially only 10 peak periods of use per week. Most transportation experts back the PC on this point.

The fact is that the PSC is not, on the basis of its own composition, ideally suited for regulation of the railroad and commuters have realized this for years.

As far back as 1952, a committee of Westchester commuters called for reorganization of the PSC, saying it was too small to handle all public utilities and had become simply an apologist for them.

In the first place, the PSC is burdened with too many responsibilities.

It is charged with regulating rates and service of more than 3,000 corporations, municipalities, and individuals engaged in public service.

The commission is a political body.

Appointments tend to be political.

Commissioner James A. Bundy is an example. He was appointed in 1959, after serving in industry as head of a corporation marketing petroleum naptha products and serving six years as a Republican Queens Borough President.

[From the Yonkers (N.Y.) Herald Statesman, May 21, 1969]

Chicago & Northwestern RR Profits by Passengers

(By Sarah Dowson)

Just about everything Chicago & Northwestern's officials can say about their railroad, Penn Central management can't . . .

The Chicago & Northwestern railroad is the nation's second largest suburban service. It is prospering under private enterprise. In 1967, this railroad's suburban profits were $2,250,000—without tax relief without state legislative aid.

But the picture wasn't always that bright for the Chicago & Northwestern. In years prior to 1956, their losses sometimes exceeded that amount.

New management took over the railroad April 1, 1956, assessed the situation and came up with three proposals for modernizing on the philosophy that rate increases alone were not the solution to annual deficits.

First, they closed 22 of their 88 commuter stations. These stations were mostly in Chicago and were duplicating mass transit service within the city. Certain stations, however, were maintained as interchange points with Chicago mass transit.

In another modernization step, the management revamped the fares and based all prices on the monthly unlimited ride ticket, rather than the one-way ticket. All other tickets were priced in some relationship to it.

Fares were increased 24 per cent December 1, 1958. For the next two years the railroad broke even, and after that it began to make a profit.

Diesel coaches were used and the old steam locomotives were eliminated. Management decided they wanted to transform their 417 old cars which had 64 to 78 seats into double-deck passenger units to avoid congestion of equipment.

In 1959 the railroad ordered 36 double-deck coaches and in 1960, ordered 116 more. To further avoid congestion, the railroad altered the construction in the trains to allow for more efficient movement in and out of terminals.

By 1961, Chicago & Northwestern had completed all of its modernization procedures, said one of their spokesmen. "We are expanding at 5 per cent a year buying new equipment to meet future needs," he said, "and we don't wait until we're forced to buy it from lack of facilities."

The Chicago & Northwestern is completely unsubsidized and also has one of the largest property taxes in the county, the spokesman said.

[From the Yonkers (N.Y.) Herald Statesman, May 21, 1969]

Suburban Service Probed

(By Sarah Dowson)

New York officials were encouraged last fall when the Public Service Commission initiated a hearing to investigate Penn Central's suburban service, after the railroad applied for a fare increase.

But they were not encouraged when the responsible official the railroad produced, Robert W. Minor, Senior Vice President, refused to commit himself to one definite proposal for improving the suburban service.

Minor kept stating that new equipment would become available through Penn Central's mergers, but he could not state exactly what the equipment was or when it would become available, the lawyers said.

The counsel examined the case and found that much of the equipment on the other lines was in even worse condition or could not be used on Penn Central tracks for technical reasons.

Based on the research of the Tri-State Transportation Commission, the official planning organization for the metropolitan New York area, New York City recommends to the PSC that present tariffs be realigned and new classes of commuter tickets be created.

In their experiment with stations on the Upper Harlem division, the Tri-State Transportation Commission found that when Penn Central reduced its off-peak fares, there was an increase in patronage of 119 per cent.

Penn Central claimed that higher fares will not result in a loss of off-peak patronage, and attempted to prove this through an experiment of raising fares in some stations on the upper Harlem division.

But, the city contends, Penn Central's figures were obtained by grouping stations with raised fares and stations with normal fares together.

New York lawyers separated the two types of stations, and found that patronage continued to climb where there was no fare increase, but fell off sharply where the fares were increased.

New York contends that the railroad's own passenger counts, when considered station by station, disproved the railroad's own pricing theory.

Since the Tri-State Transportation Commission has determined that as off-peak ridership declines, so does rush-hour patronage, the City says, therefore the disproportionately high off-peak fares now proposed by Penn Central should not be put into effect.

Penn Central, says the City, tried to justify this increase in off-peak fares by saying that the costs involved in selling and accounting on these tickets came to 92 per cent of their total ticket costs. This was a disproportionately high per cent, said the railroad, because off-peak tickets comprise only about 28 per cent of the rides.

But at the hearings, the City says, no railroad person could explain where these figures came from. Finally, on the last day of the hearing, Assistant Vice President James Loconto conceded that the identifiable ticket costs amounted to only 2½ per cent of the total cost of providing suburban service.

New York City witnesses testified that there should be tickets for occasional commuters in addition to the present monthly and individual ride tickets.

Mass Transit Coordinator Counsel, R. Raleigh D'Adamo, has worked to get the railroad to provide a counterpart to its Manhattan trip ticket for people in New York city who would like to visit the suburbs for a day at reduced fares.

[From the Yonkers (N.Y.) Herald Statesman, May 22, 1969]

Penn: Railroad and More

(By Mark Flaumen and Sarah Dowson)

Historically, the Penn Central Corp. is a railroad company, but lately it is much more.

It is a ferris wheel in Texas, a hotel in Manhattan, a prize fight in the Garden, petroleum pipe lines, office buildings, and golf courses.

It is whatever is profitable, whatever its board of directors is interested in, whatever the stockholders agree to.

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The Penn Central is a healthy concern that produced a profit of $90.3 million last year, up 27 per cent from 1967.

This profit, railroad officials say, comes from freight service and corporate subsidiaries, such as the Buckeye Pipe Lines Co., the Macco Corp., a real estate and development concern, the Great Southwest Corp. of family amusement parks, and hotels such as the Biltmore and Barclay in New York.

The railroad claims on the other hand, that it lost more than $100 million on passenger service last year and says it cannot continue this service without government subsidies.

The Pennsylvania Railroad merged with the New York Central System on Feb. 1, 1968, and the new name for the combined firm became the Penn Central Corp.

The PC also includes the New Haven and Hartford Railroads, carries nearly 300,000 passengers a day, and serves 16 states, Washington, D.C. and two Canadian provinces.

The railroad's reports on the future of its passenger operations have been contradictory.

In its annual report to stockholders, the PC not only emphasized losses incurred from passenger service, but also hinted there would be reductions in those operations.

"We are determined to reduce our passenger deficits to manageable proportions," the report states. "Our policy with regard to passenger service is to improve essential service but to phase out unneeded and unused trains."

But the report continues: "We are committed wholeheartedly to our responsibilities as a common carrier."

Though the report also states that "our railroad system is one of our most valuable assets," PC officials say this does not apply to passenger service and government subsidies will be required if this service is to be continued.

The railroad's attitude has been outlined by William H. Tucker, vice president of New England operations: "We are free enterprise oriented. We can't continue to operate with continued passenger deficits."

General Motors, for example, would not continue to manufacture passenger vehicles if it were losing money.

This is the way PC officials explain the situation.

But there are many factors which set PC apart from most corporations.

First. PC already receives funds and subsidies.

—A railroad tax relief law in New York exempts commuter railroads from some real estate taxes. The state estimates the PC has saved $100 million since 1961 because of this exemption.

—In 1961, the state authorized $100 million in Port of New York Authority bonds for the purchase of new commuter cars for leasing to the railroads.

—The Pennsylvania and New York Central merger, sanctioned by the Interstate Commerce Commission, will save the PC an estimated $80 million.

Another fact that puts PC in a different situation than most corporations is that the merger made it a virtual railroad monopoly in the east. There are those, including Rep. Richard L. Ottinger, who feel this special status obligates the railroad to provide essential services even if they are not profitable.

Mr. Ottinger, along with other PC critics, has also questioned the railroad's bookkeeping methods, expressing doubts that passenger revenue losses have been as great as reported.

In a letter to PC officials, Mr. Ottinger said: "I really cannot believe the commuter operation losses are as great as they have been represented. Accounts tend to be fitted to prove whatever the railroad wants to prove."

Whether the railroad makes a profit on commuter service or not, it seems that the PC no longer concentrates much energy or creativity on commuter operations.

In the railroad division, only freight service is the object of corporate innovation. In the past seven years, more than $1½ billion in new freight equipment has been acquired.

In 1968, more than 4,600 freight cars were added to the fleet and multi-million dollar freight cars were added to the built in Ohio and Albany.

[From the Yonkers (N.Y.) Herald Statesman, May 22, 1969]

TOWNS PROTEST "DEPLORABLE" RAILROAD SERVICE

(By Sarah Dowson)

As Penn Central curtails service at stations along its Hudson and Harlem lines, the towns and village react with inquiries, protests and litigation.

As far back as the winter of 1948, Yonkers' City Council formed a six member committee to confer with New York Central on the need for better train service for Yonkers. They were successful to a certain extent, for in June, the railroad promised to have long-haul passenger trains make flag stops at Yonkers under a new schedule.

Passengers must signal the conductor they want to board or leave the train in a flag stop; otherwise the train will not stop.

Mayor Richard S. Hendy of White Plains has stated that the service at his town is deplorable, and has filed a complaint at one of the recent hearings. He does not believe that Penn Central management has lived up to its end of the bargain—providing better services to passengers after getting its fare increase.

Last year, Greenburgh Supervisor Nicholas B. Russo solicited commuters opinions on a question of tax relief on the railroad's property in Greenburgh.

Based on the replies, they made an application to Penn Central requesting better service, and appeared before the Public Service Commission on Dec. 16, 1968. Russo told the state officials that Penn Central should be denied the $100,000 tax statement on the grounds that it is not meeting the standards of service set by the PSC.

Commissioner J. Burch McMorran decided that denial of tax relief would be inappropriate in view of the improvements the railroad was then considering.

In 1966, a fire gutted the Columbus Avenue station in Mount Vernon. Penn Central wanted to close the station, according to Arthur H. Ellis, Corporation Counsel for the City of Mount Vernon.

Mount Vernon residents wrote the PSC, he said, and a hearing followed. After a hearing the PSC determined to require a shelter with rest room, heating facilities and a ticket agent. In April, Penn Central appealed the decision. The case is currently on the May calendar at the state supreme court.

Some towns don't seem to have any trouble at all with the railroad. Scarsdale, which has one of the cleanest and most scenic stations on the Harlem line, was able to get the railroad to pay for sandblasting and painting its station last spring.

"We got hold of a good man for a similar job in another part of town," says Village Attorney Frances Cunnion, "so we got a darn good price on the bill for sandblasting and painting last spring."

Sheldon Wagner, Hastings' Mayor, has no knowledge of any litigation with Penn Central or the PSC. "Commuters just haven't complained very much," he said.

[From the Yonkers, (N.Y.) Herald Statesman, May 22, 1969]

VANDALISM COSTS PENN CENTRAL IN ACCIDENTS, INCONVENIENCE

(By Sarah Dowson)

Penn Central Hudson line commuters were jolted from their dozes and newspapers not too long ago when a shower of sparks and dense smoke shot from the fuse box in the front of a car and was accompanied by loud hissing.

The train slackened in speed until it was crawling forward. Passengers muttered to each other and stirred uneasily. Suddenly another shower sprayed over the people sitting in front and they evacuated their seats.

Commuters started to cough as the hissing and the ominous smoke issued from the car. Would there be an explosion? Nobody knew, but that question was in one observer's mind at least.

Minutes after the train had stopped the conductor conferred with his assistant and the engineer. Then he told everyone to move to a car in the rear. Passengers needed no second urging.

When the move was completed, they kept conductors busy retrieving packages they had left in the front car.

A half hour later conductors were helping passengers cross platforms to the new train, a local which was sent to the rescue.

All things considered, the mishap was handled well, as all passengers were safe, and the train was only 45 minutes late.

The conductors were courteous, patient, and did their best to keep passengers informed. Railroad employes said a fuse blew because of a short circuit, though it was never ascertained if a foreign object on the tracks caused it.

Passengers are justified for being annoyed at inconveniences such as this one, yet there is very little that anyone can do when accidents are caused by vandalism.

Vandalism occurs every day. It costs the railroad thousands of dollars a year, and even lives. A trainman, George Burns, was killed last month by a rifle shot while his train was passing through Harlem.

John Miras, an engineer, runs across old couches, tires, bicycles and other discarded trash almost every day. "People throw things they don't want near the tracks, and kids who don't know what they're doing will put the stuff on the tracks."

Three weeks ago, when he was taking train No. 843 along the Hudson line, he accidentally ran over a bedspring lying under the third rail. "I didn't know I hit it until it was too late," he said.

"Passengers panicked when the third car in the train caught fire," he said. "I don't blame them. The flashes of light were from a short circuit, and people were jumping off the car before we got the power turned off.

"One guy jumped and landed on a sewer pipe. He got a broken jaw and had 26 stitches. I wasn't hurt myself, but our conductor was. He went to the third car to help passengers.

Ray Lane, the conductor, said his face was burned and he was temporarily blind for five hours from the flashing fuses.

"It was all I could do to get the train into the Spuyten Duyvil station," said Miras.

"The most dangerous thing, though, "said Miras, "is these kids who throw rocks. One of our men lost an eye from that a few years ago."

Penn Central estimates that vandalism from broken windows alone costs them "at least $50,000 a year."

[From the Yonkers (N.Y.) Herald Statesman, May 23, 1969]

THE ROAD AHEAD FOR PENN

(By Mark Flaumen and Sarah Dowson)

Plans for the future of Penn Central Railroad's commuter service rests primarily with the Metropolitan Transportation Authority (MTA), but that organization seems to have little planned for the Penn Central.

In 1967, state voters approved a $2.5 billion transportation bond issue recommended by Gov. Nelson A. Rockefeller for modernization and improvement of the state's transportation system.

When the bond issue was approved, Gov. Rockefeller ordered the MTA to study the

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areas of vital transportation needs and draw up plans for allocation of the funds.

The MTA, headed by Chairman William J. Ronan has the responsibility of developing and implementing a unified mass transportation policy in the New York metropolitan area.

In 1968, the MTA prepared a two-phase "program for action" for improvement of the state's transportation system.

To Westchester commuters the report was simply a disappointment, for it proposed minor improvements for the PC.

Phase one, to cost $1.6 million, calls for only 1 of 20 projects to be directed towards the PC, and estimates that the work will not be completed for at least 15 years.

The work involves the purchase of 130 new high speed electric cars, construction of high level platforms, and electrification to Brewster on the Harlem division.

Phase two, which will probably not go into the financing stage for at least a decade, proposes only 1 of 16 projects for improvement of the PC.

Phase two concerns continuation of PC modernization including extension of electrification to Peekskill on the Hudson division, modernization of the signal system, purchase of electric and dual powered cars, and improvements of signals and track.

While both reports sound somewhat promising, commuters know that you can't get to work on words alone. The latest report from the MTA is that even phase one is still in the "early talking stages."

The great bulk of MTA funds and projects is aimed at transportation facilities within New York City, especially the Long Island Rail Road and the subway system, even though the MTA recognizes that New York's population will remain relatively stable while surrounding counties will experience the greatest growth in population and industry.

This heavy concentration of projects in New York City has been severely criticized by commuters and politicians, including former state Senator Max Berking and Rep. Richard L. Ottinger.

Mr. Ottinger has charged the MTA policy is based on "deceit." He has said that Westchester voters were told the bond issue would be used for improvement of the PC and instead the funds are being concentrated elsewhere.

Charging that the funds have been used to build highways "which paved the suburbs with expressways," Mr. Ottinger has asked the state legislature to reorder priorities of bond issue projects.

While charges and countercharges ricochet between Washington, Albany, and New York, the average commuter appears skeptical of any progress.

PC officials insist they are hopeful of future improvement of the railroad, but base this optimism on the event that government funds will be forthcoming.

"We are hopeful," a spokesman said, "but we can't be expected to operate a good railroad on a non-profit basis."

The railroad's main defense has always been that commuter traffic occurs in only 10 peak periods a week but a full line of equipment and personnel must be maintained all day, even though there is very little use of the facilities.

This they say, results in an extremely expensive operation with very little funds in return.

But a demonstration project on the Harlem division, conducted for 28 months beginning July 1, 1964, proved that improved rail service—faster schedules, better parking facilities and more frequent service—does attract a substantial number of additional rush and off-hour commuters to the railroad.

The demonstration project indicated there is a future in suburban service.

The future of commuter service on the Penn Central therefore rests with one question: What does the PC want?

[From the Yonkers (N.Y.) Herald Statesman, May 23, 1969]

Penn Central: Figures Don't Add Up for Commuters

(By Sarah Dowson)

"The public address system has a low priority," Penn Central's Chief Regional Engineer for the New York region, William Glavin, said recently. "The money must come from fares, and we believe that track work, equipment renovation and refurbishing long haul coaches for comfortable suburban service must be given priority," he continued.

Stuart T. Saunders, chairman of the board, earns $238,000 a year just in salary, and Alfred Perlman, president, earns $176,000. The railroad claims it cannot afford $21,135 for a public address system on the Harlem line, and $84,392 for one on the Hudson line.

Lawyers, commuters and members of the Brotherhood of Locomotive Engineers have been fighting for better suburban service for years, but seldom, if ever, get straightforward answers out of Penn Central.

Until recently, no one had proof positive that the railroad was deliberately trying to phase out passenger service. But members of the Brotherhood discovered, and copied, a memo which proved to be a great source of embarrassment to Penn Central when it was brought to light at the PSC hearing in testimony April 16th.

Dated August 5, 1968, it was written by R. C. Harrison and reads, in part:

"We have been receiving an increasing amount of criticism of the condition of our passenger equipment. Of course, we all know our long range objective in respect to eventual elimination of our long haul passenger services, particularly the sleeping car segment of the business . . .

"All of us involved are well aware of the need for shrinking our passenger car fleet as quickly as possible and this is being done." The memo stressed the importance of maintenance for the remaining equipment. It's author has since been transferred to Indianapolis.

The City of New York always has representatives and lawyers at the PSC hearings, and Corporation Counsel J. Lee Rankin has compiled a strong case against the railroad.

"The deterioration of services is a planned conspiracy to drive commuters away from the trains," said R. Raleigh D'Adamo, Mass Transit Coordinator Counsel. "Penn Central would like to claim that because no one is using the railroad, they can't operate it. They'd like the state to pay them to operate it."

New York's case, like the memo, substantiates the suspicions commuters have had about the curtailment of passenger service.

New York City contends that Penn Central should not be granted tax relief on municipal properties because it has juggled its accounting to show more of a loss in suburban service than is actually the case.

"What the railroad has to do is keep passenger service income down, because if it shows sign of a profit, Penn Central will lose its tax breaks," said D'Adamo.

He was referring to the New York State Real Property Tax Law, section 489, which was enacted in 1959 and says the railroad should be entitled to tax abatements on all municipal properties.

The law ends with the statement: partial tax exemptions will grant "greater relief to the railroads that need it more by giving increasingly greater exemptions as the rate of earnings of a railroad system declines."

Genevieve Leary, a research analyst in the State Dept. of Transportation, testified that Penn-Central has saved $184,947,121 on municipal taxes since the law went into effect. Penn-Central spokesmen claim to have saved "13 or 14 million."

"Our case is to raise the question of the railroad's good faith when they ask for assistance. Instead of giving the best service pospossible, as the airlines do, they mismanage the railroad," said D'Adamo.

Two instances of possible equivocation on the part of the railroad were illustrated in Rankin's brief: the question of income from ground rents, and an accounting theory involving employes who ride free on trains.

Ground rents are the income Penn Central receives from buildings above its underground track facilities between 42nd and 59th streets in Manhattan.

Hotels such as the Waldorf-Astoria and the Biltmore are actually standing on stilts based on this underground property that Penn Central owns. Penn Central earns a great deal of money from hotels and other buildings which pay rent on their foundations.

The tax law, in section 489, allows tax relief only on railroad properties. The railroad so far has not included income from these ground rents as part of its suburban income.

The City contends that the passenger carrying service is denied sizable sums of money in rents because this underground track complex has been declared non-railroad property.

The second bone contention is one of accounting principle. Should free rides for employees be counted as an increase in cost, because more cars have to be used to accommodate additional passengers, or should the suburban operation be credited with the amount these employees would be paying if they were regular fare customers?

The railroad is trying to lose money, argues the City, and urges the PSC to make them credit theoretical income from employes to suburban service. The difference in theories is significant, says the City, because it could account for $639,133 in additional credit to the suburban service, or almost 29 per cent of the railroad's claimed deficit.

The annual deficit in railway operating income was projected as $2,228,712 as of Jan. 1, 1969, according to the City.

"It is one thing for the railroad to appeal for funds because it needs more revenues from higher fares to offset higher wages and costs." But it is quite another to seek higher fares based on a "unilateral whimsical change of theory . . . This is a paper loss at best, and cannot be condoned, defended or explained to regular fare-paying passengers," concluded the City.

The question is: what will it take to bring Penn Central, the PSC, and N.Y. State officials to their senses before more people are injured from accidents and more equipment is run into the ground?

New York observers are pondering this and also, what will it take before more thousands are spent on hearings that lead nowhere? (It costs $100 for each volume of hearing transcript, for example. For this fall and spring it comes to a couple of thousand.)

He has several recommendations:

—The PSC should take more court action to bring suit against the railroad for violations of its standards of service.

—The State Legislature should set up a committee composed of members of both houses to study the problem of Penn Central's commuter service.

—More thought should be given to the Real Estate Tax law which actually rewards Penn Central for book juggling to show deficits.

—Some thought should also be given to corporation laws, which make it impossible to compel a company to divert income from a profitable venture to beef up a less profitable one.

Penn Central, he said, cannot be com-

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pelled to divert funds from the salaries of its board members, its income from real estate and subsidiaries to suburban service because it is a corporation.

But can Penn Central, as a transit public facility which is franchised by the state, be allowed to downgrade commuter service?

Should there be a reappraisal of these corporation laws as to how they should be applied to a corporation which is also a public transportation facility, he wonders?

[From the Yonkers (N.Y.) Herald Statesman, May 23, 1969]

HISTORY: THE RISE AND FALL OF TODAY'S PENN CENTRAL

(By Mark Flaumen)

The history of the Penn Central Railroad is like that of a once glorious empire slowly returned to sand.

The men and machines that color the railroad's past read larger than life—brawling, building, flexing their muscles—standing tall and arrogant to the end.

What commuters see now is a crumbling anemic milk train version of the great road established in 1853 by long time Albany Mayor Erastus Corning and other businessmen.

It was the New York Central then, a combination of 10 little railroads that weaved through the isolated settlements along the Mohawk Valley and the Erie Canal.

And when the war between the states flared up in the 1860's, the Central's somber black locomotives chewed pine logs and spewed drifts of smoke across the banks of the Mohawk River, carrying Union troops to New York.

There was pride in the railroad in the early days—a pride that launched the test run of engine number 999 to reach a new speed record of 111 mph in 1893.

And there was arrogance and greed as well, exhibited almost defiantly by the captains of industry who ruled the railroad and the nation's economy before the days of the trustbusters.

Multi-millionaire Cornelius Vanderbilt, who gained control of the railroad in 1867, immediately voted himself $6 million in cash and $20 million in new stock issues.

Vanderbilt, and his son William who became vice president, filled their pockets with profits while stripping all the color and brass of the ornate locomotives, and the iron workhorses became known as Black Crooks.

Commuters feeling the high-handed tactics of the present leadership can take some comfort in the knowledge that the strong men of the past were no more polite to their customers.

Commodore Vanderbilt is reported to have said "Law! What do I care about law."

Son William told a group of reporters, "The public be damned," in reference to his belief that the railroad should be run for the benefit of the stockholders.

The heyday of the Penn Central and the other of the nation's numerous railroads was in the 1920's when passenger trains were on 90 per cent of the national rail system.

But the car, the train, and the bus soon began to gobble up large portions of the intercity transportation business and the railroads fell into periods of declining use.

In 1916 the railroads enjoyed 98 per cent of the intercity traffic, but by 1957 they held only 28 per cent as planes began to take what is now the lion's share.

The New York Central System had 235 passenger stations in 1934, but less than half that number by 1959, and the trend is continuing.

The Central merged with the Pennsylvania Railroad in 1968 to become Penn Central and the leaders that now run the corporation are more interested in motels and golf courses than in building good railroads.

A look at the title of the PC board of directors shows the heads of insurance companies, banks, and even Campbell's Soup, and that is all one has to see to know that the golden age of railroads is no longer.

MEMORIAL DAY OBSERVANCE IN WILLISTON, N.Y.

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. WOLFF. Mr. Speaker, it was my privilege to participate in the annual Memorial Day observance held by the Williston, N.Y., post No. 144 of the American Legion.

This annual observance is typical of the many fine such ceremonies held throughout New York's Third Congressional District and across the entire country.

The services in Williston were highlighted when Susan Brunner, a local student, read a poem from her own pen. Because this observance reflects the true spirit of Memorial Day and because Miss Brunner's poem is both thoughtful and well written, I have requested permission to include the program of this meeting and Miss Brunner's poem in the RECORD at this point:

WITH A FRIEND

Look, God, I have never spoken to You,
But now I want to say "How do You do?"
You see, God, they told me you didn't exist,
And like a fool, I believed all this.
Last night from a shell hole, I saw your sky
I figured right then they had told me a lie.

Had I taken time to see things You had made
I'd have known they weren't calling a spade a spade.

I wonder, God, if You'd shake my hand,
Somehow, I feel that You will understand.
Funny, I had to come to this hellish place,
Before I had time to see Your face.

Well, I guess there isn't much more to say,
But I'm sure glad, God, I met you today.

I guess the "zero hour" will soon be here.
But I'm not afraid since I know You're here.
The signal! Well, God, I'll have to go.

I like you lots, this I want You to know.
Look now, this will be a horrible fight,
Who knows, I may come to Your house tonight,
Though I wasn't friendly to You before,
I wonder, God, if You'd wait at Your door.
Look, I'm crying—Me! shedding tears!
I wish I had known You these many years.
Well, I'll have to go now, God, goodbye!
Strange, since I met You, I'm not afraid to die.

THIRTEENTH ANNUAL POST EVERLASTING SERVICES, MAY 30, 1969, WILLISTON POST NO. 144, AMERICAN LEGION, 1957–69

PROGRAM

First Call, 9:30 a.m.: Bugler.

Assembly, 9:40 a.m.: All units.

Greetings: 1st. Vice Commander C. Katzer.

Entrance Parade, "The Marine Hymn": 1st Battalion Band.

Invocation: John Follmer.

Introduction of Post Commander: 1st Vice Commander Charles Katzer.

Welcoming Address: Post Commander Robert Tucker.

Guest Speaker: Congressman Lester Wolff.

Roll Call of Our Departed Comrades: Post Commander.

Jack Bartley, Thomas Fitzpatrick, Joseph Oneill, Frank Graf, Frederick Ironside, Lewellyn O'Brien.

Roll Call of Our Departed Members: Unit President Marge Ross.

Aimee Barry, Marge McGrath.

Notice.—Front Row Chairs are reserved for representatives who will place wreaths. Chairs are reserved for the Disabled Veterans, Gold Star Mothers, and Distinguished Guests.

Posting of Brazier: Post Members.

Entry and Transmittal of Names and Records of Departed Comrades Into Post Everlasting Records: Post Chaplain and Post Adjutant.

Solo: Donald Paris.

Placing of Wreaths: American Legion Post No. 144, American Legion Auxiliary Unit No. 144, V.F.W. Cpl. Theo. G. Nier Post No 1688, V.F.W. Auxiliary Unit Cpl. Theo. G. Nier Post No. 1688.

Token Presentation to Next of Kin: Post Chaplain.

Salute to Our Dead: Firing Squad.

Taps: Bugler.

Solo: Donald Paris.

Recitation: Susan Brunner.

Benediction: Post Chaplain.

Dismissal of Colors: Post Commander.

Exit March: 1st Battalion Band.

PARTICIPANTS IN 1969 POST EVERLASTING SERVICES

Master of Ceremonies: 1st Vice Commander C. Katzer.

Post Commander: Robert Tucker.

Chaplain: John Follmer.

Adjutant: Frank Russo.

Color Guard: Post Commander John Haeckel, Jasper Mazzella, Phillip Romeo, John Sienkiewicz.

Firing Squad: Past Commander Harold Gelderman, Past Commander George Schiller, Peter Holowecki, Theodore Kertz, Phillip La Veglia, Charles Nielson, Thomas Wrenn.

Brazier Detail: Past Commander Richard Cosgrove, Past Commander Peter Mazzella, Arthur Buckhout, Robert Little, Arthur Lockie.

Unit President: Marge Ross.

Unit Chaplain, Ann Katzer.

Soloist: Donald Paris.

Drum & Bugle: 1st Battalion Band.

Recitation: Susan Brunner.

Parade Marshal: James O'Keefe.

Program Chairman: James O'Keefe.

We wish to thank all of the organizations that participated with us on this Memorial Day.

COOPERATIVE EDUCATION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. PUCINSKI. Mr. Speaker, last year in the monumental Vocational Education Amendments of 1968. Congress authorized vocational cooperative programs in high schools and junior colleges.

Due to the attention focused on cooperative programs by the amendments, the Christian Science Monitor is presenting a series of articles on the value of cooperative education.

I am inserting one of these articles in the RECORD in the hope that Congress will provide funds for this exciting new program as well as for all the other new programs authorized by the 1968 amendments.

The article follows:

High-Schoolers Join Co-op Corps

(By Dorothea Kahn Jaffe)

(Note.—Every year, more and more youngsters looking to their futures are being enabled to start on congenial careers while still in high school. The doorway: cooperative, or work-experience, education. Encouraged by federal aid, "co-op" programs are expected to increase. Educators believe that more "co-ops" will mean fewer dropouts.)

New York.—The bored youngster who sits staring at his high-school history book or geometry text wondering "what's the use of all this?" now can take hope.

Cooperative education is coming to his rescue.

Thanks to funds which Congress has authorized for the work-experience (co-op) form of education, many secondary schools which do not now offer the program may soon launch it.

And the boy who finds his classes dull will have an opportunity to break out of the school routine by alternating periods of study with equal periods of full-time work in business and industry. Experience in an adult environment may show him why schooling is needed for a good career and thus give him greater motivation for study.

Some of the teachers and principals who have observed the program in high schools say it does this. "The kids come back from their jobs different persons—more mature, responsible, more interested in their academic work," says one teacher.

Statistical studies confirm these impressions. One appraisal made by Research Survey Associates for the New York high schools found the dropout rate for students in co-op over the years studied to be 5 percent as compared with a 30 percent rate for "comparable populations" not in co-op. The study noted also improvement in co-op students' reading intelligence over the period reviewed.

FINANCIAL HELP PROVIDED

Congressional passage of the Vocational Amendments Act of 1968 will give needed financial help over a five-year period to those high schools wishing to expand their present co-op programs or to adopt new ones. The act authorizes substantial grants to the states for the purpose of promoting the program.

This financial help is needed. Many high schools do not have the money required to plan new programs and to hire the additional personnel which work-experience education demands. Co-op calls for a new kind of faculty member known as a coordinator, a liaison officer linking schools with the business world and supervising students after they enter it.

The coordinators must be well trained, well paid. The funds which Congress has authorized may be used in part to recruit and prepare them.

It is fortunate, in view of the planning required to make use of the new federal-aid money, that a considerable body of experience with the program already exists.

In addition to the general co-op courses long offered in a few schools are several effective special programs which have been developed under the George-Deen Act of 1936. One of these, distributive education, has long sent its high-school participants into retail establishments for part-time work experience. Distributive Education Clubs of America, composed entirely of these job-holding students, is approaching the 100,000 mark in membership.

At a recent convention of these clubs in Atlantic City, all 50 states were represented among the 3,200 students attending.

For all high schools sending students out on part-time jobs an administrative problem arises: How shall the school provide time for the work experience without causing students to neglect the academic courses required for a diploma?

Some schools give the co-op students double periods of academic subjects in special classes. Others use a half-day plan, assigning students to regular classes in the morning and to jobs in the afternoon.

In far-off Nova Scotia, Dartmouth High School sends 82 sophomores out for one full day a week while 148 freshmen work one-half day a week. Dayton, Ohio, which has one completely cooperative high school, makes it possible for students to spend alternate two-week periods on their jobs but extends the school year, holding classes through most of the summer.

The co-op plan in American high schools has had a spotty growth. In a few schools, such as those of New York City and Dayton, it has been flourishing for more than 50 years.

But it is still not available to thousands of boys and girls who need it. Many schools do not offer it at all, and others limit enrollment to pupils considered "good risks." This means that a student must have a good record of attendance, at least average grades, and an interest in working. Such regulations rule out the potential dropout who might be kept in school if given this chance to earn and learn.

SELECTIVITY QUESTIONED

New York City's experience indicates that the program need not be so selective as some schools have made it. Many of New York's nearly 6,000 co-op students come from disadvantaged homes of the inner city. The program here excludes the college-bound students. It is open only to those in "general" courses designed for terminal students. This unfortunately hurts the image of the program, but it does open it to many who need it most.

Apparently it has not lowered the status of the program in the eyes of employers. Those with whom I spoke paid high tribute to their student employees.

At present, with business and industry crying for workers, placement is no problem, says Mrs. Renée C. Sherline, acting director of cooperative education for the New York City schools. Big employers such as Macy's, IBM, AT&T, and the New York Stock Exchange, as well as some smaller ones, make up the list of 150 private concerns cooperating at present. In addition, 77 municipal agencies and several state offices hire "co-ops."

Employers usually are eager to retain their co-op employees after they graduate. And a high proportion of high-school students take the jobs offered them by their co-op employers.

The percentage of those who remain often runs very high. The New York Stock Exchange reports that it keeps "almost all." One of the New York coordinators I met told me that among the 9,300 girls who have completed the co-op program at her school (Julia Richmond High), since it was introduced, 85 percent continued working with the same firm after getting their diplomas.

Other New York studies indicate that the co-op experience has been beneficial to the students.

One such study recently scanned the records of 50 high-school students before and after co-op, comparing their ratings for the first semester of 1968–69 when they went out to jobs with those of the previous year, when they attended classes full time.

Practically all students showed improvement in both studies and attendance after work experience. Although 37 students had records of previous "citizenship failures," no such failures were found during the co-op period. Ten who had previous academic failures made the honor roll after entering co-op.

"I CAN BUY MY OWN CLOTHES"

While statistics are significant, comments of the students themselves may be more illuminating. Mrs. Dorothy Janis, coordinator at Prospect Heights High School, New York, showed me some written by girls in an English class. Most of these students, coming from low-income families, emphasized the earning aspect which educators consider secondary.

"In my opinion the course is great," wrote Anita. "With the help of my job I can buy my own clothes, pay my transportation money, and try to help my parents. Like for insist [sic], last Christmas I had enough money to buy my mother a coat which she was much in need of."

Carlotta wrote: "When you are out in the world working you feel more grown up. You feel like you are somebody. Making the money, you don't have to ask anyone to give you anything. You really have become a young lady."

Unsigned: "It's really a great opportunity. Ever since I've been in co-op I've made quite a change, not only in making money but in appearance and really in manners. You learn to speak in a different way with business people."

Not everybody was as enthusiastic as the majority. Inez wasn't. Asked, "What do you like about the job?" she answered, "What I like about the job is not much. My job is okay, but I'm sure I can get paid more for wat [sic] I'm doing."

Another girl found she didn't enjoy office work and was glad the experience had shown her what it was like. She'll find herself another career, she wrote. But the great majority expressed strong approval of the program.

Even where the program succeeds, however, it raises problems. A major one is finding jobs that not only pay wages but which are of real educational value Business naturally wants production from its employees. The school agrees it should get value for the wages it pays, but it is concerned also that the student gets a broad education while he produces.

"We've battled and battled for educational jobs," said N. T. Whiteman, principal of Patterson Cooperative High School in Dayton. He has had considerable success in his struggle.

Some employers, on the other hand, complain that school people are so eager to find jobs for their students that they are not selective enough.

Another problem is union relations. Federal labor laws determine minimum wages for children over 16 years of age on the same scale as that used for adults. The law also states that a student worker must not displace a regular full-time employee.

Unions are vigilant to see that these provisions are observed.

Perhaps the greatest problem is to reach the children most in need of high-school co-op experience. Even in New York City, with its open-enrollment policies, a small proportion of those eligible participate in the program. Mrs. Sherline estimates that in a typical high school of 4,000 enrollment only about 150 students would be "co-ops."

COORDINATORS SEE PRESTIGE REASONS

Why so few? Coordinators I met in New York say it is mainly because of the poor image of vocational education. Parents want their children enrolled in college-preparatory courses for prestige reasons, whether they expect them to enter college or not. Educators think a way must be found to change prevailing attitudes toward work-experience. Co-op rarely bears a stigma when offered in colleges, and it should not in high-school circles.

Another problem exists in rural areas where jobs in business and industry are few. Children in the Southern mountains and in areas of poor farmland and abandoned mines greatly need the opportunities offered by cooperative education. But 81 percent of the opportunities for co-op school jobs are in the inner cities, reports Dr. Trudy Banta of the University of Tennessee. "Children in small towns need this experience just as much as city kids, if not more," she points out.

It is to be hoped that when funds begin to flow to the states in July, according to terms of the Vocational Amendments Act of 1968, those states which have the problem of educating disadvantaged children for useful careers will give particular attention to areas which are too poor to carry on cooperative education without government aid.

CONFLICT OF THE AGES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. RARICK. Mr. Speaker, "Conflict of the Ages" written in 1932 by Dr. Arno C. Gaebelein, consulting editor of the Scofield Reference Bible contains an interesting revelation on the Stalinist plan for the destruction of our people.

Ever since this summary was published, nearly 40 years ago, we have heard bitter charges of the untruth of these predictions. Again and again patriots attempting to warn of the success of this conspiracy have been accused of conducting witch-hunts and discovering imaginary Communists under every bed. Any objective comparison of Dr. Gaebelein's predictions with the history of the last 40 years shows the startling success of a real conspiracy in every single one of the areas designated.

Because of the timely warning of "Conflict of the Ages," I present pages 110 and 111 of the chapter "The Russian Revolution" following my remarks:

To accomplish the "world revolution," the domination of the world by the demonized teachings of Karl Marx, this country must fall, they say, as Russia fell.

Joseph Stalin has published last year a detailed plan for the destruction of our country. This information was passed on to all the Communistic District organizers and secretaries throughout our country. Read it! Then review in your mind what has taken place and what is increasingly taking place all over our country. Then decide for yourself the seriousness of the situation. Here are the devil's suggestions:

Religion: By philosophy, mysticism, the development of liberal cults, and the furtherance of atheism, to discredit all Christian creeds.

Ethical: Corrupt morality by advocating promiscuity and advising high school and university students to practice same; introduction of companionable marriage ideas; advocation of legalized abortions; advancement of theoretical interracial practices—marriage of white women to colored men—by actual consummation through willing participants where obtainable. Destruction of the family, abolition of inheritance, even to the extent of names; destruction of all records of title, birth and family history.

Aesthetic: Cultivation of the ugly, futuristic and aberrant in art, literature, the drama and music; the practice of crude orientalism, modernism and degenerate perversion.

Sociological: Abolition of social opposition by subversive practices; the display of vulgar extravagance, promotion and exaggeration of all social and economic conditions, political corruption, etc., to create unrest, suspicion and revolt by the workers, intensify class war.

Industrial and Financial: Create mistrust of banks by circulation of rumors of instability and distress. Destroy ideals in craftsmanship and pride of workmanship; set up—by series of public talks by professors of sociology and others—the picture of a golden serpent of profit. Standardization of the cheap and shoddy; advocate the state monopoly of ownership; exchange of all foreign currency at slight discount for U.S. gold and gradually withdraw gold from circulation, send all gold currency to Russia.

Political: Set up the ideal of thinking "internationally," so as to undermine national patriotism; weaken all government departments by corruption. Attack all political parties and create suspicion and distrust upon any and all occasions. Amplify facts by fiction and create startling exposures. Ridicule all patriotic effort and undermine all preparation for defense; carry out our set policy for world revolution outlined in Rykoff's position.

Rykoff, in "Pravda," said: "It is our duty to inculcate in the minds of all nations the theory of international friendship, pacifism and disarmament, at the same time, however, never for one moment relaxing our efforts in the upbuilding of our own military establishment."

Lenin said: "When a country is selected for attack we must first set up before the youth of that land a mental barrage which will forever prohibit the possibility of that youth being moulded into an armed force to oppose our invading armies. This can most successfully be done through creating 'war horror' thought and by teaching of pacifism and non-resistance. It will be found that powerful organizations of non-communists can be created for this purpose particularly with the aid of liberal-minded ministers, professors and lecturers."

Bucharin said: "Friendship of liberal-minded ministers shall be sought, as these men are at the present time the leaders of the masses.

"Conferences on economic conditions among the people shall be held from time to time with these ministers, educators and other liberal elements and through their influences the party shall aim to secure a more favorable hearing before the people."

Read it once more! All that is advocated by these enemies of God and man is being carried out today in the United States and elsewhere. Look deeper and see how the industrial and financial experiences of the world during the last three years are *linked up with this program*. It is not a new program. It is the program of the Illuminati, the program of the French revolution, of Babeuf and Karl Marx. And the liberal-minded ministers, educators and others, who call themselves "The Friends of the Soviet," have responded to this program. Hundreds of preachers of the modernistic-materialistic-evolution type, who are infidels, men who have abandoned the true Gospel of Jesus Christ and turned socialist, with hundreds more of college professors and high school teachers, are now playing into the hands of the reds, advocating the introduction of the devil-inspired theories of Marx-Lenin, Trotzsky and Stalin. How can any self-respecting man or woman, not to speak of Christians, advocate the recognition of the Soviets by our government, so that the flag of honor and glory, can be displayed alongside the red flag of blood, murder and ruin?

POLITICIANS URGED TO HEED SCIENTISTS ON ABM VOTE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. BOB WILSON. Mr. Speaker, in all the clamor today against the proposed anti-ballistic-missile system, we must not lose sight of what fate might befall us in future years were we forced to bargain with unfriendly or enemy nations from a position of weakness, rather than strength. I would like to share the following excellent article by retired Vice Adm. Ruthven E. Libby outlining the strategic merits of the ABM system:

POLITICIANS URGED TO HEED SCIENTISTS ON ABM VOTE

(By Ruthven E. Libby)

The spectacular success of the Apollo 10 flight leaves no doubt that there is very little that Americans cannot do if we put our minds to it.

The problem is to get us to concentrate on the things that are vital; to select the highest priority programs from among the myriad clamoring for our attention, and then to pursue them with the singleness of purpose, the energy, and the determination necessary to accomplish them.

Where our security is concerned, the process of selection is difficult at best. And it is made more difficult by the persistence with which some of our politicians operate on the basis that their skills in political science qualifies them to lead in matters involving the physical sciences, of which they know very little. The controversy now raging over the Safeguard antiballistic missile system is an example of the damage these people can do.

One of the foremost world experts on nuclear physics, Dr. Edward Teller, says of this debate:

("There is a) need for affirmative action on our part to insure the future security of this nation. The dialogue so far has been dangerously one-sided. The opposition to the Safeguard system—a system which is actually defensive and nonprovocative—is articulate, organized and sustained.

"The opponents claim there is no defense against nuclear-tipped ICBMs (intercontinental ballistic missiles). In my opinion there is not sufficient scientific data available to definitely affirm or deny this claim.

"It is fair to say that there is not yet a sure defense against enemy nuclear attack. But this is certainly not the same as saying that there cannot be a defensive position against nuclear ICBMs . . .

"If the vote is negative, an important avenue of defense will be blocked for a long period. The need for a favorable decision is urgent because Soviet Russia has caught up with us in offensive power and is rapidly forging ahead. In not more than five years they may have the ability to wipe out our retaliatory force with a sudden 'first strike.' Missile defense would at least cast a doubt into the minds of the Communist planners. If they cannot be certain of success they probably will not attack.

"There is barely enough time if we act now."

Another qualified advocate of the Safeguard system, the noted author and—in her own right, political scientist—Phyllis Schlafly, recently testified before the Senate Armed Services Committee in support of the Safeguard system. Her testimony is recommended reading for every concerned citizen. Commenting on the contention of the opponents of the Safeguard system that the "best hope for ultimate security" lies in an arms control agreement with the Soviet Union, she warns:

"The delusion that America can be defended by treaties instead of by weapons is the most persistent and pernicious of all today's fallacies. We cannot put our hope for peace in agreements with the Communists who have broken their pledged word to every country with which they signed a major agreement . . . A confirmed treaty-breaker is not cured by being invited to sign one more treaty . . .

"The McNamara crowd was wrong in not

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anticipating that the Soviets would betray the first nuclear test ban.

"It was wrong in foolishly believing that Khrushchev would not send his nuclear missiles into Cuba. It was wrong in thinking that the Soviets would not build supermegaton weapons. It was wrong in believing that the Soviets would stop building missiles when they achieved parity. It was wrong in thinking that the Soviets have 'mellowed.' . . . There is no record of the McNamara crowd ever being right in evaluating Soviet capabilities or intentions."

In this particular testimony, she is directing her fire against the book sponsored by Sen. Edward Kennedy, D-Mass., released to the press on May 6, of which she says that "the dozens upon dozens of typographical errors in the 'hastily printed' report are exceeded only by its errors of historical fact, of logic, and of strategic analysis, and by its internal inconsistencies." Yet it is this sort of specious political reasoning that seems to be tipping the scales in the congressional mails, against the deployment of what is really a pilot operation.

The Safeguard system will determine how best to capitalize on the $5 billion already expended in research on the antimissile system, which even if not 100 per cent successful (which nobody expects it to be) will save a minimum of 50 million American lives in the event of nuclear attack. It also will serve as a powerful deterrent to such an attack by the simple fact that it exists.

The clamor against the Safeguard system is a part of what Rep. L. Mendel Rivers, D.-S.C., another dedicated patriot, has characterized aptly as "a fatigue of spirit, malaise of the soul" resulting from our confusing military preparedness with the causes of war.

Americans, he says, "are fatigued with the necessity of national defense—the necessity not only to keep a large force of missiles, ships, and men, but to keep it ready, to keep it ever modern, to keep it in an adequate state of repair . . . This fatigue has led to a striking out against the military forces that defend us. Our military are attacked instead of the threat which makes the military forces necessary."

We must face the fact that powerful forces in this country are making strenuous efforts to turn public opinion away from facing up to stringent national security requirements. One of the arguments most often heard is that we must put more of our resources into meeting domestic needs, and hence must take funds away from military programs. There are two fallacies here: one, that the percentage of resources devoted to national defense is increasing; the other, that funds not spent on military defense are automatically available for more laudable purposes.

As to fallacy No. 1, the percentage of U.S. total goods and services spent on national defense is almost exactly the same as it was a decade ago—8.8 per cent in the year ending June 30, as compared with 8.7 per cent in 1960.

As for fallacy No. 2, Uncle Sam himself does not have a fixed income; the federal government produces nothing. Everything it has comes out of the hides of the taxpayers, who, if relieved of the requirement to buy new ships or tanks or airplanes, may not be prone to buy urban renewal instead.

In any case, as noted cogently by Mendel Rivers: "We have to have our national defense as a first requirement to create a framework within which our other serious problems can be solved." We evade this fact only at our extreme peril.

ANALYSIS OF U.S. POLICY IN ASIA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. OTTINGER. Mr. Speaker, this is a critical time not only in terms of the directions our policies will take with respect to Vietnam, but also in terms of our present and future commitments in all of Asia.

An excellent analysis of the alternatives our Nation and its leaders face has been written for the New York Times by C. L. Sulzberger. It is worthy of immediate and careful consideration by everyone concerned with American foreign policy in general, and our commitments in Asia, in specific.

The article follows:

FOREIGN AFFAIRS: MORE OUT OF LESS

(By C. L. Sulzberger)

SEATTLE.—United States policy seeks to Vietnamize the Indochina war as quickly as possible by turning over to the Saigon Government responsibility for defending itself. Apart from political convenience suitable to the frazzled American mood, the object is to disengage from what has become a basic commitment.

WITHDRAWAL NOW?

Whether this can be achieved remains difficult to forecast. Hanoi has given no real indication it will permit withdrawal in either orderly or honorable fashion despite illusions carefully cultivated by those who, convinced the war is ruining the U.S. social fabric, are prepared to believe anything.

Yet it is worth considering whether the policy, should it succeed, might not anyway prove counterproductive. In the long run it could bring about more not less U.S. entanglement in Southeast Asia. For we are feverishly building the wrong kind of Vietnamese military force in order that Saigon can take over the burden from American troops as rapidly as possible.

We are foisting a complex, heavily mechanized and automatically armed military machine on a country that cannot finance, industrially sustain, or technically man such an establishment. In the hope of fairly swift departure from South Vietnam we are creating there a system bound to tie it to us for years to come.

For if Saigon is to take over the burden of a "Vietnamized" war it will have to depend on American equipment, spare parts, money and technical assistance—and this situation must continue indefinitely.

Already we have seen a similar trend in South Korea where U.S. involvement remains critical and extensive. South Korea has a very large army but it relies upon an American alliance and the continued presence of two American divisions plus weapons, parts, techniques and gadgetry that, despite a continuing economic boom, Seoul couldn't sustain alone.

Paradoxically, the means by which Washington seeks to reduce short-range Asian commitments actually insure their long-range continuance. The South Vietnamese Army, like the South Korean Army, is a microcosmic reflection of our own military establishment.

The North Vietnamese Army is much more of an infantry force rendered effective by highly trained soldiers, skilled tactics, and weapons that can mostly be repaired or reproduced by the local economy. Thus, North Vietnam is better adapted to stand on its own feet after the war.

U.S. involvement in Asia has brought differing commitments in the Philippines, Okinawa, Taiwan, South Korea, South Vietnam, Thailand, Laos, and Japan. We are pledged to protect these areas under accords that are in no way harmonious. The strategic key is Okinawa which we have promised to return to Japan although we don't yet know how to provide a substitute for our bases and nuclear arsenal there.

JAPANESE OBLIGATIONS

Japan, which has an inadequate and constitutionally restricted defense establishment, is obligated under the Yoshida-Acheson agreement of Sept. 8, 1951, to support U.N. military actions in the Far East—meaning any U.S. military action in South Korea. Washington cleverly maintains the legal fiction that its commanding officer there is a U.N., not a U.S., general—thus keeping Japan tied to a commitment it isn't really obliged to maintain under its U.S. Security Treaty.

American Far East policy developed from a series of lurches starting with the 1943 Cairo Conference which promised Taiwan to China and involved us in the contest between Mao Tse-tung and Chiang Kai-shek.

Subsequently we pledged the return of Okinawa to Japan and simultaneously made it the keystone of our East Asian defenses. We made Japan forswear rearmament in a constitution we imposed and thereby insured that we would have to protect that country indefinitely.

It is pointless to argue that if the United States doesn't keep forces in Japan, that country will rearm, allowing a militaristic class to seize control. In fact the Japanese gain immensely from these curious arrangements, spending a widow's mite on defense and using the consequent economic advantage in world markets.

TIME TO ANALYZE PLANS

Obviously it is time to reexamine our Asian commitments. While doing so, it would be wise to study the implications of contemplated policies which, in the name of reducing our involvement in Asia, could actually extend its duration. I am in no sense arguing for withdrawal but I am arguing that policy-makers should analyze the ultimate meaning of their plans.

HOUSE OF REPRESENTATIVES—*Wednesday, June 11, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou shalt do that which is right and good in the sight of the Lord; that it may be well with thee.—Deuteronomy 6:18.

Eternal God, our Father, with reverent hearts we pause in the midst of the day's duties to lift our spirits to Thee, unto whom all hearts are open, all desires known, and from whom no secrets are hid. Cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit that we may love Thee more perfectly, serve our country more fully, and lead our people more diligently.

During these difficult days let us not add to the problems we face by our own ill will and our selfish endeavors, rather help us to become part of the solution by our own good will and our unselfish efforts to lead our people to wider areas of understanding, tolerance, and friendliness.

Direct the leaders of our Nation, our

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President, our beloved Speaker, and all the Members of Congress. Grant unto them wisdom and strength that, upholding what is right, and standing by what is true, they may follow Thy holy will and fulfill Thy purpose for mankind: through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

OKLAHOMA PRESS ASSOCIATION SUPPORTS NEWSPAPER BILL

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. EDMONDSON. Mr. Speaker, as you know, I am one of 100 House sponsors of the Newspaper Preservation Act, which would exempt from antitrust action [illegible] joint operating arrangements whereby two newspapers, individually owned and having individual editorial voices, combine certain mechanical and business functions. I support this legislation because it does truly preserve independent and competitive editorial voices in 22 American cities where otherwise one of the newspapers would have become a victim of the steadily increasing costs of newspaper production.

With this in mind, it is with deep gratitude that I received a telegram from the Oklahoma Press Association endorsing this legislation. It is good to have this kind of support at home, where I have many true friends among the editors and publishers. I would like to read this telegram, if I may:

> The Board of Directors of the Oklahoma Press Association, on behalf of its member daily and weekly newspapers, unanimously endorse and urge favorable action by the Congress on H.R. 8765 or S. 1520. We note that you and all other members of the Oklahoma delegation are authors of this legislation and we commend you for your efforts to permit the continuation of joint operating newspapers as defined in this legislation and for the continued preservation of separate and independent editorial expression in the communities so affected.

The telegram is signed by Ben Blackstock, secretary-manager of the Oklahoma Press Association.

Mr. Speaker, this grassroots support is heartening and illustrates the understanding the newspaper editors and publishers have of the urgent need for this legislation.

SCARE TACTICS ON THE SURTAX SHAMEFUL AND IRRESPONSIBLE

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, yesterday, Treasury Secretary David M. Kennedy declared in the public press that the conditions in the country "might require the imposition of wage and price controls."

On Friday, Presidential Counselor Arthur F. Burns said that devaluation of the dollar was among possible dire circumstances of congressional failure to go along with the surtax.

These suggestions were mentioned but never seriously presented before the Ways and Means Committee. The utilization of these scare tactics is shameful and irresponsible.

There are other and more acceptable means of meeting the problems of skyrocketing interest rates. Federal deposits might very well be moved from banks which have profitably parlayed interest rates into institutions which encourage homebuilding at interest rates controlled by VA and FHA restrictions.

In addition to repealing the investment credit, perhaps Congress should suspend the use of accumulated credits for tax purposes in tax year 1969 and, perhaps, 1970.

Perhaps the time has come for Congress to adopt a national usury law to limit the allowable interest rate to levels of moral decency, if any remains in money matters.

In any event, Congress should not allow the administration to bully through the surtax to create a surplus for the principal benefit of those who propelled the country into its present inflationary debacle.

PRESIDENT NIXON PRODUCES RESULTS IN THE VIETNAM SITUATION

(Mr. WYMAN asked and was given permission to address the House for 1 minute.)

Mr. WYMAN. Mr. Speaker, I become sick and tired of those carping demagogs who criticize President Nixon's announcement that 25,000 troops will be returned from Vietnam as "tokenism." The American people understand that this progress on the long road back is the direct result of President Nixon's decision to honor his commitment in the recent election campaign as well as to keep faith with our overall national security needs which impel the conclusion that at the earliest possible moment the defense of South Vietnam must be undertaken by South Vietnamese and not by Americans.

The fact is that President Nixon is bringing Americans home. The record of action by prior administrations is precisely the opposite. Under them Americans were sent overseas to combat by the hundreds of thousands, and tragically, to combat in a war in which American policy was not to use its full capability to win or even to protect the lives of the boys it ordered to fight there.

Mr. Speaker, the hard truth is that the "tokenism" critics are hurting badly because at long last our new President is acting to undo the awful mess prior Presidents committed us to. Those that want us out of Vietnam on an honorable basis at the earliest possible moment—whom I believe are the overwhelming majority of our citizenry, young and old alike—rejoice at the positive action of President Nixon which sees the first meaningful step being taken down the long road home.

PERSONAL ANNOUNCEMENT

(Mr. DULSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DULSKI. Mr. Speaker, during the week of May 26 I was absent from Washington on official business by leave granted previously by the House.

Had I been present and voting, I would have voted "yea" on rollcall Nos. 65, 66, and 69. On rollcall No. 68, I would have voted "nay."

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORT ON H.R. 265

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file a report on the bill H.R. 265.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 79]

Anderson, Ill.
Anderson, Tenn.
Ashbrook
Ashley
Ayres
Bates
Biaggi
Bow
Brasco
Burton, Utah
Carey
Carter
Celler
Chappell
Chisholm
Clark
Clay
Collier
Culver
Cunningham
Dawson
Dingell
Downing
Dwyer
Edwards, Calif.
Feighan
Fish
Ford, William D.
Fraser
Garmatz
Gettys
Goldwater
Hays
Hébert
Helstoski
Jacobs
Kee
Kirwan
Kuykendall
Kyros
Landgrebe
Leggett
Lennon
Long, La.
Lowenstein
Mann
Matsunaga
Mills
Moorhead
Murphy, N.Y.
O'Konski
O'Neill, Mass.
Patman
Pelly
Powell
Pryor, Ark.
Railsback
Riegle
Ronan
Scheuer
Sikes
Smith, N.Y.
Springer
Stratton
Stuckey
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tunney
Whitten
Wilson, Charles H.
Wold

The SPEAKER. On this rollcall 360 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On May 28, 1969:

H.R. 2948. An act for the relief of Maria Prescilla Caramanzana;

H.R. 3464. An act for the relief of Maria Balluardo Frasca;

H.R. 6269. An act to provide for the striking of medals in commemoration of the 300th anniversary of the founding of South Carolina; and

H.R. 8188. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the city of Wichita, Kans.

On June 3, 1969:

H.R. 9328. An act to amend title 37, United States Code, to provide special pay to naval officers, qualified in submarines, who have the current technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants, who agree to remain in active submarine service for one period of 4 years beyond any other obligated active service, and for other purposes.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a certain privileged report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LIMITATIONS ON USE OF PUBLIC PROPERTY

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 436 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 436

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1035) limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Mississippi (Mr. COLMER) is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN); and pending that, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not intend to address the House at any length upon this matter.

As the reading of the rule by the Clerk indicates, this is an open rule providing for 2 hours of general debate on the bill, H.R. 1035, which is a bill that would prescribe certain limitations, and in fact certain prohibitions, upon the use of Federal property in the District of Columbia.

Mr. Speaker, I think we might just as well be candid about it and state that this bill was provoked by the sad spectacle that we had here last year when a certain group moved into the District of Columbia and took over by permit the use of the Mall down here in the so-called Resurrection City. I would like to use another word.

Mr. Speaker, in the history of our country, with one exception, public property in the District of Columbia has never been used by any group for encampments on such public property. That exception occurred many years ago when the Boy Scouts of America organization was given a permit to camp on District of Columbia and U.S. property.

Last year, when the group to which I have referred came here, it cost the taxpayers of this country somewhere between $1 and $2 million to clean up after those people had abandoned the Mall area where they had encamped. That was a sad spectacle, Mr. Speaker. It was a sad spectacle from more than one point of view. A great many good people were deluded into coming to the District of Columbia under the pretense of getting something from the Federal Government. I know of my own knowledge that a great many of those people who came here were so disillusioned that they left and went home. Yet there were the usual troublemakers who did bring about some trouble and who absolutely disregarded the law.

All this bill would do would be to prohibit certain uses of Federal property here in the District of Columbia by any group, regardless of who they are. It would prohibit them from coming in here and taking over Federal property for camps at the expense of the taxpayers and disrupting the orderly procedure here in the seat of government.

Last year, at the height of the encampment to which I have referred, when efforts were being made to get those people to go home and quit disrupting our seat of government and destroying public property, the Committee on Public Works, taking cognizance of the situation, reported out a bill, which cleared the Rules Committee and was reported to the House for consideration. However, the bill was never activated. It was never called up.

Today we are considering the bill. We are considering it in a different climate, a climate in which the emotion that was present at that time does not now exist. So there is nothing discriminatory about the bill. It merely provides that no organization—Boy Scouts, poor people, the American Legion, the Veterans of Foreign World Wars—no one can use the property for camping or establishing a so-called city.

I know objection has been raised to this bill because some people have said it would infringe on the right of free assembly and free speech.

I do not believe that is true at all. This Federal City, after all, is the seat of the Federal Government. The property belongs to all the people. All the people have a right to come to Washington and to enjoy it, without having the scenery marred by these unseemly things that happened on a previous occasion. We have thousands of people in the District today—and some of them are here in the galleries—who want to view their Federal City and to enjoy it without the extraneous disturbances and the marches upon Washington.

Since I am mentioning the word "marches," I want to point out there is nothing in this bill that will prohibit a march—a peaceful demonstration—provided the participants do not camp in or sit in, such as we had last year, overnight on Federal property.

Mr. Speaker, I urge adoption of the rules and the belated enactment of this legislation.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to my friend, the gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Speaker, I want to say to my friend, the gentleman from Mississippi, that I support this rule and I support this bill. If any person within the sound of my voice or in this Congress of the United States had seen the disgraceful situation which developed in our Nation's Capital a year ago, I am sure he also would support this bill.

However, Mr. Speaker, I realize the limitations on the Committee on Public Works, from which this bill comes, but I hope the passage of this bill will not interfere in any respect with the bill that many of us have cosponsored and introduced to make a law similar to this bill apply to all the public lands and the public parks of the United States.

The gentleman from Mississippi has well said that the Capital City lands are owned by the Federal Government, and are for all the people of the United States, and they should not be deprived of the use of these lands.

We had here a city within a city, a situation where the Park Police could not go in, where the police authority of the District of Columbia could not function. When we bring in the other bill which will apply to all the lands owned by the people, intended for their use and recreation and enjoyment, I hope we will have the support not only of this committee, but also of every Member of this House of Representatives. It is a piece of legislation which is greatly needed. We should never again allow a situation to develop such as we had last year.

Mr. COLMER. Mr. Speaker, I thank the gentleman from Florida for his usual splendid contribution to the debate in this House. I remind the gentleman from Florida that this Member of the House is aware of the bill that was reported last year, but which was not considered. I understand it has been reported again this year, by the Interior and Insular Affairs Committee, of which the gentleman is a valuable member.

I concur with the statement made by the gentleman from Florida.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

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Mr. Speaker, as the distinguished chairman of the House Rules Committee has so ably said, H.R. 1035 establishes a limitation on the use of public property within the District of Columbia.

The bill will be presented under an open rule, with 2 hours of general debate, upon the adoption of House Resolution 436.

The purpose of the bill is to insure that the public grounds within the District of Columbia will be open to use and enjoyment by all Americans. To ensure this result, the bill proposes to place restrictions on the issuance of permits of use of such public grounds in the future.

The bill prohibits the issuance of any permit by a Federal or District of Columbia officer to use any real property within the District of Columbia for camping, sleeping, sitting in, or any other overnight use, or for erecting any temporary buildings thereon. This is an absolute prohibition except for the proviso that no governmental use or activity on the public property is limited or restricted by the bill.

Any permit issued for a demonstration, or other activity is not to be construed to permit any of the prohibited overnight uses previously mentioned.

Further, in issuing any permit, if the issuing officer has reason to believe that any damage to the real property or persons will occur, he must require the posting of a surety bond to cover all possible damage repair costs or liability for personal injury which may follow from the granting of such permit.

Finally, the bill revokes all outstanding permits of use which could not be granted after the enactment of this bill.

Last year the committee reported H.R. 16981, a bill which I wholeheartedly supported and which was very similar except for one omission in the present bill. H.R. 1035 deletes the provision creating a Joint Committee on Grievances whose sole function was to receive petitions of citizens who desire to lodge grievances officially with the Congress.

Mr. Speaker, this bill is long overdue, and I urge the adoption of this rule.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. Two rules in 2 days, open rules without any waivers of points of order or any other restrictions upon the consideration of legislation, is almost more than the gentleman from Iowa can bear. I want to thank the Rules Committee for these two rules in 2 days to consider legislation on a wide-open basis, but with the warning against three of them in 3 days. That would be too much to bear, I fear.

Mr. QUILLEN. I thank the gentleman. I should like to say it is my hope we will have more open rules without any limitations.

Mr. COLMER. Mr. Speaker, does the gentleman from Tennessee have any further requests for time?

Mr. QUILLEN. Mr. Speaker, I have no further requests for time.

Mr. COLMER. Mr. Speaker, I yield myself a couple of minutes.

I do this, Mr. Speaker, in order to quarrel with my good friend from Iowa, a man with whom I seldom find myself in disagreement, one of the greatest legislators and one of the men who contribute as much if not more than anyone else in this body for the welfare of this country and the perpetuation of its ideals and its philosophy as conceived by the Founding Fathers and written into that immortal charter, the Constitution of the United States.

Now, I am not yielding to my friend yet, because I am satisfied he would be perfectly happy to just let me leave the record there in full praise of him without quarreling with him, as I said I was going to do when I started out.

Mr. Speaker, I did not hear my friend the other day—and I know he will correct me if I misstate the hearsay evidence that I received—state that he was complaining about the number of closed rules that came out of the little, unimportant committee up here, the Committee on Rules. I do not know just how far he went with that, but again my attention was diverted today when he said something in a colloquy with my friend from Tennessee (Mr. QUILLEN). I just want to say to my friend from Iowa first that in my more than a quarter of a century of service on that committee I have never supported a closed rule. Now, that in itself, of course, does not answer the gentleman, but I would ask the gentleman to enumerate, if he so desires, the number of closed rules that have been reported out in this session, and I will give him a moment to consider that while I further chastise him.

Now, Mr. Speaker, we do not grant many closed rules up there, and when we do, as I said a moment ago, it is over the objection of this humble member of that committee. The only rules that have been granted, that I can recall just offhand in a closed fashion—a gag rule, as my friend calls them, and with which definition I agree—have been revenue bills. Everybody in the leadership around here seems to be in concurrence on the bringing out of closed rules on revenue matters. I have always taken the position—and I take this opportunity to restate it—that this body of elected officials of the people has as much right to consider a bill and are just as capable of considering a bill here on the floor of the House as are the Members of the other body on the other side of the Capitol.

I know, Mr. Speaker, my friend does not want to state something that is not correct, but if he will use his influence with his leadership over there and with the minority representatives on the Committee on Ways and Means, I will promise him I will continue to use mine over here, although I have never been very successful in that. I just wanted to get the record straight here that we do not as a rule grant closed rules. I know my friend does not want to leave the record in such confusion.

I now yield to my friend from Iowa.

Mr. GROSS. I hope my good friend from Mississippi understood when I spoke to the gentleman from Tennessee (Mr. QUILLEN) a few moments ago on the subject of this being an open rule that I did not use the word "closed" or the phrase "closed rule." I was complimenting him, and I now compliment the distinguished chairman of the committee, for having brought out two rules in 2 days without any restrictions in them.

Now, it is a question of what is considered to be a closed rule. As far as I am concerned the waiver of points of order on a bill, or any important part of a bill, is in the nature of a closed rule; that is, up to a point. I say again that it is a question of what we mean by "closed rules." And, I would have to say to my friend, the gentleman from Mississippi (Mr. COLMER), that about every other rule that has come out of the Committee on Rules so far this year has had some kind of restriction in it, if my memory serves me correctly. I would be glad to go back and look at the rules that have been issued, but in my opinion altogether too many of them have carried some restriction upon the full consideration of bills that the rules of the House would otherwise provide. Insofar as the personal reference by the gentleman from Mississippi is concerned, I am overwhelmed by his graciousness. And, if I have ever said anything in an unkind manner in the few years that I have been around here of the Committee on Rules or its chairman, I hereby retract it.

Mr. COLMER. I thank the gentleman, Mr. Speaker, for his retraction. I do not yield to him to correct me on that either.

Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GRAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1035) limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1035, with Mr. FLYNT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. GRAY) will be recognized for 1 hour, and the gentleman from Florida (Mr. CRAMER) will be recognized for 1 hour.

The Chair recognizes the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I yield such time as he may consume to the very distinguished chairman of the House Committee on Public Works, the gentleman from Maryland (Mr. FALLON).

Mr. FALLON. Mr. Chairman, H.R. 1035, reported by the Committee on Public Works, is almost identical to similar legislation reported by this committee last year on which a rule was granted but which was not considered for floor action by this body.

The legislation before us today is simple legislation. It would prohibit the use of any real property within the District of Columbia either Federal, federally controlled, or controlled by the District of Columbia to be used for camping, sleeping, sitting in, or overnight occupancy or for constructing or erecting any temporary building or structure on such property. It would also require in cases where the issuing agency deemed it necessary that for all other uses of real property owned or controlled by the Federal or District government within the District that where a permit was to be issued for any other use of the real property that the permitting officer would have the power if he deemed damage of some type would occur as a result of the issuance of such a permit to require the posting of a bond to indemnify the Government before such permit would be issued.

This, in essence, is what the bill does. It is a simple bill. It does not infringe on the right of any American to petition his Government, to demonstrate in the District of Columbia or to peacefully protest as he sees fit. It is a bill that is based on the premise that the national shrines and treasures in the District of Columbia belong to all Americans and should be preserved for the use of all Americans.

It was needed last year. It is needed this year. I recommend its passage.

Mr. GRAY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the House Committee on Public Works takes no great pride in bringing forth this proposed legislation today, primarily because we are distressed that it has become necessary because of certain events to make it necessary that legislation be reported to this body for action. But unfortunately we believe as a committee it is necessary that Congress take some action to prohibit camp-ins and sleep-ins, erection of temporary facilities and so forth on Government property in the District of Columbia. That is why we present for your consideration today the bill, H.R. 1035. This bill is not aimed at any particular group.

Mr. Chairman, the public buildings and grounds of the United States are the property of all the people of this great country. Washington, D.C., epitomizes what this Nation stands for. It is here that the people have placed the monuments, the statues, and other important works that points to our purpose as a Nation. We must guard all of these great assets. It is the personal responsibility and the personal duty of we, the elected Representatives, to see that this Nation's Capital is preserved for generations yet unborn.

Mr. Chairman, last year the House Committee on Public Works held extensive hearings on similar legislation, H.R. 16981, and reported it out of the subcommittee and full committee and obtained a rule thereon.

But because of certain temperaments in the House, the bill was not acted upon.

We come today with the valuable information of hindsight. You have heard the old saying that hindsight is better than foresight. If we had passed that legislation last year while it was pending we could have saved the American taxpayers more than $1 million. More importantly, we could have alleviated human suffering in the mud and in the squalor down in what has now become known as Resurrection City.

But more than what we saw as an ill-fated camp-in on the Mall, more than that, my friends, is the fact that other Americans were denied the same opportunity to camp. We have received by the administration and in the Congress more than 3,000 letters from your constituents and my constituents asking for permission to camp on Government property in the District of Columbia. The answer has been an unequivocal "No, No, No, you are not permitted to camp."

So I say to the Members today that we have been operating on a double standard of morality. We have said to one group it is perfectly all right to desecrate our monuments, it is perfectly all right to pollute the pools, it is perfectly all right to tear up the sod down on the beautiful green between all of the concrete and our fine statues and our fine buildings, but to the Boy Scouts or American Legion or any other group or individual that wants to camp we have said "No." This bill would correct that injustice. This bill would treat everyone in America alike, regardless of race, creed, or color.

Mr. Chairman, this is a very simple bill. It has one section with three subsections, (a), (b), and (c). I shall explain what the bill does.

Subsection (a) precludes and prohibits any agent of the Federal Government or the District of Columbia government from issuing a permit to camp, sleep in, or construct temporary shelters or facilities anywhere on Government property in the District of Columbia.

Subsection (b) would very simply say that if you are going to peacefully demonstrate, if you are going to march, if you are going to petition your Government, we say you certainly have a right to do so, and if there is any doubt in the issuing agent's mind, he must require the posting of a bond for any damage that might occur to such property during such activities.

Third, subsection (c) says that if a permit has already been issued before this legislation becomes law, and that permit is not consistent with this law, it is automatically revoked. It is just that simple.

Mr. Chairman, I want to say to those who will speak in opposition to this bill, and to those of you who are here on the floor, that this bill allows—and I repeat—it allows official Government functions. You say what would these be? During an inauguration we might see the need for the erection of a tent or something in connection with the inauguration, or in the Cherry Blossom Festival, which is an official celebration put on by the government of the District of Columbia, might see the need to erect something such as a tent or in case of National Guard troops being stationed here, this would permit the Federal Government to construct any type of tent or other facility to house official Government functions.

So, Mr. Chairman, we believe we have been liberal in that regard. We believe if it is an official Government function, either by the District of Columbia government, or the Federal Government, that they should have that right. The President would have that right as the Commander in Chief if he felt we needed such facilities constructed.

Mr. Chairman, I understand an amendment will be offered to give the President that authority. It is already contained in the bill.

My friends, I want to give you the official costs given to us by the National Park Service for the Resurrection City camp: $220,119 were direct costs by the National Park Service before restoring the site on the Mall to its original condition. This does not include the cost of resodding.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I would be delighted to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I would ask the gentleman if he would give us that figure again?

Mr. GRAY. I would be delighted to do so.

The official figure presented to our committee by the Director of the National Park Service was $220,119 just for restoring the site.

This did not include, I would say to my friend, the cost of resodding the entire area which I understand was in excess of $100,000. To show you why we must legislate on this, instead of allowing the administration to handle this administratively, the National Park Service has charged off the cost of resodding to normal—and I repeat—normal wear and tear.

When you consider other costs for police and other services it will cost the taxpayers in excess of a million dollars plus, we estimate, an additional million dollars or more from the private sector and the national chain stores providing such things as food and other goods and services.

That is just a ball park figure, I would say to my friend, the gentleman from Iowa, but it is far in excess of $2 million not including the human suffering endured by the people who camped there.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. GRAY. I am delighted to yield further to my friend.

Mr. GROSS. I thank the gentleman for yielding.

I assume that in the course of the hearings it was established who gave permission to set up this camp on Government grounds?

Mr. GRAY. It was. This permit was issued by the regional director of the National Park Service with the concurrence of the Solicitor and the Secretary of the Interior. Also the Department of Justice, the District of Columbia Government, and a representative of the General Services Administration who were

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all in conference. But the actual permit was issued by the National Park Service.

Mr. GROSS. And what was the—if the gentleman will yield further——

Mr. GRAY. I am delighted to yield to the gentleman.

Mr. GROSS. What was the bond that was set for any damage that might occur?

Mr. GRAY. I am sorry to report to my friend, that the bond was a pittance of $5,000. That bond has been forfeited, in addition to other costs billed to the permittee, the Southern Christian Leadership Conference, has been billed for $71,000. The $5,000 bond has been withdrawn and it will be subtracted. They have been asked to make up the balance of the $71,000. It was turned over to the Department of Justice as early as last October and nothing has been paid on it.

In direct answer to the gentleman's question, it was a $5,000 bond.

Mr. GROSS. What about the $71,000 for the damage?

Mr. GRAY. These figures have been given to us by the Park Service and were not broken down but they merely stated in the testimony that $71,000 was the part attributed to cover the destruction caused by the permittee.

They did not break that down. I do not know how you can reconcile the figures any way you look at it because these direct costs of $220,119 are attributed to the damage at Resurrection City. If we want to be fair about it, we would have to say that the permittee should be required to bear all the damage costs.

Mr. GROSS. Is the gentleman saying that there has been no restitution whatsoever?

Mr. GRAY. Nothing other than the $5,000 bond, plus some $15,000 to $20,000 by the sale of the used lumber in the camp.

Mr. GROSS. I understand that the Park Service——

The CHAIRMAN. The time of the gentleman from Illinois (Mr. GRAY) has expired.

Mr. GRAY. Mr. Chairman, I yield myself 5 additional minutes.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. GRAY. I yield to the gentleman.

Mr. GROSS. I thank the gentleman for yielding.

I understand that the Park Service resodded the very substantial area with Windsor grass, which I understand is, if there is such a thing left as gold, pure gold in the family of grasses.

Mr. GRAY. The gentleman is absolutely correct. My understanding is that it cost far in excess of $100,000.

I think the Congress has a responsibility as to these public buildings and grounds and we should treat everyone alike and not have a situation like this destructive use of the Mall which caused so much damage and so many dollars of cost here. I think the best thing to do is to prohibit it. Then we will not have any more problems.

Mr. GROSS. Did the committee in its hearings consider the disposition of the Mississippi mules that were corralled there?

Mr. GRAY. No; we do not deal with horses and buggies. We only look that way.

Mr. GROSS. If the gentleman will yield further——

Mr. GRAY. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. I wish to commend the gentleman from Illinois, and the committee for this bill. It is long overdue. It is too bad we did not have it a year ago.

Mr. GRAY. I agree implicitly with the gentleman. In closing, I would say, without question, that this bill needs to become law. It is very difficult to go back to your congressional district and explain to people who want to come here as to why they cannot camp, when they saw what took place here last year. The only way to do it is to pass legislation prohibiting the use of this property for any camp-ins, sleep-ins, or the erection of temporary facilities. We bring this bill for your consideration today with the recommendation that it pass and become law as soon as possible. Thank you.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I am delighted to yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I would like to commend the gentleman for what is obviously an articulate statement on the bill. Since the RECORD is blind as to vision, I should simply like the RECORD to show that the gentleman's articulate demonstration is equaled only by his sartorial splendor. I congratulate the gentleman. He has gladdened the hearts of Good Humor men everywhere in the country.

Mr. GRAY. I would say in response that I was supposed to wear my camping regalia. I did not have any, so I brought my sailing suit.

Mr. MARSH. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the distinguished gentleman from Virginia (Mr. MARSH).

Mr. MARSH. Mr. Chairman, I rise in support of H.R. 1035, and I wish to commend the gentleman in the well and members of his committee for reporting this legislation to the floor of the House.

Some weeks ago, it was my privilege to offer a statement at the hearing on this legislation. At that time, I appeared in behalf of House Joint Resolution 157, which I had offered to accomplish the purpose of the legislation now before us.

In the 90th Congress, I joined in sponsorship of House Joint Resolution 1256, which had similar objectives, and I should like to repeat, at this time, a portion of the comment I made to the committee in the 90th Congress: As a Virginian, under the surveillance of the shades of Jefferson, Madison, and Mason, I want to make plain that my sponsorship of this resolution is not to be construed as favoring an abridgement of the rights guaranteed by the first amendment to the Constitution which include "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

What is sought by this resolution, rather, is that these rights be exercised in a manner which does not contravene other rights assured by the Constitution or statute, and, most importantly, that there not be inhibition of the orderly conduct of the public business at the seat of government.

As I said in this Congress, in my statement to the committee on behalf of House Joint Resolution 157, I believe H.R. 1035 is an appropriate remedy.

While I have offered House Joint Resolution 157, which is among the proposals under consideration, I have no pride of authorship in its language. It is my conviction, however, that some of the occurrences of recent years, creating problems of public safety, sanitation, and unanticipated costs to the taxpayers, indicate the need for clarification of the permitted uses of public land at the seat of government for public assembly.

As a matter of fact, I am given to understand that some of the officials of agencies charged with responsibility for the administration of such lands would welcome congressional guidance.

The Congress would not want to circumscribe unduly, I am sure, the basic rights of citizens to assemble, or to petition their Government, but indiscriminate group camping, or the establishment by private groups of their own gathering places for organized demonstrations on a continuing basis on public ground obviously cannot be permitted. Such license impinges unduly on the orderly operations of the National Government and, indeed, on the individual freedom of movement of citizens of the District of Columbia not involved in such campouts or similar demonstrations.

Mr. GRAY. The gentleman from Virginia always makes a valuable contribution. I am glad to yield to him.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this legislation; obviously, since I am the author of it. I am sorry this bill was not before the House last year in early May. If it were passed at that time, it would have had the effect of preventing the public officials concerned from issuing the permit for Resurrection City which resulted in the loss, as our distinguished chairman has said, of in excess of $1 million of Government money—and that is substantiated in the RECORD. I asked Mr. Castro, of the Park Service, whether the figure quoted in the newspapers of over $1 million of Government costs was correct, and Mr. Castro said, "It was over that figure."

But in addition, as the distinguished gentleman has indicated, over $1 million was contributed by different businesses and charitable institutions. I do not know how many millions of dollars—it would be difficult to estimate—was lost to the business people of this community. Hotel and motel occupancy was down 30 percent. Restaurant and other business receipts were down as much as 40 percent. So how many tens of millions of dollars during that period of time, both before and during the 6 weeks, and the few months thereafter, was lost is difficult to estimate. But certainly it was in the tens of millions of dollars.

So I believe the history of this legislation and what happened after the legislation was not considered at the last

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session, fully justified introduction of the bill in the first instance, its report out of the committee, its report through the Rules Committee last year before Resurrection City was actually established and the permit granted. The judgment of our committee was correct then, and it is eminently and even more correct now. I include the action of the Rules Committee. We saw what happened then. We know the risk that was taken.

So we have a bill before us today that does what? I do not think there is any question about its constitutionality, although some have raised that question, because we can continue to have whatever petitions of the Government, through marchers or whatever, as the Government here wishes to give a permit for, so long as the marchers or petitioners put up a bond in the case there is an imminent danger of destruction of property. But we cannot have overnight camping, we cannot have a separate city set up for 6 weeks inside the District of Columbia, into which the local law-enforcement officers are not permitted to enter except when the residents there want to let them in.

This bill will also outlaw future campins or overnight camping, but it will permit the orderly petitioning of the Government by legitimate organizations.

As I have just evidenced, it will save substantial amounts of money. It will always be the policy of the District of Columbia, as it was up until Resurrection City in 1968 and as it was understood up until that time, that there will be no permit granted for overnight occupancy—and there never was. The only exception to that was a specific Boy Scout jamboree in 1937, which was permitted by congressional action. Subsequent to that, there never was a camp-in permitted until Resurrection City came along.

So we are reinstating, in effect, the previous proper judicious policy that should have been followed with respect to Resurrection City—but which was not followed.

We permit proper Government activity specifically in the legislation and specifically provide for that.

The public interest in this legislation is obvious. All publicly owned land should be made available to all people and should not be occupied by any specific exclusive group.

We should also avoid the risk, such as we had in Resurrection City, of health hazards. We cannot afford to have again in the District of Columbia, we cannot afford to run the risk again of a camp-in that is potentially explosive within the city, the Nation's Capital, wherein a potentially explosive group or any militant revolutionary, could light the flame or light the fuse and potentially disrupt the Government of the United States that belongs not only to all the people but which also has the duty of governing all the people in this country of ours.

We have the duty as the congressional body, the legislative body in America, to preserve law and order. This is an essential element in that respect.

What were some of the experiences in Resurrection City which indicated the necessity for this legislation, the necessity to prevent such an occurrence in the future?

A permit was granted over the protest of many of us. The participants agreed in that permit to certain terms. They agreed to certain things that were deemed to be absolutely essential for the health and safety of all the community, of all the District of Columbia, of all the people whom we have a duty to protect. That agreement was violated in many major instances, but particularly in the instances which I will indicate.

Here is the agreement that was entered into and here is the agreement that was violated with impunity. The reason I cite it is that it shows the impossibility of having such a large group of people come in with the announced intention of disrupting the Government, having them located at a place which is the solar plexis of the Capital of the United States, located on the Mall itself, and subject to disruption at any time.

It shows this cannot be done without disruption and violation of any agreement they might enter into.

The only conclusion we can come to is that we should not give such a permit in the future.

Here are instances of violations. They agreed not to burn trash. Yet big barrels of trash were burned constantly. They were warned constantly but burned constantly anyway in Resurrection City, to the detriment of all the people of the area.

They were told not to swim in the Reflecting Pool, because it was contaminated. What could we expect, when the Government located the camp right on the border of the Reflecting Pool? The children and others were swimming constantly. The pool was contaminated. What in the world would have happened had there been sickness, had there been an epidemic started? The risk was there. The Government permitted the risk to be located there.

They did not hook up with the sewers, as they agreed to.

They would not let the police in to police the place, as they agreed to.

They did not maintain order, as they agreed to.

These are just some examples as to why this cannot be permitted to happen again.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from North Carolina.

Mr. MIZELL. I should like to relate to this body an experience I had as an individual, being in the Washington area at the time of Resurrection City, with my wife and a friend of my wife and her daughter, a 12-year-old young lady who was interested in getting some pictures of some of the historical monuments in our Nation's Capital. Being caught in the flow of traffic, we were forced by Resurrection City. Without any provocation whatsoever a man inside of the enclosure—about my size, I would say—picked up a bottle and threw it through the window of the car immediately behind ours, and hit a lady in the face. The lady's face was cut and there was a lot of blood, and we followed the car into the police station, the checkpoint they had, and offered to go back and identify the man who threw the bottle. The police let us know that they were not permitted to go inside the enclosure.

I do not believe that the citizens of this country should have to tolerate this type of thing within the Capital of our great Nation. So I urge the passage of this bill simply for the protection of our people who want to visit their Nation's Capital.

I thank the gentleman for yielding.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Iowa.

Mr. SCHERLE. I thank the gentleman for yielding. As a cosponsor of similar legislation last year, I compliment the authors of this bill and the committee for doing a very splendid job, which is very timely and very needed.

I insert the following remarks at this point in the RECORD:

The "Resurrection City" of A-frame plywood and plastic huts built by the so-called Poor Peoples Campaign has taken shape near the Capitol between the Washington Monument and the Lincoln Memorial.

In order to see what was happening there for myself, I went to the "city"—which I prefer to call "Insurrection City"—and talked with some of its residents.

The once-grassy site had long since been beaten into hard-packed earth by the comings and goings of many people. The huts were painted with slogans such as "Sleep By Day, Creep By Night," "Stray Vietcong Cobras Committee," "The Great Society" and "Black Power—We are Death To Whitey."

The camp appeared deserted during the day as its residents explored Washington, attended Congressional committee hearings, planned or took part in demonstrations, slept or talked with friends. On a warm day, three teen-age boys were seen floating in the Reflecting Pool on air mattresses.

Both at the camp and in downtown Washington, opportunistic young hustlers begged for "contributions," which they promptly pocketed.

Two reporters said they were surrounded by eight to 10 campaigners who waved sticks and demanded "donations." The reporters paid.

Angered by reports that the "city" was littered with beer cans and that there were frequent fights, Rev. Jesse Jackson, the city manager of "Insurrection City," declared that anyone possessing alcoholic beverages would be sent home. This did not stop drinking outside the camp, however.

Small groups of the "squatters" invaded District of Columbia public schools to demand that principals dismiss classes and call the students to special assemblies on the campaign. The principals refused.

Washington ruled that the campers were not eligible for D.C. welfare payments. Arrangements had been made by the State of Delaware, however, to deliver payments to its residents living in the camp.

Persons entering the camp are carefully screened apparently because the leaders feel they do not have full control of all within the city. The mood among the campers frequently has been rebellious with young participants arguing with one another, campaign officials and reporters.

Residents of the camp represent many philosophies from nonviolence to militant lawlessness. All do not belong to the Southern Christian Leadership Conference or pledge loyalty to it or its goals.

Many members of Congress are concerned that the loose control by the SCLC will be

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broken by the militants and that the campaign will degenerate into violence, destruction and bloodshed.

The words of one camper to a member of my staff typifies the attitude of many: "We shall overcome, and we will do it with violence!"

INSURRECTION CITY

The Southern Christian Leadership Conference's plywood and plastic "squatter's" city near the Capitol and the people who are its occupants have become Washington's number one tourist attraction.

A second visit to the camp last week revealed that torrential rains had turned the once-grassy park into a quagmire of ankle-deep—and in some places, knee-deep—mud. A few wooden walkways had been built to help the residents move about.

A visitor to the camp first sees a pile of donated used clothing left unprotected during the days of rain. The aroma of worn, wet clothing pervades almost the entire camp.

Despite SCLC Chairman Rev. Ralph Abernathy's decree that alcoholic beverages were not to be brought into the camp, empty beer cans and wine bottles were clearly visible.

On a sunny day residents of the "city" picnicked, played baseball or football or just relaxed. Trumpet lessons were given in the tent "cultural center" and a puppet show for the children was staged under the trees.

When the rains returned, one resident, long since soaked through declared that he would stay in his shanty until it floated and then he would "row up to the White House."

A large delegation of campers took time out from demonstrating at the Agriculture Department to have lunch in the building's cafeteria. There they ran up a $292.66 bill and walked out without paying.

Another contingent, meanwhile, marched to Capitol Hill to demand that Congressmen do something about the jet airplane noise over their camp. Insurrection City is in the flight path of airplanes going to and from Washington National Airport.

The first mass arrests of the campaign were made outside the Longworth House Office Building, in which my office is, after marchers refused to leave the office of Rep. Wilbur Mills, chairman of the House Ways and Means Committee. When Rev. Abernathy apologized to "his people" for not being on the scene, a young camper retorted, "We just ain't got no leadership in this camp. If they're going to lead, then they need to come out of that comfortable motel and live down here with us." Rev. Abernathy since has moved into the muddy city.

The non-Negroes participating in the campaign—about 100 of them—have been segregated from the others and harassed by them. Some have become thoroughly disenchanted and left the camp.

Some others in the camp have become disillusioned too. They are those who were swept up by the movement and now wake up to find that they are in a strange city with no money and are entirely dependent on the SCLC for food, shelter and transportation.

People within the camp generally do not answer questions freely. They usually refer the questioner to their leaders.

The leaders frankly admit they do not run the campaign democratically. "Nobody's had an equal voice here yet because we haven't had a chance to set up a democratic process," declared Rev. Andrew Young, a campaign official.

The camp is a dictatorship and the people inside are political pawns. Most do not know why they are in Washington other than that they are demanding a "better life."

Many specific demands have been made, among them a proposal that the Government create three million jobs. The most outrageous of all, though, is a demand for a guaranteed annual income of $4,000 for each family regardless of whether members work.

Rev. Abernathy's strength as leader of the SCLC depends upon the success of the campaign. His image and stature are on the line—he must produce or lose control.

With more and more groups within the camp becoming discontented and with the dissidents clamoring for a voice, it now appears that Abernathy will fail.

THE "POOR" PEOPLE

Overheard on the Resurrection City loudspeaker: "Would Rev. James Bevel (Southern Christian Leadership Conference director of nonviolence) please move his Jaguar. It is blocking the gate."

WASHINGTON SHANTY TOWN

The fifth week of the "Poor Peoples Campaign" finds the shanty town along the Reflecting Pool in a state of decay. Its effort is fractured. The many differences among the leaders eliminate all possibility of discipline or focus for the campaign.

Population of the city has dwindled to approximately 500. Almost daily, a chartered bus leaves the campground carrying campaigners who have become disillusioned or who are needed at home.

A strong and unpleasant odor pervades the entire camp.

The chaos in body and spirit—hooliganism, bickering, squalor becoming unsanitary, dispiriting boredom, aimless demonstrations—reflects the confusion at the top.

Campaigners demonstrating at one Government department or another frequently do not know what they are protesting or what corrective action they want.

When asked specifically what they want, the marchers say "down with the system, down with injustice." Few of those who remain are real poor people. Instead there are the chronic welfare types, tough, insolent, sullen and uncommunicative. They are warm bodies with a sense of resentment toward America.

Rev. Ralph Abernathy, Southern Christian Leadership Conference chairman, occasionally wanders through the camp insulated from its residents and reporters by the marshals surrounding him. He spends most of his time, however, in a comfortable Washington motel.

Both marshals and residents curse, threaten and strike visitors.

Two reporters known personally, one from the Washington Post and the other from the Washington Star, were beaten up by the "poor people." A $750 walkie-talkie was stolen from the Post reporter.

Sen. Edward S. Muskie of Maine while visiting the camp was lunged at by a man who was drunk. The man was subdued by marshals. Alcoholic beverages in the camp supposedly were banned several weeks ago.

When a Washington plumber gave his time free to lay sewer pipe and asked for volunteer help, he was told by one man, "Brother, I came down here to get away from shovels."

Three youths were arrested in the Smithsonian Institution for jostling and annoying tourists. One, who was carrying a knife, was sentenced to 360 days in jail. Another youth from the shanty city was charged with a knife-point hold-up near the White House.

The feeling grows in Washington as the expiration date of the SCLC's camping permit approaches and the planned mass march on the Nation's Capital nears, that the campaign may waste away in empty rhetoric. Others fear that Dr. Martin Luther King's "dream" may now degenerate into a tragic nightmare for the Capital and the Nation.

In any case, the taxpayer will pick up the clean-up tab.

SOLIDARITY DAY

To cries of "Soul Power" some 50,000 demonstrators marched last week in support of the so-called "Poor Peoples Campaign."

In numerous speeches, leaders of the campaign warned that Resurrection City would not be abandoned until demands for guaranteed employment and income had been met. Also included in the speeches were numerous references to the "cruel and evil" war in Vietnam.

Hundreds of demonstrators dangled their feet in the Reflecting Pool between the Washington Monument and the Lincoln Memorial as they listened to speeches. Others waded in the pool and children swam.

The mood was much as march organizer Sterling Tucker had predicted. "This is a last call to save America . . . I must caution America and especially the Congress, once more that this time we must listen to the voices of Solidarity Day . . . They are nonviolent voices. But there is anger in the voices of the people," he had warned.

The anger flared into a heated confrontation with police only hours after the peaceful, orderly Solidarity Day demonstration. Police reported 17 assaults during the night in Resurrection City. One man was hospitalized after his throat was slit. A campaign marshal also was hospitalized after a board-wielding battle with another marshal.

Tourists frequently have been assaulted within the past week and robberies in the area around the shanty town have increased.

A member of my staff was warned by police that he would not be protected as he walked around the perimeter of Resurrection City. The same evening, two ministers and two New York City policemen doing volunteer work were beaten among the huts.

District residents and tourists now have become afraid to go near the shanty town. It has become a festering sore in Washington that threatens to spread to other major tourists areas in the Nation's Capital.

Even many who originally had supported the encampment are calling for its end.

SQUATTER'S CAMP

As the mud slowly began to dry in the Southern Christian Leadership Conference's squatter's camp here, a new leader took over warning that "the picnic is over" and promising a step-up in militancy.

"If the police want to use those clubs, we're going to give them a chance to use them," said Hosea Williams, newly appointed "Leader of Direct Action."

Announcing that "the time has come for us to get the hell out of this mud and get on Capitol Hill and disturb some things," Williams ordered a poll of the campaigners to determine how many were willing to be arrested and jailed.

Williams backed up his threats of mass civil disobedience with a promise to bring 30,000 additional demonstrators to Washington if those now here are arrested or if the Government tries to evict them from Resurrection City when their camping permit expires June 16.

Since the step-up in activity, it seems that never, day or night, is there a time when sirens cannot be heard.

Soon after the change in policy, a man from California identified with the Poor Peoples March was arrested and charged with the shooting murder of three Marine lieutenants in a Washington hamburger shop following a minor argument.

A second member of the campaign was charged with burglary after police said he and another man broke into a Washington store and carried out a stereo set.

Most important though, is the fact that leaders cannot agree on specific goals for the campaign. One set was issued by Bayard Rustin, who is organizing the mass demonstration planned for June 19. These promptly were denounced by Williams.

Meanwhile, the House Public Works Committee sent to the floor of the House a bill, of which I am sponsor, that prohibits camping on public property in Washington after June 16, when the campaign's permit expires. This measure, if enacted, would require that the SCLC clear the Resurrection City site. It remains to be seen if the Park Police have the guts to enforce this law.

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A "town meeting" was held in the shanty town last week after residents complained that they had no voice in the campaign. One disgruntled man was overheard saying bitterly: "If this city hall is going to be like the other city halls, we might as well burn it down now."

While all this goes on, a baby grand piano sits on a stage constructed next to the Reflecting Pool—which now is a wading pool—taking whatever weather comes.

NO CAMPING HERE

An Indiana family planning a trip to Washington, D.C., wrote to their congressman, Rep. Richard L. Roudebush, and told him that since they could not afford to pay for a hotel they would like to camp on or near the Mall.

Rep. Roudebush's office sought a camping permit for the family from the Interior Department. He received this terse reply: "The National Park Service does not have a camping area within the city of Washington."

Meanwhile, the Southern Christian Leadership Conference continues to camp on Federal park land. Why should a Government agency give preferential treatment to certain Americans? The Park Service should practice what it preaches.

THE CLEAN-UP

The District of Columbia and the Interior Department have estimated the cost to the taxpayer of the so-called Poor Peoples Campaign here will be about $1 million.

Most of this was spent to pay police overtime for patrolling near the shanty town. Other expenditures included the cost of dismantling the huts, repairing and replacing shrubs and trees, sodding the site and removing defacement from the D.C. War Memorial, which was within camp borders.

Meanwhile, the District Government has promised to reimburse the Travelers' Aid Society the more than $11,000 it spent last week giving campaign participants a free bus ride home. This action was taken despite the fact that many "poor people" were known to have accepted tickets from Travelers' Aid, cashed them and stayed in Washington.

The District has shown further bad judgment by permitting Southern Christian Leadership Conference Chairman Rev. Ralph Abernathy to hold an extravagant press conference in the D.C. jail following his arrest at the U.S. Capitol.

To allow reporters, photographers and radio and television crews into the jail only makes a mockery of Abernathy's being imprisoned.

Mr. CRAMER. I thank the gentleman.

In further amplification of what was said by the gentleman from North Carolina, one could cite example after example, though I do not believe it is necessary to do so. Even the cameramen and news reporters who covered the situation were permitted to go in by the leaders at a certain hour and only at a certain hour, and they had some horrendous experiences. As one example, one person had his camera equipment stolen from him. There was an effort to recover it, but it never succeeded. There were all sorts of incidents of this nature going on inside the encampment.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding.

I should like to congratulate the gentleman on the excellent statement he is making and upon the leadership he and our subcommittee chairman, the gentleman from Illinois (Mr. Gray) have given in perfecting this legislation.

Does not the gentleman agree that it would be a mistake to regard this bill as aimed at any particular group, since it is the establishment instead of a uniform policy which will actually treat all groups exactly alike? Is it not clearly our purpose to relieve and prevent the Secretary of the Interior, or any other responsible official having jurisdiction over Federal property, from having to make a separate determination in each case as to what group should or should not be permitted to use this public property?

I believe the gentleman probably agrees with me that a very dangerous and potentially explosive precedent has occurred in the permitting of one group to do this. I believe he agrees that our purpose is to prevent favoritism and to shield all groups from charges of favoritism. What now could the Secretary of the Interior say, for example, to use simply an illustration, if the Ku Klux Klan were to come and ask for the same identical rights?

What would be his response if, for example, the John Birch Society or the Young Democrats or the Young Republicans or the American Legion or any other political or religious or fraternal group were to ask the same privilege? How would he deny it to one and give it to another?

To saddle upon the shoulders of a Federal official the responsibility for making a judgment in each case as to which group was sufficiently important to warrant such a privilege and which was not would seem to me to be directly contrary to the basic principle of equal justice under the law. So I think the gentleman from Florida will probably agree with me that this is not a bill aimed at any particular organization but, rather, one aimed at determining a clear and uniform policy which will avoid a multitude of problems that can be foreseen in the future.

Mr. CRAMER. I think the gentleman has made a very valid and vital point. I wish he would add the SDS to that list he indicated of those to be excluded.

Mr. WRIGHT. If the gentleman will yield, I would be willing to have that list revised and extended ad infinitum.

Mr. CRAMER. On the other point that the gentleman raised, I would like to read from the record the comment made in answer to a question I asked of Mr. Herzog who is in charge of the Park Service. He said:

> I want you to know, Mr. Cramer, that I would be quite pleased for the Congress to consider this legislation, because we very deeply think that the Congress has the responsibility of setting the policy for public lands.

That I hope will answer the questions that anyone asks as to whether or not the setting of this policy by the Congress is opposed, for instance, by those who presently set the policy, at least in the first instance. Mr. Herzog is the gentleman who does that in this case. I think that the gentleman from Texas has made a very valuable contribution.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from California.

Mr. WALDIE. I thank the gentleman for yielding.

I support the objective of the bill, but I do have some questions about the language which I find on page 2, lines 5 and 6, which says:

> Nothing in this Act shall be construed to prohibit any governmental activity.

Can you tell me, first, what governments are referred to in the words "governmental activity?" Second, I would like to know if the Cherry Blossom Festival is a governmental activity of the type that would be permitted under the language of this bill.

Mr. CRAMER. The language relating to governmental activity refers back to the description of governments involved in this legislation, which appears on page 1—the District of Columbia, the U.S. Government, the government of the District of Columbia. These are the governments it refers to, and it is contained in exactly the same section. It could not be construed otherwise in my opinion.

Now, with relation to the second question that the gentleman asked, with regard to the Cherry Blossom Festival, it is my opinion that the Cherry Blossom Festival is, under the language of this legislation, with the government agency that presently approves such a festival from a permit standpoint, not relating to the construction of facilities. When such a permit is granted, that agency could itself construct the necessary facilities which are needed and control them in order to accomplish the objectives of the Cherry Blossom Festival, which is, after all, the aim of this legislation.

Mr. WALDIE. May I go two questions further? Is the granting of the permit the action that vests the activity with the sanction of governmental activity under the terms of the bill?

Mr. CRAMER. The legislation prohibits only camping in and destruction of facilities. The granting of permits is given to the same authorities who presently have that right.

Mr. WALDIE. Is camping in or constructing facilities prohibited if it is a governmental activity?

Mr. CRAMER. No, it is not. It is not prohibited by the exclusion that the gentleman from California just read on page 2, lines 5 and 6, which reads:

> Nothing in this Act shall be construed to prohibit any governmental activity.

This is further spelled out in the report itself which relates to specific governmental activities where they are necessary. For instance, emergency care can be authorized. They may have to set up emergency tent services. The military may occupy publicly owned property. Governmental activities are specifically excluded.

Mr. WALDIE. If the District of Columbia granted a permit to the Southern Christian Leadership Conference for an activity similar to Resurrection City, would that, under the terms of this bill, thereby become a governmental activity?

Mr. CRAMER. They would be violating

the law in doing so. The record is replete. The record of the committee report and the bill itself is replete with evidence that that is the intention of the Congress in this legislation.

Mr. WALDIE. Mr. Chairman, if the gentleman will yield further, perhaps I am satisfied to have the gentleman from Florida say that that is the intent of the will of Congress. However, I do not see in the bill the activities it would cover. It would appear to me based upon the language of the bill that the activity would become a governmental activity. Perhaps I misread the bill. I appreciate the gentleman's explanation of the bill.

Mr. CRAMER. It is very clear as to the intent on the part of the author of the bill, and I am sure the committee, and it is so stated in the committee report.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. Yes, I yield to the gentleman from Illinois.

Mr. MIKVA. If that is so, then I assume, for example, the National Park Service could not grant a permit to the Cherry Blossom Festival to sleep overnight or to do any of the other activities that are proscribed at the top of page 2 of the bill; is that a correct statement and interpretation?

Mr. CRAMER. The District of Columbia or any other agency could permit the erection of certain facilities such as a platform, but no overnight camping facilities, in my opinion.

Mr. MIKVA. If the gentleman will yield further, in other words, it is the frank intention and frank language more than the intent that no authorization, permit or otherwise, will permit anyone to sleep overnight?

Mr. CRAMER. That is right.

Mr. MIKVA. Or to permit any other overnight occupancy on any real property owned or controlled by the District of Columbia for the Federal Government; is that correct?

Mr. CRAMER. Other than for Government activities; that is correct. If they want to permit camping for other purposes, that would have to be considered. They will give consideration to designating certain sites for the general public outside the District of Columbia.

Mr. MIKVA. Would the gentleman then tell me where is the exception in this bill for the buildings that are owned by the District of Columbia for housing purposes?

Mr. CRAMER. There is no problem with regard to that, because it is a governmental activity.

Mr. MIKVA. But the sleeping by the individual tenant, with all due deference to the gentleman—and I read the report—and as I read the report it was made quite clear that the Government would not recognize a proscribed activity.

As I read the bill, sleeping-in overnight or any kind of overnight activity is a proscribed activity and cannot be authorized.

I know it was not the intention of the gentleman or of the committee, but it seems to me you have created a problem for every tenancy of real estate where the Government owns the building and where it is used for sleeping purposes.

Mr. CRAMER. The gentleman is not correct.

Mr. McEWEN. Mr. Chairman, would the gentleman yield to me at this point in order to attempt to clarify the situation?

Mr. CRAMER. Yes, I yield to the gentleman.

Mr. McEWEN. I would say to my colleague from Illinois that on page 2 of the bill the prohibition, as I read it, is against temporary buildings.

As I understand the question which the gentleman from Illinois has raised it relates to the permanent structures. This legislation is directed at a prohibition against temporary buildings.

Mr. MIKVA. Would the gentleman from Florida yield for one further question?

Mr. CRAMER. I yield to the gentleman for a further question.

Mr. MIKVA. I call the gentleman's attention to line 1 on page 2 which makes one of the proscribed activities sleeping and on line 2 of page 1 makes one of the proscribed activities overnight occupancy.

I, therefore, suggest if the report is accurate—and I think it is—and if the language of the bill as I read the English language is correct, the passage of this bill would make it illegal for anyone to sleep overnight on real estate owned by the District of Columbia, which would include all housing projects owned by the District, and the District cannot authorize it or make it legal, because the report simply says the Government cannot make legal sleeping overnight in the parks or any other real estate owned by the District of Columbia.

Mr. CRAMER. The exception specifically says on page 2, lines 5 and 6:

> Nothing in this act—

Including what the gentleman just read—

> shall be construed to prohibit any governmental activity.

Mr. GRAY. Mr. Chairman, will the gentleman from Florida yield to me at this point?

Mr. CRAMER. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I wish to try to help to clarify this matter. We are dealing with permits here. A permit is not required to sleep in any building in Washington, private or public.

We say here you cannot issue a permit for sleep-ins or camp-ins. So I know the gentleman from Illinois is well intentioned when he raises this point, but this prohibition would not include any building owned by either private owners or Government activity buildings in Washington—only those areas where a permit is required for such use.

Mr. CRAMER. The gentleman is correct, and on those two grounds the gentleman who raised the question is incorrect.

The CHAIRMAN. The gentleman from Florida has consumed 24 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I yield 3 minutes to the very distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, every once in a while we have a matter of committee jurisdiction creep up in some of our legislation. The question which I wish to ask at this time has to do with a matter of jurisdiction because the Department of the Interior having jurisdiction over national parks facilities, of course, comes under the jurisdiction of the Committee on Interior and Insular Affairs of the House.

Mr. Chairman, the legislation we are considering today is somewhat similar to other legislation which was reported last year and has once again been reported favorably by the Interior and Insular Affairs Committee. For this reason I should like to direct a question or two to the gentleman from Illinois (Mr. GRAY) regarding the relationship between these two bills. The bill now under consideration prohibits the issuance of a permit to camp, sleep, or construct a temporary structure on any land in the District of Columbia that is owned by the Federal Government or by the District of Columbia. This prohibition includes, of course, the National Capital Parks. The legislation out of our committee, House Joint Resolution 247, prohibits the issuance of a permit for these purposes on any part of the national park system which extends throughout the United States except in areas that are regularly designated for camping. In other words, the bill we are now considering contains an absolute prohibition against camping on Government property in the District of Columbia, which includes the parks. House Joint Resolution 247, on the other hand, which applies to the entire national park system, prohibits camping only in the parts of the national park system that are not regularly designated for camping and open to camping by the public generally. At the present time no campsites are set aside for camping in the national capital parks. Except for the fact that the bill we are now considering would be more restrictive with respect to the District of Columbia, there is no conflict between it and the legislation ordered reported by the Committee on Interior and Insular Affairs. Now my question: Does the gentleman from Illinois agree with this interpretation and does he see any reason why the enactment of both bills would not be in order during this session of the Congress?

Mr. GRAY. Mr. Chairman, if the gentleman will yield, the gentleman is eminently correct in his analogy of the two bills. There is no conflict. This bill deals only with the District of Columbia. The gentleman's resolution deals with the entire National Park Service.

Mr. ASPINALL. Mr. Chairman, I thank the gentleman very much for his reply.

Mr. GRAY. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. CAFFERY).

Mr. CAFFERY. Mr. Chairman, I wish to join the distinguished chairman and the other distinguished members of the

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committee who have lent their support to this most important bill.

We live in a changing world and there are many differences in our people. But we must not exaggerate these differences. We must not permit a polarization of this country. We must not permit this country to divide into splinter groups. We cannot permit this country to become a Nation of compartments. We must unify ourselves and become one strong Nation. We must live together because we cannot live apart.

Washington, D.C., belongs to all of the people of this Nation. This great city fixes the temper and sets the tone of thinking throughout the land. We must guarantee that all our citizens have access to their Government, its agencies, and to the public property and grounds wherein these bodies reside. We must hear opinions; we must listen to reason; we must change in many things because the winds of change are upon us; and yet we must be determined that we will stand as firm as an anvil under the hammer. But we cannot, we must not, we shall not permit a breakdown of our laws that would allow any group to usurp the freedom of access that is the right of all the people of this Nation. We must all abide by our laws with firmness and reverence.

Violence has no place in a free society. If this Nation is to become a Nation of harmony, then Washington must become a city of harmony. Let this Congress echo itself as a voice of temperance. This bill is a step in the right direction. I urge its passage.

Mr. CRAMER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. Zion).

Mr. ZION. Mr. Chairman, I join these gentlemen who have been so concerned about the problems in our Capital City and I submit that they were introduced as the result of Resurrection City, sometimes referred to as "Insurrection City."

I think that legislation is necessary, but I feel it is unfortunate that it is so required. The gentleman from Louisiana is an Eagle Scout and one who hopes to attend the National Jamboree in Idaho this summer. I would say to him, I was one of the Scouts attending the 1937 National Jamboree here in Washington and encamped under the shadow of the Washington Monument. We had a tent city at that time with 40,000 Boy Scouts and adult leaders. We handled our sanitation and other problems very well. The record shows that the amount of sickness and the amount of accidents and the amount of crime in the District was considerably lower as the result of the encampment of 40,000 Boy Scouts and their leaders. This is in direct contrast to the situation that occurred here last year.

When the gentleman from Louisiana says it is not the purpose of this legislation to differentiate or to deny some people of our country access to our Capital Grounds, I would say unfortunately it is indeed the purpose of this legislation. I would say to my good friend and fellow Eagle Scout that the passing of this legislation does not preclude Congress from again at a future date permitting an encampment such as the very successful National Jamboree of 1937.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would not take exception to the remarks of my good friend and neighbor from Indiana (Mr. Zion) except to point out that in the encampment to which he referred in 1937, that was authorized by a specific act of Congress. That was not a permit. All we are doing here is repealing the authority of the administration to issue permits.

If once again Congress, in its wisdom, as they did in 1937, feels that the Boy Scouts should camp here in the District of Columbia, that right could be given. So I want to point out to my colleagues that that was a specific act of the Congress that permitted that encampment in 1937.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRAY. Mr. Chairman, I yield 5 minutes to a valued member of the House Committee on Public Works, the gentleman from New York (Mr. McCarthy).

Mr. McCARTHY. Mr. Chairman, as you can see from the report, I have joined with the gentleman from Wisconsin (Mr. Obey) in filing minority views on the bill before us today. We feel that this measure has been rushed through without adequate consideration, through the Rules Committee only yesterday, and now on the floor today—and I think that is rather speedy action.

Basically now we should make clear that anybody who wants to use any federally owned or District-owned parkland or other property in the District of Columbia must get a permit to do so. The executive branch: the Interior Department, the various other departments, and the District of Columbia have the discretion in whether to grant that permit or to withhold that permit. I personally feel that the permit for Resurrection City should not have been granted. I think simply on sanitary grounds alone it should not have been granted. They never, until the very end of the venture, tied in to the water and sewer lines down there, and we all know it was a sea of mud.

But that is not the point. It seems to me the point is that the administration has discretion in whether to grant these permits or not. I personally do not think that the Congress should slam the gate or erect obstacles on a presently existing avenue for legal petition. To me this simply plays into the hands of militants who say: "There is no legal avenue to a redress of grievances." As it is now, they come and request a permit. If the executive branch turns it down for good reasons, well, so be it, but I do not think that Congress should take it upon itself in this difficult period of saying, "No, you cannot do it, permits or no."

As a matter of fact, as I interpret this bill, it would forbid spectator tents for the cricket games down at Hains Point. It would preclude the camping that is going on right now at Hains Point. It would forbid shelters for the President's Cup races. And it would forbid the Boy Scouts from overnight camping, even though perhaps a special law could be enacted for a huge Boy Scout jamboree. We are taking care of the huge jamborees. We have taken care of the Cherry Blossom Festival in this measure. But we are saying to people that this one avenue for lawful petition in the District of Columbia, our Nation's Capital, has been blocked by the Congress of the United States. I do not think this is a wise thing in the present mood. I think the executive should retain the discretion it has. They can grant the permit or not grant the permit.

As I said, I do not think the Resurrection City permit should have been granted. Well, the same way in the future. There are legitimate reasons for granting such a permit. I think they have to be considered on a case-by-case basis. But if we enact this bill, and if the other body does also—although it seems unlikely now that they will follow suit—then we have slammed this door shut. My basic reason for dissenting is that I believe the discretion should be left with the executive branch. Let them make the decision, but the Congress should not close this door.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, there are a number of reasons why I oppose this bill, and I ask that before the Members do anything else they make certain that you do, indeed, understand exactly what this bill will do.

It has two parts.

First, it contains a prohibition against the granting of a permit for: First, camping; second, sleeping; third, sitting-in; fourth, other overnight occupancy; and fifth, constructing temporary structures.

Second, in issuing permits for any other use of Federal property, it provides that if the administrative authority believes damage may occur, to protect property he may require the posting of a reasonable bond.

Now this certainly does not seem bad on the surface. Why would anyone want to oppose it? I believe that Congress would do well to oppose it for a number of reasons.

First, let us look at the outright ban on camping by congressional direction proposed in the bill.

I want to make it clear that I do not by personal inclination like the idea of camping on memorial grounds. I believe that camping sites on the grounds of the Lincoln and Jefferson Memorials are a disfigurement to the landscape of this city.

Why then would I oppose this section of the bill? Simply because I would prefer that if a permit is to be denied in the interest of public health and safety it be denied by an administrative authority and not by Congress.

Why? Simply because irresponsible militants who encourage the use of violent and unlawful means to seek redress of grievances will try to use this law to convince moderates and some others that Congress is intentionally throwing up

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more roadblocks in the path of those who want to petition Government by peaceful means.

I would prefer, if a permit is to be denied, that it be denied by an administrative authority on public health grounds rather than by Congress on, what some will say, are political grounds.

Congressional action would be a symbolic act which will be put to effective use by militants, and I do not believe that it would be wise for Congress to present them with that symbol.

I also believe the second portion of the bill to be defective in several ways. The second portion says—in instances other than overnight camping, the person with the authority to issue a permit may require the posting of bond in an amount he deems to be reasonable.

What is wrong with that? Several things.

First, it contains a potential for uneven administration of the law.

Second, the posting of a bond implies that any group may obtain a permit for the use of public grounds—no matter how much potential damage may occur—if it can afford to pay for that damage. That is an un-American position. It bases the right to demonstrate and the right to petition not on rational grounds, but rather on the ability to pay.

This committee's own hearings last year noted:

> Statutes and ordinances which require that permits be obtained from local officials as a prerequisite to the use of public places, in the absence of narrowly drawn, reasonable, and definite standards for the officials to follow, must be invalid.

I ask you where in this bill are those necessary standards defined or set out?

If ever, by congressional direction, we are to require the posting of a bond, should not the standards for that decision be clearly spelled out? Would not that be a more reasonable way to delegate authority?

For these reasons I believe this section of the bill to be unwise. In fact, from the standpoint of equal administration of justice, it would probably be more fair to make an outright prohibition rather than to post a bond. At least the right to protest would not be doled out by administrative authority on the basis of ability to pay.

I would like to make one more point.

I believe congressional action of this type would be a reflection upon our confidence in the Department of the Interior and the Nixon administration. Congress should have enough confidence in the administration to allow discretionary authority to deny or grant a permit to remain in its hands. I am confident they will use good judgment.

In summary, therefore, I believe that passage of this bill in its present form would be unwise because: First, it would provide less fuel to the militants' fire if, in the event a decision is in fact made not to grant another permit of this nature, that determination is made by the administrative authority on grounds of health and public peace and convenience rather than by Congress on grounds which could be construed by some as being political; second, the second portion, relating to the posting of bond, does not provide clear standards defining either what factors must be present to reasonably believe that damage may occur or in describing how an administrative authority is to arrive at a proper bond level; third, the requiring of bond results—whether intended to or not—in basing the right to protest and demonstrate on ability to pay; and fourth, the Congress should have enough confidence in the Nixon administration to continue in its hands the discretionary power which it now possesses to grant or deny such a permit.

Mr. McCARTHY. I agree with all those points, especially the first and fourth. I think the Executive should retain discretion to turn down these permits on grounds of public safety and sanitation, as I mentioned. I think it was a mistake for the Interior Department to grant a permit for Resurrection City. I mentioned that never until they left did they tie into the water and sewer lines. We all know Resurrection City was a sea of mud.

The fourth point is especially pertinent right now.

I certainly have confidence in the new administration, enough confidence to think it will be wise in exercising discretion as to granting of the permits. I do not want to tie the hands of the new President and his departments and just close the door to this.

I might say on that point, I will have an amendment to offer under the 5-minute rule which would restore to the Executive much of this power. Under Executive order it could waive the provisions of this bill if in his discretion he feels it would be wise.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to my distinguished colleague, the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Chairman, I thank the gentleman for yielding.

I also thank the gentleman for expressing greater confidence in the current administration than in the previous administration.

Mr. McCARTHY. I did not make that inference.

Mr. PIRNIE. If I understood the gentleman correctly, he said he did not agree with the granting of the permit to Resurrection City.

Mr. McCARTHY. Yes, that is what I said.

Mr. PIRNIE. So I do not assume he would grant it now, but apparently the gentleman has confidence that it would not now be granted by the administration for such a purpose.

Mr. McCARTHY. I think the Executive will judge each case on its merits, and he might grant it. As I say, I think it was a mistake in that case. I trust the Executive would have better judgment.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield further?

Mr. McCARTHY. I yield to the gentleman from New York.

Mr. PIRNIE. Mr. Chairman, I am just calling attention to the restriction imposed with respect to overnight camping and living on the property which is involved here. The gentleman in the well has indicated very clearly that for sanitary and other reasons such use is inappropriate.

Mr. McCARTHY. Yes.

Mr. PIRNIE. When the Congress sees fit to establish in various areas so many standards on sanitation and improper conduct, does the gentleman see anything improper in doing it here with respect to an area over which we do have control?

Mr. McCARTHY. I do. I believe the administration should have the discretion. I mentioned some cases of cricket matches, where there are temporary structures. There are campers right now at Hains Point. This would throw them out. There could be no shelters for the President's Cup races.

What I am saying is there are cases and there are cases, and somebody down the street ought to have discretion to grant the permit or not. I do not think Congress should just come down and say "No." Then we would be also shutting off avenues of peaceful dissent.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, does the gentleman know whether or not the parks in Buffalo permit camping overnight?

Mr. McCARTHY. I do not know.

Mr. PUCINSKI. I think the gentleman would be interested to know that most communities in the country, including Chicago, with which I am very familiar, already have local ordinances barring sleeping in the parks overnight. As a matter of fact, one of the great problems we had during the ill-fated convention was that we had a city ordinance which barred sleeping in the parks overnight. This was a city ordinance which the mayor could not set aside.

People said we ought to let the young people sleep there. The mayor of Chicago very properly pointed out he could not set aside that ordinance.

We do have these ordinances in most communities over the country, so I do not know why we should have any different standard in the District of Columbia.

Mr. CRAMER. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. McEWEN).

Mr. McEWEN. Mr. Chairman, in rising in support of this legislation, I welcome the opportunity to commend my chairman for the consideration he saw this bill receive and my colleague from Florida, the author.

I would say to my dear friend and colleague from New York, who referred to this legislation as having been rushed through, that my recollection of the history of this legislation is it rather did not rush through our committee or to the floor of this House. I was one, Mr. Chairman, who joined with the distinguished gentleman from Florida, the distinguished gentleman from Iowa and others in introducing similar legislation over a year ago.

I commend both the gentleman from Florida, the sponsor of this bill, and our chairman, for continuing to consider and urge the enactment of this legislation. Rather than being rushed through the

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committee, I would say to my colleague from New York, my recollection is that we had a bill similar to this reported by our committee, and then after the permit was issued on Resurrection City we amended that bill and put in a provision with regard to no renewals or extensions of permit, and that bill again was reported by our committee, and I believe given a rule by the Rules Committee. I do not know just where it was rushed to from that point.

We had hearings both last year and this year on this subject and on this specific legislation. I believe, rather than having been rushed through, it has been thoroughly and carefully considered.

To the best of my knowledge for nearly two centuries, Mr. Chairman, the people of this country have petitioned the Congress for redress of grievances, and not until 1968 had this gentleman ever heard anyone suggest that a corollary right of petitioning the Congress was to camp in, squat in, or sit in on any Federal property. I do not believe, Mr. Chairman, that any American felt his rights were abridged for nearly 200 years in not permitting camping in and sitting in on Federal property. I am sure under this bill after it is enacted, as I am confident it will be, no citizen will feel his rights have been abridged.

Finally, Mr. Chairman, I would just refer again to what either the chairman of our subcommittee or the gentleman from Florida (Mr. CRAMER) referred to, in respect to the Director of the Park Service, Mr. Hartzog, when he said, and I quote:

> I think that the Congress has the responsibility for setting the policy for public lands.

I am delighted that my colleague from New York has confidence in the present administration, but I share the view of Mr. Hartzog, the Director of our Park Service, that this is a proper area for Congress to set policy and that the executive need not be put in any position of feeling it has to yield to demands for any permit for this type of action.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. McEWEN. I yield to my colleague from New York.

Mr. McCARTHY. I thought it was interesting yesterday that the distinguished chairman of the Rules Committee said that this would make the job of the administration a lot easier because they could simply say "We cannot give you a permit because the Congress said 'No'." I suppose in that sense it would help the new administration, but I would prefer to see some discretion left down there. These are the tough decisions they can make.

Mr. McEWEN. I would remind my colleague it was somewhat difficult in 1968 to pinpoint exactly where this decision was made. My colleague, I am sure, remembers that there was a five-man committee. The rollcall did not appear to have been of record as to just how the vote was made and who made it.

Our good friend, Mr. Castro, of the Park Service, had the privilege of being the director who signed the permit and had the pleasure of coming before the committee, but we do not exactly know who made the decision.

Mr. GRAY. Mr. Chairman, I yield such time as he may consume to a very valuable member of the Committee on Public Works, the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding.

I want to rise in support of this legislation. The gentleman from New York (Mr. McCARTHY) is far and away my favorite McCarthy in Washington, I will guarantee you that, but I think his statement that this has not been carefully considered legislation is not really supported by the record. Legislation along this line has been the subject of extensive hearings. As a matter of fact, two committees of this body have considered legislation along this line and hearings have been held both in the 90th Congress as well as in this Congress. I believe the product is a product that can be supported with confidence by the Members of this body on both sides of the aisle. I was a cosponsor of legislation similar to this in the House Committee on Interior and Insular Affairs in the last Congress. I believe either committee's approach would meet the problem we have right now, but one of them is certainly in the best interests of the country. I hope this legislation will be adopted by an overwhelming vote today.

I thank the gentleman for yielding to me.

Mr. CRAMER. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, the purpose of this legislation, as well as the bill which has been approved by the Committee on Interior and Insular Affairs, is primarily to guarantee general public access to all those areas which are dedicated to that purpose; and, secondarily, to protect these properties against unreasonable destruction.

Mr. Chairman, this is certainly not a new subject. Today, we have paid too much attention to specific motivations. We can note, for instance, that for very many years we have had similar problems of guaranteeing public access in areas across the Nation. We have had similar problems of administrative difficulty, others of which are being resolved right now. As an illustration, only today we have an announcement from the Department of the Interior that the Government, rather than private concessionnaires, will operate the campgrounds in national parks. This is only a part of the same general administrative problems we have. We cannot handle the business of managing our public use areas on a case-by-case basis. It is impossible to do so and still retain equity for all of the people of the country.

It is specious to argue that the Congress does not have the authority to do this. We have functioning a commission on public land laws which has gone thoroughly into the matter of administrative procedures and administrative authorities. There is no question concerning congressional prerogative. This measure which we seek to approve today, I repeat, is only a part of a very broad program. It is not motivated specifically by such things as a camp-in on the mall of the District of Columbia. We will have other problems of this nature from time to time as we try to protect the rights of the citizens generally to use the areas that are owned by the United States, and to use them under the same rules as apply to all other citizens of the United States. At the same time we must protect these values for the people of the future.

Mr. Chairman, we do have the authority to pass such a bill. This legislation is needed, because otherwise we have an administrative monstrosity. This legislation and the bill which has been approved by the Committee on Interior and Insular Affairs both should be approved by this session of Congress.

Mr. GRAY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I appreciate the gentleman yielding time to make a few comments.

Mr. Chairman, I rise in support of H.R. 1035, with the feeling that it is a step in the right direction but does not go far enough. Rather than taking time under the 5-minute rule, I shall point out now, that I had prepared an amendment which would have required an applicant for a permit to post a bond before the permit could be issued. I shall not introduce this amendment because there will be another bill coming along later, House Joint Resolution 247, which will be a better vehicle because it will have nationwide application.

I think this is the time to mention that at the beginning of this session I introduced H.R. 563 which does not take much calculation to figure out is a much lower numbered bill than H.R. 1035 by the gentleman from Florida which we are now considering today. Perhaps my measure was passed over by the Committee on Public Works because it was too restrictive. My measure provided a permit for the use of public-owned lands in the District of Columbia could be issued only with the approval of the House and Senate Committees on the District of Columbia by resolution. In another bill, H.R. 566 which I introduced there appeared the requirement that a bond must be posted in an amount sufficient to restore these lands to the original condition existing prior to their use for demonstrations.

I have noted that some of the previous speakers feel that H.R. 1035 would cut off the right of protest and even limit in some unexplained way the right of free speech.

My reply to these Members is that they should take time to witness the spectacle going on right over here on the center steps of the East front of the Capitol today. No one is interfering with that peaceful expression where some lady is reading the casualty lists of the war in Vietnam. That has been going on for several hours—but we do not want her to camp there all night or we do not want her to deface public property.

We have accomplished something by this bill which will hopefully be passed today. If we pass this legislation now we will not find ourselves again in the posi-

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tion where we were last year with Resurrection City.

The memories of some of you may be too short to remember the barrage of mail which hit our offices in the summer of 1968. I for one do not want to go down that road again and ever experience another Resurrection City. Here in the District of Columbia are located some of our most sacred and hallowed monuments. Last year we had a mob that created a sort of instant slum area of temporary buildings right up against the reflecting pool in the very shadow of the Washington Monument. H.R. 1035 does prohibit the issuance of permits for camping, sleeping, sitting-in, or other overnight occupancy on any real property in the District of Columbia owned by the U.S. Government.

I am sure we have all heard our constituents coming here this year say, "It is so good to feel that once again we can visit our Nation's Capital. We hope a thing like Resurrection City will never happen again."

I understand that there is now pending a suit by the Department of Justice to try to recoup some of the losses which were suffered down at Resurrection City. The taxpayers should not have to pay the bill. But a better way of doing it rather than to have to file suit after damage has been inflicted is to require valid bond—a bond that has some collateral or surety back of it posted to stand good for the damage without the necessity of a lawsuit.

Mr. Chairman, I commend the gentleman from Illinois (Mr. GRAY) and the Committee on Public Works for going a part of the way. Maybe we can go the rest of the way to make the bond requirement mandatory when the House considers House Joint Resolution 247, which would have nationwide application rather than restricted to the District of Columbia as is true of H.R. 1035.

Mr. GRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, I rise in support of H.R. 1035. It represents long-overdue legislation.

Mr. RYAN. Mr. Chairman, I believe that the bill before the House today, H.R. 1035, is unnecessary, unwise, and raises serious constitutional issues.

It would prohibit any officer or employee of the United States or of the District of Columbia from issuing a permit for "camping, sleeping, sitting in, or other overnight occupancy, or for constructing or erecting any temporary building or structure" upon property within the District of Columbia which is owned by or under the control of the U.S. Government or the government of the District of Columbia. In addition, the bill would require the posting of a bond by individuals or groups seeking to use such property for any purpose not prohibited by this legislation.

It is explicitly clear from the report of the committee on H.R. 1035 that this bill has been drafted specifically in response to the Poor People's Campaign of last year. It is both an attempt to prevent future use of federally owned land in the District of Columbia by groups like the Poor People's Campaign and an ex post facto reprimand of the decision of then Secretary of Interior Udall to grant the use of West Potomac Park to the campaign. By the admission of its sponsors, the bill is intended to make impossible the use of parks in the District for a future Resurrection City.

Contrary to the criticism implicit in this legislation, I believe that the Department of Interior and the National Park Service should be commended for their handling of the Poor People's Campaign. The granting of West Potomac Park to the campaign was, to my mind, an important demonstration of the right of the people—regardless of their economic status—to peacefully assemble and petition Congress, as is guaranteed in the Bill of Rights of the Constitution.

Would the sponsors of this resolution have preferred a confrontation between several thousand poor people and their thousands of supporters and the police over the use of public park land for their campaign to spur Congress to action—a confrontation that would inevitably have ended in violence? I think it is to the credit of the Department of Interior—and, we should not forget, to the flexibility it now possesses to administer these parks—that such a confrontation did not occur. This bill would deny the flexibility which an administration should have to deal with a variety of situations.

I am concerned about the possible threat to fundamental freedoms which this bill poses. The first amendment of the Bill of Rights states:

> Congress shall make no law . . . abridging . . . the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Why should the national parks in the District, which are, after all, paid for and supported out of public moneys, not be available under reasonable regulations for peaceable assembly and the petition of Congress? There are already special regulations governing the use of the National Capital parks which provide a permit may be denied if "the event will present a clear and present danger to the public health and safety."—36 CFR 50.19C.

By prohibiting camping and the other activities cited, this bill really seeks to deprive American citizens of limited economic means of the opportunity to use land acquired and maintained by public funds as a place of assembly.

In effect, it sets a requirement for petitioning Congress; namely, that the petitioner be able to afford a hotel or motel room. It tells the poor that lobbying is acceptable if the lobbyist can pay his own way. But if he is poor and deprived and oppressed, if he does not have $15 or $20 per night for an air-conditioned Washington hotel or motel, he will be restricted in lobbying for laws necessary to meet his needs.

The chairman of the Subcommittee on Public Buildings and Grounds said during the course of hearings on this bill that—

> It is now clear that if this proposed legislation had been law last year we could have saved untold days of human suffering by hundreds of people who lived in mud and squalor and several millions of dollars in money." (Report on H.R. 1035, p. 3)

What the chairman failed to mention was that the people who were willing to live in the mud of Resurrection City—I do not believe they lived in squalor—have lived in mud and squalor all of their lives, and that that is precisely why they were in Washington to petition Congress for assistance.

It is regrettable that Congress does not take as compassionate a view of the day-to-day existence of the poor as it does of the conditions in which they lived during the course of their campaign to better their lives.

Requiring the posting of a bond as a condition for using federally owned land in the District for any purpose not prohibited by this legislation places a restriction upon the freedom of those with limited means to petition the Government for redress of grievances, since it bases the right to petition on the ability to post a bond. In this feature also, then, the bill raises serious constitutional problems.

During the past summers our Nation has witnessed "civil disorders" involving those for whom America—and more specifically, Congress—has failed to provide even the hope of sharing in our national abundance. Each time, as national leaders have decried the disorders, they have pointed to the existence of legitimate means of social protest in our democracy—those functioning mechanisms for redress of grievances which exist within the framework of our Government. Denying the use of National Capital parks to groups seeking to petition the Government for redress of grievances would close off an important avenue of legitimate protest, and, by so doing, increase the possibility of confrontation. In this sense the bill is counterproductive.

Instead of reacting by infringement of legitimate means of protest guaranteed under the Bill of Rights, Congress should attack the underlying conditions of want and hunger and enact meaningful legislation to eliminate poverty in this Nation. For the true tragedy is that the bill before us today, which would restrict the ability of the poor to present their case to Congress, is the only kind of response Congress seems capable of making to the urgent and legitimate needs of the poor of this country.

Mr. GRAY. Mr. Chairman, I have no further requests for time.

Mr. CRAMER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in the case of any real property within the District of Columbia which is owned by or under the control of the United States Government or the government of the District of Columbia, no officer or employee of the United States or of the District of Columbia shall issue a permit for or authorize or otherwise permit the use of (including any renewal or extension of any such permit, authorization, or permission) any such real property for camping, sleeping, sitting in, or other over-

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night occupancy, or for constructing or erecting any temporary building, structure, or appurtenance to such property for any such activity or any similar activity.

(b) In issuing permits or in granting permission for any other use of such real property (including any renewal or extension of any such permit, authorization, or permission) any officer or employee of the United States or of the District of Columbia having power to issue a permit or to give such permission shall, where he has reason to believe that damage may occur, require that the applicant post a money or surety bond or furnish insurance, in an amount determined by such officer or employee to be reasonable, to indemnify or insure the United States for the cost of repairing any damage or restoring the premises to its condition immediately prior to such use and to save the United States harmless from any injury to property or persons caused by the applicants' use of such real property.

Mr. GRAY (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 2, strike out the comma and all that follows down through and including the period on line 4 and insert in lieu thereof the following: "or structure upon such property. Nothing in this Act shall be construed to prohibit any governmental activity."

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. M'CARTHY

Mr. McCARTHY. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. MCCARTHY: On page 2, line 4, insert immediately before the period the following: "providing that where special circumstances exist the President is authorized to waive the provisions of this section in order to carry out the purposes of this section."

Mr. McCARTHY. Mr. Chairman, this might be described as the President Nixon amendment. This is to give the President of the United States or his agents the discretion that I spoke of earlier. It simply provides that where special circumstances exist the President can waive the restrictions of this bill.

As mentioned before, this is a very stringent measure. This would cut off, for instance, spectator tents at the cricket games at Haines Point—and I might say that the whole bill to me is not cricket—it would prohibit camping now going on at Haines Point, shelters for the President Cup Races, and Boy Scout overnight camping.

Mr. Chairman, I believe that the public parks and public grounds in the District of Columbia could be utilized for such activities as I have just cited and that this meat-axe approach, this sharp cutoff of activities is not in the public interest.

I believe the discretion should be left with the President. In view of the wording of this bill, of course, this is cut off. Under my amendment he would retain at least some discretion so that where special circumstances in the view of the administration prevail, that the provisions of this proposed law could be waived.

Mr. Chairman, I yield back the balance of my time.

Mr. GRAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall be very brief. This proposed amendment would simply transfer the jurisdiction for issuing permits from the Secretary of the Interior to the President. There is no need to throw this monkey on the back of the President. We are elected Representatives, and we represent the people at this level, and it is our responsibility as lawmakers to serve the wishes of this country in setting public policy on our public buildings and grounds.

The gentleman from New York is merely transferring that responsibility from one Department over to the White House. If you are against camp-ins, sleep-ins, and the erection of temporary shanties in Washington, you will oppose the amendment offered by the gentleman from New York; if you want to allow such things then you would support his amendment. It is just that simple.

I ask that the amendment be rejected.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I join the gentleman in opposition to the amendment for the reasons the gentleman has given for his opposition to the amendment, and for the numerous other reasons given in opposition to this amendment before.

In view of the effort to get consideration of this bill underway, I again join in the remarks made by the gentleman from Illinois in opposition to the amendment.

Mr. GRAY. I thank my distinguished friend from Florida.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding, and I wonder, Mr. Chairman, if I could address a question to the gentleman from Florida.

Do I understand from the opposition of the gentleman from Florida to the amendment that the gentleman does not have confidence in the President of the United States making sensible decisions in this regard?

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman.

Mr. CRAMER. The gentleman full well knows that I have ultimate confidence in the President—President Nixon—and I am delighted to see so many Members on the other side of the aisle expressing equal confidence, and in particular the gentlemen from New York (Mr. MCCARTHY and Mr. BINGHAM). I hope that he will be President for 8 years. I have full confidence in him. I do not think anyone would argue that he is going to President in perpetuity.

But I would like to see this law on the books as it is and as voted out. It does not turn over to any President this discretion which properly places it at the administrative level for permits outside of the prohibited camping overnight occupancies and building of structures. Congress should mandate against these as this bill accomplishes.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman.

Mr. Chairman, I might say with all due respect to the gentleman from Florida that that was a fine speech. But I can only interpret his opposition to the amendment as a feeling that he cannot trust the President of the United States to do the sensible thing.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman.

Mr. ASPINALL. Mr. Chairman, I do not want to engage in anything that has to do with a partisan approach to this particular matter.

After all, the public property of the United States comes under the jurisdiction of Congress. Let us keep that in mind. It is not under the jurisdiction of the executive department unless Congress so determines. It is up to the Congress of the United States to say where the administrative responsibility will lie. Let us keep that in mind so far as the Forest Service of the Department of Agriculture and the National Park Service and the Bureau of Land Management of the Department of the Interior.

This is the way it should be. It should not be placed with the President and the President should not have the authority to issue down a statement without publication of what he desires.

Mr. Chairman, I oppose the amendment.

Mr. GRAY. The distinguished gentleman from Colorado (Mr. ASPINALL), the chairman of the committee, makes a very important point and I appreciate the contribution he has made.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I too do not want to engage in any kind of partisan discussion at this time. But whether you give this authority to the President or to the Secretary, the law ultimately is in the same hands. As a matter of fact, an important point to make here in debate is this, I do not think there is anyone in this body today who can tell who made the decision to give the permit which has been the subject to debate and discussion today. Apparently, there is no one who knows.

Mr. GRAY. The permit was issued by the Secretary of the Interior. But it was in consultation with about five other Government agencies. I would point out to my friend, the gentleman from Iowa, that what we are doing here is prohibiting any President whoever he may be,

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the Secretary of Interior or anyone else from issuing a permit. We are trying to treat everyone equally.

Mr. BINGHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think the McCarthy amendment is a good one because it would take some of the sting out of this bill. But judging from the reaction of the Members, and especially of the distinguished chairman of the Committee on Interior and Insular Affairs, I do not expect that this amendment will pass.

So, now I would like to say a word about the bill itself. I think the Resurrection City operation was from many points of view an unfortunate one. My own view is that Reverend Abernethy himself recognized it as such before he got through. Certainly it did not work out the way he hoped it would. So, I do not expect such an operation would be repeated.

However, the passage of this bill without this amendment would be regarded around the country by the alienated and by the poor as simply another indication that they have no chance to be heard and it is going to be considered by them as a slap in the fact to their aspirations. I think it will contribute to a rise in the disturbances and the feelings of alienation.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. McCARTHY. I am glad the gentleman has made that point. I think this is really a critical point—in other words, is this Congress really today in this difficult time going to slam the door in their face? That is the interpretation that is going to be placed on this legislation throughout the country—that we are taking this power away from the executive department—granted that it has been delegated as the distinguished chairman of the Interior Committee said—but it has been delegated. They have it now. So around the country they will say Congress is slamming the door on one avenue of peaceful dissent.

You can say all you want to about Resurrection City. Nonetheless, it was legal. They did get a permit and now we are saying, "You cannot get any permits to come to the Nation's Capital and utilize the facilities here to petition your elected representatives." I repeat. I don't believe it's wise for the House to pass this bill. The avenue should be left open. The discretion should be left with the White House and its appointed agency heads.

Congress should not say "No." I just do not think it is wise. The bill has been rushed through. It was considered in the Committee on Rules only yesterday. Here we have it on the floor, with only a handful of Members present on the floor today. It is a very important matter. It is going to be construed that Congress closes the door on legal and peaceful petition. It will play into the hands of extremists who advocate illegal disruption and even violent measures. I hope the amendment will prevail. It would take some of the edge off this unfortunate bill.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Iowa.

Mr. KYL. It is not my purpose to engage in any debate. I cannot speak for the Congress of the United States, but I can speak for myself. So far as I am concerned, these people who feel maligned should have the constructive rather than the negative view, because what I intend to say to these people today is this: You have a perfect right to use all the public lands of the United States every day of the year exactly in the same fashion which is afforded every other citizen. That, and only that is the intention that I put in this legislation.

Mr. BINGHAM. I thank the gentleman for his contribution. My point is, How is it going to be interpreted among the alienated and the unfortunate of this land?

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

Let us be abundantly clear about what we are doing. This bill is not a slap in the face of any group. This bill is not aimed at any particular group. This bill is aimed at fairness to all Americans. It treats all Americans and all political groups, present and future, exactly the same. This bill is aimed to guarantee that every American has the same right and that no political group will be given privileges which may be denied to other groups. The purpose of this bill is to see that the President and his appointees are not forced to face the untenable responsibility of deciding which Americans get a certain right and which Americans do not get that same right.

It is altogether possible that a mistake may have been made, not under the present administration, but under the previous administration, in granting a permit to one group to use Federal properties for the purpose of making a big and prolonged public demonstration in mass numbers in an attempt to overwhelm and impress the U.S. Congress with the rightness of its cause. But I am not here to argue that point. All I say is that the precedent has opened a Pandora's box of clearly foreseeable problems.

I take the position that the Congress of the United States does not have to be overpowered by vast physical numbers to listen to the dispossessed. I think my voting record is pretty clear with respect to the dispossessed, the disadvantaged, the disinherited of our land. They are welcome in my office at any time. They are welcome in my home, and many have been there. They have behaved in my presence with decency and dignity, and I have treated them with courtesy. They are welcome to talk with me as a Member of Congress anywhere, and I will recognize them. I will speak to them and I will listen to them. I will treat them as all other American citizens are treated by me. I try to treat all Americans alike. I like to think that most Members of Congress do.

But I do not want the President—any President—to have the responsibility of saying, "Yes, this political group can use the public properties to try to bring pressure on Congress and, no, that political group cannot." I do not want to embarrass the President by putting that wholly untenable responsibility on his shoulders. It is not a question of my confidence in the judgment of a President. It is a question of what is fair and what is not. The present occupant of the White House is not a member of my party, but he is my President. I do not want him embarrassed. I do not want any President of the United States confronted with this onerous choice. I do not think that the average Member of the House wishes to embarrass any President by putting him on the spot in which the McCarthy amendment would place him.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I did not ask the gentleman from New York to yield to me, but I will be glad to yield to him if he will get me some additional time if is needed to say what I want to say.

Mr. BINGHAM. I will be glad to ask for more time for the gentleman. I would just like to ask the gentleman this question. I have the highest regard for him, as he knows. But does not the President now have to decide whom he will receive in his office, and will he not have to continue to decide whom he will receive in his office? Is this not a question that is of just as great moment, if not greater moment, than the question of who can get a permit to camp on the Capitol Grounds or the Washington, D.C., grounds?

Mr. WRIGHT. I would respond to that question by saying, of course, the President has the responsibility of determining with whom he will share his limited personal time. I know of no way to relieve him of that responsibility. As a servant of the people, he is entitled and required to exercise that responsibility. But this is an entirely different matter.

It is one thing to give a group an appointment in your office or to meet with them at a place of their choice. It is quite another thing to grant to several thousand people the privilege of camping over a long period on public property and staging parades and mass demonstrations to impress Congress. It is another thing entirely to expect the President to decide which political groups get these special privileges and which do not. Having once granted a permit to one group, how can the President or the Secretary of the Interior then consistently say "No," to another group? This is not a bill aimed at any group.

As to the dispossessed and the disenchanted to whom the gentleman from New York earlier referred, I will match my record with that of the gentleman from New York or any other Member of this House. I am anxious to know their condition. I have visited in many of their neighborhoods and homes. They do not have to come to Washington and live in tents to show me their plight. I have consistently supported legislation to relieve their burdens. Those people are welcome to my office, and I want the world to know it.

But I do not want the President or anyone else to have to decide that one group can and one group cannot come in numbers and camp on public property and try to bring mass influence or group pressure on the White House or the Congress of the United States.

Mr. Chairman, I ask the Members to vote against the amendment.

Mr. MIKVA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened with interest to the gentleman from Texas, because I think his statement about the issue that is being made in this bill ought to be well taken. If in fact we were making a measured response to an unmeasured activity, I think we would be doing what Congress ought to do.

What troubles me—and I am not a member of the committee that brings this bill to the floor and I do not know how much consideration was given to it—in looking at the language of the bill and listening to the debate about it, is that this is an unmeasured response to an unmeasured activity. I suggest we are attempting to overpower the overpowering; I cannot see how a distinguished body like the House of Representatives of the United States would take a measure which says we will see to it in the future that the Executive is not saddled with the responsibility of having to decide which group will get a permit and which group will not; which says that we will not saddle the Executive with permitting overnight sleeping in facilities that are not geared for overnight sleeping; but instead of meeting that with a measured response, they come up with a bill which goes anywhere a member of the committee wants it to go.

I respectfully call attention of the gentleman from Texas to page 2 of the bill—and unless the language goes beyond the normal confines of the language—that wording makes it clear that every lease the District of Columbia has entered into for public housing apartments is declared invalid by this bill. I would refer Members to the language of the bill and the language of the report. I respectfully call the attention of the gentleman from Texas to the proposition, if one reads lines 1 and 2 of page 2 of the bill, that if in fact someone is sleeping—not overnight—just sleeping around the Washington Monument, technically he is in violation of this bill.

I have no doubt there is not a member of the committee responsible for the bill that intended any of those things. What I am suggesting is that because there were a lot of indignities out at Resurrection City and because a lot of people were indignant over that episode, we are coming up with a shotgun to meet a problem that requires a much more delicate approach to it than this bill.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, I call attention to the fact that the leases are with the National Capital Housing Authority and not with the District government. That is true across the country. It is not the District government. It is a quasi-governmental corporation separate and distinct from the government itself. It is usually called the Housing commission in most places, but here it is the National Capital Housing Corporation.

Mr. MIKVA. The gentleman is not suggesting it is not a part of the District of Columbia government?

Mr. SNYDER. I am suggesting it is a separate corporation.

Mr. MIKVA. It is not a part of the District of Columbia government, then?

Mr. SNYDER. It is a separate quasi-governmental corporation, it is a separate corporation with its own officers and directors, and it is not the District of Columbia itself entering into the leases.

Mr. MIKVA. With all due deference to the gentleman, I suggest it was not the intention to cover these. The language on pages 1 and 2 is a clear case of overreach and overkill.

Mr. SNYDER. I am sure the gentleman is a good lawyer.

Mr. MEEDS. Mr. Chairman, I must regretfully vote against H.R. 1035, a bill to limit for demonstration purposes the Federal property in the District of Columbia.

I believe that our parks and public areas in Washington, D.C., should be free from overnight camp-ins, sit-ins, and from temporary buildings. For this reason I support section (a) of H.R. 1035. It would ban all groups from occupying the Capital in this fashion, thus removing from administrative officials the burdensome task of deciding which group should be allowed to use the grounds for these purposes.

But my objection to section (b) of the measure is fundamental and is resolute.

In our present law-and-order climate we ought not let turbulent emotions violate the supreme law of the United States, our Constitution. My opposition to section (b) is that of a Congressman who has sworn to protect and defend the Constitution.

Section (b) requires that if any group applies for a permit to use, lawfully, public property in the District, the administrative official must require that group to post a bond if he feels there is a possibility that damage may occur.

The size of the bond would depend entirely on the official's judgment of the situation. There are no standards prescribed in this bill to determine the danger of harm to the property and no standards to estimate what damage might occur.

In my view, such a requirement for a bond offers a classic example of prior restraint of the rights guaranteed by the first amendment to the Constitution. The bill makes free speech and peaceable assembly subservient to payment of a fee.

Section (b) of H.R. 1035, in my opinion, is therefore too vague and too restrictive to pass the test of constitutionality.

Mr. Chairman, if the distinguished Members of the Senate can amend this bill to meet my objections, then I will gladly support it on the final vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. McCarthy) to the committee amendment.

The amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: On page 2, immediately after line 20, insert the following new subsection:
>
> "(c) Any permit, authority, or other permission (including any renewal or extension of such a permit, authority, or permission) in effect on the date of enactment of this section which could not be issued or given after such date except in accordance with this section is hereby revoked."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Flynt, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1035) limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes, pursuant to House Resolution 436, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed, and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FRELINGHUYSEN

Mr. FRELINGHUYSEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FRELINGHUYSEN. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Frelinghuysen moves to recommit the bill, H.R. 1035, to the Committee on Public Works.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GRAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 327, nays 51, not voting 54, as follows:

[Roll No. 80]

YEAS—327

Abbitt
Abernethy
Adair
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blanton
Blatnik
Boggs
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Bush
Button
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins
Colmer
Conable
Conte
Corbett
Coughlin
Cowger
Cramer
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hechler, W. Va.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keith
King
Kleppe
Kluczynski
Kyl
Landgrebe
Landrum
Langen
Latta
Lipscomb
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
May
Mayne
Meskill
Michel
Miller, Calif.
Miller, Ohio
Minish
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Neal, Ga.
Passman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Stafford
Staggers
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NAYS—51

Adams
Ashley
Barrett
Biaggi
Bingham
Brown, Calif.
Burton, Calif.
Byrne, Pa.
Cahill
Cohelan
Conyers
Corman
Culver
Daddario
Diggs
Eckhardt
Farbstein
Foley
Fraser
Frelinghuysen
Green, Pa.
Hathaway
Hawkins
Heckler, Mass.
Karth
Kastenmeier
Koch
McCarthy
Meeds
Mikva
Mink
Moorhead
Morse
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Podell
Rees
Reid, N.Y.
Reuss
Rosenthal
Roybal
Ryan
St Germain
St. Onge
Stokes
Taft
Yates

NOT VOTING—54

Anderson, Tenn.
Ashbrook
Ayres
Bates
Boland
Bolling
Brasco
Burton, Utah
Carey
Celler
Chappell
Chisholm
Clay
Collier
Cunningham
Dawson
Dwyer
Edwards, Calif.
Fish
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Hays
Hébert
Kee
Kirwan
Kuykendall
Kyros
Leggett
Lennon
Lowenstein
Mann
Matsunaga
Mills
Murphy, N.Y.
O'Konski
Patman
Pelly
Powell
Pryor, Ark.
Ronan
Scheuer
Smith, N.Y.
Springer
Stanton
Stuckey
Sullivan
Thompson, N.J.
Tunney
Widnall
Wilson, Charles H.
Wold

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Chappell for, with Mr. Lowenstein, against.

Mr. Hébert for, with Mr. Edwards of California against.

Mrs. Sullivan for, with Mr. Clay against.

Mr. Gettys for, with Mr. Scheuer against.

Mr. Rowan for, with Mr. Powell against.

Mr. Kirwan for, with Mr. Dawson against.

Mr. Widnall for, with Mrs. Chisholm, against.

Until further notice:

Mr. Celler with Mrs. Dwyer.

Mr. Brasco with Mr. Smith of New York.

Mr. Carey with Mr. Fish.

Mr. Murphy of New York with Mr. Bates.

Mr. Mills with Mr. Collier.

Mr. Lennon with Mr. Kuykendall.

Mr. Charles H. Wilson with Mr. Springer.

Mr. Thompson of New Jersey with Mr. Ayres.

Mr. Boland with Mr. Stanton.

Mr. Anderson of Tennessee with Mr. Ashbrook.

Mr. Gilbert with Mr. O'Konski.

Mr. Giaimo with Mr. Wold.

Mr. Hays with Mr. Pelly.

Mr. Gibbons with Mr. Kee.

Mr. Patman with Mr. Cunningham.

Mr. Leggett with Mr. Goldwater.

Mr. Kyros with Mr. Stuckey.

Mr. Tunney with Mr. Burton of Utah.

Mr. Matsunaga with Mr. Mann.

Mr. ST GERMAIN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 1035, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGISLATIVE PROGRAM FOR REMAINDER OF THE WEEK

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, we are not going to take up the bill—as a matter of fact, we do not have a rule on the bill—announced yesterday for tomorrow. We will have a legislative program for next week announced tomorrow.

The only business tomorrow will be the Flag Day ceremonies.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

SECOND ANNUAL REPORT OF THE NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–129)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed with illustrations:

To the Congress of the United States:

I transmit herewith the Second Annual Report of the National Advisory Council on Economic Opportunity.

RICHARD NIXON.

THE WHITE HOUSE, *June 11, 1969.*

INTEREST RATES MUST BE ROLLED BACK

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, the rapidly snowballing rise in interest rates is threatening to cause a major economic mountain slide which could take much of the national economy with it into a severe economic recession.

Major banks throughout the country raised the prime interest rate to a new record high of 8½ percent on Monday.

This increase in the prime rate—the interest charged by commercial banks on loans to their biggest and best customers—was the fifth increase since last December.

The amount of this increase, a full percentage point above the 7½-percent rate that had prevailed since March, is the largest in the recent period. It dramatically demonstrates the almost irreversible momentum that is threatening a runaway spiral in the cost of credit.

Three of the earlier recent increases have been for a quarter of a percentage point, and one had been for one-half point.

Unless something is done very rapidly, this alarming trend can send shock waves throughout the entire economy. Reacting to this rate increase, stock prices began dropping alarmingly.

What happens to the prime rate, of course, has an effect on all other interest charges—those on personal loans, automobile loans, home loans, even on the price of all sorts of things America's consumers must buy on credit. When the prime rate increases, other interest rates typically scale upward. In a number of States, interest rates already have hit the legal antiusury ceilings. Other devices such as discount fees, are then deceptively employed to get around the law.

A friend of mine recently sold a home valued at $12,000. After many years of payments, he only owed some $4,000 on the remainder of the note. But he discovered to his shocked amazement that he had to pay $1,200 out of his pocket in order to get the loan company to finance the sale of his house to the new buyer. Escalating credit costs had surreptitiously robbed him of $1,200 of his hard-earned equity.

This was because of the discount rate, a fee assessed by mortgage companies to handle a loan when higher interests cannot be charged. The law forbids charging it to either the buyer or the builder, so it is pushed off on the seller.

Everyone knows the critical need in this country for low-cost housing. But these high interest rates are drying up the market, choking off the construction of new houses, and enormously increasing the cost of all housing.

The hard money policy not only has devoured the total savings of many who must sell their homes. It has brutally victimized families who are trying to buy homes.

The increases which have come into effect in just the last few months have raised the amount which an average family must pay to amortize a $10,000 home by some $4,000. And a $20,000 home typically will cost the purchaser some $8,000 more before he gets it paid for—just in higher interest rates.

High interest is a hidden hand in the pocket of almost every American consumer. Unnaturally high interest rates are sapping away more and more of the average family's paycheck every month. And when the consumer is hurt, business is hurt.

Some of the administration's economists have defended higher interest charges as a curb against inflation. But actually it is like pouring gasoline on a fire. The four most recent raises in interest charges since last December, certainly have not curbed the cost of living. They have added to it.

Last Friday Arthur F. Burns, President Nixon's chief adviser on domestic affairs, warned that "a further rise in interest rates would be a serious threat to the continuance of our prosperity." He predicted that it could bring about "a credit crunch followed by a business recession."

This matter is assuming the proportions of a major crisis, Mr. Speaker. The administration should act immediately to use all the powers of administrative government to begin a systematic rollback of the interest rate structure all along the line. Delay could be disastrous.

I am calling upon the President and his Council of Economic Advisers to begin a systematic and determined effort, through the Federal Reserve and other Federal agencies such as FHA and the Veterans' Administration, to set a timetable of systematic and orderly reductions in interest rate charges and allowable discount and rediscount rates.

The situation has reached a point where only the Government can act effectively. It should begin action now. Perhaps a patterned reduction in all federally recognized interest charges, at the rate of one-half percent every 6 months, could provide the leverage necessary to reverse this extremely dangerous trend.

The time for action is here, and that action can come only from a concerted plan executed by the administrative branch of Government.

PENDING LEGISLATION RELATING TO CAMPUS DIFFICULTIES

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, I sometimes wonder which is worse—an oppressive majority, or an intolerant minority.

Our Committee on Education and Labor is going through the same kind of intolerance that has been visited upon many of the college campuses by a minority of the students. Above the noise of the campus revolts and riots, there has been a quiet but determined voice of the decent citizens of this country asking that Congress do something about this situation.

The gentlewoman from Oregon (Mrs. GREEN) has taken a great deal of personal abuse from some members of her committee and from some editorial writers, who have—either deliberately or through ignorance of the facts—portrayed her efforts to bring some sanity to the situation as being oppressive.

The legislation we are considering will do two things.

It will restate the position of the House on section 504 of the Higher Education Act, which this Congress passed last year, giving the administrations of the colleges and universities of higher learning the right to take away from any student convicted by a court or judged by that administration to be in violation of the rules of the institution the moneys the student is receiving through the student loan provisions of legislative enactments.

We go further and we say to the administrators of these colleges that before they can receive any of the $3.5 billion of taxpayers moneys funneled to the institutions of higher learning in this country they must submit a plan to the Department of Public Instruction or HEW setting up a method of operation in the case of violence, setting up a program of rapport as between the students and the faculty and administrators. This plan is not subject to veto or amendment by any department or bureau of the Government. Any rules and regulations must be set by the administration of the institutions without prompting or pressures from the Government.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

PENDING LEGISLATION RELATING TO CAMPUS DIFFICULTIES

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute.)

Mr. DENT. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Pennsylvania.

Mr. DENT. I thank the gentlewoman for yielding.

The reason I wanted some additional time was to call to the attention of the House that what has been reported in the daily newspapers, and particularly the Washington Post and the New York Times, is not in the bill itself.

I know that we honor, and I fight for, as all Members do, freedom of the press. But I cannot find anywhere where the freedom to lie is included in that freedom.

Mrs. GREEN of Oregon. Mr. Speaker, at the conclusion of the meeting this morning of the Education Committee two young students came up to me and identified themselves, and they said:

> From the reports we had read of the bill which the committee was considering we thought it was the worst legislation possible, oppressive and punitive, but after we have read the bill and after we have listened to the discussion we think this is the most reasonable piece of legislation we have seen come out of any legislative body.

Mr. Speaker, I relate this incident merely to say to my colleagues that this afternoon I am going to make a detailed analysis of the bill, and I will circulate it to the various offices.

I am sure that from some of the press reports Members of the House would have a real concern about what is in this legislation. I think they should know the facts. I think they should know what some of us on the committee are trying to do. We have taken every possible means to write legislation that would be fair, which would preserve the autonomy and independence of the universities and preserve academic freedom and yet offer some help in meeting the disturbances and riots that we see in increasing numbers on our college campuses. So all I am asking, Mr. Speaker, is that the Members of the House read the legislation itself. It is bipartisan in nature. Certainly peo-

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ple on both sides of the aisle have made valuable contributions in the drafting of the legislation. While the tyranny of the minority which we saw this morning may work for a short time, I am sure the majority opinion will prevail in the long run and we will make the decisions on what is fair and just and in the best interests of the country.

ANOTHER FISCAL DISASTER

(Mr. PODELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PODELL. Mr. Speaker, evidence accumulates daily of the most damning sort proving again and again that masses of dollars are being drained from the Treasury to support boondoggles. Overruns on Government contracts will result in Government bankruptcy if allowed to continue. The evidence is absolutely shameful. To be sure many civilian contracts are almost as bad as several military ones which have been revealed.

Added to the M-16 rifle, main battle tank, Cheyenne helicopter, TFX, and the C5-A is a new cost overrun. Now it is estimated that costs of the Minuteman II missile have soared by nearly $4 billion. This is a figure twice the amount of cost overruns on the C5-A. Of course the Air Force disputes this, saying that the cost overrun here was only half that. Interesting to note their reply. It is like excusing an illegitimate child because it is only a small one.

Mr. Speaker, nothing could be a more eloquent argument on behalf of fiscal responsibility than these fresh, stunning revelations. How appalling that the Air Force did not enforce the contract. How unbelievable that this contract was not terminated or massive penalties imposed upon all major contracting companies responsible.

Congress is not being informed. Agencies are hiding what they are doing with funds we appropriate. Taxpayers dollars are practically being thrown away by the bushel.

Mr. Speaker, this is intolerable and will be laid at the door of the Congress if we allow these activities to continue unchecked. It is imperative that Congress have a watchdog over moneys it appropriates to ensure that national wealth is being spent wisely. My measure, the Government Contract Scrutiny Act of 1969, would make the General Accounting Office a congressional watchdog on a full time automatic basis. Any Government contract, military or civilian, would be subject to automatic audit and public report to Congress before the end of the fiscal year if its costs exceed 10 percent of the agreed-upon contract price or there is late delivery. The General Accounting Office's past activities have been most laudable, and I believe the General Accounting Office deserves such a role. Congress would then have an agency responsive to its wishes as the Bureau of the Budget is to the executive branch of Government today. As of this morning, 155 Members of Congress have joined in sponsoring this measure. It is time we imposed fiscal restraints on this lunatic spiral. A time for action has arrived. I invite all Members of Congress to join with me in sponsoring this needed legislation.

PRAISE FOR REPRESENTATIVE RICHARD POFF

(Mr. WAMPLER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. WAMPLER. Mr. Speaker, I would like to submit for reprinting in the Congressional Record the commencement address delivered by Representative Poff at Roanoke College in Salem, Va., on June 1, 1969. His daughter Rebecca was a member of the graduating class, and Representative Poff was awarded an honorary doctor of laws degree.

Representative Poff has practiced law since 1948, and was chairman of the House Republican task force on crime during the 90th Congress. Presently he is the second-ranking Republican member on the House Judiciary Committee, and vice chairman of the Presidential Commission on Reform and Revision of Federal Criminal Statutes.

I think Representative Poff's outstanding address at Roanoke College will further testify to his knowledge and understanding of the phenomenon of lawlessness.

The address follows:

Speech of Hon. Richard H. Poff, Roanoke College Commencement, June 1, 1969

I want to invite you to consider with me the question of dissent and conflict in our American society.

This will not be a lecture on campus disorders. On this subject, I share the concerns of all thoughtful people. I want to see no university shut down. But neither do I want to see any peaceful dissenter shut up or any academic freedom shut out. I know that academic freedom is not always the real goal, and dissent is not always peaceful. In such cases, the rights of the majority of students must be protected against the wrongs of the minority. But let us not become preoccupied with the symptoms of the problem to the neglect of the causes. In my judgment, the attitudes and behavior, the policies and nonpolicies of adults are among the chief causes of student unrest. Young people simply feel over-powered, over-patronized and over-protected by the older generation; over-powered because we compel them to act or forbid them to act but seldom ask them to participate; over-patronized because we condescendingly listen to their opinions but seldom really hear them or accept them; and over-protected because we try to buy them; make them over in our own image and pre-package their futures, completely smothering their own inspiration and aspiration. Then, when a militant minority exploits what we have done or left undone, we wonder how it all happened and cast about for a scapegoat to blame.

Neither will this commencement address be an indictment of dissent. Those who challenge the norm and question the customary should not be stigmatized. On the contrary, our Nation is great not because our people are the same, but because they are different, and being different, disagree. It is wholesome that this is so. Those who reject a dialogue on any subject foreclose progress. How unhappy it would be for America if we should be content always with what we have! The only thing that must never be changed is the freedom to change peaceably and wholesomely. Without the right of responsible dissent, change might never come.

Today, the American stage is set for the most familiar confrontation of life—between people who demand change and institutions that resist it. The institutions alter, but never fast enough, and those who seek change are bitterly disappointed.

For this and other reasons, one sees a deepening hostility to institutions—any and all institutions, here and around the world. It is partly understandable in terms of a natural anger over administered frustrations. Men can tolerate extraordinary hardship if they think it inevitable—God's will or fate or the ancient order of things; but their tempers have a short fuse when hardship results from the decision of another human being, presumably no better than themselves. Yet that is the lot of modern man: It is an administered age.

Related—in what ways we can hardly guess—is a breakdown in authority, in just about every manner and dimension: the authority of parents, religion, custom, social class, the law and the government,

Without an awareness of these factors—the expectation—despair syndrome, the hostility to institutions, the erosion of authority—one cannot possibly understand the turbulent events of the day . . . The standard phrase concerning social disorders is, "it's only a small group. . . .", But that is a misleading assertion. Beyond the fractious few, beyond even the considerable group of sympathizers, is the larger number of people who have no fixed views but are running a chronic low fever of antagonism toward their institutions, toward their fellow man and toward life in general. They provide the climate in which disorder spreads.

In that climate, unfortunately, our honored tradition of orderly dissent was undergone an unprecedented debasement. Protest has become a disorderly game. Reasoned debate has given way to bullhorn obscenities, the loudmouth and the hothead preempt the headlines and the television screen.

At first, one is puzzled by the failure to understand that when a social system is destroyed, the resulting chaos is supremely antagonistic to *any* organized purposes, including the purposes of those who initiated the destruction. The puzzlement clears up when one sees that they have fallen victim to an old and naive doctrine—that man is naturally good, humane, decent, just and honorable, but that corrupt and wicked institutions have transformed the noble savage into a civilized monster. "Destroy the corrupt institutions," they say, "and man's native goodness will flower." There isn't anything in history or anthropology to confirm that thesis, but it survives down the generations.

Those who would destroy the system also fail to understand history's lesson that periods of chaos are followed by periods of iron rule. Those who seek to bring societies down always dream that after the blood bath *they* will be calling the tune; and perhaps that makes the blood bath seem a small price to pay. But after the chaos, no one knows what kind of dictator will emerge. The proposal to "destroy the system" dissolves under examination.

Yet, there is no doubt that today's revolutionary is pursuing that goal with all the energy at his command. And in that pursuit he is wholly cynical in his manipulation of others. The rights of the majority are irrelevant to him; the majority must be manipulated for its own good (as he defines it.) He has no interest in rational analysis of the issues, indeed will deliberately confuse issues or block communication among groups so as to prevent such analysis (for example, by preventing opponents from being heard). He will devise traps to demean those in authority, destroying their dignity where possible. He will exploit the mass media, feeding their hunger for excitement and conflict.

He will plan deliberately provocative confrontations designed to lead authorities to overreact," knowing that if they do it will bring to his side naive sympathizers who know nothing of the issues but hate to see authorities act repressively. If all people in authority were perfectly wise the tactic would never work. But we shall never have such leaders. If the provocateurs are persistent enough and ingenious enough they can sooner or later trap any official into unwise action.

The fact is that the politics of derision and provocation are not only easy, they yield a kind of twisted pleasure. Sad to say, it's fun to get mad and it's fun to hate. Simple-minded people indulge such emotions without dissembling, and are duly criticized. More guileful people discovered long ago that the big psychic payoff comes in finding a noble cause in which to indulge one's rage and hatred. Then one can draw dividends from both sides of the transaction, satisfying both the new morality and the old Adam. And that is today's fashion; rage and hate in a good cause! Be vicious for virtue, self-indulgent for altruistic purposes, dishonest in the service of a higher honesty!

It is easier to understand the existence of a small group of destructive extremists, than to understand why a rather large number of presumably enlightened Americans give them aid and comfort. Generous minded citizens so fear the role of censor that they fall into a fatuous permissiveness toward destructive behavior. If there is a grain of justification in the behavior, they magnify it to excuse almost any action. They search the *status quo* for flaws that will make the destructive act seem reasonable, since there will always be such flaws in an imperfect world, one is left powerless before ruthless opponents. It is hard for the kindly American to recognize that such ruthlessness not only exists in some of his fellowmen but ripens early. It is hard, too, for him to realize that his own permissiveness may work an escalation of the conflict.

For a long time we have fondly fashioned the fiction that the drama of social change is a conflict between dissenters and the top layers of the establishment. But as the critics fling themselves in Kamikaze-like assaults on sluggish institutions, they eventually come into head-on collision with the people who are most deeply implicated in the sluggishness, namely, the great majority. The stone wall against which many radical reforms shatter themselves is the indifference (or downright hostility) of that majority.

The collision between dissenters and the average people who compose that majority is exceedingly dangerous. As long as the dissenters are confronting the top layers of what they call the "power structure," they are dealing with people who are reasonably secure, often willing to compromise, able to yield ground without losing much. But when the dissenters collide with society's great middle, they confront an insecure opponent, quick to anger and not prepared to yield an inch.

Responsible social critics can be of enormous help in identifying targets for action, in clarifying and focusing issues, in formulating significant goals and mobilizing support for those goals. That kind of help is not supplied by irresponsible critics.

The responsible critic comes to understand the complex machinery by which change must be accomplished, finds the key points of leverage, identifies feasible alternatives, and measures his work by real results. We have many such critics, and we owe them a great debt.

In contrast, the irresponsible critic never exposes himself to the tough tests of reality. He doesn't limit himself to feasible options. He doesn't subject his view of the world to the cleansing discipline of historical perspective or even contemporary relevance. He defines the problem to suit himself. He shrugs off the constraints that limit action in the real world. But the constraints he brushes aside are intrinsic to the problem. Discussions outside that framework are just words, never solutions.

The irresponsible critic knows it's a hard game to lose. If he takes care to stay outside the arena of responsible action and decision, his judgment and integrity will never be tested, never risked, never laid on the line. He can feel a limitless moral superiority to the mere mortals who put their reputation at hazard every day in accountable action. He can spin fantasies of what might be and spare himself the back-breaking, heart-breaking work of building real progress.

The consequences of such feckless radicalism are predictable. Out of such self-indulgence come few victories. As a result, we are producing a bumper crop of disillusioned and tired ex-radicals. Some radicals are so easily disillusioned that one wonders whether the experience feeds some secret stream of enjoyment. They seem to luxuriate in a pleasant agony of being "betrayed" by the world.

The model of the ineffectual radical is the man or woman who spends a few brief years exploding in indignation, posturing, attitudinizing, oversimplifying, shooting at the wrong targets, unwilling to address himself to the exacting business of understanding the machinery of society, unwilling to undergo the arduous training necessary to master the processes he hopes to change.

So those who have mastered the machinery laugh him off. He holds no terror for them. Soon he grows tired and gives up.

The favored instrument of dissent at the moment is the demonstration. When peaceful, the demonstration is a legitimate instrument, one guaranteed by the "peaceable assembly" clause of the Constitution. The violent, coercive demonstration is a threat to the framework of order that makes civil government possible.

The great French-Swiss moralist, Jacques Rousseau, once wrote: "If force creates right, the effect changes with the cause: Every force that is greater than the first succeeds to its right. As soon as it is possible to disobey with immunity, disobedience is legitimate; and the strongest being always in the right, the only thing that matters is to act so as to become the strongest. But what kind of right is that which perishes when force fails?"

One hears a special justification in the case of the recent ghetto riots. The riots, the arson, the mayhem, the murder were necessary, it is argued, to produce fear in the power structure and thereby to get action on the social front. Those who make that argument now insist that the tactic succeeded, and they advocate its continued use.

It is true that the riots provoked fear. But there were a lot of other consequences, too. The riots provoked great resistance to federal-state programs for the cities. The riots led both police and citizens to arm themselves heavily. The riots strengthened every repressive element in the country.

It is an old failing of the innocent liberal to indulge fantasies of a rather genteel revolution in which the revolutionaries stir up just enough turmoil to make comfortable people thoroughly uncomfortable. But you can't have violent revolution in carefully measured doses. Events will not be kind to those who unleash the furies of human emotion to promote their own carefully calculated goals. Emotions get out of hand. No one knows what climax they will build toward, nor who will get hurt, nor what the end will be. Anyone who unleash's man's destructive impulses had better stand a long way back.

No society can give itself over to those whose purpose is civic tumult. The anarchist paves the way for the authoritarian. Either we will have a civil order in which discipline is internalized in the breast of every man or we will ultimately suffer repressive measures designed to re-establish order. Everyone who cares about freedom will pray for the former and seek to avoid courses of action that lead to the latter.

We have entered the last third of the 20th century. In my judgment, the years immediately ahead will test this Nation as none before. We must cope with social unrest greater in depth and intensity than ever before. As part of the effort to cope with it, we must:

First, make progress in solving substantive problems of the utmost complexity and difficulty;

Second, We must repair the breakdown in the relationship between the individual and society.

Third, we must begin the exacting task of redesigning our society for continuous renewal.

We can do all of these things. There are great constructive energies in the American people yet untapped. We have strengths as a people not yet tested. Out of this time of trouble can come a great new burst of vitality for this Nation.

But not if we lost our heads and not if we delude ourselves. We shall accomplish none of the heroic tasks ahead without a tough-minded approach to the complexities of social changes. Big talk won't get us there. Tantrums won't get us there. And we now know that we'll never make it on ideas without money, or money without ideas, or either without sound public management.

Our socio-economic problems are numerous and exceedingly resistant to solution. In seeking solutions, we must design new, more flexible and far more effective Federal-State-local relationships. We must design more fruitful relationships between the private and public sectors. We must devise new means of making government at every level more responsive. We must learn how to design large-scale organization that not only serves the individual but gives the individual the opportunity to serve society. We must restore the sense of community. We already have significant clues as to how we can accomplish these things. But there is heavy work ahead, work for able and courageous men and women who are willing to tackle the evils of the day in a problem-solving mood. We have plently of debators, plenty of blamers, plenty of provocateurs, plenty of people who treat public affairs as an opportunity for personal catharsis or glorification. We don't have plenty of problem-solvers.

And the problem-solvers need to be backed by a plentiful supply of Americans who are willing to acknowledge the existence of the grave difficulties facing this country. As a people we have a considerable gift for not being honest about our problems. We can look right at them and deny that they exist, or deny that they're serious, or deny that any money need be spent to solve them. And those are forms of frivolity we can no longer afford.

As a people, we still have a choice. If we want a society on the beehive model, all we need to do is relax and we'll drift into it. If we want a society built around the inventive genius and creative talents of the self-directing individual, then we have chores to perform.

I am not proposing new duties; I am recalling old duties. Remember the preamble to the Constitution? "We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity . . ." Great phrases, and the greatest of all is, "We, the people of the United States." Not we, the public officials of the United States. Not we who take time to think about these things when we're not busy running our businesses or practicing our profession. Not we, the faculty. Not we, the students. Just we, the people.

CONGRESS MUST APPLY BRAKES TO HALT INTOLERABLE INTEREST RATES

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, the decision by U.S. banks to raise interest rates to prime customers from 7½ to 8½ percent is intolerable. The effect will spread throughout the entire country and the person who will be hurt most is the little man.

We can no longer tolerate this system where the standards of living of thousands of little people are hamstrung by the panelled-office decisions of a few Wall Street bank executives and the Federal Reserve.

In addition to its dampening effect of big business borrowing, which has been minimal, these unprecedented interest rate hikes are contributing to financial disaster for millions of Americans.

My prime concern is the housing problem facing the entire country. At a time when Americans at all income levels face this crisis, especially those at the middle and lower segments of the income scale, these sky-high interest rates are making it impossible for us to afford the new construction we desperately need.

With Federal housing funds limited in the first place, 8½ percent and higher rates on mortgages will stymie our response to this crisis even further.

The level of income at which Americans can afford to own their own home is rapidly increasing. At a time of so-called unprecedented prosperity, the doors of single family living should be opening to more Americans.

Instead, some who already own homes are finding the pressure of inflation and higher taxes so great that they are being forced to give them up. Many older citizens, particularly those who must live on fixed incomes, are being driven out of their homes because of higher costs.

Mr. Speaker, a person with a $22,000 8½ percent mortgage loan would pay as much as $150 a month in interest charges. A person with a $10,000 mortgage pays as much as $80 a month in interest.

This is substantially higher than a homeowner had to pay 4 or 5 years ago.

As a member of the House Select Small Business Committee, I am doubly concerned. These high interest rates attack the very means by which small businessmen survive as well as affect the customers they must serve.

Although higher interest rates are supposed to slow down inflation, for many, these rates accelerate inflation.

Interest rates are the means by which the supply of money is balanced with demand. Some fluctuation is justified when demand for loans get too high. BMut when the interest rates become punitive, and when they feed rather than slow inflation, Congress must act to protect the public's interest.

The plain fact is that big borrowers and investors will base their borrowing decisions not so much on the present rate but on their expectation of the trend—up or down—of interest rates. So the percentage continues to spiral upward as borrowing quickens, leaving behind those in lower and middle income levels who are priced out of the market—and often forced to lower their living standards.

Mr. Speaker, I strongly urge this body start an immediate investigation into ways of regulating interest rates so public policy and public benefit, as well as the supply and demand for money, will determine the cost of borrowing.

If worldwide monetary reform is necessary before we can reverse this trend, then we must make this a very high priority. If international reform is unlikely, we must take drastic steps by ourselves to reduce the cost of borrowing.

When demand is so high, perhaps some factor other than a borrower's willingness and ability to pay high interest rates should determine the distribution of the supply of money.

When food or gasoline have become scarce in our Nation's history, they were rationed or distributed to all based on need, at regulated prices. While this solution is distasteful, it is preferable to what is now approaching a legalized "black money market" where scarce loanable funds are distributed only to those willing to pay the premium rate, and those unable to pay these rates get nothing.

I would hate to think that loan rationing or rate regulation are needed in America. But 12 months ago, I would not have imagined an 8½-percent prime rate either. I do not advocate strict rationing or rate control but I do think, since the banks are intent on higher and higher rates, some prompt Federal action is needed to stop this raid on the living standards of the American family.

QUAKERS GO TO JAIL FOR MAKING PUBLIC THE IDENTITY OF OUR WAR DEAD

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, "sticks and stones can break my bones, but words will never hurt me."

Churchill said:

> You see these dictators on their pedestals surrounded by the bayonets of their soldiers and the truncheons of their police. Yet in their hearts there is unspoken, unspeakable fear.
>
> They're afraid of words and thoughts; words spoken abroad, thoughts stirring at home, all the more powerful because forbidden. These terrify men. A little mouse, a little, tiny mouse of thought appears in a room and even the mightiest potentates are thrown into panic.

Does that sound like America?

Then why, in the land of the free must one be brave simply to stand on the steps of his Capitol and quietly remind us to remember that once there were 35,000 living, breathing, laughing kids who are no more because of a war to protect freedom in Vietnam where there is no freedom to protect?

What kind of logic tells us a transparent gallery shield against the sneak attack of a maniac inside this Chamber is unnecessary separation between people and Government, while a rule against the free speech of an unobstructing few outside this building is indispensable to security?

Mr. Speaker, it is the function of security to protect lives, not egos.

Yet, from the steps of their Capitol, without blocking anyone's way, Quakers go to jail for making public the identity of our war dead, after the John Birch Society receives a prize from the American Legion for doing the same thing in Indianapolis.

Mr. Speaker, the document reads:

> No law . . . abridging the freedom of speech . . . peaceably to assemble, and to petition the Government.

It does not read "unless the Speaker and Vice President think otherwise."

I now retire to the Capitol steps to utter the forbidden words, "Colin Kelly."

PROJECT HOPE

(Mr. KAZEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KAZEN. Mr. Speaker, one of the most successful and unique programs yet devised to help in the field of community health needs, is Project HOPE—Health Opportunity for People Everywhere. Sponsored by the People-to-People Health Foundation, Inc., of Washington, D.C., an independent nonprofit corporation, HOPE has successfully carried out teaching and training programs in the medical, dental, and paramedical professions.

The vast need for medical and health services, hampered by the lack of doctors and auxiliary medical help, led one of my constituents and a distinguished member of the medical profession, Dr. Leonides G. Cigarroa, to invite HOPE to bring this program to Laredo, Tex.

On behalf of my constituents of the 23d District of Texas, I express my sincere appreciation to the sponsors of Project HOPE, and I welcome them to Laredo. At the same time I wish them success in their program of training the medical auxiliary personnel so vitally needed to provide our area with the best in health services.

Since Laredo, Tex., is the first city in the United States to receive help from Project Hope, a good deal of interest has been shown by many groups in this project and at this time, Mr. Speaker, I would call the attention of my colleagues to an article which appeared in the May issue of the Texas State Journal of Medicine entitled "Project HOPE Comes to Laredo: First U.S. Program."

PROJECT HOPE COMES TO LAREDO: FIRST U.S. PROGRAM

Laredo has become the first United States community to receive the help of Project HOPE. The program, which began in Laredo in April, will consist of training personnel in nursing, practical nursing, public health nursing, laboratory technology, nutrition education, and community health, and in providing basic education to the impoverished people of the community.

The estimated budget for the program has

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been allocated at $1,500,000, all to be paid by Project HOPE for three years.

Cooperating in and helping administer the project will be The University of Texas, the Texas State Department of Health, and several local agencies. Webb-Zapata-Jim Hogg Counties Medical Society, Laredo-Webb County Health Department, Mercy Hospital of Laredo, Laredo Junior College, Laredo Independent School District, the local vocational rehabilitation office of the Texas Education Agency, and the Laredo Chamber of Commerce.

Project HOPE, (Health, Opportunity for People Everywhere) is the principal activity of the People-to-People Health Foundation, Inc., of Washington, D.C. An independent non-profit corporation. HOPE has successfully carried out teaching and training programs in medical, dental, and paramedical professions in four continents in the past nine years. Foundation personnel have developed teaching techniques in working with the under-educated and the subordinated groups of the world. The Laredo project represents the first time HOPE has carried on such a program within the United States.

Laredo was chosen for the project because the needs of the American people of Mexican heritage there seemed most suited for Project HOPE activities: the average level of education among the city's 78,000 residents is approximately the sixth grade; Laredo is economically the poorest city in the US*; the extent of illness is high; and the ability of local physicians to deliver medical service is greatly hampered by the lack of doctors and of auxiliary medical help.

On the local level, Dr. Leonides G. Cigarroa and Jose L. Gonzalez (MPH), administrator of the Laredo-Webb County Health Department, co-chairmen, led the community in extending the invitation to HOPE to come to Laredo. The invitation was unanimously endorsed by the local agencies and organizations which are helping in the administration of the project and by the state agencies involved: Texas Medical Association, the Texas State Department of Health, The University of Texas System, and the governor of Texas.

In the development and implementation of teaching programs for paramedical personnel, HOPE will provide public health paramedical personnel to the Laredo-Webb County Health Department, together with a full public health team to offer basic health education to the population area as a whole. At the same time, a preventive medical education program, including the training of community aides and workers in all disciplines, will be carried out. All trainees will be selected from the local population.

The program of all trainees will include basic education courses, such as English, mathematics, and other required courses for completion of the equivalent of a high school education. A major part of this core education program will be instruction in Mexican-American culture and heritage. The University of Texas has agreed to provide the faculty for these studies. And the curriculum will stress history, heritage, architecture, and language. Trainee classes will be held at Laredo Junior College, Laredo-Webb County Health Department, and Mercy Hospital of Laredo.

Trainees will receive a modest income while in training so that students may remain in school without depriving their families or diminishing their sense of obligation to their families. Stipends will be between $35 and $40 a week unless the need is less great, in which case compensation will be according to need.

The whole program is under private sponsorship and will last for a minimum of three years. At the end of this period, The University of Texas, through its medical schools and developing schools of Allied Health Sciences and of Public Health, will gradually move in to absorb the program, making use of the teaching techniques practiced by HOPE.

Dr. William B. Walsh, HOPE's founder and president, was in Laredo in mid-April to help get the project officially underway.

Dr. Cigarroa, local co-chairman for the project, said, "I am delighted with the prospect of Project HOPE coming into Laredo to establish the teaching programs for paramedical personnel. It is a step toward realization of a major Laredo and national goal, namely, winning the war on poverty through education and helping give the dignity to those people who shall be up-graded in their status by wanting to better themselves.

"These trainees can and shall eventually find work not only in Laredo but anywhere in the state of Texas," the physician continued, "and truly this program can serve as the catalyst to a vast improvement and in fact a revolutionary concept in the delivery of health services to the people so that the light of access to adequate quality care can become a reality for all."

Dr. Cigarroa listed his co-chairman, Mr. Gonzalez, and other persons whose work had been instrumental in making the Laredo program a reality and whose work in administering the project would insure the program's success: J. C. Martin, mayor of Laredo; Alberto Santos, county judge in Laredo; Dr. Charles A. LeMaistre. The University of Texas System executive vice chancellor for medical affairs; Willis C. Cobb, administrator of Mercy Hospital of Laredo; Dr. James E. Peavy, Texas State Commissioner of Health; Gov. Preston Smith; and Lt. Gov. Ben Barnes.

TO CONTROL CAMPUS VIOLENCE—OR TO SNARL AT THE STUDENTS

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERLENBORN. Mr. Speaker, in this morning's Washington Post, two very interesting editorials appeared. The first is headed "To Control Campus Violence;" the second editorial is entitled "Or To Snarl at the Students."

Mr. Speaker, in the second editorial the editorial writer incorrectly reports the provisions of the bill that is sponsored by the gentlewoman from Oregon (Mrs. GREEN) and myself, and the members of the Committee on Education and Labor.

The editorial would give the impression that this bill makes a mandatory 5-year cutoff of Federal aid to students who have been found guilty of violence on the campus, where in fact the bill would allow the campus administrator discretion from 1 day up to 5 years. The present law is a mandatory 2-year restriction.

Further, Mr. Speaker, in this second editorial they suggest that this bill would interfere with the independence of the American universities when as a fact the bill is very carefully designed to leave with the campus administrators the job of determining what is permissible conduct on the campus, and how to effect the maintenance of order on the campus.

Having said that our bill would interfere with the independence of the campus, in the editorial entitled "To Control Campus Violence," the editorial writer suggests that injunctive relief is the proper approach. In other words, they are suggesting the proper forum to determine what is student permissible behavior is not the school administrator but is the court.

Mr. Speaker, I do not see how anybody could be more inconsistent than the person who wrote these editorials suggesting that our approach, leaving the authority in the hands of the campus administrator, is interfering with the independence of the campus administrator, and yet suggest that the courts ought to draw the rules for campus behavior.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman.

Mr. PUCINSKI. Mr. Speaker, the gentleman has made an excellent point, and to add further to the inconsistency of these two editorials, which is quite obvious to this reader at least, I suggest the right hand does not know what the left hand is doing up there.

In the first editorial they agree with the National Commission on Violence in which the Commission suggests that the universities and colleges of this country are not equipped and are not able to deal with student unrest with their own resources.

Then in the second editorial in the same edition, the writer of this editorial refers to the Harvard Commission report, and concludes that given an opportunity, the universities can deal with this problem of student unrest.

Reading these two editorials side by side, one finds difficulty understanding what it is that the Post really wants to tell us, when in the first instance they say the universities cannot deal with this problem and in the second instance they say they can.

Mr. ERLENBORN. I would just say to the gentleman that maybe they have two different editorial writers with different philosophies writing these two editorials.

COMMITMENT OF NIXON ADMINISTRATION TO CIVIL RIGHTS

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, the Nixon administration has renewed our Government's commitment to the cause of civil rights with two important actions: First, President Nixon named William H. Brown III as Chairman of the Equal Employment Opportunity Commission, and second, the Justice Department has filed suits against firms not affording equal job opportunities to minorities.

Mr. Brown's appointment serves notice to all concerned that implementation of the employment provisions of of the Civil Rights Act of 1964 will be

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*According to the *County and City Data Book, 1967*, published by the US Department of Commerce, Bureau of the Census, Laredo is (1) lowest in median income, (2) lowest in percentage of population earning $10,000 or more annually, and (3) highest in percentage of population earning under $3,000 annually, among Standard Metropolitan Areas of 50,000 or more population. Figures are taken from the 1960 census.

vigorously pursued. It is now up to the President and the Congress to see that his Commission has adequate powers to enforce that law.

Mr. Speaker, under unanimous consent, I include an article which appeared in the Evening Star of May 10, 1969, in which Mr. Brown's views on his job and the task of the Equal Opportunity Commission are discussed, at this point in the RECORD:

BROWN PREDICTS RIGHTS PROGRESS

(By William C. Barton)

The new chairman of the Equal Employment Opportunities Commission predicts the Nixon administration will demonstrate a "substantial commitment" to civil rights enforcement by the end of the year.

William H. Brown III, a Negro lawyer from Philadelphia, said:

"I have no doubt that a year from now the administration will show it has a substantial commitment in the field."

The 39-year-old lawyer was named chairman of the key civil rights agency earlier this week by President Nixon. His nomination had been stalled temporarily by Senate Republican Leader Everett M. Dirksen, who later dropped his opposition.

HOPES DIRKSEN WILL WATCH

In doing so, however, Dirksen promised he would be watching Brown to see that he doesn't harass businessmen—an accusation the Illinois senator made against Brown's predecessor, Clifford L. Alexander Jr.

"I hope Sen. Dirksen does watch us," Brown said in an interview. "I would hope that everybody will be watching us."

But he insisted the surveillance by Dirksen and others should be directed toward guaranteeing the agency vigorously enforces civil rights laws.

Brown, who conceded the agency may not have done enough in the past, said several changes are needed to strengthen its enforcement powers.

He said Congress should authorize the commission to issue cease-and-desist orders and should provide more money.

At the same time, he said, he is conducting "an in-depth review" to see if operations can be streamlined to be made more effective.

WOULD NEED COURT ACTION

On the subject of cease-and-desist powers, Brown said he favors the strong authorization proposed by former President Lyndon B. Johnson over the somewhat limited version that Nixon reportedly is planning to propose.

Dirksen has said Nixon's proposal would require such commission orders to be approved by a federal court before they could go into effect—a requirement similar to that of the National Labor Relations Board.

Defending Nixon's over-all record on civil rights, Brown contended much criticism of the administration stems from "conditions that existed in the past."

For example, he cited the three Southern textile firms awarded contracts by the Pentagon although they had not fully complied with the 1965 executive order banning racial bias in employment on the part of government contractors.

"These same firms," he said, "have been awarded contracts during the past administration."

THE HIGHLY RESPECTED NEW YORK TIMES CAN ALSO BE WRONG

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, this morning two of the most highly respected and great morning newspapers of America commented adversely on the bill now before the Committee on Education and Labor which attempts to deal with college student unrest.

I happen to be a cosponsor of this legislation so I have more than a passing interest in this bill and the editorial opinions offered on its effectiveness.

The editorials in these two newspapers give added credence to the wise saying that "ours is a government of men and morning newspapers."

The New York Times took serious issue with those of us who are sponsoring this legislation. It pointed out the legislation is unnecessary and predicted all sorts of dire consequences which would flow if this legislation were to be adopted. I submit the New York Times is wrong in its conclusions.

The fact that the highly respected New York Times can be wrong is a matter of public record.

In some recent research, I came across an editorial which appeared in the New York Times in 1920. I ask the indulgence of the House to read this very brief editorial because it so clearly demonstrates that even the sedate, knowledgeable and highly respected New York Times can, on occasion, be wrong.

The title of this New York Times editorial was: "A Severe Strain on the Credulity." It said:

> As a method of sending a missile to the higher, and even to the highest part of the earth's atmospheric envelope, Professor Goddard's rocket is a practicable and therefore promising device . . . It is when one considers the multiple-charge rocket as a traveler to the moon that one begins to doubt . . . for after the rocket quits our air and really starts on its longer journey, its flight will be neither accelerated nor maintained by the explosion of the charges it then might have left.

The New York Times then says further, referring to Professor Goddard's early research in manned flights into outer space:

> Professor Goddard, with his "chair" in Clark College and the countenancing of the Smithsonian Institution does not know the relation of action to reaction, and of the need to have something better than a vacuum against which to react—to say that would be absurd.

The New York Times concludes:

> Of course he only seems to lack information ladled out daily in high schools . . .

In other words, this great newspaper seriously doubted that we could ever get a man into outer space and eventually to the moon. Next month I think we will be able to prove how drastically wrong the New York Times was in 1920 when we land our American team on the moon. Our tremendous successes in space exploration already have proven that the New York Times can indeed be wrong.

The effective administration of the bill now before my committee to deal with college unrest will prove that the New York Times can be wrong more than once.

MOL SAVINGS SHOULD BE DIVERTED TO NATION'S HOUSING NEEDS AND FEEDING THE POOR

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, along with millions of Americans who are concerned over inflation and escalating defense costs I was most pleased to read this morning of the Defense Department's decision to cancel the $3 billion manned orbiting laboratory program. This will mean a spending cut this year of some $300 million with budgetary savings over the next 5 years of an additional $1.5 billion. To date $1.3 billion has been spent on the program.

It has been speculated, however, that this is not a cut in defense spending simply for the sake of reducing expenditures but rather it is a "sweetener" to help gain approval for the anti-ballistic-missile program which ultimately could cost the American people an amount many times greater than the cost of the MOL program.

Nonetheless, the cut has been announced and it is welcome. The reduction in expenditures for the upcoming fiscal year will add to an already forecast budget surplus of $6.3 billion.

However, instead of adding to the surplus it is my belief that this money should be diverted into our two most pressing domestic needs, housing and feeding America's hungry citizens.

There is an ever-growing and unmet need for low-cost private and public housing. It is a well-known fact that the housing industry, because of the tight money policy and skyrocketing interest rates, has been depressed for almost 3 years. Pumping a portion of the $300 million saving into the housing industry simply will not have an inflationary effect.

And certainly, providing lower cost or free food stamps to persons with little or no disposable income is not going to add any inflationary pressure.

It seems to me that reducing expenditures by eliminating the manned orbital laboratory program will have a very beneficial effect in our efforts to reduce inflation. It seems to me also that we could double the advantage of this reduction in spending by diverting these moneys into areas of pressing need which could absorb the funds without further adding to the inflationary rise.

HIKE IN PRIME LENDING RATE

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, the unprecedented, unjustified, unnecessary, and undesirable increase in the prime lending rate to 8½ percent is an incredible exploitation of the American consumer who is being priced out of the money market.

In a broader sense this 1-percent increase in an already excessively high

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prime rate holds the frightening potential of wreaking havoc with our entire economy.

This increase in the cost of money is especially galling because it has been conclusively demonstrated during the past year, as the prime rate has been pushed higher and higher, that increasing interest rates will not control inflation. Reducing Government spending would not only be a wiser but also a more effective way of limiting inflationary pressures on the economy.

I implore the President to use all the influence at his disposal to reverse this latest increase in the prime rate and to begin the essential reduction in interest rates. If the Federal Government were to adopt sound fiscal and monetary policies interest rates could be brought back to earth and inflation checked.

RAIL PASSENGER SERVICE DECLINE

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, recently the Interstate Commerce Commission predicted that unless there is a major shift in the policies of the Federal Government and the railroads, much of the remaining rail passenger service "will not survive the next few years."

The ICC in its annual report noted that during the 10-year period since 1958 when it gained authority over passenger train discontinuances, the number of such trains has declined more than 60 percent—from 1,448 to 575 daily.

In the 1968 fiscal year the ICC allowed the railroads to discontinue 117 passenger trains—the greatest number since the enactment of the 1958 law—and forced them to continue operating 39 trains.

More and more areas throughout the country are becoming devoid of passenger service. There is no area in the United States today that has not faced or is currently facing the prospect of losing rail passenger service.

During the last session of Congress the Commission was unsuccessful in its attempt to get Congress to study passenger service and decide on a national policy on whether rail passenger service is needed.

Today, the following 25 Members of this body joined me in the introduction of this legislation: Messrs. WATKINS, MOSS, VAN DEERLIN, HASTINGS, ADAMS, OTTINGER, SAYLOR, RUPPE, MCCLURE, EDMONDSON, WAGGONNER, RANDALL, ANDREWS of North Dakota, BELCHER, CAMP, RARICK, LONG of Louisiana, WINN, BERRY, REIFEL, SCHERLE, LUJAN, KYL, and SEBELIUS.

The bill, first, requires the carrier to give the Commission 60-day notice of its intention to discontinue service;

Second, gives the Commissioners 6 months to make an investigation with authority to extend 2 months if necessary;

Third, requires continuation of services by the carrier during the period of investigation; and

Fourth, provides that if the Commission finds that the operation of service is required by public convenience and necessity and will not unduly burden interstate commerce the Commission may by order require the continuance of service.

Where a company proposes to discontinue the last remaining train, the bill provides that the Commission shall require the continuance of service unless, first, the public convenience and necessity do not require the continuance; or second, the continuance of service will impair the ability of the carrier to meet its "common carriers" responsibility considering the overall financial well-being of the carrier.

The burden of proof is upon the railroad—where it should be.

Mr. Speaker, I urge that this measure receive serious and deliberate consideration by all Members of the House in order to bring about an equitable solution to the problem we are currently facing.

LET US NOT BE NAIVE ABOUT PRESENT-DAY COMMUNISM

(Mr. TALCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, unfortunately and regrettably, so many of our citizens, especially our students, have little opportunity to hear a knowledgeable speaker on the subject of practical, everyday communism. They hear only the theorists, only the one-worlders, only the textbook exponents who have no first-hand or practical information or knowledge.

The Reverend Jan Kucera, a longtime resident of Czechoslovakia, spoke to the members of the Monterey Peninsula Rotary Club, and made some important observations which should be widely known.

I include in the RECORD at this point the column of Fred Sorri, an able and experienced reporter on the Monterey Herald, reporting the remarks of Rev. Jan Kucera. His credentials speak for themselves. His views of present-day communism deserve attention. We cannot permit ourselves to remain naive or oblivious to the true facts.

The article follows:

WARNS OF SOVIET ILLUSIONS

(By Fred Sorri)

Though it may mean imprisonment or death because he has been so outspoken about the Soviets in Czechoslovakia, the Rev. Jan Kucera told members of the Monterey Peninsula Rotary Club Thursday that he is going back to Prague in August to continue his fight against communism on the home front.

Punishment from the Reds is nothing new to the pastor, who in 1950 was banished from the pulpit and put to hard labor as a woodsman for three years for the "crime" of visiting a political prisoner. That prisoner, a former secretary of justice, had been held by the Communists for 5½ years without trial, Mr. Kucera told the Rotarians.

Mr. Kucera, who obtained all of his passport and travel papers from the Dubcek government before the August Soviet invasion of his country, has been a guest of the Rev. Burkert Cree, pastor of the Community Church of the Monterey Peninsula.

NAIVE AMERICANS

Introduced by Don Ostergard at a luncheon meeting at the Casa Munras, Mr. Kucera chided Americans for being so naive about Russian intentions.

He said it is an illusion to think that Russia can be a good neighbor as evidenced by the invasion of Czechoslovakia.

Likewise, he said it is wrong to believe the movement away from Stalinism has led to liberalization in the Soviet Union. Again, the proof as to the fantasy of Russian liberalization is what happened to his native land in August, he said.

PROPAGANDA

He said the propaganda of the Communists has been successful in spreading the myth that the United States is responsible for the arms race, though there are so many Soviet Union war ships on the Mediterranean it has become a Russian sea.

"Russia has never left its goal of world revolution and world domination," Mr. Kucera said.

He said Stalin is the "world's greatest criminal," and that his ultimate successor, Leonid Brezhnev, Communist party general secretary, is "worse" but "more clever" than Stalin.

Mr. Kucera said he had no doubt he would be in trouble with the Communists when he returns to Prague where his wife and two married sons reside.

AILING YEARS

"But I am 75," Mr. Kucera said, "and if they want to take my ailing years, they may help themselves."

This is his fourth trip to the United States and Mr. Kucera said that what concerns him is how naive Americans are about Russian intentions. He said it is foolish for the people of the United States to believe they can live in peace with the Soviet Union because the Communist goal remains world domination. He predicted the Russians would try to conquer the greatest opponent of their world domination.

Mr. Kucera said he lived under communism for 20 years. He said Communists knew they would have to deal with the churches and they came to realize they could not be attacked frontally, "so they developed the devilish idea to pay the pastors from the state treasury" so they would become the servants of the state. He said the pastors were indoctrinated and threatened and told they could not criticize the state from the pulpit.

LIBERTY SPREADING

He said the Soviet Union invaded Czechoslovakia because under Dubcek's liberalization program his country was thriving, newspapers were printing the uncensored truth and liberty was growing. Word of that was spreading to other Communist countries so Russia decided to stop it.

Since the invasion, he said Dubeck has been shelved and costs have skyrocketed. Railway fares are going up 100 per cent July 1 and certain goods are in short supply. His wife wrote, for instance, and asked him to bring shirts for his sons because they are hard to find there.

"So many Americans are naive and believe the Communist propaganda . . . All dealings between Christians and Communists are nonsense," he said.

HON. CHARLES STENVIG—LAW AND ORDER APPROVED IN MINNEAPOLIS

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, Minneap-

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olis has a new mayor-elect this morning—Police Officer Charles Stenvig.

The Minneapolis mayoralty race must go down in history as the turning point for the American people seeking to regain a voice in and some control over their government.

Mayor-elect Stenvig chose to run as an independent candidate in a traditionally Democratic city—in fact the power base of Mr. Hubert Humphrey, the late repudiated candidate for the Presidency of the United States. The Republican opposition, defeated by Mr. Stenvig, was a member of the Minneapolis City Council who ran with the open endorsement of President Nixon.

It becomes more and more apparent that the American people do not look to party label to cast their vote. They are thinking for themselves. They are looking at the man and what he stands for. In this particular election, the prevailing issue was Mr. Stenvig's call for law and order which was overwhelmingly approved by the people of Minneapolis. This election shows once again that the power of politics is not with parties but with people and as long as we have elections, the people—given a chance—will make their will known.

There is a practical lesson in this election for the small cliques who are trying to take over the controls and regiment the national political parties. Last fall the American people soundly repudiated one national party candidate—they indicated they had had enough and disapproved of leftist trends in their Government. Now, in Minneapolis, it would also seem that the voters have served notice on the other national party that they do not feel it is fulfilling its promises.

Party discipline, purges, purification, and control mean nothing to free people when they are fed up. In a free society political parties cannot discipline or control people. The inescapable truth is that people discipline and control politicians and parties. And, if those entrusted with leadership do not listen to the people, the people name new leaders—and if necessary create new parties.

Mr. Speaker, the victory of Mayor-elect Stenvig is heralded as a day of rejoicing and hope for the law-abiding, hard-working, taxpaying silent American everywhere. His election sounds the clarion call that the American people are demanding a return to individual liberty protected by law and order.

I extend my sincere congratulations to Mayor-elect Stenvig—the choice of the people—and wish for him every success in the challenging job he will be undertaking, confident that he will be a successful and loved mayor so long as he continues to serve his people.

I include a clipping from the local press, as follows:

[From the Washington (D.C.) Post, June 11, 1969]

Policeman Is Victor in Minneapolis

(By Austin C. Wehrwein)

Minneapolis, June 10.—Police Lt. Charles Stenvig, who conducted a law-and-order campaign, was elected mayor tonight. He defeated Republican City Councilman Dan Cohen, who was endorsed by President Nixon.

Stenvig, who ran as an independent Democrat in the nonpartisan runoff election, promised to "back up" his fellow police officers when they made unpopular arrests in Negro neighborhoods.

With 102 of the city's 195 precincts reporting, Stenvig had 34,348 votes and Cohen had 17,643.

Cohen conceded the election an hour and 20 minutes after the polls closed.

Cohen, who is 32 and a Stanford and Harvard Law School graduate, was matched against the 41-year-old Police Federation president as the result of an April 29 primary that drew national attention.

Stenvig won 42 per cent of the vote in an upset that knocked Alderman Gerard Hegstrom, an organization Democrat, out of the race.

Mayor Arthur Naftalin, a Democrat and a close friend of former Vice President Hubert Humphrey, did not seek re-election.

Naftalin had been in office since 1961, so the primary ended eight years of regular Democratic rule in the city. Next year Naftalin will return to teaching at the University of Minnesota where he got his Ph.D. degree.

The City Council was 8 to 5 Republican, and Cohen was Council president, a powerful post under the Minneapolis charter.

Cohen, who blazoned President Nixon's endorsement, was forced to run a campaign designed to attract Democrats, especially liberal Democrats.

He called Stenvig "goofy," and "a George Wallace in Minneapolis clothing."

Wallace last November got only 4 per cent of the city's vote, but in the primary Stenvig carried nine of the 13 wards, cutting into both Republican areas and blue-collar wards that helped Humphrey get 59 per cent of the Minneapolis vote for president.

Stenvig hotly denied charges he was a racist, while reiterating his theme: "Little people are sick and tired of a few weak public officials knuckling under to hoodlum elements."

LEGISLATION ON CAMPUS UNREST

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from Oregon (Mrs. Green) is recognized for 60 minutes.

Mrs. GREEN of Oregon. Mr. Speaker, I take this time on the floor today in a special order to discuss legislation that is pending before the Committee on Education and Labor of the House. It has to do with the current campus unrest, the increasing number of incidents and major disturbances which we have seen on campus grounds. In this House we have Members who prefer that no action at all be taken by the House and who, as I see it, apologize in the name of academic freedom for what occurs on the campuses. In my judgment, if the majority followed this line, it would lead eventually to very repressive legislation being enacted. There are other Members of the House who feel very strongly about campus disturbances and would probably want to cut off all funds to colleges and universities because of the actions of a minority of students. However, I am also persuaded that the very large majority of the Members of the House of Representatives are looking at the current campus unrest and trying to find a middle ground with some kind of legislation that would be helpful to the campuses, either in the way of keeping control or regaining control. They seek some kind of legislation that would be helpful to the administrators on the college campuses and yet at the same time legislation which would preserve the autonomy of the institution, the independence of the institution, and indeed and above all preserve the academic freedom which we have known and defended for many, many generations.

Mr. Speaker, I also take this time because, as I see it, at least, there have been gross misrepresentations of what is contained in the pending legislation now before the committee. I would say, first of all, that the bill that is now pending is one that has bipartisan support. It is a result of hearings that were held by the subcommittee over a period of several months. We tried to hear from college administrators, from faculty members, from representatives of student organizations, and from the public at large. We did not orient the hearings to any particular political persuasion, but we were anxious to hear every point of view if we could possibly do so.

Mr. Speaker, I must pay my deep respects to the people on both sides of the aisle with regard to this legislation. On my own side of the aisle I wish to pay my respects to the gentleman from Illinois (Mr. Pucinski), the gentleman from Pennsylvania (Mr. Dent), the gentleman from New Jersey (Mr. Daniels), who contributed so very, very much in the hearings and in the deliberations. On the other side of the aisle I also pay my deep respects and my thanks to my colleagues there for the time and effort that they spent and the determination they displayed to find reasonable answers. Very important contributions were made by the distinguished gentleman from Minnesota (Mr. Quie), the gentleman from Illinois (Mr. Erlenborn), my own friend and colleague from Oregon (Mr. Dellenback), the gentleman from Michigan who himself came from the academic community (Mr. Esch), the gentleman from Wisconsin (Mr. Steiger), the gentleman from Iowa (Mr. Scherle), and others on the committee. Each has sought in his own way to have a better understanding of the problems—and to help find reasonable answers.

The bill that is now pending is really a result of all of the hearings that were held and of the efforts of these people especially to provide or to find this middle ground. There are all kinds of unreliable reports. There are individuals, I think, who are determined by hook or by crook to prevent this Congress from taking any action at all. I do not think that they are going to be successful. It is my hope we can have one piece of legislation instead of 20 different pieces of legislation on a variety of bills that come before the House.

If some of the press reports were limited to an exercise in vituperative language, I do not suppose it would be so important. But I asked for this time today because I do think that it is very, very important that this Congress and, indeed, the American people understand the difficult crisis which grips our universities. It is equally important to understand the intent and the exact provisions contained in the proposed bill. It is a bill which is designed to provide Federal support to the universities in the efforts which they are making.

Some reports, unfortunately, have de-

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scribed the proposed bill in terms which, charitably might be called erroneous, but which are certainly misrepresentations.

For example, it has been stated, and I quote:

> The Green bill would . . . deny to students guilty of any sort of disruptive activities on college campuses any . . . benefits.

May I say that it is simply not true that benefits would be denied for "any sort of disruptive activity."

The disruptive activity required in section 504(a) would be preceded by the conviction in a court of law under criminal provisions, and the crime would have to involve force, disruption, or seizure of property at the university. The university then would have to determine that the crime was of a serious nature and contributed to a substantial disruption on the campus. The disruptive activity required in section 504(b) would be preceded by university determination that the individual had disobeyed a university regulation and that the infraction was of a serious nature and contributed to a substantial disruption. Such infractions are the only instances when any benefits would be withheld.

Mr. Speaker, both of these provisions contemplate serious misbehavior far beyond that which the editorial implies in the words "any sort of disruptive activity."

It should also be noted that both provisions preserve for the university—not for the Government but for the university—the complete authority to control the situation. A student may lose his Federal benefits only after the university itself has decided that the student's misbehavior was of such great seriousness as to require the discontinuance of that benefit.

May I also say that the press reports and the reports circulated here have said that the law was extended so that the penalty—the cutoff of funds—was for 5 years instead of 2 years. This, again, is a misrepresentation of fact and I think a disservice in terms of fair representation to the young people who are in our colleges and universities throughout the country.

The present law says under section 504 that if a student or faculty member has engaged in a serious disruption or riot, if they have occupied a building, destroyed property, or injured people, if they have been convicted of a crime, then there shall be a penalty—the funds will be cut off for a mandatory period of 2 years. There is no give or take. It is 2 years, period.

Mr. Speaker, those of us who are trying to work for a moderate approach felt that this was too harsh a provision. There was some thinking that in some instances the funds should be cut off for only a 3-month period; whereas, in some other instances where someone might have engaged in a series of riots on a campus, his benefits should not be available to him for a longer period, anywhere from 2 years to 5 years.

So, Mr. Speaker, the language was certainly misinterpreted. We do not require the university to cut it off for 2 years, but we say for a period of up to 5 years.

To those of us who have been working on the problem, it seemed fair and equitable to give more discretionary power to the colleges and universities.

Some of the editorial writers have written about section 504 as if it were new, punitive language that members of the committee had dreamed up to punish everybody when, as a matter of fact, section 504 has been the law now for almost a year—and is very selective in nature.

The new part of the law—or the bill—is in title I. The gentleman from Illinois (Mr. ERLENBORN) has worked for a long period of time on this, and has made an extremely valuable contribution. It is his recommendation that one way of controlling the rising number of violent incidents on the college campuses was to ask the colleges and universities to think through and to make a plan of what they would do to prevent a riot on the campus, or indeed if a riot were to occur, what steps they would take to bring the riot under control. That is all that title I does. It simply says, as we require in a hundred different bills, that if colleges and universities are to be eligible for funds under the provisions of the law, then they are to file a plan with the Commissioner of Education, or with the Secretary of Health, Education, and Welfare. In most other bills—in fact, I am not sure but that in every other bill—we require the Commissioner of Education or the Secretary to approve the plan. He then issues such guidelines and regulations as he sees fit to require. But the suggestion in this bill is that every college or university be required to submit a plan, and to file it with the Commissioner of Education, nothing more and nothing less.

We do not ask that a college in the Midwest in a small town submit the same kind of plan that Columbia University would submit. We recognize that the situation is entirely different and therefore we allow great leeway. We simply say we want them to file a plan of the steps they would take, and they are to file it with the Commissioner of Education. Neither the Commissioner nor the Secretary have any veto power over that plan.

If the college or university refuses to file a plan, then, and then only, do they lose eligibility for funds.

Mr. Speaker, these are the two main provisions in the legislation that is before the committee. I do not believe that they are going to offer a panecea. I do not believe that after the passage of the bill we will have an end to riots. I do not have that kind of a dream, but we do suggest that this is responsible legislation that will approach the problem in a constructive way, and not in a punitive way.

Mr. Speaker, I would hope that every Member of the House would read the bill, would read the hearings, and would not be influenced by reports that are being circulated that completely destroy and distort the intent of the legislation and picture it as something that is very bad and very punitive.

Mr. SIKES. Mr. Speaker, will the distinguished gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, I consider myself privileged to have heard the distinguished gentlewoman from Oregon, one of the most able Members of the House, one who has served well and has helped to provide a responsible and respectful balance in Congress throughout her distinguished career. The gentlewoman has done more than any other person in areas of very great importance such as education, labor, and now in the field of campus unrest which the gentlewoman has been discussing.

Mr. Speaker, no one is better qualified through experience and dedicated interest than the gentlewoman is in these important fields. None of us, regardless of party and regardless of conservative or liberal leanings, can do better than to follow leadership such as that which the distinguished gentlewoman from Oregon offers to the Congress. She is one of our most valuable and most highly respected Members.

Mr. Speaker, she speaks for moderation and for common sense which America needs and which America wants.

Mrs. GREEN of Oregon. I thank my colleague for his most generous remarks. I would just say there is nothing like having prejudiced friends. I appreciate more than I can say—his friendship—his very kind comments.

Mr. ERLENBORN. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. ERLENBORN. Mr. Speaker, I want to make some comments concerning this bill. I think each of us charged with the obligation of legislation have to make a determination and look at this measure or decide whether we want any legislation at all.

There are those who say they would prefer that we would have no legislation. I presume that means they want to leave the 2-year inflexible penalty in section 504 which the gentlewoman would make much more flexible and which I think is desirable.

Anyhow they seem to feel they would rather have no legislation at all. I think it should be apparent today and it is quite apparent to most of us, that this option is not one that we have.

Just yesterday in the NASA authorization here, a much more punitive measure was approved by the House. It was adopted by the committee that reported the bill. It was attacked on the floor and by a division vote the provision in section 7 of the NASA authorization bill was retained in the bill by a vote of 83 to 15.

So it seems quite obvious that we are going to have legislation as the gentlewoman has pointed out. Our choice is now whether we are going to have reasoned legislation and a comprehensive legislative enactment or are we going to have a proliferation of more repressive legislation with different guidelines and different penalties for each Federal program because time after time as authorization and appropriation bills reach the floor of this House, such amendments are going to be offered. I predict they are going to be adopted.

I know many of us will walk down that

aisle to vote for those although in our hearts we know that these provisions are not right.

All that this bill does is provide a reasonable approach to have only a reasonable and moderate legislative enactment.

I think it should be pointed out that the editorial attacks on this bill have been irresponsible. I would call attention to the comments in the editorial in today's Post. The gentlewoman has mentioned this already, but I think it should be mentioned again.

In the first place, the Post editorial writers have apparently completely ignored title I of the bill that they are referring to. They make no comment at all about the provisions in there that are designed to give students a voice on the campus in a meaningful way and designed to bring together students, faculty and administrators in a reasoned approach to determine how quiet may be kept on the campuses. They just fully ignored that. Then they make this erroneous statement that "The Green bill would extend from 2 to 5 years the period during which a disruptive student might be denied any form of Federal aid."

They completely ignore the fact that it just does not raise the period from 2 to 5 years, but it lowers it from 2 years down to 1 day or 1 week. I think that is irresponsible reporting when they talk in that way.

Then they quote the commissioner of education. I did not know whether this is an exact quote of Dr. Allen, but I presume it is since it carries quotation marks.

The editorial says:

> Administratively, ... I think it would be impossible . . . I think this is interfering in the internal affairs of the university.

First of all, they do not say whether they mean title I or title II of the bill. If it was a comment about title II of the bill, I think it has been agreed upon by most of the parties to this bill, it would eliminate administrative difficulties.

If he was talking about title I of the bill, I wonder how Dr. Allen felt about the passage of legislation in New York that required the filing of a code or rules and regulations by each of the New York institutions.

I do not know but I have been given to understand that Dr. Allen helped to draft that bill in an attempt to head off more repressive legislation.

The editorial goes on to say that the Harvard committee report has recently been filed. The editorial states:

> The Harvard Committee Report combines flexibility with firmness, tolerance with toughness in a way likely to enlist the support of student bodies generally. It appeals to the student sense of fair play because it is discriminating and just. Mrs. Green's bill would punish without discrimination and without the elements of due process. It is a snarl, not a code.

We know section 504 already has in it a requirement of a hearing. It was the gentlewoman's suggestion that title II of the bill should have provisions for a hearing. Title I of the bill, speaking about rules and regulations for student conduct, administrative and faculty conduct provides that there be due process. So this is irresponsible reporting when they use the term that this is without the elements of due process in the bill that the gentlewoman has filed.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I will yield back to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I think it is very important at this point that the gentleman rises to read from the bill section 504(a). Page 6, line 21:

> If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, teaching, doing research or otherwise employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of the Higher Education Protection and Freedom of Information Act of 1969—

and so on.

So here we have in the bill due process. For the author of this editorial to suggest somehow or other these penalties will be inflicted without due process indicates that somebody has not read this bill.

Mr. ERLENBORN. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. Yes, I yield to the gentleman from Illinois.

Mr. ERLENBORN. I think it also would help to read from this bill at this point page 3, section 102(a)(1): (a) When describing the filing of a certificate as to the institution's plans and programs, it states—

> After consultation with administrators, faculty and students—

In other words, we are trying to direct this bill to encourage the campus administrators to involve the whole of the university community in making these plans. The same thing is true in subsection (2), and again it requires consultation with the students and the faculty.

Lastly, the editorial in the Post this morning suggests that the Education and Labor Committee ought to read carefully the latest statement on campus disorders by the National Commission on the Causes and Prevention of Violence. Well, I have read, not the report itself, but the report in the newspaper of this report from the National Commission, and here are their recommendations:

First, that students, faculty, and administration should try to achieve a broad consensus concerning permissible methods of presenting its proposals and grievances and the consequences of going beyond them.

That is exactly what title I of this bill addresses itself to—to having the students, the faculty, and the administration get together to determine what is the limit of permissible conduct, making it clear what the consequences will be if one exceeds the limit of permissible conduct. It happens that we have not seen this recommendation of the Commission, but it also happens that our bill was carefully drawn to do exactly what they did ultimately recommend.

Second, they say:

> The university should prepare contingency plans for dealing with campus disorders, and plan in advance under what circumstances the university will use campus disciplinary procedures, policy, court injunctions, and so forth.

That is exactly what title I of this bill is designed to do, again not without prior consultation with the Commission. It happens that is exactly one of the purposes of title I of this bill.

And the fourth recommendation is that the university faculty leaders and administrative officials should make a greater effort to improve their communication with their students, administration, and general public.

That is exactly what title I of this bill is designed to do.

As I said, there are those who want no legislation and there are those who want this legislation, but someone who is going to oppose this bill ought to realize he cannot get by without any legislation, so he should have an alternative. Some of the members of our committee and some of the people on the floor of this House have no alternative. All they want to do is block legislation from coming out of our committee. But we are going to have legislation written on the floor of this House.

I will say for the Washington Post, they did have an alternative. They are a little better off than some of our colleagues who just do not want anything. The Post does have an alternative. They suggest use of the injunctive procedure might be a good way of handling the campus situation.

They said our provision would interfere with the independence of the campus or of the university. Let me just suggest that changing the forum of the injunctive proceeding from State courts to the Federal courts is no magic formula.

Second, I do not think we are doing much for the universities if we ask the courts to draw up the code of permissible conduct and set the rules and regulations for our universities. Who can tell me we are protecting the independence of our institutions of higher education with a proposal like the Post makes to turn over the rulemaking power on the campus to the Federal courts?

Mr. Speaker, I thank the gentlewoman for yielding.

Mrs. GREEN of Oregon. Mr. Speaker, I thank the gentleman from Illinois for his contribution.

Mr. PUCINSKI. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I believe perhaps the most glaring inconsistency in the two editorials which appeared this morning in the Washington Post, one right after the other, is the fact that in the first editorial the Post points out that no one would quarrel with the Violence Commission findings that many universities are incapable and unable and ill-equipped to deal with student unrest. Then, in the second editorial, after referring to the "Harvard University Report of Fifteen," they say this Harvard report now demonstrates that, given an opportunity, the universities indeed are capable of dealing with this problem of unrest.

So one reading these two editorials side by side comes to the conclusion that

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the left hand in that editorial department does not know what the right hand is doing.

I would like to ask the gentlewoman about some of the history of this bill, because I think it is important to clear up misconceptions. I hope the gentlewoman will today put the entire bill into the RECORD at the conclusion of her remarks, and I hope those who are going to comment on this bill will take the trouble to read this bill, which is short and not very complicated.

The title of the bill says:

> To encourage institutions of higher education to adopt rules and regulations to govern the conduct of students and faculty, to assure the right to free expression, to assist such institutions in their efforts to prevent and control campus disorders, and to amend the Higher Education Act of 1965.

The title says "assist such institutions in their efforts to prevent and control campus disorders." It does not say it will govern their efforts.

Would the gentlewoman care to comment on the very title of this bill, and how the title refutes the statement that somehow this is a Federal power takeover?

Mrs. GREEN of Oregon. Mr. Speaker, in my opinion, there is less Federal control in this piece of legislation than in probably any other piece of legislation voted out by the Education and Labor Committee. The only thing we require universities to do is to file their plans and they—and they alone—are to be the judge of the plans, and they are the ones who are to submit them.

But, as the gentleman from Illinois (Mr. ERLENBORN) said, that is only after consultation with all the people in the academic community—the administrators, the faculty, the students, and others—so there is no possibility of Federal veto power. There is no possibility of guidelines and regulations sent out from the Office of Education as to how they are to be drafted.

Mr. PUCINSKI. On page 2, section 101(a), line 4 of the bill, we say:

> SEC. 101. (a) The Congress hereby finds that the primary responsibility for maintaining freedom of expression, public order, and the effective functioning of the educational processes at American institutions of higher education rests with the trustees, administrators, and other duly-appointed collegiate officials.

This is an official formal policy being expressed by the Congress of the United States.

Would the gentlewoman care to comment on that preamble of the bill,

Mrs. GREEN of Oregon. I think everybody who has been working on this legislation has approved of this language because we mean exactly what it says, that it is the college's responsibility.

Mr. PUCINSKI. Would the gentlewoman have any strong objections if, in order to give emphasis to this very subject we are talking about now, we added the word "solely" after the word "rests" so that the statement would then read: "processes at American institutions of higher education rests solely with the trustees, administrators, and other duly-appointed collegiate officials." Certainly this is exactly what we planned and what we intend.

Mrs. GREEN of Oregon. I would hope that the gentleman would offer such an amendment at the appropriate time in the committee, and we could discuss it there.

Mr. PUCINSKI. Continuing the discussion of this bill, on page 2, line 10, we see the language:

> (b) In light of the finding set forth in subsection (a)—

Which is the subsection which establishes that we are taking an official position that the management and operation of these schools is a function for the trustees and administrators of those schools—

> (b) In the light of the finding set forth in subsection (a), it is the purpose of this Act—
>
> (1) to maintain within the scholarly community the basic American concepts of freedom of thought, inquiry, expression, and orderly assembly.

Would the gentlewoman care to comment on what is the intent and meaning of this language in the bill?

Mrs. GREEN of Oregon. This, I think, merely reiterates what we have always maintained in the Subcommittee on Higher Education, that the American colleges and universities have been the defenders of academic freedom; that here there is free expression, a free flow of ideas with the right to disagree and the right to dissent. This is something we want to protect.

When those who are from the far left—the militant faction of the SDS or the Black Panthers—move in, they indeed are destroying academic freedom.

Those of us who are interested in this legislation hope that it will be helpful to the college itself in maintaining and preserving academic freedom within the scholarly community.

Mr. ERLENBORN. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I should like to add emphasis on the words "orderly assembly." I believe it should be made clear that those who have cosponsored this bill and have had something to do with the writing of this bill firmly believe that the students and the faculty on the campuses do have the right to express themselves through orderly assembly, that whatever peaceful means are approved on the campus should be allowed, and that we should not stop the students from expressing themselves.

What we do want, however, is to create on the campus an atmosphere where orderly assembly is the order of the day—not violence, not throwing Molotov cocktails, not stopping classes from being held. This is the thrust of the bill, to guarantee these rights to the students and to the faculty and to the administration, including orderly assembly—not to stifle dissent, as some have believed.

Mr. PUCINSKI. Again we are correct in establishing here beyond any doubt that whatever rules and regulations are promulgated by the respective university or college to accomplish the ends of this section (1) shall be established by that university or by that college and not by anyone else. Am I correct in that assumption?

Mrs. GREEN of Oregon. That is absolutely correct.

Mr. PUCINSKI. Now continuing again with the purposes of this act, section (2) on line 15 says: "to assist those who wish to pursue their education in a campus atmosphere free of disruption and violence."

I presume that this section is designed to help universities promulgate rules and regulations which will help that vast silent majority of decent young American people attending colleges all over this country who want to seriously pursue their studies and who time and again have been denied that opportunity by the unrest and violence at the institutions.

Am I correct that this is designed to help those youngsters who want to continue their studies? After all, many of these youngsters work all summer to earn enough money to pay their way through school. These are young people who are serious of mind and purpose and who wish to pursue their education. Do I understand that correctly?

Mrs. GREEN of Oregon. That is correct. The feeling of the people who have worked on this bill is that the majority have a few rights, also, and the majority who are there and anxious to obtain an education and are there to work for it should have that right to study free of violence and free of coercion from a minority who would try to prevent them from doing so.

In this connection I must say that I am a little bit weary of hearing people say, "I am terribly concerned about how this or some other legislation"—for example, that which we had on the floor this afternoon—"how this action will be looked at by the alienated." I think maybe it is time the Congress looked at how the vast majority of Americans are going to view some of the things happening here, and how the vast majority of students and faculty members on our college campuses are looking at the disturbances and riots that prevent the majority from doing what they are there to do.

Mr. PUCINSKI. Continuing, the purpose of this act, section 3, provides: "to afford encouragement and opportunity to administrators, faculty and students in working for orderly progress."

It seems to me that this is the first time anybody has taken official recognition that some of these students might be able to make some significant contribution toward a better school. It seems to me this proviso does encourage the local university people to set up orderly rules and regulations. Would the gentlewoman care to comment on the purpose of this particular proviso?

Mrs. GREEN of Oregon. I think this proviso is probably put in as a result of the hearings. I think most of us feel that there are a lot of honest grievances that the students have. They have gone to a university and events have occurred which have not especially contributed to the education which they are seeking. They have complained to us, rightfully or wrongfully, that there is no way to be heard, nobody to present their grievances to, and nobody who would listen. This is an attempt to write into the bill—and it is really a precedent—language saying that we think there ought to be con-

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sultation between all of the groups of people involved. This is the reason why this provision was written in.

Mr. PUCINSKI. Finally, the fourth purpose is: "to assist the academic community in maintaining institutions of higher education as centers for the free interchange of ideas."

Would the gentlewoman care to comment on that?

Mrs. GREEN of Oregon. It is very much in line with the preceding three. There should continue to be places where academic freedom is preserved which will be centers for learning. We want to have places where teachers can teach and students can learn. We want them free from the violence and disruption that has occurred all too frequently.

Mr. PUCINSKI. To go on to No. 5, finally, it says: "To assure reasonable protection of the Federal investment in higher educational programs."

I underscore the word "reasonable" there. This Nation is now contributing through the Federal Government—I do not have the figures for the State and local resources, but through the Federal Government—$3.5 billion every year in the way of Federal assistance to institutions of higher education. Sometimes I wonder where those who think this money ought to just be sent out and then forgotten get their information. It occurs to me that the taxpayer who is providing this money is a very tolerant person. This country has been very generous in trying to bring much needed help into the institutions of higher education as well as all other types of institutions. This section at least tries to show that there is a concern on the part of Congress that this money be properly spent without any restrictions or strings attached. I do not know how you can make language more reasonable and still assure that there would not be any controls following the Federal dollar.

Would the gentlewoman care to comment on that?

Mrs. GREEN of Oregon. I think the height of irresponsibility would be for the Congress of the United States to vote billions of dollars and then have no interest in how it was spent.

Mr. PUCINSKI. Then I wish to ask the gentlewoman one further question.

Mr. QUIE. Mr. Speaker, will the gentlewoman yield for a moment on that?

Mrs. GREEN of Oregon. I am glad to yield to the distinguished gentleman from Minnesota.

Mr. QUIE. I would point out something with respect to the amount of money which indicates the Federal Government's involvement in higher education.

The total expenditures, according to the previous administration, were $11.6 billion for all of education. We know that about $2.8 billion goes to the elementary and secondary schools and others that are not connected with institutions of higher education and with its administration.

However, I think it is a much more sizable amount. In fact we are pretty much on an even keel with the amount that the States put in. Of course, this does not include the resources which come from private sources for certain institutions. But the amount which the Federal Government puts in is about the same as that amount which the States contribute. So, we do share in the responsibility. We do not just say, "Leave it up to the States."

Mr. PUCINSKI. Mr. Speaker, if the gentlewoman will yield further, does the gentleman from Minnesota agree that we do run the risk of a reaction setting in upon the American taxpayer who has had to carry this burden but who has been very generous in his contribution of tax dollars to education at all levels, local, State, and at the Federal level? Is there not a danger, in the opinion of the gentleman from Minnesota, of a reaction setting in that could turn the people against these programs if the people continue to see this violent turmoil and excessive use of Federal, local, and State funds being used in this manner?

Mr. QUIE. Mr. Speaker, if the gentlewoman from Oregon will yield further, in my opinion that is correct. It is not exactly connected with institutions of higher education. For instance, yesterday there was an election held in Minneapolis. In a primary election the Democratic candidate was defeated. In the general election there was a Republican and an independent candidate running. The Republican got 38 percent of the vote and the independent who ran strictly on the law and order issue received 62 percent of the vote in the city of Minneapolis which is quite a modern city in our country.

I think there are many signals which indicate that the people are pretty well fed up with the permissiveness that has permitted people to use unreasonable acts leading to violence and disruption as well as destruction of property on the college and university campuses. Any Member of this Congress who has gone home and has visited in his district knows how his constituents feel about it. They can make their voice heard not only in the Congress and at the State level, but with reference to the private sources of money for institutions of higher education. That is why I believe it is important that this Congress take reasonable action in protecting the money it puts into higher education and in my opinion we are now on the right track.

Mr. PUCINSKI. Mr. Speaker, if the distinguished gentlewoman from Oregon would yield further, I would like the gentlewoman to address herself to what I consider to be the very heart of this bill. I think this is the part that has been most thoroughly misunderstood as to the provisions of this bill. It is my judgment, however, that if they read the provisions of this bill, they would find that many of the charges, innuendoes or accusations which have been made to the effect that this is somehow an effort to federalize the colleges of America and that this represents a Federal power grab or imposes limitations or restrictions or injects the Federal Government into the operations of our schools are totally unfounded.

Would the gentlewoman care to comment on that?

Mrs. GREEN of Oregon. If the gentleman from Illinois would allow me to say it, in addition to that I think it is a gross misrepresentation of the bill when we have reports that say it is designed to punish all of the younger generations; that it is a bill designed to punish students. The contrary is true. It is a bill which is designed to protect the rights of the vast majority of the students who are in college, who are earnestly seeking an education and to prevent a small minority from keeping them from obtaining that goal.

Mr. PUCINSKI. If the gentlewoman will yield further, this is why I would like the gentlewoman to comment on this language, because I believe this is the very nerve center of this bill.

In section 102, paraphrasing, we read that each institution of higher education shall file with the Commissioner of Education a certification which, first, affirms the intention of the institution to take all appropriate actions to attain the purpose set forth in section 101(b), and sets forth such programs of action—and here I emphasize—as the governing board of the institution after consultation with the administrators, faculties, and students, deems appropriate to prevent in such institution the occurrence or to assure the timely termination of actions which tend to defeat such purpose.

Mr. Speaker, as I read this language, and I do not believe anyone can read anything else into this language, this language concisely, unequivocally, and precisely states that it is the intention of the institution to take all appropriate action to attain the purpose set forth in section 101(b), and shall be promulgated by the governing board of the institution.

There is nothing in this bill that sets up any Federal standards. This bill clearly sets out, in my judgment, that the governing board of the institution upon consultation with the administrators, faculty, and students, shall be the sole authority to determine what rules and regulations will be promulgated in that particular institution.

I would like to make that point clear, and I would like the gentlewoman to tell me whether or not I am correct, and to set the record straight once and for all as to whether or not the Federal Government is trying to inject itself into the management and operation of these institutions?

Mrs. GREEN of Oregon. The gentleman is correct in his interpretation of what the bill says to attain the purpose set forth in section 101(b). They are the five items to which the gentleman from Illinois referred just a moment ago.

There seems to be nothing unreasonable about this. There certainly is no attempt by the Federal Government to inject itself into the situation and try to decide what should be done.

Mr. QUIE. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I only wish that the Congress had used this much wisdom and made as much of an effort to make certain it protected the integrity of the institutions of higher education in other laws, as we are doing in this one.

We only have to look through a host of

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bills that have been passed out of our committee, where we kind of gave them a quick brush, and by adding a section stating that nothing in this law shall in any way affect the administration or the curriculums, and so forth, and direction of personnel, but we gave all kinds of directions and we have permitted the Office of Education to give all kinds of directions. In fact, this Congress passed, and I voted for a civil rights legislation that directly puts the Department of Health, Education, and Welfare and other departments of this Government in a position which specifically hits at the direction of the colleges and universities of the country a lot more than most Members of the Congress realize. One only has to look at the letters that some of the Members receive.

So, Mr. Speaker, I really do not blame the institutions of higher education for being worried when the Congress now begins through some further action to require them to submit their ruling procedure. I do not blame them at all. But I believe they ought to look and see the kind of protection we have given, and what we have talked over, and are going to give added protection in title I of the bill to make certain that we do not usurp their authority or responsibility. We believe they ought to be the ones to make the decisions. And that is to be learned from our hearings, and that is what we heard before the subcommittee, and the gentlewoman from Oregon, as the chairman of the subcommittee, let it be known early and made invitations to individuals to come in and testify before our committee so we could find out what was going on in their institutions.

But they did not appear because they really did not know what they were going to do, and they were uncertain and felt it would be just too difficult a matter to get together a few hundred faculty members to try to recommend procedures to provide needed discipline.

But we have also heard before our committee testimony—and some of us have visited some colleges and universities not in our own districts—and all of us, I believe, check on the ones in our own districts, and find out what regulations were developed for their students, as far left as they might be, knowing the meets and bounds on which they can go, and I believe that really gives them much more control of the situation on the campus, and they know how far they can go. They can go that far.

What we really want to do here is to have guidelines in order that they will develop after consultation the kind of adequate rules and regulations with which they guide themselves.

This is what we are saying, I think: "Listen, if you want to get any more of that Federal money, just sit down and work out those procedures. We are not going to tell you what to do. Just sit down and work them out and send them to us—send them in to the Commissioner of Education."

Then they will be available for other colleges and universities to take a look at and decide what they want to do.

The gentlewoman mentioned earlier in the early part of her remarks about the problems we are having in committee—not being able to secure a quorum in order to bring out the legislation and challenges that we have not had adequate hearings and that there ought to be hearings on this legislation or that there is not any subcommittee report and so on.

We only have to look back at the elementary and secondary education bill. That bill was not even sent to the committee. All we had before us was a very simple short bill providing for a 5-year extension of the act the way it is. Our committee reported out the bill which even had just the 5-year extension, even the 5-year procedure.

Members added those changes in committee. But it will go back and hold hearings and then we send it our here to the floor.

All the time there was further consideration because some felt that there ought to be some changes in it. These views were considered in committee and the Congress worked its will.

I believe that we can look at what we did in the elementary and secondary education bill. But we use this procedure sometimes to go through the subcommittee although sometimes through the full committee. This time it went by as the gentlewoman said through the full committee, now that we have come to the decision that this is the kind of legislation we ought to have.

The proposal in title I is no different than the precedents that have already been set before in civil rights and set in a way that we ought to follow it. We are protecting the colleges and universities.

In title II there is an attempt to try to write the section 504 of the Higher Education Act Amedments of 1968 so that they will function better.

We have had some experience to include some of the provisions of student-faculty aid from the Federal Government that was not included in section 504.

In order to make it more fair and equitable, after discussion and finding out we decided we ought not to include social security payments, but they should be dropped, and we will not include them this time.

The committee worked in a deliberate way and will be bringing out a bill which I believe Members can stand behind and support when it is reached here on the floor of the House.

I think this is important. It is not a question of whether we are going to have legislation or not. Yesterday proved that we are going to have legislation. We had legislation earlier for a limited amount that the gentleman from Iowa offered also to the supplemental appropriation bill. But the NASA bill last year should have proved that there is going to be legislation.

Now as we go through the process of making this decision on the kind of proposal that will govern all of Federal aid so that college presidents and administrators will be able to look at one direction rather than in a number of directions. Last year they probably could look at least in three directions and probably more. We would like to give them one direction so they will know where they stand in dealing with the Federal Government under one law rather than rambling all over the place as would be the case if our committee is denied the opportunity to act. That is what we are asking for, for the members of our committee to work with us, and we will consider the views of each one as we have before. This time we are inviting them in and we are not keeping anybody out.

Some of us are worried about any of us being kept out. But nobody is kept out and we are inviting all to come in to take part in this deliberation so we can bring to the House in this year the kind of reasonable Federal legislation that the colleges may live under, but which will be an inducement under which they will develop their own plans and procedures to bring order to their campuses.

Mrs. GREEN of Oregon. If I might add one thing more at that point, there are some who are now asking for additional hearings which, in my judgment, is just another form of dilatory action. Some of those who are most adamant in wanting more hearings are the ones who did not attend even one-half of the hearings that were held by the subcommittee. So I look with a jaundiced eye at the request for new hearings. There are even some who did not attend a single hearing of the subcommittee—and now ask for additional hearings.

Mr. PUCINSKI. Mr. Speaker, will the gentlewoman yield to nail down that one point?

Mrs. GREEN of Oregon. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I should like to nail down this point and then we can proceed in the discussion.

On page 5, line 6, section (c), we provide as follows:

> If the Commissioner determines that an institution of higher education has failed to file the certification required by subsection (a) and (b), he shall immediately give notice to all Federal departments and agencies providing financial assistance—

And so on.

Do I correctly understand—and I think the RECORD should be clear on this—that this language deals merely with the filing of a certified report as required by sections (a) and (b)? There is nothing implied or specified in this section that even after such a report has been filed with the Commission that Federal funds can be withheld. As I understand this language it is basically required that a report be filed. There is nothing in this language that gives the Commissioner any veto power in rejecting a report and saying that it does not meet the requirements of sections (a) and (b).

Mrs. GREEN of Oregon. The gentleman is absolutely correct. The college is required to file a report, and only if the college refuses to file a report, only then would it be ineligible for funds. But we go even further than that and say that if they file a report after that, they would then become eligible.

I was shocked to read in one of the editorials, a Tom Wicker column in the New York Times, the following:

> This bill would make mandatory the complete cut-off of Federal assistance of any kind

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to any university or college that did not set up a rigid code of conduct, including a table of penalties—

And so forth.

That is an erroneous statement of fact. It bears no resemblance to the truth. I think it does a disservice to the academic communities, to colleges throughout the country. The gentleman from Illinois is correct in his interpretation of section (c) on page 5.

Mr. PUCINSKI. The bill goes even further in subsection (d), when the bill recognizes that there conceivably may be a situation where, for reasons best known to the university, it cannot adopt a code of conduct. Under such extenuating circumstances section (d) would permit the Commissioner to waive the requirements for the filing of a report or a code of standards.

Mrs. GREEN of Oregon. We have been more careful in this legislation to preserve the rights of the university than in any other piece of legislation with which I have ever been connected in this Congress.

We have another very distinguished member of our full committee who, though not a member of the subcommittee, has shown his interest and has attended meetings of the subcommittee because he is truly concerned about the problem. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. I thank the gentlewoman for yielding. I would like to add my commendation to the gentlewoman for the leadership that she has furnished, together with that of my colleague from Illinois (Mr. Erlenborn), and others, in trying to search for answers to this complex, perplexing, and very vexing problem that confronts the country. I do know of the pressures that have been on the distinguished chairman of the subcommittee to present more repressive measures which would indeed undermine academic freedom, and which would be an undesirable backlash effect and response to the genuine concern that is being demonstrated across the country. I think no one believes that campus disorders will evaporate over night with the passage of this legislation.

But I think it would help to create the kind of atmosphere within which we can cooperatively and sincerely search for the answers. In my judgment it serves two basic purposes: First, it would require the institutions themselves to address themselves to the problem and consult, to talk with the students, to talk to the faculty, to talk to each other, to communicate, and also to try to establish some reasonable procedures for continuing communication, so that legitimate grievances can be heard, and so that problems can be resolved before they get out of hand.

I might say it also provides for the first time some kind of guarantee that the students will have the opportunity to have their complaints heard and considered.

In addressing myself to the point raised by my distinguished colleague, the gentleman from Illinois (Mr. Pucinski), I think probably when we look at the place where the responsibility should be fixed, we will find it is not entirely on those who are the governing board of the institution, but the responsibility also must be shared by the students themselves. They have a stake in the preservation of an academic atmosphere within which they can pursue their education. Therefore, the responsibility, although perhaps not primarily, is very definitely on the shoulders of the students.

The second function, it seems to me, that this legislation serves—and this may ultimately be the most important purpose—is to create a kind of source of information, so that we can draw on the experiences of each other.

I think it is fair to say that the riots took many of our colleges by total surprise. They were unprepared. Now many of them are developing plans and they are addressing themselves to the problems. The requirement that they do just that and file a plan, which is the result of this experience, with the Commissioner of Education will make it possible for all of us to benefit by the experience all across the country, by the successes and by the failures, so that we can hopefully develop some answers to the problem.

In conclusion I will say I hope this legislation will in the ordinary democratic process reach the floor for consideration at an early date.

The SPEAKER pro tempore. The time of the gentlewomen has expired.

Mrs. GREEN of Oregon. Mr. Speaker, is it in order for me to ask unanimous consent that I may continue for an additional 10 minutes?

The SPEAKER pro tempore (Mr. Hechler of West Virginia). The Chair will advise the gentlewoman that under clause 2, rule 14, such a request cannot be entertained. However, the Chair can recognize other Members who wish to request a special order.

AMENDING THE HIGHER EDUCATION ACT OF 1965

The SPEAKER (pro tempore). Under a previous order of the House the gentleman from Illinois (Mr. Pucinski) is recognized for 30 minutes.

Mr. PUCINSKI. I yield to the gentleman from Louisiana (Mr. Waggonner).

Mr. WAGGONNER. Mr. Speaker, I express my appreciation to the gentlewoman from Oregon (Mrs. Green) and to those members of her subcommittee and other interested Members of this House for going into detail about the proposals of this legislation. A great deal of misrepresentation has been occasioned by it.

I find it rather amazing that those who worry now about Federal intervention and Federal dictation have not been concerned in the years gone by when they should have been concerned about Federal dictation.

They say it is surprising that this anarchy exists. I do not know where the administrators of these colleges and universities have been in recent years when they now express surprise at the crisis which exists on the campuses of our country. I said at least 50 times during the Cuban missile crisis in 1962 that the tragedy of that crisis would not be that we had a confrontation with the Russians because they placed intercontinental ballistic missiles on Cuban soil, but that the long road of history would allow us to point a finger at that moment of crisis and identify it as the beginning of a movement which would prove tragic to education in this country.

It was then during that crisis, that young Americans supposedly of college and university age dared rear their heads for all to see and speak for all to hear. They said in no uncertain way that they were on the other side. They told us then what they were going to do. I said the tragedy would be that their numbers would grow and that an educational crisis would surely develop.

In October 1965 I asked this Congress by resolution to investigate the Students for a Democratic Society. Few then were aware of who these people were and what they were attempting to do. They said then, as they have said in even more definite terms since then, that they were going to destroy education in this country.

Education in this country has been confronted with crisis after crisis. There is always the crisis of money, and we have met that challenge.

Education, for example, was confronted in the 1950's with the challenge of competition from the Russians. The Russians beat us to the punch because of a different emphasis, and launched the first manmade satellite on the top of Sputnik I. People became alarmed all over this country and started asking questions. What permitted the Russians to do something we could not do? When we put our shoulders to the wheel we met that challenge, and we are ahead in that particular field now.

This by contrast is not a challenge of competition. A challenge of competition is good. This is a challenge of destruction. If we do not meet this challenge we are going to see education destroyed in this great country of ours.

We have the greatest educational system for every American the world has ever known.

There are those who say that the anarchy which prevails on campus after campus is being brought to these campuses by outsiders. Even though this may be the case in too many instances—and once is too often—the anarchy which prevails on these campuses is not being brought to these campuses but is being taught on these campuses by some. Certainly I am not condemning all of the academic community, but I am condemning a part of that academic community which condones and teaches that the protests which are underway now serve a useful purpose.

Let us make it crystal clear. To do nothing would be the worst thing we could possibly do if we want to save education. Every man has a right to express his dissent just so long as in expressing that dissent he does not infringe upon the right of others to pursue their normal daily routines as they pursue an education.

I know the gentlewoman who heads the subcommittee and I know the members of this committee who share her point of view, and I know they have no desire except to try to preserve education.

The tragedy is that the Congress feels the need to act.

The tragedy is there are too many spineless, gutless, weak-kneed administrations on too many campuses across this country who will not do the job which is their responsibility.

The tragedy is that every college administrator, whether he is appointed or elected, who allows this anarchy to prevail does a disservice to education and to this great country.

I want to congratulate these people for, as Mr. Pucinski said earlier, attempting by legislation concisely and precisely to see that the U.S. Government does not continue to do what we have been doing in other programs. We financed with Federal tax dollars a revolution through the poverty program in this country. I do not want to finance another revolution in education by subsidizing it with Federal dollars and allowing these people to use other people's hard-earned tax dollars and subsidies in order to propagate this revolution.

Mr. Speaker, I thank this committee for what they are doing for education in this country and support their efforts.

Mr. PUCINSKI. I thank the gentleman for those comments.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman from Illinois very much for yielding to me.

I want to make a brief further comment on this particular bill on which there has been so much discussion here today. I wish to express first of all my deep personal concern about the editorial that appeared in the Washington Post this morning with regard to this matter. It is not just because of the fact that that editorial expressed an opinion with which I happen to disagree that I wish to comment on it. I believe it is the right of editorial writers to say what they will and what they feel is true with respect to a given situation. However, what I quarrel about so much with regard to that editorial is that it was not accurate as to its basic facts. Being inaccurate about this particular bill before the Committee on Education and Labor at the present time and its efforts to deal with the general situation of obtaining a dialog on the campuses and universities and quelling campus unrest, it is inevitable that its conclusions are also in error. It is not just because of the fact that in its final conclusion it said things with which I feel it was dealing improperly but because it set forth a series of points, including statements about my colleague from the State of Oregon, Representative Edith Green. I resent some of the remarks made with respect to her. I know my colleague from Oregon very well. I know that she has had a long-standing reputation as being a friend of education. I know her to be exactly that and most particularly a friend of higher education. I know her to be a friend of the administration of higher education on our college campuses throughout the Nation and a friend of the faculties of these colleges and universities and most particularly I know her to be a friend of students. I know that she and the gentleman in the well would not—and I can certainly speak equally strongly for myself—be a party to dealing with a piece of legislation which was intended to do injury to any of these basic component elements that make up higher education.

Mr. Speaker, the bill we are attempting to consider here is one that attempts to deal constructively and not destructively or punitively with the problems that higher education is facing currently. One of these problems is the matter of violence on the campus. This is an attempt to hand to the administration a tool to help them deal with this particular problem. This is an attempt not to do violence but to give them aid in their efforts to deal with this problem. Much more than that, it goes beyond the simple question and it is an attempt to help the faculties, the students, and the administrations on the campuses of the colleges and universities throughout the country to open up avenues of communication which are not now in existence. The studies that we have made on campuses throughout the Nation, if they have come up with any one single denominator, have come up with that denominator of saying where difficulty and trouble arose there has been an absence of or an inadequate communication among the component elements of administration, faculty, and student bodies. This bill is an attempt to say to the faculties and to the student bodies and to the administrations, "We do not tell you exactly what form your dialog must take and we do not try to tell you exactly what procedures you should set up for this intercommunication, but we do say to you very strongly that you shall have this communication; work it out in your own form and your own unique way because of your unique situation, but you must have procedures set up."

Mr. Speaker, I feel that the committee is struggling in this direction. I feel that some of our colleagues on our committee have unfortunately exercised what I consider to be poor judgment in refusing to cooperate in bringing this bill to an area of discussion before our committee.

Mr. Speaker, I want to close as I began by commending the gentleman in the well (Mr. Pucinski) upon his efforts in behalf of this legislation and particularly to commend the distinguished gentlewoman from Oregon (Mrs. Green) for not only her deep interest in this subject but for her earnest efforts and constructive efforts to move ahead in this field.

Mr. Speaker, I earnestly hope that this bill will come forth from the committee and will be passed by this House and by this Congress. I feel if we succeed in this endeavor we will have succeeded in a very important field and in a very important way.

Mr. PUCINSKI. I thank the distinguished gentleman for his contribution.

Mr. Speaker, I would like to point out that it is difficult to comprehend and understand and even begin to justify the criticism of this bill. This bill as we have said here throughout this discussion provides that the universities shall file with the Commissioner their rules and regulations which they have adopted to deal with the problem of unrest. There is nothing in this bill anywhere that tries to set up Federal criteria.

This bill quite properly points out what kind of information shall be included in the report certified to the Commissioner, this includes:

> (A) provide for an effective means to assure adequate opportunity for free expression, consultation and orderly discussion of educational and associated problems which affect and are of concern to trustees, administrators, faculty, and students of the institution;
>
> (B) govern the administrative practice, the conduct of students, faculty, other staff, and visitors on such property and facilities;
>
> (C) assure that fair procedures will be adopted to deal with cases of administrative personnel, faculty and other staff, and students charged with violation of such institution's rules and regulations; and
>
> (D) clearly set forth a table of penalties for violations of such rules and regulations.

This is assuming that there are penalties. The university may indeed decide that they will not have penalties. It may set up some other machinery for dealing with the problem of infraction of the rules.

Again, there is nothing insofar as I can find in this legislation which says that they must have penalties, they must have this or that. This legislation, in effect, says to the administrators of these schools that they should have rules and regulations dealing with the conduct of these institutions and that such rules be filed with the Commissioner of Education, but it does not say that these are the things we have got to have, this is the way they have got to be done. I think this is the very heart of this bill.

Mr. Speaker, I am wondering if some of those who are opposing this legislation really are not somewhat fearful of putting the spotlight on their rules and regulations and programs to deal with these problems or perhaps their lack of such rules. I am wondering if some of those who are so violently opposed to this legislation would not like to continue the status quo, even though there is across this country turmoil and turbulence at almost every institution because young people do not feel that educators are providing the kind of standards they need with which to face life at this point in the 20th century.

So, in my opinion it is important for all of us to know what the universities and colleges are doing to deal with these problems. All over the country there are those who say, "We do not have this problem; it does not affect us; we do not

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have to do anything; we do not need any rules and regulations," and all of a sudden an explosion occurs and they wonder what hit them.

Well, I believe if the young people of this country, if the faculty members, if the administrators, if the governing boards take a hard look at this bill, as I hope they will, and take a look at this Record today—and I did say earlier that I hoped the gentlewoman from Oregon would append the full contents of this bill to her remarks in her special order—when they look at the bill and look at it honestly, dispassionately, and without any prejudice, they will find that this bill merely attempts to help universities and help colleges and institutions of higher learning develop procedures and plans that will help them deal with their problems.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I am delighted to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I thank the gentleman for yielding.

I would point out that one of the new provisions in section 504 would include those people on the campuses who are receiving Federal financial assistance through the Veterans' Administration.

Therefore, Mr. Speaker, at this point I would ask unanimous consent to include in the Record a letter from the American Legion, the Department of Oregon, in regard to campus unrest, and from the national headquarters of the Catholic War Veterans, and a letter from the very distinguished and able chairman of the Committee on Veterans' Affairs of the House of Representatives, the gentleman from Texas (Mr. Teague).

I have discussed this matter many times with the gentleman from Texas (Mr. Teague). While the gentleman and I are in complete agreement that the number of GIs who might be involved in campus riots would be extremely small, we both feel, nevertheless, that this is a fair provision in the bill. I believe if those three letters were included at this point it would help to clarify that matter.

The SPEAKER pro tempore (Mr. Hechler of West Virginia). Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The material referred to follows:

The American Legion,
Department of Oregon,
Portland, Oreg., February 25, 1969.

The Honorable Edith Green,
House of Representatives,
Washington, D.C.

My Dear Mrs. Green: The Advisory Committee on Education pursuant to American Legion National Policy by Resolutions passed at the New Orleans National Convention, 1968 and the Department of Oregon American Legion Policy of Resolutions adopted at Department Convention, Astoria, 1968 wish to call your attention to matters of widespread concern and interest.

The future of the legitimate academic communities cannot be purchased by intimidation, criminal acts of violence and destruction of properties on institutions of Higher Learning. With a constant need for increases in the tax burden, a tolerant American public can no longer find any resolve in means by which tax monies are used to support destruction of tax reliant properties.

We strongly urge that your consideration or enactment of legislation or other necessary action be taken to withdraw Federal or State tax dollar grants or support for those students that have been or are convicted of those forto mentioned illegal acts. We find no moral or logical justification, but only criminal intent. Needy people in poverty areas are crying for help from monies we are lending and spending to destroy their own future.

Our children, yours and mine, should have the benefit of pursuing their education, disseminating the ideas in a system of education that would exalt their lives and that of succeeding generations in the future. We cannot obtain this by condoning these disrespectful Un-American acts. This Committee would appreciate your comments.

Thank you for the courtesy of your time and attention.

Sincerely,

John W. Buether,
Chairman, Advisory Committee on Education.

Catholic War Veterans of the
United States of America,
Washington, D.C., April 22, 1969.

Hon. Carl D. Perkins,
Chairman, Education and Labor Committee,
House of Representatives, Washington, D.C.

Dear Mr. Perkins: The following Resolutions were passed at the March 1969 National Board Meeting of the Catholic War Veterans USA, and are being submitted to you for your consideration and appropriate action:

1. Whereas, since the establishment of our Republic, one of the basic purposes of the use of tax funds in the field of education has been to train citizens to better operate their democratic government; and

Whereas, a considerable amount of public money is currently being utilized in the field of public education; and

Whereas, a part of these public funds is utilized in the field of scholarships and student-aid programs; and

Whereas, in some of our public institutions certain individuals, who do not qualify for exemption on conscientious or religious grounds as provided by law, have publicly refused to bear arms in defense of the form of government which has offered them a tax-supported education; now, therefore, be it

Resolved, that the Catholic War Veterans of the United States of America, in Executive Session assembled this 28th day of March, 1969, in Chicago, Illinois, urge that legislation be enacted on state and national levels which would make it impossible for any individual, who does not qualify for exemption on the conscientious or religious grounds provided by law, who has publicly refused to bear arms when called upon to do so by duly constituted authority, to receive any scholarship or student-aid monies from any tax-supported sources made available by the State or National governments for educational purposes.

2. Whereas, there is an ever increasing and continuing destructive activities of radical and Communist-oriented student groups in our educational institutions; and

Whereas, these groups have been identified as the Students for Democratic Society, the W. E. B. DuBois Club, the Young Socialist Alliance, the Draft Resisters Union, the Black Peoples Union and Alliance, the Student-Faculty Committee to End the Viet Nam War, Veterans for Peace in Viet Nam, the Peace Mobilization Committee and other radical College groups, and

Whereas, the sole purpose of these groups is to disrupt the educational processes of schools and to deluge the students with massive distortions and fabricated falsehoods of our form of government, the Federal Bureau of Investigation and duly constituted Congressional Committees; and

Whereas, the dissimination of this false propaganda is an attempt to sow seeds of distrust and disloyalty among our students which borders on treason; and

Whereas, the greater majority of our students and citizens are greatly irritated by individuals who interfere and disrupt the will of the majority to achieve educational excellence; now, therefore, be it

Resolved, that the Catholic War Veterans of the United States of America, in Executive Session assembled, this 28th day of March, 1969, in Chicago, Illinois, urge the Congress to initiate (a) an investigation of disorders on all Colleges campuses, (b) to investigate the influence of the above cited groups at all educational institutions and (c) to investigate the interference by any individual or individuals in the normal process of the majority of students to obtain an education, and be it further

Resolved, that all personnel on the administrative level at educational institutions in this Nation take positive action to assert their position and expel, if necessary, those individuals responsible for such disruptive activities and college campus disorders.

Sincerely yours,

L. E. Shugrue,
National Commander.

Committee on Veterans' Affairs,
Washington, D.C., June 11, 1969.

Hon. Edith Green,
House of Representatives,
Washington, D.C.

Dear Colleague: This has reference to the proposed amendments to the Higher Education Act of 1965 which would provide a basis for the withholding of Federal funds from certain individuals involved in campus disorders. I think it is entirely appropriate that a veteran receiving an educational and training allowance under Chapter 34, Title 38, U.S. Code, should be subject to these provisions. Veterans' benefits are not an earned right. They are a gratuity and historically these benefits have been conditioned upon compliance with various standards set by Federal laws.

Since the early days of the education and training program for World War II, veteran's benefits have been withheld from veterans attending educational institutions subversive in character. This provision has been continued in the programs for Korea and Post-Korea veterans, and under the laws today, the Administrator of Veterans Affairs may not make a payment of an educational assistance allowance to any eligible person under Chapters 34 and 35 of Title 38 for a course in an educational institution while it is listed by the Attorney General under Section 12 of Executive Order 10450. The law also contains appropriate sanctions for persons submitting false statements regarding education and training. It requires that the veteran be in proper attendance and make satisfactory progress. It seems entirely consistent with the basic purposes of Title 38 that payments of the education and training allowance should not be made to an individual who indulges in activities which detract from his own educational pursuits and tends to deprive others of their rights to obtain an education.

I doubt that there are many veterans involved in these activities, but in view of the concerted attempts being made to organize dissension in the Armed Forces, I think it is only a matter of time until some of these cases come to light. In informal conferences with representatives of the veterans' organizations I have gained the impression that these organizations are very much opposed to the campus disorders and have no sympathy for any veteran who would participate in these disorders.

Sincerely,

OLIN E. TEAGUE,
Chairman.

Mrs. GREEN of Oregon. Mr. Speaker, if the gentleman will yield further, I would also ask unanimous consent to follow the suggestion of the gentleman from Illinois (Mr. PUCINSKI), and to insert at the conclusion of the remarks of the gentleman a copy of the bill, H.R. 11941.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, I believe it is also important to point out one distinction: I believe that many of the Members who have spoken out against any Federal legislation dealing with student unrest are still motivated to a great extent by some of the legislation that is pending before the Congress now, and before our committee.

In the last few months many Members of Congress have introduced very restrictive and punitive bills. There are any number of bills pending before our committee that would automatically cut off the flow of all Federal funds to any institution of higher learning that has experienced any serious unrest.

Mr. Speaker, I am opposing that kind of legislation. Insofar as I know most of those who are sponsoring the bill, H.R. 11941, including the distinguished gentlewoman from Oregon (Mrs. GREEN), are opposed to that kind of legislation because if that kind of legislation were to be adopted it would play into the hands of those who want to continue the disruption in our institutions of higher learning. Under those proposals any small group of people starting a riot or a disturbance on a campus could indeed bring to a complete halt and standstill all of the Federal activities on that campus.

So, Mr. Speaker, again I congratulate the gentlewoman from Oregon, the chairman of the committee, for rejecting that approach to the problem in dealing with unrest at our institutions of higher learning. But I suspect that many well-meaning educators who have not had an opportunity to look at H.R. 11941 are unaware of the fact that the committee took cognizance of the punitive legislation pending before the Congress and rejected it, and then wrote this bill as a workable, reasonable alternative to the problem.

I submit, Mr. Speaker, that those who would have us believe that somehow or other nothing needs to be done, those who say we do not need any legislation, we can solve the problem ourselves, are really whistling in a graveyard. They are out of touch with reality, and certainly are truly unmindful of the mood of this Congress.

If they need anything to jar them into reality, let them look at the vote yesterday on the amendment offered by one of our Members to strike out of the NASA bill a provision that would deny Federal funds to those who participated in riots and disturbances. That amendment was rejected here on the floor of the House by a vote of 80 to 15.

So those who say, "Well, you do not need any legislation"—in my judgment are inviting a process which is least desirable, and that is, of trying to write this legislation on the floor of the House.

I reminded my committee earlier today how a few years ago we experienced a similar situation on the minimum wage bill that came to the floor of the House and in the closing minutes of debate and the closing minutes for offering amendments on the bill, one of the Members offered an amendment that nobody had seen and had never been studied and there was no time to discuss it. The amendment was approved by a voice vote on the floor of the House. The Whole House was shocked the following day when in this very Well I told the House that in that amendment they had removed from minimum wage coverage 14 million Americans who had been covered by the minimum wage law for many years.

I think we have tried honestly and sincerely and diligently to come up with a bill that will help the universities to restore some semblance of order out of chaos on their campuses. We have carefully avoided writing into this bill Federal standards or Federal requirements which would impose a big brother Federal attitude on the institutions of higher learning in this country.

I think anyone who reads this bill carefully must concede and must admit that there are no Federal limitations or restrictions. Furthermore, we have sat in the last few days, trying to move this bill from our committee. If any member of the committee feels that some language is not particularly clear, let him come before the committee and in an orderly process offer his amendments.

I think members of this committee are reasonable people. We have seen compromise effectuated time and time again on major legislation where there was good will. I must say on behalf of the sponsors of this legislation and as one of the cosponsors of this legislation, there is good will on my part. I am willing to listen to any member of that committee offer any amendment. If it makes sense and if there is something that they feel we have overlooked and if there indeed is something in this bill that would create the very thing that we do not want—any Federal controls over institutions of higher learning—let them make that observation to the committee and I will be glad to support amendments to cure the defect.

I think our colleague, the gentleman from Pennsylvania (Mr. DENT) made a very strong and persuasive point today when he said in committee that those who abstain from participation in the writing of this bill and those who fail to show up to give us a quorum so we can move forward with this legislation are emulating the very tactics of those on the university campuses when they participate in disrupting the orderly processes in the institutions of higher learning.

So it seems to me, Mr. Speaker, that is why we have taken this time today to discuss this bill.

I honestly believe that this bill can make a significant and substantial contribution toward restoring greater stability on the campuses of America's universities and colleges.

Mr. Speaker, I think the time is long past due when we in this Congress ought to realize that John Q. Public is getting pretty tired of seeing his money going for these projects and then watching that money go up in smoke in violence and in disorder.

I think the Congress of the United States ought to take full notice of the attitudes of the American people. If there is any meaning to the concept of representative government, it is high time that we realize what the American public is trying to tell us. I think all over this country it is eminently clear that the American citizen is deeply concerned about what is happening in America. This legislation tries to make a step forward.

Mr. Speaker, I urge my colleagues on the committee to join with us.

If there are weaknesses in this bill and if there is something we have not noticed—if they can make some meaningful contribution toward improving this legislation, I, for one, am willing to listen and I am sure every other member of the committee is willing to listen and support appropriate amendments.

One amendment I intend to offer would provide that all rules and regulations promulgated by the commissioner to effectuate the provisions of this act must follow the provisions of the Administrative Procedures Act and be published in the Federal Register for full discussion and debate before they can become effective. There will be no guidelines if I can help it.

Mrs. GREEN of Oregon. Mr. Speaker, the bill which we have been discussing and which we ask be given the consideration of all our colleagues follows:

H.R. 11941

A bill to encourage institutions of higher education to adopt rules and regulations to govern the conduct of students and faculty, to assure the right to free expression, to assist such institutions in their efforts to prevent and control campus disorders, and to amend the Higher Education Act of 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education Protection and Freedom of Expression Act of 1969".

TITLE I—PREVENTION AND CONTROL OF DISRUPTIVE ACTS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 101. (a) The Congress hereby finds that the primary responsibility for maintaining freedom of expression, public order, and the effective functioning of the educational processes at American institutions of higher education rests with the trustees, administrators, and other duly-appointed collegiate officials.

(b) In light of the finding set forth in subsection (a), it is the purpose of this Act—

(1) to maintain within the scholarly com-

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munity the basic American concepts of freedom of thought, inquiry, expression, and orderly assembly,

(2) to assist those who wish to pursue their education in a campus atmosphere free of disruption and violence,

(3) to afford encouragement and opportunity to administrators, faculty and students in working for orderly progress,

(4) to assist the academic community in maintaining institutions of higher education as centers for the free interchange of ideas, and

(5) to assure reasonable protection of the Federal investment in higher educational programs.

INSTITUTIONAL ACTION REQUIRED TO PREVENT AND CONTROL HIGHER EDUCATIONAL CONFLICTS AND DISRUPTIVE ACTS

SEC. 102. (a) Each institution of higher education (as defined in the first sentence of section 1201 of the Higher Education Act of 1965) which participates or proposes to participate in a program or activity receiving financial support, as set forth in section 104, from any department or agency of the United States shall file with the Commissioner of Education (hereinafter referred to as the "Commissioner") within sixty days following the enactment of this Act, or by January 1, 1970, whichever is later, or in the case of a new institution or one which has not previously applied for federal funds, at the time of filing its initial application for participation in such program or activity, a certification which—

(1) affirms the intention of the institution to take all appropriate actions to attain the purposes set forth in section 101(b), and sets forth such programs of action as the governing board of the institution, after consultation with administrators, faculty and students, deems appropriate to prevent at such institution the occurrence, or to assure the timely termination, of actions which tend to defeat such purposes, and

(2) sets forth rules and regulations which are in effect at such institution (or, if none are in effect, a set of rules and regulations which will be put into effect within sixty days) relating to standards of administrative practice, conduct of students and faculty, and other university employees and the maintenance of public order and the continuing function of the educational processes on the properties and facilities of the institution. Such rules and regulations shall be certified after consultation with administrators, faculty, and students, and shall as a minimum—

(A) provide for an effective means to assure adequate opportunity for free expression, consultation and orderly discussion of educational and associated problems which affect and are of concern to trustees, administrators, faculty, and students of the institution;

(B) govern the administrative practice, the conduct of students, faculty, other staff, and visitors on such property and facilities;

(C) assure that fair procedures will be adopted to deal with cases of administrative personnel, faculty and other staff, and students charged with violation of such institution's rules and regulations; and

(D) clearly set forth a table of penalties for violations of such rules and regulations.

(b) Revisions to such rules and regulations shall be filed with the Commissioner not later than ten days following their adoption.

(c) If the Commissioner determines that an institution of higher education has failed to file the certification required by subsection (a) and (b), he shall immediately give notice to all Federal departments and agencies providing financial assistance for programs and activities at the institution. Thereafter, such institution shall not be eligible for the award of any Federal financial support as set forth in section 104, until such time as the Commissioner shall determine that such failure to file has been corrected.

(d) When the Commissioner determines that special circumstances exist which would make the application of the preceding subsection inequitable, unjust or not in the public interest, he may waive its application to the institution, in whole or in part.

(e) Any institution of higher education which is dissatisfied with the Commissioner's final action with respect to any matter arising out of this section shall have the same right of appeal under the same conditions as a State under section 608 of the Higher Education Act of 1965.

ASSISTANCE BY COMMISSIONER OF EDUCATION

SEC. 103. The Commissioner is authorized to provide, only upon request, appropriate technical and other assistance to institutions of higher education in carrying out the purposes of this Act.

FEDERALLY ASSISTED PROGRAMS COVERED BY ACT

SEC. 104. For the purposes of this title, financial support includes all forms of Federal financial assistance including but not limited to research grants and contracts, fellowship grants, loans and grants for construction of facilities, grants for library resources and instructional equipment, grants for teacher training, and grants for curriculum improvement.

TERMINATION OF TITLE I

SEC. 105. This title shall expire five years after the date of its enactment.

TITLE II—HIGHER EDUCATION AMENDMENTS OF 1968

SEC. 201. (a) Section 504 of the Higher Education Act of 1965 is amended to read as follows:

"SEC. 504 (a) if an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, teaching, doing research or otherwise employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of the Higher Education Protection and Freedom of Information Act of 1969 and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institutions from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which the crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period up to five years any further payments to, or for the direct benefit of, such individual under any of the programs specified in subsection (d). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of that period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (d).

"(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, teaching, doing research, or otherwise employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of the Higher Education Protection and Freedom of Information Act of 1969, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period up to five years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (d). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of that period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (d).

"(c) As a condition to receipt of any payment described in subsection (d) (1) (2) (3) (4) (5) (6) and (9) the public or private agency, officer, institution, or organization making the payment shall require the individual to whom the payment is made to execute an affidavit (in such form as the Commissioner shall prescribe) with respect to any finding made by an institution of higher education under subsections (a) or (b). Section 1001 of title 18, United States Code, shall apply with respect to such affidavits. In regard to payments described in subsection (d) not processed or disbursed through the institution, the institution shall notify the public or private agency, officer, institution, or organization making such payment to an individual as described in subsection (d) that such individual has been denied payment. No payment shall be made to any such individual for the period determined by the institution under subsection (a) or subsection (b). Any such agency, officer, institution, or organization that violates this subsection shall be liable to the United States for the amounts paid in violation of the subsection.

"(d) The payments referred to in the preceding subsections of this section are the following:

"(1) payments to students under a student loan program carried on by an institution of higher education under title II of the National Defense Education Act of 1958,

"(2) payments to students under a student loan program carried on by an institution of higher education under part C of title VII or part B of title VIII of the Public Health Service Act.

"(3) payments under the student loan insurance program under part B of title IV of the Higher Education Act of 1965,

"(4) payments under a college work-study program carried on under part C of title IV of the Higher Education Act of 1965,

"(5) payments of salary to teachers and other employees of institutions of higher education, who are employed in connection with the training of volunteers for the Peace Corps or for service in domestic volunteer service programs carried on under title VIII of the Economic Opportunity Act of 1964,

"(6) payments of salary to teachers and other employees of institutions of higher education who receive their salaries from funds made available under title III of the Higher Education Act of 1965,

"(7) payments of subsistence allowances under section 1504 or of educational assistance allowances under subchapter IV of chapter 34, or of subchapter IV of chapter 35 of title 38 of the United States Code, or

"(8) payment of a child's insurance benefit under section 202(d) of the Social Security Act to a student who at the time of the act for which he is convicted, had attained age 18 and was not under a disability (as defined in section 223(d) of the Social Security Act),

"(9) other payments to students or faculty members at institutions of higher education under fellowships, scholarships, traineeships, or research grants carried on with Federal funds.

"(e). For purposes of this section a student shall be deemed to have received a payment referred to in subsection (d) if such a payment was received by his parent, guardian, or by any other person for his benefit.

"(f) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent disciplinary proceeding pursuant to existing authority, practice, and law."

(b) The amendments made by subsection (a) shall not be deemed to affect the applicability of section 504 of the Higher Education Amendments of 1968, as in effect on the date of enactment of this Act, with respect to acts committed prior to the date of enactment of this Act.

SEC. 202. (a) Section 427(a)(2) of the Higher Education Act of 1965 is amended by redesignating subparagraph (G) as (H) and by inserting after subparagraph (F) the following new subparagraph:

"(G) provides that, contingent upon certification by the institution at which the borrower is enrolled that he is in good standing, the loan will be paid in periodic installments (as prescribed by the Commissioner) which are geared to the borrower's rate of necessary expenditure, and"

(b) Effective July 1, 1970, section 428(b)(1) of such Act is amended by redesignating subparagraph (K) as (L) and by inserting after subparagraph (J) the following new subparagraph:

"(K) requires that, contingent upon certification by the institution at which the borrower is enrolled that he is in good standing, the loan be paid in periodic installments (as prescribed by the Commissioner) which are geared to the borrower's rate of necessary expenditure; and"

SHIPPING CARRYING SUPPLIES TO NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 10 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, the President's decision to recall some 25,000 American troops from the struggle in Vietnam is clearly a significant milestone and offers great hope that the beginning of the end is now in sight. This action stands in sharp contrast to the total absence of any discernible effort on the part of the North Vietnamese to end the conflict, as the weekly casualty figures so unmistakably attest. Another barometer of the Hanoi regime's commitment to a war economy is to be found in the constant seaborne traffic carrying supplies into North Vietnamese ports. Many of these ships are Communist vessels but a substantial number of these monthly arrivals continue to be vessels of free world registry under charter to Communist governments.

During the month of May, according to Department of Defense information, 12 more ships flying free world flags steamed into North Vietnam. This brings the total so far this year to 49 such arrivals and compares to the 61 arrivals for the same period in 1968. Last month this traffic consisted of nine vessels flying the British flag with one each bearing the registry of the Somali Republic, Cyprus, and Malta. While detailed information about the cargoes involved is classified, the reports leave no doubt in my mind that strategic goods are included as well as other supplies which help North Vietnam to maintain its aggressive policy in the south.

Although the incidents of terror, mortar attacks and assassinations dominate the headlines, the steady flow of the supplies which help to underwrite a policy of wholesale murder is obviously of crucial importance. A greater effort must yet be made to stop this immoral trade. At this point I insert a chart concerning free world shipping to North Vietnam during 1969.

FREE WORLD SHIPPING TO NORTH VIETNAM, 1969

[GRT—Gross tonnage; DWT—Deadweight tonnage]

Month	British			Somali			Cyprus			Singapore			Japanese			Maltese			Total		
	No.	GRT	DWT	No.	GRT	DWT	No.	GRT	DWT	No.	GRT	DWT	No.	GRT	DWT	No.	GRT	DWT	No.	GRT	DWT
January	8	34,597	47,200	2	8,973	12,600	1	2,137	3,100										11	45,707	62,900
February	6	30,824	44,300				1	2,137	3,100	2	8,148	11,000	1	3,896	6,000				10	45,005	64,400
March	6	27,870	39,600	1	8,997	13,500													7	36,867	53,100
April	7	29,714	50,000	1	3,378	5,000							1	695	717				9	33,787	55,717
May	9	45,802	63,400	1	4,534	6,000	1	2,137	3,100							1	5,333	9,400	12	57,806	81,900
Total	36			5			3			2			2			1			49		

EMASCULATION OF THE NEIGHBORHOOD YOUTH CORPS PROGRAM

The SPEAKER pro tempore (Mr. HECHLER of West Virginia). Under previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, the Nixon administration has taken great pains to give the people of this country the impression that it is doing everything possible to alleviate the problems of the poor.

The newspapers contain only favorable publicity such as the extension of the antipoverty programs for 2 years with no cut in funds, and promises to furnish Job Corps trainees, affected by the closing of 59 Job Corps centers, with other training opportunities in urban areas, such as the Neighborhood Youth Corps.

The facts however, are otherwise. Quietly, but systematically, the out-of-school, year-round Neighborhood Youth Corps program, one of the most valuable programs in the country to furnish work experience and job training to underprivileged youth between the ages of 16 to 21 years of age is being emasculated.

The year-around, out-of-school Neighborhood Youth Corps program was born under the Economic Opportunity Act of October 1964 for the express purpose of serving these disadvantaged youth.

In a telegram dated May 20, 1968, the Regional Manpower Administrator for the Department of Labor, J. Terrell Whitsitt, ordered the out-of-school year-round Neighborhood Youth Corps of the city of New York to immediately stop enrolling youth over 18 years of age into the program. Only 16- and 17-year-olds could be enrolled and that this was nationwide.

On Wednesday, June 4, 1969, a representative of the regional office of the Department of Labor, at a meeting of directors of the Neighborhood Youth Corps of Delegate Agencies of the City of New York, informed all assembled that there would be an immediate freeze on all enrollment—including 16- and 17-year-olds—until the out-of-school, year-round quota for the city of New York had been cut by one-third and that this must be effected by August 31, 1969. This, after the New York Times on June 3, printed the release that President Nixon was favoring the poverty programs with $100 million more than last year.

The moves being made quietly have closed the doors to disadvantaged and poor youth in every corner of the Nation. Their efforts to better themselves by becoming involved in a program that offered them work-experience, job training, vocational guidance, counseling, remediation and a ladder to help in their efforts to climb out of the depths of despair, to overcome past histories of failure, and offer a chance toward other than a dead-end low-level job, were suddenly aborted! What are these 16- to 21-year-old youth to do? Most of them are hard-core and will not be accepted by programs in the private sector.

In my district there is as much need as any in the country for the continuance and expansion of these services. Any cessation of such services would be extremely distressful to my community—and beyond the shadow of a doubt—would lead to serious and ugly confrontations between the neighborhood residents and the city administration.

Mr. Speaker, it is of the utmost importance that, not only the funds which have been cut from the budget be restored, but that additional moneys be allocated at once to assure the continuance of the programs which are part of the Neighborhood Youth Corps programs.

The needs of the ghetto resident cannot be met by feeding him with words while, in fact, the meager support they are now receiving is being withdrawn.

It will once again offer evidence to poor people, that demonstrations, riots, and violence are the only effective means of obtaining and keeping programs they want and need.

The Nixon administration through the policies of its Labor Department, is reverting to Mr. Nixon's former image of insensitivity to the needs of the poor and disadvantaged. The new Nixon's old colors are showing.

A SCHOOL SUPERINTENDENT SPEAKS OUT

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, James M. Diley, Jr., superintendent of schools at Hilliard, Ohio, wrote a letter to the Columbus Dispatch which I feel commands the attention of all thinking Americans.

Mr. Diley does not hesitate to speak out nor does he blush at the prospect of being labeled as "square" or "old fashioned," merely because he demonstrates a love of country.

I am happy, Mr. Speaker, to share Mr. Diley's comments, which are as follows:

TRUE MEANING OF FLAG DESCRIBED BY VETERAN OF SERVICE IN KOREA

To the EDITOR:

During the Korean conflict, I was stationed at a Korean air base called the "Randolph Field of Korea." At this base, a small number of Americans trained Koreans to fly and man the Republic of Korea Air Force.

The base was located near the ocean in a wide, beautiful, green valley, dotted with rice paddies. Our compound was located on the summit of a small hill which overlooked the entire base. Due to the nearness of the ocean and the complete lack of industry in the area, the air was sparkling clean and usually a breeze was stirring.

At the end of each day, as I walked up the hill to our compound, I was invariably treated to a magnificent, over-whelming sight. On top of that Korean hill, pinpointed by the western sun, with the stark, blue sky as a background, was Old Glory in all her majesty, rippling in the soft evening breeze. Every part of that banner was indelibly marked. Every star and every stripe was plainly visible.

It is difficult to describe the tremendous impact the sight that beautiful flag had on me. My pulse would quicken, my breath would shorten, and my heart would brim with pride.

These feelings were always a bit of a mystery to me. As a soldier, I had great respect for the flag, and great love for our country. Certainly my feelings were related to these factors, but there had to be more. I have puzzled over these reactions many times. I finally concluded that the tremendous symbolism wrapped up in Old Glory greatly contributed to these reactions.

Beautiful Old Glory, flying on that Korean hill, was supported by a rich, courageous heritage, unlike any other flag in the world. Old Glory, wherever she is displayed loudly proclaims, "Here is the hope of democracy, the voice of freedom, the sounds of great industrial might; the banner of human worth; the symbol of free minds operating in free institutions; and the grave of oppression and slavery."

As we again observe Memorial Day may our schools be reminded that they have the enormous responsibility of making sure our students fully appreciate the meaning of being free. May the ultra-liberal professors, the dissenters, and the SDS be reminded that their expressions and actions are possible only because men have fought and died to preserve precious freedoms. May all Americans everywhere, dedicate themselves to the task of making sure Old Glory will wave forever.

JAMES M. DILEY, JR.

HILLIARD.

REPRESENTATIVE HANSEN OF IDAHO INTRODUCES LEGISLATION TO CONVEY PHOSPHATE RIGHTS TO THE STATE OF IDAHO

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, today I am introducing H.R. 12040 to convey to the State of Idaho phosphate rights which were reserved by the Federal Government in certain lands owned by the State of Idaho.

The State of Idaho was admitted to the Union on July 3, 1890. Section 4 of the Idaho Admission Act grants to the State certain specified lands from the unreserved public domain. Each surveyed section 16 and 36, in every township, was granted to the State for the use and benefit of the public schools. Other grants were made for the benefit of other State institutions.

In some cases section 16 or 36, or a part thereof, was not available because of reservations made prior to statehood or before surveys were made or where such section had been acquired through mineral or land laws. In such cases the State of Idaho was permitted to select lands in lieu from available unreserved surveyed public lands. This authority was provided in the act of February 28, 1891—26 Stat. 796; 43 U.S.C. 851–852.

Article 9 of the constitution of the State of Idaho established the public school endowment fund and provided that it shall remain forever inviolate and intact to protect the income from the lands granted to the State of Idaho for school purposes as well as the proceeds from the sale of any such lands.

Originally mineral lands were not available for lieu selections nor could mineral sections in place be granted. The law was amended on January 25, 1927—44 Stat. 1026, as amended by 43 U.S.C. 860—so the State could acquire sections in place when surveyed regardless of the mineral classification. Previous to this, in 1923, the Idaho Legislature had passed a law reserving all minerals to the State, and the revenue from those lands has enhanced Idaho's public school endowment fund.

Many of the sections 16 and 36 as projected were included in national forests and other reservations before they were surveyed. Therefore, lieu lands were selected, using these sections as base. Such lands were shown in approved selection lists 15, 16, and 21 filed by the State of Idaho and approved by the Department of the Interior on January 31, 1918, March 27, 1918, and December 27, 1919, respectively. The base lands were in a national forest and the selected lands were in the unreserved public domain in what is now Caribou and Bingham Counties. While the Federal Government kept all the minerals in the base lands, the board of Idaho State land commissioners was required to waive the phosphate only in the selected lands before they would be approved. The lands are in the same general locality and all are about equal in value, including the minerals.

The selection laws have been amended and the philosophy of Congress more clearly defined since these lieu lands were acquired. Public Law 85–771 of August 27, 1958, as amended by Public Law 86–786 of September 14, 1960, permits States to select mineral lands in lieu of the base lands if the base lands were mineral in character. Public Law 85–508, enacted July 7, 1958, known as the Alaska Statehood Act, granted to the State of Alaska 102,550,000 acres of unreserved public domain with an additional 400,000 acres of lands adjacent to towns and communities, plus an additional 400,000 acres from the established national forests. All the full mineral rights go with these lands to the State.

Phosphate was the only mineral reserved by the Federal Government on these State school lands. It should also be noted that while Idaho received only two sections in each township the States of Utah, New Mexico, and Arizona had been granted four sections in each township.

Under existing law, 37.5 percent of the returns from a leasable mineral, such as phosphate, on public land, goes to the State in which the mineral is located, and 52.5 percent of the rents, royalties and bonuses, is transferred to the Bureau of Reclamation except in Alaska. The share that goes to the State need not be used for school purposes. If title to the phosphate is transferred to the State of Idaho, however, as proposed by H.R. 12040 then all income would be permanently dedicated to the support of Idaho's public schools under the provisions of the State constitution.

Because the Federal Treasury only retains 10 percent of the total returns, the transfer of the phosphate to Idaho would not represent a loss to the Federal Government when the costs of management, operation and leasing are taken into account.

Mr. Speaker, it is impractical for the State to manage the leasing of its lands with a phosphate reservation in the Federal Government. Vanadium, which is owned by the State, is found in varying amounts along with the phosphate. Oil and gas leases as well as other minerals owned by the State have been found in this locality. In some instances the surface has been leased or sold. The result is a cumbersome and clumsy management pattern.

The bill I am introducing today, H.R. 12040 will delete from the certificate or clear list given by the United States to the State of Idaho all reference to phosphate.

In selecting lands in lieu of those granted to Idaho under the Admission Act, the State gave to the Federal Government more than it received. Idaho was, therefore, on the short end of an unfair exchange.

Passage of this bill will remedy this historic inequity by bringing under single ownership title to the land, phosphate, and other minerals. The ability of the State to employ sound and efficient land management practices will be enhanced. The resources of the State that are permanently dedicated by the State constitution to the support of public education will be enriched. Idaho resources can be more effectively and efficiently used to educate Idaho schoolchildren.

A major educational objective of the Federal Government should be to strengthen the capacity of the States to use the State resources to improve the quality of education. The passage of H.R. 12040 will help us to achieve that goal.

Mr. Speaker, I include a copy of H.R. 12040 as a part of my remarks. I also include as part of my remarks a copy of a statement presented by Gordon C. Trombley. Idaho State land commissioner, before the Public Land Law Review Commission at Washington, D.C., on May 8, 1969.

The material follows:

H.R. 12040

A bill to convey certain phosphate rights to the State of Idaho

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall convey by quitclaim deed, without monetary consideration, all right, title, and interest of the United States in and to all phosphate excepted and reserved to the United States in real property, title to which was otherwise granted to such State by indemnity school lands selection lists numbered 15, 16, 18, 21, 25, 52, 58, and 76 approved by the Department of Interior on February 20, 1918, March 27, 1918, July 10, 1918, December 27, 1919, September 17, 1920, December 22, 1926, April 19, 1928, and April 2, 1931, respectively. The State shall succeed to the position of the United States as lessor under any mineral lease granted by the United States with respect to any phosphate conveyed to such State under this Act which is in force at the time of the conveyance of such phosphate under this Act.

IDAHO'S LOST PHOSPHATE RIGHTS

(By Gordon C. Trombley, Idaho State land commissioner)

In 1863 the Organic Act of the Territory of Idaho granted sections numbered 16 and 36 in each township in said territory for the use and benefit of the public schools. The Idaho Admission Bill, in 1890, confirmed the grant to the State and provided that where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any act of Congress, the public schools shall receive other lands *"equivalent thereto."* It exempted mineral lands from the grant and provided that the State could select other lands in lieu thereof. In practice, this mineral exemption was interpreted to apply only to lands upon which mining claims had been filed under the federal law prior to survey, or prior to statehood, whichever was earlier. This left somewhat of a cloud on the State's mineral rights which was clarified by an Act of Congress in 1927 (43 USC 870) confirming to the states *all minerals* in grant lands. In 1931 the then Secretary of the Interior, Ray Lyman Wilbur, explained in a document prepared for the President's Committee on the Conservation and Administration of the Public Domain, that the Act had the effect of giving to the states complete and unconditional title to all school sections *not known* to be mineral at the effective date of the grant. Obviously, the only lands known to be mineral at that date, March 3, 1863, were areas of proven mines.

Our public school grant comprises approximately 3 million acres, of which we lost more than 1,200,000 acres due to various preemptions, chiefly national forest reservations. During the years 1910 to 1914, we filed selections for 123,000 acres in southeast Idaho as indemnity for losses. So-called lieu selections are filed with the local branch of the U.S. Land Office and by that office forwarded, after field examination, with recommendations, to the General Land Office in the Department of the Interior in Washington. The Department of the Interior then issues title to the state in the form of a clear list. The State waited patiently for clear lists on the subject selections but nothing happened. Minutes of the meetings of the State Land Board during this period show that the Board became concerned about inaction in the Department of the Interior, discussing it several times and eventually sending the Governor back to Washington to try to expedite the matter. Finally in 1914 the Congress passed an Act (Title 30, USC, 121, 122, 123) providing that lands withdrawn and classified as phosphate, oil and gas, and other named minerals may be selected subject to the non-mineral laws of the United States, *if selected with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable.* Having secured passage by Congress of this Act, the Secretary then proceeded to clear list the 123,000 acres to the State of Idaho with phosphates reserved to the United States. We claim that the selections were not subject to the Act of 1914, having been filed by the State and accepted by the United States prior to the passage of the Act. Before issuing the clear lists in question, the Commissioner of the General Land Office required the State of Idaho to certify that each of the selections involved was made subject to the terms and reservations of the Act of July 17, 1914, the Phosphate Act.

It would appear that the Commissioner of the General Land Office himself doubted that the said selections were subject to the Phosphate Act, else he would not have thought it necessary to obtain such a certification from the State. The then State Land Commissioner dutifully supplied all the certificates requested *but* although he was the duly authorized land commissioner, he had no right or authority to sign away anything belonging to the State. Only State officials acting by order of the State Land Board sign official documents. We have searched the minutes for the entire period from the date of filing the first of these selections to several years after the clear lists were issued. We find absolutely no mention of the phosphate reservations and no evidence that the Board knew that the commissioner agreed to accept the lands with phosphates reserved to the United States, much less authorizing him to do so. Selections must be authorized by the Board before they are filed with the General Land Office, and the selections in question were so authorized. As pointed out previously, the Act of 1914 says lands classified as valuable for mineral may be acquired if filed on with a view to obtaining title subject to the non-mineral laws.

They were not so filed on. At the time of filing, the act had not even been passed and the Congress had confirmed to the State *all* mineral rights in *all* granted lands. These lands were selected in lieu of Public School lands and should have been equivalent thereto, as provided by Congress. Almost all of the lands offered as "base" in the subject selections were lost because of national forest reservations, in areas that had not been surveyed or even traveled by white men—primitive areas. Some of them still are. Neither at that time nor at this date do we have knowledge as to their mineral content, if any. Therefore, lands equivalent thereto should be lands without any reservations.

There is a moral, as well as a legal, consideration here. Congress had granted lands to the State for the use and benefit of the public schools, and had specifically included all mineral rights. Any such lands of which the State was later deprived without voice or consent, should have been compensated for in kind. In the phosphate areas, school sections in place, that is, section 16 and 36, are acknowledged to belong to the State complete with phosphates. Why should lieu lands, granted as indemnity for school sections elsewhere, be any different? We claim they should not.

VIETNAM—THE ENIGMA

(Mr. GERALD R. FORD was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, State Senator Robert Vander Laan of Grand Rapids, who represents a portion of my congressional district in our State senate in Lansing, has analyzed some aspects of the war in Vietnam. He has set forth his observation in a fine article, entitled "Vietnam—The Enigma," which I believe will be of interest to many of my colleagues. Under leave to extend my remarks, I include the article:

VIETNAM—THE ENIGMA

If any of us are to make any contribution to public conscience—we must approach this Asiatic American struggle as little children. We know very little about this war—from where we stand. Yet, questions of burning intensity are thrown at us from all sides, such as "Is the Vietnam War a senseless struggle of power politics? Are our children morally bound to serve a country, even if it is wrong, or should we encourage our children to rebel against authority as we demanded of the Germans? It seems to me that very few of these questions can be answered directly. If we look at the Asiatic philosophies back through the centuries, it may provide some answers for today. As an educator, I am always interested in the historical point of view before I set my opinions too firmly.

Even though we would like to be isolated from the rest of the world, it is becoming quite impossible to even entertain the notion. I think the first point to take into consideration is that, in addition to our undeniable commitment to a sizeable number of Vietnamese, the survival of our civilization may indeed be at stake. Regardless of the initial cause of our involvement in Vietnam some years ago, our present statesmen are sincerely convinced that we are fighting a war of survival against Chinese aggression. The moment we bring in China, however, we must make an attempt at understanding her motives, if we want to avoid extreme attitudes either of acquitting her of total aggression or else repaying hate with hate. As to China's aggressive intents, we have the irrefutable testimony of her own political leaders who have time and time again declared that peaceful co-existence with the Free World is impossible. This challenge leaves us no choice but to defend ourselves as I see it. On the other hand, China has ample reason to hate almost all countries, a sobering thought which should protect us from hating her in turn. What is it that made of China, a historically peaceful nation, such a menace to the world? The answer to this question can be given only in sketchy outlines. Unknown to the Western World and notwithstanding a fair share of political corruption, China was probably the only country governed by scholars rather than politicians—a fact of some great interest to me as an educator, turned politician. This college of scholars who received their administrative power not as members of a privileged class but en-

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tirely on the basis of examinations which graded their cultural, spiritual and intellectual achievements, held for centuries to a strange, idealistic view of the future. Convinced that it was China's sacred mission to bring reason and peace to the world, the Chinese scholars restrained their rulers and their soldiers for centuries.

Technologically, at a crucial advantage over the rest of the world, they refused to perfect weapons of modern warfare which were at this disposal already a thousand years ago. They accepted numerous invasions rather than make use of their technological power, trusting the ennobling influence of their superior culture which tamed even the wild hordes of Mongols. Thus justified, China's cultural leaders became even more convinced that continued restraint would make her the peaceful center, the "navel" of a united world.

As you all know, the peaceful influence of the Chinese sages ended with the Opium Wars, when Great Britain, with the acquiescence or collaboration of all major powers, fought several bloody wars to force the use of opium on the people of China. This attack not directed any more at the body but rather at the soul of a peaceful nation, led to a breakdown of Chinese idealism. It was replaced by a fanatical determination to defend the nation with so far despised means of modern technology. To this end, they needed a ruthless and highly effective form of government. Scholars, partly in disguise, among them Sun Yat-sen himself, roamed the world, patiently collecting knowledge of Western methods and seeking a political system dynamic and aggressive enough to turn the tables on China's enemies which in their opinion comprised all nations on earth. They found such a system in radical Communism which not only unified the country but secured, in the beginning at least, the military and technological help of China's powerful neighbor, Russia.

Bolshevism in its radical form represents, as Doctor Steiner warned nearly 40 years ago, a violent disease of a social organism. It takes over the minds, hearts, and the will of those infested by it and threatens ever wider national units with contagion. It may be compared with the mental illness called amok, to whose obsessive power the Vikings of old yielded when confronted with overwhelming odds. While amok is a brief, self-terminating disorder of the mind, affecting mostly individuals or small groups of warriors, the violent phase of Bolshevism is a disease of a far more dangerous kind. It represents a Luciferic reversal of Christianity and is capable of misdirecting but nevertheless utilizing powerful instincts of self-sacrifice in the pursuit of Messianic complexes. Such an illness can affect much wider circles and can spread like wildfire, gaining strength in expansion. It, too, is eventually self-terminating but unless checked and contained, could destroy the world or turn it into the nightmare of Orwell's 1984.

If restrained and localized in time, the disease will eventually lose its violence and become less contagious. In the case of Russia, this happened when the United States and its allies took a decisive stand in the Berlin crisis after the Second World War. When Russia, eventually awakening from the violent phases of her own affliction, realized the danger threatening her from her erstwhile ally, China, she withdrew her support and helped the United States to build a wall of steel around her. Where this wall was not strong enough, a breakthrough had to occur which, if unchecked, could have set the world afire. Tibet became the first victim with the core of her people and of her age-old culture virtually exterminated within a few years. Soon after the invasion of Tibet, India was attacked, Indonesia virtually conquered from within, and Indochina chosen as the gateway to the rest of Asia and the world. China's political reasoning was extremely clever. American interference in Vietnam, according to her reckoning, would not be strong enough to be successful. Moreover, it would put the United States in the wrong before the world and its own politically naive citizens (this is a matter of record). Had the United States not resisted the take-over of Vietnam, the picture of a paper tiger which China painted for the whole world to see would have become a powerful symbol for America's inability to defend its friends. Consequently, India, Pakistan, and probably even Japan would have had to surrender. The further path to world conquest was already clearly indicated by China's foothold in Cuba, which, for a while she had wrested from the Russians. Needless to say, if that scheme had succeeded, Latin America would have been turned into a battleground.

The United States had, therefore, little choice but to block the gateway of destruction in Southeast Asia. The struggle there is primarily one of delay and containment. Complete victory for the United States in Vietnam was probably neither possible nor even expected, yet the results of this tragic war are already surpassing all expectations. Blocked in its violent progress, the Chinese brand of Communism is rapidly losing its fatal momentum. The war in Vietnam is not fought primarily for the Vietnamese but for the United States and for the whole Free World. It is not so much a matter of victory or defeat but of gaining time, an aim which I believe has already been achieved to a great extent. It is entirely false to say that it has been in vain since it has slowed the momentum of China's aggression decisively. The results are unmistakable in the political change occurring in Indonesia where the disease had almost taken hold. Consequently, the number of registered party members in non-Communist countries has declined in a few months from nearly five million to about 2.4 million. It was also * * * war between Pakistan and India were called off. There are many other signs of improvement in the world situation which, while paid for with terrible sacrifices, show the inevitability of our stand in Southeast Asia. Due to the containment of the radical phase of violent Communism, changes are taking place in China herself, reflected in the recent political surge.

The question may be raised why a well planned attempt at conquest should be called a disease. The answer is that China, with her 700 million still underprivileged people, has actually nothing to gain from conquering the world, since the mere addition of the untold millions of impoverished people in Southeast Asia would almost certainly bankrupt her. In the case of violent Communism just as in the case of Nazi Germany and postwar Russia, forces are at work which defy reason. These forces cannot be explained except by the existence of a mental disorder affecting the consciousness of whole nations. An explanation of this kind does not necessarily suffice for those who come to us with their burning questions. Whether they will enlist in the Army or become conscientious objectors remain entirely their own decision. Those who have lost their sons or brothers in the war will still remain grief-stricken. Yet it can ease the terrible sense of frustration and bewilderment which is spreading in this country at the thought of useless sacrifices in a "senseless and unjust" war. For man is always strong enough to endure tragedy, provided he learns to see a meaning even in the cruelest blows of fate. What cannot be stressed enough, however, is that a military conflict, especially a war so brutal as the one fought in Vietnam, does not of itself lead to true healing. It may be compared with the instinctive defense which an organism puts up against the inroads of a progressive disease. The really competent physician will try to cure a disease with a minimum of violent symptoms.

In an untreated ailment, high fever and agonizing pain may be the very means by which the organism itself fights for survival. The national leaders of our world today may be competent politicians, strategists or economists but certainly none of us are healers. Thus, it is small wonder indeed that the sick, uncared for world of today is writhing in agonies which, though tragic, are nevertheless an indication that some strength for survival still exists.

There comes a time in the spasms of wars and revolutions when we are, despite our good intentions, completely helpless to stem the tide of a war instantaneously. As mere men we must attend the spectacles of men giving their lives to a tragic cause for which no living individual or group of individuals can be blamed but whose recurrence in the future can be avoided if our generation will learn the secrets of healing the illnesses of our civilization. It is my deep conviction that true realism, whether it concerns matters of heaven or earth, must needs include both. Not one single question regarding the conduct of ordinary life can be answered without referring to its causative factor, which, in its last analysis, is spiritual or religious.

No personal salvation can be attained without helping others in their need and no healing is possible without reaching toward the source from which all healing comes—Your God and Mine.

SHOE IMPORT PROBLEM IS WORSENING

(Mr. CLEVELAND was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, my colleague, the gentleman from New Hampshire (Mr. Wyman) and I have frequently spoken out on the threat to a large segment of American industry and labor created by the unbridled, accelerated increases in the number of foreign shoe imports into the United States. We have joined our colleague, Congressman Burke, and others in an effort to alleviate this situation. We have marshaled the facts, we have made the situation quite clear to this and previous administrations, and we have introduced corrective legislation in Congress. But little has been done on our proposals, and the situation continues to deteriorate.

At this point in the Record, I wish to share with my colleagues and all those who are concerned with this problem, a very thoughtful letter which I recently received from Benjamin C. Adams, commissioner of the New Hampshire Department of Employment Security. Mr. Adams is a distinguished public servant, not given to sounding alarms unless the situation warrants our attention.

Mr. Adams points out in this letter that "the shoe industry in New Hampshire is slowly but surely grinding to a halt." Not only is the average number of hours a shoe employee works in a week declining, but so is his weekly paycheck. If the flood of foreign shoe imports continued unchecked, there is no doubt that it will mean the eventual collapse of the American shoe industry and the loss of jobs for hundreds of thousands of people.

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Clearly, now is the time for the Federal Government to act.

The letter referred to follows:

Department of Employment Security,
Concord, N.H., June 5, 1969.
Hon. James C. Cleveland,
Longworth House Office Building,
Washington, D.C.

Dear Congressman Cleveland: I have today received a telephone call from a Mr. Dean Peterson, Executive Office of the President, Office of the Special Representative for Trade Negotiations. He has inquired about various statistics regarding the effect of imported shoes on the New Hampshire shoe industry. I have given Mr. Peterson the following information which I feel points up the drastic effect of the unrestricted importation of foreign shoes on New Hampshire's shoe industry.

In April of 1968 the work force in the leather and leather products industry grouping consisted of 21,000 people. In April of 1969 this work force had shrunk to 19,000.

In April of 1968 the average hours worked in the industry were 36.0 and the average weekly earnings were $80.28. In April of 1969 the average weekly hours were 32.9 and the average weekly earnings were $75.67 in spite of increased piece rates.

In the month of April 1969 the unemployment rate in the Dover-Newmarket area, which as you know has a heavy concentration of the shoe industry, was 3.2% while the State rate as a whole was 2.6%. In Dover the Fronia Shoe closed in October 1968 throwing 75 people out of work. In March 1969 the Pittsfield Shoe, Newmarket Division closed throwing 250 out of work. Both closings were attributed to the competition from imported shoes.

In March of 1969 35% of all claims for unemployment in the State of New Hampshire were attributed to the shoe industry. In April of this year 59% were attributed to this industry and in May, 58%; this in spite of the fact that this season of the year usually has peak employment in this industry.

I think the most significant of all the figures are the drop in average weekly wages from 1968 to 1969 and the sharp drop in average hours worked in the industry for the same period. All other industries without exception show comparable figures moving in the opposite direction; even the textile industry which as you know has been having its difficulties showed a gain in average weekly earnings during this same period from $90.25 in April 1968 to $95.82 in April 1969, and average hours worked 41.4 in April of 1968 to 41.3 in April of 1969.

I continue to say unequivocally that no objective observer can look at this situation and come to any other conclusion; that the shoe industry in New Hampshire is slowly but surely grinding to a halt. I would be happy to send you any other statistics that you feel are necessary to convince the people that must be convinced to make the necessary corrections to save this industry.

Sincerely yours,
Benjamin C. Adams,
Commissioner.

HIGHWAY SAFETY: COMMENTARY NO. 3

(Mr. CLEVELAND was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, this is the third of a series of commentaries which I have prepared for the benefit of my colleagues and other followers of the Record, concerning the National Highway Safety Act of 1966. Hearings on that act were recently held by the Subcommittee on Roads of the House Public Works Committee, of which I am a member.

Alcoholism is a contributing factor in upward of 25,000 traffic deaths each year. This represents nearly half of all traffic fatalities. The statistics suggest that the social drinker is not necessarily the cause of the safety problem as it relates to driving. On the basis of scientific evidence, light drinking, although shown to have an adverse effect, is not the source of most of the problem. The heart of the problem lies with the confirmed alcoholic.

Testimony was heard during the hearings that this matter of the driving alcoholic presents a severe and special problem. The question was asked, "Is it best to suspend a man's license for a DWI when his livelihood demands that he be able to transport himself?" Questions of this sort are numerous and the answers are unfortunately few.

Some witnesses suggested limiting the alcoholics' driving privileges to daylight hours coupled with the use of special coded license plates for the purpose of identification. This practice is presently being tried in Minnesota.

The Alcohol and Highway Safety Report of 1968, came up with some rather startling facts concerning alcoholism and driving. This report noted that between 48 and 58 percent of drivers fatally injured in crashes in which no other vehicle was known to have been involved, had very high alcohol concentrations in their blood. The report went on to say that—

> Very high blood alcohol concentrations have been found in about 45 percent of drivers fatally injured in crashes involving more than one vehicle but in which no other vehicle or driver is believed to be responsible.

It should also be a matter of concern that almost 80 percent of drivers believed to have been killed as a result of the actions of others, have had no alcohol present in their blood. As one medical examiner put it:

> Of greater seriousness is the realization that 44 percent innocent, not at fault, dead drivers, were killed by drinking drivers.

Other research has shown that the drinking driver runs into others four times as often as he was run into.

Mr. Speaker, I think it is time to devote our attention to this very serious problem of highway safety in an attempt to eliminate the needless deaths and injuries of thousands of men, women, and children each year. Alcoholism and its relationship to driving safety and highway deaths, should be a prime target of our efforts to reduce the slaughter on the highways.

INDIAN INDUSTRIAL DEVELOPMENT

(Mr. BERRY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BERRY. Mr. Speaker, I have asked unanimous consent to insert in the Record, a talk I made May 26, 1969, at the Indian industrial development meeting in Rapid City, S. Dak.

Having lived on an Indian reservation for the past 40 years, and having seven Indian reservations, and 36,000 Indians in my congressional district, I feel that my experience, plus my 19 years in Congress, has given me an opportunity to speak with some little authority about the solution to the so-called Indian problem.

As I have said so many times on this floor, there is only one solution and that is industrialization of the reservations, and there is only one way to industrialize the reservations and that is to offer an inducement in the form of a tax incentive to an industry that will move to these reservation areas and provide employment for these people.

The talk I gave at the industrial development meeting is as follows:

Indian Industrial Development

There is one solution to the reservation Indian problem and only one—that solution is jobs, income, and opportunity. Those jobs, and income, and opportunity will only come with industrialization of the Indian reservations. This industrialization will only come about as and when there is provided some inducement and some incentive for industry to locate on those reservation areas.

The capitalistic system has made America what it is today. But that capitalistic system is denied to reservation areas primarily because of their location. In place of the capitalistic system in these areas we have the Federal government in full charge, with the Indian people living on charity and government handouts. This system has created a condition where the words individual pride, individual initiative, and individual desire are almost unknown.

This nation has spent billions and billions of dollars in foreign aid. As part of that aid program it has offered billions of dollars in tax incentives to induce American industry to locate in underdeveloped foreign countries, but it has done nothing toward providing inducement for American industry to locate on Indian reservations, right here in this country, in order to give the Indian people the same opportunity we have provided for others abroad.

At the outset I believe it should be pointed out that the Indian reservations of today are the outgrowth of the concentration camps of yesterday. The Indian people were reluctant to give up their lands and their country and because we were warring we placed them in concentration camps, known in American lexicon as reservations. In most instances the reservations were the poorest and the least productive land in the territory. In other words, it was land the invading white man didn't want.

These reservations are almost always remote, they are almost always low in agricultural productivity, and in almost every instance transportation facilities to and from the reservations—if not impossible—are extremely expensive. One look at these areas and industry is frightened away. This is primarily true because of the fact that transportation of the raw material to the reservation, and then transportation of the finished product from the reservation, makes competition of the finished product impractical.

There are two solutions to this problem, either a direct government subsidy or a tax incentive to offset this cost differential. The first is not feasible. The only practical solution is a tax incentive or a tax exemption which will offset, or probably more than offset, the disadvantages to industry of locating in these remote areas.

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The answer lies not in high wages for the Indian workmen, it lies in inducement through high profits to the industry, because the only thing that we can look to for solution of the so-called Indian problem is jobs, and salaries, and employment. It lies in bringing the capitalistic system to the reservation. It lies in making the Indian people participants, rather than mere spectators, in the drama of our progress of the 20th century.

Now the question is, how do we bring this drama of our progress to the reservation areas?

I suggest to you that it cannot be done simply by direct action on the part of the federal government, or any other government, so far as that is concerned.

The BIA has been in existence 140 years. It has done a relatively good job in bringing education to the reservations, and developing other programs, such as health, etc. But the big difficulty with the operation of BIA is that they and the Congress have been willing to submit to public clamor.

The public generally, and the do-gooders of the east, and many of the church organizations, when they think of an Indian, think of someone on a horse, riding over the range, free of world problems. Their idea is that we found the Indian on the land, therefore, all Indians should be farmers and ranchers and the Bureau of Indian Affairs, by Congressional direction, has been geared to making farmers and ranchers out of all reservation Indians. On allotted reservations, such as we have in South Dakota, BIA handles the leasing of all Indian land, *regardless* of the *competency* of the Indian owner.

Not only does it lease his land, but it handles the collection of the rent and the distribution of that rent money. If the Indian owner is on relief, it turns the owner's rent money over to the welfare department and the money is doled out at the same rate as the owner normally receives in welfare.

In other words, the Indian owner is worse off by owning the land than he would be without it. He learns nothing about business—he learns nothing about farming, he gets no lessons in the American way of life from his land ownership, and by direction of Congress the BIA today is geared primarily to that work.

The sad thing is that when used for agricultural purposes the reservation areas will not provide agricultural opportunities for more than eight to 10 percent of the Indian people. The question is, what possibility is there for bringing the drama of our progress of the 20th century to the remaining 90 percent?

This group will be interested to know the first bill that I introduced when I came to Congress 19 years ago was a bill to provide trades training and on-the-job training for the Indian people, similar to the GI on-the-job training bill.

Six years later—in 1956—Congress passed this act. At that time we appropriated $3½ million to carry out the program—today that appropriation has been raised to $25 million. While this program has done a vast amount of good, and has been described by the Commissioner of Indian Affairs and others as the best program ever devised for the Indian people, it is seriously inadequate to do the job that must be done. It is extremely popular among the Indians and the requests for assistance far exceed the funds that have been available in the past.

It should be pointed out that not only is the training program good for the Indians, but it is also good for the United States. It has been demonstrated that money invested in the program is soundly invested. While it is a relatively high cost family training program, a cost analysis shows that after only 4½ years from the time of training the government will have recovered its costs through reduced welfare payments, through reduced health and education services, and through additional income taxes collected. Think of the returns if all employable Indians were working full time. The difficulty is this training program can only help a small portion of that 90 percent of the reservation Indians that need assistance in realizing the drama of our progress of the 20th century

During the middle 1950s a relocation program was established. Working with the trades training and on-the-job training programs, Indian families were moved to cities where the Department found jobs for them in industrial work and this program was relatively successful but, again, the Indian, being human, and being moved into a strange area, with strange new people, in a strange new world, and without social contacts with people of his own background, or people that he and his family might know, they of course became homesick and returned to the reservation, even though there was nothing for them on the reservation except relief.

The Department has been active in recent years in attempting to induce the Indian people to leave the reservation and find employment in nearby cities and towns. But again we find great difficulty because in most instances the Indian is untrained and finds himself at a great disadvantage, not only because of his own lack of training, but because there has grown up a prejudice against employing Indians because of their instability resulting from their lack of training and lack of value of time.

The relocation program was successful with a number of Indian people who had enough in their background in terms of adjustment to be able to move to the cities and find jobs and become part of these communities. By the same token, those Indians who leave the reservation to find jobs in nearby towns and cities overcome the same problem and the same difficulty of prejudice, etc. only if they have sufficient background to be able to adjust.

The great difficulty is that the reservation Indian knows no home land other than the reservation itself where he was born and raised, and where his friends and neighbors live. In spite of the fact that this home land is fraught with poverty—these are his friends—these are the people with whom he can associate, and this is the home land to which he wants to return for visits, or permanently if he is unable to make the adjustment in the community to which he has moved.

This is the great advantage of the tax incentive program for industry. It will *bring industry* to the *reservation area,* it will provide employment *on* the reservation, where the Indian and his family may live in their home surroundings. This program will not create the kind of problems that relocation has created—whether it be relocation to the cities or relocation to the neighboring towns.

The mere fact that presently they must leave their home community overwhelms them to a point where a majority of them cannot make a success of it off the reservation, so they return. This, in turn, adds to the prejudice of off-reservation employers who do not understand the human frailties of the Indian people. They are kicked from pillar to post and most of them end up as alcoholics—primarily because they turn to liquor to drown their feelings of inferiority and their lack of communication.

I should point out that in every instance where industry has gone to these reservations, and provided jobs, salaries and opportunity, we have seen a complete transformation of the Indian people and of the Indian community. Absenteeism is lower in these plants than in any like plant any where in America. They have used their money to improve their homes, feed and clothe their children, and instead of spending their meager relief check on liquor, they spend their salaries on improving their own lot and the lot of their families.

When these people learn they must be at work at 8:00 o'clock in the morning there is no drinking and carousing around at night. Law enforcement problems are reduced, delinquency problems are reduced, and we immediately find pride in homes, and community, and individual betterment.

Now the question is, how do we as a government, and employees of that government, promote this industrial development on these reservation areas? I must repeat again, that because of the remote location of these reservations, transportation costs are excessive, and that this excessive overhead makes it impossible for an industry to compete with like products produced in more accessible areas of the nation, so—without some special incentive—industry shies away from these reservation areas in spite of the fact that there is a great pool of possible employment.

I should point out also—we have no example of failure when the tax incentive program has been used—we have many examples of success.

Puerto Rico and some of the emerging nations have gone a long way in developing their country through this very tax incentive program. When Rexford Tugwell, the last appointed Governor of Puerto Rico, left that island he wrote a book entitled, "The Stricken Land." Governor Munoz-Marin not only convinced Congress that a new form of government was needed in Puerto Rico, but more importantly he convinced them that to take that country out of the category of "the stricken land" they must entice industrial development to the island. They offered every possible incentive—including not only a 10 year tax exemption, but also in many instances they built the building to house the industry and sold it to them on a long-term basis.

Yes—industry went to Puerto Rico. I was there at the inauguration of Governor Munoz and I saw the island and the poverty and filth and the homes built on stakes out over the water and sided with cardboard. I saw it—and then 12 years later I was back—nothing was recognizable. Nothing. Smoke was rising from factories. People were working, driving cars on newly built highways. Homes were modern. The slums were cleaned up. The old rickety shacks had been replaced with comfortable, livable housing.

The skeptics said it would not succeed. They said the Puerto Ricans were lazy—they wouldn't work—they wouldn't save—they wouldn't build. But, when capitalism replaced government handouts—the drama of the 20th century moved in to Puerto Rico, and for the past several years the per capita income of Puerto Rico has been greater than that of any Latin American country except oil rich Venezuela.

When I saw what *could be done*—I came back from my trip to Puerto Rico and introduced legislation authorizing the same incentive to industry to locate on Indian reservations that was offered in Puerto Rico. Our reservations are remotely located, but they are not as remotely located as an island in the Caribbean. Transportation is not as expensive as it would be to and from Puerto Rico. But, the Congress had authorized it, and Puerto Rico was willing to throw discretion to the winds and offer industry excessive profits, if need be, in order to get them to locate there.

This can be duplicated on every Indian reservation in the country. Today we have a staff of people in the Bureau tearing their hearts out fighting with OEO, EDA, and SBA, trying to get these agencies to finance the location of industrial plants on Indian reservations. And, with some small degree of success, but the fact is that even with the local communities, and with tribal financial help, one out of five of even these small plants have been forced to fold up because they can't pay the added overhead and still meet the competition.

On the Standing Rock, for example, the local businessmen of McLaughlin made a very sizeable contribution—the bank assisted, and the tribe put up the bulk of the cash to house and equip the Harn blanket factory. So long as the railroads were willing to grant rate concessions to ship the cotton in, and the finished products out, the plant operated full force. It provided jobs—and salaries, and most of all—*pride*, to the Indian employees. But—when the *transportation subsidy* vanished the *plant vanished*. This beautiful building stands there as a monument to the absolute necessity of some kind of a subsidy that will off-set the simple costs of transportation and the added cost of attempting to do business in these remote areas.

Two of the tribes placed money into a plastic plant at Mobridge, which is adjacent to these reservations. A substantial EDA loan was obtained on the theory that these adjacent reservations were depressed areas. Today, three years after the plant was opened, ONE *Indian* is on the payroll. The Indians and the tribal organizations are looking at these industrial promises with a jaundiced eye. Even the Federal Poverty Program loaning agencies are beginning to take a second and third look at the possibility of the success of these operations.

But, in spite of the failures of Bureau employees to be able to induce industries to come to reservation areas—in spite of the proven successes of this program where it has been put into effect—in spite of all this, the Treasury Department and the Interior Department oppose legislation that would even provide a trial run for such a program.

When I couldn't sell the tax incentive program on a nationwide basis, Morris Udall (brother of the former Secretary of Interior) and I introduced a bill to make this program effective only on the reservations of South Dakota and Arizona, hoping that a pilot program—a trial run—would be acceptable, and that in this manner Treasury and Interior could determine not only its value, but also its cost. But—Treasury and Interior opposed even this pilot plant idea.

According to the computation of the House Interior Committee, as I said before—money invested in the On-the-Job and Trades Training program is returned to the Treasury within a 4½ year period through increased taxes, both direct and indirect, and through the savings effected by taking them off relief rolls, etc. How much greater would be the return to the Treasury with a substantial movement of small industries to these reservation areas, giving jobs and income and opportunity, but most of all *PRIDE*—to the thousands of Indian people—who after 140 years of devoted work on the part of the Bureau of Indian Affairs are rotting on reservations today.

My friends—"Where there is no hope the people perish." There is no hope for 90% of the reservation people—Must they sit there for the next 140 years and perish?

It will not be easy to get this legislation through Congress. The public generally, which dreams of an Indian on horseback, will strongly resist the idea of an Indian feeding his family from the sweat of his brow in a factory—working to build up his standard of living and the community in which he lives. The public generally wants to maintain the Indian as a *museum piece. They* will continue opposition.

The second group who are opposing this program are the labor unions. Those unions which have successfully barred the Black Man from their membership are also opposed to the Red Man taking his place in industrial employment. They don't want the Red Man either.

And, then there are those in government, and in Congress, as well as in the public generally, who *oppose change*—just for the *sake* of *opposing change.*

These are the elements of opposition. These are the roadblocks to the solution of the so-called Indian problem.

ADDRESS BY CONGRESSMAN JOHN BRADEMAS

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on May 28, 1969, I had the privilege of delivering an address at the annual banquet of the 64th annual meeting of the American Association of Museums in San Francisco, Calif.

I insert in the RECORD, the text of my address:

ADDRESS BY CONGRESSMAN JOHN BRADEMAS, CHAIRMAN, SELECT EDUCATION SUBCOMMITTEE, HOUSE COMMITTEE ON EDUCATION AND LABOR

I am indeed honored to have been invited to address the 64th annual meeting of the American Association of Museums.

As I rise to speak, I recall what George Bernard Shaw once said to his British publisher to indicate his displeasure with its printing of one of his plays.

Shaw sent a copy of the American edition, which he liked, to the British firm with a note that read: "As the rooster said to the hen as he placed an ostrich egg before her, 'I am not disparaging, I am not criticizing. I merely want to bring to your attention what has been done by others.' "

You who staff and serve and support the museums of America are the custodians of "what has been done by others"—the custodians of those achievements of art and history and science that enable us better to understand what we have been and, hopefully, better to know what we may become.

Although I have never worked for a museum or sat on a museum board, I feel in some ways at home among you—for several reasons. My father is a Greek immigrant, and very early in my childhood, I learned that I was descended from Pericles, Phidias and Praxiteles, and in later years, like most of you, I experienced the joys of Athens and Lindos and Knossos.

Indeed, the first career to which I was tempted, as a sixth grader fascinated by a book on the Mayas, was that of an archaeologist.

The Prado and the Ashmolean, the Heritage and the Hagia Sofia and the Museo de Antropologia in Mexico City as well as the National Gallery of Art and the Smithsonian in Washington and the Northern Indiana Historical Society Museum in South Bend, Indiana are all museums which at one point or another have afforded me learning and pleasure.

And that I now serve in Congress on the committee which deals with education generally, chair the Subcommittee which handles Arts and Humanities Foundation programs and sit on the House Administration Subcommittee on Libraries and Memorials, which has jurisdiction over the Smithsonian and other museum legislation, and which, by the way, is chaired by my close friend and colleague and one of the original sponsors of the Arts and Humanities legislation, Congressman Frank Thompson, Jr., of New Jersey, means further opportunities to come into touch with museums and what they mean in American life.

So I am especially glad to be here tonight in this lovely city with so many distinguished keepers and builders of the nation's treasures.

MUSEUMS AND THEIR NEEDS

I want to talk with you tonight about museums and their needs—and to do so from the perspective of a Federal legislator.

Much of what I have to say is derived from that superb analysis of America's museums—the Belmont Report—which, as you know, was prepared by a special committee of the American Association of Museums for the Federal Council on the Arts and Humanities, in response to a 1967 request by President Johnson.

The opening words of the Belmont Report constitute, I think, an appropriate theme for my remarks:

"This is a report on a priceless national treasure—the works of art, the historic objects and scientific collections in the custody of American museums.

"In scope and magnitude this treasure is unmatched by that of any great nation, and it has enriched the minds and lives of countless Americans. Once lost, it can never be replaced.

"Today, the institutions which have this treasure in their custody are in serious trouble. The totally unpredicted popular success of American museums has strained their financial resources to the breaking-point, has compelled them to deny service to much of the public and will require many of them, unless help comes, to close their doors.

"Museums have arrived at the point where they can no longer preserve and exhibit the national treasure without substantial national aid."

In effect, the museums of today are victims of their own extraordinary success. Thirty years ago, attendance at America's 6000 museums totalled some 50 million visits a year. That figure has now soared to over 300 million, and is rapidly climbing higher.

The pressures both of an increasing population and the rising interest of Americans of all ages and groups in seeing the works of art, historic objects and scientific collections in American museums mean for them a serious financial crisis.

MUSEUMS AS EDUCATIONAL INSTITUTIONS

What I think particularly striking is the remarkable increase in demand for the services of museums as educational institutions. Hundreds of thousands of schoolchildren periodically come to our large museums. Millions of youngsters and adults attend classes at some of the major museums. To cite one nearby example, the new Oakland Museum, which we shall see tomorrow, includes a lecture hall and classrooms and will afford a variety of educational programs, including a traveling exhibit of California.

In Washington's Anacostia section, a low income, chiefly black area, the Smithsonian, responding to the emerging national consciousness of the shame of poverty in a wealthy land, has recently established a small branch museum.

Museums play an essential role, too, in serving the needs of scholars engaged in research at the college and university level.

And I am sure that all of you can multiply examples from your own experience of the pressures upon museums from within the communities of which they are a part to open their doors for a variety of other purposes such as musical and theatrical performances.

These, then, are but some of the causes of the heightened demands being made upon America's museums.

FINANCIAL PRESSURES

How prepared are our museums to meet these burgeoning pressures? The Belmont

XUM

Report cites case after case to illustrate the general conclusion that the operating expenses of American museums have risen sharply in the past ten years, and that annual deficits are commonplace.

Increased attendance and increased requests for services—for the kinds of reasons I have suggested—in turn mean increased costs for trained staff, guards, guides, acquisitions, exhibits, buildings, insurance.

You, better than I, are familiar with the extraordinary diversity of museums in the United States—their many sizes, shapes and purposes, as well as with the multiplicity of their bases of financial support.

Big museums, little museums, art museums and history museums, children's museums and university museums, museums supported by public funds, some by private money, many by both, some charging admission fees, others not, but nearly *all* of them, in varying degrees, faced with serious financial problems.

THE FEDERAL ROLE

No one suggests, I think it must be clear, that the Federal government should now assume the burden of supporting American museums. All of you are committed to seeking to encourage the flow of funds into your museums from private sources as well as from local and state governments.

But surely it must be obvious that the mounting demands on the museums of America have so strained their financial resources that it is now time for the Federal government to consider making a significant increase in its present contribution to the support of our museums.

The amount of Federal support to American museums today is tiny; less than one percent of their operating expenses comes from the Federal government.

Indeed, for too long, now, the Federal government has been following an ABM policy with respect to museums—"Anything But Money!"

Moreover, most of the Federal support for museums has gone for scientific ones only—and even then for research rather than for operating expenses or building—while there has been little Federal help at all for art and history museums.

The National Endowments for the Arts and Humanities have been aware of the needs of museums, but the limited funds available to the Endowments are reflected in their modest allocations to museums last year of $500,000 in all.

Let me here interject that I think all of us and, indeed, all Americans owe a great debt of gratitude to a man whose tenacity and dedication to support of the arts and humanities, especially as a principal champion and leader of the Arts and Humanities Endowments since their inception, has been in large measure responsible for what advances have been made on this front in recent years—Roger L. Stevens.

Museums have benefitted very little from the Elementary and Secondary Education Act. And museum libraries are excluded from the benefits of the Library Services and Construction Act.

And although Congress passed the National Museum Act in 1966 to support a variety of museum activities, Congress has yet to appropriate any funds under the law.

Four years from now, we shall mark the 200th anniversary of the establishment of the first American museum, in Charleston, South Carolina, in 1773. I hope we shall not have to wait for money under the National Museum Act until 1973!

GUNS AND CULTURE

It may seem passing strange to you that at a time when President Nixon has proposed slashing President Johnson's fiscal year 1970 budget for education by nearly $400 million, . . . at a time when the new Administration is pressing for a defense budget of nearly $80 billion . . . and urging on Congress an ABM whose cost seems mysteriously to rise daily—it may seem strange to you that in such an hour, I should be suggesting increasing Federal funds for museums.

But let me make very clear my profound disagreement with those who argue that we cannot afford to support education or the arts or humanities or museums until the Vietnam war is over.

On the contrary, I strongly agree with the view expressed by W. McNeil Lowry of the Ford Foundation in his recent report on the economic crisis in the arts. Mr. Lowry, commenting on the meager funding of the Arts and Humanities programs, noted that:

"Pressures of war and other crises have been freely cited in explanation of this action, but there is no reason to believe that any significant Federal program in the arts can be effectively argued either in Congress or in the public if its justification must be that all other great national questions are in equilibrium. Other governments—democratic, socialist or oligarchic—have proceeded without such a justification . . .

"The arts [should] not always depend upon a contest over priorities . . . There will not exist an effective public policy for the arts until they are treated as important in their own right."

This is the point—that the arts, like education—and like museums—must come to be viewed as "important in their own right".

And with this understanding, there will then become possible "an effective public policy" for museums.

FUTURE SUBCOMMITTEE HEARINGS

In order to contribute to such an understanding and, hopefully, to the development of an effective public policy for museums, I plan to have the subcommittee of which I have the honor to be chairman, as part of its responsibility to oversee the operation of Arts and Humanities Foundation programs, conduct hearings during this Congress on the major problems facing American museums with a view toward appropriate legislative action.

I propose to invite the authors of the Belmont Report and other representatives of the American Association of Museums to testify before the subcommittee on their views on the museum situation in America today.

Such hearings should afford an opportunity for Congress, and the American people generally, to obtain a clearer picture of the kinds of problems I have been discussing with you this evening.

SPECIFIC PROPOSALS

Let me conclude my remarks by offering a number of specific proposals which seem to me must be central to any progress both in the country and in Congress in shaping a sound and intelligent public policy for the support of America's museums.

First, I believe that leaders of the museum community should begin to develop concrete legislative proposals for supporting museums to present to Congress.

This means you. We want to know what you who live with the problems of museums daily think we should do—and what we should not do.

Second, I believe Congress should provide some appropriations to make good on its commitment under the National Museum Act. The Belmont Report suggests $1 million for the first year.

Third, Federal policy-makers should recognize that museums play an important educational role in our society, working with schools, colleges and universities. Qualified museums should, therefore, like these institutions, be recognized as eligible for direct Federal support. To achieve this goal may involve amending existing Federal legislation, such as the several Higher Education Acts, the Elementary and Secondary Education Act, the National Defense Education Act, and others.

This effort should include consideration of support for construction and operating costs of museums perhaps along the lines of the Library Services and Construction Act.

Fourth, there should be increased financial support for museums from those Federal departments and agencies that are already concerned with museums, specifically the National Endowments for the Arts and Humanities, the U.S. Office of Education, and the National Science Foundation.

In this connection, greater attention should be given both to compensating museums more fully for their contributions to certain Federally funded programs such as Head Start and Title I of the Elementary and Secondary Education Act, and others, and to more effective joint planning between schools and other educational institutions and museums as, for example, with programs provided under Title III of ESEA, which authorizes supplementary educational centers and services.

Fifth, the museum community should develop standards of accreditation against which the excellence of individual museums can be measured. Federal support should not be provided to museums which have not reached a level of quality accepted in the museum field. I therefore congratulate you of the American Association of Museums on the adoption this week of a resolution approving the principle of accreditation.

Sixth, more support should be provided for training first-class museum staff through museum internships, fellowships and training courses.

There are, I believe, several other areas of museum activity which deserve careful consideration as appropriate for Federal support, such as research, traveling exhibits, television and other mass media, conservation and restoration—and we should also look at the possibility of developing a computer network for storing and retrieving information about the resources of our museums.

I believe Congress should consider as well changes in the treatment of museums for tax purposes which would enable them to enjoy certain benefits now available to a wide variety of charitable, religious, and educational institutions.

And finally, I think we should take a careful look at the Belmont Report proposal to authorize Federal grants to museums on a matching basis to help them meet the expenses of providing regional and nationwide services.

THE NEED FOR IMMEDIATE ACTION

I do not suggest that this list is exhaustive or that every item in it is of equal importance. What I do suggest, however, is that these questions and others like them are the kinds of proposals for Federal support of our museums that ought to be carefully considered by Congress and the Administration. They are the kinds of questions that I plan to have discussed by the subcommittee which I chair during the 91st Congress.

I should like, however, in closing, to remind you that our capacity in Congress to make progress on such measures depends, in the final analysis, on the kind and degree of public support that people like you in this room can yourselves provide and, just as important, that you can generate and encourage across the country. This means that you must speak up, forcefully and clearly, in your own communities. In particular, it means that you must communicate your convictions about the need for adequate Federal support for education, for the arts and humanities, for museums, to your Senators and Representatives in Congress. As one of them, I can assure you that they will give respectful attention to the voices represented in this room and to other voices like yours across the country.

Ours then is a common task. For you and I know that we live in a time of immense and growing pressures—of rapid urbanization, of war, of racial and social and economic conflict.

In such a time, we need all the more, if we are to make this land what it ought to be, generously to support those institutions that elevate the character and quality of our national life.

And among those institutions surely are the museums of America and the treasures of mind and spirit and history of which they are the keepers.

STATEMENT OF CONGRESSMAN BRADEMAS BEFORE THE DEFENSE SUBCOMMITTEE OF THE HOUSE COMMITTEE ON APPROPRIATIONS

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I had the opportunity this past Monday, June 9, 1969, to testify before the Defense Subcommittee of the House Committee on Appropriations. At that time I discussed a problem of growing concern to Members of Congress and to the American people, and I want today to share these views with my colleagues. I refer in general to increasing evidence that the Department of Defense is willing to pay excessively high costs for weapons systems and equipment that often provide only marginal improvements in combat effectiveness.

Mr. Speaker, I know that my colleagues are vitally interested in both our national defense and our national economy. Their concern is to act upon Defense Department requests for weapons and equipment essential to our national defense while at the same time disapproving the expenditure of public tax moneys when not essential to our national security.

Mr. Speaker, I want to bring to your attention some details of a Government procurement with important implications for the public interest in terms both of our national defense and our national economy.

UNNECESSARY EXPENDITURES OF $150 MILLION

Specifically, I intend to demonstrate that the U.S. Army is now procuring a 1¼-ton truck—the XM–705—which will burden the American taxpayer with as much as $150 million in unnecessary expenditures. Yet abundant evidence shows that the XM–705 will produce at best only a modest improvement in combat effectiveness.

Moreover, the Army seeks to buy this vehicle, with all the risks attendant to buying a vehicle that exists only on paper, despite the fact that a modestly improved version of an existing vehicle, the M–715, can substantially meet the Army's requirements.

Mr. Speaker, these conclusions are not merely my own. The General Accounting Office, which at my request has undertaken an examination of the XM–705 program, only last week made the following tentative observations:

> It appears that the XM705 does not represent a real stride forward in terms of combat effectiveness. Rather, it appears to offer only a relatively small increase in terms of combat effectiveness over the XM715 1¼-ton truck already in the Army system and no clearly significant superiority over the improved XM715 proposed by the Kaiser Jeep Corporation. Accordingly, the XM705 appears to represent an excessive expenditure for marginal improvements in combat effectiveness over the improved XM715.

Moreover, Mr. Speaker, the Army's ill-advised decision to procure the XM–705 flatly and unconscionably contradicts the explicit conclusions reached by the Army's own Army Materiel Command. This report, prepared by the Systems and Cost Analysis Division of the Army Materiel Command, dated July 8, 1968, compares the proposed XM–705 both with the existing and the improved M–715. The report finds:

> The XM705 has all the uncertainties associated with a vehicle that does not exist . . . With the improvements proposed, an adequate design guarantee and warranty, and contractor liability established by demonstration to Government test specifications, there are no known performance or effectiveness preclusions to selection of the improved M715.

With respect to this report the Chief of the Vehicles and Equipment Division, Maintenance Directorate, Army Materiel Command, states flatly:

> We conclude that there is questionable necessity for going through the expense of developing a replacement vehicle at this time.

He recommended that:

> The M715 series of trucks be considered for adoption as the standard replacement for the M37 series and that procurement of the M705 series of trucks be held in abeyance pending the acquisition of more definitive operation and maintenance experience with the M715.

Thus, Mr. Speaker, the evidence available at this time, developed both by the General Accounting Office and, indeed, by the Army itself militates strongly against procurement of the untested, untried paper XM–705 at an additional cost to the American taxpayer estimated by the Army Materiel Command to be $150 million. Here again is the conclusion from the Army Materiel Command report I have already cited:

> Introduction of improved M715's requires fewer vehicles in the total fleet and approximately $150 million less for the total fleet life cycle costs than does the XM–705.

Mr. Speaker, let me elaborate:

I first began looking into the Army's procurement of a new fleet of 1¼-ton vehicles this past January when officials of the Kaiser Jeep Corp., which has a plant located in the congressional district which I represent, brought to my attention the Army's intention to procure the XM–705 from the General Motors Corp.

After a period of several months of investigation on my part, which included meeting personally with the Secretary of the Army, Mr. Stanley R. Resor, on February 18, 1969, I became increasingly convinced that the XM–705 program could not be justified. I first transmitted my concern in a letter dated March 19, 1969. At that time, I indicated my serious reservations about the XM–705 program. Concurrently, I advised the Comptroller General of the United States of my concern about the XM–705 program and requested that the General Accounting Office undertake a thorough investigation.

After several months of continuing inquiry on my part, and on the basis of the preliminary review submitted to me by the General Accounting Office, I am thoroughly convinced that the XM–705 program has not been justified by the Army, and that, as available expert evidence indicates, this program will cost the American taxpayer many millions of dollars beyond what is required for an adequate 1¼-ton truck fleet.

HISTORY OF THE ONE-AND-A-QUARTER-TON TRUCK PROGRAM

Let me briefly summarize the U.S. Army 1¼-ton truck program.

At the present time the Army has about 30,000 M–715 trucks. This 1¼-ton truck is a conventional mobility truck which first went into production in January 1967, at a cost of less than $3,500 apiece to the Government.

Notwithstanding the success of the M–715 in the field, the Army has embarked on a program to procure another 1¼-ton conventional mobility truck—the XM–705. The complete acquisition cost for the first 18,000 of these vehicles is scheduled to be $8,160 per truck, according to data provided me by Army officials.

The Army made this award despite the fact that for more than 6 months, the Army had held in abeyance an unsolicited firm fixed price proposal from the Kaiser Jeep Corp., in the amount of $71 million to produce a like quantity of improved M–715 trucks. The improved M–715 is a modification of a similar and apparently satisfactory M–715 vehicle already in the military system.

Congress has repeatedly cautioned the Army about introducing a new truck into the logistics system. The full House Committee on Appropriations, as far back as June 1963, questioned the Army's continued sole-source procurement of the M–34 ¾-ton truck and emphasized the need to develop the follow-on XM–561 vehicle with competitive procurement at the earliest practical date. The M–561, known as the Gama Goat, is a high mobility truck now being procured at a cost of about $11,000 each. The Appropriations Committee, however, approved a limited procurement for ¾-ton trucks for fiscal year 1964, anticipating that these vehicles as well as existing inventory would be adequate to meet Army requirements until the successor M–561 was ready for procurement.

The Appropriations Committee further noted that the Army was looking into the possibility of utilizing other commerically available trucks that might meet the Army's requirements. The committee admonished the Army that the advantages of competitive procurement must be weighed against the higher costs associated with introducing a new vehicle into the logistics system.

Thus, the Army at present is faced with logistically supporting two trucks of the same class—the M–37 and the M–715—and will soon have a third truck, the high mobility M–561 truck, in its system. Procurement of the XM–705 will add yet a fourth 1¼-ton truck to the system.

The Army Materiel Command itself, in its comparison of the improved M–715 and the XM–705, warned of the additional expense and unnecessary logistical complications that would result from adding this fourth 1¼-ton truck—the XM–705—to the fleet. In its report, the Army Materiel Command emphasized the logistical advantages of retaining the M–715 and rejecting the XM–705:

> Selection of the improved M–715 would have the following effects on *Logistic Factors:*
>
> a. Reduces the types of major items in the fleet.
>
> b. Reduces the number of new component line items introduced into the system.
>
> c. Avoids increased supply and distribution costs. The XM–705 would require complete logistics introduction.

Mr. Speaker, a comparison of initial investment costs for the XM–705 and for the M–715 is plain evidence of the Army's misjudgment in this matter.

For an intial buy of 18,000 vehicles, the Army estimates that the initial investment cost will be $8,160 for each XM–705. This figure compares with $5,120 for each improved XM–715. The additional cost, then, is over $54 million for the XM–705. Moreover, based on a projected fleet of 50,000 vehicles, the Army Materiel Command estimated that the total additional cost to the taxpayer would be approximately $150 million.

Mr. Speaker, I have sought time and time again to obtain from the Army satisfactory explanations to questions I have raised about the basis for its determination to procure the XM–705.

Following my meeting with the Secretary of the Army in February, I exchanged correspondence with him. I subsequently met at some length with a team of Army officials dispatched by the Secretary of the Army which included the Army's Director of Materiel Acquisition, Maj. Gen. Roland B. Anderson. I have studied materials thereafter prepared for me by General Anderson. I have reviewed with care the answers concerning the XM–705 submitted by the Army to this subcommittee just 4 days ago.

SELF-SERVING COST-BENEFIT ANALYSIS

But, Mr. Speaker, the deeper I look into this matter, the more convinced I have become that the Army's justification of the XM–705 program is not only inadequate, but also misleading.

Essentially, Army officials have attempted to justify their decision to procure the XM–705 by stating that it would result, in contrast to continuing procurement of the M–715 or an improved version, in both substantial improvements in military effectiveness and lower life-cycle costs.

Mr. Speaker, the Army has failed to support either of those contentions. Let me explain.

1. LIFE CYCLE COSTS—CONTRIVED COST COMPARISONS

Life cycle costs lie at the heart of the issue and draw attention to the questionable accuracy of the Army's method of comparing the real-life M–715 and the paperwork XM–705.

I was informed by the Army that its decision to proceed with the procurement of the XM–705 was based on the Army's calculated higher life cycle cost of the improved M–715. In fact, however, as I have indicated, the internal Army study, to which I have already referred, stated in July 1968 that the additional life cycle cost of adding XM–705's to the fleet would be approximately $150 million over the alternative of procuring the improved M–715.

Yet, Maj. Gen. Roland B. Anderson, who headed up the delegation sent to my office by Secretary Resor, represented this figure to be only $75 million. Moreover, he dismissed the savings which would result from purchasing improved M–715's as unsubstantiated in the eyes of the Army. According to General Anderson, in a document he submitted to me on April 18, 1969:

> A cost comparison study made by the Army Materiel Command Comptroller and Director of Programs did indicate a life-cycle cost advantage of $75 million for the improved M–715 on the basis of a 50,000 vehicle fleet. However, this study was made on the basis of the assumptions that Kaiser Jeep's unsupported claims as to reliability and durability could be attained. For that reason it has never been accepted by the Army. This study was accomplished in July 1968.

General Anderson's letter of April 18 takes the unequivocal position that the Army's life cycle cost computations showed a lower cost for the XM–705. But the general's assertion is in direct conflict with the earlier determination of the Comptroller and Director of Programs, Army Materiel Command, that the life cycle cost for the improved M–715 would be substantially lower than that for the XM–705.

Notwithstanding this Army Materiel Command report, the Army subsequently contrived—and I use that word advisedly—an unrealistic life cycle cost for the improved M–715 in order to justify procurement of the XM–705.

Let me explain.

The Army has relied heavily on the alleged high life cycle cost of the improved M–715 as compared to the life cycle cost for the XM–705. Simply stated, the life cycle cost is the initial acquisition cost of a vehicle, plus the maintenance and repair cost for that vehicle over its expected lifetime.

In calculating a life cycle cost, the so-called "maintenance index" is vitally important. This is because a maintenance index indicates just how much time a vehicle will be unable to operate because of the need for repairs and other maintenance.

To illustrate how crucially important the maintenance index is, the Army stated that repair parts and maintenace for each improved M–715 would amount to approximately $13,500—over $1,000 each year for each year of the M–715's 12-year life span. At the same time, the Army stated that the repair parts and maintenance for each XM–705, which exists on paper only, would be slightly over $6,000 for the lifetime for each vehicle—or approximately $500 each year.

As a result, the difference in cost as given between maintaining a fleet of XM–705's and maintaining a fleet of improved M–715's, based on Army assumptions is enormous. In fact, that difference, based on a projected fleet of 50,000 vehicles over a 12-year life expectancy for each vehicle, amounts to several hundred million dollars.

And yet, when I sought to learn the basis on which the Army assigned these very different, yet crucially important maintenance indexes to both of these vehicles, I was astonished by the lack of integrity of the criteria the Army chose to use.

What I learned was this:

The Army had assigned a maintenance index for the XM–705 based on conjecture, assumption, and insufficient data. In fact, no XM–705 has ever been built. The index assigned for the vehicle is based entirely on values calculated by the contractor which the Army, after checking, accepted. And yet the vehicle exists only on paper, and I will indicate later in my statement how dangerous this practice of failing to rely on prototype development has been in the past.

Moreover, the very high maintenance index assigned for the improved M–715 is no more supportable than the very low index assigned to the XM–705. The Army has failed, despite my repeated requests to Army officials, to provide me with any explanation of how the figure for the improved M–715 was derived—an index almost three times as high as that of the XM–705. And yet there are at least three compelling reasons which suggest that the maintenance index assigned the M–715 is arbitrary in the extreme.

First. Apparently, the Army used only five of the first M–715's off the production line, tested them, but ignored considerable test data on later M–715's in calculating the maintenance index.

Second. At present, approximately 25,000 M–715's are operating in the field, many of these vehicles for close to 2 years. About 5,000 M–715's are in reserve storage. Yet neither officials of the Kaiser Jeep Corp. nor I have succeeded in getting any information from the Army which suggests that the existing M–715's have not been performing effectively and economically. In fact, one Army Materiel Command memorandum states specifically that "there are no reports pointing to other than normal maintenance and MWO—modification work order—requirements." Moreover, officials of the Kaiser Jeep Corp. have visited many field commands where the M–715 is deployed, both in the United States and abroad, and reported to me that the M–715 apparently has received wide acceptance among field commanders.

Third. Moreover, two reputable management consulting firms, Harbridge House and Communications & Systems, Inc., conducted studies, commissioned by the Kaiser Jeep Corp., based on test data made available by the Army. The conclusion of both of these studies is that the maintenance index assigned to the improved M–715 by the Army is much greater—and hence of course much more costly—than is justifiable based on the data used by the Army.

In sum, the Army has chosen to rely heavily on the alleged merits of the paper XM–705. Yet the truth is best stated in

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the Army Materiel Command's study of the XM-705 and the M-715:

> No conclusive difference in estimated reliability can be stated because of the uncertainties involved in both vehicles.

Mr. Speaker, I am convinced that in their assignment to the improved M-715 of a maintenance index almost three times greater than that assumed for the XM-705, the Army has taken elaborate pains to construct a self-serving case.

2. COMBAT EFFECTIVENESS: UNSUPPORTED AND UNTESTED COMPARISON OF BENEFITS OF XM-705 AND M-715 PROGRAMS

Mr. Speaker, Army regulations are clear that the bulk of research, development, testing and evaluation funds should be spent on items providing significant advances in combat effectiveness with emphasis on mobility, firepower, and communications. No substantial sums of money are to be spent for small, incremental increases in combat effectiveness with emphasis on mobility, firepower, and communications. Furthermore, regulations specify that the cost of new items must be carefully weighed against expected improvement in operational capability. According to Army doctrine, "improvements of modernization action are avoided," and "unnecessary technical features, overrefinement, and excessive durability must be eliminated."

Army regulation 11-25, entitled "Army Programs, the Management Process for the Development of Army Systems"—dated April 10, 1968—is clear and succinct:

> Priority is placed on new capabilities which provide significant improvement in combat effectiveness.

Yet this explicit mandate has been ignored in the present case.

The General Accounting Office is conducting an extensive study of the Army's analysis and cost comparison of the XM-705 and the improved M-715 programs. As we are all aware, Mr. Speaker, the General Accounting Office was placed in the legislative branch of the Government to provide the committees and Members of Congress with independent reports on the management operations of the executive branch. The unremitting duty of the Comptroller General and the General Accounting Office staff is to serve Congress by searching continually for means of achieving greater effectiveness, economy, and efficiency throughout the Government.

Although the General Accounting Office has not yet completed its review I have been greatly impressed both by their findings to date and by the thoroughness of their investigation.

Mr. Speaker, let me here cite in detail some of the unequivocal, unambiguous findings of the General Accounting Office:

> Based on our review of the XM705 development and the conclusion of the cost/effectiveness study made by AMC [Army Materiel Command] in July 1968, it appears that the XM705 does not represent a real stride forward in terms of combat effectiveness. Rather, it appears to offer only a relatively small increase in terms of combat effectiveness over the XM715 1¼ ton truck already in the Army system and no clearly significant superiority over the improved XM715 proposed by KJC [Kaiser Jeep Corporation]. Accordingly, the XM705 program appears to represent an excessive expenditure for marginal improvements in combat effectiveness over the improved XM715.
>
> As far as we know, the Army does not accept the July 1968 AMC cost/effectiveness comparison because it was based on unsupported assumptions. It does not seem reasonable to make such a study for the apparent purpose of providing a better basis for decision making, when the input is based on unsupported assumptions that cannot be accepted. Further, the definitive data considered necessary to validate the assumptions was not requested by the Army for about 6 months. It appears that the Army should have taken action to obtain such data much sooner than it did. Further, we believe the award of the TPP [Total Package Procurement] contract to GM [General Motors] should not have been made prior to receipt and evaluation of the requested definitive data. If the evaluation was favorable to KJC, then it seems the course of less risk to the Government would have been to proceed with the development and test of KJC's improved XM715 since KJC also guaranteed performance and offered a significant saving in cost and time. While there is the possibility that the improved XM715 would fail during tests to meet the requirements although guaranteed, the same possibility also exists in the most costly current X705 program.

Mr. Speaker, having cited the findings of the General Accounting Office, I want, in order to complete the evidence for the members of the subcommittee, to cite several additional points contained in the Army Materiel Command's comparison study, to which I have earlier referred.

They are essential points which I have not yet made. The Army Materiel Command report said:

> 1. With the improvements proposed, an adequate design guarantee and warranty, and contractor liability established by demonstration to Government test specifications, there are no known performance or effectiveness preclusions to selection of the M715. Areas in which the QMR [Qualitative Materiel Requirements] are not met are not considered significant. Cost differentials are significant, particularly in the acquisition category (R & D and Investment) and are considered to be conservative. The current M715 is programed in the Army inventory through FY 78 and further logistics simplification and cost avoidance are factors for M715 selection. The Government's legal and moral obligations in abandonment of the XM705 are protectable and/or defensible. Government Rights-in-Data are roughly comparable between the two suppliers. Significant savings are also evident to the M715 in the ambulance version and high density kits. Other savings, on cost-effectiveness considerations, can be made from the improvements specified in both proposals.
>
> 2. Both the XM705 and the improved versions of the M715 are "paper vehicles" in the sense that neither exists or has been demonstrated. The current version of the M715 does exist . . . and both costs and performance values have some historical documentation. The values (performance and maintenance estimates) of the XM705 have been derived from quotations and estimates made by the contractor and modified where considered appropriate. These, therefore, are considered to have a greater uncertainty (plus or minus), than for the current M715 data.

In view of the unrelenting investigative work and the findings to date of the General Accounting Office in the present XM-705/M-715 controversy, and in further view of the devastating Army Materiel Command's comparison study, I must conclude that the method used by the Army to procure the XM-705 is unjustifiable and irresponsible.

Based on a careful examination of the XM-705 program, then, I fail to see any justification either for the increased costs or the complication of logistics caused by several equivalent vehicles in the military system. It is my understanding that the M-715, with minimum improvements, can fulfill the system's description of the XM-705. Accordingly, there is no reason for the Department of Defense to incur the additional cost of developing a new vehicle where the capabilities required can be provided through minor modification of the existing M-715. In summary, it appears that, at best, the XM-705 program offers a marginal improvement in overall vehicle performance at a disproportionate increase in cost.

At a time when the Federal Government is trying very hard to limit expenditures and when Defense Department appropriations are approaching $80 billion annually, I respectfully urged the members of the Defense Subcommittee carefully to review the entire XM-705 contract and the manner in which it was awarded.

Naturally, Mr. Speaker, I would hope that the distinguished Defense Subcommittee would also insist, in view of the kind of evidence I have here presented, that the Army give satisfactory responses to the questions I have raised, which the Army has up to now failed completely to do.

The American people are, I am confident, willing to support a strong defense for our national security. They are not willing, however, to see millions of their tax dollars squandered as the U.S. Army is doing in this ill-advised XM-705 contract.

Mr. Speaker, in response to my testimony before the Defense Subcommittee, I am told that the Army issued the following statement:

> The Army does not agree that the purchase of the General Motors Corporation-designed XM705 1¼ ton truck will cost $150 million more than if the XM715 supplied by Kaiser Jeep Corporation were purchased. The XM705 is being designed with a high degree of reliability and durability and therefore does require a higher initial investment. However, Army studies indicate that on life cycle cost basis, taking in both the initial and 12-year operating cost, the XM705 will cost significantly less than the XM715.

Mr. Speaker, upon learning of the Army's response to my testimony I issued the following statement:

> In my testimony on June 9 before the Defense Subcommittee of the House Committee on Appropriations, I charged the Army with having contrived to place a contract with General Motors to purchase a large fleet of XM705 1¼ ton trucks. I demonstrated, on the basis of evidence developed by the General Accounting Office and, indeed, by the Army Materiel Command, how the Army was willing to spend an additional $150 million in order to buy a truck that would provide only marginal improvements in combat effectiveness.

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The Army issued a statement yesterday denying that the XM705 would cost $150 million more than a modified version of an existing Army vehicle, the M715 built by Kaiser Jeep Corporation. The Army alleged yesterday, without citing any evidence whatsoever, that the total life cycle cost for the XM705 would be "significantly less" than for the M715.

I challenge the Army to demonstrate that the XM705 would be significantly less expensive. To date, the Army's representations about the XM705 program have been riddled with blatant inconsistencies and half-truths.

I do not intend to let the matter of the XM705 drop. The Army should not be permitted to squander $150 million in taxpayers' money on this large and terribly expensive fleet of XM705 trucks.

Mr. Speaker, the XM–705 contract is a concrete example of the kind of waste of public tax dollars by the military which is increasingly disturbing to the American people.

SOME OBSERVATIONS ON LEGISLATION DEALING WITH CAMPUS UNREST

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, several speeches have been made on the floor of the House today, and I am sure that in the days ahead many more speeches will be made concerning the issue of unrest on college campuses in the United States.

I take this opportunity, not in any effort to make an exhaustive discussion of this complicated issue, but only to draw to the attention of the Members of the House some factors which may be helpful as they consider this problem.

In the first place, Mr. Speaker, let me say that it is my own conviction, based on visits to many university campuses in recent weeks and months, that there is no simple or single cause of disorders on the American campus today.

For convenience, however, it might be possible to divide the causes into three chief kinds.

First, I believe there is a small, but nonetheless highly significant group of revolutionary extremists on our campuses who wish to destroy the university, not to elevate it and improve its quality. With this group and with the violent tactics that some of them are willing to employ, I have absolutely no sympathy; the criminal law should be enforced when they break the law—as with any other citizen.

But, Mr. Speaker, I believe it would be a great mistake to assert that the existence of this group is the only cause of disorders on the campus.

A second explanation for some of the troubles is criticism by students on the way the college or university is run. I refer here to complaints about curriculum, defense-related research, the impersonality of faculty-student relations, the roles of students, faculty, and trustees in the governing processes of the institution, the relationship between the university and the community of which it is a part, and similar dissatisfactions. Whether one agrees with a particular criticism in any given instance is another matter. All I am saying here is that criticisms of this kind are one of the principal sources of some of the student disorders.

A third major cause of student unrest is the entire spectrum of problems within the wider American society—the war in Vietnam, the draft, racial discrimination, poverty, and the feeling on the part of many students that too many Americans are more concerned with material gain than with making real the dreams of our Founding Fathers.

Mr. Speaker, if there is any truth in what I have been saying—that the causes of student unrest are multiple and complex—it follows that there is no simple solution.

It follows further that we should look somewhat skeptically on legislative proposals that purport to resolve student unrest.

Now, Mr. Speaker, let me say something about the present status of legislation in this area.

After several weeks of hearings on the general problem of student disorders, the Special Subcommittee on Education, of which I am a member, began on Thursday last, June 5, in markup session to consider legislative proposals in this field. For 2 hours in our first—and last—subcommittee markup session, members of the subcommittee gave consideration to a proposal not yet, I believe, introduced in the House, by the gentleman from Illinois (Mr. ERLENBORN). The gentleman from Wisconsin (Mr. STEIGER), a member of the subcommittee, raised several searching questions about Mr. ERLENBORN's proposal, and the gentleman from Minnesota (Mr. QUIE), also on the subcommittee, offered a number of amendments to the Erlenborn suggestion.

When the subcommittee finished its only markup session of 2 hours, Mr. ERLENBORN's proposal and Mr. QUIE's amendments were under very serious and thoughtful discussion by members of the subcommittee.

It was subsequently announced to the press, however, that this matter would be removed from the hands of the subcommittee and taken to the full Committee on Education and Labor.

On last Monday, June 9, a bill, H.R. 11941, was introduced in the House for the first time, and that bill was the measure brought before the full Committee on Education and Labor the following day, Tuesday, June 10.

It is therefore important to understand, Mr. Speaker, that not one witness from the administration or from the higher education community or from anywhere else has testified on H.R. 11941, a bill with potentially profound impact on all of American higher education.

In order that Members may understand the gravity of the implications for our colleges and universities of H.R. 11941, I insert the bill at this point in the RECORD:

H.R. 11941

A bill to encourage institutions of higher education to adopt rules and regulations to govern the conduct of students and faculty, to assure the right to free expression, to assist such institutions in their efforts to prevent and control campus disorders, and to amend the Higher Education Act of 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education Protection and Freedom of Expression Act 1969".

TITLE I—PREVENTIVE AND CONTROL OF DISRUPTIVE ACTS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 101. (a) The Congress hereby finds that the primary responsibility for maintaining freedom of expression, public order, and the effective functioning of the educational processes at American institutions of higher education rests with the trustees, administrators, and other duly-appointed collegiate officials.

(b) In light of the finding set forth in subsection (a), it is the purpose of this Act—

(1) to maintain within the scholarly community the basic American concepts of freedom of thought, inquiry, expression, and orderly assembly,

(2) to assist those who wish to pursue their education in a campus atmosphere free of disruption and violence,

(3) to afford encouragement and opportunity to administrators, faculty and students in working for orderly progress,

(4) to assist the academic community in maintaining institutions of higher education as centers for the free interchange of ideas, and

(5) to assure reasonable protection of the Federal investment in higher educational programs.

INSTITUTIONAL ACTION REQUIRED TO PREVENT AND CONTROL HIGHER EDUCATIONAL CONFLICTS AND DISRUPTIVE ACTS

SEC. 102. (a) Each institution of higher education (as defined in the first sentence of section 1201 of the Higher Education Act of 1965) which participates or proposes to participate in a program or activity receiving financial support, as set forth in section 104, from any department or agency of the United States shall file with the Commissioner of Education (hereinafter referred to as the "Commissioner") within sixty days following the enactment of this Act, or by January 1, 1970, whichever is later, or in the case of a new institution or one which has not previously applied for federal funds, at the time of filing its initial application for participation in such program or activity, a certification which—

(1) affirms the intention of the institution to take all appropriate actions to attain the purposes set forth in section 101(b), and sets forth such programs of action as the governing board of the institution, after consultation with administrators, faculty and students, deems appropriate to prevent at such institution the occurrence, or to assure the timely termination, of actions which tend to defeat such purpose, and

(2) set forth rules and regulations which are in effect at such institution (or, if none are in effect, a set of rules and regulations which will be put into effect within sixty days) relating to standards of administrative practice, conduct of students and faculty, and other university employees and the maintenance of public order and the continuing function of the educational processes on the properties and facilities of the institution. Such rules and regulations shall be certified after consultation with administrators, faculty, and students, and shall as a minimum—

(A) provide for an effective means to assure adequate opportunity for free expression, consultation and orderly discussion of educational and associated problems which affect and are of concern to trustees, administrators, faculty, and students of the institution;

(B) govern the administrative practice, the conduct of students, faculty, other staff, and visitors on such property and facilities;

(C) assure that fair procedures will be adopted to deal with cases of administrative personnel, faculty, and other staff, and stu-

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dents charged with violation of such institution's rules and regulations; and

(D) clearly set forth a table of penalties for violations of such rules and regulations.

(b) Revisions to such rules and regulations shall be filed with the Commissioner not later than ten days following their adoption.

(c) If the Commissioner determines that an institution of higher education has failed to file the certification required by subsection (a) and (b), he shall immediately give notice to all Federal departments and agencies providing financial assistance for programs and activities at the institution. Thereafter, such institution shall not be eligible for the award of any Federal financial support as set forth in section 104, until such time as the Commissioner shall determine that such failure to file has been corrected.

(d) When the Commissioner determines that special circumstances exist which would make the application of the preceding subsection inequitable, unjust or not in the public interest, he may waive its application to the institution, in whole or in part.

(e) Any institution of higher education which is dissatisfied with the Commissioner's final action with respect to any matter arising out of this section shall have the same right of appeal under the same conditions as a State under section 608 of the Higher Education Act of 1965.

ASSISTANCE BY COMMISSIONER OF EDUCATION

Sec. 103. The Commissioner is authorized to provide, only upon request, appropriate technical and other assistance to institutions of higher education in carrying out the purposes of this Act.

FEDERALLY ASSISTED PROGRAMS COVERED BY ACT

Sec. 104. For the purposes of this title, financial support includes all forms of Federal financial assistance including but not limited to research grants and contracts, fellowship grants, loans and grants for construction of facilities, grants for library resources and instructional equipment, grants for teacher training, and grants for curriculum improvement.

TERMINATION OF TITLE I

Sec. 105. This title shall expire five years after the date of its enactment.

TITLE II—HIGHER EDUCATION AMENDMENTS OF 1968

Sec. 201. (a) Section 504 of the Higher Education Act of 1965 is amended to read as follows:

"Sec. 504 (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, teaching, doing research or otherwise employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of the Higher Education Protection and Freedom of Information Act of 1969 and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institutions from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which the crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period up to five years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (d). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of that period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (d).

"(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, teaching, doing research, or otherwise employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of the Higher Education Protection and Freedom of Information Act of 1969, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period up to five years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (d). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of that period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (d).

"(c) As a condition to receipt of any payment described in subsection (d) (1) (2) (3) (4) (5) (6) and (9) the public or private agency, officer, institution, or organization making the payment shall require the individual to whom the payment is made to execute an affidavit (in such form as the Commissioner shall prescribe) with respect to any finding made by an institution of higher education under subsections (a) or (b), Section 1001 of title 18, United States Code, shall apply with respect to such affidavits. In regard to payments described in subsection (d) not processed or disbursed through the institution, the institution shall notify the public or private agency, officer, institution, or organization making such payment to an individual as described in subsection (d) that such individual has been denied payment. No payment shall be made to any such individual for the period determined by the institution under subsection (a) or subsection (b). Any such agency, officer, institution, or organization that violates this subsection shall be liable to the United States for the amounts paid in violation of the subsection.

"(d) The payments referred to in the preceding subsections of this section are the following:

"(1) payments to students under a student loan program carried on by an institution of higher education under title II of the National Defense Education Act of 1958,

"(2) payments to students under a student loan program carried on by an institution of higher education under part C of title VII or part B of title VIII of the Public Health Service Act,

"(3) payments under the student loan insurance program under part B of title IV of the Higher Education Act of 1965,

"(4) payments under a college work-study program carried on under part C of title IV of the Higher Education Act of 1965,

"(5) payments of salary to teachers and other employees of institutions of higher education, who are employed in connection with the training of volunteers for the Peace Corps or for service in domestic volunteer service programs carried on under title VIII of the Economic Opportunity Act of 1964,

"(6) payments of salary to teachers and other employees of institutions of higher education who receive their salaries from funds made available under title III of the Higher Education Act of 1965,

"(7) payments of subsistence allowances under section 1504 or of educational assistance allowances under subchapter IV of chapter 34, or of subchapter IV of chapter 35 of title 38 of the United States Code, or

"(8) payment of a child's insurance benefit under section 202(d) of the Social Security Act to a student who at the time of the act for which he is convicted, had attained age 18 and was not under a disability (as defined in section 223(d) of the Social Security Act),

"(9) other payments to students or faculty members at institutions of higher education under fellowships, scholarships, traineeships, or research grants carried on with Federal funds.

"(e) For purposes of this section a student shall be deemed to have received a payment referred to in subsection (d) if such a payment was received by his parent, guardian, or by any other person for his benefit.

"(f) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent disciplinary proceeding pursuant to existing authority, practice, and law."

(b) The amendments made by subsection (a) shall not be deemed to affect the applicability of section 504 of the Higher Education Amendments of 1968, as in effect on the date of enactment of this Act, with respect to acts committed prior to the date of enactment of this Act.

Sec. 202. (a) Section 427(a)(2) of the Higher Education Act of 1965 is amended by redesignating subparagraph (G) as (H) and by inserting after subparagraph (F) the following new subparagraph:

"(G) provides that, contingent upon certification by the institution at which the borrower is enrolled that he is in good standing, the loan will be paid in periodic installments (as prescribed by the Commissioner) which are geared to the borrower's rate of necessary expenditures, and"

(b) Effective July 1, 1970, section 428(b)(1) of such Act is amended by redesignating subparagraph (K) as (L) and by inserting after subparagraph (J) the following new subparagraph:

"(K) requires that, contingent upon certification by the institution at which the borrower is enrolled that he is in good standing, the loan be paid in periodic installments (as prescribed by the Commissioner) which are geared to the borrower's rate of necessary expenditure; and"

Now, Mr. Speaker, by way of indicating the surprise and dismay of representative spokesmen of the higher education community about this bill, on which there has been afforded no opportunity to testify, I here insert in the Record the text of a letter to the distinguished chairman of our Committee, the gentleman from Kentucky (Mr. Perkins), from Mr. John F. Morse, director of the Commission on Federal Relations of the American Council on Education, dated June 10, 1969. Mr. Morse makes clear that the American Council on Education is indeed interested in having an opportunity to testify on H.R. 11941. He also indicates that—

> There are many specific provisions in the bill which appear to us, in the brief time we have had to study it, almost disastrous.

The letter follows:

American Council on Education,
Washington, D.C., June 10, 1969.

Hon. Carl Perkins,
Washington, D.C.

Dear Mr. Chairman: I gather there is some misunderstanding within the Education and Labor Committee as to the position of the American Council on Education on H.R. 11941. More specifically, I am informed that the Committee believes that the Council did not wish to offer testimony on the issues involved. The purpose of this letter is to set the record straight.

When the Special Subcommittee on Education began its hearings, its purpose was to explore the causes and the nature of campus unrest. It had no specific legislation before it. When, therefore, we were asked by the Chairman and Committee Counsel whether ACE wished to testify, we indicated that we did not believe that Washington-based associations had enough firsthand knowledge to be helpful. We suggested that we could be most useful by identifying witnesses who were actually on the campuses and could make their insights and firsthand knowledge available to the Subcommittee. Virtually every higher education witness who has appeared before the Subcommittee has come from an institution that is a member of the American Council on Education.

To illustrate our belief that the Subcommittee should be provided with the broadest possible perspective, we agreed, at the Chairman's request, to pay the expenses of Professor John Bunzel of San Francisco State College so that he might appear before the Committee and express his views. We had no idea what his testimony would be. Our sole objective was to enable the Subcommittee to see the problem from the point of view of a faculty member from one of our most embattled institutions.

As of yesterday, however, the situation has changed. The Committee now has before it a specific piece of legislation. Under these circumstances, the American Council on Education would, of course, wish to testify if such an opportunity were given us. In keeping with our position that no additional legislation is necessary and that any additional legislation is likely to be inflammatory, we would be strongly opposed to H.R. 11941 in principle. But, beyond that, there are many specific provisions in the bill which appear to us, in the brief time we have had to study it, almost disastrous.

Thanks to the nature of the academic calendar, there are now three months in which to consider soberly and carefully what, and indeed whether, additional legislation is necessary. It is our official position that it is unnecessary, but if the Committee is in doubt, there is ample time to hold hearings on the specific measures before you. Such hearings, whether conducted by the Subcommittee or the full Committee, would give everyone time for careful reflection and objective analysis, or, in short, the kind of scrutiny that has not yet been applied to the bill you are considering.

Sincerely yours,

JOHN F. MORSE,
Director.

I might here note, Mr. Speaker, that next Monday and Tuesday there will be a meeting in Washington of some of the presidents of the universities which belong to the American Council on Education. I have been assured that a number of the most distinguished college presidents in America would be willing to testify on H.R. 11941 before the members of the Committee on Education and Labor.

For example, I know that the Reverend Theodore Hesburgh, C.S.C., the distinguished president of the University of Notre Dame, in my congressional district, will be in Washington for the ACE meeting, and he will be willing to testify if afforded the opportunity.

Moreover, Mr. Speaker, it seems to me that in view of the fact that we have not had a single witness on H.R. 11941, or on any measure resembling it, we ought to hear from the Secretary of Health, Education, and Welfare, Mr. Finch, and from Dr. Allen, the Assistant Secretary of Health, Education, and Welfare for Education and Commissioner of Education. Their views are important on legislation which, if passed, would mean significant additional administrative responsibilities for them.

I note also, Mr. Speaker, that both Secretary of Health, Education, and Welfare Finch and Attorney General Mitchell have indicated that they do not believe Congress should pass legislation of the kind which I have been here discussing.

The New York Times of today, June 11, reports that spokesmen for Secretary Finch said that "he firmly opposed any legislation preventing the flow of Federal funds to colleges."

The Times article went on to add that a spokesman at the Justice Department said:

> Attorney General Mitchell is on record that no new legislation is needed at this time. There has been no change in his stand.

Furthermore, Mr. Speaker, we have not heard, for example, from either the Director of the Veterans' Administration or the Commissioner of the Social Security Administration—yet H.R. 11941 extends existing law to reach payments of a surviving child's insurance benefits under social security and beneficiaries of the GI bill. Should we not hear from the administrators of the appropriate agencies their views on legislation which provides administrative responsibilities for them?

Having given a brief historical background underlying consideration of H.R. 11941, Mr. Speaker, I want to make several other observations about the bill.

The distinguished U.S. Commissioner of Education, Dr. Allen, said of the proposed measure, as quoted in the June 10, 1969, issue of the Washington Post:

> Administratively I think it would be impossible, I generally don't think this is good. I think this is interfering in the internal affairs of the university. This is bad.

I have myself discussed this proposal with Commissioner Allen earlier this week, and I am satisfied that this quotation accurately reports his views.

I have earlier alluded to Father Hesburgh, an extraordinarily gifted American and in my view one of the truly great leaders in American higher education. Father Hesburgh is quoted in the Washington Post of June 10, 1969 as criticizing this bill.

Father Hesburgh said in referring to campus unrest:

> This is a new phenomenon, we have to give universities time to deal with it themselves. They are as concerned about solving it as anyone else.

Mr. Speaker, I might also here quote from the transcript of a television interview on May 25, 1969, "The Evans-Novak Report," on WTTG, Washington, D.C., in which Father Hesburgh was interviewed by Roland Evans and Robert Novak.

Said Father Hesburgh during this interview:

> I still think that the universities ought to control themselves. The day that people start controlling them in this aspect they will begin to control them in other aspects, and the day that the freedom and autonomy of the university is abridged that day, I think, is the end of the university as we have known it, because the university has to be a critical force in society, and to do it it has to be able to stand back from society and make its judgments, make its study, make its analysis.

Father Hesburgh said in the same interview:

> I think you would have to say in all honesty there is a rebirth of a kind of repression of the university or outside forces pressing in upon it to control it, and I think this is a sad thing to happen.

Let me here, Mr. Speaker, also quote from an interview with Commissioner Allen by Garven Hudgins of the Associated Press, published in the South Bend Tribune, May 27, 1969:

> Q. Do you think the rash of proposals in state legislatures and in Congress for legislation against campus dissidents will be effective in curbing disruption?
>
> A. I can appreciate and understand the concern that Congress and the legislatures have over the disruption and violence which has been taking place on campus. But I simply do not believe that punitive, negative legislation can solve the problem.
>
> Generally, I think there are enough laws already available to us for handling those few students who have violated the laws of the universities and of society.
>
> WOULD FORFEIT RIGHTS
>
> I am particularly opposed to legislation which would withdraw funds from institutions. Any student found guilty of a crime or of illegal disruption and expelled from an institution would automatically forfeit the right to any federal financial help to pay for his college education.
>
> I think we ought to begin to think in terms of how we can help colleges and universities achieve changes in curricula; how they can handle legitimate student protests and legitimate requests from students for change. We should also seek to bring about those changes which are so long overdue in our institutions.
>
> I think we could accomplish far more this way than we could through any kind of punitive, negative legislation.

Mr. Speaker, I think it is also significant that this week the National Commission on the Causes and Prevention of Violence issued a statement on campus disorders that is directly relevant to H.R. 11941. According to the Commission, headed by the distinguished educator, Dr. Milton Eisenhower:

> Those who would punish colleges and universities by reducing financial support, by passing restrictive legislation or by political intervention in the affairs of educational institutions, may unwittingly be helping the very radical minority of students whose objective is to destroy our present institutions of higher education. . . . We counsel patience, understanding and support for those in the university community who are trying to preserve freedom and order on the campus. We do so in the conviction that our universities and colleges are beginning to learn how to achieve change without disorder or coercion.

I here note, Mr. Speaker, that Dr. Eisenhower pointed out in another statement this week:

> If aid is withdrawn from even a few students in a manner that the campus views as unjust, the result may be to radicalize a much larger number by convincing them that existing governmental institutions are as inhumane as the revolutionaries claim.

At this point I insert in the RECORD, Mr. Speaker, the text of the statement on

XUM

campus disorders by the National Commission on the Causes and Prevention of Violence on June 9, 1969, followed by a list of the members of the Commission:

TEXT OF STATEMENT ON CAMPUS DISORDERS BY THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

The members of this commission, along with most Americans, are deeply disturbed by the violence and disorder that have swept the nation's campuses.

Our colleges and universities cannot perform their vital functions in an atmosphere that exalts the struggle for power over the search for truth, the rule of passion over the rule of reason, physical confrontation over rational discourse.

We are equally disturbed, however, by the direction of much public reaction to campus unrest. Those who would punish colleges and universities by reducing financial support, by passing restrictive legislation, or by political intervention in the affairs of educational institutions, may unwittingly be helping the very radical minority of students whose objective is to destroy our present institutions of higher education.

Thoughts for summer

So threatening is the situation, so essential is the need for understanding and calm appraisal, that this commission feels compelled to speak now rather than to remain silent until publication of its final report next fall.

We offer our comments during the summer pause in the hope that they will contribute to constructive thought and action before the beginning of the new academic year in September.

The problem of campus unrest is more than a campus problem. Its roots lie deep in the larger society. There is no single cause, no single solution. We urge all Americans to reject hasty and simplistic answers. We urge them to distinguish between peaceful protest and violent disruption, between the nonconformity of youth and the terror tactics of the extremists.

We counsel patience, understanding and support for those in the university community who are trying to preserve freedom and order on the campus. We do so in the conviction that our universities and colleges are beginning to learn how to achieve change without disorder or coercion.

I

During the past year, many of America's universities and colleges have been seriously wounded. These wounds arise from multiple causes. One is the increasingly violent expression of widespread student discontent.

Although much of this discontent often focuses on grievances within the campus environment, it is rooted in dissatisfactions with the larger society that the campus can do little about.

Students are unwilling to accept the gaps between professed ideals and actual performance. They see afresh the injustices that remain unremedied. They are not impressed by the dangers that previous generations have overcome and the problems they have solved.

It means little to them that the present adult generation found the way out of a major depression to unparalleled heights of economic abundance, or that it defeated a massive wave of vicious totalitarianism and preserved the essential elements of freedom for the youth of today.

To students, these triumphs over serious dangers serve primarily to emphasize other problems we are just beginning to solve.

Idealism and impatience

Today's intelligent, idealistic students see a nation which has achieved the physical ability to provide food, shelter and education for all, but has not yet devised social institutions that do so.

They see a society, built on the principle that all men are created equal, that has not yet assured equal opportunity in life. They see a world of nations—states with the technical brilliance to harness the ultimate energy but without the common sense to agree on methods of preventing mutual destruction.

With the fresh energy and idealism of the young, they are impatient with the progress that has been made but seems to them to be indefensibly slow.

At a time when students are eager to attack these and other key problems, they face the prospect of being compelled to fight in a war most of them believe is unjustified. This traumatic experience has precipitated an unprecedented mass tension and frustration.

In assessing the causes of student unrest, it would be a mistake to assume that all causes are external. There are undoubtedly internal emotional pressures and internal value conflicts in many students which contribute to their own dissatisfaction and thus to the tension and turmoil of campus life.

Students attribute the shortcomings they see to the smugness of their elders and the weaknesses of social institutions. They see the university, guardian of man's knowledge and source of his new ideas, as an engine for powering the reform of the larger society, and as the first institution they are in a position to reform.

ACCEPTANCE OF DEMOCRACY

We emphasize that most students, despite their view of society's failures, accept as valid the basic structure of our democratic system; their main desire is to improve its ability to live up to its stated values.

Their efforts to do so are welcome when they take the form of petitions, demonstrations and protests that are peaceful and nonviolent. Although many persons are unsettled by these activities (which are often of a bizarre nature), we must all remember that peaceful expression of disturbing ideas and petitions for the redress of grievances are fundamental rights safeguarded by the First Amendment of our Constitution.

Methods of dealing with "campus unrest" must not confuse peaceful protest and petition with violent disruption. To do so will aggravate rather than solve the problem.

A small but determined minority, however, aims not at reform but at the destruction of existing institutions. These are the nihilists. They resort to violent disruption as the means best suited to achieve their ends.

By dramatic tactics of terror, they have focused widespread public attention upon themselves and have often induced university authorities either to surrender or to meet force with force. When they have managed on occasion to provoke counterforce to an excessive degree, they have succeeded in enlisting the sympathies of the more moderate campus majority.

They are the agent that converts constructive student concern into mindless mob hysteria. They are the chief danger to the university and its basic values.

There is also a minority of students who are not nihilists, but who feel that violence and disruption may be the only effective way of achieving societal and university reform.

II

Forcible obstruction and violence are incompatible with the intellectual and personal freedom that lies at the core of campus values. In its recent declaration on campus unrest, the American Council on Education noted that "there has developed among some of the young a cult of irrationality and incivility which severely strain attempts to maintain sensible and decent human communications. Within this cult is a minute group of destroyers who have abandoned hope in today's society, in today's university and in the processes of orderly discussion to secure significant change."

These "destroyers" seek to persuade more moderate students that verbal expressions of grievance go unheeded while forcible tactics bring affirmative results.

Despite some eloquent and subtle rationalizations for violent methods of protest, the record of experience is incontrovertible. While violent protest is sometimes followed by the concessions sought, it more often produces a degree of counterviolence and public dismay that may gravely damage the cause for which violence is invoked.

Even when violence succeeds in achieving immediate social gains, it tends frequently to feed on itself, with one power group imposing its will on another until repressive elements succeed in re-establishing order.

The violent cycles of the French and Russian Revolutions and of the decade resulting in the Third Reich are stark summits of history to ponder. All history teaches that as a conscious method of seeking social reform, violence is a very dangerous weapon to employ.

President's reminder

That is why our nation has sought to avoid violent methods of effecting social change, and to foster instead the principles of peaceful advocacy proclaimed in the Bill of Rights and the rule of law. As the President has just reminded us:

"The purpose of these restraints is not to protect an 'establishment' but to establish the protection of liberty; not to prevent change but to insure that change reflects the public will and respects the rights of all."

The university is the citadel of man's learning and of his hope for further self-improvement and is the special guardian of this heritage. Those who work and study on the campus should think long before they risk its destruction by resorting to force as the quick way of reaching some immediate goal.

Father Theodore Hesburgh of Notre Dame has observed that the University, precisely because it is an open community that lives by the power of reason, stands naked before those who would employ the power of force.

It can prevail only when the great majority of its members share its commitment to rational discourse, listen closely to those with conflicting views, and stand together against the few who would impose their will on everyone else.

Kingman Brewster of Yale has persuasively articulated this policy:

"Proposition one is the encouragement of controversy, no matter how fundamental; and the protection of dissent, no matter how extreme. This is not just to permit the 'letting off of steam' but because it will improve (the university) as a place to be educated.

"Proposition number two is a convincing intention to deal speedily and firmly with any forcible interference with student and faculty activities or the normal use of any (university) facilities . . . I see no basis for compromise on the basic proposition that forcible coercion and violent intimidation are unacceptable means of persuasion and unacceptable techniques of change in a university community, as long as channels of communication and the chance for reasoned arguments are available."

Belief in an enclave

Several attitudes held by members of the university community have often interfered with the application of these sensible standards.

One is the belief of many that the civil law should not apply to internal campus affairs. They feel that the academy is an enclave, sheltered from the law, that the forces of civil authority may not enter the campus, save by invitation. This is a serious misconception—a residue of the time when the academy served in loco parentis, making and enforcing its own rules for students' behavior and protecting them from the law outside, save for such extreme crimes as murder and arson.

Now that students themselves have finally discarded school authority over their personal lives, they must logically accept the jurisdiction of civil authority. They cannot argue that of all Americans they are uniquely beyond the reach of the law.

At the same time, the university is ill equipped to control violent and obstructive conduct on its own. Most institutions have few campus police; most of these are not deputized and thus do not possess true police power.

Few schools have explicit rules either defining the boundaries of permissible protest or stating the consequences if the boundaries are crossed. Some have very loose rules for disciplinary proceedings; others have diffused disciplinary power so widely among students, faculty and administration that effective discipline is difficult to impose, and is seldom imposed quickly enough to meet an emergency.

And in most institutions the ultimate internal disciplinary sanction of suspension or expulsion lies unused because the campus community shrinks from its probable * * * dismissed students to the draft and what students call the "death sentence" of Vietnam.

III

Out of many discussions with faculty members, students and administrators, and with full appreciation that no two institutions are the same, we offer the campus community the following specific suggestions:

1. A broad consensus should be achieved among students, faculty and administration concerning the permissible methods of presenting ideas, proposals and grievances and the consequences of going beyond them.

Excellent guidelines have been provided by the American Council on Education's recent declaration on campus protest. These could usefully be supplemented by more detailed statements developed by representatives of the American Association of University Professors, the American Association of Universities, the American Council on Education, the Assocation of Land Grant Colleges and State Universities, the National Student Association, and possibly others.

Where agreed upon and explicit codes of student conduct and procedures for student discipline are lacking, they should be adopted; where they already exist they should be reviewed and, if necessary, improved.

Students have the right to due process and to participate in the making of decisions that directly affect them, but their right of participation should not be so extensive as to paralyze the disciplinary process itself.

Codes for campus conduct should place primary reliance on the power of the institution to maintain order in its own house, and on its courage to apply its own punishment when deserved.

These codes should also recognize the universal duty to obey the civil and criminal laws of the larger society, and the right of the civil authorities to act when laws are violated.

The use of police

2. Universities should prepare and currently review contingency plans for dealing with campus disorders. Advance plans should be made to determine, insofar as possible, the circumstances under which the university will use (I) campus disciplinary procedures, (II) campus police, (III) court injunctions, (IV) other court sanctions and (V) the civil police.

A definite plan, flexibility employed at the moment of crisis, is essential. There have been enough violent and obstructive incidents on enough campuses to permit institutions to assess alternative courses of action and to anticipate both the varieties of disorder which might occur and the most appropriate response.

Most importantly university authorities should make known in advance that they will not hesitate to call on civil police when circumstances dictate and should review in advance with police officials the degree of force suitable for particular situations.

It is a melancholy fact that even in cases where the need for calling the civil police has been generally recognized, the degree of force actually employed has frequently been perceived as excessive by the majority of the campus community, whose sympathies then turned against the university authorities.

Indeed, there is reason to believe that a primary objective of campus revolutionaries is to provoke the calling of police and the kinds of police conduct that will bring the majority over to their side.

Clear decisionmaking

3. Procedures for campus governance and constructive reform should be developed to permit more rapid and effective decision-making. There is great misunderstanding and confusion as to where ultimate authority for campus decision-making lies. The fact is that the authority is shared among several elements.

By law, trustees are granted full authority over colleges and universities. But trustees cannot supervise the day-to-day affairs of a university; hence they delegate power to the president. The president, however, in addition to being the agent of the trustees, is the leader of the faculty. His effectiveness derives as much from campus consensus of faculty and students as it does from the power delegated to him by the trustees.

In the American system of higher education, the faculty plays the primary role in determining the educational program and all issues directly relevant to education and faculty research. Unlike the systems of some other countries, educational control in the American system is faculty-oriented; anything else is a deviation from the norm.

Faculty control of education and research is the best guarantee we have of academic freedom. It is a precious asset that must not under any circumstances be sacrificed. Most student demands for change pertain to educational and research matters and too often their efforts have been directed toward administrative officers who usually do not have the power the students assume they possess.

And often, too, some faculty members have mistakenly joined with students in using coercive force against administrative officers when it is the faculty itself that should deal appropriately and effectively with the issues in question.

Quick response urged

Most other powers in the university are diffused. For most purposes, shared power is an asset. But to prevent disorders, universities must be able to respond quickly.

Campus protests are sometimes escalated to the level of force because legitimate grievances, peacefully urged, have been referred to university committees which were slow to respond. Scholars have the habit of examining any hypothesis, debating it exhaustively, deferring decision to await more evidence, and when something must be decided, shunning a consensus in favor of subtle shades of disagreement and dissent.

For the process of education, these are admirable qualities. But for dealing with naked force, they can be prescription for disaster. Faculties therefore have a special obligation to organize themselves more effectively, to create representative groups with power to act and to maintain constant and systematic lines of communication with students.

They should be ready to meet every challenge to the educational integrity of the institution. If this integrity is compromised, it will be the faculty that suffers the most.

Students should, of course, have a meaningful role in the governance of all noneducational, nonresearch functions. They should serve, too, on committees dealing with educational and related questions, exercising their right to be heard on these subjects, so long as the faculty remains paramount.

Better communications

4. Faculty leaders and administrative officers need to make greater efforts to improve communications both on the campus and with alumni and the general public.

Campus difficulties are constantly aggravated by misinformation and misunderstanding. On campus, large numbers of faculty and students often act on the basis of rumor or incomplete information. Alumni and the general public receive incomplete, often distorted, accounts of campus developments.

The communications media, on and off the campus, concentrate on controversy. Much of the peaceful progress of our colleges and universities is never communicated to the outside world. Campus authorities have the responsibility to see to it that a balanced picture is portrayed.

IV

To the larger society, we make these suggestions:

1. The majority of the American people are justifiably angry at students who engage in violent and obstructive tactics. While the public varies widely in its desire for social change, it shares a common belief in the value of social order.

It also regards university students as among the most privileged in society—among those who should understand best the importance of freedom and the dangers of anarchy.

One outlet for this public resentment has been the support of legislation withholding financial aid both from students who engage in disruption and from colleges and universities that fail to control them.

There has also been a steady weakening of public sentiment in favor of the additional public funding that higher education so badly needs. Current appropriations for new facilities and for annual operating costs have been insufficient. Some private universities have faced a reduction in individual and corporate gifts.

Existing laws already withdraw financial aid from students who engage in disruptive acts. Additional laws along the same lines would not accomplish any useful purpose. Such efforts are likely to spread, not reduce the difficulty.

More than seven million young Americans are enrolled in the nation's colleges and universities; the vast majority neither participate in nor sympathize with campus violence.

If aid is withdrawn from even a few students in a manner that the campus views as unjust, the result may be to radicalize a much larger number by convincing them that existing governmental institutions are as inhumane as the revolutionaries claim.

If the law unjustly forces the university to cut off financial aid or to expel a student, the university as well may come under widespread campus condemnation.

Use of legislation

2. We believe that the urge to enact additional legislation should be turned into a channel that could assist the universities themselves to deal more effectively with the tactics of obstruction. State and municipal laws against trespass and disorderly conduct may not be wholly effective means of dealing with some acts of physical obstruction.

They were not written to deal with such conduct, and they do not cope with the central issue—forcible interference with the First Amendment rights of others.

We are presently considering whether there is a need for statutes authorizing universities, along with other affected persons, to obtain court injunctions against willful private acts of physical obstruction that prevent other persons from exercising their First Amendment rights of speech, peaceable assembly, and petition for the redress of grievances.

Such laws would not be aimed at students exclusively, but at any willful interference with First Amendment rights, on or off the campus, by students or by nonstudents. They would also be available to uphold the First Amendment rights of students as well as other citizens.

3. Finally we urge the American people to recognize that the campus mirrors both the yearnings and the weaknesses of the wider society. Erik Erikson, a renowned student of youth, has noted that young and old achieve mutual respect when "society recognizes the young individual as a bearer of fresh energy, and he recognizes society as a living process which inspires loyalty as it receives it, maintains allegiance as it extracts it, honors confidence as it demands it."

One effective way for the rest of us to help reduce campus disorders is to focus on the unfinished task of striving toward the goals of human life that all of us share and that young people admire and respect.

LIST OF MEMBERS OF THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

Milton S. Eisenhower, president emeritus, Johns Hopkins University, chairman.

Judge A. Leon Higginbotham Jr., United States District Court for the Eastern District of Pennsylvania, vice chairman.

Representative Hale Boggs, Democrat of Louisiana.

Cardinal Cooke, Archbishop of New York.

Patricia Harris, professor of law, Howard University.

Senator Philip A. Hart, Democrat of Michigan.

Eric Hoffer, author, San Francisco.

Senator Roman L. Hruska, Republican of Nebraska.

Leon Jaworski, senior partner, Fulbright, Crooker, Freeman, Bate & Jaworski, Houston.

Albert E. Jenner Jr., lawyer, Raymond, Mayer, Jenner & Block, Chicago.

Representative William M. McCulloch, Republican of Ohio.

Judge Ernest W. McFarland, chief judge, Arizona Supreme Court.

Dr. W. Walter Menniger, psychiatrist, Topeka Kans.

I want also, Mr. Speaker, to insert at this point in the RECORD several columns and editorials that have been published this week respecting H.R. 11941.

[From the New York Times, June 8, 1969]

IN THE NATION: HYSTERIA AND HYPOCRISY AND STUDENTS

(By Tom Wicker)

WASHINGTON, June 7.—The extent to which fear and anger have warped the judgment and blinded the vision of supposedly mature Americans is exposed in the "compromise" bill that would require colleges to establish codes of conduct governing the behavior of their students. Now pending in the House, this act of hysteria would refuse Federal aid to any college, and its students, if it did not draw up such a code.

The authors of this measure and the leaders of the House, who put their weight behind it, suppose themselves to be standing at the barricades against even worse legislation; if the "compromise" can be passed, then perhaps the House will not insist on further punitive steps such as cutting off aid to any college that suffers any student disturbance.

A little sober reflection ought to suggest to the House that adoption even of the compromise would be to throw the baby out with the bath water. For the Federal Government to require universities and their students to meet certain norms of conduct, as a condition of Federal aid, amounts to little less than Federal control of education.

No matter how menacing today's students look from the citadel of maturity in the House of Representatives, and no matter how worthy that institution's members may consider their own motives, the fact remains that the Government has no constitutional or other right to distribute its aid on the basis of the social and political views of potential recipients. It is intended in this bill that those who believe and behave as Congress approves will be rewarded, and those who don't will be punished.

MANIFESTLY UNFAIR

Yet, the proposed plan would be scandalously ineffective and unfair. If for any reason some college failed to establish the required code of conduct, it and its students—however innocent of rebellious thoughts—would lose their Federal aid. Yet, if a university did establish such a code, its students might ignore it and riot to their hearts' content and neither they nor the institution would lose a penny.

Finally, has anyone in the House stopped to think that a "code of conduct" commanded by Congress and established by universities for students to obey, is the worst possible medicine for what ails young people today? They want more freedom from the mores, standards and attitudes of older generations, whose way of life they neither admire nor find fitting for their own lives; so Congress proposes, instead, to establish written codes of behavior, and to pay those who follow them and penalize those who don't. Even to debate such a senseless proposal makes the situation worse; it confirms precisely what all too many young people believe about their elders anyway.

It will be said *ad nauseam*, of course, that students have brought such a reaction on themselves by their demonstrations and sit-ins and building seizures—that if only they had followed "democratic processes" and presented their problems to the forces of "reason and order," there would be no punitive legislation and no police repression.

NO ROCKTHROWING

There would be very little change and reform, too, as all too many students at all too many colleges have learned. They are learning it all over again at Berkeley in the struggle for People's Park, where the authorities already have used against them a helicopter spraying a variety of gas heretofore sprayed only on the Vietcong. There was, moreover, no disruption or rock-throwing over the park issue until after university officials and police seized and closed the park while discussions about its future were supposed to be going forward.

On the last Friday in May, even so, 15,000 or more students and sympathizing citizens of Berkeley obtained a permit and staged a peaceful assembly to dramatize their protest over the park seizure. There was no violence, but lots of singing and flowers. And what was the response of the authorities?

Fred Dutton, a member of the Board of Regents of the University of California, and formerly an assistant to both President Kennedy and Robert Kennedy, described that response in a statement this week:

"In effect, the students are being told that the massive effort made by them and others to make their walk peaceable will be answered by the older society with business as usual, with well-spaced foot dragging. . . . during the week before the students' peaceable walk, university officials met privately with student leaders almost daily, and sometimes twice a day, even very late at night, to talk about amicably solving the park dispute . . . But after the students had peacefully walked and kept things cool, there were no more discussions. In fact, a unilateral decision was then announced by university officials that, in effect, no immediate or reasonably early action would be taken to resolve the dispute, but rather it would be left for the next regular meeting of the Regents in the last half of June."

That is, as Dutton notes, "after the end of the present school term when most of the young people who feel so strongly about the park have gone home for the summer."

[From the New York Times, June 10, 1969]

HOW TO RADICALIZE STUDENTS

(By Tom Wicker)

WASHINGTON, June 9.—It may already be too late to stop the punitive, unnecessary and ill-conceived legislation against students and universities now being seriously considered in the House of Representatives; but if anything can halt the blundering rush of vengeful politicians into Federal control of education, it may be the sensible statement issued today by the National Commission on the Causes and Prevention of Violence.

Mrs. Edith Green of Oregon apparently does not have the votes to get this legislation out of her subcommittee. So she will try to get the full Education and Labor Committee at its meeting tomorrow to take the bill away from the subcommittee; for this purpose she is believed to have a majority of nineteen—fourteen Republicans and five Democrats—of the 35 members. And if it can be pushed through the Education and Labor Committee, it will almost surely reach the House floor, where the spirit of vengeance is matched, these days, only by the mood of panic.

It is incredible, even so, that such legislation could even be contemplated; one has to go back to the South of a decade ago, when communities closed their schools to save them from integration, to find such suicidal folly. This bill would make mandatory the complete cutoff of Federal assistance of any kind to any university or college that did not set up a rigid code of conduct, including a table of penalties, for its student and faculty (as if the latter were mere employes); however viewed, that is intolerable intrusion by the Government into the control and administration of private institutions.

Since colleges themselves administer such programs as National Defense Education loans and the college work-study program, they would lose Federal funds for them. Many students who have never participated in any kind of disorder, but who either receive these funds or ought to, would thus be penalized.

CUTTING OFF AID

The Green bill also would force colleges to cut off any form of Federal assistance to any student, faculty member, research fellow or employe who had contributed to a substantial disruption of the administration of such institution" (whatever that may mean).

This does not refer merely to student loans and grants; the bill says specifically that the assistance to be terminated also includes veterans' benefits under the G.I. Bill of Rights; payments of a surviving child's insurance benefits under Social Security; and salaries of faculty members engaged in training Peace Corps volunteers. All these, plus loans and grants, to be denied for a period of five years, and almost as an afterthought, the bill adds that if a student so penalized at one institution then transfers to another, the second has to honor the cutoff of assistance ordered by the first, no matter what the student's subsequent conduct.

DANGERS OF MEASURE

The thought-control aspects of the bill are made even more clear by the fact any student applying for or entitled to any form of Federal payment would have to sign an affidavit that he had never "contributed to a substantial disruption."

Representatives Ogden Reid of New York and John Brademas of Indiana, who are leading the opposition to this repugnant measure, circulated today a number of statements by college presidents denying the need for it and pointing to its inequities and dangers.

The college heads emphasized that such punitive legislation would have as a primary effect the further embitterment and alienation of a student generation already in revolt against the standards and attitudes of its elders. That also was a main point of today's statement by the Commission on Violence.

Its chairman, Dr. Milton Eisenhower, himself a former college president, pointed out on the commission's behalf that if "aid is withdrawn from even a few students in a manner that the campus views as unjust, the result may be to radicalize a much larger number by convincing them that existing governmental institutions are as inhumane as the revolutionaries claim."

The Violence Commission, scarcely a radical body, viewed the roots of student unrest as lying "deep in the larger society" and one effective remedy, it suggested, "is to focus on the unfinished task of striving toward the goals of human life that all of us share and that young people admire and respect."

Now *there* would be something really useful for Congress to do. Fat chance.

[From the Washington Post, June 11, 1969]

To Control Campus Violence

The Violence Commission rejects the notion that college campuses are sheltered enclaves beyond the reach of civil authority except by invitation. It also disapproves of punitive proposals for restrictive legislation and political intervention to curb campus disorder. Obviously searching for the middle ground where "rational discourse" can continue, the Commission has come up with a number of ways to enable the institutions to help themselves, while insisting on the preservation of "the right of the civil authorities to act when laws are violated."

Few will quarrel with the Commission's interim statement that "the university is ill equipped to control violent and obstructive conduct on its own." The campus disorders of the past two years have demonstrated this almost beyond debate. Contingency planning, the Commission suggested, should include the circumstances for use of campus disciplinary procedures, campus police, court injunctions, other court sanctions and the civil police. Most troublesome, of course, to college administrators, mayors and governors, is the question of when to call the police. It is here that the Commission does a better job of defining the problem than in suggesting solutions. It said:

"Most importantly, university authorities should make known in advance that they will not hesitate to call on civil police when circumstances dictate, and should review in advance with police officials the degree of force suitable for particular situations. It is a melancholy fact that even in cases where the need for calling the civil police has been generally recognized, the degree of force actually employed has frequently been perceived as excessive by the majority of the campus community, whose sympathies then turned against the university authorities. Indeed, there is reason to believe that a primary objective of campus revolutionaries is to provoke the calling of police and the kinds of police conduct that will bring the majority over to their side."

Once the authorities—campus or civil—call in the police, they lose control of them and excesses are likely to occur. It is this fact that may prove even more inhibiting to college administrators in summoning outside help than their very real worries about preserving the special status of their universities. The Commission can perform a useful service in its final report by devoting more attention to these questions of police conduct and control. Here in the Capital, the city has had considerable success placing strong reliance on court injunctions enforced by the elite staff of Federal marshals commanded by Luke C. Moore, a force that unfortunately is not available to non-Federal jurisdictions.

The Commission stresses the importance of faster decision-making by campus authorities. It emphasizes their need to establish a consensus among students, faculty and administration about codes of campus conduct and to present to the general public a balanced picture of what is happening on the campuses. Such steps will promote better public understanding of the issues and enable the institutions to "reject hasty and simplistic answers" to their problems.

Because state and local laws against trespass and disorderly conduct have not been effective in campus disorders, the Commission has suggested a novel approach to guard against what it calls the central issue in campus disorder, "forcible interference with the First Amendment rights of others." The Commission said it was considering: . . . whether there is a need for statutes authorizing universities, along with other affected persons, to obtain court injunctions against willful private acts of physical obstruction that prevent other persons from exercising their First Amendment rights of speech, peaceable assembly, and petition for the redress of grievances.

Such a measure would work to protect the rights of students and non-students both on and off the campuses. If it is drawn to protect the right of orderly protest against arbitrary interference, it might do much to keep the vast majority of students from being swept up by what the Commission calls "the terror tactics of the extremists." The tactical effect of such an approach is also of great importance. Under it, the authorities would be able to call on the judicial system for enforcement, holding off the use of police, except as a last resort and then for the purpose of carrying out a court decision defining the First Amendment rights of all the parties. The availability of police for this purpose might reduce the number of occasions when they would actually need to be called.

Or To Snarl at the Students

It is a boon that Rep. Edith Green's reckless attempt to punish the whole younger generation was at least held up yesterday for a closer look by the House Committee on Education and Labor. Mrs. Green is rapidly dissipating a reputation for understanding and generosity in educational affairs to play, instead, a role as one of the Maenads or Furies. Her bill is a blunderbuss. It would deal with university administrators and faculty members as though they were a collection of minor Federal hired hands. And it would treat college students—especially those in need of financial assistance—as though higher education were some sort of indulgence conferred upon them by a gracious monarch instead of an invaluable means of advancing the general welfare of a self-governing society.

The Green bill would, among other forms of restraint, deny to students guilty of any sort of disruptive activity on college campuses any of the benefits not only of Federal scholarship programs but even of programs administered by the Defense Department, Social Security and the Veterans Administration. And just to make sure that despair is added to deprivation, the Green bill would extend from two to five years the period during which a disruptive student might be denied any form of Federal aid.

Apart from their extremely dubious constitutionality, these proposals are dangerously imprudent. "Administratively," the new U.S. Commissioner of Education, Dr. James E. Allen, said of the Green bill, "I think it would be impossible. . . . I think this is interfering in the internal affairs of the university." The president of Notre Dame University, the Rev. Theodore Hesburgh, who has been anything but soft about campus troublemakers, said much the same thing. Mrs. Green's bill, whether she realizes it or not, constitutes a very grave attack on the independence and the essential freedom of American universities.

It happened that the Green bill came before the House Education and Labor Committee on the very day that Harvard University's Committee of 15 issued its report recommending rules for discipline on the Harvard campus. That report afforded a demonstration that universities are quite capable, if afforded the opportunity, of continuing to manage their own affairs with dignity and order. The Harvard committee report combines flexibility with firmness, tolerance with toughness in a way likely to enlist the support of student bodies generally. It appeals to the student sense of fair play because it is discriminating and just. Mrs. Green's bill would punish without discrimination and without the elements of due process. It is a snarl, not a code.

The Education and Labor Committee ought to read carefully the latest statement on campus disorders by the National Commission on the Causes and Prevention of Violence—issued also, fortuitously, on the very day it took up the Green bill. "Those who would punish colleges and universities by reducing financial support, by passing restrictive legislation, or by political intervention in the affairs of educational institutions," the Commission observed, "may unwittingly be helping the very radical minority of students whose objective is to destroy our present institutions of higher education. . . . We counsel patience, understanding and support for those in the university community who are trying to preserve freedom and order on the campus. We do so in the conviction that our universities and colleges are beginning to learn how to achieve change without disorder or coercion."

It may take some self-discipline for members of Congress to grant university authorities the freedom they need to meet their responsibilities. But that kind of self-discipline is an obligation of legislators in a free society. Compassion and forbearance are much more likely to be helpful than rage and retribution.

[From the New York Times, June 11, 1969]

No Punitive Legislation

In its special statement on campus disorders, the National Commission on the Causes and Prevention of Violence equally condemns those who condone coercive acts by young totalitarians and those who would mobilize state and Federal action against academic independence.

The Commission emphasizes what too many sympathizers with various facets of the student rebellion have denied, that "during the past year, many of America's universities and colleges have been seriously wounded." But it is just as emphatic in warning that they will be even more grievously wounded if, in a mood of vindictive backlash, Congress passes laws to coerce or punish students and universities through fiscal sanctions.

After all the rambling discourses and paternalistic lectures from high Federal officials, there is special merit in the Commission's straightforward declaration that the

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power to destroy now held by a "small but determined minority" must be broken by effective agreement within the campus community to uphold the rule of reason and law and without limitation of legitimate protest and dissent.

To evolve broadly understood and generally accepted codes of conduct must remain the task of each institution—as Harvard has just acknowledged in the resolution of its Faculty of Arts and Sciences. It is not within the province of Congressional committees. Indeed it would be ironic if politicians who so regularly extol the diversity of American education were to strap the universities into a disciplinary straightjacket to achieve uniformity of campus policies.

The ultimate burden of campus peace rests on the ability of faculty and students to agree on its maintenance. The Commission frankly stated what is often obscured: most of the reforms legitimately demanded by students are within the faculty's power to set in motion. And because some faculty members "have mistakenly joined with students in using coercive force against administrative officers," peace on campus and orderly reform of higher education have been further impaired.

Acceptance of faculty-student responsibility is essential to neutralize the campus revolutionaries and to block the reactionary counter-force that always stands ready to subvert freedom. But any effort to strengthen academic self-government will be seriously injured by such punitive legislation and fiscal sanctions as are now being readied by panicky and myopic forces in Congress. Such action would give student radicals new strength, while pushing a disillusioned "vital center" over to their side. It would invite disaster by undermining the freedom of higher education.

Mr. Speaker, it is said by the proponents of H.R. 11941 that if the Federal Government does not compel them to act, university authorities will not move to cope with student disorders. But on June 9, Monday of this week, Harvard University ordered the severance of 16 students from the university for their role of seizing an administration building earlier this year, disciplined 99 other students by placing them under a warning. At the same time the Harvard faculty of arts and sciences approved a statement outlining general standards of behavior for students, faculty, and administrators at the university.

Another comment which I think relevant to note at this point is the article by Joseph Kraft in the June 10, 1969, Washington Post:

Vast Progress Is Being Made in Cooling Off the Campuses

As the academic year draws to a close, event after event shows students and faculty making vast progress in dealing sensibly with campus disorders. Given a little luck, the universities can heal themselves.

But they still need time to sort out difficult issues. And that means the rest of us must behave responsibly too, particularly in holding off the political philistines now itching for all the usual rabble-rousing reasons to lay their murderous hands on the student dissenters.

The most obvious sign of progress on the campus lies in the interim report of the Committee of Fifteen set up at Harvard after police had been called to rout students occupying University Hall on April 9. The Committee, it should be remembered, consisted of ten elected faculty members, and five elected members of the student body.

That group has now recommended discriminate disciplinary action against those who occupied University Hall. It has represented what is perhaps the first comprehensive code of good behavior in the university since that problem passed beyond the matters of sex and liquor. Most important of all, it has set up a practical means for immediate activation of the code of conduct and its sanctions whenever trouble threatens.

The upshot is that university discipline no longer presents a choice between surrender and overkill—between either the crude workings of the police or the slow workings of a faculty body too unwieldy and distracted to make tough decisions. Good practical arrangements for maintaining discipline on the spot have been blocked out. It is a clear case of what the Committee calls "the good uses of reason."

In the same vein, though perhaps less obviously so, is the anti-Vietnam statement which marked the Yale commencement. For the statement expresses something rarer than a day in June—a return to reason by a protest movement.

As everybody knows, Vietnam has been a central element in campus unrest for years. It is the awful idiocy, borne in upon students daily through the agency of the draft, which inspires a rage and frustration that makes all adult institutions seem bad, and all protests seem legitimate.

Initially these protests were straightforward enough. But after the students failed to get their man in the White House, they turned to symbolic targets against which they could act directly. They began beating up on ROTC, university research institutions with Pentagon connections and that sort of thing. But precisely because they were symbolic, these protests confused people and drew down upon the universities the wrath of the great majority.

At the Yale commencement, the students shucked the symbol for the substance. They found an occasion of moment—a commencement speech which, after President Kennedy's 1962 address was only the second in Yale's 268-year history. And the speaker for the senior class said, particularly after the Midway conference, the right things:

"False rhetoric is no longer acceptable. Immediate action must be taken to extricate us from the disaster that is Vietnam. The war must end now, and the fight for our cities, for our Nation, for our people must begin."

As still another example of growing responsibility on campus, there is the protest march which took place in Berkeley on Memorial Day. Twenty-five thousand people turned out to demonstrate against the closing down of a "People's Park" which had been set up on an unused piece of university property.

Though they had previously been poked by bayonet and choked with tear gas sprayed from a helicopter, the marchers went through their paces without any violent incident. It was an extraordinary example of responsible group behavior.

But the growing good sense of the academic community will continue only if those on the outside also behave in a responsible way. Students and faculty have to be allowed to get on with the job of self-discipline free from interference.

That means an absolute prohibition on meddling by political authorities, notably the Congress and its committees. Even the well-meaning suggestion by the President's Commission on Violence of new statutes authorizing the universities to obtain court injunctions against private acts of obstruction is a bad idea. For once legislation gets on the floor of the Congress, it will be worked over by the know-nothing demogogues in a way sure to do harm to the spirit of university life.

Lastly, with students and faculty showing their good sense, it is more than ever incumbent upon the rest of us to build pressure for a winding down of the violence in Vietnam. As the Yale statement put it: "The connection between violence here and abroad must be made; the violence home will not end while the violence abroad continues."

Mr. Speaker, if Congress seeks to impose on the colleges and universities of our country the kinds of controls represented by H.R. 11941, what is to prevent Congress from moving to impose similar controls on vocational schools, elementary and secondary schools, impacted area schools and other institutions, even including hospitals, in all of which there have been in recent months some disruptions and all of which receive significant amounts of Federal funds?

Let me then, Mr. Speaker, reiterate my agreement with the warning voiced this week by the National Commission on Violence about legislation such as H.R. 11941—"such efforts are likely to spread, not reduce, the difficulty."

It seems to me, Mr. Speaker, that the passage of H.R. 11941 would play directly into the hands of the revolutionary extremist militants and, if for no other reason, would be a most unwise measure for this House to approve.

Surely, Mr. Speaker, on legislation of this nature, the Congress of the United States owes our colleges and universities—and the Nation—an obligation to give careful, unhurried consideration to such legislation.

I hope, therefore, Mr. Speaker, that hearings can soon be scheduled on this bill.

THE NEED TO PRESERVE OUR WETLANDS AND WILDLIFE RESOURCES

(Mr. WOLFF asked and was given permission to extend his remarks at this point in the Record.)

Mr. WOLFF. Mr. Speaker, a district court in Florida recently ruled that the Army Corps of Engineers could not deny a permit for dredging and filling operations on the grounds of damage to wildlife resources. Because the operations would not hinder navigation, the court maintained that a permit must be granted, in spite of the unanimous opposition of the U.S. Fish and Wildlife Service, the Army Corps of Engineers, and the county commissioner and county board of health.

I feel that the precedent set by this court is a serious setback in our efforts to preserve valuable wetlands and wildlife resources. Moreover it appears to be contrary to the intention of Congress as expressed in the Fish and Wildlife Conservation Act. The act states that Government agencies must consult with the Fish and Wildlife Service with a view to the conservation of these resources before granting any permit to dredge or otherwise modify large bodies of water. The evident intention is to give Govern-

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ment agencies the discretionary authority to deny a permit for these activities when they are found to inflict severe damage upon wildlife. I am therefore introducing a bill to amend this act and state explicitly that the recommendations of the Interior Department are sufficient grounds for the refusal to issue such a permit.

Our rivers, estuaries and other natural waterways are a rich source of beauty, wildlife, and recreation. Yet our fast-growing industrial society threatens to destroy these areas at the very time that we need them most. We spend much of our lives surrounded by steel and concrete, and we must leave certain areas unspoiled to provide a refuge not only for wildlife but for our own peace of mind.

This issue is of special concern to me because my district on Long Island Sound contains extensive wetlands that provide a valuable refuge for birds and wildlife of all kinds. I have joined with Long Island conservationists in a concerted effort to preserve these wetlands, but I fear that our efforts could be severely hampered unless we clarify the existing legislation.

The preservation of our wetlands and wildlife resources is not a luxury, but an ecological and psychological necessity. That is why I am introducing this bill, and why I will continue to work for their preservation in the future.

JOHN E. BARRIERE

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the Record and to include extraneous material.)

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that I may include in the Record a citation in connection with the conferring of a doctor's degree on the very able and distinguished John E. Barriere by Clark University in Worcester, Mass., on June 8, 1969.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The citation referred to follows:

John E. Barriere

Mr. President on behalf of the Trustees and Faculty of Clark University, I have the honor to present John E. Barriere.

A native of Worcester and a Clark alumnus, John Barriere is an outstanding example of that group of professional legislative staff, far too little known outside the precincts of Washington, whose commitment and activity out of the public eye make it possible for policy to be developed and enacted. As Executive Director of the House Democratic Steering Committee, Staff Director of the Housing Subcommittee, and chief legislative assistant to the Speaker, John Barriere has for almost two decades been a chief actor in transmuting visions for a more just and equitable America into operating governmental programs. The Housing laws of the 1950's and 1960's, the Model Cities Act, facets of the Appalachia program, the Urban Mass Transportation Act, important federal education amendments, and most recently the Civil Rights Act of 1968 all bear the imprint of John Barriere's hand and mind. Some of these, indeed, exist primarily because of his ability to apply his profound understanding of the intricacies of the legislative process and of politics as the "art of the possible," aided by a genial personality, to ease areas of conflict and secure a viable law on the books.

Honored and respected by Presidents, members of Congress, administrators and private leaders in the urban problems field, it is time, Mr. President, for his alma mater to recognize her son. In recognition of his contribution to grappling with the illnesses of our society, it is with personal pleasure that I request that the degree of Doctor of Laws, *Honoris Causa* be conferred upon him.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. Patman (at the request of Mr. Boggs), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. Green of Oregon, for 60 minutes, today; to revise and extend her remarks and include extraneous matter.

Mr. Chamberlain (at the request of Mr. Steiger of Arizona), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Pucinski, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Harsha, for 10 minutes, on June 12; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Pucinski), to revise and extend their remarks, and to include extraneous matter to:)

Mr. Farbstein, for 20 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hosmer in three instances and to include extraneous material.

Mr. Hall.

Mr. Fallon (at the request of Mr. Gray) to extend his remarks preceding those of Mr. Gray during general debate on H.R. 1035, today.

Mr. Scherle to include extraneous matter with his remarks made in the Committee of the Whole today.

Mr. Obey to revise and extend his remarks made in Committee of the Whole today.

Mr. Pucinski's special order to follow Mrs. Green of Oregon's special order.

(The following Members (at the request of Mr. Steiger of Arizona) and to include extraneous matter:)

Mr. Robison.

Mr. Miller of Ohio.

Mr. Sebelius.

Mr. McKneally in two instances.

Mr. Derwinski in three instances.

Mr. Bray in three instances.

Mr. Wyman in two instances.

Mr. Halpern.

Mr. Keith.

Mr. Cleveland in two instances.

Mr. Saylor.

The following Members (at the request of Mr. Pucinski), and to include extraneous matter:

Mr. Eilberg.

Mr. Montgomery in four instances.

Mr. Long of Maryland.

Mrs. Griffiths in three instances.

Mr. Giaimo in two instances.

Mr. Gilbert in two instances.

Mr. Edwards of California in two instances.

Mr. Fisher in three instances.

Mr. Patman.

Mr. Vanik in two instances.

Mr. McCarthy in five instances.

Mr. Dulski in three instances.

Mr. Wolff.

Mr. Steed in two instances.

Mr. Gonzalez in two instances.

Mr. Hawkins.

Mr. Boland.

Mr. Donohue in two instances.

Mr. Murphy of New York.

Mr. Minish.

Mr. White in two instances.

Mr. Biaggi in two instances.

Mr. Gallagher.

Mr. Griffin in three instances.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 3480. An act for the relief of the New Bedford Storage Warehouse Co.

ADJOURNMENT

Mr. PUCINSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Thursday, June 12, 1969, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DADDARIO: Committee on Science and Astronautics. House Joint Resolution 589. Joint resolution expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program (Rept. No. 91–302). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 265. A bill to amend section 502 of the Merchant Marine

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Act, 1936, relating to construction-differential subsidies; with amendment (Rept. 91–303). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. S. 1647. An act to authorize the release of 100,000 short tons of lead from the national stockpile and the supplemental stockpile; with amendment (Rept. 91–304). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 11069. A bill to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes; with amendment (Rept. No. 91–305). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 2785. A bill to authorize the Secretary of the Interior to convey to the State of Tennessee certain lands within Great Smoky Mountains National Park and certain lands comprising the Gatlinburg Spur of the Foothills Parkway, and for other purposes (Rept. No. 91–306). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG: Committee on Rules. House Resolution 437. Resolution for consideration of H.R. 6543. A bill to extend public health protection with respect to cigarette smoking, and for other purposes (Rept. No. 91–307). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 438. Resolution for consideration of H.R. 7906. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce (Rept. No. 91–308). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Utah:

H.R. 12039. A bill to exempt a member of the Armed Forces from service in a combat zone when such member is the only son of a family, and for other purposes; to the Committee on Armed Services.

By Mr. HANSEN of Idaho:

H.R. 12040. A bill to convey certain phosphate rights to the State of Idaho; to the Committee on Interior and Insular Affairs.

By Mr. CRAMER:

H.R. 12041. A bill to amend title 18, United States Code, to prescribe the manner in which a witness in a Federal proceeding may be ordered to provide information after asserting his privilege against self-incrimination and to define the scope of the immunity to be provided such witness with respect to information provided under an order; to the Committee on the Judiciary.

By Mr. DIGGS (for himself, Mr. Culver, Mr. Ryan, Mr. Mikva, Mr. Rodino, Mrs. Mink, Mr. Lowenstein, Mr. Moorhead, Mr. Rosenthal, Mr. Stokes, Mr. Fraser, Mr. Burton of California, Mr. Fascell, Mr. Charles H. Wilson, Mr. Ashley, Mr. Nedzi, Mr. Hawkins, Mr. Brademas, Mr. Anderson of California, Mr. Farbstein, Mrs. Chisholm, Mr. Ottinger, Mr. Matsunaga, Mr. Gilbert, and Mr. Morse):

H.R. 12042. A bill to amend section 1102 of the Federal Aviation Act of 1958 to safeguard American citizens from racial and religious discrimination, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DIGGS (for himself, Mr. Reid of New York, and Mr. Brown of California):

H.R. 12043. A bill to amend section 1102 of the Federal Aviation Act of 1958 to safeguard American citizens from racial and religious discrimination, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.R. 12044. A bill to provide for public disclosure by Members of the House of Representatives, Members of the U.S. Senate, justices and judges of the U.S. courts, and policymaking officials of the executive branch as designated by the Civil Service Commission, but including the President, Vice President, and Cabinet members; and by candidates for the House of Representatives and the Senate, the Presidency, and the Vice-Presidency; and to give the House Committee on Standards of Conduct, the Senate Select Committee on Standards of Conduct, the Director of the Administrative Office of the U.S. courts, and the Attorney General of the United States appropriate jurisdiction; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.R. 12045. A bill to convey certain federally owned land known as the Yardeka School land to the Creek Tribe or Nation of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. FARBSTEIN:

H.R. 12046. A bill to amend title I of the International Claims Settlement Act of 1949 to permit the filing of additional claims against the Government of Poland; to the Committee on Foreign Affairs.

By Mr. FOLEY:

H.R. 12047. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 12048. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus property to volunteer firefighting organizations and volunteer rescue squads, and for other purposes; to the Committee on Government Operations.

H.R. 12049. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 12050. A bill to provide compensation for firemen not employed by the United States killed or injured in the performance of duty during a civil disorder, and for other purposes; to the Committee on the Judiciary.

H.R. 12051. A bill to authorize the President to proclaim the second Saturday in May of each year as a "Day of Recognition" for firefighters; to the Committee on the Judiciary.

H.R. 12052. A bill relating to the income tax treatment of statutory subsistence allowances received by law enforcement officers and firemen; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee:

H.R. 12053. A bill to provide for orderly trade in footwear; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 12054. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GRAY:

H.R. 12055. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GUBSER:

H.R. 12056. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN:

H.R. 12057. A bill to amend the Internal Revenue Code of 1954 to provide that any unmarried person who maintains his or her own home shall be entitled to be taxed at the rate provided for the head of a household; to the Committee on Ways and Means.

By Mr. KLUCZYNSKI:

H.R. 12058. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. McKNEALLY:

H.R. 12059. A bill to amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. MICHEL:

H.R. 12060. A bill to amend section 245 of title 18, United States Code, to make it a crime to deny any person the benefits of any educational program or activity where such program or activity is receiving Federal financial assistance; to the Committee on the Judiciary.

By Mr. MICHEL (for himself and Mr. Kluczynski):

H.R. 12061. A bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA:

H.R. 12062. A bill to amend the Internal Revenue Code of 1954 to disallow any deduction for depreciation for a taxable year in which residential property does not comply with requirements of local laws relating to health and safety, and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 12063. A bill to reclassify certain key positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PODELL (for himself, Mr. Morgan, Mr. Brown of Michigan, Mr. Gibbons, Mr. Burke of Massachusetts, Mr. Riegle, Mr. Carter, Mr. Buchanan, Mrs. Green of Oregon, Mr. McKneally, Mr. Schwengel, Mr. Waggonner, Mr. Biester, Mr. Edwards of Alabama, Mr. Hanley, Mr. Fuqua, Mr. Blanton, Mr. Corman, Mr. Galifianakis, Mr. Hogan, Mr. Wydler, Mr. Dickinson, Mr. Rooney of Pennsylvania, Mr. Gallagher, and Mr. Wold):

H.R. 12064. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. QUILLEN:

H.R. 12065. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ST. ONGE:

H.R. 12066. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees en-

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gaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 12067. A bill to amend the Public Health Service Act to provide authorization for grants for communicable disease control; to the Committee on Interstate and Foreign Commerce.

H.R. 12068. A bill to amend the first section of the Federal Power Act; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT:

H.R. 12069. A bill to amend the Internal Revenue Code of 1954 to treat certain foster children of an individual as his natural children for purposes of the dependency exemption; to the Committee on Ways and Means.

By Mr. WAMPLER:

H.R. 12070. A bill to amend the Communciations Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts:

H.R. 12071. A bill to assist students who, to attend college, are relying on their own wage-earning capacity rather than depending on others; to the Committee on Education and Labor.

H.R. 12072. A bill to amend title 39, United States Code, to provide work clothing for postal field service employees engaged in vehicle repair or maintenance, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GALIFIANAKIS:

H.R. 12073. A bill for the relief of Siler City, N.C.; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 12074. A bill to supplement the antitrust laws of the United States by providing for fair competitive practices in the termination of franchise agreements; to the Committee on the Judiciary.

By Mr. MEEDS:

H.R. 12075. A bill to amend section 7902 of title 5 of the United States Code so as to provide for the establishment of a Federal employee accident prevention program; to the Committee on Education and Labor.

By Mr. MILLER of Ohio:

H.R. 12076. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 12077. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PERKINS:

H.R. 12078. A bill to amend the Railroad Retirement Act of 1937 to provide that a spouse otherwise qualified may become entitled to a full spouse's annuity at age 55; to the Committee on Interstate and Foreign Commerce.

H.R. 12079. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12080. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROGERS of Florida:

H.R. 12081. A bill to designate certain lands in the Pelican Island National Wildlife Refuge, Indian River County, Fla., as "wilderness"; to the Committee on Interior and Insular Affairs.

By Mr. SANDMAN:

H.R. 12082. A bill to establish fee programs for entrance to, and use of, areas administered for outdoor recreation and related purposes by the Secretary of the Interior and the Secretary of Agriculture, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12083. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. SKUBITZ (for himself, Mr. WATKINS, Mr. MOSS, Mr. VAN DEERLIN, Mr. HASTINGS, Mr. ADAMS, Mr. OTTINGER, Mr. SAYLOR, Mr. RUPPE, Mr. MCCLURE, Mr. EDMONDSON, Mr. WAGGONNER, Mr. RANDALL, Mr. ANDREWS of North Dakota, Mr. BELCHER, Mr. CAMP, Mr. RARICK, Mr. LONG of Louisiana, Mr. BERRY, Mr. REIFEL, Mr. SCHERLE, Mr. LUJAN, Mr. KYL, Mr. WINN, and Mr. SEBELIUS):

H.R. 12084. A bill to amend section 13a of the Interstate Commerce Act, to authorize a study of essential railroad passenger service by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 12085. A bill to amend the Clean Air Act to extend the program of research relating to fuel and vehicles; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 12086. A bill to amend the Fish and Wildlife Coordination Act to authorize certain activities not to be undertaken and to permit the refusal of Federal licenses or permits for such activities; to the Committee on Merchant Marine and Fisheries.

By Mr. WYMAN:

H.R. 12087. A bill to amend title 38 of the United States Code to entitle certain veterans of peacetime service to hospitalization for non-service-connected disabilities on the same basis as veterans of period of war; to the Committee on Veterans' Affairs.

By Mr. BELCHER:

H.J. Res. 773. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., May 15 to 23, 1971; to the Committee on Foreign Affairs.

By Mr. DUNCAN:

H.J. Res. 774. Joint resolution proposing an amendment to the Constitution of the United States to authorize Congress, by two-thirds vote of both Houses, to override decisions of the Supreme Court; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.J. Res. 775. Joint resolution to authorize the President to award appropriate medals honoring those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious; to the Committee on Science and Astronautics.

By Mr. FULTON of Pennsylvania:

H. Con. Res. 288. Concurrent resolution expressing the sense of Congress that the United States should have one uniform nationwide fire reporting telephone number and one uniform nationwide police reporting telephone number; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

212. By Mr. ULLMAN, Mrs. GREEN of Oregon, Mr. DELLENBACK and Mr. WYATT: Memorial of the 55th Legislative Assembly of the State of Oregon, memorializing Congress to amend the existing Wholesome Poultry and Wholesome Meat Acts to permit the interstate shipment of Oregon-inspected meats and poultry which meet Federal inspection standards; to the Committee on Agriculture.

213. Also, memorial of the 55th Legislative Assembly of the State of Oregon. memorializing Congress to make available to the U.S. Forest Service a fixed percentage of the revenue from national forest lands for investment in intensive forest management practices and roads in order to increase the productivity of the national forests; to the Committee on Agriculture.

214. Also, memorial of the 55th Legislative Assembly of the State of Oregon, memorializing Congress to direct the Secretary of Agriculture and the Secretary of the Interior to direct the U.S. Forest Service and the Bureau of Land Management to establish an annual harvest volume of alder and other hardwood timber on the lands under their jurisdiction; to evaluate and establish a workable hardwood management program; and to add a member of the Northwest hardwood industry to the Pacific Northwest Advisory Committee on the regional forester; to the Committee on Agriculture.

215. Also, memorial of the 55th Legislative Assembly of the State of Oregon, memorializing the Secretary of Agriculture to cause to be adopted for forests administered by the U.S. Forest Service management and production policies which will provide the needed lumber for housing, employment opportunities, and recreational purposes for the present and for renewal of the forests for future; to the Committee on Agriculture.

216. Also, memorial of the 55th Legislative Assembly of the State of Oregon, memorializing the President and the Congress of the United States to continue the initiative in exercising every peaceful effort to bring about a cease-fire in Biafra and to extend aid to the starving peoples of Biafra; to the Committee on Foreign Affairs.

217. Also, memorial of the 55th Legislative Assembly of the State of Oregon petitions Congress to support legislation now pending which would establish a quota-tariff on undressed mink imports; to the Committee on Ways and Means.

218. By the SPEAKER: Memorial of the Legislature of the State of Minnesota, relative to limiting the right of nonfarm corporations and individuals to write off farm losses against nonfarm profits, for Federal income tax purposes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 12088. A bill for the relief of Giuseppe and Grazia Compartao and minor children, Angelo, Giancarlo, and Giuseppina Comparato; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 12089. A bill for the relief of Rose Minutillo; to the Committee on the Judiciary.

H.R. 12090. A bill for the relief of Mrs. Raisla Stein and her two minor children; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 12091. A bill for the relief of Robert D. Lange; to the Committee on the Judiciary.

By Mr. NELSEN:

H.R. 12092. A bill to authorize and direct the District of Columbia to convey certain real property to the Washington International School, Inc.; to the Committee on the District of Columbia.

By Mr. WRIGHT:

H.R. 12093. A bill for the relief of Carlos Manuel Nogueira-Martins; to the Committee on the Judiciary.

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EXTENSIONS OF REMARKS

IGOR I. SIKORSKY AND HIS GREEN GIANTS: TRIBUTES TO THE MAN AND HIS MACHINES

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. GIAIMO. Mr. Speaker, one of the greatest pioneers of the age of flight, Igor I. Sikorsky, recently celebrated his 80th birthday. I rise to pay tribute to the man and his work.

Mr. Sikorsky, still active as consulting engineer with Sikorsky Aircraft in Stratford, Conn., led the way in the development of the world's first four-engine airplane, the development of the famous "Flying Clippers," and, most important, in the development of the first practical helicopter, a machine that is valuable today but is made for tomorrow. I can think of no better living testimonial to his accomplishments than "his machine," the helicopter.

In New York City last month, many of the most famous names in aviation history gathered to honor this man. I would like to include at this point in the RECORD an article in the May issue of Sikorsky News, the company newspaper, which describes this event and those who attended it. The article follows:

IGOR I. SIKORSKY, 80, HONORED AT PARTY

"Presented to: Igor I. Sikorsky, pioneer—gentleman—friend, by his many admirers in recognition of his 80th birthday May 25, 1969. (Presented May 20, 1969, at the Wings Club, New York City.)"

This is the inscription engraved on the silver tray, which, with eight silver wine goblets, was presented to Mr. Sikorsky at a testimonial luncheon May 20 at the Wings Club in the Biltmore Hotel, in celebration of his approaching birthday anniversary.

Approximately 100 leaders in the aviation world attended the affair honoring the aeronautical pioneer and founder of Sikorsky Aircraft.

H. M. Horner, chairman emeritus of United Aircraft Corporation, served as master of ceremonies, and introduced Col. Roscoe Turner, pioneer aviator and racing pilot, who presented Mr. Sikorsky with the gift.

Lauren D. (Deac) Lyman, retired vice president of United Aircraft Corporation, former aviation editor of The New York Times and Pulitzer Prize winner, was guest speaker. He traced Mr. Sikorsky's early days in aviation, both in Russia and in the United States.

Mr. Lyman recalled in detail the first and last flights of the VS-300, Mr. Sikorsky's first successful helicopter. In speaking of the first flight, in 1939, when this helicopter was flown tethered to the ground, Mr. Lyman emphasized not only that it was the first flight of a true helicopter in this country, but also that Mr. Sikorsky, the designer and test pilot, was making his first flight in a helicopter. The last flight of the VS-300, also with Mr. Sikorsky at the controls, took place in 1943 before Henry Ford, when Mr. Sikorsky presented the helicopter to Ford's Edison Museum in Dearborn, Mich.

Mr. Lyman quoted examples of Mr. Sikorsky's wisdom, which, he said, the aeronautical pioneer often expressed in the most casual manner. Among these examples were:

"A great many airplanes were designed which, to the great good fortune of their designers, never flew," and (when asked why his first helicopter did not fly), "Insufficient knowledge, insufficient horsepower."

Among those seated at the head table with Mr. Sikorsky were Mrs. Sikorsky, Capt. Edward V. Rickenbacker, Brig. Gen. H. Franklin Gregory, USAF (ret.), pioneer military helicopter pilot; Comdr. Frank Erickson, USCG (ret.), pioneer helicopter pilot and pilot of the first helicopter mercy mission; Admiral Arthur W. Radford, USN (ret.), former head of the joint chiefs of staff and a helicopter pilot late in his career; Arthur Godfrey, former helicopter pilot; Capt. Boris Sergievsky, test pilot of Sikorsky's flying boats; C. L. (Les) Morris, pioneer helicopter test pilot; Clarence Chamberlin and Bernt Balchen, pioneer ocean pilots; Najeeb E. Halaby, president of Pan American World Airways, which used Sikorsky's "Flying Clippers" to pioneer transoceanic air routes; William P. Gwinn, chairman of United Aircraft Corporation; Wesley A. Kuhrt, Sikorsky Aircraft president, and B. L. Whelan, former general manager of Sikorsky Aircraft.

Mr. Sikorsky, now engineering consultant for Sikorsky Aircraft, was born on May 25 1889 in Kiev, Russia. A pioneer in three phases of aviation, with the world's first four-engine airplane, the Grand; the "Flying Clippers," and the first practical helicopter, he has received more than 100 honors from the aviation world, including the Wright Brothers Memorial Award in 1967.

I would also like to include the text of an article in the May 21, 1969, New York Times which describes the same event.

ONE HUNDRED HONOR SIKORSKY, NOW NEAR 80

More than 100 aviation leaders paid tribute yesterday to Igor I. Sikorsky, aeronautical pioneer and founder of Sikorsky Aircraft, at a testimonial luncheon held by the Wings Club in the Biltmore Hotel. The occasion celebrated Mr. Sikorsky's 60 years' of service to aviation as well as his 80th birthday next Sunday.

Roscoe Turner, pioneer aviator and racing pilot, presented a sterling silver tray and wine goblets to Mr. Sikorsky. H. M. Horner, chairman emeritus of the United Aircraft Corporation, was master of ceremonies.

Sikorsky Aircraft is a division of United Aircraft in Stratford, Conn. Lauren D. (Deac) Lyman, retired vice president of the corporation and a former Pulitzer Prize-winning aviation editor of The New York Times, recalled the highlights of his more than 40 years association with Mr. Sikorsky.

Mr. Lyman traced Mr. Sikorsky's interest in aviation from his youth in Kiev in the Soviet Ukraine, when he switched his goal of becoming an electrical engineer and "decided that aviation, aeronautical engineering, was to be his way of life." The decision was influenced by an article that Mr. Sikorsky had read about Wilbur Wright's early exploits.

Perhaps the most moving tribute to this man's monumental accomplishments, however, is a short song written by Mrs. Helen Glasgow, of Bridgeport, Conn., a perceptive, patriotic woman whose work has appeared in the RECORD before. This song, dedicated to the Sikorsky HH-3E helicopter or "Green Giant," might well have been written by a wounded soldier in Vietnam waiting to be airlifted to safety or a downed pilot tossing on the waves waiting for the help which may never come. I would like to include the text of her song in the RECORD at this point:

SALUTE TO THE "GREEN GIANTS"

(By Mrs. Helen Glasgow, Bridgeport, Conn., dedicated to the Sikorsky HH-3E helicopters on their first transatlantic flight, May 31, 1967)

We salute you, Green Giants
On your great achievement:
You've made it, you've made it,
You made it again!

With perpetual motion
You flew over the Ocean
To bring to mankind
God's perpetual love.

The fires are burning, the waters are churning,
All hope for salvation is gone.
Then—hark! From the distance
As if coming from Heaven,
Those green helicopters,
The familiar drone!

Oh! Jolly Green Giants, God keep you and bless you.
Oh! save us, oh! save us, save us from our plight!
The guns are a-roaring, the wounded are groaning,
All hope for salvation is gone!

Then—hark! From the distance
As if coming from Heaven,
Of those green helicopters the familiar drone.
Oh! Jolly Green Giants, God keep you and bless you;
Our guardian angels—the Angels in Green!

STUDENTS TO HELP DETERMINE U.S. HIGHER EDUCATION POLICIES? PICK THEM BY "POINT SYSTEM"

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. BRAY. Mr. Speaker, a story in the New York Times on June 1, 1969, reported that the U.S. Office of Education is getting ready to give students a larger voice in shaping Federal educational policies that affect campus affairs. According to reports, this is being done to meet some recent student demands—everything is a demand nowadays—for student involvement in all facets of decisionmaking, planning, implementation, and evaluation of the agency's multibillion-dollar educational program.

Dr. James E. Allen, the new U.S. Commissioner of Education, was quoted as saying:

> I am very definitely supporting this general move to involve young people here.

The demands being made were prepared at a recent 2-day meeting to which the agency had invited 15 student leaders, some of them veterans of campus activism. The students attending the meeting had said they had considered a sit-in at the Commissioner's office, but agreed to give the Federal Government a "second chance." I find this very generous and tolerant of them.

All this dates back to the last administration. The former Commissioner, Harold Howe II, issued a memo last Oc-

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tober endorsing calling a conference and establishing a youth advisory panel and student participation on advisory boards and review panels. After the students met the second week in May, in Washington, they charged Howe's proposals had not been implemented and did not go far enough.

According to the students—

> By definition, student involvement requires no less than the relinquishing of a significant portion of the power now held almost exclusively by Office of Education personnel and their professional consultants.

The story notes that there was skepticism and even hostility by some of the professional staff. Some of the latter pointed out that students seemed unaware of the need to follow congressional guidelines. This failing, I might add, is not necessarily restricted to students, as every Member of Congress well knows.

But, to quote again from the story:

> The students themselves admitted in their position paper the difficulty of selecting representative student spokesmen. They even conceded the limitations of their own group on that score. They had been selected by the agency from lists of student leaders and activists, including black student spokesmen.

I find much to quarrel with in the Office of Education's acquiescence in this matter. Much so-called "student activism" has been marked conspicuously by a total lack of responsibility and foresight, and if some of these activists now seek, and seem to be getting, voices in decisions involving millions of taxpayers' dollars, then there is reason for concern.

Arbitrary creation by the Office of Education of additional positions which will have some authority in administration of higher education facilities and projects is something I do not think Congress ever had in mind, either, especially when such posts are to be filled by individuals whose experience in the field cannot exactly be called wide ranging and complete.

But, if it is to be done, then I have some suggestions for the Office of Education in selecting the students who will serve. What I recommend is picking them by a point system, with points to be allotted on the basis of the individual student's involvement in the really important and bedrock affairs of his or her community, State, and country. A great deal more than a talent for drafting demands and organizing demonstrations is needed, and my proposed "point system" will help insure representation of those whose concern and responsibility is shown by more than words.

The system might be set up something as follows:

For honorable service in any of the Nation's Armed Forces, for a period of 2 years or more, any service, any branch, any rank, 10 points; an additional two points if the individual entered the Active Reserve or National Guard after discharge from active duty.

For having paid Federal income taxes in any previous year, 10 points;

For membership in or involvement with Boy Scouts, Girl Scouts, boys' clubs, church groups or any communitywide, charitable, or character-building activity, five points;

If working their way through college with a part-time job, five points;

If still actively involved in communitywide projects while in college, five points.

These are only suggestions for a beginning. I am sure there are other areas which can and should be counted in. I might add, any student who had been subject to academic or civil discipline for campus disturbances would be automatically disqualified from any position.

I know there are many who could easily meet these simple requirements, and they are the true representatives of American college youth.

The aim is this: Those who shape the policies by which this country is guided should be those who in one way or another contribute to it, through their work, their involvement with the community in which they live, or by any form of service to their locality or country or their fellow Americans. This includes paying taxes; no one has the right to dispose of his fellow-citizen's tax money unless he or she has helped contribute to it at one time or another.

My proposal has been transmitted to the Secretary of Health, Education, and Welfare for his consideration. I cannot see any logical objection to such a system. Among the students themselves, it should be welcomed; it would assist in erasing the rapidly growing image that our country's college students are composed primarily of spoiled and irresponsible rabblerousers, who think of nothing but how much noise they can make.

The Office of Education would be sure, under this plan, of getting advice from those who should be expected to know what they are talking about. And the American citizen would be reassured that Federal policymaking and recommendations in the all-important field of higher education would rest with those who, like the citizen himself, had a real and genuine involvement with the problems of life, and concern for his or her fellow Americans.

In brief, it is asking for proof of deeds and performance before granting the right and privilege to become involved in the action. I don't see how or why anyone would or could find fault with this, unless, of course, it comes from student elements who, for some reason or another, simply have not done anything to earn any points.

And, in such a case, no one will have lost anything by their being excluded from any sort of participation.

OLD SOLDIERS NEVER DIE

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. HALL. Mr. Speaker, this past Memorial Day, it was my great pleasure to speak at ceremonies honoring our Nation's war dead at the national cemetery in Springfield, Mo.

The program was planned and sponsored jointly by all the veterans and patriotic organizations of Springfield.

The master of ceremonies was C. H. "Pat" Patterson, an active Legionnaire, writer, poet, and the current president of the Greene County Memorial Association.

During the program, Mr. Patterson presented a moving eulogy to our beloved former President, Dwight D. Eisenhower. The eulogy is worthy of repetition and I place it in the Record so that it might be shared with others:

"Old Soldiers Never Die"—Statesmen Live Forever

General Ike's deeds of valor and President Eisenhower's statesmanship will live forever in the hearts and minds of men.

As General, he turned the world from chaos and destruction.

As President, he led the way toward world peace.

Ike was a General honored by his entire command.

A President respected by the whole world, an humble man loved by all.

He will forever march by the flag he loved so well though his footsteps will make no sound.

"So long Ike" We will rendezvous at the great bivouac when that final battle is won.

C. H. Patterson.

CLAY TALKS OF JOBS, PROBLEMS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. HAWKINS. Mr. Speaker, Congressman Bill Clay, Democrat of Missouri, has been in Congress only 6 months—but in that time he has made his presence felt—particularly on the Education and Labor Committee to which he was assigned and where I am privileged to serve with him. He has evidenced the interest, the energy, and the courage to speak forth on the issues—qualities which brought about his election this past November.

Congressman Clay has made significant contributions to the hearings on poverty as a member of the ad hoc task force on poverty. In this capacity, he rendered great service by relating his firsthand knowledge of poverty as it affects black people in urban areas. He is a man who grasps the meaning of unrest and who pursues constructive courses of action to relieve it.

I commend to the attention of my colleagues the following news story depicting the first 100 days of Bill Clay's service in the Congress. His insight into the plight of poor people and their needs is refreshing—and it is vividly reported by Ethel L. Payne who deserves due recognition for her fine effort.

The article follows:

[From the St. Louis (Mo.) Sentinel, June 7, 1969]

First 100 Days "Hectic" for Freshman—Clay Talks of Jobs, Problems

(By Ethel L. Payne)

Washington.—Rep. William (Bill) Clay earned his bachelor of Science degree from St. Louis U. in history and political science;

but he has a unique theory on economics in the ghettoes that would have interested the learned British economist, John Maynard Keynes who died in 1946 or the very much alive Dr. Andrew Brimmer of the U.S.A. who is a governor of the Federal Reserve Board.

Clay is all for law and order, but he thinks that if the rackets and the other subterranean activities that go on in the crowded slums of the inner cities were suddenly removed, the whole system of economy in the urban areas would collapse like duck pins in a bowling alley.

Sitting in his Capitol Hill office, Clay who was elected last November from the First District in St. Louis, expounded on his theory!

The structure of society being what it is, blacks are at the bottom of the economic and social scale. In the ghettoes, survival depends upon wit. Employment is irregular and the pay is low, so the wise dude makes his by his "smarts,"—he may be a pimp or a numbers writer or a numbers banker, a purveyor of hot goods or a narcotics pusher. A hip cat can make up to $300 a day or more. To him, the square who's working for $1.50 an hour, getting up at 5:30 a.m. to travel half way across town to put in eight hours just doesn't make sense, that work stuff is for the birds!

HUSTLER IS LAZY

This doesn't mean that the hustler is lazy. He can't be if he's going to make his bread; it's just that the system isn't "economically feasible." It is possible for a guy with $100.00 initial capital to live on his stake for months just by the fast turnover in so-called "hot stuff," which in many cases isn't really hot at all, but legitimate. It sells better and faster under the label, "hot!"

The alternative to this fluid financial modus operandi says Congressman Clay is to pump business and industry on a large scale into the ghettoes, with a guaranteed income for every family, plus crash vocational education programs and on-the-job training. The latter score is one of the reasons why the boyish-looking freshman congressman who is 38 years old is so exercised about the threat to the job corps in St. Louis, and elsewhere.

In a speech at Texas Southern U. on the commemoration of Law Day, May 2, Clay charged the Nixon Administration with using shock tactics to silence the supporters of the Job Corps. He had just read an Associated Press report of plans by administration officials to release files on gang rapes, homosexuality, extortion and drug use at U.S. Job Corps sites, if necessary, in order to justify the decision to close down certain centers.

"It does not disturb me that these sorts of things would happen when you bring groups of 600 or more youth together. I am more disturbed that President Nixon would resort to blackmail instead of reconsidering his hasty decision to axe the program. I wish he had spent as much time reading reports on the treatment these kids are subjected to before we pick them up off the street and give them a chance at the Job Corps," Clay contended.

CHALLENGES NIXON

He challenged the Nixon administration to reveal the files and to compare the figures with incidents of drug uses, rape, homosexuality and extortion on the campuses of American high schools and colleges. He said that when scandals occur concerning high class neighborhoods and private schools, nobody suggests closing down the schools that have these problems. If wholesale closings took place, there would not be much of an educational system left, said Clay.

On May 7, Congressman Clay attacked the announcement by the Labor Department that it was transfering the disbursement responsibilities for the Neighborhood Youth Corps funds to the State Employment Security Services. He said there was no concrete basis for the transfer. In addition, it would cost between $15 and $20 million at the same time the corps was being reduced by 16,000 slots. The $20 mililon could be better used to add a few more job opportunities, Clay said.

In the St. Louis area, the Congressman said the cost to write a check for the Neighborhood Youth Corps is now $.45, but under the new plan this could jump to $7 a check.

Congressman Clay described his first 100 days in office as "hectic." There was the job of moving his family from St. Louis to a house in Silver Spring, Md., a suburb of Washington and of getting the three children, Vicky, Lacy and Michele who range in age from 10–14 settled in school. They have adjusted well except that Vicky was so homesick at first that she ran up a $100 telephone bill in long distance calls which she hid from her parents.

Clay has been back to the home district about nine times since January. He has two offices there, one in the Federal building and one in the district. He has traveled about 30,000 miles, including the trips to Texas and to EEOC hearings on equal employment in Los Angeles and most recently on a congressional mission to London to study coal mine safety regulations in England.

In Washington, Clay's day begins at 9:15 a.m. when he arrives at his Capitol Hill office. He rarely leaves before 7:30 or 8 p.m. He is currently in the process of compiling a mailing list. His predecessor destroyed all the previous records from 22 years of service.

Clay is an active member of the caucus of black members of Congress who have come together to use their influence on Democratic party affairs. After two weeks of delay, the Democratic National Committee accepted their recommendation to hire John Dean, a former staff member of the Urban Coalition as the new deputy chairman for minorities. Clay and the others are also pressing for reforms in the party structure that include more black representation in policy and a more equitable method of selecting delegates to the national convention.

RICKOVER VERSUS THE PENTAGON

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. HOSMER. Mr. Speaker, in the endless battle of wits between Vice Adm. Hyman G. Rickover and the Pentagon, Rickover is leading six-love, six-love.

Now, in a display of utter carelessness, the Pentagon has lobbed the ball back into Rickover's half of the court, this time in terms of an experimental "peer rating system" for in-house DOD laboratories, designed to reflect the image or reputation of these laboratories as seen both in and out of Government.

Fortunately, the venerable admiral did find some humor in this effort, and slammed the ball back in his usual cryptic fashion. His reply, which fortunately an observer from the stands relayed to me, and which obviously will give Rickover the game, is the following:

ATOMIC ENERGY COMMISSION,
Washington, D.C., May 9, 1969.

Mr. E. M. GLASS,
Assistant Director (Laboratory Management), Office of the Director, Defense Research and Engineering, The Pentagon, Washington, D.C.

DEAR MR. GLASS: This is in reply to your form letter, unsigned, of 27 March 1969.

This letter states that you are in the process of conducting an experiment in "peer rating" in-house Department of Defense laboratories and would like to understand the relationship of the characteristics of the "peer rating" system with the data you presently have on each laboratory; this is to be done in accordance with a technique developed by Dr. Maurice Apstein. From the results of this study you would be able to show me the "image or reputation" of my laboratories as reflected by my peers "both in and out of Government."

Unfortunately, since my training is in engineering, not in social science, I am unable to comprehend your letter; nor do I understand what "peer rating" is. I would imagine it is related to the behavior pattern of pigeons, chickens, and the like, in which, so I have read, a "pecking order" is established.

I am aware that eminent social scientists have advocated the training of humans by the methods derived from training pigeons—rewarding them with a grain of corn each time they fulfilled their norm. I have even considered replacing some humans with pigeons. On reflection I concluded this would not work; a number of those I had planned to replace with pigeons threatened to eat their replacements.

Since the "image" of my laboratories and of the men and women working in them is judged by their superiors and by Congress (which grants the money) on the basis of the job they do, I have not found it necessary to delve into their psyches or ids, or to devote their time and Government funds on social science experiments. If laboratory personnel are unable to do their jobs properly, they, along with their psyches and ids, are replaced.

For the above reasons and because my laboratories do not operate under the Department of Defense, but under the Atomic Energy Commission—which does not have money to indulge in such experiments—I am returning herewith the IBM cards you sent to me; you will surely find use for them elsewhere.

I might add, parenthetically, that there are some activities, possibly laboratories, which do more good by doing little or nothing than if they energetically pursued their objectives.

I wish you all the success your project merits.

Sincerely yours,
H. G. RICKOVER.

A BRITISH NIGHTMARE

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. STEED. Mr. Speaker, the Daily Oklahoman, largest daily newspaper in my State, is issuing a series of editorials suggesting that a reappraisal of our naval armament is urgently needed. The article that follows, which appeared May 25, is especially thought provoking, and I enter its text in full herewith:

A BRITISH NIGHTMARE

A London newspaper reports that British Naval Intelligence is greatly frightened by the discovery that Russia has now equipped two classes of its destroyers with atomic headed missiles having a range of 100 miles. It further discloses that Russia is preparing to equip destroyers or other ships with atomic missiles with a range of 300 miles.

To make matters worse, they have discovered that Russia is putting up satellites and using spy planes to locate ships at considerable distances. The exact location of the ship, whether British or American, can be relayed to Russian destroyers which could come within 30 or 40 miles and remain hidden by the curvature of the earth and at the same time pour missiles into an aircraft carrier, destroyer, a submarine or any other ship.

British or American destroyers have small caliber guns, limited to a range of a few miles, and would be helpless if attacked by Russian destroyers with long range missiles.

In a recent editorial, we pointed out that Russia has 25 surface to surface missile ships and the United States has none. It is unlikely that Britain has any missile-equipped surface ships.

It would appear that American or British naval ships could be destroyed by missile-carrying Russian ships without ever coming within range of the guns of American or British warships.

There no longer is any doubt that Russia is rapidly building up its war power to destroy the only capitalistic country capable of opposing Soviet military might.

The United States is threatened with the greatest disaster that could happen to any country, namely, its capture by an overwhelming enemy force and the establishment of a Communist government under Russian dictatorship.

Congress is complacently discussing civil rights, welfare payments, campus riots, withdrawal of troops in Vietnam and reduction in the military budget.

Last Thursday, the Washington Post published a story that the Pentagon is secretly proposing to scuttle 10 of our 41 Polaris missile submarines to save money.

If you, as a citizen, are concerned about this, you can do something about it. Write a letter to any congressman or senator whose name you know, no matter what state he represents. Write to Melvin R. Laird, Secretary of Defense at the Pentagon in Washington or even write to President Nixon.

The first and most important duty of any government is to protect the lives, the safety and the freedom of its citizens.

WHEN DOES THE EXODUS END?

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. **SEBELIUS**. Mr. Speaker, every day we read in the national press about the plight of our Nation's cities and, to be sure, our large metropolitan centers do have very severe problems that demand priority attention. However, I should like to point out that our citizens who live in and enjoy the relaxed atmosphere of small town and rural America also have problems. While it seems as if virtually everyone has traded in his farm work clothes for a coat and tie these days, I think it is important that we at least take a commonsense look at the plight of the man whose job it is to feed America.

Mr. Speaker, two well-known newspaper publishers in Smith Center, Kans., Harold Beason and W. E. "Bill" Lee, are well acquainted with this problem, especially how the migration of citizens from our rural areas has affected their community of Smith Center. Just this past week Bill Lee wrote an editorial which I am sure sums up the situation throughout rural America. In effect, here is a country editor telling his people they must continue to build and improve, not just to keep up, but in order to survive.

I feel this article demonstrates that the concerned citizens of rural and small town America are not only aware of their current problems, but are actively starting to find workable answers. I submit Mr. Lee's editorial in the Smith County Pioneer for inclusion in the CONGRESSIONAL RECORD:

WHEN DOES THE EXODUS END?

Rural people keep moving to cities and as a result rural communities are showing lower population figures every year.

This isn't anything new. The reverse in growing population in this county started about 1908 and the population has declined almost every year since then from over 16,000 people to just over 7,000.

Here are the census figures for Smith county since 1870: 1870, 66; 1880, 13,883; 1890, 15,613; 1900, 16,384; 1910, 15,365, 1920, 14,985; 1930, 13,545; 1940, 10,582; 1950, 8,846; 1960, 7,776, and now 7,240.

The trend is going to continue in many rural communities and in cities such as we have in this county unless the people do something about it. It isn't just a matter of going out and hustling for industry; it's also a matter of keeping up and building schools, hospitals, disposal plants, churches, housing, places of recreation, etc. You don't get personnel for industry, teachers, doctors, etc. to want to move into your community unless you have the proper facilities because, today, those porfessional people can be pretty choosy and I'm sure most of the rest of us would too, if we were in their shoes.

Some men were talking about the difference of two small cities, once of about the same size. "What caused the difference that exists today?" one asked.

Another replied, "In ——, they started voting against things."

Today one has higher taxes than the other but there is much difference between the cities and their facilities.

Cities and communities have to continue to build and improve just to hold their own. If they're lucky, someone may come along who likes the town and locate there. If they're ambitious and progressive they may help someone locate there.

But we think this exodus is going to end. For one thing there are people who moved to large cities for jobs. Now with riots, race troubles and law enforcement problems, in many cases they are asking if there isn't something they can do in the rural community where they were reared.

The government is beginning to put pressure behind efforts to keep people away from the large cities—there are too many people there now, too many slums, too much crime, too much smog, too much pollution.

But to get people to move to your community you're going to have to put out something. You have to keep your community up to date. The Dead Sea is a good example of a place that puts out nothing and takes everything that comes its way.

TRIBUTE TO EDITOR EDWARD M. POOLEY

HON. RICHARD WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. **WHITE**. Mr. Speaker, the people of my home city, El Paso, Tex., and the surrounding area, have had occasion in the past few days to reflect on the city's tremendous growth and progress in the past quarter century, and to recall the influence of a powerful editorial voice which concerned itself with all the problems that inevitably accompany such growth and progress.

Mr. Edward M. Pooley, editor of the El Paso Herald-Post for 26 eventful years, died in his El Paso home on June 4, at the age of 71. Mr. Pooley had first become acquainted with our border city as a young flier with the Army Air Corps, patroling the Mexican border in the Pancho Villa era.

After beginning a newspaper career in Houston, he came to El Paso to edit the El Paso Herald-Post in February 1937 and continued in that position until ill health brought about his retirement in February 1963. During those 26 years, he made the El Paso Herald-Post the voice of the people. If asked what people he was speaking for, Ed Pooley would been likely to answer "Juan Smith." It was a name he loved to use to represent the bilingual citizenry of our community.

A vigorous and able writer, he crusaded for the causes in which he believed, and just as vigorously against those persons and organizations he deemed to be opposing the public good. There were those who said his mission was, to use an old newspaper phrase, "to comfort the afflicted and afflict the comfortable." Indeed, there were many comfortable people who felt the sting of his words, and many afflicted people who felt the comforting influence of his support.

Editor Ed Pooley will be remembered for his vigorous condemnation of those he believed to be in wrong, but he will be remembered too, and with great affection, for his crusades for the benefit of the unfortunate. His was a voice for better housing, better living conditions, better wages and a higher standard of living, for better relations among the people of the two nations that share our border.

Under the editorship of his successor, Mr. Robert W. Lee, the El Paso Herald-Post preserves the motto which he originated, "The newspaper that serves its readers." It will carry forward a rich heritage from Editor Ed Pooley for many years to come.

BUFFALO CREEK RAILROAD TO OBSERVE 100TH YEAR

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. **DULSKI**. Mr. Speaker, is it possible there is a railroad that even many of the residents of its hometown know little about?

Yes, that is possible—even though the Buffalo Creek Railroad will mark its centennial next week. Mayor Frank A. Sedita has called for a weeklong civic observance.

The Buffalo Creek Railroad carries no passengers. That really is not very unique today because more and more railroads are trying to get out of the passenger business. But the Buffalo Creek never has carried passengers.

It is a terminal switching road, incorporated in 1869, and operates entirely within the city limits of my home city of Buffalo, N.Y.

It runs over a distance of only 5.66 miles, with its track totaling 34.2 miles, counting certain double track and branch lines.

As a terminal railroad, Buffalo Creek handles railroad cars from all railroads entering Buffalo and shuttles them back and forth to our major industries. As an example of the volume of traffic involved, the railroad's seven diesel engines shuttled 385,000 railroad cars in its yards during 1968.

Nearly 85 percent of all flour leaving Buffalo via rail or water travels first over the Buffalo Creek.

It is a pleasure to join Buffalo businessmen in honoring the Buffalo Creek Railroad, its management and staff, on its 100th anniversary. There are some 140 employees.

The pioneering feature of the Buffalo Creek is reflected in the following excerpt from an article appearing in the December 15, 1907 edition of the now-defunct Buffalo, N.Y., Times:

> This was the first terminal railroad ever built in this country, and, it is believed, the first in any country. It was organized in 1868 by some of Buffalo's leading men, and although organized under the general railroad laws of the state, it was built and incorporated under a special grant by the Common Council of the city. It is, therefore, not only a monument to the foresight and ingenuity of citizens of Buffalo, but in a large measure a creation of the city itself.
>
> The grant referred to requires the road to extend equal facilities and rates to all shippers. This requirement has been made the basic principle of the road's operation, not only as a matter of good faith in observing the conditions of the grant, but as representing the only correct policy for the road itself.
>
> Under its application shippers are given absolute equality of treatment so that the shipper of an occasional car receives attention in his turn and is given the same facilities as to service and rates as are given the largest concerns, some of which ship a hundred or more cars per day.
>
> In brief, there has been maintained on the Buffalo Creek Railroad for years the ideal conditions as to equality of rates and service for all shippers which the public has demanded from the common carriers in general and which Congress and the State Legislature have long been trying to enforce.

Mr. Speaker, a financial writer on the Buffalo, N.Y. Courier-Express recently recounted the interesting story of the Buffalo Creek, as follows:

"Little Giant" Noting 100th Anniversary

(By Francis J. O'Connell)

The Buffalo Creek Railroad, commonly referred to as the the "little giant" of the Queen City's rail center, this year is observing its 100th anniversary of service as a terminal switching road.

Organized in 1868 and incorporated in 1869, the Buffalo Creek, a vital link in the progress of Buffalo's waterfront, plans no unusual ceremony to mark its golden anniversary, according to Supt. Cyril M. Johnke.

Johnke, who has directed operations on the railroad since 1961, said that sometime in July, a time will be set aside in which employees will be given mementoes to commemorate the occasion.

"We're very proud of our association with Buffalo's waterfront and we plan to continue to render the same type service as in the past and still be on the lookout for any improvement that might develop," said Johnke.

Latest statistics prepared by Johnke show that the Buffalo Creek, wholly within the city limits, is only 5.66 miles long. Its total trackage stretches out to 34.23 miles and little of it ever stands idle during operations that carry on 24 hours a day, seven days a week.

Freight from all over the country must pass over the tiny railroad to reach industrial plants such as General Mills, Pillsbury Co., Agway Inc., Allied Chemical Co., Mobil Oil, and the Niagara Frontier Port Authority complex on Fuhrmann Blvd., among others.

Last year, for example, the railroad's loaded revenue cars totaled 136,500. Over its strategically-located trackage service, a total of 385,000 cars were handled. There is no letup in service from the seven diesel electric switching engines because of the huge output of the plants it serves and limited yard facilities.

Cars must be moved quickly in and out of the railroad system as the Buffalo Creek connects with all major railroads serving the city and has indirect conections with the Chesapeake & Ohio and Canadian National.

The Buffalo Creek, owned jointly by the Lehigh Valley and Erie-Lackawanna, starts at the Howard St. connection with the New York Central and swings in a horseshoe to the General Mills plant at Ganson St. and S. Michigan Ave. Other trackage to serve Mobil and Allied Chemical is located in an abandoned section of Prenatt St.

The railroad has been fully dieselized since 1948 when its nine steam engines were retired. Rail crews work three shifts daily, with the busiest hours from 4 p.m. to midnight when mills curtail production and the products must be moved to one of the connections so new cars can be brought in.

The Buffalo Creek has no freight houses because it delivers directly to the plants. It has no car shops or passenger stations. Diesel repairs, when necessary, are carried out at Hornell.

It still has in service a good percentage of the boxcars purchased in the years from 1952 to 1956. Its heavily-traveled roadbed is maintained to handle the weight of long strings of cars.

There were times in the late 1950s when the railroad with employment now of 140 and an annual payroll in excess of $1 million, encountered difficult times. One came when the opening of the St. Lawrence Seaway caused Buffalo's grain trade to shrink to a third of its once normal pace.

This was overcome when the Port Authority leased a large portion of its complex to the A&P Co. The business generated from these shipments returned the railroad's operations to near normal.

Records show the road was completed as a single track line and opened for traffic in 1871. It has since kept pace, in its provision of track facilities, with traffic demands, and is now double-tracked for its whole length, except the Prenatt St. branch in South Buffalo.

Ever on the alert for new business, the railroad built, in 1882–1885, an extension of the Blackwell Canal, now the City Ship Canal, through its property to the border of the Lehigh Valley's Tifft Farm property. The Lehigh then extended the property and the combined efforts amounted to 9,000 feet of waterway, adding largely to the early lake and rail facilities of the port and to the volume of its lake and rail traffic.

The design of the road's projectors, and a fundamental condition of its construction and operation, were that the road should furnish equal facilities and impartial service, at uniform rates, for all shippers on its line to and from railroads entering Buffalo.

Further, the records compiled by Johnke show, the road should extend such facilities, service and rates "to all companies and individuals desiring the same." Belief is that the plan was entirely novel at the time and the Buffalo Creek is listed as the first terminal switching road of its kind built in this country.

Johnke said this condition has always been faithfully observed. The result is that shippers located on the road have been in precisely the same position with respect to choice of routes for their shipments as though they had private track connections with each railroad entering Buffalo.

"The locations on our railroad," Johnke said, "have been highly preferred over the years, especially by those desiring both lake and rail facilities.

"Over the years, there has been extensive development of waterfront property along our line. A significant factor in this respect is that the greater part of those sections of the harbor devoted to general lake and rail commerce, is mostly dependent upon the Buffalo Creek Railroad for ingress and egress by rail."

The two-man executive committee controlling the Buffalo Creek is made up of two former Buffalonians.

They are John F. Nash, president and general manager of the Lehigh Valley at Bethlehem, Pa., and Gregory W. Maxwell, president of the Erie-Lackawanna Railroad at Cleveland. Nash years ago was a trainmaster for the old New York Central and Maxwell was the Central division superintendent. Both started their rise up the ladder in Buffalo.

WRIGHT PATMAN, CHAIRMAN, HOUSE BANKING AND CURRENCY COMMITTEE, ANNOUNCES HEARINGS ON RECENT RISE OF BANK PRIME RATE TO ALL-TIME HIGH

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. PATMAN. Mr. Speaker, the commercial banks in the United States have increased the prime borrowing rate to an all-time high of 8½ percent. Interest rates in general are at the highest level this country has ever known. The prosperity this economy has known for at least the last decade cannot continue under the high interest rate structure such as we have today.

Mr. Speaker, as chairman of your Committee on Banking and Currency, I have announced hearings on this subject of the recent prime rate increase. A copy of my release on this matter follows:

Press Release of Congressman Wright Patman

Washington, D.C., June 11.—Chairman Wright Patman announced today that the Banking and Currency Committee will open an investigation into the prime rate increase on Thursday afternoon, June 19.

Mr. Patman said that major Administration officials as well as some of the nation's leading banks will be called to testify in the hearing. The hearing will begin at 2 p.m. Thursday, or as soon as the House adjourns on that date.

Secretary of the Treasury David Kennedy will be the first witness. Other Administration witnesses will include Attorney General John Mitchell and Federal Reserve Chairman William McChesney Martin.

Mr. Patman said that officials of Bankers Trust of New York, which initiated the prime rate increase on Monday morning, will be

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requested to appear in the investigation. Other large banks which followed Bankers Trust with identical announcements of interest rate increases will also be called, he said.

"The prime rate increase to 8½% has outraged and alarmed the American people and has sent a shock wave throughout the economy," the Banking and Currency Committee Chairman said. "It is the responsibility of the Congress to get to the bottom of the reasons behind this latest increase and to determine what can be done to prevent further increases and to roll back the high level of interest rates. The investigation should also determine whether any new laws are needed to control this situation."

Mr. Patman said his office has received a large number of telegrams, letters, and telephone calls from people all over the country, including a number of businessmen concerned about the impact of the prime rate increase.

"It is obvious that the American people expect their elected representatives to take action immediately on this most serious economic problem," he said. "This concern is shared by both Democrats and Republicans."

Mr. Patman said the investigation will continue on Friday and Saturday, June 20 and 21, and on Monday, June 23, if necessary.

STATE FINANCES IN MISSISSIPPI

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. MONTGOMERY. Mr. Speaker, since many States and the Federal Government appear to be having trouble with their finances, I think the following article on how my home State of Mississippi solved her problem in this area would be of interest to my colleagues. The article is taken from the June 7 issue of the Commercial Appeal, which is published in Memphis, Tenn. The article in its entirety reads as follows:

CHEERY MISSISSIPPI PAYS ITSELF BACK

JACKSON, MISS., June 6.—The state repaid 11 million dollars to its special funds Friday to wipe out the debt incurred last fall, when money was transferred into the general fund to meet current expenses.

The state's fiscal picture has "turned around" since the uncertainty of six months ago, according to fiscal leaders, with prospects now for a 15 to 16 million dollars surplus "as a minimum" at the end of this month, which marks the end of the current fiscal year.

Last fall the state "borrowed" 16.5 million dollars from several reserved funds for general fund use. Part of the money—5.5 million dollars—was repaid last month, and the state bond commission announced Friday the remaining 11 million dollars had been replaced.

The commission includes Gov. John Bell Williams, Atty. Gen. A. F. Summer and Miss Evelyn Gandy, state treasurer.

Miss Gandy said the commission approved repayment of five million dollars each to the state aid road construction fund and the state Highway Department, and one million dollars to the public school building fund, in its Friday meeting.

"We're thankful the funds are such now that this money can be fully repaid," Miss Gandy said. "And we can be thankful for the state law which permits these funds to be transferred without interest when we need it. Otherwise we'd be adding about six months' interest to this 16.5 million dollars we have now repaid."

Representative Edgar Stephens of New Albany, chairman of the House Appropriations Committee and a member of the state budget commission, said state tax collections are running 6.1 per cent higher at present than estimates had been last year.

The increased collections, chiefly from the state sales tax, indicate a surplus at the end of the fiscal year June 30 of "between 15 and 16 million dollars, at the minimum," he said.

State Auditor W. Hamp King said Friday "estimates of future revenue is a little more hazardous than has often been the case in recent years. But it seems reasonably certain that the end of this fiscal year will find an unencumbered balance in the general fund large enough to operate that portion out of the state's business financed through the general fund for at least one month.

"Compared to the reserves of several other states, this isn't a very plump cushion to begin the year with, but it's a good bit better than our beginning balances in 1964 and 1965," he said.

The prospects of a surplus enhanced chances of two moderately costly items facing a special session of the state legislature next month, but not all debate on the two is expected to be financial.

An estimated five million dollars will be asked when the legislature reconvenes July 22 to fund the state's entry into Medicaid, the expanded federal Social Security program.

The funds represent the state's share of a 40-million-dollar-plus expansion of Social Security for more than 200,000 persons in the state.

At least three million dollars—and possibly as much as 4.2 millions—will be asked to finance the state's educational television system, which was left unfunded at the end of last year's regular session.

The ETV authority has been kept intact through emergency reserves, grants and loans, however, and is virtually ready to begin broadcasting when funds are appropriated for its operation.

The legislature will also be asked to approve 1.6 million dollars already spent by the state Building Commission for the Robert E. Lee Hotel and other properties in Jackson.

The state auditor's report Friday showed general fund receipts through the end of May were nearly 80 million dollars higher than the 207 millions collected in the same period last fiscal year.

The income tax has produced nearly 50 million dollars by the end of May, almost twice the amount received last year. Sales tax collections were up by 40 million dollars to more than 123 millions.

Both the state income tax and the sales tax were increased last year to help finance increased spending for public schools, chiefly in salary increases for teachers of $1,000 per year or more.

A REPORT ON THE OPERATIONS OF THE POWER AUTHORITY OF THE STATE OF NEW YORK

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. OTTINGER. Mr. Speaker, earlier I entered in the RECORD a preliminary analysis of the proposal by the Power Authority of New York State to enter into a highly unusual arrangement with New York State's second largest private utility, Niagara Mohawk. I have recently completed a more detailed analysis which I now submit. A third report will soon be forthcoming:

A PRELIMINARY REPORT TO THE NEW YORK STATE LEGISLATURE ON THE OPERATIONS OF THE POWER AUTHORITY OF THE STATE OF NEW YORK

PART II: THE JAMES A. FITZPATRICK PLANT, MAY 29, 1969

Introduction

The Power Authority of the State of New York (PASNY)—the pioneer agency in the development of public power in this country, has entered into a strange and highly unusual agreement with the private power interests in New York. There is substantial evidence that the effect—and perhaps the purpose—of this arrangement will be to strengthen the private power monopoly in the growing nuclear power market in New York and undermine efforts to develop a low-cost public power resource to fight rising consumer electric bills.

The agreement, first exposed this past January as a result of the investigative reporting of Alan Emory in the Watertown, New York, Daily Times, calls for PASNY to join with the State's second largest private utility, Niagara Mohawk Power Corporation in the construction and operation of a 885-megawatt nuclear power plant on Lake Ontario near Oswego, New York.

Such an arrangement between a public agency and a private utility is entirely without precedent in the important and growing nuclear power field. But this is by no means the most remarkable aspect of the arrangement. Its most striking feature is its terms. Under the present proposal, the entire cost of the project—an investment of $222 million—will be borne by PASNY. Niagara Mohawk's only contribution will be to operate the facility.

Even better from Niagara Mohawk's point of view, the plant is to be located in the heart of Niagara's Mohawk's service area, 3,002 feet from a soon-to-be-completed Niagara Mohawk plant on a 702-acre plot PASNY has acquired from Niagara Mohawk. The only way that power from the plant can be transmitted is through two 345 KV lines owned by Niagara Mohawk.

As a tasty side dish to this strange arrangement, PASNY has elected not to seek out the very best in modern technological development by acquiring the plant through open competitive bidding. Instead, the public power agency has quietly taken over a 2-year-old nuclear "white elephant" which Niagara Mohawk had contracted for Easton, New York, on the Hudson River. When engineering problems forced Niagara Mohawk to abandon the Easton project, the company was left with about $40 million in commitments with General Electric Company for nuclear components and other equipment, which PASNY has now obligingly assumed.

As new details regarding the joint venture are exposed, it becomes increasingly clear that PASNY's involvement with the private utility interests have become so deep and so clouded as to jeopardize the very concept of public power itself.

The broader implications of this arrangement between a public power agency and a private power utility are quite serious and the public interest demands not only that this particular agreement be fully aired but that the basic questions of the purpose of public power and the responsibility of a public power agency be thoroughly reviewed and clarified.

The plant

In December, 1968, PASNY acquired the site for its proposed plant from Niagara Mohawk Power Corporation. For $805,000—an amount variously described as a "transfer,"[1] "actually somewhat less than its cost

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Footnotes at end of article.

to Niagara Mohawk"[2] and "the cost of the parcel to Niagara Mohawk"[3]—PASNY acquired 702 acres or slightly less than one-half of the Niagara Mohawk holdings at Nine Mile Point along Lake Ontario approximately seven miles northeast of Oswego, New York. On the parcel Niagara Mohawk is retaining, the Company is now completing a 745 Megawatt nuclear power facility referred to as Nine Mile Point No. 1. It will be only about six-tenths of a mile east of the proposed plant.

There are three basic issues involved in the purchase of this site: its location, its role in Niagara Mohawk's planning, and its size (and therefore its cost).

Location: The proposed plant will be in every sense a "captive" of the Niagara Mohawk system. PASNY asserts that "ownership of the Authority's nuclear plant, its administration, its sale of power . . . and dispatching of power to customers through its separate switchyards will be exclusively the business of the Authority."[4] But the fact is that the plant is being built in the heart of Niagara Mohawk's territory, 3,002 feet from Niagara Mohawk's 745 Megawatt nuclear plant, which is now nearing completion, and about 150 miles away from the nearest PASNY generating facilities. It will be over 25 miles from PASNY's main transmission lines and its power will be transmitted by two 345,000 volt transmission lines both of which "will be constructed and owned by Niagara Mohawk."[5]

One Niagara Mohawk line will take power directly from the proposed plant to Niagara Mohawk's DeWitt substation near Syracuse for switching and transmission. The other will pick up power from the proposed plant at the switchyard of the Niagara Mohawk Nine Mile Plant. The power will be transmitted to the Nine Mile Point No. 1 *"by means of a tie" between the switchyards.*[6] So much for the "separate switchyard"!

PASNY also plans to construct some 90 miles of transmission lines apparently to carry power only to the new high-load factor industries that are to be constructed nearby to use power from the proposed facility.

No matter what "controls" PASNY claims over the power, the transmission is under the control of Niagara Mohawk.[7] Whether or not this represents a "good deal" for PASNY's customers and the people of the State of New York depends entirely on the contractual arrangement governing power allocation and transmission that PASNY is able to work out with Niagara Mohawk. Theoretically it is possible for PASNY to work out a good deal, but realistically the Authority has no bargaining power as things stand now. The only way PASNY can get its product to market is over Niagara Mohawk lines. If it doesn't like the deal it gets, PASNY's alternatives are to build its own transmission lines or not to take the power to market at all, both highly unrealistic and uneconomic solutions.

Perhaps most significant, PASNY has so far refused to divulge the details of its contractual arrangements with Niagara Mohawk. It is difficult to believe that the Authority has gotten as deeply involved as it has in this expensive project without working out such arrangements. In fact, if PASNY has done this, it has given up the one weak bargaining tool it had: the option of not building the facility at all if the terms of the arrangement with Niagara Mohawk were not acceptable.

Public scrutiny of this project has already apparently resulted in some modifications in the public interest; full public disclosure of the terms of the arrangements with Niagara Mohawk for transmission allocation, and sale of the power from the proposed plant is essential.

It simply is not enough to answer, as PASNY Chairman James A. FitzPatrick has done, that "the Authority will own the land, build the plant, market the power and dispatch it to Authority customers."[8] These are extraneous issues.

The really important questions are what the plant contributes to the system in terms of such factors as reserve to meet forced outages and what benefits it derives from the system in return. What customers will get the power and what will be the contractual terms for transmission and sale?

Nor can much comfort be drawn from the assurance that "All power contracts will be subject to public hearing and approval of the Governor."[9] In the first place the issues are so complex that only the power experts will be able to understand them much less comment intelligently on contract features and the power experts in this area, as PASNY has noted, all work for the private utilities. In the second place, the ultimate authority, the Governor, is the same Governor who only two years ago attempted to persuade the legislature to pass legislation barring PASNY from getting into the nuclear field at all. Instead, the Governor wanted the State Atomic and Space Development Authority to join in an $8 million program to help private utilities develop a monopoly in this growing market.

Actually determining whether the contract terms are a better deal for PASNY's customers or for Niagara Mohawk calls for expert analysis of a number of complex factors. PASNY has been requested to supply this information, but so far has refused to do so.[10]

In order to determine what the benefits are to be from this proposed plant and who derives them, it will be necessary to have specific answers to the following questions:

1. What is the megawatt capacity rating assigned to the facility and the total capacity of the PASNY system with and without the addition of this facility. The description of how capacity is rated should provide answers to the following questions:

a. What reserve requirement for force outages is associated with its rating and how was the reserve computed? If a percentage, show how the percentage was derived based on the risk level for a system, e.g., loss of load once in 20 years; loss of capacity once in five years, for thermal facilities in some defined planning area. Define the area.

b. The load curve against which it is rated. i.e., PASNY's own loads—adjacent utility loads.

c. The other projects owned by PASNY with which it is or can be integrated.

d. Other major surrounding systems with which it can be or is to be coordinated.

e. Is the capacity rated at the value of the project as isolated or as considered as integrated with PASNY's existing and proposed hydroelectric facilities? i.e., PASNY Niagara and St. Lawrence and the proposed Blenheim-Gilboa Project.

f. Does the rating above differ from a rating based on coordinating the facility with surrounding investor-owned facilities?

g. Is the construction of this facility in accordance with the planning of some existing coordinating group. e.g. Empire State Utilities Resources Associates (ESUPRA), or the New York State Power Pool. Who are the members of the group? What are the criteria for entry? Is agreeing to a defined market area a condition of entry? If the construction is in accordance with a planned expansion program what period does the program cover? What other facilities are to be installed in accordance with the program?

Role in Niagara Mohawk's planning: From the very beginning of its involvement at the Nine Mile Point site, Niagara Mohawk planned to build not one but several nuclear plants on the site.[11]

The company's intentions were formally spelled out in its Final Safety Analysis Report to the AEC on its Nine Mile Point Nuclear Station. "(The site) is within the Niagara Mohawk service area and was *evaluated and purchased* on the basis of eventually accommodating several large nuclear or conventional power units." (Emphasis supplied.)[12]

In summer of 1968, then, Niagara Mohawk found itself in a very fortunate position. Although it had been forced to abandon its proposed nuclear plant at Easton, New York, along the Hudson River, the company had another site where the plant could be constructed. To make this even more attractive there was need for the power and the company had already done the basic environmental work required by the AEC. Since Niagara Mohawk had been planning all along to build a second facility there, transfer of the Easton plant to Nine Mile Point wouldn't even have involved radical changes in long range planning.

Instead of this Niagara Mohawk quite suddenly entered into an understanding with PASNY under which the Authority would purchase the Nine Mile Point site, acquire Niagara Mohawk's commitments for the Easton plant and build the facility next to the Company's Nine Mile Point plant which is now nearing completion.[13]

Why?

If the deal is such a good one for PASNY why wouldn't it have been just as good for Niagara Mohawk?

If PASNY can save money and speed up its entry into the nuclear market by acquiring the Niagara Mohawk commitments for the nuclear components, why should Niagara Mohawk take the loss that is implied in giving up these valuable interests?

Why would Niagara Mohawk suddenly abandon both its long range program for Nine Mile Point and its substantial investment in engineering and environmental planning?

Why would Niagara Mohawk give up what must be a very promising power market? Certainly, if there's a market for PASNY power, there's a market for Niagaga Mohawk power. In fact since the legislature prohibited PASNY from selling nuclear power to new residential, commercial and normal load industries[14] the market potential for Niagara Mohawk should be bigger than for PASNY.

Finally, why did Niagara Mohawk give up the potential profits that could be derived from building the plant itself? Utility rates are computed on capital investment, so that Niagara Mohawk has much to gain by building and owning this new facility. In theory, on the other hand, the company can only charge the "true costs" of transmitting PASNY power.

This strange generosity of Niagara Mohawk can be explained by several hypotheses.

It could be that the abandoned Easton plant—far from being a "plum"—is actually a "nuclear white elephant" that Niagara Mohawk was delighted to have taken off its hands.

There is some support for this theory. During the same period of time that Niagara Mohawk ran into trouble with the Easton plant and entered into its deal with PASNY, Long Island Lighting Company was desperately trying to acquire a more economical 800 megawatt nuclear facility to replace its abandoned 500 megawatt Shoreham plant. If the Easton package is so good, why didn't LILCO take it up?

The fact that it would get a two-year headstart by doing so would have been important to the LILCO, than to PASNY. LILCO had urgent and pressing customer demands to meet, while PASNY was just dipping its toes in a new market.

At the same time, Consolidated Edison was also in the "panic" market for nuclear commitments. Nonetheless, they did not pick up this "valuable" lead time.

In fact, Niagara Hohawk itself was in something of a panic market and finally joined

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Footnotes at end of article.

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with Con Ed and Central Hudson in a joint venture at Roseton.

If the Easton plant represented a good deal why did none of these companies take it up? Why did it go to PASNY, instead, which, as a public agency theoretically shouldn't pay a premium for the engineering headstart and the lead time since it was not meeting a specific demand?

More support of this "white elephant" theory can be found in a footnote in a report prepared by S. M. Stoller, Inc., a Manhattan consulting firm that worked on the plant for Niagara Mohawk and was retained by PASNY to evaluate whether it would be a good deal for the authority. The report stated: "The AEC staff in this initial review of the Easton plant PSAR (Preliminary Safety Analysis Report) indicated some areas lacking information in sufficient depth to permit an adequate evaluation in accordance with the above criteria. The nature of their questions suggests that they have some reservations in the area of plant design features, design methods, and quality assurance, with the resolution of some items probably not until the design state. Satisfying AEC requirements will likely require additional engineering evaluations and/or extended equipment capability or additional safeguard systems." [15]

This "white elephant" hypothesis goes a long way toward explaining some of the puzzling aspects of the arrangement.

On the other side of the coin, why would PASNY commit itself to such a major plant investment in a location where it will clearly be a "captive" of a private utility, and more particularly a private utility which has a long record of opposition to development and expansion of low-cost public power?

In authorizing PASNY to get into the nuclear market, the Legislature set as one of its aims firming up the generating capacity of its Niagara Falls and its St. Lawrence hydroelectric projects. Yet the proposed plant is located well over 150 miles from both projects.

Another of the Legislature's three aims was "to supply the future needs of the Authorities *existing* municipal electric and rural electric cooperative customers." This goal the proposed plant is perfectly located *not* to achieve. Only two of PASNY's 42 municipal and rural electric customers are within a radius of 50 miles of the plant and less than half within 100 miles. The only access to any of these customers is through Niagara Mohawk's transmission lines. (On the plus side, from Niagara Mohawk's point of view, is the fact that PASNY is forbidden to supply new customers. This means that the proposed plant will not compete with the Niagara Mohawk system and the company is not in danger of losing any of its markets to PASNY).

The final aim was to supply power to high load factor industry. Several new high load factor industries are to be constructed in the area to purchase power from the proposed plant, but there is no indication that there is any existing demand.

Clearly there must be reasons for PASNY's choice of this location that have not been made apparent.

Size: By any standard, the 702 acres that PASNY acquired for its plant is overgenerous.

The largest site ever approved by the AEC is the 1,500 acre site for the Duke Power Company nuclear complex on Lake Oconee in South Carolina where there are three nuclear generating plants with a total capacity of 2,445 megawatts. For comparison purposes, this works out to 1.63 megawatts per acre. It should be noted that the AEC in no way required such a large site. This was merely the size of the company's holdings around the Lake.

PASNY has acquired 702 acres for a single generating plant with a normal operating capacity of 845 megawatts (as against its stretch capacity of 885 megawatts). This works out to 1.20 megawatts per acre, or more than one-third more generous than the Duke site.

By contrast, three nuclear generating plants of the Consolidated Edison Company of New York located in the densely populated suburban Westchester area will offer 2103 megawatts on 235 acres, approximately 8.9 megawatts per acre or seven times more economical than PASNY.

Actually, a megawatts-per-acre figure is useful only to highlight the disparity in size of the site and is not used by the AEC. The real significance of the size of a site is safety and two key factors in the AEC determination of how big a site should be are the density of population in the surrounding area and the size of the nuclear components. The denser the population and the larger the nuclear load, the larger the "area of exclusivity," or site, should be.

By this standard the generosity of PASNY's purchase is even more remarkable. The Con Edison site is about one-third as large as the PASNY site and its nuclear capacity is almost two and one-half times greater. Yet the population density around the Con Edison plants is dramatically greater. Within one mile of the proposed PASNY facility there are no people. Within one mile of the Con Edison plant there are 1080 people. Within five miles, the PASNY figure grows to 1,977 as against 53,400 for Con Edison. At ten miles, the respective figures are 32,272 for PASNY and 155,510 for Con Edison.

Another criteria used by the AEC is the distance of the facility from a population center (a community where the population exceeds 25,000). The proposed PASNY facility will be 7 miles from a population center. Con Edison's much larger nuclear capacity is .63 mile from the nearest population center.

A third AEC criteria is the extent of the "exclusion distance," that is, the distance from the plant to the boundary of the site. For PASNY the exclusion distance ranges from one mile on the west to a mile and one half to the south. (It is only 3,000 feet on the east where the property abuts the site of Niagara Mohawk's Nine Mile Point plant, but of course the exclusion area for that plant adds more than a mile of protection.)

Con Edison's exclusion distance is only .22 mile!

In an effort to "clarify the matter of the land area," S. M. Stoller asserts:

> The criteria used by the AEC to evaluate nuclear power plant sites does not specify explicitly the amount of land required to be owned by the utility. There is a relationship in these criteria between the exclusion area available and the design as regards engineered safeguards, and other features. Clearly, a large exclusion area is a good thing in the eyes of the AEC, and it may bring cost advantages to the project; therefore, the utility usually tries to purchase as much land as is reasonably available.[16]

Since the AEC's actual standards for approved facilities are obviously exceeded many times at the PASNY site, it would be informative to find out specifically what "cost advantages" the size may bring to the project and what design features they cover.

Clearly, unless the AEC is playing nuclear Russian Roulette with the people of Westchester, PASNY has bought many times more land than it needs."

Benefits and savings

Personnel: One of PASNY's major justifications for its highly unusual agreement with Niagara Mohawk has been the advantages it claims will result from the use of Niagara Mohawk personnel for operation and maintenance.

These are the serious questions of propriety raised by having a public power facility—and a "captive" one at that—operated by employees of a private utility. PASNY officials have repeatedly tried to justify this situation by claiming that use of Niagara Mohawk's "highly skilled and AEC approved personnel" [17] "offers the best opportunity for operating the Authority's plant in the safest, most efficient and economical manner." PASNY asserts that "trained nuclear experts are in very short supply" [18] and claims that building up a PASNY staff would be costly, time-consuming and difficult. It is asserted that this type of operation is made possible by the fact that the plants are so close together, separated by only 3,002 feet.

Obviously these claims are only valid if it is, in fact, possible to operate both the proposed plant and Niagara Mohawk's facility with the same personnel.

AEC licensing standards for the operation of a large nuclear plant call for five personnel to be on duty at all times. Of these, three must be AEC approved. Regardless of how close the plants are together, the AEC would require that *both* have this full complement of personnel—unless they share a common or "dual" control facility.

There is no mention in any of PASNY's statements of plans to have such a dual control facility.[19] In fact, the Authority has stressed the independent operation in defending against charges that the plant is a captive of the Niagara Mohawk system.

Furthermore, PASNY's argument would not be valid even if there were dual control facilities for both plants.

As of now there are no AEC licensed nuclear plants with dual control rooms but the concept has been under consideration by several utilities and the AEC has prepared licensing standards. Under these standards, the AEC would require a total of eight and, perhaps, nine operators to be on duty in the control room at all times. Five of these must be AEC approved.[20]

For a normal three shift operation, therefore, it would be necessary for Niagara Mohawk to hire a total of 12 additional employees, six of whom must be licensed by the AEC. Why is it easier for Niagara Mohawk to find the additional operating personnel than it is for PASNY?

PASNY claims that the use of Niagara Mohawk personnel will result in savings of "at least $300,000 yearly." [21] It would be enlightening to know where these savings occur. The personnel will have to be doubled for separate control rooms and very nearly doubled for dual control rooms and PASNY claims that "it has been agreed that Niagara Mohawk will be paid for the use of its personnel on a reimbursement of cost basis." [22]

Either Niagara Mohawk already has the excess personnel—a fact which should be of some concern to their stockholders and ratepayers—or the private utility is going to have to assume the training burden to supply additional personnel needed for the dual operation of the PASNY plant—a fact that should be of at least equal concern to Niagara Mohawk's stockholders and ratepayers.

One further point deserves comment. PASNY has switched signals in its Annual Report and indicated a desire to keep its options open for the future so that it can take over operations at "such time as it is in the Authority's best interest to assume those functions with its own personnel." [23] This poses an interesting problem. If the plant is constructed now to be operated with "a dual control room," substantial redesign will be necessary to separate the functions in the future. If this is the aim it would be interesting to know what plans have been made in this regard and what the cost of shifting back to single control rooms would be.

Cost: PASNY has claimed a number of remarkable benefits to be derived from its unusual arrangement with Niagara Mohawk,

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Footnotes at end of article.

but none is as remarkable, or as difficult to pin down as the purported savings.

In the joint application filed by PASNY and Niagara Mohawk for the AEC license for the facility, the total cost of the plant is set forth as follows:

[AEC Docket No. 50–333]

Total nuclear production plant costs	$188,000,000
Transmission, distribution, and general plant costs	7,000,000
Nuclear fuel inventory costs first core (to be acquired through purchase)	27,000,000
Total estimated costs	222,000,000

According to Chairman FitzPatrick, this $222 million figure represents "savings on construction costs alone" of "at least $15 million,"[24] because of the two year headstart the Authority will get by picking up Niagara Mohawk's commitments with General Electric.

What he is saying is that if PASNY acquired this entire package as a new order for completion in 1975, instead of 1973, as now scheduled, inflation would have increased the price by 3.5 per cent per year for each of the two additional years. But to arrive at his $15 million savings, he figures that *all* of the expenditure takes place after 1973 and furthermore that the Authority pays it all at once in 1975. He has multiplied the total cost, $222 million, times the annual per cent of inflationary increase 3.5 per cent, and then multiplied the total times two for the additional two years. ($222 million x 3.5% = $7.7 million x 2 years = $15.4 million).

Clearly this would take a masterpiece of misplanning.

In fact, by 1973, four years of construction work will have been completed. The inflationary 3.5 per cent can only be applied to that portion of the work that is completed after 1973. Obviously the portion would be substantially less than the entire $222 million!

The most serious defect in PASNY's savings claims for the proposed plant is the total lack of any comparative standard for judging and evaluating them.

Not only were the components of the plant acquired without competitive bidding—a very dubious practice—but in estimating costs and savings PASNY compares a guess at the cost of these components acquired in 1973 with a guess at what the cost of identical equipment would be if it were acquired in 1975.

This assumes a lot of things without providing any criteria for evaluating them.

It assumes that the Easton plant was just what the PASNY needed. In fact, the record shows that it was not. Even in the early stages, major changes were required. The Easton plant was rated at 600 megawatts; in the proposed facility, this has been increased by more than one-third to 845 megawatts—a very substantial change. Apparently associated with this change is "the addition of 12 new fuel assemblies to increase the plant rating from the original 2,381 to 2,436 Mwth" at a cost of $434,000.[25]

The turbine generators have been radically redesigned at a cost of "$90,000 'cancellation charges'" and "about $4,000,000 additional" for design changes.[26]

(This item is particularly puzzling since, as the Stoller report notes, the turbines are purchased at the "price in effect" at the time of delivery and have already escalated by about $3,600,000. Stoller concedes that the Niagara Mohawk commitments for the turbines "have no real economic meaning."[27] Thus it would appear that PASNY is paying a total of $7,690,000 more for the turbines than Niagara Mohawk itself had committed to pay. Since neither Stoller nor FitzPatrick give the actual cost, it is impossible to estimate what the economic significance of this increase is, but the question still remains. Since the price is going to go up anyway, why go to the trouble of redesigning the turbines? Why not just go out and order what you need under competitive bidding.)

What is significant is not the individual costs but the clear proof from these and other items that the Easton plant is not ideally suited to PASNY's needs and the new location. It has had to be modified substantially. Still unanswered is how much have these modifications added to the project cost and how much has PASNY tailored its needs to fit the available equipment, rather than designing a plant to fit their needs.

PASNY officials have shown considerable sensitivity on this issue, reacting with considerable heat to questions about individual parts of the package acquired from Niagara Mohawk.

For example, questioned about a $3,516,000 item in the Stoller report described as "Extras Ordered by Niagara Mohawk" and consisting of "a variety of equipment" (isolated phase bus, miscellaneous transformers, main power transformer, switchgear, miscellaneous motors totaling 22,000 h.p., etc.) not normally included by GE in the bid package," FitzPatrick replied that the equipment is:

"Not necessary for the Easton plant but is necessary for the Authority's plant (at the new location). The Authority has neither purchased or (sic) agreed to purchase, or (sic) paid for, or (sic) agreed to pay for, anything designed or purchased for the Easton plant which will not be used for or in connection with Authority's plant (at the new location)."

A surprisingly strong response, which completely begs the question.

The equipment described deals mostly with switching and transmission. It was purchased and apparently designed for a substantially smaller plant located on a site that can be fairly described as unsophisticated. Although the Easton site is surrounded by a number of hydroelectric projects, there is no plant within several miles of the site. At Nine Mile Point, however, there is already a major nuclear facility which will be only 3,200 feet from the PASNY plant. The power will be transmitted over Niagara Mohawk transmission lines, switched at Niagara Mohawk stations. One of the two major transmission lines will actually run from the Niagara Mohawk plant itself.

Perhaps PASNY will indeed use this $3.5 million worth of equipment but does it *have* to use it? Would other equipment have served better? Will Niagara Mohawk rely on PASNY-owned switching and transmission gear that it would normally have installed at Nine Mile Point itself? These are extremely relevant questions that deserve specific answers.

FOOTNOTES

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[1] James A. FitzPatrick, *speech*, January 28, 1968.

[2] FitzPatrick, *statement*, March 17, 1969.

[3] PASNY Annual Report, 1968, page 7.

[4] *op. cit.*, 1968, page 11.

[5] *op. cit.*, page 21.

[6] *op. cit.*, page 20.

[7] *See; Personnel*, page 11.

[8] FitzPatrick, *statement*, March 17, 1969, page 7.

[9] *Ibid.*

[10] Richard L. Ottinger, *letter*, February 19, 1969.

[11] In a 1963 speech in Buffalo, Niagara Mohawk engineer, G. K. Rhode said "Anticipating that we may eventually construct several units at this site and taking into account current nuclear plant siting criteria, acquired about 1,500 acres of land along almost two miles of shoreline." Niagara Mohawk's Speakers Bureau kit released in 1964 pointed out proudly that "the site has all the necessary features for a multiple unit station of substantial size . . ." and noted that it is ". . . large enough to permit installation of additional units."

[12] U.S. Atomic Energy Commission Docket 50–220, Exhibit D–2.

[13] That this was a very sudden decision was indicated by the fact that the understanding was formalified in August, 1968 barely two months after the New York Legislature authorized PASNY to build nuclear facilities. Furthermore PASNY has repeatedly denied any advance knowledge of Niagara Mohawk's plans to abandon the Easton Plant.

[14] New York State Public Authorities Law, section 1005.

[15] Report of S. M. Stoller, July 25th 1968, page 12. In his statement of March 17 (page 8). PASNY's Chairman James FitzPatrick denies that the Stoller Report contains any such warning. He asserts that there is only one warning in the report: that the Authority should hold GE to its commitment and should be aware of the fact that further review by the AEC was to come.

This is a simple issue of fact subject to verification. The disputed statement can be found on page 12 of the Stoller Report.

There are actually two warnings in the report. Mr. FitzPatrick, while acknowledging the second, either misunderstood or misrepresented it.

He claims that the report "warned that the Authority should hold GE to its commitment (i.e. to bear the cost of AEC-imposed changes through 1971) . . ."

What the Stoller report actually says is that "GE will maintain this commitment only through the original contract completion date, namely 9/30/71." It urges that PASNY require GE to extend its responsibility for any changes that the AEC requires "until late 1972 or early 1973." This very sound recommendation is all the more important in view of the AEC's clearly expressed reservations. The AEC won't be in a position to evaluate the plant until the later date and should PASNY fail to get GE to extend its commitment, PASNY will be stuck with the costs of improvements and modifications required by the AEC.

[16] Stoller letter to FitzPatrick, March 14, 1968, page 5.

[17] PASNY Annual Report, 1968, page 11.

[18] FitzPatrick, *speech*, January 28, 1969, page 7.

[19] PASNY Annual Report, 1968, page 12.

PASNY's annual report stresses "all of the main power producing systems of the Authority's plant are independent of the existing Nine Mile Plant of Niagara Mohawk but provisions have been made to contract for use of special facilities such as the main radioactive laboratory, the radioactive laundry and the over-all site radioactivity monitoring facilities."

[20] AEC letter to Richard L. Ottinger, April 22, 1969.

[21] Wm. S. Chapin memorandum, March 13, 1968, pages 11 and 12.

[22] FitzPatrick letter to Richard L. Ottinger, February 21, 1969, page 5.

[23] PASNY Annual Report, 1968, page 11.

[24] Fitzpatrick, *speech*, January 28, 1969. FitzPatrick, statement, March 17, 1969: "I explained to the audience that this overall savings could be estimated on the sole basis of costs escalating at the rate of 3½% per year on $220 million rounded out over the two years that would be gained by reason of the contracts."

[25] Stoller Report, page 8.

[26] *ibid.*

[27] *ibid.*

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TROOP WITHDRAWAL—HOPEFULLY THE BEGINNING OF THE END

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. DONOHUE. Mr. Speaker, to those of us in the Congress who have introduced legislation calling for the orderly withdrawal of American military forces in Vietnam and to all Americans who have long been advocating such withdrawal, the President's very recent announcement on this subject has brought a modest and moderate sense of gratification.

Most of us well realize the tremendous complexities involved in this vitally important matter, and none of us expect an overnight miracle accomplishment. However, we do very strongly hold to the conviction from experience that without a beginning, there is no ending. We commend the President's first step action and appreciating the immense burdens of his office, we pray that the Almighty will extend His wisdom and guidance to the President in speeding a peaceful settlement of this agonizing Vietnam war.

At this point, I am pleased to include a very timely and thoughtful editorial on the subject of troop withdrawal that appeared in the Worcester (Mass.) Telegram newspaper issue of last June 9. The article follows:

[From the Worcester Telegram, June 9, 1969]

WITHDRAWING 25,000 TROOPS

President Nixon's dramatic announcement with President Thieu of South Vietnam at Midway Island that 25,000 U.S. troops will be withdrawn from the Vietnam war by the end of August came as the Gallup Poll in yesterday's Sunday Telegram showed that the American people are overwhelmingly in favor of such a move.

There had been no doubt, anyway, that the American people are weary of the war, and a major reason for Nixon's election was his promise to move toward peace. The President's promise in mid-Pacific was a down payment on that pledge.

True enough, the troops are being withdrawn with the assent of President Thieu, who says that he told Nixon that there has been rapid progress in the training of South Vietnamese troops to take over more of the actual fighting. And, true enough, Gen. Creighton W. Abrams, head of the forces in Vietnam, agreed. Secretary of State Rogers had strongly indicated that the troop withdrawal would come when he said last week that the Saigon forces were "moving toward more of the combat burden."

But the withdrawal, however welcome to all Americans, is obviously a token one that seems to represent a compromise with Thieu and with the realities of the war situation. Many had expected that 50,000 would be withdrawn. It seems obvious that Thieu recognized that he had to go along with Nixon's withdrawal plan after Secretary Rogers emphasized that the United States was not "wedded" to any particular regime in Saigon. Nixon, for his part, faced the bitter reality of having Vietnam called "Nixon's war" if he did not do something quickly toward easing it.

Yet it is much too soon to throw one's hat in the air and dance a victory jig. As the President emphasized, the withdrawal of these troops must be predicated on a basis of not threatening the lives of other U.S. troops left in Vietnam, the continued training of South Vietnamese, progress in the Paris talks, and the level of enemy activity. In a sense, Ho Chi Minh still holds the cards. If Ho interprets the U.S. troops' exit as a sign of weakness, and of American weariness with the war, the war could go on and on. The American people have been told before that the South Vietnamese could assume a larger burden of the fighting—only to be disillusioned later.

President Nixon stressed that "no action will be taken which endangers the attainment of our objective, the right of self-determination for the people of South Vietnam." The troop withdrawal is welcome news; it should add immeasurably to the Nixon popularity. But the war goes on. Will Ho now promise to withdraw 25,000 of his troops from South Vietnam? That may be the key question.

TOYS THAT CAN CRIPPLE AND EVEN KILL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. EILBERG. Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in the Parade magazine this past weekend under the title, "Toys That Can Cripple and Even Kill." The article documents quite well the case which I and other Members have been trying to make in behalf of legislation we have sponsored to amend the 1966 Federal Hazardous Substances Act so that the Secretary of Department of Health, Education, and Welfare will have the authority to preclude dangerously designed toys and other articles intended for use by children from the marketplace.

Mr. Speaker, at this point I would like to insert the article in the RECORD together with the testimony which I gave to the House Interstate and Foreign Commerce, Subcommittee on Commerce and Finance, on the hazardous toy bill:

TOYS THAT CAN CRIPPLE—AND EVEN KILL

WASHINGTON, D.C.—The nation's toy counters gristle with menacing playthings, which may be every bit as lethal as they look. Children can arm themselves from a chilling arsenal of make-believe weapons to act out the violence they watch on TV. To add to the realism, cap pistols have exploded in the eyes of kindergarten Matt Dillons; swift, rubber-tipped arrows have impaled moppet-warriors, the covering has worn off rubber swords, exposing razor-sharp metal edges underneath.

One company produces do-it-yourself bomb kits, complete with casings, chemicals, fuses and instructions on how youngsters can make their own gunpowder. Even the most innocent-appearing toys may contain built-in booby traps. A Disney-faced riding giraffe kneels over and sends toddlers sprawling on their little faces. A cuddly teddy bear has eye prongs that a baby can pluck out and convert into miniature bayonets. Stuffed rabbits and baby rattles can be pulled apart, unsheathing ugly stickpins.

Complaints from parents moved Congress in 1966 to pass the Child Protection Act, which was supposed to outlaw hazardous toys. Under the new law, federal authorities have barred from the toy stores such dangerous delights as dolls stuffed with flammable gun cotton, bright beads made of poisonous jequirity beans, revolvers that fire abrasive gas, and play tunnels covered with flammable fabric.

Yet the law is loosely worded, and the enforcement has been spotty. Toymakers are still turning out trinklets and trifles that slash, puncture, burn, shock, choke, maim and even kill thousands of children each year. The casualty rate from toys can only be surmised from the accident statistics. A staggering 17 million children are injured and another 15,000 die from accidents each year in America. No doubt a high percentage of these accidents are caused by faulty play equipment. It is known, for example, that a million children are injured annually in bicycle accidents alone. Another 500,000 are hurt on swings, 200,000 on slides, 100,000 on tricycles and 50,000 on seesaws.

BITTER IRONY

America's toy industry does a whopping $3 billion business a year. The bitter irony is that products intended to bring pleasure to the short-pants and pigtail set so often bring pain instead. Not all dangerous toys, of course, are made in the U.S.A. Many are imported from Japan and Germany. Some of the worst are shipped to this country from Hong Kong.

Ultimately, however, these toys make their way to downtown department stores and neighborhood shopping centers across the country. A PARADE survey found toy counters stacked with merchandise that has been branded unsafe by government witnesses. These range from a baby crib so badly designed that it has cost several infant lives to a toy oven that heats 200 degrees higher than the average home oven. At one department store, a dangerous crib was far outselling a safe crib. Explained the manager with a shrug: "The safe crib is more expensive and can't compete."

One crib-playpen, called Kiddie Koop, has a heavy top to prevent the child from escaping. The lid is held down by plastic straps which stretch in warm weather. This sometimes permits the child to squeeze his head between the lid and the railing. A pastor in Wellsville, Ohio, and a policeman in Miami complained that their babies were strangled in this manner. The Miami coroner reported to the National Commission on Product Safety that he had seen 11 such cases. When the president of the company was asked to testify he refused to appear.

Still on the market, too, is the Little Lady oven, which Sen. Frank Moss (D., Utah) complains "reaches higher temperatures than does my wife's stove." The commission claims it not only heats to the lethal temperature of 660 degrees but it is capable of electrocuting a child.

The Suzy Homemaker oven, advertised as "super-safe" on three sides of its carton, is heated by an electric light bulb. To keep the price down, the manufacturer lets the purchaser furnish his own bulb, which must be screwed into a socket that has severely shocked a number of children. Government investigators charge that one child was killed by sticking his finger in the socket.

ELECTRICAL HAZARDS

A number of electrical toys—plug-in irons, toy toasters, monster-making machines—have turned out to be electrical hazards. For instance, a toy corn popper, which must be washed or sponged after using, instantly becomes a hazard upon wetting.

Another popular toy, known as Etch-a-Sketch, provides what appears to be a plastic surface for children to draw upon. Actually, this is a highly breakable glass panel, which has caused some bad cuts. The Minneapolis law firm of Leonard, Street and Deinard alone have 14 cases pending against the manufacturer. A silvery substance, used in the Etch-a-Sketch toy, has also branded some children with instant tattoos. Wrote Dr. Henry S. Patton of Oakland, Calif., to the manufacturer: "We would like to know

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what substance of the silvery nature is used in this toy. Is it mercury, silver, or is it a carbon of some type? The family is very unhappy as the child has a pigmented tattoo . . . Please let me know what substance is used so I can tell the family what to expect."

In Philadelphia, 11 children had to have one-inch darts removed from their lungs when they inhaled instead of blowing out the darts through a plastic, toy jungle weapon called the Zulu blowgun. An estimated 6 million have been sold.

PIERCED SCALP

A woman wrote from Lake View Terrace, Calif., to Sen. Allan Cranston (D., Calif.) that her 6-year-old daughter's scalp was pierced by a bow and arrow set. The bow delivered the arrow with such force that the wooden stem rammed through the rubber suction cup into the little girl's head.

A Shelbourne Falls, Mass., man complained that his 9-year-old boy was blinded in one eye by an exploding cap device, constructed of a weighted feather with a metal covering. Another complaint charged that an 8-year-old New York boy almost lost an eye playing with the Milton Bradley time bomb game.

Playground sets have precipitated a host of complaints. Typical is this letter from an alarmed mother: "We recently purchased a gym set—swings, sliding board. The caged top had room to trap a child's head. As a result, two of our children nearly hung themselves."

There is an appalling collection of complaints from parents of children who have been injured by dolls pierced with hidden spikes, animals stuffed with flammable material, balloon toys that easily burst, and other playthings that backfire.

To remove these unsafe toys from the market, Senator Moss has introduced legislation that would tighten the 1966 law.

In New York, the Toy Manufacturers of America, Inc., said: "Through our safety standards committee, we have pioneered the establishment of toy safety standards for many years. Thus, instead of opposing toy safety legislation, the association recently sent a delegation to Washington for the express purpose of presenting specific toy safety standards for inclusion in proposed safety laws."

American parents wait hopefully.

STATEMENT OF REPRESENTATIVE JOSHUA EILBERG, OF PENNSYLVANIA, ON H.R. 7509, H.R. 7621, AND H.R. 8377, TO AMEND THE FEDERAL HAZARDOUS SUBSTANCES ACT, BEFORE THE HOUSE INTERSTATE COMMERCE COMMITTEE, SUBCOMMITTEE ON COMMERCE AND FINANCE, MAY 20, 1969

Mr. Chairman, and members of the Subcommittee, it is with distinct pleasure and a strong sense of duty to the children of this nation that I appear before you today to testify in behalf of the legislation you are now considering to amend the Federal Hazardous Substances Act so that the Secretary of the Department of Health, Education and Welfare will have the authority to preclude dangerously designed toys or other articles intended for children's use from the marketplace. This legislation would amend the section of the Hazardous Substances Act relating to "banned hazardous substances" to permit the Secretary by regulation to eliminate from interstate commerce any toys or products to be used by children which have electrical, mechanical or thermal hazards. This legislation was drafted by the National Commission on Product Safety and I commend them for their effort.

I have submitted an earlier statement on legislation which the Subcommittee is considering to extend the life of the Commission so that it might complete its assigned tasks so I will not elaborate on this point here. I only reiterate what I said in that testimony on the excellent work which the Commission is doing for all of us consumers and the absolute necessity that this work be continued.

Under present law, the categories of toy hazards which children are protected against are only two: pressurized and flammable. I think that our children deserve much more protection than that. By adding the additional categories included in the legislation now under consideration we can get at many more additional hazards including but not limited to sharp or protruding edges, fragmentation, explosion, strangulation, suffocation, asphyxiation, electrical shock and electrocution, heated surfaces, and unextinguishable flames.

Hearings which the Commission on Product Safety held on the subject of hazardous toys spotlighted the inadequacies in the existing hazardous substances statute. These hearings revealed the seriousness of the problem. An alarming number of seemingly harmless toys were found to gravely endanger the health and safety of unsuspecting children.

From the point of view of product safety, toys are different from any other products on the market in several ways: first, they are generally bought *for* the user, not *by* the user; second, the user either can't or isn't likely to read the instructions or cautions. In this respect the problem is similar to that faced by a non-English speaking user, a serious problem in our country and one which receives not nearly enough attention. The education of the consumer on the toy, and of the child, in its safe use is no easy matter. It is hard enough to educate the purchaser if it is a parent. But, if it is a doting grandparent who has long forgotten, if he ever knew, the many ways that a child can interact with a toy, it is doubly difficult. Third, the user is frequently inexperienced in the ways of things and their properties so he does not allow for anti-human contrariness. Fourth, toys are not necessities of life but embellishments of it. I do not mean by this to talk down the contribution that toys make to a child's growth and enjoyment of life. But the argument that can be made for trading off some safety risk for some vital human need cannot be made for toys as it has been for some other consumer products.

Therefore, in designing a toy I believe the manufacturer has a responsibility to choose materials and methods of construction that require a minimum of education for the user to make it safe. Ideally, it should be childproof, that is, no imaginable abuse by a child should make it unsafe. Anyone who has children will appreciate what a task this is.

In F. Reed Dickerson's *Product Safety In Household Goods* the section on toys, referring to a 1961 study on toy safety in Florida states: "The survey concluded that, with respect to commercial toys, injuries generally result from misuse". But, "misuse is the order of the day with a toy." If the manufacturer believes that his toy is only safe when used as directed he should say so very clearly. But, as the study states so simply, "The manufacturer naturally does not want to overemphasize the significant hazards because it tends to discourage a purchase." This is a classic situation for either voluntary or mandatory regulation.

Mr. Chairman, with your permission I would now like to illustrate the types of hazards found in toys with a few case histories from the files of the National Commission On Product Safety.

Dart blow gun (Philadelphia, Pa.): Eleven children had to have small one inch plastic darts removed from their lungs when they inhaled them instead of blowing them out of a small plastic blowgun. In 10 of the 11 instances, although the front of the dart carries a plastic suction cup, the rear section was a needle-sharp point.

Fireworks (Cleveland, Ohio): A 14 year old boy lost both hands and wrists while his brother, age 13, lost three fingers from the right hand and sustained permanent facial scars after mixing a formula for fireworks with mail-order chemicals.

Tricycle (Strafford, Pa.): A 2½ year old boy lost an eye when he fell against the unprotected metal handlegrip of the toddler's tricycle on which he was riding.

Toy telephone (Flushing, Michigan): Luckily, a young couple heard the choking and crying of their six month old son in time to rescue him when he managed to twist the long cord of his toy telephone around his neck. This telephone was advertised as a crib toy.

Doll bow (Downey, California): A mother discovered, while attempting to replace loosened ornaments, that the bow on her child's doll was secured to the head by an inch long spike with a handle which made it easily removable.

Train game (Morton, Pa.): While playing with a plastic train engine which blows up balloons via the smoke stack, whereupon scoring is achieved by breaking the balloons, a young child's eye was injured when a fragment of the balloon struck it.

Hand grenades (Mt. Vernon, New York): Three 14 year old boys were gathered to make explosive devices out of match-heads as per the instructions in a mail order booklet when one of the grenades blew up, severing two fingers and the top joint of the left thumb on one of the trio.

Scooter board (West Hartford, Conn.): During his first day using this toy—which can be ridden either as a traditional scooter or with a child lying down on it—a nine year old boy broke his permanent front tooth off when the vehicle stopped short. Soon after, a five year old friend met with a similar accident. The small wheels do not permit the scooter to pass over even small objects in its path and sharp stops are a frequent mishap, plunging the child's unprotected face towards the pavement.

Rattle (Philadelphia, Pa.): A mother was horrified to discover that after a few minutes play with a musical rattle, her baby had removed the plastic and cardboard top from the handle and uncovered seven 1½ to 3 inch spikes.

Rockets (Ohio): A 7th grade science enthusiast who learned from another boy how to use match-heads to power toy rockets was killed before his younger sister's eyes when the missile blew up prematurely and launched itself through his throat.

In addition to these toys, Mr. Morris Kaplan of the Consumer's Union listed several other toys which CU found to be hazardous in its tests. One of these I think deserves mention here to illustrate some of the real "child maiming" monstrosities which CU found on local toy retail merchants' shelves. The Empire Little Lady Oven heated up on both its sides to 200 degrees, its top reached 300 degrees and higher and the inside baking shelf reached 660 degrees, which as you all know is hotter than a home oven. No warning was contained on the toy package about the heat it generated so that the purchaser could make a decision as to whether his child was old enough to treat the toy with the respect that it deserves or if the parent was prepared to supervise the child each time she used it. This toy was approved by the Underwriter's Laboratory because UL permits such temperatures in a toy oven.

I could go on indefinitely listing toys which are unsafe and which the legislation now being considered by the Committee would help take off the market. However, I believe the brief run down I have given here dramatizes the size of the problem and the necessity that we in the Congress do whatever we can to eliminate it.

Most recently, members of the staff of the National Commission on Product Safety were of invaluable assistance to me in demonstrating to the people of the Philadelphia area the various types of hazardous toys on the market. I had the opportunity to appear

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on television in Philadelphia and discuss the subject and, with the assistance of the Commission, I had not only the hazardous toys to demonstrate but also the tremendous expertise of a Commission staff member to assist me in bringing home the message to our viewers. I need not tell you what the people of Philadelphia, who might otherwise have purchased these toys and had their children injured by them, think of the work being done by the Commission and the legislation which is now being considered.

The major reason why the Child Protection Act of 1969 is needed is very simply because the industry has not adequately regulated itself. I would like to present here, for the Subcommittee's information some compressed commentary on the question of the adequacy and proper role of industry self-regulation through voluntary standards institutions. There are at least five major lines of inquiry which I believe are essential to treat if the semantic curtains and the corporate obfuscations are to be cleared away.

First, are the procedures of the voluntary standards groups, particularly the deceptively named United States of America Standards Institute and its member organizations, seriously deficient? I believe they are. Various clique-generating deficiencies characterize most of these groups. Members of standards committees are on company missions, company time and company expenses—they are not there as independent professional participants. Minutes of the meetings of these groups are sketchy, self-serving, suppressive of any reporting of dissenting views and not public—in some instances not even available to non-committee members of the alleged technical society. Standards are issued by these groups in completed form without any opportunity for non-committee members to see and comment on the draft proposals. Standards also are issued without any technical explanation and references to reveal the basis for stringency levels chosen. The consensus principle operates to permit a single powerful company in an industry, for example, to block proposals or serves to insure the issuance of the lowest common denominators. Standards are not graded to encourage ever higher achievement goals and stimulate competition. Standards are often filled with advisory or exhortatory provisions that cloud their meaning and deceive the public. Procedures to ascertain compliance through inspection and reporting of failures are non-existent. There is virtually no provision for independent review of products manufactured under industry codes. Finally, these standards groups do not possess research and testing facilities and rely entirely on industry equipment and personnel.

Second, what are the central purposes filled by these standards groups for their respective industries and member companies? Singly or in various combinations they provide an authoritative professional facade for industrial standards so as to persuade legislative and administrative regulatory bodies to adopt them verbatim as criteria for public policy and adjudicative decisions—literally hundreds of these codes have been lobbied into law or regulation. They serve to limit corporate liability in products liability and other litigation; squeeze out competition or limit the range of competition between companies agreeing not to disagree before the open force of the market place; control the rate of innovation and its usage; generate business as exemplified by the Underwriter's Laboratories; serve to develop an anticipatory usurpation of governmental functions by concentrating all these standards groups under one overall umbrella called The United States of America Standards Institute which, with unparalleled presumption, assumes one of its purposes to be "representative of the United States of America to international standardization organizations concerned with civilian safety, trade and commerce, except as otherwise provided by treaty." It also compromises governmental agencies by inviting their membership and holding them to secrecy of minutes and all the rest just like the strictures placed on commercial companies.

Third, how effective are voluntary standards groups and what determines the areas they cover? There really is no specific way in which the areas covered by these groups are determined. As to their effectiveness, I can cite an example of a manufacturer who produced a vaporizer that was certified as safe by Underwriters Laboratories, the Good Housekeeping Institute and Parents Magazine. Yet the product could be easily tipped over despite the ads and the material in the instruction booklet which said that the device was "tip-proof", "practically foolproof," and "safe." Obviously these so called standards groups were not effective in preventing the serious burns that several children received from this device.

Fourth, what are the major disincentives which militate against the setting of industry safety codes having a high public interest content? We all know that stylishness and advertising commonly ring up more sales than safety. Industry goes for the highest premium on the lowest costs and many of these cost reductions or minimizations are more related to desired profit rates of return and quite remote from the more touted competitive pressures. Also, commitment to existing plant technology, existing service procedures and habits of doing business militate against tooling up for conversion to the production of a safe product.

Fifth and last, how can the public interest be served in standards for safety process? However they are written, safety codes place a certain general value on human life and limb by making a judgment on the level and coverage of the technology or technique to be employed. From the testimony I have presented today, I feel it should be abundantly clear that the toy manufacturers of this nation, as a general rule, have not placed a very high value on the lives and limbs of our children.

What types of institutions in a democratic society are best equipped to collect the multiple values of commerce and the safety of citizen consumers and resolve them under due process and with justice? Is it the corporation masking as a technical standards group? Is it The United States of America Standards Institute, the Underwriters Laboratories, the Good Housekeeping Institute or the Parents Magazine? To ask the question, I believe is to answer it. The record of voluntary compliance and voluntary setting of standards codes has been woefully deficient to the present date. It is clear that there must be changes in the system. Hearings which the Commission On Product Safety has held on toys for example have made it all too clear that the development of comprehensive safety standards is the key to the problem of product safety and that the system of voluntary controls has been put on trial.

We all now should be aware that protection against hazards is not adequately provided by the old doctrines and comforting presumptions. Caveat emptor did not protect the children who were injured by the toys I have discussed here today. They were not protected by the Underwriters Laboratory seal, the approval of the Good Housekeeping Institute or Parents Magazine. Lawsuits by the consumer certainly are not the answer since these suits can only compensate an individual victim. The cost of such suits is so high that an attorney must expect to get at least a $10,000 judgment or settlement to make the case worthwhile.

Mr. Chairman and members of the Subcommittee, I am not under the illusion that we can protect the consumer merely through the enactment of legislation. We must do two things additionally. We must prod the enforcement agencies who are charged with implementation of this legislation into realizing that they must enforce the law; they must not be timid about asking for additional authority; and they must not pay homage to or be taken in by the deceptiveness of groups such as the United States of America Standards Institute. Also, we must make sure that agencies such as the National Commission on Product Safety are continued so that industry will be encouraged to clean its own house. No matter how it is achieved, be it through effective industry self-regulation in cooperation with the government rather than vice versa, or through governmental authority alone, something must be done to protect the consumer. And, Mr. Chairman, I believe that the time for invective against industry for its failures in this respect is fast drawing to a close. Something has to be done and it has to be done soon.

The legislation you are considering today should be acted upon favorably. If all the Secretary of HEW needs is the authority to proceed against manufacturers who manufacture dangerous toys or other articles intended for children's use for the marketplace, then we must give it to him and then see that he uses it.

Mr. Chairman, I appreciate the opportunity to appear before you today and testify in behalf of the Child Protection Act of 1969. If I have seemed a little vehement in my testimony, it is because I am alarmed at the magnitude of the hazardous toys problem. If we do not act to correct this situation, we will have far fewer beneficiaries of all the other legislation considered by the Congress.

REV. WILLIAM J. LINDER

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. MINISH. Mr. Speaker, on May 22, 1969, the Reverend William J. Linder, of Queen of Angels Church in Newark, N.J., appeared before the Independent Offices-Housing and Urban Development Subcommittee of the House Committee on Appropriations. Father Linder, who is a member of the board of directors of the New Community Corp. of Newark, has long been active in efforts to secure better living conditions for the poor of his city.

In his thoughtful presentation, Father Linder stressed the need for adequate funding of two Federal housing programs which he believes can be of great value in rebuilding our Nation's urban centers: rent supplements and below market interest rates for mortgage money. The administration has requested that the former be funded at nearly its full authorization for fiscal 1970. However, I regret that despite the automatic availability of $500 million in fiscal 1970 for below market interest rates for mortgage money, the administration has advised Congress it favors abolition of this program.

I commend Father Linder's excellent testimony to both my colleagues in the Congress and to the appropriate officials in the executive branch:

STATEMENT WITH REGARD TO HOUSING APPROPRIATIONS, REV. WILLIAM J. LINDER, NEW COMMUNITY CORP., NEWARK, N. J.

The New Community Corporation is an organization of residents of Newark incorporated under the laws of the state of New

Jersey as a non-profit organization for the purpose of providing good housing for the people of Newark's central ward.

The area chosen consists of some of Newark's worst slums covering fourteen blocks. Within these fourteen blocks are over seventy abandoned buildings with several blocks without even a single standard building. Most of the buildings are fire traps and many are without a central heating system which only increases the danger of fire. Most of the buildings contain numerous housing violations. It is in this same area that I witnessed as a priest, the death of a six week old infant from pneumonia in an unheated apartment during a cold December day. One such experience is all a person needs to convince him of the need for decent housing.

On the north boundary are the fifty-seven acres of land being prepared for the new Medical School, a stark contrast between the tired old buildings which imprison our people and the six million dollars spent in *temporary* quarters for a medical school. A sharp contrast which demonstrates our values.

The answer here as anywhere is for the Federal government to make possible the means by which a community can solve its own problems. There are many ways; two of these are below market interest rate for mortgage money and the rent supplement program. Without these tools we can not perform the task ahead of us.

Recently I had the opportunity of spending two weeks in Holland and Germany to study the programs they used to solve their housing needs. Both programs are employed throughout Europe. In fact, the rent supplement program is far advanced to the program we have here in the United States. Their experience is valuable to us for they have found that rent supplement gives those of limited income the flexibility to find suitable shelter. It also encourages non-profit groups to form to solve the housing needs of people of every financial means. In fact, I found it interesting that while we in the United States spend endless time debating whether every person is entitled to decent housing, some of the nations of Europe accept the principle that every person has a right to decent shelter and spend their time in seeking the method or the means of achieving this goal. Evidently we have not matured to this point.

Together, we will be able to solve the problem. But together means that there are funds available in our federal programs sufficient to do the job. We cannot begin to build for people of limited income without the assistance of these two federal programs. If there are no funds available for programs of such humane value, it is certain that there will never be many "New Communities" in place of the inhuman conditions of housing now present.

Finally, support for decent housing does not lie only in the urban centers. Our experience is that most regardless of their political convictions believe in decent shelter for all. I represent the New Community Corporation, a group from center city Newark. However, the State of New Jersey Jaycees have formed the New Community Foundation, also a non-profit organization but of white suburbanites who support the New Community concept. The Foundation in less than two months has rallied over 2,000 suburbanites in our fifteen communities to *financially* and *politically* support a program of housing for the central part of Newark. This federation of people interested in housing in the city is growing faster than any other group in the state and indicates the feelings of the majority of the people.

The New Community Corporation will build sound housing for the people of Newark because our people in the city will work for it, the suburbanites will support us and our representatives reflecting the gravity of a real moral issue will provide the necessary programs with sufficient public money as to make these programs meaningful.

Constantly we read in the newspapers the appeal from our representatives in Washington, the President included, calling for people of good will to join together in meeting the problems of our country. We have done this, now we await your response.

HARRY J. ROMANOFF HEADS LIST OF DISTINGUISHED CHICAGO TODAY RETIREES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. PUCINSKI. Mr. Speaker, within the past few days nine outstanding employees of Chicago Today have started their very well-deserved retirement.

Their leaving the active field of Chicago journalism creates a void which will take many years to fill.

Heading this list is the very illustrious, highly respected, and superbly talented Harry J. Romanoff, who has been night city editor of the Chicago's American and now its successor, Chicago Today, for more years than anyone can remember.

Romanoff is legendary.

There has never been anyone like him in American journalism and I think it is safe to predict that there will never again be anyone like him.

As night city editor, Romanoff has never hesitated to call anyone anywhere in the world if he thought he could develop a fresh lead or a new development in a story for the morning's edition.

I do not believe there is a public official of stature in this country who has not experienced a nocturnal call from Romanoff in the middle hours of the night asking about some details regarding a story that "Romie" was developing.

Romanoff is the very essence of the high spirit of competition which has made American journalism the safeguard in our society that no constitution in itself can provide.

It would be foolish to think that in his retirement Romanoff will give up his journalistic interests and I am sure that for many years to come we will see the skillful hand of Romanoff exert its influence on the American scene.

Along with Mr. Romanoff, those who are retiring after 50 years of service were Leo Fischer, sports editor; Charles H. Keller, assistant chief photographer; Luther W. "Mike" Meredith, reporter and rewrite man.

Those who have passed the 42-year mark included Warren Brown, sports columnist and Basil "Gus" Talbott, rewrite man.

Milton R. Hart, day telegraph editor, has been on the job 35 years; Mrs. Dorothy Thompson, food editor, 30 years; and Miss Martha McGinn, secretary to the publisher, 15 years.

Last week more than 600 friends and colleagues of this team of youthful retirees honored them with a retirement party in Chicago.

I am taking the liberty today to include in my remarks the story of this spectacular party, which appeared in Chicago Today last Wednesday.

Each one of these excellent journalists has written his own chapter in American history.

Mike Meredith is one of the best rewrite men this country ever produced and I know I speak for all the employees at Chicago Today when I say how thoroughly he will be missed.

The Chicago Today article follows:

Great News Years for Nine Retirees

(By George Murray)

Some of the great news stories of the century were recalled by nine retiring employes of Chicago Today when they were honored last night by their colleagues and friends at a party in Ferrara Manor, 5609 North av. Six hundred persons attended the affair.

Those on the job 50 years or more were Harry J. Romanoff, night city editor; Leo Fischer, sports editor; Charles H. Keller, assistant chief photographer; Luther W. [Mike] Meredith, reporter and rewrite man.

Warren Brown, sports columnist, and Basil [Gus] Talbott, rewrite man, have both passed the 42-year mark.

Milton R. Hart, day telegraph editor, has been on the job 35 years; Mrs. Dorothy Thompson, food editor, 30 years, and Miss Martha McGinn, secretary to the publisher, 15 years.

Romanoff, whose countless news beats rank him with the great newspaper men of all time, recalled as one of his greatest stories the murder of eight student nurses in a south side dormitory in the early hours of July 14, 1966.

The City News bureau bulletin came a few minutes before deadline on the first edition. Romanoff phoned the nurses' dormitory at 2319 E. 100th st., and talked to the first detective on the scene.

In minutes, Romanoff had every detail of the night of horror as recalled by the lone survivor, a Filipino nurse, Miss Corazon Amurao. He learned how eight young girls had been stabbed or strangled by an intruder.

Those details, hurriedly written for the first edition, proved correct in the subsequent trial and conviction for the murders of Richard F. Speck, now in prison awaiting outcome of his appeal.

Fischer recalled the football game between Notre Dame and Ohio State at Columbus, O., Nov. 2, 1935. When the 3d quarter ended, Ohio was leading 13 to 0, but the Irish scored in the 4th quarter and won, 18 to 13, with 32 seconds left to play.

That story would have been big enough, but Fischer topped it next day.

Coming back to Chicago from South Bend, he found himself with four or five Notre Dame players. They did not know him as a newspaper man. They talked about intimate details of the behind-the-scenes play.

By discreet questions, Fischer learned what Coach Elmer Layden had told his players between halves. He learned who conceived the winning play, who called it, and who handled the ball.

Fischer wrote the story that night and next day his editor played it for a full page under the headline, "The Inside Story of Notre Dame's Greatest Victory." Fischer said:

"I'll never forget it. The editor gave me a week's pay as bonus."

Charlie Keller, whose waxed mustache has graced every society affair in Chicago for more than a generation, recalled "a wedding that never came off."

Miss Mary Landon Baker, one of the most courted debutantes of her season, was scheduled to wed Alistair McCormick in the

Fourth Presbyterian church on Jan. 2, 1922. The bride never showed up.

The photographers were set up with their cameras in the January winds, still waiting, when the guests and attendants began to leave.

Mrs. Baker took her daughter to England, Mrs. Baker died in Sussex in 1955, leaving an estate of $770,000 divided equally between a daughter in California and the spinster daughter who never wed.

Miss Mary Landon Baker, who had 66 suitors and never did marry, died at 61.

Mike Meredith remembered the spring floods of 1913 on the Wabash and Ohio rivers. To reach the flood he took a train to St. Louis, a government boat down the Mississippi, and then up the Ohio to Shawneetown.

Meredith traveled with a reporter for the Chicago Tribune, the late Ted Phillips.

At Shawneetown, Meredith and Phillips found officials of the city and the Red Cross who gave them details of the tragedy. They each rented an outboard motorboat and began a race for the nearest telegraph station at Washington, Ind. Meredith won. He said:

"I got the only telegraph operator in town and told him to send the railroad timetable and I wrote my story. I scooped Phillips on his own trick."

Talbott recalled the time when bears became such a problem to Wisconsin farmers that the state declared an open season on the animals for huntsmen. The editor sent Talbott to northern Wisconsin to hunt bear.

"When I got there, I learned a hunting license would cost $50. I phoned the editor and he told me he would not pay any such fee. I suppose I was supposed to bite the bear to death," Talbott recalled.

But the intrepid huntsman hired a guide who had both a gun and a hunting license. For 3 days they tramped the woods, seeing nothing larger than a squirrel. Then the editor changed his mind and Talbott returned home empty handed.

Milton Hart remembered most vividly "the nightmare" of Friday, Nov. 22, 1963: the day President Kennedy was assassinated. Every detail of those bulletins, one following the other, stands out in Hart's mind.

Mrs. Thompson said she has found, over her years as director of the newspaper's food department, that readers are most interested in three recipes: pound cake, carrot cake, and gelatine mold salads and desserts.

Miss McGinn said she was most impressed to find among newspaper workers "a genuine sympathy for people stricken by tragedy." She remembered the 1958 fire at Our Lady of Angels school, the Speck murder of eight nurses, and the assassinations of the Kennedy brothers.

HAPPY ANNIVERSARY, DEAR SARAH

HON. RICHARD WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. WHITE. Mr. Speaker, I know there are a good many Members of this body who would like to join me today in saying "Happy anniversary, dear Sarah." And, I need not go further for many of you, for you will know I am referring to Sarah McClendon, who is celebrating this week her 35th anniversary as a reporter on Capitol Hill.

Sarah, who represents the El Paso Times, one of the great newspapers of the Southwest, has seen a great deal of history made in those 35 years, and has reported it with diligence, skill, and persistence in the highest traditions of vigorous journalism. Today, I want to express to her my thanks for having gone the extra mile, on many an occasion, to assure proper coverage of issues in Congress with which I have been concerned.

But let us not dwell longer on her great achievements of the past. Although she has recently become a proud grandmother, Sarah will be with us for a long time to come and I know many of my colleagues will join me in best wishes for the continued satisfaction of a job well done.

THE ENVIRONMENTAL QUALITY COUNCIL

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. HOSMER. Mr. Speaker, President Nixon's decision to establish a Cabinet-level Environmental Quality Council comes as welcome news to those who have been directly involved in the fight against pollution and other forms of ecological mismanagement. Those who have served in the front lines of this battle realize that public apathy and bureaucratic inertia have been our greatest enemies.

The President demonstrated both his understanding of this problem and his commitment to its solution in setting up this council. As he pointed out during last year's presidential campaign:

> We need a high standard of living, but we also need a high quality of life . . . We need a strategy of quality for the seventies to match the strategy of quantity of the past.

Mr. Speaker, I am pleased that the wheels of Government are moving at last to put our ecological house in order. The work of the Environmental Quality Council deserves the enthusiastic support of all Americans.

With this in mind, I would like to share two editorials praising the Council with my fellow Members which support the President's decision. They are from the Washington Post of June 3, and the Christian Science Monitor of June 4:

[From the Washington Post, June 3, 1969]

NATIONAL POLICY OF ENVIRONMENTAL PROTECTION

The chief question raised by President Nixon's creation of a cabinet-level Environmental Quality Council is whether it will be equal to the major tasks which the country faces in this sphere. The destruction of natural resources and the pollution of water and air have assumed proportions which make drastic action imperative. Many observers fear that even a Council headed by the President and including all the Cabinet heads directly concerned may not be able to reverse the trends which now threaten us.

It is not merely a matter of cleaning up the Nation's rivers and attacking the problem of smog, vital as these objectives may be. The country must wake up to the fact that the quality of our living space is seriously deteriorating on a broad scale. Open space is gobbled up for superhighways, airports, factories and suburban developments without much thought of what the consequences will be for both present and future generations. Reckless use of the land strips it of fertility and at the same time fouls once beautiful and useful streams. The proliferation of pesticides threatens to upset the balance of nature and to leave poison residues that may afflict man as well as wildlife. And the spread of urban sprawl, messy industrial areas, junkyards, billboards and power lines gravely detracts from the amenities of life.

No doubt the public will have a chance to air many views through the Citizens' Advisory Committee on Environmental Quality which is to be headed by Laurance S. Rockefeller. Nevertheless, the larger problem seems to be to infuse all governmental programs with a policy of protecting the environment. Fortunately there is agreement between the White House and leaders on Capitol Hill on the need for legislation that will leave no doubt of the national intention to stop fouling our living space.

Senator Jackson, chairman of the Interior and Insular Affairs Committee, has amended his bill to establish a national environmental policy so as to supplement the step the President has already taken. The bill would declare a national policy of preventing and eliminating damage to the environment. It would seek to "assure for all Americans safe, healthful, productive and aesthetically and culturally pleasing surroundings"; to attain the widest beneficial use of resources compatible with conservation and protection of the environment, and the preservation of historic, cultural and natural values.

Probably the most significant aspect of the bill is that it would recognize for each person a "fundamental and inalienable right to a healthful environment" and impose on each a "responsibility to contribute to the preservation and enhancement of the environment." Every governmental agency would be required to carry out its functions in the light of the new congressional policy that the bill would set up. In the past protection of the environment has been nobody's business. Under this proposed legislation it would become the responsibility of every agency whose activities have any bearing on the environment.

Only experience will point to the precise kind of organization that is necessary. But the enactment of a sound legislative policy, the authorization of research and the provision of adequate trained personnel are certainly essential first steps. Congress should lose no time in supplementing the President's efforts.

[From the Christian Science Monitor, June 4, 1969]

SAVING OUR ENVIRONMENT

Every step taken now to protect mankind's physical environment—to restore and safeguard earth's atmosphere, water, and natural resources—is a move made in an area of urgency. For it is unfortunately true that industrial development, the population explosion, and humanity's very mastery of the world's resources are threatening, in the long run, to make this planet uninhabitable.

So President Nixon's appointment of a Cabinet-level advisory group to battle the "deterioration of the environment" is tremendously welcome news. Congress should come along with parallel efforts, as by Senator Muskie's proposed select committee to study environmental problems.

President Nixon's committee will include himself, the Vice-President, six Cabinet secretaries and Dr. Lee A. DuBridge, White House scientific adviser, as executive secretary. A 15-member Citizens Advisory Committee, also appointed, will bring nongovernmental expertise into the effort.

What is needed is a thorough awareness everywhere of how severely men have polluted their surroundings, and what grave consequences can ensue unless the drift is reversed. We are told, for instance, that in 10 years sewage and waterborne wastes will be sufficient to consume all the oxygen in America's main river systems. Through use of the internal combustion engine mankind is wafting skyward enough carbon dioxide to overwhelm eventually the balance of oxygen in the atmosphere. Enough DDT has been loosed so that it is discoverable even in Antarctic penguins. California is bulldozing away its richest arable land to build housing.

In effect, man's very progress threatens to overwhelm him. Fortunately a wide awakening is evident. But it is still not sufficiently realized that, from now on, every industrial development, every massive timber felling, every major real estate project, every surface-stripping mining operation will need to include—in its price-tag and prospectus—the additional cost of maintaining the environment safe from despoliation. Sometimes that cost is going to be very high if, for instance, rivers are no longer to be sewage cesspools.

Thorough studies may propose drastic remedies. Dr. DuBridge mentions the possibility that electric autos may have to replace internal-combustion cars if smog is to be defeated. (Perhaps even the campus militants could engage themselves in this environment-preserving crusade.) The saving effort can go forward vigorously, and it should. As President Nixon remarks: "Together we have damaged the environment and together we can improve it."

TO HONOR THE U.S. FLAG

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. MONTGOMERY. Mr. Speaker, under leave to extend my remarks in the Record, I include the following copy of a letter from a constituent and his enclosure:

Yazoo City, Miss.,
June 9, 1969.

Mr. James D. Hessman,
Managing Editor, Armed Forces Journal,
Washington, D.C.

Dear Jim: 14 June is Flag Day. On 12 June the House of Representatives will be conducting appropriate ceremonies to honor the 192nd anniversary of the Resolution of the Continental Congress which authorized the first Stars and Stripes of thirteen stars and thirteen stripes.

This week is a good time to think also of the fact that our Nation has had only two Statutes on the design of our National Flag and Ensign: The Flag Law of 8 January 1794, effective 1 May 1795 and Our Permanent Flag Law of 4 April 1818, effective 4 July 1818.

The Journal has been the Spokesman for the Services since 1863. During this span of 106 years (when you reach your next birthday in August of 1969) our U.S. Flag has had, pursuant to and in accordance with the U.S. Statute of 4 April 1818, effective 4 July 1818, 15 Stars added to the union of blue on our Flag for the 15 States which have been admitted to the Union since your first issue of publication.

The three laws on the design of our Flag are brief, interesting and informative. In the fond hope you will lay them before your readers I am pleased to send you herewith my "Our Flag Laws—A Chronology".

A well-informed public is America's greatest security.

Public relations is an all-hands job.

Robert W. Collins,
Commander, U.S. Naval Reserve, retired, and former history major from the Old "Ole Miss."

Our Flag Laws—A Chronology

(By Comdr. Robert W. Collins, U.S. Naval Reserve, Retired)

THE STARS AND STRIPES

Continental Congress June 14, 1777:

Resolved, That the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation.

THE STAR SPANGLED BANNER, MAY 1, 1795

U.S. Flag Law, January 8, 1794:

Be it enacted, That from and after the 1st day of May, A.D. 1795, the flag of the United States be fifteen stripes, alternate red and white. That the Union be fifteen stars, white in a blue field.

Our permanent flag law, April 1, 1818:

Be it enacted, That from and after the 4th day of July next, the flag of the United States be thirteen horizontal stripes, alternate red and white; that the union have twenty stars, white in a blue field. That on the admission of every new State into the Union, one star be added to the union of the flag; and that such addition shall take effect on the 4th of July next succeeding such admission.

SOME SOUND ADVICE FOR SENATOR McGOVERN

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. PUCINSKI. Mr. Speaker, last weekend Senator George McGovern was in Chicago with his commission on studying the structure of the Democratic Party, and while his basic mission is to discuss ways to make the Democratic Party more democratic and more responsive to the needs of the voters, obviously the Senator could not resist a temptation to inject himself into the pending legal proceedings against those who created so much violence last August in Chicago.

Senator McGovern drifted far afield of his basic assignment and in a manner that clearly indicates his impatience with the judicial process in our Republic. Senator McGovern suggested that Mayor Daley use his influence to drop the charges against the rioters.

This is an astonishing suggestion by a supposedly responsible Member of the other body. It is tantamount to almost publicly urging the mayor of Chicago to "fix" the trial of those indicted for inciting to riot.

To his everlasting credit and good judgment, Mayor Daley in effect told Senator McGovern to go and jump into Lake Michigan with this naive suggestion. The mayor quite properly told the good Senator that the indictments have been properly obtained and those under indictment will have due process under the law. If they are innocent they will obviously be freed, and if they are guilty they should suffer the penalty of the law.

Mayor Daley's earthy, good, commonsense apparently is too far advanced for some of our ultrasophisticates who get their ideas from their marble temples in Washington.

These same sophisticates, like the good Senator from South Dakota, go around this country maligning Chicago and its sense of justice when, in fact, maybe we ought to look at the concepts of justice in South Dakota because maybe in South Dakota they can fix grand jury indictments. But obviously, this is not the case in Chicago.

I am astounded to think that one who goes around this country preaching a new concept of morality should himself suggest these devious means to promote what he calls better harmony in the Democratic Party.

Senator McGovern, through this very foolish and tactless suggestion, proves once again how little patience some of the self-styled saviours of America, such as Senator McGovern, have with the constitutional institutions of this great Republic.

There is not an iota of proof or any suggestion that those currently under indictment will in any way be denied a fair trial under due process of the law.

It is revealing that men like Senator McGovern obviously have a double standard, one for themselves and one for the other fellow.

Senator McGovern totally ignores the fact that this entire proceeding is the result of a very extensive investigation by the Federal grand jury. These indictments were reported after a great deal of testimony and evidence was presented to the jury.

Those indicated are now out on bond and will have their day in court in a Federal judicial proceeding.

For the Senator to suggest that somehow Mayor Daley ought to use his influence to drop these indictments is to make a complete mockery of the judicial process in this country. This sophomoric suggestion is pretty much par for the course on other views and other proposals emanating from the office of the good Senator.

I strongly suggest he seriously consider getting a new set of speech writers because obviously this line of logic which he expounded in Chicago shows his basic disbelief in the fundamental, constitutional processes of this Republic.

I was very pleased to note that the very highly respected Chicago Sun Times took editorial comment of the Senator's proposal and in very direct and meaningful terms, told him to keep politics out of our courts.

I hope the Senator will read carefully the Sun Times editorial and then proceed with the basic mission of his Commission, which is to come up with meaningful ways of strengthening the democratic process and not dumping it to political expediency.

The Chicago Sun Times editorial follows:

Keep Politics Out of Courts

After the street violence that attended the Democratic National Convention last August, we said on this page that there should be no legal sweeping under the rug of lawbreaking on both sides of the police lines.

This, in effect, is what Sen. George S. McGovern (D-S.D.) proposed in Chicago last weekend to promote Democratic Party harmony.

Specifically, McGovern proposed that Mayor Daley encourage officials to dismiss all indictments growing out of the disorders so as to "end the anguish and heal the wounds."

McGovern, a professor of history and government, should recognize that his proposal was unacceptable morally or legally. Political pressure on the courts should not be tolerated. A court system free of politics is a goal this newspaper, McGovern and everyone interested in good government has been striving for.

With the indictment of demonstrators and policemen the judgment on the August disorders moved into the courts. And there they must be disposed of according to law. It may be that the specific federal law applied against demonstrators should be tested for its constitutionality. But all these questions should be hammered out in the courts.

Even if he wanted to, Mayor Daley does not have the right to grand amnesty to persons still under indictment. If the court action still pending is, as McGovern argued, keeping Democratic Party wounds still open, the best prescription is swift justice, not political interference with justice.

The meeting in Chicago was called to discuss ways to make the Democratic Party more democratic and more responsive to the needs of the voters. We applaud those aims and hope the McGovern commission can concentrate on them without getting mired in old issues now being handled in the courts.

CONCERN FOR OLDER CITIZENS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. WYMAN. Mr. Speaker, recently, Mr. James J. Barry, Deputy Assistant Secretary for Community and Field Services of the Department of Health, Education, and Welfare, delivered a speech before the New England area conference of the American Association of Retired Persons and the National Retired Teachers Association in Manchester, N.H.

In his speech, Secretary Barry pointed out that there are 20 million persons age 65 and over living in the United States today. This group represents approximately 16 percent of our total population. Within the next 20 years, it is expected that this segment of our population will number some 25 to 30 million persons.

When we realize that 50 percent of all couples age 65 and over have incomes under $3,000 per year, and that 50 percent of all single persons 65 and over have incomes under $1,300 per year, it becomes clear that the economic hardship imposed on our older citizens has reached scandalous proportions.

Many of us are concerned with the plight of those persons living on fixed incomes during a period in which the cost of living is rising at an unprecedented rate. In the past, much has been done for most Americans age 65 or over, but, as I know, that most will agree that much remains to be done.

I think it is significant that Congress has exhibited concern for older Americans by the many bills introduced in this session, designed to alleviate the economic problems of old age. I think also it is significant that the present administration's concern with the problems of older Americans is demonstrated.

Secretary Barry's speech is both interesting and relevant to this continuing important domestic concern, and I include it as follows:

CONSUMER SERVICES FOR OLDER AMERICANS

(By James J. Barry, Deputy Assistant Secretary for Community and Field Services, Department of Health, Education, and Welfare)

Mr. Chairman, Honored Guests, Ladies and Gentlemen, I want to thank you for the invitation to participate in your important Regional Conference which provides me an opportunity to discuss one of the salient activities in government today, consumer services. There are no issues that have a more profound effect, or have a greater relevance to the elderly than the day-to-day bread and butter items that are the basic consumer activities facing the nation today.

May I commend you for your conference location, the City of Manchester, the place of my birth, the Queen City of the great State of New Hampshire, which has received national acclaim for its meetings in the past which have dealt not only with national but with international problems as well. There is no more appropriate setting to discuss one of HEW's foremost programs and one of the nation's greatest concerns than one's own bailiwick. Consumer issues cover a wide range and are of an infinite variety, and this reminds me of an incident which I encountered recently.

A man in the market for a new car saw an advertisement in the paper, offering a 1966 Cadillac for sale for $50. The first day he passed it up as a joke, but when the ad appeared for the third time he went to look at the car. The address given turned out to be in a beautiful residential section of the city. The owner, an attractive elderly lady, showed him the car and let him drive it. The car was in perfect and immaculate condition, and so he promptly and eagerly clinched the deal. After the bill of sale was in his hands, he couldn't suppress his curiosity any longer.

"Would you mind," he asked the lady, "telling me why you're selling such a beautiful car for only $50, when it is obvious you could have gotten at least $3,500?"

"Not at all," she replied. "In my husband's will he left instructions to deliver the proceeds from the sale of his cadillac to his secretary, who had been so kind to him."

The American Association of Retired Persons and the National Retired Teachers Association have been a positive force in the forefront of organizations that have championed the rights of the elderly citizen and as a consumer. We are all proud of the support you are giving in helping to shape progress in the area of consumer legislation, and your assistance has definitely improved the social service programs for the senior citizen.

I consider it an honor also to speak to you at a time when President Nixon has again proclaimed the month of May as Senior Citizens Month. In making his proclamation, the President said, among other things, "I especially invite the elder citizens of this Nation to use this month as a time for re-examining the social role which they are playing and the conditions under which they live, and I ask them to share their conclusions and recommendations with their countryman."

I believe this is a fitting tribute to the senior citizen. It is also significant on this conference occasion to re-emphasize the request of the President to share with those of us in government your thoughtful and timely conclusions on matters relating to the elderly. The Bureau of the Census reveals that today there are approximately 20,000,000 Americans that are over 65. They comprise 16% of the adult population, but it is significant to look back and find that in 1900, the 65-year-old group constituted only 4% of our population.

When we consider that there are some 30,000,000 that are currently 55 years of age and over, and that every day an additional 800 persons reach the age of 65 for a total of 300,000 citizens a year, it is a matter of major significance. Projections that have been made on population trends reveal that within the next 20 years the older population will increase to approximately 25,000,000.

The consumer problems of the elderly then become clearly crystallized when we realize that 50% of couples over 65 have incomes under $3,000 or that 50% of all single persons over 65 have incomes under $1,300 per year. Under these distressing financial conditions, the need to shop prudently for bargains and to cut corners whenever possible has become a way of life for the elderly. During the decade ahead it should be the objective of each of you, together with your organizations, not simply to be concerned with longer life and the enjoyment of material comforts, but to look forward to being useful and productive members of our society, each according to his own capability.

The consumer problems of the elderly are a special concern to this administration. We have been analyzing in detail the reports that have been emanating from the U.S. Senate Special Committee on Aging, and we note with concern that they have listed inadequate income as one of the foremost problems facing most older Americans. The committee reported that one-third of our senior citizens live in poverty and this is a serious problem which cannot and will not be ignored by your government.

The Administration is in the process of preparing its recommendations to Congress for increasing the social security benefits which, when approved by Congress, will help alleviate the pressures caused by increases in the cost of living since the last social security adjustments.

With poverty come many companion problems, many of which relate to health. It is disturbing to note that medical costs related to the Medicare and Medicaid programs have been running excessively high. Congress has indicated its concern over the exploited practices in the health field that is hampering an effective and orderly administration of these vital programs for the aged. Within the elderly population there are additional factors which make the elderly easy targets to fraud and deception. Some of these have been cited by Doctor Thomas Rich, a psychologist from the University of South Florida. At a special consumer hearing conducted by the Committee on Aging in Tampa, in 1967, Dr. Rich, among other things, had this to say:

"1. An increasing proportion of the elderly population consists of widows. While many widows have limited income, many have taken over the management of estates of all sizes and must make decisions about things such as household repairs, automobile insurance, and a whole realm of things not within their previous experience. They have been placed in a position where they sometimes make questionable judgments about purchases which may be open to fraudulent claims.

"2. Many elderly make purchases of drugs and nostrums in realization of their doubtful value but in the hope of alleviating pains, irritations and the cessation of the signs of aging. Among the characteristics of the older population that affects the consumer picture is the serious incidence of chronic illness. According to Public Health Surveys, about 4 out of 5 people 65 and over report one or more chronic conditions."

Because of these facts, the elderly person is often a special target for the medical quack and his "sure cures." The aged, especially the poor, tend to place a great deal of faith in advertising. They have the tendency to seek

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self-medication rather than professional help. False and misleading advertising is twisting the art of healing into the art of stealing. False and deceptive advertising contains illegally promoted therapeutic and pseudo-therapeutic devices, food supplements and so-called health foods. In its most blatant form, this involves deliberately falsified scientific studies and false promotional claims for potent drugs.

In a recent action which received national publicity, Secretary Finch of the Department of Health, Education and Welfare eliminated a well known and popularly used drug by calling it off the market. It was deemed to misrepresent its efficacy and its ability to cure.

Drugs have changed even more than foods during the past 20 years. While more of our elderly citizens are taking advantage of the new medical care programs, many are still unaware of the need for their intelligent choice of medicines and medical services.

The rapid technological advances that have been made in the food industry, the automotive industry and the appliance industry, specifically in radio, television and automatic home appliances in the development of their product lines have brought about a sophistication of many of these consumer items. In fact, there are very few Americans that have the expertise or the tools or the time to repair an automatic washing machine or a television set. Some of these products have come into being since the senior citizen was already in retirement. He has only the faintest notion of how it is to be repaired and often only an elementary knowledge of how it should be maintained. Coupled with this vast array of new products, our senior citizens must learn to live with sales contracts, warranty agreements and maintenance agreements that are often part of the sales and service programs of such products. More often than not the senior citizen must rely on the neighborhood serviceman to handle his maintenance problems. To many it has become a complex and bewildering as well as expensive world even for the more affluent. As a result of all this, several state legislatures, including New York and Illinois, and some others I cannot specifically recall have recognized the problems of the consumer and are seeking to attack them through a massive program of consumer education in the local school systems.

Many of these projects are financed under programs administered by the Department of Health, Education and Welfare. These programs, together with those of voluntary organizations such as yours, are seeking to address themselves to such basic consumer problems as:

SOUND NUTRITION

Getting the most for one's food dollar is no easy task. Those on limited or fixed incomes cannot afford to waste their resources on foods where packaging costs are more than the commodity. For many, this shopping skill must be taught. There are several food schemes that prey on those with limited incomes. One is the food freezer plan that abounds in most cities. In the long run the consumer ends up paying market prices for the food and very expensively for the freezer. He would be better off to borrow the money for the freezer if he actually needed it. Dietary food fads have also attracted many of our elderly through the pseudo-health advisers. The American Medical Association had this to say about the problem: "Unless your doctor recommends tonics, supplements, vitamins or minerals in concentrated form, no one need take them if he follows a fairly well balanced daily diet." Yet pseudo-health advisers and salesmen may suggest that standard foods are inadequate because of "over-processing," "worn out soil," "poisonous combinations" and other such nutritional nonsense. They pretend that their exotic products made from sea kelp, yogurt, yeast, iodine, blackstrap molasses and herbs have an infinite variety of cures, will fortify your diet, steady your nerves, strengthen your bones, and enliven your blood.

ECONOMY OF FOOD PURCHASING

For most Americans, there are supermarkets that provide competitive prices on foods. This is not completely accurate in the lower class areas of our major cities. For many reasons, the large food chains have moved out and serve the more affluent areas leaving the inner city to be served by small, independent and often inefficient food store operators. It has been found through surveys that food is often lower in quality and higher in price in the lower class, rundown neighborhood. The tragedy is that people in these residential districts who are oftentimes literally living on social security and on fixed incomes, must pay higher prices. They are often locked in these areas because of lack of adequate transportation and the inconvenience of shopping at a distant store.

The price of food, however, is everyone's concern because it is the basic cost of living item. There are no easy answers to the problem of inflation, except through greater efficiency, increased productivity and through honest and healthy competition in the market place.

Use of credit

Ours has become a credit-oriented society. Credit can be a blessing, helping to bring into every home the wonders of the American production, rich and poor alike. But credit can also become a millstone around the neck of the unwary consumer who has not learned to use it prudently and wisely. The elderly find that credit is useful and they need the facility. New concepts are required to meet the credit needs of the low income and the elderly. Financial counseling services are provided for those who overextend themselves with credit and whose job may be threatened with wage garnishments.

Avoidance of quackery and fraudulent products and practices

It is hard to believe from the best available estimates that American consumers in many of the older citizens are relieved of over $500,000,000 annually by dishonest contractors in the building, roofing, siding and related trades. A favorite approach utilized by those types of contractors is the scare approach. "Lady, your oil burner is in bad shape. It might blow up on you any day." One unethical specialist finished the job in 25 minutes and charged $105. The same day the burner broke down again and had to be replaced at an increased expenditure.

It has been estimated that over 800 different fraud and quackery and deception schemes are operating in the market place. No one in any strata of our society is immune regardless of his station in life, level of education or environment. American consumers, especially the elderly, are susceptible to being fleeced by unscrupulous operators who employ a wide assortment of tricks, devices, schemes and campaigns.

Health quackery alone is responsible for the staggering figure of $1 billion yearly swindle. These activities are conducted under the guise of nutritional science. Doesn't almost everyone feel tired, pepless, or tense at one time or another? One of the most fertile fields of operation for the sharp dealer with a rich larceny in his blood is that of health aids.

WARRANTIES AND GUARANTIES

Another of the major problems on household appliances, motor vehicles, etc. has been the matter of warranties and guaranties. A Federal Task Force composed of personnel from the Departments of Labor, Commerce, and Federal Trade Commission, in cooperation with members of industry undertook to study warranties and guaranties. The study concluded that many of the consumer complaints could be avoided if manufacturers of major appliances would:

(1) Express their warranties in clear and simple language which is easy to understand and which makes the nature and extent of the obligations and benefits described therein unmistakable.

(2) Recognize that the purchaser of their products is entitled to receive a product which is reasonably suitable for the purposes for which it is intended and which will conform to any representations by the maker with respect to its fitness for particular purposes. This requires that the implied warranties of merchantability and fitness not be disclaimed.

(3) Not include in their warranties unnecessary exclusions and disclaimers.

(4) Not include in their warranties provisions which purport to obligate third parties to perform any of the obligations stated therein.

(5) Not attempt to pass on to the consumer or to the retailer a part or all of the financial burden of replacing defective parts or of correcting defects in design or manufacture.

(6) If retailers or servicing agencies are responsible for performing any obligations stated in the guarantee, insure that such parties are provided with sufficient incentive and resources to encourage them to fulfill those obligations promptly and conscientiously, and if they fail to do so take effective remedial action.

(7) Avoid any temptation to use a warranty as a sales gimmick by making it appear to be unusually attractive, while at the same time incorporating disclaimers, exceptions, and exclusions which eliminate these purported benefits.

(8) Make greater efforts to inform consumers concerning the provisions of their warranties by:

(a) Including explanatory material in advertising and operating manuals, and

(b) Providing retailers with appropriate point of sale material.

(9) Establish effective procedures for handling consumer complaints of inability to obtain warranty service, and provide adequate follow-up to insure that action is taken on those complaints.

FALSE ADVERTISING

Another area that is of considerable concern to those of us at the Department of Health, Education and Welfare has been false and deceptive advertising and claims, not only in drugs and medicines, but also in foods and house and automobile accessories. The most common trick that is used and that has been used by reputable business firms is the technique of "bait." The first-line product may be advertised at a low price. When the prospective consumer travels half the distance across the city to purchase the commodity, he finds upon reaching the store that they only had a limited supply and the article was all sold out. The salesman then puts the pressure on to sell other quality products at slightly higher prices.

The advertisements that claim that a drug or medication will cure a specific ailment, but in reality has no therapeutic effect is deception of the highest magnitude. While this is a complex problem, we are approaching an era when we must have accuracy and truthfulness in advertising as well as proven efficacy in drugs and medicinal products before they are placed on the market. Older people are easy prey for health hacksters. Many senior citizens suffer from chronic diseases and are swindled by those who offer quack treatment. Recent studies show that over $200 million a year is spent on worthless remedies for arthritis alone. The American Medical Association has issued warnings to the general public and has suggested that those of you who are interested write to the national organization to secure their criteria

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for ascertaining that you are in the hands of proper and competent medical authorities.

SAFETY AND ACCIDENT PREVENTION

The most important consumer mission on the part of the Federal government is in the field of consumer safety and accident prevention. In 1968 Congress established the National Commission on Product Safety which is undertaking a study on hazardous household products and ways to implement programs to overcome the dangers they present to the consumer.

Aside from the problem of who is legally responsible when a consumer is injured when using an appliance or tool—there are many items of equipment that are not properly designed nor provide the necessary safeguards to reduce avoidable accidents. There are many kinds of product hazards. There are several that are of particular importance to our senior citizens. The power mower is one. This convenient household gadget can be a killer. The rotary blade on a power mower may travel at the rate of 21,000 feet per minute at its outermost tip or 240 miles per hour and exert a pressure of 10,000 pounds per minute. Children and pets have been killed instantly while following the older folks while cutting a lawn.

GLASS DOOR PANELS

Manufacturers of these panels have recently established safety standards for glass door panels and room dividers. Children as well as adults have been especially vulnerable to accidents by running into them. In this connection, I should like to point out that most of these accidents occur at home.

GAS-FIRED HEATERS AND APPLIANCES

. In 1968, a major manufacturer called back several thousand gas fired furnaces because of defective workmanship and because of several fatalities.

ELECTRICAL APPLIANCES AND TELEVISION

All of you have heard of a certain well known company calling back its color television sets because of the emission of radiation to its watchers. It should be noted that the effects of such radiation take place in the front, the back and the sides of the set. While only one company has had the responsibility to recall its equipment, it is generally known that this condition pretty much exists in all color TV appliances.

The Department of Health, Education and Welfare plays a significant role in the whole area of safety and consumer services as they affect the senior citizens and the health of this nation. In addition, the Medicare and Medicaid programs and Social Security programs are administered by the Food and Drug Administration, which is constantly on the vigil to improve the efficacy and safety of our foods and drugs.

The Department of Health, Education and Welfare has been in the process of making its consumer programs more effective in several ways:

(1) It is seeking to strengthen the Office of Consumer Services, which plays an innovative role in stimulating consumer activities in various agencies of the department. We are seeking to have each agency of the department improve not only the quality of its services but the information programs that relate to it.

(2) HEW has undertaken a newsletter called HEW Consumer Newsletter, which is being published by the Office of Consumer Services. The first issue was released in April. It is a monthly publication and will include current information on a variety of consumer educational items that should have a wide range of interest to organizations such as yours.

(3) The Food and Drug Administration is accelerating its program to evaluate the many drugs and medicines that are now on the market as to their efficacy.

CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE (CEPHS)

CEPHS is accelerating its program relating to environmental health. The HEW Office of Consumer Services is also seeking to have all of the Model Cities programs that are being established in the inner cities of our urban areas to include consumer components as part of the activities.

I need not remind those of you who have worked so hard for consumer programs for the elderly that the job is not an easy one, nor that it is to be expected that the Federal government can do this job alone. It requires the full cooperation and partnership of all the 50 States and local governments. More importantly, it needs the help of the private sector and the courageous leadership of voluntary organizations such as yours.

The companion organizations that you represent have accepted the challenge that is involved in making this a better environment and a better life, not only for the elderly, but for all the consumers. I have seen and appreciate the excellent publications and consumer materials that are published by your associations such as *Modern Maturity*.

It is my hope that this month and this year will continue to be a memorable dedication to our senior citizens. May this be a year when each citizen in each community will seek to provide the benefits and opportunities in the community programs which will add satisfaction, dignity and security to the lives of aging Americans. It is my hope that the federal, state and local governments, in partnership with private and voluntary organizations, will join hands in bringing a better day for all older Americans.

GILBERT BILL TO INCREASE MINIMUM WAGE

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. GILBERT. Mr. Speaker, I have reintroduced a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage to $2 an hour.

Over the years, the minimum-wage law has proven one of the bulwarks of stability in our society. Since its beginnings, it has risen step by step and Congress made improvements in 1961 and again in 1966. I supported those increases, but we still are lagging behind. Those workers who were brought under coverage in the 1961 amendments are now receiving $1.60 an hour. Those laborers covered for the first time under the 1966 amendments are now receiving $1.30 an hour, and will be increased to $1.45 in February 1970, and to $1.60 in February 1971.

Mr. Speaker, long ago we Americans came to recognize that our prosperity depends not only on the thriving of our businesses, but on the buying power of our workers.

When the minimum wage was enacted, and each time it was increased, shortsighted spokesmen of business bitterly complained that it would drive them to ruin. Of course, that was nonsense. The minimum wage is an essential element to their salvation, because we know that the greatest market for our products is right here at home. The minimum wage helps to keep that market active and healthy.

But more than that, it provides dignity and security to the American worker. We know that a man who receives too little to provide for himself and his family cannot be a good worker or a good citizen. He will be hungry, embittered and ashamed. The minimum wage has brought an element of equilibrium to American life.

We have heard the complaint, also, that a minimum wage violates basic economic doctrine, because it interferes with the play of supply and demand. But, in reality, what it does is raise the entire level of the economy—for poverty serves no one's end.

Mr. Speaker, it is time now for a new increase in the minimum wage. It is essential to meet the pressures of inflation. It is the next step in the general improvement of life for Americans.

You know that substandard wages hit the disadvantaged hardest. The chief victims are Negroes, as well as Puerto Ricans and Mexican-Americans. This bill will not only set $2 as the new minimum hourly wage, but will abolish the painful exemptions that left so many people unprotected by the law. But the union worker making substantially more than the minimum wage has no cause for concern, for experience shows that when minimum wage goes up, so do the wages of skilled and unionized workers.

Mr. Speaker, this legislation should have been approved last year, perhaps even earlier. It is right, economically sound, and necessary. I hope the Congress will delay action on this measure no longer.

RELATIONS WITH GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. EDWARDS of California. Mr. Speaker, the problem of U.S. relations with the military junta government of Greece continues after more than 2 years of broken promises from that junta. Almost every day we read of more arrests in that troubled country and of more acts of oppression.

It is clear that the present dictatorial government of Greece does not have popular support and that its days are numbered. But it is also clear that the people of Greece, and of the nations of Europe, believe that the United States is supporting that government and its excesses. Whether the U.S. Department of State and the Department of Defense truly support the military junta is open to question. However, the public impression remains.

Decisions yet to be made by the United States are vital to whether the people of Greece regain their liberties. Military aid to the junta has been renewed on a limited basis; economic aid is being requested. The new administration is reviewing the entire Greek situation.

Under unanimous consent I submit the text of the most recent statement of the

Committee for Democracy in Greece for inclusion in the CONGRESSIONAL RECORD, as follows:

STATEMENT OF U.S. COMMITTEE FOR DEMOCRACY IN GREECE, JUNE 9, 1969

It is now more than two years since a small clique of officers seized power in Greece. Their pledges to restore democratic government on a "purified and perfected" basis have been regularly repeated and as regularly broken. Instead, a constitution making only the most minimal concessions to popular government and human rights has been foisted on the country by that shopworn tool of dictatorships, a rigged plebiscite. And even the meager provisions which distinguish the constitution's "new order" from unchecked tyranny remain suspended.

Instead of the promised restoration of liberty, each day brings news of further mass arrests, lengthy prison sentences, and savage tortures. The civil service and the educational system have been gutted; ignoramuses and hacks, qualified only by their family or other connections with the ruling clique, have been installed in key posts throughout the government.

In the armed forces the ablest, best trained, and most experienced officers have been dismissed and often imprisoned or exiled, to be replaced by men whose only expertise is in conspiracy. Yet the United States has restored full military aid to the regime, which has thus demonstrated its unfitness to receive or to use it—except against its own people. Indeed, Greece is one of four countries which account for the bulk of *all* our military aid.

Soon we may expect to be asked for economic aid as well. For the incompetence of the junta, as well as the horror excited abroad by its severe repression of its opponents, have brought about a steady deterioration in the country's financial and economic position. Its balance of payments has been increasingly adverse, its reserves of foreign exchange and gold have been dissipated, and its short-term debts have skyrocketed. At the same time the rate of economic growth has fallen sharply. A significant flight of capital is already taking place; its pace may be expected to accelerate in the coming months.

We urge our government to intensify its pressures for a return to democratic norms, and to give its moral support to the country's legitimate political leaders in their consistent refusal to compromise with tyranny. And above all, we believe it is essential that the United States not only refuse any pleas for economic aid, but make it clear that no more weapons will be supplied to the junta. And we further urge that the United States fully associate itself with the international condemnation visited on Greece by such bodies as the Council of Europe, and take effective action in the United Nations and other international bodies to bring pressure for the enforcement of those commitments to human rights which the present Greek regime has so scandalously violated.

PUCINSKI VOICE RECORDER SCORES AGAIN

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. PUCINSKI. Mr. Speaker, the National Transportation Safety Board announced Sunday that a jet airliner which crashed at Los Angeles last January 18, killing all 38 persons aboard, lost all electrical power 2 minutes before its plunge.

The National Transportation Safety Board came to this conclusion, according to an Associated Press article which appeared in the Chicago Sun-Times on the basis of information recovered from the cockpit voice recorder which survived the crash.

The voice recorder showed that it stopped recording during the most crucial moments of the flight before the crash. This interruption occurred because of a power failure in the aircraft, but fortunately, pretakeoff conversations in the cockpit and recorded on the voice recorder show that the crew was aware of a generator being inoperative in engine No. 3. The tape recorder showed that discussion centered around reducing the electrical load, prior to takeoff, in the event another generator was lost after takeoff.

The tape recorder also recorded the engine fire warning horn when it went on in the cockpit shortly after takeoff and recorded the crew instituting fire shutdown procedures.

No further cockpit sounds were recorded after the electrical power to the recorder was lost, but a short time later when power was again restored for a few seconds, the voice recorder did record cockpit conversations during 9 seconds which showed urgent conversation concerned with maintaining control of the aircraft.

These invaluable messages recorded by the crew seconds before the disaster clearly demonstrate to investigating teams that a power failure caused the crash.

Perhaps even more important is the undeniable evidence on that tape recorder that the aircraft took off even though one of its generators was inoperative.

Federal Aviation Administration regulations permit takeoff under such conditions and in my judgment these regulations ought to be now reconsidered for the unexpected fire and the engine propelling the remaining generator created a situation which led to the tragedy.

We probably would not know these facts if the Pucinski voice recorder had not been operating in that cockpit.

I remember well the intensive struggle I have watched in this Congress for almost 7 years to get voice recorders into the cockpits of commercial aircraft. I remember well how all the special interests fought me on this issue and placed roadblock after roadblock to thwart this project.

Mr. Speaker, nothing will bring back the 38 victims of this crash but it is my hope that this telltale recording will bring about urgently needed reforms in operational procedures.

There are those who would like to blame the pilots who flew this aircraft, or the mechanics who maintained it. This would be an injustice to their memory.

The blame lies squarely with those who permit an aircraft to depart when the crew and the maintenance personnel and the tower are fully apprised that there is a breakdown in one of the component parts—one of the generators.

It is quite obvious that expediency and meeting connecting schedules are more important to the airlines than the delay which would be necessary to replace the faulty generator.

I believe the fault for this tragedy does not lie with the pilots or the maintenance personnel. The Pucinski voice recorder clearly fixes the fault, and that is with those who approve regulations permitting departure under the conditions which I have cited above.

We are now beginning to build a substantial catalog of evidence on what causes air disasters, thanks to the efficiency of the Pucinski voice recorder, and I say, Mr. Speaker, that if I never did anything else as a Member of Congress, the wealth of satisfaction I receive in knowing that we are finally able to take much of the agonizing speculation out of the causes of air disasters with the use of these Pucinski voice recorders, makes my service in Congress a source of great satisfaction to me.

Our experience with these voice recorders shows the need for continued determination. It would have been easy to be deterred by all the special interests who tried to tell us during the long battle to get voice recorders installed that they would not work, but time is now proving otherwise.

The AP story follows:

ELECTRIC POWER LOST IN JET CRASH KILLING 38

WASHINGTON.—A jet airliner that crashed at Los Angeles last Jan. 18, killing all 38 persons aboard, lost all electrical power two minutes before its plunge, the National Transportation Safety Board announced Sunday.

Since an airliner requires electricity for operation of its flight controls, hydraulic system, instrument panels and cockpit lighting, a complete power loss at night would have left the crew in utter darkness, unable to observe instruments, unable to check the horizon, unable to exert the required controls.

INOPERATIVE 3 DAYS

The United Air Lines Boeing 727 had been inoperative for three days before the accident. During that inoperative period, the plane had been flown 41 hours with only two functioning generators, the NTSB said.

Two minutes after an apparently normal 6:21 p.m. takeoff from Los Angeles International airport on a planned flight to Denver and Milwaukee, the crew reported to the airport departure control station:

"We've had a fire warning on No. 1 engine. We shut down. We'd like to come back."

That was the last radio contact with the flight. Shortly after it, the plane's secondary radar target disappeared from the ground traffic controller's scope. That meant that the transponder, or radar identification beacon, on the plane had stopped operating.

A minute later the primary radar target—reflections of radio energy from the aircraft's surfaces—disappeared just after the plane was observed starting a left turn. It later was determined that the plane crashed into the Pacific Ocean in water 1,000 feet deep, 11 miles west of the airport, four minutes after takeoff.

With the left engine shut down because of the fire warning, and the generator for the right engine inoperative, the plane would have had to rely on the middle engine.

As required on airliners, the plane carried two tape-record devices, one to record operational data such as speed, direction and altitude, and the other providing a constant voice record of cockpit comment by the crew.

Both were recovered from the wreckage in fair condition. But because of the power loss they were not recording during the most crucial moments of the flight.

KNEW ABOUT GENERATOR

"Pre-takeoff conversation indicates that the crew was aware of the No. 3 generator's being inoperative," the board said. "The discussion centered around reducing the electrical load, prior to takeoff, in the event another generator was lost after takeoff.

"Normal cockpit conversation was evident on the tape from takeoff until . . . the No. 1 engine fire warning sounded. At that time, the fire shutdown procedures were initiated.

"No further cockpit sounds were recorded after . . . the electrical power to the recorder was lost, until later when power was again available to the voice recorder for about nine seconds. The cockpit conversation during that latter period was urgent in nature and concerned maintaining control of the aircraft.

"No radio transmissions or crash sounds were recorded during this period," the NTSB said.

The three engines and 60 to 70 per cent of the aircraft wreckage were recovered from Santa Monica Bay. The safety board said there was no evidence of an overheated condition on either the interior or exterior of the No. 1 engine.

ENVIRONMENTAL QUALITY COUNCIL

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. COHELAN. Mr. Speaker, last week President Nixon focused public attention upon the need for coordinated consideration of environmental problems by creating the Environmental Quality Council. The urgent need for this focus had been agreed upon in formal policy statements by both legislative and executive leaders. Several bills proposing coordinated action to conserve and improve the quality of our environment presently are pending in the Congress.

One of the most significant contributions toward clarifying public policy in this area was a joint Senate-House colloquium, convened last summer by Senator HENRY JACKSON, chairman of the Senate Committee on Interior and Insular Affairs, and my California colleague, Representative GEORGE P. MILLER, chairman of the House Committee on Science and Astronautics. The agreed-upon statement of "A National Policy for the Environment" was announced to the Congress by our colleague from Connecticut, Representative EMILIO DADDARIO, chairman of the House Science and Astronautics Subcommittee on Science, Research and Development. As reported in the CONGRESSIONAL RECORD on May 20, at page 13148, this statement of policy was endorsed by the Committee on Environmental Quality of the Federal Council for Science and Technology, predecessor of the newly announced Environmental Quality Council.

Agreement on this general statement policy is important, for it represents a major step toward improving and expanding our traditional resources planning programs.

There still remains, however, the all-important problem of how best to implement this policy, and on that score there still is considerable diversity of opinion. The size and composition of the responsible agency, the tenure of its membership, its location within the Government, the scope of its activities and responsibilities—all these are vitally important to the successful implementation of an announced national policy.

President Nixon's appointment of the Environmental Quality Council testifies to his awareness of the problem; but an interdepartmental advisory council is not a substitute for an agency with statutory authority and responsibility for reporting regularly to the Congress and to the public an overview of environmental conditions and needs.

The Congress, in hearings on a number of bills, is giving its careful attention to finding the most effective methods of authorizing such an agency and of protecting the environment which all men share.

A very valuable analysis of this entire subject was given recently by Mr. Michael McCloskey, now chief of staff of the Sierra Club, in testimony before the Senate Committee on Interior and Insular Affairs on S. 1075, introduced by Senators JACKSON and STEVENS.

Mr. Speaker, I insert Mr. McCloskey's statement in the RECORD at the conclusion of my remarks, and I call special attention to his very cogent suggestions for the actual organization, responsibility, and operation of what he calls an institutional focus for drawing together environmental information.

I think that Mr. McCloskey's statement will be most helpful as we prepare to legislate in this vitally important area.

The statement follows:

STATEMENT OF MICHAEL MCCLOSKEY FOR THE SIERRA CLUB, APRIL 16, 1969

Mr. Chairman, I am Michael McCloskey. I serve as Conservation Director of the Sierra Club and am speaking for it here today. We are pleased to offer our strong support for S. 1075 which would establish a Council of Environmental Advisors and provide for ecological surveys.

The Sierra Club, which is a national conservation organization of 75,000 members, traditionally has been preoccupied with saving especially unique and scenic wildlands. We still are working at this task. However, this work is being outflanked by the general deterioration in man's habitat and the outright destruction of the habitat for so much other life on this planet. Recently we expressed our alarm over these facts in a full page advertisement that we ran in a national newspaper. We thought the time had come to communicate our anguish to a broad audience, and did so in these words:

"I. THE MOON, MARS, SATURN . . . NICE PLACES TO VISIT, BUT YOU WOULDN'T WANT TO LIVE THERE

"Any moment now, Man will find himself hurtling around in an Outer Space so enormous that descriptions of its size only boggle the mind. (One attempt has put it this way: The size of the Earth is to the size of the known Universe as a germ is to our entire solar system.)

"Yet, we already hear excited talk of locating, out there, a planet that duplicates the natural environment on Earth, i.e., trees, flowers, water, air, people; you get our meaning.

"The fact is that if we do find such a duplicate Earth out there, it may be some thousands of years from today. Until then, the only place in the Universe that will feel like home in Earth, unless *your* idea of home life could include setting up house on space platforms, or the Moon, or taking your evening walk with oxygen helmet and space suit.

"We haven't got used to thinking about it this way yet, but, as Astronaut Borman pointed out—for us people, Earth is a kind of inhabitable oasis in an unimaginably vast desert.

"Also, Earth is a strange sort of oasis, in that quite apart from providing us what we need to live—water, air, sustenance, companionship—this oasis actually *grew* us and every other life form. We are all related.

"Darwin, during his famous Galapagos journey, found all life on Earth—from plankton to people—to be part of an incredibly complex interwoven and interdependent blanket spread around the globe. There is no loosening one thread in the blanket without changing the stresses on every other thread, or worse, unraveling it.

"So then, if it is life on Earth that most of us are stuck with for the next little while, we had better consider the consequences of what has recently been going on here.

"II. TOWARD A MORE MOON-LIKE EARTH

"There was not always enough oxygen to support the existence of Man. It wasn't until green plants and certain ocean plankton had evolved that the natural process was begun by which oxygen is maintained in the atmosphere: photosynthesis.

"Man, one would think, has a stake in assuring that this process continues. Consider them, these bits of news:

"In the U.S. alone, oxygen-producing greenery is being paved over at a rate of one million acres per year and the rate is increasing. Also, paving is contagious. Other countries are following suit.

"The oceans have become the dumping ground for as many as a half million substances, few of which are tested to see if the plankton we need can survive them.

"New factories, autos, homes, and jet airplanes have incredibly increased the rate at which combustion takes place—i.e., at which oxygen is used and replaced in our atmosphere by carbon dioxide and carbon monoxide.

"The result is a kind of Russian roulette with the oxygen supply. Dr. Lamont C. Cole, ecologist, Cornell University, New York, has said this:

"'When and if we reach the point where the rate of combustion exceeds the rate of photosynthesis, the oxygen content of the atmosphere will decrease. Indeed there is evidence that it may already have begun to decline around our largest cities.'

"There is a bright side: If we should continue what we're doing, overpopulation will cease to be a problem.

"Sterile

"In only 25 years, traces of DDT have found their way into the average American to the extent of eleven parts per million. They are also found in animals, birds, fish and recently, in notable quantity, in the fatty tissues of Antarctic penguins. (If you wonder about the consequences, similar pesticides have already made sterile a species of hawk and owl in England. Here is the way it works: insects eat sprayed plants, small birds eat them, and then big birds eat *them*. By that time, the insecticide has been concentrated many-fold and the big birds are in big trouble. Now, if we humans were in the habit of eating owls and hawks . . .)

"Aside from the toxic effects on Man and other animals, pesticides like DDT and newer more voguish chemicals eliminate whole populations of certain bacteria and pest organisms.

"However, and here is the shocker, *no one in the world knows, when we aim at a particular pest, which other organisms may be eliminated by ricochet*. Someone had better find out.

"If some pesticide, herbicide, or defoliant should by inadvertence kill too many of the 'nitrogen-fixing' organisms—those organisms that enable living things *to make use of* the nitrogen in the atmosphere—*then life on Earth could end.*

"It is that dependent and fragile.

"Rampant technology

"The Aswan High Dam was dreamed up to prevent the Nile from overflowing its banks as it had yearly throughout history. (It was thought such a great idea that countries vied for the honor of helping build it; the U.S. foremost among them.) The goals were electricity and year-round irrigation, thus greater productivity. No one, including the U.S., thought much about certain *side* effects, which may ultimately prove the most important:

"Since the natural floods have been halted, life-giving nutrients that were formerly delivered to the land and the Mediterranean sea are now piling up in a reservoir above the dam, unusable.

"As a result the Eastern Mediterranean sardine fishery is already doomed.

"As for the land, the lack of nutrients, plus the water-logging caused by old irrigation, plus salinization, *may actually decrease productivity*. Newly irrigated lands have the same fate in store.

"A particular snail has begun to thrive in the warm irrigation canals. The snail hosts a worm which causes schistosomiasis, a debilitating, often fatal disease. In one region around the dam, the incidence of this disease used to be 2%. It has now risen to 75%.

"At Aswan, we may also see repeated the awful developments at Kariba Dam, East Africa. At Kariba, rafts of hyacinths and reeds have spread over much of the reservoir's surface. It has been estimated that if this growth should cover just 10% of the reservoir at Aswan, the plants could actually transpire into the desert air enough water to stop *all* flow into the lower Nile.

"Looking at the bright side again: In a few centuries, the dam will fill up with silt, and end its useful life. Then, the river will flow right over it, creating a huge, perhaps lovely, waterfall. Tourists will enjoy the view.

"More improvements

"Engineers are improving things everywhere:

"In Alaska, a $2 billion dam is proposed—to bring power to non-existent industry—which would flood a wilderness and nesting region the size of Lake Erie.

"In Brazil, engineers propose an Amazon dam that would flood a green area as big as Italy.

"In Southeast Asia, a series of proposed Mekong River dams may do for Laos, Thailand, and Vietnam what Aswan is doing for Egypt. *Every* country should be spared such improvements.

"III. A WILDLIFE PRESERVE WHERE WE ARE THE WILDLIFE

"The speed with which our world is being altered is so rapid that there is no cataloguing it; it is everywhere . . . forests are gone, hillsides eroded and bulldozed, waters filled, and air and water polluted. The implicit assumption is that Man is the Master of Nature, and that losing a wild place or species or plant is of no great importance to us, and never mind the esthetics. But as we have shown, tinkering with the natural order of things can be a dangerous business, *for there is a need to think of the organic wholeness of nature, not man apart from that*. Man's vanity notwithstanding, he is irretrievably intertwined with everything on his planet and therefore must proceed with a degree of caution, until, at last, he has the option of actually leaving Earth.

"If, before then, we should so alter our environment that we rid it of ingredients we need for life, then *we* will merely pass the way of other life forms that have become extinct for one reason or another. And, as humbling a thought as it may be, Nature might scarcely miss the people. Things might eventually get back into their own pattern, the natural order reviving. Plankton might evolve; oxygen might re-form in the atmosphere; grass might grow through the pavement and among tumbled columns as it has before.

"With all this in mind, you may see that we, the 70,000-member Sierra Club, the groups we work, and the critical publishing project you see outlined at right, are not so much proselytizing on behalf of Nature. In due course, Nature will take care of itself.

"Our motives are more selfish, in fact. They are on behalf of our very own lives and the lives of our children who, we feel, have not only the right to live but also the right to live in a world that maintains the natural order enough to continue to feel like home."

As the ad makes clear, Man is manipulating his habitat with unprecedented speed and force, and in the process is creating a multitude of unintended results which degrade the shared environment on which all living things depend. Advancing technology, the mobilization of growing capital resources, and the increasing size and skill of units organized to manipulate the environment are all creating an environmental crisis. The crisis comes in many forms:

(1) continuation of old patterns which are no longer producing desirable results but nightmarish predictions, such as the unchecked growth of worldwide population;

(2) emergence of new functional problems we are not organized to handle, such as solid waste disposal, and other basic problems of concentrated urbanization: transportation, blight, and decay;

(3) insensitive pursuit of missions with heedless disregard for side effects which we can anticipate but do not avoid. Traditional programs thus produce a continuing loss of prime farm land to urbanization, destruction of wildlife habitat and the extinction of species, disappearance of scientifically valuable natural areas, filling and dredging of productive estuaries, drainage of wetlands, obliteration of the land through strip-mining, deforestation and soil erosion, water and air pollution, ground water depletion, saturation of irrigated land with salt, flooding of valuable river bottoms, surrender of more and more landscape to freeways, and defacement of the landscape by billboards, power lines, junkyards, open pits, and the clutter produced by excessive laissez-faire. New programs are emerging, too, with detrimental side effects that can be anticipated: thermal pollution from large nuclear and steam power plants, radioactive releases from tests, nuclear plants, and disposal of nuclear wastes, and noise and stress problems stemming from the supersonic transport.

(4) Finally a variety of activities produce harmful side effects that were not anticipated: stress caused by crowding, smog produced by automobile emissions, spills and leakage from offshore oil wells, detergents which degrade too slowly or not at all, long-lived and pervasive pesticides which concentrate in certain species, disruptive introduction of exotic species, the accelerating spread of carcinogens, accumulation of lead in the atmosphere, the prospect of an oxygen deficit with consumption growing and production impaired, the unpredictable impact of weather modification, and the contrary possibilities of rising world temperatures as a result of carbon dioxide build-up or falling temperatures as a result of smog and jet contrails.

The emergence of these problems clearly shows that our existing institutions and programs are not adequate. Admittedly, our market economy has been remarkably successful in producing goods and services to meet man's most immediate needs. Where necessary, government has intervened to provide basic butressing for many of these market activities, as through irrigation and highway programs. To a limited extent, government has intervened also to mitigate adverse effects where they could be anticipated, as with soil erosion and forestry programs, and more recently with air and water pollution abatement programs. However, where man's less immediate needs are adversely affected, and the effects are widely disseminated and hard to anticipate, little is being done.

It is now necessary, therefore, to supplement the contributions of the market economy and the programs of many narrow mission-oriented agencies with a third effort which will concern itself with the quality of widely shared extra-market values distributed throughout the entire biophysical environment. As a first step toward organizing such an effort, it is necessary that the state of existing knowledge be improved. There should be an institutional focus for drawing together environmental information about the consequences of projecting traditional patterns, the emergence of new crises, the cost of perpetuating traditional programs with unwanted side effects, and ways of detecting unforeseen side effects that stem from technical innovations.

A Council of Environmental Advisors would provide such a focal point. The Council should be equipped to monitor and survey the environment so that it can discover significant relationships and trends. Through such discoveries and improved understanding and foresight, the Council should be in a position to recommend remedial and preventive action.

In performing its function of surveillance, there are certain problem patterns that it should especially look for: incompatibilities between programs; abrupt changes in trends or the pace of change; irreversible tendencies in trends; large accumulations of small incremental changes; stockpiling of trace elements; persistence of fugitive substances; random interaction of substances and forces in a reinforcing, or synergistic, fashion; and the loss of unique and irreplaceable places and things.

In analyzing the data thus derived, the Council should attempt to relate the information it obtains in a comprehensive framework, developing models of systems wherever possible. In this manner, it should discover gaps in our knowledge and data which should be filled. The Council should encourage performance of pre-construction and post-construction audits to determine the environmental impact of large construction programs. In analyzing impacts, the Council should determine who bears the costs of unintended side effects. It should determine how much margin of error we have in environmental impacts, and try to judge whether the risks are warranted by the benefits. Through early detection, the Council should give us the maximum lead time to ward off undesirable side effects. And finally, the Council's analyses should tell us whether the answer lies in improving the efficiency of existing programs or in curtailing and redirecting them. In some cases, lack of coordination may be the problem; in other cases ignorance or simple lack of concern may be the problem.

It is important to recognize that the needs of environmental quality cannot be met simply through expanding traditional resource

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planning programs or by improving economic or administrative efficiency. We are not involved here in meeting target goals for the production of commodities; we are not involved in inventorying natural resources and predicting consumption requirements; we are not involved in working the "bugs" out of new programs; we are not involved in reducing proliferation and duplication among agencies; we are not involved in saving the taxpayers money. These aims may incidentally be met as a result of the oversight function of a Council of Environmental Advisors. But that function must be defined by the inherent needs of a healthy environment. Coordination and simplification may or may not be the answer. In some cases, we probably need to change our goals and to curtail present programs. Before we can know, we must first get the facts.

This is what a Council of Environmental Advisors, in our estimation, should do, and it should do this in the most comprehensive and unbiased way possible. For the Council to have the most comprehensive view possible, it is important that it be lodged in a place that affords the most commanding view and that it have access to data compiled by all other agencies. This consideration suggests that the Executive Office of the President is the proper place for the Council. This suggestion is reinforced by the need to keep the Council as unbiased as possible. If the Council is housed in any operating agency or institution, it cannot escape being influenced by its outlook and defending its programs.

The need to keep the Council free of justifying programs and decisions also suggests that it should not be vested with any authority to make decisions. Obviously its warnings and recommendations should receive careful consideration, and hopefully many of them will be adopted. But the proper instrument for responding to its recommendations may vary immensely with the nature of the problem. In some cases, the President may have authority to act, and he may sometimes choose to do this through inter-departmental coordinating committees. In other cases, the decision will have to be made by Congress, and in still other cases the decision may be up to state and local government or private parties. We firmly believe that better mechanisms for responding to environmental crises must be evolved, but it will probably help ensure a sounder basis for action if the functions of oversight and analysis are kept separate from the functions of authority and political responsibility.

The need for independence might suggest that the Council should not even be housed in the Executive Office of the President, but should be an independent commission. While this possibility has some appeal, it is offset by the difficulty such a commission might have in gaining cooperation from agencies in the Executive branch and by the fact that such a commission would have difficulty in attracting the attention of the President. While the President may not always have sufficient authority to implement the recommendations of the Council, his support will always be important and it probably will be appropriate for him to act in more instances than any other body.

The need to strike a balance between independence and influence with the President raises the question of whether the members of the Council should serve at the pleasure of the President or should serve for staggered terms. By serving at the pleasure of the President, the members presumably will command his confidence, but they may also be unduly circumspect in criticizing programs of the administration. Moreover, the Council would lack continuity through changes in administration. If the members of the Council, on the other hand, serve for short terms on a staggered schedule there would be continuity through changes in the Presidency and its members might be more emboldened to take issue with administration programs they feel are unsound. In any event, a President would be able to achieve a majority of his own appointees sometime past the mid-point of this first term. On balance, we feel it is probably preferable, therefore, to have the members serve for short, staggered terms and would suggest that S. 1075 be so amended.

We note that there is a difference of opinion over the desirable size of the Council, and that some have proposed advisory committees for the Council also. If the Council were to have decision-making power, we think there would be considerable merit to proposals for enlarging the Council and providing it with an advisory committee. These steps would serve as "checks and balances" to make sure that valid points of view were not overlooked, and would serve to impede hasty action. However, we believe the Council can be most effective if it is merely a study and oversight body. It should not be impeded in its studies by complicated internal "checks and balances". Necessary "checks and balances" should be external to the Council, and will be provided by the normal political mechanisms.

We believe that the three man council that S. 1075 provides is the most efficient size. Increasing its size to five, as some have suggested, will greatly increase the complexity of the pattern of communication and interaction among the members. While some have suggested that a larger membership is needed to assure representation of enough disciplines, we cannot possibly see how even a membership of five would represent an adequate mix of disciplines. The only solution which seems practical to us is to build a sufficient support staff containing a proper distribution of disciplines, and to look for Council members who are valued as generalists with particularly useful insights and experience that they can offer. In this regard, we would not suggest any more specific standards of qualification than S. 1075 provides. In the new and changing field of environmental quality the President should have great leeway in picking men of broad professional experience.

As S. 1075 is presently drafted, a degree of ambiguity pervades the description of the Council's specific functions. It is not clear what the balance is to be between its analytical functions and its responsibility for making recommendations. A companion bill by Senator Nelson, S. 1085, would make program formulation the Council's principal duty, while S. 1075 specifies analysis as its primary function. Senator Nelson's bill calls for the Council to submit recommendations for a national program in four years. Similarly, an ambiguity surrounds the character of the reports the Council is to make periodically to Congress (and, incidentally, it is not clear whether these are to be annual or biennial reports; cf. Sec. 202(c) of S. 1075 with Sec. 203). The bill is exceedingly vague in setting forth the frame of reference to be used in evaluating the status of environmental systems and the trends affecting them.

We understand that thought is now being given to including a general statement of policy in the legislation. We think inclusion of this additional element would be most helpful. Inclusion of a policy statement would make it less necessary for the Council itself to produce a general policy statement to recommend to the President by some fixed date in the future. A broad policy statement from Congress would give the Council direction from the outset, and would provide a general goal for all federal programs.

Moreover, a policy statement would provide a yardstick by which to measure the data gathered in the status and trend reports. By having a policy framework for its analytical work, the Council would be encouraged to surmount the danger of limiting itself to the unproductive task of merely forwarding the Congress compilations of undigested statistics. In tieing status and trend reports to a policy goal, the Congress should make it clear that it wants interpretation and evaluation in these reports and stress upon significant indicators. Only if this is done will the Council's work prove to be useful to the President, the Congress, and the public.

We believe the description of the environmental crisis that we provided in the beginning portion of this statement provides material which could be readily adapted to provide a basis for a general statement of policy. Accordingly, we urge that this policy statement focus the definition of environmental quality on "the need to protect extra-market values associated with life support systems from unintentional degradation." Undoubtedly, the concept of environmental quality also embraces market valued functions and intentional effects, but there are other organized ways of dealing with these aspects of the problem. The need is to focus attention on the more subtle aspects of the problem which thus far have been almost nobody's business. It is time to make them paramount business of the nation. If we do not, we shall all suffer the consequences in ways that will be increasingly less subtle.

In conclusion, let us stress, too, the importance of Title I of S. 1075. We have expressed our strong support in the past before this Committee for stepped-up ecological studies and an expanded system of natural areas. Only through such studies, and ample research in a widely diversified system of natural areas, can we develop the basic knowledge to understand what we are doing to the environment.

The ecological research that Title I would encourage can provide an increasingly sure footing for the broad analyses of the Council on Environmental Quality. We would suggest, however, that clear authority be provided for maintenance of a coordinated federal system of natural areas and that there be clear direction to the Secretary of the Interior to foster development of systems of natural areas in the hands of non-federal entities (see subsections (8) and (9) of Sec. 201 of S. 1085).

PAKISTAN CONSORTIUM

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. SIKES. Mr. Speaker, let me call attention to the important fact that the consortium of governments and institutions interested in development assistance to Pakistan met in Paris on May 19 and 20, 1969, under the chairmanship of the World Bank. A summary of the meeting was issued on May 20 and it provides interesting and useful information on the economic progress of Pakistan, on future plans of the Government of Pakistan, and on the needs for external aid in the years immediately ahead. The security and the progress of Pakistan are important to the American people, and I am glad to insert the interesting account of the consortium in the RECORD:

PAKISTAN CONSORTIUM

The following announcement was issued today at the World Bank's European Office in Paris:

"The consortium of governments and institutions interested in development assistance to Pakistan met in Paris on May 19 and

20, 1969 under the chairmanship of the World Bank. The meeting was attended by representatives of the Governments of Belgium, Canada, France, Germany, Italy, Japan, the Netherlands, Sweden, the United Kingdom and the United States. Sweden's attendance for the first time as a member of the consortium was welcomed. The International Monetary Fund sent observers.

"The purpose of the meeting was to review the progress of economic development in Pakistan and to consider Pakistan's aid requirements for the fiscal year beginning July 1, 1969 and the terms on which aid should be made available.

"A delegation representing the Government of Pakistan, led by Mr. M. M. Ahmad, Deputy Chairman, Planning Commission, was present to describe economic progress and aid requirements.

"Consortium members commended Pakistan's performance in the fact of difficult problems of economic management. Despite the recent disturbances, economic gains in the current year had been substantial—total output had increased by nearly 6%; agricultural production increased by about 5% with a new record for the wheat crop in West Pakistan; industry had grown by more than 8%; and exports by nearly 10%.

"The members heard with interest some of the measures and policy changes which the Government of Pakistan intends to adopt in preparing the annual plan for 1969–70 and the Fourth Five Year Plan. The members particularly welcomed the Government's intentions to improve education and other social services; to give continued high priority to programs of family planning; to sustain and enlarge the success already achieved in agriculture; to promote the fuller utilization of existing industrial capacity; and to mobilize additional domestic resources for development.

"The members accepted that in the coming year Pakistan could effectively use external aid on suitable terms from consortium members totaling $500 million. It was also agreed that it would be desirable that about half of this amount should be provided in the form of non-project assistance. Some members were already in a position to indicate their contribution toward the aid required, others undertook to do so as soon as possible. It was agreed that the terms on which aid is provided should take more fully into account than in the past Pakistan's ability to service external debt. Some members indicated a move in this direction and it was decided that this question should be studied further by the consortium."

THE ORIGIN OF FLAG DAY

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. DONOHUE. Mr. Speaker, we will very shortly be celebrating Flag Day by appropriate ceremonies in the Congress and throughout the country. I am, therefore, pleased to include at this point a very timely and instructive article on the origin of Flag Day that appeared in the June 12, 1969, issue of the Machinist, an outstanding periodical published by the International Association of Machinists and Aerospace Workers.

The article follows:

FLAG DAY

June 14 is Flag Day, the anniversary of a resolution passed by Congress on June 14, 1777, establishing a red, white and blue flag.

The Resolution establishing the Stars and Stripes has an interesting history. After the Declaration of Independence, colonial vessels were putting to sea to hamper enemy communications and prey on British commerce. Many of them flew flags of the Colonies to which they belonged. It was necessary to provide an authorized national flag under which they could sail, for England considered armed vessels without such a flag as pirate ships and hanged their crews when they captured them. So the Marine Committee of the Second Continental Congress presented the Resolution.

DOUGLAS—MOSCOW AXIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. RARICK. Mr. Speaker, from the International Communist Summit Conference in Moscow comes a summons for progressive forces the world over to aid the Red comrades in Vietnam by obstructing American shipment of troops and supplies.

Strangely enough, the Moscow report but reaffirms many of the unusual and unorthodox stays and temporary restraining orders—affecting the draft and troop movements—which have already been issued by Justice William O. Douglas on his own initiative.

I again call to the attention of our colleagues that should the U.S. Supreme Court adjourn for the summer without Douglas' resignation, he will be at liberty until October to abuse the power of the Supreme Court to continue to do exactly as Moscow has ordered.

If he does not resign—he must be removed.

I include a Moscow UPI clipping:

[From the Evening Star, June 10, 1969]

REDS URGE OBSTRUCTION OF U.S. TROOPS, SUPPLIES

Moscow.—The world Communist Summit Conference today unanimously condemned what it called United States "aggression" in Vietnam and urged Communists, workers and other "progressive forces" to obstruct American shipment of troops and supplies.

The condemnation and appeal came in a resolution passed by the representatives of 75 participating parties which also endorsed the 10-point program of the National Liberation Front of South Vietnam, the political wing of the Viet Cong.

The congress also proclaimed June 20 as "international day of solidarity with Vietnam." The date was selected to commemorate the 1955 Geneva Accords on Indochina.

More speakers today blasted the Chinese Communist party, which has boycotted the congress.

Diplomatic sources said the Soviet Union had been able to turn the conference into a platform for attacks on Mao Tse-tung.

They noted that all major Communist leaders—with the exception of Romania's President Nicolae Ceausescu—bitterly criticized the Mao regime and branded it "anti-Socialist."

The criticism did not amount to a formal excommunication of China from the ranks of world communism. But the attacks still were far harsher than most observers had expected could be allowed without the appearance of a major rift in the conference.

Ceausescu restated his opposition to continued criticism of China, but his calm, broadly-worded speech yesterday carefully avoided mention of Czechoslovakia and was not as strong as his earlier speeches opposing attacks on China.

Ceausescu was ignored by most speakers, including Soviet party leader Leonid I. Breshnev, Poland's party chief Wladyslaw Gomulka and East German President Walter Ulbricht.

Conference sources said, however, the embarrassing problem of Czechoslovakia may be raised by several delegations which have not yet spoken, including the Italians and Belgians.

The Australian Communist party has publicly condemned the Soviet-led invasion, claiming it will have serious and long lasting effects on the international Communist movement.

Lorrie Aarons, the Australian party secretary, also criticized the continued presence in Czechoslovakia of Russian troops and declared that in his view proletarian internationalism "cannot be identified with state interests of any Socialist country."

Aarons' remarks were ignored by Czechoslovakia's Party Secretary Gustav Husak, but political observers said if a major Western party, such as the Italians, raise the question to block all discussion by announcing that it is a matter already settled by the Czechoslovak party and the five fraternal parties that took part in the invasion.

SPIRITUAL HEAD OF THE ARMENIAN APOSTOLIC CHURCH MAKING A 3-MONTH TOUR OF THE UNITED STATES

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. BOLAND. Mr. Speaker, I was privileged to be one of the Members of Congress invited by Vice President AGNEW to a reception held this noon for His Holiness Khoren I, Catholicos of the Armenian Holy See of Cilicia, Lebanon, spiritual head of the Armenian Apostolic Church.

His Holiness, whose ecclesiastic rank is equivalent to that of Pope in the Roman Catholic Church, is making a 3-month tour of the United States to strengthen ties among members of the church's North American Diocese and to help raise funds for establishment of a National Prelacy Headquarters here. Catholicos Khoren's trip to the United States is a genuinely historic event—the first ever made to this country by a Cilician Catholicos. Spiritual leader of more than 125,000 Americans, His Holiness will have visited 32 Armenian Apostolic parishes throughout the Nation by the time he completes his mission here. One of the parishes he has already visited is St. Gregory's Armenian Apostolic Church in Indian Orchard, Mass., a community in my congressional district. His Holiness arrived at the church June 3 to bless bread and salt, a traditional gesture in the Armenian Chuch symbolizing welcome, hospitality, and friendship. After ceremonies at St. Gregory's—a strikingly handsome building, newly rebuilt after a fire left it in ruins 3 years ago—Catholicos Khoren was honored at an afternoon reception, and, later that day, at a dinner. His stop

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in Indian Orchard was arranged by Mrs. Andon Meregian, Mrs. Allis Meyer, Mrs. Harry Soukiasian, Carnis Piligian, Arthur Aykanian and Popken Kachigian—all parishioners in the 120-member church.

Speaking briefly and eloquently at today's reception in the Capitol, Catholicos Khoren spoke of the struggle for freedom around the world:

> Although I am from the distant Middle East, I am well aware of the greatness of the United States and the advantages it holds out to the oppressed who migrate here for safety and dignity. I have always expressed myself as a friend of freedom and I am dedicated to the proposition that all men are born equal. We Armenians have given our share of martyrs in the struggle for freedom and we see that our nation is continuing its struggle for liberty. We are convinced that the powerful nations of the world shall do everything possible to re-effect the freedom of smaller nations. I thank the United States for its championship of self-determination and I bless this great nation.

Vice President Agnew, host for today's reception, described His Holiness as "a distinguished champion of the free way of life, a great church leader who has always expressed his admiration for the United States."

Among those taking part in the reception were Archbishop H. Kachadourian, Prelate of the Armenian Apostolic Church in North America; Archbishop S. Ayvazian, Prelate of the Greek Church; George Mardikian, honorary chairman of the reception committee; Tatul Papazian, chairman of the Central Committee of the Armenian Revolutionary Federation; Dr. H. Abrahamian, Washington, D.C., representative of the Armenian National Committee; Attorney Milton Gelenian, chairman of the board of trustees of Holy Cross Armenian Apostolic Church here in Washington; J. Haratunian, chairman of the Washington reception committee; M. Haratunian, chairman of the National Steering Committee for Catholicos Khoren's tour, Attorney Robert Kaloosdian, representative of the Armenian Youth Federation; James Keshishian, chairman of local arrangements for His Holiness' visit; Dr. John Manuelian, personal physician to His Holiness; Y. Melikian, member of the Prelacy Council; L. Palian, the Catholicos' official interpreter; J. Tashjian, Secretary of the Armenian National Committee, and J. Dur Hovanesian, member of the Armenian National Committee.

Members of Congress invited to the reception—all of whom represent significant numbers of Armenian Apostolic Church members—were Senators Everett Dirksen, John Pastore, Hugh Scott, Claiborne Pell, Joseph Tydings, Robert Griffin, Charles Mathias, and Richard Schweiker; Congressmen Philip Philbin, Thomas Morgan, Harold Donohue, Peter Frelinghuysen, Thomas O'Neill, William Mailliard, B. F. Sisk, Martha Griffiths, William Broomfield, Edward Derwinski, Cornelius Gallagher, Otis Pike, James Grover, Robert McClory, John Wydler, Lester Wolff, William Green, Jerome Waldie, Joshua Eilberg, Marvin Esch, Gilbert Gude, Robert Mathias, Charles Wiggins, Robert Tiernan and myself.

Under unanimous consent I submit a copy of the letter inviting me to take part in the reception held for Catholics Khoren by St. Gregory's Church in Indian Orchard, a copy of my responding telegram, and a copy of a Springfield, Mass., Union article describing His Holiness' trip to Springfield for inclusion in the Congressional Record, as follows:

St. Gregory Armenian Apostolic Church,
Indian Orchard, Mass., May 14, 1969.

Hon. Edward P. Boland,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman: On April 10th His Holiness Khoren I Catholics of the Armenian Holy See of Cilicia Lebanon arrived in America with a dual mission of strengthening the ties with the Armenians throughout the North American diocese and spearheading a fund raising program for the establishment of a national prelacy headquarters in this country.

The visit is the first made to this country by a Cilician Catholicos, and his busy schedule will take him to every major Armenian community. Included in the three month tour of member churches will be a visit to St. Gregory's Armenian Apostolic Church.

On Tuesday, June 3rd, His Holiness will be the guest of honor at a reception to be held at the Holiday Inn between 5:30 and 7:00 p.m., followed by a banquet at the Oxford Country Club, Chicopee.

We cordially invite you to join with other dignitaries to meet His Holiness and share this memorable occasion with us.

We would appreciate your letting us know if your schedule will permit you to attend the reception and banquet.

We look forward to seeing you on June 3rd.

Sincerely yours,
Carnig Piligian,
Chairman.

Mr. Carnig Piligian,
Chairman, St. Gregory Armenian Apostolic Church, Indian Orchard, Mass.:

Deeply regret congressional business keeps me in Washington. Permit me by way of this wire to join with the people of St. Gregory's church in honoring his Holiness Khoren I Catholics of the Armenian See on his visit to our community.

His presence in the United States will indeed strengthen the tire among Armenians throughout this country. I congratulate St. Gregory's parishioners for their reception to his Holiness.

I have been invited and have accepted an invitation by Vice President Agnew to meet with his Holiness on June 11th.

Edward P. Boland,
Member of Congress.

[From the Springfield, (Mass.) Union, June 4, 1969]

Armenian Prelate Visits I.O. Church

Draped in long black and purple robes, Catholics Khoren I of the Armenian Holy See of Cilicia in Lebanon came to Springfield Tuesday as part of a three-month tour of America.

His rank is the equivalent of Pope in the Roman Catholic Church. Catholicos Khoren I is the spiritual leader of 125,000 Americans, including 120 members of St. Gregory's Armenian Apostolic Church on Goodwin Street, Indian Orchard.

STOPPED AT CHURCH

His holiness stopped at the church at 4 p.m. Tuesday to bless bread and salt, a traditional gesture in the Armenian church since biblical times. It symbolized welcome and hospitality, a wish for longevity and unbreakable friendship.

The 54-year-old Catholicos was bearded and wore a peaked mantle. He carried a long scepter with a gold handle and wore three gold and silver medallions around his neck.

He was flanked by Archbishop Hrant Khatchadourian, prelate of the Armenian Apostolic Church of America, which has headquarters in New York City, and by Archbishop Sahag Ayvazian, prelate of the Armenian Church of Greece.

St. Gregory pastor Rev. Sahag Andekian joined the trio for a brief service inside the newly rebuilt church during which the Catholicos praised the congregation for building the $250,000 church. Speaking in Armenian, congregation members said later that the Catholicos was particularly impressed because the St. Gregory congregation is one of the smallest of the 32 parishes he will visit in America.

St. Gregory's had been destroyed by fire in 1966 but was rebuilt as a replica of the first Armenian Christian churches and reconsecrated last year.

The holy father also said the United States is the only country able to lead the world to peace, parishioners said.

Following ceremonies at the church, the holy father greeted Mayor Freedman and other dignitaries at the Holiday Inn.

He was honored at a banquet at Oxford Country Club, Chicopee Tuesday night.

His stop in Springfield was arranged by Mrs. Andon Meregian, Mrs. Allis Meyer and Mrs. Harry Soukiasian. Others involved were Carnig Piligian, Arthur Aykanian and Popken Hachigian.

MILITARY WIFE OF THE YEAR

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. PHILBIN. Mr. Speaker, I would like to bring to the attention of the House and the American people a most worthwhile activity which has made significant contributions toward the improvement of people-to-people relations between the military and civilian communities in the Nation and in many foreign lands.

This is the Military Wife of the Year program, sponsored by Mr. Wilson Harrell, chairman of the board and president of Harrell's International of Westport, Conn., in cooperation with Art Linkletter, as a tribute to the wives of our dedicated men in the Armed Forces.

This year's program resulted in the selection of the third Military Wife of the Year and as in past years since the nomination of the first military wife in 1967, the winner was awarded a special plaque at a formal dinner held in Washington and will appear during the year on Art Linkletter shows in the United States and at overseas bases.

This year's Military Wife of the Year, selected by a distinguished panel of wives of our ranking military commanders, is Mrs. Edrel A. Coleman, the wife of Maj. Victor S. Coleman, Chaplain Corps, and one of five finalists among nominees from all parts of the world.

The selection panel included Mrs. Bruce Palmer, Jr., wife of the Army Vice Chief of Staff, representing Mrs. William C. Westmoreland, wife of the Army Chief of Staff; Mrs. Thomas H. Moorer, wife of the Chief of Naval Operations; Mrs. John P. McConnell, wife of the Air Force Chief of Staff; Mrs. Leonard F. Chapman, Jr., wife of the Commandant of the Marine Corps, and Mrs. Willard J. Smith, wife of the Commandant of the Coast Guard.

Other finalists were Mrs. Lois Smee, wife of Lt. Col. James C. Smee, USA; Mrs. Carol White, wife of Comdr. Rodrick White, USCG; Mrs. Madeline Leolar Berkenpas, wife of Lt. Col. Nephi Berkenpas, USAF; and Mrs. Alta Sawyer, wife of S. Sgt. Edward A. Sawyer, USA.

The Military Wife of the Year program has as objective the focusing of public attention on the role of the military community in building friendships throughout the world through the selection of a representative service wife from one of the major U.S. commands or districts. Candidates from the designated theater are nominated by their own military community clubs, usually, but not limited to, the officers' or NCO wives' clubs at installations throughout the theater.

The nominees are evaluated on the basis of their active interest in local community and civic affairs and their singular contributions toward improving people-to-people relations between the military and civilian communities.

The Military Wife of the Year for 1969, Mrs. Edrel A. Coleman, illustrates the highly selective criteria and I am inserting in the CONGRESSIONAL RECORD background material which outlines her many contributions in behalf of humanity, democracy, and freedom.

I commend and salute this year's finalists and congratulate Mrs. Coleman and her lovely family upon this well deserved award, and extend them best wishes for continued success, happiness, and well-being for many years to come.

The material follows:

EDREL A. COLEMAN, 1969 MILITARY WIFE OF THE YEAR

In an age of non-involvement, when so many people protest, demonstrate, and rail against everything not meeting their approval rather than helping find a workable solution, it is a rare privilege to know Edrel Annette Coleman, who has indeed helped rather than hindered the American community, civilian and military, in this country and abroad, in concrete ways.

Born the second child in a family of eight children during the depression, Edrel grew up knowing what "working for what you get" means.

Edrel married a young minister after one year of college. Being interested in education and having a desire to help others, she gained her other three years of college by attending night school and summer school, graduating from Kansas State University in Elementary Education.

Edrel has taught school 16 years, in six different states and two countries. Over 1,100 children have been in her classes. Today she is still in touch with many of her former pupils, many of whom are doctors, lawyers, ministers, teachers, and successful businessmen.

She began teaching Sunday School at the age of 16. She served as president of the Methodist Youth Fellowship in her local church and as president of the district, and has served as president, secretary, treasurer, and has been chairman of different committees in the women's organizations in the civilian and the military churches.

Edrel served as advisor at Youth Conferences for three years in Germany, attending six Retreat Conferences, either as a delegate or advisor, at Bertchesgaden, Germany. Her interest in the "older people and the young people" balance each other. She has been instrumental in organizing entertainment and programs as well as for food and clothing for both the orphanages and Old Peoples' Homes, and has been responsible in finding Christian homes for orphans.

Edrel served as Chairman of Welfare in the Officers' Wives Club, working directly with the Schweinfurt's Welfare Director. She was Hostess Chairman in the German-American Club, and further helped create good relations between Americans and Germans by studying their language, by belonging to their Women's Clubs and by visiting in their homes and entertaining them in hers.

During this time, Edrel also organized and directed a ten week summer program for military dependent Junior and Senior High School girls. Classes included sewing, cooking, charm, and swimming.

At Fort Benning, Georgia, Edrel, again showing her concern for youth, served as Red Cross counselor for Junior High girls.

Edrel has been active in Little Theater, and while at Maxwell Air Force Base Elementary School, she organized and directed the Drama Club at that Base, writing most of the scripts.

Since arriving at Fort Wainwright, where she is a full time teacher in addition to being a homemaker. Edrel still finds time to do much civic work in the Fairbanks community as well as on post. She has organized prayer groups; a Religious Book Review Guild; and is a staff member of the Officers' Wives Club monthly publication, "The Wainwriter," writing a monthly column entitled "Patterns for Living".

She has adopted and supports a Korean son through the Children's Christian Fund, and contributes regularly to the educational tuition of a girl in India.

Edrel is the Assistant Director of the Miss Greater Fairbanks Scholarship Pageant and has served as Hostess Chairman.

She is an active member of the Alaska State Board of Directors of the American Cancer Society, serving on the Education Committee. Edrel also is an active member of the Executive Board of Directors for the Fairbanks unit of the American Cancer Society, serving as secretary.

Edrel has always been active in working with the youth. Today's children are no exception. She has a grave concern for "today's children in tomorrow's world". Because of her concern she has organized a club called HELP DAN (*H*elp *E*ducate *L*ittle *P*eople about the abuse of *D*rugs-*A*lcohol-*N*arcotics). Her fervent hope of HELP DAN becoming a national organization is beginning to come to life. It has gained some national publicity already by being featured in the Scientific Temperance Journal. HELP DAN members have received letters of commendation from such personalities as Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, and Dr. Philip Blaiberg of Capetown, Africa, who is the world's longest living heart transplant patient. At present, the National Education Association is studying material on HELP DAN with a view of publishing this material in their magazine. Edrel has appeared on the local TV and before local groups telling them about HELP DAN. A reading "An Alcoholic's Forgotten Son", written by Edrel was featured on TV by one of her pupils.

This past Christmas Edrel's 6th grade pupils gave gifts to 26 needy children in the Fairbanks community instead of exchanging names with each other. Names were secured from the Heart to Heart Program. The 26 pupils had the most blessed Christmas they had ever had. They learned the real meaning of Christmas—by giving. The monetary value was $150.00. KFAR–TV station featured the class having the Christmas Party for the needy children on their program, "Big 30".

Edrel's concern reaches out to *all* youth. Being aware of Alaska's growing needs, she wrote fifteen letters to the Legislature, in the spring of 1968, urging them to adopt certain bills dealing with youth and education in Alaska.

In view of Edrel's concern and positive action on behalf of the youth of today, it will come as no surprise to anyone that she was named Mother of the Year, 1969, for the State of Alaska.

PRESS GAZETTE OF GREEN BAY, WISCONSIN, ENDORSES IDEA OF MASSIVE WATER POLLUTION CONTROL EFFORT BY CORPS OF ENGINEERS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. REUSS. Mr. Speaker, in a May 27, 1969, editorial, the Press Gazette of Green Bay, Wis., points out the bind that communities in Wisconsin and all across the Nation find themselves in because the Federal Government has defaulted on its share of water pollution control funds, and goes on to say that a massive sewerage treatment program by the Corps of Engineers would be helpful in closing the gap between what is needed and what is actually being done to control pollution. The text of the editorial follows:

PORK BARREL MONEY TO FIGHT POLLUTION

Rep. Henry S. Reuss of Milwaukee has introduced a bill which could provide for a massive assault on the water pollution problems plaguing the nation and, at the same time, help the Army Corps of Engineers get rid of the black-hatted bad guy image bestowed on the corps with increasing regularity of late by conservation interests throughout the country.

The Reuss bill would authorize the Army engineers to build systems, with 100 per cent federal financing, to solve the combined storm and sanitary sewer problems in large cities which cause large quantities of untreated wastes to be flushed into waterways during periods of heavy rain. The corps also would be authorized to do research, development and construction in new methods of sewage disposal.

Reuss, chairman of the Conservation and Natural Resources Subcommittee of the House Committee on Government Operations, points out that the underfunded Federal Water Pollution Control Program can offer a mere $214 million in actual budget requests out of the $1 billion originally authorized for fiscal 1970 to aid local sewage disposal projects. He feels the massive resources of the Army engineers could help close this gap.

"Instead of putting all its resources and skilled manpower into increasingly marginal navigation, flood control and power projects, let us turn the corps loose on building the sewerage systems and waste disposal plants which the nation so desperately needs if we are ever to enjoy clean water again," Reuss argues.

No one has to remind Wisconsin that the promise of massive federal aid for water pollution control simply has not been materializing. The voters of the state pledged themselves to an all-out battle to save our waters when they overwhelmingly approved the pol-

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lution control portion of the ORAP-200 bonding program in April. A massive sewerage treatment program by the Corps of Engineers would prove helpful in Wisconsin and it could prove even more vital in states where the public has yet to take the initiative in the pollution control field.

For years, the Corps of Engineers work program has been almost synonymous with the pork barrel as any attempts at budget trimming run afoul of pet local projects such as canals and, especially, dams. The wisdom and necessity of some of these projects is open to question, especially by conservationists who struggle to preserve the nation's dwindling system of wild rivers and accuse the engineers of building dams for dams' sake only, plus the political monuments which are also created.

If Corps of Engineers money must be spent on projects back home, the construction of sewerage treatment facilities to stem the growth of pollution would seem more practical than many existing projects.

Rep. Reuss probably has overshot the mark by suggesting that there could be 100 per cent federal financing of the anti-pollution projects he is talking about, but he has made an important contribution to the growing discussion for the nation to define its priorities according to need and fiscal ability. The Reuss bill deserves some careful consideration.

SIXTY THOUSAND FANS ROAR FAREWELL TO MICKEY MANTLE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. MURPHY of New York. Mr. Speaker, on Sunday, June 8, 1969, at Yankee Stadium, 61,157 hearts throbbed for Mickey Mantle as No. 7 joined Nos. 3, 4, and 5 in retirement. The fans poured out their hearts while flags flew and old Yankee heroes marched to center stage to see Mickey Mantle immortalized after 18 gifted and thrilling years in Yankee pinstripes. The retirement of No. 7, along with the already enshrined numbers of Babe Ruth, Lou Gehrig, and Joe DiMaggio, was more than just a tribute to a superstar. Mickey Mantle was indeed a superb athlete and a great ballplayer. But he was, and is, more. He rose from the heartlands of this Nation, overcoming crippling injuries, to win the hearts of sport fans everywhere. Two brilliant New York sportswriters, George Vecsey of the New York Times and Dick Young of the New York Daily News, have glowingly recorded the touching farewell to Mickey Mantle. Another tribute, to another great centerfielder who will always remain close to the hearts of New York fans—Willie Mays—was also proposed by Mr. Young in his column. I second the motion. Under leave to extend my remarks in the RECORD, I include their reports:

As 61,157 Hearts Here Throb for Mantle No. 7 Joins 3, 4, and 5 in Retirement

(By George Vecsey)

Mickey Mantle said, "I wish this could happen to every man in America." But that would not be possible. Only a Mickey Mantle could ever know the feeling of standing in the middle of Yankee Stadium and hearing 61,157 persons cheer him for eight minutes.

It happened yesterday, when a ball park full of people throbbed with love for one man, when Mantle's uniform No. 7 was officially retired by the New York Yankees, when former team-mates and bosses came to honor the man who retired last March 1 after 18 seasons.

They stood and cheered when Mel Allen —a voice from the past—called Mantle out of the Yankee dugout. They cheered so long that Michael Burke, the new-look president of the Yankees, tried to get them to stop. And they cheered even louder when Mantle raised his hands to quiet them. They had bought their tickets to pour out their love and they did not want to stop.

SPEECH STIRS YANKEE MEMORIES

But finally the crowd gave in, politely, and Joe DiMaggio presented a plaque to Mantle and Whitey Ford presented a uniform to Mantle. Then it was time for Mantle to speak, after another long cheer.

"When I walked into the Stadium 18 years ago," Mantle began, "I guess I felt the same way I feel now. I can't describe it. I just want to say that playing 18 years in Yankee Stadium for you folks is the best thing that could ever happen to a ballplayer. Now having my number join 3, 4, and 5 kind of tops everything.

"I never knew how a man who was going to die [Lou Gehrig] could say he was the luckiest man in the world. But now I can understand.

"This is a great day for my wife, my four boys and my family. I just wish my father could have been here. I'll never forget this. Thank you all. God bless you and thank you very much."

The fans understood Mantle's reference to the earlier retirements of the numbers of Babe Ruth, Lou Gehrig and Joe DiMaggio. They remembered that Gehrig had once stood in the center of Yankee Stadium—dying of paralysis—and had said he was the luckiest man in the world. And the fans remembered that Mutt Mantle had died soon after Mickey's rookie season in 1951.

But the mood of the day was not gloomy. Mantle—often withdrawn in the face of adulation—was equal to this moment. As he toured the ball park in a golf cart, he waved to fans in every section and every deck. A few men and one pretty girl even jumped on the field.

Then it ended and the contemporary Yankees took over. But down in the press room Mantle shucked his jacket and the commandeered a cool can of beer and described his feelings.

"That last ride around the park," he said. "That gave me goose pimples. But I didn't cry. I felt like it. Maybe tonight, when I go to bed, I'll think about it.

"I wish that could happen to every man in America. I think the fans know how much I think about them—all over the country. It was the most nervous I've ever been—but the biggest thrill.

"The thing I miss the most is being around the clubhouse," he said. "Not the way I played the last four years—that wasn't fun. I've got some guys on this team that are almost like brothers to me—Pepi, Tresh, Stottlemyre. I'm probably their biggest fan. First thing I do every morning is pick up the paper and see how they did.

"But I'm busy. For a retired man, I get around. I travel to openings of my restaurants and my clothing stores. I play golf and—say, did they tell you I'll be working with the Yankees every spring?"

They had, Mantle will help out every spring at training camp, wearing No. 7. But in Yankee Stadium, that number will be seen only in the display case and once a year at Old-Timers Day.

GUESTS FROM MANTLE ERA

Mel Allen was joined by other men from Yankee history. George Weiss, the former general manager . . . Harry Craft and George Selkirk, Mickey's minor-league managers. . . . Yogi Berra (who flew in from San Diego) and Ralph Houk, two of Mantle's managers . . Tom Greenwade, who signed Mantle . . . plus 12 team-mates from the pennant years: Ed Lopat (1951) Gene Woodling ('52), Joe Collins ('53), Phil Rizzuto ('55), Jerry Coleman ('56), Gil McDougald ('57), Whitey Ford ('58), Bobby Richardson ('60), Elston Howard ('61), Tom Tresh ('62), Joe Pepitone ('63) and Mel Stottlemyre ('64) . . . Mantle also presented DiMaggio with a plaque, to hang alongside Mantle's in center field. "Maybe a little higher than mine," Mantle suggested.

Sixty Thousand Fans Roar Farewell to Mickey Mantle at Yankee Stadium

(By Dick Young)

The No. 7 pin-stripe uniform, never to be worn again, had been folded and handed to Mickey Mantle in the middle of the infield. The speeches were done, the cheers had died, and in the press room the newsmen and TV interviewers took their turns at pumping Mickey Mantle. What do you ask Mickey Mantle that hasn't been asked before?

"Who was better? Mantle or Mays?" said Sal Marchiano of CBS.

I had heard that question a million times; in bars, in offices, in the mail that comes each day, asking you to settle a bet. But nobody had ever asked it of Mickey Mantle, not that I know of.

THE ANSWER CAME QUICKLY, WITH SINCERITY

"Willie Mays is better," said Mickey Mantle. The answer came quickly, with a smile, with sincerity, and with explanation. "He's playing longer," said Mickey Mantle. "He has a great record."

Again the bright smile, and Mickey Mantle said: "I don't mind being second to Willie. If I'm second to Willie, I'm pretty good."

That should settle a few thousand arguments, or does it? It is interesting to hear Mantle say it, yet if you were to put the same question to Willie Mays, you'd probably hear him say, Mickey is better.

One thing both men seem agreed on: the greatest ballplayer they ever saw was Joe DiMaggio. Mickey Mantle said it Sunday, said it to the 60,000 people as he exchanged plaques and mutual admiration with DiMag. "He has always been my idol," said Mick. "I didn't see Ruth or Gehrig. The best all-round player I ever saw was Joe Dee."

I can remember Willie Mays saying the same thing. It was five years or so ago. Willie Mays was rushing up on 35, and that's the time they start asking you questions about when you're going to quit.

"I'm a better player now than I ever was," said Willie Mays, and when you asked him how he figured that, he told a story:

"When I was a kid, I'd watch Joe DiMaggio play, and I'd say to myself, if I can ever do things as easy as he does them, I'll know I'm a good ballplayer. All my life, all those catches I've been making and everything, they were hard for me. Now, I'm starting to do things easy, the way Joe did them. That's how I know. He was the greatest because he could do everything so easy."

BLUSTERY FIGURE BURSTS INTO PRESSROOM

While Mickey Mantle was talking to newsmen, a blustery figure burst into the press room. "Tell them," said Toots Shor, "what you did to Philadelphia Jack O'Brien."

Mickey Mantle grinned and shook his hand. "Why didn't you jump out of the stands and kiss me?" said Mantle.

Most of the 60,000 felt like doing something of that sort when, as a final, perfect touch, Mickey Mantle was driven the perimeter of the field in a motor cart, replete with a nicely-contrived MM 7 license plate. Mickey waved his way around Yankee Stadium to the pulsating roar of the throng. Everybody waved back, and one girl in the leftfield corner jumped out and grabbed his hand for a moment, and she probably won't wash until they make her.

And now the tumult and the shouting and the adulation is done.

"I'm a better player now than I ever was," said Willie Mays, "I'm learning to be a businessman," said Mickey Mantle as he spoke with newsmen of his plans. "I'm involved with two franchise operations." One is Mickey Mantle's Country Cookin', a string of family-style restaurants; the other is Mickey Mantle's Men's Shops, featuring suits and sportswear.

As Mantle explained these things, he pointed to Til Ferdenzi, who covered the Yankees until a few years ago, and who has since entered the advertising field.

"That's one of our suits," said Mickey Mantle. It was a trim olive garment, conservative yet stylish. Mantle smiled. "We have the same thing in your size, Toots, if you're interested," he said.

WHEN MAYS QUITS THERE MUST BE A N.Y. PARTY

Some day, not too long from now, the people of San Francisco will fill Candlestick Park to wave good-bye to No. 24. Regardless of what the Giants do in San Francisco when Willie Mays' time comes to retire, there must be a party here. The Polo Grounds is gone, but Shea Stadium is available, and after all, it's a piece of New York, his New York, and Mrs. Payson, like a lot of people, rooted for Willie Mays long before anybody dreamed of the Mets.

HUE SLAUGHTER IS A REMINDER OF KATYN

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. PUCINSKI. Mr. Speaker, Edith Kermit Roosevelt recently wrote a column which was distributed by her syndicate across the country showing the dramatic similarity between the mass murders by the Communists against South Vietnamese discovered near the village of Hue, and similar mass atrocities committed by the Communists against Polish Army officers in World War II at Katyn.

Miss Roosevelt has performed a notable public service to the cause of freedom and human dignity in this excellent recitation and the indisputable fact that nothing has really changed in the method of atrocities committed by the Communists.

It shows further the indisputable role that the Soviet Union is playing in the aggression by North Vietnam against the people of South Vietnam.

The identical techniques used by Soviet soldiers in destroying 15,000 Polish Army officers in Katyn are now being used again by Communist soldiers in South Vietnam.

It would be my hope that Miss Roosevelt's penetrating column would get the widest distribution. I hope those who have been calling for wide concessions to the Communists in Vietnam would study this column to see the futility in trying to deal with the Communists.

Miss Roosevelt's column follows:

[From the Tallahassee (Fla.) Democrat, Apr. 25, 1969]

HUE SLAUGHTER IS A REMINDER OF KATYN

(By Edith Kermit Roosevelt)

WASHINGTON.—The recent discovery of mass graves showing Communist atrocities against South Vietnamese citizens near Hue, South Vietnam is a grim reminder that the same form of mass murder was committed by the Communists against our Polish allies in the Katyn Forest in the Soviet Union at the start of World War II.

Sen. Roman C. Pucinski (D-Ill.), who was chief investigator of the House Select Committee on Communist Aggression which in 1952 investigated the Katyn Forest Massacre, said in a House speech that he is struck by "the tragic similarity between the methods used by the Communists in the Katyn Forest in 1940, and the methods and techniques used by the Communists against the South Vietnamese in Hue."

A reading of the Committee's testimony showed that the victims at Katyn, as in Hue, were killed with a single shot in the back of their heads while their hands were tied behind their backs. They were pushed into mass graves, in some cases while they were still alive. Young American soldiers too were murdered in this way in North Korea during the Korean war.

In referring to the mass executions at Hue, what he called "the whole business of Katynism," Rep. Pucinski predicted ominously that these systematic massacres will be the order of the day in South Vietnam if the Communists should emerge victorious.

The bizarre discovery of the mass graves near Hue was made by two South Vietnamese Army noncoms, who were captured by the Vietcong during the 1968 Tet offensive. The two noncoms, Sergeant Chau and Corporal Doi, managed to escape and thus were able to lead South Vietnamese authorities to the graves. Diggings are now underway and to date as many as 350 victims, men and women, have been dug up for identification and proper burial. Cpl. Doi said there are additional mass graves along the seashore. Local authorities are proceeding to investigate them.

The 15,000 Army Reserve officers who were massacred in the Katyn Forest were Polish lawyers, educators, doctors, ministers and businessmen. These were, for the most part, the intelligentsia, the people, who would have led the resistance to Communist aggression. The Communist troops methodically picked Poland's intellectual leaders and imprisoned them when the USSR invaded Poland on Sept. 17, 1939, so they would not be around when the Reds overwhelmed Poland and destroyed her free institutions.

In South Vietnam too, leaders of the resistance are being singled out for murder. The discovery of the mass graves at Hue is dramatic evidence that the Communists have on their drawing boards the blueprint for another Communist cordon sanitaire of captive nations in Southeast Asia, identical to the cordon sanitaire of captive nations that now remain in Soviet bondage in East Central Europe.

Yet the past has failed to warn us. Government spokesmen have treated the Hue discoveries with meager attention. The New York intellectual community which plays such a dominant role in forming public opinion is curiously silent. We have the right to ask where are the voices of the great defenders of human dignity in denouncing these brutal mass atrocities?

The same conspiracy of silence took place in 1940, when the Polish government in exile tried to sound the alarm about Katyn. The Washington Administration and the collaborators outside government allowed the Soviets to win propaganda victories from their false charge that the Nazis were responsible for the horrible crime.

In 1945 an American officer, Col. John H. Van Vliet, Jr., who had visited the scene of the graves, submitted a documented report on the Katyn massacres to the head of Army Intelligence (G-2), Gen. Clayton Bissell. Concerning the fate of that report, the House Select Committee on Communist Aggression stated, "The Van Vliet report was either removed or purposely destroyed in Army Intelligence (G-2)."

The Office of War Information and the Federal Communications Commission even went so far as to silence foreign language broadcasters after these commentators reported facts that pointed to Communist guilt in the Katyn massacre. Stations broadcasting in Russian, Polish, Czech, Croat and other languages had to defer to the gag because of the FCC's control over renewal of radio licenses.

Had the American people known in time the full facts about the Katyn Forest massacre, the course of U.S. diplomacy in the post war period might have been different. Today, the President has the opportunity to look at these mass graves in Hue, and marshall the forces of indignation against this form of genocide.

The Hue massacre makes it clear that any settlement of the Vietnamese war should ensure that the South Vietnamese be unequivocably the masters of their own destiny as a free people.

FORMATION OF THE NATIONAL COMMITTEE ON TAX JUSTICE HEADED BY SENATOR PAUL DOUGLAS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. VANIK. Mr. Speaker, it is with great pleasure that I take note of the formation today of the National Committee on Tax Justice headed by former Senator Paul Douglas joined by a bipartisan group of distinguished Americans.

The National Committee on Tax Justice has as its worthwhile goal elimination of major sources of tax injustices in America through a significant program of tax reform.

As I have indicated for many years in this House, a quality of a civilization can be determined by the justice of its system of taxation. The work being pursued by the Congress to reform our system of taxation this year can make this session of Congress among the most important in the history of our Nation.

The important work this new National Committee on Tax Justice can do is to keep the American public informed on this great task of tax reform to assure that the job is well done.

I extend my congratulations and good wishes to each of the members of this National Committee on Tax Justice and pledge my time and effort toward achieving the goals which we commonly seek to attain. I wish to insert at this point in the RECORD information on the National Committee on Tax Justice and the list of the founding members of the committee. It is my understanding that additional committee members will be announced at a later date.

The release and membership list are as follows:

NATIONAL COMMITTEE ON TAX JUSTICE FORMS—FIVE POINT PROGRAM OF REFORMS INCLUDES CLOSING OF LOOPHOLES, HELP FOR POOR AND MIDDLE INCOME FAMILIES

The National Committee on Tax Justice, a new organization dedicated to prompt and meaningful Federal income tax reform, today called for a five-point tax reform package. These reforms would provide equity to taxpayers, relieve the tax burden on low and

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middle income families, and provide new funds for the Federal government.

At its organizational meeting here today, the Committee named former Illinois Senator Paul H. Douglas as its chairman and called for swift enactment by the Congress of the following program:

1. Eliminate preferential treatment of all capital gains.

"This one step would also eliminate the single greatest source of both inequity and complexity in the existing tax system," the committee said.

2. Eliminate special deductions for depletion of oil and other minerals beyond the cost of the mineral property and for the expensing of exploration and development costs.

"Even if a mineral exploration subsidy is needed, the existing tax provisions are highly inefficient," the committee said. "It is nonsense to continue tendering a multi-billion dollar oil exploration subsidy while we are artificially restricting domestic well production to less than half of capacity and restricting oil imports."

3. Provide federal assistance to state and local bond issues instead of allowing a tax exemption on their interest.

The committee said this provides an "enormous tax boon" to wealthy persons and huge financial institutions while costing the federal government more than it benefits other political entities.

4. Withhold taxes on interest and dividends at the source.

"Treasury experts believe that . . . nearly $4 billion of dividend and interest income annually is not reported on tax returns, with a resulting annual revenue loss of $1 billion," the committee stated.

5. Provide tax relief for low and middle income families by providing a minimum standard deduction of $1,100 for all families.

A family of four with income of $3,500 a year or less would pay no taxes under this provision. This family now typically pays over $100.

The committee noted that this also would provide tax relief to most families with incomes of $11,000 or less.

The committee estimated that its program would provide $7 to $10 billion more in federal revenues while relieving low and middle income families of $2.5 billion in tax liabilities.

In addition to these five points, the committee also asked the Congress to give attention to the ending of "other unwarranted tax favors." Among these, the committee listed: accelerated depreciation on buildings, multiple surtax exemptions on corporations, and tax law provisions that encourage the formation of "conglomerates."

"The American people know that essential public programs must be paid for; they only ask that their share of that payment be just; that every individual be taxed according to his ability to bear the burden of taxation; and that no one be asked to bear more than his fair share of that burden because of special tax favors accorded others," the committee said. "It is to that end that this Committee on Tax Justice has been formed."

The membership of the committee includes prominent Americans from all over the country who have joined together to urge that current congressional consideration of federal tax laws stress fairness and equity. It pointed out that present tax laws not only unjustly penalize the poor and middle-income segments of our population, but drain off funds that could be used to reach national social goals.

"There are many organizations lobbying for special tax treatment. This is the only organization, as far as we know, that is dedicated solely to advancing the interest of all taxpayers," Senator Douglas said in accepting the chairmanship.

The committee offices are at Suite 410, the Shoreham Building, 806 15th Street, N.W., Washington, D.C. 20005. A committee of distinguished economists serves as the committee's technical subcommittee.

FOUNDING MEMBERS OF THE NATIONAL COMMITTEE ON TAX JUSTICE

The Honorable Ivan Allen, Mayor of the City of Atlanta, City Hall, Atlanta, Ga.

Mr. Peter Bommarito, President, United Rubber, Cork, Linoleum and Plastic Workers of America, 87 South High Street, Akron, Ohio 44308.

Mr. Harvey Brazer, University of Michigan, Ann Arbor, Mich.

The Honorable Edward Breathitt, Former Governor of Kentucky, Hopkinsville, Ky.

Mr. Jack Conway, President, Center for Community Change, 1000 Wisconsin Avenue NW., Washington, D.C. 20007.

Miss Betty Furness, Former Assistant to President Johnson on Consumer Affairs, 14 Old Farm Lane, Hartsdale, N.Y. 10530.

Dr. Walter Heller, Department of Economics, University of Minnesota, Minneapolis, Minn. 55455.

Mr. Clark Kerr, Past President of University of California at Berkeley, 6300 Buckingham Drive, El Cerrito, Calif. 94530.

Mr. Philip Klutznick, Retired Ambassador to ECOSOC, 401 North Michigan Avenue, Chicago, Ill.

The Honorable Bronson LaFollette, Former Attorney General of Wisconsin, LaFollette, Sinykin, Anderson, Davis, and Abrahamson, 110 East Main Street, Madison, Wis. 53703.

Mr. Robert J. Lampman, University of Wisconsin, Madison, Wis.

Mrs. John G. Lee, Past President, League of Women Voters, Member of President's Consumer Advisory Council, Post Office Box 367, Farmington, Conn. 06032.

The Honorable Theodore McKeldin, Former Mayor of Baltimore, Maryland National Bank Building, Baltimore, Md.

The Honorable Arthur Naftalin, Mayor of the City of Minneapolis, Minneapolis, Minn.

Mr. Joseph A. Pechman, Brookings Institution, 1775 Massachusetts Avenue, N.W., Washington, D.C. 20036.

Mr. Walter P. Reuther, President, United Automobile Workers, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

Mr. Stanley H. Ruttenberg, President, Stanley H. Ruttenberg & Associates, 1211 Connecticut Ave., N.W., Washington, D.C. 20036.

The Honorable Terry Sanford, Former Governor of North Carolina, Branch Bank Building, Raleigh, N.C.

Mr. J. S. Seidman, New York Board of Trade, 80 Broad Street, New York, N.Y. 10004.

Mr. John Siegenthaler, The Nashville Tennessean, Nashville, Tenn.

The Honorable Paul Simon, Lieutenant Governor of the State of Illinois, Statehouse, Springfield, Ill.

Mr. Sheldon Cohen, Former Commissioner, IRS, Suite 400, 1730 "M" Street, NW., Washington, D.C. 20036.

Mr. Philip Stern, 888 17th Street, NW., Washington, D.C. 20006.

The Honorable Charles P. Taft, Member of Cincinnati City Council, Former Mayor of Cincinnati, First National Bank Building, Cincinnati, Ohio.

Mr. Whitney Young, Executive Director, National Urban League, 55 East 52nd Street, New York, N.Y. 10022.

The Honorable Adlai Stevenson III, Treasurer, State of Illinois, Statehouse, Springfield, Ill.

Mr. Tony Dechant, President, Farmers Union, 1012 14th Street, NW., Washington, D.C.

Honorable Paul H. Douglas, Former United States Senator, State of Illinois, Suite 410, Shoreham Building, Washington, D.C. 20005.

The Honorable Carl Stokes, Mayor of the City of Cleveland, City Hall, Cleveland, Ohio.

CONSTITUTIONAL CONVENTION COULD CREATE PROBLEMS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. EVINS of Tennessee. Mr. Speaker, Dean Manion in his publication Manion Forum recently discussed the possibility of a national constitutional convention and many of the ramifications of this question.

Mr. Manion pointed out that only one additional State must pass a resolution to assure the holding of such a convention which Mr. Manion feels could create problems involving possible tampering with basic sections of the Constitution.

Mr. Manion suggests alternatives, and in this connection I place in the RECORD herewith Mr. Manion's publication because of the interest of my colleagues and the American people in this most important matter.

The forum follows:

CONGRESS CAN FORESTALL THE CALLING OF A CONSTITUTIONAL CONVENTION—MERE CHANGE OF JUSTICES WILL NOT CORRECT PAST MISTAKES OF WARREN COURT

(By Dean Clarence E. Manion)

American political fortunes continue to be fickle and unpredictable. Less than a year ago Abe Fortas was all but confirmed as Chief Justice of the U.S. Supreme Court. Those who opposed his confirmation were being berated as prejudiced fools, fanatics and reactionary bigots hypocritically venting their opposition to the progressive record of the Warren Court by resisting the promotion of its most brilliant and scholarly justice.

Today Abe Fortas has departed from the Court in disgrace, the first Supreme Court justice in history to resign under fire. Furthermore, through the door left open as he departed, the American public is looking at the present Supreme Court in a new, revealing and very unbecoming light. If editorial opinion is an accurate reflection of their attitude, the American people do not like what they are now seeing on their Supreme Court bench.

The little handful of men who have been smugly ruling our country by decree for more than a decade, and frequently over the blistering dissent of their colleagues, are all targets of official investigation for the same kind of indiscretions to which Abe Fortas, by his resignation, has confessed.

In their personal as well as in their official judgments these justices have evidenced a woeful lack of that "consummate self-restraint" which the awesome fact of life tenure and absolute political independence has continuously impressed upon all of their distinguished predecessors on the bench of the most important court in the world. Self-restraint is a quality that none of the Warren Court's ruling justices has ever appeared to understand. Consistently in their joint official judgments they have exhibited such restraint in reverse.

Since Earl Warren took charge of the Court fifteen years ago, he and his concurring coterie of justices have used every opportunity to grab areas of governmental power that, by express constitutional definition are reserved for legislative, executive or popular political action; areas of power that all of their predecessors have carefully and scrupulously avoided.

In its place in the Constitution, as well as in the natural order of its available utility, judicial power and jurisdiction is the last

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on the list of the three separated areas of American Government. In constitutional procedure the legislature and its authorized field of legislation is encountered first. (Article I) The resulting laws are then delegated for enforcement to the Executive branch. (Article II) Finally, (Article III), the courts are created, first to sit in judgment on accused lawbreakers, next to test the consistency of Executive Acts with the laws that authorized them and last, but certainly not least, to test the conformity of the enacted laws with the Supreme Law, namely, the Constitution.

Now, unless he is soaked through and through with the restrained detachment that is called "proper judicial temperament," a politically practiced and trained Supreme Court Justice is certain to get very impatient as he watches, first the naturally slow development of popular political action, next the inevitably delayed processes of legislative enactment and finally the Executive Administration and enforcement of the statutes.

In the long course of this observation such a justice will undoubtedly itch for an opportunity to get into the action himself. The temptation to get involved will be particularly strong if the justice has previously been an aggressive governor of a state, a crusading United States Senator, a spectacular prosecuting attorney or a college professor who has been privileged to pontificate and prognosticate irresponsibly about everybody and everything.

The cumbersome mills of constitutional government will grind much too slowly to suit such a justice, particularly if he is a political liberal with a conditioned addiction to the accelerator and a built in aversion for constitutional brakes, checks and balances.

Chief Justice Warren and his liberal associates on the Supreme Bench made no obvious attempt to resist this temptation. First of all, they were imaptient to end official racial segregation, which for many years had been on its slow way to obliteration through the processes of popular education, legislation and eventual court determinations. So, at the very first opportunity the Warren Court took a bold new stance on this sensitive subject.

It began by deliberately repudiating long standing Supreme Court decisions and categorically outlawing racial segregation in public schools, but they went much further than that. They retained the segregation cases on the Court's docket and through this strategem they captured and kept the administration and supervision of each state's compliance with the new "no-segregation" decrees.

Since then, the Supreme Court has, to all intents and purposes, been telling Congress, the state legislatures and law-enforcement officials what they must do about the subject of civil rights. The Warren Court then began to throw the Bill of Rights around in all directions. These first eight Amendments to the Constitution of the Uniteed States were designed and, before Warren, were consistently held to be restrictions *only* upon operations of the Federal Government. But the Warren justices have changed all that.

ATTRIBUTES CRIME INCREASE TO COURT

After blasting a big hole through the 14th Amendment they proceeded to plough through it with the entire intricate network of these first eight Amendments, which they threw over all state court trials for state crimes. In this process the Warren justices have released scores of hardened, convicted and confessed criminals to take another ride upon the mounting and menacing crime wave.

Chief Justice John C. Bell, of the Supreme Court of Pennsylvania, has attributed a large measure of the alarming increase of lawlessness in this country to "a dozen or more recent decisions by a majority of the Supreme Court which overrule their prior decisions, and unduly favor murderers, rapists, Communists, hold-up men and other dangerous criminals." (*Chicago Tribune*, May 21, 1969)

All of the cases that Justice Bell talks about had been carefully tried and then fully appealed through the established court system of each involved state. Each defendant in each case had the full benefit of established constitutional due process of law in these state courts. "Consummate judicial self-restraint" would have impelled a traditional U.S. Supreme Court to refuse to review these criminal convictions.

But the Warren Court is *not* a traditional U.S. Supreme Court. It was obviously looking for further supervisory power over state governments, and so when these criminal appeals reached Washington the Warren justices accepted every one of them. The field of state criminal law enforcement is only one of the countless areas of state government that the Warren Court has chosen to invade by going through the convenient hole it had made for itself in the 14th Amendment.

It went back and forth through this opening to drive prayer out of the public schools and to make it impossible for state governments to protect their populations against the publication and exhibition of obscenity and hard-core pornography. Because of the Warren Court's sociological construction of the pornographer's right to free speech and a free press, the country is now flooded with commercialized filth on the stage, screen and the newsstands.

With the same specious justification, and for the particular convenience of admitted Communists, the Warren justices have invented a brand new constitutional right, namely, "the right of association," which guarantees to these admitted Communists the right to teach in the public schools and to work in our defense plants, state and Federal laws to the contrary notwithstanding.

The categorical list of the Warren Court's power grabs at the expense of the states and of Congress goes on and on, but without doubt the most gratuitous, important and immediately critical example of such appropriations is the Court's assumption of the right continuously to control the popular composition of legislative and Congressional districts within each State of the Union, upon the Court's own contrived "one man-one vote" formula.

Now, and bluntly, the Warren justices are telling the several states how to muster and master the Houses of their own legislatures. By the same bold assumption the Court swept from Congress its vested constitutional right to supervise Congressional districting in the several states (Article I, Section 4), the standards for which the Court itself now changes arbitrarily from case to case. He is a fortunate Congressman today who can definitely draw the boundaries of his own Congressional bailiwick.

When the Court first rushed into this contentious area with its "one man-one vote" mandate in 1962, it drew a bitter tongue-lashing from Justice Felix Frankfurter whose long and vigorous dissent served as a valedictory to his extended term of service on the Supreme Court bench.

"Today," Frankfurter said, "this court reverses a uniform course of decision established by a dozen cases, including one by which the very claim now sustained was unanimously rejected only five years ago. Such a massive repudiation of the experience of our whole past in asserting destructively novel judicial power . . . may well impair the Court's position as the ultimate organ of the supreme law of the land." (Baker vs. Carr, 7 law Ed 2nd, 714)

CONVENTION CALL HINGES ON ONE STATE

Frankfurter's words are proving to be prophetic. Congress has quietly submitted to this bold judicial robbery, but the state legislatures have and are generating consequences that could result in the wreckage of our constitutional system.

Our Constitution now provides that Congress must call a National Constitutional Convention whenever the legislatures of two-thirds of the states shall call upon it to do so. Such a convention may propose Amendments to the Constitution and these proposals will become a part of the Constitution as each of them is ratified by the legislatures of three-fourths of the several states. (Article V)

As soon as the Supreme Court took over the job of reapportioning state legislatures a few years ago, the state legislatures themselves began passing and directing resolutions to Congress calling for a Constitutional Convention which would propose amendments to protect the states against this particular invasion of their power by the Court. Thirty-three states have now adopted these resolutions. Only one more Resolution is needed to force Congress to call a convention which will be empowered to propose not just one specific amendment but any number of amendments on any subject.

Such a convention might end up, as did the Constitutional Convention of 1787, by writing an entirely new Constitution for the United States. That is a chilling prospect to contemplate in these turbulent, disorderly times. Nevertheless, one more state is virtually certain to act—unless Congress does something in the meantime to forestall it.

What can Congress do? It can end the prospect for such another state resolution by ending the enforcement of the Warren Court's "one man-one vote" contrivance. Congress can do this by a simple majority vote of the House and Senate, removing from the Supreme Court and from all Federal courts, the right to hear cases involving the composition of Congressional districts or the apportionment of state legislatures.

This would end the enforcement (and the effectiveness as precedents) of all or any decisions already made by the Supreme Court on this subject and prevent the Court's acceptance of any future cases dealing with the size and population of voting districts. The exclusive rights of Congress and of the several states in this critical area would thus immediately be revived and the reason for the pending call for a Constitutional Convention would disappear.

Fortas is gone and Warren is on his way out. Hopes are high that the wisdom of President Nixon's choice of new justices will eventually insure us against the kind of unconstitutional Supreme Court power grabs that I have described in this broadcast. But, as in the case of legislative apportionment, the important areas already unlawfully appropriated by the Warren Court must be restored by Congress to their proper constitutional authorities, and *at once*. The constitutional power and duty of Congress to do this is clear and unquestioned. (Article III, Section 2)

We need not live forever under the "amendments" forced upon the Constitution by the specious interpretations of the Warren Court. But the impending change of justices cannot correct these past mistakes. To restore the Constitution, an act of Congress is needed which will concisely and specifically shrink the presently swollen jurisdiction of the Supreme Court and fence it firmly back into its original constitutional territory.

To prevent the impending Constitutional Convention from exposing our cherished form of government to emasculation by the Black Panthers, the SDS and their revolutionary associates, Congress had better start this restoration process immediately. Pass the word.

PUBLIC BROADCASTING AND THE COMMUNICATIONS GAP

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. ROBISON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the very good speech on "The Communications Gap" delivered at this year's Ithaca College commencement by John W. Macy, Jr., former Chairman of the U.S. Civil Service Commission and now president of the Corporation for Public Broadcasting:

COMMUNICATING WITH THE FUTURE

(By John W. Macy, Jr.)

President Dillingham, faculty, students, alumni, friends, and, most important of all, the class of 1969 of Ithaca College.

This is a time and place where the future is very much with us. But so shall it be in all other times and places in our contemporary society. The forces of change, social and technical, carry our thoughts and our talents toward a future which must be met and shaped and guided by those we honor today.

With the instruments of our sciences we can forecast certain characteristics of that future. We can plot the curve of population growth. We can foretell the continued urbanization of that population. We can predict the number of jobs necessary to sustain that population. We can describe the further collapse of space and time through science and technology. From these forecasts, the futurologist can paint a picture of overwhelming human problems that defy human capacity and human spirit. Or they can present to the men and women who will live in that future the means for solving the accumulating problems, for converting potential disaster into enhanced opportunity, and for enriching man's short span on this planet. I elect to join this latter group, to seek with today's graduating classes the capacity to recast our institutions not just to survive in that future, but to direct them toward the betterment of all mankind.

When this fine institution celebrated its diamond anniversary in 1967, one of the wise men of our times, C. P. Snow, shed his brilliance on what he described as "the very delicate and difficult problem of special talents." He delivered in modern and American form his philosophy on the two cultures. He emphasized the necessity of joining the two cultures, science and the humanities, to assure the unity of forces to meet the future. I reassert that proposition as today's imperative. We must extend our efforts to apply the fruits of our sciences in the resolution of our problems. We must employ the marvels of technology to give all men greater opportunity for choice and independence and individual dignity. We must direct the creative forces of our technology away from more efficient systems of destruction, from mass production of the ugly, from the pollution of our environment toward an improved state of health, knowledge and growth for every man and woman.

All too frequently, I hear our contemporary problems attributed to a basic cause: inadequate communications. The generation gap is caused by inadequate communications. Racial conflict is sparked by inadequate communications. Community friction is generated by inadequate communications. Political institutions are unresponsive because of inadequate communications. Efforts are directed toward overcoming these inadequacies. But, so much more effort can be applied.

The blend of technological capability and social purpose, the improvement in human communication can be advanced through the development of a system of public broadcasting. Television and radio can become constructive instruments for social change, for preparation for a better future and for the elevation of the American spirit. These media can deliver a fruitful variety of messages to individuals, groups and communities in our society. They can serve the public interest. To those ends, an increasing number of people of varying talents are entering the field of public broadcasting.

With the creation of the Corporation for Public Broadcasting by the Congress in 1967, it became national policy to strengthen and develop a system of public television and radio stations to serve the American community. In that action, a commitment was written to secure for viewers and listeners communication media dedicated to the public interest. Here was to be a future goal of diversity and excellence in programing and a freedom from mass audience appeal or commercial pressures to meet the public's need. Here was an opportunity to use the media to educate as well as entertain, to inspire as well as sell, to offer choice rather than repetition.

In pursuing diversity and excellence, the leaders in public broadcasting must measure public needs and public interests. From the wide spectrum of programming choices, they must design a composite program responsive to those needs and interests.

Education itself can be enhanced through use of these media. The great teachers can be shared by countless students in classrooms across the land. Already the daytime schedules of public broadcasting stations are packed with classroom offerings in science, mathematics, foreign languages, social studies and history. Increasingly, the substance of this instructional broadcasting has become more interesting and flexible with imaginative use of the camera to secure an added dimension to teaching. The range of possibility for improvement is almost limitless but there must be a desired willingness on the part of those who instruct to use these electronic devices to extend their teaching capacity.

Television can open new routes of participation to the citizen in the processes of government. The evidence of democracy—elections, legislative meetings, public caucuses, executive actions—can be made alive through the camera with visual evidence of the opportunities open to the citizen to participate in the processes of government. Likewise, new forms of citizen-government communication can be pioneered through electronic feedback to government officials from their constituents.

The issues of public affairs can be reported in depth, analyzed with expertise, and interpreted with balance through the public media. The issues relating to public policy can be sharpened through open debate and recorded opinion.

And education need not be confined to the classroom. The black box with the picture can bring learning to the home. This learning can be beamed to specific age groups, such as the pre-schooler or the senior citizen, or it can be specialized continuing education for the worker, the manager, the professional, in an ever evolving inventory of knowledge, or it can be a learning experience for the entire family in the phenomena of science, the teachings of history or the analysis of current trends.

The media can be employed in reaching segments of the community which have been hidden from view and barred from the understanding of the mainstream of our society. Special service and assistance can be transmitted to the residents of the inner city or the rural isolation. Special communication can be designed for reaching the minority groups in our midst. The groups which believe so much of current communication to be irrelevant and unobtainable. The media can provide the theater, the concert hall, or the opera house for the new and creative in the performing arts. It can offer a showcase for new and fresh talent and for innovative composition and design. It can give a new and versatile art form for the exceptionally talented who find only limited access to the studio audience through commercial broadcasting.

This catalog of broadcasting opportunities is merely a sample from the broad range available to the future programmer with a commitment to excellence in the public interest. Yet the media today will seem limited and narrow in comparison with the technology of the future. The availability of a domestic satellite for transmission of programs will permit a clearer and more reliable image to more and more viewers. It will offer the means for live transmission of images directly from the satellite to home receivers. The developments in cable television will open up a substantial volume of additional channels extending out to audiences previously beyond the signal. This will mean the availability of additional lines of delivery for additional communications of public service. The future availability of the electronic video recording will give every home a library of video programs to supplement the long playing recordings intended for listening pleasure and edification.

The potential uses of closed circuit television provide yet another variable in these efforts to close the communication gap to the benefit of all.

In the very near future—the next few months—the global satellite system will be in orbiting position and for the first time man will have the capacity to communicate visually to other men throughout the world on a live and simultaneous basis. What potential power, for good or ill, is invested in this capacity. American technology has developed and financed this global capability to communicate with the world's billions, but does it have a developed message to deliver over that system? Will we, like Samuel Morse, form the connection and find the message no more meaningful than "what God has wrought" to transmit. This is an immediate challenge to everyone concerned with the design and presentation of television programs.

Yes, this is a part of the challenge that public broadcasting holds for those of the rising generation who leave the universities today. Broadcasting with this public service emphasis must seek and develop those men and women possessed of skill and learning, values and ideals to raise this enterprise to fulfill its potential. Broadcasting has an insatiable appetite for talent. It needs not only performers, but writers and composers, directors and producers, engineers and managers. It needs those who possess a fervor for change, a thirst for innovation, a desire to communicate.

Here at Ithaca where your curriculum has provided a rich liberal arts base and an incomparable opportunity for individual development in the performing and communicating arts, you have been ideally prepared to contribute to the advancement toward these goals. In this field you can find an affirmative outlet for the personal qualities you have nurtured here. Many of you have gained experience of high quality in the broadcasting programs so effectively taught and so perfectly equipped on this campus. Your preparation has placed you at a point of professional development where you can move into the exciting areas of broadcasting activity. And beyond these specific skills, you

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have gained a sense of values which are essential in the sensitive public service of public broadcasting. You can appreciate the integrity and balance necessary in interpreting the issues of your time for better public understanding. As you cherish the freedom to write or to film or to direct as you see fit, you can recognize the obligation to exercise that freedom with taste and responsibility. As you ardently support the need for institutional change, you can recognize the necessity to gain support for that change through public understanding.

The existence of a public broadcasting system at least partially supported by the taxpayers' dollars imposes special burdens of responsibility. On the one hand, the interest of any leader or party in government must not be allowed to influence or dominate the choice or content of program. On the other hand, the potential of the media can be effectively applied in communicating to the citizen the services provided by government. Such a balance of values must be preserved in the judgments of those responsible for this powerful social instrument. Your assistance is sought in guiding public broadcasting toward programming which will have meaning for your generation. The audience gap in television centers on your age group. The public and the commercial broadcasters either fail to tell it as it is or fail to meet your value expectations. This does not mean special programs should be designed in the idiom or the style of each college generation, but it does mean that broadcasters should be more alert to the learning and, yes, the entertainment interests of your audience. May you join us in finding the answer to this question.

In conclusion, I salute all members of the graduating class. May your experience at Ithaca give you a sense of individual and community responsibility for the future of our society. May you join forces with other determined Americans to seek the social and humane changes required to match the progress of technology. May you become communicators in the broadest sense and communicate with the future marked by equality and justice, education and health, progress and peace.

THE LAW VERSUS PERSONAL WILL

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. GRIFFIN. Mr. Speaker, an orderly society requires that we be governed by the rule of law. If each of us were free to choose which laws to obey and which laws to ignore, safety and freedom would disappear in America.

The Dallas Times-Herald recently published a timely editorial on growing anarchistic trends and the timidity of public officials to respond adequately to unreasonable demands of irrational groups. As a part of my remarks I include the editorial:

THE LAW VERSUS PERSONAL WILL

The United States has reached the unbelievable position where a minority of black militants and white anarchists are tearing the guts out of a beautiful, but hesitantly stupid, nation.

It is a very simple confrontation the laws vs. arrogant personal will.

Everybody in town talks about it. Few offer constructive action—only impetuous, rash comment. If you get on the side of solution with prescribed law, the dissident identifies you as some sort of mossy freak.

Your old track record of giving honest time and effort to the disadvantaged—because you sort of started there yourself gets lost in a vituperative hail of unfathomable criticism.

The reasoning Negro who seeks honest advance for his race, the lawful way, is quickly labeled Uncle Tom or intimidated by the militant.

On May 1 an annual observance was drowned in the shout of turmoil. The nation sought to observe Law Day. It needs to observe it every day, in the truest sense.

Eleven years ago last week, the late President Dwight D. Eisenhower gave the essence of it in his 1958 message to the nation on Law Day:

"In a very real sense, the world no longer has a choice between force and law. If civilization is to survive, it must choose the rule of law . . . We honor not only the principle of the rule of law, but also those judges, legislators, lawyers and law-abiding citizens who work actively to preserve our liberties under law."

It was the Ike who led the armies of free men to triumph over Nazi powers—powers whose leaders insisted that force must be the final aribiter in the world's affairs.

Today, Ike's words, his deeds are desecrated internationally and internally by those powers and individuals who would displace law with their personal will.

The Augusta Chronicle comments that "the tragedy for mankind, and the peril for our country, is that many people—even good people whose ideals exceed their clarity of perception and their capacity for wise judgment—have been persuaded that disregard for law can be a noble thing."

It is not noble to promote anarchy. The inevitable alternative of law is disorder and crime. The law is our defense, or security, even in these times our very life.

In these days we have seen an appalling flouting of the law—and the rules of decency.

A black militant named James Forman has organized the "National Black Economic Development Board" and hoisted himself above the law. Sunday, a week ago, he and his hoods brushed aside ushers in the midst of services at New York's Riverside Church, seized the pulpit and read "demands" to a numbered congregation.

He demanded reparations from American churches in the sum of $500 million to "compensate blacks for years of injustice by white people and their religious institutions."

No one has yet touched this man who stands above the law. Mayor John Lindsay of New York was shocked and told churches that law enforcement agencies were available to those who feared Forman's presence.

The black militant callously warned Mayor Lindsay that any effort to interfere with his church raiding would be met by "appropriate force. . . . We will kill those who kill us."

Out of the misty shroud from which they now arise came another of today's newly formed "groups"—the Inter-Religious Foundation for Community Organizations—to endorse Forman's lunacy. These spokesmen for 14 predominantly white Protestant, Catholic and Jewish organizations endorsed the manifesto "in principle and in its programmatic aspects."

No one knows what Forman would do with the money. The supporting clergymen did not question the tactics of breaking up worship services with force and threats.

Why in the name of God, do we sit by and accept the dismemberment of this land?

From the constable to the President of the United States (if each one just enforced the laws in a spirit of justice and fairness) this threat must be recognized. And overwhelmed.

MILITARY-HOLLYWOOD COMPLEX

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. KASTENMEIER. Mr. Speaker, I would like to add my voice to those who are questioning the propriety of the extensive and costly U.S. Navy assistance provided to the commercial producers of a motion picture, "Tora! Tora! Tora!" I personally did not have the opportunity of viewing the most recent revelation of a rather dubious practice by our Armed Forces as it was publicized by the "60 Minutes" television show.

However, one of my constituents who watched this presentation wrote to me asking for further facts and expressing his disgust and indignation over the affair as a taxpayer and former serviceman. Accordingly, I queried the Navy and received a reply which inter alia stated that "such assistance is a longstanding procedure within the military services."

Mr. Speaker, I believe that this procedure is unnecessary and that the practice of providing aircraft carriers and support vessels for Hollywood use be stopped. I do not object, as some of my colleagues have done, to the fact that the motion picture in question depicts the Japanese attack on Pearl Harbor. The more fundamental issue brought out by this particular instance is that at a time when we are engaged in a bloody war with our swollen military budget devouring a huge share of our Nation's resources, such utilization of our military personnel and expensive equipment is both wasteful and senseless. Within the Military Establishment there is sufficient in-house capacity for the production of films and other forms of propaganda glorifying war and illustrating the particular virtues of our Armed Forces without helping in the creation of a "military-Hollywood" complex. There are sufficient opportunities for our military personnel nowadays to get combat experience without adding the hazards of Hollywood special effects—as in the instant case, where six seamen on the carrier *Yorktown* were burned and two civilian pilots killed in filming the latest "magnificent epic with a cast of thousands"—and probably at a cost of thousands to the Navy.

Mr. Speaker, after hearing the annual pleas and arguments of the Defense Department for more attack carriers, it would appear that the ones the Navy already has are being underutilized if the *Yorktown* had spare capacity to transport 30 Twentieth Century-Fox aircraft and an unknown number of the movie company's personnel and equipment from San Diego to Pearl Harbor. Likewise, if other naval equipment and both seagoing and shore-based Navy personnel could so conveniently be made available as "extras" for the production, I wonder whether the Navy does not have a surplus of men and equipment. I also wonder whether so many servicemen would be granted leave at the same time

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to participate in discussion groups about our involvement in the Vietnam war and other current problems, as were so graciously permitted to play war in Japanese uniforms for the benefit of Twentieth Century-Fox.

Mr. Speaker, in addition to the foregoing questions, there are more finite points to consider which were not adequately explained in the Navy's reply to my original inquiry. These include the amount of compensation, if any, to the Navy for the loss of services of the injured sailors and for their care; equipment reportedly damaged aboard the carrier; for the room and board costs of the cast; the cost of maneuvering the ships to conform with the script; and any other costs incurred by our Government in this venture. Because this information has not been made available and because of my concern for the proper allocation of Federal funds, I intend to ask the General Accounting Office to investigate this matter thoroughly so that the Congress might better determine whether it should prohibit such use of public funds.

Mr. Speaker, our Navy, and the Nation have already paid the terrible price of Pearl Harbor and I see no reason why we should still be paying the bill more than a quarter of a century later.

I suggest that the Congress, by its action, make this film the "Last Tora!"

I include a copy of the letter dated June 9 which I received from the Department of the Navy on the subject in the RECORD:

DEPARTMENT OF THE NAVY,
OFFICE OF INFORMATION,
Washington, D.C., June 9, 1969.

HON. ROBERT W. KASTENMEIER,
House of Representatives,
Washington, D.C.

DEAR MR. KASTENMEIER: This is in reply to your letter of May 21, 1969 concerning Department of the Navy cooperation with Twentieth-Century Fox in filming the feature motion picture Tora! Tora! Tora!

Approximately two years ago, Twentieth-Century Fox requested assistance in the production of the film Tora! Tora! Tora!. The Department of Defense carefully reviewed the services which were required. Prior to approval, it was determined that all cooperation was in accordance with the established Department of Defense guidelines.

As a result of CBS's program Sixty Minutes, the use of U.S. Navy ships, U.S.S. *Yorktown*, U.S.S. *Savage*, and U.S.S. *Hitchiti*, the transport of aircraft by the U.S.S. *Yorktown* and the use of military personnel and equipment in the film Tora! Tora! Tora! has come under question.

Twentieth-Century Fox requested the services of a straight-deck carrier. After a careful check of operational commitments it was determined that no straight-deck carrier was available. The U.S.S. *Yorktown* was in a standby status, awaiting deployment to the Pacific where she would be the prime recovery ship for Apollo 8. This was her sole mission.

The U.S.S. *Yorktown* was not programed for Viet Nam duty. After her mission as prime recovery ship was completed, she was transferred to the Atlantic Fleet. The use of the U.S.S. *Yorktown* for Tora! Tora! Tora! did not in any way conflict with her mission and no assigned duties were changed or altered to accommodate Twentieth-Century Fox.

Prior to the U.S. *Yorktown* being made available for use by Twentieth-Century Fox, arrangements were made whereby the Navy would be reimbursed for any additional expense to the Government. During the program, the statement was made that it costs approximately $40,000 per day to operate this carrier. This is reasonably accurate. However, U.S.S. *Yorktown* during the period of filming was operating on regularly scheduled independent ship exercises. Ship operating expenses would have occurred whether or not the U.S.S. *Yorktown* was involved with the production of Tora! Tora! Tora! This includes such items as daily maintenance, electrical power, the crew's salaries and so on.

In the case of the tug U.S.S. *Hitchiti* and the destroyer U.S.S. *Savage*, the same financial considerations that apply to the operational cost of using the U.S.S. *Yorktown* explain the apparent disparity between the figures stated on the program and those given by the Navy.

The U.S.S. *Yorktown* was able to undertake the transport of 30 Twentieth-Century Fox aircraft from San Diego to Pearl Harbor because her normal complement of aircraft was not aboard. No commercial shipping services were available within the given time frame for the transportation of the aircraft. Prior to the shipment of the aircraft, Twentieth-Century Fox agreed to reimburse the Government for costs at a rate to be determined in accordance with the Military Sea Transportation Service.

Military equipment and personnel were provided only when the operational military commander agreed that such cooperation did not interfere with normal commitments. Military personnel who participated in the filming of Tora! Tora! Tora! for other than routine training exercises did so on a voluntary basis while in an off duty or on leave status, and were compensated for their time and efforts by the production company.

A hold harmless agreement was executed between Twentieth-Century Fox and the U.S. Navy whereby Twentieth-Century Fox Film Corporation agreed to indemnify and hold harmless the United States, its agencies and instrumentalities, against all suits, actions, claims, costs of demands resulting from death, personal injury and property damage, to which the United States, its agencies and instrumentalities may be subject by reason of damage or injury (including death) to the property or person of anyone, whosoever and wherever he might be.

Two aviators were killed while under contract to Twentieth-Century Fox. The pilots were civilians. Six enlisted men suffered first and second degree burns when a shift of wind forced a tongue of flame at them during one of the film sequences. These men were on leave serving as "extras" in the motion picture.

It has been implied that the U.S.S. *Yorktown* operated under the Japanese National Ensign. This is not true. At no time did the U.S.S. *Yorktown* operate under any colors but the U.S. National Ensign (American flag). During World War II, the Japanese National Ensign was flown on a shorter staff aft of the island on the flight deck of Japanese carriers. It was from such a mast, constructed by Twentieth-Century Fox, that the Japanese flag was flown during filming aboard the U.S.S. *Yorktown* while the American Ensign flew from its appropriate mast.

Twentieth-Century Fox personnel who portrayed the Japanese sailors aboard the U.S.S. *Yorktown* during the filming of the Japanese sequence were, with the exception of about three people, all off duty Marine personnel from El Toro Marine Air Station. They were hired because they knew how to handle aircraft on a carrier. Because of safety requirements, the Landing Signal Officer and Flight Deck Officer, members of the U.S.S. *Yorktown* crew, were asked to be on deck during launching of the Twentieth-Century Fox aircraft. They were dressed in Japanese uniforms, as was one additional Japanese-American sailor employed as an extra.

Assistance to the motion picture producers is one of the various means the Department of Defense employs to ensure that the public is informed about military mission and activities, and that their portrayal is authentic, realistic and responsible, within the bounds of dramatic license. Such assistance is a longstanding procedure within the military services.

I hope this information will assist you in answering the query from your constituent, Mr. D. R. Simon. If I can be of further assistance, please call me.

Sincerely yours,

L. R. GEIS,
Rear Admiral, U.S. Navy Chief of Information.

WELFARE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mrs. GRIFFITHS. Mr. Speaker, the Christian Science Monitor has been featuring an informative series of articles on children in trouble and today I would like to place in the RECORD an article in that series written by Howard James entitled, "The Welfare System: How Fair to a Child?" In this particular article, Mr. James examines the flaws in the present welfare system and suggests that the time has come for new approaches.

For some time now I have been advocating a thorough review and reevaluation of our welfare system, feeling that the present system has to a very large degree perpetuated poverty instead of ending it. It is the child born in poverty who is cheated because he does not receive adequate food, education, and proper motivation to take a place in American society. I urgently request my colleagues to read the article which follows:

[From the Christian Science Monitor, June 7-9, 1969]

THE WELFARE SYSTEM—HOW FAIR TO A CHILD?

(By Howard James)

(NOTE.—The child from a home receiving welfare money often ends up behind bars. A statistic in the welfare population, he is allocated dollars, but no real help with the personal or environmental problems that may send him to prison. Many experts feel the whole welfare concept needs an overhaul. The following article examines the flaws in the present system and suggests new approaches.)

Marilyn, 14, was deeply depressed.

It had been mid-August when she and her 16-year-old brother were picked up by the police. Both had been living in a mobile home where their father, a retired Army sergeant, had abandoned them. The police had hauled the youngsters off to the Phoenix detention center—a crowded, shabby jail for children.

The court found Marilyn to be dependent and turned her over to the welfare department. Two months later she was still in detention. In those two months a caseworker had visited Marilyn only once. Now that caseworker was on vacation and could not be reached.

Eventually the police found her mother, an alcoholic, in a saloon. She was in no condition to care for her children. Nor did she have a right to take them, for the judge had given them to their father during a divorce some months before.

"Dad was never home," Marilyn says. "And when he did come home he was drunk. About two weeks before he left he caught me with a boy. He beat me and threw my boy friend and my brother's girl friend out.

"Then one day me and my brother were sittin' in the living room and Dad said 'I'm gonna take off—if I don't I'll go crazy.' He got his clothes and gave each of us $5 and left. Somebody called the police. I been here ever since."

While Marilyn was locked up, Mrs. Hazel Bell, a concerned probation officer, kept calling the welfare department.

GIRL'S RANCH SUGGESTED

"I know it's hard to find a foster home for a teen-age girl like Marilyn," Mrs. Bell says, "I suggested that they place her at a girl's ranch. Just before [the welfare worker] went on vacation she said she would try."

At least Marilyn was getting dental care—paid for by welfare. A very plain girl with a poor complexion, Marilyn was especially ashamed of her teeth.

Alan Margolin, state director of the Arizona Division of Child Welfare, at first denied that children were being locked up by his department for two months or more. Later he called it a "communications breakdown," explaining that he had ordered dependent and neglected children removed from detention.

He also complained that the Arizona Welfare Department has neither enough money, proper facilities, nor staff to care for children in trouble—especially those who have had contact with police. Many, he said, were being found delinquent in court just to have a place to put them.

"We had a four-year-old boy who was committed to the state as a delinquent," he says. "He needed help, and it was the only way we could get services."

This four-year-old was the youngest "delinquent" child found in this newspaper's study. But thousands of other youngsters have been locked up across the nation because welfare departments have nowhere to send them.

Welfare departments have dual roles: One set of social workers hands out money, then plays "policeman" checking on people who are given doles. (This is slowly changing.) Other social workers are assigned to protect and assist children through child-care services. Too often the money hand doesn't know what the child-care hand is doing.

WIDESPREAD LACK OF FUNDS

Child care has long been the province of private agencies—usually church sponsored. But these agencies lack funds, staff, and other means to deal with problems of the magnitude found in our nation today.

Sponsoring churches are having their own struggles. Beyond this, it is often pointed out that Protestants have never provided services to children on the scale offered by Roman Catholics and Jews. Especially neglected are Negro children.

Nor have public child-care agencies been able to do the job. While almost all of the case workers assigned are compassionate, concerned, dedicated, they lack the means to help children. Facing an extremely critical shortage of foster homes and with almost no way to upgrade existing homes, they tend to function as placement people—searching for openings in the overpacked private child-care facilities.

The money hand of welfare—the division that gives out money—tends to perpetuate poverty instead of ending it. At best a welfare dole offers little more than survival—enough money to keep you from starving; a little clothing to protect you from the weather; grim shelter so that you do not have to sleep in doorways.

Public welfare is a promise that has not been kept. People flounder in squalor generation after generation. Many, interviews show, see themselves as worthless, unwanted, defeated. This feeling is quickly absorbed by the children of poverty. And these are the children who too often end up in jail, reform school, or prison.

WHAT ABOUT TAXPAYERS?

Many American taxpayers seem not to understand this. They are too busy being angry at welfare mothers to give much thought to children in trouble.

Too few people seem to realize that large numbers of women on welfare were themselves deprived and damaged as children; that they have been abandoned by the men who fathered their youngsters; and that little girls growing up in welfare homes may soon draw welfare checks of their own because large numbers have babies in their early teens.

Little attention is paid to the boys who sire these children—young men from the middle class as well as welfare families—"sowing wild oats." Few of these boys are old enough, or well educated enough, to support their offspring—even if someone held them responsible.

This writer found welfare children are fed, half-clothed, more or less housed, but too seldom helped. And frustrated welfare workers are first to acknowledge this as they fight their way through governmental paperwork and red tape.

These children in trouble live in the shadow of the myths believed by taxpayers who do not understand—citizens who seem unaware that billions of tax dollars go for war spending; soaring educational costs; highway building; a wide variety of projects and "needs," created by public demand; pork-barreling by politicians who know spending tax dollars will get them reelected; and the ballooning federal bureaucracy.

In one year the United States spends $28.8 billion on the Vietnam war—enough to support AFDC (Aid to Families with Dependent Children) for 11 years.

MYTHS HARD TO PIN DOWN

It is difficult to pin down the myths that have sprung up; harder to convince those who believe them that they are mistaken. Myths that scheming women produce illegitimate children so they can make enough profit to buy luxuries like color television. Or that able-bodied men sit home waiting for the mailman to bring them welfare checks.

One who visits welfare homes finds little evidence to back up these myths—perhaps two or three examples out of a thousand cases studied.

Some officials trace the stories back to memories of programs run during the depression days of the 1930's. Others say there is confusion over welfare and payments for unemployment compensation, social security, medicare, and medicaid.

A spokesman for the Massachusetts Public Welfare Department explains that in some instances people with "some means" have received assistance with medical bills since medicaid went into effect in June of 1967. He tells of a man who received a kidney transplant costing $15,000. The man was able to "pay about half the bill, while medicaid paid the rest."

There are few able-bodied men on welfare. Men who get doles are usually blind, disabled, or aged.

Edmund McCarthy, a Massachusetts welfare official, tells of how, when he was a welfare supervisor in Lynn, Mass., he was asked by city officials to comb the general-assistance roles for men to help clean streets in the spring.

There were 200 men and women on general assistance in that community of more than 90,000 people. Checking each case he found only three men who could work—one a part-time college student who should have received assistance from some other agency and two men who "were just about capable of following instructions to sweep streets."

All of the other men either had physical problems or were in work or training programs, including a group of alcoholics.

Nor is welfare a program solely for Negroes. The majority on welfare are white.

A federal study shows that there are roughly 9 million white children classified as "poor" in the United States. This compared with 6 million young poverty-stricken Negroes, Indians, Mexican Americans, Puerto Ricans, and members of other minority groups.

Of these 15,000,000 poor children, a total of 4,646,000 receive AFDC grants. Another 1,569,000 on AFDC are adults—the vast majority mothers. A few are unemployed fathers.

Can welfare mothers afford color television?

In California a typical welfare mother has two or three children. Her AFDC grant is roughly $176 a month. Yet a United States Department of Labor study indicates that a family of that size in Los Angeles needs roughly $350 to $400 a month to live at what is best described as a very low but decent standard of living.

STATE ALLOWANCES VARY

The typical AFDC mother in New York gets about $249 a month; in Illinois, $213; in Michigan $191; in Texas $87; and in Alabama $64. Each state is different—with different standards very loosely tied to some basic federal guidelines.

And yet the Labor Department suggests that in New York City, Detroit, or Chicago a family probably needs between $300 and $400 to live at a low level; in Texas and other parts of the South the minimum amount is perhaps closer to $300 for those living in cities.

What of the larger family?

A mother in Massachusetts gets about $6.75 a week extra for each child under the age of seven—less than $1 a day. For those 7 to 12, she gets less than $10 a week; and for those between the ages of 13 and 20 she gets roughly $12 a week. That is to cover all expenses—food, shelter, furniture, clothing, school money (medical costs are not included).

Some states provide slightly more but most pay less, with Mississippi, Alabama, and Texas providing only a few cents a day.

Most citizen complaints come from people who "know someone" who saw a welfare mother cashing a check in a supermarket. To the woman running a cash register for $60 or $70 a week, a check from a woman with a large family can seem huge. A woman with a dozen children in the states in the higher range may receive a monthly dole of $500 and more. Yet based on subsistence standards, most welfare mothers receive less than they need.

COMPLAINTS—AND DEMANDS

Those who complain about welfare doles also demand that welfare mothers be as good or even better money managers than typical housewives. This, of course, is not realistic.

Further, I found prices in slum stores higher than in middle-class neighborhoods. And women on welfare must too often deal with "easy-credit" shylocks for major purchases. Many pay double or triple fair-market value for shoddy furniture that will fall apart before the last payment is made. (These stores are often the first targets in a riot.)

Many welfare mothers behave in a manner unacceptable to middle-class society—which expects them not only to be exceptional money managers, but to be extremely virtuous. Some welfare mothers drink heavily. Others have casual affairs with men. These women live in ways not too different from that depicted on the afternoon television soap operas—except that welfare mothers live at the poverty level, rather than in middle-class homes.

XUM

One cannot condone this behavior in the poor any more than it should be approved of in the middle class. But listening to welfare mothers talk at least helps one understand why they behave as they do. For they are a product of their environment.

"It's common to have a man to help supplement the income," says Sherron Cleveland, a welfare mother and president of the Citizens Advisory Board for a welfare office on the west side of Chicago. "Maybe for months you eat nothin' but beans, and you decide you want a little bottle of perfume or some toothpaste. Along comes some man who says, 'I like you, how about my coming to see you.' So you let him because he'll bring you something nice.

"He may come over just once, or you may see him a few times a week for a year or two. I could name 20 welfare mothers I know, and 17 are having sex with one man, or more than one. They're searching for love, companionship—the things any woman wants.

"And if your children are going hungry—and a lot of children are here—well, I guess if you're a real mother you'll do almost anything to put food in their mouths."

Outside her window it was bedlam—children without a proper place to play—screaming, fighting, throwing stones.

"I want to go to work," she says. "When I'm home I'm irritable—I can't seem to help my children. But I'm forced to stay home because there's nobody to take care of my children. If I could get out and work, when I came home at night I'd feel like helping my kids. I can't stand this," she said gesturing at the neighborhood, the noise, the confusion, the squalor.

YOU GOT TO GET AWAY

A neighbor who has dropped in gives her views.

"You don't have cleanser to do housecleaning right. We know how to clean houses—we been doin' it for you people [whites] long enough. But I reach for cleanser in a store and I know I'm takin' food out of my baby's mouth, and I got to decide which child won't get fed.

"A mother's got to get away from her broken-down apartment with the rats and roaches. A welfare mother gets so little she can't give her kids the things the kids next door get. You get tired of giving them hand-me-down shoes. You have all you can take of rats and roaches and kids, and you go find a man who'll buy you something to drink.

"What goes on here affects everything you do. It affects your mind. You can't think straight when you live like this, and if you don't want to go crazy you gotta get outa here, so you find some man. What we really need is good jobs and day-care centers."

Mrs. Cleveland is excited now.

"Even if you didn't want to work, maybe you need an hour without all the crying and yelling—an hour just to sit in a bathtub and feel like a woman.

"But if we had a proper center it would have to be a place where you don't just leave the kids. It should be a place where they learn something."

These are the things welfare mothers want for their children: day-care centers with education for preschoolers; good schools; job opportunities; a decent place to live; a place for youngsters to go other than on street corners. The same things any mother wants.

David L. Daniel, who heads the Cook County Department of Public Aid, says a few days ago his office asked women on AFDC if they were willing to work. Of 4,400 replies, some 2,500 mothers said they could solve their child-care problems themselves and that they wanted to go to work.

NEED FOR JOBS DISCUSSED

Mr. Daniel's office invited in Chicago businessmen to discuss the need for jobs for welfare mothers. The 34 firms that came to the meeting pledged 500 jobs—often including job training. When welfare officials sent in 300 job orders these firm hired 200 women.

He suggests that finding work for welfare mothers may be one answer to breaking the cycle of poverty. Yet proper facilities for children while the mother works are essential, he adds. Many who say they have places for their children to go would leave the youngsters "with a neighbor, an old grandma, or an immature baby sitter." And a major reason for welfare mothers to quit work is the failure of child care to work out," he adds.

While mothers working may solve some problems, new ones are created. As has been pointed out in this series, many children in trouble gave gotten in trouble in their own homes when the mother is out. And youngsters wandering the streets are the most delinquency prone.

Rural problems are not too different from those of the city—except that there is more fresh air and play space for children.

Mrs. Evelyn Smith is a welfare worker in Rock Springs, Wyo. She finds white women the hardest to reach because they are "functioning just enough to stay out of the mental hospital."

"I've worked in three counties," she says. "The few Negroes we have still have desires and wants and are willing to fight for them. The Spanish Americans know they will make it. But the whites are really at the bottom. Many live on the fringes of towns, and they are almost completely invisible. Some whites don't react at all when you go into their homes—they don't even get angry. They are completely flat."

I discovered the poor behave in very similar ways regardless of race. Mrs. Smith finds the same things in Wyoming that I observed in every state I visited.

Families on welfare—especially whites—have an "overwhelming feeling of insecurity—a feeling of inadequacy of their own personality," she says. "They find it difficult to relate to other people meaningfully."

HOMES MISERABLE

Most of the homes are "miserable," she adds. The women usually "act out sexually—sometimes sleeping with whatever man is interested." And they "pass their problems on to their daughters."

It is clear that money really isn't the whole answer to families in trouble. This is why the guaranteed annual wage—presently being considered by the Nixon administration—will not alone solve the welfare problem.

Most welfare officials agree with this. But they add that with a guaranteed annual wage they would have more time to resolve their clients' deep-rooted problems instead of being accountants and detectives.

Playing this unpleasant role is a major reason why so many young college graduates leave the welfare departments.

Mrs. Wilda Mooney, who heads the Garfield District office on the west side of Chicago—which covers an eight-square-block area housing between 9,000 and 10,000 people, roughly a third of them on welfare—is budgeted for 40 caseworkers. She has 29.

"Many of our people are very idealistic when they come to us," she says. "But then they find out they have discouragingly large caseloads; the pressures are high; the paperwork almost overwhelming; and they have very little time to work with people as individuals."

Pay is a problem. In Chicago a young college graduate starts at $550 a month. Other agencies—schools, probation, mental health—are competing for the same workers. The family court starts probation officers at $700 a month.

Many social workers aren't really social workers—they have degrees in music, liberal arts, or some other subject. Most come from middle-class homes and have little idea what it is like to be hungry or to live in teeming squalor. While many are both dedicated and idealistic, others—especially some of the men—are misfits trying to find themselves. Emotionally they may have as many problems as their clients, sometimes more.

And while the best may see a welfare mother once or twice a month—even more often—few have time to work with children. Nor can they do much to solve the problems of the families.

TOO LITTLE TIME FOR CASUALTIES

"We go from one emergency to another," says Eugene McKenna, assistant director of child welfare in Greeley, Colo. "There is a strong correlation between ADC families and delinquency. We get the families when their problems begin, but all we do is work with symptoms. There are things we would like to try, but we need smaller caseloads."

In New York City, Commissioner Jack R. Goldberg says essentially the same thing.

"We are really treating only the symptoms," he says. "We have not put enough time into casualties.

"We call the welfare system a 'helping' system, but primarily we dispense money. And that is not really rehabilitative. Money in and of itself isn't enough. And yet we need more money to do the things that really need to be done.

"What we see of institutionalization of kids tells us this isn't the answer. The choice is either to maintain the child and his family or provide a substitute family. We have too long tended to rely on institutions. They cost a great deal and give very little.

"We've got to strengthen what family there is for these youngsters. The answer is to be selective—to discover which children can be helped at home and which ones should go into foster homes.

DEPARTMENT CHALLENGED

"That brings up another point. We've got to juice up the pay for foster parents. We've got to get more foster homes. And better foster homes. Some are as ugly as sin."

Mr. Goldberg sees welfare working more closely with schools to prevent delinquency and end the poverty cycle.

"How do you help the poor family get into the mainstream of American life? We've got to do a better job of preparing the kids for the work world. He turns 11 or so, and he begins to see everybody older dropping out of school. Somebody has to pick him up at this point, because this is where these kids start to fall through the crack. Either the school has to pick him up or they have to bring us in."

While foster care is almost always better than cold, overcrowded, brutal institutions, more and more people are challenging the welfare department on their neglect of children placed in these homes. Some girls become unpaid servants; others are mistreated, rejected, and ignored.

Just as youngsters in detention homes and jails are forgotten by caseworkers, so this paper found that those in foster homes may not be seen for months, unless the child runs away or the foster parent complains about the youngster's behavior.

In New York City the welfare department contracts foster-care services with a large number of private agencies—a number of them seriously understaffed. Many of these agencies neglect casework, according to a lengthy memo circulated at a high level in the welfare department but not released to the public.

The memo also points out that the welfare department itself has long neglected "providing casework services to children living with parents or relatives in their own homes."

Then it raises other questions that can be asked nationally:

1. Why is one child in foster care when his brothers and sisters are being cared for by their own parents?

2. If removal of one child involved questions of neglect, are there similar problems with respect to the children remaining at home? Has an evaluation been made cur-

rently of the care being received by the children at home?

3. Conversely, if the parents are providing adequate care for children at home, why do one or more children remain in foster care? Is it possible, through giving parents help with financial or other problems, to return the child in care to his own family?

Far more work must be done with the parents when a child is removed from his natural home. The goal is to upgrade the child's home so that he can be returned.

AID NEEDED FOR PARENTS

Standards for child-care service developed by the Child Welfare League of America note that "it is essential to recognize the conflicting feelings aroused by [the parent's] inability to fulfill the parental role, by the necessity for placing their child away from his own home, and by the child's and their own relationship with the faster family.

"Appropriate services should be made available to help parents with health, economic, marital, personality, and other problems so that they can resume their parental responsibilities. . . ."

Many, many more good foster homes are needed if children in trouble are to be helped. In New York City, where most children are placed through private agencies, many dependent and neglected children are ignored until their behavior is serious enough to send them to reform school. The memo mentioned earlier reports a shortage of homes for:

"Negro and Puerto Rican infants who are available for adoption or who do not have functioning families.

"Children aged 12 and over who need foster care for the first time. Many remain in shelter or in situations of neglect at home. Older teen-agers may be lodged in furnished rooms without adult care or supervision.

"Children of large family groups. Foster homes are hard to find; several institutions have age limitations or serve boys only or girls only, thus separating brothers and sisters.

"Physically handicapped children. Those who are blind, deaf, have cerebral palsy, or use crutches are not generally accepted, even though otherwise free of problems.

"Children with medical problems, such as diabetes or heart disease, who require special supervision or care.

"Children with serious emotional or psychiatric disorders, especially if diagnosed psychotic, or with history of state-hospital care, or of setting fires.

"Retarded children who are not defective enough for state school but who need special educational planning and help in learning daily tasks.

"Children with a combination of the above characteristics or 'problems.'" [The memo might have added all youngsters who have been picked up by police—even for minor charges. This is a problem in nearly every city.]

REORGANIZATION URGED

As already noted, a guaranteed annual wage could provide one step toward improving the operation of welfare departments. This should be set high enough, experts say, so that families can live at more than a subsistence level, yet with incentives to encourage them to help themselves.

But beyond the guaranteed wage, welfare leaders see a need to reorganize the entire public-welfare system. They would like to see all helping services under one umbrella: education; mental health; physical health; counseling; family planning; perhaps even probation and parole.

The juvenile court should be used only as a last resort—if at all. As this series has pointed out, few juvenile judges are prepared to resolve complex family problems and too often solve them in hurting, simplistic ways.

Since all children go to school, the reorganized welfare services should be attached to the school. Each service, including education, should be made available to all parents and children alike. It should be made mandatory (through the court) in extreme cases.

Beyond this, existing services should be expanded: Head Start for preschool children; day care for mothers who must work; and homemaker services for the home that is not functioning as it should.

HOMEMAKER SERVICE USED

Mr. Goldberg, of New York, like so many others, stresses the value of homemaker services as an alternative to taking children from parents.

"It must be broadened and expanded," he says. "Emergency intervention in this way is a significant part of the answer."

In several sections of the country, homemaker services are being used when there is a physical crisis in the home and the mother is ill and cannot clean, cook, and otherwise care for her family.

A booklet issued by the United States Department of Health, Education, and Welfare points out that "losing a parent and being placed in strange suroundings is an unhappy experience for any child. He may become extremely upset or seem apathetic and in a state of shock. Homemaker services allow the child to keep his familiar surroundings rather than experience the hurt of placement during a stressful period in his life."

Not only are these services used when the mother is ill or out of the home, but "in many other situations which upset families: when a new baby arrives; when the mother is absorbed in the care of a member of the family who is seriously ill or handicapped; or when a mother's poor housekeeping skills result in neglect of the children and conflict in her marriage.

"The homemaker is usually a middle-aged, motherly woman, selected for her ability to get along well with others and for her love of children as well as for her housekeeping skills. The agency employing the homemaker gives her some special training, and the child-welfare worker counsels and advises her during the time she is caring for the family. The worker also continues to help the family during the homemaker's stay in the family.

"The length of time a homemaker remains in a family varies with the family's need for her services and agency policies. All variations are found: short-time, long-time, and indefinite arrangements.

CONTINUITY SOUGHT

"The homemaker does not supplant the mother but tries, when possible, to carry on the plan of living that the mother has established. Behind the homemaker service is the idea that the family is important in our society.

"The use of a homemaker can often swing the balance in favor of holding the family together during times of crisis."

Some welfare officials suggest that the homemaker service could be the first step in a career ladder for women who are on welfare and want to work. While being trained to help other families, their care of their own families would improve; and when they begin bringing home a paycheck they become productive members of society, rather than a burden to taxpayers.

The cost of housing one youngster in even a mediocre reform school is, in 1969, roughly $8,000 a year. One homemaker paid $5,000 or $6,000 a year can not only care for several children in one family but may be able to serve two or more families in a year.

And in addition to the institutional cost, other figures in the traditional system must be considered: police, probation, court staff, detention, parole—not to mention the damage a child can do that leads him into the court process, or the damage the court and correctional process does to the child.

Thus an effective homemaker could become one of the most economical ways to help children in trouble—especially before serious trouble begins. This service is just one suggestion being made.

ADOPTIVE PARENTS AIDED

Michio Suzuki, chief of the social-service division of the California Department of Social Welfare, points out that many children who are in foster care have no homes to return to. He notes the value of giving aid to adoptive parents—people who are good, loving foster parents but are financially unable to adopt and care for a child without outside help.

This reporter found hundreds of children without homes locked up in reform schools longing to call someone "Mom and Dad."

John Ballard, executive director of the private Welfare Council of Metropolitan Chicago, sees traditional welfare failing because society has had a "negative, repressive attitude" toward families in trouble.

"What we spend is too little, and it is pouring money down a rathole," he says, "because of the absence of any caring for that child."

Beyond putting helping services under one roof, he would set goals—not unlike the goal of putting a man on the moon established by the Kennedy administration a few years ago:

Instead of scattered shots—the current antipoverty program's approach—careful, thoughtful planning would follow the goal setting. Then the appropriate steps would be taken—methodically doing what is needed to eliminate hunger, to strengthen the family, to eliminate slum housing, to check crime.

SOLUTION SIGHTED

In this newspaper's year-long study of children in trouble it has become convincingly clear that this—along with greater citizen involvement—may be the solution, the panacea so many people are seeking. And the cost would not be prohibitively high.

There is far too much waste in existing programs—uncorrelated projects full of cracks that children slip through, as Mr. Goldberg points out.

Existing programs are top-heavy administratively, bogged down in producing paper, inefficient.

But the framework for change is available: the Department of Health, Education, and Welfare. One solution to much of the paperwork is being considered: the guaranteed annual wage. And effective programs are known: schools like those in Hughson, Calif.; day care and homemaker services; halfway houses, foster homes, and small, specialized institutions like forest camps; and local volunteer, community involvement.

The Nixon administration has already touched on some of these points. But much more is needed.

The Kennedy administration will be remembered for setting a space goal: men on the moon by 1970. That goal is about to be reached. The present administration has an opportunity to be remembered for setting an even more imprtant goal: doing something meaningful about the problems of children in trouble.

TWO MARYLANDERS KILLED IN WAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. LONG of Maryland. Mr. Speaker, Sp4c. Otto P. Barnhart and Pfc. Danny L. Hopkins, two fine young men from Maryland, were recently killed in Vietnam. I would like to commend their courage and honor their memory by including the following article in the RECORD:

TWO MARYLANDERS KILLED IN WAR—MARINE FROM ANNAPOLIS AND ARMY SPECIALIST LISTED

A 19-year-old Annapolis marine, the youngest of nine children, was killed in action Sunday in Vietnam, the Defense Department reported yesterday.

The Pentagon also announced yesterday that an Army helicopter crew chief from Hancock, Md., was killed in April when the aircraft was downed by ground fire. He had originally been listed as missing.

The dead were:

Army Spec. 4 Otto P. Barnhart, 21, the son of Mr. and Mrs. Harry Barnhart, Jr., of Orchard Ridge road, Hancock.

Marine Pfc. Danny L. Hopkins, 19, the son of James Hopkins, of Edgewater, Md., and Mrs. Margaret Hopkins, of Annapolis.

Private Hopkins, a 1968 graduate of Wiley Bates High School in Annapolis, joined the Marine Corps last August and was assigned to Vietnam four months ago.

LANDMINE EXPLOSION

The Defense Department said he was hit by fragments of an exploding landmine while on patrol eight miles north of Cam Lo in Quang Tri province Sunday.

In addition to his parents, Private Hopkins is survived by five brothers, Charles E., James H., Thomas L., and John McC., all of Annapolis, and Sgt. Robert Hopkins, with the army in Korea, and by three sisters, Mrs. Sarah Evans and Mrs. Helen A. Johnson, of Annapolis, and Mrs. Dorothy Davis, of Edgewater.

Specialist Barnhart had been in Vietnam only a month when he was killed as his helicopter was hit by heavy ground fire while on patrol from Bai Phu, on the morning of April 23, near Da Nang, the Army said.

The Hancock soldier was originally listed as missing in action until his body was recovered last week.

PROUD OF HIS PROMOTION

Specialist Barnhart, a member of the 101st Airborne Division, joined the Army in January, 1968, and was transferred to Vietnam in late March this year.

He had written his parents proudly of his promotion to crew chief of his helicopter. "He didn't mind the Army a bit," his mother said yesterday. "And he was always happy when he could work with motors and engines and mechanical things."

Specialist Barnhart attended Hancock High School before going to work almost five years ago for a garage there. "He wanted to eventually have his own garage," his mother said.

In addition to his parents, Specialist Barnhart is survived by two brothers, Leroy and Edward, both of Orchard Ridge outside of Hancock, and a sister, Mrs. Janice Fink, also of Hancock.

DESPAIR HANDMAIDEN OF NIHILISM AT TRINITY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. WYMAN. Mr. Speaker, how to go from bad to worse is recounted in the following dismal tale of retreat to nihilism at Trinity College. If the reported facts of the Lockwood-Fuller administration are accurate those having any stakes in this once proud educational institution ought to give these men the heave-ho without delay.

Then, perhaps, it would be in order to close the college long enough to arrange to reopen it under a new college administration in which there was an articulated, intelligent and responsible definition of college policy and provision for agreement between the college and all incoming students on standards of conduct and conditions for expulsion with forfeiture of tuition.

Then despair might be ended at Trinity.

The article referred to follows:

THE BLEAK DESPAIR OF TRINITY COLLEGE

(By Ward Just)

HARTFORD, CONN.—In April of 1968, 160 students of Trinity College seized the administration building and held it for four hours; it was the first such seizure on an American campus, but overshadowed by the events at Columbia, which followed two days later. It was the more notable at Trinity because the 27 trustees of the College were meeting in the building at the time, and the students refused to let them leave. At issue was increased scholarship aid for black students.

The presidency of the College was held then by Albert C. Jacobs, a close-mouthed, secretive official, then 68 and ailing, who had had the job since 1954. Jacobs fought the conservative trustees, who wanted to summarily fire all 160 rebels. By the opening term of the 1968–1969 school year all was quiet. Jacobs was succeeded by Theodore Lockwood, 42, the former dean of faculty at Union College, who brought with him a very young and energetic assistant, Robert Fuller. What Lockwood and Fuller found was a demoralized faculty and an apathetic student body, an underweight financial structure, and a general crisis of confidence in the future of the school. Reluctantly backed by the trustees, Lockwood instituted a dazzling variety of changes meant to transform the genteel campus known as the "University of Virginia of the North." Among other things, Trinity is now a college without formal structure.

Next year, there will be no academic requirements of any kind; a student will be free to choose his course of study—or, as the catalogue puts it, be "ultimately responsible for the determination of his academic program." An exchange program with Vassar this year has opened the college to women, with the practical result of an abandonment of parietals; next year, the college goes fully co-ed. Though rules regarding liquor exist, they are unenforced. The "drug scene," as they say, flourishes—though it is probably no greater than at any other Connecticut college. In one of his first acts as president, Lockwood established the Trinity College Council, a body composed of four students, four faculty, and four administrators, to advise him on matters affecting the community. Last month, as if to prove its radical bona fides, the TCC voted to abolish ROTC on the campus. More important, the principle for which the students agitated last year has been acknowledged: there are five blacks in next year's senior class, eight in the junior class, ten in the sophomore class—and 26, nearly 10 percent of the total freshman enrollment, entering next year.

The 30 or so black students attending the college now are, by all accounts, sullen and unhappy. They are not entirely united, and this year have pressed few demands on the college. They lead separate lives, with a black social club along Fraternity Row on Vernon Street and an exclusive existence in Hartford itself. Next year, with the addition of 26 more blacks, there is certain to be something approximating an explosion. Trinity, despite its SDS nucleus, is still too white, too middle class, too complacent, too traditional in its teaching style to readily accommodate the black experience. What will happen, according to radical students and faculty, is that the blacks will coalesce and demonstrate for keeps. Once committing itself to blacks, the College can do no less than attempt to seriously relate to them. But it will not be able to afford to meet their demands.

The last is said literally. Trinity College has an endowment of $13 million, and faculty salaries are among the lowest of the top-ranked private colleges in the country; they are low enough so that the College is obliged to dip into the increased tuition revenues next year to increase them. A full professor makes $18,000, and associate professors are at $14,000 or $12,000. By contrast, Amherst has a $56 million endowment (plus another $26 million for its library alone), and Trinity's ancient rival, Wesleyan, has more than $100 million. "It won't make any difference what the blacks demonstrate for, whether it is justified or not," one of the most liberal faculty members said the other day. "They won't get it, for the simple reason that if it costs money the College can't afford it."

A mordant comment, that. Introspective faculty and students agree that the College has deliberately set a time bomb in its midst with the commitment to the blacks. Nearly everyone here who thinks about it at all hails the decent instincts which brought the college to its decision, but so depressed are some at its likely outcome that already it is predicted that Trinity in the not-too-distant future must either (1) affiliate with the University of Connecticut or (2) frankly make its commitment to the rich, and hike tuition costs accordingly. Costs increase at 7 per cent a year; much of the plant is run down; faculty salaries *must* be increased; student accommodations on campus are grossly overcrowded.

A kind of bleak despair has settled over some of the brightest faculty, for they see no exit. Many of the brightest students await what one of them calls "the apocalypse" with something almost approaching glee—"this place is so desperately second-rate," one of them said. Rushing pell-mell into an uncertain future, President Lockwood has instituted some reforms before the students even asked for them. Rules are abolished, with nothing erected to take their place. Questioned about it, both Lockwood and Fuller declare that the student today is different from the student of ten or twenty years ago. "These students are ready to assume responsibility," Fuller said.

WE MUST LOWER THE VOTING AGE TO 18

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1969

Mr. GALLAGHER. Mr. Speaker, rarely in our history has it been so imperative that we recognize a new political constituency in the United States.

The constituency of which I speak may very well hold the key to America's future chances for survival; it certainly does hold the key to America's future chances for success.

It is a constituency composed of men and women who for too long have been denied an effective means of participation in the political process. Yet none can deny that this group has been loud and clear in asking for the right to that meaningful participation.

Members of this constituency now fight on the battlefields of Vietnam, stand watch over our liberties on foreign shores, prepare their minds for future leadership roles in all areas of the national life, and actively pursue vocations in all fields of human endeavor.

Mr. Speaker, the group to which I refer is the youth of our Nation. The American of age 18 must be "politically recognized" and given the right to vote.

The young American today is better prepared, better equipped, and better able to bear the responsibility of the franchise than any generation before. We have provided the finest educational facilities in the world for these young people and, consequently, we have produced a highly motivated, talented, and imaginative group of citizens. Shall we not, then, take advantage of the fruits of our own labors rather than ignoring a benefit which we have sacrificed so much to create?

There is nothing magic in the number "21." In fact, our allegiance to this age level as the mark of political maturity springs from the common law English custom of bestowing knighthood on young men only after they reached 21 years of age. What may have been good for "merry old England" is not necessarily wise for a new and troubled America.

Mr. Speaker, voices raised in opposition to a lower voting age point to campus disturbances in justification; young Americans, these voices proclaim, are irresponsible dissidents who would rather toss stones at deans than put ballots in a box. This is, at best, ad hominem logic. The vast majority of our young citizens have no taste or agreement for those who would tear apart the fabric of American society under the guise of revolutionary rhetoric. The vast majority of young America is constructive in its desire to rebuild, revitalize, and reform our national life. I do not look to those few who would destroy our society for my guidance on this point; rather, I look to the countless numbers of young who would create to prove my argument. I look to the thousands of Americans in the Peace Corps, in VISTA, in social projects throughout this country and the world—it is this sight which should inspire us all.

If we do not provide the channels for effective political participation, then we only give credence to the words of irresponsible elements who attempt to influence the young by contending that there is no opportunity to work for reform within the system; these elements point to the lack of the franchise as their prime example. Unless we are willing to further amplify the horns of these latter-day pied pipers, then our course is clear; the voting age must be lowered, and lowered now.

Mr. Speaker, the movement of American political history has always been towards broadening the base of our national democracy. At various intervals in our history, the Nation has recognized the need to extend the franchise to previously disenfranchised groups. As I stated earlier, rarely has the need been so obvious and so real as with the case of young America today.

I believe in the youth of our country, and because of this belief I am confident of America's future. I believe that our youth ought to have a voice in shaping their destiny and moving our Nation. Accordingly, I have been introducing legislation which would lower the national voting age to 18. I am hopeful that this legislation will become law during this session of the Congress. I intend to make every effort to see that it does.

Many of our States have taken the initiative in submitting the question of a lower voting age to the people. I am proud to point out that my own State of New Jersey recently adopted a resolution calling for a lower voting age and has put the question on the ballot in referendum. It is time the Federal Government put this question to the people across our country.

Mr. Speaker, let us not be blind to the opportunities which lie ahead. Let us have the intelligence and insight to see the other side of the so-called "campus revolt." Let us now extend the franchise to the young American that he might take his rightful place as a full citizen. As America serves its youth, so will its youth serve America.

A SERVICEMAN VIEWS THE RADICALS

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. SAYLOR. Mr. Speaker, a young man from my district, who is serving aboard the U.S.S. *Ticonderoga* in the waters off South Vietnam, has movingly expressed what the war in Vietnam is all about. In a letter to the editor of the Johnstown Tribune Democrat, he also informs us about what most servicemen must feel when they read and hear about the campus cowards, who are trying to destroy the educational institutions that our servicemen are protecting with their lives.

Seaman Jardina's letter is timely and instructive. Although it is directed to his friends and neighbors in Johnstown, Pa., its message is clear and pertinent to all citizens.

The letter follows:

A VIEW OF HOME FROM VIETNAM

An article from a Detroit newspaper caused much concern among my shipmates and myself aboard the aircraft carrier, USS Ticonderoga. The "Tico", as we've been nicknamed, is operating off the coast of Vietnam providing around-the-clock air support for your sons and my younger brother fighting in the jungles of Vietnam.

We're out at sea for months at a time; therefore, a newspaper from someone's hometown or a letter from home means a great deal to the morale of a sailor. Naturally, when we read across the pages and notice an article such as one where even the parents and the local board of education have consented to the flying of a militant flag with our Stars and Stripes, my shipmates and I can't help wondering if our own neighborhoods are acting as blindly, foolishly and with apathy as the parents, and supposedly other responsible groups, have acted. Is this despotism spreading? If so, who will stop it?

I am a resident of the Oakhurst district of Johnstown and my absence from the Friendly City has actually made me wonder if this viscous insertion of radicals and campus militants will spread to my hometown or to the college that I plan to attend upon completion of my military service obligation, or should I say privilege, because, indeed, my shipmates and I are working as a team to stop this spread of the same disease on this side of the world before it reaches you back home; and we're proud that we're here!

How about you back home? You, as a member of the PTA, or you, a member of the board of education, and what about you, the men and women active in our city government—are you working for the people? And especially you, the parent. Please take an interest in your teenager's activities! Then perhaps your son over here in the Tonkin Gulf or the jungles of Vietnam will be able to return home from this far and very lonely battlefront to his own community of responsible and devoted Americans . . . God willing.

MICHAEL A. JARDINA,
SN, USN.

ROBERT F. KENNEDY—A VOICE FOR OUR TIMES

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. McCARTHY. Mr. Speaker, last Friday, June 6, 1969, marked the first anniversary of the tragic murder of Robert F. Kennedy. In the midst of a hard-fought campaign in which he sought to bind up the wounds that trouble us, he was struck down by an assassin's bullet.

In the year that has followed, these wounds have become worse—they have not healed. Our campuses have been wracked with violence and turmoil. Disorder has plagued our cities and towns. The most ominous sign has been the growing use of firearms and physical violence. The clashes between the dissenters and those who are trying to find solutions to the tough problems that lead to dissent are marked by violence—not reason.

I believe that Robert Kennedy would have deplored this violence. More than others he recognized the sources of the discontent that moves our young and our poor. More than others he urged that we act—not talk—but act to redress these wrongs. But he did not believe that violence by any individual or group, those wronged or those wronging or those attempting to maintain stability, served a useful purpose.

Robert Kennedy spoke of violence with an eloquence that will be hard to match in a speech in Cleveland. This speech followed the assassination of Martin Luther King. As words of advice to a troubled country and in memory of Robert Kennedy, I am placing the text of his remarks in the RECORD at this point:

SPEECH BY ROBERT KENNEDY AT THE CITY CLUB IN CLEVELAND, OHIO, APRIL 5, 1968

This is a time of shame and sorrow. It is not a day for politics. I have saved this one

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opportunity to speak briefly to you about this mindless menace of violence in America which again stains our land and every one of our lives.

It is not the concern of any one race. The victims of the violence are black and white, rich and poor, young and old, famous and unknown. They are, most important of all, human beings whom other human beings loved and needed. No one—can be certain who will suffer from some senseless act of bloodshed. And yet it goes on and on.

Why? What has violence ever accomplished?

What has it ever created? No martyr's cause has ever been stilled by his assassin's bullet. No wrongs have ever been righted by riots and civil disorders. A sniper is only a coward, not a hero, and an uncontrolled, uncontrollable mob is only the voice of madness, not the voice of the people.

Whenever any American's life is taken by another American unnecessarily—whether it is done in the name of the law or in the defiance of law, by one man or a gang, in cold blood or in passion, in an attack of violence or in response to violence—whenever we tear at the fabric of life which another man has painfully and clumsily woven for himself and his children, the whole nation is degraded.

"Among free men," said Abraham Lincoln, "there can be no successful appeal from the ballots to the bullet; and those who take gun appeal are sure to lose their cause and pay the costs." Yet we seemingly tolerate a rising level of violence that ignores our common humanity and our claims to civilization alike. We calmly accept newspaper reports of civilian slaughter in far-off lands. We glorify killing on movie and television screens and call it entertainment. We make it easy for men of all shades of sanity to acquire whatever weapons and ammunition they desire.

Too often we honor swagger and bluster and the wielders of force, too often we excuse those who are willing to build their own lives on the shattered dreams of others. Some Americans who preach nonviolence abroad fail to practice it here at home. Some who accuse others of inciting riots have by their own conduct invited them. Some look for scape-goats, others look for conspiracies, but this much is clear; violence breeds violence, repression brings retaliation, and only a cleaning of our whole society can remove this sickness from our soul.

For there is another kind of violence, slower but just as deadly, destructive as the shot or the bomb in the night. This is the violence of institutions; indifference and inaction and slow decay. This is the violence that affects the poor, that poisons relations between men because their skin has different colors. This is a slow destruction of a child by hunger, and schools without books and homes without heat in the winter.

There is the breaking of a man's spirit by denying him the chance to stand as a father and as a man among other men. And this too afflicts us all. I have not come here to propose a set of specific remedies nor is there a single set. From a broad and adequate outline we know what must be done. When you teach a man to hate and fear his brother, when you teach that he is a lesser man because of his color or his beliefs or the policies he pursues, when you teach that those who differ from you threaten your freedom or your job or your family, then you also learn to confront others not as fellow citizens but as enemies—to be met not with cooperation but with conquest, to be subjugated and mastered.

We learn, at the last, to look at our brothers as aliens, men with whom we share a city, but not a community, men bound to us in common dwelling, but not in common effort. We learn to share only a common fear—only a common desire to retreat from each other—only a common impulse to meet disagreement with force. For all this there are no final answers. Yet we know what we must do. It is to achieve true justice among our fellow citizens. The question is whether we can find in our own midst and in our own hearts that leadership of human purpose that will recognize the terrible truths of our existence.

We must admit the vanity of our false distinctions among men and learn to find our own advancement in the search for the advancement of all. We must admit in ourselves that our own children's future cannot be built on the misfortunes of others. We must recognize that this short life can neither be ennobled or enriched by hatred or revenge. Our lives on this planet are too short and the work to be done too great to let this spirit flourish any longer in our land.

Of course, we cannot vanquish it with a program, nor with a resolution. But we can perhaps remember even if only for a time—that those who live with us are our brothers, that they share with us the same short movement of life, that they seek—as we do—nothing but the chance to live out their lives in purpose and happiness, winning what satisfaction and fulfillment they can. Surely this bond of common faith, this bond of common goal, can begin to teach us something Surely we can learn, at least, to look at those around us as fellow men and surely we can begin to work a little harder to bind up the wounds among us and to become in our own hearts brothers and countrymen once again.

THE WABASH CANNONBALL

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mrs. GRIFFITHS. Mr. Speaker, Barbara Stanton, a sensitive writer for the Detroit Free Press, bids farewell to a great train, the Wabash Cannonball, Detroit to St. Louis. It is a beautiful piece of writing, and for those of you who have ridden a train, it is an interesting piece of writing. I commend it to your attention:

[From the Detroit Free Press, June 8, 1969]

The Last of the Jingle, the Rumble, the Roar: Watch as a Legend Dies. The Wabash Cannonball, Detroit to St. Louis, May Soon Be Only a Song. They Call It Progress.

(By Barbara Stanton)

Once there was a freight train called the Wabash Cannonball. It went so fast that when it stopped it was still going 65 miles an hour, and it stretched so long that the first steer aboard was a steak in Chicago while they were still loading the last car at Kansas City.

It ran from 1884 to 1897 between Chicago and Kansas City and for a while between St. Louis and Omaha, and now it goes from Detroit to St. Louis. It never really rushed from the great Atlantic Ocean to the wide Pacific Shore, nor from the sweet old flowy mountain to the southbelt by the moor, but folksong said it did, and song means more to the soul than where the rails ran.

In 1950, the Wabash Railway relived the name for the Detroit-St. Louis passenger run. Now the Norfolk and Western Railway, which merged with the Wabash in 1964, will discontinue the Cannonball on the Fourth of July, unless the Interstate Commerce Commission intervenes. People don't ride the train anymore, says the N&W: The Cannonball lost $1.1 million in 1967–68.

"I ride the train between Detroit and St. Louis five times a year," Wayne Kohlwes, a government executive, testified at an ICC hearing.

"Are you what is commonly described as a railroad buff?" asked the N&W attorney.

"Yes," said Kohlwes.

"That's all," said the attorney.

The Cannonball starts the 10-hour, 488-mile run to St. Louis in the damp and steamy smell of Union Station on Fort Street, slipping out of Detroit an hour after dawn while the city is still and the river is a flat grey ribbon left of the tracks: three worn cars and a diesel engine bearing a legendary name into oblivion.

"I think it's a terrible shame," says Viola Stefanich, a friendly redhaired woman bound for Dallas. "I don't like it at all. I signed a petition to keep it on. What will the old folks do when they take it off. I'm too old to join the jet set and the bus is so inconvenient—oh, look! Isn't this beautiful?"

It's the Rouge River, slate green with sludge and chemicals, but in the morning light a magic mirror for the slag heaps and sheds along its banks.

When you are 10 years old, there is only one way to travel: Up in the vestibule between the cars, leaning out an open window when the brakeman isn't looking, tearing over the earth at a furious sped with the trainwhistle howling in your ears and the crows racing the car toward Adrian.

"Oh look, wowee, another fire, you can see it, you can smell it," shouted Ray Eldridge as the Cannonball roared past a spreading brush fire. "I know why we're going so fast," he said. "Why?" "Because we lost five minutes at the station back there and we have to make up the time." Pensive. "Why are they going to tear this train down?" "Because they say not enough people ride it." "If they told people about it and let them know where it's going they'd get a lot more people."

Once it was a fine thing to be a railroad man, leaning out into the wind at a thousand small towns, swinging easy off the train with the sunlight flashing off your vestbuttons and your watch chain lying heavy and important on your chest. You were a traveling man who rode the world on silver rails, and along hundreds of rushing miles the small boys watched you with awe and envy and the hot breath of the engine left a score of grass-fires licking in your wake.

"I could have retired two years ago," said Chester Banks, the 67-year-old conductor. "But I thought now that I'm finally here I'd like to see what the passenger run is like for a while. I was on the freights for so many years, you see. That's first on, first off, and you never know when you go to work where you're going to be that night. You got to wait your turn for the passenger train, the oldest man in service gets it. The last man before me on the Cannonball, he was 72 when he retired two years ago.

"It was a good job when I started. I don't have any training now, you see, for another job. And when you get a family, you've got to keep them, so you keep on the job. I think they should keep it on, the Cannonball, for the public. It makes no difference to me. I'm going to retire soon. But I think they owe it to the public to keep the trains on."

"Did you meet Mrs. Chapman?" asked Viola Stefanich, who has met everyone. Outside, the redwinged blackbirds are wheeling over the stubble, showing their scarlet shoulders to the train. Every wheatfield is by Thomas Hart Benton, every lonely upright farmhouse by Edward Hopper, and 30 yards away an Amish boy in a black hat and suspenders swings on a farmgate and waves wildly at the train. "Mrs. Chapman got on the train in Montpelier," said Mrs. Stefanich. "She's 72 and she takes this train once a week to shop in Fort Wayne. She's been riding it 40 years. What's she going to do now?"

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At Huntington, Indiana, the Cannonball picks up the Wabash River, a muddy spill of brown water brimming with the spring runoff. From here to the Illinois line, the Wabash and the train that bears its name will never be very far apart, crossing each other's paths as they roll southwest through the countryside.

The willows on the Wabash are yellow with new life, but off in the fields leafless trees still march in bony windbreaks across the young April landscape. It is spring in Indiana; a pink sow trots away in terror as the Cannonball comes hooting through the fields, a young foal romps, the black-faced baby lambs tangle in the new clover and the clouds flash by in the ditches.

"There's no imagination, no drive in the railroads anymore," said Earl Berwick, a Franklin businessman on the way to Edwardsville, Ill. "They know they can make a few dollars carrying freight and they're content with that. You know, if you're at the top of a long, slow hill you can coast for a long, long time and that's what the railroads are doing.

"I'm not an expert on railroads. But I'm a businessman. Look around the yards, the railroads, you don't see anything but older men. Young people don't see any future in this business. They're all going into the airlines. They ought to get some of these bright young men, give them stock options, percentages, let them shake things up.

"The biggest boom in this country is in the leisure industries but the railroads don't see it. Why rush to get to a place and just sit? Why not sit while you're going there? Watch the countryside, have a drink and a good meal in a classy club car—they used to have a better one than this—but the railroads don't see it."

Once Berwick had a plant in Fort Wayne and rode the Cannonball a dozen times a year to get there. His wife's family is in Illinois, just off the Wabash line. "We're taking this trip out of sentiment because we heard the train was being taken off. We're sentimental, we're nostalgic, but we're not stupid. If we'd take the ride, so would a lot of other people. Why don't the railroads capitalize on that? They're not interested."

The Cannonball rolls through the easy landscape of south Michigan, sails around the limestone scarps of northern Indiana and plunges southwest through a dozen towns until suddenly, just out of Danville, the country opens up and—oh glory—this is America; vast endless, majestic, stretching like a great flat sea to the edge of the world, limitless, with loneliness howling at the edge of the plain.

When Americans stopped riding trains they lost contact with their country. From the air the land is antiseptic, distant, laid out in Mondrian blocks to the horizon. From the car it is narrow, distracting, artificial, overlaid with traffic signs and cloverleafs, with Lodging Next Exit, and rock on the radio. The city Americans have lost their sense of how big this country is, how vast its spaces and how far its reaches, and of what those long, lonely dimensions meant to its founders and philosophers.

It was always a dream; the land was never so free, the people never so noble as we imagined. But we built a nation on the dream and our poets immortalized it. "Oh beautiful, for spacious skies," we sang, even as our cities were blotting out the skies. "And crown thy good, with brotherhood," chanted a million schoolchildren, even as they were growing up into a generation of college dissenters who saw neither good nor brotherhood in this nation, nor trusted the efforts of their elders to reach it.

And now, having failed to find the reality, we are in danger of losing the dream as well, partly because we have lost the feel of the land it is based on, the sense of possession of a mighty earth that once made Americans believe all things were possible, all men could be free.

My son will never see the land below Danville, not in this special way, not with the second sight that comes with a speeding train and a sense of space and a feel for something that is going out of America.

The train conductor as a romantic figure all buttoned up with brass and pride is already a figure out of fiction, out of history, a stereotype that blinks by in the literature of the thirties and the movies of the wild, wild west. But I have met him, and he is real. He sent me a brass button emblazoned "Wabash," an old man's useless button from an extinct line, with a note that read: "Enclosed is Wabash Button as promised by me condr. on Cannon Ball 301. C. H. Banks."

We were not wrong, growing up. There is pride and strength in the land, and there are things to be handed down from generation to generation, permanent and shining like brass buttons. We live by selected fictions, Balthazar said, and these are mine. That is what trains are all about.

Two minutes out of Tolona, the southbound Cannonball shunts off to a siding and stands motionless on the seamless prairie. The air is soundless: then from somewhere down the rails there comes a rushing sound as of a great wind approaching, the staccato blast of a train-whistle, and porter James Henderson waves furiously as the northbound Cannonball flies speeding past, up from St. Louis in a whirlwind of gravel and roaring air.

"I remember once when we took the trip to Litchfield with our little girl Pat and our dog and he had to ride in the baggage car, and of course we were miserable because he was just like one of the family," said Mary Fredenberger. "And after we'd ridden for a while the conductor came back and said to Pat, 'I've got a little black dog in the baggage car. Would you like to see him?'"

"And we spent the whole trip in the baggage car, sitting on a coffin—he pushed the flowers back for us—and everytime we got to a station he'd say, 'Come on, come on, quick, get off,' and we'd get down and run the dog around real fast and he'd give us the high sign and we'd climb back aboard. We had some wonderful times on this train."

At 4:30 p.m. Detroit time the Cannonball rolls into Granite City, Illinois, and begins the long, slow glide through the riches of the country, past barrels, boxcars, warehouses, railyards, grain elevators, paint factories, pipe companies, an endless, greedy corridor of wealth and waste. Within the hour, through a forest of smokestacks and high tension poles, St. Louis' 630-foot Gateway Arch rises up, an immense stainless steel parabola drawing closer and disappearing in the midafternoon haze, and the Cannonball clatters out onto a trestle, humming and swaying high above the muddy Misssissippi. "She's going up a foot a day," says a brakeman in the open baggage car door, hanging out over the emptiness and the slapping water 90 feet below. "She'll be 12 feet higher yet before she's through."

The train curves west around St. Louis, past the dogwood blooming in the hillside parks, past the gabled towers of Grand Street, into the heart of a throbbing, smoky, living city and pulls in one shuddering, steamy hiss to a stop in the vast maw of the Union shed. It is ten minutes early.

It is the end of the line for the Cannonball, but it is just the threshhold of America. The plains have just begun, the Rockies are yet to rise, the sun still to sparkle on the Pacific. But in a few months the countryside through which we have come may no longer be visible to passengers from the Cannonball windows. The land will be forever closed to them, except for banal strips along its monotonous concrete ribbons, or in distant glimpses from the sky. "She was a freight train to begin with," says Henderson, "and she'll be a freight train again."

We flew back from St. Louis in the early evening. It took three hours with delays and stopovers. The country, when you could see it, was sprinkled with lights like stardust. It was very, very far away.

CAMPUS RIOTS AND THE U.S. GOVERNMENT

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. McKNEALLY. Mr. Speaker, Max Ascoli, the former editor and publisher of the Reporter magazine which contributed so much to the intellectual life of our country, has written for the Wall Street Journal an excellent commentary on the campus riots. It should be read by every Member of the Congress and is as follows:

[From the Wall Street Journal, May 27, 1969]

CAMPUS RIOTS AND THE U.S. GOVERNMENT

(By Max Ascoli)

Why could it happen, and why did it happen here? a number of eminent people, the President, first of all, have asked. The key word is *it:* A succession of conflagrations and racial disruptions centered or converging on the campuses of the nation that only too recently had found itself playing the role of example to the world. There is little sense in comparing our turbulent four and a half years from Berkeley on to the uprising at the Sorbonne.

Among the whys it could happen here, one is this nation's inexperience with revolution. The revolution to which the United States owes its birth is something else again, for it secured the centuries-old freedoms of the Mother Country that the Founding Fathers codified according to the needs of the newborn nation. France and England have repeatedly gone through chaos, and then emerged from it. In the Old World—Russia, Italy or Spain—they have had their troubles with anarchic uprisings. America had to deal with individual anarchists either of the bucolic Thoreau type or with showy mimics of overseas nihilism.

MAINTAINING AN IMMUNITY

The principle became ingrained here that vastity and complexity had immunized our country from the sweep of ideological revolution or totalitarian dictatorship. In the universities the social sciences and allied disciplines did their best to maintain this immunity by neglecting ideologies and practicing birth control of ideas. Only facts counted, as if they had all been born free and equal, and the dusty leftovers of happenings called facts were assiduously piled up by scholars.

No wonder many college students were bored, and enterprising professors who had obtained tenure went after remunerative government or foundation assignments. No wonder also that in a large number of academic institutions there was a lack of contact between students and teachers. By and large, there was a superabundance of students and only infrequently could the leavening influence of teachers be effective. The substance of culture prepared for mass consumption in the multiversities and universities turned thinner and thinner, and ideas, or even their ersatz, were carefully pasteurized.

In 1964, on the largest campus of the largest multiversity, a substitute for ideas was accidentally discovered: *loquor ergo sum* (I talk, therefore I exist). It is strange that it had not happened before or on some other campuses. At Berkeley, there was a group of students who during the summer had trained themselves to take chances by going South. The new chance they took proved immensely rewarding. They practiced participatory de-

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mocracy before rediscovering the old notion. The *loquor ergo sum* principle took the name of Free Speech Movement. The meaning was that the more one talks, the more of a man he is; the more people yell in unison without letting anyone utter a single antagonistic word, the more power they get. The Berkeley rebels celebrated in their own way their freedom from thinking, and gained notoriety in intellectual communities all over the world. Thinking is not easy, while anybody can talk and yell. From those 1964 days on, the exaltation of dissent started. Dissent from what? From anything you want, my boy, but dissent you must. It's no longer a right, it's a duty.

Mario Savio, leader of the Berkeley movement, delivered at Sproul Hall an address that later was used in an article entitled "An End to History." He did not appear to find much satisfaction in his success. "This free speech fight points up a fascinating aspect of contemporary campus life. Students are permitted to talk all they want so long as their speech has no consequences." This statement is echoed by Professor Herbert Marcuse, of the University of California at San Diego. In his Political Preface, 1966, to Eros and Civilization, he wrote: "In and against the deadly efficient organization of the affluent society, not only radical protest, but even the attempt to formulate, to articulate, to give word to protest, assume a childlike, ridiculous immaturity. Thus it is ridiculous and perhaps 'logical' that the Free Speech Movement at Berkeley terminated in the row caused by the appearance of a sign with the four-letter word."

Unbridled, massive loquacity having been authoritatively hailed as identical to freedom of speech, it could be turned against other targets. And so it was: In 1965, the teach-ins started. There on the campuses, antiwar students were joined and supported by many a youngster emeritus from the faculties. Even those who held qualified opinions against the Vietnam war had an exceedingly hard time trying to argue against the mobs who wanted the war stopped—right now. This unreflective quality is characteristic of the movements a la Berkeley. Just as "free speech" came to mean four-letter speech, so the peace advocated at the teach-ins was not related to our times and to our opponent: It meant just peace at any price—now. Yet it is remarkable how many people, worthy of their high repute, for quite some time have not been able to mention the war in Vietnam without calling it immoral or criminal—a war that, for our own good, should end in our defeat.

A DISCONCERTING PHENOMENON

The exaltation of youth for its own sake, the disdain for anybody over 30, is disconcerting for a man like this writer who had to leave his native country at the time of "Giovinezza, Giovinezza." The Negroes, too, follow the same self-seeking trend: Superior education or at least a diploma must be provided for all the young black just because they are black. The place in society black power wants must be granted, and this demand is not negotiable. All these extreme aims have one thing in common: Each is to be reached for the hell of it.

In the universities the drives for student power, youth power, black power, meet and, as far as one can see, do not collide. Rather they pretend to have separate but equal status, and only occasionally do they give a hand to each other—as, for instance, the SDS and the Negroes in favor of negritude.

American culture, like America itself, is part of the western world and, until now, a fantastically successful outgrowth of it. One of the characteristics of western culture has been the ease with which it has given cultural citizenship to men from every part of the world, while becoming enriched in the process. The universities in this country cannot become centers of cultural fragmentation on a racial basis without becoming responsible for the ultimate fragmentation of the country. They do not belong to the trustees or to the faculties or to the students. They belong to history—a history that this country has in largest part inherited—and are entrusted in various degrees to different groups of pro tem curators and beneficiaries. Each fragment of this historical heritage can be irretrievably wasted away.

The answer, it has been said, is academic self-government. Within limits this is true, provided we are clear that academic self-government does not mean sovereignty or, as Attorney General Mitchell once put it, extraterritoriality. The inner strength of a university and the position it establishes for itself in the cultural community are a large-scale reproduction of man's destiny: A balance between inner and outer world reflecting the role man plays in the various collective entities he comes to belong to. Man's freedom does not exempt him from spiritual or economic bankruptcy. And of course not from death. The same is true for the universities. President Nixon said it: ". . . violence or the threat of violence may never be permitted to influence the actions or judgements of the university community. Once it does the community, almost by definition, ceases to be a university."

Our government cannot force the universities to be free, but from the universities has started the eradication of freedom in our country. Academic self-government can sustain the inner and outer life of an academic community: In a microcosmic way each entity moves according to its own laws as part of a finite system that is exposed to extinction. The system and each of its components have a margin of freedom but, as has happened in a number of academic communities, when freedom is extinguished then the resulting condition is one of national emergency.

"The Federal Government," the President said "cannot, should not—must not—enforce" the principle of intellectual freedom, which, he had already stated, "is in danger in America . . . Violence—physical violence, physical intimidation—is seemingly on its way to becoming an accepted, or at all events a normal and not to be avoided element in the clash of opinion within university confines. . . . Anyone with the least understanding of the history of freedom will know that this has invariably meant not only political disaster to those nations that have submitted to such forces of obfuscation and repression, but cultural calamity as well. It is not too strong a statement to declare that this is the way civilizations begin to die." But the Federal Government, according to the President, can do nothing. Yet he knows that he is not the Federal Government but only its Chief Executive.

Congress is not patient and is constantly exposed to the dangers of hasty or wrong legislation. For the right conduct of government, the President cannot disassociate himself from Congress. Indeed, one should hope that he is exerting a wise, harmonizing influence on the several Senate or House committees engaged in preparing legislation on campus or racial disorders.

He or his office can also urge the local or state authorities to act. We all remember the picture of James A. Perkins, president of Cornell, beaming with the leaders of the SDS and the Afro-American Society, after the faculty voted to support black students' demands, as if all were saying, "cheese, cheese." The Harvard students who threw the nine deans out of University Hall have not been suspended or expelled. Can Cornell and Harvard be called free institutions? Of the faculties the least said the better for the time being. When a community ceases to be a university, then the Attorney General should be able to find a way to put it into receivership. Let's not forget that, whether Governor Faubus liked it or not, Dwight Eisenhower sent detachments of the 101st Airborne Division to Little Rock.

MR. TRUMAN'S MOTTO

Harry Truman kept a motto on his desk: The Buck Stops Here. Even the buck of a university headed by a weak man may end on that desk in the Oval Room.

The New York Times, the most authoritative organ of woolly thinking in our country, has adopted the position that to appease the students and the other riotous groups we need to settle the war in Vietnam.

Yet the President can be sure that the domestic Viet Cong will never make peace, even after Ho Chi Minh enters Saigon, and every single GI is back from Vietnam. President Nixon should keep the example of Abraham Lincoln constantly in mind. No one of Mr. Nixon's predecessors ever took such liberties with the laws of the land as did Abe Lincoln, but he saved the Union. President Nixon faces an even harder task, for he must save the Union not from a civil but a guerrilla war.

TITLE IX: A NEW DIMENSION IN FOREIGN AID?—I

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. FRASER. Mr. Speaker, Prof. John Schott at the Fletcher School of Law and Diplomacy has presented a stimulating paper on revitalizing foreign aid.

He deals especially with title IX of the Foreign Aid Act. This title encourages broader participation by people in each developing nation in foreign aid projects.

During the past few years, Mr. Schott was responsible for implementing title IX within the Agency for International Development. His experience and background make his analysis especially valuable.

For insertion in the RECORD, I have separated his paper into six parts, which I have titled: "I—History of Title IX," "II—Interpretation of Title IX," "III—Obstacles Within the Agency," "IV—Obstacles Outside the Agency," "V—How To Put Title IX in Effect," and "VI—Outlook Is Dismal."

Each part will appear in a separate issue of the CONGRESSIONAL RECORD.

Following is Mr. Schott's paper:

TITLE IX: A NEW DIMENSION IN U.S. FOREIGN AID?

(By John R. Schott)

Title IX of the Foreign Assistance Act may constitute one of the significant water-sheds in the history of American foreign aid. Like the Marshall Plan, Point Four, and the macro-economic emphases of the sixties, Title IX responds to urgent development problems now more clearly perceived than ever before, and synthesizes a number of strands of criticism which have been levelled at the U.S. foreign aid program with growing harshness and efficacy. Yet despite its possible importance, the legislation is itself ambiguous, its objective liable to diverse interpretations, and its effectiveness thus far in changing the programming priorities of A.I.D.[1] has been virtually nil.

To what can one attribute this failure to respond to a mandate that some would represent as a major, Congressionally-authorized break-through in the foreign aid posture of the U.S. Government? What is the source and what are the prospects for this new

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Footnotes at end of article.

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priority item in the Foreign Assistance Act? Is it to be taken as an ethnocentrically irresponsible and programmatically impossible demand upon the U.S. foreign policy establishment, or as a constructive effort to reshape and give further impetus to an obsolete and tottering foreign aid program?

HISTORY OF TITLE IX

Calling upon A.I.D. to assure "maximum participation in the task of economic development through the encouragement of democratic private and local governmental institutions," Title IX is the first explicit legislative injunction to a U.S. foreign aid agency to concern itself directly with the political—not just the economic development of the lesser developed countries (LDCs).[2] Far from being an initiative of the Executive Branch, Title IX is almost a classic example of a Congressional initiative thrust upon an unprepared and resistant Executive.[3] When amended to A.I.D.'s legislation in 1966, the reaction on the part of A.I.D. officials was neither informed nor enthusiastic. Either the Agency had been "doing it all along" or Title IX heralded a most pernicious interference in the internal politics of aid-recipient countries. For some, of course, it was a salutary development—though usually for the wrong reasons: it would prove a panacea to the public relation woes of the Agency by enlisting the messianic fervor of the American public behind foreign aid, or it provided further encouragement for special interest groups within the Agency to obtain additional funding for public safety programs or community development operations, to name but two.

To the somewhat more sophisticated in A.I.D., Title IX was the culmination of a particular brand of criticism endured by the foreign aid program since Point Four days—that its programs were overemphasizing activities which tended to strengthen central government institutions at the expense of local, "grass-roots" democracy; that, in the absence of effective mediating mechanisms, they tended to make the rich richer and the poor poorer; that they reinforced the social and political forces of the *status quo* through its macro-economic policies, capital assistance projects and loan agreements. Too few people in these countries were directly benefiting from U.S. assistance, and too few were being directly involved in the development of their own country.[4]

Besides attacking these *consequences* of foreign aid programs, Title IX also appeared to attack two underlying—and increasingly discredited—*assumptions* of post-Eisenhower foreign aid programs. The first of these is the myth that the provision of aid could be "neutral." This myth did not seek to belie the obvious fact that some aid is nothing more than politically-motivated bribery. Nor did it contend that aid did not have significant social and political ramifications in host countries or that A.I.D. did not seek to use its "leverage" to obtain, as a condition for certain forms of aid, host-government concessions or expressions of "self-help" in order to remove manifest social and political obstacles to the intelligent use of aid. What it did allege is that economic aid could be and was a "technical" operation, performed in accordance with prescriptive and evaluative criteria that were so generally recognized as valid as not to be debatable. Political biases and consequences were at times acknowledged. but were considered by senior A.I.D. officials as "not our concern": reforms demanded of host government as a *quid pro quo* for aid were camouflaged as "self-help" and were considered "technically" necessary to realize economic program objectives, not as eminently desirable non-economic development objectives in themselves. A.I.D. served the purposes of *economic* development, therefore it imposed no alien or inappropriate or unwanted values on aid-recipient peoples, as would be the case if it invaded the realm of social or political change.

A second and closely related myth is that economic development was a necessary precondition for—or inexorably led to—the growth of democratic institutions. This notion was even embodied in the preamble to the Foreign Assistance Act: a purpose of foreign aid was to demonstrate that economic growth and political democracy can go "hand in hand."[5] This unfortunate bastardization of Aristotle has gained considerable public acceptance, however much it has been discredited by social science research, and has provided many an A.I.D. economist or technician with a comfortable answer to the criticism that foreign aid was shoring up regressive regimes or failing to contribute to the "democratization" of aid-recipient countries: A.I.D. could stick to its economic knitting—increase a country's GNP, reduce balance of payments disequilibria, produce a rise in per capita income—and democracy, like Topsy, would "just grow."

Governed in part by these two myths, A.I.D. scrupulously avoided activities which might be construed as motivated by political development objectives as opposed to those more easily rationalized as "economic." Unsophisticated lip-service would be paid to the presumed causal relationship between economic and political development. Short-term political and diplomatic considerations would, too, play a role in determining the allocation of resources both as between countries and within individual countries; but these considerations were clearly separable from any intention to implement long-term political development objectives.

Although there are those who would consider the Alliance for Progress as the first break with these myths,[6] it was not until Title IX was enacted that this break became explicit and achieved a serious Congressional constituency. Yet, however more explicit Title IX may be, interpretation of the provision is a complicated and often unrewarding exercise.

FOOTNOTES

[1] The Agency for International Development.

[2] See the Foreign Assistance Act of 1966, Part I, Sec. 281: Title IX—Utilization of Democratic Institutions in Development, and this same section as amended by the Foreign Assistance Act of 1967.

[3] Although two or three middle-level A.I.D. employees had had some informal contact with the eventual sponsors of the legislation, no official positive interest in the provision was ever displayed by A.I.D. prior to its enactment. In large part this may be attributable to the fact that the provision's implications were as yet unclear to the A.I.D. hierarchy, as—indeed—they remain with many to date.

[4] For a clear expression of this criticism, see the statement of twenty-five Republican Congressman as printed in *The Congressional Record*, 89th Congress, 2nd Session, Vol. 112, No. 45 (March 15, 1966). This statement constitutes an explicit precursor of Title IX, in language as well as intent. F. Bradford Morse (R., Mass.) was the forceful prime mover behind this statement, which stated, *inter alia*, that "The U.S. foreign aid program should place new emphasis on the need for the growth of popular participation in the development programs of the developing countries and the increased capacity of recipient governments to perform effectively in the broad spectrum of development tasks."

[5] See the Foreign Assistance Act of 1961, Part I, Sec. 102—Statement of Policy.

[6] This understanding of the Alliance also constitutes somewhat of a myth. It is true that the flamboyant rhetoric of President Kennedy before the Diplomatic Corps of the Latin American Republics on March 13, 1961, did indicate a desire on the part of the U.S. government to seek to transform the political structures of the Latin American Republics in a more direct fashion than had been previously suggested. Welcoming "the spread of the American revolution to other lands," he closed his address with the ringing declaration: "Let us once again transform the American continent into a vast crucible of revolutionary ideas and efforts . . . an example to all the world that liberty and progress walk hand in hand." Such stirring intentions also found their way into the Preamble of the Charter of Punta Del Este, which established the Alliance: "We, the American Republics, hereby proclaim our decision to unite in a common effort to bring our people accelerated economic progress and broader social justice within the framework of personal dignity and political liberty." Yet, whereas the Charter pays lip-service to democratic principles, and suggests the need for such "non-economic" reforms as income redistribution, low-cost housing and agrarian reform, the closest it gets to a significant, broad-based Title IX-type recommendation is in suggesting that "special emphasis" should be given the implementation of new projects designed "to meet the most pressing needs and benefit directly the greatest number of people." (See Chapter III.2.b. of the Charter.)

A TOUGH NEW NAVY

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. BURTON of Utah. Mr. Speaker, recently my good colleague from Tennessee, Congressman WILLIAM R. ANDERSON, spoke at my alma mater, the University of Utah in Salt Lake City. The speech, concerning the peaceful and powerful uses of the world's oceans, was given before the political science seniors' banquet on May 6. Congressman ANDERSON has seen the power struggle for freedom of the seas firsthand. He formerly commanded the U.S.S. *Nautilus*. As a former Navy man, I am most interested in what he had to say, and believe his remarks are worthy of consideration. The text of his speech follows:

POWER, LAW AND ENTERPRISE IN THE NEW OCEANS

(Address of Representative WILLIAM R. ANDERSON before political science seniors banquet, University of Utah, Salt Lake City, Utah, May 6, 1969)

As political scientists your basic study is that of political power in all its diverse forms and uses. You are concerned with the nature and composition of power, how it is acquired, legitimatized, exercised, expressed and measured; how it is divided, and when divided, how it interacts. You are concerned with the relationship of power to wealth, to military and police and insurgent force, to geography, population and social organization, and to individual personality.

As a practitioner in the field of politics I deeply appreciate the diversity of your discipline and the consequent practical necessity to specialize within it. I am nonetheless prepared to throw you a curve tonight. I propose to draw your politically scientific attention to a vast power vacuum, access to which is swiftly opening to competitive international enterprise of the most brilliant and dangerous potential.

It is a crucial and unfamiliar political *environment* that I would like to sketch out for

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you, and I hope you will forgive the somewhat immodest scale of the conceptual formulations. We shall have mounting national business of great importance in the oceans of the earth in the interim between now and the millennium new year. And we shall have to write an original book of American oceanic politics.

You see, all that man has wrought in his 10,000 technological years is chiefly the result of his works in utilizing the physical assets of three-tenths of the planet's surface. Now with deceptive swiftness, the other seven-tenths is falling open to the acquisitive rivalry of men and nations. The results of this marine competition and the way that we manage it will fundamentally shift the distribution of the world's wealth and power, and affect the nature of warfare for as many future decades as we can contemplate.

It is no simple matter even to put conceptual handles on this new political ocean. For policy purposes there are perhaps five basic features I would stress; three of these are new, two are not.

First: The uses and strategic significance of the oceans are rapidly and radically changing. A truly momentous new magnitude of human oceanic enterprises and relationships is developing with all the inevitability we associate with population growth, scientific advance and industrial expansions. Submarine technological capabilites now possessed and predictably attainable open for developmental economic exploitation vast areas of the continental shelves and slopes; by 1990 an unprospected sea floor amounting to 128 million square miles will be within reach. There is no reason to doubt that the submarine mineral wealth of these reaches is inferior, mile for mile, to that of the continental deposits. Above and in constant, complex liquid motion is an astonishing 324 million cubic miles of hydra-space which, is among other things, biologically the most densely populated environment on earth and potentially its greatest food source, the greatest resource of energy, a principal arbiter of climate, and a weapons arena of mind-boggling scale and complexity. These newly and prospectively usable properties of the oceans constitute values and threats over which nations seek to exercise control. Important modifications of the world's political geography have, in effect, already taken place with the national claim staking upon the continental shelves begun by the United States in 1948, and recognized by the Geneva Convention of 1958. It would be naive to suppose that the inclination for oceanic annexation will not intensify.

In a strategic sense a very great shift occurs in this context. Up till now wars have been fought for the continental causes and lands across and around the oceans; seapower was often decisively employed to support, project and supply the campaigns of one contender while denying a similar advantage to the other. This function of seapower will not change, but a whole new dimension of naval responsibility appears if oceanic territories, installations and activities are perceived as sources of wealth and bases of military power in themselves. Ocean sectors contested *about* look very different to the strategist than waters fought across and around.

The second major feature of the new oceans to be reckoned with is the absence of any legal regime of the undersea. There is no agreed concept of order in oceanic development beyond the continental shelf areas lying below 200 meters. Over the slopes and deep plains, and ocean mountain ranges there exists little other than the wilderness prospectors law of "find, claim and keep if you can." Indeed there is nothing in international law to prohibit the United States from, say, claiming sovereign jurisdiction over the sea bed and hydra-space within the Aleutian, Hawaiian, Seattle, San Diego rectangle.

As for the law governing the exploitation of the continental shelves, the Geneva Convention of 1958 gave maritime states the rights to all resources found in the contiguous sea bed out of a depth of 600 feet and to such deeper-lying resources in adjacent slopes as the technology makes exploitable. This leaves a situation in which Malaysia *can* stake a mining claim to most of the South China-Seabed—a claim unlikely of acceptance, to say the least, by Indonesia, Singapore, and the Philippines, who can all enter vast competitive claims. A dozen American and Japanese companies are now drilling for oil in this South China sea bed.

It also raises the problem of small island remnants of the colonial empires which dispose of vast shelf areas often conflicting with the claims of coastal nations. Unsolved as well is the legal standing of artificial islands constructed upon mid-ocean seamounts. Finally, there is some serious discussion in the international community of moving toward a different claim criteria for the resources of the continental shelves. Depending upon a given nation's relative advantages, spokesmen occasionally favor a flat 50 mile line of sole jurisdiction, or a pure national exploitation capability test.

Others would move the national shelf definition out from the present 200 meter depth to the 600 meter curve. Such is the state of applicable international law on the eve of an unparalleled era of oceanic exploitation.

Third: The world ocean is today in large part surrounded by new sovereignties, roughly 70 variously unstable, fiercely nationalistic and territorially conscious developing nations. Terribly poor, militarily, economically and technologically weak, they are political societies desperately needing the gains of oceanic development but largely incapable, without assistance, of exploiting or defending, or indeed, even identifying the marine wealth of their adjacent waters and continental shelves.

Fourth: The traditional industries of the sea, shipping and fishing continue to grow in economic importance, but U.S. strength in both areas is declining rapidly. Though the world's fish and sea food consumption has increased about 6% yearly since the end of World War II, the U.S. share of the catch has dropped steadily. Ten percent of the world's animal protein consumption is taken from the waters yearly. For most nations of Africa and Asia this component is the vital protein element without which presently deficient diets would become disastrous. As a nation we consume twelve percent of the world's fish, and catch only four percent. A greater catch is taken from traditional American grounds by others than is taken by U.S. trawlers. We possess in aggregate a fishing fleet of 76,000 vessels, the second largest in the world, 60% of these craft are over 16 years old, and one in four has been working twenty five years or more. The U.S. fishing fleet is largely obsolete, it is uneconomically organized; and it is stifled by a maze of outdated laws.

World merchant shipping increases steadily in tonnage and value; it becomes an increasingly vital network of world economic relationships. The United States is the world's greatest international trader by a wide margin and 98% of that trade is shipborne. American vessels carry just 5% of our own trade. While we rank an overwhelming first as a world naval power, we rank fifth as a merchant marine power, and the trend is down. Four out of five of our freighters and tankers are World War II vintage, and bloc obsolescence is upon us. Last year we built 48 merchant ships while the Soviet Union built 448. These figures portray a strange, costly and disturbing failure for a nation of manifest vitality. It is simply incredible that the world's leading nation in aircraft manufacture, in advanced warship design, in oceanographic research and undersea electronic and sensor development, in automation, systems analysis and nuclear propulsion should be incapable of building and sailing cargo vessels sufficient to carry half of its trade, and of catching its own fish in a financially profitable manner.

The fifth major feature of the world political ocean is a military one of pervasive effects:

Most Americans have never heard the term, but in the jargon of the international strategist, of whatever persuasion, it is American Oceanic Supremacy. It is a condition that has not been challenged for a quarter of a century, and some remarkable consequences have grown around it.

We have founded our foreign and defense policies on the assumption of continued American oceanic hegemony. So in fact, has western Europe, Japan, Australia and most of the rimland nations of Eurasia. In the sense of circumvention and necessary accommodation, so too have the Communist nations.

In so far as there exists a global military equilibrium, unstable though it may be, it consists in a three sector confrontation in which U.S. ocean based forces are basic elements. In the first sector of this confrontation, three extremely different military systems stand in opposition on the globe-spanning Eurasian continent. Here a predominance of Soviet and Communist Chinese conventional land power confronts a far-flung maritime alliance system of rimlands and islands with its equalizing power emanating from the North American continent. There simply could be no effective non-communist alliance here without assured support and supply across the seas.

The second sector of strategic confrontation is the head-to-head mutual deterrence in the weapons of total destruction. Here the United States has deployed her most secure and advanced deterrent in the seas surrounding the Eurasian continent.

The third sector is the volatile, unstable and indecisive competition in the undeveloped societies of Africa, Latin America and pieces of the Near, South and Southeast Asian rimland. The latter are, in strategic effect, new founts of substantial economic and military strength presently in formative development of the political and economic persuasions which will determine the ends to which the new strength will be committed.

The U.S. tools in generel are trade, aid, diplomacy and a degree of assured military support for those who will undertake non-totalitarian routes to development. But where access to the sea is lacking, as in Tibet and Laos, our supporting efforts are modest indeed.

The fact is that the United States cannot bring conventional military force to bear abroad on even a moderate scale except by sea, and it is the use of sea power that has made her effectively the only global power.

The point of most crucial importance here is that if the present balance of world power is to be maintained, the forces opposing communist expansion clearly must retain the oceanic supremacy upon which their alliances were originally built. A balance of sea power with the Soviets would assure an extreme imbalance of world power.

It is in this context that we find the economic, political and military nature of the oceans changing, and thus the functions and relative significance of sea power changing also.

Now, what about this oceanic thrust in human affairs? What does it look like here and now?

It is, perhaps, worth noting that the National Oceanography Association, now three years old, has over 650 corporate members. Within the past decade more than 300 of the

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largest U.S. corporations have entered the marine research and development field. There are this year half a hundred international bodies concerned with one or another aspect of oceanography. The first university degree in oceanography was granted just over 35 years ago; today 77 American universities offer curricula in the field. Two and a half years ago the Government initiated a well-funded Sea-Grant College program. Within the decade we have gone from three deep-sea exploration submersibles to the use and construction of twenty. It is instructive to note who is building these deep diving submarine work vehicles: North American, Lockheed, Westinghouse, General Dynamics, General Motors, Grumman and Reynolds Aluminum.

There is a tremendous drive for working capabilities at ever greater depths. The goal now before our designers is a self propelled, manned submersible providing search and study capabilities to 20,000 feet. With such an instrument 98% of the ocean floor can be reached. The present limit for maneuverable submersibles is 8,300 feet. Gas breathing divers have worked successfully at 1,000 feet and a 2,000 feet capability seems probable with improvement of present techniques. Scientists will soon work routinely for weeks from a habitat at 600 feet.

Exotic as it sounds, serious thought is now turning toward techniques and devices for liquid breathing divers capable of full activity at 10,000 feet.

Sub sea floor habitats are under study by the Navy. Project Rockpile calls for tunnel drilling into the sea bed, and mating a submersible to the tunnel mouth. Here is a basis for independent sea floor installations, whether for mining, research or military uses.

Consider the statement of project goals set this year by the very sober National Commission on Marine Science, Engineering and Resources.

"Within ten years the United States should possess the capability to occupy the U.S. territorial sea, utilize the U.S. continental shelf and slope to depths of 2,000 feet, and explore the depths to 20,000 feet."

(Roughly 98% of the ocean floor lies above the 20,000 feet level.)

The Commission continues: "Within 30 years the United States should be prepared to manage the shelf and slope to 2,000 foot depths, and utilize the sea bed to 20,000 feet."

About 16% of all of the oil pumped from the earth last year came from underwater sites. The major oil companies are engaged in the prospecting of literally hundreds of thousands of square miles of the undersea from the Grand Banks to Borneo. Last year oil drilling was performed 480 feet into the sea bed under 11,750 feet of water.

In the last six years the area of ocean floor mapped has increased three fold.

The natural gas pool in the Dutch North Sea concession alone amounts to roughly one third of the latest estimates of all the gas reserves in the United States. Diamond dredging is a common practice now off the African coast. Japan is mining iron-bearing sand. Sulphur, magnesium, iodine, fluorine, tin and salt are daily extracted from the undersea on a commercial basis. And the technical and economic momentum is rising strongly.

Our most recent studies indicate that the ocean bed reserves of such vital commodities as oil, manganese, aluminum, copper, nickel, cobalt, and molybdenum exceed by many hundreds of times the known terrestrial reserves. This finding becomes more significant in consideration of the fact that world demand for metals between now and the year 2000 will exceed all metals consumed in history prior to 1965. Oil demand over the next twenty years will exceed three times the total produced in the non-Communist world in the last 100 years. At the point where the rising cost of exploiting the declining continental reserves meets the declining cost of working oceanic reserves—the race for the sea floor will become a very serious matter indeed.

Much depends upon the continuing interplay of nuclear and oceanic technology. If we propose vast exploratory and exploitative works, the need is obviously for great energy sources. Conventional fuels present serious handling problems in the undersea environment and they all require great stores of oxygen. Nuclear power is ideal for virtually all our deep sea ventures, and necessary for most of the truly ambitious projections. On a smaller scale, isotope generators already power hundreds of sound beacons, radios, sensors, meters, and other instruments bobbing in and under the sea.

Today serious study proceeds on the use of ocean tides, currents and thermal changes to generate abundant supplies of electrical power.

Japanese scientists are convinced that aquaculture and fish herding can be enormously profitable and are working on it. They point out that with the use of some fencing device, perhaps consisting of a flow of air bubbles, fish harvests can be controlled, scheduled, increased and through selective breeding qualitatively improved.

The fast developing technology of surface drilling platforms now brings the prospects of great floating harbors, processing plants, and air bases in mid ocean.

The view toward 1990 is of a strangely inhabited sea indeed. A place of sensor fields reporting to space satellites, of sea floor farms and fish herds protected by bubble fences; of oceanic mines and aquatels; of sea sector power plants and floating factories and probably of sea bed junk yards; of support systems and policing vehicles undertaking to cover the three dimensional water zones.

The military and political facets of the prospectus are a bit more alarming than exotic. The submarine grows more dangerous and somewhat more vulnerable. The most threatening naval vessel will remain the missile-carrying submarine. Technological advances will permit the dispersal of such fleets over all the oceans, and their missiles will be able to reach any point on the globe. Such dispersal combined with the greater operating depth and silence will increase almost beyond measure the security and therefore the value of the system as a deterrent. However, the commander of a submarine will no longer have the environment to himself. In peacetime he will have to share the oceans not only with well-instrumental fishing fleets, sensor fields and commercial vessels but also with undersea installations of all kinds—some of which will undoubtedly be pure "cover" for military posts.

The submarines great opponents will be the killer submarine and high speed surface effect vessels along the lines of our hydrofoils and hovercraft, probably the only sizable vessels able to outrun the submarines. Working with specialized aircraft and sensor fields these swift vessels may prove a fair challenge to the submariner.

High speed, long range, escorted, strike aircraft carriers will be with us, able to reach 600 to 800 miles inland.

Amphibious operations are likely to be purely helicopter and air cushion melees, but they too may be able to jump the beaches and land troops and tanks far inland.

In the broad conceptual sense navies will be striving for three dimensional zone coverage—from the deep sea floor to the space over the oceans. It is quite probable that much of the strategic missile confrontation will move out to sea, with both offensive and defensive systems mobile, elusive and far from the teeming population centers.

I will leave you to make your own evaluations and speculations on this new oceanic era, and what it holds for us. I would suggest however that now would be the least appropriate time imaginable to allow our sea power to atrophy in obsolescence. Whatever the weaknesses of Soviet leadership, they have never included an inability to grasp the major factors of a changing world power structure. Within the past few years the U.S.S.R. has turned to the task of building a truly competitive instrument of world sea power with vigor and imagination. Theirs is a brand new fleet, a swift and technologically excellent force, though it does not yet match the pervasive strength of the U.S. Navy. The Soviet efforts in oceanography, fishing and merchant shipping are uniformly fresh, massive and of good quality.

Sixty percent of the active American fleet is over twenty years old, and its average age is 17½ years. The average ages of U.S. cruisers and destroyers are 21 and 22, respectively. It is a fleet in constant need of repair and refurbishment. Continuation on these lines of naval decay would constitute foolishness on a majestic scale.

Finally, the time is upon us to perceive the broad direction of oceanic development and formulate the role we wish to play in it. As matters presently stand we are the only nation in the world with the combination of sea power, technological ability, and economic interest to enforce any system of oceanic order—this in the sense that we, and the British before us, long enforced with dominant sea power a regime of general freedom of ocean transit for all nations in the past. Do we want the job? What are the alternatives? Do we wish to join in a free-for-all ocean grab? We would doubtless to do well in such a competition, but would we not all lose in a system of guarded mid-ocean borders? If it can be negotiated, would not the best answer lie in an independent international oceanic development agency with the unique right to license, lease and permit given deep sea projects upon formal application, and mediate disputes?

In any event we shall soon be turning to the task of creating coastal state and regional oceanic development authorities to manage our own body of law, still to be completed, governing competitive practices, safety, insurance, jurisdiction, contractual agreement, real estate and so forth for undersea operations beyond the territorial boundaries.

We will be creating that book of American Oceanic Politics, Domestic and International. In our peculiar way it is likely to be formulated incrementally and remedially, partly in think-tanks, in governors offices, in Congress, in the White House basement, in judicial chambers, and in the crucible of international negotiations. Perhaps in limited wars at sea. The basic directions, criteria and institutions will be largely decided within the next thirty years—partly into the era of your generation's stewardship of the nation's affairs.

I wish you courage, wisdom, and a tough new Navy.

JAYCEE CLUBS PRAISE APOLLO 8 ASTRONAUTS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. ROGERS of Florida. Mr. Speaker, the Jaycee Clubs of Palm Springs, Fla., and West Palm Beach, Fla., have adopted resolutions praising the feats of Apollo 8 Astronauts Borman, Lovell, and Anders, and placing particular emphasis on their readings from the Bible while orbiting the moon and in their belief in God.

XUM

I commend these civic clubs for their initiative in support of the expressions made by the Apollo 8 astronauts and I share their feelings.

At this point in the RECORD, I wish to insert these resolutions for the benefit of my colleagues:

WEST PALM BEACH JAYCEES,
West Palm Beach, Fla., June 3, 1969.

The Honorable PAUL G. ROGERS.

The West Palm Beach Jaycees has adopted the following resolution, and request that you read this on the floor of the House of Representatives.

RESOLUTION OF THE WEST PALM BEACH JAYCEES

Whereas, three United States' Astronauts orbited the moon on Christmas eve, 1968; and

Whereas, these three representatives of the United States of America expressed publicly from space their belief in God by reading certain scriptural passages of the Book of Genesis from the Bible; and

Whereas, the publicized atheist, Madelyn Murray, has initiated a campaign to press for public censor of these Astronauts for the use of the Bible's scriptures in their Christmas eve broadcast to the world; and

Whereas, these three Astronauts chose to express their feelings and emotions while in space orbiting the moon as they saw fit; and

Whereas, their accomplishments before and after that Christmas eve were such that the entire world was apparently united in praise for their achievements; and

Whereas, the 85 members of the West Palm Beach Jaycees from all denominations and walks of life have endorsed the propriety of the reading of the Scriptures, and wish to recognize the caliber and accomplishments of these three Astronauts.

Now therefore be it resolved, That the West Palm Beach Jaycees and its 85 members congratulate our three Astronauts and praise their historic accomplishments surrounding Christmas eve of 1968, and endorse and approve the choice which they made to convey to the world their emotions and feelings, by reciting from the Bible,

Be it further resolved, That a copy of this Resolution be forwarded to these three Astronauts, and their families, and NASA, c/o Family Radio, San Francisco, California, in order that all might know of the high regard in which these men are held by the members of the West Palm Beach Jaycees, State of Florida.

Duly adopted, this 3rd day of June, 1969.

GEORGE F. IRVIN, JR.,
President.
EDWARD B. ADAMS,
Secretary.

RESOLUTION OF THE PALM SPRINGS JAYCEES

Whereas, three United States' Astronauts orbited the moon on Christmas eve, 1968; and

Whereas, these three representatives of the United States of America expressed publicly from space their belief in GOD by reading certain scriptural passages of the Book of Genesis from the Bible; and

Whereas, the publicized atheist, Madelyn Murray, has initiated a campaign to press for public censor of these Astronauts for the use of the Bible's scriptures in their Christmas eve broadcast to the world; and

Whereas, these three Astronauts chose to express their feelings and emotions while in space orbiting our moon as they saw fit; and

Whereas, their accomplishments before and after that Christmas eve were such that the entire world was apparently united in praise for their achievements; and

Whereas, the 135 members of the Palm Springs Jaycees from all denominations and walks of life have endorsed the propriety of the reading of the Scriptures, and wish to recognize the caliber and accomplishments of those three Astronauts;

Now, therefore be it resolved, That the Palm Springs Jaycees and its 135 members congratulate our three Astronauts and praise their historic accomplishments surrounding Christmas eve of 1968, and endorse and approve the choice which they made to convey to the World their emotions and feelings, by reciting from the Bible,

Be it further resolved, That a copy of this Resolution be forwarded to these three Astronauts, and their families, and NASA, c/o Family Radio, San Francisco, Calif., in order that all might know of the high regard in which these men are held by the members of the Palm Springs Jaycees of Palm Springs, State of Florida.

Duly adopted, this 26th day of May, 1969.

PALM SPRINGS JAYCEES,
ROBERT BUSSART,
President.
PAUL HOCKMAN,
Secretary.

VIETNAM IN A NUTSHELL

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. RUTH. Mr. Speaker, the American soldier in Vietnam lives a life totally strange to that of his loved ones back in the States. An open letter written by a soldier from Rockingham, N.C., attempts to share the emotion felt by our fighting men as they serve their country and protect our lives.

The Richmond County Daily Journal, of Rockingham, has given us this soldier's view of the war by reprinting in full the letter of Sgt. Fred C. Blake, Jr.:

[From the Richmond County Daily Journal, Apr. 2, 1969]

LETTER TO EDITOR

(EDITOR'S NOTE.—An open letter from a Rockingham soldier is captioned "Vietnam in a Nutshell" and tells something of the life there in the conflict that has become the third largest war in the history of the United States from standpoint of loss of lives. The serviceman is the son of Mrs. Fred Blake of Rockingham.)

I am an infantry squad leader in the 9th Infantry Division located southwest of Saigon in the Mekong Delta. I have been in Vietnam for three months.

I just want to tell the people in the States what it's like to be on the so-called front lines. A typical day consists of writing letters to family and girl friends. I receive two hot meals a day and we have a small tent where we can buy coke and beer if you like.

About 3 o'clock every afternoon the men of my squad starts preparing for their night operations. We clean our weapons and get all the necessary equipment needed for our night ambush patrol.

My men also have to get mentally prepared for what lies ahead of them on the night patrol. As soon as I coordinate with my commander on the map and find the area in which we are to conduct our night ambush, I inform my men of the type of night we have cut out for us.

The people back in the world don't realize how the men of the infantry act and feel. I am right here in the middle of everything. The morale of the hero is very high. I have many problems that I have to cope with. I am in charge of 14 men plus myself.

Each time we go out on patrol I ask God to protect my men and myself. Each individual soldier is scared, but they still have that drive that keeps them going. The men here are of a unique caliber. Before they came in the Army they were protected by family and by law. They always had someone they could turn to for help.

But then they came into the Army and they had basic training and then their advanced individual training. Then they were brought to Vietnam not knowing what they would see or what to expect. The first day is a great shock seeing how the people live here. But the GI learns to adjust to these conditions.

He has to learn to fight and overcome fear in order to save his life and the lives of his buddies. My squad is the greatest bunch of men in the world. We are like one big happy family—white and Negro alike. We eat, sleep and play games together. If we didn't we would probably go absolutely crazy from being unhappy and homesick.

Everyone fights because they know the life they have back in the world. They know that someday they will be able to walk around without a weapon and have no fear of the enemy. Day after day they walk through the rice paddies with mud and water up to their knees. But I can truthfully say that the men of the "Leg Outfit" are proud to fight for their country, even though they think that sometimes it's a hopeless cause.

They still continue on day after day doing the same thing. But like I said before, I'm not a combat clerk who sits behind a desk and tells war stories. I see men lose their lives fighting for their country. I see them pass out from heat exhaustion, and get all types of diseases, even though they take pills and try to keep themselves as clean as possible. Even though this happens, it doesn't hamper them, the "war must go on."

This is just a few things that happens to the average combat infantryman in Vietnam. This is why I think the people of America should stand behind their men all the way to the very end. They are fighting to protect you, the people of America.

Sgt. FRED C. BLAKE, Jr.

DISTRICT OF COLUMBIA JUSTICE II—REPARATIONS BY JURY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. RARICK. Mr. Speaker, on April 30 of this year, I called to the attention of the House the caricature of administration of justice faced by citizens of the District of Columbia. On that occasion a criminal jury having been turned down in its request for martinis to aid its deliberations, returned a verdict of not guilty in the case of a man twice previously convicted of murdering his wife.

There is no justification whatsoever for permitting individuals totally incompetent to properly perform their duties to sit on our juries. Yesterday's Washington Star has the story of a gross miscarriage of justice, brought about in our comic opera courts, which I include as part of my remarks. Calhoun is back again, somewhere.

The article refered to follows:

PRESSURED BY NEGRO JURORS, TWO WHITES SAY OF VERDICT

(By Fred Barnes)

Two white jury members at the D.C. Court of General Sessions have complained that they were pressured by Negro jurors into approving a $31,000 verdict in favor of a Negro couple. The verdict was later thrown out as being "excessive."

One of the three white members on the jury told Judge James A. Belson that he was "indirectly threatened" by Negro jurors who became angered when he balked at awarding the money to the couple.

Should he have kept up his opposition, the man said, "I felt that even if they didn't attack me there in the jury room, I probably would get it on the outside somewhere."

However, the jury foreman, a Negro woman, told the judge that she knew of no threats or intimidating remarks made during the jury's deliberations.

But she described the deliberations as boisterous and said that the race issue arose when the jury originally split along Negro-white lines, with the nine Negroes favoring the large money judgment and the three whites opposing it.

VERDICT THROWN OUT

Belson tossed out the jury's ruling on May 28 and ordered a new trial in the case. He based his decision solely on his view that the verdict was "grossly excessive" and not "based upon reason and justice."

At General Sessions, an individual cannot be awarded more than $10,000 in a civil suit. Thus, the legal limit on a judgment for the couple was $20,000.

While the complaints of threats were not a factor in his nullifying the verdict, Belson held two hearings to look into the reported intimidation. He passed the transcripts of both on to the U.S. attorney's office.

First filed in 1966, the case came before Belson in mid-May. The Negro couple, Quentin and Berlene Newhouse of the 6100 block of 14th Street NW, were seeking a total of $18,000 from white co-defendants for injuries they sustained during a 1963 auto accident.

Shortly after the jury announced its decision, a court stenographer noticed one of the jurors, a white woman, crying in a General Sessions hallway.

When the woman explained that she was upset because of the verdict, the stenographer notified the judge. Belson quickly convened a hearing, at which the woman told of being called "stupid" because she demurred at granting $31,000 to the couple.

The woman quoted one Negro juror as telling her: "You three white ones (jurors) are going to always find for the white party." Actually, she felt both parties were at fault, she told Belson.

Asked if she thought her decision to acquiesce on the verdict was made under pressure, the woman responded: "Yes, I think it was."

A week later, Belson held a hearing at which one of the two white men on the jury revealed his feeling that implied threats had been made. "They started harassing me," he said of several Negro jurors, "and names were called and everything else." One called him a honkey," he said.

"We'll remember you and take care of you later," he quoted a Negro juror as telling him when he persisted in his opposition. After he agreed to go along, this same juror called him a "pretty good guy after all," the man said.

He quoted the other white man on the jury as giving in with these words: "There's no use to fight it. I'll go along."

NIXON CRITICS BOLSTER HANOI HOPE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. **DERWINSKI**. Mr. Speaker, it is the earnest hope of Americans that a permanent end to the conflict in Vietnam can be negotiated. It is obvious that in the negotiation process we must work from a position of strength.

It is therefore appropriate that columnist David Lawrence in the Washington Evening Star, Monday, June 9, directs his attention to the type of criticism within the United States that is actually encouraging Communist aggression.

The article follows:

NIXON CRITICS BOLSTER HANOI HOPE

(By David Lawrence)

Never before in American history has a President of the United States been so palpably interfered with in his attempts to negotiate a peace agreement that would end a war. Members of the Senate are asserting that they have a right to dictate to the President how he shall conduct negotiations.

Sen. Mike Mansfield of Montana, Democratic leader, urged a moratorium on criticism at least during the period of the talks at Midway between President Nixon and President Thieu of South Vietnam. But this has had no effect on his Democratic colleagues. Sen. Albert Gore, D-Tenn., for instance, declares that he doesn't think it is "wise for the President of the United States to journey thousands of miles to a point in the Pacific Ocean to meet a president of South Vietnam in order to determine policy or to coordinate strategy for either war or peace." Mr. Gore says that such a meeting tends to "equate the two presidents."

Sen. J. William Fulbright, D.-Ark., chairman of the all-important Senate Foreign Relations Committee, accuses Mr. Nixon of planning to control South Vietnam "by proxy" and tells the world that the crucial point in the Paris negotiations is whether the United States will insist on keeping the regime of President Thieu in power.

So in the middle of the parleys, while the President of the United States is trying to work out a peace plan with our ally, the head of the Senate Foreign Relations committee says openly that he favors the "liquidation" of the South Vietnam government. The Arkansas senator pointedly adds:

"I don't think we can get much help from the present government of Vietnam to liquidate itself."

The Communists interpret such comments as meaning that the President does not have the support of a majority in Congress and that North Vietnam can insist on even stiffer terms because Mr. Nixon will not be able to maintain American forces in Vietnam much longer. In fact, the Communists are expecting a "phased withdrawal" in the next few months, and they regard this as a sign of victory.

Meantime, Secretary of State William P. Rogers told a news conference the United States is not planning to set up any particular regime in Saigon. He said that America merely wants to insure that candidates of all parties are given a fair deal in the balloting, and that the presence of some Communists in a new government would be acceptable. He declared that the United States firmly supports the South Vietnamese president in the latter's opposition to Communist proposals for a "coalition" government to be set up prior to elections.

President Nixon, in his speech at the Air Force Academy last week, reflected the paradox which exists today. He said:

"On the fighting front, you are asked to be ready to make unlimited sacrifice to fight a limited war. On the home front, you are under attack from those who question the need for a strong national defense and indeed see a danger in the power of the defenders.

"You are entering the military service of your country when the nation's potential adversaries abroad were never stronger and your critics at home were never more numerous."

The Paris negotiations are, of course, affected by the speeches being made in the United States.

Ambassador Henry Cabot Lodge has announced that there is no "rigid formula" for the withdrawal of North Vietnamese forces from South Vietnam, but that the United States is interested in "results."

Coincidentally, the Communists have stepped up their assaults, and more American lives are being lost day after day. The cry in Congress for the equivalent of a "peace at any price" plan encourages the enemy.

Truth is that North Vietnam is relying on the aid and comfort which is being given them by members of the United States Senate and other critics who are virtually demanding—although they deny it—a unilateral withdrawal by the United States.

It's an unprecedented situation and is due largely to the fact that the American people are unaware of the risks and dangers involved in yielding to the Communists in Southeast Asia.

CLEAN AIR AND WATER

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. **GRIFFIN**. Mr. Speaker, clean air and water are of major concern to all Americans. Government and private industry have initiated an ambitious program which hopefully will result in improving our health, economic growth, and recreational facilities.

The State of Mississippi, working with industry and individual citizens, is moving toward achieving these desirable goals. In a recent address by Robert S. Wright, executive secretary of Mississippi's Air and Water Pollution Control Commission, emphasis was placed on the role of industrial development groups in abating pollution. I am pleased to call Mr. Wright's comments to the attention of the House:

ADDRESS BY ROBERT S. WRIGHT, EXECUTIVE SECRETARY, MISSISSIPPI AIR AND WATER POLLUTION CONTROL COMMISSION

Gentlemen, I deeply appreciate the invitation to speak to the Mississippi Industrial Development Council today.

As one of the State's newest agencies, we welcome every opportunity to inform the public—and that, of course, includes industry—of our activities, duties and responsibilities, at the same time, we seek support as we carry out our assigned tasks as a regulatory agency of State government.

Air and water pollution affects every citizen in Mississippi. It has a bearing on his health. It is a medical fact that both air and water pollution are linked with a variety of diseases. Pollution is directly associated with economic growth. Industry refuses to locate in areas with foul air and unclean water.

Until recently, there was a minimum of general public awareness of pollution. Quite correctly, pollution was kissed off as a dirty word. And that was about the extent of the public's involvement.

Fortunately, there has been a growing public and industrial interest in the quality of the air we breathe and the water we consume. Unfortunately, general public acceptance has failed to keep pace with the pollution problem itself. In the past, the public—and industry, to a lesser degree—has refused to recognize, or at least acknowledge, that their very survival depends on clean water and on pure air.

Economic and industrial growth are absolutely necessary if Mississippi is to prosper. Industry generates jobs and tax dollars. But economic and industrial growth can backlash if pollution is not controlled and abated. Industrial areas can strangulate and drown—wither, and die—if pollution control measures are not implemented.

Pollution is caused by people. It must be cured by people.

People must enhance and protect the quality of our air. And people must preserve and maintain the quality of our water.

The 1966 legislature took bold, firm, and forward action when it created the Mississippi Air and Water Pollution Control Commission. The legislation transferred pollution control authority from the State Game and Fish Commission and the State Board of Health to the air and water pollution control commission. With the passage of the 1966 act, pollution control was placed under one tent.

Our job, quite simply, is to control air and water pollution from all sources. Our goal is to make certain that pure air and clean water are available to everyone—individuals, municipalities, business and industry—throughout Mississippi.

Just what is this State agency with the rather long but certainly descriptive name?

The Mississippi Air and Water Pollution Control Commission is comprised of 10 members. Six of them represent the State Board of Health, the State Game and Fish Commission, the Board of Water Commissioners, the Oil and Gas Board, the State Plant Board, and the State Marine Conservation Commission. The other four commissioners are appointed by the Governor. Two of them represent industry, another the municipalities, and the fourth the Mississippi Wildlife Federation.

Obviously, each representative on the Commission is involved in pollution problems. They are, in fact, the trustees of Mississippi's air and water resources.

The 10-member Commission has approved criteria which must be met by potential polluters. The regulations, quite frankly, are stringent. The Commission must have broad and effective powers to perform its duties. Our regulations, more than incidentally, have been approved by the Federal Government.

Mississippi, as a State, has been given the opportunity to control its pollution. But abate it, we must. If we fail in this field, then the Federal Government has put this State—as well as the other States—on notice that it will step in and do the job.

I know—and you know—that the best interests of the State will be served if we ourselves control pollution rather than permitting the Federal Government to handle our chores through default.

We have generally received the cooperation of Mississippi industries as we have implemented our pollution control measures. The Masonite Corporation in Laurel, for example, has just begun a $10 million anti-pollution project.

But additional millions of dollars must be expended by industry if the Nation's waters and air are properly managed. I believe that these industries—at least most of them—will accept this responsibility voluntarily and without needless prodding from the Mississippi air and water pollution control commission.

Pollution must be controlled by industry. Industry, in many instances, will be required to make substantial capital outlays to install the necessary facilities to control waste and purify the air.

Eventually, the consumer—you and I—will pay for this advanced, technical equipment. It is reasonable to assume that the costs of pollution control will be tacked onto the price of the finished products—just as the cost of raw materials, manufacturing, packaging, distributing, warehousing, advertising and selling are factors in determining a product's price.

Certainly, the relatively minor additional cost of a product will be justified if it assures our people of abundant and safe water and air in the future.

The commission urges you—as industry hunters—to join us in the never-ending battle against pollution.

Potential industries for the State must be apprised of the anti-pollution requirements that must be met if they are to operate in Mississippi. Actually, our regulations will not dilute your efforts to woo industry into the State. Every State in the Nation is under a mandate from the Federal Government to implement air and water quality criteria.

In fact, I earnestly feel that the commission and the council—working hand-in-glove with one another—can stimulate your industry hunting activities. Our staff of engineers is available to you as you mine the field of industrial prospects. It seems to me that they would be impressed with the cooperation offered by an official agency of the State.

I believe, too, that substantial savings would be realized through proper planning before a plant is constructed.

The commission, of course, is as concerned with industrial development as you are. We are vitally interested in progress. But progress cannot be attained at the expense of pollution.

Industrial wastes must be disposed of in such a manner as to preserve the health and welfare of our citizens. Industry, in increasing numbers, recognizes this economic fact. I submit it is imperative that we deal off the top of the deck and not resort to idle promises that cannot be kept just to attract an industry into Mississippi.

The Mississippi Air and Water Pollution Control Commission is not a fire-breathing monster determined to place impossible restrictions on industry.

The commission does expect, however, that industry will adhere to the reasonable regulations that are both official State and Federal policy.

The commission has established water quality criteria for interstate and coastal waters in the State.

It is the intent of the commission that the pollution of waters of the State shall be prevented, eliminated or reduced to acceptable levels to protect the public health and welfare and enhance the quality of waters to insure their value for public water supplies, propagation of fish and wildlife, recreational purposes, agricultural, industrial, and other legitimate uses.

The commission recognizes that industry is continuing to produce new materials whose characteristics and effects are unknown at this time. Consequently, such materials will be evaluated on their merits as information becomes available to the commission.

At the moment, air pollution is not a major problem in Mississippi. With effective planning, industrial growth will not accelerate this problem. Mississippi industry can implement preventive measures and abort pollution before it develops.

Existing industries are moving towards correcting air deficiencies. New industries are expected to control any air pollution that results from their operations.

The commission was not formally organized until January of 1967, six months after it was created by the legislature. Since that time, we feel we have made substantial progress.

By and large, we have had excellent cooperation from both industries and municipalities that have contributed to Mississippi's pollution problems. They have generally recognized the urgent necessity of implementing anti-pollution programs.

But the battle against pollution will remain a continuing and growing problem as the State expands industrially.

The Mississippi Air and Water Pollution Control Commission has been charged with the responsibility of making certain that industry does not shirk its responsibility to combat pollution. The commission will vigorously enforce its regulations.

Industry is second only to people as a polluter.

Mississippi, however, can have industrial growth and clean water—at the same time. Pollution can be curbed in tandem with economic progress. Water pollution will thwart economic growth—but pollution control can nourish industrial expansion.

To be sure, industrial growth generates more and more wastes. But these wastes can be treated and disposed of through the use of proper treatment facilities.

The Commission feels that effective air and water pollution control throughout Mississippi is entirely possible. But industry must realize the vital role it must play if the State's resources are to be preserved for all uses.

Our water quality standards are not the sole answer to water pollution management in Mississippi. They are the basis for anti-pollution measures that industry must implement.

Your job is to convince industry to move into Mississippi, and you have a significant number of pluses working for you—an abundance of water, a favorable climate, adaptable people.

Our job is to make certain that the water supply now available in the State continues to be adequate to serve the needs of the industry already here and the industry that locates in Mississippi in the future.

Industry, in many cases, is developing new manufacturing processes to conserve water. Many firms are accelerating their research on industrial waste problems. The Commission will cooperate with these industries as they move forward in attacking their pollution problems.

It is gratifying to note that the majority of Mississippi industry is not procrastinating. Most firms are fully aware of pollution problems, and are acting accordingly.

The Natchez Democrat made the following editorial comments recently:

"Mr. Average Mississippian should realize two important points about pollution control:

"1. Generally speaking, compared to many other States, Mississippi's overall air and water are of reasonably high quality.

"2. Pollution control equipment cannot be installed overnight. Much time is required for designing and installing such equipment; engineers are still trying to find the right equipment for some pollution problems.

"Our State's newest industries, generally speaking, are being constructed with few pollution problems because available control equipment is designed into the original plant. Under the leadership of the Air and Water Pollution Control Commission, existing industries are improving their situations and, in reasonable time, will be required to meet the standards adopted by the Commission.

"The general public should realize that we are making definite progress in a manner which is compatible with our State's economic progress. By a reasonable approach to pollution control, Mississippi can attain the desired quality of air and water management in the near future without hindering the economic development of the State."

Those remarks by the Natchez Democrat show that the Commission was created not to hinder but to help industry.

All of us are members of the same team. All of us are interested in the best interests of the State. Industrial progress is reflected in the progress of the State and its people.

XUM

Together, we are taking action to at least manage pollution.

The Commission realizes there is an urgent need for improving the manner in which we use, manage and protect the water supply in Mississippi. As a rather fledgling agency, we have—as they say—our work cut out for us. We must develop long-range plans that will enable industry and the people to satisfy their water requirements in the future. We do not delude ourselves into thinking that our goals can be achieved either quickly or expeditiously.

It is imperative, of course, that we cooperate closely with all of the users of water to make certain that our supply will be adequate to serve the needs of all.

A survey by the National Industrial Conference Board revealed recently that 3,000 American corporations now have capital investment of $1 billion in facilities to reduce or control water pollution, with their annual operating expenses $100 million. Total spending by American industry to combat water pollution has been estimated at $400 million a year.

Those figures indicate that American industry has recognized its responsibility and set out to correct pollution problems.

Industry is fiscally involved in the development of abatement approaches to the pollution problems that are as old as civilization itself.

Mississippi industry is generally responding to the commission's demands of maintaining high air and water standards. Mississippians should applaud those industries for their efforts in managing the State's natural resources.

Of course, there are some recalcitrants, but standards have been set—and the commission will make certain that they will be met.

The commission should not be considered a club that threatens industry with unrealistic regulations that must be implemented tomorrow. We cannot expect every industry in the State to correct long-festering ills overnight.

But the offenders have been put on notice that they must abide by the criteria established by the commission.

I emphasize that our attitude towards pollution control will assist you as you seek out industry. The firms that you solicit will know exactly what is expected of them in the field of pollution control if they locate in Mississippi. They will know, positively, what treatment facilities they must construct before they can operate in Mississippi. Additionally, our engineering staff is at their command in assisting them in planning their anti-pollution facilities.

The administration of our water quality standards is directed toward two basic goals—to enhance the quality of our water and to marshal our waters for the benefit of all Mississippi and all Mississippians.

During recent years, the importance of clean water has come under closer public examination. The American people have now realized that water can be both friend and foe, and industry, which you are directly concerned with, no longer hesitates to discuss the problem openly and frankly.

The Mississippi Air and Water Pollution Control Commission sympathizes with your problems in attracting new industries to the state. Industry-seeking has become a competitive business, with every state in the Nation offering incentives for plant locations. To obtain an industry, you must offer more than the other fellow proposes.

But be assured, gentlemen, that the Commission's air and water pollution control programs will not sabotage your efforts. Every State in the Nation is enforcing similar control regulations.

This commission—this new State agency—operates on a modest State budget supplemented by Federal funds. The Mississippi legislature appropriated these funds because it recognizes the urgency of the pollution problems confronting the State. Industry has generally indicated that it stands willing to cooperate in pollution control. Industry is now aware that it must make sure that its waste are properly treated before being discharged into a waterway.

The commission, of course, is far shy of having all of the answers to the sensitive questions involving air and water pollution abatement. But continuing technological advances do move us closer to solutions with gratifying regularity.

Assuming that pollution control will eventualy be realized on a broad scale, the Nation must then muster its brainpower to attempt to achieve the ultimate—pollution prevention. The anti-pollution actions of industry in the future will help guide us as we seek to attain that goal.

Consequently, we feel that it is of the utmost importance for new industries to install sophisticated control equipment during plant construction. Industry must not be satisfied with "gets by" equipment. It is, I believe, incumbent upon industry to install facilities that will accomplish maximum—not minimum goals.

Actually, pollution control programs can reap dividends in several ways. Often, for example, a plant can use existing equipment more efficiently, which reduces wear. Additionally, there is always the distinct possibility of converting recoverable wastes to by-products which can, of course, nelp defray the cost of the pollution program itself. And, as an impressive fringe benefit, a plant's community image will be improved immediately. Some plants are confronted with short water supplies. By instituting recovery procedures, usable water becomes the by-product.

Industrialists have become increasingly aware of their pollution problems. They realize they can no longer just hope that these problems will solve themselves without any correct, affirmative and definite actions.

Some plants, for example, have assigned the responsibility for water uses to newly-created departments headed by a qualified engineer. The farsighted industrialists have made certain that those departments have the funds and the authority to operate effectively.

Now—in this age of critical water shortages in some areas—the proper control of pollution is absolutely necessary. The availability of usable and potable water now and in the future must be assured.

Industry must play a vital role in water conservation.

The regulations established by the Mississippi Air and Water Pollution Control Commission are realistic. As our population grows, as our cities become larger and as industrial expansion increases, more pollutants will be generated that must be disposed of. I believe that industry will not hesitate to make sound contributions in the field of air and water pollution control.

The commission does not presume to intrude on your industry-hunting efforts in any manner that would curtail the success of your activities. Conversely, I believe that we can make a significant contribution as you work toward luring industry into the State.

Give us the opportunity to advise and counsel with you as you study your prospect list. A particular potential industry might be suitable for one area of the State yet unsuitable for another area because of pollution problems that could arise in an individual area. Problems that might exist in one area for an industry might be avoided in another section.

Companies are properly concerned with keeping down operating costs. We recognize—just as industry does—that antipollution measures involve big money. But industry must expend these vast funds, not only for their best long-range interests but for the interests of the State and its people as well.

The Mississippi Air and Water Pollution Control Commission solicits your help. At the same time, we offer you our facilities to apprise industry what is expected as their operations relate to the control of pollution.

I urge you not to be reluctant to discuss pollution problems with a prospective industry. Lay it on the line. Tell it like it is. Industry appreciates plain talk.

Quite frankly, there is no place in Mississippi for any industry that refuses to accept its responsibility to help combat pollution.

This State must not tolerate any industry that ignores the health and welfare of its people and its natural resources.

MAIL PASSES THROUGH MANY HANDS ALONG THE WAY—JUST ONE MISSED STEP CAN CAUSE DELAY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. DULSKI. Mr. Speaker, we are hearing a lot these days about the postal service, much of it critical.

Well-intentioned criticism is always in order and I have added my share along the line.

I am also very well aware of the shortcomings of our present-day postal system. I am seeking to overcome them with my comprehensive bill for postal reform, H.R. 4, on which hearings now are underway before our Committee on Post Office and Civil Service.

But while recognizing the shortcomings of our present system—and publicly citing them—I would emphasize at the same time that it is essential the American public be aware that the "mails are going through" and with really incredible efficiency considering the volumes of mail pouring through the system today, over 82 billion pieces a year.

Unfortunately, all we hear about are the cases of mail being delayed or misdirected. But actually the amount of mail being delayed is really such a small amount that I would be hard put to describe it even in a decimal figure.

It is regrettable when important mail is delayed and the Department must be placed in a better position for management to keep even closer tabs on mail than it does today. I have my doubts whether private enterprise could do the job any better—indeed, if as well.

In fact, during our hearings committee members have asked expert witnesses about the possibility of having a private corporation take over the postal system lock, stock and barrel. The consensus—in fact the unanimous view—is that no private corporation would be interested in taking over all of the postal system.

The Post Office Department in many respects is being very unfairly criticized. I would refer to the deluge of criticism in the public press about postal service.

The slipups in mail service, I feel certain, are not nearly as common in proportion as are the typographical errors in our daily newspapers and other publications. Let those in glass houses be careful about throwing stones.

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And to compare the postal service with telephone service—remember you have to pay for your phone whether you use it or not—think how often the operator gets you the wrong number, or, you yourself dial the wrong number.

When a person mails a letter, that is the simplest part of the job. There are some 30-odd steps for handling that letter before it reaches its destination.

Each one of those steps offers a possible lapse, a missed connection, a wrong slot, a delayed pickup, an absent employee with no replacement, and so forth.

The other day, a reporter for the Washington, D.C., Star followed a letter from the time it was put in a mailbox until it was delivered. The story clearly points out the many steps involved, the human element, the close connections.

Mr. Speaker, as an example of the handling of a letter, I include the text of the Star story as follows:

[From the Washington (D.C.) Star, June 10, 1969]

Fifteen Hours Versus 3 Days—Followed Letter Is Speedy

(By Philip Shandler)

Postal reform is a hot topic on Capitol Hill again. There is little agreement on what to do, but everybody agrees that mail service and general postal efficiency leave a lot to be desired.

Why does a letter sometimes get to the addressee within hours and sometimes not for days—even over a short distance?

To try to find out just what happens to a letter after it is dropped in the corner mailbox, I recently wrote a letter and then followed it to its destination.

I found that the answer to postal delay lies in a mail-handling system that is striking for both its complexity and its primitiveness.

With the permission of postal officials, I stayed with my letter from the time I mailed it one Thursday evening until it was delivered in Ocean City, Md., the next morning. The trip took just 15 hours.

This evidently wasn't a typical trip, because when I mailed another letter without alerting officials it took three days.

THROUGH MANY HANDS

The course of both letters was the same, through scores of hands, several machines and four post offices linked by 175 miles of road.

I mailed my test letter in a box at Wisconsin Avenue and Albemarle Street where I knew the pickup time was 7:30 p.m.

A few minutes after 7:30, a small red, white and blue truck swung into the curb. Driver Charles Chase bolted through the open door, clutching a heavy canvas sack in one hand, whipping out a zoot-suit key chain with the other.

Chase opened the box, and within seconds had shoveled the contents into his bag, relocked the door, swung the sack into the space behind his seat, resnapped his safety belt, and was off.

Because of the previous arrangement I then accompanied Chase—and my letter—on a 2-hour ride up Wisconsin Avenue into Montgomery County, then down Wisconsin, through Spring Valley and back to the route's starting point, the Friendship substation at Wisconsin Avenue and Van Ness Street. Altogether we stopped at 36 boxes.

"The trick is to get to each box as soon after the deadline as you can, but not a minute before it," said Chase. He said the deadline advances 15 minutes at every seventh or eighth box.

Tonight, Chase was a little worried by traffic. Fortunately there was no rain and he kept well to his schedule. He's fallen off his timetable and missed his 9:30 deadline at Friendship only once in three years, when his truck broke down.

Tonight Chase was back at the loading platform behind the Friendship substation at 9:15. His sacks, along with several dozen others, were heaved into another truck. I piled into the cab, and driver Louis Postell headed for the City Post Office at North Capitol Street and Massachusetts Avenue.

We arrived at 9:35, and I watched the sacks unloaded by hand and moved inside by conveyor belt.

ARRIVING AT POST OFFICE

Inside, the post office was aswarm with people, sorting and tossing and lugging. But assistant postmaster Elmer Ray told us the peak was about three hours before, when the trucks poured in with the loads they had picked up on a sweep of the mailboxes immediately after the close of the business day.

My letter had to be on a truck that would pull out at midnight for the Eastern Shore if it was to be delivered the next morning, and it had to be sorted twice first.

The letters in the sacks were poured into troughs and sent onto conveyor belts. Big pieces were culled out and then the letters were fed into a machine that stacked them so the stamps would face one way and then cancelled them at the rate of 36,000 an hour.

The first sorting was by state or region. My letter, like most personal correspondence, was hand-addressed and thus unreadable by the automatic machines. So it was transferred to a section where row after row of men and women sat in front of big, squarish cases containing 56 cubbyholes, each labelled with the first three digits of the zip code, and sorted by hand.

At intervals, a foreman would instruct a clerk to "Pull Maryland" or "Pull Ohio" and a worker went down the row, pulling from each sorter's case that state's mail. Eventually my letter was pulled and then carted to the secondary sorting area.

SECONDARY SORTING

In the secondary sorting, the letters are separated by city or section of state, using the last digits of the zip code. Ocean City rates its own cubbyhole and my letter went into it.

At about 11:30 the sorters stopped sorting and started bundling, making a package of each city's letters with a rubber band and tossing the package onto a conveyor belt.

At 11:50, the pouches for the Eastern Shore were hauled out to a platform, for loading onto a huge tractor trailer. This leg, I learned, is a "star" route, so called because of the asterisk that formerly marked it on transportation schedules.

The "star" truckers are private operators, under contract to the Post Office Department. The contractor for most of the Eastern Shore is the Woodrow A. Pritchett Transportation Service of Cambridge.

Driver Marcellus Burdick of Salisbury had already picked up a loaf of parcel post at the terminal on New York Avenue NE when he wheeled his silver truck into the main post office garage. It took him about 10 minutes to load up. At a minute past midnight, we me and my letter aboard, he headed out of the garage and toward the Chesapeake Bay.

We had to make two pickup stops on this leg: Easton at 1:30 a.m. and Cambridge at 2. Then at 2:55 a.m., the big truck backed up to the dock of the modernistic post office at Salisbury, and a movable conveyor belt was wheeled deep into the trailer. Sleepy workmen stacked the pouches onto carts.

DURING WEE HOURS

Inside, the several dozen clerks resorted the packages of letters into pouches according to routes to be followed by contract drivers ferrying the mail to individual cities and towns. They also added letters that had been posted within the area.

In scarcely half an hour, the Ocean City bags were ready to be closed again. But now they had to wait on the loading platform for two hours. I went down the road and got breakfast.

Just before 5:30, David Wilson, another private contractor, wheeled up in his camper-pickup, and took aboard the sacks for Snow Hill, Berlin and Ocean City. The sun was just beginning to come up.

An hour later we pulled up into the post office at Ocean City. It looked small and new. Russell Bradford, the assistant postmaster, was waiting. He unlocked the door, helped unload the truck, wheeled in the carts, and was ready to break the mail down by delivery route. By then he had the help of the postmaster, Scott Wallace.

Ocean City has only three city routes—two of them handled by part-time carriers during the off-season—plus a rural route. There also is box delivery, of course.

CARRIERS ARRIVE

Shortly after 7 o'clock, the carriers started arriving. Each pulled his route mail from the cubbyholes into which it had been sorted, and arranged it in the order he would follow along his route.

My letter was addressed to a man who lives just up Philadelphia Avenue from the post office, so it was put near the top of the bag of carrier Robert Murray.

At 9:30 a.m., Murray wheeled his saddlebag cart out of the door, and a few minutes later I saw him deliver my letter.

For my letter it was the end of the line. For carrier Murray, it was the beginning of a 9-mile walk. For me it was time to turn around and come home. I was pretty sleepy.

My letter had gotten good service; it was delivered in 15 hours. But as I was to find out, you couldn't count on that. The second letter took 63 hours to get there.

AIM IS NEXT DAY DELIVERY

Recent samplings by the post office of mail among major cities show next-day delivery to be about 12 percent, with second-day delivery 73 percent.

Postmaster General Winton M. Blount wonders, however, how many people really insist on next-day delivery, and whether clearer differentiation of first-class mail wouldn't permit better scheduling of the workload.

In general, the post office says delivery reliability—more important, perhaps, than speed—is breaking down because of old, inefficient facilities, inadequate management, and low worker motivation.

How to remedy the situation is the subject of a fight on Capitol Hill. The administration wants to make the postal service a self-financed, corporate structure with new fiscal authority and management power. Many congressmen and union leaders want to keep the service a Congress-dependent Cabinet agency.

Whatever the outcome, improvement soon is urgent. Mail volume is growing daily, and something must be done about it. As one postal official said recently:

"We can't put up a 'Full' sign like the parking lots can. We've got to stay open."

EDUCATION WITHOUT BOOKS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. RARICK. Mr. Speaker, the HEW announcement that the libraries in my State would face an approximate 50-percent cut in appropriations produced a scathing editorial in the Baton Rouge States Times.

It is amazing that with the billions being spent on lavish educational buildings, exchange programs, black studies programs, and even electronics—books apparently are given the lowest priority in the Federal programs for the spending of taxpayers dollars.

The editorial follows:

WONDROUS MENTAL MEANDERINGS

The mental meanderings in the U.S. Department of Health, Education, and Welfare are wondrous.

Here's a sample of what we mean:

"In the context of the total federal program for education, special programs for books and equipment are considered low priority."

The statement was by HEW Undersecretary John Venneman and apparently sums up the attitude which accounts for a projected 66 per cent slash of federal money assistance to school, public, college and university libraries.

Books, in education, are considered low priority? Holy Cow!

The recommended slash has some drastic meaning to library services in Louisiana. It would preclude any expansion of existing services and compel a cutback in services now provided.

Specifically, the State Library—hub of library service in Louisiana—would face an approximately 50 per cent cut in 1969–70 appropriations under Title I (public library service) of the federal Library Services and Construction Act. There would be no appropriations for construction. Because they depend on the State Library for specialized services and materials, all public libraries in Louisiana would suffer.

There would be no funds for school libraries under Title II of the Elementary and Secondary Education Act, through which has come money greatly enriching the library resources of 1,961 schools in 56 public school systems in the state. Half of the funds for college library services would be lost. Training opportunities for future librarians would be slashed about half. Twenty-one academic institutions in the state have benefited from the Higher Education Act; it provided 40 fellowships for graduate study annually. Nine institutes offering advanced training to librarians were underwritten by the act.

The federal government has moved brazenly into public education, more often than not questionably. The least it can do for the children of the people who foot the bills is to shun an attitude that books are of low priority "in the context of the total federal program for education."

The effects cited here relate only to Louisiana. The other 49 states are confronted with the same situation.

Less federal spending is more than desirable. It is urgent. It equally is urgent to do the cutting where it ought to be done. No end of congressional committees have reviewed programs in which millions upon millions of dollars have been squandered. Most of the programs are still operative. The gravy train still runs.

But when economy is called for, books are "low priority" in the federal attitude toward education!

How fatuous can the wonderful wizards of Washington get?

THE TRUTH ABOUT GREECE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1969

Mr. PUCINSKI. Mr. Speaker, the New Hampshire Sunday News is one of many newspapers across the country which recently carried the syndicated column by Edith Kermit Roosevelt entitled, "The Truth About Greece."

It is most significant that this highly responsible and respected American journalist would devote considerable space to the discussion of the situation which currently prevails in Greece.

It is my hope that Miss Roosevelt's excellent column will help Americans better understand the problems that we are dealing with in trying to influence the restoration of parliamentary government in Greece.

I am pleased that Miss Roosevelt quotes extensively from my recent remarks in Congress on this subject. The wide distribution of her highly respected column gives added impetus toward better understanding between the United States and the people of Greece.

Miss Roosevelt's column follows:

THE TRUTH ABOUT GREECE

(By Edith Kermit Roosevelt)

WASHINGTON.—Two years ago a group of colonels in the Greek Army led some fellow army officers in a bloodless revolt against those forces which would have delivered Greece unquestionably into Communist hands. They promised they would restore order out of chaos.

Since the coup d'etat, the Greek caretaker government has moved towards restoration of a constitution and election of a Parliament to manage Greek affairs in the spirit of democracy.

The former colonels gave the Greek people an opportunity to vote on a constitution which has been hailed by students of political science as an outstanding document spelling out and guaranteeing freedom and human dignity for the people of Greece. A total of 92 per cent of the voters approved the constitution and Premier Papadopoulas and his associates have taken direct steps to implement the Constitution as quickly as possible. The Greek government recently announced that the people were restored the rights to peaceful assembly, lawful association and the inviolability of the home.

Rep. Roman C. Pucinski (D-Ill.), a member of the House Education and Labor Committee, like other Americans looks forward to the complete restoration of parliamentary government in Greece—selected by the Greek people. However, while he believes the U.S. should continue to apply pressure for restoration of complete parliamentary government, he thinks we do a disservice to the cause of freedom when we permit "misleading" contentions of tortures in Greece to go unchallenged. Specifically, he rejects as untrue the serious charges of tortures and brutality made in the May 27, 1969 issue of Look Magazine and Amnesty International, a private organization chaired by Michael Straight, former editor of the New Republic.

Pucinski calls their charges a misrepresentation of the political situation in Greece which he says does "an injustice to the people of Greece and more seriously presents a grave threat to relations between the United States and Greece at a time when America needs all of her NATO allies to deal with the growing menace of Soviet influence in the Mediterranean and the Middle East."

Amnesty International as well as the article in Look Magazine have charged that political prisoners were suffering great tortures on the island of Yaros, off the coast of Greece. But Pucinski, who claims to be the only American ever permitted to visit Yaros, says that "after interviewing several hundred prisoners, it was my conclusion that charges of torture and brutality were completely untrue and a complete fabrication. Many of the prisoners," he continues, "frankly told me they were Communists and would refuse stubbornly to issue any assurance they would not conspire against the government in their efforts to overthrow the new regime."

Pucinski's visit to Yaros occurred six months after the April 21, 1967 takeover by the Greek colonels. The Illinois Democrat took with him his own Greek interpreter so there would be no chance for misinterpreting what the prisoners were telling him. He returned to Greece recently where he says he spoke to some of the most respected leaders of that country who are in no way affiliated with the caretaker government nor do they owe the present government any particular allegiance.

"In not a single instance," according to Pucinski, "did these impartial observers report any such tortures and brutalities as reported in Look's article."

Furthermore, thousands of American citizens of Greek ancestry from Chicago visit their native Greece frequently. Pucinski says he has talked to many of these people upon their return from Greece to see if any of their relatives have mentioned the alleged tortures or brutalities. Pucinski, who incidentally was the chief investigator for the House Committee which exposed the atrocities committed by the Russians against the Poles at Katyn, says:

"In not a single instance, have we received any evidence that would substantiate the Look magazine charges."

The matter of alleged tortures in Greece was also totally demolished as untrue after on-site inspections by the International Red Cross and a British Inter-party Committee conducted at the request of the Greek caretaker government. These two organizations concluded there was no basis for the accusations.

Last October 7, the authoritative magazine, U.S. News and World Report, wrote that while the Army colonels are "authoritarian" there is "no widespread clamor for a return to the freewheeling democracy of the past. . . . Controls are strict, but they are used to promote economic and social progress."

SENATE—*Thursday, June 12, 1969*

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou whom no man hath seen, the invisible cause of all that is visible, break through the things which do appear that we may know Thy nearness in this place. Subdue our jaded and vexed natures. Discipline our wandering spirits and strengthen our feeble faith. O Thou who givest freely of Thyself, order what is disordered in our lives, bring our minds to Thy truth, our conscience to Thy law, our hearts to Thy love, and our souls to fellowship with all mankind. Enable us to hear Thy voice, and hearing it make answer with humble trust and willing obedience. Brood over our troubled world that Thy grace may penetrate all men's hearts until the old refrain, "Peace on earth among men of good will," is the song and the desire of all nations.

In the Great Redeemer's name. Amen.

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THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 9, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT (H. DOC. NO. 91-126)

Under authority of the order of the Senate of June 9, 1969, the Secretary of the Senate on June 11, 1969, received a message from the President of the United States.

THE VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States transmitting the Second Annual Report of the National Advisory Council on Economic Opportunity. Without objection the message will be printed in the RECORD, without being read, and appropriately referred.

The message, together with the accompanying report, was referred to the Committee on Labor and Public Welfare, as follows:

To the Congress of the United States:

I transmit herewith the Second Annual Report of the National Advisory Council on Economic Opportunity.

RICHARD NIXON.

THE WHITE HOUSE, *June 11, 1969*.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of June 9, 1969, the Secretary of the Senate, on June 11, 1969, received messages in writing from the President of the United State submitting sundry nominations which were referred to the appropriate committees.

(For nominations received on June 11, 1969, see the end of the proceedings of today, June 12, 1969.)

EXECUTIVE REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 9, 1969, the following favorable executive reports of nominations were submitted:

On June 10, 1969:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Robert H. McBride, of the District of Columbia, a Foreign Service officer of the class of career minister to be Ambassador Extraordinary and Plenipotentiary to Mexico.

Richard Funkhouser, of New Jersey, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Gabon Republic;

G. McMurtrie Godley, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to the Kingdom of Laos;

J. William Middendorf II, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary to the Kingdom of the Netherlands;

Lane Dwinell, of New Hampshire, to be an Assistant Administrator of the Agency for International Development; and

Thomas J. Houser, of Illinois, to be Deputy Director of the Peace Corps.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the Senate of February 7, 1969, the following report of a committee was received on June 11, 1969:

By Mr. BYRD of West Virginia, from the Committee on Appropriations, with amendments:

H.R. 11400. An act making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes (Rept. No. 91-228).

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of June 9, 1969, the Secretary of the Senate, on June 11, 1969, received a message from the House of Representatives which announced that the Speaker had affixed his signature to the joint resolution (S.J. Res. 35) to provide for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution, and it was signed by the Vice President.

ENROLLED BILL SIGNED DURING ADJOURNMENT

Under authority of the order of the Senate of June 9, 1969, the Vice President announced that on Wednesday, June 11, 1969, he had signed the enrolled bill (H.R. 3480) for the relief of the New Bedford Storage Warehouse Co., which had previously been signed by the Speaker of the House of Representatives.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on June 11, 1969, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 35) to provide for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY, JUNE 16, 1969

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the conclusion of business today, the Senate stand in adjournment until Monday, June 16, 1969, at 12 o'clock noon.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, commencing with "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated, as requested by the Senator from Massachusetts.

AMBASSADORS

The assistant legislative clerk read the nominations of Ambassadors, as follows:

Robert H. McBride, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

Richard Funkhouser, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabon Republic.

G. McMurtrie Godley, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Laos.

J. William Middendorf II, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

The VICE PRESIDENT. Without objection the nominations are confirmed.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The assistant legislative clerk read the nomination of Lane Dwinell, of New Hampshire, to be an Assistant Administrator of the Agency for International Development.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

PEACE CORPS

The assistant legislative clerk read the nomination of Thomas J. Houser, of Illinois, to be Deputy Director of the Peace Corps.

Mr. DIRKSEN. Mr. President, on behalf of my colleague from Illinois (Mr. PERCY), I ask unanimous consent to have printed in the RECORD a statement by him relative to the nomination of Thomas J. Houser to be Deputy Director of the Peace Corps.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR PERCY

The nomination of Mr. Thomas J. Houser to be Deputy Director of the Peace Corps is now before the Senate. I enthusiastically recommend that the Senate confirm the nomination.

It has been my privilege to know Tom Houser for many years, and I deeply believe that he is just the kind of man we so urgently need in public service today.

Mr. Houser received his degree of Bachelor of Arts in political science from Hanover College, Hanover, Indiana. Subsequently, he earned a law degree at Northwestern University Law School and attended Johns Hopkins University School of Advanced International Studies. As Commerce Counsel for the Burlington Railroad, in Chicago, he gained widespread respect from the business community and the legal profession alike. He has been active in Illinois political life,

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bringing to his work a deep commitment to progressive and enlightened government. Following my election to the Senate, he served as my chief counsel in Chicago for a year. Now he is prepared to relinquish an outstanding law practice in Chicago to serve the Peace Corps and the Nation.

The country is most fortunate in having Joseph Blatchford as Director of the Peace Corps. He needs—and wants—a deputy who is a competent aidministrator and a practical idealist—a man who works well with people as well as with ideas, a man who believes in the program and in the Director to whom he reports. Thomas Houser is just such a man. He has won the confidence of the Administration; and I know that in time, he will earn the confidence of Congress and of the country.

So it is without reservation or qualification that I endorse the nomination of Thomas J. Houser to be Deputy Director of the Peace Corps.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. KENNEDY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

PROTECTION OF DISABILITY EVALUATION IN EFFECT FOR 20 OR MORE YEARS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 208, H.R. 4622.

The VICE PRESIDENT. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 4622) to amend section 110 of title 38, United States Code, to insure preservation of all disability compensation evaluations in effect for 20 or more years.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–219), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

By law, compensation is paid to veterans who suffer disabling conditions as a result of military service. As the name implies, the purpose of the payments is to compensate the veteran for the average economic loss resulting from the disease or injury sustained during his military service. Thus compensation payments are based not on need, but on the degree of disability of the veteran. On the basis of a medical evaluation, the veteran's disability is rated between 10 percent and 100 percent (total disability). Under present law, monthly compensation rates for disabilities incurred in time of war range from $23 for veterans with a 10-percent disabling condition to $400 for totally disabled veterans. Higher compensation payments are authorized for certain very serious disabilities; for example, a blind veteran requiring regular aid and attendance receives $550 in monthly compensation.

The law also provides for additional compensation payments for the loss or loss of use of certain specified limbs or organs. For example, a veteran who lost an arm in wartime military service would receive $47 monthly in addition to his basic disability compensation.

In 1954, the Congress enacted a law (Public Law 311, 83d Congress) which guaranteed that a veteran rated as totally disabled for 20 or more years could not have this rating reduced thereafter unless fraud could be shown.

Ten years later, another law was enacted (Public Law 88–445) which prevented the reduction of any disability rating of 10 to 90 percent which had been in effect for 20 or more years.

Because the law speaks of preserving the "percentage" of disability, however, the higher payments to totally disabled veterans and the additional compensation payments for a specific anatomical loss or loss of use are not presently included with the guarantee provision. Thus; for example, the Veterans' Administration could decide that a $47 award for loss of use of a foot, even though received for more than 20 years, was no longer payable because the foot was now usable.

This bill, which the Committee on Finance approves, without amendment, would preserve higher or additional compensation payments received for 20 or more years in the same way as disability ratings are preserved under present law.

The cost of the bill is nominal.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

THE CASE OF THE SECRET CHART

Mr. SYMINGTON. Mr. President, earlier this week the distinguished junior Senator from Tennessee and the distinguished junior Senator from Colorado expressed disagreement with my belief that the publication of a certain classified chart presented by the Defense Department to the Senate Armed Services Committee would go a long way toward letting the public make up its own mind about this costly new venture into national defense weaponry.

Because there is this difference, and because much of the information contained on the chart is already a matter of public record, I would again urge that this chart be made public.

I ask unanimous consent that an editorial on this subject, published in the St. Louis Post-Dispatch of last Sunday, June 8, entitled, "Case of the Secret Chart," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CASE OF THE SECRET CHART

Senator Symington carries exceptional weight in the ABM debate because he knows the thickets of the Pentagon bureaucracy, and the behavior of its bureaucrats, so well. Drawing upon that intimate acquaintance, he has hurled another deadly harpoon at the case for deploying Safeguard by challenging the Pentagon to publish a "classified" chart which it has been using to bolster its argument. If the chart is exposed to public view, he says, the argument will be over, for everyone can then see that Safeguard will not accomplish its alleged mission of "protecting our Minuteman deterrent."

As could have been predicted, the Senator's initiative soon brought out from others enough unofficial information about the classified chart to permit deductions about it. Evidently its purpose is to show that if the Soviets continue building their SS-9 missiles at the present rate, and if we now immediately deploy Safeguard, then at a certain point in 1975, assuming a Soviet attack on our Minuteman, the antimissile system will protect enough Minutemen to permit a retaliatory blow. Ergo, the deterrent will be protected.

But reportedly the chart also shows something else. It shows that if the Soviets withhold their attack in mid-1975, but go on building SS-9s instead; then within a few months they will have the capacity to saturate Safeguard defenses so thoroughly that our Minuteman deterrent will *not* be protected. In other words, even if the intricate electronics of Safeguard work to perfection, which many qualified scientists doubt, the system would afford only a few months' "protection" from a nuclear attack.

Of course everybody knows what the script calls for. Long before mid-1975, the Pentagon would undoubtedly go to Congress with the alarming news of a forthcoming Safeguard gap, and the public would be told that national security imperatively demanded an enormous expansion of the antimissile system. This is, quite obviously, the true mission of Safeguard—to serve as the first stage of an unlimited escalation of the nuclear arms race, guaranteeing juicy contracts and military proliferation and cold war psychosis far into the future.

The Pentagon has long been accustomed to scaring Congress and the public into providing unlimited weaponry funds by darkly referring to horrendous military secrets which cannot be told. Senator Symington deserves the public's thanks for putting a neat, round hole in these tactics as applied to the ABM. If Safeguard cannot be justified on the basis of public information and common sense, it cannot be justified at all.

NATIONAL COMMITMENTS—SENATE RESOLUTION 85

Mr. HARRIS. Mr. President, I would like to speak briefly in support of Senate Resolution 85.

After studying the report of the Committee on Foreign Relations, I am convinced that the Senate should reassert its constitutional duties in regard to the "national commitments" of this country.

It has only been in this century that the role of the Senate in making commitments involving our Armed Forces has become obscure.

During the period from 1789 to 1900 there was no question that article I of the Constitution vested the warmaking power with Congress. The President was simply the director of our Armed Forces with the power and authority to commit our forces in defense of the United States in the event of a sudden attack.

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There was equally no question that, although the President was given the power in article II of the Constitution to make treaties, his action required the consent of the Senate. Since then, considerable confusion has arisen in regard to the respective roles of Congress and the President in making commitments with foreign countries.

While Senate Resolution 85 will not have the force and effect of law, it will serve very useful purposes. First, it will make it clear to the President that the Senate will expect to exercise the authority given to it under article I. Second, it will place all foreign countries on notice that any commitment not passed upon by the Senate, may well have no binding force.

The resolution is nonpartisan—having been approved by the Foreign Relations Committee by a vote of 11 to 1—and is not aimed at any particular administration, past or present.

When an executive commitment seeks to obligate this Nation, such a commitment should be submitted regularly for Senate or congressional approval, as the case may be, before it becomes binding and effective. Otherwise, our system of checks and balances, written into the Constitution is not being allowed to function as intended.

OHIO COLLEGE LEADS THE WAY

Mr. YOUNG of Ohio. Mr. President, college students demonstrating peaceably or violently, complaining against archaic policies, denouncing the establishment governed by trustees, who were graduates 20, 30, and 40 years ago, and demanding that college courses which have not been changed in more than 20 years be brought up to date, have a point. In fact, it is becoming crystal clear to any thoughtful person searching for answers that university trustees and students have become further apart in the past 20 years. There is real reason for demonstrations by college students. The old order, or establishment, must accept change voluntarily else it may be changed violently.

Very definitely, I do not condone violence. I favor immediate expulsion and arrest of all campus demonstrators who resort to violence. Those belligerent gun-toting Cornell "students" should have been expelled forthwith. Also, they should have been arrested for disorderly conduct and threatening violence. I agree with Father Hesburgh, president of Notre Dame University. He said:

> Any group that substitutes force for rational persuasion, be it violent or non-violent, will be given fifteen minutes of meditation to cease and desist . . . if there is not then within five minutes a movement to cease and desist, students will be notified of expulsion from this community and the law will deal with them as non-students.

We must, however, have complete sympathy with the views of the majority of students who know that the colleges and universities of this country have not kept pace with the times in this fast-moving space age of change and challenge. The establishment should realize that as Washington Irving wrote:

> Change is inevitable and brings with it a surprising amount of relief.

Unfortunately, three of five trustees in the Nation believe that speakers invited to address their students should be screened before being allowed on the campus. A majority even believe that all faculty members should be required to swear to a loyalty oath as a condition for employment as instructor or professor. This, despite the fact that no Member of the U.S. Congress is required to swear to such an oath.

Peculiarly also, nearly a majority of present college trustees state that college students demonstrating against any professor or against university policy should be disciplined or expelled even though such demonstration is entirely nonviolent. Such trustees would do well to reread the Bill of Rights to the Constitution of our country.

The facts are that only a very few, possibly 2 percent, of the trustees of American universities have read any books or journals on higher education. It has been the rule of the establishment in the past that there has been no mutual discussion and determination between students, trustees and faculty members on goals and purposes.

I propose that in every college in our country some junior and senior students and faculty members should be selected to membership of boards of trustees to help govern their own universities.

I have made that proposal in my State of Ohio and I have made speeches in the Senate for more than 6 weeks in that connection. I am very pleased to note that Princeton University has followed the suggestion and has elected two students to serve on its board of trustees.

Now a small college in Ohio leads the way. Most universities in our country have not basically changed their policies and their courses of study at any time in the last generation. Unfortunately, this is the result of colleges and universities being run by trustees who are highly respected, but most of whom are millionaires selected because they and their wealthy friends can contribute financially to the universities of which they are trustees. They suffer no pain from these tax deductions. Historic Hiram College will introduce in September a major yearlong course, "Twentieth Century and Its Roots," as a requirement for all freshmen. We have reason to be proud that this Ohio college is the first in the Nation to produce an answer to student demands for more meaningful modern education. Hiram College officials have already arranged for nationally known experts to meet with students and discuss current topics such as student alienation, poverty, civil liberties, pollution, and prevalent confusion over moral values. In this course, filmed interviews with Malcolm X, James Baldwin, and the late Dr. Martin Luther King, Jr., will be shown and discussed. Were President Garfield, a famed Hiram alumnus, alive today, he would no doubt rejoice that other university presidents, including Stanford of California, have written Hiram authorities expressing interest in this program. Also, Hiram faculty members are giving serious consideration to offering an additional important major study course—"History of Blacks in America—Their Achievements and Influence From Colonial Times to Today." Hiram's program will surely be copied in colleges throughout the country.

I extend my congratulations and thanks to the administrators, faculty members, and students of Hiram College. Paraphrasing the famed words of Daniel Webster:

> It is, Sir, as I have said, a small college and yet there are those who love it.

SOUTH VIETNAM

Mr. MATHIAS. Mr. President, as a long advocate of a political settlement in South Vietnam, acceptable to the widest possible range of South Vietnamese opinion, I was dismayed by the statements of President Thieu on his arrival in Saigon. Even before the afterglow of the Midway Conference had died away, Thieu has threatened his non-Communist opposition, specifically including political leaders, legislators, and intellectuals, with "severe punishment" if they so much as discuss broader alternatives to his own leadership.

This approach is reprehensible. Thieu should understand, Congress should advise him and the President should insist he recognize, that the American people deplore his attempts to muzzle political opposition on the crucial question of a "coalition," "reconciliatory," or "transitional" government in his divided country.

Mr. President, let me say, parenthetically, that those adjectives are the adjectives of President Thieu and not my own.

I am well aware that people who hold an official position in one government ordinarily must exercise the greatest tact and caution in criticizing officials in another government. But these circumstances are not normal. The hostile forces, military and paramilitary, which confront our arms in Vietnam are predominantly South Vietnamese and their numbers are increasing. When President Thieu asks us to continue military participation in a struggle against forces predominantly his own countrymen, I think he must grant us some latitude to consider the impact of our military intervention on political prospects in his country. President Thieu cannot be allowed to regard U.S. soldiers as exterminators called in to eradicate his political opposition.

For American goals in Vietnam are radically inconsistent with such an approach. We are fighting at enormous human and monetary expense to buy time precisely in order to achieve a political settlement acceptable to the followers of these non-Communist leaders who together received a majority in the elections and are now either imprisoned or intimidated by the present regime.

It is up to Thieu to take every possible step to make such a settlement feasible, and we expect him to do that as the price for our continued support of his government. Many of these non-Communist political leaders in fact might make important contributions to political unity if given an opportunity to exercise their leadership and even their minimum constitutional rights. We are fast approaching the time when a democratic assem-

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bly of non-Communist South Vietnamese leaders could only take place in jail.

Of course it is possible that President Thieu is correct in his view of the prerequisites of his continued rule. But since his conception is inconsistent with a democratic political settlement, it must not be allowed to prevail even if an end to widespread repression also means an end to the Thieu regime.

A democratic political process by definition is, to some extent, unpredictable and thus, to some extent, hazardous. The risks of continued war, however, far exceed the risks of the free political activity among non-Communist South Vietnamese that is indispensable to a broadly based political settlement.

RAILROAD PASSENGER SERVICE

Mr. SPARKMAN. Mr. President, recently, there was published in the New Yorker magazine an article dealing with railroading. It was entitled "Mr. Frimbo on the Metroliner."

The article was written in a rather light manner but I feel that there is a great deal of substance in it and some very good suggestions. I, for one, regret very much the deterioration in railroad passenger service. I wish that we could develop a program whereby good, adequate railway passenger transportation would return for the benefit of towns and cities throughout the country and, I may add, for the benefit of the traveling public who would like so much to have good passenger service on the railroads.

Mr. President, I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mr. Frimbo on the Metroliner

We spent a delightful day last week traveling to and from Washington, D.C., on the Penn Central's new non-stop, high-speed train in the company of our old friend Ernest M. Frimbo, the world's leading railroad buff. We met Mr. Frimbo, by prearrangement, at Penn Station at a quarter to seven in the morning, and he greeted us with his usual booming "Hello," adding "My, it's good to see you. Haven't caught sight of you since—Let's see, must have been my two-millionth mile. Well, it's up to two million eighty-two thousand three hundred and ninety-five miles now, and we'll add four hundred and fifty today. You are going to enjoy today's jaunt. The Metroliner, which is what the Penn Central calls this new high-speed train, is the first forward step taken by any form of transportation in this country in donkey's years." Mr. Frimbo was wearing a tweed suit from Bernard Weatherill in two hues of gray, a pink button-down shirt, and a stripy tie. On his head was his familiar black homburg, and he was carrying, out of pure devilment, a maroon Qantas Airways bag. He looked fit. We said hello as soon as we were able, and he told us that it time to get going. "The train leaves at seven-ten, but I wanted you here a few minutes early, so you could get a good look at her," he said.

We followed Mr. Frimbo down a flight of stairs and gazed, with him, at a sleek and slightly convex six-car stainless-steel train that was humming quietly on Track 12. "Four coaches and two parlor cars," Mr. Frimbo said proudly. "Built in two-car units, and there's no locomotive. Each unit is really its own locomotive. For a faster getaway. The rounded shape is called 'tumble home' by designers. Each of the coaches has a snack bar in the middle, and the seats, as in every ordinary coach, are four abreast, with an aisle down the middle. On an airplane, they call four abreast First Class. Huh! The parlor cars on the Metroliner have one seat on each side of the aisle. That's what *I* call First Class. Each of the parlor cars also has a small kitchen at one end, and for that reason the train crews call them galley cars. The Penn Central people don't call them parlor cars, either, by the way. They call them club cars—or, to be precise, in the present instance, Metroclub cars.

"That's an idea they borrowed from the Canadian National Railways. The people up there decided that 'club' sounds more modern and more tony. You know—'I belong to an exclusive club.' They thought 'parlor' sounded Victorian and fusty. Of course, I myself have spent many an enjoyable hour in parlors. And many an enjoyable hour in clubs, too, for that matter."

Mr. Frimbo went aboard one of the parlor cars, and we followed him. He called out a good morning to a porter, and the porter said, "Good morning to you, Mr. Frimbo. Glad to have you aboard, sir. We'll be serving breakfast soon."

"Good," Mr. Frimbo said.

We found our seats—Nos. 24 and 26. They were salmon wing chairs, with the wings slightly raked, and they had pea-green paper antimacassars on them. We sat down, and agreed that our chairs were very comfortable. "This is the first high-speed train to be built by someone who knows how to build railroad cars," Mr. Frimbo remarked. "They had some models run up by people who built buses, and they put in—What do you think? Plastic seats. It was awful. The Penn Central people, be it said, have gone about this in the right way."

It was now seven-ten, and, right on the dot, and very smoothly, the Metroliner began to move out of the station. A voice said "Good morning, ladies and gentlemen" over a loudspeaker, and wished us a pleasant trip. The voice was replaced by soft music, which wobbled slightly as the train picked up speed. Mr. Frimbo caught our glance. "I know, I know," he said. "Just like the airlines. Oh, well, people probably wouldn't feel comfortable without it these days. You'll find it isn't obtrusive. This is my sixth trip on a Metroliner, and it hasn't been late yet. One day, we *were* six minutes late out of Philly, any everyone said, 'There we go,' but we were two minutes early into New York. We had made up eight minutes."

The train passed through Newark at that moment, exactly on schedule, and Mr. Frimbo started counting heads in the two parlor cars. Both were nearly full. "The Metroliners are doing a rocketing good business, and I'm very pleased," he said. "All in all, it's a damn good train, and two hours and thirty minutes from New York to Washington is a speed to be proud of. The first time I rode a Metroliner, the run took just a minute less than three hours. When I worked in the Pentagon, in the Transportation Corps, back in the Second World War, I used to come up to New York on the Advance Congressional Limited. It ran out of Washington Friday afternoons, and made one stop—at Newark, where it did not pick up passengers. That train carried ten of the heavy old ninety-ton parlor cars and a ninety-five-ton diner, and it was scheduled to arrive in three hours and fifteen minutes. One glorious day, we made it in three hours and ten minutes. So, despite all the streamlining and yelping, the Metroliner had cut eleven minutes off the run in tewnty-five years. Today's run—two and a half hours—is all right, though. But that Turbotrain to Boston—running on the schedule of the Merchants Limited of twenty years ago, and not even going into South Station!"

The porter now appeared with two small trays, which he placed on two small tables by the sides of our seats, and Mr. Frimbo paused to eat breakfast. Our breakfast consisted of a dish of orange slices, a plate of corned-beef hash with grilled tomato, a piece of Danish pastry and a croissant, and a pat of butter, a jar of preserves, and a cup of coffee. We noticed that the porter had brought Mr. Frimbo a glass of iced tea, instead of coffee, without his having asked for it. Mr. Frimbo always starts the day with a glass of iced tea.

After breakfast, we leaned back on our pea-green antimacassar and asked Mr. Frimbo if he didn't think that transportation in the United States was improving. When he didn't reply, we looked at him and saw that he was sitting with his head propped on one arm, staring out the window at New Jersey. We repeated our question, thinking that perhaps he hadn't heard it, and he looked at us. "I heard you," he said. "That's a good question, I guess, and I was just thinking up the best answer to it. Yes and mostly no is the right answer, I think. The Metroliners are what we need, and if they have one every hour, as they keep saying they're going to, things will be moving in the right direction, but the truth of it is that transportation in this country is in one hell of a mess. I'm not talking just about the railroads this time, either.

"You've heard me often enough on the subject of the chicanery of railroads. It's the airlines and bus companies too. But I'll start with the railroads, as usual. In the first place, the railroads are hard-pressed, to give them their due. When an airline wants a new terminal, it gets the government to build it, and the men who run it are all government employees. When a bus company wants a new stop, it approaches the proprietor of a local hotel and tells him, 'We'll give you five per cent of the revenue we make on our ticket sales if we can use your hotel as a depot.' A railroad, on the other hand, is expected to build its own station, staff it, and pay real-estate taxes on it. It doesn't make sense, does it? You and I would both do very well if we were tax-exempt, like the airports. The railroads would do very well if all the signalmen were paid by the government, like the air-control staff. Of course, there are—Well, I won't call them rascals but people in the railroad business who would just as soon forget their responsibilities to the public, cut out passenger service altogether, and go into the real-estate and hotel business. Some of the railroads are already part of these giant new conglomerates, and are doing just that. There are even some people in the Penn Central hierarchy who are nauseated by the smell of success of the Metroliners. People like that are responsible for the fact that you can't get a train out of New York for Hartford on a weekday after 6:05 p.m. Imagine! A town the size of Hartford, one hundred and nine miles from New York City, and you can't take a train to it after 6:05 p.m.! This is curfew transportation. It's back in the nineteenth century."

"But *how* do they get rid of passenger trains?" we asked. "Doesn't public necessity count for anything?"

"I'll give you a primer," said Mr. Frimbo. "You have a fast train from New York City to upstate New York at half past four in the afternoon. You push its departure time up to two o'clock, and business falls off so fast that you can ask the Interstate Commerce Commission for permission to take it off. You schedule a train to arrive in Chicago an hour and a half later than it used to, thereby missing a dozen good connections. You take off the dining cars—that's the Penn Central's favorite stunt—and make the travellers pay as much for a couple of sandwiches as they used to pay for lunch. The Pennsylvania wasn't so bad, but then after the merger the New York Central men moved into the hierarchy. Now the trains are later than ever, dirtier than ever, less air-conditioned than ever, and more expensive than ever. The poor customers of the New Haven! It can cost you up to twenty per cent more to ride the coaches on what few New Haven trains are left, the parlor-car fares have gone up twenty-five per cent, and now they want to end the service at the Route 128 station, a dozen miles this side of Boston. The argument is that in five or six years there will be a rapid-transit line from Boston out to Route 128. So the passengers can get off there and wait five or six years. The same sort of scheme is on the books for Washington. Those scoundrels are such . . ."

We observed a growing empurplement of Mr. Frimbo's countenance, and we sought to divert him. Remembering that he had persuaded us to make the final run of the Twentieth Century Limited, a year ago last December, we asked him whether he had a new favorite means of conveyance.

"I'll be riding the Century again in a couple of weeks," he said, subsiding.

We goggled.

"Oh," Mr. Frimbo said, "the Penn Central sold it all, and a lot of other cars besides, to the National of Mexico, and now it runs every night—and all-Pullman, too, the way it used to be—from Mexico City to Guadalajara, only it's called El Tapatio now. A great train! At ten at night, the diner is so full of happy customers that you have to be a regular rider to get a table. It's Mexico's most popular night club, you might say. When I see people standing up on Penn Central trains, I ask an official I know why people have to stand all the time. 'Shortage of equipment,' he says. 'Why don't you buy some of that stuff back from Mexico, then?' I ask, and he pretends that he doesn't know what I am talking about."

Mr. Frimbo shifted in his seat. "But now let's take the other forms of his public transportation in this country," he said. "Let's talk about all those towns with one train and one bus a day—or none at all. What happens is that the railroads give up when the airlines move in, and then the airlines discontinue. I can tell you a horror tale or two. I remember flying to Grand Forks, North Dakota, one night some years ago—there was no suitable train—and asking the stewardess about bus service from the airport. 'Oh, there isn't any bus service, sir,' she said. I asked about taxi service. 'Oh, there isn't any taxi service, sir,' she said. I asked her what I was supposed to do to get into town. 'Oh, well, sir,' she said, 'you *could* talk to the airport manager, and he *might* be able to persuade someone to drive you.' Of course, you can always fall back on the rent-a-car, but not at that hour of the night. And buses! I was stuck in Aberdeen, *South* Dakota once, and the only thing for me to do was to catch the through bus from Seattle to Chicago. It got to Aberdeen six and a half hours late. Those are just examples that spring to mind. Everything that can be done in this country is being done to force people to get on the highways. And where will they all be when we have weather like the weather we had this past winter? Buses and airlines are fine, but in proportion. I fly to the Coast myself. No one would take the train nowadays, except on holiday. But once you get rid of the trains, just where are you in a bad snowstorm? Buses simply quit; the airlines are helpless. Only the train limps through. There was hardly a day last January and February when there wasn't something wrong with at least one airport in New York, Baltimore, Washington, Philadelphia, or Hartford. Ninety per cent of all inter-city traffic is already in private cars. But what's the answer? Get rid of the trains? The National Transportation Safety Board said that last year fifty-five thousand people were killed on the highways, and nine million nine hundred and thirty thousand were injured; the amount of money lost in highway accidents was three and a half billion dollars. *Three and a half billion dollars!* And that doesn't include job loss or hospitalization. There isn't a country in the world whose transportation is as disorganized as ours. If that three and a half billion were spent on transportation, maybe we could approach the standards of civilization.".

Mr. Frimbo glanced out the window. "The crews call this stretch of track, between Wilmington and Baltimore, the race track," he said. "We are now doing a hundred and ten miles an hour."

Just then the voice on the loudspeaker announced, "We are now traveling at a speed of one hundred and ten miles per hour."

"We'll be in Washington soon," Mr. Frimbo said happily. "Then we'll have time for lunch at the Occidental Restaurant and perhaps a short visit to the Railroad Hall of the new Smithsonian Museum of History and Technology. They've got a Southern Railway old Pacific-type passenger locomotive, No. 1401, there, and she's painted the proper lovely shade of Southern Railway green. Haven't seen here in a number of years. And then we'll catch the afternoon Metroliner back to New York. It should be a *very* pleasant day indeed."

DEATH OF JAMES GORDON CURRY, SENATE DOORKEEPER

Mr. SPARKMAN. Mr. President, on Tuesday night of this week, Mr. James Gordon Curry, who for many years served as Doorkeeper in the gallery of the Senate, died. Mr. Curry originally became an employee of the Senate under my patronage. Later he was promoted to the position that he held so long under the Sergeant at Arms of the Senate.

I have known Gordon Curry ever since he was a young man living in the same general community in which I lived. He was one of the finest, most gentle persons I have ever known.

During the years that he served as a Doorkeeper for the Senate, he was always extremely courteous and kind to those who came seeking a place in the galleries. He was indeed a loyal, faithful and efficient public servant.

His was a good life throughout the years. A good family man and a good citizen, he was liked by all who knew him and who had occasion to deal with him.

I mourn his passing and both Mrs. Sparkman and I extend to his widow, to his children and grandchildren, and to all of his loved ones, our deepest sympathy.

CONSTRUCTIVE PROGRAMS OF YOUTH ACTION

Mr. JAVITS. Mr. President, I have recently become aware of a group within the U.S. Department of Labor which has initiated a series of constructive programs of youth action. We are constantly hearing about youths today—both black and white—who have decided that it is impossible to reform this society by peaceful means and so have turned to violence. We sometimes forget that there are many more youths who do not make the headlines who have not yet despaired of the system. One of these groups is the Coalition for Youth Action, which is comprised of Department of Labor management interns and other young professionals. This group was organized last year by then Secretary of Labor W. Willard Wirtz, and the 1967 intern class for two major reasons: first, to give the interns meaningful experience during part of their year-long training period; and, second, to help make the Federal Government more responsive to the voice of youth.

To accomplish this, the interns devised three program areas, received funds from the Secretary, and exercised programmatic and administrative control over the grants they gave. The three programs were EPIC—effective partnerships in communities, SAGA—starting a generation alliance, and LINC—learning in new curriculum. EPIC projects were grants to coalitions of campus and ghetto youth working together to determine and solve community problems; SAGA coordinated the use of volunteers from campuses and communities with ongoing manpower programs—chiefly the Employment Service's youth opportunity centers; and LINC enabled colleges and universities to work with students to establish courses relating to manpower problems, with credit given for relevant field work. Another program has been added by this year's interns, offering administrative and management training to ghetto youth.

I understand that most of their projects have been fairly successful. But I think that the idea of youth involvement in the Government on a decisionmaking level may even be more important than the actual work output, as long as that output is satisfactory. This effort shows young people that there are those in Government who are willing to listen and willing to give them a chance. Perhaps if there were more groups like the Coalition for Youth Action in the Government, more youths would work for the peaceful reform of the system.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1035. An act limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes; and

H.R. 11271. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 1035. An act limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes; to the Committee on the District of Columbia.

H.R. 11271. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Aeronautical and Space Sciences.

FLY THE AMERICAN FLAG ON THE MOON

Mr. **BENNETT**. Mr. President, on Saturday we shall celebrate Flag Day in the United States. Like most holidays it will come and go with little thought given to the significance of the day and the deep meaning that the American flag holds for all true Americans.

We live in difficult times and Flag Day for some will be meaningless. It is sad but true, some of our citizens have burned it, walked upon it, and desecrated it with reckless abandon.

Many of the homes across America will not have a flag flying on Saturday simply because they do not own one. I suppose a great many Americans will go through the day not even aware that it is set aside for honoring the flag of the United States. However, as we approach this day I wonder if the time is not at hand to reexamine the meaning of patriotism and what a flag really does mean to a people. Let me quote from Harry Ward Beecher, who said:

> A thoughtful man when he sees a nation's flag sees not the flag, but the nation itself and whatever may be its symbols, its insignia, he reads chiefly in the flag, the government, the principles, the truths, the history that belongs to the nation that sets it forth.

The American flag has been a symbol of liberty and men rejoiced in it.

The American flag has participated in all of the great historical events of this Republic. It is true that the flag has changed, but one cannot deny its role and its deep significance at Bunker Hill, at Yorktown, and at Washington during the War of 1812. One cannot forget that the Civil War itself was fought over the issue of whether there would be one flag for this Nation or two. Old Glory crossed the Atlantic in 1917 and was flying proudly at Pearl Harbor on December 7, 1941. In times of peace and in time of war the flag has played a significant role. The Stars and Stripes that flew over Pearl Harbor on December 7 rippled above the United Nations charter meeting at San Francisco, and over the Big Three Conference at Potsdam. This same flag was flying over the White House on August 14, 1945, when the Japanese accepted the Allied surrender terms. Thus, we see that Old Glory has played a key role in the declaration of war and in the formation of peace. I submit that in future centuries, when historians review the problems and the achievements of our generation and our Republic, they will consider our wars, our form of government, and undoubtedly our significant achievements. Among these achievements will be the first human being from this earth to visit the moon and walk upon its surface.

I believe that this event is one in which the flag of the United States should properly play a role.

As I have pointed out, there is precedent for it and there is justification based upon the accomplishments of the American people. I believe that "Old Glory" should go to the moon with the Apollo 11 crew and I believe it should be placed there not as an American claim to moon ownership, but as a token and a symbol that this great accomplishment came from a free Republic and was supported by a people who believed in liberty, freedom, and justice. I make no apology for my recommendation, because I am one man who is still touched when the American flag passes by in review, and when the National Anthem is played.

I believe the flag that goes to the moon with the Apollo 11 crew should be flown on July 4 over Independence Hall in Philadelphia, to signify the birth of this Nation, and then fly over the Capitol to represent the strength of a sovereign, self-governing people.

I am deeply pleased that the National Aeronautics and Space Administration has agreed to my proposal and that the House of Representatives has added it as an amendment to the NASA appropriation bill. I call upon the Senate to accept this amendment and I urge the President to cooperate with NASA and the Congress to allow the flag to make this journey.

In closing may I say that it will not only be the flag itself that goes there, but the hopes, the dreams, the hard work, and the principles of free government that have made the Apollo 11 journey a reality.

Thank you, Mr. President.

LIMITATION OF LAMB IMPORTS

Mr. **MOSS**. Mr. President, there is pending before the Senate an amendment to limit lamb imports into the United States. I shall support this amendment.

Lamb imports for the calendar year 1968 were the highest in history—22.9 million pounds—and the volume continues to swing upward. Imports for the first 3 months of this year were three times their volume in the first 4 months of 1968. Imports represented 7.7 percent of domestic production, and in the month of April, the last month for which figures are available, imports actually represented 16.6 percent of domestic production. Our domestic sheep industry cannot stand this kind of competition from countries where substantially lower production costs allow cheaper prices for lamb products.

The amendment pending before the Senate by no means shuts out lamb imports. It would allow yearly imports of approximately 8 million pounds, which is 80 percent higher than the average level of lamb imports in the last 15 years. This seems eminently fair—the domestic livestock industry would be protected, but our international relations would not suffer. Reasonable quantities of lamb could continue to come in.

Those opposed to the lamb import amendment have raised many objections. They have indicated that since lamb prices are at an alltime high, the stockmen can well afford to weather the higher rate of imports. They have also raised questions about the consumption levels of lamb, and about the market for imported lamb. Many of their allegations are not soundly based, and they are dealt with in some detail in statements made by officials of the National Woolgrowers Association, the American Sheep Producers' Council, and the National Lamb Feeders Association.

I ask that press releases detailing the statements made by these officials be carried in the Record, as I believe they will be helpful. The officials also discuss the self-help program of promotion and marketing in which American lamb producers have been engaged, and give some interesting sidelights on the economic battle on lamb imports, in which Australia, New Zealand, and Canada are involved, all of which have bearing on the situation.

There being no objection, the press releases were ordered to be printed in the Record, as follows:

Uncontrolled Lamb Imports Could Destroy Domestic Sheep Industry

Denver, Colo.—M. Joseph Burke of Casper, Wyo., president of the American Sheep Producers Council, with national headquarters in Denver, said today that he was concerned about a statement by a New Zealand representative that the American sheep producers are enjoying the highest prices for their product in eighteen years while completely ignoring the discouraging effect uncontrolled imports are having on future lamb production in this country.

"Even though present prices appear to be at eighteen year highs," Burke said, "they are not as high for domestic lamb as normally accepted supply-demand relationships would indicate, if only domestic supplies were considered. Also, it should be pointed out that labor, taxes, interest rates and other costs have increased at an even higher rate. It would be an irresponsibility to permit uncontrolled lamb imports to return the economic situation of the lamb industry to previously disastrous years just when the domestic sheep producers are beginning to realize some benefits from their efforts and financial investments.

"Cheap imports of lamb and mutton should not be permitted to work in opposition to the American producers' self-help program of promotion and marketing," Burke continued. "The American sheep producers are united 100% in an attempt to save their industry. Through their own efforts and financial contributions to develop improved production and market procedures in support of the Sheep Industry Development Program, the American sheep industry is beginning to turn around the decline in production. If unlimited, underpriced imports are permitted to flood our domestic market it will prevent the domestic sheep industry from rebuilding its former contributions to the food and fiber requirements of American consumers."

Burke said that the sheep industry self-help program is designed to assist with the fluctuations of domestic lamb supplies but this concept is destroyed when those imports disrupt normal supplies. Import statistics are not available until two months after supplies arrive in this country thereby not

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permitting adjustments to our promotion and merchandising efforts.

"Although it is our opinion that a reasonable amount of imported lamb can be absorbed in the American market," Burke concluded, "the alarming situation is that lamb imports for the first four months of 1969 were 301% of the same period last year. With no protection for the domestic market, the effectiveness of the domestic self-help program will be greatly reduced. As an example, Australia and New Zealand voluntarily cut back their exports of red meat to the United States which would have been subject to present import limitations. At the same time these countries attempted to partially maintain their trade balances with heavy lamb exports to the United States. This caused an interruption of orderly movement of domestic fed lambs to market and resulted in a three dollar drop in live lamb prices."

U.S. Marketing System Upset by Imported Lambs Flooding Market

Denver, Colo.—"When opponents of the proposed import quota on lamb stress the fact that lamb consumption in the U.S. has declined, they miss the point that lamb consumption has gone down due to the reduction in production caused by the cost/price squeeze," said Reed C. Culp of Salt Lake City, Utah, president of the National Lamb Feeders Association (with headquarters in Salt Lake City.)

The increase in quantity of lamb imported in 1968 was substantial following the voluntary cutback by New Zealand and Australia of other meats, including beef, veal and mutton which came under the meat quota law.

"In fact, imports of lamb in November and December of 1968 were 270% of the same period in 1967. This resulted in a materially lower price in the domestic market.

"And the lamb feeders are fearful that the fall of 1969 may be a replay of the fall of 1968, if there are voluntary cutbacks by foreign exporters of other red meats," Culp continued. "Our lamb feeders cannot survive another drop in price such as that which occurred in 1968.

"Similar price difficulties were experienced in April of 1969. Imports the first four months were three times the amount received in the like period of 1968 resulting in a price decline."

Culp further stated, "Having no restrictions on lamb imports leaves the lamb market highly vulnerable to a large increase of imports in a short period of time . . . thus completely upsetting the domestic marketing picture.

"We do not want imports cut off completely but what we do want are reasonable, orderly imports so that we can have a well-planned domestic marketing system.

"The suggested control in the proposed lamb quota bill allows for yearly imports higher than the last 15-year average, yet it insures the survival of the domestic industry," he concluded.

Sheep Industry Leader Defends Lamb Quota Bill

Denver, Colo.—Opponents of the proposed import quota on lamb base their opposition on the erroneous belief that the quota "is economically indefensible," the president of one of the largest sheep organizations said.

"In reality the exact opposite is true," said James L. Powell of Fort McKavett, Texas, president of the National Wool Growers Association of Salt Lake City, Utah. "The attempt to impose reasonable lamb import limitations is based entirely upon concern over the domestic producers' economical survival."

"The opponents of the quota bill fail to realize or to take into account the relationship between the cost of production and the price level in the United States as compared with the lower cost of production in the exporting countries. Opponents state that lamb prices in the U.S. are the highest they have been for 18 years, but they fail to take into account the fact that production costs during that period have increased proportionately more."

Because of the rise of costs of production during that period, there was not enough profit to remain in the sheep business in the United States—the result being a continued lowering of production with many producers going out of business.

Powell stated that if there is to be any domestic sheep industry in the future, there has to be a beneficial price level which cannot be maintained if foreign producers are allowed to flood the market.

Even though present prices appear to be at 18-year highs, they are not as high for domestic lamb as normally accepted supply-demand relationships would indicate, if only domestic supplies were considered.

Powell further stated that in 1967, 12.3 million pounds of lamb were imported in the U.S. and in 1968, 22.9 million pounds were imported. This compares to 4.3 million pounds in the like period in 1968. In other words, 1969 imports so far are 301% of 1968 levels. Projecting this for the remaining months of 1969, 301% x 22.9 mil. # (1968 imports), the estimated total of lamb imports would be about 68.9 million pounds.

Sir John Ormond, chairman of the New Zealand Meat Board, points out that they "merely want the chance to sell our product on a fair trading basis".

Wholesale prices (cost to the retailer) for New Zealand and Australian lamb arriving in the U.S. in primal form are substantially under U.S. prices. Examples: Imported loins are 40¢ a pound under domestic prices; imported racks, 46¢ a pound under the domestic; and shoulders, 19¢ a pound under domestic prices.

The relationship of these prices refutes Sir John Ormond's statement about Fair Trade.

Powell further stated that Australia and New Zealand are having an economic battle on lamb imports at the present time.

Australian sheep producers are in an uproar because of the increase in exports of lamb from New Zealand to Australia, increasing from 11,000 pounds in 1966 over a 12-month period to 2,177,000 pounds in 1968 for the same period. Australia is retaliating by large exports of lamb to the United States and Canada and undercutting New Zealand prices in these same markets.

The American Sheep Industry feels the Australians and New Zealanders should fight their trade battles at home and not at the expense of American producers.

"It might be pointed out," Powell said, "that the major importers of lamb are our own domestic packers and thus they know of coming arrivals of imports before the U.S. producer—thus affecting the marketing system.

"We are not asking that lamb imports be completely shut off. International relations would not permit that. In fact, the proposed quota bill allows imports at a level of 8,000,000 pound higher than the past 15-year average annual rate. However, we do ask for control which will insure the economic health and survival of the domestic industry."

THE RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM

Mr. AIKEN. Mr. President, I have noted with concern the proposed budget request of $8,452,000 for the resource conservation and development program and further note that the House has proposed a reduction to $7,452,000. Instead, I would urge that the Senator consider increasing the level of this appropriation.

I take pride in the fact that one of the first R.C. & D. projects in the Nation was established in Vermont, in 1964. It was originally set up as the White River Valley Resource Conservation and Development District, consisting of some 635,000 acres in four counties. Twenty-three towns, most of them suffering from the severe decline of agriculture in their locality, were included in the district.

The work of developing small industry and recreation has been so encouraging that the original district was recently expanded to include an additional 470,000 acres. There are now some 1.1 million acres in the district which stretches in a broad band across the central part of my State. That is why the name has now been changed to the east-central Vermont resource conservation and development project.

I have concluded that no program of the Federal Government is more oriented to the development and revitalization of rural America. Such projects are an outstanding example of practical teamwork among and between Federal, State, and local agencies and local citizenry. They can and have served to reduce the exodus of rural people to the big cities by creating job opportunities in rural areas.

My principal concern is that in spite of the demonstrated effectiveness of this program nationally, the proposed level of funding will continue further the record of the past few years in which we annually have provided less money per project than in the pervious year.

This program emphasizes local participation, and successful project activity is based on the development of dynamic local leadership. Federal funds supplement local endeavor and a progressive decline in R.C. & D. funds available for assistance in the installation of urgently needed project measures make long-range planning and programing extremely difficult for local sponsors. The level of funding during the past years has resulted in a year-by-year delay in the installation of measures for which local sponsors have been ready to commit their funds and resources. The accumulated deficiency in Federal funds needed to support such installations along with program needs for planning and operations of all projects in 1970 adds up to about $24,800,000.

The continued inability to carry through on planned measures because of the lack of R.C. & D. funds will cause severe damage to this program, in disillusionment of local leadership, and to the Nation through failure to contribute more fully to the economic improvement of rural America.

Mr. President, I strongly urge that we consider an appropriation of up to $10 million, or at least the full budget request of $8.5 million. This level would provide for only a very modest increase in funds per project over that provided in fiscal year 1969.

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EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Report on Value of Property, Supplies, and Commodities Provided by the Berlin Magistrat

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on the value of property, supplies, and commodities provided by the Berlin Magistrat for the quarter January 1 to March 31, 1969; to the Committee on Armed Services.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on problems in the Administration of the military building program in Thailand, Department of Defense (with an accompanying report): to the Committee on Government Operations.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. COTTON, from the Committee on Commerce:

John N. Nassikas, of New Hampshire, to be a member of the Federal Power Commission.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A Senate resolution adopted by the Legislature of the State of Hawaii; to the Committee on Labor and Public Welfare:

"S. Res. No. 76

"Resolution requesting the Congress of the United States establish a guaranteed annual income

"Whereas the present proliferation of public assistance and public welfare programs in numeous federal departments makes for a fragmented approach to America's poverty problems, with one agency providing job training, another financial assistance, another mental health treatment, another housing, another unemployment insurance benefits, and yet another retirement benefits; and

"Whereas there are obvious correlations between the problems of poverty, health, education, housing, and financial need; and

"Whereas 1966 data from the U.S. Bureau of Labor Statistics indicates that the cost of living in the city of Honolulu for a family of four persons is 23 percent greater than the United States city average; and

"Whereas real growth in Hawaii's per capita income has not been as rapid as the rest of the United States because Hawaii's job expansions since 1961 have been concentrated in low-pay jobs where the average annual earning in 1967 was $3,490; and

"Whereas serious consideration has been given to various concepts of income maintenance by such groups as the United States Department of Health, Education and Welfare, the United States Office of Economic Opportunity, the President's Commission on Law Enforcement and the Administration of Justice, and the Chamber of Commerce of the United States; Now, therefore, be it

"*Resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1969,* That the Congress of the United States be requested to establish a guaranteed annual income program which will provide both economic security and individual incentive; and be it further

"*Resolved,* That duly certified copies of this Resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of Hawaii's delegation to the Congress of the United States.

"The Senate of the State of Hawaii, May 8, 1969, Honolulu, Hawaii

"We hereby certify that the foregoing Resolution was adopted by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1969.

"David C. McClung,
"*President of the Senate.*
"Seichi Hirai,
"*Clerk of the Senate.*"

A Senate joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce:

"*Senate joint resolution 7 relative to the effect of supersonic jet aircraft*

"Whereas sonic booms caused by supersonic flights of modern jet aircrafts have already caused extensive property damage and untold aesthetic harm; and

"Whereas the destructive capacity of sonic booms is attested to by the fact they have destroyed a substantial control tower and severely damaged houses; and

"Whereas there are presently under construction jet transports capable of speeds in excess of 1,000 miles per hour, which would produce sonic booms of a greater magnitude than those currently being produced and with consequently greater damage; and

"Whereas the Federal Aviation Agency estimates that there may be as many as 200 transcontinental flights daily by these planes within a decade, subjecting many citizens to these supersonic booms 15 to 20 times a day; and

"Whereas it has also been estimated that property damages from these sonic booms may exceed one billion dollars a year, and cause increases in property insurance rates and taxes, besides causing untold psychological damage: Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to comprehensively examine and review the contention of the Federal Aviation Agency and other authorities concerning the inevitability of the coming of the supersonic boom as an immutable condition in the lives of the citizens of California and the United States, and to take appropriate action to forestall any such eventuality with its possible catastrophic effects and determine what can be done to alleviate what could become the most offensive environmental blight of the 20th century; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A Senate resolution adopted by the Legislature of the State of Arkansas; to the Committee on the Judiciary:

"S. Res. 32

"Condemning the abusive and unfair treatment of officials of this State by Senator Thomas J. Dodd, Chairman of the Juvenile Delinquency Subcommittee of the United States Senate.

"Whereas the Juvenile Delinquency Subcommittee of the Senate of the United States has been holding hearings concerning conditions in prison institutions; and

"Whereas in connection with these hearings, such Committee heard testimony from Thomas O. Murton, former Superintendent of the Arkansas State Penitentiary which was represented to the Committee and to the Nation as being testimony of conditions now existing at the Arkansas Penitentiary; and

"Whereas the testimony of Thomas O. Murton was a total distortion of conditions at the Arkansas Penitentiary, and has resulted in irreparable harm to the image of this State; and

"Whereas in an effort to correct the great damage to this State and its penal program brought about by the highly publicized and untruthful testimony of Thomas O. Murton, the Governor of the State of Arkansas requested an opportunity for Mr. Robert Sarver, Commissioner of the Department of Correction to appear before the Juvenile Delinquency Subcommittee to present a factual statement of the substantial progress being made in improving the State's penal program; and

"Whereas during Mr. Sarver's testimony before the Juvenile Delinquency Subcommittee, he was subjected to sarcastic and abusive treatment by its Chairman, Senator Thomas J. Dodd; and

"Whereas it is obvious from the conduct of the Juvenile Delinquency Subcommittee hearing being conducted at the direction of its Chairman, Senator Thomas J. Dodd, that such Subcommitee, or at least its Chairman, does not desire to obtain the truth, but is seeking to emphasize and publicize outright falsehoods and misrepresentations which are both unfair and insulting to this State; and

"Whereas the State of Arkansas is shocked at the vicious and vindicative treatment received by one of its public officials by Senator Thomas J. Dodd, Chairman of the Juvenile Delinquency Subcommittee; and

"Whereas it is unfortunate that a member of the Senate of the United States has engaged in a vehement and vicious attack upon this State, especially when it is remembered that the Senate of the United States, after a lengthy investigation, was compelled to censure Senator Thomas J. Dodd for conduct contrary to accepted morals, which derogates from the public trust expected of a Senator, and which the Senate of the United States determined had brought dishonor and disrepute upon the Senate: Now, therefore, be it

"*Resolved by the Senate of the Sixty-Seventh General Assembly of the State of Arkansas,* That the Senate condemns the activities and efforts of the Juvenile Delinquency Subcommittee of the Senate of the United States in its consideration of the testimony of Thomas O. Murter, former Superintendent of the State Penitentiary of Arkansas, and especially condemns the vicious, unwarranted and unstatesmanlike conduct of Chairman Thomas J. Dodd, in ridiculing and harassing Mr. Robert Sarver, Commissioner of the Department of Correction of this State, in his efforts to convey to such Subcommittee a constructive, fair and honest statement of present conditions in the Arkansas Penal System, reforms that have been accomplished, and efforts now underway to bring about further penal reform, Be it further

"*Resolved,* That the Senate of the State of Arkansas is shocked by the unwarranted and unjustified adverse nationwide publicity that the Juvenile Delinquency Subcommittee of the Senate of the United States has brought upon this State and its constructive efforts to bring about penal reform, and by the Subcommittee's reliance upon overmagnification of and apparent trust in the testimony of Thomas O. Murton, whose very discharge from his position in this State as Superintendent of the State Penitentiary came at the hands of the Governor and the Board of Corrections who had employed him, but who found it necessary to discharge him from such position because of his incompetence as an administrator, his failure to abide by lawful processes and authority, and because of his personal character and emotional tendencies which rendered him unfit for his position of public trust; be it further

"*Resolved,* That the Senate of the State of Arkansas resents the vicious and unwarranted conduct of Senator Thomas J. Dodd in his treatment of public officials of this State, and it is the consensus of the Senate of the State of Arkansas that Senator Dodd's unwarranted tirade is substantial proof of the previous findings of the Senate of the United States in censuring Senator Dodd for his conduct, 'which is contrary to accepted morals and derogates from the public trust expected of a Senator and tends to bring the Senate into dishonor and disrepute.' Be it further

"*Resolved,* That the Senate of the State of Arkansas commends Mr. Robert Sarver, Commissioner of the Department of Corrections of this State, for his efforts to convey to the Juvenile Delinquency Subcommittee a constructive and truthful picture of the progress that this State has made and is now making in improving its penal program, and the Senate extends to Mr. Sarver its wholehearted support in the position he took before the Subcommittee in defending this State, for which he was subjected to ridicule and abusive treatment by the Subcommittee and its Chairman, Senator Thomas J. Dodd. Be it further

"*Resolved,* That a copy of this Resolution shall be furnished to the members of the Senate from the State of Arkansas with the respectful request that the Senators of Arkansas use the full influence of their office to correct the vicious and unstatesmanlike activities of Senator Thomas J. Dodd, Chairman of the Juvenile Delinquency Subcommittee of the Senate of the United States with respect to his treatment of the Commissioner of he Department of Correction, Mr. Robert Sarver, in his efforts to represent the interests of the people of this State in testifying before this Committee."

A resolution adopted by the city council of the city of Trinidad, Colo., memorializing the Congress relating to taxations of local government bonds;

A resolution adopted by the board of supervisors of the county of Los Angeles, expressing opposition to any alteration of the tax-exempt status of local bond issues; and

A resolution adopted by the Baltimore City Council expressing opposition to any alteration of the tax-exempt status of local bond issues; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H.R. 2667. An act to revise the pay structure of the police force of the National Zoological Park, and for other purposes (Rept. No. 91-231);

S. Res. 204. Resolution to provide additional funds for the Committee on Appropriations; and

S. Res. 207. Resolution authorizing the printing of the 1968 Annual Report of the National Forest Reservation Commission as a Senate document (Rept. No. 91-230).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 206. Resolution authorizing the printing of the report entitled "Effect of Lumber Pricing and Production on the Nation's Housing Goals" as a Senate document (Rept. No. 91-229).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. Con. Res. 12. Concurrent resolution to express the sense of Congress on participation in the Ninth International Congress on High Speed Photography, to be held in Denver, Colo., in August 1970 (Rept. No. 91-232).

TO PRINT AS A SENATE DOCUMENT LIST OF NAMES OF UNITED STATES SERVICEMEN WHO HAVE DIED IN VIETNAM—REPORT OF A COMMITTEE

Mr. CHURCH, from the Committee on Foreign Relations reported an original resolution (S. Res. 208) that there be printed as a Senate document a list of U.S. military personnel who have died in connection with the conflict in Vietnam, and submitted a report thereon, which resolution was referred to the Committee on Rules and Administration, as follows:

S. Res. 208

Resolved, That there shall be printed as a Senate Document a list of U.S. military personnel who have died in connection with the conflict in Vietnam.

Sec. 2. There shall be printed one thousand additional copies of such Senate Document. Such additional copies shall be for the use of the Committee on Foreign Relations.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO MAKE CERTAIN TRANSFERS OF APPROPRIATIONS

Mr. RUSSELL, from the Committee on Appropriations reported an original resolution (S. Res. 209) to authorize the Secretary of the Senate to make certain transfers of appropriations.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GOLDWATER (for himself Mr. Allott, Mr. Brooke, Mr. Curtis, Mr. Dodd, Mr. Ervin, Mr. Fannin, Mr. Hansen, Mr. Hartke, Mr. Goodell, Mr. Jordan of Idaho, Mr. Moss, Mr. Packwood, Mr. Pearson, Mr. Sparkman, and Mr. Stevens):

S. 2360. A bill to enlarge the boundaries of the Grand Canyon National Park in the State of Arizona; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Goldwater when he introduced the above bill, which appear under a separate heading.)

By Mr. KENNEDY (for himself, Mr. Yarborough, and Mr. Cranston):

S. 2361. A bill to amend chapter 34 of title 38, United States Code, in order to provide special educational services to veterans; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Kennedy when he introduced the above bill, which appear under a separate heading.)

By Mr. HARRIS:

S. 2362. A bill to amend certain Federal laws relating to the State of Oklahoma; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Harris when he introduced the above bill, which appear under a separate heading.)

By Mr. MOSS:

S. 2363. A bill to confer U.S. citizenship posthumously upon L. Cpl. Andre L. Knoppert; to the Committee on the Judiciary.

By Mr. YOUNG of Ohio (for himself and Mr. Saxbe):

S. 2364. A bill to establish one additional district and one additional permanent district judgeship in Ohio, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD:

S. 2365. A bill for the relief of Loreto Mallone; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 2366. A bill to exempt certain State-owned passenger vessels from the requirement of paying for overtime services of customs officers and employees; to the Committee on Finance.

(See the remarks of Mr. Stevens when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself, Mr. Baker, Mr. Boggs, Mr. Brooke, Mr. Case, Mr. Cook, Mr. Dodd, Mr. Goodell, Mr. Gravel, Mr. Hart, Mr. Mathias, Mr. McGee, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Pell, Mr. Prouty, Mr. Percy, Mr. Ribicoff, Mr. Schweiker, Mr. Scott, Mr. Stevens, Mr. Tydings, and Mr. Yarborough):

S. 2367. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself, Mr. Brooke, Mr. Goodell, Mr. Mondale, Mr. Nelson, Mr. Packwood, Mr. Scott, Mr. Tower, and Mr. Tydings):

S. 2368. A bill to establish a National Institute of Building Sciences; to the Committee on Banking and Currency.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. Javits:

S. 2369. A bill for the relief of Mrs. Geraldine O. Bull; to the Committee on the Judiciary.

By Mr. AIKEN (for himself, Mr. Cook, Mr. Curtis, Mr. Dirksen, Mr. Miller, Mr. Pearson, and Mr. Young of North Dakota):

S. 2370. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Aiken when he introduced the above bill, which appear under a separate heading.)

By Mr. Moss:

S. 2371. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Moss when he introduced the above bill, which appear under a separate heading.)

By Mr. METCALF (for Mr. Gravel) (for himself, Mr. Mansfield, Mr. Metcalf, Mr. Magnuson, Mr. Jackson, Mr. Church, and Mr. Stevens):

S. 2372. A bill to authorize the appropriation of funds for the construction, reconstruction, and improvement of the Alaska Highway; to the Committee on Public Works.

(See the remarks of Mr. Metcalf when he introduced the above bill, which appear under a separate heading.)

By Mr. METCALF (for himself and Mr. Ervin):

S. 2373. A bill to provide for certain jury trials in condemnation proceedings in district courts of the United States; to the Committee on the Judiciary.

By Mr. METCALF:

S. 2374. A bill for the relief of Kam Lam Tsui; to the Committee on the Judiciary.

By Mr. CASE (for himself and Mr. Hart):

S. 2375. A bill to amend section 407 of the Civil Rights Act of 1964 to permit the Attorney General to institute upon his own motion certain actions for the desegregation of public education; to the Committee on the Judiciary.

(See the remarks of Mr. Case when he introduced the above bill, which appear under a separate heading.)

By Mr. MONDALE:

S. 2376. A bill for the relief of Lan Chi Ming;

S. 2377. A bill for the relief of Constantine Spiro Tsoukalis; and

S. 2378. A bill for the relief of Christos P. Tamboukos; to the Committee on the Judiciary.

By Mr. DODD:

S. 2379. A bill to protect the executive, legislative, and judicial branches of the U.S. Government by prohibiting the unauthorized entry into U.S. Government offices and the unauthorized removal or use of certain records of the U.S. Government; to the Committee on the Judiciary.

(See the remarks of Mr. Dodd when he introduced the above bill, which appear under a separate heading.)

By Mr. STEVENS:

S. 2380. A bill to permit all compensation paid at regular rates to certain employees of the Alaska Railroad to be included in the computation of their civil service retirement annuities; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Stevens when he introduced the above bill, which appear under a separate heading.)

By Mr. DOLE:

S. 2381. A bill to prohibit the mailing of pandering advertisements to deceased persons; to the Committee on Post Office and Civil Service.

By Mr. MUNDT:

S. 2382. A bill to enable honey producers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for honey, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. YARBOROUGH:

S. 2383. A bill to amend section 312 of the Immigration and Nationality Act to exempt certain additional persons from the requirement as to understanding the English language before their naturalization as citizens of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. Yarborough when he introduced the above bill, which appear under a separate heading.)

By Mr. TYDINGS:

S. 2384. A bill for the relief of Dr. Estrellita Trias; to the Committee on the Judiciary.

By Mr. BROOKE (for himself, Mr. Case, Mr. Cooper, Mr. Hatfield, Mr. Javits, and Mr. Percy):

S. 2385. A bill to amend the Small Business Act to apply an acceptable credit risk standard for loans to small business concerns in certain high-risk areas; to the Committee on Banking and Currency.

S. 2386. A bill to amend title VII of the Civil Rights Act of 1964 to provide for the application of such title to State and Federal employees; to the Committee on the Judiciary.

(See the remarks of Mr. Brooke when he introduced the above bills, which appear under a separate heading.)

By Mr. McCLELLAN:

S. 2387. A bill to facilitate representation of persons having claims against the United States by legal counsel of their own choosing; to the Committee on the Judiciary.

(See the remarks of Mr. McClellan when he introduced the above bill, which appear under a separate heading.)

By Mr. HATFIELD:

S. 2388. A bill to provide procedures for calling conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

(See the remarks of Mr. Hatfield when he introduced the above bill, which appear under a separate heading.)

By Mr. MUNDT:

S. 2389. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; to the Committee on Interior and Insular Affairs.

By Mr. BROOKE:

S. 2390. A bill to promote the general welfare, foreign policy, and national security of the United States through the expansion of international trade and through the regulation of certain exports, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. Brooke when he introduced the above bill, which appear under a separate heading.)

By Mr. MUSKIE (for himself, Mr. Randolph, Mr. Baker, Mr. Bayh, Mr. Bible, Mr. Boggs, Mr. Brooke, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Cooper, Mr. Cotton, Mr. Cranston, Mr. Dodd, Mr. Eagleton, Mr. Ervin, Mr. Fong, Mr. Goodell, Mr. Gore, Mr. Gravel, Mr. Harris, Mr. Hartke, Mr. Hollings, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. McCarthy, Mr. Mondale, Mr. Montoya, Mr. Nelson, Mr. Packwood, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Ribicoff, Mr. Scott, Mr. Spong, Mr. Talmadge, Mr. Thurmond, Mr. Williams of New Jersey, Mr. Yarborough, and Mr. Young of Ohio):

S. 2391. A bill to provide for the more effective coordination of Federal air quality, water quality, and solid waste disposal programs, for the consideration of environmental quality in public works programs and projects, for the coordination of all Federal research programs which improve knowledge of environmental modifications resulting from increased population and urban concentration, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. Muskie when he introduced the above bill, which appear under a separate heading.)

By Mr. KENNEDY (for himself, Mr. Brooke, Mr. Jordan of North Carolina, Mr. Ervin, Mr. Allen, Mr. Sparkman, Mr. Scott, Mr. Schweiker, Mr. Yarborough, and Mr. Tower):

S. 2392. A bill to incorporate the Historic Naval Ships Association; to the Committee on the Judiciary.

(See the remarks of Mr. Kennedy when he introduced the above bill, which appear under a separate heading.)

By Mr. MUSKIE (for himself, Mr. Anderson, Mr. Bayh, Mr. Bible, Mr. Cooper, Mr. Cranston, Mr. Dodd, Mr. Hart, Mr. Inouye, Mr. Javits, Mr. Mondale, Mr. McCarthy, Mr. Packwood, Mr. Ribicoff, Mrs. Smith, Mr. Spong, Mr. Tydings, Mr. Williams of New Jersey, Mr. Yarborough, and Mr. Young of Ohio):

S. 2393. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of protecting certain portions of the tidelands, Outer Continental Shelf, seaward areas, Great Lakes of the United States, and the adjoining shorelines thereof as marine preserves and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. Muskie when he introduced the above bill, which appear under a separate heading.)

By Mr. EAGLETON:

S. 2394. A bill for the relief of Dr. Marcos C. Nalagan; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 2395. A bill to provide for the mailing of certain election material to voters free of postage, and for other purposes; to the Committee on Post Office and Civil Service.

S. 2396. A bill to amend section 4 of the Act of October 30, 1965, to extend the term during which the Secretary of the Interior is authorized to initiate with the several States a cooperative program for the conservation, development, and enhancement of the Nation's anadromous fish; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bills, which appear under separate headings.)

By Mr. WILLIAMS of New Jersey:

S. 2397. A bill for the relief of Fong Kee Chan; to the Committee on the Judiciary.

By Mr. MILLER:

S. 2398. A bill for the relief of Sergio Castiglioni, his wife, Carla Castiglioni, and their children, Carlo and Frank Castiglioni; to the Committee on the Judiciary.

By Mr. COOPER:

S. 2399. A bill to provide a formula for apportionment of State and community highway funds for fiscal year 1970 and thereafter; to the Committee on Public Works.

(See the remarks of Mr. Cooper when he introduced the above bill, which appear under a separate heading.)

By Mr. HRUSKA:

S. 2400. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Finance.

(See the remarks of Mr. Hruska when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 2401. A bill for the relief of Antonio Ballestores;

S. 2402. A bill for the relief of Branislav Nikola Maksimovic (Branko Maksimovich);

S. 2403. A bill for the relief of Man Loi Chu; and

S. 2404. A bill for the relief of Mrs. Chung Ja Nohara; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 2405. A bill to improve the health and safety conditions of persons working in the coal mining industry of the United States; to the Committee on Labor and Public Welfare.

By Mr. MOSS:

S.J. Res. 120. A joint resolution providing for the preparation and submission to the Congress of a master ground transportation plan for the United States; to the Committee on Commerce.

(See the remarks of Mr. Moss when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. JACKSON:

S.J. Res. 121. A joint resolution to authorize appropriations for expenses of the National Council on Indian Opportunity; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above joint resolution, which appear under a separate heading.)

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By Mr. BROOKE (for himself, Mr. SPARKMAN, Mr. MUSKIE, and Mr. BENNETT):

S.J. Res. 122. A joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949; to the Committee on Banking and Currency.

(See the remarks of Mr. BROOKE when he introduced the above joint resolution, which appear under a separate heading.)

S. 2360—INTRODUCTION OF A BILL TO ENLARGE THE BOUNDARIES OF THE GRAND CANYON NATIONAL PARK IN THE STATE OF ARIZONA

Mr. GOLDWATER. Mr. President, it is my great pleasure today to introduce a bill, for myself and other Senators, to carry out a plan which I have long endorsed as a means to better preserve and protect one of nature's most magnificent creations—the Grand Canyon of Arizona.

Mr. President, it was 50 years ago last February when a portion of this great structure was established as the 17th national park. This achievement had been 33 years in the making since Benjamin Harrison, then a Senator, first attempted to preserve vast areas of the canyon by means of a Federal law. In recognition that this year is the golden anniversary year for the Grand Canyon National Park, I can think of no more fitting occasion for a return toward the original, grand scheme once designed for the canyon's protection.

In order to take a long step in this direction—a step that will more than double the stretch of the canyon protected within the park structure—I am offering today a bill to extend the boundaries of the park so as to include certain major portions of the upper and lower canyon that are natural extensions of that part of the canyon already given park status. The measure is a refinement of a proposal that I submitted, for myself and Senator Hayden, some 12 years ago. I am happy to say that a companion measure to the bill is being offered today in the House by Congressman UDALL—giving the legislation a bipartisan spirit that I hope will mark its future course.

In brief, our proposal would bring within one great park all of the existing national park, all of the recently proclaimed Marble Canyon National Monument and 86 percent of the Grand Canyon National Monument. In addition, the measure would extend the limits of the park upstream to embrace the historic Lees Ferry region, the only launching site for river trips through the Grand Canyon—trips which are probably the longest, wildest canyon water runs in the world.

Finally, there are sizable, important areas that my bill will place into the park in the Kanab Creek and Long Mesa areas, which lie adjacent to the points where the present national park and national monument meet. These additions alone cover almost 52,000 acres of land with outstanding scenic and scientific importance.

In all, the existing park boundaries would be extended to include an additional 255,250 acres—an increase of more than one-third in the total land acreage of the park. The new total would thereby rise to 928,825 acres. This extension would mean that the park would jump from eighth to fifth place in size among all of America's national parks.

And, perhaps most significant of all, it would mean that 184.5 miles of the prime canyon would be encompassed by the new park. This is double the 90 miles that are now within the national park and represents 85 percent of the total river stretch of the canyon.

The legislation also provides for a boundary revision of the existing Grand Canyon National Monument which would result in two exclusions, one on the north rim and the other on the south rim. These are plateau lands covered with pinon pine, juniper, and sagebrush and lie back from the canyon rims. For a long time, these areas have not been considered necessary for the proper development or administration of the proposed new park. They constitute 29,520 acres of land that will be returned to the public domain.

In addition to the lands to be incorporated into the park by the act, one unique provision of the bill will provide authority to the Secretary of the Interior to negotiate for and acquire by purchase, donation, or exchange, any land or interests in land which he finds necessary to include within the park inside a 1-mile buffer zone on either side of Marble Canyon. Further, as a last resort, procedure which is to be utilized only after voluntary efforts in good faith have failed and after the giving of at least 60 days' notice, the Secretary may acquire by condemnation a scenic easement to protect the scenic value of the canyon area within the 1-mile buffer zone at Marble Canyon. This power does not extend to any interest except a scenic easement. And payment is provided for the acquisition of the easement based upon an appraisal of its full market value.

One additional feature of the measure that I wish to call attention to is the provision that gives specific protection to the rights of the Havasupai Indians. This tribe, whose ancestral home is situated entirely within the park at the canyon floor, lives in the most isolated Indian reservation in the United States. Nothing in the bill will affect their established rights or their opportunity to enjoy increased benefits, including grazing rights within the park.

Mr. President, my purpose in introducing this legislation is to secure a strong, protective status for the canyon regions which will be added to the park, but do not now possess a permanent statutory base for their preservation. With the demand on earth's resources becoming greater daily, it is none too soon to bar the door to any future pressures for the exploitation of the canyon area.

Mr. President, the concept of national parks as we know them today is a contribution of the United States. The basis for the law which I propose is founded upon a policy that began in 1864 with the establishment under law of the Yosemite Valley as a protected region, and the creation in 1872 of the Yellowstone National Park. It is to build upon this movement, which set the pattern for the erection of national parks throughout the world, that I introduce the bill today. It is my hope that the enactment of this measure will come about promptly and that thereby the world's most unbelievable, natural wonder will be better preserved for all Americans to enjoy and appreciate as a part of their permanent heritage.

Mr. President, I ask unanimous consent that the text of the bill we are introducing be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2360) to enlarge the boundaries of the Grand Canyon National Park in the State of Arizona, introduced by Mr. GOLDWATER (for himself and other Senators) was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to add to the Grand Canyon National Park certain major portions of the Grand Canyon adjacent to the existing boundaries of the park, totaling approximately 255,250 acres, which possess outstanding scenic grandeur and unique natural and scientific values and which logically should be protected and preserved for all generations in the same manner and to the same extent as the lands presently included within the park, the areas shown as "proposed additions" on the drawing entitled "Proposed Additions to Grand Canyon National Park", numbered 113–91,000, and dated March 1969, are, subject to valid existing rights, hereby made a part of the Grand Canyon National Park.

SEC. 2. (a) In addition to the lands incorporated into the Grand Canyon National Park pursuant to the first section of this Act, the Secretary of the Interior may, with the concurrence of the Secretary of Ariculture where national forest lands are involved, and with the concurrence of the Navajo Tribal Council where Navajo Indian Reservation lands are involved, revise the boundary of the park, or provide for protected areas, along and adjacent to the east and west rims of Marble Canyon so as to include sites, or to establish protected areas, within an area not to exceed one mile from either rim, which the Secretary of the Interior determines are necessary or desirable to protect the scenic or scientific value of the canyon area or to provide overlooks and related facilities above the canyon rim. Any such revision shall be on file and available for public inspection in the Office of the National Parks Service, Department of the Interior.

(b) In order to carry out the purposes of this section, the Secretary of the Interior may acquire land and interests in land, within the boundaries of the park as proposed to be revised or within the proposed protected area, by donation, purchase with donated or appropriated funds, or exchange; but not by condemnation. Any property or interests therein owned by the State of Arizona may be acquired only by donation. Title to property held in trust for the Navajo Indian Tribe which may be included within the boundary of the park with the concurrence of the Navajo Tribal Council shall be transferred by the Secretary of the Interior to the United States and made a part of the park. National forest land within the revised

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boundary of the park is hereby excluded from the national forest and transferred to the Secretary of the Interior for administration as part of the park.

(c) Notwithstanding any provision of subsection (b), the Secretary of the Interior may, whenever he certifies—

(1) that it is necessary and appropriate to protect the scenic value of the canyon and its immediate vicinity, and

(2) that he has made reasonable efforts in good faith to provide such protection through voluntary methods of conference and negotiation or the acquisition of such interests as are necessary to provide such protection by negotiated purchase or donation, but that such efforts have been unsuccessful; and

(3) that he has furnished at least 60 days notice to the party or parties concerned of his intention to utilize the authority provided under this subsection,

acquire, by condemnation, a scenic easement with respect to any land along and adjacent to the east and west rim of Marble Canyon, which is within an area not to exceed one mile from either rim. No scenic easement may be acquired pursuant to this subsection except upon payment of the fair market value thereof, as determined by the Secretary of the Interior after appraisal.

Sec. 3. (a) The Grand Canyon National Monument and the Marble Canyon National Monument are abolished, and all lands in the monuments which are within the areas shown as "proposed additions" on the drawing referred to in the first section of this Act are made a part of the Grand Canyon National Park and shall be administered pursuant to the provisions of this Act and the Act of February 26, 1919 (40 Stat. 1175), as amended. Any funds available for purposes of the Grand National Monument or the Marble Canyon National Monument shall remain available for the Grand Canyon National Park.

(b) The lands formerly within the Grand Canyon National Monument, totaling approximately 29,520 acres, shown as "proposed deletions" on the drawing referred to in the first section of this Act which were withdrawn for the purposes of the Grand Canyon National Monument shall return to their status prior to such withdrawal and be administered by the Secretary of the Interior in accordance with the laws applicable to the public lands of the United States.

Sec. 4. Where any Federal lands within the Grand Canyon National Park are legally occupied or utilized on the effective date of this Act for grazing purposes, pursuant to a Federal lease, permit, or license, the Secretary of the Interior shall permit the persons holding such grazing privileges to continue in the exercise thereof for a period ending on December 31 following ten years from the effective date of this Act, or for such lesser period as any such person may desire.

Sec. 5. Nothing in this Act shall affect the rights of the Havasupai Tribe of Indians as described in the Executive Order of March 31, 1882, and in section 3 of the Act of February 26, 1919; nor shall anything in this Act affect the authority of the Secretary of the Interior under section 3 of the Act of February 26, 1919, to permit individual members of the said Tribe to use and occupy lands within the park for agricultural purposes, including grazing.

Sec. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 2361—INTRODUCTION OF A BILL TO PROVIDE SPECIAL EDUCATIONAL SERVICES TO VETERANS

Mr. KENNEDY. Mr. President, I introduce today a bill to establish a new program for veterans to be called educational services for veterans. The bill authorizes grants to and contracts with institutions of higher education to develop special programs of tutorial, counseling, and other educational services specifically for veterans. The purpose is both to encourage colleges and other post-secondary institutions to seek out and admit veterans, and to provide a greater opportunity for veterans with academic deficiencies to improve their qualifications and continue their education.

Mr. President, this Nation has a fundamental obligation to the men and women who have served so well in the Armed Forces, risking their lives and sacrificing opportunities to contribute to their country. There are over 26 million living veterans in the United States today, and veterans and their families make up close to half of our population. In addition, thousands of servicemen are discharged every day to rejoin civilian life as veterans of their Nation's armed services.

Over 100 years ago, Abraham Lincoln stressed the duty of the United States "to care for him who shall have borne the battle and for his widow and orphan."

In 1944, we passed the first GI bill, to provide readjustment assistance to those who had served in the armed services during World War II. In announcing that program, President Roosevelt said:

> We must make provision now to help our returning servicemen . . . bridge the gap from war to peace activity. . . .
>
> The members of the armed forces have been compelled to make greater economic sacrifice and every other kind of sacrifice than the rest of us, and are entitled to definite action to help take care of their special problems.

Since World War II, the United States has continued to recognize its obligation to those young men and women who have spent a portion of their lives in the military service.

We passed a Korean war GI bill to assist veterans of that conflict. In 1966, recognizing the sacrifices of veterans who had served after January 31, 1955, and therefore could not qualify for the Korean benefits, Congress passed the cold war GI bill—providing education and training benefits for our more recent veterans. In 1967, the amounts of the benefits were raised, and the type of training covered was expanded. In 1968, education benefits were extended to widows and wives of servicemen killed or totally disabled on active duty.

The recent emphasis on veterans benefits and expansion of the GI bill reflects a growing concern for veterans of the conflict in Vietnam. At the present time, over 540,000 servicemen are stationed in Vietnam. Both at home and around the world, our military ranks have been swelled. As a result, increasing numbers of servicemen are being discharged and joining the ranks of veterans each month.

In 1966, approximately 544,000 servicemen returned to civilian life. In 1967, there were 610,000 new veterans. In 1968, the figure for the year was 915,000, with a peak discharge of 110,000 servicemen in October.

This year, over 1 million GI's who have seen service during the Vietnam conflict will return as civilians, at a rate of approximately 90,000 a month. The figures will rise even further if the peace which we all so fervently hope for is achieved in Vietnam.

I am extremely concerned that full and constructive benefits be given to veterans of the Vietnam conflict. Many thousands of young men have had their education interrupted. Others have been called away just as they were starting their careers. Many have been sent to fight a battle which they do not understand and in some cases disagree with. And most have returned to a country which is quite indifferent to their hardship and sacrifice.

Regardless of how we may feel about the merits of the war in Vietnam, many Americans serving there and elsewhere are performing bravely under extremely difficult circumstances. In many cases they are risking their lives daily, under constant pressure in unfamiliar surroundings. In all cases, they have sacrificed personal comfort and gain for the service of the Nation.

For their work on active duty these men have earned the admiration and respect of a grateful country. They have earned also the right to our attention and assistance on their return.

They deserve this attention, however, not just in appreciation for sacrifices they have made on the battlefield and elsewhere, although this would be reason enough.

They deserve the attention also because they represent a resource which society can utilize to the best advantage of all concerned. These men have acquired wisdom and judgment by having handled responsibility in critical situations. They have demonstrated discipline and ability.

With these qualities and background, returning veterans can be among our most constructive and valuable citizens, if only they are given the chance to channel their talents in a productive way.

Life is particularly difficult for returning servicemen today. Unlike so many veterans of World War II and Korea, soldiers returning from Vietnam certainly are not given a hero's welcome, or indeed much of any welcome at all. Because most Americans are not emotionally committed to the war in Vietnam, they tend not to appreciate the grueling psychological and physical experience which GI's over there endure. For a GI who has suffered greatly, who perhaps has been wounded, and who has seen his friends injured and killed in brutal fashion, it is a tremendous shock to get the sense that his countrymen do not care. Whether or not we care for the war, we must show that we care for the men.

Because their educational and career development has been interrupted, because they have made great sacrifice in Vietnam and elsewhere, and because they represent a national resource of disciplined and dedicated citizens, we must assure adequate benefits for all veterans—

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the returning servicemen of today and the dedicated veterans of yesterday.

Congress has established programs for our veterans in many areas, including training, employment, medical and hospital benefits, pension and compensation—and education. All are important, and I will continue my efforts to strengthen the broad range of veterans programs. Today, I address myself to the particular problem of education.

This country has long recognized the importance of education for all citizens. It makes us more productive and constructive members of society, and enhances personal development.

From a financial point of view, there is a direct general relationship between number of years of schooling and level of income. According to recent figures from the Bureau of Census, college graduates earn twice as much in their lifetimes as high school dropouts and three times as much as grade school dropouts. The Bureau has estimated lifetime incomes for men in terms of the number of years of formal education:

Less than 8 years of grade school	$189,000
Eight years of grade school	247,000
One to 3 years of high school	284,000
Four years of high school	341,000
One to 3 years of college	394,000
Four years of college	508,000
Five or more years of college	587,000

The personal and intellectual rewards of a full education are of course immeasurable.

The Congress of the United States recognized the importance of education as a continuing obligation to veterans in passing the cold war GI bill in 1966. The purpose of veterans' educational assistance was spelled out in the preamble to that bill:

> The Congress of the United States hereby declares that the education program created by this chapter is for the purpose of (1) enhancing and making more attractive service in the Armed Forces of the United States, (2) extending the benefits of a higher education to qualified and deserving young persons who might not otherwise be able to afford such an education, (3) providing vocational readjustment and restoring lost educational opportunities to those service men and women whose careers have been interrupted or impeded by reason of active duty after January 31, 1955, and (4) aiding such persons in attaining the vocational and educational status which they might normally have aspired to and obtained had they not served their country.

Unfortunately, our present GI programs do not attain the high goal which we have set for them. While they do help those who enter the service with a relatively high level of education but want more, or those with some job training who want to increase their skills, they fail to reach the poor and the disadvantaged—the veterans who are most in need of aid.

Approximately 20 percent of our discharged veterans—or about 18,000 a month—have not completed high school or its equivalent. But according to statistics furnished to me by the Veterans' Administration in January of this year, only about 2.4 percent of returning veterans are pursuing training at the high school level or its equivalent. This means that only about one out of every 10 returning veterans without a high school education returns to school. Close to nine out of 10, or over 15,000 new veterans a month, have not completed high school and do not enter education programs with the benefit of the GI bill to correct their deficiency. To me, Mr. President, this is a tragically wasted opportunity, and we should do all we can to encourage veterans with weak academic backgrounds to continue their education.

Indeed, Congress recognized this special need in the Cold War GI Bill Amendments of 1967. In that bill, Congress provided that a veteran who needs additional high school training or its equivalent will be paid the full educational assistance allowance of the GI bill and still not have it charged to the period of educational entitlement which the veteran has earned. Unfortunately, the amendment has not met the need.

A basic problem is that high school is not a very attractive place for the kind of veteran I am talking about to go. He may have dropped out in the first place because he did not like the high school environment. Or he may have finished with a bad academic record—again reflecting his distaste for that type of institution and carrying with it many unpleasant memories.

More important, experience has shown that the returning veteran—who is now in his early twenties or perhaps much older, who has been engaged in fierce combat, who has seen his friend injured and killed, who has developed a new maturity in the service—is reluctant to return to high school classes with immature 16- and 17-year-olds. Certainly it is understandable and that he might be uncomfortable and uneasy, and that he therefore might not use his benefits.

An additional problem with the present set-up is that high school or adult education courses, not specifically directed to veterans or to an individual veteran, take more time than is necessary to improve particular weaknesses.

This bill which I introduce today represents a two-pronged approach. First, it seeks to make education more attractive to the veterans with academic deficiencies by offering improved attention in a more comfortable environment. Second, it seeks to encourage colleges and other postsecondary institutions to develop programs and admit veterans, thereby expanding the educational opportunities open to the veteran.

As expressed in the bill, the purpose is—"To assist veterans with academic deficiencies to qualify for and pursue courses of higher education through the development of programs for special counseling, tutorial or other educational services at institutions of higher education."

The theory behind the proposal is that even though a veteran may have dropped out of high school or had a mediocre record, presumably in his years in the service he has developed maturity and responsibility. If he does have the motivation to go to college with this background, we should recognize that he is a good prospect and that his high school record is an inaccurate indication of his ability and potential. We want to assure that he has a chance to develop fully, recognizing that a person with this high school background should be at an institution of higher education and not in another high school.

The Administrator for Veterans' Affairs will have the responsibility for a program of grants and contracts with colleges and other postsecondary institutions to support programs which meet this objective.

One notion would be for colleges to give special precollege training to veterans, right on the campus, strengthening their background so that they can gain admission to an institution of higher education. That could eventually attend the college which gave them the preparatory training, or they could go elsewhere.

Once a veteran with academic deficiencies is admitted and attending a postsecondary school he may still need special tutoring in order to succeed in his studies. Such support could be assisted under this bill.

Colleges could be encouraged to develop accelerated and concentrated programs of education for veterans, enabling them to earn a bachelor's degree in 2¼ or 3 years, for example, rather than the usual 4 years. For a person starting college at the age of 22 or 23 or older, perhaps with dependents and with a need to start earning money as soon as possible, this would be a tremendous help.

Institutions of higher education also might establish a 5- or 6-year program of study for veterans—with an easier course load for those who do not have the background for more concentrated study or those who need to work full time while pursuing their education.

Postsecondary schools also might develop a course of study to encourage and train veterans to pursue public service occupations to meet community needs. They could offer special incentives and courses to become teachers in disadvantaged areas, or to work in social action programs, or to join undermanned police departments, and so forth.

One idea which might be incorporated into some of these programs would be to hire older veterans, in their later years of college, to help the incoming students.

My expectation is that given the encouragement and assistance of this bill, institutions of higher education would use a great deal of imagination, and appropriate innovation, in establishing programs to meet veterans' needs. While specific types of projects are mentioned in this bill, the operative language is left broad enough to cover a wide range of possible programs.

Final and overall authority for educational services for veterans is in the Veterans' Administration. Overall policy guidelines would be promulgated by the Administrator of Veterans' Affairs, after consultation with the Commissioner of Education, to take advantage of his background in the area of education.

The function of reviewing applications and making grants and contracts

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would be carried out by the Commissioner. For he already has the contracts with postsecondary schools, and the expertise in educational programs and curriculums, which are required. But I want to emphasize that this would not be a program which could be intermingled with other activities of the Department of Health, Education, and Welfare. Rather, it is a program specifically and clearly for veterans—run by the Veterans' Administration as part of title 38 of the United States Code.

As in the Higher Education Act, the term "institution of higher education" is broadly defined to cover a whole range of postsecondary schools—including, for example, vocational schools and junior colleges as well as 4-year universities.

Mr. President, the possibilities for educational services for veterans have been dramatically illustrated by a program at Webster College in St. Louis.

Last year, Webster instituted Project VAULT—veterans accelerated urban learning for teaching—to recruit and train veterans to become teachers in urban ghetto schools.

The VAULT staff went out to an army base about 130 miles from St. Louis and looked for servicemen who were nearing the end of their military obligation and who had no plans to attend college. Ultimately a group of 42 were selected for VAULT, with a total of 31 finally carrying through with the program.

These men all came from disadvantaged, improverished backgrounds. Some were in their early 20's, and others were veterans of 20 years of military service. Most had weak academic records and a few had no high school diploma.

For several weeks before discharge, the GI's participated in seminars with the VAULT staff on the Army base. Upon discharge they went to Webster for an intensive college-level training which is still going on.

During the predischarge phase of the program, the emphasis was on current social problems rather than on learning for its own sake. Indeed, the whole program's curriculum has barred the teaching of simply mechanical courses to compensate for cultural or educational deficiencies in the students. Rather, "hooker courses," concentrating on issues of interest to the men and relevance to current social conflicts, have been emphasized.

The VAULT program is designed to interest and train the participants to become teachers in ghetto schools. Through arrangements with the St. Louis public school system, which has demonstrated a progressive and cooperative interest, the veterans are serving as observers and practice teachers for the following year. Meanwhile, Webster is giving academic credit for the teaching experience.

With the intensive training and active teaching by the participants, Webster will award these veterans the bachelor of arts degree at the end of only 2½ years, rather than the usual 4 years.

Webster's effort in Project VAULT is one example of how a larger scale educational services for veterans program can contribute both to the education of disadvantaged veterans and to meeting of current social needs, in this case ghetto teachers.

Other colleges have shown an interest in this type of idea, and some have started small veterans programs of their own. It is an exciting social development.

This Nation has a rare opportunity to assist and benefit from the men who have broken out of disadvantaged backgrounds and matured in the service. It we follow through with full veterans programs, including educational services for veterans, we can insure that returning servicemen will not revert to unproductive lives in ghetto or other areas. Rather, veterans whose horizons and aspirations have been broadened in the service can continue to contribute to our national welfare as constructive, well-educated citizens.

We have an obligation both to the men as individuals and to society as a whole to give them the chance.

Mr. President, I ask unanimous consent that the bill which I introduce for myself and the Senator from Texas (Mr. YARBOROUGH) and the Senator from California (Mr. CRANSTON), be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2361), to amend chapter 34 of title 38, United States Code, in order to provide special educational services to veterans, introduced by Mr. KENNEDY (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 34 of title 38, United States Code, is amended by adding at the end thereof a new subchapter V as follows:

"SUBCHAPTER V—EDUCATIONAL SERVICES FOR VETERANS

"§ 1691. Purpose.

"The purpose of this subchapter is to assist veterans with academic deficiencies to qualify for and pursue courses of higher education through the development of programs for special counseling, tutorial or other educational services at institutions of higher education.

"§ 1692. Definitions.

"For the purpose of this subchapter—

"(1) The term 'veteran with academic deficiencies' means an eligible veteran who by reason of deprived educational, cultural or economic background or physical handicap, is in need of services authorized under this subchapter to assist him to prepare for, initiate, continue, or resume his postsecondary education.

"(2) The term 'institution of higher education' means institution of higher education as defined in Section 1201 (a) of the Higher Education Act of 1965.

"§ 1693. Services for veterans with academic deficiencies

"To meet the objectives of this subchapter, programs to be known as 'Educational Services for Veterans' shall be carried out through grants and contracts with institutions of higher education, to enable such institutions to plan, develop, strengthen, improve, or conduct programs or projects to provide, among other things, counseling, tutorial, or other special educational services, including summer, preparatory, and accelerated programs for veterans with academic deficiencies. Educational Services for Veterans may include, but shall not be limited to—

"(1) programs to enable veterans to prepare and qualify for attendance at institutions of higher education;

"(2) programs of remedial assistance to veterans in regular attendance at institutions of higher education;

"(3) programs for accelerated and concentrated education of veterans at institutions of higher education;

"(4) programs for education of veterans extending beyond the usual period for completion of the course of study at a particular institution of higher education; and

"(5) programs to encourage and train veterans to pursue public service occupations to meet community needs.

"§ 1694. Administration of program

"The Administrator shall have responsibility for coordination and overall planning with respect to Educational Services for Veterans, and shall annually report to Congress on the program. The Administrator shall, jointly with the Commissioner of Education, prescribe regulations governing the administration of Educational Services for Veterans, including the review of applications and making of grants and contracts. The Commissioner, shall, in accordance with those regulations and in coordination with the Administrator, have the function of reviewing applications and making grants and contracts. The Administrator shall have the function of providing information, advice and assistance regarding the program to eligible veterans and service men being released, and of otherwise administering the program.

"§ 1695. Effect on other benefits

"No benefits received by any veteran under this subchapter shall in any way affect his eligibility or qualification for benefits under other provisions of this title or under other provisions of law.

"§ 1696. Authorization for appropriations

"There are authorized to be appropriated to carry out this subchapter $10,000,000 in the fiscal year ending June 30, 1970, and $30,000,000 in the fiscal year ending June 30, 1971."

SEC. 2. The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER V—EDUCATIONAL SERVICES FOR VETERANS

"1691. Purpose.
"1692. Definitions.
"1693. Services for veterans with academic deficiencies.
"1694. Administration of program.
"1695. Effect on other benefits.
"1696. Authorization for appropriations.

S. 2362—INTRODUCTION OF A BILL TO AMEND CERTAIN FEDERAL STATUTES RELATING TO THE JUDICIAL SYSTEM OF THE STATE OF OKLAHOMA

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, a bill to amend certain Federal statutes relating to the judicial system of the State of Oklahoma.

As a special election held on July 11, 1967, the voters of Oklahoma voted to repeal article VII of the constitution of

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Oklahoma and voted to replace it with a new article VII, effective on January 13, 1969.

Pursuant to the terms of the new article VII, all county courts were abolished and their jurisdiction vested in the State district courts. Any reference in any of the Oklahoma statutes to the county court or county judge shall, according to implementing legislation, be deemed to refer to the district court or district judge.

Several Federal statutes relating to Indians in Oklahoma, and to action which can be taken relating to restricted lands, confer jurisdiction on the county court and in some instances refer to action to be taken by the county judge. Being aware of the amendments to the State constitution, I considered it advisable during the last session of Congress to introduce a bill, S. 2716, which would amend all applicable Federal statutes to conform with the new laws of Oklahoma. S. 2716 was not enacted into law by the 90th Congress.

There is divided opinion on the necessity of this bill. An Associate Solicitor for Indian Affairs, Henry B. Taliaferro, Jr., and the attorney general of the State of Oklahoma, G. T. Blankenship, both agree under the new Oklahoma judicial system that the district court and district judge can assume the responsibilities of the county court and county judge without amending the Federal statutes. I ask unanimous consent that their letters, stating their opinions, be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Office of the Solicitor,
Washington, D.C., January 22, 1969.

Hon. G. T. Blankenship,
Attorney General,
State of Oklahoma,
Oklahoma City, Okla.

Dear Mr. Attorney General: As you are aware, the 31st Legislature of the State of Oklahoma adopted H.J. Res. No. 508, filed May 11, 1967, which was approved by the electors of Oklahoma at an election held on July 11, 1967. It amended the Constitution of Oklahoma by repealing Article VII thereof and replacing it with a new Article VII. The constitutional amendment which became effective January 13, 1969, establishes a new judicial department for the State. By its terms all County Courts were abolished at midnight of January 12, 1969, and their jurisdiction, functions, powers and duties were transferred to the respective State district courts.

Our interest in this matter arises from the fact that many special federal laws have been enacted for Oklahoma Indian tribes, especially for the Osage and the Five Civilized Tribes. These laws have conferred on the courts of the State of Oklahoma various measures of jurisdiction in Indian affairs, including those involving the probate of wills, determination of heirs and guardianship matters. Such jurisdiction also extends to the partition of land and in certain cases to the conveyance of lands by members of the Five Civilized Tribes. For the most part, the County Courts of the State of Oklahoma have had jurisdiction over such matters referred to in the federal laws and for this reason are frequently specifically named therein.

The above amendment to the Oklahoma Constitution was implemented by legislation enacted by the Oklahoma State Legislature. Thus, it is provided in 20 Okla. St. Ann. 91.1 that "The District Courts of the State of Oklahoma are the successors to the jurisdiction of all other courts, including the . . . County Courts . . .," and that "Wherever reference is made in the Oklahoma Statutes to any of the above courts or to a judge thereof, it shall be deemed to refer to the District Court or a judge theerof. . . ."

We have considered the advisability of seeking amendatory federal legislation which would substitute the term "District Court" in lieu of "County Court" and related references wherever they now appear in the federal Indian legislation. However, upon further analysis of the law providing for the use of Oklahoma State courts as agencies for the protection of restricted Indian lands, we are of the view that the broad legislative intent evident in existing federal laws permits, without further federal enactment, ready adjustment to the change in the Oklahoma judicial system. We have no doubt that existing laws apply to new situations not originally anticipated, if when fairly construed, such situations come within the intent and meaning of the laws. See *Feitler v. United States,* 34 F.2d 30 (3rd Cir. 1929), *aff'd* 281 U.S. 389 (1930); *Jerome H. Remick & Co. v. American Automobile Accessories Co.,* 5 F.2d 411 (6th Cir. 1925), *cert. denied,* 269 U.S. 556 (1925).

The federal legislative purpose in utilizing Oklahoma State courts has, for the most part, been stated quite broadly. That purpose was to invoke in the situations described, the use of such state courts in Oklahoma as were assigned by state law identical or related functions. It is clear that the name or title of the particular court, whether District or County was of no prompting significance. Thus, by Section 3(a) of the Act of August 4, 1947 (61 Stat. 731, 732), "the State courts of Oklahoma" were given jurisdiction in guardianship and estate matters affecting Indians of the Five Civilized Tribes. Under Section 9 of the Five Tribes Act of May 27, 1908 (35 Stat. 312, 315), conveyances of the interests of fullblood Indian heirs were to be "approved by the [Oklahoma state] court having jurisdiction of the settlement of the estate of said deceased allottee." The latter provision was changed by Section 1 of the 1947 Act to authorize the approval of conveyances by the County Court of the County in Oklahoma in which the land is located. While for the most part this would be the same County Court having jurisdiction of the settlement of the estate, as provided by the earlier law, the change was made to distinguish between sales by adult heirs on the one hand and minors and incompetents on the other.

Of course, the use of general language in federal statutes, noted above, avoids the question raised by the transfer of functions from the County Courts of Oklahoma to the District Courts. We do not regard those instances where County Courts are specifically mentioned by name in federal legislation as evidencing a contrary legislative intent or as calling for a different result. In either case, the purpose of the federal legislation is to utilize that court in Oklahoma adapted to the type of function involved. Thus, Osage Indian probate matters were made subject to the jurisdiction of the County Courts of Oklahoma because County Courts were the probate courts (Sec. 3, Act of April 18, 1912, 37 Stat. 86). This functional approach is also demonstrated in other instances where authority over certain Indian matters involving guardianships and heirship was given to the "probate courts" of the State of Oklahoma (Sec. 6, Act of May 27, 1908, 35 Stat. 312, 313; Sec. 1, Act of June 14, 1918, 40 Stat. 606).

An additional point requires some comment. This deals with the right granted the probate attorneys of this Department under Section 1(e) of the Act of August 4, 1947, *supra,* to take an appeal from a County Court order approving a conveyance of restricted Indian lands of the Five Civilized Tribes. This section provides for an appeal to the "district court of the county in which the proceedings are conducted . . . ." We see no problem in this regard if, after January 12, 1969, the right to appeal is continued in some manner from initial actions by the district court. In this regard, we have noted the provisions for appellate review of action by the state District Courts found in 12 Okla. St. Ann., 952, which also were designed to implement the constitutional amendment found in H.J. Res. No. 508. We believe these provisions for appeal to the Oklahoma Supreme Court adequately preserve the right of appeal assured by the 1947 Act.

In sum, we believe that the action of the Oklahoma Legislature, effective January 13, 1969, which transferred the jurisdiction and duties of the County Courts to the state District Courts continues undiminished the protective measures for Indians provided by the federal statutes even where County Courts are specifically mentioned in the federal enactments. We would be pleased to receive your opinion, together with such comments as you may have regarding our analysis of H.J. Res. No. 508, its implementing legislation and the possible impact of the latter on existing federal legislation concerning the Indians and their restricted property in Oklahoma. In particular, we would appreciate advice as to whether or not you believe that because of any changes in state law the Oklahoma courts as constituted after January 12, 1969, will be unable to utilize existing federal legislation to provide the services to Indians which Oklahoma courts previously provided.

Sincerely yours,
Henry B. Taliaferro, Jr.,
Associate Solicitor for Indian Affairs.

Oklahoma City, Okla.,
March 11, 1969.

Hon. Henry B. Taliaferro, Jr.,
Associate Solicitor for Indians Affairs, U.S. Department of the Interior, Office of the Solicitor, Washington, D.C.

Dear Sir: We read, with interest, your letter of January 22, 1969, regarding our new judicial department for the State of Oklahoma where by its terms all County Courts were abolished January 12, 1969, and their jurisdiction, functions, powers and duties were transferred to the respective State District Courts. As a matter of fact the County Judge in Oklahoma was made the Associate District Judge, and our Justices of the Peace were made Special District Judges, which, of course, combines all of our trial courts into "District Courts."

We feel that your conclusions in regard to the use of the District Courts in place of County Courts where the name County Court is used in federal law is entirely correct. We have checked many of the federal statutes where the words County Court are used with regard to Indian matters in Oklahoma and we feel that the legislative intent evidenced by Congress would permit use of our District Courts in the same way that County Courts have been used in the past.

There is some slight problem in regard to appellate procedures from the County Court to the District Court which we have had in the past. However, as you noted in your letter, the right to appeal has been preserved, the only thing is that the appeals are to be made to the Supreme Court in place of to the District Court. We also have statutes in this area which set up an Intermediate Court of Appeals and many of the cases that are appealed to the Supreme Court

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will be assigned back to the Intermediate Court of Appeals for final decision. These various statutes we feel adequately preserve the right of appeal to all restricted Indians and those others concerned in such cases.

We feel that all protective measures for Indians provided in federal statutes have been protected in the amendment to the Oklahoma Constitution regarding our judicial department and the statutes which have been enacted pursuant thereto. We believe that none of the changes in state law will change the services to the Indians which have previously been provided by the Oklahoma courts.

If we can be of further service to you in this matter, please feel free to call upon us. We have not made this letter in the form of an official opinion of this office since our legislation authorizes us to write formal opinions only to state officers, boards and commissions.

Sincerely,

G. T. Blankenship,
Attorney General.

Mr. HARRIS. Mr. President, I informed the chairman of the real property committee of the Oklahoma Bar Association, Howard Davis, of the above opinions. Subsequently I received a letter from the chairman notifying me that members of this committee and Dr. Joseph F. Rarick, professor of Indian land titles at the University of Oklahoma Law School were of the opinion that, because of concern by many lawyers of the State that action in a State district court might not be valid when the Federal statute vested jurisdiction in a county court, it would be advisable to again introduce a bill similar to S. 2716. I ask unanimous consent that the letter from Howard Davis with the enclosed letter from Dr. Rarick be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Kerr, Davis, Irvine & Burbage,
Oklahoma City, Okla., May 6, 1969.

Re Senate bill No. 2716 90th Congress.

Senator Fred R. Harris,
New Senate Office Building,
Washington, D.C.

Dear Senator Harris: Please refer to my letter of March 31, 1969 and your reply of April 8, 1969.

I have discussed the problem concerning court approval of Indian deeds and leases with most of the influential members of my committee, and find that they are unanimously of the opinion that only Congressional action could avoid serious doubt with respect to Indian deeds and leases approved by the District Court, at least until the matter has been litigated.

I have looked over Bill No. 2716 and think it would meet our needs, but I think it would be improved if it had a provision which would validate District Court approvals subsequent to January 13, 1969.

The position of the members of the Real Property Committee is very clearly set forth in the letter dated April 30, 1969 which I received from Dr. Rarick, copy of which is enclosed.

Yours very truly,

Howard Davis.

University of Oklahoma,
April 30, 1969.

Howard Davis, Esq.,
Chairman, Real Property Committee,
Oklahoma Bar Association,
Oklahoma City, Okla.

Dear Howard: I am enclosing some material relevant to the proposed act transferring to the district court powers bestowed upon Oklahoma county courts by Congress.

I am not prepared to suggest that Senator Harris has taken a position in his letter to you that is unsound. I am persuaded, however, that there is a segment of the bar which believes that only Congress can act effectively in this matter. This doubt will cause an additional segment of the bar to be cautious about approving titles based on district court action.

It is this division of opinion that is material. It was divisions of opinion about some things that led in part to the chaos that necessitated the curative acts of 1945 and 1947.

It is my guess that if Congress does not act soon in this matter that we have several prolonged and expensive suits before this doubt is finally laid to rest. The history of Indian land titles is replete with instances of uncertainty breeding litigation. In many cases Congress moved to solve these problems but only after much harm was done. I would hope that Congress would move quickly to prevent difficulty this time. Since the effective date of the change is now passed, the legislation should confirm action taken by a district court since the effective date of the act rather than being purely prospective in operation.

Sincerely yours,

Joseph F. Rarick,
David Ross Boyd, Professor of Law (Professor of Indian Land Titles).

Mr. HARRIS. Mr. President, in addition to these letters, I have received letters from the county bar association expressing concern over this problem and their belief that Federal legislation is necessary.

While I agree with the opinions of the Associate Solicitor for Indian Affairs and the attorney general of the State of Oklahoma, I recognize, as a lawyer, the wisdom in taking the action suggested by the real property committee and accordingly I introduce this bill today. It would be most unfortunate if lengthy and expensive litigation resulted from this problem.

Since the bill has an effective date of January 13, 1969, any uncertainty as to the validity of court proceedings from January 13, 1969, to date of passage of the bill will be eliminated.

The bill is noncontroversial, and I hope will be acted upon immediately by Congress.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2362), to amend certain Federal laws relating to the State of Oklahoma, introduced by Mr. Harris, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 2362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 23 of the Act of April 26, 1906 (34 Stat. 145) as amended by the Act of May 27, 1908 (35 Stat. 314), is amended by deleting "or a judge of a county court of the State of Oklahoma" and inserting in lieu thereof "or a judge of a district court of the State of Oklahoma".

Sec. 2. The Act of May 27, 1908 (35 Stat. 312), is amended by adding at the end thereof the following new section:

"Sec. 15. Wherever the term 'probate court' or 'county court' is used in this Act, such term shall mean the proper district court of the State of Oklahoma."

Sec. 3. (a) Section 7 of the Act of April 18, 1912 (37 Stat. 86), is amended by deleting "county court of Osage County, State of Oklahoma" and inserting in lieu thereof "district court of the State of Oklahoma having jurisdiction over the district within which is located Osage County".

(b) The Act of April 18, 1912 (37 Stat. 86), is further amended by adding at the end thereof the following new section:

"Sec. 12. Wherever the term 'county court' is used in this Act, such term shall mean the proper district court of the State of Oklahoma."

Sec. 4. The first section of the Act of August 4, 1947 (61 Stat. 731), is amended (1) by deleting "county court of the county in Oklahoma in which the land is situated; (b) that petition for approval of conveyance shall be set for hearing not less than ten days from date of filing, and notice of hearing thereon, signed by the county judge" and inserting in lieu thereof "district court of the State of Oklahoma of the district in which the land is situated; (b) that petition for approval of conveyance shall be set for hearing not less than ten days from date of filing, and notice of hearing thereon, signed by the district judge"; and (2) by deleting "(c) that the probate attorney shall have the right to appeal from any order approving conveyances to the district court of the county in which the proceedings are conducted within the time and in the manner provided by the laws of the State of Oklahoma in cases of appeal in probate matters generally, except that no appeal bond shall be required;".

Sec. 5. (a) Subsection (b) of section 2 of the Act of August 11, 1955 (69 Stat. 666), is amended by deleting "county court" and inserting in lieu thereof "district court of the State of Oklahoma".

(b) Subsection (c) of section 2 of the Act of August 11, 1955 (69 Stat. 666), is amended by deleting "county court for the county in which he, or she, resides for an order removing restrictions. If the Secretary issues an order removing restrictions without application therefor in accordance with the provisions of subsection (b) of this section, either the Indian affected or the board of county commissioners may apply to the county court for the county in which the Indian resides for an order setting aside such order," and inserting in lieu thereof "district court of the State of Oklahoma for the district in which he, or she, resides for an order removing restrictions. If the Secretary issues an order removing restrictions without application therefor in accordance with the provisions of subsection (b) of this section, either the Indian affected or the board of county commissioners may apply to the district court for the district in which the Indian resides for an order setting aside such order."

Sec. 6. Whenever any statute of the United States enacted prior to the effective date of this Act authorizes any subsequent action to be taken or approved by the county court or the judge of the county court, the term 'county court' therein shall mean in relation to the State of Oklahoma the district court of the State of Oklahoma.

Sec. 7. The provisions of this Act shall take effect as of January 13, 1969.

S. 2366—INTRODUCTION OF A BILL TO EXEMPT CERTAIN STATE-OWNED PASSENGER VESSELS FROM THE REQUIREMENT OF PAYING FOR OVERTIME SERVICES OF CUSTOMS OFFICERS AND EMPLOYEES

Mr. STEVENS. Mr. President, today I am introducing a bill to amend the Tariff

Act of 1930. The act provides that the operators of ferries shall be exempt from compensating the Customs Service for overtime pay to customs employees necessitated by service to ferries that operate on regular schedules at intervals of at least 1 hour. This provision is made in conjunction with the exemptions for service to the operators of tunnels, bridges, and highway vehicles. It seems clear that this provision is designed to aid in the operation of State-owned highway facilities for public service at points of entry into the United States.

The Tariff Act does not take into account the special circumstances of a noncontiguous State, such as Alaska. The ferries operated by the State of Alaska in its marine highway system are operated as a public service in much the same manner as bridges, tunnels, highway vehicles, and ferries are operated at other points of entry into the United States. Unlike other border service areas, the distance between points is great, yet the volume is not large enough to permit or require hourly service. Nonetheless, the service provided by the Alaskan marine highway is done on a regular schedule. The wording of the present law discriminates against operations between noncontiguous States and foreign nations merely because the existing law did not envision the admission of Alaska and Hawaii to the Union. The bill I am introducing today will correct this inequity and extend the level of Federal-State cooperation to the noncontiguous States.

Mr. President, I ask unanimous consent that the bill be printed at this point in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2366), to exempt certain State-owned passenger vessels from the requirement of paying for overtime services of customs officers and employees, introduced by Mr. Stevens, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 2366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) is amended—

(1) by inserting "(1)" after "shall mean" in the last sentence, and

(2) by inserting before the period at the end of the last sentence the following: ", and (2) a passenger service (including the service of transporting automobiles of passengers) operated with the use of vessels which are owned by a State and which arrive in the United States on regular schedules".

(b) The amendment made by subsection (a) shall take effect on the first day of the first month which begins after the date of the enactment of this Act.

S. 2367—INTRODUCTION OF A BILL TO CONTINUE THE OFFICE OF ECONOMIC OPPORTUNITY

Mr. JAVITS. Mr. President, I introduce today, with a number of cosponsors whose names I shall state in a moment, the President's request for an extension of the antipoverty program for an additional 2 years.

The names of the cosponsors are as follows:

Senators Prouty, Gravel, Percy, Mathias, Scott, Case, Cook, McGee, Pell, Ribicoff, Schweiker, Goodell, Boggs, Stevens, Baker, Hartke, Hart, Moss, Dodd, Muskie, Montoya, Pastore, Brooke, Tydings—as well as the chairman of the Labor and Public Welfare Committee, of which I am ranking member, the Senator from Texas (Mr. Yarborough); and the chairman of the Employment Manpower and Poverty Subcommittee, the Senator from Wisconsin (Mr. Nelson).

Mr. President, the authorization for fiscal year 1970 contained in the bill is $2,048 million. This compares with an appropriation of $1,948 million for fiscal year 1969. The provision in the Johnson budget was $2,180 million, accordingly, the authorization contained in the bill which I introduce is just about the in-between figure.

In his message to Congress on February 19, 1969, the President indicated that he would ask Congress that the authorization for appropriations be extended for 1 year. The President's message of June 2, 1969, indicating that a 2-year extension would provide a more stable environment in which to consider changes, represents a substantial and laudable commitment of the administration to aggressive and sustained attack on poverty.

As a result of our previous neglect, poverty has already claimed a tenure which will exceed the life of the Economic Opportunity Act under this or any other extension bill now before the Congress. The President and Director Rumsfeld have revealed the broad outlines of the new approaches. OEO will be an innovative agency, developing new knowledge about poverty, nuturing and evaluating new programs. In the areas of manpower, hunger, and health, community action agencies will play a crucial role in ensuring that the poor benefit from new initiatives undertaken by OEO, the Department of Labor, Agriculture, HEW, HUD, and other agencies. Programs which encourage entrepreneurship and community stability, such as the economic opportunity loan and special impact programs, will be strengthened. Volunteers will be encouraged to participate in antipoverty efforts. If these sound approaches are to be translated into effective realities a 2-year extension is clearly required. Innovation, experimentation, and evaluation cannot be effectively conducted with only a 1-year tenure. Administration initiatives and programs to provide an opportunity for jobs for our citizens and to eliminate hunger look years into the future and require a sustained involvement by community action agencies. Individual volunteers, those who administer the poverty program, and business and financial institutions will more willingly lend their efforts in the security that their commitments of time are paralleled by those of the administration and the Congress through extension of the program. I am very proud to introduce this bill on the part of the administration.

The President has given OEO a new directive. The amendment which I introduce today would give the poverty program a new tenure. But as the President has indicated, it will be up to the administration and the Members and committees of the Congress to give further definition to the poverty program in the coming weeks and months. Difficult questions await us: Is the authorization contained in this bill for fiscal year 1970 adequate to provide the momentum for the administration's renewed attack on poverty or should a reevaluation of priorities dictate a general authorization, so that the Congress will have the flexibility to meet crucial needs as they arise? Are advance funding and earmarking provisions required to insure additional stability and effectiveness?

Can the States and localities exercise a greater role without hamstringing the independence of OEO? What shall be the form and extent of new efforts under the Economic Opportunity Act to eliminate hunger and malnutrition, to insure opportunities in day care and child development, health services, manpower training and legal services, and financial assistance for our urban, rural, and migrant poor?

The bill which I introduce today will give the war against poverty a new life; it will be incumbent upon all of us to give it new meaning. As author Samuel Johnson observed centuries ago: "A decent provision for the poor is the true test of civilization."

I urge acceptance of the President's recommendation that the Economic Opportunity Act be extended for 2 years and ask unanimous consent that the text of this bill to effect that extension be printed in the Record; as well as a memorandum summarizing the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record together with the summary.

The bill (S. 2367), to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, introduced by Mr. Javits (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 2367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying out programs under the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated $2,048,000,000 for the fiscal year ending June 30, 1970, and such amounts as may be necessary for the fiscal year ending June 30, 1971.

Sec. 2. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu thereof "1969". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu

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thereof "June 30, 1969, and the three succeeding fiscal years".

The material, presented by Mr. JAVITS, follows:

> The bill would amend the Economic Opportunity Act of 1964 to authorize an appropriation of $2,048,000,000 for the fiscal year ending June 30, 1970, and "such amounts as may be necessary for the fiscal year ending June 30, 1971." Without amendment, the authorization would expire this June 30. The amendment would also extend the Act for two years beyond its expiration on June 30, 1970.

Mr. NELSON. Mr. President, I have been asked to join as a cosponsor of the administration bill being introduced today which would extend the Office of Economic Opportunity for another 2 years beyond the present expiration date of June 30, 1969.

As a bipartisan gesture, I am glad to add my name to the list of sponsors. Many of us are pleased at the administration's willingness to reconsider its earlier position and request a 2-year extension. This should narrow the differences considerably and set the stage for approval of a genuine bipartisan bill in the Senate Subcommittee on Employment, Manpower, and Poverty, of which I have the honor to serve as chairman. We are planning to hold executive sessions on June 20, 25, and 26 to seek approval of a revised bill.

Ever since the beginning of this session of Congress in January, those of us who are deeply concerned about the problems of poverty and hunger in this country have anxiously awaited the recommendations of the new administration in this area.

Early in the year there was considerable speculation to the effect that the administration would virtually abandon the war on poverty or make drastic cutbacks in the various programs which have been developed over the past 4 years to deal with the poor, the hungry, and the disadvantaged.

On February 4, 1969, Senator YARBOROUGH, as chairman of the Senate Labor and Public Welfare Committee; Congressman PERKINS, as chairman of the House Committee on Education and Labor, and I sent a letter to Mr. Daniel Patrick Moynihan in the President's office expressing our concern about such reports. We said at that time:

> We are well aware ourselves of certain administrative improvements which could be made in the War on Poverty, and we are most anxious to work with the Administration in taking corrective steps which seem to be timely and wise. But we are concerned that precipitate action would cause needless bitterness and misunderstanding.

We were considerably relieved on February 19 when the President announced that he was embracing the basic goals of the Office of Economic Opportunity and was recommending that it be extended in its present form for an additional year.

No legislation was introduced to carry the administration's request of February 19 so, after careful consideration of the matter, I introduced a bill, S. 1809, on April 15, 1969. This bill has been thoroughly discussed at a series of public hearings which began on April 23, and is now ready for executive action by the Subcommittee on Employment, Manpower, and Poverty.

When I introduced S. 1809, I emphasized that it was an effort to present a bill to extend the Office of Economic Opportunity in such a way as to merit broad bipartisan support. As I explained at that time, I could find almost no one familiar with the present antipoverty program who would endorse only a 1-year extension. It seemed to be extremely important that the program be extended for at least 2 years and also that authorization be provided for the concept known as "forward funding," so that funds could be committed at least 1 year in advance. Consequently I proposed a 3-year extension.

S. 1809 would authorize appropriations of $2,180 million per year for the Office of Economic Opportunity and the programs for which it is responsible. The administration bill would authorize appropriations of $2,048 million but only for the first year. The difference between these funding levels is largely in the $100 million cut which the administration has made in the Job Corps and $36 million cut in the neighborhood youth program. Those most concerned about the problems of poverty in America are pleased that the administration has decided to request a full 2-year extension.

There still are some significant differences between the bill which our subcommittee has been considering and the administration bill. We are most anxious to work out a bipartisan resolution of these differences over the next 2 or 3 weeks and act promptly on a bill to extend this program so that it does not suffer from uncertainty during the summer months.

The administration has itself expressed interest in some of the features which are included in the bill, S. 1809.

The most important feature contained in S. 1809 which is not contained in the administration bill is a major expansion of the emergency food and medical services program now operated under OEO. This program is presently funded at the level of about $17 million a year. In our bill we propose a funding of $1 billion a year.

The pilot program of emergency food and medical services has so far been limited largely to a few rural areas. OEO has learned through this program that there is a tremendous job to do in reaching the poorest of the poor and the hungriest of the hungry and enabling them to qualify for the regular programs intended to benefit them such as the food stamp program and the commodity distribution program. The OEO is ideally suited to coordinate an interdepartmental war on hunger bringing together its own resources with those of the Department of Health, Education, and Welfare and the Department of Agriculture. The more than 900 community action agencies located throughout the Nation are the ideal agencies to serve as local offices in this effort to locate and assist poor and hungry families who are not now reached by the food stamp and commodity distribution program and school lunch programs.

The administration has recommended improvements in those programs. The Select Committee on Nutrition and Human Needs, chaired by Senator MCGOVERN, has made a number of excellent recommendations in those same areas. However, even if there is a major improvement in the food stamp and commodity distribution and school lunch programs, we still need a major expansion of the emergency food and medical services program of OEO if these programs are ever to be completely successful.

We were pleased when the new Director of OEO, Mr. Rumsfeld, testified before our committee:

> The OEO is in the process of developing a considerably expanded role for the OEO not only in areas of hunger and malnutrition but also in the areas of potable water and sanitation. . . . It is intended . . . to dramatically step up the involvement of Community Action Agencies and VISTA and the Emergency Food and Medical Services program to perform this very important outreach activity that you highlighted in your comment.
>
> The Community Action Agencies . . . can play an important role because they are in contact with the individuals who need the services and who we are anxious to see have the services.

Mr. Rumsfeld testified:

> The President's position is that people in this country should not go hungry and should not be without the nutrition that they need for development.

The urgent need for a number of bold and immediate steps to fight hunger has been dramatically demonstrated in testimony before our subcommittee.

Mr. Robert Choate, a former consultant on hunger to the Department of Health, Education, and Welfare, has testified that of the 25 million or more poor people in this country, less than 6 million are served by the food stamp and commodity distribution programs combined. Mr. Choate has testified that there are at least 5 million people in the United States who suffer from severe hunger and another 10 million who suffer from malnourishment. Mr. Choate testified "that it is quite probable that approximately 3,000 infants die per year from malnutrition related causes in this country," and that he thinks the figure is actually much larger than that.

Dr. Jack Geiger of the Tufts Medical College in Boston, Mass., who operates an OEO financed medical clinic in Bolivar County, Miss., testified that 13 percent of the households in this county reported in a survey that they ate only one meal a day. He said:

> We found people trying to subsist on pecans, nuts, and hunting rabbits and fishing, with corn syrup as a basic diet. Seventy percent of the county has no water supply at all. Most of it has no safe water supply of any kind.

Dr. Geiger testified regarding a series of tests given to disadvantaged in Bolivar County which indicated that they were suffering from severe mental and physical deterioration because of malnutrition.

Obviously we need immediate, massive assistance to reach the most serious hunger problems in this Nation. We cannot wait for 1971 or 1972. Children are starving and they must be fed at once or America cannot live with its conscience. The OEO emergency food and medical services program is one way to attack this problem immediately, both at the national and local level. I hope that we will have the support of the administration for such immediate action.

There are other areas which must also be reconciled.

The extremely detailed audit of the OEO conducted by the General Accounting Office made as its number one recommendation the suggestion that a strong coordinating and evaluating agency be established in the White House to oversee all Federal programs relating to poverty—a total of almost $27 billion in Federal spending compared with only about $2 billion for the OEO. I have provided for such a proposal in S. 1809. The administration has made no firm recommendation in this area, but has indicated their willingness to consider it. Mr. Rumsfeld testified:

> I would have to agree completely with you that there is a need for the functions that the present statute outlines for the Economic Opportunity Council to be performed somewhere. There is a need for greater coordination. There is a need for greater evaluation of these programs and the total effect of Government throughout the Departments on these problems.

We hope the administration will support some form of independent coordinating and evaluating agency, to bring together the Government-wide effort to eradicate poverty and to provide the detailed systematic evaluation of OEO and other antipoverty programs, which the Congress has so long desired.

Overwhelming support has been expressed before our committee for the concept of "forward funding," now firmly established in our education programs and just as greatly needed in our various antipoverty programs. No single problem is as universally cited by antipoverty workers at the national and local level as the problem of inability to commit funds far enough in advance to permit sensible planning and efficient administration. I am certain that the administration will want OEO programs to be operated with the greatest possible degree of efficiency and that it will come to see the necessity of forward funding authorization.

S. 1809 would also provide funds to implement a program of day-care centers which testimony before our committee indicates is very seriously needed throughout the country, particularly if we are to find training opportunities and jobs for mothers with young children.

S. 2368—INTRODUCTION OF A BILL TO ESTABLISH A NATIONAL INSTITUTE OF BUILDING SCIENCES

Mr. JAVITS. Mr. President, I introduce today, for appropriate reference, a bill to establish a National Institute of Building Sciences. I am joined in sponsoring this bill by Senators BROOKE, GOODELL, MONDALE, NELSON, PACKWOOD, SCOTT, TOWER, and TYDINGS.

The establishment of such an institute will carry out recommendations contained in the reports of both the Douglas and Kaiser Commissions—national commissions which intensively studied the problems of urban housing.

The absence of an authoritative national source to advise the housing industry and local authorities as to the latest technological developments in building materials and construction techniques and to propose nationally acceptable standards for local building codes has proven to be a great obstacle to efforts to meet the national housing goals set forth in the Housing and Urban Development Act of 1968. Moreover, the lack of a system of uniform building code standards increases the cost of construction and inhibits innovation in building techniques. The resulting fragmentation in the housing industry is clearly not in the public interest.

This bill will establish a nongovernmental nonprofit corporation with a 15-man board of directors selected by the President from lists submitted by the National Academy of Sciences and the National Academy of Engineering. The directors will be selected so as to represent a wide variety of interests throughout the building industry and the National Academies will advise and assist establishing the Institute.

Among the powers and duties of the proposed National Institute of Building Sciences would be to develop and publish standards affecting all building materials; to develop and publish standards for use in local building codes; to promote and coordinate tests and studies of new building products and construction techniques; to provide research and technical services with respect to such materials and techniques; and, to assemble and coordinate to the extent practicable all present activities in this area.

The bill I introduce would authorize a $5 million Federal appropriation for each of the first 5 years of operation of the Institute. After that, it is hoped that the Institute will be largely self-supporting through fees and grants, although sufficient Federal funds are authorized to permit its operations to continue.

The need for such an authoritative national source of applied research in housing has been recognized by such groups as the American Institute of Architects and the Council of Housing Producers. It is recognized that the fragmentation in the housing industry—including the fragmentation caused by the multitude of differing local building codes and the differences in their application—must not be allowed to obstruct the development of new technologies and a mass market for the construction of low-cost housing and must not be allowed to defeat the national housing goals. Moreover, I believe that the establishment of this Institute can be of assistance to the current commitment of the Department of Housing and Urban Development to promote the development and institution of new low-cost housing technologies.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2368), to establish a National Institute of Building Sciences, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 2370—INTRODUCTION OF A BILL TO AMEND THE FOOD STAMP ACT OF 1964, AS AMENDED

Mr. AIKEN. Mr. President, I am very happy today to introduce, on behalf of Senators YOUNG of North Dakota, COOK, CURTIS, PEARSON, and DIRKSEN, the administration's proposal to strengthen and expand the food stamp program and make it the kind of program it should be. Members of this body will remember that, with Senator YOUNG and others, I have worked for the food stamp program for over 25 years, or ever since 1943.

The food stamp approach to improved nutrition has always been my idea of the best and most effective way to improve nutrition among our low-income families. The existing program has not been good enough. We have asked families to pay more for coupons than they have really been able to afford. And the coupons they have bought together with those given as a bonus have not been enough to provide the necessary purchasing power for an adequate diet.

The proposal which I introduce today will bring this program in line with what I have wanted for many years.

This is what the bill will do:

First. No family will pay more than 30 percent of its income for food coupons and the poorest families will pay less.

Second. The total amount of food coupons issued will be enough to provide an adequate diet.

Third. Families in extreme poverty will receive coupons without charge.

Fourth. Uniform national eligibility standards will be established.

Fifth. States will be required by 1970–71 to operate either a food stamp or commodity donation program in every political jurisdiction within the State.

Sixth. Require State and local welfare agencies to make an effective outreach to bring in as many eligible families as necessary. This outreach drive will receive some Federal assistance.

Seventh. Require States to establish a fair hearing procedure for households with grievances. Some Federal assistance will also be provided for this.

Eighth. If public assistance households wish to do so, they may have the purchase requirement charge deducted from welfare checks.

Ninth. Authorize, in certain circumstances, the operation of both a food stamp and a commodity donation program in the same area.

We have studied and probed hunger and malnutrition extensively for many years. It is now time to act. I urge prompt action so we can get on with the practical job of improving nutrition.

Mr. President, I know there are other Senators who would gladly have sponsored this proposal. I have not been able to get in touch with some who I think would probably like to be sponsors, but in view of the advisability of acting upon it promptly, I am offering it today. I ask unanimous consent that the bill be printed in the Record, together with a section-by-section analysis; and, if other Senators wish to be cosponsors later, I shall ask that their names be added.

The VICE PRESIDENT. The bill will be received and appropriately referred, and, without objection, the bill and section-by-section analysis will be printed in the Record.

The bill (S. 2370) to amend the Food Stamp Act of 1964, as amended, introduced by Mr. Aiken, for himself and other Senators, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 2370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 2 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"It is hereby declared to be the policy of Congress, in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, local governmental units, and other agencies to safeguard the health and well-being of the Nation's population and raise levels of nutrition among low-income households. The Congress hereby finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households. The Congress further finds that increased utilization of foods in establishing and maintaining adequate national levels of nutrition will promote the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To alleviate such hunger and malnutrition, a food stamp program is herein authorized which will permit low-income households to purchase a nutritionally adequate diet through normal channels of trade."

Sec. 2. Subsections (a) and (b) of Section 4 of the Food Stamp Act of 1964, as amended, are amended to read as follows:

"(a) The Secretary is authorized to formulate and administer a food stamp program under which, at the request of the State agency, eligible households within the State shall be provided with an opportunity to obtain a nutritionally adequate diet through the issuance to them of a coupon allotment which shall have a greater monetary value than the charge to be paid for such allotment by eligible households. The coupons so received by such households shall be used only to purchase food from retail food stores which have been approved for participation in the food stamp program. Coupons issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

"(b) In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder may be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted because of a disaster; (2) on request of the State agency, for such period of time as the Secretary determines necessary, to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by a food stamp program; or (3) on request of the State agency if the State agrees to finance, from funds available to the State or political subdivisions thereof, all of the costs, subsequent to the delivery of such foods within the State, of handling, storing and issuing federally donated food to eligible households in the area."

Sec. 3. Section 5 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(a) Except for the temporary participation of households that are victims of a disaster as provided in subsection (b) of this section, participation in the food stamp program shall be limited to those households whose income and other financial resources are determined to be substantial limiting factors in permitting them to purchase a nutritionally adequate diet.

"(b) The Secretary, in consultation with the Secretary of Health, Education and Welfare, shall establish uniform national standards of eligibility for participation by households in the food stamp program and no plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary. The standards established by the Secretary, at a minimum, shall prescribe the amounts of household income and other financial resources to be used as criteria of eligibility: *Provided,* That the Secretary may also establish temporary emergency standards of eligibility, without regard to income and other financial resources, for households that are victims of a disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that commercial channels of food distribution have again become available to meet the temporary food needs of such households."

Sec. 4. Subsections (a) and (b) of Section 7 of the Food Stamp Act of 1964, as amended, are amended to read as follows:

"(a) The face value of the coupon allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet.

"(b) The maximum amount which State agencies shall be authorized to charge any eligible household for the coupon allotment issued to it shall not exceed 30 per centum of the household's income: *Provided,* That coupon allotments may be issued without charge to households with little or no income or other financial resources under standards of eligibility prescribed by the Secretary."

Sec. 5. Subsection (e) of Section 10 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"The State agency of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State, the political subdivisions within the State in which the State desires to conduct the program, and the effective dates of participation by each such political subdivision. In addition, such plan of operation shall provide, among such other provisions as may by regulations be required, the following: (1) the specific standards to be used in determining the eligibility of applicant households; (2) that the State agency shall undertake the certification of applicant households in accordance with the general procedures and personnel standards used by them in the certification of applicants for benefits under the federally aided public assistance programs; (3) safeguards which restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; (4) for the submission of such reports and other information as from time to time may be required; (5) that the State agency shall undertake effective action, including the use of services provided by other federally funded agencies and organizations, to inform low-income households concerning the availability and benefits of the food stamp program and insure the participation of eligible households; and (6) for the grant ing of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of a State agency under any provision of its plan of operation as it affects the participation of such household in the food stamp program. Upon the joint approval of the Secretary and the Secretary of Health, Education, and Welfare the State plan may provide for withholding the amount to be paid by a household for its coupon allotment from any payment made by the State agency to such household under a federally aided public assistance program, if such withholding is authorized by such household. In approving the participation of the subdivisions requested by each State in its plan of operation, the Secretary shall provide for an equitable and orderly expansion among the several States in accordance with their relative need and readiness to meet their requested effective dates of participation."

Sec. 6. Subsection (b) of Section 15 of the Food Stamp Act of 1964 as amended, is amended to read as follows:

"(b) The Secretary is authorized to pay to each State agency an amount equal to 50 per centum of the sum of: (1) the direct salary, travel, and travel-related cost (including such fringe benefits as are normally paid) of personnel, the immediate supervisors of such personnel, for such time as they are employed in taking the action required under the provisions of subsection 10(e)(5) of this Act and in making certification determinations for households other than those which consist solely of recipients of welfare assistance; (2) the direct salary, travel, and travel-related costs (including such fringe benefits as are normally paid) of personnel for such time as they are employed as hearing officials under section 10(e) of the Act, and (3) an amount equal to 25 per centum of the cost computed under (1) and (2)."

Sec. 7. Section 16(a) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"To carry out the provisions of this Act, there is hereby authorized to be appropriated not in excess of $315,000,000 for the fiscal year ending June 30, 1969, $610,000,000 for the fiscal year ending June 30, 1970, such sums as the Congress may appropriate for the fiscal years ending June 30, 1971, June 30, 1972 and June 30, 1973, and not in excess of such sum as may hereafter be authorized by Congress for any subsequent fiscal year. Sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for the purposes of this Act until expended. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotment shall be transferred to and made a part of the separate account created under section 7(d) of this Act. This Act shall be carried out only with funds appropriated from the general fund of the Treasury for that specific purpose and in no event shall it be carried out with funds derived from permanent appropriations."

SEC. 8. State plans of operation approved by the Secretary of Agriculture under the Food Stamp Act of 1964, as amended, prior to the date of the enactment of amendments thereto by this Act shall continue in effect until such plans are changed to accord with such amendments: *Provided,* That no such previously approved plan shall remain unchanged for more than 180 days after the enactment of such amendments.

SEC. 9. (a) Notwithstanding any other provision of law, the Secretary of Agriculture, after June 30, 1970, shall not approve, or continue the approval of, the participation of any State in the food stamp program or the program for the distribution of federally donated foods to households unless the State makes provision for the operation of one of such programs in each political subdivision within such State: *Provided,* That the Secretary of Agriculture may extend the period for compliance with this section to June 30, 1971, upon notification by the Governor of any State that State legislative action is required to provide authority or funds to meet the requirements of this section and that the legislature of such State will not convene in regular session between the date of enactment of this Act and June 30, 1970: *Provided further,* That federally donated foods may be made available, under terms and conditions prescribed by the Secretary of Agriculture, to meet temporary emergency food needs of disaster victims of those States not approved in accordance with this section for participation in the food stamp program or the program for the distribution of federally donated foods to households.

(b) In making provision in accordance with subsection (a) of this section for operation of a food stamp program in any political subdivision, the State shall provide for the distribution of federally donated food to households in such political subdivision until the request by the State agency for the food stamp program in such political subdivision has been approved by the Secretary of Agriculture in accordance with the requirements of section 10(e) of the Food Stamp Act of 1964, as amended, relating to the equitable and orderly expansion of the food stamp program among the several States.

The section-by-section analysis, presented by Mr. AIKEN, follows:

SECTION-BY SECTION ANALYSIS

SECTION 1

This section of the bill amends section 2 of the Food Stamp Act of 1964, as amended.

While retaining the original policy of the Act that the Nation's abundance of food should be utilized to raise levels of nutrition among low-income households, the amendment changes the Declaration of Policy to reflect the finding of Congress that the limited food purchasing power of low-income households contributes to hunger and malnutrition. It also changes the current general purpose of the Act from that of "raising levels of nutrition" to that of enabling eligible households "to purchase a nutritionally adequate diet."

SECTION 2

This section of the bill revises subsections (a) and (b) of section 4 of the Act.

Subsection 4(a) of the Act sets forth a general description of the food stamp program authorized by the Act. The proposed amendment, by deleting the words "more nearly" from the first sentence of the subsection, will authorize the Secretary to formulate and administer a food stamp program which will provide eligible households with an opportunity to obtain a nutritionally adequate diet, rather than one which merely approaches this goal. Other provisions of the subsection remain unchanged.

The revisions in subsection 4(b) continue current authorities to temporarily operate a commodity distribution program in a food stamp area when a natural or other disaster disrupts commercial food distribution channels. The subsection contemplates that, in the event of such a disaster, federally donated commodities may be used to assist in mass feeding of households that are victims of the disaster and, when necessary, for distribution to individual households in the immediate aftermath of such a disaster until commercial food distribution facilities are again operating and the households have access to them.

In some disaster situations, commercial food distribution channels may become operative and available in some sections of a food stamp area before they are available in others. Therefore, revisions are also proposed in section 5 of the Act to authorize temporary food assistance through the food stamp program to households that are victims of a disaster, if and when such action is feasible. Thus, flexibility is provided in making the most effective use of Federal resources to provide emergency food assistance to households when disasters disrupt commercial food distribution facilities or prevent disaster victims from temporary access to such facilities.

The bill also amends subsection 4(b) to authorize the simultaneous operation of both the food stamp and commodity distribution programs in the same political subdivision in other than temporary situations caused by natural or other disasters when commercial food distribution facilities are disrupted. At the request of the State agency, such simultaneous operations can be authorized during the period deemed necessary (the initial months) to effect an orderly transition from the Commodity Distribution Program to the Food Stamp Program. During such a transition period, Federal payments would be available to help finance within-State administrative costs to the same extent such Federal payments are now, or may be, authorized under each of the two programs. If the State agency requests simultaneous operation for a period of time beyond that deemed necessary for an orderly transition to a stamp program, or if the State agency wishes to institute the Commodity Distribution Program in an existing food stamp area, the full cost of handling and issuing the commodities in the food stamp area would be at the expense of the State agency or the local government unit.

SECTION 3

This section of the bill revises section 5 of the Act.

The proposed amendment retains the concept that the food stamp program shall be limited to households whose income and resources are substantial limiting factors in the attainment of a nutritionally adequate diet. However, unlike the current Act which provides that maximum income limitations shall be consistent with those used by the State agency in the administration of its federally aided public assistance programs, the amendment directs the Secretary of Agriculture, in consultation with the Secretary of Health, Education and Welfare, to establish, from time to time, new uniform national standards of eligibility. At a minimum, these new uniform standards will include the amounts of income and other financial resources to be used as eligibility criteria for households of various sizes. The Secretary would also be authorized to establish eligibility standards to meet the temporary food needs of households through the food stamp program when such households have been victims of disasters which have disrupted commercial food distribution facilities if such facilities have again become available to meet these temporary needs.

SECTION 4

This section of the bill revises section 7 of the Act.

Subsection 7(a) of the Act would be amended to provide that the value of the total coupon allotment to be issued to eligible households will be equal to the cost of a nutritionally adequate diet, as determined by the Secretary.

Subsection 7(b) of the Act also would be changed to provide a new basis for determining the charges to be made (the purchase requirements) for coupon allotments. Unlike the present Act, which provides that households shall be charged an amount determined to be equivalent to their normal expenditures for food, the proposed amendment directs the Secretary to limit such charges to an amount not in excess of 30 percent of income.

Under the revised language it is intended that an increasing percentage of income will be charged as the income of the household increases but that no household will be charged more than the maximum of 30 percent of its income specified in the amendment. Compared with the current level of coupon charges, the revised system would provide relatively larger reductions in coupon charges for those eligible households with the lowest incomes, among whom the incidence of hunger and serious malnutrition is considered to be most prevalent.

The revised language of subsection 7(b) of the Act also authorizes the issuance of coupon allotments without charge to households with little or no income, under standards of eligibility determined by the Secretary. It is expected that, currently, these income standards of eligibility for free coupons will be set at a level of about $30 in monthly income for a household of four members.

SECTION 5

This section of the bill revises subsection 10(e) of the Act.

While retaining all of the existing minimum provisions to be included in the plan of operation to be submitted by a State agency which desires to participate in the program, the proposed amendment adds two new requirements, as well as language which will permit households to authorize the withholding of coupon purchase requirements from their public assistance payments.

New language added by the amendment would place a positive responsibility upon the State agency to take effective action to inform low-income people about the program and to encourage the participation of eligible households. In undertaking such outreach actions, the State agency would be required to utilize the resources of other federally funded agencies such as those financed under the Economic Opportunity Act, as amended.

State plans of operation also would be required to include provisions under which the State agencies will grant fair hearings to households aggrieved by action of the State agencies.

The revised language also provides that, with the approval of the Secretary of Agriculture and the Secretary of Health, Education and Welfare, a State agency may establish a system under which a food stamp household may elect to have its charge for the coupon allotment withheld from its public assistance check. The State agency could then automatically mail the monthly coupon allotment to certified public assistance households. State agencies may now issue coupons by mail but households must remit coupon charges to the State agency each month before the coupons can be mailed.

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SECTION 6

This section revises subsection 15(b) of the Act.

The revised language will continue to provide for Federal payments to assist States in the costs they incur in the certification of non-welfare households. Federal payments now are available to pay a portion of the salary and travel costs of merit system caseworkers (and their immediate supervisors) used to make certification determinations in the local counterpart offices of the State welfare agency. The new language will provide Federal payments to assist States in the salary and travel costs incurred by personnel who undertake the outreach actions required under the new subsection 10(e)(5) and those who act as hearing officials under the new requirement for a State fair hearing procedure. It is deemed to be in the interest of the program to recognize the additional costs to States in insuring that there is a prompt and equitable system under which households can appeal State and local decisions concerning their program eligibility or basis of participaton.

SECTION 7

This section of the bill revises subsection 16(a) of the Act.

The proposed amendment provides for appropriation authorities for the program through the fiscal year 1973. It also authorizes any portion of the sums appropriated for any fiscal year which are not expended in that fiscal year to remain available until expended.

SECTION 8

This section of the bill does not amend the Food Stamp Act of 1964, as amended. It provides for a period, not to exceed six months, in which existing State plans of operation may remain in effect while changes required in the plans by the proposed amendments are being made by the State agencies and the Federal Government. It is expected that State agencies will be able to carry out some changes in their plans of operation before others. In such cases these changes can be put into effect as soon as they have been approved in accordance with the provisions of section 10 of the Act.

SECTION 9

This section of the bill does not amend the Food Stamp Act of 1964, as amended.

Section 9 establishes a new requirement that each State shall provide for the operation of a food stamp or commodity distribution program in each of its political subdivisions of USDA food assistance is to be supplied to any of its low-income households. States will have until June 30, 1970, to meet the requirements of this section, or until June 30, 1971, if the Governor of any State notifies the Secretary of Agriculture that State legislative action is necessary to enable the State to meet this requirement and that the State Legislature will not convene in regular session by June 30, 1970. In the meantime, the Department will continue its plan to use all available alternatives to insure that every county will be committed to the operation of a USDA family food program by June 30, 1970.

However, the failure of a State to elect to participate in such USDA food programs will not preclude the continued use of federally donated foods to meet the emergency food needs of victims of natural or similar disasters in such a State.

It is contemplated that, over the period of the next few years, the Food Stamp Program will progressively replace the Commodity Distribution Program for households. Section 10(e) of the Food Stamp Act of 1964 authorizes the Secretary of Agriculture to approve new areas for the Food Stamp Program under a plan which, among other things, provides for the equitable and orderly expansion of the program among the several States. In the event that the sum appropriated for the program in any fiscal year is not sufficient to approve all new areas requesting participation, States will be required to operate a Commodity Distribution Program for households in such areas until their participation in the Food Stamp Program can be approved.

S. 2371—INTRODUCTION OF THE PREVAILING WAGE RATE DETERMINATION ACT OF 1969

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill entitled the "Prevailing Wage Rate Determination Act of 1969." Its purpose is to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees.

Because the number of wage board employees exceeds 765,000, this bill is of vital concern to one-fourth of all employees of the Federal Government. It directly affects their wages, their own individual rights and obligations as well as the rights and obligations of their union representatives who are bargaining for them and who represent them on the various wage board committees established by this bill.

Basically, my bill is intended to bring order and system out of the chaotic situation which now exists in the Federal Government's procedures for fixing the rates of pay of employees working under the so-called prevailing wage rate system. The information which I have been receiving for some time showed such a great discrepancy between rates of pay for wage board employees performing the identical functions and working in the same community that I found that the presumption of serious inequity and injustice could not be excluded.

This bill would reduce such a possibility of inequity.

While remedying abuses, the bill will preserve, nonetheless, the concept and procedures of the "prevailing wage" system. It thus is not a modification of the wage board system itself but simply a measure to eliminate injustice and inequity by providing new mechanisms to establish basic regulations, to conduct wage surveys and to adjudicate or arbitrate differences.

The most important single improvement in my bill over the present arrangement is that it will give a statutory foundation to improved procedures for wage board rate determinations. The principal instrumentality provided by the bill to assure that such a policy is pursued is a newly created standing committee within the Civil Service Commission, to be known as the National Wage Policy Committee.

Composed of 11 members, the National Wage Policy Committee will have as its Chairman a person who shall be from outside the Federal service and who shall be appointed directly by the President and shall hold no other office in the Federal service during his tenure as Chairman.

To assure that the Chairman is objective, my bill provides that he will serve exclusively at the pleasure of the President of the United States and that his compensation will be $75 for each day spent in the work of the policy committee.

In addition, the policy committee will have five Federal employee union representatives and five management representatives.

The Federal employee union representatives will be appointed as follows:

Two by the President of the AFL–CIO; and one each appointed respectively by the President of the Federal employee union representing the first largest, the second largest, and the third largest number of Federal employees subject to this act.

The five employer representatives shall be appointed to the National Wage Policy Committee as follows:

Two management representatives will be appointed by the Secretary of Defense, at least one of whom shall be appointed on a rotational basis for a period of 2 years from the Department of the Army, the Department of the Navy, and the Department of the Air Force;

One management representative from the Veterans' Administration will be appointed by the Administrator of Veterans' Affairs;

One management representative from the Civil Service Commission will be appointed by the Chairman of the Civil Service Commission; and

One management representative will be appointed, on a rotational basis for a period of 2 years, by the Chairman of the Civil Service Commission from Federal agencies which are leading employers of employees subject to this act.

In addition to establishing the National Wage Policy Committee, my bill will require each Federal Department or independent agency designated by the National Wage Policy Committee to establish an Agency Wage Committee, composed of five members. The role of the Agency Wage Committee will be to assure the implementation within the agency of the wage surveys through the functioning of the local wage survey committees.

A most important feature of my bill is the inclusion under its wage rate system of all employees who are now paid from so-called nonappropriated funds. These employees will no longer be considered outsiders to the wage board, or prevailing wage rate system. They will be assured equity and justice in the same manner as if they were receiving their pay from appropriated funds. Certainly, it is improper that an employee should receive less money for his work simply because his employer or manager draws his checks on a different bank account.

As with all legislation, I realize that this bill may emerge in somewhat different form when it is finally enacted. However, on the basis of my experience, I am sure that the final statute will not be very much different in its essentials than the bill which I introduced today.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2371), to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 2372—INTRODUCTION OF A BILL TO AUTHORIZE IMPROVEMENT OF THE ALASKA HIGHWAY

Mr. METCALF. Mr. President, on behalf of the junior Senator from Alaska (Mr. Gravel), I introduce, for appropriate reference, a bill to authorize the appropriation of funds for the improvement of the Al-Can Highway, and ask unanimous consent that a statement by Senator Gravel be printed in the Record at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

Statement by Senator Gravel

Mr. Gravel. Mr. President, I introduce for appropriate reference on my own behalf and on behalf of several senior colleagues a bill to authorize the paving and general improvement of a substantial portion of the Alaska Highway. For many years now there has been a pressing need to link Alaska through a viable and modern overland route with the so-called lower 48 states. There can be little doubt that a paved road, even a partially paved road would result in substantial economic benefit to Alaska, to the Northwestern portion of the lower 48 and to Canada. With national interest in Alaska growing rapidly, tourism already represents a major segment of the Alaskan economy. With a paved highway increasing access to the state, tourism will be an even larger segment of the Alaskan economy in the years ahead.

In addition there will be measurable benefits to commercial carriers, who, like private motorists and casual tourists, will find that a paved road makes for a much cheaper run to and from the state, a run cheap enough to be really feasible and thus to sustain a much heavier flow of commercial traffic.

As my distinguished predecessor, the late Senator Bartlett, observed in commenting on the Inter-American highway in Panama built at a cost of some $35 million to the United States, "If it makes good sense to link the United States and the nations of Central America with a road, if it makes good sense to help governments of these nations by helping build a highway, then it makes eminent good sense to build a better road linking one of our states with another. It makes eminent good sense to help build a toll-free road which will help develop not only our good neighbor to the North but our Northernmost state as well."

In order to encourage Canadian participation in paving the highway, my bill sets up an 80–20 formula for meeting the costs of improvement; that is, that 80% be borne by the U.S. and 20% be borne by Canada. The bill proposes in addition that Canada undertake the general maintenance of the road and the guarantee of rights-of-way.

I would also point out that the bill I am introducing today, in a responsible attempt to meet the immediate needs of the United States, calls for the paving of a particularly vital segment of the highway rather than for the paving of the entire length; this will result, necessarily, in a much lower cost to both countries, but will at the same time establish a precedent for the ultimate improvement of the full length of the road. The paved portion would run from Whitehorse, in the Yukon Territory, over a span of some 300 miles to the Alaska border, from which point the highway is already completely paved both in the direction of Fairbanks and in the direction of Anchorage; also included in the authorization is the paving of the so-called Haines Cut-off, a 160-mile span which will link Haines Junction in the Yukon Territory with Southeastern Alaska and the Marine Highway.

It will thus be possible for a person to drive from Portland, Oregon or Seattle, Washington to Anchorage or Fairbanks without driving even a mile over gravel roads. The 300-mile link from the border to Whitehorse will represent about 30% of the total unpaved portion between Dawson Creek, coming up from Montana, and the Alaska Border in the far Northwest.

Perhaps it is also worth mentioning at this time that beyond the economic justification, in terms of tourism and commercial freight carriers, there is a logistical or defense rationale for the proposals embodied in my bill. Certainly the paving of the Haines Cutoff portion in conjunction with the other segment could provide an important link for the easy overland transportation of men and materiel to our Northwesternmost frontier state—facing, as it does, across the Bering Sea toward the Soviet Union.

Mr. President, I want to take special care to clarify my intentions in proposing this bill; I am *not* wedded to any particular cost-allocation formula in the bill since to do that would be to limit our flexibility in negotiating with the Canadians—and Canadian participation is an absolute essential to the success of this project. I am extremely confident that we can ultimately reach an intelligent accommodation with Ottawa, one which will reflect the budgetary realities that prevail in both countries as well as our more important mutual commitment to the economic improvement and well-being of both nations. My bill is sincerely intended as a first vehicle for the realization, now long overdue, of a vital national goal, and as a stimulus to Canada for a heightened appreciation of the role that this highway might play in her future economic development.

Mr. President, I ask unanimous consent that the full text of my bill be printed at this point in the record.

Mr. METCALF. Mr. President, Senator Mansfield and I, for a number of years, have introduced legislation to authorize the improvement of the Al-Can Highway by paving it and making it a permanent road. Our State of Montana is the gateway to Alaska.

This year, the able and distinguished Senator from Alaska (Mr. Gravel) has revised and had redrawn the bill that Senator Mansfield and I had previously introduced, and as a result, I think he has a better piece of legislation; and it is with a great deal of pleasure that we yield to him the responsibility for the introduction of this measure. I completely concur with the statement that he makes, and urge early and favorable consideration of the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2372), to authorize the appropriation of funds for the construction, reconstruction, and improvement of the Alaska Highway, introduced by Mr. Metcalf (for Mr. Gravel (for himself and other Senators)), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 2372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated such sums as may be necessary, to remain available until expended, to enable the United States to cooperate with the Government of Canada in the construction, reconstruction, and improvement of a portion of the Alaska Highway hereinafter specified within the borders of that country.

Sec. 2. Expenditure of the sums herein authorized shall be subject to receipt of satisfactory assurances from the Government of Canada that appropriate commitments have been made by that Government to assume at least one fifth of the expenditures proposed to be incurred henceforth by that country and the United States in the improvement of a portion of the Alaska Highway within the boundaries of Canada, specifically that segment of the highway extending from Whitehorse, Yukon Territory, to the Alaska Boundary, with a connection from Haines Junction, Yukon Territory, to Haines, Alaska.

Sec. 3. The construction work authorized by this Act shall be under the joint administration of the Secretary of Transportation and the Minister of Public Works, or other similar official, of the Government of Canada. The Secretary of Transportation shall consult with the Secretary of State with respect to matters involving the foreign relations of the United States, and such negotiations with the Government of Canada as may be required to carry out the purposes of this Act.

Sec. 4. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the Government of Canada, and contracts shall be awarded pursuant to such advertisements with the concurrence of the Secretary of Transportation; but no part of the appropriations authorized in this Act shall be available for obligation or expenditure until the Government of Canada shall have entered into an agreement with the United States which shall provide, in part, that said Government—

(1) will provide, without participation of funds herein authorized, all necessary rights-of-way for the construction of the Alaska Highway, which shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of the highway construction under the provisions of this Act;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for use of said highway by vehicles or persons of the United States that does not apply equally to vehicles or persons of such country;

(4) will grant reciprocal recognition of vehicle registration and drivers licenses; and

(5) will provide for the year-round maintenance of the highway, including snow removal, after its completion in condition adequately to serve the needs of present and future traffic.

Sec. 5. The provisions of this Act shall not create or authorize the creation of any obligation on the part of the Government of the United States with respect to any expenditures for highway construction heretofore or hereafter undertaken in Canada, other than the expenditures authorized by the provisions of this Act.

S. 2375—INTRODUCTION OF A BILL TO PERMIT THE ATTORNEY GENERAL TO INSTITUTE CERTAIN ACTIONS FOR THE DESEGREGATION OF PUBLIC EDUCATION

Mr. CASE. Mr. President, on behalf of the Senator from Michigan (Mr. Hart) and myself, I introduce a bill to amend the Civil Rights Act of 1964 to authorize

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the Attorney General to initiate school desegregation suits based on his finding that discrimination exists in a school district.

This bill is based on the belief that the Government has a positive duty to protect the fundamental rights of all its citizens, particularly when the individual may be financially unable to initiate legal proceedings, when he may be cowed by years of intimidation and harassment, or even when he may be unaware of the existence of his rights.

The Civil Rights Act currently requires that a complaint must be filed and the Attorney General must certify that the complainant is unable to pursue the complaint himself unless it can be proven that the lack of a complaint is due to economic considerations or personal jeopardy.

As the Supreme Court has recognized in its ruling on the so-called "freedom of choice" desegregation plans, these conditions are difficult, and perhaps in most cases impossible, to prove.

Evidence of the handicap that these conditions impose can be seen in the fact that only 26 suits have been initiated by the Justice Department in almost 200 cases in which Federal funds were cut off to Southern and border State school districts which refused to desegregate.

In other words, the Justice Department has been able to initiate legal action against only about one-eighth of the recalcitrant school districts which refused to desegregate even though it meant the loss of Federal aid.

It is always tragic when needed funds are unavailable to educate the youth of our country. But the tragedy is compounded in the case of many school districts which lose Federal assistance because of failure to desegregate.

Most of the Federal money involved is provided under title I of the Elementary and Secondary Education Act. Title I money is designed to "support special educational programs in areas which have a high concentration of low income families."

In the South, low income often means black families, and most of the money has been going to schools attended by black children.

In 88 of the terminated districts for which data is available, 48 percent of the school population is black.

In other words, some white dominated school boards have been willing to defy Federal orders to desegregate because by and large it means loss of funds to black, not white, schools.

For example, Ed Bailey, superintendent of the Sumpter County, Ga., schools said today:

> They (the federal government) are hurting precisely the ones they are trying to help—the Negro children. Not a dollar of that money was going to the white schools.

Sumpter County is one of those in which Federal aid has been cut off.

Bailey is quoted in the Wall Street Journal of April 25, 1969, which also paraphrases him as saying that inquiries around the South indicate that the fund cutoffs are having a disastrous effect on Negro schools while having little effect on predominantly white schools.

W. M. Perrigin, superintendent of schools in Choctaw County, Miss., is quoted in the same article as saying:

> Darn it, it's just not right to penalize the children because we aren't in compliance. If we aren't in compliance, let the courts deal with us.

One school official from a southern district which had had its funds cut off, when interviewed by an ABC newsman, said:

> I don't care what the Federal government does with its money because it went mostly to the (Negro) schools anyway.

I do not mean to imply that the school desegregation program contained in title VI of the Civil Rights Act, with its provision for cutting off funds to districts which refuse to desegregate, is a failure. The fact that 1,112 of the 4,476 southern and border State school districts had submitted desegregation plans under title VI by the end of May shows otherwise.

But it is not enough.

The change we are proposing affects only title IV, not title VI. It will not only strengthen the hand of the Justice Department in dealing with recalcitrant school districts which are willing to forgo Federal aid rather than desegregate, it will also strengthen the enforcement of title VI fund cutoff provisions.

Fewer districts will run the risk of having their Federal aid cut off if there is a greater likelihood in advance that they may be forced to desegregate through court order even after losing their funds.

Recognition of impediments to effective enforcement of the Civil Rights Act imposed by the conditions which must be met before the Attorney General can file a suit is not new. Although this bill is not being introduced at the request of the Justice Department, the Department itself recommended similar legislation in testimony on proposed amendments to the Civil Rights Act of 1966.

At that time the Attorney General said:

> The requirement that there be a written complaint and that the complainant be unable to bring suit has proven to be an obstacle to the 1964 statutory objective of furthering the orderly achievement of desegregation. The requirement is impractical, since deprived Negroes are often unfamiliar with the requirement that the complaint be in writing or that a complaint must be filed with the Attorney General at all. And in some places intimidation or fear of reprisals prevents persons seeking to exercise their rights from filing a complaint. Thus, it is often true that these restrictions prevent the Attorney General from acting in the very areas where there is the greatest need.

Actually, authority for the Government to act to protect a citizen's rights without requiring the filing of a complaint is incorporated in some of the other provisions of the Civil Rights Act itself. For example, the Attorney General is authorized under title VII of the act to file suit on his own initiative if he has reasonable cause to believe that a pattern or practice of discrimination in employment exists. Surely an individual's right to equal educational opportunity is entitled to no less protection than his right to equal employment opportunity.

Mr. President, the Senator from Michigan and I urge favorable consideration of this bill to strengthen enforcement of equal educational opportunities for all our citizens.

I ask unanimous consent that the text of the bill be printed in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred, and, without objection, the bill will be printed in the Record.

The bill (S. 2375), to amend section 407 of the Civil Rights Act of 1964 to permit the Attorney General to institute upon his own motion certain actions for the desegregation of public education, introduced by Mr. Case (for himself and Mr. Hart), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 2375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the portion of section 407(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000c–6) which precedes the word "provided" contained in the first sentence thereof is amended to read as follows:

"Suits by the Attorney General

"Sec. 407. Whenever the Attorney General determines on the basis of his investigations—

"(1) that children, as members of a class of persons similarly situated, are being deprived by a school board of the equal protection of the laws, or

"(2) that any individual or individuals have been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion, or national origin,

and the Attorney General certifies that the institution of an action will materially further the orderly achievement of desegregation in public education, the Attorney General is authorized, after giving notice to the appropriate school board or college authority and after certifying that he is satisfied that such board or authority has had a reasonable time to adjust the conditions alleged, to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section,".

(b) Subsection (b) and subsection (c) of section 407 of that Act are repealed.

S. 2380—INTRODUCTION OF A BILL TO PERMIT ALL COMPENSATION PAID AT REGULAR RATES TO CERTAIN EMPOYEES OF THE ALASKA RAILROAD TO BE INCLUDED IN THE COMPUTATION OF THEIR CIVIL SERVICE RETIREMENT ANNUITIES

Mr. STEVENS. Mr. President, today I am introducing a bill that will allow all compensation at regular rates to be used in figuring civil service retirement annuities for trainmen and enginemen of the Alaska Railroad.

Under the present method of civil service compensation, hours worked in excess of 40 hours per week are not subject pay for retirement purposes. However, the trainmen and enginemen of the Alaska Railroad are paid under the mileage system in which a 12½-mile run equals 1 hour of pay.

Because of the system, the trainmen and enginemen make comparable salary, but in many cases must work more than 40 hours a week to do so. By using the 40 hours to figure subject pay, for retirement purposes, these men are being deprived of their right to a proper retirement annuity.

Mr. President, my bill will rectify this situation and allow the trainmen and enginemen to receive proper credit of their wages toward retirement benefits.

I ask unanimous consent that the bill be printed at this point in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2380), to permit all compensation paid at regular rates to certain employees of the Alaska Railroad to be included in the computation of their civil service retirement annuities, introduced by Mr. Stevens, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the Record, as follows:

S. 2380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (3) of section 8331 of title 5, United States Code, is amended—

(1) by striking out the word "and" at the end of subparagraph (B) (ii);

(2) by inserting the word "and" at the end of subparagraph (C);

(3) by inserting immediately after subparagraph (C) the following new subparagraph:

"(D) All compensation paid at straight time, regular rates and received by an employee of The Alaska Railroad who is paid under a dual system based on both hours and mileage;" and

(4) by striking out the phrase "subparagraphs (B) and (C)" and inserting in lieu thereof the following: "subparagraphs (B), (C), and (D)".

S. 2383—INTRODUCTION OF A BILL TO EXEMPT CERTAIN ADDITIONAL PERSONS FROM THE REQUIREMENTS AS TO UNDERSTANDING THE ENGLISH LANGUAGE BEFORE THEIR NATURALIZATION AS CITIZENS OF THE UNITED STATES

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill to amend the Immigration and Nationality Act to exempt individuals who are 50 years of age, and who have resided in the United States for 20 years, from the English language requirement for citizenship.

A similar measure was included in the 1952 act, but it exempted only persons who qualified as of December 24, 1952. Thousands of worthy people who were born after 1902, or who came to this country after 1932, were arbitrarily excluded.

The exclusion is an unnecessary barrier to the achievement of citizenship by many old people who intensely desire to become citizens. They have usually been good and productive members of society for 20 years. Often they have raised families of children who are American citizens.

All that stands between these old people and citizenship is the requirement that they be able to speak, read, and write English.

A young immigrant, with all of our educational facilities open to him at a time when he is most capable of learning, can reasonably be expected to acquire an adequate knowledge of English. If he does so, and meets the other requirements, he can become a citizen in only 5 years.

There are thousands of people, however, whose age presents special barriers to attaining English literacy. Often these people have sacrificed their own advantage in order to give their children the education which they lack themselves. Whether or not they speak English, however, 20 years of residence and maturity of judgment ought to qualify these people for the citizenship which most of them so strongly desire.

This legislation is primarily a humane measure. It is not only because this country could gain worthy and useful citizens that we should consider it. It is because there are thousands of aged persons in this country who love it as faithfully as you and I do. Their children and grandchildren were born here. And they are prevented by the present law from living their last years as American citizens. It is almost impossible for us in this Chamber to understand what citizenship means to these people, but it is a matter of humanity for us to make it possible for them.

This legislation is not a new departure. The 82d Congress accepted the principle, but they limited the effect. This bill would not suspend the other requirements for citizenship; these people would still have to show knowledge of the forms and traditions of our Government. What my bill would do would be to apply the former precedent and to perform an act of kindness to thousands of noncitizens.

I ask unanimous consent that the text of the bill be printed at this point in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2383), to amend section 312 of the Immigration and Nationality Act to exempt certain additional persons from the requirements as to understanding the English language before their naturalization as citizens of the United States, introduced by Mr. Yarborough, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 2383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first proviso contained in paragraph (1) of section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended by striking out "or to any person who, on the effective date of this Act, is over fifty years of age and has been living in the United States for periods totaling at least twenty years" and by inserting in lieu thereof the following: "or to any person who, on the date of the filing of his petition for naturalization as provided in section 334 of this Act, is over fifty years of age and has been living in the United States for periods totaling at least twenty years".

S. 2385 AND S. 2386—INTRODUCTION OF BILLS TO EXPAND ECONOMIC OPPORTUNITIES FOR AMERICA'S MINORITY CITIZENS

Mr. BROOKE. Mr. President, a year and a half ago, when the National Advisory Commission on Civil Disorders submitted its report, there were about 2 million unemployed and 10 million underemployed Americans. Of those 10 million, 6.5 million earned less than the annual poverty wage. The Commission rightly observed:

> The pervasive effect of these conditions on the racial ghetto is inextricably linked to the problem of civil disorders.

One year later, Urban America and the Urban Coalition report little progress. Despite the fact that as a general result of expansion in the economy, employment and income are rising in ghetto areas, the fact still remains that Negro family income in the cities is 68 percent of white family income. Negro college graduates earn only 74 percent of white college graduate incomes. A Negro college graduate can expect to make only $13 more per year than a white high school graduate.

In a word, inequities remain. And these inequities are not based on skill differentials or lack of motivation; they are largely the result of conscious or unconscious racial discrimination.

Many serious efforts have been made in recent years to overcome these inequities. There is scarcely a large company in America which does not have a special program for hiring and training minority employees. Police departments and fire departments across the Nation are looking for minority recruits. Colleges and universities are offering special scholarships for ghetto residents, and generally providing some kind of compensatory education program as well.

But two barriers to minority economic progress remain. The first of these, paradoxically and inexcusably, is in the area of equal employment by Federal, State, and local governments. The second pertains to the expansion and encouragement of minority entrepreneurship.

Last year the Civil Disorders Commission recommended as a first step in opening the existing job structure that title VII of the 1964 Civil Rights Act be expanded to cover the hiring practices of Federal, State, and local government agencies. As presently written, this title covers private businesses or other employers with 25 or more employees, as well as labor unions and employment agencies. It does not cover Government agencies and departments, where a black man in a position of responsibility is a rare sight indeed. If Government would seek to set the tone for race relations in this country, if it would strive to eliminate discrimination in business and commerce and industry, it would seem to me that a primary goal should be to eliminate discrimination within its own province.

For this reason, I introduce on behalf of myself and Senators Case, Cooper, Hatfield, Hartke, Javits, and Percy, a bill to amend title VII of the Civil Rights Act of 1964 to provide for the application of such title to State and Federal employers. I ask unanimous consent that the full text of the bill be printed at this point in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2385), to amend the Small Business Act to apply an acceptable credit risk standard for loans to small business concerns in certain high-risk areas, introduced by Mr. Brooke (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 2385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(a) of the Small Business Act is amended by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) All loans under this subsection shall be of such sound value or so secured as reasonably to assure repayment; except that the Administration may waive the foregoing requirement in the case of any small business concern situated in a high-risk area, if the Administration determines that such concern is an acceptable credit risk considering the availability of counseling and related services under this Act, and the need to preserve the development of small business enterprise in such areas in furtherance of the purposes of this Act and in the public interest. For the purposes of this paragraph, the term 'high-risk area' means an area, designated by the Administrator, in which (A) there is a relatively large number of families having incomes below the national average, and (B) there is a relatively high incidence of business failures or removals from the area by small business concerns."

Mr. BROOKE. Mr. President, the second measure which I introduce today would revise the standard under which loans are made to small businesses in high-risk areas. This, too, was a recommendation of the Civil Disorders Commission; but the need for special attention to the development of minority businesses was made even clearer by subsequent findings published in the report, "One Year Later." According to the Urban Coalition and Urban America, blacks own and operate less than 1 percent of the nearly 5 million private businesses in the country. These typically are marginal businesses. Of 14,000 banks in America, blacks own only 20. The 50 small black insurance companies hold only 0.2 percent of the industry's total assets. The study also estimates that an appalling 98 percent of black income is spent outside the black community.

Clearly, we are not dealing with an ordinary situation, in which ordinary standards for loans can be applied. It is one thing for the Administrator of the Small Business Administration to state that his objective is to "help increase the strength and the effectiveness of small business," so that our economy will not be taken over by a few large concerns. This is a worthy goal. It is also important, as recent events have made clear, to check applications for loans carefully and to make them available on a sound fiscal basis.

But I submit that the Small Business Administration is more than an economic agency; it is a social agency as well. The minority business program, once known as Project Own, and now termed Operation Mainstream, has been charged with the specific responsibility for increasing loans to ghetto areas, while simultaneously providing management assistance and other types of advice.

In April of this year, an interesting memo was circulated to all members of Congress from the Assistant Administrator of the Small Business Administration. In this communication, the Members of Congress were told that the Small Business Administration was "delighted" to announce a liberalization of the disaster loan program. At the same time, a note of caution and regret was expressed that the new criteria were "not as liberal" as some have advocated.

Mr. President, there is a definite need for our Government to be able to move swiftly and efficiently to make assistance available to Americans facing uninsured losses as a result of natural disasters. But I submit that there is no greater or more prevailing disaster facing this Nation today than the disaster which keeps 20 million Americans in a state of economic servitude to the larger community, which deprives them, through lack of education and opportunity, of the right to develop their own businesses to hire people of their own choosing, and to make their dollars truly work for them.

Economic development in the central cities, including especially a priority for the Small Business Administration, for this administration, and for the Nation. It is for this reason that I introduce, on behalf of myself and Senators Case, Cooper, Hatfield, Hartke, and Javits, a bill to amend the Small Business Act to apply an acceptable credit risk standard for loans to small business concerns in certain high-risk areas.

The Small Business Act presently requires that loans extended by the Small Business Administration be of such sound value or so secured as reasonably to assure repayment. I believe that in addition the Small Business Administration should be authorized to finance higher risk ventures in low-income areas as a means of preserving and encouraging the development of small-business enterprise in locations where such development is highly desirable. The bill I propose would authorize the Small Business Administrator to designate as "high-risk areas" those sections in which there is a relatively large number of families having incomes below the national average, and where there is a relatively high incidence of business failures or removals from the area by small-business concerns. The Small Business Administration would then be able to identify acceptable credit risks in ghetto areas, but without reference to the more rigid standards ordinarily applicable to SBA loans.

I ask unanimous consent that the full text of this measure be printed at this point in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2386), to amend title VII of the Civil Rights Act of 1964 to provide for the application of such title to State and Federal employees, introduced by Mr. Brooke (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 2386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 701(a) of the Civil Rights Act of 1964 is amended by inserting "a Federal agency, a State or political subdivision of a State, and" after "includes".

(b) Section 701(b) of the Civil Rights Act of 1964 is amended (1) by inserting "a Federal agency, a State or political subdivision of a State, and" after "means", and (2) by striking out "the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a State or political subdivision thereof," and substituting "an Indian tribe,".

(c) Section 701(c) of the Civil Rights Act of 1964 is amended by striking out all after "such a person;" and substituting "and such term shall include the system of State and local employment services receiving Federal assistance.".

(d) Section 701 of the Civil Rights Act of 1964 is amended by inserting the following new subsection at the end thereof:

"(k) The term 'Federal agency' means any department, agency, or instrumentality of the executive branch of the Government of the United States, any independent agency or instrumentality of the Government of the United States, and any corporation wholly owned by the Government of the United States."

(e) Title VII of the Civil Rights Act of 1964 is amended by adding the following new section at the end thereof:

"ENFORCEMENT IN CASES AGAINST FEDERAL AGENCIES

"Sec. 717. The President is authorized to take such action as may be necessary (1) to conform equal employment opportunity practices within Federal agencies with the policies of this title, and (2) to provide that any Federal employee aggrieved by any unlawful employment practice must exhaust administrative remedies prescribed by Executive order or regulations governing equal employment opportunity practices within Federal agencies prior to seeking relief under the provisions of this title. In the case of any unlawful employment practice by a Federal agency, the Commission may request the President to take such action as he deems appropriate to obtain compliance with this title. None of the other provisions of this title setting forth an administrative or judicial means of enforcement of this title shall be applicable to Federal agencies or any officers or employees thereof."

S. 2387—INTRODUCTION OF A BILL TO FACILITATE REPRESENTATION OF PERSONS HAVING CLAIMS AGAINST THE UNITED STATES BY LEGAL COUNSEL OF THEIR OWN CHOOSING

Mr. McCLELLAN. Mr. President, I introduce, for appropriate reference, a bill to facilitate representation of persons having claims against the United States by legal counsel of their own choosing.

In both the 89th and 90th Congresses the Senate unanimously passed bills—S. 1522 of the 89th Congress and S. 1073 of the 90th Congress—introduced by me for the removal of arbitrary limitations upon attorneys' fees for services rendered in proceedings before administrative agencies of the United States. No final action on either of these bills was taken by the House of Representatives, but late in the second session of the last Congress, the House Committee on the Judiciary reported S. 1073, with an amendment in the nature of a substitute. The bill which I am introducing today is substantially the measure reported by the House Judiciary Committee last year.

Section 1 of the bill provides for the repeal of section 2678 of title 28 of the United States Code, which is the section of the code which presently limits attorneys' fees in Federal tort claims cases. This section would remove the fixed limits now in the law so that the attorneys' fees will be fixed in the same manner as it is in tort litigation between private parties.

Section 2 of the bill provides a standard procedure for supervising and approving attorneys' fees for services rendered in connection with claims before specified agencies and departments of the Federal Government. These new procedures for determining attorneys' fees would apply to: First, the Secretary of Health, Education, and Welfare under title II of title XVIII of the Social Security Act, second, the Administrator of Veterans' Affairs under title 38 of the United States Code, third, the Foreign Claims Settlement Commission under any provision of law administered by that Commission, fourth, the Secretary of Labor with respect to the Federal employees compensation provisions of title 5 of the United States Code, fifth, the Railroad Retirement Board under the Railroad Unemployment Insurance Act, and sixth, the President or his delegate under the Trading With the Enemy Act.

The procedures in this bill for agency review of reported fees provide that a fee may be questioned if an agency "finds cause to inquire as to whether a fee is excessive" or improperly reported. After the attorney has had an opportunity to supply additional data and confer with agency representatives, the agency may determine a "maximum" fee. The bill reported last year by the House committee provided that in order to question a fee, the agency must initially make a finding that the reported fee was excessive and set a reasonable fee.

Section 3 of the bill contains provisions relating to the review and enforcement of limitations on attorneys' fees. These include provisions concerning jurisdiction in the Federal district courts, venue, actions for determination of reasonable attorneys' fees, the form of evidence to be considered by the court, and judgment by the court in such actions.

Sections 4 through 11 of the bill amend existing law so as to incorporate the new procedures specified in this legislation.

Section 6 is of particular interest since it reflects a substantial change in the provisions on this subject reported by the House committee with respect to veterans claims processed by the Veterans' Administration. This bill preserves the existing $10 limitation on "original claims" for Veterans' Administration benefits. Attorneys could be retained at fees subject to Veterans' Administration review, as provided in section 2 of the bill, only after a claim had been disallowed by that agency. Implicit in this change is the recognition that, in normal circumstances, there is no necessity for an attorney at the first stage of a claim for Veterans' Administration benefits. However, once a claim has been disallowed an attorney may be desired by the claimant in appealing the denial of a claim for benefits. It should be stressed that this bill does not seek to affect in any way the present system of representation of veterans by the various veterans organizations. The legislation would merely make it possible to obtain counsel in those cases where it appears to the claimant that legal counsel would be helpful or desirable.

When I originally introduced legislation on this subject in the 89th Congress I stated that I did so "to correct what I consider to be inequities in the allowance of attorneys' fees in proceedings before certain administrative agencies. Many of the existing limitations are a direct outgrowth of the depression years. The maximum amount now allowable reflects the general attitude of that time." I have worked closely with the American Bar Association in the preparation of the successive versions of this legislation. I hope that by introducing in this Congress a bill which is substantially similar to that reported by the House Judiciary Committee last year it may be possible to secure final action on this legislation during this session. I believe that the bill effects a proper balance of the interests of all parties concerned, namely, the individual claimant under a Federal statute, his private lawyer, and the Government.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2387), to facilitate representation of persons having claims against the United States by legal counsel of their own choosing, introduced by Mr. McCLELLAN, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 2388—INTRODUCTION OF A BILL TO PROVIDE PROCEDURES FOR CALLING CONVENTIONS FOR PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES

Mr. HATFIELD. Mr. President, article V of the Constitution reads as follows:

> The Congress, . . . on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, . . . shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; . . .

This method of proposing amendments has never been used, although more than 200 applications for a constitutional convention have been made to the Congress by State legislatures.

The pace of applications by the States for constitutional conventions has substantially increased over the last two decades. The applications most energetically urged have been those seeking to limit or abolish the Federal income tax; to undo the one-man, one-vote decision; and to amend article V to make it easier for the States to obtain amendments to the Constitution.

It seems likely the requisite number of applications on some issue will eventually be filed. But the Constitution lacks the specificity necessary for Congress to determine when, in fact, two-thirds of the State legislatures have applied for a constitutional convention. In other words, there are certain basic questions that are not answered in the Constitution, thus making it rather difficult for a State to successfully pursue a constitutional amendment by way of the convention route. Typical of such unanswered questions are: whether or not the requisite number of States must request a convention for the purpose of considering the identical proposed amendment and the specific time limit within which the requisite number of applications must be filed with Congress so that the Congress is compelled to call for a convention. In the bill I now offer, procedural steps are set forth, which are directed toward resolving such ambiguous issues.

Specific guidelines for proposing amendments to the Constitution are most essential, not only for the reasons earlier enunciated, but also to curb the growing fear that our long-lived Constitution would be totally abolished by way of a constitutional convention. This, too, is a most serious concern.

I introduce this bill to provide procedures for calling conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution. I ask unanimous consent that an analysis of the bill and the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 2388), to provide procedures for calling conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution, introduced by Mr. HATFIELD, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 2388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Constitutional Convention Act."

APPLICATIONS FOR CONSTITUTIONAL CONVENTION

Sec. 2. The legislature of a State, in making application for a constitutional convention under article V of the Constitution of the United States, shall, after adopting with the approval of the Governor of the State a resolution pursuant to this Act, petition the Congress stating, in substance, that the legislature requests the calling of a convention for the purpose of proposing one or more amendments of a particular nature to the Constitution of the United States and stating the specific proposed amendment or amendments to be proposed.

APPLICATION PROCEDURE

Sec. 3. (a) The State legislature, with the approval of the Governor, shall adopt rules of procedure for the purpose of adopting or rescinding a resolution pursuant to section 2.

(b) Questions concerning the State legislative procedure and the validity of the adoption of a State resolution cognizable under this Act shall be determined by the State legislature, subject to review by a court of competent jurisdiction.

TRANSMITTAL OF APPLICATIONS

Sec. 4. (a) Within sixty days after a resolution to apply for the calling of a constitutional convention is adopted by the legislature of a State, the secretary of state of the State, or if there be no such officer, the person who is charged by the State law with such function, shall transmit to the Congress of the United States two copies of the application, one addressed to the President of the Senate, and one to the Speaker of the House of Representatives, and shall transmit to the President of the United States one copy thereof.

(b) Each copy of the application so made by any State shall contain—

(1) the title of the resolution,

(2) the exact text of the resolution, signed by the presiding officer of each house of the State legislature and by the Governor of the State, and

(3) the date on which the legislature adopted the resolution; and shall be accompanied by a certificate of the secretary of state of the State, or such other person as is charged by the State law with such function, certifying that the application accurately sets forth the text of the resolution.

(c) Upon receipt of a copy of any such application, the President of the Senate and Speaker of the House of Representatives shall cause copies to be made thereof and shall forthwith send a copy thereof to the Governor and the presiding officer of each House of the legislature of every other State.

EFFECTIVE PERIOD OF APPLICATIONS

Sec. 5. (a) An application submitted to the Congress by a State pursuant to this Act, unless sooner rescinded by the State legislature, shall remain effective for four calendar years after the date it is received by the Congress, except that whenever the Congress determines that within a period of four calendar years two-thirds or more of the several States have each submitted an application calling for a constitutional convention on the same subject all such applications shall remain in effect until the Congress has taken action on a concurrent resolution, pursuant to section 8, calling for a constitutional convention.

(b) A State may rescind its application calling for a constitutional convention by adopting and transmitting to the Congress a resolution of rescission in conformity with the procedure specified in sections 3 and 4, except that no such rescission shall be effective as to any application made for a constitutional convention with respect to any specific proposed amendment after the date on which two-thirds or more of the State legislatures have applications pending before the Congress seeking amendments on that proposed amendment.

CALLING OF A CONSTITUTIONAL CONVENTION

Sec. 6. (a) It shall be the duty of the Secretary of the Senate to maintain a record of all applications received by the President of the Senate, and it shall be the duty of the Clerk of the House of Representatives to maintain a tabulation of all applications received by the Speaker of the House of Representatives from the States for the calling of a constitutional convention with respect to each specific proposed amendment. Whenever the Secretary of the Clerk has reason to believe that such applications made by two-thirds or more of the Senate with respect to a specific proposed amendment are in effect, he shall so report in writing to the officer to whom those applications were transmitted, and such officer thereupon shall announce upon the floor of the House of which he is an officer the substance of such report. Pursuant to such rules as such House may adopt, it shall be the duty of such House to determine whether the recitation contained in any such report is correct. If either House of the Congress determines, upon a consideration of any such report or of a concurrent resolution agreed to by the other House of the Congress, that there are in effect applications made by two-thirds or more of the States for the calling of a constitutional convention upon the same specific proposed amendment, it shall be the duty of that House to agree to a concurrent resolution calling for the convening of a Federal constitutional convention upon that subject. Each such concurrent resolution shall (1) designate the place and time of meeting of the convention; (2) set forth the text of the specific proposed amendment or amendments for the consideration of which the convention was called; (3) prescribe the time within which any amendment or amendments proposed by such convention must be ratified by the legislatures of three-fourths of the States with the approval of the governors thereof or be deemed inoperative; and (4) specify the manner in which such amendment or amendments shall be ratified in accordance with article V of the Constitution. A copy of each such resolution agreed to by both House of the Congress shall be transmitted forthwith to the governor and to the presiding officer of each house of the legislature of each State.

(b) The convention shall be convened not later than one year after the adoption of the resolution.

DELEGATES

Sec. 7. (a) A convention called under this Act shall be composed of as many delegates from each State as it is entitled to Representatives in the Congress. Each delegate shall be elected by the people of the State in the manner provided by State law. Alternate delegates, in the number established by State law, shall be elected at the same time and in the same manner. Any vacancy occurring in the State delegation shall be filled by appointment of one of the alternate delegates in the manner provided at the time of his election as an alternate delegate. Each alternate delegate shall be entitled to take part in the proceedings of the convention, but no alternate delegate may cast any vote in the convention unless he is appointed a delegate.

(b) The secretary of state of each State, or, if there be no such officer, the person charged by State law to perform such function shall certify to the Vice President of the United States the name of each delegate and alternate delegate elected pursuant to this section.

(c) Delegates shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at a session of the convention, and in going to and returning from the same; and for any speech or debate in the convention they shall not be questioned in any other place.

(d) Each delegate and each alternate delegate shall receive compensation at the rate of $50 per day for each day of service and shall be compensated for traveling and related expenses in accordance with the provisions of sections 5701–5702 and 5704–5798, inclusive, of title 5 of the United States Code. The convention shall fix the compensation of employees of the convention.

CONVENING OF CONVENTION

Sec. 8. (a) The Vice President of the United States shall convene the constitutional convention. He shall administer the oath of office of the delegates to the convention and shall preside until the delegates elect a presiding officer who shall preside thereafter. Before taking his seat each delegate shall subscribe an oath not to attempt to change or alter any section, clause or article of the Constitution or propose additions thereto which have not been specified in the resolution calling the convention. Upon the election of permanent officers of the convention, the names of such officers shall be transmitted to the President, the President of the Senate, and the Speaker of the House of Representatives by the elected presiding officer of the convention. Further proceedings of the convention shall be conducted in accordance with such rules, not inconsistent with this Act, as the convention may adopt.

(b) The Congress shall appropriate moneys for the payment of all expenses of the convention.

(c) Under such regulations as the President shall prescribe, the Administrator of General Services shall provide such facilities, and each executive department and agency shall provide such information, as the convention may require upon written request made by the elected presiding officer of the convention.

PROCEEDINGS OF CONVENTION

Sec. 9. (a) In voting on any question before the convention each delegate shall have one vote. A majority of the elected delegates to the convention shall constitute a quorum for the transaction of business.

(b) The convention shall keep a daily verbatim record of its proceedings and publish the same. The votes of the delegates on any question shall be entered on the record.

(c) The convention shall terminate its proceedings within one year after the date of its first meeting unless the period is extended by the Congress by concurrent resolution.

(d) Within thirty days after the termination of the proceedings of the convention, the presiding officer shall transmit to the Archivist of the United States all records of official proceedings of the convention.

PROPOSAL OF AMENDMENTS

Sec. 10. (a) Except as provided in subsection (b) of this section, a convention called under this Act may propose amendments to the Constitution by a majority of the total votes cast on the question.

(b) No convention called under this Act may propose any specific amendment or specific amendments other than the specific amendment or specific amendments set forth in the concurrent resolution calling the convention. The district court of the United States for the District of Columbia shall have jurisdiction to hear and determine any controversy arising under this subsection.

APPROVAL BY THE CONGRESS AND TRANSMITTAL TO THE STATES FOR RATIFICATION

SEC. 11. (a) The presiding officer of the convention shall, within thirty days after the termination of its proceedings, submit the exact text of any amendment or amendments agreed upon by the convention to the Congress for approval and transmittal to the several States for their ratification.

(b) Upon the expiration of the first period of three months of continuous session of the Congress following the receipt of any proposed amendment by the Congress, the President of the Senate and the Speaker of the House of Representatives, acting jointly, shall transmit such proposed amendments to the Administrator of General Services for submission to the States.

(c) Upon receipt of any such amendment or amendments, the Administrator of General Services shall transmit exact copies of the same, together with his certification thereof, to the governors and the legislatures of the several States.

RATIFICATION OF PROPOSED AMENDMENTS

SEC. 12. Any amendment proposed by the convention and submitted to the States in accordance with the provisions of this Act shall be valid for all intents and purposes as part of the Constitution of the United States when duly ratified within four years after the date of the transmittal thereof to the States by three-fourths of the States. Ratification thereof by each State shall require a majority vote of each House of the legislature and the approval of the governor, or the affirmative vote of two-thirds of the members of each House of the legislature.

TRANSMITTAL OF RATIFICATIONS

SEC. 13. The secretary of state of the State, or if there be no such officer, the person who is charged by State law with such function, shall transmit a certified copy of the State resolution ratifying any proposed amendment to the Administrator of General Services.

RESCISSION OF RATIFICATIONS

SEC. 14. (a) Any State may rescind its ratification of a proposed amendment except that no State may rescind when there are existing valid ratifications of such amendment by three-fourths of the States.

(b) Any State may ratify a proposed amendment even though it previously may have rejected the same proposal.

(c) The district court of the United States for the District of Columbia shall have jurisdiction to hear and determine all questions relating to the validity of any proposal or the rescission of any proposal for the calling of a constitutional convention, or to the validity of the ratification, rescission, or rejection of any amendment proposed to the Constitution of the United States. In any action instituted in that court under this section or under section 10 of this Act, the process of that court may be served in any judicial district of the United States.

DISQUALIFIED STATES

SEC. 15. Whenever the apportionment of membership in either House of the Legislature of a State shall have been finally determined by a court of competent jurisdiction to be in violation of the guaranty of equal protection of the laws contained in the Fourteenth Article of Amendment to the Constitution, that State shall not be eligible to propose the calling of a constitutional convention, to elect delegates to any constitutional convention, or to ratify any proposed amendment to the Constitution, until such time as membership in such House shall have been reapportioned in a manner not inconsistent with such guaranty.

PROCLAMATION OF CONSTITUTIONAL AMENDMENTS

SEC. 16. The Administrator of General Services, when three-fourths of the several States have ratified a proposed amendment to the Constitution of the United States, shall issue a proclamation proclaiming the amendment to be a part of the Constitution of the United States.

EFFECTIVE DATE OF AMENDMENTS

SEC. 17. An amendment proposed to the Constitution of the United States shall be effective from the date on which the legislature of the last State necessary to constitute three-fourths of the legislatures of the United States, as provided for in article V, has ratified the same.

The material presented by Mr. HATFIELD follows:

ANALYSIS OF THE BILL

Sec. 1 states the title to be the "Federal Constitutional Convention Act."

Sec. 2 provides for the State Legislature, with the approval of the Governor, to submit applications to the Congress requesting the calling of a Constitutional Convention.

Sec. 3 permits the State Legislature to adopt rules of procedure for the purpose of complying with Sec. 2, subject to review by a court of competent jurisdiction.

Sec. 4 specifies that: the application calling for a convention should be transmitted from the State to the Congress within 60 days; certain data must be included therein; and, Congress should send copies of such to each other state.

Sec. 5 provides that the requisite number of applications for calling a convention must be filed within four years and prior to the receipt of such number of applications a state may rescind its application.

Sec. 6 provides that the Congress is required to call for a constitutional convention upon its determination that the requisite number of applications have been received. Upon such determination, the place and time of the convention is designated, but such shall convene within one year after such determination.

Sec. 7 provides that delegates and alternates to the convention are to be elected by the people in the manner provided by state law and a state's delegation must be equivalent, in number, to its Representatives in the Congress. This section also provides for the method of certification, privilege from arrest, and compensation of the delegates and alternates.

Sec. 8 provides that the Vice-President of the U.S. shall convene the convention and preside until permanent officers are elected. The Congress and President are respectively required to appropriate moneys and facilities for the convention.

Sec. 9 provides that each delegate shall have one vote and a majority of the delegates shall constitute a quorum. The convention shall terminate within one year after the date of its first meeting unless the period is extended by Congress.

Sec. 10 provides that amendments may be proposed to the Constitution by a majority of the total votes cast on the question. Only the specific amendments set forth in the concurrent resolution calling the convention may be proposed.

Sec. 11 provides for the approval of proposed amendments by the Congress and transmittal of such to the States for ratification.

Sec. 12 provides that ratification must be within four years, by three-fourths of the States. Ratification shall be by a majority vote of each House of the State Legislature and the approval of the governor, or the affirmative vote of two-thirds of the members of each House of the legislature.

Sec. 13 provides that transmittal of state ratifications shall be transmitted to the Administrator of General Services.

Sec. 14 provides that a State may rescind its ratification and may ratify a proposed amendment even though it had earlier rejected the same.

Sec. 15 provides that a State Legislature that is determined to be malapportioned shall not participate in the convention or ratification process.

Sec. 16 provides for proclamation of Constitutional Amendments.

Sec. 17 indicates the effective date of the Amendments.

S. 2391—INTRODUCTION OF THE ENVIRONMENTAL QUALITY IMPROVEMENT ACT OF 1969

Mr. MUSKIE. Mr. President, on behalf of myself, Mr. RANDOLPH and Messrs. BAKER, BAYH, BIBLE, BOGGS, BROOKE, BURDICK, BYRD of West Virginia, COOPER, COTTON, CRANSTON, DODD, EAGLETON, ERVIN, FONG, GOODELL, GORE, GRAVEL, HARRIS, HARTKE, HOLLINGS, INOUYE, JAVITS, KENNEDY, MCCARTHY, MONDALE, MONTOYA, NELSON, PACKWOOD, PELL, PERCY, PROXMIRE, RIBICOFF, SCOTT, SPONG, TALMADGE, THURMOND, WILLIAMS of New Jersey, YARBOROUGH, and YOUNG of Ohio, I introduce the Environmental Quality Improvement Act of 1969—S. 2391.

Since its formation in 1963, the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works has presented legislation designed to combat the degradation of our environment.

Of the many threats to civilization, deteriorating environmental quality must be placed among the major concerns of civilized man, along with war, hunger, disease, poverty, racial antagonisms, and crime. There are "environmental rights," just as there are social, economic, and civil rights and freedoms.

Environmental degradation has long been associated with the misuse and abuse of resources. Slashed forests, polluted streams, overgrazed grasslands, belching smokestacks, and open dumps have been visual reminders of our carelessness.

Any concept of the environment—air, water, or land—as an infinite reservoir, with an infinite capacity to dilute, disperse, and assimilate waste is outmoded and irresponsible. Our resources are limited, and we have overdrawn our bank account.

As we have pushed back the frontiers of scientific knowledge and devised technologies to apply that knowledge, we have multiplied our opportunities for material wealth and comfort. We have increased our capacity to manipulate the environment. In the process we have multiplied our impact on the environment. Through the misapplication of technology we have disrupted that environment.

We need to use political, economic, and social leadership to improve the quality of life, not to destroy it. We need to make technology serve man, not endanger him. We need to conserve our planet and the complex life systems which make it habitable, not disturb its balances for the sake of short-term economic gains.

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During the last 6 years the Subcommittee on Air and Water Pollution has been instrumental in taking major steps in this Nation's efforts to protect the health and welfare of our citizens. Our work has resulted in the Clean Air Act of 1963, and the 1965 and 1966 amendments; the Air Quality Act of 1967; the Water Quality Act of 1965; the Clean Water Restoration Act of 1966; and the Solid Waste Disposal Act of 1965. Those acts have helped to form a national environmental policy.

The basis for the legislation is a strong Federal-State-local partnership. The States have the primary responsibility to protect and enhance the quality of air and water within their boundaries, and, in cooperation with other States, to protect and enhance the quality of air and water within resource areas common to those States. The Federal Government has the authority to act where States fail to fulfill their obligations.

The laws also provide Federal support for improved organization of State and local abatement programs, planning activities, and the research, development, and demonstration of new control technologies. The programs authorized under the acts are designed to reduce discharges into the atmosphere and public waterways. But they are limited by the effectiveness of existing technology and by the outmoded philosophy of waste disposal rather than waste management and reduction.

The Water Quality Improvement Act of 1969 and the Resource Recovery Act of 1969 are designed, in part, to shift the focus to waste management and reduction as the most effective guarantee of environmental improvement.

Our continued efforts to modify and improve pollution control programs reflect the fact that we have only recently begun to understand the importance of the environment to the human condition. We are only beginning to comprehend the magnitude of the real costs we are paying for the crowding, the fumes, the clutter, the noise, and the wasteful and monotonous sprawl of the great metropolitan concentrations where most Americans now live.

The subcommittee and the Congress are pledged to a national policy of enhancement of environmental quality, a policy based on the concept that man and his environment are interrelated and that a safe environment is necessary to the improvement of living standards for all men.

The environment we pass on to our children must reflect not our ability to define the problem, but our determination to solve it. If we fail to complete the work we have begun, our children will have to pay more than the price of our inaction. They will bear the tragedy of our failure to protect them against contaminants which can disrupt life processes, impair physical and mental health, and affect genetic inheritance.

The increased use of fossil fuels affects not only local environments but the global environment. The increased introduction of carbon dioxide into the atmosphere contributes to the "greenhouse effect," while increases in atmospheric turbidity act to reduce temperatures. The potential effects of such changes on weather, the environment, and man can be disastrous.

There is an increased input into the environment of toxic substances such as pesticides, detergents, and a variety of chemical additives, which are developed for special purposes. In too many cases we cannot predict the effects of such substances on individuals, on other species or on the physical environment.

Because of this, we ought to exercise great caution on every decision which may affect the environment. We ought to insure that our public institutions have the capacity to evaluate environmental hazards and to reduce those hazards to an absolute minimum.

We need to coordinate all Federal research programs which improve our knowledge of the consequences of environmental modifications, including the interrelationships between population increases, urbanization, and pollution.

We need to coordinate all Federal programs affecting environmental quality.

The bill I have introduced today would support such objectives by providing the following:

The development of criteria and standards to assure the protection and enhancement of environmental quality in all Federal and federally assisted public works projects and programs;

The coordination of all Federal research programs and activities to increase their contributions to our knowledge of the interrelationship of man and his environment; and

The creation of an Office of Environmental Quality and appropriate staff in the Executive Office of the President.

The proposed legislation is consistent with other congressional proposals directed toward implementing the national policy for the environment.

Many of these proposals have focused around a council of some description in the Executive Office of the President to furnish advice on ecology and environmental quality. In addition, some of the proposals would provide a statement of national policy.

I have introduced legislation to establish a Senate Select Committee on Technology and the Human Environment—Senate Resolution 78—which is now pending in the Government Operations Committee.

Senators CASE and Moss have introduced a bill S. 2312, to create a Federal Department of Conservation and the Environment.

Senator JACKSON and the members of the Committee on Interior and Insular Affairs have held hearings on several bills on the need for a national policy for the environment which include: S. 237, as introduced by Senator MCGOVERN; S. 1075, and amendments thereto, as introduced by Senator JACKSON; and S. 1752, as introduced by Senator NELSON.

Similar bills have been referred to the Committee on Public Works including S. 1085 introduced by Senator NELSON and S. 1818, introduced by Senator TYDINGS.

I ask unanimous consent that the text of S. 2391 and a summary of its provisions be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection the bill and summary will be printed in the RECORD.

The bill (S. 2391), to provide for the more effective coordination of Federal air quality, water quality, and solid waste disposal programs, for the consideration of environmental quality in public works programs and projects, for the coordination of all Federal research programs which improve knowledge of environmental modifications resulting from increased population and urban concentration, and for other purposes, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 2391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Quality Improvement Act of 1969."

FINDINGS, DECLARATIONS, AND PURPOSES

(a) The Congress finds—

(1) that in the pursuit of social and economic advancement man has caused changes in the environment;

(2) that the degree of such changes endangers a harmonious relationship between man and his environment;

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment, increasing the severity of the physical, social, psychological, and economic problems of our society; and

(4) that changes in the environment should be restricted, insofar as possible, to avoid adverse effects on man, other species and the environment itself.

(b) The Congress declares—

(1) that there is a national policy for the environment which provides for the enhancement of environmental quality, which is enunciated in:

(A) Federal Water Pollution Control Act, as amended;

(B) Clean Air Act, as amended;

(C) Solid Waste Disposal Act, as amended;

(D) Federal-Aid Highway Act, as amended;

(E) Omnibus Rivers and Harbor and Flood Control Act;

(F) Appalachian Regional Development Act;

(G) Public Works and Economic Development Act; and

(H) Tennessee Valley Authority Act;

(2) that the primary responsibility for implementing this policy rests with State and local government;

(3) that the Federal government shall encourage and support implementation of this policy through appropriate regional organizations; and

(4) that Federal and federally assisted public works programs and projects shall, in all instances, be developed and implemented in a manner consistent with the enhancement of environmental quality.

(c) The purposes of the Act are—

(1) to provide for the development of criteria and standards to assure the protection and enhancement of environmental quality in all Federal and federally assisted projects and programs;

(2) to provide for the coordination of Federal research programs and activities which

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contribute to knowledge of the interrelationships of man and his environment; and

(3) to authorize and to provide staff for an Office of Environmental Quality.

COORDINATION OF FEDERAL RESEARCH PROGRAMS DEALING WITH ENVIRONMENTAL QUALITY

Sec. 102. (a) Each Federal department or agency conducting or supporting public works activities which affect the environment shall implement the policies established by the President pursuant to this Act;

(b) Each Federal department or agency performing or supporting research relating to the interrelationships between man and his environment shall implement the policies and procedures established by the President pursuant to this Act.

(c) Each Federal department or agency in carrying out the provisions of this section shall place emphasis on research activities which improve the Nation's understanding of—

(1) the effects of environmental modifications on public health and welfare, including the social and psychological well-being of man;

(2) the effects of rapid population growth and increased urban concentration on the environment;

(3) the effects of noise on man and his environment;

(4) the effects of waste heat disposal practices on man and his environment;

(5) the occurrence, dispersal, biological concentration and environmental effects of pesticides and other materials;

(6) the occurrence, dispersal, biological concentration, and effects of natural environmental contaminants, including radioactive materials;

(7) the effects of increases in atmospheric levels of carbon dioxide, atmospheric turbidity, and other contaminants on weather, climate, and ecological processes;

(8) the effects on man's activities on the productive capacity of soil;

(9) the basic patterns and processes of ecosystems;

(10) the effects of introducing new species into existing ecosystems;

(11) the effects of modification of biological and physical diversity on the stability and dynamics of ecosystems; and

(12) the destruction or degradation of unique ecosystems and endangered species.

OFFICE OF ENVIRONMENTAL QUALITY

Sec. 103(a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (herein referred to as the "Office"). There shall be in the Office a director and a deputy director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Director and the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director and the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees as may be necessary to enable the Office to carry out its functions under this Act.

(d) In carrying out the provisions of this section the Director shall—

(1) assist and advise the President on policies and programs of the Federal government affecting environmental quality;

(2) provide staff and support for any cabinet level council or committee established by the President to coordinate Federal activities which affect the environment;

(3) review and appraise existing and proposed projects, facilities, programs, policies, and activities of the Federal Government which affect environmental quality and make recommendations thereon;

(4) review the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(5) promote advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(6) develop proposed policies and programs to protect and enhance environmental quality;

(7) recommend priorities with respect to problems involving environmental quality;

(8) assure evaluation of new and changing technologies for their potential effects on the environment prior to their implementation;

(9) review and comment on the coordination of the programs and activities of Federal departments and agencies which affect, protect, and improve environmental quality;

(10) review and comment on the development and interrelationship of environmental quality criteria and standards established through the Federal government; and

(11) consult with and advise representatives of State and local governments and assist the President in efforts to achieve environmental quality in the community of nations.

(e) In carrying out the provisions of this section, the Director is authorized to contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) for research and surveys regarding any potential or existing problem of environmental quality.

(f) In carrying out the functions of this Act, the Director shall—

(1) not later than six months after the effective date of this Act and not later than January 10 of each calendar year beginning after such date, report to the Congress on measures taken toward implementing the purpose and intent of this Act;

(2) collect, collate, analyze, and interpret data and information on environmental quality and issue reports thereon, as he deems appropriate; and

(3) organize and convene a biennial symposium on current problems and issues concerning environmental quality, population, and the future, and publish the proceedings thereof. Participants shall be selected from among representatives of various States, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, psychology, medical sciences, social sciences, ecology, agriculture, economics, law, engineering and political science who have demonstrated competence with regard to problems of the environment.

ADVISORY COMMITTEES

Sec. 104. (a) In order to obtain assistance and independent advice in the development and implementation of the purposes of this Act the Director of the Office of Environmental Quality, established pursuant to section 103, shall from time to time establish advisory committees. Committee members shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, medical sciences, psychology, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

(b) The members of the advisory committee appointed pursuant to this Act shall be entitled to receive compensation at a rate to be fixed by the Director, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

Sec. 105. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1969, and for each of five succeeding fiscal years, such amounts as may be necessary for the purposes of this Act.

The summary presented by Mr. Muskie is as follows:

Environmental Quality Improvement Act of 1969—Summary of Provisions

1. Findings, declarations, and purposes.
2. Directs Federal departments and agencies conducting or supporting public works projects or programs to implement existing environmental policies and the environmental policies established pursuant to this Act.
3. Directs Federal departments and agencies conducting or supporting research on the interrelationship between man and his environment to implement the research policies and procedures established pursuant to this Act.
4. Directs Federal departments and agencies to emphasize twelve environmental research areas which are of long-term concern.
5. Provides for the establishment of an Executive Office of Environmental Quality.
6. Directs the Director of the Office of Environmental Quality to provide staff and support for any environmental council and committees established by the President, and perform other functions.
7. Provides for an annual report to the Congress on measures taken to implement the Act.
8. Provides for a biennial symposium on current problems and issues concerning environmental quality, population, and the future.
9. Provides for the establishment of independent advisory committee to assist the Director of the Office of Environmental Quality.
10. Authorizes funding for Fiscal Years 1969 through 1974.

Mr. RANDOLPH. Mr. President, as noted by the diligent and knowledgeable chairman of the Subcommittee on Air and Water Pollution (Mr. Muskie), the Committee on Public Works has moved on numerous fronts to develop a national policy to combat the continuing degradation of the environment. The Air Quality Act of 1967, the Federal Water Pollution Control Act, as amended, in recent years, and the Solid Waste Disposal Act of 1965 represent significant steps toward the enhancement of environmental quality. Then, too, Federal-aid highway legislation of the 1960's has created highway beautification programs and has strengthened the protection of parklands. It also requires the consideration of social and environmental factors and community goals and objectives in the location of proposed highway projects.

The Appalachian Regional Development Act provides for the development of programs for mine land reclamation and pollution control.

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All these measures, from the committee I have the responsibility to chair, are geared toward the abatement and control of existing adverse conditions. But when we look at projected population growth and distribution, waste output, and resource supply and use, we see growing threats to the quality of our environment which are beyond current management capabilities.

We must move now to establish an environment that promotes public health and welfare, diversity, space, and beauty.

There has been, in recent years, a growing concern to keep open the widest possible array of options for a more livable environment. This concern was expressed in June 1968 by President Johnson's Citizens Advisory Committee on Recreation and Natural Beauty:

> Nowhere within the Federal structure is there a clearly defined responsibility for environmental quality control. No one Federal authority can be identified with an overall responsibility for the environment. No single entity within the Federal structure can be counted on to weigh each decision or measure each new program objective against the impact that it will have on the natural environment.
>
> Federal programs are still being advanced with very little understanding of their impact upon the environment; some Federal projects are still going forward in full knowledge that they are disruptive or destructive of some element of man's ecology or some irreplaceable value of his environment.

Today, it is a privilege for me to join the distinguished Senator from Maine (Mr. MUSKIE) and 38 of our colleagues in the introduction of the Environmental Quality Improvement Act of 1969. This measure represents a major step toward the crystalization of a national posture of environmental quality management. It is my judgment that it reflects the consensus of recommendations made in testimony to the committee. Our bill provides means for combatting and, hopefully, overcoming the disruptive influence of man on his environment.

Environmental problems are not necessarily byproducts of technology. But their solutions almost invariably grow out of technological advances. The degradation of our environment is not an absolute price of our prosperity, but prosperity is a requirement if we are to meet the tragic costs of restoration. On the other hand, environmental problems often stem from the misapplication of technology and from its unwanted and unanticipated side effects. Too often we have failed to understand or anticipate the impact of man's technological activities upon a highly complex, highly interrelated natural environment. Now, the sum of our disruptive influences within natural systems is being tallied slowly, but at an ever-increasing rate. The cost is high and will become much higher until we come to appreciate the character of the total environment, and learn to manage our activities and waste disposal methods in accord with the interrelationships between man and his environment.

This does not mean that we must sacrifice our affluence and technical prowess in order to protect the beauty of nature and maintain stability in the environment. America can afford and can achieve the abundant life, as well as the improved environment.

We must make a new beginning by recognizing that the American environment is at a crossroad. Likewise, we must decide either to manage our environment in order to enhance it or to continue to contribute to the degradation of that quality which remains. The consequence of the latter would be to endanger plant, animal, and human life.

Even as President Johnson recognized the vast problem by appointing the Citizens' Advisory Committee on Recreation and Natural Beauty, President Nixon gave added attention recently to the environmental crisis in his Executive order establishing the Cabinet-level Environmental Quality Council and the Citizens' Advisory Committee on Environmental Quality. The President is to be commended for giving further leadership to this effort.

The legislation we introduce today extends the environmental management effort in several important areas. It would require that all federally supported public works projects and programs be planned and developed in full recognition of their ecological impact. Technological and economic developments that produce short-term benefits at the expense of the long-term health and productivity of the environment would be rejected.

For example, the location, design, and development of Corps of Engineers civil works projects should take into full account the ecological implications of the decisions involved. Alternatives should be chosen which minimize deleterious impacts. We should develop the means to evaluate the total environmental impact of Corps of Engineers rivers, harbors, flood control, and dredging projects.

I have spoken previously concerning our water resources programs and of the need for "developmental planning" rather than "response planning." The Committee on Public Works initiated the first program in this regard in section 206 of the Appalachian Regional Development Act of 1965, which authorizes regional water resources planning programs for the Appalachian region. As I have stated on other occasions, this concept and this approach should be extended to other regions of the country. We should especially emphasize the use of water resources development to reverse the trends of population movement from rural to the highly urbanized areas. The Office of Environmental Quality proposed in our measure would be an appropriate agency to give direction to this approach.

For too long, land has been considered an expendable resource to be abused, depleted, and disfigured. The Appalachian region is one example of such violated land. Appalachia is a region with an annual rainfall substantially above the national average; at Pickens in my home county, it is approximately 53.65 inches a year, which is the highest in West Virginia. Appalachia is a region where three-fifths of the land is forested; a region whose mountains offer some of the most beautiful landscapes in Eastern America, readily lending themselves to major tourism and recreation. Yet this natural wealth has benefited too few.

Below the crust of its land are some of the Nation's richest mineral deposits, including the coal seams which have provided almost two-thirds of this Nation's coal supply.

Environmental mismanagement has too frequently denied this area its natural heritage. Thousands of acres of wild beauty have been strip mined and have not been properly or adequately reclaimed. In recent years we have had reclamation improvements, but probably not enough. Though mining and reclamation practices continue to improve, too many orphaned acres mar the landscape and contribute to the pollution of our rivers and streams and also to frequent floods.

Such lands are stark testimony to the consequences of the lack of environmental quality planning. They can serve also as training ground to demonstrate the benefits to be derived from environmental planning.

Nowhere else in the United States is the scope and magnitude of need for environmental quality management comparable to that in Appalachia. The largest single geographical areas of underdevelopment in the United States, Appalachia could serve as a conservation training and proving ground. The outcome would benefit the citizens of the region, as well as the whole Nation.

A major activity area for improved environmental management in relation to public works exists in our massive Federal-aid highway program. The Interstate Highway System is one of the great achievements of this Nation. It is essential to the growth and prosperity of our national economy. It has served to link our urban centers in an ever-increasing flow of commerce, goods, and people. But the roads, and the economy they support, are not ends in themselves. Through environmental planning they can better serve the needs of our people by providing an opportunity to enjoy nature and natural and manmade beauty, while also providing increased income and swifter travel.

Our highways must be brought into harmony with the communities and countrysides they traverse. Too often in the past this need has received little more than lipservice. Locations seem often to be chosen to serve the more limited benefits of the user rather than the community at large.

Cities such as Baltimore and Chicago are attempting to manage the environmental impact of highways by employing urban design concept teams. This approach involves engineers, architects, sociologists, urban planners, economists, and other specialists to form a coordinated team. The team examines the highway corridor in a framework which emphasizes overall community goals and plans.

Although still experimental, this approach has proven worthwhile and will provide criteria to aid others to evaluate urban transportation needs in terms of social, esthetic, and economic values. There is no doubt that the knowledge gained will yield new methods and techniques of assistance in the solution of complex urban problems.

Our concern for the environment must be guided by a search for beauty as well as cleanliness, including the quality and appearance of the everyday surroundings in the great urban areas. Many Americans spend most of their time in and around our cities. What they see, smell, and hear constitutes the environment that significantly influences their lives.

It does not require expertise to pass judgment on the quality of the environment of America where trees, flowers and green spaces are rarities. Littered streets and roadsides are common. Noise and fumes permeate many of the downtown regions and contribute to the cycle of commercial decline often found there.

American cities too often are marked by a clutter of billboards, traffic and other official signs, utility poles, and overhead wires.

And nowhere do we find ugliness more prevalent and oppressive than in the slums of our cities. Here, it seems, all forms of environmental deterioration have been assembled at their ugliest—the worst congestion, the worst blight, and the worst litter and waste problems. And, more often than not, among the worst air and noise pollution problems are in the slums.

Here, too, we find the least in the way of natural beauty to modify the harsh environment.

I am convinced that these urban environmental problems—ugliness, clutter, litter, the lack of parks and open space, and inadequate recreational opportunities—are basic components of the crisis in America's cities.

An effective response to the urban crisis, we now know, requires a series of measures responsive to citizens' needs for housing, health and sanitation, education, employment, transportation, and pollution abatement. I feel, too, that we must add provisions for improving the appearance of cities, for new urban parks and more open space, and for creating attractive and diverse recreational experiences.

The Federal Government has been organized to provide needed leadership in housing and urban development and in transportation. We have an urban open space program and an urban beautification program that have helped to improve the appearance of many American communities.

The Neighborhood Youth Corps and the Job Corps provide employment and training for young men and women engaged in community improvement work. And a comprehensive attack on the physical and social plight of rundown city neighborhoods has begun through the model cities program.

These instrumentalities enable us to obtain a better perspective of urban environmental problems. Our understanding of these problems is much greater than was the case a few years ago.

But our attention must also be directed to the rural areas, too.

Pollution and disorder are scattered over the total environment, sweeping across the countryside of America.

The application of agricultural technology on a large scale has resulted in many problems. Not the least of these is the depopulation of rural areas. More than half a million rural Americans migrate to the cities each year in search of livelihood and opportunity.

At the same time, we continue to sacrifice much prime agricultural land to urban development. California produces nearly half of our country's supply of fruit, nut crops, and vegetables. Yet at least one-half of the best cropland in that State has gone over to urban or industrial uses.

The environmental problems mentioned are urgent. But, I believe we are better equipped for action now than at any time in our national history.

The measure in which Senator MUSKIE and I join reflects our preparedness as a union of States and declares a national policy for better management of the environment.

The citizens of this Nation have the right to a policy and to enhancement programs that would assure a livable environment. Our proposed measure would provide a major step forward in the fulfillment of that right.

Mr. COOPER. Mr. President, I have today joined with Senator MUSKIE, Senator RANDOLPH, and Senator BOGGS and significantly 37 other Senators, in cosponsoring the Environmental Quality Improvement Act of 1969. There is no question that the quality of the natural environment underlies the quality of human life. It must be a paramount concern for us all.

Congressional recognition of the crisis facing our environment began slowly but has gathered great momentum over the past several years as witnessed by, among others, the Water Pollution Control Act of 1965, as amended; the Air Quality Act of 1967; the Solid Waste Disposal Act of 1965; and the Highway Beautification Act of 1965. The proposal offered today, complementing the President's recently established Cabinet Council, represents a mechanism to coordinate the programs enacted to date through an integrated policy, and with a coordinating administrative structure that would enable comprehensive Federal consideration of all aspects of environmental quality in the utilization of natural resources.

Senators MUSKIE and RANDOLPH have made excellent statements supporting the rationale of the proposed act and I will not add to that exposition. However, I would like to stress what I feel is a particularly important aspect of the bill; namely, its relationship to the Environmental Quality Council established by the President on May 29, 1969. Never before in our history has a President made such a commitment to environmental quality and he is to be congratulated and commended for his vision and wisdom in taking this action. The bill introduced today recognizes the President's action by integrating it into an overall plan for consolidating an improving Federal activity relating to the environment.

The bill recognizes that the framework of the Cabinet Council represents the best approach to implementing throughout the Federal Establishment the decisions of the President and the policies established by him and therefore proposes an Office of Environmental Quality in the Executive Office of the President to, among other things, provide for adequate independent staffing for the President's Council. This Office is designed to make available to the President the professional competence and facilities necessary to allow substantive review and analysis of all matters relating to the environment. In addition the Office shall report on environmental issues to the Congress, the Council, and the public.

It is expected that the Committee on Public Works will give immediate attention to this bill with hearings in Washington and hopefully in centrally located urban centers of the Nation. I invite the attention of my colleagues to this proposal and actively seek their assistance in considering this and similar measures.

I ask unanimous consent that the Executive order establishing the Environmental Quality Council and the President's accompanying statement be inserted at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER 11472, MAY 29, 1969, ESTABLISHING THE ENVIRONMENTAL QUALITY COUNCIL AND THE CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

PART I. ENVIRONMENTAL QUALITY COUNCIL

SECTION 101. *Establishment of the Council.* (a) There is hereby established the Environmental Quality Council (hereinafter referred to as "the Council.").

(b) The President of the United States shall preside over meetings of the Council. The Vice President shall preside in the absence of the President.

(c) The Council shall be composed of the following members: The Vice President of the United States, Secretary of Agriculture, Secretary of Commerce, Secretary of Health, Education, and Welfare, Secretary of Housing and Urban Development, Secretary of the Interior, Secretary of Transportation, and such other heads of departments and agencies and others as the President may from time to time direct.

(d) Each member of the Council may designate an alternate, who shall serve as a member of the Council whenever the regular member is unable to attend any meeting of the Council.

(e) When matters which affect the interests of Federal agencies the heads of which are not members of the Council are to be considered by the Council, the President or his representative may invite such agency heads or their alternates to participate in the deliberations of the Council.

(f) The Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and the Executive Secretary of the Council for Urban Affairs or their representatives may participate in the delib-

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erations of the Environmental Quality Council as observers.

(g) The Science Adviser to the President shall be the Executive Secretary of the Council and shall assist the President in directing the affairs of the Council.

SEC. 102. *Functions of the Council.* (a) The Council shall advise and assist the President with respect to environmental quality matters and shall perform such other related duties as the President may from time to time prescribe. In addition thereto, the Council is directed to:

(1) Recommend measures to ensure that Federal policies and programs, including those for development and conservation of natural resources, take adequate account of environmental effects.

(2) Review the adequacy of existing systems for monitoring and predicting environmental changes so as to achieve effective coverage and efficient use of facilities and other resources.

(3) Foster cooperation between the Federal Government, State and local governments, and private organizations in environmental programs.

(4) Seek advancement of scientific knowledge of changes in the environment and encourage the development of technology to prevent or minimize adverse effects that endanger man's health and well-being.

(5) Stimulate public and private participation in programs and activities to protect against pollution of the Nation's air, water, and land and its living resources.

(6) Encourage timely public disclosure by all levels of government and by private parties of plans that would affect the quality of environment.

(7) Assure assessment of new and changing technologies for their potential effects on the environment.

(8) Facilitate coordination among departments and agencies of the Federal Government in protecting and improving the environment.

(b) The Council shall review plans and actions of Federal agencies affecting outdoor recreation and natural beauty. The Council may conduct studies and make recommendations to the President on matters of policy in the fields of outdoor recreation and natural beauty. In carrying out the foregoing provisions of this subsection, the Council shall, as far as may be practical, advise Federal agencies with respect to the effect of their respective plans and programs on recreation and natural beauty, and may suggest to such agencies ways to accomplish the purposes of this order. For the purposes of this order, plans and programs may include, but are not limited to, those for or affecting: (1) development, restoration, and preservation of the beauty of the countryside, urban and suburban areas, water resources, wild rivers, scenic roads, parkways and highways, (2) the protection and appropriate management of scenic or primitive areas, natural wonders, historic sites, and recreation areas, (3) the management of Federal land and water resources, including fish and wildlife, to enhance natural beauty and recreational opportunities consistent with other essential uses, (4) cooperation with the States and their local subdivisions and private organizations and individuals in areas of mutual interest, (5) interstate arrangements, including Federal participation where authorized and necessary, and (6) leadership in a nationwide recreation and beautification effort.

(c) The Council shall assist the President in preparing periodic reports to the Congress on the subjects of this order.

SEC. 103. *Coordination.* The Secretary of the Interior may make available to the Council for coordination of outdoor recreation the authorities and resources available to him under the Act of May 28, 1963, 77 Stat. 49; to the extent permitted by law, he may make such authorities and resources available to the Council also for promoting such coordination of other matters assigned to the Council by this order.

SEC. 104. *Assistance for the Council.* In compliance with provisions of applicable law, and as necessary to serve the purposes of this order, (1) the Office of Science and Technology shall provide or arrange for necessary administrative and staff services, support, and facilities for the Council, and (2) each department and agency which has membership on the Council under Section 101(c) hereof shall furnish the Council such information and other assistance as may be available.

PART II. CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

SEC. 201. *Establishment of the Committee.* There is hereby established the Citizens' Advisory Committee on Environmental Quality (hereinafter referred to as the "Committee"). The Committee shall be composed of a chairman and not more than 14 other members appointed by the President. Appointments to membership on the Committee shall be for staggered terms, except that the chairman of the Committee shall serve until his successor is appointed.

SEC. 202. *Functions of the Committee.* The Committee shall advise the President and the Council on matters assigned to the Council by the provisions of this order.

SEC. 203. *Expenses.* Members of the Committee shall receive no compensation from the United States by reason of their services under this order but shall be entitled to receive travel and expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5701–5708) for persons in the Government service employed intermittently.

SEC. 204. *Continuity.* Persons who on the date of this order are members of the Citizens' Advisory Committee on Recreation and Natural Beauty established by Executive Order No. 11278 of May 4, 1966, as amended, shall, until the expirations of their respective terms and without further action by the President, be members of the Committee established by the provisions of this Part in lieu of an equal number of the members provided for in section 201 of this order.

PART III. GENERAL PROVISIONS

SEC. 301. *Construction.* Nothing in this order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

SEC. 302. *Prior bodies and orders.* The President's Council on Recreation and Natural Beauty and the Citizens' Advisory Committee on Recreation and Natural Beauty are hereby terminated and the following are revoked:

(1) Executive Order No. 11278 of May 4, 1966.

(2) Executive Order No. 11359A of June 29, 1967.

(3) Executive Order No. 11402 of March 29, 1968.

RICHARD NIXON.

THE WHITE HOUSE, *May 29, 1969*.

ENVIRONMENTAL QUALITY COUNCIL AND CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

(Statement by the President Upon Creating the Council and the Committee, May 29, 1969)

"The conservation of our natural resources and their proper use constitute the fundamental problem which underlies almost every other problem of our national life," Theodore Roosevelt said in 1907. When men talked about conservation in his time, they usually singled out the wild lands, plant and animal life, and valuable minerals, for in these areas they saw the threat of scarcity. Resources such as the air or the water or the countryside itself were of less concern, for the supply and the quality of such things seemed invulnerable.

I am sure that Roosevelt and his associates of sixty and more years ago would be most surprised if they knew that in our time technological development threatens the availability of good air and good water, of open space and even quiet neighborhoods. Yet that is exactly what is happening. Each day we receive new evidence of the declining quality of the American environment.

Because the quality of American environment is threatened as it has not been threatened before in our history, I am creating today, by Executive order, the Environmental Quality Council. This new body will be a Cabinet-level advisory group which will provide the focal point for this administration's efforts to protect all of our natural resources.

The Council, the structure of which in some respects parallels that of the National Security Council and the Urban Affairs Council, will have as its Executive Secretary the Science Advisor to the President, Dr. Lee A. DuBridge. My Executive order also creates a 15-member Citizens' Advisory Committee on Environmental Quality, which will be chaired by Laurance S. Rockefeller.

I am asking the new Council, with the assistance of the Citizens' Advisory Committee, to examine the full range of variables which affect environmental quality. I expect the group to review existing policies and programs and to suggest ways of improving them. Its members must project the impact of new technologies and encourage scientific developments which will help us protect our resources.

I am hopeful that the Environmental Quality Council will foster greater cooperation in this problem area between our Government and the governments of other nations, between the various levels of American government, and between governmental and relevant nongovernmental organizations.

Finally, I would suggest that this new body must anticipate new problems even as it focuses on present ones. It is not enough that it provide answers to the questions we are asking today. It must also pose the new questions which will face us tomorrow.

The deterioration of the environment is in large measure the result of our inability to keep pace with progress. We have become victims of our own technological genius. But I am confident that the same energy and skill which gave rise to these problems can also be marshaled for the purpose of conquering them. Together we have damaged the environment and together we can improve it.

As I said during last fall's campaign: "We need a high standard of living, but we also need a high quality of life. . . . We need a strategy of quality for the seventies to match the strategy of quantity of the past." I am pleased to announce the creation of the Environmental Quality Council, for I believe it will provide us with that strategy and will give us the means for implementing it.

Mr. BOGGS. Mr. President, it is with great hope for our Nation's future that I join with the Senator from Maine in cosponsoring this bill, the Environmental Quality Improvement Act of 1969. This proposed legislation offers new approaches and support to Government action on environmental pollution, and further clarifies our national commitment to this great task. I recommend it for the consideration of my colleagues.

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The bill, I believe, would go far to assist the Nixon administration in its desire to tackle these problems now. The creation in the White House of an Office of Environmental Quality, with a staff of experts to meet the many problems of pollution, will complement and support the President's new Environmental Quality Council. With a basis of that commendable decision by the President, this bill, and the environmental policy already enunciated in legislation such as the Federal Water Pollution Control Act, the Clean Air Act, and the Solid Waste Disposal Act, our Nation is ready to master our pollution problems.

This bill also directs any Federal unit involved in public works projects or research relating to man and his environment to place new emphasis on activities to improve our national understanding of environmental problems and needs.

There are, I believe, some very relevant phrases in this bill, phrases that will engrave into the public code the need for Government to act "in a manner consistent with the enhancement of environmental quality."

The distinguished Under Secretary of the Interior, Russell E. Train, recently gave an address at the national convention of the Audubon Society that I believe offers eloquent testimony for this proposed legislation. Further, the Wilmington, Del., Evening Journal, on May 31, carried an editorial bearing on the President's new Environmental Quality Council.

I ask unanimous consent that the address and editorial be printed in the RECORD following my remarks. I encourage my colleagues to read the address and the editorial and to give your wholehearted support to the legislation we have placed before you.

There being no objection, the address and editorial were ordered to be printed in the RECORD, as follows:

NATIONAL PROBLEMS AND POLICIES IN ENVIRONMENTAL MANAGEMENT

Standing before you here, near the heart of our country and even closer to the juncture of the continent's two mightiest river systems, I am reminded of a fable written some years ago by a Missourian who now works in the Department of the Interior:

A man somehow got lost in the Missouri Ozarks. He knew enough of woods lore to realize that if he could find a small creek and follow it, it would lead him downhill to larger streams and eventually to civilization. Finding a creek, he set forth. As darkness fell he had reached a wider stream. The water was clear and sweet to drink. He was lucky enough to have a few matches in his pocket, and he gathered enough dead wood to build a fire.

The stars seemed so close he felt he could almost touch them. Up on a nearby ridge a fox barked, and from another ridge opposite he heard the hoot of an owl. Later he dozed, but was startled into momentary wakefulness by a sudden rustling, but quickly saw that it was only a deer, slipping down to the water's edge to drink.

The man fell asleep to the rhythmic sounds of night in the wilds. He awoke to find the morning sun on his brow, dew on the ground and mist rising off the stream. Stretching his legs, he acknowledged the chatter of a squirrel in a nearby oak, and resumed his journey.

The stream widened, and in its occasional pools he could see fish swimming. Occasionally a bass leaped from the water. Soon the stream led to a small river, which led to a large one. Within a short time he began seeing evidence of human habitation. And at last he stumbled across a flood plain toward the edge of a great river.

He tripped a few times over rusting cans and other debris, and several times had to detour around great piles of discarded auto and truck tires. At the river's bank he discerned gaseous bubbles rising through the mucky water, and a great oil slick moving along in midstream. Foul trash floated on the surface.

The traveler fell to his knees, raised his eyes and fervently exclaimed:

"God be praised—I'm back to civilization."

The United States Department of the Interior, like the Audubon Society, is dedicated to the proposition that this fable may some day be deprived of its ironic point. However, whether man *can* survive, in a *world worth living in*, is an issue that remains *in doubt*.

The ultimate answer will depend on man's actions and on the institutions he creates to anticipate, judge and control the potentially adverse effects of those actions as well as to give positive direction for human betterment to the forces which are now at his command.

The future is open. Whether we take the road to deterioration and destruction or turn toward a future environment that not only sustains but enriches human life, the choice is ours.

To proclaim that such a choice exists is itself something of an act of faith, one which I am afraid may be increasingly difficult to accept. The time in which we live is one when the forces around us—be they social, economic, or technological—seem all too frequently to be beyond our control. Indeed, for many individuals, it is probably a major source of current frustration that they have so little ability to shape and direct the events around them.

Particularly is this true with respect to the environment.

The roll-call of environmental problems is as familiar as it is discouraging and I will not impose a lengthy recital upon you.

Our greatest concern and the one from which many of our most pressing problems spring is the growth of human numbers. Our world population is estimated to double from the current 3.5 billion to 7 billion over the next 30 to 40 years. The optimists say that we will be able to feed these hordes, citing the new miracle grains, protein from the seas, and other sources of food. I am not so sure. The plain fact is that we are not feeding adequately the people we now have.

The adverse impacts of our technology multiply at an accelerating rate. Indeed, the very extent and rapidity of change appear to be a major characteristic of our time. Such change makes it increasingly difficult for man and his institutions to adapt successfully to the new environments which are created at every hand.

We continue to pump toxic substances into the living environment, so that you and I carry measurable amounts of DDT and other similar goodies in our bodies. Only a few weeks ago we read that 28,000 pounds of Lake Michigan Coho salmon were confiscated because of the high level of DDT and Dieldrin in their flesh. Recently, the Public Health Service warned of evidence that sugar substitutes in soft drinks are causing physical defects, including genetic damage. Man may be destroying himself, but he is determined not to become overweight in the process.

Pollution of air and water, despite some local improvement, is becoming world-wide in scope. In the developing countries, industrial and agricultural development, the latter characterized by massive applications of fertilizers and pesticides, is proceeding almost everywhere without regard to pollution control.

In this country, the use of chemical fertilizers is damaging the natural, organic fertility of our soil.

The solid wastes of our technological civilization mount on every hand. Dr. John Hanlon, new president of the American Public Health Association, describes us as "standing knee-deep in refuse, shooting rockets to the moon."

The combustion of fossil-fuels and the elimination of vegetation combine to produce changes in the oxygen-carbon dioxide balance of our atmosphere—with what results for our global climate, indeed for life itself, we are largely ignorant.

In our cities we see the adverse effects of environment at their starkest. Who is to doubt that the tensions, the frustrations, and the violence which have become part of the urban scene have their roots in some degree at least in the environment in which our city people live? Man is the biological product of an evolutionary process which has stretched over millions of years, and natural environments have been the primary determinant in shaping his character and being. As Rene Dubos has said, "man evolved as an animal, even while he was dreaming of God and the stars." The people of our cities are alienated from the natural world for which they are primarily adapted and live instead in a man-made environment from which there is no escape—an environment of constant stress, of crowds, noise, litter, and concrete.

From the perspective of the Department of the Interior, one is constantly reminded of the results of environmental mismanagement, as well as the opportunities for better management. The Department is sometimes described as the world's greatest conglomerate and, indeed, our programs cut across a very wide range of public concerns. I would like to take a few minutes to tell you something about this extraordinary organization.

We manage the national parks, historic monuments, national recreation areas, lakeshores and seashores. We administer the Land and Water Conservation Fund and we coordinate our government's outdoor recreation programs. We manage wildlife refuges and conduct programs of wildlife research, including the endangered species program. Our Bureau of Commercial Fisheries is active in marine exploration, marine biological research, and fish marketing studies. Indeed, the Department of the Interior has the largest oceanographic program of any civilian agency of Government. We are major participants in the Sealab project off the West Coast and Operation Tektite in the Virgin Islands—the so-called "man-in-the-sea" program. Operation Tektite recently put four men on the ocean floor for sixty days. All four participants were from the Department of the Interior—a fact which evidences our involvement in ocean programs. The wise management and utilization of marine resources will play a vital role in determining human survival—and the quality of life.

We believe that the resources of the sea and the resources of the land should be managed as interrelated parts of the total environment. Thus, one of our most critical resource problems is the protection of our estuaries, the interface of land and sea. It is an area of inestimable value for the production of marine life, as habitat for wildlife, for the control of pollution, and as a recreation facility, particularly for urban populations. Yet through lack of management, we have permitted this invaluable resource to be dredged, filled, bulkheaded, polluted and otherwise de-

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stroyed or impaired. The Department is carrying out a large-scale survey of the nation's remaining estuaries, and we are hopeful that major legislation leading to better management of the total coastal zone will result.

In our concern for maintaining the natural functions of our estuarine systems, the Department must work closely with the Corps of Engineers which has primary responsibility for conducting or licensing public works in our navigable waters. This relationship is a good example of the need to provide within government at all levels effective mechanisms to ensure that single-interest agencies pursue environmental programs in ways which are consistent with our concern for the quality of the total environment.

Water pollution control is, of course, a major program of the Department of the Interior and one to which Secretary Hickel recently assigned highest priority. We must clean up the nation's water. Our people demand this. Moreover, I am confident that we cannot sustain our economic growth in an unhealthy, polluted environment. I do not believe that industry will want to locate or that people will want to work and live in the absence of clean water. Unfortunately, there is little evidence that we are making any significant progress in controlling water pollution. Indeed, we may even be falling behind. Less than a month ago, an enforcement conference on the Potomac River—sometimes called the "Nation's River"—concluded that the Potomac is in worse shape now than it was ten years ago. We have failed—and are continuing to fail—to make the investments necessary for water pollution abatement.

Not only do the varied—and sometimes conflicting—programs of the Department of the Interior illustrate the complex interrelationships of the environment but they also serve to emphasize that resource development and utilization must go hand in hand with environmental protection.

We have had a spectacular lesson in this regard in the Santa Barbara oil spill. There is little doubt that in our off-shore oil development we have permitted immediate monetary gains to overshadow potential environmental costs—costs measured in terms of polluted beaches, destroyed wildlife, and damage to marine ecosystems. Moreover, the technological explosion of our times doubtless can mean a constant succession of Santa Barbaras not only on the continental shelf but throughout the environment. These will not be isolated cases to be lamented but otherwise forgotten. I predict that environmental accidents will multiply at a geometric rate as man's power to modify the environment increases without parallel improvement in his organization for environmental management. Moreover, it is not only the spectacular accident that must concern us but also the less dramatic actions which gradually but just as surely erode the environment—the filling of an estuary, the paving of an aquifer, the destruction of a species.

In order to reverse this course, some basic changes must be made—changes in our attitudes, changes in our approach to planning, and changes in governmental organization. Let us look at each of these briefly.

Our belief in the individual's relative freedom to exploit and otherwise modify his environment for his own benefit evolved in a simpler, less crowded age when man's technological power was far less and when the environment was capable of absorbing and cleansing itself of most adverse impacts. This state of affairs simply no longer exists. We must take a far stricter view now and in the future of the duties of the individual, including businesses, toward the environment. The time has come to treat crimes against the environment on a par with crimes against society. Crimes against the environment strike at the very future of man.

A recent cartoon in a leading Midwestern newspaper, the Milwaukee Journal, showed two grim-faced industrialists standing amid polluted rivers, litter, poisoned plant life and smog. Their factories, in the background, poured smoke into the air and effluents into the streams. One of these gentlemen was saying to the other, "It's time the Government cracked down on these young college whippersnappers who have no regard for private property."

Fortunately, a large and growing number of highly responsible individuals and businesses take the longer view. But it is unrealistic to expect them, in the aggregate, to police themselves. The individual automobile owner whose vehicle contributes only minutely to the pollution of the air will seldom volunteer the investment necessary to control his own exhaust. In the case of industry, competitive conditions frequently make it impractical for the individual company to maintain higher standards than its competitors unless it possesses a high degree of market dominance. Thus, we must be willing to establish strict standards of conduct and performance and then rigorously enforce those standards.

Secretary of the Interior Hickel recently took an important step in this regard when he acted to impose absolute liability without limitation for the cost of clean-up upon those responsible for oil spills on the Outer Continental Shelf. I believe that this action constitutes an important landmark in the development of new concepts of responsibility for environmental protection.

Secondly, we must develop a far more positive approach to the need for long-range planning. Most of our environmental programs today represent limited—and usually belated—responses to problems. We can no longer afford the luxury of such an approach. During last autumn's campaign, then-candidate Nixon declared: "The battle for the quality of the American environment is a battle against neglect, mismanagement, poor planning and a piecemeal approach to problems of natural resources."

We must change this. We must develop long-range environmental policies for the future. We should seek to determine optimum relationships between people and their physical environment, including its quality, its ecological health, the supply of water and other natural resources, the supply and distribution of open space. We should determine long-range needs for energy and open space and natural resources generally and then develop policies designed to meet those needs. How large a population do we really want? How should it be distributed? At the present time, we simply make projections of future growth and then scramble frantically to provide the water, the sewers, and the highways to accommodate that growth—successfully insuring that the growth does in fact occur whether desirable or not.

The fate of the Everglades National Park is a case in point. It is totally dependent upon an assured water supply. Continued development of southern Florida creates competition for available water. If water is guaranteed presently projected urban, industrial and agricultural growth, it is plain that there will be insufficient water for the park in the future. Thus, some hard decisions must be made. Personally, I believe that the interest of the nation as a whole in the continued well-being of the Everglades National Park is such that it should insist that development plans not jeopardize that objective. Moreover, present plans for an international jet airport with connecting highways to be located just north of the Park could also have a disastrous impact through pollution and interference with water flow. Such projects should be the subject of careful planning in order to minimize or avoid environmental damage. Where environmental costs are too high, development projects should be modified, relocated, or even abandoned.

Following Secretary Hickel's visit to the Everglades, the Department of the Interior launched a cooperative program to measure ecological changes in the area. About twenty ecological monitoring stations have been set up to give us base lines—bench marks—for future measurement. We expect to measure water quality, both chemical and bacteriological; look for pesticide and fertilizer residues; examine animal tissues for residual deposits of contaminating substances; study soils and vegetation. The agencies involved include the Geological Survey, the Federal Water Pollution Control Administration, the Bureau of Sport Fisheries and Wildlife, the Bureau of Commercial Fisheries, the National Park Service, and lawyers from the Solicitor's Office. While such monitoring is no substitute for action, it will help provide invaluable data upon which long-range plans can be based.

Of course we will delude ourselves if we look solely to national planning for the solution to our environmental problems. This nation is too big and too diverse to permit such an approach. State, regional, and local planning are of the utmost importance. It is often at the local level, the county or the town, that critical decisions are made—decisions concerning open space, land fills, pollution control, and zoning variances of all sorts. It is the sum total of these local decisions which is reshaping the American landscape and shoreline.

Unfortunately, many local governments do a poor job in this respect. They either have no planning or zoning mechanism at all, or they give way too easily to the pressure for variances. As is true in the case of individuals and businesses, the leadership of local governments often permits short-term (and frequently illusory) development gains to outweigh the goal of long-range quality The pressure of competition with other local governments further distorts the decision-making process.

The solution to this problem does not lie in some utopian plan master-minded from Washington. On the contrary, we must develop more effective planning and land use controls at the local level. To this end, it may be that a system of national incentives would be in order. Above all, we need a recognition that sound land use is a matter of national concern.

The objective of sound environmental planning presupposes that planning not be whimsical or capricious but, on the contrary, be based upon a firm foundation of knowledge. Thus, it is essential that we increase substantially our investment in environmental research. We need to know far more than we presently do about human behavior, about human response to environmental factors, and about what constitutes an optimum environment for human life.

We need to develop far more effective guidelines for development, guidelines which will serve to protect and enhance environmental quality. It is a shocking fact that, due to an almost nonexistent budget for geophysical and geological survey on the Outer Continental Shelf, the Department of the Interior has been almost totally dependent upon data furnished by private oil companies in the development and execution of its off-shore leasing program. How many more Santa Barbaras must there be before we accept the fact that we can no longer afford such environmental ignorance?

This month the Interior Department has undertaken an action program designed to insure that oil development on the Arctic North Slope gives all practical attention to the protection of the environment. The petroleum industry has predicted that the huge

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new oil discoveries at Prudhoe Bay in northernmost Alaska are only a forerunner of what will come from that region. Industry sources predict that reserves totaling 100 to 300 billion barrels of oil will be found in Alaska and the Canadian Arctic. In comparison, only 118 billion barrels of oil have been discovered in the entire North American Continent during the last century. Of course this situation poses a tremendous challenge, in part because of the fragility of the Arctic environment. Track vehicles leave scars that persist for years; badly planned pipelines could disrupt migrations of the caribou and other animal herds; uncontrolled taking of gravel from stream beds for construction can destroy salmon and char spawning beds; solid wastes pose tremendous management problems.

In response to this challenge, Secretary Hickel has announced the appointment of a special Interior Department Task Force to recommend guidelines for development on Alaska's Arctic Slope. I am chairman of the group. We will work closely with the State government and other Federal agencies. We will seek the involvement of private groups, including conservation organizations. As Secretary Hickel noted, transportation facilities may be the biggest problem; they must be planned with care. We must initiate some major research efforts, very soon, to protect a unique and majestic resource base from irrevocable, long-range damage. At the same time, there is an urgent need for immediate steps to be taken now.

I have suggested that the third major change lies in improved government organization. This need has several facets.

To implement our environmental goals and actions will require a massive infusion of resources—of funds, of new organizational and institutional arrangements, of needed laws, authority and responsibility, of manpower, training, and facilities—at each level of government—Federal, State and local. These needed actions, institutions, and resources must be coordinated and integrated into an overall, meaningful program for environmental protection and management.

First and foremost, I put the need for funding. If we are to protect the environment and provide the resources necessary to insure our standard of living, we must provide sharply increased funding for environmental management. Our natural resources are the capital assets of our people. Investment in resource management is an investment in the future of our country.

In the field of water pollution abatement, we are falling steadily behind, in large part because of funding limitations. The cost, measured now in the billions, of cleaning up Lake Erie—assuming that it can still be done—is an example of the price we pay for permitting environmental deterioration to continue unabated.

Moreover, lack of funding does not result simply in deferment of programs. It frequently means the permanent loss of opportunities. A prime example is open space acquisition. If we do not act now to set aside open spaces for the future, particularly in and around our rapidly growing urban centers, many of the best opportunities will be gone forever.

Of course, the need which I describe for a substantial increase in Federal spending for natural resource programs must be seen in the context of a tight budget situation, in which strong inflationary pressures combine with our continuing military requirements in Viet Nam. However, let us at least hope that in the fairly near future our circumstances will permit a reordering of national priorities.

The protection, wise management, and improvement of our priceless natural heritage must receive higher priority if we are to prosper as well as survive, and if future generations are to live in surroundings worth living in. Our goal must be an environment that not only sustains but also enriches human life.

The indicators of economic productivity and of the material goods available to the average citizen are no longer adequate measures of national or individual health and well-being—if they ever were.

Based on indicators of economic productivity, gross national product and per capita income, this Nation is moving ahead.

Yet, based on the average individual's freedom from noise, polluted air, access to unspoiled nature, and ability to escape the environmental degradation which surrounds us, we are falling behind.

While I have been talking of the environment as if it were strictly a national problem, of course it is not. The need for improved environmental management is world-wide. As radioactive wastes, pesticides, and the products of fossil-fuel combustion are distributed over the earth, we are beginning to understand that we live in one biosphere—a thin film of air, water, and soil on a small planet. The processes that affect the healthy functioning of the environment recognize no political boundaries. There is a critical need for closer international cooperation in dealing with these matters. The United Nations Conference on Problems of the Human Environment scheduled for 1972 is indicative of the growing world-wide interest and concern.

The national park concept first found its expression in the United States with the establishment of Yellowstone in 1872. Since then some 1200 parks and equivalent reserves have been established around the world. We should provide technical assistance whenever possible to encourage the establishment of such areas. There is a clear international interest in the protection of natural areas of major scientific or scenic significance no matter where located.

In conservation and environmental management generally, a major opportunity exists for the United States to provide world leadership and to assume an important new initiative in international development programs. For too long and with often disastrous effect, those programs have failed to take ecological and environmental impacts into account.

At home, we must improve our organization for environmental management at all levels of government.

We have discovered that traditional political boundaries create serious impediments to effective programs of river basin management and air and water pollution abatement. New regional mechanisms must be explored and tried. Interstate river basin compacts, such as that of the Delaware, are a promising step in that direction, although their full effectiveness remains to be determined.

Federal programs with major resource and environmental impact are scattered throughout the Federal establishment. The present fragmentation, piecemeal approach, inadequate coordination, and lack of central policy direction and control of these programs constitute a major obstacle to their effective implementation. More than just efficient administration is at issue. Federal programs with major environmental impacts, such as highway construction, must take into account the side effects, such as air pollution, which are the responsibility of completely separate agencies.

Just as we must avoid reductionism in our science, we must also avoid single-interest treatment of environmental problems. We must at all times seek to develop integrated approaches to the complex systems which constitute the total environment.

There is no easy solution to these problems. A mere reshuffling of agencies will not solve them although a more effective grouping of resource and environmental responsibilities would doubtless be helpful. A Department of Natural Resources has often been proposed, and the present Department of Interior could constitute the logical nucleus for such a development.

The new Administration is keenly aware of the need to improve environmental management within the Federal Government. President Nixon stated recently that he is establishing an interdepartmental Council on Environmental Quality. The new Council will provide a focal point for coordination of environmental protection and management programs within the Federal Government. It will help provide the overview necessary to predict, judge, and control the effects of our environmental actions. It is an important step, one which evidences clearly this Administration's determination to protect and enhance the quality of our environment.

The new Council will be no ordinary Cabinet-level committee. It will be chaired by the President himself. Thus, this will be no mere discussion group but a mechanism for effective decision-making.

In his testimony supporting the proposed Council Dr. Lee DuBridge, the President's Science Advisor, stated that President Nixon has committed himself personally to these major policy areas: national security and foreign relations, urban affairs, and the environment.

Surely such a Presidential commitment to the protection and enhancement of the quality of our environment is the best kind of news for conservation. Major battles lie ahead—of this we can have no doubt. But I am beginning to hope and believe that the tide of battle is turning. The National Audubon Society, its members and its friends across the land, will continue to play a major role in this great task. I pledge you the support, the cooperation, and the commitment of our government to this high endeavor.

[From the Wilmington (Del.) Evening Journal, May 31, 1969]

TIMELY ENVIRONMENTAL MOVE

President Kennedy's decision to put Americans on the moon in this decade led him to intensify the space program. He named Vice President Lyndon B. Johnson chairman of the National Aeronautics and Space Council and made clear that space was a top priority item.

The success of that top-level commitment is especially apparent at this time as the catalog of Apollo 10 accomplishments is released and the nation basks in the reasonable certainty of a manned landing on the moon next month.

One wishes for the same commitment and the same swift success for President Nixon's new Environmental Quality Council. As President Kennedy saw a menace from Soviet space technology, President Nixon sees a menace to the nation's air, water and open spaces as the greatest in the nation's history.

A measure of his concern is that he will serve personally as presiding officer of the council. It is a concern long felt by many Americans, among them Laurance S. Rockefeller, a defender of the nation's beauty and resources and head of a 15-member advisory committee to the new council.

Immediate topics on the council agenda include the pervasive effects of DDT and the search for effective and less dangerous substitutes; disposal of all types of waste and refuse and the problem of air pollution. That is a sobering first agenda for any organization.

Few Americans can be unaware of the alarming dossier of despair that has been compiled on the unintended effects of DDT. It stands as another of those advances that man uses indiscriminately with little thought of the consequences. As a result,

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DDT can be found in the tissues of animal life at the farthest reaches of the Earth and man is suddenly and justifiably alarmed.

Not as deadly but also potentially disastrous is the condition of the air over many of our cities—Los Angeles leads the parade—where auto exhaust, combined with dashes of industrial smoke and burning refuse, make breathing difficult for the healthy and dangerous for the infirm. Reduction or elimination of such emissions has long been the dream of the smog-bound but so far with little sign of progress.

Every Delawarean able to travel knows the aesthetic and economic costs of waste disposal. Mountains of junked cars offend the eye and the roads between junkyards contain too many casual dumping grounds. The indestructible package threatens to overwhelm us in its instant disposal by the hundreds and thousands of litterers.

These areas are only the beginning for a genuine effort to restore the quality of the nation's air, water and natural resources. It is an imposing task but one that positively must be done. Mr. Nixon's creation of the Environmental Quality Council is an encouraging sign that he shares the concern of many Americans for the beauty of their nation.

One would add only a warning against faintheartedness. A menace characterized as the greatest in the nation's history demands the greatest effort the nation can muster to overcome it. There is no shortage of Americans willing to follow such a lead.

S. 2392—INTRODUCTION OF A BILL TO INCORPORATE THE HISTORIC NAVAL SHIPS ASSOCIATION

Mr. KENNEDY. Mr. President, on behalf of myself and of Senators BROOKE, JORDAN, ERVIN, ALLEN, SPARKMAN, SCOTT, SCHWEIKER, YARBOROUGH and TOWER, I introduce for appropriate reference a bill to incorporate the Historic Naval Ships Association.

This association presently includes the following former U.S. Navy ships, and the distinguished individuals and organizations representing them:

The U.S.S. *Olympia*, a Spanish-American War cruiser, berthed at Philadelphia;

The U.S.S. *Texas*, a World War I battleship berthed at Houston;

The U.S.S. *Alabama*, a World War II battleship berthed at Mobile;

The U.S.S. *North Carolina*, a World War II battleship berthed at Wilmington; and

The U.S.S. *Massachusetts*, a World War II battleship berthed at Fall River.

Many thousands of our finest Navy and Marine officers and men served on these ships. The ships themselves, in their years of service, took part in a number of naval engagements of great historical significance.

For these and other reasons, the five ships attract, collectively, some 1,250,000 visitors annually. Each visit is an educational and historic experience, for the association has over the years made a determined effort to expand the information about the ships available to visitors—about their role in naval and world history, about the bravery and dedication of those who served on the ships, and about the relationship of sea power to our Nation's role as a world power.

But the upkeep of these ships is no small task; neither is the development of educational materials relating to the ships; and neither is the provision of appropriate surroundings at the berths of the ships. Since 1966, the Historic Naval Ships Association has brought together the individuals and organizations comprising it, through regularly scheduled meetings, to develop plans for handling the anticipated increase in visitors, for the growing maintenance problems, and for stimulating public education about the ships and their place in our history. Part of the association's plans for the future includes obtaining a Federal charter, and each of the governing boards of each of the ships has reviewed the legislation I have drafted to accomplish this, and expressed its satisfaction.

The bill would make the Historic Naval Ships Association a corporation chartered by the Federal Government. It should be made plain that this bill authorizes no expenditure of Federal funds to or by the association. Rather, it is intended solely to facilitate the operations of the association and to better preserve the ships themselves, through increased public attention.

The specific purposes of the bill are as follows:

First, with the cooperation of the Department of the Navy, to maintain, preserve, and exhibit historical naval ships and associated memorials;

Second, to provide an organized corporate structure capable of maintaining liaison with the Department of the Navy and other Federal and State organizations and agencies;

Third, to provide a vehicle, in cooperation with the Department of the Navy, for developing and maintaining the highest educational standards in presenting the naval history backgrounds and traditions of the eras depicted by the various historic naval ships;

Fourth, to provide an organization capable of accepting private donations and public funds that might be contributed or made available directly or through other interested organizations; and

Fifth, to provide an organization for the exchange of information and advice concerning all aspects of historic naval ships among the charter members of the association.

These five ships represent a proud tradition, as do the fighting men who served on them. I have had prepared as an exhibit, to be printed in the RECORD, a summary of the history of each ship. It is indicative, I think, of just how much the ships can serve as living history to those who visit them. This is why I am introducing the bill today, and why I hope for its early passage.

Mr. President, I ask unanimous consent that the text of the bill and the ships' histories be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and histories will be printed in the RECORD.

The bill (S. 2392), to incorporate the Historic Naval Ships Association, introduced by Mr. KENNEDY (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CORPORATION CREATED

SECTION 1. The following-named persons and their successors are hereby created and declared to be a body corporate by the name of "Historic Naval Ships Association" (hereinafter referred to as the "corporation") and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act:

William V. Davis, Junior, vice admiral, United States Navy (retired), executive director, United States Ship *Alabama;*

Frank H. Brumby, Junior, captain, United States Navy (retired), assistant director, United States Ship *Alabama;*

Henri M. Aldridge, chairman, United States Ship *Alabama;*

Charles L. McLafferty, treasurer, United States Ship *Alabama;*

Stephens G. Groom, secretary, United States Ship *Alabama;*

Robert S. Edington, State legislator, Alabama;

Lloyd J. Gregory, chairman, the Battleship Texas Commission;

S. M. Robinson, admiral, United States Navy (retired), Bellaire, Texas;

Joseph B. Hutchison, member, the Battleship Texas Commission:

R. C. Gusman, mayor of Bay City, Texas;

Mrs. Murray Ezzell, Port Neches, Texas;

Casper J. Knight, Junior, chairman of the board, Cruiser Olympia Association, Incorporated;

Philip M. Egan, president, Cruiser Olympia Association, Incorporated;

Judge Leo Weinrott, board of directors, Cruiser Olympia Association, Incorporated;

James E. VanZandt, board of directors, Cruiser Olympia Association, Incorporated;

Joseph D. Shein, board of directors, Cruiser Olympia Association, Incorporated;

Luther H. Hodges, North Carolina;

Terry Sanford, North Carolina;

Dan K. Moore, North Carolina;

Robert W. Scott, Governor of North Carolina;

C. Brooks Jennings, North Carolina;

Hugh Morton, former Chairman, United States Ship North Carolina Battleship Commission;

Edward L. Rankin, Junior, Chairman, United States Ship North Carolina Battleship Commission;

Francis W. Sargent, governor of Massachusetts;

John F. X. Davoren, secretary of the Commonwealth of Massachusetts;

Joseph H. Feitelberg, president, United States Ship Massachusetts Memorial Committee, Incorporated;

John S. Brayton, Junior, treasurer, United States Ship Massachusetts Memorial Committee, Incorporated;

James F. Gavin, captain, United States Navy (retired), executive director, Battleship Massachusetts; and

Martin R. Adler, vice president, United States Ship Massachusetts Memorial Committee, Incorporated.

OBJECTS AND PURPOSES OF THE CORPORATION

SEC. 2. The objects and purposes of the corporation shall be—

(1) with the cooperation of the Department of the Navy, to maintain, preserve, and exhibit historical naval ships and memorials connected therewith;

(2) to provide an organized corporate structure capable of maintaining liaison with the Navy Department and other Federal and State instrumentalities that may be involved

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in order to effectuate clause (1) of this section;

(3) to provide a vehicle, in cooperation with the Department of the Navy, for developing and maintaining the highest educational standards in presenting the naval history backgrounds and traditions of the eras depicted by the various historic naval ships represented by this Charter;

(4) to provide an organization capable of accepting private donations and public funds that might be contributed or made available directly or through other interested organizations to carry out the purposes of clause (1) of this section; and

(5) to provide an organization for the exchange of information and advice concerning all aspects of historic naval ships among the charter members of the Association to more effectively implement the purposes of clause (1) of this section.

COMPLETION OF ORGANIZATION

SEC. 3. A majority of the persons named in the first section of this Act are hereby authorized to complete the organization of the corporation by the selection of officers, the adoption of a constitution and bylaws, the promulgation of rules or regulations that may be necessary for the accomplishment of the purposes of this corporation, and the doing of such other acts as may be necessary for such purposes. The persons so named may vote by proxy in accomplishing these acts.

CORPORATE POWERS

SEC. 4. The corporation shall have power:

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the business of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm or individual and to hold any property, real, personal or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by or (B) otherwise limiting or controlling the ownership of property by a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber and otherwise alienate real, personal or mixed property·

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge or otherwise, subject in every case to all applicable provisions of Federal and State laws; and

(10) none of the aforesaid purposes or powers of the corporation shall be deemed to limit in any way the independence or autonomy of the governing board of any historic naval ship.

PRINCIPAL OFFICE, SCOPE OF ACTIVITIES

SEC. 5. (a) The principal office of the corporation shall be located in such place as may be later determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, territories, and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP

SEC. 6. Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

BOARD OF DIRECTORS: COMPOSITION, RESPONSIBILITIES

SEC. 7. (a) Upon the enactment of this Act and for not more than two years thereafter, the membership of the initial board of directors of the corporation shall consist of: William V. Davis, Junior and Frank H. Brumby, Junior, of the United States Ship *Alabama;* Lloyd J. Gregory and Mrs. Murray Ezzell, of the United States Ship *Texas;* Casper J. Knight, Junior and Joseph D. Shein, of the Cruiser *Olympia;* Joseph H. Feitelberg and John S. Brayton, Junior, of the United States Ship *Massachusetts;* and Edward L. Rankin, Junor and C. Brooke Jennings, of the United States Ship *North Carolina.*

(b) Thereafter, the board of directors of the corporation shall consist of such number (not less than ten and not more than twenty-five), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation, and shall be responsible for the general policies and program of the corporation and for the control of all funds of the corporation. The board of directors may appoint committees to exercise such powers as may be prescribed in the bylaws or by resolution of the board of directors.

OFFICES: ELECTION AND DUTIES OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a president, one or more vice presidents (as may be prescribed in the constitution and bylaws of the corporation), a secretary, and a treasurer, and such other officers as may be provided in the constitution and bylaws.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the constitution and bylaws of the corporation.

USE OF INCOME: LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan or advance to any officer, director, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS: INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 14. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

EXCLUSIVE RIGHT TO NAME, EMBLEM, SEALS, AND BADGES

SEC. 15. The corporation shall have the sole and exclusive right to the name "Historic Naval Ships" and to have and to use in carrying out its purposes, distinctive insignia, emblems and badges, descriptive or designating marks, and words or phrases, as may be required in the furtherance of its functions. No powers or privileges hereby granted shall, however, interfere or conflict with established or vested rights.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 16. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

CONFORMING AMENDMENT

SEC. 17. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (78 Stat. 635; 36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(49) Historic Naval Ships Association."

The material furnished by Mr. KENNEDY is as follows:

HISTORY OF U.S.S. MASSACHUSETTS (BB–59)

The battleship *Massachusetts* (BB 59) is the fourth ship of the Fleet named for the Commonwealth of Massachusetts, the oldest of the former New England colonies and leader in the successful fight for American independence. Massachusetts derives her name from an Indian word meaning "At or about the Great Hills".

The first *Massachusetts* was a full rigged ship of 750 tons with auxiliary steam power, constructed in 1845 in the Boston shipyard of Samuel Hall for trans-Atlantic service.

The second *Massachusetts* was an iron steamer purchased at Boston on 3 May 1861 from the Boston and Southern Steam Ship Company for $172,000.

The third *Massachusetts* (BB 2) was a seagoing coastline battleship built by William Cramp and Sons, Philadelphia, Pennsylvania. Her keel was laid 25 June 1891 and she was launched 10 June 1893 under the sponsorship of Miss Leila Herbert, daughter of Secretary of the Navy Hilary A. Herbert.

The fourth *Massachusetts* (BB 59) was built by the Bethlehem Steel Company, Fore River, Quincy, Massachusetts. Her keel was laid 20 July 1939 and she was launched 23 September 1941, under the sponsorship of Mrs. Charles Francis Adams, wife of the former Secretary of the Navy. The battleship was commissioned in the Boston Naval Shipyard on 12 May 1942, Captain Francis E. M. Whiting, U.S. Navy in command.

Massachusetts completed fitting out in the Boston Naval Shipyard on 12 July 1942 and trained in operating areas of the Chesapeake and Casco Bays before joining Admiral H. Kent Hewitt's Western Naval Task Force which would land some 35,000 Army troops at three different points on the Atlantic Coast of French Morocco. On 21 October 1942, in Casco Bay, Portland, Maine, she became flagship of Rear Admiral Robert C. Giffen's Task Group 34.1 which would give a protecting cover to the twelve transport and three cargo ships of the Central Attack Group which carried nearly twenty thousand Army troops to be landed on the beaches at Fedhala, a small fishing town and beach resort about 15 miles from Casablanca, French Morocco. Other ships of *Massachusetts'* Task Group 34.1 were the cruisers *Wichita* (CA 45) and *Tuscaloosa* (CA 27) and four destroyers.

On 24 October 1942 *Massachusetts* sailed from Casco Bay with her task group which combined with the entire Western Naval Task Force on the 28th, some 450 miles off Cape Race. The greatest war fleet sent forth to that time, the Western Naval Task Force spanned some 20 by 40 miles of ocean, making a sweep to the north on 6 November 1942, thence to the southeast as if to enter the Straits of Gibraltar. After dark the course was altered southeasterly towards Casablanca. Before the midnight of 7–8 November, three separate task groups closed three different points on the Moroccan coast while *Massachusetts* and her Covering Group moved to her assigned area. The mission of her task group was to cover the entire Task Force against a possible sortie by the formidable French ships in Dakar, contain enemy ships in Casablanca Harbor and destroy them if they made a fight; and, to neutralize shore batteries in or near Casablanca. As she steamed some ten miles southwest of the Center Attack Group in the direction of Casablanca, Admiral Giffen urged each man to fight hard and break clear, bearing in mind that if circumstances forced them to fire upon the French, once our victorious ally, that it be done with the firm conviction that it was not a strike at the French people, but at those few men who prefer slavery to freedom. Captain Whiting addressed the men of *Massachusetts*, concluding: "If it becomes our duty to open fire tomorrow, never forget the motto of the Commonwealth of Massachusetts whose name we proudly bear. That motto is: 'Ense Petit Plaoidam Sub Liberate Quietem, With the Sword She Seeks Peace under Liberty'. If we wield the sword, do so with all the strength in this mighty ship to destroy quickly and completely."

In the early morning twilight of 8 November 1942 *Massachusetts* catapulted her spotting planes, ran up her battle ensign, and bent on 25-knots as she assumed battle formation with her task group. Four destroyers steamed some 3000 yards ahead and she was followed at about 1000-yard intervals by cruisers *Wichita* and *Tuscaloosa* as she headed in for Casablanca. In that harbor was *Jean Bart*, newest battleship of the French Navy. About the same tonnage as *Massachusetts* and almost 800 feet long, the not yet completed French battleship was unable to move from her berth but her four 15-inch guns in the forward turret and her modern range-finding equipment made her a formidable shore battery. On El Hank promontory, just west of the harbor, was a battery of four 194-mm (about 8-inch guns) coast defense guns and another four 138-mm guns facing easterly. On the other side of the harbor toward Fedhala was a coast defense battery.

At 0642 on 8 November 1942, *Massachusetts* received the word "Play Ball!" (Commence attack) and eight minutes later her spotting plane reported two submarines moving out of Casablanca Harbor with anti-aircraft fire opening up to explode shells within twelve feet of the spotting aircraft. It was "Batter Up!" as gunners on *Massachusetts* opened up to turn away two hostile aircraft pursuing her spotting plane. Shortly thereafter three salvos from coast defense guns landed close aboard and five or six geysers of water rose in the air some 600 yards ahead of starboard to mark the landing of shells from *Jean Bart*.

Opening up on the French battleship, *Massachusetts* let go with nine 16-inch salvos of six to nine shots each and scored five hits. *Jean Bart* had her empty magazine penetrated, her after control station completely wrecked and there was a large hole below the waterline. Finally at the close of a sixteen minute action, a fifth shell from *Massachusetts* hit the forward gun turret of *Jean Bart*, jamming it before richocheting into the city without exploding. This silenced *Jean Bart's* entire main battery for some eight hours, eliminating one of the primary defenses of Casablanca, whose guns at extreme elevation might have been able to reach the American transport area off Fedhala. This armor-piercing shell of *Massachusetts* was recovered later and set up as a trophy at the French Admiralty building.

Admiral Giffen and Captain Whiting directed the battle from the open flying bridge of *Massachusetts* while her commissioning flag was pierced by an enemy shell and salvos from six Vichy-French destroyer force landed within fifty yards of the battleship on both sides, the fragments falling close aboard. The French destroyer charging in and out of a heavy smoke screen put up an admirable fight, being so nimble as to dodge most of the heavy caliber shells and were assisted by the French light cruiser *Primauguet*. Each time an enemy ship emerged out of the smoke, *Massachusetts* would open fire. She and cruiser *Tuscaloosa* landed two salvos on the leading destroyer *Fougueux* and that French warship blew up and sank about six miles north of the Casablanca breakwater. About the same time a shell from the El Hank shore batteries hit *Massachusetts'* main deck forward and exploded below, injuring nobody. Three minutes later four torpedo wakes were sighted on the port bow and the huge battleship was masterfully maneuvered between number three and four of this spread counting from left. The fourth torpedo passed about 15 feet from the starboard side. *Massachusetts* signaled her reentry into The Naval Battle of Casablanca by teaming with cruisers *Brooklyn* and *Augusta* to catch the enemy warships in a deadly cross-fire. She had the satisfaction of seeing destroyer *Boulonnais* list over to beams ends with stern awash. At 1052 enemy salvos were falling within 25 yards of her starboard beam and five minutes later *Massachusetts* received a hit on her starboard quarter as the shell ricocheted from her deck and burst over her gunners in 20mm group 13. There was a small fire but no casualties as the battleship answered with a direct hit on an enemy destroyer. Rear Admiral "Ike" Giffen on her flying bridge once remarked as an enemy salvo passed overhead: "If one lands at my feet, I'll be the first to line up to make a date with Helen of Troy!"

Massachusetts withdrew from the Naval Battle of Casablanca at 1105, 8 November 1942, because she had expended nearly sixty per cent of her 16-inch armor-piercing ammunition. The remainder would be needed if the *Reichelieu* made an appearance from Dakar. Leaving *Tuscaloosa* in tactical command of the two heavy cruisers and a destroyer with orders to polish off the enemy fleet, she pulled out of range with three screening destroyers. She returned the fire of the El Hank Point Battery some three hours later, followed by a six gun salvo at 1558 which hit and exploded a quantity of military stores, probably an ammunition dump. Full of fight and tip-top in morale, her men were at quarters from 0545 to 1610 of 8 November 1942, showing unusual endurance in handling sixteen-inch shells for hours on end. Out of her 113 officers and 2203 men, only three were in sick bay during the action. She expended 786 rounds of 16-inch .45 caliber ammunition in the Naval Battle of Casablanca, firing 134 salvos for an average of almost six shots per salvo.

Massachusetts patrolled to the west of Casablanca during further bombardments by other fleets. She received word of the capitulation of Casablanca on 11 November and during the night of the 12th started the "Great Circle Course" for Norfolk where she arrived on 20 November 1942. The following day Rear Admiral Robert C. Giffen left the *Massachusetts* officially, his flag being hauled down and replaced by the commission pennant.

Massachusetts onloaded supplies and 278,082 gallons of fuel from the pier at Norfolk, then shifted to the Boston Navy Yard on 26 December 1942 for alterations and repairs to improve her military efficiency. After gunnery training out of Casco Bay, Portland, Maine, she left that port astern on 6 February 1943 for the Pacific. She transited the Panama Canal the afternoon of 13 February and cleared Balboa two days later, repelling simulated torpedo attacks by motor torpedo boats and torpedo planes, as well as dive bombing and horizontal bombing and strafing attacks by U.S. Army planes. Screened by three destroyers she reached Noumea, New Caledonia, on 4 March 1943 to become a part of a powerful battleship force under Rear Admiral Willis A. Lee who flew his flag in battleship *Washington*. On 29 April 1943 *Massachusetts* became flagship of Captain G. B. Davis's Battleship Division 8 (comprising herself and *Indiana*). Basing at Noumea and in the New Hebrides Islands, she spent the following months protecting aircraft carriers *Saratoga* and HMS *Victorious* from air and surface raiders as the carrier-battleship-destroyer force guarded convoy lanes and provided combat air patrols for ships and forces in areas extending into the Solomon Islands. On 31 October 1943 she cleared Havannah Harbor, Efate, New Hebrides Islands, for rendezvous with the *Essex* Fast Carrier Task Group en route to Nandi Bay, Viti Levu, Fiji Islands. She entered Nandi Bay the morning of 7 November 1943 and three days later Rear Admiral G. B. Davis, USN, Commander Battleship Division Eight, transferred his flag from *Massachusetts* to *Indiana*.

Massachusetts stood out of Nandi Bay on 11 November 1943 and made rendezvous in a fueling area on the 15th with Rear Admiral A. W. Radford's *Enterprise* fast carrier task group that also included the light aircraft carriers *Belleau Wood* (CVL 24) and *Monterey* (CVL 26). With battleships *North Carolina* and *Indiana* and six destroyers, she guarded these aircraft carriers that gave direct support, 19–21 November 1943, to the landings at Makin, Tarawa and Apanama in the Gilbert Islands. The aircraft of the force conducted bombing and strafing attacks on the harbor at Makin; and, strafed and bombed enemy troop concentrations and gun emplacements throughout the islands. On the night of 25 November 1943, enemy planes dropped flares for torpedo runs but withdrew

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as *Massachusetts* and other screening ships opened fire. Just after dark the following day, thirty or more enemy bombers, claimed to be the largest night air attack to that time against the Pacific fleet, dropped flares and their attack was immediately commenced. A pioneering night fighter "Bat Team" from *Enterprise* (one Avenger torpedo plane guided to vicinity of enemy by ships radar, then locking its radar on enemy to guide in two Hellcat fighters) intercepted and shot down two bombers. The enemy aircraft evidenced bewilderment by firing on one another and their attack dissipated and they withdrew. Now the task force circled north of the Marshall Islands where on 4 December 1943 each aircraft carrier launched one strike each on Kwajalein Atoll to attack shipping and enemy aircraft on the ground. One transport and five cargo ships were sunk, two light cruisers and other enemy ships were damaged, and at least 55 enemy aircraft were destroyed.

On the night of 4–5 December 1943 *Yorktown* carrier task force was hit by enemy aircraft and scored a torpedo hit on aircraft carrier *Lexington*. As it was suspected that these enemy bombers and torpedo planes had landed at Nauru, Rear Admiral Willis A. Lee was assigned a force comprising carriers *Bunker Hill* and *Monterey*, five fast battleships including *Massachusetts* and twelve destroyers. Near daybreak of 8 December 1943 the force reached a point some fifty miles northeast of Nauru and divided into bombardment and carrier groups, each taking screening destroyers in with them.

Massachusetts sighted Nauru at 0616 of 8 December as flashes of antiaircraft fire lit up the morning darkness in a vain attempt to stave off attacks of the American carrier-based planes. At 0702 *Massachusetts* opened fire with a full nine-gun salvo from her main battery on the barracks area, then closed range to open up with her secondary battery on the air strip. She threw 136 sixteen-inch and 400 five-inch projectiles into the island from a distance of only 1500 yards while carrier planes dropped 51 tons of bombs and strafed enemy positions. After the bombardment *Massachusetts* set course for the New Hebrides Islands, leading the battle line into Havannah Harbor of Efate Island, on 12 December 1943.

After rehearsals from Funi Futi Atoll, Ellice Islands, *Massachusetts* cleared that port on 23 January 1944 with units of Rear Admiral Marc A. Mitschers Fast Carrier Task Force 58 for the capture and occupation of the Marshall Islands. With battleships *Washington* and *Indiana*, she protected the carriers *Enterprise* (CV 6), *Yorktown* (CV 10) and *Belleau Wood* from air and surface raiders as it struck the Taroa Island Air Base in the Marshalls on 29 January 1944. The following morning *Massachusetts* formed a bombardment unit for destroyers in her anti-submarine screen for the bombardment of Kwajalein Atoll. When her guns opened she was straddled by five-inch salvos from shore batteries, the first enemy salvo passing directly overhead and landing beyond the battleship. Assisted by *Indiana* and *Washington*, she silenced this battery on the eastern tip of Kwajalein and had the satisfaction of exploding an ammunition dump with a single salvo and silencing shore batteries in both the central and north point of Kwajalein. By afternoon she had hurled 362 sixteen-inch and 1,902 five-inch projectiles on coast defense guns enemy troop concentrations and landing strips of airfields made temporarily useless.

On 1 February 1944 *Massachusetts* received word of collision between *Indiana* and *Washington* that had occurred during early morning darkness as *Indiana* was leaving formation to carry out fueling operations. *Indiana* left for repairs at Makin, while *Massachusetts* continued to guard the aircraft carriers launching strike after strike in direct support of the assault forces landing on Kwajalein. She replenished in newly-won Majuro Lagoon 4–12 February 1944 then set course with Rear Admiral F. C. Sherman's *Bunker Hill* carrier task group for the Caroline Islands. Three fast carrier task groups were apparently undetected as it arrived off Truk the night of 16 February 1944. Before dawn of the 17th twelve torpedo bombers from *Enterprise* made the first night radar bombing attack in the history of United States carrier operations. The combined strikes that continued through the 18th inflicted enemy shipping losses of two light cruisers, four destroyers, three auxiliary cruisers, two submarine tenders, two submarine chasers, an armed trawler, a plane ferry, and twenty-four auxiliaries which included six tankers. Some 250–275 enemy planes were destroyed or damaged. Truk, the "impregnable" and advanced naval base of the Japanese was shattered in this spectacular raid that also decimated enemy air threats to the American forces engaged in the capture and occupation of the Marshall Islands.

From Truk, *Massachusetts* continued with the Fast Carrier Task Force 58 that launched massive air strikes on the Marianas Islands on 22 February 1944. She returned to Majuro Lagoon on 27 February to replenish before proceeding with the carriers for strikes on Palau, Yap and Woleai Islands, followed by rehearsal and battle maneuvers out of Seeadler Harbor, Manus, Admiralty Islands. On 19 April she turned away from Manus with Rear Admiral Reeves' *Enterprise* carrier task group which assisted in the capture and occupation of the Hollandia area of New Guinea, including Wakde, Sawar and Sarmi. Aircraft of the force helped neutralize airfields at Hollandia, 21–24 April 1944, and gave close support to the amphibious landings at Tanahmerah Bay. On 27 April the force set course for Seeadler Harbor, Manus, Admiralty Islands. She reached that base on 28 April and Rear Admiral Davis, commanding Battleship Division 8, shifted his flag from *Indiana* to *Massachusetts*. That night *Massachusetts* put to sea with the *Enterprise* carrier group for air strikes on Truk carried out 29–30 April 1944.

On 1 May, *Massachusetts* joined in the aerial-surface bombardment of Ponape, followed by replenishment at Majuro in the Marshalls before she was routed onward with aircraft carrier *Yorktown* to the Hawaiian Islands, thence with two screening destroyers to the Puget Sound Naval Shipyard, Bremerton, Washington. She entered the Puget Sound Naval Shipyard on 19 May and put to sea on 15 July for battle practice in the Hawaiian Area with aircraft carrier *Independence* in whose company she sailed for Eniwetok in the Marshall Islands.

After battle rehearsals in waters of the Marshall Islands, *Massachusetts* sailed from Eniwetok on 30 August 1944 in company with Admiral F. C. Sherman's *Essex* carrier task group for heavy strikes designed to gain domination of all airfields in the Philippines preparatory to the invasion for the liberation of those islands. She assisted in driving off a night aerial attack the night of 13 September as her heavy striking force launched attacks against Negros, Leyte, Cebu and Samar in the Central Philippines. All airfields were hit hard along with shipping and shore installations in a move to support the seizure of Morotai and the Palau Islands. Luzon, containing the important harbor of Manila where a great number of airfields, some having as many as eight flying strips, was the objective of a devastating strike which started at dawn of 21 September 1944. The Central Philippines area was hit again on 24 September and the task group entered Saipan Harbor in the Marianas to replenish on the 28th, thence to Ulithi Atoll in the Caroline Islands where *Massachusetts* arrived on 1 October 1944. Here Rear Admiral G. B. Davis, Commander of Battleship Division 8, shifted his flag once again to *Massachusetts*.

Continuing with Rear Admiral F. C. Sherman's *Essex* carrier task group, *Massachusetts* departed Ulithi on 6 October to support landings of General MacArthur's Southwest Pacific Forces in Leyte Gulf. The 10th of October found her off Okinawa, about three hundred miles from Japan proper. This important enemy base, ten times as large as Saipan with several good harbors was the Japanese staging point for aircraft flown from Japan proper, southward to Formosa, thence to the Philippines and the East Indies. The object of *Massachusetts* and her task force was to wreck the air facilities on Okinawa to cut off the flow of reinforcing aircraft the Japanese might throw into the fight against the American invasion forces in Leyte Gulf. Strikes on Okinawa were completed on the 11th of October and the next morning *Massachusetts* was 100 miles from Formosa and 250 miles from the China coast. She assisted in driving off enemy aerial attacks the night of 12 October and aerial strikes were launched at dawn of the 13th for Formosa. During the day *Massachusetts* fought off air attacks as cruiser *Canberra* was reported torpedoed and dead in the water with engine rooms flooded. Cruiser *Wichita* took the damaged cruiser in tow for safer waters. The next morning *Massachusetts* received word that *Houston*, protecting the *Canberra*, was torpedoed by a Japanese plane. During the mid-afternoon a few enemy aircraft were repulsed without inflicting damage to *Massachusetts'* task group. At dusk another group of enemy planes attacked and succeeded in breaking through to her formation. One enemy torpedo plane launched an unsuccessful torpedo attack on carrier *Langley* then approached *Massachusetts* whose gunners shot it down in flames a short distance off her starboard bow. Moments later her gunners downed another enemy aircraft on her starboard quarter while cruiser *Reno* suffered an enemy suicide crash on her fantail which caused a few casualties and minor damage. By the 15th of October the task force was on its way to a fueling rendezvous while conducting long range searches for an enemy fleet that was located too far distant to attack.

As American troops stormed the shores of Leyte Gulf on 20 October 1944 to commence the liberation of the Philippine Islands, *Massachusetts* with Admiral Halsey's Third Fleet fast carriers, battleships and destroyers, moved off the North coast of Samar Island, where air strikes were launched in direct support of the invasion forces.

Stung to desperation by the invasion of Leyte, which in American hands, would cut off their fuel supplies from the East Indies, the Japanese threw their entire fleet into one last desperate gamble which was aimed at wiping out the transport fleet around Leyte. Their forces were planned to converge in three prongs upon the Philippines; a Center Force of battleships, cruisers and destroyers to sweep through San Bernardino Straits and combine with a Southern Force of battleships, cruisers and destroyers that would have already passed through Surigao Straits to the south, while a third and Northern Force of decoy heavy aircraft carriers from Japan would deliberately draw attention to themselves off Cape Engano to lure away the protecting heavy warships of Admiral Halsey's Third Fleet.

The powerful Japanese Center Force lost three cruisers in the Palawan Passage on 23 October 1944 to two American submarines. The next morning, aircraft from the fast carriers of *Massachusetts'* task force bombed the Japanese Southern Force, damaging a battleship and knocking out a gun crew of a destroyer. Later in the morning the carrier

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aircraft shifted attention to the Japanese Center Force in the Sibuyan Sea, sinking a Japanese battleship, inflicting damage on three others, and so damaged a cruiser that it turned back for Brunei. Land-based enemy aircraft retaliated with air attacks and scored a lucky bomb hit on light carrier *Princeton*, starting a fire that eventually consumed her in flames. By early afternoon of 4 October, erroneously thinking the Japanese Center Force had been turned back and heavily damaged, Admiral Halsey's Third Fleet Fast Carriers and heavy warships that included *Massachusetts*, taking the bait, sped north to engage the Japanese Northern Force of decoy aircraft carriers off Cape Engano, leaving sixteen little escort aircraft carriers and a handful of destroyers and destroyer escorts to guard the American invasion fleet at Leyte.

The Japanese Southern Force which tried to bull its way through Surigao Straits before the dawn of 25 October 1944 was practically annihilated by Admiral Oldendorf's battleships and cruisers and destroyers of Admiral Kinkaid's Seventh Fleet. While the little escort carriers held off the mighty Japanese Center Force in the Battle off Samar, the carrier aircraft of *Massachusetts'* force destroyed half the available aircraft carriers of the Japanese Fleet off Cape Engano by sinking four aircraft carriers as well as a destroyer and a cruiser for good measure. To this total American submarines added two destroyers and a light cruiser. This historic Battle off Cape Engano numbered among its victims the Japanese aircraft carrier *Zuikaku*, the last afloat of the six Japanese carriers that had participated in the infamous raid on Pearl Harbor.

After chasing remnants of the defeated Japanese Fleet retiring at high speed from the Battle of Leyte Gulf, *Massachusetts* replenished at Ulithi Atoll in the Caroline Islands, then carried out raids from that base with fast carriers to waters east of Northern Luzon to hit enemy airfields throughout the Philippines. She reached a fueling rendezvous on 17 December 1944 but rising winds and seas forced abandonment of that operation and the mighty battleship soon found herself plowing into the teeth of a howling typhoon. Bucking monstrous seas brought on by a titanic gale estimated at 120 knots, she avoided the helpless escort carrier *Rudyard Bay* who swept by some 500 yards distant in the eerie midday darkness of 18 December and flashed warning to other ships in the area of the added navigational hazard. She sustained only minor damage which was repaired by her own force excepting one of her scout planes which was damaged beyond repair. During the day of the 19th she received word that destroyers *Hull, Spence,* and *Monoghan* capsized and sank. After joining in the search for survivors, she replenished at Ulithi (24–26 December 1944). She then set course with the fast carrier task force to hit Formosa, thence to the shores of Lingayen Gulf to support the initial invasion forces on 7 January before entering the South China Seas to destroy seaborne trade, shipping and installations along the sea coast running from Saigon to Hong Kong and Formosa. She re-entered the Philippine Sea on 20 January for strikes on the Philippine Islands and Formosa before returning to Ulithi in the Caroline Islands on 26 January 1945. She put to sea on 10 February 1945 for waters of the Tokyo area to act as cover for the fast carriers attacking enemy air forces and aircraft factories around Tokyo on the 16th of February. Retirement from the Tokyo-Yokohama area commenced on 18 February and carriers launched planes for Chichi Jima throughout the day of the 18th.

Dawn of 19 March 1945 found *Massachusetts* to the west of Iwo Jima to support the landing of troops that continued throughout the day of the 20th. The aircraft engine plants of Tokyo area were the primary targets on 25 February and Okinawa was again hit hard on 1 March 1945. On that day Lieutenant Robinson catapulted his plane from *Massachusetts* to rescue a fighter pilot from carrier *Bennington* off southeastern Okinawa. She was again off Kyushu on 18 March. That day *Massachusetts* helped drive off determined enemy aerial attacks, assisting carrier *Wasp* in downing one suicide plane and shooting down another that tried to dive bomb carrier *Hornet*. She shot down another enemy aircraft the night of 18 March and scored hits on another while the badly damaged carrier *Franklin* put up an epic and successful fight for her life off the southern tip of Kyushu. Air strikes were made on Okinawa the 23rd of March. *Massachusetts* spent the following day bombarding that shore with the fast battleships preparatory to the American invasion of that "last stepping stone" to Japan itself.

American troops stormed the shores of Okinawa on 1 April 1945, supported by the carriers of *Massachusetts'* striking force which hit the aircraft and facilities on Sakishima Gunto on the 3rd. On 6 April an enemy suicide plane made a dive for carrier *Bennington* and was downed by the fire of *Massachusetts* and other covering ships of the force. Another in a shallow dive above carrier *Hornet* and *Massachusetts* lost enthusiasm as he pulled up sharply to gain altitude, burst into flames and fell in a slow spin into the sea. About this same moment another suicide plane dived towards cruiser *Vincennes* on *Massachusetts* starboard hand. That Kamikaze plane was downed by *Massachusetts* gunners before reaching the cruiser. That same afternoon an enemy plane dove out of a cloud towards carrier *San Jacinto* and was set afire by gunners of *Massachusetts* who knocked off a wheel of the aircraft before it crashed into the sea just forward of *San Jacinto's* bow. On 7 April 1945 *Massachusetts* received word that air strikes against a Japanese fleet that sortied from Bungo Suido had resulted in the sinking of the mighty Japanese 18-inch gunned YAMATO along with several light cruisers and destroyers.

Massachusetts continued to fight off the day and night air attacks of the enemy off Okinawa until the night of 27 April 1945 when she set course to replenish at Ulithi in the Caroline Islands. On 10 May 1945 she passed out to sea with the *Hornet* fast carrier task group to give the airfields of Kyushu a good going over and to destroy the remnants of the Japanese Fleet in the Inland Sea of Japan. As of midnight of 28–29 May 1945 Vice Admiral Raymond S. Spruance hauled down his Fifth Fleet flag and relinquished his command to Admiral W. F. Halsey, who hoisted his Third Fleet flag in battleship *Missouri* to continue the raids on the Japanese Home Islands.

An hour after midnight of 4 June the barometer dropped to 29.42. The force of the wind rose to an estimated 100 knots by 0630 of 5 June 1945 and some ships had serious difficulties including cruiser *Pittsburgh* who lost her bow and cruiser *Duluth* having her bow buckled. About 0700 *Massachusetts* passed through the "eye" of the typhoon and the barometer dropped to 28.30, the wind decreased to 26 knots and visibility increased from a few hundred feet to about 10,000 yards. The ceiling rose from zero visibility to an estimated 5000 feet and the circular structure of the typhoon was clearly discernible. The seas in the typhoon's 12-mile diameter eye were mountainous, being much greater even than those encountered when the wind was estimated at 100 knots. At the edge of the typhoon's eye the waves were 50–60 feet from crest to trough in long curving swells radiating from the typhoon's center, but within the eye itself they were pyramidal and confused. When *Massachusetts* emerged on the other side of the eye she found the seas subsiding and the barometer rose steadily. She suffered only minor damage and one of her Kingfisher planes was destroyed by the battering waves.

The carrier task group reformed to the southeast of Okinawa on 9 June when air strikes were flown against Okino Diato Jima and Minami Diato Jima, the latter being hit the following morning by a fierce bombardment from the main battery of *Massachusetts, Alabama, Indiana*, and five destroyers. The task group reached San Pedro Bay, Leyte, on 13 June 1945 after almost three months of continuous operations in support of the Okinawa Campaign. Here, on 19 June 1945, Rear Admiral J. F. Shafroth, Jr., Commander of Battleship Division 8, transferred his flag from *Massachusetts* to *South Dakota*.

Massachusetts departed San Pedro Bay of Leyte Gulf on 1 July 1945, bound with the Fast Carrier Task Force 38 for operations close to Japan where it remained until Japan surrendered. Screened by a powerful battleship-cruiser-destroyer force, each of the three task groups which made up the force at this time included three heavy carries and two light carriers. After a fueling rendezvous to the east of Iwo Jima the task force set course for the strikes against the airfields of Tokyo on the 10th. Four days later more than twelve hundred sorties were launched by carriers against targets in northern Honshu and Hokkaido from only eighty miles off shore. That morning of 14 July 1945 *Massachusetts* formed in Rear Admiral Shafroth's bombardment unit that included battleships *South Dakota, Indiana* and *Massachusetts*, heavy cruisers *Quincy* and *Chicago* and nine destroyers. Simultaneously with the airstrikes, and for the first time, a naval gunfire force bombarded a major installation within the home islands of Japan. Their target was the iron works at Kamaishi, one of the seven plants of the big Japan Iron Company that lay in the narrow valley of the Otatari River with steep hills on each side. The battleships approached undetected and opened fire ten minutes after high noon, *Massachusetts* sending 300 rounds of sixteen-inch shells slamming into the industrial target where fires kindled by the heavy explosions obscured the target from her spotting planes.

While carrier-based planes hit the Kure-Kobe areas of the Inland Sea of Japan on 29 July 1945, *Massachusetts* joined the naval gunfire force in the bombardment of the industrial city of Hamamatsu, Honshu, blasting the Japanese Musical Instrument Company with 270 rounds of 16-inch shells in an effort to halt production of airplane propellers there. Her carrier task group continued to hit communication lines, air facilities and industrial targets in the following days. On 9 August her naval gunfire force under Rear Admiral Shafroth, with two more heavy cruisers (*Boston* and *St. Paul*) and ten destroyers, bombarded Kamaishi a second time. Making four runs past the town, *Massachusetts* fired 265 sixteen-inch shells into the iron works and docks. A Royal Navy bombardment unit which included light cruisers HMS *Newfoundland* and HMNZS *Gambia*, with three destroyers gave an assist to add to the general destruction on this day when the second atomic bomb was dropped.

Air strikes were called back to the aircraft carriers on 15 August 1945 when word was received that hostilities with Japan had ceased. After embarking passengers from various ships in waters south of Tokyo, *Massachusetts* set course for the United States. Accompanied by carriers *Essex* and *San Jacinto*, and cruiser *Astoria*, she anchored off the Puget Sound Navy Yard at Bremerton, Washington, on 13 September 1945, after a 5,000 mile non-stop voyage from waters off Tokyo.

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Massachusetts remained at the Puget Sound Naval Shipyard until 28 January 1946 when she set course for operations at Long Beach and San Francisco, California. She cleared San Francisco Bay on 4 April and was assisted through the Panama Canal by three tugs on 17 April when she passed into the Caribbean Sea on her way to Lynnhaven Roads, Virginia, where she anchored the morning of 22 April 1946. At 0942 *Massachusetts* manned the rail to render honors to President Harry S. Truman embarked in the new heavy aircraft carrier *Franklin D. Roosevelt* standing out of the harbor. She entered the Norfolk Naval Shipyard for inactivation overhaul on 20 May 1946. She decommissioned 27 March 1947, and was assigned to the Norfolk Group, U.S. Atlantic Reserve Fleet. She is now preserved at a permanent berth at Fall River, Massachusetts.

HISTORY OF U.S.S. "NORTH CAROLINA" (BB–55)

North Carolina (BB–55), first of the Navy's modern super-dreadnaughts, continued the name of illustrious predecessors reaching back to 7 September 1820 when another super-dreadnaught of that day, 74-gun Ship-of-the-Line *North Carolina* was launched in the Philadelphia Navy Yard. The name was later carried by a Confederate Ironclad sloop and a powerful cruiser of the United States Navy.

The name *North Carolina* (BB–52) was assigned to a battleship under construction in the Norfolk Navy Yard. Her keel was laid 12 January 1920 but work was suspended 8 February 1922 under terms of the Washington Treaty limiting naval armaments. Her name was struck from the Navy List 10 November 1923, her uncompleted hull having been sold for scrapping 25 October 1923. The uncompleted battleship was designed as follows: Length overall, 684 feet; extreme beam, 105 feet; normal displacement of 43,200 tons; mean draft, 33 feet; designed speed of 23 knots; and a designed complement of 67 officers and 1,474 men. Her designed armament was twelve 16-inch .50 caliber guns; sixteen 6-inch .53 caliber guns; four 3-inch .50 caliber guns; four 6-pounders and two 21-inch submerged torpedo tubes.

The third *North Carolina* (BB–55), first commissioned of the Navy's modern battleships, is a veteran of every major Pacific campaign of World War II from the time of the landings on Guadalcanal 7 November 1942 until the formal signing of the document for the unconditional surrender of Japan on board battleship *Missouri* in Tokyo Bay, 2 September 1945. During forty months of combat duty in the Pacific, she steamed 307,000 miles and was six times reported sunk by Japanese propagandist "Tokyo Rose."

North Carolina (BB–55) was built by the New York Naval Shipyard. Her keel was laid on Navy Day (27 October 1937). She launched 13 June 1940, under the sponsorship of Miss Isabel Hoey, daughter of the Honorable Clyde R. Hoey, Governor of the State of North Carolina. First of the American super-dreadnaught and the nation's pride, she commissioned in the New York Naval Shipyard 9 April 1941, Captain Olaf M. Hustvedt, USN, commanding. First of 10 Steelhearted sisters to step into line for defense of the United States, she was welcomed by President Franklin D. Roosevelt and Secretary of the Navy Frank Knox as a fact and a symbol in the nation's ever-quickening drive toward supremacy of the seas. Speaking after the commissioning ceremony, Secretary Knox declared: "The *North Carolina* is one of a new line of ships that will give the United States unchallenged supremacy of the seas. America has no aggressive designs on any power on earth. The United States is still dedicated to peace. But at long last, we are convinced that peace and security can be had only by building a fleet with such strength that no one will want to challenge it. . . ."

Upon commissioning, *North Carolina* (BB–55) was hailed as the mightiest warship afloat. She had a length over all of 728 feet, 9 inches; extreme beam, 108 feet, 4 inches; standard displacement, 35,000 tons; mean draft, 26 feet, 8 inches; designed speed of 27 knots; and a designed complement of 108 officers and 1,772 enlisted men. Her original armament was nine 16-inch. 45 caliber guns; twenty 5-inch .38 caliber guns; four quadruple 1.1-inch gun mounts, and twelve .50 caliber machine guns. She had two plane catapults aft. The maximum thickness of her armor was 18 inches.

The pride of the Navy and her country, the majestic *North Carolina* drew so much attention as she passed in and out of New York Harbor for trials that she earned the title "Showboat", a nickname which continues to the present day. She departed New York 3 September 1941 for the Chesapeake Bay, thence on shakedown into the Caribbean Sea and back up the eastern seaboard to the New York Navy Yard. While there, 6 December 1941, Rear Admiral J. W. Wilcox, commanding Battle Division 6 hoisted his flag in *North Carolina*. The following day, when the Japanese made their perfidious attack on Pearl Harbor, Rear Admiral Wilcox transferred his flag to battleship *Texas* (BB–35). After intensive gunnery and other battle practice ranging from the coast of Maine into the Caribbean, she departed Norfolk 5 June 1942 to enter the Pacific.

North Carolina transited the Panama Canal 10 June 1942 for San Pedro, California, where she became flagship of Rear Admiral Anderson, commanding Battleship Division 4, and Commander Battleships, U.S. Pacific Fleet. Admiral Anderson shifted his flag to battleship Maryland 24 June and *North Carolina* stood out of San Francisco Bay 5 July 1942. After exercises off the California Coast, she set course 8 July for Pearl Harbor where she became a screening unit for the famed carrier *Enterprise* (CV–6). She sailed from Pearl Harbor in the screen of *Enterprise* 15 July for amphibious assault rehearsals preparatory to the initial assaults for the capture and occupation of the Solomon Islands. South of the Fiji Islands, 26 July, *North Carolina* became a unit of Task Force 61, formed around carriers *Enterprise, Saratoga,* and *Wasp* comprising the Air Support Force for Rear Admiral Richmond K. Turner's amphibious expedition enroute to Guadalcanal.

Marines stormed the shores of the Tulagi-Guadalcanal areas 7 August 1942. *North Carolina* protected the carriers providing direct support to the landings into the following day. Airstrikes concentrated on enemy troops, supply and ammunitions dumps and gun emplacements. The next two weeks were spent protecting the supply and communication lines southeast of the Solomons. Two Japanese carrier forces were located 24 August and strikes launched to damage two enemy carriers. The Japanese carrier *Ryujo* was sunk and other enemy units damaged. Unfortunately, the Japanese had learned the location of the American carrier task force and planned to avenge their losses at Midway as their aircraft were launched from carriers *Zuikaku* and *Shokaku*, 24 August 1942. At that very moment, *Enterprise* had launched her planes to attack *Ryujo*, 36 Japanese bombers with many fighters, and a group of enemy torpedo planes escorted by fighters, headed to attack. That carrier came under attack by about 30 dive bombers, receiving three direct hits and four near misses as at least twenty bombs were dropped in her vicinity.

North Carolina, of the *Enterprise* carrier task group, in direct combat for the first time, was having a naval battle all her own. She first divided her gunfire on the enemy attacking *Enterprise* as well as about 10 dive bombers which attacked her. The superior speed of *Enterprise* caused *North Carolina* to gradually fall astern where she stood alone against an attack by six more dive bombers, joined seconds later by other torpedo planes. In the midst of all this action, 8 to 12 high altitude bombers dropped a pattern of heavy bombs between *North Carolina* and *Enterprise*. So furious was the action of *North Carolina* gunners, *Enterprise* anxiously inquired whether the battleship was afire. She was afire—afire with the determination to destroy the enemy as her 5-inch battery opposed 18 aerial attacks in an eight-minute action in which she shot down at least seven and possibly 14 enemy raiders. Close bomb hits, one only 15 yards from her port quarter, knocked down machine gunners and jarred the battleship. But whether hampered by the deluge of water or knocked down by the detonation of near-miss bombs (seven in number), her men immediately resumed battle stations. She suffered no damage but lost one gunner who was killed by a bullet from an enemy plane which strafed the battleship after a dive bombing attack. Meanwhile *Enterprise* planes had severely damaged Japanese carrier *Chitose* and hit other enemy ships. By the morning of 25 August, the Japanese force, only slightly less than that of Midway, had most of their aerial striking force destroyed. Not only had their landing expedition been turned back, but Americans had won control of the air. In this action, known as the Battle of the Eastern Solomons, the Japanese had lost two carrier plane groups and other aircraft totaling about 100 planes.

Enterprise sailed for repairs at Pearl Harbor and *North Carolina* joined the *Saratoga* carrier task group 25 August 1944. About midday of 6 September, a Japanese submarine surfaced about 2,000 yards from the battleship, then crash-dived under attack by a *Hornet* aircraft whose bomb apparently exploded two of three torpedoes launched by the enemy submarine. *North Carolina* swung in a radical maneuver to dodge a torpedo wake which passed 400 yards on her port beam. She continued to protect the carriers landing direct support to the Marines on Guadalcanal. On 15 September 1942, *North Carolina*, in company with the *Hornet* carrier task group, observed carried *Wasp* in a distant group smoking heavy and on fire as the result of a torpedo attack. About 1450 destroyer *Lansdowne* of the *Wasp* group reported a torpedo had passed directly under that destroyer and was headed directly for *North Carolina*. Her rudder was put full right at emergency speed at 1452.

Despite the instant evasive measure taken by *North Carolina*, the ponderous battleship was unable to dodge the torpedo which had been launched by Japanese submarine. But she demonstrated that new battleships could take severe punishment as well as dish it out. The torpedo struck portside, 20 feet below her waterline, killing five men. It opened a gash 32 feet long by 18 feet high, and flooding seas poured through four bulkheads. The torpedo hit also sent a flash into her No. 1 turret handling room but the forward magazines were flooded to prevent any disaster. None of this damage kept the fighting battleship from keeping her station in formation, even when it moved at 25 knots. Her damage control parties eliminated her 5.5 degree list in as many minutes.

North Carolina entered the Pearl Harbor Navy Yard 30 September for permanent battle-damage repairs completed by 17 November 1942 when she departed for Noumea, Caledonia. She rejoined the *Enterprise* carrier task force to protect logistic and troopship movements in approaches to the Solomons until 18 March 1943, then again set course for Pearl Harbor. She entered the Pearl Harbor Navy Yard 27 March 1943 for alterations that included new and better gunnery, fire control and radar gear. After battle practice in the Hawaiian area, she helped escort British carrier HMS *Victorious* to Noumea, New Caledonia, arriving 27 May

1943. Joining the *Saratoga* carrier tasks group she continued to patrol as a covering force in the Solomons until 17 September when she returned to Pearl Harbor to prepare for participation in the capture and occupation of the Gilbert Islands.

On 10 November 1943 *North Carolina* departed Pearl Harbor with the *Enterprise* Carrier group 50.2 (Northern Covering Goup) to participate in the capture and occupation of Makin, Tarawa and Apamama in the Gilbert Islands. The first air strikes were launched against Makin 19 November and continued through the 21st. Bombing and strafing attacks were made on enemy harbor installations, direct support was given to landing forces, and other enemy troop concentrations and gun emplacements were destroyed. On the night of 25 November, enemy planes closing the formation withdrew under the withering fire of *North Carolina* and sister ships. Night fighting was born on *Enterprise* the following night when three-plane "Bat-Teams" took to the air against Japanese night raiders. Two hellcat fighters escorted by a radar-equipped Avenger torpedo plane were guided by *Enterprise* radar to the enemy aerial formation, then using its own radar, the Avenger led the two hellcats within visual range of the enemy. Two enemy bombers were shot down and the enemy evidenced complete surprise and bewilderment by firing on one another and withdrew.

North Carolina joined the *Saratoga* carrier group 28 November 1943 to continue support of the Gilbert Islands Campaign. On 8 December 1943 she joined in the battleship bombardment of Nauru Island. *North Carolina* hurled 538 explosive shells to destroy the Japanese air base runways, radio stations, beach defenses, radar positions and revetment areas. Retiring to the New Hebrides Islands, she departed Efate 25 December 1943 with the *Bunker Hill* carrier task group enroute for diversionary air strikes against Japanese Shipping and airfields at Kavieng, New Ireland. She joined battleship *Washington* and three destroyers to be in position to intercept any enemy cripples that might sortie from the enemy held harbor, then returned to Havannah Harbor, Efate, New Hebrides Islands, 7 January 1944. After replenishment, she proceeded to Funa Futi, Ellice Islands. Here, she became a unit of Rear Admiral Marc A. Mitscher's Fast Carrier Striking Force 58, being assigned to the *Essex* carrier task group for the forthcoming Marshall Islands Campaign.

The initial airstrikes against Kwajalein began 29 January 1944, *North Carolina* moving in for bombardment of Roi and Namur Islands of that atoll. During the approach to Roi, she spotted a cargo ship inside the lagoon and sent salvos to set it afire fore and aft. Enemy airstrips on that island were blasted and she kept up a harassing night fire that continued into the next morning. She again joined in the preinvasion bombardments of Roi and Namur 30 January 1944, then helped protect carriers the next day as they supported a successful landing on the small islands adjacent to Roi and Namur. On 1 February her carrier force provided air cover for the landings on Roi and Namur. That morning she joined the screen of the famed *Enterprise* to continue supporting air strikes into 2 February 1944. She anchored in newly-won Majuro Lagoon 4 February to replenish her ammunition. The following day, *North Carolina* became flagship of Rear Admiral Willis A. Lee, Jr., (commander Battleships, Pacific) who transferred his flag from *Washington* recently damaged by collision with *Indiana*.

On 12 February 1944, *North Carolina* departed Majuro with the Fast Carrier Striking Force to wreak havoc on the Japanese Advance Fleet Base at Truk Atoll in the Carolines, 16–17 February 1944. Of an estimated fifty-five enemy ships at Truk, about 8 to 10 ships were all that remained undamaged. Thirty-nine large ships were sunk, burned or beached in a useless state and 211 enemy planes were destroyed. Another 104 enemy aircraft were severely damaged. The carriers approached the Marianas the night of 21 February and came under enemy aerial attack. *North Carolina* gunners shot one down, and two others were splashed into the sea by other ships. From that time on, the battleship helped drive off intermittent attacks by low flying enemy raiders. At sunrise of 22 February aerial attacks were launched against Saipan, Tinian and Guam in the Marianas. After replenishment in Majuro Lagoon, course was shaped for Palau. The night of 29 March 1944, *North Carolina* shot down another enemy plane. Palau was hard hit 30–31 March, followed by strikes 1 April on Woleai where more than 150 enemy aircraft were destroyed in addition to ground installations.

North Carolina returned with the carriers to Majuro 6 April 1944 and stood out to sea the 13th with the *Enterprise* carrier task group to support the capture and occupation of the Hollandia area of New Guinea, including Wakde, Sewar and Sarmi. On 21 April, neutralization strikes were launched against enemy airfields, continuing the next day as troops stormed the invasion beaches. Direct support to troops continued until 24 April when course was set for replenishment at Ulithi, West Carolina Island. From there, she proceeded to protect carriers inflicting maximum damage to shore installations and shipping at Truk, 29–30 April. The morning of 29 April *North Carolina* opened fire on two enemy planes closing her formation. Carrier *Lexington* shot down one of the raiders and the second disappeared in a trail of smoke after being hit by *North Carolina* gunfire.

In the forenoon of 30 April, two *North Carolina* scout planes were sent to rescue a pilot downed on the south reef of Truk Atoll. One turned over on landing, but the other, piloted by Lieutenant Burns, kept the pilot of the first plane afloat as well as the carrier aviator until these two were rescued by submarine *Tang*. Closing the east reef, Burns towed aviators from shore on rafts but found he was unable to take off. He and his radioman along with the aviators were also rescued by submarine *Tang*. The next day *North Carolina* poured 185 explosive shells onto Ponape Island for the destruction of coast defense guns, antiaircraft batteries, airfields and installations. She returned to Majuro Lagoon 4 May 1944 and found herself badly in need of major repairs to her rudder. Vice Admiral Willis A. Lee, Jr., transferred his flag from her to *New Jersey* 14 May, and *North Carolina* proceeded to Pearl Harbor for repairs. She returned to Majuro 30 May 1944 to prepare for the invasion and capture of the Marianas Islands.

On 6 June 1944, *North Carolina* departed Majuro in the screen of the *Enterprise* Carrier Task Group for the Marianas. Repeated strikes were launched against Saipan and Tinan 11–13 June 1944. On the latter date, *North Carolina* joined in the battleship bombardment of the west coast of Saipan to cover minesweeping operations. When the sweepers withdrew in the afternoon, she opened on shipping in Tanapag Harbor where several small craft were sunk or damaged. Numerous large fires were evidence that quantities of enemy munitions, fuel oil storages and supplies were destroyed or damaged. Air strikes continued through the day of 14 June 1944. That night, men on *North Carolina* heard a cry for help and tossed over a float light to mark the spot for destroyer *Caperton* who rescued an American carrier pilot who had been shot down during the strikes of 11 June. Direct aerial support was given 15 June as the initial invasion landings were made on Saipan. At dusk, *North Carolina* shot down an enemy plane, one of two that had managed to get past the combat air patrol.

On 18 June 1944, action with the Japanese Fleet appeared imminent and the carriers of Task Force 58 steamed to join forces to meet the Japanese First Mobile Fleet whose movements had been reported by submarines and aircraft since the 14th. The Battle of the Philippine Sea commenced the morning of 19 June when fighters badly outnumbered over Guam called for help and strikes were launched to destroy as many land-based enemy planes as possible before the enemy carrier planes came in. By 0959, many enemy carrier planes were detected 130 miles to the west. *North Carolina* was in the battle line fanning out from the central position of the American carriers to protect them from the massive aerial onslaught.

The American carrier fighter pilots did a magnificent job, shooting down most of the raiders before they reached the American warships. But a few got through to *North Carolina's* formation. Her gunners shot down two of the enemy and seven others were destroyed by gunfire of her sister ships. So great was the loss of Japanese aircraft, that the day of 19 June was afterwards remembered as "The Marianas Turkey Shoot." Two Japanese carriers had been sunk by United States submarines and a long range air strike late in the afternoon of 20 June, sank another enemy carrier and so damaged two tankers that they were abandoned and scuttled. On that day, the Japanese carrier-based aircraft strength was only 35 aircraft operational out of the 430 planes which were on hand at the commencement of the Battle of the Philippine Sea. The American Fleet had suffered no losses. Battleship *South Dakota* had suffered a bomb hit which did not impair her fighting efficiency. There was superficial damage to two carriers who received near misses by exploding bombs.

North Carolina refueled off Saipan, then helped protect carriers striking Guam, Rota, and Pagan Islands, and continuing support to troops ashore on Saipan. She returned to Eniwetok Atoll 9 July 1944 and departed the 17th for overhaul in the Puget Sound Navy Yard, Bremerton, Washington (23 July-1 October 1944). She returned to Pearl Harbor 20 October as landings were made on Leyte to commence the liberation of the Philippine Islands. After calling at Eniwetok for fuel she reached Ulithi 5 November 1944 and joined the screen of the Fast Carrier Task Force. That same day, she passed out to sea, joining the ESSEX carrier task group at a refueling rendezvous on the 7th. Seas were so rough that fuel hoses were carried away and two persons washed over the side of other ships. With a typhoon raging to southward, the battleship fought seas that broke over her main deck until the storm abated on 9 November. After aerial strikes on shipping westward of Leyte, the carriers made hard-hitting strikes in the Luzon-Visayas area. She returned to Ulithi 17 November for replenishment. While there the morning of 20 November, *North Carolina* witnessed the loss of fleet oiler *Mississinewa*, sunk at her berth by a midget Japanese submarine with a loss of 50 officers and men. Destroyer *Case* destroyed one of the midget submarines just outside the entrance and another was depth-charged by Marine aircraft the same day. These midgets were forerunners of a new type of "human torpedo", called by the Japanese "Kaiten", meaning "the turn towards Heaven." A "Kaiten" was carried on the deck of a conventional submarine which launched it close to the intended victim. A special device ejected the operator about 150 feet from the target. The midget who sank *Mississinewa* was one of four "Kaitens' launched by Japanese submarine I-47 outside Mugai Channel.

North Carolina departed Ulithi 22 November 1944 with the *Essex* carrier task group for air strikes on central Luzon. Shortly after high noon of the 25th, a single enemy aircraft made a vertical dive out of the sun to crash *Essex*. A few moments later, a second plane streaked over the formation, weaving and twisting to escape the storm of fire from *North Carolina* and her sister ships. After heading for *North Carolina*, it twisted around toward *Essex* and finally made a vertical dive into the water. Similar suicide attacks brought some damage to carriers *Hancock, Cabot* and *Intrepid*. The battleship returned to Ulithi 2 December 1944, preparatory to support of invasion troops who would soon land on Mindoro.

North Carolina departed Ulithi 10 December 1944 with the fast carriers for preliminary strikes on Luzon airfields, from which the Mindoro invasion force might be threatened. During 14–16 December, an umbrella of fighter planes was kept over Luzon airfields day and night, so that enemy aircraft could not take off to attack the Mindoro-bound convoys. The two enemy flights that did manage to get off the ground were intercepted by carrier fighters and a substantial number were shot down. Direct aerial support was given to the landings on Mindoro 15 December 1944. As her task force refueled, 17 December, seas rose to make refueling impossible.

By daybreak of the 18th, *North Carolina*, running with a 50-knot wind abaft, fought her way through one of the worst typhoons of the year, experiencing rolls of about ten degrees with occasional rolls up to 30 degrees. She suffered negligible damage as the result of the typhoon that had capsized and sank several destroyers. After replenishment at Ulithi, she guarded the carriers in devastating strikes ranging from Formosa, the coasts of Indo-China and China and Ryukus Islands. Great damage was inflicted on shore installations, aircraft and shipping to severely cripple the war capacity of Japan. She returned to Ulithi 26 January 1945. By this time, the mighty battleship had covered 23,217 nautical miles since first commissioned.

North Carolina was to sea again 10 February 1945. Her carrier group came within 110 miles of Honshu 16 February as carrier aircraft blasted the assembly plant at the Yokosuka naval base, and destroyed hundreds of enemy aircraft in raids that continued against the Tokyo Plain into the following day. The sunrise of 1 February 1945 found *North Carolina's* big guns opening up on coast defense guns, mortar installations and caves in direct support of Marines landing on Iwo Jima, Volcano Islands. Her powerful armament served as "artillery" for Marines on Iwo Jima through 22 February 1945. After guarding carriers launching sweeps against Tokyo and Hachijo Jima, she returned to Ulithi for replenishment 1 March 1945. On the 14th she again sailed with the carriers to blast centers of air power on Kyushu in support of the forthcoming Okinawa campaign. During these strikes, 19 March, carrier *Franklin* was hit by two semi-armor piercing bombs dropped by a single enemy plane which had pierced the cloud cover and made a low level run on that gallant ship. She was saved by sheer valor and tenacity of her crew, being taken under tow by cruiser *Pittsburgh* until she managed to churn up speed of 14 knots for Pearl Harbor. *North Carolina* helped cover the retirement of the gallant carrier opening up with her guns the afternoon of 20 March to stave off suicide attacks of Japanese planes.

On 24 March 1945 *North Carolina* cleared the formation with other battleships to bombard the south end of Okinawa with 158 sixteen-inch shells. She continued to support carriers launching pre-invasion strikes on that island and lending direct support to the main landings by elements of the Tenth Army 1 April 1945. While continuing support 6 April, *North Carolina* shot down three attacking suicide aircraft. During the melee a "friendly" 5-inch anti-aircraft shell from another ship struck *North Carolina's* Number 5 Gun Director, killing three men and wounding forty-four. The following day, her task force launched heavily armed strikes against a special Japanese attack force led by Japanese battleship YAMATO, the world's biggest battlewagon and the pride of the Imperial Japanese Navy. Aerial torpedoes and bombs sent that mammoth enemy to the bottom along with a cruiser and a destroyer. Three enemy destroyers were so heavily damaged that they were scuttled by their own crews. Four destroyers, sole remnants of the enemy fleet were damaged but made it back to Sasebo. That same day, 7 April, *North Carolina* shot down an enemy aircraft, which fell in flames near carrier *Essex*.

North Carolina again drove off enemy planes the morning of 17 April 1945, shooting down two, and assisting in destruction of a third. On the 19th, she sent 201 sixteen-inch shells onto the southeast part of Okinawa in a diversionary feint while other ships bombarded from Buckner Bay. She continued to serve under the threat of day and night air attacks off Okinawa until the night of 27 April 1945. After calling at Ulithi, she passed Biniki Atoll 5 May enroute to the Pearl Harbor Naval Shipyard, arriving 9 May for overhaul. Here, 15 June 1945, *North Carolina* became flagship of Rear Admiral T. R. Cooley, Commanding Battleship Division 6.

North Carolina left Hawaii astern 28 June 1945 and rendezvoused off the Marshalls 7 July with the *Randolph* carrier Task Group enroute to carry the war direct to the shores of Japan itself. Tokyo was taken by surprise aerial strikes on 10 July. Four days later, 1,391 aerial sorties were launched against northern Honshu and Hokkaido. On 15 July a naval gunfire force wrought destruction for the first time on a major installation within the home islands of Japan. The iron works at Kamashi was so extensively damaged that production was halted. A second bombardment, 15 July brought destruction to the Nihon Steel Company and the Wanishi Ironworks at Muroran, Hokkaido. *North Carolina* protected the carriers during these naval bombardments. Her chance came 19 July 1945 when she joined in the bombardment of six major industrial plants at Hitachi, about eight miles northeast of Tokyo. Strikes on Kure-Kobe areas continued through 28 July.

As carriers launched planes for targets in Northern Honshu the morning of 10 August, two *North Carolina* scout planes were catapulted to rescue an *Essex* carrier pilot downed in Matsu Kaiwan (Tokyo Bay). Accompanied by a scout plane from cruiser *Pasadena* and escorted by eight fighters from carrier *Essex*, the *North Carolina* planes reached the eastern shore of Matsu Kaiwan about noontime. One *North Carolina* plane was piloted by Lieutenant R. J. Jacobs, USNR, who landed in a high wind and sea, then taxied into the edge of the breakers. It was evident that *Essex* pilot Lieutenant (jg) Vernon T. Coumbes could not swim very far out against such a rough sea. Jacobs stood up in the cockpit to throw a line to Coumbes when a heavy wave shook the plane, throwing Jacobs into the water. Jacobs believed that his foot must have struck the throttle, as his plane, now unmanned, taxied out in a wild run across Tokyo Bay and came under fire of Japanese shore batteries at Omimato.

The second *North Carolina* plane piloted by Lieutenant (jg) A. P. Oliver, USNR, landed and taxied in to pick up the two pilots. Jacobs and Coumbes climbed in. Despite the excessive weight, unfavorable sea conditions and enemy fire, Oliver took off successfully and returned the survivors to *North Carolina*. The courage of these two *North Carolina* scout plane pilots in performing this rescue at almost the maximum range of their aircraft and in an enemy landlocked body of water, won them decorations for valor. A few hours after they returned to *North Carolina*, word was received that the Japanese Government had made offers to surrender.

The morning of 15 August 1945, word was received that offensive action against Japan was to cease and strikes which had been launched against the Tokyo area was recalled. From Admiral William F. Halsey, Jr., commanding the Third Fleet, sent out a dispatch to Fast Carrier Task Force 38: "All snoopers will be investigated and shot down, not vindictively, but in a friendly sort of way." That late afternoon, five unreconstructed or poorly informed Japanese planes aggressively approached *North Carolina's* formation and were shot down by the combat air patrol.

In the following days, *North Carolina* transferred to various ships, detachments of Marines, Navy officers and men for temporary duty with the Tokyo Naval Occupation Forces. Her carrier air group maintained patrols over Central Honshu during the flight of transport planes from Okinawa to Atsugi Airfield, Honshu, to make the preliminary landings for the occupation of Japan. *North Carolina* patrolled in the area south of Shikoku as the formal surrender of the Japanese Imperial Government was signed on board battleship *Missouri* in Tokyo Bay, 2 September 1945. She anchored in Tokyo Bay 5 September to receive men and officers who had completed their temporary duties with the occupation forces. The following day, *North Carolina* was homeward bound.

After embarking veteran officers and enlisted passengers at Okinawa, *North Carolina* entered Pearl Harbor 20 September where passengers bound for the West Coast were debarked. On 25 September she stood out for the Panama Canal in company with a Task Group under Vice Admiral Forrest C. Sherman in the famed carrier *Enterprise*. Upon reaching Balboa, 8 October 1945, Rear Admiral T. Ross Cooley, commanding Battleship Division 6, from *North Carolina* to *Washington*. She transited the Panama Canal 11 October and came into Boston Harbor the 17th. On 15 November, Battleship Division 6 was redesignated Battleship Division Four, Battleships and Cruisers U.S. Atlantic Fleet. *North Carolina* shifted to New York 27 November 1944. Here, 3 December 1945, she again became flagship of Admiral Cooley, commander of Battleship Division Four, who shifted his pennant from *Washington* to *North Carolina*. She continued to serve as his flagship until 31 December 1945 when his pennant was shifted back to battleship *Washington*.

North Carolina was overhauled in the New York Naval Shipyard, then departed 6 June 1946 for exercises along the New England coast out of Newport. Course was then set for Annapolis where she embarked midshipmen for a training cruise ranging through the Caribbean to the Panama Canal. Departing Annapolis 1 October 1946, she entered the New York Naval Shiypard for inactivation. She decommissioned there 27 June 1947.

North Carolina remained in reserve until her name was struck from the Navy List 1 June 1960. An advisory committee was appointed 11 November 1960 by Governor Hodges to investigate her establishment as a state memorial. Following the inauguration of Governor Terry Sanford, the USS *North Carolina* Battleship Commission was sworn in, 4 May 1961.

Chief of Naval Operations, Admiral Arleigh Burke, met with Governor Terry Sanford and other state officials to pledge full Navy support. Admiral Burke told the group: "I'd like to say how much we of the Navy appreciate what you're doing for a ship many of us fought along side of and many fought in. It's a good thing. This Battleship helped keep these United States Free. A memorial such as you propose means much more than preserving a gallant ship. It honors many men from North Carolina who served on the *North Carolina* and who acquitted themselves with such bravery and devotion. In addition, the physical presence of a ship like the *North Carolina* will serve to remind generations to come of the sacrifices their ancestors made so willingly so that they might enjoy freedom. It may also inspire them to make similar sacrifices in the years to come."

In ceremonies at Bayonne, New Jersey, 6 September 1961, Vice Chief of Naval Operations, Admiral James A. Russell, handed over the title of the battleship to Governor Sanford, who accepted it on behalf of the people of North Carolina. On 26 September 1961, two sea-going tugs towed the Navy's first super-dreadnaught out of the Bayonne Marine Terminal to begin her last voyage, enroute to Wilmington. The veteran of nearly every major Pacific Combat Operation of World War II, anchored at the mouth of the Cape Fear River, 1 October 1961.

Rain and fog delayed *North Carolina's* passage up the Cape Fear River until 2 October 1961. Thousands lined the banks of the stream from Southport northward to Wilmington to watch a veteran Southport pilot, Captain B. M. Burriss, guide the 108-foot wide battlewagon through the narrow channel without brushing a buoy. She passed majestically into the Port of Wilmington for the difficult maneuver into her permanent slip. The 728 foot-long dreadnaught was longer than the width of the channel. During two hours of maneuvering, tugs pushed and pulled at the 35,000-ton ship. At the last moment her stern rammed against a floating restaurant and her bow went aground.

For thirty feverish minutes eleven tugs and a bulldozer worked to free *North Carolina*. Waiting for her was Rear Admiral William S. Maxwell, USN, Retired, Superintendent of the North Carolina Battleship Memorial. As chief engineer, he had helped build her as well as sail her in combat. The admiral gripped the rail of her temporary gangway hard: "Come on baby. You never failed us before. Don't do it now." *North Carolina*, a lady to the last, responded faithfully as she had in so many battles. Her bow floated free and a final push of the tugs put her in her permanent site. The Battleship Memorial Berth, located across the river from downtown Wilmington, North Carolina.

North Carolina was dedicated as a Memorial at Wilmington 29 April 1962. Principal speaker for the ceremony was Admiral Arleigh A. Burke, retired Chief of Naval Operations whose constant interest and cooperation made possible the transfer of *North Carolina* to her permanent memorial site.

Sixty acres will be developed into a park as part of a long range program for the Battleship Memorial. Her original officers wardroom, on the main deck, has been turned into a ship's museum which houses exhibits designed by specialists of the Smithsonian Institution. A North Carolina Roll of Honor will list those killed in all services during World War II. From 8 a.m. to sundown, any day, it is possible to tour her main deck, navigation and signal bridges, and parts of her lower deck.

Known to her crew and other millions as "The Showboat". *North Carolina* promises to become just that. A production of sound and light is planned to dramatize her history as "The Immortal Showboat." Stands for over a thousand spectators, built near the bow, will be thrown in dark as will be the ship at commencement of the performance. The ghostly voice of Ship-of-the-Line *North Carolina* will ring out as lights come up across the battleship: "You out there. What have you done with my name? What have you done with my Glory?" Gradually voices of Brooklyn Navy Yard workers will be heard building the great battleship and telling of this first battlewagon to be built in many years. Her history then will be dramatically presented from launching, shakedown, and through all her battles. When her big guns fire, they will flash real smoke, simulated by firing of propane gas and chemicals developed by the Navy. Sounds in stereo by ten tracks will be amplified through speakers placed at points around the battleship and stands. The 45-minute production will complete *North Carolina's* history from time of building through her final docking as a memorial at Wilmington.

History of U.S.S. "Alabama" (BB–60)

U.S.S. *Alabama* (BB–60) bears the name of a proud southern state admitted to the Union in 1819. In that year the name *Alabama* was assigned to a 74-gun ship of the line whose keel was laid in June 1819 by the Portsmouth Navy Yard, New Hampshire. Work progressed slowly until the civil war when the name was changed to *New Hampshire*. Since that time, the name *Alabama* has been borne by four gallant ships of the United States Navy as well as a famed Confederate raider of the Civil War.

The fourth *Alabama* (BB–60) is an outstanding representative of the tremendous power concentrated in these swift, hard-hitting, highly mobile and tough fortresses of the sea. The battleship in any generation has represented the maximum big gun power mounted in a speeding, maneuvering, fort that can avoid much damage by its own mobility but can take maximum punishment, if necessary, while pouring concentrated destruction on the enemy afloat, ashore or in the air.

The keel of *Alabama* was laid in the Norfolk Navy Yard 1 February 1940. She launched 16 February 1942, under the sponsorship of Mrs. Lister Hill, wife of U.S. Senator Hill of Alabama. Secretary of the Navy, Frank Knox, principal speaker for the launching ceremony, stated: "As *Alabama* slides down the ways today, she carries with her a great name and a great tradition. We cannot doubt that before many months have passed she will have had her first taste of battle. The Navy welcomes her as a new queen among her peers. In the future, as in the past, may the name *Alabama* ever stand for fighting spirit and devotion to a cause." The mighty battleship commissioned in the Norfolk Navy Yard 16 August 1942, Captain George B. Wilson, U.S. Navy, commanding.

Alabama (BB–60) had a length overall of 680 feet; extreme beam, 108 feet, 2 inches; standard displacement of 35,000 tons; mean draft, 29 feet, 3 inches; designed speed of 27 knots; and a designed complement of 115 officers and 1,678 men. She was originally armed with nine 16-inch .45 caliber guns, twenty 5-inch .38 caliber guns; six quadruple 40-mm anti-aircraft mounts; and twenty-two 20-mm anti-aircraft guns. She had two catapults aft and the maximum thickness of her armor was 18 inches.

Alabama departed the Norfolk Navy Yard 11 November 1942 to commence shakedown training in the Chesapeake Bay and up the eastern seaboard to Casco Bay, Portland, Maine. There, 24 March 1943, she became a unit of Task Force 22 under Rear Admiral Alva D. Bernhard in aircraft carrier *Ranger*. After North Atlantic Patrol reaching to Argentina, Newfoundland, she departed that port 12 May 1943 as a unit of Task Force 61 under Rear Admiral O. M. Hustvedt in *South Dakota*.

With a screen of five destroyers the two battleships set course for Scapa Flow, Orkney Islands, arriving 19 May for duty with the battle fleet of the British Home Fleet. In the following months she acted as a unit of the covering force for convoys making the run to Murmansk, Russia from Iceland and relieving the Spitzbergen garrison. Always the fleet was hopeful of enticing the German battleship *Tirpitz* out of her Norwegian haven and complete her destruction. *Alabama* detached from duty with the British Battlefleet 1 August 1943, forming Battleship Division 9 with *South Dakota* as course was set from Scapa Flow for Norfolk where *Alabama* arrived 9 August 1943.

After hurried preparations, *Alabama* stood out of Hampton Roads 20 August 1943, enroute with *South Dakota* via the Panama Canal for Havannah Harbor, Efate Islands, New Hebrides Islands. She reached her destination 14 September 1943, reporting for duty to Rear Admiral Willis A. Lee commanding Battleships, Pacific Fleet, in flagship *Washington*. The following weeks were spent in simulated battle poblems with fast carrier task groups ranging to the Fiji Islands in preparation for the capture and occupation of the Gilbert Islands.

On 11 November 1943 *Alabama* sortied from Nandi, Fiji Island, with three other battleships and destroyer screen which rendezvoused with the expeditionary Fleet bound for the Gilbert Islands. She became a part of the screen for the *Yorktown* carrier task group which launched strikes on Mille Atoll 19 November 1943, then struck hard at enemy installations on Tarawa and Makin in the Gilbert Islands where Naval, Marine, and Army forces landed 20 November 1943. Direct support of ground forces continued 23 November as Betio, Tarawa Atoll, and Makin were declared secured. Three days later she joined the screen of the *Bunker Hill* carrier Task Group with battleships *Washington* and *South Dakota*. That night, *Alabama* twice opened fire to drive off enemy aircraft which approached her formation. Her carrier task group continued air and surface protection for ground forces in the Gilberts in the following days.

The morning of 8 December *Alabama* was the fifth battleship in a column that closed and bombarded Nauru Island. After sending 535 exploding shells into enemy strongpoints there, she took destroyer *Boyd* alongside to receive and treat three men injured when that destroyer had received a direct hit from shore batteries on Nauru. After helping escort carriers *Bunker Hill* and *Monterey* back to the New Hebrides Islands, she received nine Japanese prisoners of war at Efate and departed 9 January 1944 for Pearl Harbor. *Alabama* entered that port 12 January for replacement of her port outboard propeller, routine cleaning and painting. Four days later she was enroute to Funa Futi, Ellice Islands, arriving 21 January 1944 to become a screening unit of the *Essex* Carrier Task Group 58.2 preparing for the capture and occupation of the Marshall Islands.

On 25 January 1944 *Alabama* departed the Ellice Islands enroute with the *Essex* Fast Carrier Task Group 58.2 for the Marshall Islands. On 29 January the fast carrier task force under Rear Admiral Marc A. Mitscher began a series of strikes to destroy Japanese air power and shipping in the Marshall Islands. That morning *Alabama* left the *Essex* carrier group formation to bombard Roi Island of Kwajalein Atoll.

At 1057, 30 January 1944, *Alabama* opened up with *South Dakota* and *North Carolina* in a surface bombardment that caused heavy explosions and large fires on Namur. Large quantities of fuel and ammunition were destroyed on Roi. Every effort was made to render the enemy airfield inoperative, to destroy planes, buildings and gun installations. Direct hits destroyed enemy blockhouses along with buildings and gun installations. In the following days *Alabama* patrolled the area north of Kwajalein atoll to protect the *Essex* carrier task group from enemy sea and air attack as the carriers launched direct air support to ground forces occupying Roi and Namur Islands. She anchored in newly won Majuro Lagoon 4 February 1944. The Navy now had a new base

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in the "stepping stone" strategy across the Pacific to the doorstep of Japan itself.

On 12 February 1944 *Alabama* sortied with the *Bunker Hill* carrier task group of Admiral Mitschers Fast Carrier Striking Force which blasted "impregnable" Japanese Fleet base of Truk Atoll in the Carolinas during 16–17 February 1944. There, enemy shipping losses were 2 light cruisers, 4 destroyers, 3 auxiliary cruisers, 2 submarine tenders, 2 submarine chasers, an armed trawler, a plane ferry, and 24 auxiliaries which included 6 tankers. Of an estimated 55 enemy ships at Truk, about 8 to 10 ships were all that remained undamaged. A total of 211 enemy planes were destroyed and another 104 greatly damaged. Retiring from Truk, *Alabama* was in the screen of carriers approaching the Marianas the night of 21 February 1944 when she opened fire on an enemy aircraft approaching her formation. Her 5-inch mount number 9 was fired while in stops, firing into Mount Number 5 and killed five men. Eleven men were injured. From that time on, *Alabama* helped fight off intermittent attacks by low flying Japanese planes and two dive bombers. Three planes taken under fire by *Alabama* were seen to crash.

The morning of 22 February 1944, she protected the carriers as they launched strikes for Saipan, Tinian and Guam, sinking and damaging shipping, destroying hostile aircraft and shore installations. All this was accomplished without the enemy being able to damage a single ship of the American Task Force. After a sweep to search for enemy crippled ships south east of Saipan, *Alabama* returned to Majuro Atoll 26 February 1944. As she remained here 3 March, she received Rear Admiral Marc A. Mitscher from carrier *Yorktown* and served as his temporary flagship until 8 March when carrier *Lexington* arrived to assume that duty.

Alabama stood out of Majuro Lagoon with Rear Admiral Mitscher's Fast Carrier Striking Force 22 March 1944, forming in the screen of the *Yorktown* carrier group which launched air strikes against the Palau Islands. On the approach to the Palaus the evening twilight of 29 March, about six enemy planes approached *Alabama's* carrier group. Four attacked in her vicinity and her gunners splashed one into the sea, while three others met a similar fate from combined fire of surface ships.

On 30 March 1944 the fast carriers commenced intensive bombing of Japanese airfields, shipping, fleet servicing facilities, and other installations at Palau, Yap, Ulithi and Woleai in the Caroline Islands group. Extensive minefields were planted by carrier-based aircraft around Palau Island approaches and aerial attacks continued into 1 April.

Alabama returned to Majuro Lagoon 6 April to replenish and departed 13 April, enroute with Task Force 58 in the screen of the famed *Enterprise* (CV–6). Commencing 21 April enemy airfields and defensive positions were hard hit at Hollandia, Wakde, Sawar and Sarmi areas of New Guinea. They continued the next day as Army forces stormed the shores at Aitape, Tanahmerah Bay, and Humboldt Bay in New Guinea. After covering the landing operations in the area of Hollandia, *Alabama* guarded her carriers for strikes against Truk 29–30 April. The next day, she joined with *South Dakota* to bombard Ponape, Caroline Islands. Her devastating fire was directed against coast defense guns, airfields and installations. Many fires were started on Langar Island and several salvos landed in the waterfront warehouse district at Ponape Town. She also hit antiaircraft guns and installations on Peram Island. The battleship was back in Majuro Lagoon on 4 May 1944 to prepare for the invasion of the Marianas Islands.

On 6 June 1944 *Alabama* departed Majuro with the *Enterprise* carrier task group enroute with the Fast Carrier Striking force for the Marianas. Repeated air strikes began against Saipan the morning of 11 June and continued into the following day when *Alabama* opened fire to drive off two enemy planes. On 13 June 1944 she joined in a six-hour pre-invasion bombardment to cover mine-sweeping operations and to destroy coast defense batteries, field artillery emplacements and other defensive installations on northwest Saipan. Her air spotters reported that *Alabama* salvos caused great destruction and fires in Garapan Town.

Strikes against Saipan continued into 15 June 1944 as invasion troops hit the beaches. Carriers launched planes throughout the day to support the ground forces as reports indicated enemy surface units approaching the area from the southwest. One report at 1900 of 15 June 1944, reported a large force leaving San Bernardino Strait. Another report in the early morning of 18 June gave the course and speed of the same force that indicated the enemy would be in striking range by daylight of 19 June 1944. It was then that *Alabama* formed with other great battleships, cruisers and destroyers, fanning out to cover the carriers against both surface and aerial attacks. For five hours, repeated Japanese aerial raids were launched against the Carrier Task Force but American fighter pilot interceptions shot most down at some distance from the formation. Relatively few of the attacking enemy planes ever reached the carriers.

In the first raid that approached *Alabama*'s formation, only two managed to penetrate to attack *South Dakota* and scored one 500-pound bomb hit for minor damage. One hour later a second wave, largely torpedo bombers closed in. The 5-inch guns of *Alabama* discouraged two enemy torpedo planes which had begun a torpedo run on *South Dakota*. The intense concentration on repulsing these two allowed a single dive bomber to approach *Alabama* undetected. This plane dropped two small bombs which were near misses to starboard and caused no damage. Coincident of this action, two other torpedo planes made a run on *Indiana*. One was driven off by antiaircraft fire. The second managed to launch a torpedo or bomb close aboard *Indiana*. But this enemy was hit by anti-aircraft fire and crashed into *Indiana* at her waterline. Fortunately, *Indiana* escaped serious damage as the torpedo or bomb exploded short of its mark.

The enemy carrier plane attacks met almost complete destruction in the great air battle of 19 June, commonly referred to afterwards as "The Marianas Turkey Shoot." Two of the Japanese carriers were sunk by United States submarines and a long range air strike late in the afternoon on 20 June sank another carrier and so damaged two tankers that they were abandoned and scuttled. Admiral Ozawa's own flag log for 20 June 1944, showed surviving carrier air power as 35 aircraft operational out of the 430 planes with which he had commenced the Battle of the Philippine Sea. His defeated fleet anchored in Nakagasuku Bay, Okinawa, the evening of 22 June 1944. Four of his six surviving carriers, with 2 battleships and a heavy cruiser, had to proceed to Japan, either for repairs or long-needed upkeep.

Commencing 21 June 1944 *Alabama* continued patrols around the Marianas to protect landing forces on Saipan Island from enemy attack by sea and air. Carriers of her task group struck enemy aircraft, shipping and shore installations on Guam, Tinian, Rota and Saipan. She returned to Eniwetok Atoll 9 July 1944 and became flagship of Rear Admiral E. W. Hanson, commanding Battleship Division 9. She put to sea the 14th with the *Bunker Hill* Carrier Task Group for pre-invasion assaults and support of Marine landings on Guam 21 July 1944. Support to ground forces there continued with a divisionary air strike and photo reconnaissance of the Japanese-held islands of Palau.

Alabama returned to Eniwetok 11 August 1944 and departed 30 August 1944 in the screen of the *Essex* carrier task group to support the seizure of the Japanese-held islands of Palau, Ulithi, and Yap in the Caroline Islands. Aircraft installations and defenses on those islands were rained with destruction 6–8 September 1944. *Alabama* then set course to protect carriers launching strikes 12–14 September against aircraft, shipping and installations on the Philippine Islands of Cebu, Leyte, Bohol and Negros. Invasion forces stormed the shores to take the Palau Islands under cover of naval air-sea bombardments 15–17 September. *Alabama* continued with the fast carriers to carry destruction to the enemy in the Central Philippines before entering the huge fleet base at Ulithi. There, 5 October 1944, Rear Admiral E. W. Hanson, commanding Battleship Division 9, transferred his flag from *Alabama* to *South Dakota*.

On 6 October 1944, *Alabama* sailed with Vice Admiral John S. McCain's Fast Carrier Task Force 38 which would form the strong right arm of Admiral Halsey's Third Fleet to support the liberation of the Philippine Islands. In the screen of the *Essex* carrier task group, she protected the carriers that hit centers of Japanse air power and shipping at Okinawa, the Pescadores and Formosa. As she retired from the latter island to strike at Luzon 14 October, her guns opened up on planes attacking her formation. Three of the attackers were shot down by *Alabama* gunners and a fourth damaged. Strikes began on Leyte 18 October and continued in support of the landing operations there 20 October 1944 and succeeding days.

As heavy units of the Japanese Fleet advanced upon the Philippines in a three pronged movement 24 October, *Alabama* joined the screen of the *Enterprise* carrier task group to the area off Surigao Strait. The fast carriers struck hard at the powerful Japanese Southern Force heading for Surigao Strait, then moved north to strike the powerful Japanese Central Force heading for San Bernardino Strait. After reports were received of a third Japanese Force, she sped with Admiral Halsey's fast carrier and battleships to close Japanese carriers off Cape Engano. Strikes by the fast carriers in the Battle off Cape Engano destroyed four Japanese carriers, a cruiser and four destroyers. Meanwhile, the units of Japanese Southern force had been either destroyed or turned in the Battle of Suraigo Strait. But the powerful Japanese Center force of battleships, cruisers and destroyers had slipped through San Bernardino Strait and emerged from the fog shrouded coast of Samar where it was held off by a half-dozen little escort carriers and destroyer-type screening ships.

Alabama immediately reversed course for Samar but the Center Force was speeding for Japan by the time she reached the scene. She then joined the protective screen for the *Essex* carrier task group to hit enemy ground and naval forces in the Central Philippines before retiring to Ulithi 30 October 1944 for replenishment. The next day *Alabama* was detached from Battleship Division 9 and assigned to Battleship Division 8, commanded by Rear Admiral G. B. Davis who flew his flag in battleship *Massachusetts*.

On 2 November 1944 *Alabama* sailed to join the screen of the *Hornet* carrier task group for strikes against the Northern Luzon-Manila areas 5 November 1944. She rode out a typhoon 7–8 November before carriers launched strikes on shipping and military targets in the Luzon-Visayas area. She then rearmed at Ulithi preparatory to the Third Fleet support of invasion forces that would land on Mindoro in mid-December 1944.

Alabama deported Ulithi 10 December 1944 with the fast carriers for preliminary strikes on Luzon airfields, from which the Mindoro

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invasion force might be threatened. During 14–16 December, an umbrella of fighter planes was kept over Luzon airfields, day and night, so that enemy aircraft could not take off to attack the Mindoro-bound convoys. The two enemy flights that did manage to get off the ground were intercepted by carrier fighters and a substantial number shot down.

As the task force reached a fueling rendezvous 17 December, one of the worst typhoons of the year whirled undetected towards the rendezvous. Seas roughened and soon a harrowing and tossing sea made refueling impossible. By daybreak the following day, winds of 50 knots caused all ships to roll heavy, *Alabama* experiencing rolls of 25–30 degrees in weather that found carrier *Monterey* dead in the water and on fire. There were winds of maximum gust to 83 knots recorded by *Alabama*. By 1600, 18 December she passed out of the active storm area and into high seas. She suffered minor damage. Both her Kingfisher planes were of no further value because of damage and her speed boat had been washed overboard as a result of the typhoon that had capsized and sank destroyers *Hull*, *Spence*, *Dyson* and *Monaghan*.

Alabama touched Ulithi (24–26 December 1944) then set course by way of Pearl Harbor for the Puget Sound Naval Shipyard, arriving 12 January 1945 for overhaul. This was completed by 17 March 1945 when she departed for refresher training out of San Diego. She stood out of the latter port 4 April, en route via Pearl Harbor for Ulithi, Caroline Islands, arriving 28 April 1945.

Alabama reported for duty to Vice Admiral Marc A. Mitscher, commanding Fast Carrier Task Force 58, forming with the *Enterprise* carrier task group. Departing Ulithi 9 May 1945 she set course for Okinawa to support the advance of ground troops that had invaded that last stepping stone to Japan on 1 April. While striking Kyushu the morning of 14 May a lone suicide plane taken under fire by *Alabama* climbed into cloud cover, then dived out to crash *Enterprise*. Many more enemy planes headed for the formation but American fighters shot down many. However, a few got through to attack the formation. Two were shot down by *Alabama* and she assisted in shooting down another. The task force spent the following days giving direct support to ground forces on Okinawa. During this period 4–5 June, *Alabama* rode out a typhoon that wrenched the bow off cruiser *Pittsburgh*. At dawn, 10 June 1945, *Alabama* bombarded southern and eastern coastal Japanese installations on Minami Diato Shima. She entered San Pedro Bay 13 June 1945 to stage with Admiral Halsey's Third Fleet preparatory to striking the heart of Japan from within its home waters.

On 8 July 1945, *Alabama* departed the exercise area off San Pedro Bay to rendezvous with the *Randolph* carrier Task Group and steamed with the Fast Carrier Force that took Tokyo by surprise 10 July 1945. Four days later, the fast carriers launched 1,391 sorties against targets in northern Honshu and Hokkaido from only 80 miles off shore. Simultaneously, and for the first time, a naval gunfire force wrought destruction on a major installation within the home islands of Japan. The iron works at Kamashi was so extensively damaged that production was halted. Air strikes continued 15 July as a naval bombardment brought destruction to the Nihon Steel Company and the Wanishi Ironworks at Muroran, Hokkaido. *Alabama* protected carriers during these bombardments but her chance came on the night of 18–19 July when she joined the Fast battleship and heavy units of the British Pacific Fleet to bombard six major industrial plants at Hitachi, about eight miles northeast of Tokyo. When destroyer *Borie* was hit by a suicide plane 9 August, *Alabama* transferred a medical party to destroyer *Ault* who carried them to render medical aid to *Borie* on her distant picket station.

On.12 August 1945, *Alabama* came alongside battleship *South Dakota* to receive Rear Admiral J. F. Shafroth, Commander, Battleship Squadron 2. Air strikes lunched for the Tokyo Plains were recalled 15 August when word was received that hostilities with Japan had ceased. In the following days, *Alabama* transferred detachments of Marines, Naval officers and men for temporary duty with Tokyo Naval Occupation Forces. She served in the screen of carriers making reconnaissance to locate Prisoner of War camps, and launching flights over Tokyo Bay in a show of force 2 September 1945 when the formal surrender documents were signed on board battleship *Missouri*. She entered Tokyo Bay 5 September to receive men who had left to serve with the occupation forces, then sailed 20 September 1945, bound for home. She embarked some 700 veterans at Okinawa and formed off the entrance to Pearl Harbor the morning of 9 October 1945 with units of the Third Fleet. Led by Admiral William F. Halsey, Jr., in *South Dakota*, the units of the Third Fleet paraded past Waikiki and Diamond head on her way home. She passed under the Golden Gate Bridge mid-day of 15 October 1945 to receive the welcome of the city of San Francisco. Navy Day (27 October) was celebrated by receiving about 9,000 visitors. She departed San Francisco 29 October for San Pedro where 2 November 1945 Rear Admiral J. F. Shafroth, Commanding Battleship Squadron and Battleship Division 8, was relieved as Rear Admiral Oscar C. Badger who assumed duties of Battleship Squadron Two (temporary) in battleship *Iowa*. Concurrently, *Alabama* became flagship of Rear Admiral I. C. Sowell, USN, who relieved Rear Admiral Shafroth, as Commander Battleship Division 8. On reorganization of the United States Fleet, 15 November 1945, Battleship Division 8 was redesignated Battleship Division 3 with *Alabama* continuing as Flagship of Rear Admiral I. C. Sowell, commanding that Division and temporarily serving as Commander Battleship Squadron Two.

Alabama remained in San Pedro Bay, California to 27 February 1946 when she set course via San Francisco enroute to Seattle, Washington, arriving 5 April 1946. She entered the Puget Sound Naval Shipyard 23 May 1946 for inactivation overhaul and decommissioned at the U.S. Naval Station, Seattle, 9 January 1947.

Alabama was assigned to the Bremerton Group, U.S. Pacific Reserve Fleet until her name was struck from the Navy List 1 June 1962. Her preservation as a memorial was undertaken by the USS *Alabama* Battleship Commission with funds raised by popular subscription in the State. She was awarded to the State of Alabama 16 June 1964 and formally turned over to the state 7 July 1964 in ceremonies on her deck at Seattle, Wash.

Alabama was towed 5,600 miles to her permanent berth at Mobile, Alabama. Proceeding down the western seaboard and through the Panama Canal, she entered Mobile Bay 14 September 1964. It is appropriate indeed that this mighty fighting lady came to Mobile as a perpetual reminder of America's sea destiny and as a memorial to the fighting spirit of gallant men and women who fought in World War II. As with the spirit of Raphael Semmes, one of the boldest of sailors, *Alabama* continues to serve and highlight the mighty influence of the sea and the traditions of valor. The achievements and sacrifices of *Alabama* are providing reinforcement to our great heritage. For it was with her big guns, high speed and valiant crew that she provided the powerful fire support to protect the fast carrier fleet as well as mighty and overwhelming concentrated destruction on targets ashore.

At a magnificient 100 acre Marine Park at Mobile, *Alabama* stands guard to perpetuate the Fleet of Battleships that once sailed the vast oceans of the world. The people of Alabama have saved a gallant fighter that served so well and once operated in the battle zone over two years without major repairs.

HISTORY OF THE U.S.S. "OLYMPIA" (C–6)

Olympia (C–6), a protected cruiser, was built by Union Iron Works, San Francisco, California. She was authorized on 7 September 1888, and her keel was laid 17 June 1891. She was launched 5 November 1892, and sponsored by Miss Ann Belle Dickie, daughter of an official of the building yard. The ship was commissioned 5 February 1895, Captain J. J. Read in command.

Her dimensions are:

Length overall, 344 feet, 1 inch.

Breadth on waterline, 53 feet.

Normal displacement, 5,870 tons.

Speed, 21.69 knots.

Armament, 4 8", 10 5"/51; 6 18" torpedo tubes.

Complement, 34 officers, 378 men.

Olympia departed Mare Island on 25 August 1895 to join the Asiatic Fleet as flagship of Rear Admiral F. V. McNair. Between 1895 and 1898 she cruised in the Far Eastern waters, visiting Japan, China, and the Sandwich Islands. On 3 January 1898 she became the flagship of Commodore George Dewey. During the winter of 1898 *Olympia* remained at Hong Kong with the rest of the squadron, awaiting orders to proceed to the Philippines in the event that war was declared on Spain. On 25 April 1898, on request of the Governor of Hong Kong, the squadron proceeded to Mirs Bay, China, to await further orders. The orders were not long in arriving, and on 27 April 1898 *Olympia* and the Asiatic Squadron got underway for the Philippine Islands. The darkened squadron stole past the batteries on Corregidor and arrived off Manila at daybreak on the morning of 1 May 1898. They immediately engaged the Spanish forces. Admiral Dewey, in his autobiography, recounts:

"At 5:40 when we were within a distance of 5,000 yards, I turned to Captain Gridley and said 'You may fire when you are ready Gridley'. While I remained on the bridge with Lamberton, Brumby and Stickney, Gridley took his station in the conning tower and gave the order to the battery. The very first gun to speak was an 8-inch from the forward turret of the *Olympia*, and this was the signal for all the other ships to join in the action." The action lasted from 0541 (with an interruption of three hours) until 1230 and ended in the destruction of Spain's Philippine fleet. On 7 May 1898 Dewey was promoted to the flag rank of rear-admiral, in recognition of his splendid achievement at Manila Bay.

Olympia remained in the Philippines until 20 May 1899 assisting in the blockade and capture of Manila, and aiding the army in repelling the attacks of the natives. She arrived at Hong Kong on 23 May 1899, and on 6 June 1899 departed China for her return to the United States, via Suez and the Mediterranean. Arriving at Boston 10 October 1899, she went out of commission in reserve on 8 November 1899.

Olympia underwent general repairs during 1901, and was recommissioned in January 1902. She reported to the North Atlantic Squadron on 4 April, and was assigned as flagship for the newly formed Caribbean division of the North Atlantic Station. Between December 1903 and December 1905 *Olympia* protected American interests at: Panama (December 1903–March 1904); Tangier, Morocco (June 1904); Smyrna, Turkey (August 1904); and in Dominican waters (May–December 1905).

Olympia was placed out of commission in reserve on 2 April 1906, at Norfolk. She was recommissioned 15 May 1907 and cruised with the midshipmen along the East coast until 25 August 1907. She was again placed out of commission in reserve, at Annapolis, on 26 August 1907.

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Olympia was in commission during 1 June–1 September 1908 and 14 May–28 August 1909 for the annual summer midshipmen cruises. She remained at Annapolis, in reserve, until 2 March 1912, when she sailed for Charleston, South Carolina, arriving 6 March 1912, for service as barracks ship for the personnel of the reserve torpedo group.

Rearmed with 12 4''/40 guns and recommissioned in late 1916, *Olympia* joined the Atlantic Fleet. She was designated flagship of the Patrol Force, Rear Admiral Henry B. Wilson, 13 April 1917 and patrolled off New York until running aground near Cerberus Shoal in Long Island Sound on 25 June. Badly damaged, *Olympia* entered drydock at the New York Navy Yard on 13 July. During her repairs, which lasted until 4 February 1918, she was rearmed with 10 5''/51 caliber guns, that were in the Navy Yard at Brooklyn waiting the completion of *Tennessee*.

Following patrol duty off Halifax, Nova Scotia, in February, and convoy duty in March, she proceeded to Charleston Navy Yard to prepare for service in Northern waters. She sailed 28 April and arrived at Murmansk, Russia, on 24 May 1918. *Olympia* remained in Northern Russian waters until 8 November 1918, as part of an Allied force protecting military supplies from the Germans and cooperating with the anti-Bolsheviks. Departing Archangel on the 8th, *Olympia* arrived Murmansk on the morning of the 11th and coaled ship. On 12 November, 47 wounded American soldiers embarked for transfer to their homes. *Olympia* sailed from Murmansk on 13 November, arriving Invergordon, Scotland 5 days later. During her stay, *Olympia* landed 108 men on 8 June to garrison Murmansk and contributed 54 men to the Allied expedition which recaptured Archangel. She served as flagship of Rear Admiral Newton C. McCully, Commander, U.S. Naval Forces in Northern Russia, between 26 October and 6 November 1918.

Following repairs at Portsmouth, England, between 28 November and 26 December 1918, *Olympia* steamed to Gibraltar. She embarked Rear Admiral Albert P. Niblack, Commander U.S. Naval Forces, Eastern Mediterranean on 10 January 1919 and proceeded to Spalatao, Dalmatia. After cruising in Adriatic waters from 21 January until 18 August *Olympia* visited Constantinople, the Black Sea ports, and Smyrna, Turkey. She returned to Spalato on 19 September. Continuing her policing of the disputed Dalmation coast, *Olympia* put ashore a landing party of 101 men at Trau on 23 September to prevent a clash between the Yugoslavs and renegade Italian troops. She left the Adriatic on 25 October and returned home, arriving at Charleston, South Carolina, on 24 November 1919.

Departing New York on 14 February 1920, *Olympia* arrived at Spalato on 8 April for another cruise of the Adriatic. She remained there until 4 May 1921. During this time she took part in the 7 November 1920 delivery of the ex-Austrian battleships *Radetzsky* and *Zrinyi* to the Italians. She returned to Philadelphia 25 May 1921 and became the flagship of the Train, Atlantic Fleet 9 June 1921. Between 14–21 July 1921 she plied between Hampton Roads and the Virginia Capes to assist in preparation of the target ships *Frankfurt* and *Osterfriesland* and remained as an observation ship during the famous Army-Navy bombing experiments that demonstrated the potency of attack from the air.

Olympia remained off the east coast until 3 October 1921 when she left Philadelphia bound for Le Havre to embark the "Unknown Soldier" for internment in Arlington Cemetary. The officers and crew assembled on deck 25 October 1921 to receive the "unknown warrior". She stood out from Le Havre with an honor escort of French Destroyers until on the high seas, then continued alone to bear home the honored dead.

Olympia arrived at the mouth of the Potomac River 8 November 1921 where she was joined by *North Dakota* (BB–29) and *Bernadou* (DD–153) 9 November. She moved up to the river to the Washington Navy Yard where the coffin of the "unknown soldier" was turned over to the waiting regiment of cavalry with its black draped caisson. As the body was piped over the side the *Olympia*'s guns boomed a last salute to her fallen comrades.

She remained flagship of Train until 29 April 1922. After completing the summer Midshipman's cruise 31 August 1922, she arrived at Philadelphia Navy Yard on 1 September 1922. Decommissioned there 9 December 1922 *Olympia* was subsequently reclassified an auxiliary ship (IX–40) on 30 June 1931.

While she lay inactive and deteriorating at Philadelphia numerous proposals to scrap *Olympia* were made. Public opinion however, demanded that Dewey's famous flagship be saved for posterity. Eventually Congress decreed (23 July 1954) that *Olympia* among several historic ships, must be scrapped unless they were claimed by a patriotic organization capable of reconditioning and maintaining them. The public spirited citizens of Philadelphia rescued the *Olympia* from the fate of the scrap heap. The Cruiser *Olympia* Association formed in that city took title to the famed cruiser on 11 September 1957 and she entered the Keystone Drydock and Ship Repair Company where repairs were started February 1958 and completed in October.

On 4 October 1958 the historic *Olympia*, bedecked with flags, made a triumphant two mile journey from the yards of the Keystone Drydock and Ship Repair Company to a municipal pier down the river. The sole survivor of the Navy's Spanish-American War fleet was given a seventeen gun greeting as she moved to her new berth on the Delaware River.

The famous flagship of Admiral Dewey is the oldest steel ship of the Navy in existence. She now houses many relics of the Spanish-American War and other periods of our naval history. The glistening white cruiser, restored as near as possible to her appearance in the 1890's serves as a shrine of our great heritage at the foot of Chestnut Street in Philadelphia.

HISTORY OF THE U.S.S. "TEXAS" (BB–35)

USS *Texas* (BB–35) is the third ship of the United States Navy named for the State of Texas. The first *Texas* was originally a Confederate twin-screw ironclad ram.

The second *Texas* was the first battleship to be commissioned in the United States Navy. Her keel was laid in the Norfolk Navy Yard 1 June 1889.

The third *Texas* (BB–35) was built by the Newport News Shipbuilding and Dry Dock Company, Newport News, Virginia. Her keel was laid 17 April 1911. She launched 18 May 1912, under the sponsorship of Miss Claudia Lyon, young daughter of Colonel Cecil Lyon, Republican national committeeman from Texas. The battleship commissioned at Norfolk 12 March 1914, Captain Albert Weston Grant, U.S. Navy, commanding.

Texas (BB–35) had a length overall of 573 feet; extreme beam, 93 feet, 3 inches; normal displacement, 27,000 tons; mean draft, 28 feet, 6 inches; designed speed, 21 knots; and a designed complement of 58 officers and 994 men. Her original armament was ten 14-inch .45 caliber guns; twenty-one 5-inch .51 caliber guns and four 21-inch submerged torpedo tubes. The maximum thickness of her armor was 14 inches.

Texas departed Norfolk 24 March 1914 to receive installation of gunsights and other alterations in the New York Navy Yard. She returned to Hampton Roads 14 May for ammunition and coal, putting to sea the 19th for Vera Cruz, Mexico, which had been occupied by an American seaborne assault 21 April 1914 to secure redress of grievances and uphold United States rights against the brutality of General Victoriano Heurta, who had ousted Mexico's President Madero, ordered him executed, and had assumed the reins of the Mexican government himself.

Texas reached her destination 26 May 1914, helping maintain a blockade along the Mexican coast until Huerta fled to Europe, allowing a Mexican provisional government to be established for peaceful solution of differences. The battleship departed Vera Cruz 8 August 1914 for New York but returned 14 September to give her support until United States Occupation Forces withdrew from Vera Cruz, 23 November 1914. She had intervened her special service on the Mexican Coast by a visit to Galveston, Texas (6–14 November 1914). Here, the battleship received a magnificent silver service as a present from the State of Texas.

Texas departed Tampico, Mexico, 20 December 1914 for repairs in the New York Navy Yard until 18 February 1915. For the next two years, she engaged in fleet tactics and battle problems from the coast of New England south into the Caribbean Sea. When the United States entered World War I, the battleship was a unit of Battleship Division 6, based in the York River off Yorktown, Virginia. Her primary duty for the remainder of 1917 was the training of engineers and gun crews for armed merchant shipping in waters reaching to New York. On 28 September 1917, she grounded near the north end of Block Island. Her crew worked three days to lighten ship.

On the morning of 1 October 1917, tugs were along side to assist and her main engines went full astern. The battleship would not budge. As the minutes wore on, it appeared she was stuck fast and hope began to wane in more than one seaman's heart. Her sister battleship *New York*, lying-to close aboard then gave birth to words that would ever after form the *Texas'* battle cry. When it appeared that *Texas* would not move, men on *New York* cheered in unison "Come on, *Texas!*" Almost imperceptibly the great battleship began to move, and suddenly she was backing cleanly and smoothly clear of the Island. After minor repairs in the New York Naval Shipyard, *Texas* resumed her training and maneuvers until 19 January 1918 when she entered the same yard to prepare for distant service. She sailed 30 January 1918 and reached Scapa Flow, Orkney Island, 11 February 1918.

Texas joined United States battleships that formed the Sixth Battle Squadron of the British Grand Fleet. Until the Armistice of World War I, she cruised off the British Isles to meet the possible threat of the sortie German High Seas Fleet into intermment at Firth of Forth, 21 November 1918. The battleship proceeded to sea from Portland 12 December 1918. The following day she and her sister battleships made rendezvous with President Woodrow Wilson on board Navy Transport *George Washington*. The President was enroute to the Paris Peace Conference with his fourteen-point proposal for a lasting world peace to be perpetuated in a living organism of international cooperation and good will—The League of Nations. *Texas* was a unit of the honor escort that brought the President into Brest, France, 13 December 1918. The following day, she put to sea with her sister battleships for home. The day after Christmas, she passed in review before Secretary of the Navy, Josephus Daniels to enter New York Harbor for the great home-coming celebration parade.

Sailing from New York in May 1919, *Texas* was on station the evening of 16 May when Navy Seaplane Division One took off from Trepassey Bay, Newfoundland, to be guided on its 1,380-mile flight to the Azores by *Texas* and other warships. The Navy ships poured smoke from their gunnels in daylight and fired starshells or turned on searchlights during the night. The battleship joined in

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the search for Navy Seaplane NC–3 which descended about 35 miles off the Flores Island but taxied into Ponta Del Gada under its own power. The NC–4 finished the historic 4,500-mile flight at Plymouth, England, 31 May 1919. This first trans-oceanic flight, aided by *Texas*, brought much honor and prestige to the Navy and the nation.

On 14 July 1919, *Texas* sailed from New York to join the Pacific Fleet in maneuvers on the West Coast. She returned to the east coast early in 1924 and sailed from Annapolis 5 June 1924 on a United States Naval Academy Practice cruise that took her to ports of England, Holland, France, Gibraltar and the Azores. She returned to Hampton Roads 18 August 1924. The following fifteen years were spent along the eastern seaboard and in the Caribbean, with time out for combined Fleet Maneuvers that took her up the Western Seaboard and as far as Hawaii. She was modernized in the Norfolk Navy Yard 1925–1926. During this overhaul, her cagemasts were removed. A high tripod foremast was fitted along with advance fire control equipment and other ordnance improvements. Additional armor, a precaution against skyward attack, and anti-torpedo blisters toughened the *Texas* hull. On 1 September 1927, she hoisted the flag of Admiral Charles F. Hughes, Commander-in-Chief, United States Fleet. On the 26th she sailed for combined Fleet maneuvers in the Caribbean and Pacific, returning in December to New York to prepare for her voyage in January 1928, during which she carried President Hoover to the Pan-American Conference at Havana, Cuba.

The outbreak of war in Europe 3 September 1939 found *Texas* assigned to the Atlantic Squadron, comprising three other old battleships; four cruisers, a destroyer squadron and the aircraft carrier *Ranger*. Carrier *Wasp* later joined this nucleus of the great Atlantic Fleet, United States Navy, of which Admiral Ernest J. King became Commander in Chief on 1 February 1941, the day of its organization. After preparing in the Norfolk Navy Yard, *Texas* began long and tedious neutrality patrols in the stormy North Atlantic.

The first blood for Germany was narrowly averted 20 June 1941 when German submarine U–203 sighted the battleship on patrol between Newfoundland and Greenland. Assuming *Texas* had been lend-leased to England, U–203 tracked the battleship for long hours but was unable to gain attack position because of *Texas's* speed and zigzag course.

Texas steamed south for Casco Bay, Maine, where she was anchored when the Japanese made their attack on Pearl Harbor, 7 December 1941. After further North Atlantic patrol out of Newfoundland, she departed New York 15 January 1942, enroute with a task force to Hvalfjordur, Iceland. There she waited as a reinforcement for the possible sortie of the dreaded German battleship *Tirpitz* from a haven in the Norwegian Fjord until 1 March 1942. Returning to Norfolk, she departed 10 April to help guard a troop and logistic convoy as far as the Panama Canal. She returned to Norfolk 24 April, again sailing 20 May 1942 as flagship of a task force that escorted a convoy to the coast of West Africa.

After touching Bermuda, 1 June, two destroyers of her screen picked up survivors of the torpedoed British merchantmen *Fred V. Green*. 24 of the survivors were transferred to *Texas* who made rendezvous with British corvettes off the coast of Africa 9 June 1942. The British warships took up escort of the convoy destined for Liberia and Freetown. *Texas* and her three screening destroyers transferred survivors of the British merchantman at Bermuda and reached New York 19 June 1942. Seven days later she stood out with a convoy of Army troopships bound to Greenock, Scotland. She returned to New York with the empty troopships 27 July 1942.

Texas was now the flagship of Rear Admiral Alexander Sharp, Commander Battleships, Atlantic Fleet. At Norfolk, 22 August 1942, Rear Admiral Sharp was relieved by Rear Admiral Monroe Kelly who retained his flag in *Texas*. The following weeks were spent preparing for the invasion of North Africa. The battleship joined Rear Admiral H. Kent Hewitt's Western Naval Task Force which would land some 35,000 troops and 250 tanks at three different points on the Atlantic Coast of French Morocco. *Texas* became flagship of the Northern Attack Group under Rear Admiral Monroe Kelly. Her group floated nearly 10,000 officers and men, and 65 light tanks, under Brigadier General Lucian K. Truscott, Jr., United States Army.

Texas's group departed Norfolk 23 October 1942 to effect rendezvous with all the Western Naval Task Force 28 October. Comprising 102 ships, it spanned an ocean area some 20 to 40 miles. This was the greatest war fleet yet sent forth by the United States to that time. The task force made a wide sweep to the north on 6 November, thence northeast as if to enter the Straits of Gibraltar. After dark, it set a southeasterly course towards Casablanca. Shortly before midnight of 7–8 November 1942, three separate task groups closed three different points on the Moroccan Coast.

Flagship *Texas* lay to off Mahedia, French Morocco, the early morning of 8 November 1942. As word was passed to "Play Ball!" (commence attack), she launched her scout planes to spot her 14-inch gun salvos. A broadcasting station installed in her before, sailing, broadcast on the wave length of Radio Rabat, in French, the proclamations of President Roosevelt, General Eisenhower, and recordings of the "Star Spangled Banner" and "The Marseillaise." In the following days she broadcast spot news, comment and music, also the proclamations of Rear Admiral Kelly and Brigadier General Truscott.

The heavy guns of *Texas* were not wanted in the vicinity of the landing troops. That afternoon she bombarded a munitions dump near Port Lyautey. The morning of 10 November she commenced a bombardment of enemy reinforcement convoys on the Meenes road, leaving it littered with wreckage and stalled vehicles and craters of her shell hits. That afternoon the Army reported tanks and troops advancing on the Rabat Road. *Texas* scout planes strafed the column. One of her planes released a depth charge (with instant fuse setting) for a direct hit on an enemy tank. The explosion overturned two additional tanks and tore a gaping hole in the road. The same day, *Texas* landed a party under Lieutenant J. R. Blackburn who assumed temporary duties as Captain of Port Lyautey.

Cease fire went into effect at Mahedia the morning of 11 November 1942. A little before midnight Rear Admiral Kelly received a message from Admiral Hewitt: "Hostilities in French Morocco have ceased. Be especially vigilant against Axis submarines." Salvage operations by a landing party from *Texas* immediately started and one raised in time to serve in transferring stores from the transports to Port Lyautey. Three other steamers were nearing service condition by the time *Texas* departed.

In the bright moonlight of 12 November 1942 *Texas* was north of transports when the first patterns of depth charges were dropped on Axis submarines by her destroyer screen. She hurried for the southern area, greeted with submarine contact reports and the explosions of depth charge patterns in that area. Captain Roy Pfaff then said to himself, "Where do I go from here?" Finding no answer he decided to stay where he was. *Texas* then ran figure eights and circles inside the antisubmarine screen until the situation cleared. The following day Mr. Walter Kronkite, United Press War correspondent, landed at Port Lyautey from *Texas*. She departed 15 November and brought her task group safely into Norfolk the 26th.

As flaghip of Task Force 34 under Rear Admiral Monroe Kelly, *Texas* led the escort for a convoy from New York to Casablanca and return (25 January–14 February 1943). While in New York Harbor, 25 April 1943, Rear Admiral Kelly shifted his flag to battleship *New York*. *Texas* then served as flagship of the escort for another convoy run to Casablanca and return (29 April 1943–1 June 1943). In this outbound run, Convoy UGF–8 included HMS *Tracker* with a cargo of planes, two tankers with gasoline, one merchantman with general cargo, and 19 troopships carrying 61,170 of the United States Army.

Texas became flagship of Battleship Division Five, 2 July 1943 when Rear Admiral Carleton F. Bryant transferred his flag from battleship *New York*. Admiral Bryant shifted his flag to *Iowa* 14 July and *Texas* departed New York 21 August to head the ocean escort of a 21-convoy carrying general cargo and 63,970 troops bound for North Africa. *Texas* stopped short at Gibraltar where 8 September she received word of the unconditional surrender in Italy. She returned to New York 21 September 1943.

After gunnery exercises in the Chesapeake Bay, *Texas* departed New York with a 21-ship convoy carrying 46,955 troops, general cargo, planes, and oil destined for the British Isles. She came into Belfast 31 October and returned to New York 19 November 1943. The battleship again hoisted the flag of Rear Admiral Bryant 20 March 1944, then headed the escort for another convoy to Clyde, Scotland and return (29 December 1943–23 January 1944). She entered the Boston Naval Shipyard for repairs until 25 February then trained out of Casco Bay where Admiral Bryant shifted his flag to *Nevada* 20 March 1944. Rear Admiral Bryant returned on board at New York, 1 April 1944. Five days later, she stood out with a convoy for Clyde, Scotland. She arrived 17 April and soon entered Belfast Lough to prepare for the forthcoming invasion of France. Special installations included equipment for jamming of German radar, radio and guided missile transmissions, plus equipment for the British Loran network.

On 19 May 1944, Supreme Commander of the Allied Expeditionary Force, General Dwight D. Eisenhower, accompanied by Rear Admiral Allan G. Kirk, Commander of the Western Task Force, came on board *Texas* to address her officers and crew. The flagship of Rear Admiral Carleton F. Bryant's naval bombardment support group, she took up her battle station 6 June 1944 off Omaha Beach (The Vierville-Colleville Sector of the French Coastline, Bai de la Seine). For little more than a half-hour, beginning at 0550, *Texas* and her gunfire support group worked over the beach exit leading to Vierville. Amphibious craft scheduled to land artillery were drowned in the choppy sea save five, thus only one Army battery got into action that D-day. But the drowned artillery was gallantly replaced by 5-inch guns of Navy destroyers. At 0950, Admiral Bryant in *Texas* called to all gunfire support ships over TBS: "Get on them, men! Get on them! They are raising hell with the men on the beach, and we can't have any more of that. We must stop it!" The response of the bombardment group was magnificent. "Tin Can" destroyers closed the shore until little more than a few inches of water remained between keel and sand to give direct support on the beach. *Texas* and *Arkansas* and other heavy units hit inland strongpoints and batteries.

After raining destruction on six 155-mm guns on Point du Hoe, *Texas* scored direct hits on artillery positions, machine gun nests, pill boxes and fortified positions including four 155-mm mortars, a mobile field battery and gun positions in a wooded area—all before noon. By that time, the initial

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landing had become stalled by snipers, unreduced pillboxes and strongpoints in the area of the beach near Exit D–1 at Vierville-sur-mer. The exit was impossible for troops to penetrate due to houses lining the exit and concealed howitzer batteries. Shortly after high noon, 6 June 1944, *Texas* moved in to solve this problem. At 1223, aided by destroyers, she completely demolished the obstacles, reducing every structure in the exit to rubble. Army units, previously pinned down by the Howitzer fire, formed and cleared the beach. At 1400 *Texas* hit antiaircraft batteries west of Vierville, then slamming 14-inch salvos to disperse enemy troop columns at the cross roads southwest of there. "Without that gunfire," wrote the chief of staff of the Army 1st Division, "we positively could not have crossed the beaches."

German artillery continued to harass the Omaha beaches 7 June 1944 but naval gunfire support came to the rescue. *Texas* was called upon five different times to fire on targets at Formigny and the nearby village of Trevieres, which were laid waste by her big guns. She also dispersed a troop and vehicle column. After securing fire at 1607, she received word that the Ranger Battalion which had landed at Point du Hoe was still isolated from our own troops and were low on ammunition. The Rangers also had a number of prisoners and casualties to be evacuated. Two LCVP were obtained by *Texas*. She loaded them with provisions and ammunitions and sent them to relieve the Rangers. At 1730 the amphibious vehicles returned with 28 prisoners and 34 wounded Rangers. The wounded Rangers were given medical attentions and the prisoners transferred to LST–266 for further transfer to England. *Texas* ended the day of firing, commencing at 2048, when she bombarded suspected position of German mortars which were shelling the beach.

Naval gunfire continued to support the troops 8 June 1944. *Texas* took up position off the town of Isigny in the morning, forcing enemy troops to seek cover and halting their movements. The railroad tracks and depot were destroyed as she drove back enemy troops advancing on the town that afternoon. She left the assault area 9 June but was back on the job after replenishment at Plymouth 11 June 1944. Anchored in the Baie de la Seine, she stood-by for call fire missions to support the advance of the first United States Army. On the 15th she bombarded enemy strong points on the highland between the town of Isigny and Caretan at the request of the First Army. With effective range more than 20,000 yards, it was necessary to put a two-degree starboard list on *Texas* by flooding her starboard blisters. She came into Portland Harbor 18 June 1944, having earned the praise of Admiral J. L. Hall, Jr., Commander of the Omaha Amphibious Force who stated: "The support of the 14-inch guns of *Texas* was invaluable."

On 25 June 1944 *Texas* departed Portland Harbor as flagship of a bombardment group which included *Arkansas* and three destroyers. Her mission was to bombard coastal defenses and installations in the Cherbourg area as the Seventh Army Corps attacked the port from inland. At 1229, the first salvo of "Battery Hamburg" straddled the stern of destroyer *Barton*. This battery was one of the most powerful German strongpoints on the Cotentin Peninsula. It comprised four 280-mm (11-inch) guns protected by steel shields and reinforced by concrete casements. About them were six 88-mm, six heavy and six light antiaircraft guns. Sited to cover the sea approaches to Cherbourg, the powerful battery had a range of 40,000 yards as opposed the guns of *Texas* and *Arkansas* which ranged only half that distance.

The salvo that straddled *Barton* was followed by a near miss about 500 yards ahead of *Texas*. A second enemy salvo completely enveloped the minesweeper on her port bow. The third salvo straddled the bow of *Texas*. She swung hard to starboard just in time for a three-shell salvo to whistle over her stern. Straddles began to fall at about half-minute intervals. Twisting and turning *Texas* ran through the smoke screen into view of the beach at 1314 and was promptly taken under heavy fire. Two minutes later a 280-mm shell glanced across the top of her conning tower, hit the supporting column of the pilot house and exploded to wreck her bridge. Her helmsman was killed and ten men were wounded. Captain Baker was thrown to her deck but was uninjured. His executive officer in the conning tower immediately took over ship control and she steadied on a northern course, continuing to fire without a pause.

Both *Texas* and *Arkansas* continued to slug it out with "Battery Hamburg" until retirement was ordered at 1500. *Texas* had thrown 206 rounds of 14-inch shells at the enemy. A few minutes before retirement was ordered, her central station reported an unexploded shell in forward, In Officer Country, in an officer's room. The exact time of the hit was unknown. It was believed one of the same salvos that had landed close aboard her port at 1234. The shell, a 240-mm H.C., was later disarmed by the Bomb Disposal officer in Portland, England.

Admiral Bryant reported: "The performance of *Texas* while under heavy and accurate fire of the enemy was outstanding. She was smartly handled and continued the engagement until ordered to withdraw, although hopelessly outranged and continuously harassed by enemy fire over a period of two hours and twenty minutes. . . ." More praise came from Admiral M. L. Deyo who reported that *Texas'* bombardment group, in occupying the attention of "Battery Hamburg" greatly relieved the pressure on another naval bombardment group executing an effective mission for the Army. Admiral Deyo quoted a part of a letter written him 29 June 1944 by Major General J. L. Collins:

"The success of our initial landing on the Cotentin Peninsula culminating in the capture of Cherbourg was due in a great measure to the fine support given my troops by the gunfire of your Naval Forces on D-Day and thereafter until the Quineville Ridge was seized."

"I witnessed your Naval Bombardment on the coastal batteries and the enemy strong points around Cherbourg which were engaged by your guns on 25 June. The results were excellent and did much to engage the enemy's fire while our troops stormed into Cherbourg from the rear."

Texas had completed battle damage repairs by 15 July 1944 when she departed Belfast Lough for Mers-el-Kebir Harbor, Oran, Algeria. There she formed a heavy bombardment group with battleship *Nevada*, joining the Delta Attack Force staging for the invasion of Southern France. Still the flagship of Rear Admiral Carleton F. Bryant, she led the strong gunfire support group into the Assault Area 15 August 1944 to support the landing of Major General Eagle's famed "Thunderbirds" of the 45th Army Division on a beach outside the beautiful Golfe de Saint-Tropez. She opened counter-battery fire at 0653 and continued for two hours in a preinvasion bombardment. According to Rear Admiral Rodgers who commanded the Delta Attack Force: "Inspection on D plus one showed that the men manning their guns were either dead when the 45th Division hit the beaches, or that the pre-H-Hour aerial bombardment and Navy shell and rocket fire was so intense that it frightened the defenders out of the ground and away from the guns." Without enemy opposition the landing of the Delta Force was a "dream landing."

Texas was released from the Delta Attack Force 16 August and set course for Salerno thence via Algiers and Oran for return to the United States. She arrived in New York 14 September 1944 and went into the Navy Yard for overhaul. Here, 13 October 1944, Rear Admiral Careleton F. Bryant, was relieved as Commander of Battleship Division 5, by Rear Admiral Isaac C. Sowell who retained his flag in *Texas*. After training out of Casco Bay, Maine, the battleship departed 10 November, joining *Missouri* and *Arkansas* in transit of the Panama Canal for San Pedro, California. She arrived in Pearl Harbor from that port 9 December and departed 9 January 1945 for Ulithi Atoll, West Caroline Island. There, 30 January, she hoisted the flag of Rear Admiral Peter K. Fishler, new commander of Battleship Division 5.

On 10 February *Texas* was underway with the Amphibious Assault Task Force 52 under Rear Admiral W.H.P. Blandy to carry out battle rehearsals off Tinian for the forthcoming invasion of Iwo Jima. She came off that enemy-held bastion the morning of 15 February 1945, opening a pre-invasion bombardment that sealed caves and knocked out enemy artillery emplacements. She continued to silence enemy batteries the following day, hitting two aircraft as she pounded the air strip, pill boxes and enemy emplacements on the island. She covered operations of Underwater Demolition Teams the afternoon of 17 February. The following day she destroyed three antiaircraft gun emplacements, silenced a coastal defense gun and destroyed other installations including a radar control station. That afternoon one of her scout planes returned, having rescued a Marine fighter pilot from escort carrier *Natoma Bay* who had been shot down 100 miles east of Mount Suribachi.

The morning of 19 February 1945, *Texas* moved within 4,200 yards from the southwestern tip of Iwo Jima to assist in the heaviest prelanding bombardment of World War II. One minute short of H-hour naval gunfire shifted to targets about 200 yards inland, then formed a rolling barrage ahead of the initial invasion troops, constantly adjusting to their actual rate of advance. The battleship continued to stand by for fire support, observing the American flag hoisted on top of Mount Suribachi at 1037, 23 February 1945. She departed the shores of Iwo Jima 7 March for logistics at Ulithi in preparation for the Okinawa campaign.

On 21 March 1945, *Texas* departed Ulithi with a heavy bombardment support force under Rear Admiral M. L. Deyo. She arrived off Okinawa 25 March to cover minesweeping operations until afternoon when she formed as flagship of a heavy bombardment unit under Rear Admiral Peter K. Fishler to hit shore installations for two hours. The following days were spent in support of minesweeping and underwater demolition teams. On 1 April 1945, she joined in a diversionary feint on the southeastern beaches to divert enemy attention and strength there from the site of the actual invasion. She continued fire support under the day and night threats of enemy suicide plane attacks. The morning of 12 April a twin-engined bomber crashed in the water some 500 yards off her starboard bow. An hour later, the battleship had another enemy aircraft under fire. That afternoon, eleven different groups of enemy planes were on her radar screen. Every ship in range soon opened fire on three enemy planes closing the formation but only one was shot down. Minutes later three more bore in only 15 feet above the water. Two were shot down but one crashed destroyer *Zellars* who was enveloped in great sheets of flames. Five more suicide planes came in as *Texas* guns blazed away but one managed to crash the bridge of *Tennessee* for light material damage, though her casualties were many. As *Texas* fired in support of the landings of the

77th Infantry Division at Ie Shime the morning of 16 April 1945, again she opened fire on enemy planes, shooting down one which made an attempted suicide run on her. On 19 April the battleship again supported a landing feint on the southeast beaches to support the all-out offensive of the Army. She continued to render fire support for the advance of ground troops until 14 May 1945 when she left Okinawa astern for San Pedro Bay, Leyte, Philippine Islands.

Texas arrived in San Pedro Bay 17 May 1945 for upkeep and repairs, followed by patrols and battle practice in Philippine waters until hostilities ceased with Japan 15 August 1945. Still the flagship of Battleship Division 5, she sailed 21 August for Buckner Bay, Okinawa. There, 29 August 1945, Rear Admiral Calvin H. Cobb assumed command of Battleship Division 5. Rear Admiral Oliver M. Read succeeded to that command 15 September and *Texas* sailed on the 23rd for home. After embarking veteran passengers at Pearl Harbor she reached San Pedro, California, 15 October 1945.

After a tremendous welcome and Navy Day Celebrations that saw 13,454 visitors board *Texas* 27 October 1945, the battleship departed 30 October on the first of three "magic carpet" runs to Pearl Harbor and return to the West Coast. Her last voyage terminated 24 December 1945 at San Diego, California. In these three voyages, *Texas* had returned 4,267 fighting veterans of the great war home. She remained in San Pedro Bay until 21 January 1946, then set course to transit the Panama Canal for Norfolk, arriving 13 February 1946.

Texas underwent inactivation preparations in the Norfolk Naval Shipyard, taking departure for the last voyage of her career 17 March 1948. Towed by fleet tugs *Mosopelia* (ATF–158) and *Paiute* (ATF–159), she entered Bolivar Roads, Galveston, Texas, the afternoon of 28 March. After proceeding up the channel to Houston, Texas, she completed mooring in her slip in the San Jacinto State Park, 20 April 1948.

On 21 April 1948, the Anniversary of Texas' Independence from Mexico, *Texas* was decommissioned in the United States Navy and accepted as a State Memorial by Governor Jester of the State of Texas. Fleet Admiral Chester W. Nimitz, a native Texan who had brilliantly directed the Fleet to victory in the Pacific, was the principal speaker for the transfer ceremonies:

"Here in the shadow of the great monument to the heroes of San Jacinto, you are standing today on the decks of a great fighting ship—the battleship which bears the name of the State whose independence was secured on these hallowed grounds.

"By demonstrating the fighting spirit of Texas to our enemies in two world wars, this gallant ship has proved worthy or her name. Neither the Germans at Normandy, nor the Japanese at Okinawa, will ever forget the weight of the guns, nor the courage of the crew of *Texas*.

"Texans are proud of the privilege of providing a snug harbor for the old "T", and preserving her as another symbol of Texas greatness. It is particularly fitting that her final resting place be adjacent to these historic battlegrounds where so much of the Lone Star State tradition was born.

"As admiral of the Texas Navy, I am proud to have the U.S.S. *Texas* under my command."

S. 2393—INTRODUCTION OF THE MARINE RESOURCES PRESERVATION ACT OF 1969

Mr. MUSKIE. Mr. President, on behalf of myself and Senators Anderson, Bayh, Bible, Cooper, Cranston, Dodd, Hart, Inouye, Javits, Mondale, McCarthy, Packwood, Ribicoff, Smith, Spong, Tydings, Williams of New Jersey, Yarborough, and Young of Ohio, I introduce the Marine Resources Preservation Act of 1969.

Recent oil spills from giant tankers, the blowout of the drilling rig in the Santa Barbara Channel, and burgeoning sales of coastal lands have focused national attention on the importance of applying our Nation's conservation ethic to the resources of the sea as we have to the resources of the land.

The exploitation and development of our oceans is still in its earliest stages, and we have an opportunity to assure continuing public access to these resources. Although exploitation of beaches and marshlands has progressed more rapidly, there is still time to regulate the uses of some of these areas for the benefit of all Americans. We have a chance to avoid repeating the mistakes we have made with respect to so many of our resources and so much of our environment.

At the present time there is no way that portions of our tidelands and outer Continental Shelf can be set aside for research, recreation, or other specific purposes. And as far as beaches and shorelines are concerned, the alternatives are limited to strict conservation with no development of any kind or open and relatively uncontrolled exploitation. Unless we find ways to encourage the balanced, multiple use of our marine resources, future generations will be faced with the same staggering problems of restoration and reclamation that we now face with our land, our air, and our waters.

The Marine Resources Preservation Act would constitute an effective first step in planning the uses of the sea. The bill authorizes the Secretary of the Interior to recommend the best means of establishing portions of our tidelands, Outer Continental Shelf, seaward areas, Great Lakes, and adjoining shorelines as marine preserves. It also directs the Secretary to enter into agreements with affected State or local governments for the purpose of establishing regulations concerning the uses of areas designated by the Congress as marine preserves.

Through this mechanism, I feel that we will have the opportunity to preserve our marine resources for ourselves and future generations. A haphazard policy of laissez-faire will only lead to the forfeit of this part of our environment.

I ask that the text of the bill and a summary of its provisions be printed in the Record at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and summary will be printed in the Record.

The bill (S. 2393), to authorize the Secretary of the Interior to study the most feasible and desirable means of protecting certain portions of the tidelands, Outer Continental Shelf, seaward areas, Great Lakes of the United States, and the adjoining shorelines thereof as marine preserves and for other purposes, introduced by Mr. Muskie (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 2393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this bill shall be cited as "The Marine Resources Preservation Act of 1969."

Sec. 2. Congress finds and declares that the tidelands, Outer Continental Shelf, seaward areas and Great Lakes of the United States, and the adjoining shorelines thereof are rich in a variety of natural, commercial, recreational and esthetic resources of immediate and potential value to the present and future generations of Americans; that many of these areas are in danger of damage or destruction by commercial and industrial development; and that it is the policy of Congress to preserve, protect, restore, make accessible for the benefit of all the people and encourage balanced use of selected portions of the Nation's tidelands, Outer Continental Shelf, seaward areas, Great Lakes and adjoining shorelines.

Sec. 3. (a) In furtherance of this policy, the Secretary of the Interior, hereinafter referred to as "the Secretary," shall study, investigate, and formulate recommendations on the most feasible and desirable means of preserving portions of the Nation's tidelands, Outer Continental Shelf, seaward areas, Great Lakes, and adjoining shorelines.

(b) The Secretary shall cooperate and consult with other interested Federal and State agencies as well as other interested public and private organizations and shall coordinate his studies, to the extent feasible, with all other applicable planning activities related to the areas under consideration.

(c) In conducting the studies, the Secretary shall schedule hearings in areas contiguous to the proposed preservation sites, for the purposes of receiving views on the establishment of such marine preserves.

Sec. 4. During the study and following the establishment by the Congress of any area as a marine preserve the Secretary is authorized to enter into agreements with affected State and local governments for the purpose of establishing regulations concerning exploration, exploitation or development of such portions of the tidelands, Outer Continental Shelf, seaward areas, Great Lakes, and adjoining shorelines which are under consideration or have been established as marine preserves: *Provided*, That no exploration, development, mining, or other removal of any minerals (including gas and oil) shall take place in any marine preserve following establishment of such preserve by the Congress.

Sec. 5. Within two years after the date of this Act, the Secretary shall submit to the Congress a report of his findings and recommendations, including such legislation as he deems appropriate. The Secretary's report shall contain, but not be limited to findings with respect to: (1) the sport and commercial fishing, wildlife conservation, recreation, esthetic and ecological research values of such tidelands, Outer Continental Shelf, seaward areas, Great Lakes, and adjoining shorelines; (2) the impact of alternative uses of these waters, including mining, agriculture, transportation, and other public purposes; (3) the possible industrial and recreational development of these regions in conjunction with those values set forth in clause (1); and (4) the most feasible and desirable means of creating a national system of marine preserves.

Sec. 6. The Secretary shall consult with the Secretary of State concerning international agreements where potential marine preserves extend into international waters contiguous to the territorial waters of the United States, or lie wholly within international waters.

Sec. 7. For the purposes of this Act—

(a) The term "tidelands" means bays, estuaries, land, and waters within the three-mile territorial limit of the United States.

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(b) The term "Outer Continental Shelf" means land and waters extending from the three-mile territorial limit out to the two-hundred-meter depth contour.

(c) The term "seaward areas" means land and waters contiguous to and extending from the two-hundred-meter depth contour.

(d) The term "adjoining shorelines" includes but is not limited to beaches and marshlands contiguous to the tidelands, the Outer Continental Shelf, the seaward areas, and the Great Lakes of the United States.

Sec. 8. There is authorized to be appropriated not to exceed $1,000,000 to carry out the purposes of this Act.

Sec. 9. Nothing in this Act shall be construed as affecting or modifying the existing authority of the Secretary under 33 U.S.C. 466.

The summary presented by Mr. Muskie is as follows:

Summary of the Provisions of the Marine Resources Preservation Act of 1969

Section 1: Short title;

Section 2: Findings and declaration of policy;

Section 3: Secretary of the Interior is authorized to study and formulate recommendations on the most feasible means of preserving portions of our Nation's marine resources; provision for consultation and hearings;

Section 4: Secretary is authorized to enter into agreements with State and local governments for the purpose of establishing regulations concerning the use of marine preserves; prohibition of the development or removal of any minerals, including gas and oil, from preserves which have been designated by Congress;

Section 5: Secretary is directed to report findings to Congress, including legislative recommendations; outline of areas of findings;

Section 6: Secretary is directed to consult with the Secretary of State on international matters;

Section 7: Definitions;

Section 8: Authorization of $1 million;

Section 9: Disclaimer.

S. 2395—INTRODUCTION OF A BILL TO PROVIDE FOR MAILING OF EDUCATIONAL ELECTION MATERIAL TO VOTERS FREE OF POSTAGE

Mr. MAGNUSON. Mr. President, I introduce a bill which will provide for the free mailing of educational election material to voters. This bill allows a State official or agency administering election laws to mail election material to voters if the material gives equal space to all candidates and opposite views on important issues.

Unfortunately, few voters have time or resources to inform themselves about all issues and candidates. State election pamphlets are an imaginative and effective device to place this information in the hands of every voter.

Our times demand a more knowledgeable electorate than ever before. Passage of this bill will facilitate the effects of those who attempt to provide the voters with this much needed information.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2395), to provide for the mailing of certain election material to voters free of postage, and for other purposes, introduced by Mr. Magnuson, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 2396—INTRODUCTION OF A BILL TO EXTEND THE TERM DURING WHICH THE SECRETARY OF THE INTERIOR IS AUTHORIZED TO INITIATE A COOPERATIVE PROGRAM FOR THE CONSERVATION, DEVELOPMENT, AND ENHANCEMENT OF THE NATION'S ANADROMOUS FISH

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to extend the term during which the Secretary of the Interior is authorized to initiate with the several States a cooperative program for the conservation, development, and enhancement of the Nation's anadromous fish.

The extension would include the period beginning July 1, 1970, and ending June 30, 1975, with an authorized appropriation of $30 million.

The reason for extending this measure in advance concerns the need for State legislatures to receive assurance that funds will be available so that they may provide the necessary matching funds to carry out the purpose of the act.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2396) to amend section 4 of the act of October 30, 1965, to extend the term during which the Secretary of the Interior is authorized to initiate with the several States a cooperative program for the conservation, development, and enhancement of the Nation's anadromous fish; introduced by Mr. Magnuson, was received, read twice by its title, and referred to the Committee on Commerce.

SENATE JOINT RESOLUTION 120—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE THE PREPARATION AND SUBMISSION TO THE CONGRESS OF A MASTER GROUND TRANSPORTATION PLAN FOR THE UNITED STATES

Mr. MOSS. Mr. President, I introduce for appropriate reference a joint resolution to authorize the preparation and submission to the Congress of a master ground transportation plan for the United States.

This same resolution was before the 90th Congress, and 5 days of hearings were held on it, and other legislation having similar objectives, in July and August of 1967 by the Ground Transportation Subcommittee of the Senate Commerce Committee. The resolution was given careful consideration by the subcommittee and reported to the full committee on June 27, 1968. No further action was taken.

However, the need for a blueprint for a national transportation plan is even more urgent now than it was when this resolution was first proposed.

The Nation especially needs a rail transportation system which is national in scope to replace our present collection of regional systems which operate without regard to one another. Mergers and consolidations of separate systems continue with improved service in some instances, but in many others, result in poorer service or no service at all. We are not going to have either adequate passenger or freight service in this country if we do not replace our case-by-case method of dealing with train discontinuances with an overall plan that will assure a balanced network for all of the Nation.

An identical resolution to the one I am introducing today has already been introduced in the House of Representatives by the Congressman from California, the Honorable John Moss.

The report provided for by the resolution must be submitted to the Committee on Commerce in the Senate and the Committee on Interstate and Foreign Commerce in the House 1 year after its enactment. In the meantime, the ICC could not take action on consolidations, or discontinuance of service. This temporary freeze would help us evaluate our present system before any other irrevocable actions are taken.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record at the conclusion of my remarks.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 120), providing for the preparation and submission to the Congress of a master ground transportation plan for the United States, introduced by Mr. Moss, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S.J. Res. 120

Joint resolution providing for the preparation and submission to the Congress of a master ground transportation plan for the United States

Whereas there does not currently exist a master ground transportation plan for the United States; and

Whereas since 1958 the Interstate Commerce Commission has processed more than two hundred train discontinuance proceedings alone in a piecemeal fashion due to nonexistence of a national transportation plan; and

Whereas the best interest of the citizenry and the business community of our Nation would be served by establishment of a national transportation plan; and

Whereas the recognition of the need for comprehensive transportation planning has been acknowledged by the Congress in establishing the Department of Transportation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Transportation acting in cooperation with the Interstate Commerce Commission shall, within one year after the date of enactment of this joint resolution, prepare and submit to the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives a master ground transportation plan for the United States.

Sec 2. Until the sixtieth day after the submission of the master ground transportation plan to the committees of the Senate and House of Representatives as provided by the first section of this joint resolution, the Interstate Commerce Commission may not

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approve any consolidation, unification, merger, or acquisition of control of a railroad corporation, nor may there be any discontinuance or change, in whole or in part, of the operation or service of any train or ferry subject to part I of the Interstate Commerce Act, unless such discontinuance or change is approved by the appropriate State regulatory agency of each State affected by such discontinuance or change. During the period while the Interstate Commerce Commission may not approve any consolidation, unification, merger, or acquisition of control of a railroad corporation, the operation of any provisions of antitrust laws applicable to mergers or consolidations that are not operative while the Commission has such authority shall be in full force and have full effect.

SENATE JOINT RESOLUTION 121—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE APPROPRIATIONS FOR EXPENSES OF THE NATIONAL COUNCIL ON INDIAN OPPORTUNITY

Mr. JACKSON. Mr. President, I introduce for appropriate reference a joint resolution to authorize appropriations for expenses of the National Council on Indian Opportunity.

This joint resolution was submitted and recommended by the Bureau of the Budget and I ask unanimous consent that the executive communication accompanying the proposal be printed in the RECORD at this point.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the communication will be printed in the RECORD.

The joint resolution (S.J. Res. 121), to authorize appropriations for expenses of the National Council on Indian Opportunity, introduced by Mr. JACKSON, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The material presented by Mr. JACKSON follows:

BUREAU OF THE BUDGET
Washington, D.C., May 23, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for your consideration and appropriate reference is a draft of a proposed Joint Resolution to authorize appropriations for expenses of the National Council on Indian Opportunity.

The National Council on Indian Opportunity was established by Executive Order No. 11399 of March 6, 1968. The purpose of the Council is to encourage full use of Federal programs to benefit the Indian population, including interagency coordination and cooperation and appraising the impact and progress of Federal programs for Indians. The Executive Order designates the Vice President as Chairman of the Council and provides for a membership consisting of six Indian leaders appointed by the President for two-year terms and representatives of the Departments of Agriculture, Commerce, Health, Education, and Welfare, Housing and Urban Development, the Interior, and Labor, and the Office of Economic Opportunity.

The President's Budget for 1970 includes an estimate of $300,000 for the expenses of this Council, the appropriation of which is dependent upon the enactment of the proposed authorizing legislation.

Accordingly, I urge early and favorable consideration of the enclosed draft resolution.

Sincerely,
PHILLIP S. HUGHES,
Acting Director.

ADDITIONAL COSPONSORS OF BILLS

S. 309

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at its next printing, the names of the distinguished minority whip, the Senator from Pennsylvania (Mr. SCOTT), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Idaho (Mr. CHURCH) be added as cosponsors of the bill (S. 309), to provide for improved employee-management relations in the postal services, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 740

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from New Mexico (Mr. MONTOYA), I ask unanimous consent that, at its next printing, the name of the Senator from Texas (Mr. TOWER) be added as a cosponsor of the bill (S. 740), to establish the Inter-Agency Committee on Mexican American Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 1708

Mr. JACKSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of the bill (S. 1708) to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2283

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. GRAVEL) be added as a cosponsor of the bill (S. 2283) to promote the foreign policy and security of the United States by providing authority to negotiate commercial agreements with countries, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2315

Mr. JACKSON. I ask unanimous consent that, at its next printing, the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of the bill (S. 2315) to restore the golden eagle program to the Land and Water Conservation Act.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 31—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING CERTAIN PRINTING

Mr. McCLELLAN submitted the following concurrent resolution (S. Con. Res. 31); which was referred to the Committee on Rules and Administration.

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Government Operations two thousand additional copies of Part 17 and any subsequent parts of the hearings on Riots, Civil and Criminal Disorders held by its Permanent Investigations Subcommittee during the Ninety-First Congress, first session.

SENATE CONCURRENT RESOLUTION 32—SUBMISSION OF A CONCURRENT RESOLUTION ON RAIL TRANSPORTATION

Mr. ALLOTT, on behalf of himself and other Senators, submitted a concurrent resolution (S. Con. Res. 32) on rail transportation, which was referred to the Committee on Commerce.

(See the above concurrent resolution printed in full when submitted by Mr. ALLOTT, which appears under a separate heading.)

EXTENSION OF THE HANDICAPPED CHILDREN'S EARLY EDUCATION ASSISTANCE ACT OF 1 YEAR—AMENDMENT

AMENDMENT NO. 38

Mr. PROUTY. Mr. President, I submit for appropriate reference an amendment intended to be proposed by me, to House Resolution 514. This amendment will extend the Handicapped Children's Early Education Assistance Act for 1 year.

A little over a year ago I stood before this body to introduce a bill entitled, the "Handicapped Children's Early Education Assistance Act." I said at that time:

> There is no child who deserves a First chance, a helping hand, more than the child who enters this world with dim vision, with faint hearing, with difficulty in comprehending the nature of our world, or with any of the myriad disabilities which affect our handicapped children.

My distinguished colleagues and Members of the other body responded to my importunings and the measure was quickly considered, passed, and on September 30, 1968, signed into law.

The need for increased attention to children's handicapped conditions during the early childhood development period was never in doubt. What was lacking, however, was model preschool educational programs for handicapped children.

The Handicapped Children's Early Education Assistance Act—Public Law 90-538—provides such models. The need for demonstration programs is borne out by what the Bureau of Education of the Handicapped of the Office of Education labels as "unprecedented" interest in the act.

Following its enactment and the subsequent publicity concerning the provisions of the statute, guidelines were developed with the assistance of national experts assembled by the Bureau for late November of 1968.

On February 14 of this year, the Bureau prepared and distributed 1,800 copies of guidelines. These guidelines generated what the Bureau calls an "awesome" volume of mail, calls, and

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visits. Between February and April there were over 2,000 mail and phone inquiries concerning the Public Law 90–538 programs. Over 100 people made personal visits to the Bureau of Education for the Handicapped Offices. The inquiries continue.

By the April 15 mailing deadline, the Bureau had received 204 applications requesting a total of $10,450,023.

A rigorous screening and review process was established and executed by the Bureau to evaluate proposals and make final awards. This process included the creation of an interdivisional Bureau of Education for the Handicapped Task Force and the reelection of 23 national consultants.

These consultants approved 56 programs for further consideration.

A national advisory group of 12 experts was assembled to further evaluate these 56 proposals and recommended the approval of three operational and 20 planning grants.

The Bureau of Education for the Handicapped is now negotiating the award of grants to approved sponsors. The Bureau estimates that of the fiscal year 1969 appropriations of $1 million program grants totalling $875,000—20 planning grants at $25,000 each and three operational grants at $100,000 each will be made with the remaining $125,000 used for evaluation and administration.

The Bureau estimates that in 1970 there will be 23 continuing grants at $100,000 each and 22 new planning grants at $25,000 each with evaluation costs of $90,000 and administrative costs of $60,000. This would bring the fiscal year 1970 total in at the budget request of $3 million.

Over the next 5 years the Bureau aims to build up the Nation's capability to serve approximately 22 percent of the handicapped youngsters in model preschool programs. The Public Law 90–538 programs are an essential component in providing guidance as to how the Bureau should proceed.

At present the Handicapped Children's Early Education Assistance Act provides for funding through fiscal year 1971.

Title V of H.R. 514 now before the Senate extends title VI of the Elementary and Secondary Education Act of 1965 and other acts relating to education of the handicapped for 2 years through fiscal year 1972.

Mr. President, the amendment I submit at this time would extend the Handicapped Children's Early Education Assistance Act through fiscal year 1972, so that if the provisions of H.R. 514 are adopted by this body, authorizations under Public Law 90–538 will be coterminus with other acts relating to the handicapped.

Codification of the Handicapped Children's Early Education Assistance Act into the framework of the Elementary and Secondary Education Act is, I believe, essential to achieve a total view of our education program for the handicapped. Cotermination of these programs will insure that our subsequent reviews do not exclude this key part of our overall response to the vital needs of the handicapped.

The VICE PRESIDENT. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on Labor and Public Welfare.

ADJUSTMENT OF THE SALARIES OF THE VICE PRESIDENT AND CERTAIN OFFICERS OF THE CONGRESS—AMENDMENT

AMENDMENT NO. 39

Mr. WILLIAMS of Delaware (for himself and Mr. BYRD of Virginia) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 7206) to adjust the salaries of the Vice President of the United States and certain officers of the Congress, which was ordered to lie on the table and to be printed.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969—AMENDMENT

AMENDMENT NO. 40

Mr. JAVITS (for himself and Mr. NELSON) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON NOMINATION

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking and Currency will hold a hearing on Tuesday, June 17, 1969, on the nomination of James J. Needham, of New York, to be a member of the Securities and Exchange Commission.

The hearing will commence at 10 a.m. in room 5302, New Senate Office Building.

ANNOUNCEMENT OF HEARINGS ON NONJUDICIAL ACTIVITIES

Mr. ERVIN. Mr. President, over the course of the past few years, the Subcommittee on Separation of Powers has been studying the problem of nonjudicial activities by Supreme Court Justices and other Federal judges as part of its overall inquiry into the Supreme Court. In June 1968, the subcommittee conducted a series of hearings, in the form of roundtable seminar discussions, at which a number of distinguished professors of constitutional law, history, and government considered the modern role of the Supreme Court and the Federal judiciary in our tripartite system of government. Among the many issues discussed was that of nonjudicial activities.

When the subcommittee first began looking into the question of what outside activities Federal judges could properly perform without doing violence to their primary responsibilities, the problem appeared almost academic in nature. Now, as recent events have demonstrated, it is evident that this is a crucial question affecting the entire Federal bench and, in its implications, the entire Federal Government. Unfortunately, there has been much more heat than light on this subject—and it is a subject which is critical to the institutions of our constitutional system.

The time is now appropriate to begin orderly public discussion; accordingly, I wish to announce that the Subcommittee on Separation of Powers will conduct hearings on the complex and sensitive subject of nonjudicial activities of Federal judges, and especially Supreme Court Justices, on July 10, 11, 14, 15, and 16, 1969.

The subcommittee has invited a distinguished group of judges, active as well as retired, State as well as Federal. Other witnesses will include members of the academic community, representatives of bar associations, and persons in public and private life who have reason to be familiar with this problem.

The subcommittee will also consider in the hearings whether this is a subject upon which Congress properly can and should enact legislation. In this regard, two bills are now before the subcommittee—S. 1097, which proposes to bar all judges from performing official or governmental activity of a nonjudicial nature; and S. 2109, which would require Federal judges to disclose all outside activities. These bills are representative of two approaches that have been suggested, and will serve as focal points for this aspect of the inquiry. It is expected that the Judicial Conference of the United States, under the guidance of Chief Justice Warren, will soon announce a set of principles to guide judges in this area. This expected "code of ethics" will also be discussed at the hearings.

It is perhaps unnecessary to add that these hearings are in no way intended to rehash recent events nor will they be concerned with personalities. The important objective we seek is to focus and encourage meaningful public discussion. We hope thereby to help formulate principles which will guide both the public and the Federal bench in the future.

Persons desiring additional information regarding the hearings are requested to contact the office of the Subcommittee on Separation of Powers, room 1403, New Senate Office Building.

ANNOUNCEMENT OF HEARINGS ON VETERANS EDUCATION AND HEALTH CARE BILLS

Mr. CRANSTON. Mr. President, for the information of Senators, I wish to announce at this time that the Subcommittee on Veterans' Affairs, of which I am chairman, of the Labor and Public Welfare Committee, will hold hearings on June 24, 25, and 26 on four bills relating to veterans educational assistance. The bills to be considered are S. 338, introduced by the distinguished senior Senator from Texas, the chairman of the Labor and Public Welfare Committee, to amend section 1677 of title 38, United States Code, relating to flight training, and to amend section 1682 of such title to incraese the rates of educational assistance allowances paid to veterans under such sections; S. 1998, also introduced by the distinguished chairman of the committee, to amend section 1682(d) of title 38, United States Code, so as to modify the requirements for the farm

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cooperative program under such section; H.R. 6808, to amend section 1781 of title 38, United States Code, to eliminate the prohibition against receipt of certain Federal educational benefits, and for other purposes; and a bill introduced by Senator Kennedy today, S. 2361, which I am cosponsoring, to amend chapter 34 of title 38, United States Code, in order to provide special educational services to veterans. I hope that at these hearings we will be able to make a beginning toward determining how we can best encourage veterans to take full advantage of their educational assistance entitlements and whether the pertinent legislation and its implementation and administration by the Veterans' Administration are sufficiently responsive to the needs of the returning Vietnam veterans, especially those from disadvantaged backgrounds. We owe an enormous obligation to these men who are risking their lives and limbs in Vietnam in the service of our country to insure them the most meaningful opportunities for full education and employment when they return to civilian life.

Mr. President, I also wish to announce for the information of Senators, that the subcommittee will hold hearings on six House-passed bills relating to the veterans health care program, H.R. 692, 693, 2768, 3130, 9334, and 9634, during the month of July on a day or days to be announced later.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Walter J. Link, of North Dakota, to be U.S. Marshal for the district of North Dakota for the term of 4 years, vice Anson J. Anderson.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, June 19, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

THE ADMINISTRATION OF THE MEDICARE AND MEDICAID PROGRAMS

Mr. WILLIAMS of Delaware. Mr. President, for the past several weeks the Senate Finance Committee has had its staff working on the study of the administration of both the medicare and the medicaid programs, and on May 14, 1969, I made a progress report of that study.

The Social Security Administration has likewise been conducting a survey, and today I shall place in the Record an outline of some of the abuses that have been discovered by the Department along with the corrective measures taken. The names and addresses of the individuals, companies, and so forth, are deleted because these particular cases either have been or are in the process of being referred to the Department of Justice.

Before discussing these specific cases I wish to thank the Adminstration for its cooperation in this study, and I join the Department in emphasizing that while this report points out specific evidence of abuse or fraud on the part of certain members of the medical profession and other services connected therewith, nevertheless it is not intended as a blanket indictment against any segment of the profession. Quite the contrary, we are receiving excellent cooperation from the medical profession and from many of those services connected therewith, and I congratulate the medical profession as a whole for the prompt steps which it is taking to discipline and even expel some of its membership who have been found to be a part of these abusive practices.

I shall now discuss a few of the cases which are summarized in the report being incorporated in the Record today. They are designated by numbers only since as stated earlier some of the cases are still pending in the courts.

One physician within a 4- or 5-month period had submitted hundreds of claims under medicare totaling $117,000. Because of the number of patients involved and the similarity in diagnosis and treatment the claims were questioned. The physician then resubmitted his claim, drastically reducing the services billed, with the result that his claims were reduced to approximately $16,000, but a later investigation disclosed that even the resubmitted claim was exorbitant. This case has been referred to the U.S. attorney for prosecution.

Another physician filed numerous claims totaling approximately $80,000 for house calls to patients, but upon examination such calls could not be verified as having been made. This case is pending in the courts.

In another instance an insurance company representative is charged with deliberately implying to elderly people that it had an official connection with Social Security when in reality it had no such connection. As a result numerous elderly persons were being defrauded. The license of this company has been revoked in one State, and other actions are pending.

These are but three examples from the report of 16 abuses involving members of the medical profession, ambulance operators, insurance companies, and so forth, which are being incorporated in the record here today.

A summary of these cases is being placed in the record for a dual purpose. First, it will serve as a warning to all those participating in the medicaid and medicare programs that this investigation is underway and that abuses will not be tolerated. Second, these cases will stand out as examples to officials of the State and Federal Governments as well as to other parties who are connected with the administration of the medicaid and medicare programs as the type of abuses that can be looked for.

I ask unanimous consent that a condensed summary of the 16 cases thus far developed be printed at this point in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of Cases Investigated by the Division of Administrative Appraisal and Planning Office of Administration, SSA

COMPLETED CASES INVOLVING ESTABLISHED FRAUD OR MISREPRESENTATION

A.1. Physical (M.D.). Claims for hospital visits not made. Mississippi:

Investigation disclosed that the physician filed claims for 3,295 hospital visits, however, the hospital records, which were very carefully kept with respect to this physician because of prior problems, showed that only 511 visits were made. This false claim represented an overpayment in excess of $8,000.

The case was referred by SSA for prosecution. The physician was arraigned on May 27, 1969, in U.S. District Court for the Northern District of Mississippi. A plea of nolo contendere to one count of the criminal information was entered by the physician's attorney and additional counts were continued.

A.2. Physician (M.D.). Claims for services not performed. Indiana:

The physician submitted claims for medical services in amounts exceeding the actual charges; submitted "padded" assigned claims when, in fact, the patients had already made full payment for lesser amounts; and submitted claims on behalf of some patients in amounts greater than the fees actually paid to him. Almost without exception, the physician increased his charges with the advent of Medicare.

The U.S. Attorney has obtained an indictment on several counts.

A.3. Ambulance service. Claims for payment for non-covered services. California:

An organization providing ambulance services in 3 cities submitted claims for payment for ambulance services indicating that the services were covered by the program, i.e., stretcher type transportation ordered by a patient's physician. Claims for over $50,000 were paid. Investigation disclosed that in a large number of cases a physician had not ordered stretcher care or ambulance transportation. Further, the majority of the organization's vehicles were not ambulances but, rather, Volkswagen station wagons from which the seats had not even been removed. Patients interviewed indicated that they had ridden in a station wagon sitting upright in the seat next to the driver or just behind him. The firm did operate one or more vehicles actually equipped to hold stretchers but even here, in many cases, patients who were given stretcher care furnished statements to the effect that the driver required them to lie down and ride on the stretcher in the ambulance even though they had walked up to the ambulance under their own power, required no stretcher care, and actually expressed a preference to ride sitting up.

The SSA referred the case to the U.S. Attorney for prosecution who apparently plans to present it to a Federal grand jury.

A.4. Physician (M.D.) owner-operator of a hospital and associates. Claims for services not furnished; double claims for payments; false statements as to fees and costs. Florida:

Physician-operator of a hospital was accused of deliberately providing unnecessary and medically contraindicated surgical and hospital care; and not performing services billed for. The hospital's participation in the program was terminated for non-compliance with the conditions of participation. In addition, investigation uncovered false claims for services not performed, charging for physicians' services under both Parts A and B of the program to obtain double payment; falsely setting costs and charges. Approximately $350,000 is involved.

The Social Security Administration has referred the case to the U.S. Attorney for prosecution for fraud. (The physician's license to practice medicine has been revoked by the State in a non-related action.)

A.5. Physician (M.D.). Claims for payment for services not furnished. Texas:

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The physician, within a 4 or 5 month period submitted hundreds of claims under Medicare totalling approximately $117,000. Because of the number of patients involved and the similarity in diagnosis and treatment, the claims were questioned. The physician then resubmitted the claims but drastically reduced the services billed for so that the claims were reduced to approximately $16,000. Investigation disclosed that even the resubmitted claims were exaggerated. Many patients who were interviewed indicated that the services were not furnished.

SSA referred the case to the U.S. Attorney for prosecution. The case is scheduled to go before the Federal grand jury.

A.6. Physician (M.D.). Claims for house calls not made. South Carolina:

The physician filed numerous claims for payment for house calls to patients. Complaints of some patients upon receipt of notice indicating that payment had been made to the physician led to a full-scale investigation. The results of the investigation showed that hundreds of house calls for which reimbursement was claimed, were not verified by the patients. Approximately $80,000 is involved.

The Social Security Administration referred the case to the U.S. Attorney for prosecution, who has indicated that the case will be presented to a Federal grand jury soon.

A.7. Insurance company representatives. Implying official connection with SSA. Georgia, South Carolina:

Agents of a health and life insurance company deliberately implied to elderly people that they had an official connection with the Social Security Administration but very carefully avoided saying so expressly. The elderly persons were pressured by agents of the company to purchase medical insurance under the guise that such insurance was a necessary part of Medicare coverage. Persons approached by agents were convinced that they were social security representatives, attempting to collect payments for the title XVIII supplemental hospital insurance benefit program.

After investigation, information was furnished to insurance commissioners in the two States. The firm's license had already been revoked in South Carolina and action is planned in Georgia.

A.8. Chiropractor. False claims. New York:

A licensed chiropractor who maintained a suite of offices manned by eight to ten unlicensed chiropractors solicited business by direct mail, telephone, newspaper, magazine, radio, and television advertising offering so-called free examinations and consultations implying that the free examination was a preventive health measure connected with the Medicare program. Patients who came in were advised that their condition was poor and they needed extensive medical treatment. At this point pressure would be applied to have the patient sign a written contract providing for a schedule of treatments to be performed. Failure to pay resulted in harassment by fake credit notices and notices of legal proceedings which were not valid. Most of the patients came from minority groups.

No separate prosecution resulted from the Social Security Administration investigation; however, the chiropractor was convicted of mail fraud charges brought by the Post Office Department.

COMPLETED CASES IN WHICH REFERRAL FOR PROSECUTION IS BEING CONSIDERED

B.1. Physician (M.D.). Claims for services not furnished. Pennsylvania:

Investigation disclosed that the doctor filed claims for services which were not rendered and for visits that were not made; e.g., in one case he claimed payment for office visits by a patient who was out-of-town at the time; in many other cases he claims payment for routine office visits on legal holidays when, in fact, he did not have office hours on such holidays except for emergency situations; and none of the cases involved was an emergency situation.

Report is in preparation for consideration for fraud prosecution.

B.2. Physicial (D.O.). Describing non-covered services as covered in order to obtain Medicare payment. Florida:

The physician, using a reconstruction operative method developed by his father in 1910, claims to have restored the hearing of more than 2,000 patients over 20 years using his father's method. He is known to appear on television in Miami, publicizing and advertising his treatment for the cure of deafness. The procedure of questionable effectiveness and not endorsed by the D.O. professional society, is not reimbursable under Medicare Investigation disclosed that after claims were denied because the finger surgery technique (which was the method employed) was not medically acceptable and would not be paid for under Mericare, the physician began preparing claims for payment showing "substitute type" medical services which are normally compensable.

Report is in preparation for consideration for fraud prosecution.

B.3. Physician (M.D.). Claims for payment for services not performed with kickback to "patient." Florida:

An informant (a title XVIII beneficiary) reported that the physician approached him and said he (the physician) would bill Medicare for services not performed and would subsequently kickback some of the money to the beneficiary. The informant said he knew of people in the neighborhood who had received money in this way as a result of billing for surgery and services never performed. The evidence obtained as a result of investigation shows that the doctor submitted numerous claims which were grossly irregular as to date, place and type of medical service allegedly provided by him. In addition to other irregularities, in the case of one patient the doctor claimed for 21 house calls/office visits during a period of time when the patient/beneficiary was in Greece.

Report is in preparation for consideration for fraud prosecution.

B.4. Podiatrist. Claims for payment for services not performed. Florida:

Because of a beneficiary complaint that a podiatrist had filed a claim for reimbursement for services in excess of those actually rendered. A questionnare was sent to 18 of his Medicare patients in an effort to determine if erroneous or fraudulent claims had been filed. Information received from the patients in answer to the questionnaire was in general agreement with the information contained on the billing forms submitted by the podiatrist; however, it was discovered that the podiatrist had, in fact supplied the beneficiaries' answers to the questions. Subsequent investigation revealed that the podiatrist had submitted claims for visits and services which were not verified by patients; and that he had billed Medicare beneficiaries in greater amounts than patients not under Medicare in an attempt to establish a higher "customary" fee for Medicare reimbursement purposes.

Report is in preparation for consideration for fraud prosecution.

B.5. Physician (M.D.). Claims for payment for services not furnished; false fee amounts. Florida:

Investigation initiated as a result of beneficiary complaints regarding a physician's charge structure as being excessive for the services actually rendered and that charges were made for services not performed. It revealed that in fact the physician had claimed reimbursement for medical treatment not provided. It also established that it was the physician's standard procedure to charge one fee when a patient paid him cash and a greater amount for the same treatment when the patient assigned payment of his Medicare claim to the physician.

Report is in preparation for consideration for fraud prosecution.

B.6. Podiatrist. Falsely identifying services as covered in order to obtain payment. Florida:

Investigation disclosed that a podiatrist had filed claims under Medicare for payment for non-covered services, e.g., nail cutting and callous cutting by describing such services to suggest that a covered service had been performed. Nail cutting was billed as "debridement by electric burring of fungus infected nails with antibiotic dressing" or "removal of ingrown portion of nail;" callous trimming was billed as "removal of hypertrophy tissue from dorsum of acutely inflammed lesion with accommodative dressing." The podiatrist also filed claims for payment for services when none at all were performed.

Report is in preparation for consideration for fraud prosecution.

B.7. Physician and associate. Claims for payment for services not furnished. California:

Investigation undertaken as a result of a beneficiary complaint disclosed that the physician and a part-time associate, who is a psychiatrist, billed for services not furnished. A number of patients are involved. The senior physician has previous difficulties because of irregular billing under the medi-cal program. In addition, there is a charge pending against him before the State Board of Medical Examiners at Sacramento. Both physicians, in the presence of their attorneys, denied that they were guilty of any wrongdoing regarding the Medicare program.

Report is in preparation for consideration for fraud prosecution.

B.8. Ambulance operator. Padding of claims. California:

California authorities obtained an indictment charging the owner-operator of this ambulance service with 22 counts of fraudulent billing under the medi-cal program. Investigation disclosed that fraudulent claims for Medicare beneficiaries were also involved. Many instances of bill padding by the owner-operator and/or his wife were found.

Report is in preparation for consideration for fraud prosecution.

FIFTEENTH ANNUAL REPORT ON THE TAX DELINQUENCIES AS OF JANUARY 1, 1969

Mr. WILLIAMS of Delaware. Mr. President, on April 18, 1969, I filed my 15th annual report on the inventory of tax delinquencies as of January 1, 1969. In that report, as appearing in the CONGRESSIONAL RECORD on pages 9538–9547, I called attention to the $326,787,000 which had been written off as uncollectible during the same year.

At that time I also asked the Commissioner of Internal Revenue for a list of all taxpayer accounts in excess of $25,000 which had been written off as uncollectible in 1968, and today I am incorporating in the RECORD Commissioner Thrower's reply.

As his letter indicates, this list does not include all of those writeoffs in excess of $25,000 since all the information was not immediately available. This report does show, however, that $169,283,184, or over one-half of the $326 million written off in 1968, involved but 444 taxpayers.

The following is a summary of the Department's report:

One hundred sixty-nine had $68,130,812 in individual income taxes written off in 1968—form 1040.

Seventy corporations had a total of $23,610,244 written off as uncollectible—form 1120.

Fifty-seven had a total of $6,565,304 written off, representing withholding and FICA taxes—form 941.

Twenty-two taxpayers had a total of $5,682,053 in excise taxes written off—form 720.

Excise taxes of $47,098,689 on marihuana were written off as uncollectible for 86 taxpayers—form EX-124.

One taxpayer in Austin, Tex., had $325,713 in excise taxes on oleo, butter, and cheese written off as an uncollectible item—form EX-125.

One taxpayer in Los Angeles owed $191,484 in excise taxes on wagering—form EX-135—which was written off as uncollectible.

Wagering taxes of $10,355,504—form 730—which had been assessed against 16 taxpayers were written off as uncollectible.

Narcotic taxes of $2,785,010 were assessed against 11 taxpayers—form 3-N—and were written off as uncollectible.

Excise taxes of $149,500 on narcotics assessed against one taxpayer in San Francisco—form EX-123—were written off.

Estate taxes assessed against four taxpayers totaling $1,059,480—form 706—were written off as uncollectible.

Two taxpayers owing alcohol and tobacco taxes totaling $158,963—form 154—had their obligations written off as uncollectible.

The sum of $102,456, labeled as income taxes withheld at the source—form 1042—were written off as uncollectible.

The sum of $61,315, labeled withholding and FICA—form 2749—were written off for one taxpayer.

The interest equalization taxes for two taxpayers in Manhattan, N.Y., totaling $3,006,657—form 3780—were written off as uncollectible.

I ask unanimous consent that Commissioner Thrower's letter along with the enclosed charts giving the names of the taxpayers and the regional offices in which these $169 million in taxes were written off as uncollectible in 1968, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAMS of Delaware. Mr. President, significantly the same offices which were criticized in the earlier reports as being far below the national average in tax collections also appear in this report as having exceptionally large amounts of writeoffs.

The Department should give these offices its prompt attention to determine why their collection rate is so far below the national average.

EXHIBIT I

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., May 6, 1969.
Hon. JOHN J. WILLIAMS,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: In response to your letter of April 2, 1969, there is attached a listing of the names of taxpayers who in 1968 had obligations to the government in excess of $25,000 written off as uncollectible, together with the type of tax involved in the write-off and the district office in which this action took place.

Because of practical limits on the Service's ability to report and make use of all the information conceivably available, the data reported includes no addresses, nor does it include every account over $25,000. The reason for the latter is that every district does not have the same cutoff point for reporting large taxpayer delinquent accounts. These levels of reporting vary from district to district and are set in light of the size of the district. Our purpose is simply to identify accounts included in the district total that are large enough to distort that district's total. For example, a large account could warp entirely one's appreciation of the total value of the accounts written off as uncollectible in a small district, whereas, an account in the same amount would not have this effect in a large district. Thus, in a small district we might provide that all accounts over $25,000 be reported, but in a large district we might set this amount at $75,000.

The enclosed list does represent all accounts over $25,000 reported to the National Office for the calendar year 1968, but as I have said, the actual total of all accounts over $25,000 would be larger.

While I have not been able to furnish all the data you requested, I have supplied all that is readily available. To obtain the information precisely as you requested would involve reviewing each individual account that was reported as uncollectible last year. The files for these accounts are located in our offices throughout the country and some, in instances of bankruptcy, dissolution of business, etc., may have been retired to the Federal Records Center. Because of our critical manpower situation, I could not justify diverting personnel to this task at the present time.

As you are no doubt aware, the write-off of accounts as uncollectible does not necessarily mean that the potential revenue is irrevocably lost to the government. The administrative files are retained in the district offices if the statue for collection has not expired. When subsequent information is developed that indicates the possibility of collecting such accounts, collection action is resumed. Even where there is no indication of the taxpayer's capability to resume periodic payments which would justify reactivating the account, the Service does frequently recover all or part of the amount written off from refunds that later come due or when an additional payment is secured after reinvestigation.

We appreciate your interest in this aspect of our activities, and the opportunity to comment on it. As I told you on the occasion of my visit with you in your office, I am very much interested in the problems we are incurring in collection and am reviewing these with members of my staff with the hope that, despite our severe personnel limitations which are contributing to an increase in our inventory of delinquent accounts, we can devise means of reducing our uncollectibles, particularly for the larger accounts. In many of these cases time is of the essence in collection and we must devise techniques for getting earlier information as to the deteriorating financial condition of a taxpayer and to respond promptly to it. I will be happy to keep you advised of our plans in this respect and at any time to have your suggestions.

With kind regards,

Sincerely yours,

RANDOLPH W. THROWER,
Commissioner.

ACCOUNTS OF $25,000 OR MORE WRITTEN OFF AS UNCOLLECTIBLE IN 1968

Taxpayer	Type of tax	Amount written off as uncollectible
NORTH ATLANTIC REGION		
Albany:		
Rose Aronowitz	Excise tax (720)	$82,515
Joseph E. Basle	do	2,512,693
Anthony Pelletier	Individual income tax (1040)	1,154 112
Charles W. Jenkins	do	85,441
Paperback Man., Inc	Withholding and FICA (941)	57,681
Goshen Farms, Inc	Individual income tax (1040)	114,745
Augusta: None over $25,000 written off as uncollectible in 1968.		
Boston:		
J. A. Bucchiere	do	269,201
Clifton Campbell	do	125,705
M. Eli and Louise Livingstone	do	4,137,824
Frank Iancono	do	729 443
A. and S. DeFranzo	do	518,730
Phillip and Marion Engle	do	187,235
rooklyn:		
M. M. and B. Friedman	do	179,293
L. and A. Muscatella	do	169,101
Michael Giamonalvo	do	376,644
Joseph Aquilato	do	250,591
A. E. Feeney (deceased)	do	139,583
Edward and Rhoda Gilbert	do	1,780,841
Joseph Vito	do	125,540
Pride Meat & Poultry	Corporation income tax (1120)	124,153
NORTH ATLANTIC REGION—Con.		
Brooklyn—Continued		
John F. McKay, Jr	Withholding and FICA (941)	$109,981
Carney & Del Guidice Plastering Corp	do	128,100
Noramco, Inc	do	557,792
Nat Talesnick	Individual income tax (1040)	651,284
E. and R. Monderer	do	8,070,812
Harry Pickman	do	253,422
Philip Klein	do	178,538
Eagle Foundation, Inc	Withholding and FICA (941)	213,564
Ely and S. Batkin	Individual income tax (1040)	120,642
Irving and M. Koerner	do	217,631
Harold Marcus	Withholding and FICA (941)	172,859
Estate of M. Waldinger	Individual income tax (1040)	137,465
M. and S. Shapiro	do	130,941
J. and M. Levigno	Excise tax (720)	146,127
Artia Parliament, Inc	Corporation income tax (1120)	271,289
Frank and D. Kleinman	Individual income tax (1040)	813,737
Harold Roth	do	339,702
Buffalo: Nevil Enterprises, Inc	Corporation income tax (1120)	213,517
Burlington: None over $25,000 written off as uncollectible in 1968.		
Hartford:		
Argo Builders Inc	do	94,321
Diamond Electric Co	Withholding and FICA (941)	75,285
Tyrus and Joan Davis	Individual income tax (1040)	118,060

See footnote at end of table.

ACCOUNTS OF $25,000 OR MORE WRITTEN OFF AS UNCOLLECTIBLE IN 1968—Continued

Taxpayer	Type of tax	Amount written off as uncollectible
NORTH ATLANTIC REGION—Con.		
Hartford—Continued		
Charles H. Garabedian	Withholding and FICA (941)	$211, 050
F. L. Iancono	do	272, 662
Lo Pack	Corporation income tax (1120)	53, 947
Manhattan:		
Vincent J. Guarino	Individual income tax (1040)	101, 399
Robert W and Helene S. Rosenblatt	do	581, 051
William Lipman	do	556, 326
James Edward Cohen	Narcotics (3–N) [1]	139, 451
Jessie N. Schneider	Withholding and FICA (941)	207, 527
Larry Allan Kass	Narcotics (3–N) [1]	139, 451
Irving Monsky	Individual income tax (1040)	124, 250
Hotel Abby Holding Corp	Corporation income tax (1120)	1, 100, 246
Rovert W. and H. S. Rosenblatt	Individual income tax (1040)	443, 257
Reva R. Sandblom	do	1, 639, 785
William Taub	do	312, 387
Estate of L. B. and J. R. Moreton	Withholding and FICA (941)	114, 185
Philip Schweig	Narcotics (3–N) [1]	402, 000
Estate of Isidor Wolrich	Estate tax (706)	393, 411
77–77 Corp	Interest equalization tax (3780)	621, 365
Mactracy Corp	do	2, 385, 292
James E. Lofland	Individual income tax (1040)	426, 537
Richard Brand	Narcotics (3–N)[1]	402, 000
Mathew Korch	do[1]	402, 000
J. S. Building Corp	Corporation income tax (1120)	595, 587
Morgenstein Creations, Inc	Excise tax (720)	101, 335
William L. Rich, Sr	Withholding and FICA (941)	228, 151
Arthur J. Wender	do	104, 683
U.S. Television Film Co., Inc	Corporation income tax (1120)	542, 783
Leon Gottlieb	Individual income tax (1040)	155, 826
Armando Ruffing Montalvo	Narcotics (3–N) [1]	128, 505
Eagle Sportswear Corp	Corporation income tax (1120)	338, 935
Charles M. Rosenthal	Individual income tax (1040)	219, 917
Portsmouth: None over $25,000 written off as uncollectible in 1968.		
Providence:		
Robert J. Conley	do	265, 959
Charles H. Garabedian	do	224, 561
Baltimore:		
Hadden Glenn and Glenda Garvin	do	105, 390
Peter J. Gianeris	Wagering tax (730)	563, 221
Albert Miller	Individual income tax (1040)	627, 137
Fred B. Black, Jr., and Nina R	do	122, 213
Ernest S. Price	do	105, 013
Brecka Contractors, Inc	Withholding and FICA (941)	77, 380
Albert Miller	Individual income tax (1040)	528, 775
Albert and Betty Miller, Inc	Corporation income tax (1120)	117, 105
Interstate Appraisal Co	do	309, 613
Pan Am Investment, Inc	do	251, 655
Newark:		
Henry Majewski	Individual income tax (1040)	109, 027
Joseph and Marie Bruno	do	124, 611
U.S. Overseas Airlines	Corporation income tax (1120)	989, 572
S. & R. Landscaping	Withholding and FICA (941)	126, 593
Johanna Associates	Corporation income tax (1120)	344, 656
Joseph Moriarty	Individual income tax (1040)	1, 156, 320
Earl B. Bradley	do	260, 759
Vito Bruno Electric Corp	Corporation income tax (1120)	231, 245
Philadelphia:		
Edward and Mae Ethergain	Individual income tax (1040)	163, 613
Edward and Carolyn Lavner	do	131, 355
Jack Rudley	do	106, 753
Allcrest Auto Leasing, Inc	Corporation income tax (1120)	107, 375
Michael Keilyk	Wagering tax (730)	893, 302
Robert L. Dougherty, Sr	Corporation income tax (1120)	122, 158
Robert L. and Mary F. Dougherty	Individual income tax (1040)	155, 577
August J. and Lena Lippi	do	327, 334
John C. Showalter	do	208, 013
George Barrow	Withholding and FICA (941)	281, 878
Preston (deceased) and A. E. Liversidge.	Individual income tax (1040)	106, 849
Emil Kominsky	do	1, 003, 083
Ferdinand and Anna L. Tartaglia	do	357, 507
Romualdo Ucciferri	Wagering tax (730)	853, 075
Robert R. Ritter	Withholding and FICA (941)	218, 763
Jack and Lorraine Secouler	Individual income tax (1040)	391, 136
Estate of D. Edward McAllister	Estate tax (706)	108, 618
Matt F. and Grace Whitaker	Individual income tax (1040)	1, 687, 018
George J. Daileda (deceased)	do	1, 170, 475
Pittsburgh:		
Universal Delta, Inc	Withholding and FICA (941)	97, 264
Herbert J. (deceased) and Dorothy Lang.	Individual income tax (1040)	98, 432
Joseph Mitchell Electric	Withholding and FICA (941)	58, 164
Frank Haney	Individual income tax (1040)	57, 581
Steel City Furnace Sales, Inc	Corporation income tax (1120)	362, 482
American Home Furniture	Withholding and FICA (941)	57, 666
Penfield Coal & Coke	Corporation income tax (1120)	73, 301
Richmond:		
Atlantic Steel Placing Co., Inc	Withholding and FICA (941)	103, 208
Russell L. Ashworth	Withholding and FICA (2749)	61, 315
Wilmington: None over $25,000 written off as uncollectible in 1968.		
SOUTHEAST REGION		
Atlanta: Citywide Janitorial Service, Inc	Withholding and FICA (941)	385, 462
Birmingham:		
H.E. and Annie Perry	Individual income tax (1040)	83, 579
Elks Lounge Meeting Lodge	Excise tax (720)	213, 030
VEL's Enterprises, Inc	Corporation income tax (1120)	56, 344
Ashford Todd	Individual income tax (1040)	66, 660
SOUTHEAST REGION—Continued		
Columbia:		
Carolina Management Co	Withholding and FICA (941)	$28, 411
Edward J. and Lillian M. Athens	Individual income tax (1040)	153, 834
Greensboro:		
R. V. and G. McLean	do	231, 606
R. E. and C. W. Roberts	do	172, 175
Estate of W. J. Reilly	Estate tax (706)	85, 945
Jackson:		
J. D. Broadus	Alcohol and tobacco tax (154)	55, 025
Peter Martino	Individual income tax (1040)	224, 720
T. C. Cannette	Alcohol and tobacco tax (154)	103, 938
Jacksonville:		
Scenic Hills Country Club, Inc	Corporation income tax (1120)	262, 067
Max B. Cohen, Sr	do	440, 151
West Coast Marketing Corp	do	169, 202
Fred C. Chapman	Individual income tax (1040)	1, 898, 980
Paul K. Statmen	do	299, 715
Merrill-Stevens Dry Dock & Repair	Corporation income tax (1120)	292, 276
Concrete Service, Inc	Withholding and FICA (941)	172, 499
James C. and Ruth L. Cross	Individual income tax (1040)	320, 225
Howell and Ruth Kase	do	140, 360
Ace Mover's Inc	Corporation income tax (1120)	108, 179
Maurice B. and Alma Baskin	Individual income tax (1040)	219, 403
Maurice B. Baskin	Corporation income tax (1120)	41, 242
Alma A. Baskin	do	41, 242
Donald K. and Wilma J. Baines	Individual income tax (1040)	79, 938
Do	Excise tax (720)	95, 690
Alfred Mones	do	190, 453
Gibbs Corp	Corporation income tax (1120)	461, 239
Do	Withholding and FICA (941)	191, 891
Condee Construction Co	Corporation income tax (1120)	205, 813
George Saba	Individual income tax (1040)	140, 303
Adams Engine Co., Inc	Corporation income tax (1120)	157, 724
Gulf States Industries, Inc	do	162, 927
Myles H. Johns	Individual income tax (1040)	322, 199
International Erectors, Inc	Corporation income tax (1120)	108, 344
Bernard Bros., Inc	do	222, 642
Lawrence Sunbrock	Individual income tax (1040)	103, 733
Harburt, Inc	Corporation income tax (1120)	56, 654
Harburt Skirt Corp	do	99, 468
Berlin Griffin	Individual income tax (1040)	139, 893
George S. Rasmussen	do	125, 662
PGB, Inc	Corporation income tax (1120)	76, 532
Do	Excise tax (720)	47, 509
Harold E. Case	Individual income tax (1040)	193, 851
M. M. and Agness Mason	do	197, 107
Harold Turk	do	295, 390
Progress Village, Inc	Corporation income tax (1120)	249, 198
Fred C. Chapman	Excise tax (720)	981, 704
Estate of Henry Levin	Individual income tax (1040)	485, 302
Paul and Loraine Pilger	do	101, 075
Edward P. Neafsey	do	155, 073
Ira L. and Jean Morris	do	142, 516
John F. O'Rourke	Excise tax (720)	159, 944
Nashville:		
George E. Trent	Wagering tax (730)	50, 178
William F. Matthews, Ray Spencer, M. and S. House.	do	34, 778
Nathan Bellamy	Individual income tax (1040)	781, 895
Dixie Haulers, Inc	Withholding and FICA (941)	64, 661
Moran & Moran	do	257, 291
William C. Graham, Condon and Grace Graham.	Wagering tax (730)	888, 857
Grady Ross Pinkelton	Individual income tax (1040)	33, 278
Lewis Funeral Home	Withholding and FICA (941)	40, 349
James Brucker Chase, Sr	Individual income tax (1040)	125, 051
William Woodson	do	38, 428
John Henry Gant	Wagering tax (730)	26, 822
William Woodson and J. H. Gant	do	161, 942
A. J. and Lennie Florida	Individual income tax (1040)	140, 246
G. H. and L. Florida	do	80, 978
Ward Hudgins	do	43, 206
Edward Highsmith	Withholding and FICA (941)	54, 919
CENTRAL REGION		
Cincinnati:		
Karl W. Wilks, Jr. (deceased)	Individual income tax (1040)	427, 197
Davidson Obenauer	do	268, 159
Cleveland:		
Raymond P. Catching	Wagering tax (730)	133, 859
Allied Products & Supply	Corporation income tax (1120)	111, 836
Mary L. Ficken	Individual income tax (1040)	141, 915
Detroit:		
Marie Moore	Narcotics (3–N) [1]	201, 803
Percy and Alice Harris	Wagering tax (730)	343, 410
Eugene E. Ayotte	Individual income tax (1040)	111, 283
Braund Plywoods, Inc	Corporation income tax (1120)	183, 705
Indianapolis:		
Pascal K. Smith	Excise tax (720)	75, 892
Pascal and Ethel Smith	Individual income tax (1040)	53, 644
Costa and Mary Jane Kostoff	do	199, 076
Skiles and Ellen Test	do	534, 130
Robert R. (Deceased) and Ruby Geeting.	do	336, 235
Neffew Sam Cozzeny	Wagering tax (730)	414, 427
Fred Mackey	do	1, 721, 159
M. E. Hilgey	Narcotics (3–N) [1]	89, 500
P. W. Dickinson	do	89, 500
Edw. E. and Pearl Hampton	Individual income tax (1040)	119, 971
Eddie J. Marlen	Withholding and FICA (941)	87, 398
Kokomo Times	do	104, 751

See footnote at end of table.

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ACCOUNTS OF $25,000 OR MORE WRITTEN OFF AS UNCOLLECTIBLE IN 1968—Continued

Taxpayer	Type of tax	Amount written off as uncollectible
CENTRAL REGION—Continued		
Louisville:		
John T. Catlett	Individual income tax (1040)	$272,017
Jefferson Stone Co	Corporation income tax (1120)	82,243
Parkersburg: None over $25,000 written off as uncollectible in 1968.		
MIDWEST REGION		
Aberdeen: None over $25,000 written off as uncollectible in 1968.		
Chicago:		
Paul E. Pickel	Individual income tax (1040)	625,018
Sumner Sollitt Co	Corporation income tax (1120)	1,181,592
McClintock Mercantile	do	334,509
Highway Insurance Co	do	252,560
Marshall Savings & Loan	do	5,089,082
Charles T. Greene	Individual income tax (1040)	304,341
Highway Insurance Co	Corporation income tax (1120)	354,024
Ernest J. McBride estate	Individual income tax (1040)	528,101
John and E. Danno	do	305,628
Martin and I. Goodman	do	107,504
Theodore Revyan	do	109,534
Laverna Speroni	do	118,166
Brust Tool Manufacturing Co	Corporation income tax (1120)	494,884
Dale Parker	Excise tax (720)	140,303
R. B. Smith	Individual income tax (1040)	883,203
Manuel Handwerker	do	230,063
Anton S. Koubek	Corporate income tax (1120)	105,193
Do	Individual income tax (1040)	120,752
Harry and B. Lev	do	1,206,505
Des Moines: GFE Industries, Inc	Corporation income tax (1120)	35,186
Fargo: None over $25,000 written off as uncollectible in 1968.		
Milwaukee:		
Samuel Coca	Excise tax on marihuana (EX-124)[1]	66,324
Santos Castro	do	66,324
Arthur Hardin	Individual income tax (1040)	226,810
A. J. Werner	Withholding and FICA (941)	98,549
H. and J. Cammitz	Individual income tax (1040)	44,701
Michael Preston	do	66,774
Ervin Bucher	do	69,585
Do	Withholding and FICA (941)	44,624
E. R. Flint & Co	do	34,746
Keefe Avenue Realty Corp	Corporation income tax (1120)	36,864
Lesperance Construction Co	Withholding and FICA (941)	39 791
Vincent Truel	Individual income tax (1040)	107,501
Omaha:		
S M S Truck Co., Inc	Withholding and FICA (941)	34,028
Vance L. Dorn	Excise tax (720)	123,171
Dorothy Blood	Individual income tax (1040)	52,298
St. Louis:		
Jack and Loretto Gibbs	do	51,713
Joseph and Teresa Campagna	do	413,628
C. S. Ragsdale	do	76,717
W. Schaeffer	Corporation income tax (1120)	83,763
Robert E. and Donna H. Cherry	Individual income tax (1040)	51,402
Reece Tatum (deceased)	do	127,093
St. Paul: None over $25,000 written off as uncollectable in 1968.		
Springfield:		
Thad Stevens	do	32,215
Robert Bilyeu	Withholding and FICA (941)	28,553
Mainline Coal Corp	do	62,684
Hill Brick Co., Inc	do	35,854
SOUTHWEST REGION		
Albuquerque:		
Clovis Bowling Club, Inc	Corporation income tax (1120)	52,689
Sandia Memory Gardens	do	38,345
Austin:		
Manuel Arellano-Modesto	Excise tax on oleo, butter, and cheese (EX-125).	325,713
Byron K. and Patricia Wolford	Individual income tax (1040)	229,048
Robert Lyle Walden, Jr	Narcotics (3-N)[1]	574,400
Business Aircraft Corp	Withholding and FICA (941)	117,450
B. R. and Eloise Sheffield	Individual income tax (1040)	107,190
Superior Machine Shop, Inc	Corporation income tax (1120)	110,747
Paul Sandblom	Individual income tax (1040)	2,918,309
Burlington Rock Island	Corporation income tax (1120)	239,176
Granville H. and Fay Bock	Individual income tax (1040)	161,886
Westheimer Dodge, Inc	Corporation income tax (1120)	203,600
R. H. Keyworth	Wagering tax (730)	2,514,684
R. H. Keyworth and Richard Cremer	do	1,458,230
S. L. and Marjorie Miller	Individual income tax (1040)	114,584
Cheyenne: Neil Goodrich	Withholding and FICA (941)	30,801
Dallas: Menlo Corp	Corporation income tax (1120)	1,801,116
Denver:		
James V. Stryker	Individual income tax (1040)	178,59
Leo C. and Joan L. Maley	do	80,508
Time Saver, Inc	Corporation income tax (1120)	74,919
Englewood Heating & Air Conditioning	Withholding and FICA (941)	45,702
Englewood Piping & Plumbing Co	do	40,042
Little Rock:		
Continental Co	Corporation income tax (1120)	28,308
Continental Investment Co	do	39,687
Continental Land Co	do	484,382
Continental Mortgage Co	do	564,642
Florida Real Estate Loan Co	do	311,921
SOUTHWEST REGION—Continued		
New Orleans:		
Louise W. Corcoran Banta	Individual income tax (1040)	$109,465
Leroy C. Smith	do	1,367,606
Wilmar Engineering & Sales Corp	Withholding and FICA (941)	120,449
Champagne & Rodgers Realty, Inc	Corporation income tax (1120)	67,054
Reine Construction Co	Withholding and FICA (941)	97,358
Moore Instrument Co	do	58,949
A v.n L. and T. Perrie	Narcotics (3-N)[1]	216,400
Oklahoma City:		
William O. Goodwin	Individual income tax (1040)	61,326
Lloyd Durensky	do	73,810
Willard Garland Bishop	do	52,390
Glen S. Henderson	Excise tax (720)	60,596
George White Oil Co	do	51,836
Russell and Jane P. Cobb	Individual income tax (1040)	216,248
Abel Maxime, also known as Max Genet, Jr.	do	64,254
Wichita: D. E. Brack, Sr., and Lydia	do	185,716
WESTERN REGION		
Anchorage: Russell Swank	Withholding and FICA (941)	64,865
Boise: Avery Trucking Co., Inc	do	31,607
Helena: None over $25,000 written off as uncollectible in 1968.		
Honolulu:		
John Tallman	do	30,026
Joseph Edward Spanski	Excise tax on marihuana (EX-124)[1]	30,345
Jack Mahakian	Withholding and FICA (941)	54,033
United Steel Co., Ltd	do	46,730
Royal Broadcasting Co	do	32,376
Bennett Builds, Ltd	do	25,844
Lawrence H. Jackson	do	54,629
Gene T. Magbee	Individual income tax (1040)	29,395
Los Angeles:		
Michael E. Carrion	Excise tax on marihuana (EX-124)[1]	811,201
Constantine Valkana	do [1]	811,201
Roy W. and Vida Stoval	Individual income tax (1040)	681,392
James Oran Watson	Excise tax on marihuana (EX-124)[1]	408,400
Paulina C. Guyman	do [1]	371,202
Wynn Bailey	do [1]	313,534
Bernard and Oma Elowitz	Individual income tax (1040)	254,526
Leonard Asher	do	132,836
King Electric Corp	Withholding and FICA (941)	125,562
Walter Waterman	Excise tax on marihuana (EX-124)[1]	105,900
William P. Keane	do [1]	105,421
James Robert Slatton, Jr	do [1]	408,400
Miguel E. Hernandez	do [1]	310,400
Jerry S. Lisner	do [1]	191,484
Dianne Louise Ray	Excise tax (720)	188,749
Gilbert Rance Dart	Excise tax on marihuana (EX-124) [1]	546,688
Howard Franklin Ross	do [1]	435,202
Hector Martinez Fernandez	do [1]	433,902
George Jacob Jung	do [1]	341,492
Anthony Vicent Jorgen	do [1]	194,102
Larose F. Nicholson	Individual income tax (1040)	124,892
Frank Luis Gherardi	Excise tax on marihuana (EX-124) [1]	108,801
Stanley A. Howard	do [1]	1,174,502
Bonnie L. Arevala	do [1]	771,035
Michael E. Mendoza	do [1]	768,503
William Cecil Corwin	do [1]	737,220
Armando A. Blanco	do [1]	433,902
Gabriel Gil	do [1]	345,702
John S. Beveridge	do [1]	313,602
Doug Eugene Martin	do [1]	232,801
Jerry Lu Martin	do [1]	232,801
Arnold Boyce Quinn	do [1]	123,503
Moses Rosedes Rodriquez	do [1]	3,163,203
Nick Matt Linder	do [1]	1,058,132
Edward John Herreres	do [1]	770,963
Joe A. Trujillo	do [1]	737,220
Wade Lee Soto	do [1]	306,802
Robert Maurice Gordon	do [1]	220,962
Hal Roach Studios	Withholding and FICA (941)	206,635
Robert Lee Corcoran	Excise tax on marihuana (EX-124) [1]	204,003
Phil Andrew Scott	do [1]	160,002
Albert Rico	do [1]	160,002
Anthony Sannicandro	do [1]	108,702
Alex Joe Villegas	do [1]	3,163,203
Spencer Chaney	do [1]	1,174,489
Ken Leroy Howard	do [1]	1,174,489
Howard Ed Jordan	do [1]	1,058,302
Roy Harland Emery	do [1]	306,802
Henry J. Marquez	do [1]	280,502
Ben Henry Luckosky	do [1]	187,202
Jack Vertilieb	do [1]	105,257
K. D. Ewing	do [1]	1,142,400
Dominic Devito	do [1]	1,035,204
Roger David Blatt	do [1]	737,220
Walter L. Richard	Estate tax (706)	741,506
Martin M. Greisiger	Excise tax on marihuana (EX-124) [1]	435,202
Alvin G. Levitt	Individual income tax (1040)	267,780
Dennis Joe Richardson	Excise tax on marihuana (Ex-124) [1]	160,903
Graham Eustice Thompson	do [1]	160,903
Allen E. and M. Siegal	Withholding and FICA (941)	141,346
M. A. Lopez	Excise tax on marihuana (EX-124) [1]	3,163,203
S. M. Rodriquez	do [1]	3,163,203
Patrick Yim	do [1]	1,034,765
Rudolph Yim	do [1]	1,035,204

See footnote at end of table.

ACCOUNTS OF $25,000 OR MORE WRITTEN OFF AS UNCOLLECTIBLE IN 1968—Continued

Taxpayer	Type of tax	Amount written off as uncollectible
WESTERN REGION—Continued		
Los Angeles—Continued		
Herbert R. Smith	Excise tax on marihuana (EX-124) [1]	$354,285
Juan Reyes Benitez	do [1]	315,203
Pedro Aquilar Galindo	do [1]	286,402
Ignacio A. Dominquez	do [1]	192,103
Armando Enrique Maceo	do [1]	192,102
Ronald Leroy Inman	do [1]	167,503
Albert D. Walker	do [1]	160,203
Hal Roach Studios	Corporation income tax (1120)	1,242,596
Florence Nationg	Excise tax on marihuana (EX-124) [1]	503,100
Robert E. Carroll	do [1]	326,403
John Carroll Espinoza	do [1]	326,403
Kenneth Leroy Howard	do [1]	283,069
Carl Donald Lobel	do [1]	193,502
John Edward Oelke	do [1]	103,600
Robert W. Karpowicz	do [1]	1,035,204
Guy and Omera Davis	Individual income tax (1040)	217,637
M. Frank and M. J. Ewing	do	216,963
T. A. and E. Y. Shaheen	do	152,288
Edward A. Palomino	Excise tax on marihuana (EX-124) [1]	838,603
Willie Davis, Jr	do [1]	283,205
Brooks Paul Miser	do [1]	208,204
Orlie Louis Duran	do [1]	205,254
Gary P. Hatswell	do [1]	158,801
Phillips M. Oschin	do [1]	158,801
Phoenix:		
William J. Dart	Individual income tax (1040)	181,143
A. Monroe Blakely	Corporation income tax (1120)	146,067
Michael Harold Kamrar	Excise tax on marihuana (EX-124) [1]	325,430
Cindy Lou Day	do. [1]	325,430
Harvey H. Day	do. [1]	325,430
Obie Gene Renfro	Excise tax (720)	40,868
Paul and Lucille Goff	Individual income tax (1040)	64,062
Ted D. Dudley	do	171,190
Albert J. Dawo	do	43,339
Diamond Valley, Inc	Corporation income tax (1120)	37,855
C. R. Ellsworth Estate	Individual income tax (1040)	58,439
Pinal County Land Co	Corporation income tax (1120)	139,102
Ed and Opal Ellsworth	Individual income tax (1040)	59,654
Portland: None over $25,000 written off as uncollectible in 1968.		
WESTERN REGION—Continued		
Los Angeles—Continued		
Reno:		
George Stoffey	Excise tax on marihuana (EX-124) [1]	$321,997
People's Investment	Corporation income tax (1120)	99,609
John Francis Quinn	Wagering tax (730)	133,293
John F. Quinn and Max Abramson	do	164,267
Nicholas E. Pappas	Excise tax on marihuana (EX-124) [1]	1,058,304
Keelon Corp	Corporation income tax (1120)	127,644
Joseph Agosto	Individual income tax (1040)	39,692
Salt Lake City: None over $25,000 written off as uncollectable in 1968.		
San Francisco:		
Linda Lillibridge	Excise tax on narcotics (EX-123) [1]	149,500
Michael David Craycraft	Excise tax (720)	103,000
Leonard and Mildred Hesterman	Individual income tax (1040)	1,596,904
Paul Franklin Reedy, Jr	Excise tax (720)	114,509
T. P. Loomis	do	103,500
Seattle:		
Woodburry Abbey, III	Excise tax on marihuana (EX-124) [1]	225,747
Mark L. Price	do [1]	448,000
Stuart C. Dingwell	do [1]	225,747
Daniel David Smith, also known as Sehi.	do [1]	82,200
Franklin Lee Hedgecock, Jr	do [1]	56,600
INTERNATIONAL OPERATIONS		
Puerto Rico: Pedro and Delia Santiago	Individual income tax	37,039
All other:		
Richard J. McCafferty	Excise tax (720)	64,125
Jose Carlos Mora-Garcia	do	84,504
Mary E. McCaffrey	Individual income tax (1040)	103,603
Galban Lobo Co., Ltd	Income tax withheld at the source (1042).	102,456
Clarence and Hazel W. Pistell	Individual income tax (1040)	4,046,590
Donald Daniels	do	852,217
Donald and Frances Daniels	do	75,050
William J. Pollack	do	126,062
J. E. and Willie Mac McKinzie	do	56,913
Frank and G. Keenan	do	442,061
Frank Keenan	do	128,842
Ingemar Johansson	do	598,869
Rutas Aereas Nacionales	do	59,794

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[1] Refers to a narcotics tax (marihuana, heroin, etc.).

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL
REVENUE TAXATION,
Washington, D.C., May 10, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I understand that you spoke with Mr. Shapiro, of the Committee staff, on Friday in regard to the tax treatment of narcotic drugs, marihuana, and wagering, and requested certain information in regard to them. It should be pointed out that all of the taxes imposed in these areas are excise taxes and are in the nature of regulatory taxes rather than for the purpose of raising revenue (total revenue from narcotics and marihuana in fiscal year 1967 was $1.3 million and in fiscal year 1968 was $1.6 million; from wagering taxes in fiscal year 1967 was $6.2 million and in fiscal year 1968 was $5.1 million—see attached excise revenue summary). The taxes imposed on narcotics and marihuana are regulatory in two means: first, they serve to regulate its use by limiting the production, importation, or transfer of the various articles; and second they serve to provide information to insure that the uses are lawful, such as for physicians and researchers. While the tax on wagering is in a separate area within the excise tax provisions (chapter 35) apart from the regulatory tax provisions (chapter 39), it serves basically the same regulatory purpose, although where such activities are lawful there is a revenue raising effect.

The following is a summary of the tax treatment in regard to narcotic drugs, marihuana, and wagering:

(1) Narcotic drugs (secs. 4701-4736).—Taxes are imposed upon the sale of narcotic drugs (sec. 4701) and opium manufacturing for smoking (sec. 4711). (The manufacture of opium for smoking is illegal and no tax is collected under section 4711.) Narcotics occupational taxes (occupational taxes are sometimes referred to as special taxes) are imposed upon importers, manufacturers, dealers, physicians, researchers, and others (sec. 4721). Each person subject to the narcotics occupational tax must, on or before July 1 of each year, register with the Commissioner of Internal Revenue (sec. 4722).

With certain exceptions, including use in professional practice, filling of prescriptions, and exportation (secs. 4705(c), 4724(b), and 4742(b)), it is unlawful for any person to sell, exchange, or give away any narcotic except in pursuance of a written order of the transferee on a blank form issued by the Secretary of the Treasury.

Section 7237 sets forth the penalties for the violation of the laws relating to narcotic drugs and to marihuana. The regulation of these areas through the tax laws supplement the laws of the Narcotic Drugs Import and Export Act, as amended (21 U.S.C. 174), as well as other provisions in Title 21 of the United States Code regarding the manufacture, importation, sale, or exportation of narcotic drugs and marihuana.

(2) Marihuana (secs. 4741-4762).—There are also two marihuana excise taxes: a tax upon transfers (sec. 4741) and an occupational tax on importers, manufacturers, dealers, physicians, researchers, and others (sec. 4751). All persons subject to the marihuana occupational tax must register with the official in charge of the Internal Revenue district in which his place of business is located (sec. 4753).

With the same exceptions as indicated for narcotic drugs, as well as for the transfers to government and State officials, and transfers of seeds to registered persons (sec. 4742 (b)), it is unlawful for any person to transfer marihuana except under the same authority of the Secretary of the Treasury.

(3) Wagering (secs. 4401-4423).—A 10-percent tax is imposed upon the amount of: (1) all wagers placed with a person in the business of accepting wagers upon the outcome of a sports event or contest; (2) any such wager placed in a pool conducted for profit; and (3) any wager placed in a lottery conducted for profit (sec. 4421). This tax does not apply to: (1) any wager placed with, or in a wagering pool conducted by a parimutuel wagering enterprise licensed under State laws; (2) any wager placed in a coin-operated device or on any amount paid in lieu of inserting a coin, token, or similar object, to operating device described in section 4462(a)(2); and (3) State conducted sweepstakes, wagering pools, and lotteries in which the winners are determined by results of a horse race, if the wager is placed by State employees or agents (sec. 4402).

There is also a wagering occupational tax of $50 a year imposed on every person who is liable for the 10-percent excise tax imposed on wagers or who is engaged in receiving wagers for or on behalf of any person liable for the 10-percent excise tax (sec. 4411). This tax has figured in a number of court cases recently involving self-incrimination problems.

For your information, I have enclosed from the 1968 Annual Report of the Internal Revenue Service for the fiscal year 1968 the following statistical tables: (1) that part of Table 3 noting the source and amount of revenue from all excise taxes and the breakdown by categories, including the amount from narcotics, marihuana, and wagering taxes; (2) that part of Table 14 indicating the breakdown, by taxes imposed, of the revenue collected from narcotics and marihuana by regions (and States); and (3) that part of Table 1 indicating the revenue collected from the wagering taxes by regions (and States).

I trust that this information will be helpful in regard to your inquiry on these excise taxes.

Sincerely yours,
LAURENCE A. WOODWORTH.

Mr. WILLIAMS of Delaware subsequently, on August 6, said, Mr. President, on June 12, 1969, I placed in the Record a list of taxpayers whose accounts had been written off as uncollectible by the Internal Revenue Service during 1968.

Included in the list was a Mrs. Jane Cobb, of Tulsa, Okla., for a tax writeoff of $216,248. Under date of June 20, 1969, I received a letter from Mr. John S. Athens claiming that the Internal Revenue Service had made an error. I promptly forwarded a copy of Mr. Athens' letter to Commissioner Thrower, and under date of August 1, 1969, I received his reply confirming that the Service had incorrectly listed her name and extending to her an apology.

I ask unanimous consent that both Mr. Athens' letter of June 20 and the reply from Commissioner Randolph Thrower under date of August 1 be printed at this point in the Record, and in the printing of the permanent Record I ask unanimous consent that both of these insertions appear at the conclusion of my remarks.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Conner, Winters, Randolph & Ballaine,
Tulsa, Okla., June 20, 1969.

Hon. John J. Williams,
U.S. Senate,
Washington, D.C.

My Dear Senator Williams: On Friday, June 13, 1969, our local newspaper reported that a list of all uncollectible tax writeoffs in the nation compiled by the Internal Revenue Service had been placed in the Congressional Record by you on Thursday.

Those newspapers further reported that the list included the name of the late Russell Cobb of Tulsa and his former wife and our client, Mrs. Jane Cobb of Tulsa, for a tax writeoff of $216,243.00. Unfortunately, you and the Congressional Record were led into error by the compilation of the Internal Revenue Service.

It is true that the Internal Revenue Service asserted that Mrs. Cobb was vicariously liable for her ex-husband's taxes* in the amount of $216,243.00 for the taxable years 1959, 1960, 1962 and 1963. But the fact of the matter is that Mrs. Cobb filed a petition in the Tax Court of the United States for review of the deficiency asserted, and on December 16, 1966, the Tax Court entered its decision in Docket No. 1594–66 that there was no income tax deficiency whatsoever due from Mrs. Cobb for the years 1959, 1960 and 1962. The Court further held that there was a deficiency of only $15,734.44 due from Mrs. Cobb for the year 1963. The latter amount with interest was voluntarily paid in full by Mrs. Cobb from her share of the estate of her late mother. All of the above is a matter of public record.

In view of the above, I am sure you will agree that the Internal Revenue Service was guilty of gross irresponsibility in characterizing what happened in Mrs. Cobb's case as a "writeoff" of "uncollectible taxes".

Mrs. Cobb is a working mother with small children who bears an excellent reputation in this community. You can imagine the anguish which the story which appeared in the newspapers has caused her. The newspapers here quickly printed a retraction of the story which came over the wire services when they were apprised of the facts. I know that you would not have the Congressional Record do less.

Accordingly, I ask that you cause the name of Mrs. Cobb to be expunged from the compilation appearing in the Congressional Record. Mrs. Cobb would be greatly relieved by word from you that the Record had been corrected.

Sincerely yours,
John S. Athens.

Internal Revenue Service,
Washington, D.C., August 1, 1969.

Hon. John J. Williams,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: This is in response to your letter of June 24, 1969, with which you enclosed a copy of a letter you received from Mr. John A. Athens, Tulsa, Oklahoma, in behalf of his client, Mrs. Jane P. Cobb, also of Tulsa.

The name of Mrs. Jane P. Cobb was included in the list of individuals whose taxes were classified as uncollectable during 1968. This list was furnished you by the Service on May 6, 1969. The inclusion of Mrs. Cobb's name was an error on the part of the Internal Revenue Service for which we are sincerely sorry.

The District Director at Oklahoma City has told us that on January 5, 1966, jeopardy assessments of income tax deficiencies were entered against Russell and Jane P. Cobb, Jr., for the years 1959, 1960, 1962 and 1963. On March 24, 1966, Mrs. Cobb filed a petition for redetermination by the Tax Court of the United States. The Tax Court held that she was not liable for 1959, 1960, or 1962. On November 23, 1966, the assessment records were corrected to eliminate the name of Jane P. Cobb for those years.

The Tax Court decision did establish a deficiency in income tax due from Jane P. Cobb for the year 1963 in the amount of $15,734.44, but this amount was paid in full.

Following the correction of our assessment records on November 23, 1966, an amended Notice of Federal Tax Lien was filed, deleting the name of Jane P. Cobb from the original Lien which had been filed on January 18 of that year. Unfortunately, however, Mrs. Cobb's name was not removed from the delinquent accounts outstanding against Mr. Russell Cobb, Jr., and, when these were classified as uncollectable, her name continued to appear on the record.

We understand Mrs. Cobb's concern over the fact that the Service incorrectly listed her name, and we apologize both to her and to you for any embarrassment that this unfortunate incident may have caused.

With kind regards,
Sincerely,
Randolph W. Thrower,
Commissioner.

ROCKEFELLER'S TRIP SHOULD BE DISCONTINUED

Mr. CHURCH. The much-balleyhooed reconnaissance mission by Governor Rockefeller to Latin America is half over. So far, the President's special emissary has had the door slammed in his face in Peru, the welcome mat pulled in by the Venezuelans, his visits to Ecuador and Colombia marred by student violence, and his visit to Bolivia reduced to a humiliating 3-hour conversation at the airport.

From the outset, it should have been foreseen that such a mission, consisting of so litle substance and so much fanfare, would be regarded by Latin Americans as a farce. It has aroused all the hostility, manifest and latent, toward the United States so deeply embedded south of our borders. The trip has served as nothing more than an open invitation for the flagrant repudiation given it by resentful Latin American governments. It should demonstrate, once and for all, the folly of conducting foreign policy by gimmickry.

Now that the trip is half over, President Nixon would be well advised to discreetly call off the remaining half. When it comes to fiascoes, it is better to accept half a loaf than insist on the whole.

I fully concur in the conclusion reached by Mr. Marquis Childs' writing recently in the Washington Post that the remaining trip "should be cancelled or at least postponed until the contagion of unrest subsides."

I ask unanimous consent that the full text of Mr. Childs' column entitled "Need for Latin Policy Change Shown by Reaction to Rocky," be published at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Need for Latin Policy Change Shown by Reaction to Rocky

The disaster of Gov. Nelson Rockefeller's Latin-American exploration is more than a personal tragedy although it certainly is that. For most of his career Rockefeller has had an active concern with the Americas to the south. Through his own and his family's fortune he has made investments of at least $10,000,000 in Venezuela intended to show the way to modernize the economy.

Venezuela told him to keep out for fear that hostile demonstrations would get out of hand and cause widespread damage. Rockefeller's personal safety could not be assured.

Despite official statements to the contrary, the informed private view here is that the two later trips should be cancelled or at least postponed until the contagion of unrest subsides. The first stop on the next journey is Brazil, where there is a better chance of a relatively peaceful reception.

But in Argentina the military dictatorship is trying to suppress a workers' revolt threatening to break out in new violence, A Rockefeller visit would be pouring gasoline on the smouldering fire. President Eduardo Frei of Chile, beset by attackers on the left demanding nationalization of American properties and critics on the right calling for an end to social reform, could hardly have welcomed the American visitor. The deep unrest in Uruguay is not a proper setting for the mission, of the unhappy Governor.

In the larger context what is so hard to understand is that all this could not have been forseen. Reports from American diplomatic missions throughout the Americas fill huge files telling the story of poverty, unrest and deep disillusion with the Colossus of the North. The Alliance for Progress has failed to make a dent in fundamental problems besetting the vast semideveloped lands south of the Rio Grande.

Prices of coffee and other commodities for earning dollars drop while the cost of manufactured goods continually rise. Up to 80 per cent of Alliance funds—a billion dollars a year—are spent in the United States for goods going into Latin American development.

Perhaps better than anyone else through his long relationship Rockefeller knows the cause and effect triggering the unrest. A staggering high birth rate is a root cause. With more than half the population in most Latin-American countries under 25 the educational system, starved and enfeebled, simply cannot cope. More and more of the young spill over into crime and one form or another of guerrilla warfare.

XUM

The oligarchies ruling in most Latin-American countries have dug in their heels against evolutionary change that might have tempered the wind of hostility and rebellion. All too often the hierarchy of the church has been old and also resistant to any change. Time is rapidly running out—the bell may already have tolled—for an orderly and reasonable transition to a more equitable society.

Rockefeller's mission was singularly inept in its concept and planning. He has had with him 23 advisers and a number of assistants and briefcase carriers. Together with the press, the party added up to nearly a hundred. As one tart and knowledgeable critic put it:

"Why he's had almost as many men with him as Pizarro had when he conquered Peru."

If the New York Governor had gone quietly and unostentatiously with possibly two or three assistants, he might have been accepted as a fact-finder. The publicity heralding his mission was in itself calculated to stir suspicion and resentment. Here was one more instance of the Yankee overlord coming down to report on the progress, or lack of it, of the natives.

The Rockefeller mission was in the first instance said to have been inspired by Galo Plaza, Secretary General of the Organization of American States. Plaza is an old friend of the Governor who seems to have been as unaware of what the visit would touch off as were American officials who bought the idea. While Rockefeller announced that the demonstrations were the work of a few dissidents, some from outside the hemisphere, Plaza said they reflect not a small inspired minority but the widely held feeling that a change must come in the relations between the United States and the Americas to the south.

During the first two trips Rockefeller seemed to think that lavish praise could compensate for hasty stops. Arriving in Guatemala for a three and a half-hour visit, he said he was happy to witness the triumph of democracy. In light of the terror of the Guatemalan right and left and a level of poverty and oppression so dismal that a group of Maryknoll priests and nuns went over to the side of the oppressed, his statement seemed a slight exaggeration.

One thing can be said for the Rockefeller *fracaso,* that useful Spanish word meaning snafu on a grand scale. There is an urgent need for far-reaching changes in American policy with a positive approach and not just tired old rhetoric.

WASHINGTON BACKS THE POOH BAHS IN LATIN AMERICA

Mr. CHURCH. Mr. President, U.S. policy toward Brazil is the subject of a penetrating analysis entitled "Washington Backs the Pooh Bahs" by Dom Bonafede in the Nation magazine of May 26.

Mr. Bonafede begins:

> Quietly, almost without notice, the United States has once again become entangled in a Latin America dilemma resulting from its own meandering policies in inter-American affairs.

He concludes:

> The problem facing the United States is how to divorce itself gracefully from continued identification with the Brazilian military government.

As means to this end, he suggests reduction in the aid program, reduction of the size of the U.S. Government establishment in Brazil, and recall of the U.S. military contingent.

These are all sensible suggestions, and I hope the Congress will help the administration implement them when we act on the foreign aid bill and in other ways.

I ask unanimous consent that the Bonafede article and an article from the Economist of May 17 entitled, "By the Right, Quick March," be printed in the RECORD. This article summarizes very succinctly the dictatorial nature of the present Government of Brazil.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Economist, May 17, 1969]

BRAZIL: BY THE RIGHT, QUICK MARCH

Brazil's generals are still cleaning up. On April 29th 15 more federal and 59 state deputies were purged and 9 city mayors, several judges, two retired air force officers and two journalists were stripped of their political rights for ten years. This fifth list brings the total of political victims to nearly 300.

One of the journalists, Sr Antonio Callado, a novelist working for the *Jornal do Brasil,* was forbidden to work as a journalist or (till protests worked) to teach. Another decree forcibly retired 12 diplomats and 31 foreign ministry officials. In São Paulo several university professors and civil servants were removed from their jobs—among them two of Brazil's few nuclear physicists.

Most remarkable was the ensuing silence. The once lively newspapers are gagged by the threat of punitive action, like that in January which has practically bankrupted the *Correio da Manhã.* And people barely comment nowadays, apparently resigned to the monotonous "cleansing operation" which, they are told, has not finished yet.

An odd exception is the right-wing afternoon paper *O Globo,* bulwark of the revolution and traditionally an unrepentant defender of free enterprise. Deploring the intimidation used to force people to pay taxes, a front-page editorial asked if Brazil would be a prosperous and happy country on the day when a father who produces a packet of American cigarettes is denounced by his "patriotic" son to the fiscal police.

A few days later *O Globo* revealed in sensational headlines that the government of São Paulo, alarmed by the city's problems, last October applied to the World Bank for substantial loans to improve the water supply and other utilities said to be collapsing under the city's inordinately rapid growth. Outraged, Sr Delfim Neto, the finance minister, who comes from São Paulo, said that such exaggeration was subversive and should be punished. *O Globo* and *O Estado de São Paulo,* another conservative paper, are regular vehicles for the former planning minister, Sr Roberto Campos, whose perceptive commentaries today have a critical, almost opposition ring.

In such an atmosphere, in which the government, identified with the armed forces, is the sole repository of wisdom and power, the assurance, repeated last month by President Costa e Silva, that Congress will be reconvened when the political system has once again been reformed has inspired little enthusiasm. So far 94 members of the lower house have been purged.

The pro-revolution Alliance of National Renovation (Arena), severely eroded last December when some of its less prudent members supported the now exiled deputy Sr Marcio Moreira Alves in his ill-fated defiance of the regime, could yet become the nucleus of the largest national party. But though its demoralised leaders are prepared to go on being sheep, they are, for the moment, lost ones.

Dissident members of Arena and of the decaying official opposition, the Movimento Democratico Brasileiro, which is likely to be dissolved, might eventually join in the equivalent of the once powerful Social Democratic party. There was talk last month that the extinct Labour party might be revived, allegedly with the blessing of the minister of justice, attracting former MDB members.

But few people are weeping for the old parties, regarding them, as Sr Abreu Sodre, the voluble governor of Sao Paulo, put it, as "clubs of politicians without any ideological meaning." A recent opinion poll in Rio produced 53 per cent support for a two-party system, the idea introduced, with little success so far, by the late President Castello Blanco.

"Political reform," of course, embraces more than party reorganisation. Behind the scenes, with no apparent help from the parliamentarians, the junta is reported to be contemplating entirely new ground rules, whereby the "indirect" method of election would be extended to include governors and mayors. The "party list" system is under scrutiny and the idea of constituency voting has been brought up again.

Brazil's forlorn parliamentarians meanwhile anxiously watch every omen, such as the invitation to the chairmen of both houses to attend a reception for the visiting president of Uruguay. They hope it means the beginning of the end of their unsolicited holiday, which becomes more irksome as the months go by.

[From the Nation, May 26, 1969]

BLUNDER IN BRAZIL: WASHINGTON BACKS THE POOH BAHS

(By Dom Bonafede)

Quietly, almost without notice, the United States has once again become entangled in a Latin America dilemma resulting from its own meandering policies in inter-American affairs. In this instance, the diplomatic blunder concerns Brazil, the largest, richest and most potent of the Latin American countries, where the government of President Artur da Costa e Silva last December 13 made official the nation's military dictatorship. Costa e Silva signed the Fifth Institutional Act, a decree without judicial appeal, which declared a state of siege, closed Congress and imposed press censorship. This was accompanied by a police roundup which resulted in the imprisonment of some 200 oppositionists. In supplementary action, the President deprived the Brazilians of their last vestige of political and individual rights by purging the Supreme Court, recessing several state legislatures and suspending the political privileges of more than two score members of Congress, adding them to the estimated 600 political figures who earlier had been *cassadoed.*

The 66-year-old President with the putty face, dark glasses and foppish mustache had clearly been driven to invoking these repressive measures by a military clique that was enraged by a year-long series of anti-government demonstrations led by students, artists, priests and intellectuals.

Thus, within five years after the generals and colonels had usurped the governments, the tight military state envisioned by the hard liners became a fact. No one at the State Department is likely to issue a note of reminder on the subject, but the sad truth is that in 1964 the United States acted as counsel and banker to the armed forces when they deposed Joao Goulart, a constitutional President but an ineffectual administrator who, in the view of the duennas in uniform, was flirting dangerously with the international Left.

Normal political institutions were scrapped and upon the wreckage was built a militaristic government headed by Gen. Humberto Castelo Branco, a dour, primly proper career officer who looked on the military as the rightful repository of the country's welfare. Inevitably, the "reign of the generals" was established in the name of anti-communism, a hackneyed ploy of Latin American military czars.

XUM

The chief instigator and executor of U.S. policy on the occasion was Ambassador Lincoln Gordon, now president of Johns Hopkins University. In the early years of the euphemistically styled "revolution," Gordon served as a virtual viceroy to Castelo Branco. He had open access to the President and was consulted at every turn. Indeed, Castelo Branco and his economic adviser, Roberto Campos, made hardly a move without consulting the U.S. ambassador.

Gordon's defense of his role was implied in a letter he wrote to *The New York Times* in July 1967, chastising it for what he claimed was an unjust, intemperate and historically inaccurate editorial on the death of Castelo Branco, who was killed in a plane crash several months after leaving office. Gordon took issue with the *Times* for characterizing the late President as a "dictator" operating behind a "latticework of legality." He wrote:

> History will long dispute the merits of the acts of commission and omission during the past three years in Brazil. Castelo Branco lacked both the experience and the temperament for genuine popular leadership, but he did know that the Brazilian body politic had never recovered from the dictatorship of Getulio Vargas and that some kind of basic political therapy, if not surgery, was indispensable.
>
> It can be said with assurance that the prospects today for stable and genuine constitutional democracy in Brazil are far better than three years ago, or than they would have been if the hard liners had taken power.

By signing the Fifth Institutional Act, and assuming full dictatorial power, Costa e Silva, the successor to Castelo Branco, emptied Gordon's defense of any semblance of validity. To resurrect an archaic joke, the "surgery" performed by Castelo Branco was a success but the patient died. Inevitably, the "prospects" for a "genuine constitutional democracy in Brazil" went with it and the hard liners, despite the hopeful vision by Gordon, have taken over.

The demise of the last semblance of democracy in Brazil was a matter of disappointment, dismay and embarrassment to Washington, as in a large measure it was attributable to a major U.S. policy blunder which might well have as great an impact on inter-American affairs as the emergence of Castroism did at the opposite end of the ideological scale.

Because of its geographic proximity, Marxist principles and theatrical conception, Castro's Cuba evokes an emotional response in Americans. But in discussing Brazil one should keep in mind that it is larger than the continental United States, has a population of almost 90 million (compared to 8 million in Cuba), is the fifth biggest country in the world and possesses untapped natural resources beyond estimation.

Politically, it is the axis on which all of Latin America pivots. It is hardly coincidence that once the military became solidly ensconced in Brazil their inspired counterparts in Argentina, Peru and Panama took control in those countries.

At present, about three-fourths of Latin America's population is ruled by military pooh bahs, which is certainly no testament to the effectiveness of the Alliance for Progress, whose original goal under President Kennedy was increased social and political liberalism. Our good offices in Brazil in 1964 were justified on the ground that firm measures were needed to rescue the country from a drifting malaise, which Gordon contended could lead to a Communist take-over. (It is doubtful, however, that there were then 25,000 hard-core Communists in Brazil.) Furthermore, the military interdiction was billed as a brief unpleasantness before returning the nation to an undefined form of representative government. (It should be recalled that this occurred only a few months after Lyndon Johnson became President. The Panama flag riots had already created a trying Latin American crisis and the State Department's Office of Inter-American Affairs was uncertain as to its direction under the new President.)

Once committed, the United States was compelled to continue its role as underwriter of the Brazilian military. Consequently, Washington poured aid into Brazil amounting to a quarter billion dollars annually, greater than any other nonwar recipient except India. The U.S. mission in Brazil bloomed into one of the biggest overseas complexes in the world, encompassing two embassies (one in Rio de Janeiro and the other in Brasilia), and more than 900 American personnel, including 415 AID employees and 200 members of the military mission, twenty-six of whom were listed as "defense attachés." In addition, there were 635 Peace Corpsmen and 1,005 Brazilians on the U.S. payroll at nearly $12 million a year.

The AID setup, a colossus in itself, occupies the top twelve floors of a bank building in downtown Rio de Janeiro which, wryly enough, is called the "Beg Building" (a contraction of the initials of the Banco do Estado da Guanabara). AID also maintains twenty-eight field offices, a regional headquarters in Recife and numerous special project branches. At one point, it was involved in eighty-three different projects, at least thirty of which were characterized as nonessential in an embassy report to Washington.

Included under AID is a $750,000 public safety program, in which sixteen former U.S. police officers teach Brazilian cops modern police techniques. It is a question just how this fits in with U.S. aims to promote social-economic-political development. Former U.S. Ambassador John W. Tuthill asked in a moment of exasperation, "What has police training to do with national development?"

At the height of the student protests in the spring of 1968, Guanabara state police displayed an indiscriminate use of force against demonstrators and innocent bystanders that reflected little credit on the U.S. public safety program. In one disgraceful incident, mounted troops with flaying swords clamored up the steps of Candelaria Church in downtown Rio de Janeiro to disperse a peaceful throng of mourners honoring a student martyr. The answer to Tuthill's question is that police training has precious little to do with national development, but is of considerable help to a regime which relies on force and fear to perpetuate itself.

In another area, the U.S. Information Service staff in Brazil is larger than the total complement of some embassies; it lists about sixty Americans and 158 Brazilians. And although the Embassy and AID offices in Rio de Janeiro are separated by only a few blocks, each maintains a separate press and information office.

In citing numbers of personnel it should be stressed that it costs the U.S. taxpayer about $40,000 annually to maintain one American employee abroad. Then there are the fringe benefits. The Americans in Brasilia live rent free in a U.S.-owned apartment house (called "Gringolandia" by the locals), presumably as compensation for being assigned to the socially somnolent new capital. Employees stationed in Recife and Belém are allowed a 10 per cent "hardship post" differential, even though the former has more than a million population and the latter in excess of a half million.

In Rio de Janeiro, the U.S. employee has access to a large PX, where he can buy anything from television sets to frozen vegetables for less than he would pay back home. He also enjoys the privilege of a liquor pool conveniently located in the Embassy basement, which is given the bureaucratic misnomer of "Embassy special unit sales." All this is by way of pointing up the magnitude and gaudy opulence of the U.S. presence in Brazil. As one might reasonably ask, to what purpose?

The Brazilian military elite commands an authoritative regime out of touch with the needs and aspirations of Brazilian society, the exception being the wealthy industrialists whose objectives are compatible with those of the armed forces. A return to civilian government is not even dimly seen on the political horizon, certainly not in the elections scheduled for early 1971.

United States-Brazilian relations, despite our largess, or possibly because of it, have deteriorated to their lowest point in decades. The xenophobic climate in the country has inevitably produced a plethora of wild anti-Yankee stories: American Protestant missionaries offering voluntary birth control aid in the Brazilian interior are really Washington agents assigned to depopulate the Amazon region where the United States plans to deport troublemaking Negroes; a recommendation by the Hudson Institute that part of the Amazon Basin be flooded for development purposes is a covert form of "neo-colonialism"; the United States is depleting the country's natural resources by importing toads and frogs, and finally, according to one bizarre charge, heads of cadavers allegedly sent to U.S. medical schools are producing a "brain drain." Although absurd in the extreme, the widely circulated reports have had a corrosive effect on relations between the two countries.

The situation was further exacerbated by legitimate differences between the United States and Brazil over the dumping of soluble Brazilian coffee on the U.S. market, the nuclear nonproliferation treaty (Brazil had refused to sign it, maintaining that as a sovereign nation it has a right to establish an atomic weapons program, which, coincidentally, it is financially incapable of doing for at least ten years), and massive land purchases by American speculators (accused of trying to smuggle out "radioactive ore").

Another wedge was inserted when Ambassador Tuthill twice met privately with Carlos Lacerda, the feared oppositionist who has been instrumental in the overthrow of three Presidents. Costa e Silva claimed the Ambassador's "secret" sessions constituted an affront to the government. Lacerda had earlier attempted to create an opposition bloc called the *frente ampla* (broad front) with the support of former President Juscelino Kubitschek, but the organization, actually never more than amorphous, was outlawed by the government.

Tuthill denied (rather weakly, it must be admitted) that his meetings with Lacerda were secret and further contended that it is customary for an ambassador to speak with nationals of various political colorations. Be that as it may, Tuthill did not have an audience with Costa e Silva for the next six months.

Washington's motives these days are distrusted even when they are most selfless as, for example, the multi-million-dollar U.S. project to improve higher education in Brazil. Perhaps no other area in Brazilian society is in more need of reform. As characterized by *Jornal do Brasil*, the education system is "worm-eaten, obsolete and inept." Yet efforts by the United States to help correct the system have been rebuffed by students, professors and government officials with charges that the United States is seeking to "implant American thought on the minds of Brazilian youths."

In an apparent effort to mitigate its former dalliance with the Brazilian military, the State Department through its spokesmen in Washington and Rio de Janeiro insists on referring to the government as "military dominated" or "military oriented." This bit of semantic fakery is then repeated by U.S. correspondents. In a singular affectation of understatement, *The New York Times* in its

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January 20 economic survey of the Americas referred to the broad-based, anti-government clamor against the Costa e Silva regime as "sniping." Other observers find it comforting to say the military government is "a dictatorship but not a tyranny," as though it were really possible to have one without the other.

No matter how one categorizes the Costa e Silva government, the fact remains that the United States has played too much of an operational and advisory role over too wide a sector of Brazilian affairs. This has produced an anti-American backlash even among the military which Washington propped up and helped put in office. Also the U.S. identification with the ruling military clique and the American penchant for material exhibitionism alienated the mass of Brazilians, the very people we are hoping to win over.

The problem facing the United States is how to divorce itself gracefully from continued identification with the Brazilian military government. The Nixon Administration can, of course, drastically slash the U.S. aid program, and suspend it altogether should the Costa e Silva regime go ahead with a proposal by the hard liners to purchase French Mirage fighter jets. As a palliative this has proved in effective in the past and is unlikely to be more useful in the future, yet it serves the vital function of announcing to the world our disaffection with repressive military dictatorships.

The point could further be emphasized by making good announced plans to diminish the U.S. mission and by recalling the outsized U.S. military contingent. The latter action would undoubtedly be opposed by the Pentagon which, as Arthur Schlesinger, Jr., once said, seems to have an "incestuous" relationship with Latin American military establishments. The Pentagon assuredly would base its opposition on the ground that Latin American military resources are necessary to the security of the South Atlantic, a highly dubious contention considering the size, training and obsolescence of those resources.

Above all, if it wants to give encouragement to the muffled voices of democracy in Latin America, the United States must make known its disenhancement with Brazil's dictatorial military regime. For Washington to wring its hands and express the wan hope that Brazil's military cabal will relax its repression—as the State Department did at the time of the December crackdown—is the height of folly. It merely compounds the original mistake of 1964.

THE FRAGILE GIANT

Mr. STEVENS. Mr. President, the development of the great petroleum discoveries of northern Alaska has been the source of much discussion in this Nation. Particularly, those who fear that the beauty and grandeur of my State will be despoiled have expressed their valid concern.

C. W. Snedden, publisher of the Fairbanks Daily News-Miner, the farthest north daily in our country, has written a series of editorials on this subject. Mr. Snedden has long been in the forefront of affairs of Alaska, and was one of the leaders of the battle for statehood.

In these editorials, Mr. Snedden calls for a "commonsense conservation" approach. Mr. Snedden refers to the North Slope as the "fragile giant" and urges the utilization of the land as long as it conforms with sound conservation, multiple use practices. This is the sentiment shared by most Alaskans, and should convince those outside Alaska that individuals such as "Bill" Snedden, who have successfully fought the long battles Alaska has had, will not allow Alaska to be destroyed in the name of development.

I ask unanimous consent that these editorials be printed in the Record at this point.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Alaska at Crossroads Where Money, Conservation Tangle

(Editor's Note.—Alaska has been confronted with innumerable crises in our comparatively short history, but at no time since statehood have we been faced with a decision so clear cut, so vital to our future as we face in the arctic today. This great, silent northern sector, larger than many states, is about to be opened up. We, the people of Alaska, can go after the "easy buck," discard sound conservation practices, and let our children pay the consequences. Or we can move a little slower, utilize the land without violating it, and preserve for our children their heritage of clear air, clean water, vast spaces unrivaled in beauty—a land as God made it.

The News-Miner believes in the utilization of the land as long as it conforms with sound conservation, multiple-use practices. We oppose the exploitation of land or people. Because we believe this is the most important issue confronting us, we are starting today a series of editorials explaining the threat as we see it, and the steps we believe are necessary to preserve our heritage.)

Alaska has reached the crossroads where the immediate and full cooperation of state and federal governments with the oil industry is essential if all are to prosper, while at the same time preserving our priceless heritage of a gerat land undefiled by man.

The announcement by Atlantic Richfield Co., Humble Oil & Refining Co., and British Petroleum Corp. that they have decided on the route of the Trans-Alaska pipeline from Prudhoe Bay to Valdez accentuates the need for an important—even crucial—decision.

The problem which we strongly feel must be resolved promptly concerns an immediate agreement between government and the oil companies upon routing for a transportation corridor to carry the pipeline, a year-around highway and an extension of the Alaska Railroad.

There is no question but that all three will be built eventually. In the interest of conservation, it is essential that all three follow the same route, particularly north of the Brooks Range. It is there that nature has created a land of tundra that is as fragile as a China doll. It is this land we must maintain in its native state as far as it is possible to do so.

It is unthinkable that we should permit roads, trails, pipelines and railroads to wander helter-skelter across this vast but frail wilderness, which is one of the few undefiled areas left in the United States.

We do not propose, as do some conservationists, that millions of acres of land be locked up for viewing by a handful of persons in the distant future. We do subscribe, however, to the belief expressed by Secretary of the Interior Walter J. Hickel, who told the North Commission that its primary goal is "to explore and develop ways to open up America's vast Arctic for wise utilization." And at the same time, "we must constantly be alert to protect our natural environment so that we leave a world worth living in for the generations who follow us."

We expect that shortly the three oil companies will request permission to start construction of their sorely-needed pipeline. At that time we can determine whether they, knowing our determination to create a transporation corridor, have plotted a route generally in line with our plan.

We well understand their desire to move swiftly to get their oil moving to market. They have spent two billion dollars in exploration, drilling and other costs and have as yet received very little return from their huge expenditures. The companies are ready to spend another billion dollars to get the oil from the North Slope moving to market.

We, too, want the companies to start selling their oil so that our state will start receiving a substantial income in royalties.

But we should not move so fast that we ignore other problems. And there are many of them. Some will be discussed in subsequent editorials.

Right now it is essential that the two governments and the oil companies agree upon a route for a transportation corridor which can be efficiently utilized for transportation of goods, minerals and petroleum, while simultaneously, preserving the natural beauty of this Great Land.

North Slope Is Fragile Giant Needing Utmost Protection

Alaska's North Slope, an area larger than the State of California, may prove to be one of the world's greatest storehouses of petroleum and essential minerals. It is a giant, a fragile giant, and it will need the utmost protection from those who would exploit it.

Thus far, this huge arctic area has been virtually untouched except for the comparatively small area in and around Prudhoe Bay where the vast petroleum reserve was first discovered just a year ago.

We are in no way critical of the manner in which the several oil companies have proceeded to develop their find of black gold. Up to this time they have been occupied with exploration work and the drilling of a small number of wells. There has been little done in the way of exploring the vast areas in and around the Brooks Range for minerals, but this is certain to come.

Magnify the feverish activity we have witnessed so far by several hundred times and the problem becomes as clear as a newly polished mirror. The land, our Native people, the wildlife could take a beating from which they would never recover.

The foremost problem is transportation. In spite of its size, there is not one piece of railroad track laid from Fairbanks to the arctic. There is not one foot of highway connecting with the state's network of roads. There are a handful of airstrips, and last winter's temporary winter haul road or "Walter J. Hickel Highway." This is merely a beginning for what will be needed.

Secretary of Transportation John A. Volpe told the North Commission last month in Washington:

"States like Alaska that have not been ravaged thus far by man have a moral duty and a timely opportunity to preserve their natural environs for the benefit of all of us. Long-range transportation planning can help them do this. It would be a pity if in 30 to 40 years Alaska came to look like the Northeast Corridor (of the U.S.) where we have an uphill struggle to preserve the remnants of a decent life for our citizens and still give them the mobility they need in their personal and professional lives."

Volpe concluded with this sage advice:

"The so-called 'unplanned consequences' of modern transportation can make progress very expensive indeed. Alaska can do without such fringe benefits, and with your help she can avoid them."

Railroads are transportation, as are airplanes, ships, trucks, barges and oil pipelines. It is the surface transportation which will soon cut across the tender tundra north of the Brooks Range with which we are most concerned.

There is a plan. It is a plan for a transportation corridor, carefully plotted to cause the least damage to the northland. It was adopted last August by the North Commission in a meeting at the University of Alaska.

Under this plan, the Alaska Railroad would be extended north from the vicinity of Dunbar, with a spur moving over to Bornite. This same corridor could carry an all-weather road or highway for trucks and other vehicle traffic. It could and should be used in the North by the oil companies for their billion-dollar pipeline with which they plan to move oil from Prudhoe Bay to Valdez.

The routing of all forms of transportation along this single corridor would be the first step in protecting our awakening but fragile giant.

Alaskans Have Good Reason To Be Protective of Land

If Alaskans appear to be overly protective of our Great Land, it is because we have good reason. If we appear to be unreasonably tough in our determination to develop Alaska for Alaskans, we do so because of sad experience in the past.

Not since the carpetbaggers invaded the South after the Civil War has any state been more exploited than Alaska. The Russians started it more than 150 years ago and trapped out fur-bearing animals almost into extinction. They left behind a few trading posts and little else.

Fishermen from the smaller states sailed their fishing boats into our waters, caught their fish, took their money and paid their help off in Seattle. Alaska's only benefit was seasonal employment and a handful of canneries which very seldom paid property or similar taxes and most of whose profits went into outside banks.

The gold seekers with their pans searched our streams for the yellow metal and sent the gold in ships to banks outside. They were followed by the dredges which floated across the country in their little man-made ponds, extracted the gold and left behind rivers of rock, a land defiled as only a dredge can do. Exploitation, not development, was their byword.

The pictures on this page tell, as words cannot do, what we inherited from the gold seekers.

We make no accusations against the oil companies now developing the North Slope. Their activities and their money have pumped new life into this state and particularly into Interior Alaska and we welcome them. They come to make money and we, too, want to prosper as they prosper, and we want to develop our country so that it will continue to prosper after they are gone.

We have good reason, based on past experience, to be concerned about the future of this virtually underdeveloped land of ours. It is for this reason that we want to know the plans of the oil companies for our state, and why we are apprehensive as they move ahead so fast toward the construction of an oil pipeline from Prudhoe Bay to Valdez.

Only this week, an executive of one of the major companies made it crystal clear that the oil companies are not interested in a railroad to the North Slope. Their primary interest is getting their newly-discovered oil to market and the best way for them to do it, in their opinion, is through a pipeline.

Our interest is in a pipeline, to—and a railroad and an all-weather highway to the Arctic Ocean. We want to see them running side by side in a single transportation corridor, engineered to cause the least possible disruption to the fragile arctic.

The history of this nation has proved that new lands were developed only as railroads were built. Russia, to, proved this by constructing the trans-Siberian Railroad many years ago, and opening up a vast new arctic area to development. Canada is proving it by extending tracks of steel into hitherto undeveloped northern areas. Our "small neighbor" has built more railroads in the past two years than the U.S. government has built—with its federally-owned Alaska Railroad—in 50 years.

We believe the oil companies should take another look at the possibility of utilizing an extension of the Alaska Railroad to the North. Some experts in transportation contend that a railroad and pipeline both could be built for far less money than the pipeline alone. Their reasoning appears to be sound.

We are determined to take the "selfish position" that Alaska should be developed for Alaskans. At the same time, we want and expect those who invest here to prosper with us. We believe the twin goals are compatible.

One Wonders Why Savings of Half-Billion Uninviting

When the prospect of saving $500 million on a $1 billion project appears to stir little or no interest, one can only wonder why. And yet this appears to be the case as the oil companies move full speed ahead with their plans to build an oil pipeline across Alaska.

Some months ago, the oil companies announced plans to build an 800-mile, 48-inch pipeline to carry newly-discovered oil from Prudhoe Bay on the Arctic Coast to the Gulf of Alaska. Only recently, Valdez was designated the southern terminus.

Based on public announcements, the companies appear to have their plans well in hand. They know the cost, approximately $900 million; what they are going to do, when they are going to do it and have set the completion date of the line for early 1972.

Liaison between the oil companies and state government and/or between the companies and the federal government appears to be either non-existent or flimsy.

As far as we have been able to ascertain, the oil companies have made no application to either the State of Alaska or the federal government for approval of their proposed pipeline right of way over land, some of which is so fragile that every care must be taken not to mutilate it.

The assumption appears to be that whatever route is desired will be granted without question. The oil companies know that a billion dollars in a single project, one of the greatest in this country, speaks with a thundering voice. It usually gets what it wants.

At this point in the game, it would seem logical that the companies would be engrossed in discussions with the NORTH Commission which is charged with not only developing the vast wilderness to the north but of preserving it. The Commission, whose membership includes some of the best minds in the United States, has a program for transportation corridors, and information indicating that this program can save the oil companies the half-billion dollars which, at this point, does not appear to interest them.

The Commission wants a corridor over which the pipeline could run but which also could carry an extension of the Alaska Railroad to the North Slope as well as an all-weather highway. Understandably, the companies think only of oil, the way to produce it, and the fastest way to get it to market. The Commission is thinking of other developments besides oil, such as minerals, the development of the land, and the ecology of our land.

The Commission has sound reasons. It is entrusted with the task of making certain that necessary damage to the delicate ecology of the north country is held to a minimum. It is looking at the long-range picture, with transportation provided at the lowest cost possible.

It has expert advice from our nation's most knowledgeable, specialized consultants, including those with a thorough background in petroleum transportation, that constructing a railroad and the pipeline at the same time can be done at a cost of $500 million less than constructing the pipeline alone.

The Commission also has been advised that transportation of crude from the North Slope to tidewater by rail in quantities approaching 500,000 barrels per day is cheaper than by pipeline. Beyond that figure the pipeline would be cheaper. And yet only this week a high official of Humble Oil publicly rejected as "uneconomical" the use of the railroad in any way. We are curious as to how he arrived at the conclusion.

We realize the oil industry has years of experience in the transportation of crude oil on which to base decisions, and we, as laymen, hesitate to question this vast knowledge. The North Commission however, also has access to great knowledge.

Our Alaska is a country with problems different from any encountered elsewhere in this country. Humble has recognized that in consulting with ice experts at the university in connection with their plans to smash through the ice of the Northwest Passage to try and move oil from Prudhoe Bay by ship to eastern and European markets.

Consultation with knowledgeable Alaskans would seem to be in order in connection with the construction of the pipeline. As far as we know, this has been limited to discussions with private individuals and to the university's test at Nome of a small pipeline operating under arctic conditions.

There appears to be some validity in the information supplied the North Commission that by using existing transportation, cat trains, winter roads, planes, ships and barges in summer that the cost of the pipeline would not be $900 million but $1.2 billion. And as incredible as it seems, there is validity in the information.

Full Partnership in Great Oil Discovery Is Essential

We have every reason to believe there are billions of dollars of black gold under the frozen tundra of the Alaska arctic, and a full partnership of Alaskans, the state and federal governments with the oil industry should share great benefits. Unfortunately, the partnership has yet to be consummated.

Where do we, the people of Alaska, the taxpayer, the working man, the clerk in the store and even the banker, stand today in this great venture?

We who are obligated to keep the public informed on matters of primary interest do not know. If the officials we elected to public office have been advised they have kept it secret. Officials of the great oil companies involved in the search for and recovery of this black gold must know, but they have been as silent as the proverbial sphinx.

Secrecy has been the byword of the oil industry under the excuse it has been necessary to protect their huge investment. Some secrecy has been essential. Some has not. But the continued silence on matters of extreme public concern is not conducive to a partnership arrangement.

We know these things: oil has been discovered on the bleak Arctic Coast and estimates fix the huge reservoir at billions of barrels. Three companies have announced they will build a billion dollar pipeline from Prudhoe Bay, center of the original discovery, to Valdez on the Gulf of Alaska. A $30 million project is under way to break through the ice barrier of the Northwest Passage to determine if it is possible to use ships to move part of the oil to eastern and European markets. A small refinery is to be built in the Fairbanks area.

We don't know the exact route of the pipeline. We don't know whether it is being planned to cooperate with the state in its desire for a transportation corridor which would carry a pipeline, an extension of the Alaska Railroad to the arctic, and an all-year highway to the northland.

We don't know what effect the pipeline construction will have on the delicate ecology of the tundra-covered north country.

We don't know what benefit, if any, we

will receive if ships of a size to tax the imagination take out the oil over the Arctic Ocean route other than the royalty we may receive from each barrel of oil which flows through the pipes into the ships. We don't know what interference, if any, this entire oil bonanza will have on our Natives, our land and our wildlife.

On the subject of financial benefits alone, we have a major interest in the cost of the pipeline. Expert consultants to the NORTH Commission have estimated the cost at $1.2 billion dollars. They contend, moreover, that if the Alaska Railroad were built to the north at the same time the oil companies constructed their pipeline that the total cost for the two would be $500 million less than just the cost of the pipeline if built alone.

Why should we care how the oil companies spend their money? Of course, we want the railroad extended and can see the possibility of it if the oil industry will work with us. We also want as few scars in the tender tundra as possible. We're not interested solely in oil, but in mining and the development of the entire North Country.

But we also have a direct financial interest. The royalty we will receive will be based on the wellhead price of the oil. The expected royalty is 12½ per cent of that price.

One of the determining factors in the wellhead price is the cost of transporting that oil to market. If the wellhead price is $3, less 25 cents per barrel for transportation, the state would receive 12½ per cent of $2.75 or 34.37 cents per barrel royalty. If the transportation cost is 50 cents per barrel, the state would receive 12½ per cent of $2.50 or 31.25 cents per barrel. Multiply that figure by one billion barrels and the loss is enormous.

Some authorities contend that if the pipeline and railroad are built at the same time, revenue to the oil companies and royalties to the state would be nearly three times greater than if the pipeline were built alone.

Whatever the state loses in royalties is, in effect, a subsidy for construction of the pipeline. So we do have a vital interest in it.

Once again we say, as we said in our first edtiorial of this series, Alaska has reached the crossroads where the immediate and full cooperation of state and federal governments with the oil industry is essential if all are to prosper, while at the same time preserving our priceless heritage of a great land undefiled by man.

Let us be partners—full partners.

THE INVESTMENT TAX CREDIT—ITS RELATION TO THE BALANCE OF PAYMENTS AND SMALL BUSINESS

Mr. SPARKMAN. Mr. President, the House of Representatives is currently considering important questions of tax policy. One of these, the investment tax credit, has been a matter of interest to me for some time.

On October 6, 1966, on behalf of myself and 17 other Senators, I proposed to the Finance Committee that small business be exempted from the suspension of the tax credit up to an investment of $25,000. A week later, I spoke in favor of this proposal on the Senate floor and was glad to see it reported from the Committee on Finance and passed by the Senate. A figure of $15,000 came over from the other body, and eventually the Senate-House conference arrived at a figure of $20,000, which was written into Public Law 89–800.

The administration is now proposing that the investment tax credit be abolished for all business, and I will want to comment further when this matter reaches the Senate. However, because of the importance conferred by the Constitution upon the deliberations of the House of Representatives in tax matters, I hope that the Members of the other body will not look unkindly upon the expression of some of my views at this time.

It is fortunate for the country, I believe, that several Members of Congress have spoken out for continuation of the tax credit for small business firms. Two members of the Ways and Means Committee have proposed retention to some extent: Representative ULLMAN at $15,000 of investment, and Representative FULTON at the $50,000 level. On May 20, the Senator from Nevada (Mr. BIBLE) and the Senator from New York (Mr. JAVITS), the chairman and ranking minority member of the Select Committee on Small Business, joined in a statement to the House Ways and Means Committee urging that the credit be retained up to the $25,000 level of investment with a cutoff at $1 million of income, so that the giant corporations would not be participating in a benefit earmarked for smaller firms.

CONGRESS SHOULD EXERCISE INDEPENDENT JUDGMENT

I feel that there is merit in each of these proposals and hope they will be seriously considered as Congress exercises its own independent judgment on these questions.

The case for continuing the tax credit for small business is borne out, it seems to me, by the arguments which persuaded both the House and Senate to enact this measure in 1962 and to sustain it at $20,000 for small business while suspending it for larger firms in 1966.

It may be helpful to touch upon some of these points. With considerable foresight, then Secretary of the Treasury Douglas Dillon told the Committee on Finance on April 2, 1962:

> American industry must compete in a world of diminishing trade barriers, in which the advantages . . . so long enjoyed here in the United States, are now being or are about to be realized by many of our foreign competitors. Our balance of payments position, as well as our standard of living in the long run, can be improved or even maintained only if we can increase our efficiency and productivity at a rate at least equal to that of other leading industrialized nations. . . . We cannot, therefore, afford to stand by and do nothing.
>
> Machinery and equipment expenditures—the type of business capital expenditure which is basic to the creation of new products and which also makes the most direct contribution to cost-cutting, productivity, and efficiency—constitute a smaller percentage of the gross national product in the United States than in any major industrial nation of the world.[1]

In its report on the bill, the House Ways and Means Committee recognized that the tax credit would merely bring the United States abreast of its competition. It stated:

> The major industrialized nations . . . provide not only liberal depreciation deductions, but also initial allowances or incentive allowances to encourage investment and growth. This is true, for example, in Belgium, Canada, France, West Germany, Italy, Japan, the Netherlands, Sweden and the United Kingdom.[2]

The Treasury testimony incident to this bill emphasized the fact that the modernization of depreciation guidelines, accomplished in 1962 by Revenue Procedure 62–21, would not be enough to equalize the conditions of international competition. This was so because most industrial countries already were far ahead of the United States in allowing rapid writeoffs for new equipment in addition to allowing investment tax credits and other investment allowances. Using an example which is well known in my own State of Alabama, Secretary Dillon concluded:

> Should our overall administrative revision of depreciation bring about reductions in guideline lives as large as those which were found appropriate for the textile industry, not more than a quarter of the current gap between depreciation practices here and abroad will be closed. Administrative modernization of depreciation (alone) simply cannot do the job. . . . The combination of both (this) and a special incentive such as the investment credit contained in the bill before you is required if U.S. business firms are to be placed on substantially equal footing with their foreign competitors.[3]

There was no doubt in 1962 that such a provision was needed as a permanent part of the U.S. tax structure since "the argument which the Treasury has made for the credit clearly revealed that such legislation must be a permanent part of our tax code if we are to meet foreign competition." [4]

U.S. TRADE BALANCE HAS DECLINED

On May 23 of this year, I placed before the Senate a review of the trade statistics of recent years, indicating that the balance in the U.S. trade account has declined steadily from $6.7 billion in 1964 to $1 billion in 1968, and a deficit for the first quarter of 1969 in the amount of $68.1 million. As we are aware, these figures, as conventionally reported in the Statistical Abstract, include several noncommercial, Government-assisted items. Taking the commercial surplus only for 1968 we find:

> The surplus on non-military merchandise trade declined $3.4 billion . . . to a mere $100 million (during the past year).[5]

So, Secretary Dillon knew what he was talking about.

In the Small Business Committee, we have for several years been pleading for tax equality for American exporters. The former chairman of the committee, Senator SMATHERS, and the Senator from Wisconsin (Mr. NELSON) have been active in this regard. In 1968, some atten-

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[1] "Revenue Act of 1962," Hearings before the Committee on Finance, U.S. Senate, Part 1, April 2, 1962, p. 79 *et seq.*

[2] Report of the Committee on Ways and Means on the Revenue Act of 1962, House Rept. 1447, March 16, 1962, p. 8.

[3] Hearings before the Committee on Finance, *loc. cit.*, p. 83. See also table comparing depreciation deductions for leading industrial countries, p. 82.

[4] Hearings, *loc. cit.*, p. 85.

[5] "U.S. Balance of Payments—Fourth Quarter and Year 1968," by Lederer and Parrish, *Survey of Current Business*, U.S. Department of Commerce, March 1969, pp. 24–25.

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tion was devoted to this matter by the executive branch, as U.S. representatives went abroad to raise this issue with our trading partners.[6]

It is my understanding that when questioned about the impact of preserving a small business investment tax credit on the balance of payments, the present Secretary of the Treasury, Mr. David Kennedy, told the Ways and Means Committee that his Department was considering other measures to do this job which he did not describe and which might be brought before Congress at a future time.

I would respectfully suggest that we now have one of the best possible tax equalization devices already on the books. The Treasury testimony in 1961 and 1962 made it evident that a wide range of alternatives—including a 14-percent investment allowance, an initial 20-percent investment allowance, triple—declining balance depreciation and across-the-board percentage increases in depreciation allowances—had been carefully considered, both singly and in combination. On the basis of this thorough appraisal, Secretary Dillon was able to tell the Congress:

> We have chosen the credit primarily because *it increases the profitability of investment far more per dollar of revenue cost than any of the other alternatives.*[7] (Emphasis supplied.)

The credit has proved to be workable, is becoming increasingly familiar to our businessmen, and is of demonstrated effectiveness.

In my opinion, we ought to follow Secretary Dillon's advice, and allow the investment tax credit to continue to do its work in the future as it has in the past. I feel that Congress should have the wisdom not to switch this basic feature of tax law on and off every time the economy shows some sign of overheating. Of course, it is absolutely necessary to combat inflation. However, the small business share of the tax credit is very minor indeed. On the basis of the 1962–63 figures, we estimated the truly small business proportion of the credit at a little over 2 percent in 1965.[8]

We might be corrected on that, and I think it should be helpful to the Congress if the Treasury Department could calculate this figure more precisely and bring it up to date. There might be an indication in the amount of tax credit claimed during the period when the suspension was in effect, since smaller firms were excepted from the suspension.

SMALL BUSINESS NEEDS ARE GREATEST

It is my impression that better statistical evidence will confirm that there is a minimal inflationary danger from the use of the investment tax credit by independent manufacturers, small businesses, and family farmers who need its help the most.

If we are serious about wishing to preserve the free enterprise system in this country—that is, to protect the independence of existing business and to make it possible for new firms to enter an industry, to grow, and innovate new products and better services—we must back our words with acts in the tax field, among others.

In relating that the investment tax credit increases the profitability and reduces the risk associated with the investment in new equipment, Secretary Dillon stated, at page 83 of his 1962 testimony that:

> The increased cash flow will be particularly important for new and smaller firms, which do not have ready access to the capital markets and whose growth is often restrained by a lack of capital funds.

The figures developed by Senators Bible and Javits show that the average credit taken in 1965 in the manufacturing sector, which is the heart of our economy, is about $9,310. In line with the general trend of prices, it has probably risen since then.

Because of this, I would think that the investment tax credit should be preserved at about the $150,000 level of investment, which would amount to somewhat more than $10,000 in actual credit. According to the decisions of the companies themselves, this would afford a realistic level of support for firms attempting to compete with established multinational corporations based abroad—which will continue to enjoy investment credits from their government—and at home—which enjoy many other financial advantages.

It would be relatively easy, I believe, to provide safeguards against some of the objections which are being raised. There would actually be a revenue gain if my proposal were substituted for the existing law. Any "revenue loss" can be regulated with considerable precision by adjusting the level of investment permitted, so that a reasonable balance of costs and benefits is assured. In doing this, I assume the Treasury would not allow giant corporations to abuse this mechanism by claiming multiple credits on behalf of several dozen of their affiliates. I feel, also, that the tax credit would not be "wasted" by allowing it to all small businesses, including those in the wholesaling, retailing, and service fields. It is quite probable that the investments of these types of companies would continue at a level far below the average in the manufacturing sector, simply because the smaller scale inherent in these industries would not support the magnitude of investment which is needed in manufacturing.

It is my hope that this information will be helpful to all who are concerned with this matter. I will continue to do all I can to assist the U.S. balance of payments and the small business community as the investment tax credit is considered by the Congress.

THE TUFTS-DELTA MEDICAL CENTER

Mr. KENNEDY. Mr. President, for the past 3 years I have watched with great interest the progress of the Office of Economic Opportunity's neighborhood health centers. One particular project, the pilot Tufts-Delta Center in Mound Bayou, Miss., merits our special attention and praise.

The center, more than a year old, is operated by Boston's Tufts University Medical School. It is located in the 500-square-mile area of northern Bolivar County. The 14 communities in the area are characterized by a 75-percent unemployment rate, an average annual family income of $900, and an educational level of 4.3 years of schooling. Since coming to the delta, the center has treated nearly 5,000 of the 11,000 impoverished residents.

The Tufts-Delta project is truly comprehensive. Its director, Dr. Jack Geiger, formerly operated a medical center in urban Boston. Yet, he finds that rural problems call for solutions all their own. Dr. Geiger's team, after working with the residents, was able to establish what were their most urgent needs.

One of these is malnutrition, a condition which Dr. Geiger feels is the basis of most of the poor health in the area. He began to stock food in the center's pharmacy, and with an additional OEO grant, helped the residents start their own food cooperative. Dr. Geiger reports that in one spring and summer, the members of the cooperative have grown enough food to end hunger in all of northern Bolivar County.

Members of the team were also instrumental in organizing group sessions for the residents, so that they might have the opportunity to meet together and discuss solutions to common problems. The center's clinical psychologist found that these sessions are a great help in overcoming the constant depressions that poverty breeds.

In addition to these activities, work crews of the environmental improvement unit clean up ramshackle homes, dig wells, build sanitary privies, and have even organized water corporations. Aides from the center teach housekeeping and home maintenance.

The accomplishments of the Tufts-Delta Neighborhood Health Center in the Mississippi Delta are truly remarkable. This center serves as an excellent example of what comprehensive neighborhood health centers can do to raise the living standards of the poor.

A recent article from the Wall Street Journal called my attention to this particular OEO pilot project, and I would like to include it today in the Record, with the hope that its inclusion will bring greater attention to this excellent program. The article was written by Neil Maxwell and was published in the Wall Street Journal of January 14. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Medical Team Combats Negroes' Dismal Health in Mississippi Delta—Illness Traced to Bad Diets, Sanitation and Housing; Food Cooperative Formed

(By Neil Maxwell)

Mound Bayou, Miss.—About one day out of two, 11-year-old Diane Sims awakens with a sharp headache and vomits if she tries to eat. Poor health keeps her out of school more than half the time.

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[6] A summary of this activity is contained in the 19th Annual Report of the Senate Small Business Committee, now in manuscript form.

[7] Hearings, *loc. cit.*, p. 85.

[8] "Suspension of the Investment Tax Credit and Accelerated Depreciation," Hearings before the Committee on Finance, October 3, 5 and 6, 1966, at page 314, *et seq.*

The mysterious ailment greatly troubles Diane's mother, but Mrs. Sims, a cotton picker, says. "You got to have six or eight dollars to go to a doctor." Mrs. Sims doesn't have the money. Nor does she have the $10 that a dentist would charge to extract two of her own aching teeth.

The Sims' plight is all too typical of this impoverished, predominantly Negro portion of the Mississippi Delta. But an experimental facility called the Tufts-Delta Health Center now is providing free medical diagnosis and treatment for the rural poor here—and working to cure the environmental conditions that produce bad health.

Operated by a team from Tufts University medical school of Boston, the center is functioning in the northern half of Bolivar County. Thus far, it has treated about 5,000 of the region's 11,000 residents, 80% of whom are Negroes. Mrs. Sims and Diane live just outside that region, but recently they were visited by a center physician in his spare time.

A PILOT PROJECT

The Tufts-Delta center clearly is making progress with the health problems of Bolivar County. But perhaps more important (since it may serve as the model for other centers in the rural South), it is amassing new and often surprising information on health conditions among the rural poor.

It has discovered, for instance, that the health of Negroes in the Delta is deteriorating while health standards around the nation—and among whites here—are rising. Between 1960 and 1964, the death rate for Negro infants in this region rose by 25%. The rate for white infants went down by 33%.

Health conditions here, says one physician at the center, "are worse than before because of the transition from the plantation economy." Plantation owners, he says, "used to have a stake in the health of their field hands, but they don't any more."

There is a Bolivar County health department, with several offices, but they are open only one day a week. Dr. Dominick Tumminello, county health officer, is said to feel that the center merely duplicates his efforts, but he won't comment. "I don't want to talk about that or anything else," Dr. Tumminello says.

NOT FOR, NOT AGAINST

"They don't do anything for us, and they don't do anything against us," says Dr. H. Jack Geiger, director of the center. Tufts-Delta, financed by a grant of $1.1 million annually from the U.S. Office of Economic Opportunity, has been in operation more than a year. Two months ago it moved into a new $900,000 building that squats incongruously in what was once a cotton field.

If Bolivar County's health problems require treatment of the environment as well as specific medical complaints, that is just what the Tufts-Delta people are equipped to do. They are practitioners of "community medicine," a new specialty that works to improve social conditions in addition to giving medical care. The center staff includes a nutritionist, a psychologist, a specialist in sanitation, a home economics counselor and various nonprofessional aides.

Dr. Geiger came to Mound Bayou after operating a medical center for the poor in Boston, but he finds that rural problems differ sharply from those of urban ghettos. "When we first came here, we thought we would be overwhelmed with kids," he says. "But we got whomped with older people with chronic illness who had been sitting out there unattended."

But children here have their special problems, too. "In the city, a child is almost always born in a hospital, so if he has an early problem, he gets early care," Dr. Geiger explains. "Here he just sickens and dies."

Recently an 18-year-old mother brought to the center her three-month-old son, a wizened infant who hadn't gained weight since birth. He was put on intravenous feeding and improved remarkably overnight. "Without treatment, he would have been dead in a week," says Dr. Aaron Shirley, the center's pediatrician.

RURAL AND URBAN

Dr. Geiger finds other contrasts with the cities. Children here don't get lead poisoning from eating paint flakes as do some city dwellers, he says, because most of the shacks here have never been painted. But gastrointestinal infections resulting from contaminated food and water are common.

The center staff encounters unusual customs, too. Occasionally a child is seen with a string tied around his waist. His parents explain that this is an African custom; the string supposedly insures that the child will grow up with a strong back. Many midwives charge $20 for delivering a girl baby—and $25 for a boy. "I guess they figure a boy is worth more because he can grow up and go into the service," says Leurene Banks, a mother of four boys and two girls.

The center has found that many residents spend what little money they have for medical care unwisely. On a recent visit to an impoverished mother of seven, for example, one of the center's workers discovered that the woman had bought expensive prescription sunglasses in addition to her regular glasses; the worker suggested that the woman could get along without the sunglasses. On the other hand, the woman said she didn't have enough money to buy pills for her high blood pressure. As it happened, the woman could have obtained the pills free at the center.

One of the center's earliest findings was that many ailments were caused by poor or inadequate diet. "We started stocking food in our pharmacy, on the grounds that the specific therapy for malnutrition is food," says Dr. Geiger.

Thelma Walker, head nurse, recalls a recent case: "A nurse paying a routine call on an elderly man with hypertension who has a severely retarded daughter found that there was absolutely no food in the house." The nurse filled out a requisition form for chickens, ground beef, potatoes, shortening, coffee, milk, corn meal and other staples—all supplied free by the center.

In fact, for many families, this is turning out to be their best-fed winter. With an additional OEO grant of $152,000, Tufts-Delta has started a food cooperative. In the field behind the office, long rows of collard greens, field peas and spinach have been harvested from the rich Delta soil. A total of 126 acres has been devoted to growing crops for the benefit of the 734 families in the co-op.

Volunteers worked a week each to plant, tend and harvest the crops. Each volunteer was paid $20 cash plus $30 credit at the co-op. The co-op now has 26 tons of food stored in a rented frozen food locker for cut-rate purchase by its members—or free distribution to those in dire need. The average income of co-op member families is about $200 a year.

FIXING THINGS UP

Another finding: Many medical problems are caused by living in drafty shacks with garbage-littered yards and filthy outhouses—or with no toilets at all. Crews were organized to clean up, and aides from the center have been teaching housekeeping and home maintenance.

One recent day a crew went to work at Maybelle Munroe's ramshackle home. One man jockeyed a tractor-drawn mower through a shoulder-high stand of weeds that choked the yard and made the path to the outhouse impassable. Four other men drove a pipe into the ground to make a new well. The new well replaced a shallower one that had gone dry. Mrs. Munroe and her four children had been getting water from a blocked drainage ditch across the road, after scraping the scum off the surface.

The previous day, Mrs. Julia Ray, the center's home economist, had visited. Along with Mrs. Munroe and a neighbor, she cleaned the house, threw out junk, washed clothes and bedding and patched a hole in the kitchen floor that had functioned as a toilet on occasion.

HIGH BLOOD

The center's physicians report that high blood pressure—called "high blood" by the area's residents—is common among Negroes here. Salt and pork, both of which aggravate the ailment, are a staple of local diets, and the center is trying to limit their use.

High blood pressure often is associated with coronary disease, but Dr. Geiger says, "We see relatively few coronaries. It will take a lot more looking to tell why." Dr. Curtis G. Hames of Claxton, Ga., who has studied heart disease among 7,000 residents of this region, has concluded that a regimen of strenuous work accounts for a low rate of such disease among field hands.

Dr. Geiger reports other impressions of his rural charges. "At Boston we saw a lot of behavior disorders," he says. "Here you don't see nearly as much." He reasons that rural families have greater stability than those in the urban ghettos.

Another unexpected discovery: "You see very little alcoholism here, and my initial impression is that there is less social disorganization and more stability because people have to stick together to meet survival needs."

But Florence Halpern, the center's clinical psychologist, points out a real problem. "There are an incredible number of depressions here," she says. But the causes of the depression usually are close to the surface.

"Here a middle-aged woman who is depressed knows she is depressed, and she knows why," says Mrs. Halpern. "It may be because she can't raise $5 for a new dress, because she can't pick cotton any more, or it might be a minor physical ailment that has gone untreated. Or because the house is empty, with the men and grown children moved north."

The center is trying to cope with the problem. "We are organizing group sessions for the women so they can sew or knit themselves a dress and get together with other women in the same boat," Mrs. Halpern says.

MILITARY BUDGET AND NATIONAL ECONOMIC PRIORITIES — TESTIMONY OF SENATOR GOLDWATER

Mr. GOLDWATER. Mr. President, on Tuesday of this week I had the privilege of testifying before the Joint Economic Subcommittee presided over by the Senator from Wisconsin (Mr. PROXMIRE) on the question of military budget and national economic priorities. Needless to say, I was received courteously and given every opportunity to present my ideas and suggestions. At this time I would like to express my appreciation to Senator PROXMIRE and his subcommittee for agreeing to accept three of my recommendataions:

First. That former Defense Secretary Robert McNamara be invited to appear as a subcommittee witness and testify about the procurement procedures which resulted in so much waste, inefficiency, and cost overruns during his regime at the Pentagon.

Second. To seek testimony from some experts on the Soviet Union with especial attention to its present military buildup and plans for the future.

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Third. To explore the possibility of creating a Joint Committee on Economic Priorities which might combine the efforts of the Appropriations Committee, the Armed Services Committee, and the Joint Economic Committee on important questions of the order of our spending.

I ask unanimous consent to have printed in the Record my statement to the Joint Congressional Subcommittee on Economy in Government, June 10, 1969.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Barry Goldwater of Arizona Before the Joint Congressional Subcommittee on Economy in Government

Mr. Chairman and Members of the Subcommittee, I wish to thank you for inviting me here today to testify on this very important question of the military budget and national economic priorities. I believe, Mr. Chairman, that my career and my public statements over the years have qualified me to some extent to add my voice to any discussion which has to do with military expenditures in today's world.

Now, when I was first asked to testify at these hearings, I declined. My feeling was that the members of this subcommittee may already have made up their minds as to where the military budget should fit in any overall consideration of national spending priorities. In addition to that, I was concerned that the subcommittee's revelations on waste and inefficiency in defense procurement would become a controlling factor in any recommendations it might make on spending priorities.

This feeling, I must say, stemmed primarily from the news release which was attached to the Chairman's letter to me in which it was announced that there are clear signs that the Federal Government is spending too much money on military programs. This was a direct quote from that press release which went on to say that the hearings of this subcommittee on the C–5A cargo plane illustrated that the Pentagon was unable to effectively control the cost of its weapon system.

Mr. Chairman, I have no quarrel with the whole idea of coming to grips with waste and inefficiency and the expenditure of too much money in defense procurement. However, I do not believe that this should be a ruling factor in any decision on spending priorities.

As I say, this was my feeling. I must say that it hasn't been entirely dispelled. However, since declining the committee's first invitation to appear and testify, I have had several conversations with Chairman Proxmire which clarified certain points in my mind. In addition to that, President Nixon has subsequently clarified the administration's viewpoints on some of these questions.

Consequently, I am here today in the hope that I may be of some assistance in these deliberations.

At the outset, let me make it very clear that I did not come here today to debate military strategy or to criticize or evaluate American policy in Vietnam or other areas of the world. Nor did I come here to suggest any panaceas for the situations that confront us.

For example, I am not about to come up with any easy-sounding solution such as the nationalization of defense industries doing more than 75 per cent of their total business with the government. I have no desire, believe me, to extend the bureaucratic arm of this government, especially into the field of private enterprise. I ask you to consider how long it might take us to receive delivery on a new plane if Lockheed or North American Aviation or Boeing or any of the other defense contractors were being operated with that marvelous bureaucratic efficiency with which our Post Office is run.

In the Chairman's invitation for me to appear, he spoke of a dialogue on the important questions involved in the military budget and national economic priorities. I sincerely hope that such a dialogue will be possible, but I must, in truth, say that so far from what I have read in the papers, these hearings have seemed to be more of a sounding board for those who want to criticize various facets of our military establishment or our foreign policy than it has a serious dialogue on where the defense of this nation should stand in any list of priorities.

For example, every time that Secretary Laird tries to explain the necessity of a system like the ABM, the hue and cry immediately is raised that he is attempting to frighten the American people.

Mr. Chairman, in stating the problems that face this nation on a worldwide basis from a militant, aggressive Communist nation like Soviet Russia, I do not believe the Secretary is engaging in a deliberate effort to frighten the American people. If the truth is frightening, so help me that's the way it's going to have to be. Because the American people have had enough of secrecy and distortion from the Pentagon, wether they be called justifiable lying in the name of national security, such as we used to hear from gentlemen like Assistant Defense Secretary Arthur Sylvester or whether they are in the form of false information about low bids, efficiency performances, procurement practices, the American people have had enough from the Pentagon that sounds like cost-effectiveness and which was really waste and inefficiency.

I am convinced that the American people want the truth about their government and about the challenges which face us as a nation. If the truth is frightening, if it gives us cause for concern, I am convinced that the American people will be able to cope. I don't want anyone in this administration, particularly in the Defense Department, glossing over the true situation that confronts the American taxpayers and their collective security.

We are faced with a challenge, and let me say that it is not Secretary Laird nor President Nixon who is arranging the formidable military buildup in the Soviet Union. Nor do we know the facts of this buildup from their information alone. Many independent sources, including the British Institute for Strategic Studies have also laid out the cold, hard facts of a Soviet armaments buildup.

The plain fact is the Soviet Union is building up all facets of its military capacity. Its nuclear capabilities are being extended. Its navy is being enlarged. All of its conventional arms are on the increase. The SS–9 missile is on an increased production schedule. They are spending a growing portion of their national income on military hardware.

These items are not related as a scare tactic; they are reported because they are facts. And I believe this nation and this subcommittee have got to face these facts and the overall fact of a worldwide challenge to the United States in deciding about the disposition of military expenditures.

I do *not* mean by this that there should be any condoning of or acquiescing in waste and inefficiency and extravagance in the military establishment. I believe that we must do everything in our power to eliminate waste and inefficiency and extravagance in the Pentagon and in all other departments of this sprawling, hard-to-manage federal system.

And I should like to emphasize that President Nixon shares this view. In fact, in his speech at the U.S. Air Force Academy, he urged the graduates to be "in the vanguard of the movement" to eliminate waste and inefficiency and demand clear answers on procurement policy.

Your own subcommittee, in its previous report, has outlined this problem in great and admirable detail. The Defense Department over the past eight years has loaded the taxpayers of this country with billions of dollars that were unnecessarily spent. I want to congratulate this subcommittee on its work in bringing the full magnitude of this situation to public attention.

I do believe, however, that when this subcommittee and this Congress begin to investigate and report on billions of dollars of the taxpayers' money lost, they are, to some degree reporting on their own delinquency.

I think we have to remember that no one forced the Congress to approve these funds. These huge defense budgets over the past eight years were subject to Congressional inquiry. Nobody actually jammed them down our throats.

Now, Mr. Chairman, I have not been here for the last four years, but I have a pretty fair idea of what went on in the matter of defense expenditures prior to that time. And I want to say that it was no mystery to well informed and inquiring people that things were terribly wrong at the Pentagon and in its procurement procedures.

As a matter of fact, the TFX fighter bomber case alone was sufficient to point us in that direction. I say again, there was no mystery. Many stories were written about the investigative efforts of Senators McClellan, Jackson, Curtis, and Mundt directed at cutting away some of the confusion and some of the misinformation that was being used to cover up a very, very bad piece of procurement by the Pentagon.

Now this was a big case. It involved billions of dollars. And it was a case where a multibillion dollar contract was awarded to the highest bidder for a plane over the advice of practically every expert in the military services affected.

As I say, there was no mystery about all this. Books were written on the subject. I have read a book called "The Pentagon" written by Washington correspondent Clark Mollenhoff in 1967 and another volume by the same author called "The Despoilers of Democracy." Both of these books told a frightening story of waste and inefficiency, extravagance and favoritism in the Department of Defense.

Now these were not generalities. Mr. Mollenhoff and reporters like him dealt with specific facts about the waste and inefficiency and squandering of the taxpayers' money in the Department of Defense. But I don't recall any great hue and cry being raised at that time. I don't recall any outpouring of criticism aimed at the so-called military-industrial complex. I don't recall any efforts to take a more than customary look at every facet of the defense budget. I don't recall either any strenuous attempt by any group in Congress to establish a system of priorities for this nation's critical needs.

Perhaps we failed in this respect because of the public relations ability of former Defense Secretary Robert McNamara.

As the *Washington Post*, in an article by Richard Harwood and Laurence Stern, observed on June 4.

"McNamara became a liberal hero despite the Bay of Pigs, the Dominican intervention and the war in Vietnam and despite the steadily rising costs of the military establishment (from $47 billion in 1961 to more than $80 billion today)."

I believe we must remember that it was McNamara, and not Laird, who presided over the Defense Department when all the waste and inefficiency and cost overruns were being piled up. He is the man I suspect who should have been called as a witness in your prior hearings on waste and inefficiency in defense procurement. And I believe he ought to be heard in these current hearings. The Congress certainly ought to know what the man who decided the destinies of this huge undertaking for so long a period of time has to say about the mess that the incoming administration found when it took over the Pentagon.

So much for past history. Now I believe it is time for this committee to direct its attention to how best it can come to grips with the current problem.

Let me be very clear. I am interested in your deliberations and I am very desirous that some recommendation will come forth which will take into account not only the huge burden which our present defense needs place on the American taxpayers, but also will take into account the continued security of the American people and the continued welfare of the free world. I am as much concerned as you are over the high cost of defense. It worries me greatly, but at the same time I recognize that the kind of emphasis which currently is being placed on this problem could result in a dangerous lowering of our overall needed defense outlays.

I want you gentlemen to know that I firmly believe in a system of priorities for the spending of federal money. I have long advocated this and believe it should be as important a part of the process of spending in government as it is in the operation of a business or spending in our private lives. I believe such a system of priorities should not be confined to broad subjects such as welfare, housing, urban problems and military spending and decisions as to which should come first, second, third or fourth. I believe it must be extended into every detail of these structures. I have, for example, asked the various services to project their needs ahead on the basis of a continuing war in Vietnam and, secondly, on the hope that this war will be ended shortly. In either case, the services will need to consider how many bases might be needed to maintain and train a force necessary for our defense requirements.

If we could get some kind of a projection, I think it would bring about a more orderly system for construction and maintenance of military bases and would also give the communities affected an idea of what to expect. We need to ease the hardship that comes to the economy of communities when military establishments are closed down without advance warning.

In the case of the Navy, I have asked what a long-range program to put the Navy back into first class shape might look like in light of the Soviet naval buildup.

I have asked similar questions of the other services. For I believe that only through long-range, detailed planning can we avoid periods of frantic effort to catch up with the activities of our potential enemies. The cost of such effort is prohibitive and that is what we are experiencing today.

I should think that this committee would certainly have a role to fill in overseeing this kind of long-range planning and priority. However, I really believe that to have it performed properly there should be a joint effort involving the Joint Economic Committee, the Appropriations Committee and the Armed Services Committee. In fact, I think it might be advisable to establish an overall Priority Committee to work for an orderly system of federal spending.

I believe there is no excuse for waste and inefficiency in any area of government, whether it is in the procedures and practices which have grown up in the Pentagon over the past eight years or in the expenditures for antipoverty projects such as the Job Corps, or in expenditures for highways, schools and hospitals.

But the mere existence of waste and cost overruns and similar problems in military procurement must not be allowed to blind this country to the need for keeping its defenses strong. Nor should the inflated cost of military hardware become the overriding consideration in determining our level of defense expenditures.

Now on the question of inflated costs, it stands to reason that rising prices are not peculiar to defense projects alone. I say that this is an important factor which must be considered carefully.

We must recognize, for example, that testimony before the Armed Services Committee indicates that perhaps as much as $500 million of the growing cost of the C–5A cargo plane is attributable to inflation. But at the same time if the C–5A is considered essential to the defense of this nation, we must grit our teeth and accept the burden.

For if we permit rising costs to become the sole determining factor in deciding whether an essential program is to be developed, then we must automatically call into question such projects as the International Highway System, and programs for building new schools, new hospitals and additional housing. In this connection, the Department of Transportation reports that in less than eight years the cost of the Federal Interstate Highway System has increased by an estimated $15 billion and no extra miles are involved.

A study in Montgomery County, Maryland, shows that an elementary school which cost $347,772 in 1959 costs $666,200 to build in 1969. A high school in that same county which cost $2.3 million in 1959 is priced at $3.4 million today. The same skyrocketing price structure runs throughout all government as well as private costs. This is the price we are now paying for a period of uncontrolled public spending. And here, too, the Congress must assume its share of the blame.

But we still come back to the basic premise which led President Nixon to say that he has no choice in his defense decisions "but to come down on the side of security." In other words, regardless of inflation and other factors, the security of 200 million Americans is non-negotiable.

In all discussions of military expenditures in the context of the debate going on today, sooner or later it gets around to former President Eisenhower's warning against the possibility of unwarranted influence being acquired by the military-industrial complex.

Everytime I hear this claim, I am reminded that the General had other important points to make in that farewell address. Because I believe they cannot be heard too often let me quote them again for you here:

"We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose and insidious in method. Unhappily the danger it poses promises to be of indefinite duration. To meet it successfully, there is call for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle—with liberty the stake. Only thus shall we remain, despite every provocation, on our charted course toward permanent peace and human betterment . . .

"A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

Mr. Chairman, last Sunday, the *Washington Star* had an excellent editorial which asked the question: "How much defense spending is enough?"

This, I think, gets to the heart of the matter that engages us in the dialogue that we find ourselves in here today. And in this connection, I want to point out that Chairman John Stennis of the Senate Armed Services Committee this year took a very important step towards obtaining an intelligent and expert answer to this question. He assigned every member of this full committee to a subcommittee which is looking into some aspect of the military budget.

For example, I serve on the Tactical Air Subcommittee which is charged with the responsibility of determining the actual needs of tactical air in the Army, Navy, Marine Corps and Air Force. When the budget comes to the floor, the members of our subcommittee will be in a position to discuss with their colleagues all questions that might be brought up when new equipment is sought or new purchases of old equipment are asked for.

Even though the able Chairman of our full committee and the extremely able and competent former Chairman, Senator Richard Russell, have been able to explain past budgets on the floor in a highly competent manner, this year they will be backed up by in-depth study and long subcommittee hearings covering every point in the total budget.

When we consider that the military budget before Korea was $13 billion and before the Vietnam buildup was $50 billion and now has reached the level of $80 billion, I think it is high time that the Armed Services Committee, the Appropriations Committee and this subcommittee look into the costs more closely than ever before.

I also feel the same type of observation study is needed throughout the entire budget submitted by the President. We might expand the *Washington Star's* editorial question of "How much defense spending is enough?" and make it read "How much spending is enough?"

Very frankly, Mr. Chairman, I believe we have reached that point in our history where money to cover government spending is going to be extremely difficult to obtain. In my humble opinion, if the war in Vietnam came to a complete halt this afternoon, we would not be able to make extreme cuts in defense spending for approximately five to seven years, as we will be forced to replenish the diminished stock of our military hardware.

Of course, if we could be relieved of our responsibility to the countries with whom we have made mutual security agreements, and if we could look forward to immediate talks with the Soviets on arms reduction, this statement might not be true. I sincerely hope along with all of you and all of our colleagues and all of the American people that in the very near future we can sit down with the Russians and discuss the whole problem of armament buildup.

This would be highly desirable, but I believe it would be disastrous for us to proceed in a way which would disarm the United States while its potential enemies in the world continue to build up their armed forces.

I thank you for the opportunity of visiting with you today, and if the members have any questions, I will be very glad to answer them for you.

COMMENCEMENT ADDRESS BY FRANK BLAIR

Mrs. SMITH. Mr. President, it was my privilege to attend the commencement exercises of Nasson College, in Springvale, Maine, this past Sunday, June 8, 1969. The clear-eyed, clean-cut, and serious appearance of the graduating class gave me great courage in the future of our country—for the young people are the future of our country—and reaffirmed my faith in young people.

But it was a double, and rather a special, privilege to be present at these commencement exercises, for I heard one of the finest, soundest, and most inspiring addresses I have ever heard.

That inspiring address was given by the noted and distinguished national newsman, Frank Blair, of the NBC Today daily morning program. It was a courageous address. It was a commonsense address. He called a spade a spade—and in a fair, objective, and calm manner.

What he said needs to be repeated time and time again throughout our Nation and to all groups of our citizens. I hope that many colleges will have him as a commencement speaker.

Because of the importance and the clarity of his message, I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Frank Blair, Commencement Address, Nasson College, June 8, 1969

Sometime ago, I read a "letter to the editor" from a Pittsburgh man, named Sylvan Stein. The letter had been included in that special section of one of our leading weekly news magazines. This is what he wrote: "The American people are complacent, indifferent, irresponsible, incapable, ignorant, incompetent, without honor, minus integrity, unaware, unconscious, apathetic, without purpose, utterly devoid of worthwhile goals and *stupid!* These simpering idiots, only thinly disguised as human beings, are nothing more than robots. They have brainwashed themselves into believing that the so-called 'American Way of Life' represents a democracy. A democracy contains (among other things) people who have ideals, beliefs, convictions, values, goals, purposes, hopes, dreams, aspirations; and its people live their lives honestly, fearlessly, and courageously in pursuit of what they themselves hold to be worthwhile." This fellow goes further. He says: "The average American has no viewpoint. The average American has no firm convictions about anything. He is a conformist. He has utterly no sense of values. He has no worthwhile principles by which to live his life. He has no goals, no future. He merely vegetables and breeds. The so-called 'American Way of Life' fosters and nurtures the epitome of mediocrity. There are no leaders; only followers. No great men; only conformists. No idealists; only security seekers. Americans don't like to lose but then Americans don't like to participate. They are as sheep in the meadow, pitifully occupying themselves with the sweet taste of grass, being blithely oblivious to the sound of the axes being sharpened just over the next knoll, placidly ignoring the stench of blood from the sheep that have gone before them."

Those are pretty strong words.

I don't agree with *everything* that fellow wrote in his "letter to the editor" to that magazine. But I must admit things are happening throughout our land which greatly disturb me—things which I feel must also be of real concern to every citizen. On all sides there are signs that the moral strength of our nation is decreasing alarmingly. The principles upon which our country was founded are being eroded. We are substituting materialistic values for moral standards. What is right and what is wrong are being discarded and we are establishing codes of ethics that, if followed, can only render us impotent as a people and as a nation.

Yet, many of us *do* live in a kind of dream world and we go our ways waiting for someone else to do what is necessary to get America back on the right road again. Seemingly, we don't want to become involved or else we justify our lack of action by saying:

"Oh, let George do it;" or

"It can't happen here;" or

"Times are changing, you've got to expect things like that;" or

"It's the Government's problem—I'm not going to worry about it."

You hear statements like these every day . . . from the man next door, a student in a classroom or a person who works with you. We can perceive this kind of attitude in some of our politicians or from some of our pulpits, from some reporters and editors and some college professors . . . from just about every level of society.

If the tide is to be turned, each one of us must realize that—"It *can* happen here! It *is* happening here!" As a matter of fact, it happens right before our eyes . . . on television.

If we are to survive, we are going to have to make drastic changes in our present way of life. We will have to change our behavior patterns, change our thought processes and adjust our moral values.

And don't you know our enemies—those who would love to see America decline like ancient Rome—are well aware of these things. Where we are really failing, I think, is that we are not being true to ourselves. The other day I read somewhere: "For man is true to himself as a free being when he acts in accord with the laws of right reason." To be a civilized American without knowing the moral, legal, and political philosophy which specifies what American civilization and the world's freedom (as we understand it) *mean* is to attempt the impossible!

It appears to me that some confusion as to *what* we are and *where* we *are* stems from the many groups who set out to ordain their own political philosophies without thought or concern for our past traditions and enterprises. In the civil rights movement alone, for example, there are at least six separate and distinct groups with different motives and objectives, rambling philosophies and sometimes incoherency.

You see, in our country today, it is no longer possible to be right or left; conservative in point of view or liberal. It would appear it is necessary to be *extreme*. And I think it is the *extremists* who are faltering our society and way of life. And, believe me, some of these organizations espoused by many of our countrymen would go to any lengths to put over their points of view, their theories and philosophies. They are not on the right side of the road or the left, which would be permissible and acceptable in a *free society*. They are on the fringe. They are rolling along the shoulder of the road and the *ditch* bordering the American highway of life is only a few feet away.

Is it really necessary? Does one have to go to extremes to fulfill his obligation to himself, to this nation and its millions of people?

Where does the answer lie? What course do we take? Well! We must take time to develop in our *young* people a sense of personal responsibility. We must develop an understanding of the importance of maintaining high moral standards, of the need for constant devotion to religious principles and of the necessity for fostering a deep and abiding pride *in* and love *of* our country.

We are going to need a tremendous lot of devotion to country if we are to survive in this hostile world. Foreign, strange ideologies surround us. In China, a favorite slogan of the Reds is: "We must hate—we must kill our enemies!" It has spread to other places on our globe. First, there was Korea. Today, we are up to our necks in rice paddies and jungle swamps in Vietnam. And it is costing American lives and billions of dollars to fulfill that commitment.

Of course, Vietnam is only one problem our nation faces in our domestic and foreign relations. There's NATO sans France. There's divided Germany with Communism just over the wall. There's our relationship with our neighbor nations on this continent to the north and the south. Right here at home there has been civil strife and rioting in the streets. Indeed, it is possible that Communism's most successful yet subtle attack upon democracy lies in the way in which it compels citizens of a democratic republic to use undemocratic methods in order to defend their democracy against those who would destroy it.

In *our* democracy, the greatest possible amount of responsibility rests upon the shoulders of the individual. For in a healthy democracy the State should take nothing on its shoulders that the individual can do—because we should recognize the dignity of the individual above that of the State. The State is made to serve the individual, not vice versa. And the *answer* to Communism lies, in the last resort, with the individual and not the State. Legislation against Communism is, at best, little more than first aid.

Today, distance is no barrier; languages offer no excuse! The great deliberative bodies; the United Nations, for example, overcome the language differences. We understand each other's languages through interpreters. We fail to understand each other's ideas and hopes.

If we are to survive, I think training in formal thinking must be given a place of continuous primacy in our educational system—beside the seeking of beauty, and tolerant religious, moral, legal and political philosophy. *Then* America can keep her ideals in the forefront to win the confidence of free men everywhere and, at the same time, possess first-rate instruments for protecting and implementing these ideals.

Let us move on now to what I consider one of our most serious and difficult to solve domestic problems—"The Turbulent Teenager."

The other day I had lunch with a young lady who was graduated last June from one of the Seven Sisters Colleges—a woman's college with the highest scholastic standards and a reputation all through the civilized world. From this *prestigious* institution she had been graduated cum laude. She had won an impressive array of scholarships, a coveted honorary fellowship, and a number of prizes for scholastic and literary achievement. Upon graduation, she had stepped effortlessly into an exciting job with one of the great American news organizations. She was an attractive young woman—poised, personable, tastefully dressed, articulate, interested, and interesting.

And she was demoralized.

As our conversation progressed, as I got behind the polished veneer of her mind, it became painfully apparent that this deluxe product of a deluxe university was dispirited and, in a way, confused—that she was without a sense of direction and purpose, that she was groping for a sense of values and a set of standards—that, in a word, she was an incomplete human being.

Is this young woman typical of the best that our best American universities can produce? I hope *not*. But I rather suspect she may be. If *so*, the conclusion is inescapable: there must be something wrong, somewhere, in our country's educational environment—by which I mean not the *schools alone*, but also the *home*, the *church* and synagogue, the *clubs* and *youth groups*, the *news media* by which our people are kept informed of current events—the whole *complex* of influences that shape the minds and hearts of our young.

In the words of the old-time politician, let's take a look at the record:

Illicit sex among young people is now commonplace.

Pornography is accepted, even preferred, in the literature, the movies, the theatrical productions which we serve up for our youth.

Juvenile delinquency is on the rise.

On the campuses, the emphasis seems to be more and more on marks and degrees—and less and less on learning.

XUM

The use of drugs has reached what some psychiatrists describe as epidemic proportions. Recently, a sociologist who investigated the drug habit on three college campuses in the New York-New Jersey area concluded that—and I quote—"drugs have out-glamorized and out-challenged sex among today's students." Some of the students interviewed said they were now bored with sex.

Among our youth, there is more and more disrespect for parents, for teachers, for authority, for the very values that made our country great.

I suggest . . . indeed, I state . . . that in our society now there are the seeds of self-destruction.

It is naive to say, as many of us do, that to adult generations the younger generations have always seemed to be going to the dogs. It is cute to quote Socrates, who said that the youth of his day had bad manners, contempt for authority and disrespect for their elders. To those who somehow find solace . . . find reassurance in the fact that Socrates thought he saw two thousand years ago what we think we see today, I suggest we remember what happened to Greece.

We must fact the facts, ugly as they may be. We *have let our young people down. We* have failed them. *We* have not measured up to our responsibilities.

For it is self-evident that if they are prone to excesses, if they are Hedonists, if they are without sane guidelines, sensible codes, worthy standards, then the responsibility is *ours*. They are the product of an environment which *we* have created.

The other day, Eric Hoffer, that sage of the so-called working classes, the longshoreman who became a best-seller, said that if it weren't for the hippies' predilection to drugs, he would be a hippie himself, because the hippie movement is symptomatic of a magnificent rebellion against all that is wrong in our society.

What are the conditions that have bred the revolt of our youth? Let me try to define them as I see them.

First, there is indeed a generation gap. Over and over again, rebellious young people say they do not really know their parents, that the parents do not really know them, that father and mother have little time *for*, or little interest *in*, talking with them, in guiding them, sharing and developing their interests. In New York City, a teenage drug addict—the scion of an old and prosperous family—was asked what his parents thought of his addiction. His reply—and I quote: "They don't know about it. In fact, they don't know much about me at all. They're too busy to have time for me." Unquote. The selfishness, the preoccupation, the distinterest of the parent builds "a generation gap" (as the young somewhat haughtily call it) in too many homes.

It is true, of course, that the gap in understanding between the middle-aged and the young . . . is widened by their markedly differing backgrounds. I, like most of you, grew up during the depression . . . in the days when a dollar was a treasured thing which would put a chicken in the pot. And obviously the need to have a dollar . . . the importance of it . . . the need to work for it and even scheme for it . . . was driven home to me. *My* children grew up in an atmosphere of relative affluence, the affluence that is typical of our times. To my children, I'm afraid, a dollar is something that always seems to be there . . . or, at least, is fairly easy to acquire, for jobs are abundant, as they certainly were *not* in my own youth. It is small wonder that there is a different shading in my sense of values and the values of my children. My luncheon companion the other day, the young lady from the Seven Sisters College, told me she knew of no one in her class and no one among her young men friends who was eager to earn riches. Her question to me was: "Why should we suffer through all that's necessary to build a fortune, or even to build financial security?" She, clearly, had watched the struggle of her own father and found it not worth the candle.

Which brings me to my next point. There is a genuine, and perhaps thoroughly well-founded, disrespect among our intelligent youth for the way of life of their parents . . . indeed, for the parents themselves. In Westport, a teenage juvenile delinquent said he did not want to be like his Dad. His father, he said, was a commuter trapped in the rat race. Those are his words. As the boy saw it, the father had very little in his life—little but a job, a commuters' train, a round of cocktail parties, a pile of unpaid bills—a growing pile because he tried to live up to the Joneses. In summary, this boy had not been shown a way of life that he could consider worth striving for—let alone worth wanting. It seemed significant to me that this boy did not know what he wanted in life. but did know what he didn't want. Unhappily, he is typical of many boys and girls . . . many young men and women . . . in our prosperous communities. Can one really wonder why, at one high school in Westport, Connecticut, it is estimated that about 70 per cent of the pupils have experimented with drugs. Is it really perplexing that children from these affluent homes turn to sex, narcotics, and crime—crime for kicks?

Now, in exploring the conditions that breed the revolt of our youth, let me venture into a subject that is close to home—the calibre quality and quantity of our teachers. It has seemed to me, and I am sure you will agree, that the truly inspired teacher is a rarity . . . that perhaps only a small minority really knows how to catch a student's interest, whet his curiosity, lead him deeply into a subject, stimulate his desire to learn, to expand his personal interests, to help him develop as a well-rounded, well-disciplined human being. I know too many bright young people who say they are bored in school. A common complaint is that the teacher is dull. I know too many students who are repelled when an inept teacher tries to sugar-coat learning, to make learning a game—a technique which, I am sure, may be helpful at times, but which surely can be overdone to the detriment of the student and of society. It is obvious, I think, that young people need a goal, an objective, something to work toward . . . so that, in the end, they can feel the thrill of accomplishment, the thrill of achievement—the thrill which, incidentally, will motivate them to tackle the next problem, to scale the next mountain.

Our teachers in the secondary and grade schools argue that they have too many pupils. Perhaps they do. It is certainly true that there are too few teachers—170 thousand teaching posts vacant around the country as of this date. Our teachers argue, and I think rightly, that their salaries are low in relation to the importance of their work. They certainly *are*. All of these things are complicating factors . . . all are problems to be overcome.

Secondary and grade school teachers in the Soviet Union are by no means brilliantly paid. In that Communist bureaucracy, one can be sure that a teacher's problems, personal and professional, are enormous by any standards. Yet it is a fact that Russian teachers—at least those in Moscow—have been described by American reporters as eminently successful in motivating the young . . . in teaching them to want to learn, and then in helping them to learn.

I think it would be pointless for me to dwell at any length on each of the various factors that is so clearly contributing to the unrest among our youth. The effect of the pill on sexual morality is well known.

All of us know that there is unrest and fear among our youth because of confusion and uncertainty over our country's policy in Vietnam. And, like you, I personally have heard too many times from too many young people that the hydrogen bomb and its awesome potential have demoralized the younger generation, have led many of them to the philosophy of "eat, drink and be merry today, for tomorrow we die."

I believe anyone whom you encourage and help to think and re-think in today's crisis will find his thoughts leading him back to things that are basic in American life—freedom, sanctity of the home, thrift, work, each man and each woman making his small contribution to the whole by trying, by what we used to call "right living."

Let us make the point that other generations of Americans have had their crises, too—their bloody wars, their long-lasting and soul-searing depressions, their riots, and even their threats of imminent extinction—and yet America has indeed made remarkable progress, largely by adhering to principles which may seem old-fashioned.

To sum up, the resolution of today's crisis in American life must begin with each individual. The relationship which you and I have with members of our immediate families is the beginning of a chain reaction. Within our family groups, we must teach and learn understanding, reasonableness, justice, love, fidelity, patriotism, love of God—for then and only then will we achieve the love of our fellowman which, I believe, can and will, save the country and the world.

Edward Hale, a former chaplain of the United States Senate, sums it all up nicely for us in these words:

"I am only one, but I am *one*. I *can't* do everything, but I *can* do something. And what I can do, that I ought to do, and what I ought to do, by the grace of God, I shall do."

Thank you.

CARDINAL BERAN, HUMANIST

Mr. DODD. Mr. President, Josef Cardinal Beran, archbishop of Prague, died recently in Rome, and the obituaries that followed were warm and affectionate.

Thoughtful though these notices were, a little more needs to be noted about this indomitable personality, a courageous champion of human dignity and self-determination.

He has rallied his countrymen in the direst times of distress. His support among the Czechoslovak people was so widespread that the Communist regime exiled him. Quite a few leaders of that regime later treacherously supported the Soviet invasion.

In the dark days of appeasement, before World War II exploded, Cardinal Beran summoned students and patriots who had come to ask his counsel. Jack-booted Nazi troops were treading heavily on the cobbled boulevards of Prague.

The great cleric led the group to the street.

Cardinal Beran said:

> There goes the anti-Christ.

For his refusal to knuckle under to Hitlerian authority, Cardinal Beran was sent to the notorious concentration camp at Dachau. At war's end, American troops released him, but not before he first made certain that fellow inmates of all creeds were assisted.

Alas, release for Cardinal Beran was shortlived. When the Communists triggered a coup d'etat in 1948, Cardinal Beran was the No. 1 target.

XUM

It was he who, again, led a group which had come to him for solace, to the street where Communist shock forces marched. He remarked mournfully:

> Please remember. The anti-Christ has returned to our midst.

The Communist totalitarians, like the Nazis before them, hounded and harassed this good and humane man. He was in jails and under forms of humiliating house arrest for 15 years—banished, of course, from his archdiocese.

At age 75, ill and fragile, Cardinal Beran was permitted to leave for Rome to accept the cardinal's hat of office. He was never again permitted by the Communist regime to return to the homeland for whose rights and people he so valiantly fought and suffered.

Even at 80, his age when he died, Cardinal Beran's senses were keen, and his love for liberty as alive as when he was ordained a young priest.

Cardinal Beran deserves the remembrance of all free men, and our thanks.

HAWAII SUPPORT FOR ABM SHOWN IN POLL

Mr. FONG. Mr. President, one of the most important decisions facing the American people and Congress this year is whether to go ahead with the Safeguard anti-ballistic-missile system proposed by President Nixon.

In my annual public opinion questionnaire sent earlier this year to a cross-section of more than 60,000 families on all islands in Hawaii, I included several questions on the ABM.

Four thousand questionnaires—or about 7 percent—were filled out and returned to me. I am told this response is rated good for a mail questionnaire.

As several members of a family often joined in marking the questionnaire, many of the returned copies represented more than one opinion. Therefore, the total response substantially exceeded the 4,000 returned questionnaires.

My poll showed that a majority—55 percent—of the people in Hawaii who replied approve going ahead with the Safeguard ABM, 19 percent disapprove, and 26 percent listed themselves as "not sure."

These results are in line with two nationwide polls that have reported support by the American people for the ABM.

A national poll conducted by Sindlinger & Co., a Pennsylvania market research firm, showed 61.5 percent agreed with President Nixon's proposal, 14.7 percent disapproved, and 23.8 percent expressed no opinion.

A Louis Harris survey indicated 47 percent of the American people approve the ABM project, while 26 percent oppose the project, and 27 percent are undecided.

The main question on my questionnaire was:

> A modified anti-ballistic missile system has been proposed to protect U.S. missile sites from destruction by enemy nuclear attack. After two ABM sites have been built, an annual review would determine whether more sites are needed. Should Congress authorize two sites (Montana and North Dakota) as proposed by the President?

The replies showed:

	Percent
Yes	54.6
No	18.8
Not sure	26.6

A related question asked whether "12 mainland sites plus two optional sites—Hawaii and Alaska" should be approved. The replies were 45.9 percent, "yes"; 27.5 percent, "no"; and 26.6 percent, "not sure."

A third question asked whether Congress should authorize "a full system of 12 mainland sites." The replies were 29.2 percent, "yes"; 32.6 percent, "no"; and 38.2 percent, "not sure."

When considered together, the responses to these three related questions indicates that—

First, there is overwhelming sentiment in Hawaii—of those who answered "yes" or "no"—in favor of building two initial ABM sites—54.6 percent "yes" versus 18.8 percent "no."

Second, there is also strong sentiment in Hawaii—of those who answered "yes" or "no"—in favor of building the full system of 12 mainland sites, plus one site each in Hawaii and Alaska—45.9 percent "yes" versus 27.5 percent "no."

Third, however, when Hawaii and Alaska were left out, more persons were opposed than in favor of building the 12 sites on the mainland—32.6 percent "no" versus 29.2 percent "yes."

There appears to be a strong feeling among Hawaii's people that they do not want the islands to be left without ABM defense protection from nuclear attack. This would appear to be the reason why 45.9 percent said "yes" to including Hawaii and Alaska if the full ABM system of 12 mainland sites is to be approved and why only 29.2 percent said "yes" when Hawaii and Alaska were excluded.

On a fourth question rounding out my survey, 30.7 percent replied they wanted no sites at all, but a larger number—37.4 percent—wanted some sites, and 31.9 percent were "not sure." Only two-thirds of those who answered the first three questions responded to this question.

Summing up, I believe my survey showed most of the people of Hawaii who answered "yes" or "no" want the ABM started on a pilot basis as proposed by President Nixon, since an annual review would determine whether more sites are needed after the first two have been built.

Compared with Harris nationwide survey, my survey shows there appears to be even more support in Hawaii for going ahead with the modified Nixon plan for a "thin" ABM defense system.

As reported by Louis Harris, the dominant feeling among the American people is that the Russians are already embarked on an ABM system of their own and it is better for the United States to be overprepared rather than to be caught short without proper defense.

SENATOR ROBERT F. KENNEDY—IN MEMORIAM

Mr. WILLIAMS of New Jersey. Mr. President, the death of Senator Robert F. Kennedy just 1 year ago gripped the entire world in the deepest sorrow. This grief is felt every day and most poignantly just 1 year after mankind's terrible loss.

Frank Lewin, a composer from Princeton, N.J., watching the funeral service for Robert Kennedy, was inspired to create a requiem mass in memory of our late colleague.

As pointed out by two articles, one in the Trenton Sunday Times Advertiser of May 25, the other in the Trenton Evening Times of May 28, this deeply moving tribute was written by a Jew, conducted by a Protestant, and performed in a Presbyterian chapel, in memory of a Catholic, reminds us of our spiritual oneness.

I ask unanimous consent that these two articles be reprinted in the RECORD so that Senators may have an opportunity to know of this beautiful tribute to our late colleague.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

(By Annette Heuser)

The death of Robert Kennedy came as a blow to most of us, and it did to Frank Lewin, too. But it also helped him achieve an artistic creation which otherwise might never have seen the light of day, a requiem mass in his memory which will be heard for the first time this Tuesday—the first anniversary of the senator's death—in the Princeton University Chapel.

Lewin, a composer and a Princeton resident, was watching the funeral train of the late senator pass Princeton Junction last year.

"I'm not a sentimental man," he says, "But standing there with thousands of people did something to me. Later, I watched the funeral service on television. Here was a great man being buried, and I thought there was no unity in that service. I said to myself: "I can do better." So I began working on the mass—I finished it in March this year."

It is one of the first masses ever written which uses English as its text. A decree of Vatican II established the language of each country as the language of the liturgy. Masses until then were composed to be sung in Latin, "and the music just doesn't fit an English text," Lewin said. "The long vowels of Latin aren't there, and the original fusion of words and music is lost in translation."

The mass is a true ecumenical effort, Lewin explained. "I am Jewish, and it will be performed by pupils from the Princeton high school—they are of all faiths. We were worrying that the parents might object to the chorus singing a religious piece of music, but we haven't heard anything. The conductor is a Protestant, and the chapel is Presbyterian."

The girls in the choir rehearsed in the huge chapel the other day. Conductor Bill Trego drew from them and the organist a sound that is soaring and lofty, but not in the sense that ancient church music might be. It is a distinctly modern tone, yet heavy with dignity and emotion. Sylvia Jones, a soprano from Princeton will enrich it with her voice, and the male soloist is Leo Goeke, a tenor from New York City.

Lewin, who loves to talk about his music, works in a soundproof basement at his home on Magnolia Lane in Princeton. He composes mostly for films and TV shows, testing out the creative results on a stereo set and a number of electronic gadgets that a non-expert finds hard to describe.

The problem of making music and subject matter merge constantly comes up for Lewin, but he has overcome it, he feels, in various film scores he has composed.

XUM

A film he set to music had a scene in it in which a person went into shock. Lewin thought for a while and came up with a sequence in which a knife is scraping on strings.

"Later, a friend of mine mentioned it to me. He insisted that there was no music in the background during that scene. That was the greatest compliment I ever got," the composer said.

Composing for a choir was a new challenge, and one he would like to take up again in an opera. But before that, he will complete an outdoor musical drama for Washington's Crossing State Park, to be performed there a few years from now. Arthur Lithgow, director of Princeton's McCarter Theater, is collaborating.

Lewin has composed music for TV programs such as "The Defenders," "The Nurses," "The Doctors," and for an endless number of films.

A light trace of an accent is still in Lewin's voice. He came to this country from Germany when he was a boy, and was educated at the New York College of Music in Manhattan and the Yale University School of Music.

Lewin, a shyly charming man, surprises with the agility of his mind, yet it is probably the result of his constant immersion in music. He moves his body when he hums a few bars for the choir, telling how it should be done, and his large eyes are full of life and creative spark.

At 44, he has written the music for feature films, including "The Fugitive Kind," "Splendor in the Grass," and "The Power and the Glory." He also did the scores for a number of documentaries, including "A Year Towards Tomorrow," which won an Academy Award; "Paintings in the White House; A Close-Up;" "Spirit in the Tree," and "An Extra Measure" done for the March of Dimes.

And he has even done a musical score for a movie called "Color and Textures in Aluminum Finishes" for Alcoa.

For a record called "What's the Score," Lewin collected samples of his works. They range from pleasantly lilting Mexican-influenced melodies, to broad lyrical sweeps to snappy rock and roll.

Lewin also composed incidental music for productions by the University Players, the Princeton Community Players, Theater Intime, and the McCarter Theater production of "The Tempest." "Twelfth Night," "As You Like It," "Taming of the Shrew," "A Midsummer Night's Dream" are some of the other plays that he has done the score for.

But concert music, a very special kind of challenge for Lewin, is on his list of achievements, too. He has composed a cycle of songs on the poems by William Blake, a cycle of songs, "The Seasons," on the poems of Thomas Nash, and various other works.

The 70 voices of the Princeton High School Choir will be assisted by the choir of the Witherspoon Presbyterian Church when the requiem mass is first heard on Tuesday. To make the occasion truly ecumenical, a number of clergymen, of different faiths, will participate, including the Rev. Christopher Reilly, director of the Aquinas Institute which is sponsoring the event.

Music for the Catholic Church stands at a new beginning, Frank Lewin says in the program notes. Lewin's mass will draw together men of different faiths in a homage to a leader gone; it may be a better beginning than he knew a year ago when the train rolled past the railroad platform.

REQUIEM FOR R. F. K.: MEMORIAL MASS AND MUSICAL TRIBUTE DRAWS 2,000 TO PRINCETON CHAPEL

(By Donald P. Delany)

A deeply moving tribute to the late Senator Robert F. Kennedy took place last night in the Princeton University Chapel. Nearly 2,000 people filled the huge Gothic edifice to attend a requiem mass in memory of Senator Kennedy, the first anniversary of whose death will occur next week.

The music for the mass was written by Frank Lewin, a movie and TV music composer who lives in Princeton, and this was its first performance. The new mass was sung by the Princeton High School Choir under the direction of William R. Trego and soloists Sylvia Jones, soprano; Leo Goeke, tenor, and Robert Oliver, baritone.

The concelebrated mass was sponsored by the Aquinas Institute at Princeton University. The principal celebrant was the Rev. Christopher C. Reilly, Catholic chaplain at Princeton and a native of Trenton. Priests of the Aquinas Institute were concelebrants.

DUNGAN PREACHES

State Chancellor of Higher Education Ralph Dungan, an adviser to President Kennedy and an associate of his brother, was the preacher. Dean Ernest Gordon of the University Chapel gave an address of welcome to the congregation, which included members of all faiths and many dignitaries. Among them were Dr. Robert F. Goheen, president of Princeton University and Mrs. Goheen, and several members of the Senator Kennedy's staff.

Dungan read a telegram from Senator Edward M. Kennedy expressing deep regret at being unable to be present. The Massachusetts senator also extended his gratitude to the "wonderful people who have made possible this tribute," and especially singled out Lewin who he said "devoted his great talent to memorializing my brother in his music."

Lewin, who conceived the idea for the requiem while watching Senator Kennedy's funeral train pass through Princeton Junction, has captured perfectly the spirit of supplication which is the essence of the mass for the dead.

His requiem, which is one of the first ever written with English as its text, is neither operatic nor symphonic, as are so many of the great masses of the past.

SIMPLE, POWERFUL

It does not overwhelm the liturgy of the mass, but blends with it and enhances it. It is simple yet powerful, modern yet tonal.

It has in fact many passages of haunting beauty. Especially memorable are the Offertory Antiphon, with tenor solo ("Lord Jesus Christ, King of glory, deliver the souls of all the faithful departed from the pains of hell and the deep pit") and the exquisite "In Paradisum" near the close of the service ("May the angels take you into paradise: may the martyrs come to welcome you on your way.")

There is also a lovely Lord's Prayer, the music for which was included in the program last night for the congregation to sing.

HIGH SCHOOL SINGERS

The mass was sung with remarkable competence and sensitivity by the Princeton High Choir which apparently worked hard under Trego's direction in preparing it. The soloists were all outstanding, as was the performance of Nancianne Parrella at the organ.

Noteworthy too were the playing of a small student brass ensemble during the Sanctus and the Dies Irae, and the solo flute of Jayne Seigel during the In Paradisum.

The congregational responses were beautifully sung by a smaller vocal ensemble drawn from the Witherspoon Street Presbyterian Church, Stuart Country Day School of the Sacred Heart and seminarians at St. Joseph's College, under the direction of Leon J. Du Bois.

Dungan, in his brief discourse, took as his text the familiar passage from an Epistle of St. James, "Be doers of the word."

He said Senator Kennedy was a man of action, "ever on the move, unceasingly probing, rigorously questioning."

COMPASSION, CONVICTION

All who knew him, he declared, "recognized and admired the qualities of compassion, conviction, tenacity and intelligence which he demonstrated to such a remarkable degree."

Above all, he said, Senator Kennedy was a man of his time who had the compassion to understand and to feel deeply about the problems of his fellow man, whether in the high plains of South America or in the ghetto of Watts.

"He had the conviction that something could and should be done about the human condition and he had the intelligence, uninhibited by the fear of failure to devise the programs to meet those needs. But perhaps most importantly he had the tenacity and persistence so necessary to the attainment of difficult objectives. In short, he was a doer of the word."

Father Reilly, in the petitions offered before the Offertory of the mass, prayed that "Robert F. Kennedy's concern for the poor may prompt many to ask what they too can do for others."

A large number of Catholics in the congregation received communion during the mass.

RURAL AND URBAN AMERICA—A SEARCH FOR POLICY

Mr. METCALF. Mr. President, I have recently had the opportunity to read an address which was presented by the junior Senator from the State of Washington (Mr. JACKSON) before the 26th annual conference of the American Public Power Association which was recently held here in Washington, D.C. This speech, entitled "Rural and Urban America: A Search for a Policy," offers suggestions for Government action which would advance many of the most important goals of our society.

In short, the address outlines a means by which a number of existing Federal programs could be concentrated to encourage the growth of new population centers in rural America. The proposal includes a number of innovative concepts, for example:

> Many existing Federal agencies and programs could be made more relevant to national needs if a part of their missions included the creation of new rural growth opportunities. Older agencies such as the Bureau of Reclamation or the Corps of Engineers which have unique planning, technical, and construction management capabilities could make very meaningful contributions if an important aspect of their mandate included providing an energy base, a water supply, and a recreation reservoir for new towns and for revitalized rural communities.
>
> Small cities can be created on the public land and throughout the rural countryside and beyond the sphere of established metropolitan areas. Such cities, if properly designed, can provide the American people a wide choice of living style. They can provide varieties of jobs and business opportunities for our young people which are now only available in the city. They can ease the pressures of expansion while the older, larger cities find solutions to the unprecedented problems they already face.

Mr. President, I offer the full text of this address for the consideration of all Senators who are concerned about the Nation's social, urban, and rural problems. I ask unanimous consent that the text of the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the Record, as follows:

Rural and Urban America: A Search for a Policy

(By Senator Henry M. Jackson, chairman, Senate Interior and Insular Affairs Committee, before the American Public Power Association, 26th annual conference, Washington, D.C., May 5, 1969)

One of the greatest resource challenges facing our nation today is providing for the tremendous demand for electric energy which is anticipated in the decades ahead. The American Public Power Association and the utilities you represent have important roles in planning to meet that challenge. Consequently, you appreciate better than most the complex problems of projecting future conditions and providing the means to meet future demands.

I am afraid, however, that not everyone associated with resource planning fully understands the great public responsibility involved in power development. Even our most universally agreed upon policies sometimes are violated for expedient or superficial reasons.

I believe a recent example of such a failure is the Administration's reductions in the Fiscal Year 1970 budget requests for resource development programs. President Johnson's budget request for these programs was very restrictive and well below the amounts recommended by the agencies. The additional recent reductions in some instances present serious risks.

The Bonneville Power Administration, for instance, is a Federal power marketing agency well known to many of you. It currently markets 50 per cent of the total energy and provides 80 per cent of the transmission for the entire Pacific Northwest region. Bonneville has played a leadership role in regional planning for a power system which is a model of cooperation among Federal agencies and non-Federal public and private utilities.

A recent press release of the Department of the Interior announced the Administration's decision to reduce Bonneville's FY 1970 budget by $8 million. It also explained with amazing candor some of the consequences to be expected as a result of the reduction. Regarding the delay in one transmission line, I quote the press release:

"This delay will create an extremely serious transmission and power supply condition in Northeastern Washington, Northern Idaho and Western Montana. Without this line, a fault on the Lower Monumental-Little Goose 500-kv line creates a system condition with resultant loss of generation and cascading outages of interconnected lines and systems."

I need spend no time telling this audience of the tremendous concern throughout the nation about insuring the reliability of power systems. Surely there can be no doubt of the Federal government's policy to prevent recurrences of massive blackouts such as that of 1965 in the Northeast.

I realize that the statement of the consequences of the budget reduction must have been inadvertently released. But the decision to proceed with the reduction despite the risks was surely deliberate.

I don't know which Administration official decided to take those risks. I don't know what kind of value judgments he based his decision upon. But I am afraid that innumerable decisions of this kind can be made each year and they will not usually be accompanied by a consumer protection warning label as this one was.

The nation's business has become far too complex to proceed on vague understandings of goals and policies. We are going to have to begin to spell out our intentions and our values, to debate them in a public forum, and to insist that they be respected in every government decision and action.

The process of forecasting, predicting, and anticipating future needs, conditions, and demands is not unique to your industry. It is a function which all organizations—governmental and private—must and do perform. How well this process is performed determines the shape of the future.

Today I want to discuss with you some alarming shortcomings which I see in our government's present system of planning for future needs. While these shortcomings should be of concern to everyone, I think they have special relevance for you, your organizations, and the public.

It is a commonplace that "the past is prologue." The past and the present is all that we know and can know. Tomorrow's plans are the product of today's experiences. In some instances we may introduce a little speculation into our projections; we may anticipate a technological breakthrough or a modified rate of growth. But, for the most part, we expect the future to be an extension of past trends—for better or for worse.

Sometimes the future situations which are indicated by known trends are clearly undesirable. But even where this is recognized, our projections nevertheless continue to be accepted. We plan for a future which appears inevitable and undertake actions to accommodate it.

Let me give you an example which is related to resource development and the evolving pattern of urban growth in the United States.

The Federal Water Resources Council, for the purposes of its First Annual Assessment of the nation's water resources had to formulate a number of assumptions. The Council assumed that new industry with attendant supporting services and related population growth will locate in or near existing metropolitan centers. As a result, it projected that in the future a few huge strip cities will include the major portion of the nation's population and economic activity.

Under present Federal policies, the Council had no real alternative to making this last assumption. Past trends indicate that this will happen. The Council's recommendations assume the inevitability of the prediction. As a result, the Council does not recommend that government action be taken to prevent this situation. Quite the contrary. The Council recommends that we work to provide the essential services to facilitate the trend towards megalopolis.

Innumerable other government agencies, utilities, and industries are planning on these same assumptions. Under present laws and policies, they have no choice but to prepare for what is anticipated. Their combined actions and those of industry will surely turn the projection into "self fulfilling prophecies."

But, government *does* have a choice. There is no reason that we have to perpetuate past mistakes; we can establish new policies and new goals. The America of the year 2000 does not of necessity have to consist of strip cities of urban desolation stretching for hundreds of miles.

It is generally agreed that many of our major cities are already becoming ungovernable. The problems they face are overwhelming. Two out of every three Americans already live in a metropolitan area. The suburbs are growing five times as fast as the central cities and twice as fast as the population of the country as a whole. The central cities are old, poorly designed for modern traffic and high populations, and marked by decades of expedient adjustments.

In financial terms the depressed areas of metropolitan centers are costly to society. A survey in one city showed that the areas of substandard housing which included 8% of the land area and only 20% of the population required 50% of the city's health services and 51% of its police protection.

In social terms the costs are far more significant.

The resident populations of the central cities are made up of the old and the poor. They require greater services, but they pay less taxes.

In the suburbs, the pace of growth is too rapid for adequate services. The trials and frustrations of commuting has become a normal part of American life. In suburban communities, schools are overcrowded. Sewers, water supplies, police and fire protection, roads and other services lag behind the needs. Taxes are soaring to meet future demands and repay past bond issues.

The financial pressures on suburban governments lead them to rezone for high density housing, industry, and commerce. As a result, city problems spread out and the attractions of suburban living are lost.

Indications are that by 1985 we must provide for 20 million more households in this country. This is one-third more than we have now.

If past trends continue, most of this growth will be in a few large metropolitan areas. This will increase the already urgent problems of government and the frustrations being experienced by urban residents. And yet, in spite of these grim projections, many Federal and non-Federal entities—including, I am sure, many public utilities—are planning to accommodate and perpetuate this picture of the future. Their efforts, if not given new direction and new goals, will no doubt help to bring this picture into being.

I don't mean to be critical of the efforts of the individual planning entities. Each of these organizations must carry out its commitment to provide for the future as it expects it to occur. None of them, at present, has either a mandate to plan for or a capability to shape the future as we might desire it to be.

I am, however, critical of government's failure to have a considered national policy on urban and rural growth. We are fast becoming a nation of pragmatists in the worst sense of the word. We accommodate; we compromise; we too readily accept the conditions and the forces we find around us. As a nation we seem to be losing our capacity to dream of a better America and a better world. The idealism, the picture of a better way of life which propelled the public power movement in its infancy needs to be rekindled.

The REA movement and the "preference clause" in Federal law represent successful efforts on behalf of legislators and the public to place a better life within the reach of all Americans. We need more of this idealism in our planning to meet future needs.

We need to redefine our national goals, policies, and priorities. And in light of that redefinition, we need to structure legislation which will permit these goals to be attained.

It is clear that our national goals and policies should *not* perpetuate crowding, poverty, social unrest, increasing crime and disorder, air and water pollution, and a loss of open spaces and recreational opportunity. Nevertheless, these conditions exist and are becoming increasingly critical.

Our economic expansion and the vast capacity of modern technology contributed to the severity of many of these problems. But modern technology and economic strength also presents us with tools to shape the future as we would like it to be. It is time—it is past time—that we got about the task of deciding how to use these tools; we must decide what we want this nation to look like in the year 2000. We have the capability to create the environment and the conditions which meet our desires.

As some of you may be aware, I have been working for legislation to establish a na-

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tional policy for the environment and a Council of Environmental Advisors to insure its success. I think a national policy is necessary to give direction to the management and development of our great natural resources and our environment. I also think a national policy on urban and rural growth is necessary if we are to deal with the human and the social problems we face.

The large metropolitan areas of the nation were shaped, in part, by natural necessity. Convenient water routes for commerce, the best railroad and highway locations, coal deposits, water resources, and climate dictated the areas of population growth. New industries located where services and a labor force were available, and more people migrated there to find employment. A cycle began and it has not stopped.

Today we no longer need be dependent upon the accidents of nature. We can construct roads and airports where we want them to be. Many new industries require little in bulk raw materials. Communications bring the most remote location into instant contact with metropolitan centers.

I intend to introduce legislation in the near future which is designed to alleviate many of our critical urban problems by creating new opportunities for growth in rural America. This legislation will provide for a comprehensive and detailed feasibility study of the potential for creating totally new towns and for revitalizing and breathing new economic life into many of the existing communities in rural America.

As presently envisioned, the measure will establish a Task Force made up of Federal agencies which have programs that could be made relevant to the creation of new rural growth opportunities.

The Task Force would select sites based on compatibility with water resources, outdoor recreational opportunities, regional growth patterns and industrial and commercial opportunities. Because of the necessity for a secure employment base, prime consideration would probably be given to sites where multi-purpose water resource developments exist or can be built.

Many of the programs which can assist in shaping the future we desire are already established. Much of the expertise is available in existing agencies. What is lacking is a coordinating force and a policy to bring these conditions together and to give them direction. We already have programs in the Departments of Interior, HUD, Transportation, and others which offer assistance to communities. Advice, loans, and grants are available for planning, housing, and nearly all utilities.

But these programs cannot now be brought to bear without coordination and without direction. Many of them are presently hampered by restrictions or requirements in the authorizing legislation.

The bill will provide for the selection of several potential sites for new towns and revitalized community development in a variety of situations. It will call for a report to the President and the Congress evaluating the feasibility of new developments; suggesting the appropriate roles of the agencies, States, and industry; and stating what legislative action in the form of incentives and new authority will be required.

The States will be particularly important to the success of any effort to create new opportunities for growth in rural America. State government and, by delegation, local governments control the land. They have the powers to zone, tax, buy, and sell. At present, most State governments are not playing the role they should in shaping future development.

An effort will be needed to bring both the States and private industry into the planning effort; to encourage them to reorganize their institutions and update their policies; and to enlist their aid. The organizations you represent can be instrumental in this effort.

I am hopeful that the study I am proposing will focus the attention and competence of all of these parties on the opportunities which exist to create new means for accommodating population growth in America. When the study is available, I hope it will encourage the President and the Congress to initiate a vigorous program designed to allow every American the choice of living and raising a family in an area that is free of the social tensions, the congestion and the hopelessness that pervade many of our major cities.

Today many Americans do not have that choice. A recent Gallup Poll reported that 87% of the residents of our nation's major cities would rather live in rural areas or small cities if they had a choice. They do not have a choice. They must live where there is employment and where needed community services are available.

Many existing Federal agencies and programs could be made more relevant to national needs if a part of their missions included the creation of new rural growth opportunities. Older agencies such as the Bureau of Reclamation or the Corps of Engineers which have unique planning, technical, and construction management capabilities could make very meaningful contributions if an important aspect of their mandate included providing an energy base, a water supply, and a recreational reservoir for new towns and for revitalized rural communities.

The country faces a real crisis in the location of large fossil fuel and nuclear powerplants which will be needed in coming decades. The siting of these powerplants is a matter of controversy in many areas of the nation. We must take advantage of the opportunity to turn these problems to advantage. When a site is selected, the maximum benefit must be gained from its use.

A large powerplant could provide a significant economic base for a new town or an economically depressed community. Consider the possibilities of combining powerplant construction and a Federal water resource project with proper planning, appropriate transportation connections, and financial assistance for housing, community facilities and other needs. Consider the further potential of prearranged industrial development.

Small cities can be created on the public land and throughout the rural countryside and beyond the sphere of established metropolitan areas. Such cities, if properly designed, can provide the American people a wide choice of living style. They can provide varieties of jobs and business opportunities for our young people which are now only available in the city. They can ease the pressures of expansion while the older, larger cities find solutions to the unprecedented problems they already face.

We have the tools to create new cities. In the West, we have already done so. Phoenix, Arizona, and Grand Junction, Colorado, owe their existence to a great extent to the combined effect of Federal water resource projects and transportation routes. Many other communities have grown up around Federal hydroelectric, irrigation, and flood control projects. But, in most cases, that effect was not part of the project plan. Perhaps in the future it should be.

It has long been my view that our present conception of the Federal public works program has been too limited. Properly designed, these programs can be relevant to dealing with many of the critical problems of our urban areas. They can and they should be allowed to make the contribution they are capable of.

There have, of course, been attempts to create new towns before. The government has in a very limited way been involved in some of these efforts. Deliberate government-sponsored ventures have, however, been single-purpose and narrow in concept. They have been subservient to the accomplishment of other objectives, and they have met with no outstanding success.

More recent ventures have been private developments with a profit motive. Many of these have encountered land acquisition problems and difficulties in financing the needed community services years ahead of developing sources of revenue. A properly designed program of Federal and State assistance and involvement could help to overcome many of these problems.

I am not discouraged by past results. We have not had modern technology before. We have not had enlightened Federal-State-industry cooperation before. We have not had the concepts and the programs for community aid before. Above all, we have not, as a nation, recognized the urgency before.

I invite your participation and your assistance as this effort proceeds. I respect your experience with the problems of community growth. If you and others who are the planners and the builders of our society will join in the effort, we can make progress.

We can shape a better future for present and future generations.

TIME FOR ACTION ON RAIL SAFETY

Mr. HARTKE. Mr. President, the shipment of hazardous cargoes by rail in recent years has added a new and disastrous dimension to otherwise minor rail accidents. It is imperative that we move ahead to a comprehensive program of national rail safety standards.

On May 24, 1969, an editorial published in Chemical Week magazine put forth this view. It called for stringent safety standards, making clear that these standards ought to be national in application. The editorial concluded:

> Regulations that vary widely from state to state, would be costly, confusing, and inefficient.

The editorial was published just days after rail safety hearings were held in the Surface Transportation Subcommittee on May 20 and 21. Those hearings firmly documented the need for Federal legislation, and I am hopeful that we can move forward in this Congress with S. 1933, which would authorize the Department of Transportation to set national uniform safety standards.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TIME FOR ACTION ON RAIL SAFETY

Two persons were killed in Laurel, Miss., in January when a train carrying propane gas was derailed. One month later in Crete, Neb., eight persons died when a freight train jumped the tracks and ruptured a tank car containing anhydrous ammonia.

Thus, the hazards of transporting chemicals have once again been brought home to the public and the lawmakers. And it appears that new regulations are in the offing.

Twenty states now have rules governing the safety and handling of anhydrous ammonia. Except for California, which has the most stringent regulations, the other states have adopted minimum standards that are fairly uniform. Nebraska does not have state regulations. But the Crete disaster has triggered hearings that may well prompt Nebraska to make rules as strict as those in California.

We are grieved at loss of life or injuries, and we deplore damage to property resulting from the unsafe transportation and han-

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dling of hazardous chemical materials. Stringent safety standards are a must. But they should be based on reason, supported by fact, rather than on emotion. Regulations that vary widely from state to state would be costly, confusing and inefficient.

Far better, for industry and the public, would be a uniform federal safety code. Clearly, regulations are needed to better the railroads' safety record. The railroads, unlike airlines, grew up independent of federal control, and there are virtually no federal rail safety regulations.

Since '61 the number of derailments in the country has more than doubled, to 5,487 last year. Last year, 82 million tons of chemicals, including more than 600,000 tons of explosives, were shipped by train. And cargoes of toxic, flammable or explosive chemicals are increasing.

But uniform federal safety standards should not be limited to the railroads. Pipelines also must be included. Natural gas is now the principal product moving by pipeline. But one ammonia pipeline is already completed and a second will be finished soon. In time, it is likely that the nation will be criss-crossed with pipelines carrying ammonia and other volatile fluids.

Secretary of Transportation John A. Volpe has recently named a special task force to study railroad safety. It will be headed by Federal Railroad Administrator Reginald M. Whitman. And William Jennings, director of the Dept. of Transportation's Office of Hazardous Materials has asked the public to participate in the development of safety regulations for the pipelining of volatile materials (including anhydrous ammonia).

Information should be sent to him before June 23 at the Hazardous Materials Regulations Board, Dept. of Transportation, 400 Sixth St. SW, Washington, D.C. 20590.

The sooner Congress passes minimum transportation safety standards, the sooner the public interest will be served. And that includes industry's interest. It would be more efficient and less costly for the common carriers to build facilities according to a uniform set of standards than to have to make adjustments later.

SAFEGUARD SYSTEM FAVORED BY SCOTTSDALE, ARIZ., REPUBLICAN WOMEN'S CLUB

Mr. GOLDWATER. Mr. President, if the country depended upon the Washington Post and the New York Times, just to mention two radical left papers, one would be led to believe that the people are opposed to the Safeguard system. Fortunately, the great majority of Americans have probably never heard of these two papers, so they have the privilege of reading factual reporting and editorializing and are able to make up their minds in a clear way. The Scottsdale Republican Women's Club has passed a resolution on the ABM which reflects the feeling that I find expressed in my mail, which is running about 5 to 1 in favor of the ABM, and this mail comes from all over the United States. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SCOTTSDALE REPUBLICAN WOMEN'S CLUB RESOLUTION ON ABM

Whereas, on April 18, 1969 President Richard Nixon said: "I'm going to fight as hard as I can for the anti-ballistic missile system because I believe it is absolutely necessary to the security of the country," and

Whereas, Secretary of Defense Melvin Laird provided ample evidence for this decision, in his testimony before the Senate Armed Services Committee in March, 1969, to wit:

(1) the Soviets "are going for a first-strike capability";

(2) the Soviets now have more than 200 "accurate" missiles of 20 to 25 megatons (which are 20 to 25 times the size of 95% of United States missiles);

(3) the Soviets have caught up with and passed the United States in numbers of land-based nuclear missiles, and are continuing to deploy more at a rapid rate;

(4) in slightly more than two years, the Soviet nuclear missile force has increased more than threefold, while the size of the United States nuclear missile force has been frozen;

(5) the Soviets have "deployed" and "launched" orbital bombs (the FOBS), which could be equipped with nuclear warheads;

(6) at the present time, the United States has no installed anti-missile defense, but the Soviets have been deploying their anti-missile system for the last three years, and are currently spending $3.70 on defensive nuclear forces to every $1.00 spent by the United States;

(7) the Soviets are "going forward with the deployment" of Polaris-type nuclear submarines at the rate of seven per year and it is anticipated that they will be "comparable" to our Polaris fleet by 1971–74;

(8) our Polaris-Poseidon submarines will be vulnerable to a Soviet attack in about three years because of Soviet weapons advances;

Resolved, that the Scottsdale Republican Women's Club declare its full support of President Nixon's proposed Safeguard anti-ballistic missile system and urge the Congress and the Defense Department to proceed with the rapid deployment of ABM defenses to protect our nation from any Soviet or Red Chinese nuclear attack.

Passed June 5, 1969, Scottsdale, Arizona.

COAL MINE SAFETY

Mr. KENNEDY. Mr. President, during the first 4 months of 1969, 74 men have lost their lives in the Nation's coal mines. This represents a 17-percent increase in fatalities over the same 4 months of 1968, when 63 miners lost their lives. The frequency rate has increased for that period from .89 fatalities per million man-hours of work in 1968 to .96 in 1969.

Time and again over the last several months, the need for effective legislation to protect our coal miners has been documented beyond doubt.

The Subcommittee on Labor, under the chairmanship of the Senator from New Jersey (Mr. WILLIAMS), has recently concluded extensive hearings on coal mine health and safety legislation. I understand that it will soon begin executive consideration of the legislation, including S. 2284, which was introduced by Senator WILLIAMS after a review of the hearings and visits to coal mines.

Mr. President, I ask unanimous consent that a New York Times editorial on the Williams of New Jersey bill and the need for legislation be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 8, 1969]

MAKING THE MINES SAFE

If Congress intends to make a real contribution to cutting the scandalous death toll in the coal mines it will approve the substance of a mine health and safety bill introduced by Senator Harrison A. Williams Jr. of New Jersey.

While the Williams bill contains some technical flaws that could and should be corrected, the measure is basically an excellent example of legislative responsibility. It is the fruit of Senate hearings that gained urgency from the disaster in which 78 West Virginia miners were entombed last November. It adds strengthening provisions to the good bill that was put before Congress in the closing days of the Johnson Administration and improved by Nixon-backed revisions. The result is a measure that promises, for the first time, to give the men who dig the nation's coal the kind of protection they should have against black lung and fatal accidents.

It will be a disgrace if the efforts of the coal lobby frustrate this attempt to insure that the human cost is removed from the half-billion tons of coal consumed each year by American homes and industry.

HAWAII POLL REVEALS 65-PERCENT SUPPORT FOR NIXON ON FOREIGN AFFAIRS

Mr. FONG. Mr. President, President Nixon and his family honored the people of Hawaii by their visit last weekend to our mid-Pacific State during the President's mission to Midway in the cause of peace.

The President, Mrs. Nixon, their daughters Julie and Tricia, and their son-in-law David Eisenhower made a tremendous impact on the people with their warm and gracious manner. There is no question they won widespread aloha from Hawaii's citizens.

Even before the President's trip to Midway, there was considerable sentiment in my State that the President is doing a good job in foreign policy. My annual public opinion poll this year revealed that two out of three of those responding believe that President Nixon is doing a good job in foreign affairs and that he has also helped raise U.S. prestige around the world.

The poll was conducted by mail, going out to 60,000 families on all the islands, and had a 7-percent response. I am told that this is a good response for a mail questionnaire. The respondents gave strong support to President Nixon's performance, conforming with nationwide survey results. My poll showed 65.5 percent replying "yes"; 8.4 percent "no"; and 26.1 percent "not sure."

The Gallup poll of early May showed 64 percent expressing approval of the way President Nixon is handling his job; 14 percent said they disapproved; while 22 percent did not express an opinion.

On the question on my poll as to whether the President has helped raise U.S. prestige around the world, the response broke down to 65.3 percent "yes"; 11.8 percent "no"; and 22.9 percent "not sure." By contrast, my poll in 1968, taken during the previous administration, showed 77 percent believed U.S. prestige was falling around the globe; 12 percent disagreed; and 11 percent were "not sure."

Again, this year's findings on the prestige question correlate with an international report made in April, in which directors of 26 Gallup-affiliated organizations around the world reported that President Nixon appears to have won many new friends abroad.

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My poll also included three questions on the war in Vietnam. The results on these were as follows:

First. "Do you think the United States and her allies are winning the war in Vietnam?" The replies: 26 percent "yes"; 42.9 percent "no"; 31.1 percent "not sure." The identical question last year brought these replies: 23 percent "yes"—that we are winning the war; 50 percent "no"; 27 percent "not sure."

Second. "Should the United States unilaterally pull out of Vietnam?" The replies: 31.4 percent "yes"; 53 percent "no"; 15.6 percent "not sure." Last year the response to this question was 26 percent "yes"; 53 percent "no"; 21 percent "not sure."

Third. "If North Vietnam continues to attack South Vietnamese cities and there is no progress in the peace talks, should the United States resume bombing of North Vietnam?" The replies: 74.8 percent "yes"; 13.8 percent "no"; 11.4 percent "not sure."

This question was not asked in last year's poll as the bombing halt took place in November, after the questionnaire was sent out. However, an indication of sentiment can be seen in the response to the following question last year: "Should the U.S. stop bombing North Vietnam to encourage peace talks even without assurance from North Vietnam leaders that they will not take advantage of a bombing halt?" 75 percent of the replies were "no"; only 19 percent said "yes"; and 6 percent were "not sure."

The other questions and replies on this year's poll were:

"Should Red China be admitted to the U.N.?"—23.8 percent "yes"; 54.5 percent "no"; 21.7 percent "not sure."

"Should the Republic of China (Taiwan), which now has a seat in the U.N., be ousted from the U.N. if Red China is admitted?"—5.7 percent "yes"; 86.1 percent "no"; 8.2 percent "not sure."

"In view of the border clashes between Russia and Red China, do you believe Russia will come to an early agreement on disarmament with the U.S.?"—14.8 percent "yes"; 51.4 percent "no"; 33.8 percent "not sure."

"Do you believe Russia's invasion of Czechoslovakia endangers peace in Europe?"—68.6 percent "yes"; 18.6 percent "no"; 12.8 percent "not sure."

WHAT LABOR EXPECTS FROM THE ECONOMY IN THE 1970's—SPEECH BY IRVING STERN

Mr. JAVITS. Mr. President, Mr. Irving Stern, director of organization of Local 342 of the Amalgamated Meat Cutters and Retail Food Store Employees Union of North America, recently spoke before the 22d annual conference of the Financial Analysts Federation on what labor expects from the economy in the coming decade. Mr. Stern's speech is most interesting as a forecast of what we can expect to be the concerns of the labor movement in the coming years and deserves wide public attention. I therefore ask unanimous consent that Mr. Stern's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHAT LABOR EXPECTS FROM THE ECONOMY IN THE 1970's

In order to understand what labor expects from the economy in the 1970's it is imperative to understand where labor is at and how it sees itself as we move out of the last few months of the 60's and head into a seventh decade of the Twentieth Century.

And, when we speak of labor, we mean blue collar and white collar workers, government employees and farm laborers, bus drivers and school teachers, organized and unorganized, all of the 76,000,000 people who work for a living in the year 1969, in the United States.

Every recent study of worker attitudes notes mounting frustration, and, very much like students and Blacks, an alienation, verging on revolt.

Told on all sides that he "never had it so good", the average worker never felt so insecure and estranged from the economic and political processes of our country.

In short, he feels he is behind the "eight-ball" and that society doesn't care about him and his family.

More than that, he violently resents the blame placed upon him for higher prices, because he fights, for increased wages. He resents being told that his need for security in old age pushes Social Security deductions up. That his need for better housing and more significant education, more modern hospitals, pushes taxes up.

Workers are being told they are now "middle-class", as measured by their income.

But what does this mean to the worker, aside from the statistical information.

The median income of families, according to the United States Department of Commerce, reached $8,000 for the first time in 1967.

But, according to the United States Department of Labor, a "modest but adequate" family income calls for $9,191 a year.

So while median family income has increased by about 3 to 4 percent per year on an average basis, it is still not adequate for their needs.

To measure this in another way: In 1959, 6 out of every 15 families were at or above the "moderate" income level. In 1966 however, there were only 5 out of 15 families at this level.

And while 44 percent of Americans have moved above the poverty level in the last ten years, the shocking fact is that there are still 26,146,000 living on an income of less than $3,300 a year, in this, the proclaimed, "most affluent society" in all history. This includes 10.3 percent of all whites and 35.4 percent of all non-whites in the country.

These statistics of 1967 do not take into account the bite which inflation and the tax bite have taken out of the average workers income the past year and a half.

During 1968 the weekly earnings of the average factory worker rose $8.47 during the year to $125.97—but practically all of this increase was consumed by higher prices and increased federal, state and local taxes, higher social security and higher interest rates for debts.

According to Bureau of Labor Statistics the average factory worker saw his real buying power go up only $1.03 a week in the past year with many suffering a loss in this area.

These bare-bone statistics manifest themselves in the reaction of a typical worker in the median category as reported recently by a magazine interviewer.

"I'm going out of my mind" an ironworker named Eddie Ash told the interviewer a short time ago.

"I average about $8,500 a year, pretty good money. I work my head off but I can't make it.

"I come home at the end of the week, I start paying the bills, I give my wife some money for food, *and there's nothing left.*

"Maybe, if I work overtime, I get $15 or $20 to spend on myself. But most of the time there's nothing.

"They take $65 a week out of my pay. I have to come up with $90 a month rent.

"But every time I turn around, one of the kids needs shoes or a dress or something for school.

"I can't make it."

In light of this is there any wonder at the growing bitterness of the average worker when he reads that the rich are evading their share of taxes through major loopholes for oil and mineral depletion allowances, tax free income from municipal bonds and capital gains. Or, as sometimes is the case, he mistakenly condemns the billions being spent to help sustain people living on Welfare.

Despite all the sociologists talk about the worker moving into the middle class, this financially pressed, debt ridden, insecure average working American sees himself financially only a notch above the lowest income strata.

In fact, 67% of all American families earn below the Department of Labor's "modest but adequate" family income.

This salient fact, among others, in part explains the substantial increase in the number of contracts which the organized workers are rejecting in current collective bargaining.

Increased education and improved communication, has taught workers that a 10% increase does not necessarily mean a meaningful improvement in real income—and resentment increases in direct proportion to their seeing wage gains destroyed by higher prices and higher taxes.

Against this background of frustration and resentment in the closing months of 1969, what can labor expect from the economy over the next ten years?

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Obviously the answer to this question will depend upon the economic, social and political developments of the next decade.

I wish to touch on some of the elements which I believe will influence the possibility of the fulfillment of labor's expectations, leaving to my colleagues to fill in the specifics.

The primary force shaping the future, of course, will be the economy.

It is anticipated that by the middle of the 1970's the economy of our country, which has been growing at an annual rate of four to four and one-half percent, will pass the trillion dollar a year mark.

This growth has been accompanied by fluctuating unemployment, recessions and inflationary spurts which have caused enormous waste, inefficiency, and hardship to millions.

Unemployment averaged 4.3 percent of the labor force from 1948 to 1957 and 5.3 percent from 1958 through 1967. Currently it stands at 3.5 percent, lower than it has been for a long time, but not as low as in many other industrialized countries.

During this period from 1948 to 1968, inflation, as measured by the Consumer Price Index, has risen about 39 percent. A figure which we all recognize must be further improved upon.

The achievement of economic stabilization which would bring a lower rate of unemployment, and a slower rate of inflation is one of the main problems confronting the economy. It would also have tremendous impact upon labor and its demands of the future.

Other factors which will determine the course of the economy and influence its future performance are rapidly improving technology and automation.

Obviously the manner in which these factors are applied to the labor force will shape labor's attitudes. If these developments are used for the benefit of all—industry and labor—there will be acceptance; to the de-

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gree that they are used to displace workers, I anticipate firm resistance.

Another significant trend of importance is the rapid growth in the labor force occuring in the more stable employment sectors of white collar workers and the services, trade and government.

This is being accompanied by a narrowing of the differential between paying a man to produce and paying him on lay-off through higher unemployment compensation and supplementary unemployment benefit programs.

With the emergence of the trillion dollar and more economy during the 1970's it is predicted that workers and their families can expect about a 40 to 50 percent increase in median family income, from roughly about $8,000 to $11,000–$12,000.

The major problem confronting our nation will be how to lift up, economically, the more than 26,000,000 Americans which a Census Bureau study reported out last week, showed to be living in dismal poverty in 1967.

In a widely heralded "affluent society" it is of no small significance that 10.3% of all white families and, *note this, 35.4% of all non-white families have an income of $3,000 and less a year.*

Equally important to note is that 41.4 percent of all families had incomes of less than $5,000 annually.

Certainly labor will expect much better results from the economy in the 1970's.

If there is to be continued growth and so-called affluence for some segments of the American people, then labor has every right to expect the total elimination of unemployment and poverty.

Undoubtedly this attitude, will in a large measure influence the expectations and goals of labor in the next decade.

Another emerging trend is the correlation between education and higher incomes.

According to the Census Bureau study, families with a head 25 years of age or older who had only an elementary school education achieved a median income of $5,508 in 1967.

Those who had had some high school education obtained $8,406; some college education, $10,176; four years of college, $12,058 and five or more years of college, $13,588.

Since it is becoming clear that a major path to climbing the economic ladder is through increased educational opportunities, I suggest that a big demand will be a greater number of years of free education, both academic and technical, for workers and their children.

Labor will expect greater investment in all levels of education ranging up to college, and new methods of instruction and training.

Increased technology and automation will bring about demands for upgrading the level of education of older workers and retraining those who will be compelled to adjust to new methods of production.

The academicians are beginniing to predict the emergence of a "post-industrial" society. Just as agriculture provides most of the food and fiber required by our nation with the employment of a little more than five percent of the work force, so industry, it is said, will be able to supply most of our manufactured goods, raw materials and construction with a declining work force.

Production is increasing so rapidly, we are told, that our economy can produce all the needs of society with only a fraction of the present labor force.

This development, if valid, suggests a changing attitude of labor toward the traditional 40-hour work week in industry and indeed with regard to the whole Puritanical concept of work.

Leisure time in the form of increased vacations and sabbaticals will become a part of labors expectations from the economy.

With machine and computer replacing manual labor as a producer of goods, there will be a changing attitude toward work and leisure—*with both accepted as valid activities.*

Another major influence on the expectations of labor in the 1970's is the 15 million increase in the labor force with an anticipated 40 percent increase in the 20 to 35 year age group.

One out of every four new employees will have attended college.

It will contain more women and Negroes.

It will embrace a growing segment of professional and technical personnel capable of handling complex machinery and computerization of our manufacturing processes. (And for the first time in history they will outnumber skilled craftsmen.)

It will be a more fluid labor force which will identify with its professional skills and personal goals rather than the organization it serves.

This age group in main will not only be better educated and less conformist, but its expectations and goals will have been shaped by the propaganda of an affluent society.

There are no memories of depression and the tough forties among the new entries into the labor force. They have grown up with the belief that the economy can afford to provide a higher standard of living than enjoyed by their parents—and a standard which must be constantly improved year after year.

Still another factor is the increasing integration of non-whites into the labor force—at a rate of half again as fast as whites.

This combination of youths and Blacks will, in my opinion, shape the developing goals of labor in the coming period particularly as the helm of leadership passes from the now established and more moderate labor veterans of the struggles of the 30's and 40's to new leadership of the 1970's.

Increasingly, we can expect Black leadership in the organized sector of the labor movement, particularly, in industries with a low wage structure where Black members form a considerable section of the membership.

This will undoubtedly stimulate labor's still greater involvement in the struggle against poverty and for first-class citizenship for Blacks, Mexican-Americans and other minority groups.

It will increase efforts to organize migrants and other farm labor who are among the greatest victims of society's indifference to hunger and poverty in our midst.

Another trend which will shape labor's expectations is the development of coordinated bargaining by unions in different industries and jurisdictions. This will keep pace with the growth of conglomerates in our economy.

As unions pool their resources and power they will become more effective in their bargaining relationships with industry.

Differentials in wages and benefits between industries and between areas, particularly in the rapid industrializing South, will be narrowed if not ultimately eliminated.

Labor will seek double purpose pay raises in the 1970's.

In the first instance will be increases which are higher than the rise in living costs, so workers can increase their purchasing power.

The second purpose will be to enable labor to share in the increasing productivity (output per-man per-hour) and the wealth of our nation, which is making more goods and services available.

This is manifested by the growing pressure by workers for either shorter term contracts than the current three year norm, or the inclusion of cost of living escalator clauses, which rise as prices increase.

It takes another form, in the demand for reopening of negotiations in longer term contracts as prices rise.

Labor is beginning to spearhead public pressure upon government and other institutions to find solutions to the urban blight, air and water pollution, traffic congestion, use of nuclear power, educational inadequacies, tax inequities, consumer product standards, indeed the whole "quality of life" in our society.

Improved and instant communication has made our nation less regional in character. It has made labor view our economy and society as more national scope with all its attendant implications.

Labor expects government and, yes, business as well, to help solve the complex problems facing our nation. *It also expects to have a voice in developing these solutions.*

On the key question of unemployment and poverty there is a growing mood that if the private sector cannot provide jobs, then the government must provide work, as the "employer of last resort" for the hard-core unemployed.

Still another influence in shaping labor's expectations is the role of federal, state and municipal government as an employer. It is expected that public employment will continue to expand, as our society demands more and more services.

This area is the fastest growing sector of unionization as we enter the Seventies, and some of the wage and fringe benefit achievements obtained in collective bargaining are becoming patterns for the private sector of the economy. This is particularly true in the area of pension benefits which in the past has induced more security-minded workers to seek employment in Civil Service.

Indeed its role, not only as an employer but as an intervenor in collective bargaining in an effort to influence the outcome in the national interest, will cause increasing conflict in labor relations. To the degree that profits outpace workers gains, this intervention will be resented and fought.

We all recall the lesson of the aerospace workers who rejected former President Johnson's moves to force a settlement within the confines of the so-called wage-price guidelines which led to a major break through in the thrust for higher wages for all labor. *It suggests further that less government intervention, and not more, is called for in the 1970's.*

No doubt increasing costs of labor has an impact on government costs through its huge expenditures in the private sector. But if we are to reduce conflict in labor relations it is incumbent upon government to solve this problem by compelling industry to augment its efficiency, reduce waste of resources and manpower and finally to reduce its exorbitant profit margins in government projects—rather than force labor to bear the burden.

Finally, I believe that in the organized sector of labor, which often sets the pace and standards for the balance of the work force, there will develop a more sophisticated understanding of the collective bargaining process, particularly as younger and better trained negotiators begin to play a major role.

We are living in a constantly changing and complex society.

Aspirations frequently outrun performance, leading to frustration and more frequently, rejection of all forms of leadership.

Increased education and training has brought forth demands by workers for control in the decision-making process affecting their lives.

To the extent that this is taken into account during the transition of our economy and society in the 1970's, the change will take place peacefully.

I believe we are entering a decade of social revolution in the 1970's.

If the student and Black revolts are telling us something it is that the "have nots" are determined to enter the ranks of "haves."

The Blacks, Mexican-Americans and poor Whites are demanding an end to poverty which has strangled those who came before them and more significantly dooms future generations to more of the same.

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The youth of our country have rejected society and its institutions for failing to practice what it preaches—namely, to provide a meaningful, fulfilling and peaceful existence for all people in our country and throughout the world.

Labor, as it enters the 1970's, expects the economic, political and social leaders of our nation to bring us into the next decade with giant strides toward the solution of all the problems confronting us at the end of 1969 and above all, prepared to solve the new problems of the 1980's.

OIL QUOTAS IMPAIR OUR NATION'S SECURITY

Mr. PROXMIRE. Mr. President, I expect to present to the Senate next week a detailed analysis of how the special tax treatment received by the oil industry is actually injuring our Nation's security rather than helping it. I also expect to discuss when we debate the resolution (S. Res. 85) expressing the sense of the Senate relative to commitments to foreign powers under what authority the State Department proceeded in signing the secret agreement with Canada limiting the importation of Canadian oil in apparent violation of the Presidential proclamation establishing the mandatory oil import program and the legislation authorizing him to do so.

I have just read an excellent article in Fortune magazine on this point.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the article entitled "Our Crazy, Costly Life With Oil Quotas," written by Allan T. Demaree, and published in Fortune magazine for June 1969.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Allan T. Demaree, the author of the article, has poignantly pointed out the inconsistencies and inequities in the present oil import program which impair our Nation's security. I quote some of his conclusions:

> The U.S. today finds itself saddled with an expensive, muddled, and unseemly system of import restrictions because it has ignored the dictates of rational economical policy making. The government has not determined how large a reserve of oil the U.S. would need in the event of a foreseeable emergency. Nor has it tried to adopt the least costly method of providing such a reserve. It has preferred to rely on senseless protectionism—a policy it must now abandon.
>
> No doubt exists that the U.S. can provide for its emergency needs at less cost than under the current system. Since the government has never taken the trouble to weigh the alternatives, the methods—or combination of methods—that make the most sense are not yet clear . . . the most important consideration is that all courses be examined with an open mind.
>
> The cost and the maladministration of the quota system have raised cries for its abolition. Much can be said for that direct solution. But it may be that some form of import restrictions, less onerous than those now in effect, has a place in a rational oil policy. If so, those restrictions must be adopted on the rational grounds that they enhance U.S. security at a tolerable cost—not because they prop up the domestic industry in its present inefficient form. The government must quit mixing defense considerations with protectionism, as it has done so dramatically, and shamefully, in its efforts to keep Canadian oil out. At the very least, the U.S. should permit the free movement of oil from Canada, a country with which we enjoy uniquely close relations. The government should also put pressure on the states to abandon those regulatory practices that stifle efficiency. The time has come to allow a fresh breath of competition to blow through the industry.

Mr. President, those are my thoughts exactly, I commend them to Senators who are troubled about the state of our Nation's security.

EXHIBIT 1

OUR CRAZY, COSTLY LIFE WITH OIL QUOTAS

(By Allan T. Demaree)

The quota system that chokes off the free flow of oil into the U.S. costs the nation billions and shelters gross inefficiencies in the domestic crude-oil producing industry. Imposed in the name of national security just a decade ago, it has become the object of mounting discontent. It has given government officials the power arbitrarily to parcel out enormous fortunes to individual companies. It has been administered with ever increasing ineptitude, bringing about the most heavy-handed bureaucratic meddling in the marketplace. And it has caused huge domestic industries, regions of the country, and even nations to pit themselves against one another in an unseemly battle for political favor in Washington. All in all, the quota on oil imports has proved to be one of the most ill-conceived and ill-executed Federal regulatory schemes since the abortive flight of the NRA's Blue Eagle.

Once above earnest scrutiny in Congress, the oil quota is now being subjected to searing criticism there. Democratic Senators William Proxmire of Wisconsin, Ted Kennedy of Massachusetts, Edmund Muskie of Maine, all from consumer states, have repeatedly lambasted it in recent months. "The system reeks and is ripe for change," Senator John Pastore, a Rhode Island Democrat, proclaimed on the Senate floor. "The industry should know that this is a time of consumer revolt." A small army of economists paraded before Senator Philip A. Hart's antitrust and monopoly subcommittee a few weeks ago denouncing current policies as expensive, wasteful, and administered on dubious principles. And on the other side of the Capitol, Chairman Wilbur Mills and his powerful Ways and Means Committee have been giving the oil industry added jitters by questioning the 27½ percent depletion allowance, a provision that, like the quota, has been supported on grounds of national security.

Not even the oil industry is satisfied with the way the quota system is run. Charging that the government has favored a few companies at the expense of most, the American Petroleum Institute urged President Nixon to undertake the first serious review of the quota system in seven years, a task Nixon has delegated to a Cabinet committee headed by Secretary of Labor George P. Shultz, former dean of the University of Chicago Business School. What the committee recommends after studying the turbulent history of oil quotas will undoubtedly prompt some changes. The decision to impose quotas was founded on an astonishing dearth of clear-headed analysis, and the system has since drifted through a series of compromises that have satisfied no one. This experience should make government officials chary of extending similar protection to the swelling number of industries that have beaten paths to Capitol Hill and the White House in recent years. These quota seekers range from the giant steel companies to the American Beekeeping Federation, which argues that without a protected market for honey, the U.S. will surely lose bees essential for pollinating crops, from alfalfa to garlic.

A $4 BILLION PRICE TAG

By erecting quota barriers, the government limits the amount of foreign oil that is brought into the U.S., currently to about 21 percent of domestic consumption. This has saved most of the U.S. market for domestic crude-oil producers, and has helped to maintain the wellhead price of U.S. crude at about $3 a barrel, more than twice the price of crude in the Middle East. Even after adding on shipping charges and import duties, Middle Eastern and Venezuelan crude has been landed on the east coast in recent years for $1.25 to $1.40 less per barrel than crude produced in Texas and Louisiana.

The cost to consumers of this restrictive import policy is impossible to determine exactly; but reasonable estimates put the price tag at about $4 billion a year—more than the combined budgets of the six New England states. The restrictions on foreign crude result in higher gasoline and heating-oil prices. They also increase costs to industries that use oil for fuel and raw materials. This fact has hardly escaped the notice of petrochemical producers, who constitute one of the largest manufacturing industries in the nation. They complain vociferously that they cannot continue selling in world markets while using raw materials that cost more than those available to their foreign competitors.

Moreover, the gap between domestic and world crude prices has been getting wider, increasing the cost of import restrictions. Only seven years ago the difference in price between domestic and foreign oil on the east coast was about $1 a barrel. But domestic crude-oil producers, walled off from competition by the quota barriers, have been jacking up their prices recently (15 cents a barrel since January). This has occurred even as the world price of oil has been declining because of robust competition and the development of huge tankers that have cut transportation costs in half during the past ten years. The decline in the delivered price of foreign oil was interrupted in 1967 by the Arab-Israeli war, but resumed last year.

Import quotas shore up the system of state regulation that has been keeping domestic crude prices high for years (see "U.S. Oil: A Giant Caught in Its Own Web," FORTUNE, April, 1965). The big producing states, Texas and Louisiana, which account for more than half the nation's output, hold production down to the amount the market will absorb at high prices. Simultaneously, this state system, called market-demand prorationing favors inefficient producers over efficient ones. The states allow hundreds of thousands of so-called "stripper wells" to produce freely, pumping out an average of 3.6 barrels a day, while they cut back the flow from efficient wells that could produce far more at lower costs. Henry Steele, an economist at the University of Houston, estimates that if market-demand prorationing had been abolished in 1965, production costs would have fallen 46 percent in Texas and 38 percent in Louisiana. The free flow of cheap foreign crude into the U.S. would, of course, undermine these state-run cartels. It would force inefficient producers out of the industry by lowering the price of crude.

"I GOT BY WITHOUT A SCANDAL"

The oil industry's stake in the quota system is prodigious. By fiat, the government divides, mainly among U.S. refiners, the foreign oil that is allowed to enter the country. The Interior Department's Oil Import Administration dispenses import allocations, or "tickets" as they are known in the industry; a ticket to import one forty-two-gallon barrel of crude oil into the east coast has a value of about $1.25, the approximate difference between domestic and world prices.

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The value of the tickets being handed out right now comes to nearly $1 million a day. Some companies have received as much as $35 million in tickets in a single year. The tickets awarded Standard Oil Co. (New Jersey) since the beginning of controls are conservatively valued at $305 million; Gulf Oil, $290 million; Standard Oil of California, $265 million.

Needless to say, decisions on how the tickets are to be split up—who will be allowed a share, who won't, and in what proportion—bear heavily on the profits of individual companies. During the Kennedy-Johnson years, Stewart Udall, the then Secretary of the Interior, had much to do with the way these valuable licenses were passed around, and his decisions were subject to impassioned polemics. "A small decision meant a lot of money," he recalled recently. "It was a minor miracle that I got by without any major scandal."

While the benefits of tickets given to industrial giants like Jersey, Gulf, and Socal seem breathtakingly large, little refiners gain relatively more than big ones. The government has built a small-business subsidy into its allocation system. While Jersey was granted one barrel of foreign oil for every twenty barrels of domestic oil it processed last year, scores of small refiners in the country were given a barrel of foreign crude for every five of domestic. This subsidy has undoubtedly kept many a marginal refiner in business.

All refiners receive tickets whether or not they process foreign crude. Many inland refiners can't use imported crude because the transportation costs are prohibitive. So they trade their tickets to the great coastal refiners in return for domestic crude and, in effect, pocket the $1.25 differential. A robust trade in tickets has grown up. For many of the smaller inland refiners, ticket swapping may well be the most lucrative transaction of the year.

The oil industry and its regulators argue heatedly that this system is essential to the national security. Indeed, a forceful case can be made for the proposition that the U.S. must maintain a strong crude-oil producing industry lest it become overly dependent on foreign sources for the great bulk of its supply. Much of the world's crude is produced in unfriendly or unstable countries, such as the Middle Eastern states that embargoed supplies to the West for twelve weeks in 1967. If the U.S. were to become overly dependent on foreign sources, there would be no guarantee that sheiks, shahs, and South American politicos wouldn't try to wield their power over this vital strategic commodity to influence our foreign policy.

Domestic crude-oil producers seized upon this argument not in a moment of international crisis, but when they were hurting economically. By 1948 the development of low-cost sources in the Middle East and Venezuela had transformed the U.S. from a net exporter to a net importer of oil. Ten years later foreign crude had captured 18 percent of the U.S. market. Domestic producers were both injured and insulted when a few refiners landed Middle Eastern oil in Texas ports, and others had the temerity to ship Venezuelan crude past Louisiana's oil wells and up the Mississippi.

The surge of imports shoved U.S. crude out of its accustomed markets. The Texas Railroad Commission, which controls production in that state, shut regulated wells down to eight producing days a month in 1958. "The torrent of foreign oil," declared Commission Chairman Ernest O. Thompson, "robs Texas of her oil market," costing the state nearly $1 million a day. To the argument the the U.S. mustn't become dependent on foreign oil, domestic producers added a corollary: if producers are to have sufficient incentive to explore for future supplies in the U.S., they must be guaranteed a fair share of the American market at prices they consider adequate.

So persuasive were these arguments that President Eisenhower twice tried to curtail imports on a voluntary basis. When that failed, he acted on producers' pleas for mandatory quotas in 1959. As his aide Sherman Adams recalls in his memoirs, Eisenhower's action "was primarily an economic decision brought on by an economic emergency." It was executed by presidential proclamation on the basis of national security, the only grounds then available under international trade agreements for the unilateral imposition of quotas. To this day oil remains the only commodity in which the U.S. restricts imports for reasons of national security.

HOW MUCH IS TOO MUCH?

While something can be said for the national security argument, many questions about it have gone unanswered. What is "overdependence on foreign oil"—the current level of 21 percent, or 11 percent, or 31 percent? A quarter of all imported crude comes via underground pipeline from Canada. While tickets are not needed to import Canadian oil, the amount imported is limited by bilateral agreement and deducted from the total allowed under the quota. Is this crude less secure than that shipped to east-coast refineries from the Gulf of Mexico by tankers, which are vulnerable to submarine attack? Are we willing to build an antiballistic-missile system with the cooperation of our neighbor to the north, but unwilling to depend on it for oil?

Two-fifths of our crude imports come from Venezuela, which is as close to Philadelphia Harbor by tanker as Texas City, Texas. This leaves less than a fifth of our crude imports—and less than 3 percent of the total U.S. crude requirement—coming from the volatile Middle East. Would a cautious increase in this amount involve grave danger to the national security?

The very nature of modern war mocks a policy of oil isolationism. Nuclear attack would almost certainly destroy more American refining capacity than production, leaving the U.S. with more crude than it could process. In limited wars like Korea and Vietnam, on the other hand, the U.S. has relied to an increasing extent on foreign oil because the supply lines are shorter and the price is lower. More than three-quarters of the oil used in Vietnam last year came from foreign sources, much of it from the Mideast.

Other questions have barely been broached in government circles. Is subsidizing the domestic crude-oil industry—with all its state-supported inefficiencies—the cheapest way to meet our national security goals? If the U.S. were willing to pay the price—if, for example, crude went to $5 a barrel—many other domestic fuels would come on the market. A price high enough would prompt companies to synthesize liquid fuels from coal and produce oil from the vast shale deposits of Colorado, Utah, and Wyoming, where estimated reserves total two trillion barrels—enough for four hundred years at current rates of consumption.

In fact, many alternatives exist that may be cheaper than today's subsidies. The U.S. could diversify foreign sources to limit risk. Or stockpile oil in storage tanks or underground. Or pay companies to explore for oil on federal lands and hold these reserves for an emergency. While none of these alternatives wins huzzahs from the oil industry, all deserve more serious examination than they have received in the past. Otherwise, the U.S. will continue buying insurance at high premiums.

The need for probing the alternatives is dramatized by two comparisons. First, quotas are defended on the grounds that they encourage oil companies to explore in the U.S. Yet total industry expenditures for oil exploration and development in this country amount to less than $3.3 billion a year. This is well below the $4-billion cost of the quotas and the inefficiencies they protect. Moreover, the quota system is not the only subsidy to the industry rationalized on the basis that it encourages exploration. The depletion allowance and the right to expense intangible drilling costs are estimated to reduce the domestic industry's tax bill by more than $1 billion a year.

As one might expect, oil executives argue that an end to quotas would severely blunt their incentive to search for oil in the U.S., where production costs are higher than elsewhere in the world. Says Richard C. McCurdy, the president of Shell Oil, "We'd stop exploring. We'd slowly liquidate our U.S. production." Both Jersey Standard and Atlantic Richfield say they probably would not have looked for the titanic reserves on the North Slope of Alaska if they had anticipated selling that oil at $2 a barrel rather than $3.

Yet no one can say for sure whether incentive would really be dulled if import controls were relaxed and market-demand prorationing died a timely death. In fact, it can be argued that incentive might ultimately be strengthened because efficient producers could pump more oil at lesser unit costs. This would make low-cost, high-production reservoirs, such as those in the Gulf of Mexico and Alaska, more profitable to search out and develop. Large amounts of U.S. production probably could compete profitably with foreign oil today if only the incubus of regulation were lifted. Exactly how much is not known. Oil companies jealously guard information on their production costs, yet this information is essential if policy makers are to judge how much protection American oil needs. Amazingly, the government has never pressed the industry for this critical data.

The high costs of current policies are also pointed up by comparing them with the expense of storing oil for emergencies. A recent study by M. A. Adelman, an economist at M.I.T., shows that Europe could purchase and store 2.2 billion barrels of oil, a six-month supply, for a total annual expenditure of $770 million. Even if the costs in the U.S. turned out to be four times higher than Adelman's estimates for Europe, they would be far less than the price of current protectionist policies.

During the Suez crisis of 1967—the only time that foreign supplies have been disrupted since the imposition of quotas—U.S. domestic production was increased by more than 100 million barrels. The increase was not to meet U.S. emergency needs, but to supply Europe. This oil cost the U.S. over $300 a barrel when the expense of maintaining quotas for the past decade is figured in. If the U.S. is maintaining expensive, spare producing capacity to supply Europe, a fair question to ask is whether the Europeans, who buy cheap oil from the Mideast day in and day out, shouldn't pay for a bit of their own security.

A NIMBUS OF AUTHORITY

The original government report recommending import restrictions ignored many important questions. It was thrown together in eight weeks by a White House-appointed task force made up of an oilman, a coal executive, an investment banker, and a judge. Although the report revealed nothing more sensitive than its own lack of erudition, it was kept under security wraps for six years, acquiring a nimbus of authority with age like a Chinese grandfather. Three years later a Cabinet committee rejected out of hand alternative proposals for assuring a safe supply. For the government to contract out the search for reserves was dismissed in a sentence as both "contrary to the principles of free enterprise" and "costly," although no effort was made to assess the expense. The costs of the present system were not seriously considered until 1962, when a committee appointed by President Kennedy put the price at about $3.5 billion a year, and urged that controls be liberalized to permit "a modest increase" in imports. Kennedy ignored the recommendation, however, and instead tacked the quota lid down still tighter.

During the Kennedy years, federal oil policy was directed from the White House. When Lyndon Johnson took office, he sensed that oil decisions could prove embarrassing to a President from Texas. So he made a point of delegating authority to Interior Secretary Udall, although Udall allows that "in one or two instances people in the White House tried to get a heavy oar into oil matters." Nixon has snatched oil policy back to the presidential bosom. Last February, Michael L. Haider, chairman of Jersey Standard and of the American Petroleum Institute, met with presidential counselor Arthur Burns to urge the review of import controls that has since been undertaken.

The choice of a chairman for this sensitive, Cabinet-level study proved an *Alphonse et Gaston* affair. Robert Ellsworth, a key White house aide before being named Ambassador to NATO, advised Nixon to pick Burns; but Burns attached a covering note to Ellsworth's memo pleading that he was too busy. Nixon's choice of Shultz, a widely respected economist, came as a surprise. The President explained it by saying that the Labor Department had "no direct involvement in the issues to be weighed," so Shultz could remain detached. Until the study is completed this fall no major moves in oil policy are expected.

SQUABBLING OVER THE SPOILS

Founded on a questionable rationale and ensnarled in confusion about its goals, the oil quota system has proved unusually susceptible to the buffeting of pressure groups. Because the stakes are so high, great corporations, politically powerful regional interests, and major oil-exporting countries squabble fiercely over the benefits oil quotas bestow.

Venezuela, which earns 92 percent of its foreign exchange from oil exports, stands vigil lest the slightest change in U.S. policy decrease its markets. So concerned was former President Romulo Betancourt, in fact, that when John Kennedy installed a "hot line" to South American capitals in 1962, Betancourt was the first to call Washington, audibly agitated over rumors that Kennedy was going to reduce quotas. And when Secretary Udall allowed Phillips Petroleum to switch its purchase of about $40 million worth of oil from Venezuelan to other sources, Venezuelan officials marched on Washington in a fury. As a result, the White House and State Department pressured Udall into reserving his decision, after a dispute that left President Johnson and his Interior Secretary at swords' points in the waning days of their Administration.

Oil policy was also a sensitive issue when Canada's Prime Minister Pierre Elliott Trudeau paid his first visit to President Nixon last March. Canadian oil is officially exempt from import restrictions on grounds that it is exported overland into the northern tier states of the Midwest, and is therefore considered a safe source of supply. Still, the U.S. engages in the questionable practice of negotiating secret agreements with Ottawa to limit the amount of oil Canada may export to this country—not for security reasons but to make sure that Canadian production doesn't disrupt the cozy U.S. market. In the latest agreement, which was flushed out of secrecy in a recent lawsuit, a promise was wrung from Canada to "exert every effort" not to displace U.S. production, not to supply refiners who were "unduly expanding their market area," and not to send oil to Chicago before 1970. In other words, not to compete too hard. Much to the exasperation of U.S. producers, however, the Canadians have repeatedly exceeded the limits set by the agreements, and Trudeau is now seeking a still bigger share of the high-price market.

Perhaps the most ridiculous bargain ever struck in the name of national security is an agreement the U.S. negotiated in 1961 giving Mexico an "overland exemption" similar to Canada's. Since there is no pipeline between Mexico and the U.S. the state-owned oil company, Petroleos Mexicanos, ships 30,000 barrels of oil a day by tanker into Brownsville, Texas. From there the oil is pumped into tank trucks, driven over the Gateway Bridge into Mexico, and then U-turned back into the U.S.—all to qualify as a quota-exempt "overland" import. Branded "el loophole" by indignant Texas oilmen, this little charade has cost the companies importing the oil nearly $15 million in extra loading and transportation charges.

A SERIES OF "SPECIAL DEALS"

Whenever the government creates valuable assets, like import tickets, and awards them arbitrarily to a limited number of people with special interests, like refiners, contention is inevitable. Companies originally excluded from the club of ticket holders, including Du Pont, Union Carbide, Kodak, and other giants of the petrochemical industry, have successfully battled their way in over the shrill cries of refiners, who were forced to give up some of their own tickets to make room. At the same time, oil executives have finagled with the ingenuity of wily tax lawyers to win larger cuts of the pie. In 1965, Phillips Petroleum won the right to establish a $45-million petrochemical plant in Puerto Rico, process exclusively foreign oil, and then ship 24,800 barrels a day of gasoline "by-product" to the east coast, where it competes with fuels made from high-priced domestic crude. The right to ship this gasoline has been estimated to be worth about $11 million a year. Competitors were outraged because the amount of the shipments was deducted from the total amount of foreign oil they shared.

To many oil executives, this marked the beginning of a series of "special deals" in which Udall recommended, and President Johnson approved, the exclusive grant of profitmaking opportunities to a few select companies at the expense of others. Udall justified the Phillips deal not on national security grounds, but on the theory that a special import allocation was needed to induce job-creating investment in Puerto Rico, where unemployment was running at 11 percent. In return for the allocation and liberal tax concessions from the Puerto Rican Government, Phillips promised to reinvest $55 million in satellite plants, which would use the petrochemicals Phillips produced as feedstocks.

The grant to Phillips encouraged others to apply for similar arrangements. Typically, these deals have combined three factors: a company eager to import cheap oil, a geographical region that would benefit from the company's investment, and a crevice in the quota barrier. After Phillips, Udall awarded Sun Oil, Union Carbide, and Commonwealth Oil Refining valuable rights to process exclusively foreign oil in Puerto Rico and ship products to the mainland. By that time the Virgin Islands were crying for "parity with Puerto Rico." Hess Oil & Chemical won tickets to ship to the U.S. mainland gasoline and heating oil produced from foreign crude at its refinery on St. Croix. (Udall had difficulty justifying the special deal for Hess since employment in the Virgin Islands was so high that workers were being imported from the British West Indies.) The Sun, Commonwealth, and Hess shipments, which will total 54,500 barrels of oil products a day by 1972, are deducted from the amount of oil other companies may import. The effect is to slash the benefits of many for the sake of a few. (Carbide ships only petrochemical products to the mainland; these are exempt from quota restrictions and aren't deducted from other companies' allocations.)

THE BATTLE OF MACHIASPORT

Similar applications began pouring in from every company and region that could conjure up a rationale—Guam, Hawaii, Savannah, Georgia, and Machiasport, Maine. The application by Armand Hammer, the septuagenarian chairman of Occidental Petroleum, to process 300,000 barrels a day of Libyan and Venezuelan crude at Machiasport became a *cause célèbre* in the oil industry. It was overwhelmingly opposed by the major oil companies, which feared a further nibbling away of their tickets, and unanimously supported by New England politicians, who saw the promise of lower oil prices for their constituents. Battled to a stalemate in the closing days of the Johnson Administration, Occidental's plan now hangs in limbo.

The special deals underscore the government's awesome power to distribute exclusive franchises without detailed justification. While quota applications for others were approved, Udall brushed aside a request by Texaco to build a refinery in Puerto Rico, where it is the leading gasoline marketer. He offered no official explanation, allowing the company's application to perish without taking action on it. When Udall approved the Hess application in the Virgin Islands, he simultaneously turned down a request from Coastal States Gas Producing, saying only that his "firm and final" decision was to permit no other refineries on the islands in order "to protect and conserve the incomparable reefs and beaches."

Although it deals with fabulous sums of money, the Interior Department has adopted few of the procedural safeguards common to other regulatory agencies. It issues no formal opinions to explain its decisions. It has held fifteen hearings on various aspects of the program, but has never followed one of these with a report of findings. Unlike the award of oil leases or contracts, the special deals have never been opened up to competitive bidding by Interior, which has preferred to negotiate the terms privately. (It once proposed a plan to auction off quotas, which would have let the Treasury, rather than refiners, collect the price differential between foreign and domestic crude; the scheme was quietly scuttled when it met nearly universal opposition from the industry.)

Companies dissatisfied with their lot under the quota system may plead their cases to an Oil Import Appeals Board, on which sit three officials, one each from the departments of Interior, Commerce, and Defense. Under its rules, the board dispenses or adjusts allocations to companies that are "in special circumstances" or are suffering "exceptional hardship." These ill-defined criteria have led to some questionable awards.

Udall's own decisions have been highly unpredictable. In the case of Phillips, Hess, and others, Udall made decisions beneficial to the companies, then changed the oil-import regulations to validate his actions. These ex post facto turns in policy have made it difficult for oil companies to plan. An application by Mobil to import oil into Puerto Rico was rejected a few years before the Phillips application was approved, without the slightest indication then that any change in policy would later be considered. As Jersey Standard Chairman Haider puts it with soft-spoken confidence: "We're flexible. We can play the game any way you want—if somebody will just tell us what the rules are."

A PECULIAR WAY TO REGULATE

When vast sums are involved, such irregular procedures undermine the sense of fair play that is an essential attribute of any regulatory agency. Tongues clucked in the oil industry, and suspicion pervaded the capital, when well-connected Washington lawyers and influential politicians were associated

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with one request for special privilege after another. Oscar Chapman, a prominent Democrat, Secretary of Interior under Truman, and now a Washington lawyer, was instrumental in putting togethter the Puerto Rican deal. First he drummed up oil-company interest in the project, then he approached Interior Department officials confidentially in 1962, and finally he represented Phillips as counsel when the company requested an import allocation two years later. Puerto Rico was represented by Arnold, Fortas & Porter, the firm co-founded by President Johnson's close confidant, Abe Fortas, who had been intimately connected with the island's affairs since World War II. David T. Willentz, a director of Hess Oil and Chairman Leon Hess's father-in-law, was a powerful figure in New Jersey Democratic politics. The Hess quota application was stoutly supported by such congressional oligarchs as Representative Michael Kirwan, an Ohio Democrat, who for years headed the House Interior appropriations subcommittee, with power over the Interior Department's purse, and Representative Wayne Aspinall, a Colorado Democrat, who chairs the House Interior Committee, which holds sway over the department's legislation.

Not even Udall's harshest critics in the oil industry accuse him of personal dishonesty, and most believe that he was earnestly trying to bend oil-import controls to serve his vision of the national good. The companies did "pay" for their special privileges in varying degree. Hess agreed to pay $2,700,000 a year (50 cents for each barrel of oil products it shipped to the States) to a conservation fund on the Virgin Islands. Sun agreed to pay about $1 million (or 10 cents a barrel) into a similar fund in Puerto Rico. And Occidental held out a promise to contribute more than $7 million a year to such a fund for New England. But to grant special privileges in return for charitable contributions seems a peculiar way to regulate.

With one mystifying amendment after another, the import regulations became so complex that Senator Proxmire charged it would take a "Ph.D. in chemistry and a Philadelphia lawyer to begin to comprehend them." When petrochemical producers were admitted into the ranks of ticket holders, the Oil Import Administration unwittingly worded the necessary amendments so that some refiners that also produced petrochemicals were allowed to "double dip" into the import pool. In an oilman's game of now-you-see-it, now-you-don't, these refiners claimed one set of tickets based on their refining operations, then picked up another batch based on their petrochemical operations—even though the same oil was used for both.

No sooner had this situation been corrected than Udall found himself bogged down in a $1,500,000 misunderstanding about what was and what wasn't a petrochemical. Standard Oil Co. (Indiana) was producing large quantities of aromatic chemicals for use in its unleaded gasoline, and these technically qualified as petrochemicals under Interior regulations. It came as a surprise to Udall, however, when the company claimed and received tickets worth more than $1,500,000, cutting heavily into the foreign oil he had intended to provide chemical companies as low-cost feedstock. Pronouncing himself "appalled" at this turn of events, and declaring himself "not very happy" with his staff (who had sent him a memo on the situation that had mysteriously been lost), Udall revoked the company's tickets without notice or hearing. Standard of Indiana was "shocked at the arbitrary action" and filed suit, the Justice Department refused to defend Udall, and the embarrassed Secretary was forced to return the tickets—and put his staff to work rewriting the regulations once again.

THEY WINCE AT COMPETITIVE BLOODLETTING

One outgrowth of the Standard of Indiana debacle was that Interior for the first time began auditing refiners' claims for tickets. One of the first audits concluded that Standard of Indiana claimed to have converted more oil to petrochemicals than it actually had, thereby earning extra tickets worth about $600,000. But the company is fighting Interior's efforts to recoup, arguing that it had really claimed too little, not too much. Subsequently, Interior spot-checked thirty-seven requests for new quotas, discovered "many discrepancies," and threw out six of the applications. The fact that audits had never previously been conducted can be laid in part to congressional parsimony. The Oil Import Administration has only five professional people. They were forced to make some of the spot checks over a holiday weekend.

As import controls became more and more confused, so did their objective. The Oil Import Appeals Board winces at the sight of free competitive bloodletting. It awarded tickets to two small refiners that had been shut down for years, hoping the handouts would help them pay off creditors and reopen their plants. Another company bought an abandoned refinery from Mobil in Wyoming and encountered unexpectedly high costs rehabilitating it. "Moved by the plight of this small company," as it said, the board doled out tickets to that refiner, too.

Several of Udall's actions involving Commonwealth Oil of Puerto Rico provide a graphic illustration of market meddling. In 1966, Commonwealth discovered a loophole in the regulations that allowed it to ship products from its refinery in Puerto Rico to the West Coast. Commonwealth won Udall's tacit approval and subsequently negotiated a forty-six-month contract to supply a cut-rate marketer in San Francisco with up to 10,000 barrels of gasoline daily. Major refiners in California screamed foul, charging that Commonwealth's gasoline had a competitive advantage and that the shipments had the effect of cutting back their own import allocations. They enlisted the aid of former Senator Thomas Kuchel, then the Republican whip, and other politicians to bring an end to the shipments. Yielding to political pressure, Udall reversed his position, closed the West Coast loophole, and gave Commonwealth permission to ship to the east coast instead. The move cut the San Francisco marketer off from supplies.

Another of Udall's actions was tantamount to pressuring a company to buy from a particular supplier as a condition for obtaining a federal grant—an especially pernicious kind of government pressure. Commonwealth Oil was seeking the right to increase shipments from its refinery to east coast markets, claiming that it should have parity with the new Phillips plant, which Interior had allowed to ship 24,800 barrels daily. Then Union Carbide applied for permission to expand its petrochemical facilities on the island. With this Udall saw a chance to provide Commonwealth with a market—without allowing the company to increase its shipments to the mainland, which would surely have raised fresh complaints from competitors there. So, as a condition of approving Carbide's request, Udall bargained Carbide into agreeing to purchase half its feedstocks in Puerto Rico from Commonwealth. Commonwealth subsequently dropped its demand to ship more products to the east coast. "We twisted a lot of arms," Udall concedes.

Udall's rejection of Texaco's request to build a refinery in Puerto Rico, which has never been officially explained, also relates to Commonwealth Oil. As the biggest gasoline marketer on the island, Texaco bought a substantial amount of its supplies from Commonwealth's refinery. If Texaco were allowed to build its own refinery, Udall knew that Commonwealth would have to search for new customers, and would surely seek the right to ship more gasoline to the east coast—once again rolling the industry. Udall's desire to avoid such upsetting complications was a central reason for allowing the Texaco application to die.

A FAR LESS COSTLY WAY

The U.S. today finds itself saddled with an expensive, muddled, and unseemly system of import restrictions because it has ignored the dictates of rational economical policy making. The government has not determined how large a reserve of oil the U.S. would need in the event of a foreseeable emergency. Nor has it tried to adopt the least costly method of providing such a reserve. It has preferred to rely on senseless protectionism—a policy it must now abandon.

No doubt exists that the U.S. can provide for its emergency needs at less cost than under the current system. Since the government has never taken the trouble to weigh the alternatives, the methods—or combination of methods—that make the most sense are not yet clear. The studies conducted by Adelman of M.I.T. surely indicate that the storage of oil for emergencies may prove a feasible course of action. But the most important consideration is that all courses be examined with an open mind.

The cost and the maladministration of the quota system have raised cries for its abolition. Much can be said for that direct solution. But it may be that some form of import restrictions, less onerous than those now in effect, has a place in a rational oil policy. If so, those restrictions must be adopted on the rational grounds that they enhance U.S. security at a tolerable cost—not because they prop up the domestic industry in its present inefficient form. The government must quit mixing defense considerations with protectionism, as it has done so dramatically, and shamefully, in its efforts to keep Canadian oil out. At the very least, the U.S. should permit the free movement of oil from Canada, a country with which we enjoy uniquely close relations. The government should also put pressure on the states to abandon those regulatory practices that stifle efficiency. The time has come to allow a fresh breath of competition to blow through the industry.

Mr. KENNEDY. Mr. President, I agree with the Senator from Wisconsin (Mr. PROXMIRE) that the article in Fortune is excellent, and I hope that Senators will have the opportunity to read it. There is, however, one inaccuracy in the article. Mr. Demaree states that President Kennedy "tacked the quota lid down still tighter." In fact, President Kennedy took an important first step in liberalizing the oil import program by beginning to decontrol residual fuel oil. His actions culminated in virtually complete decontrol in 1966.

This heavy fuel oil is used extensively in the Northeast, particularly for the heating of industrial facilities, schools, churches, and hospitals. It is also used in the generation of electricity. As a result of this decontrol, the price of residual fuel oil has dropped in New England from $2.20 a barrel to under $1.80 a barrel. In the meantime, the price of home heating oil in New England has risen since 1964 by almost $1 a barrel, largely as a result of import controls.

Now the oil import program is under long overdue scrutiny. Both Senator HART's Subcommittee on Antitrust and Monopoly and President Nixon's Cabinet-level task force are now studying

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the program in detail. However, even before these groups make their final recommendations, certain stopgap measures may be necessary. I would suggest that we give consideration to the immediate decontrol of home heating oil which is now in short supply in New England and continues to become increasingly expensive. If we are to have some relief for the coming winter, we must act now while supply contracts are being negotiated. At the very least, the Interior Department should act on the proposed regulations which would grant additional import allocations for home heating oil to independent deep-water terminal operators and marketers on the East Coast.

REMARKS BY FREDERICK BROWN HARRIS, D.D. FORMER CHAPLAIN, U.S. SENATE, AT A FREEDOMS FOUNDATION CEREMONY

Mr. ALLOTT. Mr. President, as a trustee of the Freedoms Foundation, Valley Forge, Pa., I was pleased to participate in a recent ceremony during which five great Americans were honored.

They included:

Hon. Albert W. Hawkes, former U.S. Senator from New Jersey, former president of the Chamber of Commerce of the United States and former president and chairman of Congoleum-Nairn, Inc.

Dr. Frederick Brown Harris, for 20 years chaplain of the U.S. Senate, the longest period any person held this post.

Adm. Arthur F. Radford, retired, one of the Navy's early aviators and former chairman of the Joint Chiefs of Staff.

Adm. Arleigh A. "31-knot" Burke, retired, whose destroyer units helped to sweep the Japanese fleet out of the South Pacific.

Gen. Bruce C. Clarke, retired, whose troops played an important part at St. Vith, Belgium, in delaying and blunting the German offensive during the Battle of the Bulge in World War II.

Dr. Harris, whom I have known and respected during my entire tenure in the Senate, addressed this Freedoms Foundation gathering and made what I consider to be some particularly cogent remarks. I know that Senators will wish to read his wise words, so I ask unanimous consent that the address, entitled "If You Can Keep It," by Dr Frederick Brown Harris, be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

IF YOU CAN KEEP IT

(By Dr. Frederick Brown Harris)

My good friends, recently, when Mrs. Harris and I visited in California, we saw the marvelous replica of Independence Hall of Philadelphia which now has been erected exactly on that Pacific side of the continent. In that storied hall—after weary debates in the Congress day by day, Benjamin Franklin and the other Founding Fathers argued about policies and phrases. At last, the Declaration was unanimously passed—and the Liberty Bell was ready to ring out! As Franklin emerged from the Hall, a well-known Philadelphia lady stopped to ask him—"Dr. Franklin, have you given us a monarchy or a Republic?" He replied solemnly, "We have given you a Republic—*If* you can keep it!"

That "If" suggests the struggle that has waged from that day to this—to keep the Republic.

Freedoms Foundation declares that the Republic is not an accomplished thing to put in a patriotic jewel case to hand down as an heir-loom to generations following. It must be re-interpreted and re-won by every new generation.

George Washington in the agony at Valley Forge was saying—"A Republic—*if* you can keep it!"

General Eisenhower, as many of us counseled with him for many hours at that same Valley Forge—kept saying, "on this spot we rededicate ourselves to the dream that is our America. At Freedoms Foundation, we are trying to continue the spirit of George Washington, so that the meaning of Valley Forge as a vital example of the struggle for freedom, is made clear to everyone." Thus General Eisenhower was always reminding Americans—"We have a Republic, *if* we can keep it!"

Dr. Kenneth D. Wells, our President, long ago put the word "leisure" out of his vocabulary, as he repeats in his heart his favorite verse—

"Let me go on working
Still tackling plans unfinished, tasks undone
Clean to its end, swift may my race be run
Let me die working."

So tackling on, he goes to all the States of the Union, calling Americans to fight with tongue and pen and brush and deed for the Republic *we must keep*.

We honor today and all the days, Hon. Albert W. Hawkes. Often at his lovely home at Palm Desert, as in the evening time we have listened to the music he loves and often talked about the cause of Freedoms Foundation, again and again there with him, we have gazed at the exquisite model of the bronze statue of "Washington at Prayer" which was gratefully given him by patriots from all across the Nation—with an inscription beneath it—an inscription I have never heard him call attention to—But here it is

"A truly beloved American citizen—who knows more about freedom and equality than any other man of our generation." Senator Hawkes, in every word he utters or writes to his imperiled Nation, warns day by day—"We have a Republic—*if* we can keep it."

It was the danger of losing the Republic which led Chief Justice Hughes, shortly before his death, to exclaim: "The real question today is whether we have enough of the old spirit that gave us our institutions to save them from being overwhelmed." What a word for this day, when there are more enemies than ever before home and abroad determined to overwhelm and destroy the American Dream.

But in faith and hope, Freedoms Foundation is sounding the trumpet to return to the spirit of Valley Forge—

"That we may tell our Sons who see the Light High in the heavens—Their Heritage to take:
I saw the powers of Darkness put to flight
I saw the morning break"—

The greatest thing about our America is—
We have been given a Republic—with all its Glory for the Common Man
If we can keep it!
God help us to keep it.

Mr. ALLOTT. Mr. President, the reaction to this speech has been quite favorable. I ask unanimous consent that a letter to Dr. Harris from the President be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE WHITE HOUSE,
Washington, May 26, 1969.

DR. FREDERICK BROWN HARRIS,
Washington, D.C.

DEAR DR. HARRIS: It was with special pleasure that I noted your name among those recently honored by Freedoms Foundation of Valley Forge.

I know this is a particularly meaningful recognition for you and that it represents just a small measure of the satisfaction you know from serving our nation so devotedly in the Senate over the last 25 years.

Pat joins me in sending you our warmest personal wishes.

Sincerely,

RICHARD NIXON.

EQUALITY IN MEDICAL CARE

Mr. SAXBE. Mr. President, Andrew Tully, a syndicated columnist whose work appears in many of my State's newspapers, recently wrote an article on a bill, whose principal sponsor is the junior Senator from Illinois (Mr. PERCY). Because I believe Senators will be interested both in the bill and Mr. Tully's article, I ask unanimous consent that the article, published in the Mount Vernon, Ohio, News, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

PERCY SEEKS EQUALITY IN MEDICAL CARE

(By Andrew Tully)

WASHINGTON.—Sen. Charles Percy, R-Ill., has put his finger on a disease of our affluent society, which is a lot more serious than the so-called "hunger" issue trumpeted by assorted politicians. It is the separate medical systems for the poor and the non-poor.

Percy is plumping for a legislative package that would provide federal funds for outpatient clinics in areas now inadequately served by physicians and hospitals. His proposal would cost money, of course, but there is validity to Percy's claim that it would give the taxpayers more for their health-care dollar.

Congress tackled the problem with the passage of Medicaid and Medicare, but as Percy notes, "There is growing evidence" that neither has succeeded in "increasing the availability of health care." In the case of Medicaid, some states have not implemented it with their own money, and others have had to cut back due to insufficient funds in an inflationary era. Under Medicare, too many of the services offered the aging ill are inadequate to the point of barbarism.

It is a fact that many physicians donate their services to the poor. But in general poor are "crowded into unpleasant, impersonal, inadequate facilities where they must sit for hours." In many cases, no one physician has responsibility for the total care of an individual patient. Thus, a patient may see a different physician each week, and if hospitalization is required, several more doctors may be pressed into the act. This is somewhat more harrowing than the experience of the paying patient who gripes because his family doctor keeps him waiting for an hour or so.

Percy also has reminded us that a poor person often may be refused treatment—not because he isn't sick, but because he has the wrong disease. For example, there are no federal or state funds available for the diagnosis of pneumonia, leukemia, emphysema and a long list of other ailments that often are as fatal as cancer.

As a nation, we spend $50 billion a year

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for health care and yet, incredibly, a recent report of the National Advisory Commission on Health Manpower declared: "There is a crisis in American health care." The reason is simply that the poor receive a disproportionately low share of the health services.

Poor people receive much less medical attention than the affluent, although they actually need more. The black citizen probably is the chief victim of this imbalance. In 1962, the infant mortality rate for nonwhites was 90 per cent greater than for whites, and the proportion of mothers dying in childbirth is four times greater among the poor. Because they are deprived, the poor are the sickest segment of society.

It is a situation that makes a sick joke of the recent 7 per cent Social Security increase asked by President Nixon. (Not to be confused with the $42,500 salary recently awarded to members of Congress.) Some of our senior citizens draw as little as $45 a month from Social Security, which leaves them somewhat short of the wherewithal to buy the medical treatment afforded the rest of us.

Percy would amend the Hill-Burton Act, not only to establish outpatient clinics with federal funds, but to remove the present restrictions by leaving to the discretion of a state planning agency the type of project to be funded. He also would calculate state allotments on the basis of the number of medically indigent families rather than on the basis of the present formula involving average per-capita income and population. The Federal money would go where the sick are.

That's what aid to health care should be all about. As Percy noted, the nation now can do more for the sick person than ever before, but little has been done to make sure the ailing poor can "gain access to a physician." In this respect, the American poor are as badly off as their medieval ancestors—and with less excuse.

RUSSIA HAS NOT CHANGED HER WAYS

Mr. PASTORE. Mr. President, I should like to invite the attention of Congress to an important and timely article written by the Senator from Washington (Mr. JACKSON), which is published in the June 1969 issue of the Reader's Digest.

In introducing the Jackson article the editors of the Reader's Digest say:

> As we move toward further serious negotiations with the Soviet Union, a distinguished member of the Senate warns that we must not allow ourselves to mask realities with soothing myths.
>
> Senator Jackson has been United States Senator from Washington since 1953 and was for 12 years before that a member of the House of Representatives. Respected as a national leader in defense and foreign affairs, he is a member of the Armed Services Committee, the Joint Atomic Energy Committee and the Government Operations Committee. Known, too, for his vigorous support of progressive legislation, Senator Jackson is also chairman of the Interior and Insular Affairs Committee.

I ask unanimous consent that Senator JACKSON's article be printed in the RECORD, as follows:

RUSSIA HAS NOT CHANGED HER WAYS

(By Senator HENRY M. JACKSON)

We live in a restless and risky world where a fresh crisis arrives as regularly as the morning paper. Faced with complex problems, we understandably hope for prompt solutions; and it is not surprising that convenient but false myths work their way into some Americans' thinking.

This is particularly so in matters concerning the Soviet Union. If we are to come to grips, with the real dangers and the real problems, the cold water of reason has to be poured on some prevalent myths.

Myth No. 1: That the Soviet Union is ready to live in peace with its neighbors and to become a good citizen of the world community.

A Czech citizen might be permitted some doubts. Or a Romanian or a Yugoslav.

I do not know how to assess the Soviet Union except as an opportunistic, unpredictable, dangerous opponent, with rapidly expanding military capabilities. The truth speaks loudly.

The momentum of Moscow's drive to parity with us in its missile forces is especially disturbing. By the end of this year the Kremlin will have deployed as many land-based long-range intercontinental ballistic missiles (ICBMs) as we will have—or more—and with a substantially greater megatonnage. The Soviets have installed more than 200 of the very large SS–9 missiles, each capable of carrying one gigantic 20- to 25-megaton warhead (with 1000 times the yield of the Hiroshima bomb) or multiple smaller warheads; and they are building sites for more. They are producing Polaris-type nuclear submarines at the rate of seven per year, each with 16 ballistic missiles.

Remember that in past crises—the missiles in Cuba, the repeated harassments of Berlin, the backing of militant Arab forces in the Middle East, the costly economic and military support of North Vietnam—the strategic inferiority of Soviet power set definite limits on the risks that the Soviet rulers were willing to run. But once the Kremlin is confident of possessing equal or preponderant nuclear capability, we must assume that it will be tempted to pursue its imperial purposes more boldly, accept a far wider range of risks—especially in areas like Central Europe, where it has a local superiority of conventional forces.

Don't forget that Khrushchev was not removed from power for what he was trying to accomplish in Cuba and elsewhere. Rather he was criticized for *failing*—for having to back down.

The leopard does not change its spots. The brutal occupation of Czechoslovakia and the ominous Brezhnev doctrine which asserts the right of the Soviet Union to intervene unilaterally in all communist-run countries are vintage Russian imperialism. If some well-meaning Americans have not seen the point, Russia's neighbors have.

President Tito of Yugoslavia denounced the Brezhnev doctrine as an attempt "to justify even the open violation of the sovereignty of a socialist country and the adoption of military force as a means of preventing independent socialist development."

By its attack on Czechoslovakia in the name of communist orthodoxy, the Kremlin has pointedly emphasized its readiness to use military force for its political ends. Moreover, the invasion vividly demonstrated Soviet capability for rapid movement of large combat forces over long distances, and for doing this in stealth to achieve maximum surprise. No one can now doubt that the Soviet Union will use its power on other fronts, when it believes that the risks are acceptable.

Myth No. 2: That the Soviet rulers are becoming more liberal, moving steadily away from Stalinism.

The plain fact is that there are increasing signs within Russia of a move toward a domestic hard line.

There is nothing "liberal" in the Kremlin's current attacks on intellectuals, and on Jewish poets and authors. Scholars, writers and even some scientists are being subjected to vicious denunciation, censorship and, in many cases, imprisonment or confinement. There is evidence that more intellectuals are incarcerated in Soviet prisons than at any time since Stalin's terror. Furthermore, Stalin's image is being refurbished, and some of his admirers are being restored to positions of power in the military establishment.

The attitude in Moscow that prompted the Czechoslovak invasion does not indicate that the rulers are confident of the stability of their regime. On the contrary, it suggests a deep fear that the urge for freedom that has appeared in Eastern Europe might spread within the U.S.S.R. itself.

Soviet rulers cannot, I think, be sleeping easily. The unrest in Eastern Europe and the bloody clashes a continent's width away on the Sino-Soviet frontier do not make pleasant dreams for those struggling for power and influence within the Kremlin's onion towers. We cannot discount the danger that a harassed, nervous and temporarily ascendant faction may take perilous risks and make serious errors of judgment in its conduct of foreign affairs. Hence, there is everything to be said for steady strength on our part.

Myth No. 3: That the United States is always the first to develop new weapons, and is therefore responsible for the arms buildup.

The evidence decisively refutes this notion:

The Soviet Union acted first to develop ICBMs.

The Soviet Union has developed and tested a 60-megaton bomb; it is the only nation to possess a terror weapon of anything like that size.

The Soviet Union is the only nation to have built and installed ICBMs of the SS–9 size and to be testing multiple warheads on it.

The Soviet Union has developed and tested a Fractional Orbital Bombardment System (FOBS), a first-strike-oriented weapon; it is the only nation to have available such an orbital weapon.

The Soviet Union—in 1962—test-fired an anti-ballistic missile (ABM) against an incoming nuclear-armed missile; it is the only nation to have conducted such a test.

The Soviet Union acted first to deploy ABMs and is installing more than 60 ABM launchers, and is testing an improved model—whereas the United States has not yet deployed ABMs of any kind.

I do not cite these facts to make the claim that there is no interaction between Soviet and American military policies. Obviously there is. Obviously, too, the Soviet Union is eager to exploit promising technological advances to strengthen its position.

The present campaigners against President Nixon's Safeguard ABM program argue that it would "escalate the arms race." I have never heard one of these critics say that in deploying its ABM system some years ago the Soviets were "escalating the arms race." There is a clear double standard here, and I am confident that the American people, once they have the facts, will recognize it as a standard that is crudely biased against our own country.

It is worth noting that Premier Kosygin, at a press conference in London on February 9, 1967, explicitly rejected the proposition that deployment of a defensive missile system heats up the arms race or is "destabilizing." Said Kosygin, *"I think that a defense system which prevents attack is not a cause of the arms race but represents a factor preventing the death of people."*

Now, the fact is that possession of a relatively effective ABM system by *only* the Soviet side would be destabilizing. It could put in jeopardy the credibility of the overall ability of the United States to retaliate—which is the first essential of national security and individual liberty, and of the survival of our allies in freedom.

The Western deterrent—*i.e.*, strength to deter an attack—must be credible to the Soviet Union. But it wouldn't be if the Soviet rulers ever came to believe that a surprise first-strike nuclear attack on the United

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States, coupled with their ABMs, would limit damage to the Soviet Union to a level acceptable to them (however they define that level).

The Western deterrent must also be reassuring to our allies and, above all, to the American President. If he ever came to believe that the Soviet Union had a first-strike capability and that the West no longer had a safeguarded second-strike capability, this belief could undermine his will to resist Soviet pressures in a period of crisis. In these circumstances, the Kremlin, not feeling deterred by our forces, would be emboldened to extend its influence. This would create the most dangerous sort of confrontation—a showdown between nuclear powers.

I commend President Nixon for his statesmanlike decision to proceed with the deployment of a limited ABM defense. The Safeguard system is designed to meet the threats without over-reacting. It would help protect essential elements of our retaliatory force. At the same time this strictly defensive protection should help persuade the Soviet Union to negotiate seriously with us on properly safeguarded arms limitations.

I am a Democrat, but I am proud that over the years I have supported my President, Democrat or Republican, in critical decisions, popular or unpopular, to provide for the security of our country and to improve the chances of maintaining peace.

Myth No. 4: That all it takes for success in negotiations with the Soviet Union is to sit down and talk with them.

This is, of course, wrong, and shows an utter lack of maturity about negotiating with the Kremlin.

Some Americans see international negotiation only as a way of *ending* conflict. They are blind to the fact that negotiation as practiced by Moscow is equally adapted to *continuing* and *waging* conflict.

The Soviet approach to foreign relations involves what the Soviet rulers call "the calculation of forces." If this calculation is favorable, they will seize their opportunities. If it is unfavorable, they may use negotiation as a tactical maneuver to gain the time in which to alter the balance of forces in their favor or to bring about a sense of calm and goodwill before launching an energetic offensive on a new front. However, if the Kremlin sees no advantageous alternative to a negotiated settlement in a given situation, it may accept a limited, expedient arrangement. This view of negotiation comes straight from the gospel according to Lenin and Stalin, and is shared by the present rulers of Russia.

As I see it, the United States and our allies should work for mutually acceptable arrangements with the Soviet Union where their interests and ours converge; but, simultaneously, we must maintain the strength and resolve to discourage and deter Soviet expansion. The only safe way to negotiate with the Russians is to keep our eyes open and to bargain from strong positions. It is on this basis that I favor negotiating with Moscow on the reciprocal limitation or reduction of offensive and defensive nuclear forces.

Obviously, our resources are limited—though not so limited as those of the adversary—and we must use them with discrimination and prudence, recognizing that we have urgent and vital tasks at home as well as abroad. The United States will not lag behind any nation in beating its swords into plowshares when the day comes that others will join us. Meanwhile, in these fateful and difficult times, Americans must be prepared to accept the responsibilities of a great power, lest international crises get out of hand and the chances of peace go glimmering.

Winston Churchill said the right words to us: "The price of greatness is responsibility."

LEON FRIEND: THE IMPACT OF A FINE ART TEACHER

Mr. JAVITS. Mr. President, on April 17, 1969, 150 alumni and students of Abraham Lincoln High School, in New York City, opened a show of their work at the Architectural League of New York in honor of an extraordinary high school teacher, Leon Friend. The news release of the Architectural League concerning that show is a genuine tribute to the impact of this fine and gifted teacher, I ask unanimous consent that the news release be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

Mr. Friend: The Impact of One Art Teacher

(Exhibition of the work of the alumni and and students of Abraham Lincoln High School, New York City, sponsored by the Architectural League of New York, April 17 to May 10)

On April 17th, one hundred and fifty alumni and present students of Lincoln High School will assemble to open a show of their work at the Architectural League in honor of an extraordinary high school teacher, Leon Friend. The exhibition covers an astonishing range—from commercial film to fine art, from the most successful professionals to the present students. In sheer volume it is a tribute to the creative energy unleashed and disciplined by one man, in quality it is a testament to the excellence of one teacher.

"At a time when the New York City School system is under severe attack, the story of Leon Friend stands out as a notable example of how the system can work," says Arthur Rosenblatt, an alumnus and a member of the Executive Committee of the Architectural League. From a public high school in Coney Island, from the classroom of one art teacher have emerged some of the leading artists, photographers, and art directors of our time. Among those represented at the Architectural League show are William Taubin (Art Director, Doyle Dane Bernbach) who made a bread famous with "You don't have to be Jewish to Love Levy's"; Tom Courtos, the graphic designer who turned Florida into an airline for National, and styled Zum Zum, Hungry Charley's and the Trattoria for Restaurant Associates; Milton Greene, Irving Penn, Jay Maisel—well known photographers; important TV commercial film makers, Gene Federico (Lord Geller Federico & Partners) who created "The Happy People" and "Showdown" for the American Cancer Society; Lester Feldman (Art Director, Doyle Dane Bernbach) who brought the eerie sophisticated cartoon to recent Uniroyal Tire commercials; Alex Steinweiss who revolutionized the Columbia Record cover designs twenty years ago; Seymour Chwast, founder (with Milton Glazer) of Push Pin Studios . . . Seldom has one teacher inspired so many.

During the 38 years he has taught at Lincoln High School, Mr. Friend has created an Art Department which rivals the reputation of specialized schools such as the High School of Art and Design, Music and Art. From the very outset he instilled in 14, 15, and 16 year old students the standards of professionalism. He exposed his students to art and graphic magazines from all over the world and, at his own expense he invited leading designers to come and speak: Will Burtin, Maholy Nagy, Paul Rand, Lester Beal, Jacques Lipchitz, Moses Sawyer, Bernard Rudolfsky.

In addition he sparked vigorous competition among his students; they competed in New York City sponsored poster campaigns, Cancer poster competition, National Magazine Scholarship Awards. This highly competitive professional atmosphere enables many students to win important scholarships, and make the transition from school to the commercial environment.

Both the former principal of Lincoln High School, Gabriel Mason, and the present principal, Abraham Lass, gave Mr. Friend that freedom which was necessary to permit a teacher to develop the extraordinary in his student rather than the barely necessary. They set aside a special space for an Art Squad Club, kept the building open beyond hours, sponsored an art collection.

The present show at the Architectural League is not only evidence of what can happen within the public school system, but also a unique tribute from a distinguished alumni to the man who inspired them.

THE PLEDGE OF ALLEGIANCE

Mr. CANNON. Mr. President, my good friend Al Freeman, of the Sands Hotel in Las Vegas, has called to my attention a moving interpretation of The Pledge of Allegiance that has been both recorded and presented on television by Red Skelton.

This stirring performance has elicited enthusiastic response from Americans throughout the country. As Flag Day 1969 approaches, at a time when cynics often scoff at patriotism, I believe Red Skelton's Pledge of Allegiance serves as an appropriate tribute to the values and principles symbolized by our flag. I therefore ask unanimous consent that the document be printed in the Record.

There being no objection, the document was ordered to be printed in the Record, as follows:

[From the Red Skelton Hour, Jan. 14, 1969]

The Pledge of Allegiance

(By Red Skelton)

I remember this one teacher. To me, he was the greatest teacher, a real sage of my time. He had such wisdom. We were all reciting the Pledge of Allegiance, and he walked over. Mr. Lasswell was his name . . . He said:

"I've been listening to you boys and girls recite the Pledge of Allegiance all semester and it seems as though it is becoming monotonous to you. If I may, may I recite it and try to explain to you the meaning of each word:

"I—me, an individual, a committee of one.

"Pledge—dedicate all of my worldly goods to give without self-pity.

"Allegiance—my love and my devotion.

"To the Flag—our standard, Old Glory, a symbol of freedom. Wherever she waves, there is respect because your loyalty has given her a dignity that shouts freedom is everybody's job.

"Of the United—that means that we have all come together.

"States—individual communities that have united into 48 great states. 48 individual communities with pride and dignity and purpose, all divided with imaginary boundaries, yet united to a common purpose, and that's love for country.

"Of America.

"And to the Republic—a state in which sovereign power is invested in representatives chosen by the people to govern. And government is the people and it's from the people to the leaders, not from the leaders to the people.

"For which it stands.

"One nation—meaning, so blessed by God.

"Indivisible—incapable of being divided.

"With liberty—which is freedom and the

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right of power to live one's own life without threats or fear or some sort of retaliation.

"And justice—The principle or quality of dealing fairly with others.

"For all—which means it's as much your country as it is mine."

Since I was a small boy, two states have been added to our country and two words have been added to the Pledge of Allegiance—"under God."

Wouldn't it be a pity if someone said, "That's a prayer" and that would be eliminated from schools, too?

NATIONALIZATION OF DEFENSE CONTRACTORS

Mr. GOLDWATER. Mr. President, in his appearance before the subcommittee hearing testimony on defense spending, John Kenneth Galbraith suggested that Congress nationalize defense contractors that do more than 75 percent of their business with the Pentagon. I have heard and read some rather unusual things that this supposedly talented economist has written or said, but never did I think I would hear such an inane suggestion as the one he made the other day.

The Arizona Republic has very cogently expressed the feelings that went through my head when I heard this suggestion. I ask unanimous consent that the editorial published in that paper be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REACTIONARY PROPOSAL

John Kenneth Galbraith suggests that Congress consider nationalizing defense contractors that do more than 75 per cent of their business with the Pentagon. This is one of those proposals that have all the virtues of simplicity—and all the drawbacks.

The U.S. experimented extensively with non-profit government arsenals between the two world wars. And even Newsweek, an outspoken critic of the military and its manufacturers, said that experiment produced "poor results."

"For 25 years the navy made torpedoes at Newport," the magazine said, quoting Dan Kimball, former navy secretary and former head of Aerojet-General, a rocket manufacturer. "But when World War II came, the torpedoes wouldn't run right, wouldn't hit any ships. We had to get American Can Co. in Chicago to make the ones that worked."

Airplanes made at a Philadelphia arsenal, added Kimball, "were nice airplanes, but they wouldn't fly. And try to lay off a few people when work goes down. You'll get the damnedest hullabaloo you ever saw."

Harvard economist Galbraith, as well as any one, should know how woeful "nationalization" has turned out wherever it has been tried, from the farms of Soviet Russia to the steel mills of Britain to the oil wells of Peru.

Galbraith is hardly a reactionary. Yet his nationalization proposal is reactionary in that it longs for a return to old, inefficient economic policies. It is even less sensible than suggesting that the post office be kept under the present quasi-nationalistic system, which has snarled the mail system in America, rather than be placed under an independent corporation, as Presidents Johnson and Nixon have proposed.

A CALL FOR THE PRESIDENT TO SPEAK OUT ABOUT OLDER AMERICANS

Mr. WILLIAMS of New Jersey. Mr. President, the Wall Street Journal of June 10 gave a prominent position to an article which began with these words:

> The Nixon administration is embarking on a determined but politically difficult campaign to shift the Federal welfare focus from aiding the aged to caring for kids.

The same article referred to a "traditional priority for the aged" in terms of Federal expenditures.

And it quoted Robert Finch, Secretary of Health, Education, and Welfare, as saying:

> I'd like to see a great chunk of resources put in at the lower end of the age spectrum and hold (spending) at the top end.

And what is that spending? The Wall Street Journal said that in the next fiscal year $1,750 per capita will be earmarked for the elderly, compared with only $190 for each young person.

Mr. President, the Wall Street Journal article is acutely disturbing for two vital reasons:

First. It does not satisfactorily explain that most of the so-called expenditure for the elderly is drawn from trust funds into which employers and employees have contributed over the years,

Second. Even more important, the article gives an apparently accurate account of a growing belief in the administration that somehow programs for the young can be established only at the expense of the elderly.

This is the second time that Secretary Finch has made remarks which have the effect of pitting youth against the aged and on April 9, he issued a statement discussing the "relative imbalance" in Federal benefits and services for the two age groups. He also spoke of the "high social and economic payoff" which results from Government investment in children. Apparently, however, the Secretary saw little or no "return" from Federal action on behalf of the elderly.

The Secretary's reasoning—and his arithmetic—were challenged by the National Council of Senior Citizens and other organizations concerned about the elderly. Perhaps the most effective individual rebuttal was submitted by Theodor Schuchat, retirement editor of the North American Newspaper Alliance, at hearings by the Senate Special Committee on Aging on April 29.

Mr. Schuchat's testimony—which pungently expresses his outrage at an "erroneous and divisive" policy position—is informative and authoritative. I ask unanimous consent that it be printed at this point in my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THEODOR SCHUCHAT, RETIREMENT EDITOR, NORTH AMERICAN NEWSPAPER ALLIANCE, TO THE SPECIAL COMMITTEE ON AGING, U.S. SENATE, APRIL 29, 1969

The subject of these hearings is the growing gap between the social security benefit and a moderate standard of living for retired people and the growing gap between the income of older people and the income of younger people.

Secretary Finch, however, has perceived another gap. In a statement issued on April 9, he said:

"With regard to the need for greater emphasis on child development, we know that there are four times as many young people as aged in the U.S., yet:

Federal benefits and services of all kinds in 1970, including the social insurance programs, will average about $1,750 per aged person, and only about $190 per young person; and

The relative imbalance has been expanding with the increase over the last 10 years for the aged standing at nearly $22 billion, compared to $11.5 billion for the young."

In my opinion, Secretary Finch is as wrong as he can be in this statement, and I recommend that he stop and think before maintaining this erroneous and divisive policy position, if this is indeed what his statement represents.

In the first place, he seems to be using the wrong figure. In 1969, the Federal expenditure per older person was $1,690, and in 1970 it will be an estimated $1,785, according to the Administration on Aging, a unit of the Department he heads. I don't know where he got the figure of $1,750 for 1970.

Second, these figures lie as they stand in Secretary Finch's statement, without explanation or clarification of any kind. He does not explain, for instance, that 85 percent of the Federal expenditures for older people currently come from trust funds to which the elderly themselves contributed heavily during their working years. In contrast, only 25 percent of the Federal expenditures for children come from trust funds.

He has tried to tell the American people that the Federal Government is spending $10 for each older person and only $1 for each child. The ratio of ten-to-one that he apparently decries falls to a ratio of only two-to-one, however, if we exclude the trust fund expenditures and stick to expenditures from general revenues.

Now, let us examine the nature of these expenditures. Of the Federal expenditures for older people, 98 percent are represented by income maintenance payments (76 percent) and health care (22). So it turns out that the Federal expenditure per older American for everything except income and health care is less than $36.

In contrast, only 41 percent of the Federal expenditures for young people are represented by income maintenance (31 percent) and health care (10 percent). For children, the Federal expenditure for everything except income and health care is more than $99.

Next, let us consider why these data come out the way they do, with the Federal Government apparently expending much more for older people than for youngsters. The reason is obvious. The needs of most children for income and health care are met by their parents, and their needs for education are met to a very large extent by local and State governments.

However, the needs of old people for income and health care—to the extent that they cannot be met from their earnings or their savings or their relatives—are met to a very large extent by Federal programs, and remember that the recipients of this aid themselves contributed to the trust funds that provide 85 percent of it, as well as to the trust funds that provide a large part of the aid to children.

Just what message was Secretary Finch trying to convey when he issued this misleading fiscal comparison on April 9? Does he mean that the trust fund expenditures for older people are too high? Does he mean that the Federal Government should replace local and State government as the major source of education funds? How else would he redress the imbalance or close the gap that he thinks he has discovered?

Secretary Finch's statement of April 9 adds that: "We do not begrudge our expenditures on the aged; they are a group which needs special help. But the relative lack of emphasis on investment in children seems shortsighted in light of the high social and eco-

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nomic payoffs which such investments can have in terms of helping to produce fully effective members of society."

Mr. Chairman, in more than two decades of close association with the Department of Health, Education, and Welfare and its predecessor agency, I have never heard a more divisive and inflammatory statement by the Cabinet officer who heads it.

Mr. Finch has a mandate from Congress to look to the health, education, and welfare of the American people as a whole, not solely those whom he or his computers consider to have the potential of being "fully effective members of society" or of yielding "high social and economic payoffs." He is expressing a philosophy of his office, an approach to his responsibilities, that I believe Congress and the American people would reject out of hand, after but a moment's reflection. That philosophy in Nazi Germany lead straight to the gas chambers which were, let us never forget, originally erected to solve the "problem" of the crippled and mentally retarded.

Secretary Finch has frequently described himself as "a political animal." Taking him at his word, I offer some advice I trust he will heed. It is this.

The Department of Health, Education, and Welfare was not created to atttain "high social and economic payoffs." Its programs were established by Congress on the basis of a profound moral obligation to help people, old and young, rich and poor, productive and improvident.

The improvement or expansion of one of its many programs has never been achieved at the expense of another. The Secretary can make quite a good case for Head Start without deprecating Social Security. If the American people want both, they can and will pay for both. We know we can never have too much health, education or economic security.

And so we expect our Secretary of Health, Education, and Welfare to champion all our needs. We expect him to demonstrate his humanitarian concern for all our people, not the chilling myopia of the cost accountant, who knows the price of everything and the value of nothing.

Mr. WILLIAMS of New Jersey. Mr. President, despite the alarm caused by Secretary Finch's statement in April, the youth versus old doctrine is still alive and perhaps flourishing at HEW. The Wall Street Journal article made it appear even more certain that efforts will be made in the near future to propose or establish "child development" programs—but only if the line is held, or cut back, for the elderly.

Certainly, the Nation must pay more attention to the crying needs of its young people. The two preceding administrations explored those needs and brought them to the attention of the Nation. The new President can now build upon the solid achievements inherited from his two immediate predecessors.

But why on earth should hope and a decent life for our youth be achieved only at the expense of the elderly?

That question was raised yesterday at the 22d annual conference on aging at the University of Michigan. Shocked by the implications of the Wall Street Journal article, the delegates passed a resolution addressed to President Nixon. I ask unanimous consent that the document be printed at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION PASSED AT THE 22D ANNUAL UNIVERSITY OF MICHIGAN CONFERENCE ON AGING, JUNE 11, 1969

Whereas newspaper accounts within recent weeks have described officials of the present Administration as subscribing to a policy of holding the line or even reducing the level of support for programs which serve Older Americans, and

Whereas such attitudes are usually expressed within a context of concern about the need for providing an increased Administration-wide emphasis on programs for youth, and

Whereas such sentiments are usually accompanied by misleading statements which convey the impression that far more in federal funds is committed per aged person, as opposed to per capita expenditures for young persons, and

Whereas such cost estimates disregard the fact that most federal expenditures for the elderly are actually derived from trust funds into which employee-employer payments have been made over a period of years (more than a third of a century in the case of Social Security), and

Whereas such statements are resulting in unfortunate and damaging "either-or" attitudes which assume that youth cannot be served unless the elderly are neglected in this, the richest nation in the world: Now, therefore, be it

Resolved, That conferees at the closing session of the 22nd Annual University of Michigan Conference on Aging—an assemblage to which national, state, and local organizations and agencies have sent representatives—do hereby call upon you, Mr. President, to express the philosophy and the commitment of the present Administration to the interests and problems of the more than 20 million Americans now age 65 or over and the many other millions soon to reach that age, and be it further

Resolved, That representatives at this conference shall seek from their organizations or agencies an expression of concern similar to that of this resolution, with special reference to a Wall Street Journal article of June 10, 1969, bearing this headline: "Nixon Aims to Switch Emphasis on Welfare From Aged to Children."

Mr. WILLIAMS of New Jersey. Mr. President, I believe the resolution was passed as much in sorrow as in anger. Many of the people at the annual conference at Michigan University have worked hard over a period of years or even decades to win modest and sometimes historical victories on behalf of older Americans. But they know that the elderly population of the United States—far from enjoying a high level of priority attention from their Federal Government—is actually losing in the struggle for economic security and personal enjoyment of life.

It has been my responsibility, as chairman of the Senate Special Committee on Aging, to take testimony this year on "the economics of aging," and our testimony clearly shows that we have a crisis in retirement income, not a surplus or a comfortable level.

Every person in this Nation, including those middle-aged and younger persons now trying to make both ends meet without much thought to their own retirement security, should give some thought to the following facts emerging from the Committee studies:

Four out of 10 older Americans are living in poverty or near poverty.

Americans living in retirement are suffering from an income gap in relation to younger people. And that gap is widening, not narrowing.

As more Americans live more years in retirement, the strains on their economic resources will become even more severe.

For widows and other women living alone in old age, the problem is especially grave.

Thus far, spokesmen for the present administration have had little to say about the facts given above. We have heard something about a proposed 7-percent increase in social security, but that is certainly an inadequate response. At the present rise in the cost-of-living index, that increase would be wiped out long before the first check could be mailed out.

I agree with the University of Michigan conferees who called upon President Nixon for a full expression of the philosophy and commitment of the present administration to the interests and problems of older Americans.

We hear spirited defenses of military expenditures from the present administration.

We hear expressions of concern about the fate of our space program from the highest levels.

But we have heard nothing constructive about older Americans. Is it not time that we did?

FAIR COMMENT FROM THE COMMANDER IN CHIEF

Mr. BENNETT. Mr. President, the attacks on the President's Colorado Springs speech are as overstated, overgeneralized, and overemotional as the attacks on the military to which the President's remarks were addressed.

One Senate critic complained that the President impugned the patriotism of those who undertake to criticize waste and inefficiency in defense spending.

On the contrary, the President said:

> I am not speaking about those responsible critics who reveal waste and inefficiency in our defense establishment, who demand clear answers on procurement policies, who want to make sure a new weapons system will truly add to our defense. On the contrary you should be in the vanguard of that movement. Nor do I speak of those with sharp eyes and sharp pencils who are examining our post-Viet Nam planning with other pressing national priorities in mind. I count myself as one of those.

Another Senator regretted the use of the phrase "new isolationists." But what is wrong with this phrase? It is a perfectly legitimate way to describe a view of the U.S. role in the world that many persons, including Members of Congress, hold. Indeed, C. L. Sulzberger, writing in the New York Times last week, described the dangers of the "new isolationism" in terms that were not at all inconsistent with the President's statements.

I wish further to explore the strange approach adopted by the liberal critics of the President. Several weeks ago the oft referred to "honeymoon" of the President ended. Since then several Members of this body have been highly critical of the President, some stating that he had no intention of ending the Vietnam war

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and that his policies were no different than the Johnson administration's.

Many attacks have been leveled at the President and his administration regarding defense contracts and policies that were negotiated by past administrations.

Also during the past several weeks it has been open season on the President of the United States by those who have a political stake in attacking the President.

I would remind those attackers that it took the previous administration some 8 months to negotiate the size and shape of the Paris peace conference table, yet President Nixon is condemned for not having performed a peace miracle in 5 months.

I also find it inconsistent that when the President fights back as he should and must to defend his administration, his policies and certain vital institutions of this country, that they suddenly cry "foul." There seems to be a belief among them that they are free to criticize and attack, either responsibly or irresponsibly, but if the President fights back, then for some strange reason he has been "unfair" and has "impugned" their motives.

I would point out again that it was Richard M. Nixon whom the American public elected on November 5; and as President of the United States he has not only a right, but he has a duty to answer his critics. When he does so, I think his critics in all fairness should refrain from accusing the President of unsavory tactics when they themselves are engaged in the same discussion.

Now that the President has announced a sound plan for withdrawal of U.S. troops from South Vietnam, I hope that these critics will be able to restrain themselves from demanding untimely concessions on our part.

They should and must understand that there is a program for peace at work—and, for our country's sake, that program should not be undermined by shrill wails from Congress.

ENVIRONMENTAL QUALITY

Mr. TYDINGS. Mr. President, proposed legislation is being introduced today by the distinguished chairman of the Public Works Committee (Mr. RANDOLPH) and the distinguished chairman of the Subcommittee on Air and Water Pollution (Mr. MUSKIE) to create an Office of Environmental Quality in the Executive Office of the President. The much needed result, if such legislation is enacted, would be the inclusion of considerations of environmental quality in the decisionmaking processes of government.

The bill creates an agency with the authority to review and coordinate Federal projects and policies related to the environment and established a means for systematically advising the President on the State of the environment.

I support the bill and believe that, if enacted, it could have truly historic significance in the long effort to end the unnecessary abuse of our land, sea, and air resources.

The proposed legislation is similar to a bill—S. 1818—which I introduced on April 15. I am delighted to learn that the Public Works Committee plans hearings on both the Randolph-Muskie bill and my bill, as well as a third bill, similar in content, introduced by the distinguished junior Senator from Wisconsin (Mr. NELSON).

The selection of the best mechanism for limiting the adverse impact of our expanding technology and population on our environment is not an easy task. The hearings planned by the committee can do much to advance a solution. They can clarify the issues involved, explore possible alternative methods of action, and offer a forum for those concerned with this important issue.

Upon their conclusion, legislation that represents the most desirable solution can be brought forward.

A number of scientists from around the country have indicated to me their belief that legislation similar to that introduced today is urgently required. While they refer specifically to S. 1818, the letters from the scientists mention concepts that are found in both bills and indicate the support which this type of measure has in much of the scientific and academic world.

Mr. President, I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HARVARD UNIVERSITY,
BIOLOGICAL LABORATORIES,
Cambridge, Mass., May 5, 1969.

Senator JOSEPH D. TYDINGS,
Washington, D.C.

DEAR SIR: As a member of the Board of Advisors of the Ad Hoc Committee on the Environment I write to express my enthusiastic endorsement of your Bill S. 1818. If successful this could be an epoch-making piece of legislation. I feel that a powerful agency of the kind you envision in the Office of Environmental Quality is greatly needed to initiate and coordinate the major decisions affecting environment. The major problems of conservation and resource allocation in this nation do need to be pleaded before a disinterested panel of distinguished experts with the power to make decisions and rank-order federal projects.

I wish you every success.

Sincerely yours,

E. O. WILSON,
Professor of Zoology.

STANFORD UNIVERSITY,
Stanford, Calif., May 5, 1969.

Senator JOSEPH D. TYDINGS,
Washington, D.C.

DEAR SENATOR TYDINGS: I have just had the opportunity to examine the text of your bill S. 1818, the "Environmental Quality Act of 1969." It is, in my opinion, one of the most significant pieces of legislation ever to be submitted to the United States Senate.

As you know, my colleagues and I have grown increasingly apprehensive at the rapid rate of deterioration of the environment of our planet. It is now conceivable, for instance, that patterns of chlorinated hydrocarbon usage already have taken a decade or more off the life expectancy of every American child born since 1945. There is, indeed, some concern that deterioration of ecological systems already may have passed a threshold which will inevitably lead to a drastic reduction of the capacity of the Earth to support life. The "downside risks" already are immense, and further hesitation in moving toward comprehensive environmental planning can only enhance the probability of eco-catastrophes beyond the imagining of most laymen.

I hope that you will pass on to your colleagues our feeling of the urgency of this problem. They must understand that the problem of maintaining the environment is as critical as the problem of maintaining the peace (and that, indeed, the two are not unrelated). Your bill should provide a great step toward awareness and action on the environmental front. *The importance of its passage cannot be overestimated.*

Perhaps you could pass on to other Senators the following quote from "Pollution Box Score: California, Top of the Ninth Inning" (*California's Health*, March 1969):

"GAME SUMMARY

"Man, perennially weak at defense and strategy but a threat at the plate, has been hitting Nature hard. It must be remembered, however, that nature bats last."

Sincerely,

PAUL R. EHRLICH,
Professor of Biology.

BATTELLE MEMORIAL INSTITUTE,
Columbus, Ohio, May 14, 1969.

Hon. JOSEPH D. TYDINGS,
Washington, D.C.

DEAR SENATOR TYDINGS: In response to your communication to us as members of the Board of Advisors, Ad Hoc Committee on the Environment, we believe it is axiomatic that environmental considerations should be incorporated in the decision-making processes of government. Your bill (S. 1818) for the establishment of an Office of Environmental Quality does much to clarify the Federal Government's responsibility regarding the maintenance of a quality environment. We hope the Congress will recognize the essential need for an OEQ and that your bill wll be passed without undue delay.

The problems that must be solved in order to establish a workable policy for the maintenance of a quality environment are both numerous and complex. Too often, these problems are approached one at a time, and the result of this fragmentation is that the Government's efforts appear to be disorganized and ineffective; the policies and activities of the various Government agencies involved are often in conflict; and many problems are simply deferred, not solved. If the OEQ can bring order and coordination to the numerous governmental activities related to environmental quality, real progress can be made toward an overall solution. Without such measures, we can look forward to a great deal of wasted efforts and very little in the way of a lasting solution to the important problems.

Sincerely yours,

WILLIAM E. MARTIN,
Senior Ecologist.
R. S. DAVIDSON,
Director, Bioenvironmental Services Program.

AMERICAN GEOGRAPHICAL SOCIETY,
New York, N.Y., May 5, 1968.

Hon. JOSEPH D. TYDINGS,
Washington, D.C.

DEAR SENATOR TYDINGS: Thank you for sending me the bill concerning the Council of Environmental Advisors. This sounds to me like an excellent idea and I think I can safely promise you my own support as well as that of the organization I represent.

Very sincerely yours,

SERGE A. KORFF,
President.

CALIFORNIA INSTITUTE OF TECHNOLOGY,
Pasadena, Calif., May 6, 1969.

Senator JOSEPH D. TYDINGS,
Washington, D.C.

DEAR SENATOR TYDINGS: I have had an opportunity to review in detail your proposed Bill S. 1818 "On the Introduction of a Bill to Create an Office of Environmental Quality." I think this is an excellent idea, and insofar as this office can be created on

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a parallel and equal standing with the Bureau of the Budget, it can do much good. If it is not so created, it can waste a lot of time for a lot of environmental scientists. It must have some open avenue for its decisions to affect legislation and executive action. With this one reservation and qualification, I am totally behind your proposed bill. It is excellent. With best wishes for the success of S. 1818,

Sincerely,

JAMES BONNER,
Professor of Biology.

INSTITUTE OF ECOLOGY,
UNIVERSITY OF GEORGIA,
Athens, Ga., May 21, 1969.

Hon. JOSEPH D. TYDINGS,
Washington, D.C.

MY DEAR SENATOR TYDINGS: I am enthusiastic about your bill (S. 1818) that would create an office for environmental quality with power to influence decisions at the executive level and to delay large federal projects which too often are not in the interest of the whole environment but mostly for the benefit of vested bureaus! I can also speak for the some 50 ecologists here at the University of Georgia who comprise our "environmental science faculty" (the Institute of Ecology together with the Institute of Natural Resources). We all feel that most bills so far proposed are too weak; yours seems to approach what is needed.

There was an interesting report in the latest issue of "BioScience" (the official journal of the American Institute of Biological Sciences) entitled "Policies of the Environment: too many cooks?", which points out that such a variety of bills have been proposed that there is grave danger that nothing will actually get done. We hope that you could get together with Senators Jackson, Nelson, Muskie and others who have proposed bills and come up with one strong bill that could have widespread support. Otherwise, we fear that Congress will remain as badly "fragmented" and impotent in environmental matters as is our government as a whole! I have written our Georgia representatives in hopes that they will study and support your bill.

We do have one question or perhaps a suggestion about your bill. We think that membership in the all important "top-level council of advisors" should be spelled out and that this council should specifically include some persons outside the governemnt as well as heads of key agencies that are responsible for various aspects of resources and environment.

I enclose several items of my own writings that perhaps express our feeling of urgency in these matters.

A copy of this letter together with the enclosures are being sent to Mr. Frank Potter for the records of the Ad Hoc Committee of the Environmental Clearinghouse.

Yours sincerely,

EUGENE P. ODUM,
Director.

THE CATHOLIC UNIVERSITY OF AMERICA,
Washington, D.C., May 11, 1969.

Senator JOSEPH D. TYDINGS,
Washington, D.C.

DEAR MR. TYDINGS: I read with great satisfaction the Congressional Record vol. 115, No. 59 containing the introduction of your bill on environment. The creation of a powerful office of environmental quality is an urgent requirement indeed. Congratulation on the clear and convincing wording of the bill.

As a scientist I am constantly concerned with the future. It seems to me that two other problems will soon become important, problems which are strongly related to environment:

(1) Preservation of natural resources such as water, minerals, lumber, fuels. As if there existed an infinite supply, people waste the resources to the extent that future generations will blame us for being irresponsible.

(2) In certain regions of the U.S., particularly along the east and west coasts, population density increases at a pace that soon all attempts of conservation will be futile.

Education and legislation will have to deal with these two problems to avoid a significant deterioration of the country.

Please accept my deep appreciation for your continued effort in the best interest of the U.S.

Sincerely yours,

EDWARD BATSCHELET, PH. D.,
Professor of Biometry.

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, Calif., May 13, 1969.

Senator JOSEPH D. TYDINGS,
Washington, D.C.

DEAR SENATOR TYDINGS: This is in reply to your recent letter concerning proposed establishment of an Office of Environmental Quality in the Office of the President. Your proposed bill is certainly an improvement over any of the preceding proposals. My only remaining question is whether even now your bill has enough teeth in it so that advice on highly controversial matters will indeed receive adequate attention in the face of the enormous pressures generated, particularly by the military and by the Atomic Energy Commission. In any event I certainly wish to encourage you in your efforts to bring an appreciation of environmental quality into the ponderous machinery of government.

Sincerely,

A. STARKER LEOPOLD,
Professor.

YALE UNIVERSITY,
New Haven, Conn., May 13, 1969.

Sen. JOSEPH D. TYDINGS,
Washington, D.C.

DEAR SENATOR TYDINGS: Thank you for your letter and the copy of your bill S. 1818. This is an extremely important and necessary piece of legislation, and I sincerely hope it receives prompt action.

In your introduction of this bill before the Senate, you documented the widespread nature of our environmental problems, but I hope that the Senate is also aware of their urgency and the need to act as quickly as possible. As you pointed out, our population and our technology are growing and creating new problems every year, but their rates of growth are alarming and are, virtually, uncontrolled.

A disappointment I find in this and other proposed environmental legislation is a lack of emphasis on the core problem, human population growth. While I fully support this bill and its intentions, I must continue to point out, as I have in other correspondence on the subject of environment, that the primary factor in environment quality, or deterioration, is population growth. Until we at least face this fact and begin to work toward a national policy of population control, bills such as this will inevitably be too little, too late.

The major emphasis of S. 1818 is on review and control of environmental decisions. The establishment of a national policy on environment and criteria for environmental quality are included in Sec. 5, but I do not feel that these functions of an Office of Environmental Quality are given sufficient emphasis, nor do I feel that either the executive or legislative branches have considered the potential impact of a clearly stated, national policy on population and environment. This is our most urgent need, and I hope it will be given the priority it deserves.

Sincerely,

RICHARD S. MILLER,
Professor of Wildlife Ecology.

UNIVERSITY OF CALIFORNIA, DAVIS,
Davis, Calif., May 6, 1969.

Senator JOSEPH TYDINGS,
Washington, D.C.

DEAR SENATOR TYDINGS: I have studied your S–1818 on the introduction of a bill to create an Office of Environmental Quality. This bill in my opinion is exemplary in every respect, both with respect to the general intent and the details of the plan.

It has occurred to me that in discussion about this bill there may be some question as to what purpose could be served by an Office of Environmental Quality and a counsel of advisors to the office which could not now be served by an existing agency. In order to help you deal with such comments as effectively as possible, I am enclosing a reprint of an article which indicates that excessive or extensive use of pesticides in home gardens is associated with increased probability of certain diseases including hypertension, carcinoma and leukemia. Since the effects of DDT gradually accumulates in the body, it is reasonable to expect that the increasing concentration of DDT in the environment leads to increased illnesses in all people and as the article will suggest, therefore increased probability of death for everyone. The point is that no existing federal agency has assumed aggressive leadership of a move by the Federal Government to ban use of DDT on a national basis. Clearly, this leads to the conclusion that there is an increasingly important role to be played by some agency of the United States Government, which role is apparently not being filled at present. This line of argument, it seems to me, leads inexorably to the conclusion that there is a truly desperate national need for passage of a bill for precisely the type indicated by your S–1818.

In about a week, we will be sending along another document, the first report of a group here on a mathematical model of the human ecosystem under a grant from the Ford Foundation to show all the hidden social costs of constantly increasing population density.

Very truly yours,

KENNETH E. F. WATT,
Professor of Zoology.

UNIVERSITY OF MONTANA,
Missoula, Mont., May 15, 1969.

Hon. JOSEPH D. TYDINGS,
Washington, D.C.

DEAR SENATOR TYDINGS: I have reviewed with considerable interest your proposed bill to create an Office of Environmental Quality and I want to express my strong support for it. I am impressed with the thoroughness with which you approached the problem.

I believe that such a body as the Office of Environmental Quality is necessary, and I feel that patterning it after the Office of Economic Advisors is a sound approach. In my estimation, the selection of people for the Council is critical. The provision for Senate confirmation is essential. It might not be possible in the bill itself, but somewhere the qualifications, both professional and technical, of the Director and staff should be specified.

I have one question in the back of my mind about the effectiveness of the bill. It will exert control over Federal programs and legislation, which is fine, but it doesn't and perhaps cannot exert control over actions of industry, local communities, and private individuals who are often the primary polluters of the environment. Perhaps these can be reached through legislation. This is not a weakness of the bill, as I see it, since control of Government programs is highly important and can set a pattern which can hopefully exert pressure on the private sector.

The program will have to be administered with discretion since, to some extent, virtually any type of construction or action by an agency could be interpreted as having some adverse effect on environmental quality. Too strict an interpretation could stop all action and lead to violent reaction.

We also have to recognize that ecology itself does not provide a firm body of knowledge for all situations. Ecology is a developing science, and it must be recognized that each situation requires its own analysis and that broad precepts will not be universally applicable.

I congratulate you on the bill and hope that it will soon become enacted.

Sincerely,

Arnold W. Bolle,
Dean.

Yale University,
New Haven, Conn., May 8, 1969.
Senator Joseph D. Tydings,
Washington, D.C.

Dear Senator Tydings: The following comments are offered in response to your recent letter to the members of the board of advisors of the Ad Hoc Committee on the Environment.

First, I strongly support your bill, S. 1818. Such a step is clearly required to lead us out of our present environmental chaos. This chaos is, I believe, inevitable unless such a coordinating body is established with the function of representing the physiological— and aesthetic- -needs of man.

There is, however, one point of confusion—perhaps my own—between the wording of the bill itself and what you stated in your letter and further implied in your comments as reported in the *Congressional Record* of April 15, 1969 (Vol. 115, No. 59). Your letter states that the bill would *require* the clearing of all legislation and programs by the OEQ. In the *Congressional Record* you state that the OEQ would function to review and clear all legislative proposals. Yet, in the bill itself—Sec. 6. (a)—there is no machinery provided to require the submission of legislation and proposals to the OEQ. Instead it would seem that the Director would have the responsibility of first locating and then obtaining access to proposed projects of various types. To be maximally effective, there should be a provision requiring both (1) submission and (2) clearing of all legislation, construction, programs, policies, and activities involving federal funds. There should also be a provision to prevent the release of federal funds before such clearance has been obtained (or until expiration of the staying period). If these necessary provisions are contained in the bill, I would be pleased to receive a note identifying their location. If not, would you consider their addition?

It is obvious that a meaningful OEQ would require a large staff to be both expeditious and effective. It is also possible that such a broad area of concern might lead to abuse of power. I am sure that both of these points have been considered and comend you for realizing that the issue is important enough to justify the acceptance of these liabilities.

Sincerely,

Charles E. King,
Assistant Professor of Biology.

Virginia Polytechnic Institute,
Blacksburg, Va., May 6, 1969.
Senator Joseph D. Tydings,
Washington, D.C.

Dear Senator Tydings: I was greatly interested in your bill S. 1818 to create an Office of Environmental Quality which you sent me as a member of the Board of Advisors ad hoc Committee on the Environment. Your diagnosis of the general problem was superb, and the goals toward which you would direct us are excellent. I hope my colleagues in the field of ecology will have an opportunity to express an opinion on this bill to their local congressmen and senators because it is one of the best expressions of the overall ecological problem that I have seen in a legislative document.

I have a few suggestions which may not be appropriate at this particular stage, but which may be worthwhile for future consideration.

1. Since there is so much variation regionally in environmental quality and in the problems related to environmental quality, might it not be a good idea to establish regional offices somewhat similar to those in the Army Corps of Engineers to be under the overall direction of a central office, but to have a great deal of independence of operation and the opportunity to acquire expertness in a particular region.

2. In view of the numbers and strength of the forces tending to erode environmental quality I feel that more muscle will be needed to stop the process, and really substantial amounts (perhaps even a conservation czar) will be needed to reverse the process and restore some of the now degraded portions of the environment. I realize that this may not be very palatable to the majority of the members of congress nor to the general public. However, as the population increases and the demands on the non-expendable environment increase, our freedom of action will decrease. There seems to be little question that as the population and industrial base grow we will have to make more efficient use of our natural resources, increasing the efficiency of use means operating under controlled conditions, and this inevitably means restrictions on the freedom of operation of individuals and industries. If we assume that the population will indeed follow the projected estimates, and the industrial base will do likewise, there may be no alternative but to have a "conservation czar." I fully agree with your reluctance to set up a position which would be able to determine which industries can locate in which areas, which can expand and which can not, how much treatment a municipality must provide for its sewage, and how much water an industry, municipality or agricultural area may use. On the other hand, with an expanding population and finite natural resources, I can see no less objectionable alternative at this time.

3. If I understand the implications of 1818, you intend that we should maintain quality control of the environment in much the same way that an industry maintains quality control within a plant. This would include continually collecting information about the biological, chemical and physical characteristics of the region, feeding them back into some central area so that one can determine at all times whether or not quality control is being maintained. In this event, one would go to the systems approach toward environmental quality maintenance which would consist of (a) systems analysis—which would determine the operating characteristics of a system and give information on current qualities of what are deemed to be important characteristics. (b) systems simulation—some part of the agency which would be able to simulate an ecosystem or at least the important characteristics of one, so that one could estimate the consequences of alternative courses of action. This is a feature badly needed today in environmental planning. (c) systems optimization—that is, the selection of the alternative course of action which would provide the optimal beneficial uses of an ecosystem or portion of the environment.

One of the chief objections I have to the way environmental decisions are currently made is that the entire spectrum of alternatives open is never really fully explored. Usually, someone makes a proposal; for example, to install a dam, and then immediately the entire region becomes polarized either for or against the dam to such an extent that no reasonable consideration is possible of other possibly more beneficial alternatives. We desperately need an office or agency capable of exploring a series of alternatives simultaneously and with reasonable objectivity so that the options open to the public can be brought before this polarization on a single alternative occurs.

I might add that the capability to carry out the systems approach has been developed quite markedly by the U.S. Army Corps of Engineers, Waterways Experiment Station. However, their primary interest is water quantity and they do not now have the capability to include water quality, particularly those aspects related to ecological quality. Last fall, I prepared, together with Dr. Phillip S. Humphrey, a report entitled "A Water Resources Ecology Capability for the Waterways Experiment Station and the U.S. Army Corps of Engineers" for the Waterways Experiment Station. The basis of this report was to use the already existing capability of the Corps for systems analysis to understand complex ecological situations. Development of a systems capability would be a time-consuming process for a new agency, but with relatively little effort and cooperation, the capability of the Corps of Engineers for systems analysis could be applied to complex environmental problems.

4. I have serious doubts about the ability of this country to manage the environment effectively with the very low number of well-trained people in this particular area. One of the problems in producing personnel skilled in environmental management is that the training in our universities and colleges is primarily discipline-oriented rather than problem-oriented. Interdisciplinary courses which consider for example, the problem of water management from both the viewpoint of a sanitary engineer and an ecologist, are quite rare yet these views must be meshed effectively if we are to have effective environmental quality control and management. Some provision should be made for encouraging academic institutions to develop such courses and programs. Since the organization of most academic institutions is based on discipline-oriented departments, establishment of such programs which will be interdepartmental and interdisciplinary and which would tend to break down existing department structure may be difficult to start. I am more optimistic about the opportunities for this type of program, however, since I have been at V.P.I. where the faculty has initiated an interdisciplinary program which is still feeble, but nevertheless shows promise.

I appreciate the opportunity to comment on your bill S–1818 because it represents a strong step in the right direction, and because I think we probably will be better off if we first move to halt the rate of environmental degradation, and then turn to restoring damaged parts of the environment. Environmental problems are sufficiently complex to baffle people who have been working full time in the field for many years, so it is very heartening to see a real understanding of the basic problems in the Congressional Record.

Sincerely yours,

John Cairns, Jr.,
Professor of Zoology.

The University of Georgia,
Athens, Ga., May 14, 1969.
Hon. Joseph D. Tydings,
Washington, D.C.

Dear Sir: Your bill to create an "Office of Environmental Quality" is a bold step forward which, if passed, will enable the nation to prevent many tragedies. One immediately pertinent example of its prospective use would be the delaying of the dumping of World War II chemical warfare gases into the Atlantic for six months while the problem could be looked at more closely by experts. I am whole-heartedly in favor of the establishment of such an office but would urge you to make two changes which would enhance its effectiveness: (1) In section 3(a) you should specify that the Director and Deputy Director should possess earned doctorates in some environmental science. Such an office can be no better than the people in it and the Director and his assistant must be well qualified, well trained in environmental sciences to be able to spot potentially dangerous activity.

A change is needed also in Section 4(c) where it is specified that the council will serve without pay. This sort of using of our brains cannot continue. Most of the persons used on such a council will have worked years on advanced degrees to make $10,000 per year (less than a plumber). You should specify that they will be paid at a daily rate commensurate with their yearly salary in addition to travel and per diem.

My colleagues, Drs. Golley and Odum, join in our support of your bill which covers the many weaknesses in earlier bills and urge you to push its passage. It may well save our country from events more insidious than Pearl Harbor.

Sincerely,

JOE A. EDMISTEN,
Assistant Professor.

HOW TO STOP PROBLEM DRINKING

Mr. JAVITS. Mr. President, I invite the attention of the Senate to a book that deals with one of the most widespread problems facing Americans of all economic levels, of all ways of life, from all sections of the Nation—the problem of drinking. The book, entitled "How to Stop Problem Drinking," written by Vincent F. Sullivan, offers a 21-day plan which can be an inspiration to the estimated 5 million men and women who are either alcoholics or in danger of becoming alcoholics.

In a letter to Mr. Sullivan, who is a former editor of the New York Daily News, I wrote:

> There are clear limits as to what can be done at the governmental level. Your book attacks the problem from the personal side, an area where much can be—and needs to be—done. It is apparent that only through the combined efforts of public officials, private industry and concerned citizens such as yourself can we launch an effective attack against what medical authorities call "our fourth most serious health problem."

I also invite attention to an editorial published in the April 20 issue of the Daily News which discusses the importance of this book. In view of the obvious value of giving the widest possible dissemination to methods of combating alcoholism, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HELP FOR PROBLEM DRINKERS

In the United States at this time, there are an estimated 5,000,000 men and women who are complete alcoholics or well on the way toward becoming alcoholics.

Much is printed about this problem, and a good deal is said and/or enacted over radio and television. It is a real problem.

Everybody knows of the tragic things excessive use of liquor can do to the user and his or her family. Not so well known is the fact that it costs the nation an estimated $4 billion a year in absenteeism from work, under-par production by over-oiled workers, etc., etc.

We feel that a book published a few days ago has pretty much made it unnecessary for anybody ever to write anything more about alcoholism—provided this volume gets a big circulation.

The book is "How to Stop Problem Drinking," by Vincent F. Sullivan, with an introduction by the Hon. James A. Farley; Frederick Fell, Inc., New York, and George J. McLeod, Ltd., Toronto; 228 pages, $5.95.

Mr. Sullivan has put in about seven years researching and writing this book and interviewing some 7,600 persons.

"How to Stop Problem Drinking" is addressed primarily to super-drinkers' families and employers.

It blueprints innumerable ways to help a problem drinker get control of himself—mainly with the aid of Alcoholics Anonymous, one of the greatest organizations, we believe, ever put together.

If Mr. Sullivan has missed any bets in the field of helping alcoholics to sober up, stay sober, and become useful citizens again, we don't know what those bets might be.

Mr. Sullivan was a longtime valued News executive, now retired. We hated to see him leave.

In "How to Stop Problem Drinking," we think, he has performed a signal service; and we wish the book a tremendous and prolonged sale. It deserves it.

PESTICIDE INVESTIGATION PLANNED IN CALIFORNIA

Mr. NELSON. Mr. President, this morning's Washington Post reports that a major investigation has been scheduled in California on the adverse effects of persistent pesticides.

Assemblyman George Milias, chairman of the Committee on Natural Resources and Conservation, has expressed concern that the American bald eagle and the California brown pelican are being threatened by extinction because of contamination by pesticides.

Considerable evidence indicates that pesticides have caused harm to the eagle eggs, and some nests have been discovered with only empty membranes. Now, the California brown pelican in the Santa Barbara Channel is laying eggs with a high percentage of deformities in the shells.

California is just one of many States whose legislatures are considering measures to ban the use of DDT. Michigan and Arizona have already acted to prohibit its use.

I ask unanimous consent that the Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PESTICIDE INQUIRY SET IN CALIFORNIA

SACRAMENTO, CALIF.—A California legislator with large cattle and crop land holdings announced this week that he will begin a major investigation of pesticides.

Assemblyman George Milias, chairman of the Committee on Natural Resources and Conservation, said he was "alarmed" by what was happening to the California environment.

He said he had heard reports that the American bald eagle may be wiped out and that the California brown pelican also is endangered because they eat food contaminated by pesticides.

A bill to prohibit DDT has been blocked, meanwhile, in the California Senate after running into opposition from the California Farm Bureau Federation, representing some of the Nation's largest growers.

State Sen. John A. Nejedly said he would propose new wording which he said would "lessen opposition without substantially weakening it."

His new wording would allow limited use of DDT and other "hard" pesticides (those which have long-lasting effects and do not break down easily) so long as a farmer proves to the State Agriculture Department there is no other effective way to keep his crops healthy. But there would be a phaseout program.

In discussing the proposed legislative investigation, Milias, a former State Republican Chairman, cited some case studies.

As far as the bald eagle was concerned, he said, he understood that it was in danger of becoming infertile because it feeds on rats and squirrels, which come in contact with insecticides.

The California brown pelican also is in jeopardy, Milias said. The birds have been eating coastal fish contaminated by pesticides, and now biologists are finding that the eggs being laid in nesting grounds in the Santa Barbara Channel have a high percentage of deformities in the shells.

MANNED ORBITING LABORATORY

Mr. CANNON. Mr. President, one hears a great deal these days about the necessity of the ABM system because of possible Soviet intransigence, but little has been said about the Air Force's manned orbiting laboratory, better known as the MOL program.

Perhaps this silence was indicative of a false security on the part of the public in view of the administration's advocacy of their ABM protective role in pushing their preemptive first-strike concept.

It now becomes patently clear that it is not security they are worried about. In fact it is difficult to tell where their concern lies. To illustrate, let me quote from and Air Force release sent to my office:

> The Secretary of the Air Force has requested that I inform you that the Department of Defense has terminated the Air Force Manned Orbiting Laboratory (MOL) Program.
>
> In arriving at this decision, a number of factors were considered. First, it was determined that the most essential DoD space missions could be accomplished with lower cost unmanned spacecraft. Second, the potential worth of possible future applications of the experimental equipment being developed for MOL, plus the information expected from the flights on man's utility in space for military purposes, while worthwhile, did not equate in immediate value to other DoD programs.

As everyone knows, our space program has been a civilian endeavor internationally oriented away from the military so that peaceful pursuit of space exploration could be furthered. The one going military program which had an opportunity to use the lessons learned in space for defense purposes was the manned orbiting laboratory.

We have spent millions in learning how to go to the moon to make us preeminent in this new technology, and I agree to this endeavor. But to remove now the opportunity to develop the knowledge gained is beyond comprehension.

It is difficult to understand the logic of the Department of Defense. In one breath they claim we are in the greatest mortal battle for survival—a danger beyond any confrontation in our entire history as a Nation—and at the same

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time they terminate the most advanced surveillance system yet conceived.

To date, the Air Force has spent $1.3 billion on MOL, an impressive figure by any standard. To now scuttle this high investment for political expediency is unfair to the taxpayer and raises new questions concerning our national security. I, for one, believe a much deeper explanation is required.

PRIZE-WINNING ESSAY BY GORDON W. PLATT, JR.

Mr. JAVITS. Mr. President, using public service time, the Mutual Broadcasting System, whose president is R. R. Pauley, had all of its affiliated stations ask listeners to submit essays on their views of the Nation's major political problem, how they would solve it as President and what they can contribute to its solution as individuals.

After thousands of essays were reviewed by a distinguished panel of judges which included Dr. Richard Baker, acting dean of Columbia University's Graduate School of Journalism; Ambassador Leonard T. Marks, chairman of the U.S. delegation to Intelsat, and Dr. Kenneth Wells, president of the Freedoms Foundation, I am proud to announce that the work of a 19-year-old New Yorker was selected as the prize-winning entry. He was awarded a $100 savings bond. The essay makes painfully and graphically clear the ravages of hunger that afflict our cities. In view of the urgent need for the Nation to give greater priority to the problems of the poor, I ask unanimous consent to have this essay by Gordon W. Platt, Jr., of Syracuse, a student at Syracuse University, and the Mutual Broadcasting Corp. news release, printed in the RECORD.

There being no objection, the essay and news release were ordered to be printed in the RECORD, as follows:

STOP

(By Gordon W. Platt, Jr., Syracuse University, age 19)

Stop the smell of puke in a filthy toilet which never gets flushed for lack of running water. Stop the baby from crying in its makeshift crib. Stop my parents from fighting and breaking what little furniture we do have. Stop the crowding of four grown boys into one four by eight foot room to sleep with the bedbugs which suck their blood. Stop my mother from stealing the money I try to save. Stop my father from drinking himself to death. Stop the tin cans and beer bottles from piling up in my back yard. Stop the cold nights which freeze the water in the glass by my bed.

Then you have stopped my major problem. Is poverty your major problem? It should be. We should all regard it as our major problem. "A decent provision for the poor is the true test of civilization."[1]

As president I would attempt to civilize this country. I would establish free colleges and trade-schools for all qualified students and establish a guaranteed minimum income for every man and woman. I would put a heavy tax on the rich. Sure a man should have the right to rise above his peers through his own hard work, but he should not be allowed to hoard money which is doing himself no good.

The people cry out when violence erupts in the streets and yet the government offers the poor only 80 cents apiece more each year.[2]

I am doing the only thing I can do now. I am working my way through college. It's a tough struggle, but when I emerge as a journalist, I'm going to be a muckraker and expose the inequities of our system.

THE MUTUAL BROADCASTING SYSTEM ANNOUNCES RESULTS OF THE STOP CONTEST

Twenty-five of the over 3,500 submissions to Mutual's Solutions To Our Problems contest were selected as winning essays and ranked by Dr. Richard Baker, Acting Dean of Columbia University's School of Journalism, Ambassador Leonard T. Marks, Chairman of the U.S. Delegation to INTELSAT and Freedoms Foundation President, Dr. Kenneth Wells. These letters were judged on the basis of originality, clarity of expression and feasibility. The names of winning contestants, to be awarded a total of $7,700 in Savings Bonds, were announced locally over Mutual stations.

Mutual's President, Robert R. Pauley, in making the announcement, said that "public response confirms my belief that the people want to communicate their throughts. Radio was able to penetrate areas in 45 states and within a period of a little over one month, to reap 3,500 responses!"

The essays of 300 words or less were to indicate what the listener considers our biggest political problem, what he as President would do about it and what he can do about it personally here and now.

Some people wrote of their concern for the needy, interest in government reform, desire for certain constitutional changes and several saw the President as the solution in terms of his own actions, his choice of advisors and his communication with the people. A wide range of topics was covered including increased and decreased taxation, highway safety, education and air pollution. Concern, interest and a desire for involvement permeated the essays.

THE RECORD ON VIETNAM

Mr. MONDALE. Mr. President, recently I had an opportunity to read a statement by Mr. Robert Watkins, of Minnesota, who has been working with the members of the New Hope Democratic-Farmer-Labor Party on the question of our Vietnam involvement.

Mr. Watkins' paper addresses itself to the story of our increasing commitment to that unfortunate war, which continues despite a supposedly flexible approach by the administration and periodic rumblings of breakthroughs and settlements. It is all too clear that the military pressure which has not brought peace is still expected to do that.

Mr. President, I would like to see the Senate take a comprehensive look at our military and economic involvement in Vietnam over the past 15 years in anticipation of the votes we will be expected to cast in the next few months in support of those involvements.

I believe Mr. Watkins' paper makes it clear that this has been a long-term commitment and that evaluation of its effects is warranted. This paper strongly suggests that great difficulties lie ahead in reaching a satisfactory solution of the war in Vietnam.

Mr. President, I ask unanimous consent that the paper by Mr. Robert Watkins, entitled "Richard M. Nixon and Vietnam," be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

RICHARD M. NIXON AND VIETNAM

(By Robert W. Watkins)

PART I—THE WAR MUST BE ENDED

August 1, 1968—Former Vice President Richard M. Nixon delivered a statement to the Republican Platform Committee, outlining his views on the Vietnam War:

"We must seek a negotiated settlement. The swift overwhelming blow that would have been decisive two or three years ago is no longer possible today.

"The war must be ended. It must be ended honorably, consistent with America's aims and with the long-term requirements of peace in Asia. Until it is ended—and in order to hasten a negotiated end—it must be waged more effectively. But rather than further escalation on the military front, what it requires now is a dramatic escalation of our efforts on the economic, political, diplomatic and psychological fronts."

August 8—Mr. Nixon became the Republican candidate for President at the convention in Miami Beach, Florida.[1]

August 10—Mr. Nixon met with President Johnson, declared afterward that the bombing should not be halted without some sign of action from North Vietnam.[2]

October 7—Mr. Nixon was briefed by Secretary of State Dean Rusk, then addressed the United Press International Editors' Conference in Washington, D.C., announcing "substantial improvement" in the Vietnam war. He said there was hope for breaks in the Paris peace talks before the November 5 election.[3]

October 10—President Nguyen Van Thieu denied that an attempt had been made to overthrow his government Tuesday but a government spokesman had told newsmen: "You can say a government spokesman confirmed that there was an attempted coup; that it failed." Another government informant said, "There have been arrests." The U.S. Embassy confirmed an alert but offered no comment.[4]

October 25—Mr. Nixon released a statement from his New York headquarters in which he said a bombing halt might be accompanied by a cease-fire.

"In the last 36 hours," the statement said, "I have been advised of a flurry of meetings in the White House and elsewhere on Vietnam. I am told that top officials in the Administration have been driving very hard for an agreement on a bombing halt, accompanied possibly by a ceasefire in the immediate future. I since learned these reports are true. I am also told that this spurt of activity is a cynical, last-minute attempt by President Johnson to salvage the candidacy of Mr. Humphrey. This I do not believe."

October 27—In a radio speech, Mr. Nixon said the imposition of a coalition government in South Vietnam "would be an only thinly disguised surrender," though he would not "rule out inclusion of members of the National Liberation Front in South Vietnam's political processes if they agreed to abide by the results of elections."[5]

Mr. Nixon was asked on the CBS–TV panel, Face the Nation, to comment on President Johnson's charge that he made "ugly and unfair statements about the Administration's peace efforts:

"I would respond to it by pointing out that the President reads the newspapers, as I do, and there has been a great deal of discussion . . . that there were insiders on the White House staff who were attempting to work out some sort of settlement and that the President was going to be used for that

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[1] Samuel Johnson.

[2] Carl T. Rowan, "Congress Gives Poor 80 Cents," *Syracuse Herald-Journal*, Oct. 11, 1968, p. 14, col. 6.

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purpose. It would seem to me that I was being quite responsible in nailing that and making it clear that I did not share the views of those that thought the President would use these negotiations politically . . ."[6]

October 31—President Johnson ordered an end to "all air, naval, and artillery bombardment of North Vietnam," effective at 8 a.m., Nov. 1 (Washington time). The President explained:

"I have reached this decision on the basis of developments in the Paris talks . . . in the belief that this action can lead to progress toward a peaceful settlement of the Vietnamese war."

Mr. Johnson said the Paris talks, which had appeared to be deadlocked, had moved into a new and "a very much hopeful phase" a few weeks ago when private meetings were begun with North Vietnamese negotiators.

"As we move ahead," he continued, "I conducted a series of very intensive discussions with our allies, and with the senior military and diplomatic officers of the U.S. government, on the prospects for peace. The President also briefed our Congressional leaders and all of the Presidential candidates.

"Last Sunday evening, and throughout Monday, we began to get confirmation of the essential understanding that we had been seeking with the North Vietnamese on the critical issues between us for some time."

He said the Joint Chiefs of Staff and General Creighton Abrams—commander of the forces in South Vietnam—had "firmly asserted" that this action should be taken now, that it would not result in any increase in American casualties.

The President then announced that representatives of the government of South Vietnam would be free to participate in the next (Nov. 6) regular session of the Paris talks, and that Hanoi had informed the U.S. that representatives of the National Liberation Front will also be present.

He added: "What we now expect—what we have a right to expect—are prompt, productive, serious, and intensive negotiations in an atmosphere that is conductive to progress. We have reached the stage where productive talks can begin. We have made clear to the other side that such talks cannot continue if they take military advantage of them. We cannot have productive talks in an atmosphere where the cities are being shelled and where the demilitarized zone is being abused. . . .

"The world should know that the American people bitterly remember the long, agonizing Korean negotiations of 1951 through 1953—and that our people will just not accept deliberate delay and prolonged procrastination again."[7]

October 31—Mr. Nixon, at Madison Square Garden, New York City, said he "trusted" that the decisoin to stop the bombing would bring some progress. "I will say that as a Presidential candidate, and my Vice Presidential candidate joins me in this, that neither he nor I will say anything that might destroy the chance to have peace."[8]

November 1—South Vietnam President Nguyen Van Thieu said his government would not participate in the four-way negotiations; participation by the NLF was unacceptable because it implied recognition and would confer on the Viet Cong a legitimacy which he feared they might later invoke as the basis for a coalition government.[9]

November 2—Mr. Nixon commenting on President Thieu's reaction, told an El Paso, Texas audience, "In view of the early report we've had this morning, the prospects of peace are not as bright as we would have hoped even a few days ago.[10]

November 3—Mr. Nixon, on NBC's Meet the Press, again said he supported the President on Vietnam. He said he would visit Saigon or Paris, if elected, "to get the negotiations off dead center." An aide, implying that he spoke with Mr. Nixon's consent, had been quoted as saying that Saigon's refusal to participate in the talks was an indication that the bombing halt "was hastily contrived." Mr. Nixon denied this.[11]

November 5—The nation elected Mr. Nixon. Despite a comfortable electoral margin over Mr. Humphrey (302 to 191), he polled only 43.40% of the popular vote. Mr. Humphrey had 42.70%.[12]

November 11—President-elect Nixon met with President Johnson, conferred with Secretary of Defense Clark Clifford and the Joint Chiefs of Staff.

"With regard to the briefings," he said, "they were completely candid and most helpful. The point that I think should be made that distinguishes this transition period from others is this: the nation at this time in its foregn policy has several matters—Vietnam of course at the top of the list—which cannot await decision and cannot afford a gap of two months in which no action occurs."[13]

November 23—South Vietnam refused to join the expanded peace talks in Paris but Premier Tran Van Huong said he approved of talks between his government and the NLF.[14]

December 8—Vice President Nguyen Cao Ky arrived in Paris with the 80-member negotiating team. He said there would be no "surrender or sellout" and that his only reason for coming to the talks was to demand that the Communists halt their aggression.[15]

December 10—Secretary Clifford called a news conference and said there was "an opportunity to agree with Hanoi upon the mutual withdrawal of troops" within the next 40 days. Reports from Paris the same day said little progress was made in working out procedural arrangements for the expanded talks.[16]

December 22—Vice President Ky returned to Saigon; he said he approved of talks between South Vietnam and the NLF and would discuss a change in policy with President Thieu.[17]

January 20, 1969—Inaugural ceremonies for Nixon. He promised to seek for America the honored title of peacemaker.

January 23—Formal sessions were resumed in Paris; all sides agreed to procedural arrangements, including the shape of the conference table.

Mr. Nixon had pledged during the campaign to end the war in Vietnam with "new leadership," with a "new team" not committed to the policies of the past. Among his earliest appointments:

Henry Cabot Lodge, to succeed W. Averell Harriman as chief negotiator at Paris.

Ellsworth Bunker, retained as ambassador to South Vietnam. Rep. Melvin A. Laird (R-Wis.), secretary of defense.

William P. Rogers, attorney general in the Eisenhower years.

Mr. Laird's previous Vietnam positions: increased military pressure; blockade of North Vietnam; "hot pursuit" of enemy forces to sanctuaries in Laos and Cambodia: opposition to troop withdrawal, negotiations, and an "imposed" coalition regime.[18]

The appointment of Mr. Lodge, who served two terms as ambassador to Saigon, drew this comment from the New York Times' C. L. Sulzberger in Paris:

"History is likely to regard the naming of Henry Cabot Lodge to head the Vietnam negotiating team of the United States as President Nixon's first major diplomatic decision. His choice of Cabinet members and White House advisers implied no specific policy commitment; the designation of Lodge does.

"Impressions based upon past activities of an official can sometimes be misleading. Nevertheless, it is difficult to imagine Lodge taking as active a line in the effort to end the war by virtually any means as his predecessor, W. Averell Harriman."

Sulzberger said Lodge, as ambassador to Saigon, was especially close to Air Marshal Ky.

"Now that Lodge is coming here, perhaps Ky's fortunes may rise. Certainly the retention of Ellsworth Bunker as American ambassador in Saigon indicates Nixon's incoming policy is likely to harden. Despite misgivings, Mr. Johnson recently sought to give Harriman and his righthand man, Cyrus Vance, as free a rein as possible in seeking a swift settlement.

"This involved debates between U.S. diplomats in Paris and Saigon. Differences of opinion have been frequent between the Harriman mission and Bunker. The arrival of Lodge must undoubtedly be linked to the decision to keep Bunker and to toughen the U.S. negotiating position . . . peripheral diplomacy may become more difficult . . . Thus, in concluding an initial analysis of the nominations, one can see that Nixon has arrived at certain fundamental conclusions concerning U.S. obligations and policy in Southeast Asia—even before moving to the White House."[19]

PART II—SOUTHEAST ASIA: BEFORE NIXON

If Mr. Nixon had arrived at "certain fundamental conclusions" concerning U.S. policy in Southeast Asia before moving to the White House—as C. L. Sulzberger suggests—when did he reach these conclusions? What are they?

The campaign rhetoric of 1968 left certain impressions but few directional insights. Therefore, an examination of the origins of U.S. involvement is in order; not only for answers to these questions but in the larger interest of understanding the complexities of Vietnam.

American aid to the French in their war against the Vietminh forces was begun after the fall of Nationalist China and the outbreak of hostilities in Korea. But the French were defeated, and after their withdrawal the United States found itself there, alone, and with a new set of military commitments.

One who warned against the nature of such an involvement in 1951, before the new commitments were made, was Rep. John F. Kennedy (D-Mass.); he had stopped in Saigon for talks with Ambassador Donald Heath and Gen. Jean Marie de Lattre de Tassigny, commander-in-chief of the French forces. Upon his return in November, he reported:

"In Indochina we have allied ourselves to the desperate effort of a French regime to hang on to the remnants of empire. There is no broad, general support the native Vietnam government among the people of that area. To check the southern drive of Communism makes sense, but not only through force of arms.

"The task is rather to build strong non-Communist sentiments within these areas and rely on that as a spearhead of defense rather than upon the legions of Gen. de Tassigny. To do this apart from, and in definance of, innately nationalistic aims spells foredoomed failure."[20]

It is essential for a clear understanding of the American presence in Vietnam to look at the policy decisions since 1945; the first significant step was the rapid rate of American demobilization after the fall of Germany.

The combat effectiveness of most U.S. units had declined by 50 to 75% two months after Japan's surrender. In Europe, the Army was reduced from 3,500,000 men to 400,000 within a period of ten months while Russia massed overwhelming forces in Germany; violated the provisions of the Yalta agreement calling for elections in Eastern Europe; and began applying strong pressures against Iran, Turkey and Greece.[21]

President Truman began a reversal of U.S. policy in 1947 when Britain, on Feb. 21, noti-

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fied the governments of the United States, Greece, and Turkey that it could no longer meet its commitments in the Mediterranean.[22]

There was another consideration: in February 1946, George F. Kennan, charge d'affaires in Moscow, had cabled an eight-thousand word analysis of Soviet foreign policy . . . "a patient, confident, expansionist diplomacy" that was, on the one hand ". . . more sensitive to contrary force, more ready to yield on the individual sectors of the diplomatic front when that force is felt to be too strong . . . yet, not easily defeated or discouraged by a single victory on the part of its opponents." [23]

With Mr. Kennan's analysis as a backdrop for the British dilemma, Cabinet consultations then formulated a policy of containment.[24]

March 12, 1947—President Truman went before a joint session of Congress to deliver the statement that became the Truman Doctrine: "I believe it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressure." [25]

Did Mr. Truman mean to commit the United States to a worldwide anti-Communist crusade? His action was a request to Congress for $400 million in aid to Greece and Turkey, and to authorize American civilian and military missions to advise and train Greek and Turkish military forces.[26]

The policy was recognized in a National Security Council paper, NSC–20, in late 1947; in June 1948, the defense of Europe through NATO was made possible by adoption of the Vandenberg Resolution which empowered U.S. participation.[27]

It was soon clear that the Truman Administration had not adopted a policy of nuclear deterrence: it lacked the means to deliver an effective atomic attack on Russian targets: atomic stockpiles were low; it lacked sufficient B–29 bases in strategic locations.

In addition, Soviet troop strength in Europe was a countervailing force, holding the continent as hostage; and Soviet air power now was capable of hitting U.S. bases.[28]

Inadequacies in American military strategy came to light during a Navy-Air Force dispute. The issue—whether the new super carrier (flush-deck) or the new intercontinental B–56 would get favored treatment by the planners. There was, in late 1949, a heightened sense of urgency. The Chinese Communists had defeated the Nationalist forces, and the Soviet Union had achieved nuclear status.[29]

Jan. 30, 1950—President Truman signed a directive initiating the hydrogen bomb project. He also directed the Secretaries of State and Defense to begin an overall review and assessment of national security policies.

The result was a policy document, NSC–68, comparing U.S.-Soviet strengths and weaknesses, and predicting a Soviet nuclear delivery capability which would offset U.S. deterrence within four or five years. Its conclusions: the U.S. must begin a vigorous rearmament program, stressing conventional military capabilities.[30]

A ceiling of $13 billion was imposed on the military budget for fiscal 1951. Rearmament was seen as only a remote possibility.

June 25—North Korea sent troops across the 38th parallel; expenditures were increased to $22 billion as the administration sought to implement NSC–68.[31]

Unilateral involvement on the Asian mainland was avoided in 1949 when the Joint Chiefs advised that only a large-scale American intervention could save Chiang. "The American people," Mr. Truman told his aides, "would never stand for such an undertaking." [32]

But in Korea, a Soviet boycott enabled the U.S. to win United Nations support and assistance from 17 nations.

Critics of Truman's China policy weren't willing to support U.S. combat operations against Mao in 1948 and 1949; Congress approved only marginal increments in aid in the China Aid Act of 1948. Rep. Walter Judd (R-Minn.) declared: "not for one moment has anyone contemplated sending a single combat soldier in . . . so it is important to make clear when we speak of military aid . . . it is supplies, training, and advice, nothing further." [33]

Gen. George C. Marshall, called upon to defend the administration's China policy against Republican criticism, told a Pentagon audience: ". . . at that time, my facilities for giving them hell was one and one-third divisions over the entire United States . . . that's quite a proposition when you deal with somebody with over 260 and you have one and one-third." [34]

Secretary of State Dean Acheson had defined a U.S. commitment in Asia in January 1950—from an arc along the western Pacific littoral, from the Aleutians to Japan and down to the Philippines. It omitted Korea, which gave rise to more criticism after the invasion. This line was first drawn, however, by Gen. Douglas MacArthur in March 1949.[35]

Two views were dominant in the administration. One was cited by Gen. Omar Bradley in testimony before Senate committees during the controversy between the President and Gen. MacArthur: "To extend the fighting to the mainland of Asia would involve us in the wrong war, at the wrong place, at the wrong time and with the wrong enemy."

The other was expressed by Mr. Truman in one of his last messages to Gen. MacArthur: "In reaching a final decision about Korea, I shall have to give constant thought to the main threat from the Soviet Union and the need for a rapid expansion of our armed forces to meet this great danger." [36]

PART III—A NEW LOOK POLICY: RICHARD M. NIXON, VICE PRESIDENT

The Republican Platform of 1952 charged the Truman Administration with "appeasement of Communism at home and abroad . . . shielding traitors . . . depriving Americans of precious liberties . . . fostering class strife." It promised to get rid of Communism and corruption, emphasized "air power and massive retaliation."

Mr. Nixon, a Senator for two years, was nominated as Gen. Dwight D. Eisenhower's running mate.

Historian Stefan Lorant touches on Mr. Nixon's rise to prominence in his book on the American Presidency—The Glorious Burden. Mr. Nixon is described as a friend of Sen. Joseph McCarthy—"a reckless demagogue"—and as "one of the most active members" of the House Un-American Activities Committee after his election to Congress in 1946. His campaign was waged against "the Communist conspiracy." He also is credited as the one who, with help from Whitaker Chambers, a Time magazine editor and ex-Communist, linked Alger Hiss to the Red conspiracy.

President Truman, Secretary Acheson, and Adlai E. Stevenson, the Democratic nominee for President, were characterized by Mr. Nixon as supporters and defenders of the Communist conspiracy; McCarthy said Stevenson associated with "subversives" and gave "aid to the Communist cause."

Historian Arthur Schlesinger, Jr., agreed several years later that Mr. Nixon's tactics of "identifying political opponents with treason to the Republic" belonged in the dead past, but he was troubled because Mr. Nixon "has never indicated any real understanding of the enormity of his offense." [37]

When Democrats revealed the existence of a secret "extra expense" fund of $18,235 contributed for Mr. Nixon by 75 wealthy Californians, he responded: "I was warned that if I continued to attack the Communists and crooks in this government that they would continue to smear me, and, believe me, you can expect that they will continue to do so. They started it yesterday." [38]

The New York Herald Tribune demanded Mr. Nixon's immediate withdrawal. While Gen. Eisenhower reserved judgment, a nationally televised speech gave the country an accounting of Mr. Nixon's finances, his daughters, and his wife, who wore not mink but "a respectable Republican coat of cloth." At the end of his speech, Mr. Nixon mentioned another gift—his pet dog, Checkers. "The kids, all the kids love the dog . . . and regardless of what they say about it, we are going to keep it."

His place on the ticket was saved. The candidates returned to the campaign.

Gov. Stevenson, Mr. Nixon said, is "soft on Communism." Gen. Eisenhower, speaking in Milwaukee in early October, said that he and Sen. McCarthy shared the similar purpose "of ridding this government of the incompetents, the dishonest and above all the subversive and the disloyal." In his prepared text was a defense of Gen. Marshall whom Sen. McCarthy had called a traitor—"I know him to be dedicated with singular selflessness and the profoundest patriotism"—but this passage was omitted from his speech.[39]

In an address to the American Legion convention in New York, Gen. Eisenhower proposed that the U.S. help the Communist-controlled nations of Eastern Europe to throw off the yoke of Russian tyranny—"The American conscience can never know peace again until these people are restored again to being master of their own fate." It came to have more meaning during the Eisenhower Presidency when uprisings occurred in East Germany, in Poland, and in Hungary without an American response.[40]

During the last days of the campaign, Gen. Eisenhower said he would go to Korea to get the stalemated peace talks moving at Panmunjom if the country elected him. On Nov. 2, the country gave the Eisenhower-Nixon ticket 442 electoral votes to 89 for Stevenson-Sparkman.

Gen. Eisenhower visited Korea and upon his return in December met with members of his new Cabinet aboard the USS *Helena*. He made clear his opposition to the defense programs then under way (NSC–68) and asked for alternatives to prevent a "garrison state." [41]

Secretary of State-designate John Foster Dulles advocated a posture based primarily on "massive strategic striking power" to deter instead of trying to contain the Soviet Union, Admiral Radford favored a "mobile strategic reserve" based in or near the U.S., with indigenous forces becoming the first line of local defense. He argued that U.S. military power was overextended, especially in Asia.

A report prepared during the transition, NSC–141, and signed by Secretaries Acheson and Lovett and Mutual Security Administrator Harriman sustained NSC–68, calling for a balanced military establishment with substantial limited-war forces in view of the Soviet Union's long-range nuclear capability. It would add $7 billion to the defense budget.

President Eisenhower noted that Soviet leaders, ". . . by their military threat . . . had coldly calculated to force upon America and the free world an unbearable security burden leading to economic disaster." [42]

In April 1953, the NATO Council agreed to Secretary Dulles' suggestions for a slowdown in the European buildup. Meanwhile, task forces led by Walter Bedell Smith and Robert Cutler explored alternative grand strategies: (1) the present policy of containment, (2) global deterrence by nuclear threat, and (3) liberation of Communist-held areas.

The new administration wanted to cut the defense budget by $4 billion in fiscal 1954 and by $6 billion more in 1955. Its first policy paper, NSC–162, put more reliance on stra-

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tegic air power for deterrence but continued the balanced forces view of NSC–68 and NSC–141. Substantial cuts weren't being made and the paper was rejected.[43]

Admiral Radford said large reductions would not be possible unless the administration decided on the kind of war it planned to wage. He thought savings could be accomplished if the planners had permission to use nuclear weapons when necessary.

Thus in October 1953 a new formal policy document, NSC–162/2, was signed by the President; its objective, to deter Soviet aggression by massive strategic retaliatory capabilities; it approved the use of nuclear weapons; and it relied on indigenous allied forces to counter local aggression.

The New Look strategy, built on these concepts, was submitted by the Joint Chiefs of Staff in December. Tactical atomic warfare techniques would allow the administration to achieve a 25% reduction in military manpower; the defense budget, now up to $50 billion, could be lowered to $35 billion by 1957. American ground forces in forward areas of Europe and Asia would be reduced.[44]

American aid to the French in Indochina had amounted to more than a billion dollars at the end of 1953. John F. Kennedy, now a Senator, moved to amend the Mutual Security Act—the authorization for military assistance—to require that U.S. aid "be administered in such a way as to encourage . . . the freedom and independence desired by the people of the Associated States (South Vietnam, Laos, and Cambodia), including the intensification of the military training of the Vietnamese." He said the war would "never be successful unless large numbers of the people of Vietnam were won over from their sullen neutrality and open hostility" and assured complete independence. The amendment was defeated.[45]

January 12, 1954—Secretary Dulles spoke to the Council on Foreign Relations: "We need allies and collective security. Our purpose is to make these relations more effective, less costly. This can be done by placing more reliance on deterrent power, and less dependence on local defensive power."

The New Look policy of nuclear deterrence was put to its first test in Southeast Asia as the administration gave "explicit warning" to China that material aid to Ho Chi Minh's Communist insurgents must stop. It did not, and the French soon found themselves encircled at Dienbienphu.

French officials appealed for a U.S. air strike to relieve the pressure, and Secretary Dulles called for "united action" by the Western powers.

Vice President Nixon suggested that if the French withdrew, U.S. troops might be needed to "avoid further Communist expansion in Asia and particularly in Indochina."[46]

February 10—President Eisenhower said at a press conference that "no one could be more bitterly opposed to ever getting the U.S. involved in a hot war in that region than I am." But it was during the same period that the President defined the "domino theory" as applied to Southeast Asia: "If one is knocked over, the entire row will topple."[47]

Admiral Radford supported American air intervention; Gen. Ridgway was opposed. An Army investigating team, sent to Indochina to review the situation reported that intervention would require a troop commitment on the scale of the Korean war. The President rejected unilateral intervention.

April 6—Sen. Kennedy argued in the Senate: "The time has come for the American people to be told the blunt truth about Indochina . . . Despite any wishful thinking to the contrary, it should be apparent that the popularity and prevalence of Ho Chi Minh and his following throughout Indochina would cause either partition or a coalition government to result in eventual domination by the Communists . . . Secretary Dulles' statement indicates . . . that we will fight if necessary to keep Southeast Asia out of their hands . . . and that we hope to win the support of the free countries of Asia for united action against Communism in Indochina, in spite of the fact that such nations have pursued since the war's inception a policy of cold neutrality. Certainly I, for one, favor a policy of a united action . . . realizing full well that it may eventually require some commitment of our manpower. But to pour money, material, and men into the jungles of Indochina without at least a remote prospect of victory would be dangerously futile and self-destructive."[48]

May 7—Dienbienphu fell to the insurgents; the French agreed to a cease-fire and a division of Vietnam. Under the terms of the Geneva Accords, the Vietminh surrendered much of the territory it held. An election under international supervision would reunite the country under one government in July 1956.[49]

Secretary Dulles extended the Far East defense perimeter to Southeast Asia and began to build a collective security pact. India, Burma, Indonesia, and Ceylon refused, but Pakistan, Thailand, and the Philippines accepted; with Australia and New Zealand agreeing, the Southeast Asia Treaty Organization was formed. Its protection was extended by special protocol to South Vietnam, Laos, and Cambodia at their "invitation or consent."

The agreements provided a new formal commitment of American military support. SEATO members, "in accordance with constitutional processes," were pledged to meet armed aggression, "direct or indirect."[50]

No measures were taken to increase military power in the region, but Secretary Dulles was confident that SEATO would make a "substantial contribution to preserve free government in Southeast Asia and to prevent Communism from rushing into the Pacific area where it would seriously threaten the defense of the U.S."[51]

Stalin's death on March 5 had an impact; President Eisenhower, sensing an opportunity for peace initiatives, presented—over Secretary Dulles' objections—an appeal for disarmament and international control of atomic energy in an address to the American Society of Newspaper Editors on April 16; in Korea, the peace talks brought an exchange of sick and injured prisoners.[52]

July 28—Truce in Korea. The 38th parallel still separated North from South.

Also in July, Ngo Dinh Diem—both anti-French and anti-Communist—from his exile in New Jersey was installed as Premier of South Vietnam. Economist Stanley K. Sheinbaum, who was campus coordinator of the Michigan State University "Vietnam Project," admits the university's role in helping Diem to consolidate his power.

An MSU "inspection team" arrived in Saigon in September, but the governmental involvement did not take place until May 1955.[53]

June 1, 1956—Sen. Kennedy, speaking in Washington to the Conference of the American Friends of Vietnam, acknowledged: "Events proved me wrong in one respect. Vietnam was partitioned, the price of years of Western folly. But my fear that Ho Chi Minh and his Communists would ultimately come to dominate all Indochina has not yet come to pass." Nevertheless, he said Vietnam had been neglected, that "our neglect is the result of one of the most serious weaknesses that has hampered the long-range effectiveness of American foreign policy . . . that is the overemphasis upon our role as volunteer fire department of the world." For Vietnam to remain free of Communist control, he felt, would require a revolution—a political, economic, and social revolution far superior to anything the Communists can offer—"far more peaceful, far more democratic, and far more locally controlled."[54]

Before the 1956 elections, President Eisenhower suggested that Mr. Nixon serve "in some other capacity" in his second term. A "Dump Nixon" move led by Harold Stassen, the President's special assistant on disarmament, did not succeed.[55]

The President entrusted Mr. Nixon to refute Democratic charges "on a higher level than in the past." Mr. Nixon promised not to make "personal attacks on the integrity of our opponents," but added: "You don't win campaigns with a diet of dishwater and milk toast."[56]

PART IV—PRESIDENT KENNEDY'S VIETNAM

The U.S. commitment of 1954, reaffirmed in 1957, pledged to help resist any "aggression or subversion threatening the political independence of the Republic of Vietnam. He began his reunification struggle with assassinations in 1957, advanced to the training of insurgents in the South in 1958; to an announced plan of "liberation" in 1959; and to formation of the National Liberation Front of South Vietnam in 1960. Elections, as provided by the Geneva Accords, had not been held in 1956.

Biographer Theodore C. Sorensen, a White House adviser in 1961, writes that the Kennedy Administration's basic objective in Vietnam was "essentially the same as in Laos and the rest of Southeast Asia," that the President sought "neither a cold war pawn nor a hot war battleground."

He had to deal first with an impending Communist victory in Laos and a decision on the invasion of Cuba. Mr. Nixon saw President Kennedy on April 20, and urged both an invasion of Cuba and American air intervention in Laos. Four days later, the Russians agreed to a cease-fire in Laos.[58]

Military proposals for Vietnam, in President Kennedy's view, were based on assumptions and predictions that could not be verified—"on help from Laos and Cambodia to halt infiltration from the North, on agreement by Diem to reorganization in his army and government, on more popular support for Diem in the countryside, and on sealing off Communist supply routes."

He agreed that a major counterinsurgency effort was needed, but that South Vietnam could supply the numbers and would have to supply the "courage and will to fight, for no outsider could supply that."[59]

December 15, 1961—After a major review by Gen. Maxwell Taylor and other advisers, the U.S. commitment was continued in an exchange of letters between Presidents Kennedy and Diem. President Kennedy restated his belief that it remained "their war to win, not ours," and in a separate message to Diem—prompted by the Taylor report—said South Vietnam's military effort would have to be fully mobilized, reorganized, and given the initiative; that specific tax, land, education, and other social and political reforms would have to be instituted; that without such cooperation, American support would be useless.[60]

During 1962, several American reporters—Malcolm Browne of the Associated Press, Cornelius Sheehan of United Press International, David Halberstam of the New York Times, Charles Mohr of Time, and Francois Sully of Newsweek—rebelled against censorship and harassment. They considered Diem's strategic hamlet program a fake and a failure, and reported seeing peasants being herded from stockades at bayonet point to engage in forced labor. Diem's reports to the contrary were not believed, and when Gen. Paul Harkins and Ambassador Frederick Nolting insisted they were true, Halberstam wrote: "In trying to protect Diem from criticism, the Ambassador became Diem's agent. But we reporters didn't have to become the adjuncts of a tyranny."[61]

By the Spring of 1963, President Kennedy had decided to replace Nolting in Saigon. It

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Footnotes at end of article.

has been said that he preferred Edmund Gullion, but Secretary of State Dean Rusk chose Henry Cabot Lodge. Lodge, however, could not leave for Saigon until August.

Before Nolting left Saigon in mid-August, Diem promised no more attacks on the Buddhists. Six days later, his troops again assaulted pagodas, arresting hundreds of bonzes. USIA Chief John Mecklin called it "ruthless, comprehensive suppression." Madame Nhu's father, the ambassador to Washington, resigned in protest against his government's actions.

September 3—President Kennedy discussed Vietnam in a television interview: "I don't think the war can be won unless the people support the effort . . . the repressions against the Buddhists, we felt, were very unwise. It is my hope that they will take steps to try to bring back popular support . . . if it doesn't make those changes, I would think that the chances of winning it would not be very good."

Ambassador Lodge cabled Washington, asking for a suspension of all American aid not related to the battlefront; the administration agreed. Madame Nhu then toured the U.S. denouncing President Kennedy's Vietnam policies.

October 31—Diem asked Lodge what he would have to do. Lodge told him to send Nhu out of the country and institute some reforms; Diem said he needed time to think about it.

November 1—Lodge called on Diem in the morning. That afternoon the generals staged a coup; Diem and Nhu were murdered. Diem had refused asylum in the American Embassy.[62]

Sorensen sums up the Kennedy Administration's response to Vietnam as one which raised the commitment but kept it limited—"he neither permitted the war's escalation into a general war nor bargained away Vietnam's security at the conference table, despite being pressed along both lines by those impatient to win or withdraw."

The size of the military assistance mission was increased from roughly 2,000 at the end of 1960 to 15,500 at the end of 1963. Air and helicopter teams were sent, along with 600 Special Forces men to train South Vietnamese soldiers in counterinsurgency warfare—this had not been done before—but American combat units were not committed.

President Kennedy's last public statement on Vietnam was made in a CBS interview:

"In the final analysis it's their war. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it—the people of Vietnam—against the Communists."

PART V—PRESIDENT JOHNSON'S VIETNAM

America's Vietnam policies and strategies were reviewed again after the 1965 elections. A new open-ended commitment emerged in 1965.

Feb. 7—A reprisal raid by U.S. fighter-bombers was ordered north of the 17th parallel as a response to Viet Cong mortar attacks on U.S. installations at Pleiku airstrip. Under-Secretary of State George Ball said the U.S. "could not fail to respond without giving a misleading signal (to Hanoi)."[63]

Feb. 28—The State Department issued a White Paper entitled "Aggression from the North: The Record of North Vietnam's Campaign to Conquer South Vietnam," documenting an increase in the North's supply of key advisory personnel and weapons during 1964.[64]

April 7—President Johnson explained "why we are there." He referred to the "deepening shadow of Communist China," and alluded to the contest in Vietnam as part of a wider pattern of aggressive purposes. "We will not withdraw, either openly or under the cloak of meaningless agreement."[65]

In April, 1,500 sorties were flown against North Vietnamese targets and 15,000 additional American troops were sent to Vietnam.[66]

Then from May 12 to May 18 the attacks were halted. When they were renewed, Secretary Rusk told the Foreign Service Institute that "Hanoi is not even prepared for discussions unless it is accepted in advance that there will be a Communist-dominated government in Saigon." But in November the State Department admitted that it had received a negotiating offer from Hanoi, via the French government, just a few hours after the six day bombing pause had ended.[67]

June 11—The government of South Vietnam fell to Air Vice Marshal Nguyen Cao Ky amid increasing anti-government agitation by Buddhists and others. Ky's military junta announced that neutralism would be punishable by death.

July 28—President Johnson announced a 75% increase in U.S. troop strength in Vietnam. "We did not choose to be the guardians at the gate," he said, "but there is no one else."[68]

A halt in the bombing, this one to last 37 days, began in late December 1965. Hanoi issued its 4 points for peace, the U.S. responded with 14. Hanoi's insistence on a U.S. withdrawal and recognition of the NLF as a pre-condition for talks was rejected. Secretary Rusk observed: "If the Viet Cong come to the conference table as full partners, they will . . . in a sense . . . have been victorious in the vary aims that South Vietnam and the United States are pledged to prevent."[69]

Jan. 28, 1966—Air attacks over North Vietnam were resumed.[70]

January 29—Richard M. Nixon addressed the Women's National Republican Club, noting that "some Democratic critics have gone so far as to advocate direct negotiations with the Viet Cong; this would inevitably lead to a coalition government . . . undermine the confidence of Asian nations and encourage the aggressors to try the same thing again some place else where the stakes would be higher and the risks greater." He added: "Some of the ships carrying supplies to North Vietnam are from nations which receive foreign aid from the United States. The unconscionable traffic should stop."[71]

Sen. Fulbright opened televised hearings before the Senate Foreign Relations Committee in February. Among the witnesses: Gen. James Gavin, who feared the "escalation in Southeast Asia will begin to hurt our world strategic position." Diplomat George Kennan, who said Vietnam policy "seems to me to be a grievous misplacement of emphasis in our foreign policies as a whole." Even if the Viet Cong controlled all of South Vietnam, while regrettable and morally unwarranted, Mr. Kennan said, "it would not present dangers great enough to justify our direct intervention."[72]

February 8—The Declaration of Honolulu, issued by Presidents Johnson and Thieu after the conference in Honolulu, emphasized socioeconomic development, and South Vietnam pledged itself to "a true social revolution."[73]

By 1967 the administration's chief critics were members of the President's own party. Though still a small group, it included Sens. Eugene McCarthy, Robert F. Kennedy, George McGovern, Frank Church, and Fulbright. Sen. Everett M. Dirksen (R-Ill.), the minority leader supported the President's policies. Other Republicans—Reps. Laird and Clark McGregor, for example, had called for stronger military measures.

One who was not in the government—Mr. Nixon—offered advice occasionally but did not take issue with the President's policy of escalation. In October 1967, he elaborated on his views of Southeast Asia and Vietnam for the quarterly journal, Foreign Affairs:

"From Japan to India," wrote Mr. Nixon, "Asian leaders know why we are in Vietnam and, privately if not publicly, they urge us to see it through to a satisfactory conclusion . . . One of the legacies of Vietnam almost certainly will be a deep reluctance on the part of the U.S. to become involved once again in a similar intervention on a similar basis . . . This makes it vitally in their own interest that the nations in the path of China's ambitions move quickly to establish an indigenous Asian framework for their own future security.

"I am not arguing that the day is past when the U.S. would respond militarily to Communist threats in the less stable parts of the world, or that a unilateral response . . . is out of the question. But other nations must recognize that the role of the U.S. as world policeman is likely to be limited in the future.

It is essential to minimize the number of occasions on which the great powers have to decide whether or not to commit their forces. These choices cannot be eliminated but they can be reduced by the development of regional defense pacts . . . to put it another way, the regional pact becomes a buffer separating the distant great power from the immediate threat. Only if the buffer proves insufficient does the great power become involved.

Winning acceptance of such a concept and creating an "official awareness of military needs" among neutral Asian nations will not be easy, Mr. Nixon concedes. But he would hope that "even India might finally be persuaded to give its support."

He also analyzed China: "Dealing with Red China is something like trying to cope with the more explosive ghetto elements in our own country. In each case a potentially destructive force has to be curbed; in each case an outlaw element has to be brought within the law." Those self-exiled from society must not stay exiled forever, he wrote, but the reality of China does not mean—"as many would simplistically have it"—rushing to grant recognition to Peking. Thus, "our aim is to persuade China that it *must* change."

Mrs. Indira Gandhi, in an interview with the Washington Post's Selig S. Harrison, in February 1969, was asked if American intervention in Vietnam had helped India in its long-term security problems with China: "It hasn't made any difference at all in strengthening our position with respect to China. As for Vietnam, had there not been a war, both of them (North and South) would have been in a stronger position to resist China if China ever did wish to menace them. North Vietnam has shown independence of China in not consulting them about the Paris talks . . . None of these countries can be strengthened under present circumstances. It's so much based on the troops and that cannot be solid or lasting . . . Your recognition of China as a world power might be helpful in creating a new environment in Asia.[74]

March 31—With 540,000 troops committed to South Vietnam, President Johnson announced a cutback in the U.S. bombing of the North. He said he would not seek re-election.

In May, Hanoi agreed to send a negotiating team to Paris.

Part VI—President Nixon's Vietnam: The First 90½ Days

One of President Nixon's first moves was a revision of the National Security Council, making it a repository for all foreign policy matters reviewed by a new system of sub-Cabinet interagency committees. Adviser Henry Kissinger, the White House said, is not "chief formulator of policy" but will make sure that the proper range of choices is available to the President; as ranking Cabinet officer, Secretary of State Rogers is the "principal foreign policy adviser."[75]

Footnotes at end of article.

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Feb. 15—The U.S. command reported from Saigon the B52s, "in the heaviest bombing of 1969," dropped 2.5 million pounds of bombs on positions of some 40,000 Communist troops threatening Saigon, the "greatest such raiding" since Dec. 12 and 13.

Military spokesmen said 105 of the B52s are making more than 1,800 sorties a month from Guam, Okinawa and Thailand, striking at enemy troop concentrations and carrying out a constant nighttime pounding of Communist supply trails. Columnist Joseph Alsop wrote: "If Gen. Abrams' confidence in the B52s is again justified in the day now ahead, his main effort can continue as at present, but with new confidence and increased power." [76]

February 19—Felix Belair, Jr., a Washington correspondent for the New York Times, reported that "capitalist elements" in South Vietnam constitute a primary source of financial support for the Viet Cong. His source: a report from the Stanford Research Institute to the House Government Operations Subcommittee on Foreign Operations and Government Information.

The report said that about 90% of the funds needed to support Viet Cong activities "are derived from sources within the Republic of Vietnam," and roughly two-thirds of Viet Cong cash income is from sources other than the peasants.

Another finding: the failures of successive governments since 1956 to distribute expropriated and former French lands to landless and land-poor farmers not only had advanced the Communist revolution but had also "provided conditions ideal for concealing the Viet Cong."

The study was financed by the Agency for International Development which had contemplated a $100 million land-reform package—with the U.S. paying half—to provide each of 320,000 farm families a grant of 5.5 acres of rice land. Although the Saigon government is still the biggest landowner, the Stanford report said, redistribution now is all but impossible; the Viet Cong hold much of the lands and much of it has gone back to jungle.[77]

February 23—New enemy offensive began with the shelling of 35 towns and allied military installations. Mr. Nixon was enroute to Europe for conferences in Britain, France, Belgium, West Germany, and Rome; he said the attacks might call for some kind of response.

March 4—After his return from Europe, the President was asked about the latest enemy offensive: His answer: if the attacks continue the government will make "some response that is appropriate." He also said the Communist offensive may have violated the "agreement" which influenced the bombing halt last Nov. 1, but that preliminary investigation had shown the attacks were directed primarily at military targets.[78]

March 7—South Vietnam's chief negotiator Pham Dang Lam broke off the scheduled negotiating session at Paris because of "the indiscriminate terrorist attacks." Vice President Ky left for Saigon earlier in the day, saying that he had no reason to return to Paris "as long as the enemy persists in its present activity." [79]

March 11—Secretary Laird, preparing to leave Saigon after talks with American and Vietnamese officials, said he did not consider it an escalation of the war "for U.S. military commanders to conduct operations in Laos to protect the safety of American soldiers." Marines had occupied positions in Laos for a week.[80]

March 14—President Nixon said the U.S. had "no other choice but to try to blunt the offensive," bringing this editorial response from the Washington Post: "The President might have enlarged the citizens' understanding of the realities of the war if he had admitted that the Americans have been on the offensive for the past six months . . . while the other side withdrew troops after the bombing halt Oct. 31, battalion-sized attacks from our side rose from 727 in November to 956 in December to 1,077 in January." [81]

March 17—Sen. McGovern criticized the President for blaming the Communists for the renewed fighting. "Are the Viet Cong responsible for our blind determination to follow failure down the road to disaster—until today, when we talk once more of enemy offensives, appropriate responses, new escalations, as though the terrible losses of four years had taught us nothing?" He asked that half the U.S. troops be withdrawn and the other half pulled back in defensive positions around major installations and cities.[82]

March 17—Sen. Edward M. Kennedy (D-Mass.) said Mr. Nixon has told Congressional leaders that he has "a peace plan" for the war and that it is now in effect, but that no details were given. The Senator added: "I am hopeful we are going to see some results. We ought to give him the opportunity for the plan to be tested."

March 19—Report from Saigon: "About 10,000 U.S. troops launched a drive through battle-scarred stands of rubber trees 40 miles from here in an attempt to shatter enemy preparations for an expected thrust against Saigon." The White House indicated that this operation is the "appropriate response" promised by President Nixon.[84]

March 20—Secretary Laird, appearing before the Senate Armed Services Committee, said American commanders in Vietnam think all U.S. troops must remain there until all North Vietnamese troops withdraw. He also said: "I do not think there is a possibility for any troop withdrawals in any significant numbers today." [85]

March 30—Sen. Mansfield, who earlier had accused the Nixon Administration of falling into the "act-react" cycle fomented by President Johnson, was a guest on NBC's Meet the Press. Asked if the U.S. had made any significant progress toward peace, he replied: "No, not of any significance. The only significant factor that I am aware of is the statement made by President Thieu the other day that he would be willing to meet with the NLF." Did he believe the U.S. bears a share of responsibility for the present escalation? "Oh, yes, because it is my understanding that once the bombing of the North stopped completely—that is, below the 20th parallel—that instructions were given to Gen. Abrams to keep the pressure on." [86]

April 1—William F. Buckley, Washington Star Syndicate: "It has been a while since we heard from Mr. Nixon his views on the justification of the American effort in Vietnam. In the past he has stoutly maintained that we are there necessarily; that the alternatives to fighting there are infinitely worse by any calculation. Does Mr. Nixon still believe that? . . . It can be contended that nothing has changed since Mr. Nixon last analyzed that war, and that, therefore, there is no reason to suppose that his analysis of it a year ago is different from his analysis of it now. But wars require continual reaffirmation . . ." [87]

April 4—Secretary Laird said that secret talks aimed at settling the Vietnam war have shown "some sign of progress." [88]

April 6—Max Frankel of the New York Times reported: "The Nixon Administration has set in motion an essentially secret program of diplomatic and military measures designed to extricate the United States from Vietnam. Officials here confirm the adoption of a new approach to the war but refuse to discuss its details. They predict, however, that their approach will become evident by the end of 1969, presumably through a decline in the rate of American casualties and the recall of some American troops . . . It is still not clear here how much progress has been made in recent days to arrange secret talks, both between Washington and Hanoi and between Saigon and the NLF . . . It is not clear either whether the announced 10% cut back in B52 bombing raids in South Vietnam had a clear diplomatic purpose . . . Secretary Laird represented the cutback as an economy measure. Some officials have encouraged speculation that it was a signal to Hanoi, but others say the cutback was only a budget measure that was mistakenly announced at an awkward moment." [89]

April 8—The Viet Cong rejected Saigon's proposal for "national reconciliation" at the Paris talks, claiming it contained "nothing essentially different from that which the U.S. has said and repeated for a long time." [90]

April 8—Secretary Rogers voiced hope for mutual U.S.-North Vietnamese withdrawals this year but ruled out a one-sided American pullout now. He also announced a planned visit in May to Vietnam, Thailand and Iran.[91]

April 10—Report from Saigon: "With ground warfare in a lull, U.S. B52 Stratofortresses took over the burden of attack Wednesday, concentrating their blows on suspected enemy bases near Cambodia." [92]

April 12—Report from Tokyo: Broadcast by Radio Hanoi listed the Viet Cong's three basic principles for peace in Vietnam—an end to U.S. "aggression, complete and unconditional withdrawal of troops, an end forever of Saigon's role of "betraying the nation." [93]

April 13—The war continued. New B52 raids hit enemy positions 15 miles west of Saigon, also attacked base camps and other targets in Tay Ninh Province as the enemy suddenly increased shellings on allied bases and population centers. American warships in the South China Sea knocked out 106 Communist hideouts along the coast.[94]

April 15—The government of South Vietnam arrested newspaper publisher Nguyen Lau on charges of aiding the Communists. A front-page editorial the day before had denounced the government for abuse of civil liberties.[95]

One of the influential voices in the Nixon Administration offered a preview of the likely approaches from Washington before the new decision makers took over. This view, from Dr. Kissinger, which appeared in the January 1969 issue of Foreign Affairs, suggests as American objectives: (1) a staged withdrawal of external forces, and (2) maximum incentive for the contending forces in South Vietnam to work out a political agreement . . . but the withdrawal should be over a "sufficiently long period so that a genuine indigenous political process has a chance to become established."

If Dr. Kissinger's views prevail at the White House, Saigon will not face strong pressures to agree to a coalition government, although it might be expected to hasten its own military involvement. Also of interest, however, is Dr. Kissinger's rationale for opposing a coalition government—and the inference that someone may have to accept defeat or go on fighting:

"The notion that a coalition government represents a compromise hardly does justice to Vietnamese conditions. Even the non-Communist groups have demonstrated the difficulty Vietnamese have in compromising differences. It is beyond imagination that parties that have been murdering and betraying each other for twenty-five years could work together as a team giving joint instructions to the entire country."

IN SUMMATION: THE CAUSE OF VIETNAM—THE COURSE OF THE NIXON ADMINISTRATION

Three distinct views shaped U.S. policy in Southeast Asia during the Eisenhower, Kennedy, and Johnson administrations. For Secretary Dulles, Vietnam was a global balance of power test. For President Kennedy, it was "their war," with assistance conditioned on certain expectations, among which were the development of South Vietnam's own forces, needed land reforms, and a respect

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Footnotes at end of article.

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for civil liberties. For President Johnson, it remained a conflict for Asians only during 1964, then reverted to an open-ended commitment with the world balance of power again at stake.

An evaluation of the significant evidence extracted from more than twenty-three years of American policy making offers a clear understanding of the causes of the Vietnam war as well as the attitudes of those persons most involved in the critical decisions. Something more than decisions is implied in the term "causes." Prevailing conditions and actions by others outside this country should be taken into account.

The urgency in reviewing Richard M. Nixon's relationship to the war is self-evident. As President, he now casts the deciding vote on policy.

The causes

1. Extending the balance of power struggle to Asia at a time the United States had begun to respond to its major security threat—the Soviet Union—by rearming and building an adequate defense for Europe. Korea drew attention away from Russia and toward China; the fall of Nationalist China was partly responsible for this. In terms of the global balance of power, it was Russia, not China, which represented the most serious threat to the security of the United States.

2. Shifting the perimeter of Far East defenses to Indochina and seeking military alliances with Asian nations which had demonstrated their intent to maintain a position of neutrality. Only one nation in the region immediately affected agreed to accept U.S. military protection under the terms of the SEATO agreements. That was Thailand.

3. SEATO itself. Unlike NATO, its members provided little or nothing resembling a force posture. Any threat of aggression, "direct or indirect," put U.S. military power—manpower as well as materiel—at the disposal of the Treaty member requesting such assistance. South Vietnam, not a signatory and scheduled for reunification with the North in internationally supervised elections, nevertheless was awarded SEATO's protection. (Note: the Philippines, one of the SEATO members, recently withdrew its 1,500 troops from South Vietnam and indicated it would send doctors and nurses instead.)

4. The policy of "instant massive nuclear retaliation." The credibility of this policy can be seen in each instance it was tested. It was found lacking in each test and therefore was not a credible policy; strong balanced forces were lacking; and at every stage the nuclear threat was offset by a Soviet retaliatory capability. The nuclear policy failed to deter (1) China's aid to Ho Chi Minh in 1954, despite "explicit warnings," (2) Russia's move to crush the Hungarian uprising in 1956, a revolt which may or may not have been encouraged by the administration's "liberation" policy, and (3) it did not deter Ho Chi Minh from pursuing his policy of "liberation" for South Vietnam in 1957, 1958, 1959, and 1960; neither, it should be apparent, did SEATO.

5. These policies were advocated by John Foster Dulles, accepted by the administration, and put into effect by Mr. Dulles.

6. Richard M. Nixon supported the Dulles policies when they were formulated and supports them now. He still insists that neutral nations must develop an "official awareness of military needs" and enter into new regional pacts to have their security guaranteed by U.S. military power. He would still intervene unilaterally to a Communist threat, although he concedes that conditions might force him to be more selective. His commitment to Dullesian concepts was articulated by Sen. Barry Goldwater in the Aug. 4, 1960 edition of Human Events:

"It is not without reason our great Secretary of State, the deceased John Foster Dulles, looked upon Dick Nixon as his great friend and supporter. Dulles was the only Secretary of State we have had since World War II who thoroughly understood the overriding issue in the world and who labored vigorously and ably to roll back the tide of encroaching communism . . . In all these exhausting efforts, Dick Nixon gave Foster Dulles aid and encouragement."

7. President Nixon and his principal advisers strongly indicate that they are prepared to continue the U.S. involvement in Vietnam for as long as the present Saigon government wishes, though perhaps with fewer troops. Tentative target dates mentioned for complete withdrawal are "at the end of 1970" or possibly 1971. A token withdrawal, however, could occur even without an agreement.

8. The government(s) of South Vietnam has been unwilling to comply with conditions outlined for a continuation of U.S. military assistance as mutually agreed upon in December 1961, and reaffirmed in the Declaration of Honolulu. It still represses civil liberties; it has excluded from its councils not only Communists but people representing a majority of the inhabitants (Note: a candidate representing the militant Buddhists was not permitted to run in the Sept. 3, 1967 Presidential election, and trade unionists were barred from the Senatorial races); it has consistently refused to undertake the land reforms so often promised and which now, apparently, are all but impossible; and it willfully stymied the peace negotiations in Paris during the two months that Mr. Nixon said should see no letdown.

Moreover, South Vietnam does not demonstrate even now that it wants a settlement of the war. President Thieu has suggested 1971 as possibly the earliest the Viet Cong might be permitted a voice in the affairs of the national government.

Conclusions

The commitment to war in Southeast Asia was made by Mr. Dulles and supported by Mr. Nixon, who has said, periodically, that the involvement was correct. It was made despite warnings that such a commitment might mean a unilateral action by the United States, and with full understanding from military planners that intervention in Indochina would require a troop commitment "on the scale of Korea."

Despite its commitment to send troops and its threat to use nuclear weapons if necessary to halt aggression, the government of which Mr. Dulles and Mr. Nixon were a part refused to do either when Ho Chi Minh opened his campaign of "liberation" in South Vietnam.

President Kennedy, had he not been murdered, might have had to make good on the 1954 and 1957 promises which told the world that this country would use whatever force was required to prevent a Communist takeover in Southeast Asia. But the evidence shows that he concentrated on political, economic, and social gains in South Vietnam while increasing the level of the commitment of military assistance. At the same time, he pressed for greater initiative in Saigon. As he frequently stated, success would depend primarily on Saigon and Saigon has not met its share of responsibility. Whether the course he followed could have ended the war is a question not likely to be answered.

It remained for President Johnson to pay the price quoted by the military planners in 1954 as the cost of intervention. Thus, he committed a half million troops to the intervention begun and left unfinished by Mr. Dulles and Mr. Nixon.

Now it has come full circle. The intervention that Mr. Nixon helped to promote is still in need of settlement.

In his statement to the Republican Platform Committee in August 1968, he said the "swift, overwhelming blow that would have been decisive" was no longer possible.

Is it unfair to ask:

When would it have been decisive to strike such a blow?

In 1954?
In 1957?
In 1959?
In 1960?

(NOTE.—The report relied heavily on research data recorded by Seyom Brown, a RAND Corp. policy research specialist, whose studies of specific policy decisions were conducted at the Washington Center of Foreign Policy Research, Johns Hopkins University. Corroboration is supplied by additional research reported by David W. Tarr of the University of Wisconsin, as well as in other sources cited below. The author, however, depended upon his own record of more recent events.)

FOOTNOTES

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[5] Congressional Quarterly, Nov. 1, 1968.

[6] Ibid.

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[16] Ibid.

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[33] Seyom Brown, Faces of Power—Constancy and Change in U.S. Policy; cited—America's Failure in China, Dr. Tang Tsou, p. 363.

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[35] Brown, pp. 59–60.

[36] Ibid., p. 57.

[37] Arthur Schlesinger Jr., Kennedy or Nixon?

[38] Stefan Lorant, The Glorious Burden, pp. 760–761.

[39] Ibid., p. 777.

[40] Ibid., p. 763.

[41] Ibid., p. 777.

[42] Brown, p. 69.

[43] Ibid., pp. 66, 70.

[44] Ibid., pp. 72–73.

[45] The Strategy of Peace, pp. 58–59.

[46] Tarr, p. 73; cited—Donovan, Eisenhower: The Inside Story, pp. 259–60.

[47] Emmet John Hughes, The Ordeal of Power, p. 109.

[48] The Strategy of Peace, pp. 62–63.

[49] Lorant, p. 784.

[50] Brown, p. 82.

[51] Department of State Bulletin XXXI, Sept. 27, 1954.

[52] Lorant, 785.

[53] Sheinbaum, Ramparts, 1966.

[54] The Strategy of Peace, p. 64.

[55] Lorant, p. 790.

[56] Ibid., p. 793.

[57] Theodore C. Sorensen, Kennedy, pp. 731–32.

[58] Arthur Schlesinger, A Thousand Days, pp. 336–337; Richard M. Nixon, Cuba, Castro, and John F. Kennedy, Readers Digest, November 1964.

[59] Sorensen, pp. 738–739.

[60] Malcolm Browne, The New Face of War; David Halberstam, The Making of a Quagmire; Schlesinger. (Note: Halberstam, who was saying in 1962 that the war could not be won and was, in fact, already lost, also gave his version of events in 1961 and 1962 in an address to the Minnesota Chapter, Sigma Delta Chi, in Minneapolis in the Spring of 1968).

[61] Ibid.

[62] A Thousand Days, p. 983.

[63] Press Conference (Ball and McNamara), The New York Times, Feb. 8, 1965.

[64] Department of State Publication 7839.

[65] Address by President, Johns Hopkins University, April 7, 1965.

[66] President's Message to Congress, May 5, 1965.

[67] Department of State Bulletin; The New York Times, Nov. 18–19, 1965.

[68] Department of State Bulletin, Aug. 16, 1965.

[69] The New York Times, Jan. 29, 1966.

[70] Ibid.

[71] The Washington Post, Jan. 30, 1966.

[72] Senate Committee on Foreign Relations, Vietnam report, pp. 230–231.

[73] The Declaration of Honolulu, Weekly Compilation of Presidential Documents, Feb. 14, 1966.

[74] The Washington Post, Feb. 14, 1969; Congressional Record, vol. 115, pt. 3, p. 3884.

[75] Newsweek, Feb. 17, 1969.

[76] Wire Service Reports, Minneapolis Tribune; Alsop.

[77] The New York Times, Feb. 19, 1969.

[78] Televised Press Conference.

[79] Associated Press, Paris, March 7, 1969.

[80] The New York Times, March 11, 1969.

[81] I. F. Stone's Weekly, March 24, 1969.

[82] The Minneapolis Tribune, March 17, 1969.

[83] Ibid.

[84] Wire Service Reports, March 19, 1969; Charles W. Bailey, chief of Minneapolis Tribune Washington Bureau.

[85] Associated Press, March 20, 1969.

[86] NBC—Meet the Press; transcript, Congressional Record, April 1, 1969, p. 8205.

[87] William F. Buckley, Minneapolis Tribune, April 1, 1969.

[88] The Minneapolis Tribune, April 4.

[89] The New York Times, April 6, 1969.

[90] United Press International, April 8, 1969.

[91] The Minneapolis Tribune.

[92] Associated Press, April 10, 1969.

[93] Associated Press; The Minneapolis Star, April 12, 1969.

[94] The Minneapolis Tribune, April 13, 1969.

[95] Wire Service Reports, The Minneapolis Tribune, April 15.

NEED FOR NATION TO REORDER PRIORITIES

Mr. JAVITS. Mr. President, in an address to the Economic Club of Detroit on May 21, I discussed the need for the Nation to reorder its priorities "away from the building of limitless military power—without any sacrifice of national security—and toward the restoration of domestic tranquility."

I made this speech at the very time that the conscience of Congress has been aroused to the spectre of millions of Americans who, in this Nation of dizzying affluence, are unable to get enough to eat, a life-sustaining job, a decent place to live, or an adequate education.

At the same time, Congress seems on the verge of acknowledging that the precious resources of this Nation have been misspent—that too much has gone into defense against outside threats and too little into defense of domestic institutions and the American way of life as we have always known it.

I particularly stressed the great leadership role that the administration must play in reordering our priorities if indeed the Nation is to take action in curing its domestic ills before it is too late. Since I spoke in Detroit, the President has given his own position on priorities—a position that differs in many respects from my own and from the views held by a substantial number of Senators. I feel that my remarks in Detroit will contribute to this most important dialog, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NATIONAL PRIORITIES: THE NEW ADMINISTRATION FIRST 100 DAYS—AND BEYOND

(By Senator JACOB K. JAVITS)

The First Hundred Days syndrome, so popular among political commentators, can be traced back to the drama with which Franklin Delano Roosevelt began his New Deal to meet the Depression crisis of 1933. It is true that all this is pretty well dated. Therefore, does the application of a First Hundred Days evaluation have any relevance to the Nixon Administration?

I feel that it does in that tendencies indicated in the first hundred days may be legitimately cited to indicate trends, to point out the perils of given attitudes, to recommend alternatives and to suggest timing. In this way, the Administration and the nation can be aided. For, every American wants the nation—and, therefore, the President—to succeed. How true this is for us Republicans who have been in the wilderness for so long!

For, I submit that we are facing a crisis in 1969 of another order, but a crisis no less awesome in its potential than the 1930's were in their actuality.

Instead of breadlines, we have hidden hunger in our urban ghettos and rural wastes.

Instead of mortgage foreclosures and bank failures, we have soaring interest rates and rampant inflation.

Instead of discontented intellectuals experimenting with Soviet communism, we have disenchanted college students toying with Maoist Stalinism on the campuses.

Instead of the gathering storm of Nazi Germany and Japan, we have the wasteful, frustrating, futile war in Vietnam and the unending intransigence of the radical Arab states in the Middle East.

Instead of a nation crying out for federal action to save it from financial bankruptcy, largely created by private action, we have a nation yearning for greater private and local authority to deal with problems that increasingly are assigned to the federal bureaucracy.

Instead of a nation all of whose people are reeling from the body blow of depression, we have a nation immersed in its own affluence while the needs of an explosive "Other America" are met inadequately or not at all and while, at the same time, we feed more and more of indispensable resources into the arms race.

Our nation is facing a crisis of purpose which will determine its destiny for the rest of this century—a crisis which demands an immediate and highly visible response. The response that is needed, at the very least, is the establishment of goals and the means to implement them which will bring this nation to grips with the crisis of the cities and the closely related hopelessness of its rural poor. What is needed is the reordering of our national priorities away from the building of "limitless" military power—without any sacrifice of national security—and toward the restoration of "domestic tranquility."

Moreover, the response that is not needed is the flurry of hastily prepared and often ill-conceived programs that characterized the New Deal. But, neither is it the painful and time-consuming reluctance to face issues and crises in time.

President Nixon, in his first 100 days, and the weeks beyond, has proven himself an able craftsman in government, imposing new order on the bureaucracy and restraints on a dangerous inflation. He has been cool, businesslike and a model of restraint and decorum. The tone of the new Administration is a pleasant change to many Americans. But, so far it is more a change in tone than substance—the substance still lies ahead—and it is changes in substance that I wish to discuss.

For, up to this point, with one exception, the Nixon Administration has not yet moved on the nation's problems of poverty and alienation with the resources and speed so vitally needed. The one substantive exception has been on the problem of hunger—an exception which I hope will clearly mark the route the President will follow, and which could be noted with great profit by some of the President's advisors.

In a dramatic and humanitarian gesture, the President announced two weeks ago—apparently overruling even some of his own advisors—that he planned to wage an aggressive campaign against hunger, a campaign that would cost an additional $1 billion annually. This was a thrilling moment in my political career as I am the ranking minority member of the pertinent Committee. It pointed up how an issue illuminated in the public forum that sears the conscience of the nation can be translated into immediate, meaningful political action. By declaring that there was hunger—substantial in nature—in our land of plenty, the President was acknowledging what he conceded to be an embarrassing fact, a fact that had been brought to light by two years of Congressional investigations, in which I played a role, and by the disclosures of crusading citizens groups and of an aroused and responsible press.

There is some doubt that the additional $1-billion per year the President plans to spend will be adequate to expand and improve the Federal food stamp and food distribution programs sufficiently so that every family, no matter how modest its means, will be guaranteed a diet that meets the minimum Federal nutritional standards. But one thing is no longer in doubt: if the President has the will, then I feel we have a right to expect that he will find the means to finance the new forward-looking programs that are required to help our poor. And I might add that the President has given every indication that these funds can be found even within his pared-down budget for fiscal 1970 without diverting the nation from the anti-inflationary course he has charted.

Viewing inflation as the nation's number one problem at home, President Nixon has slashed $4-billion from President Johnson's fiscal 1970 budget to provide a surplus of nearly $6-billion, the largest since 1951. But in preparing his budget, as with his decision to deploy the ABM, the President has shown that his military advisors continue to carry

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great weight with him. Only $1.1-billion was cut from fiscal 1970 military spending—about half of which may have to be restored by Congress if ammunition runs low in Vietnam—but $2.9-billion was slashed from current domestic spending. It is the restoration of this $2.9-billion, plus perhaps another $2-billion—a total of $5-billion more for domestic spending—which is at issue.

In his domestic message to Congress, the President indicated that once inflation had been brought under control through short-term budget cuts, "we must be prepared to increase substantially our dollar investment in America's future as soon as resources become available."

I submit that the resources are now available, even with the present need for Federal austerity to offset the legacy of inflation left by the folly of President Johnson's "guns and butter" policy. Those resources—of say $5-billion—can be found today in the "guns" portion of the national budget because I am convinced that much fat can be trimmed from the nearly $80-billion defense budget at no real danger to our nation's security. And those deferrable or unneeded military dollars are sorely needed on the domestic side of the ledger to offer better housing, schools, health care, transportation, job training and a decent diet to the millions of our nation's poor. Indeed, there is every indication that the President himself already sees this and plans to dip into the Defense budget to find the extra funds he needs for the enlarged food assistance program he has announced in the coming year.

Yet, desirable as it is, the President's program to feed the hungry is but a jetty against an ocean of poverty and racial tension that is pounding against the underpinnings of our society. The President and other Republicans, including myself, can speak properly of the unkept promises, of the massive spending programs and the muddled bureaucracy that have come to characterize the New Deal and Great Society approaches to eliminating poverty. We Republicans can make new promises that the solutions lie in tax incentives to the business community, in revenue-sharing to promote local initiative and in new programs that stress voluntarism by the private sector and self-help and participatory democracy by the poor. But it is quite another thing again to come up with the programs and the substantial funds that will be required to make even these enlightened concepts work.

The first step in the difficult transitional process of moving away from the present inequitable and degrading welfare system—and the Administration shows signs of moving in this direction—is for the Federal government to adopt minimum standards of welfare throughout the nation and to pay a share of the resulting higher payments in states that cannot afford them. Such reform would go a long way toward ending the exodus of the poor from rural areas where welfare payments are shockingly low to the cities where assistance to the poor is generally maintained at more enlightened levels.

The new Administration must be bold enough—and generous enough—to overcome the vicious and degrading stereotypes of poverty. It must, for example, require that assistance programs be available to all impoverished families including those that have a man in the house. No longer should able-bodied men be encouraged or compelled to abandon their families so that their wives and children can qualify for welfare assistance. No longer should families be disqualified from receiving assistance if the man or the woman of the house is able to find work and yet is unable to maintain the family at a subsistence level. I do not preclude the possibility of a system that moves toward a guaranteed family income, either through a reverse income tax or income maintenance by family allowances—but always with incentives to work, to educate oneself, to lift oneself out of the degradation and hopelessness of poverty.

But in the meanwhile, where are the funds needed to implement the present programs? The poor are told that they are to participate in their own flight from poverty. But the funds sought by this and the previous Administration for local initiative through OEO's community action programs came to less than what was requested to cover operating expenses of the Coast Guard.

Ghetto residents are told that they will be helped to establish themselves in small businesses. But blacks, who comprise 10 per cent of the population, still own less than one per cent of the businesses. Loans from the Economic Opportunity Loan Program, which were promised to aspiring ghetto businessmen at the rate of 10,000 a year by the Johnson Administration, totaled only 1,700 last year. Not only must the Administration take bold steps to give life to this program, it should reverse any tendency within the Small Business Administration toward cutting back on its prior commitment of bolstering minority entrepreneurship through technical and financial assistance.

Lower income youths are told that they are entitled to the same educational opportunities as those who can afford the spiraling costs of a college education. And yet, the Administration's budget proposals include a cutback of about a quarter from the amount appropriated last year under the National Defense Education Act's student loan program, and eliminate altogether federal grant programs for the construction of college buildings and the stocking of elementary and secondary school libraries.

Disadvantaged youngsters are told that they will be trained to take their rightful place in the job market. Will their needs be better satisfied by the Administration's plan to shut down 59 of the 113 Job Corps Centers and to ask for more than 85,000 federally subsidized jobs in private industry for the hard-core unemployed? And will the funds for adequate summer employment for youth in our major cities be provided?

Time bombs of frustration, despair and anger among our urban poor continue to tick away. What a tragedy it would be if more explosions came this summer because we failed to heed in time demands for action by the tenants of those slums that *someday* are to be renovated or replaced; by the students in the schools that *someday* are to receive suburban-quality facilities and instruction; by the disadvantaged sick who *someday* are to get first-class treatment and hospital care; by the malnourished who *someday* are to feel the full bellies promised by the President's food program; by the hard-core unemployed who *someday* will receive the vocational training and the equal opportunities now promised by federal law?

Inflation is the nation's most *immediate* pressing problem. But while the Administration must act to curb inflation, it can ill-afford to downgrade attention to our urgent social problems. The action to reduce federal spending should have cut deeper into military spending—especially into the outlays for overseas bases and for research and development—and should have left the funds available for domestic programs substantially intact or enhanced by transferred military funds. There is still time to revise these priorities.

Measured in terms of dealing with the immediate economic problems facing the country, particularly inflation, the Nixon Administration's policies certainly have been more realistic than those which prevailed during the last years of the Johnson Administration. But, measured in terms of facing up to the fundamental problems of articulating new approaches to deal with our troubled cities, our tax structure, our foreign economic policies—to cite a few examples—the Nixon Administration still has been more cautious than we can afford. Its intentions have certainly been commendable, but today intentions alone are not sufficient to calm the nation or to put it on the road toward a more just society.

In the field of tax reform the Administration's proposals are but a beginning toward eliminating the basic inequities in the Federal tax code. Yet, the Treasury Department is well aware of what are the basic inequities and there is broad popular support for fundamental reforms. There are two basic avenues to bringing about meaningful tax reform. The first is a minimum income tax for large income recipients to cover income that is presently excluded. The alternative is a reduction or elimination of certain tax loopholes which now permit certain types of income to be excluded at an annual cost of $9-billion a year to other taxpayers who have to make up the difference by paying higher taxes. A minimum income tax would be more meaningful—and certainly more than an interim measure toward tax reform—if it were combined with the closing of such tax loopholes as the reduction of the depletion allowance for oil and gas from 27½ per cent to 20 per cent and the reduction of intangible drilling and development cost deductions to 50% of such costs over a five year period as I have already proposed. The combined effect of such a minimum income tax and the closing of these two tax loopholes alone would result in more than $1-billion in additional tax revenues as well as in greater equity in the tax system.

Another pressing area is tax relief for middle income taxpayers—those in the $5,000 to $15,000 a year category. The dissatisfaction of House Ways and Means Chairman Wilbur Mills with the limited scope of the Administration's tax reform package is further important evidence that basic reforms can obtain Congressional approval, and I urge the Administration to propose such additional reforms.

In the field of foreign economic policy, the new Administration was immediately faced with the following problems: the President was without trade negotiating authority since July, 1967; the foreign aid program was at its lowest levels in 20 years; U.S. private investment and lending abroad was subject to extensive restraints; the international monetary system was being severely tried by repeated attacks on the mark, the franc and the pound sterling.

There are not yet new policies to speak of on any of these fronts. A new and distinguished American has been appointed to fill the post of the President's Special Representative for Trade Negotiations and the President, to his great credit, reaffirmed that this office would remain in the White House. The President has not yet sent his trade policy proposals to Congress.

Following the sharp curtailment of the foreign aid program in 1968, Congress passed an amendment I proposed which calls for a reappraisal by the President of the entire foreign aid program, including the need for a federally chartered corporation to encourage private investment in developing countries. Without basic reforms, such as the corporation which I have been advocating for many years, Congress is still unlikely to support an adequate foreign aid program. It is therefore essential that the President come forward with at least some reforms in 1969 and lay the groundwork for further reforms next year.

I have no doubt that the current European currency crisis can be overcome through ad hoc measures based on existing international financial cooperation. Yet the crisis demonstrates once again that the international monetary system established 20 years ago is essentially obsolete and needs broad reform. The best means to achieve this purpose is in reforming the Bretton Woods Agreement which brought into existence the Interna-

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tional Monetary Fund. The health and stability of the international monetary system is vital to world peace, security and progress.

Those as concerned as I about reordering national priorities would be more reassured if it were clear that we are pointed in the direction of early disengagement from the Vietnam conflict and deescalation of the arms race so that we can devote major attention to relieving the nation's domestic ills. This concern has contributed to much of the opposition to the deployment of the Safeguard ABM system.

It is my firm belief that the rich and varied tapestry of American society as we have always known it may not survive the excessive cost of another major escalation in the arms race. Indeed, at the risk of sounding like an Old Testament prophet, I believe that the diversion of resources necessitated by the $8-billion deployment of Safeguard—combined with continuation of the Vietnam war and no progress on further disarmament—could touch off such a maelstrom of protest from our disadvantaged citizens and disenchanted youth as to jeopardize the life of our free institutions. For as we have seen in the current chaos on our campuses, irresponsible action provokes repressive reaction. And if the winds of dissent blow even harder across our land, we could become Fortress America governable only as a police state more concern with division from within than the threat from without.

In another period of our history, the President of the United States declared that "a third of our people are ill-housed, ill-clothed and ill-fed." This was clearly a national tragedy. Today, the 28,000,000 Americans who fall into this category comprise a much smaller percentage, but no less of a national tragedy. The very fact that a nation with a $900-billion-a-year economy cannot provide a share of the American dream to each of its citizens is a tragedy. But the greater tragedy lies in the fact that the poverty amidst plenty of today breeds deeper frustrations and hotter anger than did the widespread poverty of 30 to 40 years ago. And the resulting threat of a polarized society in which white is pitted against black, in which privilege is pitted against poverty, in which youthful idealism is pitted against middle-aged status quo—all this suddenly becomes an awful, violent reality despite America's 200 years of striving to provide the opportunities and fruits of a free society to all.

It is at the threshold to such a potentially tragic future that we now stand. But, the spectre of inexcusable poverty and domestic unrest provides the President with an opportunity as well as a challenge. It is an opportunity of politics as well as of history. By moving boldly in the direction of uplifting the poor into the mainstream of American society, by seeking to reconcile the alienated, by achieving a new synthesis of the public interest and sound business practices in his domestic programs, by ending the war in Vietnam, by progressing further in disarmament—President Nixon, who was elected by a minority of the people, may yet transform the Republican Party to the Party of the majority.

I have always believed that the Republican Party could be the vehicle for truly progressive action in our society. I have always believed that the private sector has the capacity to operate in the public interest to solve such vital problems as urban decay, rural poverty and unemployment. It is now for President Nixon to bring this lesson home to the majority of the American people by utilizing traditional confidence of the business community in the Republican Party wherever possible and by bringing the full effect of government power, funding and partnership to bear on the problems that do not lend themselves to solution by the private sector alone.

But over-reliance on non-governmental approaches to dealing with our nation's domestic ills could produce a new generation of unkept promises not at all dissimilar to those that have been the legacy of the Roosevelt and Johnson years. The difference is that such a set of broken promises could provide the match to ignite the flames of violent social upheaval that, with some tragic exceptions, has thus far been generally contained.

The sense of crisis that pervades our nation today is a crisis of inaction, not of impotence. It is a crisis of not doing, rather than a crisis of not knowing what to do. And therein lies our hope for the future—the immediate future—so far as President Nixon is concerned. The great hope in the Nixon Administration is that it will lead the nation to taking action in time. Its greatest tragedy would be if history reveals that our nation could have prevailed over the social ills that now afflict it, except that we failed to act in time.

SENATOR YARBOROUGH ADDRESSES MARINE ENGINEER GRADUATES

Mr. NELSON. Mr. President, recently the chairman of the Committee on Labor and Public Welfare, the senior Senator from Texas (Mr. YARBOROUGH), addressed the fifth graduating class of the Marine Engineers Beneficial Association Training School at Baltimore. In his remarks Chairman YARBOROUGH paid tribute to this unique institution that is training high school graduates from all over the country to become marine engineers in the American-flag merchant marine. He also praised the foresightedness of the training school's founder, Jesse M. Calhoon, MEBA president and one of the most progressive leaders in marine labor, who early saw a growing shortage of marine engineers and was moved to start this training school.

I ask unanimous consent that the text of Senator YARBOROUGH's speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF HON. RALPH YARBOROUGH, CHAIRMAN, SENATE LABOR AND PUBLIC WELFARE COMMITTEE, BEFORE THE GRADUATING CLASS, CALHOON MEBA TRAINING SCHOOL, BALTIMORE, MD., MAY 15, 1969

Distinguished guests and cadet engineers of the 5th graduating class of the Calhoon Marine Engineers Training School:

It is a special pleasure for me to be with you today, special because it not only gives me the chance to visit with you fine young men embarking on an exciting career, but also has allowed me the opportunity to view this unique and altogether splendid institution—the Calhoon Training School.

I am impressed! The quality and scope of your training equipment, the obvious high level of instruction, the intensity and depth of your training program and your excellent quarters here have convinced me that this school is capable of producing marine engineers who can rank with the products of our best maritime institutions—with, of course, the possible exception of the Texas Maritime Academy at Galveston.

I understand that the driving force, the dynamo behind the creation of this school is your union's President, Jesse Calhoon, whom I know as one of the ablest leaders in the field of maritime labor. I am, of course, well acquainted with NMEBA's branch leaders in Galveston, Houston, Port Arthur and Corpus Christi, and might I say that they have always been among my strongest supporters in the labor movement. You are, in my judgment, becoming members of one of the finest labor organizations in the country. Your salary and working conditions and superb vacation program rank with the best achieved by any union in this country. Your pension and welfare plan is the equal of any in maritime unionism. In short, your historic organization—organized during the War Between the States—has lived up to its great heritage of being first in maritime unionism.

Jesse Calhoon was first, too, when he recognized early in the Vietnam conflict that a severe shortage of marine engineers was in the offing. He saw that the regular schools such as the U.S. Maritime Academy at King's Point, New York would not be able to turn out the engineers needed because of the additional personnel demands created by Vietnam. The school from which you graduate today is the result of Jesse Calhoon's vision. I congratulate him and the shipping companies who teamed up with the Marine Engineers to make it possible. I also congratulate them for making this school democratically open to any qualified high school graduate anywhere in the United States.

We need more schools of this kind in the country—institutions which can offer specialized training in particular fields such as marine engineering for those who are unable for one reason or another to attend college. Particularly is this true in the merchant marine field where we have lagged far behind other maritime nations in the training and development of oncoming new personnel to man the American-flag ships that ply the world trade lanes. For example, the Russians today are training almost 25 times as many marine officers as we are—a sobering statistic.

Yet is is only one thing to field the qualified personnel to man American-flag merchant ships. Of equal importance is our need for a replacement fleet of fast, modern ships to compete with other maritime nations of the world.

You know better than I that we do not have these ships today. Only about 10 new commercial craft of competitive nature are turned out by our shipyards each year, and our aging World War II vintage ships are becoming commercially obsolete much faster than that. To compete, and to keep pace with other nations, we need a massive shipbuilding program that will strain the capacities of our shipyards from Massachusetts and Maryland to Texas and California We must add to the qualitative technological improvements in shipbuilding techniques, sheer quantities of new ships.

We can see in the Vietnam experience why we need to maintain a modern merchant marine. Some 95 per cent of the supplies to our forces there are carried by water. Most of this is transported in ships built during World War II—old Victory ships brought out of the mothball reserve fleet and called into action. We have brought up 500 of these ships, and by next year most of them will be virtually obsolete—far beyond their prime and at the stage where they should be scrapped.

We are extracting everything we can get from these old tubs and their life will surely end with the Vietnam war. Our reserve fleet is being used up with no replacements in sight. Should a future emergency of the nature of Vietnam occur, we would not have the necessary sea-going capacity to meet it.

I cannot claim to have any solid answers to this problem, but I do know that something has to be done. From the founding of our republic on it has been an article of faith that a healthy, viable merchant marine is a cornerstone of our security and prosperity. Therefore, I believe that the top officers of our government, as well as those of industry and labor, must immediately begin talking to the point of whether we are

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going to have a viable merchant marine. Industry must contribute new construction concepts and funds of their own. The Administration and the Congress must use their best creative talents cooperatively to provide a climate that will stimulate both industry and labor to get us out of the maritime backwash we are now in.

I think we can do it—if we can muster the will that it will take to meet the challenge. After all, it has been proven time after time that there is little that Americans cannot do if they set their minds to it.

The time has come for all of us to set our minds to the task of building a strong American merchant marine.

Thank you very much.

MAGELLAN AWARD OF MERIT TO JUAN T. TRIPPE—A RECORD OF ACCOMPLISHMENTS

Mr. GOODELL. Mr. President, I invite the attention of Senators to yet another achievement of a man who has become a legend in his own time, my good friend and constituent, Juan T. Trippe, founder and honorary chairman of the board of directors of Pan American World Airways.

This latest achievement took place at the Union League Club in New York where Juan Trippe was presented the 1969 Magellan Award of Merit by the Circumnavigators Club.

The Magellan Award of Merit, the highest honor paid by the Circumnavigators Club, is given each year to the club member who has contributed significantly to world development and improved international good will. Previous winners include Francis Cardinal Spellman, Herbert Hoover, General Douglas MacArthur, and Dr. William Walsh of Project Hope.

The Circumnavigators Club was founded in 1902 and is comprised of men who have circled the globe and are of high standing in their professions and communities. It currently has members in 20 countries.

In addition to the above award, Juan Trippe holds 26 decorations from 19 foreign nations, more than any other private American citizen. He has received the Medal of Merit from the President of the United States, the highest award that can be bestowed on a civilian.

He has received all major aviation awards, including the Wright Brothers Memorial Trophy, the Collier Trophy, and the Harmon Trophy.

Numbered among his awards are many honorary degrees from universities, including Yale, his alma mater.

For his contributions in the fields of business, trade, education, and social service, he has received 29 other awards, including the Capt. Robert Dollar Award of the National Foreign Trade Council.

He has served as an alumnus and life trustee at Yale, as well as on the board of visitors of the Harvard Business School and the Johns Hopkins University. He is a trustee of the University of Liberia, of the Institute of International Education, and of the Eisenhower Exchange Fellowships.

For many years he has served on the board of the Business Council and the National Safety Council.

Juan Trippe is the acknowledged pioneer of over-ocean flying as well as the dean of airline executives both at home and abroad. Under his guidance Pan American has progressed from last to first place in the airways of the world.

It is this last accomplishment for which Juan Trippe is best known and which will remain as a lasting tribute to his dedication, perseverence, and ingenuity.

In 1927, when Pan Am first took to the air, it had 115 employees, five airplanes, $300,000 in assets and a 90-mile route between Key West and Havana.

Today the corporation has over 44,000 employees, 143 jets—as of June 1, 1968—assets of over $1 billion and a route system of 80,000 miles which links the United States with some 85 lands on six continents.

Mr. Trippe's dedication to aviation dates back to his student days at Yale, which he left to serve as a naval aviator in World War I. After his return to the university, he founded the Yale Flying Club. Upon graduation he began an air charter service on Long Island and was one of the founders of Colonial Airlines, which operated between New York and Boston.

It was with this background that Mr. Trippe organized Pan American World Airways in March, 1927, and America's first international air carrier was born.

Pan Am shortly began to expand its routes southward, pushing across the Caribbean to South America. The step-by-step development of an airways network through Latin America was underway.

Meanwhile, Mr. Trippe was laying plans for commercial operations on a greater scale—conquest of the oceans. In 1931, in the interests of Pan Am, Charles A. Lindbergh and Mrs. Lindbergh made their famed survey flight over the Great Circle route to the Orient. Mr. Trippe encouraged Vilhjalmur Stefansson, on the other side of the world, to explore and investigate the meteorological problems of the Arctic. Two years later the Lindberghs surveyed the Great Circle route across the North Atlantic.

Many technical problems involved in long-range, over-ocean flights were solved. Aircraft with the necessary load capacity and long-range capabilities were built to Pan Am specifications. Island bases across the Pacific were constructed, manned and navigational facilities provided.

On November 22, 1935, Pan Am's Martin M130 flying boat, the China Clipper, rose from San Francisco Bay, and proceeded to Hawaii. From there it continued on an island-hopping route to the Philippines.

Again on May 20, 1939, Mr. Trippe guided Pan Am to another first when the Boeing B-134 flying boat, the Yankee Clipper, took off from Port Washington, Long Island, for Horta, Lisbon, and Marseilles, starting transatlantic air service.

On June 17, 1947, another long-range plan reached fruition when Pan Am began the first scheduled around-the-world service.

In 1955 Mr. Trippe again made history by ordering 45 American-built jets. This launched the jet age under the American flag and resulted in orders for hundreds of American aircraft by the world's airlines. Three years later Pan Am inaugurated the first jet service with American aircraft.

Similarly, in June 1963, Mr. Trippe was the first to order a supersonic transport. In 1966 he was the first to order the 747 Superjet, signing a $600 million order—the largest in the history of commercial aviation.

Pan Am's forward-equipment including subsonic and supersonic transports today totals $1.5 billion. Mr. Trippe, as in 1927, can still be found in the forefront planning for Pan Am as it prepares for the 747 and the supersonic age, for the doubling of passenger traffic and the tripling of cargo traffic by the mid-1970's.

Mr. President, in closing I would like to congratulate Mr. Trippe on his award, praise him for a job well done and cite both him and Pan American as outstanding examples of what can be achieved under our American system of free enterprise.

RISING TEXTILE IMPORTS

Mr. HOLLINGS. Mr. President, the Charleston, S.C., Evening Post of Tuesday, May 27, 1969, contains an editorial pertaining to Asian import quotas. The editorial points the significance to South Carolina alone of rising textile imports—142,700 textile jobs. South Carolina's economy is at stake in what the administration does to limit texile imports.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Charleston Evening Post, May 27, 1969]

ASIAN IMPORT QUOTAS

(By Arthur M. Wilcox)

President Richard M. Nixon seems to be preparing to live up to Candidate Nixon's pledge last summer to put effective controls on imported woolens and man-made fibers as well as cotton.

The Department of Commerce reportedly is drafting an import control agreement for presentation to the President within two weeks. Secretary Maurice Stans has told foreign textile exporters they will have 90 days to begin negotiating restrictions, otherwise the United States will set its own import quotas.

Though they may be directed at hard-nosed Asian competitors in this instance, import quotas have unpleasant implications for other countries with whom it is in the interest of the U.S. to maintain unfettered trade relations. In the past, we have noted the advantages of giving Latin-American countries, for example, access to North American markets in order to make money they need to maintain their own economic stability. To poor countries to the South, the U.S. often represents the only place they can do business at a profit.

For U.S. consumers, too, there is bad news in import quotas. They are an artificial means of keeping prices high.

Still clinging to the ideal of free, fair trade with deserving neighbors both for our own benefit and theirs, we admit the folly of extending license to foreigners to wreck our factories. Until Asian textile exporters can

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devise some means of exercising reasonable self-restraint, U.S. defenses against being swamped by their products are in order.

Last year textile imports increased by nearly one-third. They give no indication of slackening. Under that kind of pressure American textiles could be driven from the domestic market.

At stake in this state alone are more than 142,700 textile jobs—well over half the total industrial payroll—to say nothing of the millions of dollars in revenues derived from our sales tax, corporate and individual income taxes in textile-producing areas.

It is no exaggeration to say that South Carolina's economic future for years to come hinges on the outcome of the Nixon administration's efforts to limit textile imports. Hopefully, reason will prevail and voluntary restrictions will result. If not, the President is justified in honoring the pledge he made last summer.

REPORTS OF THE COMMITTEE ON LABOR LAW OF THE FEDERAL BAR COUNCIL

Mr. JAVITS. Mr. President, the Committee on Labor Law of the Federal Bar Council has recently issued three reports on important labor-management subjects. The reports cover the topics of sweetheart contracts, the problem of defamation and freedom of expression in labor campaigns and labor relations in nonprofit hospitals. The latter report is particularly timely in view of the dispute now in progress in Charleston, S.C. I ask unanimous consent that these three reports be printed in the RECORD.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

[From the Federal Bar Council, Committee on Labor Law]

SWEETHEART CONTRACTS

Agreements between an employer and a union official which result in fewer benefits for the employees than would be obtained by normal collective bargaining, in exchange for which private benefits flow to the union official,[1] are a serious threat to legitimate collective bargaining. Estimates vary but it is clear that sweetheart arrangements are widespread in many areas, are seriously harmful to employees and the legitimate union movement, and help racketeers to obtain a foothold in industry to the detriment of the legitimate businessman.[2]

Some sweetheart arrangements take the form of "paper locals" which are not real unions and have no employee participation but which sign contracts with employers in order to keep legitimate unions out. In other cases, officials or cliques in otherwise legitimate unions may make "sweetheart" arrangements for their private benefit.

Such arrangements are enforced against workers who don't want to go along in a variety of ways.

Physical violence can be used. The employee can be fired with the consent of the "union". The "contract bar" rule can be used to prevent a legitimate union from obtaining an election because the sweetheart union has a contract with the employer. The contract bar rule, adopted by the National Labor Relations Board and state labor relations boards as an administrative policy, precludes representation elections if a collective bargaining agreement between the employer and a union is in effect, with some exceptions.[3]

A state court injunction against picketing by a legitimate union can be obtained on the ground that there is already a recognized union with a contract.[4]

The chief legal provision applicable to sweetheart contracts is the prohibition on employer payments to employee representatives contained in Title 29, United States Code, section 186. This section, which was enacted as section 302 of the Labor Management Relations Act of 1947,[5] makes it a crime punishable by a $10,000 fine or one year's imprisonment for a union official to take or agree to take or an employer to give or agree to give anything of value except in specified ways (such as valid check-off, welfare fund or pension plan).

Because this section was enacted as part of the Taft-Hartley Act, some have regarded it as inimical to labor. This provision however, can help to eliminate fraud and collusion and strengthen honest unions and honest business as a result. It is thus no more anti-labor than the securities fraud statutes are anti-business. Illustrations of instances in which cases under the statute have disclosed that employees have lost full benefits as a result of sweetheart contracts make this clear.[6]

The important question is what can be done to attack the sweetheart evil more effectively. It is obvious that the section by itself does not reach the root of the evil.

To begin with, the statute is grossly inadequate in its penalty provisions. The section may have been drafted as a misdemeanor because it applies to any of the prohibited types of payments whether or not there is proof of wrongful intent. Perhaps for second offenses or giving or accepting payments in exchange for depriving employees of any benefit, a greater punishment could be provided. This would be in keeping with a public recommendation of the Honorable Edmund L. Palmieri, United States District Judge in the Southern District of New York, for a similar increase in the maximum permissible penalties for bribery of bank officials in violation of Title 18, United States Code, section 215.[7]

Under the present provision, even an official who is convicted of deliberately taking money to sell out the employees he represents can go right back to his former job. This could be changed by making the violation of section 186 a crime disqualifying the defendant for office under the provisions precluding persons convicted of certain crimes from holding union office.[8] Under present law, a person convicted of robbery, extortion, embezzlement and various other listed crimes cannot serve as a union officer. But accepting employer payments illegally is not a listed crime. Another possibility would be to give the court power as part of any sentence under 186 to disqualify a person convicted under the section from holding such a position for a specified period of time.

The maximum penalties provided by law are only meaningful if the courts impose realistic sentences. Here, recognition of the seriousness of sweetheart arrangements is indispensable. The approach of the courts to sentencing in so-called "white collar" crimes is beginning to change because of recognition that law will only be respected if it is enforced as to persons who have abused a position of responsibility in society. The Committee on Criminal Law of the Federal Bar Council has suggested the following factors as particularly relevant in sentencing:

"(1) The extent to which the defendant has abused a position of responsibility entrusted to him . . .

"(2) The extent to which he sets an example for others because of his position, and

"(3) The large-scale influence which his conduct may have on others because of a pivotal relationship which he has . . . assumed and as a result of which his actions may have wide ramifications."[9]

Another area of concern must be state court injunctions against legitimate unions based on sweetheart contracts. Under federal law, an unfair labor practice injunction against an outside union cannot be obtained unless the inside union has been recognized in accordance with the National Labor Relations Act.[10] Similarly, the state court injunctions should not be permitted unless there has been something to indicate that the inside union, in fact, represents a majority of employees. This would prevent sweetheart unions from being set up chiefly to keep out legitimate unions.

Consideration should also be given to the impact of the contract bar rule which in general precludes representation elections during the life of an existing contract.

If no representation elections have recently been held, the contract bar should be disregarded in our view if (a) the employee benefits provided by the contract are egregiously below industry standards, or (b) it was negotiated by a union which did not represent a majority of the employees (even if the six month period for bringing unfair labor practice charges has elapsed), or (c) the contract is not being administered, or (d) the contract was the fruit of illegal employer payments.

The sweetheart problem also has some bearing on the question of certification of bargaining agents based on authorization cards without elections. Authorization cards can speed certification where a union actually has a majority of the workers behind it, but racketeers can also get cards signed by coercion where they would lose in a supervised secret ballot election.

At present, one of the strong arguments for wider use of authorization cards is the delay in conducting elections. If election procedures could be stepped up, there might be less reason to rely on cards with the attendant dangers.

Another way of attacking sweetheart arrangements is greater enforcement of minimum labor standards so that racketeers can offer less benefit to employers through "paper locals."[11] This could also include stepped-up efforts to advise employees concerning their rights under our national labor laws.

A concerted attack on the sweetheart evil is an important aspect of a total effort to strengthen law enforcement,[12] because it strikes at one of the major leverages racketeers have in our society.

Attacking the sweetheart evil is also important in expanding the benefits of our industrial society to all, because it is usually the most disadvantaged who are the victims of sweetheart arrangements.

An effective attack on sweetheart contracts is important to the trade union movement because of the unfair competition of racketeers with legitimate unions and because all of labor is often wrongfully blamed for the improper activities of those who engage in such arrangements.

More effective elimination of the sweetheart evil will also clear the way for expansion of legitimate labor-management cooperation for the benefit of all parties.

An attack on the sweetheart evil is also of broader importance in building an industrial society based on justice which can set an example for all.

The recommendations made above would assist in such an attack.

Respectfully submitted.

FEDERAL BAR COUNCIL, COMMITTEE ON LABOR LAW: RICHARD A. GIVENS, *Chairman;* Albert X. Bader, Harold Baer, Jr., Mark K. Benenson, Ira Blue, Evelyn S. Brand, Harold I. Cammer, John Canoni, Nathan Cohen, Samuel J. Cohen*, Jack Davis, Max Doner, Bernard D. Gold, Morris P. Glushien, Herbert Halberg, Robert Isaacs, William J. Isaacson, Isadore Katz, Ralph P. Katz, Hon. Jerome Lefkowitz, Lawrence G. Marshall, Max J. Miller, Benjamin B. Naumoff, Hon. Frederick Pope, Jr., Robert Rabin, Sidney O. Raphael, Leonard Rovins, Irving Rozen,

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Footnotes at end of article.

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Sherwin Shapiro, Jacob Sheinkman, Robert Silagi, I. Philip Sipser, Prof. Michael I. Sovern, Evan J. Spelfogel,[13] Philip J. Zichello and Max Zimny.

FOOTNOTES

[1] *E.g.*, United States v. Ricciardi, 357 F. 2d 91 (2d Cir.) *cert. denied*, 385 U.S. 814 (1966); United States v. Gard, 344 F. 2d 120 (2d Cir. 1965). Compare generally United States v. Ryan, 350 U.S. 299 (1956).

[2] See 59 Colum. L. Rev. 810, 813 (1959); Comment, 69 Yale L.J. 1393, 1405–06 (1960); N.Y. Times, Feb. 16, 1959, P.L. col. 8.

[3] See Naumoff, "An Analysis of the Contract Bar Doctrine," 7 Labor L.J. 197 (1956); Cf. Pacific Coast Ass'n of Pulp & Paper Mfgs., 121 NLRB No. 134 (1958).

[4] See J. Radley Metzger Co. v. Fay, 4 App. Div. 2d 436, 166 N.Y.S. 2d 87 (1st Dept. 1957); Jarvis Surgical Co. v. Davis, 15 Misc. 2d 1035, 186 N.Y.S. 2d 357 (Sup. Ct. 1958), 59 Colum. L. Rev. 810 (1959).

[5] 61 Stat. 157 (1947) as amended by 73 Stat. 537 (1959), 29 U.S.C. § 186 (1964).

[6] *E.g.*, United States v. Ricciardi, 357 F. 2d 91 (2d Cir.), *cert. denied*, 385 U.S. 814 (1966).

[7] Mintz, "Felony Charge Urged in Bank Briberies," The Washington Post, June 22, 1968.

[8] 73 Stat. 536 (1959), 29 U.S.C. § 504 (1964).

[9] 3 Criminal L. Bull. No. 10, p. 682, 684 (Dec. 1967).

[10] 73 Stat. 544 (1959), 29 U.S.C. § 158(b)(7) (1964).

[11] The payments in United States v. Gard, 344 F. 2d 120 (2d Cir. 1965) were found as a result of a successful Fair Labor Standards Act prosecution of the employer. Brief for the United States, p. 11.

[12] Cf. New York State Bar Association, Bulletin of the Committee on Federal Legislation, Part I (January 1969), CONGRESSIONAL RECORD, February 25, 1969, p. 4410.

[13] Dissenting in part. See separate views.

SEPARATE VIEWS

(By Samuel J. Cohen)

In my opinion increasing the penalties presently provided by federal statute for various kinds of misconduct would be futile. That kind of approach has been repudiated by history. It doesn't work. It antagonizes labor, victimizes a few unfortunates, and cures nothing. I am strongly opposed to that kind of recommendation.

I would favor a federal statute which would mandate the filing and public accessibility of all collective bargaining agreements. Such a statute should provide that failure to file would result in the alleged contract being a nullity, not merely for contract bar purposes, but in all other respects which would restrict the freedom of the employees to disown the alleged "contract." Such public exposure would, in my opinion, have a thoroughly cleansing effect. It would undoubtedly displease sweetheart employers just as much as it would displease sweetheart unions. I would therefore recommend it.

Mr. Spelfogel does not believe that whether the level of benefits provided by a collective bargaining contract is egregiously below those in the industry should be a factor in determining whether a contract bar to a representation should apply. Such a standard could not be workably administered and would produce undue uncertainty in collective bargaining relationships.

[From the Federal Bar Council, Committee on Labor Law]

RECOMMENDATIONS CONCERNING PROBLEMS OF DEFAMATION AND FREEDOM OF EXPRESSION IN LABOR RELATIONS

In our labor relations as in other contexts where conflicting interests clash, the law must seek to meet many needs at the same time. It must protect participants and bystanders from unjust injury in the fray and at the same time avoid becoming the instrument of oppression by any party. It must also provide channels for constructive debate which may lead to syntheses more constructive for both sides than the initial position of either.[1]

In the case of defamation the importance of each of these needs is great. Blackening of reputation through falsehoods as a deliberate strategy is particularly insidious to a democratic society. Freedom of expression and healthy debate are equally indispensable and may be throttled by threats of libel and slander suits should they become weapons in industrial conflict.

One relevant question is to seek to delineate those instances in which the recipients of allegedly defamatory matter are better qualified to pass upon its truth or falsity and relevancy or irrelevancy than the outside tribunals of the regular legal system, and those in which, on the other hand, such intervention is necessary. Similarly it is important to ascertain what remedies are most appropriate in differing circumstances; suit for damages is not necessarily either the safest or the most effective in all instances.

For the reasons which follow we recommend that consideration be given to federal legislation which would accomplish the following objectives:

1. The truth or falsity of statements made to *employees* and *not* to the general public, *dealing with conditions of employment* or the treatment of employees, and made in the course of organizational campaigns, collective bargaining or contract administration, by employees or representatives of union or management, should be judged primarily by the employees themselves rather than less informed outsiders. Accordingly, in these narrow circumstances, suits for *damages* for defamation should be precluded.

2. In cases of statements made to the general public or dealing with the personal character of an individual as distinct from conditions of employment or treatment of employees, suits for defamation should remain available, subject, however, to the limitations in the course of evolution in Supreme Court decisions under the First Amendment to the Federal Constitution as made applicable to the States through the Fourteenth.

BACKGROUND—THE IMPACT OF FEDERAL LAW IN DEFAMATION CASES

The impact of federal law in defamation cases has its source in two constitutional provisions: the First Amendment which, applicable to the states through the Fourteenth,[2] protects freedom of speech, press, assembly and petition, and the Commerce Clause, under which federal laws deal with many kinds of publication affecting commerce which may also be claimed to be defamatory in particular instances.

The most dramatic impact arose from the 1964 decision of the Supreme Court in *New York Times* v. *Sullivan*[3] in which a libel judgment for a public official based upon alleged defamation contained in an advertisement was reversed. Subsequently, however, the Court upheld a libel suit by a manager against a union and others based upon a leaflet distributed in an organizing campaign which stated:

> "The men in Saginaw were deprived of their right to vote in three N.L.R.B. elections. . . . [They] were robbed of pay increases. The . . . managers were lying to us . . . Somebody may go to Jail!"[4]

The Court also sent back for further proceedings without ordering dismissal a suit by a former ski resort commissioner who claimed to have been defamed by a newspaper column stating that resort receipts had climbed and asking rhetorically "What happened to all the money last year—and every other year?"[5]

The impact of federal law upon the status of utterances which might be claimed to be defamatory has been expanding by virtue of decisions under the First Amendment, and also decisions in the context of organizational and election campaigns under the National Labor Relations Act, proxy contests for corporate control regulated under the Securities Acts and radio and television broadcasting under license by the Federal Communications Commission.

The diverse views expressed as to what utterances should be regulated and how, suggests that rapid change in this field may continue.

THE INTEREST VINDICATED BY DEFAMATION SUITS

The purposes served by suits for defamation are of great importance to society. Among them are compensation to the injured for unjust harm to reputation and prevention of similar harm in the future by causing those who would publish careless or malicious slurs to exercise caution.

In addition, a defamation suit may provide a forum in which the truth or falsity of a charge may be tested. This may assist in rehabilitating the reputation of the victim of defamation, especially if there has been little or no coverage of any reply to the initial charges.

Immunity from suits for damages for defamation has been considered necessary in several circumstances, including where the person making the charges is acting in the course of official duties,[6] speaks in Congress,[7] or speaks in the course of other judicial or legislative proceedings. Under present procedures, however, a person against whom such charges are made frequently has no way to establish his innocence even if he is in possession of proof of it. There is no forum to hear him. And if he is not a public figure, he may have no news-making power comparable to that of his accuser. Little coverage may be given to his denials. In other circumstances, such as political campaigns, where suit is generally impracticable aside from constitutional or other obstacles, a person defamed may suffer a similar disadvantage. The mere fact that charges are made, even if totally false, may be enough to convince many that "there must be something in it because where is so much smoke there is bound to be some fire." This careless and erroneous assumption has been avidly utilized by totalitarian and other extremist movements of many varieties[8] taking advantage of character assassination as a major weapon.

The widening of constitutional and other privileges against defamation suits, accordingly, leaves society increasingly open to severe abuses unless other offsetting measures are also taken.

DANGERS INVOLVED IN PERMITTING DEFAMATION SUITS

In evaluating the dangers and risks in permitting defamation suits we must take into account the possibility that the triers of fact will reach the wrong conclusion.[9] This may occur for any number of reasons, including the unavailability of evidence, the effect of judicial rules of admissibility, the unequal resources of the parties in conducting investigations.[10] and employing counsel and the presence or absence of community pressure, subtle or overt,[11] in the case.

Suit may also be instituted as a means of economic or political warfare or vengeance rather than to redress genuine harm caused by actual falsehoods.[12]

Further, in vehement public debate the speaker may be stating only what he believes to be the truth, and yet may later turn out to have been in error or someone judging the situation later may simply interpret the facts differently. To require the speaker to

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Footnotes at end of article.

express himself at his peril in such cases might well prevent many legitimate grievances from finding expression.

In the *New York Times* case the Court stated eloquently and succinctly:

> ". . . we consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks . . .
>
> "Authoritative interpretation of the First Amendment guarantees have consistently refused to recognize an exception for any test of truth—whether administered by judges, juries, or administrative officials—and especially one that puts the burden of proving truth on the speaker . . . As Madison said, 'Some degree of abuse is inseparable from the proper use of every thing; and in no instance is this more true than in that of the press.' . . . That erroneous statement is inevitable in free debate, and that it must be protected if the freedoms of expression are to have the 'breathing space' that they 'need . . . to survive' [must be] recognized . . ."[13]

The *Times* case involved statements about a public official. It involved, however, as well the broader "profound national commitment . . . that debate on public *issues* should be uninhibited . . . and wide-open . . ." (emphasis added).

Under the National Labor Relations Act and the Labor Management Reporting and Disclosure Act of 1959,[14] collective bargaining and the affairs of bargaining agents are made "public issues" to a significant extent by the mandatory duty of collective bargaining placed on the parties and the public regulations laid down for selection of representatives. This does not make those involved in bargaining on either side of the table "public officials."[15] But it makes the conduct of organizational campaigns and collective bargaining "public issues" in an important sense. Furthermore, collective bargaining has been considered to have some aspects in common with public government itself, at least for certain purposes.[16] For example, "The parties are bound together in an involuntary continuing relationship which cannot be severed by either deciding not to do business with the other"[17] short of the employer going out of business entirely.[18] These considerations are relevant in determining what types of litigation are in the interest of the constructive evolution of labor relations under our national labor laws.[19]

It is traditional that "robust" debate in labor disputes has included use of language which the Supreme Court has indicated is "commonplace" there but which "might well be deemed actionable *per se* in some state jurisdictions."[20] To permit suits in such cases would in our opinion be harmful to the constructive evolution of collective bargaining. The language of disputants is not readily modified on a large scale, and the attempt to clean it up by libel or slander suits is not worth the price of exacerbating bargaining relationships through lawsuits brought to that end.

We also recognize that community passions are sometimes aroused to the boiling point in favor of one side or the other in the course of bitter labor disputes and that this magnifies the inherent difficulties of impartial fact finding and the accurate reconstruction of past events. Here the danger of error in ascertaining the facts and judging their significance in context is particularly great. This is especially true where the issues involved in defamation suits necessarily entail moral judgments by the triers of the facts.

In the case of a suit against an individual employee, there is also the aspect of what may become "cruel and unusual punishment"[21] within the context of industrial government.

While few employers and unions resort at present to libel suits or slander suits, we are concerned that the impact of those suits which are brought may harm labor relations on a broader scale as well, creating an atmosphere adverse to constructive cooperation by the parties as well as unjust in particular cases.

DISCUSSION OF RECOMMENDATIONS

For these reasons, we have concluded that suits for damages for defamation should not be allowed in the narrow class of cases where the alleged utterance was only made to employees and dealt solely with working conditions or treatment of employees and occurred in the course of an organizational campaign, collective bargaining negotiation, or matter of contract administration.

We recognize, however, that some means of protecting the legitimate claims of the unjustly defamed are necessary in this class of cases as well as in others. While we believe that the employees themselves are in a better position to evaluate the statements made in this narrow class of cases than a jury, there may be need for the opportunity of the party attacked to reply and to obtain some impartial review of the charges against him if he chose to avail himself of it.[22] In labor disputes the means of making the right of reply effective are more easily devised than in the case of statements to the general public because of the limited audience involved. For example, if an employee, management representative, employer, or union representative claims to have been subjected to false charges, he might be given the right to answer them in the same manner in which they were made, if that is practicable, or, by having a written reply distributed to all employees who were likely to have become aware of the original charge.

In the case of statements to the general public or extending beyond discussion of working conditions or treatment of employees, we would permit present libel and slander laws to apply as limited, of course, by the continuing evolution of the Supreme Court's construction of the First Amendment.

Legislative consideration of these matters may be desirable. However, it is within the power of the courts to deal with some of these problems under existing legislation. For example, the Supreme Court has indicated that limitations comparable to those imposed on suits for defamation of public officials in the *New York Times* case may be applied to defamation suits in labor disputes within the ambit of the National Labor Relations Act ". . . if experience shows that a more complete curtailment, even a total one [of state libel remedies] should be necessary" to prevent impairment of our national labor policy."[23] Similarly, the Court might appropriately hold that authority for filing grievances as to alleged defamation, like a no-strike provision,[24] is implicit in grievance and arbitration clauses in collective bargaining agreements unless they specify otherwise.

Respectifully submitted.

Federal Bar Council, Committee on Labor Law: Richard A. Givens, *Chairman;* John D. Canoni, *Secretary;* Albert X. Bader, Harold Baer, Jr., Mark K. Benenson, Ira Blue, Everlyn S. Brand, Harold I. Cammer, Nathan Cohen, Samuel J. Cohen, Jack Davis, Max Doner, Bernard Gold, Morris P. Glushien, Herbert Halberg, Robert Isaacs, William J. Isaacson, Isadore Katz, Ralph P. Katz, Hon. Jerome Lefkowitz, Lawrence G. Marshall, Max J. Miller, Benjamin B. Naumoff, Hon. Frederick Pope, Jr., Robert Rabin, Sidney O. Raphael, Leonard Rovins, Irving Rozen, Sherwin Shapiro, Jacob Sheinkman, Robert Silagi, I. Philip Sipser, Prof. Michael I. Sovern, Evan J. Spelfogel, Philip J. Zichello, and Max Zimny.

FOOTNOTES

[1] "Deliberative Processes of the Committee on Labor and Social Security Legislation," 21 Record of N.Y.C.B.A. 482 (Oct. 1966).

[2] E.g., New York Times v. Sullivan, 376 U.S. 254 (1964).

[3] Id.

[4] Linn v. United Plant Guard Workers, 383 U.S. 53, 56 (1966).

[5] Rosenblatt v. Baer, 383 U.S. 75, 78 (1966).

[6] Barr v. Matteo, 360 U.S. 564 (1959).

[7] ". . . [F]or any Speech or Debate in either House [Senators and Representatives] shall not be questioned in any other Place." U.S. Const., Art. I § 6; cf. United States v. Johnson, 383 U.S. 169 (1965).

[8] See Reisman, "Democracy and Defamation: Fair Game and Fair Comment," 42 Colum. L. Rev. 1085 (1942).

[9] See England v. Louisiana State Board of Medical Ex'rs, 375 U.S. 411, 417 (1964); Speiser v. Randall, 355 U.S. 513, 525 (1958); Cahn, "Fact-Skepticism: An Unexpected Chapter," 38 N.Y.U. L. Rev. 1025 (1963).

[10] Cf. the facts involved in Brady v. Maryland, 373 U.S. 83 (1963).

[11] Compare Sheppard v. Maxwell, 384 U.S. 333 (1966) with Moore v. Dempsey, 261 U.S. 86 (1923) (Holmes, J.).

[12] This would seem particularly likely in the case of suits brought against individual employees for damages. Cf. "Responsibility of Individual Employees for Breaches of No-Strike Clauses," 14 Industrial & Labor Relations Rev. 595 (1961); Comment, 59 Colum. L. Rev. 177 (1959).

[13] 376 U.S. at 270–72 (1964).

[14] 73 Stat. 522 (1959), 29 U.S.C. § 411 et seq. (1964).

[15] Cf. Wellington, "The Constitution, The Labor Union, and 'Governmental Action,'" 70 Yale L.J. 345 (1961).

[16] See Steel v. Louisville & Nashville R. Co., 323 U.S. 192 (1944) Hanslowe, "On the Need for a Political Science of Collective Bargaining," in Symposium on Labor Relations Law 59 (Slovenko ed. 1962); Blumrosen, "The Worker and Three Phases of Unionism," 61 Mich. L. Rev. 1435 (1963); Commons, Legal Foundations of Capitalism 312 (1924); cf. Lewis v. Benedict Coal Co., 361 U.S. 459 (1960).

[17] "Report Concerning (1) The Role of Judge and Arbitrator in Labor Arbitration and (2) Injunctions Against Strikes in Breach of Contract," 4 Reports of Committees of N.Y.C.B.A. Concerned With Federal Legislation 16, 20 (1965) also in 20 Record of N.Y.C.B.A. 37, 40 (1965).

[18] NLRB v. Darlington Mfg. Co., 380 U.S. 263 (1965).

[19] Textile Workers v. Lincoln Mills, 353 U.S. 488 (1957); Friendly, "In Praise of Erie—and of the New Federal Common Law," 39 N.Y.U. L Rev. 383 (1964), also in 19 Record of N.Y.C.B.A. 64 (1964).

[20] 383 U.S. at 58.

[21] See Note 12 supra.

[22] Reisman, "Democracy and Defamation: Fair Game and Fair Comment," 42 Colum. L. Rev. 1085 (1942); Donnelly, "The Right to Reply: An Alternative to an Action for Libel," 34 Virginia L. Rev. 867 (1948); Bok, "The Regulation of Campaign Tactics in Representation Elections under the National Labor Relations Act," 78 Harv. L. Rev. 38, 91 (1964); Note, 78 Harv. L. Rev. 1191, 1207 (1965).

[23] Linn v. United Plant Guard Workers, 383 U.S. 53, 67 (1966).

[24] Local 174, Teamsters Union v. Lucas Flour Co., 369 U.S. 95 (1962).

[From the Federal Bar Council, Committee on Labor Law]

Labor Relations and Nonprofit Hospitals

Congress is presently considering a bill (H.R. 637) introduced by Congressman William F. Ryan (D-N.Y.) that would remove the present statutory exemption (N.L.R.A. Sec. 2(2), 29 U.S.C. Sec. 152(2)) for employers operating nonprofit hospitals. The committee strongly supports extending to employees of nonprofit hospitals the rights guaranteed by the Taft-Hartley Act. However, H.R. 637, as presently drafted, might also nullify state statutory or judicial law prohibiting strikes by such employees and substituting alternative means of resolving disputes such as final and binding arbitration. In our view this is a fundamental defect that requires rejection of the proposed bill as drafted. If H.R. 637 were amended to permit the continued operation of these state laws, we would endorse it without reservation.

There are over 7,000 hospitals in the United States employing over 2,000,000 employees. More than half are non-profit, one-quarter are operated by state, county or municipal governments, approximately one-fifth are profit-oriented (proprietary) and the remainder are operated by the federal government or by federal agencies such as the Veterans' Administration. Public hospitals are expressly exempted by Section 2(2) of the N.L.R.A., and H.R. 637 would not change this situation. Proprietary hospitals are covered by the N.L.R.A., although it was not until recently that the N.L.R.B. chose to exercise its jurisdiction over such institutions.[1]

Congress first excluded nonprofit hospitals from the statutory definition of an "employer" in 1947 (N.L.R.A. Sec. 2(2)). The principal effect of H.R. 637 would be to overturn this determination. There is at present some question whether the operations of nonprofit hospitals "affect commerce" within the meaning of the N.L.R.A.[2] and also, even if they do, whether the N.L.R.B. might choose not to exercise its statutory jurisdiction in this area.[3] However, we must assume that the enactment of H.R. 637 would itself provide statutory jurisdiction and, in turn, that Congress would clearly indicate that it intended the N.L.R.B. to exercise the jurisdiction thus bestowed.

Nonprofit hospitals are not totally unregulated at the present time. Both before and after the 1947 amendment several states passed laws governing hospital labor relations. Sixteen states presently have such laws; ten apply to nonprofit hospitals,[4] six do not.[5]

We have no hesitancy in endorsing the general principle that employees of nonprofit hospitals should have the right to organize and bargain collectively through representatives of their own choosing. The hospital employee should be entitled to such rights as is any other way earner. *Accord:* Kochery & Strauss, *The Nonprofit Hospital and the Union,* 9 Buffalo L. Rev. 255, 282 (1959).

The chief deficiency of H.R. 637 is that no effort is made to address the special problems inherent in promoting the orderly settlement of disputes concerning nonprofit hospitals. It is generally accepted, even by many ardent champions of equal treatment of hospital and other employees, that there should be restrictions on the right of hospital employees to strike and that the operation of a hospital does involve a public interest of such urgency that the right to strike should yield to the greater importance of uninterrupted and efficient treatment for the sick and infirm. Of the ten states that have passed legislation expressly granting hospital employees the right to organize and bargain collectively, six also expressly prohibit strikes by such employees usually in exchange for provisions for compulsory arbitration of labor disputes.[6]

If enacted in its present form, H.R. 637, by bringing the doctrine of federal pre-emption to bear, would effectively nullify all present and future state statutory or judicial laws governing labor relations in nonprofit hospitals.[7] We believe that state laws prohibiting strikes by employees of nonprofit hospitals should be permitted where the states substitute alternative means of resolving labor-management disputes such as final and binding arbitration. Such laws are appropriate and justifiable legislative and judicial responses that should be preserved, not destroyed. In our view, H.R. 637 should be amended to provide expressly that the states shall not be deprived of the power to enact or adopt laws of the type described.

Respectfully submitted.

Federal Bar Council, Committee on Labor Law: Richard A. Givens, Chairman; John D. Canoni, Secretary; Harold Baer, Jr., Albert X. Bader, Esq., Mark K. Benenson, Noel Berman, Ira Blue, Evelyn S. Brand, Harold I. Cammer, Nathan Cohen, Samuel J. Cohen, Jack Davis, Max M. Doner, Bernard D. Gold, Morris P. Glushien, Herbert Halberg, Robert Isaacs, William J. Isaacson, Isadore Katz, Ralph P. Katz, Hon. Jerome Lefkowitz, Lawrence G. Marshall, Max J. Miller, Benjamin B. Naumoff, Hon. Frederick Pope, Jr., Sidney O. Raphael, Leonard Rovins, Irving Rozen, Sherwin Shapiro, Jack Sheinkman, Robert Silagi, I. Philip Sipser, Esq., Prof. Michael I. Sovern, Evan J. Spelfogel, Philip J. Zichello, and Max Zimny.

May 9, 1969.

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[1] In November 1967, the N.L.R.B. announced it would exercise jurisdiction if the proprietary hospital received at least $250,000 in gross revenue per annum. *Butt Medical Properties,* 168 NLRB No. 52 (1967). Previously, the Board had consistently held that it would not effectuate the policies of the Act for it to exercise jurisdiction over proprietary hospitals. See *Flatbush Gen'l Hospital,* 126 NLRB 144 (1960).

[2] A leading case held, prior to the 1947 amendment, that nonprofit hospitals did "affect commerce." *Central Dispensary and Emergency Hospital* v. *N.L.R.B.,* 145 F 2d 852 (D.C. Cir. 1944), *cert. denied,* 324 U.S. 847 (1945). However, this ruling was questioned during the debate on the 1947 amendment to Section 2(2). The House report stated (1. Legis. Hist. of the L.M.R.A. 303) that hospitals "are not engaged in 'commerce' and certainly not in interstate commerce." (See also *id.,* Vol. 2 at 1464–65).

[3] The N.L.R.B. has consistently ruled that it will exercise jurisdiction over nonprofit organizations only in exceptional circumstances and in connection with purely commercial ventures. See, *e.g., Trustees of Columbia University,* 97 NLRB 424 (1951); *Lutheran Church,* 109 NLRB 859 (1954) and *YMCA of Portland, Oregon,* 146 NLRB 20 (1964).

[4] These are Connecticut, Hawaii, Kansas, Massachusetts, Michigan, Minnesota, Montana, New York, Oregon and Wisconsin. Some of these laws apply only to certain hospital employees (e.g. nurses).

[5] These are Colorado, North Dakota, Pennsylvania, Rhode Island, Utah and Vermont.

The general laws or constitutions of some states may grant nonprofit hospital employees certain rights. Compare *Johnson* v. *Christ Hospital,* 45 N.J. 108, 211 A. 2d 376 (1965) with *Peters* v. *Community Hospital,* 70 LRRM 3239 (Ill. App. Ct. 1969).

[6] Connecticut, Massachusetts, Michigan, Minnesota, New York and Oregon. Michigan and Oregon do not provide for compulsory arbitration. The situation in Hawaii and Kansas is unclear.

[7] See *Amalgamated Ass'n., Division 998* v. *W.E.R.B.,* 340 U.S. 383 (1951) (N.L.R.A. preempts Wisconsin's Public Utility Law and its no-strike and compulsory arbitration provisions); *Cf. Division 1287 Amalgamated Association* v. *Missouri,* 374 U.S. 74 (1963) and *General Electric Co.* v. *Callahan,* 294 F. 2d 60 (1st Cir. 1961), *petition for certiorari dismissed per stipulation,* 369 U.S. 832 (1962).

NATIONAL HEALTH CORPS PROPOSED TO EASE HEALTH CARE CRISIS

Mr. NELSON. Mr. President, today, the Subcommittee on Health is beginning the consideration of the Hospital and Medical Facilities Construction and Modernization Amendments of 1969.

At this time, it is very appropriate to review what many consider to be a health care crisis facing the United States.

Since World War II, we have undertaken substantial efforts to improve the health of the country. Tremendous gains have been made in the biomedical sciences, in large part the result of substantial expenditures for health research. There can be no doubt that the "state of the art" has vastly improved.

But while we have done much to advance our knowledge of diseases and life processes, our capacity to bring even the most fundamental health services to the people is beginning to break down. While we are succeeding in the laboratory, we are failing in the community.

Despite dramatic medical advances and the investment of billions of Federal dollars, we are on the brink of a national health crisis with thousands of families in the ghettos and residents in poverty stricken rural areas unable to receive adequate health and medical care.

The indicators of a growing health care crisis are everywhere. Long delays must be tolerated before an individual has an opportunity to see a physician, even for the most routine health care. Hospitals are becoming obsolete, overcrowded and inadequately staffed. Substantial segments of the populaton have substandard medical and health care.

What has happened, of course, is that the Nation's health care system no longer can respond effectively to the rapid changes in American society which are occurring in every area. In the past, health care was provided by solo general practitioners in their own offices. Hospitals were often places of last resort, where maintenance needs were often as great as medical requirements. But medical knowledge has rapidly changed part of this picture. Medical practice has become highly specialized, as the state of the art improves. Hospitals, rather than medical offices, have become the center for diagnosis and treatment. Still, however, science and technology cannot fully account for the presence of a crisis.

The health care system has not escaped the social and demographic changes which have affected other segments of American society. Twenty years ago, our cities still had substantial portions of middle- and upper-class Americans. Health care was provided through a combination of outpatient services, rendered by physicians located in the cities, and by hospitals in the areas in which these people lived.

The flight from the urban centers has taken its toll on the health care system, just as it has altered the education, economic, and other systems which had traditionally existed in these areas. The available amount of outpatient services which "primary" physicians could pro-

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vide naturally began to diminish, placing greater and greater workloads on the doctors who have remained in these areas. At the same time, great influxes of new people—generally black, generally poor—occurred in the urban centers. The morbidity rates among these populations were greater than those who had left, and their ability to purchase the medical care they needed was much less.

The physicians who remained, if they would remain at all, were confronted with more patients, longer hours, lessening control of their medical practice, and a diminishing economic base. Many more practitioners moved to more favorable areas, reducing even more the availability of medical services.

Without physicians to provide health services, the resident populations had only one other place to turn—the general hospitals located in the neighborhoods. Built at the turn of the century, many of these institutions lacked outpatient facilities and the manpower to handle the rising influx of patients. Emergency rooms became clogged with noncritical cases, large backlogs of people waited to get into beds, so that some sort of treatment could be provided. Patients who could not pay doctors were no more able to pay hospitals, and the economic health of these aging institutions began to come into doubt.

Now in many urban centers throughout the Nation, hospitals themselves are beginning to move out of the central city, taking along with them the last vestiges of comprehensive health care. Funds have not been adequate to provide capital needed to renovate or rebuild the old buildings occupied in the core city. As a result, costs to patients have risen sharply to meet rising labor expenses and to meet emergency capital improvements. The effect, in many places, has been to price out of existence the health care that many people need.

Other factors are helping to contribute to the health care crisis which extend the impact of the problem well beyond the inner sections of our large metropolitan areas. Increasing specialization, for example, is having a pronounced effect on the availability of health care. While the total number of physicians relative to the population has remained relatively constant in recent years, the number of physicians readily accessible to the population is growing smaller.

The National Advisory Commission on Health Manpower observed that while the physician population is growing somewhat faster than the population, "this slight relative increase in the supply of physicians cannot outweigh the forces acting to decrease access to them." Our health manpower policy to date has simply called for increasing the supply side of the health care equation—train more people. I feel, however, that we have sadly overlooked the real problem which is one of the distribution of personnel and facilities, rather than their numbers.

Every hospital seems bent upon obtaining the most elaborate and extensive equipment without regard to the needs and abilities of other institutions. In New York City, for example, there are 15 open heart surgery programs, seven of which do 83 percent of all the heart surgery, while the remaining eight do 17 percent. The director of the Montefiore Hospital and Medical Center, Dr. Martin Cherkasky observed:

> When you do one case a month it not only cost a lot but you do it badly. The City of New York does not need 15 programs. It only needs seven. No effort on the part of those who pay has been directed to making sure that these unnecessary draining programs of money and space and personnel are avoided.

In one large eastern city, hospitals were individually planning to add more than $450 million in capital projects over a 9-year period, until a local group found that there was no shortage of hospital beds in the city, even though 44 percent of the existing facilities were unsafe or unsatisfactory for patient use. With the costs of constructing one hospital bed at about $35,000 and annual maintenance costs running around $10,000 per bed, it is absurd for this Nation to permit the continuation of a fragmented and uncoordinated system of health care.

Heart-pump machines cost about $15,000 apiece; surgical sterilizers reach $17,000; and cobalt radiation units as much as $82,000. It is not surprising then that health-care costs are skyrocketing, when every element in the health-care system believes such equipment is needed, even though similar equipment may go underutilized elsewhere in the community. Duplicated equipment means duplicated personnel needs, and hence appears a "shortage of skilled personnel."

Social change, changes in medical knowledge, fragmentary allocation of resources, and failure to apply modern technology all contribute to what is fast becoming a national crisis of major proportions. We do not really have a "health-care system" in this country. Instead, we are faced with an unorganized, uncoordinated, and unplanned collection of elements, each of which provides less than comprehensive service.

Our country's health resources have been badly allocated. Personnel and highly specialized equipment have been clustered in shiny new medical centers, isolated from the critical needs of citizens in the inner city and small towns.

The maldistribution of medical manpower could be substantially corrected within the framework of a National Health Corps, involving local volunteers, paraprofessionals, and professionals.

Our young doctors, nurses, and other medical personnel should be given the opportunity to share in the satisfaction of public service through participation in a National Health Corps. Their counterparts in the education and legal professions have already displayed their social consciousness by flocking to work in the National Teacher Corps and neighborhood legal services programs.

Through a corps program, young medical and health professionals could be enlisted to serve in community clinics in cities and remote rural areas.

Local community residents, trained by medical personnel in local hospitals, could be mobilized as health workers to inform their neighbors about improved family health practices, preventive medicine, and the accessibility of health care, while others could prepare for new career positions in the health field.

I am in the process of drafting legislation to facilitate the establishment of a National Health Corps and will appreciate receiving the comments of my colleagues and other interested parties in this regard.

I believe that we have the resources we need to provide the quantity and quality of health care Americans deserve, but there must be a national commitment to bring about major changes in the organization and use of these resources to reach this goal.

Our public policy toward the health-care system is often contradictory and confusing and all but prohibits any real change in direction. We have programs which deal with every level of government, some directly with providers of care, others with educational institutions, and even some with people directly. There are conflicting interests within and outside the health-care system regarding controls, allocation of resources, planning, and administration. It seems to me that the time has come to assert the national interest and to subordinate such conflicts to the well-being of all Americans.

AIR TRAFFIC CONTROL

Mr. PEARSON. Mr. President, in the coming week the Committee on Commerce will begin to consider airport/airways legislation—a matter which the President has marked with priority in his domestic program. In theory these considerations might be divided into airport problems and airways problems, but in reality our concern will be with the interrelated problems facing our national air transportation system.

Today, I wish to focus my attention and the attention of this body to the air traffic control aspect of this total problem, for it is here that we face a most serious need.

There are many proposals before Congress directed toward solving the air traffic control problem. Some say that provision for more air traffic controllers and the establishment of a new personnel system is the answer. Others suggest there is need for more study. Mr. President, I feel that the magnitude of this problem requires that we look to the ATC needs of the next decade and take the action necessary to program and meet these needs.

What are these needs? What are the problems of current air traffic control operations and what directions should we be moving in?

The current volume of air traffic and operation is far greater in many en route and terminal areas than the present system can now handle effectively. Projections for the future indicate that these deficiencies will become increasingly worse unless we move to construct a system which can meet the traffic demands today as well as tomorrow.

The dramatic growth of the aviation industry, the increasing public demands for a modern air transportation system, and the advances in aeronautics technology require that new concepts of ATC be validated and put into operation at a rapid pace. The ATC system is so intertwined with every aspect of our national air transportation system that to delay the implementation of new approaches to air traffic control is to cause a progressive deterioration in this overall system.

The basic design of our current ATC system has its foundation in the mid-thirties, well over 30 years ago. With an ATC technology spawned in the 1930's, we have made major improvements and safety standards have been maintained, but the advances have been slow.

We first began studying the possibilities of automation in the early 1950's but here nearly two decades later no major steps have been taken to automate the system. There are elements of our ATC system that can be described as semiautomatic, but a stretch of the imagination is required to characterize them as automatic.

Our planning outlines in the early 1960's envisioned a number of measures to automate the system. But the expansion of air traffic beyond every expectation and the inadequacies and delays of our automation program leave us with demanding needs as we enter the 1970's. Our automation and ATC programs are 5 years behind in some respects. The pressures of the present have been too pressing.

Also, we have spent much of our automative efforts on the en route elements of ATC while the terminal problems magnify in size, and possible solutions lag further behind. Since the airport terminal area has become the focal point of the congestion crisis, our ATC R. & D. programs must be directed toward this aspect of the problem.

We have technology existing today which has not been exploited through development for possible ATC application. ATC technology currently applied is not the most modern and in fact is years behind the times. There exists a wide gap between that which is available and that which is in operation. We must begin to bridge the gaps between technological knowledge and applications of that knowledge; between research results and systems development. This need requires that our ATC effort emphasize the development phase of R. & D. activity. Funding of those activities which evaluate and test new ATC concepts must be increased.

This is not to say that current ATC development activities are misdirected but simply to indicate there is a need to speed up this effort. Our expanding knowledge of avionics and automation must be applied to ATC.

Further, we must place greater emphasis on cooperation and coordination between public and private spheres of activity. Only through the proper meshing of the efficiency of our market economy and the guidance of public agencies can the full benefits be attained.

In what direction should these efforts move? Certainly, we must initially seek to lighten the controller's load. The manual controller must still keep track of aircraft progress, speed, altitude, navigation fix estimates, and actual time over fix. The clerical tasks which are a major portion of the controllers' work are also the most time consuming, and we should move to alleviate this load. I know that progress is being made in this direction but I feel we must speed up this effort.

But more than relieving these clerical operations there are other more significant advances which I feel must be made. A fundamental redesign of our air traffic system is necessary if our air transportation system is to yield the dividends it has in the past.

If we show our willingness to expend the resources, we can move toward a system where the controller, rather than being required to "control" air traffic, can monitor the system and assist the user in avoiding conflict situations. This type of system requires more user control of aircraft and may require more airborne data links with ground control. To create such we must provide the research funds to articulate these concepts and the development resources to test their validity. Given the leadtime necessary for such research and development, we must begin now.

One example of the promising developments in air traffic control is that of area navigation which will be placed into operation by the end of this year in high density areas across the Nation. This development will result in more direct course navigation, allow more efficient use of airspace, cut down on pilot-controller communications, and permit more use of airports with minimal navi-aids. It will move in the direction of placing navigation back into the cockpit.

Area navigation is also illustrative of the serious lag in our development of new ATC concepts. This concept has been on the drawing boards for over 10 years, but there was little initiative and motivation to put it into operation. Only under the pressure of costly delays and high density congestion were significant moves made to implement this system. Our planning and programing for the future must be more perceptive.

I do not mean in urging quick movement toward new ATC concepts that we can turn the old system off one minute and the new system on the next. The process is an evolutionary one and must be. The facts of personnel, international agreements, safety and resource limitations, require a stable evolutionary transition.

We must also gain a better understanding of the human factors of both pilot and controller and how they affect system operation. Adequate information and educational material regarding the implementation of new system concepts must be made available in order that its utility can be easily seen. Agreement within the diverse segments of the aviation community is essential to effective implementation of new ATC concepts.

With the developments of new system concepts we must assure that all elements of the aviation community can participate in this airway system. The application of arbitrary restrictions on any segment of aviation cannot be condoned. The performance characteristics of widely divergent aircraft must be accommodated to the maximum possible extent. The system must allow all to participate in and enjoy the benefits of air transportation.

There is near unanimous agreement that in certain areas demands in air traffic exceed system capacity. And further that the development of an adequate system has lagged far behind requirements of the day. What are the reasons underlying this current deterioration? I think this answer lies in two interrelated areas: First, divided responsibility for air traffic control; and second, a budget environment of limited resources.

The responsibility for ATC research and development activities in the executive as well as in the Congress is divided among various public decision points. Particularly within the Federal bureaucracy our transportation, air traffic control, space and military agencies all directly or indirectly have some authority related to air traffic control. Because of the particular goals of each of these agencies, air traffic control does not receive the necessary attention. For too long a period of time, new developments in ATC have depended upon technological spinoffs from programs which have only peripheral relationships to air traffic needs and operations.

Along a similar vein, we simply cannot answer the crucial questions: Who is responsible for air traffic control development? Where is the leadership and who is in charge? I do not say I know who should be responsible. But I think it is time that the policy question as to where the responsibility should be placed is decided. Once that decision is made, the responsible agent should declare that the present ATC system will not meet the demands of the coming decade and outline the program and the system which will satisfy our air traffic needs.

There are those who suggest that the responsibility for ATC, its operations, its research and development activities, should be charged to a public corporation to be established by the Congress. At this point, I am not persuaded by this advice, but I do think the ATC program, particularly those research and development activities must be given more central direction and authority.

The main reason behind our failings in air traffic control has been the environment of limited resources in which the responsible Federal agencies have had to work. In the face of increasing air transportation demands, the quality of and the quantity resulting from the Federal funding processes have been sorely inadequate. Our resources have simply not matched the demands of the system.

The requests by the Federal Aviation Administration, for instance, have been consistently underfunded. In the area of facilities and equipment funding from fiscal years 1966 through 1970 the Bureau of the Budget requested from Congress on the average less than 50 percent of what FAA determined to be required. Recent information presented to the Congress shows that although the FAA sought over $110 million for terminal airway facilities in 1970 the Bureau of the Budget could not clear 1 cent in this

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category. For fiscal 1969 the FAA sought almost $130 million for terminal facilities and the Bureau of the Budget cleared less than $5 million. Realizing airways needs, Congress has in some instances funded over and above administration cuts—an action which is highly irregular in the Congress and in itself demonstrates the concern for adequate airways funding.

Because of the continuous lack of funding the FAA has had to concentrate on its present operational problems. The pressures of current activities have hindered the agency from looking to the future and attempting to analyze air traffic control's future requirements. It is partially for this reason that the FAA's efforts in R. & D. have been less than vigorous although cuts have consistently been made in FAA requests.

In terms of Federal budget priorities, we can no longer justify the absence of required facilities and equipment for our airways when our technology and our economy allows us to place a man on the moon. In the private sector, the resources which have been invested in aircraft technology have in no way been matched by expenditures in ATC technology. In the public sphere, the Federal Government in fiscal year 1968 expended over 5 billion research and development dollars in nondefense aerospace programs. The direct allocation in ATC research and development was less than 1 percent that amount in the same year. If we are to confront this problem we must readjust these priorities and do it now.

Not only has the FAA fought and lost many fights in the "battle of the budget," but also the realities of the congressional appropriations process has not served to the best interests of the national airways system. A graph of Federal funding for airways facilities and equipment over the past two decades looks like a jagged mountain range. Each peak in this range is in most cases the result of a tragic and dramatic air accident. To base important airways development decisions on the incidence of such accidents is heresy. It is a sad commentary on our Federal planning and programing processes. A continuous, consistent resource for national airways development must be provided by the Congress this year if we are to end this heresy. Current rationale funding can only lead to a magnification of the problem and cannot provide a solution. Our allocation of ATC resources must be matched with air traffic demands.

I have stated above that if we are not willing to provide the resources necessary to confront this crisis situation, the consequences of inaction will soon be upon us. In the terminal area of ATC we are now experiencing these consequences—these restraints upon our air transportation system. The traveling public has been delayed; segments of the aviation community are being subjected to restriction; and the development of our air transportation system is being hindered. The terminal situation is now a crisis of congestion and a crisis of confidence. If we do not act it will evolve into a crisis of safety.

If we cannot increase our efforts in ATC R. & D. activities, we must accept the safety margin that will be cut precisely thin. But this course of inaction is unacceptable, and we must accord our ATC system and its future development the priority status it deserves.

We must invest the resources—the resources necessary to provide the research and development, facilities and personnel—in our airways system. If we are willing to make this investment into the development of new ATC concepts, we can move toward solving the near crisis condition of our air traffic system. If we do not act now, the real and harmful result will be the placing of restraints upon the individual, and his mobility, upon the aviation industry, and its future development, and upon our national air transportation system. The vitality of our national economy in the coming decades requires that we move now to create and organize a modern and efficient national airways system.

NO TIME FOR PROTESTS

Mr. DOLE. Mr. President, the courage and determination of our fellow men who were born with, or later incurred, physical handicaps puts those of us more fortunate to shame.

What is taking place at Emporia State Teachers College in my State of Kansas emphasizes my point. Here more than 100 students having various serious physical handicaps are busily engaged in acquiring a college education with assistance of many sympathetic fellow students more fortunate, a Federal grant, and most important, a fierce determination to make a mark in life for themselves.

The heartwarming story of these accomplishments is narrated in a feature article published in the June 8, 1969, issue of the Kansas City Star, and written by Mr. Ray Morgan, the Star's able Kansas correspondent. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Wheelchair Students Appreciate Chance for College Education

(By Ray Morgan)

Emporia, Kans.—In a day when students are taking over campus buildings and engaging in mass protests to demand new concepts and facilities, it is refreshing to find a group of bright students wholeheartedly endorsing a simple concept: An opportunity to go to school.

For the student who has never been in a wheelchair, who has not had to walk with braces or crutchés nor grope in blindness, the simple fact of going to college may not be regarded as a kind of miracle.

But to Edward Chalk, Jr., an Overland Park youth who has been paralyzed from the waist down since a 1964 diving accident, the opportunity is almost life itself, an indication that a handicap is not the final clanging of the gate against a useful life.

"What they have done here at Emporia State (Kansas State Teachers college), is to show us that we can still go to college," Chalk, now a junior in psychology and sociology, said from his wheelchair. "It is giving us the chance to be on our own, to show we can make it on our own."

The attitude of Chalk is reflected in the attitudes of more than 100 students, not all from Kansas, who are attending college here as a result of the school noting that simple steps would make it possible for these youths to attend class.

As the rain poured down outside, Dr. John Webb, dean of student affairs, gave credit for the fact that Kansas State Teachers college here has gained a national reputation for its assists to handicapped students to a former president, Dr. John E. King.

"We embarked on the program in the early 1950s simply because Dr. King saw a great humanitarian need which might be met with a little effort," Dr. Webb said.

"It seemed to him that many of these handicapped youths were bright enough to go to college if somebody showed an interest."

Today the program here is so successful that the college has been forced to begin screening applications from handicapped students from all parts of the United States who have heard about the program and want to begin attending classes here.

The concept that Dr. King, who is now a member of the faculty of Southern Illinois university, espoused is relatively simple. It consisted of launching a program to use existing funds to provide ramps, elevators and other facilities to allow wheel chairs to move freely.

Although the steps sound somewhat prosaic, it is the human element which provides the chorus of accomplishment. One standing on the tree-shaded campus and watching the laughing youths zipping about in their wheelchairs feels a tug at the heart.

Besides the happiness of the handicapped youths, the effort has produced interesting side effects for others. Dr. R. William Wygle, dean of administrative affairs at the college, is convinced the presence of the handicapped students produces a mellowing influence.

"When they see these wheelchair students making their way through the snow and slush and see them getting their hands wet and cold from steering the wheelchairs, the other students are more apt to think what they thought was a problem really wasn't such a problem after all," Dr. Wygle said.

There is another tangible effect for the nearly 7,000 students without handicaps from the more than 100 handicapped who have come here: The students have come to realize that students with braces and in wheelchairs are not something to hold in awe, but to be accepted as fellow human beings.

Dr. Wygle sees in this a greater possibility that the students without handicaps who achieve success in various business and professional fields will be more apt, as a result of this contact here, to hire handicapped persons for available jobs.

Closest to the problems of the handicapped corps at the moment is a man with understanding, Charles Rastatter, who is serving as co-ordinaor of the rehabilitation program. He is the quiet background influence standing by to untie any knotty problems.

"It is a revelation how well these kids do when they get here on the campus," Rastatter said. "They know they want to make it. Nobody can help but be amazed at how really well they are able to shift for themselves."

The interest in the handicapped students has prompted the Social and Rehabilitation administration of the federal government to establish $60,000 in annual grants here for students who want to obtain a master of arts degree in rehabilitation counseling.

But the light in the program is the happiness of the students themselves. Just as Chalk, they are enthusiastic about the future and are looking forward to finishing their college educations.

Miss Susie Lane, a daughter of Mr. and Mrs. Robert Lane, 6914 West Sixty-sixth terrace, Overland Park, has been blind since birth. A sophomore in business administration she said—"It's great. We make it on our own."

Miss Sharon McCammon, daughter of Mr. and Mrs. J. W. McCammon, Lathrop, Mo., confined to a wheel chair with cerebral palsy, is a sophomore in business administration.

"I can get around anywhere on the campus and I love it," she said.

Wendell Lewis, son of Mr. and Mrs. B. J. Lewis, Topeka, a sophomore in education who wants to be a teacher in secondary education, in a wheel chair from muscular dystrophy:

"You learn how much you can really do on your own."

GHETTO FRAUD

Mr. GOODELL. Mr. President, the poor man of the urban ghetto is ruled and defeated by a legal system which he neither understands nor trusts. He is overwhelmed by the hostile maze of legalities he faces as consumer, welfare recipient, parent, tenant, and job seeker. The outstanding work done by hundreds of legal aid societies and by the neighborhood legal services program of the Office of Economic Opportunity as advocates of the poor deserves the attention and praise of us all.

In the face of the existence of widespread consumer fraud in the ghetto, a fact which bears special relevance to past acts of violence and riot in the inner cities of our Nation, the Consumer Advisory Council of the New York City Department of Consumer Affairs and the Consumer Fraud Bureau of the New York State Attorney General's office have performed a singular service in attempting to put the poor on equal footing with their adversaries in the subeconomy of the ghetto.

In this connection, I invite the attention of Members of Congress to a two-part series of articles entitled "Ghetto Fraud on the Installment Plan," written by Craig Karpel, and published in the New York Magazine of May 28 and June June 2, 1969. Mr. Karpel demonstrates in his articles a keen understanding of the unscrupulous business practices of some ghetto merchants and communicates the helpless, bitter frustration of their victims. The articles are important and timely reading. I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Ghetto Fraud on the Installment Plan—Part I

(By Craig Karpel)

Warren, a grown man who lives with his mother, walked into the Harlem Consumer Education Council's basement office a few months ago. Director Florence Rice gave him a leaky ball-point pen and he wrote:

"Bought TV from door to door salesman—Philco 19'' lot of trouble with T.V. back cracked notify company to come have fix. Company claimed misplace T.V. sent repossed T.V. 1949 had to stick in hanger to get receptions—two weeks after that broke down. Called to fix that removed T.V. still pay bill by garnishment—left job on account of garnishment which effect my marital relation as the garnishee took away from our expenditures food clothing and rent. Which for which my wife was forced to except welfare and I left to establish myself again T.V. paid $500 never received T.V."

Louis-Ferdinand Céline coined the conceit that life was nothing but death on the installment plan. For poor people in New York City, this comes close to being literally true.

Six years ago sociologist David Caplovitz of Columbia's Bureau of Applied Social Research published a book called *The Poor Pay More*. The book is a landmark in the literature of consumer problems, right out there with *The Jungle* and *Unsafe At Any Speed*. As a result, Caplovitz has become witness-in-residence at a host of committees and subcommittees where he talks about the lack of "scope" which keeps poor people from leaving their neighborhoods in search of better prices and terms, about the "deviant sub-economy" which springs up like weeds through the cracks in the cement of tenement courtyards, where nothing flourishes that isn't rank.

The Great White Way of the deviant subeconomy is the L-shaped strip of 54 furniture and appliance stores running from 116th Street and Third Avenue to 125th Street and Lexington. The strip is the home of literal *shlock*. Not figurative *shlock*, as in "that agency has nothing but *shlock* accounts." Literal *shlock*: doll furniture, one good long cut below "borax." "Borax" is junk, but it's better-quality junk. Birch? maple? dowels? glue? frabric? veneers? Forget it—*shlock* is made of gumwood and flakeboard, knocked together with a few screws, upholstered in plastic "brocade" and varnished like a cheap coffin. The prices, however, are strictly W. & J. Sloane, *Shlock* stores do not talk about percentages of markup, like 50 per cent markup or 75 per cent markup—they talk about how many "numbers" they jack the price up over wholesale, and a "number" is 100 per cent. All *shlock* is marked up at least one number, and on a credit sales the markup can be three or four numbers.

So why buy *shlock?* Because the *shlock* emporia will give terms: "Easy credit." "Easy credit" means that as long as you are working and have wages that can be attached in the likely event that you miss one payment, you're okay. "Easy credit" means that if, as Shyleur Barrack, head of the Harlem civil branch of the Legal Aid Society once did, you go into a store and give a reference who says you now have two garnishees against your salary, the salesman will come back from the phone smiling and try to hustle you into $1,114.80 worth of furniture and appliances. "Easy credit" means that there is a store on 125th Street called Future Furniture that has to have a sign in its window: "WE ACCEPT CASH."

But all the places on the strip offer "easy credit," and a store can't generate much traffic by telling poor people it's going to take them to the cleaners, so it runs an ad in the *Daily News* in which two credit managers (black and white, take your pick) offer: "Economy Apartment, $198. Sleeper, matching chair, 2 walnut finish step-tables plus decor, lamps, walnut finish bachelor chest, matching mirror, full size bed, with 1 pc. Firestone comb. mattress, 16 pcs. dishware, 16 pcs. cutlery, 8 towels, 11 pc. salad set, 29 table access."

But once they've spent the money to get you into the store, they can't let you out with only a miserable $198 worth of *shlock*. That is only the bait end of bait-and-switch advertising. By the time the customer leaves, he should have put his Juan Hancock on the dotted line for at least $1,000. To cause this takes more than just an old-fashioned bait-and-switch. It requires nothing less than that balletic extravaganza of salesmanship know to the trade as the "turnover" or "tossover," code name "T.O." The salesman starts by showing the customer a pile of junk for $198. One store keeps its bait furniture piled in a dark corner, lit by a naked lightbulb. It is painted battleship gray, every stick of it, down to what used to be the chrome legs on the dinette table. If you wanted to give a salesman a heart attack, all you'd have to do is say, "Okay, I'll take it." "You don't want this stuff," he says. 'It'll fall apart in a couple of months. Besides, a person like you can afford something better. Let me show you something a little bit better." The salesman then takes the stiff upstairs in an elevator, but not before shaking him down for a $50 deposit for the privilege of "seeing the warehouse." The elevator gets "stuck" after the first trip up and doesn't get unstuck until the stiff has been signed up for a bill of goods. The idea of the T.O. is to show the stiff successively more expensive suites of furniture without letting him get discouraged about the price.

When he begins to look green around the gills the first time around, the salesman turns him over to another salesman who is introduced as the "assistant manager." The A.M. immediately "sandbags"—knocks 50 per cent off—whatever the first salesman quoted. The stiff is so taken aback that he lets the A.M. build him up again. Just before he begins to feel weak again, the A.M. turns him over to the "manager," who slashes the A.M.'s prices "as a special favor for you." The manager will try to build him up to, say, $800 or $1,000. If the stiff says he "wants to think about it" and tries to leave, he finds that the elevator is on the fritz. The "owner" now appears, knocks off a hundred bucks or two, and this usually convinces the stiff to sign. At which point the elevator suddenly clicks into action.

Now the fraud starts in earnest. When the furniture arrives, it's almost invariably damaged—delivery men routinely saw off legs on couches to get them in elevators and fit them back together with a special double-ended screw. The furniture turns out to be a junkier variety of *shlock* than what was ordered. The colors bear no relation to what was displayed in the "warehouse." The stereo doesn't work. The television looks used. Two chairs are missing. You were supposed to get a 9-by-12 rug with your order; the "rug" turns out to be a piece of linoleum. When the payment book arrives, the installments listed add up to much more than the amount that was agreed on.

Try to do something about it.

Say, for example, that the glass coffee table is cracked. You bring it back and the salesman tells you he'll be happy to give you your money back. He shows you that the contract simply says "three rooms furniture" for $943.17. It doesn't list the price of the table separately, and now he tells you the price was a dollar. "Would you like your dollar back?" he asks slyly. Or tell him the dinette table keeps collapsing and he says he'll send a man up, but nobody comes. Or say you want to send everything back because it isn't anything like what you ordered. If you're very lucky the salesman agrees and the store picks up your furniture, but when you go back to pick up your $50 deposit, he says the store is keeping it as a "service charge." And you let him bulldoze you because you don't know what else to do.

Some stores rise to printworthy extremes of doublethink when it comes to not returning deposits. Dorothy Mason, a counselor with the MEND consumer education project in East Harlem, tells about a guy who came to her recently because he couldn't get his deposit back:

"He had put down $150 at Eldorado Furniture and Appliances on Third Avenue. A salesman had convinced him to buy a washing machine and a 19-inch portable television for only $649. Two things happened to bring him to my office. First, the washing machine was delivered with a broken timer. He could not get any satisfaction from the store. Second, he found out that he could buy the same washer for $199 instead of the $299 he had paid.

"I went over to Eldorado with this man to discuss the matter with Samuelson, the boss. Samuelson said, 'Your man could have had it for $199 cash.' 'Then why did you ask $299?' I asked him. 'Because the man is a bad risk,' he said. 'How bad a risk could he be,' I asked, 'if you've got 150 of his dollars?' Well, I thought of him charging this man on welfare $649 for merchandise, on credit that he could

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have purchased for $360 with cash, and I smiled, because this was almost a daily experience on Third Avenue with complaints of poor consumers. Samuelson became very upset and threw me out for smiling."

"You wouldn't believe some of these places," says Steve Press, whose New York Institute for Consumer Education is setting up a cooperative furniture store in East Harlem. "They'll stamp NO DEPOSIT RETURNED on the contract. That would never stand up in court, but poor people are impressed and don't even bother asking for their money back."

There is a certain type of used-car dealer in New York that is especially anxious to deal with poor people. Tune in to WWRL:

"Friends, have you tried to buy a car lately? Have you been turned down? Well, call Headquarters at 538–4300 . . . You have a garnishee or a judgment against you, and no one will let you forget them? Well, call Headquarters at 538–4300 . . . Your desire to pay plus a small down payment is all you need."

"Used-car dealers really do a job on poor people," says former Commissioner of Consumer Affairs Gerard M. Weisberg, recently appointed a Criminal Court judge. "Some of those lots out on Bruckner Boulevard and Queens Boulevard—they don't deliver the car that was agreed on, they inflate prices to a point you wouldn't believe, they charge a fortune for so-called 'credit investigations.' And they refuse to refund deposits if the customer's credit doesn't check out, though they lure him out there with promises that nobody's refused. Recently we revoked the license of Motorama Wholesalers on Queens Boulevard. Motorama was taking people's money and refusing to deliver the cars. The deposits ranged up to $580.

"The Department is constantly going over these dealers' books, but it's tough to police them. You put one corporation out of business, the next thing you know there's another corporation employing the same salesmen, using the same shady tactics on the same lot."

The Consumer Fraud Unit set up by US Attorney Robert Morgenthau under the direction of Richard A. Givens has been looking into the used-car racket.

"Our investigations have disclosed a pattern of sales of certain used cars at many times their original cost," explains Givens, "followed by a cycle of repossession, repurchase of the car at a low price at auction and further resale at many times that price to new customers, who in turn are frequently sued by finance agencies and often claim to have received no notice of suit. The inquiry indicated that in certain cases some used-car dealers know in *advance* that there will be a complaint regarding *each and every* automobile sold and that many customers will give up the car and default because they feel it can't be made to work. We're looking into possible violations of federal law by these people."

You don't have to leave the comfort of your home to be bilked. Peddlers making the rounds of slums and projects run the oldest-established permanent floating crap game in town. Encyclopedia salesmen tell welfare mothers they are officials of the Board of Education, that the books they are pushing are required reading for their children. They sell people encylopedias who already *have* encyclopedias. They sell $379.60 worth of books in English to people who only speak Spanish, to people who can't read at all, to people who are destitute. A peddler tells a woman she can have a set of pots and pans in her home for 10 days; if she doesn't like them, she can return them. When the utensils arrive, she signs a receipt for them. She decides to call the company and tell them to take the stuff back because it's junk. Then she realizes she has no idea what the company's name is or where it's located. The "receipt" she signed was actually a retail installment contract for $83.75. Soon she gets a payment book in the mail with a note saying she'll be sued if she misses one payment.

Richard A. Givens prosecuted a character named Rubin Sterngass recently for running a "chain referral" swindle, a mode of fleecing that is popular in the slums. A salesman would come to the house and offer quartz broilers and color television sets for nothing if the customer would refer acquaintainces to Sterngass' company. The customer would sign up for a color TV at a credit price of $1,400; commissions were supposed to be paid to him for each "successful" referral—$50 for the first, $200 for the fourth, $400 for the eighth and $1,200 on the twelfth. Givens demonstrated the scheme had its faults by presenting a table of how many new customers would be necessary at each step if the merchandise were to be paid off by referral commissions:

Step:	*New customers necessary*
1	8
2	64
3	512
4	4, 096
5	32, 768
6	264, 144
7	2, 113, 152
8	16, 905, 216
9	135, 241, 728
10	1, 071, 933, 824

Givens argued successfully that since every last human being on earth, plus everybody who had ever lived, plus a few generations yet unborn, would have to buy quartz broilers and color TVs on the eleventh go-round for the scheme to work, Sterngass ought to go to jail and think about other ways of doing business for a few years. The judge agreed.

At any given moment there is one super-fraud that sets the tone for all the other ghetto frauds in the city. Until last year the super-fraud was the "family food plan." Ray Narral, head of a legal services office of Mobilization for Youth, describes how the plan worked.

"Mr. and Mrs. Hernandez have two infant children and live in a New York City housing project. A salesman knocked on their door and said he was offering a very good food and freezer program. 'If you join,' he told them, 'you will be able to save a great deal of money feeding your children.' All of the sales literature indicated that for $12.50 a week, the family would receive a complete order of food—prime meats, fresh vegetables, everything. The freezer, the salesman announced, was theirs to store the food in, completely free of charge. The sales pitch was so inviting that the couple signed up immediately. They later discovered that the papers they signed were a retail installment contract for the food in the amount of $375.00 and a contract for a freezer for $1,020.76. Payments on the food were $93.75 a month for four months and 35 installments of $28.35 for the freezer."

Two years ago, a Nassau County District Court was asked to void one of these freezer contracts. It handed down a decision that, under the "unconscionability" provisions of the Uniform Commercial Code, "the sale of the appliance at the price and terms indicated in this contract is shocking to the conscience." Attorney General Lefkowitz' Bureau of Consumer Frauds and Protection went to court against the "family food plan" operators, seeking orders restraining Serve Best Food Plan, Thrift Pak, and People's Food from "carrying on . . . their business in a persistently fraudulent manner." In 1968, the Bureau curbed the biggest food plan operator of all, Martin Schwartz of Ozone Park, whose five companies were raking in a very neat $10 million a year.

The current super-fraud is a "sweepstakes" craze that started somewhere in the Southwest and recently arrived in New York. It offers sewing machines and stereos "free" to holders of "winning numbers." Regardless of where in the U.S. the shuck is being operated, the "contest" materials are the same. A chain with seven stores in New York is now being investigated by the city's Department of Consumer Affairs. The swindle starts with this letter:

"Here is your opportunity to participate in our 'stereo sweepstakes.'

"It's fun! It's easy! Just remove the gold seal to find your serial number, and compare it with the enclosed list of lucky numbers. If you have a lucky number, it means extra savings to you! For example! If you have a number which appears in Group 3 (grand prize) you pay nothing for a beautiful 1969 General Electric Stereo Console."

The number under the seal on this letter is 67487. 67487 is listed on the enclosed list of lucky numbers, not once, but twice, so you won't miss it and be the only person who receives such a letter who doesn't "win." A Consumer Affairs investigator visited one of the stores with this letter. He was shown a G.E. stereo model C121. The salesman explained that the investigator had won this record player, worth $150, but that it couldn't be removed unless he signed an installment contract to buy a record a week for 39 weeks at $5 each. The investigator called the Dealer Equipment Section of G.E. and found that C121 carries a list price of $99.95. The records which must be purchased under the plan are displayed around the store. They are the sort of off-brand, off-band cha-cha albums that one ordinarily finds remaindered for $1.19.

There is cash-and-carry cheating in poor neighborhoods, but most ghetto fraud hinges on the "easy credit" retail installment contract. It invariably has some features designed to protect the consumer, which seldom work, and others designed to nail him, which always work. Under the law there has to be a "Notice to Buyer." The first point must say: "Do not sign this agreement before you read it or if it contains any blank space." In fact, nobody ever reads one of these agreements. They ordinarily run to about 2,300 words in phrases like "time is of the essence hereof." (The Everything Card chit is a retail installment contract—ever read it?) The space for a description of the merchandise is hardly ever filled in completely at the time of the sale—usually only a few words are written in at the top, like "3 Rooms Furniture" or "one 23″ Color TV." What harm in that? Just a second—point number two is: "You are entitled to a completely filled in copy of this agreement," and right above where you sign, it says: "Buyer acknowledges receipt of an executed copy of this Retail Installment Contract." But the moment your pen leaves the paper the salesman whips the contract away—including your copy—and the next time you see it, if you ever do, it says "Damaged Furniture—Accepted As is" or "Used Television Set—Customer Will Repair" right in the blank space you were warned against. This is all assuming you read the "Notice to Buyer," of course. One reason you might not have read it is that you only read Spanish. The stores have "*muebleria*" and "*credito*" and *"se habla español"* plastered all over the outside, but there is no such thing as a contract printed in Spanish. The finance company's linguists are apparently too busy composing dunning letters to the *campesinos*.

The fine print on the back socks it to the buyer in terms only a lawyer can savor. The kicker is contained in the following hocus-pocus: "The Buyer agrees not to assert against an assignee a claim or defense arising out of the sale under this contract provided that the assignee acquires this contract in good faith and for value and has no written notice of the facts giving rise to the claim or defense within 10 days after such assignee mails to the Buyer at his address shown above notice of the assignment of this contract." What this means in

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practice is described by Philip G. Schrag, attorney in charge of consumer litigation for the NAACP Legal Defense Fund.

"If Greedy Merchant gets Ernest Black to sign such a contract for a 'new color television' and the set turns out to be an old, battered black-and-white instrument, or *even if Merchant never delivers any set at all*, Merchant can sell Black's contract to Ghetto Finance, Inc., for a lump sum, and Black is out of luck. Ghetto has a right to payment in full from Black, and Black has no right to tell a court that he's been robbed."

The common-law justification for this is that Ghetto Finance supposedly knows nothing about Greedy Merchant's business practices, that it is a "holder in due course" of the installment paper. In practice, finance companies often work hand-in-glove with merchants to soak the poor.

Martin Schwartz' five food freezer companies at 105–32 Cross Bay Boulevard, Ozone Park, were selling their paper to Food Financiers, Inc., Associated Budgeting Corp., and National Budgeting Systems, Inc.—each of 105–32 Cross Bay Boulevard, Ozone Park. Attorney General Lefkowitz' injunction forbids Schwartz' salesmen from stating that Schwartz' finance companies are "unassociated" with Schwartz' freezer companies. Still, the finance companies are "holders in due course" of the freezer companies' contracts and are continuing to collect on hundreds of thousands of dollars worth of paper they "acquired" before the injunction.

Tremont-Webster Furniture Corp. is at 412 East Tremont Avenue in the Bronx. When I visited this *shlock* shop, it was locked. There was a sign on the door that said, "Go next door." Next door, 410 East Tremont Avenue, behind a more fiduciary storefront than Tremont-Webster's, is Argent Industrial Corp. It turns out that Argent buys Tremont-Webster's paper. No doubt it is a convenience for a holder in due course to have the store about whose affairs it knows nothing right next door. This kind of hanky-panky extends from rinky-dink outfits like Argent right up to the heavyweights. Credit Department Inc. ("That's right, Madam, no finance companies are involved in this transaction—you just sign a contract with the credit department . . .") has the distinction of suing more people in New York County Civil Court than any other finance company. Erase any image you may have of ghetto shylocks cowering behind boarded windows on burned-out, glass-littered streets. Credit Department is located in the heart of Dry Dock Country at 60th Street and Third Avenue. Credit Department does not know anything about the business practices of the operations it finances. Take Associated Home Foods of 41–01 Bell Boulevard, Bayside, which used to sell freezer plans to poor people at prices equal to those which the courts have found to be unconscionable. That's none of Credit Department's business—they bought Associated's paper, are holders in due course and are suing people for not paying. Besides, Credit Department isn't buying freezer contracts any more—they know it's "garbage paper" and they don't want to get their hands dirty. Credit Department lists a few of its clients on its door—not that it knows anything about their operations, you understand—and one of them is Vigilante Protective Systems. Vigilante is in the business of selling burglar alarm systems door-to-door and is located at—you guessed it—41–01 Bell Boulevard, Bayside.

Lately, the holder-in-due-course ploy has come under attack from consumer forces. Three states have outlawed it. A bill to end it, sponsored by Attorney General Lefkowitz, was killed in the legislature in 1968 but will be re-introduced this year. Witnesses at FTC hearings last November called for federal legislation to do away with the principle that allows finance companies to remain aloof from the dirty business practices of the companies whose paper they buy. The New York State Bar Association Committee on Federal Legislation is considering a report that would recommend that holder in due course be abolished. Richard Givens has a mail fraud indictment pending against a finance company and its officers for claiming that it was a holder in due course when in fact it had an interest in the sale of the merchandise.

Coburn Credit Company first made waves in the ghetto a decade ago when it began to carve out a commanding position in the market for furniture-and-appliance installment paper in the New York area. It rapidly gained a reputation among stores as the outfit that was willing to pay top dollar for "garbage" paper—trade cant for inflated installment contracts for purchase of low-grade goods by poor credit risks.

Today the company is listed on the American Stock Exchange as "Coburn Corporation of America." In addition to its $50 million New York metropolitan area sales finance operation, it now has small loan offices throughout the South, a mortgage operation in Louisiana and a division that runs revolving credit plans for department stores. Coburn has made skillful use of the holder-in-due-course principle to protect itself against possible charges that the merchants it finances engage in fraudulent or unconscionable practices. Under the law, for example, a finance company can't be held liable for fraud in the contract if the customer doesn't complain within 10 days after he receives notice that the contract has been sold. When Coburn buys a contract, it sends three sheets of paper to the customer. One is headed "Certificate of Life Insurance Protection," another, "American Fidelity Fire Insurance Company Insureds Memorandum of Insurance." These two are of little importance to the consumer. The third sheet, half the size of the others, has no heading. Three-quarters of the way down the page are three sentences. The first of these is 125 words long. It contains an urgent warning that if the consumer does not act quickly, he will forfeit all his rights. The second and third are seven and ten words long respectively. They read, "Enclosed you will find your payment book. Payments are to be made as directed in this book."

Coburn has had brushes with the Bureau of Consumer Frauds, but according to Assistant Attorney General Barnett Levy, it has "cooperated" in giving money back to customers who claimed irregularities in the original contract.

I visited Coburn to discuss the sales finance business with President Irving L. Bernstein. His offices are in the Coburn Building, the largest structure in Rockville Centre, Long Island. One walks toward Bernstein's office past no end of teak, brass, marble, quarry tile, bronze, royal purple couches, van der Rohe chairs and recessed lighting.

The finance company's substantial physical presence would come as a shock to its thousands of poor customers, many of whom tend to personalize institutions they never see: "I got a contract with the Coburn Company, and Mr. Coburn won't wait no longer to get paid."

I tried to get Bernstein to talk about the holder-in-due-course provision. How, I asked, did Coburn make sure that the outfits whose paper it was buying were on the up-and-up? Bernstein told me that these were technical matters that I, who was "not an expert in finance," would have difficulty understanding. He preferred to tell what a bunch of deadbeats people were who lived in certain neighborhoods. I asked whether fraudulent and deceptive practices on the part of merchants might not make poor people less than willing to pay their debts.

"Listen," said Bernstein, "I have a social conscience about these things. I grew up in one of these neighborhoods—Brownsville. These people are not exactly truthful when they give credit information. And there are entirely too many of them who have no intention of paying. It was different in my day. My mother used to steal deposit bottles rather than miss weekly payments."

I suppose Bernstein saw me wince because he asked. "Do you have a social conscience?" He talked about a social conscience as if it were painful, like an ulcer. Bernstein said we ought to cut the interview short, since an important announcement was forthcoming from Coburn and he would be in a better position to discuss the sales finance business the following week. On the way out I picked up a copy of the Coburn house organ.

"Early in December," it explained, "Coburn initiated its annual 'Adopt Needy Families' program . . . five of the neediest families were selected. To each of the families chosen, Coburn employees in Rockville Centre have contributed specified sums of money to make an otherwise bleak and destitute Christmas into a happy and hopeful one." Gelusil for the social conscience.

The next day Colburn released the news that it would "discontinue its $50 million retail installment finance business." Coburn had protected its sales finance investment with a dunning staff of 250 who engaged in what are charitably referred to in "easy credit" circles as "hard collection practices"; the staff was being let go, so $5.1 million in contracts was being written off as uncollectible. But at the end of the story it turned out that "about $30 million will be allowed to run off and the borrowers asked to convert their contracts to direct personal loans." "The company will continue to carry about $20 million in installment receivables, but will buy such contracts only on the condition that they be converted to loans."

In the trade, the procedure of converting sales finance contracts into direct personal loans is called "flipping." It is done by offering to lend the customer more than enough cash to pay off his contract. The trick is that the maximum interest for sales finance is about 18 percent, while the legal rate for direct cash loans is 36 percent. The other advantage of "flipping" was best expressed by Bernstein when I spoke to him later:

"When you have an installment finance operation, you're going to be concerned with the dealers; this way, you only worry about the willingness and the ability of the individual to pay."

If holder in due course is abolished in New York, finance companies will be liable for fraud in the original contract. Even now, if there is fraud "on the face of the contract"—if, for example, the interest rate charged is in excess of the legal rate, or the merchandise being purchased is not described—the finance company is liable. But from now on, Coburn will be lending people cash to *pay off* the original contract, so it won't be liable for anything. If other sales finance companies go Coburn's route, they will have found a way of getting around policing the dealers whose contracts they buy. Until this writing, Coburn didn't know, for example, that at least one link in the chain of stores that the Department of Consumer Affairs is investigating displays a sticker that reads, "COBURN AUTHORIZED DEALER." Now Coburn knows, but with the new policy, it won't have to care.

So whether or not holder in due course bites the dust, the customer is supposed to keep on paying. But what if the couch falls apart in three months, and the store you bought it from has gone out of business and the bills continue to come? What if the color TV explodes and the repairman tells you it was a used set to begin with and the store won't exchange it? You just can't see mailing in that money order for $26.96

every month for the next 34 months? What happens if you just *ignore* the bills?

Nothing happens until one day, a year or so after you've forgotten about the whole painful affair, your boss asks you to come into his office. He looks annoyed and shows you a paper and says he's supposed to take $7 out of your paycheck each week and send it to the city marshal and it's a damned lot of paperwork and he'd just as soon fire you if it weren't illegal. Then he hands you the paper and says you'd better take care of it or he'll find some other reason to get rid of you. So you go to the address on the paper and the marshal tells you to pay him $10 every week or he'll send the paper back to your boss. You do it because you don't want to lose your job. The furniture, the television, were long since put out on the street as junk, but you have a wife and four children. The only problem is, you only make $70 a week and you've got to pay the marshal $10 out of that. The hopeless cycle of consumer abuses goes around and around.

GHETTO FRAUD ON THE INSTALLMENT PLAN—PART II

(By Craig Karpel)

(NOTE.—" 'Sewer service,' improper venue, default judgment, garnishment—how poor people are made to pay even when they do not owe.")

"Easy credit" installment buying means high-pressure sales tactics, junk merchandise and a sales contract with blanks that are filled in by the store after the customer signs. Often unordered goods are delivered, appear on the bill and are not accepted for return. Used merchandise is sent instead of the new stipulated in the contract; if the customer returns the goods, his deposit is not refunded; and when the bills start coming in they are for more than the amount agreed upon in the contract.

The long arm of the law is not long enough to protect the customer; in fact, it extends to help the stores. Collection agencies, for example, are not held liable for the frauds in the original contracts they buy up from the stores. And long after the junk furniture falls apart, legal devices continue to work against the consumer: "Sewer service," improper venue, default judgment and garnishment are how poor people are made to pay even when, in fact, equity and law, they do not owe.

To sue on a piece of garbage paper, a summons and a copy of your complaint has to be served on the customer. In a study he is conducting for the Office of Economic Opportunity, sociologist David Caplovitz has found that only 53 per cent of all defendants in New York County Civil Court suits say they received a summons. The phrase "sewer service" suggests one possible final destination of the remaining 47 per cent.

Caplovitz says, "The reason sewer service flourishes in New York is that this is the only state in which service of process isn't handled by some court agency. Here anybody who is over 21 can serve papers."

The Civil Court allows $2.50 in costs for serving a summons. For proof that service has been accomplished, it accepts an affidavit from the process server. So a process server has a choice of walking around hostile neighborhoods, climbing rickety stairs, standing in fetid hallways and facing contentious poor people, on the one hand, and sitting in his office, filling out perjured affidavits of service on the other. Either 47 per cent of all process servers choose the latter, or all process servers choose the latter 47 per cent of the time, or somewhere in between. Of the 53 per cent who are warned they're being sued, most of them are done in by improper venue. Under New York's rules of civil practice, any county civil court has jurisdiction on a case that arose anywhere in the state. So merchants and finance companies often sue, not in the county where they reside or in the county where the defendant resides, but in some other county which is likely to be inconvenient for ghetto consumers to get to. Under the rules, the consumer can have venue changed to the county where he resides. If he is being sued in a court that is inconvenient for him to get to, all he has to do is *go to the court that is inconvenient for him to get to* and ask for a change of venue. He would also be well advised to bring his lawyer with him, because getting a venue shifted is a rather tricky procedural maneuver.

Brand Jewelers is prominent among the plaintiffs of New York County Civil Court. It is a matter of some curiosity that a large number of lawsuits it brings asks for relief in the amount of $112.64. In checking through the files of summonses kept by the clerk of the court, it appears that this $112.64 represents the full cost of the watches it sells—$69.95 plus various service charges. Why do so many Brand customers fail to make even a single payment? Coincidentally, Caplovitz has interviewed a number of Brand's $112.64 debtors.

"They all tell the same story," he says. "A salesman comes to where they work—on payday, naturally—and signs them up for watches. But they never get Brand's address, and never receive a payment book. The first they hear from Brand is when their wages are garnisheed."

Brand's offices are at 44 Court Street, near Borough Hall, Brooklyn. It sells all over the city, yet it sues in Manhattan. I called Sol H. Erstein, Brand's lawyer, who lists his address (on summonses printed with Brand's name) as 44 Court Street, and whose name is writ large on the door to Brand Jewelers. I was told that Erstein "was on vacation" and was referred to a lawyer named Sidelle, his partner. I asked Sidelle why Erstein, whose office is in Brooklyn, sues Brooklyn residents in Manhattan, although Brand is in Brooklyn. Sidelle explained that this was because Erstein has an office at 15 Park Row, convenient to the Manhattan courts. I observed that his office, 44 Court Street, was no less convenient to the Brooklyn courts.

"Look," said Sidelle, "anyone who wants to change the venue to where he lives can do it, but people hardly ever do."

The poor defendant gets either no summons, or one telling him he must report to another county. The result is almost invariably the same in either case: He doesn't show up. So a "judgment in default" is entered against him by the clerk of the court. At this point, the defendant still can get his "day in court"—a phrase which, when a lawyer says it, comes out as an ancient common-law formula, not a cliché. If he knows enough to go to Legal Aid, the judgment can be opened on grounds of failure of service or improper venue. But in order to do this he has to know not only where to go, but that a judgment has in fact been entered against him. Until recently, all he had to do to find this out was go through the minute books of the civil courts of the five counties in the city. He could start with the Manhattan books, which listed 195,011 cases in 1968. But since September 1, 1968, the law requires that the lawyer for the plaintiff send a notice by certified mail to the defendant that a judgment is pending against him.

Even if you read English, you've got to be a lawyer to understand the gibberish and to know that it isn't inevitable for the judgment to be entered, that you can still do something about it. The plaintiff's lawyers aren't obliged to take great pains to inform the defendant of his rights. What's more, most of those certified-mail letters never reach the defendant because the addresses are from the original contract and are therefore two or three years old. If the merchant or finance company has a more recent address on file—the one from the last payment, say—it doesn't have to tell the clerk of the court. So the certified letter is returned to sender, who gives the judgment to a city marshal.

The marshal hits the debtor with an "income execution," otherwise known as a garnishment, which is an order to somebody's employer to take money out of his wages and send it to a marshal. This involves the employer in a great deal of paperwork on payday, and in the past most employers were disposed to fire an employee rather than go through the rigamarole. If they kept the man on, all of his salary could go to satisfy the judgment. Now New York has a garnishment law that is, compared with other states, a model of humaneness. Thirty dollars a week is exempted, and the maximum weekly take-out is 10 per cent of wages. An employer is not allowed to fire a man for having only one garnishment, but despite the law, employers often find a pretext to dismiss men whose wages have been garnished. If a man has been retained, his second garnishment is quickly translated into a pink slip. Although the law prohibits firing a man because of one garnishment, it doesn't say anything about not hiring a man because of one garnishment. Many so-called "hard-core unemployables" in New York are unemployable primarily because of a history of garnishment. So in order to stay on the good side of employers, poor workers go directly to the marshal and promise to give, each week, more than he could legally take.

Of course, when the poor consumer hears that his wages are being attached he can still, in theory, go to court. All he needs is a lawyer to represent him, but a lawyer has to have a powerful sense of noblesse oblige or a weak head to go to bat for a poor person, however blatantly defrauded, in New York's courts.

Ghetto merchants and finance companies have the complicated process of suing in Civil Court down to a science. Samuel Kroland, house collection attorney for Coburn Corporation, one of the largest finance companies in the New York area, has its IBM System/360 computer at his disposal. Furniture stores on 125th Street go to the redoubtable Sidney Katz, Esq., of 60 Wall Street. All of Katz' furniture cases are identical—all he has to do is remember which store's rubber stamp to use on the paper. Attorney Milton Kostroff has an office 60 by 66 feet from which he is reputed to process one-fourth of the garnishments in Brooklyn, and is supposed to boast of a 100 per cent default judgment rate. These lawyers use complaint and judgment forms with all the relevant information *printed* on them—all they've got to do is fill in the amounts and send them over to the court clerk to have them filed. From that point the lawyers' service bureaus they retain (there is one that dares call itself Gett-O Claims Investigating Service at 524 East 149th Street in the Bronx) take over. The most prominent of these is American Clerical Service of 5 Beekman Street. American employs women who work full time at long tables in the civil court clerk's offices, checking the minute books for summonses that have gone unanswered, stapling "notices of proposed judgment" to the summonses and complaints, pulling copies of "judgment in default" forms to be stamped "Entered" by the clerk. Then the "income execution" forms go to the marshal and the poor start paying more. It should be noted that some of the characteristic features of courts as we ordinarily think of them never become involved in this assembly line: most notably, judges. Judges don't like to have anything to do with this process. It's too . . . *mechanical*. Besides, judges are for making decisions, and all the decisions in these courts have already been made. All that's needed to administer justice in the clerk's office is a strong right arm and a rubber stamp.

"Whoever dreamed," asks Caplovitz, "that the courts of this city would be perverted into becoming a collection agency for unscrupulous merchants and finance companies that prey on the poor?"

A lawyer who tries to defend a poor client against a ghetto merchant or finance company benefits from none of the economies of scale that suing thousands of people generates. Each case is entirely different, procedurally and on the merits. Personal trips to court are necessary to copy the papers. The circumstances of each fraudulent or unconscionable sale must be pieced together through investigation. Poor defendants cooperate by ignorance and default. The exploiters never cooperate. Why should they? You say your client didn't get a copy of the contract in question? You want to take a look at it? Go before a judge and make a motion for pre-trial discovery. That should keep you busy.

The Civil Rights Committee of the Association of the Bar of the City of New York has recently demanded three reforms. The first is that service of process be a function of a public agency. The second is that suits be allowed only where the consumer lives, used to live or make the purchase. The third is that right to counsel for the poor be guaranteed in civil actions as it is in criminal cases. These proposals would require action by the legislature. But a venue bill such as the Bar Association proposes, sponsored by the Attorney General last year, never got anywhere. The legislature has shown no great concern for protecting the rights of poor consumers in the past, and there is no reason to believe that, without a welling-up of public concern, it will do anything to help in the near future. If there is going to be a change in the courts in the meantime, it is going to have to come from the courts themselves.

There is now only one attorney in New York who is bringing test cases to court designed to bring down the legal and procedural house of cards which shelters companies that cheat poor people. Phil Schrag is assistant counsel at the National Office for the Rights of the Indigent, which is part of Jack Greenberg's NAACP Legal Defense Fund.

"Lawsuits to secure the rights of consumers are phenomenally expensive," Schrag explains. "To win the landmark District of Columbia case in which two furniture contracts were voided because the prices were unconscionable, Legal Aid lawyers had to spend 210 man-hours. In one case, we had to spend 72 man-hours just to defeat the finance company's motion to dismiss on the grounds of improper service of process! A rich man would have to be nuts to pursue a case like that; a poor person simply can't pursue at all.

"There are two ways to make it practical for poor consumers to go to court to secure their rights. One is by awarding punitive damages for fraud and unconscionability. Punitive damages are now available in New York where the seller engages in willful fraud as the very basis of his business. The problem is that many of the corporations which engage in consumer fraud are deliberately run on shoestring budgets while their owners reap large salaries. Hit the seller for punitive damages and you find the corporation has no assets. The courts have got to make it clear that punitive damages lie against the officers of a corporation, not just the corporation shell.

"We're bringing a case now which asks for punitive damages for inducing a poor couple to enter into a contract to buy a freezer for a total of $1,163.11—a price which a New York court has found to be unconscionable. If courts would award substantial punitive damages in this kind of situation and make them stick, lawyers would find it profitable to represent poor consumers on a contingent-fee basis, like accident cases.

"Our other case is a test of the availability of consumers' class actions in New York. Until recently, Coburn Corporation used contract forms that the plaintiffs alleged had portions printed in smaller than 8-point type, contrary to Section 402 of the Personal Property Law. The plaintiffs had signed such a contract for wall-to-wall carpet in the amount of $756.92. This contract was sold to Coburn. The rug started coming apart, and when they tried to get the carpet company to service it they found it had gone out of business. So they refused to pay the balance of $266.11 and sued on behalf of themselves and every other consumer that has signed such a contract during the past three years for return of the credit service charges paid to Coburn. The court held that persons who signed these contracts do not constitute a 'class'; each had to sue separately to get relief. We're appealing the ruling.

"With class actions, one knowledgeable consumer could sue on behalf of thousands who are ignorant of their rights. If the courts won't allow class actions, how is the average poor person supposed to know his rights, let alone afford to defend them?"

Schrag may be successful in the end, but so far the lower courts have been notably inhospitable to his case. Felice K. Shea, staff attorney with the Legal Aid Society's Harlem civil branch, is not surprised.

"The lower courts," Mrs. Shea sighs, "have a small-business mentality. As far as they are concerned, the sanctity of contracts must be upheld at any cost in human suffering. The lower-court judges simply have a different way of thinking about the problems of poor consumers than the average well-meaning lay person would think they have."

"If there's one thing that stands between poor consumers and a real solution to their problems," Caplovitz says, prowling his office, furious, "it's the illusion that the consumer has a place to go."

This 'llusion has survived *The Poor Pay More*, whose surveys found that 64 per cent of poor people had no idea where to go with a consumer problem. Caplovitz found that the largest number who did have an idea where to go cited the Better Business Bureau.

The following exchange of letters gives a sense of how the Bureau operates.

On January 31, 1969, Sister Mary Kenny, Dean of Students at Sacred Heart Academy in Hempstead, sent a copy of a letter she had written to Attorney General Louis Lefkowitz to the Better Business Bureau. It complained that her students had been defrauded by ------------------ of New York. It offered a lengthy bill of particulars.

On February 17, 1969, Ward R. Williamson, Manager of the Service Department of the Bureau, sent Sister Kenny the following letter:

"This will acknowledge the receipt of your recent letter expressing dissatisfaction with your organization's dealings with ——————.

"We appreciate your bringing this matter to our attention. Your letter will be made a matter of record in our files.

"This Bureau cannot intervene on your behalf as you request inasmuch as your letter indicates that you are sending copies of your letter to various governmental agencies."

On March 25, 1969, a letter was sent to the Bureau, as follows:

"I would appreciate it if you would let me know if you have any information or complaints on ——————."

On April 18, 1969, Ward R. Williamson replied with a form letter:

"In response to your recent communication about the above ——————:

"We have not received sufficient inquiries about this concern to justify preparation of a formal report. The company has been known to the Bureau since 12–17–68.

"The Bureau files shows no complaints.

"On behalf of the responsible business companies whose voluntary membership in the Bureau makes its services possible to the public without charge, we appreciate the opportunity to be of service to you."

On May 13, 1968, the Better Business Bureau of Metropolitan New York opened an office in Harlem. On November 18, 1968, the Better Business Bureau of Harlem opened its permanent offices in what used to be Fidel Castro's favorite New York hotel, the Theresa, at Seventh Avenue and 125th Street. I went there to speak with Miss Larrie O'Farrell, the public relations director.

"Everybody in Harlem is controlled," stage-whispered Miss O'Farrell. "The furniture stores are no exception."

"Who controls everybody in Harlem?" I asked expectantly, pen in hand.

"Who controls everybody in Harlem? I think we both know the answer."

"Oh, *them*," I said.

Miss O'Farrell went on to suggest that the reason the Better Business Bureau had not pursued the matter of *them* had something to do with not wanting bombs lobbed through its windows. In fact, Miss O'Farrell suggested that if I went too deeply into the matter of furniture stores, *they* might have me dodging bombs. I swallowed the lump in my throat and pressed on. I told Miss O'Farrell that, bombs or no, I was interested in seeing her files on some of the worst offenders. Miss O'Farrell buzzed for two files; both were fat with letters of complaint and memoranda of action taken. It was clear that the Bureau was fairly successful in settling complaints against both stores of damaged and defective merchandise, misleading advertising, and so on. Yet it seemed that neither store had actually changed its business practices as a result of Bureau action, but rather had seen fit to accommodate only purchasers who knew enough to complain, and where.

Enter at this point Woodrow Wirsig, president of the Better Business Bureau of Metropolitan New York. Miss O'Farrell told him I was interested in the problem of poor consumers being cheated by unscrupulous merchants.

"This is a very complex problem," explained Mr. Wirsig. "It is not just the businessman's fault; it is the consumer's fault, too." Wirsig. flashed a glance at Larrie O'Farrell, scanning for corroboration. Finding none, he continued:

"These people have to learn to moderate their wants. They are entirely too eager to believe they can afford things that they do not really need; they are entirely too. . . ."

"Trusting?" offered Miss O'Farrell. A histrionic mood gelled in the room.

"Ye-e-s," said Woodrow Wirsig, raising an eyebrow, fixing a stare on Miss O'Farrell. "Too trusting."

There are other agencies where poor consumers who know enough to complain can go, but none really makes it.

The New York State attorney general runs a Bureau of Consumer Frauds and Protection in the City, but director Barnett Levy is budgeted only 10 lawyers to handle nearly 70 complaints a day. The lawyers can "mediate" by picking up the phone and trying to convince merchants not to defraud the people who complain, but they can only act against companies when there is a "pattern" of complaints against them. Then they can only seek an injunction forbidding the merchants from engaging in practices which are illegal in the first place. Levy was able to throttle 70 fraudulent operators in the city last year using this tactic, but if you're being sued *this* year by one of these operators, all his lawyers can do is commiserate. The bureau has no power to put anybody in jail for fraud.

There are a number of "consumer education" storefronts in the city, funded by the Office of Economic Opportunity, to which poor people are invited to come for help. Most of the people who come are having trouble

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getting deposits returned or exchanging damaged and defective furniture and appliances. The storefront counselors have had some success, using the threat of a small claims court suit against recalcitrant merchants, but lately the stores have stiffened and refuse to settle. They go to court and lose, on the theory that they can win by attrition: poor consumers don't actually want to sit around small claims court waiting for their cases to be called. The result is that not much use is being made of the counselors' services. One consumer education project I visited had rather meager files of recent clients. A counselor there confessed that only two, maybe three, cases come in a week. It's doubtful whether the counselor was getting as much money back for her clients as she herself was being paid out of public funds.

You can go to the Legal Aid Society or an OEO-funded "neighborhood law office" if you're being sued. There you sit in two-tone green enamel waiting rooms, part of the "caseload." The lawyers do not have the budget to open judgments and defend defrauded clients, so they call the store or the finance company and ask it to settle for, say, $50 more. It's often the store that owes money to the client, of course, but Legal Aid doesn't have the funds or manpower to bring suits on behalf of its clients. A "neighborhood lawyer," if he is able to crawl out from under the caseload avalanche, can consider suing a store or finance company, but the day after the summons goes out, the defendant's lawyer is invariably on the phone, suggesting that the poor client take a $50 settlement and forget about his suit. In the four years that Ray Narral was with Mobilization for Youth, he never had a client who could resist the temptation to settle with his persecutors.

The city's Department of Consumer Affairs was created in September, 1968 as little more than a fancy title for two old agencies, Markets and Licenses. The one addition was its Consumer Advisory Council, of which Phil Schrag is chairman. Schrag's council, the department staff and the city Corporation Counsel recently presented Bess Myerson Grant, the energetic new commissioner, with a bill that would give the department a unique and potent weapon against systematic fraudulent schemes. The Consumer Protection Act of 1969, now before the City Council, a number of whose most influential members, notably Majority Leader Thomas Cuite, Edward Sadowsky and Mario Merola, are regarded by the department as sensitive to consumer needs. It would give the department the power to bring lawsuits against fraudulent operators on behalf of all the victims who live in the city. If a company defrauded 10,000 New Yorkers of $20 each, the city could collect $200,000 from it and distribute it to the victims. If the City Council passes it, New York will be the most expensive place in the country to commit fraud, instead of one of the cheapest.

THE PESTICIDE PERIL—XV

Mr. NELSON. Mr. President, the June 7 issue of the Prairie Farmer, a national agricultural magazine, expressed concern about the disappearance of our national symbol—the American bald eagle—from the American scene.

The survival rate of the baby eagle has dropped as low as 20 to 50 percent during the past decade, and it is suspected that persistent insecticides may be causing this decline.

According to Alexander Sprunt, research director for the National Audubon Society, evidence presently available points "to the involvement of an environmental pollutant of some sort. The only known pollutants that fit all of the observed facts are some of the long-lived insecticides, such as DDT." Moreover, specific evidence has been found in England that clearly links the decline of the peregrin falcon to persistent pesticides.

The Prairie Farmer's article is symbolic of the growing awareness in agriculture of the threat of pesticides to some crops, wildlife, and even man. Often, the buildup of pesticides, notably DDT and other chlorinated hydrocarbons, in a farmer's crops reaches levels too high to be acceptable by the Food and Drug Administration standards. Dairy farmers have been particularly hard hit by pesticide residues. Pesticides in feed eaten by their cows often result in harmful residues in the milk and fat. Under the pesticide indemnity payment program administered by the U.S. Department of Agriculture over the past 4 years, farmers in 29 States have been reimbursed nearly a million dollars for milk barred from commercial markets because it contains traces of pesticides approved for use by the Department.

A recent article from the New York Times reports the findings of the Audubon Society's 8-year study of the bald eagle. Again Mr. Sprunt warned of the danger of continued use of persistent pesticides and said that "unless we ban DDT the American eagle will become extinct."

The study found that eagle eggs in pesticide areas had produced no shells, and that a limp and empty membrane had been found in some of the nests. Mr. Sprunt explained that DDT residues from the fields and woods collected in waterways, where they polluted food eaten by fish. Concentrations of DDT thus develop in the fish and build up to still higher concentrations in the eagle, which is primarily a fish eater.

I ask unanimous consent that the Prairie Farmer article and the article from the New York Times be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AMERICAN BALD EAGLE STRUGGLES FOR SURVIVAL

In one of Ben Franklin's lesser-known statements, he said of the American bald eagle:

"For my part, I wish the bald eagle had not been chosen as representative of the country; he is a bird of bad moral character, he does not get his living honestly; is generally poor; and often very lousy. Besides, he is a rank coward."

Franklin was only one of a long line of detractors of the bald eagle. He, with John James Audubon in agreement, considered the eagle rather cowardly, especially when surprised by the smaller kingbird. And he noted that the eagle will resort at times to snatching food from the talons of a fish hawk.

The eagle's detractors have not failed to suggest other birds more deserving of our national pedestal. Franklin offered the American turkey. Tho he admitted the turkey was rather vain and silly at times, Franklin nevertheless considered this bird's courage unimpeachable. According to Franklin, a turkey "would not hesitate to attack a grenadier of the British guards who should presume to invade his farmyard with a red coat on."

But over the years the eagle's noble appearance, independent qualities, and "eagle eye" have prevailed. And the "King of Birds" has not been dethroned as the national symbol.

But in 1969 the eagle is grappling less with detractors than with the grim face of extinction. Other creatures before the eagle have suffered this fate. They are now mere statistics in biological history. Perhaps our national symbol will join them, caution conservationists and concerned Audubonists.

If the eagle should lose his struggle for survival, who will be at fault? According to researchers like Terrence Ingram of the Illinois Audubon Society, the eagle will be losing out to polluted streams and fish—tainted with pesticides and industrial wastes. Also contributing will be careless hunters with careless minds that trigger all too carefully aimed guns.

Helping the bald eagle to survive is a responsibility particularly for midwesterners. For during the winter, from November to mid-February, eagles fly down from the frozen north to the open waters of the Mississippi along Iowa and Illinois. Here they find open water near riverside power plants and a ready supply of food in the battered fish thrown against water-intake screens.

In 1940 the eagle was granted federal protection by congress. But, according to the Fish and Wildlife Service, more eagles are killed by hunters than by any other means.

Many hunters mistake the eagle for a crow or hawk. Bald eagles do not gain their identifying white crown and tail until 4 years of age. Up to that time they are completely dark and can be easily mistaken for other birds their size or color.

Tho of similar color, eagles are 3 times larger than the ordinary crow.

But the best way for a hunter to distinguish immature eagles is by their flight. The bald eagle soars with wings completely flat. Other birds soar with upswept wings, like the vulture, or slightly curved wings, like the osprey.

So, to help preserve the eagle, hunters should sight their prey more cautiously, particularly in the Mississippi river area. It is illegal to shoot most birds of prey in the midwest.

Other efforts have been put into motion to preserve the eagle. Land-owners around the country treat thousands of their acres as sanctuaries. And nesting places in national wildlife refuges are closed off to protect eagles during the nesting seasons. The eagle is naturally a loner, and when human beings venture too close to his nest he simply abandons the eggs. So lumber cutting and other activities are not permitted within 150 feet of any nest in many wildlife parks and refuges.

But even with these precautions, nesting success among eagles has often run as low as 20 to 50% during the past decade.

The countrywide clamor against water pollution is largely on behalf of wildlife and the eagle is no exception. He feeds on fish, some of which inhabit polluted waters and absorb pollutants themselves.

Researchers hypothesize that insecticides may be tied in with a decline in the eagle's rate of reproduction. According to Alexander Sprunt in a speech before the 1966 National Audubon Society convention:

"The evidence that is presently available does point to the involvement of an environmental pollutant of some sort. The only known pollutants that fit all of the observed facts are some of the long-lived insecticides, such as DDT.

"The Department of Interior in 1964 ceased using compounds such as DDT, chlordane, dieldrin, and endrin which are known to concentrate in living organisms. The United States Forest Service has been moving toward elimination of DDT from its arsenal of usable pesticides because of the hazards involved. It would seem that in the light of the great amount of strong circumstantial evidence that is presently available, the use of such

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compounds should be severely restricted or even eliminated entirely."

But evidence has yet to be gathered in this country linking insecticides with the actual death of larger birds of prey. In England, however, such clear-cut evidence has already been found in the case of the peregrine falcon.

At this stage of the declining eagle population, what can we do? Terrence Ingram suggests that since the eagle's large nest requires tall trees, perhaps certain roosting areas along the Mississippi should be set aside. Free of logging operations and human interference, the birds would be assured of a safe haven and feeding area during the winter.

And more information is needed about the very independent eagle, not only to pinpoint the dangers confronting his very existence but also to uncover new possibilities of protecting him. For more specific information on ways you can help, contact your local Audubon chapter. If there is none near you, contact Terrence Ingram, chairman of the Hawk and Owl Protection Committee, Illinois Audubon Society, Apple River, Ill. 61001.

These are all steps toward saving a bird—just one bird. But this bird gives the United States seal its meaning. And the eagle's plight is, after all, only one part of a larger problem that each generation which uses, lives, and walks upon the earth must inherit—protecting the resources with which this country is blessed for the well-being and enjoyment of all Americans.

Otherwise one of our descendants many—perhaps not so many—years from now will turn to his father and ask, "What's a bald eagle, Daddy?"

"Well, Son, once upon a time—"

Scientist Fears DDT Will Wipe Out American Eagle

St. Louis, April 17.—Busloads of conservationists rode out early this morning for a day of pleasurable field trips to nearby wildlife refuges and the Pierre Marquette State Park.

But tonight the 1,200 conservationists were given something to worry about at the 64th annual convention of the National Audubon Society.

They were told that the American-bald Eagle was falling prey to pesticides that sometimes prevented it from reproducing.

Alexander Sprunt 4th, research director for the society, said in a speech prepared for delivery that "unless we ban DDT the American eagle will become extinct."

He was reporting on the society's eight-year study of the plight of the bald eagle.

The so-called bald eagle—it is not bald at all, but the white feathers that cover its head make it look bald when seen from a distance—is this country's national bird.

EGGS WITHOUT SHELLS

Mr. Sprunt said that scientific examination had disclosed that eagle eggs in pesticide areas had produced no shells, and that a limp and empty membrane had been found in a nest in the woods "north of here."

Many eagle eggs that were dangerously thin-shelled were found, he said, and "now the ultimate has been reached—no shell at all."

He said that in recent years naturalists had come increasingly to believe that DDT and other "hard" pesticides had been a major factor in what he called the catastrophic decline of the eagle.

Hard pesticides, he explained, are those that persist as poisons for many years and hence accumulate in the environment. There are others, he said, that are far shorter lived and are therefore much less dangerous.

Suspicions raised by earlier field studies have now been confirmed by experimental evidence, Mr. Sprunt reported.

OTHER BIRDS AFFECTED

He explained that DDT caused a hormone induction that in turn upset the calcium metabolism and resulted in shells too weak to protect the embryo within or resulted in no shell at all.

He said that DDT residues from the fields and woods collected in waterways, where they polluted food eaten by fish. Concentrations of DDT thus develop in the fish and build up to still higher concentrations in the eagle, which is primarily a fish eater.

The completely shell-less egg that Mr. Sprunt reported was found in a nest on the shores of Lake Superior in northern Michigan by Serges Postupalsky of the University of Wisconsin.

He said that although the area appeared remote and untouched, pesticides had reached it, apparently by wind, water and other means.

Mr. Sprunt added that eagles were not the only birds affected. He said that United States Government experiments had shown similar eggshell difficulties with mallard ducks, and apparently, he said, it was the "hard" insecticides that wiped out the peregrine falcon as a breeding bird in the eastern United States.

The National Audubon Society is conducting a campaign to outlaw spraying with DDT and its chemical family. The conservationists believe that only short-lived types of insecticides should be used, and even these only with care.

FUNDING—OUR EDUCATION NEEDS

Mr. JAVITS. Mr. President, I ask unanimous consent that my opening statement at the hearings of the Subcommittee on Education on the extension of the Elementary and Secondary Education Act and related bills be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

As we consider extending and expanding the various elementary and secondary school programs as contained in the bills before us, our committee is faced with the serious problem of whether the national priority for education has any validity in the light of the severe cutbacks contained in the education budget. These budget proposals have the effect of repealing some of the programs by eliminating their funds entirely. Other programs face emasculation because they now stand to be funded at less than half the auhorizations specified in the original acts written by this committee. We must decide, therefore, to what avail it will be for us, after long and painstaking study, to restructure education programs and to propose authorizations when our efforts may be negated through the funding process.

Here are some specifics. The budget for fiscal 1970, which begins July 1, contains no funds for Title II of the Elementary and Secondary Education Act dealing with library resources; no funds for Title III of the National Defense Education Act dealing with equipment and minor remodeling, and no funds for Title V–A of the same act dealing with guidance, counseling and testing. These programs are thereby, in effect, repealed.

The budget for elementary and secondary education programs is now set at merely 39% of the authorization prescribed by Congress. And, in fact, only one title of the Elementary and Secondary Education Act is to be funded at more than half of the existing authorization, according to the present budget proposal. This is Title I for educationally deprived children, and even it stands at only 51% of the authorization. How are we to prescribe authorizations reflecting natural growth and increase of local effort over a period of years when the funds available for these programs are cut back? There is a real question whether it is at all possible to meet current needs within the present budget limitations. This dilemma applies, for example, to Title III of the Elementary and Secondary Education Act pertaining to supplemental education centers, which is cut by nearly a third from its previous year's appropriation.

Clearly, local and state school authorities are seriously inhibited in formulating and executing plans. Faced with unforeseen cuts, they do not even have the time to turn to state legislatures—many of which meet only once every other year and most of which have concluded their sessions—to try to substitute state funds for the lost Federal funds.

Should the Congress fail to provide adequate funding, whether directly or through other means, to supplement existing educational programs, we will be offering the nation vain and unkept promises rather than the substantial education assistance programs which the people have been led to expect. Whatever else we do, we must meet our obligation by providing sufficient funds to enable the programs to reach at least their minimum promise.

As realists, none of us would deny the need for fiscal belt tightening. But this is far different from the budgetary guillotining which does not take into consideration the vital role education programs play in our domestic priorities.

This hearing is not on the appropriations, but it is a proper forum to sound the battle cry. And, Mr. Chairman, unless Congress and the Administration heed that cry, then we run the risk of losing much of what we have achieved in improving education throughout the nation.

RICHARD J. HERZFELDER—A REAFFIRMATION OF FAITH AND CONFIDENCE IN AMERICA'S YOUTH

Mr. MONTOYA. Mr. President over the past months, I have experienced the genuine pleasure of having on my staff a young 18-year-old intern who has unfailingly reaffirmed my faith and confidence in the youth of America. He is Richard J. Herzfelder, a participant in the Phillips Exeter Academy's congressional intern program.

It is indeed gratifying to me personally when I come in contact with exemplary young people of Richard's caliber who are destined to lead the Nation in the years ahead. An extraordinarily wise individual for all his youth. Richard has observed that there is an important distinction between merely complaining about America's problems and coming up with constructive solutions to those problems.

In his efforts in my office, Richard made it clear that he was deeply interested in trying to make a better world, not by nihilism and pulling society down, but by working at reforming and remaking it. The more responsibility he was given, the more he was stimulated and motivated. And having demonstrated to me and my staff that he possessed keen and mature intellect, good judgment, an awareness of what was going on, the ability to grapple with problems and come up with constructive and creative ideas, Richard was enabled to apply his talents and initiative—to "get his teeth into"—still new areas in the legislative process.

Moreover, there was no "generation gap," but warm and sincere camaraderie between Richard and members of my staff. He exhibited a full understanding of the fact that the pursuit of perfec-

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tion is an unending struggle, and no one group has a monopoly on idealism. We all admired him too because he is the kind of person who never wrongs his neighbor; who is prompt to help a friend; but who has those virile qualities necessary to win in the stern strife of life and he was always willing to "walk that extra mile" just to help in a difficult situation.

I am confident that Richard Herzfelder will be among the vanguard of those young people who will continue to point the way in enlisting the marvelous energy, ingenuity, and enthusiasm of America's youth into improving the quality of our life. This was evident from his deep interest in finding solutions to the problems we face—poverty, discrimination, poor housing, poor education, crime, and so on. Certainly we will need a vast number of highly motivated and well-trained young people such as Richard to attack these problems in the future.

In his astuteness, Richard has seen that the great challenge open to our youth today is that of preparing themselves for the responsibility of leadership—of dedicating themselves to seriously studying their institutions and revising where necessary methods, policies, and priorities that might have become outmoded, or are damaging to our national purpose. It is through the healthy example which Richard Herzfelder is setting that our disaffected youth will be helped to value themselves and the challenges available to them through public service more highly, as well as the deep inward satisfaction to be derived from personal sacrifice and a sense of responsibility.

Mr. President, I believe that the congressional intern program is one excellent means for welcoming this type of sincere and enthusiastic energy and encouraging it to flourish. During the coming years more opportunities will be presented for other future leaders to come to Washington, under the Exeter and similar splendid programs, and prepare for their journey into the future. I shall continue to be honored and gratified at the opportunity of extending this kind of meaningful participation in the political life of our country to young people who, like Richard Herzfelder, are striving earnestly to obtain all the education they can and, in the process, increase their understanding of our representative democracy.

THE 40TH ANNIVERSARY OF CONNECTICUT JEWISH LEDGER

Mr. RIBICOFF. Mr. President, my congratulations to the Connecticut Jewish Ledge on its 40th anniversary. The Ledger has well served the people of Connecticut. As the only English language Jewish newspaper in Connecticut, it has covered a wide range of international, national, and local events. It has kept the Jewish community informed in depth on problems confronting Soviet and Middle Eastern Jewry. On the Connecticut scene, it has reported on events of local concern and has taken the leadership time and time again on problems affecting the people of our State and Nation.

It is noteworthy that over the 40 years since its founding by my good friends, Rabbi Abraham J. Feldman and the late Samuel Neusner, the Ledger has acquired a circulation of more than 23,000.

On this memorable occasion, I pay special tribute to the Connecticut Jewish Ledger and its present owners and copublishers, Mr. Berthold Gaster and Mrs. Shirley Bunis. Under their leadership, the Ledger has played a significant role in the continuing progress and welfare of the people of Connecticut. I am confident that this newspaper will continue to grow and prosper in the highest traditions of journalism; maintaining the high standards of the past and present.

The Connecticut Jewish Ledger justly deserves the support of its readers and advertisers today and for future years.

WORLD WAR II COMMITMENT TO OPPOSE GENOCIDE COUNSELS SENATE APPROVAL OF U.N. CONVENTION

Mr. PROXMIRE. Mr. President, the years 1939 to 1945 were hard ones for all of us. We were engaged in war with two powerful nations with ruthless governments. We pledged all our resources, both military and civilian, to their defeat. Many of our men were slain in battle, and our citizens stoically endured shortages of consumer necessities so that our economy might meet the challenge of the tremendous German and Japanese war machines. And why did we enter the world conflict instead of choosing to remain neutral, passively sitting and viewing the holocaust? Among other reasons, because our Nation is pledged to the belief that no race nor ethnic group has the right to dominate or subjugate any other. We abhorred the very idea of genocide, the extermination of an entire people.

After the war, the United Nations presented a human rights convention on genocide to member nations. But although this convention has been before the Senate for a number of years, the Senate has so far refused to take it up.

Mr. President, in this day and age of conflict between idealists and so-called practical men, genocide is one subject where no division need exist. There is no reason why our actions should not reflect our stated ideals. We must show the world that the United States stands firm in its commitment to protect the rights of all men from the persecution and suppression. With this in mind, I urgently request the Senate to ratify the United Nations Convention on the Abolition of Genocide.

RIPON FORUM ON THE ABM

Mr. GOODELL. Mr. President, the Ripon Society, Inc., is a Republican research and policy organization whose members are young business, academic, and professional men and women. Its most recent issue deals with the proposed Safeguard anti-ballistic-missile system, and I am pleased to call it to the attention of my colleagues.

Alton Frye, Dr. Jeremy J. Stone, and the Ripon research group have done an outstanding job in presenting the ABM issue in thoughtful and careful language. It is a supplement that should be read by every American, especially those who must vote on this important issue.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the supplement was ordered to be printed in the RECORD, as follows:

ABM DEBATE: PRELUDE TO A BROADER QUESTIONING

The arguments advanced by the Administration in favor of deploying the Safeguard anti-ballistic missile at this time have not competed very successfully in the marketplace of ideas. The most significant manifestation of this failure is the large number of Senators, among whom are many Republicans more than predisposed to support a new GOP administration's high priority proposals, who simply are not buying Safeguard.

This development represents an extraordinary turn-around in the climate of opinion, one which neither occurred overnight nor will vanish very soon. The roots of the current confrontation obviously transcend the merits or drawbacks of the ABM proposal per se. Indeed, Safeguard is by all accounts a substantial improvement over its ill-conceived predecessor, the Johnson Sentinel. But it is Safeguard's fate, like Sentinel's before it, to run up against two related and long-delayed reactions in Congress, one of dissolving confidence and one of crumbling assumptions.

Safeguard first of all must bear the burden of following a number of other expensive and dubious programs the Pentagon has pushed for in recent years—the TFX, the F–111, the AMSA, the SST, and the Sheridan tank to name a few. In addition, this gadgetry boondoggle has recently been enveloped by the indelicate aroma of the C–5 manipulations an intriguing case just opening up and which promise to cast certain aspects of the Pentagon's *modus operandi* in an unsavory light.

But overshadowing these considerations, as it has all aspects of American life for the past four long years, is the Vietnam war. America's Asian debacle, with its incalculable cost in men, treasure, and national spirit, has rightfully provoked a genuine "agonizing reappraisal" of the basic and often unstated assumptions that have determined America's world posture for the past decade and longer. Perhaps the greatest of these to have been proved a myth is the notion of the infallibility of American military might—and as a corollary, its efficacy in achieving political ends in foreign lands. The Vietnam post mortem does not stop there, however. Inexorably, it leads to a scrutiny of the other enterprises we find ourselves engaged in under the mantle of "national security."

So it is that responsible individuals in and out of government have begun to ask questions about our entire military posture. One of these questions is whether further billions invested in chancy military hardware will enhance true national security in a nuclear age or serve only to destabilize an already precarious balance of terror. While our cities rot, our poor starve, our educational systems at all levels disintegrate, major segments of the population feel the need to arm themselves, the young revolt, and our own garbage threatens to poison the planet, reasonable men question the assumption that Soviet or putative Chinese missiles are the greatest threat to our survival as a free country. Can one listen to former Secretary of Defense Robert S. McNamara admit that "clearly the Soviet

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build-up (during the early 60's) is in part a reaction to our own build-up since the beginning of this decade" without wondering whether countering hypothetical threats does not become a process of self-fulfilling prophecy?

As these questions are asked and the record of the 60's examined, others must follow and other assumptions must crumble. No longer can it be gospel that only a few individuals privy to "classified information" are capable of making decisions affecting the so-called national security. It is simply not unpatriotic anymore to question items on the military shopping list.

In short, there is a movement in the nation and in Congress to restore defense to its proper role in American society, a movement which seeks not "unilateral disarmament" but what President Eisenhower termed "security with solvency"—not to mention proper cost accounting procedures, firm control by the White House and Congress, and as much diligence in grasping present opportunities to promote peace as in anticipating future wars.

It is in this incipient effort to regain a balanced society that the Safeguard proposal has become enmeshed. Transformed into a "symbolic issue," the latest ABM proposal has become a lightening rod, an immediate and specific focus for a broad-based and determined reform movement.

Thus, there is a "clear and present danger," as Alton Frye points out elsewhere in this supplement, that the ABM debate will become more cathartic than constructive and redraw the domestic battle lines of the Johnson years. Nothing could be more disastrous to the Nixon presidency or to the fate of the nation than such a regression. And nothing could do more faster to galvanize this repolarization than for the President to pull out all the stops in a Pyrrhic attempt to ram Safeguard through the Senate.

If the Administration wins such a battle, it will have won round one over the Safeguard opposition—over the younger members of its own party and a significant segment of its own staff, over a majority of the scientific community, over the regiment of citizens' groups the issue has assembled, over the governor of one of the states slated for the munificent missile construction fall-out, and over the tide of informed opinion. But many of the wellsprings which feed this movement are the same ones the President counts on to fill the pools of voluntarism which are such a vital segment of his vision for America. Such a bitter victory can poison them, but it cannot dam them. The President, if he persists in a hard line this year, must be prepared to wage the same murderous, time-consuming, and costly fight next year, the year after, and during the 1972 election year. No good can come of it.

It need not happen. The forces at work for reform are rational and constructive. There is no thirst in their ranks for "confrontation" on the Senate floor or anywhere else. They do not impugn the sincerity or integrity of the new President, nor do they deny the difficulty of the decision he was forced to make during his first 100 days. But neither do they feel they can abrogate their own responsibility—a patriotic responsibility if you will—to stand up and be counted in the attempt to alter the disturbing path America finds herself on.

If ever a political situation called for statesmanship from the White House, it is the ABM controversy. The country is about to enter a critical re-valuation of what national security means in the last third of the 20th century. The question is whether it will be a rationale dialogue or a shouting match, and the resolution of the Safeguard debate will do much to set the tone for what is to follow.

There is still time and latitude for an ABM compromise consistent with national security. Real compromise, acceptable to a majority of those who cannot now accept Safeguard, would go a long way to bring about the "lowering of voices" that the President so genuinely desires and the country so urgently needs for the task or reconstructing itself. As matters stands, the President is the only one who can make the first move toward the genuine compromise that can "bring us together," The whole world is watching and hoping.

HISTORIC ARMED SERVICES HEARINGS—"INNER DEBATE" NARROWS WHILE ISSUES BEGIN TO BROADEN

(By Alton Frye)

(NOTE.—Mr. Frye, a political scientist specializing in arms control, has taught at UCLA and Harvard and been a consultant to the RAND Corporation and to various members of the House, Senate, and executive branch.)

The policy issues raised by President Nixon's recommended ABM deployment are inherently complicated, and they have not always been simplified or clarified by the kind of political contest which has developed around this decision. There is a clear and present danger that proponents and opponents will be drawn into a process of escalating arguments, invoking irrelevancies, scoring points against each other but obscuring the real problems at the heart of the issue.

The momentum in this direction was already well-established by the earlier disputation over the so-called Sentinel deployment proposed by President Johnson. The manner in which that earlier debate merged into the current one accounts in large part for what Meg Greenfield of The Washington Post has called the "ragged non-debate on ABM." Many people, public and private figures alike, had staked out positions which seem to have made them less open to a fresh consideration of the distinctive issues posed by the Safeguard proposal, and more prone to let their predispositions govern. If one doubts this, it would be interesting to ask how many of those who expressed their views for or against Sentinel have voiced a different opinion regarding Safeguard.

The automatic quality of the response to President Nixon's decision is well illustrated by the facts that, within an hour after his first briefing on the Safeguard plan, Senator Edward Kennedy was seeking to organize a national movement against the deployment and within a scarcely larger period of time Senator Henry Jackson and other advocates of the very different Sentinel deployment were warmly endorsing the revised ABM system. In neither case did the parties allow themselves time for a thorough and deliberate study of the new proposal.

But this visible feature of the larger public debate, this tendency toward polarization and rigidity in the competition for popular support, does not adequately reflect the trends in what might be termed the inner debate, the discussion and analysis taking place among the most informed critics and supporters of the Safeguard scheme.

NEW FOCUS TO ISSUES

This inner debate reached a notable milestone in the historic hearings before the Senate Armed Services Committee on April 22 and 23. With eight prominent witnesses, equally divided between opponents and proponents of Safeguard, the Committee heard testimony widely described as the most balanced and constructive yet taken on the question. The result was to narrow the range of disagreement and to focus the issues more sharply.

Dr. Hans Bethe, though not a witness, had anticipated the drift of the inner debate some weeks before in a typically thoughtful letter to Senator John Sherman Cooper. Declaring himself still opposed to deployment as "premature," Dr. Bethe praised the President's proposal as "considerably improved" and as a "constructive move" away from a thick system of city defense against the Soviet Union.

"I consider the ABM defense of Minuteman sites technically feasible and in principle sensible," wrote Dr. Bethe. "It is a reasonable safeguard against the development of MIRV (Multiple Independently Targetable Re-entry Vehicles)." However, he urged delay in deployment to allow time both for arms limitation talks with the Soviet Union and for further work on an improved radar design for hard-point defense.

The subsequent testimony before the Armed Services Committee revolved around precisely such issues. How vulnerable is the Minuteman force likely to be in the mid-seventies? Is Safeguard likely to be an effective means of protecting the Minuteman? Is there time and is it feasible to develop better radars and other components optimized for the hard-point defense mission? Is it necessary to deploy the initial Safeguard facilities to test out concepts and technologies that will be prerequisite to any more advanced system? Will the projected arms control negotiations be helped or hindered by a present decision to proceed with deployment? These and similar issues, technical, political and strategic, were addressed in a calm and reasoned manner rarely seen in the commentary on this volatile subject..

Minuteman vulnerability

Concern over the potential vulnerability of Minuteman was generally acknowledged by the witnesses. Under the assumptions that the Soviet Union (1) could continue to deploy large SS–9 missiles at the recent rate, (2) could develop MIRV, and (3) could achieve by 1975 accuracies already demonstrated by the United States in 1969, Albert Wohlstetter of the University of Chicago presented calculations showing that only 5% of the Minuteman force would survive a first strike. He challenged numbers presented by MIT's George Rathjens, who had concluded that 25% of the force would survive. Dr. Rathjens did not rebut the observation that he had used an incorrect factor which overstated the hardness of a Minuteman silo. He and most witnesses agreed that the Minuteman system could become increasingly vulnerable during the next decade.

With common agreement that the possible vulnerability of the land-based missiles to a MIRV attack could become serious in a few years, the critical questions shifted to the nature and timing of U.S. action to cope with the problem. In earlier hearings some Senators had cavalierly suggested the United States should adopt a launch-on-warning strategy, that is, determine to fire the Minuteman force on the basis of radar indications that an attack against the United States was being launched. This hasty and ill-considered notion, which disregarded the compelling arguments against a posture which would likely paralyze an American President by demanding that he launch a strike against Soviet cities merely on the basis of "blips" on a radar screen, received virtually no support.

Other familiar options to ABM were also assessed by various witnesses in various ways. Hard-rock silos to improve Minuteman survivability were discussed as a more reliable technology, or dismissed as completely at the mercy of improvements in accuracy and largely dependent on a number of uncertain physical properties of rock. It was also evident that construction of such facilities might appear to the Soviet as a massive and provocate increase in U.S. offensive missiles, since additional silos would have to be prepared before existing silos were phased out.

No one pressed for super-hardening of this type nor was there support for a present increase in the total number of offensive weapons in the U.S. inventory, though George Rathjens and Herbert York argued that this option would probably be preferable to ABM if an actual threat to Minuteman later materialized.

In brief and with some exceptions the debate before the Committee tended to concentrate on whether to proceed with Safeguard now or to postpone deployment pending strategic arms negotiations with Moscow and further development of an improved ABM system, including particularly its radars. Thus, though judgments varied sharply on these matters, the range of disagreement was substantially reduced, in both the technical and political realms.

Safeguard vulnerability

Perhaps the most striking thesis of the two days was offered by Dr. Rathjens in his analysis of the alleged ease with which the Soviets could overwhelm the presently scheduled Safeguard system. According to his figures, if the assumed production rate of SS-9 actually continued into the mid-seventies, together with MIRV and improved accuracies, the proposed defense of Minuteman could be swamped by three or four months' additional production of the large Soviet missile. If this calculation can be sustained in the classified submission which Dr. Rathjens promised the Committee, it would appear to be conclusive.

However, the calculation seems to have been based on highly static assumptions regarding defense tactics. For example, it may not take account of the reportedly favorable marginal costs of adding redundant radars and multiplying ABM missiles to improve the system's effectiveness and survivability. Among other things, a limited increase in radar capability permits the defense to adopt a so-called "preferential mode" of operation, allocating most of its missiles to protecting only certain radars while the offense must spread its attack across all the radars, if it chooses to concentrate on them as the weak link in the system. The theoretical results of such preferential operations are dramatic, and favor the ABM.

On this question the claims of Dr. John Foster, director of Defense Research and Engineering, are far-reaching indeed. Though acknowledging the relative softness of the radars compared to Mintueman silos, he asserts that the system is designed to present to an attacker a roughly equal trade-off between striking at the radars, in order to disable the ABM, and striking at the Minuteman targets directly. This contention is disputed by Professor Wolfgang Panofsky, though no detailed analyses have been released to sustain either view.

Setting aside the more intricate technological assessments, there emerged a fair degree of consensus that a potential attacker would have to assume that the ABM system works, and would have to plan any attack accordingly. But opinions vary greatly as to whether this necessary assumption is a helpful contribution to stable deterrence or a dangerous stimulus to an in crease in Soviet offensive forces.

Nor is there agreement on the proposition that since the Safeguard system is oriented to a defense of the deterrent and not of cities, the Soviets need not increase their offensive if their goal is to maintain a capacity to retaliate against the U.S. population centers, and hence to deter an American first strike. Critics remain skeptical of this reasoning, fearing that the Soviets may feel obliged to expand their offensive forces in anticipation of a possible extension of Safeguard to a thicker city defense. The opponents discount President Nixon's explicit rejection of such a prospect and his attempt to define a deployment that minimizes the possibility of such expansion.

In an impressive presentation to the Committee, Professor Panofsky contended that the United States could afford the risk of delaying an ABM decision. Panofsky stressed the improbability of a successful strike against the diverse elements of the American deterrent forces in the mid-seventies.

Panofsky added the significant thesis that, if the proposed negotiations did not succeed in forestalling a possible Soviet movement toward a first-strike capability, and if there was too little time for U.S. deployment of ABM, there should still be time to protect the country's retaliatory capacity by increasing its offensive forces. At that time and under those circumstances, he concluded, the possible provocativeness of additions to the U.S. offensive would hardly be a decisive factor.

To this counsel of delay were juxtaposed the judgments of Paul Nitze and Albert Wolstetter that an early start on deployment would improve the chances for successful arms limitations. Their theory stemmed not only from an appraisal of the specific negotiating attitudes of the Soviet Union, but from a conclusion that, given the uncertainties of any likely freeze on strategic offensive weapons, not to mention the prospective Chinese nuclear force, both Moscow and Washington might be more prepared to accept the risk of arms control arrangements if they had at least the limited margin of safety afforded by an agreed level ABM defense.

As these observations make clear, the most serious controversies relate less to technical than strategic and political matters. And on these kinds of complex, nonscientific questions, exclusive expertise is singularly lacking in any quarter. In Lee DuBridge's classic phrase, "when it comes to politics, scientists are just as dumb as the rest of us."

The epigram is no chastisement to the scientists for voicing views on all aspects of the ABM problem. Rather it is a caution to the citizenry at large to be wary in evaluating testimony which blends technical estimates with political judgments and preferences. The worst folly in deciding the ABM issue would be to mistake it for an exclusively or even predominantly "technical" problem.

Far from it. What is at stake in these deliberations is really the question of which risks the American people choose to bear in their quest for a secure peace. While it is terribly important that those risks be appraised as soberly and systematically as possible, it is equally important that the choice be seen for what it is: a political decision, not in a partisan or negative sense, but in the tradition of self-government through which this nation charts its course.

Implicit in the discussion of the ABM is a perception that the gravest hazards facing the United States and the Soviet Union are the dangerous and destabilizing trends in offensive weaponry, particularly the imminent deployment of MIRV systems. If this deployment proceeds, and it will be exceedingly difficult to stop if testing continues unabated, the prospects for meaningful strategic arms control will diminish markedly. With such weapons in the forces of either or both sides, a relatively smaller number of delivery vehicles will confront a relatively larger number of independently targetable warheads. Given these conditions, the possibility of a pre-emptive first strike in moments of extreme stress may indeed rise.

It is this technology which is now fueling the arms race. Were it not on the horizon, the Safeguard ABM system need not have been proposed. Conversely, if MIRV is not controlled, the pressure for ABM deployment can only continue to mount.

Whatever the outcome of the current ABM debate, the urgent, priority task is to initiate negotiations aimed at limiting unsafe and unnecessary innovations in offensive weapons.

Otherwise, the fragile opportunity to curb the arms race will be lost, and the balance of terror will enter a new and even less predictable phase.

ABM: THE ISSUES RAISED AND THE QUESTIONS UNANSWERED

(By Jeremy J. Stone)

(NOTE.—Dr. Jeremy J. Stone is a member of the Council of the Federation of American Scientists and a member of the Institute for Strategic Studies. Currently working under a grant from the Social Science Research Council of New York City, he will be an International Affairs Fellow of the Council on Foreign Relations in 1969–1970. Dr. Stone has written widely on problems of national security and arms control and is the author of "Containing the Arms Race: Some Specific Proposals" (MIT Press, 1966) and "Strategic Persuasion: Arms Limitation Through Dialogue" (Columbia University Press, 1967). From 1964–1966 he was at the Harvard Center for International Affairs.)

I. The argument in capsule

The procurement of an anti-missile missile, Nike-Zeus was first considered by the Department of Defense ten years ago. By fiscal 1964, five years later, the Department of Defense viewed missile defense as the "most urgent problem" for the U.S. defensive forces but had concluded that Nike-Zeus, then being tested, "would not be effective against a sophisticated threat in the late 1960's and early 1970's."[1] Indeed, testimony in 1963 revealed that Nike-Zeus could have been built by 1963–1964 but would have been obsolete by the time it was operational.[2] There was, at this time, no consideration given to such later rationales as light Soviet attacks, accidental launches, Soviet submarine-launched missiles, or protection of command and control. Neither was there any public consideration of a possible Chinese threat.

The next system, Nike-X, was to have three major improvements over Nike-Zeus. It was to have a very high-acceleration interceptor (Sprint) to permit delay in firing until the last possible second, when the atmosphere would have permitted discrimination of decoys. It was to have a multifunction array radar (MAR) which would permit many objects to be tracked simultaneously. Finally, its components were supposed to lend themselves to a greater degree of "hardening," that is, various steps taken to decrease a missile site's vulnerability to near hits. Nevertheless, testimony revealed the fact that it would have been obsolete relative to projected Soviet improvements two years before its construction could have been completed in 1968.[3]

In 1965, Nike-X was further deferred because of "technical problems" and "even greater uncertainties concerning the preferred concept of deployment, the relationship of the Nike-X system to other elements of a balanced damage-limiting effort, the timing of the attainment of an effective nationwide fallout shelter system and the nature and effect of an opponent's possible reaction to our Nike-X deployment."[4]

In 1966, in discussing possible Soviet reactions to deployment of Nike-X, Secretary McNamara's posture statement included among likely responses "a large number of big, land-based missiles"; evidently he referred to the SS-9 or missiles like them. (Many are now arguing that these are being stepped up in response to the signals of our intention to deploy ABM that have been emitted over the last two years. Large missiles lend themselves to multiple warheads, which are useful for exhausting the supply of interceptors of a missile defense. This is the reason the United States is increasing the capacity of its missiles on land, and those based at sea, and is soon to emplace multiple warheads upon them.) Because of this kind of Soviet response among other reasons, and because such a response would

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Footnotes at end of article.

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eventually undermine, in turn, U.S. offensive weapons, Secretary McNamara further deferred Nike-X.

Enter the Chinese Threat

In 1966, for the first time, the Department of Defense broached the possibility of a defense against Chinese missiles. It argued that a small Chinese force could possibly be deployed by the "mid-to-latter part of the 1970's." But three years later, in March, 1969, Deputy Secretary of Defense Packard testified that the Chinese were "not much further along" in building ICBMs than they had been three years before, i.e., in 1966. Hence there has been little or no Chinese progress since the notion of a Chinese threat was raised. And the small Chinese force in question would presumably now emerge only in the late 1970's or early 1980's if, indeed, the Cultural Revolution has not set back the Chinese nuclear and missile program decisively. Secretary Laird did testify before the Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Affairs of the United States Senate (the Gore Subcommittee) on March 21, 1969 that, on the best intelligence evidence available to him, the Chinese "will" fire a test ICBM in the next 18 months. But considering the length of time, and the Chinese failure to make significant ICBM progress for three years, 18 months seems to be the standard estimate of capabilities rather than a precise prediction. (For newspaper reports that ideological conflicts have "slowed the development and production of Chinese nuclear armaments," see the New York *Times* of October 28, "Nuclear Program Slowed in China." China has only a small pool of western and Soviet-trained nuclear scientists, highly suspect in China, whose efficiency might easily be undermined by the requirements of self-criticism.)

The 1966 posture statement also referred vaguely to an Nth country threat but, except for China, the source of the danger is most unclear. It is symptomatic that France has been mentioned in this connection, because there seems no more likely threat in the same time horizon. The Nth Country threat really seems to mean China. Since the 1966 posture statement deferred an anti-Chinese thin defense decision on the grounds that "no deployment decision need be made now" and since the Chinese threat is no further along, it seems in 1969 that the Chinese threat would not require a decision now, either.

Yet in September 1967, Secretary McNamara did announce the decision to deploy a thin defense against the Chinese, using exoatmospheric interceptors (Spartans) and covering the entire country with approximately 15 sites. He called the decision "marginal" and warned in extravagant terms against letting the system grow into a thick system.

How can one explain the timing of the Sentinel decision—only nine months after Mr. McNamara had testified that no decision need be made—in light of recent testimony that the Chinese Communists are "not much further along" even two years later? Assistant Secretary of Defense for International Security Affairs, Paul C. Warnke, argues that "we had to make the decision to deploy if we were to have a system in the field by the time the Chinese *could begin to deploy ICBMs*." (Italics added.)[5] Earlier, when Mr. McNamara had argued for deferral, he had spoken repeatedly of the mid-seventies when a *"small force"* of Chinese ICBMs would have been in place.

It seems evident that the five-year lead time required to build the missile defense exceeded the lead time required by the Chinese to begin to deploy ICBM's. Hence, accepting the rule that the missile defense had to be installed against China by the time the first ICBM appeared, the U.S. would have to act in anticipation of a Chinese ICBM that might never appear.

Political Reasons?

In view of the weak rationale advanced, many political commentators suggested that the decision had been made for political reasons. These arose from: (1) the Soviet deployment of a Moscow missile defense, but one similar in important respects to an obsolete system, Nike-Zeus; (2) fears—now known to be unfounded—that the Tallinn bomber defense had significant missile defense capabilities; (3) the then approaching Presidential election of 1968; and (4) the unwillingness of the Soviet Union for 18 months to set a date to begin the talks already agreed upon in principle.

With rare unanimity, Chinese experts saw no reason why the Chinese would be "irrational" or undeterrable. In the background, however, there were reasons for a Chinese defense that were normally discussed less openly. In answer to a question put by *Life* Magazine, Secretary McNamara suggested that the Chinese would not have an ability to retaliate significantly against a nuclear attack (i.e. a second-strike capability sufficient to cause "unacceptable" damage) for fifteen or twenty years.[6] Thus an anti-Chinese missile defense would increase, at least on paper, the U.S. capability to threaten China with strategic attack, with a high assurance of avoiding retaliation. In the September 1967 speech by Secretary McNamara, this advantage was sketched as an "additional indication to Asians that we intend to deter China from nuclear blackmail." Sometimes it was given as a way of preventing China from deterring us "from taking actions that might risk a Chinese attack."[7] Others saw it as a system that might free the United States to attack the Chinese nuclear capability. Or, more generally, as one defense analyst put it: "American leaders probably would develop different attitudes toward the Chinese accordingly as the United States did or did not have BMD," i.e., ballistic missile defense.

Paradoxically, when Secretary McNamara was asked why the Chinese could not be deterred from firing misisles at us, his only explanation was that they might fear a U.S. nuclear attack and pre-emptively fire their missiles out of fear "because otherwise they would not be able to launch at all" their "small and highly vulnerable" force.[8] It seems that the United States was increasing, with its missile defense, the credibility of a U.S. attack on China. But simultaneously it was giving this U.S. threat of attack as the only explanation for the Chinese launching missiles against us!

Assistant Secretary of Defense for International Security Affairs Paul C. Warnke repeated Mr. McNamara's rationale; fear of Chinese pre-emption in anticipation of U.S. attack. Without explanation, he argued that the U.S. missile defense would "deter the Chinese from pre-empting." But if the Chinese feared that most of their missiles would be lost in an initial U.S. attack, the chance that others might be shot down in the air would hardly be an additional deterrent to firing them. And since Mr. Warnke emphasized the reduction in U.S. risks that such a missile defense might provide, the missile defense obviously would increase Chinese fears that the United States might just take a chance on disarming China. In short, the missile defense would seem to raise significantly the very fears it was supposed to answer. This argument of Chinese pre-emption played an important part in the Defense Department rationale because Mr. Warnke argued that we do not consider the Chinese as "basically irrational."[9]

Long Shot Insurance

In the speech announcing Sentinel, Mr. McNamara also raised the argument that Sentinel would protect "against the improbable accidental launch of an intercontinental missile by any one of the nuclear powers." More recently, testimony has suggested that the missile defense would not be primed to respond on very short warning, hence it might only be importantly useful to the extent that it could successfully intercept accidental firings that occurred in crises and were aimed at cities (many missiles are, of course, not so aimed). Considerable controversy exists over whether an accidental firing is really possible—none has occurred in the last decade on either side. Such accidents seem rather more an abstract fear than a concrete possibility whose probability can be assessed in any specific way.

The third reason given in the original announcement for Sentinel was that a "Chinese-oriented ABM deployment would enable us to add—as a concurrent benefit—a further defense of our Minuteman sites against Soviet attack, which means that at modest cost we would in fact be adding even greater effectiveness to our offensive missile force and avoiding a much more costly expansion of that force."

However, testimony given concerning more recent estimates of the cost of defending both the radars and the Minuteman missile has suggested that it might cost $25 to $100 million to save each $4 million Minuteman.[10] Indeed, somewhere between $700 million and $1 billion would be involved in the Phase I effort to interdict an enemy attack with approximately 75 interceptors. For these sums, 175 to 250 additional Minutemen could be purchased; thus even if every interceptor worked perfectly and every enemy missile were perfectly accurate, two or three times as many U.S. missiles could be built as would be saved.

Two years later, under the Nixon Administration Safeguard program, the defense of Minutemen had become not an option but the central rationalization of the system. Deputy Secretary of Defense Packard argued that Soviet SS–9 large missiles, if purchased at existing rates for the next five years, if made accurate, and if fitted with multiple independently guided warheads, would threaten to destroy many Minuteman missiles.

Secretary Laird noted on several occasions that this projection of possible Soviet missile production was based on "new evidence" which his Administration had received and which had not been available to the previous Administration. There was speculation that this new information was simply the discovery, through aerial reconnaissance, of some more SS–9's in December of last year. Was the evidence from one month's reports sufficient to permit an extrapolation, for five years, of 50 SS–9's a year? Could not intelligence that changed in a month change again?

The Defense Department spokesman emphasized the urgency of getting started on the protection of Minuteman with a missile defense. Asked about this urgency, Secretary Packard told the Gore Subcommittee that building an entire prototype test-site before beginning to protect Minuteman would mean a "four- or five-year delay." But many argued that the relevant question was the cost of putting off deployment for a year only. One need not commit himself to a four- or five-year delay, and research and development could continue.

Radar Vulnerability

Indeed, if there were urgency, would the Hardpoint program protect enough Minutemen? If indeed, there would be only several tens of Sprint interceptors, each with only limited range (ten miles or so), not very many Minutemen could get close-in protection.[11] And even fewer would be protected if many Sprints had to be assigned to protect the vulnerable radars. One witness noted that the radars could be attacked with SS–11's, which were too inaccurate to attack the missiles. Hence perhaps no SS–9's at all would

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have to be diverted from attacking Minutemen by the Hardpoint Defense. The SS–9's need only wait until the radars had been destroyed and the Hardpoint Defense blinded.

Testimony has shown great concern over the effectiveness of the radar, as well as its vulnerability. Pentagon Fact Sheet 189–69 notes that nuclear warheads can be "deliberately detonated" outside the atmosphere to create large regions of ionized gas which is opaque to the long-range PAR radar "for many tens of seconds".[12] As far back as 1964, U.S. planners were openly discussing using a "precursor warhead" for part of the payload capacity of a multiple warheaded missile. This precursor would be "detonated above the enemy target complex blacking out, or at least degrading, enemy missile defense radars".[13] Why couldn't the Soviet planners do the same thing to the Safeguard radars, both MSR and PAR?

Along this line, many political observers wondered if it made political sense to protect one's deterrent with a weapons system in which there was little public or scientific confidence. Wouldn't there be defense scares and alarms as vulnerabilities in the radars (or arrangements of the interceptors) were perceived by defense specialists over the years? A deterrent has to do more than deter, it has to have the confidence of those at home and abroad who need reassurance about the state of our defenses. Indeed, such a complicated system might not allay the anxieties for many months of even those defense experts who were pressing for it. — Would they return and ask for something new shortly after construction began? Of the bomber defense system, one expert had written, years ago, that it had so many vulnerabilities that a defense analyst could not even make his reputation by pointing out more.

The Multiple Warhead Question

Returning to the question of the extrapolated threat, some wondered not only about the assumption that SS–9's would be built at current rates for five years, but also about the way in which multiple warheads might be emplaced upon them. Thus far, Defense Department fact sheets has only argued that the Russians were testing MRV (multiple reentry vehicles) and not MIRV (multiple independently guided re-entry vehicles). Without extensive and accurate guidance, multiple warheads do not present an added threat to enemy missiles because they cannot destroy more than one target. MRV warheads, which the Russians *are* testing, have long ago been installed in most of the U.S. missile force—e.g., in the Polaris A–3 missile which has three clustered warheads. There is no evidence yet that the Soviet Union will seek high accuracy and independent guidance both—each of which is necessary to attack Minuteman. It is significant that perhaps 800 of the approximately 1,000 Soviet land-based missiles are SS–11's, which have little accuracy and present no threat to our Minuteman.

The Russian lack of interest in high accuracy—accuracy useful for attacking missiles but not necessary for attacking cities—is one reason why Dr. Alain Enthoven, former Assistant Secretary for Systems Analysis, had testified in April 1968 that: "For the most part, however, the Soviet appear to be developing a second-strike capability that is largely designed for assured destruction. . . ." [14] Could observations like these, based on two decades of arms race with the Russians, be shifted by a month's new intelligence? What could Secretary Laird have learned to cause such a flip-flop in Defense Department interpretation? He said: ". . . they are going for a first-strike capability. There is no question about that." [15] Some speculated that Secretary Laird had not been advised of the possible Soviet-felt need to use SS–9's to multiply their warheads against a possible U.S. missile defense. Conceivably, those most interested in having the U.S. begin a missile defense would find it an undesirable point to emphasize to him.

Secretary Packard, arguing for the Hardpoint program, asserted that "This country must assure itself and any potential enemy that at least several hundred Minuteman missiles out of the 1000 deployed will survive and strike back against enemy cities. Even a few hundred surviving Minutemen could kill tens of millions of the enemy and thus deter him from attacking." He referred to the need to "guarantee the survival of the minimum essential number of Minutemen." [16]

Polaris Discounted

This raised the question of why, if a few hundred surviving Minutemen could deter the enemy, several hundred Polaris missiles could not. Was there really a "minimum essential number" of Minutemen? To this, Secretary Packard testified that we did not want to "put all of our eggs in one basket," namely the 41 Polaris submarines.

Secretary Laird also argued repeatedly that he did not believe that "Polaris would be sufficient, in that time period after 1972, to be relied upon as the deterrent force of the United States".[17] However Admiral Thomas H. Moorer, Chief of Naval Operations, testified in April 1968 before the Armed Services Committee that at least he had "very high confidence" that Polaris' invulnerability would be maintained. Among other things he noted that a very-long-range missile ULMS could be installed on the submarines that would keep them in range of targets "while in port," that is, an underwater-launched ICBM. Admiral Moorer expressed confidence that Poseidon missiles mounted *even on surface ships* would be sufficiently invulnerable through mobility to serve adequately as a deterrent.[18]

In all the apprehension over continued Polaris reliability, no specific argument has been made to show how Polaris might become vulnerable. Secretary Packard noted only that "the limitation of Polaris' concealment lies in the degree of effort an enemy is willing to make to find and destroy the submarines".[19] Secretary Laird told *U.S. News and World Report* that after what he had seen, he could not say that Polaris would be invulnerable "forever." Did such observations justify calling the Nation's most prized deterrent into question? Observers in Geneva had noted, according to newspaper reports, that the Soviet treaty on the seabed was far more comprehensive than the U.S. proposal and therefore they had concluded that the United States was far ahead in antisubmarine warfare capabilities. This conclusion is consistent with much other information, and with geography that makes the Atlantic virtually a Western sea.

Missile Multiplication

Observers also noted that if the MIRV program of emplacing multiple independently-guided re-entry vehicles was completed, each Minuteman missile would have three separately targetable warheads. Hence 350 of the 1000 Minutemen could do the job of the 1000 previously. Meanwhile, the Polaris submarines would have, or eventually gain the capacity to carry, ten or even more warheads on each missile. Hence *four to six thousand separately* targetable warheads would be emplaced on 41 submarines beneath the oceans. These increases seemed far in excess of any diminutions in U.S. striking power that large Soviet missiles might achieve. (These new MIRVed missiles are scheduled to be installed beginning in 1969 and 1970.) No indication exists whether the Defense Department's concern is pre- or post-MIRV, i.e., whether it is worried about a "minimum essential number" of Minutemen with one targetable warhead or three, backed up by 656 Polaris missiles (pre-MIRV) or four to six thousand (post-MIRV). Indeed, although U.S. MIRVed warheads may begin to be deployed in a matter of months, Defense Department charts used by Secretary Packard to illustrate the extent to which the Russians might catch up in the next five years fail to show this imminent and dramatic increase in U.S. targetable warheads from about 2400 to eight or ten thousand!

Secretaries Packard and Laird testified that they had considered, as an alternative to Hardpoint Missile Defense, increases in U.S. offensive weapons but had considered them "provocative." Indeed Secretary Packard argued:

"We have some 1,500 missiles and bombers today which we believe are indeed sufficient to guarantee deterrence of the Soviet Union.

"A further increase in the numbers of these weapons could be self-defeating however. The Soviets do react to our weapon deployments as we react to theirs. If we were to continue to insure our deterrent by adding to these numbers, we would be inviting the Soviets to expand their own forces beyond current plans in order to keep up with us. This is the kind of arms race which we are seeking to avoid".[20]

It was unclear how this judgment related to the on-going enormous increases in U.S. targetable weapons—otherwise more or less stable for some years. Were we not already engaged in buying very large numbers of offensive weapons? These MIRV missiles had been ordered as an answer to a possible Soviet missile defense. Some were surprised therefore that Secretary Packard testified that the Russians have made no commitment to a missile defense of any strategic significance. The MIRV program had not been halted in response to this judgment and seemed more than adequate to redress a projected threat to Minuteman; indeed it seemed likely to have the arms-race-stimulating effect Packard had warned against. Was he arguing against the MIRV program?

Superhardening

Another alternative to Hardpoint Defense was superhardening with additional concrete, which the Defense Department said it was "preserving the option" to do.[21] It argued that eventually super-accuracy might make even superhardening insufficient. But this kind of accuracy seemed many years off for the Russians. Many thought additional concrete a more reliable defense than complicated radars and computers, at least until one could predict with confidence the direction of Soviet offensive emphasis. According to *Aviation Week*, Air Force officials envisioned superhardening Minuteman III silos to more than 2,500 pounds per square inch, or ten times the current rating. (By comparison, even if radars were made as hard as concrete office buildings, they would be only somewhere between five and ten pounds per square inch hard.) Superhardening would require the Russians to have up to four times the megatonnage and near perfect accuracy, compared to destroying present silos.[22] For these reasons, some questioned whether the Air Force really approved of an Army defense of Minuteman missiles with missile defense. Significantly the Administration proposed a "combination" of hardening and Hardpoint Missile Defense.

SS–9: Paper Deterrent?

Other outside studies, such as one done by Dr. Ralph Lapp, showed that the Defense Department might be even too conservative in arguing that the Russians could—even by 1976—destroy most Minutemen. By building 50 SS–9's a year with the three warheads claimed, Dr. Lapp suggested, no Soviet planner could expect to destroy more than a fraction of the Minutemen.

Perhaps most devastating to the argument that the U.S. deterrent was being undermined by Soviet SS–9's was the observation that Minuteman was not now really part of our deterrent. Long ago, the basic targeting

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doctrine had, quite naturally, used submarine-launched missiles for targeting against cities. The more vulnerable Minutemen, which might be expected to be destroyed in part if war occurred, would, quite naturally again, be targeted largely against military targets so that they might be used promptly and effectively before they could be destroyed, and so that they would not initiate reciprocal attacks on cities. Thus the SS-9 would not, in any case, significantly undermine our deterrent since it would only threaten a part of our force largely assigned for attack rather than deterrence. Indeed, it would not even undermine our ability to strike Soviet missiles first since, if we struck them first, they would not have destroyed any Minutemen. The SS-9 even at worst might do no more than remove Minutemen missiles whose targets had been military ones; indeed some of whose targets would already have been fired against them. In any case, they would have had little decisive connection with our deterrent.

New Anti-Soviet Feature

Besides noting that Sentinel had been changed to include Hardpoint Defense, Secretary Packard noted that the Safeguard program now had an anti-Soviet component that was absent from the Johnson Administration proposal. This was the "added look-around capability at all of the missile-site radars" which would make it possible for the full Safeguard program to try to shoot down Soviet submarine-launched missiles.

This addition, it was explained, was necessary to provide "early warning and area defense of our bomber bases and command and control systems."[23] Indeed, Secretary Packard's Option 2B suggested that the growth of the Soviet sub-launched missile threat to the Strategic Air Command Bomber Force would justify building the complete system (as would the growth of the Chinese ICBM threat (option 2C)).

The purpose of the defense of bomber bases was to give the bombers extra minutes of warning time to get off the ground. The Department of Defense argued that "we must be able to intercept at least the first salvo of SLBM's,[24] and this the proposed new system is designed to do." There have been a number of criticisms of this argument. First of all, keeping bombers in the air in crises is cheaper and more reliable than trying to intercept sub-launched missiles or other enemy weapons fired at them. This airborne alert in crises—indeed in peacetime—has been a long-used and still feasible solution to bomber vulnerability. Warning time can also be increased by bomber dispersal—permitting more time to get off the ground. And since Polaris-type submarines can fire missiles very rapidly—one a minute—intercepting the first salvo of sub-launched missiles could protect only such additional bombers as could take off in one minute—no more than one bomber per field. Furthermore, testimony by Professor Wolfgang Panofsky before the Gore Subcommittee has revealed the fact that a surprise attack by submarine-launched missiles would tend to defeat its purpose by giving additional warning of ICBM attack. On the other hand, an initial onslaught of ICBMs would give the bombers the warning they have in past anticipated. In short, the newest justification for the thin defense—the need to protect bombers—and the methods proposed are most controversial.

Empty Capitol Defense?

The new Safeguard program also includes terminal defense of Washington, D.C., referred to as the "National Command Authorities," against such things as an accidental launch or for other reasons. Opinions differ on whether the SPRINT interceptors themselves provide a risk of accidental detonation to the Capital or its surroundings. These risks have been compared alternatively to the Mississippi flowing backward (which it did briefly a century ago in at least one spot) or to the Northeast power failure which did, in fact, occur. Probably the risk of accidental launch and the risk of accidental detonation of defensive weapons are of the same order of magnitude and small in both cases.

In any case, as noted before, the missile defense is only likely to be ready in crises. For crisis protection, few would counsel leaving the national authorities in the Capital, no matter how well protected. More reliable alternatives for spiriting away command authorities to protected and secret destinations have been arranged for years. This raises some question of the necessity and meaningfulness of missile defense protection for Washington, D.C.

There has been mention of "small attacks," for example by the Soviet Union, perhaps as shows of force. The missile defense would play the role of preventing single missiles from being certain of success, thus requiring attackers to enlarge somewhat their show of force. It has been suggested, in response, that the missile defense might induce an attacker to try to prove that the missile defense did not work. In circumstances so frightening and tense, it seems difficult to be sure whether missile defenses would encourage or discourage such bizarre tactics as were intended to make psychological points.

Finally, in testimony before the Gore Subcommittee, Secretary Laird argued that the Safeguard system would "offer the Soviet Union added incentive for productive arms control talks." There is evidence that the Safeguard program would be of serious concern to Russian strategists, but this evidence does seem to contradict the testimony of Secretary Packard that the system was "unmistakably" defensive in intent and totally non-provocative.

II. Soviet response options

The Defense Department argues that the "defensive intent" of the modified ABM system is now "unmistakable".[25] But for the most part the full Safeguard program was similar to that of the Sentinel program, though differently rationalized and more anti-Soviet in capabilities. The original Sentinel proposal had not envisaged radars—with their protective SPRINT interceptors—near cities either, although this later became part of the plan. And, of course, the original Sentinel proposal did not threaten to neutralize Soviet sub-launched missiles. But, as for the rest, Secretary Packard was asked whether or not the scope of the system he proposed would, by 1973, look like the Johnson plan in that year. Secretary Packard asserted that it would.[26]

Of the original Sentinel system, Assistant Secretary of Defense Paul C. Warnke answered Senator Philip A. Hart by saying: "There is no practical way to provide the USSR with further assurances concerning the limited purposes of the Sentinel deployment, although we shall continue to make clear our rationale."[27]

Furthermore, the same testimony by Secretary Laird asked for money for an "important program" which "promises to improve significantly the accuracy of the Poseidon missile, thus enhancing its effectiveness against hard target" i.e., missile-sites. If the Defense Department was really planning to give several thousand MIRV warheads the accuracy necessary to attack hardened Soviet land-based missiles, would not its proposal to extend Sentinel's ability to destroy sub-launched missiles seem provocative? Both Soviet land- and sea-based missiles would then be vulnerable to attack or attrition.

While it was true that the Joint Chiefs had given up—a few weeks before the Safeguard announcement—their long-standing request for a thick defense of cities, would the Soviet Union be sure that attitudes might not change, perhaps if talks broke down? Indeed, the major reason given for not deploying a thick defense was that it was "not in our power to do so"[28] in light of current technology. Historically, however, the technology of missile defense has changed enormously every three years.

Thickenability of Thin System

Secretary Packard testified that the proposed thin system would not provide a "viable base" upon which to build a thick system. But the thin system would need only missile-site radars and interceptors around cities to be turned into a thick defense, and these could be added at any time. Certainly, many observers noted, the United States would be nearer a thick defense than the Soviet Union, and the threat of a Soviet defense had already led to the U.S. MIRV program, with its increase in targetable warheads by about a factor of four.

It seems that the Defense Department had always expected a Soviet reaction to Sentinel. In the letter quoted above from Assistant Secretary Warnke to Senator Hart, Mr. Warnke noted: "If the Soviets did not react at all, however, Sentinel, would reduce, though not take away, their second-strike capability against the U.S." He noted that Moscow "may feel a need to respond."[29] Earlier, Mr. McNamara had noted in a radio interview that the thin defense would not be destabilizing because the Russians could easily reshift the balance; this also assumes a response.

Furthermore, Mr. McNamara had argued in response to the Moscow system that "As Secretary of Defense I must assume that they will deploy a system across their entire nation. . . ."[30] Corresponding assertions in the Soviet Defense Ministry would not seem unreasonable. For example, a recent authoritative article in *Foreign Affairs* arguing for missile defenses contended that ". . . much of the support (both inside and outside the Government) for the Sentinel decision came from those who believed that the system would eventually have significant capability against large Soviet attacks. It seems very likely . . . that whatever system finally emerges will eventually have such a capability, and therefore it seems appropriate to concentrate here on the actual policy issues this prospect presents."[31]

For Soviet strategists, the prospect of an expansion of U.S. missile defenses into a very thick system must now seem very real. The Navy is proposing a Seaborne Anti-Ballistic Missile Intercept System (SABMIS) which would "complement" a thick system with antiballistic missile ships stationed around the Soviet Union. Pictures and maps of such a deployment have appeared.[32] The Air Force has a proposal for an antiballistic missile system mounted on airplanes. Not long ago, a director of the Advanced Research Projects Agency called for a review of the cost-effectiveness of satellite ABM systems formerly considered prohibitively expensive. And strategists are lecturing on "defenses in depth," in which all these systems would be combined.

Indeed, in June 1968 after the Sentinel program was first approved, Senator Henry M. Jackson, a staunch proponent of the missile defense, chided his Senate colleagues in a speech on the Senate floor, for taking "too literally" the "public rationale" given by the Defense Department concerning the Chinese threat.[33] He noted that Sentinel would have "define capabilities" for defense against the Soviet missile threat. Similar statements were made after the vote by Senator Richard Russell, then Chairman of the Armed Services Committee. It is not reasonable for the Soviet Union to expect many like-minded Senators to disown the "defend our deterrent only" rationale, much as they dis-

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owned, after the vote, the "anti-Chinese" rationale?

Soviet Signs of Alarm

In testimony, Secretary Laird and Secretary of State William P. Rogers suggested that Soviet press comment had not considered the Safeguard program provocative. And it seems true that the Soviet leadership, which clearly wants talks to begin, has—in anticipation of talks—decided not to make an issue of it. But Soviet press comment has shown signs of alarm on several occasions. Three days after the decision, R. Mikhaylov in *Pravda* said the Nixon Administration had decided to "launch another round of preparations for a bigger war." It said "the Safeguard system does not bank on disarmament or stronger peace through negotiations, but on a drive for arms with all the dangerous consequences that it spells. . . ." On March 15 at 11 P.M., Moscow Radio said, "The fact that the antimissile system will be built gradually stage by stage does not change anything. . . . America is starting on a new and highly expensive round of arms race. . . ."

Especially important, the well known *Izvestiya* political observer V. Matveyev, on March 13 shortly before the decision, warned that some speakers "from the highest platforms" in the U.S. were talking of "positions of strength" and "no hurry" about arms talks. He linked "speeding up the arms race" with "developing the Sentinel system" and warned against putting any state "in an unfavorable position with respect to other states."

Numerous affirmations, and reaffirmations, of the Soviet desire to "embark on a serious exchange of opinion", "as soon as the Nixon Government declares its readiness to do so", and "the sooner the better," and "without delay" appear in the Soviet press.[34]

It is possible that some of the Soviet urgency about talks arises from the threat of the U.S. MIRV program rather than from ABM. Recently, Former Secretary of Defense Clark Clifford warned:

"Technological developments may well make any arms limitation more difficult to develop and enforce a year from now or six months from now than it is today."

The Russians may also feel this urgency.

Preannounced Interpretation

Secretary Laird noted in testimony on March 21 before the Gore Subcommittee that a "Soviet rejection of meaningful negotiations would demonstrate a Soviet determination to continue to build toward a low-risk first-strike force, as far as they were concerned." In short, a hitch in the talks would, according to the Secretary, be interpreted as aggressive Soviet intention. But as Senator John Sherman Cooper has noted: "It is known that following the election of President Nixon, the Soviet Union wished to enter into talks on offensive and defensive weapons." Under these circumstances, the Soviet Union may feel that the *United States* is "rejecting meaningful negotiations" and may reason that the *United States* is pursuing instead a "low-risk first-strike strategy."

Indeed, despite all the rationalizations listed herein for missile defense, a more obvious one remains. The Defense Department considers it useful to maintain the option of answering Soviet aggression in Europe with a nuclear strike upon the Soviet Union's forces. This traditional scenario, which has dominated defense thinking for two decades, would find useful not only MIRV warheads with high accuracy to strike land-based Soviet missiles but also a missile defense that might shoot down both sub-launched missiles and surviving Soviet land-based missiles after launch. More generally, it would keep on top of technology and await still greater defensive efforts in the future. Despite the many reasons given for the missile defense, this approach seems more likely to be the unspoken reasoning of many in the defense community.

Is Safeguard Negotiable?

Since the Soviet Union was unlikely to cease its procurement of submarines with only a handful of Polaris-type submarines, questions were raised concerning the "negotiability" of the full thin (area defense) system with the Soviet Union. Secretary Laird had noted that the system was negotiable. Did he mean only that the Hardpoint Defense of Minuteman was negotiable if the Soviet Union ceased its build-up and modernization of SS–9's, and that the thin defense was negotiable if the Soviet Union would be content with only a handful of Polaris submarines unable to attack bomber bases?

Secretary of State Rogers had also testified that the thin system was negotiable and that, if the Russians "want to get out of the defensive missile business, we can get out of it very quickly. We are not even in it until 1973.[35] This seemed to suggest that our purpose had been a political one, to match the Soviet efforts with our own. Indeed, Secretary Rogers suggested that their system was much bigger than our own—but this must surely have been a slip.[36] The Defense Department has suggested that the Safeguard system would have "several hundred interceptors." It anticipates that the Moscow system will have only 100 eventually and has 67 now. And Dr. John Foster, Director of Defense Research and Engineering, testified that the Moscow system is "very similar" to the one we decided not to deploy in "the period of 1958 to 1961." He called it "far inferior" to the one we planned.[37]

In arguing that the decision to deploy Safeguard was not irrevocable, Secretary Rogers noted that we could "stop this program just like we stopped Nike-Zeus" and expressed surprise that many considered the decision final. However, Nike-Zeus was always in the development stage and some wonder if a program of procurement would be so easy to halt, especially under the Chinese or sub-launched rationalizations.

Finally, if the system is in anticipation of a Chinese threat, can it be validly negotiated with the Russians? This question arose immediately after the President's announcement. President Nixon was asked whether he would consider "abandoning the ABM program altogether if the Soviets showed a similar willingness or, indeed, if they showed a readiness to place limitations on offensive weapons". President Nixon replied that "as long as the Chinese threat is there, I think neither country would look upon [abandonment] with much favor."[38]

From Posture to Policy

It is significant that the original Sentinel proposal which was, if anything, less anti-Soviet in orientation was widely supported as a means to bring "pressure" upon the Russians to begin talks. This was called "one of the compelling reasons" for approval of Sentinel.[39] Now this same system—expanded to threaten Soviet sub-launched missiles—seems likely to become non-negotiable at a time when the Russians are eager for talks. This raises the question of whether, during the talks, attempts might be made to support a "thick" anti-Soviet system as a form of "pressure" on the Soviet Union. Certainly, if yesterday's pressure for talks becomes today's non-negotiable commitment, progress in negotiations will be difficult.

Supporters of Safeguard have sometimes quietly argued that the Russians would like to have us build a missile defense because it would permit them to satisfy their military pressures for it. But this seems unlikely. Certainly the Soviet scientific community now seems in complete accord with that of the United States, as the well-publicized essay by Andrei D. Sakharov, famous Soviet Academician, makes clear in 500 words on this subject. It agrees openly with Richard L. Garwin and Hans A. Bethe's *Scientific American* article and calls defense against massive attack a "practical impossibility". It refers knowingly to the private literature and gives scientific explanations from the public literature for its position. It refers to a consensus of opinion, warns of an arms race, and suggests a moratorium on missile defense systems.[40] It is known that the Soviet scientific community has a place of honor and high influence in such matters in the Soviet decision-making process.

And these views are entirely consistent with remarks of Soviet scientists in Pugwash conferences, and with high estimates of the cost of the Moscow system, vis. $20–25 billion.[41]

But even if both sides were agreeable, in principle, to negotiating about existing missile defenses, it does not seem very plausible that either would find it politically feasible to destroy what has already been built or heavily invested in. Certainly in this country, a majority of Senators would not oppose the existence of a Safeguard program that had already absorbed the funds necessary to construct it. Therefore the initial authorization of the system may tend to make it nonnegotiable in political terms.

Key Negotiating Decision

In strategic terms, the negotiability of a missile defense depends on what line the Administration wishes to take in the strategic talks on overall strategic posture. President Nixon has spoken of "sufficiency," but Secretary Laird, shortly thereafter, linked the word "sufficiency" to "superiority," in a press conference. President Nixon first called the missile defense "part of our overall defense capabilities" downgrading its application to China only. Later, in speaking of negotiability as noted above, he seemed to suggest it was needed for the Chinese threat. President Nixon has spoken in terms that suggest that parity exists more or less, but Secretary Laird has argued, in discussing strategic "parity," that it would take the United States 1,200 one-megaton warheads to destroy 45% of the Soviet population while the Soviet Union could destroy 55% of our population with only 200 missiles.

These computations are most questionable. There are more Russians in the first 50 Soviet cities than there are Americans in our first 50 cities. As a result, if one seeks the destruction of 20% to 25% of the population, that level of destruction is quite as easy for us as for the Soviet Union. At these levels of immediate fatalities, neither country might recover, for many years if ever. But, in any case, the point being made here is that either through computations of what "parity" requires, or through doctrine as to what "sufficiency" requires, the Defense Department could easily insist on substantial measures of superiority. This would make a variety of otherwise negotiable points non-negotiable, including not only Safeguard but also many other weapons systems.

The fundamental objection to Safeguard, especially when linked to the existing MIRV program, is that the United States would be buying the very two weapons systems which it presumably hopes to persuade the Soviet Union not to build in the strategic talks. Can the Soviet Union be persuaded not to build an anti-ballistic missile system if the United States seemed to be embarking on such a course? Can the Soviet Union be persuaded not to buy multiple independently-guided re-entry vehicles (MIRV) if the United States were doing so? Strategically, our ABM would encourage their MIRV (needed for penetration).

Senator Claiborne Pell of Rhode Island had elicited in testimony before the Gore Committee that testing of missile defense war-

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Footnotes at end of speech.

heads would preclude a complete test ban at least until 1974, when Dr. Foster suggested that tests would be completed. These tests involve fairly large warheads and required the tests to be moved from Nevada to the Aleutian Islands. Newspaper reports suggest explosions considerably larger than a megaton and fears of earthquakes and resultant tidal waves in an area known for these phenomena were heightened by studies showing that Nevada had suffered earthquakes after tests.

III. Conclusions

The author is convinced on the basis of the analysis provided that the Nixon Administration committed itself prematurely to Safeguard with a rationalization that does not support examination. The Safeguard program should not have been approved before the Administration had completed its strategic review. The present period is perhaps only the third time in the history of the cold war in which the arms race might be negotiated to a halt—1955 and 1960 were perhaps two other opportunities. But existing programs of MIRV and ABM are likely, for political and strategic reasons, to make these negotiations very difficult, if not futile, when the talks do finally open.

In 1955 we began to pass the point of no return at which fissionable material would be available in such quantities on both sides that it could not be controlled. By 1960, the survival of both U.S. and Soviet Union was called into question by the level of arms each had obtained. The MIRV program may make control over numbers of warheads very difficult. And the ABM program may complicate and fuzz the notion of "overkill" on which arms control analysts had assumed and hoped initial restraint might be based.

It is unfortunate that the Administration was faced with these complicated questions in its first year. Secretary McNamara in his famous September 1967 San Francisco speech has already "apologized" for the overconstruction of missiles ordered in his first year, an over-purchase that, he said, had led to the comparable over-building on the Soviet side and hence to even greater threats to U.S. survival.

U.S. survival can only be ensured by cutting off the Soviet weapons build-up. This has been true for years, indeed since the arms race began. And this cut-off can be achieved only through negotiation. Our own arms efforts only exacerbate and encourage Soviet efforts. It is far safer to negotiate this cut-off than to try to struggle against its effects with untested missile defenses in a world where it is easier to destroy than to protect.

The Defense Department's sense of urgency about weapons systems arises, in part, from the traditional assumption that the greatest threat is premeditated Soviet actions which demand World War. But in a world with so much weaponry, calculated deliberate attack is not our major danger, because the Russians are not crazy. Wars arising through escalation—wars nobody wants—do threaten very directly and seriously the very survival of our nation. There is no protection against this threat except negotiations with those who aim their missiles at us—whoever they may be. We can be, and are today by *all* accounts, safe from surprise attack. It remains to mitigate the grim prospects of a not-altogether-stable balance of terror. For this the talks should be opened.

At this writing, it appears that an emotional and divisive Senate confrontation on the Safeguard proposal is shaping up. The certain closeness of the eventual vote may have serious effects on the ability of the new Administration to negotiate around the world. For this and all the other reasons to question a new arms program at this time, it seems that the Administration would do well to open the talks, defer procurement of MIRV and ABM, and give the talks a chance.

FOOTNOTES

[1] (Statement of Secretary of Defense Robert S. McNamara on Fiscal Years 1964–68 Defense Program and 1964 Defense Budget.)

[2] (U.S. Congress, House Subcommittee of the Committee on Appropriations, Department of Defense Appropriations for 1964, Part I, pp. 434–435.)

[3] (U.S. Congress, Senate Committee on Armed Services, Military Procurement Authorization Fiscal Year 1964 (88th Congress, 1st Session, 1963.))

[4] (The 1966 Defense Budget and Defense Program for Fiscal Years 1966–70, A statement by Secretary of Defense Robert S. McNamara.)

[5] (October 6, 1967. Remarks before the Advocates Club, Detroit, Michigan.)

[6] (*Life* Magazine, September 20, 1967.)

[7] (*Life* Magazine *op. cit.*)

[8] (*Life* Magazine *op. cit.*)

[9] (Warnke speech, *op. cit.*)

[10] (Testimony of Dr. George W. Rathjens, Jr. before the Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Affairs of the United States Senate on March 28, 1969.)

[11] (The October 17, 1960 issue of *Missiles and Rockets* showed a map of the 150 Minuteman launcher sites around Malmstrom Air Force Base. They are scattered around the base as much as 115 miles away. A ten mile radius circle is enough to cover only one "flight" of ten missiles.)

[12] (This fact sheet is dated March 14, 1969.)

[13] (DOD Has New Warhead Plan, *Missiles and Rockets*, April 27, 1964, pg. 15.)

[14] (Hearings before the Preparedness Investigating Subcommittee of the Committee on Armed Services, Part I, pg. 119, April, 1968.)

[15] (Testimony by the Honorable Melvin R. Laird, The Secretary of Defense before the Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Affairs of the United States Senate, March 21, 1969.)

[16] (Statement by Deputy Secretary of Defense David Packard before the Committee on Armed Services United States Senate, First Session, 91st Congress, March 20, 1969 on the Modified Ballistic Missile Defense System.)

[17] (Testimony by the Honorable Melvin R. Laird, The Secretary of Defense, before the Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Affairs of the United State Senate, March 21, 1969.)

[18] (Status of Investigating Subcommittee of the Committee on Armed Services, Part II, Pg. 313–314.)

[19] (Testimony by Deputy Secretary of Defense David Packard before the Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Affairs of the United States Senate, March 26, 1969.)

[20] (Testimony by Deputy Secretary of Defense David Packard before the Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Affairs of the United States Senate, March 26, 1969.)

[21] (Statement by the Honorable Melvin R. Laird, The Secretary of Defense, before the Senate Armed Services Committee, March 19, 1969, Pg. 24.)

[22] (*Aviation Week and Space Technology*, May 13, 1968, Pg. 32.)

[23] (Statement by the Honorable Melvin R. Laird, Secretary of Defense, before the Senate Armed Services Committee, March 19, 1969.)

[24] (Submarine-launched ballistic missiles.)

[25] (Laird, *op. cit.* Pg. 21.)

[26] (March 14, Press Conference at Pentagon on Modified Sentinel Proposal.)

[27] CONGRESSIONAL RECORD, vol. 114, pt. 14, p. 17755.

[28] (Laird, Pg. 22, *op. cit.*)

[29] (Letter, *op. cit.*)

[30] (*Life* Magazine, September 27, 1967.)

[31] (Dr. Donald G. Brennan, *The Case for Missile Defenses*, Foreign Affairs, April, 1969.)

[32] (*Aviation Week*, July 17, 1967, Pg. 43.)

(Speech on the Senate floor, released by Senator Jackson's office on June 19, 1968.)

[34] (See Jan. 20, 1969, Tass report of Soviet Foreign Ministry press conference, Jan. 30, 1969, Moscow Radio Broadcast to Eastern North America, and Jan. 22, 1969, article, "USSR Desire for Nuclear Disarmament Viewed", in *Pravda*).

[35] (Testimony by the Honorable William P. Rogers, the Secretary of State, before the Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Affairs of the United States Senate, Mar. 27, 1969.)

[36] (Mar. 27, 1969, Gore Committee, *op cit.*)

[37] (Status of U.S. Strategic Power Hearings, Preparedness Investigating Subcommittee of the Committee on Armed Services, United States Senate, 90th Congress, second sess. Apr., 1968, p. 113.)

[38] New York *Times*, Saturday, March 15, 1969, Pg. 16.)

[39] (See, for example, Comment by Senator Henry M. Jackson released on Thursday, June 27, 1968.)

[40] (See New York *Times*, July 22, 1968, p. 14.)

[41] (See, for example, "Soviet Scientists Hint at Shift Away From Reliance on ABM;" *New York Times*, Sept. 19, 1968. See *Aviation Week* and *Space Digest*, Oct. 23, 1967.)

POETRY AND POWER

Mr. MONTOYA. Mr. President, I commend the National Foundation on the Arts and the Humanities for its many imaginative contributions to the improvement of the quality and availability of cultural activities in America. The President has recommended that $16,744,100 be appropriated to support the Foundation's programs in fiscal 1970. While this figure is well below the amount authorized for next year, it represents a significant increase over the funds appropriated to the Foundation in fiscal 1969. In view of the outstanding achievements of this agency; in recognition of the urgent financial needs of the arts and humanities; and in fulfillment of our pledge to give this Nation's cultural life the support it so richly merits, I urge my colleagues to join with me in supporting the administration's funding recommendations.

I would remind those who continue to question the need for Federal activity in this area that Congress, for many years, debated the propriety of Government support for the arts and humanities. A Special Consultant on the Arts was appointed by President Kennedy in 1962, and in 1963 the President's Advisory Council on the Arts was established by Executive order. The National Arts and Cultural Development Act was passed in 1964, creating the National Council on the Arts to "assist in the growth and development of the arts in the United States." This growing concern on the part of the Government, combined with mounting popular enthusiasm for the arts, culminated in the enactment of the National Foundation on the Arts and Humanities Act of 1965. At last the issue had been resolved; the support and encouragement of the arts had been recognized as one of our national priorities.

In 1965 Congress declared:

> A high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of man's scholarly and cultural activity.

Unfortunately, however, congressional intent is not always the precursor of appropriate action. Although the commitment to the support of the arts and humanities was made in 1965, the Congress has yet to appropriate the full amounts requested by the administration or authorized in the legislation. The budget request for fiscal 1970 is more than $5 million less than the $22 million requested for fiscal 1969. Last year, however, only $11,500,000 was actually appropriated—little more than half the amount requested. I would suggest that we cannot continue to emphasize material progress at the expense of cultural growth without facing the dire consequences of such a policy in the very near future.

In a speech last January, Roger Stevens, then Chairman of the National Endowment for the Arts, noted:

> The Federal Government appropriates about $20 billion annually for the sciences—yet gives only $20 million for the arts. What I cannot accept, is that we as the leading nation in the world, as reflected in the Federal budget, consider sciences to be 1,000 times more important than the arts—unless we have already resigned ourselves to a world of technocracy.

Appropriating the full amount requested in the fiscal 1970 budget is a much needed step toward the reordering of our national priorities.

Despite its limited funds, however, the National Foundation on the Arts and Humanities has managed, in 3 short years, to become an integral part of the Nation's cultural life. We can see the enthusiasm which it has generated in the increasing amount of private support which has been forthcoming. Roger Stevens commented on this trend recently in these encouraging words:

> Our Fiscal 1968 Annual Report illustrates the exemplary cooperation we have received from corporations, foundations, individuals, labor unions, other federal, and state and local agencies. This unprecedented cooperative effort brought into our arts programs *over $27 million from other sources* for our Federal investment of $8.6 million, proving not only that all over America people are turning their efforts to encouraging the arts, but also that the Federal government can indeed be a vital catalyst to vastly increased private support.

He also reminds us, however—

> This is a historical moment in America's cultural life, a paradoxical one in which the Nation's demand for the arts grows as rapidly as does the financial crisis, documented daily by the press, besetting her artists and arts institutions.

The two components of the Foundation, the National Endowment for the Arts and the National Endowment for the Humanities, have done much to meet the demand and alleviate the financial crisis of which Roger Stevens speaks.

In 1968, the National Endowment for the Arts could include the following successful ventures among its many achievements to date:

The creation of the American Film Institute marked the culmination of many months of hard work. Although the United States was one of the pioneers of motion pictures, until last year we were one of the few countries without such an organization. The American Film Institute promises to be a vital force in the preservation and encouragement of this important art form.

The first national artists' housing center was launched in New York City marking "a high point in cooperation between private resources, the Federal Government, and municipal authorities."[1]

The American Literary Anthology, containing the best writing from our small but influential literary magazines, received excellent reviews upon publication of the first annual volume.

A new partnership between labor unions, community arts organizations, and the Federal Government was formed to develop arts demonstration projects in four major American cities. It is hoped that greater numbers of Americans will thus be introduced to the pleasures of artistic pursuits.

Through major fundraising efforts, 16 of the Nation's cities matched, on a 2-to-1 basis, funds which enabled them to provide summer arts programs to inner-city residents, many of whom thus became involved in such activities for the very first time.

The National Endowment for the Humanities can also look back on many major accomplishments. In 1968, these were some of the areas which received the Endowment's support:

A wide range of problems in American history and society, problems such as the effect of the cold war, and the causes of alienation in a highly civilized nation, were under investigation.

The study of Negro history and culture was encouraged in the belief that "the Negro and his fellow Americans must share full knowledge of their common past and their common goals to dispel the myths which foster hatred and separatism."[2]

Recognition of the importance of many early American authors has made the publication of dependable, annotated texts an essential for readers throughout the world. Funds from the Endowment are helping to produce these texts, some of which contain writings never before published.

Programs such as the development of a Southern History Institute at Johns Hopkins University, and Project Share, which pairs highly motivated girls from Harlem with girls who have been regularly admitted to a liberal arts college in New York, are utilizing the resources of our institutions of higher education to bring new understanding to the humanities.

The projects I have mentioned are only a sampling of the many cultural activities which our annual appropriation to the National Foundation on the Arts and the Humanities helps to support. A complete listing of the projects which these funds have generated, however, would serve as further proof of the many contributions of the National Foundation to the quality of American cultural life.

In a speech at Amherst College, shortly before his death, President Kennedy reflected on the importance of the arts to society. And it is with selections from his remarks that I rest my case:

> When power leads man towards arrogance, poetry reminds him of his limitations. When power narrows the areas of man's concern, poetry reminds him of the richness and diversity of his existence. When power corrupts, poetry cleanses. For art establishes the basic human truth which must serve as the touchstone of our judgment. . . .
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> I see little of more importance to the future of our country and our civilization than full recognition of the place of the artist.

ROMNEY TERMS WAR TRAGIC MISTAKE

Mr. YOUNG of Ohio. Mr. President, it is with a feeling of approbation and admiration for Secretary of Housing and Urban Development George Romney that I advert to the commencement address Secretary Romney made in Knoxville, June 10, speaking to the graduating students of the University of Tennessee. I read this as reported in the Washington Post. Secretary Romney said that the American intervention in the civil war in Vietnam was "the most tragic foreign policy and military mistake in our history." He further stated that the United States has three basic choices or decisions to make on the Vietnam conflict.

He added:

> Admit our mistakes and pull out, negotiate a camouflage surrender, or do what is necessary in our bargaining and fighting to prevent our past mistakes from becoming an even greater mistake for those we intended to help as well as for ourselves. The mess we are in is so complex and pervasive that our national survival is at stake.

INNOCENT VICTIMS OF CRIMINAL VIOLENCE

Mr. YARBOROUGH. Mr. President, I wish to invite attention to an article entitled, "White Oak Housewife Shot Fatally," written by Stephen P. Caplan and Paul G. Edwards, published in the Washington Post of June 11, 1969. Mrs. Updike, mother of four, was struck by a bullet from a .22 caliber rifle, and other bullets were found on the patio and in an outside wall of her home. She died before reaching Holy Cross Hospital. A 16-year-old neighborhood youth has been arrested and charged with murder.

Certainly this woman is the innocent victim of this terrible crime. While we in Congress have constantly worked to protect the personal rights of each of our citizens within the framework of the protection and general welfare of society as a whole, we have for too long only prosecuted the violators and have done nothing to compensate the innocent victims of crime. The only recourse for such victims today is to sue the attacker—a process which brings highly dubious results. The victim suffers serious injury, entailing great expense, pain, and personal loss, but he is in no position to obtain any type of adequate compensation.

I am deeply disturbed by this unfair

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[1] National Endowment for the Arts. Annual report, 1968.

[2] National Endowment for the Humanities. Annual report, 1968.

irony in our judicial system. In 1965, I introduced my bill calling for the creation of a Federal Violent Crimes Compensation Commission which could consider claims, examine evidence, and provide up to, but not in excess of $25,000 compensation for individuals injured by criminal violence. This year I reintroduced the bill, S. 9, having the benefit of 4 years of continuing study. My bill is a fair and effective approach to victim compensation.

Mr. President, if we delay enacting this piece of legislation any longer, more people like Mrs. Updike will become, against their will, innocent victims of criminal violence without adequate compensation. We can no longer tolerate this condition. I urge this great Congress to pass the bill.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, June 11, 1969]

White Oak Housewife Shot Fatally

(By Stephen P. Caplan and Paul G. Edwards)

The wife of a long-time telephone company employe was shot to death yesterday afternoon while she was sitting at a kitchen table in their home in White Oak, Md.

A 16-year-old neighbor youth was arrested and charged with murder.

Montgomery County police identified the victim as Patricia Louise Updike, 41, of 1022 Tracy dr., in the new Springbrook Knolls subdivision.

Despite Mrs. Updike's desperate call to a telephone operator for help and the quick dispatching of an ambulance, she was found unconscious and was pronounced dead at Holy Cross Hospital in Silver Spring.

Police said Mrs. Updike, mother of four, was felled about 2:15 p.m. by a bullet from a .22 caliber rifle that struck her in the left breast. They said the gun apparently had been fired three times.

In addition to the bullet that lodged in Mrs. Updike's chest, another bullet was found on the patio of her home and a third in the outside wall at the end of the house.

After the shooting, police canvassed the neighborhood and learned that a 16-year-old youth had received a .22 rifle at Christmas, officers said. When they checked at his home, his father discovered the rifle had been fired recently, according to police.

They said the youth, who had left his house, contacted his father about 6 p.m. Arrangements then were made for father and son to meet police. The youth is scheduled to appear in Peoples Court in Silver Spring this morning.

Mrs. Updike was alone in the house at the time of the shooting. Relatives said her husband, Warren J., who is a private branch exchange installer-repairman for the Chesapeake & Potomac Telephone Co., their daughter, Karen, 20, an employe of the National Bank of Washington, a son, James Patrick, 18, a student at Montgomery Junior College, and two other daughters, Barbara, 16, and Debra, 13, who attend public schools, were either at work or at school.

Mrs. Updike dialed zero and her signal was answered by Rosemary Bartonstein, an operator in the C&P Silver Spring office.

The operator heard a faint, "I need help, I need help," and when she asked, "Do you want a rescue squad?" heard a faint "Yes" and then silence, a telephone spokesman said.

Mildred Luckett, a service assistant, then held the line open while the telephone number and address of the caller were traced and an ambulance was sent to the scene, the spokesman said.

MEMORIALS ADOPTED BY OREGON LEGISLATURE

Mr. HATFIELD. Mr. President, I ask unanimous consent, on behalf of my colleague from Oregon (Mr. Packwood) and myself, that Enrolled House Joint Memorials 3, 4, 14, 18, 24, and 37, adopted by the House of Representatives and Senate of the 55th Legislative Assembly of Oregon, be printed in the Record.

There being no objection, the Memorials were ordered to be printed in the Record, as follows:

House Joint Memorial 3

(Sponsored by Representative Smith, Senator Boivin, Representative Davis, Senators Cook, Inskeep, McKay, Ouderkirk, Representatives Meeker, Day, Detering, Howe, MacPherson, Mann, McKenzie, Young, Senators Dement, Jernstedt)

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, respectfully represent as follows:

Whereas the Fifty-fourth Legislative Assembly of the State of Oregon created an Interim Committee on Public Lands to study, among other subjects, the role of this state in the management of public lands; and

Whereas the Interim Committee on Public Lands conducted extensive hearings and commissioned a study regarding forest management goals and objectives; and

Whereas the Interim Committee on Public Lands found that forest yields can be increased dramatically through application of intensive forest management techniques such as fertilization, genetic improvement, and thinning; and

Whereas the Interim Committee on Public Lands concluded that intensive forest management practices are not now being applied to public forests because current federal laws remove from this state a part of the income from forest operations which should be retained within the state for investment in forest roads and improvement forest management; and

Whereas the Interim Committee on Public Lands determined that achievement of intensive management practices on public forests depends upon retaining within this state sufficient income from timber sales and other forest operations to invest in and fund progressive forestry practices; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is memorialized to make available to the United States Forest Service a fixed percentage of the revenue from National Forest lands for investment in intensive forest management practices and roads in order to increase the productivity of the National Forests.

(2) The Chief Clerk of the Oregon House of Representatives shall send a copy of this memorial to the presiding officer of each house of the Congress, and to each member of the Oregon Congressional Delegation.

Adopted by House April 10, 1969.

Winton L. Hunt,
Chief Clerk of House.
Robert F. Smith,
Speaker of House.

Adopted by Senate April 25, 1969.

E. D. Potts,
President of Senate.

House Joint Memorial 4

(Sponsored by Representative Smith, Senator Boivin, Representative Davis, Senators Cook, Inskeep, McKay, Ouderkirk)

To the Secretary of Agriculture of the United States of America:

We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, respectfully represent as follows:

Whereas the Fifty-fourth Legislative Assembly of the State of Oregon created an Interim Committee on Public Lands to study, among other subjects, the role of this state in the management of public lands; and

Whereas the Interim Committee on Public Lands conducted extensive hearings and commissioned a study regarding public forest management goals and objectives; and

Whereas the Interim Committee on Public Lands concluded that the long-term goal of public forest management should be to make life better for people—through the growing and harvesting of wood fibre to meet the nation's needs for housing and other products, through the provision of jobs, and through enhancing those other benefits such as recreation, wildlife, water conservation and scenic values contributed by the forests to this nation's high standard of living; and

Whereas the Interim Committee on Public Lands found that public forests can make life better for people now and in the long run if the managers of these forests seek to generate immediately greater income from timber sales so that investments may be made in the practice of intensive forestry, but this goal is not being achieved under today's fiscal and policy restraints placed on forest management and timber production in the public forests administered by the United States Forest Service; and

Whereas the Interim Committee on Public Lands concluded that investment in intensive forestry practices on the public forest will dramatically increase timber production and concentrate it on the most productive forest lands and therefore will free less productive timber lands for recreational and other uses, and will ease conflicts that now exist between timber production and competing uses; and

Whereas the Interim Committee on Public Lands found that a rigid application of the even-flow concept now governing timber harvest on the public forests administered by the United States Forest Service results in waste of timber resources and loss of potential wood production that could be harvested to serve the people; and

Whereas the Interim Committee on Public Lands found that additional budgetary and manpower resources are needed by the United States Forest Service if the maximum potential productivity is to be realized from the lands under the administration of this agency; and

Whereas the Interim Committee on Public Lands found that higher allowable production from key timber areas administered by the United States Forest Service can be achieved by applying intensive timber cultural practices to the forest, and particularly to young timber stands and nonstocked commercial timber land, and such increased wood production will create new wealth for people without creating significant conflict with other forest land uses; and

Whereas the Interim Committee on Public Lands concluded that the efficient production of forest products and other compatible uses should be the immediate objective for the more productive commercial forest areas administered by the United States Forest Service and that the people's demand for wood production and other forest land benefits justifies and requires that investment capital be employed to meet this objective; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Secretary of Agriculture is memoralized to cause to be adopted for forests administered by the United States Forest Service people-oriented goals as follows:

(a) Recognition of the responsibility of the National Forests to play its part in meeting the nation's need for wood fibre for housing, employment opportunities, and other benefits—such as recreation, wildlife, water conservation and scenic values that forests can provide to contribute to this nation's high standard of living;

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(b) Adoption of management objectives of greater use and renewal of the forests through the application of intensive forest management to key timber areas so as to increase the efficiency of the productive forest land and to minimize losses due to insects, disease and decay;

(c) Adoption of continuing, long-term management policies which will increase the allowable cut on the public forests administered by the United States Forest Service in accord with the needs of the people but consistent with principles of sustained yield forestry and multiple use.

(2) The Chief Clerk of the Oregon House of Representatives shall send a copy of this memorial to the Secretary of Agriculture of the United States, and to each member of the Oregon Congressional Delegation.

Adopted by House April 10, 1969.

Winton L. Hunt,
Chief Clerk of House.
Robert F. Smith,
Speaker of House.

Adopted by Senate April 25, 1969.

E. D. Potts,
President of Senate.

HOUSE JOINT MEMORIAL 14

(Sponsored by Representative M. Keith Wilson, Senator Raymond)

To the Honorable Senate and the House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas the federal Wholesome Meat Act and the Wholesome Poultry Products Act prohibit interstate shipment and sale of state inspected meats and poultry even though such meats and poultry are produced under inspection programs which are determined to be equal to federal standards; and

Whereas foreign produced and inspected meats are permitted to be shipped and sold in interstate commerce if on a par with federal standards; and

Whereas the adequacy of surveillance over foreign programs and plants approved for importation of meat into this country is subject to question and much more difficult to maintain than is surveillance over state inspection programs; and

Whereas the law provides a double standard, one for foreign countries and one for the several states of the United States, which is inequitable and does not adequately protect the consuming public, and works to the serious disadvantage of Oregon's valued and important livestock and meat processing industries; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is memorialized to amend the existing Wholesome Poultry and Wholesome Meat Acts to permit the interstate shipment of Oregon inspected meats and poultry which meet federal inspection standards.

(2) The Chief Clerk of the House of Representatives shall send a copy of this memorial to the presiding officer of each house of Congress, to each member of the Oregon Congressional Delegation, and to the administrator of the Consumer and Marketing Service of the United States Department of Agriculture.

Adopted by House February 28, 1969.

Winton L. Hunt,
Chief Clerk of House.
Robert F. Smith,
Speaker of House.

Adopted by Senate April 29, 1969.

E. D. Potts,
President of Senate.

HOUSE JOINT MEMORIAL 18

(Sponsored by Representatives Stathos, Heard, Browne, Dugdale, Hartung, McKenzie, Ripper, Wingard, Senators Atiyeh, Elfstrom)

To the President of the United States and to the Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialist, the Fifty-fifth Legislative Assembly of the State of Oregon, respectfully represent as follows:

Whereas the war in Nigeria is bringing about untold suffering on the part of many and particularly the beleaguered peoples of Biafra; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The President of the United States and the Congress of the United States are urged to continue the initiative in exercising every peaceful effort to bring about a cease-fire in Biafra and to extend aid to the starving peoples of Biafra.

(2) The Chief Clerk of the House of Representatives shall send a copy of this memorial to the President of the United States, to the Secretary of State, and to each member of the Oregon Congressional Delegation.

Adopted by House April 16, 1969.

Winton L. Hunt,
Chief Clerk of House.
Robert F. Smith,
Speaker of House.

Adopted by Senate May 5, 1969.

E. D. Potts,
President of Senate.

HOUSE JOINT MEMORIAL 24

(Sponsored by Committee on Natural Resources)

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, respectfully represent as follows:

Whereas the estimated inventory of western Oregon alder timber resources is 10 billion board feet; and

Whereas the 1967 harvest presently is estimated at 42.2 million feet from the federal, state and private timber lands; and

Whereas the existing milling capacity is estimated at 75.25 million board feet annually and would afford a $3,600,000 annual payroll. All but three of these mills are located in rural areas; and

Whereas the existing mills are frequently out of production because of a shortage of logs due to lack of available timber to meet their requirements; and

Whereas approximately 75 percent of the alder timber reaching the market comes from private timber lands in spite of the fact that 50 percent of the total volume grows on public lands of the United States Forest Service, Bureau of Land Management, and State of Oregon lands; and

Whereas the State of Oregon lands administered by the State Board of Forestry have provided more than their share of available alder timber as compared with their much smaller inventories of alder timber than the federal agencies, Bureau of Land Management and United States Forest Service, and have converted these lands by planting to a higher producing coniferous timber; and

Whereas the estimated annual growth of alder on all lands of the western Oregon area is approximately 200 million board feet on perpetual sustained yield cutting; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is memorialized to direct the Secretary of Agriculture and the Secretary of the Interior to direct the United States Forest Service and the Bureau of Land Management, respectively, to establish an annual harvest volume for alder and other hardwood timber on the lands under their jurisdiction.

(2) A workable hardwood management program should be evaluated and established by the United States Forest Service and the Bureau of Land Management in conjunction with their current conifer management program.

(3) Immediate action should be taken by the Secretary of Agriculture to add a member of the Northwest hardwood industry to the Pacific Northwest Advisory Committee to the Regional Forester to the end that such a knowledgeable member would assist the Committee in a review of hardwood timber sales procedures through competitive bidding on federal lands.

(4) The Chief Clerk of the House of Representatives shall send a copy of this memorial to the presiding officer of each house of the Congress and to each member of the Oregon Congressional Delegation.

Adopted by House April 10, 1969.

Winton L. Hunt,
Chief Clerk of House.
Robert F. Smith,
Speaker of House.

Adopted by Senate April 25, 1969.

E. D. Potts,
President of Senate.

HOUSE JOINT RESOLUTION 37

(Sponsored by Representative Hanneman)

Whereas the American mink pelt industry is little known generally, but an economically important national industry, and this industry is presently endangered by the increasing importation of low-cost, low quality foreign, nondressed mink pelts; and

Whereas today there are over 3,700 mink ranchers in the United States generating a total annual business of $160 million, and in 1950 there were over 6,000 mink ranchers; and

Whereas the domestic demand for mink pelts has risen 30 percent in the last five years, foreign imports of duty-free mink pelts have risen almost 40 percent; and

Whereas a radical decline in the price per pelt paid producers during this period has placed our domestic mink breeding industry on the borderline of a crises, and marginal profits enable today's mink rancher to barely keep his head above the flood of cheap foreign pelts; and

Whereas in 1966 pelts were worth an average of $19.48 per skin, and this year the price has dropped to less than $15 per pelt, and imported pelts, allowed in duty free, when untreated or "undressed", are being marketed this year in competition with American produced pelts at an average of $9.54 per pelt; and

Whereas Oregon's mink industry alone produced pelts annually valued at over $7,500,000 representing a capital investment of over $8 million, and is endangered by the growing influx of low-cost duty-free foreign pelt imports; and

Whereas in the last 25 years the annual number of pelts imported has risen from about 865,000 annually to well over 5.5 million, and our American mink ranchers need our help now to protect their investment and the domestic mink market; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

That the Fifty-fifth Legislative Assembly now in session be officially recorded as supporting legislation now before the Congress of the United States which will establish a quota-tariff on undressed mink imports; and be it further.

Resolved, That copies of this resolution be forwarded to the President of the United

States of America and to the members of the Oregon Congressional Delegation.

Adopted by House March 26, 1969.

WINTON L. HUNT,
Chief Clerk of House.
ROBERT F. SMITH,
Speaker of House.

Adopted by Senate April 28, 1969.

E. D. POTTS.
President of Senate.

NEW ABM COMMITTEE FORMED

Mr. NELSON. Mr. President, in his inaugural address, President Nixon called for a reasoned approach to the Nation's critical problems. He said:

> We cannot learn from one another until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices.

We have been following the charge of the President. And we will continue to do so. However, it should be clear that speaking softly is not silence; that disagreement is not disloyalty; that opposito the ABM is not unilateral disarmament.

The distinguished scientists who have stated their reasons for opposing the ABM have greatly contributed to the nationwide ABM debate. Their expertise has helped us to forge a strong bipartisan force in the Senate, and there is a good chance to win the ABM fight.

On Monday our forces swelled even further with the addition of the National Science Advisory Committee on the ABM. It is made up of 13 Nobel Prize winners, as well as former Presidential advisors and defense planners.

Reading the list of the committee members is like reading a Who's Who in scientific community. They will further help in the reasoned and thoughtful discussion of the ABM—a missile system that was borne in controversy and has been in search of a mission ever since.

I ask unanimous consent that the list of distinguished members of this committee be printed in the RECORD together with a statement delivered by Drs. Herbert York and George Rathjens announcing the formation of the committee.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NATIONAL SCIENCE ADVISORY COMMITTEE ON THE ABM

Co-Chairmen: Donald Hornig, Herbert York.

EXECUTIVE COMMITTEE

Hans A. Bethe, Professor of Physics, Cornell University; Member, President's Science Advisory Committee, 1956–1959; Nobel Prize in Physics.

Marvin L. Goldberger, Professor of Physics, Princeton; Member, President's Science Advisory Committee, 1965–1969.

Franklin Long, Vice-President and Professor of Chemistry, Cornell University; Assistant Director, Arms Control and Disarmament Agency, 1962–63.

Carson Mark, Director of the Theoretical Division, Los Alamos Scientific Laboratory.

George W. Rathjens, Visiting Professor of Political Science, Massachusetts Institute of Technology; Deputy Director, Advanced Research Projects Agency, Department of Defense, 1961–1962; Director of the Weapons Systems Evaluation Division, Institute for Defense Analyses, 1965–1968; Special Assistant to Director, Arms Control and Disarmament Agency, 1964–1965.

Leonard S. Rodberg, Assoc. Professor of Physics, University of Maryland; Chief of Policy Research, Science and Technology Bureau, U.S. Arms Control and Disarmament Agency, 1963–1966.

Stanislas Ulam, Professor of Mathematics, University of Colorado, Boulder; Staff, Los Alamos Scientific Laboratory, 1943-, Research Advisor 1958-.

Steven Weinberg, Professor of Physics, Massachusetts Institute of Technology; Consultant, Institute for Defense Analyses and Brookhaven National Laboratory.

Jerome B. Wiesner, Provost, Massachusetts Institute of Technology; Science Advisor to the President, 1961–1964.

SPONSORS

Conrad E. Bloch, Nobel in Medicine and Physiology, Harvard University.

Owen Chamberlain, Nobel in Physics, University of California, Berkeley.

Donald A. Glaser, Nobel in Physics, University of California, Berkeley.

Edward C. Kendall, Nobel in Medicine and Physiology, Princeton University.

Arthur Kornberg, Nobel in Medicine and Physiology, Stanford University Medical School.

Joshua Lederberg, Nobel in Medicine and Physiology, Stanford University Medical School.

Edward M. Purcell, Nobel in Physics, Harvard University.

Julian S. Schwinger, Nobel in Physics, Harvard University.

Albert Szent-Gyorgyi, Nobel in Medicine and Physiology, Woodshole Oceanographic Institute.

Edward L. Tatum, Nobel in Medicine and Physiology, Rockefeller University.

Harold C. Urey, Nobel in Chemistry, University of California, San Diego.

James D. Watson, Nobel in Medicine and Physiology, Cold Spring Harbor Laboratory.

MEMBERS

Dr. Geoffrey F. Chew, Lawrence Radiation Laboratory, Berkeley/Prof. Victor Weisskopf, MIT.

Dr. John S. Clarke, Oak Ridge National Laboratory.

Prof. Frank Collins, Brooklyn Polytechnic Institute.

Professor William Davidson, Haverford.

Dr. Peter Ditner, Oak Ridge National Laboratory.

Professor William Doering, Harvard.

Professor Max Dresden, State University of New York, Stoneybrook.

Professor Joel Hildebrand, University of California, Berkeley.

Dr. David Inglis, Argonne National Laboratory.

Professor Francis E. Low, MIT.

Professor Salvador Luria, MIT.

Professor Marvin Kalkstein, State University of New York, Stoneybrook.

Professor Philip M. Morse, MIT.

Dr. Harry Palevsky, Brookhaven National Laboratory.

Dr. Isadore Perlman, Lawrence Radiation Laboratory, Berkeley.

Professor John Rasmussen, Yale.

Professor Arthur Rosenfeld, University of California, Berkeley.

Professor Leo Sartori, MIT.

Dr. Bergen Suydam, Los Alamos Scientific Laboratory.

NATIONAL SCIENCE ADVISORY
COMMITTEE OF THE ABM,
New York, N.Y., June 9, 1969.

We are announcing today the formation of the National Science Advisory Committee on the ABM.

We believe that deployment of an ABM system by the United States at this time is unwise. At present we face the most promising opportunity that we have had in years to bring the strategic arms race to a halt by mutual agreement with the Soviet Union. That opportunity will not last, particularly if ABM and other new strategic systems are deployed. Further, we believe there is no need for an ABM deployment at this time, that the one planned is poorly designed for the purposes it is to serve, and that we could have little confidence in it. On balance, the planned deployment is in our judgment more likely to result in a lessening of American security than in an increase:

(1) We have grave doubts whether an ABM system would work as planned, considering the wide range of techniques available to a determined adversary for defeating it and the fact that the system could never be tested in advance in an environment that remotely simulates that of nuclear war.

(2) Neither present nor forseeable technology will permit the deployment of an ABM system that can offer significant protection for American population and industry against a nuclear attack by the Soviet Union. We are entirely in agreement with the view expressed by President Nixon that any attempt at such a deployment would simply result in an offsetting improvement in Soviet offensive capabilities.

(3) We believe that defense of our ICBM sites, which is the initial objective of the Safeguard ABM plan, is unnecessary at this time. Further, the defense of bomber bases in the second phase of. the Safeguard plan is equally unnecessary. We have a capability to retaliate with absolutely devastating effectiveness after any Soviet attack. Realistic projections of possible improvement in Soviet capabilities for surprise attack do not indicate any need for Safeguard or other major new programs to strengthen our more-than-adequate retaliatory capability. If, contrary to our expectations, the Soviet Union should make worrisome progress towards development of a first-strike capability, we will have adequate time in which to take appropriate countermeasures.

(4) If at a later date, action to insure the continued invulnerability of our strategic retaliatory forces should be required, options other than defense of Minuteman might be preferable. At the present time, however, we should give first priority to bringing the strategic arms race to a halt by seeking mutual agreement with the Soviet Union. While the outcome of such an attempt is uncertain, effective arms control would give us the greatest assurance of the continued viability of our deterrent forces, as well as resulting in many other benefits. Our deployment of an ABM system could be an impediment to reaching such an agreement.

(5) The proposed Safeguard defense for our ICBMs is not very satisfactory technically. The components were not designed for that purpose, and we believe that a better defense could be built if at a later date such a deployment should appear desirable. There is sufficient time in which to carry out the necessary research and development for a more suitable defense, and we favor such an R & D program. In this connection, deployment of Safeguard would provide little, if any, experience of value.

(6) We believe that the Soviet Union might well see in our Safeguard deployment a foreshadowing of a larger scale ABM deployment which might jeopardize Russia's deterrent. Accelerated and offsetting expansion in Soviet strategic offensive forces would have to be expected as a response. Thus, the Safeguard deployment could well result in a futile and expensive escalation in the arms race that would leave us no more secure, and probably less so, than we are today. This would be especially likely if at a later date we attempted to upgrade Safeguard in the hope that it might have a continuing effectiveness against a possible Chinese attack.

(7) In this connection, we see no great need or utility in deploying Safeguard as a defense against China. Our strategic offensive capabilities should serve to deter any Chinese attack against us should the Chinese develop the necessary capabilities. Because

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we could never be confident that Safeguard could prevent damage to us even from a Chinese attack (and most of us believe it would not), possession of such a defense would not measureably strengthen our hand in dealing with possible Chinese aggressiveness.

(8) We believe that many other problems have a far stronger claim on our resources at this time.

Cochairmen: Donald Hornig and Herbert York.

Executive committee: Hans A. Bethe, Marvin L. Goldberger, Franklin Long, Carson Mark, George W. Rathjens, Leonard S. Rodberg, Stanislas Ulam, Steven Weinberg, and Jerome B. Wiesner.

Sponsoring members: Conrad E. Bloch, Owen Chamberlain, Donald A. Glaser, Edward C. Kendall, Arthur Kornberg, Johua Lederberg, Edward M. Purcell, Julian S. Schwinger, Albert Szent-Gyorgyi, Edward L. Tatum, Harold C. Urey, and James D. Watson.

IMPACTED AREAS SCHOOL AID PROGRAM

Mr. BYRD of Virginia. Mr. President, I wish to express my hope that the impacted areas school aid program will not be scuttled.

The administration has called for a cut in this program of almost two-thirds below the total for the current school year, with most of the eliminated amount going to other programs.

I want to stress that impacted areas aid represents fulfillment of a commitment by the Federal Government to compensate school districts for losses of potential local tax revenues and added school expenditures.

The losses come about when tax exempt Federal installations are located on property that otherwise could be taxed by the localities. The additional expenses are incurred when classrooms are crowded with pupils who are children of those who work on the Federal installations.

The administration's proposed reduction would be made by providing assistance only for public school pupils whose parents both live and work on Federal installations. Those students whose parents live in the community would not be counted in determining eligibility for funds. Yet their children must be educated in the public schools.

Fairfax County, just across the Potomac River from Washington, provides an example of what the proposed revision of impacted areas aid could do. Under the program as it now operates, Fairfax schools could anticipate a payment of about $12 million for the 1969–70 school year.

The Fairfax School Board, knowing that Federal aid is not predictable in amount, had voted a $2 million contingency fund to cover possible reductions in assistance from the U.S. Government. But if the administration's budget proposal is adopted, the Fairfax County school system—despite its foresight—will lose nearly all impact aid and will be $10 million in the hole.

To me, the impacted areas program represents the very best kind of Federal education assistance, chiefly because the money comes to local school districts with no strings attached. This is in sharp contrast to many other programs administered by the Office of Education, in which narrow restrictions are placed upon the uses to which the money may be put.

I do not oppose all categorical aid to schools, but I do have a strong preference for the kind of program that leaves a maximum of discretion in the hands of local officials. They are the men on the scene. They are the men who know what the problems are.

Under a Government contract, the Battelle Memorial Institute of Columbus, Ohio, now is conducting a study of the impact aid program. While I am a strong supporter of the program, I have no objection to a review of its effects. Perhaps modifications may be in order.

But what the administration has done is to propose elimination of the largest sector of impact aid before the study has been completed.

This amounts to drawing one's conclusions first, then studying the premises.

I note with interest that the administration's budget for the Office of Education calls for a reduction of $323 million below the level for the current fiscal year. Since the cut in impacted areas aid is $333.8 million, there is a net increase of $10.8 million in proposals for categorical aid.

In other words, the proposed cut in impact aid is paying for a net increase in programs over which Washington exercises more control.

The budget includes one wholly new program—a $25 million "network of planned experiments in elementary, secondary, and vocational schools." I support innovation in education, but I submit that a rational set of priorities would put support of existing, hard-pressed school systems ahead of such an experimental program.

I also note that the administration's proposal includes $20 million—almost 50 percent more than requested by President Johnson—for what is called civil rights education. According to the explanation by HEW, this program "will provide funds to help school districts and communities solve their own problems related to school desegregation."

I am the first to admit that school desegregation presents problems. But I am convinced that a large majority of these problems result from heavy-handed administration by HEW itself, and I strongly suspect that the $20 million fund proposed by the administration would provide little more than a few arm-twisting lectures on the virtues of busing.

Local school districts have had quite enough of these lectures.

I hope that the appropriate committees will take a hard look at this education budget.

I shall support funds for sound educational assistance, but I am not persuaded that I would serve the best interests of the Nation were I to vote for reducing a well-established, demonstrably sound program to make funds available for experimental—and perhaps highly questionable—new efforts.

WILD ANIMALS FACE EXTINCTION

Mr. YARBOROUGH. Mr. President, on January 10, 1969, I introduced S. 335—a bill to prevent the importation of endangered species of fish and wildlife or parts thereof into the United States, and to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to law.

On June 1, 1969, the Corpus Christi Caller published an article entitled "Wild Animals Face Extinction," by Anthony Smith, dispatch of the Times, London. The article is both timely and enlightening. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Corpus Christi Caller-Times, June 1, 1969]

WILD ANIMALS FACE EXTINCTION

(By Anthony Smith)

LONDON.—Some time soon if conservationists and others have their way, there will be an international convention on the import and export of animals. At present there is nothing of the kind. One nation with money to spare can strip another country of its animals, and the rest of the world can only watch.

Air travel has been largely responsible for the recent boost in the wild animal trade. It reduces the time between capture and sale so much that many of the more perishable species have suddenly become profitable. In fact B.O.A.C. carries more live animals than people in a year. The United States imports 92 percent of its annual consumption of 28 million live animals by air. There are no exact figures for Britain since she does not record the number and, in some instances, species of wild animals it is importing.

The exporting countries in general are even less concerned. Most animals come from the poorer and less well developed nations, the region where large numbers of animals can still be wild. The importers are the richer countries, whose inhabitants can afford to buy a monkey for a giggle. Therefore the trade helps money to flow from the rich to the poor, and a poor country is unlikely to operate effective legislation to prevent such a traffic.

The supplies must dry up; as has happened with so many profitable animals in the past. Latin America, for example, is busy stripping its forests to provide for the biggest consumer nation of them all: 115,458 ocelot skins and 35,748 otter skins went to the United States from South America in 1967. For years imports will flow unabated, with this very profusion allaying any fears for the source. Then the imports will suddenly cease and concern will be too late.

The hostel of the Royal Society for the Prevention of Cruelty to Animals at London Airport is not only a well-kept and vital transit lounge for most animals passing through London airport, but an excellent source of facts. Once again the casual attitude is remarkable, because the airport authorities are obviously content to let a charity take over their duties. There is no other animal hostel in Britain, neither airlines nor airports keep lists of animals carried, and the London hostel does not know for sure what proportion of animals arriving at London actually passes through its doors.

Anyhow, this one hostel witnessed in 1966 the arrival of 345 tree shrews, 393 bushbabies, 1,735 marmosets, 1,695 baboons, 309 chimpanzees, 31,891 monkeys, and another 3,000 mammals of various sorts—making a grand total of 39,293. By comparison London zoo, which holds by far the biggest collection of animals in Britain, acquires about 250 mammals a year. The hostel's intake of 400,000 birds in 1966 included 138 hawks, 97 eagles, 396 cranes, 4,100 parrots, 8,543 lovebirds, 10,755 parakeets and 320,000 that can conveniently be lumped together as seedeaters.

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The United States is now much better informed on total numbers, although not in detail, and in 1967 managed to draw up a "virtually complete" list for the first time of all live animals arriving at all its ports of entry. In that year 405,134 reptiles, 137,697 amphibians, 27 million fish, 203,189 birds, and 74,304 mammals were known to have entered the country.

At present, the only British laws restricting import are concerned with disease or rarity. Animals can be prohibited if it is felt they might be infectious to people or animals. The prohibition may be temporary if quarantine is considered adequate, or it may be absolute. Rare animals can be refused import permits following the animals (restriction of importation) act of 1964.

In its third year of operation, however, the committee implementing the act refused import licenses for only nine animals, and granted licenses for the import of 626,850 mammals and reptiles.

Should an international convention on the import and export of animals ever become valid it would at least force us to learn what we have been importing. The existing facts are astonishing; the whole truth will be even more disturbing.

SENATOR BENNETT OUTLINES CREDIT BUREAU PROBLEMS AND LEGISLATION

Mr. BROOKE. Mr. President, the Committee on Banking and Currency has been holding hearings on S. 823, a bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information.

During the course of the hearings we have heard from a wide range of witnesses with arguments pro and con on certain sections and provisions of this important legislation. I am pleased that no one, of course, is against the basic purposes of the bill, that is, that confidentiality, accurate information, and relevance in credit reports must be assured.

In a speech before the Associated Credit Bureaus, Inc., 1969 conference in Las Vegas, Nev., on June 5, 1969, the ranking Republican member of the committee, the Senator from Utah (Mr. BENNETT), explained in great detail many of the sections of the bill and gave his always frank and concise viewpoint in it. Because I feel that his speech deserves wide distribution, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

CREDIT BUREAU PROBLEMS AND LEGISLATION

(Speech by Senator WALLACE F. BENNETT, Republican of Utah)

I am very happy to have been invited to participate in your program here today and talk about S. 823, otherwise entitled "A bill to enable consumers to protect themselves against arbitrary, erroneous and malicious credit information." Because I am sure none of you is in the business of supplying any information that can be so described, I am also confident you will agree that confidentiality, accurate information and relevance in credit reports must be assured.

At the same time, I would like to say that having worked on so-called "consumer protection" legislation before, I have discovered that because there have been instances in which individuals have been damaged as result of the failure of certain industries to clean their own houses, we will continue to face growing demands for Federal intervention in many fields, one of which is now yours.

There would not have been a "Truth-in-Lending" bill had there not been some flagrant abuses in lending practices. There would not have been a "Truth-in-Packaging" bill had there not also been some deceptive packaging.

But whatever the reasons, whatever the background and history leading up to S. 823, the bill is actually before us now and there is no wishing it away.

I am sure you would be most happy if I could tell you that the bill has no chance to pass—but that would not be true. There are powerful forces at work in our country today that are inescapably changing our pattern of life. Some are economic—some political—some scientific—all are powerful—all affect this legislation. Today I want to mention three of them.

The first is economic. It is the force for change generated by our increasing wealth—and its broader distribution. As more and more of us attain financial stability—we create an ever-growing demand for personal credit—and cause many dramatic changes in the patterns of its use.

Once credit was based on ownership of property—now it can safely be extended against dependability of income. Once use of installment credit was regarded as a sign of weakness—now it is a sales tool. Once when credit losses were below the norm, the credit manager was always praised. Now if that happens, some sales managers may fear that they are being prevented from reaching their full sales potential. Once credit was regarded as the privilege of a few—now it is coming to be considered by some as the right of everybody—except a few—and when you talk about everybody nowadays—you use the generic term—"consumers" and this leads me to the second force I wish to discuss.

There is a rapidly, emerging second force related to consumers. It has its roots in economics but its products are political, and for a very obvious reason. Every politician seeks to identify himself with the broadest possible base of support, and while—as Americans—we may be divided into separate groups by our many varied characteristics and interests—we have one thing in common—we are all consumers. Many politicians seeking to exploit this sought to establish themselves as the consumer's champion. Obviously—no one can be a champion unless he has a foe to fight and politicians have been so very successful in casting business like yours in that role, because any weaknesses and failures by business, real or imagined, can provide the same politician with a cause.

Neither of these two forces I have mentioned would be so powerful if they were not operating in the presence of a third, which is represented by the practical flowering of our great strides in science and technology. Local life patterns are being submerged in national ones, including a trend toward nationwide consumer uniformity. Simultaneous nationwide communications produce identical nationwide advertising, which in turn has created nationwide brand and seller identity, backed by nationwide distribution. When we add to this our great increase in individual and family mobility, we see the reason for the emergence of nationwide credit, and the increasing need for a nationally integrated credit reporting system. And, because of all this, we can understand the reasons behind the developing movement to turn national, rather than local, laws to protect the consumer.

This drive for consumer protection is not new. The so-called "Truth-in-Lending" bill, introduced in 1960 was not passed until 1968. But its passage opened the gates for many other types of Federal consumer legislation which has since been introduced which is intended to capitalize on this breakthrough, and extend this protection of national law to other consumer-related fields. These will probably have an easier time of it. In the present political atmosphere neither of the two national political parties can afford not to support the basic idea of consumer protection. This being the case, the question about such laws may well have already become not "yes or no"—but "what kind?"

For you, this problem is now represented in a specific bill, S. 823, which would impose certain legal requirements on the credit reporting industry. Five days of hearings have been held by a subcommittee of the Senate Banking Committee, but it may be many weeks—maybe several months—before we will try to put the bill's ideas into final form.

Actually, the hearings on the bill went better for the industry that I expected. Senator Proxmire, being both the author of the bill and chairman of the subcommittee hearing it, could complete the preparation of his own case before the hearings began, and thus pick his own battleground. Mr. Spafford, speaking for you, did a good job under the circumstances but, unfortunately, some of his own members had undercut him in advance. The CBS firm broadcast to the country before the hearings and replayed during them, demonstrated that as many as half of a supposedly random sample of credit bureaus had violated your own guidelines on the confidentiality of information, and gave great credence to the demand for Federal sanctions.

Cases were presented during the hearings in which persons claimed to have been damaged through improper or inaccurate credit reporting. Other stories have been inserted in the Congressional Record. These carefully chosen cases in which only one side was shown have cast your industry in a bad light, so that even in those cases in which the credit bureau was without fault, the damaging effect the accusations have had on public opinion cannot be wiped out.

Up to this point, I have been developing a background against which to discuss the realities of the immediate problem. It's time now to turn to a discussion of S. 823 to consider the possible courses of action which may be open to you, as well as the probable chances of success for each course.

As I see it, there are three choices.

1. All out opposition to any Federal legislation to regulate credit bureaus.

2. A call for postponement to give you a chance to demonstrate that the industry can police itself through self-enforcement of your guidelines.

3. Acceptance of the idea that Federal legislation will be passed in some form and a concentration of effort to make it fair to all concerned, and as practical as possible.

Let's look at the three choices more closely.

First—total opposition. In my view this would be the hardest of the three to sustain. To do it, you must have the support of five members of the subcommittee, eight members of the full Committee, and at least fifty-one Senators who, if the bill goes to the Senate floor, can be counted on to be present and vote. This support cannot be created by writing letters. To be firm it must be based on personal commitments made to members of your industry by Senators from their own States. To do this you must win out over the opposition of such powerful political groups as labor unions, credit unions, and organized consumer groups. Preliminary visits with Senators by personal friends beginning with the Senators on the Committee should soon give you a measurement of the magnitude of your task, if you choose total opposition and the prospects for its success.

What about the second approach—a plea for a chance to demonstrate that your guidelines can produce adequate compliance. I'm

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afraid the hearings may have effectively shot this one down already and for these reasons, among others:

1. There are too many credit bureaus outside your association, including the country's biggest one.

2. Compliance would have to be entirely voluntary with only expulsion from the association as a punishment, and the CBS film will be held up by the bill's advocates as proof that half of the credit bureaus they sampled paid little attention to the industry's guidelines.

3. Some suggest that the guidelines themselves are deficient, anyway.

That leaves us one more choice—to accept the inevitability of some legislation in this field and work to make it as fair and practical as possible. This is the alternative which I think has the best chance to succeed, and from that point of view I would like to look now at the bill itself to see how it can be most effectively improved to produce livable rules.

To begin with, I see no problems with section 162 which states the purpose of the bill or section 163 which contains definitions. There are several more proposals in section 164, however, that must be examined very carefully and therefore I will comment on each paragraph of this section separately.

Paragraph "a" in section 164 imposes a requirement to insure confidentiality of material obtained by the agency. In other words, no unauthorized disclosure, such as occurred in the 10 cases reported by CBS. This provision does not generate a new problem for you, it simply restates a duty you have already accepted by the nature of your service. Successful compliance by your industry must be based on your own internal procedures and disciplines and the quality and training of your staff. But full compliance cannot be achieved by your industry alone, because you cannot control the use of the material after it leaves your hands. Therefore, I would recommend that persons asking for or receiving information under false pretenses, or using it improperly also be made subject to the punitive damages provisions of the bill.

Paragraph "b" of this same section may appear simple and easy at first glance, but it is not. It would require that you provide any individual a reasonable opportunity to correct information you have obtained which may bear adversely upon his credit rating. The word "reasonable" in connection with the opportunity to correct the record implies that the bill may be prepared to consider that some limitations may be properly placed on a subject's access to the files. I think it is important that your industry try to spell out as clearly as possible what so-called "reasonable opportunity" should mean in practice.

The industry guidelines suggest that the subject be given full access to his file upon satisfactory identification and the signing of a waiver granting legal immunity to both the bureau and its sources. When this is compared with the present language of S. 823, we come face to face with the problem of deciding exactly what we mean by "access", and under what conditions the bureau and its sources should be given legal immunity when an individual proceeds to use his right to question information which may have been included in his record.

This problem has two legitimate aspects. First, a way should be provided for individuals to make sure that reports on them contain correct information. Second, the credit bureau and its sources must be protected if they are to perform their proper and accepted function. I think it is important to point out that it is not the raw material in the file that "may bear adversely on a man's credit rating." It is only the material that sees the light of day in a report made to a credit grantor and generally the sources are not revealed in such reports. I suggest, therefore, that upon signing a waiver granting immunity, an individual should be given the right to see any report made about him, but not the raw file, but that if after a proper showing by the subject, the credit bureau refuses to make appropriate corrections both in the report and in the file from which the report is made, that the waiver should be considered to have become null and void.

If the request to correct the record is the result of a rejection for credit, employment or insurance, the individual should be allowed to see the report and to have an opportunity to make proper corrections without charge. Otherwise, he should pay a reasonable fee large enough to cover the bureau's cost represented by the interview with him.

If the individual is told by a creditor that a credit report was the cause of the credit denial, when in fact, the information in the report standing alone did not justify a denial, the cost to the credit bureau of producing a report for the applicant's examination plus the time consumed in a related interview should be charged to the account of the credit grantor. This should solve the problem created by credit grantors who seek to make the credit bureau a scapegoat for their own decisions.

Paragraph "c" of section 164 in the bill would limit the collection and retention of credit information as well as its reporting "to those items essential for the purpose for which the information is sought." Obviously, no credit reporting agency can know at the time material is collected all the purposes for which its many credit-granting customers may later seek credit information about an individual. Nor can it determine whether information requested by a potential credit grantor is essential to his decision or whether it is of marginal benefit. I think, therefore, that this provision in the bill is completely unworkable and should be eliminated so far as collection and retention of data are concerned.

If there is to be any limit on information based on relevance, the limitation must be aimed at information which has been included in a credit report, leaving the bureau free to pursue its normal policies in accumulating materials for the file.

Before I finish with this section regarding relevance, there is a suggestion I should make that does not appear in the bill. Whenever a credit bureau serves more than one of the three areas—credit, life insurance and employment—it should keep separate files for each service and we separate easily identifiable report forms, although material common to more than one can be included in each—either physically or by reference. This also should reduce the risk of irrelevance.

Another clause in this subsection refers to information that might represent "an undue invasion of the individual's right to privacy." The gathering of any and all material involves some invasion of privacy—but again possible damage to that individual lies, not in the collection of the information or its dormant retention in the files, but in its appearance in a report. To protect a person's right of privacy, therefore, I would suggest that every person seeking credit be informed that a credit check is to be made on him and that he be required to sign a form authorizing the credit grantor to do so. This could be part of the form required by the Truth-in-Lending law which goes into effect the first of next month, and on the same form the credit grantor could be required to give the applicant the name of at least one credit bureau from which he would expect to get information. It might be necessary to waive these requirements for some orders placed by phone or mail or in the event of an emergency, but the law could be so written as to make it clear that permission to check would be considered implicit in the placing of an order under these circumstances.

Paragraph "d" refers to the length of time information should be kept. I think your guidelines on this are sound and should be accepted.

Paragraph "e", which requires a credit bureau promptly to notify every individual on which it keeps a file whenever information from a public record goes into that file, is, in my opinion, completely unworkable both in operation and its cost.

I think the situation can be handled more effectively if when credit, employment, or life insurance is refused, by any person or firm which has obtained a report which contained any matter of public record, and such material was interpreted by the credit grantor as being adverse to an individual, he must be told what that public record information was. Then, under paragraph "b", he would have the right to go to the credit bureau and correct inaccuracies if there were any.

Paragraph "f" would prevent credit bureaus from supplying information to anyone other than credit grantors, employers, and insurance firms in the normal course of their business, unless the individual involved gave authorization in writing. The effect of this section of the bill would be to wipe out the present practice of supplying information to law enforcement agencies, local and Federal. Up until now, the credit bureaus have been supplying this information as a public service, often at a net loss to themselves. If the law should prevent them from supplying it voluntarily it can be obtained by subpoena or court order. If Congress should decide that such information is appropriate for these agencies to receive it must also set the conditions for such service and also place appropriate limitations on the law enforcement agencies themselves so that the credit bureau will know how to handle such requests.

With this comment I come to the end of discussion of the bill and some possible alternatives. As I close let me say again that although it may be as long as several months before a decision on this bill will be made by the Committee you must begin now to plan and work on your policies with respect to it. You have three choices—to try to defeat it . . . to postpone it . . . or to amend it. Whatever you decide to do will require a heads-up program of personal communication with all Senators and particularly those on the Committee. The future pattern for your industry could well be set by this legislation. No matter what you adopt don't let legislation be enacted by default.

Finally let me say quite as clearly as I can that I am not trying to tell you how to run your own businesses. In spite of my comments and observations about S. 823—you must develop your own position.

As my last word—I would remind you of your constitutional right to "petition" the Congress and thus make that position known—what it may be.

I hope you appreciate that right and will not fail to use it while there is still time.

THE RHETORIC OF THE WAR IN VIETNAM

Mr. TYDINGS. Mr. President, more than half a century has passed since the United States entered World War I in hopes of ending war for all time and making the world "safe for democracy."

Three wars later our men are again in combat. And the rhetoric of this war does not include such apocalyptic images. We have limited objectives; total victory is not among them, and indeed, our national leaders have acknowledged that we do not aspire to military victory, but to a political settlement.

This war has caused a more searing division of opinion among our people than has ever before existed. We are experiencing a degree of social disinte-

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gration—in the cities, on campuses and, indeed, within families—which is largely attributable to the war. The official justifications for our combat involvement have blurred and faded in meaning as casualties exceeded Korea's toll and other costs multiplied. Militarily there is no discernible progress, and in Paris the conference drags interminably on.

I think perhaps there is no accounting of this tragedy more compelling than the anguish of a parent whose son has been killed. The loss is incomprehensible and, for many, unacceptable.

I ask unanimous consent to have printed in the Record such a letter from the father of David Hunter Wilkerson, who died this month in Vietnam while serving with the Marine Corps.

Dr. Wilkerson has shared with me a very moving letter he sent his son last year as he entered military service. It is a testament of love and apprehension.

The pain and grief of David Wilkerson's father is turned against war and the concept that it could be inevitable. Expressing his kinship with others who have experienced such a loss he pledges—

> That the good men who have given the ultimate a human being can give will not rest until we stop all such wars we are involved in. And more, that we take the technology we have now and the brains and heart of the good men that are left and devote these to the careful scrutiny of what war is, where it comes from, and how we can substitute other modes of action for it.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Baltimore, Md.,
May 27, 1969.

Hon. Joseph Tydings:
Senate Office Building,
Washington, D.C.

Dear Senator Tydings: My son, David Hunter Wilkerson, age 19, died in Vietnam 20th of May 1969 while serving in the Marine Corps. The funeral will be in Davenport, Iowa, when his body returns home, and burial will be in Rock Island National Cemetery in Illinois. Before he went in the service last July we had been living apart, but I wrote him what I have quoted below. I send this to you not advertising my personal love for my son and grief at his loss. Although these things are personal and are not ordinarily expressed, we are not in ordinary times. I send this to you rather as the only personal contribution I can make, my grief and my anger, in hope that soon no more Davids need occur.

I send it to a member of the one organization who can control whether this nation goes to war.

I send it as a physician who has spent his adult life, and 5 years of it in the service, in the work of salvaging lives, and to whom, therefore, killing is a special anathema.

As a man of integrity, I trust you will use this in the national rather than a narrow political interest. You may extract whatever part, read whatever part you choose, and again I trust you not to subvert its meaning. I am a lifelong Republican and I have no embarrassing connections.

"June 9, 1968.

"Dear David: It is more than somewhat difficult to know how to say to you what I feel and think. You will be in training in a month. Every father or at least most who care wish to give their sons something to carry with them to help them deal with the harsh reality imposed by the adult world, whether it be a war experience or the independence of making a living outside of the home environment. I am no different than most fathers in this.

"I am sure that most of the advice, good luck charms, pats on the back, last minute admonitions and all the rest are vain hopes by men who hope thus because they are afraid they may have left their sons unprepared for painful experiences, and feel guilty by the sure knowledge and memory of mistakes they have made in raising them. They hope their sons will forgive them for not telling them some things which might at the least make life more pleasant, and at the most, keep them from getting killed. They also hope that their sons will forgive them for bequeathing them this chaos, disorder, and insanity which is war. The fathers feel guilty that they in their own time have not been able to still the spectre of war, and offer their sons an unmixed inheritance of positive possibilities. If it were possible to do it, most fathers who care would rather go in their sons' place. They have lived a good part of their lives; they feel their sons should have the same opportunity. They do not want to see their sons cut down in their prime, for they love them. It is not something the sons have to earn; just by being sons it falls their lot to be loved by these fathers. It is something which a son may not understand, and often does not until he has sons of his own. It may even be embarrassing for the son, or he may feel it is a weakness on his father's part to love him thus; to weep at his departure, to wish to comfort him and be overcome at his return, scathed or unscathed, with joy. These feelings are items which are unexplainable in terms of reason, and seem to have to be learned every generation by each son when he becomes a father. The debt cannot be repaid for this concern by a son to his father but will be repaid through his sons."

David will never have sons of his own. He has died before he had a chance to form a family and before he could vote.

David, and all the Davids, leave a legacy, just the same. But, it is a silent legacy unless we take the trouble to listen to it. Universally, men say they are willing to go to war and die, if necessary, so their children and their children's children, will not have to go to war and die. The clay of our men scattered all over the world, at one time, have certainly had this fervent wish.

Does this nation say to the memory of these handsome vital young men, we do not choose to honor your wish? If we say this, how can they take back their sacrifice? Are we going to take cynical refuge in the time honored escape clause that war is inevitable, and therefore acceptable, and because it is acceptable, by definition, then, bound to be sane and normal? If this is so, then what lies in my son's coffin is an obscenity, a ghastly joke on dedicated men and their families.

I submit to you that aggressive warfare, *not* in direct defense of our nation is *not* inevitable, *not* acceptable, and *neither* sane *nor* normal behavior. I submit that the good men who have given the ultimate a human being can give will not rest until we stop all such wars we are involved in. And more, that we take the technology we have now and the brains and heart of the good men that are left and devote these to the careful scrutiny of what war is, where it comes from, and how we can substitute other modes of action for it. We already know where war leads. History is largely a chronicle of systematic inhumanity by one man to another. The devasting effect of this on the fabric of nations is commonplace knowledge. All lose. None win.

If this nation does not act responsibly in this area, it does not deserve the life of my son nor any other man. Nor will the nation itself have long life. It is doomed if it does not devote total first effort to ceasing this horror.

I believe that the stored combined rage and grief of the parents of all the Davids, and the clear sense of betrayal and anger of the young men led away from home like cattle are right now enough to tear this nation asunder if they find concerted expression.

Daniel C. Wilkerson, M.D.

NATIONAL AUDUBON SOCIETY AND NATIONAL RIFLE ASSOCIATION ENDORSE S. 4, BIG THICKET NATIONAL PARK BILL

Mr. YARBOROUGH. Mr. President, when the National Audubon Society and the National Rifle Association both endorse a bill, that is news. My bill to establish a Big Thicket National Park, S. 4, has such widespread support.

The Big Thicket National Park will include at least 100,000 acres of rare and beautiful woodland in southeast Texas. This area is truly unique. The Big Thicket Association terms the thicket the "Biological Crossroads of North America." This is no exaggeration: no other region of comparable botanical diversity exists in the United States.

The National Audubon Society and the National Rifle Association recognize these values. The National Audubon Society, one of the most distinguished conservation organizations in the world, has notified me of its support for S. 4. The National Rifle Association, an organization of thousands of hunters and gun fanciers, has written me saying that they "plan to go on record in support of the proposal when S. 4 comes up for hearing."

I believe that the endorsement of these two groups for a Big Thicket National Park in southeast Texas shows the nationwide, public awareness of the need for this national park. I believe that the letters from these two groups show its awareness transcends many interest groups and organizations.

Since the introduction of my bill to establish a Big Thicket National Park, I have received many endorsements for this proposal. On March 27, 1969, I notified the Senate that some 24 Texas organizations had endorsed the project. Support has come from other groups and from many Texas newspapers.

The letters from the National Audubon Society and the National Rifle Association are further indication of the growing interest in the establishment of a Big Thicket National Park, and I ask unanimous consent that they be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

National Audubon Society,
New York, N.Y., March 20, 1969.

Hon. Ralph W. Yarborough,
Senate Office Building,
Washington, D.C.

Dear Senator Yarborough: I know you have kept the Audubon Societies in Texas informed about your efforts to save the Big Thicket. You can count on the support of the National Audubon Society as surely as the backing of our members and chapters in Texas.

Please keep us advised of the progress of S. 4. When hearings are scheduled, we shall want to present a statement for the record, or perhaps appear in person to testify.

I thank you for your good wishes. Knowing of your great interest in conservation,

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and aware of your leadership in establishing the Padre Island National Seashore, the Guadalupe Mountains National Park, and other legislative accomplishments, I am looking forward to working with you in the future.

Sincerely,

ELVIS J. STAHR,
President.

NATIONAL RIFLE ASSOCIATION OF AMERICA,
Washington, D.C., March 19, 1969.
Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Many thanks for your kind words concerning our *Conservation Action Handbook.* We hope that it receives a similar reception with other members of Congress.

We are well aware of your excellent record over the years on conservation and other issues important to the people of our country.

You may rest assured that we are interested in and are looking forward to the establishment of the Big Thicket National Park in East Texas. We plan to go on record in support of the proposal when S-4 comes up for hearing. Any additional background information on the proposal you may wish to send us will be appreciated.

Sincerely,

FRANKLIN L. ORTH,
Executive Vice President.

FEDERAL JUDGES DISMISS SDS COMPLAINTS IN CAMPUS DISRUPTION INVESTIGATION

Mr. McCLELLAN. Mr. President, the permanent Subcommittee on Investigations was authorized on May 1, 1969, by unanimous recorded vote of the Committee on Government Operations, to investigate the riots and disorders that have disrupted college campuses across the Nation.

During our preliminary injury, which we expect will result in public hearings on these matters in the near future, we served a subpena on May 16, 1969, upon Columbia University in New York City, where severe property damage and rioting have occurred during disruptions of university activities. The subpena, similar to a number of others served at my direction upon officials of various universities in the United States, calls upon the president of Columbia and its legal counsel to furnish the subcommittee with the identities of students who seized buildings on the campus, the identities of officers and faculty advisors of student organizations that were involved in the disruptions, including the group known as Students for a Democratic Society, and records showing the extent and nature of Federal funds given to such students and aid granted to them from any tax-exempt organizations.

Before the university officials had turned over to representatives of the subcommittee the records and other material required by the subpena, the Students for a Democratic Society and certain individuals filed on June 2, 1969, a civil action—No. 69 C 2355—in the U.S. District Court for the Southern District of New York, against the trustees of Columbia University, seeking a temporary restraining order and a permanent injunction to prohibit the trustees from furnishing the subcommittee with the information and records required by the subpena.

The time element was important in this matter; the subcommittee's hearings on campus disruption are imminent, and the information required from Columbia University and other institutions which also have suffered disorder and violence is essential for the record and for the deliberations of the subcommittee in considering findings and recommendations relating to the Federal Government's role in this field and whether there is need for further legislation to aid in preventing the recurrence of such disorders.

I am pleased to report that the presiding judge, the Honorable Charles H. Tenney, of the U.S. District Court for the Southern District of New York, disposed of the case expeditiously. His opinion, dismissing the complaint, was delivered on June 4.

In San Francisco, a similar complaint was entered in the U.S. District Court for the Northern District of California, seeking to enjoin the University of California at Berkeley from complying with the requirements of a subpena like that served upon Columbia. The judge in that court, the Honorable Robert F. Peckham, dismissed the suit without a written opinion.

Mr. President, the decisions of the two judges are very gratifying in that they sustain the subcommittee's action and allow it to proceed with its work. The decisions permit the subcommittee to obtain the information necessary to conduct hearings without hindrance from those who do not want all the facts about campus disorders disclosed.

Judge Tenney's decision is of importance to all Members of the Congress, dealing as it does with the right of congressional committees to obtain facts and data which are vital to carrying out the legislative function. His written opinion, I think, also should be brought to the attention of all Members of Congress and of concerned citizens everywhere who are greatly distressed about the waves of disorders and violence which have occurred at many of our traditionally peaceful educational institutions. Therefore, Mr. President, I ask unanimous consent that his opinion be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, I wish to express on behalf of the subcommittee, my appreciation for the excellent manner in which the subcommittee was represented in court by the office of the U.S. Attorney for the Southern District of New York, the Honorable Robert M. Morgenthau, and particularly for the valuable assistance of one of his aides, Assistant U.S. Attorney Michael D. Hess.

These decisions have reinforced the power of Congress to get facts and information related to Federal expenditures in educational institutions.

I am therefore gratified that on this score, at least, the committee will not be curtailed in its power and authority to perform the duty which Congress has given it.

EXHIBIT 1

U.S. DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK—LEWIS COLE, ELEANOR RASKIN, THOMAS D. HURWITZ, ROBERT H. ROTH, COLUMBIA CHAPTER OF STUDENTS FOR A DEMOCRATIC SOCIETY, suing on their own behalf and on behalf of all other individuals and/or organizations similarly situated, Plaintiffs, against THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, Defendants.

[69 Civil 2355]

APPEARANCES

Attorneys for Plaintiffs: Kunstler & Kunstler, 511 Fifth Avenue, New York, New York. William M. Kunstler, Esq., Arthur Kinoy, Esq., of Counsel.

Lubell & Lubell, 103 Park Avenue, New York, New York, David G. Lubell, Esq., of Counsel.

New York Civil Liberties Union, 363 7th Avenue, New York, New York, Jeremiah S. Cutman, Esq., of Counsel.

Nancy Stearns, Esq., 116 Market Street, Newark, New Jersey.

Attorneys for Defendants: Thacher, Proffitt, Prizer, Crawley & Wood, 40 Wall Street, New York, New York. John W. Wheeler, Esq., of Counsel.

For the Government: Robert M. Morgenthau, Esq., United States Attorney for Southern District of New York, U.S. Courthouse, Foley Square, New York. Michael D. Hess, Esq., of Counsel, David Katsky, Esq., on Brief.

OPINION

TENNEY, J. This is a motion brought on by the plaintiffs, Columbia University Chapter of Students for a Democratic Society, and certain of its members, suing on behalf of other individuals and/or organizations similarly situated, for an order, pursuant to Rule 65(a)(b) of the Federal Rules of Civil Procedure, restraining the defendants, The Trustees of Columbia University (hereinafter referred to as "the Trustees"), from disclosing, revealing or delivering any books, records, reports, correspondence, membership lists, associational information or other documents specified in a subpoena duces tecum served upon the Trustees by the Permanent Subcommittee on Investigations of The Committee on Government Operations of the United States Senate. The Trustees, rather than risk contempt of Congress, for failure to comply with this subpoena issued by the Subcommittee, intend to release the material requested on June 5, 1969.

The underlying cause of action seeks a declaratory judgment, pursuant to Title 28, United States Code, Section 2201, declaring the subpoena duces tecum[1] served upon Columbia University unconstitutional and void, and a permanent injunction prohibiting the Trustees from complying therewith.[2] Plaintiffs allege jurisdiction of this court under Title 28, United States Code, Sections 1331, 1332, 1343(3) (4), Title 42, United States Code, Sections 1981 *et seq.*, and the First, Fourth, Fifth and Ninth Amendments to the Constitution of the United States.

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[1] Pg. 2. The body of the subpoena requires the Trustees to:

". . . produce any and all records for the period from January 1, 1968 to the present date showing the identity of students or other persons or organizations who took part in the seizure of Columbia University buildings or parts thereof without the permission of university authorities, as well as records showing the identity of officers and faculty advisers of Columbia University student organizations including Columbia University Students for a Democratic Society, Students for a Restructured University, Students Afro-American Society, Hamilton Hall Steering Committee. Also records showing the extent and nature of assistance of any type rendered during this period of time by any agency of the United States Government or by any legal entity exempt by United States law from taxation, to any student or other person whose name is provided in compliance with the terms of this subpoena."

On February 17, 1969, during the First Session of the 91st Congress, the Senate passed Resolution 26 authorizing the Committee on Government Operations or any subcommittee thereof, from February 1, 1969 through January 31, 1970, to:

(1) make investigations into the efficiency and economy of operations of all branches of the Government, including the improper expenditure of Government funds in transactions between Government personnel and corporations or individuals. Cong. Rec.: S. Res. 26 § 1, 91st Cong. 1st Sess. (1969);

(2) make a full and complete study and investigation of crime and lawlessness within the United States which affects the national health, welfare and safety. Cong. Rec.: S. Res. 26 § 4, 91st Cong., 1st Sess. (1969);

(3) "... [*M*]*ake a full and complete study and investigation of riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and long-standing causes, the extent and effect of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquility within the United States.*" (Emphasis supplied.) Cong. Rec.: S. Res. 26 § 5, 91st Cong., 1st Sess. (1969).

(4) report to the Senate by January 31, 1970 and "... if deemed appropriate, include in its report specific legislative recommendations." Cong. Rec.: S. Res. 26 § 6, 91st Cong., 1st Sess. (1969).

It should be noted as well that the Legislative Reorganization Act of 1946, ch. 753, titl. X, 60 Stat. 812, provides that:

"(a) Each standing committee of the Senate, including any subcommittee of any such committee, is authorized to hold such hearings ... [and] to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers and documents ... as it deems advisable. ..."

Briefly, as background to the present litigation, Students for a Democratic Society (hereinafter referred to as "SDS") is an unincorporated association consisting of young people whose views may be considered to rest at the left of the political spectrum. They seek a radical, democratic program, the methods of which embody their vision, that is, a vision of a democratic society "... where at all levels the people have control of the decisions which affect them and the resources on which they are dependent. . ." (See Complaint at 2, Exh. B, annexed to Affidavit of William M. Kunstler, dated June 2, 1969). In furtherance of the Society's objectives, its chapters and members have often been the focal point of the expression of opposition to certain foreign and domestic policies of the United States Government. In this respect, and in accordance with its aims and purposes, the organization has both directly and indirectly participated in campus disorders which have resulted from the spread of student unrest.

Considering the complexity of the issues presently before this Court and the limited amount of time within which a determination herein must be made, I shall not be able to resolve all the problems which this litigation raises nor accompany those issues which I intend to rule on with the degree of analysis which would be appropriate under less pressing circumstances.

Briefly, with regard to jurisdiction, although this action has been framed as one to enjoin certain individuals from complying with the terms of a Congressional subpoena, it camouflages its essence, that is, one seeking to affirmatively quash a subpoena issued by the authority of a Congressional Committee, and in which the members of the Committee itself are most appropriately parties defendant. Needless to say, it is fundamental that before this Court could quash a subpoena, it must have jurisdiction over the persons or parties whom it would seek to affect or enjoin. It, therefore, boggles the imagination to think that plaintiffs herein could reasonably expect this Court to quash a Congressional subpoena where not one member of the Committee was served with a copy of the motion, nor where the Committee was not present or represented in court for the purpose of conferring jurisdiction. *In re Motion to Quash Subpoenas and Vacate Service,* 146 F. Supp. 792, 794 (W.D. Pa. 1956).

Even assuming jurisdiction over this matter, however, the action is properly brought in the District of Columbia. It is established that in cases where jurisdiction is not solely founded on diversity of citizenship, the defendants' residence is the principal consideration for the purposes of venue. 28 U.S.C. § 1391 (Supp. 1969). More specifically, where an action is primarily directed against a Senate subcommittee, whose interests would be most directly affected by a determination therein, it is in the interest of a centralized disposition of matters of national concern that the site of the litigation should be in the District of Columbia. More importantly, however, then District Judge Irving R. Kaufman, presently of the Court of Appeals for the second Circuit, noted in *Fischler* v. *McCarthy,* 117 F. Supp. 643 (S.D.N.Y.), *aff'd,* 218 F.2d 164 (1954), that it is undesirable to expose a subcommittee of the Senate to suits in various districts around the country. To allow otherwise would seriously impair the work of the Government. If this Court, therefore, were to sanction the bringing of suits against the recipients of Congressional subpoenas in the districts of their residence rather than against the Subcommittee iself in the district of its residence, it would be effectively thwarting the sound reasoning as set forth in *Fischler, supra.* Additionally, as an aside, it should be mentioned that where in *Fischler* the subpoena was returnable in New York, in this case the subpoena duces tecum is returnable in Washington, D.C., which, under the present state of facts, makes a finding of proper venue in the District of Columbia even more compelling.

Turning to the issue which I find to be of paramount importance in reaching my determination herein, that is, the doctrine of the separation of powers, a district court must exercise extreme caution not to encroach upon legislative functions, and, accordingly, must not assume jurisdiction over any matter which does not amount to a justiciable controversy. It is apparent from the present posture of this case that the parties presently seeking the injunction are neither threatened by a taking of property belonging to them nor with any infliction of punishment, such as a Congressional citation for contempt. This Court will not attempt to protect the plaintiffs from a danger yet unknown. *Pauling* v. *Eastland,* 288 F.2d 126, 129 (D.D.C.), *cert. denied,* 364 U.S. 900 (1960); *In re Motion to Quash Subpoenas and Vacate Service, supra* at 795; *Fischler* v. *McCarthy, supra* at 649–50. Needless to say, the judiciary would construct an insurmountable barrier in the path of every Congressional investigating committee if it to were to allow the bona fides of the legislative authorization to be challenged in a court of law by any person who could conceivably be affected by the testimony elicited or documents produced at a Senate hearing.

Even assuming, *arguendo,* that the questions presented herein were ripe for litigation, it would be incumbent upon the plaintiffs, prerequisite to obtaining a hearing, to make a substantial factual showing that the Congressional investigation is unrelated to any proper legislative function in that it is beyond the powers conferred upon Congress by the Constitution or that in authorizing the investigation by the Subcommittee, the Senate failed to spell out the Committee's jurisdiction and purpose with sufficient particularity to insure that compulsory process was only in furtherance of the legislative purpose. *Watkins* v. *United States,* 354 U.S. 178, 198–201 (1957). Absent a substantial factual showing in this regard, it is not the business of a district court to investigate the bona fide underlying legislative motives.[3] Having thoroughly considered the papers submitted by the plaintiffs in this cause, it is apparent that they contain mere conclusory allegations unsupported by any factual elaboration.

Plaintiffs, in support of their motion, have referred this Court to the following cases: 1) *Dombrowski* v. *Pfister,* 380 U.S. 479 (1965); 2) *N.A.C.C.P.* v. *Button,* 371 U.S. 415 (1963); 3) *Sweezy* v. *New Hampshire,* 354 U.S. 234 (1957); 4) *McSurely* v. *Ratliff,* 398 F. 2d 817 (6th Cir. 1968); 5) *Wolff* v. *Selective Service Local Bd. No. 16,* 372 F.2d 817 (2d Cir. 1967); 6) *Carmichael* v. *Allen,* 267 F. Supp. 985 (N.D. Ga. 1967); and 7) *Rainer* v. *Bindner,* 274 F. Supp. 658 (W.D. Ky. 1967). A brief review of these cases, however, reveals to this Court points sufficiently distinguishable from the instant application to compel a finding of their inapplicability herein.

The Supreme Court in *Dombrowski,* was faced with an attack upon a Louisiana statute which sought to proscribe certain forms of expression. In answer to appellants' suit therein for federal court injunctive and declaratory relief to restrain appellees from prosecution or threatening to prosecute them under this statute, Louisiana contended that it would be inappropriate for the federal district court to interfere with the orderly processing of state criminal prosecutions since, it was alleged, the want of constitutionality of the Louisiana statute could be raised as a defense to any criminal prosecution.

A three-judge District Court dismissed the complaint for failure to state a claim upon which relief could be granted. Thereafter, appellants were indicted under the state statute. In reversing the decision of the three-judge court, the Supreme Court noted that the mere possibility of an initial erroneous application of constitutional standards by a state court will not ordinarily constitute irreparable injury warranting federal interference with orderly state proceedings. But the Court found that defense of the state's crimi-

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[2] Pg. 2. Although plaintiffs have attempted by way of Rule 15(a) of the Federal Rules of Civil Procedure to add, as a matter of right, as parties defendant to this action, John L. McClellan, Chairman of the Subcommittee, Henry M. Jackson, Sam J. Ervin, Jr., Edmund S. Muskie, Abraham Ribicoff, Robert P. Griffin, Karl E. Mundt, Charles A. Percy and Jacob Javits, the members thereof, and Jerome S. Adlerman and Donald F. O'Donnell, General Counsel and Chief Counsel of the Subcommittee, respectively, this Court has no jurisdiction over any of the above-named individuals in that none of them has been served with process, nor has any one been authorized to appear for them.

[3] Pg. 9. Plaintiffs' reliance on *Cameron* v. *Johnson,* 381 U.S. 741 (1965), and 390 U.S. 611 (1968), for the proposition that the facts of this case warrant the granting of a hearing is ill-founded inasmuch as in the present case the plaintiffs are not facing prosecution herein under any statute alleged to be unconstitutional. Additionally, plaintiffs have alleged no facts to support their allegation of harassment.

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nal prosecution would not assure adequate vindication of constitutional rights, and that a substantial loss or impairment of freedoms of expression would occur if appellants must await the state court's disposition, and ultimate review by the Supreme Court of any adverse determination. Finding that a chilling effect upon First Amendment rights might result from such prosecution regardless of its prospects of success or failure, the Court held the abstention doctrine inappropriate for cases where, unlike *Douglas* v. *City of Jeannette*, 319 U.S. 157 (1943), statutes are justifiably attacked on their face as an excessively broad attempt to regulate expression, or as applied for the purpose of discouraging protected activities. As the Court had previously noted in *Douglas, supra* at 163, courts of equity should in the exercise of their discretionary powers abstain from enjoining state criminal prosecutions save in those *exceptional* cases where such action is necessary to prevent *irreparable injury which is clear and imminent.*

The instant application does not reveal circumstances wherein either the Senate Resolution which authorized this Subcommittee's investigation or the subpoena duces tecum has a sufficiently chilling effect upon First Amendment rights which would result in irreparable injury that can be considered clear and imminent. There has been no institution of criminal proceedings or the threat thereof against SDS alleged herein, as there had been in *Button, Carmichael* and *Baker*. Neither the Senate Resolution nor the subpoena itself can be attacked on their face as abridging free expression or as applied for the purpose of discouraging protected activities.

As Judge Medina of the Court of Appeals for the Second Circuit noted in *Wolff, supra* at 823, federal courts will not hear a cause "when the action complained of has not caused or is not certain to cause injury to the complaining party". Judge Medina, however, found the abstention doctrine inappropriate therein since the effect of Wolff's reclassification itself from II–S to I–A as a result of his participation in a demonstration to protest American involvement in Viet Nam, was to immediately curtail the exercise of First Amendment rights. I do not find that either the Senate Resolution or the subpoena itself has this effect.

In *Sweezy*, petitioner was summoned to appear before the Attorney General of the State of New Hampshire, who had been made a one-man legislative investigating committee by the New Hampshire Legislature. During the course of the inquiry, petitioner declined to answer several questions on the grounds that they were not pertinent to the matter under inquiry and that they infringed upon an area protected under the First Amendment. He was thereupon adjudged in contempt by the state court and ordered committed to the county jail until purged of the contempt. The New Hampshire Supreme Court affirmed the order. The Supreme Court, in reversing, found nothing to connect the questioning of petitioner with the fundamental interest of the State in preventing the forcible overthrow of its government. It therefore followed that the use of the contempt power was not in accordance with the due process requirement of the Fourteenth Amendment to the Constitution. SDS, however, which has not been called upon to produce its records, which has not been found in contempt for any failure to comply with a Congressional subpoena and which has had none of its constitutional rights interefered with as the result of the subpoena duces tecum served upon the Trustees is not in a position to rely upon *Sweezy*.

In this regard, it must be noted that the documents which were the subject of the subpoenas duces tecum in *McSurely*, were the property of the petitioners therein. These documents, which had been seized from the McSurelys in aid of a prosecution under an unconstitutional statute, had been retained by the district court which pursuant to a Congressional subpoena had ordered the parties to the action and officers of the court to cooperate with the Senate Committee in making available such material as the Committee considered pertinent. The Court of Appeals for the Sixth Circuit in reversing the order of the district court, found that the right of the court to retain possession of the seized documents had expired when under the doctrine of *Dombrowski*, the district court declared the statute, in connection with which the documents were seized, unconstitutional. This case is clearly distinguishable in that SDS, like the district court in *McSurely*, has no right to possession of the records which are the subject matter of the subpoena duces tecum.

Accordingly, and for the above-stated reasons, the within motion is in all respects denied and the complaint dismissed.

So ordered.

Dated: New York, New York, June 4, 1969.

CHARLES H. TENNEY,
U.S.D.J.

THE STIGLER REPORT ON ANTITRUST POLICY AND ENFORCEMENT

Mr. NELSON. Mr. President, it seems to me that one of the poorest things to do with an idea is to suppress it. This is true of bad ideas and good ideas alike, in my opinion. It is especially true of ideas having to do with complex areas of public policy. It is especially true of policy ideas contained in a report to the President of the United States by a Commission of experts appointed by him.

For many months it was common knowledge, reported in the public press, that President Johnson had appointed a task force to review and report on antitrust policy. For many months it was well known that President Johnson's task force had completed its review and submitted its report and recommendations to the White House in July 1968. But it was only in May of 1969 that the contents of the Johnson task force report were made known, and the text released, by the new administration.

At about the same time that the Nixon administration released the text of the report prepared by President Johnson's task force, it became known that President Nixon—before he became President—had also appointed a task force to review antitrust law and policy. Indeed, on May 22, 1969, a reporter for the Evening Star of Washington, D.C., Mr. Stephen M. Aug, published in that newspaper a summary of the contents of that task force's "secret report" to the President.

Subsequently, other reporters have written summaries of the report, from which it might reasonably be inferred that they—or at least some of them—have had access to a copy of the document.

Then, on Tuesday of this week, Antitrust and Trade Regulation Report, a publication of the Bureau of National Affairs, published a partial text. All the while, and to this day, the document is officially "confidential."

I am not going to speculate on the reasons the Johnson administration did not release its report, while the Nixon administration released the Johnson task force report and failed to release its own. I should like to believe that the present administration has released the report of President Johnson's task force and suppressed the report of President Nixon's task force because it approves the former and disapproves the latter on certain of their more important policy differences; but I do not know that, and it is not the issue with which I am now concerned.

The issue with which I am now concerned is unnecessary secrecy in Government. I think that the best number of secrets for the government of a democracy is the smallest possible number. I also think that if something deserves to be kept secret, it deserves to be well kept. The report of President Nixon's task force fails both tests. It is a pleasure, therefore, to have the text from Antitrust and Trade Regulation Report for the Record.

This text is unfortunately not complete. There is some ellipsis indicated in the principal report, and the dissents are entirely missing. Nevertheless, it is helpful to have so much of this important and widely discussed document available, and I am happy to bring it to the attention of Senators. I, therefore, ask unanimous consent to have printed in the Record the partial text of the report to President Nixon by his Task Force on Productivity and Competition, presided over by Prof. George J. Stigler, of the University of Chicago. If I come into possession of the missing language from the principal report, or the dissenting views, they will be placed in the Record. I would suggest that the whole report should be available and that the administration is in the best position to furnish the dissenting views.

In addition to Professor Stigler, the signers of the report are Ward S. Bowman, Jr., Ronald H. Coase, Roger S. Cramton, Kenneth W. Dam, Raymond H. Mulford, Richard A. Posner, Peter O. Steiner and Alexander L. Stott. Mr. Mulford and Mr. Stott dissented from some of the report.

By placing this in the Record I do not wish at this time to imply agreement or disagreement with all or any part of the "Stigler report." Indeed, on the basis of my initial examination of both, I would judge the "Neal report"—the report of the Johnson administration's task force—to be the more strongly reasoned on the issues of concentration and conglomerates; but both reports are valuable and should be available to the public. It is a disservice to have the one officially available, the other not. I think that all the economists, lawyers, and reporters who are talking about the "Stigler report" should have a chance to read the text and know exactly what they are talking about.

I also ask unanimous consent to have printed in the Record several of the newspaper articles describing the report, including the original article in the Evening Star of May 22.

There being no objection, the items were ordered to be printed in the Record, as follows:

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[From Antitrust and Trade Regulation Report, June 10, 1969]

Text of Report of Nixon Task Force on Productivity and Competition

SUMMARY OF RECOMMENDATIONS OF THE TASK FORCE ON PRODUCTIVITY AND COMPETITION

We present here a summary of the recommendations of the Task Force on Productivity and Competition. These recommendations are elaborated and defended in the accompanying Report.

1. We recommend that the President issue a general policy statement (a) establishing the Antitrust Division as the effective agent of the Administration in behalf of a policy of competition within the councils of the Administration and before the independent regulatory commissions; (b) urging those commissions to enlarge the role of competition in their industries; (c) marshaling public support for the policy of competition.

2. We urge the commissions to permit free entry in the industries under regulation and to abandon minimum rate controls, whenever these steps are possible—and we think they usually are; and we urge the President, when occasion permits, to appoint at least one economist to membership in each of the major commissions, and institute effective procedures for the review of the performance of the commissions.

3. To enhance the effectiveness of the Antitrust Division, we urge the Attorney General and the Assistant Attorney General in Charge of Antitrust to insist that every antitrust suit make good economic sense, and to institute semi-public conferences to assist in the formulation and frequent reevaluation of enforcement guidelines.

4. We recommend that the Department of Justice establish close liaison with the Federal Trade Commission at the highest levels, with a view toward fostering a harmonious policy of business regulation.

5. We recommend that the Department bring a series of strategic cases against regional price-fixing conspiracies, which we believe to be numerous and economically important.

6. We cannot endorse, on the basis of present knowledge of the effects of oligopoly on competition, proposals whether by new legislation or new interpretations of existing law to deconcentrate highly concentrated industries by dissolving their leading firms. But we urge the Department to maintain unremitting scrutiny of highly oligopolistic industries and to proceed under section 1 of the Sherman Act—which in our judgment reaches all important forms of collusion—in instances where pricing is found after careful investigation to be substantially noncompetitive.

7. The Department of Justice Merger Guidelines are extraordinary stringent, and in some respects indefensible. We suggest a number of revisions in the accompanying Report.

8. We strongly recommend that the Department decline to undertake a program of action against conglomerate mergers and conglomerate enterprises, pending a conference to gather information and opinion on the economic effects of the conglomerate phenomenon. More broadly, we urge the Department to resist the natural temptation to utilize the antitrust laws to combat social problems not related to the competitive functioning of markets.

9. We recommend new legislation to increase the monetary penalties, at present largely nominal, for price fixing.

10. We urge a new policy for antitrust decrees. The Department should not seek the entry of regulatory decrees: decrees that envisage a continuing relationship with the defendant. Save in exceptional circumstances, all decrees should contain a near termination date, ordinarily no more than 10 years from the date of entry. And the Department should undertake a review of existing decrees to determine which should be vacated as obsolete or inappropriate.

11. The Expediting and Webb-Pomerene Acts should be repealed, and the Robinson-Patman Act substantially revised.

12. Mr. Alexander L. Stott dissents from certain parts of the Report and from certain of the above recommendations. Mr. Raymond H. Mulford dissents from two recommendations.

REPORT OF THE TASK FORCE ON PRODUCTIVITY AND COMPETITION

The Task Force on Productivity and Competition submits its report on the problems which will be confronted by the new administration in this area, and the steps which we recommend to be taken. The report is presented under three general headings:

I. The Administration's policy of Competition and the Role of the Antitrust Division and the Regulatory Commissions in This Policy.

II. Organization and Procedure in the Antitrust Division.

III. Recommendations for Change in Antitrust Policy.

Individual task force members would often change the emphasis of the Report, and larger differences are presented as dissents.

I. General policy

A. Antitrust Policy

The American Way, as we are constantly told, is to rely upon competitive private enterprise to do most of the work of allocating resources to industries and firms, organizing production, and providing economic progress. We are constantly travelling a shorter distance down this Way, however: for good reasons and for bad we have almost continuously expanded the governmental controls over economic life, and in recent years important restrictions have been placed upon private enterprise to protect the balance of payments. Some of the vast arsenal of public controls are unnecessary, and a large proportion of the necessary controls are excessively restrictive of competition. As one example, the safety of financial institutions is of course a major public concern, but this safety can often be achieved by insurance or similar devices, and hardly ever requires that competition be suppressed to the extent that the most incompetently managed institution will be prosperous, and hence safe.

The traditional American policy of seeking to minimize regulation of economic life is a profoundly wise policy, and deserves to be reasserted and implemented. Both logic and political expediency—not always close allies—dictate that economic freedom be subjected to the discipline of competitive markets. We believe, therefore, that the President should issue a general policy statement on competition and public regulation, to achieve at least three important purposes:

1. To establish the Antitrust Division as the effective agent of the Administration in behalf of a policy of competition, in intragovernmental groups, and before independent regulatory bodies.

2. To encourage and urge the regulatory bodies—which cannot ignore the clear policy positions of the President even when his appointive power is dormant—to enlarge the role of competition in their respective industries.

3. To revive and strengthen public support for the policy of competition, and to establish the bona fides of the Administration as the protector of *both* consumer and businessman.

An executive order or a major presidential address would be an appropriate vehicle for this declaration. Whether or not a formal statement commends itself, we believe that the correct policy *is* one of persistent and resourceful exploitation of competition wherever possible.

B. The Policy of Competition in the Regulated Industries

Our mandate to examine productivity and competition in the American economy compels us to brief examination of the work of the regulatory commissions themselves. The regulated industries comprise one-eighth or more of the economy in terms of income, and are too important to be omitted from our Report.

The tasks assigned to the regulatory agencies are various: to prevent monopoly pricing (as with telephone and pipelines); to prevent congestion (as with radio and television frequencies); to provide safety to savers (as with financial institutions); and so on. It is not possible for us here to examine these purposes critically, although it is notorious that in certain industries (such as motor trucking) there is no respectable case for economic regulation. There is widespread disenchantment with regulatory purposes as well as regulatory processes, and a general belief that excessive rigidity, expensive review of economically trivial details, and frequent failure to achieve any important results have characterized our regulatory efforts.

In two directions, we are convinced, there should be a major reorientation of the regulatory policy:

1. Entry of new firms should be encouraged wherever an absolute contradiction with regulatory goals is not involved. At present the practice is universally the opposite: to prohibit or ration with utmost severity the entrance of new firms.

2. Allow much freedom in price competition. The regulatory bodies should abandon *minimum* rate regulation whenever possible (and it is usually possible), and rely chiefly on maximum rate regulation.

Where rates are regulated, it is essential to make *both* changes: there is little merit in allowing additional firms to enter if they are not held to the test of unfettered competition with the existing firms.

We urge the Administration to pursue three complementary paths of reform in the regulated industries:

First, the commissions should have the merits of competition pressed upon them. Competition is not a matter of all or none, and the fact of regulation should not exclude competition as a force at each of a hundred points where it is relevant and feasible. If there must be only one railroad there can still be several truckers, several freight forwarders, and the possibility of inter-modal competition.

Second, the primary method of giving a larger role to competition is by appointing commissioners who understand and believe in a policy of competition. *We believe that every regulatory body should have at least one economist as a commissioner*. Quite aside from the implementation of the desire for more competition, this proposal has a decisive defense: economic regulation poses more economic than legal problems, and an economist knows more about economics than a non-economist. The economic triviality and irrelevance of much activity of the regulatory commissions is patent and inexcusable.

Third, the regulatory commissions are largely out of public control. Once in a decade or two, at most, a commission will be investigated by Congress. The Administration should explore methods of getting more meaningful and effective reviews than we now get. We do not know whether the best method is an enlarged Bureau of the Budget section, a national commission, the creation of academic review committees, or a special adviser to the President. The best method, however, is surely not infrequent, partisan Congressional review. The present rule of the regulatory bodies is undirected, unmeasured, and unevaluated.

II. Organization and procedure in the antitrust division

A. The Utilization of Economic Knowledge

We anticipate little opposition to the proposition that the Antitrust Division make full and effective use of economists and their special skills. These skills are often necessary to understand the effects of economic practices (an example is market-sharing in fixed proportions), to assess the economic importance of individual cases, and to assist in devising remedies that will not shatter on economic realities. We endorse the policy of having a highly professional economist serving as adviser to the head of the Division, and a strong permanent staff of economists.

The problem is not the goal of an economically sophisticated antitrust policy, but its implementation. A division charged with the enforcement of a statute must of course be directed and largely staffed by lawyers. Unless there are substantial incentives to the staff to utilize economics—whether by central direction, or vastly more powerfully, by demonstrated assistance in winning cases—the non-lawyer will often be viewed by the lawyers as a mysteriously necessary obstacle to smooth operations. The Assistant Attorney General will have succeeded in making a truly major contribution to antitrust policy if he establishes the relevance of economic knowledge.

B. The Development of Criteria for Classes of Cases (Guidelines)

When the Antitrust Division is confronted by a large number of similar cases—and it must now be scanning many hundreds of mergers each year—it will inevitably have rules to guide the numerous men who pass on individual cases. The question is not whether to have criteria or guidelines, but how to arrive at them.

We believe, for reasons we discuss below, that the present merger guidelines are questionable in important respects. Here we consider the procedures for formulating guidelines.

A set of rules for a class of cases will be desirable only if two conditions are fulfilled:

1. There are a large number of uncontroversial, easily identified cases. If there are not, the rules give little help to either business or the Division.

2. Controversial or objectionable cases cannot be repackaged to avoid scrutiny.

The way to determine whether mergers, for example, meet these conditions is to examine a large number of them in the light of legal and economic knowledge. The Antitrust Division will perform this task vastly better if it uses the large amount of professional expertise available outside the Division. We therefore recommend that the Division have semi-public conferences to explore difficult areas of policy, inviting legal and economic experts to propose or discuss guidelines. Some members of the task force would prefer to have formal notice and public hearings in establishing rules. If rules are adopted, a periodic review of them by the same procedure will be a useful method of conferring flexibility upon them. A specific application of this method is proposed below for mergers.

C. The Role of the Federal Trade Commission

No review of antitrust policy would be complete that ignored the Federal Trade Commission, which is charged with enforcement of, among other statutes, the Clayton Act, of which Section 2, the Robinson-Patman Amendment, and Section 7, prohibiting mergers and acquisitions that may substantially lessen competition, are particularly important; and the Federal Trade Commission Act, whose operative provision, Section 5, forbids "unfair or deceptive acts or practices", a term that has been interpreted to embrace even more than the vast area of anticompetitive behavior proscribed by the Sherman Clayton Acts, as well as consumer fraud and some "immoral" sales methods such as lotteries. As is evident, the Commission's jurisdiction largely overlaps that of the Antitrust Division.

In its antitrust work, the FTC has concentrated on price discrimination, on practices believed to oppress or coerce small dealers, and on mergers, especially vertical and conglomerate, and usually in industries which by long-established understanding with the Antitrust Division have been assigned as the Commission's sphere of primary competence.

Unhappily, little that the Commission undertakes in the antitrust area can be defended in terms of the objective of maintaining and strengthening a competitive economy. Consider price discrimination. There is now an impressive body of literature arguing the improbability that a profit-maximizing seller, even one with monopoly power, would or could use below cost selling to monopolize additional markets. Yet, not only has the Commission continued to bring predatory price discrimination cases, but the alleged danger of predatory pricing remains a principal prop of its vertical and conglomerate antimerger cases. As for "secondary line" discrimination (that is, giving discounts to some dealers or distributors but not to others who compete with them), the Commission has never attempted to differentiate those cases (if there are any) in which a monopolistic buyer is able to extract unjustified price concessions from his suppliers to the prejudice of his competitors from those in which discrimination is employed by oligopolistic sellers who wish to cut prices secretly,—and should be encouraged to do so—and those in which price *differences* (which the Commission tends to equate, erroneously, with *discriminations*) are not, in fact, discriminatory. Over the last eight years the Commission, often under the prodding of reviewing courts, has pulled some of the sting from enforcement of the Robinson-Patman against secondary-line discrimination. It has demanded somewhat stronger proof of competitive injury; the meeting-competition and cost-justification defenses have been rendered meaningful; and the provisions of the Act relating to advertising allowances and brokerage payments are, in general, no longer used to compel sellers to compensate for services that are not economically beneficial to the seller (such as advertising by tiny retail outlets or brokerage when a broker's services can be dispensed with). Although the retreat from *per se* rules against secondary-line discrimination has led to a general diminution of enforcement activity by the FTC (private suits continue, of course, and are discussed later) the Commission still brings many cases that impair, rather than promote, competition and efficiency. For example, the Commission has in recent years waged vigorous war against "functional discounts", which are discounts offered to middlemen who perform certain distributive functions (such as warehousing) that other middlemen, who are not given the discounts, do not perform. Moreover, as explained later in this Report, we can conceive of no case of discrimination in which the Sherman Act would not provide an adequate remedy—adequate, that is, to protect the interest in maintaining an effectively competitive economy—and so we view Robinson-Patman enforcement as inherently likely to be pushed beyond proper limits.

The efforts of the Commission to protect small dealers from allegedly unfair and coercive business practices constitute a dark chapter in the Commission's history. Much of this enforcement activity does not eventuate in formal proceedings. What happens is that a dealer who is terminated for whatever reason, is likely to complain to the Commission, knowing that the relevant Commission staff is well disposed toward "small business". The staff uses the threat of an FTC proceeding to get the supplier to reinstate the dealer, and if threats fail—usually they succeed the FTC may file a complaint charging the supplier with having cut off the dealer because he was a price cutter, or for some other nefarious reason. Our impression, in sum, is that the Commission, especially at the informal level, has evolved an effective law of dealer protection that is unrelated and often contrary to the objectives of the antitrust laws. The Commission is supported in this endeavor by the Supreme Court's rulings that Section 5 of the FTC Act empowers the Commission to suppress practices that *resemble* antitrust violations.

With respect to the Commission's enforcement policy in the merger field, it is illuminating to compare the recent statements of Commission merger policy with the Department of Justice Merger Guidelines, discussed elsewhere in this Report. The Commission is even more severe. Unlike the Department, it attaches a good deal of significance to the absolute size (independent of market share) of merging firms; to the alleged power that large firms have over small; and to the dangers of "price squeezes".

It will, for example, challenge virtually *any* acquisition by a cement producer of a ready-mix concrete company, virtually *any* substantial acquisition by a large food chain, etc. The Merger Guidelines are models of restraint compared to those promulgated by the Commission, which are as hard on economic theory as on mergers.

We conclude that substantial retrenchment by the Commission in the antitrust field is highly desirable. In addition to retrenchment (at least by stopping the increase of the Commission's appropriations), its resources devoted to regulating competition might be redeployed. The two principal possibilities are (1) consumer protection, and (2) economic studies utilizing the very broad fact-gathering powers vested in the Commission by its enabling legislation. Unhappily, either route could be followed in a way that endangered competition. An incompetent economic study can be influential on policy makers—witness the influential 1948 FTC study which erroneously suggested that concentration was on the rise in American industry. Overzealous enforcement of consumer-protection legislation can also have errant results. We note that the application of consumer-protection law is almost always invoked not by consumers but by competitors, whose interest lies in protecting their market, not in giving consumers full information; and that elaborate requirements relating to packaging, safety, etc. can curtail consumer choice, limit competition, reduce the consumer's incentive to exercise care, and—what is most serious—impose substantial costs on society.

The Federal Trade Commission urgently needs a basic reform, but this need will be difficult to fulfill. Quite apart from the fact that there are no vacancies on the Commission, any dramatic or far-reaching Presidentially-inspired reforms would run up against the long tradition of regarding the independent agencies in general—and the FTC in particular—as "arms of the Congress." That has at times meant an office of economic opportunity for Congressmen; more important, it means that a strong showing of Presidential interest in the operations of the Commission will not be welcome on the Hill.

Perhaps the best short-run path of improvement runs through the offices of the Attorney General and the Assistant Attorney General in charge of Antitrust. Since the jurisdictions of the Commission and of the Antitrust Division are so largely overlapping, no one could object to the establishment between the Commission and the Division of close liaison at the highest levels. Indeed, it is something of a wonder (though explicable in terms of bureaucratic rivalry) that such

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liaison has been wholly lacking heretofore; the only coordination between the agencies is at very low levels, and consists largely of haggling over who shall sue in cases where both agencies are interested. Especially at the beginning of a new Administration, it should be quite feasible, as well as wholly appropriate, for the Attorney General and Assistant Attorney General to establish a close cooperative relationship with the Chairman of the Commission. We think it likely that the Commission will pay some heed to the Department's views, if forcefully expressed, on antitrust and trade-regulation policy.

III. Recommended changes in antitrust policies

The general policies of the Antitrust Division are profoundly good, and we propose no major change in its emphasis or directions of policy. In fact, the main thrust of the following recommendations is that certain recent developments of policy or doctrine should not be allowed to divert the agency from its basic task of striking down conspiracies and mergers in restraint of trade.

A. Price Fixing

The price-fixing cases of the Antitrust Division are its bread and butter, and understandably its staff would prefer more cake. We emphasize the great economic and social importance of continued, vigilant, aggressive seeking-out and conviction of conventional price-fixers. Every victory weakens the efficiency of undetected collusion in that area of economic life. We strongly recommend the bringing of a series of strategic cases against regional conspiracies, which we believe to be numerous and economically important.

B. Concentration and Oligopoly

Oligopoly—the industry composed of a small number of independent enterprises—undoubtedly presents the most difficult problems in a policy for competition. The difficulties arise because of a combination of three circumstances. The first is *factual*: there are many important industries in our economy whose structure is oligopolistic—how large a number depends upon what a "small number of firms" means. The second is *interpretive*: the economists have not succeeded in fully identifying the characteristics of an industry which determine whether it will behave competitively or monopolistically. The third is the matter of *action*: if firms in an oligoplistic industry are convicted of collusive behavior, must one press for a remedy so radical as dissolution in order to stop future repetitions of the offense? (And should the standards of permissible concentration be wholly different for pending mergers than for established enterprises?)

The circumstances which determine whether or not the firms in an oligopolistic industry will usually behave more or less competitively (seeking by independent actions to improve their individual profits at the cost of rivals' profits, with the eventual general erosion of unusual profits) are partly known:

1. The easier (quicker and cheaper) new firms can enter the industry, the smaller and more short lived will be the monopolistic restrictions.

2. The more elastic the demand for the product of the oligopolistic industry the less the reward from restrictions of output below the competitive level, and hence the less the inducements to act collusively. This in turn usually depends upon what alternative products the buyers may turn to.

3. The larger the effective number of firms the less the probability of collusive behavior—collusion increases in expense (including probability of detection) as numbers increase. However, a given number of firms is more likely to result in collusion, the more concentrated is production in the hands of a few firms. If we correct for this and take the effective number of rivals to be the number of rivals of equal size which would produce the same competitive situation as the firms (not of equal size) actually in the industry, the effective number may be very roughly estimated at twice the number there would be if all firms were as large as the largest in the industry.

That is, if the largest firm has ⅕ of the industry's output and the remaining firms fall off in size regularly, the effective number of firms is of the order of magnitude of 10. By this is meant that the concentration in the industry is equivalent to what would exist if there were 10 firms of equal size.

There are other influences which probably but less certainly affect the probability of competitive behavior. One of these is the size of buyers: larger buyers, for a variety of reasons including possibility of backward integration, make for more competitive prices.

Numerous statistical studies have been made of the relationship between concentration and rates of return on investment, and these studies generally yield positive but loose relationships: concentration is not a major determinant of differences among industries in profitability, although it may sometimes be a significant factor. It appears also to be true that somewhere between five and ten *effective* rivals (i.e., largest firm with a share of ⅓ to ⅕) are usually enough to insure substantial elimination of the influence of concentration upon profitability.

Concern with oligopoly has led to proposals to use the antitrust laws (perhaps amended) to deconcentrate highly oligopolistic industries by dissolving their leading firms. We cannot endorse these proposals on the basis of existing knowledge. As indicated, the correlation between concentration and profitability is weak, and many factors besides the number of firms in a market appear to be relevant to the competitiveness of their behavior. While a flat condemnation of oligopoly thus seems to us unwise, we commend to the Antitrust Division a policy of strict and unremitting scrutiny of the highly oligopolistic industries. If, in any of these industries, pricing is found after careful investigation to be substantially noncompetitive, the Division will have a clear basis for proceeding against the leading firms under Section 1. Collusion that can be incontrovertibly inferred from behavior (such as persistent, stable price discrimination in the economist's sense) should not bring immunity from the Sherman Act, and we are confident that structural remedies will be sanctioned by the courts in cases where, due to number of firms and the other conditions of the market, lesser remedies are likely to be unavailing. In assessing the gain from such structural remedies, account should be taken of any reduction in efficiency which the remedy entails.

The concern with oligopoly is also quite visible in the Department of Justice's most recent innovation, the Merger Guidelines, to which we now turn.

C. Mergers and the Guidelines

The present merger Guidelines impose stringent restrictions upon the relative sizes permitted to companies which desire to merge. The impact of these percentages is reinforced by a definition of the market (within which shares of companies are reckoned) so loose and unprofessional as to be positively embarrassing. We propose to reverse this emphasis: not to tell companies which mergers are forbidden, but which mergers are permitted. We are persuaded that this orientation better serves the interests of both business and the Antitrust Division. Before we turn to the methods by which more appropriate Guidelines for mergers are achievable, we shall briefly discuss the present Guidelines, and indicate our reasons for dissatisfaction with them in their present orientation.

Market Definition. The delineation of a relevant market within which to appraise the lawfulness of a merger is crucial, for if the market is drawn narrowly enough, virtually any merger can be made to seem monopolistic in its effects. Unfortunately, as they are presently drafted the Guidelines seem to invite a substantial degree of market gerrymandering, especially in delineating regional or local markets. The Guidelines' test of whether a product is sold in less than a national market is loose. Any group of competing sellers in the industry is a relevant market, unless the defendant can show that there is no "economic barrier" preventing other sellers from selling in the particular area. Such a barrier may consist of freight costs, customer inconvenience, customer preference for the brands presently sold in the area, or the absence of good distribution facilities.

This is a misleading test. An industry may be riddled with the kind of "barriers" cited in the Guidelines and yet still not contain any meaningful local markets. An example will illustrate. Assume that the price of steel bars is $2 in Minnesota and $1.60 in Chicago, and the cost of shipping the bars from Chicago to Minnesota is 41 cents. On these facts, it is plain that the Minnesota sellers could not raise their price significantly without immediately losing their business to the Chicago sellers. Minnesota is thus not a meaningful local market even though, at the existing price, freight costs do impose an effective economic barrier against the Minnesota sellers. Moreover, additional firms will establish production or distribution facilities in Minnesota if it becomes profitable to do so. The same analysis can be extended to the other barriers discussed in the Guidelines.

In criticizing the test of "economic barrier", we do not mean to deny the difficulty of devising rules of market definition that will be at the same time simple and sensible. This is most probably not an area in which Guidelines provide a useful enforcement tool. If there are to be Guidelines, though, they should at least not misstate the applicable economic theory. It would, accordingly, be a decided improvement if the Guidelines were revised (at a minimum) to explain that a distant seller of a product must be included in the local market if a modest price increase in the local area—a price increase unrelated to his costs—would bring him in forthwith.

Horizontal Mergers. The provisions of the Guidelines governing horizontal mergers—that is, mergers between direct competitors—are extraordinarily strict. If a market is "highly concentrated" (defined as where the 4 largest firms account for at least 75 percent of the sales in the market), then a merger between two firms, each of which has a 4 percent market share, will be challenged: and if the acquiring firm has a share as large as 15 percent, then the acquired firm need have only a 1 percent share for the merger to be challenged. Different levels of permissible size are stated for less concentrated industries, and some account is taken of the trend of concentration.

We agree with the basic premise of the horizontal-merger provisions of the Guidelines that market-share percentages are the appropriate touchstone of illegality for such mergers. We would favor levels of concentration modestly lower than those now used (but differently structured), with the purposes of (1) allowing all mergers below the Guidelines levels, and (2) not prohibiting, but reviewing, those above the critical level, with an implied probability that the more a proposed merger lies above the level of automatic approval, the less the probability of its acceptance. We discuss below the procedure that should be followed better to utilize existing knowledge in fashioning the Guidelines.

Vertical Mergers. A merger that involves the acquisition not of a competitor but of a customer or a supplier is a vertical merger, and the present Guidelines contain strict provisions limiting such mergers. For example, if the supplying firm in the merger has a 10 percent share of its market and the purchasing firm has 6 percent of the purchases in that market, the merger will be challenged.

Our task force is of one mind on the undesirability of an extensive and vigorous policy against vertical mergers: vertical integration has not been shown to be presumptively noncompetitive and the Guidelines err in so treating it. Within this area of agreement there are two positions around which the task force members cluster.

The one position asserts that many, and perhaps most, vertical mergers which do not have direct horizontal effects are innocuous, but that in certain situations a vertical merger will have anti-competitive effects. These situations include: increases in the capital or other requirements for an integrated firm may reduce the possibility of new entry; or price discrimination may be implemented when a monopolist integrates forward or backward. A showing that an anticompetitive effect of these sorts exists is essential before a vertical merger is challenged.

The other position denies that a vertical merger has the potentiality for economic harm in the absence of horizontal effects. To some of our members, it is wholly implausible that vertical integration places entering firms at a disadvantage. A seller who fails to minimize his input and distribution costs will be undersold by his competitors: he cannot afford to sell to or buy from an affiliate if there are more efficient alternative means of supply and distribution available to his competitors (and to him). Even if the seller is a monopolist, the desire to maximize profits will lead him to seek the most efficient methods of supply and distribution, and there will be ample opportunities for non-affiliated suppliers and outlets to compete for his patronage. Except in the case of the monopolist who cannot discriminate in price effectively without control of his outlets, vertical integration will be initiated and maintained only if and so long as it is justified by the cost savings it permits. It is not a method of extending monopoly power.

The two positions coalesce on one policy conclusion: vertical mergers should not be forbidden as a class.

The Conglomerate Merger. The large conglomerate enterprise with an aggressive acquisition policy has only recently become prominent and newsworth. * * *

Antitrust law has seemed to some a convenient weapon with which to attack large conglomerate mergers. If one interprets "elimination of potential competition," "reciprocity" and "foreclosure" as threats to competition, one can always bring and usually win a case against the merger of two large companies, however diverse their activities may be. These are often makeweights. The economic threat to competition from reciprocity (reciprocal buying arrangements) is either small or nonexistent: monopoly power in one commodity is not effectively exploited by manipulating the price of an unrelated commodity. The argument advanced against the simplistic treatment of vertical mergers—essentially that one cannot use the same monopoly power twice—also challenges the fears of reciprocity.

Potential competition, on the contrary, can be a decisive limitation on the exercise of market power, and a merger which eliminates an imminent new competitor is anticompetitive. If entry into a field is relatively easy, however, there are a vast number of potential entrants and the elimination of one or a few has no effect. If entry is difficult, and only a select few firms are capable of entry and on the record likely to enter, their independence should be preserved. The identity of potential entrants should not be established by introspection. If the producer of X is truly a likely entrant into the manufacture of Y, the likelihood will have been revealed and confirmed by entrance into Y of other producers of X (here or abroad), or by the entrance of the firm into markets very similar to Y in enumerable respects.

We seriously doubt that the Antitrust Division should embark upon an active program of challenging conglomerate enterprises on the basis of nebulous fears about size and economic power. These fears should be either confirmed or dissipated, and an important contribution would be made to this resolution by an early conference on the subject. If there is a genuine securities market problem, probably new legislation is necessary. If there is a real political threat in giant mergers, then the critical dimension should be estimated. If there is no threat, the fears entertained by critics of the conglomerate enterprises should be allayed. Vigorous action on the basis of our present knowledge is not defensible.

The central task of the Antitrust Division is to preserve competition in the American economy. This is a splendid and challenging task and deserves and requires the full resources of the Division. We shall be much the losers if we compromise the discharge of this central task by burdening the Division also with tasks such as the combatting of organized crime or the achievement of general political goals.

The Use of Conferences. We have proposed that conferences be used to revise the Guidelines and to identify the problems, if any, created by the large conglomerate enterprise. The conference will allow the Antitrust Division to utilize the expertise and wide factual knowledge of economists, lawyers, securities analysts, and other groups without the laborious machinery of formal hearings. We strongly recommend that before such conferences are held, leading students and exponents of particular positions be asked to prepare position statements which present explicit and specific theories and evidence. Then the conference members will have specific questions to address and specific views to combat or support.

D. Antitrust Sanctions

The cutting edge of law is not the abstract statement of a legal duty but the sanction provided for its nonperformance, and that is true of the antitrust laws as of other systems of legal obligation. It is essential that those laws clearly and accurately define and forbid the practices that impair competition and efficiency but it is equally essential that the sanction for violation be effective in compelling compliance and with a minimum of undesirable side effects.

In testing the antitrust sanctions by this standard, it will be helpful to distinguish two purposes of sanctions: that of preventing (or, if it has already occurred, undoing) a specific violation; and that of deterring violations that might not always be detected.

Sanctions of the first type—remedial sanctions—suffice where there is no problem of detection (e.g., in the case of an illegal merger). But take the case of price-fixing. Price-fixing conspiracies can be, and one suspects are, successfully concealed. A sanction that merely prevented the continuation of the conspiracy, such as an injunction, or one that merely restored the losses of the injured consumers, such as ordinary damages, would in these circumstances probably be insufficient. For in deciding whether to comply with the law, a seller would discount the very modest (or negligible) injury to him if his participation in a price-fixing conspiracy was detected, and he was required to stop and to pay actual damages, by the considerable probability that he would escape detection altogether; and he could conclude that he had little to lose by participating. That is why punishment by fine or imprisonment is an appropriate sanction for illegal price-fixing; it provides deterrence, as the purely remedial sanction does not.

But the deterrent sanction in antitrust is weak. A price fixer can be imprisoned and fined but prison terms are almost never imposed in price-fixing cases and when they are, they are nominal in length; and the maximum fine of $50,000 will deter only a very small corporation. The possibility of a private treble-damage suit doubtless provides additional deterrent effect, but there are serious limitations: judges are reluctant to authorize damage awards that seriously hurt a company; damages are difficult to prove in price-fixing cases; and most important, the injury caused by a price-fixing conspiracy is often so widely diffused (for example, among millions of consumers) that no one has an incentive to bring a suit. The government itself can sue for damages only when it was the victim of the unlawful conspiracy.

If concealable offenses under the antitrust laws are to be effectively deterred, either the resources devoted to the detection of such offenses must be vastly augmented—and there are obvious limitations to this route—or the fines must be increased to a point where they will give even the large corporation considerable pause before participating in (or condoning its officers' individual participation in) an illegal conspiracy. Precedent for much more severe sanctions can be found abroad. The European Economic Community, for example, may impose penalties of up to $1,000,000, or, in the case of willful violations, up to 10 percent of annual sales. We have not attempted to determine the appropriate level of antitrust fines, but we urge the Department of Justice to accord high priority in its legislative program to the upward revision of these penalties.

The creation of a more realistic scheme of antitrust fines would enable a long-overdue reexamination of the punitive aspects of the private antitrust suit. It is anomalous that private plaintiffs who have done nothing to uncover or prove an antitrust violation (the usual case) should be permitted to claim treble damages on the basis of a judgment obtained by the Antitrust Division. In such circumstances, the excess over actual damages and costs represents a pure windfall to the private plaintiff. Today, one can defend this arrangement on the ground that it furnishes an element of added deterrence which is necessary in light of the inadequacy of the existing criminal fines. But that ground would be removed if the fines were revised to a more appropriate level; and a more rational scheme of deterrence would become feasible. We are also deeply concerned that private treble damage suits provide undesirable opportunities for harassment and the furtherance of a variety of anticompetitive practices.

With regard to remedial sanctions, the principal question involves the undesirable side effects that frequently accompany a poorly formulated decree. Ideally—and it is an attainable ideal—an antitrust decree should be a "one shot" affair: dissolving the monopoly, or divesting the acquired assets, or terminating the basing-point system, etc. The antitrust laws were never intended to be a system of continuing regulation. Antitrust policy has as its basic principle the preservation of a competitive environment within which individual enterprises are free from continuing supervision. When a decree says, in effect, "Let us return to the court, or give the power to the Antitrust Division, to adjudge the propriety of various behavior of the defendant for years to come," one can be sure that the suit has failed in its purpose of restoring competitive conditions. Nor is the Department equipped to function as a regulatory agency, and it is not likely to escape that common pitfall of economic regulation, the suppression of competition. Nonetheless, such decrees are frequently entered, especially by consent of the parties in cases where the Department (or the Federal Trade Commission, to which these remarks apply with equal, if not greater, force) is unsure of its litigation prospects and wishes to salvage something from the investment of enforcement resources.

For the future, we urge that the Department adopt a firm policy of not proposing or accepting decrees that envisage a continuing, regulatory relationship with the defendant. A correlative policy that we suggest is that every decree contain a definite—and near—termination date, ordinarily no more than 10 years from the date the decree is entered. Such a principle would compel the Department to devise decrees that restore competition rather than establish regulation, as well as assure that decrees do not remain in effect long after the relevant industrial conditions have changed (such as with the 1920 decree against the meat packers).

Little is known of the extent to which a large number of past decrees are still operative, and if operative, of any real value in protecting competition. We recommend, therefore, some such procedure as this in dealing with outstanding decrees:

1. The past decrees still running should be compiled, and the types and duration of prescribed conduct summarized.

2. The current relevance of the decrees, or at least those running against large industries, should be examined—presumably by the economics section of the Antitrust Division.

3. The older (say 25 years and over) and obsolete younger decrees should be vacated.

E. Recommended Changes in Antitrust Statutes

Several legislative reforms could improve substantially the functioning of the antitrust laws. We have recommended above a substantial increase in the maximum level of fines. In addition, we recommend immediate repeal of the Expediting Act. The low quality of many Supreme Court antitrust opinions can be traced in no small measure to the fact that direct appeal frequently requires the Supreme Court to pass on an extensive record without the benefit of the winnowing and focusing process involved in an intermediate appeal. The Supreme Court itself has noted that direct appeal is unsatisfactory. If repeal is politically impossible, then an amendment that would drastically limit the number of direct appeals would be desirable.

The Webb-Pomerene Act should also be repealed. The creation of cartels in foreign commerce is antithetical to the underlying theory of the Sherman Act. The danger that exempted cooperation between competitors in the export field will lead to illegal cooperation at home is too great to be viewed as merely a potential abuse. Nothing in U.S. domestic competition policy or foreign economic policy warrants the retention of this outmoded approach to international competition.

On the agenda for long-term legislative reform must be the Robinson-Patman Act. The Act leads to rigidity in distribution patterns and to uniform, inflexible pricing. In industries with few sellers, price reductions are more likely to be made if they can be made covertly. Such limited reductions often lead over time to generally lower prices. Thus, a prohibition against price discrimination may preclude the kind of competition that is most likely to lead to lower prices in oligopolistic industries. We view the Federal Trade Commission's tendency in recent times to relax the enforcement of the Act as a desirable but, so long as private treble damage actions are available, an inadequate reform.

In reforming the Robinson-Patman Act, two kinds of amendment are desirable. First, the general prohibition against price discrimination in Section 2(a) should be made more supple by broadening the meeting competition and cost justification defenses so as to make them more readily available for sellers whose price differentials do not stem from a predatory purpose and do not injure competition in the market place (as opposed to disadvantaging individual firms. Second, the more absolutist brokerage, payments and services prohibitions of subsections (c), (d) and (e) should be repealed while making clear that the standards of amended subsection (a) remain applicable to practices that would previously have been treated under those repealed subsections. The Task Force recognizes the political support that the Robinson-Patman Act retains in some quarters and the danger that an attempt to amend the Act might give particular interests an opportunity to add even more restrictive provisions. As a consequence, some of our members view amendment of the Act as a long-term, albeit important, reform; others wish to leave it alone.

[From the New York Times, May 22, 1969]

TRUST-LAW SHIFT URGED

(By Eileen Shanahan)

WASHINGTON, May 21.—Radical changes in the anti-trust laws that would permit the Government to break up large companies that dominate an industry have been recommended by a group of noted lawyers and economists. They were appointed by President Johnson to study the antitrust laws.

The report of the Johnson task force, which was made public today by the Justice Department also recommends legislation spelling out just what kinds of acquisitions may and may not be permitted by the large, widely diversified companies known as conglomerates.

Briefly, this portion of the report proposes that an acquisition by a conglomerate of a company that is among the top four in its industry would be prohibited but that an acquisition of a nondominant company would not be.

If the standards covering conglomerate mergers, as set forth in the task force's report, were enacted into law, some mergers that have recently been attacked by the Justice Department would be legal.

Other recommendations of the task force include a considerable relaxation of the prohibitions against price discrimination contained in the Robinson-Patman Act and considerable tightening of the rules concerning patent licensing.

The task force also proposed a number of other changes in the antitrust laws, including establishment of a 10-year limit on the ability of the Government to undo old mergers.

The task force, which was headed by Prof. Phil C. Neal of the University of Chicago Law School, was appointed by President Johnson in December, 1967, and made its report to him in July, 1968.

For reasons that have never been explained, Mr. Johnson refused to let the report be made public. It was made public today by the Justice Department with the specific concurrence of President Nixon. Richard W. McLaren, head of the Justice Department's anti-trust division, said that publication of the report "is not in any sense an official endorsement of it in whole or in part but is simply designed to make the report available for study and comment."

DIVERSE VIEWPOINTS

Despite Mr. McLaren's disclaimer, it seems likely that the report will have considerable influence, largely because of prestige of the task force members, who appeared to have been carefully chosen to represent all viewpoints.

Among the 12 members of the task force, there was only one who dissented from virtually all the major recommendations of the report. That was Prof. Robert H. Bork of Yale, who has long been known as an advocate of almost complete freedom to merge.

More limited dissents were registered by Paul W. MacAvoy, a professor of economics at Stanford and Richard E. Sherwood, who is in private law practice in Los Angeles.

The leading companies in the automobile, steel, computer and many other industries would have to be split up if the proposals of the task force to break up oligopolies were adopted.

The task force defines an oligopolistic industry (one dominated by a few companies) as one in which four companies have at least 70 per cent of the market.

VOLUNTARY STEPS

If such concentration is found to exist, after investigation by the Justice Department and the Federal Trade Commission, the oligopoly companies would be given a year to take voluntary steps—such as selling off assets—to reduce their degree of economic power, under the task force's proposal.

If adequate voluntary action is not taken, the Government could then order steps, to be completed within four years, to reduce the market share of the oligopoly companies to a maximum of 12 per cent each.

Divestiture would not be the only permissible means of reducing market shares, although the task force indicated it would probably be the most common one.

But if an adequate reduction of concentration could be achieved through liberalized licensing arrangements or changes in contracts (presumably including Government contracts) then this would be permitted.

As has been the case under present antitrust laws, the standards the task force would set up for disapproval of new mergers would be stricter than those for breaking up old companies.

There would be several different tests for the legality of new mergers—which would actually cover acquisitions by any large company and not just by conglomerates.

First of all, the acquiring company would have to have sales of $500-million or assets of more than $250-million for its acquisition of a "leading company" in an industry to be prohibited.

A "leading company" is defined as one of the top four in an industry in which the top four companies have at least 50 per cent of the market. To meet the definition of "leading company" the concern in question would also have to have more than 10 per cent of the market and the market itself would have to involve sales of more than $100-million.

Under these tests, the Justice Department would not have been able to bring two of the three cases against conglomerate mergers that have been brought since the Nixon Administration came into power.

The acquisition of the Jones & Laughlin Steel Corporation by Ling-Temco-Vought, Inc., would be legal under the task force proposals, because J. & L. ranks only sixth in the steel industry.

The acquisition of the Canteen Corporation by the International Telephone and Telegraph Corporation also would probably be legal under the task force proposals because the top four companies in the food-vending market do not have 50 per cent of the market, nor do they in the narrower market line of in-plant feeding.

It appeared at first glance, however, that today's suit challenging the acquisition of the B. F. Goodrich Company by Northwest Industries, Inc. would still be possible, even if the task force proposals were written into law.

As for the Robinson-Patman Act, the task force proposed that no discriminations in price between different customers be considered illegally unless they (1) were systematic and part of a pattern of favoring larger customers, or (2) threatened the elimination of a "significant" competitor, or (3) involved discrimination of a geographical basis with sales below cost in some areas—the type of price discrimination by chain groceries that led to adoption of the Robinson-Patman Act in the first place.

The major proposal of the task force dealing with patents provides that, "if the patentee chooses to license others rather than exploiting the patent himself, he shall make such licenses available on nondiscriminatory terms to as many competitors as may desire it."

The task force would also require publication of all patent license agreements and would ban enforcement of a patent against some infringers if the patent owner has not taken "reasonable steps" to enforce the patent against others.

[From Business Week, May 24, 1969]

The Switch on Mergers: Report of Panel Picked by Johnson Runs Counter to New Tack on Conglomerates

President Nixon's chief antitruster, Richard W. McLaren, performed the unpleasant job this week of releasing a Johnson Administration task force report on the antitrust laws that was weak where he has been emphatically strong—but strong where he has been quietly weak.

The report, written last summer by a blue-ribbon panel of lawyers and economists headed by Dean Phil C. Neal of the University of Chicago Law School, was implicitly critical of the attack on conglomerates that got under way as soon as McLaren took office.

Using the argument that the giant diversified companies are dangerously increasing industrial concentration, the Justice Dept.'s Antitrust Div. has sued Ling-Temco-Vought, International Telephone & Telegraph, and this week Northwest Industries. The Neal group pointedly warned that any attack on conglomerates through the existing Clayton Act would have to be through a "contrived interpretation."

The Neal task force also proposed a major change in the patent laws to require equal treatment of licensees and rewriting of the Robinson-Patman Act.

It was only after a lot of public—and private—heat was applied that the Neal report saw the light of day. President Johnson ordered it early last year, during a short burst of public controversy about conglomerates. Delivered to the lameduck President in June, it was confined to the dustbin until it was picked up as a weapon by opponents of the Justice Dept.'s new look at conglomerates.

The last bit of pressure came from LTV's James J. Ling, whose company was selected as McLaren's first test case. Sitting on the same panel with the Republican head of the Antitrust Div. on Wednesday, Ling talked of a "still secret" report that would "exonerate the conglomerate movement of any monopolistic tendencies." He demanded that the report be released. Without comment, the Justice Dept. complied later in the day, handing out Xeroxed copies to reporters.

Alternative. Actually, the Neal group was not all that concerned with defending the conglomerate movement—or James Ling. Its real disagreement was only over whether existing law covered diversified mergers. Denying that the Clayton Act was adequate, it suggested that Congress draft a new law barring any company with assets of more than $250-million from acquiring any market leader in a concentrated industry, where four companies have more than 50% of the business.

The panel also urged Congress to write new legislation that would eventually lead to the breaking up of big companies in highly concentrated industries such as autos, flat glass, tobacco, and organic chemicals. The proposed law would allow courts to declare that an "oligopoly" existed in any industry where four companies accounted for more than 70% of sales. In such a case the companies would be given one year to reduce their share (presumably by spin-offs) to no more than 12%. If they did not do so voluntarily, the government could get a court order directing the required action within four years.

This is just the sort of head-on attack on oligopoly that McLaren's Democratic predecessors dreamed of—and occasionally proposed. But so far McLaren has viewed such a campaign as too disruptive even to be talked about.

[From the Washington (D.C.) Post, May 23, 1969]

Caution Urged With Mergers

(By Morton Mintz)

A Nixon Administration task force report on competition warns against vigorous action on conglomerate mergers because of inadequate knowledge about them.

This finding runs counter to the policy of the Justice Department. Backed by Attorney General John N. Mitchell, Richard W. McLaren, Assistant Attorney General in charge of the Antitrust Division, has filed three suits to break up major conglomerate mergers.

A member of the task force said yesterday that the report is "ill-suited to the tastes of McLaren and Mitchell." McLaren had no comment and declined—at least temporarily—to release the report.

The head of the task force—seven professors of law and economics and two business executives—was University of Chicago economist George J. Stigler. The group was appointed in January by then President-elect Nixon and submitted its report in March.

A member of the task force, asking not to be named, noted that the unit called for an immediate study of the financial operations of conglomerates in securities markets.

In a 10-month-old report released by the Justice Department Wednesday, a Johnson Administration task force staked out a different position on conglomerates—one intended to make acquisitions by these large diversified corporations consistently procompetitive.

The recommendation of the Johnson advisers: a law to prevent any large firm from acquiring any leading company in an industry in which four leaders have half or more of the market.

The Nixon task force members reached yesterday confirmed one publication's account of additional differences between the views of most of his colleagues and the Justice Department:

ORGANIZED CRIME

In an interview last Friday, McLaren said that steps have been taken to use the antitrust laws against "strong-arm" business methods—an idea McLaren and Mitchell discussed at their first meeting in January in New York City. But the Nixon task force said the Antitrust Division should not be responsible for tasks such as "combating organized crime or the achievement of general political goals."

MERGER GUIDELINES

These were promulgated late in the Johnson Administration. McLaren said that he uses them, and hopes to enlarge them with "more specifics." But the Stigler group called them "extraordinarily stringent, and in some respects indefensible."

But the Stigler unit and McLaren agree on other points. Both want criminal antitrust penalties sharply increased from the present $50,000, for example. Both are concerned about ways to make regulatory agencies stimulate competition in the industries in their jurisdiction (the task force said that insofar as trucking is concerned, there is "no respectable case for economic regulation").

The most controversial recommendation of the Johnson consultants was for a law to attack existing industrial concentration by forcing "oligopoly" firms to reduce their share of the market to a maximum of 12 per cent. The Nixon advisers want no such legislation—or, for that matter, use of existing laws to dissolve dominant firms such as General Motors. McLaren, in the interview, indicated that his views were along similar lines.

[From the Wall Street Journal, May 23, 1969]

Study of Conglomerates for Nixon Urges No Antitrust Suits To Bar Their Mergers

(By Louis M. Kohlmeier)

Washington.—The growing conglomeration of antitrust studies of conglomerates includes a secret one made for President Nixon soon after his election last fall.

The Nixon study is thinner and less formal than most, but, like the others that have been finished thus far, it hasn't made any perceptible impression on its intended beneficiaries.

A major recommendation is that the Justice Department not sue to prevent conglomerate mergers—meaning those of companies that aren't competitors. "Vigorous action on the basis of our present knowledge is not defensible," the study asserts.

But Richard W. McLaren, the Chicago lawyer Mr. Nixon picked to head the Justice Department's Antitrust Division, has undertaken a crusade against large conglomerates, filing suits to stop them from taking over companies that are leaders in their industries. His targets have been among the nation's largest conglomerates—Ling-Temco-Vought Inc., International Telephone & Telegraph Corp. and Northwest Industries Inc.

PRESENT LAW SEEN SUFFICIENT

Mr. McLaren is trying to prove that big conglomerate mergers can be dealt with under existing antitrust law and thus there isn't any reason for Congress to enact a new law. His suits have been approved by his boss, Attorney General Mitchell, and Mr. Mitchell is perhaps closer to the President than anyone else in the Nixon Administration.

The Nixon study wasn't released by the Justice Department. The department's public information office confirmed yesterday that such a study had been made, but refused to release it, although the same office the day before had released the antitrust study that had been prepared last year for President Johnson, which he had kept secret.

The public information office defended its secrecy on the Nixon report by saying that it was more informal than the Johnson study and was written to be read in confidence by Nixon Administration officials.

Details of the study were confirmed elsewhere.

Both the Nixon and Johnson studies were headed by University of Chicago academicians. But there are differences between the two. George J. Stigler, University of Chicago Law School professor who headed the Nixon group, is generally regarded as a conservative on antitrust matters. Phil C. Neal, dean of the same school, headed the Johnson group and has a more liberal reputation.

The other members of the Nixon group were six professors of law or economics and two industry executives—R. H. Mulford, president of Owens-Illinois Inc., and Alexander L. Stott, vice president of American Telephone & Telegraph Co. The 11 other members of the Johnson group were professors or practicing lawyers.

On conglomerate mergers, the Nixon study group says "we seriously doubt that the Antitrust Division should embark upon an active program of challenging conglomerate enterprises on the basis of nebulous fears about size and economic power."

XUM

It also says antitrust laws shouldn't be used to combat "social problems," organized crime" or for the "achievement of general political goals." Attorney General Mitchell has suggested using such laws to break up syndicated gambling rings and other operations of organized crime.

The Nixon task force is critical of the Federal regulatory agencies, which control private industries that in general are exempt from antitrust laws. It takes the agencies to task for "excessive rigidity, expensive review of economically trivial details and frequent failure to achieve any important results." And it criticizes them for using their licensing powers to restrict entry into regulated industries and for restricting price and rate competition in the airline, railroad and other industries.

The study singles out the Interstate Commerce Commission's regulation of the trucking industry, saying "there is no respectable case for economic regulation" of trucking.

It also criticizes the Federal Trade Commission, saying its "overzealous enforcement of consumer-protection" laws hasn't helped consumers so much as it has protected some small businessmen. The criticism apparently relates to the FTC's enforcement of the Robinson-Patman Act which bars manufacturers from giving price discounts to big customers unless the discounts and other allowances also are made available to small retailers.

COMPARISON OF STUDIES

The Nixon group doesn't recommend any new legislation or the use of present antitrust laws to attack large companies in highly concentrated industries where a handful of corporations have the lion's share of total sales.

The Johnson group advocated a new Concentrated Industries Act to break up companies in "oligopoly industries" where four or fewer companies account for 70% or more of total industry sales. That group also proposed a new Merger Act to prevent large conglomerate companies from acquiring big corporations in concentrated industries.

President Johnson didn't propose any such laws to Congress and didn't disclose that they had been recommended. President Nixon has remained silent about his task force's report as his antitrust chief has attacked large conglomerate acquisitions.

A third antitrust study was recently completed by the antitrust section of the American Bar Association. It's a formal and voluminous document that brings antitrust laws up to date by tracing and explaining court interpretations of those laws in recent years. It doesn't contain recommendations, however.

CONGRESS TO USE REPORTS

All three reports will become part of the antitrust literature that Congressional committees will use later this year when they begin hearings on what, if any, new legislation is needed to deal with conglomerates and concentration.

In addition, Congress by September will have the benefit of at least two other studies. The FTC is studying conglomerate mergers. And the American Bar Association is studying the FTC, at President Nixon's request.

The House Antitrust subcommittee is making its own study of conglomerates, and also is awaiting the FTC's study. The Senate Antitrust subcommittee, which already has held lengthy hearings on concentration and conglomerates, is awaiting the FTC report too.

[From Newsweek, June 2, 1969]

ANTITRUST: "LET'S TURN IT LOOSE"

For months there had been talk in conglomerate circles of a secret antitrust report prepared for President Johnson by a blue-ribbon task force of professors and lawyers under the direction of Phil C. Neal, dean of the University of Chicago Law School. The report, kept secret by the Johnson Administration, was said to recommend concentration of the Justice Department's fire on such giants as General Motors rather than on conglomerate mergers. In effect, it was rumored, the report would undercut the anti-conglomerate stand of President Nixon's antitrust chief, Richard W. McLaren.

Last week, almost a year after it had been submitted to the White House, the task force's report was made public—at the specific behest of McLaren himself, who went to Mr. Nixon and said, "Let's turn it loose."

The report's main target proved indeed to be the giants of what it called the "oligopolistic" industries, those where "monopoly power is shared by a few very large firms." It proposed a Concentrated Industries Act that would require divestiture of interests by companies dominating such fields as autos, steel and computers. In short, its message was break up GM, not Litton or Ling-Temco-Vought.

THE TERMS

But the conglomerates were by no means let off—certainly not to the extent they had hoped. The report recommended a second law, the Merger Act, that would prohibit the acquisition by "large" companies (i.e., with sales of more than $500 million or assets of more than $250 million) of "leading companies" in their field. Even so, the task force took a more lenient view of conglomerate mergers than McLaren has put on the record. "An active merger market," it said, "suggests a healthy fluidity in the movement of resources and management in the economy toward their more effective utilization." (Another, still-secret Presidential study apparently supports conglomerates even more forcefully.) Furthermore, the Neal study's proposed legislation—should it ever be enacted—would apparently invalidate the two major cases McLaren had already launched, one against the acquisition of Jones & Laughlin Steel by Ling-Temco, the other against the acquisition of the Canteen Corp. by the International Telephone and Telegraph Corp. Neither J&L, the sixth-largest steelmaker, nor Canteen, a food vendor, would meet the report's strict definition of what constitutes a "leading company."

Why had McLaren urged release of a report that, however musty and academic, could only make his life more difficult? McLaren's answer, as he put it in a cover letter transmitting the report to Congress, was that its publication "is simply designed to make the report available for study and comment." It was not, he took pains to point out, "in any sense an official endorsement" of the report. Certainly it was putting no brakes on McLaren's own merger-challenging course. On the same day the report was made public, his antitrust division took its third major anti-conglomerate action with the filing of a suit, in Chicago, to prevent the bitterly contested take-over by Northwest Industries, Inc., of B. F. Goodrich Co.

[From Automotive News, June 9, 1969]

NIXON TASK FORCE WRITES ITS OWN ANTITRUST REPORT—DIFFERENT VIEW TAKEN ON HOW TO HANDLE U.S. AUTO INDUSTRY

(By Helen Kahn)

WASHINGTON.—This is the season for antitrust reports. Two weeks ago, a study made by a Johnson Administration Task Force was released, but not endorsed, by the Nixon Administration.

Now comes the report of the Nixon Administration's own Task Force on antitrust matters.

Similar, but not identical, ground is covered in both. A major point of agreement is the need to revise the Robinson-Patman Act. A major disagreement is how to handle an oligopolistic industry like the auto industry.

The Johnson group suggested legislation drastic enough to break up each of the Big Three auto companies.

The Nixon Task Force suggests "unremitting scrutiny," but it favors proceeding under present law where pricing is found to be substantially noncompetitive and where collusion can be inferred.

The Johnson Task Force was headed by Phil C. Neal, dean of the University of Chicago Law School, and was composed of lawyers and economists.

The Nixon Task Force was headed by George J. Stigler, economics professor at the University of Chicago. It was made up of lawyers and economists plus two businessmen—one from Owens-Illinois Glass Co. and one from American Telephone & Telegraph.

The Neal report (Johnson) runs 200 pages. The Stigler report (Nixon) runs 28 pages. The opinions in both reports are expected to be aired in congressional hearings.

In addition to the recommendations to leave antitrust action against highly concentrated industries to collusive behavior under the Sherman Act, the following are the major recommendations of the Stigler report:

Issuance by the President of a general policy statement "(a) establishing the antitrust division as the effective agent of the administration in behalf of a policy of competition within the councils of the administration and before the independent regulatory commissions; (b) urging those commissions to enlarge the role of competition in their industries;

(c) marshaling public support for the policy of competition.

Urging of commissions to permit free entry into regulated industries and where possible to abandon minimum rate controls.

Urging the attorney general and the antitrust chief to make sure that every antitrust suit make good economic sense and to start semi-public conferences to make and oversee enforcement guidelines.

Closer liaison between the Justice Department and the Federal Trade Commission at the highest levels.

Bringing a series of strategic cases against regional price fixing where the Stigler group believes conspiracies are "numerous and economically important."

Making changes in the present Justice Department merger guidelines which are described as "extraordinarily stringent and in some respects indefensible."

Recommending against any action against conglomerate mergers and conglomerate enterprises, pending more information, and urging the Justice Department to "resist the natural temptation to utilize the antitrust laws to combat social problems not related to the competitive functioning of markets."

(EDITOR'S NOTE: New Antitrust Chief Richard McLaren has already taken action against three conglomerate mergers.)

New legislation to increase the fines for price fixing.

A new policy for antitrust decrees: Not seeking the entry of regulatory decrees; almost always using decrees with a termination date of not more than 10 years, and reviewing decrees to see which should be vacated as obsolete or inappropriate.

Repealing the Webb-Pomperene and the Expediting Acts.

Substantially revising the Robinson-Patman Act.

Although the Stigler report does not call for mandatory dissolution of companies in highly concentrated industries (as does the Neal report), neither does it play down the problems of oligopoly.

In fact, the Stigler report calls the problems of oligopoly the "most difficult ones" in a policy for competition.

The report gives three reasons for this: The first, described as "factual," is that there are many important industries that are oligopolistic.

The second, described as "interpretive," is that "economists have not succeeded in fully identifying the characteristics of an

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industry which determine whether it will behave competitively or monopolistically."

The third, described as a "matter of action," is "if firms in an oligopolistic industry are convicted of collusive behavior, must one press for a remedy so radical as dissolution in order to stop future repetitions of the offense? (And should the standards of permissible concentration be wholly different for pending mergers than for established enterprises?)"

The Stigler report lists circumstances which determine whether the companies in an oligopolistic industry behave more or less competitively.

"The easier new firms can enter the industry, the smaller and more short-lived will be the monopolistic restrictions."

"The more elastic the demand for the product of the oligopolistic industry, the less the reward from restrictions of output below the competitive level, and hence the less the inducements to act collusively. This in turn usually depends upon what alternative products the buyers may turn to."

"The larger the effective number of firms the less the probability of collusive behavior . . ."

Another factor suggested by the Stigler group as "probably but less certainly" affecting the probability of competitive behavior is the size of buyers, since larger buyers make for more competitive behavior.

The Stigler group believes that although concentration may be a "significant factor" in profitability, it is not a "major determinant."

The Task Force believes that "somewhere between five and ten effective rivals (i.e., a largest firm with a share of ⅓ to ⅙) are usually enough to insure substantial elimination of the influence of concentration upon profitability."

The Stigler group cannot go along with proposals to break up oligopolies by dissolving the leading firms because the "correlation between concentration and profitability is weak, and many factors besides the number of firms in a market appear to be relevant to the competitiveness of their behavior."

Nevertheless, the Task Force counsels a "policy of strict and unremitting scrutiny" for oligopolies. If after a careful investigation, pricing is found to be "substantially noncompetitive," then it thinks there are grounds for proceeding under the Sherman Act.

The Robinson-Patman Act is put on the agenda for long-term legislative reform by the Stigler group on grounds that it "leads to rigidity in distribution patterns and to uniform, inflexible pricing."

The Stigler group thus joins the Neal group of the Johnson administration in calling for changes. The two panels agree that limited price reductions may lead over time to generally lower prices.

The Stigler groups feels that a "prohibition against price discrimination may preclude the kind of competition that is most likely to lead to lower prices in oligopolistic industries."

The Stigler report suggests two kinds of changes in the R–P act:

1. Making the general ban against price discrimination in Section 2–A more "supple by broadening the meeting-competition and cost-justification defenses so as to make them more readily available for sellers whose price differentials do not stem from a predatory purpose and do not injure competition in the marketplace (as opposed to disadvantaging individual firms)."

2. Repealing subsection C, D and E while making clear that standards of the amended Section A apply to practices which would have been handled under the repealed sections.

The Stigler group "recognizes the political support" the R–P Act has and the danger that trying to change it might give some interests a chance to add even more restrictive provisions. That is why some members of the Task Force want change to be a long-term reform and others wish to leave it alone.

The Federal Trade Commission—still reeling from the body blows by Ralph Nader's Ivy League law students—comes in for some sharp criticism from the Stigler panel.

"Unhappily," said the Stigler group, "little that the commission undertakes in the antitrust area can be defended in terms of the objective of maintaining and strengthening a competitive economy."

As an example, it slaps FTC actions against companies for predatory pricing. It accuses FTC of never properly distinguishing between price differences and price discriminations.

Although the Stigler group finds some improvement over the last eight years—helped by reviewing courts—it believes that FTC still brings many cases that impair, rather than promote, competition and efficiency.

The Stigler panel "can conceive of no case of discrimination in which the Sherman Act would not provide an adequate remedy," and so it views the enforcement of the R–P Act as "inherently likely to be pushed beyond proper limits."

FTC's efforts "to protect small dealers from allegedly unfair and coercive business practices constitute a dark chapter in the commission's history," according to the report.

Much is not even formal proceedings, complains the Stigler panel.

According to the Stigler group, the small dealer, no matter for what reason he is terminated, complains to FTC knowing of its bias for small business, and FTC uses the threat of a proceeding to "get the supplier to reinstate the dealer, and if threats fail—usually they succeed—the FTC may file a complaint charging the supplier with having cut off the dealer because he was a price cutter, or for some other nefarious reason."

The report added: "Our impression, in sum, is that the commission, especially at the informal level, has evolved an effective law of dealer protection that is unrelated and often contrary to the objectives of the antitrust laws."

Further, the Stigler report asserts, FTC is even more severe in its merger policy than the Justice Department, and it concludes that "substantial retrenchment" by FTC in the antitrust field is "highly desirable."

The Stigler group feels FTC resources might be redeployed into two possible areas—consumer protection and economic studies—but it adds: "Unhappily, either route could be followed in such a way that endangered competition. . . ."

Although FTC needs "basic reform," the Stigler panel admits it will be hard to do, partly because the President would run up against the tradition of regarding the commission as an "arm of Congress."

Because of likely opposition on the Hill to reforming FTC, the panel suggests for the short-run closer cooperation between the Justice Department and FTC on the highest levels with the hope that FTC will pay some attention to the department's view of what it should do on antitrust and trade-regulation matters.

[From Antitrust and Trade Regulation Report, June 10, 1969]

Nixon Task Force Disagrees With Present and Past Administrations' Merger Policies

Unable to agree with either the Johnson Administration's merger guidelines or the present Administration's policy toward conglomerates, the Nixon Task Force on Productivity and Competition does recommend sweeping reform of present antitrust laws. Everything from the Expediting Act to price-fixing, Webb-Pomerene, Robinson-Patman, and consent decrees were touched upon by the Task Force.

The Nixon Task Force made the following recommendations:

1. That the Department of Justice decline to undertake a program of action against conglomerate mergers and conglomerate enterprises, pending a conference to gather information and opinion on the economic effects of the conglomerate phenomenon. More broadly, the Department should resist the "natural temptation to utilize the antitrust laws to combat social problems not related to the competitive functioning of markets."

2. That the Department of Justice maintain "unremitting scrutiny of highly oligopolistic industries" and proceed under Section 1 of the Sherman Act in instances where pricing is found to be substantially noncompetitive. The Task Force does not endorse proposals, whether by new legislation or new interpretations of existing law, to deconcentrate highly concentrated industries by dissolving their leading firms.

3. That a number of revisions be made in the Department of Justice Merger Guidelines which are "extraordinarily stringent, and in some respects indefensible."

4. That the Robinson-Patman Act be substantially revised and that the Expediting and Webb-Pomerene Acts be repealed.

5. That a new policy for antitrust degrees be promulgated. The Department of Justice should "not seek the entry of regulatory decrees: Decrees that envisage a continuing relationship with the defendant. Save in exceptional circumstances, all decrees should contain a near termination date, ordinarily no more than 10 years from the date of entry. And the Department should undertake a review of existing decrees to determine which should be vacated as obsolete or inappropriate."

6. That new legislation be passed to increase the monetary penalties for price-fixing.

7. That the Department of Justice bring a series of strategic cases against regional price-fixing conspiracies, which "we believe to be numerous and economically important."

8. That the Department of Justice establish close liaison with the Federal Trade Commission at the highest levels, with a view toward fostering a harmonious policy of business regulation.

9. That substantial retrenchment by the Federal Trade Commission in the antitrust field is highly desirable. In addition to retrenchment, its resources devoted to regulating competition might be redeployed. "The two principal possibilities are (1) consumer protection and (2) economic studies utilizing the very broad fact-gathering powers vested in the Commission by its enabling legislation. Unhappily, either route could be followed in a way that endangered competition. Overzealous enforcement of consumer-protection legislation can also have errant results. The Federal Trade Commission urgently needs a basic reform."

10. That the Attorney General and the Assistant Attorney General in Charge of Antitrust insist that every antitrust suit make good economic sense, and institute semipublic conferences to assist in the formulation and reevaluation of enforcement guidelines.

11. That regulatory commissions permit free entry in the industries under regulation and abandon minimum rate controls, whenever these steps are possible and that the President appoint at least one economist to membership in each of the major commissions, and institute effective procedures for the review of the performance of the commissions.

12. That the President issue a general policy statement (a) establishing the Antitrust Division as the effective agent of the Administration in behalf of a policy of com-

petition within the councils of the Administration and before the independent regulatory commissions; (b) urging those commissions to enlarge the role of competition in their industries; (c) marshaling public support for the policy of competition.

Many similar suggestions were made in a Neal Report released (p. A-1, ATRR No. 411, 5/27/69) late last month. Both reports agreed upon the need to revise the Robinson-Patman Act and the need for improvement in the quality and enforcement of the antitrust laws. But each went its separate way on the conglomerate and oligopolistic industry problems. The "Neal" Report recommended enactment of legislation to supplement Section 7 of the Clayton Act to prevent some possibly anticompetitive mergers which might go unchallenged because of the difficulty of applying Section 7 standards. Also, the "Neal" group recommended legislation that would employ established techniques of divestiture to reduce concentration in industries where monopoly power is shared by a few large firms.

Members of the Task Force on Productivity and Competition were: George J. Stigler, Chairman; Ward S. Bowman, Jr.; Ronald H. Coase; Roger S. Cramton; Kenneth W. Dam; Raymon H. Mulford; Richard A. Posner; Peter O. Steiner; and Alexander L. Scott. Mr. Mulford and Mr. Scott dissented from some of the report.

INTEREST RATES

Mr. BYRD of Virginia. Mr. President, in November of 1968 commercial bank prime interest rates were 6½ percent.

Today—only 7 months later—prime interest charges have reached the astonishing figure of 8½ percent.

I am not an expert of high finance and do not pretend to be.

I did, however, seek from the Office of Debt Analysis of the Office of the Secretary of the Treasury the amount of short-term Government bonds that have been issued in recent months.

I find that during the short period from October 24, 1968, to February 15, 1969, the Government sold $23.4 billion in short-term bonds.

In other words, the Government itself, in a period of less than 4 months, took out of the money market $23.4 billion. Thus, there was that much less money available to meet private demand.

So following the law of supply and demand, the interest rates have gone up.

As I see it, the effective way to tackle the question of high interest rates, as well as the effective way to tackle the Government's own financial problem—is to reduce Federal spending.

During the past 8 years Federal spending has doubled.

I ask unanimous consent to have printed at this point in the Record three tables, each of which I obtained on June 9, 1969, from the Office of Debt Analysis of the Office of the Secretary of the Treasury.

One table is the Commercial Bank prime rate changes, 1968–69.

The next table is U.S. Treasury short-term coupon issues, 1968–69.

The third table is U.S. Treasury tax anticipation bill offerings, 1968–69.

There being no objection, the tables were ordered to be printed in the Record, as follows:

COMMERCIAL BANK PRIME RATE CHANGES 1968–69

[In percent]

Effective date of change	From—	To—
1968:		
Apr. 19	6	6½
Sept. 25	6½	6¼–6
Nov. 13	6¼–6	6¼
Dec. 2	6¼	6½
Dec. 18	6½	6¾
1969:		
Jan. 7	6¾	7
Mar. 17	7	7½
June 9	7½	8½

U.S. TREASURY SHORT-TERM COUPON ISSUES 1968–69

Date of issue	Maturity date	Amount issued (billions)	Coupon rate (percent)	Effective rate [1] (percent)
Feb. 21, 1968	May 15, 1969	$4.3	5⅝	
May 15, 1968	Aug. 15, 1969	3.4	6	
Nov. 15, 1968	May 15, 1970	7.8	5⅝	5.73
Feb. 15, 1969	do	8.8	6⅜	6.42
May 15, 1969	Aug. 15, 1970	2.3	6⅜	6.42

[1] Issued at a discount.

U.S. TREASURY TAX ANTICIPATION BILL OFFERINGS 1968–69

Date of issue	Maturity date	Amount issued (billions)	Bank discount rate (percent)	Coupon equivalent yield (percent)
Jan. 15, 1968	June 24, 1968	$2.5	5.058	5.26
July 11, 1968	Mar. 24, 1969	2.0	4.399	5.65
Do	Apr. 22, 1969	2.0	5.426	5.69
Oct. 24, 1968	June 23, 1969	3.0	5.178	5.40
Dec. 2, 1968	do	2.0	5.489	5.73
Jan. 20, 1969	do	1.8	5.940	6.18

NEWSPAPER PRESERVATION ACT

Mr. INOUYE. Mr. President, on March 12, 1969, together with 24 other Senators, I introduced S. 1520, the proposed Newspaper Preservation Act. Since then, eight additional Senators have become cosponsors of this important piece of legislation, so that today there are 33 sponsors in the Senate. There are also approximately 100 sponsors of identical bills in the House of Representatives. I have this day submitted a statement to the Subcommittee on Antitrust and Monopoly on behalf of my bill and wish now to make available for the Record the gist of my remarks to the subcommittee.

During the 90th Congress, I had cosponsored, with 14 Senators, S. 1312, which was introduced by former Senator Carl Hayden. S. 1312 was the subject of 21 days of hearings by the Subcommittee on Antitrust and Monopoly. These hearings are contained in seven volumes of testimony and exhibits. At the close of hearings, to meet major criticisms of the original bill, Senator Hayden provided the subcommittee with an amended version of the bill. The subcommittee favorably reported S. 1312, as amended, to the full Committee on the Judiciary, but it was too late in the session for the full committee to act.

S. 1520 is identical to the bill reported favorably by the Subcommittee on Antitrust and Monopoly last year. The subcommittee has now scheduled 3 more days of hearings on this measure for June 12, 13, and 20.

Before these hearings take place, I want to place in the Record the reasons why 33 Senators agreed to sponsor the bill and to meet the remaining criticism and objections.

I shall not belabor the Senate with a history of newspaper economics in the 20th century. As I noted a moment ago, seven volumes of hearings held last year cover the subject in detail. Suffice to say that commencing around 1909, a trend emerged which resulted in the disappearance—through suspension of publication or merger—of a great number of metropolitan newspapers. Whereas, in 1909, there were 689 cities in the United States with two or more newspapers competing commercially and editorially, in 1968 this number had been drastically reduced to some 45 with commercial and editorial competition, and another 22 where there is only editorial and news competition.

Mr. President, I ask unanimous consent that there be printed at this point in the Record a table which graphically demonstrates the decline in such competition. This table was included in the amicus curiae brief of the American Newspaper Publishers Association submitted to the U.S. Supreme Court in Citizen Publishing Co. against United States.

There being no objection, the table was ordered to be printed in the Record, as follows:

TRENDS IN OWNERSHIP OF ENGLISH-LANGUAGE DAILIES OF GENERAL CIRCULATION AND CONTENT IN THE UNITED STATES 1880–1968 [1]

	1880	1909–10	1920	1930	1940	1945	1961	1968
Circulation (thousands)	3,093	22,426	27,791	39,589	41,132	45,955	58,080	61,561
Total dailies	850	2,202	2,042	1,942	1,878	1,744	1,763	1,749
Total daily cities	389	1,207	1,295	1,402	1,426	1,396	1,461	1,500
A. 1-daily cities	149	509	716	1,002	1,092	1,107	1,222	1,284
Percent of total	38.3	42.2	55.3	71.5	76.6	79.3	83.6	85.6
B. 1-combination cities	1	9	27	112	149	161	160	[2] 150
C. Joint-operation cities					4	11	18	[3] 22
Total, lines A, B, C	150	518	743	1,114	1,254	1,279	1,400	1,455
Percent of total	38.6	42.9	57.4	79.4	87.3	91.6	95.8	97.0
Cities with 2 or more commercially competing dailies	239	689	552	288	181	117	61	45

[1] Sources: Figures from 1945 to 1968 from Editor & Publisher International Year Book for years covered, with only minor corrections. Sources for earlier years are give in Raymond B. Nixon, "Trends in Daily Newspaper Ownership Since 1945," Journalism Quarterly, 31:7 (Winter 1954).

[2] Each of the 150 combinations consists of a morning and an evening paper under single-ownership except for 2 small Indiana cities, where a single owner publishes 2 evening papers, 1 Democratic and 1 Republican.

[3] Each of these 21 joint operations consists of a morning and an evening paper in the same city. There also is a joint operation between dailies in Franklin and Oil City, Pa.

Mr. INOUYE. Mr. President, the cause of this trend can be found in the economics of newspaper publication. There simply was, and is, not enough advertising and circulation revenue available in most central city markets to support

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commercially competing newspapers. In addition to increasing costs for equipment, newsprint, and labor, the competition from other media—including radio, television, magazines with regional editions, and weekly "shoppers"—giveaway papers—has resulted in losses of advertising revenues with disastrous effects upon core city newspapers.

In an endeavor to survive, 44 newspapers, located in some 22 cities, entered into agency or joint newspaper operating agreements. In each of these arrangements it would appear from the record that at least one of the papers was losing money and in danger of going out of business. The joint newspaper arrangements may vary in details, but all effectively merge most or all of the commercial functions, while maintaining separate and competing news and editorial departments.

The first joint operating arrangement was adopted by the newspapers in Albuquerque, N. Mex., in 1933. Newspapers in 21 other cities have since adopted similar arrangements. The cities with such arrangements and the dates when they were entered into are:

Albuquerque, N. Mex	1933
El Paso, Tex	1936
Nashville, Tenn	1937
Evansville, Ind	1938
Tucson, Ariz	1940
Tulsa, Okla	1941
Madison, Wis	1948
Fort Wayne, Ind	1950
Bristol, Tenn.-Va	1950
Birmingham, Ala	1950
Lincoln, Nebr	1950
Salt Lake City, Utah	1952
Shreveport, La	1953
Franklin-Oil City, Pa	1956
Knoxville, Tenn	1957
Charleston, W. Va	1958
Columbus, Ohio	1959
St. Louis, Mo	1959
Pittsburgh, Pa	1961
Honolulu, Hawaii	1962
San Francisco, Calif	1965
Miami, Fla	1966

Moreover, these arrangements were known to Congress and were discussed in the debates of the Celler-Kefauver Act and in hearings held a few years ago by the House Antimonopoly Subcommittee.

Late in 1964, however, the Antitrust Division of the Department of Justice brought an action in the Tucson Federal court, challenging the joint newspaper operating arrangement which had been in existence there for some 25 years. The district court determined that the Tucson joint arrangement was a per se violation of the antitrust laws, in the following particular respects:

First. Price fixing: As a result of the merger of the advertising and circulation departments of the two Tucson newspapers, the district court determined that the setting of subscription prices and advertising rates was unlawful joint action.

Second. Profit pooling: As a result of the merger of all commercial operations, the Tucson agency corporation received all revenues and distributed profits in specified ratios to both newspapers. This was held to be unlawful.

Third. Market allocation: As a result of the commercial merger, both Tucson newspapers agreed not to engage in any other business in Pima County, Ariz., which would conflict with the business of the agency corporation. This, too, was held to be an unlawful activity.

The Tucson newspapers appealed the district court decision. On March 10, 1969, the Supreme Court affirmed, holding that the two papers had violated the Sherman Act, as found by the district court, and further stating that the papers had not met the stringent requirements of the present failing company defense.

The Tucson newspapers had argued to the district court and the Supreme Court that their arrangements should be considered a merger since all commercial functions had been merged, while only the editorial functions remained separate. Unfortunately, this argument was dismissed by both courts.

If the joint arrangement were to be considered and treated similarly to a one-owner situation as S. 1520 provides, there would be no violation of the antitrust laws. If there is only one owner, obviously he can set the advertising and subscription prices for both papers. The profits may properly be divided in accordance with stock ownership. Finally, the agreement not to compete would be acceptable as the express obligation to the corporate stockholder.

In the 150 or more cities where there are two papers—morning and evening—owned by one owner, all of the above operations are indeed legal. It is neither sensible nor consistent with the purposes and intent of the antitrust laws to discriminate against joint newspaper operating arrangements on the basis that their separate and competing news and editorial departments foreclose their being treated as a merger.

Yet this was the verdict of the courts. The only remedy now is that which the Justice Department noted in its argument before the Supreme Court—the Congress must change the law. Apparently, the Justice Department continues to oppose this remedy, despite the anomalous situation which prevails, since it always opposes any exemption to the antitrust laws.

Moreover, the Department of Justice has made clear that its action in Tucson was a test case and that after the Tucson case is settled, it will proceed against the remaining 21 joint operating arrangements. The demise of at least one of the newspapers in each of these cities will be the likely result. The weaker paper in each city will revert to its former perilous financial position, and ultimately be forced to either suspend publication, sell out to, or merge into its competitor. One of the competing editorial voices will then be stilled.

To hypothesize that new papers will spring up in these cities is sheer fancy. To my knowledge, no new newspaper has been able to operate successfully in any core city in the last 40 years. I ask unanimous consent to have printed at this point in the RECORD a table showthe the vast number of metropolitan newspapers which have suspended, merged, or been forced to reduce daily publication to a weekly basis during the period 1930 through 1967. This table was included in the amicus curiae brief of the American Newspaper Publishers Association to the Supreme Court.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. DAILIES OF GENERAL CIRCULATION SUSPENDED, MERGED, OR GONE WEEKLY, 1930–1967

[In cities of 100,000 or more]

YEAR 1930

Detroit, Mich.: Daily.
Paterson, N.J.: Press Guardian.
Canton, Ohio: News.
Providence, R.I.: News & Tribune.

YEAR 1931

Birmingham, Ala.: Independent.
Elizabeth, N.J.: Times Herald.
Newark, N.J.: Free Press.
New York, N.Y.: World & Telegram.
Cincinnati, Ohio: Commercial Tribune.
Portland, Ore.: News & Telegram.
El Paso, Tex.: Post & Herald.
Spokane, Wash.: Times.

YEAR 1932

Los Angeles, Calif.: Express & Herald.
New Haven, Conn.: Times.
Chicago, Ill.: News & Post.
New Bedford, Mass.: Standard & Times.
Detroit, Mich.: Mirror.
St. Louis, Mo.: Star & Times.
Brooklyn, N.Y.: Times & Standard Union.
New York, N.Y.: Graphic.
Yonkers, N.Y.: Herald & Statesman.
Scranton, Pa.: Sun.
Knoxville, Tenn.: Times.
Milwaukee, Wisc.: Herald.

YEAR 1933

Birmingham, Ala.: Mirror.
Washington, D.C.: U.S. Daily.
Cambridge, Mass.: Journal.
Cincinnati, Ohio.: Sentinel.
Memphis, Tenn.: Evening Appeal & Commercial Appeal.

YEAR 1934

Philadelphia, Pa.: Star.

YEAR 1935

Louisville, Ky.: News & Enquirer.

YEAR 1936

Los Angeles, Calif.: Press.
Youngstown, Ohio.: Vindicator & Telegram.
Oklahoma City, Okla.: Beacon.
El Paso, Tex.: Democrat.

YEAR 1937

Evansville, Ind.: Journal.
Omaha, Nebr.: Bee News.
Trenton, N.J.: Press.
Albany, N.Y.: Knickerbocker Press & News.
Brooklyn, N.Y.: Standard Union & Times.
New York, N.Y.: Journal & American.
Rochester, N.Y.: Journal & American.
Dayton, Ohio.: Gross Daytoner Zeitung.
Tacoma, Wash.: Ledger.

YEAR 1938

Miami, Fla.: Herald & Tribune.
South Bend, Ind.: News-Times.
Worcester, Mass.: Telegram.
St. Paul, Minn.: News.
Akron, Ohio.: Times Press.
Providence, R.I.: Star Tribune.
Dallas, Tex.: Journal & Dispatch.

YEAR 1939

San Diego, Calif.: Sun.
Washington, D.C.: Capital Daily.
Atlanta, Ga.: Georgian-American.
Chicago, Ill.: Herald-Examiner.
Chicago, Ill.: Midwest Daily Record.
Boston, Mass.: News Bureau.
Minneapolis, Minn.: Journal & Star.
Kansas City, Mo.: Democrat.
Newark, N.J.: Star-Eagle.
Buffalo, N.Y.: Times.
Rochester, N.Y.: Evening News.
Syracuse, N.Y.: Journal.

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Oklahoma City, Okla.: News.
Portland, Ore.: News Telegram.
Chattanooga, Tenn.: News.
Spokane, Wash.: Press.
Milwaukee, Wis.: News & Sentinel.

YEAR 1940

San Francisco, Calif.: Mission Daily Times.
Hartford, Conn.: Newsdaily.
Chattanooga, Tenn.: Tribune.
Memphis, Tenn.: Democrat.
Nashville, Tenn.: Times.

YEAR 1941

Bridgeport, Conn.: Times-Star.
New Orleans, La.: Tribune with Item.
Boston, Mass.: Transcript.

YEAR 1942

Atlanta, Ga.: Post.
New Bedford, Mass.: Mercury.
Kansas City, Mo.: Journal.
Trenton, N.J.: State Gazette.
Philadelphia, Pa.: Public Ledger.
Chattanooga, Tenn.: Times (Evening Paper).
Dallas, Tex.: Journal.
Milwaukee, Wis.: Post.

YEAR 1943

None.

YEAR 1944

None.

YEAR 1945

Long Beach, Calif.: Sun with Press-Telegram.

YEAR 1946

Erie, Pa.: Sun.
Philadelphia, Pa.: Northeast Times.

YEAR 1947

Washington, D.C.: United States Journal.
Springfield, Mass.: Republican (Morning paper suspended).
Springfield, Mass.: Union (Evening paper suspended).
Brooklyn, N.Y.: Citizen.
Philadelphia, Pa.: Record.
Seattle, Wash.: Star.

YEAR 1948

Chicago, Ill.: Sun & Times (merged into Sun-Times).
Minneapolis, Minn.: Times.
Bronx, N.Y.: Home News & New York Post.

YEAR 1949

Camden, N.J.: Post.
New York, N.Y.: Star.
Dayton, Ohio: Journal & Herald.
Tacoma, Wash.: Times.

YEAR 1950

Birmingham, Ala.: Age-Herald.
San Diego, Calif.: Journal.
New York, N.Y.: Sun.
Kansas City, Mo.: Sun-Herald.

YEAR 1951

St. Louis, Mo.: Star-Times.

YEAR 1952

New York, N.Y.: Compass.
Salt Lake City, Utah: Telegram.

YEAR 1953

None.

YEAR 1954

Los Angeles, Calif.: Daily News.
Washington, D.C.: Times Herald.
Atlanta, Ga.: North Side News.
South St. Paul, Minn.: Reporter.
Allentown, Pa.: News-Digest.
Baton Rouge, La.: Journal.
Rumford, Me.: Times.

YEAR 1955

Portsmouth, Va.: Star.
Montgomery, Ala.: Examiner.

YEAR 1956

Boston, Mass.: Post.

YEAR 1957

Portsmouth, Va.: Times.

YEAR 1958

New Orleans, La.: Item (Eve) & States (Eve).
Cincinnati, Ohio: Times-Star & Post.

YEAR 1959

San Francisco, Calif.: Call-Bulletin & San Francisco News.
Grand Rapids, Mich.: Herald.
Columbus, Ohio: Citizen & State Journal.

YEAR 1960

Wichita, Kans.: Beacon with Wichita Eagle.
Detroit, Mich.: Times.
Cleveland, Ohio: News with Cleveland Press.
Pittsburgh, Pa.: Sun-Telegraph with Pittsburgh Post-Gazette.

YEAR 1961

Boston, Mass.: Record with American.

YEAR 1962

Los Angeles, Calif.: Examiner.
Los Angeles, Calif.: Mirror with Los Angeles Times.
Minneapolis, Minn.: Herald.
Jackson, Miss.: State Times.

YEAR 1963

Phoenix, Ariz.: Arizona Journal.
Brooklyn, N.Y.: Eagle.
New York, N.Y.: Mirror.

YEAR 1964

Phoenix, Ariz.: Arizona Journal (started and suspended second time).
Portland, Oreg.: Reporter.
Houston, Tex.: Press.

YEAR 1965

Phoenix, Ariz.: American.
Phoenix, Ariz.: Arizona News.
San Francisco, Calif.: News Call Bulletin with San Francisco Examiner.
Atlanta, Ga.: Times.
Indianapolis, Ind.: Times.
Minneapolis, Minn.: American.

YEAR 1966

New York, N.Y.: Herald-Tribune, Journal American & World Telegram.

YEAR 1967

Boston, Mass.: Traveler with Boston Herald.
New York, N.Y.: World Journal Tribune.
Tucson, Ariz.: American.

Mr. INOUYE. Mr. President, unless we act favorably on the bill, this list of epitaphs will continue to grow in the future. The economics of newspaper publication offer no other conclusion. There are no new daily papers in New York City to replace those which have fallen. Nor has anyone in the entire State of Michigan demonstrated a willingness to start a second morning paper to compete with the only one now in existence. We in Congress must be realistic, and we cannot pin our needs upon phantoms of the future.

Rather than concede these economic facts, the Department of Justice has offered no real relief to the Tucson papers and the others similarly situated. The Department has indicated that the two papers may continue to share production and circulation facilities—the presses and delivery trucks. Yet, cost studies by these papers show that these savings would be insufficient to offset the tremendous costs of establishing two separate advertising and circulation departments. Without question, advertising and circulation rates would have to be increased to cover those added costs. The paper with higher circulation would attract more of the advertising revenue, forcing the other paper to cut back on its expenses for news, features, and editorial comment, which would itself result in further circulation loss and an even further decrease in advertising revenues. This vicious cycle is verified by experience and the number of papers which have folded is ample testimony to its existence.

What of Sunday? A single set of presses can only put out one Sunday paper. The paper with the Sunday edition would have a tremendous advantage with advertisers. I have been advised that the Department might consider allowing the two papers to use the agency or joint operating plan on Sundays—dividing the profits, setting single advertising and circulation rates, and the rest. If I may be so bold, this could be called "only on Sunday" since it would allow the papers to break the law on the Sabbath, but not during the rest of the week. To me this is sophistry. If the law now allows a joint plan on Sunday, it should allow it all week, and, conversely, if it is unlawful 6 days a week, it should not be done Sunday.

The newspaper preservation bill would authorize joint operations 7 days a week. To do otherwise would be hypocritical. Though ignored by the Department of Justice, the intent of the bill is to treat joint operating agreements the same as a total merger and to do so for all purposes, not just once a week. The fact that the joint operations maintain competing editorial voices should be considered as favorable under the antitrust laws—and not as the basis for discriminatory treatment. The bill we offer provides only a limited exemption to the antitrust laws by enabling joint operations to have the same alternatives available in one owner situations.

The other change in existing law made by S. 1520 would be the creation of a realistic definition of a failing newspaper. In the Supreme Court's decision in the Tucson case, they reverted to the definition of a failing manufacturing concern provided in the International Shoe case. In fact, to my mind the Supreme Court devised an even more stringent test for newspapers. In any event, the test devised by the Supreme Court in the Tucson decision would create ex post facto criteria which could not readily be met by any of the existing joint operating arrangements.

I call these court requirements ex post facto because they were not known by any of the papers when they entered into joint operating arrangements, nor were they required heretofore by the Department of Justice when it gave "release" letters to some of these joint operators.

The failing company doctrine is court created. It has been recognized by the Congress in the Celler-Kefauver Act, and Congress has in the past demonstrated its ability to reshape this doctrine to fit specific situations. Thus, in the Bank Merger Act of 1966, we devised a less stringent failing test for banks, and this was accepted by the Supreme Court in

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the Third National Bank of Nashville decision.

The public interest in preserving editorial voices is a sound basis for substituting a more realistic definition for determining when a newspaper is failing. The Court's definition in International Shoe and the Citizens Publishing decisions ought to be replaced by the language of S. 1520 in defining a "failing newspaper." Our language is broad and general, but so is the language in the Sherman and Clayton Acts, and I am certain that the Federal courts will similarly be able to develop a criteria for the application of this definition.

These, then are the two basic provisions of the Newspaper Preservation Bill, which amends the antitrust laws. The first would treat joint operations the same as one owner combination papers. The second would provide a more realistic test as to when a newspaper is failing. The exemption to the antitrust laws is indeed slight and is consistent with the spirit of the antitrust laws and the purposes of the first amendment.

I wish to address myself briefly to the arguments being made against this legislation. Certain of the national labor unions in the newspaper industry have lobbied against the bill. Apparently their position is based upon an opposition to any exemption to the antitrust laws, particularly where newspapers are concerned. There is also a concern that future joint operating arrangements may result in a loss of employment within the industry.

This opposition is most assuredly not to the preservation of editorial voices. While there has been some comment about possible new entries into the metropolitan newspaper field at some unknown time in the future, I believe all would agree that we must make every reasonable effort to preserve the editorial voices now in existence rather than encourage their demise in some wishful expectation of future developments.

I cannot offer any other response to the opposition to any antitrust exemptions, except to note that this is not a perfect world, and that we must deal pragmatically with the situations at hand. We know that there are justified exemptions to the antitrust laws and that we cannot foreclose any further changes in the law. Congress has in recent years provided for certain exemptions for professional sports and for banks. It is my contention that the newspaper industry is at least as deserving of consideration. The exemption proposed in S. 1520 is very limited in scope and is designed to provide a relief for joint operating arrangements, which is certainly in the public interest, by preserving editorial voices.

As to the question of jobs, none of us intends to take any action which would cause the loss of employment for persons in the newspaper industry. We realize that every time a newspaper closes down or merges into another paper, there is a diminution in employment. We believe that if S. 1520 is not enacted and the 22 joint operating arrangements dissolved, there will be a number of failures and mergers. Neither of these alternatives is in the best interests of the newspaper employees. Rather, maintenance of the existing joint operating arrangements would insure continued employment.

Mr. President, I ask unanimous consent that there be placed in the RECORD at this point an article from the Guild Reporter of August 10, 1962, which describes the efforts made and results achieved when the Honolulu Star-Bulletin and the Honolulu Advertiser entered into a joint operating arrangement. This report demonstrates that there need not be a decrease in employment. Moreover, the recent endorsements of the newspaper preservation bill by newspaper locals in Honolulu, as well as other labor, civic, and government organizations would indicate that there is more than a little public and labor support for the bill.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EASY DOES IT—IN HONOLULU

HONOLULU, HAWAII.—An agreement has been signed here embodying what a Guild negotiator said he hoped would serve as a "lesson in patience for any publisher tempted to embark on the all-too-frequent newspaper crash diets for fattening the failure by slimming the staff."

The description came after the Hawaii local had signed an interim agreement covering more than 300 employees in its jurisdiction affected by the recent move to combine the Honolulu Star-Bulletin and Honolulu Advertiser operations in all departments except editorial.

Although most departments have been physically consolidated since the announcement was made in June, no Guild members have yet been cut from the staff.

Management had agreed with the Guild to a ban on discharges during the initial stages of the consolidation and pending the outcome of negotiations covering the changeovers.

In its negotiations, it cited "attrition" as the route papers hoped could be followed to accomplish any cutbacks, saying: "We've been in business a long time, we expect to stay in business for a long time, and we're not going to rush into cutting costs when it means a loss of jobs."

The consolidation saw the two dailies form a new corporation called the "Hawaii Newspaper Operators" under which integrated mechanical, circulation, delivery, business office and advertising departments will function to produce both papers, ultimately out of one plant.

Both the Star-Bulletin and Advertiser continue as separate corporate entities and the Guild's contracts with each, negotiated last year and expiring next March, remain in effect for departments and divisions not consolidated.

The new interim contract signed by the Guild will also expire next March. It incorporates essentially all terms of what the Guild described as "the best of our four Hawaiian contracts—the Star-Bulletin pact—plus modifications and improvements negotiated to cover problems arising out of the consolidation."

Among other things, the Star-Bulletin's higher contract minimums are applied to the new company, thus accelerating for former Advertiser staff now working with HNO a mid-term contract increase they were not due to receive until next November.

In addition, the contract requires immediate negotiations to establish a formal pension plan for all—to become the first such plan for Advertiser employes—and to be at least equal to the benefits provided by the pension plan protected by the Guild's Star-Bulletin contract.

Extensive provision is made in the agreement for any discharges, that result from the consolidation.

The seniority of all employes transferred from the dailies to the new company is blended and any layoffs are to be on a strict seniority basis from the blended lists.

Past service is preserved, merit and personalized pay rates protected.

The Guild is to be given as much notice as practicable in addition to the required two weeks in advance of any layoffs.

Advance consultation is planned on ways of attempting to reduce layoff totals through such devices as retirement, early retirement, elimination of some part-time work and voluntary quits, with severance pay for any "voluntary quit" who is a substitute for an employe due otherwise to be discharged.

Special rehiring rights extending over 18 months have been set up with the provision that anyone rehired within 12 months of discharge is rehired with unbroken service and continuous seniority while a rehire between 13 and 18 months from date of discharge resumes work as a new employe.

Severance pay provisions—one week per year up to a maximum of 20 weeks in the Guild's Star-Bulletin contract, and a flat four weeks regardless of service length in the Advertiser agreement—is made a matter of choice, and Guild members can take either severance right regardless of which paper he had served.

Anyone rehired before using up the number of weeks for which he collected severance repays the "unused severance" on a payroll deduction formula of one week's reimbursement per month of reemployment.

Thus an employee collecting 20 weeks of severance who's rehired 18 weeks after discharge must reimburse the company for two weeks' severance via the payroll deduction formula.

The Guild and other unions were advised of consolidation plans some 10 days prior to the public announcement. Agreement was reached in advance of the public announcement to negotiate an interim contract outlining the terms under which the consolidated company's staff would operate and the machinery for effecting any layoffs.

Joint bargaining by the Guild and the International Longshoremen and Warehousemen's union, representing circulation staff, were underway with the company when news of the consolidation was printed.

Initial bargaining produced agreement to "maintain the status quo on total work force" for a period of two weeks and subsequent bargaining extended the status quo agreement throughout the nearly month-long negotiations.

Final negotiations were conducted by a bargaining committee representing all unions in the newspaper, with ANG International Representative Charles Dale named spokesman. Nearly identical terms were achieved in each union's interim agreements.

Representing the Guild in its negotiations were Administrative Officer Thomas W. O. Lum, Local President Ray Kruse, Treasurer Phil Mayer, Secretary Fred Lee, Executive Committee Members Ed Greaney, Chuck Turner, Don Horio, Al Goodfader, Scotty Stone, and Dale.

Not affected by the consolidation are Guild members in the commercial printing divisions of the two dailies and those employed on the Tribune-Herald in Hilo, a Star-Bulletin subsidiary operation on the island of Hawaii.

Mr. INOUYE. Mr. President, the newspaper preservation bills (S. 1520 and H.R. 8765) have been endorsed by the following, among others, in Hawaii:

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Organization	*Number of members*
Hawaii Newspaper Guild, AFL–CIO	370
Honolulu Printing Pressman and Assistants Union	85
Local 201, Lithographers and Photoengravers International Union	200
Lodge 1245, International Association of Machinists	1,400
International Longshoremen's and Warehousemen's Union	26,000

The above contracts with the Honolulu newspapers. In addition, the following have also endorsed S. 1520:

Hawaii Education Association	7,500
Local 996, Teamsters & Allied Workers	4,000
Local 5, Hotel, Restaurant Employees & Bartenders' Union, AFL–CIO	4,500
Hawaii Government Employees Association	17,500
Senate and House, Hawaii State Legislature	
City council and county of Honolulu	
Council of the county of Kauai	
Retail board of the Chamber of Commerce of Hawaii (firms, large and small)	600
Chinese Chamber of Commerce of Hawaii	400
The Honolulu Japanese Chamber of Commerce	450

Mr. President, I ask unanimous consent that copies of some of these endorsements and news stories and editorials regarding support for S. 1520 be printed at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INOUYE. Mr. President, I am advised that there is also opposition to the bill by an organization representing basically suburban papers, mostly weeklies, which oppose any exemption in the antitrust laws for newspapers. Obviously, these individuals feel that they do not need relief and take the position that no advertising competitor should be given relief.

The main fallacy in these contentions is that they ignore the purpose of the bill and the results it will achieve. We seek only to preserve editorial voices by providing limited exemption for joint newspaper operating arrangements. We are not claming that all newspapers need help, but we can see no point in the opposite contention that no newspapers need help. As I have just explained, joint operating arrangements are in immediate danger, and our relief is restricted to placing such arrangements on equal footing with the lawful operations of one-owner combination papers.

I have already discussed the fact that joint use of mechanical facilities would not provide the requisite savings to offset the losses of maintaining separate advertising and circulation staffs. "Wholesaling" advertising, which has been suggested, would still require the use of two staffs, with its high expense, and not supply the answer to price fixing as a per se violation. "Wholesaling" would still require both papers to get together to determine the rates to be charged each other.

The other criticisms raised, by the Department of Justice or the others opposed to this bill, fail to recognize the realities of the situation. In a city where one person owns the morning, evening, and Sunday papers, he can use combination rates—as do persons who own a chain of weeklies; he can set advertising rates for all of the papers under his control—and so can the owner of a chain of weeklies; he can set circulation rates—as would the owner of the weeklies; and he can divide the profits among his stockholders—as can the owner of the chain of weeklies.

Thus, the opposition wishes to maintain a fiction in the law. We intend by S. 1520 to recognize a reality. Two papers in a joint newspaper operating arrangement is a commercial merger. To treat them otherwise is inequitable and defies logic. By amending the law to recognize this fact, we eliminate all of the violations of the antitrust laws which were found objectionable by the court—price fixing, profit pooling, and market allocation.

Mr. President, we cannot allow ourselves to be blinded to the facts by unrealistic and inapposite cliches about competition in the newspaper industry. I cannot believe that the Nation would be benefited by a loss of editorial voices, or that the limited exemption to the antitrust laws provided in S. 1520 would do damage to our economy.

I urge every Senator to consider the plight of these newspapers which are struggling to retain their identity and to the facts involved. The newspaper preservation bill deserves our support.

Exhibit 1

Senate Concurrent Resolution 85

Concurrent resolution expressing full support in the passage of the newspaper preservation bills

Whereas, there has been an alarming decline in the number of American newspapers to the point where there are fewer than 60 cities with competing dailies as agains 552 such cities a half-century ago; and

Whereas, 22 such cities have been able to maintain newspaper competition only by virtue of joint operating plans in which a newspaper in dire financial straits merges with its stronger competition, its commercial components (mechanical, advertising, circulation) but withholding its editorial functions; and

Whereas, the alternative in such cases is to enter into a full merger, with the result of a single ownership of morning and evening papers and of a single editorial policy—as has been done in such cities as Milwaukee (11th largest U.S. city in population, 1960 census), New Orleans (15th), Atlanta (24th), Minneapolis (25th), Indianapolis (26th), Louisville (31st), and numerous other cities larger than Honolulu (43rd in size); and

Whereas, the joint-plan operation of The Honolulu Advertiser and the Honolulu Star-Bulletin, separately owned and with independent editorial policies and staffs, have given the community that healthy diversity of opinion and commentary which is essential to public awareness and understanding of vital issues; and

Whereas, the joint-plan operation has enabled the two Honolulu newspapers to employ talented staffs, to add such supplemental news services as that of the New York Times and of the Washington Post-Los Angeles Times, and to expand the news coverage provided the citizenry, for example, The Honolulu Advertiser's editorial budget increased from $500,000 to $1.1 million a year under the joint-plan operation; and

Whereas, in response to a United States Supreme Court decision adverse to the joint-plan operation, there have been introduced in the United States Senate and the House of Representatives identical bills for newspaper preservation sponsored by Hawaii's U.S. Senators Dan Inouye and Hiram Fong and 31 other senators and by Hawaii's U.S. Representative Spark M. Matsunaga and some 90 other representatives, respectively; and

Whereas, this legislation proposes that a failing newspaper merging its commercial but not its editorial functions with its competitor will be regarded under the law as a full merger, but with no predatory practices permitted; and

Whereas, the existing Honolulu joint-plan must be allowed to continue because its dissolution will precipitate either a single newspaper or single ownership of both newspapers to the great loss and detriment to the State of Hawaii, including the City and County of Honolulu; now, therefore,

Be it further resolved that duly certified Legislature of the State of Hawaii, Regular Session of 1969, the House of Representatives concurring, that this body expresses its full support in the passage of the Newspaper Preservation bills; and

Be .t further resolved that duly certified copies of this Concurrent Resolution be transmitted to the Honorable Richard M. Nixon, President of The United States; the Honorable Hiram L. Fong, U.S. Senator; the Honorable Daniel K. Inouye, U.S. Senator; the Honorable Spark M. Matsunaga, U.S. Representative; the Honorable Patsy T. Mink, U.S. Representative; the Honorable Governor John A. Burns; L. Porter Dickinson, President and Director of Hawaii Newspaper Agency, Inc.; Chinn Ho, Chairman of the Board of Directors, Honolulu Star-Bulletin; Alexander S. Atherton, President, Honolulu Star-Bulletin; and Thurston Twigg-Smith, President and Publisher, the Honolulu Advertiser.

Passed the Senate of the State of Hawaii, May 19, 1969.

DAVID C. MCCLUNG,
President of the Senate.

SEICHI HIRAI,
Clerk of the Senate.

Passed the House of Representatives of the State of Hawaii, May 19, 1969.

TADAO BEPPU,
Speaker, House of Representatives.

SHIGETO KANEMOTO,
Clerk, House of Representatives.

Resolution No. 42

Whereas the State Legislature of Hawaii—the Senate on May 15, 1969 and the House on May 16, 1969—did unanimously adopt a concurrent resolution "expressing full support in the passage of the Newspaper Preservation Bills"; and

Whereas this body wholeheartedly shares the views and conclusions expressed in the attached resolution of the Hawaii Legislature; Now, therefore,

Be it resolved by the Council of the County of Kauai, State of Hawaii, that it go on record as asking the Congress of the United States to expeditiously enact the Newspaper Preservation Bills.

Be it further resolved that copies of this resolution be sent to the members of the Hawaii Congressional Delegation; to Senator James O. Eastland, Chairman of the Senate Judiciary Committee; to Representative Emanuel Celler, Chairman of the House Judiciary Committee; to Governor John A. Burns; and to the Honolulu Star-Bulletin and the Honolulu Advertiser.

[From the Honolulu (Hawaii) Advertiser, Apr. 2, 1969]

Union Supports Law To Save Newspapers

The Executive Committee of the 370-member Hawaii Newspaper Guild (AFL–CIO) yesterday recommended that Guildsmen in the Islands support the Newspaper Preservation Bills recently introduced in Congress.

The Hawaii Newspaper Guild's members work at The Honolulu Advertiser, the Star-Bulletin and Hawaii Newspaper Agency in Honolulu; the Hawaii Tribune-Herald in Hilo and the Maui News in Wailuku.

The Guild's Executive Committee expressed concern over a recent United States Supreme Court ruling in the Tucson newspaper case and its possible implications for The Advertiser.

The Executive Committee urged Guild members to write to their U.S. Senators and Representatives, to State legislators and other interested parties, asking them to support the Newspaper Preservation Bills.

"Our concern is with the direct and immediate threat to the survival of The Advertiser," the Executive Committee said.

Text of the suggested letter to be written to the Congressional delegation and others follows:

"On behalf of the 370 members of the Hawaii Newspaper Guild, I write to ask your support of the Newspaper Preservation Bills recently introduced by 25 Senators and 84 Representatives.

"Our concern in the matter stems from the direct and immediate threat to the survival of The Honolulu Advertiser posed by the Supreme Court's ruling in the Tucson newspaper case. It is our understanding that the financially weaker paper in many, if not in all of the other 21 cities with joint newspaper plans, is equally imperilled.

"We recognize, better than most organizations, the importance to an open society of a vibrant press and of the need to preserve competition of ideas in the marketplace. We are all too aware that nationally, cities with competing newspapers have declined from 552 a half-century ago to about 50 now—of which 22 are in the joint-plan category.

"Some six and a half years ago, the morning Advertiser—which was in dire financial circumstances—was saved by its entry into a joint plan with the Evening Star-Bulletin. Advertising, circulation and mechanical functions were merged, but ownerships and editorial policies and staffs remained separate. It was clear that the merging of only the mechanical departments—which the Justice Department has said it would condone in such cases—would not produce economies sufficient to sustain the operation.

"As a result of the partial merger—the alternative to a single ownership of morning and afternoon papers and a single editorial policy—Honolulu is remarkably well served by the diversity of news and editorial commentary.

"Our representation of a significant number of the employees of the two papers here makes us familiar with local newspaper economics. If the joint plan here were broken up, The Advertiser as an entity would die.

"Theoretically, it might be suggested that a new organization would move in to fill the void. Realistically, it would not. Honolulu would wind up as a single-ownership city, just as much larger cities have: Milwaukee, Minneapolis, New Orleans, Atlanta, Indianapolis, many others.

"This would be as tragic as it is needless. Your support of the Newspaper Preservation Bills would contribute greatly to the preservation of independent editorial voices here and elsewhere. We hope that your reply will be favorable."

[From the Honolulu (Hawaii) Advertiser, May 15, 1969]

THE 17,000-MEMBER HGEA FAVORS NEWSPAPER BILLS

The 17,000-member Hawaiian Government Employees Association has endorsed the Newspaper Preservation Bills now before Congress and urged their "expeditious passage."

The legislation is being sponsored in the U.S. Senate by Hawaii Sens. Daniel K. Inouye and Hiram L. Fong; and Sens. Mike Mansfield, the majority leader; Fred R. Harris, national Democratic chairman; Alan Cranston, Hugh Scott, Wallace Bennett, George Murphy, Howard Baker and 24 others.

In the House the sponsors include Reps. Spark Matsunaga, Ed Edmondson, House majority whip Hale Boggs, James Symington, Edith Green, Don Clausen, William Mailliard, Paul McCloskey Jr. and 82 others.

The HGEA support of the measure is the latest in a series of union and other endorsements in Hawaii.

Daniel K. Ainoa, executive director of HGEA, sent the following letter to the Hawaii delegation:

"The Hawaiian Government Employees Association, with 17,000 members, is writing to ask your support of the Newspaper Preservation Bills (S–1520 and HR–8765) and to urge their expeditious passage.

"We are aware of the recent court decision in the Tucson newspaper case and the threat it represents to the survival of the Honolulu Advertiser and its joint-plan relationship with the afternoon Star-Bulletin.

"The Advertiser was widely known to be in an ominous financial condition before entering in 1962 into a consolidation of its commercial departments with those of the Star-Bulletin (but with a retention of independent ownerships and editorial staffs and policies). It is clear that if the joint arrangement were ordered dissolved, The Advertiser could not survive as a separate institution.

"The two daily voices which we presently have are obviously better than having a single editorial policy in the community.

"We believe with Judge Learned Hand that the First Amendment presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many this is, and always will be, folly; but we have staked upon it our all.

"With the general welfare of Honolulu in mind, we would appreciate whatever you and your colleagues are able to do to facilitate the passage of the Newspaper Preservation Bills."

Other organizations which have similarly backed the legislation include the Hawaii Newspaper Guild, the Printing Pressmen and Assistants Union Local 413, the Lithographers & Photoengravers Union Local 201, International Association of Machinists Local 1245, the ILWU Local 142, the Teamsters & Allied Workers Local 996, the Hotel, Restaurant Employes and Bartenders Union Local 5, AFL–CIO, the Hawaii Education Association, and the Retail Board of the Chamber of Commerce.

[From the Honolulu Hawaiian Advertiser, May 27, 1969]

CHAMBER SUPPORTS NEWSPAPER BILLS

The Honolulu Japanese Chamber of Commerce has joined numerous other community organizations in urging enactment of the Newspaper Preservation Bills.

This legislation would enable continuation of the joint-plan arrangement between the Advertiser and the Star-Bulletin and between two papers in each of 21 other cities. The result is to provide the community with separate and independent editorial voices.

William H. Tsuji, Chamber president-elect, has sent this resolution to the Hawaii delegation:

"Whereas, the Honolulu Japanese Chamber of Commerce, with a membership of 450, is keenly aware of the great value to the community of having two major daily newspapers, the Advertiser and the Star-Bulletin, with separate ownerships and separate editorial policies and staffs; and

"Whereas, the Chamber recognizes that this diversity of news and opinion is made possible only because of the economies realized from the consolidation seven years ago of the commercial departments of the two newspapers; and

"Whereas, the alternative to the present arrangement would be a full merger of the two companies, with the result of a single editorial policy, to the detriment of the community's need for the greatest possible dialogue on important issues; and

"Whereas, necessitated by a recent Supreme Court ruling in a mainland newspaper case, remedial legislation (known as the Newspaper Preservation Bills) has been introduced by Senators Daniel K. Inouye and Hiram L. Fong and Representative Spark M. Matsunaga and numerous of their colleagues in both houses of the Congress; and

"Therefore be it resolved that the Honolulu Japanese Chamber of Commerce wholeheartedly add its voice to the community-wide endorsement of the Newspaper Preservation Bills already demonstrated by other business, labor, government and civic organizations, and that the Chamber communicate its views, in the form of this resolution, to the Hawaii delegation in Congress, urging their support and further urging them to enlist the support of fellow Senators and Representatives."

[From the Honolulu (Hawaii) Advertiser, May 8, 1969]

TEAMSTERS, HOTEL, RESTAURANT UNIONS FAVOR NEWSPAPER PRESERVATION BILLS

The Hawaii Congressional delegation has been urged to give "hearty support" to the Newspaper Preservation Bills by the Teamsters & Allied Workers Local 996 and the Hotel, Restaurant Employes & Bartenders' Union, Local 5, AFL–CIO.

Letters signed by Arthur A. Rutledge, president of the unions, have been sent to Senators Hiram L. Fong and Daniel K. Inouye and to Representatives Spark M. Matsunaga and Patsy T. Mink.

The legislation would provide that when a newspaper in failing financial circumstances merges its advertising, circulation and mechanical departments, but not its ownership or editorial functions, with a stronger competitor it would be treated under law as if it were in a full merger.

Such a law is needed to grant relief from a U.S. Supreme Court ruling against such joint-plan operations—although complete mergers involving a single ownership of morning and afternoon papers and a single editorial policy have been permitted in many large cities.

The Hawaii Teamsters and Hotel Workers Unions' letter is in accord with those from five unions which have contracts with the local newspapers and from the Hawaii Education Association.

Text of the letter follows:

"Hawaii Teamsters & Allied Workers, Local 996, and Hotel, Restaurant Employees & Bartenders' Union, Local 5, are concerned over the jeopardy in which The Honolulu Advertiser is placed by the recent ruling of the U.S. Supreme Court in the Tucson press case.

"It is common knowledge that The Advertiser went through a substantial period of losses prior to the merger of its commercial departments with those of the financially stronger Honolulu Star-Bulletin.

"As a consequence of the consolidation of mechanical, advertising and circulation functions but with maintenance of separate ownerships and separate editorial staffs and policies, The Honolulu Advertiser has been able to continue publication; so that the papers here provide two different and independent viewpoints to the community.

"Although Local 996 and Local 5 do not always agree with either paper on issues facing organized labor, the community and the nation, we fully recognize the importance of having the greatest possible diversity of independent opinion and comment.

"It is our understanding that a score of other cities across America have similar joint-plan arrangements and are also seeking legis-

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lative relief from the Court's ruling on Tucson.

"The fact that 33 United States Senators and some 90 Representatives of both parties and of widely varied views have sponsored Newspaper Preservation Bills is indicative of the magnitude of the problem and the need for a Congressional remedy.

"These Newspaper Preservation Bills have the announced support of the Hawaii Newspaper Guild, the Printing Pressmen & Assistants Union, Local 413, the Lithographers & Photoengravers Union, Local 201, International Association of Machinists, Local 1245 and the ILWU, Local 142, all of whom have had contracts with the two Honolulu dailies for the six years of the joint-plan operation, and are thus intimately familiar with the economics of the local press.

"Local 996 and Local 5 join with these unions in urging the Hawaii Congressional delegation and their colleagues to give hearty support to the Newspaper Preservation Bills."

Lithographers and Photoengravers International Union, Local 239,
Salt Lake City, April 15, 1969.

Hon. Wallace F. Bennett,
Senate Office Building,
Washington, D.C.

Dear Senator Bennett: Our members have received information of S.B. 1520, introduced in the current session by the Honorable Daniel K. Inouye.

We are very much aware of the security we have had in the past working under the Agency operation in Salt Lake. Now, the Justice Department is threatening that very security by possible prosecution of the Agency operation that has worked so well for all of us.

We ask you Senator Bennett, in behalf of all Agency operations, to support this very important bill and give it every possible consideration.

Sincerely,
(The entire membership of the Lithographers and Photoengravers International Union, Salt Lake Local No. 239.)

Retail Board,
Honolulu, Hawaii, April 16, 1969.

The Retail Board of the Chamber of Commerce of Hawaii has 600 members, representing both large and small businesses in this community.

We are, of course, in constant contact with our daily newspapers, The Advertiser and The Star-Bulletin, and thus aware of the threat to them because of the recent ruling of the U.S. Supreme Court in the case of the two Tucson newspapers.

The joint-plan operation which has been in effect here since the middle of 1962 has been an asset to the community, providing the readers with independent editorial viewpoints and benefiting subscribers and advertisers alike through reasonable rates. These have been made possible by the economies effected through consolidation of the non-editorial departments.

The breakup of the joint plan threatened by the court ruling would be a great blow to the entire community, since it would mean the end of The Advertiser as a separate entity.

Our inquiries lead to the conclusion that in most, if not all, of the other joint-plan cities, more than 20 in all, there would be similarly disastrous results.

This is not a narrow issue. A number of the unions here have already endorsed the Newspaper Preservation Bill, for they, as well as the business community and the general readership, have received fair and equitable treatment from the joint plan operation.

We deeply hope that we can count on your support of this legislation.

Sincerely yours,
Donald E. Rowlett,
President.

[From the Honolulu (Hawaii) Advertiser, May 22, 1969]

City Council Backs Newspapers Bill

The Honolulu City Council is asking Congress to pass legislation which would enable continued editorial competition in Honolulu and 21 Mainland cities.

Measures to achieve this have been introduced by U.S. Sens. Hiram L. Fong and Daniel K. Inouye and 31 other Senators and by Rep. Spark M. Matsunaga and some 90 of his colleagues in the House.

The Council at its Tuesday meeting adopted a resolution stating:

"Whereas the State Legislature of Hawaii has unanimously adopted a concurrent resolution 'expressing full support in the passage of the Newspaper Preservation Bills'; and

"Whereas said Congressional proposals would permit Honolulu's two major daily newspapers to continue their joint commercial operations while maintaining editorial independence; and

"Whereas the continuance of editorially competitive newspapers is preferable to the possible alternative of total merger between the two main Honolulu daily newspapers; now, therefore

"Be it resolved by the Council of the City and County of Honolulu that it request the Congress of the United States to enact the Newspaper Preservation Bills; and

"Be it further resolved that the clerk be, and she hereby is, directed to transmit copies of this resolution to members of the Hawaii Congressional Delegation; to Sen. James O. Eastland, Chairman of the Senate Judiciary Committee; to Rep. Emanuel Celler, Chairman of the House Judiciary Committee; to Gov. John A. Burns; to the Honolulu Star-Bulletin and to the Honolulu Advertiser."

The national legislation—made necessary by a Supreme Court ruling in a Tucson newspaper case—would approve commercial mergers of two papers in cases where one of the papers was in dire financial circumstances.

The bills have been endorsed by five local newspaper unions, the Hawaii Education Association, the Teamsters, the Hotel, Restaurant Employes and Bartenders Union, the Hawaiian Government Employees Association, the Retail Board of the Chamber of Commerce of Hawaii, the Legislature, and the Chinese Chamber of Commerce.

[From the Honolulu (Hawaii) Advertiser, May 22, 1969]

Chinese Chamber of Commerce Approves

The Chinese Chamber of Commerce of Hawaii has urged the Islands' Congressional delegation to work for passage of legislation affecting The Advertiser and the Star-Bulletin.

Kenneth H. Lum, Chamber president, wrote the following to Sen. Hiram L. Fong and Daniel K. Inouye and to Reps. Spark M. Matsunaga and Patsy T. Mink:

"The Chinese Chamber of Commerce of Hawaii, in active operation for almost 60 years and with 400 members, asks your support of the Newspaper Preservation Bills.

"We have seen at first-hand how the Honolulu Advertiser has been enabled to survive because of its commercial, but not editorial, merger with the Star Bulletin—and how the entire community has benefited by tremendously improved news coverage of not only local but national and international affairs.

"The interest the two papers have shown in covering in depth the developments of an Asia deep in ferment has contributed to a high level of general understanding of the problems and potentials of the Orient by all elements of the Hawaii public.

"The Chamber endorses the legislation which will enable a continuation of our present healthy newspaper situation. We will appreciate your efforts in terms of encouraging your colleagues to give their support."

[From the Honolulu (Hawaii) Sunday Star-Bulletin & Advertiser, Apr. 6, 1969]

ILWU Backs Bill To Save Newspaper

Support of the Newspaper Preservation Bill now in Congress was voiced yesterday by the International Longshoremen's and Warehousemen's Union in Hawaii, on behalf of its 26,000 members.

Carl Damaso, president of the statewide Local 142, said the remedial legislation is necessary because of the Supreme Court ruling in a Tucson newspaper case.

The decision, he said in a letter to Hawaii's congressional delegation, poses a real threat to the Honolulu Advertiser and other papers which operate on a joint-plan basis.

Under this plan, commercial and production facilities of two papers are consolidated, but separate ownerships and separate and independent editorial policies and staffs are maintained.

Twenty-one U.S. cities, from San Francisco to Pittsburgh, from Nashville to Salt Lake City, have such arrangements as an alternative to a single ownership.

SPONSORS OF BILL

Sens. Daniel K. Inouye and Hiram L. Fong and Rep. Spark M. Matsunaga are among the 32 senators and more than 90 representatives sponsoring the Newspaper Preservation Bill.

The ILWU letter pointed out that "we represent the circulation department employes of both the Advertiser and its afternoon competitor, the Honolulu Star-Bulletin, and we understand the economics of the newspaper industry.

"Because of the desirability—yes, the necessity—of maintaining two competing and editorial voices in Hawaii, we, and the other five newspaper craft unions, cooperated with the publishers in the formulation and effectuation of the joint facility arrangement.

TUCSON DECISION

"It is our opinion that the Tucson decision will magnify the 'problem' it would in theory eliminate. Certain papers produced and distributed by joint facilities would be forced to close. Other papers, unable because of the decision to enter into a joint plan, would meet the same fate. In such instances the community is the loser.

"Today we have in Hawaii two independent dailies. We have two distinct editorial policies and excellent news coverage. We want to keep both.

"We believe, because we are familiar with the local situation, that if the joint facility were broken up, the Advertiser would die.

THEORY ONLY

"In theory it could be argued that some person or some corporation would establish a new morning daily. However, the people of our state and the people in the several states where joint production facilities exist cannot read theory. They want and need two or more competing papers.

"We urge you and your colleagues to support the Newspaper Presevation Bill and thus preserve the Advertiser and other daily newspapers.

"Incidentally, all of the newspaper unions in Honolulu recently negotiated the highest wage increases ever. The increases, which range from $40 to $48 a week, would not have been possible without joint facility production and distribution."

GUILD BACKING

An endorsement of the Newspaper Preservation Bill similar to the ILWU's was announced April 1 by the executive committee of the 370-member Hawaii Newspaper Guild (AFL–CIO).

The congressional sponsors of the legislation include both liberals and conservatives from the Democratic and Republican parties.

University of Hawaii,
March 20, 1969.

Hon. Daniel K. Inouye,
U.S. Senate,
Washington, D.C.

Dear Dan: I know you have heard enough of what follows, but I will say my piece anyhow. The very survival of The Honolulu Advertiser and other papers in cities ranging from San Francisco to Pittsburgh is at stake.

The problem is created by the Supreme Court ruling last week in a newspaper case in Tucson, which has a joint operation similar to that in Honolulu and in 20 other communities. The only solution is legislative relief—but first a bit of background.

As you well know, as a newspaper in failing circumstances, The Advertiser could have totally merged with the Star-Bulletin. (The Justice Department has never acted against such a full merger, even though it means a single ownership of two papers with a single editorial outlook.) Instead, The Advertiser merged only its commercial functions, but retained separate ownership and separate editorial policies and staffs.

Honolulu thus has a healthy diversity of opinion. The Advertiser is a realistically liberal paper which gets constructively involved in the issues which count. It has been a great source of strength to those of us in the academic community.

It would be a senseless tragedy were it to go under and yet economics would dictate that were the joint plan broken up.

Your statement that "where the public interest in a free and varied press runs afoul of the language but not the spirit nor the intent of the anti-trust laws, it is time for Congress to take corrective action," well expresses the sentiments of many of us.

There will have to be greater backing in both houses of Congress for the Newspaper Preservation Bill to pass, and I think this is a vital issue and will come back there on my own to help buttonhole other legislators.

Sincerely,

Richard L. Balch,
Vice President.

Hawaii Education Association,
Honolulu, Hawaii, May 2, 1969.

Hon. Daniel K. Inouye,
Washington, D.C.

Dear Dan: On behalf of the Hawaii Education Association, composed of 7,500 educators whose memberships are unified with the National Education Association, I am writing to ask your assistance in a crisis facing *The Honolulu Advertiser*—and a score of other newspapers across the nation—as a result of the Supreme Court's recent ruling in a Tucson case. A legislative remedy is urgently needed.

Six years ago the morning *Advertiser*, in dire financial straits, merged its commercial functions (mechanical, advertising, circulation), but not its editorial, with the afternoon *Star-Bulletin*. The result was to keep *The Advertiser* alive and to preserve for the community two separate and independent editorial voices.

The alternative would have been a full merger with the *Star-Bulletin*, resulting in a single ownership of morning and afternoon papers and a single editorial policy. This has been the route which papers in much larger cities—such as Minneapolis, Milwaukee, Atlanta, among others—have gone, and without Justice Department action. We would submit that the general welfare is better served by a partial merger with two voices than by the full merger with one voice.

If the joint plan in Honolulu were broken up, *The Advertiser* as an entity would die. So would the financially weaker paper in most, if not all, of the other joint-plan cities including Nashville, San Francisco, Pittsburgh, Miami, Tulsa, Knoxville, Birmingham, Columbus, O., Madison, Wis., Salt Lake City, Charleston, W. Va., Evansville and Fort Wayne, Ind., El Paso, Shreveport, Bristol, Va.-Tenn., St. Louis, Albuquerque and Lincoln, Neb.

To save the joint-plan papers, Newspaper Preservation Bills (S. 1520 and H.R. 8765 and others in the House, all identical) have been introduced by 33 Senators and some 90 Representatives. They run the political gamut in both Senate and House.

The proposed legislation provides simply that when a failing paper merges its commercial but not its editorial functions with its stronger competitor, the result should be treated under law as if it were in a full merger. No predatory practices would be condoned or permitted. In other words, the partial merger could engage in no actions which are not permitted in a full merger.

You, Senator, put it well when you said: "Where the public interest in a free and varied press runs afoul of the language, but not the spirit nor the intent of the anti-trust laws, it is time for Congress to take corrective action." The large number of cosponsors shows a substantial sharing of this viewpoint.

What an irony it would be if the Sherman Act, designed to stimulate competition, were employed in the joint-plan newspaper cases to destroy the competition in ideas so fervently needed in an increasingly complex world.

HEA hopes you can see your way clear to give this legislation your support. I'm enclosing news stories which list the initial sponsors; their number has now grown.

With every good wish and aloha.

As ever,

Daniel W. Tuttle, Jr.,
Executive Secretary.

[From the Cincinnati (Ohio) Enquirer, May 2, 1969]

To Preserve a Competitive Press

For several years, Congress has been seeking the most prudent and practical answer to the problems posed by the disturbing attrition with which American newspapers are beset. One major city after another has found itself without competing newspapers. Some newspapers have vanished altogether; others have been combined with their former competitors in a way that leaves only one overall management and sometimes one and sometimes two editorial voices.

The upshot of congressional interest and investigation is the Newspaper Preservation Act, which appears at the moment to enjoy substantial bipartisan support in both houses of Congress.

In effect, the measure would correct some of the injustices of the Supreme Court's decision on the hard-fought case involving the newspapers in Tucson, Ariz.

That case, as we noted in this space on March 18, dated back to 1940 when Tucson's two daily newspapers, the Citizen and the Arizona Daily Star, agreed to form a new corporation to assume responsibility for printing and distributing both newspapers and for soliciting advertising for both. Each paper retained its own editorial voice and identity. Had the agreement not been made, the Citizen, which had been losing money consistently, would probably have had to cease publication. In 1965, however, even though both newspapers were flourishing, the management of the Arizona Daily Star chose to sell out to the management of the Citizen. At that point, the Justice Department intervened to challenge not only the sale, but also the 1940 agreement for joint operations.

The case was significant because similar agreements are in operation in a score of other U.S. cities in which competing newspapers have survived only because of the financial savings joint operations have made possible.

The Newspaper Preservation Act would exempt joint newspaper operations from antitrust prosecution, provided the joint operating arrangements "have been entered into because of economic distress" and provided that jointly operated newspapers do not engage in any practices that would be unlawful if they were engaged in by a single entity. The latter provision is a recognition of the Supreme Court's finding that the Tucson newspapers, through their joint operation, engaged in price-fixing, profit-pooling and market control.

The essential purpose of the proposed legislation is not to enlarge the profit of the nation's newspaper publishers, but to open the door for the joint mechanical and distribution facilities that can spell the difference between one editorial voice in a community or two. The goal is the sort of continuing competition from which the reading public benefits.

There is little doubt that the costs of printing and distributing newspapers will continue to climb in the years ahead. So too will the mortality rate for newspapers—unless Congress takes the reasonable step that the Newspaper Preservation Act represents.

[From the Omaha (Nebr.) World-Herald, May 14. 1969]

Saving Editorial Voices

With the impressive sponsorship of some 30 senators and 90 representatives, legislation is moving forward in Congress to let daily newspapers which have joint business operations and publishing facilities continue to operate that way.

The legislation was made necessary by a Supreme Court decision in the Tucson case, which declared that a 29-year-old joint operating arrangement was in violation of antitrust laws.

The decision and the proposed legislation do not affect The World-Herald. But they do affect 44 papers in 22 cities, including the Lincoln newspapers, and they raise the prospect that government will drive some of these newspapers out of business.

We believe that one newspaper can do a good job of serving a community. But if the community supports two editorial voices operating from one plant, as in Lincoln and the 21 other cities, we are strongly of the opinion that government should not interfere.

We hope, therefore, that Midlands senators and representatives will support the proposed remedial legislation, which is S. 1520 in the Senate and H.R. 8765 in the House.

[From the Chicago (Ill.) Daily News, Apr. 15, 1969]

Keeping the Press Alive

Because of the skyrocketing costs of operation, the newspaper industry, especially in the larger cities, has suffered spectacular attrition in recent decades. One result has been a drastic reduction in newspaper competition as city after city found itself reduced to a single editorial voice, whether in one newspaper or a one-ownership combination of morning and evening newspapers.

To combat this trend and to preserve editorial competition in the face of costs that would otherwise have been intolerable, newspapers in several cities began combining certain of the operations—production, circulation, advertising, or some combination thereof—while continuing the editorial departments as vigorously competing entities under separate editors.

The U.S. Supreme Court, in deciding that the merger of two Tucson newspapers, the Citizen and the Arizona Star, should be dissolved, ruled that while combined production facilities are apparently acceptable, combining circulation and advertising departments or the pooling of profits from those departments is not.

The court also drastically narrowed the application of the "failing company doctrine" under which a merger was recognized as immune from the antitrust laws if one of the publications appeared certain to fail unless the merger took place. The court ruled that:

"The failing company doctrine plainly cannot be applied in a merger or in any other case unless it is established that the company that acquires it or brings it under domination is the only available purchaser."

The court also held that "the burden of proving that the conditions of the failing company doctrine have been satisfied is on those who seek refuge under it."

The first thing to be said of the decision is that it threatens to put many newspapers out of business, and thus to slash back the very competition the antitrust laws were written to preserve and extend. Newspapers in 22 others cities including San Francisco, Honolulu, Salt Lake City, Miami, Tulsa and Shreveport have similar combined circulation and advertising setups or profit pooling arrangements. Regardless of the fact that many such arrangements have been in operation for many years, and have been responsible for survival of whatever editorial competition remains in those cities, the companies are clearly considered fair game for the Antitrust Division of the Justice Department under the new decision.

The legal technicalities involved are many, and this is not the place to debate them. What appears unarguable to us is that the Supreme Court, charged with defending the rudiments of American freedom, has lost sight of the forest for the trees. For the nation to have a free press it must first have a press, operating in as competitive a manner as possible. As we read the record in Tucson the newspapers were operating as competitively as they could in the economic stringencies—and certainly to the far greater benefit of the reader than if a single newspaper had monopolized the field—an arrangement that would evidently have been blessed by the court.

The ruling that the failing company must have proved that it tried its best to sell to a noncompetitor strikes us as having no validity whatever. There is simply no market for a failing newspaper except with a competitor. The whole bleak story of the diminishing field of daily newspapers in the United States makes it abundantly clear that to seek an "outside," noncompetitive buyer for an economically troubled newspaper would be to seek a needle in a haystack. We were accordingly pleased to note that Justice Stewart dissented from this finding.

But the real remedy lies in legislation. The body that wrote the antitrust laws has the authority to make certain they serve only good purposes.

Various measures have been introduced in Congress in recent years to accomplish this purpose regarding joint newspaper operations. The most recent and best of these is Senate Bill 1520 (identical with House Resolution 8765) specifically exempting from the antitrust laws "certain combinations and arrangements necessary for the survival of failing newspapers."

Citing the public interest "of maintaining the historic independence of the newspaper press in all parts of the United States," the measure declares public policy to be "to preserve the publication of newspapers" wherever "a joint operating arrangement has been or may be entered into because of economic distress."

The measure would have no bearing in any case of "predatory pricing . . . practice . . . or other conduct . . . which would be unlawful if engaged in by a single entity." In short it would provide no special privilege for newspapers. But it would enable two competing editorial departments to survive and serve a community on the basis of shared business and production facilities, and it would commute the death sentences of any newspapers already condemned under the Supreme Court ruling.

In urging Congress to adopt this legislation, The Daily News speaks as a party not operating under any such arrangements as affected by The Supreme Court decision. We speak simply as a member of the free press, concerned for the continuing exercise of that freedom.

HIGH INTEREST RATES A HEAVY LOAD TO FARMERS

Mr. SYMINGTON. Mr. President, the announcement earlier this week by major banks that the prime interest rate would be increased to 8.5 percent is just one more evidence of the many financial problems facing our country. In large measure these problems are the result of the heavy outflow of U.S. dollars in recent years to meet overseas commitments.

These increased interest rates will adversely affect all taxpayers, all consumers, and every segment of our economy, including the homebuilding industry. Plans for new plants and equipment for big as well as small business will have more trouble passing on increased costs.

The heaviest load of all, however, could well be on the people of agriculture, a segment of our economy that has never had a fair share of the prosperity of America during this century.

In that latter connection, I ask unanimous consent to have inserted in the RECORD a telegram received yesterday from Mr. Ernest T. Lindsey, president of Farmland Industries, Inc., Kansas City; and I would hope that his presentation of this serious problem of the producers of food and fiber will receive consideration and helpful action from both the Congress and the administration.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

KANSAS CITY, MO., *June 10, 1969.*

Hon. STUART SYMINGTON,
Senate Office Building,
Washington, D.C.

We are sending today the following telegram to Secretaries Kennedy and Hardin and to William McChesney Martin, Jr.:

The decision of major banks to set the prime interest rate at 8½ is more than American agriculture should be asked to bear.

Even before this jump in interest rate, the high cost of money was an important factor in the cost-price squeeze that has pushed the farmer to the tail-end of the economy.

Farmers and ranchers can't cut back in the sense industry can.

They have their cattle in pastures and feed lots, their crops in the ground, their plans for the 12-month cycle at the point of no-return. They have no choice but to accept somebody else's decision that their money in 1969 will cost more than they anticipated.

As individuals and as the owners of far-reaching marketing and purchasing cooperatives, agricultural producers must borrow money to stay in business. They have managed to survive the economic inequities of the last 15 years largely because they have improved their efficiency at a higher rate than other segments of the economy.

There comes a time, though, when operating efficiencies simply cannot offset mounting production costs. For some farmers and ranchers that time could very well have arrived with the one-percent hike in money cost.

In behalf of more than a half million farmers who make up the memberships of the 2,000 cooperatives in the 14-state farmland industries family, I plead for whatever action you can take to bring about a reversal of this interest rate increase.

ERNEST T. LINDSEY,
President, Farmland Industries, Inc.
KANSAS CITY, MO.

JOHN L. LEWIS, CRUSADING LABOR LEADER, LEAVES HIS IMPRINT OF GREATNESS

Mr. RANDOLPH. Mr. President, yesterday I was in the southern West Virginia coal mining area when the news of the passing of John L. Lewis was announced.

The former great leader of the United Mine Workers of America is reverently remembered on the hills and in the valleys of West Virginia. Last night at Princeton, where I addressed the high school graduating class as a part of commencement ceremonies, and again this morning in Bluefield, from where I returned to Washington, many expressions of sadness and loss were heard. I share their sadness and feeling of loss.

The United Mine Workers of America became a vigorous labor movement under the leadership of Mr. Lewis, and I remember well his significant influence and his magnificent organizing ability.

When a Member of the House of Representatives, I recall his vigorous and effective testimony to the Labor Committee on which I sat as a member in the thirties. The eloquence of this self-made man with an abundance of God-given talent was one of the hallmarks of his crusading career on behalf of the coal miners and all men who toiled.

Few men in this century have made their presence felt in this country with the impact that John L. Lewis did. For half a century his labors on behalf of the workingman earned him a prominent and lasting place in the history of labor-management relations as the architect of institutions and practices that will live far beyond his time.

Although not a West Virginian, he was regarded by most of us as typifying the rugged mountaineer and the free spirit we admire. In fact, the West Virginia Society of the District of Columbia honored him with its Adopted Son Award. He also was awarded the honorary doctor of humanities degree by West Virginia University.

It was my privilege to have enjoyed a personal cherished friendship with John L. Lewis over many years spanning my service in the House of Representatives and the Senate.

JOHN L. LEWIS, A GREAT AMERICAN

Mr. BYRD of West Virginia. Mr. President, John L. Lewis was as controversial as he was colorful. There can be no doubt that he left his imprint on West Virginia.

Through the mine union, of which Mr. Lewis was the soul and the embodiment, West Virginia's coal miners gained wages more nearly commensurate with the dirty and backbreaking toil they performed, and the risks they took, than they might have ever before hoped for, and the conditions of their employment were very materially improved.

John Lewis was a force to be reckoned

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with on the American labor-management scene. The contribution which he made toward improving the conditions of life for all Americans who toil in the mines and in the mills and factories is incalculable. He was a man of courage and of unique ability. The causes that he championed will not soon see a more remarkable and effective advocate again.

Mr. President, I ask unanimous consent to insert in the RECORD a statement by W. A. "Tony" Boyle, president of the United Mine Workers of America, on the death of Mr. John L. Lewis.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY W. A. BOYLE ON DEATH OF JOHN L. LEWIS

The thundering voice of America's greatest labor leader has been stilled. The passing of John L. Lewis is a great loss for the United Mine Workers of America and a personal tragedy for me. I have lost a friend, a counselor and mentor. John L. Lewis brought me from Montana, guided me and helped me to carry the heavy burdens I now must carry. His passing leaves a void in my life that can never be filled.

To the working men and women of the world, he was the symbol of dignity, strength, unity and labor's struggle for betterment. To America's coal miners, he was the fighter who led them from serfdom to their rightful place as first-class members of the American society.

John L. Lewis was a man of deep compassion, possessed of tremendous capabilities, extraordinary vision, sheer genius of mind and, as characterizes his brother coal miners, had indominatable courage. His entire life was dedicated to improving the lot of his fellow man. His name is a legend, as is the inspiration he has given to all of us. All America and the entire free world mourn his death. But it is felt most deeply among the members of the United Mine Workers of America and its leadership.

I am asking that on Monday, June 16, 1969, all coal miners gather in their respective churches and union halls for services in memory of John L. Lewis. Beginning at 12:01 a.m., June 13, 1969, until after the funeral there will be a period of mourning during which time all coal mining will cease in the United States and Canada as we honor our fallen leader. It is altogether fitting that the coal mine be silent while the men who work in them come together to do honor to John Llewellyn Lewis.

As an even more fitting memorial to him, I demand that the United States Congress immediately pass strong coal mine health and safety legislation. A John L. Lewis health and safety bill would be a fitting climax and memorial to the career of this outstanding champion of coal mine safety.

We hope that Americans of all stations and especially the American labor movement will now rally and support the push of John L. Lewis' union for health and safety legislation.

John L. Lewis best described himself at a convention of coal miners when he said: "I have pleaded your case from the pulpit and the public platform . . . not in the quavering tones of a feeble mendicant asking alms, but in the thundering voice of the captain of a mighty host, demanding the rights to which free men are entitled."

That was John L. Lewis.

RE-REFERRAL OF S. 2241

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of S. 2241, the Remote Areas Medical Facilities Act of 1969, introduced by the Senator from Nevada (Mr. BIBLE) on May 26, 1969, and that S. 2241 be re-referred to the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATIONAL COMMITTEE ON TAX JUSTICE

Mr. KENNEDY. Mr. President, the announcement yesterday of the formation of the National Committee on Tax Justice, under the chairmanship of former Senator Paul Douglas, is a significant public response to the growing demand for tax reform now being expressed in all parts of the Nation. For the first time in many years, Congress has the opportunity to enact comprehensive tax reform legislation, and I welcome the contributions the new committee will make to the coming debates.

Throughout America today, there is strong and rising sentiment for tax reform. Indeed, we are now witnessing a case where popular democracy has worked its very best. Every Senator's office is being bombarded by communications from outraged constituents demanding reform. One of the most important factors in the current efforts toward tax reform is the realization by millions of taxpayers that the 10 percent income tax surcharge is unfair. It aggravates the already serious inequities in our existing tax laws, because it applies only to those who already pay taxes on their income. It requires no contribution whatever from those who escape their fair share of taxes altogether, and it requires too little contribution from those whose taxes are too low. At a time, therefore, when the administration is asking that the surtax be extended, it is fair to insist that the administration also demonstrate its commitment to prompt and meaningful tax reform.

The need for reform is obvious. As many experts have pointed out in recent weeks, our existing revenue code is more loophole than law. Unreasonable tax privileges divert essential resources away from their best use and distort the operation of our free enterprise system. Millions of Americans below the poverty level pay taxes they cannot afford, while many of our wealthiest citizens, earning millions of dollars each year, pay little or no tax at all.

The Committee on Ways and Means of the House of Representatives has completed its extensive hearings on tax reform, and has already announced a series of tentative proposals in a number of significant areas. I commend the timely and judicious action the House committee has taken, and I look forward to early debate on these matters in the Senate.

I believe that the National Committee on Tax Justice will play an important role in educating Congress and the Nation in the areas where tax reform is most needed. The committee's initial press release contains new and far-reaching recommendations in some of the most obvious areas of potential reform, including the treatment of capital gains, the percentage depletion allowance, taxation of State and local government bonds, and tax relief for low- and middle-income families. Their proposals are a major addition to the present debate on tax reform, and they deserve the closest scrutiny by all of us in Congress committed to the cause of tax justice.

CONCLUSION OF MORNING BUSINESS

Mr. KENNEDY. Mr. President, if there is no further morning business, I move that morning business be closed.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the Chair recognizes the Senator from Connecticut (Mr. DODD) for not to exceed 1 hour.

S. 2379 INTRODUCTION OF A BILL FOR THE PROTECTION OF PUBLIC OFFICES

Mr. DODD. Mr. President, I introduce for appropriate reference, a bill which will make it a Federal crime to unlawfully enter a Federal office, or without authorization knowingly and willfully remove any document from such office, or to make unauthorized copies of documents either inside the office or at any other place, or to receive such documents or copies of such documents.

And this, of course, includes the office of a Member of the U.S. Senate or the U.S. House of Representatives.

It is a principle of equity that there is no wrong which does not have a remedy.

Over the centuries a body of law has been built up in civilized society which applies this principle. But new laws are constantly necessary because we continue to discover serious wrongs for which there is no ready remedy under existing law, or for which it is claimed there is no remedy.

The measure I introduce today is intended to deal with precisely such a situation.

About 4 years ago my Senate office was illegally entered by two former employees who had been fired by me for bad personal conduct and, particularly, for immoral conduct. These two thieves removed thousands of papers from my files, made photocopies of them, and turned them over to Drew Pearson and Jack Anderson, of infamous reputation.

Early in 1966 I submitted evidence to the Department of Justice which clearly pointed to a conspiracy between Pearson and Anderson and the immoral thieves, to loot my Senate office, to steal documents from my files, and to use these documents in a maliciously distorted manner.

The facts established beyond any challenge that a multiple crime had been committed in the office of a U.S. Senator.

They also established beyond any challenge that there was a criminal conspiracy to plunder my office, to remove my files, and to convert them to booty for the use and profit of the conspirators.

The identity of the conspirators and

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plunderers was known. Indeed, the conspirators had more than confirmed the essential facts in a whole series of public statements.

And yet they have never been brought to justice; and chances are now that they may not be because of the incredible ambiguity of our laws, and the refusal of responsible officials to do their duty.

When I first raised the matter with a then high-ranking official in the Justice Department, he told me that there was no doubt in his mind that a crime had been committed. But, he said that the Department was deferring action because the principals involved were then possible witnesses before a congressional inquiry.

I asked the official whether the Department would defer prosecution in the case of murder or bank robbery, or even assault and battery, if those accused of the crimes happened to be witnesses before a congressional committee.

He conceded that he could not conceive of any delay in prosecuting any such cases I mentioned.

And he had no answer when I asked him how the Justice Department drew the line and how it decided when to defer prosecution and when it should not defer prosecution.

And, I asked why the Department of Justice could not take the necessary initial prosecutive steps, and hold the matter for court presentation until the congressional committee had finished its work. But I got no answer.

Subsequently, the Justice Department informed the press that there was no section of the law that was clearly applicable.

Besides pressing for action by the Justice Department, I filed suit against Pearson and Anderson. But, in view of the decision of the Supreme Court in the New York Times against Sullivan case in 1964 it became clear to me that public officials, under that rule, were regarded as second-class citizens in that they must prove the additional fact of malice in order to make a clear case of libel or slander.

Under this ruling of the Sullivan case, it is practically impossible for one in public office to obtain the relief that is available to all other citizens for libel and slander.

As a consequence of that bad decision, an irresponsible minority in the press has been given virtually complete license to lie about and distort the facts concerning any public official.

However, I did pursue a suit against Pearson and Anderson, based on the unchallenged fact that they had knowingly received documents which were stolen from my office, and had converted them to their own malicious use and for their shabby profit.

When this case was heard before the U.S. district court in 1968, Judge Alexander Holtzof, one of our ablest jurists, found that Pearson and Anderson were guilty of the actions I had charged against them, and that I was entitled to redress.

When Pearson and Anderson appealed the decision to the U.S. Court of Appeals of the District of Columbia Circuit, the finding was overturned in one of the most confused and outrageous decisions I have ever read. Many outstanding lawyers share my view of the Court of Appeals' opinion, and it will long be considered as a landmark of juridical mumbo jumbo.

And when I appealed to the U.S. Supreme Court, that Court, only 10 days after my petition was filed, including a long Memorial Day weekend, announced that it would not take the case for review.

Up to that point and as matters stood under the Supreme Court decision in the Sullivan case, for all practical purpose, any public official could be libeled without fair recourse to the law.

As matters now stand, the public official also has no recourse of any kind to the law of the land if his office is rifled and if his files are stolen and copied as a result of plot between uncrupulous newspapermen and wretched thieves.

I have not spoken about this entire matter on the floor of the Senate for more than 2 years now, because I felt that it would be improper for me to comment publicly on it while the case against Pearson and Anderson was before the courts.

The decision of the U.S. Supreme Court on Monday of this week not only removes any such restraint, but, as I see it, makes it imperative that I speak out. I want to set out the facts and introduce legislation which will make public officials coequal with other citizens before the law.

I believe that the legislation I have today introduced is absolutely necessary if there is not to be further instances of breaking and entering and thefts in Federal offices.

And, without this legislation, there will be more conspiracies and more lies told about the stolen documents after they have all been shuffled and distorted, and some destroyed. And this will be true not only of congressional and judicial offices and chambers, but also of executive offices of the United States, from top to bottom.

The question must now be asked whether the failure of the Justice Department to prosecute the conspirators and the decision of the courts denying me redress, will not now encourage other unscrupulous members of the press and other dishonest persons to embark on similar conspiracies directed against other public officials.

The question must now be asked whether these two failures by the Justice Department and by the courts will not serve to encourage any person to engage in more plunder, more burglary, more pilfering, and more skullduggery.

Mr. President, I have no quarrel with the press as a whole, nor do I urge abridgment of the essential freedoms guaranteed by the first amendment.

I agree that robust discussion of public issues and public figures is important.

But the issue involved here is far bigger than one Senator; far greater than one Senate and one Congress.

It involves the basic security of free government and free people.

It has the gravest implications for our national security.

It also involves the basic rights of every citizen.

In the course of these crimes in my office, correspondence with the President of the United States, with Cabinet officers, with colleagues in the Senate and House of Representatives, and with family members was involved.

And, lest it be forgotten, classified documents were stolen which were never returned, together with many, many other papers which I now know would have cast an entirely different light on this whole ugly affair.

In a crystal clear violation of law, copies of my income tax returns were stolen and published, and the Justice Department stubbornly refused to prosecute the admitted violation of this law.

It is a fact that many of the stolen papers have never been found, because they would have refuted the lies that were told by the conspirators.

The Hartford Times almost 3 years ago ran a remarkably cogent editorial on this subject. I shall quote a few paragraphs from this editorial, because I believe they are more pertinent than ever today:

> Charges and counter-charges in the Dodd case notwithstanding, it is disturbing that the theft of documents, records, and correspondence from the office of a United States Senator is looked upon by official Washington with benign unconcern.
>
> What everyone has overlooked is that correspondence involves other parties; that since he became a Senator in 1959 thousands upon thousands of his Connecticut constituents have written to Mr. Dodd, using the privacy of the mails to relate, request, report business or personal matters, some of which are undoubtedly confidential, confessional, or confused.
>
> If individuals can unlawfully remove, read, and copy (perhaps even sell) anything in a public official's office—and do so with apparent impunity—then the Congress, the courts, or the Justice Department should consider whether the rights of any of Senator Dodd's constituents have been violated or may be violated hereafter.
>
> What about a letter from an over-wrought mother pleading with her U.S. Senator to try to keep her boy from being shipped to Viet Nam?
>
> Or the letter from a small store owner who exaggerated his income tax deductions, wants to make amends, but is afraid of being arrested, and asks his Congressman for advice?
>
> What protection exists for the privacy of the authors?
>
> After the legal and political dust have settled on the Dodd controversy . . . civil libertarians should think it through.

I have stated here on the Senate floor, and offered to prove, that Pearson and Anderson conspired to steal and copy the top secret Valachi file from the Department of Justice on the same Xerox machine that was used to copy the thousands of documents stolen from my office.

In precisely the same way, Pearson and Anderson or other unscrupulous newspapermen can arrange to invade the files of our Federal judges or of Cabinet members, or even of the President of the United States.

This does not exaggerate the case by a single iota.

The fact is that Anderson, in an appearance on the Mark Evans show on February 18, 1967, specifically defended the taking of documents from the files of the President of the United States.

I shall quote a brief exchange between Evans and Anderson:

EVANS. I am not a lawyer, and I don't pretend to be, but I am wondering that if letters written to me aren't my personal possession no matter who pays me.

ANDERSON. Not if you are a government official and are concerned——

EVANS. You mean to say that any letter written to President Johnson is the possession of all the people in the United States?

ANDERSON. If in these letters President Johnson is in a conspiracy to defraud or to deceive the public, then those letters should be made public.

I say that orderly government demands that Government offices and Government officials be protected against the invasion of their files by miserable thieves and newspapermen who pretend to justify their crimes by lies and false allegations.

I say that the President and members of the Cabinet and members of the judiciary and Members of Congress are entitled to exactly the same protection from illegal intrusion that is accorded to every other citizen of the United States of America.

I say that when the privacy of Government officials is violated, the privacy of thousands of citizens who have corresponded with them is also violated.

I say that this situation cannot be permitted to continue because it constitutes a violation of a precious fundamental right which is enshrined in our Constitution.

The legislation which I have proposed today seeks to deal with this situation in the following manner:

First. It provides for a penalty of 1 to 3 years in prison and a fine of up to $2,500 for any individual who illegally enters the office of a Federal official after closing hours.

Second. It provides for a penalty of 3 to 5 years in prison and for a fine of up to $5,000 for any person, whether or not employed by the Federal Government, who knowingly removes files from a Federal office, or who copies them without authorization, or who knowingly receives files or copies from a Federal office.

There may be a small minority who will oppose this measure on the alleged grounds that it is designed to protect wrongdoing. Nothing could be further from the truth.

The fact is that anyone who suspects wrongdoing would in no way be impaired by this law from bringing the facts to the attention of the appropriate authorities.

He would simply be prevented from setting himself up as a vigilante and engaging in the unauthorized invasion and seizure of official and private documents which is denied to officers of the law.

I believe that the measure I have presented today will have the support of the overwhelming majority of Congress, of the great mass of Federal employees, and of all but a handful of the American press and of the American people.

I earnestly hope that this measure will be enacted without delay, not for my own protection, because this is a matter of past history, but for the protection of Government officials, for the protection of Senators and Congressmen, for the protection of the judiciary, and for the protection of the American people.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2379), to protect the executive, legislative, and judicial branches of the U.S. Government by prohibiting the unauthorized entry into U.S. Government offices and the unauthorized removal or use of certain records of the U.S. Government, introduced by Mr. DODD, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 91 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1864. Unlawful entry of Government offices

"Whoever, without lawful authority or permission, enters, or attempts to enter, any office of the United States Government after business hours, shall be fined not less than $2,500 or imprisoned not less than one year nor more than three years, or both."

(b) The analysis of such chapter, preceding section 1851, is amended—

(1) by adding at the end of the chapter heading the words "AND OFFICES"; and

(2) by adding at the end thereof the following new item:

"1864. Unlawful entry of Government offices."

(c) The table of contents of part I of such title is amended by adding after the word "lands" in the item relating to chapter 91 the words "and offices."

SEC. 2. (a) Section 2071 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Whoever knowingly and willfully—

"(1) removes or receives from an office of the United States Government without the knowledge, consent, or authorization of the head of such office any book, record, document, or paper which is the property of the United States, either House of the Congress, or any Member of the Congress;

"(2) makes or causes to be made, or receives, within an office of the United States Government by any means any copy of the whole or any part of the contents of any such book, record, document, or paper which is situated within such office without the knowledge, consent, or authorization of the head of such office; or

"(3) makes or causes to be made, or receives, at any other place by any means any copy of the whole or any part of the contents of any such book, record, document, or paper with knowledge that such book, record, document, or paper has been removed unlawfully from an office of the United States Government;

shall be fined not more than $5,000, or imprisoned not less than two years nor more than five years, or both. The provisions of this section shall not apply to the making of any copy of the contents of any book or document which has been printed or otherwise reproduced for public use or for distribution to the public."

(b) The caption of such section is amended to read as follows:

"§ 2071. Concealment, removal, mutilation, or copying generally."

(c) The item relating to such section contained in the section analysis of chapter 101, title 18, United States Code, is amended to read as follows:

"2071. Concealment, removal, mutilation, or copying generally."

THE FIRST AMENDMENT AND RIOTING ON THE CAMPUS

Mr. ERVIN. Mr. President, inasmuch as the first amendment and the right of dissent are being invoked with frequency nowadays to justify rioting by students on the campuses of some of our institutions of higher learning, it is timely for us to consider this amendment and this right.

THE FIRST AMENDMENT

The first amendment undertakes to make the minds and spirits of men free.

To this end, it guarantees to every person in our land freedom of thought, freedom of speech, freedom of the press, and freedom of religion. One may exercise these freedoms either as an individual or in association with others having a common lawful purpose.

Furthermore, the first amendment expressly recognizes a collective freedom, that is, the right of the people "peaceably to assembly and to petition Government for a redress of grievances."

Under our Constitution, men can be punished for what they do or fail to do, but not for what they think or believe.

For this reason, freedom of thought is absolute in nature, and confers upon everyone full liberty to question existing concepts, customs, institutions, or laws and to judge them antiquated or evil, no matter how long they may have been taken for granted or how passionately they may be supported by legislative or popular majorities.

The first amendment secures freedom of speech and freedom of the press to every human being who happens to be inside our borders. Therefore, these freedoms are exercisable by fools as well as by wise men, by agnostics and atheists as well as by the devout, by those who defy our customs and our laws as well as by those who conform to them, and by those who hate our country as well as by those who love it.

These freedoms endow everyone in our land with a legal right to advocate peaceful changes in existing concepts, customs, institutions, or laws. Indeed, they even authorize one to urge the substitution by constitutional methods of a communistic or fascist system of government for the one we have.

Freedom of speech and freedom of the press permit every person to say or publish with impunity whatever he wishes, provided what he says or publishes is not obscene, and does not falsely and maliciously slander or libel another, or tend to obstruct the courts in their administration of justice, or create a clear and present danger that it will incite others to commit crime.

Freedom of religion creates certain rights, and limits the powers of Government in certain respects to make those rights secure.

Under this freedom, every man has the right to entertain such religious beliefs as appeal to his conscience, the right to practice his religious beliefs in any form of worship not injurious to the rights of others, and the right to endeavor by peaceful persuasion to induce others to accept his religious beliefs.

Freedom of religion forbids Government to support or oppose any religion, or to interfere in any way with any religious belief entertained by any man. But it does not deny to Government the power to punish as crimes acts injurious to society, even though the acts are done in the name of religion.

The freedom of assembly recognized by the first amendment extends to the people the right to meet peaceably for consultation and protest in respect to public affairs and to petition those invested with the powers of Government for a redress of their grievances.

THE RIGHT OF DISSENT

The right of dissent, which is the right to differ from others in opinion, may be said to be a part of the first amendment. It is certainly embodied, in essence, in the first amendment freedoms, which allow individuals to think, say, and publish what they will, no matter how displeasing it may be to their neighbors or those entrusted with the powers of Government, and which permit the people to meet peaceably and petition Government for a redress of their grievances. Consequently, I shall not speak of the right of dissent hereafter as something apart from what I call first amendment freedoms.

According to their language and the judicial construction placed upon them, first amendment freedoms can be invoked only against Federal and State laws and the public officers who administer or enforce them. By analogy, however, officers of private institutions customarily extend the right of assembly and petition to those subject to their authority.

We cannot value freedom of thought, freedom of speech, freedom of the press, freedom of religion, and freedom of assembly too highly. This is so because they are the fundamental freedoms which make it possible for our country to endure as a free society.

To be sure, these freedoms compel us to put up with a lot of intellectual rubbish. But our country has nothing to fear from them, however much they may be abused, as long as it leaves truth free to combat error.

LIMITS OF FIRST AMENDMENT RIGHTS

The first amendment assures to the people freedom to think, speak, publish, and worship, and freedom to assemble and petition Government for a redress of grievances.

The amendment requires that these freedoms be exercised in a peaceful and law-abiding manner. This requirement is explicit in the declaration that those who wish to petition Government for a redress of grievances must assemble peaceably, and is implicit in the nature of the freedoms themselves. They are designed to enable people to inform and persuade others, not to coerce them.

The first amendment does not authorize any acts whatever except nonviolent acts tantamount to the freedoms it secures such as peaceful demonstrations and peaceful picketing, which merely proclaim the views of the participants and do not infringe on the rights of others.

These things being true, the first amendment freedoms do not legalize, or exempt from punishment, the acts of those who commit crimes or incite others to commit crimes. Indeed, they do not deny Government the power to curtail a person's right to speak if his manner of speaking and the surrounding circumstances create a clear and present danger that his words will incite others to violence and thus endanger the public safety.

In making these distinctions, the Constitution does not choose between order and freedom. It chooses between freedom with order and anarchy without either.

CAMPUS DISORDERS

During recent months groups of students, acting in concert, have used physical force and threats of physical force to disrupt the educational process on the campuses of some of our public and private institutions of higher learning.

By these violent means, they have detained presidents, deans, and other administrative officers of the institutions in their offices; they have denied teachers and fellow students access to buildings of the institutions set apart for instructional purposes; they have seized, occupied, and held buildings of the institutions for their own purposes and refused to surrender them to academic and legal authorities; they have obstructed the efforts of recruiting officers to recruit fellow students for service in the Armed Forces of the Nation; they have assaulted administrative officers, teachers, and fellow students, who refused to cooperate with them, and law enforcement officers, who sought to restore order; and they have burned buildings belonging to the institutions.

Apologists for the offending students make alternative claims to relieve them from accountability.

They assert initially that in commiting their excesses the students were merely exercising their first amendment freedom of speech and their first amendment freedom of assembly and petition. This assertion is preposterous. The offending students were committing willful acts constituting crimes under the laws of the States in which the institutions are located.

The apologists contend secondarily that even if their acts were crimes the offending students are free from moral blame and ought not to be held accountable for them by either the institutions of learning or the law.

To sustain this view, they argue that the offending students perpetrated their lawless acts to compel recalcitrant administrations to recognize their grievances and to submit to their demands.

I refrain from comment on the demands of the offending students beyond observing that they contemplated such things as lowering admission and academic standards, giving students the power of hiring and firing instructors and otherwise participating in the management of the institutions, setting racial quotas for the composition of student bodies, and disestablishing ROTC programs and research projects which assist our country to maintain its military strength in our precarious world.

Whether the demands were justified or unjustified is immaterial in the present context. The simple truth is that criminal coercion has no place on the campus of any university or college anywhere in our land.

The apologists for the offending students advance another argument, which is somewhat disconcerting to those of us who believe that university and college students ought to be able and willing to exercise reasonable self-control and act with reasonable civility. After all, they were exposed to the educational process in primary and secondary schools for at least 12 years before being admitted to the institutions of higher learning.

But the apologists maintain that notwithstanding this, the offending students should be exonerated from moral accountability for their excesses. They say this is so, because the students were frustrated by the war in Vietnam, the possibility that they might be drafted to serve in the Armed Forces of the Nation, their discontent with their teachers and courses of study, and their dissatisfaction with conditions of life on the campus and in the world beyond; and that they ran berserk to give vent to their feelings.

This argument does not excuse. Anarchy, like criminal coercion, has no place on the campus of any university or college anywhere in our land.

Lest I paint too dark a picture let me observe: The disorders upon our campuses have been instigated and perpetrated by a small minority of the students, and the overwhelming majority of our institutions of higher learning have enjoyed the tranquillity essential to the educational process.

THE DUTY TO END CAMPUS DISORDERS

Our country cannot tolerate the violent disruption of the educational process on the campuses of our universities and colleges. Besides, it need not do so. The administrators of these institutions and the State officers charged with the duty to administer criminal justice have ample authority to put an end to violence on the campuses. To accomplish this, they must do these things:

First. Administrators of institutions of higher learning must recognize the right of students to petition for a redress of grievances. This being so, they must keep the lines of communication open and receive and consider any recommendations for changes in curriculums or management recommended to them by students acting peaceably and courteously. In addition, they must be willing to accept and implement any proposed changes which improve the administration of the institutions or the quality of the instruction they afford.

Second. Administrators of our institutions of learning must make it plain that their institutions are not going to be havens of repose for the indolent or places of correction for the incorrigible. Besides, they must not appease students who commit violent crimes or seek to obtain for them immunity from prosecution and punishment. Furthermore, they must safeguard the right of students desirous of pursuing an education in an atmosphere of peace by expelling those who seek to disrupt by violent methods the educational process.

Third. State officers charged with re-

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sponsibility for administering criminal justice must prosecute and adequately punish students who commit violent crimes on campuses.

After all, the first duty of a free society is to enforce law and thus maintain order. This is so, because disorder denies to the people the right to exercise and enjoy their freedoms.

I cannot overmagnify the obligations resting upon administrators in institutions of higher learning and State officers charged with the duty to administer criminal justice to prevent the violent disruption of the educational process. This is so because, in the ultimate analysis, our universities and colleges must supply the intellectual and spiritual light necessary to keep our society free.

THE SURTAX, INTEREST RATES, AND OUR ECONOMIC CRISIS

Mr. HARTKE. Mr. President, the United States today faces its most severe economic crisis in a generation. And this crisis is directly attributable to the mistakes and miscalculations of the money managers of Wall Street, the Treasury, and the Federal Reserve Board.

The prime interest rate now charged by the big New York banks stands at the all-time record high of 8½ percent. Assurances of other bankers notwithstanding, everyone knows that banks throughout the rest of the country will certainly follow suit within a very short time. And actually we have to be concerned with a much higher interest rate than 8½ percent, since banks require business borrowers to maintain deposits amounting to 20 percent of the loan. This means that the business borrower who receives a loan at the prime rate will really be paying an effective rate of more than 10 percent. And the rate for the home loan, the student loan, the ordinary household loan will be much higher.

I am sorry to say, Mr. President, that I predicted this drastic increase in interest rates when Government officials were stoutly denying that any such rise was anticipated. But the mistakes and miscalculations of the money managers made it obvious to anyone with eyes to see that the worst "credit crunch" of our times was on the way. Now it is here, and we have to try to estimate its consequences.

First and foremost, the inflationary spiral will take yet another upward turn. This will happen because the great corporations will continue to be able to borrow money even at the present exorbitant rate, and will simply transfer their additional costs to the buyer in the form of increased prices. They have done so in the past; they will do so now. There is nothing secretive about it. Even the theory-intoxicated manipulators of the Federal Reserve Board should have no trouble understanding the implications of a comment made by an official of the City Stores Co. of New York: "The prime rate increase," he said, "is just one more reason to raise prices." And the Wall Street Journal reports that many other companies have already said that they would pass on their higher borrowing costs in the form of price increases.

But we are told that the policies of the Federal Reserve Board that have helped bring us to this appallingly dangerous pass were designed precisely to fight inflation. We are told by the "fine-tune" addicts that if the Fed and the Treasury can just have enough dials to fiddle with inflation will be halted and prosperity assured. So the Fed fiddles with the rediscount rate and a variety of other monetary devices, and the Treasury's highest officials conjure up the bogeyman of wage and price controls unless the surtax is extended by Congress—and all the while, inflation gallops on and interest rates rise to record highs.

May I ask, Mr. President, whether any of us have had time to forget that one of the big selling points for the surtax last year was the promise of relief from high interest rates? And may I remind the administration that we have now had four—count them, four—increases in the prime rate since then?

Inflation, then, far from being slowed by this new interest rate outrage, will only be fueled by it. It is only a slight exaggeration to say that fighting a cost-push inflation with higher interest rates is like fighting a fire with gasoline.

But more inflation is only one of the disastrous consequences of this week's action by the bankers. The small businessman, unlike his giant competitors, will not be able to escape its worst effects. He will find it that much more difficult to compete for the consumer's shrunken dollars. And so small business failures and bankruptcies will increase sharply, and an ever-greater portion of this once-vital segment of our economy will be absorbed by the giant corporations.

Furthermore, existing distortions in the economy will only be worsened, as industries particularly sensitive to changes in the credit market—the housing industry is only one example—begin to feel the effects of unbearably tight money.

Nor will the working man be exempt from the consequences of this latest monetary folly. We must not forget that millions of jobs are generated by medium- and small-sized firms—firms for whom the credit squeeze demands retrenchment. So the returning veteran and the recent graduate will find fewer jobs. Instead of too much money chasing too few goods, we will have too many people chasing too few jobs. And it goes without saying that increased unemployment will be concentrated among the youth, the elderly, and members of minority groups. In this respect, the rise in interest rates can be said to guarantee the failure of many of the Government's manpower training programs. Indeed, it almost appears to be a program to increase the numbers of hard-core unemployed.

Higher prices; more numerous business failures; increased distortions in the economy; large-scale unemployment. These are the consequences of this week's prime interest rate hike by the New York banks. They are the auguries, as I said at the outset, of the worst economic crisis of a generation.

Who is responsible?

Most immediately, of course, the New York bankers who made this shocking decision. From all we can learn, they acted without the consent—and even against the advice—of the administration. Just last Friday, Mr. Arthur F. Burns, President Nixon's chief adviser on domestic affairs—this is just last week, right before the increase in the interest rates was put into effect—warned:

> A further rise in interest rates would be a serious threat to the continuance of our prosperity . . . there would be a credit crunch followed by a business recession.

Those are the words of the chief economic spokesman on domestic affairs from President Nixon's office in the White House.

And yet, the administration itself is waging an all-out fight to extend the equally inflationary, equally wrongheaded income surtax.

The New York bankers at least have the excuse that the monetary policies of the Nation's central banking authority—the Federal Reserve Board—have so deranged the credit market that they had little choice but to pursue the course of higher interest rates. But the administration's money managers have only their own mistakes, their own discredited theories to appeal to—and now they are asking us to swalow more of the same.

The Federal Reserve Board and the Treasury, instead of abandoning policies that have plainly failed, are persisting in them with an almost fanatical zeal. They seem intent on hammering the American economy into whatever grotesque shape fits their theories. Together they remind me of nothing so much as the physician who, having prescribed a therapeutic dose of arsenic without success, now gives the patient a lethal dose.

That patient, Mr. President, is the American economy—by which I mean the ordinary American consumer, the wage earner, the small businessman. These are the defenseless victims of an inflation generated by war and fueled by the mistakes of the money managers.

The American people are crying out for help. In the last election the President promised that he would do away with the surtax. I for one want to help the President keep that promise, even though he and his advisers are saying that that promise was only election oratory. I suggest that one of the prophets of gloom and doom, William McChesney Martin, should have earlier retirement and that it would be for the benefit of America. He is an expert in alliteration. Perhaps he should take a job as a professor in one of the universities.

All the American people have received from the money managers are empty words about "patience, perseverance, and persistence"—and ever larger doses of the same destructive medicine.

Help must be provided, Mr. President, and it must be provided by us in the Congress. The most direct, immediate steps we must take are, first, to absolutely refuse to extend the surtax, and second, to cut Federal spending drastically in nonessential areas—most especially in military spending which now consumes so unconscionable a portion of our total resources.

Having taken those two essential steps, we can then turn our attention to the basic problem of restoring public control over the money managers. There is no

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greater danger to a democracy than irresponsible power, whether economic or political. We see today what a condition it has brought us to, and we know that it is intolerable. Our goal now must be to set it right.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk preceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO MAKE CERTAIN TRANSFERS OF APPROPRIATIONS

Mr. RUSSELL. Mr. President, the supplemental appropriation bill was reported to the Senate this morning. It provides funds necessary to meet the payroll obligations of the Senate on June 20.

There is some doubt as to whether that bill can possibly be enacted into law by that date.

On yesterday the Committee on Appropriations requested me to offer a resolution to deal with this question. I, therefore, send the resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The LEGISLATIVE CLERK. A resolution (S. Res. 209) to authorize the Secretary of the Senate to make certain transfers of appropriations.

Mr. RUSSELL. Mr. President, the resolution merely permits the Secretary of the Senate to utilize any funds available to him to meet the payroll obligations for June. Of course, it also provides that any funds so utilized shall be replaced when the supplemental appropriations bill is enacted into law.

The PRESIDING OFFICER. Is there any objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 209) was considered and agreed to as follows:

S. RES. 209

Resolved, That the Secretary of the Senate is authorized and directed—

(1) pending the enactment of the Second Supplemental Appropriation Act, 1969, to make such transfers between appropriations or funds available for disbursement by the Secretary of the Senate as may be necessary to provide for payment of the salaries of Members, officers, and employees of the Senate for the month of June, 1969; and

(2) upon the enactment of such Act, to reimburse, out of funds made available thereunder for disbursement by the Secretary of the Senate, any appropriation or fund for any amount transferred from such appropriation or fund under paragraph (1).

FEDERAL LANDS FOR PARKS AND RECREATION ACT OF 1969

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1708.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. Calendar No. 216, S. 1708, a bill to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Lands for Parks and Recreation Act of 1969".

SEC. 2. Section 2(b) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (effective March 31, 1970, section 2(b) becomes section 2(a) pursuant to the provisions of Public Law 90-401, July 15, 1968), is further amended by deleting the last sentence and adding the following new paragraphs.

"*Provided, however,* That, notwithstanding the provisions of the Surplus Property Act of 1944, as amended, and the Federal Property and Administrative Services Act of 1949, as amended, States and their political subdivisions may acquire until June 30, 1973, from the United States for public park and recreation purposes surplus Federal real property together with such improvements, equipment, and related personal property that the Secretary of the Interior has recommended to the Administrator of the General Services Administration for such acquisition based upon the suitability of the property for park and recreational uses; the accessibility of the property to major population centers; the need for park and recreation facilities in the immediate geographical area, as identified in the comprehensive statewide outdoor recreation plan required under section 5(d) of this Act; and the highest and best use of the property taking into consideration the need of future generations for parks, open spaces, and recreational opportunities. Conveyances of such property for park or recreation purposes shall be in accordance with one of the following methods as determined by the State or political subdivision thereof:

"(1) Where the State or its political subdivision originally donated the property to to the United States, the surplus Federal property may be reacquired without the payment of any consideration; or

"(2) Where a State or its political subdivisions so elects, the surplus Federal property may be acquired at zero to 50 per centum of the fair market value, as determined by the Administrator of the General Services Administration in accordance with the recommendations of the Secretary of the Interior; or

"(3) Where the United States paid valuable consideration for the property to the State, its political subdivisions, or to any person, the State or its political subdivison may acquire the surplus Federal property upon the payment of the cost to the United States at the time of such acquisition.

"Deeds conveying any surplus real property disposed of under this authority shall be issued by the General Services Administration and shall provide that the property shall be used and maintained for the purpose for which it was conveyed, and, in the event that such property ceases to be used or maintained for such purposes, such property shall at the option of the Secretary revert to the United States. The deeds may also contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interest of the United States. The Secretary of the Interior may exercise all of his existing authorities under section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended, as to property transferred under this Act. The State and their political subdivisions shall compensate the United States for the administrative costs of surplus property transfers made pursuant to this Act."

"The Secretary of the Interior is directed to prepare and publish guidelines and regulations for implementing the provisions of this Act.

"Except as provided in this section, nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus Federal property to schools, hospitals, States, and their political subdivisions."

Mr. JACKSON. Mr. President, I introduced S. 1708, the Federal Lands for Parks and Recreation Act, earlier in this session of Congress because it is my view that, as a nation, we are not meeting the need of present and future generations of Americans for parks, for open spaces, and for recreational opportunity.

We are not meeting this need because we have failed to appropriate money to set aside enough land for these purposes.

Mr. President, those of us who have the honor to serve in the Congress are the trustees of the land and the environment for those who come after us. Our decisions today will determine the shape of our country's future environment. Our decisions will determine whether our legacy to the future is a quality life in quality surroundings, or whether it is a legacy of social unrest bred in conditions of crowding, congestion, ugliness, and lack of recreational opportunity and natural beauty.

It is my judgment, and it is the unanimous judgment of the members of the Senate Interior and Insular Affairs Committee, that S. 1708, as reported by the committee, can play an important role in insuring that our legacy to future generations is a quality life in a quality environment.

The purpose of this measure is to make surplus Federal property available to State and local governments for park and recreational purposes, at prices which reflect the important role recreation and open spaces play in our contemporary life.

This bill is in accord with and in furtherance of our longstanding national policy as expressed in the Land and Water Conservation Fund Act and other measures designed to encourage State and local governments to acquire and develop lands for parks and outdoor recreation.

This bill is of special importance to many of our major metropolitan areas, where the need for parks and open spaces is greatly increasing, while at the same time the limited land available is being dedicated to other, often incompatible, purposes. If we are to improve the quality of life and surroundings for the residents of our major cities, we will have to take advantage of every future opportunity to acquire land adjacent to where people live for recreational and park purposes.

In spite of our longstanding national policy to encourage and assist State and local governments in the acquisition of open spaces we are not coming close to meeting the need. This failure may be seen in the statements of various groups quoted in the report on S. 1708 and by reviewing the hearing record on the bill.

As a result of the high price of potential park and recreation areas which are located where they are needed most—where the people are—many cities are unable to meet the demand. To cite only one concrete example, a recent report of the League of Cities notes that San Antonio, Tex., a city of 722,000 people has been able to acquire an average of only 6 acres of park land per year between 1945 and 1961. It is estimated that 170 acres should have been added each year if the needs of city residents were to be met. This same picture of inadequate revenues to meet the public need for open space is repeated in city after city, and in State after State.

One way to meet the Nation's critical need for parks and recreation areas is to take advantage of every available opportunity to see that appropriate parcels of surplus Federal property—property owned by all Americans—are dedicated to the highest and best use of the American public. The crowding, the congestion and the growing pressures of modern life make it clear that one of the highest and best uses of land in the last one-third of the 20th century is for parks and open spaces.

It may not be the use that generates the most immediate revenues, but government is not a business for profit. And the success of government is not measured by maximizing the monetary return on investment. It is measured by the calibre and the quality of the life made available to the people which government serves.

S. 1708 would authorize the transfer of lands from one public purpose for which they are no longer needed to another public purpose for which the need is critical.

The utility and reasonableness of such intergovernmental property transfers have already been recognized. Transfers are presently authorized at no cost, or at a 0- to 100-percent discount, to make surplus Federal property available to States and their political subdivisions for use for health and education purposes, for historic sites, for wildlife conservation, and for airports. S. 1708 places needs of people for parks and for open space on a more comparable basis with their need for health and education facilities. It places the needs of our young people for recreational opportunity on a more comparable basis with the public's need for historic sites, for wildlife conservation, and for airports.

Today there are over 30 million acres of land presently held in fee ownership and used by the Department of Defense alone. Periodically, portions of this property are declared surplus. Many of these surplus military installations are located in or near major metropolitan areas and afford a great opportunity for urban park and recreational complexes. Authorizing disposition of those properties which are suitable for park and recreational purposes would be a concrete demonstration that swords can be hammered into park benches; and that military parade and training grounds can be turned into ballparks for our youth.

Surplus property held by other departments of the Federal Government afford similar opportunities.

The alternative to enactment of S. 1708 is, of course, to continue to deal with surplus Federal property as we have in the past. Of the thousands of acres of surplus property disposed of every year, less than 5 percent by valuation have been dedicated to park and recreational purposes.

Mr. President, I do not believe this is adequate. I do not believe it fits the real needs of our Nation and our people. In fiscal year 1968 only 22 properties totaling a mere 2,740 acres were conveyed to State and local government for park and recreational purposes under the provisions of the present law. That is one-half of a square foot for every man, woman, and child in America.

Twenty years of this type of policy means 10 square feet of park space for every American.

Mr. President, passage of the measure which is before us today will make it possible for the Congress to insure that the States and units of local government in this Nation have a chance—a financially realistic chance—to acquire these lands for park and recreational purposes.

The Federal Lands for Parks and Recreation Act of 1969 would amend the Land and Water Conservation Fund Act by providing that until June 30, 1973, surplus Federal property could be conveyed to State and local government for park and recreational use at less than the 50 percent of fair market value required under present law.

The bill provides three methods by which a State or its political subdivision may acquire surplus Federal property for park and recreational purposes. First, if the State or its political subdivision originally donated the property to the Federal Government, it may be reacquired at no cost. Second, the property may be acquired at the purchase price which the Federal Government paid for the property. Third, the surplus Federal property may be acquired at 0 to 50 percent of fair market value. Decisions as to whether the property should be transferred and, if so, the price discount to be used, are to be determined on the basis of standards relating to suitability, accessibility, need, and the highest and best use of the property.

Under the terms of the bill all deeds transferring property for park and recreational purposes must contain reverter clauses and other provisions to insure that the use and character of the property is not subsequently changed.

One of the most significant features of this measure is that it enlarges the Nation's park and recreational land base without requiring the acquisition of property held in private ownership.

A second major feature of this bill is that it makes these lands available without in any way reducing the revenues available to State and Federal Government from the Land and Water Conservation Fund. As surplus Federal lands are turned over to State and local governments for park and recreational purposes, there would be a minor reduction in revenues paid into the Fund from this source. But this reduction would automatically be made up by section 2(c)(1) of the Land and Water Conservation Fund Act, which authorizes an appropriation to the fund of $200 million per year. Section 2(c)(2) of the act provides that to the extent that $200 million is not appropriated in any year, an amount sufficient to cover the remainder shall be credited to the fund from Outer Continental Shelf leasing revenues, and shall remain in the Fund until appropriated.

Mr. President, as I noted in my statement on March 27 when this measure was introduced, I became aware of the urgent need for legislation on this subject when it became apparent that Fort Lawton—a military installation in the city of Seattle—would soon be declared surplus to Federal needs. The problem Seattle and many other units of local government face is that paying 50 percent of fair market value for property or for portions of property of this nature may be financially impossible. This is especially true when the property is located in or near a major metropolitan area and the land appraisals are based on commercial, industrial, or high density residential development.

The problem posed is national in scope. The Citizens' Advisory Committee on Recreation and Natural Beauty and other groups have recommended that legislative action be taken at an early date. These groups have no axe to grind. They act in the public interest and they reflect the public's sense of national priorities.

The great need in our cities to develop facilities for public recreation is self-evident. The escalating costs of land acquisition often preclude purchase of additional property at market value. Where unique opportunities exist to turn surplus Federal lands to such use, it surely is in the public interest to do so. My bill, as reported to the Senate by the Interior Committee, includes safeguard provisions to insure that the Secretary of the Interior will determine that the properties are suitable for the purposes intended.

While it is indeed regrettable that not every community in America will be able to derive a benefit from the provisions of S. 1708, it is certain that many will be able to do so. I believe that this is adequate reason to endorse the bill. The Federal Government cannot put a national park, a national recreation area, or a seashore in every State, but this does not furnish an argument against the establishment of these areas.

S. 1708 is an important and necessary adjunct to our Nation's park and recreational program. It is designed to allow property which would otherwise be sold for private and industrial development to be dedicated for public use and enjoyment. We have both an opportunity and a responsibility to see that surplus lands held in Federal ownership are reviewed for their park and recreational potential, and where the lands are suited for these purposes, that State and local government have an opportunity to acquire the property for park and recreational use.

This measure would be of great benefit to our cities and our urban areas. It is no answer to the public's needs for open space to say that the cities should go out on the open market and purchase property for park and recreational use. Property which has park and recreational

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value is in great demand by real estate developers and by business interests for commercial and industrial purposes. State and local government cannot compete with these groups. And as a result, history shows that they have not acquired the property needed for these purposes.

We already have enough concrete in our cities. What we need is grass, trees, and open spaces. We need a policy to reverse the one-way process of urban sprawl, development and shrinking open areas.

Mr. President, I am in basic and fundamental disagreement with those who propose that the Federal Government should let marketplace economics dictate whether and where our States and cities will have park and recreational facilities. We need only look around any major city to see that the marketplace does not make decisions which are in the public interest. The marketplace makes decisions which maximize private profits. And at the same time, it generates air and water pollution; it gobbles up land with urban sprawl and concrete; and it initiates many other private actions which are often flatly opposed to the public interest.

I am not an economist. I am interested in efficiency in government, however. But government efficiency is not measured in short-term profits. Government efficiency is measured by its success in achieving long-term public goals—goals that benefit present and future generations of Americans, goals that lead to a better America.

Mr. President, of the many issues which come before the Congress, many of them do not present true questions of national priorities. For good or bad, our national priorities are, in large measure, set by the President's power over the purse; by his authority to recommend to the Congress a budget; and by his power to decide whether to spend the moneys appropriated.

S. 1708 is a measure which presents Congress with the rare issue of national purpose and national priorities. Enactment of this measure does not involve new appropriation authority or the expenditures of revenues. It presents a simple question for congressional decision. The question is this: Should Congress seek to maximize short-term profits in the disposition of surplus public lands; or, as proposed in S. 1708, should Congress establish a system of disposition which will enable and encourage State and local government to retain surplus Federal property which is found to be suitable for park and recreational purposes in public ownership for public enjoyment.

I have heard the testimony on this measure. As chairman of the Interior and Insular Affairs Committee, I am intimately familiar with our Nation's critical need for parks, open spaces and recreational opportunity. As ranking member of the Government Operations Committee, so ably presided over by the Senator from Arkansas (Mr. McCLELLAN), I am intimately familiar with the shortcomings of our present surplus property disposal laws in this area.

By any rule of commonsense, by any standard of reasonableness, by any measure of congressional responsibility for leadership in determining national priorities, I would recommend—indeed, I would urge—favorable Senate passage of this needed and deserving legislation.

Mr. President, the problem of acquiring lands for park and recreation purposes has been particularly acute in the urban areas where the need is the greatest. In most cities, acquisition of lands for these purposes has become nearly impossible because of escalating land costs and the critical financial situation of local and metropolitan government. This land acquisition problem can only intensify as our population continues to increase in urban areas. Approximately 130 million people in this country now reside in metropolitan areas. This number is expected to rise to over 250 million, almost double—and equivalent to 85 percent of our total population, by the year 2000.

If we are to improve the quality of life and surroundings for Americans, and particularly those residents of our major cities, we will have to take advantage of every future opportunity to acquire land adjacent to where people live for recreation and park purposes. S. 1708 will go far toward accomplishing this purpose.

Mr. President, I make the point in my statement on S. 1708 that I believe this measure would be of great importance to the residents of our cities and major metropolitan areas. My point is that I believe government has an obligation to insure that there is a wide sharing of life's amenities. But there is another reason why S. 1708 is important.

Psychiatrists and sociologists have long told us that there is a connection between congestion and crowding and social violence. The same point was made in a recent report of the U.S. Commission on Civil Disorders. The Commission determined that the lack of recreational opportunities was a major source of discontent among the inhabitants of urban ghettos. Upon categorization of these problems, the Commission determined that adequate recreational opportunities ranked fifth in level of importance among the people themselves, in fact, it was considered more important than the inequitable administration of justice or the ineffectiveness of local political mechanisms.

Yet, how much of the Federal recreation dollar has really gone into Harlem or Watts or similar areas in our major metropolises; and, for that matter, does the Federal Government have the programs and the authority to deal effectively with the problem?

S. 1708 provides a means to deal with this problem.

Mr. President, I hope that the Senate will act expeditiously and favorably on this important measure.

Mr. McCLELLAN. Mr. President, the pending measure is one of which the subject matter the Committee on Government Operations might well have had jurisdiction. When the bill was introduced, some question arose about whether it should be processed by the Committee on Interior and Insular Affairs or by the Committee on Government Operations.

The distinguished author of the bill is the ranking member on the Committee on Government Operations. After some discussion about the jurisdiction and the merits of the bill, we had an exchange of correspondence.

Mr. President, I ask unanimous consent that a letter from the Senator from Washington to me of May 6, 1969, my reply thereto of May 9, 1969, and a letter from the Senator from Washington to me of June 10, 1969, be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., May 6, 1969.

Hon. JOHN L. McCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR JOHN: You will recall that we discussed my bill, S. 1708, the "Federal Lands for Parks and Recreation Act of 1969" after the Government Operations Committee's executive session last Thursday. This measure would provide for a limited five-year exemption from the present provisions of the Surplus Property law for the transfer of surplus Federal real property for park and recreational purposes.

Because this measure is a matter of jurisdictional concern to both the Government Operations Committee and to the Interior and Insular Affairs Committee, I want to notify you that I have scheduled hearings on S. 1708 for May 14 at 10:00 a.m. in Room 3110. The Interior Committee would, of course, welcome any statement you or other members of the Government Operations Committee might care to make.

Enclosed for your use and information is a copy of S. 1708 and my introductory statement on introducing the measure.

With best regards.

Sincerely yours,
HENRY M. JACKSON,
Chairman.

U.S. SENATE, COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., May 9, 1969.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Thank you for your letter of May 6, with enclosure, advising that hearings will be held on S. 1708, the Federal Lands for Parks and Recreation Act of 1969, on Wednesday, May 14.

As indicated, the provisions of S. 1708, would appear to be within the jurisdiction of both the Government Operations and the Interior Committees. More importantly, however, is the desirability of making surplus Federal property more readily available to States and local governments. I have long supported efforts to facilitate the return of surplus property to productive use. Certainly, in this day and age, the use of such property for park and recreational purposes is becoming increasingly important and in this connection I support the general objectives of your bill.

To insure that the property is used for the purposes intended for a specified period of time, however, I wonder if any thought has been given to including a reverter clause in S. 1708. There is also the question of whether S. 1708 is intended to establish any priority over existing methods of disposal, and whether the inclusion of the term "personal property" would in any way infringe upon or be in competition with current disposal procedures in that category. Finally, it would appear appropriate to have the ultimate authority over the disposition of surplus property remain vested in the General Services Administration. In this regard is the role of the Secretary of Interior under the terms of S. 1708, to be merely recommendatory or final?

Copies of our correspondence on this matter are being made available to the members of the Committee on Government Operations so that they might have an opportunity to express their views on this legislation.

With kindest personal regards, I am

Sincerely yours,

JOHN L. MCCLELLAN,
Chairman.

U.S. SENATE, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., June 10, 1969

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Government Operations Committee, Washington, D.C.

DEAR JOHN: Thank you for your letter of May 9 and your helpful suggestions on S. 1708, the Federal Lands for Parks and Recreation Act of 1969. I appreciate your support of the objectives of this bill. I delayed replying until the Committee reported the measure. I am including a copy of the Committee's report and the bill for your use and information.

As you know, the Interior Committee held a public hearing last month on S. 1708, at which time the Bureau of the Budget and the Department of the Interior recommended amendments to the bill. As a result of the hearing and your letter, a reverter clause has now been added to insure that in the event that properties are not used for the purposes set forth in the Act, they would revert to the Federal government. Language was also inserted to clarify the transfer of "personal property," and to make this transfer conform to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. This would eliminate any infringement upon, or competition with, current disposal procedures.

As amended, S. 1708 does not affect existing laws or regulations concerning the disposal of real or personal surplus Federal property to schools, hospitals, States, and their political subdivisions. In addition, before lands can be acquired for park and recreation purposes, they must be included in a statewide comprehensive outdoor recreation plan, and be recommended by the Secretary of the Interior to the Administrator of General Services. These measures eliminate the concern that S. 1708 would establish any priority over existing methods of property disposal. Language to this effect has been included in the Committee report on S. 1708.

The ultimate authority to transfer surplus Federal property for park and recreation purposes remains with the General Services Administration and, under the terms of the bill, the Secretary of the Interior's role is recommendatory.

I appreciate your interest in this measure, and I hope you will give it your support on Thursday, June 12, when a Senate vote is expected.

With best regards.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

Mr. McCLELLAN. Mr. President, I should like to ask the distinguished Senator from Washington a few questions pertaining to the merits of the bill and what its effect will be.

The Senator will recall that in my letter of May 9 I stated:

> To insure that the property is used for the purposes intended for a specified period of time, however, I wonder if any thought has been given to including a reverter clause in S. 1708. There is also the question of whether S. 1708 is intended to establish any priority over existing methods of disposal, and whether the inclusion of the term "personal property" would in any way infringe upon or be in competition with current disposal procedures in that category. Finally, it would appear appropriate to have the ultimate authority over the disposition of surplus property remain vested in the General Services Administration. In this regard is the role of the Secretary of Interior under the terms of S. 1708, to be merely recommendatory or final?

I understand that possibly some, if not all, of these recommendations or suggestions were adopted in the bill. I should like to have the distinguished Senator, the author of the bill, respond to that paragraph in my letter of May 9 with respect to the questions raised and advise what action was taken by the committee with relation thereto with respect to the bill.

Mr. JACKSON. Mr. President, I will respond by saying that all of the questions raised by the able Senator from Arkansas have been answered in the affirmative by the committee. And we have taken legislative action in the committee to carry out the points that the Senator had made and very properly recommended.

First, the reverter clause, was adopted. That will be found on page 5 of the bill, section 3, commencing on line 15.

With reference to the parity question, in my letter of June 10, which has been printed in the RECORD, we made it clear that:

> As amended, S. 1708 does not affect existing laws or regulations concerning the disposal of real or personal surplus Federal property to schools, hospitals, States, and their political subdivisions. In addition, before lands can be acquired for park and recreation purposes, they must be included in a statewide comprehensive outdoor recreation plan, and be recommended by the Secretary of the Interior to the Administrator of General Services. These measures eliminate the concern that S. 1708 would establish any priority over existing methods of property disposal. Language to this effect has been included in the Committee report on S. 1708.

On the last point, whether the Secretary of Interior's role is recommendatory or final, the answer is that it is advisory, and the final decision, as in the case of all other surplus property disposition, is made by the General Services Administration.

There is no change in any provisions of the basic law except to include, of course, the use of lands for parks and recreation purposes on a basis similar to that for health and educational purposes.

Mr. McCLELLAN. Mr. President, with these provisions in the bill and with this assurance from the distinguished Senator from Washington, I have no opposition to the measure. I am not opposed at all. In fact, I think there are some purposes in the bill that are quite worthy and I wholeheartedly support them.

The first point is that we need more parks. We need more recreation centers. And if the Federal Government is going to make a contribution of some of its resources for any purpose to a State or municipality, this is one of the urgent needs of our time today, to provide these extra facilities and recreational opportunities, to provide additional park space. I support that.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. JACKSON. Mr. President, I think the Senator has made a very important point. Many Senators are not currently aware of the existing law on the disposition of surplus Federal property.

The Senator from Arkansas is an expert in this field. I think it might be well to mention that for historic monuments, public airports, and wildlife conservation—for those three categories—Federal lands are available locally without any payment. In other words, what we are saying here—and it is important—is that to conserve wildlife, the States and the political subdivisions of the States, can acquire land without cost. However, if we want to do something to provide open spaces, for some of the wild youngsters in the cities, we are not permitted to transfer property without charging for that property.

I might also mention that this bill places the park and recreation standard on the same basis as health and education purposes. We are not asking that it be totally free. In the case of health and education purposes, surplus land is sold at a discount ranging from 0 to 100 percent; and in the vast majority of cases it is conveyed at no cost. The purpose of S. 1708 is to place the sale of surplus Federal land on a more comparable basis with other important uses such as public health and education.

I think it is good at this point to summarize the existing law and what we are trying to do in relation to this specific problem.

Mr. McCLELLAN. I thank the distinguished Senator. That is the way I understand the bill.

Another thing that impresses me about this bill is that, in the first instance, if a city or a State has donated the property to the Federal Government—in other words, if the Federal Government originally acquired the property from the municipality or from the State—then, when the Federal Government's use for the property has ceased to exist, there should be some way for that municipality or that State to have a prior claim on the property. When the Federal Government no longer has any need for the property, it should return the property. That would be the effect of it. When a price was paid for the property, I think the municipality or the State should be given a preference in getting the property back at the same price they received for it in the original transaction.

Mr. President (Mr. EAGLETON in the chair), these are the things that appeal to me, particularly now, with the reinforcement of the reverter clause. If surplus property is made available to a municipality or a State for park and recreational purposes, it has to be used for that purpose; and when they cease to use it for that purpose, it reverts to the Government. So, overall, I do not see that the Federal Government is suffering any serious loss. It is going to make contributions for these purposes out of the Federal fund, as it is doing now in many instances; it is going to make some contribution to these programs, anyway; and wherever it can, it should do so with surplus property it does not need, with the assurance that it will be used for that purpose, and when it ceases to be used for

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that purpose, it reverts to the Government. I think it is sound, and I think it cannot be charged as a giveaway of Federal assets.

We are spending a great deal of money to create recreational opportunities through the summer for the youth of our country and to help municipalities build parks and recreation facilities, and I see nothing wrong with this method of doing it.

I did not want the respective Government Operation Committees which have legislative jurisdiction over surplus property deprived of the right and the duty they now have in cases involving property of $1,000 in value, and not to be deprived of an opportunity to examine the proposed transaction before it is consummated.

With these assurances and with my interpretation of the bill as written, I am very glad to support it.

Mr. JACKSON. I thank the able Senator from Arkansas.

I am happy to yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, perhaps this question already has been answered, but I want to be sure that we understand correctly the reversionary clause.

As I understand it, where a State or political subdivision originally donated the property to the United States, the surplus Federal property may be reacquired without payment of any consideration. Just take that one instance. Would that property carry the same reversionary clause if it were never used for public purposes or if it ceased to be used later?

Mr. JACKSON. The answer is "Yes."

Mr. WILLIAMS of Delaware. The same with respect to section 2: Where a State or political subdivision so elects, the surplus property may be acquired at zero to 50 percent of the fair market value as determined by the Administrator, and so forth. The answer is that case, likewise, would be that all deeds would carry this reversionary clause, which would automatically be in effect if the State ceased to use it for parklands or for recreational purposes.

Mr. JACKSON. The Senator is correct. I would assume, too, that the State or the political subdivision thereof would forfeit whatever money, from zero to 50 percent, may have been paid, because it would have been in violation of the deed of conveyance.

Mr. WILLIAMS of Delaware. That is the second point. Suppose in this interval the State has spent more money in building facilities and then decided not to use it for recreational purposes. Would the Government be obligated to reimburse the State for its expenditures, or would the State automatically lose it when the title reverted to the Government?

Mr. JACKSON. I would assume, as a matter of law, that any improvements on the real estate, put on there by the State or political subdivision thereof, would become a part of the land, and it would be a part of the realty. It would revert, unless they wanted to remove it, and then it would become a lawsuit. When you put permanent improvements on land, they become a part of the real estate.

Mr. WILLIAMS of Delaware. That was my understanding, but I wanted to make sure of it.

The third section reads:

> Where the United States paid valuable consideration for the property to the State, its political subdivisions, or to any person, the State or its political subdivision may acquire the surplus Federal property upon the payment of the cost to the United States at the time of such acquisition.

Do I correctly understand that this refers to an instance in which the Federal Government obtained the property from an individual but that, under this bill, the individual will not have any right to reacquire this property; that only the State or a political subdivision thereof will have that right, and then they only acquire it for public recreational purposes with the same reversionary clause to which we referred?

Mr. JACKSON. The Senator is correct in his understanding. No individual would be able to acquire it.

Mr. WILLIAMS of Delaware. No individual would be able to acquire the property under this bill. As I understand it if the property is acquired by the State or a political subdivision of the State, they in turn could not under any circumstances pass it on to any individual for any purposes whatever. It would have to revert automatically to the Federal Government.

Mr. JACKSON. The Senator is correct. That would be a violation of the reverter clause, and it would be an improper use, in violation of the conveyance.

Mr. WILLIAMS of Delaware. I thank the Senator for his answers.

I have just one further question. On line 21, page 5, in referring to this reversionary clause, it says that such property shall "at the option of the Secretary revert to the United States." Does that means that the Secretary would have a choice in making a decision? If the State or a political subdivision thereof decided not to use this land for parks and recreation, would it automatically revert to the Government, or could the Secretary exercise an option and say, "We are not going to take it back"? What would happen then?

Mr. JACKSON. The point is that there needs to be a finding. As I envision the administration of this act, the Secretary is to determine whether or not there has been a violation of the provisions of the conveyance; and the Secretary would be bound to make that finding. For example, there might be an allegation that the land is no longer being used for park and recreation purposes. Obviously, that mere allegation would not cause the title to revert.

This provision is there so that there will be a legal means to determine whether there has been a reversion. As I interpret this, the Secretary is bound—he cannot be compelled—under the provisions of this bill to cause the land to revert. I would assume that, in order to clear the title unless the party in violation was willing to give a quitclam deed, it would be necessary for the Secretary of Interior, through the Department of Justice, to institute action to cause the title to the property to revert to the Federal Government.

Mr. WILLIAMS of Delaware. That is the question I had in mind. I wanted to make sure that once we transfer this property to the State or political subdivision they must use it for recreation and park purposes; and if they do not, under no conditions could the land be transferred to private industry or private individuals, but it must revert back to the Federal Government, and it would. That is the point I wanted to make clear.

Mr. JACKSON. The Senator is correct. We tried to be completely unequivocal on this point. The sole purpose for making the land available is for park and recreation use. If the State or any political subdivision thereof fails to carry out that provision of the law, the title reverts through proper legal proceedings as provided in the Act.

Mr. WILLIAMS of Delaware. And there would be no way around it.

Mr. JACKSON. There would be no way around it directly or indirectly. As the Senator knows, the Department of Interior must bear the responsibility of seeing to it that the provisions of the conveyance are carried out, and whenever there has been a violation of the provisions of the deed or the conveyance, then, as I interpret this legislation, it is incumbent upon the Secretary of Interior to take appropriate means to make sure that title reverts back to the Federal Government.

Mr. WILLIAMS of Delaware. I thank the Senator. That was my interpretation upon reading the bill and the committee report, but to make sure of that understanding I thought I would ask these questions and have it established here beyond any doubt as to our intent.

I thank the Senator.

Mr. JACKSON. Mr. President, as the chairman of the committee, I wish to say this is now a part of the legislative history we have made here. I think the language is clear in the bill, but these questions have certainly made it sufficiently clear. There can be no real question about it.

I thank the Senator.

Mr. HANSEN. Mr. President, I support S. 1708, the Federal Lands for Parks and Recreation Act of 1969. This legislation will make surplus Federal property which is suitable for park and recreation purposes more readily available to State and local governments.

Wyoming is a State which is recreation oriented. We have worked hard to insure that recreational facilities are available for the enjoyment of citizens in Wyoming and of other States. In fact, the cities and counties in Wyoming have acquired more land per capita for park and recreational purposes than the cities and counties of any other State. We are proud of our record.

While I was Governor of Wyoming, the land and water conservation commission was created and a comprehensive recreational plan for the State of Wyoming was developed. However, the Land and Water Conservation Fund Act does not always meet the need.

Often, the States, counties, and cities are hard pressed to raise 50 percent of the

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fair market value of the property as is required under present law. If the funds can be found and the property is purchased, the State and its subdivisions then find it difficult to make additional funds available for the necessary improvement and development of the park or recreational facility.

We all recognize the need for more land for recreational purposes. The proposed legislation being considered today is an effective means of insuring that surplus lands now held by the Government will be available for parks and recreational use if it is suitable for that purpose. Presently, if the State and local governments are not able to come up with the money to pay 50 percent of the fair market value of the surplus Federal property, the property is sold for other uses and the opportunity to devote the property to recreation is lost forever.

At a time when the Nation is undergoing social crises, the Federal Government should make suitable property already in public ownership available for park and recreational purposes. It should not be sold and devoted to other and possibly conflicting uses.

Making Federal money available is not always the best solution to a problem. Children can not play on money. This legislation would make land available.

Federal surplus property is oftentimes particularly well suited for recreational purposes. Its location in or adjacent to centers of population means that it is available where recreational needs are the greatest. In addition, surplus Federal property becomes available in all parts of the country. This means that the people in all of the States have an opportunity to benefit from this legislation. Federal assistance for capital costs of State and local recreation projects will continue to be available to all States under several major programs, including the land and water conservation fund State assistance program, the open space land program, and the community action programs authorized by the Economic Opportunity Act of 1964.

Under present law, surplus Federal land may be acquired at discount prices varying from no cost to 50 percent of fair market value, for the purpose of historic monuments, public airports, wildlife conservation, and health or education. Certainly recent events in the urban areas of our Nation indicate that it is as important for the Federal Government to also make Federal surplus property available for park and recreational purposes under these same terms.

The need is great. I urge support for the Federal Lands for Parks and Recreation Act of 1969.

Mr. STEVENS. Mr. President, I wish to make a very brief statement today, in support of S. 1708, the Federal Lands for Parks and Recreation Act of 1969.

This legislation is potentially valuable for all the States. Alaska, in particular, because of the large amount of Federal land within the State, will benefit from the provisions of the bill. Too often, Federal land of recreational potential has been sold without consideration of its park or recreational value. This is particularly true of Federal lands in the vicinity of large metropolitan centers where the need for such recreational facilities are the greatest.

The provisions of this act provide an extremely inexpensive and simple method for the Federal Government to aid in the development of recreational areas within the States. I do not think such an opportunity should be passed up, and I hope that S. 1708 will be affirmatively acted upon by this body.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION—A PROPOSAL TO REFORM THE CONTINGENT ELECTION PROCESS

Mr. YARBOROUGH. Mr. President, I wish again to direct the attention of the Senate to my proposal to amend the Constitution relative to the election of a President in the House of Representatives. My proposed constitutional amendment relates to only those cases where the election of a President of the United States is thrown into the House of Representatives by failure to obtain a majority of votes in the electoral college, or for any other reason.

The Constitution presently provides that if no candidate for the Presidency gets a majority of the electoral vote, then the House of Representatives shall choose the President and the Senate, the Vice President.

This fact was most vividy brought to the attention of the American people during the 1968 presidential election campaign. During the fall, it was frequently brought to the attention of the public that a deadlock and a serious constitutional crisis could develop if the election were thrown into the House of Representatives, because the election there would be by States, there being only 50 votes in the House, one for each State.

It is this fact which prompted me to draft the amendment I propose in Senate Joint Resolution 18. I think that the potential for crisis is no less serious today than it was last fall. It is not as imminent; it is just as serious. I think that the need to adopt this amendment still exists. We need to have it before the 1972 election.

In order to refresh all our minds about the potential seriousness of this problem, I direct the attention of my colleagues to an article entitled "Chance of Electoral Impasse Spurs House Fights," which appeared in the New York Times on Sunday, October 20, 1968. I ask unanimous consent that the text of this article be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHANCE OF ELECTORAL IMPASSE SPURS HOUSE FIGHTS

(By Felix Belair, Jr.)

WASHINGTON, October 19—An outside chance that the House of Representatives might be called upon to elect the next President has produced a struggle for partisan control of that body without parallel in recent political history.

Both major parties are spending as much time, effort and money to win a working majority in the House as they are to win the Presidency. No one in the Democratic or Republican high command thinks it likely that Congress will have to break a deadlock in the Electoral College. But the possibility is no less real on that account.

It has happened twice before in the nation's history, in 1801 and in 1825, and under the present electorial system established by the 12th Amendment to the Constitution the danger of a recurrence is always present whenever there is a strong third candidate for the Presidency, a candidate like George C. Wallace of Alabama.

If Mr. Wallace can siphon enough popular votes away from either Richard M. Nixon or Hubert H. Humphrey to prevent one of them from getting a 270-vote majority in the Electoral College, then the election must be decided in the House.

NO SECOND CHANCE

The 538 members of the Electoral College get no second chance. They may not reconsider their vote. Each state has as many electors as it has members of the Senate and House and there are three for the District of Columbia, which has no representation in Congress. If they do not give 270 votes to any candidate, a House election of the President is automatic and the Senate elects a Vice President.

The focus of the partisan struggle for control of the House is on 10 pivotal seats that could give either the Democrats or Republicans a majority in the 26 state delegations needed to decide a Presidential election in that body.

No matter which candidate received the largest share of the popular vote, once the election was thrown into the House a number of mathematical possibilities could tip the scales one way or another.

One extreme possibility is that 76 members of the House from 26 states with a population of 32 million could outvote the other 359 members from 24 states with a combined population of 150 million. The reason is that each state gets one vote and who gets it is determined by a poll of the members from each state.

Another extreme possibility is that the House would be deadlocked—25 to 25—up to Inauguration Day on Jan. 20 and that Edmund S. Muskie would take over the White House as Acting President following his election as Vice President by a Senate in which Democrats still held a majority.

A COMPRISE CANDIDATE

It is even conceivable that a deadlocked House would settle on a comprise candidate like Governor Rockefeller. But for that to occur it would be necessary for enough electors to disregard their pledges in the Electoral College for the New Yorker to receive the third largest number of votes in that body.

The number of eligible Presidential candidates in a House election is limited to three under the 12th Amendment. Prior to 1804, the choice could be from five candidates.

Ordinarily, to prevent one of the major party candidates from winning an absolute majority of the electoral vote, two conditions must prevail. There must be a close contest between the Republican and Democratic candidates and there must be at least one minor party candidate capable of winning electoral votes in several states.

The coincidence of the two conditions has been rare. But there have been two recent

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elections in which a relatively small shift of popular votes would have caused an electoral stalemate.

One was in 1960, when John F. Kennedy received 34,220,984 popular votes and 303 electoral votes and Richard M. Nixon received 34,108,157 popular votes and 219 electoral votes. Unpledged electors from Mississippi and Alabama cast 14 votes for Virginia's Democratic Senator Harry Byrd, who also received the vote of one renegade elector from Oklahoma.

A shift of only 8,971 popular votes from Mr. Kennedy to Mr. Nixon in Illinois and Missouri would have prevented either candidate from getting an Electoral College majority.

A similar situation developed in 1948 when Harry S. Truman, running for re-election, received 24,179,345 popular votes and 303 electoral votes and the Republican candidate, Thomas E. Dewey, received 21,991,291 popular votes and 189 electoral votes.

Strom Thurmond, the states' rights, or Dixiecrat, candidate, received 1,176,125 popular votes and 39 electoral votes. Henry A. Wallace, the Progressive candidate, received 1960 to get all of Illinois' 27 electoral votes

12,487 VOTES THE KEY

A switch of 12,487 popular votes from Mr. Truman to Mr. Dewey in California and Ohio would have denied an electoral majority to either candidate and the election would have gone to the House.

The reasons for these vagaries in translating popular into electoral votes is that each state's electoral votes are awarded on a "winner-take-all" basis. The elector slate receiving one more popular vote than any other slate wins that state's entire bloc of electoral votes.

That is how Mr. Kennedy was able in 1960 to get all of Illinois's 27 electoral votes with a popular plurality of 8,858, while Mr. Nixon's popular margin of 273,363 in Ohio won him only 25 electoral votes. It also explains why Mr. Kennedy got only 50.08 per cent of the popular vote but 62 per cent of the electoral vote.

But the Constitution discards this plurality system when it comes to voting by the Electoral College. It requires a majority, of one more than half the votes involved. In 1968 that means one half of 538 plus one vote, or 270.

The Constitution left it to the states to determine the method of choosing their electoral slates. Some do it by party convention, some by primaries and some by designation of the state committee of the party. It was left for the Congress to decide when the Electoral College should meet and ballot for President, the single condition being that all electors meet on the same day in the various state capitals.

TIME SET BY CONGRESS

Congress fixed the time of this meeting for the first Monday after the second Wednesday in December, or, in 1968, Dec. 16. The date of Election Day, Nov. 5, is also fixed by Congress, as is the day for counting the certified ballots of the electors, Jan. 6, at a joint session of the Senate and House.

The results of each of these steps, including the possibility of a deadlock in the Electoral College, will have been public knowledge from the night of Nov. 5 or the following morning. But the net effect of the present arrangements of dates is to provide 40 days between the election and the meeting of the electors and three more weeks before their ballots are counted in the House.

It is in the initial period that Mr. Wallace, in the event of an electoral deadlock, might make an arrangement with one of the major party candidates for certain concessions in return for enough of his electoral votes to provide a majority. He has said he would pursue this course rather than allow the contest to be settled in the House by men unknown to him.

Both Mr. Nixon and Mr. Humphrey have stated publicly that under no circumstances would they enter into negotiations with Mr. Wallace or his adherents for their support either in the Electoral College or the House of Representatives. What their adherents might do on their own initiative is only conjectural.

DEGREES OF FIRMNESS

The essential point is that a candidate's electors are pledged to vote for him with varying degrees of firmness. Only 16 states require by law that electors votes for the candidate of their party. With the possible exception of Tennesse and Virginia, none of these is expected to end up with electors for Mr. Wallace.

Three such states—Florida, Oklahoma and New Mexico—make it a misdemeanor for an elector to violate his pledge. And even in those states an elector's vote could not be thrown out if he jumped the fence. The only consequences would be a fine—in Oklahoma, $1,000.

Moreover, most legal authorities are of the opinion that laws binding electors to vote for the candidate of their party are not enforcible. The Constitution provides that they must vote by ballot, a procedure that at least implies that they are free agents.

FEAR OF OSTRACISM

Fear of political ostracism rather than any legal force appears to have been the chief inhibition to electors' breaking their pledge. Only four elector votes of the 15,245 cast since 1820 were definitely "against instructions."

One of the constitutional peculiarities of the Electoral College is that there is no provision for a second ballot in the event that no candidate receives the majority vote required. It gets no second chance. The separate ballots for President and Vice President must be certified and forwarded to the President of the Senate—Hubert Humphrey in this case—as the official designated to act for the United States Government.

The Constitution directs that these ballots be counted in the presence of members of the Senate and House in joint session. And if no candidate for President and Vice President has received a majority, the 12th Amendment says, "the House of Representatives shall choose immediately, by ballot, the President."

The amendment further provides that "in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice."

The same amendment directs that if a President has not been chosen in the House by Inauguration Day—Jan. 20—"the Vice President shall act as in the case of the death or other constitutional disability of the President."

LAW OF SUCCESSION

If a Vice President has not been elected by the Senate, which takes over that function as the House votes on a President, or if he is unable to discharge the duties of that office, the law of Presidential succession applies, beginning with the Speaker of the House.

However, once it became the responsibilty of the Senate to elect a Vice President, the selection of a Democrat—Edmund S. Muskie—would at this time become almost a mathematical certainty, whatever the outcome of the House balloting.

Unlike the House, where the voting is by state delegations, Senate members would vote as individuals, as they always do, since there must always be two Senators from each state.

The partisan division of that body is now 63 Democrats and 37 Republicans. With only one-third of its members standing for re-election this year, not even the most optimistic Republicans actually believe that they can upset the present Democratic majority.

It is generally assumed that if the Presidential election goes to the House, the procedure there would be governed by the rules laid down in 1825. But since no session of the House can bind its successor there is no certainty of this.

Actually, new rules of procedure would have to be drawn up by agreement of the leadership on either side of the aisle and adopted by the House before the voting began. Probably they would be patterned after those of 1825 and designed to be fair to both sides.

PRESENCE OF A QUORUM

Following adoption of the rules, the first step would be to determine the presence of a quorum for the purpose, or two-thirds of the state delegations. Eligible candidates would be limited to the three receiving the largest number of electoral votes.

If no candidate received votes of the necessary 26 delegations, the balloting would continue until one was chosen, each delegation having one vote. No other business could be introduced until the election was completed but the House might adjourn from one day to another if a stalemate developed. A motion to adjourn might be offered by any state and seconded by another and the question settled by a vote of the states.

Each state delegation sitting as a group, under the rules of 1825, would be supplied with a ballot box into which each member would place a ballot describing his vote. Tellers could be appointed to count the vote within the delegation. When the delegation's vote was determined, duplicates of the result would be placed in two separate boxes provided by the sergeant at arms.

The contents of the two boxes would then be counted at separate tables and they would have to agree to be considered official. The intent of this double balloting system was to preserve the secrecy implicit in the constitutional rule of voting by ballot instead of by voice to prevent fraud or chicanery.

This secrecy applied under the 1825 rules both as to how each member voted and to how the majority of members voted. Whether it would satisfy the requirements of a modern democracy in electing a President is something the House would have to decide for itself.

The first time the House elected a President was in 1801. At the time, the Presidency went to the candidate receiving the largest number of votes in the Electoral College. The Democrats of those days called themselves Republicans and wanted to elect Thomas Jefferson as President and Aaron Burr as Vice President.

But the electors forgot to cast one vote fewer for Burr than for Jefferson and gave both the same number, throwing the election into the House. On the first ballot, Jefferson received the votes of eight states—one short of a majority of the then 16 states. Burr was backed by six states. The Vermont and Maryland delegations were equally divided, so they lost their votes.

The House was deadlocked for 35 ballots, from Feb. 11 to 17. The impasse was broken on the 36th ballot when Vermont and Maryland switched to Jefferson. Delaware and South Carolina also withdrew their support from Burr by casting blank ballots. The final vote was 10 states for Jefferson and 4 for Burr.

The resulting election of Burr, a despised political enemy of Jefferson, as Jefferson's Vice President, paved the way for a major change in the Congressional election system that provided for Senate election of a Vice President.

The only constitutional requirement governing a deadlocked Presidential election in the House is that if no candidate has been elected by Jan. 20, "then the Vice President shall act as President." Conceivably then, Sen. Muskie as the Senate's choice for Vice

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President could continue in the White House until the election of a new House of Representatives two years later.

DEMOCRATS IN CONTROL

Right now the Democrats have control of the House, 245 to 187, and there are three vacancies. Democrats have a majority in 28 state delegations, Republicans in 18 and four delegations are evenly divided. But it is the House to be elected on Nov. 5 that would elect the next President if his selection fell to that body.

The shift of only a few seats could swing the balance of power in the House to one party or the other for Presidential purposes.

To begin with, if the five states of the Deep South that gave their electoral votes to Barry Goldwater in 1964 gave them this time to Mr. Wallace, the Democratic delegations favoring their party's Presidential candidate could be reduced to 23.

Four of those states are currently considered safe for Mr. Wallace—Georgia, Louisiana, Mississippi and South Carolina. Candidates there have not said they would vote against Mr. Humphrey in a House contest, but they would be under strong pressure from Mr. Wallace to do so.

There are now 10 House delegations that are evenly divided or Republican controlled where the shift of a single seat would give the Democrats a majority of the delegation. They are Alaska, Arizona, Delaware, Illinois, Indiana, Montana, Oregon, Pennsylvania, Vermont and Wyoming.

Conversely, there are seven states where the shift of a single House seat would swing delegation control to the Republicans. These are Illinois, Kentucky, Montana, Nevada, Oregon, Pennsylvania and Tennessee.

HOUSE TRENDS UNCERTAIN

So far this year, House race trends indicated in various national surveys fall far short of suggesting which major party would have state delegation control even if one or the other party gained control of the House with a plurality of its members.

Delegation control aside, the Republican high command is bending every effort to win control of the House, organize its committees and install a Speaker—a goal that has eluded the party since 1952 when the Eisenhower landslide proved more than adequate for the purpose.

To turn the trick this time, the Republicans must gain 31 seats.

The total Republican campaign has assumed the proportions of a Shakespearean drama, with the central plot devoted to the election of Mr. Nixon and two subordinate plots revolving around control of the House and control of at least 26 separate delegations.

MORE THAN $2 MILLION AVAILABLE

With more than $2 million at its disposal, the House Republican Campaign Committee is devoting half of the amount to help elect its challengers of Democratic incumbents and half to the re-election of sitting Republican members.

The most puzzling aspect of the constitutional provision for Presidential election by the House is that it has survived demands that it be scrapped for more than a hundred years.

Thomas Jefferson wrote in 1823: "I have ever considered the constitutional mode of election ultimately by the legislature voting by states as the most dangerous blot on our Constitution, and one which some unlucky chance will some day hit."

Jefferson anticipated the event by 18 months. In the election of 1824, Andrew Jackson polled 152,933 popular votes against 115,696 for John Quincy Adams. The electoral vote was widely split because of the presence of two other candidates, Henry Clay and William Crawford.

Jackson received 99 electoral votes of the 261 in the Electoral College. Adams got 84, Crawford 41 and Clay, then Speaker of the House, 37. Clay apparently intended to support Adams from the start as the lesser of two evils. But before the election could be brought to a vote a scandal erupted.

A Philadelphia newspaper published an anonymous letter alleging that Clay had agreed to support Adams in return for being appointed his Secretary of State. The charge was denounced immediately by Clay, who called the writer of the letter "a base and infamous character, a dastard and a liar."

But Jackson believed the charge and found his suspicions vindicated when Adams, after his election by the House, did name Clay as his Secretary of State. With Clay's backing a majority of 13 state delegations voted for Adams, the minimum necessary from the 24 states of the Union at the time.

"Was there ever witnessed such a barefaced corruption in any country before?" Jackson wrote to a friend at the time.

The episode seems to have haunted House leaders ever since. But agreement on how the present system should be changed has never been reached.

FEDERAL LANDS FOR PARKS AND RECREATION ACT OF 1969

The Senate resumed the consideration of the bill (S. 1708) to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes.

Mr. MOSS. Mr. President, the bill before us today has my strong support and also the support of the Utah State Division of Parks and Recreation.

We find it a very pleasing prospect in Utah that surplus Federal property might be made available to State and local governments for park and recreational use at prices which reflect the important role recreation and open space play in our contemporary life.

It is difficult to pay a full 50 percent of the fair market value for surplus property. Our funds will not stretch this far. It would be most helpful if we could get some of this surplus property with no payment, and other property at prices ranging upwards to 50 percent. We have a very ambitious program at both the State and local levels for the development of our superb Utah scenery and geological and historical areas. More and more we are becoming a center for western scenic and recreational America. This is the time to make our investments—to set aside the land we want and must preserve.

It is most important, it seems to me, that we take action on this bill here today in view of the fact that the administration is cutting back in the allocation of land and water conservation funds to the Bureau of Outdoor Recreation for distribution to Federal, State, and local agencies for park and recreational development. In fact, we have never lived up to our promises in this respect, and the States and localities have had their expectations raised again and again only to have them dashed when actual appropriations became available.

Another problem is that escalating land values have made more expensive the acquisition of private lands where they are essential to national or State parks or recreation areas, and the privilege of acquiring surplus Federal property at more nominal prices would relieve some of the strain on both Federal and State budgets for these purposes.

There is one listing by the General Services Administration of land in Utah which would be immediately affected by the passage of this bill. It concerns 357 acres of land at Moab, Utah.

This property was originally a part of the public domain. It is located approximately 6 miles south of Moab on Highway 160. The land is improved with an asphalt landing strip 1 mile long and 75 feet wide.

The land was conveyed to Grand and San Juan Counties in 1951 for airport use, subject to its reversion to Federal ownership when no longer used for public airport purposes. The property reverted to the Federal Aviation Administration in 1966. It has since been declared surplus, and Grand County has expressed an interest in acquiring the property for public park and recreational use.

There is undoubtedly other Federal surplus property in Utah which could be made available once this bill was cleared. This legislation would also make personal property including equipment, supplies, and vehicles, which are surplus available to Federal, State, and local recreational agencies for recreational purposes, and this would also be most welcome.

I ask unanimous consent that a telegram from the Governor of Utah be printed in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SALT LAKE CITY, UTAH,
June 11, 1969.

Hon. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

S. 1708 which would make surplus Federal land available to States and localities for park and recreation purposes on the same terms as for education and hospitals is scheduled for your consideration Thursday, June 12. The bill has my endorsement and would provide a real measure of assistance in the acquisition of needed parks areas on a more equitable basis. I respectfully urge you to support this bill.

GOV. CALVIN L. HAMPTON.

PROXMIRE OPPOSES ENACTMENT OF S. 1708

Mr. PROXMIRE. Mr. President, S. 1708 would amend the Land and Water Conservation Fund Act of 1965 by making it possible for States and municipalities to acquire surplus Federal property for parks and recreational development at 0 to 50 percent of fair market value. It would establish a three-tier method of determining the price to be paid as follows: First, where the property was originally donated to the Federal Government by the State or municipality. It could be reacquired without consideration; second, where the property was originally purchased by the Federal Government, it could be reacquired for the original purchase price; or third, the Federal Government may sell the property for 0 to 50 percent of its fair market value, the percentage to be based on the recommendations of the Secretary of the Interior. In determining the percentage to be applied on the sliding 0 to 50 percent scale, the Secretary would base his recommendation on, first, the suitability of the property for park and recreational uses; second, the accessability of the property to major population centers; third, the need for park and recreation facilities in

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the immediate geographical area; and fourth, the highest and best use of the property.

S. 1708 represents a complete renunciation of the Morse formula, and has been strongly opposed by both the Bureau of the Budget and by former Senator Morse. Although I think that the underlying philosophy of S. 1708 is sound—namely increasing parks and recreational facilities—the approach of the bill is totally unsound, and I cannot support it.

The background of the Morse formula is an interesting one, and I would like to discuss it briefly, because I think this will demonstrate just how unsound S. 1708 is. Wayne Morse began his battle for the Morse formula shortly after the end of World War II, at a time when a great deal of property that the Government had been using in the war effort was declared surplus to the Government's needs.

Mr. MAGNUSON. Mr. President (Mr. CRANSTON in the chair), will the Senator yield on that point for a moment?

I wanted to listen to the remarks of the Senator from Wisconsin on this bill, but we have an important appropriation meeting with the Secretary of Defense.

Mr. PROXMIRE. I am delighted to yield for any purpose to the Senator.

Mr. MAGNUSON. I hope the Senator will cover this phase of the matter. I am also familiar with the Morse formula, but there are cases in which the local subdivision of government had given the land to the Federal Government for a dollar, or something like that; and I think they make some kind of legitimate claim that if the Federal Government is not going to use this land and is going to abandon it and make it surplus, they are entitled to have it back for the amount that had been paid.

The Morse formula, I think, was well taken when it got to the point where the Government had to go out and purchase land or owned it originally and it was not turned back.

I will read it very carefully when I return.

Mr. PROXMIRE. I thank the Senator from Washington.

One of my objections is that in some cases the locality or the State may have given the land——

Mr. MAGNUSON. Obviously, in some cases it may have been given to attract a Federal installation.

Mr. PROXMIRE. And in many cases, the Federal Government has spent a great deal of money on the land, has had to maintain it, and has incurred expenses; and to give it back would be a sacrifice for all taxpayers. I will cover that matter a little later.

Wayne Morse began his battle for the Morse formula shortly after the end of World War II, at a time when a great deal of property that the Government had been using in the war effort was declared surplus to the Government's needs. A subcommittee of the Armed Services Committee, consisting of Senator Saltonstall of Massachusetts, Senator Harry Byrd, Sr., of Virginia, and Senator Morse was directed to investigate the situation and consider means for disposing of the property. Among other things, the subcommittee recommended that transfers of Federal surplus property to States or municipalities for parks or recreational purposes should be at 50 percent of fair market value. That recommendation was enacted by Congress and became section 602(a) of the General Property and Administrative Services Act of 1949. This formula applies to every transfer of property by either the General Services Administration or any related agency, relating to either military property or to Government property generally.

Naturally, the 1949 act is simply a piece of legislation, and as such it can be overridden by any subsequently enacted statute or special interest legislation.

For more than 20 years, Senator Wayne Morse of Oregon fought to prevent giveaways of Federal property that had been declared surplus. Morse insisted, and rightly so, that surplus Federal property belonged to each and every taxpayer, and that the Federal Government had no right to give one community a financial windfall at the expense of the rest of the country.

On many, many occasions since 1949, far too numerous to list, Senator Morse stood up and fought against proposed legislation which did not adhere to the 50 percent of fair market value formula. Each and every time a piece of legislation came along that was inconsistent with the 1949 act, Senator Morse insisted upon 50 percent payment by the State or municipality purchasing the property.

Senator Morse was successful in virtually every case, and there was certainly no blanket provision, such as this bill provides, to transfer enormous amounts of Federal property at, as I have said, down to zero of the assessed valuation. In fact, the 50 percent test became such accepted practice that it came to be known as the Morse formula; and any special interest legislation that went into the hopper which failed to meet that test was sure to have the Morse formula in it by the time Senator Morse got hold of it. It has been estimated that consistent and uniform application of the Morse formula has saved the taxpayer nearly $1 billion in hard cash over the past 20 years.

Wayne Morse, unfortunately, is no longer in the Senate. This is Oregon's loss, the Senate's loss, and the country's loss. But it need not be the taxpayer's loss as well. Senator Morse labored for over 20 years to the point where the Morse formula became virtually an unwritten rule of the Senate. It would be a shame and a public affront if, 6 months after Wayne Morse's departure from the Senate, the Morse formula were to be overthrown by enactment of S. 1708.

Later, Mr. President, I intend to read the letter from Senator Wayne Morse to me, a letter of approximately four pages, in which he sets forth specifically why this bill violates the Morse formula and why it would be very bad public policy.

Turning to the specifics of S. 1708, I can see no justification at all for provisions which would allow a State or municipality which donated property in the first instance to reacquire it free of cost—subsection (1). This is what the distinguished senior Senator from Washington and I were discussing a few minutes ago. During the period of Federal ownership, the Federal Government may have put substantial improvements on the land which add tremendously to the value of the property—all paid by the taxpayer, of course. When the property is conveyed, is the taxpayer to foot the bill entirely and lose out on reimbursement for the improvements as well as the land? S. 1708 certainly poses no bar to that.

Even apart from improvements, property which has been held for a period of time by the Federal Government has undoubtedly increased substantially in value—particularly if it is located in or near an urban center. Maintenance costs, insurance, payments in lieu of taxes, all have been borne by the Federal Government while holding title to the property—part of the investment which goes with the accrual in value. Owners of private property are not expected to give away for nothing the valuable increase in real estate; and when private property is condemned for public use, the increase is reflected in the condemnation award. Why should a different standard apply when the Federal Government conveys real estate?

Subsection (3) of S. 1708 would permit a state or municipality to reacquire property for the original purchase price where the Federal Government originally paid valuable consideration for it—either to a State, municipality, or private individual. Here, again, I see no justification for permitting reacquisition of the property at the original purchase price where the Federal Government has borne the costs and risks of ownership during the interim. Whether the property was originally donated or sold at cost, the purchaser has no right to a financial windfall, courtesy of the Federal taxpayer.

Of course, even less justification exists where the property was originally purchased by the Federal Government from a private individual. What reason is there for allowing a State or municipality, which had no connection whatsoever with the original transaction, to take advantage of a selling price which may be a fraction of the current market value?

Let me give an example. There is property in the State of Washington, at Moses Lake, the original cost of which was $24,600. The present value of that Moses Lake, Wash., property is $8,957,145. Under this bill, that property could be given to Moses Lake for $24,600. While I am sure it would be very popular in Moses Lake, Wash., it would mean that in the other 49 States we would be losing property that belongs to the taxpayers of all our States.

Apart from specific objections to subsections (1) and (3) of S. 1708, I have several general objections to the main provision of the bill, which would eliminate the Morse formula and substitute a sliding 0 to 50 percent scale for the sale of surplus Federal property.

First, permitting States and municipalities to acquire property on a donation or partial donation basis may encourage them to use less than sound judgment in selecting real estate for parks and recreational facilities.

There is no question that one of the

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great disciplines of our free enterprise system and our free market system is that because we require people when they secure property to pay for it they will only secure that property and put it to use where it can be put to its most economical use. This is one of the great disciplines of the marketplace. This assures us that our resources are being put to efficient and constructive use and are not being wasted.

The price of merchandise is bound to influence a buyer in selecting whatever it is he is about to buy, and States or municipalities would be no less subject to this type of influence. Given a choice between two pieces of real estate, one costing fair market value, and the other available for nothing or at a tremendous discount, the potential purchaser may well select the latter, even though the former may be far more suitable for use as a park or recreational facility.

Second. It should be borne in mind that the Morse formula embodied in the Federal Property and Administrative Services Act of 1949 already represents a considerable subsidy to States and local governments. That act, by making property available at 50 percent of fair market value, in effect provides 50–50 system of matching grants, the Federal Government putting up 50 percent of the cost, and the State or local entity putting up the other 50 percent. A 50–50 division of costs is typical of the way in which the Federal Government provides subsidies, grants, or relief to deserving States or communities, that is, the Land and Water Conservation Fund Act, 50–50 grants to cover capital costs of State and local recreation project; the Federal Water Pollution Control Act, 50–50 matching grants to help States and communities build water pollution control facilities; the Public Health Services Act, 50–50 grants for maintaining adequate public health services; the Vocational Education Act, 50–50 grants for construction of area vocational schools. S. 1708, on the other hand, would permit property to be acquired free of cost in some instances, and well below 50 percent of cost in most instances; as such, it would abrogate entirely the principle of matching costs. Such a time-tested principle should not be abrogated without a showing of, first, extraordinary need, and second, complete inability to pay. No such showing has been made here, nor is any such showing required by S. 1708.

Third. If S. 1708 goes into effect, the fortuitous locations of Federal surplus property will provide some States and communities with a financial windfall, while other, possibly equally deserving, will be left out in the cold. Presumably the object of S. 1708 is to encourage the development of parks and recreational facilities generally, on a nationwide basis. But this purpose can only be served by legislation which makes suitable property within the financial reach of States and communities most in need, and not just those that are fortunate enough to have suitable surplus Federal property within their midst. In my opinion, the only equitable method of helping the States and communities to increase their park areas and recreational facilities is to make part of the funds available, that is through the land and water conservation fund, and then have the States and communities purchase property which is needed and most suitable for recreational use.

Mr. President, I regard S. 1708 as an unwarranted burden on the Federal taxpayer, a burden which is made all the more objectionable by the fact that those States and municipalities that are least in need of recreational facilities may benefit at the expense of those with the greatest need.

Mr. President, S. 1708 is strongly opposed by both the Bureau of the Budget and by former Senator Morse. I find their arguments convicing and compelling. I cannot support S. 1708, and plan to vote agaist the bill.

I should like at this time, because I think this letter is so significant, to read from the letter of former Senator Morse respecting the Morse formula, which has generally been considered traditional in these cases before the Senate for the last 20 years. The letter from Senator Morse reads as follows:

> DEAR BILL: Let me congratulate you on your opposition to S. 1708. The speech you have prepared for delivery—

Which is the speech I have just given—

> in the Senate in opposition to the bill is very sound. It gives an accurate account of the history of the Morse Formula and its purpose.
>
> It is my recollection that, after the Armed Services Committee adopted the Morse, Byrd, Saltonstall report for the disposal of all surplus military property, the principle of the policy was then included in Section 602(a) of the General Property and Administrative Services Act of 1949. However, as to the disposal of surplus military property, the Armed Services Committee required that 50% of the fair market value be paid to the Federal Government for at least two years before the 1949 General Property and Administrative Services Act.
>
> After the Armed Services Committee required the 50% of fair market value on military property, I announced that under the unanimous consent rule I would not grant unanimous consent for the disposal of any surplus property when called up on the unanimous consent calendar, unless the criteria of the Morse Formula were met.
>
> They are as follows:
>
> CRITERIA OF THE MORSE FORMULA
>
> (1) If a bill seeks to transfer federal property to a local county, state, or other public body or public institution for a *public purpose and use* then 50% of its fair market value must be paid for the property.
>
> The basis for requiring this criterion is that the property belongs to all of the taxpayers of the United States and should not be turned into a gratuity to the people living within the area of its location at the expense of all the taxpayers of the country.
>
> Thus as my many many speeches on this criterion pointed out, the real estate for a park, or camp, or hospital, or any of a myriad of other public projects designed for the primary benefit of the people in a local community should not be financed 100% by the Federal government. Such projects do contribute to the national welfare to some degree but they contribute primarily to the welfare of the people in the local area and should be paid for the most part by the divisions of the local government.
>
> Also it should be noted that the formula is not limited to land. It applies to any and all types of tangible property belonging to the Federal government that the author of some bill seeks to give away for nothing.
>
> Some of the cases over the years involved trucks, machinery, livestock, surplus equipment of all types belonging to Uncle Sam. In fact, after World War II, too many members of Congress tried to turn over storehouses of surplus property and our excess real estate holdings into a huge grab-bag for give-away disposals. I said at the time, my investigation showed that politicians were seeking to buy the support of their constituents by seeing how much surplus property they could obtain for their districts and states without cost to their voters. In a sense, the practice was developing some serious questions of political ethics.
>
> Furthermore, as you point out in your speech, the very location and concentration of large amounts of surplus property in certain areas of the country, worked to the favor of the people in those areas. Some of the bills covered thousands of acres of military reservations, or federal office buildings, that had been built for war administration use, or tin smelters, airports etc. etc. But there was no equality of distribution of such property across the nation. As a result, the Senators or Congressmen in the heavily concentrated surplus property areas were the political beneficiaries of political hand-outs.
>
> (2) If the bill sought to transfer the property to a city, county, state, or other public body but the use was to be for a private purpose, then 100% of the fair market value would have to be paid.

This is the Morse formula, as spelled out by former Senator Morse in his letter.

> Two precedent-setting cases come to my mind. Early in the application of the Morse Formula there came before the Senate a bill that proposed to give to a Nebraska Municipality a very valuable acreage of Federal land for absolutely nothing. The author of the bill didn't even want to agree to a payment of 50% of the fair market value.
>
> What was the purpose of the grant? It was to allow the city government to offer industrial sites to new businesses, manufacturing firms, and other private enterprises without cost if they would locate in that particular city. Of course, the purpose was not a public purpose in the sense intended by the Morse Formula. It was basically a private-use objective. It was an attempt to have the Federal government pay a subsidy for the benefit of the city concerned to help it get new business.
>
> The Senate supported my opposition to the bill. It is interesting that in this case, and many others in which other forms of subsidies for special groups were sought at the expense of all the taxpayers of the country, the Senate recognized the basic unfairness involved.
>
> For example, in cases such as the Nebraska case just mentioned, city after city without the availability of surplus property would be placed at a competitive disadvantage by subsidy giveaways by the Federal government.
>
> Another precedent-setting case on the private-use criterion involved the Methodist Church. In the depression of the 1920's a Methodist Church in San Francisco went into receivership on a combined church and office building. Following receivership litigation, new owners took over. Early in World War II the Federal government bought the building for a War Office Building. After the War it was declared surplus. A bill was introduced to give the building to the Methodist Church that had lost it during the depression. I objected unless 100% payment of its fair market value was inserted in the bill. In essence, the bill violated the public-use criterion of the Morse Formula. I good-naturedly but seriously also contended that it violated the separation of state and church doctrine. The controversy was raised from time to time on the unanimous consent calendar for two years and finally the bill was withdrawn.
>
> (3) If a local government agency gives a piece of property without reservation to the Federal government and then some years later it becomes surplus to federal needs, the local agency is not entitled to get the prop-

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erty back. Once it becomes the property of all the taxpayers of the country they are entitled to have it sold for the benefit of all the taxpayers.

Furthermore, the Federal government does not hold property without costs to itself, as you point out in your speech. Also, costly improvements might have been added to a property the government obtains by gift or purchase.

In those cases where a city, county, or state give property to the Federal government with reservations attached, then the Morse Formula is modified accordingly but not entirely.

For example, some of the cases involved the giving to the U.S. Veterans Bureau, land for the location of a veterans hospital, with the reservation that the land was to revert to the local government if the Federal government ceased to use it for hospital purposes. In such cases the land goes back, but the Federal Government gets whatever it can get for the salvage of the improvements on the property.

(4) S. 1708 clearly violates the Morse Formula in many respects.

Its 0–50% figure leaves to the Department of Interior a dangerous power for political manipulation. The taxpayers are entitled to have a rule such as 50% of appraised fair market value established by law. We must watch out for such gimmicks of discretion which the bill seeks to turn over to the Interior Department in S. 1708.

The bill gives away without cost to the local agency all the improvements on the property concerned. This can run into great value. It is one thing for the Federal government to establish a Federal Park if the circumstances justify it. However, to permit the Department of Interior the broad discretion to give away federal property to local government agencies brings us another step in the direction of government by arbitrary discretion of mere men.

Next the fact that the state gave the property in the first place is immaterial unless reservations were designated in the transfer.

The provision of S. 1708 which would allow the state to get the property back years later at the same price the Federal government paid for it is a shocking example of shortchanging all the taxpayers of the country. The property belongs to all of the taxpayers at its present worth and they should not be cheated out of 50% of its assessed fair market value.

Finally, Bill, I want to say that this bill is another example of an attempt to have Congress delegate away its responsibilities, to officials in the Executive branch of government. It is another step toward government by Executive Supremacy. Congress has not only the authority but the clear duty to dispose of federal property for fair value. It should not delegate away this duty to officials in the Department of Interior or any other department. The danger of potential abuses and potential political corruption resulting from this type of bill are great.

The record of the Department of Interior, and other departments exercising blanket discretionary authority such as the weak guidelines of this bill, is replete with injuries to the public interest. Surely the experiences the people of the country have had with land manipulation scandals with various administrations of the past, should cause this Congress to reject S. 1708.

I have many other objections to the bill but your speech covers the points so well as to why this bill should be put in the legislative ash-can, that I shall say no more.

Best wishes, always

Cordially,

WAYNE MORSE.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the Bureau of the Budget found on pages 11 to 13 of the committee report, opposing the bill, and giving the Bureau's specific reasons why it opposes the bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., May 13, 1969.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of April 14, 1969, for the views of the Bureau of the Budget on S. 1708, a bill to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes.

The bill would give the States and their political subdivisions the right to acquire surplus Federal real and personal property for park and recreational purposes for a period of 5 years, notwithstanding provisions of the Surplus Property Act of 1944, and the Federal Property and Administrative Services Act of 1949, as amended, under the following methods:

(a) Where the State or political subdivision originally donated the property to the Government, the property could be reacquired at no cost.

(b) Where the Federal Government paid for the property, the State or political subdivision could acquire the property, at its election, either at the original purchase price or at a price ranging from zero to 50 percent of fair market value as determined by the Administrator of General Services in accordance with specified recommendations of the Secretary of the Interior.

The bill's apparent intent, with which we are sympathetic, is to encourage State and local governments to acquire and develop additional land for parks and recreational opportunities.

With respect to the provision which would allow States and their political subdivisions that have donated property to the Federal Government the right to reacquire the property without charge. We generally do not object to such reacquisitions when it can be demonstrated to the Congress that such action is equitable. However, there are a number of other provisions in the bill which, in our view, involve difficulties as to approach and concept.

First, by giving the States the right to acquire surplus real and personal property for park and recreational purposes, S. 1708 apears to establish a priority for such use, regardless of the highest and best use of the property. The highest and best use might be for schools, hospitals, housing, industry to increase opportunity for economic development, or for a number of other purposes. We believe that the principle of highest and best use should be retained in the disposal of surplus real and personal property.

Second, the availability of surplus Federal land in a donation or partial donation program tends to encourage State and local governments not to use sound judgment by acquiring such real property even when it is not the most suitable property for the purpose acquired. Property having an extremely high current market value has occasionally been donated for a puropse which might have been served with less valuable property. Such situations are aggravated when the sale of such property could have increased local tax revenues and helped the economy of the community. To provide a further reduction in the price to be paid for park and recreational conveyances might well tend to encourage local governments to acquire less suitable land in the locality than could be acquired through the use of Land and Water Conservation Fund Act grants.

Third, the provision that conveyances of surplus property to the States and their political subdivisions at the price the Federal Government originally paid for the property would be a departure from a fair value standard. This method of price determination might result in enormous windfalls to some States and political subdivisions while others would be afforded little or no advantage. Some surplus lands were acquired many years ago at what would now be considered nominal cost. More recent land acquisitions would have been at prices more closely reflecting present values.

In addition, under paragraphs (1) and (2) of the proviso in S. 1708, it is not clear how Federal improvements to the property would be disposed of. If it is intended that such improvements would be conveyed with the property originally donated or sold by the State or locality, further windfall could result. Where the State or political subdivision donated the property to the United States, it could reacquire the property at no cost regardless of the value of Federal construction or other improvements. Under paragraph (2), where the United States paid valuable consideration for the property, the State or political subdivision could acquire the property at the original purchase cost, with no compensation to the United States for valuable Federal improvements on the property.

Fourth, S. 1708 would authorize a departure from the general standard of 50 percent Federal assistance for State and local recreation project costs. At present, a discount equal to 50 percent of fair value is authorized by the Surplus Property Act of 1944, as amended, for Federal surplus property sold to public agencies for park and recreational purposes. In addition, 50 percent Federal assistance for the capital costs of State and local recreation projects is available under the following major Federal programs: (1) the land and water conservation fund State assistance program, (2) the open space land program, (3) the separable recreation costs for small watershed program (Public Law 566), (4) the community action programs authorized by the Economic Opportunity Act of 1964, and (5) the separable recreation costs for Federal water projects built by the Corps of Engineers and the Bureau of Reclamation.

Fifth, the bill does not include a provision to require that the property will revert to the United States if the Secretary of the Interior determines that the property is not being used for the purpose for which it was conveyed.

Sixth, Federal surplus property is not distributed evenly or necessarily located where shortages of park and recreational opportunities exist. While equity might be improved by adjusting the distribution of grant assistance among the States under the land and water conservation fund grant program, such adjustments would be extremely difficult to make and would likely be only partially successful.

In view of these concerns, we are unable to recommend enactment of S. 1708. However, we recognize that the general structure of our system of Federal real property disposal needs improvement because of some inequities in Federal surplus property disposals under various public use authorities. We have worked with the major program and property disposal agencies to perfect the system, and are still interested in improving the disposal program. We would be happy to work with the committee to develop appropriate legislation to achieve that objective.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

Mr. RIBICOFF. Mr. President, one of the great needs of our country is to provide open areas for parks and recreation for our citizens. We need such facilities not only now for today's population but for future generations to insure that they have the proper recreational facilities they deserve.

I am, therefore, proud to be a cosponsor of S. 1708, the Federal Lands for Parks and Recreation Act of 1969. This bill will make surplus Federal property more readily available to State and local governments for park and recreation uses.

Under present law, surplus Federal property may be purchased by State and local governments at 50 percent of fair market value. However, surplus Federal land can be attained at no cost if the intended use is for a historical monument, a public airport, or for wildlife purposes. Such land may also be sold at any figure from 0 to 50 percent of fair market value if the proposed purpose is for education or public health.

The rapidly increasing value of land and the skyrocketing demand for land for commercial and residential purposes have frustrated attempts to develop recreation areas under the existing law. In fiscal 1968 only 22 properties totaling 2,740 acres were conveyed to State and local governments for park and recreational purposes.

Land prices are rising at the rate of 10 percent a year. The rate for land with recreational potential is rising even higher. At the same time, State and local governments are finding their financial resources burdened with the increasing demands of necessary programs to improve the quality of education, health, law enforcement, welfare, and housing. Thus local governments have been unable to meet the spiraling cost of acquiring surplus Federal property for recreational purposes.

A recent report by the National League of Cities concluded that this process of land acquisition "has become difficult, if not impossible, in most of the Nation's cities." Yet it is in these urban areas of America where the recreational needs are the greatest, especially as we look to the future.

Today more than 200 million people live in the United States. This number will increase to over 300 million by the year 2000. In my own State of Connecticut, today's population of 3 million will double in size by the year 2000. These future generations will have more time for recreation due to increasing salaries and a shorter workweek. It is therefore imperative that we set aside today the land to be used for tomorrow, lest it be irrevocably lost to new highways which swallow up forests at the rate of 60 acres a mile and to huge shopping centers and parking lots that greedily devour open land in our urban areas.

Passage of S. 1708 would give park and recreational facilities an equal priority with historical sites, airports, wildlife conservation, and health and educational facilities. This will permit States and municipalities to make decisions based upon the needs of their residents rather than on the relative price discounts available. By decreasing the purchase price of these park lands, the limited budgets of our State and local governments could be used more to develop, maintain and improve recreational facilities rather than primarily to make the initial purchase, as is presently the case.

As of December 31, 1969, there were Federal surplus lands in 48 States, presenting an enormous potential for needed park and recreational areas across the Nation. Once lost to other uses, these areas cannot be regained. Present and future citizens will have been deprived of the peace and pleasure that those areas would provide.

Mr. President, I therefore urge the prompt passage of S. 1708.

Mr. SCOTT. Mr. President, I was pleased to have my name added as a cosponsor of S. 1708, the Federal Lands for Parks and Recreation Act of 1969. This proposal is designed to make surplus Federal properties more readily available to State and local governments for development as parks and recreational areas.

In my Commonwealth of Pennsylvania, there are at least nine sites that would be eligible under this bill for acquisition either by the Commonwealth itself, or by local governments. These sites include both urban and rural property.

I have always felt that urban areas, where three-fourths of our people live, need to have the same proximity to recreational facilities as do rural areas. I believe that the bill, introduced by the Senator from Washington (Mr. JACKSON), will advance this goal, and I add my name in cosponsorship with that hope.

Mr. MAGNUSON. I appreciate the opportunity today to lend my encouragement and support to S. 1708, the Federal Lands for Parks and Recreation Act of 1969. The purpose of S. 1708 is to make surplus Federal property easily obtainable by State and local governments for park and recreation use.

One of the great and important goals of our country is to provide open spaces in our cities and urban areas. It is extremely important that the Federal Government play a central role in seeing that this goal is achieved. One way that this can be accomplished is to modify the standards laid down in the Surplus Property Act of 1944.

Particularly important is the provision in this bill which will allow local governments to purchase available surplus Federal property at a price less than 50 percent of fair market value—50 percent was the magic number under the Surplus Property Act of 1944. I particularly am impressed with the provision which states that if a State or political subdivision originally donated the property to the Federal Government, that this same political subdivision or State may reacquire it at no cost. I think that there are strong policy reasons for supporting this bill and I give it my wholehearted endorsement today.

Hopefully, this will set a trend which will prompt our local governments to acquire surplus property for open spaces which they so desperately need if the children of the future are to have places where they can enjoy our country in all its beauty.

S. 2390—INTRODUCTION OF THE TRADE EXPANSION ACT OF 1969

Mr. BROOKE. Mr. President, I rise today to address a subject which is of great concern to me—the role of the United States in world trade. The Committee on Banking and Currency is presently considering a proposal to extend the termination date of the existing Export Control Act to June 30, 1973, and a proposal to replace the present act with new legislation which would deal with both the expansion and regulation of exports. I do not believe that either proposal represents the optimum solution to the important problems which surround past administration of the export control program.

It would be inappropriate for me to support an extension of the present act—with nothing more—since this would result in a continuation of the policies which have discouraged trade in nonstrategic goods. At the same time, I believe that we must not lessen the President's authority to control exports that make a significant contribution to the military potential of any nation which would prove deterimental to the national security of the United States.

I have not supported the second piece of legislation because I feel it possesses shortcomings which cannot be easily corrected by amendments. I am, however, in sympathy with the efforts of its sponsors to bring about a meaningful improvement in our export control program.

Accordingly, the bill which I introduce today seeks to strike a proper balance between encouraging trade in peaceful goods and providing the President with necessary authority to control exports of strategic goods. I should like to emphasize that this bill is not intended to diminish the President's authority to control the exportation of strategic—or military—goods. It is, however, intended to convey by belief that trade in peaceful goods should be expanded.

Section 2 of this bill would give the President authority to control exports to any nation if he determines taking into consideration availability of the particular goods from other nations, that such export makes a significant contribution to the military potential of the importing nation which would prove detrimental to the national security of the United States. Thus, controls would not be precluded where the item is readily available from another country; however, the President would be required to consider foreign availability in making his determinations.

Section 3 of the bill would require the President to seek information and advice from private industry in determining what action to take with regard to expanding and regulating exports, consistent with considerations of national security.

Section 7 would establish a "Trade Expansion Commission" charged with the responsibility of determining practicable ways by which exports from the United States can be expanded without jeopardizing the national security.

Section 11 would require the President to exercise his authority to control the export and import of arms, ammunition and implements of war under the Mutual Security Act of 1954 in such a manner as to achieve effective coordination between the controls authorized under that act and the controls authorized under this bill.

I feel that this bill, coupled with administrative changes which I shall be

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recommending shortly, will improve our export control program considerably.

Trade is not a process that can be alternately encouraged and discouraged by the Government if we hope to achieve long-run improvements in our balance-of-payments situation. We must seek to encourage trade in peaceful goods at every opportunity and must minimize the use of international trade as a political tool. We must think beyond Vietnam and begin improving our economic ties with the countries of Eastern Europe and the Soviet Union. Trade is vital to our economic well-being when it does not contribute to the military potential of another country in such a manner as to prove detrimental to our national security.

We are at a historic juncture in the development of nonstrategic trade with Eastern Europe and the Soviet Union. We can extend the present export control program and thereby perpetuate restrictive policies of the past or we can undertake broad initiatives to expand trade which is not detrimental to our national security and thereby reassert our leadership in the markets of the world. I am confident that we will take the latter approach.

Mr. President, I ask that the text of the bill be printed in the Record at this point in my statement.

The PRESIDING OFFICER (Mr. Cranston in the chair). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2390), to promote the general welfare, foreign policy, and national security of the United States through the expansion of international trade and through the regulation of certain exports, and for other purposes, introduced by Mr. Brooke, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 2390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Trade Expansion Act of 1969".

DECLARATION OF POLICY

Section 1. The Congress makes the following declarations:

(a) It is the policy of the United States to encourage expanded trade in peaceful goods and technology with all countries with which we have diplomatic or trading relations; and to use export controls only to the extent necessary (1) to exercise vigilance over exports from the standpoint of their significance to the national security and foreign policy of the United States; and (2) to protect the domestic economy from the excessive drain of scarce materials and to reduce the inflationary impact of abnormal foreign demand.

(b) It is the policy of the United States to formulate, reformulate, and apply such controls to the maximum extent possible in cooperation with all nations with which the United States has defense treaty commitments, and to formulate a unified commercial and trading policy to be observed by all such nations.

(c) It is the policy of the United States (1) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States and (2) to encourage and request domestic concerns engaged in the export of articles, materials, supplies, or information, to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country or against another country friendly to the United States.

AUTHORITY

Sec. 2. (a) To effectuate the policies set forth in section 1 hereof the President may prohibit or curtail the exportation from the United States, its Territories, and posessions, of any articles, materials, or supplies, including technical data or any other information, except under such rules and regulations as he shall prescribe. To the extent necessary to achieve effective enforcement of this Act, such rules and regulations may apply to the financing, transporting, and other servicing of exports and the participation therein by any person. Such rules and regulations shall provide that express permission and authority must be sought and obtained to export articles, materials, or supplies, including technical data, or any other information, from the United States, its Territories and possessions, to any nation or combination of nations if the President shall determine, taking into consideration availability of such exports from other nations, that such export makes a significant contribution to the military potential of such nation or nations which would prove detrimental to the national security of the United States. Such rules and regulations shall implement the provisions of section 1(c) of this Act and shall require that all domestic concerns receiving requests for the furnishing of information or the signing of agreements as specified in section 1(c) must report this fact to the Secretary of Commerce for such action as he may deem appropriate to carry out the purposes of section 1(c).

(b) The rules and regulations authorized by this section shall provide that the export of a particular category of items shall not be subjected to the requirement that express permission and authority be sought and obtained where such export does not make a significant contribution to the military potential of any nation or combination of nations which would prove detrimental to the national security of the United States.

(c) The President may delegate the power, authority, and discretion conferred upon him by this Act to such departments, agencies, or officials of the Government as he may deem appropriate.

(d) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils, during any period for which the supply of such commodity is determined by the Secretary of Agriculture to be in excess of the requirements of the domestic economy, except to the extent required to effectuate the policies set forth in section 1(a) of this Act.

(e) Nothing in this Act, or in the rules and regulations authorized by it, shall in any way be construed to require authority and permission to export items in any categories other than those specified in this Act or under any circumstances other than those specified in this Act.

CONSULTATION

Sec. 3. In determining what action to take with regard to expanding and regulating exports, any department, agency, or official making these determinations shall seek information and advice from the several executive departments and independent agencies concerned with aspects of our domestic and foreign policies and operations having an important bearing on our exports. Consistent with considerations of national security, the President shall seek information and advice from private industry in connection with the making of these determinations.

VIOLATIONS

Sec. 4. (a) Whoever willfully exports anything contrary to any provision of this Act or any regulation, order, or license issued hereunder, with knowledge that such items are being exported contrary to any provision of this Act or any regulation, order, or license issued hereunder, shall, upon conviction, be punished by a fine of not more than five times the value of the exports involved or $20,000, whichever is greater, or by imprisonment for not more than five years, or by both such fine and imprisonment.

(b) The head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed $1,000 for each violation of this Act or any regulation, order, or license issued under this Act, either in addition to or in lieu of any other liability or penalty which may be imposed.

(c) The payment of any penalty imposed pursuant to subsection (b) may be made a condition, for a period not exceeding one year after the imposition of such penalty, to the continued right to export of the person upon whom such penalty is imposed.

(d) Any amount paid in satisfaction of any penalty imposed pursuant to subsection (b) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty, within two years after payment, on the ground of a material error of fact or law in the imposition. Notwithstanding section 1346(a) of title 28 of the United States Code, no action for the refund of any penalty may be maintained in any court.

(e) In the event of the failure of any person to pay a penalty imposed pursuant to subsection (b), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. In any such action, the court shall determine de novo all issues necessary to the establishment of liability. Except as provided in this subsection, and in subsection (c), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

(f) Nothing in subsection (b), (c), or (e), shall limit—

(1) the availability of other administrative or judicial remedies with respect to violations of this Act, or any regulation, order, or license issued under this Act;

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act, or any regulation, order, or license issued under this Act; or

(3) the authority to compromise, remit, or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

ENFORCEMENT

Sec. 5. (a) To the extent necessary or appropriate to the enforcement of this Act, the head of any department or agency exercising any functions hereunder (and officers or employees of such department or agency specifically designated by the head thereof) may make such investigations and obtain such information from, require such reports or the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of, any person. In addition, such officers or employees may administer oaths or affirmations, and may by subpena require any person to appear and testify or to appear and produce books, records, and other writings, or both, and in the

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case of contumacy by, or refusal to obey a subpena issued to, any such person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and after notice to any such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (27 Stat. 443) shall apply with respect to any individual who specifically claims such privilege.

(c) No department, agency or official exercising any functions under this Act shall publish or disclose information obtained hereunder which is deemed confidential or with reference to which a request for confidential treatment is made by the person furnishing such information unless the head of such department or agency determines that the withholding thereof is contrary to the national interest.

(d) In the administration and enforcement of this Act, reporting requirements shall be so designed as to reduce the cost of preparation of reports and recordkeeping required under this Act to the extent feasible, consistent with effective enforcement and compilation of useful trade statistics. Reporting and recordkeeping requirements shall be periodically reviewed and revised in the light of developments in the field of information technology.

EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT

Sec. 6. The functions exercised under this Act shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237), except as to the requirements of section 3 thereof.

TRADE EXPANSION COMMISSION

Sec. 7. (a) There is hereby established a Trade Expansion Commission (hereinafter referred to as the "Commission") to be composed of fifteen members to be appointed by the President. The President shall designate one of the persons appointed to the Commission to serve as Chairman.

(b) The Commission shall conduct a study to determine practicable ways by which exports from the United States can be expanded without jeopardizing the national security. The Commission may make interim reports to the President and the Congress, and shall make a final report thereto with respect to its findings and recommendations no later than one year after the date of enactment of this Act.

(c) Each member of the Commission who is appointed from private life may receive compensation at the rate of $100 for each day he is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(d) The Commission may, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or to classification and general schedule pay rates, appoint and fix the compensation of an executive director, and the Executive Director, with the approval of the Commission, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission. No individual so appointed may receive compensation in excess of the rate authorized for GS-18 under the General Schedule

(e) (1) The Commission may require directly from the head of any Federal executive department or agency available information which the Commission deems useful in the discharge of its duties. All such departments and agencies shall cooperate with the Commission and furnish information requested by the Committee to the extent permitted by law.

(2) The head of any executive department or agency of the Government may detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying on its work.

(f) Thirty days after submission of its report, the Commission shall cease to exist.

(g) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

QUARTERLY REPORTS

Sec. 8. The head of any department or agency or other official exercising any functions under this Act with the exception of those specified in section 7 hereof, shall make a quarterly report, within 45 days after each quarter, to the President and to the Congress of his operations hereunder.

DEFINITION

Sec. 9. The term "person" as used herein shall include the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof.

EFFECTS ON OTHER ACTS

Sec. 10. The Act of February 15, 1936 (49 Stat. 1140), relating to the licensing of exports of tinplate scrap, is hereby superseded; but nothing contained in this Act shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over exports of any commodity.

Sec. 11. The authority granted to the President, pursuant to section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), to control the export and import of arms, ammunition, and implements of war, including technical data relating thereto, shall be exercised in such manner as to achieve effective coordination between the controls authorized under that section and the controls required under section 2(a) of this Act.

EFFECTIVE DATE

Sec. 12. This Act shall take effect on June 30, 1969.

SENATE JOINT RESOLUTION 122—INTRODUCTION OF A JOINT RESOLUTION TO PROVIDE FOR A TEMPORARY EXTENSION OF THE AUTHORITY CONFERRED BY THE EXPORT CONTROL ACT OF 1949

Mr. BROOKE. Mr. President, while we were considering the proposal which I have just introduced and the other proposals which I have referred to above, we must not ignore the fact that the President's authority to control the exportation of strategic goods expires on June 30, 1969. I am, therefore, introducing a joint resolution which would extend the expiration date of the present Export Control Act from June 30, 1969, to August 30, 1969. While the Senate may be in a position to report out legislation on this important subject by June 30, I have been informed that it is doubtful whether the House could do so in the time remaining. I, therefore, introduce this resolution so that controls over strategic items do not lapse in the event that the Congress does not take action on this matter before June 30. I am hopeful, however, that both Houses of the Congress will be able to report out a compromise bill and that it will not be necessary to pass this resolution.

I am pleased to indicate that the Senator from Alabama (Mr. Sparkman), the Senator from Maine (Mr. Muskie), and the Senator from Utah (Mr. Bennett), join as cosponsors of this resolution. With their able leadership, I am confident that the Committee on Banking and Currency will be able to take action on this proposal, should it prove necessary to do so.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 122), to provide for a temporary extension of the authority conferred by the Export Control Act of 1949, introduced by Mr. Brooke (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

ARMS CONTROL AND THE MIRV TESTS

Mr. BROOKE. Mr. President, I wish to call the attention of the Senate to a most insightful editorial in today's Washington Post, entitled "Arms Control and the MIRV Tests."

As cogently and meticulously as possible, the Post reviews the considerations which have led me and a number of other Senators to conclude that it would be wise national policy to seek a delay in further testing of the so-called multiple independently targetable reentry vehicles by both the Soviet Union and the United States. I ask unanimous consent that the Post editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Arms Control and the MIRV Tests

In a couple of weeks time it will have been one full year since the Soviet Union picked up the United States' recurrently proferred invitation to discuss strategic arms limitations. No one can say what progress—if, indeed, any—might have been made by now toward some sort of stabilizing arrangement, had not the talks been delayed in turn by the Soviets' invasion of Czechoslovakia, our own election campaign and change of government, and Mr. Nixon's insistence on a thoroughgoing, snail's pace review of the U.S. negotiating position. But it takes no special insight to observe what has happened in the past year without arms talks, and little of it suggests that time is working to either side's advantage.

This is especially and even crictically true in relation to the development of MIRV—the multiple independently targetable reentry vehicle, which has already come far enough along to complicate enormously any agreement we and the Soviets might reach, not to mention the prospect of our reaching one at all.

The shorthand in which MIRV has been discussed as an obstacle to arms control is slightly misleading. That is, it is frequently argued that techniques of control and inspection likely to be tolerated by the Soviets in any agreement would not include the kind of on-site scrutiny required to establish how many individual warheads a missile contained, so that there would be no mutually acceptable way of "counting" weapons in an agreed-upon arms limitation or freeze. That is true, but at this point is neither the central nor immediate question. We have already deployed "cluster" warheads in some of our missiles—MRV's, minus the crucial "I"—and these already present a simple "counting" problem; but precisely because they are not independently targeted their maneuverability is limited, their purpose as a defense system penetrator fairly clear, and their relative unsuitability for conversion into a first-strike weapon evident.

None of this holds true for MIRV, which was also undertaken in the first instance as a penetrator of a Soviet ABM defense. The improved accuracies that are meant to be gained from continued testing could in time qualify land- and sea-based MIRVs as first-strike weapons, capable in their great and undeterminable number of destroying the other side's hardened land-based missile—the protection retaliatory force which is supposed to be its deterrent. When such accuracies have been achieved, the "counting" problem will become real. Thus, absent an agreement, we could experience an almost unimaginable shift from addition to multiplication as the basis for each side's effort to match the other and to protect its own arsenal.

We are a long way yet from the fulfillment of this grotesque promise. But it can also be argued that we are at a point in the development of this weapon—as the Soviets may be too—when the decisions we take could have a profoundly and even permanently harmful effect on our chances of reaching an agreement concerning it. Our own present series of MIRV tests is intended to lead, in a matter of months, to the deployment of these weapons in refitted nuclear submarines and also in the new Minuteman III. Few people, it is true, believe that the accuracies acquired by this stage will have qualified the MIRV as the menace to stability it could become. And those who view the process with least alarm declare that it will be around eighteen months before the first new sea-based MIRVs are operational, adding that in these early stages the Soviets would know the limited extent of its attributes as a weapon.

Be all that as it may, the uncertainties regarding the achievements of our current tests, the rate at which we may proceed with Minuteman III (which is not distinguishable in the silo from its predecessor and does not require refitting operations comparable to those of the sea-based MIRVs), and the improvements that could be mastered via so-called "confidence firings" of these early weapons once deployed, al must contrive to make the terms of any weapons agreement far more arguable in Moscow than they might otherwise have been. The uncertainty is at least equal to the demonstrable fact—and perhaps more important than it—in the area of arms control agreements. What can be believed or imagined or suspected and consequently argued may be more important than a reality which falls far short of it. That is why it is so urgent for the Administration to move now to get the arms talks going or, failing that, to put some sort of brake on the MIRV development that will keep it a negotiable item.

A year ago, you heard it argued that, on the eve of an arms bargaining session with the Soviet Union, it would be imprudent—a weak and misleading sign—to cancel the first MIRV flight tests or to delay them. Today, you hear it argued that the moment has vanished, alas, for a unilateral slowdown or moratorium: it would have been practical, the argument now runs, a year ago. There was truth to the first of these propositions, and there is a measure of truth to the second. For at this point, even if there were a slowing or halt of flight tests, progress on the MIRV has already been such that neither side could be entirely confident of where the other had got to or what it might be capable of achieving backstairs.

But it does not follow from this that the only course left to allay these anxieties involves each side's moving unilaterally toward a condition that is preferable only in that we know for sure how much we have to be anxious about—namely, the unchecked development of MIRV weapons by both countries. An eventual agreement to limit the size and number of launchers and also the deployment of anti-ballistic missile systems is—by most good accounts—still attainable and even susceptible of adequate inspection at this stage of MIRV's progress, although MIRV has already introduced complications that may soon bring us past this point. What is left is the opportunity—if these weapons are to be deployed—to control this deployment and restrain it by mutual agreement under negotiated, circumscribed conditions. It is an opportunity Mr. Nixon should seize—or at the very least keep available.

He can do so by braking the flight tests of these weapons or by moving with more dispatch toward substantive talks in Geneva. The critics to the contrary, this is a decision of infinitely more importance at the moment than that of whether or not to approve the President's first request for authority and funds to undertake the Safeguard ABM. Its consequences are more far-reaching and less possible to reverse. Moreover, the original rationale for MIRV—the prospective deployment by the Russians of a heavy ABM system—is at least open to question at this time and also a subject which will be understood more clearly only when the bargaining begins. It would not be difficult to understand the reluctance of a President to enter into arms talks with the Russians at a moment when his whole strategic policy has come under impassioned domestic attack, so that Mr. Nixon may well have it in mind to deal with nothing but the preliminaries until a few things have been voted up or down—resolved, if only temporarily—at home. If that is the case, he should (and could afford to) slow down the MIRV tests. It is late now. Pretty soon it will be too late.

Mr. BROOKE. Mr. President, as Senators know, I have circulated a sense-of-the-Senate resolution dealing with this vital issue. Together with a large and growing number of cosponsors I now plan to introduce this resolution shortly, urging the President to propose an immediate joint suspension of MIRV tests by the Soviets and ourselves, and expressing the Senate's support for an early start of strategic arms negotiations to head off another dangerous round in the arms race.

I have been investigating this issue in detail for many months and believe I can state with assurance that there are many points of consensus among those most fully informed about this subject.

There is no dispute that the prospective vulnerability of the American Minuteman forces would be greatly reduced if the Soviet Union could be persuaded to forgo development and deployment of MIRV technology.

There is no dispute that the U.S. MIRV program was intended to penetrate an expected heavy Soviet ABM system, which has not yet materialized.

There is no dispute that the United States could achieve an effective MIRV capability in a shorter time than it would take the Soviet Union to deploy a heavy ABM system; hence there is no dispute that so far as the stated mission is concerned, the U.S. MIRV program can be safely delayed for a time.

There is no dispute that if MIRV systems are actually deployed, they will increase the difficulties of verifying compliance with the hoped-for freeze on strategic weapons, since one could not then be confident of precisely how many accurate and independently aimed warheads were mounted on a particular missile.

There is no dispute that, if the United States MIRV program is completed, it will be more difficult to dissuade the Soviets from deploying similar technology.

In short there are many sound reasons for concluding that the control of MIRV is the paramount problem of the arms race at this time, and that an early joint suspension of MIRV flight tests could provide additional time for devising adequate arrangements to limit such destabilizing technology.

I will be expanding on these and related arguments in the next few days and hope that other Senators will join me in sponsoring the proposed resolution.

ORDER OF BUSINESS

Mr. COOK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 32—SUBMISSION OF A CONCURRENT RESOLUTION ON RAIL TRANSPORTATION

Mr. ALLOTT. Mr. President, there is little comfort in having correctly foretold the future, when dire consequences were predicted and they have now come true.

I am, unfortunately, in that position today. In the early days of the 90th Congress, I submitted, on behalf of myself and a bipartisan group of interested Senators, Senate Concurrent Resolution 25. This resolution was designed at least to attempt to solve the already then critical situation regarding rail passenger service.

The resolution was introduced against the background that hundreds of long distance passenger trains had been discontinued by leading railroads throughout this country. The problem early in 1967 had become acute, and many of us felt that the time had come to take some constructive action.

As I told the Senate then:

> What was once referred to as "creeping abandonment" has begun to gallop.

And I pointed out:

> Almost nothing is being done to face up to the problems of today, namely the abandonment and discontinuance of most long haul or non-commuter short run passenger service in this country.

I predicted then that unless action were taken we would be faced with a "gigantic problem" in years hence.

For a variety of reasons, which would serve little good to explore, no action was taken, and today the "gigantic problem" about which I warned is upon us.

Just in the time since the start of the 90th Congress, or roughly in the past 2½ years, the Interstate Commerce Commission has received petitions to discontinue more than 320 trains. That figure, by the way, does not include the gigantic passenger service restructuring on the New York, New Haven & Hartford Railroad subsequent to its absorption by the Penn Central. In that case alone, some 91 trains were involved, of which 40 survived.

The ICC, during this period, allowed 202 trains to be discontinued, while discontinuance cases involving 94 trains were either denied, dismissed, or withdrawn. Cases concerning 28 trains are presently pending. These figures include only interstate trains and do not reflect the dozens of intrastate trains which have been allowed to be discontinued either by the ICC or by State utility commissions. Considering the fact that little more than 500 long-distance passenger trains are still operating at this time, the revelation that more than 200 have been discontinued in the past 30 months puts this matter sharply into perspective.

Mr. President, I ask unanimous consent that the record of ICC action on passenger trains for 1967, 1968, and the first half of 1969, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, if the problem was serious in 1967, it has indeed become grave in 1969.

As I see it, we are faced with a choice. Either we will be content to allow all but a handful of the remaining 500 trains to be discontinued so that by 1972, or 1973, there will be virtually no rail passenger service at all in the United States, or we will take some constructive action to indicate to the Department of Transportation, the Interstate Commerce Commission, the railroads, and the public that Congress is concerned about this problem and wishes to seek a solution.

It is for the purpose of suggesting a beginning toward a solution that I rise today to introduce an updated version of the resolution I sponsored in the 90th Congress. The list of cosponsors, which I will announce at the conclusion of these remarks, supplies ample evidence that people from one end of the Nation to the other are most concerned about this problem. The question of providing adequate rail passenger service for the people of America is one which crosses party lines, as well as geographic and ideological barriers.

It is obvious that there is no area of the country which has not suffered from declining rail service. It is further obvious that virtually all major railroads have sought actively to rid themselves of the passenger business. In some cases, there has been and continues to be economic justification for this action on the part of the private carriers; in other cases, the move to discontinue passenger trains has been or continues to be just another step toward freeing more and more capital for freight operations.

Well, Mr. President, we have reached the point where we must decide just how much obligation a highly profitable railroad has to operate passenger trains, and just how much obligation public bodies must assume for the operation of passenger trains on deficit-ridden railroads, or in areas where the trains themselves cannot operate profitably, even though they may be needed.

The aim of the resolution being introduced today is to seek to determine the facts upon which such policies can be built.

Few would suggest that passenger trains will reap huge profits for the railroads. Many have suggested that passenger trains need not lose money. The great success of the three Penn Central Metroliners currently in operation between Washington and New York offers an excellent case in point.

It is true that these trains do operate in a heavily populated corridor. But trains have been operating in this corridor all along, and passenger traffic was on the decline. The advent of the Metroliners, which are fast, reliable, clean, and efficient, has brought people back to the rails.

Who is to suggest that other kinds of clean, fast, efficient trains would also not bring people back to the rails?

The supporters of this resolution do not suggest additional rail service is imperative because they necessarily prefer trains over other means of transportation. We do, however, suggest that the continued and even expanded utilization of rail passenger trains is inevitable, especially in the so-called corridor areas of this Nation.

This is true because expressways and interstate highways are near the saturation point in many parts of America. In addition, air congestion has become a problem of national concern.

Thus, the railroads, despite some financial problems, can, and indeed must, play a role in solving our ground transportation problems. The question is whether all passenger facilities should be allowed to be abandoned now, only to be replaced very soon at a cost of billions or whether meaningful remedial legislation can prevent such a mistake.

The resolution we now propose would direct the Department of Transportation to conduct a 6-month study of various aspects of the rail transportation question, during which the Interstate Commerce Commission would be asked to prevent any abandonment or sale of rail passenger service facilities.

We are deliberately suggesting a brief study. The time for studying has nearly diminished. The time for action is at hand. I feel certain, after appropriate consultations, that DOT would be able to make proper recommendations in a period of 6 months.

The investigation, as the resolution suggests, should have as its primary objective an analysis of the feasibility of developing, promoting, and operating long-distance rail passenger transportation through the establishment of regional or intrastate rail transportation commissions; a Government-industry public corporation; or through direct assistance to railroad operators.

In that regard, we ask that DOT make a comprehensive determination of where and how the technology and service developed in the northeast corridor high-speed rail project can be utilized in other intercity corridors in the United States.

This is most important because the concept behind the enactment of the High Speed Ground Transportation Act 4 years ago, even though this has been nearly forgotten, was to conduct experiments in passenger service which would have benefit to all parts of the Nation. Since funds were provided for limited experimentation, demonstrations have been confined to the northeast corridor. What we learn here, however, concerning public attitudes toward improved rail service, travel patterns, and the ability of railroads to attract passengers from the air and the highways, should prove to be quite applicable elsewhere in the Nation.

We further ask that, in consultation with the railroads, State utility commissions, and State or regional transportation authorities, DOT determine the feasibility of providing Federal assistance for the planning and development of regional rail passenger services.

This is a most worthwhile concept to explore because if the problem of rail passenger service is indeed to be solved, then States and regional bodies will have to be involved. I cannot foresee a time when the Federal Government will completely absorb the financial burden of operating unprofitable long-distance trains across the country. I can foresee a time in the very near future when the Federal Government or regional transit authorities might help the railroads run such trains.

In addition, we ask that DOT make a comprehensive determination of the feasibility of providing Government assistance to furnish a pool of rail passenger equipment. The National Association of Railroad Passengers—NARP—the widely respected spokesman for rail travelers in all 50 States of the Union, has expressed great interest in this aspect of our proposal, as well as the resolution itself. In fact, Anthony Haswell, the chairman of NARP, sent word from Chicago that—

> Favorable action on the Allott resolution will be of vital assistance in combating the negative attitude toward passenger service which today is so widespread within the railroad industry.

The association is particularly concerned about "the deteriorating condition of passenger equipment which is causing increased repair and maintenance expense together with inferior service to the public."

I welcome NARP's support, and I believe that their suggestions now and in the future will prove to be most valuable as we continue to discuss this whole question.

As auxiliary points to the matter of a passenger equipment pool, we are asking for DOT to examine the questions of Government assistance for terminal facilities, fare structure experimentation, and outright operation of long-distance trains.

A further point to be studied, under our resolution, is whether or not containerized mail can be coordinated with existing or future passenger train schedules to insure both fast mail service and a continuation of needed passenger routes.

I have addressed the Senate many times on the ruthless discontinuance of railway post office—RPO—operations under the policies of one William J. Hartigan. That has now become a

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separate matter, and I shall not comment on it further at this time, except to say that all the facts have not yet been revealed on this case. At least, it seems to this Senator that now that the Post Office Department has succeeded in dismantling the reliable RPO system which served the Nation so well, we ought to be able to explore ways of hauling mail on passenger trains. This would help the mail service, because passenger trains are on the whole rather reliable; this would also assist passenger trains because of the revenue which would accrue to the railroads.

The argument over whether the railroad determined to discontinue trains first, thus forcing the Post Office to cancel RPO's, or whether the Post Office Department determined to cancel RPO's thus forcing the railroads to discontinue passenger trains, has not yet been fully settled. Therefore, it is high time that the debate over this issue be supplanted by a positive investigation of what can be done to ship mail by trains.

We also ask what responsible management, labor, and Government officials have also been requesting for some time now, namely, that DOT examine the question what changes can be made in work rules to insure the greater use of rail passenger service.

We are extremely hopeful that this resolution will receive prompt hearings and action in committee. We are not, we believe, acting a moment too soon, and indeed if we wait much longer, there will not be any trains to save.

In my own State of Colorado, we are now fighting, for the third time around, the discontinuance of the California Zephyr. We are all hopeful that the ICC will order the train continued for another year, which it presently has power to do. Yet, that is hardly a permanent solution. The Zephyr equipment is getting older. Complaints of poor service, dirty coaches, difficulties with reservations, the necessity to use cash rather than credit cards, and so forth, have been reaching my office daily since the Denver & Rio Grande Western petitioned to discontinue its portion of the train's run.

If the Commission merely orders the train to operate year after year, and the service continues to deteriorate, eventually passengers simply will not ride. At that point, whether or not there is need for the service, the Commission will be forced to give the railroads permission to discontinue.

The Zephyr case is only one of many examples we could mention. Obviously, what are needed are permanent solutions, because the problems confronting us will be with us for generations to come.

I do not believe that a railroad should be obliged to continue the operation of truly deficit-ridden passenger trains indefinitely with no relief. I believe that a railroad which seeks in good faith to maintain clean, efficient, and reliable passenger service, and which having done so, still cannot at least break even, must be given sympathetic consideration of its situation by the ICC, the Department of Transportation, and the Congress.

All we are saying is that the study we propose is necessary to determine the direction we must go now and in the future.

As I mentioned at the outset, this resolution aims only at a beginning. The time is at hand; the support is present; the conditions warrant it. Let us begin.

Mr. President, on behalf of myself and other Senators I submit the concurrent resolution and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. Hansen in the chair). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 32), which was referred to the Committee on Commerce, is as follows:

S. Con. Res. 32

Resolved by the Senate (the House of Representatives concurring), That, because (1) expressway and interstate highways in major urban areas are near the saturation point, (2) air congestion has become a problem of national concern, (3) large segments of rural America will soon be without rail passenger transportation, and (4) the railroads, despite financial problems, can play a vital role in solving our ground transportation problems, it is the sense of the Congress that the Secretary of Transportation should make an investigation of the potential of rail transportation, particularly over existing lines and rights-of-way, for passenger and mail transportation in the United States. Such investigation should have as it primary objective an analysis of the feasibility of developing, promoting and operating interurban railroad transportation through the establishment of regional (or intrastate) rail transportation commissions, a government-industry public corporation; or through direct assistance to railroad operators. Such an investigation should also include:

(a) a comprehensive determination of where and how the technology and service developed in the northeast corridor high speed rail project can be utilized in other intercity corridors in the United States;

(b) in consultation with railroad companies, State utility commissions and State or regional transportation authorities determine the feasibility of providing federal assistance for the planning and development of regional rail-passenger services;

(c) a comprehensive determination of the feasibility of providing Government assistance to furnish a pool of passenger equipment; provide modern terminal facilities; and for experimentation in fare structure, type of service and frequency of service through loans to railroads, or grants to public authorities established for the purpose of promoting and operating regional rail-passenger services;

(d) in consultation with the Postmaster General, a determination as to how containerized mail can be coordinated with existing or future passenger train schedules to insure both fast mail service and a continuation of needed passenger routes;

(e) in consultation with railroad management and railroad labor organizations, a determination as to what changes in work rules can be worked out to insure greater use of rail passenger service;

(f) a review of all existing research and development in rail transportation and a determination of areas where future research and development should be concentrated, with special emphasis on equipment design, maintenance, right-of-way, and track and power supply improvements; and

(g) such other matters as would determine and promote the potential of rail transportation for the purpose of assisting in the solution of such problems.

Sec. 2. It is also the sense of Congress that in view of the urgency of the problems involved such investigation and study by the Secretary of Transportation, and a report thereon, should be completed in not more than six months, and pending such completion the Interstate Commerce Commission should exercise such authority as it has under law to prevent any abandonment or sale of rail passenger service facilities.

Mr. ALLOTT. The cosponsors of the concurrent resolution are as follows:

Messrs. Aiken, Allott, Bennett, Bible, Cannon, Cooper, Cranston, Curtis, Dodd, Dole, Dominick, Fannin, Hansen, Hruska, Javits, Jordan of Idaho, McGee, Miller, Nelson, Pell, Percy, Prouty, Ribicoff, Scott, Spong, Stevens, Thurmond, Tydings, Yarborough, and Young of North Dakota.

EXHIBIT 1

F.D. No.	Railroad and points served	Filed	Effective date	Investigation ordered	4-month date	Hearing date	Number of trains	Action
24435	Chesapeake & Ohio Ry. Co., Washington, D.C. to Cincinnati, Ohio, and 4 others.	Jan. 10, 1967	Feb. 10, 1967	Jan. 26, 1967	June 9, 1967	Feb. 27, 1967	6	Denied June 5, 1967.
24462	Chicago, Burlington & Quincy RR. Co., Alliance, Nebr., and Brush, Colo.	Feb. 6, 1967	Mar. 15, 1967	Mar. 2, 1967	July 14, 1967	Apr. 3, 1967	2	Granted, June 20, 1967.
24499	Illinois Central RR. Co., Chicago, Ill., and Waterloo, Iowa.	Mar. 3, 1967	Apr. 5, 1967	Mar. 22, 1967	Aug. 4, 1967	Apr. 24, 1967	2	Granted July 26, 1967.
24529	Southern Pacific Co., Tucumcari, N. Mex., and Los Angeles, Calif.	Mar. 19, 1967	Apr. 21, 1967	Apr. 7, 1967	Aug. 20, 1967	May 25, 1967	2	Granted Aug. 11, 1967.
24542	Monon RR., Chicago, Ill.-Louisville, Ky	Mar. 27, 1967	May 8, 1967	Apr. 25, 1967	Sept. 7, 1967	June 12, 1967	2	Granted Aug. 30, 1967.
24545	Chicago, Burlington & Quincy RR. Co., Billings, Mont., and Alliance, Nebr.	Mar. 30, 1967	May 1, 1967	Apr. 19, 1967	Aug. 31, 1967	June 5, 1967	2	Denied, Aug. 24, 1967.
24546	Colorado & Southern Ry. Co., Chicago, Burlington & Quincy RR. Co., Denver, Colo., and Billings, Mont.	do	do	do	do	do	2	Granted, Aug. 24, 1967.
24558	Norfolk & Western Ry. Co., St. Louis, Mo., and Chicago, Ill.; St. Louis and Detroit.	Apr. 7, 1967	May 10, 1967	Apr. 26, 1967	Sept. 9, 1967	June 19, 1967	4	2 granted, 2 denied, Sept. 5, 1967.
24562	The Colorado & Southern Ry. Co., Fort Worth & Denver Ry. Co., Dallas, Tex.-Denver, Colo.	Apr. 10, 1967	do	Apr. 25, 1967	do	June 12, 1967	2	Granted, Aug. 31, 1967.
24571	Southern Railway Co., Washington, D.C., and Salisbury, N.C.	Apr. 26, 1967	May 27, 1967	May 12, 1967	Sept. 26, 1967	June 14, 1967	2	Granted, Sept. 19, 1967.

EXHIBIT 1—Continued

F.D. No.	Railroad and points served	Filed	Effective date	Investigation ordered	4-month date	Hearing date	Number of trains	Action
24589	Chicago, Milwaukee, St. Paul & Pacific RR., Chicago, Ill., and Omaha, Nebr.	May 12, 1967	June 12, 1967	May 31, 1967	Oct. 11, 1967	July 10, 1967	2	Granted, Sept. 21, 1967.
24595	Northern Pacific Co., St. Paul, Minn. and Jamestown, N. Dak.	May 12, 1967	June 18, 1967	June 6, 1967	Oct. 17, 1967	July 17, 1967	2	Granted, Sept. 27, 1967.
24615	Chicago, Burlington & Quincy RR. Co., Chicago, Ill. and Omaha, Nebr.	May 29, 1967	July 1, 1967	No			1	Granted, June 19, 1967.
24616	Chicago, Rock Island & Pacific Railroad Co., Minneapolis, Minn. and Kansas City, Mo.	May 29, 1967	June 30, 1967	June 16, 1967	Oct. 29, 1967	Aug. 7, 1967	2	Granted Oct. 6, 1967.
24625	Missouri Pacific Railroad Co., Little Rock, Ark. and Alexandria, La.	June 9, 1967	July 17, 1967	July 5, 1967	Nov. 16, 1967	Aug. 14, 1967	2	Granted Nov. 7, 1967.
24645	Illinois Central RR. Co., Memphis, Tenn., and New Orleans, La.	June 27, 1967	Aug. 1, 1967	July 18, 1967	Nov. 30, 1967	Sept. 6, 1967	2	Granted, Nov. 28 1967.
24646	Louisville & Nashville RR. Co., St. Louis, Mo., and Nashville, Tenn.	June 28, 1967	July 31, 1967	July 18, 1967	Nov. 30, 1967	Aug. 21, 1967	2	Denied (part), Nov. 22, 1967; petition denied May 24, 1968.
24723	Pennsylvania RR. Co., Chicago, Ill., and Valpariso, Ind.	Aug. 30, 1967	Oct. 2, 1967	Sept. 18, 1967	Feb. 1, 1968	Oct. 30, 1967	2	Denied Jan. 26, 1968.
24725	Chicago & Eastern Illinois RR. Co., Chicago, Ill., and Evansville, Ind.	Aug. 31, 1967	Oct. 1, 1967	Sept. 18, 1967	Jan. 31, 1968	Oct. 30, 1967	2	Granted Jan. 25, 1968. petition denied May 8, 1968.
24728	Chicago, Burlington & Quincy, change in service Nos. 8 and 30, Chicago, Ill., Omaha, Nebr.	Sept. 1, 1967	Oct. 1, 1967	No			2	Granted Sept. 19, 1967.
24739	Great Northern Ry. Co., Fargo, N. Dak., and St. Paul, Minn.; 2 discontinued and 1 change of service.	Sept. 12, 1967	Oct. 15, 1967	Oct. 3, 1967	Feb. 14, 1968	Nov. 27, 1967	3	Granted Feb. 9, 1968.
24746	Chicago, Rock Island & Pacific RR. and Southern Pacific Co. Nos. 3 and 4 between Chicago and El Paso, Tex.	Sept. 18, 1967	Oct. 20, 1967	Oct. 5, 1967	Feb. 19, 1968	do	2	Granted Feb 15, 1968.
24759	Chicago, Burlington & Quincy RR. Co. Nos. 22 and 23 change of service between Chicago and St. Paul.	Sept. 27, 1967	Oct. 29, 1967	No Oct. 27, 1967 on reconsideration.		Jan. 8, 1968	2	Feb. 26, 1968, 1 granted, 1 denied.
24760	Chicago, Milwaukee, St. Paul & Pacific RR. Co. Nos. 55 and 58 between Chicago and Minneapolis.	Sept. 29, 1967	Oct. 31, 1967	Oct. 19, 1967	Feb. 29, 1968	Dec. 4, 1967	2	Denied Feb. 26, 1968.
24766	Chicago, Milwaukee, St. Paul & Pacific RR. Co. and Soo Line RR. Co. between Milwaukee, Wis. and Calumet, Mich. Nos. 9–10 and 49–48.	Oct. 6, 1967	Nov. 8, 1967	Oct. 25, 1967	Mar. 7, 1968	Dec. 11, 1967	2	Granted Mar. 1, 1968.
24771	Chicago, R.I. and Pacific RR. Co., Nos. 21 and 22 between Memphis, Tenn., and Tucumcari, N. Mex.	Oct. 9, 1967	Nov. 10, 1967	No			2	Granted Oct. 26, 1967.
24772	The Atchison, Topeka and Santa Fe Ry Co., Nos. 3 and 4 between Kansas City, Mo., and Gallup, N. Mex.	do	do	No; dismissed notice.			2	Oct. 19, 1967; Oct. 30, 1967.
24773	The Atchison, Topeka & Santa Fe Ry. Co., Nos. 47 and 48 and 211 and 212 between Kansas City, Mo., and Tulsa, Okla.	do	do	Oct. 27, 1967	Mar. 9, 1968	Jan. 8, 1968	4	2 granted; 2 denied; Mar. 1, 1968.
24774	The Atchison, Topeka & Santa Fe Ry. Co., Nos. 7 and 8 between Chicago, Ill., and Los Angeles and Bakersfield, Calif.	do	do	No; dismissed notice.			2	Oct. 19, 1967; Oct. 30, 1967.
24779	Southern Pacific Co. Nos. 21 and 22 between Ogden, Utah, and Oakland, Calif.	Oct. 16, 1967	Nov. 16, 1967	No			2	Granted Nov. 1, 1967.
24780	New York Central R. Co. Nos. 312 and 341 between St. Louis, Mo., and Indiana-Ohio State line.	do	Nov. 19, 1967	Nov. 7, 1967	Mar. 18, 1968	Jan. 15, 1968	2	Granted Mar. 14, 1968.
24781	New York Central R. Co. Nos. 57 and 96 between Chicago and Indiana-Ohio State line.	do	do	do	do	Jan. 22, 1968	2	Granted Mar. 14, 1968.
24809	St. Louis-San Francisco Ry. Co. 101 and 102 between Kansas City, Mo., and Birmingham, Ala.	Nov. 3, 1967	Dec. 8, 1967	No			2	Granted Nov. 24, 1967. Petition for reconstruction denied Dec. 7, 1967.
24812	Southern Ry Co. discontinuance of train No. 36 and consolidation of No. 47 with 37 between Washington, D.C., and Atlanta, Ga.	do	Dec. 4, 1967	No			2	Granted Nov. 21, 1967.
24818	Atchison, Topeka & Santa Fe Ry. Co. trains Nos. 13 and 14 between El Paso, Tex., and Albuquerque, N. Mex.	Nov. 8, 1967	Dec. 10, 1967	Nov. 28, 1967	Apr. 9, 1968	Jan. 22, 1968	2	Granted Mar. 28, 1968.
24819	Atchison, Topeka & Santa Fe Ry. Co. Nos. 9, 11, and 12 between Chicago, Ill., Kansas City, Mo., and Fort Worth-Dallas, Tex.	Nov. 9, 1967	Dec. 18, 1967	Dec. 4, 1967	Apr. 16, 1968	Feb. 5, 1968	3	Granted Apr. 11, 1968.
24821	Chicago, Burlington & Quincy RR. Co. Nos. 35 and 36 between Chicago, Ill., and Kansas City, Mo.	do	Dec. 10, 1967	Nov. 27, 1967	Apr. 9, 1968	Jan. 29, 30, 31, Feb. 1, 2, 6, 7, 1968.	2	Denied Apr. 2,
24827	Chicago, Burlington & Quincy RR. Co., Nos. 7 and 8, between Omaha, Nebr., and Denver, Colo.	Nov. 17, 1967	Dec. 17, 1967	No			2	Dec. 5, 1967, petition for reconsideration denied Dec. 15, 1967.
24836	Seaboard Coast Line RR. Co., Nos. 77 and 78, between Richmond, Va., and Florence, S.C.	Nov. 27, 1967	Dec. 31, 1967	No			2	Granted Dec. 19, 1967.
24853	Kansas City Southern Ry. Co.; Louisiana & Arkansas Ry. Co.; Nos. 1 and 2, between Kansas City, Mo., and New Orleans, La.	Dec. 4, 1967	Jan 4, 1968	Dec. 19, 1967	May 3–10, (time voluntarily extended by railroad.	Feb. 5–24, 1968	2	Denied May 7, 1968.
24854	Kansas City Southern Ry. Co.; Louisiana & Arkansas Ry. Co.; Nos. 15–9, 10–16, between Kansas City, Mo., and New Orleans, La., and Port Arthur, Tex.	do	do	do	do	Feb. 5, 1968	6	Granted May 6, 1968.
24855	Northern Pacific Ry. Co., Nos. 1 and 2 between Fargo, N. Dak., and Tacoma-Seattle, Wash.	Dec. 4, 1967	Jan. 10, 1968	Dec. 18, 1967	May 9, 1968	Feb. 13, 1968	2	Denied May 6, 1968.
24857	Chesapeake & Ohio Ry. Co., Nos. 43 and 46 between Portsmouth and Charlottesville; Nos. 3 and 4 between Washington, D.C., and Cincinnati, Ohio; Nos. 47 and 46 between Ash and, Ky., and Detroit, Mich. June 25, 1969, petition for reconstruction.	Dec. 5, 1967	Jan. 5, 1968	Dec. 21, 1967	May 4, 1968, May 12, 1968 (time voluntarily extended by railroad).	Feb. 5, 1968	6	4 granted, 2 denied May 7, 1968. Petition denied Oct. 23, 1968.
24861	Union Pacific RR. Co., Nos. 5 and 6 between Omaha, Nebr., and Los Angeles, Calif.	Dec. 6, 1967	Jan. 8, 1968	Dec. 28, 1967	May 7, 1968		2	Withdrawn Jan. 12, 1968.
24869	Atchison, Topeka & Santa Fe Ry. Co., Nos. 19 and 20, 23 and 25 between Chicago and Los Angeles.	Dec. 13, 1967	Jan. 14, 1968	Dec. 29, 1967	May 13, 1968	Feb. 13, 1968	4	2 granted, 2 denied, May 8, 1968.

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EXHIBIT 1—Continued

F.D. No.	Railroad and points served	Filed	Effective date	Investigation ordered	4-month date	Hearing date	Number of trains	Action
24873	Pennsylvania RR. Co. Nos. 3 (Penn-Texas), No. 30 (Spirit of St. Louis), bet. St. Louis, Mo. & N.Y., N.Y.	Dec. 20, 1967	Jan. 21, 1968	No. Invest. inst. Jan. 18, 1968.			2	Jan. 9, 1968. Dismissed, Jan. 31, 1968.
24879	Union Pacific RR. Co., Nos. 35 & 36 bet. Salt Lake City, Utah & Butte, Mont.	Dec. 20, 1967	Jan. 22, 1968	Jan. 9, 1968	May 21, 1968	Mar. 4, 1968	2	Denied, May 16, 1968.
24884	Illinois Central RR. Co., Nos. 21 & 22 bet. Springfield, Ill. & St. Louis, Mo. Nos. 15, 16, 101, 102, 105 & 152 bet. St. Louis, Mo. & Carbondale, Ill.	Dec. 20, 1967	Jan. 20, 1968	Jan. 5, 1968	May 19, 1968	Feb. 19-23, 1968	8	6 Granted, 2 Denied, May 14, 1968.
24886	Erie-Lackawanna RR. Co. No. 10 (New York mail) and No. 15 (The Owl) between Buffalo, N.Y. and Hoboken, N.J.	Dec. 21, 1967	Jan. 21, 1968	Jan. 9, 1968	May 20, 1968, May 31, 1968 (Time voluntarily extended by railroad. Petitioned June 19, 1968; heard Oct. 15, 1968; reopened Aug. 23, 1968 for further hearing).	Feb. 26, 1968	2	Denied May 23, 1968. (Granted May 20, 1969 on further hearing.)
24912	Norfolk and Western Ry. Co., discontinuance of trains Nos. 302 and 303 between St. Louis, Mo. and Detroit, Mich.	Jan. 8, 1968	Feb. 10, 1968	Jan. 26, 1968	June 9, 1968	Mar. 18-26, 1968	2	Granted May 31, 1968.
24916	Southern Pacific Co., trains 101 and 102 between Ogden, Utah and Oakland, Calif. (City of San Francisco) Aug. 26, 1968 (petition for reconsideration).	Jan. 15, 1968	Feb. 15, 1968	Jan. 31, 1968	July 20, 1968	Mar. 25-Apr. 12, 1968.	2	Denied July 17, 1968. Petitioned Oct. 29, 1968, denied.
24917	Union Pacific RR. Co. Nos. 17 and 18 between Kansas City, Mo., and Portland, Oreg. (Portland Rose).	Jan. 15, 1968	Feb. 19, 1968	Feb. 7, 1968	June 18, 1968	Mar. 25-Apr. 10, 1968.	2	Denied June 13, 1968.
24918	Western Pacific RR. Co. Nos. 17 and 18 between San Francisco and Salt Lake City (California Zephyr). (Petitions for reconsideration.)	Jan. 17, 1968 Aug. 22, 1968	Feb. 20, 1968	Feb. 7, 1968	July 20, 1968	Mar. 25 to Apr. 12, 1968.	2	Denied July 17, 1968. Petition denied Oct. 29, 1968.
24923	Seaboard Coast Line RR. Co. Nos. 17 and 18 (the Tidewater) between Portsmouth, Va., and Raleigh, N.C.	Jan. 19, 1968	Feb. 19, 1968	No			2	Granted Feb. 7, 1968.
24925	Southern Ry. Co. and the Cincinnati, New Orleans & Texas Pacific Ry. Co. Nos. 1-28 and 27-2 between Cincinnati, Ohio, Atlanta, Ga. and Columbia, S.C. (Carolina trains). (Petition for reconsideration July 15, 1968, trains to be continued for 5 months instead of 1 year.) Sept. 6, 1968 (order of June 10, 1968, required reconsideration).	do	do	Feb. 7, 1968	June 18, 1968	Apr. 1 to October 1968.	6	4 granted, 2 denied June, 1968.
24929	New York Central RR. Co., Nos. 404 and 405, between Albany, N.Y., and Boston, Mass.	Jan. 23, 1968	Feb. 23, 1968	Feb. 9, 1968	June 22, 1968	Mar. 1-4, 1968	2	Denied June 17, 1968.
24931	Louisville & Nashville RR. Co., Nos. 14 and 19, between Bowling Green, Ky., and Memphis, Tenn.	do	Feb. 28, 1968	No			2	Granted Feb. 15, 1968.
24932	Chicago, Burlington & Quincy RR. Co., Nos. 22 and 23, between Omaha, Nebr., and Kansas City, Mo. (Petition of July 25, 1968 for reconsideration.)	do	Feb. 23, 1968	Feb. 8, 1968	June 22, 1968	Apr. 1-4, 1968; petition denied Oct. 4, 1968.	2	Granted June 17, 1968.
24933	Chicago, Burlington & Quincy RR. Co., Nos. 26 and 27 between Omaha, Nebr., and Kansas City, Mo. (Petition July 25, 1968 for reconsideration.)	do	do	do	do	do	2	Denied June 17, 1968.
24935	Union Pacific RR. Co., trains Nos. 5 and 6 between Omaha, Nebr., and Los Angeles, Calif. (Petition for reconsideration denied Oct. 4, 1968; period reduced from 1 year to 6 months.)	Jan. 24, 1968	Feb. 26, 1968	Feb. 13, 1968	June 25, 1968	Apr. 15-24, 1968	2	Denied June 20, 1968.
24942	Louisville & Nashville RR. Co. trains Nos. 17 and 18 between Cincinnati, Ohio, and Atlanta, Ga.	Jan. 30, 1968	Mar. 7, 1968	No			2	Granted Feb. 20, 1968.
24952	Louisville & Nashville RR. Co. trains Nos. 1 and 2 between Nashville, Tenn., and Atlanta, Ga.	Feb. 6, 1968	Mar. 14, 1968	No			2	Granted Feb. 29, 1968.
24956	Missouri Pacific RR. Co. and Texas Pacific Ry. Co. Nos. 7 and 8 between St. Louis and Texarkana, 27 and 28 between Texarkana and Fort Worth, 23 and 24 between New Orleans and Marshall, Tex.	Feb. 7, 1968	Mar. 10, 1968	Feb. 27, 1968	July 9, 1968	Apr. 22 to May 3, 1968.	6	Granted July 2, 1968.
24970	Union Pacific RR. Co., Nos. 69 and 70 between Kansas City, Mo., and Salina, Kans.	Feb. 15, 1968	Mar. 18, 1968	No			2	Granted Mar. 6, 1968.
24972	Pennsylvania-New York Central Transportation Co. Nos. 94 and 95 (the Kentuckian) between Logansport, Ind. and Louisville, Ky.	Feb. 19, 1968	Mar. 24, 1968				2	Dismissed Mar. 12, 1968.
24976	Seaboard Coast Line Railroad Co. Nos. 53 and 54 between Florence, S.C. and Augusta, Ga.	Feb. 21, 1968	Mar. 23, 1968	No			2	Granted Mar. 11, 1968.
24977	The Baltimore & Ohio RR. Co., consolidation of Nos. 37 and 40 with 51 and 52 between Washington, D.C. and Cumberland, Md. (see F. D. 25288 where trains were consolidated).	Feb. 23, 1968	Mar. 25, 1968	No; Mar. 22, 1968	No date; Dec. 18, 1968.	May 13-25, 1968; Denied in effect.	4	Mar. 12, 1968; Investment instituted on reconsideration.
24980	Chicago, Milwaukee, St. Paul & Pacific RR. Co., Nos. 117 and 118 (the Varsity), between Chicago, Ill., and Madison, Wis. (required to be continued on Friday, Saturday, and Sunday and 5 national holidays and the days preceding and following holidays).	Feb. 26, 1968	Mar. 29, 1968	Mar. 15, 1968	July 28, 1968	Apr. 29, 30; May 2, 3, 1968.	2	Denied July 12, 1968.
4984	Illinois Central RR. Co., Nos. 205 and 208, between Vicksburg, Miss., and Shreveport, La.	Feb. 28, 1968	Mar. 30, 1968	No			2	Granted Mar. 18, 1968.
24986	Southern Ry. Co., Nos. 45 and 46 (Tennessean) between Chattanooga, Tenn., and Memphis, Tenn.	Feb. 29, 1968	Mar. 31, 1968	No			2	Granted Mar. 19, 1968.
25026	Penn-Central Transportation Co., No. 50 (the Admiral) between Chicago and New York and No. 53 (the Fort Pitt) between Pittsburgh and Chicago. (Petition for reconsideration Nov. 7, 1968.)	Mar. 18, 1968	Apr. 21, 1968	Apr. 9, 1968	Aug. 20, 1968	May 20 to June 6, 1968.	2	Denied Aug. 15, 1968 (9 mos.) pet. denied Nov. 18, 1968.

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EXHIBIT 1—Continued

F.D. No.	Railroad and points served	Filed	Effective date	Investigation ordered	4-month date	Hearing date	Number of trains	Action
25028	Penn-Central Transportation Co., Nos. 94 and 95 (the Kentuckian) between Logansport, Ind., and Louisville, Ky.	Mar. 20, 1968	Apr. 21, 1968	No			2	Granted Apr. 8, 1968.
25041	Seaboard Coast Line RR. Co., Nos. 3 and 4, between Richmond, Va., and Atlanta, Ga. (Petition for reconsideration, Oct. 7, 1968).	Mar. 29, 1968	Apr. 30, 1968	No			2	Granted Apr. 17, 1968.
25047	Louisville & Nashville RR. Co., Nos. 6 & 7 between New Orleans, La. and Cincinnati, Ohio (Hummingbird). (Civil Action 68C1666 U.S.D. Ct. for N.D. of Ill., Eastern Div. issued restraining order Sept. 21, 1968 ordering trains continued). Pet. denied Oct. 31, 1968.	Apr. 3, 1968	May 8, 1968	Apr. 24, 1968	Sept. 7, 1968	June 17–26, 1968	2	Granted Sept. 3, 1968.
25052	Pennsylvania N.Y. Central Transp. Co., Nos. 70 and 71 (Nos. 66 and 65 after Apr. 27) bet. Chicago, Ill., and Cincinnati, Ohio. (Pet. for Recons. Oct. 11, 1968, Feb. 18, 1969 continuance required for 6 mos. rather than 1 year fr. Sept. 11, 1968.)	Apr. 11, 1968	May 12, 1968	Apr. 29, 1968	Sept. 11, 1968	June 24–28, 1968	2	Denied Sept. 9, 1968.
25074	Pennsylvania New York Central Transportation Co., No. 3 (the Penn Texas) and No. 30 (the Spirit of St. Louis) between New York, N.Y., and St. Louis, Mo.	Apr. 26, 1968	May 29, 1968	May 16, 1968	Sept. 28, 1968	July 8–25, 1968	2	Denied Sept. 24, 1968.
	Petition for reconsideration			Oct. 28, 1968		Mar. 3, 1969		Petition denied.
25075	Seaboard Coast Line RR. Co., Nos. 9 and 10 (Palmland) between Columbia, S.C., and Miami, Fla.	Apr. 30, 1968	May 31, 1968	No			2	Granted May 17, 1968.
25097	Atchison, Topeka & Santa Fe Ry. Co., change in service Nos. 1 and 2 between Chicago, Ill., and San Francisco, Calif., and Nos. 15 and 16 between Chicago, Ill., and Houston, Tex.	May 13, 1968	June 15, 1968	No			4	Granted, June 3, 1968.
25107	Penn-Central Co. (Twilight Limited), No. 357 from Detroit, Mich. to Chicago, Ill. (Petition for reconstruction. Nov. 15, 1968 (G–fr. Ann Arbor-Chi-D fr. Detroit-Ann Arbor.)	May 17, 1968	June 18, 1968	June 6, 1968	Oct. 17, 1968	July 29–Aug. 6, 1968	1	Denied in part, Oct. 15, 1968. Petition denied Jan. 24, 1969.
25118	Southern Pacific Co., Nos. 1 and 2 between Los Angeles, Calif. and New Orleans, La. (Sunset).	May 24, 1968	June 24, 1968	June 4, 1968	Oct. 23, 1968	July 15–Aug. 15, 1968.	2	Denied, Oct. 17, 1968.
25120	Seaboard Coast Line R. R. Co. Nos. 15 and 16 between Hamlet, N.C., and Birmingham, Ala.	May 27, 1968	June 28, 1968	No			2	Rejected, June 17, 1968.
25129	Illinois Central RR. Co., change in service Nos. 3 and 4 between Chicago and Memphis. (Involved the elimination of 7 or 25 points served and rescheduling of trains.)	May 29, 1968	June 30, 1968	June 18, 1968, re stop at Gilman, Ill., only.	Oct. 29, 1968	Aug. 5, 1968	2	Oct. 25, 1968; No. 3 denied, No. 4 granted
25130	Chesapeake & Ohio RR. Co. Rescheduling train No. 46 between Detroit, Mich., and Ashland, Ky. Petition for reconsideration, June 25, 1968.	May 31, 1968	June 30, 1968	No			1	Granted June 17, 1968. Petition denied June 27, 1968.
25136	Missouri Pacific RR. Co. and Texas & Pacific Ry. Co. Nos. 3 and 4 between St. Louis, Mo. and Fort Worth, Tex.	June 5, 1968	July 10, 1968	June 27, 1968	Nov. 9, 1968	Aug. 5–12, 1968	2	Granted Oct. 31, 1968.
25143	Illinois Central RR. Co. Nos. 9 and 10 discontinued between Carbondale, Ill., and Birmingham, Ala. Change in service between Chicago and Carbondale (Seminole). (Petition for reconsideration Dec. 16, 1968.)	June 13, 1968	July 15, 1968	July 2, 1968	Oct. 14, 1968	Aug. 12–27, 1968	2	Nov. 12, 1968, granted train 10 stop at Gilman Depot. Petition denied Feb. 3, 1969.
25145	Baltimore & Ohio RR. Co., change in service Nos. 9 and 10 between Cumberland, Md., and Washington, D.C.; discontinued between Cumberland and Pittsburgh and change in service Nos. 5, 6, 7, and 8 between Cumberland and Pittsburgh.	June 14, 1968	July 15, 1968	No			2	Granted July 2, 1968.
25150	Seaboard Coast Line RR. Co. Nos. 17 and 18 (Seminole) between Jacksonville, Fla., and Albany, Ga. (Petition for reconsideration.)	do	July 16, 1968	July 2, 1968	Nov. 15, 1968	Aug. 12 to 27, 1968	2	Granted Nov. 12, 1968. Petition denied Feb. 3, 1969.
25151	Central of Georgia Ry. Co. Nos. 10–9 and 10–9 (Seminole) between Birmingham, Ala., and Albany, Ga. (Petition for reconsideration.)	do	July 15, 1968	do	Nov. 14, 1968	do	2	Granted Nov. 12, 1968. Petition denied Feb. 3, 1969.
25158	Seaboard Coast Line RR. Co. Nos. 15 and 16 between Hamlet, N.C., and Birmingham, Ala.	June 21, 1968	July 21, 1968	No			2	Granted July 10, 1968.
25162	Norfolk & Western Ry. Co. discontinuance of Nos. 121 and 124 between St. Louis, Mo., and Chicago, Ill.	June 26, 1968	July 26, 1968	July 12, 1968	Nov. 25, 1968	Sept. 9 to 12, 1968	2	Denied Nov. 20, 1968.
25209	Southern Pacific Co. Nos. 11 and 12 (Cascade) between Portland, Oreg., and Oakland, Calif.	July 22, 1968	Aug. 22, 1968	Aug. 8, 1968	Dec. 20, 1968	Sept. 16 to Oct. 4, 1968.	2	Denied Dec. 16, 1968.
25221	Chicago, Burlington & Quincy RR. Co. Change in service No. 23 between Chicago, Ill., and St. Paul, Minn.	Aug. 1, 1968	Aug. 31, 1968	Aug. 19, 1968	Dec. 30, 1968		1	Withdrawn Sept. 19, 1968.
25230	Chicago, Burlington & Quincy RR. Co. discontinued Nos. 42 and 43 between Omaha, Nebr., and Billings, Mont. Petition for reconsideration jurisdictional denied Apr. 2, 1969; GTI filed Apr. 21, 1969 and denied May 1, 1969).	Aug. 6, 1968	Sept. 7, 1968	Aug. 23, 1968	Jan. 6, 1969	Oct. 7–18, 1968 Railroad agreed to continue trains to Jan. 13, 1969.	2	Granted Jan. 3, 1969.
25234	Seaboard Coast Line RR. Co. (Sunland) No. 7 from Hamlet, N.C. to Jacksonville, Fla., and No. 8 from Jacksonville to Richmond, Va.	Aug. 7, 1968	Sept. 9, 1968	No			2	Granted Aug. 28, 1968.
25235	Seaborad Coast Line RR. Co. (Dixie Flyer), Nos. 95 and 96, between Jacksonville, Fla., and Atlanta, Ga.	Aug. 7, 1968	Sept. 9, 1968	Aug. 28, 1968	Jan. 8, 1969	Oct. 21–25, 1968	2	Granted Jan. 3, 1969.
25236	Richmond, Fredericksburg & Potomac RR. Co., No. 8, from Richmond, Va., to Washington, D.C.	do	do	No			1	Granted Aug. 28 1968.
25244	Baltimore & Ohio RR. Co., Nos. 11 and 13 (Metropolitan), between Cincinnati, Ohio, and St. Louis, Mo. (petition for reconsideration).	Aug. 12, 1968	Sept. 12, 1968	No			2	Granted Aug. 29, 1968. Reconsideration denied Sept. 11, 1968.

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EXHIBIT 1—Continued

F.D. No.	Railroad and points served	Filed	Effective date	Investigation ordered	4-month date	Hearing date	Number of trains	Action
25264	Chicago, Burlington & Quincy RR. Co., discontinued Nos. 11 and 12 between Galesburg, Ill., and Lincoln, Nebr. (Feb. 12, 1969, petition for reconsideration, denied Apr. 14, 1969).	Aug. 21, 1969	Sept. 21, 1968	Sept. 9, 1968	Jan. 20, 1969	Oct. 21, 1968	2	Jan. 13, 1969, granted between Omaha and Lincoln and denied between Galesburg and Omaha.
25288	Baltimore & Ohio RR. Co. discontinuance of consolidated trains 37–51 and 52–40 between Cumberland, Md. and Washington, D.C.	Sept. 6, 1968	Oct. 7, 1968	Sept. 25, 1968			2	Granted Dec. 18 1968.
25308	Penn Central Co., discontinuance of trains Nos. 570 and 571 between Harrisburg, Pa. and Baltimore, Md. (Petition for reconsideration Oct. 10, 1968. Petition denied Oct. 16, 1968.)	Sept. 19, 1968	Oct. 20, 1968	No			2	Granted Oct. 8 1968.
25314	Richmond, Fredericksburg & Potomac RR. Co. No. 15 from Washington, D.C., to Richmond, Va.	Sept. 24, 1968	Oct. 26, 1968	No			1	Granted Oct. 15 1968.
25315	Seaboard Coast Line RR. Co. No. 15 from Richmond, Va, to Hamlet, N.C.	Sept. 25, 1968	Oct. 26, 1968	No			1	Granted Oct. 15, 1968.
25346	Kansas City Southern Ry. Co. & Louisiana & Arkansas Ry. Co. Nos. 1 and 2—Southern Belle between Kansas City, Mo. and New Orleans, La.	Oct. 14, 1968	Nov. 15, 1968	Nov. 1, 1968	Mar. 14, 1969		2	Jan. 3, 1969, withdrawn; dismissed.
25371	Chesapeake & Ohio Ry. Co. Nos. 7 and 10 between Grand Rapids, Mich., and Chicago, Ill.	Nov. 1, 1968	Dec. 2, 1968	No			2	Granted Nov. 20, 1968.
25373	Penn Central Co., Nos. 574 and 575 between Buffalo, N.Y., and Harrisburg, Pa.	Nov. 4, 1968	Dec. 8, 1968	Nov. 26, 1968	Apr. 7, 1969	Jan. 8, 17, 1969	2	Denied Mar. 20, 1969 Required trains to be continued on alternate days.
25374	Baltimore & Ohio RR. Co., Nos. 107 and 112 between Washington, D.C. and Baltimore, Md.	do	Dec. 4, 1968	No			2	Granted Nov. 21, 1968.
25377	Southern Railway Co., Nos. 28 and 27 between Oakdale, Tenn. and Columbia, S.C.	Nov. 1, 1968	Dec. 6, 1968	do			2	Granted Nov. 22, 1968.
25384	Seaboard Coast Line RR. Co., Nos. 51 and 52 between Florence, S.C. and Augusta, Ga. (Champion). (Petition for reconstruction, May 8, 1969.)	Nov. 8, 1968	Dec. 9, 1968	Nov. 27, 1968	Apr. 8, 1969		2	Denied, Apr. 4, 1969.
25395	Chicago, Milwaukee, St. Paul & Pacific RR. Co., Nos. 15 and 16 between Minneapolis, Minn. and Aberdeen, S. Dak.	Nov. 15, 1968	Dec. 16, 1968	Dec. 4, 1968	Apr. 15, 1969		2	Granted Apr. 10, 1969.
25414	Penn-Central Co., Nos. 67 and 68 between Chicago, Ill. and Cincinnati, Ohio. (Petition for reconstruction Feb. 27, 1969. Denied Mar. 5, 1969.)	Dec. 4, 1968	Jan. 5, 1969	Dec. 23, 1968 (Jurisdictional)	May 4, 1969		2	Investigation vacated, Feb. 14, 1969.
25415	New York, New Haven & Hartford RR. Co., discontinuance of passenger service between New York, N.Y. and New Haven, Conn., Boston, Mass., and Springfield, Mass. (Petition Dec. 30, 1968.) 40 trains retained after restructuring as of Feb. 2, 1969, 22 between New York City and Springfield and 18 between Boston and New York City. See Bureau of Operations field report Apr. 16, 1969.	Dec. 5, 1968	Jan. 6, 1969	Dec. 23, 1968	May 5, 1969		91	Jan. 21, 1969 hearing portion of Dec. 2, order vacated investigation to be continued, granted.
25419	Penn Central Co. and Illinois Central RR. Co. Nos. 302 and 305 between Chicago, Ill., and Indianapolis, Ind.	Dec. 9, 1968	Jan. 10, 1969	Dec. 26, 1968 (decided). No.			2	Granted Dec. 26, 1968.
25420	Baltimore & Ohio RR. Co. Nos. 132 and 133–135 between Baltimore, Md., and Washington, D.C.	do	Jan. 9, 1969	do			3	Do.
25421	Baltimore & Ohio RR. Co. No. 131 from Baltimore, Md., to Washington, D.C.	do	Jan. 11, 1968	No			1	Granted Dec. 30, 1968.
25435	Seaboard Coast Line RR. Co., Nos. 33 and 34, between Birmingham, Ala., and Atlanta, Ga.	Dec. 17, 1968	Jan. 18, 1969	No			2	Granted Jan. 6, 1969.
25517	Norfolk & Western Railway Co., Nos. 301 and 302 (Wabash Cannon Ball) between St. Louis, Mo., and Detroit, Mich.	Jan. 31, 1969	Mar. 3, 1969	Feb. 19, 1969	July 2, 1969	Mar. 24–Apr. 7, 1969.	2	
25543	Penn Central Co., No. 3 (Penn Texas) and No. 30 (Spirit of St. Louis) between New York and St. Louis, Mo. (Pet for recons of order of Mar. 6 denied Apr. 4, 1969.)	Feb. 18, 1969	Mar. 20, 1969	Mar. 6, 1969			2	
25550	B. & O.–C. & O. Nos. 19–45 and 48–20 between Willard, Ohio and Detroit, Mich. (Petition for reconsideraton denied Mar. 25, 1969.) St. Louis, Mo. (Petition for reconsideration of order of Mar. 6 denied Apr. 4, 1969.)	Feb. 24, 1969	Mar. 27, 1969	No			4	Granted Mar. 13, 1969.
25567	Louisville & Nashville, Nos. 11 and 12, between Flomaton, Ala., and Chattahoochee, Fla.	Mar. 3, 1969	Apr. 6, 1969	Mar. 25, 1969			2	
25580	Chicago, Milwaukee, St. Paul & Pacific RR. Co., Nos. 55 and 58, between Chicago, Ill., and Minneapolis, Minn.	Mar. 7, 1969	Apr. 7, 1969	Mar. 26, 1969			2	
25585	Penn Central Co., Nos. 404 and 405, between Albany, N.Y., and Boston, Mass.	Mar. 14, 1969	Apr. 13, 1969	Apr. 1, 1969			2	
25596	Baltimore & Ohio RR. Co., Nos. 31 and 32, between Cumberland, Md., and Parkersburg, W. Va.	Mar. 24, 1969	Apr. 24, 1969	Apr. 10, 1969			2	
25620	Richmond, Fredericksburg & Potomac RR. Co, Nos. 33 and 34, between Washington, D.C. and Richmond, Va.	Apr. 7, 1969	May 8, 1969	No			2	Granted Apr. 24, 1969.
25635	Northern Pacific Ry. Co., Nos. 124–13 and 14–123, between Fargo, N. Dak. and Pembina, N. Dak., via Manitoba Junction, Minn.	Apr 16, 1969	May 25, 1969	No			4	Granted May 13, 1969.
25636	Northern Pacific Ry. Co., Nos. 57 and 58, between Duluth and Staples, Minn. via Superior, Wis.	do	do	No			2	Do
25645	Norfolk & Western Ry. Co. Nos. 15–25 and 16–26 between Norfolk, Va., and Cincinnati, Ohio. (petition for reconsideration May 14, 1969; reconsideration granted May 21, 1969; investigation instituted.)	Apr. 22, 1969	May 23 1969	No			2	Granted May 8, 1969.
25649	Illinois Central RR. Co., Nos. 11 and 12, change in schedule between Chicago and Dubuque, Iowa, discontinued between Dubuque and Sioux City, Iowa.	Apr. 24, 1969	May 27 1969	May 15, 1969			2	

EXHIBIT 1—Continued

F.D. No.	Railroad and points served	Filed	Effective date	Investigation ordered	4-month date	Hearing date	Number of trains	Action
25672	Alabama Great Southern RR., Nos. 41 and 42 (Pelican) between Chattanooga, Tenn., and York, Ala.	May 12, 1969	June 12, 1969	No			2	Granted May 29, 1969.
25676	Seabord Coast Line RR. Co., Nos. 33 and 34 between Richmond, Va., and Atlanta, Ga. (Silver Comet).	May 15, 1969	June 15, 1969	June 2, 1969			2	
25679	Atchison, Topeka & Santa Fe Ry. Co., Nos. 211 and 212 between Kansas City, Mo., and Tulsa, Okla. (Tulsan).	May 15, 1969	do	do			2	
25675	Denver & Rio Grande Western RR. Co., Nos. 17 and 18 (California Zephyr) between Denver, Colo., and Salt Lake City, Utah.	May 12, 1969	June 16, 1969	May 23, 1969			2	
25704	Union Pacific RR., Co., Nos. 5 and 6 between Omaha, Nebr., and Los Angeles, Calif.	May 27, 1969	June 30, 1969				2	
25705	Southern Pacific Co., Nos. 101 and 102 (city of San Francisco) between Ogden, Utah, and Oakland, Calif.	May 27, 1969	July 18, 1969				2	
25711	Illinois Central RR. Co., Nos. 105 and 106 between St. Louis, No., and Carbondale, Ill.	May 28, 1969	July 1, 1969				2	
25716	Kansas City Southern and Louisiana Arkansas Co., Nos. 1 and 2, New Orleans, La., and Kansas City.	June 2, 1969	July 3, 1969				2	
25718	Northern Pacific, Trains 1 and 2, Seattle and St. Paul.	June 4, 1969	July 13, 1969				2	

Mr. COOPER. Mr. President, I am very happy to have the opportunity to be a cosponsor of the concurrent resolution submitted today by the distinguished senior Senator from Colorado (Mr. ALLOTT). I was a cosponsor of a similar resolution introduced by him in the 90th Congress, Senate Concurrent Resolution 25.

I congratulate my colleague, Senator ALLOTT, on the thorough work he has done on this subject and his efforts to meet this growing national problem.

The resolution offered today would direct the Department of Transportation to make a thorough study into rail passenger service facilities and would require the Department to report on:

First. The establishment of high-speed rail passenger service;

Second. The feasibility of Government assistance to furnish a pool of rail passenger equipment and modern terminal facilities;

Third. The feasibility of Government assistance for experiments in rail passenger service;

Fourth. The use of rail passenger service for high-speed mail operations; and

Fifth. Changes in work rules which could lead to greater use of rail passenger service to be worked out in consultation with both labor and management.

I wish to note the emphasis that the author of this resolution has placed upon the time he feels is required by the Transportation Department to make this study and report its findings to the Congress. I agree with him that the Department of Transportation should be able to complete its study and make its recommendations within a period of 6 months. We should be able to proceed without a time consuming delay.

Mr. President, passenger train cars on class 1 railroads in this Nation have decreased from 43,352 in 1950 to less than 22,000 at the present time. Passenger train miles have been reduced from 357.5 million in 1950 to less than 160 million at present.

In my own State of Kentucky, the discontinuance of passenger service in the past few years has accelerated. For example, the Chesapeake & Ohio in 1968 received authorization to discontinue four trains—trains Nos. 3 and 4 and 46 and 47. Trains Nos. 3 and 4 operate between Washington and Cincinnati and trains 46 and 47 between Ashland, Ky., and Detroit.

In 1968 the Southern Railway received permission to discontinue passenger trains Nos. 1–28 and 27–2 operating between Cincinnati, and Kentucky towns of Ludlow, Georgetown, Lexington, Wilmore, Danville, Somerset, Burnside, Stearns, with connections to Atlanta and Columbia, S.C.

Again in 1968 the Louisville and Nashbille Railway was also granted permission to discontinue trains Nos. 6 and 7 operating between New Orleans and Cincinnati. This train was well known as the "Hummingbird" and was a chief link between Kentucky cities and the South.

In each of the above situations in which the railroad requested discontinuance of the particular passenger service, I requested local hearings by the ICC and notified the elected officials of the communities involved, the business and corporate interests that would be affected, chambers of commerce, educational institutions, and other civic organizations. In each of these individual situations, however, the ICC granted the railroads' application for discontinuance.

I believe that a serious problem arises from deteriorating passenger service which makes rail service less attractive to the public with the result that fewer members of the public travel by train. One solution, in my view, is to make passenger service fast and on time and passenger facilities comfortable and attractive so that the public would return once more to rail service.

In my view, the Nation's railroads must make greater efforts to serve the traveling public. At the same time, I do not feel that Congress and the legislative arm of the Congress, the ICC, can insist that the railroads operate their passenger service at everincreasing financial losses. New solutions must be found for these problems. Departmental recommendations in this matter are not only desirable, they are long overdue and are needed by the Congress.

Speaking as the ranking minority member of the Senate Public Works Committee, I know that the Department of Transportation is equipped to look into this matter, will do a thorough job and will give its best advise and recommendations to the Congress for needed legislation.

It is my hope that both Houses of the Congress will take favorable action on this resolution in the near future.

A QUESTION OF PROPRIETY

Mr. FANNIN. Mr. President, the U.S. Senate is a deliberative body widely revered and greatly respected. Statesmen of great stature have been numbered among its members. Debates emanating from this Chamber are given perhaps the widest circulation and scrutiny on a regular basis than any other forum in the world. For these, and other reasons, Mr. President, I believe the charges, or questions of propriety, which are brought to the attention of this body should be of the most carefully considered, and carefully documented nature. That is why, Mr. President, I have thought long and hard about the speech which I have decided to make today. It has been quite some time in preparation, and even though I feel quite strongly about the issues involved, I am endeavoring to present what I have to say today in the calmest, most dispassionate way I know how.

The question I wish to deal with is the matter of a standard of ethics which I believe the American people have a right to expect of those who serve on the bench of the highest Court in the land—the Supreme Court of the United States. It will come as no great surprise to many to know that I refer specifically to the extrajudicial activities of Associate Justice William O. Douglas.

Let me quickly set down some preliminary explanations. First, I am not setting myself up as a judge of Justice Douglas' activities. My attempt will be simply to set forth the record as basically as possible so that my colleagues and others who may be interested may decide for themselves and form their own opinions against the backdrop of commonly accepted judicial ethics.

Second, I want to make it perfectly and unmistakably clear that at this time I am not questioning Mr. Justice Douglas' integrity. That body of facts is under the greater control of the Justice himself and until such time as he chooses to make a more thorough disclosure than he has chosen to make thus far, or until other facts come to light of themselves, I think Mr. Justice Douglas' integrity is a subject best set aside and declared out of bounds for this time. I am not suited to the role of investigator; I feel the Court and the judiciary will be served far better should Justice Douglas choose to exercise his own initiative in this regard rather than see the Court suffer by clouds of suspicion or uncertainty arising from an attack upon the integrity of one of its members.

The question I wish to specifically address myself to is one of propriety. I think it is quite proper and well within the role of the Senate to consider the actions of Supreme Court Justice William O. Douglas, over a period of years, in the light of the canons of judicial ethics, as set forth by the American Bar Association, as well as from the standpoint of what a prudent man might be expected to do.

I am aware, Mr. President, that some will charge I am simply rehashing old facts and outworn assertions. No doubt Mr. President, there will be those who assume I have some ax to grind in this matter. I can only say that I would far prefer that the recitation of this record did not have to be made, and that there existed in the land a deep reservoir of good will and respect for the Court. Unfortunately, such is not the case, Mr. President. I need not tell Members of this body that American confidence in the Supreme Court has been on the wane for many years, especially since the Court has embarked upon an "activist" course that has taken it upon wild excursions into the legislative area.

I am sure the Members of this body do not need to be reminded of the long and sometimes bitter debate that raged here last year over the nomination which President Johnson made for a new Chief Justice. Those days are not particularly pleasant for me to remember because a few of us who were absolutely convinced we were right in the matter were castigated and held up to public ridicule as obstructionists—thwarting the will of the majority—pilloried in sections of the prominent press as petty apostles of hatred. Yet, Mr. President, when the house of cards which Mr. Fortas, the man whom we opposed for that high office, began to tumble earlier this year when disclosures and evidence of impropriety began to come to light, one prominent liberal journalist wrote:

> The only way in which Abe Fortas could have done more damage to the Supreme Court would be if he were sitting as Chief Justice.

That is what we avoided by the debate here last year. Those of us who fought that fight did not receive the plaudits of those who had pilloried us previously. We received no thanks from that quarter of the media which had been so quick to criticize before. Indeed, Mr. President, I should have been surprised if we had. It is unfortunate but true that a single standard of news value does not apply to liberals and conservatives today. I say it is unfortunate, Mr. President, not for the trouble or harm it causes me, but I think I have learned to live with that. I say it is unfortunate because the American people, who are much wiser than some of the liberally dominated media give them the credit for, lose faith in their morning newspaper, or the evening news program when they see they are not being told the story "as it is."

So I do not seek to fight that battle all over again, Mr. President. I simply cite those events as evidence that confidence in the Court—or, perhaps more to the point, in particular members of the Court—has been shaken. I would venture to say, although I am not a longtime student of the Supreme Court, that public confidence in the Court reached an all-time low within the past 12 months.

Again, it will come as no particular surprise that I am happy with the President's choice of a new Chief Justice who comes from the ranks of the judiciary and whose expertise and convictions are a matter of record. I have said before that I think his selection of Justice Warren Burger will go a long way toward restoring the eroding public confidence in our independent judiciary.

Mr. President, I was present part of the time on the Senate floor last Monday and followed with particular interest the discussions pertaining to Justice Douglas at which time the senior Senator from Massachusetts (Mr. KENNEDY) posed several questions concerning the Justice. I had hoped that the Senator from Massachusetts would be present at this time. I did not enter the colloquy at that time because I wanted to read the RECORD and see just exactly what information the Senator from Massachusetts was seeking.

In going over the RECORD, I find he was apparently asking for instances in which Mr. Justice Douglas has had to disqualify himself because of his associations or his extrajudicial activities.

I believe I can supply the Senator with such an instance—not past, but present—in which this question of disqualification arises, and I would be happy to discuss that point with the Senator from Massachusetts at the conclusion of my remarks. But I believe he was being a bit facetious in limiting his question to past cases in which Justice Douglas had to disqualify himself because of certain outside activities. Since the Senator from Massachusetts is a lawyer, and I am not, he undoubtedly knows better than I that reasons for a Justice disqualifying himself are seldom given. Records of Justices disqualifying themselves are not kept in a centralized manner, only noted on the cases themselves; and given Justice Douglas' extreme reticence to give the reason why he takes any particular action, I am sure the Senator from Massachusetts must have realized he was asking for information which probably did not exist.

Mr. President, I wish now to recite the chronology of Mr. Justice Douglas' association with the Albert Parvin Foundation. First I would like to call the Senate's attention to canon No. 4 of the American Bar Association's canons of judicial ethics—sometimes called the "Caesar's wife" canon:

> A judge's official conduct should be free from impropriety and the appearance of impropriety.

Mr. President, I quoted this same language to the Senate last year in the Fortas debate. I had the expert legal assistance of one of the finest lawyers of the Nation who assisted me in the preparation of a presentation matching the conduct of Mr. Abe Fortas with those ABA canons. Since that time we have had the resignation of Mr. Fortas for the extreme "appearance of impropriety." The resignation of Mr. Fortas and the continued association of Justice Douglas with these questionable interests from whom he receives considerable sums of money, caused one well-known, and widely read journalist from a national paper who visits in my office from time to time to remark:

> The only difference between Douglas and Fortas is that Douglas kept the money.

I might add that this newspaperman is not of my ideological persuasion, and I believe, as I think he does also, that there are some additional differences in the two cases. However, the manner in which Justice Douglas refuses to clarify the record makes those differences extremely hard to point out.

Mr. President, I ask unanimous consent that the complete canons of judicial ethics, to which I have referred, along with the text of the Judicial Conference standards of behavior for Federal judges released on Tuesday, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. FANNIN. Mr. President, the Los Angeles Times reported in an article on October 6, 1966, written by Ronald J. Ostrow, that Justice Douglas joined a foundation "established in 1960 by Albert Parvin with 75 percent of the proceeds he realized from the 1959 sale of the Hotel Flamingo."

The hotel is in Las Vegas and was acquired by Parvin after it failed to meet payments on a loan he had advanced from the hotel furnishing firm which he heads—Parvin-Dohrmann. Mr. Parvin is quoted as saying he found himself with $2.5 million and no need for the money.

He is quoted as saying:

> I felt I wanted to do something to pay a vote of thanks for the good fortune I had.

So Parvin established a foundation with Mr. Justice Douglas heading it, along with some others—notably Harry Ashmore who became famous for his articles on Little Rock, Ark., during the Eisenhower years. Justice Douglas along about 1962 arranged to draw a $12,000 salary each year from the foundation, to cover the expenses of his travel, and presumably to buy postage stamps and stationery for his foundation correspondence. The major asset of the foundation was, until recently, a mortgage on the Flamingo which provided some $28,000 per month income.

Mr. President, this article goes on to state, and I quote exactly:

> Douglas recalled that when he agreed to head the organization he knew its assets included the Flamingo investment. He stressed that the Flamingo is a legitimate enterprise.

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Mr. President, I ask unanimous consent that the article to which I refer be printed as exhibit 3 at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 3.)

Mr. **FANNIN**. Up to this point, Mr. President, one can find but a few points of question. I can understand a person of Justice Douglas' philosophy thinking that this kind of activity would be helpful. Since he came to the Court in 1939 from the Securities and Exchange Commission, I hardly think he could be considered a neophyte in investments. I think he possibly could have a more sophisticated view of Las Vegas hotel casino property as a "legitimate" investment, but it is not inconceivable to me that an innocent and nonsuspecting man could be drawn into such an arrangement almost without knowing it.

However, Mr. President, his early indication that something was wrong should have come to his attention when several people who were associated with the Parvin business interests were also hailed into court as business partners and cohorts of Robert G. "Bobby" Baker.

Ed Levinson, who was employed by Parvin-Dohrmann and who had business dealings with Bobby Baker, appeared before the Senate Rules Committee on Monday, March 2, 1964, and acknowledged he was being investigated by agencies in the executive branch, but said he would not testify. He refused to say if he even knew Bobby Baker, or if he was an officer or partner in Baker's Serv-U Corp. Levinson later pleaded no contest to helping file false income tax returns and paid a $5,000 fine. He said only to the Senate committee that he had an office in the Fremont Hotel.

Mr. President, there were other connections at this time, too, between Parvin-Dohrmann, the Parvin Foundation and people whose cases might have to come before the Supreme Court. Edward Torres presently is reported to own 63,000 of Parvin shares. He, too, took the fifth amendment before the Senate Rules Committee.

I know the Justice does a lot of mountain climbing, and hiking down wilderness gorges and canal towpaths; but it seems incredible to me that at this time—3 or 4 years after he had joined the foundation, and after getting parts of the salary arrangement—he would not have realized what a "shady" position he was in and do the honorable thing and get out.

But he did not. He continued drawing that $12,000 even though he must have had some questions of propriety raised. What would have happened if Mr. Torres or Levinson had appealed to the Supreme Court?

Would not a prudent man have dissolved his connection at this point?

In 1965 the Parvin-Dohrmann Co. purchased another casino, the Fremont, in Las Vegas. Some of the shares of this investment show up as part of the portfolio of the Parvin Foundation. Part of the agreement under which this purchase was made stipulated that Ed Levinson and Edward Torres, both of whom had been involved in the Bobby Baker litigation, would continue to run the new property and be paid $100,000 per year for the next 5 years. Could not Justice Douglas discern the possible problems of his connection with these men through his foundation ties? When Newsweek magazine recently wrote an article on the activities of Mr. Douglas it related that in 1966 he gave every impression of denying that the foundation's income was ever derived from gambling activities. He thought the first mortgage on the Flamingo, which had been the basis of starting the foundation's first donation by Albert Parvin, "was owned for a brief period but disposed of." What about this purchase of still another casino in 1965? Was he unable to tell that this investment produced income derived from gambling activities, too? Is it possible that a former SEC official could be completely unaware of the purchases of this size made by the tax-exempt foundation of which he was the president?

The next event in this chronology that is possibly significant is the fact that the Parvin-Dohrmann Company, and its satellite foundation, found themselves in tax difficulties. To advise them in their difficulty, the P–D interests retained Miss Carolyn Agger—Mrs. Abe Fortas—of the Washington firm of Arnold & Porter in November of 1966. Miss Agger, who uses that name in her practice of law, is widely known as one of the "best connected" tax lawyers in the Nation. One of the members of her firm, Sheldon Cohen, became Commissioner of Internal Revenue; another, Mitchell Rogovin, who has now returned to the practice of law with the Arnold & Porter firm, was Chief Counsel of the Internal Revenue Service at that time and I understand privately admits he gained this very important and highly sensitive position primarily through the recommendation of Miss Agger.

Once more, it seems to me that if Justice Douglas were a prudent man—one who was genuinely concerned with the welfare of the institution of which he is an officer, the Supreme Court—he would have realized the questionable nature of his association and dissolved the connection.

Still another example where Justice Douglas was placed on notice:

In Life magazine during September 1967, Sandy Smith wrote a comprehensive article including this practice called "Mobsters in the Marketplace." In that article, Mr. Smith says:

> The biggest skim yet discovered . . . Some $12 million a year was skimmed for gangsters in just six Las Vegas casinos: the Fremont, the Sands, the Flamingo, the Horseshoe, the Desert Inn and the Stardust.

Mr. President, I ask unanimous consent that the article to which I refer be printed as exhibit 4 at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 4.)

Mr. **FANNIN**. I call to the Senate's attention, Mr. President, that at least three of these casinos have been publicly associated with the P–D Co. and the Parvin Foundation at one time or another: the Fremont, the Flamingo, and the Stardust. Some of the associations, as in the case of the Fremont, were made after the alleged skimming took place; some of the connections—such as the Flamingo—were in effect while the skimming was going on and during the time the property was owned primarily by P–D and the Parvin Foundation. This, Mr. President, is a matter of record. I cite these facts, Mr. President, not to assert that Mr. Justice Douglas necessarily had anything to do with the gambling operations, or their revenues; but I point it out because the record is public knowledge and the associations of these men so widely known, that I cannot help but think Mr. Justice Douglas was aware of the extremely questionable nature of his association and the possible damage it could do to the Court.

Ed Levinson's name pops up here again in the article, and he is relating the problems of reconciling the interests of a casino's owners of record—such as the Parvin Foundation or the P–D Co. might be regarded—and the secret gangster owners, hungrily awaiting their skimming dividends. Levinson, chief of the Fremont Casino, says:

> How can you steal money and pay dividends? You can't steal $100,000 a month and pay dividends. If you steal $50,000? Well, maybe . . .

Clark Mollenhoff, Pulitzer Prize winning journalist of the Des Moines Register wrote in the June 4 issue investigative reports prepared by the Treasury Department, SEC, Justice Department, and the FBI dealing with the questionable activities of Albert Parvin:

> At least one of these reports relayed information identifying Parvin . . . as a frequent associate of such important syndicate hoodlums as Meyer Lansky, Frank Costello and the late Benjamin "Bugsy" Siegel.

Mr. President, just to sum up to this point, Mr. Justice Douglas headed the Parvin Foundation in 1960. He made arrangements to accept a salary in 1962 of $12,000 per year. Despite repeated indications in 1964, 1965, and 1966 that there were questionable activities in financial connection with the foundation, Mr. Justive Douglas continued to maintain his association and receive the $12,000 per year.

In addition, in 1962 it was disclosed that Justice Douglas—along with other officials—had received lecture fees and expense money from the Fund for the Republic, established by the Ford Foundation. This is another questionable association which I shall take up separately.

In September of 1967, the Life magazine article to which I have referred appeared, and Mr. Douglas received yet another notice that his associations were bringing problems upon the Court.

Now, I realize that Mr. Douglas is an active man, Mr. President. He is often away from Washington. His travels and lectures take him from Goosprairie, Wash., to Brazil, to the U.S.S.R., and back. But I cannot imagine, Mr. President, that each signal of impropriety escaped the attention of Mr. Douglas, or his staff. Somebody had to inform him of the problems his indiscretion might create. At that point, Mr. President, Mr. Douglas had to use his judgment. He had to decide either to continue his association with Parvin and with these other organizations, or he had to decide to

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stop. The record shows he decided to continue.

Not only did he decide, apparently, to continue with this association, Mr. President, but the previously mentioned Fund for the Republic, which Mr. Justice Douglas heads as chairman of the board, was the recipient of some $70,000 from the Parvin Foundation between the years 1965 and 1967. Tax returns show the Justice receiving $4,104 for 1962 and 1963, and about $4,000 from the Center for the Study of Democratic Institutions, a project wholly financed by the Fund for the Republic.

Even this association brings up another question of propriety, Mr. President. These organizations have taken definite positions on matters relating to selective service and our foreign policy. The Senator from Massachusetts seemed to be most anxious last Monday to discover how these organizations might conceivably come before the Supreme Court. The Senator seemed most interested in the kinds of students and the opinions they expressed in regard to the United States. May I supply the Senator with a specific instance.

The Center for the Study of Democratic Institutions published a booklet in December of 1967 summarizing a 3-day conference held in late August 1967. Mr. Devereaux Kennedy, president of the student body of Washington University, participated in the program.

Now I realize, Mr. President, that an organization may hold a seminar, or discussion for the free exchange of ideas and not be necessarily responsible for or agree with everything expressed in that conference. However, I would like to quote from the edited version of the second session, page 21. Mr. Devereaux Kennedy is speaking in a discussion and says he wants to make exactly clear what he means when he says "revolution":

> Kennedy. I'm going to say loudly and explicitly what I mean by revolution. What I mean by revolution is overthrowing the American government and American imperialism and installing some sort of decentralized power in this country. I'll tell you the steps that I think will be needed. First of all, starting up fifty Vietnams in Third World countries. This is going to come about by black rebellions in our cities joined by some white people. People in universities can do a number of things to help it. They have access to money and they can give people guns, which I think they should do. They can engage in acts of terrorism and sabotage outside the ghetto. Negro people have trouble getting out because they cordon those areas off, but white activists can go outside, and they can blow things up and I think they should.

Mr. President, that is almost an entire paragraph put out under the sponsorship of the Fund for the Republic, of which Mr. Justice Douglas is the chairman of the board. Of course, I understand that this may be some student hothead blowing off steam to hear himself talk—but why no disclaimer from the Justice? The foreword to this publication says these people are the leading edge of opinion in this Nation. I can understand how a college professor or dean might tolerate this sort of thing under his sponsorship as what students are "really thinking," but I cannot understand how a Supreme Court Justice, who may have to decide cases pertaining to treason, high crimes, draft evasion, and a host of other related matters, can allow his name to be used in such a way. I cannot understand how a man who is sworn to "defend and uphold the Constitution of the United States from all enemies domestic and foreign," is living up to his oath of office with this permissiveness.

Mr. President, now we come to the last, and what I consider the most damning indictment relating to Mr. Justice Douglas' judgment of impropriety.

Mr. President, during a recent trip to Arizona, one of my constituents, a lady from one of the most respected families in Arizona, came to me with a magazine. The magazine was Avant Garde, a publication of Ralph Ginzburg, which had been sent to a friend of hers through the mails unsolicited. She asked me to take the magazine—which can only be described as hard-core pornography, despicable, and tasteless—to the President to see if something could be done to take this kind of material out of the mail. She said she wished to get it out of her house before her grandchildren could accidentally find it. I told her I would do what I could about the matter.

When I examined the contents, particularly the textual contents of this magazine, Mr. President, I can only say that it is a most loathsome collection of nauseous, revolting, and repugnant material. This reaction of revulsion has been practically universal among those who have read the material; even, I might say, members of the press who are hardened to these materials.

I issued a statement, Mr. President, on May 28, citing the pertinent facts on this matter, which I ask unanimous consent to have printed in the Record as exhibit 5 at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. FANNIN. I would like to briefly summarize the events leading to that statement.

The Supreme Court on March 21, 1966, by a 5-to-4 decision, upheld Ginzburg's conviction on 28 counts of a Federal obscenity statute—18 U.S.C. 1461. The majority decision said:

> There was abundant evidence to show that each of the accused publications was originated or sold as stock in trade of the sordid business of pandering. . . . The "leer of the sensualist" also permeates the advertising for the three publications.

The three publications thus cited were Eros magazine, Liaison Newsletter, and "The Housewife's Handbook of Selective Promiscuity." The Court held that while there might be some question of obscenity in regard to the publications themselves, the manner in which they were promoted, advertised, and distributed put them over the boundary into obscenity.

May 24, the New York Times carried a full-page ad on Avant Garde promoting "Picasso's Erotic Engravings" and listed William O. Douglas as one of the renowned contributing writers to the magazine.

The article is entitled, "The Appeal of Folksinging: A Landmark Opinion," by William O. Douglas, Associate Justice, U.S. Supreme Court. The article is described by publisher Ginzburg in a statement issued the same day as "a short, soulful piece telling about the influence of folksongs on Mr. Justice Douglas' life."

Mr. President, I had an inquiry made to Mr. Justice Douglas' office to ascertain if he had indeed written the article, and if so, how much he was paid for it. This response came through an aide:

> The Justice declines to reveal what he received for the article and considers it his private business.

Not many hours after receiving this information my administrative assistant received a call from Mr. Ginzburg saying he understood I was going to put out a statement about him and what did it say. He was referred to my press secretary, who informed him that we were still deciding what should be said, but that essentially I was questioning the propriety of a sitting Justice of the Supreme Court writing for a convicted pornographer in whose decision he had participated.

Of course, I am not aware of the degree of closeness between Mr. Douglas and Ginzburg; however, it seems remarkable that he should initiate an inquiry to my office while I was still attempting to assemble the facts of the case. I also note that the next full page ad, carried in the June 1, Sunday edition of the New York Times promoting Avant Garde, was identical to the first in every respect but one. The advertiser had dropped the name of William O. Douglas from the list of "renowned" contributors. Whether this was done at the direction of Mr. Douglas himself or upon Ginzburg's own initiative, I am unable to tell.

Ginzburg rushed into print with a statement calling me a "mediocre character" and characterizing Mr. Justice Douglas as "a shining example of everything noble and beautiful about America, an inspiration to every open hearted, open minded American, the one pure soul who stands as a shining example of all that is noble and lofty in American life, a rugged individual, a colorful character, in short a real man."

Mr. President, I ask unanimous consent that this complete statement of Ralph Ginzburg issued from his office on May 28, 1969, in defense of Justice William O. Douglas, be printed in the Record at the conclusion of my remarks as exhibit 6.

The PRESIDING OFFICER (Mr. Saxbe in the chair). Without objection, it is so ordered.

(See exhibit 6.)

Mr. FANNIN. Mr. President, Ginzburg in his statement says the "mere pittance" of $350 was paid Mr. Douglas for the article. Mr. Douglas, on his part "refuses to reveal what he received for the article." The point which seemed to be missed by some of our leading newsmagazines and newspapers in writing about this case is that the amount of money is not particularly relevant. I have not suggested that Mr. Douglas would compromise his integrity for $35, $350 or $35,000. The question, as I have repeatedly tried to point out is one of propriety. Is it proper for a Supreme Court Justice, who has voted to overturn the conviction of a defendant on pornography charges, to turn about and, while the appeal of "too harsh a sentence" is being heard in lower Federal courts, write an

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article, accept a fee of any size, or otherwise associate himself with the defendant. I would like to point out to my friend, the Senator from Massachusetts, that Mr. Douglas actually took part in the decision. He did not disqualify himself. He wrote a dissenting opinion in favor of the defendant. He later accepted a fee for writing an article for a questionable publication for that defendant. What is he to do when the case comes to the Court again? He participated in the decision out of which the appeal arises, and has accepted money from the defendant—how can simple disqualification suffice in this instance?

Based on the facts at hand, which Mr. Justice Douglas has chosen to reveal, or not to reveal, I am hoping the Senator from Massachusetts can tell me just what he would do if he were Justice Douglas and the case came before the Court again.

If any Member of the Senate is unaware of the companion materials to Justice Douglas' article, I hope they will examine this March issue of Avant Garde.

On the matter of the magazine—I know it is obscene. I have personally carried my constituent's complaint to the Postmaster General and he has assured me that an investigation as to whether this is mailable material will be undertaken. But irrespective of that, Mr. Douglas can only be described as ignorant, naive, or contemptuous of the consequences of his actions. Being unable to ascribe ignorance or naivete to the Justice, I am left with the overwhelming evidence of his contempt for the judicial ethics of his profession.

Mr. President, I have cited the evidence of nearly a 10-year pattern of disregard and disrespect for the Court on which Mr. Douglas serves. It is time for the Justice himself to take action. He has, over the years, entangled himself in these matters that bring maculation to the Court. Now it is time for him to take steps to reverse the process.

His inattention and disregard to his judicial duties are illustrated, I believe, Mr. President, by his actions in regard to these numerous associations and his voluminous outpouring of written matter.

During the last 5 years, Mr. Justice Douglas has written over 20 articles for publications ranging from the Ladies Home Journal to Avant Garde, which I suppose, can be described as covering the spectrum. In addition to the bibliography of articles, which I have asked the Library of Congress to prepare and ask unanimous consent to insert in the RECORD as exhibit 7, he has written at least three articles for Playboy—which is not an indexed periodical—and the article for Avant Garde.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 7.)

Mr. FANNIN. Mr. President, since he came on the Court in 1939, he has published 33 books and pamphlets. I ask unanimous consent to insert this bibliography in the RECORD as exhibit 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 8.)

Mr. FANNIN. Mr. President, some of these are short works of less than 100 pages; some are collections of speeches; but the majority are full-length hardbound books, unrelated to the work of the Court. I recognize that Ralph Ginzburg has described the Justice as a "rugged individual, a real man" but I hardly see how he can produce this quantity of writing and still tend to his judicial duties, much less the many other extrajudicial activities in which he has involved himself. And his activities continue.

The New York Times reported on Wednesday, June 11, that Mr. Justice Douglas' lecture agent said:

> The Justice had not told him to stop booking lectures.

Mr. President, it seems clear to me that Justice William O. Douglas has clearly, and repeatedly stepped outside the bounds of accepted judicial conduct. Because of his silence on the matters in question he leaves no other interpretation possible. Indeed in the matter of his letter to the Parvin Foundation advising them that their tax troubles were a "manufactured case" aimed at forcing him to leave the Court, the chairman of the House Judiciary Committee, Representative EMANUEL CELLER, said:

> If I were in Justice Douglas' shoes, I would have never written that letter.

This is a difficult case, Mr. President. It ranges over many years and many seemingly unrelated matters. But I believe a pattern is clear: a pattern of repeated, regular violation of the fourth canon of the ABA's "Canons of Judicial Ethics"; possible violation of title 28, section 454, United States Code, prohibiting the practice of law by a U.S. judge or Justice; and extremely questionable practice and possible violation of title 28, section 455 of the United States Code pertaining to judicial disqualification.

I offer portions of these three items pertaining to judicial conduct and a question of propriety as exhibit 9 and ask that they also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 9.)

Mr. FANNIN. The record is clear, Mr. President, we must have an end to this impropriety.

EXHIBIT 1

CANONS OF JUDICIAL ETHICS[1]

ANCIENT PRECEDENTS

"And I charged your judges at that time, saying Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him.

"Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man; for the judgment is God's; and the cause that is too hard for you, bring it unto me, and I will hear it."—*Deuteronomy,* I, 16–17.

"Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift; for a gift doth blind the eyes of the wise, and pervert the words of the righteous."—*Deuternomy,* XVI, 19.

"We will not make any justiciaries, constables, sheriffs or bailiffs, but from those who understand the law of the realm and are well disposed to observe it."—*Magna Charta,* XLV.

"Judges ought to remember that their office is *jus dicere* not *jus dare;* to interpret law, and not to make law, or give law." . . .

"Judges ought to be more learned than witty; more reverend than plausible; and more advised than confident. Above all things, integrity is their portion and proper virtue." . . .

"Patience and gravity of hearing is an essential part of justice; and an over speaking judge is no well-tuned cymbal. It is no grace to a judge first to find that which he might have heard in due time from the Bar, or to show quickness of conceit in cutting off evidence or counsel too short; or to prevent information by questions through pertinent."

"The place of justice is a hollowed place; and therefore not only the Bench, but the foot pace and precincts and purprise thereof ought to be preserved without scandal and corruption." . . . —*Bacon's Essay "Of Judicature."*

PREAMBLE

In addition to the Canons for Professional Conduct of Lawyers which it has formulated and adopted, the American Bar Association, mindful that the character and conduct of a judge should never be objects of indifference, and that declared ethical standards tend to become habits of life, deems it desirable to set forth its views respecting those principles which should govern the personal practice of members of the judiciary in the administration of their office. The Association accordingly adopts the following Canons, the spirit of which it suggests as a proper guide and reminder for judges, and as indicating what the people have a right to expect from them.

1. Relations of the Judiciary: The assumption of the office of judge casts upon the incumbent duties in respect to his personal conduct which concern his relation to the state and its inhabitants, the litigants before him, the principles of law, the practitioners of law in his court, and the witnesses, jurors and attendants who aid him in the administration of its functions.

2. The Public Interest: Courts exist to promote justice, and thus to serve the public interest. Their administration should be speedy and careful. Every judge should at all times be alert in his rulings and in the conduct of the business of the court, so far as he can, to make it useful to litigants and to the community. He should avoid unconsciously falling into the attitude of mind that the litigants are made for the courts instead of the courts for the litigants.

3. Constitutional Obligations: It is the duty of all judges in the United States to support the federal Constitution and that of the state whose laws they administer; in so doing, they should fearlessly observe and apply fundamental limitations and guarantees.

4. Avoidance of Impropriety: A judge's offi-

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[1] These Canons, to and including Canon 34, were adopted by the American Bar Association at its Forty-Seventh Annual Meeting, at Philadelphia, Pennsylvania, on July 9, 1924. The Committee of the Association which prepared the Canons was appointed in 1922, and composed of the following: William H. Taft, District of Columbia, Chairman; Leslie C. Cornish, Maine; Robert von Moschzisker, Pennsylvania; Charles A. Boston, New York; and Garret W. McEnerney, California. George Sutherland, of Utah, originally a member of the Committee, retired and was succeeded by Mr. McEnerney. In 1923, Frank M. Angelliotti, of California, took the place of Mr. McEnerney.

Canons 23 and 30 were amended at the Fifty-Sixth Annual Meeting, Grand Rapids, Michigan, August 30–September 1, 1933. Canon 28 was further amended at the Seventy-Third Annual Meeting, Washington, D.C., September 20, 1950. Canons 35 and 36 were adopted at the Sixtieth Annual Meeting, at Kansas City, Missouri, September 30, 1937. Canon 35 was amended at San Francisco, Calif., Sept. 1952.

cial conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach.

5. Essential Conduct: A judge should be temperate, attentive, patient, impartial, and, since he is to administer the law and apply it to the facts, he should be studious of the principles of the law and diligent in endeavoring to ascertain the facts.

6. Industry: A judge should exhibit an industry and application commensurate with the duties imposed upon him.

7. Promptness: A judge should be prompt in the performance of his judicial duties, recognizing that the time of litigants, jurors and attorneys is of value and that habitual lack of punctuality on his part justifies dissatisfaction with the administration of the business of the court.

8. Court Organization: A judge should organize the court with a view to the prompt and convenient dispatch of its business and he should not tolerate abuses and neglect by clerks, and other assistants who are sometimes prone to presume too much upon his good natured acquiescence by reason of friendly association with him.

It is desirable too, where the judicial system permits, that he should cooperate with other judges of the same court, and in other courts, as members of a single judicial system, to promote the more satisfactory administration of justice.

9. Consideration for Jurors and Others: A judge should be considerate of jurors, witnesses and others in attendance upon the court.

10. Courtesy and Civility: A judge should be courteous to counsel, especially to those who are young and inexperienced, and also to all others appearing or concerned in the administration of justice in the court.

He should also require, and, so far as his power extends, enforce on the part of clerks, court officers and counsel civility and courtesy to the court and to jurors, witnesses, litigants and others having business in the court.

11. Unprofessional Conduct of Attorneys and Counsel: A judge should utilize his opportunities to criticise and correct unprofessional conduct of attorneys and counsellors, brought to his attention; and, if adverse comment is not a sufficient corrective, should send the matter at once to the proper investigating and disciplinary authorities.

12. Appointees of the Judiciary and Their Compensation: Trustees, receivers, masters, referees, guardians and other persons appointed by a judge to aid in the administration of justice should have the strictest probity and impartiality and should be selected with a view solely to their character and fitness. The power of making such appointments should not be exercised by him for personal or partisan advantage. He should not permit his appointments to be controlled by others than himself. He should also avoid nepotism and undue favoritism in his appointments.

While not hesitating to fix or approve just amounts, he should be most scrupulous in granting or approving compensation for the services or charges of such appointees to avoid excessive allowances, whether or not excepted to or complained of. He cannot rid himself of this responsibility by the consent of counsel.

13. Kinship or Influence: A judge should not act in a controversy where a near relative is a party; he should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by the kinship, rank, position or influence of any party or other person.

14. Independence: A judge should not be swayed by partisan demands, public clamor or considerations of personal popularity or notoriety, nor be apprehensive of unjust criticism.

15. Interference in Conduct of Trial: A judge may properly intervene in a trial of a case to promote expedition, and prevent unnecessary waste of time, or to clear up some obscurity, but he should bear in mind that his undue interference, impatience, or participation in the examination of witnesses, or a severe attitude on his part toward witnesses, especially those who are excited or terrified by the unusual circumstances of a trial, may tend to prevent the proper presentation of the cause, or the ascertainment of the truth in respect thereto.

Conversation between the judge and counsel in court is often necessary, but the judge should be studious to avoid controversies which are apt to obscure the merits of the dispute between litigants and lead to its unjust disposition. In addressing counsel, litigants, or witnesses, he should avoid a controversial manner or tone.

He should avoid interruptions of counsel in their arguments except to clarify his mind as to their positions, and he should not be tempted to the unnecessary display of learning or a premature judgment.

16. Ex parte Applications: A judge should discourage ex parte hearings of applications for injunctions and receiverships where the order may work detriment to absent parties; he should act upon such *ex parte* applications only where the necessity for quick action is clearly shown: if this be demonstrated, then he should endeavor to counteract the effect of the absence of opposing counsel by a scrupulous cross-examination and investigation as to the facts and the principles of law on which the application is based, granting relief only when fully satisfied that the law permits it and the emergency demands it. He should remember that an injunction is a limitation upon the freedom of action of defendants and should not be granted lightly or inadvisedly. One applying for such relief must sustain the burden of showing clearly its necessity and this burden is increased in the absence of the party whose freedom of action is sought to be restrained even though only temporarily.

17. Ex parte Communications: A judge should not permit private interviews, arguments or communications designed to influence his judicial action, where interests to be affected thereby are not represented before him, except in cases where provision is made by law for *ex parte* application.

While the conditions under which briefs of argument are to be received are largely matters of local rule or practice, he should not permit the contents of such brief presented to him to be concealed from opposing counsel. Ordinarily all communications of counsel to the judge intended or calculated to influence action should be made known to opposing counsel.

18. Continuances: Delay in the administration of justice is a common cause of complaint, counsel are frequently responsible for this delay. A judge, without being arbitrary or forcing cases unreasonably or unjustly to trial when unprepared, to the detriment of parties, may well endeavor to hold counsel to a proper appreciation of their duties to the public interest, to their own clients, and to the adverse party and, his counsel, so as to enforce due diligence in the dispatch of business before the court.

19. Judicial Opinions: In disposing of controverted cases, a judge should indicate the reasons for his action in an opinion showing that he has not disregarded or overlooked serious arguments of counsel. He thus shows his full understanding of the case, avoids the suspicion of arbitrary conclusion, promotes confidence in his intellectual integrity and may contribute useful precedent to the growth of the law.

It is desirable that Courts of Appeals in reversing cases and granting new trials should so indicate their views on questions of law argued before them and necessarily arising in the controversy that upon the new trial counsel may be aided to avoid the repetition of erroneous positions of law and and shall not be left in doubt by the failure of the court to decide such questions.

But the volume of reported decisions is such and is so rapidly increasing that in writing opinions which are to be published judges may well take this fact into consideration, and curtail them accordingly, without substantially departing from the principles stated above.

It is of high importance that judges constituting a court of last resort should use effort and self-restraint to promote solidarity of conclusion and the consequent influence of judicial decision. A judge should not yield to pride of opinion or value more highly his individual reputation than that of the court to which he should be loyal. Except in case of conscientious difference of opinion on fundamental principle, dissenting opinions should be discouraged in courts of last resort.

20. Influence of Decisions Upon the Development of the Law: A judge should be mindful that his duty is the application of general law to particular instances, that ours is a government of law and not of men, and that he violates his duty as a minister of justice under such a system if he seeks to do what he may personally consider substantial justice in a particular case and disregards the general law as he knows it to be binding on him. Such action may become a precedent unsettling accepted principles and may have detrimental consequences beyond the immediate controversy. He should administer his office with a due regard to the integrity of the system of the law itself, remembering that he is not a depositary of arbitrary power, but a judge under the sanction of law.

21. Idiosyncrasies and Inconsistencies. Justice should not be moulded by the individual idiosyncrasies of those who administer it. A judge should adopt the usual and expected method of doing justice, and not seek to be extreme or peculiar in his judgments, or spectacular or sensational in the conduct of the court. Though vested with discretion in the imposition of mild or severe sentences he should not compel persons brought before him to submit to some humiliating act or discipline of his own devising, without authority of law, because he thinks it will have a beneficial corrective influence.

In imposing sentence he should endeavor to conform to a reasonable standard of punishment and should not seek popularity or publicity either by exceptional severity or undue leniency.

22. Review: In order that a litigant may secure the full benefit of the right of review accorded to him by law, a trial judge should scrupulously grant to the defeated party opportunity to present the questions arising upon the trial exactly as they arose, were presented, and decided, by full and fair bill of exceptions or otherwise; any failure in this regard on the part of the judge is peculiarly worthy of condemnation because the wrong done may be irremediable.

23. Legislation: A judge has exceptional opportunity to observe the operation of statutes, especially those relating to practice, and to ascertain whether they tend to impede the just disposition of controversies; and he may well contribute to the public interest by advising those having authority to remedy defects of procedure, of the result of his observation and experience.

24. Inconsistent Obligations: A judge should not accept inconsistent duties; nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions.

25. Business Promotions and Solicitations

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for Charity: A judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success of private business ventures, or to charitable enterprises. He should, therefore, not enter into such private business, or pursue such a course of conduct, as would justify such suspicion, nor use the power of his office or the influence of his name to promote the business interests of others; he should not solicit for charities, nor should he enter into any business relation which, in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties.

26. Personal Investments and Relations: A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and, after his accession to the Bench, he should not retain such investments previously made, longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.

He should not utilize information coming to him in a judicial capacity for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin.

27. Executorships and Trusteeships: While a judge is not disqualified from holding executorships or trusteeships, he should not accept or continue to hold any fiduciary or other position if the holding of it would interfere or seem to interfere with the proper performance of his judicial duties, or if the business interests of those represented require investments in enterprises that are apt to come before him judicially, or to be involved in questions of law to be determined by him.

28. Partisan Politics:[2] While entitled to entertain his personal views of political questions, and while not required to surrender his rights or opinions as a citizen, it is inevitable that suspicion of being warped by political bias will attach to a judge who becomes the active promoter of the interests of one political party as against another. He should avoid making political speeches, making or soliciting payment of assessments or contributions to party funds, the public endorsement of candidates for political office and participation in party conventions.

He should neither accept nor retain a place on any party committee nor act as party leader, nor engage generally in partisan activities.

Where, however, it is necessary for judges to be nominated and elected as candidates of a political party, nothing herein contained shall prevent the judge from attending or speaking at political gatherings, or from making contributions to the campaign funds of the party that has nominated him and seeks his election or re-election.

29. Self-Interest: A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. If he has personal litigation in the court of which he is judge, he need not resign his judgeship on that account, but he should, of course, refrain from any judicial act in such a controversy.

30. Candidacy for Office:[3] A candidate for judicial position should not make or suffer others to make for him, promises of conduct in office which appeal to the cupidity or prejudices of the appointing or electing power; he should not announce in advance his conclusions of law on disputed issues to secure class support, and he should do nothing while a candidate to create the impression that if chosen, he will administer his office with bias, partiality or improper discrimination.

While holding a judicial position he should not become an active candidate either at a party primary or at a general election for any office other than a judicial office. If a judge should decide to become a candidate for any office not judicial, he should resign in order that it cannot be said that he is using the power or prestige of his judicial position to promote his own candidacy or the success of his party.

If a judge becomes a candidate for any judicial office, he should refrain from all conduct which might tend to arouse reasonable suspicion that he is using the power or prestige of his judicial position to promote his candidacy or the success of his party.

He should not permit others to do anything in behalf of his candidacy which would reasonably lead to such suspicion.

31. Private Law Practice: In many states the practice of law by one holding judicial position is forbidden. In superior courts of general jurisdiction, it should never be permitted. In inferior courts in some states, it is permitted because the county or municipality is not able to pay adequate living compensation for a competent judge. In such cases one who practises law is in a position of great delicacy and must be scrupulously careful to avoid conduct in his practice whereby he utilizes or seems to utilize his judicial position to further his professional success.

He should not practise in the court in which he is a judge, even when presided over by another judge, or appear therein for himself in any controversy.

If forbidden to practise law, he should refrain from accepting any professional employment while in office.

He may properly act as arbitrator or lecture upon or instruct in law, or write upon the subject, and accept compensation therefor, if such course does not interfere with the due performance of his judicial duties, and is not forbidden by some positive provision of law.

32. Gifts and Favors: A judge should not accept any presents or favors from litigants, or from lawyers practising before him or from others whose interests are likely to be submitted to him for judgment.

33. Social Relations: It is not necessary to the proper performance of judicial duty that a judge should live in retirement or seclusion; it is desirable that, so far as reasonable attention to the completion of his work will permit, he continue to mingle in social intercourse, and that he should not discontinue his interest in or appearance at meetings of members of the Bar. He should, however, in pending or prospective litigation before him be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships constitute an element in influencing his judicial conduct.

34. A Summary of Judicial Obligation: In every particular his conduct should be above reproach. He should be conscientious, studios, thorough, courteous, patient, punctual, just, impartial, fearless of public clamor, regardless of public praise, and indifferent to private political or partisan influences; he should administer justice according to law, and deal with his appointments as a public trust; he should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity.

35. Improper Publicizing of Court Proceedings:[4] Proceedings in court should be conducted with fitting dignity and decorum. The taking of photographs in the court room, during sessions of the court or recesses between sessions, and the broadcasting or televising of court proceedings detract from the essential dignity of the proceedings, distract participants and witnesses in giving testimony, and create misconceptions with respect thereto in the mind of the public and should not be permitted.

Provided that this restriction shall not apply to the broadcasting or televising, under the supervision of the court, of such portions of naturalization proceedings (other than the interrogation of applicants) as are designed and carried out exclusively as a ceremony for the purpose of publicly demonstrating in an impressive manner the essential dignity and the serious nature of naturalization.

36. Conduct of Court Proceedings:[5] Proceedings in court should be so conducted as to reflect the importance and seriousness of the inquiry to ascertain the truth.

The oath should be administered to witnesses in a manner calculated to impress them with the importance and solemnity of their promise to adhere to the truth. Each witness should be sworn separately and impressively at the bar or the court, and the clerk should be required to make a formal record of the administration of the oath, including the name of the witness.

EXHIBIT 2

RESOLUTIONS ON JUDGES ADOPTED BY A SPECIAL SESSION OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, June 10, 1969.—A judge in regular active service shall not accept compensation of any kind, whether in the form of loans, gifts, gratuities, honoraria or otherwise, for services hereafter performed or to be performed by him except that provided by law for the performance of his judicial duties.

Provided however, the Judicial Council of the Circuit (or in the case of courts not part of a circuit, the judges of the court in active service) may upon application of a judge approve the acceptance of compensation for the performance of services other than his judicial duties upon a determination that the services are in the public interest or are justified by exceptional circumstances and that the services will not interfere with his judicial duties. Both the services to be performed and the compensation to be paid shall be made a matter of public record and reported to the Judicial Conference of the United States.

Each judge shall file annually (commencing May 15, 1970 for the preceding calendar year) with the Judicial Conference of the United States, on forms to be approved by the Judicial Conference, a statement of his investments and other assets held by him at any time during the year as well as a statement of income, including gifts and bequests, from any source, identifying the source, and a statement of liabilities.

The statements shall be kept on file with the Judicial Conference and available for such use as the conference and the Judicial Councils of the circuits may require, as well as for public disclosure as determined by the Judicial Conference to be in the public interest pursuant to regulations promulgated by the conference.

The Committee on Court Administration shall submit to the Judicial Conference of the United States at its Setpember, 1969, session a progress report on the preparation of forms and regulations necessary to implement this resolution.

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[2] As amended August 31, 1933 and September 20, 1950.

[3] As amended August 31, 1933.

[4] Adopted September 30, 1937; amended September 15, 1952 and February 5, 1963.

[5] Adopted September 30, 1937.

The Committee on Court Administration shall submit to the Judicial Conference of the United States at its September, 1969, session a progress report on the formulation of standards of judicial conduct for Federal judges.

The Committee on Court Administration is directed to draft proposed legislation to submit to the Judicial Conference at its September meeting that would ensure the conference being able to enforce the motions we have today passed.

EXHIBIT 3

"LOS ANGELES TIMES" ARTICLE

(NOTE.—Following is full text of "The Los Angeles Times" article of October 16, written by reporter Ronald J. Ostrow.)

WASHINGTON.—An unusual situation involving Supreme Court Justice William O. Douglas has come to light bearing upon the broad issue of a judge's sources of income and his outside activity. The uncontested facts are these:

Douglas receives $12,000 a year from the tax-exempt Albert Parvin Foundation that derives much of its income from a mortgage on a Las Vegas hotel and gambling casino.

A principal asset of the foundation is an interest in the first mortgage on the Hotel Flamingo. Albert B. Parvin, chief benefactor of the foundation, has an interest in three other Las Vegas gambling casinos.

Based in Los Angeles, the foundation supports fellowship programs for students from underdeveloped nations to study at Princeton University and UCLA ar a means of promoting international understanding.

The foundation's board of directors includes two of the nation's best-known educators—Robert M. Hutchins and Robert F. Goheen. Hutchins, former president of the University of Chicago, now heads the Center for the Study of Democratic Institutions in Santa Barbara (Calif.), Goheen is president of Princeton.

Douglas, however, according to the foundation's tax returns, is the only official of the organization to receive regular compensation.

Douglas, in an interview, said the $12,000 a year is assigned to him "largely as an expense account" for trips in connection with foundation work. He said drawing the funds, almost one third of his annual $39,500 salary as a Justice, raises no ethical question in his mind.

Douglas has been with the foundation, which he serves as president, since its formation in 1960. But the allowance did not begin until about 1962. It was instituted over Douglas's strenuous objections, according to Parvin, a Los Angeles businessman.

Douglas said that expenses he incurs in serving the foundation are "pretty close" to the $12,000. According to Parvin, the foundation asks no itemized account of Douglas's expenses and the justice submits none.

In addition to the income it derives from the Hotel Flamingo mortgage, the foundation has another less-direct link with Las Vegas—stock in Parvin-Dohrmann Company, which was donated by Parvin and other individuals.

Parvin is president and chief executive officer of Parvin-Dohrmann, a Los Angeles concern that specializes in furnishing restaurant and hotels. Its top clients include major hotels on the Las Vegas strip.

Last July, the company, after nearly a year of intense negotiations, acquired the Fremont Hotel and gambling casino in Las Vegas.

Purchase terms provided five-year employment contracts for two officers of the Fremont—Edward Levinson and Edward Torres. Their salaries are $100,000 a year each.

Levinson invoked his Fifth Amendment privilege against possible self-incrimination in 1964 and raised other objections in refusing to answer questions of the Senate Rules Committee probing the dealings of Bobby Baker, former secretary to Senate Democrats.

Regardless of the Las Vegas connection, Douglas's expense account would appear to raise an ethical question which is not clearly answered by the American Bar Association's Canons of Judicial Ethics. Many observers regard the 36 canons as far from definitive.

The Fourth Canon, for example, known as the "Caesar's wife" doctrine, says that "a judge's official conduct should be free from impropriety and the appearance of impropriety."

The canons, moreover, lack sharp enforcement teeth.

While more precise, the law on off-the-bench interests and activities of federal judges is very limited.

Federal judges are not required to disclose their financial holdings, outside income or activities under present law. Partly because of this, information on the resources of other Justices and judges is sparse.

Under existing statutes, federal judges cannot practice law, and they are required to disqualify themselves from ruling on cases in which they have an interest. But assessing personal involvement or interest is left up to the individual judge. His determination, according to a 1945 appeals-court decision, is irreversible unless it can be shown he acted arbitrarily.

Supreme Court Justices frequently disqualify themselves from considering matters in which they have an interest.

Douglas cited this power as a safeguard against conflicts of interest which may arise from any Justice's outside activities. He noted that no case involving a company in which the Parvin Foundation has an interest has been before the Court. Competent authorities on the nation's judicial system privately expressed concern over details of Douglas's relationship with the foundation.

"On the principle of Caesar's wife," said one, "this is mildly distasteful. But it's one of those muddy areas."

None of these authorities, however, was willing to speak for the record.

"While I don't think this is entirely proper," said one student of the Supreme Court, "I don't want to say anything that will detract from the popularity of the Court and give ammunition to the 'know-nothings.' The problem with criticizing Justice Douglas is that he's attacked by the wrong people for the wrong reasons."

To understand what is troubling some observers, an examination of the foundation's history is helpful.

It was established in 1960 by Parvin with 75 percent of the proceeds he realized from the 1959 sale of the Hotel Flamingo. The foundation's share amounted to between 1.5 million dollars and 2 million dollars, he estimated.

Parvin put together a group to buy the Flamingo in 1954 when the hotel ran into problems in meeting its payments to the furnishing firm that Parvin heads.

The purchase price was 8 million dollars. The group sold the facilities for 10 million dollars in 1959, after realizing sufficient income during the five-year span to reduce bank loans by between 2.5 million dollars and 3 million dollars. Thus, the net profit totaled between 4.5 million dollars and 5 million dollars, Parvin recalled.

In addition to a down payment, the group took back a first mortgage on the property which was deposited with a trust managed by the Bank of America.

It is the major part of his interest in the trust that Parvin donated to the foundation.

The 10-year mortgage has four years remaining, Parvin said, and payments have been prompt.

Remaining payments total 2.5 million dollars, he said, of which the foundation's share is $900,000.

The foundation currently receives about $28,000 a month from its share of the mortgage. The foundation also holds stock in various companies.

Parvin recounted how the Flamingo sale led to establishing the foundation. He said he found himself with 2.5 million dollars and no need for the money.

"I felt I wanted to do something to pay a vote of thanks for the good fortune I had," he said.

On the strength of reading Douglas's books, particularly the volume "America Challenged," Parvin wrote the Justice and told him of his desire to teach people of emerging countries about the American way of life.

Douglas responded; he and Parvin met to discuss plans and select directors, and the foundation was launched

In addition to Douglas, Hutchins, Goheen and Parvin, the foundation's board includes Judge William J. Campbell and Harry Ashmore. Campbell is chief judge of the U.S. District Court in northern Illinois, and Ashmore is a Pulitzer Prizewinning journalist now with the Center for the Study of Democratic Institutions.

Douglas recalled that when he agreed to head the organization he knew its assets included the Flamingo investment. He stressed that the Flamingo is a legitimate enterprise.

But Douglas, who has 27 years on the High Court and was once Chairman of the Securities and Exchange Commission, said he thought the interest in the Flamingo "was owned for a brief period but disposed of by the (foundation's) finance committee." He explained that he does not serve on the finance committee, which handles all investments and reinvestments.

The foundation, Douglas said, seeks "to bring to this country for education promising men from 25 to 35 years of age for leadership training in the fields of government, education, newspaper work—in all aspects of public service."

Known as Parvin Fellows, the recipients attend Woodrow Wilson School at Princeton. Most come from Africa, the Middle East and Asia, Douglas said. The foundation sponsors a similar program at UCLA for Latin Americans.

"We're very proud of what the foundation has done, though we operate in a very small way" (seven to 10 students annually at Princeton and five to six at UCLA), Douglas said.

The foundation's tax returns on file with the Internal Revenue Service provide some gauge of its size. Gross income of the foundation in 1963 was reported to total $137,257.

For 1964, the tax return estimated the fair market value of the foundation's interest in the trust that held the Flamingo mortgage to be $1,113,507. This represented a significant part of the organization's assets. At the end of 1963, they totaled $1,900,723, according to the IRS filing.

Parvin said the Princeton fellowship program ran approximately $80,000 annually in its first two years, which subsequently has been reduced to $55,000 or $60,000. The UCLA program, he estimated, runs around $25,000 to $30,000 a year.

The two universities select the fellowship recipients. Douglas travels to the campuses to advise the fellows, to bring them to Washington, and to make appointments for them with Government officials. When they visit Washington, he entertains them.

"These are very difficult projects to work out," Douglas said, and sometimes involve "personnel problems of considerable complexity."

In addition to this work, Douglas also serves as "a sort of clearinghouse" for the foundation board in assessing requests for funds.

Proposals for as many as 24 to 36 different projects flow into the foundation each week, Douglas said.

Douglas traveled to the Dominican Republic on a project that was aborted by the coup d'etat in 1963 that overthrew the Juan Bosch Government. He said that Bosch, a long-time

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friend of his, had come to Washington and proposed that the foundation help improve literacy in the Caribbean nation.

In collaboration with the National Association of Broadcasters, the foundation produced 80 half-hour films for use on Dominican television to increase adult literacy. But the coup occurred just as the films were completed, and they have never been used.

As Parvin recalls, it was after Douglas returned from a trip to South America on foundation business that the $12,000 first was provided. The foundation's board was meeting in Santa Barbara, and Hutchins suggested providing the funds, Parvin said. Despite Douglas' objections, the board voted the money.

Parvin said Douglas makes at least six trips to Princeton annually and also travels to UCLA. Douglas said he tries to co-ordinate his UCLA trips with meetings in Santa Barbara of the Center for the Study of Democratic Institutions, which he serves as chairman.

There also are travels for the foundation to South America and elsewhere, Parvin said.

What about years when he doesn't make as many trips?

"Even forget about the traveling and just evaluate the time he spends," Parvin said. He told of visiting Douglas at his vacation retreat in the Gooseprairie area of Washington State and finding the Justice "burning the midnight oil, writing people in the Philippines, China and East Africa" on foundation matters.

"How can you buy this kind of talent?" Parvin said. "He does 10 times what a full-time, fully paid president would."

The suggestion that there may be something improper about a High Court Justice serving a foundation with Las Vegas assets drew a heated response from Parvin.

"It's a very sad state of affairs when newspapers try to make a big deal out of something like this," he said.

Any suggestion of "a big deal" centers in part in the clashes between federal law authorities and some Las Vegas gambling figures, such as Levinson, who now is employed by Parvin-Dohrmann.

Levinson, who had business dealings with Bobby Baker, has a suit for damages pending against the FBI in a Nevada court, charging that the FBI's bugging of his office invaded his privacy.

The FBI and the Justice Department have been embarrassed by disclosures that the FBI employed electronic eavesdropping devices in Las Vegas hotels and casinos several years ago during an investigation of organized crime.

Baker, who also invoked the Fifth Amendment before the Senate Committee, has raised the bugging issue in seeking dismissal of a federal indictment charging him with tax evasion, theft and conspiracy. That issue is now before a federal district court in Washington.

Baker and Levinson were associated in various business deals. Federal officials privately concede the probability that at least the Levinson portions of long-distance phone conversations with Baker from Levinson's office were monitored by the FBI.

The bugging issue already is before the Supreme Court in the appeal of Fred B. Black, Jr., a Baker associate who has been convicted of income tax evasion. Long after Black's conviction and soon after the Supreme Court turned down Black's first appeal, the Justice Department discovered the FBI had bugged Black's Washington hotel suite and so advised the Court. The Government said, however, the bugging was in no way related to the tax case.

The Court later requested additional information from the Department and is now weighing Black's contention that the tax case was tainted by the bugging and that the Justices should grant him a hearing.

Black also maintained in his petition to the Court that he telephoned his lawyer from various sites in Las Vegas including the Fremont Hotel. He alleges that FBI agents may have monitored some of these conversations.

Two Supreme Court Justices—Abe Fortas and Byron R. White—have not participated in the Court's action on the Black case. Fortas at one time was Baker's lawyer. White was Deputy Attorney General during the period of at least some of the FBI bugging.

If cases involving Parvin's Las Vegas interests or such matters as Levinson's suit against the FBI ever reach the High Court, and Douglas feels some involvement, he could, of course, disqualify himself.

This would satisfy the present statutory requirement.

EXHIBIT 4

[From Life magazine, Sept. 8, 1967]

MOBSTERS IN THE MARKETPLACE: MONEY, MUSCLE, MURDER

(By Sandy Smith)

Since Cosa Nostra sells no shares and files no annual reports, no one can say for sure just what its legitimate investments amount to—indeed, the way the Mob operates, it is difficult to distinguish "straight" money from crooked. The best hint came from gangland's own financial wizard—Meyer Lansky himself—who made a modest appraisal of the Mob's private holding.

"We're bigger than U.S. Steel," said Lansky.

Even though U.S. Steel's assets are $5,642,379,942 and its 1966 profits came to $249,238,569, Lansky's boast strikes Federal investigative agencies as conservative. The gangsters are in almost everything, foreign and domestic. Their holdings range from Big Board securities to diaper services.

But if mobsters turn "legit," some people will say, isn't that all to the good? The answer is no. Over the last decade, government investigations have proved that a lawful enterprise doesn't remain legitimate once the gangsters get into it. Thievery is their way. Their executive are extortionists, Some of their salesmen are killers. A huge national food chain found this out, to the general horror of its personnel and customers, as will be detailed later in this article.

The Cost Nostra establishment in legitimate business is international and astonishingly intricate. It has employed—in addition to the predictable crew of sharpshooting accountants, gamblers and union officials—figures as diverse and improbable as a United Nations delegate and bankers with diplomatic passports from Iron Curtain countries.

As highly sophisticated forms of theft have gained favor in Cosa Nostra, the old-fashioned shakedown has become almost as rare as the white hat. It is regarded as unnecessarily risky. Three mobsters in the Gambino Family—Willie Dara, Tony Esperti and Nick Farinella—tried it the old way in Miami this year: a bold attempt to squeeze $25,000 out of a Miami store owner, John Maloney, "for the people up north." Maloney simply called the FBI, which made the case. The three hoods, convicted of extortion on Maloney's testimony, face prison terms up to 40 years. Such throwbacks to the old days of the "protection" racket get one response from a majority of today's hoodlums. Stupid.

It's safer by far to make a buck the way a Genovese Family *capo*, Nicolas Ratteni, does it—hauling garbage in the New York suburb of Yonkers. Ratteni simply squeezed out other firms until he had 95% of the garbage collection business. Though he is still a gangster, at least he appears to be serving his customers as opposed to shaking them down. Woe, certainly, to would-be competitors—but most of them can be dealt with through the Fix, somewhere short of violence.

The true bonanza the Mob has struck in legitimate business is "skimming"—diverting a portion of cash receipts off the top to avoid taxes. Chiefly for this reason the tycoons of Cosa Nostra tend to flock to any enterprise that has a heavy flow of cash—vending machine companies, jukebox firms, cigarette machine routes, some box offices and ticket agencies (the scalping of sports and theater tickets is a form of skim), and, of course, licensed gambling casinos. Then they proceed to steal large sums before they can be entered on the books and come under the eye of the IRS.

It follows that the money derived from the skim is ideal for greasing the wheels of organized crime. It pays off politicians, crooked cops and killers. It is also used as tax-free bonuses to persons with no gang connections at all—only greed. One well-known film star, for example, received $4,000 under the table in addition to his one-week contract price of $20,000.

A single jukebox or cigarette machine business may yield thousands in skim. FBI agents in Chicago discovered that Eddie Vogel in a period of a few months skimmed $130,000 from his music and vending machines. He and Momo Giancana actually counted it up amid the linens and tomato paste in a back room of an Italian restaurant, the Armory Lounge.

The biggest skim yet discovered took place in the legalized gambling casinos of Las Vegas from 1960 to 1965; many details of it are being disclosed here for the first time. Its breakup by federal agencies has sent the Mob scurrying all over the world—to places like England, the Caribbean, Latin America and the Middle East—in search of a bonanza to replace its profits. Some $12 million a year was skimmed for gangsters in just six Las Vegas casinos: the Fremont, the Sands, the Flamingo, the Horseshoe, the Desert Inn and the Stardust.

One notable example of a skimming transaction concerned $75,000 owed to the Fremont and Desert Inn by Alexander Guterma, a celebrated swindler. The money was collected, but never reached casino ledgers. It was conveyed as skim through Panama branches of Swiss banks by Eusebio Antonio Morales, at that time Panama's alternate delegate to the United Nations. (Currently Morales is Panamanian ambassador to the United Kingdom.)

Las Vegas is one of the so-called "open" territories agreed upon by the Mob, where all Cosa Nostra families are relatively free to operate and invest. The carving up of the gambling skim among various Cosa Nostra leaders follows a ratio determined by each mobster's secret interests in the casinos. Each hidden share of a casino was priced in underworld markets at $52,500. The dividend on each share was $2,000 a month—or about 45% annual return.

During the lush years of 1960–65, Gerardo (Jerry) Catena's gang in New Jersey split up some $50,000 a month. Meyer Lansky and Vincent Alo, the Cosa Nostra shadow assigned to keep Lansky honest with the brotherhood, picked off some $80,000 a month. The Catena-Alo-Lansky money came from four of the six casinos—the Fremont, Sands, Flamingo and Horseshoe. Momo Giancana's stake, from the Desert Inn and the Stardust, exceeded $65,000 a month. From the same two casinos, the Cleveland gang chief, John Scalish, received another $52,000 a month.

Skimming in Las Vegas, from casino counting room to Swiss bank, has always been overseen by Lansky, the Cosa Nostra Commission's most important non-member—always with the Cosa Nostra heavies peering over *his* shoulder. As cashier and den father of deliverymen, Lansky has remained the indispensable man.

A recurrent problem for Lansky's Las Vegas front men and accountants has been

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the reconciliation of the interests of a casino's owners-of-record, who hoped to profit, and its secret gangster owners, hungrily awaiting their skimming dividends. "How can you steal money and pay dividends?" Ed Levinson, chief of the Fremont Casino, once besought one of his partners." "You can't steal $100,000 a month and pay dividends. If you steal $50,000? Well, maybe . . ."

Each month, when the skim was running smoothly, the bagmen shuttled between Los Vegas and Miami with satchels of cash. The couriers also brought the skim from Bahamian casinos to Miami. There Lansky counted it all, took his own cut and then parceled out the rest to the couriers who were to carry it to the designated Cosa Nostra hoods, or to the Swiss banks where they have their accounts.

Lansky's bagmen have been a diverse and colorful lot. Among his all-stars from 1960 to 1965:

Benjamin Sigelbaum, 64, business partner of Robert G. (Bobby) Baker when Baker was secretary of the Democratic majority in the U.S. Senate. Sigelbaum is a man with general affinity for political connections. Back in 1936, he was convicted in Camden, N.J., and given a suspended sentence for concealing assets in bankruptcy. By 1958, he was given a full and unconditional pardon by President Dwight D. Eisenhower.

John Pullman, 66, a banker in Switzerland and the Bahamas who once served a prison term for violating U.S. liquor laws. Pullman gave up his American citizenship in 1954 to become a Canadian. He now lives in Switzerland.

Sylvain Ferdmann, 32, a Swiss citizen who is an international banker and economist. U.S. authorities have marked Ferdmann a fugitive; he is accused of interfering with the federal inquiries into the skimming racket. In 1963, when Teamster boss Jimmy Hoffa needed to raise money for union officials' surety bonds, he dickered with Ferdmann.

Ida Devine, 45, the only woman to carry the satchel for Lansky. She is the wife of Irving "Niggy" Devine, a ubiquitous Las Vegas racketeer.

Sigelbaum and Mrs. Devine traveled from Las Vegas to Miami; Ferdmann from the Bahamas casinos to Miami; Ferdmann and and Pullman from Miami to the numbered-account banks in the Bahamas and Switzerland.

The Mob's skimming cash flow was a remarkable study in itself. It generally moved first through two Bahama banks—the Bank of World Commerce and the Atlas Bank—and then on to the International Credit Bank in Switzerland.

As of 1965, the boards of directors and staffs of all three banks were studded with both skimmers and couriers. The president of the International Credit Bank was Tibor Rosenbaum, a man who travels on a diplomatic passport from Albania. On the board were Ed Levinson, operator of the Fremont Casino, and Pullman. Ferdmann was listed as a staff "economic counselor," and it was he who organized the Atlas Bank in the Bahamas, as a subsidiary of the I.C.B.

The directors of the Bank of World Commerce, also in the Bahamas, included Pullman (for a time he was its president); Levinson; Sigelbaum, and, once again, Niggy Devine, Ida's husband.

Sigelbaum holds the overland record for bag-toters. For more than two years, he jetted between Las Vegas and Miami two or three times a month, carrying an average of $100,000 each trip.

When investigative heat neutralized Sigelbaum as a courier, Lansky brought on the "lady in mink," Ida Devine. The list of people and places on one remarkably devious trip she made to Miami is a fascinating vignette in the annals of bag-toting.

It took her from Las Vegas to Los Angeles, thence by train (she hates flying) to Chicago, Hot Springs, Ark., back to Chicago, then to Miami—hanging on all the way to a bag containing $105,650 in skim money. On her first Chicago stop she was met by Mrs. George Bieber, wife of an attorney who represents gangsters. On her second arrival in Chicago, she was met by Bieber's partner, Michael Brodkin, whose Mob clients are even more numerous. The money ultimately was split up in Miami by Sigelbaum and Pullman: $63,150 for Lansky, $42,500 for Jerry Catena in New Jersey.

At the time, Pullman was toting the skimming money from Miami to the Bank of World Commerce in the Bahamas. But a few months later he, like Sigelbaum, was forced to relinquish the bag—this time to Sylvain Ferdmann.

Ferdmann took over both the transcontinental and transatlantic bag routes for most of the next two years. His contacts in this country were bizarre, including functionaries and members of the Communist party in New York, and a man who had big financial dealings with the Czech delegation to the United Nations. The conclusion drawn by investigators—from Ferdmann's contracts, from the fact that the International Credit Bank has strong ties with Communist countries and from the fact that his bag was stuffed with money both going and coming—was that there was a flow of Communist money coming back thorugh the skimming conduit.

Ferdmann made one bad blunder in all this. On March 19, 1965, as he was loading his satchels into the trunk of an auto at Miami airport, he dropped a piece of paper from one of his pockets. It was found by a parking attendant, who turned it over to authorities. It was a note on the letterhead of the International Credit Bank:

"This is to acknowledge this 28th day of December 1964, the receipt of Three Hundred and Fifty Thousand ($350,000) Dollars, in American bank notes for deposit to the account of Maral 2812 with the International Credit Bank, Geneva, the said sum being turned over to me in the presence of the named signed below."

John Pullman was listed as a witness on the note. Under his own signature, the cautious Ferdmann had added this postscript:

"The above is subject to the notes being genuine American banknotes." Here for the first time was a document proving not only the receipt of the Mob's skimming money by the Swiss bank, but also providing the account number.

Inevitably, America's stock market fever over the last two decades caught the eyes of Cosa Nostra and led to the establishment of a highly lucrative new subsidiary racket—traffic in stolen securities. To handle everything smoothly the Mob put together yet another international network of couriers, shady financiers and banks. This apparatus began functioning two years ago during a series of Wall Street robberies that authorities traced to the Brooklyn gang of Cosa Nostra Commissioner Joe Colombo. Colombo seems to fancy the world of finance. He often stuffs a copy of the *Wall Street Journal* in his pocket, an affectation looked upon as ostentatious by those acquainted with his comic-book reading habits.

Since 1962, in just six thefts in Manhattan, Colombo's men are believed to have made off with securities valued at $8 million. The latest score attributed to the Colombo thieves—one which received virtually no publicity—was the brazen looting last May 14 of safes in the Manhattan borough surrogate's office. The safes contained securities and other assets of estates handled by the surrogate's office. It was announced at that time that the amount of the loss was undetermined. Investigators have since determined that the thieves grabbed at least $500,000 worth of securities. That much of the loot was transported to Belgium by a courier who dropped it into a Brussels bank. The Belgian bankers then were somehow induced to send the stolen securities back to this country for sale.

Other securities from other robberies are known to have been sold by the Colombo Mob to banks in West Germany, France and Africa. Arrangements for many of the sales were made by a London fence—another improbable character: Alan Cooper, 36, an ex-GI who served a prison term for a bank robbery in Germany.

Colombo's gangsters manage even bigger profits—though at greater risk—when they can induce a U.S. banker to accept stolen stocks as collateral for a loan. The mobsters then put the money borrowed on the hot securities into quick-profit loan-sharking, which enables the Mob to pay back the banks so soon as to cost practically nothing in interest. The gangsters retrieve the stolen stocks and bonds, and then—if all works well—post the hot securities for a second loan from yet *another* bank. All the time this is going on, shylocking fees are still piling up from hapless borrowers who got money from the original loans. Colombo has been known to double his money in less than two months through this repeated cycle. The key, of course, is a banker devious enough to accept the stolen collateral, Federal officials have identified a dozen such bankers in the New York area who have issued loans to Colombo's men on stolen securities. All of them are "hooked" by the Mob in some way, through physical fear or blackmail.

The foremost internationalist among all Costa Nostra entrepreneurs is neither skimmer nor stock swindler, but old Bayonne Joe Zicarelli—the Hudson County hustler of goods and politicians. "Joe Z's" extensive line includes military aircraft parts, munitions and murder contracts.

Although Zicarelli, at 55, isn't a top-notcher in the Mob, the international operations he has conducted from the Manhattan offices of the Latamer Shipping Co. show how well an enterprising Cosa Nostra second-stringer can make out if he hustles.

Zicarelli and the former Dominican Republic dictator, Rafael Trujillo, were fast friends. Trujillo shelled out more than $1 million to Joe for machine guns, bazookas, etc. With Trujillo's assassination, Zicarelli quickly proved he is without political bias: early this year, the U.S. State Department found that Joe's emissaries were dickering with present Dominican leaders to take over an airline.

Another friend was erstwhile Venezuela President Pérez Jiménez, during whose dictatorship Zicarelli landed a $380,000 contract to supply aircraft parts to Venezuela. Profit: some $280,000.

This was by no means the extent of Joe Z's Common Market. In the 1950s, when his deals with Venezuela were cooking, Zicarelli staunchly volunteered to officials of that country to arrange the assassination of the exiled Venezuelan political leader Romulo Betancourt. The plot bogged down in unseemly haggling over Zicarelli's fee. $600,000.

There is no measure of how much money Zicarelli made from Trujillo. But in the past two years federal investigators have discovered that he did a lot of work, whatever the price. Details of just *how* much he did have never been disclosed until now. One of his little favors for Trujillo: the 1952 execution of Andres Requena, an anti-Trujillo exile. Zicarelli gunmen shot Requena in Manhattan.

Next on Trujillo's list was another exile. Jesus de Galindez, a teacher at Columbia University. Joe Z arranged that one, too. In a famous case, De Galindez was kidnaped in Manhattan on March 12, 1956. At a Long Island airport, he was loaded aboard a private plane and flown by an American pilot, Gerald Murphy, to the Dominican Republic. Both De Galindez and Murphy vanished and are presumed to have been slain.

The plane used by De Galindez' abductors

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was chartered at the Linden, N.J., airport on March 5, 1956. Federal authorities have learned that the aircraft was chartered by Joe Zicarelli.

On his home ground in Bayonne, Joe Z has performed similar services for prominent people. For example, in the fall of 1962, the body of a Bayonne gambler was hauled by Zicarelli's men from the home of a Hudson County political figure—placing the politician more than slightly in Zicarelli's debt.

It wasn't one of Tony Anastasio's good days. In the fall of 1957, everything seemed to be going against him. Once upon a time, the Cosa Nostra power of his brother Albert, the old Lord High Executioner of Murder, Inc. fame, had made Tony boss of the biggest local of the International Longshoremen's Association (ILA). But Albert had been murdered in a Manhattan hotel barber chair, and now Tony—"Tough Tony," as the press had taken to calling him—was a union boss in name only.

The brooding Anastasio was flying to Miami for a few days in the sun. In the seat beside him, as it happened, was an official of a federal law enforcement agency. They knew each other. After about three drinks, Tony began to share his troubles with the official, who was notably sympathetic.

They talked of what had happened to Albert, and suddenly Tony blurted: "They *gave* me to Gambino!"

"I got to answer to Carlo," he moaned to his astonished companion. "Joe Colozzo told me I'm nothing but a soldier."

"They," of course, were the Cosa Nostra Commissioners, who had put Anastasio—not to mention his 14,000 union members—under the control of Carlo Gambino, who had taken over the slain Albert's Cosa Nostra Family.

Until now, Joe Colozzo had been just another of Tony Anastasio's gangsters in the Brooklyn longshoremen's union. Now he was Gambino's strongman—and Tony was suddenly nothing.

That was the way it was in the Brooklyn ILA in 1957. That, according to the experts, is still the way it is today—regardless of recurrent publicity about a "new look" on the seamy waterfront. Though the public was understandably eager to interpret the waning of Anastasio's power on the docks as a sign of a real clean-up of Mob control, such was not the case. After Tony's death in 1963, and despite some reforms instituted by the New York-New Jersey Waterfront Commission, it was still business as usual for the Mob.

FBI Director J. Edgar Hoover told a congressional subcommittee that the gangsters are so powerful on the docks that ". . . ultimate control . . . of the New York port, including New Jersey facilities, rests with the leadership of the Vito Genovese and Carlo Gambino 'families' of La Cosa Nostra." Hoover's statement was echoed by Henry Peterson, chief of the Organized Crime Division of the Department of Justice. Peterson, in fact, went a bit further. He told a crime control conference of the "more than effective liaison between the ILA, the Cosa Nostra, and the Teamsters [union]."

The Mob's power over the nation's biggest port and its rackets—shakedowns, shylocking and thievery—stems from its grip on ILA locals. The Gambino gang today dominates the unions on the Brooklyn piers. On the docks of Manhattan and in New Jersey ports, the Vito Genovese gang is rigidly in control.

The most outspoken exponent of the waterfront's "new image"—and its most vociferous gainsayer of claims about the ILA ties with Cosa Nostra—is Tony Anastasio's son-in-law, Anthony Scotto. The death of Anastasio left his ILA local 1814 in the hands of Scotto, a handsome, remarkably self-assured young man who says he is "disturbed no end" to hear statements such as Hoover's and Peterson's. By that, one interviewer asked, was Scotto implying that there is no Cosa Nostra?

Scotto dropped his voice.

"Between you and me, I *know* there is," he said. "But I'm not going to talk about it. I don't want to fight the whole world. I've got to drive home every night and back to work again in the morning."

What about the view, expressed in some parts of the law enforcement establishment, that Scotto is actually a member of Cosa Nostra?

"Pure, unadulterated——," replied Scotto.

The talk turned to the gangster Colozzo, whose privileged status in the ILA headquarters in Brooklyn almost surpasses Scotto's. "I know everything you could tell me about Colozzo," said Scotto. "He is supposed to be telling me what to do. *No* one tells me what to do." He is equally airy about Cosa Nostra Commissioner Gambino: "I've met him once of twice—you know, at funerals."

Now and then, nevertheless, he goes to a lot of trouble to assist Gambino's kin. Last year, Scotto dispatched one of his union aides, Natale Arcamona, to Vietnam to speed up the unloading of Army cargo at Vietnamese ports. While Arcamona was there he received a very special assignment from Scotto: do what you can to get a comparatively safe post on the docks for a soldier—that is to say a U.S. soldier—who incidentally is a relative of Gambino.

Asked about the incident, Scotto quickly dismissed it. "I must have sent a couple of dozen of those telegrams for one guy or another," he said. "This is the first time I knew one of the fellows is related to Gambino. My name goes on a lot of things around the union. Sometimes you write a recommendation and then you regret it."

If Scotto is the prototype of the "new" ILA, it would have to be called an improvement—at least from outward appearances. He lectures at Harvard. He visits the White House. He attends international labor conferences. He is an officer of the recently founded American Italian Anti-Defamation League, Inc. (So is Dr. Thomas J. Sinatra, an ILA physician who happens to be Gambino's son-in-law. So, for that matter is Frank Sinatra—no relation.)

Unlike most ILA bosses, Scotto is chummy with public officials. At political gatherings, whenever he can, he seeks out and chats with U.S. Senator Robert F. Kennedy of New York. He lists public prosecutors as character references.

There is no question that when he's out in front doing the talking, Scotto is a polished, persuasive spokesman for the Brooklyn longshoremen. But behind him in the locals, the gangsters and their pals seem to be doing as well as ever.

Colozzo, for example, still brings Gambino's word to the ILA locals and acts as if *he*, not Scotto, were the boss of the Brooklyn piers. While Scotto bustles about the docks, Colozzo lazes in his union office. Barbers and manicurists come to *him*.

The expenditures of some ILA locals are under constant federal scrutiny, and one of them, currently is Scotto's Local 1814. Particularly intriguing to federal officials are the fees paid in 1965 by the union to an accounting firm, the bulk of which were passed along by the firm to pay for a pad for Scotto's girlfriend. The firm, Farber & Landis, handles the books of Colozzo's and Scotto's locals and another ILA local, and also does the accounting for the ILA medical clinic fund in Brooklyn, and five businesses operated by Scotto and members of his family. In 1965, the fees from Scotto's local to Farber & Landis jumped from the $2,000 paid in 1964 to $7,000 or an increase of 250%.

Scotto insists that the firm got more money that year because it did more work. It was a coincidence, he said, that the accounting firm got the extra $5,000 at the very time that it incurred an additional expense—the $280 monthly rental paid by Farber & Landis for Penthouse K at 210 E. 58th Street in Manhattan.

The tenant in Penthouse K was Francine Huff, an auburn-haired fashion model and a warm friend of Scotto as well as of E. Richard Landis, the accountant, and Louis Pernice, an official of Local 1814. A federal grand jury has been looking into Penthouse K.

"The grand jury tried to establish that the rental was paid with union funds," said Scotto. "That's not so. It was just a coincidence. The accounting firm paid the rent. We [he, Landis and Pernice] had a pad—it may have been immoral, but it was not illegal."

Union expenditures for such purposes would be misapplication of membership funds, a criminal offense under federal statutes.

According to Scotto, the grand jury called Miss Huff, Landis and Pernice. Miss Huff, he said, had invoked the Fifth Amendment.

Across the Hudson, in New Jersey, Catena's tight personal control of ILA locals has made Port Newark a flat Cosa Nostra concession. Caten's men in the Port Newark longshoremen's unions are John Leonardis, an ILA vice president, and Anthony Ferrara—known as "Ray Rats"—a business agent of Local 1235.

By Catena edict, New York officials of the ILA are forbidden to set foot on Port Newark docks without Leonardis'—*i.e.*, Catena's—O.K. The order was strictly enforced. An early violator was George Barone, a Manhattan ILA boss. Barone ventured over, without a Leonardis visa, to round up business for a ship maintenance company. A Catena warning—"Nobody spits in Port Newark unless we say O.K."—promptly chased him back to Manhattan. From there, Barone apologized, pleading ignorance.

For a price, or a piece of the action, however, Jerry Catena does permit gangsters from other Cosa Nostra Families to set up shop in Port Newark. A Lucchese gang leader, John Dioguardi, for one, gave Catena an interest in an Emerson, N.J., gambling operation, and in return controls a union that organized Port Newark cigarworkers.

Of all the malevolent things the Mob has perpetrated or tried to perpetrate on legitimate business and an unsuspecting public, nothing ever topped the Catena detergent caper. Indeed, it stands as a textbook example of what Cosa Nostra brings to the marketplace.

In the spring of 1964, Jerry Catena and his brother Gene wangled a contract from a manufacturer to wholesale an offbrand of detergent in the New Jersey area. Forthwith they began to push their "Brand X," as we'll call it here, through one of their front outfits, the Best Sales Co. of Newark. Best Sales has salesmen aplenty, of a sort—some 600 members of the gang that Jerry was running for Vito Genovese, plus others, such as representatives of the Amalgamated Meat Cutters and Butcher Workmen, and the Teamsters. Both had organized workers in food chain stores in New Jersey.

To move the Best Sales detergent, Catena eventually pulled all the stops of Cosa Nostra power.

First, butchers' union agents began pointedly dropping word in food marts that the Best Sales product was a good thing. "Good people in that company," store managers were told, "particular friends of ours." Most of them got the message—and laid in a supply of the detergent, dutifully priced at 70¢ per box.

Early in 1964, the Catenas began thinking big, drawing a bead on the huge A & P chain. If the A & P could be "persuaded" to sell the product, or maybe even to push it over the big-name brands, the Catena boys would surely end up as soap czars.

There was no objection by A & P to testing the Catena detergent—indeed, it seemed for

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a few days that the Best Sales product was being favorably considered.

In April, however, A & P consumer tests disclosed that Catena's product didn't measure up to other brands—no sale. Within a few days, to add insult to injury, word reached Gene Catena that his detergent had been rejected *because A & P had learned that the Catenas were selling it.*

Gene, in a fury, promised to "knock A & P's brains out." And he tried.

On a May night in 1964, a fire bomb was tossed into an A & P store in Yonkers, N.Y. The store burned to the ground.

A month later, another Molotov cocktail touched off a fire that destroyed an A & P store in Peekskill, N.Y. In August, an A & P store on First Avenue in Manhattan was gutted, and in December, an A & P store in the Bronx.

Even then, though thoroughly frightened, executives of the chain did not connect the incendiary fires with their rejection of the detergent. The Catenas tried again to spell it out, in a more pointed way.

On the night of January 23, 1965, Manager James B. Walsh closed a Brooklyn A & P store and got into his auto to go home. A few blocks from the store, one of his tires seemed flat, and he got out to fix it. A car pulled up and four men got out. They killed Walsh with three pistol shots.

About two weeks later, on the evening of February 5, store manager John P. Mossner drove home to Elmont, N.Y. from his A & P supermarket in the Bronx. As he got out of his car in his driveway, a lone gunman stepped out of the shadows and shot him dead.

Two months after Mossner's murder, one more A & P store burned in the Bronx. The blaze had been started with a fire bomb.

Meanwhile, the butchers' union had begun negotiations on a new labor contract with A & P. The company's contract offers were rejected. The union made counterproposals which A & P considered outrageous. The butchers threatened to strike, and the Teamsters let it be known they would not cross the picket lines.

The A & P officials were growing frantic in the face of the apparently motiveless murders and fire-bombings and the deadlocked union negotiations. In desperation they appealed to the federal government for assistance of some kind.

It took about a month for government informants to link the terrorism with the Catena detergent sales campaign. But proving that connection by producing the informants in a courtroom was out of the question. Accordingly, U.S. District Attorney Robert Morgenthau brought Jerry Catena himself before a federal grand jury. On his way into the jury room the puzzled gangster asked a government official why he had been called.

"We want to know about your marketing procedures," the official said.

"Marketing of what?" asked Catena.

"Detergent."

Ah, *detergent!* As of that moment, the A & P's terror ended. Catena appeared briefly before the grand jury and hurried from the courthouse. At their very next negotiating session, the strike-theatening butchers signed the A & P contract they had rejected weeks before.

A few days later, a federal investigator ran into one Gerardo Catena in lower Manhattan and asked pointedly how things were going in the detergent business. Catena's muttered answer was close to pleading.

"I'm sorry," he said. "I'm getting out of detergent."

And that was all. To try to muscle a mob-backed product onto A & P shelves, Catena or thugs in his employ had burned out five supermar[illegible] and had murdered two innocent store managers in cold blood. And yet, because the government could not jeopardize its own informants by bringing them into court, Catena suffered only the minor inconvenience of a grand jury appearance and the failure of his detergent scheme. Gene Catena died a month ago, of natural causes. Jerry Catena, the hoodlum boss, and his bomb throwers and murderers continue to walk around free.

The bloody case is a measure of what the country is up against with the Mob and what the law is up against in bringing the mobsters to justice. On the editorial page of this issue Life states what it believes can and should be done to put an end to this disgraceful state of affairs.

EXHIBIT 5

FROM THE OFFICE OF SENATOR PAUL FANNIN WASHINGTON, D.C., MAY 28, 1969

Mr. Justice Douglas has written an article for the March 1969 issue of Avant Garde—a magazine published by Ralph Ginzburg. Ginzburg's conviction on 28 counts of violation of a federal obscenity statute (18 U.S.C. 1461) was upheld in March 1966 by the Supreme Court. The majority decision stated "there was abundant evidence to show that each of the accused publications was originated or sold as stock in trade of the sordid business of pandering . . . The 'leer of the sensualist' also permeates the advertising for the three publications."

Last Saturday's edition of the New York Times carried a full page back page ad promoting this Avant Garde publication of Ginzburg and lists Supreme Court Justice William O. Douglas as a contributor.

Mr. Douglas' response to an inquiry as to whether he received payment for this March article came through an aide who said, "The Justice declines to reveal what he received for the article and considers it his private business."

It seems to me that a substantial and continuing question of judgment is raised on connection with these and other writings and actions of Mr. Douglas. I cannot believe him to be ignorant or naive of the consequences of these actions. The only other conclusion is arrogance and a disregard for the respect of the Court.

Ginzburg presently has an appeal on a second issue arising out of this case pending in a lower court in Philadelphia, and I find it extremely difficult to understand why Justice Douglas cannot discern the impropriety—or at least the appearance of impropriety—in his writing for a publication put out by a man convicted of violating federal obscenity laws.

The question of whether he received a fee for these and other writings is not nearly so important as his contemptuous scoffing at the canons of judicial ethics and his scornful disdain of the respect Americans have a right to expect of their Supreme Court Judges.

EXHIBIT 6

RALPH GINZBURG STATEMENT, NEW YORK CITY, MAY 28, 1969

William O. Douglas is a shining example of everything noble and beautiful about America. With his physical fitness, intellectual power, and down-to-earth folksiness, despite the majesty of his office—he has been an inspiration to every open hearted, open minded American.

For a mediocre character like Senator Fannin to try and cast a shadow on Mr. Justice Douglas' light is a national disgrace, and I hope it will receive the contempt it deserves.

Mr. Justice Douglas' article, for the March issue of *Avant Garde,* was on folksinging—nothing more and nothing less. It was a short, soulful piece telling about the influence of folksongs on Mr. Justice Douglas' life. He was paid a mere pittance for the article—$350—and he knew in advance how much, or rather, how little the payment would be. His motive could hardly be called mercenary.

To try to put this joyful, beautiful article on folksinging into the same character as bribe-taking and self aggrandizement is absurd. Positively ludicrous.

It's ironic what with all the corruption in the government, Fannin and his ilk should be picking on the one pure soul who stands as a shining example of all that is noble and lofty in American life.

There are many things about Mr. Justice Douglas that narrow minded people don't like. He's a rugged individual; he leads a real and rich personal life; he's a colorful character and he's by no means a bureaucrat. In short, he's a real man, and many small minded people—perhaps including Senator Fannin—are terrified by him.

Mr. Justice Douglas' writing follows in the grand tradition of the non-judicial writings of such great jurists as Felix Frankfurter, Learned Hand, and Oliver Wendell Holmes. William O. Douglas—as much as any man alive—has consistently defended freedom of expression. I certainly think he is entitled to enjoy a measure of it himself.

EXHIBIT 7

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EXHIBIT 8

JUNE 11, 1969.

To: The Honorable PAUL J. FANNIN.
Attn: Jack Buttram.
From: Congressional Reference Division.
Subject: Bibliography of books by Justice William Orville Douglas.

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The above list was compiled from the Library of Congress main catalog. It includes several collections of speeches and opinions and several pamphlets.

Exhibit 9

Judicial Conduct

Two federal laws and a canon of the American Bar Association deal with the question of judicial conduct. They provide:

"Any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor." (Title 28, section 454, United States Code Annotated.)

"Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper in his opinion, for him to sit on the trial, appeal, or other proceeding therein." (Title 28, section 455, United States Code Annotated.)

"A judge's official conduct should be free from impropriety and the appearance of impropriety." (Fourth Canon of the American Bar Association's Canons of Judicial Ethics.)

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. FANNIN. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able Senator from Arizona for the magnificent address he has made this afternoon which is informative and I am sure it will be very helpful to Senators in their consideration of this matter.

Mr. President, I wish to propound this question to the able Senator. There is some point raised that Justice Douglas has not had to disqualify himself at any time in the past. Does the Senator feel that is the test, or does he feel the test is his impropriety in participating in matters on which he may have to act later as a Justice of the Supreme Court?

Mr. FANNIN. I feel that the latter is the test. I have cited instances where this test might be applicable in the case of Justice Douglas.

It may be that there is a need to research the record with reference to cases in which he has disqualified himself. As you know this is not a matter of ready reference and each individual case would have to be researched. But, as I said, I have given this one, specific case in which he has already participated and I am positive that he would certainly need to disqualify himself in this instance.

Mr. THURMOND. I believe the record shows that Justice Douglas was an officer of the Parvin Foundation, that he was an officer of the Center for the Study of Democratic Institutions, and that he was an officer, or director, I believe, of the Inter-American Center for Economic and Social Research.

Are not these organizations, which possibly some day might have some question concerning tax exemption, or some other matter, capable of developing cases that could ultimately reach the Supreme Court?

Mr. FANNIN. Yes, it certainly is logical to expect that they might.

Mr. THURMOND. In view of that, would it seem proper for any Supreme Court Justice to be an officer, for compensation, of any organization of any kind, anywhere, that might, some day, have a matter coming before the Supreme Court of which the Justice is a member?

Mr. FANNIN. There may well be instances in which it would be improper.

Mr. THURMOND. In view of Justice Douglas' participation, active participation—not just casual, but active—as an officer in these various organizations, not only in which he was an officer but also in which he received compensation—I believe from the Parvin Foundation over a period of about 6 years he received from them $85,000 to $95,000, and I believe from the Center for the Study of Democratic Institutions he received about $500 a day, and then the other Inter-American Center, all of these he has been actively connected with and has received compensation from. Also, he has written articles for magazines. I believe the distinguished Senator referred to one magazine here, Avant Garde, that has considerable pornographic material in it—I have seen it myself and at least I consider it pornographic, and I presume the Senator does?

Mr. FANNIN. I certainly do.

Mr. THURMOND. In all of these matters, is not Justice Douglas placing himself in a position where he could be seriously embarrassed by matters with which he has been actively connected with organizations and from which he has received compensation if, later, such cases came to the Supreme Court?

Mr. FANNIN. Yes. I certainly agree that there is a question of judgment involved. Not only would it embarrass the Court, but certainly it would embarrass the American people.

Mr. THURMOND. I wish again to commend the able Senator from Arizona for the magnificent address he has made on this subject.

Mr. FANNIN. I thank the distinguished Senator.

RE-REFERRAL OF S. 1298 TO COMMITTEE ON COMMERCE

Mr. MAGNUSON. Mr. President, S. 1298, a bill to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States, and for other purposes, which Senator Jackson and I have cosponsored, has been referred to the Committee on Finance.

S. 1298 is identical to S. 1537 of the 90th Congress and other similar bills touching upon this subject matter, all of which were referred to the Senate Committee on Commerce. The Committee on Commerce has previously held hearings on similar legislation and reported to the Senate thereon.

I am appreciative of the interest of the Senate Committee on Finance in any legislation which may have an impact upon revenue measures, and the distinguished chairman of the Senate Committee on Finance has advised that he would not object to this bill being referred by unanimous consent at this time to the Senate Committee on Commerce, with the understanding that in the event the Committee on Commerce should report the bill that the Committee on Finance would be given an opportunity to review the measure, if it so desired. Accordingly with that understanding, I ask unanimous consent that S. 1298 be referred to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHARLES LUCE—NAMED BUSINESS CITIZEN OF THE YEAR

Mr. MAGNUSON. Mr. President, the man I am about to refer to needs little, if any introduction to the Members of the Senate. Charles Luce distinguished himself in the service of his Nation, as the administrator of the Bonneville Power Administration and later as Under Secretary of the Interior. For nearly 2 years now, Mr. Luce has been serving in the capacity of chairman of the Consolidated Edison Co. of New York.

Two weeks ago, Charles Luce was named "Business Citizen of the Year" by the National Businessmen's Council—an honor of considerable magnitude.

An article in the Walla Walla Union-Bulletin on June 6 describes Mr. Luce's accomplishments more fully—and I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Charles Luce Business Citizen of the Year

New York.—Charles F. Luce, chairman of the Consolidated Edison Company of New York, has been named "business citizen of the year" by the National Businessmen's Council, it was announced Thursday by Eugene M. Lang, NBMC chairman and president of Resources and Facilities Corporation.

Chosen from more than 100 nominees by a distinguished panel of judges, Luce was cited for his outstanding contributions and those of his company to the pressing social issues affecting urban society.

Among them:

Significant gains in minority employment at Con Ed and, in his role as chairman of Coalition Jobs, helping increase minority employment in other companies.

Recruiting in the ghetto areas of New York City and on-the-job training programs, coupled with academic study for underprivileged and "hard-core" unemployed.

Active community relations programs exposing hundreds of thousands of New York youngsters to sports events at Yankee and Shea Stadiums, and sponsorship of baseball clinics and sandlot activities.

Highly effective programs to curb air pollution and to enhance the beauty of New York City.

Sponsorship of television programs to help educate, provide job leads and generally to show interest in and develop pride among the disadvantaged, especially those who are members of minority groups.

Luce will be honored by his fellow businessmen at a dinner June 25, at the New York Hilton. Chairman of the dinner program is Melvin L. Milligan, Trans World Airlines vice president and general counsel.

The Business Citizen of the Year Award is symbolized by a bronze statuette, designed by Neil Fujita, connoting the direct involvement of business in the social problems of the community as a basic obligation.

Luce came to Con Edison as chairman and chief executive officer August 1, 1967, from the post of undersecretary of the Interior. From early 1961 to late 1966, he had served as Administrator of the Bonneville Power Administration, and for 15 years prior to that he practiced law in Walla Walla.

Luce was born in Platteville, Wis. He received his LLB degree at the University of Wisconsin Law School and studied for one year as a Sterling Fellow at the Yale Law School. He served as an attorney for the Board of Economic Warfare in Washington, and as a law clerk to Supreme Court Justice Hugo L. Black.

Luce is also chairman of the National Water Commission and a member of the boards of trustees of Columbia University, the New York Urban Coalition, the Edison Electric Institute, the New York Botanical Garden and Resources for the Future.

THE AUTHORITY OF REASON—AN ADDRESS BY SENATOR JACKSON

Mr. MAGNUSON. Mr. President, my colleague from Washington, Mr. Jackson, delivered the commencement address last Sunday at Washington State University. His address was thought provoking, and deserving of the perusal of the Members of the Senate. I, therefore, ask unanimous consent that the text of Senator Jackson's remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Authority of Reason

(By Senator Henry M. Jackson)

Dr. Terrell, President Dederer and Members of the Board of Regents, Faculty, Graduating Class, Parents, Ladies and Gentlemen:

I am delighted to have this chance to participate in your commencement ceremony.

I

To some people it is discouraging when so much of the public discussion these days is devoted to the problem areas of our nation abroad and at home. Yet the attention we give to our problems should be a source of strength. Any people that can be as aware of the challenges as we are cannot be all bad!

Look at some of the challenges that confront us:

Abroad, a fresh crisis arrives as regularly as the morning paper. Contrary to the reassuring view of some people, I do not know how to assess the Soviet Union except as an opportunistic, unpredictable, dangerous opponent—with rapidly expanding military capabilities. We cannot be confident that a Soviet Union that invades Czechoslovakia—a communist ally—will not use military force to achieve its purposes on other fronts, when it thinks this can be done without running unacceptable risks.

In a world where the fire alarms are ringing, it makes good sense to keep our fire-fighting forces in first class shape. And, obviously, the only safe way to negotiate with the Soviet Union is to have strong positions to bargain from. And work with friends and allies we must—for our *combined* efforts are needed to manage international conflict and keep it within bounds. But working with proud and self-reliant nations is easier said than done.

At home, we are up against prodigious problems. We have yet to discover how to meet our need for public services. We build cars faster than roads, shopping centers faster than schools, factories to produce patent medicines faster than hospitals. Science has taught us how to prolong life, but all too often the elderly live in poverty and loneliness. We have an economy which produces wealth beyond the dreams of past societies, but millions of Americans are left out of the benefits. One of our most booming growth industries is crime, which takes its greatest toll from the poor and the deprived.

As our population goes up, more and more of our people will be urban dwellers with all the problems that can bring, such as blight in our cities and choked systems of transportation in our metropolitan areas. Our natural resources are going to be under tremendous pressure. We have plenty of polluted water, fouled air, and desecrated land right now.

II

It is of particular concern that our nation is now plagued with an extremist right and an extremist left that hold the same destructive view—namely, that wrongs can be righted by taking the law into one's own hands.

Governor Wallace standing in the schoolhouse door in Alabama finds his natural counterpart in Mark Rudd standing in the university door at Columbia. The "burn and bomb the system" contingent has its counterpart in the "bomb the enemy back into the Stone Age" contingent.

The threat of the extremist goes to the very heart of democracy. What they propose is *tyranny of the minority.*

Impatient with the democratic process, the extremists are out to thwart the will of the majority expressed through duly constituted democratic institutions. Some of the more extreme even say that there is no majority because the majority has no right to have views that they disagree with!

Both the extreme right and the extreme left deny the central principle of a democratic government—the right of the majority to work its will—while not overriding the rights of the minority, or infringing individual rights and liberties.

Historically, since the days of Magna Carta, we have worked to establish democratic institutions to safeguard against a *tyranny of the majority.* We have devised constitutions, check and balance systems, periodic free elections, the due process of law in order to set certain limits on government and to protect the freedoms and rights of minorities. Now, we're up against a situation where the great majority of the country needs protection against small extremist minorities on the left and right who are determined to thwart the will of the majority expressed through orderly democratic processes.

No fancy-Dan playing with words can make extremism into a virtue, for let us be perfectly clear what an extremist is: *an extremist is a person who takes the law into his own hands.*

When it is out of power, extremism leads to anarchy, inviting the mob to rule; in power, it is autocratic, denying the civil liberties which are the bulwark of freedom. In power or out extremism is incompatible with civilized life, which must reject anarchy and autocracy for a middle ground of responsibility—where men can reach agreements without compulsion and can still disagree without recourse to violence.

III

Take the problem on university campuses across the nation.

When I speak critcially of these problems, let me emphasize that I am not talking about Washington State Univesity. This University stands in a progressive tradition of student participation in the common life of the campus. When differences on issues have arisen here, and they have been minor, they have been amicably adjudicated—thanks to the University Administration, faculty, and students. My highest praise to President Terrell, the Board of Regents, the faculty and the students for the reasoned way in which problems have been resolved.

Some young people are, I know, sharply critical of their education. Fine. It isn't as good as it ought to be. Fortunately, however, it is also a lot better than it used to be. The transmission of knowledge has been dramatically improved and accelerated in the past few generations, so that today's high school graduate is better educated in many fields than the college graduate a few years ago, and today's college graduate better than the Ph. D. a generation back.

Most colleges and universities should do more to listen to the constructive suggestions of students. Obviously, there should be clearly available means so that student opinions can be heard and understood and properly responded to by faculties and administrations.

Furthermore, most colleges and universities should do more to make the curriculum and the teaching more meaningful in terms of today's problems at home and abroad. On this, students often make wise and very useful suggestions.

But some young people are not just constructively critical of their education. Let's be frank about it, some of them have been caught up in a wave of anti-intellectualism and they aim at nothing less than the destruction of the life of reason.

Today, some student and professor activists inside some universities, and certain outside ideological groups, no longer believe that truth and the authority of reason must be the essential consideration in the college and university community. Both the extreme right and the extreme left hold the same low view of reasoned discourse. They are essentially political activists who see universities as pawns in a bigger game and who are willing to subordinate the universities and the integrity of the educational process to external political ends.

IV

Part of the anti-intellectualism is a contempt for the rights of others. So we have forceful takeover of buildings, college officials held prisoner, files rifled and documents stolen, and classes forcefully disrupted.

What should be done when members of a university community use force or violence to disrupt and cripple the university? I believe its administrators have no alternative but to take the proper legal steps to stop them. Capitulation to force leads only to further demands backed up by further force, and where the mob rules, the rights and freedoms of students to learn and teachers to teach disappear.

Furthermore, the university is not a sanctuary where civil crimes should be forgiven and the authority of civil law eroded.

As Thurgood Marshall, the first Negro Justice of the U.S. Supreme Court, said just last month:

"It does not take leadership or courage to stand in the back of the crowd and throw rocks or bombs. Nothing will be settled with guns, fire bombs or rocks. The country can't survive if the perpetrators go unpunished."

"Anarchy is anarchy," Thurgood Marshall added, "and it makes no difference who practices it—it is bad, it is punishable, and it should be punished."

V

Education, of course, is not a guarantee of wisdom but it helps, and I will bet on the wisdom of a democracy that values education to understand that the path to a decent future leads by the many small steps we call *reform* and not by a leap into the darkness of extremism, whether it is called *reaction* or *revolution.*

Our survival in freedom and our chance to leave to our children a better America in a better world depend on enough of us being sensible, clear-thinking, and sufficiently hard-headed to know that extremism provides no answers—and prepared to stand up and be counted when the easy course is to sit on our hands. The task of all of us is to call for obedience to the law—and to denounce mob action.

At a recent graduation exercise Bob Hope's advice to the young people going out into the world was: Don't go! But that choice is not available—attractive as it sometimes seems.

If this university has served you well, and I trust it has, you know enough to understand that there is much more to know, and that is the beginning of wisdom. It is also an excellent preparation for getting on with the world's work.

Go on, now; there is plenty of work to be done.

NEW BOOK: "ROBERT R. YOUNG—THE POPULIST OF WALL STREET"

Mr. MAGNUSON. Mr. President, I invite your attention to a recent book which focuses on a sector of American business which should be of interest to every Member of the Senate.

"Robert R. Young—The Populist of Wall Street," by Joseph Borkin, provides a revealing and documented account of one of the great business battles of our times—the struggle for control of the New York Central Railroad.

This book contains a rare blend of drama and scholarship capable of holding the reader in its grip to the last sentence. It may well be considered one of the more important contributions to American business history.

DR. HAROLD S. DIEHL ON SMOKING AND ITS HEALTH HAZARDS

Mr. MAGNUSON. Mr. President, Dr. Harold S. Diehl is one of our most distinguished authorities on the subject of smoking and its health hazards. Upon retiring from the University of Minnesota, where he had held the position of dean of medical sciences and professor of public health for 23 years, Dr. Diehl joined the American Cancer Society as senior vice president for research and medical affairs. He has devoted much time to the study of smoking and its relation to disease and has worked long and hard to increase the public's awareness of this relationship. His most recent addition to the body of knowledge on this subject is his book, "Tobacco and Your Health: The Smoking Controversy," a lucid dissertation of the research done to date on smoking and health.

In trying to understand an issue so complex as the relationship of smoking and disease, we are very fortunate to have at hand the conclusions of a physician as wise and articulate as Dr. Diehl.

I ask unanimous consent that the review of his book in Medical World News be printed in the Record.

There being no objection, the book review was ordered to be printed in the Record, as follows:

TOBACCO AND YOUR HEALTH: THE SMOKING CONTROVERSY, BY HAROLD S. DIEHL, M.D.

(Reviewed by Luther L. Terry, M.D., vice president for medical affairs, University of Pennsylvania)

More than 40% of the total American adult population are regular cigarette smokers. And more than half of these people have tried to quit smoking at least once. To reinforce their motivation and to make it possible for them to quit smoking, they need encouragement from their personal physicians. Since office counseling is frequently brief, the physician can choose no better course than to refer his patient to this book.

Every day, about 3,500 teen-agers and young adults try their first cigarette. The fortunate ones do not repeat the experiment. Many others, however, continue smoking until they develop cigarette dependency. Many of these young people will find a factual talk with their family physician about general health habits—including the smoking question—sufficient to swing them back to the ranks of nonsmokers. To supplement what the physician may say to these younger patients, this new volume is valuable in its scope, authenticity, and readability.

During the past ten years, Dr. Diehl, who is emeritus dean of the medical sciences at the University of Minnesota and former vice president for research and medical affairs of the American Cancer Society, has worked to increase public awareness of the health hazards of cigarette smoking. His efforts, both within the medical community and among the American public, come into even sharper focus in his book.

The volume opens with statements by national and internationally famed scientific experts—statements that unequivocally indict cigarettes as a cause of lung cancer and as a principal factor in either causing or exacerbating various other respiratory and cardiovascular diseases. Says Dr. Diehl: "In spite of such total agreement among health and medical organizations, spokesmen for the tobacco interests keep saying, 'There is no scientific proof that cigarette smoking causes any human disease or in any way impairs human health.' " And in support of this theme, the advertisements of the cigarette industry "imply that smoking is associated with robust health, vigor, charm, and romance."

This book has a provocative message for both the smoker and the nonsmoker. To challenge the habituated smoker into questioning his cigarette dependency, the author outlines such factual aspects as the history of tobacco usage; reasons why people smoke; the degree of risk of cigarette, cigar, and pipe smoking; and what is being done or can be done by the tobacco industry, by voluntary health, educational, and civic organizations, and by government to reduce the health hazard of cigarette smoking.

Specific chapters deal with general death rates, as well as the comparative incidences of illness and disability among smokers and nonsmokers. Other chapters discuss the relationships between tobacco usage and cancer incidence; tobacco and cardiovascular disease; and tobacco and chronic bronchitis, emphysema, and certain other diseases. Well over 90% of the book's content has been gleaned from material in the scientific press or U.S. government sources. The latter include the 1964 report of the advisory committee to the Surgeon General of the Public Health Service, the 1967 and 1968 supplements to this document, and the report of the National Center for Health Statistics entitled *Cigarette Smoking and Health Characteristics*. These references as well as others are fully annotated in the appendix and supplemented by footnotes.

Other highlights include information on who smokes and why, the personal decisions involved for the person who decides to give up smoking, and where he can go for assistance. The book reports the counterattacks of the tobacco industry and its supporters to distort or suppress the facts about smoking-induced disability, disease, and death. There is also discussion of government responsibility to protect the health of the nation from what—to this reviewer, among others—is our No. 1 public and personal health problem. A helpful glossary of terms is given in the appendix.

At the present time, 250,000 to 300,000 lives are lost yearly in the U.S. because of smoking-related disease. A considerable portion of medical practice is devoted to alleviating the needless disability and disease caused by long-term habituation to cigarette smoking. Much more can be done to reduce this unnecessary and wasteful toll, if practicing physicians will take the initiative and pursue a more aggressive role in counseling patients against smoking.

This book will serve the practitioner well as a reference and as a reminder of his responsibility to answer personally to a vital need of his patients and their families. And if he is not one of the more than 100,000 physicians who have either quit smoking or never started, he ought to heed the book's very special message.

THE WORK OF THE NATIONAL COMMISSION ON PRODUCT SAFETY

Mr. MAGNUSON. Mr. President, last week, I placed in the Record an article describing the work of the National Commission on Product Safety which appeared in the Washington Post. On Mon-

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day, June 2, 1969, the Washington Post published a letter, responding to the article, by Mr. John W. Heiney who is president of the Indiana Gas Co., first vice president and director of the American Gas Association, and chairman of the association's special committee on consumer affairs.

Through its laboratories in Cleveland, Ohio, the American Gas Association maintains one of the best voluntary industrial standard programs in private industry. Prototypes of gas appliances and accessories must meet safety standards developed by the United States of America Standards Institute before the appliances are entitled to bear the laboratories' certification seal—the blue star. But the laboratories' work does not stop with the certification. AGA inspection engineers make periodic checks to see that the products manufactured continue to conform to the design which was originally tested.

Mr. Heiney's letter tells of the steps the association's appliance testing laboratories are taking to eliminate the burn hazard which has been found to be associated with gas-fired floor register floor furnaces. The letter is indicative of the sincere constructive approach the American Gas Association has to consumer problems and AGA and its laboratories are certainly to be commended for their efforts to meet their responsibilities in this area. AGA should be commended, as well, for its forthright support of the work of the National Commission on Product Safety.

Mr. President, I ask unanimous consent that the letter from Mr. Heiney be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW YORK, N.Y.

GAS SAFETY MEASURES

In your article, "Product Safety Gains Impetus," in the May 12 edition of *The Washington Post*, reference was made to gas-fired floor register floor furnaces.

The American Gas Association is in complete agreement with the National Commission on Product Safety that ways must be found to eliminate the burn hazard from the grate which has been revealed as associated with the use of these furnaces. To that end, the gas industry has initiated the following actions:

1. The Association's Appliance Testing Laboratories have suspended testing and certification of new models of floor register floor furnaces.
2. Manufacturers of certified floor furnaces will provide prominent warning labels and clearer operating and installation instructions.
3. Manufacturers have outlined to our laboratories a comprehensive and cooperative research program which they are launching to find ways of reducing the temperature of the floor furnace grate.
4. Officials of our appliance testing laboratories are exploring with representatives of government, consulting experts and standards-making bodies a wide spectrum of possible solutions to this problem. None of these has yet been proved out, including those of Weiner Associates referred to in your article.

The above action demonstrates that our industry is not standing still in its efforts to help provide the consumer with the safest products possible. The American Gas Association is constantly seeking methods to strengthen and improve its testing and certification program to provide high quality and high performance gas appliances. In this connection we have been cooperating closely with the National Commission on Product Safety.

The tens of thousands of models of appliances which have been tested and certified during the 44 years of AGA's testing and certification program, and the millions of gas appliances which have been built in accordance with these certified models and used safely by consumers, attest to the fact that a voluntary standards-making system can and does work.

J. W. HEINEY,

Chairman, Special Committee on Consumer Affairs, American Gas Association.

TRIBUTE TO LEON HERMAN, DISTINGUISHED PUBLIC SERVANT

Mr. MAGNUSON. Mr. President, I rise today to pay tribute to a gentle scholar who labored tirelessly to lead us into a clearer understanding of the complexities of the cold war.

When Leon Herman died unexpectedly at his home on the last day of May, we lost one of our most knowledgeable and experienced students of the Soviet economy. Since 1942, Mr. Herman had served his Government truly and well, first as Chief of the U.S.S.R. Section of the Department of Commerce, and then, for the last 12 years as the Senior Specialist in the Soviet Economy at the Library of Congress.

He provided insightful analyses for many of us, wrote definitive reports on the evolution of the Soviet economy and often served as a guide and traveling expert for Government officials visiting the Soviet Union.

Throughout his career, Leon Herman sought to cut through the political myths of the cold war and to concentrate instead on the economic realities which he saw moulding Soviet policy. He possessed a brilliant mind, crammed with facts and figures and ideas. But he was always humble, eager to talk to anyone who sought his advice. At times his small office in the Library of Congress would be crowded to overflowing as students, legislators, and administrators sought his advice.

For Leon Herman believed in sharing his knowledge. A Polish immigrant, he saw clearly the responsibility of a free people to keep informed and devoted his life to informing others.

In many ways, he was the epitome of the intellectual in government service. His presence on Capitol Hill enriched the Nation's performance; but, at the same time, he enriched also the scholar's world: for, more than just acting as a conduit of ideas flowing into the Government, Leon Herman was a source of ideas flowing through the universities and the colleges of the West.

Even in these troubled times, Leon Herman remained an optimist. Despite the cruelties he had witnessed in his life, he saw mankind moving to a better state, where all men might transcend their intellectual differences and live in peace.

Just 4 days before he died, Mr. President, I presented Leon Herman's last work to this distinguished body as supplemental information to my proposed East-West Trade Relations Act of 1969. As I read through it again, I became even more conscious of the Nation's loss; Leon Herman was a gifted scholar of surpassing insight.

I ask unanimous consent to have printed in the RECORD the article eulogizing Leon Herman contributed by Joseph G. Whelan.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

LEON HERMAN, A REMEMBRANCE, JUNE 3, 1969

(By Joseph G. Whelan)

It is very difficult for me, as it is for you, to say all that is in one's heart this afternoon—the sadness, the warmth, the love, the deep sense of loss that binds us all together in sharing this burden of sorrow.

We, the family and friends of Leon, must measure for ourselves what this man has meant for each one of us; and in taking that measure, we alone can know the full weight of our grief.

For Augusta, Leon was a man of unbounded affection, of tenderness, of love; a thoroughly good man, he was, who shared with her a lifetime of joy and happiness.

For Gene and Paul, Leon was a model father who imparted, among other things, perhaps the greatest of all human values, a love for the intellectual life, a love for the pursuit of learning.

And for us his friends, Leon was whatever was lacking in ourselves; for, through his infinite generosity, his total giving of self to others, he gave strength to those in emotional distress, wisdom to those exhausted in their own intellectual resources, and confidence to those suffering from a loss of will or of purpose.

He was this, and much more—this, we all know.

For, in all he did, Leon excelled; he accomplished many things, although in his quiet self-effacing way he sought to minimize these achievements. But we all know that by these achievements he had won the respect and admiration of professional men in Government, of leaders in our national Legislature, of the scholarly community, and of men in the business world. Yet, despite this eminent and deserved recognition of worth, he remained as he had always been a genuinely humble man who deplored false pride and false prestige and commanded the esteem of his peers by the weight of his knowledge and the excellence of his professional performance.

For Leon was the complete professional man, thoroughly grounded in the disciplines of economics, Soviet affairs, and international relations; and he was gifted with a power of insight, analysis and articulation that enabled him to make a profound impact not only within the narrower sphere of Government service but far beyond in the many worlds of scholarship, education, and business.

Leon's professional activities as a specialist in Soviet economics and a long-time student of international trade and world affairs are recorded in a vast bibliography of published and unpublished writings, compiled during years of public service in the Department of Commerce and the Library of Congress. They are recorded, too, in an impressive record of active participation, often as one of the principal generating forces, in professional organizations whose purposes were to advance the study of Soviet affairs and the study of economics. And, they are recorded in his commitment to teaching in the School of International Service at American University and in the ever-lengthening list of lectures and panel participation in meetings of specialized groups too numerous to mention.

As a truly professional man, Leon moved

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with an uncommon grace and ease within the Government service and between it and the worlds of scholarship and business; and wherever he went, those with whom he was closely associated could not fail to feel the impress of the power of his intellect, the depth and breadth of his wisdom, and the vast dimension of his human understanding.

In this way Leon epitomized the finest of what the intellectual should be in the Government service. He should be, as Arthur M. Schlesinger, Jr. once said during the Kennedy years, a conduit between the intellectual world outside and the Government, a sort of vital connection for tapping an essential, life-sustaining natural resource.

This Leon was; but he was more: by his own unique professional abilities and personal qualities, his presence not only enriched the Government service, but, in a reverse way, enriched also the scholarly world; for more than just acting as a conduit of ideas flowing into the Government, Leon himself was a seminal source of influence, generating ideas throughout the nation's scholarly community itself.

Of all the publications in both private journals and public documents for which Leon bore either direct or indirect responsibility, perhaps none illustrates this point better than the studies prepared for the Joint Economic Committee of Congress under Leon's direction. First published in 1962 and followed by numerous succeeding volumes, these studies have drawn widely upon the expertise of specialists in the Soviet economy within the Government and within the nation's scholarly community.

Besides assuming the directorial and editorial responsibilities, Leon also contributed chapters on Soviet trade.

Recognized immediately as work of extraordinary merit, these studies have become a standard source for the study of the Soviet economy in our nation's colleges and universities and in other centers of Soviet studies throughout the West.

Thus, in this case alone (for there are many more) Leon was able to exert his energies and apply his extraordinary gifts not only for the benefit of Congress but for the good of scholars everywhere and for the advancement of knowledge.

But this is what Leon was: A person imbued with the finest spirit of intellectualism, and dedicated to the service of others. For Leon's was a life devoted to the achievement of these greatest of all human values.

Intellectually, he was a totally committed person. His interests ranged far beyond his professional concerns, to the theater, to literature, to history; indeed, he was the universal man who found infinite pleasure in contemplating and discussing the whole of the human experience. A chance telephone conversation, a casual "walk around the block" after a noon-day lunch, table-talk at dinner before a meeting of the local AAASS chapter—these could be, and more often were, occasions for a stirring intellectual engagement on the politics of the day, the social unrest in the country, the state of the theater and the arts, or an analysis of the latest developments in East-West relations.

But Leon's intellectualism was not something self-centered and self-contained: it was always placed in the service of others. This was probably his most distinguishing personal characteristic; for, as a totally involved human being, he willingly and unsparingly shared with others himself, his energy, his many gifts and talents.

In this sense Leon was a genuine humanist. As a compassionate man, he loved humanity for its better qualities; and despite the cruelties that he had seen in his own lifetime, he could not take a tragic view of life or of history. For him, the history of modern man represented the accumulated values of all civilization, and civilization for all its faults and frailties was moving to a higher plane of social betterment for all mankind.

An optimist, he was ever hopeful, ever-expecting better things, although by no means was he unmindful of the odds that mankind faced. An essentially untragic man living in a potentially tragic world, he could look beyond the overt weaknesses and shortcomings of our country, and see its many strengths, and assessing its possibilities for achieving a greater good in this world, could cast his vision to more distant horizons and give hope and confidence, indeed faith, to those more pessimistic.

This was Leon; and one should not have expected less of so fine and sensitive a man; for, as we all know, he was the kindest of men who had a nobility of spirit that touched us all.

SUPPLEMENTAL APPROPRIATIONS 1969—PROGRAM

Mr. KENNEDY. Mr. President, it is not possible to have disposition of S. 1708 today, and probably not in the very near future.

In accordance with the previously announced schedule of business by the leadership, I move that the Senate proceed to the consideration of Calendar No. 218, H.R. 11400, the Supplemental Appropriations Act. No action will be taken on this measure until Monday next. I wish to emphasize the previously announced schedule that Senate Resolution 85, the so-called commitments resolution, will be the next order of business in the Senate, immediately after disposition of the supplemental appropriation bill.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

Mr. PROXMIRE. Mr. President, I want to thank the acting majority leader for this action. I think it is wise. I understand it has been taken with the full concurrence of the distinguished Senator from Washington (Mr. JACKSON), who is the author of the bill. I hope that before the bill again comes before the Senate, Senators will have an opportunity to consider it and will have an opportunity to consider the objections which Senator Wayne Morse made to it. He was the author of the Morse formula. He sent me a letter, which I read into the RECORD a few minutes ago. I hope Senators will consider carefully what S. 1708 would do as a giveway, and the bad precedent which it would set.

THE MILITARY BUDGET AND NATIONAL PRIORITIES

Mr. PROXMIRE. Mr. President, on Tuesday, June 10, 1969, the Senator from Arizona (Mr. GOLDWATER) presented testimony to the Subcommittee on Economy in Government, which is holding hearings on "The Military Budget and National Economic Priorities."

Senator GOLDWATER made an excellent presentation of an important viewpoint with regard to military spending. Although I do not entirely agree with all aspects of this viewpoint, there are a number of areas of common agreement between Senator GOLDWATER and myself.

Both of us, I believe, are concerned about waste and inefficiency in the Defense Department. Both of us support a strong defense program.

I agree with Senator GOLDWATER that "the American people have had enough of secrecy and distortion from the Pentagon." I agree that the American people have had enough of "false information about low bids, efficiency performances, procurement practices."

I also agree with Senator GOLDWATER that "the American people have had enough from the Pentagon that sounds like cost-effectiveness and which was really waste and inefficiency."

The subcommittee was particularly pleased that Senator GOLDWATER could participate in the present inquiry because of his extensive knowledge and experience with military spending problems as a result of his membership on the Senate Armed Services Committee over the past many years.

I ask unanimous consent, therefore, to have printed in the RECORD the full text of Senator GOLDWATER's statement to the Subcommittee on Economy in Government, Joint Economic Committee, June 10, 1969.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BARRY GOLDWATER

Mr. Chairman and Members of the Subcommittee, I wish to thank you for inviting me here today to testify on this very important question of the military budget and national economic priorities. I believe, Mr. Chairman, that my career and my public statements over the years have qualified me to some extent to add my voice to any discussion which has to do with military expenditures in today's world.

Now, when I was first asked to testify at these hearings, I declined. My feeling was that the members of this subcommittee may already have made up their minds as to where the military budget should fit in any overall consideration of national spending priorities. In addition to that, I was concerned that the subcommittee's revelations on waste and inefficiency in defense procurement would become a controlling factor in any recommendations it might make on spending priorities.

This feeling, I must say, stemmed primarily from the news release which was attached to the Chairman's letter to me in which it was announced that there are clear signs that the Federal Government is spending too much money on military programs. This was a direct quote from that press release which went on to say that the hearings of this subcommittee on the C–5A cargo plane illustrated that the Pentagon was unable to effectively control the cost of its weapons system.

Mr. Chairman, I have no quarrel with the whole idea of coming to grips with waste and inefficiency and the expenditure of too much money in defense procurement. However, I do not believe that this should be a ruling factor in any decision on spending priorities.

As I say, this was my feeling. I must say that it hasn't been entirely dispelled. However, since declining the committee's first invitation to appear and testify, I have had several conversations with Chairman Proxmire which clarified certain points in my mind. In addition to that, President Nixon has subsequently clarified the administration's viewpoints on some of these questions.

Consequently, I am here today in the hope that I may be of some assistance in these deliberations.

At the outset, let me make it very clear that I did not come here today to debate military strategy or to criticize or evaluate American policy in Vietnam or other areas of the world. Nor did I come here to suggest any panaceas for the situations that confront us.

For example, I am not about to come up with any easy-sounding solution such as the nationalization of defense industries doing more than 75 per cent of their total business with the government. I have no desire, believe me, to extend the bureaucratic arm of this government, especially into the field of private enterprise. I ask you to consider how long it might take us to receive delivery on a new plane if Lockheed or North American Aviation or Boeing or any of the other defense contractors were being operated with that marvelous bureaucratic efficiency with which our Post Office is run.

In the Chairman's invitation for me to appear, he spoke of a dialogue on the important questions involved in the military budget and national economic priorities. I sincerely hope that such a dialogue will be possible, but I must, in truth, say that so far from what I have read in the papers, these hearings have seemed to be more of a sounding board for those who want to criticize various facets of our military establishment or our foreign policy than it has a serious dialogue on where the defense of this nation should stand in any list of priorities.

For example, everytime that Secretary Laird tries to explain the necessity of a system like the ABM, the hue and cry immediately is raised that he is attempting to frighten the American people.

Mr. Chairman, in stating the problems that face this nation on a worldwide basis from a militant, aggressive Communist nation like Soviet Russia, I do not believe the Secretary is engaging in a deliberate effort to frighten the American people. If the truth is frightening, so help me that's the way it's going to have to be. Because the American people have had enough of secrecy and distortion from the Pentagon, whether they be called justifiable lying in the name of national security, such as we used to hear from gentlemen like Assistant Defense Secretary Arthus Sylvester or whether they are in the form of false information about low bids, efficiency performances, procurement practices, the American people have had enough from the Pentagon that sounds like cost-effectiveness and which was really waste and inefficiency.

I am convinced that the American people want the truth about their government and about the challenges which face us as a nation. If the truth is frightening, if it gives us cause for concern, I am convinced that the American people will be able to cope. I don't want anyone in this administration, particularly in the Defense Department, glossing over the true situation that confronts the American taxpayers and their collective security.

We are faced with a challenge, and let me say that it is not Secretary Laird nor President Nixon who is arranging the formidable military buildup in the Soviet Union. Nor do we know the facts of this buildup from their information alone. Many independent sources, including the British Institute for Strategic Studies have also laid out the cold, hard facts of a Soviet armaments buildup.

The plain fact is the Soviet Union is building up all facets of its military capacity. Its nuclear capabilities are being extended. Its navy is being enlarged. All of its conventional arms are on the increase. The SS-9 missile is on an increased production schedule. They are spending a growing portion of their national income on military hardware.

These items are not related as a scare tactic; they are reported because they are facts. And I believe this nation and this subcommittee have got to face these facts and the overall fact of a worldwide challenge to the United States in deciding about the disposition of military expenditures.

I do *not* mean by this that there should be any condoning of or acquiescing in waste and inefficiency and extravagance in the military establishment. I believe that we must do everything in our power to eliminate waste and inefficiency and extravagance in the Pentagon and in all other departments of this sprawling, hard-to-manage federal system.

And I should like to emphasize that President Nixon shares this view. In fact, in his speech at the U.S. Air Force Academy, he urged the graduates to be "in the vanguard of the movement" to eliminate waste and inefficiency and demand clear answers on procurement policy.

Your own subcommittee, in its previous report, has outlined this problem in great and admirable detail. The Defense Department over the past eight years has loaded the taxpayers of this country with billions of dollars that were unnecessarily spent. I want to congratulate this subcommittee on its work in bringing the full magnitude of this situation to public attention.

I do believe, however, that when this subcommittee and this Congress begin to investigate and report on billions of dollars of the taxpayers' money lost, they are, to some degree reporting on their own delinquency.

I think we have to remember that no one forced the Congress to approve these funds. These huge defense budgets over the past eight years were subject to Congressional inquiry. Nobody actually jammed them down our throats.

Now, Mr. Chairman, I have not been here for the last four years, but I have a pretty fair idea of what went on in the matter of defense expenditures prior to that time. And I want to say that is was no mystery to well informed and inquiring people that things were terribly wrong at the Pentagon and in its procurement procedures.

As a matter of fact, the TFX fighter bomber case alone was sufficient to point us in that direction. I say again, there was no mystery. Many stories were written about the investigative efforts of Senators McClellan, Jackson, Curtis, and Mundt, directed at cutting away some of the confusion and some of the misinformation that was being used to cover up a very, very bad piece of procurement by the Pentagon.

Now this was a big case. It involved billions of dollars. And it was a case where a multi-billion dollar contract was awarded to the highest bidder for a plane over the advice of practically every expert in the military services affected.

As I say, there was no mystery about all this. Books were written on the subject. I have read a book called "The Pentagon" written by Washington correspondent Clark Mollenhoff in 1967 and another volume by the same author called "The Despoilers of Democracy." Both of these books told a frightening story of waste and inefficiency, extravagance and favoritism in the Department of Defense.

Now these were not generalities. Mr. Mollenhoff and reporters like him dealt with specific facts about the waste and inefficiency and squandering of the taxpayers' money in the Department of Defense. But I don't recall any great hue and cry being raised at that time. I don't recall any outpouring of criticism aimed at the so-called military-industrial complex. I don't recall any efforts to take a more than customary look at every facet of the defense budget. I don't recall either any strenuous attempt by any group in Congress to establish a system of priorities for this nation's critical needs.

Perhaps we failed in this respect because of the public relations ability of former Defense Secretary Robert McNamara.

As the *Washington Post*, in an article by Richard Hardwood and Laurence Stern, observed on June 4.

"McNamara became a liberal hero despite the Bay of Pigs, the Dominican intervention and the war in Vietnam and despite the steadily rising costs of the military estabment (from $47 billion in 1961 to more than $80 billion today)."

I believe we must remember that it was McNamara, and not Laird, who presided over the Defense Department when all the waste and inefficiency and cost overruns were being piled up. He is the man I suspect who should have been called as a witness in your prior hearings on waste and inefficiency in defense procurement. And I believe he ought to be heard in these current hearings. The Congress certainly ought to know what the man who decided the destinies of this huge undertaking for so long a period of time has to say about the mess that the incoming administration found when it took over the Pentagon.

So much for past history. Now I believe it is time for this committee to direct its attention to how best it can come to grips with the current problem.

Let me be very clear. I am interested in your deliberations and I am very desirous that some recommendation will come forth which will take into account not only the huge burden which our present defense needs place on the American taxpayers, but also will take into account the continued security of the American people and the continued welfare of the free world. I am as much concerned as you are over the high cost of defense. It worries me greatly, but at the same time I recognize that the kind of emphasis which currently is being placed on this problem could result in a dangerous lowering of our overall needed defense outlays.

I want you gentlemen to know that I firmly believe in a system of priorities for the spending of federal money. I have long advocated this and believe it should be as important a part of the process of spending in government as it is in the operation of a business or spending in our private lives. I believe such a system of priorities should not be confined to broad subjects such as welfare, housing, urban problems and military spending and decisions as to which should come first, second, third or fourth. I believe it must be extended into every detail of these structures. I have, for example, asked the various services to project their needs ahead on the basis of a continuing war in Vietnam and, secondly, on the hope that this war will be ended shortly. In either case, the services will need to consider how many bases might be needed to maintain and train a force necessary for our defense requirements.

If we could get some kind of a projection, I think it would bring about a more orderly system for construction and maintenance of military bases and would also give the communities affected an idea of what to expect. We need to ease the hardship that comes to the economy of communities when military establishments are closed down without advance warning.

In the case of the Navy, I have asked what a long-range program to put the Navy back into first class shape might look like in light of the Soviet naval buildup.

I have asked similar questions of the other services. For I believe that only through long-range, detailed planning can we avoid periods of frantic effort to catch up with the activities of our potential enemies. The cost of such effort is prohibitive and that is what we are experiencing today.

I should think that this committee would certainly have a role to fill in overseeing this kind of long-range planning and priority. However, I really believe that to have it performed properly there should be a joint effort involving the Joint Economic Committee, the Appropriations Committee and the Armed Services Committee. In fact, I think it might be advisable to establish

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an overall Priority Committee to work for an orderly system of federal spending.

I believe there is no excuse for waste and inefficiency in any area of government, whether it is in the procedures and practices which have grown up in the Pentagon over the past eight years or in the expenditures for antipoverty projects such as the Job Corps, or in expenditures for highways, schools and hospitals.

But the mere existence of waste and cost overruns and similar problems in military procurement must not be allowed to blind this country to the need for keeping its defenses strong. Nor should the inflated cost of military hardware become the overriding consideration in determining our level of defense expenditures.

Now on the question of inflated costs, it stands to reason that rising prices are not peculiar to defense projects alone. I say that this is an important factor which must be considered carefully.

We must recognize, for example, that testimony before the Armed Services Committee indicates that perhaps as much as $500 million of the growing cost of the C–5A cargo plane is attributable to inflation. But at the same time if the C–5A is considered essential to the defense of this nation, we must grit our teeth and accept the burden.

For if we permit rising costs to become the sole determining factor in deciding whether an essential program is to be developed, then we must automatically call into question such projects as the International Highway System, and programs for building new schools, new hospitals and additional housing. In this connection, the Department of Transportation reports that in less than eight years the cost of the Federal Interstate Highway System has increased by an estimated $15 billion and no extra miles are involved.

A study in Montgomery County, Maryland, shows that an elementary school which cost $347,772 in 1959 costs $666,200 to build in 1969. A high school in that same county which cost $2.3 million in 1959 is priced at $3.4 million today. The same skyrocketing price structure runs throughout all government as well as private costs. This is the price we are now paying for a period of uncontrolled public spending. And here, too, the Congress must assume its share of the blame.

But we still come back to the basic premise which led President Nixon to say that he has no choice in his defense decisions "but to come down on the side of security." In other words, regardless of inflation and other factors, the security of 200 million Americans is non-negotiable.

In all discussions of military expenditures in the context of the debate going on today, sooner or later it gets around to former President Eisenhower's warning against the possibility of unwarranted influence being acquired by the military-industrial complex.

Everytime I hear this claim, I am reminded that the General had other important points to make in that farewell address. Because I believe they cannot be heard too often let me quote them again for you here:

"We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose and insidious in method. Unhappily the danger it poses promises to be of indefinite duration. To meet it successfully, there is call for, not so much the emotion and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle—with liberty the stake. Only thus shall we remain, despite every provocation, on our charted course toward permanent peace and human betterment . . .

"A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

Mr. Chairman, last Sunday, the *Washington Star* had an excellent editorial which asked the question: "How much defense spending is enough?"

This, I think, gets to the heart of the matter that engages us in the dialogue that we find ourselves in here today. And in this connection, I want to point out that Chairman John Stennis of the Senate Armed Services Committee this year took a very important step towards obtaining an intelligent and expert answer to this question. He assigned every member of this full committee to a subcommittee which is looking into some aspect of the military budget.

For example, I serve on the Tactical Air Subcommittee which is charged with the responsibility of determining the actual needs of tactical air in the Army, Navy, Marine Corps and Air Force. When the budget comes to the floor, the members of our subcommittee will be in a position to discuss with their colleagues all questions that might be brought up when new equipment is sought or new purchases of old equipment are asked for.

Even though the able Chairman of our full committee and the extremely able and competent former Chairman, Senator Richard Russell, have been able to explain past budgets on the floor in a highly competent manner, this year they will be backed up by in-depth study and long subcommittee hearings covering every point in the total budget.

When we consider that the military budget before Korea was $13 billion and before the Vietnam buildup was $50 billion and now has reached the level of $80 billion, I think it is high time that the Armed Services Committee, the Appropriations Committee and this subcommittee look into the costs more closely than ever before.

I also feel the same type of observation study is needed throughout the entire budget submitted by the President. We might expand the *Washington Star's* editorial question of "How much defense spending is enough?" and make it read "How much spending is enough?"

Very frankly, Mr. Chairman, I believe we have reached that point in our history where money to cover government spending is going to be extremely difficult to obtain. In my humble opinion, if the war in Vietnam came to a complete halt this afternoon, we would not be able to make extreme cuts in defense spending for approximately five to seven years, as we will be forced to replenish the diminished stock of our military hardware.

Of course, if we could be relieved of our responsibility to the countries with whom we have made mutual security agreements, and if we could look forward to immediate talks with the Soviets on arms reduction, this statement might not be true. I sincerely hope along with all of you and all of our colleagues and all of the American people that in the very near future we can sit down with the Russians and discuss the whole problem of armament buildup.

This would be highly desirable, but I believe it would be disastrous for us to proceed in a way which would disarm the United States while its potential enemies in the world continue to build up their armed forces.

I thank you for the opportunity of visiting with you today, and if the members have any questions, I will be very glad to answer them for you.

Mr. PROXMIRE. Mr. President, I yield the floor.

CAMPUS UNREST

Mr. PELL. Mr. President, in the past weeks we have read and heard much about the current unrest on our Nation's college campuses. Here in the Senate our mail reflects a very real constituent concern about student unrest.

At this time I think it particularly important that there be as much rational discussion as possible of what is going on in our Nation's campuses. Often we find that this discussion has not been triggered by the most recent events, but has been on the minds of our leaders in education for many years. I was particularly struck by an article "Barnaby Keeney Talks About the Revolt on Campus," which appeared in the Providence Sunday Journal, April 27, 1969. Dr. Keeney is not only the past president of Brown University, but is ably now serving as chairman of the National Endowment for the Humanities. I think his comments are most lucid and ask unanimous consent that they appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BARNABY KEENEY TALKS ABOUT THE REVOLT ON CAMPUS

(NOTE.—When Barnaby C. Keeney retired after 10 years as president of Brown University, he made it a rule not to comment on Brown affairs and to restrain himself from second-guessing former fellow presidents. Journal-Bulletin Washington bureau chief Lewis W. Wolfson found the chairman of the National Endowment for the Humanities reasonably true to his word as he reflected on the revolt in the universities. He spoke not as a government official, but as an old hand at university crises. This interview, from which these excerpts were taken, was tape recorded in Mr. Keeney's office in Washington last Monday.)

Q. How much student dissent is good for a university?

A. I think it is good for a university if students think of what's going on that concerns them and if they make their point of view clear—and discuss it—and this is inevitably going to result in different points of view.

The physical dissent that is going on now is quite a different matter, and I don't think that is tolerable to a university, although it is being tolerated. I don't think a university can exist under those circumstances.

Q. What is and what isn't tolerable?

A. Well, interference with the operation of the institution isn't tolerable.

Q. A sit-in in a meeting?

A. I think that depends on whether or not it stops the meeting. If it stops the meeting then I don't think it can be allowed. If it merely results in the presence of people other than the members of the group who are meeting, I think that's a little different matter.

Q. How do you treat with this situation of occupying meeting rooms or a building?

A. I think it should be treated in advance. If you don't you are in very bad trouble. In every university there's quite a complicated decision making process and this is one of the difficulties. For example, in some universities the deans have the disciplinary power. In others the faculty has it, and in others it's distributed among the administrative officers, the faculty and the students.

Now obviously when you have a situation that requires either quick action or no action, you cannot very well try people who are occupying the building, because, in the first place, you're not sure who they are. But you can agree in advance that you'll take certain actions in case people physically occupy buildings, just as you used to agree that generally speaking you'd take certain actions in case student or faculty committed offenses that were generally thought to be intolerable.

If the disciplinary apparatus of an institu-

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tion is in agreement in advance as to the course of action that will be taken if a building is occupied, the executive or administrative authority can then carry out that action, and deal with the individual cases later.

POLICE ON CAMPUS

Q. Can you get that kind of decision in advance—when you've got the kind of situation now where everybody wants a voice in the decision-making?

A. That's the problem, I think, and that's where the thing is breaking down because it's very difficult to get a decision in advance on this sort of thing. But I don't think it's really been tried—I've not seen a case where there's been a statement that the faculty, administration, and student government agreed that if a building is occupied, the following things will happen. I don't know of a case—and I might be quite wrong on this—where it has ever really been tried. It's very easy to talk about these things, when you are not personally involved, but when you are it is quite a different matter.

Q. What is your feeling about the general idea of bringing police on the campus?

A. The traditional absence of police on the campus is the result of a long process that began in the 12th century. The members of the faculty and the students were either clergymen or so-called assimilated to the clergy. Thus, they were treated as clergymen, even if they hadn't taken orders. At that time clergymen were tried in separate courts from the lay courts so that in the 13th century—in most countries—the local authorities could not legally try or even arrest a cleric. Well, that developed into a sort of unspoken understanding that the police would stay off campuses if the institution could handle the situation itself.

I think in this situation you have to treat the police in much the same way as the firemen. The firemen are not infrequently called on campus simply because the institution doesn't have a fire department and can't handle fires.

Educational institutions have not called the police on campuses because the students did not create situations that the insitutions itself could not handle. As soon as they do, that inhibition is gone. And as soon as students create a situation that the institution can't handle, in my mind, they forfeit their immunity.

In most college cities or towns or neighborhoods, the police and students have known decades of friction. There are very rarely large numbers of policemen who are sympathetic to students. For that reason I think it's extremely important that the administration of an institution—well in advance of any need for police—begin to work with them to develop appropriate methods of evicting people. There are different ways of evicting people. One is to wade in and bang them over the head; another is to do it in a less violent manner. I'm told that at the University of Michigan—I may have the wrong university—the relationship between the university administration and the police was excellent in part because the former police chief was the university security officer. He had worked with the force for quite a while. When they had need to evict some people, he let the force in. Then, he addressed the occupying students, and said 'Now, ladies and gentlemen, we've been asked to arrest you. Those of you who would like to be arrested peacefully please stand up, go out and get in the paddy wagon.' Most of them did. Then he said to the others 'Now please sit down so that we can carry you gently out.' They did, so there was no violence at all.

ADVANCE NOTICE

Q. Are you saying you don't really quarrel with bringing a police force onto a campus if you judge the situation demands it?

A. I think that you've got to know in advance what you're going to do, and it's got to be known to the students in advance what you're going to do. You can't extemporize in a situation like this, because things move too rapidly.

Q. Why haven't college administrators done this?

A. I think some of them have—and some of them haven't. A university is a very hard place to get an agreement, and if you want agreement on an important question you have to start well in advance. You can't start getting an agreement during the night hours after somebody has occupied a building. Ad hoc decisions made under those conditions are very rarely good decisions, particularly if they are made late in the day. And, once you make a really bum decision, it's very hard to make a good one.

Q. It seems almost academic that if there is a possibility that are going to call the police, they make some sort of advance battle plan—if not necessarily the decision as to when to invoke it.

Now, why haven't they done that? Is it because they don't anticipate it?

A. I don't know. I know cases where it was perfectly obvious what was going to happen two weeks before it happened. The people who were in authority in the institution said, it can't happen here. But it did.

Q. Why is that so?

A. Well, if it's never happened there before, it's hard for people to believe that things are going to change.

Q. Is this true of a majority of university administrators? Are they living in this kind of a world, where they really can't believe it can happen here?

A. No. Most of them are living in a world where they move from one crisis to another, and this isn't conducive to very thoughtful behavior.,

Q. When you say crisis, do you mean the kind of crisis we're talking about now?

A. No. This is only one of the kinds of crises that university presidents are always in. It's a very rough job, you know, even in the best of times. I was very fortunate, I got in when things were moving up rapidly, and I got out just about when they stopped.

Q. Moving up rapidly?

A. I mean the level of expectation for education, the level of availability of the means to improve educational arrangements, the availability of excellent students, and the increasing belief that education was one of the most important things we had to do.

LESS U.S. MONEY

Q. What has happened now?

A. Federal funding has leveled off—and the availability of private money, while it's very great, isn't great enough to take up the slack. In order to keep federal funding level in its effect, there actually has to be a fair sized increase every year.

Then there's the black student question. All of the private colleges, or most of the private colleges, have said for generations that they were open to anyone, and theoretically they were. But they weren't very aggressively open and the number of Negro students in most of them was minuscule. In fact, it's still quite small. Black students were admitted increasingly, and many of them are very intelligent, but inadequately prepared. This doesn't make them very happy and increases disorder. They are also very lonesome because in none of the private colleges is there a sufficient mass of Negroes so that the Negro ceases to be conspicuous.

Q. People have said take away the war and you take away the overall pressure—that these problems could be worked out if it weren't for the massive pressure of the war.

A. Well, you'd certainly ease the situation, unless we found something else to do with our money—and some other way to irritate people. But the students have some very fundamental, and basically correct complaints. And if you took away the war, I don't think you'd eliminate those complaints.

UNPOPULAR WAR

Q. If you took away the war—wouldn't you have gotten a rise in federal spending for education?

A. I don't think there would have been a dropoff in federal spending for education, but I don't necessarily think you will get an increase in spending when and if the war ends.

Q. Why not?

A. Well, it could go into cities, for example. It could go into renovating the research and development in the military and into the manufacture of newer weapons. It could go into all sorts of things.

Q. Do you think the same complaints would have arisen about defense contracts in the universities without the war?

A. I'm inclined to doubt it. And, if the war had been a popular war, the complaints might have arisen, but I doubt if they would have had any effect.

Q. What is it, fundamentally, that troubles the students beyond the war?

A. If you take, on the one hand, the aspirations of our society and its stated creed as described in the Declaration of Independence and the Constitution, and, on the other hand, the state of our society, there's a disparity. During the last two decades that disparity has been considerably lessened. There has been more progress toward the goals of this country made in the last two decades than there has in any comparable period, perhaps in the whole of history. Particularly in equality before the law.

But, it's a truism of history that when things are getting better in a society you're in the greatest danger of revolution. You don't get revolutions when people are terribly depressed and poverty stricken and have no hope. You get revolutions when people are in a rising condition of expectation and when they're relatively prosperous, and are moving up socially. And that's the situation today.

In every educational institution you get certain declarations made about the educational aims of those institutions and I don't know any educational institutions that have achieved their aims. But they talk as if they have. Of course, I've done this many times. This develops a certain cynicism on the part of the students. And since the people who declare these aspirations as if they were fact know very well that they aren't so, they have less will to resist than they otherwise would.

It is interesting, you know, that the majority of student complaints, even now, are about the food and living conditions, and the rules for conduct in dormitories if you take the whole spectrum of educational institutions.

MEDICAL ANALOGY

Q. What are the justified student complaints?

A. If you take the competence of the universities today to do a good educational job, the job they do is enormously better than it was 20 years ago, and considerably better than it was 10 years ago. But a good many people on the faculties of colleges and universities are rather less concerned with educating people at the undergraduate level than they are with their own research and with their graduate students. This is quite a legitimate complaint.

Another is that proclamation you usually get about the beginning of a college term that this is a community of scholars. Well, it isn't a community of scholars. It's an administration, a faculty, and some students. Community of scholars means that everyone is pursuing learning together. And you get some people who are pursuing learning on the one hand, and teaching it on the other, and when they're teaching, they aren't always pursuing—they're telling you.

Then, there's the humanities. Most instruction is oriented to the past rather than toward the future, despite the fact that most of the wisdom of mankind is contained somewhere or other in the humanities. But humanists don't like to apply this to contemporary or future affairs, and this annoys the students. The humanist stands here today and he looks backward instead of forward. He could perfectly well stand in the past and bring what has happened in the past to bear upon what's happening today, and most situations are explained by their past.

Q. Can you give me an example?

A. The obvious analogy, of course, is that you never find a doctor operating without taking a medical history. You find all sorts of judgments being made in political and foreign affairs without ever taking the history. For example, in most countries there's a serious overpopulation problem, and it's getting worse. So we go around giving away contraceptives, and inter-uterine devices, and telling people they ought to have less children without considering the sociology of the society in which we're operating. The critical point in whether or not a program of birth control is going to be effective is the attitude of the society involved toward the family and toward procreation. We have a set of attitudes in this country—in fact, we have more than one set of attitudes in this country—and we make the assumption that the attitudes of people in other countries are going to be closely similar. Now, the attitude toward the family in Central America is quite different from the attitude toward the family in India, and in India it's quite different from the family in Pakistan, and we don't use the knowledge—much of which is available—of the past development of the family in those countries to guide us in our present operations.

Q. What legitimate complaints does the student have about governing of the university?

A. They have a pretty legitimate complaint about having their voice in the affairs. Most students if you press them hard will admit they aren't in a very good position to run a place. But they know more about instruction than any single person in the faculty or administration does. But they're rarely consulted about evaluating the quality of instruction.

They ought to be quite capable of handling most disciplinary problems. One of the things I tried to do at Brown was to get the students to take this over, but they weren't ready yet. They were not willing to take it over. In most places, they aren't consulted and they weren't consulted on it when I was at Brown because they weren't willing to take it over. I think most do want to do it now. I think they'd probably do a pretty good job though they'd probably be too severe at first.

Take the things students are attacking. They're attacking ROTC right now. They're attacking defense-related research. They're attacking association with the intelligence apparatus. They're attacking investments in companies or countries that they consider unjust. They attack investments in Dow Chemical because they make napalm. They attack investments in the Chase Manhattan Bank because the Chase Manhattan Bank has interests in South Africa.

Well, you can look on this two ways: that this is a reaction against things in our own society of which the students disapprove, or, if you want to put another interpretation on it, you can look upon many of these attacks as efforts to weaken the power of the country.

ORGANIZED EFFORT

Q. How much of an effort do you think there is—an organized effort—to weaken the power of the country and how successful will it be?

A. If ROTC is driven out of the better colleges, it will result in the recruitment of officers of the army from colleges that produce a less well-educated, less thoughtful, probably much more conservative person, and that'll change the present trends in the military. About 80 percent of officers with a rank of major and above in the services now come from outside of the service academies; that is, they're either ROTC or OCS graduates, and the percentage in the lower ranks is greater. This is the percentage that is selected for the Naval War College—about 80 percent non-Annapolis and 20 percent Annapolis. If you change the character of that group, you change the character of the service, and I think you change it for the worse. It looks as if ROTC is going to be driven out of the better colleges, and they'll cut off that tap.

I think there's an organized effort to weaken the power of the country to operate as it has. I don't think it has any great connection with the Communists. It's another movement entirely and it's going on in other countries—including some Communist countries—with about the same purpose. Part of the hard core group is composed of people who wish to weaken the power of the country, and part of it is composed of people who just want to make it a better country. Part of it is composed of people who want to tear everything down, and haven't quite figured out what to put in its place, and part of it is people who just go along because it's exciting.

Q. How much do you think they can accomplish?

A. Well, if you can deprive the universities of the power to control themselves they've hit at a very strong sector of our society, and I expect they'll move on to others.

Q. Are you personally fearful that what militant student groups are trying to accomplish that's destructive can spread?

A. Oh, sure. But I don't know that it will. Let's say, I'm apprehensive rather than fearful. I'm even more fearful of any violent reaction, and there are considerable signs that that's building up.

Q. Do you think we could get a witch hunt in the country?

A. You are getting a buildup of it now. You're getting donors refusing to contribute. You're getting Congress thinking seriously of making laws that require universities that are in a receipt of federal funds to proceed more vigorously than they have, and it will only take a little bit more to cause the conservative elements of society to move in.

Q. Will they react against all students? When you're talking about a witch hunt you're talking about a tarring of everybody.

A. No, you tar the witches, but you're never very careful to find out who's a witch.

M'CARTHY ERA?

Q. Do you think there would be another McCarthy era?

A. Oh, yes. The potential always exists in this society.

Q. Are we close to it?

A. We're in danger of it. You know how you tell who's a witch, don't you. I'll tell you how you found out in the 13th century. You tied a rope around her and threw her into a pond, and you blessed the waters ahead of time so that they were holy. If the water threw her out—if she floated—she was a witch. But if the water didn't throw her out she was innocent. But she drowned.

Q. How can the universities cope with this crisis?

A. I don't like to prescribe for people who are doing things that I am not. But I think that unless the universities can reach an agreement—that is, each university within itself—on what it's going to do and what it's not going to do, and this agreement involves the faculty, corporation, the board, the administration and the majority of the students, I don't think they will be able to cope with it themselves.

Now, if an external force, such as the government, comes in and begins coping with it, you don't have a university any more because it isn't free any more. Therefore, the only way I can see to deal with it is for the universities themselves to.

Q. Aren't you already bringing the government in when you bring the police in?

A. Yes. But if you bring in the police at the request of the institution, it's a different thing from the government setting rules for conduct in institutions, and the government's getting pretty close to that.

Q. How is that?

A. Legislation is being considered, quite understandably, to bar people from receiving federal funds if they do certain things, and the next step to that is to bar universities from receiving federal funds if they don't do certain things.

Q. Who is going to protect individuals and the universities if the weight of public opinion starts to really turn against them?

A. The universities. That's the only way they can do it. But they will have to call in external force to carry out their decisions.

Q. To carry what kind of decision?

A. A decision to take legal action against a person who's interfering with the operation of the university.

Q. I take it, that though you don't want to pass judgment on particular cases, you don't approve of general amnesty?

A. I don't even understand the conception. I can't understand the justification for an agreement not to take action against a person who has already very seriously injured you—"you" meaning the university and all the other people in it.

STRONG STAND

Q. Isn't bringing police into a university such an anathema to the students that it destroys what you can accomplish later on?

A. Particularly if the cops yield to the provocations that are inevitably thrown at them, particularly if they want to yield. But I think if an agreement were reached ahead of time this would be the procedure in the case of occupations, you would have a rather different situation. You might not even have the occupation. You see, what's been lost here is the act of allegiance of the majority of the student body.

Q. Can you mobilize this large middle group of students under circumstances such as you now have at a school like Harvard?

A. You can't do it after the event. I know that. But I think it's quite possible that you can do it before the event.

Q. What is going to happen to universities that have suffered disruption?

A. The university is a very weak and very durable institution, and I suspect it will survive, with change. Possibly, the thing will go so far that in self-defense the moderate people will mobilize in favor of the university. Possibly, it will take some other form—the universities will change so much that there isn't anything left to protest against. I doubt this very much. You'll just get another direction for the protest.

Q. What happens when these students go into society?

A. Ordinarily, when radical students go into society they become less radical fairly quickly, and that may happen. It may not. I think you'll just have to wait and see on that.

Q. Would you make an overall judgment on the student generation?

A. In the places were serious trouble has occurred the students as a whole have been better prepared, and quite a lot brighter than they have been before. The students involved—aside from the black students—have been the children of people with advanced education who are themselves rather critical of society, and rather permissive with their children. The students today, by and large—not just the activist students—are far more concerned with the things outside their own immediate experience than students habitually have been.

They have also been brought up in a period when we went so far in resisting such insti-

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tutions as segregation that people who are ordinarily quite law-abiding encouraged disobedience to laws which they felt were unjust. This had the effect of breaking down respect for law in general. The end result of that is that everybody decides for himself which laws he is going to obey and which he isn't. Many of us who supported the movement and the tactics used in the movement were aware of the danger of this at the time—or a few of us were—and I think one of the principal sources of the present difficulty is the development of the habit of disobeying laws that are considered unjust. This, of course, can be tremendously destructive of society if it's made general, and it has been.

The other thing that's happened, of course, is that every society is based upon a set of assumptions and these assumptions are stated in various ways. Many of the assumptions upon which our society is based are demonstrably untrue now. Yet, we have not discarded the assumptions overtly. But a part of the population has. So you get one part of the population acting as if the assumptions were the gospel truth and another part ignoring them. This dislocates society.

Q. What assumptions?

A. Assumptions such as that all men are created free and equal. That takes considerable sophistry to defend over the past 200 years of American history. Assumptions such as that persons who engage in premarital relations will either become pregnant or diseased, or both. That's no longer so, but it's still assumed.

The assumption that the shortest distance between two points is a straight line. That's been disproved for quite a few years. The assumption that what goes up must come down. We shoot a rocket into space and it never comes down.

WAIT AND SEE

Q. Do you really think we could get a McCarthy-like period?

A. Sure. We could get that or we could get a revolution—or both.

Q. What would a revolution look like?

A. It would look like hell.

Q. You mean a revolution organized on a nationwide basis?

A. Sure.

Q. What form would it take?

A. It would take the form, I think, of destroying all the so-called corrupt elements of society without much thought of what you're going to put in their place. It would be thoroughly destructive.

Q. Are the institutions so unresponsive that they could be toppled by a revolution?

A. This is the real question, you know. You get revolutions in societies that have lost sufficient of their elasticity so that they can't absorb their innovative force. It comes to a conflict, and either the innovative force breaks, or the society breaks. That is the question today. Have we lost sufficient social elasticity so that we can't change fast enough to accommodate the new ideas?

Q. What do you think?

A. I honestly don't know. If I did know I could make quite a lot of money out of the knowledge. Of course, then I'd lose it in the revolution.

Q. Which way would you bet on this?

A. I tend to be an optimist, but I'd rather wait and see how this comes out.

Mr. **PELL**. Mr. President, in speaking about this interview with Dr. Keeney, we touched upon a subject which has long concerned me. I am speaking of the job of the college president. It is one which has evolved from that of chief scholar to the present-day fund raiser and administrator of a vast complex. Perhaps it is time to study the office and decide what is the position of a university president and, most important, what should it be. The job calls for many talents: Not only those of a scholar, an administrator, and a fund raiser, but today a leader and a mediator. Some have discussed dividing the job so that a single individual could zero in on a specific area. Two recent articles in the New York Times discussed the problems faced by the university president, and also looked at the requirements needed to fill this difficult post. I ask unanimous consent that these articles be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 18, 1969]

"NEW BREED" OF COLLEGE CHIEF HUNTED

(By Martin Arnold)

Student unrest has made the running of the university a task so burdensome that trustees on nearly 300 campuses across the nation are looking for what many vaguely define as a "new breed" of man to fill presidencies.

In describing this ideal "new breed," Dr. John Caffrey of the American Council on Education said that what was needed was "a man who gets along with the police, has a thick skin and lives in a fort."

Wry though the comment was, it reflected rather accurately the fact that the requirements of the job of college president in 1969 are startling. Just two years ago the ideal college president was the traditional fund raiser or the noted academic.

Now the college president, experts say, is a mediator, a politician, an interpreter—a man who can interpret the young to the old, the university to the state legislature, the teacher to the administration, the students to the trustees.

The figure of 300 vacancies is not as meaningful as one might think. There has always been a shortage of college presidents.

There are 2,400 colleges and universities in the country, including about 1,000 junior colleges. Of the four-year institutions, 80 to 100, including some of the most prestigious, are searching for new presidents.

The main factor that has swollen the number of colleges looking for presidents is the fact that in the 12-month period ending this month, 253 new colleges were founded in the United States. Many have not yet found new presidents.

Still, campus disorders have taken their toll, most dramatically. There was a clear cause and effect between last spring's disorder at Columbia and Columbia's current search for a new president.

At City College, Dr. Buell G. Gallagher's announced intention to retire was hastened by student disruptions.

Dr. Robert D. Cross resigned as president of Hunter College to become president of Swarthmore, a vacancy created by the death of Courtney Smith, who suffered a heart attask during student demonstrations.

Brooklyn College also has a vacancy, created by the illness of its president. The four major institutions in New York City, where the urban crisis is perhaps the greatest in the country, are strangely enough searching for new presidents who are academics, as opposed to the national trend away from the scholar president.

This is true even at Columbia, although Columbia's first choice for a new president was John W. Gardner, chairman of the Urban Coalition in Washington, who is a former Secretary of Health, Education and Welfare.

STRAIN OF THE JOB

William Miller, managing editor of the Chronicle of Higher Education, a biweekly newspaper for college and university administrators and faculty members, said, "Quite a number of presidents are resigning these days because of the unrest on the campuses."

"The strain of the job, the pressures are so great, the pressures are not worth it," he said. "A man can have a nice tenured post on a faculty. There's a lot more money these days in teaching. The salaries are higher. There's foundation money available. It's a life with good money and a lot less tension."

And speaking Thursday night, in Brunswick, Me., Dr. Roger Howell Jr., president of Bowdoin College, which has been trouble-free, said:

"College administrators are being boxed in—by students, by faculties, by governing boards and by public opinion—to the point at which they can no longer function effectively."

DISAGREEABLE AND DIFFICULT

"It is no accident that so many college presidencies are vacant. The truth is that under the present circumstances it is becoming a disagreeable and almost impossibly difficult job," he said.

Dr. Howell is speaking from experience going back no farther than January, when he became president of the 930-student college.

"There will come a time when the supply of able academics willing to risk heartache and personal abuse for the sake of education at large will diminish to the vanishing point," he concluded.

A more meaningful statistic than the vacancy rate is the average tenure of college presidents.

"I took a casual survey of several hundred college presidents last year, which showed an average tenure of six years in the job," Dr. Caffrey said. The average tenure was eight years in 1963–64 and 10 years in 1960, he found.

"Most quit one college to become president of another college or university or to go back to the faculty," Dr. Caffrey said.

DANGER IS NOTED

Campus revolutions, as they affect this turnover in college executives, present a danger that is often overlooked, Dr. Caffrey feels.

"Maybe we're beginning in this country to get the feeling now that we need the cold-blooded military outlook on the campus," he said. "One college trustee wanted 'a man who is not afraid to stand up to the students.'"

"There's always a man willing to take a job that nobody else wants," he said. "No matter how tough it gets, no matter how much of a bastard a job is, there's always some people willing to come in and bash heads, to serve injunctions, to spend half their lives in courts fighting students.

Many educators believe that the student in revolt is only the outward manifestation of a more subtle campus problem for the college president—the abdication of authority by college faculties.

One nationally known educational expert, who wished to be anonymous, put it this way: "Faculties, despite their yelling in public for more authority, are dishonest. They egg the kids on to fight the president."

"But no one is stopping the faculty from teaching more, from being more relevant in the classroom," he said. "The faculty, not the president, sets the curriculum. If a college or university is having problems with the surrounding community, why isn't the sociology departments doing something about this, for example?"

His thoughts were echoed by many college administrators.

What kind of man can mediate all these conflicting forces?

Douglas Knight, who recently announced he was leaving Duke, said, "These days in colleges and universities you have a reflection of the world at large, the same polarization. And one can honestly get to the spot where he's at the crossroads and there are five herds of buffalo coming down and you're in the middle."

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LIST OF QUALIFICATIONS

One college board of trustees, in turning to the American Council on Education for help in finding a president, listed these qualifications:

A man of integrity who is a distinguished scholar in his field, who is an educational statesman and who is aware of the mission of teaching, research and science.

A man who has previous executive experience and demonstrated executive ability, and who is not only able to head a million-dollar corporation, but who also has the political awareness to be able to work with Senators, Congressmen and state legislators.

A man who has a sense for public relations combined with social skills and good health and who is between 30 and 55 years old.

"You can't find many men like that," Dr. Caffrey said. "They go into industry."

There was no specific mention of a man able to handle the youth revolution, but the trustees said they were looking for a man "of today to fill tomorrow's needs."

CALLING CLARK KENT

Such a list, calling for a Clark Kent rather than a Clark Kerr, is not uncommon, Dr. Gaffrey said, although most lists place a heavier emphasis on understanding youth.

Morris B. Abram, the president of Brandeis, talks about his job this way:

"You have to keep five estates going at once—faculty, students, alumni, trustees and administration. Each estate has a claim on your time and responsibility."

"The students make claims—legitimate ones—but do not have the responsibility for the university in the future, for raising funds, or for holding the university together in the present," he said in a recent interview:

"The faculty has its claims. The math department here, for example, feels it is the queen of the university," he said. "They expect to have excellent salaries and small classes so they can be allowed the time for research. But that has to be balanced with the teaching requirements."

"The president is the chief executive of the trustees, the chief academic officer and the leader of the faculty. There's constant tension between what the president can do as executive officer and what he would like to do as academic officer," Mr. Abram said.

To meet this responsibility, Mr. Abram, who came to the job last September from the posts of president of the American Jewish Committee and senior adviser to the United States mission at the United Nations, often spends 14 hours a day on the campus of the 20-year-old university.

Finding him was not an easy job for Brandeis, although the selection process was somewhat typical of the one all major colleges and universities undertake when trying to find a president.

Clarence Q. Berger, executive vice-president of Brandeis and secretary of its Committee to Select a President, said the process started in September, 1967, with a general call for suggestions to the trustees, the faculty, the students and the alumni.

Out of a list of 140 suggested names, the committee ranked the possible candidates under the headings of "promising," "possible," and "unlikely." After a give-and-take process, a list of 17 first choices was selected. Mr. Abram was suggested by five different persons.

APPRAISALS SOUGHT

"We had to then get appraisals of our first choices, without the word getting around that so and so was under consideration, and then we had to find out if the prospects were willing to take the job, without actually offering them the job," Mr. Berger said. "Some times the first choice list changed daily, for one reason or another. There was often a lot of arguing, but in the end everybody agreed on Morris."

A similar process is now going on at colleges and universities, great and small, across the country.

At Dartmouth there are two committees. One is a Presidential Analysis Committee composed of faculty, students and alumni who are working to determine what the qualifications for the college's new president should be. The other committee is seeking the man to meet the qualifications.

Perhaps for the first time in a presidential hunt, Dartmouth is considering setting a definite term in office for the president making the job, in short, one that is not man-killing.

"What we need is a superman," said Prof. Walter H. Stockmayer, a member of the analysis committee.

Thousands of miles away, at the University of Hawaii, the difficulty of finding a suitable president for a modern university is again underscored.

School officials are reluctant even to make public their views on the qualifications of their new president, Harlan Cleveland, former United States representative to the North Atlantic Treaty Organization, for fear it might touch off new outbursts by student activists and their faculty supporters. It took the university 16 months to find Mr. Cleveland.

[From the New York Times, June 8, 1969]

THE COLLEGE PRESIDENT: DAMNED IF HE DOES. DAMNED IF HE DOESN'T

(By Fred M. Hechinger)

Louis T. Benezet, president of the Claremont University Center in California, last week sketched this picture of the university president in these times of campus upheaval:

"The president has been too lax; he has been too firm and unyielding; he has not listened to his faculty; he has indulged his faculty or his students; he has acted too fast; he has waited too long to act; he has called in the police; he hasn't called in the police. Whatever it is he should have done, he didn't do it; whatever he shouldn't have done, he foolishly did."

A caricature? Not in the eyes and the experience of James A. Perkins of Cornell who last week asked his trustees to seek a successor after a vocal minority among his faculty accused him of being soft on the demands of radical black and white students. Although many other professors—probably the majority—did not support the attacks on Mr. Perkins, neither did they rally to his support—until he had made up his mind that he had had enough.

Nor is the Benezet sketch a caricature in the eyes of many of Mr. Perkin's present and former colleagues.

Buell G. Gallagher of City College of New York, who was also charged with being soft on demands by black students, resigned recently because of that issue and because of what he considered political irresponsibility in cutting the budget by the state and city.

Nathan M. Pusey of Harvard, after he called the police to dislodge the occupiers of University Hall, was blamed for being too tough—and the faculty responded by condemning both the student uprising and the presidential reaction.

Currently Roger Heyns, newly embattled as chancellor of the University of California at Berkeley, is being attacked by faculty liberals for being too punitive at the very time when Mr. Perkins was being criticized by other faculty members for not being punitive enough.

The situation is different in every case. University administrators, in addition to being fallible, do often give in to the wrong pressures at the wrong time, merely to buy peace. But apart from differences in local issues and personal competence, the fundamental problem is in the fatal contradiction that has grown out of the campus turmoil—a contradiction between the myth and the reality of power.

The dissident students' rhetoric has created the image of the university administration as a powerful establishment with the president as its ruler. Yet, in virtually every campus crisis, the very opposite has been found to be the reality: the president is a paper tiger, with extremely limited powers and options.

"Those who asked—even some trustees—why I didn't take disciplinary action against some student violators never bothered to find out that I have no power to do so," Dr. Perkins said. That power, he added, rests at Cornell with the faculty under the university's present by-laws.

In ultimate confrontations, if the police are called, the presidents have little, if any power, to assure that the action is nonviolent. They have—as was shown at Harvard, Columbia and Berkeley—no way of preventing either police riots or deliberate provocation of the police by radicals who want to create a police riot.

Indeed, even presidents who do not want police intervention may be impotent to ward it off, if the institution overlaps with public land or thoroughfares, as happened at Berkeley (where the Regents and the Governor pressed hard behind the scenes).

In the final anaylsis, the drain on the president's will to remain in the job results from two conditions:

(1) The sheer weariness that comes from either the acrimony or the boredom of continuing confrontations. Thus, Ray Heffner of Brown University, even though he successfully survived a series of skirmishes and was able to approve of a major curriculum reform, decided that he would rather go back to teaching.

Elvis Stahr, after a half a dozen years as president of Indiana University, said he finally asked himself how much longer he wanted to spend endless hours talking seriously about many demands which were serious only because not wasting time on them might be dangerous. He left to head the Audubon Society of America.

(2) Negotiating, moreover, becomes more difficult either because of amorphous groups are unrepresentative of any larger constituency or because negotiations themselves become a president-baiting device. Lincoln Gordon, president of Johns Hopkins University, said: "It is a strange concept of the nature of a university community to suppose that any anonymous group has a prescriptive right to require my presence on short notice at a place and time of their choosing . . ."

COPRESIDENTS SUGGESTED

It is increasingly being suggested that the presidency be split in two—with one executive dealing with the internal and academic problems and the other with the external issues as well as financing.

In fact, this is probably wishful thinking. The big issues on and off campus require the attention of the top man, and to suggest that copresidents could be equals is to prescribe divided authority, never a happy situation.

This does not mean that presidents do not need a better and stronger staff system, with effective delegation of important functions and powers. But this does not go to the heart of the problem.

Nor is the answer likely to be found in the European pattern of faculty-elected presidents. This might lead to a solidarity that is now lacking, but it would be solidarity in the faculty's interests only, and the neglect of students in Europe is flagrant enough to spark an uprising of undreamed-of dimensions here.

The basic question is whether faculties, trustees and students can act as constituent bodies to assume their share of campus government, to spell out what they want and

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to give the president the power to lead in that direction.

The nature of the crisis can be gauged from the fact that, although Mr. Perkins has been attacked by faculty members for being too permissive and Mr. Heyns for not being permissive enough, both diagnose their trouble in the same terms: lack of a constituency that is willing to offer a continuity of support, even when it disagrees on occasional specific decisions; and unwillingness on the part of the faculty—and, to varying degrees, trustees and students—either to assume consistent governing powers or to abandon the claim to such powers.

Without the creation of both a constituency and a definition of powers and responsibilities, Mr. Heyns saw the president's options increasingly narrowed by the two-front onslaught of radical students and faculty on campus and the reactionary public and legislative forces off campus. He said: "As a contribution to institutional theory, it might be a good idea for some faculty somewhere, at a time of acute crisis, to try . . . giving an administrator some support, some running room and some protection from coercion."

Mr. Perkins suggested that, in the absence of a supportive constituency, university presidents would eventually have to be recruited among those who have experience of dealing with large groups, as in the armed forces or in government. This would introduce men with the minds of bookkeepers and the hearts of drill sergeants. It would hardly lead to the kind of university reforms which radical students and professors say they seek, and liberals could live with. The American campus as a free and self-governing community thus would be in jeopardy.

Mr. PELL. Finally, Mr. President, I truly believe that the situation is not quite as dark as many people believe. For example, the recent article by Ernest Cuneo, "Student Moderates Strive To Close Generation Gap" discusses with a certain novel twist the change in point of view by campus moderates. It also translates for us what the young are trying to say, and to me this is the most important point. What has happened is past. To study the outbursts themselves is tiresome and fruitless. We must try and understand the causes of this unrest. We must listen to what our children are trying to tell us. I ask unanimous consent that Mr. Cuneo's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDENT MODERATES STRIVE TO CLOSE GENERATION GAP

(By Ernest Cuneo)

WASHINGTON, June 3 (NANA).—There is a considerable optimism that the militant student disorders have lost them the campuses. The polls reveal that the vast student majority do not support violence, and believe that the breaking of the law should result in expulsion.

Actually, expulsion carries a heavy penalty because a college degree is a passport to preferred employment and an absolute condition to entrance to the professions.

More importantly, the generation gap appears to have narrowed. The moderate students position, as presently advanced, is unique and makes for a plausible and even powerful new order of human life.

Basically, it holds that the great industrial and scientific revolutions are not the enemies of man. They are like fire, which in classical terms is described as a wonderful servant but a fearful master.

SLAVES NUMBER 1,500

The moderate American student wishes the mechanical machines and computers held in their proper perspective as servants.

Since it is estimated that the present range of products, services and energies, ranging from motor cars to electric heating placed at the disposition of an average American of average income is the equivalent standard of service of a patrician with 1,500 slaves in the Roman empire, the moderates suggest a more full distribution of these available services.

They concede that machines have doubled and redoubled production while lessening the work week from 72 to 35 hours. They see in this the objective of reducing it to a 20 or a 15 hour week, maximum, leaving the individual the largest part of his time to develop his personal interests.

They point out that in past centuries only the patrician and the artists he patronized lived fully free lives, and that such freedom was possible because droves of slaves did the daily work. Now, they argue, since the work is being done by machines, why shouldn't all be free to explore the universe themselves in their leisure time.

ESTHETES AND WORKERS

They scoff at the idea that idleness is the devil's workshop, and indeed, describe leisure as the time of heaviest creative activity.

As examples, they cite Sir Walter Scott, whose life was in his writing, nevertheless earning his living at first as a court clerk. Charles Lamb and Herman Melville did the same; so did Walt Whitman. It adds up to a present life such as led by Eric Hoffer, the Californian who lives as a poet but works as a longshoreman.

This, obviously, sets forth a whole new set of values. It was expressed in a passing jest of Thomas Reed Powell, Harvard University's great professor of constitutional law. In bidding a graduation class farewell, Prof. Powell whimsically added that he hoped as attorneys they would always earn enough to keep body and soul apart.

While the observation of Prof. Powell is not the source of the new approach, it goes a considerable way to explaining the position of the moderates.

USES OF LEISURE

In a way, it adds a new dimension: time. As one 20-year-old college student expressed it, allowing him his three score and ten years, he had 50 years to live. These 50 years amount to only 600 months, which in turn amount to only 2,400 weeks. The youngster raised the question that if, thanks to machines, he could pay his way by working two days a week, what was immoral about him spending the freedom gained thereby simply to study?

This appears to be a most respectable argument. However, it connotes a whole rearrangement of current American values.

More specifically, the moderates appear to be adapting a modification of Thoreau. As expressed by the 20-year-old, he wanted a means of transportation. He could easily earn enough for a small car, but he had no intention of using the only time he had on this earth trying to accumulate enough for a Rolls Royce.

He said he would no more like to be head of a large bank than he would like to be a streetcleaner, because that isn't the way he wanted to spend the only asset he had, his time on this earth.

CURSE OF THE ELDERS

Asked if he did not think that work was man's salvation, and that the devil found work for idle hands to do, his answer was that the curse of the older generation was that they were afraid of full liberty for every man, including themselves, because for all their piety, the older generation refused to believe that humanity was fundamentally good.

He said that man does not live by bread alone, his body merely dies without it; and his generation was going to solve the problem of bread, so every man would come into his patrician soul.

If, indeed, our children are bitterly charging that we are neither idealistic, moral nor imaginative enough to create a new world, never did indictment fall on happier parental ears.

Who knows? Perhaps the younger generation will in turn discover that there never lived a father who felt he had hit a two-bagger who didn't hope his son would hit a home-run.

TURBOTRAIN PROBLEMS

Mr. PELL. Mr. President, I want to express my deep concern at evidence of an increasing incidence of vandalism involving passenger trains along the Boston to New York right of way.

The turbotrains being used for demonstrations under the High Speed Ground Transportation Act of 1965 have not been the exclusive or even the primary target of this vandalism, but it is nonetheless distressing for that. Bricks and stones have been dropped or thrown from overpasses, debris has been piled on the tracks, and recently a railroad tie was placed across the tracks in the path of the turbotrain. The placing of such an obstruction on railroad tracks, incidentally, may well go beyond vandalism to an attempt to derail a train, which is a Federal offense.

These irresponsible actions pose an obvious threat to public safety, as well as imposing on rail passenger service an additional cost burden for repairs to windows and equipment. I earnestly hope that law enforcement officials will at all levels redouble their efforts to prevent this increasing vandalism. The safety record of rail passenger service is excellent, and we should make every effort to keep it so.

I would like to take this opportunity also to call to the attention of my colleagues two recent developments involving the Turboservice demonstration being conducted by the Penn Central Company in cooperation with the Department of Transportation.

Several weeks ago I reported to the Senate that I had recently ridden the turbotrain on a regularly scheduled run and that I had found the experience thoroughly enjoyable. At the same time, I urged the Penn Central to take several steps to improve the demonstration.

Since that time, the Penn Central and the Department of Transportation have announced a reduction of 16 minutes in the travel time between Boston and New York, and last week there appeared in major newspapers along the Penn Central's shoreline route the first advertising to inform the public of the availability of the service and the time schedule.

I am deeply gratified at these steps toward a more vigorous and valid demonstration of the turbotrain service. I want to commend Penn Central and the Department of Transportation for pressing ahead with these improvements. Particularly, I want to congratulate Mr. Stuart Saunders, board chairman of the Penn Central, who has shown such per-

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sonal interest in both the Metroliner demonstration between Washington and New York and the turboservice.

I think that everyone involved in the turboservice demonstration would agree that much remains to be done to achieve a full demonstration. I well realize there are differences of opinion regarding engineering problems involved in further time reductions, but I do not believe the problems are either major or insuperable and hope that both the Department of Transportation and Penn Central will move ahead aggressively to resolve them.

And I regret that to date no action has been taken to increase the number of round trips each day in the demonstration. Again, I think everyone recognizes that increased daily runs are a necessity for any meaningful test of public response, and hope we will see some diligent efforts by the Penn Central to put these trains to work carrying passengers.

THE INTERNATIONAL WEAPONS TRADE

Mr. PELL. Mr. President, we have been so engaged—and rightly so—in recent weeks arguing the most fateful questions of nuclear weaponry, in trying to assess the best deterrent to nuclear confrontation, that we are again in danger of neglecting another perilous course of Pentagon policy; namely, the tangled web of international traffic in so-called conventional armaments. Yet, this is a daily dealing in death, a trade largely unseen and unchecked, a trade which involves virtually every country in the world and which is an important source of revenue not only to cynical private suppliers but to some 15 major nations. It is a trade which is constantly slipping beyond the purview of what little control exists; control which at best is more a guideline than a check.

There are many and shocking statistics to dramatize the past damage and present dangers of this trade in the tools of war. But I shall begin with an uncontentious statement taken from testimony given the Foreign Relations Committee on June 20, 1968. As a result of questioning by Senator AIKEN, our Department of Defense—certainly somewhat euphemistically named in this case—provided the following official figures:

> For the period 1955–1967 U.S. military exports, including grant aid as well as commerical and government sales, totalled $28,111,000,000. For the same period it is estimated that USSR exports of combined grant and sales articles totalled about $14,320,000,000.
>
> If USSR aid to Warsaw Pact members and U.S. sales to NATO countries plus Australia and New Zealand were excluded, U.S. and USSR military exports over the past four years would be on a 1-to-1 ratio.

In other words, in just the most recent dozen of the 23 years since the end of World War II the United States and the Soviet Union between them exported almost $42.5 billion of military commodities, of which two-thirds come from the United States and one-third from the Soviet Union. In the past quarter century something over $60 billion worth of arms have been traded on the world's markets. I would emphasize that this huge figure does not include what the great powers have created and employed domestically for their own defense purposes—although such armaments, when obsolescent, start to find their way into the international weapons market. In short, this is a route without end, given the continuing obsolescence of weapons systems, and it is a route of ever increasing danger as each new generation of technology spews forth into the marketplace ever more sophisticated weaponry to reach unknown hands for unseen and unseemly ends.

Any full-scale review of this traffic in arms necessarily involves policy assumptions and commitments both major and minor—to our alliances and bases abroad, to our aid and assistance in all corners of the world. Such a review is long overdue. It will be forthcoming when the new Senate Subcommittee on U.S. Security Agreements and Commitments Abroad makes its report. I address myself today to only one aspect of this trade; but one which particularly concerns me because attention is so often focused elsewhere. It is the continued flow of conventional military supplies into the underdeveloped countries. In our deep and abiding concern to avoid nuclear war and to control nuclear weapons, we too often overlook the fact that since 1945 there have been no less than 55 armed conflicts around the world which properly may be classified as wars. All of these wars have been fought with what are glibly known as "conventional" arms—ranging from so-called "small arms" all the way to jet aircraft strewing napalm and high explosive bombs.

Clearly, the most profoundly disturbing and tragic result of these clashes over two decades and more has been the loss of many millions of lives among military and civilian populations alike. But also disturbing in its implication for the future effects of arms traffic is the fact that all but two of those 55 wars have been fought in the less developed areas of the world—primarily in the Middle East, Southeast Asia, and in Africa—and that the largest number of the weapons used in those conflicts originated in the United States. While it is true that a majority of the nearly $50 billion worth of U.S. arms materiel pumped into the world's markets since 1945 has gone to our NATO allies and other relatively affluent countries, a very significant amount has gone to the underdeveloped countries. The plain and distasteful fact is that we really do not know the exact percentage. The arms sales office in the Pentagon, by some intricate definitions of underdevelopment, talks of less than 10 percent; other informal—but informed—estimates, taking account of the Korean and Vietnam wars and presumably of transshipments, run up at least to 45 percent.

And what do these cold figures in total U.S. arms sales and grants mean in the hardware of war? They mean some 9,300 jet fighter aircraft; 8,340 other aircraft; 2,496 naval vessels of all types, from aircraft carriers to submarines; nearly 20,000 combat tanks; approximately 448,000—almost half a million—other combat vehicles; 1,400,000 carbines; 2,200,000 rifles; over 71,000 machineguns; nearly 31,000 mortars, and another 31,000 missiles of all types. And these figures are probably understated. To this frightful numbers game must then be added billions of rounds of ammunition, explosives, supporting systems, computers and military training of foreign personnel.

For these and other figures, I am now drawing upon the advance copy of a new book sent to me on this overall topic. I wish to call the attention of my colleagues to the new work entitled "The War Business," written by George Thayer, which has been just published. Mr. Thayer has spent 4 years researching the postwar international arms trade; and I gather his task has been accomplished in the face of considerable difficulties going well beyond normal bureaucratic and other roadblocks. I might add that I believe it to be the first book since 1934 to give a thorough examination to arms trafficking around the world.

While I do not propose to undertake a review of this work or to speak at length today on the general subject, I would like to cite some of Mr. Thayer's points which may well serve as a renewed stimulus to all of us not to underestimate the catastrophic potential in so-called conventional arms.

Although the armed clash between India and Pakistan in 1965 and its consequences have been thoroughly explored in many quarters, Mr. Thayer highlights one often forgotten aspect in saying:

> The world was presented with the curious spectacle of Pakistanis in American *Patton* tanks fighting Indians in American *Sherman* tanks, and Pakistanis being transported to the front in C–130B *Hercules* to fight Indians who had be transported to the front in both C–119's and C–47's, all American built.

As he also notes, there were plenty of British and French arms, among others, employed in the brief war. And since then, while the Soviet Union was able to accrue some international credit for their role in the tenuous Tashkent settlement, the Soviets at the same time managed to get themselves into the same old shell game of now supplying arms to both sides. There may be those who derive some macabre satisfaction from the Soviet Union's current semiwar with China. Actually, this is not all to the good, especially when one considers that the 1965 India-Pakistan conflict merely led, in the last analysis, to an intensified arms race between the countries involved, and that the losers in such a game are not confined to the players on the field.

Mr. Thayer well describes, too, the continentwide consequences which flowed from the U.S. agreement to sell jet planes to Argentina in 1965 and which are continuing to confound our policymakers in their efforts to assist economic, social, and political advances in Latin America. To illustrate the evidence that the United States is by no means alone in playing this dangerous game, the author presents a telling picture of the 6-day Arab-Israeli War of 1967, which saw the weapons of most of the major armaments suppliers in action, some-

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times at cross-purposes with the political policies of the supplying nations. Israelis flew French jets in combat against Egyptians flying Soviet Migs and Jordanians flying British fighter-bombers. Israelis in American tanks fought Egyptians and Syrians in Soviet tanks as well as Jordanians in American Pattons and British Centurions. Israelis firing Belgian rifles fought Egyptians firing Swedish, Czech, and Soviet weapons and Jordanians using British and American weapons.

I do not intend here to engage in further description of the peculiarities of the international arms market and their past impact on special situations. I think it far more important to turn to some future considerations which are potentially even more frightening. We could read in the New York Times a few weeks ago of game poachers in Zambia who employ 80-year-old weapons left by Arab slavers and still in usable condition. Every once in a while we hear of someone being killed by a mine or some other implement left as part of the lethal rubbish of World War II. But what will happen in the not-so-distant future as a result of the armaments competition now going on, with perhaps 30 countries either producing in a major way or trying to get in on the act?

As the advanced countries find their weaponry approaching obsolescence, is it really necessary that they try to cut their financial losses by selling their weapons to the less-developed countries when the risk of greater loss in lives and political upheaval is so immeasurable? There is no question that West Germany not long ago sold 90 American F–86 jets to Iran, which we subsequently learned was acting as an intermediary for Pakistan, on whom we had placed an embargo following the 1965 war.

And we have once again been placed in the unconscionable position of having haggled over how many and what kind of lethal equipment we would supply to the Franco Government of Spain as the price of maintaining bases which many military experts consider obsolete and unnecessary.

But, Mr. President, our arms traffic is not confined to circumstances, real or imaginary, affecting our national security. We are now in the business of arms sales for the sole purpose of making money. As my colleagues here are well aware, there is now before the Congress a proposal to subsidize one aerospace manufacturer to the extent of $62 million to produce supersonic fighter planes to compete in the international arms market for a profit. Nor is this an undertaking which the manufacturer of the planes considers a legitimate business investment. It is, in plain English, a proposal to use the taxpayers' money to subsidize the production of planes, to be sold into unknown hands, for the profit of the manufacturer. What the taxpayer is supposed to get from this is unclear to me.

It strikes me as more than passing strange, Mr. President, that many of those who support such subsidies for the manufacture of weapons in an industry which is hardly at a loss for funds are the same people who see the downfall of the Republic at the suggestion of Government subsidization of foods for the hungry in our own country.

Those who put forth the arguments of dollar earnings are apparently oblivious to the potential greater cost of the indiscriminate distribution of arms in a world already overendowed with peril. Despite some efforts at control, we are still a long way from being able to determine the ultimate destination of the arms we sell around the world. And should the devoutly desired end of the Vietnam war come about, there will be a vast new reservoir of still usable and still salable equipment. It would appear to me elementary good sense that the major countries of the world should begin to pay attention to this growing problem and try to find multinational means of controlling the proliferation of conventional as well as nuclear armaments.

Fortunately, the Senate Committee on Foreign Relations has made a beginning in stemming and controlling the flow of U.S. arms around the world. In January of 1967 a committee staff study found that, since 1962, there had been a basic change in U.S. military assistance from grants to sales of arms and that the higher echelons of Government, both in Congress and downtown, had not fully appreciated the significance of this change. It noted that:

> In Europe, American arms salesmanship has often been zealous to the point of irritation, and overpowering to the point of encouraging Europeans to compete more aggressively for the arms markets in the underdeveloped regions of the world. In some underdeveloped regions of the world—notably Latin America and the Middle East—where there are no significant balance of payment incentives, the United States, when faced with tough decisions as in Iran and Argentina, seems to be drifting into a policy of pre-emptive selling rather than the more difficult alternative of arms denial.

The committee in large measure acted upon the recommendations of the study during 1968, especially in creating separate military sales legislation, in restricting the financing activities of the Export-Import Bank—which, incidentally, will be involved in the supply of arms to Spain—and in trying to strengthen the role of the Arms Control and Disarmament Agency. However, no one should have any illusions about the fact that we have done little more than deal with the visible part of the iceberg. So long as the balance-of-payments factor is expiated so successfully by the Pentagon when it comes to arms sales, so long as the United States can extend military aid to a usurping and harsh Greek dictatorship, so long as minor eruptions from one end of the globe to the other are used as justifications for saber peddling, we cannot afford to reduce our vigilance over official armaments policies.

Mr. President, perhaps I have been giving undue emphasis to the arms sales aspect of the war business as described by Mr. Thayer; but he certainly confirms the findings of the Foreign Relations Committee. There are, as I mentioned earlier, many difficult aspects of the arms trade which involve an assessment of policies which themselves take on a life of their own—and tend to endure beyond their useful life. We still hear all the 20-year-old arguments for military assistance of all kinds, in all kinds of places, and for all purposes. We still have aid programs in a number of countries, such as Thailand, where military considerations have virtually taken over. And, in those few instances where we have successfully cut back, we still maintain military assistance advisory groups in countries where we have no military aid program. One suspects that many of the people in these MAAG's—currently with some 4,000 personnel—now act as arms salesmen instead of advisers. Most importantly, we have done virtually nothing as yet to give effect to the broadly held view in this country that the power of the United States has become sorely overextended abroad and that it may well be further extended, not by design but by the irreversible consequences of just such blind adventures.

Fortunately, once again, our Foreign Relations Committee has taken the initiative in a field which can be ignored only at the Nation's peril. Moreover, the newly established Subcommittee on United States Security Agreements and Commitments Abroad, under the able chairmanship of the singularly experienced and qualified senior Senator from Missouri, the only Member of the Senate who sits on both the Foreign Relations and Armed Services Committees, is presently examining these problems. I have complete confidence that this subcommittee will perform a great and vital service to the country in the area which it will investigate.

Mr. President, if there is one inescapable conclusion from this dreary record of war and strife and civil disorder—if there is to be any hope that we may preserve our earth from destruction while we endeavor to bring it peace—then surely we make it more difficult to preserve and nourish the frail rays of tranquility if we continue massively exporting the weapons of war. We should not seek to balance an accounting sheet to the endangerment of human lives.

And, if economy is our goal, I believe we should search for other ways in which our defense establishment might improve its cost efficiency without adding to the means for the eruption and waging of war around our globe.

Mr. President, an excellent review of Mr. Thayer's book, by Mr. Bernard D. Nossiter, appeared in the Washington Post of June 10. I ask unanimous consent that the review be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CALL TO ARMS: "THE WAR BUSINESS: THE INTERNATIONAL TRADE IN ARMAMENTS"

(By George Thayer)

(NOTE.—Reviewed by Bernard D. Nossiter. Nossiter is a member of the National staff of the Washington Post. He frequently reports on military and industrial affairs.)

During the Civil War, George Thayer reminds us, J. P. Morgan bought 5000 defective carbines for $3.50 each and sold them to the Union Army for $22. Although the weapons shot off the thumbs of many of their users, Morgan, of course, was paid in full.

One hundred years later, the Government's energetic arms salesmen, from the Pentagon and State Department, persuaded Bonn to buy 250 Lockheed Starfighters, nicknamed the "Widow Maker" in Germany. Well before

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the 91st crash, the docile, pro-Washington Erhard Government had fallen, leaving Lockheed free to go on to other triumphs with its Cheyenne helicopter and C–5A Galaxy.

Thanks to technology and bureaucratic rationalization, as Thayer makes abundantly clear, the modern arms trade can produce interesting political as well as physical repercussions. At about the same time as the unfortunate Germans were being touted on Lockheed, Britain was persuaded to buy the American Skybolt missile for its deterrent. When the program was abruptly halted, it not only helped bring down the friendly Macmillan Government, it also convinced Gen. de Gaulle that the British were little more than an American satellite and unfit for membership in the Common Market.

Thayer credits the computerized efficiency of Defense Secretary Robert McNamara, McGeorge Bundy and a few other high priests of the Kennedy-Johnson era with lifting the world arms trade to a new level of intensity. Thanks to their legacy, the United States is systematically spreading around the world $2 billion a year in "conventional" arms.

Perhaps $500 to $600 million annually feeds the swollen armories of Argentina, Liberia, Saudi Arabia, Thailand and the other so-called developing nations whose appetite for weapons is insatiable. Indeed, as Thayer suggests, without the endless supply of weapons from the United States, its followers in the West and its Soviet-bloc imitators, it is unlikely that India and Pakistan would have gone to war in 1965 and that Israel and her Arab neighbors would be at each other's throats for a fourth round. There is a mordant symmetry in all this.

Just as the world's most affluent democracy dominates the Government trade in arms, so too it boasts the leading "private" weapons merchant, the ubiquitous Samuel Cummings of Interarms. With good reason, Thayer doubts that Interarms is all that distinct from the CIA and concludes that there is at least a remarkable degree of cooperation. It was Cummings' agents who tipped off Washington that the Czechs were about to sell arms to President Arbenz of Guatemala, a discovery that prompted the CIA to overthrow that worthy with weapons supplied by Cummings.

Thayer, a political scientist by training and a journalist, in the best sense of the word, by inclination, wrote an earlier book on the lunatic fringes of American politics. Here, he examines, in loving detail, the lunatic center with side glimpses into the smaller, but equally intensive efforts mounted in Britain, France, the Soviet Union and other up-to-date nations. Combined, they sell $5 billion a year around the world, arming Portugal and her Angolan rebels, Castro and anti-Castroites, Arabs and Israelis, Nigerians and Biafrans, Pakistanis and Indians with equal indiscriminacy.

The trade, Thayer concludes, encourages arms races among nations that have more pressing needs and ensures that political conflicts will be transformed into wars. Thanks to modern exigencies, the old-fashioned merchants of death have become extinct. "We now have detached, cold-blooded mistakes made by bureaucrats."

The chief responsibility for this state of affairs, Thayer demonstrates, lies with the United States and its arms aid program. His suggestions for a more modest, controlled approach hardly measure up to the dimensions of the entrenched system he has described. But then it is not recorded that Hercules was required to do more than clean out the Augean stables.

Thayer has written a lucid, entertaining and well-documented study on a theme of some importance. Unhappily, its information and its conclusions are so devastating to all Governments everywhere, "responsible" people have no choice but to ignore it. This is a pity. In a less well organized world, Thayer's work would deserve that overworked description, a book of great importance.

COMMENCEMENT ADDRESS BY FORMER AMBASSADOR ANGIER BIDDLE DUKE AT DUKE UNIVERSITY

Mr. PELL. Mr. President, former Ambassador Angier Biddle Duke recently gave a most interesting and wise commencement address at Duke University, Durham, N.C.

Ambassador Duke who was, I believe, the youngest ambassador in our Nation's history when he was appointed to El Salvador in 1951, has had a long and distinguished record in public service, both working directly for our Government as a chief of mission or serving various voluntary causes or when he was president of the International Rescue Committee.

I thought his speech particularly telling and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

OBSERVATIONS ON MILITARY POWER AND FOREIGN POLICY

(By the Honorable Angier Biddle Duke)

This is for a special moment. This University was named for my great grandfather, Washington Duke. Both my father and my son graduated from here. It is to my lifelong regret that I never made the attempt. Receiving today the Honorary Degree of Doctor of Laws has helped to dull the pain of self reproach. At the very least, I can console myself with the thought that I am in the honorary company of the President of the United States as a graduate of the Law School where he received the "real thing."

My mind goes back today over other days, other milestones, other graduations reminiscent of this one. Two years ago, I was invited to make the commencement address at a preparatory school in Connecticut. I found it somewhat dispiriting to have to tell the graduates, on that lovely spring day, that when I recalled my own graduation X years before, I could not remember the name, the face nor a trace of the remarks made by the commencement speaker of the day. His mark upon my memory was as unblemished as I am sure mine will be upon yours some years hence.

Therefore knowing that this message may be soon forgotten, I feel I can speak with candor and thus speak more boldly particularly since I am now no longer a member of our national government.

Government service in Latin America in the early 1950's was a quite different experience from duty in the White House, the State Department and in Europe during this decade. Duties and events seemed simpler then. Our world and our country's own problems have become so complex that the government's responsibility has had to adjust itself to a state of continuous crisis. I found that difference in eras to be most marked during my service in Iberia and Scandinavia. Yet through the perils and problems of the 1950's and 1960's one common thread wove itself through all these experiences—that of the presence seen and felt of our defense establishment. It was often the most visible aspect of the United States around the world.

But I do not report this recollection critically or reassuringly but rather factually. I sincerely believe that a great power's credibility in the area of foreign policy rests upon the twin pillars of military and domestic strength. In this context professional military competence and strength are essential and useful. The defense establishment is an integral arm of our democratic society and deserves our attention and respect for its ability to protect our free and developing institutions. I think we only have reason to be concerned when the brawn of our society tends towards becoming its brain.

We need, at such a time, to redefine and reassess the role of the military and its effect upon the direction of national policy. The influence of the defense establishment is a matter to which a good deal of attention is being drawn these days. In terms of my own experience, I found reason to be concerned about the hand upon the sword.

I hold no brief for those far-out theories that the Pentagon is going to take over our Society. That is nonsense. But I do want to discuss with you what I believe is a matter of concern as our military establishment assumes increasing importance in its effect in foreign affairs. I am sure that the Soviet Union has a comparable situation within their own establishment, if not to a much more acute degree. And with the extirpation of public dissent—it augurs even greater perils. Surely one of the reasons for cancelling the traditional Red Square military parade this year, on May Day, must have been to redefine the role of the military in public life and more importantly, in the public eye at home and abroad. The Russians must have felt this change to be necessary at this time in the light of the world reaction to their role in Czechoslovakia.

But I confess a feeling of regret that such a comparison is even faintly possible. Our example to the world should be far ahead and far more enlightening.

In our time, no more fascinating and penetrating account of the military's part in the presidential decision-making process has ever been told than in Robert F. Kennedy's account of the "Thirteen Days" during the Cuban Missile crisis. The precise chronology and yet poignant words depict quite clearly the anguish of Presidential power. It also points to the imperative need for selective discernment of military counsel. That advice was consistent and wrong in all cases noted in Kennedy's book. This brilliant chronicle of Robert Kennedy documents is an epic experience of a President struggling to find a candid opinion from a committee of civilian and military advisors. One comes to the inescapable conclusion that if President Kennedy had accepted any of the proffered military recommendations, the most terrible tragedy would have inexorably ensued. I cannot help equate to a far lesser degree the picture of our Chief Executive sorting out the views of the National Security Council with that of one of his Ambassadors consulting with his own country team. It was my fortunate experience to have been one of those representatives in three countries under widely varying conditions.

In Spain, for example I served for three years as we were approaching the end of our fifteen year executive agreement to maintain four naval and air bases on Spanish soil. I arrived in March 1965 and shortly afterwards was invited to Wiesbaden to attend a top security briefing at the headquarters of the U.S. Air Forces in Europe. It was well done and most persuasive. Pertinent to my mission in Madrid, emphasis in the briefing session was placed on the decision to phase out our Air Force base in Zaragoza during that year. My first reaction to the compelling presentation was for a reversal or modification of that decision. But since I was new in my assignment, I felt I should let it stand. By January 1966 the base was closed down and put on a standby basis. A year later when I asked for a review of the consequences of this cut-back I was told to

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my surprise that the effect had been negligible. This experience did not exactly make me an automatic convert to Air Force judgments from that time on.

Our relationship with the Spanish during the lifetime of the base agreements (since 1953) has been good. Several complicating factors however became evident during my tour of duty. On the Spanish side, the economy had taken enormous strides in that time, the gross national product having multiplied from 5 to 25 billion dollars. The American economic assistance program had therefore been terminated and the impact of the four bases on the economy became less and less important. The effect of our military presence amounted to less than 40 millions of dollars per year, while in 1968 Spain took in from European tourism alone over a billion dollars.

And then on January 17, 1966 a tragic accident occurred off the coast of Southeastern Spain which did much to change the political atmosphere surrounding our base policy. A Strategic Air Force B52 bomber released four hydrogen bombs following an explosion during an in-flight refuelling operation. Two of the three that fell on land near the village of Palomares were quickly recovered; the third broke open and it was subsequently found that a limited area of surrounding farmland had been contaminated by escaping plutonium. The fourth fell into the sea and was not recovered for nearly three months. The decontamination process around the third H-Bomb and the agonizing underwater search for the fourth, while an epic success story in itself, could not fail to effect Spanish attitudes towards the presence of American military forces in their country.

On our side there had been developments too. The role of the bases had changed over the years. No longer was it necessary to base strategic aircraft on Spanish soil; the SAC requirements were cut back to merely a refueling operation. It is true that tactical aircraft were deployed there from time to time, but basically as a convenience. Perhaps more importantly it came to be realized that with the advent of the ICBM's and the Polaris submarines, the Spanish bases might well be approaching obsolescence. With the addition of one more of such submarines, for example, the base at Rota, we were told, would not be required.

Under such circumstances it might be thought that there would have been good reason on both sides to consider it an appropriate time to reduce or phase out the 15 year relationship which had met the crisis of the past so successfully. There is nothing like saying goodbye when you can leave lasting friendships behind.

There are other factors too outside the purely military, factors within the Spanish situation, which also should be subject to consideration, but which would be inappropriate for me to discuss today. Suffice to say as Plato did "Powerful indeed is the empire of habit." And the negotiations for another five year extension of the base agreements go on. They have been conducted not by the President's diplomatic representative or by the State Department but by the Chairman of the Joint Chiefs of Staff, the eminent General Earle Wheeler.

The point of this rather full account is to give an example of the importance of military policy in the relationship between our country and our friends overseas. I am fully mindful of the Presidential directive that places the responsibility on the Ambassador for all activities of American entities on his shoulders. But when I think of my Foreign Service Staff in the Embassy in Spain and their relationship to their colleagues in our Military establishment there, I am mindful of Canadian Prime Minister Trudeau's comment on his last visit to the United States. "Living next to you is in some ways like sleeping with an elephant; no matter how friendly and even tempered is the beast, one is affected by every twitch and grunt."

The thread of experience now winds itself through Northern Europe where the American presence is increasingly pervasive in all of its myriad manifestations. One of the principal concerns of the chief of a diplomatic mission in any Western country today is the necessity to interpret that presence, to explain it, to justify it if you will, in terms of the shared interests and goals of the whole Atlantic community. It is my contention that we are finding it increasingly difficult to find the right language to explain our role in working in the common interest.

I find to my dismay that too often we are still using the words and rhetoric which were apt and applicable for another day. American cooperation during the European postwar reconstruction and recovery period is of continuing interest to historians; the North Atlantic Treaty Organization, born in fear twenty years ago, met the needs of its time. The rationale of our policies today however need a good deal of redefinition in the eyes of many thoughtful Europeans.

How do they form their attitudes about us? A recent Congressional report concludes that "foreign opinion is to a surprisingly large extent the product of our national mood and of what we say and write about ourselves. For example vocal division over U.S. Policy in Vietnam finds an immediate reflection in public attitudes abroad. So do American opinions on most other issues.

According to an expert witness "foreign correspondents derive some 80 percent of their information and impressions about the United States from what American reporters write in our papers and say on our television networks".

With our absorption in Vietnam abroad and in our grave urban and racial crises at home, being reported in pitiless detail Europeans tend to turn over in their minds our qualifications for leadership.

One of the satisfactions of serving in Europe and of heading the American mission in a nation like Denmark is the knowledge that you are dealing not only with bilateral situations between the governments of Washington and Copenhagen, but with problems that are symptomatic of much of the Continent. The Danish multi-party state is a microcosm in varying degree of any democratic western society. Attitudes and ideas among the Danes find reflection in all countries where there is a free press. That is why it is of absorbing interest to observe with attention and sympathy their efforts to form a more meaningful regional association with their Scandinavian neighbors, to join in the larger area of economic cooperation as a member of the common market, and to assess their future as a partner in NATO's mutual security arrangements. It is to the latter area that there has been a good deal of serious consideration given.

I arrived in Denmark after the Soviet occupation of Czechoslovakia last August. At first it was thought that the spasm of alarm that this act occasioned would revive and strengthen the military alliance. This has not turned out to be so. Leaders of Danish public opinion, like their counterparts around Europe, do not believe that Russia, with its awesome combat strength now moved up to its most Western point along the German frontier, is any nearer to taking the fateful step across what is still the Iron Curtain. They feel that the real barrier, their real protection remains in the nuclear deterrent and that therefore their own country's contributions to the Alliance, and NATO itself, are not very meaningful. Accordingly the Danish government has recently cut the term of conscription from fourteen months to twelve, while Britain this year starts the removal of its Army of the Rhine, and the Canadians have announced their intention to withdraw their troops from Germany. There are strong signs that Belgium and Holland are planning imminent cuts in their commitments to NATO. France of course had ordered all NATO and U.S. installations from French soil in 1966.

It is now apparent that leading circles in Western Europe have become resigned to the hard realities of the Brezhnev Doctrine of Soviet power preeminence within its orbit. Once again our allies beguile themselves with dreams of a creeping detente with the Russians. These dreams are disturbed by the ever recurring theme that NATO has been changing from a mutually advantageous defense arrangement to an outright instrument of American Foreign Policy.

Public statements by American military leaders of NATO have the ring about them of having been made ten years ago. Rightly or wrongly the leadership in most European countries is in no mood to accept U.S. military definition of their own defense needs.

Nor will they accept without question our Defense Department's evaluation of the Soviet Union's military intentions. Our allies are not in the most receptive mood to respond to the all too familiar exhortation about burden sharing.

As Hanson Baldwin has put it: "The NATO Alliance is no longer a part of European life as it was when it was formed. There is today no heroic Eisenhower image to personify the Alliance. There is more apathy than excitement and as much questioning of its policies as support for them. NATO is too much form and too little substance."

Outdated or even at times hypocritical platitudes from our side about the common danger simply will not be adequate in the face of new stirrings in Europe towards more unity, the restless urge for new formulas.

I find there are elements in this attitude of increased self-assertion which should give comfort to policy makers on our side of the Atlantic. We need no longer be sensitive to charges of growing isolationism. Instead, as European self-reliance grows, we should be responsive to their attitudes, encouraging them to define for themselves their own group security requirements and arrangements. It would seem logical to adjust our military presence in Europe down to the level desired by the Europeans. As I see it all our Atlantic allies, with the single exception of Germany, would actually be relieved at some reduction of our military presence. Certainly such is the tenor of the European press today.

In Germany too, one may discern the outlines of a changing feeling towards continuing dependence on U.S. military support. In a speech last month at a meeting of the Atlantic group in the House of Commons, West German Finance Minister, Franz Josef Strauss, stated that a European Defense Organization "is the only chance Western Europe has of becoming a potentially equal and autonomous military partner of the United States within NATO in the foreseeable future." He went on to say that the first step would be for Great Britain and France to pool their nuclear arms, creating the core of a nuclear force to which the other European countries could make appropriate contributions." The eventual aim, Mr. Strauss explained, would be to transfer nuclear control to a central community government and the executive of a European federation.

That was the voice of a European talking in London among the fellow members of his own community. If beginnings can be made along such lines, our country can be more flexible and creative in our relationships with our restive friends. Let me repeat, if the Europeans, as they presently indicate, profess to see no major present threat to themselves from the East to warrant even a continuance of the present level of their defense commitments, then I would suggest we respect their views with a corresponding reduction in our military presence among

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them. There could of course be no apprehension on their side that the nation which so unreservedly responded to the needs of the Atlantic community twice in this century, would not again be responsive should our partners' views of the situation subsequently change.

One step in the direction indicated by Minister Strauss might well be the consideration of a European for the post of Supreme Allied Commander for NATO. I do not make this as a theoretical but rather as a specific proposal. When General Goodpaster, who takes over that post on July 1st, approaches the end of his tour of duty in Brussels, I would truly hope that there would be consultation among the allies as to his successor. If after all due deliberation the choice of the majority is an American once again, that selection would be much more meaningful than the semi-automatic renomination process which has evidently been the rule heretofore.

The very size of our defense establishment in Europe cannot but affect the style of our diplomacy. The large *MAG* (Military Assistance Group) missions are comparable in number to embassy staffs. My Embassy in Copenhagen also had attached to it high ranking and competent officers as air, naval and army attaches. Sale of American arms in Europe has contributed what little there is to the desired standardization and interchangeability of weaponry. All these elements plus our combat forces and our leadership in NATO make our diplomatic effort appear to be the handmaiden of our military policies.

The basic question, of course, remains the interplay of the State and Defense Departments in Foreign Policy implementation. Succeeding Presidents have time and time again endeavored to stress the primacy of the Secretary of State in foreign affairs. But again and again we have seen military decisions seriously affect policy abroad in areas far afield from Defense.

I am in no position, nor is it my purpose today, to propose correctives. Gratefully I am aware of corrective forces at work such as the efforts of the Senate Foreign Relations Committee, particularly through its subcommittee study of our national commitments and U.S. Security Agreements overseas. It is timely and salutary to review our foreign policy assumptions and obligations in critical areas of the world and to have it done under the knowledgeable leadership of the former Secretary of the Air Force, Senator Stuart Symington. Much that will come out of that study, I am sure, will help to illuminate the imbalance between the two departments. We are all well aware of Senator Fulbright's concern about the executive branch's concentration in the hands of the President of virtually unlimited authority over matters of war and peace. Many of us welcome his concern, and the concerned interest of his full committee, in sorting out the overlap between State and Defense.

I am deeply grateful at your giving me this opportunity to share these observations with you today. I appreciate the significance of this occasion and I choose it to express my sense of satisfaction, even of fulfillment to have been the representative of our government and people under three administrations. It was of absorbing interest to me personally, as I told Danish University students last February, to represent our pluralistic society, our ever-renewing one, skeptical of dogma and stale ideologies, one which never really accepts the status quo as a permanent condition, a society which is always seeking and striving for something better, a better life, a better vision for mankind. Now I return to take my place in that society, hoping to be useful to it in the future.

A final word about being both useful and enjoying life. "Happiness", said John F. Kennedy, "is self-fulfillment along lines of excellence." Self-fulfillment is a marvelous word, rich with many superb connotations, all susceptible here at this great University to a wide variety of translations into actuality.

And so, in the spirit of this splendid movement, warm with good will and the fellowship of the future, I say with a full heart—go forth and fulfill yourself.

S. 2399—INTRODUCTION OF A BILL TO APPORTION HIGHWAY SAFETY FUNDS FOR FISCAL YEAR 1970

Mr. COOPER. Mr. President, as the ranking minority member of the Committee on Public Works, I am today introducing for appropriate referral, the administration's recently transmitted proposed bill to apportion under section 403 of title 23 of the United States Code highway safety funds for fiscal year 1970 and thereafter. This bill and other highway safety matters will be the subject of hearings before the Public Works Committee later this month.

I ask unanimous consent that a letter from the Honorable James M. Beggs, Acting Secretary of the Department of Transportation explaining the purposes and provisions of this bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 2399), to provide a formula for apportionment of State and community highways funds for fiscal year 1970 and thereafter, introduced by Mr. COOPER, was received, read twice by its title, and referred to the Committee on Public Works.

The letter presented by Mr. COOPER follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 4, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: As a part of the legislative program for the 91st Congress, 1st Session, the Department of Transportation has prepared and submits with this letter a draft of a proposed bill: "To provide a formula for apportionment of State and community highway safety funds for fiscal year 1970 and thereafter."

In January of this year, responding to the Congressional direction in section 101 of the Highway Safety Act of 1966 (23 U.S.C. 402(c)), former Secretary Boyd recommended to Congress a formula for apportioning funds to carry out the Act's State and community highway safety programs for fiscal year 1970 and succeeding fiscal years. That recommendation contemplated the division of those funds among the States in the ratio of traffic accident deaths in each State over a three year period to the nationwide total of such deaths in that period. No State, however, would receive less than one quarter of one percent of the funds apportioned each year.

It was stated that a formula based on fatalities would result in an allocation of funds to each State proportional to the magnitude of the most severe aspect of that State's highway safety problem. This formula also assumed that total fatalities reflect the magnitude of serious injuries and correlated approximately with minor injuries and property damage.

However, since that death rate formula was recommended, it has been seriously criticized as being subject to negative interpretations, in effect rewarding a State with a poor record while penalizing a State with a successful program. Under that formula, the States most successful in bringing down their traffic death rates would in effect be "penalized" for their efforts by a reduction in the Federal funds allocated to them. Yet it is very likely that those States will have a continuing need for such assistance if they are to maintain a high degree of highway safety. We think this serious practical defect is inherent in the formula previously recommended.

Although the fatalities-based approach has some precedents in other areas relating to public health and social welfare, we believe that the negative interpretations would offset the advantages and would act to the overall detriment of the achievement of program goals. For this reason we are recommending an extension of the current population-based nondiscretionary formula in the following fashion.

In lieu of the traffic death rate formula, we recommend apportionment of the funds in question on the basis of population. This is, of course, the distribution method initially selected by Congress itself with respect to 75 percent of each year's apportionment for fiscal years 1967 through 1969. (See 23 U.S.C. 402(c).) We have given careful consideration to a large number of alternative suggestions including land area, road mileage, motor vehicle registrations, traffic injuries, highway accidents, motor fuel consumption, and various combinations of these factors. We rejected each of these alternatives in turn for absence of adequate and reliable data, or lack of close correlation to the goals of the program, or both. In our view when all factors were considered none of the alternative proposals bore a clearer relationship to the problem at hand than an apportionment based on population, which has several obvious advantages. It is easily understood, rests on the most reliable data available, and can be implemented immediately.

On the long view, all of us are more or less equally exposed to the various hazards of modern highway traffic. In our judgment, therefore, the Highway Safety Program funds are most equitably apportioned on the basis of population.

We do, however, concur in the recommendation for a minimum apportionment for each State. Regardless of population, there are certain minimum expenditures which every State must meet in administrative and overhead costs to insure a basically sound program. For this reason we propose that each State be allowed a minimum of one quarter of one percent of the total monies apportioned for these programs annually.

We have attached for the convenience of the Congress an appropriate draft bill the enactment of which would accomplish our recommendations.

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this draft legislation to the Congress.

Sincerely,

JAMES M. BEGGS,
Acting Secretary.

S. 2400—INTRODUCTION OF A BILL TO REVISE THE QUOTA CONTROL SYSTEM ON THE IMPORTATION OF CERTAIN MEAT AND MEAT PRODUCTS

Mr. HRUSKA. Mr. President. I introduce, for appropriate reference, a bill which is designed to revise the quota control system on the importation of certain meat and meat products, which sys-

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tem was enacted into law in 1964 as Public Law 88–482.

Mr. President, 5 years ago when the present law was enacted, it was admittedly the result of a compromise agreed to under conditions of some haste and a good deal of pressure. At the time, many of us, while expressing our support for it as the best that could be secured at that time, expressed the determination to review it periodically in the light of subsequent experience.

The time has come for that review. It is hoped that full hearings on this problem may be possible and will be had at a very early date.

The existing law limiting the quantity of foreign meat to be imported into this country was enacted in 1964 as the result of a most costly and painful experience with unrestricted imports of meat. For a number of years prior to that time, the volume of meat imports had been increasing steadily. By 1962 and 1963, this volume of foreign meat coming into this country had reached flood proportions. Domestic meat production was also rising gradually, but not so fast as imports. Our markets could not stand the strain. Our price structure collapsed; during an 18-month period cattle prices fell as much as 30 percent, dealing the livestock industry the worst blow it had suffered in many years.

The 1964 act was a long step in the right direction, but compromises had to be accepted in order to get the law passed. The then Secretary of Agriculture Secretary Freeman, was originally a bitter opponent of any import quota legislation on meat at all. As finally passed, the law set a basic quota on 725.4 million pounds as the limit on the quantity of fresh, chilled, or frozen beef, veal, or mutton to be imported in any one year. However, the law also permitted a so-called "growth factor," that is, an annual increase in the quota so that foreign producers could share in supplying any increase in the size of our domestic market, along with domestic producers. Furthermore, it permitted an automatic overrun of 10 percent in quantity of imports before the quotas could actually be imposed.

As a result, imports have been permitted to exceed the original base quota in almost every year. In 1968, imports were over 1 billion pounds; thus far, in 1969, they have been running at a heavier rate than last year. It is high time to review the existing law, and to revise it where necessary to close up the loopholes.

SUMMARY OF CHANGES

Principal changes in existing law, Public Law 88–482—passed in 1964—sought by the bill introduced today are of two general classes.

First, the changes of procedural nature are listed as follows:

(1) Elimination of the so-called "override" provision, by which estimated imports of foreign meat into the United States were permitted to exceed the statutory quota by as much as ten percent before quotas on further shipments were imposed.

(2) Elimination of the machinery by which quotas could actually be imposed only upon the basis of an estimate by the Secretary of Agriculture of threatened imports, this bill would impose quotas by the terms of the law itself.

(3) Placement of the quotas on a quarterly rather than an annual basis, to spread out the shipment of meat more evenly through the year.

(4) A provision that offshore procurements of meat from foreign sources (by the armed forces, etc.) would be charged against the applicable import quotas.

Second, the changes of substantive nature:

(1) It is proposed to use the years 1965 through 1967 as the representative historical period upon which to base the calculation of quotas henceforth, instead of 1959 through 1963 as provided in the present law. It is desirable to modernize the quota base, and particularly to eliminate from the base the record-high years of 1962 and 1963 which result in the establishment of unreasonably high quotas to a degree that is harmful to the domestic industry.

(2) In this year's bill, it is proposed to include fresh, chilled or frozen lamb within the quota along with fresh, chilled, or frozen beef, veal, mutton and goat. In 1968 imports of fresh, chilled, and frozen lamb amounted to 22.9 million pounds, the all-time record volume of imports for lamb meat and nearly double the previous year.

(3) It is also proposed to include "beef and veal, prepared or preserved," of which the principal category is canned beef. Such imports have not yet increased greatly, but it is believed that during periods when quotas on fresh, chilled, or frozen imported meats are effective, it is necessary also to restrain imports of canned beef to prevent a major loophole from opening up.

(4) In the calculation of the growth of imports to be permitted to foreign suppliers, it is proposed to use the quantity of "average domestic production," instead of "average domestic commercial production." This revision is made necessary by a change in the definition of "domestic commercial production" made by the Department of Agriculture in 1966 which had the effect of increasing somewhat the quotas permitted to foreign suppliers.

(5) The net effect of items (1), (2), (3), and (4) is that the gross quota is not greatly changed; for 1969, for example, it would become 965.9 million pounds, compared with 988.0 million pounds as set by present law. However, lamb and canned or prepared beef and veal would be contained within the new quota, and the trigger point arrangement would be eliminated.

Another most important change is the creation of discretionary authority to impose quotas on types of meat other than those expressly specified in the law. This would be done by adopting language authorizing quotas on additional types of meat, so as to make sure this authority can and will be used when necessary to effectuate the purpose of stabilizing the price of meat. During the past 2 years experience with imports of dairy products has taught us that when quotas are imposed on one product, it may tempt some elements in the trade to search out loopholes in the quota system through which foreign surpluses can be dumped. Thus, when the quota on imports of foreign butter was filled, some importers were able to get around the quota restrictions by bringing in butterfat-sugar mixtures usable in the manufacture of ice cream. When quotas were imposed on this product also, imports began to climb of a mixture of cream and cocoa called "chocolate crumb." It is desirable to have, written firmly into the law, sufficient authority to enable our authorities to move promptly to prevent any increase in imports of meat in any form which might destabilize our markets.

Mr. President, at a proper time, I shall discuss in greater detail the reasons and the background which call for early hearings and consideration of this bill. Upon making that presentation I shall advise my colleagues so that they may again cosponsor this measure, as many of them did a couple of years ago when a similar bill was introduced. On that occasion a total of 39 Senators joined in the effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2400), to revise the quota-control system on the importation of certain meat and meat products, introduced by Mr. Hruska, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 2400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is the policy of the Congress that the aggregate quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat), item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)), item 106.30 (relating to fresh, chilled, or frozen lamb meat) and items 107.40, 107.45, 107.50, 107.55, and 107.60 (relating to beef and veal, prepared or preserved (except sausages)) of the Tariff Schedules of the United States which may be imported into the United States in any calendar year beginning after December 31, 1969, should not exceed the average aggregate quantity of such articles imported during the calendar years 1965, 1966, and 1967; except that this quantity shall be increased or decreased for any calendar year by the same percentage that estimated average annual domestic production of such articles in that calendar year and the two preceding calendar years increases or decreases in comparison with the average annual domestic production of such articles during the calendar years 1965, 1966, and 1967.

(b) Before the beginning of each calendar year after 1969, the Secretary of Agriculture shall estimate and publish the aggregate quantity prescribed for such calendar year by subsection (a).

(c)(1) The President shall by proclamation limit the total quantity of the articles described in subsection (a) which may be entered, or withdrawn from warehouse, for consumption during each quarter of any calendar year to one-fourth the aggregate quantity estimated for such calendar year by the Secretary of Agriculture pursuant to subsection (b).

(2) The Secretary of Agriculture shall allocate the total quantity proclaimed under paragraph (1), and any increase in such quantity pursuant to subsection (d), among supplying countries on the basis of the shares such countries supplied to the United States market during a representative period of the articles described in subsection (a), except that due account may be given to special factors which have affected or may affect the trade in such articles. The Secretary of Agriculture shall certify such allocations to the Secretary of the Treasury.

(d) The President may suspend any proc-

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lamation made under subsection (c), or increase the total quantity proclaimed under such subsection, if he determines and proclaims that—

(1) such action is required by overriding economic or national security interest of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry;

(2) the supply of articles of the kind described in subsection (a) will be inadequate to meet domestic demand at reasonable prices; or

(3) trade agreements entered into after the date of the enactment of this Act insure that the policy set forth in subsection (a) will be carried out.

Any such suspension shall be for such period, and any such increase shall be in such amount, as the President determines and proclaims to be necessary to carry out the purposes of this subsection.

(e) The Secretary of Agriculture shall issue such regulations as he determines to be necessary to prevent circumvention of the purposes of this section.

SEC. 2. (a) Whenever the Secretary of Agriculture has reason to believe that any article enumerated in subpart B of part 2 of schedule 1 of the Tariff Schedules of the United States (relating to meats other than bird meat), other than the articles specified in the item numbers enumerated in section 1 hereof, are being or are practically certain to be imported into the United States under such conditions and in such quantities as to depress or tend to depress the price of meat or meat products, or to reduce substantially the amount of any product processed in the United States from domestic livestock, he shall so advise the President, and, if the President agrees that there is reason for such belief, the President shall cause an immediate investigation to be made by the United States Tariff Commission, which shall give the same precedence to investigations under this section to determine such facts as applies to investigations under section 22 of the Agricultural Adjustment Act of 1933. Such investigation shall be made after due notice and opportunity for hearing to interested parties, and shall be conducted subject to such regulations as the President shall specify.

(b) If, on the basis of such investigation and report to him of findings and recommendations made in connection therewith, the President finds the existence of such facts, he shall by proclamation impose such quantitative limitations on such article which may be entered, or withdrawn from warehouse, for consumption as he finds and declares shown by such investigation to be necessary in order that the entry of such article will not depress or tend to depress the price of meat or meat products, or to reduce substantially the amount of any product processed in the United States from domestic livestock. No proclamation under this section shall impose any limitation on the total quantity of any article which may be entered, or withdrawn from warehouse, for consumption which reduces such permissible total quantity to proportionately less than 50 percent of the total quantity of such article entered, or withdrawn from warehouse for consumption during a representative period as determined by the President.

(c) In any case in which the Secretary of Agriculture determines and reports to the President with regard to any article that a condition exists requiring emergency treatment, the President may take immediate action under this section without awaiting the recommendations of the Tariff Commission, such action to continue in effect pending the report and recommendations of the Tariff Commission and action thereon by the President.

(d) The quantitative limitations imposed by the President by proclamation under this section and any revocation, suspension, or modification thereof, shall be effective on such date as shall be specified in such proclamation.

(e) After investigation, report, finding, and declaration in the manner provided in the case of a proclamation issued pursuant to subsection (b), any proclamation or any provision of a proclamation of the President under this section may be suspended or terminated by the President whenever he finds and proclaims that the circumstances requiring the proclamation or provision thereof no longer exists, or may be modified by the President whenever he finds and proclaims that changed circumstances require such modification to carry out the purposes of this section.

(f) Any decision of the President as to facts under this section shall be final.

(g) No trade agreement or other international agreement heretofore or hereafter entered into by the United States shall be applied in a manner inconsistent with the requirements of this section.

SEC. 3. Prior to the beginning of each calendar quarter, the Secretary of Defense shall certify to the Secretary of Agriculture an estimate of the quantity of any article, with respect to which a quota on imports is in effect under the provisions of this Act, which is to be procured with appropriated funds by the Department of Defense from foreign sources and is to be accepted for delivery during such quarter. The quota established under this Act for such article shall be reduced by the quantity so certified by the Secretary of Defense.

SEC. 4. All determinations by the President, the Secretary of Defense, and the Secretary of Agriculture under this Act shall be final.

SEC. 5. Effective January 1, 1970, section 2 of the Act entitled, "An Act to provide for the free importation of certain wild animals, and to provide for the imposition of quotas on certain meat and meat products," approved August 22, 1964 (Public Law 88–482), is repealed.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2405—INTRODUCTION OF BILL TO IMPROVE HEALTH AND SAFETY CONDITIONS IN THE COAL MINES OF THE UNITED STATES

Mr. JAVITS. Mr. President, I introduce for appropriate reference a bill to improve health and safety conditions in the coal mines of the United States and ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD at the conclusion of the Senator's remarks.

Mr. JAVITS. Mr. President, the Subcommittee on Labor has completed extensive hearings on the need for revising and strengthening our existing coal mine safety laws. As the ranking minority member of the subcommittee and the sponsor of the administration's bill, S. 1300, I have participated in the hearings and studied the record closely. The record of the hearings leaves no room for doubt that the existing law should be abandoned and a new and up-to-date law must be enacted quickly to strengthen the Federal Government's hand in protecting the health and safety of coal miners throughout the country.

Clearly the time is long past for us to do all that it is in our power to do to prevent repetitions of the recent disaster which took the lives of 78 miners in Farmington, W. Va., last November, and other accidents which year in and year out have resulted in the death of hundreds of miners and injuries to thousands more. We must also utilize all available technology to bring down the level of respirable coal dust in the mines so as to minimize and, hopefully, eventually completely eliminate coal workers' pneumoconiosis, the horrible disease more commonly known as "black lung."

The bill I introduce today incorporates many changes which I believe significantly strengthen the administration's original bill, S. 1300. The changes are the product of close study of the record developed at the hearings and consideration of recently completed studies by the Public Health Service and the Bureau of Mines. I have also been in constant touch with the administration concerning these changes and many of them have been approved by the administration.

Mr. President, I wish to make it clear that the changes are all designed to strengthen, fortify, and build up the safeguards, rather than in any way to reduce them either in quality or in quantity.

Second, I am informed that only two days ago a mine in West Virginia which has been classed as non-gassy since 1966 had an ignition which resulted in the burning of five miners out of a shift of 25 men. Fortunately, these men were not killed.

This unfortunate incident, however, serves to dramatize even more the importance of abandoning the distinction between gassy and nongassy mines—a distinction which has been aptly termed as "artificial." My bill would provide the means to accomplish this.

Rather than offer each of the changes for consideration of the Subcommittee on Labor at the markup sessions. I believe that it would facilitate matters if they were incorporated in a clean bill. I am, of course, continuing to study the record and the various other bills which have been introduced concerning coal mine health and safety to see if further improvements in my bill can be made. I am reviewing further other items mentioned in some of these bills, such as penalties on the miners, user fees for research, and compensation benefits for those disabled by pneumoconiosis. I also am reviewing the various and complex problems associated with the establishment of a proper initial dust standard and the need for a transition period relative to requiring very expensive face equipment to be permissible. The records of the Bureau of Mines indicate that none of the 52 ignitions which have occurred in nongassy mines during the past 16 years have been caused by this equipment.

I have had prepared a memorandum explaining the principal differences between the bill I introduce today and the original administration bill, S. 1300, and ask unanimous consent that the memorandum be printed at the conclusion of my remarks.

I believe two features of this bill should be emphasized.

First, testimony before the subcommittee clearly indicates that the lowest dust standard possible should be established from the standpoint of the health of coal miners. The Public Health Service in December 1968, proposed a standard of 3.0 miligrams per cubic meter. British data indicates that we should ultimately strive for a standard of 2.0 or lower if we are really to rid ourselves of the scourge of black lung once and for all. Unfortunately, however, the Bureau of Mines has advised me, on the basis of a study recently completed by them, that it will not be possible using existing technology for many U.S. mines to meet a 3.0 standard within 6 months from the date of the act. The same study did indicate that almost all U.S. mines should be able to meet a 4.5 standard utilizing existing technology. The Bureau of Mines has also advised me that it would probably take between 2 and 3 years to improve existing technology to the point where most U.S. mines can meet a 3.0 standard.

In view of these facts and considering the necessity for acting as quickly as possible to lower the coal dust levels in our mines, my bill provides that where existing technology permits, mines should be required to meet the 3.0 standard within 6 months after the effective date of the act, but that where existing technology does not permit this standard to be met, the Secretary may prescribe a level which can be achieved with existing technology, but in no event more than 4.5 milligrams per cubic foot for a period not exceeding 3 years. Applications for this special treatment may be granted by the Secretary of the Interior only if the operator demonstrates that he has diligently attempted to meet the 3.0 standard. Furthermore, as soon as existing technology is developed, the operator must comply with the 3.0 standard.

I wish to emphasize that nothing in the bill relates to any effort to save money or to apologize for any condition in the industry. We cannot afford, even if it means closing mines, to run undue risks. At the same time, we cannot require standards which result unnecessarily in closing a great many mines and bringing about serious unemployment in the industry.

Undoubtedly, certain risks must be taken. Miners have taken them for years. They are among the outstanding heroes among industrial workers and industrial development in the United States. So some risks will continue to be taken. But everything I shall do in the bill, and the present form of it, as I see it, does so, will be designed to minimize that risk and not for one moment tip the balance against safety, but, rather, in its favor at all times and at all costs, bearing in mind the fact that production and employment are vitally dependent on what we do here in respect of law.

Mr. President, I have prepared a memorandum explaining the principal differences between the bill I introduce today and the original administration bill, S. 1300. I ask unanimous consent that the memorandum be printed at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and memorandum will be printed in the RECORD.

The bill (S. 2405), to improve the health and safety conditions of persons working in the coal mining industry of the United States, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Coal Mine Health and Safety Act of 1969".

FINDINGS

SEC. 2. Congress declares that—

(a) the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner;

(b) the occupationally caused death or injury of a miner causes grief and suffering, and is a serious impediment to the future growth of this industry;

(c) there is an urgent need to provide more effective means and measures for improving the working conditions and practices in the Nation's coal mines in order to prevent death and serious physical harm, and in order to control the causes of occupational diseases originating in such mines;

(d) the existence of unsafe and unhealthful conditions and practices in such mines cannot be tolerated;

(e) the operators of such mines with the assistance of the miners have the primary responsibility to prevent the existence of such conditions and practices in such mines;

(f) the disruption of production and the loss of income to operators and miners as a result of a coal mine accident or occupationally caused disease unduly impedes and burdens commerce; and

(g) it is therefore the purpose of this Act (1) to provide for the establishment of mandatory health and safety standards for coal mines; (2) to require that the operators and the miners of such mines comply with such standards in carrying out their responsibilities; (3) to cooperate with and provide assistance to, the States in the development and enforcement of effective State coal mine health and safety programs; and (4) to improve and expand, in cooperation with the States and the coal mining industry, research and development and training programs aimed at preventing coal mine accidents and controlling the causes of occupational diseases in the industry.

MINES SUBJECT TO ACT

SEC. 3. Each coal mine the products of which enter commerce, or the operations of which affect commerce, shall be subject to this Act, and each operator of such mine and every person working in such mine shall comply with the provisions of this Act and the applicable regulations of the Secretary promulgated under this Act.

DEFINITIONS

SEC. 4. For the purpose of this Act, the term—

(a) "Secretary" means the Secretary of the Interior or his delegate;

(b) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a place in any State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof;

(c) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

(d) "operator" means a person operating a coal mine;

(e) "agent" means any person charged with responsibility for the operation of all or part of a coal mine and the supervision of the employees in a coal mine;

(f) "person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other agency or organization;

(g) "miner" means any individual working in a coal mine and includes the agent of the operator;

(h) "coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(i) "work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine;

(j) "imminent danger" means the existence of any condition or practice in a coal mine which would reasonably be expected to cause death or serious physical harm before such condition or practice can be abated;

(k) "accident" includes a mine explosion, mine ignition, mine fire, or mine inundation, or injury to, or death of, any person; and

(l) "Board" means the Federal Coal Mine Health and Safety Board of Review established by this Act.

TITLE I—GENERAL HEALTH AND SAFETY STANDARDS; REVIEW

SEC. 101. (a) The Secretary shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise as may be appropriate, mandatory health and safety standards for the protection of life and the prevention of injuries and occupational diseases in a coal mine.

(b) In the development of such standards, the Secretary shall consult with other interested Federal agencies, representatives of States, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, and such advisory committees as he may appoint, and he may hold such public hearings as he deems appropriate. In addition to the attainment of the highest degree of health and safety protection for the miner, other considerations shall be the latest available scientific data in the field, the technical and economic feasibility of the standards, and experience gained under this and other health and safety statutes.

(c) Mandatory health standards proposed by the Secretary shall be based upon criteria developed and furnished to the Secretary by the Secretary of Health, Education, and Welfare on the basis of research, demonstrations, experiments, and such other

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information as may be appropriate and in consultation with appropriate representatives of the operators and miners, other interested persons, the States, advisory committees, and where appropriate, foreign countries.

(d) The Secretary shall from time to time publish proposed mandatory health and safety standards in the *Federal Register* and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. Except as provided in subsection (e) of this section, the Secretary may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such standards with such modifications as he may deem appropriate. Proposed mandatory safety standards for surface coal mines shall be developed and published by the Secretary not later than twelve months after the enactment of this Act.

(e) On or before the last day of any period fixed for the submission of written data or comments under subsection (d) of this section, any interested person may file with the Secretary written objections to a proposed standard, stating the grounds therefor and requesting a public hearing by the Board on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed standards to which objections have been filed and a hearing requested, and shall refer such standards and objections to the Board for review in accordance with subsection (f) of this section.

(f) Promptly after any matter is referred to the Board by the Secretary under subsection (e) of this section, the Board shall issue notice of, and hold a public hearing for, the purpose of receiving relevant evidence. Within 60 days after the completion of the hearing, the Board shall make proposed findings of fact on such objections and shall file with the Secretary a report incorporating such findings together with its recommendations and with the record on which such findings are based and shall make such report public. Upon receipt thereof, the Secretary, upon consideration of the Board's findings of fact and recommendations, may by decision adopt the Board's recommendations or make new findings of fact and promulgate the mandatory standards with such modifications as he deems appropriate, or take such other action as he deems appropriate. All such findings shall be made public.

(g) Any aggrieved person may, within 30 days after promulgation in the *Federal Register* of any mandatory health or safety standards which were referred to the Board under subsection (e) of this section, file with the United States Court of Appeals for the District of Columbia a petition praying that such standards be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary, and thereupon the Secretary shall certify and file in such court the record upon which the Secretary made his decision, as provided in section 2112, title 28, United States Code. The court shall hear such appeal on the record made before the Secretary. The findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the Secretary for such further action as it directs. The review provided by this subsection shall be the exclusive review available to such person of any such standard and such standards shall not be the subject of any review during any procedure to enforce such standards by the Secretary in the Board or the court. The filing of a petition under this subsection shall not stay the application of the standards complained of, unless the court so orders, upon finding that there is a substantial likelihood that the Secretary's findings are erroneous, and that irreparable injury will result without such a stay.

(h) Any mandatory standard promulgated under this section shall be effective 30 days after publication in the *Federal Register* unless the Secretary specifies a later date.

ADVISORY COMMITTEES

SEC. 102. (a) The Secretary may appoint one or more advisory committees to advise him in carrying out the provisions of this Act. The Secretary shall designate the chairman of such committee.

(b) Advisory committee members, other than employees of Federal, State, or local governments, while performing committee business shall be entitled to receive compensation at rates fixed by the Secretary but not exceeding $100 per day, including travel time. While so serving away from their homes or regular places of business, members may be paid travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons intermittently employed.

INSPECTIONS AND INVESTIGATIONS

SEC. 103. (a) Authorized representatives of the Secretary shall make frequent inspections and investigations in coal mines each year for the purpose of (1) obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents, and the causes of diseases and physical impairments originating in such mines, (2) developing health and safety standards, (3) determining whether an imminent danger exists in a coal mine, and (4) determining whether or not there is compliance with the mandatory health and safety standards promulgated by the Secretary under this Act or with any notice or order issued under this Act. In carrying out the requirements of clauses (3) and (4) of this subsection in each underground coal mine, such representatives shall make inspections of the entire mine at least three times a year.

(b) For the purpose of making any inspection or investigation under this Act, the Secretary or any authorized representative of the Secretary shall have a right of entry to, upon, or through, any coal mine.

(c) For the purpose of carrying out his responsibilities under this Act, including the enforcement thereof, the Secretary may by agreement utilize with or without reimbursement the services, personnel, and facilities of any Federal or State agency.

(d) For the purpose of making any investigation of any accident or other occurrence relating to health or safety in a coal mine, the Secretary may, after notice, hold public hearings, and may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) In the event of any accident occurring in a coal mine, the operator shall notify the Secretary thereof and shall take appropriate measures to prevent, to the greatest extent possible, the destruction of any evidence which would assist in investigating the cause or causes thereof. In the event of any accident occurring in a coal mine where rescue and recovery work is necessary, the Secretary or any authorized representative of the Secretary shall take whatever action he deems appropriate to protect the health or safety of any person, and he may, if he deems appropriate, supervise and direct the rescue and recovery activity in such mine.

(f) In the event of any accident occurring in a coal mine, an authorized representative of the Secretary, when present, may issue such orders as he deems appropriate to insure the safety of any person in the coal mine, and the operator of such mine shall obtain the approval of such representative, in consultation with appropriate State representatives, of any plan to recover any person in the mine or to recover the mine or to return affected areas of the mine to normal.

(g) Whenever a miner or an authorized representative, if any, of the miners, has reason to believe that a violation of a mandatory health or safety standard promulgated by the Secretary exists, or an imminent danger exists, in a mine, such miner or representative may notify the Secretary or his authorized representative of such violation or danger. Within twenty-four hours of receipt of such notification, a special inspection shall be made to determine if such violation or danger exists in accordance with the provisions of this title.

STATE PLANS

SEC. 104. (a) In order to assist the States where coal mining takes place in developing and enforcing effective health and safety laws and regulations applicable to such mines consistent with the provisions of section 405 of this Act and to promote Federal-State coordination and cooperation in improving the health and safety conditions in the Nation's coal mines, the Secretary shall approve any plan submitted under this section by such State, through its official coal mine inspection or safety agency, which—

(1) designates such State coal mine inspection or safety agency as the sole agency responsible for administering the plan throughout the State and contains satisfactory evidence that such agency will have the authority to carry out the plan;

(2) gives assurances that such agency has or will employ an adequate and competent staff of trained inspectors qualified under the laws of such State to make mine inspections within such State;

(3) sets forth the plans, policies, and methods to be followed in carrying out the plan;

(4) provides for the extension and improvement of the State program for the improvement of coal mine health and safety in the State, and that no advance notice of an inspection will be provided any operator of a coal mine;

(5) provides such fiscal control and fund accounting procedures as may be appropriate to assure proper disbursement and accounting of grants made to the State under this section;

(6) provides that the designated agency will make such reports to the Secretary, in such form and containing such information, as the Secretary may from time to time require; and

(7) meets any additional conditions which the Secretary may prescribe by rule in furtherance of the purposes of this section.

(b) The Secretary shall approve any State plan or any modification thereof which complies with the provisions of subsection (a) of this section. He shall not finally disapprove any State plan or modification thereof without first affording the State agency reasonable notice and opportunity to present comments.

(c) Whenever the Secretary, after reasonable notice and opportunity for the State agency to present its comments, finds that in the administration of an approved State plan there is (1) a failure to comply substantially with any provision of the State plan, or (2) a failure to afford reasonable cooperation in administering the provisions of this title, the Secretary shall by decision incorporating his findings therein notify such State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

(d) If any State is dissatisfied with the Secretary's decision under subsection (c) of this section, it may file within 30 days from the date of such decision with the United States Court of Appeals for the District of Columbia a petition praying that such action be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary, and thereupon the Secretary shall certify and file in such court the record upon which the Secretary made his decision, as provided in section 2112, title 28, United States Code. The court shall hear such appeal on the record made before the Secretary. The findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the Secretary for such further action as it directs. The filing of a petition under this subsection shall not stay the application of the Secretary's decision, unless the court so orders.

(e) The Secretary is authorized to make grants to any State where there is an approved State plan (1) to carry out the plan, including the cost of training State inspectors; (2) to conduct research and planning studies and to develop and carry out plans designed to improve State workmen's compensation and occupational disease laws and programs, as they relate to compensation for pneumoconiosis and injury and death to miners, except that such grants shall not be available to pay compensation claims in whole or in part; and (3) to assist the States in planning and implementing other programs for the advancement of health and safety in coal mines. Such grants shall be designed to supplement, not supplant, State funds in these areas. The Secretary shall cooperate with such State in carrying out the plan and shall, as appropriate, develop facilities for, and finance a program of, training of Federal and State inspectors jointly. The Secretary shall also cooperate with such State in establishing a system by which State and Federal inspection reports of coal mines located in the State are exchanged for the purpose of improving health and safety conditions in such mines.

(f) The amount granted to any State for a fiscal year under this section shall not exceed 80 per centum of the sum expended by such State in such year for carrying out the State coal mine health and safety enforcement program.

(g) There is authorized to be appropriated for fiscal year 1970 and each succeeding fiscal year thereafter such sums as may be necessary to carry out the provisions of this section which shall remain available until expended. The Secretary shall provide for an equitable distribution of sums appropriated to the States where there is an approved plan. The Secretary shall coordinate with the Secretaries of Labor and Health, Education, and Welfare in making grants under this section.

FINDINGS, NOTICES, AND ORDERS

SEC. 105. (a) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that an imminent danger exists, such representative shall determine the area throughout which such danger exists, and thereupon shall issue an order requiring the operator of the mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such imminent danger no longer exists.

(b) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that there has been a violation of any mandatory health or safety standard promulgated under this title, but the violation has not created an imminent danger, he shall find what would be a reasonable period of time within which the violation should be totally abated and thereupon issue a notice fixing a reasonable time for the abatement of the violation. If, upon the expiration of the period of time as originally fixed or subsequently extended, an authorized representative of the Secretary finds that the violation has not been totally abated, and if he also finds that the period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that the violation has been abated.

(c)(1) If, upon the inspection of a coal mine, an authorized representative of the Secretary finds that any mandatory health or safety standard established by, or promulgated pursuant to this Act is being violated, and if he also finds that, while the conditions created by such violation do not cause imminent danger, such violation is of such nature as could significantly and substantially contribute to the cause and effect of a mine hazard, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with such mandatory health or safety standards, he shall include such finding in the notice given to the operator under subsection (b) of this section. If, during the same inspection or any subsequent inspection of such mine within 90 days after the issuance of such notice, a representative of the Secretary finds a violation of any such mandatory health or safety standard and finds such violation to be caused by an unwarrantable failure of such operator to so comply, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in subsection (d) of this section, to be withdrawn from, and to be debarred from entering, such area until an authorized representative of the Secretary determines that such violation has been abated.

(2) If a withdrawal order with respect to any area in a mine has been issued pursuant to paragraph (1) of this subsection, thereafter a withdrawal order shall promptly be issued by a duly authorized representative of the Secretary who finds upon any inspection the existence in such mine of violations similar to those that resulted in the issuance of the withdrawal order under paragraph (1) of this subsection until such time as an inspection of such mine discloses no similar violations. Following an inspection of such mine which discloses no similar violations, the provisions of paragraph (1) of this subsection shall again be applicable to that mine.

(d) The following persons shall not be required to be withdrawn from, or prohibited from entering, any area of the coal mine subject to an order issued under this section:

(1) Any person whose presence in such area is necessary, in the judgment of the operator, to eliminate the condition described in the order;

(2) Any public official whose official duties require him to enter such area; and

(3) Any consultant or any representative of the employees of such mine who is, in the judgment of the operator, qualified to make coal mine examinations or who is accompanied by such a person and whose presence in such area is necessary for the investigation of the conditions described in the order.

(e) Notices and orders issued pursuant to this section shall contain a detailed description of the conditions or practices which cause and constitute an imminent danger or a violation of any mandatory health or safety standard promulgated under this Act and, where appropriate, a description of the area of the coal mine from which persons must be withdrawn and prohibited from entering.

(f) Each notice or order issued under this section shall be given promptly to the operator of the coal mine or his agent by an authorized representative of the Secretary issuing such notice or order, and all such notices and orders shall be in writing and shall be signed by such representative.

(g) A notice or order issued pursuant to this section may be modified or terminated by an authorized representative of the Secretary. For the purpose of determining whether a violation of a mandatory health or safety standard has been abated, or whether an imminent danger no longer exists, an authorized representative of the Secretary shall promptly make a special inspection: (1) upon the expiration of the time originally fixed or as extended pursuant to any notice issued under this section, or (2) upon request of an operator of a mine for which an order or notice has been issued under this section, except that the Secretary may establish procedures to avoid unnecessary or repetitive inspections.

(h)(1) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds (A) that conditions exist therein which have not yet resulted in an imminent danger, (B) that such conditions cannot be effectively abated through the use of existing technology, and (C) that reasonable assurance cannot be provided that the continuance of mining operations under such conditions will not result in an imminent danger, he shall determine the area throughout which such conditions exist, and thereupon issue a notice to the operator of the mine or his agent of such conditions, and shall file a copy thereof incorporating his findings therein with the Secretary and with the representative, if any, of the miners of such mine. Upon receipt of such notice, the Secretary shall cause such further investigation to be made as he deems appropriate, including an opportunity for the operator or a representative of the miners, if any, to present information relating to such notice.

(2) Upon the conclusion of such investigation, the Secretary shall make findings of fact, and shall file a petition together with such facts with the Board requesting that either the notice issued under this subsection be cancelled or that an order be issued requiring the operator to cause all persons in the area affected, except those persons referred to in subsection (d) of this section, to be withdrawn from, and be debarred from entering, such area until the Board, after a hearing affording all interested persons an opportunity to present their views, determines that such conditions have been abated. The petition shall designate the operator of such mine as the respondent. The Secretary shall send a copy of such petition by registered or certified mail to the operator of such mine and to the representative, if any, of the miners of the affected mine.

(i) If any order is issued pursuant to this section affecting a mine, the authorized representative of the Secretary who issued the order shall notify the appropriate State agency immediately, but not later than twenty-four hours after the issuance of such order, that such order has been issued.

REVIEW BY SECRETARY

SEC. 106. (a) An operator notified of an order issued pursuant to section 105 of this title may apply to the Secretary for the re-

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view of the order within 30 days of receipt thereof. The operator shall send a copy of such application to the Secretary and to the representative, if any, of miners in the affected mine. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. If the applicant or a representative, if any, of the miners in such mine so request, such investigation shall afford the applicant and the representative the opportunity to present information relating to the issuance and continuance of such order.

(b) Upon receipt of a report of such investigation, the Secretary shall make findings of fact and issue a written decision vacating, affirming, modifying, or terminating the order complained of and incorporate his findings therein.

FEDERAL COAL MINE HEALTH AND SAFETY BOARD OF REVIEW

SEC. 107. (a) There is hereby established a Federal Coal Mine Health and Safety Board of Review which shall be an independent agency. In the exercise of its functions, powers, and duties, the Board shall be independent of the Secretary and the other offices and officers of the Department of the Interior.

(b) The Board shall consist of five members to be appointed by the President with the advice and consent of the Senate. No more than three members of the Board shall be of the same political party. Members of Board shall be appointed with due regard to their fitness for the efficient discharge of the functions, powers, and duties invested in, and imposed upon, the Board, and two members shall have a background, either by reason of previous training, education, or experience in coal mining technology, one member shall have a background either by reason of previous training, education, or experience in public health, and two members shall be drawn from the public generally. All such members shall not have had any interest in, or hold any office in, or connection with, the coal mining industry or any organization representing the coal miners for at least one year prior to their appointment and during the term of their appointment. Pending the appointment by the President of members of this Board, the members of the Federal Coal Mine Safety Board of Review, established by the Federal Coal Mine Safety Act, as amended, shall continue as members of the Board in accordance with the provisions of that Act regarding their appointment until they are replaced or reappointed under this section.

(c) Members of the Board shall be appointed for terms of five years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term and (2) the five members first appointed shall serve for terms, designated by the President at the time of appointment, ending on the last day of the first, second, third, fourth, and fifth calendar years beginning after 1969. Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified.

(d) The Chairman of the Board shall be entitled to receive compensation at a rate equal to that provided for in level IV of the Executive Schedule and section 5316 of title 5, United States Code. The other members of the Board shall receive compensation at a rate equal to that provided for in level V of the Executive Schedule.

(e) The principal office of the Board shall be in the District of Columbia. Whenever the Board deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place. At the request of an operator of a mine or the representative, if any, of the miners working in the mine, the Board shall hold hearings or conduct other proceedings under this title, at the county seat of the county in which the mine is located or at any place mutually agreed to by the Chairman of the Board and the operator or representative involved in the proceeding. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

(f) The President shall designate from time to time one of the members of the Board as Chairman. The Board shall, without regard to the civil service laws, appoint such legal counsel and hire consultants as it deems necessary. The Chairman shall be the chief executive and administrative officer of the Board and shall, subject to the policies and decisions of the Board, exercise the responsibility of the Board with respect to (1) the appointment and supervision of personnel employed by the Board; (2) the distribution of business among the Board's personnel; and (3) the use and expenditure of funds. Subject to the civil service laws, the Board shall appoint such other employees as it deems necessary in exercising its powers and duties. The compensation of all employees appointed by the Board shall be fixed in accordance with chapter 53 of title 5, United States Code.

(g) For the purpose of carrying out its functions under this title, three members of the Board shall constitute a quorum, and official action can be taken only on the affirmative vote of at least three members. A special panel composed of one or more members, upon order of the Board, shall conduct any hearing provided for in this title and submit the transcript of such hearing to the entire Board for its action thereon. Such transcript shall be made available to the parties prior to any final action of the Board. An opportunity to appear before the Board shall be afforded the parties prior to any final action and the Board may afford the parties an opportunity to submit additional evidence as may be required for a full and true disclosure of the facts.

(h) Every official act of the Board shall be entered of record, and its hearings and records thereof shall be open to the public. The Board shall not make or cause to be made any inspection of a coal mine for the purpose of determining any pending application.

(i) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings, which shall provide for adequate notice of hearings to all parties. The existing rules of the Federal Coal Mine Safety Board of Review shall constitute the rules of the Board until superseded or modified by the Board.

(j) Any members of the Board may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(k) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given in writing by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (j) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(l) In the case of contumacy by, or refusal to obey a subpena served upon, any person under this section, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and, after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Board or to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

REVIEW BY BOARD

SEC. 108. (a) (1) Within thirty days after receipt of an order made pursuant to subsection (a), (b), or (c) of section 105 or of a decision made pursuant to section 106 of this title, as the case may be, an operator or the representative, if any, of the miners of the affected mine may apply to the Board for review of such order or decision.

(2) The operator or the representative, as appropriate, shall be designated as the applicant in such proceeding, and the application filed by him shall recite the order complained of and other facts sufficient to advise the parties of the nature of the proceeding. The Secretary shall be the respondent in such proceeding, and the applicant shall send a copy of such application by registered or certified mail to the respondent and to the operator or the representative, if any, of the miners of the affected mine, as appropriate. Immediately upon the filing of such application, the Board shall fix the time for a prompt hearing thereof.

(3) The facts found by an authorized representative of the Secretary and recited or set forth in an order issued pursuant to subsections (a), (b), or (c) of section 105 or in a decision issued by the Secretary pursuant to section 106 of this title, as the case may be, shall be prima facie evidence of such facts and the burden of rebutting such prima facie case shall be upon the applicant, but either party may adduce additional evidence.

(4) Upon conclusion of the hearing, the Board shall make findings of fact, and shall issue a written decision incorporating such findings therein affirming, vacating, modifying, or terminating the order issued under subsections (a), (b), or (c) of section 105 or the decision issued under section 106 of this title, as the case may be.

(5) In the case of an application by an operator for review of an order or decision of the Secretary, the representative, if any, of the miners of the affected mine shall be permitted to intervene in the proceeding. In the case of an application by a representative, if any, of the miners of the affected mine for review of an order or decision of the Secretary, the operator shall be permitted to intervene in the proceeding. An operator or representative permitted to intervene shall have the same rights as any other party.

(b) (1) Upon receipt of a petition filed by the Secretary pursuant to subsection (h) of section 105 of this title or a petition filed by the Secretary pursuant to section 113 of this title the Board shall immediately fix the time for a prompt hearing thereof.

(2) The facts found by the Secretary and recited or set forth in said order or petition shall be prima facie evidence of such facts and the burden of rebutting such prima facie case shall be upon the operator, but either party may adduce additional evidence.

(3) Upon conclusion of the hearing, the Board shall make findings of fact, and shall issue a decision incorporating such finding therein and granting with such modifications as it deems appropriate or denying the petition.

(4) In the event of a petition filed by the Secretary pursuant to subsection (h) of section 105 of this title, the Board shall permit

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the representative of the miners, if any, of the affected mine to intervene in proceedings and such representative shall have the same rights as any other party.

(c) The Board may permit any interested person to intervene in any proceeding and such person shall have the some rights as any other party, unless the Board otherwise orders.

(d) Each decision made by the Board shall show the date on which it is made, and shall bear the signatures of the members of the Board who concur therein. Upon issuance of a decision under this section, the Board shall cause a true copy thereof to be sent by registered or certified mail to all parties and their attorneys of record and to the representative, if any, of the miners of the affected mine or other interested person. The Board shall cause each decision to be entered on its official record, together with any written opinion prepared by any members in support of, or dissenting from, any such decision.

(e) The Board shall establish procedures to provide for the consolidation of hearings under this section whenever appropriate.

(f) Pending the hearing required by this section for review of said order or decision, the applicant before the Board may file with the Board a written request for the Board to grant temporary relief with such conditions as it may prescribe from the order or decision, together with a detailed statement giving reasons for granting such relief. The Board, after a hearing in which all parties and the representative, if any, of the miners of the affected mine are given an opportunity to be heard, may grant relief upon a finding that (1) there is a substantial likelihood that the order under review was erroneously issued, (2) the granting of the relief will not adversely affect the health or safety of the miners of the affected mine, and (3) failure to grant the relief will result in serious and irreparable injury.

(g) In view of the urgent need for prompt decision of matters submitted to the Board under this section, all actions which the Board takes under this section shall be taken as promptly as practicable, consistent with adequate consideration of the issues involved.

JUDICIAL REVIEW

SEC. 109. (a) Any decision issued by the Board under section 108 of this title shall be subject to judicial review by the United States court of appeals for the circuit in which the affected mine is located, upon the filing in such court within thirty days from the date of such decision of a petition by the Secretary or by the operator or representative of the miners, if any, of the mine affected by the decision praying that the action of the Board be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Board, and thereupon the Board shall certify and file in such court the record upon which the decision complained of was issued, as provided in section 2112, title 28, United States Code.

(b) The court shall hear such appeal on the record made before the Board. The findings of the Board, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any decision or may remand the proceedings to the Board for such further action as it directs.

(c) Pending final determination of an appeal under this section, the operator may file with the court request to grant temporary relief with such conditions as it may prescribe from any decision, together with a detailed statement giving reasons for granting such relief. The court, after a hearing in which all parties and the representative, if any, of the miners of the affected mine are given an opportunity to be heard, may grant relief upon finding that (1) there is a substantial likelihood that the decision under appeal was erroneous, (2) the granting of the relief will not adversely affect the health or safety of the miners of the affected mine, and (3) failure to grant the relief will result in serious and irreparable injury.

(d) The judgment of the court shall be subject only to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(3) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the Board's decision.

POSTING OF NOTICES AND ORDERS

SEC. 110. (a) At each coal mine there shall be maintained an office with a conspicuous sign designating it as the office of the mine and a bulletin board at such office or at some conspicuous place near an entrance of the mine, in such manner that notices required by law or regulation to be posted on the mine bulletin board may be posted thereon, be easily visible to all persons desiring to read them, and be protected against damage by weather and against unauthorized removal. A copy of any notice or order required by this title to be given to an operator shall be delivered to the office of the affected mine, and a copy shall be immediately posted on the bulletin board of such mine by the operator or his agent.

(b) The Secretary shall cause a copy of any notice or order required by this title to be given to an operator to be mailed immediately, to a duly designated representative of persons working in the affected mine, and to the public official or agency of the State charged with administering State laws, if any, relating to health or safety in such mine.

(c) In order to insure prompt compliance with any notice or order issued under section 105 of this title, the authorized representative of the Secretary may deliver such notice or order to an agent of the operator and such agent shall immediately take appropriate measures to insure compliance with such notice or order.

RECORDS

SEC. 111. Every operator of a coal mine and his agent shall establish and maintain such records, including records of any accident occurring in the mine, make such reports, and provide such information as the Secretary may reasonably require from time to time to enable him to perform his functions under this Act, shall upon request of any person authorized by the Secretary, permit such person at reasonable times to have access to and copy such records, and the Secretary may compile, analyze, and publish, either in summary or detailed form, the information obtained. All information, reports, findings, notices, orders, or decisions issued under this Act may be published from time to time and released to any interested person and shall be made available for public inspection.

INJUNCTIONS

SEC. 112. The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order, in the district court of the United States for the district in which a coal mine is located or in which the operator of such mine has his principal office, whenever such operator or his agent (a) violates or fails or refuses to comply with any order issued under section 105 of this title or decision issued under this title, or (b) interferes with, hinders, or delays the Secretary or his authorized representative in carrying out the provisions of this Act, or (c) refuses to admit such representative to the mine, or (d) refuses to permit the inspection of the mine, or an accident, injury, or occupational disease occurring in, or connected with, such mine, or (e) refuses to furnish any information or report requested by the Secretary, or (f) refuses to permit access to, and copying of, records. Each court shall have jurisdiction to provide such relief as may be appropriate.

PENALTIES

SEC. 113. (a) (1) The operator of a coal mine in which a violation occurs of a mandatory health or safety standard promulgated under this title or who violates any other provision of this Act, may be assessed a civil penalty, in accordance with the provisions of this subsection, of not more than $10,000 for each occurrence of such violation. Each occurrence of a violation of a health or safety standard may constitute a separate offense. The Secretary may compromise any penalty assessed.

(2) Upon a notification of a violation of any such mandatory health or safety standard in a coal mine from an authorized representative of the Secretary, the Secretary shall cause such further investigation to be made as he deems appropriate, including an opportunity for the operator or representative of the miners, if any, to present information relating to the issuance of such notice and to the amount of such penalty. Upon the conclusion of such investigation the Secretary shall make findings of fact. If he finds that a civil penalty should be assessed, he shall issue an order incorporating such findings therein assessing the penalty. If the operator fails to pay the penalty within the time prescribed in the order, the Secretary shall file a petition together with a copy of such order with the Board requesting that the Board order the payment of such penalty. The petition shall designate the operator of such mine as the respondent. The Secretary shall send a copy of such petition by registered or certified mail to the operator of such mine and to the representative, if any, of the miners of the affected mine.

(3) In determining the amount of any penalty under this subsection, the operator's history of previous violations of health or safety standards, whether or not the violation was willful, the size of the business of the operator charged, the effect on the operator's ability to continue in business, the gravity of the violation of the health or safety standard, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation of a health or safety standard, shall be considered.

(4) In any case where the Board grants the petition filed by the Secretary under this subsection affirming the order of the Secretary as issued or as modified and the operator fails to comply with such order within the time prescribed by the Board therein, the Federal district court for any district in which the operator is found or resides or transacts business, upon application by the United States, and after notice to such operator, shall have jurisdiction to enter a final judgment on such order requiring payment thereon, except that no such judgment shall be entered during the pendency of an appeal from such order pursuant to section 109 of this title. The decision of the Board granting such petition and the order shall not be reviewable by such court.

(b) Whoever knowingly violates or fails or refuses to comply with any order issued under section 105 of this title or any final decision issued under this title shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both, except that if the conviction is for a violation committed after the first conviction of such person, punishment shall be by a fine of not more than $20,000 or by imprisonment for not more than one year, or both.

(c) Whoever knowingly makes any false statements in any records, reports, or other documents required to be maintained under this Act or any mandatory health or safety standard promulgated thereunder or in con-

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nection with the violation of any such standard or any order issued under this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 6 months, or both.

TITLE II—INTERIM MANDATORY HEALTH STANDARDS FOR CONTROLLING DUST AT UNDERGROUND MINES

SCOPE OF COVERAGE

SEC. 201. (a) The provisions of this title shall be interim mandatory health standards applicable to all underground mines until superseded in whole or in part by mandatory health standards promulgated by the Secretary for such mines to become effective after the effective date of section 202(a) of this title, and shall be enforced in the same manner and to the same extent as any mandatory health standard promulgated under title I of this Act. Any orders issued in the enforcement of the provisions of this title shall be subject to review as provided in sections 106, 108, and 109 of title I of this Act.

(b) Among other things, it is the purpose of this title to provide, to the greatest extent possible, that the working conditions of an underground coal mine are sufficiently free of dust concentrations in the atmosphere to permit each miner the opportunity to work underground for his entire adult working life without incurring any disability from pneumoconiosis during or at the end of such period.

DUST STANDARD AND RESPIRATORS

SEC. 202. (a) Except as provided in subsection (c) of this section, effective sixty days after the operative date of this title—

(1) Each operator shall take samples of the mine atmosphere to determine the atmospheric concentrations of respirable dust. Such samples shall be taken by any device approved by the Secretary and in accordance with the methods at locations, at intervals, and in a manner prescribed by him. Such samples shall be transmitted to the Secretary, in a manner prescribed by him, and analyzed and recorded by him in such a manner as to provide a method for assuring that the prescribed dust levels are not exceeded.

(2) Each operator shall continuously maintain the concentrations of respirable dust in the mine atmosphere in any active working place at or below 30 milligrams of dust per cubic meter of air if measured with an MRE instrument or at or below an equivalent amount of dust if measured with another device approved by the Secretary, and shall take corrective action immediately when the concentrations of respirable dust in such place are found by an authorized representative of the Secretary to be in excess of such limit. When the concentrations of respirable dust in such place are found by an authorized representative of the Secretary to be in excess of 45 milligrams of dust per cubic meter of air if measured with an MRE instrument or in excess of an equivalent amount of dust if measured with another device approved by the Secretary, all persons, other than those whose presence is required to take corrective measures, shall be withdrawn from, and prohibited from entering, such place, until such representative finds that effective corrective action has been taken to maintain the concentrations at or below the limit prescribed in the first sentence of this paragraph.

(3) Respirators approved by the Secretary shall be worn for protection against exposures to concentrations of dust in excess of 3.0 milligrams of dust per cubic meter of air if measured with an MRE instrument or in excess of an equivalent amount of dust if measured with another device approved by the Secretary. Only miners, whose presence is required to take the corrective measures referred to in paragraph (2) of this subsection and wearing such a respirator, shall enter or be exposed to concentrations in excess of 4.5 milligrams of dust per cubic meter. Use of respirators shall not be substituted for environmental control measures, unless such use is approved by the Secretary. Each underground mine shall maintain a supply of approved respirators adequate to deal with occurrences of concentrations of respirable dust in the mine atmosphere in excess of the limit prescribed in this subsection.

(4) As used in this section, the term "MRE instrument" means the gravimetric dust sampler with four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

(b) The Secretary shall, as soon as possible, after the effective date of the 3.0 standard required by this section, establish a standard of 2.0 milligrams of dust per cubic meter of air or lower for all underground mines.

(c) Whenever the Secretary determines, upon application of an operator of an underground coal mine, that the application of the dust standard prescribed under this title within the time prescribed is not feasible from the standpoint of available engineering technology applicable to such mine, he may permit under such conditions as he may prescribe and for a period not in excess of three years, that the operator of such mine shall continuously maintain the concentrations of respirable dust in the mine atmosphere in any active working place in such mine at such level as existing technology will permit, but in no event more than 4.5 milligrams of dust per cubic meter of air if measured with an MRE instrument or at or below an equivalent amount of dust if measured with another device approved by the Secretary. The Secretary shall grant such application only if he finds that the operator has diligently attempted to meet the standard prescribed under subsection (a) (2) of this section. As soon as existing technology permits such operator shall be required by the Secretary to comply with the provisions of subsection (a) (2) of this section. In any mine where such a permit is granted by the Secretary, if the dust in any active working place is found by an authorized representative of the Secretary to be in excess of 4.5 milligrams of dust per cubic meter of air if measured with an MRE instrument or in excess of an equivalent amount of dust if measured with another device approved by the Secretary, the operator of such mine shall take corrective action immediately, and where such concentrations exceed 5.5 milligrams of dust per cubic meter of air if so measured, all persons, other than those whose presence is required to take corrective measures, shall be withdrawn as prescribed in subsection (a) (2) of this section.

MEDICAL EXAMINATIONS

SEC. 203 (a) The operator of an underground coal mine shall establish a program under which each miner working in an underground coal mine will be given, at least annually, beginning six months after the operative date of this title, a chest roentgenogram and such other tests as may be required by the Surgeon General. The films shall be taken in a manner to be prescribed by the Surgeon General and shall be read and classified by the Surgeon General and the results of each reading on each such person shall be available to the Secretary and, with the consent of the miner, to the miner's physician and other appropriate persons. The Surgeon General may also take such examinations and tests where appropriate. Such operator shall further cooperate with the Surgeon General in making arrangements for any such miner to be given such other medical examinations as the Surgeon General determines necessary. The results of any such examination shall be submitted in the same manner as the aforementioned films. In no case, however, shall any such miner be required to have a chest roentgenogram or examination under this section without his consent.

(b) Any miner who, in the judgment of the United States Public Health Service based upon such reading, shows substantial evidence of the development of pneumoconiosis shall be assigned by the operator, for such period or periods as may be necessary to prevent further development of such disease, to work, at the option of the miner, either (1) in any active working place is a mine where the mine atmosphere contains concentrations of respirable dust of not more than 2 milligrams of dust per cubic meter of air if measured with an MRE instrument or not more than an equivalent amount of dust if measured with another device approved by the Secretary, or (2) in an area of the mine containing more than such 2 milligrams, or equivalent, if the miner wears a respirator approved by the Surgeon General.

DUST FROM DRILLING; FUMES

SEC. 204. The dust resulting from drilling in rock shall be controlled by the use and maintenance of permissible dust collectors or by water or water with a wetting agent. Persons exposed for short periods to inhalation hazards from gas, dusts, fumes, or mist, shall wear permissible respiratory equipment. When the exposure is for prolonged periods, other measures to protect such persons or to reduce the hazard shall be taken.

TITLE III—INTERIM SAFETY STANDARDS FOR UNDERGROUND COAL MINES

COVERAGE

SEC. 301. (a) The provisions of this title shall be the interim mandatory safety standards applicable to all underground coal mines until superseded in whole or in part by mandatory safety standards promulgated by the Secretary, and shall be enforced in the same manner and to the same extent as any mandatory safety standard promulgated under title I of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in title I of this Act.

(b) The purpose of this title is to provide for the immediate application of mandatory safety standards developed on the basis of long experience and advances in technology and to prevent or eliminate newly created hazards resulting from new technology in coal mining. The Secretary shall immediately initiate studies, investigations, and research to further upgrade such standards and to develop and promulgate new and improved standards promptly that will provide increased protection to the miners, particularly in connection with dangers from trolley and trolley feeder wires, signal wires, the splicing of trailing cables, vulcanizing of electric conductors, improvement in roof control measures, methane drainage in advance of mining, improved methods of measuring methane and oxygen concentrations and other matters where the technology has not advanced as rapidly as similar conditions in other industries.

(c) In any case in which an exception to a standard established by this title is authorized by the provisions thereof, such exception shall be made only upon a finding by the Secretary that it is warranted under the criteria established in the provisions authorizing such exception, and that the granting of the exception would not pose a danger to the safety of miners. Such findings shall be made public and shall be available to a representative, if any, of the miners at the affected mine.

GENERAL STANDARDS

SEC. 302. (a) Telephone service or equivalent two-way communication facilities shall be provided between the surface and each landing of main shafts and slopes and be-

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tween the surface and each working section that is more than 100 feet from the mine portal.

(b) Smoking shall be prohibited underground. No person shall carry smoking materials, matches, or lighters underground. Smoking shall be prohibited in or around oil houses, explosives magazines, or other surface areas where such practice may cause a fire or explosion. The operator of a coal mine shall institute a program, approved by the Secretary, at each mine to insure that any person entering the underground portion of the mine does not carry smoking materials, matches, or lighters.

(c) All accidents shall be investigated by the operator or his agent to determine the cause and the means of preventing a recurrence. Records of such accidents and investigations shall be kept and the information shall be made available to the Secretary or his authorized representative and the State.

(d) Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons. Emergency communications shall be provided to the nearest point of assistance. Selected agents of the operator shall be trained in first aid and first aid training shall be made available to all miners. Each mine shall have an adequate supply of first aid equipment located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces. In fulfilling each of the requirements in this section, the operator shall meet at least minimum standards established by the Surgeon General. Each operator shall file with the Secretary a plan setting forth in such detail as he may require the manner in which he has fulfilled the requirements in this section.

(e) A self-rescue device approved by the Secretary shall be made available to each miner by the operator which shall be adequate to protect such miner for 1 hour or longer. Each operator shall train each miner in the use of such device.

(f) The Secretary or an authorized representative of the Secretary may require in any coal mine that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine to which miners could go in case of an emergency for protection against hazards. Such chambers shall be properly equipped with first aid materials, and adequate supply of air, and self contained breathing equipment, and independent communication system to the surface, and proper accommodations for the miners while awaiting rescue. A plan for the erection, maintenance, and revisions of such chambers shall be submitted by the operator to the Secretary for his approval.

(g) The Secretary may prescribe the manner in which all active underground working places in a mine shall be illuminated by permissible lighting while persons are working in such places.

(h) Every operator of a coal mine shall establish a program, approved by the Secretary, of training and retraining of qualified and certified persons needed to carry out functions prescribed in this title.

(i) The Secretary shall prescribe improved methods of assuring that miners are exposed to atmospheres that are not deficient in oxygen.

(j) Each mine shall provide adequate facilities for the miners to change from the clothes worn underground, to provide the storing of such cloths from shift to shift, and to provide sanitary and bathing facilities.

ROOF SUPPORT

SEC. 303. (a) The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof-control plan and revisions thereof suitable to the roof conditions and mining system of each mine and approved by the Secretary shall be adopted and set out in printed form within a reasonable period to be established after the operative date of this title by the Secretary by regulation. The plan shall show the type and spacing of supports approved by the Secretary and such plan shall be reviewed periodically, taking into consideration falls of roof or ribs or inadequacy of support of roof or ribs. No person shall proceed beyond the last permanent support unless adequate temporary support is not required under the approved roof control plan. A copy of the plan shall be furnished the Secretary or his authorized representative and shall be available to the miners or their authorized representative.

(b) The method of mining followed in any mine shall not expose the miner to unusual dangers to roof falls caused by excessive widths of rooms and entries or faulty pillar recovery methods.

(c) The operator shall provide at or near the working face an ample supply of suitable materials of proper size with which to secure the roofs of all working places in a safe manner. Safety posts or jacks or other approved devices shall be used to protect the workmen when roof material is being taken down or crossbars are being installed. Losse roof and overhanging or loose faces and ribs shall be taken down or supported. Supports knocked out accidentally shall be replaced promptly.

(d) When permitted, installed roof bolts shall be tested in accordance with the plan. Roof bolts shall not be recovered where complete extractions of pillars are attempted, or where adjacent to clay veins, nor at the locations of other irregularities whether natural or otherwise that induce abnormal hazards. Where roof bolt recovery is permitted, it shall be conducted only in accordance with methods prescribed in the approval roof control plan, and shall be conducted by experienced miners and only where adequate temporary support is provided.

(e) Where the miner is exposed to danger from falls of roof, face, and ribs the operator shall examine and test the roof, face, and ribs before any work or a machine is started, and as frequently thereafter as may as necessary to insure safety. When dangerous conditions are found, they shall be corrected immediately.

(f) The operator shall investigate and record all roof falls, whether death or injuries result or not, and make such information available to the Secretary or his authorized representative and the appropriate State agency.

VENTILATION

SEC. 304. (a) All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

(b) All active underground working places shall be ventilated by a current of air containing not less than 19.5 volume per centum or oxygen not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable or harmful gases and smoke and fumes. The minimum quantity of air in any mine reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be nine thousand cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be nine thousand cubic feet a minute. The Secretary or his authorized representative may require in any coal mine a greater quantity of air when he finds it necessary to protect the safety of miners. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

(c)(1) Properly installed and adequately maintained line brattice or other suitable devices shall be used from the last open crosscut or an entry or room to provide adequate ventilation for the miners and to remove gases, dust, and explosive fumes, unless the Secretary or his authorized representative permits an exception to this requirement. When damaged by falls or otherwise, they shall be repaired promptly.

(2) The space between the line brattice and the rib shall be large enough to permit the flow of a sufficient volume of air to keep the working face clear of flammable and noxious gases.

(3) Brattice cloth used underground shall be of flame-resistant material.

(d) Within three hours immediately preceding the beginning of a coal-producing shift, and before any workmen in such shift enter the underground areas of the mine, certified persons designated by the operator of the mine shall examine a definite underground area of the mine. Each such examiner shall examine every active underground working place in that area and shall make tests in each such working place for accumulations of methane with means approved by the Secretary for detecting methane and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in the active underground working places and on active roadways and travelways; examine active roadways, travelways, and all belt conveyors on which coal is carried, approaches to abandoned workings, and accessible falls in active sections for hazards; examine by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume; and examine for such other hazards as an authorized representative of the Secretary may from time to time require. Such mine examiner shall place his initials and the date at all places he examines. If such mine examiner finds a condition which constitutes a violation of a mandatory standard or any condition which is hazardous to persons who may enter or be in such area, he shall indicate such hazardous place by posting a "Danger" sign conspicuously at all points which persons entering such hazardous place would be required to pass, and shall notify the operator of the mine. No person, other than an authorized representative of the Secretary or a State mine inspector or persons authorized by the mine operator to enter such place for the purpose of eliminating the hazardous condition therein, shall enter such place while such sign is so posted. Upon completing his examination such mine examiner shall report the results of his examination to a person, designated by the mine operator to receive such reports at a designated station on the surface of the mine or underground, before other persons enter the underground areas of such mine to work in such coal producing shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book approved by the Secretary kept for such purpose on the surface of the mine at a place designated by the mine operator in order to minimize the possibility of damage. No person (other than certified persons designated under this subsection) shall enter any underground area, except during a coal-producing shift, unless an examination of such area as prescribed in this subsection has been made within eight hours immediately preceding his entrance into such area.

(e) At least once during each coal-producing shift, or more often if necessary for safety, the active underground working places shall be examined for hazardous conditions by certified persons designated by the mine operator to do so. Such examination shall include tests with means approved by the Secretary for detecting methane and with permissible flame safety lamps or other means approved by the Secretary for detecting oxygen deficiency.

(f) Examinations for hazardous conditions, including tests for methane, shall be made at least once each week, by a certified person designated by the operator of the mine, in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, in at least one entry of each intake and return airway in its entirety, at idle workings, and insofar as conditions permit, at abandoned workings. Such weekly examinations need not be made during any week in which the mine is idle for the entire week. The person making such examinations and tests shall place his initials and the date at the places examined, and if hazardous conditions are found, such conditions shall be reported promptly. Any hazardous conditions shall be corrected immediately. If a hazardous condition cannot be corrected immediately, the operator shall withdraw all persons from the area of the mine affected by such conditions, except those persons whose presence is required to correct those conditions. A record of these examinations and tests shall be kept and shall be open for inspection by interested persons.

(g) At least once each week, a qualified person shall measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open crosscut in each active entry, the volume being delivered to the intake end of each pillar line, and the volume at the intake and return of each split of air. A record of such measurements shall be kept in a book on the surface, and the record shall be open for inspection by interested persons.

(h) (1) At the start of each coal-producing shift, tests for methane shall be made at the face of each working place immediately before electrically operated equipment is energized. Such tests shall be made by qualified persons. If more than 1.0 volume per centum of methane is detected, electrical equipment shall not be energized, taken into, or operated in, such face workings until such methane content is reduced below 1.0 volume per centum of methane. Examinations for methane shall be made during such operations at intervals of not more than twenty minutes during each shift, unless more frequent examinations are required by an authorized representative of the Secretary. In conducting such tests, such person shall use means approved by the Secretary for detecting methane.

(2) If the air at an underground face working, when tested at a point not less than twelve inches from the roof, face, or rib, contains more than 1.0 volume per centum of methane, changes or adjustments shall be made at once in the ventilation in such mine so that such air shall not contain more than 1.0 volume per centum of methane. While such ventilation improvement is underway and until it has been achieved, power to face equipment located in such place shall be cut off, no other work shall be permitted in such place, and due precautions will be carried out under the direction of the agent of the operator so as not to endanger other working places. If such air, when tested as outlined, above, contains 1.5 volume per centum of methane, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such face working shall not contain more than 1.0 volume per centum of methane.

(i) If, when tested, a split of air returning from active underground working places contains more than 1.0 volume per centum of methane, changes or adjustments shall be made at once in the ventilation in the mine so that such returning air shall not contain more than 1.0 volume per centum of methane. Such tests shall be made at four hour intervals during each shift by a qualified person designated by the operator of the mine. In making such tests, such person shall use means approved by the Secretary for detecting methane.

(j) If a split of air returning from active underground working places contains 1.5 volume per centum of methane, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such split shall not contain more than 1.0 volume per centum of methane. In virgin territory, if the quantity of air in a split ventilating the workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section, and if a certified person designated by the mine operator is continually testing the methane content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons and cut off all electric power from the portion of the mine endangered by methane only when the air returning from such workings contains more than 2.0 volume per centum.

(k) Air which has passed by an opening in any abandoned area shall not be used to ventilate any active face area in the mine if such air contains 0.25 volume per centum or more of methane. Examinations of such air shall be made during the pre-shift examination required by subsection (d) of this section. In making such tests, a qualified person designated by the operator of the mine shall use means approved by the Secretary for detecting methane. For the purposes of this subsection, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

(l) Air that has passed through an abandoned panel or area which is inaccessible or unsafe for inspection shall not be used to ventilate any active face workings in such mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any active face workings in such mine, except that such air, if it does not contain 0.25 volume per centum or more of methane, may be used to ventilate enough advancing working places or rooms immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

(m) An authorized representative of the Secretary may require in any coal mine that electric face equipment, operated therein be equipped with a methane monitor approved by the Secretary and kept operative and in operation.

(n) Idle and abandoned areas shall be inspected for methane and for oxygen deficiency and other dangerous conditions by a certified person with means approved by the Secretary as soon as possible, but not more than three hours, before other employees are permitted to enter or work in such places. However, persons, such as pumpmen, who are required regularly to enter such areas in the performance of their duties, and who are trained and qualified in the use of means approved by the Secretary for detecting methane and in the use of a permissible flame safety lamp or other means for detecting oxygen deficiency are authorized to make such examinations for themselves, and each such person shall be properly equipped and shall make such examinations upon entering any such area.

(o) Immediately before an intentional roof fall is made, pillar workings shall be examined by a qualified person designated by the operator to ascertain whether methane is present. Such person shall use means approved by the Secretary for detecting methane. If in such examination methane is found in amounts of more than 1.0 volume per centum, such roof fall shall not be made until changes or adjustments are made in the ventilation so that the air shall not contain more than 1.0 volume per centum of methane.

(p) Within 12 months after the operative date of this title, and thereafter, all areas in all mines in which the pillars have been extracted or areas which have been abandoned for other reasons shall be effectively sealed or shall be effectively ventilated by bleeder entries, or by bleeder systems or an equivalent means. Such sealing or ventilation shall be approved by an authorized representative of the Secretary.

(q) Pillared areas ventilated by means of bleeder entries, or by bleeder systems or an equivalent means, shall have sufficient air coursed through the area so that the return split of air shall not contain more than 2.0 volume per centum of methane before entering another split of air.

(r) Where areas are being pillared on the operative date of this title without bleeder entries, or without bleeder systems or an equivalent means, pillar recovery may be completed in the area to the extent approved by an authorized representative of the Secretary if the edges of pillar lines adjacent to active working places are ventilated with sufficient air to keep the air in open areas along the pillar line below 1.0 volume per centum of methane.

(s) Each mechanized mining section shall be ventilated with a separate split of intake air directed by overcasts, undercasts, or the equivalent, except an extension of time may be permitted by the Secretary, under such conditions as he may prescribe, whenever he determines that this subsection cannot be complied with on the operative date of this title.

(t) Immediately before firing each shot or group of multiple shots and after blasting is completed, examinations for methane shall be made by a qualified person with means approved by the Secretary for detecting methane. If methane is found in amounts of more than 1.0 volume per centum, changes or adjustments shall be made at once in the ventilation so that the air shall not contain more than 1.0 volume per centum of methane. No shots shall be fired until the air contains not more than 1.0 volume per centum of methane.

(u) Each operator of a coal mine shall adopt a plan within sixty days after the operative date of this subsection to be established by the Secretary which shall provide that when any mine fan stops immediate action shall be taken by the operator or his agent (1) to withdraw all persons from the face workings, (2) to cut off the power in the mine in a timely manner, (3) to provide for restoration of power and resumption of work if ventilation is restored within a reasonable period as set forth in the plan after the face workings and other places where methane is likely to accumulate are re-examined by a certified person to determine if methane in amounts of more than 1.0 volume per centum exists therein, and (4) to provide for withdrawal of all persons from the mine if ventilation cannot be restored within such reasonable time. The plan and revisions thereof approved by the Secretary shall be set out in printed form and a copy shall be furnished to the Secretary or his authorized representative.

(v) Changes in ventilation which materially affect the main air current or any split thereof and which may affect the safety of persons in the coal mine shall be made only when the mine is idle. Only those persons engaged in making such changes shall be permitted in the mine during the change. Power shall be removed from the areas affected by the change before work starts to

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make the change and shall not be restored until the effect of the change has been ascertained and the affected areas determined to be safe by a certified person.

(w) The mine foreman shall read and countersign promptly the daily reports of the pre-shift examiner and assistant mine foreman, and he shall read and countersign promptly the weekly report covering the examinations for hazardous conditions. The mine superintendent or assistant superintendent of the mine shall also read and countersign the daily and weekly reports of such persons.

(x) Each day, the mine foreman and each of his assistants shall enter plainly and sign with ink or indelible pencil in a book provided for that purpose a report of the condition of the mine or portion thereof under his supervision which report shall state clearly the location and nature of any hazardous condition observed by them or reported to them during the day and what action was taken to remedy such condition.

(y) Before a mine is reopened after having been abandoned, the Secretary shall be notified and an inspection made of the entire mine by an authorized representative of the Secretary before mining operations commence.

COMBUSTIBLE MATERIALS AND ROCK DUSTING

Sec. 305. (a) Coal dust, including float coal dust deposited on rock-dusted surfaces, loose coal, and other combustible materials, shall not be permitted to accumulate in active underground working places or on electrical equipment therein.

(b) Where underground mining operations create or raise excessive amounts of dust, water or water with a wetting agent added to it, or other effective methods, shall be used to abate such dust. In face areas, particularly in distances less than 40 feet from the face, water, with or without a wetting agent, shall be applied to coal dust on the rib, roof and floor to reduce dispersability and to minimize the explosion hazard.

(c) All areas of a mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock-dusted to within forty feet of all faces, unless such areas are inaccessible or unsafe to enter or unless an authorized representative of the Secretary permits an exception. All crosscuts that are less than forty feet from a face shall be rock-dusted.

(d) When rock dust is required to be applied, it shall be distributed upon the top, floor, and sides of all open workings and maintained in such quantities that the incombustible contents of the combined coal dust, rock dust, and other dust shall be not less than 65 per centum, but the incombustible content in the return air courses shall be not less than 80 per centum. Where methane is present in any ventilating current, the percent of incombustible content of such combined dusts shall be increased 1.0 and 0.4 per centum for each 0.1 per centum of methane, where 65 and 80 per centum, respectively, of incombustibles are required.

(e) Subsections (b) through (d) of this section shall not apply to underground anthracite mines subject to this Act.

ELECTRICAL EQUIPMENT—GENERAL

Sec. 306. (a) The location and the electrical rating of all stationary electrical apparatus in connection with the mine electrical system, including permanent cables, switch-gear, rectifying substations, transformers, permanent pumps and trolley wires and trolley feeders, and settings of all direct-current circuit breakers protecting underground trolley circuits, shall be shown on a mine map. Any changes made in a location, electrical rating, or setting shall be promptly shown on the map when the change is made.

(b) All power circuits and electrical equipment shall be de-energized before work is done on such circuits and equipment, except, when necessary, a person may repair energized trolley wires if he wears insulated shoes and lineman's gloves. No work shall be performed on high-voltage circuits or equipment except by or under the direct supervision of a competent electrician. Switches shall be locked out and suitable warning signs posted by the persons who are to do the work. Locks shall be removed only by the persons who installed them.

(c) Electrical equipment shall be frequently examined by a competent electrician to assure safe operating conditions. When a potentially dangerous condition is found on electrical equipment, such equipment shall be removed from service until such condition is corrected.

(d) All electrical conductors shall be sufficient in size and have adequate current-carrying capacity and be of such construction that the rise in temperature resulting from normal operation will not damage the insulating materials.

(e) All joints or splices in conductors shall be mechanically and electrically efficient and suitable connectors shall be used. All joints in insulated wire shall be reinsulated at least to the same degree of protection as the remainder of the wireless.

(f) Cables shall enter metal frames of motors, splice boxes and electrical compartments only through proper fittings. When insulated wires other than cables pass through metal frames the holes shall be substantially bushed with insulated bushings.

(g) All power wires (except trailing cables, specially designed cables conducting high-voltage power to underground rectifying equipment or transformers, or bare or insulated ground and return wire) shall be supported on well-insulated insulators and shall not contact combustible material, roof, or ribs.

(h) Except trolley wires, trolley feeder and bare signal wires, power wires and cables installed shall be insulated adequately and fully protected against damage.

(i) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads, except on locomotives operating regularly on grades exceeding 5 percent. Three phase motors on all electric equipment shall be provided with overload protection that will de-energize all three phases in the event that any phase is overlooked.

(j) In all main power circuits disconnecting switches shall be installed underground within 500 feet of the bottoms of shafts and boreholes through which main power circuits enter the underground portion of the mine and at all other places where main power circuits enter the underground portion of the mine.

(k) All electric equipment shall be provided with switches or other controls that are safely designed, constructed, and installed.

(l) One year after the operative date of this section—

(1) all electric face equipment used in a coal mine shall be permissible and shall be maintained in a permissible condition, except that the Secretary may permit, under such conditions as he may prescribe, non-permissible electric face equipment in use in any such mine, other than a mine classified gassy prior to the effective date of this Act, on the operative date of this title, to continue in use for such period as he deems appropriate where he finds, upon a showing by the operator made six months prior to the expiration of such year that despite the operator's diligent efforts replacement equipment will not be available, within the prescribed time and files a delivery schedule acceptable to the Secretary; and

(2) only permissible junction or distribution boxes shall be used for making multiple power connections inby the last open crosscut; and

(3) a copy of any permit granted under this subsection shall be mailed immediately to a duly designated representative of the employees of the mine to which it pertains, and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine. No exception shall be granted in paragraph (1) of this subsection for electric face equipment of 25 HP or less.

(m) Any coal mine which, prior to the operative date of this title, was classed gassy and was required to use permissible electric face equipment and to maintain such equipment in a permissible condition shall continue to use such equipment and to maintain such equipment in such condition.

(n) All power-connection points, except where permissible power connection units are used, out by the last open crosscut shall be in intake air.

(o) No open flame or lights shall be permitted in any underground coal mine except under the provisions of section 312(d) of this title.

(p) Each ungrounded, exposed power conductor that leads underground shall be equipped with lightning arresters of approved type within 100 feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface medium on the surface which shall be separated from neutral grounds by a distance of not less than 25 feet.

TRAILING CABLES

Sec. 307. (a) Trailing cables used underground shall meet the requirements established by the Secretary for flame-resistant cables.

(b) Short-circuit protection for trailing cables shall be provided by an automatic circuit breaker of adequate current interrupted capacity in each undergrounded conductor. Disconnecting devices used to disconnect power from trailing cables shall be plainly marked and identified and such devices be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) When two or more trailing cables junction to the same distribution center, means shall be provided to assure against connecting a trailing cable to the wrong size circuit breaker.

(d) No more than two temporary splices shall be made in any trailing cable, except that if a third splice is needed during a shift it may be made during such shift, but such cable shall not be used after that shift until a permanent splice is made. No temporary splice shall be made in a trailing cable within 25 feet of the machine, except, the splice inby the straining clamp on cable reel equipment. Temporary splices in trailing cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or hand cables which have exposed wires or which have splices that heat or spark under load shall not be used. As used in this subsection, the term "splice" means the mechanical joining of one or more conductors that have been severed.

(e) When permanent splices in trailing cables are made, they shall be:

(1) Mechanically strong with adequate electrical conductivity and flexibility;

(2) Effectively insulated and sealed so as to exclude moisture; and

(3) Vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

(f) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections. Trailing cables shall be ade-

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quately protected to prevent damage by mobile machinery.

(g) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

GROUNDING

SEC. 308. (a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded. Metallic frames, casing, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded effectively.

(b) The frames of all offtrack direct current machines and the enclosures of related detached components shall be effectively grounded or otherwise maintained at safe voltages by methods approved by an authorized representative of the Secretary.

(c) The frames of all high-voltage switchgear, transformers, and other high-voltage equipment shall be grounded to the high-voltage system ground.

(d) High-voltage lines, both on the surface and underground, shall be de-energized and grounded before work is performed on them.

(e) When not in use, power circuits underground shall be de-energized on idle days and idle shifts, except that rectifiers and transformers may remain energized.

UNDERGROUND HIGH-VOLTAGE DISTRIBUTION

SEC. 309. (a) High-voltage circuits entering the underground portion of the mine shall be protected by suitable circuit breakers of adequate interrupting capacity. Such breakers shall be equipped with relaying circuits to protect against overcurrent, ground fault, a loss of ground continuity, short circuit, and undervoltage.

(b) High-voltage circuits extending under ground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit. At the point where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed out by the automatic breaker and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) The grounding resistor shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to not more than 100 volts under fault conditions. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(d) High-voltage systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken.

(e) Underground high-voltage cables shall be equipped with metallic shields around each power conductor. One or more ground conductors shall be provided having a cross-sectional area of not less than one-half the power conductor or capable of carrying twice the maximum fault current. There shall also be provided an insulated conductor not smaller than No. 8 (AWG) for the ground continuity check circuit. Cables shall be adequate for the intended current and voltage. Splices made in the cable shall provide continuity of all components and shall be made in accordance with cable manufacturers' recommendations.

(f) Couplers that are used with high-voltage power circuits shall be of the three-phase type with a full metallic shell, except that the Secretary may permit, under such guidelines as he may prescribe, couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(g) Single phase loads such as transformer primaries shall be connected phase to phase.

(h) All underground high-voltage transmission cables shall be located only in regularly inspected airways or haulageways, and shall be covered, buried, or placed so as to afford protection against damage guarded where men regularly work or pass under unless they are six and one-half feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contract with trolley and other low-voltage circuits.

(i) Disconnecting devices shall be installed at the beginning of branch lines in high-voltage circuits and equipped or designed in such manner that it can be determined by visual observation that the circuit is de-energized when the switches are open.

(j) Circuit breakers and disconnecting switches underground shall be marked for identification.

(k) Terminations and splices of high-voltage cable shall be made in accordance with manufacturer's specifications.

(l) Frames, supporting structures, and enclosures of substation or switching station apparatus shall be effectively grounded to the high-voltage ground.

(m) Power centers and portable transformers shall be de-nergized before they are moved from one location to another. High-voltage cables, other than trailing cables, shall not be moved or handled while energized.

UNDERGROUND LOW AND MEDIUM VOLTAGE ALTERNATING CURRENT CIRCUITS

SEC. 310(a) Low and medium voltage power circuits serving three phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity. Such breakers shall provide protection for the circuit against overcurrent, ground fault, short circuits, and loss of ground circuit continuity.

(b) Low and medium voltage circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all the electrical equipment supplied power from the circuit. The grounding resistor shall be of the proper ohmic value to limit the ground fault current to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously.

(c) Low and medium voltage circuits shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken.

(d) Disconnecting devices shall be installed in conjunction with the circuit breaker to provide visual evidence that the power is disconnected. Trailing cables for mobile equipment shall contain one or more ground conductors having a cross sectional area of not less than one half the power conductor and an insulated conductor for the ground continuity check circuit. Splices made in the cable shall provide continuity of all components.

(e) Single phase loads shall be connected phase to phase.

(f) Circuit breakers shall be marked for identification.

(g) Portable (trailing) cable for medium voltage circuits shall include grounding conductors, a ground check conductor, and grounded metallic shields around each power conductor or a grounded metallic shield over the assembly; except that on machines employing cable reels, cables without shields may be used if the insulation is rated 2,000 volts or more.

Trolley and trolley feeder wires

SEC. 311. (a) Trolley wires and trolley feeder wires shall be provided with cutout switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

(b) Trolley wires and trolley feeder wires shall be provided with overcurrent protection.

(c) Trolley and trolley feeder wires, high-voltage cables and transformers shall not be located beyond the last open crosscut and shall be kept at least 150 feet from pillar workings.

(d) Trolley wires, trolley feeder wires, and bare signal wires shall be insulated adequately where they pass through door and stoppins, and where they cross other power wires and cables. Trolley wires and trolley feeder wires shall be guarded adequately (1) at all points where men are required to work or pass regularly under the wires, unless the wires are placed 10 feet or more above the top of the rail; (2) on both sides of all doors and stoppings, and (3) at man-trip stations. The Secretary or his authorized representatives shall specify other lengths of trolley wires and trolley feeder wires that shall be adequately protected to prevent contact by any person, or shall require the use of improved methods to protect such contact. Temporary guards shall be provided where trackmen and other persons work in proximity to trolley wires and trolley feeder wires.

FIRE PROTECTION

SEC. 312. (a) Each coal mine shall be provided with suitable fire-fighting equipment adequate for the size of the mine. The Secretary, by regulation, shall establish minimum standards for the type and quantity of such equipment.

(b) Underground storage places for lubricating oil and grease in excess of two days' supply shall be of fireproof construction. Lubricating oil and grease kept in face regions or other underground working places in a mine shall be in portable, closed metal containers, unless they are in specially prepackaged containers.

(c) Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return.

(d) Welding, cutting, or soldering with arc or flame in other than a fireproof enclosure shall be done under the supervision of a certified person when such work is done in:

(1) the region between the face and a point twenty feet outby the last open crosscut in first mining;

(2) the region between the pillar line and a point one hundred and fifty feet outby; or

(3) the region between the face and gob in longwall mining. Such person shall make a diligent search for fire during and after such operations and shall immediately before and during such operations test for methane with means approved by the Secretary for detecting methane. Welding, cut-

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ting, or soldering shall not be conducted in air that contains more than 1.0 volume per centum of methane. Rock dust or suitable fire extinguishers shall be immediately available during such welding, cutting, or soldering.

(e) Fire suppression devices meeting specifications prescribed by the Secretary shall be installed on underground equipment in accordance with a schedule covering a period of not more than one year to be established by the Secretary. In lieu of such devices, fire resistant hydraulic fluids approved by the Secretary may be used in the hydraulic system of unattended equipment.

(f) Deluge-type water sprays or foam generators automatically actuated by rise in temperature, or other effective means approved by the Secretary of controlling fire shall be installed at main and secondary belt-conveyor drives. Where sprays or foam generators are used, they shall supply a sufficient quantity of water or foam to control fires.

(g) Underground belt conveyors shall be equipped with slippage and sequence switches.

(h) After every blasting operation performed on shift, an examination shall be made to determine whether fires have been started.

BLASTING AND EXPLOSIVES

SEC. 313. (a) Black blasting powder shall not be stored or used underground. Mudcaps (adobes) or other unconfined shots shall not be fired underground. In underground anthracite mines open, unconfined shots may be fired, if restricted to battery starting when methane or a fire hazard is not present, and if it is otherwise impracticable to start the battery. In anthracite mines, open, unconfined "shake" shots in working places and other places in pitching veins may be fired, when no methane or a fire hazard is present, if the taking down of loose hanging coal by other means is too hazardous for miners working in such places. In anthracite mines, tests for methane shall be made immediately before such shots are fired and if methane is present when tested in 1.0 volume per centum such shot shall not be made until the methane content is reduced below 1.0 per centum. Except as provided in the next to the last sentence of this subsection, only permissible explosives, electric detonators of proper strength and permissible blasting devices shall be used and all explosives and blasting devices shall be used in a permissible manner. Permissible explosives shall be fired only with permissible shot firing units. Only incombustible materials shall be used for stemming boreholes. The Secretary may, under such safeguards as he may prescribe, permit the firing of more than twenty shots and allow the use of non-permissible explosives in sinking shafts and slopes from the surface in rock. This section shall not prohibit the use of compressed air blasting.

(b) Explosives or detonators carried anywhere underground by any person shall be in containers constructed of nonconductive material, maintained in good condition, and kept closed.

(c) Explosives or detonators shall be transported in special closed containers (1) in cars moved by means of a locomotive or rope, (2) on belts, (3) in shuttle cars, or (4) in equipment designed especially to transport such explosives or detonators.

(d) When supplies of explosives and detonators for use in one or more sections are stored underground, they shall be kept in section boxes or magazines of substantial construction with no metal exposed on the inside, located at least 25 feet from roadways and power wires, and in a reasonably dry, well rock-dusted location protected from falls of roof, except pitching beds, where it is not possible to comply with the location requirement, such boxes shall be placed in niches cut into the solid coal or rock.

(e) Explosives and detonators stored near the working faces shall be kept in separate closed containers, which shall be located out of the line of blast and not less than fifty feet from the face and fifteen feet from any pipeline, powerline, rail, or conveyor; except that if kept in niches in the rib, the distance from any pipeline, powerline, rail, or conveyor shall be at least five feet. Such explosives and detonators, when stored, shall be separated by a distance of at least five feet.

(f) Explosives and detonators shall be kept in separate containers until immediately before use at the working faces.

HOISTING AND MANTRIPS

SEC. 314. (a) Every hoist used to transport persons at an underground coal mine shall be equipped with overspeed, overwind, and automatic stop controls. Every hoist used to transport persons shall be equipped with brakes capable of stopping the fully loaded platform, cage, or other device used for transporting persons, and with hoisting cable adequately strong to sustain the fully loaded platform, cage, or other device for transporting persons, and have a proper margin of safety. Cages, platforms, or other devices which are used to transport persons in vertical shafts shall be equipped with safety catches that act quickly and effectively in an emergency, and the safety catches shall be tested at least once every two months. Hoisting equipment, including automatic elevators, that is used to transport persons shall be examined daily. Where persons are regularly transported into or out of a coal mine by hoists, a qualified hoisting engineer shall be on duty while any person is underground, except that no such engineer shall be required for automatically operated cages, platforms, or elevators.

(b) Safeguards adequate, in the judgment of an authorized representative of the Secretary, to minimize hazards with respect to transportation of men and materials shall be provided.

(c) Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used. An accurate and reliable indicator of the position of the cape, platform, skip, bucket, or cars shall be provided.

(d) There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

MAPS

SEC. 315. (a) The operator of an active working underground coal mine shall have in a location chosen to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on such scale and containing such information as the Secretary by regulation may prescribe. Such map shall show the active workings, all worked out and abandoned areas, excluding those areas which have been worked out or abandoned before the operative date of this subsection which cannot be entered safely and on which no information is available, contour elevations, elevations of all main and cross or side entries, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and oil and gas wells in such mine. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. As the Secretary may by regulation require, such map shall be kept up to date by temporary notations, and such map shall be revised and supplemented at intervals on the basis of a survey made or certified by such engineer or surveyor.

(b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, and by any miner and their authorized representatives and by operators of adjacent coal mines. The operator shall furnish to the Secretary or his authorized representative, upon request, one or more copies of such map and any revision and supplement thereof. Any such map or revision or supplement thereof shall be confidential and its contents shall not be divulged to any person other than those mentioned in this subsection without the consent of the operator of the mine covered by such map, except that such map or revision or supplement thereof may be used by the Secretary to carry out any provision of this Act and in any proceeding, investigation, or hearing conducted pursuant to this Act.

(c) Whenever an operator permanently closes such mine, or temporarily closes such mine for a period of more than 90 days, he shall promptly notify the Secretary of such closure. Within 60 days of the permanent closure of the mine, or, when the mine is temporarily closed, upon the expiration of a period of 90 days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified as true and correct by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

ESCAPEWAYS

SEC. 316. (a) At least two separate and distinct travelable passageways to be designated as escapeways, at least one of which is ventilated with intake air, shall be provided from each mine working section to the surface, and shall be maintained in safe condition and properly marked. Mine openings shall be adequately protected to prevent the entrance into the underground portion of the mine of surface fires, fumes, smoke, and flood water. Adequate facilities approved by the Secretary or his authorized representative shall be provided in each escape shaft or slope to allow persons to escape quickly to the surface in event of emergency.

(b) Not more than twenty miners shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such work shall be prosecuted with reasonable diligence.

(c) When only one mine opening is available, owing to final mining of pillars, not more than twenty miners shall be allowed in such mine at any one time, except that the distance between the mine opening and working shall not exceed 500 feet.

MISCELLANEOUS

SEC. 317. (a) Each operator of a coal mine shall comply with State laws and regulations meeting at least minimum Federal requirements established by the Secretary in establishing and maintaining barriers around oil and gas wells penetrating coalbeds or underground workings of underground coal mines.

(b) Whenever any working place approaches within fifty feet of abandoned workings in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within two hundred-feet of any other abandoned workings of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within two hundred feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least twenty feet in advance of the face of such working place and shall be continually maintained to a distance of at least ten feet in advance of the advancing solid face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into abandoned workings or adjacent mines. Boreholes shall also be drilled not more than eight feet apart in the rib of such working place to a distance of at least twenty feet and at an angle of forty-five degrees. Such rib holes shall be drilled in one or both ribs

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of such working place as may be necessary for adequate protection of persons working in such place.

(c) Persons underground shall use only permissible electric lamps for portable illumination.

(d) After the operative date of this section, all structures erected on the surface within one hundred feet of any mine opening shall be of fireproof construction. Unless existing structures located within one hundred feet of any mine opening are of such construction, fire doors shall be erected at effective points in mine openings to prevent smoke or fire from surface sources endangering men working underground. These doors shall be tested at least monthly to insure effective operation. A record of such tests shall be kept and shall be available for inspection by interested persons.

(e) Adequate measures shall be taken to prevent methane and coal dust from accumulating in excessive concentrations in or on surface coal-handling facilities, but in no event shall methane be permitted to accumulate in concentrations in or on surface coal-handling facilities in excess of limits established for methane by the Secretary within one year of the operative date of this section, and coal dust shall not accumulate in excess of limits under title II of this Act. Where coal is dumped at or near air-intake openings, provisions shall be made to prevent the dust from entering the mine.

(f) An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits and the height of the coalbed presents a hazard from roof falls and from rib and face rolls that the face equipment, including shuttle cars, be provided with substantially constructed canopies or cabs to protect the operators of such equipment.

(g) An authorized representative of the Secretary may require in any coal mine that face equipment be provided with devices that will permit the equipment to be deenergized quickly in the event of an emergency.

(h) After the operative date of this title, the openings of all active mines that are abandoned for more than 90 days, shall be sealed in a manner prescribed by the Secretary.

DEFINITIONS

SEC. 318. For the purpose of this title and title III of this Act, the term—

(a) "certified person" means a person certified by the State in which the coal mine is located to perform duties prescribed by such title (provided that the State standards meet at least minimum Federal requirements established by the Secretary); except that, in a State where no such program of certification is provided, such certification shall be by the Secretary;

(b) "qualified person" means an individual deemed qualified by the Secretary to make tests or measurements, as appropriate, required by such titles.

(c) "permissible" as applied to—

(1) equipment used in the operation of a coal mine, means equipment to which an approval plate, label, or other device is attached as authorized by the Secretary and which meets specifications which are prescribed by the Secretary for the construction and maintenance of such equipment and are designed to assure that such equipment will not cause a mine explosion or a mine fire, or to assure that such equipment will afford adequate protection against specific health hazards;

(2) explosives, shot firing units, or blasting devices used in such mines, means explosives, shot firing units, or blasting devices which meet specifications which are prescribed by the Secretary; and

(3) the manner of use of equipment or explosives, shot firing units, and blasting devices, means the manner of use prescribed by the Secretary.

(d) "rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material, preferably light colored, (1) 100 per centum of which will pass through a sieve having 20 meshes per linear inch; and 70 per centum or more of which will pass through a sieve having 200 meshes per linear inch; (2) the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and (3) which does not contain more than 5 per centum of combustible matter or more than a total of 5 per centum of free and combined silica (SiO_2).

(e) "coal mine" includes areas of adjoining mines connected underground.

(f) "anthracite" means coals with a volatile ratio equal to .12 or less.

(g) "registered engineer" or "registered surveyor" means an engineer or surveyor registered by the State pusuant to standards established by the State meeting at least minimum Federal requirements established by the Secretary, or if no such standards are in effect, registered by the Secretary;

(h) "low voltage" means up to and including 660 volts; "medium voltage" means voltages from 661 to 1,000 volts; and "high voltage" means more than 1,000 volts.

TITLE IV—ADMINISTRATION

RESEARCH

SEC. 401. The Secretary, in coordination with the Secretary of Health, Education, and Welfare, shall conduct such studies, research, experiments, and demonstrations as may be appropriate—

(a) to improve working conditions and practices, prevent accidents, and control the causes of occupational diseases originating in the coal mining industry;

(b) after an accident, to recover persons in a coal mine and to recover the mine;

(c) to develop new or improved means and methods of communication from the surface to the underground portion of the mine;

(d) to develop new or improved means and methods of reducing concentrations of respirable dust in the mine;

(e) to remove methane in advance of mining;

(f) to develop new and improved methods and controls relative to roof supports, protection of trolley and trolley feeder wires from contact with persons, trailing cable splices, and improved methods for detecting oxygen and methane concentration in mine atmosphere; and

(g) for such other purposes as he deems necessary to carry out the purposes of this Act.

RELATED CONTRACTS AND GRANTS

SEC. 403. In carrying out the provisions of sections 401 and 402, the Secretary may enter into contracts with, and make grants to, public and private agencies and organizations and individuals.

INSPECTORS; QUALIFICATIONS; TRAINING

SEC. 404. The Secretary may, subject to the civil service laws, appoint such employees as he deems requisite for the administration of this Act and prescribe their duties. Persons appointed as authorized representatives of the Secretary shall be qualified by practical experience in the mining of coal or by experience as a practical mining engineer and by education. Such persons shall be adequately trained by the Secretary. The Secretary shall seek to develop programs with educational institutions and operators designed to enable persons to qualify for positions in the administration of this Act. In selecting persons and training and retraining persons to carry out the provisions of this Act, the Secretary shall work with appropriate educational institutions and operators in developing adequate programs for the training of persons, particularly inspectors. Where appropriate, the Secretary shall cooperate with such institutions in carrying out the provisions of this section by providing financial and technical assistance to such institutions.

EFFECT ON STATE LAWS

SEC. 405. (a) No State law in effect upon the effective date of this Act or which may become effective thereafter shall be superseded by any provision of this Act or order issued or standard promulgated thereunder, except insofar as such State law is in conflict with this Act or with any order issued or standard promulgated pursuant to this Act.

(b) The provisions of any State law or regulation in effect upon the effective date of this Act, or which may become effective thereafter, which provide for more stringent mandatory health and safety standards applicable to coal mines, than do the provisions of this Act or any order issued or standard promulgated thereunder shall not thereby be construed or held to be in conflict with this Act. The provisions of any State law or regulation in effect upon the effective date of this Act, or which may become effective thereafter, which provide for health and safety standards applicable to coal mines for which no provision is contained in this Act or any order issued or standard promulgated thereunder, shall not be held to be in conflict with this Act.

(c) Nothing in this Act shall be construed or held to supersede or in any manner affect the workmen's compensation laws of any State, or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under State laws in respect of injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment.

ADMINISTRATIVE PROCEDURES

SEC. 406. The provisions of sections 551–559 and sections 701–706 of title 5 of the United States Code, shall not apply to the making of any order or decision pursuant to this Act, or to any proceeding for the review thereof.

REGULATIONS

SEC. 407. The Secretary is authorized to issue such administrative regulations as he deems appropriate to carry out any provision of this Act.

OPERATIVE DATE AND REPEAL

SEC. 408. The provisions of titles I through III of this Act shall become operative one hundred and twenty days after enactment. The provisions of the Federal Coal Mine Safety Act, as amended, are repealed on the operative date of those titles, except that such provisions shall continue to apply to any order, notice, or finding issued under that Act prior to such operative date and to any proceedings related to such order, notice, or finding. All other provisions of this Act shall be effective on the date of enactment of this Act.

SEPARABILITY

SEC. 409. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

REPORTS

SEC. 410. Within one hundred and twenty days following the convening of each session of Congress, the Secretary shall submit through the President to the Congress an annual report upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of coal mine health and safety, and any other relevant information, including any recommendations he deems appropriate.

The memorandum presented by Mr. JAVITS is as follows:

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Memorandum Explaining the Principal Differences Between S. 2405 and S. 1300

1. Coal dust standard: S. 1300 provides an interim standard of 4.5 milligrams per cubic meter and directs the Secretary of the Interior to lower the standard to 3.0 milligrams per cubic meter as soon as possible. Under the new bill the coal dust level to be established 60 days after the effective date of the act (the act goes into effect four months after it is signed into law) will be 3.0 milligrams per cubic meter and the Secretary is directed to lower the standard to 2.0 as soon as possible. The new bill also provides, however, that where it is not possible using existing technology for a mine to achieve the 3.0 dust level, the Secretary may permit the mine to operate at the dust level which it can attain with existing technology, not to exceed 4.5 milligrams per cubic meter, for a period of not more than three years. Permission to operate at a dust level higher than 3.0 may only be granted if the operator demonstrates that he has made diligent efforts to attain the 3.0 level. The operator must meet the 3.0 level as soon as technology permits, but in no event will an operator be permitted to operate at a level higher than 3.0 after three years.

Under the new bill, in mines in which the 3.0 standard is applicable, if at any time the level exceeds 3.0, respirators must be worn and corrective action undertaken immediately. If the level exceeds 4.5 all persons except those necessary to take corrective action must be withdrawn from the mine. In mines which are permitted to operate at higher levels the provisions requiring corrective action and respirators go into effect at levels between 4.5 and 5.5 and withdrawal must take place at levels above 5.5 milligrams per cubic meter.

The provisions of the new bill regarding dust standards are based on the testimony given by the Surgeon General, data developed through years of study in Great Britain and the results of a survey of dust levels in 29 typical mines (280 separate working faces) recently completed by the U.S. Bureau of Mines. On the basis of this information we know that coal workers pneumoconiosis is caused by the inhalation of respirable coal dust and that the incidence and severity of the disease are related to the level of dust and the length of time spent in coal mines. Although the Surgeon General testified at the hearings that there did not appear to be any threshold level of coal dust below which there was no danger of pneumoconiosis developing, recent British data indicate that a threshold value of 2.0 milligrams per cubic meter does exist below which there is no significant danger of disease developing. The British data concerning the probability of contracting pneumoconiosis after 35 years of continuous exposure are summarized in the following table:

PROBABILITY OF CONTRACTING PNEUMOCONIOSIS AFTER 35 YEARS OF EXPOSURE

	ILO category 1 or greater[1]		ILO category 2 or greater[1]	
Dust level	Percent	Difference	Percent	Difference
7.0[2]	36		13	
4.5	15 >	21	4 >	9
3.0	5 >	10	2 >	2
2.0	2 >	3	0 >	2

[1] Very little disability is associated with either ILO category 1 or ILO category 2 of coal workers pneumoconiosis. However once the disease has progressed to the stage of category 2 the probability of further development, to the point of disability, increases substantially.

[2] Present average level of exposure of miners in the face area in U.S. mines.

Based on this information it is clear that a level at least as low as 3.0 milligrams should be established as soon as possible and that ultimately the level should be reduced to 2.0 milligrams or lower. Unfortunately, on the basis of the recent Bureau of Mines survey it appears that a very large number, perhaps a majority, of U.S. coal mines are not now in a position, using existing technology to achieve the 3.0 level. The survey does indicate, however, that most U.S. mines should be able to attain a 4.5 level using existing technology.

Thus, the full survey of 29 mines showed that considering all occupations in the mines tested 60% of the miners working in the surveyed mines were exposed to dust levels greater than 3.0 and 40% to levels greater than 4.5. Furthermore in the case of the six most critical occupations where the dust concentration is greatest (generally near the working face) the percentage of mines not meeting the 3.0 standard was greater. The following table summarizes the results in the six dustiest occupations:

TABLE 2.—FULL SHIFT EQUIVALENT "MRE" DUST LEVELS FOR SPECIFIC MINING OCCUPATIONS

	Percent of shifts meeting a given standard			
	Less than 3.0	3.1–4.5	4.6–5.5	+5.5
Continuous mining machine operator	25	16	11	48
Mining machine helper	29	22	5	44
Cutting machine operator	25	21	11	43
Cutting machine helper	22	13		65
Loading machine operator	18	19	12	51
Coal driller	39	9	8	44

As part of the survey the Bureau of Mines attempted to utilize existing technology to reduce the coal dust level in four mines. Results indicated that existing technology may be adequate to lower the level to 4.5 but is not adequate to reduce the level to 3.0.

On the basis of this information Secretary Hickel stated in a letter, dated May 23, to Senator Williams and myself that:

"Based on present technology, the 3.0 standard is not now generally attainable. We do not, however, consider the 4.5 standard as a floor. Our objective is to move to a lower standard of 3.0 or less as soon as possible. We believe that technology will be available to permit the industry to reach the 3.0 standard within 3 years after the 4.5 standard is effective and would not object to including such a schedule in the bill so long as the flexibility is retained in the Secretary to lower the standard later below 3.0."

My new bill does not exactly follow Secretary Hickel's suggestion that the 4.5 standard be prescribed as a general interim level and a 3.0 standard be prescribed within three years. Rather, it would require the 3.0 standard to be met where it can be and allow the 4.5 to be permitted where existing technology is inadequate to meet the 3.0 standard. I recognize, however, that the approach embodied in my new bill may present insuperable problems of administration. Undoubtedly it will require the prompt processing of many applications from the operators of coal mines throughout the country for permission to operate at levels above 3.0. If that is true, and I have asked the Administration to consider this matter most carefully, it may be necessary to prescribe a 4.5 interim standard generally for a period of time not to exceed three years.

2. Coal Mine Safety Board of Review: Under S. 1300 the existing Coal Mine Safety Board of Review would be continued except that 3 additional members would be added to the Board for the purpose of reviewing proposed mandatory health and safety standards. The existing Board consists of 5 members, four of whom are part-time and represent special interest groups, i.e. large mines, small mines, employees of large mines and employees of small mines.

Under the new bill the Board would be changed to a full-time independent Board of five members, at least two of whom would have to have a background, by reason of previous education, training or experience, in coal mining technology, one member would have to have a background in public health and two members would be drawn from the public generally. No more than three members of the Board may be of the same political party. No member may have had an interest or hold any office in or in connection with the coal mining industry or any organization representing miners for at least one year prior to his appointment and during the term of his appointment.

The new bill will obviously greatly increase the workload of the Coal Mine Safety Board of Review. Not only will it continue to review withdrawal orders issued by mine inspectors, and orders of the Secretary, but it will also be required to hold hearings on proposed health and safety standards and review civil penalties imposed by the Secretary in the case of violations of the health and safety standards. Clearly the increased workload of the Board justifies changing it to a full-time independent Board. Nor, in my view, is there any justification for having Board members represent any special interests. Indeed, since surface mines are covered for the first time under the new bill,' if we were to continue with the old Board, we could justifiably be asked to include two additional members representing operators and employees of surface coal mines. The provision of the new bill requiring that members of the Board have no connection with the coal mining industry or any organization representing miners within one year of their appointment, and during their term of office, is self-explanatory.

Finally, Secretary Hickel in his letter of May 23, 1969, specifically endorsed this change.

3. Judicial review of mandatory health and safety standards: S. 1300 is silent as to whether and when mandatory health and safety standards promulgated by the Secretary are subject to judicial review. Given the silence of the bill on this question, under the Administrative Procedure Act and relevant Court decisions construing it, it might be held that either (a) health and safety standards are subject to immediate judicial review in the District's Courts by way of declaratory judgment or injunction proceedings or (b) the propriety of a health and safety standard may be attacked as a defense to an enforcement proceeding, e.g., a proceeding to impose and collect a fine for violation of a health and safety standard. I believe that a better approach than either of these two methods of judicial review, is to allow exclusive review of mandatory health and safety standards in the Court of Appeals for the District of Columbia, by petition filed by any aggrieved within 30 days or after promulgation of standards in the Federal Register, and that is what my new bill provides. The bill also provides that the filing of a petition for review does not automatically operate as a stay in the effectiveness of new standards and that the court may grant a temporary stay only if it finds, after a hearing, that there is a substantial likelihood that the standards are erroneous and that serious and irreparable injury will occur if the stay is not granted.

Under this approach, the availability of judicial review will not be in question; moreover, the validity or invalidity of a mandatory health or safety standard will be established with reasonable promptness, thus removing the uncertainty which might otherwise persist for years under either of the two other approaches to judicial review.

4. State plans and the requirement of joint inspections: Under S. 1300 the provisions of existing law concerning state plans and requiring joint inspection in all but imminent danger cases would be continued,

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with a few modifications. Under that approach a withdrawal order could not be issued in a case not involving an imminent danger unless a state inspector concurred in the order or a neutral third party concurred in the order in the event the state inspector disagreed. These provisions do not appear to have stimulated the states to enter into agreements with the federal government, for, until now, only seven states have filed state plans and only one of the states, Virginia, is a major coal-producing state. Furthermore, the provisions of existing law have several distinctly undesirable effects: First, there is some indication the requirement that a state inspection agency be notified of an impending inspection may have resulted in coal mines being notified in advance of the inspections. Second, the requirement of a joint inspection obviously reduces the total amount of inspections that can be made with existing manpower and is thus a wasteful use of the limited manpower resources of federal and state mining agencies. Also, under S. 1300, the Federal Coal Mine Safety Board of Review reopens mines closed by inspection in State plan States, while in all other States the Secretary of the Interior or his delegate performs this administrative function.

S. 1300 also provides grants to the states if they file plans approved by the Secretary, but the plan requirements in this case differ from the plan requirements relating to joint inspections. Finally, under S. 1300 there is no judicial review of a decision by the Secretary to deny approval or terminate approval of a state plan.

Under the new bill, the requirement for joint inspection, concurrence and withdrawal orders is completely eliminated, although the requirement that the state agency be notified in the case of withdrawal orders is continued. In addition, grants may be made only to states which have filed approved state plans demonstrating their commitment to improving mine health and safety, and provision is made for judicial review of decisions by the Secretary denying or terminating approval of any state plan.

Secretary Hickel, in commenting on this change in his letter of May 23, 1969, stated: "We believe that these amendments are highly desirable and an excellent substitute for the existing State plan provisions."

5. Supervision and direction of rescue and recovery operations by the Secretary: Although section 103(f) of S. 1300 provides that the Secretary may issue orders to insure the safety of any person in a coal mine in the event of an accident and may approve plans to recover any person in the mine or recover the mine or affected areas thereof, it does not specifically authorize the Secretary to supervise and direct all rescue operations. The new bill contains provisions designed to give the Secretary this power. Secretary Hickel, in his letter of May 23, 1969, has approved this change.

6. Modifications or terminations of withdrawal orders and reinspections: Section 105 of S. 1300 did not explicitly state when reinspections would occur in the case of any notice or withdrawal order, nor did it specify that the inspector who originally issued the notice or withdrawal order could modify or terminate the notice or order. In the new bill Section 105(g) has been amended to cover these points. It provides for reinspections at the expiration of the time fixed for correction of a violation in any notice and also provides that an operator may request a special inspection upon the expiration of the time fixed or extended in the notice of violation or at any other time the operator believes that the conditions causing the issuance of the notice or the withdrawal order have been corrected. The Secretary is also authorized to establish procedures to avoid unnecessary or repetitive inspections under this section. The Secretary of the Interior in his May 23 letter, has approved this change calling it "highly desirable because it spells out a procedure which we intended to follow administratively."

7. Dangerous conditions not correctable by existing technology.—chronically dangerous mines: S. 1300 does not give the Secretary power to act with respect to what may be characterized, for lack of a better term, as a "chronically dangerous" mine. I refer to a mine in which conditions exist which, while they do not create the problem of imminent danger, are of such serious nature that it is reasonable to assume that an imminent danger will soon result, and where such conditions cannot be satisfactorily corrected and the mine or the portion thereof affected made safe because of a lack of available technology. The new bill provides that—if a mine inspector believes that such conditions exist in a mine, he must notify the operator of the mine and file a copy of his notice, including his findings, with the Secretary and with the representative of the miners, if any, in that mine. On receipt of the notice the Secretary must cause a special investigation to be made (which might include another inspection) and which would include an opportunity for the operator and the miners' representative, if any, to present their views on the problem. Upon completion of the investigation and the Secretary would then make findings of fact and could file a petition with the Board requesting either that the notice issued by the inspector be cancelled or that a withdrawal order be issued applicable to the entire mine or appropriate portion thereof and that such withdrawal order remain in effect until such time that the Board after a hearing determines that the conditions have been abated. The order of the Board would be subject to review in the Court of Appeals as would other orders of the Board.

Secretary Hickel, in his letter of May 23, 1969, commenting on this amendment, stated:

"We recognize that there may be mines or sections thereof where such situations may exist or will exist as mining continues deeper and deeper below the earth's surface. Such deep mining may present considerable hazards for which there is no available technology to overcome them. In such cases or in other situations where special hazards exist, we believe that there should be a procedure established for determining the facts and, where appropriate, closing these mines if we are to insure as safe conditions as possible. We believe the procedure set forth in the amendment is a reasonable one. It provides adequate safeguards to the operators and to the miners. Accordingly, we support this change in the bill."

8. Review of withdrawal orders by the Secretary: Section 106 of S. 1300 continued the optional formal review available before the Secretary in the case of withdrawal orders. Under the new bill, these provisions have been somewhat simplified and the proceeding made slightly less formal (no hearing is now required). In addition, inconformity with the alteration in the provisions relating to state plans, the provision in S. 1300 continuing provisions in existing law precluding review by the Secretary of withdrawal orders involving mines located in states which have approved state plans in effect, has been deleted. Secretary Hickel, in his letter of May 23, 1969, approved this change.

9. Proceedings before the Coal Mine Safety Board of Review: The new bill clarifies and simplifies provisions relating to review of withdrawal orders by the Coal Mine Safety Board of Review. In addition, provisions have been added concerning the Board's role in passing on petitions by the Secretary in the case of chronically dangerous mines, described above, and for the imposition of civil penalties on operators of mines in which violations of the mandatory health and safety standards have been found by inspectors. The new bill also permits either the operator or the representative of the miners, as appropriate, to intervene in a proceeding before the Board with the same rights as any other party. Permissive intervention is allowed for other interested persons, and such other persons, if permitted to intervene are accorded the rights of parties, unless the Board otherwise so orders.

10. Civil penalties: Under S. 1300 the Secretary is given the power to impose a civil penalty in an amount up to $10,000 on an operator of a mine in which violation of a mandatory health or safety standard occurs. No procedure is specified for the Secretary to follow in assessing the penalty; section 113(a) merely lists the factors which the Secretary must take into account in determining the amount of the penalty. Upon written request by an operator within 30 days after receipt of an order assessing a penalty the Board is required to hold a hearing to determine whether a violation of a mandatory health or safety standard did occur and whether the amount of a penalty is warranted or should be compromised. Finally, under S. 1300 upon the failure of an operator to pay a penalty the Secretary could request the Attorney General to institute a civil action in an appropriate district court to collect the penalty. Presumably, although the bill does not cover the point explicitly, the trial before the district court would be a de novo proceeding.

This procedure has been modified under the new bill. It provides that upon notification of a violation of a mandatory health or safety standard the Secretary shall cause such further investigation to be made as he deems appropriate, including the opportunity for the representative of the miners, if any, to present information relating to the issuance of the notice and the amount of the penalty. Upon the conclusion of the investigation the Secretary is required to make findings of fact, and, if he finds that a civil penalty should be imposed, must issue an order assessing the penalty and incorporating his findings therein. If the operator fails to pay the penalty within the time prescribed in the order, the Secretary may file a petition with the Coal Mine Safety Board of Review requesting that the Board order the payment of the penalty. The Secretary's findings constitute prima facie evidence in the proceeding before the Board. In addition, the factor of the willfulness of the violation has been added to the criteria to be considered in determining the amount of the penalty.

Under the new bill, orders of the Board involving penalties are subject to judicial review before an appropriate Court of Appeals, just as are other orders of the Board. In the event that an operator fails to comply with an order of the Board within the time prescribed therein, the appropriate federal district court is given jurisdiction to enter a final judgment requiring payment of the penalty set by the order. Since judicial review of the order is available in the Court of Appeals, the district court does not have the power to review the correctness of the Board's order in any such proceeding.

Secretary Hickel, in his letter of May 23, 1969, approved these changes.

11. Temporary relief from withdrawal orders: S. 1330 continued the provisions of existing law allowing temporary relief to be granted by the Coal Mine Safety Board of Review after a hearing at which all parties are given an opportunity to be heard. Under the new bill, additional conditions must be satisfied before temporary relief may be granted by either the Board or the courts upon judicial review. Those additional conditions are that the applicant for temporary relief must demonstrate that there is a substantial likelihood the withdrawal order was erroneously issued, that he will suffer serious and irreparable harm if the order is not issued, and that the issuance of temporary relief will not adversely affect health and safety of the miners employed in the affected mine.

12. Rights of labor organizations: S. 1300 would continue the provisions of existing law which, in general, require that a representative, if any, of the miners employed at a mine involved in a proceeding be notified of orders, applications for review etc. The new bill considerably strengthens the rights of labor organizations in proceedings under the act. Under section 103(g) of the new bill, whenever any miner or an authorized representative of miners has reason to believe that a violation of a mandatory health or safety standard promulgated by the Secretary exists, or that an imminent danger exists in a mine, the miner or representative may notify the Secretary or his authorized representative and within 24 hours thereafter a special inspection must be made of the mine in question. Under section 108(a)(1) of the new bill the representative, if any, of the miners in an affected mine may apply to the Coal Mine Safety Board of Review for review of a withdrawal order or a decision by the Secretary. Under S. 1300 and existing law only the operator could apply for such review. As noted above, the representatives of miners are also given the right to intervene in proceedings before the Board involving the review of withdrawal orders or petitions by the Secretary involving chronically dangerous mines. In addition, under section 109(a) of the new bill representatives of miners are given the right to seek judicial review of decisions issude by the Board under section 108.

13. Unwarrantable failures to comply with health or safety standards: Under S. 1300 and existing law, a second unwarrantable failure to comply with a mandatory health or safety standard may result in a withdrawal order only if the second unwarrantable failure is found at an inspection subsequent to the one during which the first unwarrantable failure was found. Under the new bill, two or more unwarrantable failures to comply with the same health or safety standard may result in withdrawal orders if found at the same or during any subsequent inspections during a 90-day period.

14. Criminal penalties for keeping false records: The new bill contains a provision not in S. 1300 making it a criminal offense to knowingly falsify records required to be kept under the act.

15. Interim Safety Standards: Section 301 of the bill has been amended to emphasize that the purpose of these standards is to take advantage of long experience and technological advances to provide immediate protection to the miners from safety hazards. Also, the bill directs the Secretary of the Interior to take immediate steps to upgrade those standards as promptly as possible, particularly in connection with dangers associated with trolley and trolley feeder wires, splicing to trailing cables, roof falls, and methane and oxygen testing. Lastly this section would direct that the Secretary not grant exceptions under the prescribed standards unless they are warranted, and unless the granting of the exception will not pose a safety hazard. These provisions were not in S. 1300.

Section 302(a) continues the requirement of telephone service in the mine, but does not require it where the working section is within the portal. The reason for this change is that a person can shout from this distance.

Section 302(e) would require that each miner be equipped with an approved self-rescuer to protect the miner for one hour or more. It is not in S. 1300. This device will enable the miner to protect himself for a reasonable period after an emergency from noxious gas and other hostile fumes and improve his chances of reaching safety.

Section 302(i) directs the Secretary to provide a method for assuring that miners not work in oxygen-deficient atmospheres. This is not in S. 1300.

Section 302(j) requires that the operator have adequate sanitary and bathing facilities for the miners. This is not in S. 1300.

Section 303 includes the improved provisions recommended by Interior on May 23, 1969, relative to roof controls. It also requires that the operator investigate and record all roof falls whether death or injury results. This latter provision should be helpful in improving the technology in controlling roof falls.

Section 304(c) includes the May 23 recommended provisions of the Department.

A number of the provisions relating to ventilation have been strengthened in order to further narrow the hazard to safety.

Section 306(1) has been strengthened to make it clear that all grandfathered non-permissible face equipment in gassy mines must be made permissible in 16 months after enactment without exception. Also, the basis for granting exceptions in non-gassy mines has been clarified. Face equipment under 25 h.p. and junction boxes must be made permissible within 16 months after enactment.

The record shows that, of the 52 ignitions in non-gassy mines since 1952, twelve were caused by non-permissible equipment of the small h.p. type. Grandfathered non-permissible equipment in gassy mines has been permitted since 1952—a far greater period than it seems Congress really intended at that time. These changes are not in S. 1300.

Section 307(d) limits the number of temporary splices in trailing cables to 2, except that a third may be made during a shift, but then such splices must be made permanent after the shift.

In the past 10 years, there have been 50 ignitions from temporary splices in trailing cables. This is not in S. 1300.

The provisions relative to medium and low voltage alternating current circuits have been greatly improved by the addition of a number of new standards. Interest in the medium type of voltage is growing as larger machines are introduced with higher voltages to attain the lowest costs.

Section 311(d) provides increased protection against dangers from trolley and trolley feeder wires. There were 3 fatalities last year caused by persons contacting such wires.

In addition to these changes, the bill makes a number of other changes in the standards designed to provide better safety.

16. Administration comments on changes incorporated in S. 2405: The following is the text of the letter of May 23, 1969, from Secretary Hickel to Senator Williams and myself commenting on many of the changes incorporated in the new bill. (The text of the amendments has been omitted from the letter):

U.S. Department of the Interior, Office of the Secretary,
Washington, D.C., May 23, 1969.

Hon. Harrison A. Williams,
Chairman, Subcommittee on Labor, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman and Senator Javits: During the last two weeks, members of my staff have been carefully reviewing the provisions of S. 1300, the Federal Coal Mine Health and Safety Act of 1969, as well as other bills on this subject with Mr. Mittleman and Mr. Blackwell of your professional staff with the view to developing the most effective legislation possible in this area. As part of this effort, these gentlemen requested a series of possible amendments for consideration by the Subcommittee on Labor and the full Committee. These amendments are enclosed. In addition, we are taking this opportunity to express our views on them in order to facilitate the early enactment of the Administration's bill S. 1300. Our comments follow:

AMENDMENT NO. 1

This amendment would revise section 2(g) of S. 1300 by providing a broader statement of the purpose of the bill to include cooperation with the States and to improve research and development programs. S. 1300 now does cover both of these items. We believe this change is more descriptive of the bill's purpose and therefore desirable.

AMENDMENT NO. 2

This amendment is technical.

AMENDMENT NO. 3

This amendment would make it clear that the Secretary could hold hearings in the development of mine health or safety standards. We think the bill authorizes such hearings now, but we welcome the clarification.

AMENDMENT NOS. 4 AND 5

The first of these would revise section 101(f) of S. 1300 and add a new section 101(g). The second is a technical change to correspond with the first.

Section 101(f) of the bill now would establish the procedure for review of the Secretary's proposed health and safety standards by the Board and for the promulgation of such standards by the Secretary after such review. The new section 101(f) would merely clarify this language. We have no objection to this change.

The new section 101(g) would provide for the appeal by an "aggrieved" person of any standard referred to the Board for review by the Court of Appeals for the District of Columbia. The substantial evidence rule would apply in the case of such appeals. Also, the filing of the appeal does not automatically stay the effective date of the standards, unless the court so orders.

We would prefer that such a provision not be included in the bill because of the possible delays that may occur if the court stays the effective date of the appealed standard. We believe that there is an adequate opportunity for review at the time of enforcement.

AMENDMENT NO. 6

This amendment would add a new provision to section 103(c) of the bill authorizing the Secretary, or the inspector, in case of mine accidents, to supervise and direct rescue and recovery operations if necessary. While we have had no difficulty in this area in the past, we would not object to such a provision.

AMENDMENT NO. 7

Section 104 of S. 1300 continues the present State plan provisions of the 1952 Act with two exceptions relating to spot inspections and unavailability of a State inspector.

S. 1300 would direct that the Secretary cooperate with the State and that he approve any State plan submitted by a State that meets certain criteria, including one requiring no advance notice of an inspection to operators and one that would assure that the State would promptly assign inspectors to participate in inspections with the Federal inspectors. The Secretary cannot disapprove a State plan without first affording an opportunity for a hearing to the State. If the Secretary finds that the administration of a plan is not being complied with or that there is a failure of cooperation in its administration, he can, after notice, withdraw his approval. The bill provides that no inspection of a mine by a Federal inspector may be made in a State where there is an approved State plan unless the State inspector participates, except where it is found that an inspection is urgently needed to determine an imminent danger and that the accompaniment of a State inspector would cause delay, or where, after notice, a State inspector is not provided in due time, and

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except where a spot inspection is deemed essential by the Federal inspector. The last two exceptions are not found in the 1952 Act.

After discussions with the Committee staff on the State plan provisions of the bill, we have reconsidered the need for, and the desirability of, the State plan provisions of the bill as just outlined. It is now our view that these provisions should not be continued in their present form for the following reasons:

First, the requirement that a State inspector participate in an inspection with a Federal inspector is a wasteful use of precious manpower that could be better put to use to insure more inspections of more mines in that particular State. Since our inspection forces and those of the States are limited in numbers, we believe that these forces should be used to accomplish the greatest degree of health and safety possible through the conduct of as many inspections by these joint forces as possible.

Second, our Federal inspectors are well trained employees who have long experience in connection with coal mine operations. History has shown that both the operators and the miners in those mining States where a joint inspection is not required have a high regard for the Federal inspector. While they may disagree in some instances, they generally agree that his efforts are quite good. The single inspector approach has worked well in those States.

The amendment would provide for the approval of State plans to promote Federal-State coordination and cooperation in improving health and safety conditions in coal mines in accordance with certain criteria. It would also provide for the disapproval of such plans and for the withdrawal of approval thereof. In the latter case, provision is made for review by the Court of Appeals of the District of Columbia of the Secretary's decision to withdraw.

These State plans form a basis for making grants to the State to carry out the plan, including the training of State inspectors, to conduct research and planning studies, to carry out programs designed to improve State workmen's compensation laws relating to pneumonoconiosis and injury and death of miners, and to assist the States in planning and implementing other programs to advance health and safety in coal mines. These grants may not be used to supplant State funds, but only to supplement such funds. The amount of the grant to a State shall not exceed 80 percent of the sum expended by the State for carrying out its enforcement program, and the appropriation authorized for these grants must be distributed to the States on an equitable basis where there is an approved plan.

Finally, this amendment would direct the Secretary to cooperate with the State in carrying out a plan and to develop and finance a program of training Federal and State inspectors jointly. The Secretary would also cooperate with the States in establishing a system of exchanging Federal and State inspection reports for the purposes of improving health and safety conditions in the mines of that State.

We believe that these amendments are highly desirable and an excellent substitute for the existing State plan provisions.

AMENDMENTS NOS. 10, 11, AND 12

The first of these amendments would revise section 105(g) of S. 1300. It would continue the provision that the inspector may modify or terminate any notice or withdrawal order. In addition it would add a provision which is similar to one found in the 1952 Act providing a procedure by which an operator may request a special inspection upon the expiration of a time fixed or extended in a notice of a violation of a standard or at any other time the operator believes that the conditions causing the issuance of the order or notice have been corrected. The Secretary is authorized to establish procedures by regulation to avoid unnecessary or repetitive inspections.

We believe that this change in the bill is highly desirable because it spells out a procedure which we intended to follow administratively.

Another of these amendments would add a new section 105(h) to the bill. This new section would provide that if an inspector finds that conditions exist in a mine which, while they do not create a problem of an imminent danger, are of such serious nature that it is reasonable to assume that an imminent danger will result soon, and that such conditions cannot be satisfactorily corrected and the mine or a portion thereof made safe because of a lack of available technology, he must notify the operator of the mine or his agent of these conditions and file a copy thereof, including his findings, with the Secretary and with the representatives of the miners, if any, in that mine. On receipt of this notice, the Secretary must cause a special investigation to be made which could include another inspection and which would include an opportunity for the operator and the miners' representative to present their views on the problem. Once the investigation is completed, the Secretary then would make findings of fact and file a petition with the Board requesting either that the notice issued by the inspector be cancelled, or that a withdrawal order be issued applicable to the entire mine or the appropriate portion thereof and that such withdrawal continue until such time as the Board, after hearings, determines that the conditions have been abated. The Secretary would send a copy of this petition to the Board. This petition would be subject to review in the Court of Appeals as provided later in the bill.

This provision in the bill is new. It is designated to meet situations that may arise in the future where a particular mine or section of a mine is being operated under conditions that are considered dangerous, but not of the type that would require the issuance of an imminent danger order. We recognize that there may be mines or sections thereof where such situations may exist or will exist as mining continues deeper and deeper below the earth's surface. Such deep mining may present considerable hazards for which there is no available technology to overcome them. In such cases or in other situations where special hazards exist, we believe that there should be a procedure established for determining the facts and, where appropriate, closing these mines if we are to insure as same conditions as possible. We believe the procedure set forth in the amendment is a reasonable one. It provides adequate safeguards to the operators and to the miners. Accordingly, we support this change in the bill.

Another of these amendments would redesignate section 105(h)(1) of the bill as section 105(i) and make some modifications in the language consistent with the changes mentioned above relating to the State plan. As revised, section 105(i) would require that the Federal inspector who issued an order applicable to any mine in which there is an approved State plan shall immediately notify the State agency thereof. Following the issuance of the order, the operator of the mine may request that the State mine inspector inspect the mine. We see no reason for the continuing of this provision, because it provides no remedy once the State inspector acts.

The last of these amendments would delete the remainder of section 105(h) of the bill which relates to the State plan as found in S. 1300 at present. These provisions are no longer necessary.

AMENDMENT NO. 13

Section 106 of S. 1300 would provide an optional formal review procedure by the Secretary of withdrawal orders at the request of the operator. The operator, however, need not appeal to the Secretary but may go directly to the Board.

The new section 106 eliminates this optional review to the Secretary, but provides a quick informal mechanism by which any order may be terminated or affirmed administratively without such formal review. Such a procedure is now available under the 1952 Act and, upon reflection, we believe it should be continued in this bill.

AMENDMENT NO. 14

The 1952 Act, S. 1300, and incidentally S. 355, provide for the review of withdrawal orders by the Board and authorize the Board to terminate and affirm such orders. S. 1300 also provides a review by the Board of proposed mandatory health and safety standards and expand the membership of the Board for this sole purpose. In addition, under the 1952 Act and S. 1300, where there is an approved State plan, a withdrawal order cannot be terminated by the Federal inspector, but must be brought before the Board for termination. In this latter case the Board's action is largely administrative, for in States where there is no approved State plan, the Director of the Bureau of Mines can now terminate a withdrawal order after a 3-man inspection. Under S. 1300 the inspector, in the case of States where there is no approved State plan, may terminate a withdrawal order. The procedure for termination of a withdrawal order by the Board is quite informal due to the fact that there is some considerable urgency to reopen the mine. There is no formal appeal taken. As a matter of fact, the whole matter is handled by a series of telephone calls from the inspector, who inspects the mine to determine if the withdrawal order should be terminated, to the Director and from the Director to the staff of the Board, and finally to the Board members themselves wherever they may be located. Upon review of this procedure with your staff, we believe that this procedure is more properly one that should be handled by the inspector, as in the case of the States where there is no approved plan.

S. 1300 and S. 355 continue the present provisions of the 1952 Act relative to the representation on the 5-member board by persons representing the viewpoint of the operators and the miners in underground mining operations, according to the size of the mining operation. Except for the chairman, they are not required to divest themselves of any interest—financial or otherwise—with the industry. The chairman cannot have any pecuniary interest, or be employed by the industry for one year prior to employment, but the 1952 Act and the two bills are silent on such interest and employment during his term. Decisions of the Board involving a particular category of mine can only be made when the mine operators' and workers' representatives for that category of mine participate in the decision-making process. The membership of the Board is appointed by the President and they are part-time employees.

To date the Board has done a creditable job. It is experienced in mining technology and knows the problems of the miners and the operators. But the Board has had few cases over the last 17 years. It is reasonable to expect that this workload will increase under this legislaiton, particularly when we consider that the Board will be reviewing civil penalties also. We now believe that a part-time Board would not be satisfactory. In addition, it has come to our attention that, since the bill also covers surface mines, the operators and workers of that part of the industry would have a legitimate claim of discrimination unless the operators and workers of that segment of the industry are represented on the Board.

Upon reflection of all of these factors, we believe that it would be better to abandon the present type of a Board and establish a new review procedure.

One alternative would be to establish a hearing procedure within the Department of the Interior, placing the decision-making authority in the Secretary along the lines of the Administrative Procedures Act or establish a Board subordinate to the Secretary with final decision in the Secretary. This approach, however, raises the age-old criticism leveled against many agencies of fusion of the responsibilities in the Secretary of enforcement, prosecutor, judge, and jury.

The second alternative which we believe to be far superior, and which is followed in the enclosed amendments, would be to establish a 5-member full-time Board as an independent agency not subordinate to the Secretary. We note that the Department of Transportation Act (80 Stat. 931, 935), in establishing the National Transportation Safety Board, transferred many functions of the Secretary of Transportation to the Board and gave it final authority. The Board's membership would include 2 people having a background either by training, education, or experience in mining technology, one having a public health background, and the last 2 being drawn from the general public. Board members under this approach would not have any interest in—financial or otherwise—or hold any office in, the coal mine industry for at least one year prior to their appointment and during the entire term of their appointment. Like the present Board, membership would be for a term of 5 years. The President would designate one of the members as chairman. In order to avoid hiatus between the time of the passage of the bill and the appointment of Board members, the present Board would continue in office in accordance with the conditions under which they were appointed until they are replaced or reappointed under the bill.

The remaining provisions of section 107 of S. 1300 are included in the enclosed amendments with few changes except those necessary to carry out the principal changes relative to the Board membership. With the establishment of this full-time Board, we see no further reason for the addition of part-time members solely for the purpose of reviewing proposed mandatory health and safety standards. This function can be carried out by this new Board. The amendments delete this provision in S. 1300.

We recommend the adoption of this approach.

AMENDMENT NO. 15

This amendment would revise the present provisions of section 108 of the bill relative to the functions of the Board. In most respects, the changes brought about by this amendment are clarifying in nature.

The amendment would provide for the appeal by the operator or the representative of the miners, if any, of any imminent danger order or other withdrawal order issued under section 105 of the bill directly to the Board. It would also provide for an appeal of decisions made by the Secretary pursuant to section 106 of the bill as amended by the enclosed amendments relating to the continuance or termination of a withdrawal order. Procedures for the filing and considering of such request for appeal are similar to those that are found in section 108 of the bill.

In addition, the amendment would provide for a hearing upon a petition filed by the Secretary pursuant to section 105(h) of the bill, as amended. That new section relates to the filing of a petition by the Secretary to close a mine that is operating under conditions which cannot be corrected because of a lack of available technology. The amendment also provides for a hearing by the Board on petitions filed by the Secretary under section 113 of the bill which relates to the establishment of civil penalties. In the case of either petition the findings of the Secretary as recited therein shall be prima facie evidence of the facts and the burden of rebutting them will be on the operator. Representatives of the miners may intervene in any such proceedings. The remaining provisions of the enclosed amendment are nearly identical to those of section 108, except for a provision that provides for consolidation of hearings in cases where such consolidation would be appropriate, such as in the consideration of an order and the issuance of a penalty involving the same violation.

We believe that these amendments are desirable and we recommend their adoption.

AMENDMENT NO. 17

This amendment would revise the provisions of sections 113(a) to 113(c) of the bill which relate to the establishment of civil penalties.

It would authorize the assessment of civil penalties, as in S. 1300, of not more than $10,000 for each occurrence of a violation of a mandatory health or safety standard in a coal mine or any provision of the Act. This latter change is important, because, on review, we find a number of provisions in title I of the bill requiring the operator to take certain actions, but there is no method of enforcement. It would also authorize the Secretary to compromise the penalty.

Under the amendment after the Secretary is notified by the inspector of a violation of any mandatory health or safety standard in a particular mine, the Secretary shall cause such further investigation as he deems appropriate, including an opportunity for the operator and the representative of the miners to present information relative to the penalty and the amount of the penalty. Upon conclusion of the investigation, the Secretary may make findings of fact. If he finds that a civil penalty should be assessed, he would issue an order assessing the penalty and incorporating his findings therein. If the operator fails to pay the penalty within the time prescribed in the order the Secretary then shall file a petition with the Board requesting that the Board order the payment of the penalty. At that time, as we indicated in the previous amendments, the Board would hold a hearing and make findings of fact regarding the penalty and issue its decision. The Board's decision, of course, would be subject to appeal in the Court of Appeals by the Secretary or by the operator. This appeal would be on the record before the Board.

The amendment also established criteria to be considered in determining the amount of the penalty by the Secretary and the Board as in S. 1300. If the Board grants the petition of the Secretary and the operator fails to comply with the Board's order to pay within a specified time, unless an appeal is taken, the United States may seek a judgment in the Federal district court requiring payment thereof. The decision of the Board in granting the petition and the order decision would not be subject to review by the Federal district court in connection with that action.

We believe that this clarifying amendment is desirable.

Amendments 8, 9, 16, 18, and 19 are technical and do not make any substantive changes in the bill. We have no objection to them.

There is also enclosed a number of amendments to title III of S. 1300, most of which are technical amendments. The additional provisions therein relating to roof supports are drawn largely from S. 1907. It was our original intention to include these as part of the roof control plan, but we now believe that specific provisions on roof bolts and roof materials are desirable. All of these changes will strengthen or clarify existing standard provisions in the bill.

Lastly, your staff asked if we had any changes to make in title II of the bill relating to the health standard. We have not. We continue to view the 4.5 standard established in S. 1300 to be effective 6 months after enactment as being the proper first step in reducing the dust problem in the mines. It is attainable now, given the present state of technology. Based on present technology, the 3.0 standard is not now generally attainable. We do not, however, consider the 4.5 standard as a floor. Our objective is to move to a lower standard of 3.0 or less as soon as possible. We believe that technology will be available to permit the industry to reach the 3.0 standard within 3 years after the 4.5 standard is effective and would not object to including such a schedule in the bill so long as the flexibility is retained in the Secretary to lower the standard later below 3.0.

We strongly urge that your Committee report out S. 1300 with the enclosed amendments as quickly as possible. Every week that passes raises the possibility of more serious accidents that might be prevented if this bill is enacted.

We will continue to work closely with your Committee to develop and enact an effective bill.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate, until noon on Monday next, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, during the adjournment of the Senate, all committees be authorized to file reports, including minority, individual, and supplemental views.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what will be the unfinished business before the Senate when it again convenes?

The **PRESIDING OFFICER**. The supplemental appropriation bill, H.R. 11400.

Mr. BYRD of West Virginia. I thank the Chair.

ADJOURNMENT TO MONDAY, JUNE 16, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4

o'clock and 36 minutes p.m.) the Senate took an adjournment until Monday, June 16, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate, June 11, 1969, under authority of the order of the Senate of June 9, 1969:

ASSISTANT SECRETARY OF THE TREASURY

John R. Petty, of New York, to be an Assistant Secretary of the Treasury.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Spurgeon M. Keeny, Jr., of the District of Columbia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

U.S. ATTORNEY

William H. Stafford, Jr., of Florida, to be U.S. attorney for the northern district of Florida for the term of 4 years, vice Clinton N. Ashmore.

James H. Walsh, of Florida, to be U.S. attorney for the middle district of Florida for the term of 4 years, vice Edward F. Boardman, resigned.

Robert W. Rust, of Florida, to be U.S. attorney for the southern district of Florida for the term of 4 years, vice William A. Meadows, Jr.

U.S. MARSHAL

George E. Tobin, of California, to be U.S. marshal for the northern district of California for the term of 4 years, vice Louis H. Martin.

Doyle W. James, of Colorado, to be U.S. marshal for the district of Colorado for the term of 4 years, vice William H. Terrill.

IN THE NAVY

The following-named graduates from Navy enlisted education program to be permanent ensigns in the line of the Navy, subject to the qualifications therefor as provided by law:

James A. Allphin
Jerry W. Ford

The following-named enlisted personnel to be ensigns in the Medical Service Corps of the Navy, for temporary service, subject to the qualifications therefor as provided by law:

Wendell M. Oals
Paul L. Knight
George R. Laverick
Gary R. Harrington
John F. Renish
Dominic E. Sciarrini
John H. Storment
James M. Powers
Eugene A. Peterman
John L. Johnson
Norman E. Carroll
James M. Cooper
Peter T. Cox
Richard T. Figura
Lanny A. Rinard
Wayne P. Glover
John N. Auld
Edmund H. Stanford
William R. Strand
William E. Weeks, Jr.
Lee D. Nelson
Jerry W. English
Marshall W. Wayland, Jr.
Thomas J. Janoski
James T. Smith
Ronald R. Yates
John W. Vrabel
George W. Jay
Robert S. Kayler
David J. Lauver
Douglas Suttle
William L. White
Michael C. Wiggins
David W. Fowler
Wesley J. Johnson

The following-named enlisted personnel selected as alternates to be ensigns in the Medical Service Corps of the Navy for temporary service subject to the qualifications therefor as provided by law:

Anthony R. Arnold
Roy L. Berkley
Charles D. Crouch
Floyd J. Dunaway
Edwin A. Donohue
Lynn M. Terry
James E. Hanrahan
Michael L. Mitchell
Joseph J. Criscitiello
John E. Kraft
Charles D. Hora
Walter K. Marolf
Charles A. Enright
George A. Swales
William M. Mumford
Ralph T. Williams
Frederick C. Hardy
Colonel O. Surratt
Robert Ferda
Gary W. Dumais

Lt. (j.g.) Robert S. Logan, USN, to be a permanent ensign in the Medical Service Corps of the Navy, subject to the qualifications therefor as provided by law.

HN Joseph W. Petroski, USN, to be a permanent ensign in the Medical Service Corps of the Navy, subject to the qualifications therefor as provided by law.

HN Milo J. Prodanovich, USN, to be a permanent ensign in the Medical Service Corps of the Navy, subject to the qualifications therefor as provided by.law.

Cecil B. Greene, U.S. Navy retired officer to be a lieutenant in the Navy, limited duty only (deck) for temporary service, subject to the qualifications therefor as provided by law.

Dennis F. Hoeffler (civilian college graduate) to be a permanent lieutenant commander and temporary commander in the Medical Corps of the Navy subject to the qualifications therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Jon H. Dodson
Claude A. Harvey
Guyton G. Howell, Jr.
Joel B. Lench
Cornelius C. Scott III
Kenneth A. Scheidt

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Lawrence H. Luppi
John O. Mullen
Robert H. Radnich
William J. Reed
Frederic G. Sanford
Frank A. Schuler III
Robert L. Schweitzer
Samuel M. Steele, Jr.
Tommy Turner
Robert C. Vanderberry, Jr.
Willie G. Wyatt

The following-named Naval Reserve officers to be permanent lieutenant (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Michael A. Crucitt
John L. Gustavus
Garry L. Jones
David L. Lockhart

The following-named chief warrant officers to be ensigns in the Navy, limited duty only, for temporary service in the classifications indicated, and as permanent warrants and/or permanent and temporary warrants subject to the qualifications therefor as provided by law:

SUPPLY

Charles R. Bishop
Franklin D. Elkins
Ernesto F. Frial
Norman E. Kuzel
Harold H. Kyser
Donald L. Lockey
Don Lord
Donald R. Mitchell
Larry D. Platt
Morris L. Sutton
Alan R. Verbic

CIVIL ENGINEER

Joseph A. Blake, Jr.
William L. Davis
Carl E. Ferguson

DECK

James H. Garner
Martin W. Huszar
Carl H. Kloke
Jack L. Londot
Harlin C. May
Anker M. Rasmussen
Vincent A. Romito

OPERATIONS

Daniel J. Goodrum
Richard I. Haver
David R. Hawtin
James M. Jeffcoat
Gerald G. Losli
Dale M. Matthews
Edgar J. Millsprice, Jr.
Joseph Turk
Vincent M. Yavorosky

ORDNANCE

Roy E. Ator
Joe E. Aycock
Robert F. Brasil
Leonard M. Campbell
John G. Carter
Gary L. Daughton
August A. Feuerbacher
James A. Frantz
Patrick O'Connor
Kenneth E. Reuter
George W. Russell, Jr.
Perry B. Russell
Larry R. Skaw
David W. Smith
Brian D. Turley
Bennett C. Twombly
Leroy T. Vandyne
Robert Werling

EXPLOSIVE ORDNANCE DISPOSAL

Riley G. Hammond
Thomas P. Toomey

ADMINISTRATION

Jack W. Berry
Leo J. Boor
Armand J. Desantis
Arnold L. Duke
Dale C. Folkers
William D. Hulsey, Jr.
Raymond E. Kay
Raymond H. Larsen
Richard S. Miller
Julius G. Shreve
Jack E. Turner

DATA PROCESSING

Dale C. Deffenbaugh

BANDMASTER

Allen E. Beck

ENGINEERING

Charles E. Anderson
Charles B. Beagle
Duane W. Bunch
Melvin L. Dresbach
Richard Garrahan
John M. Hand
Larry L. Harter
David L. Hartman
J. D. Holder
James Hughes
Thomas P. Lardner
Harvey T. McCullough, Jr.
Daniel J. McGrath
Eddie B. Merriweather
Jerry E. Myrick
Edward R. Propst
David Renwick
Macy J. Southerland
Herbert Spence, Jr.
Cleveland H. Sturgill
James S. Sullivan
Douglas K. Taylor
James E. Thompson
Norbert L. Toon

HULL

David A. Brown
Cecil D. Creel
Henry T. Currie
James A. Gregory
Richard L. Russell
Walter A. Schmid

ELECTRICIAN

Bard S. Coons
Patrick Finfrock
Bobby L. Harris
John D. Howard
Thomas O. Kearns
Richard D. Lane
David P. Pirozzoli

ELECTRONICS

Robert L. Banister
John H. Carroll
Samuel G. Curry II
Roger A. Dallman, Sr.
Mylnor A. Dill
James L. Dunning
Ira J. Espy
John S. Fisher
Robert M. Forrest
Charles L. Foster
James Giles
Charles A. Hale
Harold D. Harris
Thomas A. Hedgecoth
Dennis S. Hennegan
Harvey B. Hight
Lester R. Hillman
John A. Mansfield
Thomas E. McGee
Angus L. McLean, Jr.
William G. Melton
Richard H. Oliver
Richard A. Quinn
James A. Renshaw
Donald A. Rigg
William H. Rumer
Theodore C. Schelin
Robert M. Schier
Lynn D. Shelton
Bruce L. Thomson
Sidney W. Wheeler

CRYPTOLOGY

Robert M. Cameron
Leonard M. Chisholm
Donald V. Detwiler
Robert D. Howell
Laurice W. Mercer
Vincente Morales
Harley D. Tessier

COMMUNICATIONS

William L. Green, Jr.
Frank L. Harrington
Raffaele Marino

AVIATION OPERATIONS

Henry A. Fischer
Clyde J. Nowling

AVIATION CONTROL

Weldon Y. Holiway

PHOTOGRAPHY

Eugene B. Cantrall
Rodney C. Moen

METEOROLOGY

James P. Bennett
William E. Bowers

AVIATION ORDNANCE

Edward L. Ashlock
John W. Brackett
Charles O. Rice
Gordon J. Thomas
George J. Yott

AVIONICS

Joe L. Blackmon
Arthur E. Critser
Neil C. Davis
Dennis L. Graham
Alvin L. Halliday
Thomas J. Krygier
David F. Martin
Russell L. McKay

Robert A. Mueller
James D. Sherrill
Jerrold B. Wilson

AVIATION MAINTENANCE

Cliffton H. Acre
Merlin F. Anderson
Cager W. Campbell
Thomas A. Comeau
Arlyn R. Daering
Michael L. Doeter
Edward B. Dorsey
Thomas J. Glover
Jerry F. Hendricks
James E. Hudson
Charles E. Hughes
Thomas L. Lappin
George A. Mullen
Linville L. Ridener
Donald J. Rockwood, Jr.
Myles E. Walsh
Alton L. Williams
Philip B. Wilson

Lt. John B. Ferruggiaro, U.S. Navy, for temporary promotion to the grade of lieutenant commander in the line, subject to qualification therefor as provided by law.

Ensign Philip A. Peterson, U.S. Navy, for transfer to and appointment in the Supply Corps of the Navy in the permanent grade of ensign.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Edwards, John W.

JUDGE ADVOCATE GENERAL'S CORPS

DeBobes, Richard D.
Johnson, James I.

NURSE CORPS

Vought, Dorothy M.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Adam, Ernest W.
Beam, David M.
Blakely, Frederick M., Jr.
Buckner, Joel K.
Conklin, Robert C.
Cupper, Terrance A.
Dolgow, Barry L.
Ede, Terrence F.
Hatfield, Stephen H.
Johnson, Richard L., Jr.
Jones, Philip W.
Kalin, David M.
Kelly, Robert T.
McCann, Richard G.
Mitchell, Thomas A.
Moffett, Gordon N.
Neumann, Dennis E.
O'Brien, Peter A.
Powell, Orrin B., III
Reilly, Michael J.
Richards, Harry J.
Sarver, James D.
Scaefer, Frederick J. A.
Schneible, Daniel C.
Segraves, Joel R.
Simpson, John D., Jr.
Trotter, Herbert M.
Vermilyea, David W.
Wilkins, Hubert C.
Wilson, Robert C.

SUPPLY CORPS

Fronczkowski, Ralph E.
Mayes, Robert D.
Miller, Barry J.
Ruppmann, Heinz O.
Sweazey, George E., Jr.

CIVIL ENGINEER CORPS

Madden, Peter P.
Palanuk, Lawrence E.

The following-named officers of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade), line and staff corps, as indicated, subject to qualification thereof as provided by law:

LINE

Kummer, Sandra I.
Prose, Dorothy A.
Reid, Heather M.
Richardson, Robert L.
Warner, Carl D.

SUPPLY CORPS

Moore, Beryl R.
Scarola, Joseph R.

CIVIL ENGINEER CORPS

Bruce, Charles J.
Dean, Hilbert D.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 12, 1969:

AMBASSADORS

Robert H. McBride, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

Richard Funkhouser, of New Jersey, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabon Republic.

G. McMurtrie Godley, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Laos.

J. William Middendorf II, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Lane Dwinell, of New Hampshire, to be an Assistant Administrator of the Agency for International Development.

PEACE CORPS

Thomas J. Houser, of Illinois, to be Deputy Director of the Peace Corps.

HOUSE OF REPRESENTATIVES—*Thursday, June 12, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou hast given a banner to them that fear Thee, that it may be displayed because of the truth.—Psalms 60: 4.

Almighty God, we thank Thee for our beloved Republic, for the heritage which is ours, for the traditions and the institutions of a free people which have come down to us through the sacrifices of our fathers, and for which we now must live and labor to keep alive in our day.

Our hearts are thrilled as we look upon the starry banner, the flag of our United States of America. It speaks of freedom and democracy. It stands for law and order, justice and liberty, for peace and good will to all. It serves to proclaim the good news of a government of the people, by the people, and for the people. May this flag continue to be the symbol of hope to the oppressed, the rainbow of promise to the downtrodden, and the banner of freedom to all men.

May we celebrate its birth not only with our lips but with the lives devoted to Thee and dedicated to our country. Amen and amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

The SPEAKER. Pursuant to the order of the House of May 28, 1969, the Chair declares the House in recess for the purpose of observing and commemorating Flag Day.

RECESS

Accordingly (at 12 o'clock and 3 minutes p.m.) the House stood in recess subject to call of the Chair.

FLAG DAY

During the recess the following proceedings took place in honor of the United States Flag, the Speaker of the House of Representatives presiding:

FLAG DAY PROGRAM, U.S. HOUSE OF REPRESENTATIVES, JUNE 12, 1969

The United States Marine Band, directed by First Lieutenant Jack T. Kline, and the United States Air Force "Singing Sergeants" entered the door to the left of the Speaker and took the positions assigned to them.

The honored guests, officers and men of the First Cavalry Division (Airmobile), entered the door to the right of the Speaker and took the positions assigned to them.

The Air Force "Singing Sergeants," directed by Capt. Robert B. Kuzminski, presented *Prayer for our Country.*

The Doorkeeper (Honorable William M. Miller) announced *The Flag of the United States.*

[Applause, the Members rising.]

The Marine Band played *The Stars and Stripes Forever.*

The Flag was carried into the Chamber by Colorbearer and a guard from each of the branches of the Armed Forces: Staff Sergeant Walter E. Dunkel, Jr., Honor Guard, 3d Infantry, Fort Myer, Va., Army; Corporal Antonio R. Aleman, Guard Co., Marine Barracks, Washington, D.C., Marine; Seaman Michael K. Kuzma, Ceremonial Guard, Navy Station, Washington, D.C., Navy; Staff Sergeant William R. Williams, Honor Guard, 1100 Security Police Squadron, Bolling Air Force Base, Washington, D.C., Air Force; Seaman John K. Helms, Honor Guard, Washington Radio Station, Alexandria, Va., Coast Guard.

The Color Guard saluted the Speaker, faced about, and saluted the House.

The Flag was posted and the Members were seated.

Mr. BROOKS of Texas, accompanied by the Honorable W. Pat Jennings, Clerk of the House of Representatives, took his place at the Speaker's rostrum.

The SPEAKER. The Chair recognizes the distinguished gentleman from Texas, Mr. BROOKS.

Mr. BROOKS. Mr. Speaker, the distinguished gentleman from Missouri, Mr. HALL, will now lead the Members and our guests in the *Pledge of Allegiance to the Flag.*

The Honorable DURWARD HALL led the Members and guests in the *Pledge of Allegiance to the Flag.*

Mr. BROOKS. Mr. Speaker, at this time I would like to express my appreciation to the other members of your Flag

Day Committee, the Honorable BILL NICHOLS of Alabama, the Honorable DURWARD HALL of Missouri, and the Honorable RICHARD ROUDEBUSH of Indiana, for their hard work and dedicated efforts.

The Air Force Choral Group, the "Singing Sergeants," directed by Captain Robert B. Kuzminski, will now present a medley of songs appropriate for this occasion.

The Air Force "Singing Sergeants," directed by Captain Robert B. Kuzminski, presented *This is My Country* and *Army Blue*.

[Applause.]

Mr. BROOKS. Mr. Speaker, Flag Day, 1969, is a day for all Americans to reaffirm their commitment to the principles of democracy, liberty, and human dignity.

Our forefathers were truly committed to the concept of freedom. They valued it highly; they worked hard for it; and, they were willing to fight and sacrifice for it. They knew the meaning of liberty and they were determined to protect and expand the rights of man.

The successful functioning of a democratic system places a heavy burden on the shoulders of its citizens. It requires an enlightened people—aware of the complexities of their national development. It requires an understanding people—capable of accepting the shortcomings of others and willing to work for the improvement of society. And, it requires a people prepared to assume the obligations and exercise the responsibilities so necessary for the protection of democratic freedoms.

Today, these responsibilities are many—and they are important. In a democracy, citizens must participate. This participation is central to the efficient functioning of free institutions. It is necessary in order that our decisions reflect the views of all citizens, and it is necessary if our Government is to be responsive to the needs of our people.

Citizens must speak out on public issues. They must convey their thoughts to those who make the decisions affecting the future of this Nation. They must also be willing to serve in positions of leadership. They must recognize the rights of others.

Our system requires dedication to the ideals and principles which form the basis of democratic thought and action. These principles require a commitment to the rights of man—a commitment honored by the dedication and service of our fighting men.

Today, we have as our honored guests some of the officers and men of the 1st Cavalry Division (Airmobile). As a highly flexible air-striking force, by their heroic efforts in Vietnam, the 1st Air Cavalry Division has gained the admiration, respect, and confidence of free men everywhere.

These men are of courage. They serve the cause of liberty and freedom. They know what it is to sacrifice for their country. Many of them bear the scars of wounds suffered in Vietnam. Their commitment to the principle of democracy has been made clear by their actions in defense of this country. They have answered the call to arms and they have defended the principles of this Nation with gallantry and dedication. To secure the freedoms we enjoy, they have endured the anguish and hardships of countless battles.

At this time, will General Kinnard, General Becker, General Blanchard, and the men of the 1st Air Cavalry Division stand so that we can express our appreciation and admiration.

[The Honored Guests rose.]

[Applause, the Members rising.]

Mr. BROOKS. We also have with us today Mrs. Ben Dorsey, affectionately known as the "Mother" of the First Air Cavalry Division. "Mother" Dorsey designed the big, golden patch with the black horse's head worn by this courageous combat-hardened division. Mrs. Dorsey, will you please stand.

[Mrs. Dorsey rose.]

[Applause, the Members rising.]

Mr. BROOKS. We also have with us two men of the First Air Cavalry who have received the highest military award bestowed by this Nation. Both of these men were awarded the Congressional Medal of Honor for their heroic service in Vietnam. Both Medals were earned by heroism that also involved valiant and gallant efforts to save their comrades. Will Sergeant Charles Chris Hagemeister and Chief Warrant Officer Frederick Ferguson please stand.

[Applause, the Members rising.]

Mr. BROOKS. Gentlemen, on behalf of a grateful House of Representatives, I salute you. Your resourcefulness and valor will long serve as an inspiration to those who are committed to the defense of freedom.

Today, our country is confronted with the challenge of crisis at home and in distant lands. The traditions, values, and principles for which many have sacrificed so much are being attacked on many fronts. Our task is to successfully meet this challenge, sustained by a deep love of country and a renewed dedication to liberty and justice. The love we feel for our country is embodied in the stars and stripes of our Flag. It is the very essence of the American character. American patriotism is not blind to our weaknesses for it recognizes the distance we yet must travel to attain the goals we seek for all men.

If we understand the true meaning of freedom, the sacrifices that have been made, and the goals of this Nation, we will be able to protect the American tradition and the rights of all men.

As a symbol of the majesty of a great Nation, our Flag serves as a beacon of hope to the oppressed of other lands. Our Flag represents the strengths and the values and the highest traditions of this country—it signifies the pride we have in our heritage, as we face the future, resolved that our actions will bring honor to this Banner.

It represents our aspirations as a people, it embodies our faith in the American tradition—A tradition we dream of—a tradition we work for—and a tradition we hope to hand down to our children.

May our Flag continue to strike a responsive chord in the hearts of free men everywhere and offer hope, opportunity and promise to those who strive for the highest goals.

[Applause.]

Mr. BROOKS. The Members and guests will please rise to join with the "Singing Sergeants," accompanied by the Marine Band, in singing *The National Anthem*. Will everyone please remain standing while the Color are retired from the Chamber?

The Members rose and sang *The National Anthem*, accompanied by the Marine Band and the Air Force "Singing Sergeants."

The Colors were retired from the Chamber, the Marine Band playing *The National Emblem March*.

The Air Force "Singing Sergeants" retired from the Chamber, the Marine Band playing the Armed Forces Medley.

The Marine Band retired from the Chamber.

Mr. BROOKS. Mr. Speaker, the names of the members of the First Air Cavalry Division who represent that division in this ceremony today are:

CSM. Charles L. McQuerry, Colorado Springs, Colorado.

Sp/5. Carl Harris, Laurel, Maryland.

Sgt. Jerald Miller, Laurel, Maryland.

Sp/4. Murray C. Coon, Norwich, New York.

SFC. Hazele Massey, Riverdale, Maryland.

MSG. Paul A. Boldt, Blairsville, Pennsylvania.

1SG. William T. Mooney, Arlington, Virginia.

CSM. John R. Jones, Ethelsville, Alabama.

SSG. Jerry M. Musselwhite, Kannapolis, North Carolina.

Cpt. Marvin W. Solomon, Jr., Pittsburgh, Pennsylvania.

SFC. Donald A. Troy, Archbald, Pennsylvania.

Sgt. Michael A. Schumacher, Santa Monica, California.

Sgt. Roy W. Hawks, Runnemede, New Jersey.

SSG. Charles W. Henson, Prince Frederick, Maryland.

Sgt. John A. Tunewald, Philadelphia, Pennsylvania.

PFC. Volney H. DePriest, Elkridge, Maryland.

Sp/5. Frederick N. Clark, Severn, Maryland.

Sp/5. Ray S. Stanley, Houston, Texas.

Sp/4. Harvey E. Ward, Dale City, Woodbridge, Virginia.

Sgt. James R. Gochie, Lunenburg, Vermont.

Sp/5. William M. Roach, Jr., Brunswick, Georgia.

At 12 o'clock and 32 minutes p.m., the proceedings in honor of the United States Flag were concluded.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 33 minutes p.m.

The SPEAKER. The Chair, on behalf of the House, desires to express our thanks to the chairman and the members of the committee for arranging, preparing, and conducting the splendid exercises today, and also to express the

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thanks of the House to all who participated in the exercises.

Mr. HALL. Mr. Speaker, as a Member of the House of Representatives, in this great Republic, it is a pleasure for me to participate in the Flag Day ceremonies held in this Chamber today.

I am sure that the hearts of all Americans beat just a bit faster when the flag of our country is presented, and what more fitting place could be found than the floor of the world's most freedom-minded body?

A flag is only a symbol, but it is the most important symbol of our national existence. The Stars and Stripes has flown all over the world. From the beaches of Normandy to the wall in Berlin; from the island of Okinawa to the continent of Antarctica; and now we expect it on the moon. It has been a sign of strength to the weak, and placed fear in the hearts of the evil. It has been loved by many and vilified by the nonunderstanding or uninterested. It has been trampled by mobs, spat at, slept on, ripped to shreds, shot at, and burned, yet it still remains the emblem of those who would be free.

A flag means many things to many people, but uppermost in the minds of all it is the symbol of this Republic, peopled by those who truly believe that a representative government is mankind's only way to have one nation, under God, indivisible, with liberty and justice for all.

The Flag Day ceremony held in the House of Representatives today was a prime example of the courtesy due our Nation's ensign, and perhaps is best said in the words of the following poems. I place these poems at this point in the RECORD:

THE FLAG GOES BY

(By Henry Holcomb Bennett)

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky!
Hats off!
The flag is passing by!

Blue and crimson and white it shines
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;
But more than the flag is passing by.

Sea-fights and land-fights, grim and great,
Fought to make and to save the State;
Weary marches and sinking ships;
Cheers of victory on dying lips;

Days of plenty and years of peace;
March of a strong land's swift increase;
Equal justice, right, and law,
Stately honor and reverend awe;

Sign of a nation, great and strong
To ward her people from foreign wrong:
Pride and glory and honor—all
Live in the colors to stand or fall.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high;
Hats off!
The flag is passing by!

This flag, of red, white and blue
May not mean very much to you
But as for me this banner flies
And with its mighty voice it cries
Out to peoples far and near
To proclaim our freedom here.
A small beginning, I agree,
But like the acorn to a tree
Thirteen states we had at first,
But as our country grew, our thirst
For land and freedom did not stop.
That land did well; produced a crop
For countries of the world to share
And then they knew our flag was fair
And underneath the starry wing
Foreign peoples helped to sing
The greatest story ever told.
The story of our country bold,
Of its birth into the world
And of its wondrous flag unfurled.
And over the world there ne'er will stand
The flag of any other land
That will mean as much to me
As this flag of liberty.

FLAG DAY CEREMONIES HONOR VETERANS OF THE FIRST AIR CAVALRY DIVISION

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to include in the RECORD at the conclusion of the program the names of those members of the First Air Cavalry Division who attended and represented that division in the ceremony

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FLAG DAY—GENERAL LEAVE

Mr. BARING. Mr. Speaker, I find it highly admirable that we have this opportunity again to display our respect in the House of Representatives for the greatest symbol of freedom this world knows—the American flag.

I urge that every man, woman, and child of this Nation ask himself on this traditional commemorative day how may he be of service to his country and a partner with others as a keeper of peace.

I hope that we will not let our fighting men and women down in their battle for freedom and that we here at home will keep the spirit of the American flag and its history close to us as we strive to make our Nation greater for the future.

Some in this Nation would have us believe that the flag is simply a ritual without any meaning. I would ask those who seek to destroy our flag, "Does it have any meaning for you that you are here alive in this great Nation of ours today and not buried under the might of those enemies we have fought in the past?" The flag is our symbol of freedom is my answer to those who burn or otherwise desecrate, deface, or defile the American flag. For those who show disrespect to the flag or even choose not to salute it nor pay it allegiance, they are not loyal Americans with any spirit of national feeling. They have nothing for their country in their life.

When I see the American flag during military ceremonies, or on my campaigns for reelection or when it is displayed in our cities and streets and on our buildings; I see kids eating hot dogs at the ball game, football teams lined up for the kickoff, America's huge industrial might turning out the best in manufactured goods any nation ever has had, mothers playing with their children in the park, clean-cut teenagers and college students walking across campus or doing the frug, jetstreams in the sky, and I can hear the railway engines wail at night along with the bellow of a bull elk through the forest.

But, too, I can see the Marines putting the flag up on Iwo Jima and the flag-draped caskets of Eisenhower and John F. Kennedy and the all too many coffins coming home from Vietnam.

Our flag tells the world we are a proud and strong Nation, loving peace and freedom and always ready to defend our country.

Let us hope that the placement of the American flag on the moon by the crew of apollo 11 next month, will cast around the world and emblazon the message and vision that truly this is a great country.

Mr. PICKLE. Mr. Speaker, on June 12, the flag of the United States will be 192 years old. It has served us well.

In recognition, June 9 to 15 has been proclaimed National Flag Week.

This annual tribute is worthwhile and just—but it remains an annual event. In Vietnam, our flag flies every day in defense of this Nation.

In Edna, Tex., our flag flies every day in support of our defenders. Since January of 1967, nearly 150 flags have flown in daily tribute to the young men in Vietnam. Flags unfurl from store fronts and front porches of a people united in a common purpose—pride in country.

It all began in December of 1966 during a trip to Berkeley by the then mayor, A. D. Tinker. The student turmoil, the obscene disregard for democratic principles and desecration of the flag greatly affected Mr. Tinker. Rather than strike out blindly at the students, he chose a constructive approach which he hoped would be meaningful.

Upon his return to Edna, the mayor drafted the following resolution:

> Be it known that inasmuch as our sons are sacrificing their lives in a conflict on foreign soil and knowing that draft card burners, protest marches and anti-war demonstrations tend to give aid and comfort to the enemy and prolong the war, we, the city fathers of Edna, condemn all such un-American activity and wishing to show our support of the government of these United States, do decree that the flag of the United States be displayed along our streets until an honorable peace has been secured in Viet Nam.

This approach was meaningful indeed. The townspeople embraced the resolution and have continued to do so. The norm in an undertaking such as this is for an initial spurt of enthusiasm, then a gradual fade to token support. Not so in Edna; the project has grown. Since 1967, the Boy Scouts have replenished the nearly 150 flags on four separate occasions. The present city administration and county officials have carried on in strong support.

Immediately after passing the resolution in 1967, the mayor received 600 letters from across the world—128 came from servicemen in Vietnam. Thirty-nine wounded men in war hospitals wanted to join the Edna American Legion. They were promptly made honorary members.

Since that time, the interest has swelled. About half a dozen other towns have jumped in with similar programs—one of those I am proud to say, is also in Texas—the town of Cuero.

Edna also has a considerable flag program in reverse underway. The townspeople have sent numerous Texas flags to Vietnam battlefields.

As we remember Flag Day, June 12, and the glories our flag has brought to this Nation, let us also pay tribute to the 5,000 people of Edna. They make patriotism a way of life—every day of their lives.

As the flag flies today in America, we are mindful that it also flies over the battlefields in Vietnam. We join in a united hope that this conflict will be brought to a just and honorable conclusion with all due speed and care. Tucked into every fold of the flag, where ever it flies, is the promise to all Americans—the promise of freedom.

Mr. MICHEL. Mr. Speaker, Saturday will be the anniversary of the adoption of the design of our national flag. It was on June 14, 1777, that the Continental Congress resolved that—

> The flag of the United States shall be thirteen stripes, alternate red and white, with a union of thirteen stars of white on a blue field, representing a new constellation.

Although Saturday will therefore be a day of great significance to our country and to each of the sovereign States that make up these United States, another great day will soon arrive, one that will have especial meaning to the great State that I am privileged to represent in part in this great body.

The Fourth of July is the day on which a new star is added to the flag in recognition of the admission of a new State to the Union. This was not always the case, the practice in the early days of the Republic being somewhat different.

The original 13 stripes and 13 stars remained undisturbed until January 17, 1794, when Congress added two stripes and two stars to represent Vermont and Kentucky, the 14th and 15th States to join the Union. On April 18, 1818, Congress provided that the flag should have 13 alternate red and white stripes to represent the original States and that a star should be added for each new State on the July 4 that next followed its admission into the Union. On Independence Day of that year, the States of Tennessee, Ohio, Louisiana, Indiana, and Mississippi saw their stars added to the galaxy.

The first State for which a star was added to the flag on the anniversary of our independence was the great State of Illinois. This took place on July 4, 1819, when the 21st star joined the stars and stripes. The sesquicentennial of this great occasion will occur 3 weeks from tomorrow.

During the many years that have intervened since my State's star became part of our national emblem, Illinois has endeavored to be worthy of its position in the national constellation. During those eventful 150 years, 29 other stars have been added to Old Glory, as the United States have extended themselves across the continent, into the Pacific, and above the Arctic Circle. Truly the words "E Pluribus Unum" have taken on new meaning. It was my happy privilege to be able to vote for the legislation that enabled the last two States to add their stars to our flag.

This afternoon's observance is a fitting rebuke to those who have expressed their contempt for our Nation, its people, and its ideals by setting fire to its national banner. This would not, however, be sufficient justification for such an observance, as the handful of flag burners represents only the dregs of society.

Let our commemoration of the original Flag Day be placed upon the broadest possible basis by declaring that when we honor the flag we honor those who have carried it to victory in our wars, those who have taken it with them as they circumnavigated the globe on space flights, those who have worked to establish freedom and justice for all, and those who have served the Nation in humble but nonetheless essential labors as they have gone about their daily tasks.

Mr. Speaker, I would like to conclude my words of tribute to the Stars and Stripes with these inspiring lines from Joseph Rodman Drake's poem, "The American Flag":

When Freedom from her mountain height
  Unfurled her standard to the air,
She tore the azure robe of night,
  And set the stars of glory there.

She mingled with its gorgeous dyes
The milky baldric of the skies,
And striped its pure celestial white
With streakings of the morning light;
Then from his mansion in the sun
She called her eagle-bearer down,
And gave into his mighty hand
The symbol of her chosen land.

Flag of the free heart's hope and home!
  By angel hands to valor given;
Thy stars have lit the welkin dome,
  And all thy hues were born in heaven.
Forever float that standard sheet!
  Where breathes the foe but falls before us,
With Freedom's soil beneath our feet,
  And Freedom's banner streaming o'er us?

Mr. COLLIER. Mr. Speaker, while the flag that we are honoring this afternoon has added many stars to the original 13, it is fundamentally the same banner that was designed in 1777.

Even though it now has 50 stars, it is the same flag that Betsy Ross sewed almost two centuries ago, the same one that Francis Scott Key saw as the day dawned after the bombardment of Fort McHenry, the same one that Barbara Fritchie waved from the attic window as the hosts of the Confederacy marched through nearby Frederick.

The flag that waved over Gettysburg, San Juan Hill, Chateau-Thierry, Iwo Jima, and a hundred other battlefields is the same one to which we pay tribute today. It is the one that has meant deliverance in a promised land to millions who have come here from foreign shores, as well as a birthright of freedom to hundreds of millions fortunate enough to have been born here.

Mr. Speaker, may the Stars and Stripes continue to wave over a free people and may it be an inspiration to the generations that will follow us.

Mr. ROONEY of Pennsylvania. Mr. Speaker, on this Flag Day, 1969, I am proud to call the attention of my colleagues to an organization which, since 1905, has worked tirelessly to foster patriots and perpetuate our American heritage by encouraging recognition and respect for our flag.

It was 64 years ago when the Allentown, Pa., Flag Day Association was conceived. From that day to this, citizens of Allentown, Pa., have paid special respect to the Stars and Stripes.

The membership of the Allentown Flag Day Association were instrumental in having the national Elks organization establish an annual program of tributes to the U.S. flag on June 14 of each year, the anniversary of the Stars and Stripes' adoption as the flag of our Nation by the Continental Congress.

Further, through their active promotion of respect for our flag, the Allentown Flag Day Association has championed legislation to make Flag Day a national holiday. I hope that this 91st Congress will recognize the opportunity a national Flag Day holiday offers to renew throughout our country the keen spirit of respect for our flag which most Americans have shown through nearly two centuries.

Flag Day is observed each year as a municipal holiday in Allentown. It should be similarly observed throughout the United States.

Mr. HUNT. Mr. Speaker, June 14, 1969 will mark the 93d nationwide annual observance of Flag Day and the 192d anniversary since the adoption of the flag of the United States as resolved by the Congress in Philadelphia on June 14, 1777:

> That the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation.

"Old Glory," so named by sea captain William Driver, of Salem, Mass., was thus described by George Washington:

> We take the stars from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity, representing liberty.

On June 14, 1917, President Wilson said of the flag:

> And yet, though silent, it speaks to us—speaks to us of the past, of the men and women who went before us and of the records they wrote upon it. We celebrate the day of its birth, and from its birth until now, it has witnessed a great history, has floated on high the symbol of great events, of a great plan of life, worked out by a great people.

More recently, on June 10, 1967, President Johnson proclaimed:

> This is the flag that crossed the oceans in defense of freedom, that waved in smoke above Corregidor, that was pushed aloft on Iwo Jima, that cheered the liberated peoples of Europe. This is the flag that has covered the remains of those who died in freedom's cause.

Mr. Speaker, it is a tragedy indeed that I see the emergence among those of younger generations of individuals untouched by the lessons of history, except that they are free citizens because of the sacrifices of those who have gone before them. I am equally concerned about the growing number of so-called enlightened intellectuals who have found fertile ground in our educational institutions at all levels, spreading mistrust and suspi-

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cion of our way of life and flaunting our heritage. To be sure, the contradictions in our democratic society are many, the ideal of peace and the fact of war are not easily reconciled, and the ironies of poverty among prosperity and of oppression in a society of justice for all are defiant of rationale. That our Nation has endured these dilemmas is a sign of the courage and faith of its people. But our survival as a free nation today has never been more threatened from amongst our own numbers.

Brigadier General Shaw, on the occasion of Flag Day in 1958, rightly stated:

> Nothing is free, and nothing worthwhile is cheap. From our forebears we have inherited a priceless birthright of freedom and justice and equality. We must fulfill the trust which has been passed on to us. We must preserve this heritage and pass it on to our successor, not only unimpaired but enriched.

Have we too much freedom? It is a very relevant question and it might be well for the militants and radicals to ask themselves how long such conduct under a totalitarian regime would be tolerated or whether the suppression of all dissent in a society of tyranny is worth the price to be paid should our free institutions be destroyed. The present tactics being employed in dissent and protest are too closely akin to anarchy and, in my estimation, detract from rather than enhance reconciliation of what might otherwise be dealt with as legitimate grievances.

I was impressed by an editorial carried in the April 1969 issue of the New Age magazine. It is timely and the setting appropriately is the Nation's Capital. I include it herewith:

HAVE WE TOO MUCH FREEDOM?

> On January 21, 1969, the day following the inauguration of Richard M. Nixon as President of the United States, I had occasion to take a cab in Washington, D.C., on a route that almost paralleled the one the inaugural parade had taken the day before. My driver was obviously a native of one of the Caribbean countries, possibly Jamaica, and spoke with more than a trace of a British accent.
>
> As we came by the parade stands which were now being dismantled, I asked the cabbie whether he had been very busy the day before with all the spectators in town. He answered: "No, I decided to take most of the day off after the beginning of the ceremonies, and went home and kept my eyes glued to the television set. You know, Mister," he went on, "I really love this country. It's the only place in the world where a poor man like me with no family background can get an education and make his way in life as an independent citizen. I just got sick when I saw those long-haired, screaming freaks trying to draw attention to themselves when the President's party went by."
>
> I shook my head in silent agreement with him, and he continued: "Later on when I was back cruising around for business, I saw a bunch of them being chased by the police, away from the park in front of the White House. They'd gotten in there although the park was taken over for the day by government equipment, and so forth. Some of them ran by my cab and the wild way they looked I think if I'd been of another race they might've tried to tip over my cab or do some other mischief. I cut my engine off for a time and just sat there sorrowful . . . and I still am. Last night I couldn't sleep, trying to figure this thing out. What's wrong, anyway? Here's a country that has tried to help the world and has made it possible for the ambitious to get someplace—and yet here's a minority fully determined to destroy the system that has made it possible for them to 'mobify'. Finally, toward morning, I came to the conclusion that we just have too much freedom. This group thinks freedom gives them the power, the right, to beat up or shoot at anyone who disagrees with them or shows any resistance. They think it gives them the right to rob a bank or any person they want so they can get money for their contemptuous assault on the type of government they have inherited—or maybe acquired by immigration as I did—without working for it. I guess freedom just comes too easy. I'm afraid of what will happen when the great bulk of the people who really treasure freedom begins to think and to turn on these fellows. I'm almost afraid if I met up with more of them, myself, I'd be tempted to run the cab over them."
>
> About that time we arrived at my destination. I thanked the gentleman for giving me a lesson in present-day patriotism and wished him luck.

Mr. Speaker, on the occasion of Flag Day 1969, I find no better way to express myself than to reiterate the "Pledge of Allegiance," affirming my solemn faith in these United States, her heritage and people, and holding our flag high as a symbol of freedom.

> I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Mr. MIZE. Mr. Speaker, Saturday, June 14, is Flag Day. On that date, in 1777, the Continental Congress officially adopted the Stars and Stripes as our national emblem.

Flag Day is an appropriate time to honor our predecessors for the struggles they have borne. Through bitter war and numbing depression our Nation's people have persevered for nearly two centuries—the longest sustained period of freedom under a written constitution in the history of man. We should reflect for a moment on the sacrifices our forebears have made to preserve our Constitution, our Bill of Rights, our traditions of representative democracy, our unique and resilient Republic.

Under the Constitution, the Federal Government is prohibited from suppressing free speech, freedom of the press, freedom of religion, the right to associate and assemble freely, and the right to vote as a freeman. Through the application of provisions of the 13th, 14th, and 15th amendments, the States are prohibited from suppressing those same basic, unalienable rights.

Under the Stars and Stripes, a nation has been born, suffered its adolescence, and matured to become the sword and shield of freedom, the "last best hope" of humanity so long accustomed to tyranny.

THE WAR BETWEEN THE STATES

There have been times in our history as a people when it appeared that the American experiment would fail. The War Between the States was the most severe test, but the inspired leadership of Lincoln sustained our Nation in its darkest hour.

There is no question in my mind that the Union soldiers, through the agony of battle, through disease and personal deprivation, through all the trials of those times, were fighting for more than territorial integrity.

They were sustained through the struggle by an emerging concept of the dignity and worth of the individual, the priceless sanctity of the human soul.

The intolerable curse of slavery was purged from the continent by men committed to a more perfect notion of freedom—freedom for all men—and that notion, so obscure a century ago, so fragile in those times, has become the central principle of Americanism. It is the foundation upon which the President, the Congress, and the courts build to achieve a more perfect Union.

THE THREAT TO THE FEDERAL JUDICIARY

Another test that our Nation survived was much more subtle, much less fraught with passion, but nonetheless a struggle for the survival of constitutional democracy. That test was the attempted packing of the Supreme Court during the depths of the depression. Had that ruse succeeded, the courts—an independent pillar and an equal partner in the trinity that is the Federal structure—would likely have become a pawn of the executive branch. Fearful for their integrity, the courts would have been forced to submit to the will of a President strong enough to subvert the performance of their constitutional duties.

The American people, in spite of temptation to seek dishonorable peace, have fought. The American people, in spite of the temptation to blindly follow a strong leader in times of economic crisis, have persevered in the belief that difficult times pass—but the Constitution is for all time, and surely our greatest secular protector and strength.

TODAY THE STRUGGLE GOES ON

Under General Washington, the colonists fought for freedom, when peace under a despotic king 3,300 miles away—would surely have been an easier alternative. Compromise and negotiation would surely have been possible, but our Founding Fathers chose to build a free and independent nation, and for that decision and those sacrifices we have been thankful to this day.

Under Lincoln, men fought to preserve the indivisible Union—and they fought to free other men caught in the remnants of barbarian slavery.

Under Chief Justice Earl Warren, who retires this month after 16 years on the Bench, and under President Eisenhower, President Kennedy, President Johnson, and President Nixon, the Nation has moved to destroy the remaining vestiges of slavery—the trappings of slavery—from a nation seeking to fulfill its historic role and destiny.

Many men of good will do not agree with some of the decisions of the Warren court—these decisions are too recently with us. But I am confident that through the coming years, as our people struggle to perfect the covenants of the Constitution and the Bill of Rights, men will come to recognize that these years just past were another turning point.

The American Nation, under the Stars and Stripes, has emerged from the past decade and a half a nation more conscious of its responsibilities to all its

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citizens, and has sought to meet those responsibilities.

THE YEARS AHEAD

And so, as we look ahead to the remaining three decades of this millennium, we search for the appropriate path to follow under the Stars and Stripes.

To my mind, our course is clear. We must set an example for a world so desperately in need of leadership, moral as well as military. We must demonstrate at home that men of all races and creeds can live and work together—under one flag—as free men with equal rights and equal responsibilities.

We must demonstrate that a free people can be a just people. That is the promise that our Founding Fathers made to generations of Americans yet unborn, and it is a promise which we must keep.

For the first time in our national history we are in the inescapable position of world leadership. Our success abroad as well as our tranquillity at home, depends upon our dedication to the freedom which our flag embodies.

We cannot escape from this responsibility. Indeed, we should rejoice in our opportunities. Our people, and all the world, watch us on this Flag Day.

Mr. JOHNSON of California. Mr. Speaker, today we hold our annual observance in honor of our flag. On Flag Day, June 14, 1917, President Woodrow Wilson said:

> We meet to celebrate Flag Day because this flag which we honor and under which we serve is the emblem of our unity, our power, our thought and purpose as a nation.

I would like to expand just a little on his wonderful words. Most Americans are known—and proudly so—as flag wavers. We resent and regret any action that smacks of disrespect for the Stars and Stripes.

We do so because, like Francis Scott Key, we have seen Old Glory embattled, and we have known the joy of helping to keep it high "o'er the ramparts we watched."

This flag belongs to every American. It proclaims our freedom, our rights, our duties. But in the family of nations it is more than just another national emblem.

If the American flag were to stand merely for nationalism—for a loyalty required of citizens—it would be no different and mean no more than any other flag. But ours is a very special flag, with special significance for all mankind.

It signifies that the Declaration of Independence, as Abraham Lincoln said, "gave liberty not alone to the people of this country, but hope to the world."

Let us imbue in ourselves and our children the so-called old-fashioned patriotism, a burning devotion to the principles and ideals upon which our country was founded.

Should not every home own and proudly display the National Colors on holidays and other patriotic occasions? Is the flag not the bequest to us of Patrick Henry, Jefferson, Benjamin Franklin, Roger Ellis, Washington, Nathan Hale, Paul Revere, Andrew Jackson and other great men who have given us our heritage of freedom? When you look at this flag cannot you see Valley Forge, the Alamo, Corregidor, Pearl Harbor, the *Monitor* and the *Merrimac*, Korea, and Gettysburg? Lest we forget, is not the flag the symbol of Flanders Field, Bataan, Iwo Jima, and Normandy Beach? The greatest events of our past and present are symbolized by our flag.

It is the proud symbol of a nation blessed by prospering industries, universal education, and free institutions. Our great Republic has been chosen by destiny to be mankind's last and best hope, a haven for the oppressed and persecuted of the world. That is what the flag means to me. Can we wave it too much? I do not think so.

Mr. BIAGGI. Mr. Speaker, I would like at this time to recommend the passage of my bill to provide that Flag Day shall be celebrated annually, as a Federal holiday on the second Monday in June.

To my way of thinking, Flag Day already is widely regarded, throughout the country, as one of the principal events of the calendar year. To so declare it in the statute books would merely re-echo the popular sentiment that has now existed for many years.

There are some Americans, of course, who will not support this proposal, but in my opinion they are very few in number. Their view is not unpatriotic, by any means; merely mistaken—or so I believe. According to their understanding of the matter, patriotic display fosters the martial spirit wherever it appears, and therefore fosters chaos and destruction. But I do not agree. Patriotism is the rock upon which any nation stands, including our own, which happens to oppose the forces of chaos and destruction. To dampen the patriotic ardor of a democratic nation is merely to strengthen the hand of totalitarian forces, and by so doing to breed the chaos and destruction we despise. To cheer the flag and to hail our national purposes must, then, be regarded as a vital American policy, beneficial to the interests of all mankind.

Liberty and democratic guarantees cannot be assured to any people as a family legacy, any more than children can inherit the knowledge and courage of their parents. Each generation must dedicate itself anew to the preservation and regeneration of these noble traditions, and the purpose of Flag Day is to insure that response.

In times such as these, with our liberties challenged by a formidable opposition, we would do well, I think, to emphasize the patriotic spirit. Our flag, after all, represents the goals and purposes of free men everywhere. It is indeed the flag of the free world, standing out majestically against the skies of many lands. Wherever it unfurls, the hopes of millions rise in grandeur, and courage returns to those once paralyzed by fear.

Our flag, as a result, is a symbol of defensive strength throughout the world and as such calls forth the best in us.

What better symbol than this have we to honor and applaud? It is the heart of our spiritual force and should be treated accordingly.

I therefore recommend the passage of my bill to provide that Flag Day shall be celebrated annually, as a Federal holiday on the second Monday in June of each year.

Mr. EILBERG. Mr. Speaker, in my home city of Philadelphia our morning newspaper, the Philadelphia Inquirer, has been conducting a campaign to encourage display of the flag.

It has been a well-conceived and successful campaign and other newspapers might well try something similar. In conjunction with this campaign, the Inquirer has been offering ts readers a window flag at a very reasonable price.

I applaud the Inquirer's imagination and public spirit in this effort.

For many weeks, the Inquirer has been running page 1 stories featuring the statements of elected officials and public servants.

My comments appeared on April 29, 1969, in a story prepared by Jim Young of the Inquirer staff; and as we mark Flag Day in the House of Representatives, I place that story in the RECORD.

EILBERG ASKS FLAG DISPLAY

> U.S. Rep. Joshua Eilberg (D., Pa.) on Monday called on residents of the Delaware Valley to display the American Flag, "for it is a symbol of our achievement and a banner promising that America has not forgotten its covenant with the world."
>
> "And if the Stars and Stripes have special meaning for us Americans, consider the Flag's message and promise to the rest of the world," he said.
>
> "Too frequently we take our freedom and liberty for granted. Elsewhere, the Flag is a symbol of America and American freedom. To many, it is a standard of hope."
>
> Eilberg's comment came as The Inquirer—to encourage display of the Flag on national holidays, offers its readers a convenient window Flag.
>
> The rayon window banner is 12 by 18 inches, and mounted on an ebonized staff. The staff has gilded spear tips and gold tassels trim the gold cord used to hang the banner.
>
> It can be used wherever a window latch or wall nail is available in apartments, homes, classrooms and offices.
>
> The Flag is available for $1 in the lobby of The Inquirer Building, 400 N. Broad st., from 8 A.M. to 7 P.M. Monday through Friday and 10 A.M. to 5:30 P.M. Saturday and Sunday.
>
> It can also be ordered by first class mail by using the coupon on Page 30. The mail price is $1.35, including postage and handling. There is no sales tax. Allow two weeks for delivery.

SYMBOL OF NATION

> "Nations and peoples have flown flags since the beginning of history," said Eilberg. "The flag has become a symbol of the character, aspirations and achievements of a nation," he said.
>
> "The Stars and Stripes, therefore, occupy a special place, the highest ground, in the history of man.
>
> "For we as a nation have pledged our energy and our resources to the battle against tyranny wherever it is encountered. And our Flag is a symbol of this pledge.

SERVES AS REMINDER

> "It also is a blazing reminder of this nation's proud history, its sometimes painful sacrifices to the cause of liberty and its mighty achievement.
>
> "Here in Washington, the Flag is never far from view, whipping in the wind at the Capitol, the White House, and along Pennsylvania and Constitution aves. There probably is no more stirring sight than the 50 Flags that guard the base of the Washington Monument.

FLY IT PROUDLY

> "Too frequently we take our freedom and liberty for granted. Elsewhere, the Flag is

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a symbol of America and American freedom. To many it is a standard of hope.

"We in America have much for which to be proud. We have much still to do. I ask my fellow Philadelphians and fellow Americans, to fly the Flag proudly, for it is a symbol of our achievement and a banner promising that America has not forgotten its covenant with the world."

PERMISSION TO PRINT PROCEEDINGS HAD DURING THE RECESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the Record.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks today on the Flag Day ceremony, immediately after the expiration of the recess.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF JUNE 16, 1969

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have no further program for this week.

The program for next week is as follows:

Monday is Consent Calendar Day, and there are also four suspensions:

H.R. 11235, Older Americans Act Amendments of 1969;

H.R. 265, to amend the Merchant Marine Act, 1936, relating to construction-differential subsidies;

H.R. 11069, to authorize the appropriation of funds for Padre Island National Seashore, Tex.; and

H.R. 9946, to authorize the Secretary of Agriculture to quit-claim certain land in Lee County, S.C.

For Tuesday and the balance of the week:

Tuesday is Private Calendar Day; and it will be followed by H.R. 6543, the Public Health Cigarette Smoking Act of 1969, under an open rule providing 3 hours of general debate; and

S. 742, to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, subject to a rule being granted.

This announcement is made subject to the usual reservations that conference reports may be brought up at any time, and any further program may be announced later.

ADJOURNMENT TO MONDAY, JUNE 16, 1969

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if the distinguished majority leader can give us any information as to when we might expect some kind of action on a resolution or a bill to continue the surtax?

Mr. ALBERT. Mr. Speaker, that matter is under consideration in the Committee on Ways and Means, and I am sure that the committee is endeavoring to expedite its consideration of it.

Mr. GROSS. Will it be the intention of the distinguished majority leader, as far as he can foresee events in the future, to say that it will be disposed of before the first of July, or will it likely come after the first of July?

Mr. ALBERT. Speaking for myself, I think it would be before.

Mr. GROSS. You think it would be before?

Mr. ALBERT. Yes.

Mr. GROSS. I thank the gentleman from Oklahoma.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADDRESS BY AMBASSADOR GEORGE J. FELDMAN AT MEMORIAL DAY CEREMONY, AMERICAN MILITARY CEMETERY, LUXEMBOURG

(Mr. McCORMACK (at the request of Mr. Albert) asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, at the traditional Memorial Day ceremonies, held at the American Military Cemetery in Luxembourg where more than 5,000 American soldiers lie buried, the Honorable George J. Feldman, American Ambassador to Luxembourg, delivered the Memorial Day address.

Ambassador Feldman delivered a profound address based on his keen knowledge and broad experience in government, and as a diplomat, which address I herewith include in my remarks:

Address by Ambassador George J. Feldman

We have gathered today on this hallowed and peaceful field to remember and give thanks. The men who lie here—the sons, brothers, and fathers from a land across the sea—came and fought for an ideal. These citizen-soldiers left their farms and factories, their universities and offices to regain peace for us all. Their sacrifice was supreme; our gratitude on this Memorial Day 1969 remains profound.

The eyes of many peoples turned for help to the United States during the holocaust that was World War II. The United States rendered the assistance required and has remained a focus of attention in the postwar world. With the passage of time, there has been a discernible shift in attitudes. Today, an economically robust and politically active Europe demonstrates again an ever present readiness to examine critically the foreign and domestic policies and practices of the United States. Our national tradition of dealing frankly and openly with our domestic problems, without effort to conceal our warts and fissures, will ensure that we provide a continuing abundance of issues for discussion. Our insistence on exercising our own judgment in responding to the pleas of peoples in other corners of the world will also continue to provide material for discussion.

Of course, there have always been differences of opinion between us and our allies. Yet, these differences have been contained within the framework of a transcendent common interest, a vital common goal—the development of a just, free and prosperous society. Our joint efforts to this end have passed through several stages.

The North Atlantic Treaty Organization has just entered its third decade. In attaining its majority NATO stands as a mature organization with mature goals. Its success as an instrument dedicated to the deterrence of armed conflict has been marked. Its potential as a force for peace and progress in Europe remains rich.

The world in which the Alliance enters its 21st year is a very different one from that of April 4, 1949, when it was formed. Western Europe was feeble—militarily, economically and politically. A powerful, expansionist Soviet Union had just dragged Czechoslovakia into the Communist orbit. To the Europeans, the strength of the United States, as the world's only atomic power, appeared limitless, and alliance with it their sole salvation.

Today's world is a very different one. The era of global Communist unity has receded into history. The forces of nationalism and democratization shaken Eastern Europe. International Communism has splintered. Among Communists, some now eye Moscow, others eye Peking, while still others look elsewhere for inspiration and leadership. The power and independence of Asian communism has made itself felt, and power balances have shifted. As this happened, a period of confrontation gave way in Europe to a period of apparent detente.

In June, 1968, NATO's foreign ministers, meeting in Reykjavik, signed a declaration aimed at setting the stage for negotiations with the Soviet Union and its Warsaw Pact allies on mutual and balanced force reductions in Europe. But the events of August 1968 dashed cold water on these hopes.

With the Soviet-led invasion of Czechoslovakia, the requirements of military defense suddenly again became paramount in the alliance. The swift, efficient invasion of Czechoslovakia and the steady development of Soviet naval power in the Mediterranean, on NATO's vulnerable southern flank, led to an intensive re-examination of NATO's military capabilities.

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The conventional force alone arrayed on the Communist side is formidable. NATO today is confronted with the forces of the Warsaw Pact. The formidable core of these forces consists of the Soviet Army—about 30 divisions deployed in Eastern Europe and another 60 in the European area of the Soviet Union. They are backed by a powerful and widely deployed Soviet air force and tactical nuclear missile capacity and the armed forces of the active Pact allies. But even more frightening than these forces, which, after all, did not spring up overnight, is the new Soviet doctrine and its consequences.

If the Russians nurtured among their many illusions the hope that life would be simpler after invading Czechoslovakia they were sadly mistaken. Far from restoring ideological order in the camp, the invasion created new divisions and difficulties. It widened the old split with Yugoslavia, alienated most of the West European Communist Parties, made the Romanians more wary than ever, and burdened all the participants with internal disputes about the whole enterprise. Any public pretense of socialist unity was shattered when the Romanians joined the Western European Communist Parties at the Yugoslav Party Congress while the five invaders stayed away, and compelled their victim to do the same.

In short, the occupation of Czechoslovakia immeasurably increased tensions, anxieties, and instabilities within the Communist camp as well as between its bloc and the sovereign nations gathered together in the NATO Alliance. The invasion of Czechoslovakia was a severe blow to those who had believed that the Soviet Union was becoming more enlightened and more ready to allow its Danubian colonies some freedom and diversity within the framework of the Warsaw Pact.

Czechoslovakia's was the first East European regime to earn genuine popular support. It has been crushed. The fear which now determines Soviet policy is not the fear of military attack from the West—even allowing for some anxieties about Germany—but fear of the explosive demand for freedom and true sovereignty in Eastern Europe.

This fact has several implications for Western policy. First, it is clear the Soviet Union fears the friendship of western nations— particularly when directed toward East European governments—at least as much as it does Western enmity. Second, when Soviet leaders speak of detente, they are really referring to a bilateral arrangement between the Soviet Union and the United States.

What do *we* mean when we speak of detente?

President Nixon, in his April 10 address to the North Atlantic Council session in Washington, spoke of the real world. "Living in the real world of today means unfreezing our old concepts of East versus West, while never losing sight of great ideological differences. It is not enough to talk of detente", continued the President, "unless at the same time we anticipate the need for giving it the genuine political content that would prevent detente from becoming delusion."

It is clear that attempts at bridge-building by the West are seen by Russia not as conciliatory but as aggressive maneuvers designed to foment trouble in Eastern Europe. Logically, perhaps, the Western reaction to this should be an attempt to soothe Soviet fears even more, to guarantee the frontiers of the Soviet empire in the hope of preventing further spasms of panic like the invasion of Czechoslovakia. In fact, however, this would be very difficult.

First, the Soviet Union would be liable to interpret any such move as a grant of carte blanche in Eastern Europe. Second, if the West is to continue to stand for freedom and self-determination it cannot categorically deny these principles to Eastern Europe.

Of course, a return to the pressures and threats of the cold war and the roll-back theory of past policy, would not help much either. It would merely stiffen attitudes on the other side and discourage the more responsible open-minded people who are struggling for influence in the Soviet Union and in every East European country.

It may very well be that not a great deal can be done directly to ease tensions further in Europe, certainly not in the short run. But I feel it is a mistake, in spite of the present Soviet policy, to think of Russia and East Europe as one uniform and single-minded bloc. Even now there are differences in aims and policy among the various East European countries, and Western countries may well find that the best means of building contacts—and strengthening such contacts as there are—is in the old, slow, patient business of working out hard, practical agreements on such matters as trade and cultural exchanges between individual countries. This will not lead to any dramatic developments, but it is an aim worth pursuing, an aim which can build a foundation of mutual trust.

President Nixon has cautioned that "we can afford neither to blind our eyes with hatred, nor to distort our vision with rose-colored glasses. The real world is too much with us to permit either stereotyped reactions or wishful thinking to lay waste our powers."

The President has called upon us and our allies "to count ourselves among the hopeful realists." It is as a hopeful realist that I have addressed you today. It is as hopeful realists that we can preserve the peace for which these brave men have given their lives.

INCREASES IN PRIME INTEREST RATE CONTRIBUTE TO INFLATIONARY SPIRAL

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, I join with many of my colleagues in deploring the most recent increase in the prime interest rate. This increase to 8.5 percent was made effective under the guise of stopping inflation. But I would point out that the three other increases that have occurred since December of last year have done nothing to stem the tide of inflation. If anything, these increases in the prime rate have contributed to the inflationary spiral.

The large corporations who are forced to pay this increased rate on the money they borrow in turn pass the increase along to the consumer in the way of higher prices on the products or services they sell. The little man—the people you and I represent—is really the one caught in the squeeze. I really do not know how much longer the little man is going to be able to survive unless we return some sanity to our monetary policies.

I respectfully urge that calmness should prevail at this time rather than a seemingly state of panic that the Wall Street bankers are in. We in Congress can go a long way toward preventing further inflation ourselves if we will have the commonsense to cut Federal spending to the bare necessities and cut out all the "lace edging" that so often accompanies Federal programs.

FLAG DAY 1969

(Mr. SCHADEBERG asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, this week we voted overwhelmingly in this House to have our astronauts plant a flag on the moon, and, while I know there are some who do not agree that we should express a national pride in our accomplishments and that our efforts should be lost in the anonymity of some international order, I would go even a step further. I would suggest that the astronaut remaining in the space capsule play our national anthem for the world to hear while our men plant our flag on the surface of the moon.

There is nothing wrong with national pride provided that pride does not become a barrier to international understanding and cooperation. If we are the leaders in the world, and I trust we ought always strive to be, we must give something of value, something of spiritual value, over and above our material attainments toward which other nations can strive. It is no crime for one to express his love for his wife and family. It is no crime for one to express his love for a country such as ours which has given so much to so many in terms of opportunities and hope.

Today I present for the Record my thoughts on what Flag Day should mean to all who are grateful that there were those who so loved freedom that they were willing to lay down their lives that others might have the opportunity to pursue it. I urge my colleagues to read these remarks.

Mr. Speaker, Henry Ward Beecher once said:

> A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself; the principles, the truths, the history.

The flag of the United States is the most beautiful among national symbols. I suppose a person must actually leave this country for a spell and return to it to appreciate the full significance of the Stars and Stripes. A person has to give something of himself to a cause before he learns to appreciate the value of that cause. In the 25 years I spent in the pulpit of the parish ministry I never stressed financial needs in speaking to the congregation. Naturally we discussed these needs in meetings of the various working boards of the church but never before the congregation. I stressed stewardship in terms of the giving of one's time to the church and the larger task of building of God's Kingdom and the record proves that when the people of the church were busy giving themselves they gave generous support to the cause toward which they spent their labors. The same is true of the Nation. Those who give part of themselves for their nation are by and large those who more fully appreciate what their nation is and what it is striving to be.

I was one of those young men who began my adult responsibilities during the depression years of the early 1930's. I recall an incident which happened while I was in college. I was finding it difficult to secure the necessary food on a regular basis. My fiancee had a birthday which I did not wish to have pass by without notice. I purchased a modest present for her. When I gave the present

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to her, she appreciated it but rebuffed me for buying her the present because she knew that I had to go without several meals to pay for it and she did not want me to do that.

You see, Mr. Speaker, what I am trying to say is that we have to give part of ourselves to our Nation before we can fully appreciate what the Nation means to us. This is what the late President Kennedy alluded to when, in his first inaugural message, he said:

> Ask not what your country can do for you, ask what you can do for your country.

On Saturday of this week we will be observing what I personally believe to be one of the most significant days of the year. I have a suspicion that it will go by almost unnoticed by the vast majority of Americans who find themselves too busy to tear themselves away from their favorite TV program, first long enough to take a look at what their forefathers have given them from the past; second, long enough to realize what is stealthily being taken from them as more and more they turn to Government to assume responsibilities for which they, by virtue of being created by God were personally endowed; and, third, long enough to understand what tomorrow is going to bring them if they insist on living in the make-believe world that Government can give them things for nothing much as God dropped down manna from heaven to the Israelites in the wilderness.

Flag Day ought to stir us into a deeper appreciation of what this Nation means to us and what it can, if we will it, means to freedom-loving people all over the world. Frankly, Mr. Speaker, I am greatly concerned about the future—not the distant future, but the immediate future—for we are witnessing here in America chaos and violence; a disregard for constitutional principles; a lack of leadership; a grasping for personal power and vain glory; and a breakdown in respect for our historic traditions and institutions which must be appalling to all serious students of our national history and utterly distasteful to any man or woman in whose veins flow the blood of patriotism and in whose breast there breathes the fresh air of freedom's cause.

Time today will not permit me, I am sure, to say all I want to say or I feel needs be said but frankly, Mr. Speaker, I would be derelict in my duty as a citizen, a Congressman, and a clergyman, if I did not lay the cards on the table and tell you frankly and honestly and without fear of being misunderstood that the chips are down and the kind of nation you and I knew a decade ago and loved and appreciated and stood ready and are still ready to live for, and if needs be, to die for, may not long continue to be the kind of a nation which has brought us to our great accomplishments.

It is becoming corrupted by those who believe we must keep moving even if it means going in the wrong direction because they believe that making change must take precedence over solidifying the good we have been bequeathed from the past. Obsessed with their own intellectual capacity and impressed with their own accomplishments yet being also utterly devoid of that more sterling quality of being able to make commonsense judgments based on practical realism, there are those who are willing to lead this country backward along collectivist and politically authoritarian trials to new frontiers on which are nothing more than ghost towns abandoned by those in the past who felt progress could not be made until the human spirit was freed of its political and authoritarian chains.

They do not question the integrity or sincerity of those who actually believe that the only way they can bring the rest of the world to share our level of standards is to bring us down to their level and thus narrow the economic and social and cultural, yes, and political, gulf that separates us—bringing with it a golden age of peace. But I do question their judgment.

They miss the mark made by our great, yet relatively short, national history, first, because peace is the goal, not freedom; second, because peace at any price is to them preferable to freedom with honor—some have come to the false conclusion that our Constitution is no longer adequate for the challenge of our age; third, some have lost faith in the capacity of the individual citizen to decide his own destiny and accept responsibility for himself and his own; fourth, they insist that interdependence with the Soviet-bloc nations in Europe is the key to perfect peace for a world hell-bent toward the abyss of collectivism. We are indeed victims of a strange social disease that makes us finance our own destruction.

Too many have swallowed the propaganda bait that Marxism is the "wave of the future" and so we find ourselves in the strange role of supporting the causes of collectivist dictators throughout the world who are accomplishing their ends with the use of mere slogans that are appealing to the ear and strike a responsive chord in the motional character of the finer nature of man. We are partners in a strange game of international roulette in which every bullet chamber is filled with the means by which freedom can be destroyed.

I left my pulpit in Burlington, Wis., which I served for just short of 15 years, to become a candidate for Congress, not because I had tired of the parish ministry but because I felt deeply that time was running out for freedom—for all that which our flag symbolizes—and that I might make a contribution to my Nation and my God that would be of value in these trying and difficult days—a contribution I would not make in the pulpit but which can be made only in the Halls of Congress.

I am of the firm conviction that from a theological point of view socialism is not compatible with the Judeo-Christian philosophy because socialism rests upon the philosophy of humanistic materialism, with its sole emphasis on the material man and the fulfilling of his material needs. Humanitarianism is not the answer to fulfilling the needs of man. It can keep men alive but it does not give them anything for which to live. The Judeo-Christian philosophy is that man is "more than flesh and blood and his body; more than raiment." He is indeed a spirit created in the image of God who is a Spirit.

Unless man is challenged and is made responsible for his own welfare and that of his loved ones, unless, of course, he does not have the strength or capacity to do so; unless he is set free to roam the vast frontier of unexplored ideas and is not thwarted in his attempt to find a better life by others who insist that he must operate within guidelines set by those who would sacrifice the pioneer "for the common good," man is reduced to the mere level of the animal of the field. He will be provided with pasture and shelter and a trough for food to which he can come when he gets hungry, but will be destined to serve only the ends of his beneficient or ruthless master, as the case may be.

Should we continue in our present direction we will become, from within, victims of the very evil we seek to avoid through an over $60 billion a year expenditure for military protection. In just plain words, it is this: we talk like free men but we act like apologists for collectivism and we will end up under a Marxist yoke. It is high time we realize that freedom is not secure even with nuclear subs guarding the moat that separates our front door from the enemy if we leave the rear window ajar that borders on the fertile plain of socialism.

Now it is not important that you either agree or disagree with me. It is important that you sift the facts upon which you make judgments: if freedom is what we want, we still have it within our means to save it. If socialism is what we want, we merely have to sit and wait. It will fast overtake us. There is no middle road. There are only those who desire freedom and those who desire to collectivize our national institutions.

While I am concerned, I am not frustrated nor am I discouraged. We in America are glancing out upon a horizon of an utterly fantastic age. No generation of people has more to gain by success nor more to lose by defeat than we here in America who live in the year of our Lord 1969. The challenge is ours as is the responsibility.

I return you for a moment to my opening quote:

> A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself, . . . the principles, the truths, the history. . . .

Saturday we will observe Flag Day. I wonder what it will mean to the great people of our land?

Our Stars and Stripes came into being and was born amid the strife of battle. It became the standard around which a free people struggled to found a great nation. Its spirit is fervently expressed in the word of Thomas Jefferson:

> I swear before the Altar of God eternal hostility to every form of tyranny over the mind of man.

Lest we forget, I remind you that it was the Stars and Stripes which in 1941 flew over the U.S. Capitol on December 8, when we declared war upon Japan and on December 11, when we declared war upon Germany and Italy. It proved to be the flag of liberation.

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Our flag flew over Pearl Harbor on December 7, 1941, and was the same flag which flew atop the White House on August 14, 1945, when the Japanese accepted surrender terms.

While those Stars and Stripes were waving majestically over the White House on August 14, 1945, I stood at attention looking at the same Stars and Stripes, which were battle-worn and weathered, flying in a gentle breeze on the flag staff of a heavy cruiser aboard which I served in the closing year of the war.

As a chaplain on active duty in the Navy in World War II and in the Korean crisis, I was aboard the U.S.S. *Louisville,* the flagship of the Cruiser Bombardment Division operating in the South Pacific which figured actively in the liberation of the Philippines and Okinawa. Less than 1 month after I assumed the chaplain's responsibility aboard her she received a direct hit from a Japanese kamikaze plane during the prelanding bombardment in the Lingayen Gulf.

We retired under cover of darkness to lick our wounds and to repair what we could of the damage. The admiral felt that though we were missing three of our nine 8-inch guns and had suffered the loss of only two 40-millimeter quads we should lead the fleet into the Lingayen Gulf the following morning to resume our task of helping to prepare for the coming landings of the American liberation troops. Again we suffered another hit from a second suicide plane. Suffering some 65 killed and 150 wounded in varying degrees of seriousness we retired from the foray and when opportunity permitted, 10 days later, we began our journey back to the States for major repair and overhaul.

Overhaul completed, we returned to the fleet in time to help in the Okinawa campaign. Again we suffered yet a third direct hit from a suicide plane and retired to Pearl Harbor, for repairs, after burying the dead and taking care of the wounded. It was in the final testing stage of our newly repaired guns that the Japanese surrendered. Upon receiving the official notice of surrender I requested permission from the captain to give a prayer of thanksgiving for peace from the bridge and suggested he might like to give a word of "Well done" to the men. We pulled into the harbor and tied up alongside the dock. It was there that the word came to the men that the war was over and that they were to be congratulated by a grateful nation for their sacrifices.

I shall always remember the scene from the vantage point of the bridge. Looking down I saw the men as they reacted to the news. Some could not contain themselves and shouted and jumped for joy. Some knelt in prayer; others seemed stunned by the news as if it were too good to be true while others sat or stood quietly in mute meditation.

After the captain's word and the prayer, a Navy band appeared on the dock and, after playing a stirring march, sounded off with "The Star-Spangled Banner." I can never forget standing there on that ship's bridge, at attention, under a beautifully blue Hawaiian sky, dotted by puffs of white cloud tinted with the reflection of a golden sun with tears streaming unashamedly down my cheeks as I stood at attention before the flag that was a rallying symbol through the battles and long dark nights of fearful waiting and anticipation.

I discovered the real meaning of the Stars and Stripes. I saw there not just red, white, and blue bunting but I felt again first, the cold hands of those I held as I said a parting prayer as they lay dying on the scorched deck of the cruiser; second, I heard again the fainting whisper of a young lad who asked me to "tell Mom it's all right;" third, I saw the men to whom the cost of battle was personal as I helped transfer their torn bodies, minus limbs, to hospital ships or tried many times in vain to bring comfort to their tortured and twisted minds which could not take more of the chaos and hell of battle; fourth, I recalled the dying words of the admiral who told me on his deathbed, having lived 3 days after his lungs were seared by the blast of an incendiary bomb which exploded near him: "Chaplain, we must pay a big price for big gains and I am willing to be part of the cost."

And, Mr. Speaker, I knew that freedom does not come cheap. It is costly to attain and equally costly to keep. You and I are free men because others died to buy us the time that we might pursue it, and God forbid—God forbid you and I should be too busy—too indifferent—too cowardly—to live for that cause for which others were willing to die.

That is why I say, Mr. Speaker, that this flag which is indeed the symbol, not only of freedom, but of the cost of keeping freedom, is not to be ignored.

Every time we hear our national anthem, or see our flag go by, our hearts should swell up with humble pride. If to love one's country; if to respect our flag; if to pledge allegiance to that flag is superpatriotism; if to salute our flag is being a 110-percent American, then I stand convicted and I make no apologies for it—and I hope you will not either.

On Saturday of this week I plead with you to put up your flag—and take the hands of the members of your family and sing together the national anthem. I urge you to look out upon your world in which we cry "Peace, Peace" but in which we know there is no peace.

Finally, may I suggest that you learn for yourself and teach your children the last stanza of our national anthem, for it bespeaks of the full extent of what America means to free men. It clearly sounds the warning to all that God is indeed the author of liberty and the flag the symbol of a nation molded out of that faith:

Oh! thus be it ever, when free men shall stand
Between their loved homes and the war's desolation!
Blest with victory and peace, may the heav'n rescued land
Praise the power that hath made and preserved us a Nation.
Then conquer we must, when our cause it is just,
And this be our motto: "In God Is Our Trust."
And the star spangled banner in triumph shall wave
O'er the land of the free and the home of the brave!

ALLEGIANCE PLEDGE: A STATEMENT OF NATIONAL GOALS

(Mr. HORTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HORTON. Mr. Speaker, since the House is taking time today to mark the celebration of Flag Day, I feel it appropriate to speak in support of my bill H.R. 12024, to give proper recognition to the man who wrote the words with which we honor our flag.

Francis Bellamy, who was a graduate of the University of Rochester in 1876 and the Rochester Theological Seminary in 1879, served as chairman for a national school committee for the first observance of Columbus Day in 1892.

The pledge to our flag was first used in that ceremony. And it is fitting and proper for us to give the same honor to Francis Bellamy as we do to the other heroes of our national heritage.

Mr. Speaker, I would also like to share with the Members of this House a column I distributed this week to the news media in my district:

ALLEGIANCE PLEDGE: A STATEMENT OF NATIONAL GOALS

"I pledge Allegiance to the Flag . . ." (Francis Bellamy, Columbus Day 1892.)

These words were first used in public schools throughout the country on Columbus Day 1892 to mark the 400th anniversary of the founding of the New World.

Since then the words have been melded into our national heritage and stand with our flag as a symbol of this country.

Francis Bellamy was a native of Mount Morris, New York. He was graduated from the University of Rochester in 1876 and the Rochester Theological Seminary in 1879.

In 1892 he served as chairman of a committee for a national school program for the first observance of Columbus Day in this country. The pledge to the flag was used as a part of that celebration.

This week I introduced legislation to give proper recognition to Francis Bellamy and permanently establish his role as one of our national figures.

His words are recited daily in our nation's schools. They serve to build respect for the flag and all it symbolizes for all Americans.

The story of the American flag is the story of this nation. When the Stars and Stripes were first adopted on June 14, 1777, it was one of the country's darkest days.

Within 96 days the members of the Continental Congress were fugitives. The Capitol in Philadelphia had been invaded and occupied by British troops and the fate of the nation weighed in the balance.

George Washington gave a vivid description of the new flag when it was first flown by the Continental Army.

"We take the stars from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty," Washington said.

Our flag was born in the heat of battle and given its baptism under fire. It survived as has the nation.

Over the years the United States has grown into the greatest civilization known to man. It has filled its natural boundaries and assumed the leadership of the free world.

Flag Day 1969 is a day when the colors of our country should fly proudly over the land. It is a day to reflect on the challenges which face us at home and abroad.

These challenges can be met only through reasoned action. Too often these days we find a polarization of thought.

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Patriotism is a thing to be nourished and cherished. However, there is a difference between the true patriot and the fanatic.

It is the true patriot who can see the real meaning of Francis Bellamy's pledge to the ideals of ". . . One nation under God, indivisible, with liberty and justice for all.

He sees the real meaning of these national goals and undertakes to accomplish them through constructive criticism and suggestions for national betterment.

WHITE HOUSE MEETING ON SURTAX

(Mr. **ANDERSON** of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. **ANDERSON** of Illinois. Mr. Speaker, in recent days we have heard the clamor of many voices throughout our land. Some of those voices, and tragically enough, we are speaking about some of the young people of our country, have expressed disillusionment with our most basic institutions of government. They have suggested that they are unresponsive to the needs of our times and incapable in a time of crisis and change of taking the decisive actions that may be required.

Mr. Speaker, I wish that some of those who may be inclined to such beliefs had been present with me in the Cabinet Room of the White House this morning. The meeting, as the press has already reported, was called by the President, of both the Democratic and Republican leadership in the House of Representatives to consider the question of an extension of the 10-percent surtax as previously recommended by the President.

The Speaker of the House, the gentleman from Massachusetts, Hon. JOHN MCCORMACK; the majority leader of the House, the gentleman from Oklahoma, the Honorable CARL ALBERT; and the majority whip, the gentleman from Louisiana, the Honorable HALE BOGGS were present and pledged that together with the Republican leadership they would use all of their influence to secure a favorable vote in the House of Representatives on the President's tax proposal. They did so because they were willing to subordinate partisan considerations to what they deem the broad public interest in halting virulent inflation.

Mr. Speaker, I salute these leaders of the Democratic Party for an act of courage and statesmanship. It indicates that there is the will and desire on both sides of the aisle to disprove the contentions of those who foresee the ultimate disolution of our institutions of democracy because we cannot act in responsible fashion during moments of danger. Mr. Speaker, as long as there are men like these, the Republic will endure.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT TO FILE A REPORT ON H.R. 9946

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent for the Committee on Agriculture to have until midnight tonight to file a report on the bill (H.R. 9946) to authorize the Secretary of Agriculture to quit-claim certain land in Lee County, S.C.

The **SPEAKER**. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

NATIONAL SECURITY IN PERSPECTIVE: THE MILITARY-INDUSTRIAL COMPLEX

The **SPEAKER**. Under a previous order of the House, the gentleman from South Carolina (Mr. RIVERS) is recognized for 60 minutes.

Mr. RIVERS. Mr. Speaker, the catch word of the hour is "military-industrial complex."

A national magazine quoted a Senator as saying that on the banquet circuit "one sure applause line is a condemnation of the growing influence of the military."

The amount of space in newspapers, in magazines, in columns, and in editorials devoted to the military-industrial complex in recent months is remarkable. There have been countless statements and studies and attacks of great fury by scientists, academicians, and politicians, including Members of both Houses of Congress. We are told that military advice is unreliable and has led us to disasters. We are told that the ordering of national priorities is askew and that military spending should be vastly curtailed so that spending for welfare, urban problems, and other domestic needs can be greatly expanded. And we are treated to dark hints or even outright allegations of vast conspiracy between military leaders and giant industrial concerns.

The tendency to emotionalize on the issue is very strong. I believe the origins of these emotions are sometimes understandable. But the most erudite terminology often buries remarkable inconsistencies and hides a deep emotional bias. And unjust statements which impugn innocent people are made by intelligent men who should know better.

I would like to look at the subject as dispassionately as I can. I would like to look at facts and realities, eschewing the leverage of hindsight and asking only that my points be considered in the real world in which we live rather than in the world as some would like it to be.

I believe some comment is required from me because of the responsibilities the House has imposed upon me as chairman of the Armed Services Committee. I would have it clearly understood that I feel no compunction to defend the defense industry; and our military men, who cannot always speak for themselves, could, I am sure, find a better defender than I. But I am deeply concerned about the picture that is being given to the American people of our governmental process, our defense needs, and—what is worse—the reality of the world we live in.

I. OUR TRADITION OF ANTIMILITARISM

The men who founded the United States feared militarism as they feared all unwarranted accumulations of power, and their earliest concerns were contained in provisions in the Constitution against infringing the right of the citizen to keep and bear arms and against the quartering of troops in a home without the consent of the owner. These were the second and third amendments to the Constitution. In our formative years in school, all of us learned these Bill of Rights provisions and the basic antimilitarism of the Founding Fathers has remained a feature of our national character.

Our first President, who was our first soldier-President, warned us "to avoid the necessity of those overblown military establishments which, under any form of government, are auspicious to liberty and which are to be regarded as particularly hostile to republican liberty."

Through all periods of our history up until the last 20 years, we have neglected and disparaged our military forces except in time of war.

A feature of this antimilitarism has been the tendency to blame wars on economic causes or, more specifically, on the munitions makers. Many of us, for example, remember the antiwar plays of the 1930's that came as a reaction to World War I and that pictured the makers of munitions as evil, scheming men who fomented war for huge profits. Those plays were often good theater, but they showed a childish understanding of international politics.

All the wars in our history up to and including World War II, and to some extent including Korea, have required a hurried refurbishing of our military power both in terms of our weapons arsenal and our military leadership.

Over the last 25 years we have been in a kind of situation almost entirely new in historical terms—called, for want of a better word, "cold war." It has required the keeping of a vast defense force in a state of high readiness for an unknown length of time—for the one simple reason that the reality of warfare has changed so that a future global conflict would allow no warning time and no period for preparation. This is a kind of situation that calls for a greater demand on our national resources, and that calls for bringing the military into the mainstream of American life.

I would suggest to you that it is a psychological situation with which, as a nation, we have not yet learned to live.

A series of frustrations have combined to bring a new wave of the old antimilitarism to a head: Vietnam, the humiliation of the *Pueblo*, high taxes, anxiety over unsolved domestic problems, headlines about spectacular cost overruns on defense contracts, the siren call of disarmament negotiations. The frustration has found a convenient focal point in the "military-industrial complex."

As the words feed on themselves, the charges get stronger and stronger and the complex gets all-embracing. The academic world is added because of military research. Some papers have added the labor unions—and, of course, politicians have to be included in any roasting. So we have the "military-industrial-educational-political-labor union complex." We have just about everybody in there but the Boy Scouts.

Let us look at some of the charges—and then look at some facts.

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Is it true that defense keeps taking an ever-increasing portion of our national wealth and taking more and more of our Federal budget? Are weapons costs spiraling out of sight?

Are profits of defense industries getting bigger all the time?

Is it national defense expenditures that prevent us from solving our domestic problems?

What about the constant charges of self-interest on the part of Congressmen? It is said that the Armed Services Committee members represent the districts with big defense contracts, that Congressmen vote for defense bills because of defense industry in their districts and are afraid to oppose defense bills because of the economic effect of defense spending in their districts. Is all this confirmed by facts?

It is said that the military failed in Vietnam and has got us overcommitted around the globe. And it is said that the Russians are ready for negotiations and that this country is the cause of the arms race and of the failure to negotiate.

Is our great strength unnecessary? Is that what General Eisenhower warned us about in his famous speech?

Is there, indeed, a conspiracy between the generals and the kings of big industry?

II. THE CONSPIRATORIAL THEORY

In 1945, Gen. George C. Marshall said:

> We finish each bloody war with a feeling of acute revulsion against the savage form of human behavior. And yet on each occasion we confuse military preparedness with the causes of war and then drift almost deliberately into another catastrophe.

Americans are understandably fatigued with requirements of national security, and they have understandably a fierce desire to solve domestic problems. Because they cannot see and cannot strike at the totalitarian forces that have created the uneasy world we live in, some of our people tend to start blaming what they can see—our military and those who work for the military—for creating this world. But the facts are that our military power and the industry that serves it are in response to the international realities of the years since World War II—not the other way around. Because of our strength, we have been able to deter global war and we have still, for all its imperfections, a free society. We have not solved all its problems. But we retain the capacity to solve those problems, the capacity to act to create human betterment and preserve individual freedom.

The citizen in the Communist half of the world does not have that capacity or anybody to exercise that capacity for him. One of the most essential things about dissent in America—that some people seem to forget—is simply the right to voice it. In Russia they have no such rights. You do not hear of students taking over the office of the president of the University of Moscow. And you do not hear of scientists in Russia complaining about arms development. But you do hear, if you will listen, about writers being thrown in jail for the mildest forms of criticism of the government.

And we hear Milovan Dijlas, the former Vice President of Yugoslavia, a tough and remarkable man and one of the most informed writers about conditions within the Communist orbit, making this forecast about the eventual control of the Soviet Union by military men:

> The party apparatus and the secret police will be under the control of the army. The dominant role of the militarists in public life will be unconcealed and frankly accepted.

Suppose we did not have a huge industrial complex to supply the equipment and arms for our military forces. Without such an industry to provide the armament of modern war, the weapons, and sophisticated equipment, our military forces would be useless and our only hope would be that the Russians and Chinese would take a benign attitude toward our country.

The alternative would be to have all of the arms production handled by the Government with all of the industrial plants owned and operated by the Government. It would mean in effect virtually the elimination of the free enterprise system and a bureaucracy that would make present-day Washington look like a ghost town.

We have to get over our national guilt complex at having kept the world free. This is what we have done with our military might. And with our Marshall plan, our billions in foreign aid, our help to undeveloped nations.

The greatest libel against military leadership and the leaders of our big defense industries is that there is somehow a vast conspiracy taking place, a dark collusion to determine policy and subvert the elected leadership of the government. It is the theory that led one journal to refer to the military-industrial complex as an all-embracing conglomeration.

The author and former presidential aid Douglass Cater, whose liberal credentials are impeccable, and who was one of the first to write in some detail about the military-industrial complex—or what he calls the subgovernment of defense—has this to say about the conspiratorial theory:

> It would be wrong to regard the subgovernment of defense as a secret conspiracy of malefactors. The greater problem arises because of its wide array of competing factions—because of the ever shifting coalitions of politicians, pressure groups, and military professionals striving to assert dominancy for a service, a doctrine, or a weapon. The fact that defense has become a gargantuan governmental activity does not automatically bring increased risk of a military cabal capable of seizing power. On the contrary, the job of running anything as complicated as the modern defense establishment makes such seizure probably less likely than in the past. The missile cum nuclear warhead does not facilitate the staging of a coup d'Etat; nor is there convincing evidence that the man in uniform is less disposed to civilian government than is the man in mufti. The wise and the fanatical exist in both ranks.
>
> There is little use in taking a doom-and-gloom view of "the warfare state" since the need for large-scale military preparedness during the foreseeable future is likely to continue. Too much of the literature on the subject—including Eisenhower's vague farewell admonition—begs the question of how to maintain military power while dealing with the political power that accompanies it.

Mr. Cater's book correctly states the truth about power in Washington—that it is diffused. It can still be made subject to our historic system of checks and balances.

Now let us look closer at that famous Eisenhower statement:

III. THE EISENHOWER STATEMENT

There is quoted at us over and over again from President Eisenhower's farewell radio and TV broadcast the following paragraphs:

> In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.
>
> We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.

What is not quoted are the other things President Eisenhower said in that same farewell address—including his clear statement that our Military Establishment is "an inevitable necessity of our time." While saying that the conjunction of "an immense military establishment and large arms industry is new in the American experience," General Eisenhower stated, "we recognize the imperative need for this development." He further said:

> A vital element in keeping the peace is our Military Establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction.

He also explained why a large defense industry was a necessary ingredient of our time:

> We can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions.

And we must not forget that President Eisenhower warned—again in the same speech:

> In holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.

Finally, General Eisenhower in his farewell speech gave this warning which the critics of the military-industrial complex do not seem inclined to take to heart:

> We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily the danger it poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle—with liberty the stake.

IV. SPIRALING WEAPON COSTS AND SOARING PROFITS

Defense is enormously expensive, and the defense industry includes industrial giants which make substantial profit. And in anything as large and complex as defense procurement, examples come up

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from time to time of what can only be called terrible boo-boos. Mistakes are made—terrible mistakes. Our committee has been diligent in searching out and spotlighting these mistakes—on small procurements as well as large. And we are going to try to do an even better job in the future.

But the fact is that for all its size, defense today gets almost exactly the same share of U.S. output that it got a decade ago. The defense budget for the year ending June 30 is 8.8 percent of total U.S. goods and services and 43 percent of all Government outlays. In 1960, military costs were 47 percent of our Federal spending and 8.7 percent of total U.S. goods and services. Thus, spending on defense, contrary to popular belief, has maintained a consistent ratio to gross national product.

Another point to consider is that $29 billion of this year's defense budget is soaked up due to the Vietnam involvement. That leaves $49 billion for all other military needs. With the rise in payroll and other costs, this represents less actual buying power for defense needs—including costly weapons systems—than the Armed Forces had with a budget of $43 billion in 1960.

Contrary to popular belief, the majority of the defense budget is not poured out to the defense industry for hardware. More than half of all defense dollars go for personnel and operating costs. Military personnel costs this year are around $23 billion. Another $22 billion goes to operation and maintenance, including paying of Defense Department civilians. And another $7.5 billion goes for research and development, including the financing of research in some 350 colleges and universities and other nonprofit institutions.

Of the $78 billion budget, about $33 billion of it is spent buying arms and equipment from the so-called industrial complex.

You might be interested to know that on the whole the percentage of profit on defense business has tended downward over the last 10 years.

The public picture that is sometimes painted of ever-spiraling costs and ever-spiraling profits is not correct. An independent organization, the Logistics Management Institute, recently completed an extensive study entitled "Defense Industries Profit Review." The report contains extensive statistical material on the defense contracts for the 10-year period 1958 through 1967 and makes comparisons of the defense industry profits with profits of defense firms in their commercial business and profits by nondefense industries.

Among the interesting findings in this study are the following:

First. The average defense business profit as a percentage of total capital investment tended downward for the first 7 years of the study period and remained level for the last 3 years. Since Fiscal Year 1962, the percentage of profit on defense business was actually less than the percentage of profit on nondefense business.

In addition, it was found that average defense profit declined more than 25 percent over the 10-year period. Average profit of commercial firms increased during the same 10-year period.

Second. Defense industries which had the highest percentage of profit did not enjoy profits as high as the most profitable commercial firms.

Third. Commercial markets have expanded more rapidly than the defense markets.

For some 40 companies surveyed, all of which did at least $25 million annually in defense sales, defense business increased about 50 percent between 1958 and 1967. Commercial sales for the same companies rose almost 200 percent in the same period. For nondefense companies, sales increased more than 110 percent.

Fourth. Over the 10-year period defense business profit as a percentage of sales declined more than 20 percent. Among the conclusions drawn in the LMI study was that the reduction in the profit-to-sales ratio in defense business is due largely to the increased use of competition in defense procurement.

Even in the face of these statistics, it is still a conclusion of L. MENDEL RIVERS that competitive procurement is not used nearly as much as it could be in the Pentagon.

In pointing out the lower percentage of profits on defense business, I certainly would not wish to overstate the case. There are advantages to defense business—Government financing for research and development, use of Government facilities, progress payments, and cost reimbursements which considerably reduce the risks for industries, though the use of these incentives varies widely from industry-to-industry and from contract-to-contract.

There have been some reductions in the use of such Government financial support, and perhaps there should be further reductions.

There have been problems, and there is plenty of room for improvement. But weapons costs are not taking an ever-increasing share of our resources.

Finally, should a defense contractor realize excessive profits from his defense business, Congress has very prudently provided for this contingency, the Renegotiation Board, which was created in 1951, and has the responsibility to recapture excessive profits derived by contractors and subcontractors in connecnection with Government procurement.

Every defense contractor who does a substantial amount of business with the Department of Defense during any fiscal year must file a report with the Renegotiation Board. This report and related information accumulated by the Board enables the Government to insure against unconscionable profits in defense industry.

This then places this entire matter of excessive profits in industry in proper perspective.

V. CONGRESS: THE ALLEGATION OF SELF-INTEREST

The catch-phrase is often extended to read "military-industrial-congressional complex." My district has been called a microcosm of the military-industrial complex. Charleston happens to be a great, natural warm-water port. It was made that way by God—who, I presume, is not a captive of the military-industrial complex. But I am not alone in being assailed. There is continual criticism that "members champion defense systems out of self-interest," and that Congressmen win reelection by their success in winning defense contracts for their constituents. One commentator typified this feeling when he said, "It takes a brave legislator to vote against funds that mean jobs for some of his own constituents." This is part of old folklore about the Congress. I think even the Members of the House will be surprised to find the extent to which it is not true.

In general, it is charged that the members of the Armed Services Committee represent districts dependent on the military-industrial complex and get fat contracts for their districts in exchange for supporting unneeded weapons.

To begin with, the idea that the Armed Services Committee members represent the fat-cat districts is simply not true. I had an analysis prepared for fiscal year 1968 prime contracts of $1 million or more by congressional districts. The analysis compared members of the Armed Services Committee with House Members as a whole as regards number of prime contracts.

It showed that we have 10 members on the committee in the top quarter of House Members, 13 in the second quarter, nine in the next to the lowest quarter, and seven members in the lowest quarter. In other words, the membership of the committee almost exactly reflects the membership of the House in terms of the relative number of prime contracts in their districts. So, it can be fairly said that the Armed Services Committee is not weighted in favor of the so-called military-industrial complex.

In addition, of the top 38 Members of the House in terms of amount of defense contracts in their district, only three of them are members of the Armed Services Committee. You might be interested to know that I am not one of those three. There are 122 districts which receive more prime contracts than my own First District of South Carolina. It might also interest you to know that of the top 10 Democrats on the committee, none of them are in the top quarter, and only two of them are in the next to top quarter.

Now, as to the votes of Members of the House as a whole, an analysis was made on four votes—the procurement authorization and defense appropriations bills for fiscal year 1968 and fiscal year 1969.

There are 38 congressional districts that had no prime defense contracts. On the fiscal year 1968 defense authorization bill, none of these 38 voted against the bill. There were only three votes cast against the fiscal year 1968 bill, one being that of a Member who ranked in the next to top quarter and two by Members who ranked in the third quarter in defense contracts.

On the fiscal year 1969 authorization bill, there were 15 negative votes cast. Of these, two were Members whose districts received no contract awards. But of the other 13 negative votes, two were by Congressmen whose districts were in the top seven in terms of prime con-

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tracts, while three others were among the top 72 districts. The other negative votes ranged the entire spectrum.

On the 1969 appropriation bill, seven votes were cast in opposition. One of these was by a Congressman whose district received no prime contracts, while another was by a Congressman whose district ranked No. 7 in the amount of contract awards. The other negative votes ranged the entire spectrum.

In summary, it can be said that there is no correlation between the voting patterns of Congressmen and contracts made to defense industries within their districts.

It is important to note that this is true both for the men who support military authorization and appropriation bills and for those who oppose them.

The inconsistency of the criticism of Congress for its alleged role in the military-industrial complex is something to behold. If we authorize weapons systems and other expenditures, we are castigated as lackeys and handmaidens of the military-industrial complex. But, of course, if we criticize a Defense Secretary's program, then we are enemies of economy. Recently, in an article that criticized the Congress for the swollen expenditures within the Pentagon, I found that one of the sins blamed on Congress was that the Defense Department Public Affairs Office budget was three times as large as that of the State Department Public Affairs Office. I just want to say that if any Member of Congress wants to introduce a motion to cut the budget of the Defense Department Public Affairs Office by two-thirds, he will have my wholehearted support.

If it were not for its harmful implications, there is much in the current wave of criticism that would cause a Member of Congress to laugh.

For instance, I read in a newspaper a short time ago that there is a new skepticism in Congress about the explanations given of the programs by the minions of the Pentagon. I have got news for you—I have had that skepticism for years. I had it back in the days when, as the papers tell us, it was not at all popular.

It amuses me vastly to hear people say that in the past the Congress has been too unquestionably ready to accept anything that the Pentagon said. It amuses me when I reflect on the kind of criticism we received, particularly in the press, when at any time during the last 8 years we questioned the decisions or the programs of the Secretary of Defense. The kindest word applied to us was "irresponsible." We were always wrong and the Secretary of Defense was always right.

In one article attacking the military-industrial-congressional complex, I saw the TFX listed as one of the prime examples of misjudgment and waste and boondoggle by the military-industrial complex perpetrated with the acquiescence of Congress. I do not have to tell anybody in the House the kind of abuse that Members of Congress were subjected to when they questioned the decision of the Secretary of Defense concerning the TFX. And you might reflect that the Secretary of Defense forced the development of the common plane over strenuous military objections and, with the help of two other Defense civilians, overruled four military source selection boards in awarding the contract.

VI. THE THEORY OF NATIONAL PRIORITIES

The argument is made that while protecting our national security externally we are decaying internally. The mayor of New York City, Mr. Lindsay, expressed this point very dramatically when he said:

> We are in danger of spending billions for the ABM and other weaponry to defend a shell of society which died of neglect.

And here again one can see a cause for concern. We do have grave domestic problems, and they must be met if our Nation is to continue.

The military-industrial complex, however, is ceaselessly attacked on the grounds that it is taking the money that would otherwise go to meet domestic requirements.

The point is made that if billions could be cut from the defense budget—the estimates I have heard run as high as $35 billion—we could then pour that money into welfare and other domestic programs. The point is also made that our best minds are engaged in military work while they should be involved in domestic problems. Finally, the argument goes that crushing military costs have deprived cities and States of tax base. It is said that either the Federal Government should pour a large portion of its tax dollars back into municipalities or reduce Federal tax so that States and municipalities will be able to raise their taxes—and better meet their responsibilities for cleaning up cities, attacking pollution, improving education, and so on.

The concern of people who make these arguments is, as I said, understandable. Their reasoning, however, is based, quite simply, on conditions contrary to fact.

To begin with, the assumption is made of a constant Federal dollar: It is assumed that if a certain amount of those dollars are not spent for defense—if $5 billion or so were saved by canceling a certain weapons development—that a corresponding amount would be spent on welfare programs.

Now, the interesting thing is that in the first place this assumes that budgetary restraints have in the past prevented Congress from spending what it wanted to spend on welfare programs. This simply is not true. Quite obviously, the lack of Federal funds has not prevented the Government from spending on welfare. We have appropriated billions for various welfare programs for a good number of years, even though in many of those years the appropriations were part of a deficit budget. If Congress wants to put more money into domestic programs of one kind or another, it will do so—even when the money is not there. And, in addition, if it wants to do so badly enough, it can provide additional taxing to finance the program.

But let us consider the most naive part of the basic assumption—that is, if the defense budget is reduced by billions of dollars, the money will be transferred to welfare or other domestic programs. Do you really think that would happen? Do you really think that is what the majority of the Members of Congress want to happen? Is that what you think a majority of the American people would want to happen?

If the Vietnam war were ended and much of the $25 to $30 billion that war is costing annually were no longer needed in Southeast Asia, what would be the first thing the Congress would do? I think all of you know clearly the answer: It would eliminate the surtax. There would even be calls for greater tax reduction. There would be a strenuous attempt in Congress—entirely understandable—to have, for a change, a balanced budget.

The fact is that it is a fallacy to assume there is a constant budget dollar. The decisions both of Congress and the administration on domestic and welfare programs are made primarily on philosophical and not on economic grounds.

Finally, as you reduce Federal taxes somewhat, do you think the State and municipal officials would jump in and quickly increase local taxes to spend more money on schools and welfare improvement programs? Do you think that is what the majority of the citizens would want? Many of you have served on local and State governing bodies, and I think you have an idea of the enthusiasm with which tax increases at the local level are greeted.

Finally, it is a libel against the defense industry of this country to charge that it is the antithesis of social reform or the enemy of efforts to solve domestic problems. The defense industry and some of the associated "think" factories have been turning their systems management techniques to the solving of major domestic problems. The aerospace industry in California is making an effort to help with California's water and transportation problems.

I am aware that there are difficulties to be ironed out in turning this industrial talent toward the domestic scene—adjustments to be made in profit expectation, the relationship between research and development fees as compared with hardware sales, and the inaction of various local governments. But if our great defense and space problems are solvable, these difficulties are solvable.

The industrial know-how which supports our military forces provides a vital national resource which can help in all types of problems, ranging from education to housing, water and air pollution, and transportation.

I might add that the military services themselves have developed dramatic training and learning techniques which have proved and will prove of substantial value to other segments of our society.

The military services have successfully educated and given useful industrial skills to men from all sections of the country whom civilian society has discarded as unteachable and unusable. There is no reason why the military training techniques cannot be used by civilian agencies.

The Constitution of the United States charges the Congress with providing for the common defense and insuring do-

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mestic tranquillity. It has always been a requirement to pursue these responsibilities simultaneously, and there is such a requirement now. It is just plain silly to say that one can only be achieved at the expense of the other.

VII. THE RESPONSIBILITY FOR VIETNAM

We all know that what is contributing most to the current debate on national purpose and national resources is the bitter sense of frustration because of the war in Vietnam. The enormous and unpredicted costs, together with the sense of futility, have created social and economic pressures that have been directed toward almost all defense programs. The failure in Vietnam, if such it is, is not basically a military failure but a civilian one. It is the failure of the approach to the war to bring forth the kind of response from the North Vietnamese that was predicted. That basic approach was decided upon by civilians, and all of the changes in the strategy were dictated by civilians and even some of the tactical maneuvers, always the province of military leaders in the past, were controlled by civilians. They were controlled neither by military men, nor industrialists, nor their supposed friends in Congress, but by the highest civilians in the executive branch.

I would not minimize the fact that there have been mistakes, bad decisions, and sometimes bad advice from military leaders. But the fact is that most of the decisions for which the military is presently being criticized were made by civilians. They were made most often by political leaders and often for political purposes.

In Vietnam we may never know if the generals were right. It is too late now, perhaps, to go the road of an all-out effort for victory, as I believe they recommend. But if what has happened has led to bitter disillusionment and uncertainty, the decision to do it this way was made by civilians—both the decision to get involved in the first place and the decision to follow a policy of gradual escalation. This is the first and only time the gradual escalation approach has been used for war; it goes against the grain of traditional military thinking. It may be that another approach would have had worse results. But in any case, the gradual escalation approach taken—the decision in 1965 against mobilization and for a "guns and butter" approach, the decision to expand bombing gradually, to commit forces piecemeal, to control each bombing target at the highest political level—and you know the address of the house where that level is—was a civilian decision.

Did you know that pilots in Vietnam were given seven pages of instructions on what to bomb and what not to bomb and how? And did you know that pilots had to get each target approved in Washington before they could attack it? Do you know that if they missed a target they could not return to it the next day but had to get it approved again in Washington?

The abandonment of the ancient principles of warfare, the announcement that we would not seek a military victory, the decision to modify the goals as we went along, and the false predictions of how things were going—these were almost entirely the work of civilians. If you believe we should never have gotten involved in the first place, then you must agree that a greater role must be played by Congress in the future.

VIII. THE CONTRADICTIONS OF THE CRITICS

Nothing confirms the emotional bias of those who rail against the military-industrial complex so much as the contradictions in the postures they assume. The people who cry out against the complex and the supposed militarism in our society are invariably the proponents of an all-volunteer Army and critics of the draft. But at the same time they are invariably against the ROTC and against a strong Reserve. Needless to say, they would send up a hue and cry if somebody proposes tripling the size of West Point, but if we are to have neither the draft nor ROTC, I wonder where these people think the officer leaders for our Armed Forces are to come from.

The people who want a volunteer Army are doing their utmost to prevent the recruitment of same.

As Secretary Laird recently told our committee in relation to the forcing of military recruiters off college campuses:

> You can't have a volunteer force if people are prohibited from recruiting volunteers.

It is, of course, inconsistent to complain about too much military influence and at the same time attempt to deny the Armed Forces the opportunity of having officers from various great universities throughout the country rather than just from military schools. It would be logical for those who fear militarism to want to bring the military into the mainstream of American life, and particularly to want to infuse into the Armed Forces young men from our great universities who have broad cultural and liberal educations. Presumably that would be the best way to insure the maintenance of a respect for democratic institutions in our Armed Forces and to avoid the overemphasis on militarism.

But the same people who call for a volunteer Armed Forces are doing their utmost to alienate and isolate military people.

The simple fact is that we have accomplished in our time the feat of having both an efficient and an extraordinarily democratic Army. The training cycle rate in our Army today is fantastic. We take in and discharge around 800,000 men a year. The approach is not ideal either from a cost or efficiency standpoint. But it does make for a democratic Army.

We are also told that through the subterfuge of research contracts the military departments are having too great an influence in our colleges and universities.

It is really hilarious to pick up the daily newspaper and read on the first page about student revolts and sit-ins and file riflings and such at various universities and then to turn to the editorial page and read about the serious problem of too much military influence at colleges.

The military influence, if there were such, would seem to carry with it a leaning toward order, a respect for authority, or—at the very least—a propensity to defend buildings under siege.

IX. POWER AND THE GENERALS

An effective military force is absolutely necessary for our survival for the foreseeable future—and such requires generals who think like generals. But it is untrue and unfair to say that such implies the threat of a military takeover. There is not a hint of the coup psychology among real-life military men in our country. Our officer corps has a splendid record of avoiding political ties.

If anything, the members of the military services are less materialistic than their civilian counterparts.

Our constitutional tradition of civilian control of the military is safe—as long as civilians, including civilians in Congress, do their job. The danger is not that generals will grab the power, but that the civilian leadership will default on it. The most difficult task of controlling defense spending and industrial influence is a civilian job. It depends on the judgment and the toughness of civilian leaders.

If you consider the point at length, you come back again and again to the conclusion that a fuller part has to be played in the decisionmaking process in the one place where, constitutionally, the people most directly exert their influence—and that is the Congress of the United States.

X. THE POWER OF FALSE RHETORIC ABOUT THINGS WHICH ARE TRUE

We are all aware that the rhetoric of a speaker or a group may obscure the truth as well as embellish it, and we are all aware that the understanding of a problem is colored by the way it is presented to people and by what might be a natural emotional bias. The wish, as it were, is often father of the thought.

But I have noticed over the years a similar phenomenon that takes place in public debate and, particularly, in the press. That is that ideas presented over and over again become accepted as true, particularly when presented with a catchy phrase on which to hang a thought. Ideas wrapped in a key word become almost a part of the language and are repeated over and over in newspapers and columns to imply a certain set of facts without any bother to examine the original basis for the idea to see if it is, indeed, valid. In this way things become accepted as true which, in point of fact, are not true.

For example, if enough academicians and editorialists make reference to the desire of the Soviets for negotiations, it seems to become an accepted fact in the intellectual community that the Soviets do, in fact, desire such negotiations and in time this leads to the conclusion that the failure to start negotiations is our fault rather than the Soviets'. In point of fact, of course, efforts for disarmament negotiations by this country have been rebuffed in the past by the Soviets.

As another example, the word 'detente" was used so often in the press and in lectures in recent years that people seemed to have come to the belief that the character of the Soviet leadership has somehow magnificently changed. This kind of departure from reality must be reviewed against the fact that the only difference between the Russian re-

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action in Czechoslovakia last year and the Russian reaction in Hungary in 1956 is that in Czechoslovakia there was less provocation and, therefore, less requirement for the use of Soviet military force. There was no change in the readiness to use force—or in the reason for its use—to suppress an effort by people for greater freedom.

The Secretary of State recently said that the events in Czechoslovakia have not in any way altered the possibility of nuclear arms negotiations with the Russians. I recognize that that may be true, but I hope it has at least reminded the Secretary that in dealing with the Soviets he is not negotiating with the Bobbsey twins at Sunnybrook Farm.

XI. THE ILLUSION OF THE NEW RUSSIA

The outcry about the military-industrial complex is, as I said, a collocation of seemingly related but actually quite independent factors.

One of these is the age-old attraction of disarmament. Since the days of the Kellogg-Briand Pact, the idea of throwing away weapons and outlawing war has appealed to peace-loving Americans.

In its present rather sophisticated stage, the key words are "destabilization" and "arms limiting negotiations." Nobody really seriously expects the great powers to disarm any more, but great credence is given to the idea of, as it is generally stated, "halting the arms race." The theory is that both the Soviets and the United States now have the power to actually destroy the other and this is the best deterrent of war. Anything that tends to increase one side's capacity to survive an attack or to launch a first strike attack without suffering unacceptable retaliation is "destabilizing," since it increases the likelihood of a first strike or an accidental firing starting a war and since it calls for effort at countermeasures by the other side. So, we should negotiate an agreement not to develop any more nuclear weapons, either offensive or defensive.

We hear frequently of late that there is real chance for arms limitation negotiations with the Russians, and by extension it is, therefore, assumed that the Soviets are ready to limit arms production. With the possible exception of Talleyrand at the Congress of Vienna, I know of no cases in history where anybody won at the negotiations table what they were not able to defend on the battlefield. However, the word "negotiation" has great charm for many people today.

The Secretary of State has announced that he hoped to get talks with the Russians started soon. However, I have seen no concrete evidence that the Russians are interested in stopping the development of advance weapons systems—except by the United States. But public statements assuming Russian interest in negotiations jump quickly from that point to the idea that the United States is somehow responsible for preventing negotiations and must take a first step in getting arms limitations talks started.

Recently I read a widely circulated article in a scientific journal on the arms race. The article said that reducing the uncertainty about an adversary's intentions and capabilities is an essential condition to curtailing the arms race. Discussing ways to reduce uncertainty, the author said:

> There is unilateral disclosure. In the case of the U.S. there has been a conscious effort to inform both the American public and the Russian leadership of the rationale for many American decisions regarding strategic systems and, to the extent consistent with security, of U.S. capabilities. This has been done particularly through the release by the Secretary of Defense of an annual "posture" statement, a practice that, it is hoped, will be continued by the U.S. and will be emulated someday by the U.S.S.R. This would be in the interest of both countries.

Now, the remarkable thing in this paragraph is that it concedes the United States is making efforts to disclose its capabilities and intentions most clearly to the Russians so that there will be no misunderstanding. In point of fact, the annual posture statement by the Defense Secretary has been a feature of our Defense reviews for more than a decade. The posture statements have gone to great length and detail, sometimes running into hundreds of pages. The author vaguely hopes that the Russians will emulate us someday, but he seems somehow undisturbed that they have not done so up to now and includes no criticism of their intentions and posture because of that fact.

Yet the main burden of the article is that we have to take steps to stop the arms race, that we have to stop development of ABM and the MIRV—multiple independently targetable reentry vehicle—that we have to take steps, possibly by unilateral restraint, to stop new arms development that may be destabilizing.

Little thought is given to what happens to our position if the Russians continue weapons development after we stop.

For example, the author says deployment of a U.S. ABM "seems certain to have an effect on Russian planners, who may push for development of their own MIRV systems." I have news for him—the Russians are vigorously pushing their own MIRV development already.

The simple truth is that most discussions fail to recognize the basic fact that the Russians have done far more to create an arms race than we have. They acted first to develop ICBM's. They developed a bomb as large as 60 megatons, although we have never developed bombs of anywhere near that size. They developed a fractional orbital bombardment system—FOBS—a destabilizing weapon if I ever heard of one, since it is essentially a first strike weapon. They have not only developed, but have deployed, an ABM system, although of limited capability, and they have continued to try to improve and update this system. And they are proceeding with MIRV development.

The curious reasoning of those who are attracted by the illusion of the new Russia was illustrated exceptionally well by Vice Adm. Hyman G. Rickover—who is no darling of either the military or the industrial community—in stating his support for the ABM as a nonprovocative weapon. He said:

> The Russians have been singularly silent in this respect; the outcry has come mostly from those in this country who habitually apply a double standard when adjudging military developments in the U.S. and the U.S.S.R. One must ask how can our defensive capability be considered provocative, while theirs is not?

If the Soviets are, indeed, prepared to enter negotiations, it will be for one reason—because they believe they have caught up or passed the United States and want to use negotiations as a device to freeze U.S. strength at present levels.

The idea that the beginning of negotiations is the end of the problem is not facing the facts. The negotiations process is a difficult task at best. And I have not heard even the supposition that the Russians would halt weapons development while the negotiations are in progress.

But those who call for negotiations invariably call for this country to cease its own weapons development pending the outcome of the negotiations. It is easy to see that the Russians could draw out the negotiations process for months or years—just as they have in the past—and during the negotiations continue to increase their weapons arsenal while the United States stood still.

I think it would surprise everybody if Russia agreed to inspection—even after an arms-limiting agreement were signed.

There is little hope of the Russians ever doing so because it is an example of the truth that goes to the heart of the relationship between the two countries. Theirs is a closed society and ours is an open society; ours is a country of free men and theirs is not.

Hand in hand with the illusion of a Soviet desire for arms limitation and an end to weapons development is the idea that the Soviet regime is more peaceful and more moderate in world affairs.

We are told that the nature of communism is no longer monolithic, that it is going through an evolution into better things.

I do not know if it is monolithic in its structure, but I know that it is paleolithic in its concerns for human freedom.

The Soviet actions in the Middle East show it to be as much committed to violence and unscrupulous measures to gain power as any Russian regime in history. In recent years there has been an attempt of intellectuals in Russia to speak out more and to take a greater part in determining Russian life. The result has been, of course, the jailing of artists and scholars, and senseless attacks against Jewish authors in the Soviet Union.

It is remarkable the degree to which some seemingly intelligent men can delude themselves on these points. In a letter to a newspaper, the British author Graham Greene remarked that he would much rather live in the Soviet Union than in the United States. The principal purpose of his letter was to say that he was giving the royalties from the sale of his books in Russia—which he could not get out of Russia anyhow—to the defense of two Russian writers on trial in Moscow. The reason for their trial was that they had criticized the state. Subsequently, they were convicted and are now in prison. Mr. Greene, a writer, would rather live in that society than ours.

Finally, what has all this got to do

with the military-industrial complex? The answer, of course, is "nothing." No Members of the House or Senate would suggest for a minute that any major defense contractor would take steps, publicly or clandestinely, to prevent arms limitations negotiations with the Russians. No Member of the House or Senate would suggest that any of these major contractors would take any steps to prevent the carrying forward of negotiations concerning the Vietnam war or to prevent the President from bringing that war to an end. And I know of no Member of Congress who would allege that any defense contractor made an effort to get us into the war in Vietnam. Yet the pressures for arms negotiations or ending the war are frequently coupled with an attack on these industrial forces.

XII. MILITARY INFLUENCE, FOREIGN POLICY, AND THE CONGRESS

In conclusion, where does the responsibility for policy lie? Where is the safeguard against unwarranted power?

Frequently, mention is made of the number of American bases and troops overseas and the number of countries in which we maintain a military presence, and this is generally stated in a way that implies both a criticism of the military and an overreaching influence of the military in our national decisionmaking processes.

It may be that we have overextended ourselves around the globe and overcommitted ourselves. I am inclined to think that to at least some extent we have. I am inclined to think that there are areas of the world we should stay out of. I would certainly agree with anybody who says that many of our allies could take a greater portion of the burden of military security in their own bailiwick and that some of our forces could be brought back. I am deeply concerned, as other Members of Congress are concerned, about our balance-of-payments problem and our gold reserves. And finally, I am convinced that we are committed, by bilateral and multilateral agreements, to more tasks around the world than we could always fulfill. A Special Subcommittee on National Security Policy found last year that our forces were not always adequate for the contingencies they were designed to face, that there had been inadequate coordination between commitments and resources made available, and that our planning for certain military contingencies—including various future contingencies in Vietnam—was inadequate.

I am convinced that a lot more thought has to be given to these problems and a lot better coordination achieved among the various branches of Government.

But the main truth to be recognized is that this military presence in foreign areas, this military response, took place as a result of foreign policy commitments decided by the President and the Congress. I think one might even say with some justification that foreign policy actions and foreign involvements which get the most bitter complaint are those which are decided by the civilian political leadership without a decision by Congress, or at least without adequate debate and study prior to acquiescence by Congress.

I was interested to see the majority leader of the Senate say recently that civilian authority was remiss for initiating foreign policy which resulted, in the end, in major military commitments.

Recently in one of the local papers I saw a Member of this body quoted as saying:

> It is high time we got back to what the Founding Fathers had in mind.

I could not agree with him more. And what the Founding Fathers had in mind was for the Congress to perform an active role in decisionmaking—foreign policy decisionmaking and military policy decisionmaking.

If Congress carries out its constitutional role without shirking, without passing the cup, there will be no need to worry about overreaching power in the hands of the military-industrial complex or any other complex.

The Congress of the United States is the forum where the voice of the people can be brought to bear on policy decisions. And it is by assertion of its responsibility by the Congress—and only in the assertion of its responsibilities by the Congress—that there will be assured the separation of power and diffusion of power which is the one sure safeguard against the disastrous rise of misplaced power. If the Congress does its job, then security and liberty can prosper together.

NEW AMBASSADOR TO THE NETHERLANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, as an exchange student in Holland, I developed a great love and feeling of kinship for the Dutch people. It has always been a source of great pleasure to me as a public official—and personally as well—that our country has long enjoyed such a warm relationship with this historic nation, through adversity and good fortune.

Thus I rise at this time to commend the President's choice for Ambassador to the Netherlands, J. William Middendorf II, for this is an appointment in which I take special interest. Mr. Middendorf is a gentleman of true distinction, a scholar of wide renown, and a businessman of great achievement. Not only is he deserving of such an important appointment, but he is extremely well qualified to represent the United States in the Netherlands.

Long an admirer and noted collector of fine paintings, Bill Middendorf has devoted a great deal of time to study and collection of the Dutch masters. Among the distinguished examples in his collection are two Rembrandts of exquisite beauty, a Steen, a Dordrecht, a Claesz, an Ochtervelt, and a Van Ostade. Thus, through his study of history and love of art, Mr. Middendorf is well grounded in the background of the Dutch people and the aspects of culture which are particularly dear to that nation. With his great sensitivity and understanding of the illustrious past of Holland, he will be a most welcome envoy and an exemplary representative of the American people. He will have much to offer as Ambassador to the Netherlands that will serve to strengthen the warm relationship between the United States and our longtime ally Holland.

I have stressed Mr. Middendorf's commitment to the world of art for several reasons. From my student experience, I know that the Dutch people highly esteem the history of painting by their countrymen. Of equal importance, however, is the strength of the Middendorf collection of American painting and prints, which has been exhibited in the Metropolitan Museum of Art in New York, in the Museum of Art in Mr. Middendorf's native Baltimore, and which will come to Washington within the next few years in the course of its nationwide exhibition. Mr. Middendorf and his charming wife Isabelle have developed this collection lovingly, with keen interest not only in esthetic aspects but also with regard to historical import. Thus both Bill Middendorf and his wife are dedicated students of Americana—a great asset to any American Ambassador representing our country abroad.

Mr. Middendorf's business acumen is well known throughout our Nation and in foreign lands. His expertise and resourcefulness will be respected by the Dutch people, who, with limited natural resources in their country nevertheless enjoy a healthy economy, created by their own business ingenuity. A partner in the firm of Middendorf & Colgate, Mr. Middendorf has devoted much time and energy to the development of forward-looking business. His activity in founding the Oceanographic Fund is notable. Funds from this company support the production of fish protein concentrates which may mean so much to the hungry nations of the world. He has also taken an active interest in the area of cybernetics, a key element in the future of science, industry, and technologically related fields and in modernizing business methods throughout the world.

Mr. Middendorf's talents and interests are indeed diverse, just as are those of the Dutch people. He is a trustee of the Philatelic Foundation and owns a rare collection. A connoisseur of many arts, Bill Middendorf is, like most Americans, a sports enthusiast as well. In 1960 he served as a judge at the Rome Olympics. He is a member of the U.S. Olympic Games Committee and has been president of the Field Hockey Association of America.

Industrious in all things, Mr. Middendorf is a well-known philanthropist. He has undertaken charitable works with the same enthusiasm he has devoted to his business enterprises.

Bill Middendorf has championed, among other causes, the campaign to save the American Renaissance home of Frederic Edwin Church, leading painter of the Hudson River School. This rare 19th-century monument, in the style of a Moorish Italian villa, now stands as a beautiful landmark in American architectural artistry; and its magnificent view is the delight of conservationists as well. J. William Middendorf II was a forerunner in the recognition of the importance of preserving this unique home, and his efforts were significant in the success of the Olana crusade. This sensitivity on his part will be most appealing to the Dutch people, who share his reverence for history.

Mr. Middendorf has been a tireless worker in the American Antiquarian Society, as well as the New York and Greenwich Historical Societies, both of which he serves as trustee.

J. William Middendorf II has also worked actively for the cause of good government and the perpetuation of the two-party system. Shunning the public eye himself, he has long worked behind the scenes to finance the campaigns of worthy political candidates. Through active political participation, he believes, the democratic system of our Nation is best served. His most outstanding work in the political realm has perhaps occurred through his service to the Republican National Committee where he has been treasurer for a number of years—truly a thankless, unending job, requiring the utmost initiative and effort, in addition to interminable midnight hours.

Mr. Speaker, I feel the American people and our Government are indeed fortunate that Bill Middendorf is interested in public service of this kind and is willing to serve as our Ambassador to the Netherlands. He is a very distinguished American, committed to excellence in all things, a connoisseur in the fullest sense of the term. Mr. Middendorf, it may be accurately said, is a man touched by success. His great intelligence, perception, and affability have led him to success in all the varied fields of his interest. It is certain that his tenure as Ambassador to the Netherlands will be marked by even greater sympathy and mutual interest than that of the past.

I am extremely pleased at President Nixon's wise choice in Mr. Middendorf, for he—with his warmth, enthusiasm, and scholarship—will represent to the fullest extent all that is America. The American Embassy in The Hague is going to be a thoroughly enjoyable and interesting place—and a great credit to our Nation in every respect—under the direction of J. William Middendorf II.

IMPROVEMENT OF MILITARY PROCUREMENT POLICIES AND PRACTICES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. HARSHA) is recognized for 10 minutes.

Mr. HARSHA. Mr. Speaker, I am today introducing in this body a bill designed to improve military procurement policies and practices which too often have resulted in exorbitant waste of taxpayer dollars.

Almost daily, examples of waste, cost overruns, and inefficiency are reported. This ever-increasing phenomenon is, in part at least, responsible for our burgeoning defense budget.

The totally unacceptable practice of acquisition by secretly negotiated, sole-source, noncompetitive contract has contributed the most to this unacceptable condition.

This unbelievable, purposeful restriction of competition and restraint of trade has often featured highhanded inconsideration and rejection of low-bidding, certifiably competent small-business concerns. Conversely, this pattern of performance has often featured a favoritism in behalf of cynically lobbying, high-bidding large ones.

Not the least of the tragic results have been those in which more and more small companies which have survived have refused to risk further consequences of bucking the tide in trying to give their Government the benefit of their particular genius or capacity. And more and more big companies, arrogant with freely granted affluence, have become increasingly more dogmatic in their demands upon the military procurement components of the military-industrial complex and increasingly more lethargic about quality of product, contract performance, and delivery schedules. In short, the doctors of military procurement, to a strong degree, have created, in their favored industrial counterparts, their own Frankenstein monsters.

The end result of this tragic train of circumstances and its resultant quagmire has produced, as its most obvious, most frightening result, that which, with great perceptibility and incisiveness, the Joint Economic Committee of the Congress defines as "the extensive and pervasive economic inefficiency and waste that occurs in the military procurement program"—complete with that which the committee, in its excellent report, "The Economics of Military Procurement," defines as "defense buying practices which are reducing competition for Government contracts and increasing economic concentration within the defense industry."

This report, which does much to underscore the propriety of my own publicly expressed concern and exposure of typical cases of waste, also notes the fact that—

> The total effect of unnecessary cost overruns, of hidden profits in fat contracts, of inefficiency and waste, and of the absence of cost controls is to create a bloated defense budget.

It notes the contributing problems of "profit pyramiding," "buying-in," "absence of uniform accounting standards," "voluminous change orders and contractors' claims," and "failure of incentive contracting."

It notes the contributing problems of "secrecy and failure to disclose information." It also notes, with great and understandable concern, the massive problem of "negotiation"—that wasteful, ever-more-suspect procedure which, as the report affirmed, led to the result in which "formally advertised competitive military contract dollar awards dropped from 13.4 percent in fiscal year 1967 to 11.5 percent in fiscal year 1968," while "single source procurement increased to 57.9 percent."

These findings, and these percentages, by this able and distinguished joint committee of the Congress, are significantly close to the findings and percentages which, prior to publication of that report, I, as one Member of the Congress, managed to ascertain by independent, personal investigation of a few typical cases.

It is certain that this peculiar procedure known as negotiation lies heavily at the fatty heart of the whole military procurement problem. Its most outstanding features—competition restriction and dollar-waste—are nurtured, perpetrated, and protected by the secretly arrived-at, sole-source, noncompetitive contract awards which flow, directly and regularly, from the negotiation procedure. And all of this is routinely alibied and rationalized on the blanket claim of "urgency of delivery" and/or "lack of drawings" or "lack of a competitive procurement data package."

It is, therefore, after careful consideration of the problem, its cause and its effect, and after consultation with experts on this subject, that I have drafted this proposed legislation.

In my great and growing concern for the ever-expanding magnitude of this problem, I hope that the Congress will give it most expeditious consideration and passage into law; for my bill would end this problem and its unacceptable ramifications. It would do so by creating, as an independent establishment in the executive branch of the Government, a 12-member Military Procurement Review Board.

This Board would be appointed by the President by and with the consent of the Senate.

Its members would be appointed for terms of 4 years on a staggered basis to assure administrative and functional continuity.

They would be executive schedule personnel. The Chairman would hold level III status. The other members would hold level IV status.

The Board would have a Director and a professional staff, with neither being subject to civil service.

The Military Procurement Review Board would do for the Defense Establishment that which the Defense Establishment has proved unable or unwilling to do for itself. Under the Board's continuingly vigilant eye, doors to this long train of military procurement practices would be slammed in many ways in favor of the straight and narrow path of greater effectiveness, greater performance, and a saving of combat lives and taxpayer dollars.

This, in fact, will be a strengthening of the Defense Establishment and its position against those who seek to exploit it.

Under the supervision of this Military Procurement Review Board, my bill would do the following:

> Notwithstanding any other provision of law, no procurement (whether by purchase or contract) or property or services may be made by the head of a military agency under chapter 135, 137, 139, 141, 431, 433, 633, 645, 931, or 933 of title 10, United States Code, unless the Board first approves such procurement by an affirmative vote of two-thirds of the membership.
>
> To approve a procurement, the Board must first find that—
>
> The procurement, if proposed to be negotiated, will meet all other requirements which may be imposed by law with respect to such

negotiations; will be made under contractual arrangements of the kind authorized by law and appropriate under the circumstances; and is in the public interest; or the procurement, if proposed to be made by formal advertising by the head of the military agency—

Will meet all requirements imposed by law with respect to such formal advertising, particularly with respect to the availability, to all bidders, of all samples, drawings, and data necessary to permit full and free competition with respect to such procurement (whether or not such samples, drawings, or data were acquired by the United States pursuant to earlier procurement), and will be made under contractual arrangements of the kind authorized by law and appropriate under the circumstances.

In determining whether or not a proposed negotiated procurement will be in the public interest, the Board shall consider all relevant factors, including, but not limited to, the past military procurement experience (including all renegotiations of contracts) with the proposed contractor or contractors; past procurement experiences, whether by negotiation or formal advertising, with respect to similar property or services; uniqueness of design or construction of the items to be procured; and the conditions of competition among contractors experienced in the production of similar items. The Board shall not find a proposed negotiated procurement in the public interest in any case in which such negotiated procurement is sought to be justified on the basis of urgency of need or advantageous sole source procurement unless such justification is clearly supported by such evidence as the Board may require.

If the Board fails to approve a procurement proposed to be negotiated, the head of the military agency concerned shall make such procurement by formal advertising, subject to approval of two-thirds of the membership of the 12-Member Military Procurement Review Board.

If the Board fails to approve a proposed procurement by formal advertising . . . the head of the military agency concerned may not proceed with the proposed procurement until he takes, or gives assurances deemed satisfactory by the Board that he will take, corrective action, as shall be specified by the board, to insure that the procurement will be made in a manner consistent with law and under conditions permitting free and full competition for the purchase or contract.

The Board shall take no action to approve a proposed procurement until the head of the military agency concerned submits to it all information (including details of the contractual arrangements which the head of such agency proposes to make), papers, documents, studies, samples, and other materials with respect to the proposed procurement which the Board deems necessary to enable it to carry out its functions.

This includes "the case of a procurement proposed to be negotiated, the name of any contractor with whom the head of the military agency concerned proposes to enter into negotiations, and a detailed record of past military procurement experience with such contractor."

This also includes "the case of any procurement proposed to be made by formal advertising, the draft specifications, including attachments, which the head of the military agency concerned proposes to include in the invitation for bids."

My bill also provides:

The Board shall undertake a continuing review of all procurement practices utilized by the heads of the military agencies. At least once during each calendar year after 1969, the Board shall report such recommendations for legislative action with respect to military procurement practices as the Board deems necessary or appropriate.

Mr. Speaker, this legislation, in sum, will bring the aforementioned practices, abuses, and fact-covering military procurement procedures to an abrupt halt.

In the interest of the Government and people of the United States—and, indeed, in the interest of the Department of Defense and its servicemen everywhere in the world, particularly in Vietnam at this moment—this legislation will do what the military procurement people have proved unable or unwilling to do—impose a policeable and policed code of military procurement policy and practice in the perpetual, total interest of maximum efficiency at minimum cost, and the best equipment at least cost, delivered most expeditiously, properly tested and assuredly ready for combat.

And certainly not the least important aspect of this Review Board-administered performance will be its, at least, annual report to the Congress, complete with recommendations for legislative action required to improve or remedy any military procurement practice or problem which the Board may find requiring such action.

It should go without saying that such a report will be a most refreshing and welcome development for Members of this body; for, quite obviously, such a report from such a Board will be infinitely more factual, straightforward, clear, and candid than that which the Congress has too long been receiving, often only after much aggravating interrogation and digging, in its often severely hampered and frustrated efforts to meet its sobering constitutional responsibility to raise armies and levy taxes with which to pay, arm, supply, and support them.

EULOGY TO JOHN L. LEWIS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, the passing of John Llewellyn Lewis marks the end of the road of one of the giants of the American labor movement. When he assumed the presidency of the United Mine Workers of America on February 6, 1920, wages in the coal industry were from $1 to $3 a day. At his death coal miners were among the highest paid workers in the United States and, additionally, they enjoyed pension and welfare benefits unheard of in the 1920's.

The impact of Mr. Lewis, however, went beyond the confines of the union which he headed for 40 years. The rights and dignity enjoyed today by so many men and women who work for wages are the result of the unflagging battles he waged for more than 40 years as an active labor leader and labor statesman. Mr. Lewis was a true and early crusader. Most importantly, he was a successful crusader.

The Committee on Education and Labor today is considering bills to improve the safety of coal miners, to protect them from the ravages of black lung, and to provide adequate workmen's compensation for coal miners who already are disabled because of the black lung disease. These are goals for which John L. Lewis fought relentlessly during his active career. It is my desire and my hope that this Congress can pay fitting tribute to the memory of this great labor statesman by enacting a bill which will protect the coal miners of this Nation, in or out of the United Mine Workers of America, from injury or death resulting from accidents, will maintain the level of coal dust so that they may breathe pure air, and will appropriately compensate those already suffering from advanced stages of pneumoconiosis.

A statement by W. A. Boyle is included herewith:

STATEMENT BY W. A. BOYLE ON DEATH OF JOHN L. LEWIS

The thundering voice of America's greatest labor leader has been stilled. The passing of John L. Lewis is a great loss for the United Mine Workers of America and a personal tragedy for me. I have lost a friend, a counselor and mentor. John L. Lewis brought me from Montana, guided me and helped me to carry the heavy burdens I now must carry. His passing leaves a void in my life that can never be filled.

To the working men and women of the world, he was the symbol of dignity, strength, unity and labor's struggle for betterment. To America's coal miners, he was the fighter who led them from serfdom to their rightful place as first-class members of the American society.

John L. Lewis was a man of deep compassion, possessed of tremendous capabilities, extraordinary vision, sheer genius of mind and, as characterizes his brother coal miners, had indomitable courage. His entire life was dedicated to improving the lot of his fellow man. His name is a legend, as is the inspiration he has given to all of us. All America and the entire free world mourn his death. But it is felt most deeply among the members of the United Mine Workers of America and its leadership.

I am asking that on Monday, June 16, 1969, all coal miners gather in their respective churches and union halls for services in memory of John L. Lewis. Beginning at 12:01 a.m., June 13, 1969, until after the funeral there will be a period of mourning during which time all coal mining will cease in the United States and Canada as we honor our fallen leader. It is altogether fitting that the coal mines be silent while the men who work in them come together to do honor to John Llwellyn Lewis.

As an even more fitting memorial to him, I demand that the U.S. Congress immediately pass strong coal mine health and safety legislation. A John L. Lewis health and safety bill would be a fitting climax and memorial to the career of this outstanding champion of coal mine safety.

We hope that Americans of all stations and especially the American labor movement will now rally and support the push of John L. Lewis' union for health and safety legislation.

John L. Lewis best described himself at a convention of coal miners when he said: "I have pleaded your case from the pulpit and the public platform . . . not in the quavering tones of a feeble mendicant asking alms, but in the thundering voice of the captain of a mighty host, demanding the rights to which free men are entitled."

That was John L. Lewis.

A BAN ON GAS AND GERM WARFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MCCARTHY) is recognized for 30 minutes.

XUM

Mr. McCARTHY. Mr. Speaker, I introduce today, for myself and on behalf of 24 other Members, a resolution expressing the sense of the House of Representatives that President Nixon should resubmit the Geneva protocol of 1925 to the U.S. Senate for ratification.

The Geneva protocol of 1925 bans the first-use of chemical and bacteriological warfare. With one possible exception we have adhered to the principles of the Geneva protocol in the 44 years that have elapsed since we introduced it in Geneva. We also voted in the United Nations in 1966 for a resolution which called for the strict observance by all states of the principles and objectives of the Geneva protocol. Yet although we are committed to the principles of the Geneva protocol and have also voted for a resolution in the United Nations inviting all nations to ratify the protocol, we have never done so.

On April 29, 1969, following a comprehensive review of our stated policies regarding use of chemical and biological warfare and our practices, I wrote to President Nixon urging that he resubmit the Geneva protocol to the U.S. Senate. I did so because I believe that the United States should remove any ambiguity surrounding its policies governing the first-use of chemical and biological warfare by ratifying the protocol. The policy of no first-use has been a traditional one for the United States. There is no good reason not to ratify the protocol at this time.

The Geneva protocol, one of the few treaties that has been relatively effective in limiting man's inhumanity to man, was first introduced by the United States. Representatives Theodore E. Burton, of Ohio, chairman of the House Foreign Affairs Committee, led the American delegation to the Geneva Conference for the Control of the International Trade In Arms, Munitions, and Implements of War which met in 1925. Representative Burton proposed an amendment to the convention being considered by the Conference prohibiting the use of gas and bacteriological warfare. He, of course, did so with the full support of President Coolidge and Secretary of State Kellogg.

The Geneva protocol governing gas and germ warfare was patterned on the provision adopted by Washington Conference on the Limitation of Armaments of 1922. A prohibition on the use of gas warfare was adopted by most countries attending that Conference. President Harding and Secretary of State Hughes were instrumental in bringing the prohibition of gas warfare before the Conference. The United States signed the Washington treaty adopted at that Conference and the treaty was submitted to the U.S. Senate for ratification. The Senate gave its consent to this treaty without a dissenting vote. Unfortunately the Washington treaty did not come into force because France objected to certain provisions limiting submarines.

A ban on gas warfare similar to that adopted by the Washington Arms Conference was proposed by Representative Burton in Geneva in 1925. An amendment was added including bacteriological methods of warfare in this prohibition. The relevant part of the protocol states:

> Whereas the use of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world; and
>
> Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and
>
> To the end that this prohibition shall be universally accepted as part of International Law, binding alike the conscience and the practice of nations:
>
> Declare:
>
> That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.

The protocol was signed by the U.S. representatives at the Conference on June 27, 1925.

The protocol, however, was not considered by the Senate until almost a year later. During the interval, the American chemical industry and the Army Chemical Warfare Service lobbied against ratification of the protocol. In addition, because of the ease with which the Washington Arms Treaty had been ratified by the Senate, the executive branch apparently did not believe that it was necesssary to mobilize support for ratification. The result was that the opponents carried the day. The protocol was considered in executive session by the Senate Foreign Relations Committee and by the full Senate as well with the exception of a very limited debate open to the public. Senator Borah considered pressing for a vote on the protocol on December 9, 1926, but because of the absence of some Senators, decided not to. The protocol was not voted on by that Senate and remained in the Foreign Relations Committee until 1947. In that year Senator Arthur Vanderburg sent back to the White House, without prejudice, all unratified treaties which had been submitted prior to 1941.

The Senate has never voted on the Geneva protocol. It has not been ratified and cannot be ratified by the Senate unless President Nixon resubmits it at this time. Yet more than 60 nations have ratified the Geneva protocol. Every NATO country and every Warsaw Pact country except the United States has ratified it. Every major industrial nation except the United States and Japan has ratified it. But although we have voted for a resolution charging each nation with strict adherence to the protocol, we have not ratified it.

Our failure to ratify the Geneva protocol is particularly contradictory in view of the frequency with which American leaders, both civilian and military, have expressed their abhorrence of gas and germ warfare. These leaders reflected the highest ideals of our Nation in their statements and actions.

The famous statesman, Senator Elihu Root, one-time Secretary of State, Nobel Peace Prize winner, and strong proponent of the League of Nations, drafted the section of the Washington Arms Treaty of 1922 that banned use of gas warfare.

Following the signing of the treaty of the Washington Arms Conference of 1922, Gen. John "Blackjack" Pershing, famous World War I leader of the American Expeditionary Forces, stated:

> It is inconceivable that the United States will initiate the use of gases . . . and by no means certain that it will use them even in retaliation.

General Pershing subsequently testified in favor of ratification of the treaty.

Representative Burton, formerly a Senator and chairman of the House Foreign Affairs Committee, led the American delegation to the Geneva Conference in 1925. He pressed strongly for the adoption of the provisions of the protocol relating to gas and bacteriological warfare.

Presidents Harding, Coolidge, and Hoover all vigorously opposed the use of chemical warfare. President Coolidge supported the American position at the Geneva Conference of 1925. He also agreed to call a special conference in Washington to prohibit the use of poison gas.

President Franklin D. Roosevelt was a constant foe of the use of gas warfare. As Assistant Secretary of the Navy he was a member of the Advisory Committee appointed by President Harding to gain approval of the Washington Arms Treaty of 1922. This Committee mobilized public support for Senate ratification of the treaty. In 1937 he said:

> It has been and is the policy of this Government to do everything in its power to outlaw the use of chemicals in warfare. Such use is inhuman and contrary to what modern civilization should stand for.
>
> I am doing everything in my power to discourage the use of gases and other chemicals in any war between nations.

During World War II the United States had more than 12 million Americans under arms at one time. President Roosevelt learned in 1943 that the Germans might be contemplating the use of gas warfare. He said at that time:

> Use of such weapons has been outlawed by the general opinion of civilized mankind. This country has not used them. I state categorically that we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies.

Famous World War II Adm. Chester Nimitz, in discussing tough decisions in that conflict said:

> There were a lot of tough ones. I think when the War Department suggested the use of poison gas during the invasion of Iwo Jima that was a trying decision. I decided the United States should not be the first to violate the Geneva Convention. It cost many fine Marines.

President Roosevelt's senior naval adviser in World War II, Admiral Leahy, in response to a suggestion made in 1944 that biological agents be used to destroy the Japanese rice crop, said such activity would "violate every Christian ethic I ever heard of and of all the known laws of war."

During the Korean war in the winter and spring of 1951 the Chinese-North Korean Command charged that the United Nations was using bacteriological weapons in Korea. The United Nations and the United States emphatically denied these charges and asked that the International Red Cross investigate the charges. The U.S. delegation to the United Nations repeatedly proposed resolutions in the Security Council asking that the charge be investigated. And following the exchange of prisoners of war, Amreican POW's stated that they had been forced to confess to the use of bacteriological warfare by the Chinese and North Koreans. The main point, however, is that the United Nations and the United States did not use bacteriological warfare in Korea and wanted to make it undeniably clear to the rest of the world that this was the case. We did not want even the suggestion that we might have used germ warfare to go unchallenged.

I also understand that some military leaders urged the use of gas during the difficult fighting in Korea. This suggestion was rejected by our top military leaders.

From the use of gas during the First World War by the French and Germans up until the end of the Korean war chemical warfare was not used by the United States. And our top political and military leaders had on a number of occasions stated their convictions that we should not use this form of warfare. With the exception of the Vietnamese war, gas has only been used on three recorded occasions, in Ethiopia, in China, and in Yemen. In each case gas was used on a relatively small scale. Compared to other forms of warfare, the post-World War I ban on gas and germ warfare has been fairly effective.

Within the past decade, however, increased spending for chemical and biological warfare and the use of chemicals in the Vietnamese war raise the question of whether we are moving away from our traditional policy of no first-use.

In the late 1950's the U.S. Army conducted Operation Blue Sky, an attempt to win public support for the use of chemical and biological weapons in warfare. Although this campaign proved somewhat abortive, increased funds were available to the Department of Defense for gas and germ weapons in the 1960's. It is estimated that the Department of Defense has at least a billion lethal doses of the latest nerve gas in its arsenals and it is believed to have pilot batches of germs for a number of deadly diseases that have been standardized for our biological warfare assenal. This practice of stockpiling gas in large quantities is apparently not followed by our allies.

Heavy involvement in Vietnam, rising to a new level of violence in 1965, was accomplished by the use of gas weapons, something that had not been done in the last half century. Reporters found that United States and South Vietnamese forces were using tear and vomiting gases in this conflict. Following the public outcry that this announcement raised in the United States and abroad, Secretary McNamara stated that South Vietnamese forces had been equipped with three gases which they had used, CS, CN, and DM. He said that these were essentially riot control agents not covered by the Geneva Protocol and were being used to reduce the amount of violence required.

Secretary of State Rusk said, when questioned on this subject on March 24, 1965:

> We are not embarking upon gas warfare in Vietnam. There has been no policy decision to engage in gas warfare in Vietnam. We are not talking about agents or weapons that are associated with gas warfare, the military arsenals of many countries.
>
> We are talking about a gas which has been commonly adopted by the police forces of the world as riot control agents.
>
> Now, why is tear gas a part of the equipment of police forces? It is because police forces would like to be able to use the minimum force that is required for the maintenance of law and order. It is a minimum instrument.
>
> Now these are the essential policy aspects of the problem. We do not expect that gas will be used in ordinary military operations.

Yet in flat contradiction to this statement, we learned on February 22, 1966, that helicopters dropped hundreds of tear gas grenades on a small patch of jungle, believed to be a fortified Vietcong area 265 miles northeast of Saigon, in preparation for a B-52 bombing raid. The Defense Department explained that the gas attack was designed to flush Vietcong troops out of bunkers and tunnels before the attack so that they would be vulnerable to the shrapnel and explosions. We subsequently learned that gas was being used for this purpose for bomb and attacks. And we also learned that it was being used to flush North Vietnamese out of bunkers to be shot.

The use of tear gas in Vietnam is not a haphazard thing. The Army's procurement figures for the three types of tear gas indicate the extent of its use in Vietnam:

U.S. ARMY PROCUREMENT PROGRAM

[In thousands of pounds]

	Fiscal year					
	1964	1965	1966	1967	1968	1969
CS	225	93	378	437	714	2,018
CS-1	142	160	1,217	770	3,249	160
CS-2					288	3,885
Total	367	253	1,595	1,207	4,251	6,063

These figures are only for gas in Southeast Asia and do not cover requirements for control of civil disturbance or other purposes outside of Southeast Asia.

The evolution of CS into a third type of gas, specifically designed for use in the humid conditions of Vietnam, also suggests some of the problems with the use of any gas. What is classified as tear gas today may well be changed in chemical formula to have much more extensive effects in the future and yet still be termed "tear gas." We already have an example of this in DM, designated by the U.S. Army as an irritant gas until the early 1950's when it changed colors and became a riot control agent of a tear gas nature.

In Vietnam we have changed our policy regarding gas warfare. The use of gas in conjunction with lethal conventional weapons such as artillery and bombs is clearly chemical warfare. Despite some ambiguity in the wording of the Geneva protocol, Britain, France, Spain, and a number of other countries have all said that the protocol applies to tear gas. This is the protocol that we say we support fully in principle when the subject is raised at the United Nations.

We also found that we are using chemicals to attack food crops in Vietnam. Both State and Defense are quick to point out that the chemical defoliants and herbicides used are the same type employed in agriculture and industry at home and are not banned by the Geneva protocol. It is true that herbicides and defoliants had not been invented at the time the protocol was considered. But what State and Defense do not say is that the use of these chemicals in Vietnam is entirely different from that at home; namely, to destroy food and to open lanes of fire for our troops and aircraft. They do not say that biologists are seriously concerned about the long-term effects of defoliants and herbicides on the Vietnamese countryside. They do not say that we are clearly using chemicals as a weapon against food.

Previous administrations have taken the position that tear gas is not covered by the Geneva protocol. They state that it is a standard riot control agent and hence can be used in combat. I believe that this is a mistake. The principle of no first-use of gas—any gas—is clear and unequivocal. The problems that use of some gases raise are difficult at best. Do we specify what formula is acceptable? Do we state that we will only use it against those who are unlikely to use it against us? When does a riot control agent become an irritant gas? When does an incapacitating gas become a riot control agent? These are the questions that are extraordinarily difficult to answer once you go beyond no first-use.

Similarly, the use of herbicides against crops and the indiscriminate use of defoliants to clear jungle without a clear knowledge of the ecological consequences seems to me a violation of the spirit of the Geneva protocol.

In my opinion, we are slowly eroding our traditional policy regarding no first-use of these abhorrent means of warfare. In many respects our policies for the use of lethal gases are vestiges of a prenuclear era. And it is inconceivable to me that the United States would loose a plague from our biological warfare arsenal on another nation in retaliation for their use of such a weapon. The Geneva protocol does not, of course, ban use of gas and germ warfare. It rather bans first use. It is a principle to which we have by-and-large adhered. I believe that we should reaffirm our support for this principle by ratifying the Geneva protocol of 1925. For that reason, I believe that the House of Representatives should urge President Nixon to resubmit the protocol to the Senate for ratification.

The House of Representatives can speak out clearly on this matter. We have a long tradition of concern about this area of warfare, starting with the leadership provided by Chairman Burton of the House Foreign Affairs Committee. I, therefore, urge the House to adopt this resolution expressing the sense of this body that President Nixon resubmit the Geneva protocol banning first use of gas and germ warfare to the Senate for ratification.

XUM

The cosponsors of this resolution are Messrs. JONATHAN BINGHAM of New York; JOHN BLATNIK of Minnesota, GEORGE BROWN of California, DANIEL BUTTON of New York, JOHN CONYERS of Michigan, CHARLES DIGGS of Michigan, BOB ECKHARDT of Texas, DON EDWARDS of California, WILLIAM FORD of Michigan, CORNELIUS GALLAGHER of New Jersey, AUGUSTUS HAWKINS of California, KEN HECHLER of West Virginia, HENRY HELSTOSKI of New Jersey, EDWARD KOCH of New York, ABNER MIKVA of Illinois, PATSY MINK of Hawaii, RICHARD OTTINGER of New York, BENJAMIN ROSENTHAL of New York, WILLIAM RYAN of New York, JAMES SCHEUER of New York, ROBERT TIERNAN of Rhode Island, MORRIS UDALL of Arizona, CHARLES WHALEN of Ohio, and HENRY S. REUSS of Wisconsin.

COMMENCEMENT ADDRESS AT KING'S COLLEGE DELIVERED BY DR. JAMES E. ALLEN, JR., U.S. COMMISSIONER OF EDUCATION

The SPEAKER pro tempore (Mr. BURKE of Massachusetts). Under a previous order of the House the gentleman from Pennyslvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, on Sunday, June 1, 1969, the members of the graduating class of 1969 were awarded their degrees at commencement exercises of King's College in Wilkes-Barre, Pa. As an invited guest and as a member of the board of trustees of King's College, it was my privilege to be present to hear the inspiring commencement address delivered by Dr. James E. Allen, Jr., who was recently appointed U.S. Commissioner of Education. In order that more of our citizens may have the opportunity of reading what Dr. Allen had to say to the graduates, I would like at this point to quote the text of his address, as follows:

ADDRESS BY DR. ALLEN

Father Kilburn, Congressman Flood, distinguished guests, and members of the class of 1969, I should like to begin by congratulating you on the achievements of King's College. In its relatively short history, your college has distinguished itself by growth in size and in academic excellence. This is important to a nation deeply convinced of the importance of quality education in the life of the individual, the community and the Nation. Your college, located in the heart of an urban complex with all the problems of all urban complexes today, is actively involved in helping to rebuild the city around it. This is important in a nation increasingly critical of the ivory tower university and increasingly disposed to look to higher education for the levers of social change.

I congratulate you further on having as your champion in the allied causes of education and community service so able an engineer of civic betterment as Congressman Flood. I know how fortunate King's College has been in having him as its patron because I know how effective he has been in the part of his work that touches the Department I represent. As chairman of the House Appropriations subcommittee for Labor, Health, Education, and Welfare, Congressman Flood has had a major part in many of the most significant improvements now being realized in education throughout the nation as well as in Wilkes-Barre.

This year's college commencements are again taking place in the glare of a spotlight. They are the focus of the attention not only of graduates, parents and others directly involved, but of a public mindful of the widespread turmoil and tension in so many of our universities.

The excessive manifestations that are generating much of this attention are regrettable not only in themselves but because they obscure and distort the more constructive aspects of today's unrest. Most commencement speeches will be tempered by these times, whether the speaker sees harm or hope in the developing trends.

There have been strong reactions of disgust, pessimism, almost despair. But underlying the increasing activism on our college campuses is, I believe, a lively stirring, a sense of change within the academic community that, in its potential for a revitalization of our higher educational institutions, justifies a hopeful feeling of expectancy about the future.

One reason for optimism can be found in the very nature of a commencement speech appropriate for today's graduating classes. In the past, a speech loyal to tradition would rely heavily upon the two elements of commendation and exhortation. It has been felt that one of the main responsibilities of the commencement speaker was to urge graduates to put behind them the carefree days of youth, to leave the happy halls of academe and to go forth into the world to begin the serious business of life.

To speak so today would be a gross misreading of the temper of the young, ridiculous, indeed almost insulting, in the face of a generation whose members are very early acknowledging an obligation for participation in the real concerns of man's search for dignity and meaning of life.

While such a setting does not substantially alter my conviction that the commencement speaker is the least essential ingredient of the occasion, it does provide the inspiration of trying to be worthy of the seriousness of purpose already shown by the graduates.

The seriousness of purpose of today's college students is already, and will increasingly be, a major factor in shaping change both within and without the college or university.

As more and more students have become more and more impatient with policies and attitudes that they feel deny expression of both their aims and their abilities, they have begun to seek new ways of expressing themselves and of finding means for direct participation in affairs of their concern.

Thus, we are witnessing a degree of student activism, relatively new in this country, which has generated a sense of "student power" that will make itself strongly felt not only on the campus but in all aspects of society.

It is not my intention in these remarks to deal with the more aggressive manifestations of statement unrest, except to say that worthiness of purpose cannot be used to justify or excuse violent, excessive and destructive forms of protest.

What is of more significance in the student activism now taking so many different forms is that it is a part of an awareness of the world and their place in it that characterizes the younger generation of today. This is, in my opinion, a great younger generation despite some of the far-out ways they choose for self-expression, and commendation in a commencement speech is a tradition that has even greater relevance than before.

In attempting objectively to evaluate and understand the new student activism and to anticipate its future development, it may be helpful to consider some of the reasons why this movement should be taking place now.

Certainly one of the basic reasons is the fact that this is a generation whose members have grown up with the knowledge that constantly hanging over their heads is the very real possibility of man's self-destruction. While this knowledge has generated a certain amount of cynicism, its stronger effect has been the creation of a sense of urgency.

Motivating young people also is the character of the times. Man's age-old problems of attempting to manage his environment and to humanize his relationships have attained in this age a magnitude and a complexity that will no longer allow delay and indecision. The much more difficult human problems are now rapidly superseding those of mere material advance. The imperative need to deal with such problems, and the possibility of finding solutions that offer real hope for the betterment of mankind's lot have a strong appeal to the idealism of youth.

Another powerful factor in producing student activism at this juncture is an environment that has nourished earlier competence and independence. Social customs, educational and parental influences have made this a time when there is opportunity for achieving maturity at an earlier age. Never have young people had greater freedom to move about, to express themselves, to make their own personal decisions. Earlier exposure to adult problems and experiences has produced a degree of youthful sophistication not prevalent in past generations. Transportation and communications, bordering on the instant, have given youth broad horizons which qualify them as citizens of the world both in experience and in knowledge.

It is not surprising then that the greater awareness of themselves and their world, and the better preparation for coping with the problems they identify, which mark this younger generation, should have also produced a deep disillusionment and a restless impatience which are among the most compelling reasons for activist behavior.

Eager for revolutionary change and the immediate correction of longstanding social ills and injustices, concerned young people have little tolerance for what they consider to be the failure of our traditional institutions to "get with it" and to adapt to change. They also have a profound distrust of conventional values and a supreme disdain for the gap between the preaching and the practice, the saying and the doing, which they see all too often in the private and public lives of their elders.

Most of the reasons for student activism have sufficient validity and substance to make reasonable the forecast that the movement will gain rather than diminish in force. With increasing emphasis on its constructive aspects, this is a development which will, I believe, result in renewed vitality and relevance for our colleges and universities. It will also help to revitalize our society and bring about more quickly the improvements and the new directions that are so desperately needed.

The picture of the graduating class as standing on the threshold of life is today an anachronism. The boundaries of the campus now, in reality, encompass the world, for the students their already so much involved in the practical affairs and real concerns of life beyond the academic.

With so much of the business of America and the world still unfinished and with so much barely started—it is heartening indeed to observe that perhaps the greatest awareness of this unfinished business exists in the young. Look at their activities, listen to their talk, read their writings and it will be very clear that their attention is focused on the areas where man's failure and shortcomings are most conspicuous.

The volunteer community service of youth throughout the Nation is a very good example of both their perception of need and their understanding of the kinds of action required.

I should like to share with you some representative examples of this kind of service.

An excellent model is New York's Urban Corps Program. This project, launched in 1966, has brought more than 6,000 students from over 150 colleges and universities into intimate association with the problems and prospects of one of the nation's most troubled cities.

A majority of these 6,000 and more have taken part in 12-week summer internships, and increasing numbers have been working part-time throughout the school year. A cross-section of the student population, ranging from freshmen to doctoral candidates, they work in such diverse areas as community development, medical technology, documentary film-making, legal assistance, and air pollution control. They have been assigned to more than 75 agencies and departments of the City government.

So well has the idea worked that last year the Ford Foundation issued a grant to promote the establishment of Urban Corps in other cities. More than 25 cities are now involved. A dozen such Urban Corps programs where students are actively engaged with the Nation's agenda for social reform are operating at this moment. A number of colleges in your state have consulted the Urban Corps National Development Office for guidance with their own student participation programs. I might also note that Philadelphia is one of the key Urban Corps cities.

Students in Michigan are leading the way in productive volunteer activities for all segments of the population of their state. There are currently some 10,000 student volunteers on the 27 different Michigan campuses. Their projects are mostly self-propelling. While the state maintains a division of Volunteer Services as an information center on volunteer programs for all the colleges and universities in Michigan, its help is more a matter of advice than money. Individual projects are as varied in character as they are numerous. One example is that of community gardens planted by agricultural students of Michigan State University in cooperation with inner city residents of Lansing.

In the south, students work with the Memphis Area Project-South which sponsors "clothes closet" to provide families with essential clothing in cases of need. This project also aids planned parenthood programs in South Memphis and sponsors nutrition classes designed to help the poor blacks of Memphis plan well-balanced meals.

I could cite many more—such as the foster grandparent project in Austin, Texas, recruiting low-income persons to work with retarded children; the special preparatory courses for future ghetto ministers at Atlanta University's Inter-denominational Theological Center; the prison extra-curricular activities fostered by a student group here in Pennsylvania.

This is positive activism that bespeaks concern, dedication and determination.

Peace, poverty, urban decay, segregation of races, the quality of our education system—these are the kinds of issues and problems that speak to the spirit of the young and that are bringing them forth into the fray.

With exhortation of youth then not needed as it once was, the commencement speaker is free to direct his words of exhortation elsewhere. The previous reference to unfinished business gives a clue as to the proper recipients—obviously the older generation. It is we who need to be stirred, and the stirring must take place in two simultaneous ways. The first is, of course, the arousal to a greater effort to deal with the business before us, to change attitudes, to throw off inhibiting traditions and to be willing to experiment and explore new methods and directions. Old dogs *can* learn new tricks, especially when survival is at stake.

But of even greater importance is the need to concentrate on ways of helping the young to realize the potential of their new sense of purpose and spirit of activism. This involves intensive efforts—far greater than yet evidenced—to provide full opportunity for first-rate education. It also places upon our colleges and universities the obligation to examine their policies and practices and to make those adjustments necessary for the proper exercise of student participation.

Wisdom, understanding, and, above all, patience, will be essential, for in force, character and degree the present student activism is, as I previously said, a relatively new experience in our country. There is historically, however, much precedent that should help in assessing and understanding our current situation. In other nations, the power of students has long been a factor in both the inner life of the universities and in effect of youth upon political and social development.

Bologna, the first of our western universities, was an institution of students, and the difficulty experienced there in the adjustment of citizens and students to each other is still reflected in the overtones of the phrase "town and gown."

The University of Paris was a university of masters—and there are many other examples of a structuring of university life that has given much more say to both students and faculty, allowing them a more influential role in both policy and administration.

Student influence can be seen also as a major factor in political developments such as the Revolutions of 1958 in Germany and Austria, in the fall of Czarist Russia, in movements for national independence for developing areas. In nations where education has been limited to a small proportion of the population, students have often spearheaded progress with advocacy for modern ideas of liberty, socialism, industrialization and equality of opportunity.

Seen in this perspective, it is surprising that a widespread determined drive for greater student power has been so long in coming in this country.

An attitude of flexibility and objectivity is essential in considering this new activism and its present and future effects. But such an attitude is made difficult because of the unfortunate excesses that have occurred in these first probing efforts to find means of effective participation. It is, however, the special role of elders to maintain perspective, to look beyond the immediate crisis, and to chart a course that will lead to emphasis upon the constructive aspects of a movement that holds so much potential for good.

It will be a grievous failure on the part of the older generation if we allow support of constructive potential to be sidetracked because of our rightful disavowal of the violent and disruptive tactics which have been used. Reaction to these tactics has already produced a demand for repressive measures, and this demand will likely grow in strength and fervor. But we must not be stampeded into hasty, ill-considered action, framed in reference to the immediate, with too little consideration of the possible long-range detrimental effects upon all the inherent principles, values and goals of education.

While the recent disruptions are most serious and cannot be lightly dismissed, there is a certain wisdom in the words of Russell Lynes who suggests that: "The trouble with so many of the middle-aged is they are shocked by the wrong things, the superficial extravagances of youth with which youth intentionally baits them."

Despite their generally greater seriousness of purpose, the members of today's younger generation are not without their own kind of frivolity and caprice, and, as is most natural, find a certain wry pleasure and satisfaction in the tug-of-war across the generation gap. But the truly significant thing concerning them is that while they may be extravagant, they are strikingly free of superficiality.

As the older generation, our task, in faithfulness both to ourselves and to our hopes for the future, is to respect the seriousness of purpose of the younger generation and to do everything in our power to achieve a coming together of the drive of youth and the experience of age.

Jean Piaget, one of the world's foremost psychologists, states his ideas of the goals of education in the following terms:

"The principal goal of education is to create men who are capable of doing new things, not simply of repeating what other generations have done—men who are creative, inventive and discoverers. The second goal of education is to form minds which can be critical, can verify, and not accept everything they are offered. The great danger today is of slogans, collective opinions, ready-made trends of thought. We have to be able to resist individually, to criticize, to distinguish between what is proven and what is not. So we need pupils who are active, who learn early to find out by themselves, partly by their own spontaneous activity and partly through materials we set up for them; who learn early to tell what is verifiable and what is simply the first idea to come to them."

These are, I believe, valid goals, and judged in such terms, the student unrest is not, as many people feel, a failure of our educational system, but rather an evidence of its success. Much of the difficulty of adjustment being encountered by the older generation stems from a contradiction between our willingness to endorse such goals for education and our unwillingness to accept the results of achieving them.

So, rather than challenging youth, it is they who are challenging us and it is, I believe, a most heartening and hopeful situation when exhortation is more needed by age than by youth.

President Nixon in an address entitled "Today's Youth: The Great Generation" said: "Our future leadership must provide our young people with a cause to be for; a commitment to the right to be unique; a dedication to social responsibility on a person-to-person basis."

Such goals indicate an increasing responsibility for government at all levels in promoting new relationships betwen government and the student population. There must be a new flexibility on both sides in pooling our efforts. It is my hope that the Office of Education can exert forceful and influential leadership in achieving these new relationships. This office in the past has been the facilitator of many constructive activities. Now, I hope that it can be something more, contributing an activism of its own to the cause of fruitful change.

As a part of our activism we have plans underway for more direct participation of the young in the planning for their future, including such things as ways of involving them in Departmental affairs at the policy-making level.

As part of already established programs, there will be 225 college students working in the Office of Education this summer and I hope to gain as much from them in new ideas as in the services they will perform in their various assignments.

In conclusion may I say again that in ways that are fundamental and serious, despite the more evident, highly regrettable excesses of expression, it is the students of today who, in their understanding, their attention and dedication, are leading the way. In their awareness of a responsibility to get on with the "unfinished business" of bettering mankind's lot, they are shaming the lethargy, the apathy, the blindness that have so tragically limited the efforts of my generation.

They envision a world that can be better not just for a favored few but the waiting many. They call for and deserve our support. I hope we shall not fail them.

My congratulations to you who are part of a generation that cares—and dares to act.

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FAILURE AT THE FCC

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, it has been painfully evident for some years that the Federal Communications Commission has been a dismal failure as a regulatory body. It has become a regulator in name only, and its constituency has changed from the public interest to the private interests; it serves not those it was intended to serve but those whom it was designed to regulate. The malaise at the Federal Communications Commission must in large part be assigned to the failure of Congress to provide it with a clear mission, and adequate funds and support to carry that mission out. If the FCC is today the tail to the kite, Congress must take its share of the responsibility for that fact, and take steps to correct the failure of the FCC.

The fact is that the vast majority of all television programs in this country are created, produced, and sold by the television networks. Local stations have little incentive to do more than the minimum necessary public service programs to retain their licenses. The networks do likewise. And even when public service programs are done, they are done with more of an eye on sales and ratings than on public service. The FCC has a staff of less than half a dozen men to check on the accuracy, objectivity and other aspects of programs that may be irresponsible. And even when there is a finding of irresponsibility the Commission itself is loath to act.

A broadcaster can today with immunity violate a law in order to promote a "news" event and find that the FCC will support this action, or at the very least not punish it. Thus, when WBBM-TV staged a marihuana party, it broke the law by procuring and distributing marihuana. The results were broadcast as an authentic, candid film of a "pot party." Yet the FCC found no reason to penalize the station for promoting this scene. Following the same reasoning, the FCC could approve of a station setting up an armed robbery and filming it for realism, and so much the better if someone got hurt.

Promoting play-acting and calling it news is dangerous, because it distorts the truth and can lead to disastrous liberties with factual coverage of legitimate news. If in the WBBM case the station had wanted to show the clinical effects of smoking pot, they could have obtained films made by perfectly legal and honest clinical research laboratories. But they were not interested in showing the effects of smoking; they wanted to show a pot party. This could be defended on one basis only, and that is good ratings and good sales, and maybe even a prestige award for excellent "reporting."

In the face of the FCC's approbation of tactics of this kind, it is no wonder that networks themselves, with tens of millions of viewers, find it tempting to manufacture and distort news, and call the result honest journalism. The networks, with their total hold over the production of news, and with their intense preoccupation with the minting of money, have nothing but their own consciences to hold them responsible. And anyone who views television programs today knows that the conscience of the typical network executive is very slender indeed. In fact I doubt that many television executives would be willing to be subjected to regular viewing of their own products. They cannot defend their programs on the grounds of taste, imagination, wit, enlightenment, or anything else except ratings and advertising sales. The result is sameness, dullness, formula packed, colorful, nothingness. In this desert there are a few programs devoted to news, and here the frightful irresponsibility of the networks, created and nurtured by a passive regulatory body, is most terrifying of all.

Once a month, or once every 2 weeks, the networks will come forth with an off-hour broadcast of a subject that is of special interest. Generally the depth of such shows is no greater than a reaching out for some color, but on occasion there is a real effort to arouse the public, or win a prestige award. Last year, CBS did such a program, and called it "Hunger in America" and they won an award for it. But the award makers, like most of the public, did not know that the show was in part faked, in part doctored, and in very large part wildly distorted. Will the FCC find it responsible when every investigator to look into the show found it untruthful, staged, and misrepresentative? Is deception in the name of sales covered by the first amendment? Is fraud honest?

Neither this case nor the WBBM case could have occurred, or would have been met with such passivity, had there not been a failure at the FCC. Had this regulatory body exerted its powers, and had Congress given that agency the means with which to exert its powers fully, and the backbone to match, I would not be making this speech today, because it would not be necessary. But the fact is that the FCC has not enough manpower, not enough clear direction, and not enough willpower to do its job properly. Part of this is the fault of this Congress, which must examine the failings of the FCC—which after all is a creature of the Congress—and correct those failings, be it through legislation, be it through better appropriations, or by a combination of actions. What we cannot afford is to let the FCC lie prone as the networks continue their arrogant accumulation of power over the airwaves, their flagrant disregard for quality programing, their complete abuse of news reportage, and their domination over the tiny agency that supposedly guards the public interest.

The basic law regulating broadcasting was written in a day when there were no networks, when there was no television, and when a great many radios were gadgets made of a crystal and cat's whisker. That law was written for an age of isolation—stations were isolated, people were isolated, and the country was isolated. But times have changed. The broadcasting industry today is not an adventure game, but a booming and enormously profitable enterprise. The electronic media are a primary source of news and entertainment, as they were never expected to be by the legislators of 1934. Yet the law remains unchanged. In face of a revolution in this industry there is no change in the regulation of it. It is little wonder that there has been a failure at the FCC. Must this malaise continue? I hope that Congress will act, and that it will bring the FCC back to life, so that its constituency will again be the people of this country, and not merely the broadcasters.

SOVIET PENETRATION OF LATIN AMERICA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 45 minutes.

Mr. RARICK. Mr. Speaker, over the past several months, there has been a spate of reports suggesting that Fidel Castro has abandoned his efforts to foment violent revolution in Latin America, and speculating that the United States is preparing to normalize relations with Cuba.

For example, according to an article in the Wall Street Journal, datelined Havana:

> The stage is suddenly and quietly being set here for a possible effort to restore diplomatic and trade relations between the U.S. and Cuba.

The initiative, states the article, is coming partly from the Soviet Union, which is joined "in diplomatic maneuvering" by "some key Latin American leaders."[1]

The Washington Post, in an article on April 30, 1969, entitled "Cuba Is Seen Phasing Out Its Guerrilla Role"[2] notes that no direct Cuban support of guerrillas has been detected since last November in Venezuela, long a prime target of Cuban intervention. The article states that Venezuela's defense minister attributes the change to "a conscious decision by the Cubans, plus greater vigilance by the armed forces." Thereafter, the thrust of the article is to suggest that Castro has halted his efforts to incite communist revolutions in the region.

The story continues with this statement:

> Evidence that Cuban direct intervention has ceased lends credence to a report, from East European sources, that Cuba has officially informed the Soviet-bloc nations of its decision to abandon aid to insurrection in favor of economic development at home.

While the Post story is carefully couched with qualifications, it is skillfully written to leave the impression that Castro has indeed agreed—at Soviet urging—to quit exporting violent insurrection to Latin America.

On March 30, 1969, the New York Times Magazine, carried an article by John Plank, former Director of Research for Latin America in the State Department and now a senior staff member at the Brookings Institution, entitled "We Should Start Talking With Castro." Mr. Plank, as the title indicates, urges the

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Footnotes at end of article.

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United States to begin in a dialog with Castro looking toward reestablishment of diplomatic and trade relations.

Meanwhile, last month, Gov. Nelson Rockefeller, accompanied by almost two dozen specialists in various fields, began a series of study missions to the capitals of 20 countries in Central and South America and the Caribbean on behalf of President Nixon. From the press coverage of the Governor's first two trips, it would appear that the question of Communist activity in Latin America has evaporated.

However, before departing on May 27 on the second leg of his mission, Governor Rockefeller held a brief press conference at the White House during which the issue was raised.[3] He was asked:

> There were reports for a number of years that Castro was exporting revolution to Latin American countries. When you visited the capitals did you detect that? Is that still a threat . . .?

Governor Rockefeller responded:

> Yes, it is a fact that there are men in the countries we visited who are going to Havana for training, young men, coming back to those countries, in virtually all of them. Now, how successful that is is an entirely different question. (Castro's) prestige is nothing compared to what it was.

The questioner persisted, asking:

> The main question is: is it still regarded as a threat?

Governor Rockefeller replied:

> They are still active. The question of a threat—you would have to get your definition of what a threat is.

The press conference ended shortly thereafter, with no further explanation of the matter.

I am perturbed by the picture that emerges from the rash of stories hinting at Castro's rehabilitation, the absence of any comment regarding Communist activities in Latin America in the press comments generated by Mr. Rockefeller's study mission, and by the line of questioning at his press conference which focused solely upon Castro and Cuba as the source of Communist danger in the region.

This concentration upon Castro ignores an elemental fact: Cuba became a serious menace only through its alliance with the Soviet Union. The real adversary, the real threat to hemisphere security, has been and remains the Soviet Union.

It is upon Soviet purposes, Soviet strategy, and Soviet tactics that we should be directing our attention. I propose, therefore, to examine the Soviet Union's Latin American policy in some detail. Only by understanding Soviet intentions, achievements, and limitations can a meaningful and effective U.S. policy be formulated.

A. SOVIET GOALS

From the outset, it is imperative to understand that the Soviets are bound to the Marxist-Leninist view that there can be only one final goal for all mankind. Despite talk of "coexistence," the Soviets invariably insist that the struggle between contending ideologies must be pressed relentlessly until communism rules the entire world and all competing political values have been eradicated.

The extensive literature by Soviet spokesmen makes clear that their revolutionary aim is to strengthen the forces of communism in every possible way, in order ultimately to extend the Communist system throughout the world.

Khrushchev stated that fundamental tenet of the international Communist movement on January 6, 1961, after the 1960 meeting of 81 Communist Parties in Moscow:

> The unity of the ranks of every Communist Party and the unity of all Communist Parties constitutes the united international Communist movement directed at the achievement of our common goal: the triumph of communism throughout the world.[4]

Nothing has happened subsequently to alter Khrushchev's appraisal of the role and mission of the Communist movement. The bitter dispute between the Soviet Union and Red China revolves in large measure around the proper tactics for achieving victory. But both hold that the triumph of Communist-led revolutions in every corner of the world is desirable and inevitable.

B. TRADITIONAL SOVIET POLICIES IN LATIN AMERICA

Historically, Soviet policy in Latin America has been one of limited involvement. Before World War II, the Kremlin had little success in the region and difficulties in controlling Communist parties.[5] Moreover, the Soviet Union believed the United States to be invincible in the area. In accord with this belief, known in Communist jargon as "geographic fatalism," Soviet leaders limited their tactics in Latin America to working through local Communist parties to attain support for Soviet causes, on the theory that anything that strengthened the Soviet Union, as the center of the Communist world, would fortify the overall movement.

The Soviet Union's decision to restrict itself to secondary maneuvers in Latin America was firmly based upon its leadership's perception of Soviet political goals that stretch back to 1917—to wit, that the preservation and strengthening of the Soviet Union come first, and Soviet efforts to expand the Communist system must be measured carefully in the light of potential risks and gains.[6]

The ease with which the Communist-dominated Government of Arbenz in Guatemala was overthrown in 1954 confirmed the Soviet's conviction of "geographic fatalism."[7]

C. THE ADVENT OF CASTRO

Castro's pell-mell radicalization of Cuba, tolerated by the United States contrary to Soviet expectations, took the Kremlin by surprise. Indeed, Edward Gonzalez' study "Castro's Revolution, Cuban Communist Appeals, and the Soviet Response," demonstrates conclusively Moscow's reluctance to embrace Castro.[8] Among the reasons for the Kremlin's hesitancy to become involved, Gonzalez notes the following, gleaned from the authoritative Soviet press:[9]

First. Cuba was geographically remote, militarily vulnerable, and beyond the immediate sphere of Soviet interests. The 1959 May Day slogans, always a barometer of Soviet priorities, listed Latin America after the other underdeveloped regions, and did not even mention Cuba;

Second. The fate of the Arbenz government in Guatemala still weighed heavily in Soviet thinking, evidenced by frequent references in the Soviet press to the "Guatemalan tragedy";

Third. The survivability and reliability of the Castro regime remained to be demonstrated;

Fourth. The favorable revolutionary assessments by the PSP—Cuban Communist Party—may have been exaggerated claims of one more foreign Communist Party bidding for Moscow's favor and support;

Fifth. Khrushchev's immediate foreign policy concern in mid-1959 was a summit conference with President Eisenhower, scheduled for September at Camp David, that could resolve the deadlocked Berlin crisis, and the Soviet Premier did not wish to jeopardize the meeting.

In sum—

Gonzalez concludes—

> Moscow valued the Cuban revolution insofar as the Castro regime disturbed inter-American solidarity, weakened United States hegemony in Latin America, and diverted Washington's attention to the Western Hemisphere.
>
> Nevertheless, the Soviets evidently hoped to realize these limited cold-war objectives with a minimum of direct involvement in Cuba and with the revolution retaining its liberationist but non-Communist character.[10]

Castro and the Cuban Communists, each for their own interests, worked for over a year to gain Cuban admittance to the Soviet camp. Castro, well aware of the Guatemalan precedent, wanted a firm commitment from the Soviet Union for protection against the United States; the Cuban Communists feared that Soviet nonengagement would result in their becoming "excess baggage" in the revolution.[11] To provoke the Kremlin into supporting Castro, the PSP cleverly exploited the Soviet Union's professed commitment to revolutionary expansion, and capitalized upon the growing Sino-Soviet dispute in which the Chinese were castigating Russia for its lack of militancy in support of fraternal revolutionaries throughout the world.[12]

The Soviets' unexpected toehold in Cuba, coupled with the U.S. defeat in the Bay of Pigs fiasco, seems to have enlivened Moscow's hopes for spreading communism in Latin America and dissolved their dogma of "geographic fatalism."

But developments soon dimmed the Kremlin's optimism for easy victories. The failure of various Castroite revolutionary attempts in the region, leading to the futile deaths of many comrades and crackdowns on local party "peaceful" activities, gave the Soviet Union reason to reevaluate its policy. Moscow was further chastened by the realization of its overextension in the missile crisis in the fall of 1962. A Soviet debacle far more disastrous than the Bay of Pigs failure was averted only by American failure to understand and fully exploit our advantage. Finally, our prompt Dominican intervention in 1965 clarified the continued existence of U.S. power in

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the region and our ability to utilize it effectively when motivated to do so.

D. CURRENT SOVIET STRATEGY IN LATIN AMERICA

These potential setbacks helped to cause the Soviet Union to adopt a more cautious course, but not to alter its aim. The Kremlin's long-range goal in Latin America remains the same: to isolate the United States and end its influence in the region.

To this end, Soviet efforts are now concentrated more on intermediate objectives, that is, on encouraging existing Latin American governments to resist the economic influence of the United States and to oppose U.S. policies in general.[13] In its present tactical stage, Soviet policy is to support programs strongly nationalistic in economic matters and independent in foreign policy.

In pursuit of its objective, the Communist parties throughout Latin America have been instructed to give conditional support to nationalist reform movements, whatever the coloration of the regime in power.[14] Analysts of Soviet theory and practice note that current tactics differ from old "united front" strategy.

Under the old united fronts, the aim was to increase Communist strength in key positions at the expense of their allies in order eventually to eliminate them, take over power, and destroy their organization.[15] Under the new policy, called national democracy in Communist jargon, the object is to occupy positions of power under national revolutionary leaders, then to win them over step by step for a "socialist" policy. The idea is to join reformers, and guide and push them through a "creeping revolution." Included in this strategy are increased diplomatic, cultural, and trade exchanges between the Soviet Union and Latin America, designed to relieve suspicions regarding Communist aims, create the impression of Moscow's sweet reasonableness, and to offer the Latin Americans an ostensible alternative to the United States.

A number of observers see Soviet preference for political and diplomatic action based at "creeping revolution" as a realistic appraisal of Communist opportunities at this stage in Latin America. Dinerstein maintains that the Soviet Union, spurred by bitter disappointments in Asia, Africa, and the Middle East, and weighted by the costliness of maintaining the Cuban economy afloat, has come to recognize the limit to the potential number of new Communist states which the Communist bloc countries could support.

Since "premature" Communist states that could not count on Soviet economic support might founder, with the consequent loss of prestige for the Communist bloc, Moscow much prefers to avoid the risk.[16] As another analyst of Soviet affairs notes:

> The committee to defend and subsidize one Cuba is onerous enough.[17]

Wolfgang Berner stresses the total primacy of domestic politics for Soviet leaders, and quotes a Pravda editorial of October 1965 entitled "The Supreme Internationalist Duty of a Socialist Country," which emphasized the Soviet leaders' determination to stop the excessive proliferation of Soviet foreign aid. It declared:

> The Socialist countries were concentrating their main efforts on the building of socialism and communism in their own countries, seeing this . . . their chief contribution to the development of the world revolutionary movement.[18]

Moreover, as Dinerstein notes, U.S. power in the hemisphere has given the Soviets pause about creating new Communist regimes in Latin America. The emergence of regimes in Latin America seemingly on the path to communism has been shown sometimes to provoke U.S. intervention. Such intervention is less costly to the Soviet Union when the loss does not involve a state to which the Soviets have made large commitments.[19]

Further, as Berner points out, Soviet leaders have strictly observed the principle that no territory, once integrated into the "Socialist camp," will ever be abandoned to the "class enemy." [20] The emergence of new Communist regimes in Latin America, exposed to U.S. intervention and far from Soviet sources of conventional weaponry, could risk nuclear war if the principle had to be defended—and on behalf of nations of little strategic importance to the Soviet Union.

Various Soviet publications, from which the Latin American Communist parties take their cue on policy matters, have spelled out the Soviet united front approach toward the ultimate goal of socialism. Writing in the World Marxist Review, Luis Corvalan, a leader of the Chilean Communist Party—one of the oldest and strongest Soviet-lining parties in Latin America—reminds the hotheads:

> Lenin warned against reckless ventures which, as a rule, cause senseless waste of lives and end in retreat.[21]

Instead, Corvalan continues:

> The important thing is to extend the anti-imperialist front and engage against the common enemy all sections of the public, including those who may not be admirers of the Cuban revolution and revolution in general, but who have taken a stand in behalf of Cuba's right to build socialism and the right of all Latin American peoples to opt for the system of their choice.

In direct conflict with Chinese and Cuban exhortations to seize power by force, Corvalan warns:

> Any attempt to impose the communist view on the other anti-imperialist forces . . . can but hamper unity of action and narrow the struggle against the common enemy.[22]

Abandoning the dogma of revolution by the proletariat, Corvalan declares: [23]

> The driving force of the revolution in Latin America comprises the working class, peasants (the majority of whom in many countries are Indians), students, middle strata and some sections of the national bourgeoisie. There are contradictions between them, but common interests in the fight against U.S. imperialism and the oligarchies predominate. This offers a serviceable basis for unity and calls for closer bonds. Our policy of united action by all anti-imperialist and anti-oligarchic forces builds on the belief that an alliance of workers and peasants, of the proletariat and non-proletarian elements is the best possible basis for an enduring and militant united front. To make headway, mutual understanding between proletarian and petty bourgeois revolutionaries is absolutely essential.

What is the role of the Communists to be? Corvalan answers, "forging the class consciousness of the Latin American proletariat and the anti-imperialist awareness of the peoples." [24]

The Soviet decision to tread a gradual road toward communizing the world has led to bitter denunciations by Castro and the Chinese Communists. In their view, the Soviet Union has an international revolutionary duty to respond with all its might, including the use or threat of nuclear force, in order to protect any country from imperialism.[25] Further, they view violent revolutionary tactics as the principal, if not the sole, mark of the true Communist revolutionary.

The Soviets, it should be noted, have not ruled out armed struggle. At the end of 1964, the Communist Party of the Soviet Union and the Communist parties of Latin America met in Havana where they adopted a resolution calling for "support in an active form to those who at present are subjected to severe repression such as the Venezuelan, Colombian, Guatemalan, Honduran, Paraguayan, and Haitian fighters." [26] Dinerstein interprets the Soviet endorsement of diverse revolutionary roads as a compromise to secure Cuba's support against the Chinese.[27]

Whatever the reason, Soviet policy of endorsing both peaceful penetration and violent revolution has created some embarrassing situations for the Kremlin. At the Tricontinental Conference in Havana in January 1966, the Soviet Delegate, Sharaf R. Rashidov, declared:[28]

> The Soviet people has always supported people's wars, the armed struggle of the oppressed peoples, and has been rendering them every possible support and assistance.
>
> We express fraternal solidarity with the armed struggle waged by the patriots of Venezuela, Peru, Colombia, Guatemala for freedom against the puppets of imperialism.

The council of the Organization of American States adopted a resolution denouncing the Tricontinental Conference as a violation of the U.N. Declaration of Nonintervention, while 18 members of the Latin American group in the United Nations addressed a letter of protest to the President of the Security Council. In a letter of reply to the group protest, addressed to the President of the Security Council, the Soviet Representative maintained that the participants at the Conference were "representatives of public opinion," not of the Soviet Government; charged that the letter as well as the resolution of the OAS Council contained "fabrications" and represented an attempt to divert attention from the intervention of the United States in the Dominican Republic and Vietnam; but went on to state that the Soviet Government condemns any foreign intervention in the domestic affairs of states, including those of Latin America, with which it wishes to maintain only friendly relations.[29]

Herbert Dinerstein has written a cogent explanation of the Soviets' ambivalence with respect to guerrilla warfare in Latin America. In view of the

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apparent dangerous trend in the United States toward ignoring the question of Soviet machinations in the hemisphere, I would like to quote Dinerstein's lucid account of how the Soviets are intricately involved in Latin American domestic affairs, despite any protestations to the contrary:

> At first sight, the Soviet Union's encouragement and support of guerrilla movements in Latin America, whether grudging or spontaneous, seem to contradict its estimate of the prospects for revolution in Latin America. But if the Soviet Union is to maintain its influence over Latin American parties (control being no longer in question), it must be responsive to their needs. When guerrillas are active in Latin American countries, the communist parties find themselves in a quandary. . . . The guerrilla leaders often are not Communists. Sometimes only a minority of them will be communist; in no case in the past have they all been Communists. . . . The established communist parties often are opposed to guerrilla activity because they are convinced that it will fail and that their support of any movements which they do not control may uselessly jeopardize whatever legal rights they have. However, in weighing their opposition, they have to take into account the danger of losing the support of young militants who admire those who are fighting. Most typically, the relations between the communist parties and the guerrillas are very strained. In the unusual case, a communist party may publicly denounce a guerrilla movement as a political mistake. But more commonly, communist parties will furnish limited support to the guerrillas and some personnel, in an effort to ensure some control over them and to avoid the onus of being against those who are "fighting with weapons in their hands." The police often arrest and harry the Communists, partly because they are in fact, though perhaps reluctantly, helping the guerrillas, and partly because they are concentrated in the cities and thus easier to catch. And if the Party suffers enough, it may try to get the guerrillas to desist. . . . Soviet Communists may disapprove of the tactics of a local party but nevertheless support it. . . . The Cubans are showing signs of greater discrimination in their support of guerrilla movements, and the Soviets still seem to be chasing the guerrilla movements leftward without being able to overcome the contempt of the guerrilla leaders for the old-line Communists.[30]

In short, the Soviet Union finds itself in the position of the man chasing after a frenzied mob, shouting, "Wait for me, I'm your leader." While grappling with the problem of how to assert control over Latin American guerrilla movements, the Soviet Union continues to pursue its long-range objectives of bringing labor and intellectuals, peasant groups and anti-American nationalists, under Communist influence.

E. DESIGNING DOGMA TO FIT REALITIES

Having recognized the liabilities of premature revolutions and the limitations of the Soviet ability to support revolutionary governments economically and militarily, Soviet theoreticians have sought to devise a rationale for their new approach of chipping the third world away from the imperialist camp.

Since 1962, Soviet policy toward the underdeveloped world in general has shifted toward a reliance on non-Communists to lead their countries along, what the Communists call, the noncapitalist path to development, and eventually into permanent reliance on the "Socialist camp."

According to the new theory, the Soviet bloc should support nationalist non-Communist leaders in underdeveloped countries, especially those who espouse creeping socialism in the form of state-owned and state-run sectors of their economies. The theory calls for economic development prior to communization, thus easing the financial burden which might otherwise be an undesirable burden on the Soviet Union, and avoiding the embarrassment which would accompany the economic failure of a prematurely announced communism.

Since the Soviet bloc cannot supply all the necessary capital and skills to create the "preconditions" for socialism, countries should welcome such assistance from the capitalist nations; if foreign capital is employed to strengthen state socialism rather than local private enterprise, so the argument runs, transformation from capitalism to Soviet-style socialism, that is, communism, will eventually follow.

Furthermore, the theory avers, the new engineers and technicians trained to run state-owned enterprises will unwittingly prepare the nation for communism because they will have a vested interest in pushing toward a state-managed, rather than a private enterprise, economy.

The Chinese have mocked the theory that non-Socialists will make socialist revolutions in spite of themselves.[31] Even Soviet analysts have raised some pertinent questions. A state-owned enterprise, say the doubters, unless run efficiently, as many are not, will discredit the idea that state ownership is necessarily advantageous.[32] Furthermore, in a mixed system, a state enterprise may provide substantial benefits to private firms. To illustrate: the Indian steel industry, a state enterprise, may actually be providing a direct subsidy to capitalists, by selling its output at low state-fixed prices to private firms that process the steel and sell their products at free market prices.[33]

Of the new Soviet theory, one observer notes that the Soviet Union, lacking the economic and military resources to pursue any other policy, has been forced to make "a virtue of necessity." [34]

By whatever tortuous mental gymnastics the Soviets seek to justify their actions to themselves, they have set about on a very practical course to exert their maximum influence upon the Latin American countries.

F. SOVIET EFFORTS IN LATIN AMERICA

"The Soviet "peaceful" offensive in Latin America, aimed at driving a sharp wedge between our neighbors to the south and the United States, is conducted by various diplomatic, economic, and cultural means.

Until 2 years ago, the Soviets maintained embassies only in Brazil, Argentina, Mexico, and Uruguay. In the past 2 years, they established full-fledged embassies in Colombia, Chile, and finally in Peru on February 1, 1969.

Under normal circumstances, the exchange of diplomatic personnel is a welcome means of facilitating international business and improving understanding. Keep in mind the critical fact, however, that Latin American Ambassadors who go to Moscow lead lives of limited access to what is really going on in the Soviet Union, like the rest of the Western Ambassadors. By contrast, the Soviet Ambassadors to Latin America and their staffs have the free run of the countryside.

With respect to the operations of Soviet Embassies, the Subcommittee on Inter-American Affairs of the Foreign Affairs Committee made some revealing comments in a report published last November. Of operations in Mexico City, the report reveals the following: [35]

> The Soviet Embassy in that city is one of the largest diplomatic missions there—and probably one of the key Soviet espionage and political agitation facilities in the entire world.
>
> There are some 100 Soviet personnel employed in the Embassy: more than 50 officers and a comparable number of wives. The latter, however, must be considered an integral part of the Soviet operation in Mexico; with the exception of the Ambassador's wife, each of them appears to have regular assigned duties within the Embassy complex. They serve as secretaries, bookkeepers, telex operations, kitchen help char force, and perform other work.
>
> There are no foreign nationals employed at the Soviet Embassy in Mexico City.
>
> In contrast, more than one-half of the staff of the U.S. Embassy in that city is composed of Mexican nationals.
>
> Intelligence and other covert operations can provide the only explanation for the size of the Soviet "diplomatic" complement in Mexico. The normal, legitimate functions of that Embassy are estimated to require a staff of about one-tenth the size of the present one.
>
> While the bulk of the Soviet "diplomats" in Mexico are assigned to consular, political, commercial, and other sections of the Embassy, their responsibilities clearly involve other duties. Most of the Embassy's sections dealing with the public remain open only a few hours each week. The officers assigned to them, therefore, either do an awful lot of resting—or engage in mischief.

It is appropriate to recall that immediately prior to the 1941 attack on Pearl Harbor the large Japanese Embassy in Mexico followed the same pattern of nonemployment of Mexican nationals—while it constructed and operated its covert Western Hemisphere intelligence and sabotage operations. In fact, Americans familiar with Mexico regard such employment policies as virtual guarantees that anti-American operations are being conducted by such embassies.

Such key Soviet operations in Latin America as their Embassy in Uruguay receives literally thousands of pounds of propaganda material each month for distribution.

Now, with embassies in Chile and Peru, Soviet couriers can operate on interior lines from Rio to Montevideo, across the River Plate to Buenos Aires, over the Andes to Santiago, and up the long Pacific coast to Lima. The opportunities for covert operations in the interior of the whole continent are obvious.

Only six Latin American countries do

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not have relations, at some level, with one or more Soviet bloc countries. These diplomatic gains by the U.S.S.R. and its satellites came mainly in the last 6 years. As a result of the rush of activity, this is the current picture in the major Latin American countries:

Argentina maintains full diplomatic relations with seven Communist countries: Bulgaria, Czechoslovakia, Hungary, Poland, Rumania, the Soviet Union, and Yugoslavia.

Peru, with six: Bulgaria, Czechoslovakia, Poland, Rumania, the Soviet Union, and Yugoslavia, and is negotiating with Hungary.

Brazil has five Communist embassies: Czechoslovakia, Poland, Rumania, the U.S.S.R., and Yugoslavia.

Mexico has full diplomatic relations with five: Cuba, Czechoslovakia, Poland, the Soviet Union, and Yugoslavia.

Chile has four Communist embassies: Bulgaria, Czechoslovakia, the U.S.S.R., and Yugoslavia.

Uruguay also has four: Bulgaria, Czechoslovakia, the Soviet Union, and Yugoslavia.

Colombia, three: Czechoslovakia, Rumania, and the Soviet Union.

Venezuela also has three: Czechoslovakia, Poland, and Yugoslavia.

Ecuador, one, Rumania.

Bolivia, one: Yugoslavia.

In comparison, the United States has seven Communist embassies—Bulgaria, Czechoslovakia, Hungary, Poland, Rumania, Soviet Union, and Yugoslavia.

Meanwhile, beginning in 1966, the Soviet Union and other East European countries intensified their efforts to step up trade with Latin America. Various trade missions from the U.S.S.R. and East European countries have fanned out over the region, making overtures regarding the establishment of trade offices or the upgrading of existing offices. In line with the new Soviet policy of peaceful penetration, the U.S.S.R. even signed a 4-year $100 million credit agreement in August 1966 with Brazil's stanchly anti-Communist Castello Branco regime that had overthrown Goulart's left-leaning government, upped its trade with Argentina under Gen. Juan Carlos Ongaña's military government and in January 1967 signed $57 million worth of credit and technical assistance agreements with the Chilean Government of President Eduardo Frei, who had dealt that country's Communist Party its biggest election defeat in history.

Despite the Soviet trade offensive, Communist-bloc trade with Latin America remains low, at less than about 1 percent of the total area trade. Given the high transportation costs and buyers' concern over spare parts, the Soviets cannot compete with other Latin American suppliers in Europe and the United States.[35] In fact, the large credit lines extended to Brazil and Chile have moved very slowly.[36]

Wolfgang Berner sees in the recent Soviet diplomatic and economic offensive an ulterior motive. He states:[37]

> The long-range objective of this new Soviet drive, combining economic diplomacy on the governmental level with reformist reasonableness on the part of local Communist parties, appears to consist in breaking up the trade blockade imposed by the USA and the OAS allies upon Cuba. It seems remarkable that the Soviet Union and other East European countries should have started in 1966 to offer all kinds of economic aid to an increasing number of Latin-American governments (including Argentina, Brazil, Chile, Colombia, Ecuador, Uruguay, etc.) while reducing systematically similar commitments in Asia and Africa. This striking change in Soviet policy toward Latin America, where up to 1966—with the single exception of Cuba—Soviet aid had always remained negligible, confirms the impression that the entire drive is related to a more important, more ambitious operation of higher priority.
>
> Many observations lead to the same conclusion: The aim appears to be a comprehensive transformation of the over-all situation in Latin America by careful investment of relatively small means. This input may, however, pay considerable dividends if the Soviets succeed in restoring Cuba to basic self-sufficiency and shaking off their own shoulders the tremendous burden of political, military and economic responsibility for the Castro regime.

Soviet overtures have found some Latin Americans receptive for a variety of reasons. Many are eager to find new markets for their products, of course. But certain psychological factors make the Soviets' job easier. A number of Latin Americans, many of them key intellectuals who are active and honored in local politics, frankly resent the material disparities of fortune in this hemisphere which make them the poor Americans, and us the rich.

Such members of the Latin American intellectual and political hierarchy are the most vulnerable targets of Soviet persuasion. They frequently feel inclined to yank a tail feather or two from the Yankee eagle. And a cozying up to the Russians, they also display their "independence from the United States," a condition politically desirable given the depth of nationalism in Latin America.

Furthermore, dealing with the Russians provides even a military government with a sheen of "liberalness," softening attacks from even our own liberals.

The Soviets, well aware that Latin American nationalism is their greatest asset for extending their influence, maintain a considerable propaganda program designed to exacerbate Latin American sensibilities regarding the United States. During 1968, the Soviet Union beamed the following broadcasts to the region: 73 hours, 30 minutes per week in Spanish; 17½ hours per week in Portuguese; 1 hour per week in Creole; 7 hours per week in Quechua, a language of the Andean Indians; and 3½ hours a week in Guarani, which is spoken in Paraguay—this last, a new endeavor begun last year.

The Eastern European bloc countries contribute their efforts, too. Their weekly hours of broadcasting to Latin America include: Albania, 38½ hours—over double the 1967 rate; Bulgaria, 24½ hours; Czechoslovakia, 31½ hours; East Germany, 26 hours, 15 minutes; Hungary, 12½ hours; Poland, 3½ hours; Rumania, 17½ hours; and Yugoslavia, 7 hours.

Cuba, whatever its differences with the Soviet Union, adds a loud voice to the din of charges against the United States reaching Latin America over radio. Cuban weekly broadcasts include: 163 hours, 20 minutes in Spanish; 14 hours in Portuguese; 6½ hours in French; 7 hours in Guarani; 7 hours in Quechua, and an additional 38½ hours each week in medium wave-length broadcasts to the Caribbean.

The Communist propaganda mill also keeps a number of book publishers busy in Mexico, Chile, Uruguay, and Cuba.

The keystone of the policy of the United States toward our neighbors to the south should be exactly what is required of our policy elsewhere in the world—enlightened self-interest. We should recognize that the development of each of the countries of Latin America is a matter of paramount concern to the people of that country, and that their particular path of development and their speed along that path need not be what we would select for them. Indeed, it need not be what we selected for ourselves.

Recognizing that there are material differences in present social structures, not only between our Nation and our Latin American neighbors but between each of these nations, is fundamental to the formulation of any policy in our relationships with these peoples. We should identify and aid the stabilizing forces in these nations, whether or not they are the same stabilizing forces which exist in our society. It has been a strange scene indeed to witness the many times when our policy in Latin America seems to be merely an extension of the Soviet policy. The very elements of the social structure of our southern neighbors which are the bulwarks against Communist infiltration and disorder are too frequently attacked by spokesmen for our Government as "undemocratic" and "reactionary."

Our enlightened self-interest requires us to encourage the development of stable and viable societies and economies in each and all of our neighbors. But it is important that our encouragement be in the form of honest and dependable assistance in the direction and at the speed which our neighbors choose to move—rather than forcing them to embark upon courses of our choosing regardless of their local conditions. It is also important that our assistance not be of the patronizing type—but that it be of the quiet, dependable type found among good neighbors who trust, understand, and by mutual respect help one another.

Effective Soviet penetration in the Western Hemisphere is possible only with the assistance—intentional or unintentional—of the United States. Such a situation seems insane, and indeed it is. But time and time again, in nation after nation, we have made the positions of our best friends untenable by our power response to situations vital to them but really of little importance to us. We have undermined the very leaders the Soviet must undermine, and have demonstrated that the cry "Yankee imperialism" has justification. Quiet diplomatic solutions to problems—not loud publicity to disagreements—must be a part of any successful policy.

We, in the Americas, have everything in common. None of us have anything in

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common with the Soviet. There is no reason that our ineptness should aid the Soviet in driving a wedge between us and our neighbors. There is every reason why each and every nation in the hemisphere, for our common interest as well as our individual interests, should cooperate understandingly with one another. This should be the keynote of U.S. policy toward Latin America—tolerant, sympathetic cooperation, in the orderly development, each in its own manner and at its own speed, of its own political, social, and economic system. Such a policy will lead to true hemispheric solidarity, to real internal and hemispheric peace, and is unquestionably in the enlightened self-interest of the United States.

FOOTNOTES

[1] "Some See Possibility U.S., Cuba May Restore Diplomatic, Trade ties." February 13, 1969, p. 1.

[2] By Lewis H. Diuguid, p. A16.

[3] Mimeographed press release. Office of the White House Press Secretary. Press Conference of Governor Nelson A. Rockefeller, May 27, 1969, pp. 2–3.

[4] U.S. Senate. Committee on the Judiciary. 89th Congress, 1st Session. Organization of American States Combined Reports on Communist Subversion. Washington: G.P.O., 1965. p. 14.

[5] Herbert S. Dinerstein. *Soviet policy in Latin America.* Santa Monica: The Rand Corporation, May 1966. Memorandum RM-4967–PR, p. 19.

[6] Philip E. Mosely. Communist policy and the third world. In: *The Review of Politics,* Volume 28, No. 2, April 1966, p. 212.

[7] Dinerstein, *op. cit.,* p. 1.

[8] *World Politics,* October 1968. pp. 39–68.

[9] *Ibid.,* p. 47. See also: Theodore Draper. *Castroism: Theory and Practice.* New York: Frederick A. Praeger, 1965.

[10] *Ibid.,* p. 48.

[11] *Ibid.,* p. 60.

[12] *Ibid.,* p. 63.

[13] Wolfgang W. Berner. Soviet strategy toward Cuba, Latin America and the Third World. *Bulletin of the Institute for the Study of the USSR,* July 1968, Number 7, p. 5.

[14] Dinerstein, *op. cit.,* p. 34.

[15] Richard Lowenthal, Russia, the One-party system, and the Third World. *Survey, a Journal of Soviet and East European Studies.* Number 58, January 1966, p. 55.

[16] Dinerstein, *op. cit.,* p. 11.

[17] Kevin Devlin. The permanent revolutionism of Fidel Castro. *International Communism,* January/February 1968, p. 8.

[18] *Op. cit.,* p. 6.

[19] *Op. cit.,* p. 4.

[20] *Op. cit.,* p. 7.

[21] Volume 10, Number 7, July 1967, p. 46.

[22] *Ibid.*

[23] *Ibid.,* p. 47.

[24] *Ibid.*

[25] Mosely, *op. cit.,* p. 212.

[26] Dinerstein, *op. cit.,* p. 30.

[27] *Ibid.,* p. 31.

[28] Council of the Organization of American States. Report of the Special Committee to study Resolution II.I and VIII of the Eighth Meeting of Consultation of Ministers of Foreign Affairs on the First Afro-Asian-Latin American People's Solidarity Conference and its projects. OEA/Ser.G/IV, C-i-769 (English) Rev. Volume I, 28 November 1966. p. 34.

[29] *Ibid.,* pp. 62–63.

[30] *Op. cit.,* pp. 31–33.

[31] Dinerstein, *op. cit.,* p. 15.

[32] Mosely, *op. cit.,* p. 230.

[33] *Ibid.*

[34] Dinerstein, *op. cit.,* p. 16.

[35] U.S. House of Representatives, 90th Congress, 2nd Session. Committee on Foreign Affairs. Subcommittee on Inter-American Affairs. *The new strategy of Communism in the Caribbean.* Washington: G.P.O., 1968. p. 3.

[36] Conversations with officials in the Department of State and Department of Commerce.

[37] *Op. cit.,* p. 10.

A research paper prepared by Lt. Comdr. Donald D. Pizinger, U.S. Navy School of Naval Command and Staff, which was printed in the Naval War College Review for April 1969 follows:

PRESENT SOVIET POLICY IN LATIN AMERICA

(By Lt. Comdr. Donald D. Pizinger)

(NOTE.—Lt. Comdr. Donald D. Pizinger U.S. Navy, did his undergraduate work at the University of Kansas, holds an M.S. in Oceanography from the U.S. Naval Postgraduate School and M.S. in International Affairs from The George Washington University. He has held various billets in destroyers, and his last operational assignment was Commanding Officer of the U.S.S. *Moctobi* (ATF 105).

(Lieutenant Commander Pizinger is currently assigned to the faculty of the School of Naval Command and Staff at the Naval War College.)

INTRODUCTION

The purpose of this paper is to draw conclusions regarding the nature of present Soviet policy in Latin America provided primarily from a review of recent Soviet literature. The first part of this paper deals with general Soviet guidelines for social revolution in developing countries. This will be limited to a discussion of the Soviet view of transition to communism in developing countries as it forms a framework and theoretical basis for policy in Latin America. The second part deals with unique circumstances in Latin America and their effect on Soviet policy. The final section draws together doctrine and reality into conclusions regarding present policy.

Much of the literature surveyed, especially that in *International Affairs* (Moscow), was authored by Soviet professors and institutional representatives. It represents some differences of opinion, although agreement on basics is far more singular than would be expected in Western literature. This literature may or may not represent the view of Soviet decision makers and, therefore, should be used cautiously as a basis for determining policy. However, it is useful to recall that the state is, in effect, the only publisher in the Soviet Union and need not tolerate literature which is too far afield from official thinking.[*] In any event, the literature does furnish some notion of the intellectual atmosphere in which Soviet policy makers move.

I—DOCTRINE AS A FRAMEWORK FOR POLICY

Noncapitalist Development. Beginning in the early 1960's, Western observers began to note important changes in Soviet doctrine toward the achievement of communism in developing countries.[1] This new theory of noncapitalist development grew out of several years' experience with the newly emerging countries of Asia and Africa and the underdeveloped countries of Latin America. The new doctrine decreases the role of local Communist Parties and violent revolution, while retaining the ultimate goal and inevitability of communization. Prior to the early 1960's Soviet theorists thought that developing countries would go through a multistage revolutionary process in which the Communist Party would play an ever-increasing role in the leadership of the revolution, culminating in the final classic seizure of power by the Communists. The new formulas for the advent of socialism have "whittled down independent community activity to the point that the radical regimes and non-Communist mass parties are recognized as performing the revolutionary tasks hitherto reserved to the proletariat and its party."[2] Supposedly, after a period of economic development and increasing concentration of economic power in the state, the effective political class will automatically convert to communism without revolution.[3]

There are 3 cardinal traits of noncapitalist development. First, the leaders of the revolution (such as Nasser of Egypt, Ne Win of Burma, and Boumedienne of Algeria) are revolutionary democrats and not leaders of the Communist Party. To be a revolutionary democrat one must profess to accept scientific socialism (Soviet socialism and not the Western brand of socialism) and be willing to cooperate with the Soviet Union.[4] Second, the vanguard role is played by non-Communist, mass parties and not by the Communist Party and the proletariat. With the progression of time, "Marxist-Leninist parties will be gradually formed and strengthened."[5] That is, the Communist Party will gradually be formed out of the non-Communist parties.

And finally, "being a transitory stage, noncapitalist development combines intermediate and mixed forms of economic relations" with private and state capital working together.[6] The eradication of capitalism is no longer seen as an abrupt and tumultuous process but is a gradual displacement. Western aid is not rejected. And to avoid serious economic harm, nationalization may be a gradual process. As one Soviet economist has observed,

"In contrast to countries taking the capitalist way, these states (on the non-capitalist path to socialism) join foreign capital in setting up mixed companies in which local bodies hold the controlling interest. . . . The basic difference between the countries advancing along the two opposite ways of historical development is that the capitalist-way countries regard foreign capital as a natural and permanent factor, whereas the noncapitalist-way countries see it as an inevitable but temporary measure."[7]

In other words, the theory calls for economic development prior to communization, thus easing a financial burden that might otherwise be imposed on the Soviet Union (and which might be an impossible burden if several countries needed support) and avoiding the possible embarrassment of countries prematurely announcing communism and then reverting back to the Western camp because of lack of economic support. Ironically, according to Soviet theorists, Western money builds the Communist society.

The new doctrine is still in the developmental stage and is subject to modification. Or, as one Communist article states it, "the Marxist-Leninist theory of noncapitalist development is enriched" through the experience of implementation.[8] "Advance" will be "neither easy nor automatic" and will require "considerable time."[9] Mistakes are expected and have occurred in the past. For instance, temporary "regression of the revolution" occurred in Guatemala in 1954 and more recently in Ghana and Indonesia.[10]

What are the reasons for this modification in the traditional formula for transition to socialism? Analysis from the Soviet Union relate it to complexity and diversity in the developing countries. Among the important variables from country to country are the degree of political consciousness of the masses, the degree of economic development, and quality of revolutionary leadership. This may be accompanied by general lack of development of a revolutionary proletariat and Communist Party. According to the Soviets, these complex and diverse factors call for the more flexible and realistic approach offered by noncapitalist development.[11]

As a Western observation, E. K. Valkenier, in an article in *Orbis* suggests this shift is ". . . a diplomatic gamble to out-maneuver the Chinese in their bid for the leadership of the Afro-Asian world. Unable to claim any

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racial or close economic affinity with these countries, the Soviets have sought to find a common 'revolutionary' language. They now accept the validity of the 'socialist' reforms introduced by Nasser, Nkrumah, and Ne Win, no matter how much this approach might flout the traditional Marxist concepts of class and party, of revolution and socialism." [12]

Soviet articles lend support to this interpretation. Mao Tse-tung is accused of being "leftist, petty-bourgeois," in opposition to a more conservative Soviet policy. For example, foreign policy specialists Prokopyev and Zhukov decry the "recklessness" of "leftism" and "leftist, petty-bourgeois" theories of China which would "push" and "speed up" revolutions with the help of war and which act as a "splitting activity." [13] Supposedly, these "leftist lines of Mao Tse-tung's group are causing great damage to the national liberation revolutions, thereby hindering the noncapitalist development of some countries and disorganizing the ranks of the revolutionary democrats [Soviet followers]." [14] Or, as the General Secretary of the Central Committee of the Communist Party of Chile recently stated, "Petty-bourgeois revolutionaries [Chinese followers] tend at times to underrate the workers and the Communist parties, to gravitate towards nationalism, recklessness, terror and, at times, even anticommunism and anti-Sovietism." [15]

In another Western view, H. S. Dinerstein, who is an American specialist on Soviet military power, states the modified formula represents concern by Soviet leaders that nuclear war might grow out of small-scale confrontations. "Peaceful transition to socialism" would reduce the possibility of United States-U.S.S.R. confrontation. He also feels the communization of Cuba demonstrated to Communists that traditional methods of transition were not necessarily models for today inasmuch as Castro achieved power as a non-Communist and *then* became a Communist, absorbed the party, and carried the country with him.[16] In sum, the present guidelines for transition to socialism in a developing country resulted from a combination of U.S.S.R. competition with China; secret concern for United States-U.S.S.R. nuclear war; lessons demonstrated by the Cuban revolution; and reality of the complexities connected with the developing countries as experienced in Egypt, Algeria, Indonesia, and elsewhere.

Guerrilla Support. While noncapitalist doctrine neither holds violent revolution as necessary in the transition to socialism nor encourages it, it should be observed that nothing in the doctrine denies "support" for guerrilla movements or wars of national liberation. In fact, a typical Moscow line regards "as just and supports wars in defence of the freedom and independence won by the peoples against imperialist aggression, wars for national and social liberation." [17]

In this connection, in January 1966 the leading Soviet delegate to the Solidarity Conference of the Peoples of Africa, Asia, and Latin America meeting in Havana declared that the Soviet Union was ready to give "all-around assistance" to the "national liberation struggles," going so far as to pinpoint targets in Latin America by expressing his country's "fraternal solidarity with the armed struggle being waged by the Venezuelan, Peruvian, Colombian and Guatamalan patriots for freedom against the stooges of imperialism." [18] As far as it is known, in the 2 years since the above statement, the Soviet Union has yet to give any significant material assistance. As a Western explanation, D. Tretiak regards this ambivalence in Soviet support of guerrilla movements as an "amelioration of ideological tensions" in a Soviet search for accommodation with Fidel Castro.[19] Castro has long contended that revolutionary violence is necessary to bring about any meaningful political change in Latin America. He claims that when boldly led guerrilla units can take to the field and sustain themselves there, they will precipitate the conditions which will assure their eventual success. He has been openly critical, even scornful, of the traditional Communist doctrine that the urban proletariat (blue collar worker) should be the focus of revolution and contemptuous of the newer Soviet line that peaceful means to socialism are acceptable for Communists in many countries today.[20] At the time of the 1966 Solidarity Conference, Castro particularly criticized Latin American revolutionaries who wasted time in "theorizing" and urged preparation for "a most violent struggle." He said that "sooner or later, all or almost all" peoples of Latin America would have to take up arms to "liberate" themselves and called for a "joint spontaneous struggle." [21]

Dinerstein agrees that verbal support by the Soviet Union helped ease Soviet relations with Cuba and further suggests that, from the Soviet point of view, verbal encouragement to active guerrilla movements in Latin America ". . . is a way of preserving some influence over revolutionary situations. . . . The Soviets probably feel confident that these guerrilla movements will not succeed in overthrowing governments and setting up communist states, for, if this were to happen, the Soviet Union would find it embarrassing not to help such new states and yet very dangerous to help them. Most likely, the Soviets assume that the United States would intervene before matters reached such a point, and that American intervention, in turn, would provide justification for the Soviet Union's general policy of supporting anti-Americanism in Latin America." [22]

Briefly stated, the Soviet Union will provide verbal support for political expediency and convenience without particular concern for idealogical considerations, or without actually intending to provide material support. The result is opportunism and flexibility within a framework of low risk—as appears to be the present situation in Latin America.

Conclusions. The doctrine of non-capitalist development supports a policy of using local forces—nationalist leaders, non-Communist groups, and Western capital—to perform the revolutionary tasks hitherto reserved to the proletariat and the Communist Party. Moreover, it asserts that properly controlled "imperialist" capital may be useful or even necessary, that armed revolution is not mandatory, that the transition to socialism may take a long time, and that there may be setbacks. In short, non-capitalist doctrine supports a policy which is inexpensive and low risk. And while it offers no guarantee of success, it does offer some promise, and it may be expensive and frustrating for the United States and the countries of Latin America to counter.

The next section discusses a number of somewhat unique aspects in Latin America which tend to compound policy problems for the Soviets and reinforce the wisdom, or perhaps necessity, of following the present, inexpensive, and low-risk policy.

II—UNIQUE ASPECTS AFFECTING SOVIET POLICY IN LATIN AMERICA

United States Dominance.

"U.S. imperialism is . . . the main, direct *external* enemy of the peoples of *all* the Latin-American countries. For many of them it is the main enemy . . . .[23]

"Enemy number one is U.S. imperialism. . . .[24]

These statements leave no doubt that United States dominance in Latin America is a rallying point for Communist attack. Their attacks and frustrations are echoed in vociferous, verbal complaints regarding U.S. economic, political, and military influence.

Four facets of U.S. influence receive considerable space in Soviet writings on Latin America. They are the Alliance for Progress, the Peace Corps, the non-existent Inter-American Armed Force, and U.S. "monopoly" investments. The first three may be all the more annoying because they seem to have been a United States response to the communization of Cuba and reinforce the veracity of President Johnson's 2 May 1965 statement that "the American nations cannot, must not and will not permit the establishment of another Communist government in the Western Hemisphere." [25]

Alliance for Progress is criticized as anti-Communist and a "counter-revolution" against real reform (as it supresses the national liberation movement). It is also criticized as being primarily beneficial to the ruling elite (it helps them stay in power), big landowners (they can sell their "wastelands" under land reform), and U.S. monopolies (it preserves their status quo) [26] Two Communists, one Soviet and one Latin American, see the program as having had a dangerous success is delusion.

Early in 1967 the Soviet writer commented:

"In the five years of Alliance for Progress, U.S. ruling circles succeeded in slightly strengthening the positions of the national bourgeois groups (nonrevolutionary, middle class) inclined to look to the United States in some Latin American countries, and in sowing dangerous illusions among small sections of workers, employees and peasants concerning the sincerity of U.S. intentions." [27]

The commentator from Latin America expanded on the problem of the "illusion" and its danger to communism:

"We cannot 'repeal' the facts. In their daily life people take guidance from what they see, from the concrete circumstances, and we have no earthly reason to assume that all the social projects of the pseudo-reformists will be stillborn. Some have been partly realized, which has had its effect on the public sentiment, especially in view of the extreme poverty of the bulk of the people. Some measures (building houses and schools, sanitation, land amelioration, etc.) financed by Alliance for Progress funds, alleviate the lot of the few but they sow illusions among many. And charities sponsored by such U.S. 'aid' organizations as Care, Caritas, Food for Peace, and by some West-German agencies, add to these illusions.

"Illusions about the benevolence of a government, Church, charity organization or 'generous' employer may become a peril of the first magnitude if they are nourished for decades by reforms and begin to act as an opiate." [28]

In short, these Communist writers see winning of the minds through peaceful reform as a real danger to the Communist movement.

The Peace Corps is seen as "a vanguard of U.S. imperialism whose task is to help disarm the national liberation movement in Latin America ideologically." Its "main task . . . is to advertise the American way of life, sell U.S. domestic and foreign policy, present an attractive picture of capitalist development and fight communism." [29] No Soviet writer made a favorable comment on this program—thus indicating it may be a U.S. success.

One of the favorite Communist topics is the Inter-American Armed Force, even though it does not exist (and in this writer's view is not likely to be implemented). Nonetheless, Communist writers see 4 dangers in its use. First, the establishment of a joint armed force presupposes a joint foreign policy and hemispheric cooperation.[30] Second, it might be used "to unleash a 'holy war' against Cuba." [31] Third, it could "crush the popular movements in Latin America . . . or any other country where a situation may

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arise imperiling U.S. imperialist interests."[32] And fourth, "it has been estimated that this would allow" the United States "to put at least 20 million Latin Americans" under arms and create a "reserve for its military gambles outside the Western Hemisphere."[33]

Some of the discussions leave the impression that the authors have written ominous propaganda about something nonexistent in order to receive credit for it not being put into effect. On the other hand, other writers are genuinely critical from their viewpoint of existing inter-American military and police aid (about $90 million from the United States, in fiscal year 1967) as it forms a base for anticommunism and U.S. influence.[34] They are therefore critical of any military program which might extend this influence.

In reviewing U.S. economic domination. Gvozdev and Leonidov consider U.S. investment amounts to $15 billion (75 percent of all foreign investments in Latin America) and controls 25 percent of all industrial production and half of Latin America's exports. It is this extensive U.S. economic domination which combines with "military-political projects" such as Peace Corps and Alliance for Progress to form the "aggressive U.S. policy in Latin America."[35]

Many Westerners would agree that the dominant presence of the United States, coupled with an anti-Americanism inherent in Latin American nationalism, creates problems for U.S. policy and exploitative possibilities for Soviet policy. For example, in 1958 Louis Halle, in discussing American aid to Latin America, stated:

"Though the intention has been to provide a kind of economic development that will make the Latin American republics more independent, more able to stand on their own feet, it has seemed to me that these aid programs might be having the opposite effect, that they have in fact been promoting a habit among the Latin Americans to look to the United States for the solution of their problems, and to hold the United States, rather than themselves, responsible. If a Latin American country is in bad shape, its citizens and its officials are likely to ask, today, what the United States is going to do about it."[36]

More recently, *Newsweek*, in reporting increasing anti-Americanism in Brazil, contained a quote from Washington, "We are not unduly concerned, said one Administration official last week. 'There is a great sense of frustration in Brazil, and the U.S. as the big boy of the hemisphere is the traditional target of that frustration. Things are merely back to normal.'"[37]

This "normal" situation provides fodder for Soviet propaganda. A general impression of Soviet literature is that all Latin American ills can be blamed on U.S. imperialism, and substantial space is devoted to propagandizing it. This Soviet task is made easier by the lack of their own presence and influence, as well as geographic separation.

The Assistant Director for Latin America of the U.S. Information Agency, Kermit Brown, has testified:

"The Communist propaganda effort in Latin America has traditionally availed itself of targets of opportunity and its success or failure has depended in large part on the prevailing winds of official and public opinion. Although there has been no recent dramatic increase in the amount of Communist propaganda or influence in the area, there is evidence that the Soviet Union, in addition to lending support to terrorist activities, has simultaneously embarked on a subtle, 'soft sell' propaganda program whenever and wherever they are permitted to operate. . . . Soviet Communist propaganda strategy for Latin America is directed toward the destruction of U.S. power and influence in the area and ultimately the imposition of Marxist-Leninist regimes throughout the hemisphere. In its present tactical stage, the Soviets' aim is to support programs strongly nationalistic in economic matters and independent in foreign policy."[38]

Briefly stated, Soviet policy recognizes weaknesses inherent in U.S. domination and uses these as rallying points for its own political purposes. One of its primary political tools is propaganda. The Soviet Union believes that Cuban communization has inspired the United States to adopt a strong anti-Communist policy in an effort to preclude another Cuba-type revolution in Latin America. Therefore, they are encouraging and utilizing inherent anti-Americanism to counter U.S. dominance.

Latin American Economic Development. Latin America has economic characteristics of both the developed and underdeveloped world. This is partly because "most of the countries of Latin America won state independence a century and a half ago, when capitalism was still a necessary stage of social and economic development for the colonial people."[39] In consequence, the countries of Latin America, when compared to new Asian and African nations, are already further along the capitalist path to development.[40]

Further, within the economic setting of Latin America there is a fairly large "worker class" not interested in communism as a method of reform. According to one author, the blue collar "working class" together with clerical workers constitute more than 50 percent of the gainfully employed population.[41] The lack of interest in communism by the Latin American working class movement in general and the trade unions in particular is explained by ". . . the fact that the Latin-American working class is better off than the downtrodden rural masses. Because of this many who recently left the countryside to find steady employment in the towns feel that they have radically improved their social and economic status, effecting what might be called their own 'private revolution.'"

In other words, a peasant can improve his status by moving to town, and "the rapid influx of new contingents of workers in 1940–55" has produced a large group who can remember when they were much worse off.[42]

The result of these factors is that a number of countries are already well along the capitalist path to development and lack mass parties interested in following the Soviet scheme of noncapitalist development. When tied with social and political factors, discussed later in this paper, it is easy to see why Soviet strategy adopts a "united front" policy which seeks to join together reformers, both Communist and non-Communist, in a "creeping revolution" formula. Included in this formula are increased diplomatic, cultural, and trade exchanges between the Soviet Union and the countries of Latin America.

Thus far, the Soviet Union has had little economic exchange with Latin America, although new trade agreements have recently been concluded with Brazil, Chile, and Colombia.[43] Previously, very small amounts of trade have existed with Argentina, Uruguay, and Mexico.[44] The total 1966 Soviet trade exchange with non-Communist Latin America was about one quarter of that with Cuba.[45] In general, the countries of Latin America have been reluctant to trade with the Soviet Union because of the Soviet Union's preference for barter. Also, a country may find its supply of convertible currency adversely affected because it has less coffee, sugar, meat, or mineral output available for sale in the West.[46] Nevertheless, the Soviet emphasis is on increased trade, not only in Latin America, but all over the world.[47]

Thus it is that economically, Latin America poses handicaps to successful Soviet domination. The countries are Western oriented and considerably more advanced than those of Africa and Asia. Additionally, the fairly substantial worker and trade union movement is not interested in revolutionary economic reform, including communism. Trade and aid, which are major instruments of Soviet foreign policy in some developing countries, have thus far had limited application for the countries of Latin America, although there is now increasing Soviet emphasis on trade.

Latin American Social and Political Development. There are numerous social and political factors of interest in Latin America; however, only those which have major implication for Soviet policy will be discussed. These are nationalism, and the groups which play a major role in it, and diplomatic and cultural relations between the Soviet Union and the countries of Latin America.

Nationalism, as a force for modernization, would exist in Latin America with or without a Communist menace. Anti-Americanism, itself, has long been one of the chief ingredients of nationalism in Latin America and existed prior to the development of communism in Russia.[48] What is significant is that Soviet policy seeks to intensify nationalism and anti-Americanism. J. Gregory Oswald has stated.

"Soviet scholars, outspoken proponents of the Communist cause, carefully study this mysterious force (nationalism), determined to employ it against reformist moderate forces seeking the middle way for their nations."[49]

As previously alluded, this intensification is shown in "the Soviets' aim . . . to support programs strongly nationalistic in economic matters and independent in foreign policy."[50]

Achievement of Soviet aims, however, is handicapped by local intolerance for communism, especially Castro communism, among all groups except intellectuals, playing a major role in development of nationalism. Discussing this, Whitaker and Jordan list 4 major groups who play the predominant role in this development of nationalism—the armed forces, the middle class, the intellectuals, and organized labor. The armed forces and middle class are probably the most important. In some countries the bureaucracy, the Church, and the political parties may be added as separate entities, although in most cases they operate through one or another of the 4 major groups.

In discussing each of the groups, Whitaker and Jordan conclude that the armed forces, meaning its officer corps, and the middle class, while fragmented on the issues of nationalism, are similar in that ". . . there are extremes that no substantial part of either of these two groups is likely to tolerate. The populist type is almost certainly such an extreme, especially if it has a Castro-Commmunist flavor.

"The intellectuals, including the university students, present a picture of utter confusion. Most of them are nationalists but their types of nationalism vary with their political affiliations, and those are widely assorted. According to a recent study, they provide 'a significant percentage of the new members drawn into the Communist party' and provide most of its top leadership. Many more of them are anti-Communist Marxists or left-wing democrats, and a respectable number are middle-of-the-road liberals or out-and-out conservatives. . . . A new type of intellectual leader, the economist-in-politics, is appearing as modernization progresses."

The technocracy of Mexico is nationalism of this "new type."

Discussing organized labor, Whitaker and Jordan conclude its ". . . political power . . . is still curbed in one way or another by strong forces hostile to that kind (populistic) of nationalism. Moreover, the labor leaders themselves are restrained by the risk

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that populistic nationalism may end in Castro-type regimes. They are well aware that Castro destroyed not only the existing armed forces of Cuba but also the existing labor organization and the freedom of labor."[51]

Whitaker and Jordan have been quoted because of the similarity of their conclusions to those of some Soviet writers. In discussing the military, A. Shulgovsky states:

"Of late, nationalist trends have become clearly evident in Latin American military circles. . . . In the armies of Argentina, Brazil, Peru, and some other countries, nationalism is identified with the national dignity of the country, the independence of its foreign policy and its equality within the framework of the 'Western world.' Nationalists of that trend do not object to military co-operation with the U.S.A., but want to preserve national control over the armed forces, do not want them to become a pawn in the Pentagon's global strategy."

In Colombia, Peru, and other countries "there are military groups who associate the idea of nationalism with the demand for the implementation of far-reaching social reforms." However:

"It should also be remembered that the military holding views closely approaching those of the radical, revolutionary forces—and there are such generally leave the army (or to be more exact, are pushed out of it). . . . The view that the army has to play a decisive role in the revolutionary processes unfolding in the countries south of the Rio Grande is therefore completely erroneous. . . . Moreover, the history of the Latin American countries offers many instances of the armed forces becoming the gravediggers of the liberation movement.[52]

Guatemala in 1954 and Bolivia in 1964 are given as examples of the latter.

Moscow-printed *Soviet Foreign Policy,* in discussing the Soviet view of the interests of middle class and organized labor, states that:

". . . the working-class struggle in Latin America is impaired by conciliators and opportunist elements, who are particularly numerous in the trade union organizations. They hold posts of prominence in the trade unions of many Latin American countries and are inclined to strike deals with the big local and foreign bourgeoisie (middle class capitalist), injecting division into the labor movement. . . . The national bourgeoisie (middle class, such as small merchants and industrialists whose interests are primarily nationalistic), which dreads the growing struggle for liberation and the social demands of the people, is hesitant and uncertain in carrying through measures designed to win economic and full political independence."

Nationalistic middle class seek the middle way instead of extremes.

"The bourgeois and petty-bourgeois (middle class, salaried workers) political parties, alignments and groups, joined in some countries by trade union leaders, follow a line of conciliation.[53]

In other words, organized labor and the middle class are not revolutionary spirited. Indeed, there is no one large group interested enough by itself to enact the Communist strategy. Hence, the "united front" policy becomes almost a necessity.

Establishment of diplomatic, cultural, and commercial ties is a useful adjunct to the "united front" policy as a communications link to radical and subversive reformers and as a base for general propaganda and influence. In any event, *Soviet Foreign Policy* states,

"The Soviet Union is doing its utmost to invigorate relations with the Latin American countries. . . . Soviet relations with the Latin American countries. . . . have made progress despite the barriers artificially raised by internal reaction and the U.S. imperialists. . . . And even though the U.S. imperialists stop at nothing—not even at overthrowing lawful governments—to prevent Latin American countries from pursuing an independent policy, events will nevertheless take their own course."[54]

Historical inevitability will triumph!

The Soviet Union maintains diplomatic relations with Argentina, Brazil, Chile, and Uruguay in the south; with Mexico in the north; and, as of January 1968, with Colombia, a bridge linking the north and south.[55] Uruguay is the principal distribution point for Communist propaganda, although there is a considerable amount in all the countries with Russian Embassies.[56]

Binational cultural centers are established in a number of provincial cities in Chile, Colombia, Mexico, and Uruguay. These centers and such things as cultural exchanges, trade fairs, and educational services serve as a point of entry into political and business circles. However, their effect on attitude has not been significant. A. U.S. Information Agency research survey shows that:

"A large majority of the Latin American people continue to maintain strongly negative attitudes toward communism as a system of government which they tend to equate with totalitarianism, toward the Soviet Union and Red China as nations, and toward Castro and the Cuban experience. At the same time, these studies and surveys show a continuing reservoir of good will toward the United States, despite manifestations of misunderstanding, deep-seated criticisms and resentment of certain of our policies and actions."[57]

This would seem to indicate that Soviet expansion of diplomatic, cultural, and commercial exchange has had little short term impact.

In summary, Soviet policy encourages radical nationalism through a combination of propaganda and "united front" cooperation of radical reformers and established Communist Parties. Its aim is to intensify anti-Americanism and internal discontent. However, success is partly negated by the anti-Communist nature of most nationalist groups. Direct Soviet contact is being increased by an expansion of diplomatic, cultural, and commercial exchange.

Communist Party Organization in Latin America. Communist Parties exist in all the countries of Latin America, with widely varying strength and status. In some countries, such as Chile and Uruguay, the Communist Party is legal and well established. In others, such as Nicaragua and Paraguay, it is illegal, and its activities are necessarily limited to clandestine operations.[58]

All Communist Parties have been represented in recent international conferences, such as the January 1966 Solidarity Conference of the Peoples of Africa, Asia, and Latin America held in Havana; the March and April 1966 meeting of the 23d Congress of the Communist Party of the Soviet Union in Moscow; and the Organization of Latin American Solidarity in Havana in July and August 1967.[59] The organizational meetings in Havana are of particular note in that they underscore an attempt for unity and the establishment of a permanent Latin American Solidarity Organization in Havana. However, even though the steering group for the Solidarity Organization was established in early 1966, it has yet to make much impact on the organization.[60] Nonetheless, the organization is a potential base for unified propaganda, material, and training support.

Numerous writings by Latin American Communists stress the need for party unity and condemn factionalism. A recent statement of the Communist Parties of the 7 Central American countries anonunces, "Each party has the right to pursue its own line in accordance with concrete conditons prevailing in the country."[61] Basically, this is aimed at curbing indiscriminate Cuban encouragement of revolution which, as it now exists, causes quandry in the local parties. In some local situations Cuban propaganda—Radio Havana is a major propaganda instrument—encourages young rebels and revolutionaries into premature action which is embarrassing to the local party. The local parties do not want to lose the support of young militants or bear the onus of being against those who are fighting with weapons in their hands, while at the same time they do not want to support operations which are bound to fail or may provide the local government with an excuse to crack down on the Communist Party.[62] In summary, the orthodox Communist Parties strongly support the communization of Cuba but are opposed to Cuba's militant stand with the resultant in-country complications for them.

This situation presents several policy problems to the Soviet Union. In order to maintain influence over Latin American Parties, Cuba included, it must be responsive to their needs. It is doing this by supporting the need for unity and by offering a limited form of moral support to guerrilla groups that is acceptable to the local parties and partially acceptable to Cuba. It is by no means an ideal situation for Moscow; however, it does have the virtue of avoiding seriously embarrassing complications for the Soviet Union. This appears to be a realistic middle-of-the-road approach until such time as there is greater likelihood for successful Communist takeovers. As a policy that encourages local parties to give conditional support to nationalist reformist movements, it is consistent with the theory of noncapitalist development.

A future problem for Soviet policy may be that of having to choose between support of local Communists or nonsupport in sacrifice for its own political gains. As Soviet diplomatic and commercial ties increase, they may well be faced with a decision similar to that in Egypt, when Egypt declared the Communist Party illegal. When the political inroad was important enough, the Soviets have not hesitated to make political compromises, including acceptance of destruction of the local Communist Party. This situation has not yet arisen in Latin America, but it may arise as the Soviet Union seeks to gain acceptance by local governments. In brief, a nonmilitant policy is probably necessary to consummate political ties between the Soviet Union and the countries of Latin America, and it may require deemphasis of established parties.

Cuba. The surprise communization of Cuba in the early 1960's raised the expectations for communism's spread to other countries of Latin America. However, after the missile crisis of 1962, Latin American Communist Parties became less responsive to Cuba's call for revolution—a decline which has continued to this day. The main irritants in Soviet-Cuban relations since 1961 have been the debate over the correct means for Communist Parties to take power and the direction of Cuba's economic development. Both countries eventually yielded to accommodation.

In connection with Cuba's economic development, Castro acceded late in 1965 to Moscow's insistence that Cuba concentrate on increased agricultural output instead of industrialization. In turn, Moscow provided some degree of support for Castro's revolutionary goals.[63] This consisted of vocal support for armed struggle during the African, Asian, Latin American solidarity conference in Havana early in 1966. Also, prestige for Cuba was derived from the establishment of the Organization for Latin American Solidarity in Havana and associated continental meetings. Complete accommodation has yet to be achieved, although the present tendency is for all groups—Cuba, the Soviet Union, and local Communist Parties—to

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compromise. Nonetheless, Castro still appears to be a compusive revolutionist and, to some degree, unpredictable.

R. A. Stevenson, who is coordinator of Cuban affairs in the U.S. Department of State, views the principal contributions of Cuba to trouble in Latin America as threefold—training, propaganda, and material support, in order of importance. In the same report, Brigadier General Brown of the Defense Intelligence Agency, reports the training and indoctrination of "several thousand Latin Americans" in Cuba and of at least 4 proven instances of direct Cuban support to insurgent groups. In propaganda, Radio Havana is the primary source of Cuban propaganda with an average at the end of 1966 of 163 hours per week to Latin America.[64] However, listener response is reported as "poor" due to difficulty in reception and "dull programs." Mr. Stevenson concludes, "In my personal opinion he [Castro] is still a threat. [However] I think that each year he is a failure and doesn't achieve all the things that he talks about, that his influence and his image are tarnished."[65] Recent emphasis in increasing unilateral ties between the Soviet Union and countries in Latin America is another indicator of Cuban decline. Additionally, the Organization of American States has taken an increasingly hostile view of Cuba and communism in Latin America, further decreasing Cuban prestige and effectiveness.[66]

In summary, although the major irritants to Soviet-Cuban relations have yielded to accommodation, Castro is still a combination of bitter and sweet—an independent dependent. Cuba symbolizes Communist success in the American backyard. However, so long as Cuba remains defiant of both the Soviet Union and the established parties in Latin America, its usefulness as a staging area is downgraded.

III—CONCLUSIONS

Traditionally, Soviet policy in Latin America has been one of limited involvement. Until recently it sought to work through the local Communist Parties in the achievement of its goal, using the Russian revolution as a pattern for takeover. However, 2 major considerations have led to a shift in policy. First, the Soviet experience with the developing countries primarily in Asia and Africa, has led to a deemphasis of and less reliance on local Communist Parties, trade unions, and violent revolutions. Second, although established as a base for communism in the Western Hemisphere, Cuba has also created major economic problems for the Soviets and a challenge by Castro for leadership of the Communist movement in Latin America.

The subsequent policy has been one in which the Soviets seek more direct governmental contacts with the respective countries. By expanding their diplomatic, commercial, and cultural exchange ties with the countries of Latin America, the Soviets develop a closer association with elements that are both desirable and exploitable for Soviet encouragement of radical nationalism and anti-"U.S. imperialism." In seeking this association the Soviets have opted for the "united front"—a broad alliance between non-Communist reformist groups, the local Communist Party, and guerrilla groups. The "front" would promote radical nationalism and condemn U.S. influence.

This Soviet strategy has the appearance of being both realistic and opportunistic. It is comparatively inexpensive and limits the lkelihood of prematurely establishing states that might require large amounts of aid, such as Cuba. At the same time it offers the possibility of undermining existing authority and U.S. influence. While this policy may not guarantee success, it is practical in terms of the present political climate in Latin America and keeps Soviet economic and military expenditures in this area within their ability to support. Also, this strategy has the side effect of reducing the Castro influence in local Communist Parties and revolutionary groups.

Although there is no assurance that increased nationalism will necessarily lead to increased Soviet influence and penetration, the United States should not ignore this threat. Neither should it blindly resist nationalistic movements, for to do so would certainly be counter-productive. Fundamentally, U.S. policy for the next several decades should avoid an excessive U.S. presence or exposure, yet encourage and provide economic assistance for constructive regional and functional programs such as Latin American Common Market, regional fisheries, multinational transportation systems, land resource development et cetera. Success in these areas would sap energy from radical nationalism, thereby reducing the threat from a major Soviet tool for promotion of communism in Latin America.

"It is your attitude, and the suspicion that you are maturing the boldest designs against him, that imposes on your enemy."—*Frederick The Great: Instructions for His Generals, ix, 1747*.

FOOTNOTES

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*Robert Conquest, ed., *The Politics of Ideas in the USSR* (London: Bodley Head, 1967), p. 82.

[1] Elizabeth K. Valkenier, "Changing Soviet Perspectives on the Liberation Revolution," *Orbis*, Winter 1966, p. 953, and Herbert S. Dinerstein, *Soviet Foreign Policy in Latin America*, RM–4967–PR (Santa Monica, Calif.: Rand, May 1966), p. 43–44.

[2] Valkenier, p. 953.

[3] Dinerstein, p. vii.

[4] G. Kim and A. Kaufman, "Non-Capitalist Development: Achievements and Difficulties," *International Affairs* (Moscow), December 1967, p. 72–74. Also see O. E. Tuganova, "The Foreign Policy of the Developing Countries," *International Affairs* (Moscow), May 1967, p. 62–63. Leaders on the capitalist path to develop, such as most in Latin America, would be called bourgeois-democratic.

[5] *Ibid.*, p. 73–74.

[6] *Ibid.*, p. 74.

[7] R. N. Andreasyan, "Developing Countries and Foreign Capital," *International Affairs* (Moscow), May 1967, p. 72.

[8] Kim and Kaufman, p. 73.

[9] Y. M. Zhukov, "Contemporary Pace of Development of National-Liberation Revolution," *International Affairs* (Moscow), May 1967, p. 53.

[10] V. L. Tyagunenko, "Capitalist and Non-Capitalist Development," *International Affairs* (Moscow), May 1967, p. 57–58. Professors Zhukov, Kim, and Tyagunenko have written extensively on political development in developing countries. Professor Zhukov is an Academician and Corresponding Member of the Academy of Sciences. Professor Kim is a Doctor of History and Manager of the Department of Korea, the Mongolian Peoples of Asia, and Viet Nam at the Institute of the Peoples of Asia of the U.S.S.R. Academy of Sciences. Professor Tyagunenko is a Doctor of History and Head of the Section of Underdeveloped Countries at the Institute of World Economy.

[11] Valkenier, p. 966.

[12] *Ibid.*, p. 953.

[13] N. Prokopyev, "Problems of War and Peace in Our Age," *International Affairs* (Moscow), December 1967, p. 61–62. Also see Zhukov, p. 54.

[14] Kim and Kaufman, p. 72.

[15] Luis Corvalan, "Alliance of Anti-Imperialist Forces in Latin America," *World Marxist Review*, July 1967, p. 48.

[16] Dinerstein, p. v-vi.

[17] V. Israelyan, "The October Revolution and Foreign Policy," *International Affairs* (Moscow), September 1967, p. 9.

[18] Quoted in "The Havana Three Continents Conference," *Communist Affairs*, January-February 1966, p. 12. The Organization of American States in extraordinary session denounced the Conference as a violation of the United Nations Declaration of Non-Intervention.

[19] Daniel Tretiak, "Cuba and the Soviet Union: the Growing Accommodation, 1964–1965," *Orbis*, Summer 1967, p. 443.

[20] Robert A. Stevenson, Coordinator of Cuban Affairs, Bureau of Inter-American Affairs, Department of State, witness report in U.S. Congress, House, Committee on Foreign Affairs, *Communist Activities in Latin America, 1967*, Hearings (Washington: U.S. Govt. Print. Off., 1967), p. 35.

[21] "The Havana Three Continents Conference," p. 12.

[22] Dinerstein, p. viii-ix.

[23] Roque Dalton and Victor Miranda, "Present Phase of the Revolutionary Movement in Latin America," *World Marxist Review*, May 1967, p. 49.

[24] Alvaro Delgado, "Latin American Reformism Today," *World Marxist Review*, July 1967, p. 72.

[25] L. Kamynin, "Inter-American Force—a Weapon of Neo-Colonialism," *International Affairs* (Moscow), May 1967, p. 27.

[26] G. Loveiko, "Vicious Circle of the Alliance for Progress," *International Affairs* (Moscow), November 1966, p. 32–37. R. Leonidov, "Aggressive U.S. Policy in Latin America," *International Affairs* (Moscow), February 1967, p. 54–59.

[27] Leonidov, p. 55.

[28] Delgado, p. 72–73, offered the following policy to counter the threat of reform:

> However, in the event of the revolutionary forces following a correct policy, government promises and a reform here and there can be used to accelerate the revolution. This can be done by rallying the masses to demand that promises be honored immediately, by taking advantage of the instability that follows any more or less substantial reform, and by constantly stepping up the demands of the public, the more backward sections of which have believed that the loudly advertised reforms would bring about a radical improvement.

[29] Y. Godunsky and V. Selivanov. " 'Apostles of Peace' in Latin America," *International Affairs* (Moscow), April 1967, p. 24–28.

[30] Kamynin, p. 30.

[31] Dalton and Miranda, p. 46.

[32] *Ibid.*, p. 46–47.

[33] Kamynin, p. 30.

[34] Robert M. Sayre, Acting Assistant Secretary of State for Inter-American Affairs, testified in the House Committee on Foreign Affairs, p. 81, and reported,

> Our overall military assistance in equipment and services, to all of Latin America is limited . . . to $85 million (in fiscal year 1967) with most of the program going for internal security and civic action activities. Our Public Safety program for assisting the police establishments of Latin America totals about $5.3 million this fiscal year (1967).

[35] Y. Gvozdev, "Latin America: Wall Street's New Tactics," *New Times*, 6 September 1967, p. 18. Leonidov, p. 55.

[36] Louis Halle, *Dream and Reality* (New York: Harper, 1958), p. 173–174.

[37] "Brazil: Something Wild," *Newsweek*, 15 January 1968, p. 43.

[38] Kermit Brown, Assistant Director (Latin America), U.S. Information Agency, House Committee on Foreign Affairs, p. 55–57.

[39] Tyagunenko, p. 56.

[40] According to Dalton and Miranda (p. 49 and 52), "Latin America is approaching the average level of capitalist development . . . . National income per capita is roughly $440, which is relatively close to the average world index," and "two or three times higher than in other parts of the 'third world.' " There are also significant economic contrasts from country to country and from urban to rural within each country. "Argentina with its average per capita income of $780 annually," contrasts with "Brazil and Bolivia where the corresponding figure is $390 and $140." How-

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ever, even sharper internal contrasts may exist between urban workers and rural peasants or Indians.

[41] Dalton and Miranda, p. 52.

[42] "The Latin American Working Class—Its Strength and Weakness," *New Times*, 23 August 1967, p. 2.

[43] A. Mazin, "Trade Brings Peoples Closer Together," *Pravda*, 15 December 1967, p. 4, condensed text in *The Current Digest of the Soviet Press*, 3 January 1968, p. 15. According to Milton Kovner, "Soviet Aid and Trade," *Current History*, October 1967, p. 220, the trade agreements with Brazil and Chile call for Soviet delivery of machinery and equipment on credit and Soviet acceptance of 25 percent and 30 percent, respectively, of the repayments in manufactured and semiprocessed goods with the remainder of payment in commodities.

[44] Marshall I. Goldman, *Soviet Foreign Aid* (New York: Praeger, 1967), p. 157–195.

[45] Mazin, p. 4. Sol M. Linowitz, U.S. Representative to the Council of the Organization of American States, reported in the House Committee on Foreign Affairs, p. 81–89, that Cuban trade (export and import) totaled $1,580 million in 1966. About 77 percent was with the Soviet Union and Eastern Europe, including about $370 million in Soviet aid in the form of long-term credits and sugar price subsidies. The remaining 23 percent was with free world countries.

[46] Goldman, p. 157–158.

[47] "Twenty-third Party Congress Emphasizes Importance of Foreign Trade," *Vneshnyaya Torgovlya* (Foreign Trade), Moscow, May 1966, p. 3–5, translated text published in U.S. Dept. of Commerce, Joint Publications Research Service, *USSR International Economic Relations*, no. 63, (Washington: 1966), p. 2–4.

[48] Arthur P. Whitaker and David C. Jordan, *Nationalism in Contemporary Latin America* (New York: Free Press, 1966), p. 10.

[49] Oswald, p. 4.

[50] Brown, p. 57.

[51] Whitaker and Jordan, p. 10.

[52] A. Shulgovsky, "Arms and Politics in Latin America," *International Affairs* (Moscow), May 1967, p. 33–34.

[53] V. Israelyan, ed., *Soviet Foreign Policy* (Moscow: Progress, 1967), p. 174–175.

[54] *Ibid.*, p. 190. Quote is from the Central Committee of the Communist Party of the Soviet Union Report to the 22d Congress of the CPSU.

[55] Brown, p. 57, and M. Kremnev, "Soviet-Colombian Relations," *New Times*, 31 January 1968, p. 15.

[56] Brown, p. 71.

[57] *Ibid.*, p. 61–62. Mr. Brown did not define any of the policies or actions causing criticism and resentment and none of the Congressmen questioned what they might be!

[58] Sayre, p. 78. According to Sayre, party membership is largest in Chile and Argentina. The Argentine membership has been estimated at close to 60,000, and the Chilean party has approximately 30,000. In comparison, the Cubans claim a membership of about 60,000. Although technically legal, the Argentine party has not been allowed to participate in recent elections. According to Corvalan (p. 49–50), the influential Chilean party polled 354,000 votes in the April 1967 elections for about 15 percent of the vote. As a coalition, total Communist-Socialist vote was about 30 percent.

[59] "The Havana Three Continents Conference," *Communist Affairs*, January-February 1966, p. 17; "The 23d Congress of the CPSU," *Communist Affairs*, March-April 1966, p. 22; "At the OLAS Conference," *Pravda*, 6 August 1967, p. 5, translated in *The Current Digest of the Soviet Press*, 23 August 1967, p. 20.

[60] Sayre, p. 80.

[61] "For Militant Unity—Statement of Communist Parties of Seven Latin American Countries," *Pravda*, 19 June 1967, p. 5, translated in *The Current Digest of the Soviet Press*, 12 July 1967, p. 22.

[62] Dinerstein, p. 31–32.

[63] D. Tretiak, "Cuba and the Soviet Union: the Growing Accommodation, 1964–1965," *Orbis*, Summer 1967, p. 440.

[64] Burton R. Brown, Deputy Assistant Director for Intelligence Production, Defense Intelligence Agency, House Committee on Foreign Affairs, p. 22, 57. Shortwave transmission to Latin America from the Soviet Union, Eastern Europe, and Communist China was reported to total 312 hours a week at the end of 1966.

[65] Stevenson, p. 36.

[66] A historical listing of OAS action is provided by Sol M. Linowitz, U.S. Representative to the Council of the Organization of American States, House Committee on Foreign Affairs, p. 81–89.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Thompson of New Jersey for June 16 through July 3 on account of official business to attend International Labor Organization Conference.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. Heckler of Massachusetts (at the request of Mr. Hunt) for 10 minutes, today; and to revise and extend her remarks and include extraneous matter.

(The following Members (at the request of Mr. Brooks), to revise and extend their remarks and include extraneous matter) :

Mr. McCarthy, for 30 minutes, today.
Mr. Flood, for 15 minutes, today.
Mr. Gonzalez, for 10 minutes, today.
Mr. Rarick, for 45 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Hunt) and to include extraneous matter:)

Mr. Bush.
Mr. Mize.
Mr. Steiger of Wisconsin.
Mr. Dellenback.
Mr. Utt.
Mr. Horton.
Mrs. Heckler of Massachusetts.
Mr. Stafford.
Mr. Hunt in two instances.
Mr. Saylor.
Mr. Pollock.
Mr. Snyder.
Mr. Berry.
Mr. Taft.
Mr. Bob Wilson.
Mr. Conte.
Mr. Keith in three instances.

(The following Members (at the request of Mr. Foreman) and to include extraneous matter:)

Mr. Schneebeli.
Mrs. Reid of Illinois.
Mr. Taft.
Mr. Scherle.

(The following Members (at the request of Mr. Brooks) and to include extraneous matter:)

Mr. Eilberg.
Mr. Patman.
Mr. Long of Maryland in two instances.
Mr. William D. Ford in two instances.
Mr. Baring in two instances.
Mr. Friedel.
Mrs. Green of Oregon in five instances.
Mr. Johnson of California in two instances.
Mr. Podell in three instances.
Mr. Edmondson in two instances.
Mr. Garmatz.
Mr. Satterfield in two instances.
Mr. Perkins.
Mr. St Germain.
Mr. Gonzalez in two instances.
Mr. Annunzio.
Mr. Anderson of California in two instances.
Mr. de la Garza.
Mr. Daddario in two instances.
Mr. Ryan in three instances.
Mr. Dulski in four instances.
Mr. Gray.
Mr. Thompson of New Jersey in two instances.
Mr. Cabell.
Mr. Udall.
Mr. Evins of Tennessee.
Mr. Fascell.
Mr. Clark.
Mr. Bingham.
Mr. Marsh.

ADJOURNMENT

Mr. BROOKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until Monday, June 16, 1969, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FALLON: Committee on Public Works. H.R. 11249. A bill to amend the John F. Kennedy Center Act to authorize additional funds for such center (Rept. No. 91-309). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 2690. A bill to amend section 2(3), section 8c(2), and section 8c(6)(1) of the Agricultural Marketing Agreement Act of 1937, as amended; with amendment (Rept. No. 91–310. Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 2777. A bill to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer; with amendment (Rept. No. 91–311). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 9946. A bill to authorize and direct the Secretary of Agriculture to quitclaim

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retained rights in certain tracts of land to the Board of Education of Lee County, S.C. (Rept. No. 91–312). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mr. Brown of California, Mr. Burton of California, Mr. Byrne of Pennsylvania, Mr. Dent, Mr. Fulton of Pennsylvania, Mrs. Mink, Mr. Moss, Mr. Podell, Mr. Pollock, Mr. Powell, Mr. Roybal, Mr. Waldie, Mr. Whalley, and Mr. Wold):

H.R. 12094. A bill to establish a Department of Maritime Affairs, and for other purposes; to the Committee on Government Operations.

By Mr. BARING:

H.R. 12095. A bill to restore the golden eagle program to the Land and Water Conservation Fund Act; to the Committee on Interior and Insular Affairs.

H.R. 12096. A bill to establish the Federal Medical Evaluations Board to carry out the functions, powers, and duties of the Secretary of Health, Education, and Welfare relating to the regulation of biological products, medical devices, and drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI:

H.R. 12097. A bill to amend the Davis-Bacon Act to extend its protection to workers employed in the demolition, dismantling, removal, and/or salvaging of public buildings; to the Committee on Education and Labor.

H.R. 12098. A bill to amend the prevailing wage provisions of the Davis-Bacon Act to include subsistence allowances; to the Committee on Education and Labor.

H.R. 12099. A bill to provide that Flag Day shall be a legal public holiday which shall be celebrated on the second Monday in June; to the Committee on the Judiciary.

H.R. 12100. A bill relating to the construction, modification, alteration, repair, painting, or decoration of buildings leased for public purposes; to the Committee on Public Works.

H.R. 12101. A bill to amend part A of title IV of the Social Security Act to repeal the limitation upon the number of children with respect to whom Federal payments may be made after June 1969 under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 12102. A bill to encourage institutions of higher education to adopt rules and regulations to govern the conduct of students and faculty, to assure the right to free expression, to assist such institutions in their efforts to prevent and control campus disorders, and to amend the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. EDWARDS of Louisiana:

H.R. 12103. A bill to amend chapter 44 of title 18. United States Code, to provide that such chapter shall not apply with respect to the sale or delivery of certain ammunition for rifles or shotguns; to the Committee on the Judiciary.

By Mr. WILLIAM D. FORD:

H.R. 12104. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GALLAGHER:

H.R. 12105. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if a brother of such member dies, is in missing status, or is totally disabled as a result of service in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. HANNA:

H.R. 12106. A bill to amend title III of part I of the Foreign Assistance Act of 1961 to provide for a program of investment guarantees in Latin American countries to encourage local participation in self-help community development projects; to the Committee on Foreign Affairs.

By Mr. HARSHA:

H.R. 12107. A bill to establish an independent agency to perform oversight functions with respect to procurement by the military departments, and for other purposes; to the Committee on Armed Services.

By Mr. O'NEILL of Massachusetts:

H.R. 12108. A bill to provide for the redistribution of unused quota numbers; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.R. 12109. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. PUCINSKI:

H.R. 12110. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12111. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12112. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12113. A bill to amend title 39, United States Code, to provide an established workweek, a new system of overtime compensation for postal field service employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12114. A bill to amend chapter 89 of title 5, United States Code, relating to enrollment charges for Federal employees' health benefits; to the Committee on Post Office and Civil Service.

By Mr. RONAN:

H.R. 12115. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROSENTHAL (for himself, Mr. Addabbo, Mr. Biaggi, Mr. Bingham, Mr. Carey, Mr. Farbstein, Mr. Gilbert, Mr. Halpern, Mr. Koch, Mr. Podell, Mr. Powell, Mr. Ryan, and Mr. Scheuer):

H.R. 12116. A bill to amend the Public Health Service Act to provide authorization for grants for communicable disease control; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 12117. A bill to authorize a park system for the Atlantic urban region, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN (for himself and Mr. Tiernan):

H.R. 12118. A bill to provide Federal assistance for the acquisition, renovation, or construction of day care centers; to the Committee on Education and Labor.

By Mr. SAYLOR:

H.R. 12119. A bill to amend title 10 of the United States Code to provide for the awarding of an appurtenance to certain campaign medals to indicate that the recipients thereof participated in combat during the campaigns; to the Committee on Armed Services.

H.R. 12120. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. Whitehurst, Mr. Marsh, and Mr. Donohue):

H.R. 12121. A bill to amend the act of July 4, 1966 (80 Stat. 259), as amended by the act of December 12, 1967 (81 Stat. 567); to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 12122. A bill to enlarge the boundaries of the Grand Canyon National Park in the State of Arizona; to the Committee on Interior and Insular Affairs.

H.R. 12123. A bill to readjust the compensation of the Advisory Board for the Post Office Department; to the Committee on Post Office and Civil Service.

H.R. 12124. A bill to implement the Federal employees' pay comparability system, to establish a Federal Management-Labor Salary Survey Board, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ULLMAN:

H.R. 12125. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation relative to the Calapooia division of the Willamette River project; to the Committee on Interior and Insular Affairs.

By Mr. BOB WILSON:

H.R. 12126. A bill to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12127. A bill to amend section 4009 of title 39, United States Code, to provide for the payment by the sender of all costs to the United States allocable to the sender, in connection with the administration of such section by the Postmaster General with respect to the mailing of pandering advertisements by the sender in violation of such section, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BIAGGI:

H.J. Res. 776. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of the centennial of Hunter College; to the Committee on Post Office and Civil Service.

By Mr. TAFT:

H.J. Res. 777. Joint resolution authorizing the President to issue a proclamation directing the flag of the United States to be displayed at half-staff on the first day of each month in honor of the men and women who have died in the Vietnam conflict; to the Committee on the Judiciary.

By Mr. McCARTHY (for himself, Mr. Bingham, Mr. Blatnik, Mr. Brown of California, Mr. Button, Mr. Conyers, Mr. Diggs, Mr. Eckhardt, Mr. Edwards of California, Mr. William D. Ford, Mr. Gallagher, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Koch, Mr. Mikva, Mrs. Mink, Mr. Ottinger, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Tiernan, Mr. Udall, Mr. Whalen, and Mr. Reuss):

H. Res. 439. Resolution urging the President to resubmit to the Senate for ratification the Geneva Protocol of 1925 banning the first use of gas and bacteriological warfare; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GERALD R. FORD:

H.R. 12128. A bill for the relief of William Heidman, Jr.; to the Committee on the Judiciary.

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EXTENSIONS OF REMARKS

GSA HEAD HELPS ADVANCE FAIR HOUSING

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 12, 1969

Mr. SCOTT. Mr. President, I am pleased to invite the attention of Congress to an article that commends the effort on equal opportunity and fair housing that is being conducted by Robert L. Kunzig, head of the General Services Administration, who was formerly my administrative assistant and longtime friend.

As William Raspberry writes in the Washington Post of June 11, 1969:

> GSA thus could strike the same kind of blow for fair housing as the Pentagon did with its 1967 order to place off-limits to all servicemen apartments that refused to rent to Negro servicemen.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

New GSA Chief Curbs Agencies' Trend to "Decentralize"

(By William Raspberry)

For several years, the General Services Administration—partly unthinkingly and partly as a result of an old Eisenhower edict—has been "decentralizing" low-level government employees out of work.

The decentralization trend was in some measure the outgrowth of an official preoccupation with atomic war. The idea was to make it difficult for a single enemy attack to immobilize the government.

But it also stemmed from GSA's efforts to meet growing demands for modern, well-appointed office space with parking and greenery. And since the building growth was heaviest in the suburbs, GSA started looking in that direction, unmindful, one supposes, of the hardships it was working on the government's low-grade black employes for whom transportation was inadequate and moving was out of the question.

The trend continued, however, long after these hardships had been called to GSA's attention. GSA kept pointing to the Eisenhower decree as its justification.

Now GSA's new administrator, Robert L. Kunzig, has moved to stop the agency from riding roughshod over the poor folk. He has done so by ordering revisions in the Federal property management regulations.

Rules apply both to construction of public buildings and the leasing of privately held space now include this provision:

In selecting sites for building or leasing office space, "GSA will avoid locations which will work a hardship on employes because (1) there is a lack of adequate housing for low and middle income employes within a reasonable proximity and (2) the location is not readily accessible from other areas of the urban center."

The new rule, which became effective upon its publication in the May 29 Federal Register, represents a major advance in GSA's thinking.

Less than two years ago, the agency was locating Federal agencies in such complexes as Arlington's Crystal City which were refusing to rent apartments to Negroes. After some official pressure, GSA worked out an agreement whereby Crystal City would rent to Negroes who worked for an agency housed in the complex. And this limited agreement was interpreted as narrowly as possible.

For example, although the Food and Drug Administration had offices in Crystal City, a Negro FDA employe was denied opportunity to rent an apartment there because he worked at another location.

Kunzig's recent decree may help to avoid that kind of nonsense. It may also help to desegregate the suburbs. The people who are developing the office building complexes around the Beltway know that the Government makes a very good tenant, and they can be expected to do what they can to convince GSA that they are worthy landlords.

GSA thus could strike the same kind of blow for fair housing as the Pentagon did with its 1967 order that placed off limits to all servicemen apartments that refused to rent to Negro servicemen.

The GSA rule change goes even further than the Pentagon edict. The latter was concerned primarily with racial discrimination. GSA's order speaks not only to the availability of housing without regard to race but also to the availability of housing within the price range of the affected employes.

Kunzig said his order is in line with President Nixon's directions to "provide maximum job opportunities for persons in less advantaged groups." He thereby indicates his awareness that housing opportunity is an integral part of job opportunity.

HOUSE JOINT RESOLUTION 486

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. ANDERSON of California. Mr. Speaker, I would like to bring to the attention of my colleagues a resolution by another city in my district, the city of Lomita, Calif., urging the creation of a Presidential Commission between the United States and Mexico to help control the flow of narcotics and dangerous drugs between our two countries.

This resolution asks the President to set up a joint commission with the Mexican Government as Congressman Dick Hanna and I proposed in House Joint Resolution 486.

Mr. Speaker, it is my hope and that of many people in California, that President Nixon can be persuaded to take the necessary steps to set up such a commission. This is vital in order to halt the abusive use of harmful drugs. If we ignore this threat to our society, then the future cost to society will be immense in terms of crime, and human degradation. I am including in the Record a copy of the resolution by the city of Lomita and a copy of the bill which we have introduced:

Resolution No. 69-24

A resolution of the city council of the city of Lomita

Whereas, the most effective way to stop the illicit traffic in narcotics and dangerous drugs into our community is to cut off the supply at its source, there should be established a joint presidential commission between the United States and Mexico to undertake an action program to control the flow of narcotics between the two countries; and

Whereas, in 1959, the Board of Supervisors of the County of Los Angeles requested President Eisenhower to establish a control commission to which he responded by sending a fact-finding team to Los Angeles and other cities to investigate the drug traffic problem; and

Whereas, in 1962, President John F. Kennedy called the first White House Conference on Narcotics and Drug Abuse, and, while there was much discussion and debate, little action resulted; and

Whereas, in March, 1968, Supervisor Kenneth Hahn urged President Lyndon B. Johnson to continue to seek at the presidential level the establishment of a joint commission with, but he could not include it in his program at that time; and

Whereas, in 1947, a joint presidential commission was established to set up controls for hoof and mouth disease which was plaguing cattle on both sides of the border, such a commission is even more needed for the health of our young people whose lives are daily influenced by the ready supply of marijuana, barbituates and other dangerous drugs which must be cut off by striking at the steady stream of illicit traffic across the border with Mexico.

Now, therefore, be it resolved that the City Council of the City of Lomita respectfully requests the President of the United States, the Honorable Richard M. Nixon, to establish with the President of Mexico, the Honorable Gustave Diaz Ordaz, to halt the illicit flow of narcotics and dangerous drugs between our two countries, and

Be it further resolved that copies of this resolution be forewarded to Secretary of State William P. Rogers, Attorney General John N. Mitchell, Secretary of Health, Education and Welfare Robert H. Finch and to California U.S. Senators and Representative Glenn Anderson in the Congress.

Approved and adopted this 5th day of May, 1969.

Clyde S. Bernhardt,
Mayor.

Attest:

Dawn R. Tomita,
City Clerk.

H.J. Res. 486

Joint Resolution to request the President to negotiate with the Mexican Government for the purpose of setting up a joint United States-Mexican commission to investigate the flow of marihuana, narcotic drugs, and dangerous drugs between the United States and Mexico

Whereas Mexico is the primary source of supply for narcotic drugs and dangerous drugs brought into the southwestern part of the United States; and

Whereas these narcotic drugs and dangerous drugs are subsequently distributed throughout the United States; and

Whereas 100 per centum of the marihuana seized by the enforcement officials in the southwest part of the United States comes from Mexico; and

Whereas the smuggling of narcotic drugs and dangerous drugs into the United States poses the largest single problem for collectors of the customs and for the Federal courts in the southwestern part of the United States; and

Whereas the use of narcotic drugs and dangerous drugs by juveniles has greatly increased due to the easy accessibility of such drugs from Mexico: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is requested to initiate negotiations with the Government of Mexico for the purpose of setting up a joint United States-Mexican commission to investigate and to recommend appropriate solutions concerning the flow of marihuana, narcotic drugs, and dangerous drugs between said countries.

EULOGY OF BEN LEVINE BY JOSEPH BELSKY

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, June 12, 1969

Mr. JAVITS. Mr. President, on April 11, 1969, Mr. Ben Levine, a long-time leader in the trade union movement in New York City, passed away. Mr. Levine was business representative for the Hebrew Butcher Workers Union for over 40 years.

I ask unanimous consent that a eulogy of Mr. Levine delivered by Mr. Joseph Belsky, international vice president of the Amalgamated Meat Cutters and Butcher Workmen of North America, be printed in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

Ben Levine was a big man! Big in many ways. Large of stature but of far greater importance was the bigness of his heart, his compassion and his spirit!

This loved and loving husband—father—grandfather was my friend and colleague through all of the 43 years that we shared together. He had unlimited energy, a genial, delightful personality and possessed of the generous instincts of a fine, gracious gentleman.

Ben was a fine family man—he loved to be with his family. He was a devoted husband to Tibie. He was an affectionate father to Marsh and Sylvia. He maintained a close relationship with his sons-in-law Teddy and Mel. He adored his 4 grandchildren and they returned that love in full measure.

During his illness, his children and grandchildren were with him continuously—all of them. Tibie, Marsha, Sylvia, Mel and Teddy were daily visitors to his hospital bedside—and when he returned home, they saw to his every need and desire—not out of any sense of duty but with full proud hearts bearing their love with great, great dignity.

No one whose privilege it was to know him is likely to forget the candor of his faith, the warm and glowing brightness of his friendship.

What he preached, he practiced. What he believed, he believed fully and completely with all of his heart and soul. He fought very hard for every cause in which he enlisted—for they were good and right. And others learned to know the rightness of these causes for Ben never gave mere "lip" service to such circumstance. We were proud to join with Ben and he rejoiced in the sharing of his causes with others.

I first met Ben Levine in September of 1926 some 43 years ago when I became Secretary-Treasurer of Local 234. At that time Ben Levine had already become a member of the Union back in 1922 when he was a worker in a kosher butcher shop.

Our Union was far from what it is today. We had no money in our treasury. So Ben Levine who worked 14 hours a day brought his wages to the union office and shared them with me. Since I was married and had a small son, Ben's first concern was how I was going to feed my family. And only until Ben made certain of that did his thoughts turn to his own needs—that was the Ben Levine way back in 1926—and he never changed from that moment on.

He became an elected representative of the Union in June of 1932 and served the Union and its membership with honor, with pride—with distinction and with love. For each and every day of these past 37 years he loved his Union and his members and they returned that love with full and total devotion.

How can anyone forget his speech at the 60th Anniversary of his Union held at the Americana Hotel—he came from a sick bed to attend. His speech that evening was a great, glorious speech tinged with the famous Ben Levine wit and humor. How few of us really appreciated the pain that wracked his great body. But he neither sought nor accepted sympathy or pity—for that was not his way of life.

Ben always was interested in the "other person". His own personal needs came last—if at all. During the days of his illness, a fund raising affair was held at this very Community Center. Ben Levine telephoned countless friends from his sick bed to secure their contributions to this love of his heart and light of his eyes. That his friends of the Community Center esteemed him is self-evident in their naming their ballroom the Ben Levine Auditorium.

Ben's mind was keen and sharp to the very end. My colleague Phil Borus visited him daily at the hospital and then at Ben's home. Philip gave daily reports to Ben. And if Philip couldn't call for an hour or two, Ben would quickly call Philip at the office to find out if any problems had been encountered.

There were four. Then there were three. And now there are but two. Two who will never ever forget the love, the faith, the courage and the total dedication of a great, wonderful, delightful giant of a man.

It would not be a fitting service to recall Ben Levine with words of sadness or sorrow for his goodness, his humor and his compassion recall moments upon moments of proudful happenings brought about because of his having been such an important part of us all.

Words are futile and inadequate at a time like this. We can but bow our heads to the will of God, who is the Father of us all, and but say in our hearts and mind: Is there beyond the silent night an endless day? Is death a door that leads to light? We cannot say! The tongueless secret locked in fate! We cannot know! We can—but watch—and wait.

We pray that his beloved family will derive a great measure of comfort in the knowledge that we, too, share their loss of a great, great, wonderful man.

STRATEGIC POWER OF THE U.S.S.R.

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. SATTERFIELD. Mr. Speaker, the June issue of the Marine Corps Gazette contains an article by Lt. Col. Richard F. Staar on "The Strategic Power of the U.S.S.R." The author, who is on active duty with the U.S. Marine Corps, has authored several articles and books and has been a professor of foreign affairs at the National War College since 1967. On July 1 he will become associate director of the Hoover Institution on War, Revolution, and Peace at Stanford University.

This well-conceived and illuminating analysis of the Soviet Union's alternatives and capabilities is all the more important, coming as it does, at a time when concerted efforts are being made in this country to depreciate external military threats and to debilitate the efforts of this Nation to maintain a strong defensive posture. I strongly recommend this fine article to my colleagues and invite their attention to the following quotation which in the original article appeared with a photograph not reproduced below:

STRATEGIC POWER OF THE U.S.S.R.

(By Lt. Col. Richard F. Staar)

(NOTE.—The views and conclusions expressed herein are those of the author and should not be interpreted as representing the official opinion or policy of the Department of Defense.)

"The Soviet Army is educated in the spirit of friendship of peoples and of proletarian internationalism. That spirit of proletarian solidarity, friendship, and mutual aid comprises the very essence of our army." Chief-of-Staff Marshal M. V. Zakharov, Sovetskaya Rossiya, (February 23, 1969).

According to an official Soviet definition, military doctrine represents a conceptual framework which provides the means and methods for solving military tasks in the interest of politics. Its basic principles are determined by the political leadership[1] i.e., in reality by the Communist party. Doctrine is influenced by geographic location, the national characteristics of the people, economic resources, ideology and foreign policy. Strategy remains dependent upon doctrine, because the latter formulates overall policy and basic principles.

Starting out from these general guidelines, Soviet military strategists then work on problems concerning the nature of war in the future, preparation for different types of conflict, organization of the armed forces, and methods for conducting warfare. Marshal of the Soviet Union V. D. Sokolovskii and the co-authors of *Voennaya strategiya* (3rd edition, 1968) certainly exaggerate, however when they claim that[2]—

"Soviet military strategy is guided by the progressive, rational, and completely scientific theory of Marxism-Leninism, by the philosophy of dialectic and historical materialism, which makes possible scientific investigation and appropriate utilization of the objective laws determining victory in modern war."

The well-known and often repeated dictum that "war represents a continuation of politics by other [violent] means" derives from Karl von Clausewitz (1780–1831) and not Marx or Lenin, although the latter borrowed it. The concept of an "international duty" for the Soviet military has been publicized by Western journalists as something relatively new. Five days prior to the invasion of Czechoslovakia, however, the daily newspaper of the USSR defense ministry quoted from a 1920 speech of Lenin standing before troops departing for Poland about their "international obligation."[3]

The same newspaper only three weeks later printed a photograph of Soviet tanks and crews on the front page, with the caption that they were "fulfilling their international duty to assist the brotherly Czechoslovak people in maintaining Socialist achievements against attempts by counterrevolutionaries."[4] Over the past 50 years many such examples can be found. There also has ap-

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Footnotes at end of article.

peared an editorial statement in *Pravda* (26 September 1968) to the effect that formal ideas of sovereignty and national independence will not present USSR intervention in Communist-ruled countries, threatened by "counter-revolutionaries" (the so-called Brezhnev Doctrine).

CATEGORIES OF WAR

Other than the Czechoslovak type of police action, rarely mentioned as a contingency, writers on Soviet military affairs envisage the possibility of three categories of wars: (1) general or world war; (2) a local or geographically limited war; and (3) national liberation or civil war. Depending upon its nature, a conflict may be described as just or else unjust. Both adjectives have been applied to at least one and the same war. Thus, during the Hitler-Stalin Pact (1939–1941) the world conflict was defined as having been "unjust" and the Western allies as imperialist aggressors. Over-night, on 22 June 1941, the war suddenly became "just" with the Anglo-French (after Pearl Harbor, also the Americans) henceforth and until May 1945 helping to defend Russia.

During the current "epoch", authoritative Soviet military writers stress the necessity of avoiding a world war by means of conducting a policy of peaceful coexistence as reaffirmed by the political leadership at the most recent (23rd) congress, held by the Communist Party of the Soviet Union. However, according to Marshal Sokolovskii.[5]

"The principle of peaceful coexistence does not apply to the internal processes of the class and national liberation struggles in the capitalist countries and colonies. Struggles between the two social systems are and must be carried out by peaceful means—economic, political, ideological, but *not* military."

The foregoing Soviet attitude may and probably will change if the political leadership decides that overwhelming military superiority has been attained. The key to such a situation could be a powerful future scientific-technological and industrial base now being emphasized by the party.

Soviet writers on military strategy emphasize that the principal means employed in a general war will comprise nuclear-missile troops, i.e., ICBM's.[6] These weapons of mass destruction allegedly make possible direct attainment of objectives. Nevertheless, a qualification is immediately added that ultimate victory requires all other types of armed forces, such as ground troops, air, navy, and anti-missile defense. Large reserves for actual warfare and as replacements support the requirements for mass armies, to which would be added mobilization of the entire people in time of war.

USSR strategic objectives certainly include the simultaneous destruction of the enemy's armed forces and his politico-military centers at home. The main Soviet effort obviously would be concentrated on the latter, in order to eliminate the enemy's capacity for directing and conducting warfare. This initial period is of special importance during a thermonuclear conflict, because the USSR probably envisages that the maximum number of ICBM's will be launched and that most of its troops will be thrown into battle. Hence, military operations will be most destructive in this initial phase.[7] Considering the potential capabilities, tenacity, and determination of the United States, however, other Soviet writers have indicated that it is necessary also to anticipate the possibility of a long and protracted war.

GENERAL WAR

Although hoping to avoid a thermo-nuclear exchange, USSR commentators state the American policies may precipitate it for one of several reasons: (1) a faulty estimate that the Warsaw Treaty Organization (WTO) intends to strike; (2) a critical confrontation, where NATO crosses the invisible line as a result of a perceived threat to its prestige; (3) escalation from a local war, due to a conflict between vital interests; (4) an accident based on misinterpretation of an order, a mental breakdown, or a military *coup d'etat.*

A surprise Western attack under any of the foregoing conditions assumes extraordinary importance, since it may be decisive for the outcome of the war. Therefore, according to this Soviet logic, one should anticipate a surprise attack in the form of a nuclear strike by the United States. Not only must USSR armed forces be prepared to respond through their second strike capability but, according to certain military writers, even break up an American attack by launching a preemptive strike.[8]

Since there will be tremendous pressure for decisive action in an attempt to seize the strategic initiative, some Soviet military writers believe that it is vitally important for the USSR to strike first. The following priorities in targeting would seem probable: (1) the main region with the greatest military and economic potential, i.e., the United States, especially its north-eastern and west coasts; (2) the next strongest country, namely the Federal Republic of Germany, which is second only to the United States as a great industrial power; and (3) third in military importance is Britain, with its skilled human resources. Simultaneously with these ICBM, medium range ballistic missile (MRBM) and intermediate range ballistic missile (IRBM) strikes, conventional rapid combined arms operations would be launched to conquer and invest the West European bridgehead. Such an invasion might follow two routes: [9] (1) across the North European lowland from Warsaw via Berlin to the English Channel, and (2) south along the Budapest-Vienna-Munich axis.[10]

Such an occupation of Western Europe (if undertaken) would have as its probable objectives the destruction of NATO's main forces, denial to the United States of a beachhead for subsequent return, control over resources as a substitute for a badly damaged USSR, and a possible safe haven for Soviet troops in case the United States were reluctant to launch nuclear strikes against such cities as Berlin or Paris or Rome. Obviously, such operations would mean crossing Eastern Europe or even utilizing Warsaw Treaty Organization (WTO) forces to invest Western Europe.

Until recently, most discussion about the Warsaw Pact considered the so-called Northern Tier (comprising East Germany, Poland, and Czechoslovakia) to be generally reliable from the Soviet point of view. The loyalty of the last country has become highly questionable since the 650,000 troops crossed into Czechoslovakia during late August 1968. USSR propaganda continues to portray the Federal Republic of Germany as follows: [11] "With the aid of their American protectors, West German revenge-seekers are making great efforts to obtain nuclear weapons, hoping to exploit them for the purpose of revising the existing frontiers in Europe."

The West Germans alone, with their population of sixty million pose a relatively small threat to the USSR if unaided. However, in Soviet eyes both Red China and the Federal Republic of Germany are seeking to enlist Eastern Europe as part of a potential two-front coalition against the USSR. During the early 1960's Peking attempted to exploit the dissatisfaction among the East German leadership with Krushchev's vacillating policy on Berlin. Radio Peking has been attacking the Soviet Union in Czech, Polish, Romanian, and Slovak language broadcast because of the invasion of Czechoslovakia and reportedly praising anti-USSR demonstrations in the latter country.[12]

Hence, the concern over a two-front threat based on Chinese-West German (not necessarily coordinated) efforts to influence the East European countries to leave WTO and to revive latent territorial claims against the USSR. Already as far back as 1964, Mao Tse-tung, in reply to a question about the Kurile Islands posed by visiting Japanese parliamentarians from the Socialist Party, had enumerated Karelia, the three Baltic Republics, former East Prussia, the eastern part of Poland, Subcarpathian Ruthenia, Bessarabia, and Northern Bukavina as lands that should be returned by Russia in addition to the Kuriles. He mentioned his own, as yet unspecified and unsettled, claim to territories seized from China by both tsarist and bolshevik Russia. Five years later, in April 1969, the communist Chinese embassy in London began distributing a map which shows 400,000 square miles of land inside the USSR as having been detached from China on the basis of "unequal treaties." [13]

LIMITED WAR

Obviously, no commentator in the USSR has suggested the possibility of a national liberation war to recover any of the above Soviet annexations. (That eventuality is restricted to Latin America, Africa, the Middle East, and Asia by Soviet writers.) This kind of war has been recognized as "limited" due to the fact that more than 70 conflicts or interventions have taken place since 1945 but not one has escalated to a major confrontation between the two super powers. Communist military commentators admit that a local or limited war may even be fought in Central Europe, if NATO does not employ nuclear weapons in such a conflict. Once such weapons have been used, even at the tactical level, rapid escalation will occur.[14]

National liberation wars to date have taken place only in the so-called Third World. USSR policy-makers realize the difficulties of the West in fighting these wars. They point to Algeria, from which the French withdrew in 1963 after seven years of fighting, and to Vietnam,[15] where the Americans have been involved since 1961, as examples of such fiascos. In Soviet eyes, the West cannot end these wars quickly but rather sustains great losses in manpower and money. The West also suffers from a decline in political prestige throughout the world.

In addition, national liberation wars provide limited possibilities for the effective employment of modern weapons like tanks, heavy artillery, and aircraft. Finally, the USSR probably believes that tactical nuclear weapons will not be used by the West in such wars because of the escalation risk, the absence of appropriate targets, and the danger that the less developed countries (even those in Latin America) would turn against the United States.

U.S.S.R. MILITARY CAPABILITIES

As suggested in the foregoing, it is envisaged by the Soviet High Command that all five branches of the Soviet armed forces would participate in a general war. The most powerful of these are the Missile Troops for Strategic Designation, established in October 1961 as a separate branch. They had four different commanding officers in as many years (Marshals Nedelin, Moskalenko, Biryuzov, and currently Nikolai I. Krylov). This may have indicated a certain amount of dissatisfaction by Khrushchev or growing pains or both.

At any rate, it is estimated that these Strategic Rocket Forces now total about 200,000 men and had about 900 ICBM's on 1 September 1968, i.e., nearly the same as the United States.[16] In addition it is believed the USSR Strategic Missile Forces control about 750 MRBM's and IRBM's, with ranges of 1,100 to over 2,000 miles respectively, which are targeted probably against the Federal Republic of Germany, Britain, and even France. They may be supplemented by mobile solid-fuel missiles, publicized in photographs appearing from time to time in Soviet military newspapers and perodicals.

Footnotes at end of article.

XUM

The largest in size among the branches, with about two million men organized into 140 divisions, are the ground forces. Their separate command had been abolished by Khrushchev and apparently subordinated directly to the Chief of Staff. Reestablished soon after his ouster in October 1964, these troops are now commanded by General of the Army Ivan G. Pavlovskiy who has been one of the deputy USSR defense ministers since April 1967. He was identified[17] as the commanding officer for the Soviet occupation forces which entered Czechoslovakia.

Only approximately half of the 140 ground divisions are estimated to be at full strength, with about a quarter of the total in need of major reinforcement, and the remainder requiring only a short time to become combat ready. It is interesting to note the location of these ground troops. Normally some 30 divisions have been stationed in Eastern Europe (the West Germans claimed 42 USSR divisions were west of the Vistula River in October 1968), with 20 in East Germany, four each in Czechoslovakia and Hungary, and two in Poland; some 59 divisions in the European part of the Soviet Union; about eight divisions in Central USSR; about 28 divisions in southern USSR (Caucasus and Soviet Central Asia); and 15 divisions in the Soviet Far East (i.e., east of Lake Baikal).[18] It is obvious that the great majority or at least 89 of the 140 divisions are facing NATO; thus, NATO seems to represent in USSR eyes the major threat, not Red China as has been speculated upon. The clashes during March 1969 along the Siberian border do not change the foregoing assessment.

Some 43 of the Soviet divisions are armored; those in Eastern Europe together with other WTO forces, have twice as many tanks as NATO. These are considered the main striking force, due to their mobility and firepower plus capability of crossing terrain contaminated by radioactive debris. According to USSR Chief Marshal of Armored Troops, Pavel F. Rotmistrov:

"The tank's good invulnerability to [tactical] nuclear strikes and its capability of surmounting contaminated areas and water obstacles makes [tanks] the ground weapons with the best prospects. And if one realizes that the Air Force is capable of supporting tank maneuvers from the air, it is not hard to understand how important coordinated actions now are between armor and air."[19]

Tanks in the 43 armored divisions would be employed, thus, to exploit Soviet nuclear strikes.

Although most of the ground forces (88 of the 140 divisions) comprise motorized infantry, the USSR also has seven airborne divisions with a total of some 50,000 paratroopers. Based on present airlift, only three of these units and support elements can be moved simultaneously across short or medium distances. However, the large AN (tonov) 22 "air bus" flown at the July 1967 air show in Moscow may increase this capability, when it begins to come off the assembly line in large numbers. The Soviet airlift into Czechoslovakia on 21 August 1968 demonstrated landings at 50 second intervals by some 250 USSR four-engine transports which brought a full division into the Ruzyne airport near Prague.

Of more immediate interest from the strategic point of view are other categories of aircraft in the USSR Air Force, commanded by Marshal Pavel S. Kutakhov. Long-range aviation disposes of about 155 intercontinental bombers,[20] although the 50 tankers might be converted to similar use. In addition, about 750 medium-range bombers could reach the United States with en route refueling but on one-way missions only. The TU (pelov)-144 supersonic circular transport made its maiden flight on 31 December 1968 and probably could serve as a bomber after modification in time of war. About 150 long-range Aeroflot passenger aircraft already now in service might be converted to wartime use for strategic purposes. Seven new models of Soviet aircraft were flown at the 1967 Moscow air show.

Turning to the Soviet navy, it has established fleets for independent operations on two seas and two oceans. In tonnage, it is second only to the United States and has 1,326 ships plus another 1,000 auxiliaries and support vessels. Commanded by Fleet Admiral of the Soviet Union Sergei G. Gorshkov, the USSR navy has no aircraft carriers and only one helicopter carrier (the *Moskva*, now on station in the Mediterranean) commissioned and a second one, the *Leningrad*, undergoing sea trials. The last cruiser was built in 1957, but this type of ship has been modernized and equipped with surface-to-surface cruise and surface-to-air missiles. The concentration has been on submarines which now number 380, but only 50 are nuclear powered.[21]

The four submarine fleets are distributed as follows: some 70 U-boats in the Baltic Sea, 170 in the Arctic Ocean, 40 in the Black Sea, and 100 in the Pacific Ocean.[22] A new type of submarine, similar to the U.S. Polaris is being produced at the rate of one or two every month. It will carry 16 missiles compared with an average of only three each on the 13 nuclear and 30 conventional boats now capable of firing from a submerged position. In addition, another 25 nuclear and 20 conventional submarines each carry an average of six anti-shipping cruise missiles with a range of 300 miles.[23] These too can be considered a potential threat to American coastal installations and not only shipping.

One should at least mention here the USSR's sea infantry which comprises only about 8,000 men compared to half a million during World War II. It has been reconstituted and is equipped with special transport shipping and about 100 amphibious landing craft, patterned after those in use by the U.S. Marine Corps. Units of the Soviet sea infantry are serving with all four fleets. New tank-landing ships appeared already in 1967, and some of these are now in the Eastern Mediterranean.[24]

Among the weaknesses of the Soviet navy and its sea infantry is the lack of well-defended bases outside the Bloc and, hence, the necessity for long-range operations. The possibility of remedying this deficiency in the United Arab Republic or Algeria to begin with, for example, should be remembered. Submerged launch ballistic missiles are behind the United States in quantity, quality, and range, but all of these characteristics probably are being improved. Two of the four fleets (Black Sea and Baltic) would have limited operational capabilities, unless they could break through the Bosphorus-Dardanelles and the Kattegat-Skagerrak, respectively. Finally, the extensive length of maritime borders creates a problem for defense.

The armed forces also include *PVO-Strany* or Anti-Air and Anti-Missile Defense of the Country. Established in late 1959 as a separate branch, it is commanded by Marshal of the Soviet Union Pavel F. Batitskiy. The surface-to-air missiles used by *PVO-Strany* and tested over North Vietnam reportedly could only down 76 U.S. aircraft after the first 4,000 had been fired.[25] From the strategic point of view, more important is the anti-ballistic missile (ABM) deployed around Moscow. The *Galosh* multi-stage, solid fuel missile used here is believed to carry a warhead of one to two megatons and have a range of several hundred miles.[26]

CONCLUSION

Although trends and goals are difficult to project with any assurance of accuracy, it does appear to this writer that the decision makers in the Kremlin have begun to give more emphasis to strategic offensive goals. In addition to the growth in numbers of ICBM's, there is the fractional orbit bombardment system (FOBS) mentioned by the current U.S. Defense Secretary Melvin R. Laird at a press conference and before the Senate Foreign Relations Committee, both in February 1969. The 13th FOBS test was reported to have taken place on 2 October 1968, under cover of the Cosmos-244 space shot.[27]

Another disturbing trend since Khrushchev's ouster can be gleaned from the growth of the Soviet defense budget. (See Table.) The totals probably should be tripled to reflect actual expenditures. For example, they do not include the cost of nuclear warheads which is hidden within the budget of the Ministry for Medium Machine Building. Dr. John S. Foster, Jr., chief of Pentagon research estimated that the USSR during 1968 would spend the equivalent of thirteen billion U.S. dollars on defense, nuclear, and space research alone compared with only around nine billion by the United States.[28] The implications of the foregoing are obvious.

SOVIET DEFENSE BUDGET, 1965-69

[In billions of rubles]

Year	Total	Percent national budget	R. & D.
1965	12.8	(12.6)	5.4
1966	13.4	(12.7)	6.5
1967	14.5	(13.2)	7.2
1968	16.7	(13.5)	13.0
1969	17.7	(13.2)	[1] 13.0–17.0

[1] Estimated.

Sources: SSSR v fsifrakh v 1967 godu [The U.S.S.R. in figures for the year 1967] (Moscow: Tsentralnoe Statisticheskoe Upravlenie, 1966), p. 29; Business Week, No. 2046 (Nov. 16, 1968), p. 115; and Pravda (Dec. 11, 1968), pp. 4–5, Moscow.

FOOTNOTES

[1] V. D. Sokolovskii (chief editor), *Military Strategy* (Moscow, 1968), 3rd edition, p. 42 of the English translation.

[2] *Ibid.*, p. 50.

[3] Colonel General S. Vasyagin, article on "Loyalty to International Duty," *Krasnaya zvezda* (15 August 1968), p. 3; Moscow. If Warsaw had fallen in 1920, nothing could have stopped the Red Army from occupying Germany.

[4] *Krasnaya zvezda* (8 September 1968), p. 1. According to reliable informants the number of Soviet divisions in Czechoslovakia has been increased by three, for a total of 115,000 men. *The Washington Post* (5 April 1969), p. A 16.

[5] Sokolovskii, *op. cit.*, p. 180. Italics added. Note also the implication that peaceful coexistence belongs to the past in V. G. Afanasev, *Nauchnyi Kommunizm* [Scientific Communism (Moscow: Izdatelstvo Politicheskoi Literatury, 1969), pp. 152-153.

[6] Colonel of Engineering Troops P. T. Astashenkov, *Sovetskie raketnye voiska* [*Soviet Missile Troops*] (Moscow: Voennoe Izdatelstvo Ministerstva Obornoy SSR, 1967), pp. 274-277.

See also Major General Yuri Novikov's article, entitled "An Incomplete Solution," *Krasnaya zvezda* (28 June 1968), p. 4, which reviews a new book on *Nuclear Weapons and the Development of Tactics*.

[7] Major General V. Zemskov, article on "The Time Factor and Combat Preparation of Troops," *Krasnaya zvezda* (11 October 1968), pp. 2-3.

[8] USSR Defense Minister Andrei Grechko in an article for Armed Forces Day, entitled "Ever on Guard," *Pravda* (23 February 1969), p. 3, accused the United States of preparing to plunge "the world into the abyss of a third world war."

Note the interview with Sec Def Melvin R.

Footnotes at end of article.

Laird and the implication that the USSR is developing a first-strike capability in ICBM's. *U. S. News and World Report* (7 April 1969), pp. 33-36.

[9] Andro Gabelic, "Has the Balance been Disturbed?," *Borba* (7 September 1968), p. 8; Belgrade. This is a Yugoslav commentary which may not reflect Soviet thinking.

[10] The provision for permanently stationing USSR troops along the Czechoslovak border with the Federal Republic of Germany represents a considerable strengthening of these southern Warsaw Pact positions. The status-of-forces treaty does not specify the number of Soviet divisions which will remain in Czechoslovakia. Text in *Krasnaya zvezda* (19 October 1968), p. 1.

[11] General of the Army Ivan G. Pavloskii, commander-in-chief of Soviet ground forces, talk entitled "On Guard over Peace," broadcast by *Radio Moscow* (22 February 1969), 12:15 GMT, in Russian.

This remained absent from an "Appeal" issued at the tenth meeting of the WTO Political Consultative Committee in Budapest. Text printed by *Krasnaga zvezda* (18 March 1969), p. 1.

[12] *Radio Moscow* (31 March 1969), Domestic Service in Russian. See also the article by A. Grigoryants, entitled "In One Rank With Double-Eyed Reaction: Whom is Peking Playing Up To; Nuclear Hullabaloo on the Rhine," in *Trud* (11 March 1969), p. 1; Moscow.

[13] *The Washington Post* (5 April 1969), p. A 5.

[14] Wolfgang Wuenschke article, entitled "For the Joint Defense of Socialism," *Neues Deutschland* (23 November 1968), p. 5; East Berlin.

[15] Both the USSR and Red China signed agreements to aid North Vietnam, reportedly amounting to one billion dollars each for 1969. *Süddeutsche Zeitung* (26 July 1968); Munich.

[16] The Institute for Strategic Studies, *The Military Balance 1968–1969* (London: September 1968), p. 5. The writer's use of statistics from this publication does not imply his acceptance or endorsement of the relative accuracy of these figures.

See, however, Department of Defense, *The 1970 Defense Budget and Defense Program for Fiscal Years 1970–1974* (Washington, D.C.: 15 January 1969), p. 42, which gives the same figures for ICBM's. Note also testimony by Sec Def Laird before the Senate Foreign Relations Disarmament Subcommittee on 21 March 1969.

[17] *The New York Times* (28 September 1968), p. 15.

[18] *The Military Balance 1968–1969,* p. 6; modified as of March 1969. Federal Republic defense minister Gerhard Schröder was cited by *The New York Times* (9 October 1968).

[19] Article written for "Tankman's Day," in *Izvestiya* (8 September 1968), p. 1; Moscow.

[20] See U.S. Senate, Committee on Armed Services, *U.S. Tactical Airpower Program* (Washington, D.C.: 4 October 1968), p. 3, for comments on the USSR Air Force.

On 1 April 1969, eight to ten TU–16 twin turbojet Badgers flew within 65 miles of Alaska. This was only one of about 36 such incidents near North America over the preceding 15 months. *The New York Times* (9 April 1969), p. 3.

[21] "It is believed that Soviet submarine yards have the resources to build more than 20 nuclear submarines per year." House of Representatives, Committee on Armed Services, *Status of Naval Ships* (Washington, D.C.: 1969), p. 227; U.S. Navy Testimony.

[22] *Aerospace International,* IV, No. 6 (November–December 1968), p. 14; citing *The Military Balance 1968–1969,* p. 7.

[23] U.S. Senate, Committee on Armed Services, *United States Submarine Program* (Washington, D.C.: 23 September 1968), pp. 1–2, gives details on the Soviet build-up.

[24] See Vice Admiral Friedrich Ruge's excellent analysis "Der Drang der Sowjets zum warmen Meer," *Die Wehrkunde,* XVII, No. 7 (July 1968), pp. 338–342.

[25] *The New York Times* (2 October 1967).

[26] Aerospace International, *op cit.,* p. 12.

[27] *The New York Times* (9 October 1968); *U.S. News and World Report* (3 March 1969), p. 12.

Cosmos–276 and 277 were launched 4 April 1969, both on the same day. *Krasnaya zvezda* (5 April 1969), p. 1.

[28] U.S. Senate, Committee on Armed Services, "Statement of Dr. John S. Foster, Jr., Director of Defense." *Hearings on the Status of U.S. Strategic Power* (Washington, D.C.: September 1968), p. 90. The United States figure appeared in *The Washington Post* (6 January 1969), p. A 13.

METHOD FOR CONTROL OF UNRULY YOUTH

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 12, 1969

Mr. BYRD of Virginia. Mr. President, the Shenandoah Herald, of Woodstock, Va., recently published an editorial describing an interesting method of controlling unruly youth adopted in Pescara, Italy. While the editorial is somewhat tongue-in-cheek, I believe it has a message for us, and I ask unanimous consent that it be printed in the Extensions of Remarks.

The editor of the Herald is George W. Cooper.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Woodstock (Va.) Shenandoah Herald, Apr. 24, 1969]

LOGIC, ITALIAN STYLE

We have just run across what could be the greatest Italian export since pizza and Sophia Loren.

It is called parental discipline. If it catches on, it could bring a new renaissance in human relations.

It all happened in the Italian town of Pescara where a group of rebellious students decided to fight it out with the local fuzz.

The students had stockpiled rocks and empty-headed slogans. Across the campus the Police stood ready. They had fortified themselves with shields, rubber truncheons and long draughts of wine.

Suddenly disaster struck the student ranks from the rear. An angry crowd of mothers, fathers, grandparents and older brothers swept in. According to the news story, the relatives began slapping the students and hauling them off by the ears.

Even the most heroic left-leaning Luigi isn't much when his mother has him by the ear. A father's kick is an action slogan understood by all.

A little more of this might not be amiss in a world where serious drug use is found in Front Royal, Boy Scouts rebel in Chile and even rural crime is up 12 percent in a year.

Such a march would make first class TV viewing on U.S. campuses where students halt classes and spill blood to urge that their black brothers have the segregation of their choice.

It may seem silly to make a child stand in the corner because he's main-lining with heroin or plans to shoot the sheriff.

But discipline has to start somewhere, and nobody's ever found a substitute for the home.

WELCOME TO HIS EXCELLENCY, DR. CARLOS LLERAS RESTREPO, PRESIDENT OF COLOMBIA

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. DE LA GARZA. Mr. Speaker, our country is honored by the visit of His Excellency, Dr. Carlos Lleras Restrepo, President of the great country of Colombia.

We are exceedingly proud and indeed grateful that President Lleras would be so gracious as to accept the invitation of President Nixon to make his visit an official state visit.

We have many ties which link us to Colombia, Mr. Speaker. They are indeed a great people, a progressive people, who have tried and are trying with a great amount of success to improve their country with reforms in economics, and social justice. Throughout the major part of this endeavor there always has been very prominent the name of Dr. Carlos Lleras Restrepo, as a student leader, as a member of the Assembly of Cundinamarca, as a member of the National Assembly, first as a Deputy, then as a Senator, as a Minister of Finance under several governments, as Vice President of the Republic, and now as its illustrious and very able President.

We, the Western Hemisphere, indeed, the world owes much to the personal efforts of President Lleras in making Colombia, the hemisphere and the world a better place to live, for with all its problems, trials and tribulations, it is indeed a better place to live than that which a few generations back enjoyed. Again I say, it was indeed in great part to the efforts of men of vision and courage like President Lleras that credit is due for making this possible.

Also, we can never forget, Mr. Speaker, that during the Korean conflict when our country and our boys were sharing a major part of the United Nations effort, there alongside was a detachment of infantry from Colombia. A country and its people can never be forgotten when they share with us the burden of preserving freedom and liberty on the battlefield; for this we again salute you and your people, Mr. President.

Your country and your people are not strangers in my area of south Texas, Mr. President. Just recently Mrs. Martin Garcia, a very gracious lady member of the Pan American Round Table, advised me that her topic for next year's discussions on the Pan American Republics would be Colombia, and she was thrilled and excited with her research on your country. We have tried to help her in every way possible and your embassy here has been most helpful in this respect. At her request I respectfully extend to you her greetings and those of all the ladies of the Pan American Round Table—indeed, from all the people of the 15th District of Texas.

And so we are honored, we are happy you came. We respectfully ask of you that you take our greetings and our best wishes back to your countrymen. May

your stay here be a pleasant and fruitful one.

Bienvenido, Sr. Presidente, está entre amigos, está su casa.

HIGH TIMBER YIELD FUND

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, June 12, 1969

Mr. METCALF. Mr. President, on May 23, Dr. Edward C. Craft's presented a statement before the Subcommittee on Forests of the House Committee on Agriculture relative to the bills which purport to establish a high timber yield fund. Dr. Crafts presented his testimony on behalf of the Citizens Committee on Natural Resources, having been appointed to the board of directors of that organization subsequent to almost 40 years of Government services in the field of conservation. Dr. Crafts was employed for 29 years by the Forest Service 11 of which were as the Assistant Chief in charge of Program Development and Congressional Relations.

In his capacity with the Government, Dr. Crafts on more than one occasion predicted just such a period as we are now experiencing. His suggestions as to how to effect sound policies in order to alleviate our present timber shortage without abandoning important conservation principles of multiple use and sustained yield management are so succinctly presented that I am sure Members of the Senate will find his analysis informative.

In view of the many persons who are sincerely concerned regarding the relationship of timber shortages to low-cost housing and other needs, I ask unanimous consent that Dr. Crafts' testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF EDWARD C. CRAFTS

Mr. Chairman and Members of the Committee: My name is Edward C. Crafts and I am presently a self-employed conservation consultant.

It is a pleasure to appear again before this Committee after a lapse of several years.

Subsequent to my resignation from the Department of the Interior several months ago, I was appointed to the Board of Directors of the Citizens' Committee on Natural Resources and represent that organization before you this morning. I do so on a wholly volunteer basis and without any compensation whatsoever.

The Citizens' Committee opposes H.R. 10344 for reasons stated subsequently.

As to qualifications, I was employed 29 years by the Forest Service, serving the last eleven from 1951–62 as Assistant Chief in charge of Program Development and Congressional Relations. For 25 years, it has been my privilege to work with the Congress on numerous legislative matters. I was deeply involved in enactment of the Forest Service Multiple Use—Sustained Yield Act of 1960, directed preparation of the Timber Resources Review prepared by the Forest Service in the late 1950's, and wrote a substantial part of the "Development Program for the National Forests" issued by that agency in 1961.

In 1962, I transferred to the Department of the Interior and served seven years until this past February as the first Director of the Bureau of Outdoor Recreation.

My long association with the Forest Service does not mean that I am functioning this morning as an unofficial spokesman for that agency saying publicly what the Forest Service may not be allowed to say officially. Should this be true with respect to any aspect of my testimony, it is purely coincidental. The Forest Service did not request that I testify, nor has it seen the testimony. My only contact with the Service was to request a few items of factual information.

I believe the Administration and other witnesses have largely etsablished the facts of present and prospective housing shortages, high demands for softwood lumber and plywood, extremely high prices for these products, and how major exports from the West Coast of softwood logs to Japan and other countries continue despite strong demands and high prices at home.

Accepting the facts about softwood lumber and plywood with respect to demand, supply and prices, the problem is what to do about it in the next ten years insofar as the National Forests are concerned. Actually the solution is rather simple—but not easy to attain. It means funding the Forest Service—not only timber resource management—but other activities as well in accord with recommendations outlined in the report submitted by President Kennedy in 1961 for a "Development Program for the National Forests" with adjustments for updating and inflation. It also means adequate personnel ceilings. Actually little or no new legislation is needed. However, in view of the competition for money within the Executive Branch, this has not happened and in all likelihood will not happen. Failure to implement the National Forest Program is the real reason, therefore, why I am here this morning.

It is my feeling that the Forest Service has been, and is being pushed dangerously close to the brink with respect to timber management on the National Forests. I do not believe in brinkmanship when it comes to depleting the natural resources of the United States.

The bill before you this morning, if enacted in its present form, would ignore and override insofar as timber is concerned, the 1960 Multiple Use—Sustained Yield Act reported out by the Committee and passed by the Congress. That Act was supported by some of the far-sighted leaders of the timber industry.

The Forest Service has been pushed and pushed under tremendous pressures during the last 10 to 20 years to increase the cut on the National Forests, and it again is being pushed by the pending legislation.

For many years in connection with its periodic reassessments of the timber situation, the Service has predicted a prospective shortage of softwood sawtimber and this is exactly what is facing the industry now and why it is turning to the National Forests as its own lands have been depleted of mature timber.

There is a time gap until second-growth matures when the industry must depend more heavily than in the past on public timber. That time gap is now. There is also excess sawmill capacity in relation to growth productivity, and no one wants to go out of business.

I compliment the larger forest industry operators for their generally progressive forest practices and for the growth on industry lands which is more than that on National Forests although on a smaller acreage. Nevertheless, the fact remains that industry lands are short of softwood sawtimber.

Forest Service lands have not been fully developed nor have age classes and species composition been regulated adequately in a technical forestry sense. Intensive forest management is greatly needed. Right now the Forest Service is cutting about twice as much softwood sawtimber as it is growing. This situation cannot last. The problem is to get enough money to do the intensive job and still resist the pressures to over-cut.

On the other hand, the Service can reduce its needed inventory of mature timber by simply shortening rotations, but there is great risk involved, as I said, to not go over the brink and overdraw the bank account.

The Forest Service has responded to pressures and need by increasing allowable cut from 5.6 billion board feet in 1950 to an estimated 12.8 in 1969. In other words, in 1969, the cut of sawtimber will reach what the Forest Service estimated several years ago should happen by 1972, and without full implementation of the National Forest Program. This demonstrates how rapidly the increase is occurring.

The Forest Service over the past two decades has made two serious mistakes in connection with its timber management. First it has allowed its timber cut to be linked to appropriation justification. And this, of course, puts it under serious pressure to increase the cut in order to get more money. Former Forest Service Chief Lyle Watts told me that he considered this to be the most serious error of his career.

The second error is that the Service has largely allowed the term "allowable cut" to be substituted for and supersede the term "sustained yield." The first term is not defined by statute and is flexible in meaning. For example, allowable cut used to be the ceiling above which cut would not be allowed to go. Now it is generally considered to be the floor below which cut will not be allowed to fall. On the other hand, sustained yield is defined by statute and the Forest Service should stay with it. The agency may have gotten itself trapped by being drawn away from sustained yield and the statutory protection it gives.

For the reasons expressed below, the Citizens' Committee recommends against H.R. 10344 in its present form:

1. The bill ignores and appears to override the Multiple Use-Sustained Yield Act of 1960. By establishing a special fund for timber management only, it places timber in a first priority situation with respect to other resources. This is exactly what the Multiple Use—Sustained Yield Act endeavored to forestall. Foreseeing the pressures on timber and certain other natural resources, the Forest Service deliberately sought the Multiple Use—Sustained Yield Act and endeavored in the definition of multiple use contained in that Act to give due consideration to all resources and to arrive at the best combination of uses, not giving any of them priority over others.

Also reference to "optimum timber productivity" in the pending bill would seem to give timber priority. The 1960 Act specifically says that multiple use does "not necessarily (mean) the combination of uses that would give the greatest dollar return or the greatest unit output." Therefore, this bill, if enacted as is, would establish timber as the first priority, maximum output function in the National Forests rather than equating it as is now done with the other resources and purposes of National Forest management.

2. Section 7 of the pending bill could be interpreted as opening the door to directing the Secretary of Agriculture to "immediately establish programs" to carry out the provisions of the bill without making such programs contingent on appropriation of moneys from the Fund. In other words, this is the section of the bill which could be used against the Forest Service to pressure it to do the things that the bill intends even if the money is not appropriated. This could be corrected by making this section subject to: "good forest practices and the availability of appropriations from the fund."

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3. The establishment of a special fund for timber purposes will make it harder to obtain regular appropriations for other purposes. It will do this because if the Fund is appropriated, the money available for the purposes of the bill would increase from its present annual appropriation level of about $63 million to an estimated $175 to $180 million. Such a large increase for timber would invite the Appropriation Committees to offset this increase somewhat by reducing or not increasing the amount of money for other management purposes.

4. Section 5 of the bill places moneys into the fund only for two years. If the money is not then appropriated, it is transferred to miscellaneous receipts of the Treasury. This means that the Forest Service will be under continuous pressure to make the cut as high as possible in order to have money in the Fund for appropriation. This defect could be remedied by leaving money in the Fund until appropriated as the Congress did last year with the mineral receipts in the Land and Water Conservation Fund.

5. The requirement in Section 6 of the bill that the money in the Fund be appropriated to the particular National Forest from which the receipts are derived on a forest-by-forest basis, is most unfortunate and would interfere with good forest management. Most of the softwood sawtimber is cut from the Rocky Mountain and West Coast States, but the recent cut-over areas are not necessarily where there is the greatest need for forest management money for seeding, fertilization, restocking, etc.

Under the bill the moneys as distributed by the Forest Service currently would be drastically altered. The northern and southern regions combined of the Forest Service would receive only 12 percent of the Fund whereas at the present time they receive about 35 percent of timber management money. The South would get only 9 percent as against 22 presently.

This should concern the southern timber industry and southern members of Congress.

Conversely, the Rocky Mountain and Pacific States would receive about 87 percent of the Fund whereas presently they receive 67 percent. In other words, this provision of the bill would mean that the money would necessarily be spent where the need is not greatest. The 3 Pacific Coast States now get about 35 percent of the money and would end up with 75 percent. This bill is tailormade for the West Coast timber industry.

Following are the regional allocations of all timber management moneys on a percentage basis:

	Fiscal year 1968	Proposed under H.R. 10344
Pacific	38	76
Rocky Mountain	29	11
North	12	3
South	22	9

There are other aspects of the bill of concern which presumably the Forest Service has mentioned, although I was not privileged to hear Forest Service testimony. These relate to such questions as the effect of the bill on the automatic availability of Knutsen-Vandenberg money for timber stand improvement and reforestation, the 10 percent road fund, the definition of commercial forest land as used in the bill, and related matters. However, the preceding items are the principal concerns of the Citizens' Committee.

In an effort to be constructive, the Citizens' Committee offers the additional recommendations with respect to both the situation in general and this bill in particular:

1. If necessary to meet domestic timber needs and not overdraw our National bank account of timber resources, exports to Japan should be restricted, eliminated, or voluntarily reduced. I know that this is a complicated matter involving foreign relations and balance of payments. But in this situation domestic needs would appear to come first and the Nation's bank account of timber resources should not be over-drawn. Exports of softwood logs in 1968 were 2.5 billion board feet. If the same amount had gone into domestic consumption, the pending bill probably would not be before you today.

2. If the situation becomes sufficiently tight, consideration should be given to allocations of softwood lumber and plywood to particular uses as well as price control measures.

3. The Administration should recommend and the Congress should appropriate moneys to fully implement the National Forest Development Program referred to earlier and as updated by the Forest Service.

4. The Congress should respond favorably to the request for funds submitted by the Administration to permit an increased sale of 910 million board feet of timber from the National Forests in the next 15 months as announced in March of this year. This request for funding is before the Congress at the present time. But the Administration should not direct this increase from the Forest Service unless the funds and personnel ceilings are forthcoming.

As an illustration of just how far behind the Forest Service is in utilizing the potential productivity of the National Forests, it is my recollection that several years ago, there was a 60-year backlog of needed reforestation. At that time the Forest Service was just keeping up with planting current cut-overs and burns and was not reducing the backlog on nonproductive lands that had built up over a long time.

5. For many years, the Forest Service has considered the possibility of a National Forest Development and Management Fund into which would go 65 percent of National Forest receipts and which would be available for appropriation only for National Forest purposes. This, of course, is a form of earmarking similar to the Land and Water Conservation Fund. However, the Forest Service never has felt it had much chance to obtain this either in the Administration or in the Congress. Such a Fund could be beneficial.

Therefore, if the Committee decides to establish a special fund for the National Forests, it should include all unearmarked National Forest receipts; it should be available for all National Forest development and management purposes, other than roads; it should be available for expenditure as specified each year by the Appropriations Committees or wherever the Forest Service believes the need is greatest for whatever purpose; and receipts once in the Fund should be available until appropriated. Such a measure would be a very major forward step.

6. If H.R. 10344 or an amended bill is favorably considered in this Committee, it is recommended that particular reference be inserted in the bill to the Multiple Use-Sustained Yield Act of 1960, that it be made clear this bill is intended to be in conformance with the provisions of that Act, and that if any conflict develops, the provisions of that Act prevail.

7. This Committee should request from the Forest Service two major program reports with recommendations: (a) an updated program for the management and development of all National Forest resources, and (b) a program for the development of all forest lands for timber purposes including not only public lands but also all private lands. It is most significant that the greatest potential for timber production is on the farm and miscellaneous private lands which include 60 percent of the total commercial forest land area of the country but support only 18 percent of the inventory. The Forest Service, in about 1962, developed a small woodland program but never released it.

If the Committee were to have before it the two items just mentioned the Congress would then be in a position to act effectively and wisely on all National Forest resources, and with respect to the timber supply situation considering all forest land ownerships.

8. There is a backlog of uncut National Forest timber, sold and under contract, of 27 billion board feet in the 48 States. This Committee could either admonish, or better yet, require that existing contracts not be extended by the Forest Service until the shortage is alleviated. There is a long-standing custom for the industry not to cut National Forest timber for which it holds a contract until the price is right and the time propitious.

There is also a long-standing tendency by the Forest Service to rather automatically extend timber sale contracts. Such a requirement to utilize the timber that is already sold without contract extensions or lose the cutting rights would bring a flood of timber to the market.

It has been a pleasure to appear before this Committee and I hope these comments and recommendations may be of assistance to it.

COMMENCEMENT ADDRESS OF HON. GERALD R. FORD, AT ST. MICHAEL'S COLLEGE, WINOOSKI, VT.

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. STAFFORD. Mr. Speaker, last Sunday, June 8, the distinguished minority leader, the Honorable Gerald R. Ford, delivered a commencement address to the graduation class at St. Michael's College in Winooski, Vt. It is an excellent address, very timely, very well thought out, and much to the point. I am very pleased to place Mr. Ford's speech in the Record. It is as follows:

Commencement Address of the Honorable Gerald R. Ford, at St. Michael's College, Winooski, Vt.

Most reverend clergy, faculty members, honored guests, parents and graduating seniors of this outstanding institution of learning:

I am delighted to be with you here in the exhilerating atmosphere of the Green Mountain state and one of Vermont's finest colleges.

I am most grateful for the honor you have bestowed on me. I hope I am deserving of it. And I pray I may live the rest of my days in keeping with your confidence.

This is the first time I have spoken to an all-male graduating class and I find the experience most interesting. I would guess that the lack of feminine distraction on campus has something to do with St. Michael's reputation for scholastic excellence.

I have a son in college, and I find that when he sometimes looks tired and peaked he is just suffering from a co-ed in the head.

I sense an independence of spirit at St. Michael's. This reminds me that although Massachusetts annexed Maine in 1652 and it took a British Royal Commission to separate New Hampshire from Massachusetts in 1680, Vermonters managed to fight off territorial claims by both New York and New Hampshire in the middle 1700s. A lot of people think the Green Mountain Boys got together to fight the British but the truth is they first combined forces to protect Vermont from the colony of New York.

But I did not come to Vermont to tell you about the history of this proud state. The point I make is that America today desperately needs the kind of pioneer Vermont

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spirit and the rugged courage that triumphed over the British and land-grabbing colonial neighbors as well.

America needs, too, the kind of moral courage and devotion to human rights that prompted Vermont to become the first state to end slavery and to enact universal male suffrage without property qualifications.

I am fond of reading early American history because I believe it tells us much that is instructive today. We can learn much from it—from the suffering the early American settlers endured, from their incredible struggles simply to survive and to worship God as free men.

Those were incredible times. But so too is the era in which we are living.

Americans are living in an age which is in itself a fantastic paradox. It is the most advanced of eras, both technologically and in terms of social progress, and yet it is stained by unrestrained savagery, widespread violence, official corruption and revolting licentiousness. It is an age which has produced marvels in medicine and in space exploration—and also fiendish war machines capable of destroying all of mankind.

If I may depart from the serious for just a moment, perhaps it is small wonder that many Americans are unhappy with our system today. After all, when the first settlers came to this country there was no national debt and there were no taxes. The Indians were running the country, and they made the women do all the work. How could anyone improve on a system like that?

Few of us would want to go back to living as the pioneers did, clearing the land to grow a few crops and shooting game to put some meat on the table.

Yet the truth is evident that man is toughened by severe hardship and his character annealed to the strength of steel in the fires of adversity. Today many of us find life too easy.

The young men and women of today have been spared much of the hardship and adversity of the past. For instance, they know nothing of the Great Depression but what they have read in history books. It is inconceivable to them that a whole generation of Americans could have grubbed around for scraps of food or waited in line at soup kitchens and relief warehouses.

I worked part-time in high school, and I worked my way through the University of Michigan and Yale Law School. I am not complaining, and I am not preaching. I am simply trying to understand today's young people. And to do that I have to look at the world they live in and ask myself how it is different from mine.

This is the age of affluence. People are appalled at poverty in the midst of plenty. In my youth even men with great talent and ability were out of work, and one of the popular songs of the time was "Brother, Can You Spare A Dime."

Until Vietnam, the young man and woman of today knew nothing of war. Many of them obviously agree with Benjamin Franklin when he said, "There never was a good war or a bad peace."

My generation for four years fought the first truly global war in history to cleanse the world of Naziism and fascism and saw America prevent a Communist takeover in South Korea.

Today's pacifists wrap themselves in robes of self-righteousness. Do they think they are alone in hating war? Anyone who loves war is insane.

It was a great military man, Gen. William Tecumseh Sherman, who said: "You cannot qualify war in harsher terms than I will. War is cruelty, and you cannot refine it. War is hell." But Gen. Sherman also said—and this is important—"The legitimate object of war is a more perfect peace."

Is nothing worth fighting for?

Some young people sneer at patriotism and what men like me call Americanism. I would like to see all of our citizens rededicate themselves to the Americanism described by President Theodore Roosevelt when he said: "Americanism means the virtues of courage, honor, justice, truth, sincerity and hardihood—the virtues that made America."

Americans of my generation look at young men and women who wave the Viet Cong flag, throw fire bombs, assault deans and faculty members in our schools of higher education, commit public fornication, and shout and write obscenities and we ask ourselves: What do they want? Who are they? What has America spawned? And why?

These young people scream that America is racist, capitalistic and imperialistic and the system must be torn down.

There are answers for these charges, but how do you reply when radical leaders shout you down or rough you up and mouth meaningless phrases borrowed from Marxist-Leninist and Maoist writings?

We have great need for a dialogue in this country—a quiet reasoned dialogue dealing with the Vietnam War, injustice to Negroes, corruption, materialism and the ultimate purpose of life.

This kind of dialogue goes to the basic purposes of a university—a place where faculty and students engage in an unfettered search for truth and new answers to depressing problems.

But how can you have a dialogue when radical leaders launch violent attacks upon the university itself with the avowed objective of destroying what they call "The Establishment?"

What is "The Establishment?" The Establishment is you and me and everything that has gone into the building of America. It is our democratic system of government. Imperfect as it is, I believe it is the best form of government ever devised.

I am fully aware that there is a lack of adequate communication between young people and the over-30 generation today—a lack of sufficient communication between students and faculty and administration even at peaceful colleges such as St. Michael's. Communication we need—and need desperately.

But violence is not the answer. Shutting down our great universities is not the answer. Black separatism is not the answer. Destroying college admission requirements so that our college and universities become remedial institutions is not the answer.

We don't solve problems by running away from them or abandoning our values or degrading ourselves with completely uninhibited life styles.

The problems today are essentially the same for all Americans. They are not easy problems and there are no easy solutions.

Vietnam. A tragic war. I don't believe it proved that America was wrong in seeking to thwart Communist aggression. I believe it did prove that our foreign policy in relation to Communist expansionist probes should be one of selective involvement and of carefully reasoned judgment as to whether possibly minimal results would justify the investment.

I also believe that for the first time in four years there is real hope for peace in Vietnam.

Racism. It is now a two-edged sword. Guilt feelings serve no useful purpose. We have made substantial progress. The only ultimate answer is to make a living truth of the words that make the Declaration of Independence a glowing testimonial to man's aspirations: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

The framers of the Declaration of Independence were not talking about black men. Slavery was practiced in the United States at the time. But we must apply their words in the context of today's world and clothe them with the truth that all men are equal in the eyes of God.

Have you ever considered how often the drafters of the Declaration of Independence referred to the Deity?

They began by stating: "When in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the Laws of Nature and of *Nature's God* entitle them, a decent respect of the opinions of mankind requires that they should declare the causes which impel them to the separation."

And after ascribing to the Creator the endowing of men with certain unalienable Rights, the drafters of the Declaration of Independence concluded their statement of the causes of separation from England by proclaiming "a firm reliance on the protection of Divine Providence."

In every age, in every time and in every clime there are doomsday sayers who run about predicting the end of the world. Most people just smile tolerantly, shake their heads a bit and say to themselves, "Poor fellow."

One of the recent popular song hits is a calypso tune about California sliding into the sea. I think it has a deeper meaning.

Many members of the older generation today are comparing the abandonment of inhibitions, the excessive emphasis on sex and the general decline in morals in the United States to the biblical stories about Sodom and Gomorrah and to the fall of ancient Greece and Rome.

I can understand such feelings. Values change, yes, but certain truths are immutable. And we live today in an age when the New Barbarians seek to destroy truth, and the pornography peddlers are everlastingly engaged in pursuit of the fast buck.

There are truths that are not debatable—the truths that are laid down in the Ten Commandments—the truths that give rise to codes of ethics among civilized peoples—the truths that cause men to speak of integrity, honor, and virtue.

When men abandon these truths, they lose all sense of value. They live a life in death. Their lives are a waste, and they carry hell around with them in their hearts.

St. Thomas Aquinas said: "Three things are necessary for the salvation of man: To know what he *ought* to believe; to know what he *ought* to desire; and to know what he *ought* to do."

Today America is shaken by doubts about the meaning of education, about the ideals of the college generation, and indeed about the stability of American society.

College students, adults over 30, all of us who still engage in the use of reason should look at our lives and at America as a nation and ask: What are we? Where are we going? Where do we *want* to go? And what is the best way to get there?

We are living in the midst of revolution in America today—not one revolution but many. At the center of one of our political revolutions is the Students for a Democratic Society, the core of the New Left Movement.

Leaders of Students for a Democratic Society have concluded—in the words of one of them—that the "seemingly separate problems of racism, urban poverty, authoritarianism in the academies and the Vietnam War are all the offspring of a single parent . . . capitalism." Simple, isn't it? Destroy capitalism and you will solve all of America's problems, SDS leaders seem to be saying. They might more aptly call themselves Students for a Demolished Society.

This Nation doesn't need a new revolution. It needs to build on the old one, the

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revolution in which the Green Mountain Boys fought so valiantly.

We need a return to moral values. This should be our revolution. This should be our answer to the crushing materialism that is robbing our lives of meaning.

Consider what good the radical student leaders could accomplish if they would mobilize moderate students into an army to clean up and repair slum dwellings instead of exhorting them to an assault upon the citadel of reason itself: the university.

American college students today are among the most privileged and fortunate individuals in the world, whatever their complaints about the relevance of current curricula.

And here at St. Michael's you are doubly blessed because you have received a college education rooted in moral values and the steadfast belief that man is only a little lower than the angels.

I congratulate you, for you are now prepared to live a life which recognizes that love of family is of paramount importance, that marital fidelity is a necessary foundation for happiness, and that nothing is more precious than the integrity of the individual.

These are some of the truths that America has lost in the whirl of this atomic age, the fear of imminent nuclear annihilation, the pursuit of hedonistic pleasure and the throwing off of reason and restraint.

I do not believe America is doomed. As I look at this graduating class, I see the birth of a New Morality in this country—not in the narrow sense but in terms of new strength of character both in Americans as individuals and in the United States as a Nation.

There *is* such an entity as National Character. It is a composite of all the strengths and weaknesses of the individuals who make up a Nation.

I feel you are strong men, and there are many more Americans like you throughout this great land of ours. And so I do not despair.

I believe that you and others like you will go out into the communities and build on the old revolution—make of America a nation which unmistakably stands for justice and decency and reason, for equality and opportunity and hope.

I believe you agree, as I do, with Plutarch when he counseled that "perseverance is more prevailing than violence; and many things which cannot be overcome when they are together, yield themselves up when taken little by little."

So let us, each one of us, light a candle instead of cursing the darkness—so that together we will make a great light which shall illumine the world for ourselves and for all men.

DEATH OF JUDGE JOHN S. SIMMANG, GIDDINGS, TEX.

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, June 12, 1969

Mr. YARBOROUGH. Mr. President, it was with great sadness that I learned of the sudden death of one of Texas' greatest county and district judges, John S. Simmang, of Giddings, Tex.

Lee County has lost a true friend, and I, too, have lost a close, personal friend. A loyal Democrat, Judge Simmang continually managed my campaigns for the Senate, in addition to being instrumental in the election of another fellow Texan, Lyndon Baines Johnson. A true statesman of our times, John Simmang will long be remembered for his humanitarian efforts in behalf of the people of Giddings, Lee County, Tex., and the Nation.

For over 30 years, John Simmang practiced law in Texas. He began his practice in Corpus Christi but later returned to his native Lee County where he served as Lee County judge, Lee County attorney, and finally as district judge. He was appointed to the district judgeship in January 1969, by Gov. Preston Smith.

One of his greatest accomplishments for rural Texas, the farm-to-market road system, was realized during Judge Simmang's tenure as president of the Texas Association of County Judges and Commissioners. His leadership for this road system was perhaps one of his greatest contributions to the rural communities of Texas.

Judge Simmang always had the interest of his fellow Texans at heart. Whether they were rich or poor, black or white, Judge Simmang always had the time to give aid or counsel when it was needed.

An avid outdoorsman, Judge Simmang worked for the continual betterment and preservation of Texas' natural resources.

As a family man, judge, humanitarian, and even more so a personal friend, Judge John S. Simmang will be greatly missed.

I ask unanimous consent to have printed in the Extension of Remarks an editorial and a news article published in the Giddings, Tex., Times and News, which were written by the editor, Mr. Buddy Preuss, because they reflect the true spirit of and compassion felt for the late Judge John S. Simmang.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

DISTRICT JUDGE JOHN SIMMANG DIES, BEGAN LAW PRACTICE HERE IN 1929

District Judge John S. Simmang, 62, of Giddings died suddenly Sunday at 1:40 p.m. at Newton Hospital in Cameron.

Judge Simmang, who ran unopposed in last year's general election for the position of District Judge of the 21st Judicial District of Texas, served less than five months in his new post.

He became ill Saturday night at his home in Giddings and was taken to the hospital in Cameron. His condition was not thought to be serious until shortly before his death when he was apparently struck by a heart attack.

Funeral services for Judge Simmang were held Tuesday at 2 p.m. at Phillips & Luckey Chapel in Giddings with the Rev. H. L. McLerran officiating. Burial was in the Giddings City Cemetery.

He is survived by his wife, Mrs. Mary Ellen Simmang; a son, Michael J. Simmang of Giddings; a daughter, Mrs. Mary Kay O'Brien of Dallas; a brother, Quintus Simmang of Houston; 3 sisters, Mrs. Milton York of Bella Vista, Arkansas; Mrs. Roy McClellan of Lubbock and Mrs. Dorothy Allert of San Antonio; and 5 grandchildren.

Judge Simmang was a native of Giddings and began practicing law here in 1929.

His father, the late E. T. Simmang, practiced law in Giddings and Lee County since the late 1800's. Judge Simmang was associated with his father until he died in 1953. Judge Simmang also was associated in the practice of law with his brother, the late Ted Simmang.

The Judge served as Lee County Attorney from 1954 to 1969 when he resigned to accept the post as District Judge. He and his son, Michael, has been associated in the practice of law the last several years until January 1 of this year when he took the district bench.

From 1938 until 1952 Judge Simmang also served as Lee County Judge and he was the Co-Counsel for Bluebonnet Electric Co-op, formerly the LCREC, for 27 years until his death.

During Judge Simmang's tenure as President of the Texas Association of County Judges & Commissioners, the Texas farm-to-market road program became a reality. This was one of Judge Simmang's greatest contributions to the rural communities of this area and the entire state.

For over 25 years Judge Simmang also was a member of the Giddings Volunteer Fire Department which did so much to protect the property and lives of those in this community.

He was also very active in the Giddings Chamber of Commerce all down through the years and served as its president at one time.

He was a member of the Giddings Industrial Foundation and Industrial Committee at the time of his death.

His most recent accomplishment for the betterment of this community was his service on the State School Committee which was instrumental in obtaining the Giddings State School for Boys.

Other organizations of which he was a member include the Sons of Hermann, Masonic Lodge, SPJST at Dime Box, Lee County Sheriff's Posse, Giddings Lions Club and Lee County Cattleman's Association.

He was also very active in the Lee County Fair Association down through the years and directed various charitable campaigns such as the March of Dimes.

He was a loyal Democrat and was instrumental in helping to elect Lyndon B. Johnson as Congressman in this district, also supporting him all the way to the Presidency.

Judge Simmang was a director at the First National Bank in Giddings since 1953 and was legal advisor for many years for the Giddings News.

Judge Simmang was born in Giddings in 1906, the son of E. T. Simmang and Tillie Schelnick.

He attended school in Giddings and received a degree from the University of Texas. He completed his legal training with a degree from Cumberland University Law School in Lebanon, Tennessee.

He practiced law for a few months in Corpus Christi but then returned to his native Lee County where he remained the rest of his life.

LEE COUNTY HAS LOST A FRIEND

The people of Lee County have lost a friend with the passing of Judge John S. Simmang.

This man loved Lee County and its people like few others I have ever known.

Yet the prominence of becoming District Judge didn't change his attitude about the common people. He had dined with the highest dignitaries of this nation, including Presidents and Governors. But his heart always came back to his beloved Lee County, the place of his birth and childhood, where he followed in his father's footsteps as an attorney in the practice of law.

Although Judge Simmang had associated with the highest officials of the land, he was more often than not seen dressed in work clothes associating with people of all races in this area who truly earned their living by the sweat of their brow. He, too, spent as much time as possible at his farm with his cattle.

Judge Simmang loved the outdoors. Nothing probably hurt him more in this respect than the decision of the Corp of Engineers to drain Flag Pond when the Somerville Dam was built. Yet just last week he made an all-out effort to help obtain lights for the Neils Creek Park on the Lee County side of the Somerville Lake. He realized the importance of these lights in protecting those Lee

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Countians and others who were using this park for recreation.

It was announced at all three Lee County Sheriff's Posse rodeos last week that Judge Simmang had donated lights above the bucking shoots so that his people could better enjoy the sport of rodeos.

These are just a few of the recent contributions Judge Simmang made to this community. Thousands of things he has done for untold numbers of individuals and families in Lee County will never be known. It didn't make any difference whether you were rich or poor, black or white: If it was help you needed, the Judge was there to give it.

Not only did he often give free legal advice to those who couldn't afford his services, but often reached down into his pocket to help those who needed it. And he made countless contributions to various churches and civic organizations.

The "little man" meant just as much to Judge Simmang as the fellow with lots of money and great honor. Thousands in this area will testify to this fact.

He had reached the height of his career with his election as District Judge last November. It is quite possible that he could have had appointments to even higher judicial offices had he wanted it. But Judge Simmang didn't want to leave Lee County. The good life among his friends meant more to him than a high political position. So his short 5 months as District Judge still allowed him to live in the place of his youth.

He was happy these past few months, probably happier than he had ever been. Yet he was the first to admit the shortness of life on this earth. He talked about it almost as if he expected not to be here much longer. Still he loved life and lived it.

Those living in Bastrop, Burleson and Washington counties were already beginning to realize the fairness of Judge Simmang on the bench. He received a very complimentary article just last month from the publisher of the Brenham newspaper. These are the kind of men we need more of on the benches of our courts. Fair, yet not so liberal to be too lenient to those found guilty of a serious crime.

It hurts me to think that the Judge could not have been spared long enough to fill at least one term as an example to the judicial branch of our government.

I will never forget how Judge Simmang about two years ago accepted a county court case, the first held in nearly 2 decades in this county. He knew it wouldn't make him any money in big fees, but he was fighting for a principle. And without principle a man's word or his character means nothing.

So Judge Simmang and his son Michael won a court case which allowed $500 for 3 "wolf dogs" which had been shot by a man because he claimed the dog was disturbing his cattle. The dog belonged to a colored gentleman who had been hunting wolves as sport for yeers, helping to cut down on the wolf population in this area.

Whatever Judge Simmang believed in, he would fight to the end for it. This is the way it was with his political beliefs. Back when Lyndon B. Johnson first campaigned for Congressman in this 10th District, it was Mr. John who headed his campaign in the Lee County area. And he backed Lyndon Johnson all the way to the Presidency.

Both LBJ and the Judge were instrumental in getting the LCREC, now Bluebonnet Electric Co-Op, for Giddings. It's meant a lot to the economy of this community and has helped to give electricity to the entire rural area.

The Judge also served at one time as President of the County Judges & Commissioners Association, helping to get roads for rural areas.

One of Judge Simmang's most recent contributions to this community came just last year when the Giddings State School Committee, of which he was a member, helped obtain the State School for Boys to be located at Giddings. Although the Judge did not live to see this become a reality, the School will be a monument to his untiring work for a better community. And it will employ several hundred people, most of whom will be the "common people" he cared so much for.

Yes, Judge Simmang will be missed. But then he is finally getting to rest from his labors. It can be said of him, "Well done, thou good and faithful servant."

He was a servant of the people.

APOLOGY TO THE LAW-ABIDING CITIZENS OF SOUTH DAKOTA

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. BERRY. Mr. Speaker, I take this opportunity to commend our colleague, Roman C. Pucinski, of Illinois, on his challenge of the position of the junior Senator from South Dakota, Senator George McGovern, wherein Senator McGovern proposed that Mayor Daley use his influence to have the indictments against the August rioters dismissed.

I want to point out to Congressman Pucinski that the position of Senator McGovern does not represent the position and feeling of the people of South Dakota.

The people of South Dakota generally are good, law-abiding citizens and treasure the constitutional processes that have made this country great. They abhor the thought that politics can fix grand jury indictments.

I join Congressman Pucinski in commending Mayor Daley for telling Senator McGovern in effect "to go jump in Lake Michigan with his naive suggestion." I agree with the gentleman from Illinois that the South Dakota Senator's suggestion that "Mayor Daley ought to use his influence to drop these indictments is to make a complete mockery of the judicial processes in the country."

I also commend the editorial staff of the Chicago Sun Times. The Sun Times said in part as follows:

> Specifically, McGovern proposed that Mayor Daley encourage officials to dismiss all indictments growing out of the disorders so as to "end the anguish and heal the wounds."
>
> McGovern, a professor of history and government, should recognize that his proposal was unacceptable morally or legally. Political pressure on the courts should not be tolerated. A court system free of politics is a goal this newspaper, McGovern and everyone interested in good government has been striving for.
>
> With the indictment of demonstrators and policemen the judgment on the August disorders moved into the courts. And there they must be disposed of according to law. It may be that the specific federal law applied against demonstrators should be tested for its constitutionality. But all these questions should be hammered out in the courts.
>
> Even if he wanted to, Mayor Daley does not have the right to grant amnesty to persons still under indictment. If the court action still pending is, as McGovern argued, keeping Democratic party wounds still open, the best prescription is swift justice, not political interference with justice.

I apologize for the position taken by the junior Senator from South Dakota. It is regrettable that his position has cast a reflection upon the good name of South Dakota and its law-abiding citizens.

PETITION BY STUDENTS FOR LAW AND ORDER ON CAMPUS OF UNIVERSITY OF GEORGIA

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 12, 1969

Mr. TALMADGE. Mr. President, in this day of tremendous turmoil on the campuses of colleges and universities all across the United States, it is important to keep in mind that the student dissidents and even outright militant revolutionaries represent only a very small minority.

An overwhelmig majority of American youth and college students believe in law and order, and they are committed to the importance of higher education in our complex society.

Recently, at the University of Georgia, in Athens, more than 3,300 students signed a petition calling for the maintenance of law and order on that campus. This is probably the largest petition in the entire history of the University of Georgia. The petition was endorsed and the student signatories commended by the Agricultural Alumni Association of the University of Georgia. I ask unanimous consent that it be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

RESOLUTION

Whereas, Education is the key to successful attainments in life, and

Whereas, A better education for their children has been the dream of all parents throughout the ages, and

Whereas, The State of Georgia was the first state in the nation to charter a state-supported institution of higher education, and

Whereas, The tax-paying citizens of our state devote a sizable portion of their income and wealth to providing educational facilities and programs, including those of the University of Georgia, and

Whereas, The educational progress of our young people can be seriously impaired by disruptive acts on the campus and the state's investment in education thereby negated by such acts, and

Whereas, The state and society need the services of young people who are eager to obtain an education, and

Whereas, Such young people who are desirous of obtaining an education should have every opportunity to acquire said education under the best possible conditions,

Therefore, be it resolved that students opposed to disruptive acts, such as the PRO-UGA Committee, be commended for their recognition of the need for a campus atmosphere conducive to learning, and for their support of the University administration.

Be is further resolved that the Agricultural Alumni Association of the University of Georgia, Inc., commends President Fred C. Davison for his firm position and leadership in such matters and urges him to take whatever action necessary to preserve law, order and decency on our campus, including legal action and expulsion, if necessary, against

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any individual or group planning, organizing, condoning or carrying out disruptive acts.

Adopted this 10th Day of May, 1969 by the Board of Directors, Agricultural Alumni Association, University of Georgia, Inc.

Hugh A. Inglis,
Secretary-Treasurer.

THOMPSON SCORES LIBRARY CUT

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, one of the most unfortunate cuts in the President's budget for next year is that of Federal funds for the Nation's libraries. Unless Congress restores these funds, programs which provide assistance to elementary and secondary schools, colleges, and public libraries will be sharply curtailed. Some, such as construction of public libraries, will be done away with completely.

The proposed cuts amount to the approximate cost of fighting the war in Southeast Asia for 1 day. Yet this sum will jeopardize construction and modernization of libraries, acquisition of new materials, provision of services which increase the use of existing services and facilities—such as mobile libraries and longer hours—and training of librarians. Libraries are the laboratory of the humanists; they are the storehouse of basic educational materials. Two recent editorials, one from the Washington Post and the other from Saturday Review, eloquently pleaded the cause of the libraries—and all who wish to learn—of this country. I commend these pleas to my colleagues by inserting them in the Record at this time:

[From the Washington Post, May 14, 1969]

The Cost of Economy

"Libraries," President Nixon said just a month ago in observance of National Library Week, "are the banks of our educational system. And they yield rich dividends in knowledge and in wisdom." The metaphor, however meritorious, was infelicitously timed. It was uttered just a day or two before the President announced savage slashes in the Federal budget for libraries and library services. These banks, apparently, are not going to have much money in them. And so their "dividends in knowledge and in wisdom" may be correspondingly meager.

It would be difficult to state with any greater eloquence than Mr. Nixon's the vital contribution made by libraries to the intellectual life of the Nation. "They are," he went on to say, "a summing-up of past achievement and a stimulant to future progress. Never have we had greater reason than this year to celebrate National Library Week. For never have our libraries played a more prominent role in our campaign against ignorance and for fullness of educational opportunity."

Unhappily, the Nixon budget allots to libraries no more than a fraction of what the Johnson budget promised. In funds for Title II of the Elementary and Secondary Education Act, providing library materials and textbooks for public and private schools, there is a reduction of $42 million, leaving exactly—nothing. The funds to be made available for furnishing library materials to help college and university libraries would merely be cut in half, a cut of $12.5 million. And perhaps the unkindest cut of all is in Title I of the Library Services Act, a matching program which usefully prodded state and local governments to spend money for the improvement and expansion of their library systems. This, too, suffered a reduction by one-half—$17.5 million taken away, $17.5 million left.

There are considerations of economy to support these cuts, of course, and they have an undeniable validity. But they entail serious social costs, whatever their money savings. Reading is indispensable to any self-governing society; and libraries are the fountainhead of reading. Mr. Nixon in no way overstated their importance; he has simply undervalued his own rhetoric. It is children who will bear the brunt of this "saving" and in the long run it may be dangerously expensive. It is one of those hidden prices paid for the war which, when added all together over time, can be ruinous to the Nation's security.

[From Saturday Review, June 7, 1969]

Books Are Not Expendable

What if a coalition of extremists proclaimed their intention of fire-bombing every school and public library in the country?

The public outcry would, of course, be memorable. Not only would riot police hit the streets in force, but reasonable people everywhere would set up an anguished outcry and take the sternest possible line with the troublemakers. Our schools and libraries are, the cry would go, the backbone of the nation and the arsenal of democracy—who diminishes them diminishes America. And if, in the face of the riot guns and outraged public feeling, the extremists did manage to level a few libraries and classrooms, popular opinion would soon force the government to build ever statelier mansions of learning on the bombed-out sites.

But there is, of course, more than one way to put schools and libraries out of commission. There are ways of doing the job in broad daylight, right under the nose of a somnolent American public. Consider, for instance, the recently announced federal budget allotments for books and educational materials for the coming fiscal year. Where $237 million was made available a year ago, the Nixon Administration has slashed that amount by a cool 87.5 per cent. Yet the public outcry has been, at best, muted.

Spelled out, this wholesale slash means that no federal funds at all will be given to elementary school libraries, and that only minuscule amounts will trickle down to the public and college libraries.

The libraries are, of course, far from being alone in their deprivation. The proposed federal cuts will bring the budget of the Office of Education down from $4.1 billion in 1968 to a lowly $3.2 billion in 1970—a steep, even dizzying decline, and one that is bound to leave wound-stripes on the country's educational bodies for some time to come.

Ironically, Washington's budget slashers have chosen to hack away at federal grants at a time when their counterparts in the cities and localities are also finding it expedient to skimp and scamp on educational services. The effect of this dual barrage may well prove devastating.

But surely no one in government is *against* education and the reading process? If, as Senators are forever telling us in commencement day speeches, education is the backbone of our country, why would sober, well-meaning budget experts want to bend their country's backbone to the snapping point? The unofficial explanation out of Washington has been that the programs hit were of "low priority" in this "period of inflation and budgetary stringency."

This "explanation" would be moving and persuasive if only the pesky daily papers would stop printing stories that give such explanations the lie. Recent news stories tell, for instance, how the Air Force, sans congressional authorization or appropriations, approached an aircraft company and ordered up fifty-seven monster-sized C–5A transport planes, without having any clear idea of how much the planes would cost. The price will depend, it came out, on how much an earlier order of fifty-eight C–5As costs to build. If the first group of planes turns out to cost more than expected, no sweat: Under its contract with the Air Force, the aircraft company is free to jack up the price of the second group of planes as much as is necessary to insure a tidy profit.

This breathtaking display of the juggler's art has moved Representative Otis Pike, of New York, to exclaim that the Air Force was "playing Mickey Mouse with figures." The contract arrangement is so loose-limbed and amiable, in fact, that no one seems sure just how much money may be involved. Thus, the Air Force says its original understanding was that all the planes would cost some $4,348,000,000 but that of course the estimate has risen since by $1,382,000,000. Yet one Air Force expert concedes that the cost increase will probably run something on the order of $2 billion. This amount could give the United States the finest library facilities and services in the world. Meanwhile, each week we read other reports of massive military waste and sloppy bookkeeping that do little to convince the electorate that the values of the society are in happy balance. Fortunately, various groups and individuals are currently pressing Congress to restore these budget cuts—which is to say, they are trying to restore the nation's educational backbone to its original shape. During this month and July, the Congress will be holding hearings and voting on the 1970 appropriations bill. If every American who feels strongly about these misappropriations of educational funds would visit, write, or call his Representative and Senators, there is every chance that the cuts would be restored. If they are not, the bureaucrats—or, as the Germans call them, "desk-murderers"—will with a pen stroke have done more damage to the life of the mind in this country than a regiment of fanatics and incendiaries could do if they worked around the clock. Books are not expendable.

It is the fashion to think of teachers, librarians, and cultivated people generally as timid, sheeplike, and much too well bred to cry out when they are shorn. Perhaps it is time to remind our fiscal hatchet-wielders of Balzac's saying, "Terrible is the revolt of a sheep."

ARTHUR GODFREY DELIVERS A WARNING TO GRADUATING CLASS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 12, 1969

Mr. RANDOLPH. Mr. President, for a good many years Arthur Godfrey has been one of the country's best-known entertainers. As such he has gathered a large following of people who admire his talents as a performer.

Mr. Godfrey has a deep abiding love for his country. He has taken an intensive interest in its natural resources and has become one of the most eloquent spokesmen for the preservation and protection of these resources. His concern for America and its people is of the highest degree of responsibility by a citizen.

On June 2, Arthur Godfrey delivered the commencement address at the Milton Hershey School in Pennsylvania. In it he

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presented some disturbing facts and a warning of what may happen to our natural environment unless man changes his ways.

Mr. President, I ask unanimous consent that excerpts from Arthur Godfrey's address be printed in the RECORD.

There being no objection, the excerpts were ordered printed in the RECORD, as follows:

When President John Hershey came to visit me in my office last winter, I told him I would be delighted to come to speak to you tonight. But I must confess that as this date has come nearer and nearer, my dread has increased until over this past week-end it became something little short of sheer and complete panic!

* * * * *

But this is the first time I have been asked to make a commencement address since I was awarded an honorary degree in Aeronautical Science by Ryder College 'way back in the early fifties.

* * * * *

So I've been asking myself everyday for the past several weeks, as I was preparing this address: what in the world can I possibly say that you might find worth while or even interesting? I called my granddaughter on the phone about it. * * * She said: "I think it would be exciting to hear what you think the future has in store for us. We're tired of being lectured and warned all the time about booze and narcotics and sex. It would be nice to get some constructive advice about career possibilities and things like that."

I also asked some of the bright young men who work with me in advertising and television and radio production. Men in their late twenties and early thirties. They all said the same thing: "Tell 'em like it is, Arthur. Tell 'em what you've taught *us* about our environment, our attitudes and our disciplines.

Well, that's a long story, and I couldn't give it all to you if I gave you an hour's lecture every day for three years. It is ridiculous for us elders to try to give advice to young men based on what we think we remember about our own youth.

* * * * *

It's a different story today, I'm afraid. Today, because the material conditions of life have been vastly changed, too many people think traditional concepts of ethics and morals and political and social relationships are obsolete. What I'm going to tell you today are some unpleasant truths that may not be what you'd like to hear. But what I will tell you is truth to the best of my knowledge—truth untainted and uncolored by personal opinion.

* * * * *

Man—humanity—your ancestors and mine—seems to have appeared first in ancient Africa somewhere between a million and two million years ago. And for a long time—at least a million years—did all right.

But somewhere back along about the Neolithic period, we must have gotten too big for our breeches in the northern half of Africa, anyway, because that whole area became entirely denuded. What had once been a magnificent forest became the vast Sahara Desert—which is still pushing southward at the rate of about half a mile per hour.

We—mankind—struggled along for thousands of years, throughout the rest of the world, until about the time of the Renaissance, with only two or three hundred million people—at most—on Earth. Then, all of a sudden, somewhere between 1830 and 1850, it was realized that there were about a billion human beings alive at one and the same time.

Seventy years ago, at the turn of this century, there were still considerably less than a billion and a half people alive on Earth. * * * By 1930, when I was 27, the population had risen to two billion, but in only the next 30 years, by 1960, we had already well beyond 3.5 billion, with life expectancy up to 67 years in America.

If this keeps up, 31 years from now, when you lads will be in your middle and late forties, the world population is projected to be well over 7 billion human beings. Of course, we'll never make it. Why? This planet just isn't big enough to support 7 billion people!

Take just the United States, for instance. When I was born there were far less than 100,000,000 Americans alive. Today we have 205 or 206 million. Now, according to the best figures I can find, at 200 million people we have 2.6 acres of arable, usable soil per person. Double the population in the next 30 years, means half the usable soil per person—1.3 acres. You lads know that we cannot raise enough food on 1.3 acres to feed one person for one year.

* * * * *

So, by 1980 or 85, you, dear young people, are going to know the pangs of hunger—you and me and three hundred-odd million other Americans! It won't be just the poor people. Everybody will be hungry.

And don't let anyone tell you that technology is going to fix this. That's a lot of hogwash. Technology, as a matter of pure fact, is exactly what has caused the present human condition. Runaway technology! * * *

No, technology isn't going to help us until we adopt an entirely new set of definitions of what we have rather foolishly called progress up to now. My generation started it and the children of my generation, your sires and mothers, have carried it along in a wild, heedless drive. * * *

Let me illustrate with one or two small examples: technology some years back came up with a marvelous chemical called DDT for spraying insects. Without examining the ecological consequences, we all bought the stuff and sprayed it everywhere to get rid of mosquitos, flies, beetles and other pests. It killed 'em, too. No question about it.

But it also killed praying mantises, and lady bugs, and other wonderful insects that feed on those that are harmful to man. It wipes out entire species of birds, too, by making them incapable of reproducing. It kills the plankton and other tiny organisms in the waters upon which the lesser forms of marine life depend for food, thus robbing the larger creatures of their subsistence.

* * * * *

Incredibly, penguin eggs—thousands of miles away in the Antarctic! have been found to be contaminated with unacceptable amounts of DDE which has prevented chicks from hatching. A big catch of cohoe salmon in Lake Superior was impounded last winter because it was found to be loaded with dangerous amounts of the same poison.

Would you lads believe that our filthy Hudson River in New York used to have annual salmon spawning runs? Yes! And great sturgeons, too. Believe it or not, we once exported caviar to Russia from our own Hudson River sturgeon! * * *

The very air we breathe is so filled with noxious gases that thousands of people die each year of emphysema, lung cancer and, in some instances, just plain every day suffocation.

Where does the air pollution come from? Factories? Yes, but only roughly 14% of it. Public utilities? Yes, another 16%. All of the remainder, 70%, comes from our automobiles, motorcycles, boats, airplanes, trucks, tractors, incinerators and home heating devices. All these "wonderful" things that technology brought us.

* * * * *

My hope is that American youth will not take it sitting down. My hope is that you who will one day take over the reins of this country, will do something about it. That's why I accepted this invitation to speak to you today.

You young men about to leave this great institution, are living examples of the power of initiative and free American enterprise.

* * * * *

You who were graduated here today are equipped as no other young men in America with a priceless background that will stand you in good stead in the mighty struggle that is to come. The rules of conduct, the desire to learn, the love of country which are part and parcel of your bone and tissue will make you the great leaders of your day.

Too many of our young people today have been caught up in a senseless, lemming-like stampede to oblivion. This is no time for youth to blow up and seek hysterical escape. Long, filthy hair and rags bring nothing but skin troubles and body lice. Civilization is built on restraints and disciplines—preferably self-disciplines. There must be rules and regulations and civilities and niceties and manners and courtesies or there is no quality to life—and all is chaos.

We must do our own thing, you and I—but we must make it a positive, constructive thing, and we must be guided by rules, manners, formalities and standards of taste. We have to learn how to do that which man forgot how to do the day he fashioned the first tool—we have to learn to live unobtrusively within our environment. We have to learn to be a part of our environment instead of trying to be greedy, thoughtless, tyrannical masters of all we survey.

The world has changed in many ways, and man has wrought most of the changes, but he is still the slave of the very environment he has so heedlessly brought to the edge of ruin. We can go to the moon and we can go to the bottom of the sea—but we must take our environment with us—or we die. And yet we have muddied and polluted and ravished our environment—the very substance upon which we live and within which we live.

A long time ago, lads, I reached the conclusion that the only contribution a man can make that is really worthwhile is to leave the piece of ground upon which he was nurtured in better shape than it was when he found it. The whole world is a dirty, impoverished, badly polluted place today. I'm sorry you had to find it that way—sorry to the depths of my soul—and I have honestly tried to clean up at least a little of it. And I shall keep *on* trying by bringing these facts home to as many people as will listen to me.

Let me urge you young men to arm yourselves as quickly as possible with the facts which are now as available to you as they have been to me during the past few years. Then, individually, select that branch of ecological endeavor which appeals to you most and attack it with all your strength. Go—and take with you the apologies of those of us who realize now the error of our ways—and take with you also our love and support and our determination to make this world much cleaner and better than it is today.

ROMAN HISTORY OFFERS PARALLELS THAT ARE CHILLING

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. SNYDER. Mr. Speaker, I include herewith for printing in the Extensions of Remarks, an editorial by Brady Black of the Cincinnati Enquirer, entitled "Roman History Offers Parallels That Are Chilling."

The editorial follows:

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ROMAN HISTORY OFFERS PARALLELS THAT ARE CHILLING

(By Brady Black)

The fall of the powerful Roman Empire long has been a historical yardstick for man's measuring and speculating as to whether the powerful United States could come to a similar end.

The Philadelphia Inquirer has published a series of articles by Dr. Robert Strausz-Hupe, director of the Foreign Policy Institute at the University of Pennsylvania, which points out some parallels between the Roman Empire of 1900 years ago and the United States of today.

The implications, if one is inclined to be pessimistic, are frightening.

The Roman Empire, Dr. Strausz-Hupe noted, achieved its greatest prosperity and external security in the second century after the birth of Christ. The military strength deterred or overwhelmed foreign aggressors and, internally, the safety of individuals and their property was insured. There was a middle class which grew steadily in numbers and in wealth. All Roman citizens were liable for military service and all were equal before the law. Economic competition was actively encouraged.

"No foreign power could challenge her, and her growing middle class furnished the seemingly inexhaustible wellspring of progress," Dr. Strausz-Hupe wrote.

"Why did this splendid and benign civilization decline at all?" he asked. "And why did it decline so rapidly that, within another 100 years, the Roman Empire was plunged irreversibly into anarchy and penury, ravaged by foreign aggressors, and doomed to extinction?

"Undoubtedly, one cause of the decline and fall of the Roman Empire can be found in the enduring nature of man: His capacity for self-delusion and complacency in good times."

The alarming trends, noted even at that time, were:

There was an increase of idle people in Rome, the idle rich and the idle poor. This trend was fostered by political rewards to favorites by some of the emperors and bids for acclaim of the masses by the inauguration of welfare measures and public services. A large part of the Roman citizenry lived on the dole in exchange for their votes.

The average Roman citizen, idle, pleasure-seeking and pampered, felt less and less inclined to do service in the citizen army, once considered a privilege of all free Romans.

The simple moral values which had made Romans invincible in war and which had ennobled their domestic institutions—frugality, gravity, directness, piety and patriotism—did not commend themselves to the sophisticated philosophies which swept Rome's intellectual market in the second century.

One group of alienated intellectuals was the Cynics—bearded, ragged and professing indifference to worldly goods. The Cynics heaped contempt and ridicule upon the steady values of the middle class. Another was the Sophists, the academics who fattened on the social and economic system which they denounced as they grew influential and rich.

By the beginning of the third century, Rome's towns and countryside had become unsafe places. Deserters from the army and escaped criminals beset the unwary traveler and robbed the tradesmen.

There were riots and fires which destroyed whole towns.

The authorities, unable or unwilling to cope with the disorders, indulged the masses of idle in the cities, seeking their political support as an offset against the growing discontent of the taxpayers—the producers.

Confiscatory taxation and creeping inflation occurred, depressing commerce and industry and beggaring the middle class. The chief taxes paid by the lower income brackets were not raised but the income taxes and inheritance taxes paid by the propertied and well-to-do were sharply increased.

"What always happens as a consequence of excessive taxation also happened in the Roman Empire: Prices rose, and creeping inflation culminated in a scramble for real goods at ever higher prices and in the debasement of the currency," Dr. Strausz-Hupe noted.

"As always, the lower income groups, depending on the purchasing power of their daily earnings, were worst hit. The deterioration of the currency was the most tangible symptom of the increasingly serious financial situation of the empire. . . . Increase in taxation went hand-in-hand with the increase in bureaucracy . . . The bill for their services had to be paid by the one population group that could be coerced into carrying the additional load; namely the producer, the taxpayer.

"A few generations earlier," he continued, "Rome had stood steadfastly by her commitments to her allies . . . by the third century, the retreat of Rome from her forward positions . . . had turned into an unseemly rout . . . Rome's hostile neighbors turned more aggressive . . . Rome confined herself to indignant complaints—and did nothing . . . For awhile appeasement of her enemies brought Rome peace. Then her strongest allies defected and her enemies, encouraged by Rome's limp response to their provocations, renewed the attack and proceeded to ravage Rome's home territories, Italy and Gaul.

"Is this lesson relevant to us? Has any people ever grown stronger by growing weaker in the resolution to punish hostile provocations and to stand by its allies?" Dr. Strausz-Hupe asked.

"Has any people ever been able to improve its internal welfare at the expense of its external security? . . . No one can state convincingly where lies the limits of our wealth; as to whether, for example, a permanent tax burden, representing 25% of our national income, is bound to crush the incentive of the nation's products, whether chronic inflation will affect our future welfare of our poorer fellow citizen; and whether, in order to deal effectively with the blight of poverty, we must not first halt the inflationary rise in the cost of living and restore incentives to private enterprise."

REEXAMINATION OF RELATIONSHIP OF FEDERAL, STATE, AND LOCAL GOVERNMENTS—RESOLUTION BY CITY COUNCIL OF YONKERS, N.Y.

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, June 12, 1969

Mr. JAVITS: Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a resolution adopted by the City Council of Yonkers, N.Y., calling for a complete reexamination of the entire relationship of Federal, State, and local governments.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION No. 288–1969

By Councilman Eisen:

Resolved by the City Council of the City of Yonkers, in meeting assembled:

That it emphatically calls upon and urges our representatives in the State Legislature and the Congress to immediately press for a complete re-examination of the entire relationship of Federal, State and Local Governments for the purpose of placing where there is power to deal with them—full responsibility for creating and implementing comprehensive and effective solutions for the increasing monumental problems, particularly financial, facing the cities. It must be recognized that the urban area—such as Yonkers—is being short-changed, at the low end of the structure of government, and by reason thereof is fast approaching the point where expenses can only be met by denying essential community services.

The Federal Government apparently is the only present source with sufficient resources to be able to quickly come to the aid of the cities to meet their almost insurmountable challenges. But this aid cannot wait and must be genuine and available, not frustrated by red-tape. Prompt and adequate commitment not lip service must come to the cities if they are to accomplish the task of re-building our decaying urban civilization.

Be it further resolved that copies of this resolution be forwarded to each of our Assemblymen, our State Senator, our Congressman, both United States Senators, the Chairman of the appropriate committees of the Legislature and Congress, and to the Governor and the President.

Adopted by the City Council of the City of Yonkers, at a stated meeting held April 22nd, 1969, by unanimous vote.

JOSEPH A. KRAYNAK,
City Clerk.

State of New York, County of Westchester, City of Yonkers, SS.:

I, Joseph A. Kraynak, City Clerk of the City of Yonkers, do hereby certify that I have compared the foregoing Resolution No. 288–1969 adopted April 22nd, 1969, with the original thereof now on file in my office, and that the same is a true and correct copy thereof and the whole of said original.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Yonkers, this 24 day of April, 1969.

JOSEPH A. KRAYNAK,
City Clerk.

MINE TRIP TAKES VISITORS BACK 300 MILLION YEARS

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. SCHNEEBELI. Mr. Speaker, a recent edition of the Christian Science Monitor contained a very informative article about a trip underground to an active coal mine in north central Pennsylvania. I myself have taken this trip through the Glen Burn Colliery mine and can attest to its amazing and inspiring effects. It is an awesome sight and a very exhilarating experience which I would highly recommend to anyone interested in American history and traditions.

The Monitor article follows:

[From the Christian Science Monitor, June 10, 1969]

MINE TRIP TAKES VISITORS BACK 300 MILLION YEARS

SHAMOKIN, PA.

The huge Glen Burn Colliery, whose history dates back to 1793, opens its shafts to tourists on weekends and holidays from May to October.

From 10 a.m. to 7 p.m. certified mine foremen guide visitors on 50-minute tours of the mine's intriguing interior, featuring a

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thrilling three-mile ride through the remarkable solid rock tunnel, plus an extra 20-minute guided tour of the colliery's surface sights, showing such marvels of hard-coal mining as the world's highest burning culm bank.

Tourists are also welcome to visit the new Anthracite Museum and view unusual exhibits of fossils, old mining gear, lamps, maps, photographs, and many reminders of life in early mining days.

Visitors take the tunnel ride in authentic motorized mine cars, specially equipped for tourist enjoyment. Floodlights atop the cars illuminate the tunnel's amazing solid rock and sights en route. Over loudspeakers, passengers hear mining lore and highlights of anthracite history, traditions, and geological development.

Tourists alight from mine cars in the high, wide, well-lighted "inside walking area," full of remarkable underground sights. The knowledgeable miner-guide leads the way, explaining how anthracite is mined at the Glen Burn, answering questions, pointing out gangways, loading chutes, such phenomena as a rich coal vein, rock strata, and brilliantly colored rock "painted" by acid water.

Enhancing the authenticity of the scene are lifelike mannequins, dressed like Glen Burn miners, illustrating actual mining operations. It's cool inside the mine, an average 52 degrees.

On the outside tour, visitors actually walk the route taken by Glen Burn miners on their way to the drift mouth (entrance to the tunnel).

First stop is the old bath house, to see where 1,200 miners took showers after a day's toil beneath the earth's surface. Visitors then see and learn functions of such facilities as the pumping station, scale house, boiler house, railroad and mine haulage cars. They view a gigantic "tree trunk" fossil, judged by a noted geologist to be about 300 million years old.

Because the famed Glen Burn mine is such a huge complex of buildings and installations, with a wealth of unusual attractions above and below ground, there is much of interest for everyone. Tourist facilities include a snack bar, souvenir shop, and free picnic area.

KREMLIN CONFRONTATION TACTICS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 12, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Kremlin Confrontation Tactics," published in the Washington Post of June 10, 1969.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KREMLIN CONFRONTATION TACTICS

If the United States, after occupying Mexico and opening a border war with Canada, then called a conference on hemispheric friendship and unity, it would be in about the pickle in which the Soviet Union finds itself today. An outsider might have thought that, at the least, the timing of an international Communist conference was a shade off, coming so soon after the occupation of Czechoslovakia and the opening of a border war with China. But that would be to overestimate the political subtlety of the Kremlin faction which rammed the conference through.

In Moscow these days the "contradictions" of the Communist movement are, like magnolia blossoms, unfolding and turning brown. To attract those few parties whose self-respect makes their attendance of value, the Russians promised not to use the conference to excommunicate the absent Chinese. But once the meeting began, Politburo chief Brezhnev feverishly denounced Peking. The Russians had gotten their hapless Czech clients to ask the brothers not to discuss the Soviet invasion. But one of the parties responsible to its public rather than Kremlin whim, the Australian, went ahead and raised the Czech question anyway. A captive of its own intolerance, the Soviet leadership has neither the power to suppress all dissent nor the wisdom to learn from it. Having abandoned the techniques of consultation for the shock tactic of confrontation, the Kremlin is at a loss.

If the Soviets want to make a hash of the International Communist movement, that is their privilege. Thoughtful Westerners, rather than smiling over Moscow's discomfort, will regret that the Russians are so pressurizing the international climate. Yet that is not all. Its performance raises serious questions about the maturity of the current Kremlin leadership. Can a group which abuses and alienates its friends be counted on to treat its rivals with the respect their tensions require? It would defy common sense and past history alike if other men in the Kremlin were not troubled by this strain.

DAY CARE CENTER FACILITIES ACT

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. ST GERMAIN. Mr. Speaker, there are some who claim that the most important social legislation of the next 10 years will be in the area of child development. Establishing day care facilities will be one of the important parts of that legislation. The existing need for more day care centers is staggering. Several million children in need of day care attention are without it, and each year, for the predictable future, the demand for day care services will increase.

According to the Department of Labor the number of working mothers has doubled since 1950; there are seven times as many working mothers now as compared to 1940. At present, almost two of every five mothers with children under 18 are working. A cultural change has occurred in the past 30 years, and we have not faced some of its implications.

One implication which now cries out for attention is the need for a national program to provide adequate care for the children of these working mothers. According to 1965 estimates, there were 4.5 million children under the age of 6 whose mothers were working, and 11 million children aged 11 or under.

The number of places in day care facilities—531,000 as of March 1968—hardly begins to cope with the problem. Present facilities are filled to capacity, and everywhere there are long waiting lists. Mothers are forced into makeshift arrangements for their children—a neighbor today, a relative tomorrow. Sometimes an elderly person is left in charge of many children from a number of families. Sometimes the children are left with a sick person; sometimes they are brought to the mother's place of work. Evidence is available that many of these arrangements are detrimental to the child—and in the long run, to society—for we have come to recognize that the preschool child is going through important stages crucial to his future development. To take a simple example, the preschooler can be seriously slowed up in his language ability if he is left each day with an elderly person who talks very little to the child because of deafness, or a language barrier, or the tiredness of age. The detrimental effect here is cumulative. Without language skills the child learns poorly all that is taught to him through language when he begins school.

Shocking as it may seem, some children are left to take care of themselves. In a 1965 study of some 6.3 million working mothers, it was found that about a million children under 14 years of age were left without anyone to look after them; some of these children were under 6 years of age. The possible costs to society here are incalculable; how can we compute the cost of accidents which occur, the psychological damage and the juvenile delinquency which often result?

Federal funds are available for operational expenses of day care centers, but there is no general Federal program which would authorize funds for major renovation, or for construction of badly needed new facilities.

The actual demand for day care centers is indeterminable; while I have seen estimates which claim that about 3.5 million mothers are in desperate need of day care, this does not include mothers who would work if good child care services were available for their children. Surveys report that many women now on relief would seek employment of their own accord if day care arrangements could be found for their children. This is also true of many professional women, such as nurses, whose skills society badly needs. In addition, the Labor Department in 1965 predicted that the 1970's would see a 43-percent rise in the number of working mothers with children under 5 years, and this figure is now acknowledged as too conservative. The costs of new facilities are too much for the States to bear alone; centers will only be built in numbers that have any relation to the critical need if Federal assistance is forthcoming.

I am introducing legislation today which would authorize Federal funds for the construction of day care centers. While the funds could be used to acquire land and erect new buildings, preference would be given for the renovation of existing structures. The bill specifies that Federal assistance will supply two-thirds of the costs; the non-Federal share can be in cash or in some equivalent contribution such as land, a building to be renovated, labor or equipment. I am recommending an authorization of $55 million per year for the next 4 years. The situation should be assessed again at that time.

The bill does not restrict facilities to a particular age group such as 3 to 5 years. Current research indicates that good day

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care is not harmful to the 1 to 3 age group and can, in fact, be beneficial to many children. The centers could also be used for older children after school hours and during vacation periods.

Granted that there is a shortage of any kind of day care centers—either the poor ones that offer only custodial care or the good ones which provide a rich living experience for the child—the funds authorized here should be for centers which are actively concerned with furthering the child's social, physical and mental development. The money, then, is for an educational building, not for a shelter where a mother can safely park her child for the day. The design of the facility, consequently, is an important consideration; this is especially true because young children are involved. Because of the continuing development of new ideas on design, no specifications are included in the legislation. The Secretary of the Department of Health, Education, and Welfare is given authority to formulate and update regulations in accordance with the best practices in early childhood education.

We may well be at the beginning of a new era in providing for young children. While I have designated for priority funds for facilities which would serve families judged to be in poverty, the day may fast be approaching when all children, although in varying degrees, will be served by day care centers. Woman's conception of her role in society continues to change; before long the great majority of housewives may spend at least a part of their day in the work world. And complementing that trend are new ideas in child development. The experts in this area, conscious of how much the child learns even before three, are saying that a carefully designed and supervised environment outside the home for part of the day can be valuable for all preschool children. I suspect that the funds recommended in my bill, while they may be difficult to wrest from a budget-conscious Congress, vastly understate the needs of the future.

CONGRESS AND THE INDIAN CLAIMS COMMISSION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, June 12, 1969

Mr. METCALF. Mr. President, 22 years ago the act creating the Indian Claims Commission was signed by former President Truman to settle, once and for all, all outstanding Indian claims against the Nation. At the time, President Truman said that the measure would allow Indians to "take their place without special handicap or special advantage in the economic life of our Nation and share fully in its progress."

Mr. President, 22 years have passed, and most of the claims have neither been heard nor determined. Furthermore, as the present Chairman of the Commission, Mr. John T. Vance, points out, Congress has given the Commission until April 10, 1972, to complete its work. That means that the Commission has less than 3 years in which to accomplish more work than it has in the past 22.

Mr. Vance has written an excellent article entitled "The Congressional Mandate and the Indian Claims Commission," published in the spring 1969, issue of the North Dakota Law Review, in which he analyzes why the Commission has failed. More important, he proposes methods by which the Commission could indeed accomplish its assignment in short order without a change in the act. Basic to the proposal is his suggestion that the Commission establish a vigorous Investigations Division to collect all pertinent evidence and findings of fact upon which Commission opinions could be based.

Mr. President, I ask unanimous consent to have printed in the RECORD a complete text of Chairman Vance's proposal.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CONGRESSIONAL MANDATE AND THE INDIAN CLAIMS COMMISSION

(By John T. Vance, LL.B., George Washington University, 1950; Chairman, Indian Claims Commission)

On August 13, 1946, the Indian Claims Commission was created when President Harry S. Truman signed the Act, saying, "I hope that this bill will mark the beginning of a new era for our Indian citizens. They have valiantly served on every battlefront. They have proved by their loyalty the wisdom of a national policy built upon fair dealing. With the final settlement of all outstanding claims which this measure insures, Indians can take their place without special handicap or special advantage in the economic life of our nation and share fully in its progress." [1]

Congress assigned the Indian Claims Commission a life of ten years, five years for the Indian tribes to file their claims and five years for the Commission to hear and determine claims. Over twenty-two years after the creation of the Indian Claims Commission most of the claims have not been heard and determined.

On October 5, 1968, Presidential nominee Richard M. Nixon said "the sad plight of the American Indian is a stain on the honor of the American people." President Truman's hope had not been realized. Mr. Nixon pointed out that Indians have a high mortality rate, a low education level, an unemployment rate ten times the national average, an average family income often below $500 per year, inadequate housing and suffer from unwise and vascillating federal policies.[2] In short, the Indians have not taken their place, without special handicap or special advantage, in the economic life of our nation.

Why has the Indian Claims Commission failed to accomplish the Congressional mandate? In my opinion, the Commission has failed because it adopted all of the procedures utilized under the various jurisdictional acts prior to the creation of the Indian Claims Commission; procedures which must in a large measure have contributed to the protracted passage of time which had so frustrated the Indian claimant and the Congress. They were procedures which were familiar to the lawyers who represented the claimants and the government before the Court of Claims. But if familiarity was a good reason to adopt the procedures in 1946 it is an equally good reason to abandon them in 1969. Congress has directed the Commission to complete the task of hearing and determining the claims before it by April 10, 1972. In the three years remaining the Commission must complete more work than it has completed in twenty-two years.

Is there some for reaching innovative procedural change which could enable the Commission to accomplish the Congressional mandate? I believe there is. The analysis and views expressed in this article are my own. They are expressed as an individual and not as a spokesman for the Indian Claims Commission.

BACKGROUND

The creation of the Indian Claims Commission was the culmination of years of national discourse and travail. Americans sensitive to the problems of the Indian and aware of the seeming stain on the national honor were searching for a solution to the problem early in the nineteenth century. Up until that time, the treatment of the native inhabitants of North America equated to the rationale set forth in Thomas More's *Utopia* in 1516. There, native inhabitants who refused or were reluctant to dwell under Utopian law were driven off the land and if they continued to resist had full scale war made against them. The most just cause of war was "when any people holdeth a piece of ground void and vacant to no good or profitable use: keeping others from the use and possession of it, which, notwithstanding, by the law of nature, ought thereof to be nourished and relieved." [3] A hundred years later Sir Walter Raleigh noted that people participate in mass deception when "a number can do a great wrong and call it right, and not one of that majority blush for it." [4]

Although Thomas Jefferson believed the Indian to be equal in body and mind to the white man, Theodore Roosevelt, who, if sometimes wrong was seldom in doubt, referred to the Indians as "the weaker race" and those concerned with the plight of the Indian as "foolish sentimentalists." In an all conclusive burst of rhetoric he said that "to recognize the Indian ownership of the limitless forests and prairies of this continent—that is, to consider the dozen squalid savages who hunted at long intervals over a territory of a thousand square miles as owning it outright—necessarily implies a similar recognition of every white hunter, squatter, horse thief, or wandering cattleman." [5] Congress thought otherwise.

In 1855 the United States Court of Claims was established to permit suit to be brought against the government, but in 1863 the tribal claims based on treaties were excluded from the general jurisdiction of the court.[6] The tribes were treated in the same manner as foreign nations and were required to obtain a special jurisdictional act from Congress in order to take a case to the Court of Claims. This was clearly discriminatory since all other citizens of the United States had the right to sue in the Court of Claims without a special act of the Congress. Yet it was a beginning. It was Congressional recognition, of the existence of valid claims, and, if the process required to get a special jurisdictional act passed was disheartening, at least a record of recognition of the claim was being made and the Indian was being given an opportunity to state his case in a public forum.

In 1928 the Meriam Report pointed out "the conviction in the Indian mind that justice is being denied" and that any cooperation between the government and the Indian was rendered extremely difficult by the long period of time, sometimes up to forty years, required to hear and determine the claims, under the various jurisdictional acts.[7]

On January 6, 1930, a bill was introduced in the House of Representatives calling for the creation of a United States Court of Indian Claims. It failed to pass. In April, 1934, a Senate bill was introduced providing for the creation of an Indian Claims Court. It was reintroduced in January of 1935, and

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then in March of 1935 a bill to create an Indian Claims *Commission* was introduced in the House of Representatives. Harold L. Ickes, Secretary of the Interior, preferred the House bill and in a letter to Senator Thomas, Chairman of the Committee on Indian Affairs, dated March 27, 1935, wrote that the Senate bill "provides for a separate court to hear such claims, but I am reliably informed that the delay in handling such matters is not due to any congestion in the present Court of Claims, but rather to delays, apparently unavoidable, in other branches of the government in assembling the needed data for presentation to the Court of Claims through the Department of Justice."[8] He then noted with approval that the House bill creating an Indian Claims Commission charged the Commission with the duty of investigating the claims and making an independent search for evidence and said: "It is believed that some legislation of that type would be preferable to the establishment of a new court for the adjudication of such claims."[9]

Apparently convinced, Senator Thomas introduced a bill in the Senate to create an Indian Claims Commission (S. 2731) in May, 1935.

Bills to create an Indian Claims Commission were introduced again in 1937, 1940, 1941, 1944 and 1945.

Then in May of 1946, a young congressman from the State of Washington, Henry M. Jackson, rose on the floor of the House of Representatives and spoke for the nation saying: "Let us pay our debts to the Indian tribes that sold us the land we live on. . . . [L]et us make sure that when the Indians have their day in court they have an opportunity to present all their claims of every kind, shape and variety, so that this problem can truly be solved once and for all. . . .[10] Congressman Jackson was the author of the bill signed into law by President Truman in August of 1946.

The Indian Claims Commission Act, signed into law on August 13, 1946, was designated Public Law 79–726. The original act provided for a Chief Commissioner and two associate Commissioners. The Act has been amended and the life of the Commission has been extended three times by Congress. In 1967 Congress amended the Act to provide two additional Commissioners so that now there are five Commissioners, one of whom is designated Chairman by the President. The last amendment extended the life of the Commission to April 10, 1972.

The Commission was given broad jurisdiction to hear and determine all claims against the United States on behalf of any "tribe, band, or other identifiable group of American Indians residing within the territorial limits of the United States or Alaska."[11] It includes all claims at law or equity arising under the Constitution, laws or treaties of the United States, Executive Orders of the President, and all claims which the claimant would have been entitled to sue if the United States were subject to suit. It also includes all claims which arise if treaties,[12] contracts, or agreements between the claimants and the United States were revised on the ground of fraud, duress, unconscionable consideration, mutual or unilateral mistake, or other equitable consideration. It further extends to all claims arising from the United States' taking of land owned by the claimant without the payment of compensation. Finally, the Commission's jurisdiction extends to all claims based "upon fair and honorable dealings which are not recognized by any existing rule of law or equity."[13] The termination date for filing claims before the Commission was August 13, 1951. Under Section twelve of the Act, any claim not filed within the five year period was to be forever barred by operation of law. Before the cut off date 370 claims or docket numbers were filed. Many of these claims, however, contained more than one cause of action. Some contained as many as fifteen or more. Consequently, many of the claims were broken down into separate docket numbers for each cause of action, making a total of 605 docketed claims.

By December 31, 1968, the Commission had dismissed 149 docket numbers and had completed the hearing and determination and entered final judgment in 134 docket numbers.[14]

Final judgments entered by the Commission by that date amounted to $284,223,012.16.[15]

Before creating the Indian Claims Commission, Congress specifically rejected the proposal to create an Indian Claims Court. Dissatisfaction with both the jurisdictional acts and the timeless procedures utilized to present claims under the Act before the United States Court of Claims had been expressed in a pledge by both major political parties to settle once and forever the Indians' claims against the United States. Congressman Karl Mundt expressed the frustration of Congress that the life tenure of an Indian claim could last twenty to forty years.

"That process is enormously costly and unsatisfactory to everyone. It means that Government clerks and attorneys in the Interior Department, the Department of Justice and the General Accounting Office spend years and years examining and re-examining Indian claims in an effort to determine whether the Indians should have a day in court. . . . [A]nd of course, when a special jurisdictional bill is enacted, the process of investigation starts all over again. Then, only too often, the Court of Claims or the Supreme Court finds some fault with the language of the jurisdictional act, and the Indians come back for an amended jurisdictional act, and the merry-go-round starts up again. In the last 20 years the General Accounting Office alone spent over a million dollars ($1,000,000.) in reporting on Indian claims bills. And not one cent of that went to any Indian to settle any claim. Justice and Interior and the committees of Congress have probably spent comparable sums. That, in the judgment of your committee, threatens to be an endless waste of the taxpayers' money. This dilly-dallying with the claims problem, according to our Investigating Committee's findings, promises to 'continue to be a real roadblock on the path to Indian independence 100 years from now'. For that reason your special investigating committee recommended that legislation be adopted to fix the final date after which no more Indian claims would be considered by any agency or instrumentality of the Government and to provide for a claims commission that would find the facts and make final determinations on all pending Indian claims cases within a period not exceeding ten years. We ought to have a definite time table; we ought to know that, once having given the Indians a fair opportunity to present their cases, this chapter in our history and this expense to our taxpayers will be concluded once and for all. That is my chief concern in the bill that is before us."[16]

Congress was confident the Commission could do the job in the time allowed. It passed Congressman Jackson's bill when he assured them:

"When we set up a Court of Private Land Claims in California in 1851 we set a limit of 2 years on the presentation of the Spanish and Mexican claims. We cleared up the situation in that period of time and so far as I know we have not reopened the question since. From time to time we have set up other special temporary commissions on Indian claims such as the Dawes Commission and the Pueblo Lands Board, which were able to clear up within a few years problems that had been troublesome for many decades. The decisions of the Dawes Commission and the Pueblo Lands Board have not been overthrown either by the courts or by later Congresses. I think that we can expect as much finality in the work of this Indian Claims Commission provided we give it a jurisdiction broad enough to deal with the entire problem as it now exists and provided we require all Indian tribes to present their claims within 5 years or forever hold their peace."[17]

In rejecting the idea of an Indian Claims Court, Congress carefully gave to the Indian Claims Commission all the necessary tools to control at every stage the hearing and determining of the claims before the Commission.

Secretary Ickes had preferred the 1935 House Bill (H.R. 6655) creating an Indian Claims Commission to the Senate Bill creating an Indian Claims Court. Section seven of the House Bill creating a Commission provided that:

"[T]he Commission shall make a complete and thorough search for all evidence affecting such claims, utilizing all documents and records in the possession of the Court of Claims and the several government bureaus and offices. The Commission or any of its members or authorized agents may hold hearings, examine witnesses, take depositions in any place in the United States and any of the Commissioners may sign and issue subpoenas for the appearance of witnesses and the production of documents from any place in the United States, at any designated place of hearing."[18]

Section eight provided:

"The Commission shall give notice and an opportunity for hearing to the interested parties before making any final determination on the claim. A full written record shall be kept of all hearings and proceedings of the Commission and shall be open to inspection by the attorneys concerned. Whenever a final determination is reached by the Commission upon any claim, notice thereof shall the given to the tribe, band, or group concerned. Within twenty days thereafter written objection thereto may be filed with the Commission by any interested party."[19]

Section nine provided for the adoption of rules and "of such experts, field investigators and clerical assistants as may be necessary to fulfill duties which cannot be properly performed by persons already engaged in the government service."[20]

From 1935 until the enactment of the Indian Claims Commission in 1946 the word *court* was never mentioned again in any proposed bill.

The provisions of sections seven, eight and nine of the 1935 bill were included in the 1946 Act in: section four, which provides for the appointment of a clerk and such other employees "as shall be requisite to conduct the business of the Commission;"[21] in section nine, which provides that "the Commission shall have power to establish its own rules of procedure;"[22] in section thirteen, paragraph (b), providing for the establishment of an Investigation Division and requiring the Division to "make a complete and thorough search for all evidence affecting each claim, utilizing all documents and records in the possession of the Court of Claims and several government departments . . .;"[23] in section fourteen, which gave "The Commission" the power to call upon any of the departments of the government for any information it may deem necessary," specifically authorizing ". . . the use of all records, hearings, and reports made by the committees of each House of Congress, when deemed necessary in the prosecution of its business;"[24] and, section seventeen provides that: "The Commission shall give reasonable notice to the interested parties and an opportunity for them to be heard and to present evidence before making any final determination upon any claim."[25]

There was only one major difference in the 1935 bill and the 1946 bill which later be-

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came law. The 1935 bill provided that "all determinations of fact by the Commission shall be final and conclusive and shall not be open to reexamination in the Court of Claims or in any judicial or other proceedings." [26] The bill signed into law in 1946 provided for review by the Court of Claims and a further appeal to the Supreme Court. Also, in section twenty, paragraph (a), the bill authorized the Commission to "certify to the Court of Claims any definite and distinct questions of law concerning which instructions are desired for the proper disposition of the claim: and thereupon the Court of Claims may give appropriate instructions on the question certified and transmit the same to the Commission for its guidance and the further consideration of the claim." [27] It seems that Congress intended to give the Commission a tool by which it could avoid protracted appeals by soliciting guidance from the Court of Claims, an appellate arbiter.

COURT VERSUS COMMISSION

Congress had rejected the idea of an Indian Claims Court. Instead it had created an Indian Claims Commission and, as suggested by Congressman Jackson, has given it broad jurisdiction. It empowered the Commission to investigate the claims; to call on other agencies of the government for assistance; to call on the Court of Claims for assistance; to approve compromise claims; to hear and determine the claims; to give reasonable notice to interested parties; and, to provide interested parties an opportunity to be heard before making any final determination upon any claim.

The Congress required the Attorney General to represent the United States and authorized, *but did not require,* the Indian claimants to be represented by counsel.

Congress further gave the broadest possible appeal jurisdiction to the Court of Claims, allowing the Court, upon appeal, to determine whether the findings of fact of the Commission are supported by substantial evidence and authorizing the Court to go into "the whole record or such portions thereof as may be cited by any party. . . ." [28]

Congress directed the Commission to:

"[E]stablish an Investigation Division to investigate all claims referred to it by the Commission for the purpose of discovering the facts relating thereto. The Division shall make a complete and thorough search for all evidence affecting claims, utilizing all documents and records in the possession of the Court of Claims and the several Government departments, and shall submit such evidence to the Commission. The Division shall make available to the Indians concerned and to any interested Federal agency any data in its possession relating to the rights and claims of any Indian." [29]

In an apparent attempt to facilitate the work of the Investigation Division, Congress specified that "any member of the Commission or any employee of the Commission, designated in writing for the purpose by the Chief Commissioner, may administer oaths and examine witnesses. . . ." [30] The Act stated further that "[t]he Commission shall have the power to call upon any of the departments of the Government for any information it may deem necessary. . . ." [31]

How did the Commission utilize these sections? The Commission established the Investigation Division on paper, and for budget purposes, listed one of the members of the professional staff as Director of the Division. It assigned no staff to the Division and a search of the files and records of the Commission indicate that at no time did the Director do more than send out inquiries by mail to the various tribes. Conforming to existing procedures the Commission sat entirely as a judicial body performing no independent investigation of the claims filed before it but instead waiting for the claimants' attorneys and the lawyers for the Department of Justice to present the issues and the evidence to the Commission. Although nothing in the Act required the claimants to have a lawyer, no claim made any progress unless the claimants were represented by a lawyer. In section fifteen of the Act, Congress has said that a "group of Indians *may* retain to represent its interest in the presentation of claims before the Commission an attorney . . ." and then added in the same section the statement that "the Attorney General or his assistants *shall* represent the United States in all claims presented to the Commission. . . ." [32]

The matter was further complicated by the position taken by the Bureau of Indian Affairs and the Solicitor's Office of the Department of Interior. Section fifteen of the Act stated that Indians organized under the Wheeler-Howard Act of June 18, 1934, could hire a lawyer as provided in their constitution and by-laws. The next sentence said that "the employment of attorneys for all other claimants shall be subject to the provisions of Sections 2103–2106, inclusive, of the Revised Statutes." [33] This is the provision in the United States Code which states that no attorney shall be hired by an Indian tribe without the written approval of the Secretary of the Interior and the Commissioner of Indian Affairs.

Although the language clearly differentiates between tribes organized under the Wheeler-Howard Act and "all other claimants," [34] the Commission, the Secretary of Interior, the Commissioner of Indian Affairs, and by acquiescence, the Congress insisted that all attorneys for the tribes go through the complicated procedure of having their contracts approved by the Secretary and the Commissioner.[35]

Although Congress authorized the Attorney General or his assistants "with the approval of the Commission, to compromise any claim presented to the Commission . . .",[36] it is the policy of the Department of Justice *not* to make settlement offers.[37]

Although Congress has provided that the Commission need only "give reasonable notice to the interested parties and an opportunity for them to be heard and to present evidence before making any final determination upon any claim . . .",[38] the Commission, submissive to the requests of the lawyers who practice before it, has provided for a bewildering series of hearings on title, value, offset, attorneys fees and all the motions that any party chooses to present.

The Commission has seldom requested instructions from the Court of Claims on questions of law as provided in section twenty of the Act even though there have been 122 appeals from the Commission's Interlocutory Orders and Judgments.

To summarize, the Indian Claims Commission has failed throughout the time of its existence to exercise the initiative in hearing and determining the claims filed before it. It has not certified questions of law to the Court of Claims, it has given only lip service to the Congressional directive to establish an Investigation Division. In the face of the Justice Department's policy against initiating settlement of claims, it has not actively encouraged the settlement of the claims and, throughout the years of its existence, it has accommodated itself to the narrow interpretation of the law applied by the Commissioner of Indian Affairs and the Secretary of Interior with regard to the claimants' lawyers.[39] The Commission has chosen to sit as a court and, as a result, the Congressional mandate has been utterly frustrated.

A PROPOSAL

In March 1968 the Indian Claims Commission made a statement to the House and Senate Appropriations Committee that it "will institute any innovations which will expedite its work." Although the Commission has during the last year instituted pretrial conferences, reduced the time required for presenting expert testimony, and reduced the time required for hearings at every stage of the cases, it is my opinion that, even at the present rate of production, which is almost double that of preceding years, the task cannot be completed in the time remaining using existing procedures.

In my opinion, no amendment to the act would be required to institute the following innovations to existing procedures which can enable the Commission to accomplish the Congressional mandate by April 10, 1972, the termination date:

1. Refer all claims before the Commission to the Investigations Division as authorized in section thirteen (b) of the Act.
2. Authorize the Director of the Investigations Division to utilize the services of any employee of the Commission in making a complete and thorough search of the evidence affecting the claims. The employee should be authorized to administer oaths and examine witnesses as authorized in section eighteen of the Act.
3. Authorize the employment on an intermittent or regular basis of anthropologists, historians, ecologists, land appraisers, economists, accountants, investigators and such other persons as shall be necessary to complete the investigations.
4. Direct the Investigation Division to submit to the Commission all pertinent evidence and proposed findings of fact upon which a Commission opinion can be based.
5. If the Commission agrees that the proposed findings are proper then a hearing should be called to give interested parties an opportunity to be heard before the Commission makes its final determination as authorized in section seventeen of the Act.

In my opinion the adoption of this procedure would greatly increase the number of compromise settlements, it would remove the Commission from the confining situation wherein its production is controlled to a large extent by the ability of the Justice Department and the petitioners' attorneys to process claims, and it would show the Congress that the Indian Claims Commission is determined to meet the termination date set by Congress.[40]

FOOTNOTES

[1] *Statement by the President Upon Signing Bill Creating the Indian Claims Commission,* August 3, 1946, Public Papers of the President, Harry S. Truman, 1946, 414 (1962).

[2] CONGRESSIONAL RECORD, vol. 114, pt. 23, p. 30329.

[3] T. Moore, Utopia (1516), *as found in* W. Washburn, Seventeenth-Century America, Essays in Colonial History 24 (1959).

[4] 8 Works of Sir Walter Raleigh 291, *as found in* W. Washburn, Seventeenth-Century America, Essays in Colonial History 24 (1959).

[5] W. Washburn, The Indian and the White Man, 132, 136, 424 (1964).

[6] Act of March 3, 1863, 12 Stat. 765. For a comprehensive treatment of the history of the Indian Claims Commission, *see* N. Lurie, *The Indian Claims Commission Act*, The Annals of the American Academy of Political Science (May, 1957).

[7] L. Meriam, The Problem of Indian Administration (1928).

[8] Letter from Harold L. Ickes, Secretary of the Interior, to Senator Thomas, Chairman of the Committee on Indian Affairs, March 27, 1935.

[9] *Id.*

[10] 93 Cong. Rec. 5312 (1946).

[11] The Indian Claims Commission Act, 60 Stat. 1049 (1946), 25 U.S.C. § 70(a)(2) (1964).

[12] R. Barney, *Legal Problems Peculiar to Indian Claims Litigation,* 2 Ethnohistory (1955). The article points up the difficulties as seen from the point of view of the author, who is Chief of the Indian Claims Section of

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the Land Divisions of the Department of Justice.

[13] The Indian Claims Commission Act, 60 Stat. 1049 (1946), 25 U.S.C. § 70(a) (1964).

[14] *Final Judgments Certified to the Treasury Department by the Indian Claims Commission* 19 (Dec. 31, 1968).

[15] *Id.*

[16] 92 Cong. Rec. 5316 (1946).

[17] *Id.* at 5313.

[18] H.R. 6655, 74th Cong., 1st Sess. (1935).

[19] *Id.*

[20] *Id.*

[21] The Indian Claims Commission Act, 60 Stat. 1049 (1946), 25 U.S.C. § 70(c) (1964).

[22] *Id.* at § 70(h).

[23] *Id.* at § 70(1).

[24] *Id.* at § 70(m).

[25] *Id.* at § 70(p).

[26] H.R. 6655, 74th Cong., 1st Sess. (1935).

[27] The Indian Claims Commission Act, 60 Stat. 1049 (1946), 25 U.S.C. § 70(s) (1964).

[28] *Id.* at § 70(a).

[29] *Id.* at § 70(1).

[30] *Id.* at § 70(q).

[31] *Id.* at § 70(m).

[32] *Id.* at § 70(n). (emphasis added).

[33] The Indian Claims Commission Act, 60 Stat. 1049 (1946), 25 U.S.C. § 70(n) (1964).

[34] *Id.*

[35] Wheeler Howard Act, 48 Stat. 987 (1934), 25 U.S.C. § 476 (1964).

[36] The Indian Claims Commission Act, 60 Stat. 1049 (1946), 25 U.S.C. § 70(n) (1964).

[37] *Hearing on* S. 307 *Before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs,* 90th Cong., 1st Sess. 68 (1967). Senator McGovern was questioning Edwin L. Weisl, Assistant Attorney General, Land and Resources Division, regarding settlement of the claims. Mr. Weisl answered, "Well, it is the long-standing policy of the Department of Justice in all cases in which money judgments are involved not to make settlement offers on its own, but to await them from the other side . . ."

[38] The Indian Claims Commission Act, 60 Stat. 1049 (1946), 25 U.S.C. § 70(p) (1964).

[39] Note, *Contract Approval: Attorneys and Indians,* 15 How. L.J. 149 (1968).

[40] For other excellent treatments of the subject, see Wilkinson, *Indian Tribal Claims Before the Court of Claims,* 55 Geo. L.J. 511 (1966) and Thomas Leduc, *The Work of the Indian Claims Commission Under the Act of* 1946, Feb. 1957, Pacific Historical Review 1.

RAISE THE PERSONAL EXEMPTION TO $1,000

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. SAYLOR. Mr. Speaker, I am introducing today a bill that would raise the personal exemption amount to $1,000. I am convinced, as are 154 colleagues, that no tax reform bill will be acceptable to the public this year without raising the personal exemption amount from its present level of $600. That level was established over 20 years ago. It is high time we recognized that it takes more than $600 per year to maintain oneself.

At the present time, 127 bills have been referred to the House Ways and Means Committee that would raise the personal exemption. Thirty-four of the bills would raise the level to $1,000; 75 would raise the amount to $1,200; and 18 would raise the amount to other levels. Sixty Republicans and 95 Democratic Members have introduced these bills—impressive evidence of bipartisan support for such a reform in this year of the "taxpayer's revolt."

It is clear, Mr. Speaker, that the majority of Members who have introduced bills to change the amount of the personal exemption are in favor of a substantial increase. I am sure that each Member will be willing to compromise on the exact amount of the increase in order to bring about this reform. The important fact is that there is widespread support for such a reform already in the House; in fact, with the addition of only 63 more supporters, we will attain a sense-of-the-House position which I am sure the members of the Ways and Means Committee will fully consider in their deliberations on the tax reform package.

I have addressed a letter to our colleagues concerning my new bill, asking that those who have not already introduced bills on this subject join in the drive to bring about this needed reform. I confidently expect the number of supporters to reach the 218-Member level in a relatively short time.

Members has been besieged by their middle-income taxpaying constituents about this reform—in my opinion, the public expects the Congress to raise the exemption level this year and will not be satisfied with the work of this session unless we do so. We have talked tax reform, now we must produce tax reform. And tax reform means tax relief to the middle-income taxpayer. We can do no less than substantially raise the personal exemption this year.

TWENTY-NINTH ANNIVERSARY OF BALTIC STATES FREEDOM DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. ANNUNZIO. Mr. Speaker, Baltic States Freedom Day, which is observed annually on June 15, marks the 29th anniversary of a tragic event in the history of Lithuania, Latvia, and Estonia.

Between June 14 and June 16, 1940, the Russians overran these three countries, which had maintained free and independent governments since 1920, and brutally conducted a mass deportation to Siberia causing the death of tens of thousands of innocent Lithuanians, Latvians, and Estonians. Unfortunately, the Baltic States today still remain under the domination of Soviet Russia.

The United States has never recognized the incorporation of the Baltic States into the Soviet Union, and continues to deal with those diplomatic and consular representatives of the Baltic countries who served the last independent governments of these States.

In 1922, our country first extended this diplomatic recognition to the Baltic States, and year after year, we have reaffirmed our strong and lasting friendship for the courageous people of Lithuania, Latvia, and Estonia. It is our firm conviction that the present Soviet despotism cannot indefinitely perpetuate its rule over hundreds of millions of people who want to retain their cultural heritage, their inherent right of self-determination, and their personal dignity.

The tragedy of the Baltic peoples began 29 years ago and has long been a source of deep concern to me. When I was elected to the Congress in 1964 to represent the Seventh District of Illinois, one of the first resolutions I introduced in the 89th Congress was House Concurrent Resolution 416 which urged the President of the United States to direct the attention of world opinion to the denial of Baltic self-determination in order that these precious rights might be restored to the Baltic peoples. Many of my colleagues cosponsored this resolution which was adopted overwhelmingly by both the House of Representatives and the Senate of the United States.

As free men, we in the United States cannot fully enjoy the benefits of our own liberty, while those in the Baltic States are still deprived of the most fundamental human rights. It remains our moral obligation to let these captive peoples know that they are not forgotten, that we are not reconciled to their fate, and above all, we are not willing to confirm their captivity by giving official recognition to their Soviet domination.

Our close ties with the people of the Baltic States originate in a common devotion to freedom, as well as in the important contribution made by Americans of Baltic descent to the enrichment of the cultural, economic, and political life of the United States.

On this solemn occasion, I join my colleagues in paying tribute to the gallant Baltic peoples, in honoring the memory of the victims of Soviet brutality who died in the 1940 Russian invasion, and in rededicating our Nation to the still unresolved cause of the Baltic countries. It is my fervent hope that one day soon Lithuania, Latvia, and Estonia can again enjoy national independence.

REMINDER OF THE SACRIFICES BEING MADE BY OUR SERVICEMEN

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. TAFT. Mr. Speaker, I have today introduced a joint resolution which would authorize the President to issue a proclamation directing that the flag of the United States be flown at half staff on the first day of every month in honor of the brave men and women who have lost their lives in Vietnam.

We must never forget the war going on in Southeast Asia. We must never forget that American men and women are daily losing their lives in our commitment to defense of South Vietnam.

This resolution would provide a visible reminder of the sacrifices being made by our servicemen.

The suggestion for this legislation comes from a Cincinnatian, Mr. George H. Dickman. I thank him for the idea. I am hopeful that this joint resolution will receive favorable consideration.

TRIBUTE TO VICTOR S. DAVENPORT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. ANDERSON of California. Mr. Speaker, I rise today to pay tribute to Mr. Victor S. Davenport, retiring director of the southern district, Los Angeles chapter of the American National Red Cross, for his 38 years of outstanding service to his fellow man.

Mr. Davenport joined the staff of the American National Red Cross on November 16, 1941. His first assignment was as an assistant field director in service at military installations at Moffett Field near Palo Alto. During the height of World War II he established a service at military installations field office for southern California with headquarters in the old Warner Brothers Studio on Sunset Boulevard in Los Angeles. He served on various military installations in the western area until 1951.

After 6 months temporary assignment with the Richmond chapter in northern California, he joined the Los Angeles chapter on May 1, 1952, at which time he was assigned as director of the Harbor district. The Harbor district in 1952 consisted of San Pedro and Wilmington, whereas the southern district, of which he is now manager, consists of San Pedro, Wilmington, Carson, Harbor City, Lomita Torrance, Gardena, and the entire Palos Verdes Peninsula.

Victor S. Davenport was born on June 20, 1904, in Norfolk, Nebr. His family moved to California in 1918, where he graduated from Long Beach Polytechnic High School in 1924.

In 1925 he entered the University of California at Los Angeles and graduated with a bachelor of arts degree in liberal arts. Then followed graduate school at the University of Southern California for a year in the school of social work.

Victor Davenport then commenced his remarkable career in public service. Joining the Department of Social Welfare, State of California, he served in every county of the State of California except one up until 1941.

There was a time when the headquarters for the harbor district was on Seventh Street in San Pedro. Now the District Service Center serving the 12 communities of the district is in a beautiful new building on First Street and Western Avenue in San Pedro.

Mr. Davenport's service to the community has not been limited to his Red Cross activities. Closely paralleled with his professional duties has been his service in the Phi Gamma Delta fraternity, the Rotary Club of San Pedro, and the Harbor Area Welfare Planning Council of which he was president of the board 1962 to 1964.

On June 20, 1969, Victor Davenport will be honored by a testimonial dinner for his unselfish devotion and dedication to his fellow citizens. It is my privilege to join in saluting Victor S. Davenport for the outstanding job he has done throughout his long record of service to the community.

RESULTS OF QUESTIONNAIRE

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mrs. REID of Illinois. Mr. Speaker, a few weeks ago I sent to the people of the 15th District of Illinois—composed of the counties of De Kalb, Grundy, Kane, Kendall, and La Salle—my fifth annual legislative questionnaire. An enthusiastic response—which included many additional comments and accompanying letters—has come from more than 23,000 households. I have been very pleased to see this increasing interest on the part of citizens, and their keen awareness of national problems and world affairs as reflected in their replies has been most impressive.

Believing my colleagues will be interested in the results, I am including the following tabulation:

RESULTS OF REPRESENTATIVE CHARLOTTE T. REID'S 1969 PUBLIC OPINION POLL

[In percent]

	Yes	No	No opinion
1. Do you believe the Paris peace negotiations will result in a conclusive settlement of the Vietnam war?	13	79	8
If "No," which would you favor?			
(a) Intensification of the total war effort	44		
(b) Unilateral withdrawal of U.S. troops	35		
2. Do you favor deployment of a modified Sentinel antiballistic missile system as part of our national defense?	60	30	10
3. Would you favor changing the electoral college system in order to place greater emphasis on the popular vote in electing the President and Vice President?	83	15	2
4. Should Federal scholarship assistance be denied students convicted of disrupting the administration of our colleges?	92	6	2
5. Do you favor extending the National Labor Relations Act to permit farm employees to organize for collective bargaining purposes if they so desire?	61	33	6
6. Do you favor a constitutional amendment to lower the voting age to 18?	38	60	2
7. Do you favor the proposal to convert the Post Office Department into a Government-owned corporation to operate on a self-supporting basis?	70	23	7
8. Should the Congress enact laws to curtail strikes by public employees?	60	36	4
9. Do you feel there should be greater regulation of crime and violence in radio and television programs?	74	23	3
10. Do you feel that a volunteer Army should be established to replace the draft system?	54	40	6
11. Should the surtax be extended beyond its June 30 expiration date in view of the budget and the economic situation?	37	60	3
12. Do you favor a tax-sharing plan which would return a percentage of Federal tax revenues to the States to enable them to solve more of their own problems?	79	17	4
13. Do you favor tax incentives to private business to encourage industry programs of job training and retraining to help meet our social and economic problems?	65	29	6
14. Should the income from investments of private foundations, religious organizations, and social clubs be taxed?	74	23	3
15. Do you favor my bill to provide tax credits for tuition costs and other expenses of higher education?	82	14	4

STATEMENT BY WILLIAM A. BARRETT, CHAIRMAN OF THE SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. PATMAN. Mr. Speaker, an important and perceptive statement was made today by our colleague, WILLIAM A. BARRETT, chairman of the Subcommittee on Housing of the Committee on Banking and Currency. That subcommittee has been holding hearings to review our progress toward meeting the national housing goal set forth in the Housing and Urban Development Act of 1968. His summary of the testimony in those hearings and recent administrative actions in the field of housing should be carefully read and considered by every Member of this body. The fact is, as our former colleague, Andrew Biemiller, of the AFL-CIO, stated in those hearing this morning, we simply are not producing housing within the reach of modest-income families, particularly in view of current high interest rates. Instead of redoubled efforts to meet the goal of a decent home and a suitable environment for every American family, recent months have seen us fall further behind. Here is the text of Chairman BARRETT's statement:

STATEMENT BY WILLIAM A. BARRETT, CHAIRMAN OF THE SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY

I have been deeply disturbed by some of the testimony we have been hearing in the two weeks of our review of National Housing Goals. There is general agreement that the 1968 act which set forth the goal of 26 million new and rehabilitated units in the coming decade, was the largest and most important single housing act in our history. These goals were part of a legislative package which provided ample authorization for the government's role in housing and a well-rounded array of housing and urban development programs to meet our needs. The effort to meet the housing goal for the next decade began with high hopes and all of the testimony we have received has shown that the nation has more than adequate resources.

What disturbs me is the evidence that there has been an actual decline in the production of housing for low and moderate income families over the past five months. In that time, the Administration has announced the end of the highly successful below-market interest rate program for rental and cooperative housing; it has killed the highly successful section 202 housing for the elderly program; and it has stopped the highly successful 221(h) program dead in its tracks. At a time of rising expectations, and a demonstrated need to accelerate our programs in the field, the Administration has cut the budget requests for model cities, urban renewal, section 312 rehabilitation loans, and the administrative funds needed to carry out the Department's fair housing responsibilities.

Some time ago, the Administration announced that it was taking the highly desirable step of allocating $200 million in immediate assistance to the burned out areas in our cities, but earlier in our hearings, and to the best of my knowledge not one nickel has yet moved under this proposal despite all of its initial publicity. I remember earlier this spring when President Nixon and Secretary Romney toured a burned out area just a few blocks from the Capitol and expressed shock, but I have seen nothing happen since then. In fact, the Department has so far refused to use the authority granted in last year's act to make 3% rehabilitation loans and home rehabilitation grants available in areas planned for future urban renewal and code enforcement action.

In the midst of all these cut-backs, the only increase we have seen has been in interest rates. Despite the jump to 7½% under FHA, discounts have continued to the harm not only of homebuilders, home sellers, and homebuyers, but have done serious damage to our many programs designed to enlist the aid of private enterprise in the effort to provide housing for low and moderate income groups. Now with the recent hike in the prime rate to 8½%, we will apparently see shortly a further increase in the cost of financing housing.

The principal new proposal in the field of housing in these five months has been the much-heralded Operation Breakthrough. We are all hopeful that this approach will help us to meet our housing goals in the long run but under the Department's own schedule not a single house will be produced under this program for 22 months. Just yesterday, we heard testimony that there is a feeling that other programs are being neglected while we wait for Operation Breakthrough and this is just the point that concerns me. We cannot afford to wait for the hoped-for benefits of Operation Breakthrough while telling the poor and the underprivileged and those who live in both our urban and rural slums that they should wait two years before we can step up our attack on substandard housing. We should be accelerating activity under all of our present programs right now.

I know that every member of this subcommittee is greatly impressed with Secretary Romney's sincerity and his dedication to his job, but I think we would be remiss if we did not offer him the chance to answer these points for the record before it closes. It is my intention to ask Secretary Romney today to give us his comments as soon as possible. If there are any problems with this approach, we may have to schedule an additional day of hearings to have the Secretary come back to discuss these points with us.

OBSCENITY FIGHT IS PUSHED

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. HUNT. Mr. Speaker, on Wednesday, June 4, 1969, I joined with two of my colleagues from Ohio (Mr. Wylie and Mr. Devine) in requesting Congress to take immediate action to curb the dissemination of obscene materials into the homes of American citizens.

The Columbus Dispatch printed a timely editorial commending Mr. Wylie and Mr. Devine for their courageous leadership in introducing legislation to curtail the flow of obscene material.

I believe this editorial is worthy of note by all the Members of this body and include it as part of my remarks:

[From the Columbus (Ohio) Dispatch, June 8, 1969]

Obscenity Fight Is Pushed

There are 165 measures in the United States House of Representatives hopper dealing with dissemination of obscene matter and Columbus can be proud that its two congressmen are in the vanguard seeking action on this vital problem.

Both Congressman Samuel Devine and his colleague, Chalmers Wylie, are either sponsors or co-sponsors of bills which seek to curtail distribution of pornographic materials.

But being able to say they are authors of such measures is not enough for Messrs. Devine and Wylie—they are pushing on various fronts for congressional committees to hold necessary hearings so that the bills can go to the floor of the House where a vote of approval will be a major step toward becoming the law of the land.

With the support of such congressmen as Mr. Devine behind him, Representative Wylie has formally urged the House to avoid any delay in taking action on the proposed legislation.

Mr. Wylie was correct in his contention that "the connection can be demonstrated between increase in pornography and the increase in crime."

Pointing out that "flooding of the market with obscene material undermines organizations which contribute to the stability of our country," Mr. Wylie also made the pertinent point that history proves that where there is moral decay there is political decay. And he added that "one thread is common to the fall of all great nations—moral decay."

Our Congress has a multitude of measures designed to prevent such decay. It should act on the matter promptly.

UMWA CHIEF ASKS MEMBERS KEEP UP FIGHT FOR HEALTH, SAFETY LAWS

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. GRAY. Mr. Speaker, when the 91st Congress convened this year, one of the first things I did was to join other coal area Congressmen in introducing legislation on mine safety and health because having lived in the great coal mining region of southern Illinois all my life, I am more than familiar with such terms as "black lung," "explosive gas," "respirable dust," and other health hazards faced by those men who dig in the bowels of the earth for coal. We need to have our compensation laws liberalized in order to take care of the black lung problem.

I am happy that the House Committee on Education and Labor is now holding hearings on this subject and I intend to testify before that committee some time in July.

Mr. Speaker, the dynamic international president of the United Mine Workers of America, Mr. W. A. "Tony" Boyle held a meeting in my hometown of West Frankfort, Ill., on Sunday, June 8, to a large group of Illinois miners. My hometown newspaper, the West Frankfort Daily American, carried a very concise and forthright article written by my longtime friend, Mrs. Edith Dinn. In order that my colleagues can better understand why we need Federal legislation, and under previous order granted me, I am submitting for the Congressional Record Mrs. Dinn's article concerning President Boyle.

[From the West Frankfort (Ill.) Daily American, June 9, 1969]

UMWA Chief Asks Members Keep Up Fight for Health, Safety Laws

(By Edith Dinn)

United Mine Workers of America International President W. A. (Tony) Boyle, Washington, D.C., in a fiery challenge to Union members Sunday in West Frankfort, urged them to accept nothing less than the measures sought in pending legislation for coal miners' health and greater safety.

He also warned them against forces which threaten to split their ranks and politicians who "speak out of the sides of their mouths to newspapers."

Boyle told the nearly 600 coal miners in the high school auditorium, "I know what they (the legislators) will do . . . you know, too."

He said that every day calls come in from law-makers asking why a bill can't be changed or rewritten.

"They'll come up with a law," Boyle said concerning the Union's efforts for legislation to improve mine health and safety conditions, adding that notice had already been served on him that it will not be all the Union had asked for.

Boyle said there is little he can do "with people in Congress, I have only one vote; but you can do it."

He urged that each UMWA member write to his legislators, also adding, "Write to the President of the United States, tell him you support the position of your Union. Tell him you can't accept anything less than the three milligram standard."

Boyle was referring to the Union's health bill which would require that all coal mines reduce respirable dust content of the atmosphere to three milligrams per cubic meter of air.

Union officials and members are making an all-out effort to combat pneumoconiosis ("black lung") and to obtain compensation for the thousands of coal miners already suffering from the disease.

Mentioning the medical experts, black lung sufferers and others who testified recently in Springfield in support of the bill, Boyle told Union members "But it was the over 90 coal miners from this state who went to Springfield to support the bill who are responsible for its progress so far."

Many miners from West Frankfort and the surrounding area were in Springfield in late April to support the Union's effort to get House Bill 1512 passed.

The bill last week was taken out of committee by 110 to 6 votes and will be debated before the House where reportedly it will need 89 of the 110 votes to pass and go to the Senate.

The UMWA-sponsored safety bill would include, in part underground safety chambers where men could flee for protection in a mine explosion; placing a mine inspector permanently at any mine which liberates excessive quantities of explosive gas;

Classify all coal mines as gassy; extend the government's control over roof support plans over the entire mine instead of only partial control as now and increase ventilation requirements in the face areas of underground coal mines.

Boyle, in coal mine work all his life, said he had a "selfish interest" in seeing the mine health and safety laws. Both of his grandfathers, his uncles, his brother and his father died either in coal mines or as a result of working in them, he said.

"I held my father in my arms and saw him gasp his last breath from black lung," he said. He also related how he was a member of a rescue team in which his last remaining uncle was one of 17 men killed in a mine disaster in the east.

The underground safety chamber feature (Boyle's own idea) came about "because I've been through such disasters where men died because they had no place to go . . . no doors to close against poisonous fumes."

He felt it was especially appropriate, he said, to "hold our health and safety rally in West Frankfort, the scene of a major mine disaster which claimed the lives of 119 men."

The 1951 New Orient Mine disaster, the UMWA chief said, and an earlier one in Centralia, were responsible in large part for the Coal Mine Safety Act.

"So these men did not die in vain," he added.

Urging a united front in the Union, the UMWA chief defined such unity as "willingness to join in common causes, to bury minor differences and stand together against the onslaught of our enemy or those who would become our enemies."

Pledging his dedication to the Union and urging members' support, Boyle said "United as never before we'll go forward until coal miners can work without the constant threat of death or injury."

"Do I have that support?" he asked.

A second's silence and then the coal miners rose as one and with long and resounding applause gave their leader the sign he wanted. His first mention at the beginning of his talk on black lung legislation had brought thunderous applause.

UMWA Illinois President Kenneth F. Wells, Springfield, in West Frankfort all week preparing for the miners' health and safety rally said in introducing Boyle, "He is not only our president, he is our leader . . . a great leader."

Gene Mitchell, UMWA District 7 Board Member with offices in West Frankfort, said in welcoming the crowd of fellow members "Ours is the best Union, the best contract and the best membership in the world."

Mayor Mike McClatchey, a coal miner for 27 years before entering politics, presented Boyle a picture of "Mother Jones," of whom he said "she fought so hard for coal miners and is someone you here all know about."

The UMWA president assured the mayor that he would treasure the picture and place it in a revered spot in his office "so that all can see it."

"Mother Jones," from the northern part of this state, led the drive for organizing coal miners before the UMWA was formed.

In addition to the many UMWA district officials and local presidents from as far north as Peoria at the meeting was International Board Member Joseph Shannon. Also here for the event were Miss Ruth Jesberg, Springfield, Mr. Wells' secretary, and Mrs. Shannon.

"Organized Labor's own troubadour," Joe Glazer, folk singer and guitarist, came from Washington to provide special music.

One of his songs which brought many chuckles from miners in the audience was "Coal Miners' Strawberries."

Rev. Glenn Odum, coal miner and pastor of the New Hope Baptist Church at Galatia, gave the invocation and benediction.

Many of the miners' wives accompanied them to the meeting.

As the crowd left the building, Leon Jarvis, Bell & Zoller Mine No. 4 worker who lives at Zeigler, told this reporter he thought Boyle "brought out some real good points in his talk."

His companion, John Galik, also a Bell & Zoller Mine No. 4 worker who lives at Zeigler, said of the UMWA president: "I thought he made a good talk and hope he can get those bills passed. Sure would be a big help to the coal miner."

PATRIOTISM

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. CLARK. Mr. Speaker, Neville Chamberlain with his 1939 umbrella had 30 years, but nothing more, on his present-day counterparts in Paris who are spending most of their time trying to figure out what they can give away, that the Communists want.

They have said often enough for us now to understand, that they want to bury us, and I do not know how much plainer they can get so that the message gets through to our leaders. The only answer that they will ever understand is that we will not let them.

There is far too much dream world philosophy permeating our diplomats and I say the time has come to stop talking away the lives of our boys over a roundly squared table.

We have got to stop deluding ourselves that we are not in a war, and start letting our generals finish up the mistake that the diplomats made in the first place. No nation in history has ever established such a complex web of misguided control over military planning, tactics, and operation, which reaches to the very forward edge of the battle area and reduces the prerogatives and alternatives of our trained officers to the point where they are practically handcuffed and blindfolded.

I do not protest Hamburger Hill but I say that our allies would be growing rice at the foot of Hamburger Hill in 1969, if the men who are trained to prosecute a war that we handed to them were allowed to utilize the options our commanders had at Valley Forge and San Juan and the Marne and Guadalcanal.

The Communists keep asking us to withdraw our troops, but they have not said a word yet about the army of government and quasi-government civilians who wander around checking defoliation, counting civilian casualties, and measuring air and water pollution and a thousand and one other department-conscious jobs—most of which seem designed to limit, control, counsel, or actually impede the military combat effort.

Leadership has no other meaning in any dictionary, than to lead. We cannot forever flash a green light for a military action—and then sit around a radio or television set to see what the public reaction is going to be. No hostile action will ever win any popularity contest and Lincoln and Wilson and Roosevelt were publicly mauled, but each took those positive steps which though unpopular, finally achieved peace.

Has not anyone ever really wondered why our pilots, the best in the world, with equipment that will permit them to drop a bomb in a smokestack, never succeeded in knocking out more than a small portion of electric power in Hanoi and Haiphong. They know, and I do, that a hit on this highly sensitive generating equipment, which takes years to replace, would have shut down war-producing factories for the duration; and we selectively bombed around the enemy capital 2 years ago, but with so many restrictions that our pilots spent most of their time on the way to the target reading their clipboards.

Our Students for a Democratic Society will label me a "hawk," but I remember too much of my time as a young man in World War II to buy this label. I do not want to see our boys hurt, but a war is not a croquet match and while we spend eons of time arguing about the rules around the wickets, our boys are being surprised and hit from places that were supposed to be off limits by virtue of agreements reached by negotiators 5,000 miles away in air-conditioned splendor. Crawl out as I have done to some stinking rice paddy, where your boy sits with water up to his waist and ask him if he thinks he is being fully supported, or look in his eyes to witness the abject frustration, and then think to yourself that he would not even be there at age 19 if the military had prosecuted our war to an obvious conclusion a year ago and the Communists had asked us to discuss terms. The terms would have been the same then; stay out of South Vietnam.

A BILL TO PROVIDE CHIROPRACTIC BENEFITS IN MEDICARE

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. POLLOCK. Mr. Speaker, today I have introduced a bill which would provide for coverage of chiropractic benefits in medicare, title XVIII of the Social Security Act.

This proposal is intended to achieve parity with existing provisions of medicaid in title XIX, under which chiropractic services are authorized for the medically indigent. My bill is designed to equalize an odd situation which results from the inconsistency between these two titles. At present, the States are authorized to provide chiropractic services to the medically indigent under medicaid—title XIX—but the medically self-sufficient who personally pay a premium for their medicare—under title XVIII—are denied the freedom of choice of chiropractic services. It is this irrational discrimination against those who pay for their medicare benefits which my bill will rectify.

Mr. Speaker, I should add that Congress has established two overriding policies for medicare, as follows:

First. Prohibition against any Federal interference, section 1801.

Second. Free choice by patient guaranteed, section 1802.

The current medicare law violates both of these principles by its failure to provide chiropractic coverage.

First, States rights are abridged by Federal law through interference with States freedom effectively to make available to their elderly citizens the health services of doctors of chiropractic.

Forty-eight States—including my State of Alaska—as well as Puerto Rico and the District of Columbia, have licensing laws which recognize the practice of chiropractic. Thus the Federal medicare law penalizes the citizens of these States and interferes with the operation of such State laws within their respective State boundaries.

Second, freedom of choice is denied to patients to obtain the beneficial health services of State-licensed doctors of

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chiropractic. A continuing thread during the entire congressional debate on medicare was freedom of choice by the patient to obtain health services from any qualified institution, agency, or person.

When such freedom of choice is denied, medicare denies older people the health services they want and need, as well as the independence and dignity which medicare is designed to assure. This circumstance involves not only fundamental theories of the relation between the Federal and State governments and the relation of the American citizen to his government, but also the individual health, comfort, and wellbeing of each and every senior American.

Therefore, Mr. Speaker, I propose this legislation.

FEDERAL SALARIES

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. UDALL. Mr. Speaker, I am introducing today a bill designed among other things to implement the Federal employee's pay comparability system and to establish a Federal management-labor salary survey board.

In drafting this bill I have taken into account the experiences we have had with the 1967 Federal Salary Act which served as a highly instructive experiment as to the feasibility of establishing a Federal compensation system which could work without annual legislative review by Congress.

During September 1968, the Compensation Subcommittee, of which I am privileged to be the chairman, held 4 days of intensive hearings to review the entire problem of Federal compensation. The subcommittee received testimony from the chairman of the Civil Service Commission and from the unions representing Federal employees as well as from professional associations of Federal employees.

Since that time I have been in consultation with representatives of the executive branch and of employee unions and professional associations. On June 16 and 17, the Compensation Subcommittee will resume hearings on legislation to determine how Federal compensation shall be determined for classified and postal employees and for those other Federal employees whose salary schedules are linked to the rates of pay of classified employees. The first three witnesses will be Winton M. Blount, the Postmaster General, Robert E. Hampton, the Chairman of the Civil Service Commission, and Phillip S. Hughes and Roger W. Jones of the Bureau of the Budget.

In order to focus attention on the most critical issues which I believe must be resolved in one way or another, I have decided to introduce today a bill which addresses itself directly to them. For this reason, the bill uses very explicit and detailed language. Moreover, because the bill is intended to serve as the basis for many years of setting Federal salaries administratively, I have expressly resorted to detailed guidelines so that the Members will be fully aware of the problems involved and the solutions proposed. Consequently, in their deliberations, the Members will have the opportunity to accept, substitute or reject detailed, precise and explicit language.

For the reasons I have already indicated, the bill is detailed. I wish to emphasize that I am not wedded or committed to any one of these details or solutions. However, I do believe that explicit language should be included in any new legislation which emerges.

In summarizing the bill, I should like to emphasize that this bill is intended to establish a well-defined administrative mechanism conforming to the wishes of Congress which the executive branch can employ for an indefinite time in establishing Federal compensation rates.

The two major innovations of my bill involve the creation of a Federal Management-Labor Salary Survey Board and a regrouping of the 18 grades of the classified service into six classes. Both these provisions are the result of the experiences we have had with the 1967 Federal Salary Act and the very clear conclusion that the pay rates about to be placed into effect on July 1, 1969, fall very seriously short of comparability in GS grades 4, 5, 6, and in the postal field service grades which are linked to GS–5. Whereas the classified grades GS–9 and above conform fairly closely to comparability with private enterprise rates, the grades below GS–9 seriously deviate from these rates, being as much as 12 percent below comparability in GS–5.

The first major innovation, the creation of the Federal Management-Labor Salary Survey Board, is designed to prevent the recurrence of the serious breakdown in consultation between Federal management and Federal employee representatives regarding the conduct of the comparability salary surveys by the Bureau of Labor Statistics.

To assure a fair system of consultation and deliberation, my bill establishes a seven-member Board in the office of the chairman of the Civil Service Commission.

This board would have the responsibility for defining the specific criteria, within the terms and limitations set by Congress, which shall govern the determination of the salaries and salary adjustments for Federal employees in the classified and postal systems as well as for all other related pay systems whose rates of pay are linked to the classified system schedules.

The Board would be composed of seven voting members and its Chairman would be the Chairman of the Civil Service Commission. The remaining voting six memberships would be divided equally between representatives of Federal management and labor union representatives of Federal employees.

The three management representatives would be designated by the Director of the Bureau of the Budget, the Secretary of Defense, and the Postmaster General. Of the three labor union representatives, one would be designated by the labor union having the largest number of classified service employees as established in exclusive recognition contracts; one would be chosen from among the three largest unions of postal field service employees in a manner agreed upon by themselves; and one would be designated each year by an independent labor union selected by the chairman of the Civil Service Commisison annually on a rotating basis.

The Chairman of the Civil Service Commission would furnish the necessary administrative and clerical personnel to carry out the business by the Board. Moreover, the Board would be authorized to employ consultants or to enter into contracts for professional advice and for independent studies, surveys and inspections.

My bill also provides explicitly that in the first and second years of its activity, the board would study the problem of the linkage of postal and other pay systems to the classified system and of possible alternative methods of identifying occupations in private enterprise comparable to postal field service functions.

The second major innovation of my bill relates to the grouping or clustering of the 18 grades in the classified service into six classes and the setting of ranges of percental pay differentials between the three grades within each class and between the classes.

I decided to include such a provision in my bill after hearing a great deal of testimony on the reasons for the breakdown of the comparability system in GS–4, GS–5, and GS–6, and after discovering the extremely wide range of percental differences between grades which have characterized the pay schedules since October 1965. These percental differences have ranged from 8.7 percent between GS–1 and GS–2 up to 19.5 percent between GS–11 and GS–12.

The testimony and evidence I received showed that the causes for both the breakdown at the lower level and for the wide range between grades lay in the so-called conflict, as defined by the Bureau of the Budget and the Civil Service Commission, between the two requirements of the 1962 and the 1967 Salary Acts; namely, the first requirement of comparability with private enterprise and the second requirement of pay distinctions in keeping with work and performance distinctions between grades.

A factor in this so-called conflict, resulted from the concept that the entire classified pay schedule represented really only one master career plan, with everyone supposedly beginning at GS–1 and everyone supposedly aspiring to progress through all these intermediate grades up to GS–18.

Now the fact is that there are many typical career life histories in the classified system and almost not a single employee runs through every grade during his Federal career. Some people begin at GS–1 and end in a grade between GS–1 and GS–6. Some start at GS–7 and end in a grade between that and GS–12. Others begin as high as GS–13. And some even begin at GS–18 at the top. Consequently, it is unrealistic to try to draw up a pay schedule in such a way that a single rigid line fits everybody absolutely into one rigid structure system. This attempt creates a kind of procrustean bed. As the actual experience under the 1967 Salary Act now reveals, the lower

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members get dreadfully pinched lying in this kind of bed with the top members.

To reconcile the two requirements, pay comparability and distinctions in keeping with work and performance distinctions, my bill divides the 18 grades into six classes as follows:

First. Class A: GS–1, GS–2, GS–3.
Second. Class B: GS–4, GS–5, GS–6.
Third. Class C: GS–7, GS–8, GS–9.
Fourth. Class D: GS–10, GS–11, GS–12.
Fifth. Class E: GS–13, GS–14, GS–15.
Sixth. Class F: GS–16, GS–17, GS–18.

The bill provides that the pay line, as heretofore, would be drawn on the basis of the fourth step of each grade.

Within classes A and B, the pay line would be drawn in such a fashion that any shortfall in any grade from the official figures of comparable private enterprise rates as established by the Bureau of Labor Statistics would not exceed $50 annually. This would be a great improvement over the current situation where the shortfall in GS–5 and PFS–5 is $824 annually or more than 12 percent below the private industry rates. In all other classes, the shortfall in any grade could not exceed $100.

These provisions of my bill take into account fully the requirement of comparability.

To take into account the other requirement of having "distinctions in keeping with work and performance distinctions" between grades, my bill stipulates that the salary percentage difference between the three grades in any one class should be as nearly identical as possible. Moreover, to assure that the ranges between grades in any one class do not reflect the extremely wide ranges of the past, my bill prescribes that within any one class the actual percentage between grades must not be less than 7.5 percent and must not be more than 15 percent.

Taking into account both "comparability" and the requirements of a coordinated and integrated salary compensation system, I concluded that the range of pay between the highest grade in any class and the lowest grade in the next higher class should not exceed 25 percent. Because it would be hazardous to try to set the lowest limit of this range, my bill does not state any statutory minimal percental differnce but leaves it to be determined by the board on the basis of the actual figures merging out of the comparability surveys conducted by the Bureau of Labor Statistics.

Up to now, I have dealt with the kinds of concepts which I believe should be before the Members when they are legislating for the comprehensive administrative pay system of the future. However, there is a very serious problem that confronts us as an inheritance from the past. This is the inequity and the problem arising from the fact that the executive branch has been defining the so-called conflict between "pay comparability" and "pay distinctions in keeping with work and performance distinctions" in such a way as to deprive employees in GS–5 and PFS–5 of $824 in pay annually. A second, related problem from the past derives from the fact that the executive branch has not made any effort to eliminate the timelag in the reporting of the private enterprise rates. Thus the BLS comparability rates are a year late. It is generally estimated that since June 1968, the rates in private industry have increased from 8 to 12 percent, or an approximate average of 10 percent. Yet the executive branch has ignored this development.

If the Congress were to correct fully these inequities inherited from the past, it might have to consider enacting legislation between now and July 1 adjusting Federal salaries in grades GS–4, GS–5, GS–6, GS–7, and PFS–5 up to "true comparability" with the June 1968 BLS figures. In addition, it might have to consider granting a further increase from 8 to 12 percent throughout the entire adjusted pay schedule.

In my bill, I have sought to provide a middle-of-the-road answer. Instead of adjusting the salaries on July 1, 1969, I have included a provision that we adjust them as of January 1, 1970, thus finally giving comparability with June 1968 private enterprise rates to the classified and postal employees in the lower grades.

My bill also provides catching up part of the timelag for all grades, a lag which by January 1970 may be as high as 15 percent, by granting a flat 5-percent increase to all grades in the adjusted pay schedules. Title II of my bill lists the actual pay tables which would apply on January 1, 1970, to classified employees and postal field service employees and to the "linked" schedules of employees of the department of medicine and surgery of the Veterans' Administration and of the employees of the Foreign Service appear in title II of my bill.

I wish to emphasize that these schedules do not represent a "second pay raise" in fiscal year 1970 for Federal employees. These schedules really should have been put into force on July 1, 1969, by Executive order. Thus, they are only a delayed compromise solution between what the Federal employees should be receiving on July 1 and what they will be receiving in fact.

INCREASES ARE NEEDED IN GI BILL PAYMENTS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. EDMONDSON. Mr. Speaker, I have introduced a bill, H.R. 11906, to increase payments to veterans of our Armed Forces who are attending school under the provisions of the GI bill.

The increases provided in this bill correct a basic problem: We simply are not providing these veterans as much money as education costs today. Or, to put it more simply, we are promising our military veterans an education, then failing to provide it.

The story is told very clearly in the fact that the average cost per year for college level education in public institutions in the United States today is $1,092; and we are paying our veterans an average of $1,040. This difference may seem slight, but when the cost of education in private institutions—an average of $2,336—is considered, the fact of underpayment becomes readily obvious.

The bill I have introduced would increase payments to unmarried veterans attending college full time from $130 per month to $190 per month. The increase for veterans with one dependent would be from $155 to $215. Veterans with two dependents would receive $235, up from $175. An additional $10 per month would be paid for each dependent over two.

Mr. Speaker, anyone familiar with the rising costs of higher education would readily agree that these increased amounts are reasonable. Even the higher payments in the case of a veteran with dependents would not be adequate to cover the full cost of education.

Today, when some of our young men are serving their country in the military service, while many others are not, one of the real benefits we have to offer is a college education under the GI bill. Let us make sure that what we offer really is a college education.

SHOE IMPORT PROBLEM THREATENS JOBS IN DOMESTIC INDUSTRY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. EVINS of Tennessee. Mr. Speaker, the increasing volume of imported footwear is posing a serious threat to the workers holding jobs in our domestic footwear industry in Tennessee and throughout the Nation.

I am advised that since 1955 shoe imports have increased from 7,810,000 pairs valued at $13,571,000 to 175,438,000 pairs valued at $328,543,000 in 1968.

This is an alarming rate of increase and the projection is that by 1975 the imports will total 468 million pairs unless steps are taken to establish quotas or in some way curtail this influx of foreign goods.

The loss of jobs in many areas of our American footwear industry is being translated into adverse effects on the economies of many of our smaller communities in the Nation. The penetration of the American shoe market by foreign products necessitates layoffs of employees in many places.

The foreign competition is unfair because these foreign shoes are produced by workers who earn as low as 56 cents an hour while our American workers are well paid in keeping with our standard of living and our American way of life.

The economic facts of life are that if our domestic footwear industry is to survive some import equalizer must be instituted.

In this connection I have joined with other interested members of the Tennessee congressional delegation in urging the President to take steps to negotiate voluntary import limitations on footwear with other nations that are principal suppliers of the American market from abroad.

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These quotas and limitations are necessary to assure that the domestic shoe industry will continue as a healthy and viable segment of our economy.

Action is needed to assure our workers in the footwear industry of their jobs—and Congress and the President must be alert to their responsibilities in the matter.

PORNOGRAPHIC MAIL

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. BOB WILSON. Mr. Speaker, some weeks ago, I addressed the House concerning the need for legislation to protect the public against the offensive intrusion into their homes of pornographic material sent through the mails. At that time I introduced a measure that would prohibit the interstate dissemination of smut materials of all kinds to juveniles under age 18. A good number of our colleagues have introduced similar legislation, which demonstrates Congress' growing concern over this problem.

I am also pleased that President Nixon has addressed himself to this serious problem. Mr. Nixon has submitted to Congress a realistic proposal for protecting the public from the smut peddler whose filth has been thrust into our homes with no legal recourse available to the receiver. Under current law, if a person receives a piece of pornographic mail, he can return it to the postmaster with instructions to have his name removed from the smut peddler's mailing list for future mailings. There are two weaknesses in this procedure. First, the individual has to receive at least one pornographic mailing before he can initiate the procedure for having his name removed from the sender's mailing list. Second, the Government's directive to have a smut peddler remove an individual's name from his mailing list does not always work. This is because some smut peddlers put out successive mailings under a different company name, usually with different company officers listed. The Government's directive applies to the old company, but not to the new one which more often than not is operated by the same people.

I am today introducing a measure which embraces President Nixon's proposal and would urge the Post Office and Civil Service Committee to hold prompt hearings on this legislation. This bill would permit an individual to advise his postmaster that he desires to receive no sexually oriented advertisements through the mails. The Postmaster General would maintain a current list of those persons who have made such requests, and the smut peddlers would be required by law not to address any such material to those persons. The lists maintained by the Post Office Department would be made available to the smutsmiths for a fee covering the Government's cost of compiling and maintaining the lists. This procedure would hit the senders of pornographic material where it hurts the most—in their pocketbooks.

I am also introducing another measure aimed at filling a gap in the existing law dealing with the mailing of pornographic materials. The present procedure for directing the smut senders to remove individual names from their mailing lists is not only ineffective, but costly to our Government. In my district of San Diego, it has been estimated that it cost the post office 50 cents to handle each patron request to have his name purged from the offensive mailing list. The San Diego Post Office handled more than 3,000 of these requests, thus costing the Government $1,500. My bill would require the smut senders involved to pay our Government the cost of administering this law. Here again, the attack is directed at the smutsmith's pocketbook. It is only fair that he pay the Government's administrative costs which result from handling of requests from millions of persons who have refused to accept his pornographic advertisements. Certainly, the taxpayers are under no obligation to pay this cost for him.

DISRUPTIONS SCORED AS DISLOYALTY

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. KEITH. Mr. Speaker, the disorders at home and on college campuses have been widely condemned. On Memorial Day it was appropriate to emphasize a point not frequently mentioned—the terrible disloyalty shown to those who have made past sacrifices for their country.

I am, therefore, including as part of my remarks the Memorial Day address of our former colleague, Laurence Curtis—Republican of Massachusetts, Member of Congress, 1953–62—of Newton, Mass., delivered before the members of six American Legion posts at Mount Hope Cemetery in Boston. Curtis, a war amputee, is a past State commander of the Disabled American Veterans.

The address follows:

MEMORIAL DAY ADDRESS BY FORMER CONGRESSMAN LAURENCE CURTIS, IN PART

One of the most sordid aspects of the current disorders is the disloyalty shown to those who have fought and suffered for their country.

They did not serve and sacrifice in order to return to a land torn by disunity, racked by violence and where even the flag is often held in disrespect.

The immortal Lincoln proclaimed: "Let every man remember that to violate the law is to trample on the blood of his father . . . There is no grievance that is a fit object of redress by mob law."

We veterans know that the disorders at home and on college campuses encourage the enemy who is counting on a collapse of American will on the home front. They encourage him to persevere with resulting increase of American casualties.

We demand an end to the inept and indulgent responses to campus disorders. We demand that effective measures be taken to restrain force, violence and storm-trooper tactics.

We join in the tribute to our departed comrades so beautifully expressed by the poet Henry Wadsworth Longfellow:

"Your silent tents of green,
We deck with fragrant flowers.
Yours has the suffering been,
The memory shall be ours."

OUR NATION AND THE SEA

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. BUSH. Mr. Speaker, on May 19, Dr. Julius A. Stratton delivered a timely message on oceanography at the offshore technology conference in Houston. Dr. Stratton served as Chairman of the Commission on Marine Science, Engineering, and Resources and is a formidable figure in the field of oceanography. As you know the report of the Commission was submitted to the President and the Congress in January. This outstanding work on "Our Nation and the Sea," sometimes called the Stratton report, contains many recommendations for action, including the establishment of a centralized Government agency to carry out a national program.

Although Dr. Stratton has completed his work on the Commission, he continues to act as a forceful spokesman for ocean exploration and development. In his Houston speech he reminds us that:

> There has been no marine Sputnik to galvanize public interest in the oceans. One can point to no spectacular mission to the very bottom of the sea to stir national pride such as a single journey to the moon. Nonetheless, I am convinced that this heightened concern for marine affairs is of transcendent importance for the future. For it reflects the confluence of the most diverse activities, of a multitude of needs, and of great opportunities.

In conclusion he states that:

> We are at the threshold of decision. We must look to bold, decisive action on the part of the Administration and the Congress or be resigned to another decade of studies and debate. If the choice is to be action and progress, it is important that all of us who have an interest in the ocean and a concern for its vast resources now make ourselves heard.

Mr. Speaker, I am a strong supporter of the concept that the United States needs a National Oceanic and Atmospheric Agency as was proposed by the Commission if we are to effectively explore and use the seas. I am pleased to insert Dr. Stratton's speech into the RECORD for the benefit of the Members of the House:

OUR NATION AND THE SEA

(Address by J. A. Stratton, Offshore Technology Conference, Houston, Tex., May 19, 1969)

As you will surely surmise from the title of my remarks, I have been asked to tell you this morning something of the work of the Commission on Marine Science, Engineering and Resources—of the findings of that Commission—and of our nation's stake in the sea.

I must say that I stand here feeling somewhat akin to the gentleman of an earlier day who had survived the Johnstown flood, who spoke about it unceasingly, and who delighted in telling everyone—singly and in

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groups—about his terrifying experience. The years wore on. Eventually he was duly admitted to heaven, where he asked if he might have an opportunity to address the assembled souls. Permission was granted. But as he stepped to the podium, St. Peter quietly said: "Before you begin, I think you should know that Noah is in the audience."

Whatever slight qualifications I may have gained to justify my appearance on this platform in the company of you whose professional lives have been directed towards the science, the economics, or the technology of the oceans, has come from my own special version of the Johnstown flood—you might say, from a process of total immersion. Not that in any literal sense I have gone down and into the sea. But throughout my two years as Chairman of the Marine Commission, I have been constrained to read, to listen, to think, and to speak about the oceans. The members of that Commission have been my teachers, and never have I enjoyed the privilege of association with men more dedicated to their task or more concerned for the effective use of the sea. There is neither time, nor is this the occasion, to review in detail the multitude of conclusions and recommendations that have been the product of their work. But I should like in these few minutes to convey to you as best I can something of the character of our report and of the spirit in which it was conceived.

Looking back over the past thirty years, one can readily discern a movement of national interest towards the sea—a movement that only lately has begun to gather momentum. Very likely we could trace its origin to submarine operations in the Second World War and to the extraordinarily effective and far-sighted programs of the Office of Naval Research. Indeed, it was the Navy which in 1956 stimulated the National Academy of Sciences to prepare a report, which proved to be historic, on the needs and opportunities for oceanography in the decade of the sixties. This was but the first of a number of such studies. Their total impact was to capture the widening attention of the scientific community, of industry, and notably of the Congress. In the period from 1959 to 1966 some one hundred actions were proposed in the House and the Senate relating to marine resources and to the organization of marine affairs.

Yet for all this stirring, there was still the need for effective Federal action. Finally, in June of 1966, Congress took a definitive step with the passage of the Marine Resources and Engineering Development Act.

First, in a declaration of policy and objectives, the Act defined as national goals the expansion of knowledge with respect to the marine environment, the more rapid development of resources, and the encouragement of private investment.

Second, it created for an interim period a National Council on Marine Resources and Engineering Development under the chairmanship of the Vice President—a body at Cabinet level charged with coordinating the activities of the staggering array within the Federal government of agencies with missions that relate to the sea.

Third, the Act of 1966 established an independent Commission, wholly free of operating responsibilities, and with a membership to reflect the broad range of marine interests, both public and private.

Our mandate called for a completely detached assessment of the current national effort directed towards problems not alone of the oceans, but of the total marine environment as well, viewed from the standpoints of science, technology, economics, security, and the quality of our national life.

Upon this basic evaluation of needs and resources, we were asked to formulate a national—as distinguished from a Federal—plan for the future.

And finally—and explicitly—we were charged with the task of recommending a plan of governmental organization to support our program.

This past January, as you know, the Commission completed its task and delivered its report to the President and to the Congress. That report, with its many recommendations for action, comes to the public at a time when our country is distraught by some of the gravest crises of this century—by the frustrations of a war in Asia, by the rise of crime at home, by disruption on the campus, by the mounting congestion of our cities, and by our growing impatience with conditions that perpetuate hunger and poverty. What claim dare we make, then, for the priority of a national program on the oceans in the face of such an awesome agenda?

To this one can only answer that such a program is itself directed towards the needs of people—towards the vast resources which await exploitation in the sea—towards developments which threaten the quality of our total environment—and towards the consequences of a national failure to take action now.

There has been no marine Sputnik to galvanize public interest in the oceans. One can point to no spectacular mission to the very bottom of the sea to stir national pride such as a single journey to the moon. Nonetheless, I am convinced that this heightened concern for marine affairs is of transcendent importance for the future. For it reflects the confluence of the most diverse activities, of a multitude of needs, and of great opportunities.

The world is changing before our eyes, and for all our plans, the time scale is shrinking.

Before the end of this century, the population of the United States may exceed 300 million, and over the globe will probably double.

According to the most reliable projections, world food production must increase by fifty per cent over the next twenty years.

We face the prospect of dwindling reserves of many of our natural resources—not this year or the next, but nonetheless in the foreseeable future. Estimates have indicated that the consumption of metals in the next thirty-five years may equal that of the last 2000, and that the world demand for key minerals will double by 1985—and triple by the end of the century. The potential availability of such resources in the ocean bottom is, of course, a subject of major interest to this conference.

Our concern for a more effective use of the sea derives also from the need for an ever-expanding economy, for new jobs, and new avenues of productivity.

It relates to the growth of our coastal cities, to the need for new areas of recreation, to the pollution of our lakes and our estuaries, and to the erosion of our shores.

And it relates profoundly to our national security. For the increasing ability to move freely along the bottom of the sea—an ability shared by other nations as well as ourselves—is even now presenting us with a whole new order of international issues.

This then, very briefly, is our national stake in the uses of the sea—a stake of such magnitude and of such import for the future that we shall neglect it at our peril. The Commission makes no proposal for a crash program, nor does it offer glowing promises of immediate returns. But we do urge most strongly a systematic plan of action and an increasing national investment.

Now the prospect of achieving these objectives lies first with science and technology and then with management.

The primary need to expand our capabilities in the oceans is a dominant theme running throughout the whole of the report of the Commission—the capability to move under the surface at any depth—to gain access to the furthest reaches of the ocean floor—to do productive work at any level—in short, to establish a technical freedom of the seas.

To arouse the nation and to accelerate the movement into the seas, the Commission has suggested the establishment of certain specific goals, and proposes that programs be designed to meet them. These goals derive quite naturally from the geography and bathymetry of the sea. We recommend that the United States achieve the capability to occupy the bed and subsoil of our territorial sea and that we learn to utilize fully the continental shelf and slope to a depth of 2,000 feet. Looking farther ahead, the Commission urges that we develop the capability to explore the ocean depths to 20,000 feet within a decade, and to utilize these depths before the end of the century.

But the prelude to the attainment of any such goals is a solid base of fundamental technology—a reservoir of fundamental engineering skill which—like basic science—provides a foundation for many applications and serves many users. It opens the path to new developments, to the reduction of costs, to an increase in reliability, and to the solution of new problems.

The improvement of materials, for example, as this audience well knows, is basic to all marine activities, whether on or under the surface.

Underseas operations, whether fixed or mobile, depend on power supplies. Underwater habitats must become self-sustaining, and deep submersible design is handicapped by a present lack of efficient, economical, long-duration power sources.

There is a need for the development of basic tools and equipment with an adequate degree of reliability and simplicity of operation.

We must grapple with the problems of visibility and communications.

And since much of the national investment in ocean programs for the foreseeable future will be devoted to measuring, mapping, defining, and monitoring the marine environment, the development of good instruments—dependable, accurate, and not too costly, is a most urgent necessity.

I have spoken earlier of the manifold diversity which characterizes the entire domain of marine affairs. It is as though one were confronted with the problem of defining and developing the potential of an entirely new continent—the plants, the animals, the minerals, the economics, even the politics. Understandably, this same diversity is reflected in the whole of marine technology. To meet the need for a focus of effort, the Commission has proposed a plan for a series of endeavors to be known as National Projects. These have been devised to establish a sense of priority, to test and evaluate the economic as well as the technical feasibility of new marine systems, and to provide new technology essential for scientific research and exploration.

Foremost among these is a recommendation to increase the number and capability of facilities for research, and for the development, testing, and evaluation of undersea systems. Such a project should include high-pressure facilities on shore for testing equipment, bio-medical pressure chambers for observing and evaluating man in undersea work, and ocean test ranges, all reminiscent of the kind of contribution made by the NACA to the early years of aviation.

Other National Projects recommended by the Commission and of special interest to this present conference relate to an exploration of techniques for the restoration of the Great Lakes;

to the establishment of both fixed and mobile laboratories on the continental shelf;

to the development of underwater nuclear power generation;

to the development and construction of submersibles for exploration with a transit capability to depths of 20,000 feet; and

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to a pilot buoy network for the development of technology that might ultimately lead to a global monitoring system.

The Commission believes that basic technology—like basic research in science—must be funded largely by the Federal government. Accordingly, the management of and primary support for the proposed National Projects becomes a Federal responsibility. Nonetheless, industry and the academic community must participate in the planning and conduct of these projects, for their essential purpose is to advance our technical power on a national scale.

I should say at this point that, whether by chance or design—but in my own judgment, very fortunately—this Commission was strongly oriented towards the needs of industry and the private sector. Individually or through panel meetings, the members of the Commission took part in literally hundreds of interviews and conferences with representatives of marine activities in every part of the country. Out of this experience it emerged rather clearly that industry in general neither needs nor desires direct subsidies. What seems essential for the encouragement of private investment enterprise, particularly in new areas of resource development, is a government effort directed toward providing the research, exploration, fundamental technology, and services necessary to expand operations at sea, as well as a set of laws and regulatory policies that will permit more accurate business planning and investment activity.

Earlier I have noted that the prospect of achieving our objectives lies with management as well as with science and technology. And this brings me now to the most difficult part of our assignment, to perhaps the most controversial of our recommendations—a proposal for action which we are convinced is essential for the national interest.

It is the view of the Commission that the goals we have set forth, the building of a strong, truly national program, will be achieved only through a major reorganization of the Federal government in the domain of marine affairs.

We are by no means the first to arrive at such a conclusion.

The need was stressed by the Committee on Oceanography of the National Academy of Sciences in 1966.

It was urged by the President's Science Advisory Committee in its report, *The Effective Use of the Sea*.

A variety of proposals in the House and Senate have been directed towards this end.

In Miami last October, Mr. Nixon spoke most eloquently of the unknown frontier—the sea with its inexhaustible riches—as the scene of the next great adventure of the American people. And he went on to say:

"Nevertheless, we still lack a unified effort in the field of marine sciences and engineering.

"Our national oceanography effort is fragmented and confused, overlapping, and lacking in direction. An astonishing number of Federal agencies, departments, and bureaus are involved, and many Congressional committees and subcommittees must consider problems and programs."

On various other occasions—and I am well aware that some among you in this audience have heard me before on this subject—I have ventured the comment that the ocean as a new frontier poses problems differing profoundly from those that marked the initiation of the nuclear and space programs. Each of these grew out of well-defined scientific and technological breakthroughs. Each started fresh. There was no governmental histoy, and at the outset very little, if any, industrial constituency.

But the seas have always been with us, and over the past two centuries marine activities in the Federal government have grown largely without plan—scattered now among the twenty to thirty departments, bureaus, and agencies of which the President spoke. Many of these activities relate only marginally to the central mission of the parent department. And this fragmentation and dispersal is indeed reflected in the relevant committees of the Congress.

The Commission began its task without prejudging the issue, without bias or preconceived views, agreeing that a plan of organization should rightly emerge out of the ultimate needs and concept of the program itself. We should determine first what ought to be done, and only then decide how to do it.

At an early stage we rejected the idea of consolidating every single marine and atmospheric function into one massive agency.

We have endeavored in the clearest terms to support the needs of a strong, effective Navy, and we recognize that programs in marine science, and engineering carried out by the Navy itself are essential to that objective.

The Department of the Interior, though primarily a land agency, has activities that border on the marine—the geological survey, fresh water management, and national park and wildlife conservation.

The National Science Foundation supports marine and atmospheric science as part of its basic mission to advance education and research.

But apart from these—step by step—the argument for the establishment of a strong locus of effort, with adequate authority and adequate resources, with a capacity to take major initiatives and follow through, became overwhelmingly persuasive.

As one proceeds through the report of the Commission, the logic of that argument appears to develop of itself.

It rests upon our need to create through science and engineering an expanding arsenal of capabilities, which I have only briefly touched upon this morning.

It relates to the sponsoring of the plan of National Projects of which I have just spoken

It reflects the urgency of establishing, before it is too late, a program for the systematic management of our coastal zones and to forestall the continuing erosion of our shores and the pollution of our esturaries.

It meets the need for mapping and exploration and research that are essential to the productive use of the seabed and to the rehabilitation of our fisheries.

It recognizes the environmental unity of land and sea and atmosphere and the future of monitoring, prediction, and control.

At the outset we propose the transfer of certain existing agencies to form the nucleus of the new entity, which has been called NOAA—the National Oceanic and Atmospheric Agency. But the spirit of our intent is one of building, rather than merely reshuffling. The design of this new organization has been governed by the dimensions of the task that lies before us. We have proposed only such transfers as will contribute to the national goal. And we are convinced that whether it be the Coast Guard, or ESSA, the Bureau of Commercial Fisheries, or the Sea Grant Program, each will gain in strength and effectiveness. Each will find its mission broadening and deepening. Out of unity will come a new coherence of effort, a sharing of services and resources, and a sense of common interest and purpose.

More than half a century ago, as the United States entered the aeronautical age, the National Advisory Committee for Aeronautics proved invaluable in uniting the interests of government, of industry, and of the academic community—thus assuring a free interflow of ideas and information. The need for the oceans today is of a similar character. Accordingly, the Commission has recommended also the establishment of a committee, which might be called the National Advisory Committee for the Oceans—NACO. Such a body, whose members would be appointed by the President with the advice and consent of the Senate, should be broadly representative of the marine and atmospheric interests of the nation. Its primary responsibilities would be those of advising the head of the new agency, NOAA, and of reporting periodically to the President and the Congress on the progress of government and private programs towards the achievement of our national goals.

Let me assure you that we did not arrive at our conclusions lightly, and we recognize full well that such a bold redesign of the existing Federal structure will not come easily. Already we are hearing some agonized cries of protest. I can readily understand the desire of anyone charged with the responsibility of a department or bureau to serve as a protagonist for the interests of his own domain. But the real issue here is the national interest.

The very existence of the Commission expresses the intent of the Congress to develop an ocean program worthy of a great sea nation. And clearly it was for that reason that the President and the Congress turned to an independent body for an outside view of this immensely complex problem—to a commission the majority of whose members were completely detached from the inescapable loyalties and commitments that must prevail within the government.

This is a time for vision and statesmanship. None of us will claim that the particular pattern of organization that we have put forward is perfect in every detail—that there is no room for molding or adjustment. And we are also aware that, with the new Administration, the entire Federal structure is now coming under review.

Nothing in our proposal for an oceanic agency should preclude an accommodation to revisions on a larger scale that are long overdue. Moreover, in this year of budgetary stress, I think it particularly important to emphasize that the incremental cost of prompt action for consolidation—through NOAA—will in itself be relatively small. But a failure to recognize the overriding need for such consolidation of effort and the building of strength will, I fear, be disastrous to the best interests of our country.

None of us who have labored over this task throughout the past two years harbors any illusion that we have said all that needs to be said or have offered the final word. In a field of such diversity of interests and of history, a failure to stir debate and controversy could only mark an absence of strength and content.

We have endeavored to clarify and to formulate the issues, and in every instance to give our best judgment on what action should be taken.

But the crucial test of whether this Commission has served well the interests of our country is simply this—

Will the ensuing discussion, the debate—indeed, the controversy—stir this nation to take a mighty step forward in its use of the seas—to develop our marine capabilities, to stimulate investment, to protect and use our shores.

We are at the threshold of decision. We must look to bold, decisive action on the part of the Administration and the Congress or be resigned to another decade of studies and debate. If the choice is to be action and progress, it is important that all of us who have an interest in the ocean and a concern for its vast resources now make ourselves heard.

LETTER FROM CONSTITUENT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. ANDERSON of Illinois. On June 4, 1969, a young man from my congressional district, Gary H. Thorstens of

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Rockford, Ill., graduated from the U.S. Military Academy. The day before his graduation, he wrote me expressing his feelings on this important occasion in his life.

I was so impressed and encouraged by his comments that I felt compelled to call them to the attention of my colleagues here in the Congress. During this period of mounting unrest and discontent among so many of our Nation's young adults, it is refreshing to have this indication of the acceptance and understanding of the responsibilities of citizenship by this young man. Mr. Thorsten's letter follows:

U.S. CORPS OF CADETS,
West Point, N.Y.

DEAR SIR: I am writing this letter on the eve of my graduation to express my gratitude for the appointment which you gave me four years ago. I find it hard to express in words my appreciation for this chance you have given me to serve my country.

I am proud to join the long grey line which has served this nation since its birth. I promise you I will uphold that tradition of honor and devotion to duty. In this way I will repay the debt I owe my country and you, Sir, for my four years here at the Academy. Thank you again.

Sincerely,
GARY H. THORSTENS,
ROCKFORD, ILL.

TWO MARYLAND SOLDIERS DIE IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. LONG of Maryland. Mr. Speaker, Spec. Harry R. Italiano and Sgt. William J. Sewell, two fine young men from Maryland, were recently killed in Vietnam. I would like to commend their courage and honor their memory by including the following article in the RECORD:

TWO SOLDIERS DIE IN VIETNAM—SPECIALIST ITALIANO, SERGEANT SEWELL KILLED IN ACTION

An Army enlisted man from Prince Georges county and a sergeant from Baltimore have been killed in action in Vietnam, the Defense Department announced yesterday.

They were identified as:

Spec. 4 Harry R. Italiano, 21, the son of Mrs. Margaret E. Italiano, of Suitland, Md. He was killed in action last Tuesday.

Sgt. William J. Sewell, 21, the son of Mrs. Katherine C. Smith, of the 1600 block Homestead street. Reported missing May 31, Sergeant Sewell was declared killed in action upon identification of his body last Tuesday.

Specialist Italiano had attended Suitland High School. He had worked for three years at Drug Fair stores in Marlow Heights and Suitland before he was drafted last June.

He served with the 46th Infantry in Vietnam.

Specialist Italiano was engaged to be married to Nonnie Sady, of Washington. Their wedding was planned for next spring.

Besides his mother, Specialist Italiano is survived by a brother, Charles J. Italiano, Jr., of Lanham, Md.; his maternal grandmother, Mrs. Mary Shearer, of Suitland, and two nephews.

BORN IN CALVERT COUNTY

Sergeant Sewell was born in Calvert county. He moved to Baltimore at the age of 14, and attended Clifton Park Junior High School.

He later returned to Prince Frederick, in Calvert county, where he was graduated from Brooks High School in 1966.

He worked briefly for the Westinghouse Electric Corporation at Friendship Airport before enlisting in the Army in March, 1967.

SERVED WITH 112TH

Sergeant Sewell was serving with the 112th Infantry and specialized in heavy duty electronics.

Besides his mother, Sergeant Sewell is survived by his stepfather, Melvin Smith, of Baltimore; two brothers, Sgt. Thomas C. Sewell, USAF, stationed at Kessler Air Force Base, Miss., and Elijah Sewell, of Prince Frederick; five step-brothers, Larry, Verdell, Maurice, Clayton and Tony Smith, all of Baltimore; a step-sister, Debra Smith, of Baltimore, and his maternal grandmother, Mrs. Marion Sewell, of Prince Frederick.

AT UNIVERSITY OF BUFFALO, IT IS THE FORWARD LOOK

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. DULSKI. Mr. Speaker, it is commencement time and an appropriate time to reflect upon what has been going on in our colleges and universities, particularly in the past year.

There have been demonstrations, sit-ins and whatnot in institutions all across the Nation. Some have been spectacular; most have involved only a small minority of the students and faculties. In fact, many of the participants in case after case are individuals who have no connection whatsoever with the institution involved.

State University at Buffalo has had its incidents and the complexity of the issues involved have been very well spelled out in an excellent article which was featured recently in the Buffalo Evening News.

The writer, Elwood M. Wardlow, assistant managing editor, has a job that usually ties him to the desk perusing and editing the copy of his staff. But he has done a real writing chore in the following interpretive article:

AT UNIVERSITY OF BUFFALO, IT'S THE FORWARD LOOK

(By Elwood M. Wardlow)

The State University of Buffalo is winding up its school year with commencement tomorrow.

And to the surprise of just about everybody, UB is alive and well out there on Main St.

In fact, it may have turned the corner on the worst of its problems, and be headed into its golden age.

OK, we know we can get a lot of arguments about that.

A lot of people are confused about what's been going on at UB.

And a lot of others doubt anyone is learning anything any more, what with all the pot smoking and demonstrating and raising Cain.

What is emerging on our campus—new ways of working and learning together—may solve our own problems in due course and set patterns that will be copied across the nation.

The last chapter hasn't been written yet, of course. The zealous revolutionaries—there aren't that many, but they usually try harder—might still huff and puff and blow the whole thing apart.

But what has happened is this:

1. Most of the students have shown themselves to be genuinely concerned about the well-being of the school. They want changes—in fact they insist on them. But they aren't about to let a small doctrinaire band of radicals lead them into an orgy of disruption and destruction.

2. The faculty by and large is joining in the spirit of the quest for better ways of educating.

3. The administration has done an intelligent job of responding to provocations and pressures. If better things are on the way, it wants to sign its name to them.

A NEW STYLE OF LIFE

The only group that seems to be moving in the other direction at this moment is the community at large.

For one thing, Amherst still shows signs of nervousness and coolness about the university locating there.

And there is also much adverse feeling about some of the things that have been happening on campus.

Most of these things have nothing to do with education. They are part of a new style of life.

Like long hair, for instance. Most male students have longer locks than the office types downtown. And comb them less often.

And scruffy clothes. You'd think sometimes that there isn't a haberdashery or a laundry within 5 miles of campus.

And dirty words. They're in general use. From four letters to 12, and everything in between. By both boys and girls. In some very public places, including the campus newspaper.

And drugs. Probably a majority of the students have never tried pot and never will. But there is enough of the stuff on campus, and there are enough users, to be a severe worry. A spring drug symposium, which drew most of the big-named "heads" in the country, broke up in a really big pot party.

And political, unorthodoxy. There are hordes of liberals. And lots of New Leftists and SDS disruptions. And a hard core of activists who love Uncle Mao a lot better than they love Uncle Sam.

NAMES AND ABUSES

And impertinence. Any administrator on campus who hasn't been called a "fascist" or "pig" or some other choice name just isn't important enough to bother with.

And abuse of property. Beyond a doubt, some of the students treat their surroundings with less than tender loving care.

And lastly, there are the weirdos. Like the guy—not even a student—who peeled down to the buff before he gave an impromptu speech at the drug symposium. Or the girls who look like something left over from a Paris vice raid.

Got the picture, friend?

Well if you think you do, you probably don't.

For that litany of woe, long and sad as it is, doesn't tell nearly the whole story of the university today.

Let's take a look at the school and try to grab the whole picture. It's too important to us to understand only a part.

UB is already one of the major schools in the country. It has 10,894 full-time undergraduate students and 6490 graduate and professional-degree students. There are another 6183 part-time undergraduate and non-credit students in the evening division.

The faculty totals 1344 full-time and 1184 part-time, paid and unpaid.

UB was founded in 1846 by a group of public-spirited citizens which included Millard Fillmore.

For its first four decades, it was only a medical college. But then, in 1877, it added a law school. And in 1913 it added an arts and sciences curriculum and became a general college, non-sectarian and private.

MANY ALUMNI IN PROFESSIONS

A high percentage of Western New York's doctors, dentists, lawyers and teachers were educated at UB.

Chancellor Samuel P. Capen, in his tenure from 1922 to 1950, brought the school to prominence in upstate academic matters.

He also had a lasting impact in other areas. He was a strong believer of academic freedom and went to bat for his faculty on numerous occasions to defend it.

He emphasized independent study and close faculty-student relationships—two of the things the university is attempting to reaffirm now, despite problems of size.

Dr. Capen was followed by T. Raymond McConnell as chancellor. McConnell, a nationally known leader in higher education and UB chancellor from 1950 to 1954, started building dorms.

He was succeeded by the late Clifford C. Furnas, under whom the university experienced considerable change. During his tenure (from 1955 to 1966), the curriculum was broadened again, most of the schools were strengthened, additional buildings were constructed and finally, in 1962, the school became part of the State University system.

That system today has many parts. There are four university centers: Buffalo, Stony Brook (Long Island), Albany and Binghamton. There are 10 colleges—including Buffalo State, Fredonia State and Geneseo State. And there are 22 community (two-year) colleges, including Niagara.

UNIVERSITY OF BUFFALO IS JEWEL OF STATE SYSTEM

The jewel of the entire State University system today is the UB. It is by far the biggest—and by most accounts also the best.

It has more candidates for graduate degrees than the remainder of schools in the State University system put together. It has the only public pharmacy school in the state, and one of the only two public engineering schools in New York.

It has special programs for some of the poverty area students, who can enter with less than outstanding high school records, and can receive special academic help.

But for most of the students being accepted at UB today, academic excellence is a way of life. You're not likely to be accepted if your high school average is less than 88 to 90 per cent.

The faculty has been strengthened greatly. The school has brought some of the top teachers in the country to Buffalo from Harvard, Yale, Northwestern, Chicago, Berkeley and other great American universities. More are constantly being recruited.

UB has grown mightily since World War II. As of tomorrow's commencement, it will have almost as many State University alumni as privately graduated alumni (about 29,000 before it became state-operated; about 26,000 since).

In fact, UB has grown so much that Albany realized something had to be done to provide growing room.

The result is one of the breathtaking academic ventures of our time—a whole new campus will rise in the Town of Amherst, four miles to the northeast of the present campus. Close to a billion dollars will be spent over the next five or six years to build a totally new plant for up to 40,000 students. It could be among the dozen largest universities in the country.

UNIVERSITY OF BUFFALO CONCERNED WITH COMMUNITY

As part of its recent growth, UB has paid more attention to the community itself. Under Dr. Furnas, it reached out increasingly into the economic fabric of the community, lending its pool of intellect and talent to help solve community problems.

Under President Martin Meyerson, who is a specialist in urban affairs, this reach-out has been accelerated still further.

As the nature of UB has changed, some of the old relationships have changed with it. And sometimes this has been disconcerting.

Parents who hoped their C-average sons could enroll at UB have been disappointed.

And it isn't a commuter college any more, where most of the students are within an NFT ride of home. Since it became part of the State University, more and more (about 60 per cent of last year's freshman class) have come from other parts of the state—and beyond.

And for some, there's the rub—who wants all those out-of-town boys coming here and teaching our children their wicked ways? And who wants them filling the places that Erie County-bred children might have at UB?

There's a sensible answer. UB must, because it is a state university, take a certain percentage of out-of-town students. But it is easier, academically, for a local student to be admitted.

Even the competition for "underprivileged" students attempting to get into UB's special programs is fierce. It's fiercer, in fact, than the competition for students trying to get into the regular programs.

UNIVERSITY OF BUFFALO HAS GREAT LEADERSHIP

That, in capsule, is UB today and yesterday—and President Meyerson, perhaps, has put it all in perspective as well as anyone:

"Here at the State University of Buffalo, I believe we have the best leadership in depth of any university in this country," he has said.

"Our students have been our conscience. It was they who first complained of our often-neglected classrooms; they insisted on the values to which the academic society has always paid homage if not service.

"Reform is absolutely necessary . . . It is our students who are saving our universities from the fate of the dinosaurs."

But that's all prologue. What, you might aks has been going on at UB lately that sounded so awful but might turn out all to the good?

For the answer we might drop back two years to the start of the tense period on the campus.

In the spring of 1967, a number of things happened at the same time. And all of them, to the community, sounded pretty bad.

For one thing, the Spectrum, the campus newspaper, developed a liking for dirty words and/or pornographic poetry. Things got so bad that the printer threatened to cancel his contract.

And there was the Leslie Fiedler case. The police charged that the professor's home was being used as a marijuana den for youngsters.

And the radicals and student-power people were beginning to raise raucous voices.

COMMUNITY REALLY DISTURBED

The community at large didn't understand this type of behavior. And it didn't like it. Anti-student and anti-UB mail to The News during that period ran very heavy—second only to the great controversy some years before concerning the "Spirit of Womanhood" statue.

Last year, the mail tapered off somewhat, but there was a great deal of resentment over such things as the harassment of Dow and other recruiters.

This year, some of the dirty words crept back into the Spectrum. There has been some tension over the matter of programs for blacks. City Councilman Raymond Lewandowski was splattered with eggs when he showed up, by invitation, to take part in a campus program.

There were more drug arrests (even though a recent survey revealed that UB is lower than most other universities in the nation in drug usage).

And there was a controversy over Project Themis research for the government.

And a one-night take-over of Hayes Hall.

And finally, controversy over black participation in the work force building the new campus.

Active throughout this period were a hard core of students—sometimes as few as a dozen, sometimes as many as 200—who consistently displayed a totalitarian frame of mind. They were the radicals and revolutionaries. And they were trouble.

Things reached a potential flash point in February when Bruce Beyer, never a UB student, went on trial in Federal Court on charges of assaulting a federal officer trying to arrest him in the Buffalo Unitarian Universalist Church. Beyer and a friend had taken "symbolic sanctuary" in the church to defy their call for Army induction.

BEYER CASE IS FOCAL POINT

Day after day during the course of the trial, dozens of young friends—some from UB, plus a number of others—picketed the federal courthouse in shouting protest. And when the guilty verdict was delivered, they called for action on the campus.

The protesters and their sympathizers convened and drew up a list of nine "demands" upon the administration of the university.

Some of these demands didn't exactly fall into President Myerson's realm. The protesters demanded, for example, the firing of Buffalo Police Commissioner Frank Felicetta. And "justice" for Martin Sostre, convicted in a 1968 narcotics case. And, of course, the clearing of Bruce Beyer.

Others of the nine demands, however, related to campus matters. And there was something of an air of expectancy over the campus as the UB administration drew up its response. This was the type of situation that, on so many campuses across the country, had led to violence and disruption.

The "reply" came in two stages. First, from a Meyerson aide, came a written "working paper" that explored some of the student demands but did not pretend to answer to them.

And then came the real reply. President Meyerson went before the assembled student body in person and read off a list of nine "demands" of his own. They boiled down, really, to this: A plea to reason together to find ways to make the university more relevant to its time and function.

DEMANDS IGNITE CAMPUS

The two sets of "demands" ignited the campus. It no longer was a dispute between a band of radicals and the administration. Most of the student body began to sense that a major event was in the making, and they had better get involved.

They did, in what amounted to a long and disputatious week-end. When it was over late on a Monday night, a sweeping decision had been made—and it had been made by moderate and liberal students over the bitter protests of the radicals.

What the decision amounted to was this:

The whole matter of education had become too important to be left to the whims of campus politics or violence. It deserved to be discussed in a broad and methodical way by the entire UB community—students, faculty and administration.

So the idea of a week-long "teach-in" came to pass.

All professors were urged to focus on the issues at hand during their day periods, and give the week over to discussions.

Many of the faculty did just exactly that. Some cancelled classes and others held their class as usual, but had general discussions rather than lessons. In most departments of the university, few if any regular classes were held.

During the course of four days, there was an average of 30 to 40 teach-ins a day. Some were led by students; others had faculty or administration speakers; and a few featured speakers from the community.

TEACH-INS AID COOLOFF

The radicals were not pleased with the results, but most everyone else was. With few exceptions, the discussions were good sessions—positive in tone, democratic in manner.

By the end of the week, a great deal of information had been shared and a great deal of insight had been gained.

The whole matter is now in the hands of committees, set up within the existing structure of university government.

Many of the concerns that have been causing tension on the campus over the past couple of years may soon be answered by reforms and restructurings.

The most dramatic event of the spring was still to come. It occurred on March 19, the date of Bruce Beyer's sentencing.

His friends, protesting the prison term, caused a ruckus downtown and several were arrested. The remainder trickled back to the campus, and soon things were popping there.

A mob went to the site of Project Themis—a research job for the Pentagon on undersea environment. Two construction sheds were damaged.

Then, in mid-afternoon, several hundred students advanced on Hayes Hall, where President Meyerson and most of the other administrators have their offices.

The students took over most of the building and held it through the night, roaming through the offices at will.

President Meyerson returned from an out-of-town trip during the evening and immediately plunged into the task of restoring order.

SITUATION IS TENSE

He did so in an atmosphere of high tension, for scores of police had lined up along Main St. and were ready to move onto the campus and clear the hall.

Meyerson spent two hours in direct confrontation with about 200 of the occupiers—and failed to budge them.

By morning he had asked for—and been granted—a court order for the students to leave the building. In the face of imminent police enforcement, the students withdrew.

Feelings remained high for some days, but eventually abated.

The Student Polity—a town-meeting type of student government that speaks for the undergraduate student body—met and voted for an endorsement of the radicals' undergraduate actions.

But the losers in that vote claimed it was not a true indication of student opinion. They petitioned for and received a campus-wide referendum. And in that referendum the students decisively voted against the radicals on nearly every issue.

Except one: The matter of black participation in the work force that will build the new university.

The students made it very clear that they want their school built by an integrated work force.

The faculty and administration took vigorous stands along the same lines.

And for a time, all work on the Amherst site was stopped.

ORGANIZED LABOR COOPERATES

Later, after organized labor indicated its wish to co-operate, work was resumed. And a formal agreement has been worked out to carry out integration under the auspices of the State University Construction Fund.

President Meyerson has been receiving increasing attention for his leadership. A May 6 editorial in the Modesto (Calif.) Bee is an example:

"Of all the adroit handling of student protests and rebellion, the State University of Buffalo has been, perhaps, the most astute and successful . . .

"President Meyerson for three years has withstood all efforts to intrude politics or rash police action onto the campus. At the same time he pacified disruptive elements within.

"Above all, he displayed creative approaches, which brought reform without capitulating to violence or to punitive pressures from outside . . .

"To relieve the provocation of giantism, he has created seven faculties, each with a provost, gathering related departments into separate and manageable units. He has insisted upon every member of the faculty teaching, including himself."

William Austin—the new Student Association president who formerly headed UB's Black Student Association—has said "Black students don't have to get their heads bashed in at UB . . . They're not in the mood for taking buildings . . . Right now the campus is pretty good for black people . . . Now, if you can just keep that aura of goodness . . ."

FACULTY SENATE REVAMPED

Dr. Mac Hammond, secretary of the Faculty senate, points out:

"This past year, the Faculty Senate, restructured so that every full-time faculty member is a senator, has made inroads in long-overdue educational reforms, a fact, I'm sure, that has helped spare the university from the tormented experiences at other universities across the country.

"When students have the feeling that their new visions of what education should be are in some ways being accommodated, they are less likely to adopt patters of disruption and destruction. For six years, the university has been preparing for the future campus at Amherst; but only in the past year has realistic planning begun to take place—and this has been partly under the supervision of the Faculty Senate."

So . . . . . .

If the integration agreement holds . . .

And the state can come up with the money.

And Martin Meyerson keeps his masterful touch . . . .

And the faculty keeps its head . . .

And the students follow their own aspirations, rather than emotional calls to rule or ruin . . .

Things are really looking up.

If things come off at their hopeful best, Buffalo can have one of the great schools in the land, in the finest new plant in the world.

The value to our students will be immense. And the potential value to the community will be profound.

There will still be beards. And long hair. And scraggly clothes. And dirty words. And lefties. And sheer meanness. And pot.

And greatness.

Just keep your cool, friend.

THREAT TO PEACE IN THE MIDDLE EAST

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. FRIEDEL. Mr. Speaker, a little over 2 years ago, the so-called 6-day war between the State of Israel and the Arabs, which the Egyptians and their Arab allies started, ended with a crushing defeat of the Arab aggressors.

According to press reports Russia and the Communists have for the past 2 years supplied all the Arab countries with huge quantities of Communist-made arms and weapons of war with the result that in all Arab capitals from Algiers to Adu Dhabi, hatred against the State of Israel and the free world has deepened.

Notwithstanding the efforts of the Soviets to rearm the Egyptians and the other Arab countries, the latter nations are still outclassed by Israel's defense and therefore, the likelihood of another general war breaking out in the Middle East has been reduced. All this underscores the fact that the interest of the United States and of the free world must coincide with that of the State of Israel and her desire to live in peace with her neighbors.

Because of the importance of recent events in that part of the world, the Evening Sun of Baltimore printed an excerpt from an address by Moshe Dayan, the Israel Defense Minister concerning the Arab actions along the Suez Canal. I know that my colleagues as well as my constituents share my concern about the present threat to peace in the Middle East and I insert this article at this point in the RECORD for their consideration:

ISRAELI VIEW—ARAB PRETENSE AT SUEZ

I should like to comment upon the situation along the front lines, and particularly along the Suez Canal, the line facing Egypt. Lately this line has been "heated up." The question to be asked is what is happening there, what do they want, what are they driving at?

The Egyptians do not have the power to beat Israel, not in the autumn, not in the summer and not during this spring. And they know it.

At the moment we are witnessing a diplomatic offensive. This is the maximum that the Arabs could aspire to since the war, and finally they have succeeded in getting the Four Power meeting, with France as the initiator. The basic premises of these Four Powers, although they may not be acceptable to the Arabs, certainly accord them some sort of hope of achieving their aims—much more than they could by the use of force.

Accordingly, I do not think that the Arabs would like to disrupt this Four-Power meeting, to foil its purpose, especially when they have no chance of achieving their aims by use of their armies. Thus the United States, the Soviet Union, France and England—whether they decide to impose or not to impose any kind of solution—talk on the basis of premises that are in themselves an achievement for the Arabs.

So if the Arabs realize that they cannot defeat us by force, and if they are dependent—and they should be—on the Four Powers insofar as their requirements are concerned, why then should they "heat up" the border? Why do they open up fire along the canal?

I assume that what is now happening along the lines, and it may well get worse as the summer progresses, is the desire to provide evidence for President Nixon's assumption that the Middle East is powder keg, that the situation may deteriorate even further and this keg full of powder may explode. He assumes that it must be solved, the matter must be settled and that war may spread otherwise.

The Middle East is not on fire and the Arabs lack the power to set it ablaze. There exists no danger of American-Soviet confrontation, because there is no danger of renewal of the war, because the Arabs are unable to start one. It is true that they say they can land on the east bank of the canal

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but they cannot win a war. It is agreed that they cannot win. At this stage no one seriously evaluating the political-military situation can say truthfully that the Arabs have any chance of launching a war with prospects of victory.

The eastern front, that of Iraq, Syria and Jordan, is no longer an operative front. On the western, the Egyptian front, we have seen in the latest shooting incidents that they do not have the strength to push us back from the canal.

What is happening on the western front shows that it is not the Middle East that is burning, but that Suez is burning. That's quite a difference. If we say that the Middle East is afire, it means the possibility of total war between us and the Arabs that might deteriorate into a confrontation between the United States and the Soviet Union. If we say Suez is burning, it means that Egyptian oil tanks are aflame, because of a local incident.

Their reason for shooting without regard for their losses and the great damage caused to them is to create evidence for saying that the Middle East is blazing, that a deterioration is possible. We do not have to extend them a helping hand in this scheme—neither in information nor in our conduct on the military and the political levels. We have an interest in localizing things. We have no interest in creating a distorted picture, in forming the impression that indeed we are on the verge of renewed war.

MAYBE TEDDY SHOULD RETURN TO ALASKA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. **DERWINSKI**. Mr. Speaker, since the entourage of the senior Senator from Massachusetts is extremely public relations conscious, I feel that an editorial in the Wednesday, June 11, Chicago Tribune merits their review:

MAYBE TEDDY SHOULD RETURN TO ALASKA

In April Sen. Edward M. Kennedy of Massachusetts led a Senate subcommittee on a safari to Alaska to discover evidence of poverty and oppression. He was equipped with a script from his staff members which note that he could dramatize "colonialism" and "economic exploitation" of native minorities of Eskimos and Indians before the TV cameras.

The memorandum advised the senator to contrast the affluence of government compounds and installations with native village life.

Now the current U.S. News & World Report publishes a compilation on where the 50 states rank in per capita income—and guess what? Alaska, with a per capita income of $4,124 in 1968, is no worse than fourth on the list, two places ahead of Illinois and six ahead of Sen. Kennedy's home state of Massachusetts.

Alaska, where the federal hand scatters much largess, does not come off as well, it is true, as the District of Columbia, home grounds of the federal establishment, which is No. 1 in the nation, with a per capita income of $4,516. The bureaucrats in residence, with their regular advances in payroll and allowances, may account for most of the affluence, but the level of general poverty cannot be considered high.

Perhaps Sen. Kennedy should look around him in the national capital, and perhaps a return trip to Alaska would be advisable.

THE MEEK MAJORITY

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. **SCHERLE**. Mr. Speaker, I would urge every Member of Congress, and every other concerned American, to take the opportunity to read Eric Hoffer's article, "The Meek Majority," in the Washington Daily News today, June 12. For their convenience, I include Mr. Hoffer's article in the Record at the conclusion of my remarks.

Mr. Hoffer has expressed far better than could I the thinking of many in Congress and throughout America as to the attitudes that should be taken regarding the techniques of violence disrupting so many institutions in America this year.

In this column, Eric Hoffer draws very relevant historical parallels between present-day tolerance of violence and startlingly similar toleration of the violent tactics of the Nazis, Fascists, and Communists in the 1920's and 1930's. This toleration without effective control and punishment of those who sought their objectives by any means—no matter how illegal or violent—encouraged the perpetrators of tactics of violence as they escalated vandalism to increasingly destructive activities—bringing the horrors of tyranny, murder of millions, genocide, and finally world war.

Undoubtedly there were those also in the 1920's and 1930's among the German intelligentsia and elsewhere, including well-meaning and intellectually superior liberals, who said of the growing violence of the Nazis in their early militant efforts "Let us tolerate or ignore this Nazi nonsense and it will come to nothing—if we attempt to repress it, the movement may become worse."

Today, a generation and millions of lives too late, Russian intellectuals and leaders decry the excesses of the Stalin regime. But these same intellectuals and leaders a generation or so ago through their tolerance, if not actual advocacy, of the Stalin group allowed it to come to power and engage in these bloody practices.

Despite allegations to the contrary, the American people have traditionally rejected violence in the American political scene. They have never long tolerated violent causes or permitted violent men to assume national power. The United States is now the world's oldest republic operating under a written constitution. Our institutions and society are founded upon respect, perhaps even reverence, for the law, and the law has eventually triumphed in America despite adverse circumstances.

Why then are so many of our leaders, especially in the academic world, seemingly paralyzed in the face of violent tactics by student militants on our campuses? It would seem that liberal intellectual leaders disregard the lessons of history and attempt to apologize for, excuse, or even justify—if not actually encourage—acts of violence committed by black militants because of their sympathy for victims of past racism, and that many of these members of faculties or administrators of institutions of higher education similarly refuse or fail to act to control and punish destructive and disruptive acts by militant radicals of the new left because of a liberal sympathy for radical thought.

It is questionable—indeed, improbable that these same liberals would be similarly tolerant were students who belonged to more conservative organizations to use similar means to obtain their objectives—I can well imagine the speed with which the same college administrators would call in the police and act to expel any white conservative student who used any violence or infringed on any university rules, or who even reacted against those New Left or black militants who prevented him from attending classes or obtaining full value for his tuition. Application of the double standard and of Orwellian "double-think" would immediately become the practice, I am afraid, with far too many of these administrators and faculty members, and with far too many in other American leadership circles.

Many Americans, including myself—probably the vast majority of Americans—are tired of this nonsense. The double standard should be dropped. All who participate in illegal or violent acts, disrupting institutions of higher education, should be equally punished in accordance with the rules of the institution and the applicable laws—including immediate expulsion where appropriate. If an act is illegal when committed by a white student or a conservative, it is just as illegal when committed by a black militant or a member of the New Left or SDS, and justice requires equal treatment under the law including equal punishment. I can be sympathetic to the need for reform and improvement of American institutions, but I can have absolutely no sympathy for any person no matter what his color, creed, philosophy, or age, who in the name of reform engages in illegal acts including acts of violence aimed at destroying rather than reforming those institutions.

Unless current trends of increasing disregard for law and order are reversed and those who engage in illegal activities including acts of violence are apprehended and punished, on campus and off, there is considerable danger in store for America.

I believe the overwhelming majority of Americans in both major parties, and of those termed independents or even old-fashioned Socialists, would agree with Mr. Hoffer's remarks and conclusions. We may indeed have been the meek majority, but no longer. Most Americans would agree that students and faculty members who disrupt campuses with illegal or violent acts should be expelled from the institutions and punished for their acts. The meek majority does not wish tax funds to be used to finance students and faculty members who engage in such activities, and they do not want any Federal assistance to flow to institutions whose administrators fail to comply with the law. They want Con-

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gress to enact legislation which would stop Federal aid to such students, faculty members, and institutions.

To this end, my colleagues and I have introduced appropriate legislation. To those who would term this legislation "punitive," and would on that ground oppose or substantially weaken it, I would answer that these same individuals wholeheartedly support withholding of assistance to institutions of higher education or to school systems which fail to conform to Federal guidelines on desegregation under the Civil Rights Act. Logic would appear to require them to give equal support to our legislative proposal to withhold Federal assistance to individuals or institutions which fail to or refuse to comply with other equally valid provisions of Federal law.

Eric Hoffer warns the meek majority of Americans will not remain weak, and he predicts a reaction by the meek majority against the excesses of mindless radicalism and its intellectual defenders. Unless the American public is soon satisfied that action is being taken, in its inevitable reaction to continued tolerance of unlawful and violent acts it may demand extreme measures. My colleagues and I in sponsoring H.R. 11941, the Higher Education Protection and Freedom of Expression Act of 1969, and similar legislation, are hopeful that by this moderate legislative approach any reaction will be kept within reasonable and appropriate bounds.

The article referred to follows:

The Meek Majority

(By Eric Hoffer)

It is a paradox that the most fateful characteristic of our violent age is the non-violence, the incredible submissiveness, of the victims. Hitler and Stalin liquidated millions of men, women and children without meeting serious resistance.

In this country at present, millions of peaceful folk in city streets and ghettos, in suburbs and on campuses are submitting meekly to robbers and muggers, to black and white ideological thugs, and to foul-mouthed insults and threats. No one hits back, and hardly anyone speaks out loud in outrage.

Well-meaning people are warning us not to "over-react" against those who have turned our cities and schools into savage jungles. We are warned that action by the majority would be vigilantism, that it is the duty of the police to endure taunts and provocations without hitting back, and that we shall not have peace until we have cleansed our souls of racial arrogance and callous smugness.

The other day, at Berkeley, a class of 250 students was assaulted by an intruding Negro student with obscenities and warned not to come to class next day or have their throats slit. The punk was not thrown out. The professor, a famous teacher, begged the intruder to leave the class.

Would it have been over-reaction or vigilantism had the class rushed the foul-mouthed, bushy-faced punk and thrown him out? Was it sheer humaneness that kept the famous professor meek in the face of insults and threats?

The students and the professors were plainly afraid. They would probably maintain that they practiced forbearance. When cowardice becomes a fashion its adherents are without number, and it masquerades as forbearance, reasonableness, conscience and whatnot.

It is amazing how nobly philosophical we become when we have to rationalize our cowardice. We love our enemies, extol altruism, and see self-assertion as the root of evil.

The unavoidable impression is that it is the meekness of the majority that incites and fuels the violence around us. The muggers in the streets, the rioters and looters in the ghettos, the black and white hoodlums on the campuses are all on the lookout for tame enemies and tame battlegrounds.

We do not know what's ahead of us. It is hardly likely that the violent minorities will abruptly change their way. There is a vague feeling that a day of wrath is waiting around the corner, when the saturated resentment of the long-suffering majority crystallizes in retaliation. It is impossible to say where and how the reaction will start.

COMMENCEMENT AT WEST POINT

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks in the Record I am privileged to insert an outstanding and inspiring address delivered by Gen. W. C. Westmoreland, Chief of Staff, U.S. Army, at the graduation exercises held at the U.S. Military Academy at West Point, N.Y., on Wednesday, June 4, 1969. I commend General Westmoreland's remarks to every Member of this body for careful consideration. His remarks follow:

Address by Gen. W. C. Westmoreland

I am privileged to return to this great institution to recognize and address the Class of 1969. As I stand here and observe once more young men who are about to begin a career of service to our Nation, my thoughts turn to the sorrowful Friday afternoon on the 28th of March of this year. On that day we paused to pay homage to a great American. We joined millions of other people the world over who mourned his passing—General Dwight D. Eisenhower—a man of humble background, a man of noble character, a man of eminent prestige—a man whose life had influenced the lives of millions throughout the world.

He had dedicated his life to the service of his country. His service had been long, diversified and productive. Although only a Major at the age of 45, with 20 years of service as an officer, nevertheless, he had prepared himself to meet the challenges of the future. It was Eisenhower, the soldier, who was selected to lead the greatest military force man ever deployed against an aggressor. Following two years as head of a great university, Eisenhower, the soldier/statesman, was recalled to active duty to lead the Supreme Allied Command under the North Atlantic Treaty Organization. In 1953, Dwight D. Eisenhower, the patriot, became the thirty-fourth President of the United States.

During his eulogy in the rotunda of our Nation's Capitol, President Nixon said that Dwight Eisenhower was "a man who truly loved his country." General Eisenhower also loved West Point—a love that never dimmed as he approached the twilight of his service. I know, personally, of this love for West Point because he talked to me about it many times.

I have several reasons for reminiscing about General Eisenhower's contributions to the Nation he loved so much. His life of dedication to his country illustrates the qualities of leadership which we must have in today's world of unparalleled challenge; it serves as an example for men of many professions—of leaders at all levels of organization, civilian as well as military—but particularly it can serve as a goal for you, the Class of 1969, to emulate. It demonstrates the need for leaders who can rise to a challenge. Each of you has the capability to meet head-on the profound challenges of today and tomorrow. You too will succeed—you too are destined to serve and to contribute to the welfare of our country.

Worthy of recall are General Eisenhower's last words to the people of the United States as their President. He said:

"A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

While proclaiming the need for strength, General Eisenhower's feelings about war were the same as those of every man in uniform who—just as he—"witnessed the horror and lingering sadness of war." No one who has tasted its tragedy and witnessed its cruelties could ever become its advocate. Yet, like General Eisenhower, while working to achieve peace, we must continue to face the harsh realities of life. And, violence between men and nations unfortunately is one of those harsh realities.

Peace is not—as some persons contend—the total absence of violence in a society. Peace is the organization, or control, of violence in a society. And sound leadership to aid in that organization is, as never before, at a premium.

The complexities which General Eisenhower faced as a leader are now being faced by our leaders at all echelons. They will face you as you take your places as officers in the service of our country. Although these complexities may not be the same in magnitude or scope, they will be every bit as perplexing and often even more diversified.

As I stand here in the company of the Class of 1969, my thoughts carry me back thirty-three years ago when I sat where you now sit . . . young, but not immature . . . educated, yet not all-knowing . . . unfamiliar with the Army, yet appreciative of its role . . . and enthusiastic, yet at the same time apprehensive. Conditions in the world then were unstable. Our own country had just begun to emerge from the demoralizing Great Depression. The storm clouds were gathering in both Asia and Europe. Although my class was warned that our role in the future was to be significant, few of us were convinced, and none could conceive the magnitude of the role we were destined to play.

Here in the United States, our orientation was introspective. We were so concerned with our domestic problems and so convinced that our geographical isolation shielded us from the problems of the world that our preparedness had been whittled to a dangerous level. The strength of the Army was only 180,000. Yet, within a few short years, we were to become so engulfed in the turmoil of the world that we were forced to build the greatest military machine in history.

Today you are faced with many similar . . . yet, at the same time, contrasting problems.

In the 1930's, the United States found itself in a position of weakness. Now it deals in world affairs from a position of strength.

Today, in heeding General Eisenhower's challenge to keep our arms mighty, we enjoy success in deterring global war. We find ourselves, however, involved in a complex conflict that defies a quick solution. We find that some of our own countrymen are ever clamoring louder for us to pull in . . . withdraw . . . reduce our international commitments—to focus inwardly to solve pressing

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domestic problems. Our national will to honor our foreign commitments is being questioned—perhaps eroded. At least our enemies would have us infer that our resolve has diminished. We find our military establishment, that has helped to forge the shield behind which this country has lived in prosperity, is now under attack. And finally, we find the values that we have traditionally honored are being questioned . . . altered . . . and in some cases discarded.

Wars are no longer fought by military tactics alone, if, indeed, they ever were. Today the maintenance of peace and the waging of war are products of highly involved equations containing many unknowns . . . unknowns that cut across all the instruments of national policy—the political, the socioeconomic, the psychological, and the military.

These complexities become further involved when viewed from the various levels at which the military leader works during his career. These levels vary from the international or strategic level . . . to the national or domestic level . . . through the operational or tactical level . . . to the level of the individual.

Our Nation faces an enormous spectrum of military threats . . . from all-out nuclear war, which we strive to deter, to the threat of externally directed insurgency against nations that want to remain free.

All of our Nation's leaders, both civilian and military, must deal with such complex problems as a normal challenge. Military officers must appreciate considerations, other than purely military, that constitute a coordinated national effort. At the same time, their role is military and their advice should not be compromised by considerations beyond their cognizance. The orchestration of governmental instrumentalities is the role of political authority. Yet, if the Armed Forces are to accomplish their assigned missions, they need the support of the American people.

Furthermore, the military profession—your profession—becomes even more intricate when viewed from the large number of selective capabilities it can employ—if authorized by civil authorities . . . to counter various threats to our country. These range from the use of military assistance and advisors . . . to a show of force . . . through the measured use of conventional military power . . . to the use of nuclear weapons.

At the national level the military leader must be ready not only *tactically* . . . but he must also be ready *tactfully* to use measured force in times of civil disaster or disorder.

And finally, at the national level, we must be ever mindful of the constructive role that our Armed Forces have played . . . and continue to play . . . in our society, a role that cuts across the fields of education, health, transportation, communication, construction, exploration, and sociology—to name a few.

At the operating level, numerous complex skills must be mastered. Our officers must be business managers on a big scale. They must be capable of mastering the machines of peace as well as war. They must be authorities in transportation, logistics, and personnel administration. And they must possess the vision to chart our Nation's needs in research and development.

At the "man-to-man" level, our leaders must be able to handle the personal and often very emotional problems found in every generation—indeed in society itself.

But most important, the individual leader—you members of the Class of 1969—must stand out as the guiding example for your men, and in them you must inspire respect that is undying. The legacy of General Eisenhower is your goal:

You must possess unquestioned personal integrity and the highest of morals.

You must be fair, consistent and dignified.

You must be able to face the dangers that every man in uniform has faced since time immemorial.

You must be able to undergo the physical hardship that not every man is willing to endure.

You must readily accept discipline—but what is more difficult, you must frequently be the disciplinarian.

You must accept periodic criticism of the military as inevitable, some of which may be unfair and irresponsible. However, you should not be a slave to this criticism, but take solace in the knowledge that you are defending a civilian society that permits free expression.

You must willingly accept and adjust to family separations whenever national interest demands.

And in a period when material things are becoming more and more the incentive for the individual, you must take pride in a job "well done" rather than material remuneration.

In short, you must display those attributes that you expect—even demand—from those whom you will lead.

These standards prescribe a man of unusual motivation, a man of dedication, . . . of dedication to serve our Nation for the gratification that only service to one's country can give.

The military service and our government, like the free enterprise system, need young men who want to assume responsibility for what happens next . . . because only through shouldering responsibility does leadership develop.

In order for our officers to handle the complexities of modern military life that I have described, they must build through the experience of responsibility from a firm foundation—a foundation that can only come from a liberal education—the kind you have been fortunate to receive.

Our Nation cannot risk having leaders with a stereotyped mind—narrow, unyielding, unimaginative. Instead, it must have leaders who are innovators . . . men with initiative . . . men with imagination . . . men with vision . . . men who want to be men . . . men who are disciplined, yet men who are responsible.

These are the men we need as leaders . . . men of great mental flexibility who can adapt to a changing world . . . men who want to live a purposeful life . . . men who want to contribute—to be honorable . . . men who care . . . and men who are dedicated to the service of our great Nation. Our Nation needs—and the unknown future demands—such men. You are such men.

Gentlemen of the Graduating Class, many of you are probably deeply disturbed at the apparent dissatisfaction and unrest which are manifest throughout our country today. How this questioning, challenging, doubting, even rejecting, will affect your lives and careers is a question for all of us.

As students of history and society, you know only too well the long, difficult struggle within Western civilization to create social and political institutions of a democratic character. The framework of our government with its legal and social systems is based on consent—not only consent expressed in the polling booth, but consent and general agreement on a set of values and beliefs on which all else is based. No social structure so large and intricate, so dynamic, so ever-changing, so confronted with enormous problems could long survive through coercion or direction by a small group. Our way of life must proceed on the basis of a broad and general agreement on goals, an accepted set of values, and concepts of social justice, and general agreement on what is tolerable and what is not. If this underlying consensus disappears, then our complex mechanisms cannot operate. Three thousand years of history have told us that when the forces of consent have been replaced by the forces of coercion, we will have lost the magic spark which has made our country both great and unique.

As young officers about to embark on a military career in the midst of an unpopular war, you are aware of public attitudes. You will require an unusual sense of balance and rare judgment to avoid discouragement and disillusionment. I believe that the voices of dissension and dissent represent a minority view. Yet, I would hate to see the Army or our society mark time in the name of traditionalism. On the other hand, I continue to believe in certain values, which in Western society are eternal. I know that the United States Army is today, as it was in the beginning, dedicated to the protection of this Nation and the precepts on which it was founded.

You are about to be commissioned in the military service of your country. In accepting your Commission, you are taking an oath to defend and preserve the Constitution of the United States which embodies these values and precepts from which the structure of our government has grown.

You are joining a highly motivated, dedicated Corps of Officers. As members of the Long Gray Line, you join an illustrious assemblage of "sons of an earlier day." As graduates of West Point, however, you join your fellow alumni in a group that represents only a small minority within the Officer Corps.

Like your fellow officers who are commissioned through ROTC, Officer Candidate Schools, or on the battlefield, you must establish your reputation and prove your worth by your motivation . . . your judgment . . . your intelligence . . . your stamina . . . your bravery . . . your loyalty . . . and your dedication to service.

West Point has prepared you well to meet this challenge. Testimony to your four difficult years of preparation is symbolized in two items that you will depart with today. These items that you will treasure—yet never advertise—are your diploma and your Academy ring.

The first—your Military Academy diploma—attests to your excellence in academic achievement. On it is inscribed that you have been "carefully examined on all the branches of the arts, sciences and of literature taught at the United States Military Academy," and have "been judged worthy to receive the Degree of Bachelor of Science."

Your ring is your other token of achievement—but perhaps a more cherished memento because it will be on your person continually.

Let this ring be your ever present stimulus for service to country, let it remind you of your obligation for the future, and lastly, let it be your link to the past—a past of notable accomplishments by those "sons of an earlier day."

Fifty-four years ago, General Eisenhower reversed his ring on graduation—just as you will today—so that the Academy crest was facing his heart . . . symbolizing his acceptance of the full heritage of West Point. He wore it proudly for forty-four years—throughout a lifetime of service to his country. Today, General Eisenhower's ring—worn by time and responsibility—returns to West Point.

This ring—with the legend of the great man who wore it, is a part of the institution that prepared him—as it has prepared you—for a life of service to our country. May the Academy ring ever remind us, as it reminded General Eisenhower, of our heritage and obligations as American citizens and as members of the Long Gray Line. And—

When our work is done,
Our course on earth is run,
May it be said well done.

General Koster, at the request of Mrs. Eisenhower. I have the distinct honor to present to the United States Military Academy the ring of General of the Army Dwight David Eisenhower, Class of 1915.

PROBLEMS OF DEVELOPMENT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, last week President Nixon submitted to us the administration's foreign-aid proposals. The President warned against American isolation as a threat to international stability and advised that our assistance efforts are in the best interests of world peace and justice. He has called for a bold redirection of American efforts by enlisting the energies of private enterprise through an overseas private investment corporation; by emphasizing innovative technical assistance through a new technical assistance bureau; by inducing other advanced nations to bear a fair share through multilateral assistance programs; and by furthering world food production and family planning.

I commend the President on his excellent appraisal of third world needs and America's responsibilities in meeting those needs. I think his recommendations are realistic in terms of what we can and cannot do and I am especially pleased with his proposals for reforming those existing aid programs which have too often fallen far short of their intended goals. Many people have long argued that America could get better mileage out of its aid dollars and I am convinced that President Nixon will make every effort to see that this is done.

In connection with this, I would like to call to the attention of my colleagues an excellent article which appeared in the Sunday, June 1, Washington Post. Anthony Astrachan, the Post's Africa correspondent, has written a perceptive and penetrating analysis of the problems and prospects of the developing nations on that continent. Among other things, Astrachan discusses the barriers to greater agricultural production and the problem of "school leavers"—those who have been educated only to find no jobs available to match their education.

Mr. Astrachan also comments on the role of foreign assistance in relation to the complexities of development and concludes:

> Intervention cannot help Africa if it comes in unacceptable forms. Africa can make it only by doing its own work and making its own mistakes. He warns against "foreign aid tailored to the donor's needs more than to Africa's or to massive intervention."

I think we would do well to keep in mind the conclusions drawn by this astute journalist as we design our own foreign assistance programs for the seventies:

The article follows:

PESSIMISTIC THINKING MAY MAKE AFRICA CLICK

(By Anthony Astrachan)

(NOTE.—Astrachan has spent six of the past nine years in Africa, the last 20 months as The Washington Post correspondent there. He is being reassigned to Moscow.)

In Africa, even more than in most places, you have to think like a pessimist and behave like an optimist.

You have to think like a pessimist because that is the only way to get an accurate estimate of the trajectory Africa is following toward some intersection of natural disaster and social upheaval.

Once you have a realistic projection, it is possible to make sense out of behaving like an optimist. That may be the only way you can muster the energy to try to prevent Africa from arriving at that point between trouble and catastrophe. If the continent reaches target, the explosion could be merely firecracker revolutions—but it could also be blowups killing millions.

Thinking like a pessimist, for example, you recognize that Tanzania is a country with few economic resources, little trained manpower and less likelihood of enough foreign aid to lift it from subsistence agriculture to economic takeoff.

Behaving like an optimist after making an accurate estimate of his country's problems, President Julius Nyerere is trying to organize Tanzania for socialism and self-reliance with a rational manpower training plan and minimum dependence on foreign aid, to climb steadily at a pace that is slow but its own.

Unfortunately, the odds against complete success for Nyerere's attempt at viability through common sense are at least as great as those against more pretentious and less relevant programs in Africa. Even worse, after nearly a decade of formal independence, only a handful of the 35 other independent black Africa states show anything remotely like an optimum combination of pessimism in thought and optimism in action.

Many African leaders have learned to be realistic in the sense that they no longer expect overnight economic development or political stability. Few, however, have learned how to combat, or even measure accurately, the poverty that surrounds their occasional trace of wealth.

Subject to an armload of maybes and qualifications, and the right to add or subtract names at will, you might come up with this tentative list of countries you can afford to be hopeful about: Cameroon (if it can unite north and south as well as Angelophone and Francophone); Ghana (if it chooses civilian rulers with economic guts); Uganda (if it stops talking and starts doing), and Zambia (if it can learn to transform its copper wealth into mass development before tribalism overwhelms it).

If you were inclined to be foolhardy, you might add some of Africa's richer countries, like Congo-Kinshasa (if it is left in peace for 40 years; 1968 was its first year of independence without civil war); Ivory Coast (if it can lessen its dependence on foreigners and the gap that now widens every day between elite and masses), or Nigeria (if it learns how to unite the energies with which federals and Biafrans are now killing each other).

All these "ifs" are larger than Mt. Kilimanjaro. Even the countries on the first list have shown too little of the profound variety of realism.

CRITICISM IS RESENTED

Africans seldom make such pessimistic appraisals of their situation. And like other people, they respond to gloomy analyses with a sense of insult. They feel that outsiders have little right to criticize their performance.

This lends irony to the fact that many of Africa's "accomplishments" are either refutations of racist predictions of quick disaster or corrections of Africa's own mistakes. Africa never degenerated into the chaos and race war that its enemies prophesied. Governments do function, even if many of them only maintain minimal law and order and collect minimal taxes. The corps of qualified civil servants is not large enough to do all the needed things well, a reflection on how little the colonial powers did to prepare Africans for developing societies, but that only makes the competence of the best African officials the more remarkable.

The continent has skirted the edge of chaos only once, in the 1964 rebellion in the Congo. The Nigerian civil war is a destructive tragedy, but the way administration has continued to function in both Nigeria and Biafra is an effective answer to the too-often repeated question, can Africans govern themselves?

The shadow of war between whites and blacks still looms over Rhodesia, the Portuguese territories and South Africa. But it has nearly vanished from Kenya, Zambia and the Congo despite recurring racial tensions in all three. That may be the kind of good news that newspapers are often accused of neglecting.

THE STABLE CONGO

More important than refutations of ignorant or prejudiced Cassandras is the ability Africa has sometimes shown to correct its mistakes. The stability the Congo has begun to show since the expulsion of white mercenaries in 1967 may not be entirely the result of political genius in President Joseph D. Mobutu, but it is a form of progress.

So is the reduction of subversion of some African states by exiles, noticed since Kwame Nkrumah was overthrown as President of Ghana in 1966. So is the ending of the border warfare between Somalia and its neighbors, Kenya and Ethopia, which clearly owes more to the sense and courage of Somali Prime Minister Mohammed Ibrahim Egal than to any other single factor. So is the return from military to civilian rule in three of the 12 black African countries that have had military coups, with Ghana scheduled to be the fourth in September.

More affirmative accomplishments may yet fail to meet the goals Africa has set for itself, or through their very achievement create new problems beyond Africa's ability to solve. Take education, for example. In 1960–1, 36 out of every 100 children of primary school age in black Africa were in school. A UNESCO-sponsored conference of African education ministers put the target for 1965–6 at 47 per cent. In fact, only 44 per cent were in primary school when 1965–6 came around.

Kenya and Nigeria are more important examples. Both have expanded schooling beyond the economy's ability to absorb school-leavers (graduates and dropouts). In 1965, only 5 per cent of Kenya's 168,000 school-leavers found wage-paying jobs. In Nigeria, the number was nearly three times as high, the percentage probably less than twice as high.

Even if these countries' hopes for economic growth are fulfilled, which is extremely unlikely, they will be unable to give their educated or half-educated youngsters the kind of jobs they are demanding. Many of them already spout revolutionary rhetoric; by 1980 it may be revolutionary action. At least eight other African countries face a similar future.

A HOST OF INSOLVABLES

School-leavers are one of a host of problems that seem beyond Africa's present ability to solve. These are reasons why many observers, including Africans and foreigners who love Africa and work hard to prevent catastrophe, think that the continent is heading for disaster, natural or social.

The list of insolvables begins with the natural problems—infertile soil, extremes of rainfall, debilitating diseases like malaria and bilharzia—that impoverish all but a handful of African states. Solutions could be found—but only with money and technology that Africa does not have.

Next are the ancient social problems that Africa shares with most of the underdeveloped world and which hinder the effort to overcome the natural problems: low-yield farming methods; patterns of land use and ownership that make departures from sub-

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sistence farming often seem unprofitable; the extended family that deprives a successful individual of much of the reward of his enterprise.

Solutions to these problems require patience—in other parts of the world it took centuries—and radical imagination, a combination that is just as hard to find in Africa as anywhere else in the world, or more so. And Africa's efforts to solve both sets of problems are complicated by problems created by European colonial powers, though the Africans have often added their contributions to them.

ARBITRARY BOUNDARIES

These problems began when the colonialists carved up Africa on boundaries that split some tribes and pushed others together into states too heterogeneous for easy development. Today's African states stick to colonial boundaries because changing them would be an appallingly bitter and complex process. They therefore must face only moderately bitter and complex situations like tribal "aggression" across borders, as in the case of the Somali nomads in Ethiopia and Kenya; tribalism within a state, which sours the politics of all but a handful of African countries, and civil wars, like the well-known one in Nigeria and the little-known ones between Ethiopia and its province of Eritrea, and between the Arabized Sudan and its black south.

Another set of problems stemmed from colonial organization of African economies to provide raw materials for the homelands at prices set for the latter's benefit. Most African countries, like most developing countries everywhere, are still at the mercy of outside economic forces.

Their one-crop economies are profitable only with subsidies from the former metropoles. Fluctuating commodity prices sometimes lose producing countries more money than they get in foreign aid. Foreign supplies of capital and technology often mean foreign interference with a country's economy.

Another set of problems began with unfortunate styles that the colonialists saddled on Africa, but the Africans must share the blame for continuing them. One is the corruption. The meeting of traditional customs and modern methods transformed gift-giving into bribes; the idea of money as a key to success in societies that blurred Western distinctions between personal and communal wealth led to large-scale stealing that diverted resources from development in virtually every country in Africa.

AN EDUCATED ELITE

A more serious problem in this set is elitism. Every country in Africa is torn by a rift between the educated and uneducated, the modern and traditional, the rich and poor, the urban and rural, the wage-earner and peasant. A recognizable elite—the educated-modern-rich-urban-wage earners—controls the levers of power in every African state.

Development inevitably reaches a few members of society before the many, and the contrast may pit them against each other. But there was nothing inevitable about the way Africa made elitism a preferred ideology.

In a few states—Somalia, Zambia and Tanzania now; Ghana if it sticks to its program for an elected civilian government—there is a vote in which the masses can remove individuals from power, and do. In a few, there are signs that the elite sometimes listens to the people and keeps its policies within the few limits set by an inarticulate public opinion. Guinea and Cameroon each does this in a different way, though Westerners might have low opinions of their electoral systems.

In many African countries, however, the access of the people to the rulers, the best test of democracy outside the West, is closed off. Economic development and political power are tools used by the elite for their own benefit; the masses are lucky if they participate.

Even efforts to help the people can turn sour, as in the expansion of schooling that created the school-leaver problem already cited. At best, the governments thought the spread of education was the key to economic growth—but thought too little about what kind of education was needed or about the size of key that would fit their small growth possibilities.

At worst, the governments catered to the desire of the people for a diploma that they thought gave them membership in the elite. The elite did not notice how seldom the students actually acquired the education that the diploma symbolized, or how ready the people were to imitate the elite and snub the practical training that can give increased productivity and real economic growth.

COUP AND CHARISMA

Two special kinds of elitism provide much of the news that Africa has made in the past three years and will make in the next few. One is the military takeover, in which one elite usually shoves another out of power.

The reasons for a coup are often but not always elitist. In Togo in 1963 and 1967, it was primarily to preserve the salaries and troop strength of the army—a military class interest. In the Sudan in 1958, it was to preserve political and economic "stability" that the politicians seemed ready to let go by default while they bickered. But the reasons can be truly revolutionary, as in the military intention to end corruption and abuse of freedom by Kwame Nkrumah in Ghana in 1966.

Military rulers frequently lack talents needed to govern, which may give civil servants the chance to exercise real power in the name of the soldiers, as in Nigeria today. Military rulers also have an even harder time keeping in touch with the people than other elites, which has actually led to their overthrow in Sierra Leone and Sudan.

The second special kind of elitism is rule by an old man who incarnates his country's nationalism and enjoys the charisma that traditionally belonged to king, chief or elders in many African societies. He thinks his and his country's interests are synonymous and opposes almost all change, no matter how much of a revolutoinary he once was. He resists change because it might interfere with his power.

Africa's prime examples are Emperor Haile Salassie II of Ethiopia and Presidents William V. S. Tubman of Liberia, Jomo Kenyatta of Kenya and Felix Houphouet-Boigny of the Ivory Coast. They have ruled their countries so long and so thoroughly that it is hard to imagine what will happen once they die—even if the probabilities favor some purely political process of change, as in Liberia and Kenya, rather than civilian upheaval (possible in the Ivory Coast) or military intervention (probable in Ethiopia).

A SKIMPED CONTINENT

Some observers ask what makes Africa's disaster indications different from those of any other part of the underdeveloped world. One possible answer is that the rich nations have collectively done less for Africa than they have for Latin America and Asia in this century.

Another is that the synergism of Africa's problems may be greater than in any other part of the world: that is, their collective impact is greater than the sum of their individual impacts. Saddle a corrupt elite on a country using subsistence agricultural techniques on land that is semidesert except where it is flood plain or rain forest, and the result is worse than you would guess from any one of those problems.

Africa's problems are huge, and it has much less than it needs in skills and resources to deal with them. This often leads foreigners to prescribe the grandmotherly advice; foreign aid tailored to the donor's needs more than to Africa's or massive intervention.

The last might be the kind that sent white mercenaries to the Congo, first to help secessionist Katanga and then only to see them threaten to undo all they had helped accomplish. Or it might be the kind that now would like to help secessionist Biafra with food, or arms, or diplomatic recognition—often without considering the consequences

Intervention cannot help Africa if it comes in unacceptable forms. Africa can make it only by doing its own work and making its own mistakes. A friend may be entitled to note his observations of the way Africa is compounding the mistakes that nature and the colonialists committed there. He is not entitled to try to save Africa against its will.

Independent Africa has the right to go to hell in its own way. That is one of the things that independence means. If enough Africans think like pessimists but behave like optimists—or follow some other, better formula of their own devising—they may wind up at some more attractive destination. But you can't make them do it.

FARM REFORM

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. CONTE. Mr. Speaker, as part of my continuing effort to see that the massive support for payments limitations on farm subsidies, shown by this House a few weeks ago, does not go unnoticed by the other body, I include in today's RECORD a copy of an excellent recent article by Gerald B. O'Connor, published in the Berkshire Eagle in my hometown of Pittsfield, Mass., on June 4, 1969.

I want to advise my colleagues, Mr. Speaker, that, although I was correctly reported as not being "optimistic about chances in the Senate" for my amendment, I have become increasingly optimistic in recent days.

In my contacts with Members of the other body I have been greatly encouraged by the growing enthusiasm they display toward payment limitations. The Senate response is in keeping with the substantial amount of mail I have received in support of my amendment from citizens all over the Nation.

And so, while I will be continuing my efforts to develop and encourage support for my amendment in the other body, I am happy to report that there seems to be more reason for optimism with each passing day.

The article referred to follows:

CONTE AND FARM REFORM

(By Gerald B. O'Connor)

Congressman Conte's proposal to limit big payments made to a top echelon of agricultural fat cats for not planting so-called basic crops is viewed generally as a maverick action. But, interestingly, it has certain grassroots support from the farms themselves.

The support obviously doesn't come from the likes of Griffin Farms, Inc. of California, which collared $2.8 million worth of these payments last year. Nor does it come from even the lesser of the Griffin colleagues, such as, perhaps, Sen. James O. Eastland of Mississippi, who collected $116,000.

But it comes from farmers in the Northeast, including Conte's district, and from the National Farmers Union which draws its membership from the western states.

It also comes from farmers along the northern tier of the counrty, although numbers and percentages have not been assessed.

There is no mysterious reason for this—it is that the smaller farmers, particularly those who aren't prime growers of cotton, feed grains and wheat, see in these so-called diversion payments a too-blatant symbol of what's wrong with government control of agriculture and marketing. If diversion payments across the nation were of the size of those made in Berkshire County, however, it is doubtful if anyone would have heard a peep.

In Berkshire, direct federal subsidies to agriculture amount to approximately $40,000 a year. And less than a fifth of that goes into crop-diversion payments.

The rest is for such things as wool incentive payments, cost-sharing for building farm ponds and field drains, forestry assistance, soil improvement and the like. A farmer who receives $500 in any one year is making it big here.

The theory of crop diversion seems reasonable on its face. When Commodity Credit Corp. stocks of wheat and other grains became alarmingly high by 1960, the diversion program was instituted in an attempt to keep the pile from mounting.

Growers were urged to grow less grain and to divert—hence the program name—acreage to so-called conserving uses, like grass. As former Agriculture Secretary Orville Freeman explained it, the farmers who participated were given incentive payments, "which helped compensate the grower for loss of cash income. For the government, it was cheaper than acquiring and storing unneeded grain."

On July 1, 1961, the wheat "carryover" was a record 1.4 billion bushels. Five years later, the pile was "down" to 725 million bushels.

Continuation of the old price-support program, which had resulted in the record build-up in the first place, would have doubled the storage pile, said Freeman, and would have cost the country more than paying farmers not to grow.

But as Conte says, the time when 25 per cent of the population was living on the farm has gone.

Corporate and even "family," farms that control thousands of acres of cropland, have leaped into prominence, particularly in the South and Far West. When the diversion program came along, it was the work of a moment for them to shift from the price-support to the diversion train. And they could feel pleased because the new handout was costing the government less than the old.

And now Conte is trying to put a lance in that balloon and the dairy farmers and apple and vegetable growers in areas like New England are silently applauding the effort.

The first formal expression of support from the farm quarter originated in Berkshire County where the county Farm Bureau adopted a resolution in 1967 favoring Conte's effort that year. The resolution was adopted again at the annual meeting last fall and was also adopted by the state Farm Bureau Federation. But when it was brought to the floor of the America Farm Bureau convention in Kansas City, it was defeated by votes from the big grain and cotton areas whence arises much of the opposition in Congress.

What Conte is trying to do is put a limit of $20,000 on payments to any one grower, whether corporate or not. He has won his round in the House of Representatives but he's not optimistic about chances in the Senate.

He said Monday that he will talk this week with Sen. John Williams of Delaware and "some of the younger men in the Senate" to obtain their support to broaden and perfect the proposal. Because he was dealing with a House appropriations bill, rules prevented Conte from writing new legislation, limiting him to asking for a ceiling on specific payments.

"But the Senate rules are broader," he said. "They can write new legislation."

New legislation is apparently what's needed. If a ceiling is placed on diversion payments, the big growers are going to be tempted to plant larger acreages and return to the old price-support program. Many agricultural economists say price supports will cost more than diversion payments, and the Agriculture Department is in agreement.

But this is a red herring, suggests Conte. "Right now, big corporate landowners are picking up small farms" and are simply using them in the most profitable ways. If diversion payments are profitable one year, selling the land for building purposes may be profitable the next.

The principle of government control and support of agriculture in order to assure a steady and adequate supply of food and fiber to the nation is a reasonable one. Present policies were basically shaped in the 1930s by Henry A. Wallace, who called for an "ever-normal granary." But when the system becomes a gravy train for a few, it is time for alterations.

Still and small as they may be, voices from hinterlands like the Berkshires that support those alterations haven't been lost.

FLAG FLOWN 24 HOURS DAILY DURING VIETNAM CONFLICT

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. KEITH. Mr. Speaker, in the past few years it has often seemed as if patriotism has become an unfashionable emotion. The voices of our critics drown out those who maintain a quiet pride in the Nation. Therefore, when someone initiates a campaign to express continuing faith in our country, it is worthy of notice. It is for this reason that it seems especially fitting on Flag Day to bring the efforts of Mr. Joseph Theodore of New Bedford, Mass., to my colleagues' attention. By enlisting the support of veterans groups, American Legion posts, and legislators, Mr. Theodore has been successful in flying the American flag, illuminated at night, 24 hours daily until the end of the Vietnam conflict. Many Massachusetts towns have adopted his resolution, and the idea is catching on in other States.

An article telling of Mr. Theodore's efforts appeared in the New Bedford Standard Times of April 20, 1969, as follows:

PROOF THROUGH THE NIGHT

Standing on the deck of a British warship, while on a mission to secure the release of a friend who was being held captive, Francis Scott Key anxiously watched the shelling of Ft. McHenry during the War of 1812. As he wrote in "The Star-Spangled Banner," inspired by that experience, "The rockets' red glare, the bombs bursting in air, gave proof through the night that our flag was still there."

Today, in many communities throughout the United States, the flag flies, spotlighted through the night, at public and private buildings alike. And it started in New Bedford more than a year ago.

On Feb. 15, 1968, to be exact, floodlights atop City Hall were turned on during a special "Loyalty Commemoration Day" to enable the city to fly the flag 24 hours a day until the war in Vietnam has ended.

The idea came from city wire inspector Joseph Theodore of the Master Electricians Association. Fifteen members of the association donated time to erect the floodlights.

Nearby towns quickly adopted the idea. Illuminated flags now fly all night at, among other places, the Acushnet, Dartmouth, Marion and Wareham Town Halls; the Thomas Tuttle Post, VFW, Acushnet; Fairhaven High School, Ft. Phoenix, Post 1, American Legion; the National Guard Armory, and Knights of Columbus Hall in Buzzards Bay.

After a resolution adopted by the Legislature last July, the flag at the State House has also been illuminated, and the idea has spread beyond Massachusetts.

Many communities between here and Florida are now flying flags 24 hours a day; veterans' organizations, on state and national levels, have approved a resolution drawn up by Theodore urging their local chapters to try to get communities to adopt the idea, and Theodore has received inquiries about his flag idea from as far away as Nebraska.

A. PHILIP RANDOLPH

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. PHILBIN. Mr. Speaker, on Saturday, June 14, Mr. A. Philip Randolph, a vice president of the AFL–CIO and organizer of the Brotherhood of Sleeping Car Porters in 1925, will be honored at an 80th birthday testimonial dinner at the Hotel Bradford in Boston.

I am happy to add my congratulations and best wishes to our esteemed friend and great labor and civil rights leader of this Nation, Mr. A. Philip Randolph, for more than 60 years a recognized leader of his people who has labored long and hard in their cause.

He is a leader of conviction, idealism, wisdom, and dedication, who committed himself long ago to the ideals of equality of treatment, the rights of the individual to be free and unfettered in his personal aspirations and endeavors and the struggle for social justice, which are so meaningful for those who need a fair chance and a just opportunity to share the fruits of our American society.

Philip Randolph is a man of many gifts, a vigorous leader who has never spared himself in the battle to elevate the status of his people and all other people who need and are entitled to the new opportunities and the higher standards of wages and living conditions that are possible in this enlightened day and age.

His leadership has been imaginative inspiring, and forceful. He has worked tirelessly to lift up the poor, the helpless, the oppressed and the exploited to give them a chance for a better life, through jobs, housing, and freedom from discrimination and bias.

The years have not quenched his enthusiasm nor dimmed his wisdom or abated his courage. His clarion voice still speaks out against inhumanity and injustice demanding redress of wrongs and affirmation of rights.

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I am very happy to join in the many tributes that are being paid to this great American, A. Philip Randolph, in celebration of his 80th birthday and wish for him continued good health, success, prosperity, and the continuation for many years to come of his loyal, forward-looking vision to his own people and all other people in our great Nation and the cause of freedom, justice, and democracy.

SMALL BUSINESS CRIME INSURANCE ACT

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. GILBERT. Mr. Speaker, I have introduced, as a cosponsor, the bill entitled Small Business Crime Insurance Act of 1969, a measure which is vitally needed if we are to keep our free enterprise system functioning as it should in these troubled times.

It is an index of the unbalanced state of our society, Mr. Speaker, that this bill is necessary. I wish that it were not. But crime and disorder are realities—and the insurance industry has not responded in responsible fashion to our changing needs. So I lend my support to this plan, which will enable the small businessman to continue playing his important role in our economy.

This bill will empower the Small Business Administration to set up a program to insure small businesses which are otherwise unable to buy insurance at reasonable rates for losses from crime and civil disorder. It authorizes the Treasury to advance $50 million to get the program underway, but this money would be reimbursed as premiums build up in excess of losses. The measure will be an important national asset in two ways: First, it will insure the survival of small businesses which might otherwise have to liquidate, for reasons beyond its control and second, it will keep taxes flowing to the Treasury which might otherwise be lost. Over time, then, this bill will, I believe, actually be a money-maker for the Government.

But more important, Mr. Speaker, we cannot allow our society to be disrupted by a breakdown of law and order. We are going through troublesome times. It may take years before the illness from which we, as a society, suffer is cured—but I am sure it will be cured. In the meantime, we must take every feasible step to keep the bonds of our society from breaking. This measure will contribute to that end.

It would indeed be a misfortune if the chief victim of the current wave of lawlessness is the small businessman. Big business can survive. It has resource on which to fall back. But the small businessman frequently functions on a very small margin—and either a property loss from crime or an unreasonable insurance premium could wipe him out. The small businessman is the backbone of our society, and we must not allow this to happen.

The bill I have proposed will, I believe, attract the support of whoever believes in the free enterprise system. Sometimes Government must step in to save that system, and this is one of those instances.

TO AMERICA'S BANKERS—FIRST IN THE POCKETS OF THEIR COUNTRYMEN

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. PODELL. Mr. Speaker, the friendly, neighborly banker on the corner all over our Nation has just shown what he thinks of the people he serves by raising the prime interest rate to an astronomical 8½ percent. This is the first raise of a full percentage point since 1945, showing how poor these struggling neighbors of ours really are. It is the fourth increase in the prime interest rate since last December—a rise of 25 percent in 6 months. All just goes to show what last year's Rolls Royce and a shortened Riviera vacation can do to people.

Our all-seeing-eye Secretary of the Treasury, a former banker of the highest amperage, assures the Republic this is a proper anti-inflationary step. Oh, wondrous revelation. How much of an anti-inflationary effect did previous hikes in recent months have? Can a flea rape an elephant? Then so did these hikes halt inflation.

Are we all to stand by and bleat like lambs as the door to the financial slaughterhouse yawns before us? Who really benefits from such hikes? Certainly not our ordinary taxpayer, who is already crushed between millstones marked taxes and inflation. Small business people gain nothing. In fact, they lose, for their loans now come at a much dearer rate of interest. Only the poverty stricken bankers of our Nation make a profit, because they now make even more money by lending money.

Even announcement of the interest rate hike by so many of the top names and banking institutions is most revealing. Simultaneously, all stepped forward, dabbing away tears of sorrow, to inform us they were about to give the knife of interest they have buried to the hilt in our financial intestines another full turn.

Meanwhile, on a nationwide basis their advertisements flood the media, enticing millions of Americans to come in for loans. How convenient for their profit margins from interest on loans as so many are being coaxed into their lairs to be "helped." Dinner guests at the Borgias came out further ahead.

What will happen to the small householder seeking a mortgage? Or the family purchasing an automobile? Or to those seeking small personal loans? And the head of a household borrowing capital to educate children? Only such hapless citizens by the millions will pay the banker's usurious price in the form of exorbitant interest. It is well worth noting that only a few major privileged corporate borrowers will pay the prime rate of 8½ percent. By the time this hike reaches the average American borrower, he will be paying significantly more in interest for money he borrows. Is this legitimate? At least Jesse James used a gun and wore a mask when he made people stand and deliver. These gentlemen of the banking community perpetrate this act in the name of sacred patriotism—heaven save us all. Well, if this is pure, shining altruism, then prevent me from confrontation with true venality.

Mr. Speaker, the people who have pulled off this financial fait accompli are true inheritors of the tradition of the robber barons and J. P. Morgan. Never have so few stolen so much so successfully from so many. They will require wheelbarrows and dumptrucks to cart away their ill-gotten loot. Yet it is a fact that these rhinestones in the rough bellow like so many gored oxen if their sacred profits are touched or their lofty motives impugned.

Hats off to the bankers of America. First in war, first in peace, and first in the pockets of their countrymen. Star-spangled men, all of them. For such devoted service to their country in time of peril to the dollar, we should reward them all. By popular national subscription a statue should be created and mounted upon some prominent headland. Let it take the shape of a bulbous, drooling glutton clutching massive moneybags. Let this caricature be rolled in malleable fool's gold from topknot to toenail and revolve majestically upon a pedestal, so incoming ships may be guided safely to port by its blinding light. Under the pedestal should be chiseled the following message for the ages, reflecting the feelings of the donors:

> Sacred to the memory of the bankers of America and their love of country in time of need.

Mr. Speaker, it is time for the Federal Government to roll back this interest rate hike, and take a close look at the Federal Reserve System.

RISE IN PRIME INTEREST RATE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. EDWARDS of California. Mr. Speaker, the recent raising of the prime interest rate to 8.5 percent will have a dangerous if not disastrous effect on the economy.

In my district, now faced by a critical housing shortage, the interest hike means virtually no middle- or low-income person can purchase a new home. It means that those who live in rented homes or apartments face further increases in rents. It means the homebuilders are crippled when the need for new homes is most urgent. It means desperately needed jobs will be left unfilled as the homebuilding industry shuts down.

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Runaway inflation is a serious threat but it will not be cured by a raise in the rediscount rate, an extension of the surtax or other halfway measures. The inflation has been ignited by runaway military spending in Vietnam and in the military budget. Military spending has more than doubled since the Eisenhower years. The economy simply cannot stand this strain without it resulting in severe inflation. I would hope that President Nixon would realize finally this fact and proceed to deescalate the war and the resulting big Federal spending. So far he shows no inclination of catching on to the economic facts of life.

I urgently request the administration to take action to the end the current crisis.

GUY CORDON

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. DELLENBACK. Mr. Speaker, Oregon has lost one of its most eminent citizens, Guy Cordon, who served for 10 years in the U.S. Senate. Elected in 1944, Senator Cordon was a strong voice for conservation and proper utilization of the Nation's water and land resources. As chairman of the Senate Interior Committee, he had both the respect and admiration of his colleagues who recognized his integrity, his knowledge, and his great ability.

It was Guy Cordon who, during his time of concentration on the problem, best understood the Oregon and California timberlands and who counseled his colleagues on the wise management of these and other Federal forest lands. The fine way in which the Oregon and California forests have been managed and are managed today is in large due to the creative work of this man. Those of us from Oregon who know these forests—their high yield of timber for building materials and other vital national needs and their financial return to the State—realize that Guy Cordon made a unique and significant contribution both to the Nation and to the State in which he made his home. After he left the Senate he continued to work for Oregon, serving as the Washington counsel to the Oregon and California counties.

Just as he was a friend to all Oregonians, he was a special friend to those of us who represent the State in Congress. When I first came to Washington he offered me the benefit of his many years in the Nation's Capital. Senator Cordon was a kindly, generous, and dedicated man who was of great help to those who were new to Washington. He offered me good advice on the ways of the Congress and I always found him a wise counselor.

It was my privilege to know this fine man and I join my colleagues in expressing my sympathy to Mrs. Cordon and the other members of his family. Oregon has lost a distinguished citizen and a true friend. We shall miss Guy Cordon, but his good work for his adopted State endures.

OUR FINE FRIENDS THE FINNS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. FASCELL. Mr. Speaker, Finland is a market economy country where private enterprise forms the basis for economic growth. As this growth increases it is possible to strengthen the cultural interchange between Finland and other countries.

On May 5 in a ceremony in New York, Finland's Ambassador to the United States, Olavi Munkki, donated $25,000 from his government to start a half-million dollar Finnish fund in the American-Scandinavian Foundation (ASF). The new Finnish fund is an expression of international friendship and will increase the exchange of students, teachers, and lecturers between the United States and Finland.

In an editorial the Miami Herald reminded us of the longstanding friendship between the United States and Finland and I make it a part of the RECORD:

OUR FINE FRIENDS THE FINNS

The reservoir of good will for the United States in Europe is old and deep. It antedates by many years the 1949 founding of the North Atlantic Treaty Organization, which seeks to pool the economic, military, political and social strength on both shores of the North Atlantic Ocean.

We are reminded of the links forged long ago by plans for a little ceremony in New York today. Finland's ambassador to the U.S. will donate $25,000 from his government to start a half-million-dollar Finnish Fund in the American-Scandinavian Foundation (ASF).

The rest of the money will be sought in Finland and the U.S. to finance a perpetual student exchange between the two nations.

Note, please, that the ASF was established in 1910 "to maintain an interchange of students, teachers and lecturers, publications, art, music and science between the U.S. and Denmark, Finland, Iceland, Norway and Sweden." The new Finnish Fund will do more of the same "as an expression of international friendship and respect."

Our land was peopled originally by Europeans. Migrants from the Old World, including Scandinavia, have strengthened the ties between this country and their kinsmen overseas.

Florida alone, for example, has about 3,000 Finns, counting immigrants and their U.S.-born children. They are concentrated around Lake Worth and elsewhere in Palm Beach County, plus New Port Richey and Key West. Minnesota and Massachusetts contain large colonies of Finnish-Americans.

Cultural exchange isn't spectacular but can work wonders in international understanding. It has been going on since before the U.S. attained nationhood.

Cultural exchange can work wonders in international understanding. But so does the goodwill built by immigrants. For instance, in my own State of Florida there are about 3,000 Finns, including immigrants and their U.S.-born children, who have strengthened the ties between this country and their kinsmen overseas.

I am happy to be able to speak of this goodwill from firsthand experience. For the past month Mrs. Sole Mustakallio Cook from Turku, Finland, has worked for me in my office here in Washington. She is the daughter of Dr. Eero Mustakallio, professor and head of the department of microbiology at the University of Turku Medical School. Dr. and Mrs. Mustakallio visited Washington, D.C., and are now touring the United States.

Sole has been a very great help to me, and has also increased my knowledge and understanding of the Finnish people. I wish Sole and Finland the very best in the future, and thank them both.

A SITUATION THAT APPEARS IMPROPER

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. CABELL. Mr. Speaker, I would like to insert into the RECORD a copy of a wire service news report which came over the Dow Jones news wire on June 6, 1969. If this report or any part of it is true, I am deeply disturbed.

The public deserves to be able to place its trust and confidence in the officials of all departments of our Government and especially in those of the Department of Justice. There has been much discussion in recent months about propriety in our judiciary. I would like to suggest that actions by an official of the Department of Justice must also be free of any question as to conflict of interest or even the appearance of impropriety.

I would be the last to want to discourage the entrance into public life of the many fine men who come from professions or businesses which are intimately involved with the Government. We need these men and we need their experience. However, in associations and in Government business after entering public service, these men must maintain a constant vigil to assure that the public's confidence in the integrity of its officials is not called into question.

If this wire report is true, we are certainly faced with a situation which appears to be improper. Remedial action ought to be taken immediately by the President and the Attorney General to assure the public that it will not have to be faced with a repetition of this action.

The report follows:

MCLAREN'S MOVES IN NORTHWEST-GOODRICH FIGHT, SAID TO HAVE AIDED HIS FORMER LAW FIRM

GARDEN CITY, N.Y.—Richard W. McLaren, the Nixon administration's antitrust chief, intervened in the Northwest Industries-B. F. Goodrich merger fight in a way that benefitted Goodrich, which was being represented by his former law firm, Newsday reported.

The Long Island Newspaper said McLaren, Assistant Attorney General in charge of all antitrust operations, conferred with his former law partner on the case in his justice department office.

Newsday said McLaren also sent copies of his correspondence with one side in the case

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to his former law firm, which was fighting the merger on behalf of the other side.

On May 21, McLaren, representing the Justice Department, obtained an order temporarily blocking the takeover on antitrust grounds.

SALUTE TO DR. PETER ZENKL

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mrs. GREEN of Oregon. Mr. Speaker, tomorrow is the 85th birthday of a great defender of the democratic tradition. I would like to take this opportunity to salute this man who, while he is not an American, has spent his life fighting against tyranny in all forms and for the freedom and individual integrity of man. Dr. Peter Zenkl was born June 13, 1884, in Tabor, Czechoslovakia, then part of the Austro-Hungarian Empire. He became a believer in the supreme value of the individual and spent his early career teaching his philosophy of humanism and helping develop a national movement of adult education that was to eventually bring his country to the forefront as one of Europe's most broadly educated nations.

His belief in democratic traditions has often brought him to the brink of death by totalitarian regimes. During World War I, his open attacks on the Empire resulted in an accusation of treason, and his life was spared only because of the sudden breakup of the monarchy in 1918. With the freedom then gained by Czechoslovakia, Zenkl became a national leader in one of the major miracles of postwar reorganization in Europe. The burst of enthusiasm and national pride that promoted this miracle is in itself a tribute to what free men can do for themselves when released from totalitarian rule.

As Minister of Social Welfare and later lord mayor of Prague, Peter Zenkl instituted a series of social programs and public works projects, including social security programs, medical aid, slum clearances, hospitals, schools, parks, transportation systems and so on that was unsurpassed in its day. During the period between the wars, Zenkl became the No. 1 enemy of the Communists, but was begrudgingly called by them the "Fireman of Prague" for his ability to put out the fires the Communists tried to build to produce a social explosion.

His love of independence resulted in his immediate resignation from his Cabinet post the day the Munich decision with Hitler was made. The day Poland was invaded, Zenkl was arrested and spent the next 6 years in Buchenwald. He escaped a death sentence by hiding in the sewers of the prison for several days before the allies liberated the camp April 12, 1945. He went back to Prague and became first Vice Minister of the Republic. This was by free election in 1946 when the Communists were soundly defeated. Other than suffer another defeat at the polls, the Communists seized the country 1 month before the March 1948 elections. Peter Zenkl escaped the fate suffered by other anti-Communists in the Government by fleeing to the United States.

He now lives in Washington, D.C., and continues to write and speak against the Communists who still control his native land. The motto of the free Czechoslovak Republic was "Truth Conquers." Zenkl's motto today is "Truth Will Still Conquer." As long as the world produces men like Zenkl, it will.

Mr. Speaker, I think we should all join with Americans of Czechoslovak descent who are tomorrow honoring the birthday of Peter Zenkl.

CONGRESSMAN BIAGGI URGES INDEPENDENT MARITIME AGENCY

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. GARMATZ. Mr. Speaker, the fact that both the House and Senate overwhelmingly approved legislation in the last session to restore the Maritime Administration to its former status as an independent agency should be ample proof of the advisability of this action. Unfortunately, it was pocket-vetoed by the President.

Efforts are being made again in this session to accomplish this change. Our colleague, the gentleman from New York, MARIO BIAGGI, speaking at the maritime trades department luncheon in Washington yesterday, made an excellent case for an independent agency. Knowing that all of you will be interested in reading his remarks, I am inserting them in the Extensions of Remarks of the RECORD:

REMARKS BY MR. BIAGGI

I feel privileged to be able to come here today—to the E. L. Bartlett Memorial Auditorium—to speak on a subject that was particularly close to the heart of the man whose memory this room honors.

I refer to the campaign which Senator Bartlett led in the Senate prior to his death—the campaign to restore the Maritime Administration to its former status as an independent federal agency.

This is not a new fight—it's an old one.

It's a fight which we won last year in Congress—but which we lost in the White House when the President pocket-vetoed the independent agency bill.

It's a fight which we're going to win this year!

Frankly, I think we're kidding ourselves if we think we're ever going to get a meaningful maritime program—out of any Administration—until we have an agency of government capable of drawing up such a program.

I realize that there have been some signals from the present Administration about its intentions with respect to a maritime program.

I hope the signals are accurate—and that the Administration does move quickly to repair some of the damage that our commercial fleet has sustained during two decades of neglect.

But we have been wrong before.

In January 1965, President Johnson sent some pretty strong signals to the Congress and the public with respect to his maritime intentions.

In his State of the Union address that year, the President promised to come forward with a "new maritime program."

Four years later—in January 1969—President Johnson left the White House, and we still had not received that promised new maritime program.

So you'll forgive me if I approach the promises of the new Administration with a little misgiving.

I am not suggesting any attempt to mislead the Congress or the American people—I am willing to concede that President Nixon truly hopes to do something in the maritime field, just as President Johnson hoped before him.

I am also suggesting that there are other problems weighing on any American President—and all of his Cabinet officers who must advise him on the operation of the Executive Branch.

This is as true for the Secretary of Commerce as it is for the Secretary of State or the Secretary of Defense—all of the Cabinet officers, in fact, have primarily responsibilities that are enormous, and that require urgent attention.

And that is precisely my point.

With the best of intentions in the world, the Secretary of Commerce—in whose Department the Maritime Administration is now lodged—cannot give to our merchant marine the time, attention and expert guidance that this industry deserves.

The Secretary of Commerce is responsible for maintaining the total business health of the nation—and not only does he not have the time for maritime, but it actually would be wrong for him to devote the major share of his energies to this single phase of our business life.

It's true that the Maritime Administration has its own full-time staff and its own full-time Administrator—but superimposed on this setup is the entire structure of the Department of Commerce.

No program that the Maritime Administrator might design—no plan that he might prepare to implement it—can be acted upon until it has first been channeled through the bureaucracy of the Department of Commerce.

What's more, the way things stand now, the Secretary of Commerce can veto any action of the Maritime Administrator—or any decision of the Maritime Subsidy Board—without giving a reason and without his decision being subject to any appeal.

This is not the way to run our merchant marine—and history bears this out.

When the Maritime Administration was an independent agency—with a direct line to the President and the Congress—we made progress in the development of our shipping interests.

Under an independent agency we built ships—we developed plans for new and improved vessels—and we increased the share of cargo being carried to and from our shores aboard ships flying the American flag.

Once the Maritime Administration lost its independence, we went into a decline.

The number of ships being built decreased—shipyards were forced to close down—and shipbuilding craftsmen were laid off.

The percentage of cargo carried by American-flag ships declined—vessels were laid up—and seafarers were put on the beach.

What better proof do we have as to the necessity for returning the Maritime Administration to its original status as an independent agency?

As you know, I don't stand alone on this issue—there are nearly 170 members of the House and Senate who have joined in cosponsoring maritime independence legislation this year.

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We are determined to do something to revitalize the American-flag merchant marine—and we are agreed that the place to start is with an independent agency—one charged with the responsibility to develop a new program—and one armed with the authority that matches this responsibility.

I realize that there are some of my colleagues in the House—including some of the cosponsors of the maritime independence bill—who have introduced legislation calling for the creation of a Cabinet-level Department to deal with the entire subject of our merchant marine, our fisheries and oceanography.

This is a worthwhile goal.

I think that the day is fast approaching when we're going to need precisely that kind of an operation—because it's difficult, indeed, to separate our shipping needs from the related problems of developing the sea's total potential.

But while the goal is worthwhile, I think the present attempts to reach it may be premature.

All of us in Congress know the length of time that usually is involved in the establishment of a Cabinet-level Department.

In the past sixteen years, we have been able to create only three such Departments—HEW under President Eisenhower, HUD which was proposed by President Kennedy and which finally came into being after his death, and Transportation, which was created in 1966.

Congress moves slowly on so major an undertaking as establishing a Cabinet-rank Department—much more slowly than our needs with respect to maritime require.

In view of the fact that time is of the essence, I would recommend this procedure to my colleagues:

First—that we move with all possible speed to give maritime back its independence, because this will satisfy our need for prompt action to alleviate the problems besetting our merchant marine.

Second—that we follow this up with orderly, thoughtful consideration of the desirability of taking all of our ocean programs—which are now spread out among a score of federal agencies—and putting them into a single Department whose sole responsibility would be the full development of the potential of the seas around us—and of our inland lakes and waterways, too.

I do not believe that creation of an independent federal Maritime Administration is the end of the line for the proper administration of our merchant marine affairs.

But I do believe, most strongly, that this is where we must begin.

To delay for the time that would be required to set up a full-fledged Cabinet Department could very well prove fatal.

You have a saying in the labor movement which I admire—that "justice delayed is justice denied."

I'd like to paraphrase that saying, with respect to maritime, and say that "action delayed is action denied."

What we need most urgently is to get on the long-overdue job of putting our maritime house back into order.

The place to begin is with an independent Maritime Administration.

The time to begin is now.

Thank you very much.

THE RETURN OF THE NATIVE

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. UTT. Mr. Speaker, under unanimous consent, I submit for inclusion in the Extensions of Remarks of the RECORD my current Washington Report, which will be sent out to my constituents this week. The newsletter follows:

THE RETURN OF THE NATIVE

(By Congressman JAMES B. UTT)

I chose this title from an outstanding literary book, as it does apply to President Richard M. Nixon. The President was born in Yorba Linda, Orange County, California, in the year 1913 only a few miles from my own birthplace, which was the City of Tustin, where I still reside.

The President has traveled far and wide, has had a brilliant political career, and finally attained the highest position in the United States, or in the world, so far as that is concerned. It is an outstanding example of dedication, industry, ambition, faith, and hope, and certainly proves the adage that in this country you can go as far and as high as you desire, provided you are dedicated, able and diligent.

It may appear that I am a little delinquent in delaying my welcome to the President as he returns to our home county, but I wanted to make sure that the move was certain. He has purchased the Spanish-style home built in the 1920's by Mr. Hamilton Cotton in the City of San Clemente, on Interstate 5, with a beautiful view of the Pacific Ocean. This property was originally part of a large Mexican grant to Pio Pico, who was the last Mexican Governor of California, just prior to the Mexican War. This property was transferred by Pico to the Juan Forster family of San Juan Capistrano, and was later acquired by the O'Neill and Flood interests of San Francisco. At the beginning of World War II, Camp Pendleton was carved out of this grant, and is one of the largest Marine bases in the country.

The Coast Guard has a small base adjacent to the President's home, with a helicopter pad, which makes a natural and easy access for the President when he lands in "Air Force 1" at the El Toro Marine Corps Air Station, not more than twenty miles distant.

The President has told me that he and Mrs. Nixon expect to register for voting in California, in Orange County. This makes the San Clemente residence his legal home, and I wish to welcome him back to the county of his birth. This can truly be called "the return of the native."

No one could be more pleased that I over the appointment of Judge Warren E. Burger as Chief Justice of the Supreme Court. Judge Burger is an outstanding jurist with a firm belief in our Constitution. He may be liberal in some concepts and conservative in others, but any decision which bears his name will be found to be fully within the purview of of the Constitution. He has said on many occasions that it is the province of the Supreme Court to rule on constitutional issues and not to invade the precincts of the Legislative Branch.

The Warren Court was always engaged in writing legislation, which was a preemption of the responsibility of the equal and coordinate branch of the government, the Congress of the United States. Those days are over. President Nixon made the remark at a press conference that he hoped that what had been the minority views of the Supreme Court would now become the majority views of the Court. That would really be something!

I want to give an example of a most recent charade by the Warren Court.

Coming before the Court was the "one man, one vote" proposition, on appeal from courts in Missouri and New York. The fiction involved is that the legal determination of population is based on the 1960 Census, now nine years old. The Court said, "Equal representation for equal numbers of people is a principle designed to prevent debasement of voting power and diminution of access to elected representatives. Toleration of even small deviations detracts from these purposes. Therefore, *the command of Art. I, Section 2*, that States create congressional districts which provide equal representation for equal numbers of people permits only the limited population variances which are unavoidable despite a good-faith effort to achieve absolute equality, or for which justification is shown."

I invite you to examine Article I, Section 2 of the U.S. Constitution and see if you can find the word "command." I will save you the trouble. Here is the exact wording:

"ARTICLE I, SECTION 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

The Court has repeated this nonexistent "command" of Article I. Section 2 so many times that they have begun to believe it themselves, and to base all their decisions on this illusory concept. As a result, the Supreme Court says, in fact, that "Congressman Utt, there are approximately 425,000 people in your District." I know, and you know, that there are more than 800,000 people in my District, but the Court is satisfied by equating my District to a 1960 Census. The only time that there could possibly be one man, one vote in any changing population area would be during the month of the Census. Thirty days later, it would be distorted and that distortion would get progressively larger as each month goes by.

By way of dissent, Justice Harlan and Justice Stewart wrote:

"Marching to the nonexistent 'command of Art. I, Section 2' of the Constitution, the Court now transforms a political slogan into a constitutional absolute. Strait indeed is the path of the righteous legislator. Slide rule in hand, he must avoid all thoughts of county lines, local traditions, politics, history, and economics, so as to achieve the magic formula: one man, one vote."

The amazing thing is that the only newspaper, to my knowledge, which pointed out this misquotation of the Constitution was a little weekly called the Vista News and Views, published by C. W. Stevenson and William Stevenson of Vista, California. If I had made such a misquotation the Los Angeles Times would have written a full-page editorial on the irresponsible quotation of Congressman Utt.

TRIBUTE TO THE JEWISH LEDGER

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. DADDARIO. Mr. Speaker, on June 19 the Connecticut Jewish Ledger will mark its 40th anniversary by publishing a special edition. The Connecticut Jewish Ledger is the only English-language Jewish weekly newspaper in my State.

Throughout the past 40 years of turbulence, tragedy, and triumph in world and Jewish history, the Ledger has faithfully reported and interpreted these events as they occurred. The Jewish community in Connecticut has acknowledged the Ledger's leadership role through its editorial and news columns for the community and world Jewry.

Its editorial viewpoint has been brilliantly enunciated during its entire history by its cofounder and only editor, Rabbi Abraham J. Feldman. Moreover, the Jewish Ledger's traditions, set forth by cofounder Samuel Neusner and carried out over the past four decades, are being continued today by its present owners and copublishers. Berthold Gaster

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and Mrs. Shirley W. Bunis. They have served the paper as managing editor and advertising manager, respectively, for over a decade.

Mr. Speaker, I ask my colleagues to pay tribute to the Connecticut Jewish Ledger and to take note of the role it has played in the continuing progress of the entire Connecticut community.

THE WELFARE STATE, NIXON STYLE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, Dr. Sar A. Levitan, of the center for manpower policy studies, has written an interesting article regarding the Nixon administration's action in the welfare and poverty area.

I believe that the comments of Doctor Levitan are worth reviewing and include them at this point for the information of my colleagues:

THE WELFARE STATE, NIXON STYLE

(By Sar A. Levitan, Center for Manpower Policy Studies, the George Washington University)

A recent column by humorist Art Buchwald needled pundits who draw conclusions from meager information. "Richard Nixon," he stated, "has now been President of the United States 5½ days and so it is not too early for historians to judge what kind of President he has been." His point is not lost on those making judgments after only four months of the new administration. However, activities during this time yield some clues, though inconclusive, as to what can be expected in the years to come.

The Nixon administration has not developed a definitive position on the antipoverty and manpower programs it inherited from the Great Society, nor have its spokesmen advocated new comprehensive programs on the order of Medicare, the War on Poverty, or the JOBS program. Instead, the new administration has emphasized several thrusts in the welfare and manpower fields, and has taken only halting steps toward implementing the programs it favors.

NEW THRUSTS

President Nixon has focused on three approaches to helping the poor and the unskilled. The first is a greater use of tax incentives to promote manpower and economic development. The Johnson administration favored direct subsidies to employers who hired and retained disadvantaged workers while shunning modification of the tax system to help the poor. The leaders of the Great Society opposed Republican proposals for extending tax carrots to employers to cover training costs, either as an alternative or in addition to direct government subsidies. In their conflict with the Johnson administration, Republicans made tax incentives an article of faith.

Most Republicans in the 90th Congress endorsed the Human Investment Act, which was an extension of the 1962 law giving a 7 percent tax credit toward the cost of investment in machinery and equipment. Reasoning that investment in human skills deserves the same consideration, the Human Investment bill proposed a 10 percent tax credit to reimburse employers for training non-managerial or non-professional employees. The higher tax exemption for human investment is justified on the grounds that it involves a greater risk to the employer than investment in machinery. Machines become the property of the employer, but trained workers can opt for a better job with another employer.

The Nixon administration has yet to take a formal stand on the Human Investment bill, and it is not known whether this bill will attract the same widespread sponsorship as it did in the 90th Congress. Presidential support of tax incentives not only for hiring and training poorly prepared workers but for slum rehabilitation is indicated by Nixon's endorsement of the Community Self-Determination bill, and from statements by Arthur Burns, the Presidential Counselor. In the words of the bill, the measure would help ghetto residents in "securing gainful employment, achieving the ownership and control of the resources of their community, expanding opportunity, stability and self-determination."

The major appeal of the tax incentives lies in the belief that the inducements will eliminate bureaucratic meddling in private business while encouraging business to pursue socially desirable goals. However, it is not clear whether the sought-after goals can be achieved without government intervention. In the absence of governmental monitoring, entrepreneurs would do what comes naturally and locate in the most advantageous places and hire the best workers. It is also misleading to think that tax incentives are costless. The National Manpower Policy Task Force and other observers have sought to clarify misconceptions about the true costs of tax incentives. In reducing the liabilities of individuals or groups singled out for special privilege, tax incentive schemes force others to pay higher taxes to cover the cost of government, or to forego tax reductions that might otherwise be possible. In addition, tax incentives may prove to be not only costly but also a windfall to those who least need the help. Tax incentives may become another subsidy for helping the affluent under the guise of helping the disadvantaged.

Another major plank in the Nixon welfare program is reliance on voluntarism. "We are approaching the limits of what government can do," President Nixon said in his inaugural address. "Our greatest need now is to reach beyond government, to enlist the legions of the concerned and the committed."

Voluntarism has always played a major role in American life; over a century ago, Alexis de Tocqueville observed that America is a nation of volunteers. Millions of people are now performing good works, but most of this work is done in churches, P.T.A.'s, and other local organizations. It does not follow that large numbers will volunteer to work on a sustained basis in ghettos or that the type of volunteers the President is seeking will be available. It is doubtful that another government effort could mobilize a significant number of new volunteers. VISTA, the antipoverty volunteer organization, has never realized its goal of 100,000 part-time volunteers. While the Office of Economic Opportunity has argued that requests by some 2,000 public and private agencies for volunteers attest to the success of VISTA, it may be more correct to state that the excess of requests proves only that "demand" for free labor exceeds supply. American citizens will continue to perform good works, but there is little reason to believe that new exhortations from Washington will appreciably increase these efforts.

It is also not clear that volunteers are an adequate substitute for trained help in supplying basic education or related manpower services to the poor and the unskilled. It is a romantic notion that inspired volunteers will serve poverty areas better than trained professionals or that ghettos can be rehabilitated by volatile, short-term, part-time volunteers.

A third thrust of Nixon's welfare program is the promotion of business ownership among minorities. It is argued that only when blacks, Mexican-Americans, Puerto Ricans, and Indians have a "piece of the action" in terms of ownership can they enter the mainstream of our economic system and escape the cycle of dependency.

The "ownership gap" in undeniable. Of the 5 million businesses in our country, only 100,000 to 150,000 (less than 3 percent) are owned by Negroes, who comprise almost 11 percent of the population. In the largest central cities this problem is most obvious, with white outsiders owning the vast majority of ghetto businesses. It is often claimed that the outflow of profits from the ghetto bleeds its economy and is a major cause of its anemia. Increased ownership would give minorities more economic bargaining power in a system where power is closely correlated with wealth.

Recognition of the ownership gap and attempts to promote minority entrepreneurship began during the Johnson administration. The SBA had for several years administered the Economic Opportunity Loan program which provided financial and technical assistance largely to minority groups. In August 1968, it initiated Project Own to concentrate efforts under the various SBA loan programs and increase the number of loans to minority businessmen. (*Washington Notes,* March–April, 1969, pp. 15–22)

President Nixon's commitment to expand Negro entrepreneurial activity was manifested in the appointment of a special White House aide with responsibility for encouraging minority entrepreneurship, and in the creation of an Office of Minority Business Enterprise in the Department of Commerce. The function of this agency is to coordinate existing programs in the SBA, OEO, and other agencies. In spite of these steps, there is little evidence that the impetus given to Negro businesses by the Great Society's SBA program is being continued by the present administration. President Nixon has not indicated thus far whether he will seek new authority and additional funds to implement his campaign promise aimed at encouraging Negro entrepreneurship.

DELIBERATION WITHOUT COMMITMENT

The policy thrusts of the Nixon administration toward the wider use of tax incentives, an increased role for volunteers, and the promotion of minority businesses have a limited potential and are not, in fact or intent, substitutes for Great Society programs. There also appears to exist wide divergence among the top Nixon advisors about the appropriate means to pursue the programs favored by the President. It would appear that the Nixon administration has opted, either by design or default, for reform rather than replacement of current welfare and manpower programs. It is proceeding pragmatically, seeking to cut waste and ineffective programs while initiating efforts only when problems become critical.

This approach is clearly manifested in the administration's handling of the Economic Opportunity Act and OEO programs. With the legislation expiring less than six months after President Nixon was sworn in, the time was opportune for sweeping changes if they were contemplated. Instead, the new administration requested a one-year extension of the Act (later changed to two years) in order to "more carefully consider alternatives." This rationale for the short term extension was at best spurious. The new hands such as Robert H. Finch, Daniel P. Moynihan, and George P. Shultz were intimately acquainted with the programs in their respective jurisdictions. And if the vast expertise of the new administration was not adequate, the General Accounting Office's review of the EOA programs, and other independent appraisals of these efforts, were available. It is difficult to accept lack of information as a major stumbling block in the administration's failure to take a position on extending the Economic Opportunity Act. More

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plausibly, the administration did not contemplate any dramatic changes in the future course of the antipoverty efforts. And rather than endorse a Great Society measure, it resorted to the subterfuge of further study. While President Nixon may not have an abiding commitment to expand the welfare state, he apparently does not plan any wholesale reductions. Program decisions seem to be generally based on pressures generated in connection with specific issues or problems rather than on the basis of a carefully conceived plan.

The Job Corps offers an example. Having singled out this program during the campaign as expensive and badly administered, it was not surprising that the Nixon administration would seek to change it. First came the announcement of the transfer of the program to the Labor Department, whose superior ability to administer residential facilities remains to be proven. It was not the best-kept secret that Secretary Shultz and OEO recommended modest cuts in the program and indicated a desire to experiment with training and residential facilities for Job Corps clients near home rather than hundreds of miles away. The Shultz ideas were endorsed by Moynihan, who praised the proposed restructuring of the Job Corps as imaginative and constructive. Someone in the White House, however, decided that more drastic cuts were in order and the Labor Department was told to cut fiscal 1970 outlays for the Job Corps by $100 million, or more than one-third of the budget proposed by the preceding administration. The actual impact was even deeper than the cut in funds indicates since part of the remaining funds was to be used to close centers. The sharp cut made it difficult to single out for closing only inefficient and poorly operated centers, and little money was left to experiment with new types of programs.

While the administration was attempting to "save" $100 million, its spokesmen were expressing grave concern about mass unemployment among Negro youth. It is no wonder, therefore, that some saw a contradiction between pronouncemnts of the administration and its deeds. Disclaimers by the administration that alternative opportunities would be offered to Job Corps clients were unconvincing, since reduced appropriations for centers accounted for most of the administration-proposed cut in Economic Opportunity programs.

Opponents of the Nixon administration and defenders of the welfare state were quick to generalize from the Job Corps cutbacks that the administration was out to reduce welfare expenditures and would resist any expansions. One indication was that in its first four months the administration failed to take a position on possibly the most important welfare reform—revamping cash support to the poor. The Nixon welfare task force recommended establishment of federal welfare standards and minimum monthly support of $30 to $40 per welfare recipient. Secretary of Health, Education, and Welfare Robert H. Finch apparently went beyond the task force recommendations favoring a federally-financed and administered welfare system. It was also reported that the Urban Affairs Council supported the proposal as did Richard Nathan, chairman of the Nixon welfare task force, who had since assumed a top position in the Bureau of the Budget. The support of the Bureau of the Budget was considered crucial in advancing the proposal. Nonetheless, other potent voices within the administration opposed federal take-over of public assistance payments and it is anybody's guess as to the measures that the administration is going to adopt in this field. In May 1969 the President promised a statement on the subject before the end of the year.

This foot-dragging may not be indicative of rejection. The President's Urban Affairs Council proposed a $1 billion increase in spending for federal food programs in March at a time when the President was obviously relucant to increase expenditures. Based on inside information, pundits indicated that economizers gained the upper hand in the White House and predicted that President Nixon would refuse to allocate adequate funds to combat hunger in the United States. No sooner did the proverbial ink dry on these predictions than President Nixon declared that "There can be no doubt that hunger and malnutrition exist in America, and that some millions are affected." The remedy was an announced major expansion in food programs with an additional $270 million for fiscal 1970. Compared with the $100 million retrenchment on the Job Corps, an optimistic scorekeeper might suggest that the Nixon administration batted 2.7 to 1 in favor of expanding the welfare state.

FORTY-FOUR MONTHS TO GO

Based on four months' experience, it is becoming clear that concern about the demise of the Great Society's manpower and welfare programs were exaggerated and premature. The worriers can relax—indications are that the domestic programs inaugurated during the sixties will continue into the foreseeable future. It would seem that just as the Eisenhower administration gave respectability to New Deal and Fair Deal legislation, the Nixon administration is putting its stamp of grudging endorsement to New Frontier and Great Society domestic programs. Though the administration has promised innovation, the new directions it has outlined are limited in their potential and intent.

Improving the efficiency of existing programs is a laudable goal, as is careful and pragmatic consideration of changes. Deliberation is a healthy contrast to the haste and waste of the early War on Poverty days. However, there are serious drawbacks to this approach. Social programs cannot be solved by stuttering reactions to crises. Solutions require a continuous and large-scale commitment of resources. Thus the temporary extension of OEO for one year without any commitment about the future of the programs is bound to involve waste and inefficiency. OEO's experience with annual congressional authorizations is ample proof of the problems created in communities by the allocation of vast resources without the ability to plan long-range projects. Commenting on this problem, Paul Ylvisaker, a veteran antipoverty warrior and one of the most sophisticated men in the business, said:

"Even more important than the amounts of money to be made available, is the more secure commitment of funds over a longer period of time. . . . No industry I know of would venture the development of a new product on a sudden-death basis and with uncertain financing. Yet this is what the poverty program has had to do—attempting fundamental reforms and incredibly complex innovations on short-term budgets subject to change without notice."

It is also clear that our large and growing social needs cannot be met by cutting the fat from present programs. The War on Poverty, despite its rhetoric, was an experimental program with limited funds in relation to its declared objectives. Clearly, programs that have not been successful should be reduced, as in the case of Job Corps (although the reduction should not have been so arbitrary). Not only should the savings from these programs be used in the more successful programs, but the total commitment of resources must be expanded. In an increasingly affluent society, efficient operation of the welfare system must go hand in hand with its expansion. Thus far the Nixon administration has shown a propensity for exhortation about improving the quality of welfare and manpower programs, but it has not indicated a willingness to pay the price.

DISTRICT ATTORNEY CALLS FOR CRITICAL LOOK AT THE ADMINISTRATION OF CRIMINAL JUSTICE IN OUR COURTS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. DULSKI. Mr. Speaker, there has been considerable discussion of the problems being faced today by our courts and our law-enforcement agencies in dealing with crimes against society.

Rulings of the courts have installed restrictions that have caused many of our conscientious law-enforcement officials to literally throw up their hands in their efforts to protect society by enforcing the law.

Michael F. Dillon, district attorney of Erie County in which my home city of Buffalo, N.Y., is located, has had some pointed comment on the present empediments to enforcement of our criminal laws.

His words speak for themselves—and I agree wholeheartedly with him—as contained in the following stories in our Buffalo newspapers:

[From the Buffalo (N.Y.) Evening News, June 6, 1969]

DILLON SCORES CAT-MOUSE TRIALS AFTER ACQUITTAL IN GIRL'S ASSAULT

Trials of criminal cases are no longer a search for the truth, Dist. Atty. Michael F. Dillon said today in commenting on a County Court jury's acquittal of a Grand Island man in a rape case Wednesday night.

Trials are now a game of "cat and mouse," he said, to see how much of the truth can be kept from a trial jury.

He said he had no right to quarrel with the jury's verdict, reached 29 hours after the end of a five-day trial.

But there are other aspects of the case showing "that we have reached an outrageous state in the administration of criminal justice," Mr. Dillon said.

He called for "the restoration of rules of reason and common sense guiding the trial of criminal matters" and suggested that other prosecutors throughout the country join him in attempting to bring new cases before the U.S. Supreme Court in "an attempt to restore sanity to the judicial process."

DEFENDS JUDGE'S RULING

In the Grand Island case, a 10-year-old girl was taken from her home and raped in a nearby field.

The man charged with the crime made a statement to sheriff's deputies the same day. The written statement was ordered suppressed after a pretrial hearing before Judge Joseph S. Mattina.

"It is my judgment that Judge Mattina was correct in every aspect of his decision." Mr. Dillon said. "For him to have ruled otherwise in light of Supreme Court decisions which bind lower court judges would have been improper and probably would have resulted in a later reversal of any conviction which might have been had."

TECHNICALITIES ABOUND

But the district attorney said also it was clear that the deputy sheriffs who conducted the investigation did not engage in any force or coercion.

"Today's law is clear, regretfully, that truthfulness of a confession has no bearing whatsoever on whether the confession should be admitted into evidence against the defendant," Mr. Dillon said.

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"The old test of voluntariness has become so cluttered with a myriad of technicalities that more often than not the trial of a criminal case has become a farce.

"Such trials no longer are a search for the truth but rather have become a game of 'cat and mouse' to see how much of the truth can be kept from the trial jury."

SOME JURORS WEPT

The district attorney said Judge Mattina told him that Asst. DA Franklin Stachowiak did an excellent job in presenting the case.

After the jury reported its verdict, Mr. Stachowiak spoke with several jurors and when he told them of the defendant's statement—the one which had been suppressed and could not be offered as evidence—some of the jurors actually wept, Mr. Dillon said.

In calling for a return to reason, he noted that he has in the past agreed with the principles enunciated in Supreme Court cases.

However, he said now he feels there is a need to give greater opportunity to jurors to use their good sense in evaluating whether a confession or admission was made voluntarily and whether it is truthful.

SEEKS "HAPPY BALANCE"

"To provide for technical roadblocks which deprive jurors of the opportunity to even know of the existence of such confessions or admissions is, in my judgment, violative of basic rules of reason," Mr. Dillon commented.

Mr. Dillon said he was hopeful that a newly constituted Supreme Court might correct some of the injustices which have resulted from the unnecessary, excessive and technical over-protection of the alleged rights of criminal defendants.

"This is not to say that I seek a return to the law and practices of 20 years ago but it is to affirm that I seek the establishment of rules which will afford a happy balance between individual rights and society's rights."

[From the Buffalo (N.Y.) Courier-Express, June 8, 1969]

TECHNICALITIES AID CRIMINAL, DA SAYS

(By Greg Faherty)

More and more frequently, prosecutors, judges and even grand juries are speaking out against legal technicalities that are permitting the guilty to go free.

In the words of Dist. Atty. Michael F. Dillon:

"Too many murderers, muggers, robbers and rapists are walking the streets and infesting our communities with too little fear of punishment."

CONFESSION SUPPRESSED

Item. A child molester signs a written statement confessing the crime. He is brought to trial, but the confession is suppressed from use in evidence. A jury acquits him.

Item. A rapist wanders through the suburbs preying on women. A grand jury is powerless to indict him because of a penal law provision requiring corroboration of the women's testimony.

So unrealistic was this to the grand jury that its members felt compelled to hand up a presentment recommending that the state legislature abolish that section of the law.

EXTENSIVE TESTIMONY

The grand jury stated that it heard "extensive testimony" from female complainants in cases involving sexual attack.

Testimony given by the women was entirely credible, said the panel, but it was thwarted from taking appropriate action because of the requirement of corroboration in serious sex cases.

The grand jury said that the requirement makes "neither sense nor logic."

LEGAL SAFEGUARD

"If anything this rule of law works to increase the frequency of this type of crime and provides the sex violator with a legally imposed safeguard against successful prosecution," said the grand jury.

"In our opinion it allows the habitual sex offender to continue his activity with little fear he will be brought to justice," said the panel in its report.

The rule of evidence requiring corroboration in sex crimes can be changed by legislative action. Rules governing admissibility of confessions are subject to rulings by the high courts.

PLEDGES EFFORTS

Dillon has pledged his efforts to alter both "in an attempt to restore sanity to the judicial process."

There is also growing concern among court administrators over the time required to try individual cases in light of Appellate Court rulings that increasingly broaden the rights of defendants.

The Erie County judges, in their latest annual report, commented: "A few years ago, criminal motion practice took comparatively little of the court's time.

MUCH TIME

"Today, however, motions in the areas of identification of defendants, searches and seizures, confessions and admissions, sanity and insanity, and many others, occupy a great percentage of each judge's time and effort."

Pretrial and post conviction remedies now afforded defendants not only greatly increase the work of the courts but also appear to have decreased significantly the number of guilty pleas.

During 1966, there were 403 defendants who pleaded guilty in County Court; 343 in 1967 and 255 in 1968.

Fewer guilty pleas naturally mean more trials. The judges see a need for an increased number of trials even to maintain the present backlog of untried indictments, let alone reduce it.

One hearing in County Court concerning the admissibility of statements began in January and continued, with lengthy recesses, over a period of several months. Total court time required: 35 days.

The defendants, indicted more than a year ago, are still awaiting trial.

"I'm not in favor of a return to the days of the bright lights and the rubber hose," said one veteran court observer, "but when confessions voluntarily given are thrown out by the courts, I say it's time for a change.

"And when grand juries are powerless to indict sex offenders then it's about time more attention is paid to the rights of society," he said.

ESSAY ON PATRIOTISM

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1969

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to include the following essay written by Miss Diane Shavchuk, a student at Kensington High School in Buffalo, N.Y. During this period of great unrest and confusion among our young people, it is encouraging to have this evidence that patriotism and love of country are still alive in the hearts and minds of our youth. Miss Shavchuk's remarks are a fitting tribute for Flag Day, June 14. They follow:

I WAS THERE

(By Miss Diane Shavchuk)

I am young, in comparison to my friends and enemies, but to you, although I seem old I am held with the highest of respect. Though I cannot speak in words, I give my inspiration to another that you may know of my feelings.

I am young, but nevertheless, I was there with General Washington at Valley Forge where three thousand men died from cold and starvation. I was at each battle during the Revolutionary War, and when England was forced to give us our freedom, I cheered with the best of them, though silently.

Things went as smoothly as could be expected for a new government, until England began pressing our sailors which triggered the War of 1812. We won that and how proud I was. Francis Scott Key wrote our National Anthem and became my friend for life.

Everything began to go well with the North and South but before I could even cry out, the Civil War was upon us. Never again do I want to live through such a war. Brother against brother, father against son. The North was to win, but not before the most tragic of events. In a small theater I saw President Lincoln gunned down and could not even help. Tears were many for the death of this man; yet, mine were the most bitter since I could shed none.

Then came World I and World War II, the Korean War, the Cuban Crisis, the Death of President Kennedy, the Vietnam War. I have lived through them all and my Country has lived through them too, a Country built on pure guts and work. Is it to lose this? I wonder. Eventually, I shall find out, for you see I am your flag, Old Glory.

HOUSE OF REPRESENTATIVES—*Monday, June 16, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The ways of the Lord are right and the just shall walk in them.—Hosea 14: 9.

O Thou whose spirit supports us in every noble endeavor and whose strength sustains us as we labor for the good of our fellow man, bless us with a realization of Thy presence as we begin another week and enable us to walk in the way of Thy commandments and to live in the spirit of Thy Son.

Thou hast brought forth on this land a Nation conceived in liberty and dedicated to the good of all men. Help us to maintain our freedoms in the spirit of justice and good will. Save our Nation from further discord and violence. Guide our people that they may see the futility of fostering fear and may seek the path that produces more unity and promotes mutual understanding.

Strengthen our leaders that they may walk with Thee as they make decisions and carry responsibilities. Together may leaders and people endeavor by honorable service and humble spirits to bring peace to our land and to our world. In the spirit of Christ, we pray. Amen.

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THE JOURNAL

The Journal of the proceedings of Thursday, June 12, 1969, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on June 11, 1969, the President approved and signed a bill of the House of the following title:

H.R. 684. An act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4622. An act to amend section 110 of title 38, United States Code, to insure preservation of all disability compensation evaluations in effect for 20 or more years.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

JUNE 11, 1969.

The Honorable, the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a letter of thanks to the Members of the House of Representatives from the Honorable Harry S. Truman, for the resolution of the Congress of the United States of America extending best wishes on the occasion of Mr. Truman's 85th birthday.

With kindest regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

INDEPENDENCE, MO.,
June 4, 1969.

Hon. W. PAT JENNINGS,
Clerk, House of Representatives,
Washington, D.C.

DEAR MR. JENNINGS: I have before me the resolution of the Congress of the United States of America extending best wishes on the occasion of my 85th birthday. This is an honor that I deeply appreciate and greatly cherish.

I have read the text of the resolution with special interest and deep satisfaction.

Please express for me, to the Members of the House, my profound thanks.

Sincerely yours,
HARRY S. TRUMAN.

APPOINTMENT AS MEMBER OF THE JOINT ECONOMIC COMMITTEE

The SPEAKER. Pursuant to the provisions of title 15, United States Code, section 1024(a), the Chair appoints as a member of the Joint Economic Committee the gentleman from Ohio, Mr. BROWN, to fill the existing vacancy thereon.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 81]

Addabbo
Alexander
Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Ashley
Barrett
Bates
Beall, Md.
Belcher
Bell, Calif.
Bevill
Biaggi
Blackburn
Blanton
Blatnik
Boland
Bolling
Brock
Broyhill, N.C.
Burton, Utah
Cahill
Carey
Celler
Chappell
Chisholm
Clausen, Don H.
Conyers
Cowger
Cramer
Culver
Cunningham
Daddario
Delaney
Dellenback
Denney
Diggs
Dingell
Dorn
Downing
Dulski
Eckhardt
Edmondson
Edwards, La.
Erlenborn
Esch
Fallon
Findley
Fisher
Flood
Flynt
Foley
Frelinghuysen
Gallagher
Giaimo
Gibbons
Gray
Green, Oreg.
Hanna
Hastings
Hébert
Helstoski
Hogan
Jacobs
Jarman
Jones, Ala.
Jones, N.C.
Karth
Kirwan
Kluczynski
Koch
Landgrebe
Long, La.
Lowenstein
Lukens
McCloskey
McClure
McEwen
McFall
Madden
Mailliard
Mathias
May
Mikva
Miller, Calif.
Minish
Moorhead
Morton
Mosher
Murphy, N.Y.
Nix
O'Hara
Olsen
O'Neal, Ga.
Pepper
Pollock
Powell
Purcell
Quie
Quillen
Rees
Reuss
Rhodes
Roberts
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Roudebush
Roybal
Ruppe
St. Onge
Sandman
Satterfield
Scheuer
Shipley
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Tunney
Watkins
Weicker
Whalley
Wold
Wolff
Wydler

The SPEAKER. On this rollcall 297 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON CENSUS AND STATISTICS TO SIT TODAY

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that the Subcommittee on Census and Statistics be authorized to meet this afternoon, while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. HALL. Mr. Speaker, reserving the right to object, I would ask the gentleman from California whether the request concerning the subcommittee has been cleared with the minority members on said subcommittee?

Mr. CHARLES H. WILSON. If the gentleman will yield. I would state to the gentleman that the gentleman from Connecticut (Mr. MESKILL) was in the committee meeting at the time I stated I was going to ask unanimous consent, and the gentleman said he would make every effort to be there. The other members were not in attendance at the time.

Mr. HALL. Mr. Speaker, I strongly suggest that the gentleman withhold his request at this time, otherwise I will be constrained to object, in view of the explanation made by the gentleman on the lack of contact between the gentleman and the ranking minority member.

Mr. CHARLES H. WILSON. Mr. Speaker, I will contact Mr. MESKILL.

Mr. HALL. I thank the gentleman.

Mr. CHARLES H. WILSON. Mr. Speaker, I withdraw my request.

The SPEAKER. The gentleman withdraws his request.

U.S. SUPREME COURT RULES THAT ADAM CLAYTON POWELL WAS WRONGFULLY EXCLUDED FROM THE HOUSE OF REPRESENTATIVES

Mr. COLMER. Mr. Speaker, as I walked upon the floor of the House a moment ago, I was advised that the Supreme Court had again invaded the province and jurisdiction of this legislative body. The news service reports that the Court has ruled in the Powell case that this House had wrongfully denied a seat to the Member from New York in the 90th Congress.

I have some reluctance in commenting on this matter, Mr. Speaker, but I feel so keenly about maintaining the division of powers and the independence of the legislative, judicial, and executive departments of our Government, as prescribed in the Constitution of the United States, that I cannot abstain. There is something more involved here than POWELL. The question of whether the constitutional provision for the separation of powers between the three branches of Government is far more important than any individual. I have always understood that the Founding Fathers provided that the judiciary, the legislative, and the executive departments are equal, coordinate, and independent in their powers and judgment. And, if I can comprehend plain language, that document also provides that the House shall be the judge of the qualifications of its own Members.

Mr. Speaker, after the suit was brought, from which this decision stemmed, and the question of employing counsel to represent the House was discussed, I took the position then as now that it was a mistake for the House to dignify the suit by employing counsel. I thought then as I think now, that the suit should have been ignored. More than $200,000 of the taxpayers' money would thus have been saved. I hope that in its wisdom the House will follow this procedure in the further proceedings which I understand is provided for in the Court decision.

The question of whether he should have been seated really is now moot, since the 90th Congress has expired. The only further confrontation which I can now see is with the question of whether POWELL should be paid the emoluments of the office during the 90th Congress.

In view of the overwhelming vote against his being seated at that time, and the provisions of the Constitution, it is difficult for me to conceive that this House will humble itself to the Court by payment of any funds to the claimant for the 90th Congress.

Finally, Mr. Speaker, so far as I am concerned, I believe that the House should take the attitude of a former great President of the United States, Andrew

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Jackson. After the Supreme Court had reached a decision in Worchester against Georgia—March 3, 1832—which he thought infringed upon constitutional rights of the Executive, President Jackson said:

> John Marshall has made his decision. Now let him enforce it.

SUPREME COURT DECISION ON ADAM CLAYTON POWELL

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, I am sure I feel very differently about the Supreme Court—different from our colleague from Mississippi, who addressed us a moment ago.

I respect the Supreme Court. However, I too feel it has trespassed on the independence of Congress.

The House of Representatives, many times in history, has declared it does have the right to refuse membership to a person constitutionally qualified who has betrayed the public trust.

Regretfully, this decision on ADAM POWELL will encourage legislative defiance of the Court's authority. A House majority almost certainly will refuse to appropriate the funds for back pay to which the Court says the gentleman from New York (Mr. POWELL) is entitled.

Permissiveness is thus sanctioned for the highest places in American life. Two years ago the gentleman from New York (Mr. POWELL) was a fugitive from justice. As such, he would have been barred from induction into military service. Yet the Court finds he was entitled to sit in a legislative body which orders other men into service.

I must disagree.

DOES $25 FEE TO BECOME MEMBER OF SUPREME COURT BAR GO INTO TREASURY?

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute.)

Mrs. GRIFFITHS. Mr. Speaker, when Louis Rabaut of the 14th Congressional District of Michigan first came to this Congress, he was put on the Committee on Appropriations.

Louis Rabaut with two other young men—and they were all lawyers who had joined the Supreme Court bar—looked at this question in the Committee on Appropriations and could not find that the $25 which they had contributed for being made members of the Supreme Court bar had ever gone into the general funds of the Treasury.

So they decided they would go over and question the Chief Justice. They made an appointment and went over. The Court Building was new at that time and the Justice showed them all around and showed them the beautiful staircases. Finally, they sat down in his office and he said, "Gentlemen, what can I do for you?"

Mr. Rabaut spoke up and said, "Sir, we have been wondering what you do with the $25 that you collect from people who become members of the Supreme Court bar."

The Chief Justice rose and said, "Gentlemen, I would like to remind you there is a division of power in this country—there is the door."

Mr. Speaker, I have not looked to see whether we are getting that $25 or not. But I presume that that precedent is gone—and if it is, under the new rules, I propose that the Committee on Appropriations go over and get each $25 paid by new members. The Supreme Court has no authority, to my knowledge, to levy a tax.

REPRESENTATIVE McCULLOCH RECEIVES DEGREE

(Mr. BOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOW. Mr. Speaker, I am pleased to announce that the achievements of our distinguished colleague, the dean of the Ohio Republican delegation in the House, WILLIAM MOORE MCCULLOCH, were recognized by his alma mater last week when the College of Wooster conferred upon him the degree of doctor of laws.

The gentleman from Ohio (Mr. MCCULLOCH) is one of Wooster's most distinguished alumni, and in saying that I place him in a group of men and women who have gone out from Wooster to win the highest distinction, nationally and internationally, in law, the fine arts and the sciences.

The College of Wooster is close to my heart, as to BILL's. For 16 years it was a part of my constituency and it was a great pleasure and honor to me to work with and for the institution. I am pleased that the college and its faculty have thus honored our colleague.

EXTENSION OF SURTAX

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, the administration's effort to force through a full year extension of the surtax for the purpose of generating a $6.8 billion surplus on a take-it-or-leave-it basis threatens the administration with a loss of revenue which would produce a balanced budget.

It is fully apparent that there is widespread support for providing the administration with sufficient revenue to balance the budget. Congress will meet this responsibility if it has this choice.

However, the administration cannot expect Congress to provide a surplus to widen credit markets for the benefit of the financial sector which has provided no responsible leadership in either fighting inflation or high interest.

It is lazy economics to place the full burden of inflation control on the backs of the average taxpayer who pays taxes.

From the mail I get, the administration's surtax proposal is vigorously urged by those forces of our economy which enjoy the ultimate advantage of tax loopholes and tax shelters. They urge the surtax to protect their advantage—and expect the average taxpayer to pay for this indulgence and privilege.

PERMISSION FOR SUBCOMMITTEE ON CENSUS AND STATISTICS, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, TO SIT TODAY

Mr. CHARLES H. WILSON. Mr. Speaker, I renew my unanimous-consent request for the Subcommittee on Census and Statistics of the Committee on Post Office and Civil Service to sit today while the House is in session. This has been cleared with the ranking minority member.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DECISION IN THE CASE OF ADAM CLAYTON POWELL

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, I appreciate the remarks of our colleague from Mississippi. As my colleagues will remember, I was one who disagreed at the time about the wisdom of employing counsel in the Powell case.

I believe that many attorneys are familiar with the situation whereby a court may not have jurisdiction but one can give it to them if one enters an appearance or takes certain action.

I am more discouraged at this point because, if my information is correct, the amount we have paid counsel in the Powell case would have paid Mr. POWELL's salary several times over the 2-year period; although I want to make it clear I disapprove the payment of that. I shall, have, and will continue to disapprove it.

I should like to join my colleague from California in expressing respect for the Court. I am an attorney. Anything which degrades the Court I believe lets down the whole profession. I respect the Court, and I want to respect the Court.

I am pleased Justice Fortas resigned from the Court when his foundation connections were brought forward. I was pleased Justice Douglas resigned from a foundation when its connections with him were shown. He is still on the Court. I was pleased to learn that Justice Burger intends, apparently, to sever his foundation connections as he becomes Chief Justice of the Court.

I am concerned and disturbed by the decision in the Powell case. I wonder if there is any foundation for it?

FLAG DAY COMMITTEE COMMENDED

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, I would like to take this opportunity to commend the Flag Dag Committee who

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planned and executed most impressive Flag Day ceremonies in this Chamber June 12. I would especially like to point out to my colleagues the prayer of invocation that was offered by our Chaplain, Reverend Latch, that day. I feel so strongly about this prayer that I would like to repeat it at this time.

" 'Thou hast given a banner to them that fear Thee, that it may be displayed because of truth.'—Psalms 60: 4.

"Almighty God, we thank Thee for our beloved Republic, for the heritage which is ours, for the traditions and the institutions of a free people which have come down to us through the sacrifices of our fathers, and for which we now must live and labor to keep alive in our day.

"Our hearts are thrilled as we look upon the starry banner, the flag of our United States of America. It speaks of freedom and democracy. It stands for law and order, justice and liberty, for peace and good will to all. It serves to proclaim the good news of a government of the people, by the people, and for the people. May this flag continue to be the symbol of hope to the oppressed, the rainbow of promise to the downtrodden, and the banner of freedom to all men.

"May we celebrate its birth not only with our lips but with the lives devoted to Thee and dedicated to our country. Amen and Amen."

CONSTITUTIONAL CRISIS—THE POWELL DECISION

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RARICK. Mr. Speaker, as a former judge I hold the highest respect for our judicial system. However, my respect does not extend to all individuals serving on the Supreme Court at this time—especially to those Judges who I am convinced abuse their high trust to unconstitutionally alter our system of government. Chief Justice Warren in his swan song has given the American people his final insult, a license to any Member of this body to misappropriate public tax funds under judicial protection from the wrath of honest men. This is exactly how Warren's lameduck decision will be interpreted by the hard-working taxpayers at home.

But the constitutional confrontation is who is running the business of this House? We Members, or a temporary majority of the Supreme Court?

If this House is to bow to court orders controlling the conduct of its internal business—the separation of powers—the Constitution itself is dead.

Regardless of whether the action of the prior House in tolerating judicial interference in its internal affairs was right or wrong—this House is faced with the constitutional crisis.

If we bow to the orders of the Supreme Court it necessarily follows that we become subservient to the orders of any lesser Federal judge.

Mr. Speaker, you may find yourself enjoined from presiding or may even be removed from your position at the suit of a Member or a voter.

The Rules Committee may find itself subjected to writs of mandamus or injunctions in its normal operation.

The entire seniority system of this body could be destroyed by judicial fiat.

Our very freedom of speech on this floor is endangered.

The majority of this House must resolve to take an unrelenting stand in defense of the Constitution which we have sworn to preserve and defend. We must be the master in our house.

The Supreme Court has spoken. How does it propose to enforce its unconstitutional decision?

Mr. Speaker, I strenuously object to the Supreme Court's threatened usurpation.

THE WORLD FAMOUS REPUBLICAN BASEBALL TEAM

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, last week I reported that the world famous Republican baseball team had held its first practice. I want all of you to know that this agile, high-spirited group of "dawn marauders" has continued to train, fearlessly facing the unpredictable forces of nature, the wet, soggy fields, and the early morning hours.

However, despite the presence of field artillery at the Ellipse practice field, Thursday morning, efforts to maintain strict security in concealing the first strike capabilities of the fire-powered Republican team have failed. My team's universal acclaim precedes us, and we must acknowledge that our strategies are well known.

The GOP team has implemented a retaliatory defense to combat the Democrat's "thick" ABM system, referring to their antibaseball monopoly effort. In a sense, our defense strategy is an anti-ABM system called the MIRV, meaning "Measures Insuring a Republican Victory."

I might also add that in this developing "arms race" our record of six wins, including last year's 16-to-1 rout, and one loss will be an instrumental deterrent which will enable us to operate from a position of strength.

My confidence in the GOP sluggers is such that I have tentatively positioned Representative WILMER "VINEGAR BEND" MIZELL in left field rather than on the pitcher's mound lest we be accused of playing foul ball.

I am also pleased to announce that the high standards of this game will be further guaranteed by the presence of, and officiation by, Mr. Bowie Kuhn, Commissioner of Baseball.

So, tomorrow night at R. F. K. Stadium it will be, "Take me out to the ball game."

(Mr. UDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL. Mr. Speaker, despite the bombastic, self-serving remarks of Mr. CONTE, I ask all of my colleagues to come to R. F. K. Stadium tomorrow night to witness a beating which will be administered to this miserable Republican baseball aggregation that has just been described—a victory which will long be remembered in the annals of sport.

Mr. Speaker, tomorrow night we shall deploy a defense system. It will be quite old and a thin defense system; in fact, in some places, namely the infield and outfield, it will be very thin indeed. I can assure you of this.

We had planned as a surprise to possibly deploy on the pitching mound the gentleman from New York (Mr. POWELL). But in view of today's Supreme Court decision, the passions it has aroused, and the uncertainty of our colleague's status with this body, I can advise the House that we may change plans and deploy on the mound that great athlete, the gentleman from the State of Texas, HENRY "SPEEDY" GONZALEZ. Further decisions at this point will be announced as they occur.

I can say finally to my colleagues that in the tradition of the Democratic team, an aggregation which has suffered so many undeserved beatings in these games, we shall flatly refuse to deploy a single former professional baseball player. We shall rely entirely upon the tired bones of the fading muscles of the humble, ordinary Democratic Members of this House.

MINORITY OF COMMITTEE ON EDUCATION AND LABOR PREVENTS ACTION ON LEGISLATION TO CURB VIOLENCE ON THE NATION'S COLLEGE CAMPUSES

(Mr. McDONALD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDONALD of Michigan. Mr. Speaker, for 3 days now a minority of the Committee on Education and Labor has prevented action on a piece of legislation designed to curb violence on the Nation's college campuses.

I am not speaking for this bill today. I note that committee members on both sides of the aisle regard it as moderate legislation.

What disturbs me, and what should disturb every Member of this body, is that important legislation is being held up because a boycott of the committee has prevented the assembling of a quorum.

A minority is denying the entire House the opportunity to pass upon this legislation.

It is perhaps ironic to note that the boycott has been hailed as a "boon" by one of our local papers which in the past has been quick to condemn congressional committees when it felt they were not acting swiftly enough on bills it favored. This is both a double standard and hypocrisy.

This legislation will come to the floor, of course. But in the meantime, the Representatives of 200 million Americans are being denied the right to exercise their constitutional duty by a handful of dissidents. As the gentleman from Illinois (Mr. ERLENBORN) has commented, this action amounts to a "tyranny of the minority."

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SUPREME COURT DECISION IN THE POWELL CASE

(Mr. EDWARDS of Alabama asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, the Powell decision fell on us like a bombshell today. Perhaps we should have expected it, but a decision like this, much like death, is never easy to accept. And, Mr. Speaker, I do not accept it.

Once again the Supreme Court has exceeded it bounds, but this time the Court has completely trampled on the Constitution of these United States in a most fundamental sense. Apparently in the eyes of the Court the three coequal branches of Government no longer exist as the Constitution intended. This is a sad day for this country.

Well, Mr. Speaker, I do not subscribe to such unconstitutional, irresponsible, and improper actions of the Court. The House action in excluding Mr. POWELL in 1967 was correct in my opinion, and I will not be a party to carrying out the orders of the Court in reversing that action.

Let the Court try to enforce its own decree.

PRESIDENT NIXON FACES AVIATION NEEDS

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DEVINE. Mr. Speaker, we must provide for an orderly expansion of civil aviation during the coming decade. In 1968, scheduled airlines logged over 150 million passenger trips, triple that of a decade ago; at the same time, the general aviation fleet almost doubled and the use of air freight quadrupled. That rate of increase is sure to continue for the next 10 years—especially if we prepare for it now.

I am in support of the President's proposal of expending reasonable sums annually for construction of airways facilities and equipment. The average of $93 million per year we have been spending simply is not geared to meet our current requirements.

Although our immediate problem is to meet the needs of the 1970's we must not neglect the requirements of the 1980's in our planning. Consequently, the Nixon program includes a provision for a doubling of development funds, as well as a 50-percent expansion for the operation and maintenance of the air traffic system in the next decade.

SUPREME COURT ERRS IN POWELL DECISION

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, there is error in the lengthy 62-page opinion in the case of ADAM CLAYTON POWELL against the U.S. House of Representatives. Contrary to the Court's statements in its opinion. POWELL was excluded by the 90th Congress for his activity during the 90th Congress and not for activity in an earlier Congress. The motion to exclude, which required only a majority vote, was proper. The exclusion was proper. A motion for rehearing ought now to be filed with the High Court without delay.

POWELL was excluded by the 90th Congress because in and during that Congress he continued to refuse to account for his expenditure of funds entrusted to his care while chairman of a standing committee of an earlier Congress. He also continued to refuse to explain his conduct as well as compounding his contemptuousness toward the 90th Congress by blatant defiance manifested by repeated public statements and press conferences many of which emanated from Bimini while the 90th Congress was in session in Washington. His duty to respond to the questioning of appropriate officials of the 90th Congress derived from his obligation to that Congress whether or not he had been administered the oath of membership. Failure to respond is certainly action justifying exclusion. I so stated in general debate prior to the vote on March 1, 1967.

The power of the House of Representatives to exclude for such conduct is recognized in the citations and context of the Court's opinion. POWELL was not excluded for something occurring in a prior Congress. The matter should now be reheard and reargued before the High Court at the earliest possible moment. Hopefully, after this has been done, it may be possible to have an opinion in one page that recognizes the inherent constitutionally protected right of the legislative branch of our Government to deal with situations of this type that involve a continuing affront to the dignity and efficacy of the U.S. House of Representatives.

FREE LOW-INCOME FAMILIES FROM INCOME TAX

(Mr. BENNETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, I was pleased to see that the House Ways and Means Committee has agreed tentatively to support legislation which I introduced 4 years ago, freeing low-income families in the poverty class from the payment of heavy Federal income taxes.

I introduced legislation "to provide assistance to individuals with low incomes by reducing the amount of income tax" on March 29, 1965. My bill, H.R. 962, was introduced in the 91st Congress, on January 3, 1969, and it is identical to the earlier legislation.

It was my feeling 4 years ago and is today that the Federal Government was going directly at the source of a man's livelihood in taxing a person making $3,000 or less, and that this taxing provision led to welfare payments, putting a person on a dole or subsidy.

Rather than subsidize the poverty bracket taxpayer, and subject him to the welfare class, why not reduce or eliminate his Federal income tax? My bill would do this, and I am pleased the Ways and Means Committee supports the legislation in principle.

In his last speech as Secretary of the Treasury in 1965, Douglas Dillon, endorsed the idea of lower taxes for poor people, and I have pushed for enactment of my proposal through three Congresses, including testimony before the Ways and Means Committee in April of this year.

Mr. Speaker, I congratulate the House Ways and Means Committee on its work and support of this proposal and I am hopeful for favorable action by the Congress. Poor people should get a tax break from the Federal Government; it would not only reduce welfare and subsidies, but also provide a degree of dignity to our lower income families who would be free from the dole.

PREPARING FOR THE FUTURE OF AIR TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-130)

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

PREPARING FOR THE FUTURE OF AIR TRANSPORTATION

Years of neglect have permitted the problems of air transportation in America to stack up like aircraft circling a congested airport.

The purpose of air transportation is to save time. This purpose is not served when passengers must wait interminably in terminals; when modern jet aircraft creep at five miles per hour in a long line waiting for takeoff; when it takes longer to land than it takes to travel between cities; or when it takes longer for the air traveler to get to an airport than it does to fly to his destination.

In the tenth year of the jet age, more intercity passenger miles were accounted for by air than by any other mode of common carriage. In 1968, scheduled airlines logged over 150 million passenger trips, triple that of a decade ago; at the same time, the non-airline aircraft fleet almost doubled and the use of air freight quintupled. That rate of increase is likely to continue for the next decade—but it can be accommodated only if we prepare for it now.

The growth in the next decade must be more orderly. It must be financed more fairly. It must be kept safe. And it must not permit congestion and inadequate facilities to defeat the basic purpose of air transportation: to save time.

Air travel is a convenience hundreds of thousands of people take for granted—a means of commerce that millions depend upon for their goods and services. In a nation as large as ours and in a world grown suddenly small, flight has become a powerful unifying force. The ability to transport people and products by air—safely, surely and efficiently—is a national asset of great value and an international imperative for trade and travel.

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That ability is being challenged today by insufficiencies in our nation's airports and airways. The demand for aviation services is threatening to exceed the capacity of our civil aviation system. Unless relieved, this situation will further compromise the convenience of air transportation, erode its efficiency and—ultimately—require more regulation if the enviable safety record of the airplane as a means of public and private transportation is to be preserved.

The challenge confronting us is not one of quality, or even of technology. Our air traffic control system is the best in the world; our airports among the finest anywhere. But we simply do not have the capacity in our airways and airports ample to our present needs or reflective of the future.

Accordingly, the Secretary of Transportation is submitting to the Congress today legislative proposals to provide the resources necessary to the air transportation challenges facing us. These proposals are responsive to the short-term as well as the long-range opportunities for civil aviation progress.

IMPROVING OUR AIRWAYS

To provide for the expansion and improvement of the airway system, and for a high standard of safety, this Administration proposes that *the program for construction of airways facilities and equipment be increased to about $250 million annually* for the next ten years. This is in sharp contrast to the average of $93 million appropriated in each of the past ten years, and is responsive to the *substantial expansion in the operation and maintenance of the air traffic system in the next decade.*

While this will provide for the needs of the 70s, development for the 1980s and beyond cannot be neglected. Technology is moving rapidly and its adaptation to provide future solutions must keep pace. Consequently, this program includes a provision for a doubling of development funds.

BUILDING AND IMPROVING AIRPORTS

The proposed airport program consists of both an expanded planning effort and the provision of additional Federal aid for the construction and improvement of airports. The airport systems planning we contemplate at both the Federal and local level will begin a new era of Federal, State and local cooperation in shaping airport development to meet national and local needs.

I propose Federal aid for airport development in fiscal 1970 of $180 million and in fiscal 1971 of $220 million, with continued expansion leading to a total of two and one-half billion dollars in the next ten years. Together with matching grants on a 50–50 basis with State and local governments, this strongly increased program will permit financing of *five billion dollars in new and expanded airfield facilities.*

The proposed fiscal year 1970 program of $180 million would help finance the development of airfield facilities, the conduct of airport systems planning, and airport planning and development activities carried on by States.

Of the $180 million,

—$140 million would be available for grants to air carrier and general aviation airports, with a primary objective of alleviating congestion in the most heavily used air terminals.

—$25 million in grants would be available to aid in the development of airfields used solely by general aviation.

—$10 million would be available in grants to planning agencies to assist them in conducting airport systems planning.

—$5 million would be available for grants to States to carry on airport planning and development activities.

Airport terminal buildings are a responsibility of local airport authorities. The Administration's legislative proposal suggests ways in which those authorities can meet that responsibility.

IMPROVING THE ENVIRONMENT OF TRANSPORTATION

In all planning for airways and airports, it will be the policy of this Administration to consider the relation of air transportation to our total economic and social structure.

For example, existing jetports are adding to the noise and air pollution in our urban areas. New airports become a nucleus for metropolitan development. These important social and conservation considerations must be taken into greater account in future air systems development.

In addition, airport planners must carefully consider the opportunity for business growth and the availability of labor supply. The presence of airport facilities is both a follower of and a harbinger of business and job development.

Most important, government at all levels, working with industry and labor, must see to it that all aviation equipment and facilities are responsive to the needs of the traveler and the shipper and not the other way around. Transportation to airports, whether by public conveyance or private vehicle, is as much a part of a traveler's journey as the time he spends in the air, and must never be viewed as a separate subject. A plane travels from airport to airport, but a person travels from door to door. I have directed the Secretary of Transportation to give special attention to all the components of a journey in new plans for airways and airports improvements.

FINANCING AIR TRANSPORTATION FACILITIES

The Federal Government must exert new leadership in the development of transportation, in the integration of the various modes, and in supporting programs of national urgency.

However, the added burden of financing future air transportation facilities should not be thrust upon the general taxpayer. The various users of the system, who will benefit from the developments, should assume the responsibility for the costs of the program. By apportioning the costs of airways and airports improvements among all the users, the progress of civil aviation should be supported on an equitable, pay-as-we-grow basis.

At present, the Treasury obtains revenues, generally regarded as airways user charges, from airline passengers who pay a five per cent tax on the tickets they buy, and from the operators of aircraft who pay a tax at the effective rate of two cents a gallon on aviation gasoline. The revenues obtained from these taxes are not applied directly to airways expenditures. They are either earmarked for other purposes or go into the general fund of the Treasury.

I propose that there be established a revised and expanded schedule of taxes as follows, the revenues from which would be placed in a Designated Account in the Treasury to be used only to defray costs incurred in the airport and airway programs:

—A tax of eight percent on airline tickets for domestic flights

—A tax of $3 on passenger tickets for most international flights, beginning in the United States

—A tax of five per cent on air freight waybills

—A tax of nine cents a gallon on all fuels used by general aviation.

This new tax schedule would generate about $569 million in revenues in fiscal year 1970, compared with the revenues of $295 million under existing taxes.

To sum up:

—For the airline passenger, the proposed legislation would save his time and add to his safety.

—For the air shipper, it would expedite the movement of his goods, thereby permitting him to improve his services.

—For the private aircraft owner, it would provide improved facilities and additional airports.

—For the airline, it would permit greater efficiencies and enable the carrier to expand its markets by providing greater passenger convenience.

In short, the airways and airports system which long ago came of age will come to maturity. Those who benefit most will be those who most bear its cost, and the nation as a whole will gain from aviation's proven impetus to economic growth.

The revenue and expenditure programs being proposed are mutually dependent and must be viewed together. We must act to increase revenues concurrently with any action to authorize expenditures; prudent fiscal management will not permit otherwise.

These proposals are necessary to the safety and convenience of a large portion of our mobile population, and I recommend their early enactment by the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1969.*

PRESIDENT'S MESSAGE ON FUTURE OF AIR TRANSPORTATION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, the President's message on the future of air transportation dramatically points up

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the need for a new and expanded program if the United States is to move ahead in the 1970's to provide proper safety, adequate operational facilities, and sufficient financing. All segments of the aviation industry should wholeheartedly support the new program for expanded operational and navigational facilities and should endorse the proposals for greater revenue by the users to pay the costs. I certainly do.

The recommended method of financing is one constructive proposal, and the Congress, after examining other alternatives, may well find it the best. By recommending a package proposal for expanded procurement and construction plus additional Federal revenue for financing, the President has presented a constructive program that Congress should consider and approve promptly. The single legislative package approach is the only answer to the serious problem that must be solved if we are to maintain air safety and aviation progress.

Mr. **KUYKENDALL**. Mr. Speaker, I would like to endorse the forward-looking program enunciated in President Nixon's message on the future of air transportation.

We must provide for an orderly expansion of civil aviation during the next 10 years. In 1968, scheduled airlines logged over 150 million passenger trips. That is three times as many as 10 years ago. At the same time, the nonairline fleet almost doubled and the use of air freight quadrupled. That rate of increase is sure to continue for the next 10 years—especially if we prepare for it now.

For this reason I am in complete support of the President's proposal of expending around $250 million annually for construction of airways facilities and equipment. The average of $93 million per year we have been spending simply is not geared to meet our current requirements.

Although our immediate problem is to meet the needs of the 1970's, we dare not neglect the requirements of the 1980's in our planning. Consequently, this program includes a provision for a doubling of development funds, as well as a 50-percent expansion for the operation and maintenance of the air traffic system in the next decade.

Intelligent and timely planning for growth makes good sense because it saves us money in the long run and enables us to meet our needs in an orderly manner rather than on moving from crisis to crisis as we have been doing for so long.

Mr. **BURTON** of Utah. Mr. Speaker, my Webster's Seventh New Collegiate Dictionary offers three definitions of transportation. It is the second definition which struck my eye as I glanced there today. It defines transportation this way: "Banishment to a penal colony."

As one who has many, many times suffered the torments of the damned trying to get from my office to the airport, then trying to get a flight that suited my needs, then discovering that the flight would be late in taking off, then discovering that we would be flying long enough in a holding pattern over some crowded airport that I would have time to read—for the 50th time—the instructions for use of oxygen apparatus, then landing to discover that I now had to make my way many miles to the meeting I had so optimistically hoped to make on time—I know that traveling can be a modern version of penal servitude.

And so I greet the President's message with a hosanna and the hope that this great, bold, needed message will meet with the approval of all Members of the Congress, or at least those who are not circling National Airport when it comes time to vote.

Mr. **BUSH**. Mr. Speaker, air travel has enjoyed a fantastic rate of growth these past few years. The reason is simple—it offers the utmost in convenience, efficiency, safety, and enjoyment. However, this is an industry that is rapidly approaching a "bottleneck."

The demand for aviation services has become so great that the airspace system necessary to accommodate the demand is showing signs of severe strain. The big problem is an airport and airway system that is becoming outstripped by events. Our large cities are particularly hard pressed for enough landing facilities to provide for an efficient flow of air traffic.

The time has come for the Federal Government to exercise a role of leadership and provide financial assistance. This should be done in the form of grants. The grants can be financed through an expanded type of the user tax, as proposed by the President.

We must react now in assisting the aviation industry to meet the requirements our country is demanding.

Mr. **BROCK**. Mr. Speaker, most of us in Congress are affected to a great extent by the transportation industry, and most particularly the aviation portion. Therefore, we know firsthand that the facilities at many of our major air terminals are deplorable. There seems to be more and more time consumed in needless waiting for tickets, baggage service, and space for taking off and landing. Improvement is needed now, today. We have the necessary technology to accomplish these improvements. The major task facing us today, is one of coordinating Federal and local planning and financing, thereby, providing an atmosphere of friendly cooperation while working in unison.

The Federal Government must lead the way with leadership, technology, and grants. If we fail to take these necessary steps, future growth will be stymied, the element of safety could become a significant factor, and the services we have today will further deteriorate.

I hope all responsible Members of Congress will support the President in his efforts to expand the Nation's airport and airway system.

Mr. **WYMAN**. Mr. Speaker, the proposals of the President of the United States will go far toward breaking the logjam afflicting present day air travel in this country. At long last President Nixon has grappled directly with the question of providing adequate funding for both commercial and private airport development and operation. No area of greater concern to growing America presses with more urgency on an expanding people than that of air safety, ready mobility, and incentives to both commercial and general aviation operations.

In fiscal 1970 there would be provided nearly $200 million to help finance the development of airfield facilities, planning for airport systems, and supplementing local and State airport planning and development. Not less than $25 million in grants would be available to aid in the development of airfields used solely by general aviation.

In order to finance such operations on an assured and continuing basis it is highly advisable to provide that revenues from airport user charges, aviation gasoline and fuel, and airline tickets, should be earmarked for aviation expenditures only. This has not been done to date, and it is needed now. The increases in taxes are carefully weighted so as, in the opinion of experts in the field, not to discourage consumption or travel to the point of diminishing returns. As the President states the revenue and expenditure programs are mutually dependent. Failure to provied for revenues to meet the charges for needed safety measures would be fiscal irresponsibility. As a member of the House Republican task force on transportation I endorse and support President Nixon's recommendations and urge their speedy implementation by this Congress.

Mr. **STEIGER** of Wisconsin. Mr. Speaker, I want to add my voice to those commending President Nixon today for the comprehensive approach of his message on the future of air transportation.

It is well past the time that the Nation needs to look at air transportation as a whole, not as just the sum of its parts. We need to consider the fact that the commercial air traveler does not travel only from airport to airport. He travels from his office to his customer's office. Or he travels from his home to the home of another. He does not travel from city to city, he travels from door to door. It is necessary to consider ground transportation to and from the airport, parking facilities and air terminal services as well as the time spent in the air to get a picture of all components of a journey. President Nixon has correctly expressed a concern for the total needs of transportation.

We further need to consider the fact that not all business travel is commercial travel. In my part of the country, in central Wisconsin, commercial travel and shipping service is not available in some cities where important industries are located. It is very important that we give proper consideration to the valuable role of general aviation.

Finally it is important to remember that the problems of air transportation are not entirely problems of the Federal Government. Airport terminal facilities,

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for instance, are a responsibility of local airport authorities.

The Federal Government must exert new leadership in the development of air transportation. The President's thoughtful analysis of the problem is a welcome first step toward a reevaluation of air transportation policy.

GENERAL LEAVE TO EXTEND

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the subject of the President's message.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

DISCONTINUANCE OF ANNUAL REPORT TO CONGRESS AS TO ADMINISTRATIVE SETTLEMENT OF PERSONAL PROPERTY CLAIMS

The Clerk called the bill (H.R. 4246), to discontinue the annual report to Congress as to the administrative settlement of personal property claims of military personnel and civilian employees.

Mr. HALL. Mr. Speaker, I ask unanimount consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDING UNITED STATES CODE TO AUTHORIZE SECRETARY CONCERNED TO MAKE PARTIAL PAYMENTS ON CERTAIN CLAIMS

The Clerk called the bill (H.R. 4247), to amend section 2734 of title 10, United States Code to authorize the Secretary concerned to make partial payments on certain claims which are certified to Congress.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDING SECTION 336(c) OF THE IMMIGRATION AND NATIONALITY ACT

The Clerk called the bill (H.R. 3666) to amend section 336(c) of the Immigration and Nationality Act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to know if it is the intent of those who have presented this bill that it leave with the various States of the Union the right of determination, following naturalization, with respect to complete voting privilege?

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Speaker, this will in no way interfere with the operation of any State election.

Mr. HALL. This would not affect them at any time, except to change the presidential election—the general elections—for 60 days prior thereto?

Mr. FEIGHAN. That is the only change: permitting naturalization within the period of 60 days preceding a general election.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, is the gentleman saying that with the passage of this bill we would no longer need fear block voting and colonization of votes as was practiced in days gone by, the use of which at one time brought a Member to Congress who was subsequently thrown out by the House? Is the gentleman saying that the laws of the various States have been so amended that there is no longer block voting or colonization of votes?

Mr. FEIGHAN. Mr. Speaker, I see no fear of block voting today. This merely provides that within that period of 60 days preceding a general election, if all the requirements of the law are complied with, a person may be nationalized.

Mr. GROSS. Mr. Speaker, the gentleman's report takes note of the fact that, in days gone by, immigrants were the victims of block voting and colonization, as it was called—colonization of voting. I just want to be sure when we change a law with respect to immigrants that the situation of days gone by—and an unholy situation it was—will not again recur.

Mr. FEIGHAN. It will not, because in the previous instances the laws governing application for an immigrant to be a citizen were not as stringently enforced as they are at the present time. The residence requirements of the Immigration and Nationality Act for Naturalization and the stricter election laws enacted by the States now effectively prevent such abuses.

Mr. GROSS. Then the gentleman is giving the House that assurance?

Mr. FEIGHAN. Yes, indeed.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Ohio, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

There being no objection, the Clerk read the bill, as follows:

H.R. 3666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336(c) of the Immigration and Nationality Act is hereby amended to read as follows:

"(c) Except as otherwise specifically provided in this title, no final hearing shall be held on any petition for naturalization nor shall any person be naturalized nor shall any certificate of naturalization be issued by any court within a period of thirty days after the filing of the petition for naturalization. The Attorney General may waive such period in an individual case if he finds that the waiver will be in the public interest."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

AMENDING SECTION 336(c) OF THE IMMIGRATION AND NATIONALITY ACT

(Mr. FEIGHAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, I introduced H.R. 3666 to repeal that part of section 336(c) of the Immigration and Nationality Act which serves no useful purpose today and which merely results in an inconvenience to petitioners for naturalization, administrative personnel, and the courts.

Section 336(c) of the Immigration and Nationality Act bars the taking of the final oath and acquisition of U.S citizenship within the 60-day period preceding a general election. This provision was incorporated in the Immigration and Nationality Act from prior laws which were enacted to prevent the old political bosses from rushing aliens through naturalization merely to vote in a particular election. Today, there are strict election laws enacted by every State and by local jurisdictions which effectively prevent such abuses. This bill is a result of consultations with bar associations which endorse its enactment and officials of the Department of Justice who recommend enactment. Naturalization for an alien is a most important step and the law should be amended, where needed, to assure the orderly course of naturalization proceedings.

OLDER AMERICANS ACT AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11235) to amend the Older Americans Act of 1965, and for other purposes, as amended.

The Clerk read as follows:

H.R. 11235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Act Amendments of 1969".

EXTENSION OF PROGRAMS

SEC. 2. (a) The second sentence of section 301 of the Older Americans Act of 1965 (42 U.S.C. 3021) is amended by striking "and for the fiscal year ending June 30, 1970, and the two succeeding fiscal years, such sums as the Congress may hereafter authorize by law" and inserting in lieu thereof "$20,-

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000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $30,000,000 for the fiscal year ending June 30, 1972".

(b) Section 603 of such Act (42 U.S.C. 3053) is amended by striking out "and for the fiscal year ending June 30, 1970, and the two succeeding fiscal years, such sums may be appropriated as the Congress may hereafter authorize by law" and inserting in lieu thereof "$12,000,000 for the fiscal year ending June 30, 1970, $15,000,000 for the fiscal year ending June 30, 1971, and $20,000,000 for the fiscal year ending June 30, 1972".

EXTENSION OF DURATION OF PROJECT SUPPORT

SEC. 3. (a) Effective with respect to appropriations for fiscal years beginning after June 30, 1969, the last sentence of section 302(c) of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended:

(1) by inserting "such percentage of the cost of any project as the State agency (designated or established pursuant to section 303(a)(1)) may provide but not in excess of" before "75 per centum";

(2) by striking out "the third year of such project" and all that follows down to but excluding the period and inserting in lieu thereof "the third and any subsequent year of such project".

(b) Effective with respect to appropriations for fiscal years beginning after June 30, 1969, section 303(a)(2) (42 U.S.C. 3023) of such Act is amended by striking out "after termination of Federal financial support under this title".

STATE PLAN REQUIREMENTS FOR PLANNING, COORDINATION, AND EVALUATION

SEC. 4. (a) Effective with respect to appropriations for fiscal years beginning after June 30, 1969, section 303(a) of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended by striking out ", and for coordinating the activities of such agencies and organizations to the extent feasible" in clause (3); by redesignating clauses (4) through (8) as clauses (5) through (9), respectively; and by adding the following new clause after clause (3):

"(4) provides for statewide planning, coordination, and evaluation of programs and activities related to the purposes of this Act in accordance with criteria established by the Secretary after consultation with representatives of the State agencies established or designated as provided in clause (1);".

(b) Effective for fiscal years beginning after June 30, 1969, section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended to read as follows:

"PLANNING, COORDINATION, AND EVALUATION AND ADMINISTRATION OF STATE PLANS

"SEC. 304. (a) There are authorized to be appropriated $5,000,000 each for the fiscal year ending June 30, 1970, and the next two fiscal years for making grants to each State, which has a State plan approved under this title, to pay such percentage, not in excess of 75 per centum, as the State agency (established or designated as provided in section 303(a)(1)) may provide, of the costs of planning, coordinating, and evaluating programs and activities related to the purposes of this Act and of administering the State plan approved under this title.

"(b)(1) From the sum appropriated for a fiscal year under subsection (a), the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa shall be allotted an amount equal to one-half of 1 per centum of such sum or $25,000, whichever is greater, and each other State shall be allotted an amount equal to 1 per centum of such sum.

"(2) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in such State bears to the population aged sixty-five or over in all of the States, as determined by the Secretary on the basis of the most recent information available to him, including any relevant data furnished to him by the Department of Commerce.

"(3) A State's allotment for a fiscal year under this section shall be equal to the sum of the amounts allotted to it under paragraphs (1) and (2); except that if such sum is for any State, other than the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa, less than $75,000 it shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing such sum for each of the remaining States (except the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa), but with such adjustments as may be necessary to prevent such sum for any of such remaining States from being reduced to less than $75,000.

"(c) The amount of any allotment to a State under subsection (b) for any fiscal year which the Secretary determines will not be required for meeting the costs in such State referred to in subsection (a) shall be reallotted from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (1) have need in meeting the costs referred to in subsection (a) for sums in excess of those previously allotted to them under subsection (b) and (2) will be able to use such excess amounts for meeting such costs during the period for which the original allotment was available. Such reallotments shall be made on the basis of such need and ability, after taking into consideration the population aged sixty-five or over. Any amount so reallotted to a State shall be deemed part of its allotment under subsection (b).

"(d) The allotment of any State under subsection (b) for any fiscal year shall be available for payments pursuant to this section to State agencies which have provided reasonable assurance that there will be expended for the purposes for which such payments are made, for the year for which such payments are made and from funds from State sources, not less than the amount expended for such purposes from such funds for the fiscal year ending June 30, 1969."

(c)(1) The heading of title III of the Older Americans Act is amended to read "TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING".

(d) Section 302 of such act is amended by—

(1) deleting the word "title" in subsection (a)(3) and inserting in lieu thereof "section"; and

(2) deleting the phrase "for carrying out the State plan (if any) approved under this title" in subsection (b) and inserting in lieu thereof "for grants with respect to projects in the State under this title".

AUTHORIZATION OF AREAWIDE MODEL PROJECTS UNDER TITLE III

SEC. 5. Title III of the Older Americans Act of 1965 is amended by redesignating section 305 as section 306, and inserting after section 304 the following new section:

"AREAWIDE MODEL PROJECTS

"SEC. 305 (a). The Secretary is authorized, upon such terms as he may deem appropriate, to make grants to or contracts with State agencies established or designated as provided in section 303(a)(1) to pay not to exceed 75 per centum of the cost of the development and operation of statewide, regional, metropolitan area, county, city, or other areawide model projects for carrying out the purposes of this title, to be conducted by such State agencies (directly or through contract real arrangements). Such projects shall provide services for, or create opportunities for, older persons, and shall be in fields of service and for categories of older persons determined in accordance with regulations prescribed by the Secretary after consultation with representatives of such State agencies.

"(b) There are authorized to be appropriated to carry out this section $5,000,000 for the fiscal year ending June 30, 1970, and $10,000,000 each for the fiscal year ending June 30, 1971, and the fiscal year ending June 30, 1972."

REALLOTMENT

SEC. 6. The first sentence of subsection (b) of section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended by striking out "the State notifies the Secretary will" and inserting in lieu thereof "the Secretary determines will".

EXTENSION OF CONTRACT AUTHORITY FOR RESEARCH AND DEVELOPMENT PROJECTS

SEC. 7. (a) Section 401 of the Older Americans Act of 1965 (42 U.S.C. 3031) is amended by striking out "any such agency" and inserting in lieu thereof "any agency".

(b) Such section is further amended by (1) striking out "or" at the end of paragraph (c); (2) striking out the period at the end of paragraph (d) and inserting in lieu thereof ";"; and (3) inserting at the end thereof the following new paragraphs:

"(e) to collect and disseminate, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this title; or

"(f) to conduct conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this title."

TRAINING PROJECTS

SEC. 8. Section 501 of the Older Americans Act of 1965 (42 U.S.C. 3041) is amended to read as follows:

"SEC. 501. The Secretary is authorized to make grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution, for—

"(a) the specialized training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act and the development of curriculums for such training;

"(b) the conduct of studies of the need for trained personnel to carry out such programs;

"(c) the preparation and dissemination of materials, including audiovisual materials and printed materials, for use in recruitment and training of such personnel;

"(d) the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this title; and

"(e) the publication and distribution of information concerning studies, findings, and other materials developed in connection with activities under this title."

NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

SEC. 9. The Older Americans Act of 1965 is amended by redesignating title VI as title VII and sections 601, 602, and 603 as sections 701, 702, and 703, respectively, and by inserting after title V the following new title:

"TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

"PART A—RETIRED SENIOR VOLUNTEER PROGRAM

"GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

"SEC. 601. (a) In order to help retired persons to avail themselves of opportunities for voluntary service in their community, the Secretary is authorized to make grants to State agencies (established or designated pursuant to section 303(a)(1)) or grants to

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or contracts with other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer service programs under this section, if he determines in accordance with such regulations as he may prescribe that—

"(1) volunteers shall not be compensated for other than transportation, meals, and other out-of-pocket expenses incident to their services;

"(2) only individuals aged sixty or over will provide services in the program (except for administrative purposes), and such services will be performed in the community where such individuals reside or in nearby communities either (a) on publicly owned and operated facilities or projects, or (b) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

"(3) the program will not result in the displacement of employed workers or impair existing contracts for services;

"(4) the program includes such short-term training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and provides for the payment of the reasonable expenses of trainees;

"(5) the program is being established and will be carried out with the advice of persons competent in the field of service being staffed, and of persons with interest in and knowledge of the needs of older persons; and

"(6) the program is coordinated with other related Federal and State programs.

"(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Secretary may determine.

"(c) The Secretary shall not award any grant or contract under this part for a project in any State to any agency or organization unless, if such State has a State agency established or designated pursuant to section 303(a)(1), such agency is the recipient of the award or such agency has had not less than sixty days in which to review the project application and make recommendations thereon.

"AUTHORIZATIONS OF APPROPRIATIONS

"Sec. 603. There are authorized to be appropriated, for grants or contracts under this part, $5,000,000 for the fiscal year ending June 30, 1970, $10,000,000 for the fiscal year ending June 30, 1971, and $15,000,000 for the fiscal year ending June 30, 1972.

"PART B—FOSTER GRANDPARENT PROGRAM

"Sec. 611. (a) The Secretary is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay not to exceed 90 per centum of the cost of the development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as "Foster Grandparents" to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

"(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Secretary may determine.

"CONDITIONS OF GRANTS AND CONTRACTS

"Sec. 612. (a)(1) In administering this part the Secretary shall—

"(A) assure that the participants in any project are older persons of low income who are no longer in the regular work force;

"(B) award a grant or contract only if he determines that the project will not result in the displacement of employed workers or impair existing contracts for services.

"(2) The Secretary shall not award a grant or contract under this part which involves a project proposed to be carried out throughout the State or over an area more comprehensive than one community unless—

"(A) the State agency (established or designated under section 303(a)(1)) is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

"(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurance that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency.

"(3) The Secretary shall not award a grant or contract under this title which involves a project proposed to be undertaken entirely in a community served by a community action agency unless—

"(A) such agency is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

"(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurance that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency; and

"(C) if such State has a State agency established or designated pursuant to section 303(a)(1), such agency has had not less than 45 days in which to review the project application and make recommendations thereon.

"(b) The term 'community action agency', as used in this section, means a community action agency established under title II of the Economic Opportunity Act of 1964.

"INTERAGENCY COOPERATION

"Sec. 613. In administering this part, the Secretary shall consult with the Office of Economic Opportunity, the Department of Labor, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this part and in promoting the identification and interest of low-income older persons whose services may be utilized in projects under this part.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 614. There are authorized to be appropriated for grants or contracts under this part, $15,000,000 for the fiscal year ending June 30, 1970, $20,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Sec. 10. (a) Section 102(3) of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by striking "and American Samoa" and inserting in lieu thereof, "American Samoa, and the Trust Trritory of the Pacific Islands".

(b) Section 302(a)(1) of such Act (42 U.S.C. 3022) is amended by striking "and American Samoa" and inserting in lieu thereof "American Samoa and the Trust Territory of the Pacific Islands".

PUBLIC ASSISTANCE

Sec. 11. For the purposes of section 701 of the Economic Opportunity Act of 1964, payments made to or on behalf of any person under a project (of the kind formerly carried on under the Economic Opportunity Act of 1964) assisted under the title VI of the Older Americans Act of 1965, added thereto by this Act, shall be deemed to be payments made to or on behalf of such person under title I of the Economic Opportunity Act of 1964.

EVALUATION

Sec. 12. The title of the Older Americans Act of 1965 herein redesignated as title VII is amended by adding at the end thereof the following new section:

"EVALUATION OF PROGRAMS

"Sec. 704. Such portion of any appropriation under title III or VI or section 703 for any fiscal year ending after June 30, 1969, as the Secretary may determine, but not exceeding 1 per centum thereof, shall be available to the Secretary for evaluation (directly or by grants or contracts) of the programs authorized by this Act and, in the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly."

JOINT FUNDING OF PROJECTS

Sec. 13. The Older Americans Act is further amended by adding at the end thereof) after section 704, added by section 12 of this Act) the following new section:

"JOINT FUNDING OF PROJECTS

"Sec. 705. Pursuant to regulations prescribed by the President, where funds are advanced for a single project by more than one Federal agency to an agency, organization, institution, or person assisted under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose."

The **SPEAKER**. Is a second demanded?

Mr. **REID** of New York. Mr. Speaker, I demand a second.

The **SPEAKER**. Without objection, a second will be considered as ordered.

There was no objection.

Mr. **PERKINS**. Mr. Speaker, I am pleased to bring before the House for its consideration H.R. 11235, a bill to amend the Older Americans Act of 1965. Much of the credit for this important piece of legislation goes to two of our distinguished colleagues, Congressman BRADEMAS of Indiana and Congressman REID of New York, who have worked closely together on the development of this bill. Mr. BRADEMAS and the members of his Select Subcommittee on Education held hearings on a number of bills to amend the Older Americans Act, and as a result

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of their deliberations recommended the bill we are considering today. I heartily endorse their recommendations as do the other members of the Committee on Education and Labor.

I do not need to point out how great a debt we owe to our older citizens. They have given of themselves to make this country, and now we must act to insure for them a life of dignity and honor in retirement.

In 1965 Congress took historic action in passing the Older Americans Act. As a result of this action, over 1,000 programs benefiting older Americans have been initiated. Priorities in these programs have been primarily determined by the States in cooperation with local community leadership. In addition, this Federal-State-local partnership has stimulated greater commitment by private auspices on behalf of the older citizen. H.R. 11235 is designed to make the program even more responsive to the hopes of older Americans and to strengthen the capabilities of State agencies to fulfill the objectives set by Congress in the 1965 act.

Specifically, the amendments will extend the duration of the grant programs of the act; promote planning and coordinated action on behalf of older people at the State level; permit States to continue beyond the third year community projects providing important services; and offer older persons opportunitites to be of service to their less fortunate neighbors.

These are strong foundation blocks in building a network of services to meet the needs of our Nation's elderly. Action is essential in view of the fact that the United States is experiencing a net gain daily of over 800 persons in the 65-plus age group. This is 1 million new citizens of retirement age every 3 years. At the same time, technological advances are reducing the need for man as a producer in our economy. We have been able to retire manpower at earlier ages. The combination of increased lifespan and lower retirement age has created both a privilege and a dilemma for our Nation. For the first time in history, every citizen appears assured of a retirement period in his life. That period averages nearly 14 years and represents over 30,000 hours of time. How to live in dignity on a fixed income and occupy that time in activities which give a sense of purpose to life is the dilemma. It has national significance because of the numbers facing this dilemma and the rising cost of living in the retirement years. For example, some 68 years ago there were slightly over 3 million persons over age 65 in the United States. In the next 30 years the number doubled to six and a half million. But in the next 30-year period from 1930 to 1960, the number increased to over 16½ million persons 65 plus; and in the last 8 years, there has been an additional increase of three and a half million persons in this age group.

The startling fact is that the projections of approximately 30 million over age 65 within 30 years is very likely to be too conservative, due to the advances in medical knowledge in such diseases of the elderly as heart disease and cancer.

This Nation must act today to meet the challenges and the opportunities which such advances are bringing about. To fail to act now to strengthen State and local capabilities to cope with these issues at the individual and community level is to invite complex national issues in the future.

I can speak with special enthusiasm for these amendments for they are based on positive plans rather than as a simple reaction to problems already overwhelming us.

The strengthening of the State agencies on aging is essential if the intent of Congress as expressed in section 101 of the Older Americans Act is to be realized. Testimony has supported the need for a strong, viable unit on aging which can plan, coordinate, stimulate and give focus and visibility to the issues in aging. As existing agencies and institutions seek to meet responsibilities, greater need to coordinate resources and energies has become evident. As private and local concerns are expressed, greater capacity for consultation and expert leadership are demanded of the State agencies designated under the Older Americans Act. It has become evident that a substantial strengthening of the State agencies is imperative if local resolution of many of the present and potential issues in aging is to be a key part of our Nation's program.

State agencies on aging are also given increased authority to determine the time period for Federal support of title III projects. Under present law, Federal support is available for 3 years on a declining 75- 60-, 50-percent matching formula. Upon enactment of these amendments the States would be able to continue funding projects with Federal moneys at not more than a 50-percent matching level. The States would be expected to carefully evaluate projects to determine their merits before continuing support beyond the third year.

In addition, the bill authorizes the Secretary of Health, Education, and Welfare to make grants to and contracts with State agencies on aging for areawide model projects. These projects would provide services or create opportunities for older persons, and would be in fields of service and for categories of older persons determined by the Secretary in consultation with the State agencies. The projects would provide State agencies an important new tool for the development of statewide, regional, metropolitan area, county, city, or other areawide model projects.

I am also enthusiastic about the new national older Americans volunteer program which these amendments authorize. Older Americans need more opportunity to give, to have purpose, and to share the experiences they have built up over their lifetimes.

Since passage of the original act in 1965, many opportunities for work, recreation, and education have been developed. Hundreds of senior centers have been established. Part-time jobs have been found for older people. Services such as homemakers, housekeeping, and shopping assistance have made it possible for many older people to live independently, even though they may be temporarily ill, or frail. For the homebound older persons, friendly visiting and telephone reassurance services are helping those people to realize that someone is concerned for their welfare.

This, I think, is a striking combination of one older person's need to be useful, with another's need to combat loneliness. In this, we add the ingredients of heart and hope to the more mundane considerations of money.

The provisions of H.R. 11235 will expand greatly opportunities for older people to serve as aides or tutors in daycare centers or nursery schools and for older people to serve other older persons in need of special personalized assistance.

The new program envisioned by this bill would consist of a retired senior volunteer program and a foster grandparent program. Both of these programs provide opportunities for retired persons over the age of 60 to contribute to their communities.

Under the retired senior volunteer program, volunteers would not be compensated for other than transportation, meals, and other out-of-pocket expenses incident to their services.

On the other hand, in keeping with its emphasis on participation of low-income older persons, the foster grandparent program would permit the payment of the equivalent of a stipend to enable those below the poverty line to contribute their services to children having exceptional needs.

The foster grandparent program will establish on a permanent basis an extremely successful demonstration program initiated by the Administration on Aging and the Office of Economic Opportunity under an OEO contract.

The reports on this program which has been operating for about three and a half years clearly highlight the benefits to older people who participate as volunteers and to the children they serve. Children who have been classified as "unmanageable" are now well behaved. Children who could not communicate or feed themselves can now do both. And, many of the foster grandparents themselves rate better on their physical examinations after having served in this role for several months than they did when entering the program.

Mr. Speaker, H.R. 11235 extends the Older Americans Act for 3 additional years, and provides a total authorization over the 3-year period of $252 million. The total authorization for title III programs of community projects, State activities, and areawide model projects recommended for fiscal year 1970 is $30 million, for fiscal year 1971 $40 million and for fiscal year 1972 $45 million. For titles IV and V, providing for research and development and training projects, $12 million is authorized for fiscal year 1970, $15 million for fiscal year 1971 and $20 million for fiscal year 1972. At this point, Mr. Speaker, I should like to insert a chart which provides a history of the funding of the Older Americans Act and outlines the specific authorizations recommended for fiscal years 1970, 1971, and 1972:

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HISTORY OF THE FUNDING OF THE OLDER AMERICANS ACT

Title	Fiscal year 1966		Fiscal year 1967		Fiscal year 1968		Fiscal year 1969		Fiscal year 1970	
	Authorization	Appropriation	Authorization	Appropriation	Authorization	Appropriation	Authorization	Appropriation	Proposed authorization [1]	Budget request
III—State and community programs on aging	$5,000,000	$5,000,000	$8,000,000	$6,000,000	$10,550,000	$6,400,000	$16,000,000	$16,000,000	$30,000,000	$13,000,000
IV—Research and development projects	1,500,000	1,500,000	3,000,000	3,000,000	6,400,000	6,400,000	10,000,000	7,000,000	12,000,000	6,110,000
V—Training projects										
Pt. A—Volunteers [1]									15,000,000	9,250,000
Pt. B—Foster grandparents [1]									5,000,000	0
Total	6,500,000	6,500,000	11,000,000	9,000,000	16,950,000	12,800,000	26,000,000	23,000,000	[1] 62,000,000	28,360,000

[1] H.R. 11235 extends the provisions of the Older Americans Act of 1965 for 3 fiscal years, with the following authorizations:

	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Title III—State and community programs on aging:			
Projects	$20,000,000	$25,000,000	$30,000,000
State activities	5,000,000	5,000,000	5,000,000
Areawide model projects	5,000,000	10,000,000	10,000,000
Subtotal	(30,000,000)	(40,000,000)	(45,000,000)
Title IV—Research and development projects	12,000,000	15,000,000	20,000,000
Title V—Training projects			

	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Title VI—Older Americans volunteer program:			
Part A—Volunteer service projects	$5,000,000	$10,000,000	$15,000,000
Part B—Foster grandparents	15,000,000	20,000,000	25,000,000
Total	62,000,000	85,000,000	105,000,000

In summary, I urge that H.R. 11235 be passed without delay. Our States and communities and our private institutions and agencies need all the resources we can give them to meet the needs of our growing older population. These amendments are a firm step in the right direction.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. MARTIN. This bill was scheduled last Tuesday morning for a hearing before the Committee on Rules, was it not?

Mr. PERKINS. That is correct.

Mr. MARTIN. But no hearing has been held?

Mr. PERKINS. The committee was busy at that time.

Mr. MARTIN. Which committee was busy?

Mr. PERKINS. It was the committee's intent originally to bring the bill up under suspension. You will recall a similar bill was passed under suspension last year. Since a hearing before the Rules Committee was not held last week it was scheduled for suspension today.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PERKINS. Mr. Speaker, I yield myself 4 additional minutes.

Mr. MARTIN. Will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. MARTIN. When you say the committee was busy, you are referring to the Committee on Education and Labor?

Mr. PERKINS. Also your committee was busy on the cigarette bill.

Mr. MARTIN. We have your bill scheduled.

Mr. PERKINS. I know. That is correct.

Mr. MARTIN. Of the $26 million authorized for fiscal 1969 how much was actually appropriated for this program?

Mr. PERKINS. All of the $28,360,000, the money in the HEW appropriation, was spent.

Mr. MARTIN. I am asking for fiscal year 1969, the current fiscal year. Your authorization was $26 million in the present law. How much of that was actually appropriated?

Mr. PERKINS. There was a $23 million appropriation, and I understand most of that was expended.

Mr. MARTIN. The gentleman does not have the exact figures?

Mr. PERKINS. Twenty-three million dollars was appropriated.

Mr. BRADEMAS. Will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Twenty-three million dollars was expended.

Mr. MARTIN. That was appropriated.

Mr. BRADEMAS. Yes.

Mr. MARTIN. For the previous 3 years the total authorization, if I add it up correctly, was $34.4 million and the authorization contained in this bill for the next 3 years is a total of $252 million, which is a considerable increase in authorizations for the next 3 years over the past 3 years.

Mr. Speaker, there is another question I would like to ask the gentleman. This report contains no letter from any department downtown, neither from the Department of Health, Education, and Welfare nor the Bureau of the Budget. Does the gentleman have approval from HEW and the Bureau of the Budget for this legislation as it is written with a $250 million authorization?

Mr. PERKINS. The Department of Health, Education, and Welfare has actively supported this legislation. Insofar as the Bureau of the Budget is concerned, of course, they very seldom, if ever, go along with the authorizations we recommend. I know the gentleman is well acquainted with that.

Mr. MARTIN. In other words, the gentleman does not have the approval by the Bureau of the Budget of this tremendous sum?

Mr. PERKINS. The administration approves this measure.

Mr. MARTIN. But the Bureau of the Budget does not approve of it. Is that correct?

Mr. PERKINS. As I said, I know the administration approves of it.

Mr. MARTIN. Is it not customary to get the viewpoint of the Bureau of the Budget in regard to legislation?

Mr. PERKINS. It is customary to get the viewpoint of the agency or the department of the Government concerned with administering the legislation. That is HEW in this case, and they have approved it.

Mr. MARTIN. I am talking about the reduction in Federal expenditures, the $4 billion cut in total expenditures, for fiscal year 1970. It seems to me we are not following the practice very astutely in increasing that and passing here today a $250 million authorization bill for the next 3 years.

Mr. PERKINS. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I am very pleased to rise in support of H.R. 11235, a bill to extend the Older Americans Act of 1965 and for other purposes. I should like at the outset, Mr. Speaker, to make two or three observations before I comment on the substance of the bill.

First, I want to pay tribute to my subcommittee colleagues on both sides of the aisle for their significant contributions to this legislation and in particular to the ranking minority member of the subcommittee, the gentleman from New York (Mr. REID) who introduced a bill which, with the addition of certain features proposed by the Nixon administration, represents the basis of H.R. 11235, the legislation now pending before us.

I should like to also express my appreciation to the gentleman from New Jersey (Mr. DANIELS) who so ably guided this measure in earlier years, as well as to the gentlewoman from Hawaii (Mrs. MINK), the gentleman from Washington (Mr. MEEDS), and the gentleman from Pennsylvania (Mr. GAYDOS) who worked tirelessly on this legislation on the majority side, and the gentleman from New York (Mr. REID), the gentleman from California (Mr. BELL), the gentleman from Wisconsin (Mr. STEIGER), the gentleman from Florida (Mr. COLLINS), and the gentleman from Idaho (Mr. HANSEN) on the minority side.

As you know, Mr. Speaker, the Committee on Education and Labor does not always agree on everything that comes before it. I think, therefore, it is of some significance that the bill now pending before us was reported out of the full Committee on Education and Labor with only one dissenting vote. This wide bipartisan support of the bill is to me an indication of the farsighted bipartisanship which the Older Americans Act Amendments of 1969 and the programs which it authorizes enjoy.

Again, Mr. Speaker, I think this measure contains a feature which was proposed by the gentleman from New York (Mr. REID) and one which was strongly supported by the members of the subcommittee and which also embodies one of the principal aims of President Nixon's administration.

I think I read in the newspapers just a few days ago where the First Lady was on her way to the west coast to lend her full support to the encouragement of what the President has described as the small, splendid efforts of individuals in their own communities who serve as volunteers in a variety of private, nongovernmental activities.

In this spirit I call attention to the feature in this bill which authorizes a retired senior volunteers program—or RSVP—which is aimed precisely at providing encouragement of volunteer efforts on the part of older persons, 60 years of age and older, in service projects of various kinds in their own home communities.

The retired senior volunteer program will consist of project grants to State agencies on aging or private nonprofit organizations for paying the cost of developing and/or operating programs of volunteer service by the elderly. This program will provide such opportunities as:

First, compensating volunteers for transportation, meals, and out-of-pocket expenses; thereby not penalizing them for being willing to serve;

Second, restricting participation to those over 60;

Third, augmenting, rather than substituting for, the services of employed workers;

Fourth, including necessary short-term training for volunteers to insure that the quality of services rendered meets professional standards.

Fifth, providing that projects will benefit from the advice of experts in the field of service being rendered and in the field of aging; and

Sixth, provided that projects will be coordinated with related Federal and State efforts.

Thus for a very modest investment, significant numbers of older persons will shortly be involved in contributing a variety of useful services to the Nation.

The bill also provides legislative authority for payment of administrative costs of State agencies charged with implementing the Older Americans Act, wherein the cost is separate and apart from project costs.

Now, Mr. Speaker, let me here observe that there are today nearly 20 million Americans who are 65 years of age or over, and it is estimated by experts in the field that by the year 1980 there will be 25 million Americans in this age group. This bill represents an effort to help meet some of the legitimate needs of these older citizens, needs reflected in the original Older Americans Act of 1965.

In my opinion the accomplishments under this act are already notable: more than 1,000 community programs for older persons have come into being since 1965; groundbreaking research and demonstration programs concerning older persons' needs for nutrition and transportation and comprehensively planned and delivered services have been conducted since 1965; 15 long-term graduate training programs providing a new type of graduate in social gerontology have been initiated since 1965; and 4,000 foster grandparents have been trained and set to work in institutions since 1965 to provide the undemanding love that too often only an older person can bring to a child in need. These and other imaginative and necessary activities have sprung up and flourished as a result of enactment of the Older Americans Act. H.R. 11235 will build upon the base which has already been established. It will provide new strength and flexibility to a Federal-State-local partnership which has already demonstrated its potential in creating services and opportunities for older Americans.

By enacting H.R. 11235, we will say not only to the Department of Health, Education, and Welfare but to all Federal departments and agencies, not only to the State agencies on aging but to all State agencies, not only to the public and private community organizations concerned with the elderly but to all community institutions, that the Congress of the United States reaffirms its commitment that the Nation shall achieve the 10 objectives which begin the Older Americans Act, that it is an obligation and an opportunity for all younger persons in this country to assist in redeeming our pledge, and that the task should begin through a new dedication on the part of every administrator at every level of government to examine the programs of his organization to see that the interests of older persons are effectively represented and considered there. For I submit, Mr. Speaker, that troubled as we all are at the discontent which arises daily from our youth, we should not be surprised at their cynicism when our generation talks about dignity and freedom for all citizens while their generation can observe on all sides evidence of how this Nation rewards its elderly who have worked hard, tried to live well, and ask nothing but a chance to live in dignity and to make continued contributions.

I will now briefly review and explain various sections of H.R. 11235. The order in which I will proceed is dictated by the bill's construction not the relative importance I attribute to each section.

Section 2 of the bill provides new authorization for appropriations for State-awarded projects of $20 million for fiscal year 1970, $25 million for fiscal year 1971, and $30 million for fiscal year 1972. I believe these amounts are modest in view of the pressing needs which have barely been touched by the 1,000 title III community projects. New authorization for appropriations for the research and demonstration projects conducted under title IV and the training projects conducted under title V are also provided for. The amounts are $12 million for 1970, $15 million for 1971, and $20 million for 1972. We must remember that the field of aging is young and, as such, thirsts for new technology and for new manpower to apply that technology. If we are serious about our intention to improve the quality of life for older persons, then we fool ourselves when we stint on our research, demonstration, and training efforts.

Section 3 adds an optional continuance of Federal support of community projects which, in the judgment of State agencies on aging, have proven their merit in terms of delivering services or providing opportunities to older Americans and contributing to the development of a network of comprehensive, coordinated services available to all older people. Federal support for any year after the second year will be at a dollar-for-dollar matching rate. This will replace the present 3-year limitation on Federal support for title III projects.

I am particularly impressed with the foresight, good judgment, and responsibility of the New York State Legislature which, from the onset of the Older Americans Act, has appropriated on a formula basis one-half of the required local matching for community projects. I hope that the day is not too distant when all States will assume a similar role in meeting the needs of their older people.

Section 4 changes title III in several important respects:

First. It charges the States to engage in comprehensive planning, coordination, and evaluation of all programs related to the act's 10 objectives in accordance with criteria established by the Secretary of Health, Education, and Welfare after consultation with the State agencies on aging;

Second. It establishes a separate appropriation for paying 75 percent of the cost of planning, coordination, evaluation, and administration of the State plan. Heretofore, State agencies were permitted to pay 50 percent of the cost of administering the State plan by using 10 percent or $25,000, whichever is larger, of their title III allotment for community projects. The separate appropriation and the additional measures which I am about to describe reflect the importance our committee affords to State agency activity; it is equal in status to community project activity. The 75 percent matching ratio will now support State agencies on aging at the same ratio which prevails in most Federal-State programs.

Third. It provides that each State and Puerto Rico and the District of Columbia will receive a minimum of $75,000 to match for administration of the State plan as opposed to the current minimum of $25,000. This will permit a badly needed strengthening of the staff capabilities of the State agencies on aging.

Fourth. It authorizes appropriations of $5 million each year for fiscal years 1970–72 for allotment to the States to pay the Federal share of administering the State plan and provides for reallotment of funds unused by any State to other

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States which can use them for planning, coordination, evaluation, and other State plan activities. This achieves a clear separation of these funds from those intended for project grants under title III.

Section 5 establishes a new program within title III of special project grants to State agencies on aging. Funds will be used to pay up to 75 percent of the cost of developing and operating areawide projects. For grants during fiscal year 1970, $5 million is authorized and $10 million each for fiscal years 1971 and 1972. ◆

Mr. Speaker, the bill in section 9 continues the foster grandparents program, which has heretofore been operated by the Administration on Aging, but which had been authorized by the Economic Opportunity Act. The bill transfers legislative authority for the foster grandparents program to the Administration on Aging.

At this point, I should like to direct the attention of the House to a change which I believe will command widespread support: namely, the new provision that requires the Administration on Aging to give State agencies 45 days notice of its intention to launch a foster grandparents program, and then would seek any recommendations that the State agency might have.

I have already suggested that the major new feature of the bill is the RSVP program, and I am going to leave it to the distinguished gentleman from New York (Mr. REID) to describe this section in greater depth. Witnesses before our subcommittee made clear to us that they thought as many as 1 million Americans would be willing to participate in such volunteer programs.

I believe, Mr. Speaker, that this is a measure which deserves the very strong support of both members of the minority and of the majority. To reiterate, I am pleased to be able to say that this is a bill that was approved by all but one vote in the House Committee on Education and Labor, and I hope, Mr. Speaker, that we will be able to record here this afternoon unanimous support for this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. REID of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 11235. As my distinguished colleague from Indiana (Mr. BRADEMAS) has indicated, this legislation has enjoyed very broad bipartisan support in past Congresses.

In fact, I believe there is only one instance in the history of older American's legislation in which there was a dissenting vote cast.

In the current Congress the bill has had bipartisan drafting and close consultation with the administration throughout.

Further, the bill, of course, was reported out of the full Committee on Education and Labor with only one dissenting vote.

Mr. Speaker, I would particularly commend the chairman of the subcommittee, the gentleman from Indiana (Mr. BRADEMAS) for his handling of this, and also thank him for his thoughtfulness at all times and the chairman of the committee Mr. PERKINS, and indeed the colleagues on our side—the gentleman from California (Mr. BELL), the gentleman from Wisconsin (Mr. STEIGER), the gentleman from Texas (Mr. COLLINS), the gentleman from Indiana (Mr. LANDGREBE), the gentleman from Idaho (Mr. HANSEN) and on the Democratic side, the gentleman from New Jersey (Mr. DANIELS), the gentleman from Pennsylvania (Mr. DENT), the gentlewoman from Hawaii (Mrs. MINK), the gentleman from Washington (Mr. MEEDS), the gentleman from New York (Mr. SCHEUER), and the gentleman from Pennsylvania (Mr. GAYDOS).

Specifically, the great and admirable goals of the Older Americans Act of 1965 remain at least in part to be executed into tangible programs. Although in the only 4 years since the Older Americans Act was passed, 51 States and jurisdictions have statewide programs for senior citizens, nonetheless, it is shocking to realize that the average State agency has only three professional staff members acting on, coordinating and assisting community and local agencies.

There are now over 19 million persons over 65 years of age; by 1971 the total will rise to over 21 million. This is a larger proportion of the Nation's population than the total of the 20 smallest States. By 1985, the older population will reach 25 million.

The number of older Americans increases by 820 per day, 300,000 per year. It is a constantly changing population; there is a 35-percent change over each 5-year period, as deaths are more than balanced by additional people turning 65. As a result of this continuing shift in composition, the educational level and expectations of the older population are also shifting upward.

The rapid urbanization of America and the great mobility of its population have had a great impact on older Americans. Most of us live in small homes or apartments, and this has largely ended the multigenerational home. Thus, 90 percent of the 8 million older men and 80 percent of the 11 million older women live in their own households. The mobility of Americans has resulted in the distance between the residences of older persons and their grown children being all too often measured in hundreds of miles.

Ninety-six percent of persons 65 and above live in the communities of our Nation. Only 4 percent are institutionalized.

At birth, the average life expectancy is 70. For men it is 67. For women it is 74.

There are 5 million older people whose income is below the OEO-established poverty level. The poor and "near-poor" total 40 percent of older Americans.

The average age at retirement is dropping steadily. This, together with increasing longevity, is adding to the length of the retirement period. In fact, the number of man-hours spent in retirement is now approaching in length the period of lifespan spent prior to entering the work force.

Thus, we have more older persons living longer in retirement; usually living with spouse or alone; often without nearby relatives; often with low income; and with no clearly defined role in society once regular employment is no longer a major life focus. Programs which serve older persons as well as other age groups exist throughout the Federal and State structures. However, few of these programs focus on older people as whole persons. Instead, most programs deal with one or more special aspects of the life of the older person. The Older Americans Act, therefore, was intended to provide a specific point of concern within the Federal and State structures for older persons as older persons.

The Administration on Aging and the State agencies on aging have made significant progress in the 3½ years of operation of the title III program. Only three States and two territories do not have programs in operation. We estimate that by the end of June there will be over 1,000 community projects funded through the title III program, serving over 660,000 older persons in a wide variety of ways. In fiscal year 1968 alone:

Six thousand older Americans were served in their homes by homemaker or home health aide services;

Eighty-three thousand older Americans were served through home maintenance, friendly visiting, or telephone reassurance services;

Seventeen thousand older Americans received the benefit of nutritional meals, home delivered to the homebound, and in friendly community settings for the healthy;

Eleven thousand older Americans were placed in paid, part-time jobs;

Forty-one thousand older Americans benefited from special transportation services for the frail, and for those without available public transportation;

Forty-seven older Americans received personal counseling services;

Twenty-nine thousand older Americans volunteered their time and talents to the community;

Two hundred and ninety thousand older Americans participated in recreation and leisure time programs;

Four million older Americans reside in the areas covered by the local planning programs of title III.

The persons served by these programs represents the full spectrum of the social, economic, ethnic, and racial composition of the Nation.

The projects are for the most part new service activities, though there is a substantial number of expansions of preexisting services. The program itself is a bloc grant approach; highly responsive to locally generated ideas.

Many of the over 1,000 community projects are now beginning to find themselves starved for funds and without Federal support and will in some instances be unable to continue their services.

In my own State of New York, there are 150 private nonprofit agencies working with the State Office for the Aging. The New York State Office for the Aging funds 24 different programs presently, and expect to be funding another 10 by June 30, 1969. There are 3,196 private groups in New York State working with

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the elderly—includes senior citizen clubs and centers, community chests, and so forth. There are 484 governmental groups working at least in part with the elderly—includes: 134 counties, cities, and towns receiving recreation funds, 250 school districts providing property tax exemptions, 20 State agencies, 80 CAP programs, 10 model cities, and so forth.

Mr. Speaker, the bill, H.R. 11235, would deal with these problems by expanding the State agency's ability to respond to the demands and would assure programs providing sound, effective and efficient services can indeed be continued.

Some reference has been made to the increase in authorization and, indeed, there is. But let me be specific. In title III the increase for the fiscal year 1970 represents an expenditure of only $1 per person—over 65—per year. The volunteer program to which I will allude briefly in a moment involves the authorization of 25 cents per person per year.

I believe that our 20 million senior citizens are some of the most responsive and creative and able citizens that we have in the United States. I think it is essential that we do much more to recognize the contribution that they can make to our society and to their communities. To further this, we have created in this bill a volunteer program for our senior citizens, called RSVP; that is, the retired senior volunteer program.

I am especially pleased that the Education and Labor Committee adopted the new RSVP program under which older citizens will be encouraged to perform volunteer services in areas of public service needs, with reimbursement for out-of-pocket expenses. The retired service volunteer program is clearly in keeping with President Nixon's expressed concern to stimulate more volunteer activities by Americans in their own communities.

This is a major innovation in the establishment of volunteer service projects involving our senior citizens. William Hutton, the executive director of the National Council of Senior Citizens, and a recognized authority on this subject, said in his statement before our subcommittee:

> There are perhaps anywhere from 1½ to 2½ million older Americans living below the poverty level who are fit, willing and able to engage in part-time community service jobs.

He went on to estimate that over a million would participate in the program.

And he went on to estimate, as did others, that over 1 million might participate in this program.

I think that, if we are to recognize meaningful opportunities for service for our senior citizens and particularly voluntary initiative that would be forthcoming, this RSVP program which has a financing of only $5 million to begin with could make a very exciting and substantial difference to many communities.

There is no question, from the testimony before our subcommittee, and in comments from across the Nation that senior citizens are active and they want to participate, but they feel that they lack the opportunity.

Mary Switzer, speaking on behalf of the administration, said:

> I know that on your bill, Mr. Chairman, and Mr. Reid's, Mr. Reid particularly has talked with me about a broader volunteer program which might be an extensive recognition of the role of the older person in community work.
>
> The administration bill does have as broad a base for this national volunteer program as your bill does. It is not that the administration is not in favor of it and wouldn't be happy to see it come into being. After all, this volunteer concept is the philosophy of the present administration without any question; but the budgetary restrictions are such that we have to make some hard choices.
>
> The question then becomes one of whether or not to build on what we have or start with something totally new in the use of volunteers. The administration bill, I believe, is more of an effort to expand the foster grandparents' senior companion program into what would be the beginnings of the kind of volunteer program that the committee has in mind.

David Jeffreys, director of national affairs for the National Retired Teachers Association and the American Association of Retired Persons, told one subcommittee:

> Title VI creating a "National Older Americans Volunteer Program" is one which the Associations can enthusiastically endorse. Both the NRTA and AARP have consistently urged service roles for older persons believing that older Americans have a great deal to contribute in experience, ability and concern for their fellow men.

Dr. Blue Carstensen, national director of Green Thumb, Inc, and the National Farmers Union, stated:

> We also urge that the Administration be given new authority and the funds to develop a national volunteer senior service program, which is in keeping with President Nixon's recent announcement to stimulate volunteer service.
>
> Many of the 20 million older people do have time; they have more time than any other group for volunteer service. They have the need to be useful. However, since approximately half of the people who have retired and over 65 are either in poverty or on the brink of poverty, it is impractical and perhaps unethical to ask them to spend money out of their pocket in order to be volunteers in service. For this reason we urge specific authorization be given to pay for out-of-the-pocket expenses and perhaps a hot meal for the volunteers. This should include provision for transportation or transportation costs so that more older people can participate.

In a letter of May 13, 1969, to Congressman John Brademas, Andrew J. Biemiller of the AFL–CIO, said:

> On behalf of the AFL–CIO I am writing to express our support for H.R. 10767, introduced by you and Congressman Ogden R. Reid of New York. As a strong supporter of the original Older Americans Act we applaud your efforts to extend and improve the program for older Americans.
>
> H.R. 10767 in Title VI absorbs the Foster Grandparent Program which is presently administered by the Administration on Aging under a contract with the Office of Economic Opportunity and establishes a National Older Americans Volunteer Program and we support these provisions.
>
> The Older Americans Act of 1965 was a forthright declaration of our nation's concern for its older citizens. We believe it established a framework for coming to grips with their myriad problems. We support H.R. 10767 as a major step forward toward completion of this framework. We urge you and your Subcommittee to give favorable consideration to H.R. 10767.

It is my hope that this volunteer program, the first such program at the Federal level, will mean a great deal to them, and I am sure it will have an impact on community endeavors throughout the United States.

Finally I would emphasize that, in my judgment, all senior citizens' programs are underfunded, and also that they should, wherever utilized, encourage private institutions and voluntary effort. I believe that the authorizations this year reflect the kind of commitment that we ought to be making but have not previously made to senior citizens in America.

Mr. Speaker, I am happy to yield, if I have the floor, 3 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I thank the gentleman from New York for yielding me this time. Do I understand correctly that for the first fiscal year of the operation of this program there was appropriated $5 million?

Mr. PERKINS. Last year $23 million was appropriated for all the titles in the bill.

Mr. GROSS. But for the first fiscal year of the operation of this bill, which was 1966, $5 million was appropriated; is that correct?

Mr. PERKINS. $6,500,000.

Mr. GROSS. In the first year?

Mr. PERKINS. That is correct.

Mr. GROSS. And $23 million plus in the last fiscal year?

Mr. PERKINS. $23 million last year.

Mr. GROSS. Now it is proposed to increase the expenditure for this purpose to $252 million; is that correct?

Mr. PERKINS. That is correct; over 3 years, but for the first year, fiscal year 1970, $62 million would be authorized. The amount contained in the budget request is $28,360,000.

Mr. GROSS. But it is an increase from approximately $23 million in the current fiscal year to approximately $84 million per year in the next 3 years; is that not correct?

Mr. PERKINS. That is correct if we average out the $252 million. Specifically; however, $62 million is authorized for fiscal year 1970, $85 million for 1971, and $105 million for 1972.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Indiana.

Mr. BRADEMAS. I think the gentleman might be interested to know the response of Mary Switzer, the very able Director of the Bureau of Rehabilitation, when our colleague from Washington (Mr. Meeds) asked her in the hearings:

> May I just ask what you think, Miss Switzer, would be necessary to really begin to feel this aspiration gap that I feel has been created in terms of funding. Do you think we are anywhere near it with our authorization, referring to the bill under consideration?

Miss Switzer's response, representing the administration, was:

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> I think your bill is nearer to it than the Administration bill. I will say that. I think that probably your bill contains about as much as the program could absorb in the time span that the bill calls for.

Mr. GROSS. Did Miss Switzer have anything to say about the ability of taxpayers to produce this money, or where it would or could be borrowed, or what rate of interest would be paid on it? Would you comment on that subject?

Mr. BRADEMAS. Yes, I would be glad to comment on that for the gentleman from Iowa. Unhappily, we are not able, at least on the Democratic side, to sit on both the Ways and Means Committee and the Education and Labor Committee. But I am sure Miss Switzer would have directed any observation along the line of the gentleman's inquiry to the members of the Ways and Means Committee. I wish I were a member of the Ways and Means Committee.

Mr. GROSS. I am sure there are programs that have not yet come to the hatching stage on the part of some people around here, but I wonder where it is proposed to get the money for this kind of an increase at this time. This is almost quadrupling the appropriation for each fiscal year. I am wondering where it is proposed to get the money to pay for these programs, no matter how meritorious they may be.

Mr. Speaker, I want to do everything I can within reason for the aged and aging in this country, but this bill, with its unbelievable increase in costs, is unacceptable. Under suspension of the rules it cannot be amended and the costs reduced. Moreover, this bill ought not to have been brought up in the House without a report from the Bureau of the Budget as to its acceptability. It is for these reasons that I cannot support it.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from Iowa has expired.

Mr. REID of New York. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. STEIGER) such time as he may consume.

Mr. STEIGER of Wisconsin. Mr. Speaker, as a member of the Committee on Education and Labor, I have watched with much interest the progress of the programs initiated under the Older Americans Act of 1965. It has been my privilege and pleasure to work to improve this act. I gave my strong support to the 1967 Amendments to the Older Americans Act. This year, in an attempt to further strengthen the act, I had the honor of introducing H.R. 11048, a bill which incorporated the administration's recommendations for improving the Older Americans Act.

The bill which we are considering today, H.R. 11235, combines most of the provisions of my bill with those contained in the bill, H.R. 10767, introduced by my colleagues, the gentleman from Indiana (Mr. BRADEMAS), and the gentleman from New York (Mr. REID).

I would like to comment on the provisions of H.R. 11235 and on the overall need for legislation to strengthen our Nation's efforts in behalf of its older citizens.

I think we all recognize quite clearly the needs our older citizens have and our own responsibility to help meet those needs. Today there are over 19 million persons aged 65 or over; by 1971 the total will rise to over 21 million.

The rapid urbanization of America and the great mobility of its population have had a great impact on these older Americans. Most of us live in small homes or apartments, and this has largely ended the multigenerational home.

Thus, 90 percent of the 8 million older men and 80 percent of the 11 million older women live in their own households. The mobility of Americans has resulted in the distance between the residences of older persons and their grown children being all too often measured in hundreds of miles.

We have more older persons living longer in retirement; usually living with spouse or alone; often without nearby relatives; often with low income; and with no clearly defined role in society once regular employment is no longer a major life focus. Programs which serve older persons as well as other age groups exist throughout the Federal and State structures. However, few of these programs focus on older people as whole persons. The Older Americans Act established the Administration on Aging as a part of the Department of Health, Education, and Welfare and charged it with this responsibility to provide a specific point of concern for older persons as older persons.

The Administration on Aging and the State agencies on aging have made significant progress in the 3½ years of operation of the title III community grant program. The projects supported under title III are for the most part new service activities, though there is a substantial number of expansions of preexisting services. The program itself is a bloc grant approach; highly responsive to locally generated ideas.

In my own State of Wisconsin, 23 projects have been undertaken to date with funding under the title III community grant program. The Wisconsin Division of Aging has made grants in such diverse areas as senior centers, information and referral centers, library services, visiting homemaker services, consumer education, and a TV series to aid the aging.

In Fond du Lac, Wis., the senior citizen's multipurpose center has provided services to hundreds of older persons and has 35 older volunteers. The center offers information and referral services, transportation, adult education, counseling, home maintenance, and visiting services as well as providing recreational opportunities.

Another project in Milwaukee provides library services to the aging. It aims to sustain, renew, and develop new interests and activities among older people by planning imaginative library programs. A bookmobile provides direct service to institutions and agencies serving the aged, to public and private housing centers, and to neighborhoods where there are concentrations of older people. Large-print books and record books are being utilized.

The title IV research and development grant program is now beginning to show results as the first of its multiyear projects are being completed. Important projects have been undertaken in such areas as nutrition; accident involvement of older drivers; and outreach, information, and referral services. The older driver study is an excellent example. It has produced data showing that older drivers are not high-risk drivers, and is causing insurance companies to reconsider long established penalty rates.

A major reason for the difficulty in building up needed services in the field of aging has been the extreme shortage of persons specially trained to work in these programs. The title V training grants program has established 15 long term university training programs at the masters degree level in areas where no previous training existed. Now for the first time, professionally trained people are beginning to become available. To meet immediate needs, 24 short-term projects under title V and training components of a number of title III projects have combined to train 4,750 persons already employed in the field of aging, or about to enter such employment, in order to upgrade skills and better fit them for working with older people.

The legislation before us today is to authorize appropriations for the fiscal year beginning on July 1, 1969, and subsequent years, for the existing programs of the Older Americans Act. In the bill which I introduced, titles III, IV, and V programs of the Older Americans Act would be extended by authorizing such sums as may be necessary for fiscal years 1970 through 1972. I feel that it is preferable to give the administration the flexibility during this and the next 2 fiscal years to determine how fast the programs under the Older Americans Act should expand. In order for effective programs to be launched, one step must build upon the next, and those who work with the development of programs for older people are in the best position to determine the financial resources required for any one fiscal year.

Although I am very much in favor of strong efforts in behalf of our older Americans, I feel that the specific money authorizations in H.R. 11235 are unrealistic in view of the current budget situation.

I would like to express my support for the title III grant provisions in the bill, as I believe they will strengthen the State agencies on aging. Providing separate authorizations of appropriations for statewide planning, coordination, evaluation, and grant program administration will emphasize the great importance of these activities. Through these provisions, the State agency on aging will be provided with the resources necessary for it to provide leadership in the analysis of existing programs serving older persons; the identification of gaps and weaknesses in services; the development of plans to link existing services and fill gaps in service so as to achieve coordinated, comprehensive services throughout the State; and the persuasion of public and private agencies to cooperate in implementation of the plans. Strong action in each of these areas is necessary if we are to achieve our goal: a network of comprehensive, coordinated services

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and opportunities available to all older Americans.

I am also pleased that H.R. 11235 incorporates another provision which was contained in the administration bill for the optional extension of Federal support for title III projects. Under this provision the Federal share of title III project cost could be up to 75 percent for the first year, 60 percent for the second year, and 50 percent for the third and any subsequent year of a project. The States would thus be given the flexibility to determine the length of time for which funding is appropriate after careful periodic evaluation. This will guarantee continuation of projects which serve older people well, and contribute to the development of a network of comprehensive coordinated services.

Title VI of H.R. 11235 establishes a national older Americans volunteer program consisting of two parts—a retired senior volunteer program and a foster grandparent program. The retired senior volunteer program is a new program which would utilize the volunteer services of persons aged 60 or over.

Mr. Speaker, President Nixon has stated his intention of developing programs to bring forth into the public service the ingenuity and dedication of volunteer Americans who are only waiting to be shown how and where they can help. Secretary Romney has been designated to head this effort and a Cabinet-level committee established to assure interdepartmental coordination. I wholeheartedly support the President and Secretary Romney in this effort.

The proposed retired senior volunteer program—RSVP—is designed to be a part of this bringing-in of volunteers to extend the reach of programs which help people. I commend its intent and believe that it offers an opportunity for the Nation to gain from the talented services which older people can perform. Clearly, older people are one of the greatest reservoirs of available talent for volunteer programs. They have hard-won experience and wisdom, earned over the years, to contribute.

However, a program of this importance to older people and the Nation deserves careful design and development. The best available nationwide models for the use of older people as volunteers are the Foster Grandparent and Senior Companion models. Other models such as Project Serve, a demonstration project funded by the Administration on Aging, are still in various stages of development or evaluation.

Therefore, I question the wisdom of proceeding to recommend and enact this new program without including provision for a planning year. In this context, the proposed authorization for $5 million for the first year of RSVP is particularly questionable.

Realistically, the money is not available in this very tight budget situation. Even if it were available, however, there should be time for the careful and judicious development of how the program will be carried out. Thus, what is needed for the first year is planning money, not operational money.

In summary, I strongly endorse the idea of older volunteers but believe that any program focusing on them should begin with a planning year so that future growth can build upon a solid foundation.

I strongly support the foster grandparent program authorized by H.R. 11235. The foster grandparent program is now being carried out by the Administration on Aging under contract with the Office of Economic Opportunity. The legislation before us today will carry out President Nixon's recommendation that the program be transferred on a permanent basis to the Department of Health, Education, and Welfare.

Through this program, the need of retired older persons for meaningful activities is being satisfied while, at the same time, badly needed social services are being provided and the incomes of older persons who are below the poverty line are being supplemented. It is a truly fine program. I regret, however, that the Administration's recommendation that this program be expanded to include senior companions is not included.

In addition to the areas in which foster grandparent-type services are now being provided to children, I feel they should be extended to assist elderly people in nursing homes, homes for the aged, and similar settings; to serve the homebound elderly on a preventive basis; and to assist other persons in need of this type of special, personalized attention. Elderly persons, who are in institutions or homebound, are often among America's most isolated, forgotten, and lonely citizens. This program element, which is contained in H.R. 11048, the bill which I submitted, is called senior companions. Only the name is different from foster grandparents, however. The special human qualities and the basic feature of a warm, supportive personal relationship are exactly the same. This type of senior companion program was passed by the House last year in the 1968 amendments to the Older Americans Act which died when Congress adjourned before the Senate had taken action on them. The program has been recommended by two administrations—the previous administration and this one. It is my hope that the other body will consider incorporating senior companions in their bill.

Mr. Speaker, I am hopeful that the Congress, in considering H.R. 11235, will give careful attention to the recommendations I have made for further strengthening this important piece of legislation for our older citizens. The bill contains many excellent provisions and I urge that it be passed.

Mr. REID of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BELL).

Mr. BELL of California. Mr. Speaker, I rise today to support H.R. 11235, the Older Americans Act Amendments of 1969.

We need only look at the statistics which present us with facts concerning the growing numbers of older Americans to realize our responsibilities in this area. Today, every 10th American has reached or passed his 65th birthday. This represents a significant change from the turn of the century when only every 25th American was 65 or over.

Yet, when we look further, we find that many problems are associated with this increasing longevity. About 30 percent of our older people live below the poverty line and another 10 percent are on the border. In addition to this, the attitude of society toward aging and the aged gives rise to conditions which create problems. All too often older people lose status when they leave employment; they become alienated and segregated from community life; they have too few opportunities for social and recreational pursuits; and they suffer from loneliness and social isolation.

The Older Americans Act created the Administration on Aging to give a national focus to the position of older people in our society. The Administration on Aging operates three grant programs designed to involve individuals and organizations in the communities, in the universities, and at all levels of government in developing and implementing programs to held older people to continue to participate in the active lives of their communities.

At the Federal level, the responsibilities of the Administration on Aging have expanded in two important ways. First, the foster grandparent program has eloquently demonstrated the ability of older people to provide useful services to others. Concern and compassion are the trademarks of the foster grandparents, commodities that are most precious in today's society.

Second, with the establishment of the Social and Rehabilitation Service, the Administration on Aging was given responsibility for the social services provisions of the Social Security Act for those persons receving old-age assistance and medicaid. This is a serious responibility since one of the most vulnerable groups of older people are those receiving public assistance.

The amendments we are considering today will extend and strengthen the activities that have begun in the past 4 years.

One of the most important features of H.R. 11235 gives additional resources to the State agencies on aging which are the counterparts to the Administration on Aging at the State level. These State agencies should have the capacity to continually analyze the needs of older persons in the States; devise creative and orderly service systems to meet these needs; stimulate other agencies to carry out these systems; carry out specific services which other agencies are not ready to perform; and continually evaluate whether services are reaching people who need them and whether they are effective in meeting the needs for which such services were designed.

Hopefully these amendments will give the State agencies this capability.

In summary, I strongly support H.R. 11235.

Mr. REID of New York. Mr. Speaker, I would comment finally that we have had the benefit of the guidance and constant assistance not only of Mary Switzer, but also of John Martin, who has just come in as Administrator for Aging.

I have had a number of discussions with the White House and with Secretary Finch, and I believe that while the

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authorization does represent an increase, it is an increase consistent with our needs. I believe funds will and must be found, particularly to provide for the volunteer program and some other areas. The administration is very much in support of the objectives, and the Bureau of the Budget is taking a look at exactly where funds can be provided from.

The President has made a very strong plea for voluntary efforts, and the commitment of this administration in support of the senior citizens is clear and unequivocal and I think a higher level of support for the senior citizens will be one of the basic goals for this administration.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Nebraska.

Mr. MARTIN. Mr. Speaker, is it not true, however, that the gentleman does not have approval of the Bureau of the Budget for this tremendous increase in the amount of authorization in the bill we have before us this morning?

Mr. REID of New York. I have raised the specific amounts with the Bureau of the Budget and the Secretary of Health, Education, and Welfare. That is being looked at, but there is not explicit approval at this time. I believe there will be for some elements of this.

Also, I would say to the gentleman from Nebraska, I am very hopeful that the President's determination to end the war in Vietnam will be realized. I hope in our planning for the senior citizens we will look a little further ahead than the immediate budgetary problem which, as the gentleman points out, is serious.

Mr. MARTIN. Mr. Speaker, in view of the time that has elapsed since this bill was called up for hearings before the subcommittee, and now when it is brought to the floor, it seems to me the Bureau of the Budget has had ample time, if the Bureau of the Budget wished to approve this total authorization, and they could have made their position known. Because of the fact that they have not made their position known, nor given their approval on this program, I take that as a negative position.

There is one further point I would like to clear up, and that is, this bill was cleared for consideration before the House Rules Committee last Monday morning. The fact is the chairman of the Committee on Education and Labor and other members did not appear to testify, and they sent word, at 10:30, at which time the Rules Committee went into session, that they would not be there to testify, and asked for a postponement. This was postponed because of the wishes of the chairman of the Education and Labor Committee, and not because of the Rules Committee.

We had the bill scheduled and were ready to hear it, but the gentleman from Kentucky, the Chairman of the Committee on Education and Labor, postponed that.

Mr. REID of New York. The gentleman is correct with respect to the statement about the Rules Committee. The Education and Labor Committee did have urgent matters before it, which was the reason we did not appear, but I am correct in saying that the administration, I believe, will find the funds.

I will point out one further fact: that for a long time we have shortchanged our senior citizens in America. We are spending $1.10 per senior citizen under existing fiscal year 1969 appropriation, $1.41 per senior citizen under fiscal year 1970 budget request, $3.10 per senior citizen under fiscal year 1970 authorization of your bill, $4.25 per senior citizen under fiscal year 1971 authorization of your bill, and $5 per senior citizen under fiscal year 1972 authorization of your bill.

I do not believe this is an unduly large increase, given the potential service the senior citizen could make to our country.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Speaker, I thank the gentleman from Kentucky for yielding.

Mr. Speaker, I rise in strong support of this legislation. As one of the original cosponsors of the Older Americans Act, it is my feeling that it has been a great and substantial help to the senior citizens of this country. My only regret is that we are not doing more.

I would like to point out to those who feel this legislation goes too far in authorizing over a 3-year period $352 million, of that approximately one-third is for people over 65 in this country who are receiving less than $3,000 per year, and living at what we consider to be a minimal, or poverty level.

I think most Members who have visited the senior citizens centers which have been made possible under this act cannot help but recognize the great good that has been created with the innovations of this act.

I point out that only $1 per senior citizen in the United States is appropriated for those very worthwhile projects. I have visited the projects in my district, and I have been quite impressed.

I should like to point out further that the $5 million authorized in one title of this bill for the volunteer program will return to us, will return to the senior citizens, and will return to this society many fold over that amount, because it is going into the volunteer program which the gentleman from Indiana talked about earlier as being one of the great hopes of the present administration for solving some of the social ills of this country.

I, too, have great hope for it. I hope we can proceed with these types of programs to bring meaningful help to some of the people in this country. They will also help those people who are helping other people, the people who for less than 25 cents per person over the age of 65 today are going to be joining in the social action of this Nation.

I urge my colleagues of the House to strongly support this legislation as a step in meeting our obligations and involving the senior citizens of this Nation.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Speaker, almost 4 years ago on July 15, 1965, an exciting program to aid our senior citizens was created through enactment of the Older Americans Act. We are considering today an extension of this act, which has been responsible for serving thousands of older Americans through grants to the States for community planning, service and training; grants for research, demonstrations and development, and training grants for persons in the field of aging.

H.R. 11235, the Older Americans Act Amendments of 1969, amends the original act by extending duration of the grant programs; providing assistance to strengthen State agencies on aging and community projects; and authorizing areawide model projects. In its plan, however, to establish a national older American volunteer program, the bill offers an innovative and challenging opportunity to our senior citizens. The program calls for participation by retired persons over 60 who would provide services in their home communities or in nearby communities on publicly owned and operated facilities or projects or on local projects sponsored by private nonprofit organizations. These volunteers would be compensated for their transportation, meals, and other expenses incident to their services.

To accomplish all provisions of the bill, H.R. 11235 authorizes an appropriation of $122 million over the next 3 years.

I am sure my colleagues will concur on the merits of the retired senior volunteer program—RSVP. Too often the specialized talents of our senior citizens are unnoticed or not utilized because the proper vehicles are not available. Our scope of knowledge at all ages is virtually unlimited and the chance to benefit from the wide experiences and skills of our retired persons is equally as exciting as their participation in a new and stimulating endeavor. Retirement years often bring depression and listlessness to its victims because they are not prepared for effective use of the time suddenly available to them. Many older persons would greatly enjoy an opportunity to contribute meaningfully to their society and RSVP is just the answer to their needs. In fact, the hearings held by the Education and Labor Committee brought out the fact that there could be as many as 1,000,000 older Americans who would be interested in volunteering for such a program. There are exciting possibilities for all who choose to serve in RSVP but the benefits to be derived by all participants are what is so very encouraging about this idea.

The foster grandparents program, now administered jointly by the Administration on Aging and the Office of Economic Opportunity, will be operated solely by the Administration on Aging as a component of RSVP. The foster grandparent program began in 1965, to assist low income older persons to volunteer their services to their communities for a regular stipend. In almost 4 years 68 projects have been established in 40 States and Puerto Rico and the services of 4,000 foster grandparents are being utilized to help 8,000 retarded, disturbed, or emotionally disadvantaged children every day. These persons take exceptional pride in their work and are particu-

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larly pleased at their ability to bring a new awareness to the young.

In addition to the volunteer programs, H.R. 11235 purports to strengthen State agencies by providing funding to analyze existing programs, plan improvements in existing efforts and extend comprehensive services statewide. Our senior citizens are often overlooked in a society which is so oriented toward the young. This legislation is imaginative and stimulating in its aims for the older American and its advantages, as I have indicated, are numerous. Our society can only benefit by aiding the elderly to live a healthier, happier and more enriching existence. I urge my colleagues to give their enthusiastic support to this bill.

Mr. PUCINSKI. Mr. Speaker, I rise in support of the Older Americans Act and wish to state I am proud to have been instrumental in helping report this bill out of my committee.

This bill affords us an opportunity to continue this act for 3 more years and to improve its operation.

I am particularly pleased to see included in this bill a new provision which permits senior citizens to participate in community projects.

Our senior citizens constitute the very heart of our communities and they can be most helpful in each community. This wise provision will permit all of us to continue benefiting from the wise council and judgment of our senior citizens.

I believe we all made a significant contribution when we first initiated this legislation and I am pleased there is almost unanimous agreement to continue it.

Mr. BURLISON of Missouri. Mr. Speaker, it is the purpose of H.R. 11235 to extend the duration of the grant programs of the Older Americans Act; to authorize a national older Americans volunteer program; to provide assistance to strengthen State agencies on aging and community projects; and to authorize areawide model projects.

New legislation is required to authorize appropriations for the grant programs of the Older Americans Act for the fiscal year beginning on July 1, 1969, and subsequent years. H.R. 11235 provides authorization of appropriations of $20 million for fiscal year 1970, $25 million for fiscal year 1971, and $30 million for fiscal year 1972 for State and community projects, and $12 million for fiscal year 1970, $15 million for fiscal year 1971, and $20 million for fiscal year 1972 for research, demonstration, and training projects. These authorizations will enable the grant programs to continue to fund existing projects and to expand into other areas of critical need.

The national older Americans volunteer program established by H.R. 11235 would open the door to many new opportunities for retired persons aged 60 or over to give of their talents and skills in their home communities. Under the retirement senior volunteer program older volunteers would provide services in their home communities or in nearby communities on publicly owned and operated facilities or projects or on local projects sponsored by private nonprofit organizations. These volunteers would not be compensated for other than transportation, meals, and other out-of-pocket expenses incident to their services. Authorization of appropriation of $5 million for fiscal year 1970, $10 million for fiscal year 1971, and $15 million for fiscal year 1972 would be provided.

Through the foster grandparent component of the national older Americans volunteer program, low-income older persons would be assisted to volunteer their services through the payment of a stipend. The foster grandparent program is a continuation of the highly successful demonstration program that has been operated by the Administration on Aging and the Office of Economic Opportunity for the past 3½ years. Foster grandparents provide invaluable personal services on an individual relationship basis to children receiving care in hospitals, homes for dependent and neglected children or other establishments providing care for children with special needs. Authorization of appropriations of $15 million for fiscal year 1970, $20 million for fiscal year 1971, and $25 million for fiscal year 1972 would be provided for carrying out this program.

The redesign of the title III program of the Older Americans Act to strengthen the State agencies on aging is another important provision in H.R. 11235. The bill establishes new State plan requirements for statewide planning coordination and evaluation of programs which serve older people. Simultaneously it separates out the authorization of appropriations to carry out these activities from the funds available for project activities.

Under present law a State may use up to 10 percent or $25,000, whichever is the larger, of its allotment under title III to pay one-half of the costs of administering the State plan. Under H.R. 11235 a separate authorization of appropriations of $5 million each year for fiscal years 1970 through 1972 is provided for paying three-fourths of the costs of planning, coordinating, and evaluating programs and activities related to the purposes of the Older American Act and of administering the State plan.

Through these amendments, the State agency on aging would be provided with the resources necessary for it to provide leadership in the analysis of existing programs serving older persons; the identification of gaps and weaknesses in services; the development of plans to achieve coordinated, comprehensive services throughout the State; and the persuasion of public and private agencies to cooperate in implementation of the plans.

H.R. 11235 would also give the States the flexibility to determine the timespan for support of title III projects. The Federal share of project costs would be such percentage of the cost of any project as the State agency on aging may provide but not in excess of 75 percent for the first year, 60 percent for the second year, and 50 percent for the third and any subsequent year of the project. This provision would permit the States to make the determination as to the length of time for which funding is appropriate after careful periodic evaluation. This would guarantee continuation of the best projects. Current law permits only 3 years of Federal support.

As a further step to strengthen State and community services for older persons, the bill authorizes a program of areawide model projects under title III. The Secretary of Health, Education, and Welfare would be authorized to make grants or contracts with State agencies on aging to pay not more than 75 percent of the costs of statewide, regional, metropolitan area, county, city, or other areawide model projects. Projects would provide services for, or create opportunities for, older persons in fields of services and for categories of older persons prescribed by the Secretary after consultation with the State agencies. Authorization of appropriations of $5 million for fiscal year 1970 and $10 million each for fiscal years 1971 and 1972 would be provided.

In addition to these major provisions, H.R. 11235 would extend the contract authority for title IV and V projects to profitmaking organizations; add the Trust Territory of the Pacific Islands as a "State" for the purposes of the Older Americans Act; provide for evaluation of Older Americans Act programs; and authorize joint funding of projects by more than one Federal agency.

On July 14, 1965, the Older Americans Act which created an Administration on Aging within the Department of Health, Education, and Welfare was signed into law. The act provides for three grant programs which are administered by the Administration on Aging. They include:

Title III, grants to the State for community planning, services, and training.

Title IV, grants for research, demonstration, and development projects; and

Title V, grants for training of persons in the field of aging.

The Administration on Aging also operates the foster grandparent program, which is funded by the Office of Economic Opportunity until July 1, 1969, when funding will be assumed by the Administration on Aging.

The Administration on Aging and the State agencies on aging have made significant progress in the 3½ years of operation of the title III program. Only three States and one territory do not have programs in operation. By the end of June there will be over 1,000 community projects funded through the title III program, serving over 660,000 older persons in a wide variety of ways. In fiscal year 1969 alone:

Six thousand older Americans were served in their homes by homemaker or home health aid services;

Eighty-three thousand older Americans were served through home maintenance, friendly visiting, or telephone reassurance services;

Seventeen thousand older Americans received the benefit of nutritional meals, home delivered to the homebound, and in friendly community settings for the healthy;

Eleven thousand older Americans were placed in paid, part-time jobs;

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Forty-one thousand older Americans benefited from special transportation services for the frail, and for those without available public transportation;

Forty-seven thousand older Americans received personal counseling services;

Twenty-nine thousand older Americans volunteered their time and talents to the community;

Two hundred and ninety thousand older Americans participated in recreation and leisure time programs;

Four million older Americans resided in the areas covered by the local planning programs of title III.

The persons served by these programs represent the full spectrum of the social, economic, ethnic, and racial composition of the Nation.

The title IV research and development grant program is now beginning to show results as the first of its multiyear projects are being completed. For instance, a nationwide study by the University of Denver refutes the stereotype of the older driver as a high insurance risk and potentially dangerous driver-licensee.

A new technique for outreach and information and referral services is being successfully pioneered by the educational television station in Hershey—WITF-TV—and by the statewide five-station educational television network in Minnesota. Up to 85 percent of the total 65-plus population in the viewing areas is reached by programing on activities and topics important to older people, such as tax relief, social security, preventive health care, volunteer service opportunities, senior center activities, adult education, and the programs of service agencies. The Hershey project provides on-the-show answers to phoned-in-questions. The Minnesota project arranges group-watching in locations where there are many older people, followed by professionally led discussions. Both encourage TV watchers to visit senior centers and service agencies.

Through another title IV project, a study of changes in life pattern caused by widowhood is being made by Roosevelt University to develop new content for counseling services.

In addition, as a result of the 1967 Amendments to the Older Americans Act, a significant nutrition program has been launched under title IV. Approximately $4 million has been invested in the 29 projects. The projects are testing nutrition program techniques that will not only improve diet but also enhance self-sufficiency and bring elderly participants into social contact with others. All projects include food consumption, nutrition education, and the consumer education components. The Administration on Aging has also contributed to the national nutrition survey. Adults 60 and over constituted 13 percent of the total sample of 12,000 studied to determine nutritional deficiencies. All of these projects will provide new knowledge about the feasibility and acceptability of programs and techniques for coping more effectively with older people's distinctive nutrition problems.

The title V training grants program has established 15 long-term university training programs at the masters degree level in areas where no previous training existed. The areas are occupations in aging concerned with: first, planning, evaluation, administration, and coordination at Federal, State, and community levels; second, administration and management of retirement housing, homes for the aged, and related facilities; third, management of multiservice senior centers; and fourth, specialized service needs of older people in adult education, architecture, home economics, library science, and recreation. These programs currently have over 200 students in training.

In addition, 24 short-term projects, together with training components of title III projects, have trained 4,750 persons already employed in the field of aging, or about to enter such employment. This training upgrades skills and better fits trainees for working with older people.

The foster grandparent program began as a limited demonstration program in August 1965 with 21 projects. It now has 68 projects operating in 40 States and Puerto Rico. The services of 4,000 foster grandparents are being utilized to help 8,000 retarded, disturbed, or emotionally disadvantaged children every day.

These illustrations reflect the extent to which the Older Americans Act has provided services and opportunities for the Nation's elderly that were previously unavailable or nonexistent.

CONCLUSION

Presently there are approximately 20 million Americans who are 65 or older. By 1980 it is estimated that there will be at least 25 million senior citizens.

It is the committee's conviction that this bill will accomplish its two major objectives:

First, to open up new doors of opportunity for older people who wish to be of service to others; and

Second, to increase and strengthen the leadership role of State commissions and agencies on aging in their efforts to build strong statewide and local programs of services and opportunities for their older citizens.

It is the committee's belief that the provisions of H.R. 11235 will enable the Administration on Aging and the State agencies on aging to jointly move ahead and achieve both these objectives.

Mr. Speaker, the Committee on Education and Labor, as evidenced by the above material, has presented its case well. I wish to associate myself with the conclusions drawn by the committee. I am confident that the House will today vote favorably on this legislation. I am also pleased to note that Missouri is one of the participating States in this legislation.

Mrs. MINK. Mr. Speaker, I take pleasure in joining with my colleagues in support of H.R. 11235. As a member of the Select Subcommittee on Education, I have watched with much interest the progress that has been made since the passage of the Older Americans Act in 1965. Many imaginative and worthwhile programs have been begun. The success of these programs has been heartening, but it is also clear that various parts of the act need to be strengthened.

One of the most important provisions of this bill strengthens the capability of State commissions and agencies on aging in the areas of statewide planning, coordination, and evaluation related to the broad mandate of the Older Americans Act. The States carry a heavy responsibility in this regard, and their resources are very limited for the job that needs to be done. Few have more than four professional staff, and many have only one.

To give more special focus to the leadership role of the State agency, the amendments provide for a new requirement that the State plan include a provision for statewide planning, coordination, and evaluation of programs related to the objectives of the Older Americans Act. To assist the States in carrying out these activities a separate authorization of appropriations to pay up to three-fourths of the costs of State agency activities has been provided.

Another important amendment enables the States to continue after the third year to use Federal funds to pay not more than 50 percent of the costs of title III projects which they consider to be especially deserving. Under present law, Federal funds cannot be used for support of a project for more than 3 years. I believe that it is important to provide this additional support so that constructive programs that are underway in communities will not be jeopardized by the withdrawal of Federal interest and support.

These amendments would also authorize appropriations for the next 3 fiscal years for the grant programs of the Older Americans Act and provide authorizations under the act for the continuation of the highly successful foster grandparent program. In regard to the latter program, which for the last few years has been administered jointly by OEO and AOA, I would like to point to Hawaii's experience. The Hawaii foster grandparent program was one of the 21 original projects selected to demonstrate the feasibility of providing loving care to severely retarded children. At the Waimano Training School and Hospital, 38 foster grandparents work 4 hours a day, caring for severely retarded children.

The stories that come back about the improvements in the children with foster grandparents and the benefits to the foster grandparents themselves are heartening. Just one example is the foster grandparent who is quoted as saying:

> All my life, I worked hard in the cane field along with my husband, then raised my family. It was a hard life, but I have no regrets. Since my girlhood, I always wanted to have a job in a place like this and help the unfortunate children. I know, I have hardly any education or training to qualify for such work but when I heard about this project, I couldn't resist the temptation to inquire about it. When I was hired, I wept with joy. My life long dream finally came true.

I am convinced of the merit of continuing this program and placing it under the operating authority of the Older Americans Act.

I have also noticed with interest that these amendments provide for including the Trust Territory of the Pacific Islands as a "State" for purposes of the Older

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Americans Act. I wholeheartedly support this addition to the program.

In summary, Mr. Speaker, I believe these amendments represent a logical and needed addition to our Nation's program for its older citizens. I urge my colleagues to vote for this bill as an important way of assisting our senior citizens to continue to find meaningful ways to serve their communities.

Mr. FASCELL. Mr. Speaker, I join my colleagues in support of H.R. 11235, the Older Americans Act Amendments of 1969. As we have heard, these amendments will extend the programs under the Older Americans Act of 1965 through June 30, 1972, as well as authorize a national older Americans volunteer program, provide greater assistance to strengthen State agencies on aging and authorize areawide model projects.

Today there are approximately 20 million Americans in the 65-years-or-older age bracket. It is estimated that by 1980 there will be at least 25 million senior citizens. In my judgment, it is obvious that we must open new doors of opportunity for our senior citizens who wish to be of service to their communities—and we must increase and strengthen the leadership role of State commissions and agencies on aging as well.

It is important to note that the persons served by the Administration on Aging—which was established by the 1965 act—and the State agencies on aging, represent the full spectrum of the social, economic, ethnic, and racial composition of the Nation. Since inception of programs under this act over 660,000 elderly persons have been served in a variety of ways including home health aide services, home maintenance, special transportation services, and personal counseling services. In addition to taking advantage of these services, many senior citizens have volunteered their services to the communities through programs organized under the Older Americans Act, and participated in recreation and leisure time programs.

The success of the programs to date points to the wisdom of the Committee on Education and Labor in recommending extension of the act for 3 years and I join in urging approval of the bill now under consideration.

Mr. FRASER. Mr. Speaker, I want to indicate my strong support for H.R. 11235, the Older Americans Amendments of 1969. Through the passage of this legislation, we are strengthening a network of Federal, State, and local efforts to meet the special needs of our Nation's older people.

H.R. 11235 is particularly significant because of its emphasis on service opportunities for retired people. The new retired senior volunteer program—RSVP—modeled after the successful foster grandparents program, will enable thousands of older people to use their retirement in a productive, meaningful way. At the same time, RSVP will provide an able body of volunteers from many community service projects.

I know that many older people are asking for this opportunity to be of service. Recently I had an opportunity to meet with representatives from a senior citizens organization in my district that has designed its own program of services for older people in the Minneapolis' model cities area. This group, Minneapolis Age and Opportunity, Inc.—MAO—has used the RSVP approach in a social service proposal which uses senior citizens to provide services for their peers. The "senior to seniors" technique should reduce the resistance that older people sometimes have to more traditional services.

The programs authorized by H.R. 11235 will enable us to continue developing these new approaches for dealing with the problems of aging.

Mr. HORTON. Mr. Speaker, today, the House has before it a matter of vital importance, not only for senior citizens, but for the entire Nation.

I am pleased to support the Older Americans Act. Through my years in Congress, I have continually worked for legislation to improve the conditions of our older citizens. As one of the founding members of the National Task Force on Problems of the Aging, I have studied the problems of our retired people. I have realized the vast manpower, skill, and experience that we have been throwing out the window by not utilizing their talents.

Past performance of the programs funded under the Older Americans Act illustrates its success and the necessity for its continuation.

The act incorporates the principle of giving and using. The voluntary program and the foster grandparents program will benefit the entire country and have a large impact on individual communities which take advantage of the talents of our many senior citizens.

The Older Americans Act is a step toward solving the complex problems of retired people.

I am hopeful that we will act promptly and positively on H.R. 11235.

Mr. DONOHUE. Mr. Speaker, I most earnestly hope the House will promptly and overwhelmingly approve this bill before us, H.R. 11235, designed to amend the Older Americans Act of 1965.

The overall purpose of this measure is to extend the duration of the grant programs of the Older Americans Act; authorize a national older Americans volunteer program; and provide assistance to strengthen State agencies on aging and community projects.

In effect, these amendments to the existing act will expand the opportunities for retired persons, 60 and over, to profitably offer and apply their talents and skills in volunteer programs in their own home communities; and they also will grant the various State agencies on aging the necessary resources to initiate analyses of existing programs serving older persons, identify and correct any weaknesses in these services, develop plans to improve and achieve coordinating services for the elderly throughout the various States, and influence both public and private agencies to cooperate in establishing the best possible programs to encourage the fullest use of the talents, skills, and abilities of the elderly in this country.

The record shows that in the comparatively short time this legislation has been operating the great majority of the programs have proved to be a tremendous impact toward improving the quality of life for the older citizens of this Nation. Obviously the reasonable extension and expansion of these programs is essential, because it is authoritatively estimated that, by 1980, the present number of approximately 20 million Americans over 65 will be increased to at least 25 million senior citizens.

Mr. Speaker, as one of the advocates and supporters of the original Older Americans Act, I am deeply gratified at the substantial progress that has been so far achieved in promoting the basic objective of the legislation, namely, that the Federal Government shall help our elderly citizens in reaching and maintaining wholesome freedom, economic independence, and the fullest exercise of individual initiative in planning and managing their own lives.

The continuation of these objectives is entirely in accord with the established American concept and tradition of promoting the inherent dignity of the individual in our American society, and I most earnestly urge that this bill be adopted in the national interest without delay.

Mr. BENNETT. Mr. Speaker, I am pleased to support the legislation before the House of Representatives today, the Older Americans Act Amendments of 1965. My bill, H.R. 948, to provide for a National Community Senior Service Corps, was introduced on the first day of the 91st Congress. I also introduced H.R. 247, an identical bill to H.R. 948, in the 90th Congress and H.R. 15756 in the 89th Congress. The bill today includes the thrust of my legislation, particularly providing for the national older Americans volunteer program.

I congratulate the House Education and Labor Committee for its work and I was honored to testify to the committee when hearings were held on the bill. I have had a longtime interest in the field of Federal legislation for our older citizens, and I congratulate this committee on its efforts to assist the over 26 million Americans who are over the age of 60. I was one of the original sponsors of the Older Americans Act of 1965, which has accomplished much in its short life. In fact, under this act, the Florida Commission on Aging has received a total of $1,086,717 in Federal funds to begin a very worthwhile statewide program for senior citizens, which represents 12 to 15 percent of Florida's population.

The Florida Commission on Aging, primarily because our State is so attractive to the retired and millions of older Americans, has gathered many significant and important statistics which are helpful in programs for the aged. The facts are that millions of Americans are retiring at an earlier age each year. In 1957, according to the Florida commission, the average age of people inquiring about retiring in Florida was 64. By 1964 the combined average age of civilian and military personnel inquiring about retiring in Florida was 58.9.

The age of retirement is being lowered each year. Almost a seventh of our population is in the forced or voluntary leisure class, and many millions of these people want to do things to occupy their

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time productively. By doing so, they will live longer and happier lives. It was for this same reason that during the 89th Congress I pushed for enactment, as part of the Manpower Development and Training Act, of a special program directed by the Secretary of Labor for those Americans who reach the age of 45 years and need further occupational and special training to compete in the labor market. So often, in today's society, our aging problems do not begin with retirement age, but begin much earlier. Testing, counseling, and training can make these citizens useful far past the usual retirement age. It is not unusual today for someone to enter the labor force at age 20 and retire at age 50.

I visualize the National Community Senior Service Corps and the program in today's bill becoming another Peace Corps for the elderly. I believe it would provide incentives and retirement possibilities, just as SCORE, the Small Business Administration's service corps of retired executives, has done throughout the country. The SCORE program has attracted thousands of retired businessmen to help their fellow businessmen who cannot afford high-priced advice in accounting, marketing, purchasing, and in other fields in their limited operations.

This proposed legislation recalls words of Justice Oliver Wendell Holmes, Jr., who, on his 90th birthday, said:

> The riders in a race do not stop short when they reach the goal. There is a little finishing center before coming to a standstill. The race is over, but the work never is done while the power to work remains.

It has always been my feeling that as a general principle retirement from active productive living should be through choice, and not through compulsion of age. In recent years we have come to recognize that many of our senior citizens have no desire to retire from work; and to many people social security and retirement benefits are not a satisfactory substitute for a paycheck. Many of those who are able to work need to work and want to work. But modern methods of business and industry deny them this. While the number of persons 65 and over has almost doubled since 1940, only about 13 percent are now in the labor force—half the 1940 percentage.

The National Older Americans Volunteer program would allow millions of Americans to continue active and useful lives. The program will give new opportunities to our older Americans and will serve as a symbol of strength to those citizens who are forced to end their lives in forced idleness.

There are many elder citizens who do not need such a program, but there are far more who demand it for continued active life. I know of one such person who will not personally benefit from this legislation but who most probably will use it for others, and if adopted, to inspire hundreds of her fellow men and women. She is Dr. Eartha M. M. White of Jacksonville, Fla. I believe Dr. White, who is 92 years of age and very productively active, is the best example I can think of for the passage of this legislation. We are dealing with people in this bill—old people—and that has been a large part of Miss White's involvement for over three-quarters of a century.

The legislation would allow participation by private nonprofit organizations such as the one led by Dr. White, in the development of a wide range of opportunities for senior citizens. Dr. White was born on November 8, 1876.

She recently opened a new $775,800 120-bed nursing home, supported by a $387,900 Federal grant under the Hill-Burton program. She founded the Clara White Mission in honor of her mother in 1920; has operated a home for the aged for 60 years; she secured an appropriation from the Jacksonville City Council for the first colored playground in the city and was the prime mover in the establishment of the Forest Hill Correctional School for Girls in Florida. These are just some of the good works of Dr. White, a living legend in her time.

Mr. Speaker, the legislation presents an enlightened program which would give the Eartha Whites of our Nation—the elderly who are able to help themselves—an opportunity to help their fellow men.

American history is filled with examples of leaders who have accomplished great things for their nation after reaching the age of 70. Benjamin Franklin is the first who comes to mind. He helped mold a Nation beginning in 1776 when he was 70 years old. Thomas Edison invented the phonograph after he was 70. Bernard Baruch served as U.S. representative on the United Nations Atomic Energy Commission when he was 76. The final year Sam Rayburn served as Speaker of the U.S. House of Representatives he was 79. And when he was 72, Herbert Hoover went on a tour of 38 nations at the request of President Harry Truman.

We have a tendency to push aside people because they are too old, too young, or disabled in some way. We do not do it out of meanness but probably out of misplaced kindness and thoughtfulness. What we should do is to help develop the abilities of the old, the young and the disabled to the fullest extent. We need to draw out the talents these people have. They can all lead constructive lives. The bill before you today will help the elderly grow and prosper through activity and usefulness.

I urge the adoption of this legislation, and again congratulate the chairman of the committee and the gentleman from Indiana (Mr. BRADEMAS), chairman of the subcommittee, on bringing this "Peace Corps" for the elderly to the Congress—which will mean so much to all Americans.

Mr. RODINO. Mr. Speaker, I am pleased to support this most essential bill, H.R. 11235, to extend and strengthen the Older Americans Act of 1965. It was my pleasure and privilege to cosponsor the original legislation that initiated a new era in which the Federal Government has assumed a proper role in providing financial assistance and leadership to meet the problems and needs of our growing older population.

Our senior citizens now number almost 20 million—about every 10th American—and they well deserve our attention and aid to assure them the fullest possible participation in all the benefits and amenities of everyday American life.

Under the Older Americans Act, according to the Special Committee on Aging of the U.S. Senate, significant changes have taken place in funding for programs for the aged. In my own State of New Jersey, appropriations have increased from $95,000 in 1963–64 to $135,000 in 1967–68, and under the able leadership of Mrs. Eone Harger, director of our division on aging, we have an active and increasingly effective State program.

Mr. Speaker, it is imperative that this very modest Federal effort be continued, and I am pleased that the bill we are considering provides for a 3-year authorization of the act with $20 million in fiscal year 1970 and increases of $5 million in each of the 2 subsequent fiscal years. Most important of the changes in the bill, in my judgment, is the authorization for utilization of money to administer and provide reimbursement for expenses for volunteer efforts by the elderly in community service projects. For we have already seen the tremendous success of fledgling pilot projects—such as the foster grandparents and green thumb programs.

There is still much to be done, particularly to meet the basic income needs of our retired citizens. In this connection, I was happy to cosponsor legislation providing a 15-percent increase in social security benefits with a minimum monthly payment of $80 and automatic increases in benefits to meet increases in the cost of living. Estimates clearly show that this is the minimum increase needed to enable our senior citizens to barely maintain existing income levels on the basis of projections from Consumer Price Index cost of living rises. Enactment of social security increase legislation is urgent, as is further action to solve the special economic problems of the aged, and I am glad that the Senate special committee plans a thorough study on the specific subject.

In the meantime, approval of H.R. 11235 is essential to permit proper planning and funding of the small but vital programs that are undertaken with the assistance furnished under the Older Americans Act.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 11235, the Older Americans Act Amendments of 1969.

I was privileged to play a part in the enactment, nearly 4 years ago, of the Older Americans Act of 1965, and again in the passage of the Older Americans Act Amendments of 1967. I am grateful for the opportunity to support for the third time one of the great social programs which emerged from the 89th Congress.

Today, as in 1965 and the ensuing years, the needs of older Americans require the sympathetic consideration of an informed Congress. Statistics have been cited by distinguished Members of this body, on both sides of the aisle, showing that Americans of advanced age are not only becoming a growing segment of our population, but that they are also becoming a more active group. What is clearly needed, therefore, is a strength-

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ening of the original Older Americans program with new thrusts in directions indicated by recent experience.

The bill we are now considering would do this and more. Having a fourfold purpose, H.R. 11235 would extend the duration of the grant programs of the Older Americans Act; it would authorize a national older Americans volunteer program; it would provide assistance to strengthen State agencies on aging and community projects; and, finally, it would authorize areawide model projects.

The retired senior volunteer program and its foster grandparent component hold great promise in the utilization of the talents and skills of older Americans at various economic levels, and bringing them once again into the mainstream of life in their communities. Retired senior volunteers would be given the opportunity to provide services in their home communities or in nearby communities on publicly owned and operated facilities or projects or on local projects sponsored by private nonprofit organizations. They would receive no compensation other than for transportation, meals and other out-of-pocket expenses.

The foster grandparent program, on the other hand, would enable low-income persons to earn a stipend by providing needed services in the community. Foster grandparents would provide invaluable personal services on an individual basis to children receiving care in hospitals, homes for dependent and neglected children, and other establishments providing care for children with special needs.

The 1969 amendments, in addition, would strengthen State agencies on aging and provide them with the resources needed for a role of increased leadership in the development and implementation of plans to assist older citizens. A certain amount of flexibility in the financial support of State projects is also included in the 1969 amendments.

To carry out the multipurpose thrust of this legislation to aid the elderly, the sum of $122 million is authorized for the next 3 years. Graduated amounts are stipulated for State and community projects and for research, demonstration, and training programs administered by the Administration on Aging in the Department of Health, Education, and Welfare. Some objection has been voiced with respect to the amount of the authorization. The facts and figures which earlier were disclosed by our colleagues clearly indicate, however, that the authorization is consistent with the tremendous job that needs to be done.

It is, after all, a modest price to pay. The responsibility toward the well-being of older Americans rests with the entire Nation. H.R. 11235 would help us to meet that responsibility and at the same time bring enrichment and fulfillment to their lives.

Mr. Speaker, I urge a favorable vote for this legislation.

Mr. HALPERN. Mr. Speaker, I would like to express my enthusiastic support for H.R. 11235, the Older Americans Act Amendments of 1969. This bill provides for the establishment of programs that will serve both the senior citizens who participate and the community in general. By establishing a national older Americans volunteer program, a foster grandparent program, an authorization of areawide model projects, and a requirement that statewide planning and evaluation of these programs be instituted this bill takes a constructive and necessary step in dealing with the needs of our older citizens.

The citizens who would participate in these programs have already made valuable contributions in their chosen fields of endeavor. This bill insures that the Nation will continue to benefit from the knowledge and experience of these older citizens. Simultaneously, the older citizens themselves will benefit. They will be given a new interest in civic action; they will have an effective means to contribute to the betterment of their community. They will make new contacts, some of them with youngsters. The older citizens will be able to become a part of the great movement to improve the lives of their fellow citizens.

This bill very wisely encourages the cooperation of the Federal and State Governments. Through a joint effort these programs can best be implemented. After the first 3 years of these programs the Federal support is reduced to 50 percent. This will force the States to evaluate the success of these programs and to eliminate those that have failed to serve the community and the participants.

While these programs are expensive, they certainly can return far more than the investment. They are serving a vital dual purpose. They are providing a means for older people to continue to serve their community and Nation. They are helping the residents of the community by providing it with the volunteer service of a highly skilled and experienced group. Through the foster grandparent program the misfortunate youngsters who are in hospitals or care centers will be befriended by understanding older people who will be receptive to their problems. The States will be provided with an incentive to take over and develop the most effective programs.

This bill serves to demonstrate the gratitude of our Nation to the older people and acknowledges our firm belief that they have many more years of productive service before them. I am confident that the results of this bill will be beneficial to all concerned. I heartily support it and praise the Congress for its prompt passage of this bill.

Mr. PERKINS. Mr. Speaker, I have no further requests for time.

The **SPEAKER** pro tempore (Mr. ALBERT). The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill H.R. 11235, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members who may desire to do so have 5 legislative days in which to revise and extend their remarks on H.R. 11235.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONSTRUCTION-DIFFERENTIAL SUBSIDY

Mr. GARMATZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 265) to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies, as amended.

The Clerk read as follows:

H.R. 265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the second sentence of subsection (b) of section 502 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1152(b)), is amended by striking out "June 30, 1969,", and inserting in lieu there of "June 30, 1970,".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GARMATZ. Mr. Speaker, I yield myself such time as I may consume.

This bill would continue for an additional year the ceiling of 55 percent on the amount of construction-differential subsidy paid on vessels built in U.S. shipyards under section 502 of the Merchant Marine Act of 1936.

Under the provisions of that act, an operator qualifying for subsidy is paid the difference between the bid of an American yard and the cost of a similar vessel built in the lowest cost foreign yard. Under the Merchant Marine Act of 1936, as originally enacted, the ceiling for subsidy payment was set at 50 percent, but in 1960 it appeared that the difference between foreign and domestic costs were exceeding that amount, and, as a result, in that year the 55 percent ceiling was first enacted. Since that time, it has been extended by successive acts and the present authority expires on June 30 of this year. This bill would provide for continuance of the 55 percent rate for 1 more year.

The bill as introduced provided a 2-year period, but Maritime Administration has stated to the committee that it proposes a new merchant marine program later this year and that changes in the subsidy would be included, and as a result an additional year is sufficient.

The same provision authorizes 60 percent for the reconstruction or reconditioning of passenger vessels, but unhappily at the present time, there appears to be no operator willing to invest any money in American-flag passenger vessels. It should be pointed out that this subsidy while in terms payable to the shipowner, in fact, is for the benefit of the shipbuilder, and ship operators. The effect of this law is to give the shipowner his vessel at the foreign cost which is the amount of his outlay for the vessel. The

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additional payment from the Government is to meet the balance of the vessel cost as quoted by the shipyard. The disparity in cost between American and foreign shipyards is based primarily on the difference in living standards and it is possible with the forthcoming administration program that U.S. yards will be able to compete with others in building ships for the world market. However, the subsidy, in my opinion, is completely justified because it enables American yards to continue in business and thus be available for use in an emergency.

We need only recall the part played by our shipbuilders during World War II to justify this subsidy. We have been told from time to time that ships are obsolete and that future emergencies throughout the world will not require appreciable numbers of ships. However, the fact remains that our present problem in Southeast Asia has entailed delivery of supplies to the extent of 98 percent by ships so that it appears that ships will be with us for many years to come.

While, of course, we are continually hopeful that the gap between American and foreign shipbuilding costs will narrow, the unhappy fact remains that it has not done so in the last 10 years, and there is no present prospect of any reduction in the future. While American yards have expended great sums of money on modernization, the foreign counterparts have expended considerably more, thus bringing their cost down to a greater degree than ours. Unless, and until, we get a stable maritime program that will enable the yards to anticipate future ship construction in reasonable volume, they are not justified in undertaking radical modernization and thus our whole problem becomes one of evolving an overall maritime program, which in the long run will save us money.

I feel that this bill is amply justified by the facts, and I call attention to the House that at the present time the United States through the operation of this program has built the largest fleet of modern liner vessels presently in existence in the world. Of course, we cannot maintain this lead without the expenditure of large sums of money and the development of a new program, but at least we have that to show for our efforts to date,

I, and my committee, feel that this bill is not only beneficial, but necessary to our merchant marine and, therefore, I urge favorable consideration.

Mr. LENNON. Mr. Speaker, on May 15 the House passed H.R. 4152, the bill to authorize appropriations for certain maritime programs in the Department of Commerce. This was most necessary in order to fund the on-going activities of the Maritime Administration. We all know that the Administration is working on a new maritime program which is to be presented sometime this summer. Until that time, there are a number of matters vital to the current maritime programs which must be acted upon.

Obviously the authorization of appropriations for the Maritime Administration is of paramount importance. Another matter basic to the U.S.-flag fleet which requires our immediate attention is this bill, now under consideration, H.R. 265, which would amend section 502 of the Merchant Marine Act of 1936 to extend the 55/60 percent subsidy ceiling. The present 55/60 percent ceiling extension expires on June 30, and, unless Congress mandates its continuance for at least 1 year as required by the bill reported out by our committee on June 10, the subsidy ceiling will revert to the permanent section 502 ceiling of 50 percent. Such a happening would be contrary to the well-being of the U.S. merchant marine.

I am sure we are all well aware of the disparity between United States and foreign shipbuilding costs which make construction subsidies essential if ships for the foreign trade are to be built in the United States. This differential rate we are talking about measures the degree of difference between U.S. price and foreign prices for a particular vessel at a given time.

When this differential in cost between building here and abroad exceeds the basic 50 percent written into permanent law, the shipowner is denied parity and in effect is forced to either underwrite the subsidization of U.S. shipyards or not build ships. The profit margins of the subsidized ship operators are in the very low range of 3 to 4 percent. Thus, it is clear that they certainly do not have the financial wherewithal to pick up any of the excess costs over and above the 50-percent differential. In this connection, it is pertinent that the hearing record over the past 10 years has abundantly established the fact that the construction costs in the United States and abroad have generally been ranging between 50 and 55 percent and it is clear that the CDS rate will continue to be somewhere in the 50- to 55-percent range. In the last several years, in these different ship construction arrangements, the actual differential as computed by the Maritime Administration was in excess of 55 percent with the owners being required to absorb the excess.

It does not take great foresight to see the financial bind the subsidized operators will be in if the present 55 to 60 percent subsidy ceiling is allowed to expire and lapse back to the permanent 50 percent. It could well cripple all subsidized commercial ship construction in U.S. yards because the owners will be financially unable to absorb the construction differential excess. Thus, I urge my colleagues to vote to extend this ceiling for one more year and let us see what the administration comes up with in the way of a maritime program which may obviate the necessity of requesting extensions in the future.

Mr. PELLY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I endorse the remarks our distinguished chairman of the Committee on Merchant Marine. The extension of the 55-percent ceiling on construction-differential subsidy payments for new vessels and the 60-percent ceiling for the reconstruction of passenger vessels was reported by your Committee on Merchant Marine without dissent and has been endorsed by the administration.

The Merchant Marine Act of 1936 was designed to foster the American merchant marine through two basic programs. The first of these programs is the operating-differential subsidy, which enables American-flag carriers to offset their foreign-flag competitors significantly lower operating expenses, thus placing them on an equal competitive footing. The second approach of the Merchant Marine Act is designed to maintain an adequate shipbuilding capability in the United States. To achieve this, the act requires those carriers who receive operating-differential subsidy to build their ships in American shipyards. Due, however, to our extremely high standard of living, vessels constructed in American yards are considerably more expensive than comparable ships built in foreign yards. To offset this difference in price, the Merchant Marine Act of 1936 established the construction-differential subsidy. This subsidy, in theory at least, enables an American-flag carrier to purchase ships from American yards at a cost equal to what it would pay for the same ships constructed in representative foreign shipyards. To the extent that the subsidy does not equalize the cost between American and foreign shipyards, the American-flag carrier is penalized by not being able to seek out the lowest cost source for new ships.

In addition to the requirement built into the Merchant Marine Act of 1936 that carriers holding operating-differential subsidy contracts build only in American yards, foreign built ships are barred for a period of 3 years from carrying Public Law 480 and AID cargoes, and are prohibited from engaging in the coastwise trade.

The 1936 act established a ceiling of 50 percent on construction-differential subsidy payments. So long as the cost of constructing vessels in American yards did not exceed foreign construction costs by more than 100 percent, this limitation did not penalize American-flag carriers. Beginning in 1960, however, American-built merchant ships have consistently been more than twice as expensive as comparable ships built abroad. For that reason, the 50 percent ceiling was raised to a maximum of 55 percent in 1960, and has been continued at 55 percent up to this time.

While wages which are the principal cause of higher American construction costs appear to be rising at a more rapid rate abroad, the spread between American and foreign wages is so great that there is no likelihood that these costs will equalize in the foreseeable future. In this regard, it must be recalled that we are faced not only with lower wages in the foreign shipyards but also lower wages in all the various industries which support the shipbuilding industry.

The operating-differential subsidy program, as established by the Merchant Marine Act of 1936, has proven its worth. We have maintained a basic American capability to construct merchant ships. Today we are witnessing a revolution in the design of cargo vessels. American-flag carriers and American shipyards are leading this technological revolution. Today we are building the most modern

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efficient ships in the world. Without the construction-differential subsidy, this would have been impossible. These new ships will product significant economic benefits which will more than offset their increased cost, both to the carrier and to the Government. For example, a seabarge type containership, of which there are a number now under construction, will have the productivity of at least three of our traditional break-bulk type vessels now in service. This increased productivity together with a high degree of automation will significantly reduce the operating-differential subsidy required to maintain adequate American-flag service on a given trade route during the 20- to 25-year life of these vessels.

H.R. 265, as introduced by our distinguished ranking minority member of the Merchant Marine Committee, would have extended the 55 percent subsidy ceiling for 2 years. In view of the fact that the administration expects to make significant recommendations to Congress covering the overall merchant marine picture, it is appropriate that this ceiling be extended for only 1 year at this time. Mr. Speaker, I urge the passage of H.R. 265 as amended by your Committee on Merchant Marine.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from New York.

Mr. BINGHAM. I wonder if the gentleman, or the chairman of the committee, could give us some information about the financial implications of this measure?

I notice from the report that no precise estimate is provided.

Could we have some idea of the order of magnitude of the financial consequences of this legislation?

Mr. PELLY. I am glad to respond to the gentleman's question and say that, for example, in 1968 there were 10 awards under the ship construction program, and all of these exceeded the 50-percent construction differential that existed in the old Merchant Marine Act of 1936. Therefore, the amount involved in this particular bill is an amount of somewhere between the 50-percent construction subsidy under the 1936 Merchant Marine Act and the 55-percent subsidy authorized by the amendment which this bill would extend for 1 year.

I think it would be difficult to state an exact amount. But I would estimate that the total cost of this bill, based on a 10-ship experience of last year, would involve an average of about $1 million per ship, or a total of $10 million. That is a very rough estimate.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from Washington has expired.

Mr. PELLY. Mr. Speaker, I yield myself 3 additional minutes.

The SPEAKER pro tempore. The gentleman is recognized for 3 additional minutes.

Mr. PELLY. Therefore, if there were 10 ships, it would be $10 million in total.

Mr. BINGHAM. Mr. Speaker, if the gentleman will yield further, would that be the incremental over and above the 50 percent or would that be the total amount?

Mr. PELLY. What I am talking about is the total involved in this particular bill. I believe that, normally, a ship that is built receives a subsidy of somewhere around $15 million now. It used to run around $8 million. And therefore, if we take the amount that is over 50 percent, it would be anywhere from 3 to 5 percent above the 50 percent, or a total of $10 million. So, roughly speaking, and I must say I am afraid it is a rough figure and it is a difficult figure to come up with, but in my opinion that is the figure that might be involved is the amount over the previous 50 percent.

Mr. BINGHAM. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the genleman yield?

Mr. PELLY. I yield to the gentleman from Iowa.

I have supported this program in the past, but my patience is wearing thin.

Now, is it not true that labor costs are not the only factors that enter into this question? Is it not a fact that these shipyards are more modern than American shipyards—the shipyards in Japan, in Germany, and in France and elsewhere?

Mr. PELLY. I would say to the gentleman from Iowa that actually today that while the total price of our ships is going up, this is because of new technical improvements and things of that nature. Actually, we are building ships insofar as labor goes at no greater cost than before. So, I believe that our shipyards are more modern today and that they are building certainly vastly improved ships which in gross amount are more expensive.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, were we not dupes when we forfeited war reparations from the Germans and from the Japanese, and then turned around and made loans to them which we settled for a few pennies on the dollar; funds they used for purposes of rebuilding their modern shipyards—shipyards over that we bombed into destruction?

How stupid can we be in this business of fighting wars and then eternally and forever financing those we have defeated at a huge cost in blood and money? We have rebuilt the productive facilities and capacity of some of them to the point where we cannot now compete and that includes shipyards.

Mr. PELLY. I would say to the gentleman from Iowa that I believe we do have some pretty fine shipyards in this country. I do not believe they are as modern as we would like to have them, but the problem is that they have not been able to have enough orders to work on so as to get into a production line basis. As a consequence, they are building them on a one order basis—a one ship, or two or a three ship at a time basis.

I believe that is the explanation.

Mr. GROSS. I would say to the gentleman that the reason American yards are not getting orders is because of the cost of building the ships; is that not correct?

Mr. PELLY. I believe that certainly for national security purposes we have felt we should subsidize construction costs in order to continue the know-how of our shipyards to provide the necessary ships to take care of our security.

Mr. GROSS. That is correct, and this is just some more, in part, at least, of the stupidity of foreign aid, trying to be all things to all people around the world. It will not work. I will go along with this procedure for 1 more year but, as far as I am concerned I am about to the end of the string.

Mr. PELLY. The gentleman is absolutely right that those nations he has mentioned, Japan and Germany, and so forth, are great shipbuilding nations, and I have no doubt that it was our foreign aid that built them up.

Mr. Speaker, I yield back the balance of my time.

Mr. GARMATZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Missouri (Mrs. SULLIVAN), a member of the committee.

Mrs. SULLIVAN. Mr. Speaker, I heartily support this legislation.

During my term as a member of the Merchant Marine and Fisheries Committee, I have observed the operation of the subsidy provisions of the 1936 Merchant Marine Act, and I am convinced that it has been instrumental in maintaining the relative handful of ships that we have.

At the moment, we are in the forefront of the container revolution and we are not only building very fast ships, but also modern, economical types. The entire operation of liner ships has changed radically in the past 5 years. It is essential that we be in a position to take advantage of developments and, for that matter, initiate new ones so that we can maintain our precarious hold on what little of our commerce we presently carry.

I emphasize the point made by the chairman that this is a bill for the benefit of shipyards and not ship operators. All of the money paid under its provisions ultimately reaches the shipbuilder as part of his price for construction of the vessel. The operator obtains his vessel at the same price that he obtained it abroad, and thus he gets no benefit from the subsidy except that he has an American product instead of a foreign one. The money paid by the Government goes to the shipbuilder to defray his extra costs of maintaining an American establishment.

I believe that this bill is essential for the maintenance of our merchant marine and, accordingly, joint with the chairman in urging its enactment.

Mr. GARMATZ. Mr. Speaker I yield such time as he may consume to the gentleman from Pennsylvania (Mr. CLARK), a member of the committee.

(**Mr. CLARK** asked and was given permission to revise and extend his remarks.)

Mr. CLARK. Mr. Speaker, I am in complete agreement and support H.R. 265.

The vast majority of our merchant fleet was constructed during World War II. Faithful service of these ships is near an end. Of the approximately 900 privately owned active U.S.-flag merchant ships, about 60 percent are at or near their 25th year of service. As a whole the entire fleet averages about 20 years of

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age. Unless prompt steps are taken to build new ships, the United States will be reduced to a second-rate maritime power with grave consequences to our balance of payments and sealift support capability for our Armed Forces. The aging of our fleet is unfortunately paralleled by low earnings throughout most of the maritime industry where profits generally range among the lowest in U.S. business. Faced with low earnings, aging equipment, and intense foreign competition, steamship operators must receive national support to at least put them on a capital cost parity with their foreign competitors. By law and regulation, most U.S. shipowners are required or encouraged to build ships in the United States where because of our high standard of living, prices are substantially higher than those abroad. Witnesses from both industry and Government have testified that the cost of building ships in the United States during recent years has generally averaged between 50 and 55 percent more than abroad. The extension of this legislation to permit payment of construction subsidies up to 55 percent is essential if replacement programs presently underway are to be continued and expanded. Accordingly, I urge prompt passage of this legislation to extend the current 55-percent construction subsidy ceiling for one more year. I hope that this is the last extension that will be required and that the administration, as promised, will present a new merchant marine program that will provide the basis for a new, long-term merchant marine policy.

Mr. GARMATZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, many Members of this body, on both sides of the aisle, have evidenced their alarm over the diminishing stature of our merchant marine. Their concern is well taken. The United States emerged from World War II with the largest and most modern merchant fleet in the world. But the fleet of more than 5,000 ships—the oldest of which were but a few years of age—today numbers approximately 1,000 ships, 80 percent of which are now approaching 25 or more years of age. Testimony to the infirmities and inadequacies of our merchant marine is the stark, incredible fact that less than 6 percent of this Nation's import-export trade moves in American-flag ships. Ships of other nations monopolize and control not only our imports of vital raw materials but also our access to world markets. That this Nation—the leader in world trade—is so heavily dependent upon the fleets of other nations, in my judgment, is intolerable.

H.R. 265, calling for a 1-year extension of the 55-percent construction differential ceiling, will not resurrect the American merchant marine. Nor will it necessarily enable our merchant fleet to carry a respectable amount of our foreign trade. It will, however, enable those American-flag ship operators who are able to undertake the construction of new vessels between July 1, 1969, and June 30, 1970, to acquire their ships at the same price levels as paid by their overseas competitors.

H.R. 265 does not prescribe that the Government pay 55 percent of the cost of ships built for subsidized operators. Instead, it would maintain the existing ceiling—a maximum of 55 percent—on the extent of governmental participation in funding the cost of such ships.

Unless this legislation is enacted the ceiling will revert to 50 percent. The possibility of reduction in the cost of foreign-built ships during the next 12 months makes it necessary to maintain the 55-percent ceiling in force.

Certainly, with the American merchant marine in such a deteriorated condition, every effort should be made to encourage American shipping lines to modernize their fleets with new efficient vessels. H.R. 265 is a positive and essential step in this direction and I urge support for its passage.

Mr. PELLY. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Speaker, this bill, to extend the provisions of the Merchant Marine Act relating to construction-differential subsidies, is essentially a holding action. It provides for business-as-usual in the merchant marine for 1 more year—but only one. By this time next year, I hope and expect that the Nixon administration will have a clear-cut program of its own to revitalize the American merchant marine.

No one can deny that such a revitalization program is sadly needed. Our merchant marine, once among the finest in the world, has been allowed to dwindle to a shadow of its former self.

If this decline were merely a matter of prestige, we could possibly learn to live with it. But there is much more to it than that. A strong merchant marine can be as effective an arm of national policy as a strong Navy—even stronger, since it represents "present" as opposed to potential power. Despite all the talk about air freight, the vast majority of world trade is carried on ships—merchant ships—and every year, fewer and fewer of those ships are American. This is not a matter of abstract prestige but of cold cash and direct influence lost.

The Russians are aware of the value of an up-to-date merchant marine. As the American fleet declines, the Russian fleet has expanded.

Three years ago I visited the Soviet Union on a factfinding trip to determine their maritime capabilities and goals. I would like to bring to your attention some of the more sobering statistics I gleaned from that trip.

As a result of its 7-year plan, the Soviet Union in 1960 strengthened its 11th-ranked fleet to sixth place in 1965—with a present—that is, 1966—fleet of over 8½ million deadweight tons. The next Soviet target is to triple the size of this increase over the next 4 years. The Soviet goal for 1980 is to have developed a fleet of over 20 million tons—the equivalent of the huge British merchant marine of today."

In comparison, the United States is far behind. During 1965, the Soviets accepted delivery of 129 new ships, while the United States took delivery of only 16.

The Soviet's proclaimed goal is "to gain control of the seas." And they are well on their way to doing just that.

Even disregarding the Soviet threat, the consequences of allowing the U.S. fleet to decline are alarming. We are becoming more and more dependent on foreign shipping to carry our cargoes—in spite of our World War I and World War II experiences when foreign shippers, as the war clouds gathered, suddenly withdrew, leaving our cargoes standing at the docks. And now, as then, we are forced to charter foreign vessels to carry cargo; this time to Vietnam.

We, in the Congress, who are concerned with this situation are looking to the new administration for leadership—and I am sure it will be forthcoming. Already the Nixon administration has gathered some of the most competent and imaginative men in the field to lead its merchant marine effort. The new Maritime Administrator, for instance, is a former shipmaster, and served as assistant comptroller of the Military Sea Transport Service in the Navy before becoming an officer of Grace Line. I have every confidence that this background of Andrew Gibson's will soon be reflected in a strong administration plan to rebuild the merchant marine.

The Under Secretary of Commerce, Rocco Siciliano, has a similarly impressive background. As president of the Pacific Maritime Association, as chairman of the International Labor Organization Maritime Preparatory Conference, and in a multitude of other roles, Mr. Siciliano has shown a strong background in and strong concern for the merchant marine.

These men—and others like them—give this administration the personnel resources it will need to formulate a vital national maritime policy. I am sure that by this time next year they will have a plan for action that we can adopt with confidence. For the sake of the U.S. role in international commerce, I hope that they do. Our national interest demands it.

Mr. GARMATZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BYRNE).

Mr. BYRNE of Pennsylvania. Mr. Speaker, earlier this year the Maritime Administration, an agency of the U.S. Department of Commerce, released a staff study entitled "Maritime Subsidies." This comprehensive report revealed that virtually all maritime nations, big and small, provide either direct or indirect subsidies, or both, to their shipping and shipbuilding industries. In all instances the support is rendered in recognition that such industries are vital to the respective countries' economic and/or military posture, and is intended to preserve them in face of international competition.

Of all the nations in the world, none has a greater need of a strong, viable maritime industry than the United States. Because of our high standard of living, the wage rates of American seamen and shipyard workers range from double to four times those paid to their foreign counterparts. In the field of shipbuilding, if the French, the Italians, the British, to mention but a few, feel that government support is essential to offset,

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or minimize the low costs and competitive advantages of Japanese shipbuilders, then I submit, the United States in its own self-interest must see that steps are taken to assist and reinforce it's shipbuilding and shipping industries.

H.R. 265, which would extend for a 1-year period beginning July 1, 1969, a 55 percent ceiling on the construction differential subsidy, is a positive and essential measure to enable the American-flag ship operator to procure his ships at the same price levels which prevail for his foreign-flag competitors.

In essense, this legislation merely insures that those few operators who in the next 12 months are able to order, with Government assistance, new merchant ships from American shipyards will be on a construction cost parity with their oversea counterparts.

I, therefore, urge my colleagues to support passage of this essential legislation.

Mr. GARMATZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Speaker, I urge support of this authorization bill, H.R. 265, relating to construction-differential subsidies for our merchant ships, sponsored by my distinguished colleague, the gentleman from California (Mr. MAILLIARD) ranking minority member of the House Merchant Marine and Fisheries Committee.

H.R. 265 authorizes the extension for an additional 1-year period of the present 55-percent ceiling on construction differential subsidy payments on new vessels and 60 percent on reconstruction or reconditioning of passenger vessels. On May 15 the House overwhelmingly gave its support to legislation authorizing $145 million for construction-differential subsidy, as indication of the prevailing feeling in this body that our merchant marine is woefully in need of revitalization.

The General Counsel of the Commerce Department pointed out to the members of the committee during their consideration of H.R. 265 that failure to approve this legislation could deny to the subsidized ship operators parity with their foreign competitors in the construction of the necessary ships. My colleagues are well aware that 98 percent of the material and a very substantial portion of our troops serving in Vietnam are conveyed to Southeast Asia by ship. The United States has a grave responsibility to meet in assuring that we can provide newer and faster ships for such service. Since foreign shipyards consistently undersell American yards in shipbuilding services primarily due to the cheap cost of labor abroad, we of the committee are firmly convinced that we must continue to subsidize our American liner companies—and at the 55-percent ceiling for new vessels and 60 percent in the case of reconditioned or reconstructed vessels, the rate first established in 1960. It was first felt by the committee that a reasonable extension of the present percentage ceiling should be at least 2 years, however, since the administration has indicated it plans to present Congress with a new maritime program affecting this particular area, it was deemed that a 1-year extension would be more appropriate.

In his report, the chairman noted that the subsidized companies under this program are now building a fleet of the most advanced and efficient ships in the world. The crisis in our maritime industry is well known to all of us, as the condition of our merchant marine has been severely inadequate for too long. We have an opportunity today to remedy some of these shortcomings and to insure the success of our construction program by approving H.R. 265. I consider this legislation essential to the needs of the merchant marine and I urge my colleagues to support this bill.

Mr. GARMATZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I have asked for this time to further explore this particular bill in light of the bill that we passed a few weeks ago, H.R. 4152.

Mr. Speaker, I am not so concerned about the percentages being increased here on the subsidies as I am in finding out what kind of vessels they intend to build under this authorization, and under the authorization passed just a few weeks ago.

I wrote the distinguished chairman of my concern about that, and raised a question on the floor when the bill was before the House. All I could ascertain from the chairman was that, insofar as the intent of the bill was concerned, no kind of subsidy would be given to shippers of a particular commodity. The concern of the gentleman was the construction of vessels, and that the gentleman was asking somewhere in the neighborhood of $29 million extra for the purpose of construction of these vessels. The question occurs again to me, because I still have not received a satisfactory answer.

The chairman wrote me on May 26, in which he said:

> I have no information with reference to this particular movement, but it occurs to me that it would very likely be handled in foreign-flag vessels over which the U.S. has no controls.
>
> Furthermore, these are bulk commodities and although some applications are pending for the construction subsidy for bulk carriers, it is highly unlikely that any government funds will be allocated in this direction.

I wrote to the chairman and I also wrote to the Administrator of the Maritime Administration to ask him what kind of vessel would be planned, and he writes back, and the information is somewhat contradictory. That is what I am trying to get established here today. He said, and I quote from his letter to me:

> The type of vessel to be used would, of course, be a bulk carrier and the cargo would be classified as nonliner dry cargo.

Then he goes on to say:

> You indicate that this prospective endeavor could have a very direct and detrimental effect on your district.

I notice in this week's issue of Traffic World that the Deputy Administrator of the Maritime Commission, Robert J. Blackwell, is quoted in this particular edition, in appearing before the committee, as to the type of construction that they anticipate. I know, Mr. Speaker, you cannot in a bill always say that so many vessels of a certain type are to be constructed. Still you are bound to know what kind of vessel you are going to have.

This is what Mr. Blackwell said:

> In a subsequent question-and-answer discussion with committee members, Mr. Blackell also disclosed that the MSB is currently studying plans submitted by the Langfitt Corp. for construction of two "super" tankers in Brooklyn, N.Y., of 230,000 deadweight tons each, expressly for service in the proposed new Northwest Passage route.
>
> Mr. Blackwell noted that, even if the route, presently under exploration, should prove to be unfeasible, an expanded tanker fleet would be needed anyway. Without the new route, he said, pipelines would have to be built to supply the capacity anticitpated for the tankers. Tankers would be needed, he said, to service the pipeline at its coastal terminals.

The point here is that Blackwell was saying that apparently you are asking for this extra money to build large vessels to haul liquid fuel, I assume petroleum products, and yet, the chairman earlier said that the vessels they anticipate constructing would be for dry bulk.

Now, are you talking about dry bulk carriers under the bill we passed 3 weeks ago, and liquid under this particular bill? So what kind of vessels are you going to build, and for what purpose?

I want the House to know that I am concerned, because I have a calcium limestone industry in my district which engages in the production of limestone. If under this bill they build these vessels and they haul in calcium and aragonite as it is called from the Bahama Islands, on which no tariff is paid, and on which they are asking for depletion, and they are also getting a construction-differential subsidy, I say that that is unfair competition with our domestic industry.

I ask either one of the gentlemen, what kind of vessels are you building? I will be very glad to yield to either side.

Mr. GARMATZ. First of all, they did not get enough money originally from the subsidy for liner vessels let alone bulk vessels. I would say 99 percent of the subsidy in 1965 and 1966 and the last few years, were for all liner vessels.

I do not know how you possibly can answer what particular type will be involved.

Mr. PICKLE. You mean that they are coming to you and you are appropriating $29 million extra and you did not ask what kind of vessel they are going to build?

Mr. PELLY. That question was asked and Mr. Blackwell of the Maritime Commission Administration, as I recall, answered and said that part of the funds would be used to build a sea barge type of modern cargo vessels.

I heard nothing mentioned with regard to any liquid cargo that I can recall in the hearings.

Mr. PICKLE. But earlier you say that they were hoping to build these two super tankers of 230,000 deadweight tons each.

Mr. PELLY. I am not making that statement because I do not know what

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they are doing. But I would think that the Maritime Administrator, if you give him a call, would tell you exactly what he intends to do.

Mr. PICKLE. I respectfully tell the gentleman that I have tried to get that information from the Maritime Administrator. I have a letter here from him that I would like to include in the RECORD:

U.S. DEPARTMENT OF COMMERCE,
MARITIME ADMINISTRATION,
Washington, D.C., June 4, 1969.

Hon. J. J. PICKLE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PICKLE: This is in reply to your letter of May 22, 1969, enclosing a copy of your letter to Chairman Garmatz with respect to the policy that should be followed in balancing the need for a strong merchant marine against the desirability of preserving existing domestic activities. You mention that there is an organization which has a proposal to dredge calcium and aragonite deposits from the area of the Bahama Islands and ship them to southern ports in competition with domestic lime and limestone production, and that their operation in very large measure depends on their receiving a construction-differential subsidy from the Maritime Administration. The type of vessel to be used would, of course, be a bulk carrier and the cargo would be classified as nonliner dry cargo. You indicate that this prospective endeavor could have a very direct and detrimental effect on your district.

No decision has been made as to what vessels will be paid construction-differential subsidy from the funds appropriated for this purpose for the fiscal year 1970. In the past such appropriations have been used only for the replacement of liner vessels operated under operating-differential subsidy contracts, and the appropriations requested and made have not been fully adequate for this purpose. We hope at some time in the near future to be able to make some such funds available for the construction of bulk carriers.

Vessels built with construction-differential subsidy must be built in the United States and must be registered under United States laws. The amount of the subsidy is the excess of the cost of building the vessel in the United States over the cost of building the vessel in a foreign shipyard. The cost of a vessel to the recipient of a construction-differential subsidy, in other words, is the same as though he had had it built in a foreign shipyard. The only vessels eligible for construction-differential subsidy are those that are to be operated in foreign trade.

An operator who wishes to operate in foreign trade can have his vessel built in a foreign shipyard and can register the vessel under United States laws or under foreign laws, as he chooses. In either case there is no tariff on the vessel. The recipient of a construction-differential subsidy is not receiving a benefit so far as the cost of his vessel is concerned that he cannot achieve for himself by building his vessel in a foreign yard. Construction-differential subsidy is in substance a subsidy to United States shipyards rather than to United States ship operators.

In 1968, foreign flag vessels carried 96.8 percent of the tonnage of commercial nonliner dry cargoes in our foreign trade, 94.6 percent of the tonnage of commercial liquid cargo carried in tankers, and 76.4 percent of the tonnage of commercial liner cargo. In that year foreign flag vessels carried 93.6 percent of the total tonnage of commercial cargo moving in our foreign trade.

In view of the above, it would not be possible to protect domestic produced commodities from competition with foreign produced commodities through denial of applications for construction-differential subsidies.

I hope this information will be of assistance to you.

Sincerely,

ROBERT J. BLACKWELL,
Acting Maritime Administrator.

I tell you I cannot get that information from him. He says that they are apparently going to build dry boat carriers. That is in conflict with reports I am getting.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I am glad to yield to the gentleman from Iowa, if I have the floor, for a question.

Mr. GROSS. By any chance, would these 250,000-ton tankers eventually wind up in the hands of that great lover, Aristotle Onassis, who flies the Liberian flag or some other flag?

Mr. PICKLE. I, of course, cannot answer that question. I thought he had a pretty good supply of vessels already. He is apparently a pretty good operator.

I am concerned about our need for the vessels. We need the vessels. I do not question that. Our maritime industry is too small for our own good, and we probably should increase it. But I am concerned that, in the consideration of such an authorization as the one proposed, that the Congress at least know what kind of vessel and for what purpose it is going to be constructed.

There is an outfit in Florida called Ocean Industries. I do not know too much about them. I speak only in terms of the competition they might give to my district, and the district of anyone in the Congress. I think the district of any Member of Congress would certainly be affected. If they go into Florida or the Bahama Islands, and if we build several vessels for such a concern, whether they are built there or in a foreign port, and we give them a construction-differential subsidy of up to 55 or 60 percent, then, to begin with, we have given them a tremendous edge in competition.

Second, if we let them bring that calcium into our ports, whether they are the gulf ports or the ports along the Atlantic coast, wherever they might be, they could haul the material more cheaply even to the Pacific coast than we could, and that would be giving them another edge. And with those factors we would also be hurting the railroads, because they cannot compete with that kind of competition.

So in building such vessels or giving them the proposed subsidies, we ought to know exactly what kind of commodities will be carried in them. We ought to serve notice on the Maritime Administrator that we cannot be providing subsidies in such cases. The matter of any such violations ought to be looked into, and a lot of other problems ought to be more thoroughly examined, because it looks to me like we would be creating vessels that would be in competition with local producers. I submit to the chairman that we ought to be told completely what kind of vessel will be built and for what purpose.

Mr. GARMATZ. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Maryland.

Mr. GARMATZ. I would like to assure the gentleman that the hauling of the particular material to which he referred would probably be done in foreign vessels, because it could be hauled more cheaply into the United States, and we would have no control over that.

Mr. PICKLE. Yes. The chairman wrote me a letter saying that he thought it would be hauled in foreign vessels. If that is the case, we would have no control, but the unfair competition would be just as real. I want the chairman to assure me that it is not the intent of his committee in the construction of these vessels, that a foreign trader or a foreign operator be allowed to haul products into this country in severe competition with our own industry. Is that the intent of the committee?

Mr. GARMATZ. We cannot stop any foreign operator from bringing in anything he wants to bring in, in that sense of the word; but I assure the gentleman that the American money that is used as a subsidy for the building of the two tankers that we are speaking about will not be provided for the hauling of material in the Northwest Passage or to be used in the hauling of the material that you have in mind.

Mr. PICKLE. There are two classes: First, the oceangoing tankers, which would haul petroleum, using the North-West Passage. In addition, this is apparently strong indication, judging from the letter I got from the Maritime Administration on June 4, in which he says:

> The type of vessels used, of course, would be a bulk carrier, and the cargo would be classified as nonliner dry cargo.

There is more here than meets the eye. I ask that we be given more information. I do not want to appear as one who objects to the construction of vessels. But when the committee asks for a considerably larger amount of money than asked for by the administration; namely, $20 to $25 million, and when I read that there is a manufacturing concern in Florida—Ocean Industries—that is trying to offer a prospectus to the public in almost that exact sum, then I wonder if this is the little jewel that is waiting for this legislation to be passed.

Naturally I do not want to see these kinds of commodities hauled in competition with our local industry. Surely it is not the intent of our Congress that we do that.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Speaker, the argument the gentleman from Texas has is with the Merchant Marine Act of 1936. That is not before this House today. All this bill would do is raise the amount of subsidy or the percentage of subsidy from 50 to 55 percent, to be used in order to construct ships. As far as I know there have not been any of these funds to use in the intercoastal service, which I believe is the service the gentleman from Texas is referring to.

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This bill is simply raising the amount percentagewise that can go toward construction of ships. This does not authorize any particular kind of ship. We have to go back on that to the act, and I think if the gentleman from Texas will go to the Maritime Administration and if there are funds that come up for construction, then he can put a limitation on that, but he should not attack this particular bill.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. PELLY. Mr. Speaker, I yield the gentleman from Texas 2 additional minutes.

Mr. PICKLE. Mr. Speaker, I made it plain at the beginning that I was not objecting to the fact that the percentage could be raised from 50 to 55. Actually at this point it is 55 and the gentleman in the bill would authorize raising it to 60 percent.

Mr. PELLY. Mr. Speaker, that is not correct. It is 60 percent on passenger vessels, except they do not build passenger ships. It is 55 percent on cargo vessels.

Mr. PICKLE. Sixty percent is the impression we would have from reading the bill, but actually it is 55 percent.

I presume the percentages are in line with the facts that have been given to the committee. I am using this time to ask about the bill just passed, and what the money is to be used for, and I have not been given that information yet.

Mr. PELLY. Mr. Speaker, may I respond to the gentleman by saying it is the wrong time and the wrong bill. I would, however, hope that the chairman of the Committee on Merchant Marine and Fisheries would see that the gentleman from Texas gets the appropriate information he wants, so at the appropriate time the gentleman from Texas can raise this issue before the House.

Mr. GARMATZ. Mr. Speaker, will the gentleman yield some time to the gentleman from Texas?

Mr. PELLY. Mr. Speaker, I yield the gentleman from Texas 2 additional minutes.

Mr. GARMATZ. Mr. Speaker, if the gentleman will yield, may I say to the gentleman from Texas there have been no applications made, so no one knows what type ship will be offered. It is physically impossible.

Mr. PICKLE. Mr. Speaker, may I say to the chairman it seems to me that commonsense would dictate if they come to the gentleman and ask for several million dollars worth of appropriations, the gentleman would find out what kind of ships they are going to build for that kind of money.

Mr. GARMATZ. The authorization for the bill was passed the other week and carried $145 million for defense features. This would carry $1.6 million which would permit construction of about 18 to 22 ships as compared to 11 ships last year. There is no telling in the absence of specific applications as to what kind of ships will be built.

Mr. PICKLE. That was the amount of $29 million that was added; for what purpose was it added, and why was the $29 million extra included that the committee put in that was not even in the administration report?

Mr. GARMATZ. It was for more ships.

Mr. PICKLE. What kind?

Mr. GARMATZ. That is up to the Maritime Administration to see what kind of applications are made out. We cannot tell that. It is physically impossible.

Mr. PICKLE. I cannot understand that, Mr. Speaker. I thank the gentleman.

Mr. PELLY. Mr. Speaker, I understand the problem of the gentleman from Texas. I am sure the chairman of the committee will try to work with the gentleman from Texas in order to give him the information to which he is entitled.

Mr. PICKLE. Mr. Speaker, I hope we will bring in the Maritime Commission, so we will have the exact knowledge of what is in this bill.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, I thank the gentleman from Washington for yielding.

Mr. Speaker, it seems we have several other questions. We have a question with respect to the 7-percent investment credit and another regarding what we call loopholes which are intended to spur economic development. How do those differ from the subsidy with which we have been involved today?

Mr. PELLY. Mr. Speaker, if the gentleman will yield, I would say to the gentleman it all depends on what loopholes the gentleman may be referring to. I am sorry the chairman of the Ways and Means Committee is not here for this.

Mr. KYL. Then may I ask this question instead, sir? Would it be possible under the present 7-percent investment credit for someone to get a subsidy of 50 percent in building a ship and then also on his part of the purchase to get a 7-percent investment credit?

Mr. PELLY. It is not possible for someone to get a 7-percent investment credit in addition to the 55 percent.

Mr. KYL. I thank the gentleman.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland that the House suspend the rules and pass the bill H.R. 265, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS FOR PADRE ISLAND NATIONAL SEASHORE, TEX.

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11069) to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes, as amended.

The Clerk read as follows:

H.R. 11069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, there are hereby authorized to be appropriated such sums as may be necessary to satisfy the final net judgments rendered against the United States in civil action numbered 66–B–1 in the United States District Court for the Southern District of Texas, for the acquisition of lands and interests in land for the Padre Island National Seashore, totaling $4,129,829.00, plus interest as provided by law.

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, H.R. 11069 authorizes an appropriation of $4,129,829 to satisfy the last remaining judgment at Padre Island National Seashore.

As most Members will recall, we considered legislation to increase the authorization ceiling for this seashore during the 90th Congress. At that time, we indicated that additional legislation would be required to satisfy this last judgment, but, because this judgment was not final, we felt it unwise to include it.

During the interim, it was possible to reduce the final cost involved at the seashore. While the legislation was being considered, the court reviewed the verdict and ordered the award reduced from $9,924,387.80 to $7,332,750. Since $1,602,921 had been deposited with the court when the declaration of taking was filed, this left a deficiency of $5,729,829.

The United States became liable for the fair market value of the property, as determined by the court, at the time that the declaration of taking was filed. No one expected that the land prices would be as much as they turned out to be, but, once the court award became final, there was little recourse without the cooperation of the landowners.

Late last year, the National Park Service negotiated with the previous landowners in an effort to reduce the judgment further. Both sides ultimately agreed to the revestment of some 1,600 acres of lands detached from the main body of the seashore and the court approved the compromise. As a result, the judgment was reduced by $1,600,000 to $4,129,829. The former owners also agreed to waive all interest through December 31, 1968—which will result in a reduction of the total outlay for the seashore. The total interest saved on this agreement amounts to more than $1 million.

Mr. Speaker, no one regrets the necessity of bringing this legislation to the floor more than I do. I had hoped that the Padre Island National Seashore could be acquired and made available to the American people at a much more modest

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cost. Unfortunately, the land-cost estimates were extremely low and the land-price escalation was extremely fast once the Congress authorized the establishment of the seashore.

I feel we have learned a great deal from these experiences. The cost figures provided us in more recent years have been based on sound appraisals and we are advised that many of the recent authorizations seem to be progressing within the authorized ceilings. We hope that adequate appropriations can be made to assure the timely acquisition of the lands necessary to assure viability of the units authorized by Congress.

As chairman of the Committee on Interior and Insular Affairs, I recommend the enactment of H.R. 11069, as amended, and urge its approval by the Members of this House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my good friend from Iowa (Mr. GROSS).

Mr. GROSS. I thank the gentleman for yielding.

Perhaps, in dealing with matters of this kind in the future, it might be well for the committee when it considers an original bill to have a complete understanding with those who are involved in disposing of the land and who want Federal funds to prevent just such a thing as this from happening. The gentleman from Colorado was very frank about it last year when he made his statement regarding this project when he came before the House for the authorization. The gentleman said then that those responsible for this promotion had badly underestimated the costs.

Mr. ASPINALL. The gentleman is correct. We thought in this particular instance that we had the answer. Since that time, however, we found out we did not have the answers, at least in this particular instance. I do not know if we have had them in one or two other matters that were taken care of at about this time. We are better prepared today than we were then. We are making certain changes in our procedures such as we did for the redwoods and are taking the property as of the time of authorizing the facility and letting the appraisals stand as of that time. There is no more of this escalation that we will permit if we can possibly help it.

Mr. GROSS. I am pleased to hear the gentleman say that, because it seems to me in this particular case there was an unconscionable escalation in the cost of the Federal Government. I must register my protest to what happened. I am not going to make a full-fledged issue out of it here today. We are already in it to that extent where I feel we must proceed, but I hope it does not happen again.

Mr. KYL. Mr. Speaker, will the distinguished gentleman yield?

Mr. ASPINALL. I yield to my second good friend from Iowa.

Mr. KYL. I appreciate the gentleman mentioning that he has two friends from Iowa. I thank the gentleman for yielding.

In this particular instance I think there was a surprise that no one in the administration or in the House or in the States of Texas could contemplate. This was the amount which was actually allowed by the court in the condemnation proceedings. This was larger than the landowners themselves expected. It was much larger than the solicitor of the Department of the Interior contemplated. There was no way of predicting what the court would do in this instance in a most unusual manner.

Mr. ASPINALL. I go along with my friend in his statement. Knowing this area as we thought we knew it at that time, this kind of price did not seem possible, but when it got into court, of course, the prices were set there and the court found those prices to be proper. The judgment became final, and it called for more money than we had allowed. Particularly with the increasing cost of interest, we feel the best thing to do is to go ahead and pay this judgment now.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. GROSS. It seems to me in the future, if we run into a situation of this kind and dealing with people as avaricious as they apparently are in this particular case, there must be an agreement which would prevent a matter of this kind going to court, or else see to it that the Federal Government's commitment of funds was abrogated.

Mr. ASPINALL. We are endeavoring to get those commitments.

Mr. SKUBITZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 11069, a bill to authorize the appropriation of $4,129,829, plus interest, to satisfy a final judgment against the United States in a condemnation action which was brought to acquire property for the Padre Island National Seashore in the State of Texas.

Congress in 1962 authorized the establishment of Padre Island National Seashore, comprising 133,918 acres, substantially all of which was in private ownership—33,545 acres owned by the State of Texas—and authorized an appropriation of $5 million for the acquisition of lands and interests in lands.

Negotiations to acquire these lands and interests failed, and the Government was required to file declarations of taking under the act of February 26, 1931.

The result has been that practically all of the lands needed for the establishment of Padre Island National Seashore have been acquired in this manner, and at tremendous cost to the Federal Government—a cost which I am advised was not foreseeable in the original estimates of acquisition costs.

H.R. 11069 authorizes the appropriation of $4,129,829, plus interest, to satisfy the final judgment as mentioned.

Despite my inward reaction against this type of legislation, the facts are that the judgment must be paid and, therefore, the need for this legislation.

A careful review of this proceeding—or civil action No. 66-B-1—further dictates that the legislation be favorably considered—as the best of a bad bargain.

This legislation involves a total of 10,560 acres of the Padre Island National Seashore.

At the time the declaration of taking was filed the sum of $1,602,921 was deposited with the court and the fee simple title to these lands vested in the United States.

The Federal statute prescribes that in such court proceedings that the judgment shall include, as part of the just compensation awarded, interest at the rate of 6 percent per annum on the amount finally awarded as the value of the property.

Through compromise and court action the judgment has been reduced from $9,891,637.80 to a total award of $5,700,000.

The award, less the deposit, results in a deficiency in the sum of $4,129,829—the amount authorized to be appropriated in this legislation.

Mr. Speaker, I urge the passage of H.R. 11069 to satisfy this judgment against the United States.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 11069 increases the amount authorized so as to complete the acquisition of land for the Padre Island National Seashore.

Last fall Congress had before it legislation which would have increased the authorization to permit appropriations to complete this land acquisition. However, we felt that the ceiling should be limited at that time to the amount needed to satisfy the judgments which had been made final. It was understood at that time that additional judgments had been rendered against the United States, but that the time for appeal had not expired.

These judgments, when made final, exceeded the amounts deposited with the court by the National Park Service by nearly $9 million. However, further consideration by the court and a compromise between the parties approved by the court have reduced the need for additional funds to $4,129,829, plus interest at 6 percent from January 1, 1969.

This is a just matter of authorizing money to pay valid judgments against the United States which are now final and drawing interest at the rate of 6 percent per year. I believe that we have no choice except to pass the legislation and pay this debt.

The moneys authorized by this will pay the balance due on the judgment for 8,932.10 acres. Originally, this action—civil No. 66-B-1—involved 10,560.15 acres, but 1,628.05 acres are being revested in the original owners. It was felt that the lands revested would have been a valuable addition to the seashore, but it is detached from the remainder of the seashore by the Mansfield Channel. Since the costs exceeded the amounts anticipated, it was not essential and was not as valuable as the costs to be incurred.

In all, with the revestment, the Padre Island National Seashore will total approximately 132,000 acres of lands and submerged lands.

The SPEAKER. The question is on the motion of the gentleman from North

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Carolina that the House suspend the rules and pass the bill H.R. 11069, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RELEASE OF RETAINED RIGHTS IN CONVEYANCE TO THE BOARD OF EDUCATION OF LEE COUNTY, S.C.

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9946) to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the Board of Education of Lee County, S.C.

The Clerk read as follows:

H.R. 9946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to execute and deliver to the Board of Education of Lee County, South Carolina, its successors and assigns, a quitclaim deed conveying and releasing unto the said Board of Education of Lee County, South Carolina, its successors and assigns, all right, title, and interest of the United States of America in and to those tracts of land, situate in said Lee County, South Carolina, containing eleven parcels, five of said parcels being more particularly described in a deed dated December 14, 1945, from the United States conveying said parcels to the State Superintendent of Education for the State of South Carolina, recorded in the land records of the office of the Clerk of Courts for Lee County, South Carolina, in deed book H–1, page 388, and six of said parcels being more particularly described in a deed dated July 15, 1946, from the United States to the State Superintendent of Education for the Senate of South Carolina, and recorded in the land records of the office of the Clerk of Courts for Lee County, South Carolina, in deed book J–1, page 288.

The SPEAKER. Is a second demanded?

Mr. KLEPPE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. DE LA GARZA) will be recognized for 20 minutes, and the gentleman from North Dakota (Mr. KLEPPE) will be recognized for 20 minutes. The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Speaker, this is a bill to direct and authorize the Secretary of Agriculture to convey by quitclaim deed the interests of the U.S. Government to certain property situated in Lee County, S.C.

The interest in question is a 61-percent undivided right of reentry to approximately 285 acres. The right would only exist in the event the property in question ceases to be used for educational or community purposes. The conveyance will be made without consideration.

By way of explanation, Mr. Speaker, I would like to inform my colleague that the land in question was part of a very large tract which was jointly purchased by the Farm Security Administration of the Department of Agriculture and the South Carolina Rural Rehabilitation Corporation in the 1930's, for use as a resettlement project necessitated by the great depression.

Most of the land in this tract was deeded to individuals in 40-acre tracts; many of the original owners still farm those parcels. The land in question was set aside for municipal use in the resettlement project and a school constructed thereon. The school and its related facilities have been in continuous operation, however, in the 1940's the Farm Security Administration deeded its interest to the South Carolina State Superintendent of Education, while retaining the right of reentry which I explained a moment ago.

In 1953 the State of South Carolina deeded its interest in the land to the Lee County Board of Education which has since operated a 12-grade, segregated school thereon.

As many Members know, there is a broad Federal court order in existence in South Carolina which calls for the integration of schools. Lee County is one of 22 counties which are subject to this order. Lee County is diligently trying to comply with the court order and to this end has obtained the approval of the Department of Health, Education, and Welfare of a plan to bring it into compliance. The approved plan requires Lee County to construct a single high school with modern facilities as a replacement for its four high schools. The new school will, of course, be open to all students.

The Superintendent of Schools for Lee County testified that the centrally located parcel of property available for the new school is the one in question, HEW officials concur—the approved plan specifies the site.

As we all know, construction requires financing and in this instance bonds will be necessary; however, there is no possible way for the county to market its bonds without clear title. The need for early action on this bill is accentuated by the fact that the court order has previously been extended on several occasions. More importantly, however, it should be noted that Lee County has obtained approval of HEW on a plan which involves the land in question. Our failure to act favorably on this bill could result in undue delay.

The need for House action and passage of this measure is self-evident. The Department of Agriculture has indicated that it has no objection to relinquishing its right to reenter the property; the South Carolina Rural Rehabilitation Corporation has advised the committee it is preparing a deed to quitclaim its undivided rights.

I reserve the balance of my time. I yield to the gentleman from North Dakota such time as he may consume.

The SPEAKER. The Chair recognizes the gentleman from North Dakota (Mr. KLEPPE).

Mr. KLEPPE. Mr. Speaker, in addition to the remarks of the gentleman from Texas, I would briefly like to stress two facts: First, this measure involves no cost to the Government and, moreover, early action will actually result in a savings to the Government. This is so because compliance by Lee County will enable HEW and the Justice Department to bring to an end their enforcement proceedings against Lee County.

Second, as my colleague stated earlier, the land in question has been used as a school since the 1930's and present plans call for this to continue on a permanent basis. There is hence little likelihood that the interest of the United States has an assessable pecuniary interest.

All this bill does is to quitclaim the Government's reversionary rights.

I hope my colleagues will support this bill.

The SPEAKER. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill, H.R. 9946.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BANKING AND CURRENCY COMMITTEE TO INVESTIGATE PRIME RATE INCREASE

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, Thursday afternoon, the Banking and Currency Committee will launch a full-scale investigation into last week's increase in the prime interest rate from 7½ to 8½ percent.

Mr. Speaker, this investigation is designed to get to the bottom of these disastrous interest rate increases and determine ways in which we can prevent further increases and roll back the current rates.

Mr. Speaker, Secretary of the Treasury, David M. Kennedy, will be the first witness before the committee. Other witnesses will include the Federal Reserve Board Chairman and Attorney General John Mitchell.

In addition, we will have testimony from representatives of Bankers Trust Co. of New York, Chase Manhattan National Bank of New York, First National City of New York, Continental Illinois National Bank of Chicago, and Riggs National Bank of Washington, D.C. Other witnesses will be announced later this week.

The hearings will open at 2 p.m., Thursday, or as soon as the House adjourns that day. They will continue Friday, Saturday, and Monday, June 20, 21, and 23, if necessary.

Mr. Speaker, I have received telegrams, letters, and telephone calls from people all over the Nation since the interest rates were increased last week. The American public is unquestionably aroused about this situation and it is obvious that they want something done quickly by the Congress.

As I stated last week, the Nation cannot long endure a prime lending rate of 8½ percent. The prime rate, of course,

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is the rate that goes to only the very best customers of the bank. The other customers pay higher rates and the average consumer and small businessman is virtually cut off from credit at any rate. This is a highly serious situation.

Mr. Speaker, the banks have made this assault on the American public at a time when their earnings are at the highest levels in years. The banks know that the first 6-month figures for 1969, which will be available in a few weeks, will show these record earnings. The banks have totally abandoned their public responsibility and are making an outrageous grab for more profits at a time of economic crisis for the Nation.

One again, the banks have cloaked their profitmaking in outlandish propaganda. Once again, they have claimed that they are fighting inflation by raising the price of their product. The banks, of course, are adding to inflation; they are not fighting it through higher and higher interest rates. High interest rates add to the cost of every item in the economy. To fight inflation with high interest rates is like pouring gasoline on a fire.

Mr. Speaker, I wrote President Nixon last week strongly urging that this administration take firm steps to hold back the banks and to protect the public against high interest rates. I have also urged the Secretary of the Treasury to stand up and be counted and to forget his ties to the banking industry long enough to act responsibly. I have also asked Attorney General John Mitchell to investigate the possible violations of the antitrust laws which were engaged in by the banks in this latest prime rate increase.

Mr. Speaker, the administration is moving timidly while the public is gouged with high interest rates by the big banks. The Secretary of the Treasury wrote me a weak-kneed letter about high interest rates which, for all practical purposes, was an open invitation to the banks to raise rates. The Secretary of the Treasury unfortunately is only a few months from the chairmanship of the Nation's eighth largest bank, the Continental Illinois National Bank of Chicago, and he is having great difficulty deciding whether his first concern is for public office or his first love, the banking industry.

Mr. Kennedy is also hamstrung by the fact that he continues a massive financial arrangement with the Continental Illinois National Bank, one of the participants in the prime rate increase. Mr. Kennedy's ties to Continental Illinois National Bank were not lost on the banking industry as it considered this prime rate increase. The banking industry knew full well that the Secretary of the Treasury could not attack them at a time when he was receiving thousands of dollars in benefits from one of the participants in the prime rate increase.

Mr. Kennedy's hands have been effectively tied by his relationship to Continental Illinois National Bank and every banker in this Nation knows it, even if the fact has escaped President Nixon.

It is a simple and age-old fact that no man can serve two masters.

The American public can expect no relief from an administration whose principal economic watchdog is beholden to the banks. If President Nixon has any concern about these high interest rates and if he is determined to protect the public against this outrageous gouging, then it is incumbent on him to find a new Secretary of the Treasury. The present situation is just what I was talking about when I raised the conflict of interest questions about Mr. Kennedy earlier this year. Mr. Kennedy is not a free man in his office and the country is put in a perilous situation when it becomes necessary for the Secretary of the Treasury to take action directly affecting the banking industry.

Mr. Speaker, it is regrettable that a Member of Congress must repeatedly call attention to such an obvious fact. It is regrettable that this administration did not act to either remove Secretary Kennedy or to seek an adequate resolution of his conflict of interest situation before the banks made this new assault on the American public.

Can the American public have confidence that the Secretary of the Treasury will act against the banks to bring down interest rates when he is tied so firmly to the Continental Illinois National Bank?

Secretary Kennedy has heightened the public suspicion by the statements he has made since the prime rate increase last week. After his friends in the banking community had raised the rates, Mr. Kennedy was quoted widely in newspapers all over the country as saying he would not condemn the action. Reporters repeatedly have sought the Secretary's views, but each time he has steadfastly refused to condemn or criticize his colleagues in the banking industry. With interest rates at their highest level in history, the Secretary of the Treasury lacks the courage to stand up for the American public. Mr. Kennedy is obviously much more at home with the philosophy of the banks. He is constitutionally incapable of criticizing the banks even when they jack the prime rate to 8½ percent.

President Nixon has made a grievous mistake in refusing to deal with Secretary Kennedy's conflict-of-interest situation in a forthright manner. President Nixon and his administration must now accept the responsibility for this latest round of interest rate increases.

Mr. Speaker, I hope that President Nixon will do everything in his power to correct the mistakes of his administration in the monetary field and bring about lower interest rates. The Banking and Currency Committee will cooperate fully with the administration in any meaningful program to bring about lower interest rates. I hope that President Nixon will act on the suggestions I made in a letter to him on June 9. Mr. Speaker, I place a copy of this letter in the RECORD.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 9, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: Enclosed is a copy of a press release issued today concerning the latest move by the commercial banks of this country to raise the prime rate from 7½ to 8½ per cent.

Since the beginning of this year, commercial banks have increased their prime lending rate by more than 25 per cent—from 6.75 per cent to the current 8½ per cent. In my opinion, there is no difference between this move by the banks and that of any other industry engaged in price-fixing. A sudden and simultaneous 25% increase in steel prices by major producers would almost certainly bring a hue and cry from everyone in the Federal Government. Yet the same outrage seems to be lacking when the banks conspire to raise prices.

As in past interest rate increases, banks across the nation moved immediately and almost simultaneously to increase their prime lending rate to the 8½ per cent level in what appears to be an obvious conspiracy to fix prices. As indicated in my press release, the Attorney General should be called on to use the antitrust laws to prevent the big banks of the country from joining in a conspiracy to establish a general increase in the prime lending rate.

As the Chief Executive Officer of this country with control over the Federal Reserve Board and the Treasury Department, there are many actions that can be taken by your office to roll back the high rates which have been aptly characterized as a form of legalized plunder.

First, Mr. President, I would urge that you issue a strongly-worded statement which plainly indicates opposition to the latest interest rate increase.

Secondly, Mr. President, I urge you to instruct the Federal Reserve to close its discount windows to those banks which participated in this conspiracy to raise interest rates.

Thirdly, Mr. President, I urge you to direct the Secretary of the Treasury to remove all "tax and loan" accounts from the banks which participated in this conspiracy.

Fourth, Mr. President, I urge you to direct the Attorney General to proceed with antitrust actions against those banks that engaged in a conspiracy to raise prices.

In addition, I urge you to call together all of the monetary and economic policy makers in the Administration and let them know fully and firmly that you want lower interest rates and that you are opposed to the type of conspiracy which was engaged in by these banks across the country. This meeting will plainly indicate your intention to do something about the high interest rates which have increased more than 25 per cent since your election.

Mr. President, your office has great powers to end these high interest rates and to prevent monetary policy from forcing the country into a severe recession. I respectfully urge you to exercise this power in the public interest.

Let me assure you that as Chairman of the Banking and Currency Committee, I will cooperate fully with you in any meaningful plan to bring down interest rates. If you do not feel that you have sufficient powers to bring about lower interest rates, I hope you will let me know immediately. Let me know exactly what powers you feel are lacking. I am sure that the Banking and Currency Committee and the Congress as a whole will give immediate attention to any new powers which you feel the President needs to control monetary policy and to bring down the current high level of interest rates. We will give this priority attention if you will forward a message before the situation reaches crisis proportions.

Mr. President, I do not raise these questions about high interest rates and their adverse effect on the economic health of the nation in a partisan spirit. The economic health of the nation affects every American, Democrat as well as Republican. And as you know, I have supported many of your economic policies including the extension of the surtax, the repeal of the 7 per cent Investment Tax Credit, and tax reform.

High interest rates now pose the most serious threat to the economic well-being of the nation. Therefore, Mr. President, I hope that you will take immediate action on this extremely serious problem.

Sincerely,

Wright Patman.

SHOE IMPORT PROBLEM URGENT

(Mr. **BURKE** of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **BURKE** of Massachusetts. Mr. Speaker, may I call to the attention of the Members of the House of Representatives the recordbreaking petition sent to the President Richard M. Nixon on June 12, 1969, asking that the President enter into negotiations with principal foreign supplying nations directed toward the establishment of voluntary import limitations on shoes. Four additional names have been sent to the President today. They are as follows: Hon. John Paul Hammerschmidt, Bernie F. Sisk, William C. Wampler, and Daniel E. Button. In all 302 Members have signed. I am very sure that the White House will give this petition serious consideration.

I want to express my deep appreciation to the members of the Ad Hoc Shoe Steering Committee who helped Congressmen William Bates, Louis Wyman, and myself in this effort. Our thanks, of course, is extended to the Members who signed, thereby recognizing the urgency of this shoe import problem.

The following press releases and telegrams further explain the magnitude of the shoe import situation:

[From the Quincy (Mass.) Patriot Ledger, June 12, 1969]

Limitations on Imported Shoes Sought To Aid Domestic Industry

(By Robert A. Berger)

Washington.—U.S. Reps. James A. Burke, D-Mass., and William H. Bates, R-Mass., have gathered the signatures of 300 congressmen on a petition to President Nixon asking relief for the domestic shoe industry.

A petition with as many as 300 House members may well be unprecedented. The figure represents more than two-thirds of the House.

SHOE IMPORTS

The petition asks Nixon to negotiate voluntary limitations on shoe imports with the foreign nations which have been sending the bulk of the imported shoes into the United States.

It warns of disastrous consequences for domestic mills and shoe workers if shoe imports are not leveled off in the near future.

The list of signers includes:

Every congressman from New England.

The Speaker of the House, John W. McCormack, plus the House leadership from 23 of the 25 members of the House Ways and Means Committee, the committee which considers tariff and trade legislation;

The entire congressional delegation of 12 states, and all but one of the members of 10 other states;

The chairman of the Republican National Committee, U.S. Rep. Rogers C. B. Morton of Maryland.

Burke described the 300 signatures as an amazing total. He said the petition should impress President Nixon, and should convey a message to importing nations as well.

"It should serve as a notice to countries which are glutting the market with shoes to stop, look and listen," Burke said. If voluntary limitations can't be reached, Burke said, the Congress might decide to take more severe, mandatory measures.

Having the signatures of two-thirds of the 435-member House bears some symbolic significance, since it represents the number needed to override a presidential veto, or to bring a bill out of a reluctant committee under suspension of the rules.

The House petition will be sent to the White House by this weekend, Burke said.

Meanwhile, U.S. Sen. Margaret Chase Smith, R-Maine; has collected 29 signatures on an identical petition in the Senate, and is still seeking further signatures from her colleagues.

Statistics on petition signatures apparently aren't kept in the Congress. But Burke and Bates both speculated that 300 may set an all-time record.

Burke has been carrying a large roster of Congressmen with him all over the Capitol Hill in recent weeks, buttonholing members of congress whenever possible. (Bates himself has been handicapped due to illness, but his office has been active in the effort. The petition reflects broad geographical representation. It also covers the gamut of opinion, from staunch protectionists to those more committed to free trade.

Burke said the petition is acceptable to free-trade Congressmen because it calls for voluntary agreements, instead of a mandatory, unilateral act. For this reason, he said, the petition does not represent "protectionism."

Burke said, it is very obvious that the overwhelming membership of the U.S. Congress is concerned about the magnitude of the growing problem of shoe imports and the loss of jobs to American shoe workers and the closing of shoe factories and tanneries.

Burke believes there are 250 members of the House who have shoe factories in their districts—less than the number who signed the petition. The extra signatures represent Congressmen who have similar problems in their districts with such industries as textiles and steel.

The petition says that shoe imports have risen 600 per cent since 1960, and now represent 28 per cent of the market.

If the plea to Nixon for voluntary controls is not successful, Burke said he will probably push for his "orderly marketing" bill which would generally freeze imports at their current level.

[From the Boston (Mass.) Globe, June 13, 1969]

Nixon Gets Shoe Import Petition

Washington.—President Nixon has been asked by 301 congressmen to open negotiations aimed at voluntary restrictions on shoe imports into the U.S.

Cong. James A. Burke (D.-Mass.) announced yesterday that the petition signed by more than two-thirds of the House membership had been forwarded to the White House.

In a letter accompanying the signatures, the legislators note that shoe imports have risen 600 percent since 1960. "In the first half of 1969, seven New England shoe factories closed with imports an important factor in each case," they said.

Calling the problem one of "immediate and critical proportions," the congressmen asked Mr. Nixon to enter into talks with the principal foreign nations supplying shoes to the U.S. with the aim of establishing voluntary import limitations.

The petition was drawn up by a 33-member informal House group which Burke heads with Cong. William H. Bates (R-Mass.)

St. Louis, Mo., *June 12, 1969.*

Congressman James Burke,
House Office Building,
Washington, D.C.

Dear Congressman Burke: You are to be commended highly for your great achievement in getting more than three hundred congressmen to sign the petition to President Nixon on footwear imports your help has always been appreciated by the industry but now more than ever we will continue the campaign with all congressmen so the momentum that you have generated will continue.

Sincerely,

W. L. H. Riffin,
President, Brown Shoe Co.

New York, N.Y., *June 12, 1969.*

Hon. James A. Burke,
House Office Building,
Washington, D.C.:

Congratulations from Tanning industry on your great leadership in gaining congressional support for petition to President Nixon urging shoe import curbs. The Tanning industry applauds your wisdom and perseverance.

Irving R. Glass,
Executive Vice President, Tanners Council of America.

New York, N.Y., *June 13, 1969.*

Hon. James A. Burke,
House of Representatives,
Washington, D.C.:

Utterly fantastic. You deserve a medal for your remarkable achievement never before forward of a similar accomplishment by a Congressman. The footware industry owes you a debt of gratitude.

Mark E. Richardson.

New England Footwear Association,
Boston, Mass., June 13, 1969.

Hon. James A. Burke,
House Office Building,
Washington, D.C.:

Our association, on behalf of all its officers and members, extends hearty congratulations on your personal achievement in securing 300 signatures on footwear.

Petitions forwarded to President Nixon. This is an outstanding record number. Your continued cooperation with the shoe industry is very much appreciated and valued by us all.

Best regards.

F. Keats Boyd, *President.*
Maxwell Field, *Secretary.*

B. W. Footwear Co.,
Webster, Mass., June 12, 1969.

Hon. James A. Burke,
House of Representatives,
Washington, D.C.:

Congratulations on getting two-thirds of House Members to sign petition asking restriction on shoe imports.

Robert Siff.

Bates Shoe Co.,
Webster, Mass., June 12, 1969.

Hon. James A. Burke,
House of Representatives,
Washington, D.C.:

Congratulations on getting two-thirds of House to sign your petition about restriction of shoe imports and many, many thanks for your efforts.

Dick Sears.

Marlboro, Mass., *June 12, 1969.*

Hon. James A. Burke,
House of Representatives,
Washington, D.C.:

Thanks for the great job you did in getting the petition on shoe imports to the attention of the White House.

Regards.

F. Keats Boyd.

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An amazing record has been achieved by Congressman James A. Burke (D-Mass.) and Congressman William H. Bates (R-Mass.), co-chairmen of a twenty-man committee of the U.S. House of Representatives to aid the shoe industry. A petition signed by more than two thirds of the Congress has been forwarded to President Richard M. Nixon requesting the White House to take steps to enter into negotiations with principal foreign supplying nations directed toward the establishment of voluntary import limitations so that both now and in the future the shoe manufacturing industry of the United States may continue as a healthy and viable segment of our economy.

Actively working on the committee with Burke and Bates were Congressmen Louis C. Wyman (R-New Hampshire), Herman T. Schneebeli (R-Pa.), William Hathaway (D-Maine), Melvin Price (D-Ill.) Philip M. Landrum (D-Ga.), Peter Kyros (D-Maine), Joseph McDade (R-Pa.), Hastings Keith (R-Mass.) and James C. Cleveland (R-N.H.) and others.

The list of signers is most impressive including the signatures of Speaker of the House John W. McCormack, Majority Leader Carl Albert, Majority Whip Hale Boggs, Republican Leader Gerald Ford, Minority Whip Les Arends, Chairman of the Republican National Committee, Rogers C. B. Morton, William Colmer, Chairman of the House Rules Committee, Chairman of the Armed Services Committee Mendel Rivers, and twenty three members of the House Committee on Ways and Means which is charged with the responsibility of dealing with trade and tariff legislation as well as the entire House membership of the New England Delegation to Congress.

"It is very obvious that the overwhelming membership of the U.S. Congress is concerned about the magnitude of the growing problem of shoe imports, the loss of jobs to American shoe workers and the closing of shoe factories and tanneries," Burke said.

The petition in the form of a letter to the President and the list of those Members of Congress who signed follow:

June 12, 1969.

The President,
The White House,
Washington, D.C.

Dear Mr. President: The undersigned have become acutely aware of the intensive foreign competition now facing the United States shoe manufacturing industry. We are particularly interested in this industry because of its high labor content. There are over 1100 factories located in over 600 communities—the vast majority of which are small towns where shoe manufacturing is the major source of income and employment. There are already signs of the damage which has been done to medium and small manufacturers—the backbone of this employment.

The full magnitude of this problem and the threat which it presents is apparent and becoming increasingly severe. In the first half of 1969 seven New England shoe factories closed, with imports an important factor in each case. Evidence indicates that there will be more. Total imports of foreign leather shoes (non-rubber) which entered the United States in 1968 were over 36 percent greater than in 1967. Since 1960 shoe imports have increased by 600 percent. Imports equalled almost 28 percent of the total domestic production in 1968. We have every reason to believe that, if unchecked, this rate of increase in shoe imports will continue to cause a loss of job opportunities for American shoe workers.

This problem is of immediate and critical proportions. We therefore, respectfully ask that you take steps to enter into negotiations with principal foreign supplying nations directed toward the establishment of voluntary import limitations so that both now and in the future the shoe manufacturing industry of the United States may continue as a healthy and viable segment of our economy.

To quote Secretary Stans in a different although related context, "we do not seek to close our market. We do seek to establish some order in the marketing process that will permit all suppliers, foreign and domestic, to share equitably in the growing demand."

Sincerely,

James A. Burke, William H. Bates, Louis C. Wyman, Herman T. Schneebeli, Silvio O. Conte, William D. Hathaway, Hastings Keith, Peter N. Kyros, Joseph M. McDade, Thomas P. O'Neill, Jr., Alexander Pirnie, Melvin Price.

Watkins M. Abbitt, Thomas G. Abernethy, E. Ross Adair, Joseph P. Addabbo, Carl Albert, Bill Alexander, Glenn M. Anderson, William R. Anderson, George W. Andrews, Frank Annunzio, Leslie C. Arends, John M. Ashbrook, William H. Ayers.

Walter S. Baring, William A. Barrett, J. Glenn Beall, Jr., Page Belcher, Alphonzo Bell, Jackson E. Betts, Mario Biaggi, Jonathan B. Bingham, Ray Blanton, Hale Boggs, Edward P. Boland, Frank T. Bow, William G. Bray, Jack Brinkley, William E. Brock III, George E. Brown, Jr., Joel T. Broyhill, J. Herbert Burke, Omar Burleson, Bill D. Burlison, Laurence J. Burton, George Bush, James A. Byrne, John W. Byrnes, Donald G. Brotzman.

Earle Cabell, William T. Cahill, John N. Happy Camp, Tim Lee Carter, Elford A. Cederberg, Emanuel Celler, Charles E. Chamberlain, Bill Chappell, Jr., Shirley Chisholm, Donald D. Clancy, Frank M. Clark, Don H. Clausen, William Clay, James C. Cleveland, Jeffery Cohelan, Harold R. Collier, William M. Colmer, Barber B. Conable, Jr., Robert J. Corbett, James C. Corman, Lawrence R. Coughlin, Glenn Cunningham, Bob Casey.

Emilio Daddario, W. C. Daniel, Dominick V. Daniels, Glenn R. Davis, John W. Davis, James J. Delaney, John R. Dellenback, Robert V. Denney, John H. Dent, Samuel L. Devine, William L. Dickinson, Charles C. Diggs, Jr., Harold D. Donohue, William Jennings Bryan Dorn, Thomas N. Downing, Thaddeus J. Dulski, John J. Duncan.

Don Edwards, Edwin D. Eshleman, Frank E. Evans, Jack Edwards.

George H. Fallon, Dante B. Fascell, Michael A. Feighan, O. C. Fisher, Daniel J. Flood, Walter Flowers, John J. Flynt, Jr., Gerald D. Ford, William D. Ford, L. H. Fountain, Louis Frey, Jr., Samuel N. Friedel, James G. Fulton, Richard Fulton.

Nick Galifianakis, Cornelius E. Gallagher, Edward A. Garmatz, Joseph M. Gaydos, Tom S. Gettys, Robert N. Giaimo, Jacob H. Gilbert, Henry B. Gonzalez, George A. Goodling, Kenneth J. Gray, William J. Green, Charles H. Griffin, Martha W. Griffiths, H. R. Gross, James R. Grover, Jr., Gilbert Gude.

G. Elliott Hagan, Durward G. Hall, Seymour Halpern, Lee H. Hamilton, James M. Hanley, Richard T. Hanna, Julia Butler Hansen, William H. Harsha, James F. Hastings, Augustus F. Hawkins, Wayne L. Hays, Ken Hechler, Margaret Heckler, Henry Helstoski, David N. Henderson, Lawrence J. Hogan, Frank Horton, James J. Howard, W. R. Hull, Jr., William L. Hungate, John E. Hunt, Edward Hutchinson.

Richard H. Ichord, Andrew Jacobs, Jr., Charles S. Joelson, Albert W. Johnson, Charles Raper Jonas, Ed Jones, Robert E. Jones, Walter B. Jones.

Joseph E. Karth, Robert W. Kastenmeier, James Kee, Carleton J. King, John C. Kluczynski, Edward I. Koch, Dan Kuykendall, John Kyl, Thomas S. Kleppe.

Phil M. Landrum, Odin Langen, Delbert L. Latta, Glenard P. Lipscomb, Sherman P. Lloyd, Manuel Lujan, Jr., Donald E. Lukens.

Richard D. McCarthy, Paul N. McCloskey, Jr., John W. McCormack, Robert C. McEwen, John J. McFall, Martin B. McKneally, John L. McMillan, Jack H. McDonald.

Torbert H. Macdonald, Ray J. Madden, James R. Mann, John O. Marsh, Jr., Robert B. Mathias, Thomas J. Meskill, Clarence E. Miller, George P. Miller, Joseph G. Minish, William E. Minshall, Wilmer Mizell, Robert H. Mollohan, John S. Monagan, Robert H. Michel.

G. V. Montgomery, William S. Moorhead, Thomas E. Morgan, F. Bradford Morse, Rogers C. B. Morton, John M. Murphy, William T. Murphy, John T. Myers.

Ancher Nelson, William Nichols, Robert N. C. Nix, Arnold Olsen, Maston O'Neal.

Otto E. Passman, Edward J. Patten, Thomas M. Pelly, Claude Pepper, Jerry L. Pettis, Philip J. Philbin, Bertram L. Podell, Richard H. Poff, Howard W. Pollock, Roman C. Pucinski, Graham Purcell, Albert H. Quie, James H. Quillen.

Thomas F. Railsback, William J. Randall, John R. Rarick, Ben Reifel, Henry S. Reuss, Donald W. Riegle, Jr., L. Mendel Rivers, Ray Roberts, Howard Robison, Peter W. Rodino, Jr., Byron G. Rogers, Paul G. Rogers, Daniel J. Ronan, Fred B. Rooney, Dan Rostenkowski, William V. Roth, Richard L. Roudebush, Edward R. Roybal, Earl B. Ruth.

Fernand J. St Germain, William L. St. Onge, Charles W. Sandman, Jr., John P. Saylor, Henry C. Schadeberg, Fred Schwengel, William Lloyd Scott, George E. Shipley, Garner E. Shriver, Robert L. F. Sikes, Joe Skubitz, John M. Slack, Henry P. Smith III, M. G. Snyder, William L. Springer, Robert T. Stafford, Harley O. Staggers, J. William Stanton, Tom Steed, William A. Steiger, Louis Stokes, Samuel S. Stratton, Frank A. Stubblefield, William S. Stuckey, Leonor K. Sullivan, James W. Symington.

Robert Taft, Jr., Burt L. Talcott, Roy A. Taylor, Charles M. Teague, Olin E. Teague, Frank Thompson, Jr., Vernon W. Thomson, Robert O. Tiernan, Al Ullman, James B. Utt, Lionel Van Deerlin, Charles A. Vanik, Joseph P. Vigorito.

Joe D. Waggonner, Jr., Jerome R. Waldie, G. Robert Watkins, Albert W. Watson, John C. Watts, Lowell Weicker, J. Irving Whalley, G. William Whitehurst, Jamie L. Whitten, William B. Widnall, Lawrence G. Williams, Charles H. Wilson, John Wold, Lester L. Wolff, James C. Wright, Jr., Wendell Wyatt, Chalmers P. Wylie.

Gus Yatron, Clement J. Zablocki, Roger H. Zion, John M. Zwach, Jack H. McDonald, Donald G. Brotzman, Jack Edwards, Thomas S. Kleppe, James W. Symington, Bob Casey, Robert H. Michel, William H. Natcher, John Paul Hammerschmidt, Bernie F. Sisk, William C. Wampler, Daniel E. Button.

Mr. HATHAWAY. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Maine.

Mr. HATHAWAY. I wish to take this opportunity to commend the gentleman in the well for the outstanding job he has done in bringing to the attention of the House of Representatives the dire condition in which the shoe industry is at the present time. I hope he is successful in his efforts to get the President to do something about it.

Mr. BURKE of Massachusetts. I thank the gentleman. I wish to commend him for being a member of the ad hoc committee that secured over 302 names to the petition to which I have referred. The Members of the House who signed that petition indicated that they were opposed to the sweatshop conditions in this world, particularly in the Orient, where shoe workers are paid 14 cents an hour. Shoe workers over there work under terrible conditions. They are financed by the international financiers of the world who care nothing about human beings. They are glutting the American market with shoes that are paid for out of the sweat and blood of those poor human beings.

I wish to commend the 302 Members of this House, including the leadership in both parties who have spoken out against these inhumane conditions that exist in the world today.

I am surprised that a great newspaper in New York, the New York Times, in view of the fact that over 200,000 people are employed in the footwear industry in and around New York City, would ignore the plight of those people who live in the ghettos of New York, in the teeming tenements, who are forced to compete with a 14-cent-an-hour wage.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I am happy to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I wish to commend the gentleman for the action which he has taken on behalf of people in the shoe industry. He has been one of the foremost exponents of this movement, and I commend him.

I just want to say to him that the next time that those who come from the coal mining areas of Pennsylvania, Kentucky, and West Virginia have a problem with our miners, I hope he has the same milk of human kindness in his heart for our miners that we have for his shoe workers.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to answer the gentleman from Pennsylvania (Mr. SAYLOR). There are no conditions in the world of competition with coal miners such as exists on competition in the shoe industry. I know of no place in the world where wages in the oil or coal industry are as low as 14 cents an hour.

Mr. Speaker, I have always supported the coal miners and I intend to continue to do so, but also I keep in mind that we have to allow fuel to come into the Northeast part of this country so people will have heat in their homes and not freeze to death.

CONGRESSMAN JOHN BRADEMAS ELECTED TO BOARD OF OVERSEERS OF HARVARD

(Mr. HATHAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HATHAWAY. Mr. Speaker, it gives me a great deal of pleasure to call to the attention of the Members of the House another honor bestowed upon our distinguished colleague from Indiana and my college classmate, JOHN BRADEMAS. Let me read from a recent news item in the South Bend, Ind., Tribune.

> Cambridge, Massachusetts, Thursday, June 12 . . . Harvard University announced today that Congressman John Brademas (D-Ind) and four other Harvard alumni were elected to a six-year term to the Board of Overseers.
>
> The Board of Overseers, the senior governing board of Harvard University consists of 32 members. Each Overseer is ordinarily assigned to act as chairman of at least one committee responsible for visiting and advising a particular department of the University. Other responsibilities of the Board of Overseers includes acting on all staff and faculty appointments in excess of one year and on all earned or honorary degrees.
>
> In addition to Brademas, the other newly elected Overseers are Clifford L. Alexander, Jr., former chairman, now member, U.S. Equal Employment Opportunity Commission; Franklin Stanton Deland, Boston attorney; Alan Pifer, President, the Carnegie Corporation; and Calvin H. Plimpton, President, Amherst College.
>
> Brademas, now Chairman of the House Select Subcommittee on Education, graduated from Central High School in South Bend, Indiana, and then attended Harvard University as a Veterans National Scholar. He graduated from Harvard in 1949, magna cum laude, and won membership in Phi Beta Kappa. He then attended Oxford University as a Rhodes Scholar for Indiana and received a Ph. D. in Social Science in 1954.
>
> Brademas has been a member of two Harvard Boards of Visitors: the Visiting Board for the John F. Kennedy School of Government and the Visiting Board for the Department of Romance Languages and Literature.
>
> In addition to Brademas' Harvard affiliations, he serves as a member of the Board of Trustees of Saint Mary's College, Notre Dame, Indiana and of American University, Washington, D.C.

CONSIDERATION OF CIGARETTE HEALTH ADVERTISING BILL

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, on Tuesday and Wednesday of this week the House will consider the cigarette health advertising bill. We have been waiting for President Nixon to take a position on this bill for some period of time. General debate on the bill will begin on Tuesday, and discussion under the 5-minute rule with amendments will occur on Wednesday. If the administration is going to take a position, it had better do so now. So far the silence has been deafening.

The issue is not whether to ban cigarette smoking, and that will not be raised—at least by this gentleman, and so far as I know, by anyone else—but the issue is whether or not industry self-regulation is valid and whether or not Congress should let the agencies that normally regulate products have an opportunity to carry out their regular duties.

I hope Members will be present this week, particularly on Wednesday when the amendments will be voted upon—and there will be a series of amendments.

With respect to the issue of self-regulation, there has been a breakdown, in the opinion of this gentleman, of self-regulation, which means that there is no effective regulation of cigarette advertising and Government action, for better or worse, is our only recourse.

Last week Mr. Warren Braren, former head of the National Association of Broadcasters' Code Authority Office in New York testified before the committee. Because the hearing record might not be ready for the Members in that it may not be printed by that time and because of the importance of his remarks, I have asked unanimous consent to include this in the RECORD so Members can read the remarks of Mr. Warren Braren which he presented to the Committee on Interstate and Foreign Commerce last week. I hope Members will read these remarks and be present for the debate. It will be an important honestly presented issue.

Mr. WATSON. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Speaker, will the gentleman not also include in his remarks the remarks of the president of the National Association of Broadcasters, so the membership may have both sides of this particular controversy which was raised by the "junior Ralph Nader," Mr. Braren?

Mr. ADAMS. I will be happy to do so. Those remarks will be included immediately after the remarks of Mr. Braren.

The remarks of Mr. Braren are as follows:

STATEMENT BY WARREN BRAREN BEFORE THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, U.S. HOUSE OF REPRESENTATIVES, JUNE 10, 1969

Mr. Chairman, my name is Warren Braren. I resigned from the position of Manager of the New York Office of the Code Authority on May 1 of this year. This resignation, which was requested, came about as the result of substantial differences between myself and the Code Authority Director Stockton Helffrich concerning the administration and policy direction of the Code Authority.

I originally joined the Code Authority in September 1960 at the time the New York Office was opened. During my tenure, I have been involved in the creation and development of most all of the procedures and programs followed by the Code Authority in the self-regulation of television advertising.

I consistently have been a strong advocate of business self-regulation. The kind of regulation which calls for industry to exercise meaningful and responsible self-restraint, even when self-sacrifice is required, in order to serve the public good. Unless self-regulation operates under principles such as these, it loses its reason for existence and becomes nothing more than an industry defense

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mechanism designed to cover up selfish self-interests. This latter situation presently describes the real nature of broadcast self-regulation of cigarette advertising.

In the most candid terms, Congress and the public have been misled as to the real nature of the broadcast self-regulatory program on cigarette commercials. They have been told that an active and effective self-regulation program exists. In reality it is virtually nonexistent—and it has been this way ever since a meeting was held in Washington on April 16, 1968.

These representations are in stark contrast to the testimony of Mr. Vincent T. Wasilewski, President of the National Association of Broadcasters, before this Committee on April 21, 1969. In speaking of the self-regulatory machinery established by the broadcast and cigarette industries, he stated, "Broadcasters are not insensitive to the issues involved. The industry recognizes its obligation. Through the Codes it maintains a continuing review of cigarette advertising on radio and television as it relates to the public interest, and it has been responsive to that interest. We believe that self-regulatory efforts have played and are playing a significant role in dealing with the issue and the furtherance of such efforts should be encouraged."

However, ten days after this testimony the Television Code Review Board announced that, acting on the recommendations of Mr. Wasilewski, it "has decided to keep the matter of cigarette advertising under continuing review and that no further actions are necessary at this time." A further statement from the Code Board Chairman, Mr. Robert W. Ferguson, claimed that the reason Mr. Wasilewski had requested the Board to take no action was that such action might be construed "to be merely a strategic maneuver designed to influence Congressional action."

Mr. Chairman, no such continuing review of cigarette commercials existed at the time of Mr. Wasilewski's testimony nor at the time of the May 1st Code Board announcement. Further, while efforts were made at one time by the Code Authority to play a significant role in dealing with the content of cigarette advertising, these efforts have failed.

The gap that exists between the industry's promise vs. performance led me to make available to Congressman Brock Adams a copy of a confidential Broadcast Cigarette Advertising Report conducted by the Code Authority staff in 1966. This report was submitted to the key NAB executives and to the Television Code Review Board for consideration at its October 1966 meeting. The report covered all radio (224) and TV (148) cigarette commercials on the air during that time and, as such, represents the only real review of cigarette advertising conducted by the Code Authority. It raises a number of significant questions on the content of cigarette commercials especially in terms of the effect of this advertising on young people. Among themes particularly cited were those related to encouragement to smoke, hero images, the good life, nature settings, popularity and filter representations.

The final Report contained observations on over a dozen areas of possible concern and vulnerability to criticism under the existing Code standards. Its conclusions were candid and direct. No doubt was left that broadcasters needed to take firm action on cigarette advertising if the public interest was to be served. The report speaks for itself:

"For the first time broadcasting is confronted with the dilemma of accepting advertising for a product which, through normal and obviously popular use, is potentially if not necessarily capable of inflicting irreparable harm upon the user's health. . . .

"Despite changes which have been brought about in cigarette advertising on radio and television, the cumulative impression created by virtually all of the individual campaigns supports a finding that smoking is made to appear universally acceptable, attractive and desirable. . . .

"The difficulty in cigarette advertising is that commercials which have an impact upon an adult cannot be assumed to leave unaffected a young viewer, smoker or otherwise. The adult world depicted in cigarette advertising very often is a world to which the adolescent aspires. The cowboy and the steel worker are symbols of a mature masculinity towards which he strives. Popularity, romantic attachment and success are also particularly desirable achievements for the young. To the young, smoking indeed may seem to be an important step towards, and a help in growth from adolescence to maturity."

These conclusions dispute the thesis that the only effects of broadcast cigarette advertising are the identification and switching of brands. Rather they support the argument that these commercials cannot help but have an intrinsic youth appeal.

I do not believe it is possible to reconcile the major findings of this report with current NAB policy and pronouncements on broadcast cigarette advertising.

Attempts have been made by the Code Authority to deal with a number of the substantive issues raised by the Report. Strong advertising guidelines actually were drafted by the staff in the summer of 1966. This draft would have affected many commercials passed by the tobacco industries' own Code. For instance, it called for the ruling out of: all sport settings; any use of hero types, including cowboys and entertainers; settings associated with springtime or the rejuvenation aspects of nature; any depiction of the act of smoking.

These guidelines never went boyond the stage of staff discussion. Instead a more lenient set of guidelines were pursued—guidelines which would have a better chance of being accepted by the broadcast and tobacco industries. These are the guidelines which are currently in existence. They contain six provisions dealing with athletic activity, tar, nicotine, filters, uniforms, premiums, and portrayal of youth. In reality only the athletic activity section required more than minimal changes in the television commercials reviewed under the report. Except for one or two minor changes, no radio commercials were affected.

The Guidelines were submitted to the Board along with the Report. Both were well received by Board members. The Guidelines were announced as "not going beyond existing Code policy." Several individual Board members reacted by suggesting that the Guidelines should contain more restrictive measures. Specifically advanced was the idea of abandoning actual smoking in commercials. However, President Wasilewski intervened with the argument that such a prescription was "premature," that it would drastically reduce the appeal of cigarette advertising and consequently not be of benefit to broadcasters. The Guidelines thus were issued with no change.

Unfortunately, even these limited Guidelines met with resistance both from tobacco companies and the television networks. Some of the companies protested vigorously. Charges were made that the Guideline interpretations by the Code Authority were arbitrary, too strict, and unreasonable. Strong complaints were directed to the television networks and broadcasters. Oddly enough, certain of the charges were not without merit. In attempting to be both reasonable and practical, the Code Authority failed to deal with some of the basic issues in cigarette commercials and instead found itself nit-picking over comparatively insignificant matters. Essentially the Guidelines ruled out the appearance of young people in cigarette commercials but did not attack the overall problem raised by the Report of the appeal to youth.

By the end of the year 1966, interpretive differences over the Guidelines involving the tobacco companies and television networks had already disabled the Code Authority's ability to function. Two of the networks literally interpreted the Guidelines as a mere codification of the current practice. They offered no support. Given these difficulties the February 1, 1967 cut-off date for questionable commercials was rescinded.

The feeling of Code Authority frustration was high. Mr. Stockton Helffrich, who is now the Code Authority Director but who then was Manager of the Code's New York Office, wrote the following on December 21, 1966 to the then Director of the Code Authority, Mr. Howard Bell:

"Traditionally the effectiveness and strength of the Code Authority in given areas have been in a forthright and honest appraisal of a situation. In this case bluntly: Is cigarette smoking harmful to health? If so, does cigarette broadcast advertising have a significant impact on persons to influence them to smoke? Once we make a determination in this regard, clearly our procedures cannot be determined by what will get by but by what is professionally responsible and right in terms of the public. This does not require of broadcasters a burying of heads in the sand as far as private interests are concerned but rather resistance to any undermining by those interests of our basic obligation.

"In the long run, as experience has shown, the Code Authority can only be respected for taking a position of the type . . . indicated and can only be admired for such a reflection of its and broadcasters' integrity. In brief, it will be the professionalism of this industry that will be the beneficiary."

The Code Authority went on to argue its case for a strict interpretation of the Guidelines before the Television Code Review Board at its next meeting the end of February 1967. The argument was lost. Staff interpretations were considered by most Board members to be "too rigid" with the Code Board Chairman at that time, Mr. Clair R. McCullough, commenting, "When in doubt, okay it." Also defeated at this meeting was a proposed Code amendment which would have banned on-camera smoking in commercials.

A more flexible interpretation of the Guidelines was finally published in July 1967 at which time a September 1 cut-off date on unacceptable commercials was announced. The date had little meaning since most of the commercials had completed their normal schedules.

In August 1967 the American Tobacco Company withdrew from the tobacco industry's own Code, thereby rendering it ineffectual (the P. Lorillard Co. had withdrawn in 1966). The company's President, Mr. Robert B. Walker, in a letter to Governor Robert Meyner, cited as its reason the effectiveness of the broadcast Guidelines and claimed that it was clearing its advertising with the Code Authority. This was not the case. In fact, in the months ahead this very same advertiser repeatedly violated the Guidelines with commercials never submitted to the Code Authority. The company took the view that if a commercial was approved by the television networks there should be no reason for the Code Authority to raise any questions under the Guidelines or Code standards. In so doing they challenged the authority of the Code Authority to administer the Code—a challenge, for the most part, which was successful.

On September 8, 1967 both the Code Authority Director Bell and his eventual successor, Stockton Helffrich, appeared before the top NAB Executive Committee to discuss problems with cigarette advertising. President Wasilewski and key NAB staff members also were present. The group was

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advised that certain advertisers appeared to be playing the networks off against each other and, in turn, against the Code Authority. Mr. Bell expressed the view that some dramatic restrictive action was needed on cigarette advertising. Mr. Helffrich supported this view by indicating that nothing had changed in the year since the issuance of the Broadcast Cigarette Advertising Report to reverse the Code Authority staff opinion that cigarette advertising generally makes smoking appear universally acceptable, attractive and desirable. He further voiced the opinion that it is impossible to confine cigarette advertising appeals to adults only.

The NAB Executive Committee responded by placing cigarette advertising on the agenda of a special October meeting of the Television Code Review Board and the NAB Television Board of Directors. In advance of the meeting, a Code Authority memorandum dated September 28, 1967 was sent to the Board members requesting reconsideration of the proposed Code Amendment banning any representation of on-camera smoking in cigarette commercials. Additionally the Board was asked to consider eliminating all sports settings and requiring positive disclosure of tar and nicotine content in all cigarette commercials. No action was taken.

With no progress being made to strengthen Code standards on cigarettes, the existing Guidelines were being eroded through loose network interpretations. This was compounded by the fact that the networks, excepting individual editors acting on their own initiative, were not directing problematic cigarette commercials to the Code Authority's attention despite repeated requests for them to do so. When these matters were raised at a meeting with network representatives on November 21, 1967, one network vice-president and Code Board member bluntly told the Code Authority to stay clear of all cigarette advertising for fear that any action would lead to forcing all cigarette advertising off television.

A week later a heated exchange took place between the network Television Code Board members and Mr. Bell. The latter noted that he still favored earlier Code Authority suggestions for cut-backs in cigarette advertisements, and that he would reiterate these suggestions at a December 1967 Code Board meeting. At least two network officials apparently thought the Code Authority and Mr. Bell should have gotten the point by then. They exploded in a name-calling attack which could be heard, despite closed doors, throughout the Code's New York Office.

A year end 1967 status report from Mr. Helffrich to Mr. Bell in preparation for the December Code Board meeting set forth the dilemma faced by the Code Authority. It states in

"The issuance in September 1966 of our Broadcast Cigarette Advertising Report entailed the cooperation of cigarette advertisers supplying us with raw material on which the report was based. Subsequently the Code Authority enjoyed some limited further cooperation from . . . advertisers. This . . . foundered as the result of interpretive difficulties encountered. . . .

"Additionally a mechanical difficulty exists as to the consistencies of interpretations. The Code Authority does not serve as a central clearance office for all cigarette commercials. It therefore has had to rely on the initiative of advertisers or Code subscribers to volunteer copy for examination where questions might exist under the various specific Guidelines. This has enabled advertisers to rationalize that they did not anticipate questions . . . so did not see any need to volunteer copy. They have particularly stressed, on copy later raising Code Authority concerns, that questions were not raised in regard to it by given Code subscribers . . . and that, therefore, Code Authority challenge was unexpected. In brief . . . overall cooperation on the part of the manufacturers has been more token than real . . . Code subscriber initiative (referring to the television networks), as to cooperating with the Code Authority, in regard to . . . implementation of its responsibilities is considerably less apparent where cigarette advertising is concerned than is the situation pertaining in other (product) categories."

The Code Authority's ability to implement the Guidelines grew progressively worse throughout the early part of 1968. This was true even though Mr. Helffrich, who had assumed the Code Authority directorship, made it clear to the networks that he had no "ambitious" plans on cigarette advertising. One network representative, going to bat for the American Tobacco Company, argued that all networks should be consulted by the Code Authority before any questions are raised on cigarette advertisements being aired over the networks. This official also suggested that the Code Authority should act only in advisory capacity to Code subscribers on cigarette commercials. Particularly at issue were advertising copy relating to filter descriptions, tar and nicotine representations.

Mr. Helffrich turned to Mr. Wasilewski for guidance, and a staff meeting was arranged on April 16, 1968. The TV Code's vulnerability to criticism as to the effectiveness of the Cigarette Advertising Guidelines was fully discussed in the context of the still decreasing cooperation from advertisers and the networks. Attention was drawn to the fact that since the tobacco industry's Code dropped their section related to health claims the Code Authority has experienced "increasing difficulty . . . in holding the line" with filter, and tar and nicotine representations. Mr. Helffrich went on to note that "Whereas network subscribers generally support the interference-running activities of the Code Authority, they see in the area of cigarette copy nothing to be achieved by Code Authority involvement and in fact potential injury to cigarette advertising revenue if the Code Authority pursues such a course." The conclusion—Code Authority "interim withdrawal" from involvement in the clearence of specific commercials approved by the networks but being questioned by the Code Authority under the Cigarette Advertising Guidelines.

From that day on, the Code Authority ceased trying to formulate its own policy on cigarette advertising, and broadcast self-regulation became synonymous with trade association lobbying.

Yet in a May 29, 1968 letter to the FTC, Mr. Helffrich continued to claim that the Code Authority was implementing Code standards on cigarettes. He spoke of the "cooperation" of broadcasters and advertisers, and the "responsibility" exercised in the broadcast self-regulation activity on cigarettes. He concluded by assuring the FTC that the Code Authority and the Code Boards plan to keep cigarette advertising under "continuing review and to recommend changes in policy consistent with new issues as they may arise." But when the Task Force for Smoking and Health gave its Report to the Surgeon General in August, the Code Authority did nothing except to forward the Report and the Tobacco Institute rebuttal to Television Code Review Board members. The Report's comments on advertising received no discussion.

The disparity between promise and performance becomes even more glaring when it is revealed that only a few commercials for cigarette campaigns were reviewed formally by the Code Authority between the time of the April 1968 meeting and Mr. Wasilewski's testimony before the House Interstate and Foreign Commerce Committee in April 1969. On these commercials Mr. Helffrich capitulated to earlier network wishes by requiring that the Code Authority staff first check with the networks in order to reach a "consensus." His objective was to avoid controversy which might jeopardize plans to eventually increase the individual network Code subscription fees. One of these campaigns, in which a compromise solution was achieved by the Code Authority Director, was cited by the FTC several weeks ago for deceptive advertising.

Several non-network Code Board members had no knowledge of this information. A few of them individually had been making repeated pleas for some kind of more meaningful Code action on cigarette advertising. These members spoke out in the Board meeting in December 1968—four and one-half months prior to Mr. Wasilewski's testimony before this Committee. The Board Minutes on this meeting are strangely silent on most of the discussion that took place. Suggestions were again made favoring a ban on actual smoking in commercials, and the disclosure of tar and nicotine content. President Wasilewski interceded my making it clear that the cigarette issue transcended Code Board resolution and that it would be a problem better handled by Government relations people at NAB who had been in contact with Government figures on Capitol Hill. Disagreement with this approach was voiced by several Code Board members who felt it was the responsibility of the Codes to act not react on such an important matter as cigarettes.

Specific proposals covering cigarettes and both advertising and programming were advanced again in March 1969 by these same Code Board members at the Board NAB Convention meeting. A motion to table the advertising proposals did not carry. However, NAB staff executives, including Mr. Wasilewski, and the Code Board Chairman, Mr. Ferguson, suggested that action at the next Code Board meeting would be more advisable so both the programming and advertising proposals were withdrawn. These proposals were then defeated at the May 1 meeting by a vote of 5 to 3 with one member abstaining.

Viewed against this background, it becomes obvious why Code Board member proposals to strengthen the self-regulation of cigarettes never had a chance. The NAB strategy has been to avoid meaningful self-regulatory action as long as the possibility exists that Congress will enact legislation favorable to the broadcasting and tobacco industries. Consequently, consideration of the Code Board member proposals was delayed from the March to the May Code Board meeting so as to allow time for the House Commerce Committee hearings to get underway.

On April 16 one top tobacco company executive, who had met with the Code Authority Director previously to discuss the Code Board member proposals, called the Code Authority indicating that proposals to tighten the Code may be "premature." The following day a Tobacco Institute executive discussed the favorable nature of the House hearings with the Code Authority. He held the view that if either broadcasters or the tobacco industry "appear to cave in" while the House is considering the cigarette issue, the House disposition towards extending the present law might be weakened.

This is the role in which the Radio and Television Codes—the standard bearers for broadcast industry self-regulation—have been placed. The thinking by powerful broadcast groups and the NAB lobbying interests has evolved into nothing more than a series of holding actions designed to bring about legislation favorable to the industry. As evidenced by the unheeded conclusions of the Cigarette Advertising Report, this plan by NAB makes no allowance for self-regulatory standards which might significantly alter cigarette commercials. Their belief is that any such action on the part of the broadcast industry would only serve to

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hasten the departure of cigarette advertising from the broadcast media.

The Code Authority record is clear. By its own admission, it has failed to deal with the conclusions of its own 1966 Report on the effects of cigarette advertising on young people. This situation is unlikely to change without a complete overhauling of the broadcast industry's self-regulatory mechanism. As it now stands, the Code Authority is little more than a "step-child" of the NAB. The autonomy and power needed in order to become a truly professional body acting objectively to serve the public interest is absent.

The broadcast industry has had ample opportunity to demonstrate its willingness and ability to enact a truly responsible and meaningful program to self-regulate broadcast cigarette advertising. Congress gave broadcasters this opportunity in 1965. The NAB and the Code Authority have failed in this public trust.

The remarks of the president of the National Association of Broadcasters are as follows:

Statement of Vincent T. Wasilewski, President, National Association of Broadcasters; Accompanied by Stockton Helffrich, Code Director, National Association of Broadcasters Code Authority

Mr. WASILEWSKI. My name is Vincent Wasilewski. Monday's press carried accounts of an interview given by a former staff member of the NAB, implying that when I appeared before you and your committee on April 21, 1969, certain information that was contained in a 1966 staff report should have been referenced. The inferences are that the information contained in it was withheld for some surreptitious reason.

The report was, in reality, an intraoffice memorandum prepared by the NAB Code staff as a basis for discussion and evaluation by the NAB Television Code Review Board. As you can appreciate, many such memorandums are prepared as a matter of course in many areas of NAB activities. These are working papers which may lead to the development of policies by our board. We would have no more reason to release this particular memorandum, or refer to it, than any of our other intraoffice correspondence.

In truth, in fact, I gave no thought to that report when we were preparing for testimony before this committee and even if I had authority over it, I would not have regarded it particularly relevant because of its date.

This particular report was a compilation of information resulting from letters that were sent by the code authority to all tobacco companies in April 1966. The material was requested in order that the code authority might better be able to determine to what extent or in what manner it should become more directly involved in the evaluation of cigarette advertising.

A code board meeting was held in October 1966. Based upon the material contained in the September 1966 report and other material available to it, the board adopted cigarette advertising guidelines.

In my testimony before you on April 21, 1969—to which the press has alluded—I made specific reference to the work of the NAB codes in the cigarette advertising area. I said:

"The television and radio codes include two provisions dealing with cigarettes which cover advertising and programing. In general, these were designed to prohibit any advertising of cigarettes in such a manner as to indicate to youth that the use of cigarettes contributes to individual achievement or social acceptance.

"Immediately following the adoption of these standards, the code authority undertook the development of cigarette advertising guidelines. These guidelines precluded the use of smokers who appear to be less than at least 21 years of age; the use of athletes in cigarette commercials; testimonials by sports personalities and others who would have particular youth appeal; direct or implied medical and health claims or references, including restrictions on claims for filters or tobacco content; and the use of settings and professionals associated with health care.

"We believe that substantial changes have taken place to lessen the impact of cigarette advertising on young people and to eliminate direct or implied health claims. This activity has been brought about through the separate self-regulatory machinery established by the broadcasting industry and the cigarette industry.

"Broadcasters are not insensitive to the issues involved. The industry recognizes its obligation. Through the codes it maintains a continuing review of cigarette advertising on radio and television as it relates to the public interest, and it has been responsive to that interest. We believe that self-regulatory efforts have played and are playing a significant role in dealing with the issue, and that the furtherance of such efforts should be encouraged * * *"

I have reviewed the guidelines which were adopted by the code authority less than a month after the submission of the September 1966 report to the code review board.

Mr. Chairman, the statement I gave to this committee in April 1969 was true then, and it is true today.

There are allegations in the press to the effect that the guidelines to which I have referred exist only on paper, and nothing has been done to apply them since April 1968.

I submit that this is untrue.

The code authority maintains a review over cigarette commercials similar to that which it does over other product advertising. We do not maintain a central clearinghouse for all commercials, but we do question commercials that have been brought to our attention by code subscribers, advertisers or through our own monitoring. Referring in particular to cigarettes, the code authority had occasion to question the commercials, and effectuate changes, on behalf of nine different brands in 1968. Thus far in 1969, it has had occasion to question the commercials of four different brands.

Mr. Chairman, I submit that the self-regulatory efforts of broadcasters have played and will continue to play a significant role in dealing with the cigarette advertising issue.

Thank you, sir.

THE SUPREME COURT RULING ON THE ADAM CLAYTON POWELL CASE

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, we have today seen another example of the judicial branch of our Government overstepping its bounds and ruling in areas where it has no authority. This House saw fit not to seat ADAM CLAYTON POWELL in the 90th Congress because of his misuse of taxpayers funds. Now, the Supreme Court has said that the House has no right not to seat him or any other person who flagrantly misuses public moneys.

The Court made this ruling on constitutional grounds. Mr. Speaker, they must have a copy of the Constitution that is different from mine. My copy, which was printed by the Government Printing Office at the direction of the Congress says in article 1, section 5:

> Each house shall be the judge of the elections, returns and qualifications of its own members.

In another paragraph it says:

> Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

If my copy of the Constitution which plainly says that this House shall be the judge of the qualifications of its members and may punish its members for disorderly behavior is in error, then I think we should ask the Government Printing Office to correct that error in their printing. But I do not think this is the case, Mr. Speaker. I believe we have just seen another example of how the Supreme Court is attempting to run all branches of the Government of our country. If the Court can overrule the Congress on the seating of its Members, then what is to keep them from overruling the Congress on any other matter.

Unless the trend toward all-powerful rule by the Supreme Court is not reversed, our country is heading toward a Government run by nine men who are not popularly elected by the people and who hold their jobs for life. I sincerely hope that this Congress will take immediate steps to bring the Supreme Court down to earth and make it more responsive to the people it serves. House Joint Resolution 557 and House Joint Resolution 558, which I have introduced, would do this, and I hope we will be given an opportunity to act on these pieces of legislation in the near future.

WHAT MY FLAG MEANS TO ME

(Mr. PIRNIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PIRNIE. Mr. Speaker, recently, the Women's Republican Club of my home county sponsored an essay contest on the subject "What My Flag Means to Me." It attracted keen competition, and last Saturday I was present when Miss Sylvia Montany, of Utica, N.Y., was declared the winner.

She is a charming little lady, with a talent and graciousness belying her age of 14 years. Her approach personalizes the relation of an individual to the flag in crisp, clear, and inspiring language. I congratulate Sylvia on her excellent essay and also the fine women who promoted the contest.

The full text of the essay follows:

What My Flag Means to Me

(By Sylvia Montany)

American soldiers gazing silently on their war-torn flag flying slowly over a sunset-red hill in Viet-Nam, the red, white and blue symbol of the United States painted on a vehicle speeding around the moon, and our flag sailing over a station which distributes aid to peoples less fortunate than us, are sights that stir in me a fierce pride and loyalty for the flag that represents so well the unity, power and purpose of my nation.

Conceived in an era of restlessness and hunger for liberty, the stars and stripes have seen the birth of my country; they have seen the rise and fall of great men, and not-so-great men; they have taken part in war and in peace; and, whenever the freedom of men was at stake, they have flown

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in its defense. Hers has been a troubled reign, yet the flag has always stood proud in her past and in her present, and in her I see my birthright and my heritage.

A flag, by definition, is the symbol of a nation, state, organization or any other group, but Old Glory means more than that to me. I see in her every race, creed and color, all equally represented in the bold colors. I see a nation that answers the cries for help from men of all status, all over the globe. I see millions of Americans working, fighting, and dying for the realization of the dream of world peace and brotherhood.

But more than representing this country, the ideals of our society, and our achievements, the flag represents me. What I do now, and will do, all reflects on the flag because I, with millions of other Americans, am the flag. Each individual, and society as a whole, are represented by the flag. Without society, there would be no flag.

I want to be able to make the flag something to be looked at with kindness and pride and love.

I want to be worthy of my flag.

FBI MUST COOPERATE WITH LOCAL POLICE OFFICERS

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, late last week newspapers across the country carried lengthy accounts of Mafia activities gleaned from 2,000 pages of transcripts of recorded conversations among underworld leaders.

Mafia activity in my own congressional district was disclosed in several of the transcripts. One of the recorded discussions centered on a $5,000 offer by an Easton, Pa., gambler to a New Jersey Mafia chieftain to have an arsonist burn the gambler's Stage Coach restaurant in Easton.

According to the transcripts, the offer was made by Joseph Migliazzi, the gambler who currently is serving a 15-month sentence in Lewisburg Federal Penitentiary on a gambling and rackets conviction. Migliazzi, the transcripts relate, passed the word that his restaurant was insured for $90,000 and that its destruction by fire would enable him to pay off underworld debts to "Sam the Plumber" DeCavalcante.

The offer obviously got results. A short time after the recorded conversation, the Stage Coach restaurant burned on July 4, 1965. Migliazzi subsequently collected $80,114.03 on his restaurant.

A great deal of controversy centers on the use of wiretaps and recordings in connection with criminal prosecutions. But that controversy aside, what alarms me about this particular transcript is the fact the planned arson was known to the FBI a month before fire destroyed the Stage Coach restaurant. On June 4, 1965, Newark, N.J., FBI officials notified the Philadelphia FBI office "to consider advising authorities through established sources." But Philadelphia responded that "information of a possible arson attempt should not be disseminated to the Easton police department."

Mr. Speaker, I want to know why not? Eight persons living in apartments above the restaurant fled for their lives, as did 13 patrons, when the fire broke out. Innocent people—anyone who happened into the restaurant before the fire was set—might have died in the blaze.

I am writing to FBI Director Hoover to ask for a report on this incident. I cannot see any valid reason why, when it has advance warning of such a crime, that it does not take appropriate steps to protect the lives of persons who may be endangered.

PRIME INTEREST RATE INCREASES

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, the move last week by the major New York banks to increase the prime interest rate to 8½ percent is one of the most distressing actions to date in our efforts to combat inflation.

This move has brought justified cries of anguish and it has also brought into sharp focus some very critical problems in our fiscal and monetary programs and policies. It has pointed up the need for immediate and far-reaching relief.

First, there should be an immediate investigation by the Justice Department of the New York banks action in causing this latest nationwide rate increase. I think the American public and taxpayer should have a full explanation of whether or not this so-called "credit crunch" is justified. If it is, then the cloud of doubt hanging over the New York bankers should be dispelled. If not, then appropriate action should be taken.

Second, I believe the administration should speak firmly in opposition to these rate increases which are adding to the inflationary spiral. There is little doubt this is the case because many potential borrowers at 8½ percent have stated they can only absorb the interest increase by passing it on to the consumer. So the borrower is not going to pay these interest rates, the consumer is.

Third, should pressure by the administration fail and should it be disclosed that these interest rate increases are not fully justified, then I believe the President should instruct the Secretary of the Treasury to remove at least $6 billion in interest-free deposits which the government has stored in commercial banks. The pace-setting New York banks, of course, should bear the brunt of these withdrawals.

Fourth, the administration should rechannel the money it will save in fiscal 1970 by cancellation of the manned orbiting laboratory. Instead of using this $300 million dollars to build up a paper surplus in the budget, the money should be diverted into the homebuilding industry which has already been depressed for more than 2 years by this "credit crunch." Some of the moneys should also go into feeding the poor and improving our programs along these lines. Neither type of spending would be inflationary. Homebuilding is already depressed and food money for the poor is spent on basic items, not luxuries. Should the withdrawal of funds from interest-free Federal accounts from commercial banks become necessary, then this money should be also diverted, to the maximum extent possible, to underwriting the financing of these two depressed areas within our economy.

Fifth, the House Ways and Means Committee should, and it is so prepared, devote its full attention to finalizing a comprehensive tax reform and revision bill to present to the Congress. Tax reform is an absolute must if we are to bring our fiscal and economic forces into adjustment. And it must come this year.

Mr. Speaker, the pressure that has been applied for passage of this surtax extension and the repeated increases in the bank interest rate, combined with the continuing rise in the cost of living through inflation, indicate that we simply do not have control of fiscal matters in this Nation at present. Interest rates go up and the taxpayer pays. The surtax is extended and the taxpayer pays again. Inflation continues and the taxpayer pays once more.

While our Government and large private commercial lending institutions ineffectually attempt to set their own houses in order, the American taxpayer and consumer are being bled to death.

THE IMPLANTATION OF A FLAG ON THE MOON

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYMINGTON. Mr. Speaker, on June 10 this House passed the NASA authorization bill which included an amendment which had earlier passed by voice vote with some 10 percent of the Members present. The amendment decrees that no other flag than the United States flag "shall be implanted on the surface of the moon . . . or any planet, by the members of the crew of any spacecraft making a lunar or planetary landing as part of a mission under the Apollo program or any subsequent program, the funds for which are provided entirely by the Government of the United States."

The Members who might be concerned that this congressional directive would prevent the President from using his own judgment in this regard should be reassured that it does not. It is inapplicable, for example, to the Apollo 11 mission, or any other which is not funded entirely by the U.S. Government.

The amendment was drawn with commendable care by persons cognizant of the distinction between "entirely" and "substantially." While Apollo 11 is substantially supported by the NASA budget, it relies on foreign funded assistance in at least four major respects:

First. Tracking stations. The tracking stations are established around the world on land provided rent-free in nearly every instance by the respective host government.

Second. Solar wind experiment. The solar wind experiment, to determine the composition of certain gases in the solar wind, was developed by a Swiss scientific group funded by the Swiss Government.

Third. Lunar sampling. Of the some 150 scientists chosen to examine lunar samples, 36 will come from eight foreign nations at the expense of their respective governments.

Fourth. Rocket monitor sounding probes. A Brazilian space agency team participates in the Apollo program by conducting rocket flights from the Brazilian equatorial range to sample and monitor energetic particle fluxes, as the radiation belts at this point contain potential hazards to astronauts in earth orbit. Inasmuch as Governor Rockefeller leaves shortly for Brazil in the final phase of an intermittently successful series of trips, he might like to convey the good will of the American people and our gratitude for Brazilian participation in this program. He can; the letter of this amendment presents no obstacle. The spirit leaves, in my view, something to be desired.

Mr. Speaker, parenthetically, no Member of this House need yield to any other in respect and devotion to our flag and what it represents. We might differ a little from time to time on what it represents. I think it represents a people and a nation not only great enough to place the first man on the moon, but to acknowledge with Frank Borman that this moment is a triumph for all mankind.

In the 8th Psalm it is asked of our Lord, "what is man that thou art mindful of him?" Mr. Speaker, who are we that we are not?

COMMENTS ON THE POWELL CASE AND ON UNLAWFUL WIRETAPPING

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, first of all I would like to comment that I was one of those who felt that this House acted outside the limits of the Constitution in regard to the Powell case, and I think that the Supreme Court decision has confirmed the views of those who felt that way.

On another matter, I am disturbed by recent press reports that the chief law enforcement officer of the Federal Government, the Attorney General, has stated that he is not bound by law when it comes to the wiretapping of individuals and organizations in this country.

Mr. Speaker, I introduce into the RECORD the article in the New York Times which so reported. If that article is correct, I hope that the chairman of the Committee on the Judiciary will undertake an immediate investigation of the facts and circumstances concerning this apparent disregard of the law by the chief law enforcement officer of the United States. The article follows:

[From the New York Times, June 14, 1969]

U.S. CLAIMS RIGHT OF WIRETAPPING IN SECURITY CASES—JUSTICE AGENCY SAYS COURT APPROVAL IS NOT NEEDED IF SUBVERSION IS FEARED

(By Fred P. Graham)

WASHINGTON, June 13.—The Justice Department contended today that it had the legal power of eavesdrop without court approval on members of organizations that it believes to be seeking to "attack and subvert the Government by unlawful means."

In court papers filed in Federal District Court in Chicago and released here, the Government disclosed that it had used wiretapping or bugging to eavesdrop on some or all of the eight antiwar activists who have been indicted for inciting riots at the Democratic National Conventibn last summer in Chicago.

In disclosing the surveillance, the Justice Department said for the first time that it had the power under the Constitution to eavesdrop on domestic groups, free of court supervision and without regard for the Fourth Amendment.

THREAT OF FORCE CITED

"There can be no doubt that there are today in this country organizations which intend to use force and other illegal means to attack and subvert the existing forms of government," the Government brief argued.

"Moreover, in recent years there have been an increasing number of instances in which Federal troops have been called upon by the states to aid in the suppression of riots.

"Faced with such a state of affairs, any President who takes seriously his oath to 'preserve, protect and defend the Constitution' will no doubt determine that it is not 'unreasonable' to utilize electronic surveillance to gather intelligence information concerning those organizations which are committed to the use of illegal methods to bring about changes in our form of government and which may be seeking to foment violent disorders," the document stated.

A 32-PAGE DOCUMENT

The latter reference, and others in the 32-page document, made it clear that the Government was saying it had the power to eavesdrop on black militant groups and other radical elements without going through the procedures established by the Crime Control Act that was passed by Congress last year, or those safeguards generally felt to be required by the Fourth Amendment.

These procedures require court approval before any eavesdropping is conducted. They also limit the time of eavesdropping and impose other restrictions on Government surveillance.

Today's assertion by the Government amounts to a statement that Federal agents may legally continue to carry out the kind of unregulated eavesdropping that was used for years against the Rev. Dr. Martin Luther King, Jr. and Elijah Muhammad, the Black Muslim leader.

It came to light in court hearings in Houston last week that the two Negro leaders had been bugged and tapped for long periods by agents of the Federal Bureau of Investigation.

Arguing today that the Attorney General should not have to obtain court approval before conducting such surveillance, the Government argued.

"The question whether it is appropriate to utilize electronic surveillance to gather intelligence information concerning the activities and plans of such organizations in order to protect the nation against the possible danger which they present is one that properly comes within the competence of the executive and not the judicial branch."

In the papers filed today the Justice Department also said that some of the defendants had been overheard over listening devices being used in "foreign intelligence" investigations. This is a new term, which is used to designate Government counterespionage activity.

Many lawyers believe that the Supreme Court will eventually uphold the President's authority to wiretap without court approval in "foreign intelligence" situations, but the Government had not said until today that it could use the same methods to keep tabs on American citizens not affiliated with foreign powers.

One of the eight defendants, Jerry C. Rubin, 30 years old, a leader of the Youth International party from New York City, had previously been told by the Government that he was overheard over an electronic listening device.

Attorney General John N. Mitchell said in an affidavit attached to today's brief that four other defendants had also been overheard. He named David T. Dellinger, 53 years old, of Brooklyn, and Rennard C. Davis, 28, of Chicago, cochairmen of the National Mobilization Committee to end the war in Vietnam; Thomas E. Hayden, 29, a founder of the Students for a Democratic Society organization, who is from New York City, and Bobby G. Seale, 32, a Black Panther leader from Oakland, Calif.

Mr. Mitchell said that these four and Mr. Rubin had been overheard over devices that were being used either in "foreign intelligence," investigations or revolutionary domestic organizations. The court was furnished with sealed copies of transcripts of the conversations.

The other defendants are Abbott H. Hoffman, 32, a Yippie leader from New York, City; Lee Weiner, 29, of Chicago, and John R. Froines, 29, of Eugene, Ore.

The trial has tentatively been scheduled for this fall in Chicago but the issue of electronic surveillance is so complex that the trial may be delayed.

The brief filed today was signed by Thomas A. Foram, United States Attorney in Chicago. It was a response to a demand by the defendants for complete disclosure to them of all overheard conversations in which they took part. They also took the position that the indictments against them should be dropped if it were found that information obtained by illegal surveillance was used to indict them.

NO DECISION BY LAWYERS

William M. Kunstler, one of the eight lawyers who are jointly representing the Chicago defendants, said by telephone last night that no joint decision had been made as to whether the overheard conversations should be made public.

He said that he felt: "Initially, the lawyers would like to see the tapes themselves without public disclosure to see what they contain. I think any lawyer would be doing his client a disservice to just say to the court, 'Make these conversations public,' because who knows what a client might be discussing—maybe infidelity to his wife?"

The transcripts of recorded conversations of Mafia members filed in Newark's Federal Court by the F.B.I. earlier this week became public property only because the defense attorneys failed to ask that disclosure be restricted to themselves, according to a Government source.

The New York Times published excerpts from those transcripts yesterday.

THE SUPREME COURT DECISION IN THE POWELL CASE

(Mr. CASEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASEY. Mr. Speaker, the decision announced this morning by the Supreme Court, of course, disturbs the Nation. I do not know whether we can do anything about it, but I do know one positive step we can take. As you recall, the resolution we passed the first of this year permitting the gentleman from New York to take his seat on the floor contained a

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provision for a penalty, a fine of $25,000. That did not excuse him from the money that he does owe and which he should return to the Treasury of the United States. I am having drafted a resolution which I would ask all of you to consider and I would appreciate your joining me in introducing. It is true the Attorney General and the local authorities say that they were undoubtedly violating the law on criminal penalties that could be assessed, but there is no reason why we cannot direct the Clerk of this House to take such action as is necessary to recover the funds expended by Mr. POWELL and members of his family and his staff in violation of the rules of this House and the laws of the United States.

I urge you to join me in this resolution and let us get our money back.

My intentions are to introduce this resolution this week, probably Wednesday.

For the benefit of my colleagues, and the American people, who may have forgotten some of the facts in this case—I am including at this point the findings of the select committee published as House Report No. 27, 90th Congress, 1st Session, which will give some idea of the amount of money due the American taxpayer:

FINDINGS

1. Mr. Powell is over 25 years of age, has been a citizen of the United States of America for over 7 years, and on November 8, 1966, was an inhabitant of New York State.

2. Mr. Powell has repeatedly asserted a privilege and immunity from the processes of the courts of the State of New York not authorized by the Constitution. Mr. Powell has been held in criminal contempt by an order of the New York Supreme Court, a court of original jurisdiction, entered on November 17, 1966. This order is now on appeal to the Appellate Division, first department, an intermediate appellate court in the State of New York, and is not a final order. At the time of the Committee's hearings, there were also outstanding three court orders holding Mr. Powell in civil contempt which were issued May 8, 1964, October 14, 1966, and December 14, 1966. The order of May 8, 1964, was vacated when the final judgment against Mr. Powell was satisfied on February 17, 1967.

3. As a Member of Congress, Mr. Powell wrongfully and willfully appropriated $28,595.34 of public funds for his own use from July 31, 1965, to January 1, 1967, by allowing salary to be drawn on behalf of Y. Marjorie Flores as a clerk-hire employee when, in fact, she was his wife and not an employee in that she performed no official duties and further was not present in the State of New York or in Mr. Powell's Washington office, as required by Public Law 89–90, 89th Congress.

4. As a Member of Congress, Mr. Powell wrongfully and willfully appropriated $15,683.27 of public funds to his own use from August 31, 1964, to July 31, 1965, by allowing salary to be drawn on behalf of said Y. Marjorie Flores as a clerk-hire employee when any official duties performed by her were not performed in the State of New York or Washington, D.C., in violation of House Resolution 294 of the 88th Congress and House Resolution 7 of the 89th Congress.

5. As chairman of the Committee on Education and Labor, Mr. Powell wrongfuly and willfully appropriated $214.79 of public funds to his own use by allowing Sylvia Givens to be placed on the staff of the House Education and Labor Committee in order that she do domestic work in Bimini, the Bahama Islands, from August 7 to August 20, 1966; and in that he failed to repay travel charged to the committee for Miss Givens from Miami to Washington, D.C.

6. As chairman of the Committee on Education and Labor, Mr. Powell on March 28, 1965, wrongfully and willfully appropriated $72 of public funds by ordering that a House Education and Labor Committee air travel card be issued to purchase air transportation for his own son (Adam Clayton Powell III), for a member of his congressional office clerk-hire staff (Lillian Upshur), and for personal friends (Pearl Swangin and Jack Duncan), none of whom had any connection with official committee business.

7. As chairman of the Committee on Education and Labor, Mr. Powell willfully misappropriated $461.16 of public funds by giving to Emma T. Swann, a staff receptionist, airline tickets purchased with a committee credit card for three vacation trips to Miami, Fla., and return to Washington, D.C.

8. During his chairmanship of the Committee on Education and Labor, in the 89th Congress, Mr. Powell falsely certified for payment from public funds vouchers totaling $1,291.92 covering transportation for other members of the committee staff between Washington, D.C., or New York City and Miami, Fla., when, in fact, the chairman (Mr. Powell) and a female member of the staff had incurred such travel expenses as a part of their private travel to Bimini, the Bahamas.

9. As chairman of the Committee on Education and Labor, Mr. Powell made false reports on expenditures of foreign exchange currency to the Committee on House Administration.

"THE PUBLIC BE DAMNED"—ARTICLE BY JUSTICE WILLIAM O. DOUGLAS

The SPEAKER. Under previous order of the House, the gentleman from Oklahoma (Mr. EDMONDSON) is recognized for 30 minutes.

Mr. EDMONDSON. Mr. Speaker, I was absolutely astounded when there was called to my attention over this past weekend an article which had just appeared in the latest edition of Playboy magazine by a member of the U.S. Supreme Court, Justice William O. Douglas, entitled "The Public Be Damned."

This article is a lengthy, inaccurate, and frequently slanderous attack upon the U.S. Army Corps of Engineers, upon a distinguished colleague of ours who presently is ill and unable immediately to respond on the floor—and I am speaking of the Honorable MICHAEL J. KIRWAN—and it is an attack upon a number of institutions of Government that deal with the development of our water resources and I think upon the Congress itself in many ways.

I have never before taken the floor of the House to comment upon any member of the Supreme Court, and I do so with some reluctance. But when a member of the Court resorts to a medium like Playboy magazine to attack a distinguished Member of this body, who for reasons of health is unable immediately to respond, and totally misrepresents the facts and the records in as many instances as Justice Douglas does in this article, I feel compelled to take the floor and to make response to those charges.

In the first place, let me say this: The allegation contained in this article that MIKE KIRWAN has long been a stern opponent of national park development is completely the opposite of the truth. Any Member who has served for any length of time in this body knows that for a period of 16 years Congressman MIKE KIRWAN was chairman of the subcommittee that deals with appropriation for the Interior Department, and brought to this floor time after time appropriations for the purpose of enlarging and developing the park system of the United States. As a matter of fact, the record of the Kirwan service in this responsible role is one of the most illustrious in the history of the House of Representatives. MIKE KIRWAN was one of the first to recognize the urgent need to make more adequate provision for facilities in our national parks to handle the increasing number of visitors.

In 1965 he increased the budget of the National Park Service, beginning the accelerated program to provide more visitors centers and camping and picnicking facilities. This was the beginning of Mission 66. No less an authority than Conrad Wirth has in private conversations referred to MIKE KIRWAN as the father of Mission 66, the greatest forward step in public park development in many, many years.

MIKE KIRWAN has always been an ardent advocate of the Fish and Wildlife Service. During the period 1955 to 1964, when he was chairman of the Appropriations Subcommittee, for the Department of the Interior he recommended a total of appropriations in the amount of $348 million, which compared with only $93 million for the comparable period preceding the period of his service as chairman.

I am disturbed, Mr. Speaker, about the unfairness of this attack upon a great Member of this body. I am also disturbed about the completely reckless and unjustified attack upon the Army Corps of Engineers. The Douglas article accuses them of conniving with real estate developers, juggling cost estimates, rigging benefit progressions, and a host of other bad deeds. He charges they are "polluters and despoilers of the Nation's water resources," and he uses the phrase to describe them of "Public Enemy No. 1," a phrase normally employed to describe someone engaged in criminal activities.

In his lengthy article he is extremely reckless with his facts. He writes:

> A number of waterway projects have been started when they are in fact only in study stage:

He says:

> There is hardly a Federal agency in Washington which is not offered corps funds for research and development assignments."

And this is simply not true.

He says the corps has special permission to spend up to $10 million on any project with the approval of only House and Senate committees. This simply is not true. He says the Corps of Engineers has no conservation standards. This is not true.

Justice Douglas should know better. He certainly is in a position to get the facts by picking up a telephone, and in this article it is obvious he does not let the facts stand in his way in his zeal to attack and indict the Corps of Engineers, the water resource development program, which they are responsible for in this country, and both Members committees

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of the Congress that have responsibility in this area. I think this is especially unfortunate since the American people undoubtedly are going to be misled, some of them, by Justice Douglas' erroneous remarks.

I note that both the United Press, on June 14, and the Associate Press, on the same date, carried articles quoting at some length and including erroneous material that appears in the Douglas article.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I yield to my friend, the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I congratulate my friend, the gentleman from Oklahoma, on the statement he is making.

The gentleman from Oklahoma showed me a copy of this article only today. I regret it. I think any Member of Congress knowledgeable of the facts would be utterly shocked not only at the article itself and the misrepresentations it contains but also at the very fact that such an article could appear under the authorship and name of a Justice of the U.S. Supreme Court.

Wholly aside from the propriety of attacking a Member of Congress with misrepresentations, as the article has done, and wholly aside from the propriety of a member of the U.S. Supreme Court presuming to attack a bona fide agency of the administrative branch on grounds wholly removed from the legality, I think this article points up something far deeper, an utter disregard for factual accuracy, which is indeed shocking when indulged in by a member of the highest tribunal.

The article is sloppy and careless, to say the least, in its treatment of facts, and I surely shudder to think that this would characterize the attitude of the highest court in the land or one of its members toward clearly ascertainable facts. It is the kind of article one might expect to read in a cheap pulp magazine written by some hack writer who has no responsibility to accuracy, and perhaps written under a pseudonym. It is not the kind of article anyone would expect to see in print anywhere under the name of a Justice of the U.S. Supreme Court.

I am sure the gentleman from Oklahoma will point out the numerous factual inaccuracies contained in this article. I could enumerate many of them from a cursory reading, but I should say that our colleague, the gentleman from Ohio, MIKE KIRWAN, is due an apology and I think as well that the highly professional group of Americans serving the Army Corps of Engineers, which so carefully provides information and data called for by congressional enactment, also is due an apology.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman from Texas for his remarks. I concur wholeheartedly with the gentleman about the right of the public to expect a member of the judiciary—of all people—to get his facts straight. Conclusions and observations are one thing, but when those conclusions and observations are based upon a series of misstatements and distortions and outright mistakes, if we want to be kind about it, I think the public is the loser and I think the standards of the judiciary suffer considerably.

As a matter of fact, speaking at Webbers Falls, Okla., just last Saturday, I commented on the fact that 150 years ago, in the year 1819, the United States received the great landmark decisions of the Supreme Court in the Dartmouth College case and in McCulloch against Maryland, and in this year, 1969, 150 years later, we get William O. Douglas writing on "The Public Be Damned" in Playboy magazine. No one is likely to view this as judicial progress.

Mr. Speaker, for the information of those who may have read Justice Douglas' remarks, or may read them hereafter, I picked out approximately 20 of the more obvious and flagrant inaccuracies and half-truths that appear in the article. I insert this summary at this point in the RECORD.

The information is as follows:

SOME OF THE MAJOR ERRORS OF FACT IN JUSTICE DOUGLAS' ARTICLE

1. There is no such Federal agency as "Public Roads Administration" (Page 182). Justice Douglas apparently has reference to the Federal Highway Administration in the Department of Transportation.

2. "There is hardly a Federal agency in Washington that is not offered [a Corps of Engineers research or development project] in amounts from $200,000 to $400,000 or more a year" (Page 182). This is just not true. Few Federal agencies get any money at all from the Corps of Engineers, and in these instances Congress has specifically directed that the Corps transfer funds to these agencies for certain services—not research and development. The U.S. Geological Survey is reimbursed for the maintenance of stream gauging stations; the U.S. Weather Bureau is reimbursed for the provision of certain precipitation studies, and the Fish and Wildlife Service is reimbursed for studies, investigations and reports required under the Fish and Wildlife Coordination Act of 1958, which directs that Corps projects be coordinated with the Fish and Wildlife Service. Several HEW agencies have also received Corps funds. To categorically state that most Federal agencies are "offered" funds by the Corps is completely and totally inaccurate.

3. "* * * the Corps is incorrigible, violating the fundamental principle that while an administrative agency is the creation of Congress, it must report through the Chief Executive * * *. Even though the President advises that a Corps project is not in accord with White House policy, the Corps transmits its report to Congress anyway * * *" (Page 184). As required by Executive Order (No. 9384), the Corps must submit each report to the Bureau of the Budget "for advice as to its relationship to the program of the President." There are, in fact, five Budget Bureau analysts who do nothing but oversee Corps programs. Having requested the Corps to investigate a certain project, Congress fully expects and intends to have the benefit of each such report. There is absolutely nothing "incorrigible" about the conduct of a Federal agency simply carrying out its instructions.

4. "The Corps finally obtained by an act of Congress special permission to spend up to $10,000,000 on any project without approval by Congress, provided the project has been approved by resolutions adopted by the Senate and House committees" (Page 184). This statement is extremely misleading and caused United Press International, in a dispatch datelined Chicago, June 14, to state: "The Army Corps of Engineers * * * can spend $10 million on any project without Congressional approval." This statement, of course, is absolutely false. In 1965, the Congress decided to allow the House and Senate Public Works Committees—without subsequent floor action and White House approval—to "authorize" Corps of Engineers, Soil Conservation Service, and General Services Administration projects costing less than $10,000,000. This only involved the authorization process, and under the proposed procedure every penny of the money would subsequently have to be appropriated by the Congress and approved by the President—the same as before. As it turned out, President Johnson claimed this procedure infringed on the powers of the Executive, and it has never been implemented. However, just a few weeks ago, the White House agreed to allow authorizations for Soil Conservation Service projects to be made by only the House and Senate Committees. But the authorization has never been used in connection with a Corps project.

5. "This is an advantage [special permission to spend up to $10,000,000] shared by no other Federal agency * * *." (Page 184). As stated above, only the Soil Conservation Service of the Department of Agriculture is now able to get authorizations for smaller projects solely on the basis of the action of Congressional Committees. However, appropriations must still be made in conventional fashion.

6. "* * * Arkansas already has many times the power it can use." (Page 185). This is just not true. The electric power systems in Arkansas, Oklahoma and surrounding states have absorbed as much hydroelectric power as was available to them through the Southwest Power Administration. It is my understanding that this accounted for only 3 to 4 percent of the total electric demand in the area. The power systems, of course, have to maintain a surplus of power at all times, or there will be power failures. If Arkansas had "many times" the electric power it needed, I am quite sure the Arkansas Power and Light Company would not now be constructing one of the largest nuclear generating stations in the Nation on the shores of Lake Dardanelle.

7. "So why destroy the Buffalo [River]?" (Page 185). As Justice Douglas must know, there are no plans to develop the Buffalo River in Arkansas. At one time, there was some local interest in improving the river, but there was also a lot of opposition. As a matter of fact, legislation to establish the Buffalo National River and preserve 95,730 acres alongside the river as parkland is now being considered in the Congress. Hearings on the Senate bill, sponsored by Senators McClellan and Fulbright, were held last month.

8. "The Corps is an effective publicist." (Page 185). Unfortunately, the Corps of Engineers' story of waterway development has not been very effectively told. Unlike numerous other Federal agencies, the Corps does not spend a lot of money making full color films for television, issue a barrage of newspaper publicity and feature story hand-outs, or ever publish a regular journal. As a matter of fact, I believe that the Corps has had the authority for at least five years to publish a magazine—such as the Bureau of Reclamation does—but as yet has not elected to do so. I, for one, would like to encourage the Corps to do a better job in informing everyone of the importance of wise and efficient water management practices to future economic and social progress.

9. "The problem with dams is that they silt in * * *. In time, the silt completely replaces the water." (Page 185). Here is another example of a grossly erroneous statement. Every Corps reservoir is designed to include a "sediment pool" where river silt is collected over the years. The sediment pool is intended to fill up in a specified number of years—either 50 or 100 years, depending on the projected life of the reservoir. At the end of that period, the reservoir will still

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have all of its storage capacity. It's a myth, then, that Corps reservoirs will soon be filled up with nothing but mud.

10. "* * * the Corps has no conservation, no ecological standards." (Page 186). The Corps of Engineers is extremely sensitive to conservation and ecological standards. The Fish and Wildlife Service of the Department of Interior is continually consulted on projects, as required by law. Nearly every proposed waterway involved detailed conservation studies. In 1967, the Department of the Army and the Department of Interior signed a "Memorandum of Understanding" which is in full effect at this time. This formalized a long-standing arrangement whereby the Department of Interior is consulted by the Corps of Engineers on each and every project involving fish and wildlife, estuary, or ecological factors. Each Division of the Corps of Engineers has an Environmental Resources Branch, and every phase of the Corps program involves environmental considerations. In fact, Corps personnel just recently completed conservation and ecological studies at the University of Wisconsin, and Stanford and Cornell Universities. It is a grievous misstatement, therefore, to state that the Corps has no conservation standards.

11. "The Corps approach [to flood control] is purely an engineering approach." (Page 186). Engineering is only a part of the Corps' program to combat flood damage. Flood plain management, in fact, is high on the Corps' agenda. No doubt flood damage will be held down in the future by restricting certain land uses in the flood plain, but it should be pointed out that the Corps' flood control program is eminently successful. Without the huge capacity of upstream dams on the Missouri River, and a system of massive levees and reventments, large sections of the Upper Midwest could well have been swamped by rampaging flood waters this spring. The Corps' good work certainly paid off.

12. "Beautiful river basins are wiped out forever * * *." (Page 186). This is rarely, if ever, the case. The Tennessee River, before it was developed, was sometimes a mile wide in the spring and a foot deep in the summer. It was a liability because of frequent flooding, and it was useless the rest of the year. Now that it is fully developed, the river has taken the form of a beautiful chain of scenic lakes stretching through Tennessee and Northern Alabama. Just because a river is developed, it doesn't mean that it isn't beautiful. The Ohio, the Arkansas and most other developed rivers are more scenic and aesthetic than ever.

13. "Over the years, the Corps juggled costs and benefits * * *." (Page 187). While I do not have specific information about this particular project (Lake Okeechobee), I do know that both costs and potential benefits vary from year to year on any project. I also know that the Corps has the reputation of being very conservative in its estimates. Actual costs of a great many projects, for instance, fall below the Corps' estimates. Which is all the more impressive in view of the high cost overruns on many other Federal programs. And benefits, as it usually turns out, are on the low side. Practically every major navigation artery is now carrying many times the commerce originally estimated.

14. "It [the Atomic Energy Commission] is on the Corps' payroll." (Page 188). As far as I have been able to determine, the A.E.C. does not get a single penny from the Corps of Engineers. The two agencies are conducting a joint study involving the possible use, at some time in the future, of nuclear construction techniques. But this is a cooperative venture, and it is not funded by the Corps. It is reprehensible, therefore, to say the A.E.C. is being paid.

15. "The Corps is now starting a vast internal canal-building project to build waterways into the dry, desert-blown parts of America." (Page 188). The Corps has been involved in waterway improvements since 1824. There were far more canals a century ago (though most were built by state or private interests) than there are today. As a matter of fact, development of new water ways has now come to almost a complete halt. The current budget provides for only two navigation "starts"—Smithland Locks and Dam on the Ohio River, and a deep-draft channel serving Stockton, California. Unfortunately, everything else is in the planning stage, postponed, deferred or otherwise delayed. It is certainly not correct, therefore, to say that the Corps is "starting" any vast program.

16. "That wild idea [development of the Trinity River] is now reality." (Page 188). Nothing could be further from the truth. The Trinity project to bring navigation to Dallas-Fort Worth is only in the early planning stage. Some work on downstream flood control projects is underway. But no work is in progress on any of the navigation channel. Congress must give the go-ahead, in fact, before any decision is reached as to whether to channelize the river. To say it is already reality is utterly absurd.

17. "[The Arkansas-Verdigris Waterway] is now under way—a 539-mile canal reaching into the heart of Oklahoma. The plan includes 18 locks and dams * * *." (Page 188). Justice Douglas has added 89 miles and one lock and dam to the Arkansas project. In reality, it runs 450 miles and contains 17 locks and dams. Navigation is now open to Little Rock, and the people of our region are already beginning to realize the benefits from this far-sighted project. Structural steel, oil well pipe and alumina—among other products—are moving into Arkansas at low-cost, and Arkansas soybeans are being shipped to market by barge, meaning more money in farmers' pocketbooks. Navigation should reach Fort Smith near the Oklahoma state line by the end of the year, and Tulsa in another year will no longer be land-locked. This great new waterway was undertaken only after painstaking and thorough economic studies, and its ultimate success is virtually assured.

18. "* * * Tennessee-Tomlingbee waterway * * *." (Page 188). The correct name of the proposed waterway is Tennessee-Tombigbee.

19. "In 1967, the Corps approved [the Tennessee-Tombigbee] * * *. The interested Congressmen * * * did not take the issue to Congress but in committee ordered the Engineers to start the controversial canal * * *. (Page 188). The Corps of Engineers doesn't approve or disapprove any proposed waterway. It reports on the engineering and economic feasibility. As a general rule, Congress okays only those projects having a favorable benefit-to-cost ratio, but there are other considerations involved in some projects (but not included in the economic analysis) which are meaningful. Anyway, this is a matter for Congress to decide and there is absolutely no way for "interested Congressmen" to avoid taking a project report to Congress if they want to get construction started. A commitee simply can't make the decision. It has to be made by the full Congress and approved by the Congress. This is true in the case of Tennessee-Tombigbee and every other waterway. In the case of Tennessee-Tombigbee, it has not been "started", as Justice Douglas claims. It is still in the planning stage.

20. "Eighty-year-old [Congr. Michael J.] Kirwan has long been a stern opponent of national park development." (Page 188). This is utterly ridiculous. Mike Kirwan, who is now 82, incidentally, has probably done as much as any man in the Congress to develop and build up the parklands and park system. To call him an opponent of a program in which he has taken such a long-time interest is totally inconceivable.

21. "If Texas and Oklahoma can have their worthless canals * * *" (Page 188). I don't know about Texas, but I am quite positive that Oklahoma's canal—the Arkansas and Verdigris Rivers, that is—will be of paramount economic importance. Industry is already locating along the river long before it is navigable. Millions of dollars are being spent readying the Catoosa Port of Tulsa even though navigation won't be available for at least another 18 months. History will prove whether Justice Douglas is right in this instance or not, but if the spirit and determination of the people of Arkansas and Oklahoma is any indication, he is dead wrong again.

22. " * * * if the Corps concentrates on socially useful projects * * *" (Page 188). There is a strong inference here that river basin programs are not socially useful. But the fact is that no other Federal programs of this magnitude is beneficial to more people. When rivers are developed, they are turned from local liabilities into great regional assets. Flood-free sites are made available for industry, which is drawn to the riverside by availability of stable water supplies, low-cost transportation, plentiful electric power, and year-round water recreation. Industrialization means jobs and payrolls, higher tax bases for local communities and states, better public services, a higher standard of living. The region enjoys economic development. New opportunities and incentives are provided so that residents no longer have to seek employment and advancement in over-congested metropolitan areas. In developed river valleys all over America, a richer and more promising life is possible—abundant in both quantity and quality. What more "socially useful project" than this could there be?

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am glad to yield to my good friend from Florida.

Mr. SIKES. I wish to commend my distinguished friend from Oklahoma for his service to the House in calling this matter to the attention of our colleagues. I concur in his observations and I commend him for his important interest in this matter.

Mr. Speaker, the Court's ruling on the Adam Clayton Powell appeal is another arrogant assumption of legislative prerogatives reserved by the Constitution for the Congress. It should be disregarded, and Congress should at long last abrogate the unwarranted seizure of powers which has been in progress for years by the U.S. Supreme Court.

The timidity shown by Congress in its failure to take steps to restore the separate but equal concept of the three principal branches of Government is inexcusable, but if Congress insists on making a doormat of itself, it is to be hoped that the administration will recognize the essentiality of taking steps to remedy this problem.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am glad to yield to my good friend from Iowa.

Mr. GROSS. Any Justice of the U.S. Supreme Court who would take as Douglas did, $80,000 from a foundation the bulk of its resources being supplied by gambling money; any Justice of the U.S. Supreme Court who would write and cause to be published and be paid for the publication in a magazine Avant Garde as Douglas did, would not know the meaning of the word "propriety" if he met it in the middle of the street in broad daylight. I am not surprised that

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this article appears in Playboy, because of the past avarcious record of Justice Douglas.

For the information of Members of the House who are not acquainted with Avant Garde, it is an obscene, smut-ridden, filthy publication. Yet planted amid all this filth is a full page picture and an article by Douglas who had to know the character of the publication because a case involving at least one of the officials of it had been brought before the Supreme Court.

I compliment the gentleman for calling this matter to the attention of the House. This man Douglas has been engaged in nefarious business for a long time, and from his high post in the Supreme Court. The facts being as the gentleman from Oklahoma says they are, he should apologize to the distinguished gentleman from Ohio (Mr. Kirwan) and accompany that apology with his resignation from the Supreme Court of the United States.

I thank the gentleman for yielding.

Mr. EDMONDSON. I personally agree 100 percent with the statement which the gentleman from Iowa just made. We have apparently reached the stage in the business of the Court in which it appears to be in order for a Justice to make any kind of attack upon any institution of our Government without any regard to legal questions or judicial considerations that are involved in the situation, and to abandon completely the common ordinary standards of honesty and decency in making that attack. I think the time has come for that gentleman to step down from the Court and make way for someone who has some respect for integrity and fairplay and plain garden variety honesty in his public statements and writings.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. EDMONDSON. I am glad to yield.

Mr. GROSS. I would add that if Douglas' resignation is not forthcoming the House of Representatives ought to initiate impeachment proceedings.

Mr. EDMONDSON. Mr. Speaker, I will only comment for a moment on several of the points I have placed in the Record as major errors of fact. I comment upon them because they have been made a part of the press accounts about this article.

The statement in the article that the corps has obtained from the Congress special permission to spend up to $10 million on any project without approval by Congress provided the project has been approved by resolutions adopted by the Senate and the House committees is simply not accurate. It is very definitely misleading.

In 1965 the Congress decided to allow the House and the Senate Public Works Committees, without subsequent floor action and White House approval, to authorize the Corps of Engineers, Soil Conservation Service, and General Services Administration projects costing less than $10 million.

This, however, only involved the authorization process. Under the proposed procedure every penny of the money would subsequently have to be appropriated by the Congress and approved by the President—the same as before. As it turned out, President Johnson claimed this procedure infringed on the powers of the Executive, and it has never been implemented. In the case of the Corps of Engineers there is no instance of this power having been utilized or implemented. It is a fact that a few weeks ago the White House agreed to allow authorizations for Soil Conservation Service projects to be made by only the House and Senate committees, but this authorization pertained only to the Soil Conservation Service.

So you have a double inaccuracy with regard to the article: First, in the statement that the Corps of Engineers has the power and utilizes it; and second, in the statement that it is an advantage shared by no other Federal agency. As a matter of fact, the only Federal agency enjoying it now is not the Corps of Engineers but, rather, the Soil Conservation Service.

Mr. Speaker, I would like to comment for just a minute, also, on the statement made with reference to the Arkansas-Verdegris Waterway, since that is pretty close to home. The statement in the article is that this is a 539-mile canal reaching into the heart of Oklahoma, includes 18 locks and dams. The Justice, perhaps coming closer to fact than on any other point, only added 89 miles to the length of the canal and only one lock and dam to the project. In reality it runs 450 miles and contains 17 locks and dams. Navigation is now open to Little Rock. It is proving to be of tremendous benefit to the area already, both eastern Oklahoma and Arkansas, in many ways. I think this is an example of a complete failure by the Justice to recognize all of the facts. The only description given to the Arkansas River project by the Justice is that of a navigation project. The tremendous benefits present in flood control, the tremendous benefits present in hydroelectric power and water storage for community use, the tremendous recreational opportunities for literally millions of people, and the other benefits are not mentioned. The recreational visitors are not counted here in the thousands or hundreds of thousands but in the millions. All of these benefits are completely disregarded and overlooked by the Justice in his article.

Mr. Speaker, I have one further point. In his attack upon the Corps of Engineers the Justice endeavors to put across the point that the Corps of Engineers has absolutely no conservation standards and absolutely no regard for conservation standards. The facts are exactly to the contrary. I would like to quote from a speech delivered by Maj. Gen. Frederick J. Clarke, Deputy Chief of Engineers, to the Mississippi Valley Association in Chicago, Ill., on February 13, 1967. He was speaking about the regard which the Corps of Engineers has for environmental factors and the regard which the Corps of Engineers has for conservation values. General Clarke had this to say:

> Environmental factors are typically qualitative. Hence they are difficult and sometimes impossible to express in measurable quantitative terms. They can be evaluated only through judgment, often subjective. Nevertheless, these qualitative factors must be given weight in all future water resources planning. And they must be entering factors, considered from the very start of the planning process. The public demands this, and we recognize it.
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> The Corps of Engineers has employed wildlife, park, outdoor recreational, and other specialists on its staffs for many years, and sought the expertise of other agencies. We are now strengthening our capability, both in-house and by contract, to respond to the growing need to preserve environmental resources while meeting the essential needs of development in our expanding economy. We have established Environmental Resources Branches within the planning organizations of our ten Civil Works Divisions. Their responsibility will be to see that environmental considerations are included from the start in all of our planning and program-formulating activities. We are seeking and securing improved working relationships with conservation groups and organizations. Our purpose is not just to explain our activities to them, but also to acquire a better understanding of their needs and views.

This represents the true viewpoint of the Corps of Engineers. It is totally different from the "public be damned" attitude as it is described in the Douglas article. I think any Member who sits on a committee before whom the Corps of Engineers' witnesses appear will testify to the fact that they are as careful, as prudent, and as honest with the Members of Congress in pointing out the effects of a project upon fish and wildlife values and upon environmental conditions as are any witnesses who appear before the committees on behalf of any Government agency. I hope and trust that we will see from the Justice an apology to the corps and to our colleague, the distinguished gentleman from Ohio (Mr. Kirwan). I hold very little hope, however, that we will also see the other action that my colleague from Iowa suggested a little bit ago on behalf of the Justice. But, certainly, it would be a wonderful thing if we could substitute for this Justice today a Justice of the caliber of John Marshall to hold that seat on the Supreme Court once again.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I shall be glad to yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I would like to commend my colleague, the gentleman from Oklahoma (Mr. Edmondson), for taking this time in the House to bring this question before us and for putting in proper perspective the respect due the House of Representatives and the work of its committees.

I would like to ask the gentleman this question: Suppose I am a beneficiary of a foundation—and that is a pure supposition—and I am on the Court and my connection with the foundation is improper and I will remind you that it is a supposition, and then suppose that I resigned from the foundation but remained on the Court. If my prior connection with that foundation has been improper, would the fact that I resigned from it make it any more proper in the opinion of the gentleman from Okla-

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homa—in other words, if I was wrong to be connected with the foundation while serving on the Court would the fact that I have discontinued serving on it at the present time make my prior conduct proper?

Mr. EDMONDSON. I do not think it would in any way affect the propriety of your conduct.

Mr. HUNGATE. Propriety or impropriety?

Mr. EDMONDSON. I think that what it does is to clear the air with respect to present conduct. It certainly does not make right and proper the previous conduct over a long period of time.

Mr. HUNGATE. If it were improper in the first instance?

Mr. EDMONDSON. If it were.

Mr. HUNGATE. I thank the gentleman for bringing this matter to the attention of the Members of the House and for the work which he has done on this matter and I think the House should appreciate that work.

Mr. EDMONDSON. I thank the gentleman from Missouri.

SCHNITTKER FAVORS $5,000 PAYMENT LIMIT

The SPEAKER pro tempore (Mr. TAYLOR). Under a previous order of the House the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, a statement of great significance on farm policy, both short term and long term, was made May 27 at the symposium on public problems and policies of the Iowa State University Center for Agricultural and Economic Development by Dr. John A. Schnittker, former Under Secretary of Agriculture.

His statement has special importance because it deals with the question of individual farm payment limits. The House recently voted a $20,000 limit on payments as an amendment to the agriculture appropriation bill, and the question of sustaining that provision will soon be before the Senate.

The text of Dr. Schnittker's speech includes the declaration, "I favor a limit of $5,000 per program or $10,000 per farm." A study of the effect of farm payment limits ordered last fall by President Johnson and widely identified as the "Schnittker study" concluded that a limit of $10,000 per program or $20,000 per farm would yield budget savings of nearly $300 million a year and at the same time could be administered without "serious adverse effect" on the functioning of present programs.

The lower limits of $5,000 and $10,000 would, Dr. Schnittker estimates, save more than $500 million per year if firm rules were enforced to prevent farm splitting to circumvent the limitation.

He also estimates that cotton payments could be reduced by one-half—$400 million to $500 million—and wheat payments by about $400 million without important adverse effect.

He outlines five different ways to achieve a reduction in farm program costs. I view it as one of the most significant statements on basic farm policy in several years.

Here is the text:

THE DISTRIBUTION OF BENEFITS FROM EXISTING AND PROSPECTIVE FARM PROGRAMS[1]

(By John A. Schnittker[2])

SUMMARY

1. Most of the direct benefits of U.S. agricultural price and income support programs go to a small percentage of our farmers. Sugar cane, cotton, and rice program benefits are the most concentrated, with the largest 20 percent of the growers receiving, respectively, 83, 69, and 65 percent of the benefits in a recent year. Feed grain and wheat program benefits are also concentrated, but less so.

2. Small farmers get only a small share of total farm program benefits. The smallest 20 percent of sugar cane, cotton, and rice growers received, respectively, 1, 2, and 1 percent of direct program benefits in a recent year.

3. Program benefits are increasingly concentrated because farm production is concentrated on about one-third of all U.S. farms, and program benefits continue to be distributed in proportion to production.

4. Most people consider total farm program costs too high, taking other national needs into account; these costs will continue to increase unless major statutory and administrative changes are made. The level of total farm program costs, and the prospect that costs will go even higher, not the overall distribution of farm program benefits among farmers, is the principal farm issue facing Congress and the Administration.

5. Farm program costs can be reduced, in time, by a 5-point program including smaller payments for cotton and wheat growers, lower feed grain prices, long-term land retirement contracts, and a limit on direct payments. Even with those changes, relatively large farmers would continue to get most of the benefits. Gains in average income per farm and in the parity income position of full-time commercial farmers could continue, however, if the indicated changes were phased over several years.

FULL TEXT OF MR. SCHNITTKER'S REMARKS

Direct benefits arising out of price support programs for agricultural commodities go primarily to persons who have relatively large farms, enjoy a comfortable living out of current income, and have substantial equities in property. This is true also for the benefits of agricultural conservation programs, research, extension education, and probably for higher agricultural education as well. This tendency is not limited to agricultural programs; it is evident also in certain education programs; many urban renewal projects stand convicted of displacing the poor for the convenience and edification of the rest of us; rapid snow removal and regular street sweeping often appear to be limited to the "better" neighborhoods. A complete list of regressive public programs would be a long list.

The incidence of program costs is relevant to any discussion of the distribution of benefits from public programs. One might find that those who get the greatest benefits also pay roughly in proportion to the benefits derived. In the case of agricultural commodity price and income support and production adjustment, however, program costs are paid principally out of general revenues, while the direct benefits go principally to farmers and to the owners of agricultural land. Costs and benefits are almost entirely disassociated.

I have chosen to set aside the claim made occasionally that it is not farmers but consumers who really benefit from farm programs. Occasionally when some less creditable aspect of existing farm programs is being questioned—like the Sugar Program or giant federal payments to giant farmers—apologists tell us that big farmers only appear to benefit, and that the real gains escape the farmers and are harvested by consumers. There is an element of truth to this assertion; consumers have unquestionably benefitted from the research and education which underpin agricultural productivity. The farm commodity price support programs also share in the credit for our efficient agriculture; without the prosperity and the stability provided by recent farm programs, farm prices and food costs may well be higher than they are. Even so, that farm programs have benefitted farmers very substantially from year to year is seldom denied, although the long run impact is certainly arguable.[3]

Who benefits?

From the start in 1933, direct benefits of farm price supports in the United States have been distributed almost exactly in proportion to the share of total production each farmer controlled. As agricultural production became increasingly concentrated, largely because of technological change, the concentration of benefits increased also.

A formidable paper prepared by Professor James T. Bonnen of Michigan State University for the Joint Economic Committee of Congress has just been published,[4] adding much detailed information although no new general conclusions regarding the concentration of benefits in farm commodity programs. We have known from the start how farm program benefits were distributed, so it may be asked just how important it is to have greater statistical precision to prove a point that is already accepted. I believe this new information can make an important contribution to further improvement in the farm programs in much the same way. The National Nutrition Survey is improving the prospects for more adequate food programs. That study being done by Department of Health, Education, and Welfare, by adding precision to already valid information regarding the incidence and the effects of malnutrition in the United States, has made denial of the fact of widespread hunger and malnutrition unbelievable if not quite impossible. Perhaps more precise information on the incidence of farm program benefits can have a similar result.

What is the distribution of benefits from farm programs? Bonnen provides the details for major commodities by size strata of farms and state by state. The tables attached are taken directly from his study (with the author's permission). Table 1 (Bonnen's Table 7) shows that:

Sugar cane, cotton, and rice have the greatest proportion of direct benefits concentrated on a few farmers. The larger 20 percent of these growers receive respectively, 83, 69, and 65 percent of program benefits. The smallest 20 percent receive respectively, 1, 2, and 1 percent of the benefits. Benefits going to the largest 5 percent of all farmers were 63, 41, and 35 percent for sugar cane, cotton, and rice.

Wheat and feed grain program benefits are less highly concentrated. The largest 20 percent of the farmers receive 62 and 57 percent of the direct benefits. Tobacco and sugar

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[1] Presented at the Symposium on Public Problems and Policies, Iowa State University Center for Agricultural and Economic Development, May 27, 1969.

[2] Research Consultant, Resources for the Future, Washington, D.C. and Guest of the Institute, Massachusetts Institute of Technogoly. Views expressed are those of the author only.

[3] An excellent paper on this subject, entitled "An examination of past farm programs from the standpoint of equity", by Professor K. L. Robinson of Cornell University deserves broader circulation.

[4] James T. Bonnen, "The Absence of Knowledge of Distributional Impacts: An Obstacle to Effective Public Program Analysis and Decisions." In *Economic Analysis of Public Expenditure Decisions, The PPB System,* Joint Economic Committee. U.S. Congress, May 1969.

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beets are the least concentrated of the major crops. Even so, the largest 20 percent of all tobacco growers get 53 percent of program benefits, and the smallest 20 percent, 4 percent.

Differences among crops in the concentration of benefits, while large in absolute numbers, are not meaningful for policy. Small differences indicated in Table 1 in the concentration of benefits from price supports compared with benefits from direct government payments, are also not important for policy. It is worth noting, however, that the relatively large proportion of total direct payments received by small wheat and feed grain producers is the result of "small farm provisions" in effect since 1961 for grains, and now also for cotton program—provisions which have provided helpful income bonuses to small farmers.

Table 2 (Bonnen's Table 9) shows the state distribution of cotton program benefits. Differences among states are interesting but not meaningful for policy. The largest 1 percent of cotton growers in California and Mississippi get 25 and 23 percent respectively of total benefits; in Texas that select group gets only 10 percent of total benefits. If such a table were available for wheat or corn, it would show the same pattern but with less concentration.

Table 3 (Bonnen's Table 10) shows that limiting direct payments to $10,000 per farm would not alter the degree of concentration of farm program benefits in any revolutionary way, assuming the money thus diverted from the largest farms was not redistributed directly to the smaller farmers (and using the statistical indicator selected by Bonnen). This is a somewhat surprising, although undoubtedly valid conclusion. It does not, in my opinion, weaken the case for limiting payments—a case which rests primarily on potential budget savings to be diverted to other programs, not on a more equitable income distribution in agriculture. With a $10,000 payment limitation, Bonnen's index of concentration of total benefits under 1967 farm programs declines only from .67 to .62 (on a scale where an index of 1.0 would represent a situation where all benefits went to one person).

One other point deserves mention in connection with Table 3: the evidence that the smaller farmers who benefit little from price support and payment programs, benefit substantially from full employment policy. The smaller 20 percent of all farmers received only 4.5 percent of total national net farm income, but 26 percent of all the nonfarm income of farmers; the smaller 60 percent had 19 percent of farm income but 70 percent of nonfarm income. Farm program amendments suggested below would not assure greater attention to jobs and incomes for less-advantaged farmers to improve that score further, but by increasing over-all fiscal flexibility, they would surely improve the prospects for greater and more appropriate assistance for low income people wherever they are found. There is no point at all in dealing with the income problems of small farmers primarily through farm programs.

What do we want from farm programs?

The principal objective of agricultural price and income support and production adjustment policies and programs is to stabilize the agricultural economy, to benefit those who produce and market agricultural products, and to help insure an adequate and reasonably priced food supply. I have no argument with those objectives. It is not essential that farmers benefit in direct proportion to their production, but that was a plausible way to begin 35 years ago when agricultural production was less concentrated than it is today, and it is not surprising to find the concept governing the distribution of benefits little changed, even though agricultural production methods have been transformed.

In the early years of modern farm policy, there was an element of truth to the rhetoric which insisted that farm programs were needed to help, or even to save the small family farmer. This meant most farmers in the 1930's, when there were nearly 7 million farms and a deep economic depression. It is different today. The United States has 3 million farms but only 1 million of them are serious producers and major beneficiaries of farm programs. It is increasingly acceptable, but still not quite accepted, to say this, and to insist that conventional farm programs can never help persons on small farms to the better life they want. Commodity-oriented agricultural policy must be designed principally for commercial full-time farmers. But programs and expenditures to help farm people need not be primarily commodity oriented. Only if we understand this can we design and finance future farm programs in accordance with other national priorities, and at the same time (and strategically, in the same bills) move on to the business of creating and financing better programs to assist low-income people on farms (as well as in other places).

Farm program costs

Once we see the real purpose of agriculture price and income support programs, we see also that it is not simply the concentration of farm program benefits which makes farm programs vulnerable; considerable concentration of benefits is almost inevitable in a concentrated agriculture. The most fundamental criticism of farm programs arises out of the total level of public costs and farmer benefits in relation to the level of public support for other pressing public needs.

Programs for the three major field crops now require direct payments to farmers of around $3 billion each year. Price supporting operations (apart from payments) sometimes lead to further expenditures which are later partially offset by receipts from the sale of surpluses. The prevailing public opinion is that this is an indefensibly high level for farm program expenditures, especially in view of the distribution of benefits:

When family food program expenditures total only $600 million a year when millions of Americans are publicly acknowledged to be malnourished and many are permanently damaged as a result;

When education and job training programs already poorly funded must be further stretched and postponed;

When pollution threatens the environment on every side with little authority and even less money to stop it or to clean it up.

In a time of intensive competition for federal funds—a competition which will surely increase in the next decade even if the Vietnam disaster can be liquidated and the peacetime demands of the defense establishment restrained, the critical questions on farm programs (taking the federal tax structure, the character of the agricultural economy, and other pressing national needs as given) are;

Are we spending too much on farm commodity programs?

If we are, how can we reduce farm commodity program expenditures to a level compatible with the financial needs of other public programs?

Two key points set out below, in addition to the urgency of other pressing national needs, lead me to the conclusion that we are spending far too much on commodity price support, production control, and direct income payments. Even more serious, farm program costs will increase unless major changes are made, and will preempt a part of the post-Vietnam dividend from other programs of far higher priority.

First, a large part of farm program costs are not serving any important national purpose. The modern farmer (as distinguished from the land-owner) values price stability and predictability within a limited range more than a high price level. Farmers resemble business in this regard. Federal farm spending does not need to be as great as it is in order to assure farmers of stable and renumerative market prices for farmers. Farm prices can be stabilized at present (or recent levels with far lower federal costs than we have incurred in recent years.

Second, I am persuaded that the American people want to spend less on farm programs and more on other programs, but are frustrated in this resolve by the unique open-ended, or backdoor financing of farm programs, by the impression that farm programs are too complex for a layman to understand, and by the continuing, although declining, agrarian bent of Congress. A Doane Agricultural Service Survey showed last year, for example, that some 85 percent of farmers want to limit the size of farm program payments. City people are surely more single-minded on this score than farmers, yet the Congress had decisively rejected proposals to limit payments year after year.

Before going on to the means by which farm program costs could be reduced, I want to review farm program history briefly, for it bears on what can now be done to make policy for commercial agriculture more compatible with our over-all national priorities. We have now been engaged for some 20 years in efforts to disengage from the post-World War II farm policy—a policy which set out to freeze wartime agricultural prices in peacetime. When it was clear that wartime prices could not be maintained, a second false start was made in the 1950's, featuring ineffective production controls and timid price support reductions. This ended in a round of commodity surpluses. By 1961 the public, the President, and the farmers told us it was time to try again.

Three related events finally determined the direction of the new effort in the 1960's. First, the House of Representatives in 1962 would not apply mandatory acreage controls to feed grains, sensing that feed grain producers would repudiate that approach, and would accept only a payment-based voluntary program to control production. Second, wheat farmers in 1963 also refused to accept mandatory acreage controls, after many years under such controls. Third, cotton producers at last discovered that high prices were giving their market to other fibres, and they determined to do something about it.

These three developments gave direct government payments to farmers a new lease on life and led in 1964 and 1965 to enactment of long-term, payment-based, income support and acreage control legislation for feed grains, cotton, and wheat. Payments had previously been used, but they were by no means secure politically. Beginning in 1961, direct payments had been applied on an emergency basis as the incentive for feed grain acreage reduction; in 1962, direct payments (as wheat certificates) became a part of the wheat program. In 1965, cotton interests, with the greatest reluctance, accepted a "low price support-direct payment program, but only after an unnecessary costly payment formula for both the cotton and wheat programs had been placed in the law.

The shift to direct payment programs was important for three reasons:

It made the extent of agricultural production restraint and the related level of price support which can be sustained over time, a function of the public's willingness to spend federal money on farm programs. Before direct payments became the chief instrument of production control, the level of price supports and of acreage allotments were looked upon as strictly the business of the agricultural community. Now they are budget issues.

By offsetting the income effect of lower prices, payments made it possible to reduce the level at which market prices were supported, and to guarantee approximately world-level prices for production intended for world markets. For the first time in nearly 30 years, farmers in the 1960's came to have a fairly clear view of the real value of U.S. agricultural commodities in peacetime world markets. It is not a view farmers like to see, but it is one that is essential to sensible farm policy for the future in a country which claims to be an efficient agricultural producer and a legitimate agricultural exporter.

By separating the income support technique (payments), from the price support technique (loans), the new programs made it possible to limit direct benefits to individual farmers—to gear payments to an income standard rather than to total production. This is a result long advocated by economists and long feared by the really big farmers.

These three features of direct payment programs provide a great deal of leverage for influencing future farm program costs, if the Congress and the public are willing to take an interest in the next farm policy debate.

How to spend less on farm programs

There are five basic routes to reduced spending on agricultural programs, leaving aside the additional option of terminating them. None of these options would alter the distribution of benefits materially, although the absolute difference between those who benefit most and those who benefit least would be reduced if total farm spending is reduced.

The cotton program requires the greatest changes, and offer the largest potential savings—compared with present spending levels. Total payments could be reduced by at least ½ and perhaps by ⅔ ($400 to $500 million) from 1968 or 1969 levels without any important adverse effects on the cotton growers or the cotton economy, although the value of cotton land might stop increasing for a few years. Cotton payments should be made on only a portion of the crop (like wheat and feed grains), with the balance of the crop being produced for world prices not supplemented by payments. I believe U.S. cotton growers will produce for world markets without a big subsidy, but if they will not, it is not too early to find out about it, and to forget about being a major cotton exporter. The public interest in paying a large subsidy to produce cotton for export would be most difficult to establish.

For wheat, processors (and eventually consumers) finance about $400 million of direct cash payments to farmers. Another $400 million comes from the Treasury (as required by law, based on the difference between the parity price for wheat and $2.00 per bushel, times the amount of wheat milled for domestic food). Budget costs will increase over time as the parity price of wheat, now $2.75, follows a rising general price level. The Treasury-funded payment feature was not in the wheat program proposals in 1962 or 1965, but was added by Congress along with the expensive cotton payment formula noted earlier. Neither stability, nor prosperity, nor production control in the U.S. wheat economy requires wheat program payments as large as $800 million per year. One payment formula or the other, but not both, appears to be needed to provide an incentive for limiting acreage and existing surpluses. Beyond that, additional payments in cotton or wheat simply add to the capitalized value of resources used in production, to the costs of the program, to the tendency for growers to produce more than is needed, and to the certainty that grower demands in the next round are going to be greater than in the last round of farm policy debate.

The only way to reduce feed grain program expenditures sharply over time is to support feed grain prices at lower levels, unless farm costs increase more rapidly than productivity in the years ahead. Feed grain program expenditures have been around $1.5 billion per year recently. This level of spending was required to keep surpluses in check, *given the level at which market prices were supported* and the existing state of production technology. A feed grain program operating under existing laws extended into the 1970's could require total annual expenditures as low as $½ billion per year (if price support was reduced from the present $1.05 for a bushel of corn to perhaps 90 cents per bushel) or it will require annual expenditures of $2 billion or $2.5 billion per year if the present support guarantees are maintained in the face of rapid increases in corn yields. Even to hold the line on spending will almost certainly require a lower price support level. This is a fundamental and difficult choice which must be faced soon, unless drought slows the rapid rise in feed grain output per acre, or unless unexpected export demands materialize out of a world market now glutted with grain.

Changing the method of diverting acreage, principally out of feed grains, from annual contracts to long-term contracts, can also produce important savings in program costs. This prospective change has far less leverage on public spending, however, than does the price support level for feed grains and the payment formulas for cotton and wheat. Long-term land retirement may be one-fourth more efficient than annual contracts (other things being equal), and can lead to direct savings of several hundred millions of dollars per year after a few years. This approach has the additional merit of diverting some land out of crops permanently, which annual contracts are less likely to do. Long-term land retirement is eminently worthwhile, if we are going to continue to support grain prices. By itself, however, it is neither a major departure in farm policy or a major source of budget savings. Its prospects are still clouded politically by the Soil Bank experience of the 1950's.

Limiting direct payments is a fifth potential source of farm program savings. I favor a limit of $5,000 per program or $10,000 per farm. A limit at $10,000 per farm would have affected only 31,845 producers in 1967, but since so many of those farmers get payments only slightly above $10,000 yer year, roughly half that number, principally in cotton, sugar, and wheat areas, would have been substantially affected. Applied to 1969 payment formulas, this feature would save more than $500 million per year if firm rules were enforced to prevent farm splitting to circumvent the limitation. Applied to the scaled-down level of payments discussed above for the major commodities, payment limitation savings would be smaller but still sizable. The rationale for payment limits is not a difficult one. Clearly it would save federal funds now going principally to those farmers who are already doing very well financially. It would slow but not stop the rapid increase in farm size. It would slow the rise in farm land values, but would not threaten the present asset structure. Large farmers have always benefitted the most handsomely from agricultural research; they remain the principal clients of the agricultural extension services; their sons make up most of the student body in the Colleges of Agriculture. They need not get most of the benefits of direct payment programs, too.

It will be objected that such a limitation would make the voluntary payment-based production control programs inoperative. That claim is false. So little grain (especially feed grains but also wheat) is grown on really large farms that the effect of greater production from payment limits as low as $5,000 per program can be ignored. Large cotton payments, on the other hand, have been justified, not to reduce output but to increase it. No one will argue that limiting payments will lead to a cotton surplus.[5] No one needs to take seriously the claim that a payment limit will lead to new grain surpluses.

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[5] Walter W. Wilcox, "Large Farm Program Payments and Implications of Proposals for Limitations." Legislative Reference Service, Library of Congress, Washington, D.C., February 19, 1969.

TABLE 1.—DISTRIBUTION OF FARM INCOME AND VARIOUS PROGRAM BENEFITS—PROPORTION OF INCOME OR BENEFITS RECEIVED BY VARIOUS PERCENTILES OF FARMER BENEFICIARIES [1]

	Percent of benefits received by the—						
	Lower 20 percent of farmers	Lower 40 percent of farmers	Lower 60 percent of farmers	Top 40 percent of farmers	Top 20 percent of farmers	Top 5 percent of farmers	Gin concentration ratio
Sugarcane, 1965 [2]	1.0	2.9	6.3	93.7	83.1	63.2	0.799
Cotton, 1964 [3]	1.8	6.6	15.1	84.9	69.2	41.2	.653
Rice, 1963 [3]	1.0	5.5	15.1	84.9	65.3	34.6	.632
Wheat, 1964:							
Price supports	3.4	8.3	20.7	79.3	62.3	30.5	.566
Diversion payments	6.9	14.2	26.4	73.6	57.3	27.3	.480
Total benefits [4]	3.3	8.1	20.4	79.6	62.4	38.5	.569
Feed grains, 1964:							
Price supports	.5	3.2	15.3	84.7	57.3	24.4	.583
Diversion payments	4.4	16.1	31.8	63.2	46.8	23.7	.405
Total benefits [4]	1.0	4.9	17.3	82.7	56.1	23.9	.565
Peanuts, 1964 [3]	3.8	10.9	23.7	76.3	57.2	28.5	.522
Tobacco, 1965 [2]	3.9	13.2	26.5	73.5	52.3	24.9	.476
Farmer and farm manager total money income, 1963 [5]	3.2	11.7	26.4	73.6	50.5	20.8	.468
Sugar beets, 1965 [2]	5.0	14.3	27.0	73.0	50.5	24.4	.456
Agricultural conservation program, 1964: [6]							
All eligibles	7.9	15.8	34.7	65.3	39.2	(7)	.343
Recipients	10 5	22.8	40.3	59.7	36.6	13.8	.271

[1] This table presents portions of 2 Lorenz curves relating the cumulated percentage distribution of benefits to the cumulated percent of farmers receiving those benefits. Cols. 1 through 3 summarize this relationship cumulated up from the lower (benefit per farmer) end of the curve, and cols. 4 through 6 summarize the relationship cumulated down from the top (highest benefit per recipients) end of the curve.

[2] For price-support benefits plus Government payments.

[3] For price-support benefits.

[4] Includes price-support payments and wheat certificate payments as well.

[5] David H. Boyne, "Changes in the Income Distribution in Agriculture," Journal of Farm Economics, vol. 47, No. 5, December 1965, pp. 1221–1222.

[6] For total program payments. Computed from data in "Frequency Distribution of Farms and Farmland, Agricultural Conservation Program, 1964," ASCS, U.S. Department of Agriculture, January 1966, tables 3 and 8.

[7] Not available.

Source: Except as noted all figures are from a 1968 study by Bonnen [4].

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TABLE 2.—DISTRIBUTION OF 1964 UPLAND COTTON PRICE SUPPORT BENEFITS, PROPORTION OF U.S. REGIONAL AND STATE BENEFITS RECEIVED BY VARIOUS PERCENTILES OF FARMER BENEFICIARIES[1]

State	Percent of total benefits received by the—									
	Lower 10 percent of farmers	Lower 20 percent of farmers	Lower 33 percent of farmers	Lower 50 percent of farmers	Top 50 percent of farmers	Top 33 percent of farmers	Top 20 percent of farmers	Top 10 percent of farmers	Top 1 percent of farmers	Gin concentration ratio
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Alabama	2.1	4.3	8.0	17	83	73	60	45	15	0.546
Florida	2.7	5.3	8.8	19	81	69	54	37	10	.483
Georgia	1.2	3.0	8.0	16	84	71	58	42	11	.581
North Carolina	2.5	4.9	8.2	13	87	76	64	47	15	.577
South Carolina	1.7	3.3	5.6	13	87	77	63	48	13	.594
Virginia	5.2	10.4	17.3	26	74	65	52	37	11	.401
Southeast	1.9	3.7	6.2	15	85	75	61	47	14	.571
Arkansas	.8	2.6	5.2	11	89	80	70	56	20	.652
Illinois	1.2	2.4	4.9	11	89	83	71	53	12	.650
Kentucky	1.5	3.0	5.0	11	89	80	66	47	10	.613
Louisiana	1.0	2.8	6.4	12	88	79	69	54	16	.628
Mississippi	1.0	2.1	4.9	9	91	84	75	64	23	.701
Missouri	1.3	3.3	6.5	14	86	74	61	44	14	.565
Tennessee	2.4	4.8	9.0	13	82	72	50	42	13	.515
Delta	1.2	2.3	5.9	11	89	81	70	58	21	.657
Oklahoma	1.1	3.7	9.6	21	79	65	50	31	7	.446
Texas	.4	2.0	6.4	15	85	71	56	37	10	.530
Southwest	.5	2.0	6.3	14	86	73	56	39	11	.542
Arizona	.5	1.5	4.1	10	90	80	65	47	15	.628
California	.7	1.9	4.2	8	92	84	72	57	25	.636
New Mexico	.8	2.4	5.7	14	86	75	60	42	11	.555
West	.5	1.6	3.9	8	92	84	72	56	22	.682
United States	.9	1.3	4.9	10	90	80	60	53	21	.653

[1] This table presents portions of 2 Lorenz curves relating the cumulated percentage distribution of benefits to the cumulated percent of farmers receiving those benefits. Cols. 1 through 4 summarizes this relationship cumulated up from the lower (benefit per farmer) end of the curve, and cols. 5 through 9 summarizes the relationship cumulated down from the top (highest benefit per recipient) end of the curve.

Sources: (a) "1964 Upland Cotton: Final Planted Acres and Number of Farms Planting Cotton by Size of Effective Allotment", U.S.D.A., ASCS/Policy and Program Appraisal Division, Mimeo, Nov. 6, 1964 (2 pages).
(b) Agricultural Statistics, 1966, U.S.D.A., 1966, p. 32. Prices from this source were used in computing State value of production figures for use as weights in combining the distributional data from source (a).
(c) Crop Production 1965 Annual Summary, U.S.D.A., SRS, Dec. 28, 1965, p. 54. Yield and acreage data from this source were used in computing State value of production figures for use as weights in combining the distributional data from source (a).

TABLE 3.—DISTRIBUTION OF 1967 GOVERNMENT PAYMENTS AND FARM INCOME—PROPORTION RECEIVED BY VARIOUS PERCENTILES OF FARMERS[1]

1967	Percent of income received by the—						
	Lower 20 percent of farmers	Lower 40 percent of farmers	Lower 60 percent of farmers	Top 40 percent of farmers	Top 20 percent of farmers	Top 5 percent of farmers	Gin concentration ratio
1967 total Government payments:							
With no limitation on size of total payments[2]	1.1	5.7	13.3	86.7	69.0	42.4	0.671
Assuming $25,000 limitation[3]	1.1	6.0	14.1	85.9	67.2	39.0	.652
Assuming $10,000 limitation[3]	1.2	6.5	15.3	84.7	64.4	33.8	.623
Various measures of farmer income in 1967:							
Gross receipts from farming[4]	1.6	3.3	19.1	89.9	72.3	40.4	.693
Realized net farm income[5]	4.5	9.0	19.3	80.7	50.0	26.2	.541
Nonfarm income of farmers	25.5	51.0	70.1	29.9	15.6	5.6	.125
Total income of farmers	14.9	29.8	44.5	55.5	37.0	16.0	.211

[1] This table presents portions of 2 Lorenz curves relating the cumulated percentage distribution of benefits to the cumulated percent of farmers receiving those benefits. Cols. 1 through 3 summarize this relationship cumulated up from the lower (benefit per farmer) end of the curve, and cols. 4 through 6 summarize the relationship cumulated down from the top (highest benefit per recipient) end of the curve.

[2] Government payments to farmers as actually distributed in 1967. Total payments were $3,100,000,000.

[3] Assumes all 1967 beneficiaries continue to participate in programs and are eligible for payments. Under the $25,000 limit payments would total $2,300,000,000 and under the $10,000 limit, $2,600,000,000.

[4] Including Government payments and imputed nonmoney income from farm products consumed at home and from the rental value of the farm dwelling.

[5] Net of farm production expenses and changes in farm inventories of livestock and crops.

Sources: Computed from data in "Farm Income Situation," USDA, FIS-211, July 1968, pp. 68-69, except direct payment data which are from the "Congressional Record," July 31, 1968.

URGENCY OF ARMS TALKS

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. ANDERSON) is recognized for 15 minutes.

(Mr. ANDERSON of Illinois asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I think the hallmark of the Nixon administration to date has been the circumspection and caution it has exercised in its approach to both domestic and foreign problems. There has been a need for both cool and dispassionate judgments in dealing with these delicate issues and these vital qualities have characterized President Nixon's leadership.

In this regard, I found President Nixon's remarks at the Air Force Academy on the subject of arms control talks, of special interest. The President said, and I quote:

> I believe we must take risks for peace—but calculated risks, not foolish risks. We shall not trade our defenses for a disarming smile or honeyed words. We are prepared for new initiatives in the control of arms, in the context of other specific moves to reduce tensions around the world.

Mr. Speaker, I find myself in basic agreement with the President on this. I sincerely believe we must always be willing to take risks for peace because risking war in a nuclear age is akin to suicide. But at the same time, I agree with the President that the risks we take for peace must be well calculated rather than foolish since foolish risks in the interests of peace could be equally suicidal in effect. I do not think there are any truly responsible and knowledge people who seriously advocate unilateral disarmament based on a blind faith and trust in the adversary. This indeed would be a foolish and dangerous risk that would invite war rather than peace. Our strong defensive posture continues to be the best deterrent to war and our best hope for peace.

But it does not logically follow that the larger our nuclear arsenal, the more secure the peace. Both we and the Russians have enough stockpiled weapons to kill each other between 25 and 40 times over. And peace hangs in the delicate balance of terror we have maintained.

This huge overkill capacity which both we and the Russians have built goes far beyond what either side really needs as an effective deterrent to war. It makes no additional contribution to securing peace, but, instead, contributes only to a senseless escalation in the arms race which serves to drain both economies while actually increasing the risks of war.

Mr. Speaker, the time has come to call a halt to this insane nuclear version of keeping up with the Joneses. I am convinced that we stand at a very critical juncture in the arms race, one from which there may be no return. Both we and the Russians are contemplating the deployment of a new weapon known as the multiple independently targetable reentry vehicle or MIRV. The deployment of MIRV would signal a new escalation in the arms race, one which may be irrevocable. Many experts agree that MIRV would make any future arms control agreement nearly impossible because of the difficulty in counting the number of warheads short of onsite inspections.

I think the key to President Nixon's remarks 2 weeks ago was his statement:

> We are prepared for new initiatives in the control of arms.

Mr. Speaker, I think the time has come to take those initiatives before it is too late. I think the time has come to move immediately to the negotiating table with the Russians to work out an acceptable agreement on the limitation of nuclear arms. I would hope that this administration senses the urgency of these talks and the dire consequences of further delay. I would, moreover, urge this administration to consider proposing to the Russians an immediate and mutual moratorium on MIRV testing while we together seek a formal arms control agreement. I feel that this or related proposals would demonstrate to the Russians our genuine interest in restoring sanity and rationality to our nuclear arms policy.

At this point in the RECORD, I would like to introduce an editorial from the June 12, 1969, Washington Post, on the topic, "Arms Control and the MIRV Tests." I think this editorial puts the problem in proper perspective and offers a well-reasoned approach worthy of the consideration of the Nixon administration:

[From the Washington (D.C.) Post, June 12, 1969]

ARMS CONTROL AND THE MIRV TESTS

In a couple of weeks time it will have been one full year since the Soviet Union picked up the United States' recurrently proferred invitation to discuss strategic arms limitations. No one can say what progress—if, indeed, any—might have been made by now toward some sort of stabilizing arrangement, had not the talks been delayed in turn by the Soviets' invasion of Czechoslovakia, our own election campaign and change of government, and Mr. Nixon's insistence on a thoroughgoing, snail's pace review of the U.S. negotiating position. But it takes no special insight to observe what has happened in the past year without arms talks, and little of it suggests that time is working to either side's advantage.

This is especially and even critically true in relation to the development of MIRV—the multiple independently targetable reentry vehicle, which has already come far enough along to complicate enormously any agreement we and the Soviets might reach, not to mention the prospect of our reaching one at all.

The shorthand in which MIRV has been discussed as an obstacle to arms control is slightly misleading. That is, it is frequently argued that techniques of control and inspection likely to be tolerated by the Soviets in any agreement would not include the kind of on-site scrutiny required to establish how many individual warheads a missile contained, so that there would be no mutually acceptable way of "counting" weapons in an agreed-upon arms limitation or freeze. That is true, but at this point is neither the central nor immediate question. We have already deployed "cluster" warheads in some of our missiles—MRV's, minus the crucial "I"—and these already present a simple "counting" problem; but precisely because they are not independently targeted their maneuverability is limited, their purpose as a defense system penetrator fairly clear, and their relative unsuitability for conversion into a first-strike weapon evident.

None of this holds true for MIRV, which was also undertaken in the first instance as a penetrator of a Soviet ABM defense. The improved accuracies that are meant to be gained from continued testing could in time qualify land- and sea-based MIRVs as first-strike weapons, capable in their great and undeterminable numbers of destroying the other side's hardened land-based missiles—the protected retaliatory force which is supposed to be its deterrent. When such accuracies have been achieved, the "counting" problem will become real. Thus, absent an agreement, we could experience an almost unimaginable shift from addition to multiplication as the basis for each side's effort to match the other and to protect its own arsenal.

We are a long way yet from the fulfillment of this grotesque promise. But it can also be argued that we are at a point in the development of this weapon—as the Soviets may be too—when the decisions we take could have a profoundly and even permanently harmful effect on our chances of reaching an agreement concerning it. Our own present series of MIRV tests is intended to lead, in a matter of months, to the deployment of these weapons in refitted nuclear submarines and also in the new Minuteman III. Few people, it is true, believe that the accuracies acquired by this stage will have qualified the MIRV as the menace to stability it could become. And those who view the process with least alarm declare that it will be around eighteen months before the first new seabased MIRVs are operational, adding that in these early stages the Soviets would know the limited extent of its attributes as a weapon.

Be all that as it may, the uncertainties regarding the achievements of our current tests, the rate at which we may proceed with Minuteman III (which is not distinguishable in the silo from its predecessor and does not require refitting operations comparable to those of the sea-based MIRVs), and the improvements that could be mastered via so-called "confidence firings" of these early weapons once deployed, all must contrive to make the terms of any weapons agreement far more arguable in Moscow than they might otherwise have been. The uncertainty is at least equal to the demonstrable facts—and perhaps more important than it—in the area of arms control agreements. What can be believed or imagined or suspected and consequently argued may be more important than a reality which falls short of it. That is why it was so urgent for the Administration to move now to get the arms talks going or, failing that, to put some sort of brake on the MIRV development that will keep it a negotiable item.

A year ago, you heard it argued that, on the eve of an arms bargaining session with the Soviet Union, it would be imprudent—a weak and misleading sign—to cancel the first MIRV flight tests or to delay them. Today, you hear it argued that the moment has vanished, alas, for a unilateral slowdown or moratorium: it would have been practical, the argument now runs, a year ago. There was truth to the first of these propositions, and there is a measure of truth to the second. For at this point, even if there were a slowing or halt of flight tests, progress on the MIRV has already been such that neither side could be entirely confident of where the other had got to or what it might be capable of achieving backstairs.

But it does not follow from this that the only course left to allay these anxieties involves each side's moving unilaterally toward a condition that is preferable only in that we know for sure how much we have to be anxious about—namely, the unchecked development of MIRV weapons by both countries. An eventual agreement to limit the size and number of launchers and also the deployment of anti-ballistic missile systems is—by most good accounts—still attainable and even susceptible of adequate inspection at this stage of MIRV's progress, although MIRV has already introduced complications that may soon bring us past this point. What is left is the opportunity—if these weapons are to be deployed—to control this deployment and restrain it by mutual agreement under negotiated, circumscribed conditions. It is an opportunity Mr. Nixon should seize—or at the very least keep available.

He can do so by braking the flight tests of these weapons or by moving with more dispatch toward substantive talks in Geneva. The critics to the contrary, this is a decision of infinitely more importance at the moment than that of whether or not to approve the President's first request for authority and funds to undertake the Safeguard ABM. Its consequences are more far-reaching and less possible to reverse. Moreover, the original rationale for MIRV—the prospective deployment by the Russians of a heavy ABM system—is at least open to question at this time and also a subject which will be understood more clearly only when the bargaining begins. It would not be difficult to understand the reluctance of a President to enter into arms talks with the Russians at a moment when his whole strategic policy has come under impassioned domestic attack, so that Mr. Nixon may well have it in mind to deal with nothing but the preliminaries until a few things have been voted up or down—resolved, if only temporarily—at home. If that is the case, he should (and could afford to) slow down the MIRV tests. It is late now. Pretty soon it will be too late.

FARM PAYMENT LIMITATIONS: AN IDEA WHOSE TIME HAS COME

The SPEAKER pro tempore (Mr. TAYLOR). Under a previous order, the gentleman from Massachusetts, (Mr. CONTE) is recognized for 10 minutes.

Mr. CONTE. Mr. Speaker, as you and my colleagues know, I have been vitally interested in promoting support in the other body for my amendment limiting farm subsidy payments to $20,000 per producer.

In order to further that effort I include in today's RECORD copies of a letter sent to Senator HOLLAND, the distinguished chairman of the Senate Appropriations Subcommittee on Agriculture, by Dr. John A. Schnittker, former Under Secretary of Agriculture, together with his accompanying statement and proposed amendment filed last week with that subcommittee. It is an excellent statement and I trust that Members of the other body will find it useful as the time approaches for their consideration of the agriculture appropriations bill.

Mr. Speaker, you will note that Dr. Schnittker's proposal for payment limitations differs somewhat from my amendment which passed this body 3 weeks ago by a vote of 224 to 142.

While I believe that a workable pay-limitations program can be achieved based on my amendment, and Dr. Schnittker acknowledged this in his famous study of last November, the important thing is that some workable program must be enacted to put an end to the scandal of these gigantic payments, especially at a time when spiraling inflation is forcing spending cutbacks for many worthwhile social programs.

As I said in my own statement to the Holland Subcommittee, which I inserted in last week's RECORD of June 10, on page 15375.

> I take no pride of authorship in this amendment, and I am ready to work with Secretary Hardin and members of this body on both sides of the aisle to ensure that this limitation becomes an effective part of our farm program.

If the Senate, in its wisdom, chooses to adopt the amendments proposed by Dr. Schnittker, I will do all I can to urge my colleagues to enact them in this body.

I want to also add, Mr. Speaker, that I am increasingly optimistic about the chances for success in the Senate. This optimism is shared by Dr. Schnittker as is shown in a recent letter of congratulations to me that I deeply appreciate:

> JUNE 1, 1969.
>
> DEAR CONGRESSMAN CONTE: I have just read the Record of last week's debate on farm payments. Congratulations. You did a great service for the public, and for legitimate farm programs. This battle can be won this year.
>
> Sincerely,
>
> JOHN SCHNITTKER.

Further reason for optimism is found in a recent newsletter of the National Farmers Union. That group, which is on record as in favor of payment limitation, has analyzed the recent vote in the House on my amendment and concluded that

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payment limitation is "an idea whose time has come."

I include here for the information of my colleagues and those in the other body, the vote analysis contained in the Farmers Union Washington Newsletter of June 6, 1969:

> When pairs were counted, 129 rural Congressmen were against the amendment (81 Democrats and 48 Republicans). But a total of 95 rural Congressmen (31 Democrats and 64 Republicans) jumped Party traces to vote for the limitation of payments. The Party leaders were hardly able to muster any big city votes against the amendment (only 16 Democrats and 9 Republicans). Another group of Congressmen might be categorized as "mid-urban"—from middle-sized cities and towns in areas not dominated by agriculture. Even in this group, the leadership was able to muster only eight votes (7 Democrats and 1 Republican) against the measure. The indications are that although rural Congressmen are somewhat more prone to follow party leadership on a farm bill, they are almost equally offset by big city and midurban Congressmen who are willing to jump the traces on an issue that appeals to them. * * *

The study concludes:

> It seems likely that any new programs must have a limitation of payments.

I believe this analysis makes it quite clear that farm subsidy payments can and must be limited this year.

Dr. Schnittker's letter and statement follow:

Senator SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLAND: The approval in the House of Representatives of the Conte amendment, limiting farm program payments, by a teller vote of 224 to 142 is an indication of the overwhelming support in that body for a limitation on 1970 farm program payments.

Unfortunately the Conte amendment would not accomplish the savings intended, but it is a beginning. As Secretary Hardin pointed out to you in his statement of June 4, several changes are needed in addition to repealing the snapback provisions of the Agricultural Act of 1965. The changes are not substantial, however, and with the help of legal counsel fully familiar with farm legislation I submit herewith an amendment which would accomplish annual savings up to $250 million.

This amendment places an effective, equitable and administratively feasible limitation on farm program payments and is germane to the Agricultural Appropriation Act for 1970.

From my experience in administering farm programs I find myself generally in agreement with Secretary Hardin's statement which he presented to you June 4. I would go further, however, and point out that under the provisions of the attached amendment the glaring excesses in individual payments can be eliminated in fiscal year 1970 without creating serious inequities or interfering with the basic purposes of farm programs financed by these appropriations.

I urge the Agriculture Subcommittee of the Senate Appropriations Committee to adopt this proposed amendment to the Agricultural Appropriations Act for 1970.

Sincerely yours,
JOHN A. SCHNITTKER.

STATEMENT IN SUPPORT OF A FARM PROGRAM PAYMENTS LIMITATION

This attached amendment in its entirety is germane to the Agricultural Appropriation Act for 1970 as it provides for a reduction in annual government expenditures of about $250 million, without interfering with the basic purposes of the farm programs financed by these appropriations. It is not long-term legislation. All provisions of this amendment apply only to the price support and acreage diversion payments relative to the 1970 crops.

This amendment limits the price support and acreage diversion payments under each of the 1970 price support and adjustment programs, upland cotton, extra long staple cotton, wheat, and feed grains, to a single producer to $10,000.

The Conte amendment approved May 27 by the House of Representatives for simplicity limited total payments for all price supported crops planted in fiscal year 1970 to $20,000 on any farm. I have been advised that farm program administrators conclude that a lower limitation on the payments taking each major price support program separately would accomplish similar overall savings and would greatly simplify the administration of such a limitation. For this reason I suggest this change in the basic limitation provisions.

Secretary Hardin's June 4 statement reported that 14,790 cotton producers, 5,335 feed grain producers and 4,663 wheat producers received payments in 1968 in excess of $10,000. These 24,788 producers received payments totaling $503,817,000. Had a $10,000 limitation been in effect their payments would have been reduced by approximately $256,000,000.

Again using Secretary Hardin's figures, a payment limitation at this level would affect only 3.4 percent of the cotton producers, 0.4 percent of the feed grain producers and 0.6 percent of the wheat producers, yet would reduce payments to these producers by $256 million.

Secretary Hardin estimated that 65 percent of the cotton payments, 49 percent of the wheat payment and 11 percent of the feed grain payments in 1968 were simply income supplements rather than payments for acreage diversion. These figures would change somewhat from year to year. In other words a large part of these large payments are a net addition to the large producer substantial incomes from farm products marketed rather than payment for leaving land out of production to balance supplies with market outlots available.

Paragraphs (2) and (3) of the amendment are germane to the Agriculture Appropriation Act for 1970 in that they provide for changes in 1970 only in the production or acreage diversion requirements of producers who have their payments limited, to achieve equity for them and provide the same incentives for them to cooperate in the voluntary wheat and feed grain programs as they have had in the absence of payment limitations.

Paragraph (2) provides that any wheat or feed grain producer who has his 1970 government payment limited by the $10,000 limitation would have his minimum acreage diversion requirements reduced by the same percentage as his payment is reduced. As an example a feed grain producer whose payments are reduced by ⅓ by the $10,000 limitation would have his feed grain base acreage diversion requirements reduced by ⅓. This feature probably should be placed at the discretion of the Secretary.

Paragraph (3) provides that any cotton producer who has his 1970 cotton program payments reduced by the $10,000 limitation will be allowed to plant some additional cotton acreage without being subject to marketing quota penalties. This feature, too, probably should be subject to the Secretary's discretion. This is to provide equity of treatment under the program to the large producer whose payment is limited. If he continues to plant within the larger limits authorized in paragraph (3) he may receive his $10,000 payment and all cotton produced on the farm would be eligible for price support loans. If, however, his payments are reduced by 20 percent or more and he elects to over-plant his enlarged allotment as provided in paragraph (3), he may forgo all cotton program payments and price support loans privileges and produce as much cotton as he wishes at world market prices without panalty. This is comparable to the treatment given large wheat and feed grain producers, and similar to the export acreage feature of the present cotton program.

The provisions of paragraphs (2) and (3) are germane to the Agricultural Appropriation Act for 1970 in that they make it possible to reduce government fiscal year 1970 expenditures over $200 million, yet continue equitable provisions for large producers and achieve the goals of the programs financed by these appropriations.

Admittedly paragraphs (2) and (3) would permit large scale producers of wheat and feed grains to cooperate in the voluntary programs for these crops although diverting less land and receiving smaller payments than in the absence of a payment limitation. The differential in diverted acreage would be so small, however, that small adjustments in the programs could easily offset the smaller acreage diversion on the large farms.

I am advised that permitting the large cotton producers affected by payment limitations to increase their acreages of cotton would not create a serious problem in balancing cotton supplies with market outlets. At prevailing world prices most cotton producers would not increase their cotton acreage even though given the opportunity. Although the announced national cotton acreage allotment for 1969 was approximately 16,000,000 acres, fewer than 12,000,000 acres were planted. Except for provisions in the cotton program regulations relative to cotton acreage planting requirements in order to be eligible to collect the government subsidy of 14.7 cents a pound, even fewer acres of cotton would have been planted in 1969.

In the Mississippi delta and in the irrigated areas of Texas and of States farther west, cotton returns far more per acre than competing crops. Some would increase their acreage of cotton if their payments were limited and their cotton allotments were increased. Producers in other sections, however, would reduce their acreage of cotton if cotton program regulations were changed somewhat.

Paragraphs (4) and (7) of the proposed amendment are germane to Agricultural Appropriation Act for 1970 in that they authorize the Secretary to provide regulations as he determines necessary to prevent the evasion of the limitation specified in paragraph (1).

Paragraph (5) is self explanatory. Any excess acreage planted to cotton in 1970 as a result of these provisions shall not be taken into account in establishing future cotton allotments.

Paragraph (6) is germane in that it repeals the so-called "snap-back" provisions in the 1965 Act insofar as they would apply to the 1970 crop year. As Secretary Hardin clearly pointed out, unless section 103(d)(12) is amended eliminating its application to the 1970 crop of cotton, the savings achieved by the application of paragraph (1)(a) $10,000 limitation on payments under specified farm commodity price support programs could be dissipated under the program provisions authorized by the present section 103(d)(12).

In summary this amendment in its entirety is germane to the Agricultural Appropriation Act for 1970 in that it is limited to the crop year 1970 and restricts the expenditures of funds appropriated for 1970 in an equitable manner, providing potential government savings in excess of $200 million. Yet it does not interfere with the attainment of the real goals of the programs financed by these appropriations.

At a time when important rural development, educational, health, housing and nutritional programs are being limited because of our inability to adequately finance them it does not make sense to make farm program subsidy payments in excess of $10,000 to some 25,000 large farmers who, by any reasonable standards, already have high incomes and substantial equities in property.

In the absence of this amendment, in 1970 some 2000 giant farms, many of them corporations, will collect $150 million in subsidies. Five to 10 large corporations may each receive subsidies of $1 million or more. One large corporation received over $4 million in farm subsidies in 1967 and over $3 million in 1968.

Continuation of this farm program feature is indefensible at a time when government funds are urgently needed for many far more worthy domestic programs.

The payment ceiling proposed above is too high, in my judgment, but it is a start. For the longer term, it should be no higher than $10,000 per farm or $5,000 per program. The large payments under the sugar and wool programs serve no public purpose, and should also be limited. Annual savings approaching $500 million would result from the lower ceiling and from including wool and sugar.

PROPOSED AMENDMENT

Notwithstanding any other provision of law:

(1) None of the funds appropriated by this Act or any funds available to the Commodity Credit Corporation shall be used to make price support payments or acreage diversion payments which will result in a total of such payments to any producer in excess of $10,000 for each of the 1970 crops of upland cotton, extra long staple cotton, wheat, and feed grains.

(2) If the foregoing payment limitation reduces the payments which otherwise would be made to a producer of feed grains (which for the purposes hereof shall be considered as a single commodity) and wheat on any farm, the minimum acreage diversion requirements for such commodity on the farm or farms shall be reduced by the same percentage as the payment to the producer of such commodity on the farm are reduced by the limitation. The term "payment" includes payments-in-kind, wheat marketing certificates and export marketing certificates, but does not include loans or purchases.

(3) If the foregoing payment limitation reduces by 20 percent or more the payments which otherwise would be made to a producer of either upland or extra long staple cotton on any farm, (1) such producer, without affecting his status as a cooperator and without being subject to marketing quota penalties, may exceed the applicable cotton acreage allotment for the farm by not more than 20 percent of the payments are reduced by not less than 20 percent but not more than 30 percent, by not more than 30 percent if the payments are reduced by more than 30 percent but not more than 50 percent, and by not more than 50 percent if the payments are reduced by more than 50 percent, and (ii) if the producer elects to forego all such payments and other price support with respect to such cotton on the farm, such producer may exceed the farm allotment without limitation and market such additional cotton without marketing quota penalties.

(4) The Secretary may not permit the owner and operator of any farm, for which the foregoing cotton payment limitation reduces the payment that otherwise would be made, to sell or lease all or any part of the right to all or any part of such allotment, to any other owner or operator of a farm, unless he finds the lease or sale is not for the purpose of evading the foregoing payment limitation.

(5) Acreage planted to the 1970 crop of cotton in excess of the acreage allotment for the farm established under section 344 of the Agricultural Adjustment Act of 1938, as amended, shall not be taken into account in establishing future State, county and farm acreage allotments and shall not be considered as part of any acreage allotment.

(6) Section 103(d)(12) of the Agriculture Act of 1949, as amended, shall not be applicable to the 1970 crop of cotton.

(7) The Secretary of Agriculture shall provide such regulations as he determines necessary to effectuate the purposes of this section and to prevent evasion of the limitations contained in this section.

THE FUTURE OF THE COMMUNITY MENTAL HEALTH CENTER

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, on Friday, May 16, 1969, Mr. Mike Gorman of Washington, D.C., executive director, National Committee Against Mental Illness, delivered an address at the annual meeting of the Columbia County Mental Health Association at Bloomsburg, Pa., on the most important subject of mental health centers. Columbia County is one of three counties in the State which I have the honor of representing in this body. As chairman of the Appropriations Subcommittee having jurisdiction over such mental health centers, I take pleasure in quoting the text of Mr. Gorman's excellent address at this point in the RECORD.

The address follows:

THE FUTURE OF THE COMMUNITY MENTAL HEALTH CENTER

(Speech by Mike Gorman, Washington, D.C., executive director, National Committee Against Mental Illness, member, Joint Commission on Mental Health of Children, member, National Mental Health Advisory Council, U.S.P.H.S., fellow, American Psychiatric Associaton (honorary), and fellow, American Public Health Association)

It is very brave and gallant of you to have me back here again in Pennsylvania. In looking back through my voluminous Pennsylvania files, I discovered that I have appeared at 48 state and local mental health meetings in your Commonwealth during the past two decades. I have received a considerable degree of encouragement from my good friend Mike Johnson of the AFL–CIO, and I am seriously considering filing for Governorship in 1970.

I remember with distinct pleasure the Tenth Annual Meeting of Pennsylvania Mental Health in April of 1963 in Pittsburgh when I had the privilege of sharing the platform with Governor Shafer's distinguished predecessor, Governor Bill Scranton. In conveying some of the excitement of that meeting of 1,200 good and true citizens at the advent of the new era of community mental health, let me quote from my opening remarks:

"A little over two months ago, the President of the United States sent a special message on mental illness and mental retardation to the Congress. This message is of enormous significance, for it is the first such communication on these subjects ever transmitted by a Chief Executive to the legislative branch of our national government.

"'Mental illness and mental retardation are among our most critical health problems', the President told the Congress.

"'They occur more frequently, affect more people, require more prolonged treatment, cause more suffering by the families of the afflicted, waste more of our human resources and constitute more financial drain upon both the public treasury and the personal finances of the individual families than any other single condition.'

"Above and beyond these immediate steps, the President has proposed legislation providing matching federal funds for the construction and operation of comprehensive community mental health centers. As the President noted in his message:

"'We need a new type of health facility, one which will return mental health care to the mainstream of American medicine and at the same time upgrade mental health services . . . Located in the patient's own environment and community, the center would make possible a better understanding of his needs, a more cordial atmosphere for his recovery and a continuum of treatment.'"

The United States Senate began hearings on the community mental health legislation early in April of 1963, and I shall always be grateful to Governor Scranton for the eloquent statement he submitted to the Senate Committee indicating Pennsylvania's strong backing of this revolutionary legislation. These are Governor Scranton's words in summarizing the extraordinary citizen response to the challenge of a new day for the mentally ill in this country:

"At no time in history has there been such a juxtaposition of forces making such dramatic and tremendous steps forward in the care of the mentally ill and mentally retarded. The knowledge and skills are at hand; citizen interest and support are at their highest—all that is needed is the means to mobilize these skills and this support to productive activity."

As I have said on a number of occasions in Congressional testimony and in talks in more than 20 states in this country over the past two years, the bright hopes of 1963 for a network of 2,000 community mental health centers by 1975 have been seriously imperiled by the failure of the federal government and most state governments to meet their obligations under the historic 1963 Act.

Turning to the Pennsylvania scene, I have waded through an enormous amount of material on your state which I receive as a member of the National Mental Health Advisory Council. In public addresses, I have hailed your 1966 Mental Health-Mental Retardation Law as one of the finest in the country; I have quoted, on many occasions, that part of Section 201 of your Law which expresses the deep commitment of the Commonwealth fo Pennsylvania:

"To assure within the State the availability and equitable provision of adequate mental health and mental retardation services for all persons who need them regardless of religion, race, color, national origin, settlement, residence, or economic or social status."

Pennsylvania still holds the lead among the larger states in the number of centers per population. As a result of a public mental health law passed by the Pennsylvania Legislature in 1966, community mental health services are now mandatory in all counties in the Commonwealth. Since the inception of the community mental health center, era, state government in Pennsylvania and local communities have combined in raising funds far in excess of the federal contribution for the support of these centers.

Since fiscal 1965, the State alone has put close to $40,000,000 into the support of a variety of community mental health services.

However, the Federal Government has allocated only $1,698,000 to Pennsylvania in fiscal 1970 in matching money for the construction of the centers—as against the $2,802,000 which it allocated in fiscal 1967. At this rate, it will take Pennsylvania until the year 2000 to build the 83 community mental health centers planned by the 4,000 citizens of the Commonwealth back in 1964.

On July 1st of this year, you will move

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from the existing grant-in-aid program to the new state and local formula mandated by the 1966 law.

It is my understanding that, based upon a thorough study of existing county mental health-mental retardation plans, the Department of Public Welfare is asking the Legislature for 37 million dollars for the Community Mental Health and Mental Retardation program in the coming fiscal year. This is an expenditure of only $3.27 per capita—we spend ten times this amount each year for chewing gum alone.

In his initial budget presentation for the fiscal year starting July 1st, Governor Shafer proposed 18 million dollars in state funds for community mental health and mental retardation programs—an increase of only five million dollars over the current year. As Pennsylvania Mental Health pointed out, this would allow no monies for the in-patient and partial hospitalization services which are the foundation stones of the center program as envisioned in the 1963 Congressional legislation and the 1966 pioneering Pennsylvania law. Citizens in local mental health associations throughout this great Commonwealth protested this emasculation of the 1966 law, and they forced the Governor to take a second look.

On April 24th, I had the privilege of sharing the platform with Governor Shafer at the annual Pennsylvania Mental Health Spring Conference in Harrisburg. On that occasion, Governor Shafer announced that he was sending up a revised request for 34 million dollars for community mental health and mental retardation services. In congratulating the Governor for his foresight—or hindsight—in this matter, may I point out that it is a bitter piece of irony that this recommended sum of 34 million dollars for one year is seven million dollars more than *the entire investment* by the Federal Government since 1965 in the construction and staffing of mental health centers in Pennsylvania.

In pleading your cause, you have a magnificent story to tell to your Governor and your state legislators. For example, during the last decade you have reduced the number of patients in your 20 state mental hospitals by 10,000. This alone is a saving of several hundred million dollars to the Commonwealth in construction and operational costs which would have been mandated had you remained at the level of 40,000 state hospital patients. The tremendous reduction in patients at Philadelphia State Hospital under the magnificent leadership of Dr. Dan Blain, America's leading community psychiatrist, is almost miraculous—from 6,000 three years ago, to 3,800 today.

The Philadelphia mental health story is well known throughout the nation. Your six operating mental health centers in Philadelphia are seeing thousands of patients each year, and the statistics I have reviewed show sharp drops in admissions to state hospitals from the catchment areas served by these mental health centers. Furthermore, many patients discharged from Philadelphia State are being retained in the community because of strong back-up and after-care services provided by the six centers in the city.

But the Philadelphia story is replicated, to some degree, in most of the larger cities in the country. These cities have medical schools, trained personnel and a whole additional set of resources to call upon. What about the millions of citizens in this state who live in predominantly rural areas far removed from a medical school, a teaching hospital, or whatever? This is the real gut challenge we face in the coming years, and we are meeting it in only a handful of states. You have a long way to go to catch up with predominantly rural North Dakota, where strong state and local tax support has provided centers covering 98 percent of the people in the State, or to come within shouting distance of Kentucky, which is 45th in the nation in per capita income but has established 21 centers covering 92 percent of the population as a result of strong state financial support and local millage levies.

You have a strong precedent for this kind of local citizen and volunteer action in Beaver County out in the western part of the state, where there wasn't a single psychiatrist practicing 15 years ago. Today, that county is constructing a mental health center costing $1,735,000, 50 percent of which was raised in the community. I am sure there are comparable examples of which I am not aware.

One of my more pleasant duties as a member of the National Mental Health Advisory Council is to study and pass upon all applications for community mental health centers. In that capacity, I have watched with keen interest the development of plans for the Geisinger Community Mental Health Center which will serve the four counties of Columbia, Montour, Snyder and Union. As most of you know, we made the first construction award in 1966, followed by two subsequent construction awards for a total of approximately $530,000 in federal matching monies.

Since the total cost of construction is estimated at $1,750,000, it is obvious that considerable state and local financial resources will be devoted to this project. Your target date for opening, as I understand it, is 1971; at that time, you will begin to provide the short-term hospitalization and partial hospitalization now lacking and so desperately needed for mental patients.

In reading through your detailed plans, I am impressed with the scope of services which you intend to provide. Going beyond the basic five services required by law, you will extend your reach to emotionally disturbed children through pre-school child development centers, you will provide day care services for the mentally retarded, you envision a Sheltered Workshop and work evaluation program for both the mentally ill and mentally retarded, a Half-way House, and many others too numerous to list here.

I particularly like your emphasis on counseling services, and your insistence upon bringing all of the helping professions into the work of the center. For example, you propose to work with physicians, ministers and school teachers in developing family-oriented services for people whom they refer to the center. This is exceedingly important; The Joint Commission on Mental Illness, which made its historic report to President Kennedy in 1961, noted that the vast majority of people suffering from emotional disturbances go first to their minister or their family doctor. They are an enormous community resource. We must increase their already considerable skills in handling emotional problems.

Your projected center also indicates a thoughtful distribution of responsibilities among key agencies in the four counties. In other words, everyone who has an emotional problem does not have to go to Geisinger—the existing resources of many community facilities will be enhanced to handle people in their own communities. In this connection, it is most impressive that you have solicited suggestions for services from people in the community, and that you have a co-operative arrangement with the 12 commissioners of the four counties to see that services are equitably disbursed.

As an example, the Family Service Agency here in Columbia County will play a key role in providing out-patient psychiatric services to the good citizens of both this county and Montour. The Columbia County Mental Health Association deserves an enormous amount of credit for starting this operation on a shoestring in 1960 and then developing it to its present potential. I have looked through the material which you were kind enough to send me on the caseload of the Family Service Agency, and I am most impressed with its work, particularly with respect to emotionally disturbed children.

I cannot stress too often the soundness of your plan in achieving citizen and community *involvement* through the use of existing facilities and agencies which are known and warmly regarded by the patient in the community. For example, psychiatric emergencies are frequent and terrifying: In our larger cities, there is usually a massively over-loaded and understaffed psychiatric emergency unit in a county hospital to care for such conditions. If you were not mentally disturbed before you went into one of these units, you would certainly be if you got out alive. You are very wise, then, in spreading these emergency services throughout your catchment area, using the General Hospital here in Bloomsburg, the Evangelical Community Hospital in Lewisburg, and Berwick General Hospital.

In providing a full spectrum of services, ranging from prevention through hospitalization and rehabilitation, you are also tapping existing industrial and treatment resources in the four counties—Suncom Industries, Danville State Hospital, Selinsgrove State School, and so on.

Officials at the National Institute of Mental Health assure me that you have an excellent prototype for a successful community mental center in the newly-established center covering neighboring Luzerne and Wyoming Counties. That center, which received its first patients only a few months ago, is a remarkable example of a number of agencies pulling together toward one goal—the treatment of the patient in the heart of the community. The cooperating organizations include the Children's Service Center, the Council House of Luzerne County, the Children's Service Center of Wyoming Valley, the Wilkes-Barre General Hospital, Tyler Memorial Hospital, Pittston Hospital, Danville State Hospital, Retreat State Hospital, and a number of others. This is the essence of the 1963 community mental health legislation—to combine public hospitals, private hospitals and all types of health and welfare agencies in one coordinated attack upon mental illness.

In hailing the effectiveness of this center, the National Institute of Mental Health notes that "Its present success is attributable to passage of Pennsylvania's Community Mental Health Services Act".

Now, as Congressman Flood knows, I don't often criticize the Federal Government, but that sentence is both bureaucratic and inaccurate. The new Act does not go into effect until July 1st of this year, so how could it affect the development of the center? Furthermore, I know that it has probably taken the blood, sweat and tears of thousands of good citizens in Luzerne and Wyoming Counties to bring this extraordinary center into reality.

However, the foregoing observation leaves out the most essential ingredient, and he is here tonight. There would be no center today in Luzerne and Wyoming Counties but for the constant and prodding interest of Congressman Dan Flood, and I presume the same goes for your projected center in the four county area where we meet tonight. Furthermore, I know of many regional medical programs devoted to the attack on heart disease, cancer and stroke which would not have come into being here in Pennsylvania but for the dedicated work of this truly great Congressman.

Dan Flood, as you know, is chairman of the House Appropriations Subcommittee on Labor-Health, Education, and Welfare; his jurisdiction affects the welfare of practically every family in this country. Week in and week out, he presides over hearings on a massive 16 billion dollar budget. I wish many of you in this gathering here tonight could

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attend some of the prolonged hearings which Congressman Flood conducts before he takes a bill to the floor of the House. These hearings don't make the headlines, but their subject matter is basic to the strengthening of this democracy—aid to elementary and secondary education, aid to higher education, medical research against the major killers and cripplers of our time, medical education, poverty, all the federal welfare programs, Medicare and Medicaid, construction of hospitals, regional medical programs, comprehensive health planing, scores of items affecting the working man, and many more too numerous to itemize here.

Next Wednesday, I will have the privilege of appearing again before Congressman Flood and his committee on next year's budget for the National Institute of Mental Health. I can't say the experience is a pure and unalloyed joy, but I do say in all candor and sincerity that those of us interested in the mental health of our people will receive a fair, sympathetic and complete hearing. For this, we are always grateful to your superb Congressman, Dan Flood.

Your impressive citizen effort here in Pennsylvania for increased coverage of mental illness in health insurance plans has electrified the nation. This was not done overnight; it was the culmination of more than a decade of effort by hundreds of citizen volunteers organized by Pennsylvania Mental Health. The National Conference on Health Insurance Coverage of Mental Illness held in Pittsburgh last year, which I was privileged to address, has been the most powerful catalyst in getting other state mental health associations—even Massachusetts—to pressure for coverage of mental illness equal to that given physical illness. The tremendous gains in the contracts of the United Steelworkers of America covering outpatient psychiatric care are a direct result of your efforts.

With the slow up in federal funding due to our so-called national fiscal emergency—the Pentagon is now down to a starvation budget of 80 billion dollars to preserve the peace—it is all the more vital that we explore all existing avenues of revenue to support the centers. The mandated reduction in federal staffing contributions—many of your centers are now down to 45 percent in federal matching monies and can look forward bleakly to a zero contribution two years from now—presents additional problems.

This is a strange country we live in: since 1957, we have guaranteed the states 90 percent in federal matching money for the construction of highways, but for human welfare services, such as centers for the mentally ill, we provide no contribution after 51 months. You said it all very well in an editorial in the November, 1968 PMH bulletin:

"The success of Pennsylvania's Community Mental Health Center Program calls for continuing expansion of insurance coverage to provide a stable and continuing source of income to these centers."

When we talk about increased services for the mentally ill, including decent salaries for those who tender to them, we run up against the persistent myth that state and local taxation has reached a confiscatory level and no further increases are possible. In previous talks here in Pennsylvania, I devoted a major part of my remarks to a careful documentation of the essential point that while state taxes have risen, there has been an even sharper rise in the real income of those who pay the taxes.

In 1967, four percent of our income went to state taxes, as compared to 3.7 percent in 1948. In other words, this is an "outrageous" rise of 3/10 of one percent in 19 years. Taxes are naturally up—we are an expanding country whose people are demanding more public services, but their salaries and incomes are up too, so you have what amounts to a stand-off.

Apart from the over-all argument about taxes, it is perfectly clear that mental health is getting a decreasing portion of the state tax dollar. For example, 10 years ago state mental hospital operating expenditures were about 3⅓ percent of total state budgets. Last year, state mental hospitals received only 2½ percent of the state tax dollar.

I suppose you venerate state government here in the Commonwealth, but I have just reviewed some telling figures indicating that you don't put your money where your heart is. I won't recite all of the statistics which demonstrate conclusively that although you are 18th in the country in per capita personal income, you are down near the bottom of the list in per capita expenditures to support state government. In 1966, the last year for which figures are available, you were 41st in this category, placing you far behind Alabama and Mississippi.

Zeroing in on the subject of today's oration, 1966 figures released by the American Psychiatric Association show that you spent 20 cents per person for community mental health, as against the national average of 75 cents per person in that year. You have undoubtedly made some improvement in this category in the past several years, but then so have the other states; for example, New York State currently spends over $3 per capita for community mental health programs.

Can we afford this leap into the future?

According to a recent issue of The Wall Street Journal, as a nation we achieved a Gross National Product of close to $900 billion last year. This is approximately double our Gross National Product of just a decade ago, and even when the GNP is adjusted for inflation and interpreted in 1958 prices, the current GNP is 50 percent higher than that of a decade ago.

Of equal significance is the fact that the per capita disposable income of individuals today—adjusted for inflationary increases since 1958—stands at approximately $2,500, a gain of 35 percent in *real* income in a decade. Total personal income of the American people is at a record before-tax rate of $700 billion, a fantastic $60 billion increase over the level just a year ago.

These figures are quickly translated into spending levels. For example, last year the American people spent $20 billion on recreation; $12 billion for alcohol and $7 billion for tobacco products.

Despite these various and persuasive evidences of increasing prosperity, those of us who worked closely with the Congress last year were told repeatedly that the American economy was in perilous condition, and therefore it was necessary to cut all such "luxury" expenditures as those for health, education and welfare. As a result, the budget for the National Institute of Mental Health was cut by close to $15 million, the budgets of the National Institutes of Health were reduced, Federal Aid to Education was slashed sharply, the Office of Economic Opportunity received its usual annual cut, and so on.

That very same Congress, however, significantly increased funds for highway construction. Since the passage of the original Federal Highway Act of 1956, providing that the federal government finance 90 percent of the cost of an enlarged interstate highway system, the highway program has been one of the sacred cows of the Congress. In 1956, the goal was 41,000 additional miles of interstate highway; the cost was estimated at $27 billion. In 1961, the cost estimate was raised to $41 billion; in 1965, to $47 billion, and in the Congresssional debate last year, the cost estimate escalated to $62 billion. Think of the lashings we in the health and welfare field would have received from the Congress if we had underestimated costs of a program by thirty-five billions of dollars!

To put it mildly, you are not averse to spending monies on highways. According to official U.S. Census Bureau figures for 1967, you spent 634 million dollars on highways in 1967 as compared to 227 million dollars for all mental health, general health, hospital and like expenditures.

Those of you who have been reading the papers lately are aware of the severe slashes in domestic programs recommended by the new Administration in Washington. The sharpest slashes—aggregating more than a billion dollars—are projected in the vital fields of health, medical research, mental health, education, the poverty programs, and the Job Corps.

I am aware of the rather heated debate going on currently in your good state about the need for more revenues to finance many of the human services I have been talking about. As your guest, I do not feel it proper for me to comment on the details of the various tax proposals being offered, but I hope I will not be misunderstood when, as a member of the other party, I offer my deepest gratitude and congratulations to Governor Shafer for the courageous manner in which he has faced up to a most difficult problem.

Now let me say a word about you people in the mental health field who want more money for psychiatric services, but who frequently are not exactly in the front lines when it comes to supporting increased taxes. As some of you may know, over the years I have been sharply critical of many state mental health associations which make grandiose proposals for additional services, but do not feel it incumbent upon themselves to propose a method for financing these services. I find such an attitude intolerable and unconscionable; it is my considered conviction that if you people in the field of mental health here in Pennsylvania do not support some mechanism for the obviously needed additional taxes, then your program should not receive one dime in increased expenditures. I make this statement particularly because, in looking through the last several PMH bulletins, I detect a certain timidity and lack of courage in facing up to the financial crisis in Pennsylvania.

I would like to close in exactly the same manner as I did almost six years ago to the day when I addressed the Tenth Annual Meeting of Pennsylvania Mental Health in Pittsburgh:

In his magnificent Inaugural Address in January, 1961, our late President John F. Kennedy told us that the road would not be easy:

"All this will not be finished in the first one hundred days. Nor will it be finished in the first one thousand days, nor in the life of this Administration, nor even perhaps in our lifetime on this planet. But let us begin."

Here in Pennsylvania and throughout this great land, *let us continue.*

DELAYING THE INEVITABLE TO PROLONG THE INTOLERABLE—TAX REFORM INSTEAD OF SURCHARGE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, a debate rages on extension of the 10-percent surcharge, which adds significant weight to burdens already borne by lower- and middle-income taxpayers. Yet we are requested to vote for a 1-year extension of that surcharge. I fail to find either logic or justice in sacrificing tax reform on the altar of the surcharge.

Another choice is immediately available to Congress in the form of sweeping, comprehensive tax reform, aimed at relieving burdens carried by

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the majority of Americans. It is a fact that comprehensive tax reform would raise as much revenue for the Federal Government as the unpopular surcharge. All that is necessary is for Congress to slam shut the worst of the existing loopholes in our unbalanced tax system, and old and new evils disappear down the same drain. Few would weep. Many would cheer.

We have examined our tax structure and found it wanting. Certain basic evils are so well known already, that it is an exercise in futility to devote further debate to them. Time has been exhausted and eternity encroached upon by the debate. Depletion allowances, capital gains, and several other gaping loopholes can be closed. Even now the tax-writing committee of Congress is shaping a tax reform measure that almost all Americans would greet with hosannahs, Why then, do we tilt at the windmill of surcharge extension? Why do we delay the inevitable in order to prolong the life of the intolerable? Tax reform delayed, is in effect tax reform denied.

Daily those burdens imposed upon our taxpaying public grow. To inflation and almost unbearable taxation is added the recent inexcusable raise in our prime interest rate. Prime borrowers will pay 8½ percent. The average American seeking a mortgage, a car, or funds for his children's education will pay far more, as we all know. Tax reform is his only hope for relief, unless the prime interest rate hike is rolled back by Government action.

Mr. Speaker, all over the Nation a taxpayer's revolt is gathering force just as a tidal wave begins far out at sea. Local and county tax raises and school bond issues are falling by the electoral wayside like leaves in autumn. Local tax rebellions are cropping up everywhere. Such pustules on our body politic are warning signs of popular outcry which will shortly escalate to an overwhelming national legislative level. We cannot plead deafness to or ignorance of this groundswell. For months it has been distinctly audible in volume and undeniable in the logic and justice of its arguments.

If our choice is surcharge extension or tax reform, can there be any hesitation? Do we have any doubts? Why should we waste another moment on or sympathy for these few among us who daily raid the Treasury at expense of the many? Shall we weep for oil barons and their pitiful 27½-percent depletion allowance? Or for the head of a household trying to make ends meet and educate his children. Do we hang our heads in sorrow over poor executives and millionaires who utilize capital gains, stock options and foundations to thumb their noses at the Internal Revenue Service? Or do we act to aid an average working person who labors at two jobs to give his family basic things? Will we act to give more time to those few who earn millions and pay no tax at all? Or will we give tax relief to the working wife, single person, and older workers of our land?

A nation is as strong as its institutions and faith of the majority of its people in them. Our tax system now stands compromised, damned twice over by the compounding evil of the surcharge. Our people labor today under a groaning weight of unfair taxes. We have it in our power to swiftly alleviate their burden. I opt for tax reform, and to Gehenna with the surcharge.

CONGRESS MUST RECLAIM ITS LOST AUTHORITY OVER GOVERNMENT SPENDING

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, last week witnessed yet another series of stunning revelations on abuses of funds appropriated for Government spending. All other contract overruns pale before the $4 billion figure on Minuteman III. Were such a sum made available to the Government, many programs now in jeopardy would revive and continue. A basic truth stares us in the face, and we should as a legislative body, come to grips with it. As of this moment, Congress has the right to appropriate money for such programs, and that is where our power really stops. We may shriek in outrage and investigate, but the deed, nevertheless, is done.

It is obvious that many contracts, particularly in the defense area, do not bind anyone to perform in any proper manner. Massive sums are distributed in uncertain amounts. Product specifications are poorly defined. Performance requirements are, it seems, rarely fixed. Such behavior is almost never allowed in nongovernment contracts. Our free enterprise system would collapse under corporate bankruptcy if contracts were made this way. Why then, should the U.S. Government allow its contracts, involving billions, to be made and carried forth in such fashion?

We are confronted with the phenomenon of major changes made in military contracts by telephone. Other changes are made verbally. Still others are instituted by contractor initiative. Perhaps I am terribly old-fashioned, but I was reared in a school of business that demanded strict contractual terms and to-the-letter adherence to what was signed and agreed to.

I find this state of affairs bordering on nightmare status. All this has transpired to literally throw away billions, and to call it inexcusable and intolerable is to be charitable. Congress has it within its power to put an end to this shameful state of national affairs.

It is a fact that the legislative branch of Government has cumulatively stood by helplessly as its power and prerogatives seeped away to an ever-growing executive branch. Further, individual Government agencies are so massive as to defy legislative investigation and control. As their budgets skyrocket, their initiative and independent action increases, all at the expense of the money-appropriating body, the Congress. We must redress the balance, swiftly.

The President possesses an executive tool in financial operations that is immediately and totally responsive to his wishes, the Bureau of the Budget. Scrutinizing and criticizing departmental budgetary requests, it performs admirably its assigned function, and has done so since 1921. Congress can claim no such tool. Yet one such exists, if we will but grasp and put it to work. That tool is the General Accounting Office, which is our Government's accountant, and an excellent one at that, when called upon to perform such a task. Its recent report on military overspending in construction of facilities in Thailand is, but the most recent excellent result of its effective performance of assigned functions.

Congress must set up an automatic procedure whereby there shall be no chance of repetition of these fiscal atrocities which are causing such national dismay. In light of inevitable future massive budgets and major military projects involving longer periods of time and for greater sums of money, action on our part is imperative.

An extragovernmental agency could not delve into agencies and emerge with appropriate facts. A new congressional committee would infringe upon existing prerogatives, functions, and areas of the legislative branch. The President has wisely restored the Bureau of the Budget as prime overseer of defense spending on behalf of the executive branch. It is essential to note that the Bureau of the Budget remains primarily responsive to the executive branch. Congress remains bereft of a watchdog and investigative agency primarily responsive to its wishes on a full-time basis. One agency cannot serve two jealous masters, no matter how much good will is present.

My bill, H.R. 11493, the Government Contract Scrutiny Act, now claims 156 sponsors. A full disclosure measure in the interests of fiscal responsibility, it would restore legislative authority in this area. Acting automatically, it simply calls for GAO auditing and public report to Congress on all Government contracts which involve cost overruns of over 10 percent of contract price or late delivery. Perhaps a further arbitrary contract cost level or late delivery time may be required, but the principle of the bill contains the germ of our solution. Further it places every contractor and civil servant charged with negotiating, overseeing, and enforcing these contracts on notice that the "good old days" are over. There is no reason why every Government contract should not contain an agreed-upon sum and date of delivery. By giving GAO such authority under congressional mandate, we shall construct an ever-watchful, aware Federal accountant who cannot be prevented from discovering what is causing late deliveries or major cost overruns. No civil servant would dare sit on a contract, not enforce its terms, or conceal information in his possession on future contracts, such as has been the case in several of the recent outrages which have come to light. He would violate Federal law by such an act. Any money we spend on GAO to equip it for such an enlarged task will come back to the Nation a millionfold.

Congressional outrage and repugnant national reaction is growing, universal, and bipartisan. Hindsight is 20–20, so acrimonious placing of blame on a partisan basis is futile. We have it in our

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power to prevent future outrages, balance governmental powers, checkrein individual agencies and restore fiscal responsibility. This is said and my measure is put forth in a completely bipartisan vein. It is neither an antimilitary or antibusiness proposal.

I welcome further cosponsors on my measure and shall continue to hold it open for those Members who wish to join me in it. My renewed thanks are extended to those Members of the House of all political and philosophical persuasions who have joined me.

CLAMPING OF LEGISLATIVE RESTRAINTS ON FOREIGN COMMITMENTS

Mr. PODELL. Mr. Speaker, it is disquieting indeed to note that American military forces engaged in joint maneuvers and training exercises with Spain, wherein American soldiers played the role of suppressors of domestic rebellion. It is my understanding that there have been at least two major exercises of this type in the last 2 years.

The main assumption of these exercises was that the "enemy" were anti-Franco Spaniards, rather than foreign invaders thundering across the border in a Korean-style act of aggression. It is also evident that these were exercises carried through by the initiative of our European military command. Their impact, however, is that America seems willing to help Franco put down internal resistance, which has surfaced in Spain with increasing frequency in the last several years. Even though our participation does not represent a political decision by our Government, the political impart of our participation is abundantly clear to all, seemingly.

Such fresh revelations come swiftly upon the heels of negotiations we have been carrying forth with Franco or renewal of the agreement which allows the United States to maintain a series of military installations there. Of questionable military value, these bases formed the basis of a neat attempt by Franco to blackmail our Nation into paying exorbitantly for his continued favor. A sordid act by Europe's most durable Fascist, entirely in keeping with past behavior and character. Hitler would have been immensely proud of his protege. A pat on the head would have been in order.

Although evils inherent in dealings and participation with this regime are obvious, the latest news is damning evidence that the procedure of executive agreement has been abused. Again Congress has been bypassed. Another basic prerogative it thought it possessed has been abrogated, and actions have been carried out without its express consent or agreement.

It seems that constitutionally defined powers of various branches of Government exist only to be trampled upon by the executive branch. What has happened to national, legislative, and civilian control of our foreign obligations? How could we have participated in acts which have the effect of silently advertising American accession to foreign policies most Americans abhor and which Congress has had no say on? How dare any military command commit American military forces without informing appropriate American civilian authorities? Why did the Department of State not know? Why was Congress not informed? Who was the military gentleman who made such commitments and chose not to inform civilian authorities? Do military commanders in the field now make foreign policy? Do they commit American troops without probing for authority or discovering what the political implications are? Do the wishes or national legislature of the American people carry no mandate?

This is not directed at the present administration, which is obviously blameless in this particular matter, as the dates of these events show. But this inexcusable happening points out in the clearest terms the congressional dilemma. What is happening to the separation of powers under the Constitution? Are American Presidents to utilize executive agreements to make policy and commit us overseas with major unforseeable consequences? We have the horror of the Vietnam war as exhibit "A" in the case against Executive orders which commit troops, make major foreign policy, and change history disastrously without congressional consent. Further, once the President makes an executive agreement and we are committed, it seems people on the spot often take as many liberties with resulting authority as executive agreements take with legislative prerogatives.

Our constitutional balance is in severe jeopardy. The Presidency is growing daily in power at expense of the legislative branch. Individual Government agencies and civil servants grow daily in independence and power at expense of the legislative branch. Everyone gains, often to the detriment of our national interest. Only the legislative branch loses necessary power and prerogatives intended to serve as balance weights. When shall it stop?

Congress must regain its constitutionally assigned power. The Executive must insure that commanders abroad dare not make such major decisions and commitments without consultation and informing of appropriate civilian authority, in both executive and legislative. The present administration has inherited what is obviously a cumulative problem, and I pray it will deal with it forthrightly. Most of all, Congress must reclaim its powers. All the laws are on the books, enshrined in our most basic document. Do we have backbones like chocolate eclairs?

As for the legislative branch, if we do not act to redress the existing imbalance, Congress will end up as a crippled appendage of government, with the power to vote money and little else.

THE EDUCATIONAL PRIORITY

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WALDIE. Mr. Speaker, the word "priorities" has become an almost permanent part of the legislative lexicon of late, principally because of the crying needs of many worthy projects which have been cut short, because of the overwhelming financial burdens of the war in Vietnam.

Among the areas suffering from this "priority dilemma" is that of education. In this day and age, Mr. Speaker, it is to me almost unthinkable that we should have to drastically curtail the contributions of the Federal Government to the education of our greatest hope and most irreplaceable natural resource—our children.

Yet, Mr. Speaker, that is exactly what we are doing today.

Recently Mr. Boardman W. Moore, president of the National School Boards Association and a member of the Lafayette, Calif., Board of Education, referred to this unhappy problem before the House Committee on Appropriations Subcommittee on Labor and Health, Education, and Welfare.

I would like to submit his remarks in the CONGRESSIONAL RECORD for the benefit of all the Members:

STATEMENT ON BEHALF OF THE NATIONAL SCHOOL BOARDS ASSOCIATION

(By Mr. Boardman W. Moore, president, National School Boards Association, member, Lafayette, Calif., Board of Education, on the Departments of Labor and Health, Education, and Welfare, appropriations for fiscal year 1970, before the Subcommittee on Labor and Health, Education, and Welfare Committee on Appropriations, U.S. House of Representatives, Tuesday, June 3, 1969)

Mr. Chairman, members of the Subcommittee, my name is Boardman W. Moore and I am President of the National School Boards Association and a member of the Lafayette, California Board of Education. Today, I testify on behalf of the National School Boards Association in support of increased Federal financial assistance for all levels of education.

The National School Boards Association is the only major education organization representing school board members. Approximately 84,000 of the nation's school trustees are members. These people, in turn, are responsible for the education of more than 95 percent of all the nation's public school children.

Currently marking its twenty-eighth year of service, NSBA is a federation of state school boards associations constituted to strengthen local lay control of education and to work for improvement of education. Most school board members, like yourselves, are elected public officials.

Association policy is determined at the NSBA annual convention by a Delegate Assembly made up of official representatives of the membership. A twenty-member board of directors and seven-member executive committee representing every geographic region of the nation translate policies and resolutions into on-going programs.

One of these resolutions adopted at this year's National School Boards Association's Convention reads as follows:

FULL FUNDING OF CURRENT PROGRAMS

The National School Boards Association urges that Congress and the President immediately assign higher priority for federal support of public education by fully funding authorized programs for federal aid to public education.

In support of this resolution, may I offer a few brief observations on several Federal educational programs.

The disadvantaged and title I of ESEA:

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Core cities contain the highest concentrations of the poor and educationally deprived. There is a dire necessity for providing compensatory education for the children from these backgrounds. Programs aimed at upgrading these educational opportunities are both expensive and are in addition to the regular educational system. At the same time the tax base of these cities has been eroded. Medium and high income families have moved from the cities, more and more industry is decentralizing its operation. On top of this, the cost of providing necessary city services, often called municipal overburden, is rising. I must add that the educational needs of the disadvantaged are not limited to large cities. Title I of the Elementary and Secondary Education Act has provided some relief but this relief has been anything but adequate. The program was poorly funded at first, last year its appropriations were cut, and inflation has eaten up all of the intervening increases.

The National Advisory Council on the Education of Disadvantaged Children computed that Title I should be funded at $1.6 billion for it to equal the level of support the program received during its first year of operation. Yet, the budget request is only $1.2 billion.

As a result, successful programs have had to be dropped. For example, this year there will be no summer compensatory education program for disadvantaged children in Los Angeles and special in-service training for teachers of the disadvantaged had to be curtailed in St. Paul, Minnesota.

By and large, Title I programs have proven to be successful in big cities and small communities.

In West Bend, Wisconsin remedial reading programs in the summer of 1967 have resulted in a mean gain of five months in terms of reading comprehension. Similar programs during the regular school year showed mean gains from seven months, to one year nine months.

In Ann Arbor, Michigan children from preschool programs showed a marked gain in I.Q. and achievement when carefully controlled testing before the program began was measured with subsequent tests.

An evaluation of pre-school programs in Champaign, Illinois showed significant I.Q. gains in participating students.

Evaluations are more than raw scores computed by educators and statisticians, as a teacher in Coffeyville, Kansas said, "How can you tell another person about the glow on a child's face as he reads a page for the first time without a mistake, the joy of seeing a child's attitude change, the sharing of a confidence with a child, seeing a child find a friend for the first time, discovering a pupil is volunteering to read before his entire class, providing a place for a child to release his fears and frustrations, and seeing a smile on a child's face as he enters the special reading room."

Vocational education: We cannot afford to ignore the training needs of youth and adults with less than a high school education. Of the 26 million young people who enter the labor force within the next decade, three out of ten will be high school dropouts. Even those who finish high school will have a difficult time obtaining gainful employment unless they possess some salable skill. Today, only fourteen percent of our high school children are receiving occupational training. This means that over fifty percent of our students who leave school or graduate from high school each year and do not go on to college have had little or no preparation for the world of work.

Expansion of our vocational education program is essential and long overdue, particularly for our young people who do not complete college and thus need to be able to participate in vocational and technical education programs in order to prepare for productive roles in society. The problems they face in finding jobs are illustrated by the fact that the highest single group of unemployed in our nation is our youth—23 percent of the white males between 16 and 19 are unemployed. The unemployment rate is much higher among youths in disadvantaged and minority groups, both in rural areas and the urban ghetto, and may reach 35 percent.

Federal Impact Aid—P.L. 815 and 874: The National School Boards Association strongly endorses the concept of in lieu of tax payments to local school districts which have been impacted by the presence of a Federal installation or establishment.

Many school districts cannot operate without P.L. 874 assistance. On May 1 and 2, the Honolulu, Hawaii newspapers carried articles that a severe school fund crisis existed if P.L. 874 funds were cut and there was serious discussion of refusing all impacted aid assistance and abandoning thirteen public schools on military bases. The education of some 17,800 children would then be the responsibility of the Federal Government. Hawaii spends $630 per child annually educating federally-connected children and receives only about $325 from the Federal government.

Of late there have been comments about some inequities within these programs. If there are inequities, then carefully thought-out and corrective legislation should be enacted. Such legislation might be based on the study of impacted aid programs which the U.S. Office of Education has contracted to the Battelle Memorial Institute in Columbus, Ohio. In the interim, we oppose any across the board cuts which would injure all and correct none of the inequities.

Finally, most school districts make budget determinations in March or April each year for the ensuing September. The budgets, including estimated revenues and expenditures for the next school year, have already been approved. Next fall's teachers are hired by June 1. Proper planning and administration of local schools cannot be accomplished if school boards are continually forced to make adjustments because of the fluctuations of Federal appropriations. Lately these have taken place in the fall sometimes eight months after school budgets have been set and several months after school has begun. A severe cut in impacted aid at this late stage can only play havoc with school budgets and plans.

Higher education facilities: The National School Boards Association has within its auspices a Council of Community College Boards which is very concerned over the severe cuts in Federal construction assistance.

Community colleges and public technical institutes represent one of the fastest growing areas in higher education. Community colleges are tailor made for the job of extending and expanding education beyond high school. Their curricula is designed to meet community needs both with respect to accredited higher education programs and needed advance vocational and technical education programs. There are 1½ million degree credit students at these institutions and they represent one-third of all freshmen and sophomore students in institutions of higher education. Sixty-eight percent of all public junior colleges offer vocational technical education. According to U.S. Office of Education data, funds available for community college construction met only fifty-nine percent of the eligible requests in FY 1966; sixty-one percent in FY 1967; and, thirty-six percent in FY 1968. Only a fraction of the request for FY 1969 will be met.

The need is not limited to community college construction. When we compare minimum standards of a facility with enrollments, we find that this year there will be a gap of 135.9 million square feet of academic space or 23 square feet per full time pupil. It makes little sense for this program to be funded at four percent of its authorization.

Educational training—EDPA: An adequate well-trained teaching staff is absolutely necessary to insure the equality of educational opportunities for all children and to assure the success of the educational programs which are in operation.

It has been verified that of the outward characteristics of schools—facilities, programs, and teacher staff—teacher quality has the greatest effect upon pupil achievement especially where increased achievement is most needed, among the educationally disadvantaged.

Yet this year about 108,000 full time teachers who instruct an estimated 2.5 million pupils do not meet state or local certification standards. Very few properly certified teachers have had the additional training necessary to teach the disadvantaged and any business which has two million professional employees (the number of teachers in the United States) must have a properly financed system of instructing these persons on new developments, discoveries, and knowledge. In short, skills must be upgraded to meet the needs of the times.

Financing education: Public education is an enormous nationwide business. The only bigger business is national defense. There were 45 million children enrolled in our public elementary and secondary schools last fall—an increase of over one million children over the previous year. There are two million teachers in those schools earning an average of $7900 per year—an increase of nearly $600 over the previous year. Total expenditures for public schools will exceed $35 billion up from the previous year. The average expenditure per pupil in the school year 1968–69 will be approximately $696 as compared with $623 for the school year 1967–68.

With our nationwide concern for education and dependence upon it to solve economic and social problems, it seems ironic that the national commitment to support public education falls most heavily upon the local property owner and least upon a true measure of wealth—income. Property tax is a poor measure of ability to pay, and, in fact, is a confiscatory burden on some, such as the aged or those with fixed low incomes who do not have the ability to pay.

Even with the inequitable tax policy, American support of education is astounding. When comparing total educational expenditure with our gross national product, the percentage of support for education has increased 1.8 percent in 1943 to an estimated 6.9 percent in 1967.

The Federal contribution to public elementary and secondary education has not shown this same degree of increased support. In Fiscal Year 1966 only seven percent of the nationwide expenditures for public elementary and secondary schools came from the Federal government; in FY 1967 the figure rose to 7.1 percent; in FY 1968 to 7.3 percent; and in FY 1969, the Federal contribution dropped back to 7.1 percent.

Gentlemen, something is wrong with our priority system of allocating Federal funds when—

Demands are made on education to solve these nationwide social and economic problems and only seven percent of the support of public schools is furnished by the Federal government.

The U.S. Office of Education spends less than $4 billion a year for education and the Department of Defense spends $49 billion for defense exclusive of Special Support for Southeast Asia which is another $29 billion.

In spite of this existing imbalance, the FY 1970 budget request for the Department of Defense is increased by $2 billion and the U.S. Office of Education programs are cut $455 million.

Department of Health, Education, and Welfare spends $23 billion for programs for the aged and only $8 billion for children and youth.

It must be remembered that in measuring priorities there is an important economic difference between funds spent for education and most other spending programs. Education is an investment that more than pays for itself in increased productivity and income. This economic impact on our nation is demonstrated in the relationship between education and income. Those with less than an 8th grade education can expect to earn $189,000 in their lifetime; high school graduates $341,000; and those with five or more years of college $587,000.

The priority system wherein the Department of Health, Education, and Welfare and the U.S. Office of Education figures its budget is also confusing—

After Secretary Finch testified before the House Committee on Education and Labor in favor of merging a number of programs to make it easier for state and local school systems to obtain use of Federal assistance, the budget for most of these merged programs was dropped to zero.

The U.S. Office of Education budget request for Title III of ESEA—the Title which was designed in part to foster innovation in our schools was dropped from $165.8 million to $116.3 million; at the same time a budget request was made to increase the Cooperative Research Act by $25 million to develop experimental schools. The only difference between the two programs is that ESEA is administered through the states and the Cooperative Research Act is administered directly by the U.S. Commissioner of Education.

In conclusion, Gentlemen, I wish to stress one important point to my presentation. The programs described in this statement are illustrative of the general needs of education. The need, however, exists at all levels of education. The National School Boards Association wants the Federal government to increase its current commitment to U.S. Office of Education programs. Increases in one educational program must not be made at the expense of another. Our resolution calls for full funding, not substitute funding.

Thank you.

A CALM LOOK AT SEX EDUCATION

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WALDIE. Mr. Speaker, today we hear more and more of the controversy about sex education in our schools. There is bitter argument over who is to instruct and what is to be discussed in the interest of teaching our children about reproduction and sex.

Mr. Speaker, Mrs. Meg Gwynne, of Alamo, Calif., sent me a most interesting letter on this subject and included a letter which was distributed to each member of a fifth grade class by their teacher following a study of heredity and sex education.

I would like to submit this letter from Mrs. Kirby to her students at Rancho Romero School in Alamo for inclusion in the CONGRESSIONAL RECORD so that all Members may share in one teacher's insights and wisdom:

JUNE 13, 1966.

Dear Boys and Girls:

We have treated our heredity unit from a scientific approach. However, marriage is not just reproduction, nor is reproduction just science. Therefore, I am adding a last note to our work. I hope you'll realize that I must write this because I care so very much about you. Keep my letter with the notebook. Add to the folder occasionally. If you start to think about these matters now, you will all be "practiced thinkers" by the time you need to worry about controlling biological drives.

First of all, your particular religious beliefs will help mold your opinions and guide your actions. Even if your family does not belong to a church group, you do respect human life. You want to be counted among the intelligent, reasoning, civilized members of the human race. Look around! Look carefully! Decide what you want from life. Decide what kind of a person you'd like to be.

Remember that while your biological inheritance determines a definite pattern of development, plus certain traits and processes, you also have ability to *think* and *make choices*.

People must eat, for example, but they don't have to satisfy that need by using dog-like table manners! Neither will you need to satisfy your adolescent sexual urges lustfully or immediately!

Last Friday I told you that the basic sex drive is selfish—normal, but selfish. Only after you have known many people, experienced many activities, read many kinds of books, and thought hours and hours of quiet thoughts will you be ready to *give* enough love to start a home of your own.

If you wait patiently, your own opportunity for giving and receiving real love will come. That kind of love will mean sharing all the aspects of life—a home, work, service to others, problems, fun, joy, plans, disappointments, children . . . and sex. This way of sex, though, is often called lovemaking, and in a good marriage it is truly an expression of love between the husband and wife. Physical loving is only one of several kinds of *communication* between lovers.

It is possible to know many biological facts and yet be a poor husband or wife. It is equally possible to know nothing about genes and chromosomes and yet be a warm, considerate, loving person. We can study reproduction in school, but I can't really tell you about the magic, the mystery, the wonder, the satisfaction, the joy of sharing life and "making love" with your own beloved. But, if you trust me enough to take my suggestions, I *can* help you grow up more easily, so that you, too, may someday experience this complete joy.

1. Start right now talking things over with your parents.
2. If you have a question, find out true facts. If you have a problem, get reliable help.
3. Be a good observer. Try to see what makes happy homes. Try to see what is real, not what is shown on television commercials!
4. Keep busy with many different kinds of activities—church, school, scouting, sports, reading, music, art, chores at home.
5. Stay with groups until you are in your late teens, avoid going steady!
6. Keep working on self-control in all areas of behavior.
7. Study! Set some realistic goals for your future and work to achieve them.
8. Try to develop your complete self—mental, spiritual, emotional. Be the best person you can be.
9. Maintain respect for all life, for human life, for your family and friends *and for yourself.*
10. Respect the right of personal privacy for others and for yourself.

You have been a wonderful group. I'm really ready to burst with pride over your new attitudes toward the miracles of life! Keep that attitude of wonder and thankfulness strong. And above all: Think first!

Good luck,

Sincerely,

MRS. KIRBY.

TEACHING IN VIETNAM

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WALDIE. Mr. Speaker, while much debate is being centered on the number of troops which will be withdrawn from South Vietnam and the time of the withdrawal, not too much thought has been given to the state of the Vietnamese people once our troops have left.

Many of our men in the Armed Forces have given considerable thought to that consideration. Among them, Mr. Speaker, is Sp4c. Leonard C. Foreman, son of Mrs. Jean S. Foreman of Richmond, Calif.

Specialist Foreman has been teaching English several times a week in a South Vietnamese school in his spare time. His mother forwarded a letter sent by a fellow teacher, Sister Beatrice, in which his efforts are described. I would like to include that letter in the RECORD for the benefit of all the Members:

BANMETHUST,
May 5, 1969.

DEAR MRS. FOREMAN: I have wished to be able to write to you for a long time but I only can realize my desire today.

Thank you a lot for sending me the book and the two frame works with the Christ and Mary. They are very beautiful.

Mr. Leonard Foreman often talks with me about you. How much I would like to make your acquaintance. I have known Mr. Leonard Foreman for almost ten months when he just arrived at Banmethust. He is one best friend of mine and he helps me a lot for teaching English to my students. He is a very good man and needless to say, I like him as I like my younger brother. Everyday I pray God to keep him safe until he will leave Vietnam. He comes to our school for teaching three times a week, two hours each time. As I have seen, he likes the students and these ones like him too.

I feel that, what he is doing in our country and in our school helps greatly to strengthen the friendship between our two countries. I also thank you for you have accepted the sacrifice to be separated from him and let him come to Vietnam. May God bless our common struggle and bring peace to us.

Good bye for now dear Mrs. Foreman and May God bless you.

SISTER BEATRICE.

THE REALITIES OF ABM

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WALDIE. Mr. Speaker, I recently received a letter from a constituent, Mr. Oliver A. Baer of El Cerrito, Calif., which includes a most cogent analysis of the realities of the threat of missile attack and defense from such an attack.

I should like to submit Mr. Baer's letter for the consideration of all the Members:

EL CERRITO, CALIF.,
May 21, 1969.

Mr. JEROME WALDIE,
House Office Building,
Washington, D.C.

DEAR MR. WALDIE: Thanks for your views on the ABM System, etc., but it seems that you and the other sensible congressmen, publishers, columnists, etc., are still quite remiss in not informing the public of the biggest red herring of all being dragged in front of them—the idea that *any* attacker would use ICBMs against the United States.

Consider the following:

1. Because ICBMs can be tracked, the attacking sites can be immediately located and identified. This is sheer suicide for the attacker.

2. Much more effective attacking methods are available—and right now, rather than speculation as to what will or will not be available in 1975. Right now a fleet of 15 or 20 missile ships, disguised as tankers, freighters, or trawlers, could sail to 20 or 30 miles from all the major ports on both coasts and wipe them out in one attack; and maybe even get away in the confusion so that the attacking nation could not be identified.

3. Think of the expense, lead time, planning, and possible ineffective result that faces any potential attacker (China, e.g.) in the development of an ICBM system made for the express purpose of attacking the United States. And especially when they know that they would get wiped out in retaliation if they used it? Ridiculous.

It seems that our best bet is to start conducting a foreign policy of such a character that foreign nations will not want to shoot missiles of any kind at us.

Very truly yours,

OLIVER A. BAER.

MIAMI'S FEDERAL NARCOTICS FIGHTERS—PART II

(Mr. **FASCELL** asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, on May 5, 1969, I reported on the contribution that the Miami field office of the Bureau of Narcotics and Dangerous Drugs was making as its share of the Government's effort to curb the traffic in narcotics and dangerous drugs, a major concern to our Nation. Today, I would like to note some of the achievements of the Bureau of Customs' office in the south Florida area in coping with the same problem.

The Customs Bureau is the oldest enforcement agency of the Federal Government. It began operations in what is now the State of Florida when it was still a territory.

Many Members have seen the recent press accounts of the seizure of 14½ pounds of cocaine and 2 ounces of heroin made at the Miami, Fla., International Airport by a Treasury customs officer. This large seizure of hard narcotics points up the kind of job being done by the Bureau of Customs in its attempts to stem the flow of narcotics into the United States. The two carriers of the cocaine and heroin were arrested, as were five other persons in this case.

I have been informed that in the 10-month period from July 1, 1968, to April 10, 1969, a total of over 69 pounds of hard narcotics were seized by Treasury customs officials at Miami. This is in addition to the 14½ pounds I have already mentioned. According to the information made available to me, most of these seizures were of cocaine, with only a few ounces of heroin, and most of it arrived in Miami from South America.

Additionally, over 189 pounds of marihuana were seized during this same 10-month period. All of the seizures—cocaine, heroin, and marihuana—were made by Treasury customs agents, inspectors, and port investigators.

From July 1, 1968, to April 30, 1969, there were 51 arrests made by the customs service in Miami in narcotic and and marihuana cases, plus 16 cases that were turned over to other enforcement agencies.

As evidence of the overall effectiveness of the efforts of the Bureau of Customs, it is noted that its personnel last year seized 70,210 pounds of marihuana—more than 35 tons—246 pounds of heroin, 115 pounds of other narcotics which includes 98 pounds of cocaine, approximately 4 million 5-grain units of dangerous drugs, and 191 pounds of hashish. Customs conducted a total of 9,374 narcotic smuggling investigations and made 4,343 arrests; obtained 1,316 convictions, and 1,164 defendants were released to other agencies, including State and local police, for prosecutions. The results for the current fiscal year are surpassing those of last year.

The House Government Operations Subcommittee on Legal and Monetary Affairs has oversight jurisdiction over Customs Bureau operations. As chairman of the subcommittee, which has been conducting a study of the Federal effort against organized crime, I have directed much attention to the very serious narcotics and drug abuse problem, as it stems from the operations of organized crime. The subcommittee has held hearings at which Customs Bureau related its operations against organized crime activities involved in the smuggling of narcotics, marihuana, and dangerous drugs. The alltime highs in seizures and arrests made by the Bureau reflect a tremendous increase in syndicated crime's activities in these areas.

In every task force that is set up, by the Organized Crime and Racketeering Section of the Department of Justice, Customs is included as an active participant. It is a part of the OCRS task force now operating in the Miami area.

As I have said before, we need to do everything possible to solve the dangerous drug problem, both from the standpoint of cutting off supply at the source and in educating potential users of the dangers involved. Legislation that is directed to these ends, to strengthen laws, to increase appropriations and the numbers of personnel engaged in the fight has had, and will continue to have, my full support.

CAN THEY HIT BACK?

(Mr. HUNGATE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, I include today an article from Punch, dated May 28, 1969, entitled "Can They Hit Back?":

CAN THEY HIT BACK?

Primarily intended for politicians, the Manual does not overlook other areas in which fruit, fish and four-letter words are now being thrown from the floor. Among recent headlines quoted in the Introduction are the following:

"Aldermen Face 'Barrage' of Garbage," "Headmaster Apologises at Gunpoint," "MP 'Comfortable' After Student Coshing," "Select Committee Bound and Gagged," "Scouts Drag Vicar From Pulpit."

Other reports are given in full. For example:

"THE GOLDEN SHOT

"While a judge was passing sentence at Lincoln Assizes yesterday his wig was set on fire by a flaming arrow from the defendant's fiancée. Officials jammed a bucket of water over the judge's head, which had to be freed during a short adjournment. Resuming, the judge remarked on the undesirable influence of TV Westerns, and said that the prisoner could appeal. There was no need for sympathisers to fire blazing arrows at the Court."

COMPLACENCY

"We have heard plenty," continues the preamble, "about the permissive society: but what of the submissive society?" A poll among 300 victims of audience attack showed that only one had been critical of insults or injuries received (a Sandhurst lecturer whose notes were booby-trapped). Typical of the general complacency was the case of the Ministry of Health inspector, tied up by a town meeting and pushed into a main drain. He told a passer-by twelve hours later: "They have a right to their opinion."

The main body of the Manual is in handy question and answer form.

Q. Has purely verbal expertise with hecklers had its day?

A. In the Gladstonian sense, yes. The clever answer from the platform is drowned out by cheers for the questioner, and the usual chant of "**** off!" But the speaker with a properly researched vocabulary of abuse can often slog it out "****" for "****" with the audience, and gain respect by using words they hadn't thought of.

Q. Are there recorded examples of this?

A. Not recorded, for obvious reasons; but reliably reported. When Baroness Strilsey told University of Essex barrackers that they were a bunch of ****-faced *******s not worth a **** who didn't know their ***** from their ***** she was able to continue her talk on Keats without further interruption.

Q. Where can such a vocabulary be researched?

A. For politicians, clergy or educationists too busy to mix with the swearing public the forthcoming COI Reference Pamphlet No. 287, "It's a Four-Letter World," is recommended.

MISSILES

Q. What is a reasonable degree of throwing for speakers to accept?

A. Several factors govern this, but an overall consideration, for political speakers, is the nearness of a General Election. Newly elected MPs tend to leave the platform after the opening shot from a mere pea-shooter. As a Parliament's life nears its end, however, they have been known to keep talking and smiling under prolonged onslaughts by glue, paint, chair-backs, floorboards and (in dockyard areas) rivets. Duration is usually governed by whether missiles actually enter the mouth.

Q. What precautions can be taken?

A. Ducking behind the chairman, or other member of the platform party, is an elementary one. The Conservative Party practice of having the Union Jack as a backcloth is also useful. Many meetings have been brought to order when speakers have shamed audiences by pointing out that stink-bombs are defiling the flag.

Q. Are physical defences recommended? If so in what form?

A. Yes. You can't beat dustbin lids. Alternatively, if hit, even by a soft tomato, a capsule of theatrical "blood" pressed to the affected part can prove a valuable moral deterrent. Audiences on the whole do not associate their actions with physical damage, and

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an apparently free-flowing wound will often reverse their sympathies.

Q. Are threats of legal redress advisable?

A. They are difficult for a speaker to bring home without appearing to have been ruffled. Many speakers, regrettably, are over-anxious to avoid such appearance, sustaining an assumed composure even as the treacle and flour-bags strike, or their trousers are being torn down. However, there's an obvious risk that a man dripping paint, cow-dung and canteen stew can invite ridicule by quoting at length from relevant legislation.

Q. Should a member of a Select Committee, in public inquiry, suspend his speech simply because another member has been hit?

A. In our view, yes. But in the nature of speakers he is more likely to continue, probably with added relish.

Q. Is the cost of burned, stained, and slashed clothes recoverable by public men from the Inland Revenue?

A. It's a point worth putting to your income tax inspector.

RETALIATION

This, the meat of the Manual, is introduced by a twenty-page passage in which the rights and wrongs of retaliation are exhaustively debated. On the practical side, is the image of a public man damaged or enhanced by maintaining the sweet smile until its complete eclipse by fruit? Should he then make his exit with arms shielding the face, and running—or not grope his way into the wings without the formal speech of thanks for the invitation to speak? Can he expect support next polling day from a voter whom he has personally kicked, struck, or knocked cold with the water carafe?

On the moral side, has he a right to complain when they smash the microphone and wrap it round his neck? The audience, after all, have no microphones, and cannot be blamed for equalising the situation. And does not the speaker, in some cases, virtually become an agent provocateur by appearing on the platform at all? The section ends with a number of relevant quotations, which include: "The exhilaration of hearing one's own voice amply repays every indignity" (Mr. Enoch Powell); "I can take anything but custard in my face hair" (Sir Gerald Nabarro); and, "She takes some cleaning-up after a lively meeting, but at least she buys her own blouses" (Mr. Ted Castle).

The Manual concludes:

Q. Should stink-bombs be thrown back?

A. It depends on the speaker's fielding ability. Once exploded, their return is not practicable, and the same is usually true of tomatoes.

Q. Should the platform party bring its own stink-bombs?

A. No. Even the Prime Minister, who has been hit in the eye with one, is against this as a matter of policy.

Q. Why?

A. It could lead to being branded as an aggressor. Also, they can go off in a warm pocket.

Q. What forms of retaliation are open to speakers?

A. Mostly diversionary tactics. Mice are useful, and do not qualify as offensive weapons under the law.

Q. How are they employed?

"A. In two ways. To quell merely sporadic rioting they can be released in the front row of the audience, among the generously exposed female legs. The reaction to a prolonged period of screaming will be one of relieved calm. But if the meeting is in irrecoverable disarray they should be released on the platform, where lady members will faint, and the men can carry them off and not come back.

"Q. What about rioting during TV confrontations? Such a course would surely terminate the programme and disrupt viewing schedules?

"A. That is admittedly a risk no public man can take.

"Q. What action is recommended in TV programmes, by a public man shouted down with cries of "****", "****", "*******", and even "******"?

"A. Walk with dignity off the set, avoiding loose cables, and leave further questions to be answered by the professional TV personality in charge, who will do it just as well if not better.

"Q. And this is the best you can suggest in the way of retaliation?

"A. Unfortunately, yes.

"Q. Release mice or quit?

"A. These are new problems. In the present state of knowledge it's the best we can do.

The pamphlet ends with a short Appendix defining Free Speech, quoting the Bill of Rights, and inconclusively debating the advantages of a Democratic System.

"THE BLACK REVOLUTION AND THE ECONOMIC FUTURE OF NEGROES IN THE UNITED STATES," A COMMENCEMENT ADDRESS BY ANDREW F. BRIMMER, MEMBER OF BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr Speaker, I believe that many Members of Congress will read with interest a commencement address delivered by the Honorable Andrew F. Brimmer, member, Board of Governors of the Federal Reserve System, on the subject of "The Black Revolution and the Economic Future of Negroes in the United States."

Governor Brimmer's address was delivered at commencement exercises at Tennessee A. and I. University in Nashville, Tenn., on June 8, 1969.

The text of the address follows:

THE BLACK REVOLUTION AND THE ECONOMIC FUTURE OF NEGROES IN THE UNITED STATES

(Address by Andrew F. Brimmer*)

I was pleased and flattered to receive the invitation to address this graduating class in the 57th year of Tennessee A. and I. University. I accepted on the assumption that—despite the ferment surrounding the quest for change on the college campuses of our nation—it is not only still possible but essential to carry on a sane and unsentimental discussion of the prospects for progress in American society. Since my own perspective on this society is derived primarily from the experience of an economist, I will focus on the outlook for the economy over the next decade. And since Negroes constitute the vast majority of this graduating class and of this University, I will place particular stress on the unfolding opportunities for equal participation which our expanding economy can be expected to provide.

But before turning to that task, let me hasten to carry out those duties which any commencement speaker is expected to perform: on this occasion—marking for most of you the completion of your formal educational experience and the beginning of life in the world beyond the campus—I commend all of you for your accomplishments to date. Partly because of the enormous strides in college enrollment made in recent years, we tend to forget that Negro college graduates are still much more rare than the Negro's share of our total population would suggest. We tend to forget that, among Negroes age 21 and over, less than one-in-twenty has four years or more of college education—compared with more than one-in-ten for the population as a whole. I am aware of—and I fully appreciate—the considerable sacrifices which you and your families have made along the road to this ceremony. I must also reassure you (because you obviously already know) that the world beyond the campus is not only exciting and challenging—but it desperately needs the help of all the bright minds and vigorous bodies it can get. So let me join in welcoming you to this exhilarating venture.

However, in these times of trouble in our country—and in the world at large—it would be an insult for a commencement speaker to dwell on empty generalities. Since I have come to praise you and not to insult you, I will refrain from any further obeisance to ritual or rhetoric. Instead, let me return to the central theme of these remarks.

I am certain that I do not need to remind this audience of the turmoil currently sweeping our society. I am sure that you would agree with me that we are not simply being plagued by a rash of bitter and violent disorders without cause, meaning or goals. Rather, we are witnesses to—and in many instances warriors in—a campaign aimed at a fundamental reformation of American society. Some call it a revolution. Moreover, I know that it is not necessary for me to emphasize that at the core of the drive to reform our society (no matter what other elements may be stressed from time-to-time) is the pervasive and agonizing question of race. Thus, no matter what other adjectives we may use to characterize the vigorous quest for change, we must also describe it as a black revolution—a basic upheaval about the role of race in this country.

I could easily consume all of the allotted time by simply reciting the catalogue of ills which underlie the patina of racial equality and which render the United States a racist society. But you know this catalogue. Whatever index of social and economic conditions we choose (education, employment, housing, health, etc.) tells the same story; the legacy of racial discrimination and segregation is real, and the scars it has inflicted on all our citizens are deep and enduring. But undoubtedly the most corrosive burden has been borne by the American Negro for more than three hundred years. So, I could easily devote all of my remarks to a passionate condemnation of the conditions which foster racial strife in this country. I could easily dwell on the mosaic of urban disorganization and decay—equally inlaid with poverty, segregation and racial conflict.

If I were to adopt either course, I would certainly be in step with the typical speaker before any predominantly black audience today. However, I have chosen to travel a different route. But, so that I will not be misunderstood, let me say that it should be obvious to anyone that I am unalterably opposed to any kind of racial discrimination or segregation in whatever form it may appear. I have heard no convincing reasons as to why we must continue to suffer the steady deterioration of our cities or tolerate the persistence of poverty in the most prosperous land in the world. So I fully appreciate the need—and support strongly the efforts—to press on with these unfinished tasks.

I have chosen a somewhat different approach in these comments because I believe we should pause from time-to-time to take stock of the distance we have already covered and to survey the terrain ahead. Only by such periodic checks can we be sure to stick to our main route and avoid digress-

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*Member, Board of Governors of the Federal Reserve System. I am indebted to Mr. Henry Terrell and Miss Mary Ann Graves of the Board's staff for assistance in the preparation of these remarks.

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ing into byways and blind passages which can lead only to disappointment and frustration. In this stock-taking, first I review the extent of economic progress the Negro has actually made in recent years. This is followed by an appraisal of the economic outlook over the next decade. Finally, I try to flag several of the deceptively inviting digressions which are luring some of our most promising young people with false hopes of progress through separate development along racial lines. My main theme can be summarized briefly:

So far in the decade of the 1960's, Negroes have benefited relatively more than the population as a whole from the vigorous expansion of the national economy. However, increased occupational mobility and significant strides in education have also played vital roles.

Reflecting these favorable trends, the income differentials between black and whites have narrowed appreciably in the last few years, with the greatest relative gains by Negroes being among those with the highest levels of education. Simultaneously, however, within the Negro community, two different classes are becoming increasingly evident as the best prepared are moving ahead rapidly while the least prepared are lagging behind.

Looking ahead over the next decade, the Negro community as a whole can be expected to improve its economic position to a greater extent than the population generally. Again, while expansion of the national economy is expected to be the mainspring of this improvement, continued advances in education will also play a major part.

Unfortunately, at exactly the time when education and technical competence are becoming increasingly critical for Negroes—as for other Americans—the notion is spreading that black students need not concern themselves with most of the content of a traditional college curriculum. Instead, it is being held—in even some of the very best institutions—that the most relevant educational expriences for black students are those which will equip them to return to the urban ghettos and work exclusively for the improvement of the black community. In my judgment, it is a serious error for college faculties to allow such notions to go unchallenged. But, what is even more tragic, on numerous campuses Negro students—mainly in response to their own demands—are being permitted—and in some cases encouraged—to enroll in sheltered workshops in the guise of "black studies" and "Afro-American" programs. Thus, on the mistaken assumption that they are being relevant and responsive, many of our college faculties are creating facilities which may cripple young people rather than strengthen their ability to compete in an economy of expanding opportunities.

RECENT ECONOMIC PROGRESS IN THE BLACK COMMUNITY

During the decade of the 1960's, Negroes have made sizable economic gains—although they still lag well behind the population as a whole. This progress is evident whether defined in terms of employment, changing occupational characteristics, education or income.

For example, between 1960 and 1967, nonwhite employment (more than 90 percent of which is made up of Negroes) rose more rapidly than in the country at large. In 1960, nonwhites held 7 million (or 10.5 percent) of the more than 66 million civilian jobs then in existence. By 1967, total civilian employment exceeded 74 million, and nonwhite employment had risen to 8 million. Thus, while total employment increased by 11½ percent, that for nonwhites rose by 14 percent. Over these seven years, the rise in the number of jobs held by nonwhites accounted for 12.6 percent of the expansion in total employment.

The occupational distribution of employed Negroes has also changed somewhat during the current decade. Their gains have been particularly striking in professional and technical fields, in clerical work, in semiskilled factory jobs, and in nonhousehold service tasks. Skilled craftsmen occupations among nonwhites have also risen somewhat faster than their total employment. In contrast, the number of nonwhites engaged as managers, officials and proprietors have expanded more slowly than total nonwhite employment. To a considerable extent, the occupational upgrading among nonwhites has paralleled an absolute decline in their employment as private household workers, as farmers and farm workers, and as nonfarm laborers. In general—and what is much more important—in those occupations where total employment is growing most rapidly, the rate of growth of nonwhite employment has been even faster; and in those occupations where total employment is declining, nonwhites are showing an even swifter decline.

Nevertheless, nonwhites are still heavily concentrated in low-skilled, low-paying occupations. To some extent, this partly reflects educational deficiencies and the absence of skills of a sizable proportion of the Negro population. On the other hand, it is also partly due to racial discrimination and limited access to job opportunities. This is clearly indicated by a recent estimate prepared by the Bureau of Labor Statistics (BLS) of what the occupational structure for white and nonwhite men would be if ". . . at each given education level Negroes had the same opportunity for employment as white workers." If this greater occupational equality were to exist, the largest relative percentage gains for nonwhites would occur among craftsmen (the proportion of which would just about double) and among managers and proprietors (where a three-fold increase might be registered). The relative proportion of service workers would be cut by one-half, and the percentage of nonfarm laborers would decline by two-thirds. Little change would be expected to occur in the proportion of nonwhite men employed in professional and technical occupations.

TRENDS IN PERSONAL INCOME

Reflecting these favorable trends in employment and occupations, the personal income of nonwhites has risen substantially in both absolute and relative terms. In 1959, the median income of nonwhite families was $2,917; by 1967, this had risen to $5,141—a gain of 76 per cent. For all families, median income climbed from $5,417 in 1959 to $7,974 in 1967, an increase of 47 per cent. For white families, the corresponding figures were $5,643 in 1959 and $8,274 in 1967, also a rise of 47 per cent. Over these years, the ratio of nonwhite to white median family income rose from 52 per cent to 62 per cent with a particularly sharp rise occurring after 1965 (when the ratio was 55 per cent).

In fact, the last few years have brought noticeable improvement in the income position of Negroes looked at apart from other nonwhites. For example, in 1965 the median family income of Negroes stood at 54 per cent of that for white families. By 1967, the median family income of Negroes amounted to $4,939, and that for white families was $8,318. Thus, the ratio had risen to 59 per cent. So, in three years, Negroes had managed to narrow the gap by 5 percentage points—or by roughly 11 per cent.

The improvement in income was spread rather evenly throughout all regions of the country. The narrowest gap between white and Negro family incomes was found in the North Central region. In these states the median income for Negroes in 1967 amounted to $6,540, compared with $8,414 for whites—a ratio of 78 per cent; in 1965 the ratio was 74 per cent. In the South, the median income for white families in 1967 stood at $7,448 and that for Negroes at $3,992—for a Negro-white ratio of 54 per cent, compared with 49 per cent in 1965. In passing, it might be noted that not only do median incomes of both white and Negro families in the South lag behind the incomes of both groups, respectively, in the rest of the nation, but the greatest disparity between Negro and white family incomes among regions is also found in the South.

Undoubtedly, one of the prime factors underlying the improvement in the income position of the Negro community in the nation as a whole is the continued progress being made in education. For example, in 1967 the median years of school completed by nonwhite men (who were 18 years of age and over and who were in the labor force) stood at 10.2 years; for white men the corresponding number was 12.3 years, a difference of 1.9 years. However, in 1957, the median years of schooling for nonwhite men were 8.0 years, and for white men the figure was 11.5 years, a gap of 3.5 years. In fact, by 1962, the gap was still 3.1 years, so progress has been particularly rapid within the current decade when the differential has been cut by almost one-half. Among nonwhite women, educational progress has been even more marked. In 1967, the median years of school completed by nonwhite women in the labor force were 11.5 years, compared with 12.4 years for white women—a difference of only 0.9 years. In 1957, the corresponding figures were 8.9 years for nonwhite females and 12.2 years for white females, a gap of 2.3 years. In 1962, the measures stood at 10.5 years for nonwhite women and at 12.3 years for white women, a difference of 1.8 years. Thus, within this decade the educational attainment of nonwhite women has converged even more sharply than that of nonwhite men on their respective counterparts. In citing these trends, I am not implying that the quality of the education obtained by whites and nonwhites is equally good. We know that the opposite is generally true. Nevertheless, improvements in education have made a difference in the relative income gains won by nonwhites.

Just how much difference improvements in education can make can be traced in the changes in the median incomes of Negro and white men, classified by years of schooling completed, who were living in large cities in 1959 and 1967. The figures (from the Bureau of the Census) are as follows:

Years of schooling	Median income, Negro men			Median income, white men		
	1959	1967	Percentage increase	1959	1967	Percentage increase
Elementary: 8 years or less	$3,428	$4,215	23	$5,139	$6,454	10
High school:						
1 to 3 years	4,059	5,086	25	5,788	7,495	17
4 years	4,323	5,642	31	6,265	8,188	20
College:						
1 year or more	5,022	7,025	40	7,686	10,499	20
4 years or more	(1)	7,556	(1)	8,486	11,536	21

[1] Not available.

Several conclusions can be drawn from these data. Between 1959 and 1967, the higher the level of education, the more rapid was the rise in median income for both Negro and white men. However, the relative increases for Negroes were 1½ to 2 times as large as

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those achieved by white men. In 1959, Negro men with 8 years or less of schooling had a median income equal to about 70 per cent of that for Negro men who had 1 year or more of college; by 1967, the ratio had fallen to 60 per cent. For white men in the same circumstances, the income ratio declined from 67 per cent to 61 per cent. In 1967, men with only an elementary school education had median incomes just over half those earned by those in their respective races who had completed 4 years or more of college. During the decade of the 1960's white men with high school educations pulled away somewhat, in relative income terms, from those who went only to grade school, and they just about maintained unchanged the gap between themselves and white men who went to college. Among Negro men, those with high school educations also pulled away, in relative income terms, from Negro men who went only to elementary school; however, the gap between their incomes and the incomes of Negro men who went to college widened further, as the ratio declined from 86 per cent to 80 per cent.

Thus, in general, these data clearly demonstrate that income for whites and Negroes has been rising most rapidly for those with college educations. Among Negroes, the gains—in both absolute and relative terms—have been the greatest at the highest levels of education.

In fact, there appears to have emerged a general tendency for income differentials within the Negro community to widen in recent years. In contrast, within the white community, income differentials seem to have remained unchanged or narrowed slightly. These tendencies can be traced in the Bureau of the Census data showing the percentage share of aggregate income received by each fifth of families, ranked by income and by the color of the family head. The figures for selected years are as follows:

Families	1959	1962	1965	1967
White (percent):				
Lowest 5th	5.5	5.5	5.6	5.8
Second 5th	12.6	12.4	12.5	12.5
Middle 5th	17.8	17.6	17.5	17.5
Fourth 5th	23.4	23.5	23.4	23.5
Highest 5th	40.8	41.1	40.8	40.7
Top 5 percent	16.1	16.0	15.5	14.9
Nonwhite (percent):				
Lowest 5th	3.9	4.2	4.6	4.4
Second 5th	9.6	10.4	10.7	10.4
Middle 5th	16.5	16.6	16.5	16.4
Fourth 5th	25.1	24.4	24.7	24.1
Highest 5th	44.9	44.2	43.5	44.7
Top 5 percent	16.4	16.3	15.5	17.5

In examining these data, the first thing to note is that the distribution of income is by no means equal in either the white or nonwhite community. If it were, each fifth of the families would receive 20 per cent of the aggregate income in each year. In reality, however, only those families around and just above the middle of the distribution come close to receiving approximately this proportion of the total income. The families constituting the lowest fifth receive between 4 per cent and 6 per cent of the income, while those in the highest fifth receive over 40 per cent of the total. This general pattern of income distribution holds for both white and nonwhite families.

But looking beyond these overall characteristics, it will also be observed that, within the nonwhite community, the distribution of income is considerably more unequal. Among nonwhites, from the lowest through the middle fifth, for each of the years shown, the proportion of aggregate money income received by the families in each category is below that for the white community. The opposite is true for nonwhite families above the middle fifth; their share is greater than that received by white families in the same category. The same tendency is evident when the top 5 per cent of the families with the highest incomes in both groups are compared.

Moreover, in the last few years, incomes within the nonwhite community have apparently become even more unequally distributed. The shares of income received by those households at or below the middle fifth of families have been eroded slightly, while the shares received by the highest fifth and by the top 5 per cent have edged up somewhat. In the white community, the opposite tendencies are evident.

Again, these figures seem to underline a conviction held by an increasing number of observers: a basic schism has developed in the black community, and it may be widening year-by-year. Whatever explanation one may offer to explain it, in my opinion, the differential impact of educational progress within the Negro community must be accorded considerable weight.

ECONOMIC OUTLOOK FOR THE AMERICAN NEGRO

At this point, we can take up the second task sketched above: an assessment of the economic prospects for the American Negro over the next decade. In trying to look ahead, however, I must emphasize that I fully recognize the hazards of attempting to forecast economic activity.

To make such a forecast is not my principal objective. Rather, my chief purpose is to appraise the implications for Negroes of a number of economic trends which are already clearly visible. For example, we have a good indication of the most likely trends in population and labor force participation over the next decade. Moreover, given a few reasonable assumptions about the overall rate of economic growth, we can be fairly certain of the trends in the level and occupational distribution of employment, and the level and distribution of personal income between the white and black communities.

POPULATION TRENDS

Our firmest estimates are for the population. The Negro will continue to be a larger proportion of the population, reaching a total of approximately 32.5 million in 1980. This would represent an increase of 10.5 million, or 48 per cent, from 1968. The total population has been projected by the Bureau of the Census at about 243 million in 1980, a gain of 45 million, or 23 per cent over 1968. Thus, the Negro population is expected to account for nearly one-quarter of the net increase in the Nation's population during the period 1968–1980, lifting the Negro proportion from 11 per cent of the total in 1968 to 13.4 per cent in 1980. These projections assume lower fertility than currently. However, the rate of decrease in fertility is expected to occur mainly among the white population. The result is a divergence in the rate of population growth for the two groups.

OUTLOOK FOR THE LABOR FORCE

For the present discussion, the proportion of the population which is working or seeking work holds the most interest. During the next decade, the labor force participation rate for nonwhites is expected to remain essentially unchanged at approximately 60 per cent. On this assumption, about 12.2 million nonwhites would be in the labor force in 1980, compared with 9.1 million in 1968. This represents an expansion of roughly one-third, compared with about one-quarter between 1956 and 1968. Since the total labor force in 1980 might be in the neighborhood of 101 million, nonwhites would constitute 12 per cent of the work force by the end of the next decade compared with 11.0 per cent in 1968.

This large growth in the total labor force and the even faster increase for Negroes will be accompanied by several dramatic changes in composition. For instance, over 23.7 million members of the labor force are expected to be under 25 years of age in 1980, a significantly higher proportion than in 1968. Thus, although more and more young people will undoubtedly want to work in order to continue in school in the next decade, the influx into the full-time work force of teen-agers clearly will be substantial. Moreover, an increasing proportion of these teen-agers will be nonwhites. This prospect will pose a continuous challenge to the Nation to provide appropriate employment opportunities at decent wages. But it will also put a heavy burden on Negro youths to acquire marketable skills. As we know, the impact of unemployment among teen-agers—and especially among nonwhite teen-agers—has been particularly severe. For example, while the unemployment rate of the total labor force was down to 3.6 per cent in 1968, it was still 12.6 per cent for all teen-agers and 24.9 per cent for nonwhite youth. There will also be sharp increases in the number of adult women in the labor force. By 1980, it is estimated that there will be about 7 million more women working or looking for work than in 1968, a large proportion of whom will be searching for full-time work.

TRENDS IN OUTPUT AND INCOME, 1968–80

By 1980 the United States will have a $1.4 trillion economy if it grows in real terms at an average annual rate of 4 per cent. This would represent an increase of 50 per cent in the real output of goods and services in the 1970's. Expressed in per capita terms, Gross National Product (GNP) would be about $5,650 in 1980 against $4,274 last year—thus, rising by about one-third during this period.

For our purpose we would like to know what the growth of output implies for Negroes. However, we have no direct way to identify their share of GNP. On the other hand, we do have a fairly good measure of aggregate money income earned by Negroes as defined by the Bureau of the Census. This series does distinguish between income recipients according to color. In 1967, aggregate money income as measured by this series amounted to $487 billion. Of this amount, $451 billion was earned by the white populatoin, and $35.7 billion was received by nonwhites, representing 7.3 per cent of the total. In 1956 the income of the nonwhite population amounted to $14 billion or 5.7 per cent of the total. During recent years the share of aggregate money income received by nonwhites has been increasing. If we assume that the same annual increase in the proportion received by nonwhites during the period 1956–1967 continues during the next decade, nonwhites would receive about 8.8 per cent of aggregate money income in 1980. If present overall trends continue, aggregate money income might amount to $843 billion in 1980, expressed in 1968 prices. The division might be $769 billion accruing to the white population and $74 billion accruing to nonwhites.

Thus, during the 1970's, sizable gains will undoubtedly be registered in the aggregate money income of nonwhites as well as for whites. But the relative improvement for nonwhites would probably be substantially greater. This can be seen most clearly when the income figures are expressed in per captia terms. In 1967 aggregate money income per head was $2,460; it was $2,590 for whites and $1,510 for nonwhites. By 1980 the total may rise to $3,465 per capita. The corresponding figures for whites and nonwhites may be about $3,648 and $2,277, respectively. Consequently, for whites aggregate money income might increase by 40 per cent; but for nonwhites, the gain in per capita terms might be as much as 50 per cent.

OCCUPATIONAL CHANGES AND THE DEMAND FOR SKILLS

Behind this outlook for employment and income are significant prospective changes in the economy's demand for skills. These

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forthcoming changes will have serious implications for Negroes. For example, if nonwhites continue to gain in the 1970's at the pace recorded during the last decade, their occupational distribution in 1980 will be substantially different from what it is today. While nonwhites might constitute about 12 percent of the total labor force in 1980, they may hold over 10 per cent of the professional and technical jobs compared with just under 6 per cent in 1967. They may have also raised their share of the managerial, official and proprietory occupations from 2.8 per cent in 1967 to nearly 4 per cent in 1980. Sizable gains probably would also have been recorded in the clerical, sales and craftsmen occupations. They might continue to provide about the same proportion of farm workers and laborers, while a noticeable decline may have occurred in the proportion of service jobs held by them.

These changes would also have a striking impact on the distribution of occupations within the nonwhite community. For instance, professional and technical workers in 1975 might constitute about 12 per cent of the nonwhite labor force compared with 7.4 per cent in 1967. The ratio probably will have risen further by 1980. While this proportion in 1975 would still be below the 15 per cent expected for whites in the same year, the relative shift is unmistakable. The managerial group might account for about 3 per cent of the nonwhite labor force in 1975 compared with 2.6 per cent in 1967. Here also the percentage can be expected to climb further by 1980. A substantially higher proportion of the nonwhite labor force probably also would be employed in the clerical and sales fields. As already indicated, most of the relative shift will be away from the blue-collar and unskilled occupations. The expected decline among nonfarm laborers is especially striking where the percentage of the nonwhite labor force so engaged may shrink from 11 per cent in 1967 to less than 10 per cent by 1975—and to an even smaller proportion by 1980.

Associated with—and partly responsible for—these improvements in the occupational distribution of the nonwhite populations is the expectation of substantial further progress in their educational achievement. If the trend of the increase in the median years of schooling for both whites and nonwhites recorded during the period 1952 to 1967 continues during the decade of the 1970's, the gap between the two will have been narrowed considerably. On this assumption, by 1980, nonwhite women on the average may have completed about 12.1 years of schooling compared with 12.6 years for white women. This would mean that the educational differential would have shrunk from 0.9 years in 1967 to only 0.5 years in favor of white women. Among nonwhite men, the median years of schooling may have risen to 11.4 years by 1980, compared with 12.8 years for white men, further narrowing the gap to about 1.4 years compared with a gap of 1.9 years in 1967. Moreover, substantial improvement can also be expected in the quality of education received by Negroes over the next decade.

COLLEGE EDUCATION AND THE ECONOMIC PROGRESS OF THE BLACK COMMUNITY

Sadly, however, as I observed at the outset, just at the time when the outlook for greater participation by Negroes in the national economy is improving considerably, a number of digressions are appearing which may lead astray some of our most promising young people.

We can encounter on an increasing number of college campuses a myopic view which holds that black students really do not need to concern themselves with a good part of the curriculum offered by a typical undergraduate college. Instead, it is being argued by many students and faculty members that courses and programs should be recast to concentrate on subjects such as urban problems, the eradication of racism, the enhancement of the blackman's cultural image, and the widening of knowledge of his heritage among members of a predominantly white society. Parallel to—and reinforcing—this view is a spreading tendency among many black students to isolate themselves into separate enclaves and to minimize contact with whites. In my personal judgment, these developments are not only short-sighted; they are inimical both to Negro students themselves and to the Negro community at large.

In expressing this criticism, I am not unaware of the need for a thorough reform of much of the curriculum offered by even our best institutions. Through serving on several college governing boards and advisory committees, I see a good deal of campus life.[1] I have spent a fair proportion of my professional life in college teaching;[2] and—through lectures and seminars—I still participate frequently in the intellectual environment of the campus. Through numerous discussions with students, faculty members, and college administrators, I am convinced that in most institutions numerous courses and programs are seriously out-of-date. But I am also convinced that in most colleges and universities—undoubtedly spurred to a considerable degree by persistent pressure for change on the part of students and junior faculty members—the process of modernization is underway, and it can be expected to accelerate.

What concerns me most are the consequences which some of the campus innovations imply for black students and for the Negro community as a whole. In particular, I am greatly disturbed by the proliferation of programs variously described as "black studies" or "Afro-American studies" and by the growing tendency of numerous Negro students to concentrate in such areas or to substitute such courses for more traditional subjects in undergraduate programs (especially in the social sciences and humanities). So far only a few colleges apparently have established degree programs in these fields, but a sizable number of institutions do accept them as appropriate for minor or secondary concentration.

In my personal judgment, Negro students should be extremely cautious about devoting their college careers to a concentration on "black studies" or "Afro-American studies." I can well understand the bitterness and frustration they may feel about the lack of awareness of the major contributions which black people have made not only to American society but in the world at large. I can also appreciate their eagerness to equip themselves to work effectively in the improvement of the urban environment in which most of them will live once they leave college. Nevertheless, they should have no illusions about the extent to which they are likely to acquire in "black studies" programs the mental discipline, technical skills, and rigorous training in problem-solving that they will so desperately need in their future careers.

Rather black students—along with all other students—must accept the fact that there is no real alternative to thorough grounding in the technical underpinnings of the subject they may choose as a major. And whatever may be their field of concentration, they really must learn to read and to write and to speak effectively—and they just have to achieve some degree of understanding in mathematics and the other so-called hard sciences. In addition, they certainly will need some acquaintance with the social sciences—especially with the subject matter of economics, sociology and political science.

Unfortunately, one encounters far too few faculty members on college campuses these days who are willing to face black students and insist that they take a meaningful and realistic view of the requirements of a college education. Instead, more and more of the key faculty members in many institutions—and often they are among the most sensitive and responsive—seem to be accepting (in some cases completely and in others with only slight modifications) whatever "demands" for program and other changes black students may propose. Rarely does one see faculty members (in whose hands a college curriculum must rest) coming forth to tell black students that some of their proposals and views are simply nonsense—as some of them certainly are! One gets the distinct impression that, on the predominantly white college campus, faculty and administrators are showing considerable panic in their relations with black students. In the typical case, there are few—if any—Negroes on the campus with college or professional training who can offer advice and counsel, and thus provide a somewhat more considered perspective on the environment of the American Negro today and the outlook for the years ahead.

Thus, many college faculties, perhaps unconsciously, are accepting the untested views of numerous black students (only occasionally tempered by the benefit of an off-campus review) about the character and content of a college education that has meaning for American Negroes. In the process, they may be helping to create a series of sheltered workshops in which black students languish during a considerable part of their college careers and then leave the campus ill-equipped to perform in a world which is placing an increasingly heavy premium on technical skills and a vigorous intellect. Thus, on the mistaken assumption that they are being relevant and responsive, many of our college faculties are creating facilities which may cripple young people—rather than strengthen their ability to compete in an economy of expanding opportunities.

In my opinion, if they really want to be helpful to many young people who truly need their assistance and guidance, colleges should devote themselves to attracting more students from low income areas—both urban and rural—a step which will clearly require a considerable expansion in their scholarships and other forms of financial assistance. And once they are on campus, they should be provided with special counseling and other remedial assistance to enable them to overcome the handicaps imposed by inferior high schools and to master even the toughest parts of the college curriculum. Moreover, under no circumstance should the colleges provide them with college-supported segregated housing either on or off campus—as unfortunately some institutions are currently doing. After all, the opportunity to broaden one's own horizon is one of the chief benefits of a college experience.

I have concentrated in this part of these remarks on the problems arising on the predominantly white campuses—because there the issues are most acute. But they also exist on predominantly black campuses as well. We hear from time-to-time about the resentment and rejection many black students on such campuses have shown toward the few white students who have enrolled in recent years. I find such practices especially dismaying; one would have thought that people who have suffered themselves from the corrosive effects of racial discrimination and segregation would be the last to inflict such pain on others.

CONCLUDING REMARKS

In my judgment, the foregoing analysis strongly suggests that, if the rate of improvement registered during the last decade continues, the Negro in the 1970's will

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[1] My present service includes: Overseer, Harvard University (Massachusetts); Trustee, Tuskegee Institute (Alabama); Carlton College (Minnesota); and Howard University (Washington, D.C.); Member, Advisory Committee, Graduate School of Business, Atlanta University (Georgia).

[2] I have taught at Harvard, Michigan State, and the University of Pennsylvania.

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strengthen substantially his relative position in the American economy. His employment situation will be much stronger, and his real income will be considerably higher. The opportunities to share as a full participant in an expanding economy also will have widened noticeably.

On the other hand, these possible gains are by no means assured. Thus, a far greater effort—on the part of Negroes as well as on the part of government and the private sector generally—will be required if the promises are to be fulfilled. For Negroes, and especially for Negro youth, this greater effort must be concentrated on the improvement of technical competence, the acquisition of marketable skills and the enhancement of their ability to compete in an economy of expanding opportunity.

UNIVERSITY LEADERS COMMENT ON PROPOSED FEDERAL LEGISLATION DEALING WITH STUDENT UNREST

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, the House Committee on Education and Labor is presently considering various legislative proposals to deal with the problem of campus disorder.

Several weeks ago, the distinguished gentleman from New York (Mr. REID), and I, as members of the Special Subcommittee on Education, which has jurisdiction over higher education legislation, wrote a letter to a number of leaders in American higher education, including several university presidents, to ask their views on a number of legislative proposals which had at that time been brought before our subcommittee. Among these proposals, for example, was one to establish a Federal Mediation and Conciliation Service for colleges and universities.

The gentleman from New York (Mr. REID) and I invited the higher education leaders to comment not only on this and other proposals which had at that time been introduced but also to give us the benefit of any comments they might have on the relationship between the Federal Government and higher education generally.

Although the bill now under consideration in the House Education and Labor Committee, H.R. 11941, had not been proposed at the time of the letter sent by the gentleman from New York (Mr. REID) and me, and indeed was first introduced only a week ago today, I believe that a number of the comments of the higher education leaders in their responses were relevant to the bill now before our committee.

Mr. Speaker, I believe I should make clear that the persons to whom the letter was sent by the gentleman from New York (Mr. REID) and me were those who formulated a statement at a meeting held in Chicago on April 4–5, 1969, under the auspices of the American Council on Education. That statement was entitled "A Declaration on Campus Unrest," and I insert it at this point in the RECORD:

A DECLARATION ON CAMPUS UNREST

This statement was formulated by a group of educational administrators, trustees, and foundation officers who met April 4–5, 1969 in Chicago under Council auspices. Those present were three Council officers—President Logan Wilson, Vice-President Kenneth D. Roose, and David C. Nichols II, assistant to President Wilson—and the following:

Louis T. Benezet, president, Claremont Graduate Center; Landrum R. Bolling, president, Earlham College; Herman R. Branson, president, Central State University; Robert D. Clark, president, San Jose State College; Fairfax M. Cone, trustee, University of Chicago; Thomas H. Eliot, chancellor, Washington University; Robben W. Fleming, president, University of Michigan; David D. Henry, president, University of Illinois; Theodore M. Hesburgh, C.S.C., president, University of Notre Dame; James M. Hester, president, New York University; Ralph Hetzel, trustee, Pennsylvania State University; Roger W. Heyns, chancellor, University of California, Berkeley; Joseph F. Kauffman, president, Rhode Island College; William R. Keast, president, Wayne State University; Malcolm Moos, president, University of Minnesota; Mrs. Henry Owen, trustee, Washington State University; Harvey Picker, trustee, Colgate University; Alan Pifer, president, Carnegie Corporation of New York; Wesley Posvar, chancellor, University of Pittsburgh; Nathan M. Pusey, president, Harvard University; John Ritchie, dean, Law School, Northwestern University; John S. Toll, president, State University of New York at Stony Brook; Edmund A. Stephan, trustee, University of Notre Dame; F. Champion Ward, vice-president, The Ford Foundation; Herman B. Wells, chancellor, Indiana University; Charles E. Young, chancellor, University of California, Los Angeles; and Edwin Young, chancellor, University of Wisconsin, Madison Campus.

The statement was subsequently approved by the Council's Board of Directors, comprised of the following individuals:

Mason W. Gross, president of Rutgers—The State University, chairman; Anne G. Pannell, president of Sweet Briar College, vice-chairman; Gustave O. Arlt, president of the Council of Graduate Schools in the U.S., secretary; Fred Harvey Harrington, president, University of Wisconsin; Grayson Kirk, president emeritus, Columbia University; Frederic W. Ness, president, Fresno State College; Alan Simpson, president, Vassar College; Thomas A. Spragens, president, Centre College of Kentucky; Sharvy G. Umbeck, president, Knox College; Kingman Brewster, Jr., president, Yale University; G. Homer Durham, president, Arizona State University; Samuel B. Gould, chancellor, State University of New York at Albany; Darrell Holmes, president, Colorado State College; Kenneth S. Pitzer, president Stanford University; Edgar F. Shannon, Jr., president, University of Virginia; Joseph P. Cosand, president, Junior College District, District of St. Louis; Theodore M. Hesburgh, C.S.C., president, University of Notre Dame; Roger W. Heyns, chancellor, University of California, Berkeley; Martha E. Peterson, president, Barnard College; Calvin H. Plimpton, president, Amherst College; and Willis M. Tate, president, Southern Methodist University.

A DECLARATION ON CAMPUS UNREST

The unprecedented, comprehensive, and often unpredictable changes that are taking place in this age both disturb and alarm large segments of our society. Most of the changes and attendant alarms affect the operations of our institutions of higher learning. They are also related to the values, concerns, and behavior of our young people. In coming to grips with the compelling issues, all who would think seriously about them must recognize that present-day society—in America and in many foreign lands—is in serious trouble on many fronts. We see around us racial conflict, continued poverty, and malnutrition midst unparalleled prosperity and seemingly unlimited promise. We are confronted by pollution of our environment, decay of our cities, the continuation of wars and the threat of war, and everywhere a vague but widespread discontent with the general quality of life.

These problems affect all of society, not the university alone or the young alone. We must all be concerned to deal intelligently and responsibly with these problems that are neither the exclusive discovery, nor the sole responsibility of the young. Yet the depth of feeling among young people in many countries today about the issues, their general dissatisfaction with the slow-moving ways of society, and the extreme behavior of a small minority of students are evidence of the profound crisis that involves our entire society and, specifically, the university community.

The university itself has often become the immediate target of student discontent, sometimes couched as legitimate complaints about the deficiencies of the universities, sometimes devised as a softening-up exercise for assault on the wider society.

How to deal with campus crises arising from the widespread protests has become a major public issue and the cause of confused and angry debate. That there should be deep anxiety about the course of the conflict and its possible outcome is understandable. No social, racial, or age group that perceives itself and its values to be seriously threatened will fail to strike back. Increasingly there are backlash temptations to enact strong, often ill-considered, and largely futile measures to cope with a youth rebellion that none of us fully comprehends, not even the youth themselves.

Certain balanced judgments are proper to make, however, as we search for understanding and solutions:

1. It is important for the public to understand that, despite the nationwide publicity given to student disorders, the great majority of American campuses have remained peaceful. On campuses where conspicuous disorders have occurred, educational programs generally have gone along their normal ways. Most students and faculty have continued to carry on their regular work. In the main, good teaching and good research, as traditionally defined, have been uninterrupted.

2. On the undisturbed campuses and among the majority of orderly students, however, there are widely shared discontents which extremists are at times able to manipulate to destructive ends. Moreover, even in the absence of violence, there has developed among some of the young a cult of irrationality and incivility which severely strains attempts to maintain sensible and decent human communication. Within this cult there is a minute group of destroyers who have abandoned hope in today's society, in today's university, and in the processes of orderly discussion and negotiation to secure significant change. Students and faculty are increasingly aware of the true nature of this group and are moving to deal with its destructive tactics. The necessity to deal with extremists, however, is placing an extraordinary burden upon the whole educational enterprise and upon those who man it. Consequently, universities are having to divert their energies and resources from central educational tasks in order to deal with student unrest in its various forms.

3. The spectacular events precipitated by the extremists should not be allowed to obscure the recent accomplishments of those students, faculty, and administrators who have serious interest in constructive changes in society and in the university. They have broadened the curriculum and improved teaching. They have moved toward a more open and participating pattern for university governance. And they have begun to

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make the work of universities more meaningful in dealing with the problems of society. Those efforts must continue. Reform and self-renewal in higher education are ongoing imperatives.

4. Meanwhile the speed and scale of social change have imposed many kinds of demands upon educational institutions for which their programs, their capabilities, and their funding are not always adequate. Moreover, universities are increasingly asked to perform functions for society, particularly in reshaping the behavior, values, and lifestyles of the young, on which the family and other social institutions have already had major influence—or lack of influence. Some of society's expectations for universities are quite unrealistic. Insofar as these expectations can be dealt with, they involve a sharing of responsibilities among diverse social institutions. Many of society's demands require new resources and fresh approaches to old and new problems.

5. Recognizing the right of and even the necessity for constructive dissent—and allowing for inevitable arguments over what is in fact constructive—certain axioms must be accepted as basic to the operation of any university:

a. Disruption and violence have no place on any campus. The academic community has the responsibility to deal promptly and directly with disruptions. If universities will not govern themselves, they will be governed by others. This elementary reality is increasingly becoming understood by all components of the university community. Student and faculty groups, including the American Association of University Professors and the National Student Association, have recently joined in efforts to improve disciplinary procedures and to formulate clear and realistic codes for dealing with misconduct, and more particularly with violence and disruption. Also, by involving students and faculty effectively in the governance of the university, it can be demonstrated that there are better ways of getting views considered and decisions made than by disruption.

b. The historic concern of the university community with academic freedom needs to be restated, reaffirmed, and vigorously defended against all, within or without the university, who would obstruct the right of scholars to investigate, teachers to teach, or students to learn. This reiteration is not to claim for the university special privileges that put it above the law or that free it from critical public appraisal—rather it affirms that the university must maintain a basic institutional integrity to function as a university.

c. Violations of criminal law must be dealt with through the ordinary processes of the law—and universities must attempt to deal with disruptive situations firmly before they reach the stage of police action. Governmental attempts to deal with these problems through special, punitive legislation will almost certainly be counter-productive. Meanwhile, students and faculty whose consciences demand that they express dissent through law violation must be prepared to accept the due processes and the penalties of the law. They should not be encouraged to expect amnesty from the effects of the law. Such an expectation would be the ultimate use of the *in loco parentis* concept against which many young activists passionately protest. Nor should they expect amnesty from academic discipline, which is the most effective sanction in disruptive incidents.

6. The education community needs to undertake a far more comprehensive effort than ever before attempted to study the underlying bases of youthful discontent and alienation and the broad social problems to which they are related. As social critic, the university must help society understand and solve such problems.

7. All universities should give particular attention to a continuing search for ways, including new social inventions, by which the life of rationality and civility, shared concern, and mutual respect may be supported and strengthened within the university community. The survival of the university and its long-term contribution to society depend upon the ability of the institutions to make their everyday life reflect that spirit and pattern.

Now, Mr. Speaker, because I believe that a number of the letters which I have been discussing contain comments that will be of interest to all Members concerned with the relationship between the Federal Government and higher education, I insert these letters at this point in the Record:

American Council on Education,
Washington, D.C., May 21, 1969.

Hon. John Brademas,
U.S. House of Representatives,
Washington, D.C.

Dear John: This is in response to your request as to the positioning of the American Council on Education on the question of establishing a Federal Mediation Service for colleges and universities.

We have consulted with a cross section of college administrators across the country and have found virtually unanimous opposition not only to the specific bill (H.R. 10570), but also to the concept of a Federal Mediation Service. I should add that those administrators include not only presidents of our most beleaguered institutions but also those who have had experience in mediation and arbitration. I am enclosing a copy of a speech by Arthur Ross, who was chairman of the Faculty Emergency Committee at Berkeley during the University of California tribulations in 1965, was later with the Labor Department during the Johnson Administration, and is now vice-president at the University of Michigan. His speech is the best summary I can find of the attitudes expressed by our institutions.

In the light of our careful survey of institutional opinion we have no choice but to oppose efforts to establish a Federal Mediation Service.

You have asked why we have not appeared to testify before the subcommittee, and I am not sure my response will appear adequate. When the hearings first began, they were exploratory in nature on the broad topic of campus unrest. In discussions with Mrs. Green and Mr. Hogan, I stated that I thought we could be most useful by helping to identify witnesses who, from their positions on the firing line, could best assist the Committee in understanding the complexities of the issues. I thought this would be far more constructive than for us to make pronouncements from our bureaucratic chairs in Washington on what is going on at the front. As you review the hearings over the past, you will recognize that almost all of your witnesses have come from institutions that are members of the Council. The only difference is that they have presented the situation as they see it on their own campuses rather than following an official ACE line. In situations as fluid as the campus unrest problem this still seems to me the most constructive way we could have proceeded.

I assumed, obviously erroneously, that higher education's opposition to a Federal Mediation Service would be apparent in the testimony of witnesses appearing before you. As a result of your question, however, I realize that on this specific issue, as opposed to the general inquiry into campus unrest, we probably should have asked for an opportunity to testify officially. If it is felt that it would be valuable for us to do so, we would be happy to appear, and, if at all possible, we would ask Mr. Ross to serve as our spokesman.

Sincerely yours,
John F. Morse,
Director.

University of Virginia,
May 26, 1969.

Hon. John Brademas,
House of Representatives,
Washington, D.C.

Dear Congressman Brademas: I write in response to your letter of 13 May 1969 requesting my views on H.R. 10570 and H.R. 10136, bills now before the Special Sub-Committee on Education of the House Education Labor Committee.

The first of these bills would create a Federal Higher Education Mediation and Conciliation Service. I am very doubtful that the establishment of such a service by the Federal government would be wise. The recent disruptions on campuses throughout the country are surely a cause for national concern. On the other hand, I believe that the resolution of the problems which have caused the disturbances and, also, the control of the disturbances will be handled best at the local level. It would be extremely difficult for a central agency to mediate in view of the wide variation among institutions with regard to the issues which underlie the disruptions.

With regard to the second bill, which would provide for termination of assistance to universities where disorders occur, the language of the proposed bill seems extremely vague regarding the designation of institutions where financial assistance would be suspended. It is not at all clear what corrective measures on the part of an institution would be accepted as "appropriate" or how much time an institution could assume to be available for corrective measures.

A more important reason why I should oppose the bills under consideration is that I believe that the existing body of law provides adequate avenues for a university or college to bring disruptions under control. During recent weeks, it has been gratifying to note a growing tendency for university administrators to use court injunctions in their efforts to maintain order on their campuses.

I hope that these comments may be useful to you and your colleagues in your deliberations over these very important issues.

Sincerely yours,
Edgar F. Shannon, Jr.,
President.

University of Illinois,
May 22, 1969.

Hon. John Brademas,
Hon. Ogden R. Reid,
House of Representatives,
Washington, D.C.

Gentlemen: Thank you for your letter of May 13 in which you ask for my views concerning the provisions of H.R. 10136 and H.R. 10570.

I am opposed to the adoption of both bills and welcome the opportunity to give you my reactions concerning them.

H.R. 10136, requiring "the suspension of Federal financial assistance to colleges and universities which are experiencing compus disorders and fail to take appropriate corrective measures forthwith" would induce an improper involvement of the Federal Government in the management of colleges and universities. It would vest in the Commissioner of Education the authority to define what is a "disruption." Furthermore, while we know that there are degrees of disorder and disruption, the bill makes no provision for varying degrees of penalty. The bill also vests in a Federal official the power to determine what are "corrective measures." Finally, to penalize all students for the acts

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of a few, as would result from the application of the provisions of this bill, would be provocative rather than preventive of disorder. In general, H.R. 10136 is based upon the premise that administrative officers are derelict in their duty and require external force of the kind proposed. No authoritative inquiry into campus disorders can justify any such conclusion insofar as the greater number of institutions are concerned.

Section 2 of H.R. 10136, providing for termination of Federal assistance to any member of the teaching staff who has participated in a "violent demonstration, riot," etc., is less objectionable than Section 1. However, I believe that most universities have statutory provision for dealing with teaching staff who participate in such activites and are in a position to define appropriate penalties. If the Congress should adopt this bill, the responsibility for determining the facts in a case would be best vested in the Courts rather than in the Commissioner of Education. The resultant penalty would then be dependent upon a Court conviction.

H.R. 10570 would provide for a Federal Higher Education Mediation and Conciliation Service. In my view, the creation of such a servce would be an open invitation to dissident students to be disruptive so that the provisions of the bill could be invoked. In short, this bill would strengthen the position of dissidents rather than strengthen the capability of the universities to deal with student affairs.

The very concept of medation is based upon common equities and equal authority. The establishment of a mediation service would in fact, enhance student power in a way that would make the task of university law enforcement much more difficult.

Sincerely,

David D. Henry,
President.

Wayne State University,
Detroit, Mich., May 27, 1969.

Hon. John Brademas,
Hon. Ogden R. Reid,
House Office Building,
Washington, D.C.

Dear Congressman Brademas and Congressman Reid: Thank you for your letter of 15 May asking my opinion on the two bills, H.R. 10570 and H.R. 10136. H.R. 10136 is a fair representative of many of the bills introduced in the last year. H.R. 10570 is a new view, and it is to that one that I wish principally to speak. My feelings on H.R. 10136 and the others of its kind will no doubt be made clear in my discussion of H.R. 10570.

The passage of H.R. 10570, a bill to create a Federal Higher Education Mediation and Conciliation Service, would impose an adversary context in university affairs, which necessitates the setting of one segment of a community against the other in publicly drawn sides. Once such an adversary line is drawn, one side will have to indicate its gain by demonstrating a loss sustained by the other side. This is foreign to universities in America. Such a polarity, clearly drawn and publicly aired, would do irreparable damage to the integrity of the community, that is, to the American university, perhaps forever.

In an adversary, or bargaining, context, the essential freedoms of a university can be no more than items of greater or lesser value in a trade-off situation. By reducing academic freedoms to the dimension of things that can be traded, their integrity is substantially diminished, if not destroyed, and we have, therefore, both a shattered community and a shattered set of values.

The only justification for the federal government, or for any external, non-academic body, to intervene in the internal affairs of a university is if one university is set against another with the aim of one to try to do damage to the other. Clearly this is not the case.

To try to organize, even in abstract concept, the segments of a university community—faculty, students, administration, support staff—into a system of trade-union or labor-management models negates the *raison d'etre* of the university at its most fundamental level. The pursuit of knowledge, the airing and testing of diverse opinion, the examination of old and the quest for new views of society are all essential and legitimate activities of a university in America. But, under a set of mediation regulations these cannot be factors since they are value matters and not "practical" matters, and a mediation board would be called on to decide which knowledge is best, or "right" to pursue, which opinions and how diverse should be aired and tested, and which views of society, either new or old, should be examined.

Disorders on university campuses are world-wide. If they were limited to certain regions of the United States the idea of a conspiracy could be entertained, investigated, and probably substantiated. This is not the case in 1969, nor has it ever been, in my opinion. A disorder on a campus is, much more often than otherwise, a manifestation of a universal misease. The disorder is a symptom of a problem, although of course it is frequently a specific problem which requires a specific solution, but that is fleeting. A campus disorder is symptomatic of problems of society, not of a university. No university is perfect—perfectly relevant, perfectly funded, perfectly staffed, perfectly managed—and the cause of disorder on each university campus varies from campus to campus, but over them all is a cause that is to be found outside and not inside the university. To pass legislation that has the effect of restricting this or that aspect of university activity because it violates this or that segment of this or that federal agency's guidelines is inappropriate and is therefore purely punitive.

A world-wide tension over the re-ordering of long-held social values is basically the cause of campus—and city—disorders. Serious questions are being asked by serious-minded young people about things as big as our national priorities and the allocation of federal resources. I received a letter very recently from one Michigan congressman who said, in part:

". . . there is no strategic justification for sending $30 billion a year and our best young men to Vietnam when we have a more serious need for these resources here at home. We need to question anew the rationale for so much of our budget going for military purposes while it falls short of our needs for human development in our own country."

On American campuses today, and for the past few years, there are and have been many young men and women attuned to even a hint of social injustice and they are, like their elders, impatient because the social system seems not to be solving or eliminating these inequities quickly enough. Unlike many of their elders, they have developed a taste for direct action since their experience is that it works where nothing else ever has.

To give time, people, and money ($1 million each year for this mediation board) to external regulation of intra-university affairs is to hide one's national head in the sand. It is to avoid coming to grips with the real issues, and it is to obscure a real disease by treating a mere symptom.

I believe that Congresswoman Green is trying to act in the best interests of American universities by trying to relieve them of the burden of grappling with some of these terribly difficult problems and, at the same time, trying to protect them from the imposition of restrictive and strangling punishments for disobedience of federal laws. I commend Mrs. Green for cutting through much of the heated rhetoric that has arisen over disorders on American university campuses, but I feel that a Federal Higher Education Mediation and Conciliation Service is not going to help solve the true problems that occasion these disorders.

Thank you very much for giving me an opportunity to express my opinions. I hope they will be of help to you in your deliberations.

Yours very truly,

William R. Keast.
President.

Earlham College,
Richmond, Ind., May 19, 1969.

Hon. John Brademas,
House of Representatives,
Washington, D.C.

Dear Congressman Brademas: I am grateful for your sending me copies of the bill to create a Federal Higher Education Mediation and Conciliation Service (HR 10570) and a copy of a bill terminating assistance to universities where disorders occur (HR 10136). I would like to express my feelings on both of these subjects.

The idea of a Federal Higher Education Mediation and Conciliation Service fills me with a sense of absolute horror. I understand the fine motives which prompt it, but I am absolutely convinced that rather than reducing the amount of dissension and disruptions on college campuses it will substantially increase the likelihood of such disruptions. I feel that such a proposal will give major encouragement to dissident students or faculty members to push disputes to the final limits and would in fact weaken the powers of the administration to deal with these problems. On every campus there will likely be a few faculty members and some students who delight in playing the role of campus lawyer. By creating this mediation service I see disputes that could be resolved swiftly being dragged out for many months or years.

The one million dollars per year which it is proposed to spend on this service could much more profitably be applied to any number of pressing needs in the field of higher education.

As to HR 10136, a bill to suspend federal financial assistance to colleges where disorders occur, let me say again that I am highly in sympathy with the intentions of this bill: to discourage campus disorders. However, here again I think the remedy may compound problems rather than solve them. One of the major difficulties in applying such legislation has to do with the problem of interpreting the phrase "at which . . . the administrative officials of such institution fail to take fair corrective measures forthwith." How is the Commissioner of Education to determine what are "appropriate corrective measures?" Every college disruption episode seems to take a different course, to arise out of different immediate problems and to pose differing kinds of administrative challenges. Some measures will work one place, but not work another. Some measures are appropriate in one set of circumstances, but not in another. I see chaos compounded by the adoption of this well-intended but unrealistic bill.

I have a number of views on the whole question of student disorders which I would be pleased to have a chance to lay before the Congress, but to do this I would want to appear to give testimony in person or to submit a considered document. If there is any interest in my contributing such comments, please let me know.

Sincerely,

Landrum R. Bolling.

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CARNEGIE CORPORATION OF NEW YORK,
May 19, 1969.
Hon. JOHN BRADEMAS,
Hon. OGDEN R. REID,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMEN BRADEMAS AND REID: Thank you for your letter of May 13 in which you ask for my reactions to two specific proposals before the Education Subcommittee.

Before commenting on them, I should like to express my own feelings about student unrest. Much of it stems from problems in society at large. Some of it, however, comes from legitimate concerns of students that programs, policies, and governance in higher education are inadequate and hidebound. None of these grievances, however justified, can be an excuse for violence or interference with the rights of others. The small minority who engage in these activities do not speak for most students, but I do think that a majority of our college youth (including the most able students) are profoundly concerned about the state of their country and their educational institutions. The overriding question is how to make constructive progress in line with the concerns of this majority without pushing them and their faculty allies into the ranks of the militants through unwise measures for the very necessary control of violence. This is a complex and difficult matter. The problem and the solution will be different on each campus, and no panacea is likely to be effective. Each campus must work out its own salvation. In my view, any legislative action at the state or federal level should be concerned with positive and constructive ways to help individual institutions to cope with their own stresses and strains. H.R. 10136 is the worst kind of legislation. It is unenforceable (how can the Commissioner of Education decide or prove in each case whether or not the corrective measures taken by administrative officers are "appropriate"?). It would penalize all students and faculty, not the minority who are causing the disorders; and by thus crippling the university, it would play into the hands of the SDS and their allies who want to tear down the institutions. This repressive measure would do more to stir up unrest on the part of moderate students and faculty than any approach I can imagine.

On the other hand, Mrs. Green's bill, H.R. 10570, is obviously an attempt to find a constructive role for the federal government. I am afraid, however, that it would not accomplish its goals. It runs counter to the traditions of institutional autonomy, even though calling on the mediation service would have to be voluntary on the part of some party to a dispute. I cannot believe that such a federal agency would be called upon by any legitimate group. As an agency of the "establishment", it would be suspect in the eyes of students in particular. Trustees, administrators, and faculty would see the use of a federal agency as a denial of their rights and prerogatives to manage their own affairs. Moreover, the bill proposes to treat the symptoms rather than the cause. The proposed Service could deal only with immediate issues, not the more fundamental matters involved. The latter have to do with the capacity of colleges and universities to change their ways in the face of rapid social changes in the country and in the world.

You asked what specific suggestions I might have. Let me try one. My suggestion assumes that student unrest, however disturbing to the public, is best regarded as an institutional matter and should be dealt with on that level. It also assumes that intelligent change is necessary on many campuses. It might be very helpful, therefore, for the federal government to provide funds (only very modest sums would be needed) for institutional self-studies on the subject of governance and student unrest. I would envision a fund administered by the Office of Education with as little red tape as possible. On a few campuses now, trustees, administrators, faculty members, students, and community representatives are coming together for a thorough, open, and honest examination of ways to make colleges responsive to social change. If modest funds were available outside the tight university budgets to pay for such meetings, preferably at an off-campus site and with background papers prepared in advance, many more institutions would conduct self-studies with careful planning and preparation. These examinations might go a long way both toward restructuring the governance of institutions, as desired by the majority, and toward providing appropriate control of those who might still be a small dissident minority. Such an idea would, it seems to me, place the federal government in the position of taking a positive rather than a negative step toward the resolution of our campus difficulties. I am very fearful of the results of repressive measures.

I think you can regard this letter as representing the collective judgment of Carnegie Corporation's staff, as a number of my colleagues assisted me in the drafting of it.

Sincerely yours,
ALAN PIFER.

RHODE ISLAND COLLEGE,
Providence, R.I., May 23, 1969.
Hon. JOHN BRADEMAS,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BRADEMAS: I am responding to your letter of May 13 in which you and Congressman Reid requested my views on two proposed bills: H.R. 10570, to create a Federal Higher Education Mediation and Conciliation Service and H.R. 10136, a bill terminating assistance to universities where disorders occur.

(1) I am opposed to the proposal for a Federal Mediation Service, although I realize that its proponents mean to be helpful. I believe that such a proposal, if enacted, would add to our difficulties, however.

My reasons briefly stated are as follows: First of all we are witnessing all too many instances of the erosion of institutional self-governance. The proposed Mediation Service could and would be used by those forces seeking to undermine the fading authority available to college administrators today. Secondly, I believe the proposal is naive in that the committed radical and revolutionary groups such as SDS have no interest in mediation but in harassment and disruption. One of the charges of the New Left is that our Federal government is corrupt and illegitimate and that colleges and universities, by their link with the Federal government, also become partners in this corruption and illegitimacy. In fact, almost all of the disorders on our major campuses have had as their targets policies and programs related to the Federal government. Thus, issues have included the War in Vietnam, defense-related research, ROTC, the draft, etc. How could a Federal Mediation Service intrude in a campus torn by such issues in which the Federal government and its policies is held to be the "enemy."

(2) I am completely opposed to the concept involved in H.R. 10136. It seems to imply a policy of punishing the victim. I have never been in sympathy with the philosophy that holds the victim responsible for the acts of the criminal whether it be leaving one's car unlocked or failing to put bars on one's windows in a home. If you were to follow the philosophy implied in this bill, you would deny assistance to those cities which suffer riots and other disasters.

There are ample laws presently available to deal with the kind of behavior to which this proposed law applies. The problem is one of enforcement, and this problem is not unique to college campuses.

It would seem to me that there are two things which Congress and the Federal government could do to contribute to the amelioration of the present campus strife. The first of these would be to disengage from the unpopular involvement we have in Vietnam, reform the Selective Service System and try to change the mood of the country through more imaginative approaches to poverty, unemployment and such social welfare issues.

The second would be a more vigorous involvement of Federal law enforcement agencies in helping to expose and prosecute those individuals and groups purposely engaged in organizing disruption and violence on our campuses.

I thank you for your interest in seeking my views and I trust that the above will be of some help to you in your deliberations.

Sincerely yours,
JOSEPH F. KAUFMANN,
President.

THE FORD FOUNDATION,
New York, N.Y., May 16, 1969.
Hon. JOHN BRADEMAS,
House of Representatives,
Washington, D.C.

DEAR MR. BRADEMAS: This is in reply to the letter I received today from you and Congressman Reid asking for my comments on two Bills now under consideration by the Special Education Subcommittee of the House Education and Labor Committee. I am grateful for the opportunity to comment on a matter of very great concern to all who are interested in the good health of our universities and colleges.

As it happens, my own views as to the long-haul correction of the present disarray appeared recently in the *Washington Post,* and I enclose a copy of that article, entitled "Stitching Up Our Colleges."

In the short run, it seems to me to be most important to avoid actions which will impair the self-healing process of the universities themselves. I am afraid that a conciliation service may have the effect of pitting "interest groups" against each other and turning differences which should be settled on campus by improved deliberation and strengthened institutional loyalties into rehersals for off-campus adversary proceedings.

I fear, also, that the cutting-off of funds will put "backbone" into the demolitionists among the students, while reducing both the options of administrators and the sense of institutional responsibility of faculty, administrators, trustees, alumni, and serious students. I remain hopeful that the universities and colleges will increasingly police themselves in these matters and that it will not be necessary to impair their capacity for self-government so drastically as the proposed Bill H.R. 10136 would appear to do. As I read the text of that Bill, for example, the President, Faculty, and Trustees of the University of Chicago would not have believed that they had the option to "wait out" and thereby isolate disruptive students but, fearing a loss of government funds, might have called in the police. This could have "radicalized" the moderates and made internal punishment of the offenders far more difficult.

This is a brief treatment of a very thorny matter. I hope it may of of some help to you and the Special Subcommittee. Thank you again for the opportunity to comment.

Sincerely yours,
F. CHAMPION WARD.

STATE UNIVERSITY OF
NEW YORK, AT STONY BROOK,
Stony Brook, N.Y., May 27, 1969.
Hon. JOHN BRADEMAS,
Hon. OGDEN R. REID,
Congress of the United States,
House of Representatives
Washington D.C.

DEAR CONGRESSMAN BRADEMAS AND CONGRESSMAN REID: I thank you for your letter

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of May 13, inviting my comment on proposed legislation which you have conveyed to me, HR 10570 and HR 10136.

I have read both bills with care and solicited the opinion of persons on this campus with a particular interest in such legislation. I should like, with all due respect to the legislators who proposed the legislation, to state my strong opposition to both bills.

As to a Federal Higher Education Mediation and Conciliation Service, I recognize that it is the purpose of Mrs. Green, whose extraordinary labors on behalf of higher education we should all wish to commend, to offer a workable alternative to other proposed legislation directed against student unrest. I do not believe, however, that mediation and conciliation by an agency external to the campus would really be effective. The reason has mainly to do with the nature of the university community and the extraordinary differences between faculty and students on the one hand and management and trade unions on the other.

I believe that the cooperation of institutions of higher education and the civil authorities, is essential to preserve reason and civility on campus. It seems to me imperative, however, if we are to avoid progressive estrangement between campus and community and avoid increasing violence on campuses, that we recognize one principle particularly. This is that the discretion to solicit external assistance to deal with violations of the law and to develop new deterrents to lawlessness on campus, should, to the maximum extent feasible, be reserved to the leaders of the university. The legislation proposed would make it more difficult to get the support of students and faculty for steps necessary to discourage campus unrest; hence Federal legislation of this kind is actually counter-productive. I cannot emphasize this point too strongly.

The same considerations, it seems to me, weigh even more forcibly against the adoption of HR 10136 since the degree of the intervention into the affairs of the campus which it contemplates is so much more formidable.

It goes without saying that none of the foregoing is intended to condone defiance of the law or the use of violence on campus. My central point is that I do not believe that the proposed legislation which you have sent me would achieve its manifest purpose. I am grateful to you for soliciting my views about this legislation. Your interest in this institution is very much appreciated.

Sincerely,

John S. Toll,
President.

University of California,
Los Angeles,
Los Angeles, Calif., June 2, 1969.

Hon. John Brademas,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Congressman Brademas: I am responding to your inquiry of May 13, 1969, regarding the proposals to which H.R. 10136 and H.R. 10570 address themselves.

In my opinion neither measure would be of assistance at the present time might even exacerbate university difficulties. H.R. 10136 makes no reference or provision for due process and would be difficult of enforcement since "appropriate corrective measures" is too subjective a criterion to be useful.

H.R. 10570 suggests that settlement of issues between students, teachers and boards of control "may be advanced" by the establishment of a mediation and conciliation service. I, too, am doubtful, as apparently are the authors of the Bill, that such a service would be of assistance. In my experience opportunities for mediation and conciliation still exist within the institutions. It is the reluctance of student groups to utilize the existing channels which has prolonged attempts at conciliation. The introduction of an agency of the Federal Government at the request of one party to the discussion could be a further complicating factor in an already delicate balance of interest and power. Boards of control have, it seems to me, under existing arrangements, sufficient power to invite outside assistance should this be needed. The existence of a Federal agency would be used, I fear, as a threat over one or more parties to the dispute rather than as a facilitating agent.

The Federal Government can be of greatest assistance to the universities at this time by sustaining them in their efforts to offer enlarged educational opportunities to disadvantaged youth of all racial groups. Appropriate modifications of ROTC would also be of assistance and de-emphasizing classified research in connection with university activities. All these measures would effectively demonstrate to university students that they do not need to disrupt the university in order to call public attention to the need for rapid change in government and university policies in these areas.

Yours cordially,

Charles E. Young,
Chancellor.

Notre Dame, Ind.,
May 26, 1969.

Hon. John Brademas,
House of Representatives,
Washington, D.C.:

Appreciate Congresswoman Green's efforts for higher education, but find little support among my colleagues for suggested mediation service.

Regards.

Father Ted Hesburgh.

Washington University,
St. Louis, Mo., May 19, 1969.

Hon. John Brademas,
House of Representatives, Rayburn House Office Building, Washington, D.C.

Dear Congressman: Thank you for your letter of May 13, asking for my comments on H.R. 10570 and H.R. 10136.

I am afraid that Mrs. Green's bill would do more harm than good. As a practical matter, it probably wouldn't do much of anything; when, as is usually the case with the SDS and often with the black students, the issues are said to be "nonnegotiable" there is nothing much to mediate! Also, theoretically, the services of the government could be invoked as a means of keeping an issue alive and preventing a settlement, and thus prolong the troubles on a campus. My basic objection to the bill, however, is the analogy that it implies, between the relationships on a campus and the relationships of management and labor in industry. Every union member has a job to do, and is paid to do it; each student's job is to learn, and he pays for the opportunity to do it (or gets a scholarship!) The SDS and others are trying to get us to accept the notion that students are an interest group, warring with administration and sometimes with faculty. I think students should be, and fortunately mostly are, young learners in an intellectual community, to which they have come because of the skill and knowledge of their teachers. In principle, therefore, I feel that the Green Bill tends to play into the hands of the comparatively few dissidents whose conception of a university differs so sharply from my own.

As for the other bill, I would suppose that the SDS would be supporting it tooth and nail. If their objective is, as it seems to be, to destroy higher education in America, this is a good way to do it—or at least to cause grave harm to the many universities which receive Federal assistance in one form or another. All the SDS would have to do would be to hasten from campus to campus, causing substantial disruption. The administration might then take "appropriate corrective measures forthwith," whatever that may mean, only to have the revolutionaries disrupt the place again the following week—and so on and so on. I think that this is an open invitation to disruption.

I am sure that the authors don't mean it to be. I am well aware that these bills are introduced because of a real and deep concern about the disorders that have shaken a number of campuses. But I know of no proposed legislation that would effectively promote the maintenance of an atmosphere of free and rational discourse that is essential to the life of a college or a university.

I don't know about the special problems that confront some of the predominantly black institutions, but as for the rest, it seems to me that the integrity of the campus can be preserved *if* there is a sufficient awareness, within the faculty, of the nature of the extremists' attack on the institution. Legislation that is repressive in aspect could make more difficult the task that many administrators face, which is to obtain full faculty support based on real faculty awareness of the situation.

I made a speech on this subject the other night, and have to make another this week. I will try to write an outline of it this time, and will take the liberty of sending you a copy.

Sincerely yours,

Thomas H. Eliot,
Chancellor.

Washington University,
St. Louis, Mo., May 23, 1969.

Hon. John Brademas,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Brademas: Here is the outline of the speech, about which I wrote you the other day.

With best wishes,

Sincerely yours,

Thomas H. Eliot,
Chancellor.

Address by Thomas H. Eliot, Chancellor, Washington University, St. Louis County Bar Association, May 22, 1969

In this morning's mail was a letter from a lady in California, whom I have never met and who did not go to Washington University, telling me that she had planned to leave some money to our medical school but was now changing her will because she would not leave any money to any college or university. Also in the mail was a round-up of pending legislation in the Congress, relating to student unrest. Twenty-three Congressmen, in the United States House of Representatives, have proposed bills to provide that all Federal aid, for research or construction or anything else, would be cut off from any institution which experiences any disruption and fails to take appropriate corrective measures—whatever that may mean.

Clearly, student unrest is a matter of national concern. I don't want to try to explain the attitudes and feelings of so many of the younger generation; there are all kinds of possible explanations, and I don't think anyone yet has the complete answer. I want to talk, instead, about the campus disorders that have been so widely publicized by press and television, and have caused an amiable lady to change her will and a lot of well-meaning Congressmen to propose legislation that could only do more harm than good.

I should say here that I'm talking about the kind of university that I'm familiar with, and not about predominantly Negro colleges which have problems of their own. Sometimes these cause situations similar

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to those at other colleges; sometimes they are unique.

Nor am I dealing particularly with the activities and attitudes of black students on preponderately white campuses. These students are a special group, with their own important needs and aspirations. Mostly they have "done their own thing" separate and apart from the SDS and the many reform-minded students on our campuses. Again, however, sometimes their actions raise the same questions as the actions of other students, in terms of administrative and faculty response.

With these limitations on my subject, let me proceed.

It seems to me that public criticism of universities today is based on three assumptions.

First, college students are no good, or, at least, college students with beards and long hair are no good whatever.

Second, college administrators are spineless.

Third, the government should step in and straighten out the situation.

Let me take up these assumptions, one by one.

First, there are several million college students in America today. Many of them are just typical college kids. Some of them are serious, some lighthearted, all of them earnestly or otherwise trying to get a degree or a husband or get started on a career.

Many of them, including many who are very able and conscientious students, are highly critical of the society in which we all live. They are part of a worldwide discontent. They are in rebellion, more or less—rebellion against their parents, rebellion against their colleges, rebellion against society. Pretty nearly all parents realize the existence of the first of these rebellions. The third is the most important one, the rebellion against society: it is because of their discontent with society that they are particularly critical of that society of which they are most intimately a part, namely the college or university which they attend.

A minority of today's students, but I think a fairly substantial minority, are not only discontented about the wrongs that they perceive, but are sufficiently concerned so that they want terribly to do something about them. They are bubbling with ideas for improvement and reform—sometimes good ideas and sometimes very silly ideas, but at least, ideas. They are not revolutionary. They do not want to destroy. They want reform. They are young, and many of them may be really very naive—but they are in earnest.

Finally, there is the tiny minority of students who are simply out to destroy. They care nothing for reform. They care about issues only as issues are useful means for gaining support for themselves in their effort to destroy. They seem to exist on pretty nearly every campus. Their numbers are always small. At Washington University, I expect I could count this group on the fingers of both hands, possibly on the fingers of one hand; at Harvard, I doubt if the nihilists number as many as a hundred. They are, however, dedicated to their destructive cause, and they can be extremely effective if, through the development of a popular stance on particular issues, they can manipulate the thinking of the quite large number of reform-minded students.

The first job for maintaining, on any campus, the tradition of free and rational discourse that is essential to higher education, is to keep the handful of destroyers from gaining the support of any large numbers of naive of reform-minded students.

And the second task is to convince the faculty that the destroyers are just that—people deliberately committed to the destruction of the institution and all its values. A professor seldom sees these few students in action. He sees them in class, where they often perform very well indeed. He thinks of them as bright young men and women with interesting ideas. He sympathizes with their alleged desire to reform things. Very seldom are professors subjected to the confrontation and abuse that have become the daily fare of many administrators. Hence, I think, it is not really surprising that many faculties have thus far failed to make the clear distinction that I have just been drawing. But the chance for a restoration of calmness and reasonably good order on many college campuses rests considerably on their making that clear distinction at an early date.

The second assumption is that administrators are, practically by definition, spineless. This, I submit, is nonsense. A college president who calls the police is never called spineless; but really, it takes no more spine to call the police than it does to refrain from calling the police. If there is a violent disruption and you call the police, you are washing your hands for the moment of the responsibility for ending the disruption. That doesn't take any spine. But you do have to stiffen your backbone just the same because you know that you are going to be vehemently denounced by many students and professors for having called the police. If, instead, you refuse to call the police, you know darned well that you are going to have to stand up to almost unbearable abuse by hundreds or thousands of alumni, political leaders, editorial writers, anonymous telephone callers and self-appointed experts who know nothing whatever about how to run universities.

Either way, you've got to have guts. But really it isn't a question of backbone or guts at all. It is a matter of judgment.

No sensible university president is going to second-guess another university president. Circumstances are always different, from campus to campus. If I had been the head of Columbia last year, or the head of Harvard this year, I don't know when I would have called the police, or whether I ever would have. My own policy is to be ready to call the police when, in my judgment, police protection is necessary to prevent substantial injury. It is a matter of judgment—the chancellor's or president's judgment as to when, if ever, that moment has arrived.

A weighty factor in that judgment is the president's assessment of the results to be obtained. If violent police action is going to result in throwing the great body of moderate, idealistic, reforming students into the arms of the destructive extremists, then it may not be worth it. If, in addition, it is going to arouse virtually all of the faculty in support of the extremists, then, again, it may not be worth it. Remember that since before Columbia, a year ago, the most desired goal of the nihilist extremists has been to cause a confrontation that would result in a police bust. They have believed, with good reason, that this would be more disruptive than anything they could accomplish by themselves.

And so, the president has to make a choice of evils. When he decides which is worse—the results of not calling the police or the results of calling the police—he decides on the basis of his judgment. He thinks with his brain. You can't think with your backbone.

So much for the so-called spineless administrators. One reason for calling them spineless, perhaps, is because too often, there seems to be very slow and very light discipline meted out, even when the offenses committed by students have been grave. I suppose that the critics of the administrators don't realize that on many campuses, for many years, discipline is not handled by the administrators, but by the faculty. In modern times, indeed, it is often handled by boards or committees composed of both professors and students. I agree that the discipline has sometimes seemed much too light. The cure for that, as I have indicated, lies in the growing awareness of the professors that everything which they really value in the academic life is being endangered by serious campus disruption.

Finally, there is the assumption that somehow the government can step in and make everything all right again. My own fear is that repressive governmental action is likely to make things worse rather than better.

Remember what the administrator's critical job is. It is to keep the substantial number of reform-minded students from making common cause with the destroyers. It is to keep the faculty from making common cause with the destroyers. What I fear about repressive legislation, and the attempted intrusion of the government into the internal affairs of universities, is that such action could unify the whole campus community in a vehemently radical stance. In the resistance to outside repression, the extremists will have the best chance to become the real leaders of the campus. I am not for a moment opposing the enforcement of the law, but I am suggesting that new punitive legislation is likely to make things much worse, rather than any better.

The universities of the country are doing their job. At most of them, my own included, there have been demonstrations about one matter or another, without the university's business being interrupted, without any classes being cancelled, any research projects postponed, any damage done to the educational process.

The key people in that process are the students. From my own experience, I would say that there is great hope for the future in the kind of students that are now going to our good colleges and universities. Especially there is hope for the future in the concerned reform-minded students, who are able to learn and to care at the same time. We do have an imperfect world, to put it mildly. We do need able and concerned young people to try to put it right. We do need to help them to grow up as educated men and women, without losing their idealism and their concern. That, I think, is right now the most important thing that our colleges and universities can do and are doing; and if *we* care—if the university administrators and the professors care, and I think we do—then we can accomplish this vital and indeed noble task. We can do this if, without condoning violence, we recognize the need for improvement in our own institutions and welcome proposals for constructive change. We can do this if we have the judgment—not the spine, but the judgment—to prevent the few destructive extremists from winning the hearts and minds of their fellow students.

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., May 26, 1969.

Representative **JOHN BRADEMAS**,
Representative **OGDEN R. REID**,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVES BRADEMAS AND REID: Thank you for writing to request my opinion about the two bills now under consideration by Congress on campus unrest. I have discussed both bills with members of my staff and we agree that they would not be useful legislation.

H.R. 10136 which calls for the suspension of financial assistance to institutions at which a major disorder has occurred and in which "no appropriate corrective action has taken place" opens a series of difficult questions with which both institutions and Congress cannot deal. There is no agreement nationally as to what constitutes appropriate corrective action and institutions are experimenting with various approaches. In some situations, immediate police action may be absolutely essential—in other situations, it is tragically unwise. In some cases, negotiations with students are vital—in other cases negotiations lead to complete capitulation. No one is prepared at the moment to support one course of action for all situations. Furthermore, the denial of aid punishes the institution as a whole and, in particular, the students who have had no part in the disruption. The suspension of aid may well decrease the ability of the University to solve its problems and for this reason actually increase the possibility of disruption.

H.R. 10570, which sets up a Federal Education Mediation and Coordination Service, is not feasible, in our judgment. While we support the general concept of conciliation, we believe this concept can best be carried out within the institution. In addition, the fact that a minority of faculty or students could initiate action under this bill may well hinder the progress of negotiations already underway on the campus at a critical time. To the extent that outside mediation is needed we would prefer to see efforts arranged through one of our national associations, if possible, such as the National Association of Land Grant Universities or the American Council of Education. This allows the continued involvement of the Federal Government at the level of assistance to higher education rather than supervision.

I hope these comments are helpful to you in your discussions of these bills. If I can be of further assistance, please contact me.

Sincerely,

Malcolm Moos,
President.

The University of Wisconsin,
Madison, Wis., June 3, 1969.

Hon. John Brademas,
House Office Building,
Washington, D.C.

Dear Representative Brademas: We have given thoughtful study to the two proposals you sent us May 13—H.R. 10136 and H.R. 10570—and while we appreciate that both are prompted by the desire of their authors to aid educational institutions in their effort to solve the problems of campus disorders, we do not believe that Representative Green's proposal, H.R. 10570, will provide much help on this problem, and we are convinced that H.R. 10136 would exacerbate the situation on campuses across the country.

In fact, H.R. 10136 would be called an enabling act for the rebels who want to close down our institutions of higher education. It carries no penalties for them—only penalties for the institutions they attack. It is so loosely drawn that a professor, trying to carry on his class in the face of obstructive tactics—and thereby participating in a disorder—could lose any federal assistance he held.

However, even making the bill more precise would not diminish the handicap it could be to the Regents, administrators, faculties, and students who are seeking to operate institutions within the policy stated in Section 1(a) of Mrs. Green's Bill.

The problem we see in Mrs. Green's Bill, H.R. 10570, is its injection of another party into situations already complicated by the many forces at odds on our campuses. The students are not of one mind when violence or disruption occurs on a campus—there usually are at least three positions stoutly defended by student government. The same holds for the faculty, for the board of control, and for concerned groups not empowered by the Bill to call upon the proposed mediation service—the administration, the alumni, and in the case of public institutions, the Governor, the Legislature, and the citizens of the State. One of the least publicized but one of the greatest evils of student unrest is the amount of distraction from more productive pursuits it causes as various concerned groups demand attention to their points of view. The injection of a federal agency into this situation—even a mediation agency—cannot but multiply these distractions. Frankly, those of us with active campuses seldom have finished with the various investigations, rule-making, and recriminations growing out of one situation before we are plunged into another on a different issue with different groupings of participants.

There is a tactic commonly employed by disrupters on our campuses which H.R. 10570 would make more effective. This is the making of demands on officials or groups who are without the power to grant them: demand that the faculty sell the institution's Chase Manhattan stock; demand that the regents install a pass-fail system which the faculty has studied and rejected; demand that the administration retain an instructor a department has voted to drop.

While such tactics can lead to disruptions, no amount of conciliation between the parties involved can settle them—the demands must be referred to the groups or individuals with the power to act on them.

Mediation could be effective in the settlement of disputes between concern parties who have a desire for settlement. However, our own experience is that when there is desire to settle, we can work out settlement without the help of an outside mediator.

Cordially,

Fred Harvey Harrington,
President.

Central State University,
Wilberforce, Ohio, June 3, 1969.

Hon. John Brademas,
Rayburn House Office Building,
Washington, D.C.

Dear Sir: I appreciate the opportunity to comment briefly on the bills H.R. 10136 and H.R. 10570. The laudable aims of these two bills are recognized. My comments are as follows:

H.R. 10136:

This bill could ruin some schools desperately dependent upon Federal assistance. It might be less debilitating to the financially strong schools. The greatest danger is that a school might be forced to close which would be a most unfortunate loss to our society. Most schools have already strengthened their provisions for dealing with disruption. Our own regulations are enclosed.

H.R. 10570:

This bill might have the unfortunate effect of further polarizing the schools into battling, hostile factions. The university should be a unit and all the forces should be mobilized to aid and encourage unity. A formal mediation procedure ossifies an antagonism that is basically unfortunate.

Very truly yours,

Herman R. Branson,
President.

Picker Corp.,
White Plains, N.Y., May 23, 1969.

John Brademas,
House of Representatives,
Washington, D.C.

Dear Congressman Brademas: Thank you for asking my opinion about the proposals now before your Subcommittee. The problem of student unrest has been taking a large part of my time and attention. I was a member of the Conference which the American Academy of Arts & Sciences convened for this purpose. An issue of Daedalus will soon appear on this subject. I was also one of the fifteen members of the American Council on Education committee to study campus unrest, the reaction to it, and what steps the university might take. Our report was recently issued by the ACE Board of Governors. As a trustee of two universities and a member of the National Science Board, the turmoil at the universities have repeatedly come to my attention. Most recently the trustees of Colgate requested me to represent them at the final negotiations with the group of students from the Association of Black Collegians, whose protests had been recounted in the newspapers.

My contacts with college administration and faculty, as well as my direct involvement in these problems, have convinced me that there are no simple answers to the problem. Legislation probably is needed. However, even the finest legislation will have drawbacks, and many of the bills suggested might prove markedly detrimental. You ask me specifically about H.R. 10570 and H.R. 10136. Although, having the highest regard for Mrs. Green and knowing of her wise and deep knowledge of the field of education, her bill concerns me in that it may produce exactly the reaction we are trying to avoid. Many student disruptions may be intensified and prolonged because of the added recognition and publicity which the students will feel can be gained by having a Federal mediator or conciliator involved. The effect is not unlike that which many believe is already being produced by television and newspaper reporting of campus disturbances.

Undoubtedly H.R. 10136 would be supported by many college administrators on the theory that it allows them to retain the power and decision as to what shall be done in case of disruption. Because it would have their support, it may be a workable solution.

However, the phrase "appropriate corrective measures forthwith" seems to me to be so vague that I would be concerned that decisions would depend more on the personal prejudices of the judge than on the objective standards of a real rule of law which you gentlemen are desirous of producing.

Nonetheless, my belief now is that many colleges cannot set their house in order. Someone else must. My personal reaction is that we shall have to ask you to help to hasten the transition through which we are going. From medieval times onward there has been a large element of "sanctuary" in the colleges and universities. Even today members of the college communities feel that they, like the students at places such as Oxford and Cambridge, should not be subject to the normal civil law.

On the other hand, in recent years, we have seen the members of the academic community feel that their special position has not always provided them with all the freedom and opportunities that they would have were they outside of that community; and so, they have asked for the civil law to be applicable to them in only those cases where it is to their advantage to have it applied. Much of this arose from the move toward civil rights.

It is no longer possible with our present ideas to withhold all the benefits of the freedom provided by no rules other than civil law from students and faculty. However, it is no longer desirable to allow them their former "understood" exemption from the civil law. Therefore, I would urge, if new legislation is to be made, it contain the following:

1. No person is exempt from any civil law because he is a member of a university.

2. The civil courts and civil police forces are expected to take prompt action to enforce civil laws on campus especially in the event of university disturbances. Thus, they would automatically react to campus disturbances exactly as they would to any other disturbance within the United States.

3. Neither the students nor the faculty shall be subject to jeopardy by their institution's regulations which are more severe than the civil law.

4. If experience dictates, appropriate state and municipal authorities are directed to form riot control units capable of handling disruptive processes with the least possible force and bloodshed. (It appears that neither the National Guard nor most State or local

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police are adequately competent to handle these disruptions effectively, yet with minimal force. It is my assumption that this is because they are being called upon to do a task for which they have not been specifically trained and indoctrinated.

5. As a corollary of the above, the Federal government will provide at least one-third of the training costs for any such special riot control contingents.

I know I have gone further than your question asking specifically about H.R. 10136 and H.R. 10570. However, the opportunity to utilize to the fullest your inquiry could not be resisted. I would be delighted to be of any further help which you believe possible.

Sincerely yours,

HARVEY PICKER.

WASHINGTON STATE UNIVERSITY,
Pullman, Wash., May 21, 1969.

Hon. JOHN BRADEMAS,
Rayburn House Office Building,
Washington, D.C.

MY DEAR MR. BRADEMAS: Thank you for inviting me to express my opinion on the bill to create a Federal Higher Education Mediation and Conciliation Service, and on the bill-terminating assistance to universities where disorders occur.

I look with strong disfavor on both bills. The setting up of a Mediation and Conciliation Service to step in to a campus disruption where communication is badly needed between the administration, the faculty and the students would seem most inappropriate. This is not akin to the signing of a labor contract where once a conciliation agreement is signed, the matter is settled. This is an ongoing problem where a continuing effort must be made by the administration to establish a better rapport on campus, greater understanding and easier communication between the various elements that make up the university community. An outside Service stepping in could make this effort much more difficult.

The bill to terminate assistance to universities where disorders occur would remove federal support if such institutions fail to take *appropriate* corrective measures forthwith. What is an "appropriate corrective measure?" A court injunction may halt the disruption temporarily but it may be completely ineffective in preventing further violent demonstrations. The problem of a president in deciding what an appropriate measure to select is that he must face the immediate crisis, but in doing so he must anticipate what the immediate "appropriate measure" will lead to the following week and in the weeks to come. Will it worsen race relations on a permanent basis? Will it alienate a large body of students who will look upon their fellows as martyrs? What would appear at first glance to have been a highly appropriate measure for a president to take may prove to have been questionable in the long run. Under such circumstances, the punitive removal of federal assistance would appear to be highly undesirable. College and university presidents have learned in many cases that what they thought were appropriate measures have been ineffective. I believe that now, under siege, they are turning to sterner solutions. But let us not penalize them financially through their institutions for a solution which did not produce the hoped for result.

Sincerely,

MRS. HENRY B. OWEN.

THE UNIVERSITY OF CHICAGO, THE
DIVISION OF THE SOCIAL SCIENCES,
Chicago, Ill., May 7, 1969.

Congressman JOHN BRADEMAS,
House of Representatives,
Washington, D.C.

DEAR JOHN: I have your note of May 1st and appreciate your sending me HR 10570 together with Mrs. Green's remarks in the Record of April 24th.

Incidentally, as I think you know, I am Chairman of the Advisory Editorial Board of the College and University Reports published by Commerce Clearing House and, at my suggestion, HR 10570 was sent to all subscribers as CCH Special 91–7 in order to encouarge reactions from various institutions if they were so minded.

On a kind of a preliminary basis a number of questions occur to me. All of us, I think, can understand and sympathize with Mrs. Green's concern that, "I think it should be made abundantly clear that I do not encourage federal interference in the internal policies of our institutions of higher education." If you review the circumstances of the most prominent disruptions, i.e., university academic and accommodation arrangements with ROTC—Harvard, Dartmouth, etc.; university academic and accommodation arrangements as to classified research—Stanford; and university faculty appointment and curriculum procedures, particularly as related to black studies—Harvard, City College New York, or, on a more generalized basis the University of Chicago, you are discussing internal policies.

Mediation in labor disputes, as the Ross paper points out, presupposes the existence of two parties, i.e., the employer and the labor union, each of whom are entities capable of contract. As a matter of fact, the federal labor policy endeavors to encourage this situation by procedures leading to the certification of a recognized bargaining agent. I am not at all sure that this parallel exists, or would be viewed as desirable, in student-university relations. Lacking this assumption, the mediation premise may be neither applicable nor effective.

Hope to see you soon.

Sincerely,

JULIAN H. LEVI.

THE UNIVERSITY OF MICHIGAN,
Ann Arbor, May 26, 1969.

Hon. JOHN BRADEMAS,
Hon. OGDEN R. REID,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

GENTLEMEN: Your letter of May 13 to President Fleming, concerning the study of problems of student unrest, arrived after Mr. Fleming had left the United States for a brief period to carry out some assignments in the Middle East.

President Fleming's views on the proposed Federal Higher Education Mediation and Conciliation Service have been set forth in a letter to Chairman Green, dated April 21. I am enclosing a copy of that letter.

You have also asked for comments concerning the bill which would terminate assistance to universities where disorders occur. While we have been fortunate enough to avoid disorders at The University of Michigan, we strongly oppose this approach for the reason that it could severely damage an entire institution, and handicap literally thousands of students, because of misbehavior on the part of only a few. Furthermore, considering the fact that many hundreds of institutions would be affected, we do not think that the Commissioner of Education, as a practical matter, would be in a position to make an accurate judgment as to whether administrative officials had taken appropriate corrective measures, and whether disorders were likely to recur.

Sincerely yours,

ARTHUR M. ROSS.

THE UNIVERSITY OF MICHIGAN,
Ann Arbor, April 21, 1969.

Hon. EDITH GREEN,
Chairman, Special Subcommittee on Education, Rayburn House Office Building,
Washington, D.C.

DEAR MRS. GREEN: Russell Trackrey has asked me to respond to your inquiry about the proposed Federal Mediation and Conciliation Service in Higher Education. He has indicated that I am Chairman of an NASULGC Committee on Student-Faculty-Administrative Relationships, and I am referring the matter to the members of that Committee. Since this will take some time, I am responding in my individual capacity. I do not know whether my colleagues would concur with me.

So that you will know the background from which I speak, may I say something about my familiarity with the field of conciliation and mediation. I have held a faculty appointment in the universities of Wisconsin, Illinois and Michigan for twenty-two years. During that period I have been Director of an Industrial Relations Center, Director of an Institute of Labor and Industrial Relations, Professor of Labor Law, Chancellor, and President of one or the other of the institutions named. During all of this period I have also arbitrated and/or mediated hundreds of labor cases. I am and have been on the panel of the Federal Mediation and Conciliation Service, and the American Arbitration Association. I have heard cases all over the United States and in almost every conceivable industry. I have been President of the National Academy of Arbitrators, which is the professional association of arbitrators. I have consulted with innumerable companies and unions. I have written widely in the field of industrial relations, and lectured and studied in various of the Western European countries. I still retain membership on the Atomic Energy Commission's Labor-Management Panel, and membership on the UAW's Public Review Board (to review grievances of union members against the union). I have been Chairman or a member of several Presidentially-appointed Emergency Boards under the Taft-Hartley Act.

I say all of this only to make the point that I am thoroughly familiar with the mediation process and thoroughly committed to it. I have, as the President of a great University, no fear of outside mediators. I can see at least two advantages that might flow from the availability of a Federal Mediation and Conciliation Service in Higher Education. One is that insofar as some of us are unduly sensitive about what would be called in industry our "management prerogatives," outside mediators might be helpful in reassuring us that control of our institutions will not be lost simply because authority is shared in various ways. Certainly this is the history of mediation in the field of labor-management relations. The other is that an outside agency might in some cases offer frustrated students help in opening up channels of communication within the institution, and it might also reassure the public that rational discourse was taking place even though distasteful things were happening on campus.

Having said this, and having indicated my favorable attitude toward mediation as a process, I must nevertheless say that I have serious reservations about whether the Federal Mediation and Conciliation Service in Higher Education will help in resolving the problems which bother your committee. I say this for the following reasons:

1. Many current campus disturbances resolve around black students. In the past year or two I have explored with black students and black adults the possibilities of mediation in helping to resolve their problems. They tend to be hostile to the idea. Their theory, which is not without merit, is that mediation simply means compromising their claim to full citizenship in a society which professes to offer them equality, but does not in fact do so. There is every likelihood that the black population will reject the mediation concept.

2. Unlike labor disputes, campus disorders are often characterized by a lack of any leadership which is capable of bargaining. SDS, for instance, takes pride in a kind of rotating bureaucracy which is dependent, at any moment in time, on a vote of all persons

who happen to be involved. Mediation is not very effective when there is no leadership which has the power to control its members.

3. Most universities can deal, with some degree of success, with disputes which do not involve physical force or seizure of property. In the face of such tactics an industry might very well simply close down until economic pressure forced workers who seized a plant to engage in a rational discussion. A university cannot so easily close down, and in any event those who are participating in the illegal act often constitute only a very small number of the total student body. Typically those who engage in such extreme tactics are not interested in mediation and in fact label their demands nonnegotiable. Mediation is successful only when both parties genuinely want an agreement, and in the case of the extremist tactics which bother your committee it is, sad to say, an error to assume that rational discourse or agreement is wanted.

4. Timing, in connection with the establishment of such a service, would be a real problem. Trained personnel, unless borrowed from the labor field, are not readily available. Many academic people who know the labor field, and who also know universities, might be retained on an *ad hoc* basis, but would be unlikely to accept full-time appointments. I have trouble envisioning a service available in less than a year from now. Moreover, the extremist tactics which so exaggerate the whole problem, are typically spontaneous and have to be dealt with rather quickly, often before such a service could be of value.

One final comment. Despite my reservations about the usefulness of a Federal Mediation and Conciliation Service in Higher Education, if there is real support for it I should like to propose changes in language in certain sections of the act which would make it more realistic in its application to the academic world. I believe I can do this from the standpoint of one who knows both the world of mediation and the university.

I am conscious of the urgent desire of your committee to be helpful to the academic world in its hour of travail, and I do not like to be critical without trying also to be helpful. If I can, as an individual, or jointly with others from the university world, be of help to you in further considering this or other legislation, I shall be glad to do so.

Sincerely,

R. W. FLEMING.

INDUSTRIAL JURISPRUDENCE AND THE CAMPUS

(By Arthur M. Ross)

In requesting me to to speak on this topic, the managers of the conference appear to be assuming that arbitration experience provides useful training for handling student unrest.

It is not difficult to understand why the proposition might appear plausible. A good case in point is the distinguished President Emeritus of the Academy, Dr. Robben W. Fleming, who now serves as the chief executive officer at the University of Michigan. Dr. Fleming was planning to be with us at the Broadmoor today, but has been deterred by a series of recent developments. These include a budget recommendation even more inadequate than usual, requiring an urgent summit meeting with Governor Milliken; a threat of coercive tactics by student radicals who oppose language requirements for the B.A. degree; a rent strike in Ann Arbor being conducted by another student group; a presentation of Greek tragedy performed by a New York theatre company, including two scenes played entirely in the nude; and a resolution by the State Senate to investigate what is going on at college and university campuses. Individually these developments are not too alarming, but collectively they inflated the presidential workload to such an extent that Dr. Fleming asked me to convey his regrets and apologies.

A number of other Academy members have assumed administrative responsibilities in higher education. Arbitrator Archibald Cox, himself abstaining from the fray, has authoritatively chronicled the trauma on Morningside Heights. Arbitrator Ron Haughton was imported from Detroit to mediate the struggle on the campus of San Francisco State College, where members of the Northern California chapter feared to tread. Arbitrator John McConnell has been President of the University of New Hampshire for the better part of a decade, but his extensive arbitration experience seems to have been wasted, for not a single newsworthy sit-in, strike, seizure or other confrontation has occurred at that institution.

In some ways the arbitrator's suitability for top positions in higher education is quite evident. His rabbity countenance, furtive expression and apologetic manner provide ideal camouflage for the commander in chief of a complex organization whose warring factions are united only on total rejection of his authority. For ceremonial dinners which occupy most of his evenings, he has the useful talent of appearing awake while actually asleep, shielding his eyes with his hand as if engaged in profound thought. If he has ever served on a railroad emergency board, he is prepared to survive committee meetings so inordinately protracted, repetitious and stupifying as to drive any normal man into the waiting arms of a straitjacket. Clearly the arbitrator's background is *relevant*, to use a word itself charged with extraordinary relevance.

Perhaps the case could rest here, but it may be instructive to explore the matter somewhat more deeply. The reason is that, however good or bad the analogy between labor problems and student problems, a comparative analysis can be helpful in understanding both. I will discuss various aspects of student relations from this standpoint.*

WORKERS AND STUDENTS COMPARED

To begin with, consider the similarities and dissimilarities between the industrial situation and the campus situation. Although there are some comparable features, the differences are considerably more impressive. While the analogy is superficially attractive, it is apt to be mischievous and misleading if taken too seriously.

The employees of an establishment or industry are a fairly stable group unless the turnover rate be unusually high. Students, in contrast, come and go with bewildering rapidity, except for a few perpetual graduate students; so that a generation of students must be reckoned as three or four years rather than thirty or forty.

Workers grow older, have children, move to the suburbs and settle deeper into their grooves or ruts. As society grows more affluent, workers have an increasingly conservative posture. Students, on the other hand, come to the university in the most rootless and tumultuous phase of their lives. Typically they have outgrown the families of their childhood but have not yet established the families of their adulthood. The more promising the student, the more his ideas and values are in ferment. A student body, in consequence, is a self-renewing whirlpool of energy, idealism, confusion and discontent. If the industrial worker is a blue-collar conservative, the student is a turtle-necked radical.

LABOR ISSUES AND CAMPUS ISSUES

Labor-management problems are generally conventional and predictable, being rooted in identifiable economic interests. The subject matter of student protest, on the other hand, is variable and unpredictable. Some issues are capable of being handled by the university as it is, e.g. visitation rules in student residences, language requirements in the literary school, courses in African history. Others would require a basic change in the character of the institution: For example, a demand that the univesity admit all black applicants, or devote itself mainly to direct social action in the urban crisis. Still other issues, such as Vietnam or selective service, are entirely beyond the power of the university. Where student protest has become institutionalized as an established part of the scene, it will float from crisis to crisis in a kind of moving disequilibrum.

Most union members are glad to play a passive and acquiescent role if the union leaders deliver sufficient bacon with sufficient frequency. The student activist, on the other hand, demands authentic personal involvement. Direct participation is more important than results. The activist has little patience with organizatioanl discipline; he does not want leaders to fight his battles; his view of conflict is existential rather than instrumental.

Thus there is no vested student leadership with whom university administrators can deal in the way that employers deal with established union officials. On an activist campus one sees a fleeting progression of evanescent Societies, Committees, Councils and "Movements," with a rapidly changing cast of characters. The existence of a few aging veterans in the national SDS, such as Mark Rudd and Tom Hayden. does not change this situation in any significant way. Under these circumstances, student relations do not lend themselves to the stable, oligarchical and bureaucratic equilibrium which is characteristic of so-called "mature" labor-management relations.

Finally, there are crucial differences in the structure of disputes in industry and on the campus. Normally the industrial dispute has two parties, an employer and a union. This structural simplicity, combined with familiar business motives and predictable reactions, accounts for the fact that most labor contracts are negotiated without strikes and most strikes lead to a well-defined settlement.

There are exceptional cases, it is true, where the bargaining situation is more complicated. Perhaps the union is unable to control the rank and file membership, so that there are three "parties" rather than two; perhaps there are factional rivalries inside the same union, or between unions in the same industry; perhaps various industry groups in a multi-employer situation have conflicting interests. It is significant that in all these cases, settlements are more difficult to make and more unstable once achieved.

In contrast with the simple structure of most industrial disputes, let us examine the anatomy of the so-called Free Speech controversy at Berkeley during 1964–65. I select this one to illustrate a campus-wide issue of crisis proportions for the reason that I know it best, having been Chairman of the Berkeley faculty's Emergency Executive Committee.

Directly involved were four sets of participants—the Administration, the Regents, the faculty and the students, each with important sub-groups. There were severe problems of jurisdiction and communication between campus and state-wide levels of administration. The Regents were badly split on the basis of political party as well as geographical region, age and ideology. The Berkeley faculty, in its natural state, was greatly

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*The question of student participation in decision making is obviously related to student unrest. This question is so large and complicated in its own right that it was impractical to deal with it. Suffice it to say that students can participate legitimately and constructively in the government of the academic community.

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fragmented, as is generally the case in large universities; but the faculty was able to achieve substantial unity for the better part of a year. As for the students, I can describe them best as a family of concentric circles. The outer ring consisted of apathetic or unsympathetic students. Next came the sympathizers, a large group indeed when the Free Speech Movement was in its heyday. They did not belong to organizations and participated only at the huge mass meetings; but they could feel identification, excitement and vicarious purpose. Closer in was a more active element with civil rights experience in San Francisco, Oakland or the Deep South; and even closer were the members of political or social-action groups ranging from Young Republicans to the DuBois Club, but heavily weighted on the left. At the center, of course, was the FSM Steering Committee, headed by Savio and other leading figures, but even this was hardly a unified command. For if they could trust no one over thirty, neither could they trust anyone under thirty, not even each other.

The strategic possibilities and limitations in this situation seemed quite evident. First, it was important to have discussions with the protest leaders, but impractical to negotiate in the formal sense. Second, it was essential to establish defensible policies on "free speech" and student political activity, but unlikely that the Savio group would be satisfied, since they had embraced protest as a way of life. Third, the real negotiations must be centered on the Regents, the purpose being to establish conditions under which academic order could be restored. The faculty and most students must feel that acceptable policies had been adopted, and the destructive group must be isolated. The strategy was successful enough, and the Free Speech crisis simmered down in the Spring of 1965. But almost immediately came a sharp escalation of the Vietnam War, so that the calm between storms was short-lived indeed.

DOES ONE "BARGAIN" WITH STUDENTS?

Next, are the concepts and procedures of collective bargaining applicable in relations between a university and its students? Is there anything analogous to a bargaining relationship as we know the terms in its industrial context?

Workers are represented by bargaining agents, who enjoy the right of exclusive representation for any bargaining unit on the basis of majority rule. Who bargains for the students on a campus? It might be supposed that the official student body organizations, e.g. the Student Government Council at The University of Michigan, could serve as exclusive representative, but this is most unlikely. The concerns of activist students are too diverse, and their desire for direct involvement too powerful. At a reasonably active campus today, you will find perhaps half a dozen protest issues being pushed by an equal number of student organizations. They will profess to represent students in general but their actual constituencies are vague and ill-defined. The black students may constitute an exception, as a well-defined sub-group having a common outlook and internal discipline and claiming to represent themselves rather than students as a whole.

In labor relations, the process of negotiation results in a collective bargaining agreement. The essence of the bargaining agreement is its bilateral character. While the employer guarantees stipulated conditions of work for a specified period, the union underwrites that the employees will accept these conditions. As a result of this bilateral commitment, it is assumed that industrial relations will be stabilized, and industrial peace maintained, for the duration of the contract.

Academic administrators obviously do make "agreements" in the sense of promising to follow a certain course of action or policy, and of course they ought to keep their promises. Missing, however, is the bilateralism of the collective bargaining agreement. Student protestors, even the officers of recognized student organizations, are not in a position to commit other students, other organizations, or students and organizations yet to come. This is the reason why written agreements are not of much significance. Suppose the students sign an agreement. Nothing prevents other students from brushing it aside on the ground that the signatures were not really representative.

Some of the undertakings between a university and the official student government do have a contractual character, permitting them to be set forth as bilateral agreements. The same is true of relations with student newspapers and other continuing entities with definable rights and interests. The more difficult issues of student protest, however, fall outside these orbits.

If collective agreements are not directly transferable to the campus, how about grievance procedures? Reading the history of American education, one is impressed by the extent of paternalism, absolutism and capriciousness in the treatment of students. The current emphasis on fairness, respect and consideration is well nigh revolutionary. Today the attitudes of professors and administrators tend to be somewhat polarized at both extremes; for if some remain authoritarian, others have become apologetic, overindulgent and sentimental toward those whom they call "the kids"—and even 26 year old graduate students with wives and beards are called "the kids."

Undoubtedly most students, professors and administrators have a balance view, recognizing that rights go along with responsibilities and that if much is given, much should be expected. Still, so many decisions affecting individual students have to be made on a large campus that inevitably some of them are going to be unfair. This is doubly certain when computers are linked with humans in the decision process. If you have fought your unequal struggle with computers of telephone companies, department stores and book clubs, you will understand why students are apprehensive about the wondrous possibilities of "management science."

Individual students, therefore, should have avenues of complaint and appeal. Academic grievance procedures do not have to be as elaborate and complicated as those to which we are accustomed in industry, however. Difficult questions of contractual interpretation are not involved. The student thinks he is being treated arbitrarily and that the result does not make sense. What he wants most of all is that somebody look sympathetically at his individual problem and that corrective action be possible if the complaint does have merit.

Under the present circumstances, therefore, one level of appeal should suffice, and procedures can be informal and flexible. Probably it does not matter too much if the *ombudsman* is a senior faculty member, an Assistant Dean, a mature graduate student or some combination of these elements. The important thing is that the student be recognized as an individual and that his complaint be dealt with.

It can be expected that the faculty, who make most of the decisions which affect students directly, will resist any review of their actions much as policemen resist a Police Review Board of civilians. A faculty member is entitled to a presumption of regularity, because it is difficult for a third party to review an academic decision on its results. In a reviewing capacity I would want to satisfy myself that the decision was made carefully, rationally and fair-mindedly. If these requirements were satisfied, it would be difficult and perhaps unsound to make an exhaustive review of the merits.

I turn now to rules of student conduct and disciplinary procedures, concerning which there has been great controversy in recent years. Actually there are several disciplinary systems on a large campus. Violations of dormitory rules are handled by the housing group, cases of cheating are dealt with by the faculty, and other individual offenses such as stealing, intoxication, etc., by the deans. These traditional behavior problems are not too difficult so long as the institution moves quickly enough to shed itself of the *in loco parentis* function where it is no longer tenable.

Violations of law should be dealt with by the civil authorities. Clearly the university campus is not a privileged sanctuary where laws can be violated with immunity.

The bulk of the controversy over student conduct has centered on deliberate challenges to administrative authority and on coercive or disruptive tactics. There have been numerous attempts to negotiate detailed rules and regulations in this area, and on the whole they have not been very successful. If activist students themselves are pulled into the negotiations, the rule-making process itself can become a dangerous area of the conflict. If students are represented by so-called moderates, the activists will disown them and endeavor to undercut them. Anyhow, in today's atmosphere there is virtually no likelihood that students can be persuaded to join with their elders in writing effective rules to restrain the behavior of other students.

Despite all the talk about student-faculty groups writing the rules, or student judicial bodies enforcing the rules, the truth is that in this truly controversial area of discipline, administrators often have to proceed without much direct assistance. To have the support of the academic community is essential; but to expect students and faculty members to do the work may not be practical.

Is it desirable to have an elaborate set of rules governing protest activity? This can lead to endless disputation over trivial details, and imaginative attempts to test the rules at their margins. In the field of industrial discipline, we have seen that a simple "just cause" approach is a satisfactory basis for the regulation of conduct. Likewise, where student protest activity is concerned, perhaps it will suffice to characterize the central purposes of the university; describe the kind of environment which is essential; list the principal activities and functions which carry out the institutional purposes; and make it plain that substantial interference or disruption will not be tolerated.

When severe disciplinary penalties such as expulsion are being considered, students are entitled to receive due process and the law will protect that right. It is not necessary to simulate the courts of criminal justice, but a student should have notice of the charges, should be confronted with the evidence against him, and should have an opportunity to defend himself.

There are many ways in which the judicial function can be performed. It can be assigned to a student judiciary, to student-faculty courts, to a faculty committee, or to the deans and faculties of the major academic units on the campus. Faculty hearing officers can be used, and their findings and recommendations can be reviewed by administrative officers. As already noted, however, it is unlikely that students will be willing to judge other students. Extremely controversial cases can cause deep splits in the faculty, and faculty members will not devote a great deal of time to this kind of service. Moreover, a series of deliberate confrontations, marked by coercive and disruptive tactics, may lead to a crisis of such proportions that it can be handled only by the top administrators of the institution in consultation with the governing board.

If it is difficult to generalize concerning judicial procedures, it is quite impossible to make categorical statements about the ultimate sanction of calling in the police. To determine whether this dreadful expedient must be employed is the most exacting test of administrative judgment.

DEALING WITH STUDENT PROTEST

While the formal concepts and procedures of industrial relations have only limited validity on the campus, this is only part of the story. Some of the insights which are developed in the study and practice of industrial relations are quite indispensable in handling student conflict. Obviously arbitrators and mediators do not have a monopoly of these insights, since the great majority of successful university administrators do their work without benefit of industrial disputes experience. There are interesting elements in common, however.

I can make this point by describing some of the tactical and philosophical requisites for dealing with the type of student protest which most seriously threatens the stability of the university campus today.

1. As I have noted, many students are in a period of rapid personal change, as they experiment with various styles of life. It is important that they have a chance to find themselves before it is taken for granted that they are hard-core anarchists. This calls for unusual patience and a willingness to let issues remain unresolved so long as the campus environment remains viable. It is like dealing with the inexperienced leadership of a newly organized union. To insist that they be reasonable and businesslike is to rob them of important learning experiences.

2. Student protesters are inclined to talk big, make reckless threats, and paint themselves into a corner. They frequently need help of the type which mediators provide in labor disputes. They may need to know how the university will react if the threats are carried out, and how the scenario will unfold from one scene to another. They may need to be shown how to crawl off the limb if they desire. Perhaps the students will not listen, or will be completely rigid, but this should not be taken for granted in advance. If employers and labor leaders often need to be protected against their own awkward strategies, how much more is this true of students who wish to be regarded as adults but are not yet very mature?

3. A prime requisite is not to be afraid of students, no matter how menacing their vocabulary, no matter how curious their decor. Many academic dignitaries have lived their lives amidst exaggerated politeness and deference. In the face of hostility and disrespect they splutter impotently, lose their capacity to think and are apt to commit the most egregious mistakes. Student protesters should know that the administrators are not frightened, are willing to talk with them, and are capable of outwitting them if necessary. If you have dealth with the International Brotherhood of Teamsters, for example, or the Seafarers International Union, you are not likely to be overrawed by the SDS crowd or the Black Students Union on your campus.

4. The kind of skeptical detachment which develops in arbitration practice is also most helpful to the university administrator. The faculty must be accorded full respect without going overboard for the "community of scholars" mystique. The whole enterprise centers on the intellectual life of the faculty, yet they are entirely capable or narrow and conservative professionalism. If it is essential not to regard students as alien enemies because they infuriate alumni and legislators, it is equally essential not to grovel before students on the ground that they are "telling it like it is" and exposing the corruption of society.

5. Despite the importance of tactical sophistication, university administrators must try to do the right thing. This is not as silly as it sounds because even if one knows what is right, there is always the danger of getting boxed in so that the right thing cannot be done without losing face or yielding to force. This poses the familiar requirement of keeping one's options open and retaining fluidity of action.

6. Even when administrators do the right thing, there may well be a small but resourceful group of hostile, destructive students (or students plus non-students) to cope with. In this situation there are two absolute necessities. The first is to have the support of most faculty members. The second is to isolate the hard-core group from the rest of the students to the maximum extent. This is why instant police action and mass expulsion of disrupters is not so practical as it often appears to editorial writers and politicians.

Of course there are circumstances when the police must be called, and of course the university must be prepared to expel incorrigible students. But these measures will not really succeed unless the academic community as a whole is willing to accept them. This means that if a campus is badly split and has a weak sense of community, the administration may find it difficult or impossible to restore academic order when challenged by destructive forces. The tragic situation at San Francisco State is a case in point.

7. It would be easy for university administrators to yield to outside pressures, particularly when some of the complaints have merit, but what does this accomplish if it merely alienates the internal community? Likewise, it is easy to let the level of conflict on a campus escalate, but extremely difficult to deescalate. Institutionalized conflict provides an environment in which the most obsessed and self-centered of the students, faculty members, politicians and editorial writers come together at the front of the stage. Although they fight each other, they are really kindred spirits, like the generals of opposing armies. Together they can initiate a long night of tiresomeness for everyone else.

Thus the crucial task of the academic administrator is to maintain a strong sense of community while cultivating mutual understanding between the university and its outside constituencies. There is nothing so fragile as the sense of community; nothing so difficult to repair once it is shattered; but nothing so indispensable to the educational process.

MOTION PICTURE ASSOCIATION
OF AMERICA, INC.,
New York, N.Y., May 26, 1969.

Hon. JOHN BRADEMAS,
Hon. OGDEN R. REID,
House of Representatives,
Washington, D.C.

GENTLEMEN: Your letter of May 13 about bills being presently considered in the House Education and Labor Committee, has just been forwarded on to me by the University. I appreciate the opportunity to comment on the bills as well as upon other ways in which the Federal Government might be helpful in meeting the special problems faced by the universities.

Basically, my judgment is that the most important thing to be done by the Federal Government is to continue and expand financial support of higher education throughout the country. The most crucial need of educational institutions is to have the means to increase enrollment and educational opportunities for young people.

Much of the contemporary campus tumult is caused by the inability of the colleges and universities to meet the educational needs and ambitions of young people. And much of our inability to do so comes from a shortage of financial and educational resources.

Certainly colleges and universities have grave shortcomings. No one knows this better than those who are running them. But most of the shortcomings are ones which must be solved by the institutions themselves, given the kind of financial support and continuing faith of the nation.

I am personally convinced that most of the colleges and universities will find the means of coping effectively with the disturbances and disruptions on their campuses. The greatest contribution that can be made by the Federal Government is a reaffirmation of its belief that American colleges and universities can solve their own problems of discipline and order, and to back up that affirmation with continued moral and financial support.

Most colleges and universities are moving promptly to adjust their organizational structure and their techniques of internal government to meet the new and different situation in which they find themselves.

At first, many institutions were obviously unprepared for what happened and the shock of the unusual made it difficult to respond quickly.

Universities too must take care that in reestablishing order and comity, they do not endanger the freedoms of teaching and learning on which our educational life has been nourished.

My own University, Pennsylvania State, has had periods of tumult recently but the conduct of classes and the educational process has not been significantly interrupted. This is true on our University Park campus of 25,000 students, and of the several Commonwealth campuses throughout the state where more than 12,000 students are in full time enrollment.

Extensive involvement of students in the academic governing bodies of the University has been proceeding rapidly. A new experimental Office for Student Discussion has been set up on the advice of Mr. Theodore Kheel, known for his work in the field of labor-management mediation. It is too soon to judge the effectiveness of this office but the first indications look favorable.

This and other devices which may be set up at other colleges and universities can provide effective machinery for communication between students, faculty, administration and trustees. Each institution will find its best answer. Such an approach, by the responsible people at each school, I strongly believe, is far better than the intervention of state or Federal governments.

I believe most urgently that we should avoid any devices, either by government or individual institutions, which encourage the polarization of the university communities into organized or unionized groups dealing with each other as if engaged in collective bargaining.

If a special mediation service were set up by the Federal Government it could offer strong incentives for various groups on campuses, students and others, to organize themselves specifically for the purpose of drawing in Federal intervention. Strikes and other devices of labor-management bargaining could well be encouraged by the existence of a mediation service that would enable campus elements to go over the heads of university administrations.

I have personally had some considerable experience in labor-management relations and I think highly of the effective work of the Federal Mediation Service. I doubt, however, that it can effectively be utilized in the field of higher education.

In the light of these considerations I would strongly urge Congress not to pass legislation setting up special arrangements for Federal intervention for campus disputes.

Various proposals which have been made for withdrawal of Federal support in cases where educational institutions appear not to have acted effectively in dealing with campus disorders, would in my judgment place a new and very powerful club in the hands of those

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who do seek to disrupt colleges and universities. The threat of withdrawal of Federal funds could force faculty and educational administrators to yield to pressures they would otherwise appropriately resist.

For your information, I have been a member of the Board of Trustees of Pennsylvania State University since 1953. I am a member of the Executive Committee of the Board and Chairman of its Committee on Instruction.

I hope these comments will be helpful to you in your consideration of impending legislation.

Sincerely,

RALPH HETZEL.

MADISON, WIS.,
May 26, 1969.

Hon. JOHN BRADEMAS,
Hon. OGDEN REID,
Subcommittee on Education, House of Representatives, Washington, D.C.:

Although I have been a mediator in labor disputes I strongly oppose the proposed Federal mediation service for higher education, bill H.R. 10570. The constant intrusion of third parties could add greatly to the confusion and difficulties that now exist. A scheme to provide information about issues and their resolution on the various campuses might be very useful.

EDWIN YOUNG,
Chancellor, University of Wisconsin.

CLAREMONT, CALIF.,
May 22, 1969.

Hon. JOHN BRADEMAS,
House of Representatives,
Washington, D.C.:

Believe Federal mediation service for campus unrest would be serious mistake, leading to formal power alignment between students and administration with faculty in between. Constructive participation of students in universities governments should and can come thru firm patient and optimistic leadership.

LEWIS T. BENEZET,
President, Claremont University Center.

ARIZONA STATE UNIVERSITY,
Temple, Ariz., May 19, 1969.

Hon. JOHN BRADEMAS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BRADEMAS: This will acknowledge receipt of your letter of May 13, 1969.

The two matters outlined therein, on which your special subcommittee is presently holding hearings, are receiving the attention of the National Association of State Universities and Land-Grant Colleges.

Since national policy is involved, and since Arizona State University is an active member of that Association, I should like to be associated with the general positions which will undoubtedly be presented before this subcommittee by the Association.

Sincerely yours,

G. HOMER DURHAM,
President.

NORTHWESTERN UNIVERSITY
SCHOOL OF LAW,
Chicago, Ill., May 23, 1969.

Hon. JOHN BRADEMAS,
House of Representatives,
Washington, D.C.

DEAR SIR: I am replying to your letter of May 13 from Congressman Reid and yourself with reference to H.R. 10136 and H.R. 10570. I am opposed to both bills.

I have no objection to a bill directing the withdrawal of Federal financial assistance to college and university students engaged in disruptive practices, but it seems to me a mistake to invest the Commissioner of Education with authority to suspend Federal financial assistance to an institution of higher education which fails, in the judgment of the Commissioner, to take "appropriate corrective measures." In my judgment, this delegation of authority is much too broad.

I am opposed to H.R. 10570 because I believe that it intrudes Federal mediation into an area which would much better be left to the states if there is to be mediation by a government agency at all and because I think Federal mediation would be ineffective as a practical matter.

Sincerely,

JOHN RITCHIE,
Dean.

STANFORD UNIVERSITY,
Stanford, Calif., May 27, 1969.

Hon. JOHN BRADEMAS,
Hon. OGDEN R. REID,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMEN BRADEMAS AND REID: Thank you for the invitation that you extended to me to express my views on two proposals now before the Special Subcommittee on Education. Your efforts to consult with educational institutions in finding ways to help us cope with student unrest are appreciated.

Much attention has been given to the proposals you presented. My belief is that the first bill, proposing a Federal Higher Education Mediation and Conciliation Service, would offer little real help in our dealings with students. The bulk of students are responsive to reasonable arguments; the few militants cannot be dissuaded short of complete capitulation. With our present procedures and communications, I think we can work with the moderate students. In dealing with the militants, we have had this spring to rely upon internal and external sanctions that have the approval of the majority of the campus community.

The bill terminating assistance to universities where disorders occur would be a tragic mistake, in my judgment. The institution as a whole would be penalized for the excesses of a few, which is precisely what the minority wishes. Like the federal government, universities are not structured for swift administrative action, for campus authority is divided for protection from political interference. While one group may immediately perceive a danger, that danger is not always as quickly apparent to others, and we must patiently pave the way for broadly endorsed sanctions as a result. To demand prompt, unilateral action before this process takes place would be to polarize positions, throw support to the militants, and interfere with the good work that the vast majority of faculty and students are quietly pursuing while others are demonstrating.

I believe that American universities are acquiring the procedures and skills with which to handle campus disruptions, who slowly to suit some, but with an increasing effectiveness. I hope that the Congress will not adopt punitive legislation that can erase our gains and damage an educational system that is still making vital contributions to the national well being.

With best wishes.

Yours very sincerely,

K. S. PITZER.

COLORADO STATE COLLEGE,
Greely, Colo., May 20, 1969.

Hon. JOHN BRADEMAS,
Hon. OGDEN R. REID,
Rayburn House Office Building,
Washington, D.C.

GENTLEMEN: This is in response to your request for a reaction to two bills. My reactions are more or less off the top of my head, but here they are for what they may be worth to you.

Upon hearing about the bill creating a Federal Higher Education Mediation and Conciliation Service, my first reaction was negative. As I now read the bill and understand its intent, I think it is worth your careful study, including hearings. I am not cognizant of all the issues. I do fear that the mere existence of such a service may cause more need for conciliation than would be the case without it.

I really would be interested in understanding more of the implications of the proposal.

In regard to the bill terminating assistance to universities where disorders occur, may I say that I can't get too excited about it in practical terms because we do not intend to permit any kind of nonsense on this campus. I believe we should be very careful about the possibility of the law's becoming a vehicle to be used by those wishing to cut down institutions of higher education.

I have a campus perspective on these things. The situation is under control on our campus; we do not feel the same pressures that you feel. We do deplore the outrageous activities on some campuses, and understand that each situation is unique. Certain campuses can be chosen and when they are chosen, life for the president and the administration becomes extremely complex.

I am satisfied that the hearing procedures which your committee uses will bring about a full picture of the problems confronting us, and that your subsequent actions will be wise.

Sincerely,

DARRELL HOLMES,
President.

COLUMBIA UNIVERSITY,
New York, N.Y., May 26, 1969.

Hon. JOHN BRADEMAS,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN BRADEMAS: Absence from my office has held up my reply to your interesting letter of May thirteenth. I apologize for the unavoidable delay and I hope that my comments, even though late in arriving, may be of some use to you in considering the vexing problems with which these two bills are concerned.

Let me turn, first of all, to the Kuykendall bill (H.R. 10136). I can understand fully the sentiments which have inspired it. It is difficult to contemplate without indignation the turmoil into which our colleges and universities have been wilfully thrown by a small minority of radical students impelled far more by a desire for disruption and destruction than by any yearning for intramural reform except insofar as that reform might help to "politicalize" the institution and transform it into an instrumentality of social revolution. By these infamous tactics the vast majority of our students have had their studies disrupted, in some cases to such an extent that the institution has been obliged virtually to cease its normal teaching and research operations. These serious students, who are in the great majority everywhere, need to have their rights protected.

Unfortunately, a college or university is not well equipped to deal promptly and effectively with such violent disruptions through its own resources. Its long-standing, basic philosophy is that of the assumed primacy of rational discourse on all matters. When this principle is openly disregarded the institution is confronted, therefore, with the alternative of capitulation or of calling upon outside forces to restore order. If it capitulates, its whole structure of authority is seriously eroded for the future. If it calls in the police, the emotional shock to the academic community has a radicalizing effect on many moderate students and faculty—which is precisely the result sought by the troublemakers.

My own choice between these alternatives is well-known and I need not elaborate it here. Suffice it to say, that my only regret is that a variety of circumstances, substantially beyond my control, made it impossible for me last year to call upon outside aid as quickly as I wished.

The problem before us is whether college and university authorities would be aided, in their efforts to maintain or restore order, by a federal law which would withdraw federal financial aid from the institution if it failed to take "appropriate corrective measures", and would withdraw fellowships and research grants from all members of the teaching staff who had taken part in the disruptive activities.

As much as I am in emotional sympathy with those who are outraged by the indecisiveness of some faculties and academic administrators and by the open support given to the radicals by some faculty members, I do not believe that this proposed legislation would be either desirable or effective.

First of all, I doubt if this proposed law could be administered effectively or equitably. For example, what would be the extent of a "substantial disruption" sufficient to cause the invocation of the law? Any illegal occupancy of a building, or even a "sit-in", could be so regarded since it does disrupt to some extent the normal operations of the institution. Would it be necessary, on the contrary, for an institution to close down most or all of its operations before the disruption would be regarded as "substantial"?

Second, the proposed governmental sanctions, in the event of "substantial disruption", would become operative only if the institutional administrators had failed "to take appropriate corrective measures". What measures would be regarded as "appropriate"? Would this requirement be satisfied if the authorities restored peace by yielding to the demands of the radicals and warned that any repetition of the tactics would bring about drastic disciplinary action? Alternatively, would the term, "appropriate", be satisfied only if the administration called in the police and subsequently suspended or expelled all student participants?

This bill, in other words, is so lacking in precision that its effective application would, in my judgment, be almost impossible. Its use, under these circumstances, might exacerbate rather than calm a troubled situation.

There remains the larger question of whether the withdrawal of federal aid is an appropriate or effective means by which the forces of society can be mobilized in the interests of greater order and peace on campus. My own conclusion is that it is not. Our academic administrators are already so harassed by their peace-keeping and other duties that the threat of the withdrawal of federal aid—which would have a crippling effect on many of our leading institutions—would complicate, rather than help, them in their struggle. Suppose, for example, that at University X disruption of a major kind has occurred. The administration has called in the police but this police action has caused such internal division that many students remain on strike and many professors refuse to meet their classes. Clearly extreme corrective measures have been used, but unsuccessfully so if the criterion is the restoration of campus peace. How could such an administration be helped by the additional prospect that, because of the continuing turmoil, federal aid, say for the construction of a badly-needed library or laboratory, might now be withdrawn? Moreover, how could any such administrator give the proposed Commissioner "reasonable assurance" that no similar disorders will recur?

In other words, while I have no shred of sympathy for the troublemakers, whether faculty or students, I do not believe that any advantage would be gained, in the interests of law and order, by penalizing the institution if it failed to solve its difficulties quickly and effectively, and in such fashion that any recurrence of trouble was improbable. I do believe that the colleges and universities should be given the authority, in their discretion, to terminate, or to request the termination of, any federal grant to disruptive students or faculty, but this is not a part of the bill in question.

Now let me comment briefly on Representative Green's bill (H.R. 10570). I see no objection to such a proposed federal Mediation and Conciliation Service. It might be useful in certain situations, but I doubt if it would provide a major contribution to the restoration of normal campus life. Our radical students devise "phony" issues, or they deliberately inflate minor problems, for the purpose of attracting a wider base of gullible student and faculty support. They seek confrontation, not negotiation, and it is a part of their tactics to proclaim that all their demands are non-negotiable. Hence, they would attempt at all costs to discredit such a Service and to prevent its use. Therefore, the principal utility of the Service would be that of a device to alienate the moderate students from the radicals. As such, it might be useful but I would not have any high hopes for it.

At this point I ought to add one qualification. What I have been saying applies primarily to the SDS and their ilk. If a Conciliation and Mediation Service were available, it might be useful in helping to solve some of the problems raised by the black students because they are seeking specific goals within the framework of the existing institution. Many of their proclaimed goals are unrealistic and educationally questionable, but they are negotiable, and a federal Service might be useful in preventing or reducing the resort by the blacks to violence to gain their ends.

I am sorry to write at such length but these problems are terribly complicated. The worst that could happen would be the supine capitulation of our universities to these radical demands. Despite the record to date, I do not believe that this is likely to happen because the vast majority of our people realize that a university must not become an institutional protagonist for any political or social doctrine, and they are not fooled by the charges of the radicals that our universities are merely tools of the "establishment", whatever that term may mean. I feel deeply that it is the duty of a university to serve, as best it can and in its own way, the society that has made it possible. It can do so only if it remains a home of liberal learning, hospitable to the scholarly analysis of all ideas and doctrines but the protagonist of none.

With warm personal regard to you and to Congressman Reid, to whom I am sending a similar letter, I am

Sincerely,

Grayson Kirk.

New York University,
New York, N.Y., May 23, 1969.

Hon. John Brademas,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Brademas: I am pleased to respond to your recent request for my views on bills which would (1) create a Federal Higher Education Mediation and Conciliation Service and (2) terminate assistance to universities where disorders occur.

The concern of the public and the Congress with respect to recent disruptions on campus is understandable, and the desire to assist the colleges and universities in their effort to end violence is laudable. Friends of higher education—whether private citizens or public officials—should be mindful, however, that university self-governance, including academic discipline, has heretofore been sufficient to assure an appropriate environment for the educational process. Moreover, the great majority of institutions have proved adaptable to change and capable of sustaining the educational environment throughout this troubled period. I believe you would agree that colleges and universities have been able to cope with most of the problems presented to them today under their ordinary rules and practices of governance.

In responding to the phenomenon of violence and lawlessness care should be taken to avoid actions which may prove to be provocative rather than protective, or which may serve as precedent for later invasion of the academic freedom essential to the vitality of American higher education and proper service to the nation. I urge that the principle established by the Congress in Section 804 (A) of the Higher Education Act proscribing Federal "direction, supervision or control" over university administrations not be hastily or lightly cast aside. Experience has shown that hard-won concepts of freedom, once abandoned, are not easily reestablished.

Violence and lawlessness have indeed presented a new and most difficult challenge to our colleges and universities and those associated with them. Nevertheless, if higher education as we have known it is to survive, this challenge must be met primarily by those of us who are most familiar with the circumstances on our campuses today. My colleagues and I must assume responsibility for mobilizing faculty and student support for our institutions—and for initiating changes, where these are desirable, by democratic processes. I am confident that we are developing the means to succeed in this task.

Having presented my general views, I will now address myself to the specific bills on which you seek comment:

1. The bill which would create a Federal Higher Education Mediation and Conciliation Service would have the unintended effect of fragmenting the components of a single community of students, faculty and administration, and would inject an outside agency to preside over adversary or bargaining proceedings. New York University and most of her sister institutions have responsive mechanisms, many with student participation, to entertain proposals or grievances. Ironically, the proposed Service could well serve as an instrument for abuse by the small minority of students who reject the premises underlying a democratic society.

2. The bill which would terminate assistance to universities where disorders occur would operate against the institution under attack and the innocent majority of students and faculty in the university community. The Federal government would have an incongruous supporting role in the attempt by the disruptive minority to force the suspension of activities by the university and, conceivably, to pressure institutions into taking positions solely to maintan order on campus to prevent a cutoff of Federal aid.

For the reasons stated, I object to both of the measures which you have brought to my attention.

Sincerely yours,

James M. Hester.

Barnard College,
Columbia University,
New York, N.Y., May 21, 1969.

Hon. John Brademas,
Hon. Ogden R. Reid,
House of Representatives,
Washington, D.C.

Dear Congressman Reid and Congressman Brademas: I appreciate your writing for my reactions to questions before the Special Education Subcommittee. I particularly appreciate your letter because I know your records of intelligent support of education.

It is my opinion at present that further laws will not do much good in controlling student unrest. I think we have enough laws and have really the mechanism for enforcement. Our problem is that many of us who are now faced with enforcement have not had that kind of experience. We have had to learn quickly what law enforcement agencies and the courts can and cannot do. We have learned in the hardest way possible, by experience, and we have gained this experience in times of crises.

We are also faced with another question. That is the question of the differences between education and law. I personally believe there is a big difference and that trustees, faculty and administrators of colleges first have to discriminate between those who can and want to be educated, and those who clearly do not want to be and are not open to teaching. The latter group of course must be handled through present law enforcement agencies. The former group we must attempt to teach as long as there is any hope, since these are the potentially valuable leaders of the future.

If we have been remiss it has been in identifying and dealing effectively with those individuals and those ideas that are not appropriate in a college. As far as I am concerned, my experiences at Wisconsin and Barnard have not led me to have much confidence in the assistance I can gain in this process from those removed from campus situations. I have found in the faculty and the students themselves my most helpful support.

This leads me to respond to the two questions you have raised.

While I can see no great objection to creating a Federal Higher Education Mediation and Conciliation Service, I do not believe it would be particularly valuable. Education is a person to person process. If we cannot mediate the disturbances among individuals on our own campuses, we probably cannot teach them, and therefore I should think it would be only in extreme cases that such a service would be helpful. I am fearful it also might create another agency to which those who wish to disrupt could turn and thus postpone steps that might otherwise be taken.

The Congress of course must consider seriously whether it wishes to continue assistance to the universities where disorders occur. I am not sure that denying assistance would be practical either to the universities or the Congress. First there would have to be the determination of the cause of the disorders. If this were outside the control of the university then I suspect financial aid should be continued. To occupy any other position would certainly play into the hands of those who wish universities destroyed and would go to rather desperate means to do it. Many of these individuals are not students and therefore the university can hardly be held responsible for the damage done by them.

Secondly, I have not felt that the reasons for the disturbances were based in too much money but rather in too little money, and so I would hope the Congress would turn its attention to means for supporting positively those aspects of higher education which are efficient. In this way student unrest might well be diminished or at least focused so that protest based on reasonable causes would not have to be lumped with protest based on unreasonable causes.

These are personal opinions. I have not had the opportunity to consult with my colleagues at Barnard College. I intend to do so in the days ahead, and if I find I should add to these opinions or subtract from them after discussions with my colleagues for their reactions, I will certainly be in touch with you again.

I thank you for writing. This is a subject about which I care deeply. I wish those who are putting so much pressure on the Congress for new bills and legislation could understand some of the positive steps that have emerged in the last year on a great many campuses, including Columbia and Barnard, and could have a bit more faith that individuals, including college presidents, do continue to learn when faced with new situations.

Sincerely yours,

MARTHA PETERSON,
President.

KNOX COLLEGE,
Galesburg, Ill., May 22, 1969.

Hon. JOHN BRADEMAS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BRADEMAS: Thank you very much for your letter of May 13, 1969, addressed to President Umbeck regarding H.R. 10136 and H.R. 10570. Because of his absence from the campus, President Umbeck has shared your letter with me for comment. I appreciate the opportunity to give my views on these matters.

Turning first to H.R. 10136, I find several objections to this kind of measure. In the first place, the bill offers nothing remedial to the current situation on college campuses. Its sole effect, to my way of thinking, is punitive in nature and in a way which holds no promise to find a constructive end to a given problem.

What are appropriate corrective measures in the case of violent and substantial disruption? Who shall determine what is appropriate? Who shall determine if a measure is, in fact, corrective? What time period is to be operative?

Aside from the above questions, it seems to me that the task of determining appropriate "institutional" responses to student disorders should be left to the decision of the institution. The alternative is to furnish a blanket or umbrella which only impedes the assumption of effective responsibility by institutional representatives.

It should be pointed out that not all institutions have been impotent in the face of violence of students and others. Let me cite just two examples—the University of Denver and the University of Chicago—where effective (though different) responses occurred.

Additionally, I would say that H.R. 10136 would have little effect on those who foment and carry on disruption. Those who demonstrate such flight from reason would be little concerned about the prospect of an institution's loss of funds. Indeed, this may be a significant objective of the S.D.S. and other radical groups. H.R. 10136 would not serve to stiffen the spines of administrators, if that is its purpose. It would not reach the root of the problem.

As to H.R. 10570, I fail to see that an idea suited to industrial collective bargaining is adaptable to the problem in question. Student and non-student disrupters are not employees, colleges are not employers. The objecives of the radicals are not subject to mediation by "bargaining session" techniques, if they are subject to mediation at all.

It would seem repugnant to me to establish a situation in which the functions of governance in education in our institutions of higher education are matters of contract among administration and students subject to annual bargaining. Meaningful participation is essential, but the creation of a structure of "collective bargaining" would obscure, if not destroy, the independence of individual faculty and students so essential to academic freedom.

We all deplore violence on our campuses. Few of us are used to the tactics of confrontation. We do not call for patience to beg time for delay's sake alone. We do need broad community support of the ideas of rational discourse, the rule of law, and the democratic process. This support must come from public officials, parents and that majority of moderate students dedicated to preserving America's blessings while finding ways to extend them to all citizens.

Additionally, I would say that there is a growing need for the nation to fully explore the question of campus violence. While having no legal effect, public scrutiny of academic governance may well lead to needed reforms. While no "witch-hunts" are needed, there is some fragmentary evidence of coordinated planning of campus conflict. This would seem to indicate that there would be grounds for the exercise of Federal jurisdiction if criminal activity is involved.

However, in summation, I am not yet ready to admit that most cases of student violence and disruption cannot be handled by the campus community. Perhaps we need to develop basic by-law or charter provisions setting forth the role of student voice along with the roles of other elements of the institution by which all can define positions and live by them. If academic freedom is to survive, faculty groups and administrators must adopt the attitude that those engaging in violent disruption cannot enjoy the advantages of remaining in the institution. The tools of prompt response, suspension, and dismissal can and must be more effectively used.

Very sincerely yours,

DONALD E. BLANCHARD.

THE COUNCIL OF GRADUATE
SCHOOLS IN THE UNITED STATES,
Washington, D.C., May 14, 1969.

Hon. JOHN BRADEMAS,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. BRADEMAS: Thank you for giving me the opportunity to comment on H.R. 10570 and H.R. 10136, as well as on the general question of the appropriate relationship between the Federal government and colleges and universities on matters concerning student unrest and university governance. I shall address myself first to the two bills before your subcommittee.

H.R. 10570 appears to me to represent a sincere and honorable effort to provide a voluntary mediation service where it is wanted. I am impressed by the fact that there is nothing of a mandatory nature in the language. If there were, it would defeat the purpose of the service. It seems to me, however, there is a discrepancy in the language of Sec. 3(b) and Sec. 4(a). The former says that the service may be proffered "upon the application of one or more parties to the dispute" (p. 4, 11. 21–22), the latter, that the Service may act upon application "by any of the student body, faculty, *and* board of control" (p. 5, 11. 9–10). Shouldn't that *and* be *or?* As it reads, the clear implication is that all three parties to the dispute must apply.

I have not had time, of course, to poll my constituents; but I am certain that most of them would favor the bill and few, if any, would oppose it. Personally, I do not regard it as a panacea for all our ills, but it is worth a million dollars a year if even two or three of these disgraceful messes could be averted as we have recently experienced.

As for H.R. 10136, I am unalterably opposed to punitive legislation of this kind, for many reasons. The chief one probably is that it punishes the vast innocent majority for the crimes of a very small minority. This is contrary to the most fundamental principles of our laws and our practices and is repugnant to all lovers of justice. This alone should be sufficient, but in addition such legislation substitutes the fiscal powers of Congress for the legal powers of the courts and the law enforcement agencies; it imposes a police duty on the Commissioner of Education; it constitutes an invasion of autonomy of higher education and makes it more difficult for administrators to deal with their internal problems. And finally, illogically, it shuts off the flow of Federal funds from *one* source but places no restriction on equally great funds from dozens of other sources, includ-

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ing the Departments of Defense, Agriculture, and Labor, NSF, NASA, AEC, NIH, and many others.

As for my thoughts about the appropriate relationship of the Federal government to the universities in these matters, they are really quite simple. First, in spite of the understandable and legitimate concern of the Congress, I believe it should maintain its traditional attitude of nonintervention. Second, I believe that punitive or even restrictive legislation as contained, for example, in riders to several appropriation bills last year is likely to do more harm than good. Third, I believe that more legislation is not needed at the present time; the Attorney General has ample powers now to deal with the agitators if they cross state lines and with the central organizations of the dissidents who plan and manipulate these outbreaks. The Department of Justice, I am informed, has reliable advance information in most cases on planned demonstrations and confrontations. It would be very helpful if such information could be given to university presidents and to local law enforcement agencies in time to take effective countermeasures. Finally, except for the nationwide operations of the minority of hard-core radicals, I believe that these outbreaks have to be dealt with where they occur, by university authorities and by local law enforcement agencies. Crime is crime and should be handled as such, and I believe that university administrators have at last learned their lessons the hard way.

Sincerely,

Gustave O. Arlt.

National Association of State
Universities and Land-Grant Colleges,
Washington, D.C., June 2, 1969.

Hon. John W. Brademas,
Hon. Ogden R. Reid,
Rayburn House Office Building,
Washington, D.C.

Dear Friends: In response to your recent letter concerning the provisions of H.R. 10136 and H.R. 10570, President G. Homer Durham of Arizona State University, has indicated that the position of our Association, with which he concurs, would be presented in a testimony before the Committee of which you are members.

Our Association does not at present plan to present formal testimony before the Committee on H.R. 10136 and similar bills with respect to withholding of Federal funds for those engaging in campus disruptions, etc., though circumstances may alter this decision.

It was the feeling of our Executive Committee at its May meeting, that the position of the Association is well known, was stated to both the House and Senate committees having jurisdiction last year, and has been furnished to all members of the appropriate committees this year.

It is as follows, quoting from the joint statement of national policy of this Association and the American Association of State Colleges and Universities, adopted by the Associations at their most recent annual meetings:

INSTITUTIONAL RESPONSIBILITY FOR DEALING WITH STUDENT UNREST

Member institutions of the two Associations are strongly committed to maintenance of freedom of inquiry and expression of opinion. We believe that students and all other members of the college and university community should have the opportunity to be involved in formulation of policies affecting them and to initiate and pursue recommendations for change.

Because of this commitment, we are strongly opposed to disruptive activities which deprive members of the university community of their freedom to carry on the activities for which the university exists. We share the concern of the public and Congress over such activities. It is the responsibility of the college or university community and, where necessary, of local civil authorities, to deal with disruptive activities when they occur and to assess penalties appropriate to the circumstances on those who participate in them. It is a tribute to the responsible character of the students, faculty, and administrative officers of the vast majority of higher institutions that disruptive activities have either not been initiated or, when initiated, have been unsuccessful.

Federal legislative action imposing severe and mandatory penalties on individuals who happen to be recipients of Federal financial assistance administered by, or in connection with, institutions of higher education mediates against the authority of college and university and civil authorities to deal equitably with those involved in potential or actual campus disruption, whether recipients of Federal financial assistance or not. Such legislation will, we believe, hamper the ability of the appropriate authorities to deal with disruptive activities, and therefore be counter-productive of the objectives of its sponsors and of our own objectives." (end of statement.)

It is, if I may restate it again and in another way, based on the philosophy that the appropriate course of action to follow is one which gives the best promise of achieving the most desirable result. If the result desired with respect to campus disruption is solely that those who participate in such disruption do not receive Federal funds, no doubt a case can be made in principle for legislation requiring such action.

If the result desired is to minimize campus disruption and support the resolution of campus problems by orderly means, additional Federal legislation is clearly counterproductive.

Since the latter is the primary interest of our member institutions, the Association does not support the type of legislation referred to in your letter, or any similar legislation.

With respect to H.R. 10570, individual comments on this have been made to Representative Green by President Fleming of the University of Michigan, chairman of our committee on student-faculty-administrative relationships. These reflect some of the concerns involved. Although our Executive Committee took no formal position on this legislation, I believe I am safe in saying that their primary concern is that, if enacted, mediation be on a voluntary basis, and that advance agreement of all parties involved on the utilization of the proposed service for mediation should be a prerequisite. Otherwise it might conceivably encourage disruptive activities by small groups in order to invoke mediation.

Sincerely,

Russell I. Thackrey,
Executive Director.

TRIBUTE TO THE GENTLELADY FROM MISSOURI

(Mr. BURLISON of Missouri asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BURLISON of Missouri. Mr. Speaker, you are aware of the outstanding attributes of the gentlewoman from Missouri and know of the high esteem and respect in which she is held by her colleagues in the U.S. Congress. I have long been an admirer of this outstanding public servant and during my brief tenure in the Congress, I have come to know her very well. She has been a tremendous asset and help to me as a freshman Congressman.

A prominent newspaper in my district, the Kennett, Mo., Daily Dunklin Democrat, has also editorially recognized Mrs. Sullivan. I am sure that our colleagues will find the item of interest:

[From the Kennett (Mo.) Daily Dunklin Democrat, June 13, 1969]

Our Favorite Congresswoman

One of our favorite members of Missouri's Congressional delegation is U.S. Rep. Leonor Sullivan of St. Louis whose devotion and dedication to public service mark her as one of the outstanding citizens of Missouri and Washington. Mrs. Sullivan, who began her political career upon the death of her husband who was then serving as Congressman, began her business career as a $35 a month telephone company clerk and could not afford to attend college.

Wednesday night, when she received an honorary Doctor of Laws degree from the University of Missouri at St. Louis, Mrs. Sullivan demonstrated why she has become a favorite of this newspaper. Addressing today's younger generation, Mrs. Sullivan told it like it is. She said, among other things, that today's younger generation, despite misconceptions on the subject, owes a tremendous debt to the over-30 generation which has made college education possible for millions of young men and women.

The St. Louis Congresswoman noted that it is the over-30 generation that pays the debt for public education, at all levels, and that it is this same generation that has brought about massive amounts of state and federal aid to all schools.

"You owe us for what was done, for having had the courage to fight for your education," she told the M.U. graduates, some of whom must have been shocked by this straight-forward but factual analysis. "You must pay us back for what you owe us," she said, which must have shocked some in the graduating class even more.

"You can bring changes only as you persuade, not browbeat, your fellow citizens to accept . . . Americans will never pay tribute to bad manners and arrogant demands," Mrs. Sullivan declared.

Three cheers for the distinguished Congresswoman from Missouri!

ECONOMIC DEVELOPMENT ACT

(Mr. MORSE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, progress has been made in the Congress and intensified support has been evidenced by the Nixon administration to control the critical pollution problem that endangers many of our Nation's rivers, but we still have far to go. There are difficult obstacles to face in the process: adequate funding for pollution control programs, developing the approach and the means to deal most effectively and efficiently with the magnitude and complexity of the problem, and strengthening cooperation among all levels of Government and the public in efforts to preserve our precious resources.

Public support and local initiative are vital keys to continued progress, and I am proud indeed that the thousands of citizens of the Commonwealth of Massachusetts are actively involved in the problem. The residents of the Nashua River watershed, which includes three

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towns in the Fifth Congressional District which I am honored to represent, have joined together to form the Nashua River Clean Up Committee and are working in close cooperation with local, State, and Federal officials to insure that the water standards set by the Commonwealth of Massachusetts are approved by the Department of the Interior under the 1966 amendments to the Federal Water Pollution Control Act, will be achieved.

Some 11,651 individuals have recently taken an important initiative in sending to the President, their Representatives in Congress, the Governors of Massachusetts and New Hampshire and the members of the respective State legislatures, a petition "that those communities which are meeting State and Federal water quality improvement time schedules be guaranteed Federal and State funds to build all necessary abatement facilities immediately upon completion of design plans." They have given their full support to the New England Regional Commission's proposal, under title V of the Economic Development Act Amendments of 1969, to make the Nashua River a demonstration project for the application of comprehensive planning and modern management techniques—an approach which I first urged for the solution of pollution problems several years ago in calling for a demonstration cleanup program for the Merrimack River Basin.

I renewed this proposal earlier this year, and urged the Public Works Committee to take advantage of the new opportunities for progress and expand the Regional Commission's plan to cover the entire Merrimack River Basin, which includes the Nashua as a tributary. I am presenting here my statement before the committee, and the letter of the Nashua clean up committee to the President. It is clear that these people are concerned. They have joined together in a strong and determined voice to ask for support and for constructive and positive action. They deserve our closest attention, our most creative thinking, and our every effort to achieve that goal. My statement and the letter follow:

NASHUA RIVER CLEAN UP COMMITTEE,
Groton, Mass., June 9, 1969.

RICHARD M. NIXON,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: The residents of the Nashua River Watershed respectfully petition "THAT those communities which are meeting state and federal water quality improvement time schedules be guaranteed federal and state funds to build all necessary pollution abatement facilities immediately upon completion of design plan."

In 1966, the citizens of the Nashua River Watershed determined no longer to tolerate the polluted condition of the Nashua River, and petitioned Governor John A. Volpe and Governor John W. King for help in alleviating this condition. The Commonwealth of Massachusetts responded by passing legislation that established a Division of Water Pollution Control, authorizing a 150 million dollar bond issue over a period of ten years for the construction of waste water treatment facilities, and setting high standards for the Nashua River. Since that time, municipalities and industries have been complying with the schedules set for them. But we are now seriously concerned that the federal funds promised under the Federal Water Pollution Control Act will not be available. The citizens, municipalities and industries have shown remarkable cooperation in doing their share in getting this River cleaned up, and now seek assurance from the federal government that it is, in fact, committed to do its part.

Especially heartening is the agreement amongst the six New England Governors and the Federal Cochairman of the New England Regional Commission that the Nashua River should become the National Model Demonstration River Basin for pollution abatement. We hope you will support those parts of S. 1090 and H.R. 7608 which would establish the Nashua River as the Model Demonstration River.

We would like the opportunity to present to you personally the above petition signed by 11,651 residents of the Nashua River Watershed. Perhaps the Senators and Representatives from Massachusetts and New Hampshire, and the New England Regional Commission would like to witness the presentation. If this is not possible, please inform me and I will mail the petitions to you.

We applaud your initiative in setting up the Environmental Quality Council and commend you for providing leadership in this crucial area of man's life.

Sincerely yours,
MRS. HUGH F. STODDARD,
Coordinator.

STATEMENT OF CONGRESSMAN F. BRADFORD MORSE, PUBLIC WORKS COMMITTEE HEARINGS ON TITLE V, ECONOMIC DEVELOPMENT ACT, APRIL 22, 1969

Mr. Chairman, I thank you for this opportunity to discuss with this distinguished Committee an important subject—the Regional Commissions established by Title V of the Economic Development Act of 1965. The New England Commission, with which I am most familiar, has made major efforts in developing a comprehensive economic plan, and I look forward to further progress through the implementation of the proposals which have been presented to you. I am hopeful that your considerations will include a favorable look at H.R. 7608, which is designed to aid these Commissions in carrying out their plans.

The New England Commission's 1969 legislative package includes several significant proposals to deal with the problem of water pollution—an urgent situation effecting all of New England, and one in which I have long been involved. I have urged a comprehensive and coordinated approach to the problem of pollution in order to best meet the goals and standards set up by the Water Quality Act and Clean Rivers Restoration Act of 1965 and 1966. In 1966 I introduced legislation to study the utilization of modern management techniques in the solution of public problems like pollution control, and have proposed the application of these methods in developing a "demonstration" approach to an entire river basin.

In a letter to the President this February, I renewed my proposal that the Merrimack River Basin be made a demonstration project for the application of comprehensive planning and management techniques, and have been greatly encouraged by the interest in the concept indicated in the White House reply and by its strong support for comprehensive river-basin planning. As you know, the President has ordered a review of all existing pollution-control programs with a view to increasing their efficiency and effectiveness. Under this directive, the General Accounting Office has contracted for the development of a mathematical model of the Merrimack River Basin which will be used to determine the relative cost-effectiveness of our present approach to pollution control, and to develop a more comprehensive and coordinated plan.

The New England Regional Commission has proposed the demonstration of a river basin approach to implement established water quality standards and has selected the Nashua River, a tributary of the Merrimack, for its program. I am glad to note their forward-looking approach to the problem and to have their endorsement of this concept which I have been working for, but think we ought to take a look at the entire Merrimack in this perspective, not only because of the deep interest of the General Accounting Office but also because the results of its study will produce a basis on which we can take immediate action.

The pollution problems of the Merrimack Basin, which includes the Nashua River, incorporate a wide range of situations so that it will serve as a particularly good example of methods which could be applied to other areas of the country. The Merrimack River Basin area faces, for example, the problem of pollution in the main waters of the Merrimack itself and in its tributaries such as the Nashua, which flow across state lines, by industrial as well as effluent sewage, from both urban and rural communities. It is an area which has great potential both for recreational and industrial development. The Basin is sufficiently compact and with a severe enough degree of pollution to make it particularly suitable for a demonstration program. As Massachusetts is fortunate to have so much of the management techniques and systems capability available to be put to work on this problem, the Merrimack River Basin is a unique place to start with this new approach to public problems.

The Commission's focus on the Merrimack Basin by selecting the Nashua River for its proposed project is, I think, in recognition of these facts, but it does not go far enough if we are to bring about really effective and meaningful progress. The interest of the new Administration has provided a new opportunity, and I urge the Committee to consider an expansion of the Commission's proposal to cover the entire Merrimack Basin. I would also hope that the provisions of H.R. 7608 will be increased accordingly so that the Commission will be able to undertake the kind of action that is necessary.

As I have pointed out, an enlargened version of the demonstration project for pollution control proposed by the New England Regional Commission would not only contribute to the economic development of that area, but through a successful experience will offer an opportunity of great benefit to the entire nation. The Commission should be afforded the capacity and the resources to make the most of the new possibilities for progress, and I would be thankful for your support.

REMARKS BY THE PRESIDENT OF COLOMBIA AT THE NATIONAL PRESS CLUB IN WASHINGTON

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, it is a singular honor for me to call the attention of my colleagues to the recent speech of President Carlos Lleras Restrepo of Colombia before the National Press Club here in Washington.

President Lleras has set out with characteristic candor some of the problems that confront the people of the Western Hemisphere today. He has done a great service in dispelling some of the myths which dominate U.S. thinking about Latin America—myths which, if they are not replaced with understanding will

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continue to inhibit inter-American cooperation and complicate Latin American-United States relations.

President Lleras is a thoughtful and enlightened leader. He is a longstanding friend of the United States. I think his remarks should command the interest of all of us. Under unanimous consent, Mr. Speaker, I include his remarks at this point in the RECORD:

REMARKS BY THE PRESIDENT OF COLOMBIA, DR. CARLOS LLERAS RESTREPO AT THE NATIONAL PRESS CLUB, WASHINGTON

Many years ago, in fact more than I would like to admit, I began a career in journalism working for one of Bogota's daily newspapers, the same that afterwards I was to direct for a short period. The work was interesting, and for a law student, the pay was ample, about four dollars a week. Although I nourished high hopes I did not dream at the time that someday it would be my privilege to meet with a distinguished group of colleagues on an occasion such as this one.

I bring out my long and intermittent association with journalism as an explanation of the informal manner in which I should like to carry on our dialogue. It will be, I hope, a conversation without protocol, candid and simple.

It is unnecessary for me to outline in detail the process of an ever-widening economic gap between the United States and Latin America, or of the latter's shrinking participation in world trade. These phenomena have been analyzed by the United Nations and by other international and Inter-America organizations. I would rather concentrate on a few facts that illustrate the kind of problems pertaining to the present day Inter-American agenda.

The discussion of these facts in the first part of my remarks contains an unambiguous but inevitable protest against the existing international economic mechanism.

In the second part, I attempt to describe the resolute and constructive manner in which Colombia is confronting those adverse facts with a considerable degree of success.

THE CASE OF COFFEE

Let us take the case of coffee which is an important source of foreign exchange in fourteen Latin American countries and still accounts for sixty percent (60%) of Colombia's total exports.

In 1954 the price of coffee was eighty (.80) cents a pound. In that same year a jeep was worth one thousand three hundred and sixty seven (1,367) dollars. In other words, fourteen (14) bags of coffee bought one jeep. The 1954 price, however, was considered exorbitant in this country and an intensive campaign was launched in the newspapers and in Congress to convince public opinion here and in Latin America that the American housewife was being victimized. Some loans were made to encourage new production in other continents and much talk was heard about finding substitutes for coffee.

One result of this campaign was that more water was added to your coffee and lower quality grains were brought into the market to the detriment of the consumer. During the forties, when visiting this country, I was delighted by the quality of your coffee, which to my taste was even better than that which one was served in Colombian cafes. Regretfully, I cannot say the same now. Today the price of coffee is forty (.40) cents a pound, and the price of the jeep is two thousand two hundred and sixty four (2,264) dollars. Now it takes forty three (43) bags of coffee to buy a jeep. In 1954 we received five hundred and fifty (550) million dollars for five point eight (5.8) million bags. In 1969, with eight million more inhabitants, Colombia will earn at most three hundred and twenty (320) million dollars for the sale of six point five (6.5) million bags of coffee. We have increased our volume of coffee exports twelve percent (12%) since 1954 but our foreign exchange earnings from coffee have decreased by forty two percent (42%). A drop of one cent per pound in the price of coffee represents a loss of eight point seven (8.7) million dollars to Colombia, eight (8) million dollars to Central America and twenty four (24) million dollars to Brazil.

This is a brutal fact. When people in this country wonder about the attitudes and sentiments of Latin America it is necessary to recall these dramatic figures.

Looking back fifteen years at those lengthy speeches and the investigations concerning the price of coffee one is amazed by the fact that the living conditions of the producers were scarcely taken into account, and the average Colombian coffee-growing family has now gross annual recipts of only five hundred and ninety dollars (590) . . . This average family is not small; the income per capita is therefore insignificant. Coffee production has continued, adverse conditions notwithstanding, because much of the cultivated areas have no alternative use. It is not easy to transform the coffee areas quickly. New cash crops must be found, new sources of employment have to be developed. Few nations besides the United States can afford the luxury of paying their farmers for not planting. Coffee farming in Colombia began with a great effort to clear the land, organize the plantations and make habitable the Andean mountain slopes. Referring to the unhealthy conditions of our coffee areas where tropical anemia was until recently endemic, it was once said that along with coffee beans we were exporting red blood cells. Diversification into other crops has been proposed as a possible solution. But the whole question is much more complex than just cutting down trees that have taken four to five years to come into production. We are, in spite of these facts, trying to transform marginal areas. That takes time, patience and money.

Full recognition must be given to the decisive support provided by the United States, now and in the past, to the International Coffee Agreement. Yet, at every negotiation for the establishment of quotas we must resist the efforts of the consuming nations to keep the prices down through large sized quotas. In addition, the so called selectivity system was introduced. This system favors the inferior grades of coffee and hinders a reasonable management of the market.

Per capita income in the United States has almost doubled in fifteen years, rising from one thousand eight hundred (1,800) dollars in 1954 to three thousand five hundred (3,500) dollars in 1968, and the share of coffee in the American family budget has decreased substantially.

Could the United States not agree with the producing countries of Latin America upon a more effective implementation of the World Coffee Pact? . . . Is it not possible to increase or at least to stabilize the precarious income of hundreds of thousands of small coffee growers? . . .

In order to create new employment opportunities we need not only to maintain but to increase our availability of foreign exchange. This we are doing through export diversification and with international financial cooperation. But those efforts must be accompanied by a just level of coffee prices.

THE CASE OF PETROLEUM

Here is another fact. For several decades Colombia has been a producer and an exporter of petroleum. Under existing arrangements, most of the petroleum required for our domestic consumption is purchased in dollars—not Colombian pesos—from the foreign companies that extract it from our soil. As a result, there have been years when foreign exchange payments for our crude oil requirements have exceeded our total receipts in royalties, taxes and other payments from the companies. In other words, during certain periods, we have been losing dollars to buy our own oil.

In 1966 the foreign oil companies exported seventy point six (70.6) million dollars worth of petroleum from Colombia. Their income tax payments were three (3) million dollars. On a total production of sixty nine (69) million barrels the Colombian government received thirteen (13) million dollars in taxes and royalty payments in 1967. This figure is the equivalent of sixteen (16%) percent of what the Colombian consumer paid in beer and cigarette taxes, and twelve percent (12%) of what Colombia had to pay abroad in profit remittances and interests that same year. All of the petroleum companies paid forty (40) million pesos in income taxes in 1967, which was only one point two percent (1.2%) of total income tax collections for that year. In comparison, a single Colombian textile company paid fifty seven (57) million pesos in income taxes in 1967, and a Colombian brewery paid forty four (44) million pesos in taxes in that same year. It is difficult to believe that these figures will give rise to an enthusiastic sensation of optimism about the redeeming effects of United States private investment in Latin America.

As you know, there has been a lively debate on tax reform in this country, and the justice of several legal loopholes is being seriously challenged. Prominent among them is the so called depletion allowance in the petroleum industry which has enabled some oil investors to avoid paying taxes. The petroleum companies operating in Colombia point to the depletion allowance here as a precedent and as a product of the wisest legislation. Its application in Colombia has produced almost identical fiscal results.

Fortunately we have recently renegotiated with two American oil companies a contract that stipulated the ridiculously low royalty of three percent (3%) in one of the most important oil fields in Colombia. As a point of comparison it is worth noting that three to five percent (3 to 5%) on gross sales is the usual rate that foreign companies charge Colombian firms for the use of their patents, or in some cases just for the use of their trade marks.

PRIVATE FOREIGN INVESTMENT

Let me now turn to the question of private foreign investment which is periodically rediscovered and presented to Latin America as the panacea that will solve all our economic problems, and as an adequate substitute for development assistance. I have stated on many occasions that Colombia welcomes private foreign investment as a source of additional resources, new technology, administrative techniques and employment. Foreign capital receives a non-discriminatory treatment vis-a-vis domestic capital and our tradition has been one of fairness and respect for contracts. But the following examples taken from Colombian experience suggest that foreign investment is not always an unmixed blessing and that as sometimes occurs in daily life, the product is not exactly as advertised.

A foreign company doing business in Colombia requested sometime ago authorization to remit two hundred and thirty thousand (230,000) dollars in profits one year. It had received loans from the Colombian banking system for two million three hundred thousand (2,300,000) dollars. The total paid-in capital of that firm was fourteen thousand (14,000) dollars. In other words, the company was taking out of the country in one year the original investment nine times over. No question that somebody was getting rich with this type of operation but certainly not Colombia!

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In another company—a joint venture—the foreign partner with a paid-in capital of two hundred thousand (200,000) dollars received nine hundred thousand (900,000) dollars in profits and seven hundred thousand (700,000) dollars in royalties in one year. Payments to the foreign partner for technical services amounted to seventeen percent (17%) of stockholder profits in 1946. In 1959, that ratio had increased to fifty percent (50%). A possible explanation of this phenomenon is the calculation of royalty payments on the basis of gross sales. As internal costs increase, the profit to the stockholders diminishes but the payments to the fortunate royalty recipient go up. Usually the firm that receives the royalty is a majority stockholder in the joint venture, and is therefore able to impose its will on company policy decisions, while the local stockholder is defenseless due to a minority position. Under these conditions the payment of royalties tends to acquire a "subspecie aeternitatis" character.

Foreign capital operating in Latin America could provide constructive cooperation by giving more business to our maritime and aviation lines, our banks and insurance companies, our accounting and advertising firms. Some of the more enlightened companies are already moving in this direction. Others, however, still follow discriminatory and irritating practices. It is necessary to formulate a new policy regrading private foreign capital. This type of investment must be mutually beneficial. It must effectively contribute needed additional capital resources. It must transfer technological and administrative knowledge. It should pioneer in new activities rather than taking over existing investments. Local managers and technicians must be encouraged, or if necessary trained as eventual replacements for foreign personnel. Foreign stockholders living abroad, represented by predominantly foreign administrators produce an undesirable relationship of domination and dependence rather than a partnership. As the Cuban experience has shown, it is not possible to maintain a favorable climate towards foreign investment under those conditions. Beyond a certain point, foreign ownership or control of the means of production tends to deform the personality of a nation and provokes therefore unpredictable reactions. No nation will accept indefinitely foreign domination of the commanding heights of its economy.

That is why if possible, Colombia would prefer to obtain foreign capital in the form of loans rather than as direct investment. Loans constitute an advance on future savings which will be paid off. Direct foreign investment becomes a perpetual liability, affecting our balance of payments forever, and sometimes in such inequitable terms as those I have mentioned. Other possibilities of cooperation with private foreign capital deserve further study. But, undoubtedly, the question of private foreign investment can become a major cause of friction and misunderstanding in the Hemisphere if present trends and attitudes remain unchanged. With imagination and good will this potentially explosive issue could become a valuable instrument of cooperation and understanding. But in order to achieve this a colonialist attitude and the practices of exploitation I have just described must be eliminated once and for all.

TRADE POLICIES AND PROTECTIONISM

Let us examine certain trade practices that affect Latin America and which are not unrelated to the balance of payments problems in the region. As you know from your own domestic experience the producers of foodstuffs and raw materials in a society—the farmers and the miners—tend to become a disadvantaged group in comparison to the city dwellers and industrial workers. Unless special measures are taken the prices of what they sell lag behind the prices of what they have to buy. As a result, their income tends to deteriorate steadily. This is what is happening to the Latin American countries which are in effect the farmers and the miners for the industrialized nations that trade with us.

Present international trade practices tend to keep the income of the developing countries as low as possible. If we export coffee it must be green, not roasted or processed, oil must be shipped crude, sugar must be sold raw, and minerals unrefined. By tariff measures or by other means the industrialized nations discourage the establishment of refineries and facilities for the processing of our export products in Latin America, depriving us thereby of the value added, the income and employment which those facilities could generate.

We receive plenty of advice on the need to increase and diversify our export. Few Latin Americans need to be convinced of the dangers of relying too heavily on any single commodity subject to sudden and violent fluctuations. But when it comes to developing new exports one is confronted systematically with the vested interests of the industrialized nations. To name just a few obstacles, there are the quotas for sugar, textiles and petroleum, and the administrative restrictions for beef and tropical food stuffs.

We recognize, of course, that a certain amount of protectionism is justified as a means of promoting employment. However, there is a point beyond which it is no longer a legitimate instrument of economic policy but rather an obstacle to human solidarity, a perpetuation of privilege and inequality. Those that claim that it is our irresponsibility and our lack of initiative that keep us poor should study these examples carefully. What they demonstrate is that Latin America is suffering the consequences of an inequitable and regressive international economic mechanism beyond our control. As a result, not only our own efforts but also the effects of international cooperation are frustrated. It is not true that Latin Americans are incapable of organized, disciplined behavior. The fault is to be found with the international rules of the game which operate to take from the poor and give to the rich.

A great American has said that prosperity as well as peace is indivisible. That wise sentence is as valid today as it was thirty years ago. Prosperity has become excessively fragmented in the world and in the hemisphere. It is not an over pessimistic prognosis for this sick world to say that if prosperity continues to be divided there will be no peace.

THE COLOMBIAN CASE

These are some of the painful realities that affect a Latin American country. They must be presented in order to understand the magnitude of the problems that confront our societies as they strive towards social and economic modernization. Fortunately, we can also point to positive aspects and I would like to summarize some of the pertinent factors relating to Colombia.

There is a simplified and distorted view of Latin American society that has become generally accepted in European and North American public opinion, which I wish to challenge. According to this view, all the Latin American countries are ruled by a handful of corrupt and wealthy oligarchs that exploit the masses keeping them ignorant and poor, perpetuating themselves in power by force. This caricature is far removed from present day reality. I should talk, of course mostly about Colombia. But surely other Latin Americans could also make similar cases for their own countries. Let me point to certain political and economic facts, in my own country which dispell that distorted image.

The respect for political liberties and the democratic process is one of Colombia's most cherished traditions. Throughout one hundred and fifty years of independent life constitutional government has only been interrupted three times and then only for brief periods. Universal suffrage, freedom of the press, civilian control over the military and labor's right to strike are important components of our institutional structure.

Following a period of civil strife in the decade of the fifties, the two major parties, Liberal and Conservative, agreed upon a temporary mechanism of conciliation consisting in the mandatory adoption of coalition governments for a period of sixteen years. We have now experienced three administrations under the agreement, and the effective and harmonious cooperation of the two parties has proved to be feasible. No political party is prohibited in Colombia. At the Government's suggestion a political party is permitted to put up candidates and programs under the label of its choosing.

Colombia has had an advanced land reform legislation since 1936. In 1961 a Land Reform Institute was created for the purpose of updating and implementing this legislation. The Institute is carrying on an all embracing land reform, including irrigation and drainage of vast extensions; distribution of land; technical financial assistance and organization of the rural communities. Experience has shown that the dramatic statistics of land-ownership concentration in very few hands were grossly inaccurate. The inclusion of enormous extensions of unsuitable tropical jungle in the statistics has distorted the real situation.

But the reform adjusted to the patterns of land tenure in the different regions is advancing successfully. Colombia is well aware of the importance of taxation as an instrument of redistribution of income. In 1928, the principle of income taxation was introduced. In 1936 and in successive years, the rates were made more progressive and the administrative procedures were improved. Thirty eight percent (38%) of total tax collections in 1967 were derived from direct taxes. This is one of the highest proportion of direct taxation in Latin America. Undoubtedly there is still some tax-evasion, and certain legal loopholes remain, in spite of a considerable effort on our part to streamline the procedures, enforce collection and correct injustices and oversights in the law. But this is a continuing process of adjustment and refinement which has not been completed anywhere.

Development must correspond to the special characteristics of each country. We cannot imitate the capitalist pattern of evolution followed by the industrialized countries during the past century and which we consider to be neither applicable nor convenient. Predatory capitalism is dead as well it should be.

Ours is a free enterprise system working within the framework of the active participation of the State in the national economy. We need to make an optimum use of scarce resources. That is why we must formulate national efforts in the context of a plan that is imperative for the public sector and indicative for the private sector. During the last three years we have been engaged in an ambitious program of economic development and social reforms called the National Transformation.

Inflation has been brought under control. Business confidence is at an all time high and investment both public and private are proceeding at record levels. In 1968, we had a six percent (6%) increase in the Gross National Product. This year we expect to do even better. We have made real progress in the correction of a structural disequilibrium in our balance of payments. In 1959, non-coffee exports totaled twenty-five (25) million accounting for seven percent (7%) of all exports. This year we will earn two hun-

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dred (200) million dollars in exports, other than coffee, which represents forty percent (40%) of the total. A record agricultural output has helped to stabilize prices and to open up new exports. Because of adverse international economic conditions Colombia has had to complement its foreign exchange earnings with foreign loans. We will continue to utilize international credit until the process of bringing our balance of payments into equilibrium is completed. Social Security coverage has been greatly extended and we are studying the means of applying it to the countryside. This is something which I hope to get started before the end of my administration. Community development is being promoted in rural and in urban areas. New legislation for child welfare and family protection has been created. Additional resources are being assigned to health services and to education. The recently created National Saving Fund will stimulate the construction of low cost housing, at a higher rate, and will channel resources to industry and agriculture.

Last month, Colombia, Ecuador, Peru, Bolivia and Chile signed a Sub-Regional Integration Agreement. These five nations have agreed to establish a common market over an eleven year period at the end of which all barriers to reciprocal trade will be removed. and a common external tariff will be adopted. The widening of the market thus achieved will act as a vigorous stimulant to the five National economies.

The Andean Sub-Regional Group, with a total population of fifty (50) million, will be able to attract new and more efficient industries. The member countries will be able thereby to participate more actively in an eventual Latin American Common Market.

Colombia has given enthusiastic support to this initiative which we hope will provide a new impetus to Latin American economic integration. The goal of a more prosperous and just hemispheric economy may appear distant but it is definitely within our capabilities. I am a firm believer in the power of reason and in man's ability to shape his destiny through the intelligent pursuit of ideals.

That is why, despite many discouraging factors and the apparent incompatibility of conflicting interests I regard our common future with optimism.

In the shaping of that common future Colombia and Latin America will require your understanding. As molders of public opinion in the United States you can take the leadership in putting the Inter-American dialogue on a more enlightened and constructive basis. I hope today's conversation will be a useful contribution to that dialogue. Thank you.

PASSPORT FIASCO

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, for several years I have been concerned with the undue delay and nuisance which many people encounter when they apply for a passport. The growing demand far exceeds the facilities and, in Connecticut, where the numbers of passport applications have reached new highs, the facilities for their issuance which existed last year have actually been reduced 50 percent.

I have heard reports from Connecticut that the passport problem has reached emergency conditions. In the span of 10 years from 1955 to 1965 the passport traffic increased from only 528,000 to 1.25 million, and this figure is now well beyond 1.5 million per year.

The public demand for improvement of the passport service has reached proportions that must have response from the Congress and the State Department.

While my previous efforts in this endeavor have not been effective, I have again called upon the Secretary of State to recommend that the Director of the Passport Office establish an alternative procedure to the present one which will protect the Government, but will also permit prompt and efficient issuance of passports. I include here a letter I have addressed in this connection to Secretary of State William P. Rogers, and I ask my colleagues for their support in this endeavor, for I am sure that Connecticut holds no monopoly on the passport fiasco:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 11, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: Once again the passport situation in Connecticut is creating problems. These arise from the fact that the annual surge of passport applicants must be serviced in one city by one clerk in the Superior Court, a State court, and since the Federal courts at New Haven and Bridgeport which previously handled passport applications, no longer do so, there is only one Federal Court in the State dealing with these applications.

I have suggested previously the desirability of eliminating the requirement in the law that the applicant swear to the application before a court official. This requirement appears to me to be unduly restrictive. I suggest that the applicant be permitted to appear before a Notary Public or some other constituted authority. The situation has reached a point where applicants are not receiving the type of service they have a right to expect on behalf of the Federal government.

I urge you to recommend that the Director of the Passport Office establish an alternative procedure to the present which will protect the government but will also permit prompt and efficient issuance of passports.

Sincerely yours,
JOHN S. MONAGAN,
Member of Congress.

HAROLD RUSSELL, CHAIRMAN OF THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

Mr. McCORMACK. Mr. Speaker, one of the most dedicated men that I have ever met is Harold Russell, Chairman of the President's Committee on Employment of the Handicapped.

The President's Committee, established in 1947, promotes employment opportunities for the physically and mentally handicapped.

The Committee includes over 600 organizations and individuals, and also includes all Cabinet officers and the heads of several major Federal agencies.

Harold Russell was first appointed Chairman in 1964 by President Johnson. Prior to that, he had served as Vice Chairman since his appointment in 1962 by the late President Kennedy.

As Chairman, Harold Russell travels extensively throughout the United States to seek expanded training and job opportunities for the handicapped. He serves without compensation except for travel expenses.

On May 1, 1969, at the annual meeting of the President's Committee on Employment of the Handicapped, Harold Russell made some very interesting and informative remarks, which I herewith include:

REMARKS OF HAROLD RUSSELL, THURSDAY, MAY 1, 1969

Welcome to this Annual Meeting of the President's Committee. And welcome to this beautiful city of Washington—not just the political capital of our country, but also its communications capital. More of that later.

We come from everywhere—from all the States of the Union and from foreign lands. We come from all backgrounds—business and labor, volunteers and professionals, government and non-government, city people and farm people, young and old.

We come here because we speak a common language, the language of opportunity for the handicapped. But we do more than speak the language. We act.

The past year has been a year of action. Rehabilitations set a new record of more than 200,000 . . . Job placements by public employment offices reached a third of a million . . . The mentally retarded found jobs in record numbers, and the big problem is to prepare more for all the job openings . . . The mentally restored came into the labor market in greater numbers than ever . . . We saw important beginnings in employment of the severely handicapped . . . Architectural barriers continued to tumble down . . . A good start was made to eliminate transportation barriers.

At first glance, a banner year, one worth celebrating. But look again. There are two other things about the year that bothers me.

One seems to be a trend toward a slowdown in our communications with one another. Our lines of communication seem to be developing short circuits.

The other seems to be a trend toward dehumanizing the handicapped. More and more, we seem to be considering the handicapped not as total human beings but as fragmented parts.

Let me say a few words about each trend. Communications first.

Sometimes government agencies seem to have trouble communicating with voluntary agencies. Sometimes government agencies seem to have trouble communicating among themselves. Sometimes this profession doesn't seem to be able to communicate with that profession. Sometimes labor doesn't seem to communicate with management. Sometimes it's the other way around.

Sometimes the agencies serving the handicapped have trouble communicating with the people they're supposed to serve. If you want evidence, I refer you to a recent Roper study which showed that an alarming number of families of handicapped people didn't have the faintest idea where to go for services. There's a short circuit for you.

Finally, sometimes we don't communicate very well with the general American public. Looking back, we have come a long way in building public acceptance of the handicapped. But let's not get smug. I refer you again to the Roper study. It took a cross-section of a thousand American families and probed their attitudes about the mentally retarded, about the blind and about the crippled.

Eighty-four percent thought that the retarded belong in institutions or at best in sheltered workshops, but certainly not in the regular labor force alongside other workers.

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Fifty-six percent thought that the blind belong in institutions or sheltered workshops but not in the labor force.

Sixty-four percent thought the crippled should be in institutions or workshops but not in competitive employment.

Eighty-four percent, fifty-six percent, sixty-four percent. We have a lot of minds to change, haven't we?

It's not enough to talk about short circuits in our communications systems. We must try to understand why this Tower of Babel keeps growing in our midst.

The major cause, I believe, is the age we live in. Ours is an age of specialization, an age of a knowledge explosion that we haven't learned to cope with.

Knowledge keeps piling upon knowledge to the point where we need computers just to catalogue it. This growing mountain of knowledge has forced us to become specialists. Even our specialties are growing narrower. We find we're spending all our waking hours—and nighttime hours, too—just keeping up with our own specialties. Who has time to lift his head from the journals to see what's going on in the rest of the world?

This age of knowledge, this age of specialization, has been bringing about the other trend I mentioned earlier—the trend toward de-humanizing the handicapped, toward perceiving the parts of the man rather than the whole man.

Specialization has led to fragmentation.

Take the field of medicine. There are brain specialists and eye specialists and nose specialists and ear specialists and heart specialists and lung specialists and pancreas specialists and liver specialists and intestinal specialists and limb specialists and skin specialists and I've only begun to scratch the surface. Very often, each is so concerned with his own specialty that he fails to see the total person.

Or take the field of the handicapped.

You'll find employment specialists concerned with what goes on from nine to five but not a minute afterwards. And you'll find recreation specialists who are concerned with what goes on after five but not a minute before. And placement specialists so concerned with job development in the plant that they lose sight of transportation barriers that keep the man at home. And specialists in architectural barriers who are less concerned with attitudinal barriers. And specialists in attitudinal barriers who overlook architecture. And specialists concerned with the psychology of the handicapped but not their physiology. And others concerned with physiology but not with psychology.

Fragmentation of people has crept into the attitudes of the general public as well.

Why do you think the Roper study showed so little acceptance of the handicapped? Because most of the people did not see the handicapped as total human beings, but rather as creatures bearing the tags of "retarded" or "blind" or "crippled."

How can you possibly reject a person—be he retarded or blind or crippled or whatever—if you get to know him as a complete human being? You can't. You can't.

Now please understand me. I'm not saying everybody on earth goes around with fragmented viewpoints of people. I am saying there is more of it than we would like to see. And it is growing.

What can we do about it?

Well, we can devote part of our careers—only a small part—to becoming still another kind of specialist. A specialist in humanity.

This part of us should be able to step back every once in a while to see man as a total human being and not just as the sum of his many segments.

This part of us should be able to remind us of the relationships between all aspects of a man's existence—the family he came from, the neighborhood where he grew up, the schools he attended, the friends he made, the girl he married, the dreams he dreamed, the attitudes he has developed toward work, the image he has built of himself.

This part of us should be able to force us to lift our heads from our technical books and journals, to look out over the universe and see its one-ness. If the universe is one, then man is one.

Finally, this part of us should cut us down to size every once in a while—should make us see that the world does not revolve around us and our specialties, but that, instead, we are a detail in a much larger picture of mankind.

How can we become such a specialist in humanity?

We can do it by communicating with one another. We can do it by leaving our fenced-in back yards and visiting other neighborhoods, other worlds.

Communicate. Labor with management. Professional with volunteer. Young with old. City people with farm people. All of us with the handicapped.

Communicate. Only when we communicate with each other can we come to see the handicapped as total human beings. Only when we see them as total human beings can we serve them as they need to be served.

Communicate, communicate, communicate.

That's one value of these Annual Meetings. The President's Committee cuts across lines, across specialties. We speak the common language of man. We give you the chance to communicate.

But you don't have to wait once a year for Annual Meetings of the President's Committee. There are Governors' Committees in all the states and local Committees in nearly a thousand cities—made up of broad cross-sections of society, able to see the handicapped as whole men and whole women.

Take a more active part in the affairs of your Governor's Committee or your local Committee. Volunteer yourselves. Enlist. Many of you are already active, but not all. Not only will you strengthen the Committees, but you will strengthen yourselves.

I know that this is a modest proposal for a major problem. I know there must be other proposals, your proposals. Please think about these things. How can we communicate better? How can we counteract fragmentation? How can we see the handicapped as a whole man?

I hope you will think about it. And I hope you will write me; yes, all of you here today.

If this President's Committee is to be truly effective, its strength lies in you and in your ideas. Your ideas can lead us forward. So write—letters, postcards, telegrams, anything. Just write, and we will move forward.

We will move forward when we truly begin to communicate with one another.

We will move forward when we see the handicapped not as cases, not as clients, not as consumers—but as human beings.

We will move forward because we are determined to move forward.

Archibald MacLeash, the poet and playwright, said these things so well. Listen to his thoughts:

There was a time in history, he said, when man considered himself the center of everything. The stars and moon and sun were created for his benefit. The earth was his. The waters were his. The animals were placed on earth to do his bidding.

He was "Mr. Big"—a comfortable feeling, if not a very realistic one.

Then came knowledge, and the exploration of the mysteries of life and space. And man's view of himself underwent a shattering change.

No longer was he everything. No longer was he "Mr. Big."

Instead, he saw himself as nothing; absolutely nothing. A tiny dot in a universe without end—a universe that didn't care whether he existed or didn't exist. He was "Mr. Nothing." He was devastated.

Then, just a few months ago, came Apollo Eight, that flight around the moon. And back from Apollo Eight came those wonderful photographs of this, our planet Earth, floating serenely and majestically in a sea of space. This noble sphere was our home, our Earth. For the first time, we have seen ourselves as we really are.

Once more, our viewpoint changed. No longer were we everything, the center of the universe. No longer were we nothing, a dot in a universe without meaning.

We have seen those photographs, and we have seen ourselves whole. We have gained the dignity of whole men. In those photographs, boundaries ceased to exist—no nations, no states, no cities, no neighborhoods, no blacks, no whites, no browns, no yellows. But one world. One world where all men are brothers.

A whole world with whole people. So our role becomes clear. We must help all men achieve their whole-ness, achieve their integrity as human beings and as brothers.

We must do this so that we can truly inherit the earth, the gray-blue earth that we have seen, our home.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Wolff of New York (at the request of Mr. Albert), for today, on account of official business.

Mr. Foley (at the request of Mr. Meeds), for June 16, 1969, through June 20, 1969, on account of official business.

Mr. O'Hara (at the request of Mr. Albert), for today and through July 2, on account of official business.

Mr. Denney (at the request of Mr. Gerald R. Ford), for the week of June 16, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Edmondson (at the request of Mr. Albert), for 30 minutes, today, to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Mizell) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Findley, for 5 minutes, today.

Mr. Anderson of Illinois, for 15 minutes, today.

Mr. Conte, for 10 minutes, today.

Mr. McDonald of Michigan, for 15 minutes, today.

Mr. Steiger of Wisconsin, for 5 minutes, today.

(The following Members (at the request of Mr. Caffery) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Flood, for 15 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Leggett, for 6 minutes, on June 17.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Bennett during debate on H.R. 11235 today, the Older Americans Act of 1969 amendments.

Mr. Lennon (at the request of Mr. Garmatz) to follow the remarks of Mr. Garmatz on H.R. 265.

Mr. McCormack (at the request of Mr. Caffery) to extend his remarks in the body of the Record and to include extraneous matter.

(The following Members (at the request of Mr. Mizell) and to include extraneous matter:)

Mr. Camp in three instances.

Mr. Conte.

Mr. Vander Jagt.

Mr. Bow.

Mr. Hosmer in three instances.

Mr. Hall.

Mr. Wyman in four instances.

Mr. Steiger of Arizona in two instances.

Mr. Edwards of Alabama.

Mr. Zwach in two instances.

Mr. McClory.

Mr. Anderson of Illinois.

Mr. Carter.

Mr. Landgrebe.

Mr. Riegle in two instances.

Mr. Stanton in three instances.

Mr. Collins in four instances.

Mr. Morse.

Mr. Dellenback.

Mr. Schadeberg in two instances.

Mr. Pollock.

Mr. Steiger of Wisconsin in two instances.

Mr. Miller of Ohio in two instances.

Mr. Cleveland in two instances.

The following Members (at the request of Mr. Caffery) and to include extraneous matter:)

Mr. Charles H. Wilson in two instances.

Mr. Bolling.

Mr. Montgomery in two instances.

Mr. Roybal in five instances.

Mr. Powell in two instances.

Mr. Purcell in two instances.

Mr. Long of Maryland in two instances.

Mr. Rosenthal in five instances.

Mr. William D. Ford.

Mr. Celler.

Mrs. Chisholm in two instances.

Mr. Bingham in two instances.

Mr. Ashley.

Mr. Koch.

Mr. Rarick in four instances.

Mr. Hungate.

Mr. Vanik in two instances.

Mr. Griffin in two instances.

Mr. Anderson of California.

Mr. Nichols in two instances.

Mr. Vigorito.

Mr. Brown of California in four instances.

Mr. Johnson of California.

Mr. Baring in two instances.

Mr. Gonzalez in two instances.

Mr. Donohue in four instances.

Mr. Burlison of Missouri.

Mr. Edwards of California.

Mr. Brasco.

Mr. Fulton of Tennessee in two instances.

Mr. O'Neill of Massachusetts in two instances.

Mr. Nedzi in two instances.

Mr. Cohelan in four instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4622. An act to amend section 110 of title 38, United States Code, to insure preservation of all disability compensation evaluations in effect for 20 or more years.

ADJOURNMENT

Mr. CAFFERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 17, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

847. A communication from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for insured operating loans, including loans to low-income farmers and ranchers, and for other purposes; to the Committee on Agriculture.

848. A communication from the Comptroller General of the United States, transmitting a report on a study of the indirect cost of federally sponsored research, primarily by educational institutions; to the Committee on Appropriations.

849. A communication from the Assistant Secretary of Defense (Comptroller), transmitting a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products during the first 9 months of fiscal year 1969, pursuant to the provisions of section 511 of Public Law 90–580; to the Committee on Appropriations.

850. A communication from the Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter January 1 to March 31, 1969, pursuant to the provisions of section 519 of Public Law 90–580; to the Committee on Appropriations.

851. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature, and estimated cost of a project proposed to be undertaken for the Marine Corps Reserve (Air), pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

852. A communication from the Comptroller General of the United States, transmitting a report on the administration and effectiveness of the work experience and training project in Becker and Mahnomen Counties, Minn., under title V of the Economic Opportunity Act of 1964, Department of Health, Education, and Welfare; to the Committee on Education and Labor.

853. A communication from the Secretary of Health, Education, and Welfare, transmitting the interim emergency report of the National Advisory Committee on Handicapped Children; to the Committee on Education and Labor.

854. A communication from the Secretary of State, transmitting the eighth annual report on the activities of the East-West Center in Honolulu, for fiscal year 1968, pursuant to the provisions of chapter VII of the Mutual Security Act of 1960, together with the second biennial report of the National Review Board for the East-West Center for the 2 years ended February 1969; to the Committee on Foreign Affairs.

855. A communication from the Comptroller General of the United States, transmitting a report on problems in the administration of the military building program in Thailand, Department of Defense; to the Committee on Government Operations.

856. A communication from the Assistant Secretary of the Interior, transmitting a report of projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations, or other institutions, and with private firms, as authorized by section 200(a) of the Water Resources Research Act of 1964, pursuant to the provisions of section 200(b) of that act; to the Committee on Interior and Insular Affairs.

857. A communication from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been concluded with respect to docket No. 318, *The Kickapoo Tribe of Oklahoma, Plaintiff*, v. *The United States of America, Defendant*, pursuant to the provisions of section 21 of the Indian Claims Commission Act, as amended; to the Committee on Interior and Insular Affairs.

858. A communication from the Director, Administrative Office of the U.S. Courts, transmitting copies of resolutions adopted by the Judicial Conference of the United States relating to outside compensation and disclosure of investments by members of the Federal judiciary; to the Committee on the Judiciary.

859. A communication from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to extend the compulsory patent licensing authority; to the Joint Committee on Atomic Energy.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 12129. A bill to amend the Federal Reserve Act with respect to the terms of office of the Chairman and members thereof, and for other purposes; to the Committee on Banking and Currency.

By Mr. STANTON:

H.R. 12130. A bill to subject bank holding companies to the Bank Holding Company Act of 1956; to the Committee on Banking and Currency.

By Mr. ASHLEY:

H.R. 12131. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 12132. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from the gross income for contributions to local, State, and national candidates for public office or to political parties; to the Committee on Ways and Means.

By Mr. BUSH:

H.R. 12133. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

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By Mr. CAREY:

H.R. 12134. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CORMAN:

H.R. 12135. A bill to amend the Internal Revenue Code of 1954 to permit coordination with corrective action by the States where exemption from tax is denied to certain organizations described in section 501(c)(3) of such code; to the Committee on Ways and Means.

By Mr. FLOOD:

H.R. 12136. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Pennsylvania:

H.R. 12137. A bill to amend title 38 of the United States Code to provide that World War II and Korean conflict veterans entitled to educational benefits under any law administered by the Veterans' Administration who did not utilize their entitlement may transfer their entitlement to their children; to the Committee on Veterans' Affairs.

By Mr. HUNGATE:

H.R. 12138. A bill to amend title 10 of the United States Code to provide a more adequate survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

By Mr. JACOBS:

H.R. 12139. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of California (for himself and Mr. Baring):

H.R. 12140. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; to the Committee on Interior and Insular Affairs.

By Mr. JONES of Tennessee:

H.R. 12141. A bill to exempt from the antitrust laws certain joint newspaper operating arrangements; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 12142. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption to a taxpayer supporting a dependent who is mentally retarded; to the Committee on Ways and Means.

By Mr. NEDZI:

H.R. 12143. A bill to amend the Fish and Wildlife Coordination Act to establish a national policy for the environment, to establish a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PUCINSKI:

H.R. 12144. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania:

H.R. 12145. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide that the procurement of certain transportation and public utility services shall be in accordance with all applicable Federal and State laws and regulations governing carriers and public utilities, and for other purposes; to the Committee on Government Operations.

H.R. 12146. A bill to amend the Interstate Commerce Act to strengthen and improve the enforcement of Federal and State economic laws and regulations concerning highway transportation; to the Committee on Interstate and Foreign Commerce.

H.R. 12147. A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier programs to enforce the economic laws and regulations of the States and the United States concerning highway transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12148. A bill to amend section 410 of the Communications Act of 1934 to permit the Federal Communications Commission to pay the expenses of certain State officials serving in joint hearings with the Commission; to the Committee on Interstate and Foreign Commerce.

H.R. 12149. A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier safety programs to insure the safe operation of commercial motor vehicles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12150. A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to prescribe uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12151. A bill to amend the Natural Gas Pipeline Safety Act of 1968 to establish a formula for the division of Federal grants among State agencies, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12152. A bill to amend the Communications Act of 1934, as amended, to redefine State and local governmental authority over communications primarily of local concern; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Brasco, and Mr. Murphy of New York):

H.R. 12153. A bill to amend the Public Health Service Act to provide authorization for grants for communicable disease control; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas:

H.R. 12154. A bill to amend the Agriculture Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. TEAGUE of Texas (by request):

H.R. 12155. A bill to amend title 38, United States Code, so as to provide mustering-out payments for those with military service after August 4, 1964; to the Committee on Veterans' Affairs.

H.R. 12156. A bill to amend title 38, United States Code, to provide that psychosis developing a 10-percent degree of disability or more within 2 years after separation from active service during a period of war shall be presumed to be service connected; to the Committee on Veterans' Affairs.

H.R. 12157. A bill to amend title 38, United States Code, to assure that the United States shall bear all of the cost of servicemen's group life insurance traceable to war; to the Committee on Veterans' Affairs.

H.R. 12158. A bill to amend chapter 7, title 24, United States Code, to exclude from burial in national cemeteries those persons convicted of treasonous and capital crimes; to the Committee on Veterans' Affairs.

H.R. 12159. A bill to amend title 38 of the United States Code to provide for a pension of $100 per month for unremarried widows of men awarded a Medal of Honor posthumously; to the Committee on Veterans' Affairs.

H.R. 12160. A bill to amend 38 U.S.C. 5001 (a)(3) so as to increase to 6,000 the number of beds in Veterans' Administration facilities for the provision of nursing home care to eligible veterans; to the Committee on Veterans' Affairs.

H.R. 12161. A bill to amend title 38, United States Code, so as to provide for the payment of transportation allowances for veterans dying in Armed Forces hospitals; to the Committee on Veterans' Affairs.

By Mr. VANIK:

H.R. 12162. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work, and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. Blackburn, Mr. Findley, Mrs. Green of Oregon, Mr. Ichord, Mr. Mathias, and Mr. Murphy of New York):

H.R. 12163. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 12164. A bill to amend the Packers and Stockyards Act of 1921, as amended, to prohibit slaughter of livestock under certain conditions which reduce the bargaining power of livestock producers generally and interfere with a free market, and for other purposes; to the Committee on Agriculture.

H.R. 12165. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FOREMAN:

H.R. 12166. A bill to provide for the withdrawal of second-class and third-class mailing permits of mail users who have used these permits in the mailing of obscene, sadistic, lewd, or pandering mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HOLIFIELD (for himself, Mr. Price of Illinois, and Mr. Hosmer):

H.R. 12167. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. MOSS:

H.R. 12168. A bill to prohibit any air carrier from refusing transportation to U.S. marshal escorting a prisoner in his custody, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS:

H.R. 12169. A bill to establish certain policies with respect to certain leases or permits issued by the Secretary of the Interior; to the Committee on Interior and Insular Affairs.

By Mr. POAGE:

H.R. 12170. A bill to amend the Submerged Lands Act to establish the coastline of certain States as being, for the purposes of that act, the coastline as it existed at the time of entrance into the Union; to the Committee on the Judiciary.

By Mr. RIVERS (by request):

H.R. 12171. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

By Mr. STEIGER of Wisconsin:

H.R. 12172. A bill to permit the President to authorize the sale of savings bonds yielding not more than 5 percent per annum; to the Committee on Ways and Means.

By Mr. POFF:

H.J. Res. 778. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.J. Res. 779. Joint resolution creating a

Joint Committee on Oceanic and Atmospheric Programs; to the Committee on Rules.

By Mr. WIDNALL:

H.J. Res. 780. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. ZWACH:

H.J. Res. 781. Joint resolution proposing an amendment to the Constitution of the United States to preserve to the people of each State power to determine the composition of its legislature and the apportionment of the membership thereof in accordance with law and the provisions of the Constitution of the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

219. By the SPEAKER: Memorial of the Legislature of the State of Alaska, relative to the prevention and control of fires in rural areas; to the Committee on Agriculture.

220. Also, a memorial of the Legislature of the State of Louisiana, relative to reestablishment of the U.S. Weather Station at Alexandria, La.; to the Committee on Interstate and Foreign Commerce.

221. Also, a memorial of the Legislature of the State of Oregon, relative to the direct popular election of the President; to the Committee on the Judiciary.

222. Also, a memorial of the Legislature of the State of Louisiana, relative to Federal financing of welfare and public assistance programs; to the Committee on Ways and Means.

223. Also, a memorial of the Legislature of the State of Minnesota, relative to limiting the right of nonfarm corporations and individuals to write off farm losses against nonfarm profits for Federal income tax purposes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MAILLIARD:

H.R. 12173. A bill for the relief of Mrs. Francine M. Welch; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 12174. A bill for the relief of Maria Concetta Lettera; to the Committee on the Judiciary.

H.R. 12175. A bill for the relief of Pasquale Siconolfi; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 12176. A bill for the relief of Bly D. Dickson, Jr.; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 12177. A bill for the relief of Dr. Jose Agenda Vivo Paz; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 12178. A bill for the relief of George W. Hardin; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 12179. A bill for the relief of Rafael Rueda-Lopez; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

143. By the SPEAKER: Petition of Wendell B. Moore et al., Baton Rouge, La., relative to seniority rights of Hon. John R. Rarick; to the Committee on House Administration.

144. Also, petition of Ron deLugo, Washington, D.C., relative to constitutional self-government for the people of the Virgin Islands; to the Committee on Interior and Insular Affairs.

145. Also, petition of the City Council, Philadelphia, Pa., relative to designating the birthday of the late President John F. Kennedy a legal national holiday; to the Committee on the Judiciary.

146. Also, petition of the County Board of Directors, Beaufort County, S.C., relative to taxation of State and local government securities; to the Committee on Ways and Means.

147. Also, petition of the City Council, Franklin, Va., relative to taxation of State and local government securities; to the Committee on Ways and Means.

SENATE—*Monday, June 16, 1969*

The Senate met at 12 o'clock noon, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of all power and might, the Maker and Ruler of men, accept the love of our hearts and the service of our minds, as we seek to help all men come to fullness of life. Give us grace and wisdom to maintain the freedoms won by our fathers. Uphold us in the high resolve that government and industry and education shall faithfully minister to the people's well-being and to strengthening the foundations of the Republic.

Direct us this day, O Lord, in all our doings with Thy most gracious favor, and further us with Thy continual help, that in all our works begun, continued and ended in Thee, we may glorify Thy holy name, and finally, by Thy mercy, obtain everlasting life; through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 12, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of June 12, 1969, the Secretary of the Senate, on June 13, 1969, received messages in writing from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(For nominations received on June 12, 1969, see the end of the proceedings of today, June 16, 1969.)

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 219 and the succeeding measures in sequence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROVISION OF ADDITIONAL FUNDS FOR THE COMMITTEE ON APPROPRIATIONS

The resolution (S. Res. 204) to provide additional funds for the Committee on Appropriations was considered and agreed to, as follows:

S. RES. 204

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $35,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

AUTHORIZATION FOR THE PRINTING OF THE REPORT ENTITLED "EFFECT OF LUMBER PRICING AND PRODUCTION ON THE NATION'S HOUSING GOALS" AS A SENATE DOCUMENT

The Senate proceeded to consider the resolution (S. Res. 206) authorizing the printing of the report entitled "Effect of Lumber Pricing and Production on the Nation's Housing Goals" as a Senate document, which had been reported from the Committee on Rules and Administration with an amendment, in line 3, after the word "Lumber" strike out "Pricing and Production" and insert

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"Prices and Shortages"; so as to make the resolution read:

S. Res. 206

Resolved, That the report of the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency entitled, "Effect of Lumber Prices and Shortages on the Nation's Housing Goals" be printed with an illustration as a Senate document, and that there be printed one thousand additional copies of such document for the use of that committee.

Amend the title so as to read: "A resolution authorizing the printing of the report entitled 'Effect of Lumber Prices and Shortages on the Nation's Housing Goals' as a Senate document."

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-229), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 206 would provide that the report of the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency entitled "Effect of Lumber Pricing and Production on the Nation's Housing Goals" be printed with an illustration as a Senate document, and that there be printed 1,000 additional copies of such document for the use of that committee.

At the request of the Committee on Banking and Currency, the Committee on Rules and Administration has amended Senate Resolution 206 to effect a minor change in the title of the report to be printed. The title of the resolution itself also has been appropriately amended.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$1,984.21
1,000 additional copies, at $137.73 per thousand	137.73
Total estimated cost, Senate Resolution 206	2,121.94

The title was amended, so as to read: "A resolution authorizing the printing of the report entitled 'Effect of Lumber Prices and Shortages on the Nation's Housing Goals' as a Senate document."

AUTHORIZATION FOR THE PRINTING OF THE 1968 ANNUAL REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION AS A SENATE DOCUMENT

The resolution (S. Res. 207) authorizing the printing of the 1968 Annual Report of the National Forest Reservation Commission as a Senate document was considered and agreed to as follows:

S. Res. 207

Resolved, That the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1968, be printed with an illustration as a Senate document.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the Report (No. 91-230), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 207 would provide that the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1968, be printed with an illustration as a Senate document.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$1,806.96

REVISION OF THE PAY STRUCTURE OF THE POLICE FORCE OF THE NATIONAL ZOOLOGICAL PARK

The bill (H.R. 2667) to revise the pay structure of the police force of the National Zoological Park, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-231) explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

H.R. 2667 is identical in text to S. 883, which was introduced by Senator B. Everett Jordan on February 4, 1969, and the same date referred to the Committee on Rules and Administration.

H.R. 2667 would revise the pay structure of the police force of the National Zoological Park. Specifically, it would (1) remove all positions in that police force from the classification system of the Civil Service Commission, and (2) confer upon the Secretary of the Smithsonian Institution authority, with certain limitations, to fix salaries for all such positions.

The relatively low pay scales authorized for its 32-man police force have presented the National Zoological Park with grave difficulties in recruiting police and retaining an adequate force. The Smithsonian Institution, the parent organization of the Zoological Park, consequently has requested the Congress to approve a higher salary structure for the zoo police. In support of its request, the Smithsonian has pointed to the changing pay picture in the area, wherein pay scales for police organizations in the District of Columbia and surrounding municipalities have been substantially increased. Currently, zoo police privates are classified in grade GS-5, sergeants in GS-6, lieutenants in GS-7, and the captain in GS-8 of the Classification Act's pay scale.

While H.R. 2667 removes the zoo police from the Classification Act, it does retain the monetary scales of that act as a measure for compensation. On such basis it increases each zoo police position by two grades. The increased salaries which could be authorized are as follows:

PROPOSED SALARY RATES FOR THE NATIONAL ZOOLOGICAL POLICE

	Step				
	1	2	3	4	5
Private, GS-7	$6,981	$7,214	$7,447	$7,680	$7,913
Sergeant, GS-8	7,699	7,956	8,213	8,470	8,727
Lieutenant, GS-9	8,462	8,744	9,026	9,308	9,590
Captain, GS-10	9,297	9,607	9,917	10,227	10,537

H.R. 2667 is supported by the Smithsonian Institution. It is opposed by the Civil Service Commission.

There is no doubt that the salaries currently payable at the National Zoological police force are considerably lower than those payable to other police organizations in the District of Columbia. The need for salary adjustments is quite obvious. The Committee on Rules and Administration is of the opinion that H.R. 2667 offers what appears to be a satisfactory adjustment, even though the proposed scales are still lower than comparable scales paid in the District of Columbia and on the Hill. There has been considerable interest evidenced by Members of Congress in taking appropriate action in this matter. Accordingly, favorable action on H.R. 2667 is urged.

EXPRESSION OF THE SENSE OF CONGRESS ON PARTICIPATION IN THE NINTH INTERNATIONAL CONGRESS ON HIGH SPEED PHOTOGRAPHY

The concurrent resolution (S. Con. Res. 12) to express the sense of Congress on participation in the Ninth International Congress on High Speed Photography, to be held in Denver, Colo., in August 1970, was considered and agreed to, as follows:

S. Con. Res. 12

Whereas high-speed photographic techniques can magnify the time scale of scientific phenomena revealing parameters for research, engineering, and testing that are extremely important to every nation; and

Whereas the First and Fifth International Congresses on High Speed Photography were held in the United States of America, as organized and conducted by the Society of Motion Picture and Television Engineers; and

Whereas the Fifth International Congress on High Speed Photography in 1960 was supported by the Federal Government, as expressed in the S. Con. Res. 75 in 1959; and

Whereas other meetings were held in Paris, London, Cologne, The Hague, Zurich, and Stockholm, and in each instance these meetings have received the recognition and the support of the governments of the respective host countries; and

Whereas with each meeting the International Congress on High Speed Photography has grown in prestige and stature, and attracts more countries in a continuing growth pattern; and

Whereas the importance of high-speed photography is reflected in nearly all of the physical sciences, including medical, biological, space and many other fields; and

Whereas the Society of Motion Picture and Television Engineers is once again sponsoring the International Congress on High Speed Photography in Denver, Colorado, in August 1970 and is desirous of representing the United States of America as the host country in the best possible light; and

Whereas the Congress is fully appreciative of the importance of assuring this international scientific meeting is conducted in a manner which will bring credit and enhanced prestige to the United States of America; and

Whereas it is the belief of the Congress that—

(1) the democratic environment of the free world is the best environment for the achievement in science; and

(2) scientists and engineers have special advantages and opportunities to assist in achieving international understanding since the laws and concepts of science cross all national and ideological boundaries; and

(3) high-speed photography is a universal tool in science, important to nearly all sciences internationally, and the International Congress on High Speed Photography is an

excellent means of disseminating the advances in technology; and

Whereas the Congress is interested in (1) promoting international understanding and good will; (2) enhancing the excellence of American sciences, both basic and applied, and (3) furthering international cooperation in science and technology by creating the necessary climate for effective interchange of ideas: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that all interested agencies of the Federal Government should participate actively to the greatest practicable extent in the Ninth International Congress on High Speed Photography to be held in Denver, Colorado, in August 1970, under the sponsorship of the Society of Motion Picture and Television Engineers.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–232), explaining the purposes of the concurrent resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE RESOLUTION

Senate Concurrent Resolution 12 expresses the sense of the Congress that all interested agencies of the Federal Government should participate actively to the greatest practicable extent in the Ninth International Congress on High-Speed Photography, which will be held in Denver, Colo., in August 1970. No appropriation of Federal funds is authorized or contemplated in connection with this resolution.

BACKGROUND

Realizing the importance of high-speed photography in the ever widening periphery of science on an international basis, the First International Congress on High-Speed Photography was held in Washington, D.C., in October 1952, under the sponsorship of the Society of Motion Picture & Television Engineers. This is a nonprofit organization originally founded in 1916 as the Society of Motion Picture Engineers and the field of television was added in 1950. The first Congress was attended by scientists and engineers from a number of countries in addition to a large U.S. membership.

Subsequent Congresses were held in Paris in 1954, London in 1956, Cologne in 1958, Washington in 1960, The Hague in 1962, Zurich in 1965, and Stockholm in 1968.

With each meeting, the International Congress on High-Speed Photography has grown in stature and prestige, and is ever influencing additional countries who are now realizing the significance of these meetings.

GENERAL STATEMENT

High-speed photography and associated instrumentation techniques may be classed among the newer sciences for the analysis of motion and recording of data. There are thousands of high-speed cameras in use today where there were practically none in use 30 years ago. New applications in industrial research and development, in science, and in the military agencies are being found daily.

This ability to magnify time is an invaluable tool for the scientist and engineer, not only in the vital area of national defense, but in practically every phase of everyday living as well. The efficient combustion of gasoline in our modern high-compression engines, complex interaction of the parts of our high-speed machines, the dependable operations of our automatic dial telephones are but a few of the many problems in which high-speed photographic instrumentation has played a major role. Aircraft designers depend heavily on high-speed photographic instrumentation to study mechanical, electrical, and aerodynamic problems. The aircraft propeller was perfected as a result of high-speed photography study. Jet engines are being studied for burning characteristics, temperatures, and other parameters in order to make them more efficient and powerful.

In the field of medicine, high-speed photography has been used for studies of the heart, larynx, eardrum, and for the study of muscular reaction rates and bodily function. The use of high-speed microphotography in the studies of the blood represents a major research breakthrough.

COMMITTEE CONSIDERATION

Your committee reported a similar resolution, Senate Concurrent Resolution 75 (86th Congress), when the International Congress last met in the United States in 1960.

Your committee has received no objections to adoption of Senate Concurrent Resolution 12.

CONCLUSION

High-speed photography continuously increases in complexity, as well as importance in our world, since each year its application to science goes forward at an accelerated pace. As a tool in science, high-speed photography is constantly alerted to the needs in the study of the whole universe in its infinite space or infinitesimal objectivity. Fundamental data in many fields or research throughout the world require observations and measurements that would be impossible without the unilateral growth in high-speed photographic techniques.

The Society of Motion Picture & Television Engineers is once again sponsoring the International Congress on High-Speed Photography to be held in Denver, Colo., August 1970, for the ninth Congress in the series. The SMPTE is fully appreciative of the importance of assuring that this international scientific meeting is conducted in a manner which will bring credit and enhanced prestige to the United States as the host nation.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

PREPARING FOR THE FUTURE OF AIR TRANSPORTATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–130)

The **ACTING PRESIDENT** pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

To the Congress of the United States:

PREPARING FOR THE FUTURE OF AIR TRANSPORTATION

Years of neglect have permitted the problems of air transportation in America to stack up like aircraft circling a congested airport.

The purpose of air transportation is to save time. This purpose is not served when passengers must wait interminably in terminals; when modern jet aircraft creep at five miles per hour in a long line waiting for takeoff; when it takes longer to land than it takes to travel between cities; or when it takes longer for the air traveler to get to an airport than it does to fly to his destination.

In the tenth year of the jet age, more intercity passenger miles were accounted for by air than by any other mode of common carriage. In 1968, scheduled airlines logged over 150 million passenger trips, triple that of a decade ago; at the same time, the non-airline aircraft fleet almost doubled and the use of air freight quintupled. That rate of increase is likely to continue for the next decade—but it can be accommodated only if we prepare for it now.

The growth in the next decade must be more orderly. It must be financed more fairly. It must be kept safe. And it must not permit congestion and inadequate facilities to defeat the basic purpose of air transportation: to save time.

Air travel is a convenience hundreds of thousands of people take for granted—a means of commerce that millions depend upon for their goods and services. In a nation as large as ours and in a world grown suddenly small, flight has become a powerful unifying force. The ability to transport people and products by air—safely, surely and efficiently—is a national asset of great value and an international imperative for trade and travel.

That ability is being challenged today by insufficiencies in our nation's airports and airways. The demand for aviation services is threatening to exceed the capacity of our civil aviation system. Unless relieved, this situation will further compromise the convenience of air transportation, erode its efficiency—and ultimately—require more regulation if the enviable safety record of the airplane as a means of public and private transportation is to be preserved.

The challenge confronting us is not one of quality, or even of technology. Our air traffic control system is the best in the world; our airports among the finest anywhere. But we simply do not have the capacity in our airways and airports ample to our present needs or reflective of the future.

Accordingly, the Secretary of Transportation is submitting to the Congress today legislative proposals to provide the resources necessary to the air transportation challenges facing us. These proposals are responsive to the short-term as well as the long-range opportunities for civil aviation progress.

IMPROVING OUR AIRWAYS

To provide for the expansion and improvement of the airway system, and for a high standard of safety, this Administration proposes that *the program for construction of airways facilities and equipment be increased to about $250 million annually* for the next ten years. This is in sharp contrast to the average of $93 million appropriated in each of the past ten years, and is responsive to the *substantial expansion in the operation and maintenance of the air traffic system in the next decade.*

While this will provide for the needs of the '70s, development for the 1980s and beyond cannot be neglected. Technology is moving rapidly and its adaptation to provide future solutions must keep pace. Consequently, this program includes a provision for a doubling of development funds.

BUILDING AND IMPROVING AIRPORTS

The proposed airport program consists of both an expanded planning effort and the provision of additional Federal aid for the construction and improvement of airports. The airport systems planning we contemplate at both the Federal and local level will begin a new era of Federal, State and local cooperation in shaping airport development to meet national and local needs.

I propose Federal aid for airport development in fiscal 1970 of $180 million and in fiscal 1971 of $220 million, with continued expansion leading to a total of two and one-half billion dollars in the next ten years. Together with matching grants on a 50-50 basis with State and local governments, this strongly increased program will permit financing of *five billion dollars in new and expanded airfield facilities.*

The proposed fiscal year 1970 program of $180 million would help finance the development of airfield facilities, the conduct of airport systems planning, and airport planning and development activities carried on by States.

Of the $180 million.

—$140 million would be available for grants to air carrier and general aviation airports, with a primary objective of alleviating congestion in the most heavily used air terminals.

—$25 million in grants would be available to aid in the development of airfields used solely by general aviation.

—$10 million would be available in grants to planning agencies to assist them in conducting airport systems planning.

—$5 million would be available for grants to States to carry on airport planning and development activities.

Airport terminal buildings are a responsibility of local airport authorities. The Administration's legislative proposal suggests ways in which those authorities can meet that responsibility.

IMPROVING THE ENVIRONMENT OF TRANSPORTATION

In all planning for airways and airports, it will be the policy of this Administration to consider the relation of air transportation to our total economic and social structure.

For example, existing jetports are adding to the noise and air pollution in our urban areas. New airports become a nucleus for metropolitan development. These important social and conservation considerations must be taken into greater account in future air systems development.

In addition, airport planners must carefully consider the opportunity for business growth and the availability of labor supply. The presence of airport facilities is both a follower of and a harbinger of business and job development.

Most important, government at all levels, working with industry and labor, must see to it that all aviation equipment and facilities are responsive to the needs of the traveler and the shipper and not the other way around. Transportation to airports, whether by public conveyance or private vehicle, is as much a part of a traveler's journey as the time he spends in the air, and must never be viewed as a separate subject. A plane travels from airport to airport, but a person travels from door to door. I have directed the Secretary of Transportation to give special attention to all the components of a journey in new plans for airways and airports improvements.

FINANCING AIR TRANSPORTATION FACILITIES

The Federal Government must exert new leadership in the development of transportation, in the integration of the various modes, and in supporting programs of national urgency.

However, the added burden of financing future air transportation facilities should not be thrust upon the general taxpayer. The various users of the system, who will benefit from the developments, should assume the responsibility for the costs of the program. By apportioning the costs of airways and airports improvements among all the users, the progress of civil aviation should be supported on an equitable, pay-as-we-grow basis.

At present, the Treasury obtains revenues, generally regarded as airways user charges, from airline passengers who pay a five per cent tax on the tickets they buy, and from the operators of aircraft who pay a tax at the effective rate of two cents a gallon on aviation gasoline. The revenues obtained from these taxes are not applied directly to airways expenditures. They are either earmarked for other purposes or go into the general fund of the Treasury.

I propose that there be established a revised and expanded schedule of taxes as follows, the revenues from which would be placed in a Designated Account in the Treasury to be used only to defray costs incurred in the airport and airway programs:

—A tax of eight percent on airline tickets for domestic flights.

—A tax of $3 on passenger tickets for most international flights, beginning in the United States.

—A tax of five per cent on air freight waybills.

—A tax of nine cents a gallon on all fuels used by general aviation.

This new tax schedule would generate about $569 million in revenues in fiscal year 1970, compared with the revenues of $295 million under existing taxes.

To sum up:

—For the airline passenger, the proposed legislation would save his time and add to his safety.

—For the air shipper, it would expedite the movement of his goods, thereby permitting him to improve his services.

—For the private aircraft owner, it would provide improved facilities and additional airports.

—For the airline, it would permit greater efficiencies and enable the carrier to expand its markets by providing greater passenger convenience.

In short, the airways and airports system which long ago came of age will come to maturity. Those who benefit most will be those who most bear its cost, and the Nation as a whole will gain from aviation's proven impetus to economic growth.

The revenue and expenditure programs being proposed are mutually dependent and must be viewed together. We must act to increase revenues concurrently with any action to authorize expenditures; prudent fiscal management will not permit otherwise.

These proposals are necessary to the safety and convenience of a large portion of our mobile population, and I recommend their early enactment by the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 4622) to amend section 110 of title 38, United States Code, to insure preservation of all disability compensation evaluations in effect for twenty or more years, and it was signed by the Acting President pro tempore.

ARMS TALKS URGED BY REPRESENTATIVE ANDERSON

Mr. PERCY. Mr. President, I wish to call to the attention of the Senate a very important speech which my colleague from Illinois, Representative JOHN B. ANDERSON, is delivering this morning in the House of Representatives on the subject of arms talks. Representative ANDERSON is the chairman of the Republican Conference in the House of Representatives, and he is a member of the Joint Atomic Energy Committee. He is certainly one of my most respected colleagues in Congress.

I think note should be taken of what he has to say, and I trust it will be by

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all Members of Congress, as well as by the administration.

Representative ANDERSON said that both the Soviet Union and the United States stand today at a very critical juncture in the arms race, "one from which there may be no return." He said both countries were testing a new weapon known as MIRV, the multiple independently targetable reentry vehicle, and in his words, "The deployment of MIRV would signal a new escalation in the arms race, one which may be irrevocable." He said the administration should consider proposing to the Russians an immediate and mutual moratorium on MIRV testing while seeking a formal arms agreement in Geneva.

Mr. President, it is to be noted that Representative ANDERSON is not calling for a unilateral cessation of testing by the United States, but that we should call for a mutual understanding and moratorium on MIRV testing.

Representative ANDERSON said:

> I would hope that this administration would exhibit a sense of urgency regarding these talks and weigh the consequences of further delay.

He went on to praise President Nixon for calling for new initiatives in the control of arms in his recent Air Force Academy speech. In the words of Representative ANDERSON:

> I think the time has come to take these initiatives before it is too late.

Representative ANDERSON quoted Mr. Nixon who said at the Air Force Academy:

> I believe we must take risks for peace—but calculated risks, not foolish risks.

Commenting on this, the Illinois Republican said:

> I sincerely believe we must always be willing to take risks for peace because risking war in a nuclear age is akin to suicide. But at the same time, I agree with the President that the risks we take for peace must be well-calculated rather than foolish since foolish risks in the interests of peace could be equally suicidal in effect.

He went on to say that while our strong defensive posture remains the best deterrent to war, "it does not logically follow that the larger our nuclear arsenal, the more secure the peace." He explained that both we and the Russians already have a large overkill capacity and that, "the time has come to call a halt to this insane nuclear version of keeping up with the Joneses."

Mr. President, I think this message is exceedingly important. It is consistent also with the strong feelings evidenced by Members of this body. I believe we should get these talks underway at the earliest possible moment.

I was encouraged by a report in the Washington Post this morning which stated that possibly a target date of July 31 has been established. Obviously, it is necessary for us to adequately prepare for these important talks and it is necessary that we consult with our allies in Western Europe who are concerned about these talks. I have just recently returned from a NATO meeting in Brussels, and in conversations there it is clear that as long as we keep them acquainted with what we are doing and consult with them, they are exceedingly anxious to see if the escalation of terror that is now being carried on by both sides cannot somehow be moderated.

Therefore, I point with considerable pride to the important message given by my colleague from Illinois, Representative JOHN B. ANDERSON, this morning in the House of Representatives.

ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized for 10 minutes.

THE CANADIAN COMMUNICATIONS SATELLITE SYSTEM

Mr. GRAVEL. Mr. President, I would like to draw the attention of this distinguished body to a remarkable project voted into law last Friday by the Canadian Parliament.

Their action is quite remarkable for what it will do through the utilization of modern communications tools. The project is the Canadian communications satellite system—called Telesat.

I cannot praise this Canadian action enough for it represents the courage and vision to go out and to do what so many countries have been talking about doing. The Canadian Government is actually going to provide telephone and television service, not only to their urban areas, but to the most remote and far-reaching boundaries. Yes, they will provide this service now, through the use of new satellite technology rather than waiting a score of years to provide this same service through ordinary terrestrial means.

The Canadians are to be complimented even beyond this, for they hope to provide this new and advanced service at a lesser cost than is presently being charged in more urban areas.

Many have discussed and proposed the utilization of satellites as a method of bringing culture and education to the more remote areas of our globe. These discussions to place more people in the mainstream of communications are taking place in France, India, Brazil, Mexico, Japan, Indonesia, Germany, and Africa. The Council of Europe has a special committee working in Strasbourg for a similar purpose.

We, in the United States, have been moving toward the development of these educational and cultural tools. Unfortunately, our efforts have not been extensive or aggressive enough to bring to the people of this Nation the full fruits of existing communications technology.

Again I cannot praise the Canadian leadership sufficiently. The foresight of Prime Minister Pierre Trudeau and his Communications Minister Eric W. Kierans will bring about in a few short years the most modern audiovisual and cultural aids to serve all Canadian citizens between three oceans: Atlantic, Pacific, and Arctic.

My testimony to the Canadian foresight can be made only by a comparison to what we Americans are not doing in the same area.

Canada is not the only country with difficult terrain. Canada is not the only country with remote communities lying hundreds of miles apart. Canada is not the only country whose citizens, because of geographic circumstances, are educationally, culturally, and medically deprived.

No, Canada is not the only country. The United States has as many liabilities. This disenfranchisement exists in my own State of Alaska more than others; but it also exists in most of the rural areas of our Nation.

Our Nation, the United States of America, has made available the rockets, the miniaturization of electronics, the remarkable reliability of manmade tools in outer space. It is our Nation that established by law a corporation, Comsat, to provide space communications to those in the world who would join us in this enterprise. The United States provided the means, the tools, the material resources. The American taxpayer, directly and indirectly, has contributed millions of dollars to communications technology.

Our investment in this technology has not as yet brought the proper return. We have yet to enjoy the full benefits of a technology we have already paid for. We have yet to experience the full benefit of a domestic satellite system and the cost savings that can be enjoyed by all our citizens.

One can only reflect on when these benefits will become broadly available to our citizens. We can only hope that some day soon the biomedical communications from the Lister Hill National Center will be made to all our doctors on all the islands of Hawaii, throughout the State of Alaska, and in the most northern reaches of Maine, Wisconsin, Montana, Idaho, and other States.

The American public in general, and Alaskans specifically, have long endured inadequate service, inadequate when compared to that which advanced technology could readily make available.

How many more Alaskans and Americans must die before rural doctors have equal access to banks of modern diagnostic and therapeutic information?

How much longer must Alaskans be the only Americans not to watch by live transmission the space exploits for which they, too, have contributed their tax dollars?

How much longer must Alaskan children be the only American schoolchildren who cannot be afforded the experience of educational television programming.

How much longer must Alaskan business and other rural businesses throughout the Nation be subjected to unfair competition in the form of punitive, exorbitant telephone rates?

Let us hope that this Congress will reexamine those laws which today fragmentize responsibilities and permit not only the Alaskan public but the American people to go without the fruits of its own labor.

Mr. President, I am most encouraged by two developments in recent days that seem to indicate an awakening to both the Alaskan problem and the opportunities offered for satellite communications in our Nation.

First, in response to my inquiry, the Chairman of the U.S. delegation to the Intelsat conference, the Honorable William W. Scranton, has advised me that the United States would not object to Alaska's sharing in the benefits of the Canadian satellite, assuming of course that the Canadians might have an interest in permitting Alaska to share in its program.

I believe that this represents the new administration's first policy statement on the subject of international use of regional satellites.

Ambassador Scranton says in his letter:

> We are asking that member countries be free to establish satellites outside the Intelsat system to carry domestic traffic, with no qualifications except technical coordination with Intelsat. Under this concept of the definitive arrangements, there would be no obstacle to transmission of domestic traffic between Alaska and the rest of the United States via the Canadian satellite assuming this was arranged with the approval of the authorities of both countries.

I stand here to praise this new departure by the present administration. I think it is more realistic and offers a greater diversity of opportunity in satellite communications.

In view of this new policy, and on behalf of my constituency, I hope in the next few weeks to formalize a request to the Canadian Government—and my own State government—a request and a hope that the Canadian Government will entertain the possibility of letting its satellite serve the needs of my great State under some contractual arrangement.

Such an arrangement would not only bring Alaskan communications into the 20th century, but, such an arrangement would also serve to bind more closely our mutual constituencies into a new North American experience.

The benefit to Alaska of such an arrangement would be remarkable. The impact would be similar to the one in Canada.

Satellite communication could have an impact on rural Alaska, such as the Canadians expect their satellite to have in rural Canada, to the degree that we could leap into a new generation in terms of the education and accumulation of the tens of thousands of Eskimos, Aleut, and Indian people who live in remote Alaskan villages—and who, for that remoteness, pay huge and unnecessary penalties.

Mr. President, I think it would embellish the lives of all Alaskans, not only rural Alaskans but also urban Alaskans.

The second development that gives Alaskans encouragement is a proposal by the American Broadcasting Co. to provide direct television communications with Alaska through the use of the Applications Technology Satellite—ATS 1.

At a meeting last Friday, called by NASA, ABC proposed that a portable station be moved to Alaska to provide Alaskans with their first direct TV link. I commend ABC for this proposal and feel confident that it will receive serious attention by NASA.

We have an even more urgent need, however, that meshes well with what ABC has proposed. On July 16, this Nation plans to send three men to the moon on one of the most important adventures in the history of man. That event will be witnessed by most Americans and almost everywhere else in the world. Almost everywhere in the world, except Alaska.

In 1968, our Nation arranged to have the Olympic games seen in Japan, the Pope's visit to Bogotá seen in Europe, and the World Series seen in Puerto Rico—all by portable ground station deployment and use of the ATS satellites.

It would certainly be a fitting use of this capability if our Nation were to arrange for Alaskans to see an event that for significance and drama will never occur again: man's first landing on a celestial body other than the earth.

I have asked NASA to undertake such a project. I have contacted owners and operators of ground stations to determine availability. I have contacted the U.S. Navy to see whether some arrangement can be made with shipboard reception equipment. I plan to do everything I possibly can in the weeks ahead to bring Alaskans the opportunity of seeing directly, as other Americans will, man's first landing on the moon.

This is an immediate need. However, our long-range requirement is similar to the one the Canadians acted upon this week. Their action will be a major landmark in world communications.

Our Canadian neighbors have taken a major step forward. I congratulate them and wish them well. I am pleased and honored that our President has no objection to Canada's use of our rockets to launch their satellite.

However, Mr. President, I would hope that our Government would aggressively—and I mean aggressively—and in haste tender the availability of this rocket as soon as possible in order to implement what I think is a great program on the part of Canada. I hope that Alaska will have an opportunity to have access to that satellite.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter to Dr. Paine, of NASA; the correspondence I have had with Ambassador Scranton, and the proposal of the American Broadcasting Co.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 12, 1969.

DR. THOMAS O. PAINE,
Administrator, National Aeronautics and Space Administration, Washington, D.C.

DEAR MR. PAINE: Could you please examine the possibility of NASA performing a unique public service for Alaska, one which would have more impact on the people of my state than anything that has yet occurred in the field of Alaska communications.

When the moon landing takes place in July the people of Alaska, under present circumstances, will be the only Americans unable to witness the event via television as it occurs. I would imagine that citizens of other countries will also be able to see the moon landing.

If NASA would arrange for the location of four mobile ATS television reception stations in the Anchorage, Fairbanks, Sitka and Juneau areas, and if NASA would further arrange a relay to these stations via satellite, the majority of the people of my state could then witness at first hand one of the most historic events in human history.

Please be assured of the complete cooperation and support of my office and of all Alaskans to help NASA arrange this experiment.

Sincerely,

MIKE GRAVEL.

MAY 26, 1969.

Hon. WILLIAM W. SCRANTON,
Chairman of the United States Delegation to the Intelsat Conference, Department of State, Washington, D.C.

DEAR MR. CHAIRMAN: Permit me to congratulate you on your assignment as the President's principal American representative to the vitally important Intelsat Conference.

I am personally very interested in efforts to establish a definitive agreement, and am most anxious that the final agreement be such as to allow the State of Alaska to have access to all communications satellites which can be exploited for cultural and educational transmissions as well as for commercial, subscriber communications.

The broad applications for long-distance communications go well beyond the notions of traditional communications. The remoteness of some Alaskan area precludes a rigid Intelsat definition of satellite exploitation if this rigidness would force Alaskans to go without modern audio-visual and telephonic facilities.

For example, should the Canadian TELE SAT system provide portions of Alaska access to modern communications faster and more economically than another space project, then Alaska should be able to opt for this access. I single out TELESAT since, for the moment, its planned coverage of neighboring Yukon and British Columbia is the only coverage which could, with appropriate agreements, be a rapid step forward for Alaska in modern communications.

At the moment my state has the worst communications system under the American flag. While I can understand the circumstances that developed this situation, I do not think it is proper to sanction anything less in the way of improvements than technology can make available.

I would appreciate the benefit of your thinking on this problem and the opportunities presented by recent technological breakthroughs.

Sincerely,

MIKE GRAVEL.

DEPARTMENT OF STATE,
Washington, D.C., June 12, 1969.

Hon. MIKE GRAVEL,
U.S. Senate.

DEAR SENATOR GRAVEL: You asked in your letter of May 26 for my thoughts on communications with Alaska via satellite.

The proposals we have made for definitive arrangements for INTELSAT would not interfere with establishment of facilities for satellite transmission to Alaska. We are asking for a broad scope of authority for the INTELSAT organization so that it could provide such satellite telecommunication facilities as the parties to the agreement may request, so there would be no obstacle if at some later date something specific is wanted from INTELSAT.

We are also asking that member countries be free to establish satellites outside the INTELSAT system to carry domestic traffic, with no qualifications except technical coordination with INTELSAT. Under this concept of the definitive arrangements, there would be no obstacle to transmission of domestic traffic between Alaska and the rest of the United States via the Canadian satellite, assuming this was arranged with the

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approval of the authorities of both countries. Our proposals for the definitive arrangements would also not prohibit satellite systems outside INTELSAT carrying international traffic, such as traffic between Alaska and Canada, on the Canadian satellite, but would require a determination by the INTELSAT Governing Board that such use of the outside system would not be economically damaging to INTELSAT.

There is, of course, no barrier in the INTELSAT arrangements to use of the INTELSAT system by Alaska today, and, as you are no doubt aware, ComSat plans and the FCC has approved an earth station, to be located north of Anchorage for that purpose. (ComSat's release of June 4 announcing the award of a contract for construction of the station said it is to be completed in the late summer of 1970.) I assume this will be helpful, though it of course does not solve the problem of onward transmission to remote areas.

Sincerely,

William W. Scranton,
Chairman, U.S. Delegation,
INTELSAT Conference.

American Broadcasting Co., Inc.,
New York, N.Y.

Proposed Satellite Transmission Test to Anchorage, Alaska

In its initial satellite filing in September of 1965, and in each of its subsequent submissions in Docket 16495, American Broadcasting Company has urged the Federal Communications Commission to approve the positioning of a synchronous satellite to be used for radio and television program distribution purposes. Like NBC, CBS, and the Ford Foundation, ABC has argued that a dedicated television distribution system has numerous advantages over a multipurpose system.

To demonstrate that a satellite system for program distribution purposes is entirely feasible and reliable and that it could be placed in operation almost immediately, ABC herewith proposes that ATS–1 be utilized, under NASA's auspices, for a period of three to six months to provide instantaneous news and public affairs programming to the three television stations in Anchorage, Alaska, an area entirely dependent at present on delayed telecasts for national and international news developments. To that end ABC would welcome the cooperation and participation of the other television networks, commercial and educational, in the experimental program here envisaged.

ABC's technical advisers (Hughes Aircraft Company) are confident that such a test program, over a period of three to six months, would fully demonstrate the feasibility and reliability of synchronous satellites for program distribution purposes—without elaborate and costly ground receiving terminals. In addition to test data thus obtainable from the experimental transmissions here proposed, there would be substantial public interest benefits in thereby providing direct reception (news and public affairs) to the people of Alaska, an area wholly dependent on delayed video broadcasts for news happenings elsewhere.

The technical details for the test system, utilizing ATS–1, which is here being proposed for NASA's consideration, is outlined in essential respects in the engineering statement attached hereto. It will be noted that the required equipment is now in use at the Island of Barbados and that it can be moved to Alaska and be ready for operation by September 1969. To meet the September date, a go-ahead is needed by about July 1.

The costs for the experimental program would be between $125,000 and $250,000 for the three to six months period. If the necessary authorizations are obtained, ABC proposes to share these costs with other networks who desire to participate.

ARMS LIMITATION

Mr. MANSFIELD. Mr. President, I have listened to what the distinguished junior Senator from Illinois (Mr. Percy) said today about a speech which Representative John B. Anderson, chairman of the Republican Conference in the House of Representatives, is giving today on the floor of the House.

As I read the press release, it indicates that Representative Anderson, who is also a member of the Joint Atomic Energy Committee, said that both the United States and the Soviet Union stand at a very critical juncture in the arms race, "one from which there may be no return," and urges the Nixon administration to move immediately to the negotiating table with the Russians to discuss strategic arms limitations.

Mr. President, Representative Anderson states in his news release:

> I would hope that this administration would exhibit a sense of urgency regarding these talks and weigh the consequences of the delay.

Later on he indicates that while our defensive posture remains strong and is the best deterrent to war, it does not logically follow that the larger our nuclear arsenal the more secure the peace.

Mr. President, I commend the distinguished Representative from Illinois for the leadership he is showing in urging that arms limitations or an arms freeze be the subject of prompt negotiations with the Soviet Union.

It is my belief that if something is not done along this line, and if the delay is too long, the end result will be contrary to what the administration has stated time and time again that it wishes to achieve. If we start a new strategic arms race, linking the ABM with the MIRV and other systems which will be developed, the Soviet Union will not stand by but will react and both nations will be carried along by the momentum to their common detriment.

When the Soviet Union reacts, we will react; and the end result will be not the spending of between $10 billion and $20 billion, as the initial sum covering 12 sites, but tens and tens of billions of dollars on both sides. In the end, we will be just where we are now. In the meantime, our cities may well burn from neglect; our people will become more discontented and concerned; our younger citizens more restless. We will have bought something which will not have amounted to a great deal, while at the same time we will have contributed to political instability at home.

I have said several times that what we need is not one priority over another but a sense of balance between domestic and international defense needs. Although we may have the most expensive offensive and defensive weapons systems, if we do not have stability at home, we will not have much of anything. What we need is not so much a list of priorities, but a recognition that these arms problems will not go away, but must be faced up to in negotiations. As far as now being the time is concerned, in my opinion the time is long overdue.

Secretary of State Rogers, in his press conference several months ago, said negotiations would get underway in late spring—late spring is almost gone—or early summer—and early summer is almost upon us. The latest I have read is that there may be a conference in early fall, perhaps before that, but nothing definite has been indicated.

If we want to break the mad momentum which may develop if we start building an ABM system—which is unproven, untried, and whose cost is not known—we must make the effort. If we do not we will only be opening a box of ills which will plague us many, many months from now, and we will give much less in the way of hope to our citizens, both young and old.

I am delighted that an outstanding Republican in the Senate, the distinguished senior Senator from Kentucky (Mr. Cooper), has taken the lead in this matter in this body, just as another Republican, Representative John B. Anderson, of Illinois, has taken it in the other body. I wish them both well. I want to assure them of my full support in achieving their objective.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. I would like to associate myself with the words of the distinguished majority leader.

Today we face an obvious credit crunch in the United States, and possibly also a currency crunch in Europe. If we are going to continue the arms race at a scale of $80 billion a year, and add to that that we need billions more for new weapons systems, I think it clear that in the not too distant future we could have a financial crisis in the United States.

The way to stop these gigantic expenditures is through arms control agreement, more than any other possible method.

I hope that all Americans will take note of the measured, quiet way this matter has been presented to the Senate today by the distinguished majority leader.

ADMIRAL RICKOVER WARNS SOVIET TRIES TO NEUTRALIZE POLARIS

Mr. BYRD of Virginia. Mr. President, I should like to call to the attention of the Congress an important exchange of letters between Senator Henry M. Jackson and Vice Adm. H. G. Rickover on the future effectiveness of our Polaris forces.

As my colleagues know, Admiral Rickover is a distinguished, creative contributor to our national safety and freedom.

In his reply to Senator Jackson's inquiry, Admiral Rickover has given us a timely warning of the possible vulnerabilities of our Polaris submarines in the mid-1970's time period.

I ask unanimous consent that the exchange of letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

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U.S. Senate,
Committee on Armed Services,
Washington, D.C., June 5, 1969.
Vice Admiral H. G. Rickover,
Naval Ships Command,
Department of the Navy,
Washington, D.C.

Dear Admiral Rickover: I have read your April 25, 1969 letter to Senator Pastore with great interest. As usual, you have reduced a complicated issue to a few basic questions.

There is one subject vital to this issue in which I know the American people will respect your judgment—nuclear submarines, and in particular, our POLARIS submarines.

I would appreciate your assessment of the effectiveness of our POLARIS forces after 1972 in light of the remarkable advances recently made by the Soviet Union in their submarine and anti-submarine capability. I am particularly interested in your views concerning the ability of our deployed POLARIS submarines to survive a planned attack by Soviet anti-submarine forces in the mid-70's time frame.

I would hope your response can be written in such a way that the American people can have the benefit of your views.

Sincerely yours,
Henry M. Jackson,
U.S. Senate.

U.S. Atomic Energy Commission,
Washington, D.C., June 12, 1969.
Hon. Henry M. Jackson,
U.S. Senate,
Washington, D.C.

Dear Senator Jackson: This is in response to your letter of June 5, 1969, asking for my views concerning the ability of our POLARIS submarines to survive a planned attack by Soviet antisubmarine forces in the mid-1970's time frame.

Let me first say that based on the best evidence available, I believe that *today* our POLARIS submarines are safe from a massive, neutralizing blow. Further, I am not aware of any valid information indicating that the Soviets possess a means to track and destroy our POLARIS submarines while they are on station. However, there is no assurance that this situation will prevail for long.

There is, in fact, evidence that the Soviets are actively engaged in a determined effort to acquire the capability to neutralize or destroy our POLARIS force. They have developed and they continue to develop faster and quieter submarines. They are experimenting in all phases of submarine and antisubmarine warfare—we are not. In fact, during the past year alone they have developed several new types of nuclear submarines; we have developed only one new type in ten years. It is clear that a major objective of their naval programs is to invalidate our own POLARIS system.

Given the recent Soviet progress in undersea warfare and the sheer magnitude of their nuclear submarine program, the conclusion is inevitable that, unless we are willing to match their effort, they will surpass us in this field during the 1970's.

Of course, in the present era of rapid technological change accurate prediction of *future* military developments is difficult, if not impossible, even for such a relatively short period as five to ten years. It is equally difficult to predict the outcome of future military engagements, since these are dependent on successful exploitation of the latest technological advancements. All we can do is learn what we can of the progress being made by other nations in the areas related to submarine and antisubmarine warfare and then to compare this with our own progress.

The Soviets now have by far the largest submarine force in the world—about 375 submarines, all built since World War II. We have 143, including 61 diesel submarines most of which are of World War II vintage. Thus, they have a net advantage of about 230 submarines. It is estimated that by the end of 1970 they will have a numerical lead even in nuclear submarines.

In the single year 1968, the Soviets put to sea a new type ballistic missile nuclear-powered submarine as well as several new types of nuclear attack submarines—a feat far exceeding anything we have ever done. It is estimated that by 1974 they will have added about 70 nuclear-powered submarines to their fleet, whereas we will add but 26—thus further increasing their numerical superiority. As for ballistic missile submarines, the Soviets have undertaken a vigorous building program to equal or surpass our POLARIS fleet of 41. At least seven of their new POLARIS-type submarines have been completed, and they now have the capability of turning out one a month. We have no POLARIS submarines under construction or planned. We must assume that by the 1973–1974 time period they will be up to us.

To achieve this, the Soviets have greatly expanded and modernized their submarine building and repair facilities. Just one of their numerous submarine building yards has several times the area and facilities of all U.S. submarine yards combined. They use modern assembly line techniques under covered ways, permitting large-scale production, regardless of weather conditions.

The progress made by the Soviets over the past few years in nuclear submarine design, construction, and operation could only have been accomplished through the efforts of a large group of highly competent technical personnel. We must assume the talents and efforts of this group will continue to provide the Soviets with additional advances in nuclear submarines.

The superiority of a given weapon system is never static. The history of warfare is an ever-changing contest between weapon and counterweapon. Whenever man invents a new weapon, two things happen immediately. First, his potential adversaries start to develop a counterweapon. Second, improvements are made in the original weapon to make it even more effective. This was the case with the bow and arrow, gunpowder, battleships, airplanes, rockets, etc.

The battleship is a good example. In 1907 when the British DREADNOUGHT, the world's first modern battleship put to sea it was hailed as "invincible." It had armor plate thick enough to stop any naval shell then in existence. Soon afterward other countries built their own battleships with large guns and heavy armor. The British then developed the destroyer to protect the battleship by firing torpedoes against opposing battleships. The other side, of course, soon had its own destroyers. The battleship then was given the capability of carrying airplanes to increase its range of visibility; this added the new element of air power to the battleship.

Although it became evident during World War I to farseeing officers like General Billy Mitchell that aircraft constituted a new and formidable weapon against the battleship, it nevertheless took a long time for those who had faith in the battleship to accept this and prepare against the danger. Even as in 1907 it was impossible to predict how long the battleship would remain "invincible," so is it today impossible to predict how long the POLARIS submarine will remain invulnerable.

As in the case of the battleship, the competition between the submarine and its foes has seesawed since the former proved its worth in World War I. As advances have been made in submarine design since World War I, progress has also been made in developing antisubmarine warfare.

Submarines have the protection of the ocean depths. When submerged they cannot be seen by the human eye or by radar. The only way we know at present to detect a submerged submarine is by the sound it makes. For years, groups of scientists and engineers have tried to make submarines quieter, while other groups have worked just as hard to develop more sensitive listening devices. This technological battle continues.

With the advent of nuclear propulsion, the submarine has been able to operate submerged at high speeds for long periods of time; this gave the nuclear submarine the edge. However, great strides are being made in the mobility of antisubmarine forces and in their capability to detect and destroy submarines. In fact, the nuclear attack submarine itself is now being used as an antisubmarine weapon.

We do not know, of course, how these developments will work under actual war conditions; nor do we know how effective our POLARIS submarines would be in an encounter with an enemy antisubmarine force—be it air, surface, or subsurface—or how effective our own antisubmarine forces would be against the latest Soviet nuclear submarines.

The answer to your question concerning the survivability of our POLARIS submarines in the mid-1970's depends on whether we can regain the advantage we had in the past. Will our progress in undersea warfare during the 1970's match that of the Soviet Union? Can we assume that our POLARIS system will be the first weapon in history to remain invulnerable? The developments I have cited should caution us against making such an assumption.

As I pointed out in my April 25, 1969, letter to Senator Pastore (Page S4226 of the Congressional Record, April 29, 1969), the Soviet Union is embarked on a program which reveals a singular awareness of the importance of sea power and an unmistakable resolve to become the most powerful maritime force in the world. As a result of the Cuban missile crisis, the Soviet leadership resolved never again to be placed in a position where they would have to negotiate from weakness—in that case lack of strategic and naval superiority. They have publicly avowed their goal to become preeminent in sea power, and all evidence indicates they are proceeding with competent speed. This is especially true in their undersea warfare forces. They have openly stated that these are to be the major arm of their fleet.

To recapitulate: I believe that while *today* our POLARIS fleet is safe from a planned attack by the Soviets, there is sufficient evidence concerning their progress in this field to cause doubt by the mid-1970's. We must increase our own efforts if we expect our POLARIS fleet to remain the deterrent it now is.

Respectfully,
H. G. Rickover.

REGARDING COMPLETE FINANCIAL DISCLOSURES

Mr. YOUNG of Ohio. Mr. President, nowadays we read almost daily of some Member of Congress reporting his financial holdings and then stating he will withhold his vote on any legislation which might directly or indirectly influence the value of stock or bonds owned by him. Also, I understand that some legislative proposal has been introduced compelling every Member of the Congress to publicly disclose his financial status.

Mr. President, for 12 years prior to the time I was elected to my first term in the Senate, Senator John W. Bricker, of Ohio, was a Member of this body. He had, in fact, been Republican candidate for Vice President, had served for three terms as Governor of Ohio, and prior to

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that as attorney general of my State. He had never been defeated for any public office he sought.

In 1958 I was nominated at the Democratic primary as his opponent. I learned that he had organized his law firm, then Bricker, Marburger, Barton, and Eckler, in January 1947, coincident with his becoming U.S. Senator. In my candidacy for election in 1958, I denounced my opponent in speeches in 73 of 88 Ohio counties, charging him with misrepresenting Ohio and with a direct conflict of interest in that his law firm represented the Pennsylvania Railroad and in that the most important legislative enactment during his 12 years as Senator was the creation of the great St. Lawrence Seaway. Officials of his client, the Pennsylvania Railroad, along with other railroad officials throughout the Middle West, violently opposed the St. Lawrence Seaway. Every Ohio Member of both branches of the Congress, Republican and Democrat, except Senator Bricker voted in favor of the St. Lawrence Seaway. Senator Bricker expressed violent opposition to it and voted against it.

In denouncing him for this and for heading a law firm which he created and established and which was one of the most affluent law firms in Columbus, Ohio, I denounced the fact that he had directed his salary check as Senator to be mailed to his Columbus law firm. In my campaign I promised that I would withdraw altogether from the practice of law if elected and, in addition, that I would publicly disclose my financial holdings so that Ohio citizens could judge for themselves whether or not I was involved in a conflict of interest and whether I would ever vote for personal and selfish reasons rather than for what I believed was in the public interest.

On December 15, 1958, I closed my law office and dissolved my law firm. Since that time I have not practiced law either directly or indirectly.

Then early in 1959, in a public letter to Hon. Felton M. Johnston, then Secretary of the Senate, I fully disclosed my financial holdings and mailed copies of that statement to Ohio newspapers, radio, and television stations.

Mr. President, since that time, I have directly after the convening of every session of the Congress early in January, mailed to the Secretary of the Senate a complete statement of my financial holdings and also a certified copy of my income tax return for the preceding year. I have done this every year. I did it again last January.

It happens I am the very first Member of either branch of the Congress in the history of the Republic to fully disclose his net earnings for the preceding year, including, of course, the total amount received not only as interest on bonds but also as dividends on stocks, and including any fees received for speeches delivered outside of my State. Of course, I do not accept fees for speeches made within my State.

Mr. President, I am not about to refuse to vote on any issue before Congress, or to vote "present" on any issue, because I have disclosed my holdings, and the public may judge for itself whether or not I am motivated by any financial interest.

It happens that my financial holdings include a number of thousands of shares of stock in oil-producing companies, such as Occidental Petroleum and Phillips Petroleum, and over the years I have profited by holding these stocks. But, as a member of the Committee on Ways and Means of the House of Representatives, and also as a Senator, I have on every opportunity that has been afforded me voted either to reduce the 27½-percent depletion allowance for oil and gas producing companies, or, as on at least one occasion as a member of the Ways and Means Committee, to eliminate it altogether. I expect to so vote in the future.

Mr. President, all the annual letters I mailed to the Secretary of the Senate were made public by him at my request. These have been published in Ohio newspapers.

Mr. President, I shall now read the letter I mailed in March 1959 to Hon. Felton M. Johnston, then Secretary of the Senate, and the most recent letter I mailed on January 6, 1969, to Hon. Francis R. Valeo, Secretary of the Senate, wherein I made a complete report of my income for 1968 and my financial holdings as of January 1969. All annual letters I have sent from 1959 to last January are on file with the Secretary of the Senate.

My letter of March 26, 1959, was as follows:

MARCH 26, 1959.

Hon. FELTON M. JOHNSTON,
Secretary of the Senate,
Washington, D.C.

DEAR MR. JOHNSTON: It is my personal belief that I should file with you a statement disclosing my financial holdings.

It happens that I own some stock in sugar companies, and I now learn that legislation relating to sugar imports, etc., will be considered in the Committee on Agriculture, of which I am a member.

Therefore, I have concluded to sell this stock and I am communicating with my broker. This will cause me a financial loss, but as I own 154 shares in one sugar company and 100 in another sugar company, I shall accept this loss and would prefer to do so. Presently I have not formed final judgment as to my vote other than that I shall vote according to my conscience.

I am filing a statement which you may make public, should you so desire, in order that anyone interested may judge in the future whether there is any conflict of interest influencing my action and votes as United States Senator.

You may depend upon it, I will never cast a selfish vote. I will continue to work and vote in the public interest, in accord with my best judgment.

Another reason I think I should disclose these holdings is that I am receiving form letters and circulars urging me to vote to retain the present 27½% depletion allowance for oil and gas corporations.

The facts are, that as a member of the Ways and Means Committee of the House of Representatives, I voted to reduce this depletion allowance from 27½% to 15%. I have not changed my views. Should there be a vote on this issue in the Senate, I would vote against retaining this 27½% depletion allowance.

The fact that from time to time I, like other corporate stock holders, receive form letters, or circulars, along with the dividend checks, urging me to write my Congressman, expressing views coinciding with the views of the corporation officials, is an additional reason causing me to feel I should make a financial disclosure.

A substantial portion of stock I own was purchased by me before I went overseas in World War II.

Although this may embarrass members of my family and me, I report as follows:

In addition to some U.S. Government bonds, I also own some real estate in Cuyahoga County and some acreage in California and Mississippi, on which there is an oil lease. I own the following shares of stock: 997 Monsanto Chemical, 1465 Plymouth Oil, 450 Radio Corporation of America, 700 Mission Development, 466 Ashland Oil and Refining, 600 W. R. Grace & Co., 304 Socony Mobil, 300 Phillips Petroleum, 100 General Fireproofing, 200 Atlantic Refining, 180 Mission Corporation, 100 Sinclair Oil, 310 Getty Oil, 154 South Porto Rico Sugar, 120 Pure Oil, 100 Cuban American Sugar, 209 Robbins & Myers, 100 United Fruit, 100 Monterey Oil, 200 British Petroleum, 100 Equity Oil Company, and a few shares of bank and other stocks, preferred and common.

May I add that directly after I was appointed to membership on the Committee on Aeronautical and Space Sciences, I sold all shares of Pan American World Airlines I had owned, and in January, I cancelled an order to purchase shares in another air line stock.

Very sincerely yours,
STEPHEN M. YOUNG.

My letter to Mr. Valeo, written January 6 of this year, reads as follows:

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
January 6, 1969.

Hon. FRANCIS R. VALEO,
Secretary of the Senate,
Washington, D.C.

DEAR MR. SECRETARY: Early in 1959 directly following taking the oath of office as U.S. Senator and to keep a campaign pledge made in denouncing Senator Bricker for conflict of interest in remaining as head of his law firm representing the Pennslyvania Railroad Company and other railroad corporations and then voting as Senator against the St. Lawrence Seaway, I fulfilled my pledge to completely withdraw from the practice of law and to disclose my financial holdings and status.

In filing with your office a complete statement of my financial holdings I became the very *first* member of either branch of the United States Congress to make full and complete disclosure of my financial status.

The purpose of this letter is to fully disclose my income for the entire year of 1968 and my present financial status including all of my assets and all of my indebtedness. Therefore, citizens are in position to judge accurately whether or not at any time there was, and whether there is, any conflict of interest and whether for selfish personal aggrandizement I yielded to some improper demands and voted or conducted myself as a Senator of the United States at any time other than for the best interests of citizens I represent and of our Nation.

Mr. Secretary, I make the following complete financial disclosure. This is true and correct, and directly after the joint income tax return I shall file with the Internal Revenue Service for the year 1968 has been prepared and filed I shall mail you a copy to be attached to this letter.

During the year 1968 my income was as follows:

Salary as U.S. Senator__________	$30,000.00
Amount received from interest on government and other bonds and dividends on stock holdings in excess of interest paid out on loans with stocks and bonds as collateral__________	12,016.12
Total income from long and short term capital gains on stocks	

and bonds sold in excess of long and short term capital losses incurred on sale of stocks and bonds	45, 860. 68
Net amount received as honoraria for speeches outside Ohio	1, 500. 00
Total net income for 1968 before making required deductions for Federal and state taxes	89, 376. 80

You will note not one cent was received by me for legal fees. For many years I engaged in the practice of law in Ohio and tried law suits also in some other states. My law practice was very lucrative and satisfying as my financial records and income tax returns over the years disclose.

I withdrew from my law firm December 15, 1958.

In addition to the net income received in 1968 I report financial holdings as follows:

Real estate—Residence in Washington, D.C. and equity in dwelling in Florida, real estate in Ohio and Mississippi. Total valuation—$90,000.

Life insurance—Substantial amount paid up life insurance including $10,000 GI World War policy—total value in excess of $50,000.

Personal property—Including paintings, jewelry, furniture and 1969 Oldsmobile Cutlass—Estimated value—$25,000.

Bonds—As of January 1, 1969, I own U.S. Government bonds and bonds of W. R. Grace & Co., Gulf & Western Industries, Lerner Stores, Radio Corporation of America, Tenneco, Inc., Lucky Stores, Inc. and Offshore Co. with a total value of approximately $120,000.

Preferred and common stocks as follows: 100 Ashland Oil & Refining Co.; 200 Atlantic Richfield; 100 Boston Edison; 200 British Petroleum; 200 Continental Airlines; 400 Continental Oil; 400 Delta Airlines; 100 Federal Pacific Electric Co.; 314 ITT Consumer Services; 300 Lamb Communications; 4429 Lucky Stores; 17 Murphy Oil Corp.; 751 Monsanto Chemical; 300 Northern Pacific Rwy.; 202 Occidental Petroleum; 100 Offshore Co.; 1200 Ohio Radio Inc.; 500 Pacific Petroleum Ltd.; 1300 Phillips Petroleum; 100 Radio Corporation of America; 1550 Robbins & Myers; 300 Safeway Stores; 200 G.D. Searle; 156 Seilon, Inc.; 100 Sinclair Oil; 600 Stauffer Chemical; 600 Steel Co. of Canada; 2100 Tenneco, Inc.; 100 Trans World Airlines; 200 Winn-Dixie Stores.

Regarding stocks and bonds I own in oil producing corporations I report that frequently in letters or statements accompanying dividends, officials of oil producing companies suggest "write your Congressman and urge that he vote to retain the present 27½% depletion allowance for oil and gas producing corporations." I am not about to do that. As a member of the Committee on Ways and Means of the House of Representatives in the 81st Congress, I voted to abolish this depletion allowance. I have not changed my views. As Senator I have repeatedly voted and spoken against this depletion allowance and hope to have an opportunity again this year to vote to reduce this to 15% or to eliminate it entirely. As my views on this subject are a matter of record, there is no reason I should sell oil stock I own.

Indebtedness—I owe no man or any corporation any unsecured loan. I do owe current bills to Ohio and Washington stores in a substantial amount, some representing recent purchases. Also, to Samuel Ready Boarding School, Baltimore, approximately $1100 for balance tuition for adopted daughter.

I am indebted to the Union Commerce Bank of Cleveland approximately $348,000. This indebtedness is secured by deposit of collateral.

The foregoing statement is just, true and correct and includes representing all the assets and liabilities and the entire financial status of Mrs. Young and me.

Mr. Secretary, you, of course, have my permission to make this statement public if you wish. It is my intention to follow my custom of reporting it in the Congressional Record.

Sincerely,

STEPHEN M. YOUNG.

Mr. President, I feel that this is a matter for every Member of Congress to determine for himself. I have recently read newspaper accounts of proposed legislation to make such action mandatory. I did it because I had promised the people of Ohio that I would do so. I fulfilled my promise to the people.

I have been a recipient recently of enclosures with dividend checks from Occidental Petroleum and some other companies urging me to write to my Congressman and tell him that we must retain this 27½ percent depletion allowance. I take pride in answering most correspondence, but I think I shall not answer those letters.

Mr. President, I yield the floor.

NO PROGRESS AT MIDWAY

Mr. CHURCH. Mr. President, contrary to President Nixon's rhetorical statement that he and President Thieu "opened wide the door to peace" at Midway, the disheartening, inadequate results of that meeting appear to have left the door barely ajar.

The President went into the conference with a handful of aces and came out with deuces; he had a chance to break the Paris stalemate by putting Saigon's leaders on notice that they might have to share power in an interim government composed of all political elements in South Vietnam; instead he apparently bowed to Thieu's own vested interest in things as they are.

As Joseph Kraft observes in an article entitled "Reaction to Midway Raises Doubt About Nixon Strategy," published in a recent issue of the Washington Post, the meeting's outcome "meant absolute rejection of the Vietcong demand for elections run by a provisional coalition government."

Because the Vietcong regards this as a bargaining prerequisite, the results of the Midway meeting were wholly inadequate. The National Liberation Front indicated as much when it quickly announced the formation of a "provisional" government, which Mr. Kraft correctly interprets as a pointed slap at President Thieu and "a step backward" for the Paris negotiations.

I ask unanimous consent that Mr. Kraft's column to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REACTION TO MIDWAY RAISES DOUBT ABOUT NIXON STRATEGY

(By Joseph Kraft)

President Nixon came home from the Midway Islands conference with a blare of self-praise for having "opened wide the door to peace." Not surprisingly, the other side thereupon, slammed the door in his face.

That is the true meaning of the establishment by the Communists of a Provisional Revolutionary regime for South Vietnam. And it raises the question of whether the President should not revise the Vietnam peace strategy he has so far been following.

So far the strategy has been to play a big game with little chips. The big game is a peace settlement arranged through negotiations between the Saigon government and the National Liberation Front, or Vietcong, on the political future of South Vietnam. Mr. Nixon has never been drawn from that objective by the siren songs of Saigon about the possibility of winning a military victory. To his great credit, and unlike President Johnson, he has always concentrated on moving along the Paris peace talks.

But Mr. Nixon, like Mr. Johnson before him, has been willing to pay only the smallest price for political settlement. And the Midway conference provided evidence that the President's offer was small to the point of being a mere tip or gratuity.

As political bait to the other side, Mr. Nixon offered the Vietcong a chance for legitimate participation in the future politics of South Vietnam. But the means of entry was to be through free elections supervised by some vague kind of commission. That meant the election would almost certainly be run by the present Saigon government of President Thieu. It meant absolute rejection of the Vietcong demand for elections run by a provisional coalition government.

As military bait, the President offered eventual withdrawal of American troops from South Vietnam. But he set withdrawal in motion with a tiny installment—25,000 men. He geared future withdrawals to three conditions—including a reduction of violence by the other side—which Hanoi had previously rejected. And he absolutely refused suggestions for a withdrawal plan that would lead to evacuation of all American troops in a relatively short period.

As predicted in many quarters including this space, the other side reacted to the offers just about as negatively as possible. The formation of the Provisional Revolutionary government is a direct hit at Mr. Nixon's partner in the Midway meeting—President Thieu of South Vietnam. The provisional government in effect denies the legitimacy of the Saigon governments. Its formation represents a major effort by the other side to weaken and isolate the Thieu regime.

While that effort goes forward, the other side will be using the Paris talks less as a negotiation center than as a forum for propaganda against the Saigon government. That is why Tran Buu Kiem, who used to be the Front's principal Paris negotiator, goes home for reassignment, leaving the Paris talks to Madame Nguyen Thi Binh, a purely mechanical sayer of Communist jargon. And thus the formation of the provisional government means a step backward for the Paris talks Mr. Nixon has been trying so hard to set in motion.

That dour message seems to be reinforced by military action. Not only has the other side stepped up activities since Midway, but enemy troops formerly stationed in Cambodia have been moved across the border into South Vietnam. Hanoi seems to be saying in the most unambiguous way possible that the President's measly offer is not being met by reciprocal troop withdrawal.

The immediate upshot of all this will probably be a propaganda gain for our side. It will look to the world as though Mr. Nixon held out the hand of peace, and got from the other side the wet mitten across the chops.

In these circumstances, there will be strong temptation for the President to stick with the policy he has followed up to date. His advisers will tell him that the new provisional government is a bogus affair without much appeal in South Vietnam. They will go through the usual stuff about how the other side is at the end of its strength. And they will say that if he hangs in there, the other side will see the folly of its present ways, and pick up, in time, the thread of the Paris talks.

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The trouble with that approach is that in the meantime the senseless war will go on, with Americans dying by the hundreds. To me, anyhow, it makes sense for the President to think hard about proposals for an interim Saigon government and a more rapid American withdrawal. For the clear lesson of what has happened is that the big game can only be played with big chips.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation To Provide for Insured Operating Loans, Including Loans to Low-Income Farmers and Ranchers and for Other Purposes

A letter from the Under Secretary, Department of Agriculture, transmitting a draft of proposed legislation to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for insured operating loans, including loans to low income farmers and ranchers, and for other purposes (with accompanying papers); to the Committee on Agriculture and Forestry.

Report of Receipts and Disbursements Pertaining to the Disposal of Surplus Military Supplies, Equipment, and Materiel, and for Expenses Involving the Production of Lumber and Timber Products

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products (with an accompanying report); to the Committee on Appropriations.

Report on the Kickapoo Tribe of Oklahoma Case Before the Indian Claims Commission

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on final judgment and findings of fact in docket No. 318, *The Kickapoo Tribe of Oklahoma, Plaintiff*, v. *The United States of America, Defendant* (with accompanying papers); to the Committee on Appropriations.

Proposed Legislation To Provide for the Expansion and Improvement of the Nation's Airport and Airway System, for the Imposition of Airport and Airway User Charges, and for Other Purposes

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes (with accompanying papers); to the Committee on Commerce.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the study of the indirect cost of federally sponsored research, primarily by educational institutions (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the administration and effectiveness of the work experience and training project in Becker and Mahnomen Counties, Minn., under title V of the Economic Opportunity Act of 1964, Department of Health, Education, and Welfare (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements in the management of Government parking facilities, by the General Services Administration (with an accompanying report); to the Committee on Government Operations.

Report of Proposed Fiscal Year 1970 Awards—Water Resources Research Act, Title II

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of a list of 36 projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations or other institutions, and with private firms, under title II of the Water Research Act, fiscal year 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Legislation To Extend the Compulsory Patent Licensing Authority

A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to extend the compulsory patent licensing authority (with accompanying papers); to the Joint Committee on Atomic Energy.

Resolution Adopted by the Judicial Conference of the United States Pertaining to Judicial Ethics

A letter from the Director, Administrative Office of the United States Courts, transmitting, for the information of the Senate, a resolution adopted on June 10, 1969, by the Judicial Conference of the United States, pertaining to judicial ethics; to the Committee on the Judiciary.

Proposed Legislation To Extend, Consolidate, and Improve Programs for Elementary and Secondary Education

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend, consolidate, and improve programs for elementary and secondary education, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

Report on the Railroad Retirement Board, Fiscal Year Ended June 30, 1968

A letter from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, a copy of the Railroad Retirement Board 1968 Annual Report for the fiscal year ended June 30 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A House joint memorial adopted by the Legislative Assembly of the State of Oregon; to the Committee on the Judiciary:

"House Joint Memorial 16

"To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

"We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

"Whereas the people of the United States of America do not elect their own President but instead elect members of an electoral college who, according to the Constitution of the United States, have the supreme power to elect a President of their own choice; and

Whereas the electoral college stands between the people and the expression of their choice of a President; and

"Whereas the will of the people may be disrupted or denied by the electoral college, which event would certainly lead to a crisis in our nation: now, therefore,

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is memorialized to propose an amendment to the Constitution of the United States which would accomplish the following:

"(a) Abolish the electoral college.

"(b) Create a system for the direct election of the President of the United States by all the qualified voters of the nation.

"(c) Require that the successful candidate must receive no less than 40 percent of all the votes cast for President to be elected; however, in the event no candidate received 40 percent of all the votes cast for President, then the two candidates receiving the highest number of votes cast would be candidates in a second election and the candidate receiving the highest number of votes in the second election would be adjudged successful.

"(2) A copy of this memorial shall be sent to the presiding officer of the Senate and of the House of Representatives of the United States and to each member of the Oregon Congressional Delegation.

"Adopted by House April 11, 1969.

"Winton L. Hunt,
"Chief Clerk of House.
"Robert F. Smith,
"Speaker of House.

"Adopted by Senate May 20, 1969.

"E. D. Potts,
"President of Senate."

A Senate joint resolution adopted by the Legislature of the State of Alabama; to the Committee on Armed Services:

"Senate Joint Resolution 5

"Whereas the pay of active members of the armed forces of the United States is recomputed at certain intervals in order to reflect the rise of the cost of living index and career military personnel have labored under the belief that their retirement pay would be recomputed at the same time and in the same manner as is the pay of active military personnel; and

"Whereas retired members of the armed forces have served their country in time of need, and richly deserve to receive the amount of pay upon which they have relied and confidently believed would be paid; now therefore

"Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That the Congress of the United States be memorialized to enact such measures as may be necessary to provide that the pay of retired military personnel be recomputed on the same base and at the same time, as is the pay of active members of the armed forces.

"Resolved further, That each member of Alabama's Congressional Delegation be urged to give this matter his consideration and support.

"Resolved also, That a copy of this resolution be sent to the Congress of the United States, to each member of Alabama's delegation in Congress and to the chairmen of the House and Senate Armed Forces Committees.

"Attest:

"McDowell Lee,
"Secretary of Senate."

A House joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Agriculture and Forestry:

"House Joint Resolution 53

"Joint resolution urging the passage of S. 413, authorizing the Secretary of Agriculture to cooperate with and furnish assistance to states, local governments and others in establishing a system for prevention and control of fires in rural areas.

"Be it resolved by the Legislature of the State of Alaska:

"Whereas in 1967, by sampling 24 states, the National Fire Prevention Association determined that Alaska had the greatest number of deaths by fire per million population, 79, and the second largest amount per person

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fire loss, $13.42, which is $6.40 above the sampling average; and

"Whereas the average number of fire fatalities per 100,000 population over a five-year period in Alaska shows that the native population suffered almost three times the fatalities of the nonnative population; and

"Whereas a substantial proportion of the fires in Alaska occurred in rural areas or in towns and villages of under 5,500 population where most of the native population resides and there are few, if any, fire prevention programs and there is very little firefighting equipment; and

"Whereas S. 413 authorizes the Secretary of Agriculture to cooperate with and furnish financial and other assistance to states, public bodies and organizations in establishing a system for the prevention, control, and suppression of fires in rural areas and in towns of under 5,500 population; and

"Whereas the program set forth in the bill would be a great benefit to the people of this state and would serve to drastically reduce the tragic loss of human life and property by fire;

"Be it resolved that the Sixth Legislature of the State of Alaska supports S. 413 and respectfully urges that Congress pass it.

"Copies of this Resolution shall be sent to the Honorable Richard B. Russell, President Pro Tempore of the Senate; the Honorable John W. McCormack, Speaker of the House; the Honorable Allen J. Ellender, Chairman of the Senate Agriculture and Forestry Committee; the Honorable W. R. Poage, Chairman of the House Agriculture Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

"Passed by the House, April 19, 1969.
"JALMAR M. KERTTULA,
"Speaker of the House.
"Attest:
"CONSTANCE H. PADDOCK,
"Chief Clerk of the House.
"Passed by the Senate April 25, 1969.
"BRAD PHILLIPS,
"President of the Senate.
"Attest:
"BETTY HANIFAN,
"Secretary of the Senate.
"KEITH H. MILLER,
"Acting Governor of Alaska."

A House joint resolution, adopted by the Legislature of the State of Alaska; to the Committee on Commerce:

"HOUSE JOINT RESOLUTION 10

"Joint resolution relating to the establishment of a cabinet level office of fisheries

"Be it resolved by the Legislature of the State of Alaska:

"Whereas the production, development, and protection of our nation's fisheries resources is of paramount concern to all the inhabitants of the United States; and

"Whereas Alaska's involvement in the nation's fishing industry is critically important since 64 per cent of the fish-rich United States continental shelf is in Alaska; and

"Whereas the United States finds itself with an increasing number of foreign fleets off its shores, competing effectively with our fishermen and making appreciable dents in our offshore resources; and

"Whereas there exists a multiplicity of effort between federal agencies, armed service branches, and private industry, yet the United States lacks the singleness of purpose that will push us to the fore in developing our oceans and solving our fisheries problems; and

"Whereas our nation's vast fisheries resources constitute a rich source of protein, not only for our own nation's use, but which is counted on now and in the future by the hungry countries of the world;

"Be it resolved that the Legislature of the State of Alaska urges the Congress of the United States to formulate a national fisheries policy and establish a cabinet level office to administer it.

"Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Richard B. Russell, President Pro Tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Walter J. Hickel, Secretary of the Department of the Interior; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

Passed by the House April 12, 1969.
"JALMAR M. KERTTULA,
"Speaker of the House.
"Attest:
"CONSTANCE H. PADDOCK,
"Chief Clerk of the House.
"Passed by the Senate April 23, 1969.
"BRAD PHILLIPS,
"President of the Senate.
"Attest:
"BETTY HANIFAN,
"Secretary of the Senate.
"KEITH H. MILLER,
"Acting Governor of Alaska."

A House joint resolution, adopted by the Legislature of the State of Alaska; to the Committee on Interior and Insular Affairs:

"HOUSE JOINT RESOLUTION 60

"Joint resolution urging the passage of S. 94, establishing the Baranof House and dock as a national historic site

"Be it resolved by the Legislature of the State of Alaska:

"Whereas the ravages of time, weather and man have destroyed many of the relics of our nation's rich historical heritage; and

"Whereas Kodiak, Alaska is the site of the oldest permanent settlement in Alaska and the site of the first Russian-American colony in the western world; and

"Whereas the Baranof House, located in Kodiak, is the oldest structure on the entire west coast of the United States; and

"Whereas for the past 20 years, a small but determined group of people have been struggling to preserve the Baranof House from destruction by fire, termites, flood and the overzealous bulldozer blade of an urban-renewal project; and

"Whereas the house is a popular tourist attraction and serves as a museum displaying many of the items from the earthquake damaged museum of former years; and

"Whereas, in January of this year, Senator Mike Gravel of Alaska introduced S. 94 to establish the Baranof House and dock as a national historic site, which designation would assure the development of the site under the National Park Service, and would represent the ultimate aim of those who have worked so hard for so many years to preserve the structure for the cultural benefit of the people of Kodiak, the state and the nation; and

"Whereas every other avenue for the preservation of the priceless antiquity has been explored and tried but to little avail;

"Be it resolved that the Sixth Legislature of the State of Alaska respectfully urges congressional action on, and passage of, S. 94.

"Copies of this Resolution shall be sent to the Honorable John W. McCormack, Speaker of the House; the Honorable Richard B. Russell, President Pro Tempore of the Senate; the Honorable Henry M. Jackson, Chairman of the Senate Interior and Insular Affairs Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

"Passed by the House April 18, 1969.
"JALMAR M. KERTTULA,
Speaker of the House.
"Attest:
"CONSTANCE H. PADDOCK,
"Chief Clerk of the House.
"Passed by the Senate April 29, 1969.
"BRAD PHILLIPS,
"President of the Senate.
"Attest:
"BETTY HANIFAN,
"Secretary of the Senate.
"KEITH H. MILLER,
"Acting Governor of Alaska."

A Senate concurrent resolution, adopted by the Legislature of the State of Louisiana; to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION 45

"A concurrent resolution to memorialize Congress to provide for federal financing of welfare and public assistance programs in this and other states, and for federal legislation to accomplish this purpose

"Whereas, the welfare and public assistance programs of Louisiana have had as their goal the providing of a decent standard of living and promoting self-reliance, so that recipients will be able to provide for themselves without assistance, and

"Whereas, the strain of providing for an extensive welfare program such as we have in Louisiana has resulted in an onerous cost to the state and its taxpayers, and increasing costs of living and pressing state needs have made this even more burdensome as of late, and

"Whereas, it is the consensus of opinion that there should be uniform welfare standards throughout the nation to deal with this problem, and

"Whereas, the federal government has been and is constantly making new requirements which the state must follow, causing great hardship to this and other states, and

"Whereas, the resources of the federal government are much greater than those of any state, and

"Whereas, recent decisions of the United States Supreme Court have held that a state may not set up its own residence requirements, thus further aggravating the costs and burden of providing for the needs of our own citizens, and

"Whereas, with the mobility of the population, many welfare recipients are persons who have recently entered the state, and

"Whereas, if the federal government and its agencies persist in creating welfare burdens for the states, they should be prepared to bear the cost of such programs, and

"Whereas, in a National Association of Businessmen survey, it was shown that on the average, each person taken off welfare rolls and placed in a steady job will contribute $10,000 per year to the gross national product, pay about $241 per year in federal taxes and about $36 per year in state taxes, increase purchasing power by $3400 a year, and reduce unemployment and welfare and support costs by $1342 per year.

"Therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives concurring herein, that the Congress of the United States is hereby memorialized to act on the following measures, and that the Louisiana delegation of the Congress of the United States is hereby urged and requested to take such steps as are deemed necessary in effectuating the following:

"(1) The federal government shall bear the cost of financing all state welfare programs not only in Louisiana but in all other states and make it possible for able-bodied citizens to no longer be dependent upon welfare benefits by securing meaningful employment.

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"(2) Congress and the national administration shall adopt such laws, regulations and procedures as to encourage persons to seek gainful employment and thus to eliminate those laws, regulations and procedures which discourage welfare recipients from being gainfully employed and encourage them to remain on public assistance.

"(3) Congress adopt national standardized laws and procedures supported completely with federal funds to affect welfare assistance programs in all states for aid to the destitute, aged, disabled and dependent children commensurate with existing needs.

"Be it further resolved that a copy of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana delegation of the Congress of the United States.

"C. C. AYCOCK,
"Lieutenant Governor and President of the Senate.
"JOHN S. GARRETT,
"Speaker of the House of Representatives."

A House concurrent resolution, adopted by the Legislature of the State of Louisiana; to the Committee on Commerce:

"HOUSE CONCURRENT RESOLUTION 157

"A concurrent resolution to memorialize the Congress of the United States to take whatever action is necessary for the reestablishment of the United States Weather Station at Alexandria, Louisiana

"Whereas, the federal government recently took action that resulted in the closing of the United States Weather Station located at Alexandria, Louisiana; and

"Whereas, the location of a weather station at Alexandria provided a great protection to the well being and property of many citizens in the central part of the state of Louisiana from unexpected and unpredictable sudden weather disturbances; and

"Whereas, the need for such a weather station was tragically demonstrated when shortly after the closing of the old station, extremely high winds and thunderstorms struck the Alexandria area without warning, causing great property losses to the citizens of the city and the surrounding communities; and

"Whereas, Alexandria is ideally situated in the central portion of the state from which a weather station could provide a needed service to many citizens throughout the central portion of Louisiana.

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that this Legislature respectfully petitions the Congress of the United States to take whatever action is necessary for the reestablishment of the United States Weather Station at Alexandria, Louisiana.

"Be it further resolved that a copy of this Resolution shall be immediately transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States and to each member of the Congress from this state.

"Approved:

"JOHN S. GARRETT,
"Speaker of the House of Representatives.
"C. C. AYCOCK,
"Lieutenant Governor and President of the Senate."

A resolution adopted by the California-Nevada Annual Conference of the United Methodist Church, memorializing the Congress to reject the ABM program; to the Committee on Armed Services.

A resolution adopted by the Common Council of Poughkeepsie, N.Y., listing persons ineligible for voting membership on the Model City Agency; to the Committee on Banking and Currency.

A resolution adopted by the city of Franklin, Va., reaffirming its support for the reciprocal freedom of the States and the Federal Government from taxation by the other;

A resolution adopted by the Greenville County Council, Greenville, S.C., petitioning the Congress to refrain from enacting legislation which would make local government bonds taxable;

A resolution adopted by the Association of Indiana Counties, Inc., reaffirming its support for the reciprocal freedom of the States and the Federal Government from taxation by the other;

A resolution adopted by the Board of Supervisors of the County of Sullivan, N.Y., memoralizing the Congress not to include municipal bonds within the present tax reform proposal;

A resolution adopted by the County Board of Directors, Beaufort, S.C., reaffirming its support for the reciprocal freedom of the States and the Federal Government from taxation by the other; to the Committee on Finance; and

A resolution adopted by the City Council of the city of Philadelphia, memorializing the Congress of the United States to designate the birthday of the late President, John Fitzgerald Kennedy, a national legal holiday; to the Committee on the Judiciary.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a treaty was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Executive B, 91st Congress, first session, two separate but related agreements between the United States of America and the United Mexican States, signed at Mexico City on December 11, 1968, namely:

(1) an agreement concerning radio broadcasting in the standard broadcasting band (535-1605 kHz), and

(2) an agreement concerning the operation of broadcasting stations in the standard band (535–1605 kHz), during a limited period prior to sunrise ("pre-sunrise") and after sunset ("post sunset") (Ex. Rept. No. 91–7).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. 856. A bill to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes (Rept. No. 91–234); and

S.J. Res. 90. Joint resolution to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation therefor (Rept. No. 91–233).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 1173. A bill to authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity (Rept. No. 91–235).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. YOUNG of North Dakota:

S. 2406. A bill for the relief of Dr. Subash C. Vidyarthi; to the Committee on the Judiciary.

By Mr. STENNIS (for himself and Mrs. SMITH, by request):

S. 2407. A bill to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. STENNIS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SPARKMAN (for himself, Mr. MONTOYA and Mr. BIBLE):

S. 2408. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

(The remarks of Mr. SPARKMAN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DODD:

S. 2409. A bill for the relief of Czeslawa Robak (Miss); to the Committee on the Judiciary.

By Mr. HARRIS (for himself and Mr. CURTIS):

S. 2410. A bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes; to the Committee on Finance.

(The remarks of Mr. HARRIS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. FONG:

S. 2411. A bill for the relief of Levani N. Damuni;

S. 2412. A bill for the relief of Pedro Dela Cruz Aqui;

S. 2413. A bill for the relief of Kwang Wu Lee; and

S. 2414. A bill for the relief of Editha Espirito Rabara; to the Committee on the Judiciary.

By Mr. LONG:

S. 2415. A bill to confirm title in St. Luc Ricard to certain lands in West Baton Rouge Parish, La.; to the Committee on Interior and Insular Affairs.

By Mr. PASTORE:

S. 2416. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. ERVIN:

S. 2417. A bill for the relief of Milton M. Rose (formerly Rosenberg);

S. 2418. A bill for the relief of Emmanuel Giovanni Dermitzis; and

S. 2419. A bill for the relief of Mrs. Clarise del Socorro Perez de Soto; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. BENNETT):

S.J. Res. 123. A joint resolution to extend time for filing of Final Report on Mortgage Interest Rates; to the Committee on Banking and Currency.

S. 2407—INTRODUCTION OF A BILL TO AUTHORIZE APPROPRIATIONS DURING THE FISCAL YEAR 1970 FOR AIRCRAFT, MISSILES, NAVAL VESSELS, AND TRACKED COMBAT VEHICLES

Mr. STENNIS. Mr. President, as the Senate knows, there is presently pending before the Senate Committee on Armed Services S. 1192, providing for the authorization of funds for fiscal year 1970 for aircraft, missiles, naval vessels, and

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tracked combat vehicles. This measure represents the recommendation as submitted by President Johnson under the so-called Clifford budget.

I am introducing the authorization proposal for fiscal year 1970 in the form recommended by Mr. Laird, the Secretary of Defense, setting forth certain changes from that proposed in S. 1192. I might also add that over changes have been announced since legislation was prepared.

I would strongly emphasize, Mr. President, that this measure is being introduced for the purpose of maintaining the legislative history on the authorization legislation. The bill which will be reported by the Senate Committee on Armed Services will undoubtedly contain changes not reflected in the attached proposed legislation.

The introduction of this measure, however, is necessary in order that we have a complete record.

I ask unanimous consent that the two letters of transmittal from the Department of Defense be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letters will be printed in the RECORD.

The bill (S. 2407) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes, introduced by Mr. STENNIS (for himself and Mrs. SMITH, by request) was received, read twice by its title, and referred to the Committee on Armed Services.

The letters, presented by Mr. STENNIS, follow:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., May, 14, 1969.

Hon. JOHN STENNIS,
Chairman, Committee on Armed Services U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On April 15, 1969, the Secretary of Defense transmitted a revised proposal substituting for a previous proposal "to authorize appropriations during fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes," which had been submitted on January 14, 1969, by the previous Administration. This substitute proposal reflected revised requests for research, development, test, and evaluation, but did not include requests for strength authorizations for the Selected Reserve of each Reserve component of the Armed Forces as these programs were still under review.

Further, in the course of discussion with members of the Committee staff, it has become clear that the Armed Services Committees may consider two methods of expressing the personnel strength authorization for the Selected Reserve of each Reserve component of the Armed Forces. The first method (expressed in Title III of S. 1192) would provide that "each Reserve component . . . be programmed to attain" a prescribed number at the end of the fiscal year. The second method (contained in P.L. 90–500) requires that each Reserve component "be programmed to attain an average strength of not less than" a certain specified strength during this fiscal year.

In order to provide the Committee with current Selected Reserve personnel strength requests which may be accommodated to either method of expression, I am enclosing alternate drafts incorporating personnel program revisions that have occurred since the submission of January 14, 1969.

Sincerely,

ROGER T. KELLEY.

THE SECRETARY OF DEFENSE,
Washington, D.C., April 15, 1969.

Hon. JOHN STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: A draft of proposed legislation "To authorize appropriations during fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes," was submitted on January 14, 1969, as required by section 412(b), Public Law 86–149, as amended. This proposal was a part of the Department of Defense legislative program for the 91st Congress, under the previous Administration, and the Bureau of the Budget had advised on January 13, 1969, that enactment of the proposal would be in accord with the program of the President.

As you know, the Budget for fiscal year 1970 has been the subject of intensive review since the inauguration of the present administration. This reexamination requires modification of the proposal, as previously submitted, to provide authorization of appropriations as needed for aircraft, missiles, naval vessels, and tracked combat vehicles, as well as fund authorization for each of the research, development, test, and evaluation appropriations in amounts equal to the budget authority to be requested in the President's revised budget for fiscal year 1970. Authorization is also requested for the revised appropriation for the Emergency Fund for research, development, test, and evaluation or procurement or production for the Department of Defense.

A substitute proposal containing the revised figures together with a table denoting the differences between the amounts included in this proposal and the original request is attached for your ready reference.

The Bureau of the Budget advises that enactment of this revised proposal would be in accord with the program of the President.

Sincerely,

MELVIN R. LAIRD.

SUMMARY OF FISCAL YEAR 1970 AUTHORIZATION PROPOSALS FOR AIRCRAFT, MISSILES, NAVAL VESSELS, AND TRACKED COMBAT VEHICLES—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

[In thousands of dollars]

	Submitted Jan. 14, 1969	Changes	Revised amounts
Title I, procurement:			
Aircraft:			
Army	941,500		941,500
Navy and Marine Corps	2,568,900	−159,700	[1] 2,409,200
Air Force	4,406,000	−305,800	[2] 4,100,200
Total, aircraft	7,916,400	−465,500	7,450,900
Missiles:			
Army	1,347,660	[3] −390,000	957,660
Navy	865,100	−13,800	851,300
Marine Corps	20,100		20,100
Air Force	1,794,000	−307,600	1,486,400
Total, missiles	4,026,860	−711,400	3,315,460
Naval vessels (Navy)	2,698,300	−66,900	2,631,400
Tracked combat vehicles:			
Army	298,300	+7,500	305,800
Marine Corps	37,700		37,700
Total, tracked combat vehicles	336,000	+7,500	343,500
Total, title I	14,977,560	−1,236,300	13,741,260
Title II, research, development, test, and evaluation:			
Army	1,822,500	+27,000	1,849,500
Navy (including Marine Corps)	2,207,100	+4,400	2,211,500
Air Force	3,594,300	−33,100	3,561,200
Defense Agencies	500,200		500,200
Emergency fund, Defense	50,000	+50,000	100,000
Total, title II	8,174,100	+48,300	8,222,400
Grand total titles I and II	23,151,660	−1,188,000	21,963,660

[1] Of the amount requested for authorization, $25,000,000 is to be derived by transfers from the Department of Defense stock funds.
Of the amount requested for authorization, $325,000,000 is to be derived by transfers from the Department of Defense stock funds.
[3] Reflects $15,000,000 reduction in fiscal year 1969 Sentinel program and NOA.

S. 2408—INTRODUCTION OF A BILL TO AMEND THE SMALL BUSINESS ACT

Mr. SPARKMAN. Mr. President, I am today introducing a bill to amend the Small Business Act to enlarge the scope of a certificate of competency which the Small Business Administration has authority to grant small business bidders for Government contracts.

Under the law as it now exists, a certificate of competency is conclusive evidence that a small business bidder for a Government contract has the plant and manpower resources, necessary technical know-how, productive capacity, financial responsibility and credit rating to perform the prospective contract work concerning which the certificate has been issued. The certificate as now interpreted makes no determination with respect to other factors of bidder responsibility, such as past performance, integrity, ethics, motivation, perseverance and

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tenacity. This limitation on the scope of the certificate of competency has caused considerable confusion and difficulty in a number of procurement actions and has greatly restricted the usefulness of the COC. The purpose of this bill is to enlarge the scope of the certificate to include all elements of responsibility such that when the Small Business Administration has issued a certificate to a small business firm bidding for a Government contract, all questions of whether or not the bidder can and will perform the prospective contract work will have been answered in the affirmative and this determination in the specific case will be conclusively binding on the procuring agency.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2408) to amend the Small Business Act, introduced by Mr. SPARKMAN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 2410—INTRODUCTION OF A BILL TO AMEND THE INTERNAL REVENUE CODE HAVING TO DO WITH ESTATE TAXES

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes.

I introduce this bill for the second time, in consecutive sessions. I do so now with a heightened sense of urgency and concern due to what can only be judged as a fundamental threat to the family farm and the family ranch in America. The threat of which I speak, in the form of discriminatory Federal estate taxes, is of such magnitude that it could mean a virtual end to many types of family enterprise, in both business and agriculture, in a single generation. This problem finds its root in Federal action and it is incumbent upon us to find its solution there also and quickly.

The circumstances which have led to this plight are important to analyze. In recent years, an upward trend in the sales prices of farm and ranch properties, primarily caused by speculators investing in land, has produced higher and higher taxes at the death of the farmer or rancher. Often the heirs have little or no cash with which to pay these death taxes. This has already forced the liquidation of many family livestock operations, and could force the sale of countless other ranches and farms on the death of present owners.

In contrast to farms and ranches, the valuation of publicly traded stocks and securities generally reflects their earning power, and such stocks and securities can be sold on death without destroying a family business. Thus, decedents whose estates consist of farms or ranches or other small businesses involving real estate are discriminated against in comparison with those whose estates consist of marketable securities.

Along with the National Livestock Tax Committee, I have been exploring possible changes in the existing laws and regulations which might achieve estate tax equity for the livestock industry.

The prime reason for the upward trend in valuation is the Internal Revenue Service's interpretation of the requirement in the Federal estate tax regulations that the estate tax be imposed on "market value" of the property held by the decedent at the time of his death. Today the price for which farm or grazing land might sell to speculators is out of all proportion to what it will earn for farm or grazing purposes. Unfortunately, however, many revenue agents refuse to give any consideration whatsoever to the earning capacity of a ranch or farm in determining its value for estate tax purposes. To the contrary, they rely only on inflated sales prices of similar farms which have been gobbled up by land speculators. Thus, the family which does not have substantial outside assets cannot pay the estate taxes. So, the property has to be sold and cannot be passed on to the next generation.

Congress should begin now to find a satisfactory solution to this problem. With the thought in mind that whatever we do would involve the passage of remedial legislation, I have drafted a bill offering what I believe is a sound approach. In general, since other small businesses have a similar problem, it would apply in any case where a decedent owned an interest in a closely held business whether in proprietorship, partnership, or corporate form.

In such a case, the estate's representatives would have the option of having the decedent's interest in the business valued either at its market value, as at present, or the higher of the decedent's cost basis or a value based on the reasonable earning power of the business. In order to qualify for this option, my bill provides that the decedent must have been in the business for at least 10 years prior to his death, and his heirs would have to continue the business for at least 5 years after his death. In addition, this bill would provide that under the market value alternative all relevant factors should be considered in valuing a business interest, including the earning capacity of the business and the degree of control represented by the interest being valued.

I believe that this proposal represents a fair solution to the problem, and I hope the bill will be carefully and thoughtfully studied by the Treasury Department experts and others so that any shortcomings that may be found can be dealt with before I offer it as an amendment to an appropriate House-passed tax bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2410) to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes, introduced by Mr. HARRIS (for himself and Mr. CURTIS), was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILLS

S. 1827

Mr. HARRIS. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from New Mexico (Mr. ANDERSON), the Senator from Montana (Mr. METCALF), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of the bill (S. 1827), to amend the Internal Revenue Code of 1954 to impose a minimum income tax, to require the allocation of deductions allowed to individuals in certain circumstances, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1828

Mr. HARRIS. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of the bill (S. 1828), to amend the Internal Revenue Code of 1954 to increase the minimum standard deduction.

The PRESIDING OFFICER. Without objection, it is ordered.

S. 1829

Mr. HARRIS. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Utah (Mr. MOSS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of the bill (S. 1829), to amend the Internal Revenue Code of 1954 to reduce and extend the tax surcharge and to suspend the investment credit during the remaining period of applicability of the tax surcharge.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2241

Mr. BIBLE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Colorado (Mr. ALLOTT) be added as a cosponsor of the bill (S. 2241), to authorize the Secretary of Health, Education, and Welfare to make Indian hospital facilities available to non-Indians under certain conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 210—SUBMISSION OF RESOLUTION CALLING ON THE PRESIDENT TO SUSPEND CERTAIN WEAPONS TESTS

Mr. CASE submitted the following resolution (S. Res. No. 210); which was referred to the Committee on Foreign Relations, by unanimous consent:

S. RES. NO. 210

Resolved, That it is the sense of the Senate that, because of the great urgency of seeking verifiable agreements between the United States and the Union of Soviet Socialist Republics on the limitation of offensive and defensive strategic weapons, and because such

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agreements are imperiled by the development and prospective deployment of multiple warheads by both nations, the President should immediately suspend flight tests of multiple re-entry vehicles for so long as the Soviet Union does the same.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS, 1970—AMENDMENT

AMENDMENT NO. 41

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him to the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to be printed and referred to the Committee on Appropriations.

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1969—AMENDMENT

AMENDMENT NO. 42

Mr. TALMADGE (for himself, Mr. CRANSTON and Mr. EAGLETON) submitted an amendment, intended to be proposed by them jointly to the bill (H.R. 11400) the second supplemental appropriations bill, 1969, which was ordered to lie on the table and to be printed.

ANNOUNCEMENT OF HEARINGS ON BILLS TO EXTEND THE OLDER AMERICANS ACT

Mr. KENNEDY. Mr. President, as chairman of the Special Subcommittee on Aging, of the Committee on Labor and Public Welfare, I wish to announce a hearing on S. 268 and S. 2210 on June 19, at 10 a.m., in room 224.

The bills would extend and broaden the Older Americans Act of 1965.

ANNOUNCEMENT OF HEARINGS

Mr. DODD. Mr. President, the Senate Internal Security Subcommittee will commence hearings on the bill (S. 1988), introduced by the Senator from South Carolina (Mr. THURMOND) to amend the Internal Security Act of 1950 to prohibit certain obstructive acts and practices, at 10 a.m., June 23 in room 2228 of the New Senate Office Building.

The time and dates of further hearings will be announced as the hearings progress.

ANNOUNCEMENT OF HEARING ON NOMINATIONS

Mr. MANSFIELD. Mr. President, on behalf of the chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON) I wish to announce that the committee has scheduled a hearing on the nominations of Dr. Carlos Garcia Camacho, of Guam, to be Governor of Guam, and Dr. Melvin H. Evans, of the Virgin Islands, to be Governor of the Virgin Islands. The hearing will be held at 10 a.m., on Tuesday, June 17, in room 3110, New Senate Office Building.

ANNOUNCEMENT OF HEARINGS ON A BILL TO INCORPORATE THE COLLEGE BENEFIT SYSTEM OF AMERICA

Mr. DIRKSEN. Mr. President, I wish to announce that the Subcommittee on Federal Charters, Holidays, and Celebrations, of the Committee on the Judiciary has scheduled public hearings for July 17 and 18 on S. 1290, a bill to incorporate College Benefit System of America.

The hearings will begin at 10:30 a.m. on July 17 and 18 in room 2228, New Senate Office Building. Anyone wishing to testify or desiring more information on these hearings may contact the Subcommittee on Federal Charters, Holidays, and Celebrations in room 2226, New Senate Office Building, telephone extension 5225.

The subcommittee consists of Senator MCCLELLAN and myself as chairman.

ADDITIONAL ANNOUNCEMENT REGARDING VETERANS EDUCATION HEARINGS

Mr. CRANSTON. Mr. President, I wish to add to my June 12 announcement on this subject that at its hearings on June 24, 25, and 26 the Subcommittee on Veterans Affairs will also consider S. 2036, a bill introduced by the Senator from Colorado, (Mr. DOMINICK), to amend chapter 34 of title 38, United States Code, in order to provide educational assistance to veterans attending elementary school. This bill was inadvertently not listed previously.

THE JUDICIAL REFORM ACT—A WASHINGTON POST ENDORSEMENT

Mr. TYDINGS. Mr. President, on June 13 an editorial entitled "Buttressing Judicial Integrity" was published in the Washington Post. The editorial was written by Merlo J. Pusey. Mr. Pusey is a Pulitzer prize winning newspaperman and a noted expert on the judiciary. Among his many publications are "The Supreme Court Crisis," published in 1937, and the authorized definitive biography of Charles Evans Hughes.

The editorial deals with the resolution adopted by the Judicial Conference of the United States forbidding judges to accept pay for services off the bench. While praising the action of the judicial conference as formidable and courageous, it correctly points out that the action is more of a beginning than an end. The editorial is addressed to the difficult problems which still must be resolved, the application of the resolutions to the Supreme Court and the enactment of legislation to enable the judiciary to enforce the rules.

The editorial recognizes that the judicial conference as presently constituted has no authority over the Supreme Court. It suggests, however, that either the conference's authority should be extended by Congress to include the Supreme Court or that the Court should impose rules of conduct upon itself, as originally suggested by Joseph Borkin, author of "The Corrupt Judge." Hopefully, the Supreme Court will see the need to put its own house in order and will adopt the second alternative.

The editorial then goes on to discuss the need for some enforcement legislation and endorses the provisions of the Judicial Reform Act which would create a Commission on Judicial Disabilities and Tenure. This act, S. 1506, which I introduced and which is now cosponsored by 14 distinguished Senators, is the culmination of over 3½ years of study by the Subcommittee on Improvements in Judiciary Machinery. It would give the judiciary the additional machinery which Mr. Pusey has perceptively recognized to be required for complete and effective enforcement of the resolutions laid down by the Judicial Conference.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BUTTRESSING JUDICIAL INTEGRITY

Admirable though it is, the resolution adopted by the Judicial Conference of the United States forbidding judges to accept pay for services off the bench leaves many questions unanswered. The Conference has gone a long way in buttressing integrity in the courts. By any standard that may be applied, its action is formidable and courageous. Nevertheless, it is more of a beginning than an end.

The most anomalous aspect of the rules laid down is their limitation to lower-court judges. Most of the impropriety which inspired these reforms has centered in the Supreme Court. Yet the remedy is not applied to Justices of that tribunal. We must hasten to add, however, that this results from a lack of jurisdiction in the Judicial Conference and presumably not from any disposition toward favoritism or disregard for the problems that have arisen within the Supreme Court.

When the Judicial Conference was created in 1939, the Supreme Court was exempted from its provisions because of a feeling that the problems with which it would be called upon to deal were largely within the lower courts. In the present context of events, however, it would be absurd to impose the tighter rules now adopted upon circuit and district judges only, with Justices of the highest court going merrily on their way. As a practical matter, the Justices will have to operate within these rules or expose themselves to public criticism that would probably end their usefulness. It is especially notable that Justice Brennan and probably others have already withdrawn from all outside activities yielding extra income.

Voluntary individual compliance, however, is not enough. The Judicial Conference seemed to recognize this in ordering its Committee on Court Administration to prepare a code of judicial conduct for consideration at its September meeting. Presumably such a code will embrace the restrictions the Conference has just laid down as to outside income and the reporting of judges' assets and liabilities. The standards to be worked out are designed to be a general guide to judicial conduct which will supplement or replace the unofficial code of judicial conduct prescribed by the American Bar Association. Here is another potentially great step in the right direction—the substitution of an offical code for an unofficial one. But the whole exercise would take on a ridiculous twist if it were not applicable to the Supreme Court.

Either one of two approaches seems feasible. First, the Judicial Conference could ask Congress to extend its jurisdiction to the Supreme Court. There is a hint that it may

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have had this in mind when it directed its Administration Committee to draft proposed legislation that would enable the Conference to enforce its rules. Second, Joseph Borkin, a recognized authority on the subject and author of "The Corrupt Judge," has suggested that the Supreme Court itself has ample power to lay down rules concerning the extrajudicial activities of its members. Perhaps the Court intends to exercise this power before it ends its present term.

Whichever course is taken, some new legislation will be essential. The most hopeful approach, we think, is to be found in Senator Tydings's bill to create a Commission on Judicial Disabilities and Tenure, with power to investigate the conduct of misbehaving or incapacitated judges. This device would give the Judicial Conference the additional machinery it needs to make its rules and self-policing effective. The bill sets out fair and well-safeguarded procedures for handling the most delicate problems with which the courts have to deal. Its terms would properly be applicable to any Federal judge, including Justices of the Supreme Court. In practice it would doubtless provide an enforcement arm for carrying out the provisions of the judicial code of ethics now in the works. It is reasonable to assume that the Judicial Conference will take full advantage of the careful work that has already gone into the Tydings judicial reform bill.

SENATOR RANDOLPH BELIEVES INCREASE IN PRIME RATE ON LOANS WILL CRIPPLE HOUSING AND HURT ECONOMY

Mr. RANDOLPH. Mr. President, the question is: Are the three branches of the Federal Government and the independent Federal agencies charged with the responsibility of formulating and implementing the policies under which our people are governed? Most people would probably respond in the affirmative. We teach it that way in the schools from the elementary subjects to the courses in political science and history. Yet, the actions of big bankers, initiated last week by Bankers Trust in New York City—and over a long period of time—indicate otherwise. The bankers are important to a sound economy in this country. The unparalleled increase, however, in the prime interest to 8½ percent testifies to a tragic assumption of power by major bankers. Seemingly without complete consideration of the impact on our entire economy; without full consideration of other elements of national policy to combat inflation; and with an attitude of "we will do it," the bankers have instigated another damaging crunch on interest rates.

Mr. President, who is injured: the major corporations of this country? I think not. The consumer is hurt. The home buyer, the farmer, and the small businessman whose rates are scaled upward in the unwarranted prime interest rate are caught in this vicious squeeze. The increases will have a disastrous effect. I think the President of the United States and the Congress should force a showdown—a confrontation—with the major bankers who triggered this action. They should rescind this new increase.

Mr. President, the interest rate movers say, "they will ration credit among the banks' biggest customers." This is questionable. The banks' biggest customers will go after the money now like wolves feeding on a flock of sheep. The bankers say this will not affect mortgages or consumer loans or small business customers. I do not see how they can make this distinction. It has not been the case in the past.

The prime rate increases will not cause large businesses to borrow less. The impact—I emphasize—will be on the home buyer and on the small businesses.

Experiences seem to show that the large commercial bankers have not been aiding in the fight against inflation; rather they fuel the fires of inflation.

Methods of fighting inflation without these swollen increases in interest rates exist. And they have been presented to the commercial banks and to our Government.

I strongly urge President Nixon to state his opposition and to let it be known that he will use powers at his disposal to roll back the interest rate increase. He should accept the counsel of one of his top advisers, Arthur F. Burns, who is reported to have said:

> A further rise in interest rates would be a serious threat to the continuance of our prosperity. There would be a credit crunch followed by a business recession.

The President should take immediate action. And Congress shares the responsibility to act in correcting this situation. In this regard, I commend Representative Wright Patman, chairman of the House Committee on Banking and Currency, for taking the initiative in communicating with the President and the Attorney General and in scheduling hearings on this issue.

It would be unconscionable for our Government, while advocating an extension of the 10-percent surtax, to allow this additional burden to be placed on the very persons who carry a heavy surtax load.

PENNSYLVANIA AVENUE

Mr. MOSS. Mr. President, Senators who are deeply committed to the John F. Kennedy proposal to make Pennsylvania Avenue "lively, friendly, and inviting, as well as dignified and impressive," will be interested in the status report on this proposal written by Alan L. Otten for the Wall Street Journal on Wednesday, May 28, 1969.

Mr. Otten reviews in general the plans produced by the President's Council on Pennsylvania Avenue and discusses what has and has not been done. He comes to the conclusion, which is obvious to all, that "progress has been slow and sporadic."

I sincerely hope that President Nixon will make good on his expressed interest in this project, and that by the 200th anniversary of the birth of our Nation, in 1976, we will have fully executed the plan to remake Pennsylvania Avenue into the kind of grand and majestic boulevard envisioned by Pierre L'Enfant when he laid out our Capital City.

I ask unanimous consent that Mr. Otten's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Slow Progress on Pennsylvania Avenue

(By Alan L. Otten)

Washington.—George Washington ordered the young French engineer Pierre L'Enfant to place the White House more than a mile away from the Capitol, so that Congressmen wouldn't be dropping in too often for a drink or a chat. Ever since, Presidents have been involved to greater or less degree with Pennsylvania Avenue, the broad straight boulevard L'Enfant laid out between the President's house and the meeting place of the nation's lawmakers.

Thomas Jefferson planted four rows of Lombardy poplars along the still rural street, and, with a small retinue, rode on horseback from the White House to the Capitol for his second inauguration in 1805 and then rode back, launching the custom of an inaugural parade. One hundred and fifty-six years later, riding back from his own inauguration, John F. Kennedy was appalled by the drab appearance of what should be the number one street of the nation, particularly the north side—a jumble of parking lots and dilapidated 19th century buildings with vacant upper stories and unappetizing ground-level liquor stores and coffee shops and tourist traps.

A COMMISSION PROPOSAL

He set up a study commission, and that commission proposed a council of architects and other urban experts, and Mr. Kennedy ordered that council to come up with a proposal to make the Avenue "lively, friendly and inviting, as well as dignified and impressive." A social as well as a political center was envisioned, as a key element in a broader effort to revitalize the entire downtown district. Mr. Kennedy and his advisers wanted very much to avoid any unbroken row of Government and private office buildings, dull boxes monotonous to look at by day and empty and sterile at night and on weekends.

In early 1964 the President's Council on Pennsylvania Avenue produced its ambitious plan to remake the Avenue as L'Enfant envisioned it—"a grand and majestic avenue . . . as grand as it will be agreeable and convenient." In the intervening five years, that plan has proved far easier to propose than to execute.

The council did call for some renovation of aging edifices on the south side, the side already devoted to Government buildings. It proposed, for instance, removing the dirty old city post office at 12th Street, keeping only its remarkable tower to serve as a tourist orientation building.

Mostly, though, the council devoted itself to the north side of the Avenue, and to the two ends. To create a sense of space and grandeur, it urged construction of a huge reflecting pool at the Capitol end, and at the other end a paved "national square" with a huge series of attractive new Government and private buildings would rise—well set back from the curb, with stilted arcades and street-level swank shops, cafes and restaurants, theaters and other attractions for natives and tourists alike. The Avenue would be brick-paved, with double or triple rows of trees; the buildings would have interior garden courts and other inviting open spaces.

Eighth Street would be a north-south axis, starting from a landscaped "market square" on the north side of the Avenue opposite the Archives Building—the square being the site of the old market where flatboats used to unload after coming up the old Tiber Canal from the Potomac. The Eighth Street axis would end three blocks to the north at the recently refurbished National Portrait Gallery.

Underground garages along the Avenue could park 10,000 cars. A block to the north a depressed expressway would handle most of

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the through east-west traffic, leaving the Avenue free for local traffic and pedestrians.

Well, there's been significant progress, largely due to the lobbying—always persistent though not always diplomatic—of architect Nathaniel Owings, who headed the council and the successor Temporary Commission on Pennsylvania Avenue. He persuaded the Interior Department, for instance, to tunnel a proposed inner freeway underground just at the foot of Capitol Hill and a huge reflecting pool is being built atop the freeway there. Work also has started on a Labor Department building that will rise on foundations spanning the freeway as it emerges just north of the Avenue.

Owners of a new office building on the north side of the Avenue, where the old Raleigh Hotel stood at 12th Street, agreed (in return for some relaxation of zoning rules) to set its front well back from the curb, with a planted plaza in front and a shop-lined arcade and mezzanine. The Willard Hotel at 14th Street, established in the 1830s and long the stopping-place for some of the town's top visitors was closed last year, opening the way for negotiations that might eventually enable the Government to make the site part of the proposed "National Square."

A new Woodrow Wilson Center for international study has more or less been committed to become part of a new building complex on the eighth Street axis. And commission officials believe President Nixon's call for a great many more judges for the District of Columbia will lead to an early start on a new district court building on the north side of the Avenue near the present U.S. Courthouse, creating an integrated "Judiciary Square."

REVERSES ALONG THE WAY

For all the progress, however, the reverses have also been numerous and significant. One of the earliest was a decision against using the Avenue as the site of the new performing arts center—the combination opera, symphony, ballet and art structure now to be called the Kennedy Center. Locating this structure on the Potomac waterfront to the west, where the land was free, robbed Pennsylvania Avenue of what could have been one of its most vital new attractions.

A huge new FBI Building is beginning to rise on the north side of the Avenue between 9th and 10th Streets. Director J. Edgar Hoover did agree to set this back from the Avenue but managed to short-circuit the council's plan for arcades, arguing that pursesnatchers and muggers would lurke behind the pillars and molest his bureau's late-working secretaries. (Kennedy Budget Director Kermit Gordon tried to have the FBI building erected in the suburbs, arguing that it made no sense to devote such a choice location to a building that would house little but files and secretaries. But he soon discovered that Mr. Hoover was not subject to the arguments and rules that govern other Government officials.)

The Vietnam war has delayed replacement of Federal buildings; construction spending can be postponed more easily than many other Government outlays. Moreover, local Negro leaders have indicated considerable distaste for a massive Avenue rebuilding project when social welfare spending is generally under restraint. The war and high interest rates have also discouraged some private investment, commission officials contend. Last year's riots resulted in the indefinite postponement of one large private project, which commission officials think was very close to fruition, for a square block of hotels, office buildings and shops.

In fact, private companies have been generally reluctant to commit themselves to the Avenue, Eighth Street or other downtown areas until they know the renovation is going to be more than just a group of new Government buildings. "No one or two wants to get out in front," an official says. "There are no great risk takers here." Officers in that new building at 12th Street, for instance, are occupied entirely by agencies of the District of Columbia government; thus far, the building has only one private tenant, a bank on the street level, and other lower-level shops stand vacant.

The plan for the huge open square at the White House end of the Avenue has been under constant attack—from influential Washington Post architecture critic Wolf Von Eckardt, from business that might be affected, from local authorities. Its future may be the most questionable part of the whole Avenue scheme. None of the privately owned land around the proposed square has yet been obtained; if the Willard site isn't acquired soon, its owners say they will start putting up a new office building there, probably making it much harder to take over the site later. The nearby Washington Hotel has just carried out an extensive renovation, which will have the same result.

The House Interior Committee, meanwhile, has repeatedly refused to approve legislation making the Temporary Commission permanent and giving it broad power to achieve its plan, including funds to pay for condemned buildings.

LACKING PRESIDENTIAL INTEREST

Most of all, the Avenue-rebuilding has, since Mr. Kennedy's death, lacked strong Presidential interest. President Johnson officially blessed the project, but never really committed himself to it, perhaps viewing it as just another Kennedy program. Mr. Nixon has said the right things thus far, but it's too early to tell whether he really means them and will follow through, or is merely trying to please his top urbanologist, Daniel P. Moynihan, who has been deeply involved in the Avenue project from the start.

Commission officials talk optimistically about having their plan executed by 1976, in time for the 200th anniversary of the birth of the nation. "Truly, here is a plan well launched towards completion," the President's Temporary Commission declared in a just-issued progress report.

This overstates the matter quite a bit, however. There has been progress, but it has been slow and sporadic. In Washington, things never move quite as quickly as people expect, and it would be almost miraculous if a plan to remake its grand and majestic Avenue were any exception.

LOOK WITH PRIDE ON OUR FLAG

Mr. McCLELLAN. Mr. President, in observance of the meaningfulness of June 14, which has been designated Flag Day, I feel it is appropriate and fitting to ask unanimous consent to have printed in the Record the words of a song, "Look With Pride on Our Flag," composed by a loyal and patriotic American, Miss Hank Fort. In view of the apparent deterioration of patriotism in our country, it is indeed time that we as American citizens once again "Look With Pride on Our Flag."

There being no objection, the words of the song were ordered to be printed in the Record, as follows:

Look with pride on our Flag,
for we've ev'ry right to brag about "Old Glory," our emblem of Liberty.

Fifty stars shining bright on the blue.
With stripes red and White, what a sight for all to view.

Look with pride, see her wave and remember all the brave ones who fought to save and to keep us free.
In ev'ry town and city and all the countryside
By our pledge of allegiance we'll faithfully abide.

And with pride we'll look on "Old Glory" and stay
Loyal to the flag of the U.S.A.

MAJ. CONLEY T. RAYMOND, DISTINGUISHED UTAH SOLDIER, IS KILLED

Mr. BENNETT. Mr. President, a tragic and ironic automobile accident recently killed one of Utah's most distinguished soldiers, Maj. Conley T. Raymond, who had returned not long ago from his second tour of hazardous duty in Vietnam as a helicopter pilot.

Because this fine Utah son was killed in a senseless car crash rather than on the battlefields of Vietnam, it no way lessens our Nation's debt to him and his family.

I believe Major Raymond personified all that we have hoped to instill in our fighting men—love of God and family, as well as unswerving devotion to his country and the cause of freedom.

It has become popular in some quarters to focus attention on the relatively few of our fighting men who oppose the U.S. role in Vietnam. I am certain the great majority of them believe we are there for a just cause; Conley Raymond represented this majority well. In many letters home to his family and close friends, he championed the U.S. commitment to defend the right to freedom and self-determination for the citizens of that Asian land.

He was personally and deeply committed to that cause, and ready to die for it if necessary. I know of the anguish that must be felt by his wife, Kathleen, his young son, Jeffrey, and his other loved ones, that a careless driver was able to succeed where the Vietcong had many times failed.

Mr. President, a more detailed account of Major Raymond's exemplary life and record is contained in his hometown newspaper, the Logan Herald Journal, of June 3. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Collision Kills Logan Officer

Maj. Conley T. Raymond, 33, of Logan was one of three people killed Sunday in a two-car headon collision about six miles west of Rock, Wyo. on U.S. 30.

The other victims were Frank Shray, 32, and his wife, Doris, 43, of Cheyenne.

The Highway Patrol said Shray had crossed a double yellow center line and was passing other vehicles when his car rammed into that of Raymond. Shray was killed instantly and the other victims died a short time later in a Laramie, Wyo., hospital.

ENROUTE HOME

Major Raymond was on his way home from Ft. Rucker, Alabama at the time of the fatal mishap. His wife, Kathleen and son Jeffrey had arrived a week earlier. Maj. Raymond, a career serviceman, was being sent to the University of Utah to receive a master's degree in educational television. He had served for some time as film liaison officer of the Aviation School at Ft. Rucker.

He was born in Logan April 11, 1936, son of G. Frank and Reta Mae Hansen Raymond.

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After attending Logan City schools and graduating from Logan High, he attended USU one year, then enlisted for four years with the U.S. Air Force. On completion of this enlistment, he returned to Utah State and graduated in the School of Agriculture and Applied Sciences. He was affiliated with Sigma Nu while at USU and an honor ROTC student.

COPTER PILOT

Raymond again entered the service with the U.S. Army Signal Corps as an officer at Ft. Monmouth, N.J. In June 1961 he entered training as a helicopter pilot at Ft. Wolters, Texas. His distinguished career included two tours of duty in Vietnam in 1963-64 and again in 1967-68. Often decorated for valiant and distinguished service, he was recipient of the Air Medal numerous times, had 21 Oak Leaf Clusters, the Distinguished Flying Cross, Bronze Star, the Army Commendation Medal and the Purple Heart.

Maj. Raymond was active throughout his life in the LDS Church, actively participating wherever stationed. His last assignment while in Alabama was Aaroric Priesthood Youth Advisor to the Southern States Mission. He had also served as District Councilman, counselor to the District president, general secretary of the Ozark Branch, and had taught in the Sunday School and served as a home teacher.

On March 17, 1960, he married Kathleen Bosworth in the Logan LDS Temple. He is survived by his wife, a son Jeffery and his mother, Mrs. Reta H. Raymond, grandparents, Mr. and Mrs. Moroni Hansen, all of Logan; a brother, Lannie F. Raymond, Bountiful, a sister, Mrs. Karl (Carol) Koerner, also of Logan. His father, G. Frank Raymond, former Logan City School Board clerk and administrative assistant, passed away in 1963.

SMOKING AND HEALTH

Mr. MOSS. Mr. President, Science magazine for June 13 contains an article written by Luther J. Carter which is a perceptive analysis of the issues involved in the legislative battle now shaping up on smoking and health.

I commend it to all who wish a quick review of what has happened in the past and what lies ahead.

I ask unanimous consent that the article, entitled "Smoking and Health: Closing the Ring on the Cigarette," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Smoking and Health: Closing the Ring on the Cigarette

Four years ago, when the first major legislative struggle on the smoking and health issue was taking place, lobbyists for the tobacco industry and their congressional allies handled the antismoking forces as deftly as a cowhand from Marlboro country might rope a calf. Now, however, the smoking and health question is again agitating Washington, and this year the tobacco industry's problems look less easily manageable.

In coping with the health issue in 1965, the industry clearly made the best of adversity. The 1964 report of the Surgeon General's Advisory Committee on Smoking and Health had said that cigarette smoking was causally related to lung cancer in men; that it was the most important cause of chronic bronchitis; and that it was associated closely with other ailments, including coronary heart disease, to be highly suspect as a possible causal factor. Here, for the first time, was a warning against cigarette smoking by a federally sponsored panel of experts whose membership had been approved by the tobacco industry—a warning which, moreover, was stated as plainly as a skull and crossbones.

In light of this development, voluntary health agencies such as the American Cancer Society had reason to hope that, if Congress took no effective action of its own to discourage smoking, it would at least not prevent such action by the state and federal regulatory agencies. But Congress, aided by the tobacco lobbyists and its own talent for grinding sharp edges off unpleasant facts, enacted the Cigarette Labeling Act, requiring on each cigarette package the message "Caution: Cigarette Smoking *May be* (emphasis supplied) Hazardous to Your Health."

Worried as it was about court suits being brought by cancer victims or their survivors, the tobacco industry itself saw an advantage in having a warning label, particularly if worded as mildly as the one Congress adopted. Yet, from the industry's standpoint, the labeling act had a still greater merit: It largely preempted other action in the smoking and health field for a 4-year period. Principally, this meant that the Federal Trade Commission (FTC), which had been moving to require a strong health warning on cigarette packages and in all advertising, was powerless to act.

Despite this setback in Congress to their cause, the antismoking forces—led by the U.S. Surgeon General and private groups such as the Cancer Society, the National League for Nursing, and the National Congress of Parents and Teachers—have persevered in their crusade, using every means of publicity and persuasion at their command. Though their financial resources have been limited compared to the tobacco industry's, these forces nevertheless represent a broad, powerful coalition of health and civic organizations which are active in nearly every community. Furthermore, the propaganda resources of a major government agency such as the U.S. Public Health Service are substantial. For example, the PHS once had 53,000 U.S. mail trucks displaying a large poster reading "100,000 Doctors Have Quit Smoking (Maybe They Know Something You Don't)."

In June of 1967, the Federal Communications Commission (FCC), to everyone's surprise, applied its "fairness doctrine" to cigarette advertising, holding that broadcasters who carry cigarette commercials must also carry some antismoking messages. The result was that the PHS and the Cancer Society and other voluntary health agencies suddenly found their antismoking "spots," which most broadcasters had been leery of using, in heavy demand.

Clearly, the smoking and health issue has been kept alive, and smokers gradually are responding. Per capita consumption of cigarettes has gone down by almost 3½ percent since release of the report by the Surgeon General's committee in early 1964. Furthermore, production during the first 3 months of 1969 was about 1.5 million packs a day below that for the same period in 1968; this suggests that there are now about 1.5 million fewer smokers, inasmuch as the average smoker consumes about a pack a day.

In Congress, the smoking and health issue has been an embarrassment because it touches the financial nerves of a sizable block of southern and border states (some of them potently represented in the House or Senate) and of the broadcasting and other media which carry cigarette advertising. Smokers spend $9 billion in the United States each year on cigarettes. They are egged along in their habit, and sometimes lured into it, by advertising, for which the cigarette companies spend more than $300 million annually, some $245 million of that amount being used to buy commercials on television and radio. For no other product does the volume of broadcast advertising come even close to equaling this amount. And tobacco farming and manufacturing also are big businesses, on which some 600,000 farm families and 36,000 factory workers depend for all or part of their income.

However politically sensitive and inconvenient the matter may be, Congress is again having to consider the smoking and health issue. The 4-year preemption with respect to action by the regulatory agencies is about to expire, and both the FTC and the FCC propose to take strong measures. The FTC has called a public hearing for 1 July, the first day following expiration of the preemption, on a proposal to have all cigarette adverstising warn that "cigarette smoking is dangerous to your health and may cause death from cancer, coronary heart disease, chronic bronchitis, pulmonary emphysema, and other diseases." According to tobacco industry spokesmen, a requirement for such warning could lead cigarette manufactures to give up advertising altogether. The Federal Communications Commission has, for its part, proposed a direct ban on cigarette advertising on radio and television, though it has raised the question of whether an exception should be made for messages about cigarettes of low tar and nicotine content.

INDUSTRY ALLY

This time, the tobacco industry may find it difficult to persuade Congress to block the proposed agency rules. Yet the industry has a major ally in the House Commerce Committee, which recently approved, by a vote of 22 to 5, a bill extending for 6 years the preemption against agency rule-making. State action also would again be preempted. As a concession to the antismoking forces, the bill would strengthen a bit the cautioning label on the cigarette package.

But there is no reason to think that the antismoking people can be bought off so cheaply. Sentiment in the House Commerce Committee is not to be taken as typical of that in the Congress as a whole. On this committee, which often finds spiritual guidance on controversial issues in chamber-of-commerce manuals, there are nearly a dozen congressmen from tobacco states and they seem to dominate the group's deliberations on the smoking and health issue.

When the Commerce Committee reported out the bill, Representative Harley O. Staggers of West Virginia, chairman of the committee, showed no great confidence in what had been wrought, saying that the measure is likely to be amended on the House floor. "I felt this should get to the floor so the debate would be before the American people instead of in a closed room here," he told a newsman. As this is written, the prospects are that the bill will reach the floor soon, possibly this week. Various proposals to restrict cigarette advertising or to require strong warnings were defeated in committee, but they will be heard again on the floor. More than 50 members of the House have introduced bills to require a strong warning on the cigarette package and in all cigarette advertising.

Should the committee bill nevertheless pass the House more or less intact, its chances of receiving favorable action in the Senate are poor. In his reelection campaign last year, Senator Warren Magnuson of Washington, chairman of the Senate Commerce Committee, presented himself to the voters as the consumer's champion, a kind of paunchy Ralph Nader who would "keep the big boys honest." But for Magnuson, the Cigarette Labeling Act of 1965 would have preempted action by the regulatory agencies permanently, not just for 4 years. And, while Magnuson has been known to make a deal, if he makes one this year with the tobacco lobbyists, he probably will exact stiff concessions.

Given the right terms, a deal indeed may be possible. "If the cigarette industry were to agree to the elimination of substantially all broadcast advertising, I think it just might be given freedom from regulation of

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advertising in the print media," says one observer who is close enough to Magnuson and the committee for his speculations to carry weight. Many conservatives in Congress, seldom in accord with agency rule-making that puts new limits on the freedom of business, probably would applaud a settlement that would take the smoking and health issue out of the hands of the FTC and the FCC.

But any bill passed by the House would go to the Senate Commerce Committee's consumer subcommittee, chaired by Frank E. Moss of Utah—and the Moss strategy is to block congressional action in the smoking and health field this year and have the FTC and the FCC act on their proposed rules. Moss, a Mormon, is deeply concerned about the health hazards of smoking and insists that he is not interested in bargaining with the tobacco lobbyists. His strategy is promising, for Congress is a place of labyrinthine rules and procedures, and one of the things it knows best is how to do nothing. Moss says that, if necessary, he will filibuster against any legislation that would prevent the agencies from regulating cigarette advertising. He claims to have the support of more than enough senators to keep the foe from mustering the two-thirds majority necessary to invoke cloture. For the tobacco-state senators, mostly southerners who swear by the right of unlimited debate, even to try to break a filibuster would be a historic switch.

NEW CIRCUMSTANCES

As this year's struggle between the cigarette industry and the antismoking forces is joined, it is pertinent to note the following new circumstances:

In its efforts in 1965 to forestall agency regulation, the tobacco industry promised to carry out an effective program of self-regulation. The industry's "Cigarette Advertising Code," administered by Robert B. Meyner, former governor of New Jersey, was to put a stop to all abuses, including appeals to juveniles. But in the FTC's view, the code has been a failure. In its 1967 report, for example, the commission noted that "the average American teen-ager sees more cigarette commercials on network television than does the average American." Moreover, the FTC denounced the industry last year for first planting in True magazine an article debunking the proposition that smoking is a cause of cancer, then promoting it surreptitiously through newspaper advertising. The National Association of Broadcasters has a cigarette advertising code also, but a former NAB employee is now charging that it is a public relations "facade."

Since 1965 Congress has become far more consumer-conscious than ever before. In the pre-Nader era, one scarcely could have imagined, for example, Congress defying Detroit by passing strong automobile safety legislation. As Senator Magnuson and others have demonstrated, doing battle for the consumer is good politics, and few if any consumer-protection issues are more on the public's mind than the smoking and health issue.

Four years ago a potent coalition of tobacco, advertising, and broadcasting interests was behind the Cigarette Labeling Act. While this alliance still exists, it is showing signs of strain and even some cracks. For instance, the Washington *Post* Company's several broadcasting stations are now refusing cigarette advertising, and some other companies, including Westinghouse Broadcasting, are doing the same. Recently, Advertising Age, an advertising trade publication, called for the tobacco companies to practice better self-regulation in their advertising and observed that "the rest of the advertising business cannot be expected to support unyielding resistance indefinitely."

The view that cigarette smoking is a threat to health has been supported by a broadening consensus of medical opinion. The membership of the National Interagency Council on Smoking and Health presently includes such groups as the American Academy of Pediatrics, the American College of Physicians, and the American College of Surgeons, as well as such charter members as the American Cancer Society and the American Heart Association. Though it has never joined the council, the American Medical Association last year took a strong stand against cigarette smoking.

In successive annual reports to Congress, the Department of Health, Education, and Welfare has added progressively to its indictment of smoking. For example, cigarette smoking is now described as the *main* cause of lung cancer in men and as a factor contributing to many deaths from coronary heart disease.

In attempting to cope with the current threat, the cigarette industry's Washington lobbying organization, the Tobacco Institute, is playing on two major themes. One is its contention that to allow the FCC and FTC to go ahead with their proposed rule-making would wipe out cigarette advertising in all media. The industry lobbyists argue that rule-making of this kind could ultimately be extended to other products now being legally sold. According to this view, the advertising of whiskey, beer, or even milk (with its cholesterol content), for example might be made subject to special rules and restrictions.

The lobbyists' other major theme, and the more basic one, is that the case against the cigarette has not been made—that the smoking and health issue is an unsettled "controversy." And, in fact, during the hearings of the House Commerce Committee several weeks ago, nearly a score of expert witnesses testified at the Tobacco Institute's request and still others submitted statements. These witnesses, who included some medical researchers of distinguished credentials, challenged the reliability of data or noted inconsistencies in data used in past studies linking smoking and illness; others suggested that unknown factors, such as possibly a constitutional susceptibility to heart disease by the kind of people who tend to become heavy smokers, may explain the association between smoking and illness and death. A statement frequently heard—and one that has long been central to the tobacco industry's argument—was that cigarette smoking and illness are only linked statistically, and that this is no proof of causality.

U.S. Surgeon General William H. Stewart, in a recent letter to the chairman of the Commerce Committee, has rejected all of these criticisms and has observed: "We do not impugn the sincerity of the witnesses when we say that, in our opinion, the main thrust of their testimony is a threat to medical practice in this country, to the progress of our medical and health agencies, and to the health of our people." To be in disagreement with a medical consensus does not, he conceded, necessarily mean one is wrong; but, Stewart added, "it does not entitle one to say, as one witness said, that medical opinion about cigarettes has come about because physicians are gullible and have been brainwashed by the Public Health Service and the voluntary health agencies."

Earl Clements, president of the Tobacco Institute and a former U.S. Senator from Kentucky, has expressed "shock and amazement" at the Surgeon General's words. Seldon C. Sommers, director of the industry-sponsored Council for Tobacco Research and director of laboratories at Lennox Hill Hospital in New York, has charged that Stewart's statement was "irresponsible" and "demagogic."

But, clearly, the tobacco industry's minority position is not an easy one to maintain. Unless a compromise can be reached with the antismoking forces, and the latter may see no need to make a deal, the tobacco industry could conceivably find its cause in grave trouble. Success of the Moss strategy would leave the FCC free to ban cigarette advertising from the air and would leave the FTC free to require a conspicuous warning in advertising in all media. The voluntary health agencies probably could persuade many broadcasting stations to carry, as a public service, antismoking messages, even though the fairness doctrine would not be relevant in the absence of cigarette commercials. The PHS, no doubt, would continue, through the schools, the health professions, and the media, its campaign against smoking.

In short, the groundwork for an effort to eliminate cigarette smoking as a pervasive social habit may be further along than many imagine. As a PHS official has noted, one forgets that the history of the weed has been brief, the cigarette having first appeared in the United States in 1910, as a cheap, attractive substitute for tobacco chewing, an "evil" that was soon largely to disappear from polite society. Now, the cigarette itself may just possibly be on the verge of a precipitous decline, though perhaps it may never be as outmoded and offensive to good taste as the plug of tobacco and the spittoon.

REGULATION OF TOBACCO INDUSTRY AND ITS ADVERTISING—ADDRESS BY SENATOR COOK

Mr. BAKER. Mr. President, on June 9 the distinguished junior Senator from Kentucky (Mr. Cook) addressed the Burley Auction Warehouse Association on the question of regulation of the tobacco industry and its advertising.

Senator Cook presented a cogent argument for his side of this controversial issue, and I believe that other Members of Congress would be most interested in his views. I, therefore, ask unanimous consent that his speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks by Senator Marlow W. Cook Before the Burley Auction Warehouse Association, French Lick Sheraton, French Lick, Ind.

Regardless of whether one favors or disapproves many of the proposals enacted during the New Deal, the result has been the rise of a modern bureaucracy which has divided the Executive Branch between, what a well-known author has recently called, "the presidential government" and "the permanent government." Arthur Schlesinger, not known for his skepticism about liberal causes, described the relationship between permanent and presidential government this way:

"In this complex relationship, the presidential government has preferences and policies backed by a presumed mandate from the electorate. But the permanent government has preferences and policies of its own. It has vested interests of its own in programs; it has alliances of its own with congressional committees, lobbies, and the press; it has its own particular, and not seldom powerful, constituencies. Also, it is around longer. We now have, in consequence, four branches of government."

The four branches the author refers to are, of course, the Executive, the Judicial, the Legislative, and the ever-burgeoning bureaucracy which he calls the "permanent government". I think the term "permanent government" is an excellent term to apply to the maze of overpaid and unresponsive agencies which are usurping the prerogatives of the constitutionally designated branches of our government. Of course, we in the Congress and a series of unaware Presidents must

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bear a large portion of the responsibility for the proliferation of agencies and the unrestrained delegation of our constitutional powers to them. But it is not too late. There is a growing awareness in Congress of the danger of policy-making by non-elected bureaucrats. And after all, Congress and the Executive branch which originally created these regulatory agencies and vested them with authority, certainly has the right to later restrict that power when it so chooses.

Even though its members are not appointed for life but for lengthy terms of *SEVEN* years each, the best and most dangerous examples of the "permanent government" are found in the Federal Communications Commission and the Federal Trade Commission. The recent activities of these branches of the "permanent government" in regard to the restriction of cigarette advertising on radio and television and the labeling of cigarettes with health hazard warnings are well known to all of us. These activities present a real and present danger that our tobacco industry which is so important to my own and many other states will be wiped out or seriously impaired. Tobacco is a legal crop and a legal product through which over 650,000 Americans make their livings. The annual cash value of tobacco is $1.3 billion and exports alone were valued at $636 million in 1968.

Regardless of what we all read, I am convinced that the current controversy is really not between the tobacco industry and the so-called anti-smoking health forces. This is really a power struggle between several agencies which feel they have become autonomous and the Congress of the United States which is, after all, elected by the people. Let us review briefly the legislative history and current status of the controversy.

The Cigarette Labeling Act of 1965 requires a health caution on all cigarette packages. In addition to annual reports to Congress by the Department of Health, Education and Welfare on smoking and health, the law also requires reports on cigarette advertising developments by the Federal Trade Commission. The act prohibits regulation in the area of advertising and labeling of cigarettes by the FTC, FCC and by the states. Unfortunately, this latter provision is scheduled to expire June 30 of this year. Because of this expiration provision Senator Frank Moss, of Utah, leader of the antitobacco forces in the Senate, announced earlier this year that the tactic of that group in 1969 would not be to press for new legislation but to allow the act of 1965 to expire as scheduled, thus giving the FTC and FCC a free hand to ban advertising and require unproven warnings on cigarette packs.

But the tactics of the anti-tobacco forces have not succeeded yet and we are doing what we can to insure their defeat. Most of the action this year has been centered in the House of Representatives. The House Commerce Committee reported, by an overwhelming 22–5 majority, a bill very similar to the current law with but two exceptions

(1) Congress would retain its jurisdiction to the exclusion of the FTC, FCC and the states, for an additional six years, and

(2) The caution on cigarette packs would become a warning.

Congress must move with dispatch to enact the bill reported by the House Commerce Committee, or a similar bill, under which Congress itself would retain the power to regulate, if there is to be regulation, in the field of advertising and labeling of cigarettes. The FCC has already announced that if we in the Legislative branch allow the Cigarette Labeling Act of 1965 to expire on schedule this month, they will move to ban all broadcast cigarette advertising. The only good thing that could possibly come out of such a ruling is that, at least, the anti-smoking announcements being currently broadcast free under the so-called "fairness doctrine" of the FCC would also be terminated. In addition, the FTC can hardly wait and has already announced it intends to require a warning on cigarette packs which state that smoking does in fact cause several diseases. The fact that medical testimony on smoking and health is confused and inconclusive would seem to be irrelevant to this agency.

Regardless of what action these agencies of the "permanent government" are allowed to take, certainly tobacco in the form of cigarettes will remain a legally marketable product. And since this will be the case, serious constitutional objections can and will be raised to continued attempts to limit the advertising of a legal product. If such restrictions are ruled constitutional what will be next? It could be certain meats and dairy products, automobiles, candies, or anything else which might be construed as hazardous to health.

The battle lines have been drawn. The question is who shall make life or death decisions about a legal industry with an inherent right to advertise, Congress, the duly elected body of the people, or that autonomous agency of bureaucrats in the branch of government we have designated the "permanent government". Unfortunately, some of my colleagues have begun to believe in the invincibility of the bureaucracy. Some have even argued that Congress does not have any responsibility in the area of cigarette advertising and labeling. Well, my reply to that contention is, as I said earlier, that nothing belongs to an agency unless Congress creates that body and vests it with authority. We must extend the Cigarette Labeling Act of 1965 so that congressional control of this important subject may be maintained. The power of this so-called "permanent government" must and will be restrained by a vigilant Congress made aware of the dangers of unrestrained, undemocratic decision-making.

FOOD ASSISTANCE PROGRAMS IN VIRGINIA

Mr. SPONG. Mr. President, on April 15 and 18, I placed in the Congressional Record reports on the first phase of a tour of Virginia to study existing food assistance programs and the extent of hunger and malnutrition which existed. The first phase of the tour, taken over the Easter congressional recess, concentrated on rural areas.

Recently, over the Memorial Day recess, I completed the second phase, which focused on urban areas. While the report on the second phase of the tour does not discuss either the national school lunch program or the possible use of educational television to help educate lower income families, both of which were covered in detail in my April 18 statement, the report does compare and contrast the problems of hunger and malnutrition as they affect urban and rural areas. In addition, it outlines the courses of action I am currently pursuing.

These reports, taken together, reflect my purpose and intent in taking the tour, the findings and results of the tour and suggested means for meeting the problems which were found to exist. In other words, the reports, I believe, speak for themselves. I ask unanimous consent that the report on the second phase of the tour be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Food Problems in Virginia

During the Memorial Day Recess, I concluded a tour of Virginia to study the extent of hunger and malnutrition and to evaluate existing food programs. On this phase of the tour, I focused on the urban areas of Richmond, Norfolk and Portsmouth, whereas I had visited predominately rural areas over the Easter Recess. The approach on the second phase of the tour differed somewhat from the approach used during the first phase. In April, I visited with a number of families to obtain a first-hand view of their problems and to discuss their individual situations with them. Over the Memorial Day Recess, however, I used more of an institutional approach: I met with numerous persons who work daily with lower-income citizens and who are, consequently, in a position to know the extent and character of the nutrition and poverty problems involved. I also attempted to learn about the variety of programs which are available to lower-income groups, so that I could evaluate existing efforts and determine where new activities are needed. Two members of my staff did, however, visit with several families in urban situations.

URBAN AND RURAL DIFFERENCES

There are perhaps two striking differences between urban and rural problems. First, urban nutritional problems are compounded by over-crowding, poor housing and high rents, and often by a lack of the sophistication necessary to deal with city life. Time and time again during the second phase of the tour, we were told of cases where money was coming into the home but where a large portion went for high rents common to metropolitan areas.

Two of my staff members found an elderly couple—82 and 84 years old—living on $88 a month Social Security. Of that $88, the couple paid $45 a month for rent, not including utilities.

In addition, we were told of families from rural areas who simply did not know how to cope with urban problems. We heard of one case where the children were told to ring neighbors' doorbells and ask for money to buy food. We heard of another case where there was no food in the house and rent had not been paid, partially because the mother did not know how to use the city's transportation facilities.

Secondly, in the urban areas assistance is perhaps more readily accessible to those who need it. For example, in a rural area, transportation to a health clinic or a food assistance center is much more difficult than in an urban area. Also, the concentration of people in an urban area means a concentration of resources which can be brought to bear upon existing problems.

The problems encountered in the urban areas were, however, quite similar to those encountered earlier in the rural areas. There were no reports of starvation. There were however, reports of persons who were without food. These reports came from city health, welfare and school officials and from antipoverty workers. In some cases, lack of funds was given as the cause for lack of food; in others, mismanagement of available funds, unwise purchasing habits and irresponsible actions were reported as causes.

There were reports of anemia, of listless, apathetic children with stringy hair and pasty complexions—the signs of iron and protein deficiencies. There were reports of undernourishment and diet inadequacies.

MORE MEDICAL DATA NEEDED

In attempting to identify the extent of these problems, we encountered the problems which have constantly beset us: lack of medical data on malnutrition and its consequences, lack of scientific surveys and follow-ups and lack of general knowledge on nutrition.

Hospitals generally see only the most severe cases of malnutrition or malnutrition in conjunction with disease and other medical problems. Tests which have been con-

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ducted on pre-school children in various centers have sometimes been conducted after the child has been in the program a year or more and has benefited from the nourishment provided by the program; whereas a better indicator of the child's condition and the program's benefit would be a test of the child at the beginning of the program, and, perhaps, on a yearly basis thereafter.

Finally, on the lay level, there is still a failure to realize that listless children with vacant expressions, that fat children with pasty complexions and that some tired children with stringy hair are undernourished or malnourished and that they suffer physically and mentally as a result. And, on the professional level there are some differences of opinion as to the best indicators of malnutrition, how to determine the severity of a case, and the exact relationship between malnutrition and physical and mental development.

What we have found, then, is a pyramid-like situation. At the pinnacle there are the severe cases of manutrition, those who are without food at certain times—and the number of these cases is relatively small. In the middle there are the less severe cases—the iron deficiencies and protein deficiencies and similar problems. And, at the base, there are the borderline cases—the cases which are often overlooked or ignored because of the necessity of attending to more pressing medical or welfare problems, with limited personnel and resources.

Into this pyramid, an unknown factor must be programmed. That unknown factor is those who have been missed. Without exception, the officials in the various agencies we visited agreed that here were needy people who were not being reached—people who did not know what aid was available or how to find out and people who did not know if they qualified for assistance. How many of these people there actually are remains a guess. It is, however, probably safe to assume that many of these persons would fall into the upper portion of the pyramid.

NEW INFORMATION ON EFFECTS OF MALNUTRITION

While I was studying the incidence of hunger and malnutrition in Virginia, new medical information on the consequences of hunger and malnutrition was released. The President's Committee on Mental Retardation issued a summary of certain papers presented to the XII International Congress of Pediatrics last fall. These papers indicated that human and animal studies are accumulating evidence that "poor nutritional status of the mother is an important factor in maternal illness, fetal deaths, prematurity, neonatal deaths and morbidity of the live-born infants" and that "it has been shown in pilot experiments that quite mild undernutrition at the time of fastest brain growth in the rat, followed by an ad libitum diet, results in permanent reduction of brain size, cell number and myelin lipid content, and that these results cannot be achieved in the adult (rat) even by the most severe starvation."

Furthermore, a study conducted by Myron Winick of the Cornell University Medical College and Pedro Rosso of the University of Chile indicated that severe early malnutrition retards cell division in the human brain, thereby limiting brain development.

If what we do know of the medical consequences of malnutrition is associated with what we do know of the incidence of hunger and malnutrition in Virginia—and in the United States—it may be assumed that there are children whose mental capacity is being hampered by an inadequate diet. In addition, we can assume that there are many others whose physical development is being hampered.

The child who is too tired and too apathetic to play is also the child who is too tired and too apathetic to learn. This is the child who is likely to fall behind in his schoolwork, to become a drop-out and to end up on the welfare rolls of the future.

As I have said before, there is insufficient data available to indicate all the causes, consequences and relationships of malnutrition and physical and mental development, or the extent of malnutrition either in Virginia or the United States.

EXISTING PROBLEMS CITED

I have, however, seen people who told me of times when they were without food. I have had school nurses, teachers and other personnel tell of children who become sick in the middle of the morning from lack of food, of children who eat only one meal a day—the lunch provided at school. I have had city health and welfare personnel report of finding families without food.

I have had various health, welfare, school and antipoverty personnel refer to anemia rates, height and weight percentiles of children, infant mortality rates and case histories as evidence that undernourishment and poor nourishment do exist.

I have been shown infant mortality rates which show infant mortality to be far higher in low-income areas than in higher-income areas of the same city. I have seen infant mortality statistics which indicate a higher death rate (1) in the United States than in many Western European countries, (2) in the more populous areas of Virginia when compared to less-concentrated ones and (3) among non-whites when compared to the white population. While infant mortality rates are not conclusive evidence of malnutrition, malnutrition is generally one of the factors contributing to a high rate. Because of this and because earlier studies made use of infant mortality rates, I felt it necessary to review them.

During the tour, I visited food distribution centers, school lunch and breakfast programs, health clinics, Head Start centers, anti-poverty agencies and various welfare activities. We found homemaking programs—programs in which an individual is sent into a home to help the mother—operated by health, welfare and anti-poverty employees and by agriculture extension services. These programs represent an impressive approach. There will, however, undoubtedly have to be new efforts to correlate these homemaking programs, just as there will have to be new efforts to co-ordinate the various programs providing food for school and pre-school children. In addition, however, the homemaking programs must reach more people.

ACTIONS TO BE TAKEN

As a result of the tour, I am taking the following actions: I will introduce legislation to provide funds for research and surveys on malnutrition and to assist states in providing health services designed to prevent and overcome hunger and malnutrition; I am working within existing programs to obtain funds for a survey on malnutrition; and I am in the process of organizing a conference to advise and assist those educational television stations which are interested in pursuing nutrition programs for low-income families, as I suggested earlier. I believe urban areas particularly should investigate the possibility of instituting the new food supplement program. Under this program public health officials write prescriptions for special foods for infants and mothers. These prescriptions are then redeemable for the foods specified. The foods may be available at commodity distribution centers or other local offices. The program should be beneficial to any area with a high infant mortality rate.

Furthermore, family planning services should be expanded. The largest families were often those with the most problems. This was evident from our visits; it was also noted by health, welfare and anti-poverty personnel.

In addition, I will support legislation to make food assistance programs more available and more accessible. I have previously stated that additional Virginia communities should participate in either the food stamp or the commodity distribution program. Participation by Virginia localities in food assistance programs has been quite low, with forty-seven localities still lacking programs. I would like to see 100 percent participation.

The recent meetings which have been held throughout Virginia to acquaint non-participating localities with the programs are a step in the right direction.

While I am most pleased that President Nixon has recognized the need to reform and expand food assistance programs, I find the means of achieving full participation as proposed by the Nixon Administration on June 6 short-sighted. By requiring all localities in a state to participate in a program in order for the state to receive *any* funds for food assistance programs, the federal government would be placing itself in a position to deny aid to needy persons who are already receiving aid in participating localities. It is another instance of cutting off your nose to spite your face. In addition, the approach penalizes one part of a state for the action or lack of action of another.

Federal food assistance programs operate best when they are accepted and operated by the localities. If programs are forced upon officials, they may be poorly administered and ineffective in reaching the needy.

If localities refuse to initiate programs after being given reasonable time and encouragement, some action should be taken to aid the low-income people in that locality. However, it makes more sense to me to permit non-profit private groups or the U.S. or State Agriculture Department to operate programs in non-participating localities than to cut off funds granted throughout the state for food programs and thereby penalize the needy and the compliant along with the recalcitrant.

Food is the most basic necessity of life. There is something embarrassing about a lack of it—either on an individual basis or as a community problem—whether it be caused by a lack of funds or an inability to budget limited funds. Pride often keeps those who need help from asking for it. Pride often makes a community reluctant to admit that a problem exists.

The evidence which is accumulating on the correlation between nutrition and normal mental and physical development demands that we admit our problems and take actions to meet them. Certainly there are those in our society who are indolent and irresponsible. But, a large number of those who need help are elderly, unable to work and susceptible to disease; disabled; or children, who cannot be responsible for themselves. We cannot ignore our elderly and disabled. If we, as adult citizens, do not accept some responsibility for seeing that these children receive the nutrients necessary for proper development today, we may be forced to accept responsibility for the unemployable adult of tomorrow.

Provision of food by itself or increasing purchasing power, while necessary in a number of cases, is not the complete answer. Time and again, health, welfare and antipoverty personnel noted that ignorance and misunderstanding of proper nutrition, good housemaking and wise budget planning compounded the problems of low and marginal income families. The family with limited funds needs to plan and operate more carefully and efficiently than persons with higher incomes. Yet these same people are, by education and training, less able to do so. To expect these persons, without help, to plan as efficiently as a high school or college graduate might is illogical. In an April report, I noted the need for short and long range education, and I reemphasize that need now.

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Finally, because of inquiries, I would like to emphasize that the trips were taken during Congressional recesses and were financed by me personally. Total cost for six days of visits in Virginia, mostly for transportation, food and lodging for myself and my staff, was $678.

I am confident that legislation will be enacted this session of Congress to make food available to many people who have a genuine need. But, beyond the passage of legislation and the appropriation of funds, I believe this problem calls for a far greater understanding of the needs of many Americans by those who have not had an opportunity to witness first-hand conditions of poverty which can be found in almost any part of the United States at a time when we are experiencing unequalled economic prosperity.

THE ENVIRONMENT BELONGS TO YOUTH

Mr. HANSEN. Mr. President, much of the earth has been transformed almost beyond recognition by the great mass of mankind and man's ingenuity.

Only in recent years has it become apparent to man that the resources of this planet are exhaustible. From our considerable efforts to attack environmental problems, we now know that these resources are not easily renewed—if at all.

The wonderful technological advances in this country have relieved much backbreaking drudgery and brought a degree of comfort and convenience unimaginable even in the last century. The main results are worthy of high praise. But the byproducts of these achievements give cause for alarm—and especially among the youth of America, who stand to inherit the legacy of pollution for which our times may become best known if careful stewardship of the environment is not continued with sound planning.

It is estimated that each year the United States has 142 million tons of smoke and noxious fumes pumped into its atmosphere. This totals more than 1,400 pounds per person.

More than 7 million automobiles are discarded annually, along with 20 million tons of waste paper, 48 billion cans, and 26 billion bottles and jars. Our waterways receive some 50 trillion gallons of hot water per year from industry, plus unknown millions of tons of chemical and organic pollutants from plants, farms, and cities.

Government, at all levels, is recognizing the seriousness of this situation. All of the people, as well, must be made aware of the dangers, and encouraged often to do their part in the important work of preserving our natural environment.

Many farsighted citizens, having recognized the need for good stewardship of our resources, have formed clubs and associations to make their views better recognized. One such organization is the Wyoming Wildlife Federation. This is the pledge of that federation:

> I give my pledge as an American to save and faithfully to defend from waste the natural resources of my country—its soil and minerals, its forests, waters and wildlife.

The Wyoming Wildlife Federation is not a social club, nor is it an honorary club. Its members work to educate people, and to encourage concern about conserving our resources and insuring that these resources are wisely developed. There are many aspects to their endeavors. One of the most important is the education of young people as to the environment they will inherit.

A young student from Casper, Wyo.—Miss Colleen Cabot—is a senior division winner in the National Wildlife Week Essay Contest. Her realistic essay appears in a publication of the Wyoming Wildlife Federation of May 1969.

She points out that "the entire world cannot be converted into a wildlife refuge," but that "preserving and restoring wildlife habitat is a matter of concern for all people."

Colleen makes her points well. I ask unanimous consent that her essay be printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

HABITAT: THE PROBLEM AND THE NECESSITY

(By Colleen Cabot, winner, Senior Division National Wildlife Week Essay, Casper, Wyo.)

Preserving wildlife habitat is becoming a progressively harder task to accomplish. In the first place, good habitat is dwindling fast, and, secondly, it is difficult to convince people of the necessity for quality habitat. Many do not realize that their own well-being as well as the survival of wildlife depends on this thing called habitat.

Defining wildlife habitat is not a simple matter, for each species has its own specific requirements. However, clean water and air, adequate vegetation and space are basic requirements for all life forms. In some cases, the isolation of wilderness is also needed.

Many predators rely on wilderness for survival mainly because here they are removed from direct competition with the interests of men. Most species, however, have not been exterminated outright by men; their habitat has been destroyed or seriously altered by the encroachment of civilization. Pesticides have taken their toll and pollution has limited the available water habitat. Land-fill projects and marsh drainage, poor land management, and destruction of virgin lands have cut the numbers of many species. Wilderness areas now offer the only suitable habitat for those species which are not compatible with man, for this is the only land classification which insures protection against man's greed and abuse. Many conservationists, in this era of the multiple use principle, shy away from the thought of such limited use. But in some cases, the habitat will not tolerate the scattered and varying projects of mankind—if it is to be quality habitat for wildlife.

But the entire world cannot be converted into a wildlife refuge, nor should it be overrun by a continuous metropolis. Numerous city parks, recreation areas, and hunting and fishing lands are necessary for a man's wellbeing, as well as providing good habitat for wildlife. Men must objectively evaluate areas that still have quality habitat and decide on their priorities for land use. Habitat restoration is very good term, but it cannot be applied to any great degree once quality habitat has been destroyed. Wise land management in all areas, however, will result in good wildlife habitat as well as in excellent living conditions for men.

Preserving wildlife habitat can range from keeping a thicket in the back forty, to building a waste control plant for an industrial complex. All projects, whether involving one backyard or an entire watershed, begin with individual initiative. Too many people sit back and wait for government grants to solve their problems instead of organizing a group to investigate, and plant a few thorns in the public conscience if need be. But things should not be allowed to dissolve at this point—criticism, when destructive, serves no purpose whatsoever. A plan must be devised to solve the problem.

Habitat in this community ranges from mountain forests, to stream-side thickets, to open rangeland. In many cases, this is privately owned, and the quality of the habitat rests with the wishes of its owners. These people can overgraze their land, spray sagebrush with abandon, or allow erosion to go unchecked by stripping a stream bank bare. On the other hand, they could make a conscientious effort to develop wildlife habitat compatible with their land use patterns. If pastures are managed correctly, wildlife will flourish alongside the livestock. Cabin owners can create wildlife cover from slash piles, develop roads away from a streambed, and refrain from haphazard timber cutting, although thinning dense stands could be most beneficial. Each individual should assess his own land value and take action to improve the habitat.

However, before action can be initiated, people must be made aware of the problems; education is one of the most important tools of conservation. People must be taught that man, no matter how adaptable or all-mighty he believes himself to be, is a member of the ecological community in which he lives and will eventually be affected adversely by the destruction of the quality of his habitat. Man must accept himself as an animal equipped with greater capabilities to destroy, but also holding a greater responsibility to preserve the habitat for himself and other species, if only for the fact that he is also dependent on their existence for his own survival. Man is enveloped in nature's web of life and holds the key to her balance because of his far-reaching knowledge and skills; but greed and a superior attitude toward other life forms have led him far down the path of degeneration and self-destruction. Large cities have removed a great section of the population from any direct association with the land, resulting in ignorance of nature's importance as well as her beauty. Those still living in rural areas, but surrounded by "creature comforts," have lost touch with nature's fragile complexity, resulting in further abuse. Cities, which should and could be tributes to man's creativity and awareness of his own habitat problems, have become sordid traps in many cases, where people barely exist. Caught up in his own phenomenal development, man has ignored the problems caused by his advancement and lunged ahead to create new wonders, leaving destruction in his wake. Mankind has got to slow down and take time for an objective evaluation, in the hope of solving his problems, not shirking his responsibilities.

Youth groups and school programs organized to offer lectures and the impetus for conservation projects foster proper conservation attitudes in young minds and provide a nucleus for community service and education. Armed with the knowledge gained through such an organization, these young people will recognize habitat problems and work for their betterment. They will tackle stream improvement and trash clean-up projects, investigate community beautification, look into career possibilities, and, most importantly, influence the attitudes of their parents and other adults with whom they may associate.

Education, through understanding, also inspires appreciation. Material values cannot explain the sense of joy in viewing foothills flecked with gold rolling to meet the grandeur of lofty peaks or the excitement of discovering a trumpeter swan. By learning that each creature is a living legend and an expression of nature's beauty and drive toward perfection, a person is not so likely to hinder its

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chance for survival by exploiting the water and land, the food and shelter it needs. An understanding of an animal's relationship with its surroundings can curb ignorant exploitation.

An excellent means of education and pleasure is the development of trail systems. Nature trails can be simple or fancy, used for hiking or as a nature guide, for bikes or for horses. They are a path of access to natural areas, providing a way to travel, but interfering little with the habitat, if planned well. Interpretive signs can be employed effectively to explain habitat requirements displayed in an area, or to point out a den or a nest or a set of tracks in a specially designed track pit. Trails can wander through successive ecological zones, with signs explaining the fascinating world of a delicate mayfly nymph, the predatory habits of the hawks, stream-side growth progressing to forest trees, or the complexity of a desert community. Young people can be involved in this work and learn project, helping establish and develop the trail system as well as organizing a seasonal maintenance plan. Habitat improvement can be included; riffle areas can be created in a stream that is too fast and straight, cuttings can be piled off the trail for cover, bare areas can be reseeded. Nature trails open the door to an outdoor classroom with limitless possibilities as a conservation teaching aid.

Preserving and restoring wildlife habitat is a matter of concern for all people, for quality habitat insures the survival of wildlife species as well as of mankind. Each individual must become involved in his own home and community, or neither this generation nor its children will know the beauty and grace of a circling hawk or thrill to the myriad sounds of awakening spring. It could be a barren world, without even men in it to suffer its sterility. But it can also be a vibrant, beautiful, productive world for man and beast—it is up to you.

NATIONAL COMMITMENTS TO FOREIGN NATIONS

Mr. McGEE. Mr. President, the Senate shortly will take up the question of America's national commitments to foreign nations, and specifically the resolution, adopted by the Committee on Foreign Relations, which states:

> A national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment.

I have grave doubts about the wisdom of this resolution, and so do many others. Among them is a columnist David Lawrence, whose observations are contained in a column published in the Washington Star of June 10. I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS' FOREIGN POLICY SQUEEZE

Whether it's a partial withdrawal of troops from Vietnam or other policies of President Nixon in international affairs, the important thing for the American people to bear in mind is that in most countries of the world there's a different conception of how our government functions than prevails in this country.

Many of the peoples abroad are familiar only with the parliamentary system. Thus, when they read that the Democratic party has a majority in both houses of the Congress of the United States, they assume that Nixon is subject to the control of his opposition party.

Hitherto, in international crises, Congress has overcome this difficulty by giving unified support to the president irrespective of party. Currently, however, the impression has been developed that President Nixon was compelled to arrange for a pullout of some troops from Vietnam and that this marks the beginning of a total withdrawal without regard to what the enemy does.

Perhaps the most significant thing that has been done in recent weeks to try to tell the world that the President of the United States is subject to the will of the majority party in the Senate and House was the adoption by the Senate Foreign Relations committee, by a vote of 11 to 1, of a resolution informing the President, in effect, how he should hereafter conduct foreign affairs. The declaration approved by the committee reads as follows:

"Whereas accurate definition of the term 'national commitment' in recent years has become obscured: Now, therefore, be it.

"Resolved, that it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment."

The Department of State is very much disturbed by this resolution and expressed its views in a letter urging that it not be adopted. The State Department in its dissent said:

"The Executive Branch tends to doubt the usefulness of attempting to fix by resolution precise rules codifying the relationship between the Executive and Legislative branches in the broad area of national commitments.

"While it is, of course, for the Senate to decide on the disposition of Senate Resolution 85, the Executive Branch recommends against its adoption."

Within the last few days members of the Foreign Relations Committee, including the chairman, have spoken out in opposition to the President's policies in Vietnam and particularly his support of the present government in Saigon.

The lack of cooperation between the Executive and Legislative branches of the government here has led to the feeling in Europe and Asia that President Nixon does not have the confidence of Congress. The belief is widespread that he will be unable to continue American participation in the war in a manner that will induce the North Vietnamese to begin to withdraw their troops and permit the setting up of a new government in South Vietnam elected by the people.

It may turn out that President Nixon, in order to make headway in the Paris peace talks and bring the Vietnam war to a conclusion, will have to assert his Constitutional authority to press for a negotiated settlement under some form of international supervision.

The simplest solution of all, of course, would be to turn the matter over to the United Nations Security Council. If the Soviets really wish to cooperate, progress could be made there towards ending the Vietnam war and establishing a mechanism to keep the peace, as has been done on other occasions in various parts of the world.

Once the United Nations took over the responsibility, a situation, to be sure, could develop like the one in Korea. While this is not altogether settled from the standpoint of reunification of the two parts of the country, South Korea is nevertheless at present being protected by a peacekeeping force under the command of the United Nations.

DESIGNING A SAFE BUT ATTRACTIVE AUTOMOBILE

Mr. BAYH. Mr. President, in the field of transportation a primary factor uppermost in the minds of many Americans in recent years has been the matter of automobile safety. With more than 55,000 persons killed and hundreds of thousands seriously injured in highway accidents during the year 1968, it is imperative that everthing be done to curtail this ever-increasing slaughter and maiming of our citizens.

Much attention has been paid to the research, testing, and engineering needed to develop auto safety features and devices. Congress has wisely adopted measures and appropriated funds intended to help protect the traveling public, and the producing companies have devoted considerable resources toward the same goal. However, certain safety proposals for vehicles have encountered some resistance on the grounds they were too ungainly or unattractive.

In this connection, I was very favorably impressed with an address delivered by Mr. Brooks Stevens to the Society of Automotive Engineers symposium at the New York Automobile Show in April. Mr. Stevens, who is a noted industrial designer, stressed the fact safety should be made visually palatable. He emphasized also that styling is not superfluous but an integral part of any product. In his opinion there is no reason why a safe automobile cannot be designed to be also an attractive, salable, and good-looking automobile.

Mr. President, in view of the widespread interest in and great importance of safety, I ask unanimous consent that the speech by Mr. Stevens, which is entitled "The Safety Car Need Not Be Ugly!" be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE SAFETY CAR NEED NOT BE UGLY!

(By Brooks Stevens, industrial designer)

In October, 1967, Mr. Ralph Evinrude, Chairman of the Board of Outboard Marine Corporation, and I, flew to Newton, Massachusetts to attend the auction of a private collection of Packard automobiles belonging to the estate of Mr. Roderick Blood. We were jointly in the pursuit of one specific Packard, a 1914 six-cylinder, seven-passenger touring car; the exact counterpart of Mr. Evinrude's father's first automobile. Mr. Evinrude's father, Ole Evinrude, was the inventor of the outboard motor in 1908. This particular car was of further interest because it was the car in which Mr. Ralph Evinrude learned to drive. While dining at the hotel, prior to the auction, with such prominent enthusiasts as Phil Hill, the racing driver and Bill Harrah, who owns the largest automobile collection in the world, we were naturally apprehensive about a successful bid on the car. I can announce that this jewel became the property of Mr. Ralph Evinrude and it has since been completely restored by Brooks Stevens Automotive Museum, Milwaukee, Wisconsin.

While at dinner, we indulged in a favorite discussion—automotive design. Mr. Evinrude, as an active Chairman of the Board of Outboard Marine Corporation, has, during my 35 years as consultant to his company, been most prominent in design concept, engineering and safety. We, Brooks Stevens Associates, were fortunate in being able to introduce styling to the outboard

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motor, as such, in 1934. A discussion of automotive safety ensued and Mr. Evinrude projected on the proverbial tablecloth with pencil a basic theory which has its relationship to marine design and architecture. He drew for me in plain view the then current automotive styling trend toward extended fender caps, front and rear. In Detroit this had become an accepted styling cliche, in an effort to create a long silhouette in profile.

Mr. Evinrude then made a sketch showing two such vehicles on a collision course and then indicated that the design provoked the possibility of "locking horns" literally. The resultant accident might then result in tragedy and death for both parties. This strong point of design precludes any mention of the time of the accident, the condition of the drivers, or any of the other human reasons which can cause death on the highway. This was a purely mechanical reference to dangerous shapes.

He then proffered the suggestion of the "peaked" plan view, or what we will later refer to as "glance off sheet metal design," front, side and rear. At this point I agreed to explore this thought with him and to discuss it with Mr. Richard Teague, Vice President of Design of American Motors Corporation. The results of the study will be shown in the accompanying slides and we think the concept valid. It is, of course, recognized that an absolute regimented decree of sameness in exact frontal area design would be less identifying for a number of manufacturers. The theme, however, could vary so that the benefits were common.

In the past few years we have heard an increasing amount of controversy concerning safety in the automobile. We have heard much from politicians and self-appointed automobile safety "experts" decrying the lack of public responsibility displayed on the part of the automobile manufacturers. I think one aspect of this controversy bears consideration.

The automobile manufacturer is in business to make a salable, profitable product. In the process of doing this he must supply the consumer with what he demands. Safety has never been a very salable product, as several manufacturers have found. Even after taking this into consideration, I believe the manufacturers have managed somehow to come up with an amazingly efficient, reliable, and good-looking product for the amount of money paid. The amount of improvement in the automobile in the past 10 years is really quite impressive. The engineering departments of our automobile manufacturers are constantly concerned with *public safety*. The engineering study begins there. Items which contribute to the safety of an automobile, such as disc brakes, seat belts, shoulder harnesses, non-slip differentials, etc., etc., are all quite commonplace today. These are not items which the consumer has demanded for his safety, but seem to have become available almost in spite of the consumers demands. Many people, even when they have items like seat belts pushed on them, will not even bother to use them.

As the safety problem has come more and more to the fore, we see a few organizations outside of the automotive industry "design" what they feel to be the answer to the problem of safety and the automobile. These solutions, of course, ignore many problems associated with the manufacture and marketing of an automobile, such as feasibility, cost, serviceability, appearance, etc. How do we make the public, who has already displayed a certain amount of lethargy toward his own safety, pay more for it?

I believe one of the most important steps in this direction is to make his safety visually palatable. Styling, or design as we prefer to call it, has always had the responsibility of working with function. It is not a superfluous thing which is tacked onto a product just before it is given to the consumer. It is as much a part of the product as the materials, engineering and construction.

Our purpose in this exercise is to show how a vehicle concerned basically with safety limitations and qualities can actually use these limitations and qualities to make it an interesting and functional product as well as being pleasant to look at. Why can't a safe automobile be a good-looking automobile?

In discussing this exercise I think it wise to explain several of the basic philosophies used to guide the project.

First, this vehicle would be based on the incorporation of every safety device we know of today plus any that are being developed today or will be developed in the future. These devices would include things such as disc brakes to possibly using cells in the passenger compartment which would instantaneously inflate on impact. The vehicle would offer every opportunity for the driver to avoid accidents, i.e., brakes, good steering, good handling, adequate power, sensing device for tailgating, etc.

Second, we are concerned with minimizing all accidents which cannot be avoided. In accomplishing this we have attempted to make this shape as smooth and "slippery" as possible. This will allow the vehicle to glance off objects and objects to glance off it. In this way we will be able to avoid much of the impact experienced in many collisions. An illustration might best serve this point. This thinking is not only applied to the front and rear of the vehicle but in cross section, plan view, etc. This feature, of course, gives some additional benefits. Pedestrian's glance off is much more possible. Aerodynamics, and resultant fuel economy and performance should be improved and, of course, visually it is quite appealing.

Third, if the accident cannot be avoided and impact of some sort does occur, we must provide the passengers with protection. Our basic approach to this is to keep the passenger area as resistant as possible to displacement. Also, we want to absorb as much of the impact as possible in other areas of the vehicle before it reaches the passenger "shell." Some of the features of the shell itself reflect much which has been learned in stock car racing, which involves extremely high speeds (180 mph) and, of course, the resultant high impacts.

It will be noted that this design also features in its perimeter rub rail, or bumper frame, a reflective insert which runs entirely around the car in one tailored, horizontal line, offering no offense visually in the daytime and complete reflectability at night.

In addition 3M reflective materials are used in the sidewall of the tire design graphically and decoratively for maximum benefit. The advertising benefits to the tire maker are obvious. He will also be visible at night.

The rear deck of the Centurian sedan is treated with matte black reflective, in addition to its peaked plan view contour and rear end safety in the event of highway disablement. The peaked plan view here again would assist in glance off reactions for multiple freeway accidents.

In summary, it is hardly enough to crusade entirely for safety with the obvious humanitarian goal of saving lives at any cost. As an industrial design consultant to the automotive industry, I again respectifully ask the question, "Need the safety car be ugly?" An intelligent collaboration on the part of automotive design divisions and safety engineers can produce intelligently a handsome, palatable, safe vehicle for people. Thank you.

SAFETY CAR FEATURES

A. Basic

1. Safety devices in use today would be used when applicable.
   a. safety door locks and hinges.
   b. safety glass.
   c. seat belts and shoulder harnesses.
   d. head rests.
   e. impact absorbing non-reflective materials in interior.
2. Safety devices being tested today would be used if found to be beneficial and applicable.
   a. inflatable cells for passenger protection on impact.
   b. Controlled highway systems, etc.
3. Front engine, rear transmission, 4-wheel drive.
4. 4-wheel independent suspension with disc brakes.
5. Perimeter framework.
6. Glance-off sheet metal design—front, side, and rear.
7. Pop-out flush-mounted windows, no protuberances.
8. Reflective tire styling and marking.
9. Reflective license plates.
10. Instant fire foaming system.

B. Structural

1. Perimeter bumper frame, reflective tape insert.
2. "A" pillar roll bar structure.
3. "B" pillar roll bar structure.
4. "C" pillar roll bar structure.
5. Rear view mirror prism in spoiler section of "C" pillar roll bar and "B" pillar roll bar.
6. Door structure—each door consists of:
   a. basic framework—energy absorbing
   b. foam filled (energy absorbing) lower framework
   c. glued in "pop-out" glass
   d. safety locking pins which in conjunction with perimeter bumper frame completes perimeter protection
7. Foam filled structural beam in rocker panel area.
8. Perimeter framework (uniside) for door openings connecting three roll bar structures and forming door rail.

A REALISTIC EAST-WEST TRADE POLICY

Mr. DODD. Mr. President, the current issue of the Reader's Digest carries an article written by the distinguished minority leader (Mr. DIRKSEN), entitled "Needed: A Realistic East-West Trade Policy." I call this article to the attention of Senators because I consider it one of the best presentations on the subject.

Essentially, the Senator from Illinois argued that we ought to make trade policy an instrument of our foreign policy, just as the Russians do. He points out that—

> When Yugoslavia moved toward independence, the Soviets disregarded existing agreements and slapped a total embargo on all Russian-Yugoslav commerce. In 1958, the Russians shut off crude-oil deliveries to Finland, canceled orders and delayed trade negotiations there until certain conservative members of Finland's cabinet resigned. Such communist economic welfare is global. Prices are rigged, goods are dumped—all as part of the strategy to disrupt Western economies, to ensnare emerging nations and promote friction within the non-communist world.

I am pleased that this article has been printed in the Reader's Digest and ask unanimous consent that it be printed in the RECORD in the hope that all Senators will read it and give it the attention that it deserves.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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NEEDED: A REALISTIC EAST-WEST TRADE POLICY

(By Senator EVERETT M. DIRKSEN, Republican, of Illinois)

Seven years ago, a Senate subcommittee on which I served conducted an exhaustive probe of East-West trade and found that the United States and its allies were making a direct contribution to communist military and industrial strength.

What was then a serious situation has now degenerated into a critical one. Since 1962, American exports to the Soviet bloc has increased 56 percent, and those of U.S. allies 68 percent—to a total of $3.9 billion a year. Even more ominously, these shipments include material of undeniable military significance.

At a time when the Soviet Union and its satellites were keeping the Vietnam war going, the Johnson Administration unilaterally removed from the Commodity Control List more than 500 items previously barred for sale to the Soviet bloc without a special license. All were said to be "non-strategic"—"peaceful goods which may be freely exported without any risks to the United States' national interests." But a reading of the fine print turns up the following: rifle-cleaning compounds, propellers, industrial chemicals, crude rubber, aluminum and magnesium scrap.

Top Washington officials defended their decision to export $35 million worth of machine tools for a Soviet auto plant, on the ground that it will make the Kremlin more "consumer-goods minded." Senators protested in vain that there is nothing to stop the Russians from using these tools for making armored trucks and vehicles.

"As far as computers are concerned," a communist journal admits, "we are still living in primeval times. We are 50 times worse off than the United States, 15 times worse off than West Germany and Scandinavia." Yet, encouraged by Washington, top U.S. firms, including IBM and Sperry Rand, peddle their sophisticated electronic wares throughout the Soviet bloc.

Concern over such developments runs deep. "American policy on East-West trade is contradictory and self-defeating," reports Dr. Robert Strausz-Hupé, director of the University of Pennsylvania's Foreign Policy Research Institute.

"A complete policy revision is necessary to curb the enemy's military-industrial buildup," says Rep. Glenard P. Lipscomb (R., Calif.), one of Congress' top experts in the field.

"The United States must recognize the value of trade as a major cold-war weapon," says Samuel F. Clabaugh, research associate of Georgetown University's Center for Strategic and International Studies.

When the U.S.S.R. and its Warsaw Pact allies invaded Czechoslovakia last year, I called upon our government to institute an economic embargo of the Soviet Union. "It's the only weapon we have," I said. And I remain convinced that the Soviets have real reason to fear it.

East Depends on West. Actually, the communists are in desperate need of Western technological assistance. Spectacular Soviet achievements in rocketry and space exploration have districted many from the fact that the Soviet economy is in dire straits. "We have the worst and most backward productive structure among the industrially developed countries," says Russian economist Abel G. Aganbegian. Industrial output per worker is one fourth that in the United States (agricultural output per worker, one twelfth), and the crisis is worsening.

The solution to the crisis lies with the West. The Soviet textile industry, for instance, is a severe drain on the economy, with its obsolete equipment and fantastic waste of manpower. Not surprisingly, Soviet agents have fanned out across the free world to purchase what they term "turnkey" factories.[1]

The Russians could, of course, build the factories themselves. But, as experts at the Foreign Policy Research Institute spell it out, "If they can procure the model from the West, mediocre technicians can copy it. Meanwhile, their best engineers need not be diverted from more important work."

As the State Department has concluded, "it is only with the infusion of Western technology, capital equipment and managerial and marketing support" that the communists can raise their productivity. Clearly, this dependence on Western technology represents a vulnerability that should be capitalized upon.

Bridge-Building? In recent years, President Johnson sought repeatedly to woo the communist bloc with promises of economic assistance. Trade delegations were dispatched to the U.S.S.R., Poland, Romania and Bulgaria. Lists of embargoed goods were slashed, and communist credit was guaranteed. American firms were encouraged to trade with bloc countries as a patriotic gesture that could lessen international tensions. Meanwhile, provisions of the Mutual Defense Assistance Control Act—designed to bar U.S. aid to nations supplying the communists with strategic goods—were simply not enforced. By word and deed, Washington demonstrated its faith in "bridges of friendship" to the East.

Not surprisingly, Soviet bloc trade with Western Europe bloomed. An Italian firm has contracted to supply the communists with $90 million worth of computers and calculators. Dangling credits before the East Germans, Bonn hopes to increase its trade there 150 percent by 1975.

But Washington has been unalarmed. Indeed, the director of the State Department's Office of East-West Trade, Robert B. Wright, suggested in a remarkable speech last year that the government felt that increased trade could end the cold war, that "we have nothing to fear, nothing to lose." But Wright and other advocates of expanded East-West trade are laboring under two delusions:

1. *That trade, by definition, promotes friendly relations.* History tells us otherwise. Germany and Russia were trading up to the very day that Nazi panzer columns rumbled across the Soviet borders in 1941. Scrap iron sold to the Japanese by business-as-usual Americans was fashioned into the bombs dropped on Pearl Harbor.

The argument is made that "winds of change" are blowing across the communist empire, and that American assistance can encourage liberalization. But does it?

Consider Poland, the recipient of more than $550 million in U.S. aid and the only member of the communist block awarded our "most favored nation" tariff status. American assistance was supposed to mean a better life for the Polish people and to help Poland win independence from Moscow. Instead, the Polish hard-liners in control beefed up their 250,000-man army, tripled their rocket forces and quintupled their armored divisions. Exports to North Vietnam have been stepped up sharply; the regime's second-ranking official visited Hanoi to brag that Polish anti-aircraft batteries have shot down or damaged 40 U.S. planes. Not only did Polish troops march with the Red Army into Czechoslovakia, but Warsaw has promised volunteers to Ho Chi Minh if needed in the "struggle against the imperialist aggressor."

2. *That "non-strategic" trade constitutes no danger to the United States.* The distinction between strategic and non-strategic trade is largely imaginary. Western goods of any kind relieve production bottlenecks and enable Soviet planners to shift from domestic to military production patterns.

At the same time, many "peaceful" items sold to the communists have clear military application. Consider the technical data supplied the Soviets for the production of polystyrene—a chemical used in air conditioners and other "non-strategic" items according to the Commerce Department. Polystyrene has other uses: as a binder for explosives, as a rocket igniter, as a component for intercontinental ballistic missiles.

Oil War. Merely cutting off the exports of strategic goods is not enough. The United States must begin fighting the cold war with the same weapons as its adversaries, recognizing that trade can be a powerful, perhaps crucial, weapon.

The Soviets themselves make no bones about it. "Trade policy is an integral part of our foreign policy," says top Soviet economist P. A. Chervyakov, and the record bears him out. In 1932, Stalin drastically cut purchases from the West—at great cost to Soviet economic development—in an attempt to intensify the free world's Great Depression. And a critical need for Western goods immediately after World War II did not deter the Soviets from holding such purchases to a minimum, in the belief that this would hamper Allied conversion to a peacetime economy.

Economic blackmail and political retaliation are practiced shamelessly. In 1949 when the Australians broke up a Soviet spy ring, Soviet purchases of badly needed Australian wool were immediately cut off. When Yugoslavia moved toward independence, the Soviets disregarded existing agreements and slapped a total embargo on all Russian-Yugoslav commerce. In 1958, the Russians shut off crude-oil deliveries to Finland, canceled orders and delayed trade negotiations there until certain conservative members of Finland's cabinet resigned. Such communist economic warfare is global. Prices are rigged, goods are dumped—all as part of the strategy to disrupt Western economies, to ensnare emerging nations and promote friction within the non-communist world.

Nothing demonstrates this quite so effectively as the "oil offensive" that the U.S.S.R. has waged for more than a decade. Kremlin strategists believe that the American oil industry is the "foundation of Western political influence" throughout the underdeveloped world. "If this foundation cracks," a Soviet theoretician has written, "the entire edifice may come tumbling down."

To this end, Soviet oil is dumped in Western markets at ridiculously low prices. While Czechoslovakia is forced to pay 18 rubles per ton, for instance, Italy pays less than eight rubles. Result: the Russians acquire badly needed Western currency, and the economies of the United States and its oil-producing allies are threatened.

Despite this, Washington has on numerous occasions approved the export of petroleum drilling equipment, even of an entire oil refinery, to the Soviet bloc.

Best Weapon. It is time for the United States to tie *its* trade to global politics, to insist on getting from the communists something in return—a *quid pro quo*—for the scientific and technological genius they need so desperately from us. By demanding political concessions for economic favors, as Georgetown Prof. Lev E. Dobriansky suggests, the United States will be following a practical alternative to complete embargo or haphazard liberalization.

Such a policy would allow for credits and cash payments, consumer goods and producer goods. Adaptable to changing conditions, it would infuse a consistency and a rationality into our trade relations with the entire

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[1] Such factories are designed, built and installed by Westerners, who also train local people to run them, and thus turn over to Soviet managers the key to a complete, functioning plant.

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communist bloc. The list of concessions would be graded. It could include the payment of long-standing Lend-Lease debts, guaranteed access to Berlin, a hands-off attitude by the Soviets toward Latin America and the Middle East.

Such a policy, to be effective, requires what is now tragically lacking—a sense of unity among the Western industrial powers. There must be established a free-world trade organization that would supervise all exchanges with the Soviet bloc, protect free countries against the disruptive tactics of communist economic strategists, and outline effective countermeasures.

The need for a bold new policy on East-West trade is clear, as President Richard Nixon is well aware. As long ago as 1962, he demanded that the Western powers adopt a solid trade front in the struggle against communism. "Trade and economic sanctions must be wielded as a lever at the bargaining table to move the Russians from their intransigent positions," [he said]. "The Berlin Wall might have crumbled in a week if we had threatened a complete economic embargo on East Germany. The Soviet Union's support of guerrillas in south Vietnam might well have been traded for the right to buy Western goods. Western productivity, technical know-how and trade add up to one of our best weapons. We must use it in the cold war."

That was true then. It is even truer today.

SENATOR HARRIS SPEAKS ON CAMPUS VIOLENCE

Mr. BAYH. Mr. President, during the last few weeks at college commencements throughout the country many words have been spoken and ideas advanced about the student turmoil and classroom disruptions experienced on numerous campuses in recent months. According to press reports no single topic seems to have received more attention from the hundreds of speakers who addressed graduating classes than the confrontations which have taken place between college and university administrators, faculty, and students over a wide range of issues.

One of the most sensible and realistic approaches to this problem which has come to my attention was set forth by the senior Senator from Oklahoma (Mr. HARRIS) in the speech he delivered at the commencement exercises of his alma mater, the University of Oklahoma Law School, on June 1. In his characteristic forthright and incisive manner, Senator HARRIS made it clear that, despite the need for institutions to change, neither violence nor unlawful intimidation are proper means to achieve legitimate goals. To the contrary, such activities he emphasized would "undermine the very institutions of free speech, of assembly, of the right to petition our government peaceably, which are the means by which grievances are answered and relieved."

While not condoning violence, Senator HARRIS at the same time stressed the dedication of current college students to worthy causes and their insistence on answers to questions which continue to plague our society. Older generations must assume much of the blame for present difficulties and should not hastily condemn young people for their impatience with delay and lack of progress. Senator HARRIS believes that the energies, talents and idealism of youth should be brought to bear not only in improving institutions of higher education, but also of society as a whole.

Mr. President, it seems to me that this very worthy address by Senator HARRIS should be made available to other Senators and to the general public as well. Therefore, I ask unanimous consent that the full text be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR FRED R. HARRIS, OKLAHOMA UNIVERSITY LAW SCHOOL, JUNE 1, 1969

It is an honor and a pleasure to return on this occasion to the campus of my alma mater—I think! Actually, as anyone who travels or reads knows, it is a rather chancy thing for a person of my age to be found on a college campus today. However, if circumstances require you to be there, I can think of no better camouflage in which to call less attention to oneself than to be busy making a commencement speech! I wouldn't be so pleased to have this opportunity if it weren't for a personal conviction about the magnitude of the opportunity you face upon entering the legal profession today.

I suppose that men in all professions believe that the development of their own craft is indicative of the development of their times and culture. But, even discounting my personal bias as a lawyer, I believe that no component of a society better indicates the general health and development of that society than its system of administering justice.

The society of Nazi Germany was strong militarily and even economically. It was characterized by systematic punishment of anti-social behavior and high conformity to national goals. No fair man, however, would call it a good society because it totally lacked a system of justice capable of protecting the life of the people as a nation without sacrificing individual rights. By the same token, England, flowering during and after the Renaissance, was commonly acknowledged as a truly *advanced* society despite an enormous array of difficulties and handicaps. England maintained, and to a large extent developed, a complicated system of equality in law which you have learned as students.

More distant examples in time may even be easier to see. Sparta was the strongest among the Greek city-states. Its people were loyal, valiant, and austere in their ability to sacrifice for what they perceived to be the common good. Athens, however, was the Greek city remembered by the world for its excellence as a society.

In one of his plays, the ancient Greek playwright, Aristophanes, caused a character to identify Athens from the air by the large number of juries in session. The fact that ancient Athenians were a highly litigious people is cited by nearly all historians as strong evidence of the high development of their civilization. This, in fact, characterizes *all* highly developed cultures. They have defined a system of justice that serves the related but not identical ends of protecting the individual as well as the orderly state of society.

The principle has never been more urgently needed or less obvious than it is in the world which you new lawyers now enter. One could characterize the sometimes violent struggle between the so-called radical and the so-called establishment as a debate about the rights of individuals and the rights of society conducted in extra-legal and sometimes illegal ways. When the breakdown between society and the individual takes place to the extent that it cannot be adjudicated in the courts of law, then, through the eyes of history, we cannot claim a sophisticated civilization or an advanced political system.

We must formulate again for our generation and our nation the way in which we shall balance the demand for orderly processes with the right, even duty, of each individual to press for action based on idealism and morality.

I am not here today to tell you how to balance the scale in each specific case between the individual seeking freedom and the society which lives by consensus. But can we agree on this: any technique of social change which destroys the aspects of society which allowed it to flourish is self defeating.

Violence and unlawful intimidation are unacceptable, first of all, because they are inhumane and often hurt people. No ends are so noble as not to be sullied by ignoble means.

Violence and unlawful intimidation are not acceptable in our society because they undermine the very institutions of free speech, of assembly, of the right to petition our government peaceably, which are the means by which grievances are answered and relieved.

Violence and unlawful intimidation are unacceptable because, in a very practical sense, they often lead to active repression, not just of unlawful violence, but of lawful dissent as well.

Thus, on our college campuses, as elsewhere, violence must be treated as violence and nonsense as nonsense. Not by national panic nor by federal police, but best by the institution itself—expelling from the community those who would destroy the human trust which is the essence of community—or by combatting lawlessness by turning to the majesty of the law, so that, if the police finally must be called, it is a court and not the university which calls them.

But you may say, "It is not those trained in the law and its philosophy who are at the root of our problem." I do not altogether agree. True, most of the violent disturbances in our nation have not involved the participation of members of our profession.

But, in a larger sense, we must share a measure of blame. Have we, who have been schooled in the counter claims about which I have talked really shared with society or our associates our understanding of the fundamental nature of our problems? Have we not, rather, been willing to concern ourselves with our personal well-being and the immediate, short run interests of our clients? Should we have given more time to education of the young, so many of whom now misunderstand the bases of our culture so tragically? Should my generation of lawyers have initiated legal service for the poor on a really responsive scale, rather than wait until social injustice is so obvious that your generation cannot escape the responsibility?

Is there yet time for a change in the unhappy trend of alienation of the young? Is there still an opportunity to negotiate between those who say, "my personal rights alone matter," and those who say, "law and order"? I am certain that with the social conscience of your generation, which is even more important than your excellent legal training, there is. If I did not think so, I would not be here.

The world was changing in the 19th century when Matthew Arnold wrote that he was—

"Wandering between two worlds,
One dead,
The other powerless to be born."

Young people today feel no special nostalgia for the way things were, but they share his conviction that we are in the cortex of a changing world.

Happily, they do not accept Arnold's sense of helplessness, but, rather, have adopted the spirit of another eminent Victorian, Alfred Lord Tennyson, expressed in a line which the late Robert F. Kennedy claimed in part for the title of his last book: "Come my friend, 'tis not too late to seek a newer world."

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There are some who think that modern student protests are just today's equivalent of the panty raid, and others feel that the unrest and dissatisfaction can be settled solely by university reforms.

Young people today, while viewing the university as a prime place to begin wider changes, see more clearly than any previous generation the grievances which have for centuries burdened us and our country.

They are questioning a society which has always kept black Americans subordinate to other Americans.

They are questioning the priorities of a nation which spends $76 billion for defense and only $4 billion for education.

They are puzzled by the paradox of a country which can spend $2.5 billion a month in Vietnam but not that amount in a whole year to banish hunger altogether from our national life.

They worry about a society in which most parents can give their children television sets, cars, and trips around the world, but no parent can guarantee his child will breathe clean air or drink pure water or walk safe streets.

These questions must be met. As we rightly grow more firm and sophisticated in our ability to prevent and put down violence, we must also grow more determined that ours will be a truly just society.

Universities must change, but society must change as well. And, in this process we must involve the energy, the talent, the idealism of youth. We need them, and they must be allowed—encouraged—to serve and to participate in shaping the policies and institutions which direct our society and control its quality.

In *Candide,* Voltaire attacked the philosophy that "All is for the best in the best of possible worlds." He saw that philosophy as an excuse for resignation and passivity in the face of human suffering.

America is the best of all past worlds, the best of present worlds, but not the best of *possible* worlds. Young people have glimpsed the possibilities of a better world, a newer world.

With your education, your special training in the law, you are uniquely qualified to help guide us toward this newer world. With your continued awareness and concern, that newer world will not be powerless to be born.

DANISH-AMERICAN TRADITIONS AND TRADE

Mr. GOODELL. Mr. President, a special bond of friendship between two nations, Denmark and the United States, has enriched the lives of citizens in each. An unbroken history of fair and friendly trade between the peoples of these nations is based upon deeply held ideals and aspirations common to both. Our own ideals of human justice and freedom are celebrated by Danes as their own. Denmark, for over half a century, has marked our Fourth of July as a Danish holiday. Danes are proud of their cousins who have adopted America as their homeland and we are equally proud of our citizens whose ancestors came from Denmark. Just as the United States pioneered a new form of government on this continent, Denmark was the first European nation to adopt a modern constitutional form of government.

It is fitting that we, in this Nation, take note of the celebrations by Denmark of our holidays. The Fourth of July festival at the town of Rebild has particular bearing upon Danish-American friendship. I wish also to salute two forthcoming Danish freedom holidays, Constitution Day, June 5, and Flag Day, June 15. Many Danes and Americans will celebrate these historic days on this side of the Atlantic.

Mr. President, I ask unanimous consent that an account of the famous festival at Rebild, together with an account of Danish Constitution Day and Danish Flag Day, be printed in the RECORD.

There being no objection, the account was ordered to be printed in the RECORD, as follows:

THE FESTIVAL AT REBILD (REBILDFESTEN) IN CELEBRATION OF AMERICA'S INDEPENDENCE DAY

Since 1912, the Danish town of Rebild has held an annual festival at the national park there in commemoration of a day which Americans hold dear to their love of liberty the Fourth of July. The annual Independence Day celebration attracts tens of thousands of Danes and is a center of sports and cultural activity. Denmark has traditionally observed our Independence Day almost as a national holiday of their own.

A little more than one hundred years ago, the first organized groups of Danish immigrants crossed the Atlantic to America. They prospered, and many Danish names enrich the life of our own country. In 1905, a society was founded to link Americans of Danish descent. In 1909, the Danish city of Aarhus sponsored an exposition and here American Independence Day was celebrated for the first time in Denmark.

A Dane who had emigrated to America in 1881, Dr. Max Henius, was present and he conceived the idea of securing a tract of land in Jutland which "should remain forever in its natural state." There, near Rebild, King Christian X spoke to the first Festival audience of more than 10,000 Danes and Americans of Danish descent in 1912.

Since that time, the King of Denmark, the ambassador of the United States, poets, authors, men of science and politicians have spoken from the Festival platform. The Festival's broadcast is heard throughout Denmark and in this country. The Festival is a pageant of both the popular and serious cultures of the two countries.

In the Rebild Park, there is a log cabin built with timbers from each of the United States in which Americans of Danish descent live and work. In this "Lincoln Museum" are housed relices of Danish and American history.

The Festival has drawn ever increasing numbers of visitors and has been interrupted only twice—when two tragic World Wars threatened the existence of freedom everywhere.

The celebration of the Fourth of July is widespread throughout Denmark, but the Rebild Festival has a special significance for it particularly exemplifies the bond between our two nations.

CONSTITUTION DAY AND FLAG DAY

Two great Danish holidays commemorating the universal ideals of freedom and independence are soon to be celebrated, Constitution Day and Flag Day (or Dannebrog), June 5th and 15th respectively.

When the Danish Constitution was passed into law on June 5, 1849, following the great surge for freedom which swept the European continent in 1848, it was the most liberal European constitutional document of its time.

Dannebrog is in honor of a battle in 1397, when as legend has it, the Danish flag fell from the sky to rally the spirits of Danish warriors in a fight against their oppressors. It is the oldest flag in the world.

It is only fitting, therefore, that Americans reciprocate with observances built around these holidays sacred to Danish freedom. I should like to point out that Gold Seal Vineyards in my former congressional district as well as Tuborg Breweries, Ltd., are among those companies interested in Danish and American trade which have planned observances of these two Danish holidays this year.

TRIBUTE TO DR. PETER ZENKL

Mr. HATFIELD. Mr. President, at critical times in history, some dedicated, courageous leaders strongly affirm the value of freedom to mankind. One of these men is Dr. Peter Zenkl—the Czechoslovakian patriot who celebrated his 85th birthday last Friday. For years, as mayor of Prague, a member of the Ministry of Social Welfare, and as the last Vice-Prime Minister of free Czechoslovakia, he courageously resisted Communist and Nazi attempts to suppress basic human freedoms in Czechoslovakia. For this reason he spent 6 years in a Nazi concentration camp and was eventually forced to flee his homeland after the Communist takeover.

Dr. Zenkl's lifelong struggle for the liberties of his fellow Czechoslovakians has won him their deepest respect. He now resides as an exile in Washington, D.C. where he writes, speaks, and organizes to maintain his nation's faith in a free future. I believe he deserves our praise today for his gallant efforts on behalf of his countrymen and freedom-loving people everywhere.

REPORT OF PRESIDENT NIXON'S TASK FORCE ON PRODUCTIVITY AND COMPETITION

Mr. TALMADGE. Mr. President, I believe every Member of Congress would stand with me to endorse the proposition that business under our free enterprise system deserves great acclaim for its role in promoting economic growth unprecedented in the history of this country. Despite inflationary pressures, high interest rates, overseas investment restrictions, and increasingly complex technology, it has met the challenge and provided our people with a remarkably high standard of living.

A thriving, advancing free enterprise system is dependent upon sound governmental policies developed clearly and with logic and reason. Of late, however, I have begun to question the development of policy in the antitrust field, a matter of great concern to all American business. And certainly the leaders of U.S. industry must be equally baffled and confused by the array of conflicting statements and reports emanating from Washington recently.

The profusion of statements by administration officials and reports by various study groups are enough to make any businessman question the logic of our current antitrust policy.

This problem was brought to mind by the publication of the report of the Nixon Task Force on Productivity and Competition in the Bureau of National Affairs Report to Executives on Monday, June 9. The report, prepared by a distinguished group of educators and businessmen at the request of President Nixon, was designed to give the new administration some realistic guidelines for establishing antitrust policy.

One of its recommendations called for the Justice Department to be certain that every antitrust suit "make good economic sense" and suggested calling semi-public conferences to help draw up and reevaluate enforcement guidelines. It further cautioned Justice against taking antitrust action against large companies on the basis of "nebulous fears about size and economic power" and stated without reservation that "vigorous action on the basis of our present knowledge is not defensible."

The recommendations of the Stigler Report appear to be reasonable and well founded. They merely say that the full facts should be determined before precipitous action is taken in the antitrust field. I am sure my colleagues in Congress, who follow this same process in legislating, would agree. In fact, one committee of the House has already called for hearings on mergers and several Agencies of Government are now undertaking studies to determine the facts about mergers and its effect upon the economic and social structure of the country.

In contrast to the approach, however, I was dismayed to read the statements of Attorney General John Mitchell given recently before the Georgia Bar Association. In that speech, he fashioned new antitrust policy that will affect all of the leading corporations in America. He made clear that, without the benefit of the facts considered important by the Stigler Report, the Justice Department intends to oppose any merger among the top 200 manufacturing firms. Furthermore, he declared his intention to fight mergers between one of the top 200 and any leading producer in any concentrated industry. This approach certainly seems to lack the prerequisite of economic sense which the Stigler group determined was important.

Furthermore, the Attorney General has come dangerously close to espousing the philosophy that bigness per se is bad. Despite denials by Mr. Mitchell and Mr. McLaren, his antitrust chief, that they subscribe to such a philosophy, this announced attack on the 200 largest firms amounts to exactly that.

It also is interesting to note a recently released report made by a blue ribbon panel appointed by President Johnson to examine antitrust policy. While this study—the Neal Report—differed in many respects from the Stigler Report, it, too, warned that antimerger attacks on large companies using the Clayton Act would have to be through a contrived interpretation. Section 7 of the Clayton Act is exactly the vehicle Mr. Mitchell intends to use to implement his newly announced policy.

I am not advocating a policy of unrestricted mergers. I, like many other Members of Congress, believe that the merger trend should be closely examined. When sufficient facts are available, it is the duty of Congress to heed them and take appropriate action if necessary. I do not believe the Attorney General has the right to extend the law as he seems to be doing.

A portion of this report was placed in the Record last week by the Senator from Wisconsin, although his entry did not encompass the full report and other relevant matter. I believe the full report by President Nixon's factfinding group, along with Attorney General Mitchell's address in Savannah, Ga., and a newspaper article on his address, bear careful consideration. I ask unanimous consent that they be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Summary of Recommendations of the Task Force on Productivity and Competition

We present here a summary of the recommendations of the Task Force on Productivity and Competition. These recommendations are elaborated and defended in the accompanying Report.

1. We recommend that the President issue a general policy statement (a) establishing the Antitrust Division as the effective agent of the Administration in behalf of a policy of competition within the councils of the Administration and before the independent regulatory commissions; (b) urging those commissions to enlarge the role of competition in their industries; (c) marshaling public support for the policy of competition.

2. We urge the commissions to permit free entry in the industries under regulation and to abandon minimum rate controls, whenever these steps are possible—and we think they usually are; and we urge the President, when occasion permits, to appoint at least one economist to membership in each of the major commissions, and institute effective procedures for the review of the performance of the commissions.

3. To enhance the effectiveness of the Antitrust Division, we urge the Attorney General and the Assistant Attorney General in Charge of Antitrust to insist that every antitrust suit make good economic sense, and to institute semi-public conferences to assist in the formulation and frequent reevaluation of enforcement guidelines.

4. We recommend that the Department of Justice establish close liaison with the Federal Trade Commission at the highest levels, with a view toward fostering a harmonious policy of business regulation.

5. We recommend that the Department bring a series of strategic cases against regional price-fixing conspiracies, which we believe to be numerous and economically important.

6. We cannot endorse, on the basis of present knowledge of the effects of oligopoly on competition, proposals whether by new legislation or new interpretations of existing law to deconcentrate highly concentrated industries by dissolving their leading firms. But we urge the Department to maintain unremitting scrutiny of highly oligopolistic industries and to proceed under section 1 of the Sherman Act—which in our judgment reaches all important forms of collusion—in instances where pricing is found after careful investigation to be substantially noncompetitive.

7. The Department of Justice Merger Guidelines are extraordinarily stringent, and in some respects indefensible. We suggest a number of revisions in the accompanying Report.

8. We strongly recommend that the Department decline to undertake a program of action against conglomerate mergers and conglomerate enterprises, pending a conference to gather information and opinion on the economic effects of the conglomerate phenomenon. More broadly, we urge the Department to resist the natural temptation to utilize the antitrust laws to combat social problems not related to the competitive functioning of markets.

9. We recommend new legislation to increase the monetary penalties, at present largely nominal, for price fixing.

10. We urge a new policy for antitrust decrees. The Department should not seek the entry of regulatory decrees: decrees that envisage a continuing relationship with the defendant. Save in exceptional circumstances, all decrees should contain a near termination date, ordinarily no more than 10 years from the date of entry. And the Department should undertake a review of existing decrees to determine which should be vacated as obsolete or inappropriate.

11. The Expediting and Webb-Pomerene Acts should be repealed, and the Robinson-Patman Act substantially revised.

12. Mr. Alexander L. Stott dissents from certain parts of the Report and from certain of the above recommendations. Mr. Raymon H. Mulford dissents from two recommendations.

Report of the Task Force on Productivity and Competition

The Task Force on Productivity and Competition submits its report on the problems which will be confronted by the new administration in this area, and the steps which we recommend to be taken. The report is presented under three general headings:

I. The Administration's Policy of Competition and the Role of the Antitrust Division and the Regulatory Commissions in This Policy.

II. Organization and Procedure in the Antitrust Division.

III. Recommendations for Change in Antitrust Policy.

Individual task force members would often change the emphasis of the Report, and larger differences are presented as dissents.

I. GENERAL POLICY

A. Antitrust policy

The American Way, as we are constantly told, is to rely upon competitive private enterprise to do most of the work of allocating resources to industries and firms, organizing production, and providing economic progress. We are constantly travelling a shorter distance down this Way, however: for good reasons and for bad we have almost continuously expanded the governmental controls over economic life, and in recent years important restrictions have been placed upon private enterprise to protect the balance of payments. Some of the vast arsenal of public controls are unnecessary, and a large proportion of the necessary controls are excessively restrictive of competition. As one example, the safety of financial institutions is of course a major public concern, but this safety can often be achieved by insurance or similar devices, and hardly ever requires that competition be suppressed to the extent that the most incompetently managed institution will be prosperous, and hence safe.

The traditional American policy of seeking to minimize regulation of economic life is a profoundly wise policy, and deserves to be reasserted and implemented. Both logic and political expediency—not always close allies—dictate that economic freedom be subjected to the discipline of competitive markets. We believe, therefore, that the President should issue a general policy statement on competition and public regulation, to achieve at least three important purposes:

1. To establish the Antitrust Division as the effective agent of the Administration in behalf of a policy of competition, in intragovernmental groups, and before independent regulatory bodies.

2. To encourage and urge the regulatory bodies—which cannot ignore the clear policy positions of the President even when his appointive power is dormant—to enlarge the role of competition in their respective industries.

3. To revive and strengthen public support

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for the policy of competition, and to establish the bona fides of the Administration as the protector of *both* consumer and businessman.

An executive order or a major presidential address would be an appropriate vehicle for this declaration. Whether or not a formal statement commends itself, we believe that the correct policy *is* one of persistent and resourceful exploitation of competition wherever possible.

B. The policy of competition in the regulated industries

Our mandate to examine productivity and competition in the American economy compels us to brief examination of the work of the regulatory commissions themselves. The regulated industries comprise one-eigth or more of the economy in terms of income, and are too important to be omitted from our Report.

The tasks assigned to the regulatory agencies are various: to prevent monopoly pricing (as with telephone and pipelines); to prevent congestion (as with radio and television frequencies); to provide safety to savers (as with financial institutions); and so on. It is not possible for us here to examine these purposes critically, although it is notorious that in certain industries (such as motor trucking) there is no respectable case for economic regulation. There is widespread disenchantment with regulatory purposes as well as regulatory processes, and a general belief that excessive rigidity, expensive review of economically trivial details and frequent failure to achieve any important results have characterized our regulatory efforts.

In two directions, we are convinced, there should be a major reorientation of the regulatory policy:

1. Entry of new firms should be encouraged wherever an absolute contradiction with regulatory goals is not involved. At present the practice is universally the opposite: to prohibit or ration with utmost severity the entrance of new firms.

2. Allow much freedom in price competition. The regulatory bodies should abandon *minimum* rate regulation whenever possible (and it is usually possible), and rely chiefly on maximum rate regulation.

Where rates are regulated, it is essential to make *both* changes: there is little merit in allowing additional firms to enter if they are not held to the test of unfettered competition with the existing firms.

We urge the Administration to pursue three complementary paths of reform in the regulated industries:

First, the commissions should have the merits of competition pressed upon them. Competition is not a matter of all or none, and the fact of regulation should not exclude competition as a force at each of a hundred points where it is relevant and feasible. If there must be only one railroad there can still be several truckers, several freight forwarders, and the possibility of inter-modal competition.

Second, the primary method of giving a larger role to competition is by appointing commissioners who understand and believe in a policy of competition. *We believe that every regulatory body should have at least one economist as a commissioner.* Quite aside from the implementation of the desire for more competition, this proposal has a decisive defense: economic regulation poses more economic than legal problems, and an economist knows more about economics than a non-economist. The economic triviality and irrelevance of much activity of the regulatory commissions is patent and inexcusable.

Third, the regulatory commissions are largely out of public control. Once in a decade or two, at most, a commission will be investigated by Congress. The Administration should explore methods of getting more meaningful and effective reviews than we now get. We do not know whether the best method is an enlarged Bureau of the Budget section, a national commission, the creation of academic review committees, or a special adviser to the President. The best method, however, is surely not infrequent, partisan Congressional review. The present rule of the regulatory bodies is undirected, unmeasured, and unevaluated.

II. ORGANIZATION AND PROCEDURE IN THE ANTITRUST DIVISION

A. The utilization of economic knowledge

We anticipate little opposition to the proposition that the Antitrust Division make full and effective use of economists and their special skills. These skills are often necessary to understand the effects of economic practices (an example is market-sharing in fixed proportions), to assess the economic importance of individual cases, and to assist in devising remedies that will not shatter on economic realities. We endorse the policy of having a highly professional economist serving as adviser to the head of the Division, and a strong permanent staff of economists.

The problem is not the goal of an economically sophisticated antitrust policy, but its implementation. A division charged with the enforcement of a statute must of course be directed and largely staffed by lawyers. Unless there are substantial incentives to the staff to utilize economics—whether by central direction, or vastly more powerfully, by demonstrated assistance in winning cases—the nonlawyer will often be viewed by the lawyers as a mysteriously necessary obstacle to smooth operations. The Assistant Attorney General will have succeeded in making a truly major contribution to antitrust policy if he establishes the relevance of economic knowledge.

B. The development of criteria for classes of cases (guidelines)

When the Antitrust Division is confronted by a large number of similar cases—and it must now be scanning many hundreds of mergers each year—it will inevitably have rules to guide the numerous men who pass on individual cases. The question is not whether to have criteria or guidelines, but how to arrive at them.

We believe, for reasons we discuss below, that the present merger guidelines are questionable in important respects. Here we consider the procedures for formulating guidelines.

A set of rules for a class of cases will be desirable only if two conditions are fulfilled:

1. There are a large number of uncontroversial, easily identified cases. If there are not, the rules give little help to either business or the Division.

2. Controversial or objectionable cases cannot be repackaged to avoid scrutiny.

The way to determine whether mergers, for example, meet these conditions is to examine a large number of them in the light of legal and economic knowledge. The Antitrust Division will perform this task vastly better if it uses the large amount of professional expertise available outside the Division. We therefore recommend that the Division have semi-public conferences to explore difficult areas of policy, inviting legal and economic experts to propose or discuss guidelines. Some members of the task force would prefer to have formal notice and public hearings in establishing rules. If rules are adopted, a periodic review of them by the same procedure will be a useful method of conferring flexibility upon them. A specific application of this method is proposed below for mergers.

C. The role of the Federal Trade Commission

No review of antitrust policy would be complete that ignored the Federal Trade Commission, which is charged with enforcement of, among other statutes, the Clayton Act, of which Section 2, the Robinson-Patman Amendment, and Section 7, prohibiting mergers and acquisitions that may substantially lessen competition, are particularly important; and the Federal Trade Commission Act, whose operative provision, Section 5, forbids "unfair or deceptive acts or practices," a term that has been interpreted to embrace even more than the vast area of anticompetitive behavior proscribed by the Sherman and Clayton Acts, as well as consumer fraud and some "immoral" sales methods such as lotteries. As is evident, the Commission's jurisdiction largely overlaps that of the Antitrust Division.

In its antitrust work, the FTC has concentrated on price discrimination, on practices believed to oppress or coerce small dealers, and on mergers, especially vertical and conglomerate, and usually in industries such as food products, groceries, and cement—industries which by long-established understanding with the Antitrust Division have been assigned as the Commission's sphere of primary competence.

Unhappily, little that the Commission undertakes in the antitrust area can be defended in terms of the objective of maintaining and strengthening a competitive economy. Consider price discrimination. There is now an impressive body of literature arguing the improbability that a profit-maximizing seller, even one with monopoly power, would or could use below-cost selling to monopolize additional markets. Yet, not only has the Commission continued to bring predatory price discrimination cases, but the alleged danger of predatory pricing remains a principal prop of its vertical and conglomerate antimerger cases. As for "secondary line" discrimination (that is, giving discounts to some dealers or distributors but not to others who compete with them), the Commission has never attempted to differentiate those cases (if there are any) in which a monopolistic buyer is able to extract unjustified price concessions from his suppliers to the prejudice of his competitors from those in which discrimination is employed by oligopolistic sellers who wish to cut prices secretly—and should be encouraged to do so—and those in which price *differences* (which the Commission tends to equate, erroneously, with *discriminations*) are not, in fact, discriminatory. Over the last eight years the Commission, often under the prodding of reviewing courts, has pulled some of the sting from enforcement of Robinson-Patman against secondary-line discrimination. It has demanded somewhat stronger proof of competitive injury; the meeting-competition and cost-justification defenses have been rendered meaningful; and the provisions of the Act relating to advertising allowances and brokerage payments are, in general, no longer used to compel sellers to compensate for services that are not economically beneficial to the seller (such as advertising by tiny retail outlets or brokerage when a broker's services can be dispensed with).

Although the retreat from *per se* rules against secondary-line discrimination has led to a general diminution of enforcement activity by the FTC (private suits continue, of course, and are discussed later) the Commission still brings many cases that impair, rather than promote, competition and efficiency. For example, the Commission has in recent years waged vigorous war against "functional discounts", which are discounts offered to middlemen who perform certain distributive functions (such as warehousing) that other middlemen, who are not given the discounts, do not perform. Moreover, as explained later in this Report, we can conceive of no case of discrimination in which the Sherman Act would not provide an adequate remedy—adequate, that is, to protect the interest in maintaining an effectively competitive economy—and so we view Robinson-Patman enforcement as inherently likely to be pushed beyond proper limits.

The efforts of the Commission to protect

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small dealers from allegedly unfair and coercive business practices constitute a dark chapter in the Commission's history. Much of this enforcement activity does not eventuate in formal proceedings. What happens is that a dealer who is terminated, for whatever reason, is likely to complain to the Commission, knowing that the relevant Commission staff is well disposed toward "small business". The staff uses the threat of an FTC proceeding to get the supplier to reinstate the dealer, and if threats fail—usually they succeed—the FTC may file a complaint charging the supplier with having cut off the dealer because he was a price cutter, or for some other nefarious reason. Our impression, in sum, is that the Commission, especially at the informal level, has evolved an effective law of dealer protection that is unrelated and often contrary to the objectives of the antitrust laws. The Commission is supported in this endeavor by the Supreme Court's rulings that Section 5 of the FTC Act empowers the Commission to suppress practices that *resemble* antitrust violations.

With respect to the Commission's enforcement policy in the merger field, it is illuminating to compare the recent statements of Commission merger policy with the Department of Justice Merger Guidelines, discussed elsewhere in this Report. The Commission is even more severe. Unlike the Department, it attaches a good deal of significance to the absolute size (independent of market share) of merging firms; to the alleged power that large firms have over small; and to the dangers of "price squeezes", It will, for example, challenge virtually *any* acquisition by a cement producer of a ready-mix concrete company, virtually *any* substantial acquisition by a large food chain, etc. The Merger Guidelines are models of restraint compared to those promulgated by the Commission, which are as hard on economic theory as on mergers.

We conclude that substantial retrenchment by the Commission in the antitrust field is highly desirable. In addition to retrenchment (at least by stopping the increase of the Commission's appropriations), its resources devoted to regulating competition might be redeployed. The two principal possibilities are (1) consumer protection, and (2) economic studies utilizing the very broad fact-gathering powers vested in the Commission by its enabling legislation. Unhappily, either route could be followed in a way that endangered competition. An incompetent economic study can be influential on policy makers—witness the influential 1948 FTC study which erroneously suggested that concentration was on the rise in American industry. Overzealous enforcement of consumer-protection legislation can also have errant results. We note that the application of consumer-protection law is almost always invoked not by consumers but by competitors, whose interest lies in protecting their market, not in giving consumers full information; and that elaborate requirements relating to packaging, safety, etc. can curtail consumer choice, limit competition, reduce the consumer's incentive to exercise care, and—what is most serious—impose substantial costs on society.

The Federal Trade Commission urgently needs a basic reform, but this need will be difficult to fulfill. Quite apart from the fact that there are no vacancies on the Commission, any dramatic or far-reaching Presidentially-inspired reforms would run up against the long tradition of regarding the independent agencies in general—and the FTC in particular—as "arms of the Congress". That has at times meant an office of economic opportunity for Congressmen; more important, it means that a strong showing of Presidential interest in the operations of the Commission will not be welcome on the Hill.

Perhaps the best short-run path of improvement runs through the offices of the Attorney General and the Assistant Attorney General in charge of Antitrust. Since the jurisdictions of the Commission and of the Antitrust Division are so largely overlapping, no one could object to the establishment between the Commission and the Division of close liaison at the highest levels. Indeed, it is something of a wonder (though explicable in terms of bureaucratic rivalry) that such liaison has been wholly lacking heretofore; the only coordination between the agencies is at very low levels, and consists largely of haggling over who shall sue in cases where both agencies are interested. Especially at the beginning of a new Administration, it should be quite feasible, as well as wholly appropriate, for the Attorney General and Assistant Attorney General to establish a close cooperative relationship with the Chairman of the Commission. We think it likely that the Commission will pay some heed to the Department's views, if forcefully expressed, on antitrust and trade-regulation policy.

III. RECOMMENDED CHANGES IN ANTITRUST POLICIES

The general policies of the Antitrust Division are profoundly good, and we propose no major change in its emphasis or directions of policy. In fact, the main thrust of the following recommendations is that certain recent developments of policy or doctrine should not be allowed to divert the agency from its basic task of striking down conspiracies and mergers in restraint of trade.

A. Price-fixing

The price-fixing cases of the Antitrust Division are its bread and butter, and understandably its staff would prefer more cake. We emphasize the great economic and social importance of continued, vigilant, aggressive seeking-out and conviction of conventional price-fixers. Every victory weakens the efficiency of undetected collusion in that area of economic life. We strongly recommend the bringing of a series of strategic cases against regional conspiracies, which we believe to be numerous and economically important.

B. Concentration and oligopoly

Oligopoly—the industry composed of a small number of independent enterprises—undoubtedly presents the most difficult problems in a policy for competition. The difficulties arise because of a combination of three circumstances. The first is *factual:* there are many important industries in our economy whose structure is oligopolistic—how large a number depends upon what a "small number of firms" means. The second is *interpretive:* the economists have not succeeded in fully identifying the characteristics of an industry which determine whether it will behave competitively or monopolistically. The third is the matter of *action:* If firms in an oligopolistic industry are convicted of collusive behavior, must one press for a remedy so radical as dissolution in order to stop future repetitions of the offense? (And should the standards of permissible concentration be wholly different for pending mergers than for established enterprises?)

The circumstances which determine whether or not the firms in an oligopolistic industry will usually behave more or less competitively (seeking by independent actions to improve their individual profits at the cost of rivals' profits, with the eventual general erosion of unusual profits) are partly known:

1. The easier (quicker and cheaper) new firms can enter the industry, the smaller and more short lived will be the monopolistic restrictions.

2. The more elastic the demand for the product of the oligopolistic industry the less the reward from restrictions of output below the competitive level, and hence the less the inducements to act collusively. This in turn usually depends upon what alternative products the buyers may turn to.

3. The larger the effective number of firms the less the probability of collusive behavior—collusion increases in expense (including probability of detection) as numbers increase. However, a given number of firms is more likely to result in collusion, the more concentrated is production in the hands of a few firms. If we correct for this and take the effective number of rivals to be the number of rivals of equal size which would produce the same competitive situation as the firms (not of equal size) actually in the industry, the effective number may be very roughly estimated at twice the number there would be if all firms were as large as the largest in the industry. That is, if the largest firm has ⅕ of the industry's output and the remaining firms fall off in size regularly, the effective number of firms is of the order of magnitude of 10. By this is meant that the concentration in the industry is equivalent to what would exist if there were 10 firms of equal size.

There are other influences which probably but less certainly affect the probability of competitive behavior. One of these is the size of buyers; larger buyers, for a variety of reasons including possibility of backward integration, make for more competitive prices.

Numerous statistical studies have been made of the relationship between concentration and rates of return on investment, and these studies generally yield positive but loose relationships: concentration is not a major determinant of differences among industries in profitability, although it may sometimes be a significant factor. It appears also to be true that somewhere between five and ten *effective* rivals (i.e., a largest firm with a share of ⅓ to ⅕) are usually enough to insure substantial elimination of the influence of concentration upon profitability.

Concern with oligopoly has led to proposals to use the antitrust laws (perhaps amended) to deconcentrate highly oligopolistic industries by dissolving their leading firms. We cannot endorse these proposals on the basis of existing knowledge. As indicated, the correlation between concentration and profitability is weak, and many factors besides the number of firms in a market appear to be relevant to the competitiveness of their behavior. While a flat condemnation of oligopoly thus seems to us unwise, we commend to the Antitrust Division a policy of strict and unremitting scrutiny of the highly oligopolistic industries. If, in any of these industries, pricing is found after careful investigation to be substantially non competitive, the Division will have a clear basis for proceeding against the leading firms under Section 1. Collusion that can be incontrovertibly inferred from behavior (such as persistent, stable price discrimination in the economist's sense) should not bring immunity from the Sherman Act, and we are confident that structural remedies will be sanctioned by the courts in cases where, due to number of firms and the other conditions of the market, lesser remedies are likely to be unavailing. In assessing the gain from such structural remedies, account should be taken of any reduction in efficiency which the remedy entails.

The concern with oligopoly is also quite visible in the Department of Justice's major recent innovation, the Merger Guidelines, to which we now turn.

C. Mergers and the guidelines

The present merger Guidelines impose stringent restrictions upon the relative sizes permitted to companies which desire to merge. The impact of these percentages is reinforced by a definition of the market (within which shares of companies are reckoned) so loose and unprofessional as to be positively embarrassing. We propose to reverse this emphasis: not to tell companies which

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mergers are forbidden, but which mergers are permitted. We are persuaded that this orientation better serves the interests of both business and the Antitrust Division. Before we turn to the methods by which more appropriate Guidelines for mergers are achievable, we shall briefly discuss the present Guidelines, and indicate our reasons for dissatisfaction with them in their present orientation.

Market definition.—The delineation of a relevant market within which to appraise the lawfulness of a merger is crucial, for if the market is drawn narrowly enough, virtually any merger can be made to seem monopolistic in its effects. Unfortunately, as they are presently drafted the Guidelines seem to invite a substantial degree of market gerrymandering, especially in delineating regional or local markets. The Guidelines' test of whether a product is sold in less than a national market is loose. Any group of competing sellers in the industry is a relevant market, unless the defendant can show that there is no "economic barrier" preventing other sellers from selling in the particular area. Such a barrier may consist of freight costs, customer inconvenience, customer preference for the brands presently sold in the areas, or the absence of good distribution facilities.

This is a misleading test. An industry may be riddled with the kind of "barriers" cited in the Guidelines and yet still not contain any meaningful local markets. An example will illustrate. Assume that the price of steel bars is $2 in Minnesota and $1.60 in Chicago, and the cost of shipping the bars from Chicago to Minnesota is 41 cents. On these facts, it is plain that the Minnesota sellers could not raise their price significantly without immediately losing their business to the Chicago sellers. Minnesota is thus not a meaningful local market even though, at the existing price, freight costs do impose an effective economic barrier against the Minnesota sellers. Moreover, additional firms will establish production or distribution facilities in Minnesota if it becomes profitable to do so. The same analysis can be extended to the other barriers discussed in the Guidelines.

In criticizing the test of "economic barrier", we do not mean to deny the difficulty of devising rules of market definition that will be at the same time simple and sensible. This is most probably not an area in which Guidelines provide a useful enforcement tool. If there are to be Guidelines, though, they should at least not misstate the applicable economic theory. It would, accordingly, be a decided improvement if the Guidelines were revised (at a minimum) to explain that a distant seller of a product must be included in the local market if a modest price increase in the local area—a price increase unrelated to *his* costs—would bring him in forthwith.

Horizontal mergers.—The provisions of the Guidelines governing horizontal mergers—that is, mergers between direct competitors—are extraordinarily strict. If a market is "highly concentrated" (defined as where the 4 largest firms account for at least 75 percent of the sales in the market), then a merger between two firms, each of which has a 4 percent market share, will be challenged: and if the acquiring firm has a share as large as 15 percent, then the acquired firm need have only a 1 percent share for the merger to be challenged. Different levels of permissible size are stated for less concentrated industries, and some account is taken of the trend of concentration.

We agree with the basic premise of the horizontal-merger provisions of the Guidelines that market-share percentages are the appropriate touchstone of illegality for such mergers. We would favor levels of concentration modestly *lower* than those now used (but differently structured), with the purposes of (1) allowing all mergers below the Guidelines levels, and (2) not prohibiting, but reviewing, those above the critical level, with an implied probability that the more a proposed merger lies above the level of automatic approval, the less the probability of its acceptance. We discuss below the procedure that should be followed better to utilize existing knowledge in fashioning the Guidelines.

Vertical mergers.—A merger that involves the acquisition not of a competitor but of a customer or a supplier is a vertical merger, and the present Guidelines contain strict provisions limiting such mergers. For example, if the supplying firm in the merger has a 10 percent share of its market and the purchasing firm has 6 percent of the purchases in that market, the merger will be challenged.

Our task force is of one mind on the undesirability of an extensive and vigorous policy against vertical mergers: vertical integration has not been shown to be presumptively noncompetitive and the Guidelines err in so treating it. Within this area of agreement there are two positions around which the task force members cluster.

The one position asserts that many, and perhaps most, vertical mergers which do not have direct horizontal effects are innocuous, but that in certain situations a vertical merger will have anti-competitive effects. These situations include: increases in the capital or other requirements for an integrated firm may reduce the possibility of new entry; or price discrimination may be implemented when a monopolist integrates forward or backward. A showing that an anticompetitive effect of these sorts exists is essential before a vertical merger is challenged.

The other position denies that a vertical merger has the potentiality for economic harm in the absence of horizontal effects. To some of our members, it is wholly implausible that vertical integration places entering firms at a disadvantage. A seller who fails to minimize his input and distribution costs will be undersold by his competitors: he cannot afford to sell to or buy from an affiliate if there are more efficient alternative means of supply and distribution available to his competitors (and to him). Even if the seller is a monopolist, the desire to maximize profits will lead him to seek the most efficient methods of supply and distribution, and there will be ample opportunities for nonaffiliated suppliers and outlets to compete for his patronage. Except in the case of the monopolist who cannot discriminate in price effectively without control of his outlets, vertical integration will be initiated and maintained only if and so long as it is justified by the cost savings it permits. It is not a method of extending monopoly power.

The two positions coalesce on one policy conclusion: vertical mergers should not be forbidden as a class.

The conglomerate merger.—The large conglomerate enterprise with an aggressive acquisition policy has only recently become prominent and newsworthy. Almost by definition such a firm poses at most a minor threat to competition, but nevertheless criticism of it is beginning to mount. Some critics deplore the disappearance of independent enterprises and find a threat of sheer bigness to political or economic life. Other critics believe that the conglomerate firm is spawning unhealthy speculation in the securities markets.

Antitrust law has seemed to some a convenient weapon with which to attack large conglomerate mergers. If one interprets "elimination of potential competition," "reciprocity," and "foreclosure" as threats to competition, one can always bring and usually win a case against the merger of two large companies, however diverse their activities may be. These are often makeweights. The economic threat to competition from reciprocity (reciprocal buying arrangements) is either small or nonexistent: monopoly power in one commodity is not effectively exploited by manipulating the price of an unrelated commodity. The argument advanced against the simplistic treatment of vertical mergers—essentially that one cannot use the same monopoly power twice—also challenges the fears of reciprocity.

Potential competition, on the contrary, can be a decisive limitation on the exercise of market power, and a merger which eliminates an imminent new competitor is anticompetitive. If entry into a field is relatively easy, however, there are a vast number of potential entrants and the elimination of one or a few has no effect. If entry is difficult, and only a select few firms are capable of entry and on the record likely to enter, their independence should be preserved. The identity of potential entrants should not be established by introspection. If the producer of X is truly a likely entrant into the manufacture of Y, the likelihood will have been revealed and confirmed by entrance into Y of other producers of X (here or abroad), or by the entrance of the firm into markets very similar to Y in enumerable respects.

We seriously doubt that the Antitrust Division should embark upon an active program of challenging conglomerate enterprises on the basis of nebulous fears about size and economic power. These fears should be either confirmed or dissipated, and an important contribution would be made to this resolution by an early conference on the subject. If there is a genuine securities market problem, probably new legislation is necessary. If there is a real political threat in giant mergers, then the critical dimension should be estimated. If there is no threat, the fears entertained by critics of the conglomerate enterprises should be allayed. Vigorous action on the basis of our present knowledge is not defensible.

The central task of the Antitrust Division is to preserve competition in the American economy. This is a splendid and challenging task and deserves and requires the full resources of the Division. We shall be much the losers if we compromise the discharge of this central task by burdening the Division also with tasks such as the combatting of organized crime or the achievement of general political goals.

The use of conferences.—We have proposed that conferences be used to revise the Guidelines and to identify the problems, if any, created by the large conglomerate enterprise. The conference will allow the Antitrust Division to utilize the expertise and wide factual knowledge of economists, lawyers, securities analysts, and other groups without the laborious machinery of formal hearings. We strongly recommend that before such conferences are held, leading students and exponents of particular positions be asked to prepare position statements which present explicit and specific theories and evidence. Then the conference members will have specific questions to address and specific views to combat or support.

D. Antitrust sanctions

The cutting edge of law is not the abstract statement of a legal duty but the sanction provided for its nonperformance, and that is true of the antitrust laws as of other systems of legal obligation. It is essential that those laws clearly and accurately define and forbid the practices that impair competition and efficiency but it is equally essential that the sanctions for violation be effective in compelling compliance and with a minimum of undesirable side effects.

In testing the antitrust sanctions by this standard, it will be helpful to distinguish two purposes of sanctions: that of preventing (or, if it has already occurred, undoing) a specific violation; and that of deterring

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violations that might not always be detected. Sanctions of the first type—remedial sanctions—suffice where there is no problem of detection (e.g., in the case of an illegal merger). But take the case of price-fixing. Price-fixing conspiracies can be, and one suspects often are, successfully concealed. A sanction that merely prevented the continuation of the conspiracy, such as an injunction, or one that merely restored the losses of the injured consumers, such as ordinary damages, would in these circumstances probably be insufficient. For in deciding whether to comply with the law, a seller would discount the very modest (or negligible) injury to him if his participation in a price-fixing conspiracy was detected, and he was required to stop and to pay actual damages, by the considerable probability that he would escape detection altogether; and he could conclude that he had little to lose by participating. That is why punishment by fine or imprisonment is an appropriate sanction for illegal price-fixing; it provides deterrence, as the purely remedial sanction does not.

But the deterrent sanction in antitrust is weak. A price fixer can be imprisoned and fined but prison terms are almost never imposed in price-fixing cases and when they are, they are nominal in length; and the maximum fine of $50,000 will deter only a very small corporation. The possibility of a private treble-damage suit doubtless provides additional deterrent effect, but there are serious limitations: judges are reluctant to authorize damage awards that seriously hurt a company; damages are difficult to prove in price-fixing cases; and, most important, the injury caused by a price-fixing conspiracy is often so widely diffused (for example, among millions of consumers) that no one has an incentive to bring a suit. The government itself can sue for damages only when it was the victim of the unlawful conspiracy.

If concealable offenses under the antitrust laws are to be effectively deterred, either the resources devoted to the detection of such offenses must be vastly augmented—and there are obvious limitations to this route—or the fines must be increased to a point where they will give even the large corporation considerable pause before participating in (or condoning its officers' individual participation in) an illegal conspircy. Precedent for much more severe sanctions can be found abroad. The European Economic Community, for example, may impose penalties of up to $1,000,000, or, in the case of willful violations, up to 10 percent of annual sales. We have not attempted to determine the appropriate level of antitrust fines but we urge the Department of Justice to accord high priority in its legislative program to the upward revision of these penalties.

The creation of a more realistic scheme of antitrust fines would enable a long-overdue reexamination of the punitive aspects of the private antitrust suit. It is anomalous that private plaintiffs who have done nothing to uncover or prove an antitrust violation (the usual case) should be permitted to claim treble damages on the basis of a judgment obtained by the Antitrust Division. In such circumstances, the excess over actual damages and costs represents a pure windfall to the private plaintiff. Today, one can defend this arrangement on the ground that it furnishes an element of added deterrence which is necessary in light of the inadequacy of the existing criminal fines. But that ground would be removed if the fines were revised to a more appropriate level; and a more rational scheme of deterrence would become feasible. We are also deeply concerned that private treble damage suits provide undesirable opportunities for harassment and the furtherance of a variety of anticompetitive practices.

With regard to remedial sanctions, the principal question involves the undesirable side effects that frequently accompany a poorly formulated decree. Ideally—and it is an attainable ideal—an antitrust decree should be a "one shot" affair: dissolving the monopoly, or divesting the acquired assets, or terminating the basing-point system, etc. The antitrust laws were never intended to be a system of continuing regulation. Antitrust policy has as its basic principle the preservation of a competitive environment within which individual enterprises are free from continuing supervision. When a decree says, in effect, "Let us return to the court, or give the power to the Antitrust Division, to adjudge the propriety of various behavior of the defendant for years to come," one can be sure that the suit has failed in its purpose of restoring competitive conditions. Nor is the Department equipped to function as a regulatory agency, and it is not likely to escape that common pitfall of economic regulation, the suppression of competition. Nonetheless, such decrees are frequently entered, especially by consent of the parties in cases where the Department (or the Federal Trade Commission, to which these remarks apply with equal, if not greater, force) is unsure of its litigation prospects and wishes to salvage something from the investment of enforcement resources.

For the future, we urge that the Department adopt a firm policy of not proposing or accepting decrees that envisage a continuing, regulatory relationship with the defendant. A correlative policy that we suggest is that every decree contain a definite—and near—termination date, ordinarily no more than 10 years from the date the decree is entered. Such a principle would compel the Department to devise decrees that restore competition rather than establish regulation, as well as assure that decrees do not remain in effect long after the relevant industrial conditions have changed (such as with the 1920 decree against the meat packers).

Little is known of the extent to which a large number of past decrees are still operative, and if operative, of any real value in protecting competition. We recommend, therefore, some such procedure as this in dealing with outstanding decrees:

1. The past decrees still running should be compiled, and the types and duration of prescribed conduct summarized.

2. The current relevance of the decrees, or at least those running against large industries, should be examined—presumably by the economics section of the Antitrust Division.

3. The older (say 25 years and over) and obsolete younger decrees should be vacated.

E. Recommended changes in antitrust statutes

Several legislative reforms could improve substantially the functioning of the antitrust laws. We have recommended above a substantial increase in the maximum level of fines. In addition, we recommend immediate repeal of the Expediting Act. The low quality of many Supreme Court antitrust opinions can be traced in no small measure to the fact that direct appeal frequently requires the Supreme Court to pass on an extensive record without the benefit of the winnowing and focusing process involved in an intermediate appeal. The Supreme Court itself has noted that direct appeal is unsatisfactory. If repeal is politically impossible, then an amendment that would drastically limit the number of direct appeals would be desirable.

The Webb-Pomerene Act should also be repealed. The creation of cartels in foreign commerce is antithetical to the underlying theory of the Sherman Act. The danger that exempted cooperation between competitors in the export field will lead to illegal cooperation at home is too great to be viewed as merely a potential abuse. Nothing in U.S. domestic competition policy or foreign economic policy warrants the retention of this outmoded approach to international competition.

On the agenda for long-term legislative reform must be the Robinson-Patman Act. The Act leads to rigidity in distribution patterns and to uniform, inflexible pricing. In industries with few sellers, price reductions are more likely to be made if they can be made covertly. Such limited reductions often lead over time to generally lower prices. Thus, a prohibition against price discrimination may preclude the kind of competition that is most likely to lead to lower prices in oligopolistic industries. We view the Federal Trade Commission's tendency in recent times to relax the enforcement of the Act as a desirable but, so long as private treble damage actions are available, an inadequate reform.

In reforming the Robinson-Patman Act, two kinds of amendment are desirable. First, the general prohibition against price discrimination in Section 2(a) should be made more supple by broadening the meeting competition and cost justification defenses so as to make them more readily available for sellers whose price differentials do not stem from a predatory purpose and do not injure competition in the market place (as opposed to disadvantaging individual firms). Second, the more absolutist brokerage, payments and services prohibitions of subsections (c), (d) and (e) should be repealed while making clear that the standards of amended subsection (a) remain applicable to practices that would previously have been treated under those repealed subsections. The Task Force recognizes the political support that the Robinson-Patman Act retains in some quarters and the danger that an attempt to amend the Act might give particular interests an opportunity to add even more restrictive provisions. As a consequence, some of our members view amendment of the Act as a long-term, albeit important, reform; others wish to leave it alone.

Ward S. Bowman, Jr., Ronald H. Coase,
Roger S. Cramton, Kenneth W. Dam,
Raymond H. Mulford,* Richard A. Posner, Peter O. Steiner, Alexander L.
Stott,* George J. Stigler, Chairman.

DISSENT OF R. H. MULFORD WITH RESPECT TO PORTIONS OF REPORT OF TASK FORCE ON PRODUCTIVITY AND COMPETITION

Mr. Raymon H. Mulford dissents from two recommendations in the Report:

1. He does not believe that the maximum fine of 50 thousand dollars for violation of the Sherman Act should be increased.

2. He does not believe that the Webb-Pomerene Act should be repealed.

DISSENT OF A. L. STOTT WITH RESPECT TO PORTIONS OF REPORT OF TASK FORCE ON PRODUCTIVITY AND COMPETITION

I cannot accept the recommendations of the Task Force with respect to competition in the regulated industries.

What is recommended is that, without seeking Congressional action changing existing regulatory statutes, the Administration exert pressure to compel regulatory authorities to adopt a new interpretation of such statutes which is radically different from the interpretation long established as being intended by Congress. The report recommends that the President issue a general policy statement to implement this approach. I believe that these recommendations of the Task Force are unwarranted and that it would be unwise for the President to assume the role which the report contemplates for him in the regulated area of the economy.

Under the approach of the Task Force regulatory authorities would be pressured by the Administration into giving primary importance to the imposition of competition on regulated industries. The basic difficulty I have with this approach is that it ignores

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*Subject to dissent which follows below.

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the fact that in certain areas of the economy, notably in industries with "natural monopoly" characteristics, Congress has clearly and unmistakably adopted a policy not to promote but to limit competition. Moreover, it ignores the fact that it is for Congress, not the Executive Branch, to determine the relative roles of competition and regulation in the economy.

The report treats as regulated industries not only the industries with "natural monopoly" characteristics, such as the electric, gas, water and communications industries, but also the financial, radio and television industries. It then takes a broad view as to all of them that the present statutory controls should be replaced wherever possible by competition, and that the Administration should direct its attention toward imposing competition on regulated industries.

However, the public interest considerations and the schemes of governmental control are entirely different in the case of (1) industries with "natural monopoly" characteristics and (2) the other industries mentioned. Although the industries in the second group are subject to varying degrees of governmental control, prices are not regulated, except in unusual situations, and competition is expected and required by law. It has been the long established public policy of this country, however, to subject industries with "natural monopoly" characteristics to much more comprehensive governmental regulation, in lieu of competition, as to many aspects of their businesses including entry, prices, services, accounting, depreciation, etc. This method of regulation has not been free of problems. However, I believe that such problems can be solved within the framework of the present regulatory structure without a change of existing laws.

The report is critical of the existing regulatory purposes as well as the regulatory processes, and casts doubt on the effectiveness of regulations in general. The criticism is not supported by any factual showing. The report urges that only by superimposing competition on regulation can proper objectives be achieved. There is no reference to the unfortunate results that the imposition of competition has produced in the railroad industry.

I want to make it clear that I am not urging that competition is never appropriate in the regulated field. My point is that, where legislation calling for strict regulation of the prices and services of an industry because of its "natural monopoly" characteristics has been enacted by Congress, any competition imposed upon the industry must be consistent with the statutory scheme of regulation. Competition cannot properly be imposed on such an industry just for the sake of competition on the general assumption that competition is bound to be of advantage. The courts have held that it is for Congress to establish the public policy of the United States as to the relative role of regulation and competition in our economy. In *FCC v. RCA Communications, Inc.*, 346 U.S. 86 (1953), the Supreme Court held that the Congress has *not* established a national policy in favor of competition within the regulated public utility field, Indeed, in that case the Court expressly prohibited the FCC from authorizing competition in a comprehensively regulated field without warranting some specific benefits to the public, saying: "Merely to assume that competition is bound to be of advantage, in an industry so regulated and so largely closed as is this one, is not enough."

Under the existing statutory schemes of regulation competition is permitted in an industry with "natural monopoly" characteristics only when found to be in the public interest by the governmental agency having jurisdiction over the industry. Before a determination of this kind is made the governmental agency holds extensive hearings, and all parties affected are heard. Of course, the views of economists are sought and carefully weighed in the process. However, in proceedings of this nature no generally accepted economic principles have emerged that could substitute for the judgment determinations intended by the statutes and made by regulator agencies after considering the business, economic, sociological, political and other public interests factors involved.

It must be recognized that a proceeding of this kind can involve issues of a major national importance. This is certainly true as to a number of proceedings of this nature now pending before the Federal Communications Commission.

The Task Force report would change this present regulatory procedure, and it makes several recommendations as to the courses of action that should be taken to effect the change. Among the recommendations, the report would "urge the commissions to permit free entry in the industries under regulation and to abandon minimum rate controls, whenever these steps are possible—and we think they usually are". The President is asked to designate the Antitrust Division as the "effective agent of the Administration" to put pressure on the regulatory agencies to act in accordance with the views expressed in the report. This approach appears to me a misunderstanding of the proper function of the Department of Justice in the regulated field.

Like all executive departments, the proper function of the Department of Justice is the enforcement and execution of the laws of the United States. Activities of the Department of the kind proposed by the Task Force before regulatory agencies would, however, not relate to the enforcement of the antitrust laws. On the contrary, the proposal would seem designed to place the Department in the position of urging regulatory commissions to adopt economic policies which are *not* based on the public policy of the United States as expressed by Congress in the antitrust laws or elsewhere. To the extent that it is within the power of commissions to adopt competition in the regulated areas, they can do so only in the exercise of their administrative discretion. The Department of Justice, however, has no special competence in advising commissions how to exercise their discretion in the proper discharge of their regulatory functions. In this connection it is significant that the Attorney General has consistently taken the position that it is improper for him, in the exercise of his function of giving opinions to executive departments, to advise them as to questions of administrative policy. I believe that it would be equally improper for the Department to use its prestige and power to force regulatory agencies to adopt administrative policies along the lines urged in the report.

Another important recommendation is that the President issue a general policy statement which would place the prestige and force of his office behind the recommended changed method of operation under regulatory statutes. It would place the President in the position of attempting to change national public policy as incorporated in the statutes which dictate that competition should be introduced into the regulatory industries only when commissions who have extensive experience with the industry are satisfied after careful study that the public interest requires such competition. It might be construed as an attempt by the Administration to interfere improperly with the operations of the independent regulatory agencies. If the President has doubts as to the effectiveness of the present regulatory laws, I believe the proper approach for him would be to request Congress to study the situation with a view to altering the existing laws. Based on my knowledge of the purposes and performance of regulation, I feel that the approach of the Task Force is unwarranted and is not the proper way to undertake such an important change in regulatory policy.

Working Paper for the Task Force on Productivity and Competition: The Conglomerate Merger

(By Ronald H. Coase)

There is a loud clamour to proceed against conglomerate mergers under the antitrust laws and the political pressures exerted for such action are strong. It is my view that such pressures should be resisted, an opinion which I know is shared by some other members of the Task Force.

The acquiring of an enterprise by a firm which has interests in other unrelated enterprises, unlike a horizontal merger, has no direct anti-competitive effects. It leaves the competitive situation essentially unchanged. Indeed, the main complaints about the conglomerate relate to other things. It is said that a firm with a high price/earnings ratio (based on the assumption that its profits will grow rapidly) is able, through acquiring firms with a low price/earnings ratio, to produce an apparent rise in the per-share earnings and thus justify the pre-existing belief in the rise in its profits. It is, of course, clear that this process cannot go on for long, (if this is the real basis for the conglomerate's rapid growth in profits) since it needs more and more acquisitions of organizations with low price/earnings ratios to maintain this apparent rapid growth in the earnings of the conglomerate, as the acquired firms are presumbaly ones in which there is little prospect of a rise in earnings or a considerable chance of decline. Whether investors are, in fact, misled about what is going on, I do not know. But if there is a problem, it seems clear that is one for the Securities and Exchange Commission.

It is also claimed that these conglomerates will be inefficient. A more likely result is that some will be inefficient and some will be efficient. Competition will sort them out. Those that are inefficient will find resources hard to get and may indeed be forced to dispose of some of their constituent parts. As it is impossible to determine by court proceedings which of these mergers will be efficient and which will not, and competition will in fact do this (and probably in less time than the court proceedings would take), there seems little point in using the efficiency issue as a basis for antitrust actions.

Some support for antitrust action against conglomerate mergers has been based on the fact that the firms might engage in reciprocal buying between constituent units. This practice might, of course, lead to greater efficiency (for example, by reducing marketing costs) or it might lead to inefficiency (by substituting a subsidiary's higher cost supplies for an outsider's lower cost supplies). If this practice leads to efficiency, there is no reason to stop it; if it leads to inefficiency there is no reason why the conglomerate should adopt it (since it would reduce its overall profits).

No convincing case has as yet been made for taking antitrust action against conglomerate mergers. Until it has, the Antitrust Division should resist the pressures and devote its resources to combatting clear threats to the competitive process.

I do not regard this conclusion as inconsistent with the view that there are other values to be taken into account apart from the efficiency, narrowly conceived, with which society uses its resources. One of these values is that it is undesirable to hang a man for an imaginary crime. If policy is to be based on "fear of size," it is surely desirable to discover what is really feared, whether it results from size and whether this comes about in all circumstances or only in some. Even if these fears are properly based and size in certain circumstances is found to have consequences that ought to be feared, and these consequences are such as to be properly dealt with under the antitrust laws, it is by no means clear that the Department of Justice should give first priority to recent conglomerate mergers, most of which are outranked in size by a hundred or more other firms in the United States. What I urge (with no more than that modicum of moral fervour proper in the circumstances) is that antitrust actions should not be brought unless there is reason to believe that the practices attacked have serious adverse consequences, properly handled by the antitrust laws. This does not seem to me to have been established, as yet, in the case of the conglomerate merger. A regard for procedural decency may indeed often reduce one's chance of influencing policy but not, I hope, when one is dealing with the Department of Justice.

Working Paper for the Task Force on Productivity and Competition: Reciprocity

(By George J. Stigler)

The allegation of reciprocity in the dealings between independent companies is extremely widespread, although systematic quantitative study of the extent of reciprocity has never been made. The doubts of the importance of reciprocity (except in one important and identifiable class of dealings) held by the economist may be stated.

Consider first the fully competitive situation in which seller S produces X, and purchases Y in producing it, and buyer B produces Y, and purchases X in producing it. Now let B initiate reciprocity, refusing to buy X from S unless S buys Y from B. The possibilities are:

1. B sells Y on the same terms as his rivals (and, in each of these cases, S sells X on the same terms as *his* rivals). There is no cost-or-gain to either party in the reciprocity.

2. B sells Y on more favorable terms than his rivals. Then compulsion is not necessary to get S's patronage.

3. B sells Y on less favorable terms than his rivals. Then S will be injured by purchasing from B.

Clearly, in case 2 there need be no compulsion to reciprocity and in case 3 the reciprocity will be refused. Case 1 is harmless and pointless, and I assert that it is quantitatively negligible. The non-economist will often object to case 1:

(a) The preference given B's product is unfair to rivals selling on equal terms. The answer is double: the preference will not be given if it imposes *any* cost on S; and if there is competition the rivals are not injured in the least: they can sell elsewhere the quantity they previously sold to S, and without a reduction of price. Differently put: neither supply nor demand has changed, so price will not change.

(b) The reciprocity eliminates "selling expenses". Putting the question of fact (for often reciprocity complicates trading), if there are economies from the reciprocity, the practice *should* spread, and will not injure competition.

The opposite situation, where S is the only seller, B the only buyer, raises no interesting questions of reciprocity, which is inherent and unavoidable. There remains the case of one-sided monopoly.

So long as the seller (or buyer) with monopoly power has a single price, reciprocity has no real effect. Suppose the monopolistic seller extorts a preferential price from the buyer—then he is using a portion of his monopoly powers indirectly when he could be obtaining the same extra sum directly by selling at a higher price. If the seller (or buyer) with monopoly power sets a different price for some buyers than for others (and so practices price discrimination), it is possible that he may increase his profits. But the only purpose in varying prices through reciprocity (paying different prices to different customers for their products) would be to conceal the discrimination.

The case *for* reciprocity arises when prices cannot be freely varied to meet supply and demand conditions. Suppose that a firm is dealing with a colluding industry which is fixing prices. A firm in this collusive industry would be willing to sell at less than the cartel price if it can escape detection. Its price can be reduced in effect by buying from the customer-seller at an inflated price. Here reciprocity restores flexibility of prices.

In short reciprocity is probably much more talked about than practiced, and is important chiefly where prices are fixed by the state or a cartel.

Working Paper for the Task Force on Productivity and Competition: Vertical Integration by Merger or by Contract

(By Ward S. Bowman)

The law prohibiting vertical mergers and various forms of vertical contracts has become increasingly stringent, inconsistently applied to different arrangements having identical economic effects, but more important, has had profoundly anticompetitive results. The notion that vertical arrangements can, by foreclosing or excluding rivals create or maintain monopoly has been misconceived by legislators, antitrust prosecutors and courts. Such integration, neither in theory nor in practice, has yet been shown to confer any ability to alter market price, to impede entry, or to add any unique ability to employ predatory tactics. Vertical integration provides no disclosed means of leveraging into new monopoly, of excercising "price squeezes", or of discriminatorily cutting prices at óne level by advancing prices at another. On the contrary, this form of integration, whether by merger or various forms of contractual arrangements, can and does enable the integrating firm to bypass or erode monopoly elsewhere, and, equally important in achieving antitrust goals, to attain efficiencies in production and distribution.

Antitrust law is composed of two very different theories of how competition may be injured—how, through misdirection of resources, the output of what consumers want most is restricted. The first theory holds that competition may be injured, and resources misallocated so as to reduce the real wealth of the community, by the elimination of competition among consenting rivals. This is the theory upon which the law against cartels and horizontal mergers is based. Though sometimes difficult to apply in merger cases because of inability to predict whether the output-restricting effect of the merger, occasioned by the fewer number of competitors, will be outweighed by the output-expanding effect, occasioned by more efficient production and distribution, it is appropriate to stress the very real danger that competition can be injured by horizontal merger in the same manner as it can be by cartels when the merging companies achieve control of high proportions of sales in a market.

A second theory of how competition may be injured, the one relevant in the assessment of vertical arrangements, holds that any substantial adverse effect upon competitors' access to customers or suppliers can be harmful to competition. The foreclosing of rivals from those sources of supply or markets which absent the vertical arrangement might conceivably be available to them, this theory holds, will make for fewer actual or potential market participants thereby making competition less effective than would be the case if the vertical arrangements were proscribed. Thus, when a "dominant" firm acquires ownership of retail outlets (as in the *Brown Shoe* case, or as in the recent action against Hart, Schaffner and Marx) or, similarly, when such a firm makes a long-term exclusive dealing contract with its outlets (the *Anchor Serum* and *Dictograph* cases provide examples) an "exclusionary tactics" theory is applied. The theory seems to be that "equally or better qualified" competitors are "arbitrarily" prevented from access to the "better outlets" thus maintaining the market position of the seller who integrates by merger or contract; or in its more extreme version, that vertical integration is a means of leveraging the integrating firm into new or greater monopoly.

"The theory of exclusionary tactics underlying the law" as Professor Bork and I have elsewhere stressed, "appears to be that firm X which already has ten percent of the market can sign up more than ten percent of the retailers perhaps twenty percent and by thus 'foreclosing' rivals from retail outlets obtain a larger share of the market. But one must then ask why so many retailers are willing to limit themselves to selling X's product. Why do not ninety percent of them turn to X's rivals? Because X has greater market acceptance? But then X's share of the market would grow for that reason and the requirements contract would have nothing to do with it. Because X offers them some extra inducement? But that sounds like competition. It is equivalent to a price cut and surely X's competitors can be relied upon to meet competition.

"The theory of exclusionary practices, here exemplified in the use of requirements contracts, is in need of one or two additional assumptions to be theoretically plausible. One is the assumption that there are practices by which a competitor can impose greater costs upon his rivals than upon himself. That would mean that X could somehow make it more expensive for his rivals to sign retailers to requirements contracts than it is for X to do so. It would be as though X could offer a retailer a one dollar price reduction and it would cost any rival two dollars to match the offer . . ."

"The other assumption upon which the theory of exclusionary practices might rest is that there are imperfections in or difficulties of access to the capital market that enable X to offer a one dollar inducement (it has a bankroll) and prevent its rivals from responding (they have no bankroll and, though the offering of the inducement is a responsible business tactic, for some reason they cannot borrow the money). But it is yet to be demonstrated that imperfections of this type exist in the capital market."

The exclusionary practices theory—foreclosure—has been applied with varying but increasing vigor in a wide variety of contexts under Sections 3 and 7 of the Clayton Act, the Robinson-Patman Act, the Federal Trade Commission Act, the Millard Tydings and McGuire Acts, as well as under the Sherman Act. The forms of vertical integrations embraced include, in addition to merging with suppliers or outlets, exclusive dealing contracts, requirement contracts, territorial allocations, franchise arrangements, non-collusive resale price maintenance, discriminatory pricing contracts, tie-in sales, and full-line-forcing contracts among others.

The defects in the foreclosure theory are equally applicable to all the forms in which it is manifested, and not met in the cases in which it is applied. The Antitrust Division, the Federal Trade Commission and the Courts have not faced up to demonstrating how any of these forms of vertical business relationships can impose higher costs upon rivals.

I do not state that there *can* be no vertical arrangement which will be injurious to competition, nor that all practices currently judged exclusionary should be *per se* lawful.

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I do urge strongly, however, that standards of assessments be realigned with the basic goal of antitrust—providing society with the maximum output that can be achieved with the resources at its command. Competition serves this end. Protecting competitors from more efficient rivals (aggressive or not) is not protecting competition. Both the prosecuting agencies and the courts increasingly treat vertical contracts either as conclusively illegal or so presumptively illegal that relevant and appropriate aspects of efficiency are ignored even when occasionally such economic evidence is presented or admitted.

Specifically it is recommended that no vertical arrangement be treated as *per se* illegal. *Presumptively legal* would be a far better rule. And in applying the essentially implausible "incipient monopoly" hypothesis contained in the Clayton and Robinson-Patman Acts (and increasingly in the Sherman Act by judicial adoption) by which certain business practices, including a variety of vertical arrangements, are to be illegal where their effect *may be substantially to lessen competition or tend to create a monopoly in any line of commerce*, it is recommended that both prosecution agencies and courts apply reasoned explanation of how this result is supposed to be achieved. If any such practice *may* have the tendency which the specific language of these statutes calls for, then it should be prerequisite to finding illegality that it be explained how and why the activities complained of are *more* rather than *less* likely to restrict rather than to expand the output of the goods and services involved.

Working Paper for the Task Force on Productivity and Competition: Advertising and Product Differentiation

(By Richard Posner)

"Product differentiation" is the phenomenon of purchasers' distinguishing among different sellers or brands of the same product. Some consumers prefer Bayer to other brands of aspirin; some construction companies prefer Euclid to other manufacturers of earth-moving equipment. Product differentiation, which manifests itself in consumer loyalty, is associated with product differences, trademarks, differential reputations of sellers for reliability, promptness, answerability, etc.—and with advertising. Of late, product differentiation of consumer goods has moved to the center stage of antitrust concern:

(1) The attack on franchising in the *Schwinn* case was premised in major part, especially at the Supreme Court level, on the argument that franchising contributes to product differentiation.

(2) A recent proposal by Donald Turner to limit the advertising expenditures of firms convicted of antitrust violations is bottomed on the idea that advertising contributes to market power.

(3) In the *Pabst* case and again in the Merger Guidelines the Justice Department declared that in a case involving an advertised product (like beer), members of the industry who do not sell in a local market will not be considered a part of that market. Even if transportation costs do not preclude their selling there, they would have to overcome the allegiance of the consumer to the established brands.

(4) The *Clorox* decision holds that a merger that enhances the ability of the resulting firm to advertise violates antitrust principles, on the theory that product differentiation serves to entrench the dominant firms in an oligopoly.

(5) The Supreme Court held in *Clorox* and the Department intimates in the Guidelines that economies of scale in advertising or promotion will never be accepted as a justification for an otherwise unlawful merger, although production economies just might.

These examples could be multiplied, but they will suffice to show the pervasive concern of the antitrust agencies with advertising and product differentiation.

Before analyzing the agencies' concern, a word about the role of product differentiation and advertising in a complex modern economy. No one objects, surely, when a seller improves his product or earns a reputation for reliability that distinguishes him from his rivals. These are important and salutary forms of competition, no less worthy than price competition among sellers of undifferentiated products. Concern creeps in only when it is suspected that product differentiation is created or entrenched by advertising. We shall discuss in a moment the criticisms of advertising; here let us just remind that advertising plays an indispensable social role. A modern economy requires the generation of a vast amount of information on the identity and location of sellers, on types of and changes in product and on prices and other terms of sale. It is not surprising, therefore—and certainly not to be deplored—that there is a vast amount of advertising: a practical alternative, not involving economic stagnation, is not immediately evident. Nor is it surprising or deplorable that there is a good deal of repetitiousness in advertising, for changes in the identity of buyers and sellers, the constant influx of new consumers, forgetfulness, and frequent changes in products, make it imperative that the advertiser repeat his message over and over again. Nor, finally, is it surprising, or in a democratic and egalitarian society deplorable, that advertising is frequently vulgar by the standards of intellectuals: intellectuals are a small minority of the consuming population, and it would be cultural tyranny were their tastes to dominate advertising directed at the mass buying public.

With this as background, let us consider the arguments of those who believe that advertising may be inimical to the objectives of the antitrust laws:

(1) Advertising, except so much as is necessary to provide the consumer with "essential" information, is said to waste resources; anything that may lead to an increase in advertising beyond some minor useful level is, therefore, undesirable. This assumes, however, that we can distinguish "information" from "persuasive" advertising, and draw a line above which advertising contributes less to the consumer's ability to make rapid and satisfactory choices than it costs to advertise. And it also assumes that consumers are so foolish as to be willing to pay more for advertising (in a higher price for advertised brands) than its value to them in helping them make choices. Both assumptions are highly dubious on their face.

(2) Advertising is said to distort consumer choice, to make the consumer buy many things he doesn't really want. This "brainwashing" theory would be more plausible if there were a monopoly on advertising. In fact, advertisers compete for the consumer's patronage. One would expect the best products to win out in competition among advertisers, just as the market in ideas, a market also characterized by inflated claims, is assumed to lead to the adoption of the best ideas. Why individuals can be trusted to make intelligent political choices, but not intelligent product choices, is not explained.

(3) Advertising is said to be an important factor in the diminished rivalry that is thought to characterize many oligopolistic markets. The reasoning is that advertising creates brand loyalties that rival sellers find very difficult to erode and that this is a source of formidable barriers to new entry into concentrated markets. Thus, the argument runs, if it costs Procter & Gamble, Colgate-Palmolive, and Lever Brothers 2 cents to sell a bar of soap, because they got there first, it would cost a new entrant (say) 2.2 cents. The established firms, therefore, can price up to 2.19 cents (if they collude, tacitly or expressly) without attracting new entry, and thereby realize a monopoly profit of .19 cents.

Apart from the question whether collusion by oligopolists is as routinely commonplace as the argument assumes, no proof has yet been offered that it is easier for the first advertiser to win a consumer's patronage than it is for a second advertiser to shift it to him. The fact that the soap companies are constantly bringing out new brands suggests a taste for novelty on the part of the consumer that does not square with the theory of the first advertiser's advantage. To be sure, advertising has cumulative effects and that will give an established firm an advantage over a newcomer. But how is that different from the advantage an established firm has by virtue of an experienced organization, customer contacts, a plant that has been paid for, etc.? Moreover, a new entrant will often have access to a ready fund of accumulated consumer goodwill: by distributing through and under the trademarks of one of the established retail chains such as Sears Roebuck.

The theory that advertising creates barriers to entry is said to be confirmed by, but receives at most partial support from, statistical studies showing a correlation between the amount of money an industry spends on advertising and the industry's profit rate. The studies are far from conclusive, in part because following normal accounting practice they treat advertising expenditures as current expenses of the year in which incurred, rather than as a capital investment whose effects persist into subsequent years. The rate of return in industries that advertise heavily tends, in consequence, to be overstated.

(4) Finally, it argued that oligopolists devote excessive resources to advertising as an alternative mode of rivalry to price cutting, a tactic they are said to eschew because they know it will lead to lower prices and profits for all sellers in the market. However, if oligopolists spend more on advertising or otherwise differentiating their brands than the consumer deems warranted, attractive opportunities for lower-priced off-brand or distributor-brand substitutes will be created. Moreover, if oligopolists were able tacitly to collude to avoid price competition, would they not also collude to limit selling expenses that would equally erode their monopoly profits? Since advertising is public, an agreement limiting it to a specified percentage of each firm's sales would be easy to enforce.

My point is that on the basis of present knowledge advertising seems essentially symmetrical with other competitive business tactics such as raising quality, reducing production costs, and cutting price. It is difficult to resist the suspicion that the hostility to advertising derives more from concern with the level of public taste or culture than from concern with competition and efficiency.

Address by Hon. John N. Mitchell, Attorney General of the United States

(Delivered before the Georgia Bar Association, Savannah, Ga., June 6, 1969)

INTRODUCTION

I would like to thank Mr. Jones and the members of the Georgia State Bar Association for your kind invitation to attend your annual meeting here in Savannah.

The topic to which I will address myself this morning is the present and future application of the federal antitrust laws; particularly this Administration's policy toward current corporate merger trends.

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It is now almost 80 years since the passage of Sherman Act. It was our federal government's first major legislative program designed to combat the undue concentration of industrial and financial power.

The Sherman antitrust act reflects a fundamental national commitment that the freedom and viability of an open marketplace is the most efficient and most reliable guarantor of economic prosperity.

Its simple prohibition of "any contract, combination or conspiracy in restraint of trade" remains our guide.

Under our federal antitrust policies in the last 80 years, our gross national product has increased to $800 billion. Our national income, in terms of current prices, have grown 12 times. Our economy is vigorous. Our businessmen are showing record profits. Our average family yearly income has increased from $3031 to over $7500 in the last two decades.

Thus, the evidence strongly supports our belief that the antitrust laws have served us well, perhaps more successfully than the 1890 Congress could have envisioned.

We have constructed a complex economic structure which successfully reflects adherence to the political and social principles of our free society.

We have not succumbed to the cartel theories of Europe. Neither have we found it necessary to impose government regulation on more than one-eighth of our economy.

But I believe that the future vitality of our free economy may be in danger because of the increasing threat of economic concentration by corporate mergers.

CONCENTRATION TRENDS

While the dimensions of the current merger movement have received widespread publicity, permit me to refresh your memory.

The number of corporate mergers has more than doubled in the last two years, reaching a total of over 4,000 in 1968. More importantly, these mergers have involved an increasing number of large firms.

Acquisitions of firms with total assets of over $10 million rose from 100 in 1966 to nearly 200 in 1968. The value of the assets of these acquired firms rose from $4 billion in 1966 to over $12 billion in 1968. Based on first quarter prediction for 1969, the value of acquired assets may reach $18 billion this year.

Many of the firms being acquired are of substantial size. At the beginning of 1968, there were about 1300 firms with assets of over $25 million. Had it not been for acquisitions during the past decade, these firms would now number well over 1900.

From 1948 to 1966, only five firms with assets of over $250 million were acquired. In 1967 alone, six such firms disappeared via acquisitions; and in 1968, the number rose to 12.

The nation's largest firms are playing an increasingly prominent role as acquiring, as well as acquired, corporations. Thus, in 1968, 74 of the 192 acquisitions of companies with assets over $10 million were made by companies among the nation's 200 largest firms.

In 1948, the nation's 200 largest industrial corporations controlled 48 percent of the manufacturing assets. Today, these firms control 58 percent, while the top 500 firms control 75 percent of these assets.

The danger that this super-concentration poses to our economic, political and social structure cannot be overestimated. Concentration of this magnitude is likely to eliminate existing and potential competition. It increases the possibility for reciprocity and other forms of unfair buyer-seller leverage. It creates nationwide marketing, managerial and financial structures whose enormous physical and psychological resources pose substantial barriers to smaller firms wishing to participate in a competitive market.

And, finally, super-concentration creates a "community of interest" which discourages competition among large firms and establishes a tone in the marketplace for more and more mergers.

This leaves us with the unacceptable probability that the nation's manufacturing and financial assets will continue to be concentrated in the hands of fewer and fewer people—the very evil that the Sherman Act, the Clayton Act, the Robinson-Patman Act, and the Celler-Kefauver Amendment were designed to combat.

OTHER DANGERS OF CONCENTRATION

You may ask why I, as Attorney General, offer a statement of the Administration's position on mergers here, in Savannah. One might suggest that this speech should be delivered to bankers and corporate managers in New York or Chicago or Los Angeles.

I am speaking here precisely because most of you represent economic interests—distant from the centers of financial and managerial power—which may be injured by the current merger trend.

This Administration believes that one of the great benefits of an open marketplace is the active participation and control by as many of our citizens as possible in their own economic well-being—not just a small segment of our population in certain cities.

An urban area should have a substantial influence over its local economy. Its businessmen should have an opportunity to be suppliers. Its lawyers should have an opportunity to act as counsel. Its unions should have the opportunity of negotiating in their own community, for their workers. And its consumers should have the opportunity to exercise local economic options in their choice of competing goods and services.

After all, the ultimate beneficiary of the antitrust laws is the average consumer. In smaller communities, where sources of supply tend to be limited, the consumer may soon find many of his purchasing alternatives diminished.

We do not want our middle-sized and smaller cities to be merely "branch store" communities; nor do we want our average consumers to be "second class" economic citizens.

THE HISTORY OF MERGERS

The history of the merger movement after World War II mainly involved horizontal mergers—mergers between direct competitors—and vertical mergers—those between firms which are in a direct line from raw materials to sales.

From 1948 to 1951, horizontal and vertical mergers amounted to 62 percent of all merger activity.

The Department of Justice increased its enforcement of Section 7 of the Clayton Act and the Celler-Kefauver Amendment. This amendment prohibits any acquisition whose "effect . . . may be substantially to lessen competition." Then they slowly declined: horizontal and vertical mergers represented 48 percent of all mergers from 1952 to 1959; 39 percent of all mergers from 1960 to 1963, 22 percent from 1964 to 1967 and only 9 percent in 1968.

Conversely, conglomerate mergers—including product extension mergers—sharply increased from 38.1 percent of all mergers from 1948 to 1951; to 91 percent of all mergers last year.

Furthermore, it is increasingly clear that the acquiring companies—in an effort to diversify—are often the leaders in one or more highly concentrated markets.

About one-third of all manufacturing is carried on in industries where four companies account for over 50 percent of production. In 14 percent of all manufacturing, 4 firms account for more than 75 percent of production.

These facts require us to move aggressively to counter-act this trend.

But, before I go into greater detail as to the dangers posed by the merger movement, let me point out what mergers do *not* do.

They do not necessarily increase efficiency and profits. Studies show that, in general, the relative profits of medium size businesses are as large as those of giant firms.

Corporate bigness does *not* necessarily stimulate the most imaginative scientific research. Recent studies show that the medium size firm tends to be more productive in its scientific research precisely because it is not in a dominant position.

It has also been argued that the large firm, because of its concentration of talent and other resources, is better able to market goods and services than the public wants. But this, too, is not proven by the facts.

For example, leading firms in two of our most highly concentrated industries—automobiles and razor blades—only offered the American consumer important new products in response to aggressive foreign competition.

Thus, our experience has been, that the American consumer is not always benefited by the very large corporation. Indeed the evidence indicates that bigness may frequently favor the status quo.

Of course, we know that, in some industries, the large corporation is a recognized necessity for effective competition due to the requirements of large capital investment and complex distribution mechanism.

THE SPECIFIC DANGERS OF CONGLOMERATE MERGERS

(1) One of the most easily understandable dangers posed by the conglomerate merger is reciprocity—when a diversified corporation favors with purchases firms which purchase from it.

We know reciprocity is widely practiced.

For example, a poll of 300 purchasing agents by Purchasing Magazine in 1961 revealed that reciprocity was a significant factor in the buyer-seller relations of 51 percent of the companies surveyed and of 78 percent of those companies with a sales volume of more than $50 million.

Reciprocal arrangements may take a number of forms. A diversified corporation may keep records of which firms purchase from it and in what amounts and then apportion its purchases among them.

In addition, there may be overt favoritism where a small corporation, hoping to receive favorable treatment from one of the conglomerate's subsidiaries, channels its purchases to the conglomerate corporation.

(2) A more complex but equally troublesome danger in the conglomerate merger movement is the elimination of potential competition.

It has always been assumed that in our free market a businessman should be encouraged to enter an industry where profits and other conditions make his competition attractive. This should be particularly encouraged in a highly concentrated industry because such industries average substantially higher profits than unconcentrated industries.

But super-concentration, coupled with conglomerate corporate structures and large financial capabilities, discourages the prudent businessman from entering such an industry.

This elimination of potential competition tends to maintain the inflated price structure in a concentrated industry.

For example, we have evidence that the only significant seller of natural gas in a regional market reduced its rates by about 25 percent when it became clear a new competitor was ready to enter that market.

The elimination of potential competition has other aspects. The large conglomerate, with its broad financial base, should have the capability to become a new and effective competitor in a spectrum of industries. And yet, instead of starting a new, or purchasing a small firm and converting it into a significant competitor, the tendency has been for the large conglomerate to purchase a lead-

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ing corporation; and thus to add its weight to an already entrenched market situation.

(3) Large conglomerate mergers also pose substantial dangers to free competition by the expansion of nationwide marketing structures, capital resources and advertising budgets. Such a structure may offer a diversified firm a physical advantage over its competitors in terms of volume discounts on transportation and advertising.

For example, as the Supreme Court pointed out in the *Procter & Gamble* case, large advertisers receive substantial discounts from communications media. As a multi-product producer, the conglomerate may enjoy substantial advantages in both advertising and sales promotion. It may also purchase network programs on behalf of several products, enabling it to give each product network exposure at a fraction of the cost per product that a firm with only one product would incur.

Thus, the conglomerate corporation, if it acquires a dominant firm in another industry, must by necessity capitalize on its own success and imagination in detriment to the smaller, single line, firms in the industry.

(4) Another danger posed by the current merger trend is what is known as a "community of interest." But it is not a formal agreement but merely the recognition of common goals by large diversified corporations.

This situation derives as much from common sense as from economics. It posits that large diversified corporations may have little interest in competing with each other in concentrated markets. For, if the food subsidiary of corporation A aggressively competes with the food subsidiary of corporation B, then the electrical subsidiary of corporation B may start a price war with the electrical subsidiary of corporation A. Thus, it may be in both A's and B's interest to maintain the status quo and not to engage in the type of aggressive competition which we expect in a free marketplace.

This danger—the danger of a community of interest—becomes even more substantial when one realizes that the 200 largest manufacturing corporations are diversifying so quickly, that at the present rate, a significant number will soon be facing each other in several markets. And if, as we believe to be the case, they may control even more of the nation's manufacturing resources than the 58 percent last reported, we may soon be in a position where demands for more government regulation could be called for.

CONCLUSION

The matters I have outlined to you this morning form the basis for our serious concern over the present large corporation merger movement. Certainly, some of the issues are open to argument. If we all agreed on our premises and our facts there would be no disputes.

But, taken together, I think that the Celler-Kefauver amendment and its legislative history, the case law and current economic facts clearly support the Department of Justice's enforcement program.

As you know, we do not have to make an iron clad factual case. The Supreme Court has told us that: "The core question is whether a merger may substantially lessen competition, and (this) necessarily requires a prediction of the merger's impact on competition, present and future . . . (Section 7 of Clayton Act) can deal only with probabilities, not with certainties . . . and there is certainly no requirement that the anti-competitive power manifest itself in anti-competitive action before Section 7 can be called into play. If the enforcement of Section 7 turned on the existence of actual anti-competitive practices, the congressional policy of thwarting such practices in their incipiency would be frustrated."

Therefore, let me give you some of the probabilities:

—The Department of Justice may very well oppose any merger among the top 200 manufacturing firms or firms of comparable size in other industries.

—The Department of Justice will probably oppose any merger by one of the top 200 manufacturing firms of any leading producer in any concentrated industry.

—And, of course, the Department will continue to challenge mergers which may substantially lessen potential competition or develop a substantial potential for reciprocity.

Some may regard these three probabilities as something of an expansion of the published antimerger Guidelines of the Department.

But we believe that, under today's circumstances, these probabilities are clearly authorized by present antitrust law.

The results of this policy, I hope, will be to achieve the type of voluntary compliance we now have in most of the antitrust field. We only oppose about 20 out of every thousand mergers because the vast majority are not anticompetitive. Most lawyers understand our principles and persuade their clients to abide by them.

The benefits of this policy should be readily apparent. By halting the trend toward concentration, we remove what we believe is an inadvisable alternative of outright government regulation as is now applied to public utilities, communications and other highly concentrated industries. We will stimulate our most reliable economic regulator-free competition.

We will insure that consumers and businessmen everywhere will continue to participate fully in our prosperity. We will, despite expected criticism, be carrying out the mandate of this Administration to reflect the hopes and aspirations of all Americans for a free society.

[From the Washington (D.C.) Evening Star, June 6, 1969]

MITCHELL WARNS "TOP 200" ON MERGERS

(By Lyle Denniston)

Atty. Gen. John N. Mitchell today warned the nation's top 200 manufacturing companies not to try to merge with each other or with leading companies in any industry already dominated by only a few firms.

Mitchell, speaking in Savannah, Ga., said the Justice Department plans to move "aggressively" to stop the growing trend toward "super-concentration."

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He listed as "probabilities" that the government would oppose any merger between any two or more of the top 200 manufacturing firms or between any of them and large firms in non-manufacturing industries.

In addition, he said, if any one of the 200 manufacturers tries to absorb a leading company, of what ever size, in an industry that is already "concentrated," the government will probably challenge that too. Mitchell aimed his challenge at the big manufacturers because he said they now control more than 58 percent of all producing assets.

Unless their merging is stopped now, the attorney general said, the government will be less able to resist demands for direct government controls over their operations.

Mitchell clearly hoped that lawyers for business would take his advice, and counsel their clients not to risk being taken into court. He said the aim of his remarks and the aggressive policy he was declaring is to achieve "voluntary compliance."

Mitchell said flatly the future of the nations free economy "may be in danger because of the increasing threat of economic concentration by corporate mergers."

Mitchell predicted that companies which together own $18 billion in assets would be absorbed by other companies this year. That would compare with companies owning $12 billion in assets that were absorbed just last year.

MERGER ALTERNATE

He said that there would be 600 more companies with assets of more than $25 million each if it had not been for mergers during the past 10 years.

The attorney general frankly acknowledged to his Savannah audience that the Nixon administration is aiming for a decentralization of the American economy.

Directly challenging the management and financial power concentrated in New York, Chicago, and Los Angeles, Mitchell said: "We do not want our middle-sized and smaller cities to be merely 'branch store' communities."

He argued that average consumers should be able, in their own communities, "to exercize local economic options."

Mitchell defended his proposed policy of challenging big company mergers as fully within present law.

In the past, Justice Department officials have said they could move against giant mergers only after Congress enacted new antitrust legislation.

GENOCIDE SHOCKS THE CONSCIENCE OF MANKIND—NEED TO RATIFY GENOCIDE CONVENTION NOW

Mr. PROXMIRE. Mr. President, the historical origin of the Genocide Convention is a matter of record.

Genocide is unfortunately as old as the history of man. The history of our own civilization begins with the deliberate mass exterminations of Christians by the imperial government of Rome. But the worst atrocities of Nero against the Christians failed to reach the level of those perpetrated by Hitler against the Jews. No one can yet have forgotten the organized butchery of racial groups by the Nazis, our enemies in World War II, which has resulted in the extermination of some 6,000,000 Jews. Decent men everywhere were outraged and revolted by the barbaric and bestial conduct of the rulers of Germany at that time. These events so shocked the conscience of civilized men that after World War II it had come to be accepted that such conduct could no longer be tolerated in civilized society, and that it should be prohibited by the international community.

This was the psychological framework within which the United Nations began to function as a permanent international organization. The next step was quite logically the adoption of a resolution condemning genocide as a crime under international law by the General Assembly of the United Nations, at its first session in December 1946. The delegations of three countries—Cuba, India, and Panama—had proposed that the General Assembly consider the problem of the prevention and punishment of the crime of genocide. The matter was considered at length by the Legal Committee of the General Assembly, a committee composed of lawyers representing each of the more than 50 states members of the United Nations. That committee submitted a resolution which was adopted without a single dissenting vote and without change by the plenary session of the General Assembly on December 11, 1946.

This resolution declared that genocide, the "denial of the right of existence of entire human groups," "shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations." President Truman in a letter transmitting this Convention to the Senate of the United States June 16, 1949, emphasized "that America has long been a symbol of freedom and democratic progress to peoples less favored than we have been and that we must maintain their belief in us by our policies and our acts."

For 20 years this Convention has languished in the Senate Foreign Relations Committee. Unfortunately, there have been no encouraging signs that the committee will consider this Convention in the near future. By the leading part the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy against that crime. By giving its advice and consent to ratification of the Genocide Convention, the Senate will demonstrate that the United States is prepared to take effective action on its part to contribute to the establishment of principles of law and justice.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. H.R. 11400, an act making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill cerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hughes in the chair). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, first I should like to present a broad picture of the second supplemental appropriation bill. The total bill as reported by the Senate committee provides $4,456,809,644. This amount is $673,596,878 over the House appropriation of $3.783,212,766. It is $357,495,690 under the budget estimate of $4,814,305,334, submitted to the Senate.

The budget estimate as considered by the Senate committee amounting to $4,814 million is $450,298,378 over the revised budget estimate submitted to the House of Representatives amounting to $4,364,006,956.

Among those emergency items submitted to the Senate committee and not considered by the House, amounting to $450 million, are $29 million in flood prevention and control, $160 million for the International Development Association; $180 million for veterans compensation, pensions, and medical care, and $45 million for Atomic Energy Commission fire damage.

I believe it will be of interest to the Senate to know that included in this bill is $1,686,000,000 for increased pay costs, of which $1,492,000,000 is in additional budget authority, the remaining portion to be derived from transfers from reserves and so on.

Included in the bill is $2,534,000,000 for the Department of Defense. This is $222,000,000 over the appropriation allowed by the House, and it is $337,000,000 under the budget estimate submitted to the Senate, which amounted to $2,871,000,000.

Mr. President, included in these DOD figures are added costs for personnel benefits for Army and Air National Guard technicians, who were granted Federal employee status; operational support for 1,800 sorties per month for B–52's; funds for military and civilian personnel pay increases that became effective last July 1; funds for additional retirement pay costs resulting from the cost-of-living increases that became effective on April 1, 1968, and February 1, 1969; extra funds for pay and allowances of 53,000 additional personnel deployed to Southeast Asia as a result of the Communist Tet offensive a year ago last January; funds for ammunition, aircraft fuel, hostile fire pay, and combat rations for the increase in deployed personnel.

It was necessary, following the seizure of the *Pueblo* and the Tet offensive in January of last year, to deploy an additional 53,000 personnel to Southeast Asia; so a good bit of the money for the Department of Defense included in this bill is to defray those unanticipated expenses.

Also included are moneys to fund the increase of 43,188 in the average strength of the Armed Forces to the current level of 3,471,095 men.

The total estimates for Southeast Asia operations amounted to $1,496 million. The Senate committee has allowed $1,272 million in direct appropriations and $8,910,000 in transfers from reserves and so on, making a total of $1,280,910,000 for Southeast Asia operations. Included in this amount is $420 million for ammunition and $308 million for the modernization of the Armed Forces of South Vietnam; $298 million of this modernization money will be for phase 1, and $9.7 million will be for phase 2.

It might be of interest to Senators to know that in addition to the $308 million in this bill for the modernization of South Vietnamese forces, there is $132 million in the regular fiscal year 1969 DOD appropriation bill, and $86 million will be made available through reprograming, making a total of $526 million for the modernization of the forces of South Vietnam in fiscal year 1969, of which $490 million would be for phase 1 and $36 million would be for phase 2; and there is $652 million in the regular 1970 appropriation request for the modernization of South Vietnam forces.

Mr. President, the bill is divided into five titles. Title I is confined to Southeast Asia operations. Title II deals with programs, and also with pay costs associated with those programs. Title III deals with pay costs entirely. Title IV involves an amendment dealing with expenditure limitations. Title V contains general provisions normal to appropriation bills and also includes a provision repealing section 201 of the Revenue and Expenditure Control Act of last year, 90–364.

Now I should like to proceed to a summary review of the various titles in the bill.

TITLE I

Title I relates solely to military operations in Southeast Asia. The committee recommends new budget authority, as I said a moment ago, in the sum of $1,272,000,000 and the transfer of $8,910,000 to provide a total of $1,280,910,000 for this purpose. The recommended appropriations and transfer authority represent an increase of $46,910,000 over the House allowance and a reduction of $215,990,000 in the revised estimates. As Senators will note, the line items in this title of the bill are explained in detail in the report, commencing at page 8, and I will not attempt to particularize in this statement. I do emphasize, however, that the funds herein provided do not in any way constitute a basis for either an escalation or a deescalation of combat operations in South Vietnam.

TITLE II

Title II encompasses program items for many of the departments of the Government, as well as increased pay costs associated with the particular line item. In this title, the committee recommends appropriations in the amount of $1,816,672,088, an increase of $450,757,776 over the House bill and a reduction of $35,998,850 in the budget estimates.

For chapter I, Department of Agriculture, a total of $13,118,000 is recommended, the full amount requested by the Department. Four million dollars of this sum was requested in a document transmitted to the Senate—and not considered by the House—for flood prevention under the Soil Conservation Service, to meet emergency conservation costs in California and Nevada, under section 216 of the Flood Control Act of 1950. These funds are urgently needed for the installation of emergency measures in California such as channel clearing and debris removal, repairing of dams and streambank stabilization, reseeding and other practices to prevent further erosion and landslides—made necessary by the damaging floods which occurred in January of this year. Also, reseeding and terracing work is required in Ash Canyon in Nevada.

Attention is called to the committee's action with respect to the emergency credit revolving fund, Farmers Home Administration—page 12 of the report. The committee has concurred in the language inserted by the House authorizing the temporary transfer of $25 million of unobligated funds from the direct loan account, to be repaid from future repayments to the emergency credit revolving funds. Although no estimate was received to effect this transfer, the language included in the bill will accomplish a similar objective contained in Senate Joint Resolution 111, authorizing the Commodity Credit Corporation to advance up to $25 million to the revolving fund. The Department has stated that in view of the language in this present supplemental bill, separate legislation would not now be required.

For the Department of Defense items in this title, the committee recommends $227,950,000 in new budget authority, an increase of $1,900,000 over the House allowance, but $21,732,000 under the amount requested. These items are set forth on pages 13 to 15, and I believe are fully explained therein.

Chapter III contains items for the District of Columbia. In Federal funds, the committee recommends $29,101,000, which is an increase of $18,736,000 over the House allowance. The committee has concurred in the House allowance of $10,365,000 for the increased Federal payment, thus providing a total Federal payment of $89,365,000 of the $90 million authorized for fiscal year 1969. The committee has, in addition, considered and recommended the sum of $18,736,000 for the initial construction funding of the rapid rail transit system.

The recommendations providing for appropriations for the operation of the District government from District of Columbia funds are self-explanatory. I would call attention, however, to the funds provided to improve the city's correctional system—funds for overtime and unabsorbable losses in connection with disturbances at correctional institution; initiation of four centers for the work release program; continuation of in-service training for correctional officers; 7 new personnel at the District of Columbia jail and the Women's Detention Center; and improved health services, including funds for nine new medical/dental positions.

Under chapter IV, foreign operations, the major item is the $160 million recommended by the committee for the subscription to the International Development Association. Parenthetically, I wish to state that I voted against this appropriation in the subcommittee. This sum represents the first installment of the second replenishment of the resources of the International Development Association, authorized in Public Law 91–14, approved May 23, 1969. This legislation, which I voted against, authorizes United States participation in the resources of IDA to the extent of an additional $480 million in three equal installments of $160 million. The initial participation of the United States in this institution was $320,290,000, paid in five installments with an average of $64 million annually during fiscal years 1961–1965. The U.S. share in the first replenishment was $312 million, payable in three equal installments of $104 million during fiscal years 1966, 1967, and 1968.

For chapter V, Independent Offices and the Department of Housing and Urban Development, the committee recommends $7,168,000 for fiscal year 1968 and $488,116,000 for fiscal year 1969—for a total allowance of $495,284,000, which is $182,054,000 over the House-passed bill, but $6,386,000 under the supplemental requests. I will not take the time of Senators to refer to each of the items in this chapter—which is printed at page 20 of the report—but will call attention to the following:

For disaster relief, the committee recommends the $35 million requested, to provide relief for areas devastated by natural disasters occurring earlier in this calendar year.

For the Federal Trade Commission, the committee concurs in the House allowance of $600,000 for salaries and expenses of the Commission. Of this amount, $100,000 is provided for the employment of 23 new personnel to carry out the Commission's responsibilities under a new program to evaluate the advertising of certain drugs, along with appropriate language in the bill making the funds available until September 30, 1969.

The Veterans' Administration portion of this chapter contains several large items which I believe should be mentioned in this summary.

For compensation and pensions, $276,600,000 is recommended, which includes the House allowance of $179 million and an additional $97,600,000, which was a later budget submission to the Senate. These funds are required for the payment of benefits as a result of newly enacted legislation and anticipated caseload increases.

The committee recommends the full supplemental request of $89,200,000 for readjustment benefits. This $75 million increase over the House allowance was requested in a supplemental document submitted to the Senate and was not considered by the House of Representatives. These additional funds are required for the payment of educational benefits and are not administratively controllable. As indicated in the report, the average training load and the average unit cost are higher than anticipated.

For the appropriation, medical care, the committee recommends $53,800,000 in new budget authority and $15,167,800 in release of reserves. Of the new budget authority allowed, $7,611,000 covers mandatory wage board pay increases not considered by the House.

With respect to the Department of Housing and Urban Development, the committee has recommended the restoration of $10 million in contract authority, to provide the full amount of the $50 million requested, for the homeownership assistance program under section 235 of the Housing and Urban Development Act of 1968, as well as $10 million additional in contract authority over the House allowance for rental housing assistance under section 236 of the act.

Supplemental appropriations for the Department of the Interior are contained in chapter VI of title II and are itemized, beginning on page 24 of the committee report.

In this chapter, attention is called to the items under the Bureau of Indian Affairs. For education and welfare services, the committee recommends $2,781,000. The supplemental estimate, which was submitted to the Senate and was not, therefore, considered in the House, alerted the committee to the fact that the Bureau of Indian Affairs had overspent its appropriations for welfare and guidance services. While funds in the amount of $2,781,000 are herewith provided, the committee has indicated its disapproval of this practice and has directed that safeguards be established to prevent similar occurrences in the future.

Within the $2,700,000 recommended for resources management, the committee has allowed $150,000 to provide an additional 76 million board-feet of lumber to help relieve the timber shortage in the United States. This sum is made available until September 30, 1969. With the allowance, however, the committee has directed that the amount be so utilized that none of it contribute in any way to the harvest of logs or timber for export from the United States, with the further provision that none of any other appropriated funds may be substituted for this appropriation so as to permit timber harvest for export.

For the Bureau of Mines, $750,000 has been added for improvement of the Federal health and safety program for coal mines. These funds will accelerate the hiring and training of coal and metal mine inspectors, and will provide research on dust production and control. Also, $300,000 has been added for expenses in connection with preliminary work necessary for the establishment of an educational institute to provide professional training in health and safety.

For the Forest Service, the committee has provided $26,062,000 for forest protection and utilization, which is $654,000 below the supplemental estimate and the House allowance. Of this amount, $24,374,000 is recommended for forest land management, $1,564,000 for forest research, and $124,000 for State and private forestry cooperation. Included in this appropriation are funds for the additional sale preparation of 270 million board-feet of lumber from national forest lands as part of the program to relieve the current timber shortage in the United States. By inclusion of appropriate language in the bill, $460,000 is to remain available for this purpose until September 30, 1969.

Chapter VII contains supplemental funds for the Departments of Labor and Health, Education, and Welfare. I call attention to page 31 of the report and the item, Higher Educational Activities of the Office of Education. The committee recommendation of $19,920,000 is $8,759,000 over the House allowance and the amount requested. The committee has disallowed $7,241,000 authorized as payment to the Federal City College in the District of Columbia in lieu of a Federal land-grant available to colleges of agriculture and mechanic arts. This designation was bestowed upon the Federal City College in the authorizing legislation. In the opinion of the committee, the school is not a college of agriculture

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and mechanic arts—particularly a college of agriculture—and it is the committee's view that further consideration should be given to the matter before the hasty appropriation of funds on the basis of such a qualification. The $3,920,000 approved is for interest subsidization grants to facilitate borrowing for construction from non-Federal sources by higher educational institutions. This sum would provide for interest payments for 1 year on loans totaling $145 million. The committee cautions against the possibility of exorbitant interest rates being charged the borrowing institution and subsequently passed on to the Government, which is not inconceivable since the enabling legislation authorizes the Secretary to pay interest in excess of 3 percent, with no upper limit. The Secretary of the Department and the Commissioner of Education are expected to take necessary steps to see that interest rates do not exceed prevailing general interest rates charged for comparable loans and risks. The committee has restored $16,000,000 for educational opportunity grants.

The committee has denied the $15 million requested for a new appropriation account, District of Columbia medical facilities, which the House allowed. Although these funds were requested in the 1970 budget, the House Committee on Appropriations included the item in this supplemental appropriation bill. The Senate committee is of the view that no special grants or preferential treatment should be given to any of the States or the District of Columbia since all States and the District are entitled to grants for hospital construction under the Hill-Burton Act. As a matter of interest to the Members, all medical facilities of the District of Columbia for the past 20 years have been financed by the Federal Government. The committee has added $7,500,000 for manpower development and training activities.

In chapter IX, the committee has included $25 million for flood control and coastal emergencies, under the Corps of Engineers. This estimate was submitted directly to the Senate and, hence, was not considered by the House. The funds are required to replace moneys reallocated from construction projects already under way, to meet emergency expenditures resulting from subtropical storms and heavy rains along the California coast early this year, as well as from the exceedingly heavy snowpack in the north central portion of the country which, together with the spring rains, produced unusually severe flooding. With the appropriation recommended, there will still be a deficit of at least $290,000 in the emergency fund, with no reserve to meet any requirements that may arise during the June flood season in the upper Missouri River Basin, the Columbia River Basin, or flood conditions in other localities.

Forty-five million dollars is recommended for the plant and capital equipment account of the Atomic Energy Commission. These funds are needed to restore or replace as quickly as possible the weapons production facility at Rocky Flats, Colo., which was extensively damaged by fire on May 11, 1969.

For chapter X, which includes appropriations for the Departments of Justice, Commerce, and the Judiciary, a total of $16,659,500 is recommended, an increase of $1,636,000 over the House allowance and a reduction fo $1,806,850 below the amount requested. There are a number of appropriation accounts in this chapter. I shall not take the time of the Senate to spell them out. Perhaps it will suffice to point out that in this chapter alone 376 new positions have been authorized—11 for the processing of Customs cases; 30 new employees, attorneys and clerks, for the Tax Division and 18 for the Criminal Division, to intensify the fight against organized crime; 30 for the Civil Rights Division for the enforcement of titles I, VIII, and IX of the Civil Rights Act of 1968; 116 for U.S. attorneys and marshals, 43 of which are attorneys, 30 are deputy marshals, and 43 are clerks; 83 for the Bureau of Narcotics and Dangerous Drugs; and 88 for the Judiciary accounts, of which 83 deputy clerks are needed to administer the new Random Jury Selection Act and five are needed to implement the survey required by the Federal Magistrate Act and the Random Jury Selection Act.

There is one item in chapter XI, Department of Transportation, which should be called to the Senate's attention. Under the Office of the Secretary, on page 42, the committee has recommended the sum of $2 million for costs associated with the moving of units of the Department of Transportation to the Nassif Building in southwest, Washington, D.C. The request of $4,634,000 was submitted to the Senate and, therefore, not considered by the House. The committee took into account the fact that only $2 million would be required to fund the move until the end of the calendar year, permitting the balance of the funding requirements to be examined by the regular subcommittee in its processing of the annual bill for fiscal year 1970. The $2 million, under the committee recommendation, would remain available until December 31, 1969, and would provide a net of $200,000 for space occupancy costs and $1,800,000 for other consolidation costs.

A total of $4,298,000 is recommended for this chapter of the bill, which is $2 million over the House allowance but a reduction of $2,934,000 under the budget estimates submitted to the Senate.

For chapter XII, dealing with the Departments of the Treasury and Post Office, a total of $2,695,000 is recommended, an increase of $410,000 over the House allowance and $60,000 under the budget requests. These items are explained beginning at page 44 of the report.

For claims and judgments, in chapter XIII, the committee recommends the full amount requested, $18,188,688. This is $1,307,876 over the House bill and is the result of later submissions to the Senate. These funds are provided for the mandatory payment of claims and judgments as determined by the departments and U.S. courts in accordance with the law.

Title III deals exclusively with increased pay costs which are mandatory under a variety of laws enacted by the Congress. The appropriations in this title are summarized on page 46 of the report and in the detailed tabulation commencing on page 78. Pay costs provided in this title amount to $1,368,137,556, which is an increase of $184,839,102 over the House bill but $96,596,840 under the amount requested. In addition, $59,741,000 is made available through release of Public Law 90–364 reserves and $87,916,000 by transfer from other appropriation categories.

I come now to title IV, which contains a provision inserted by the Senate committee as a substitute for that included in the House bill, and it relates to limitations on fiscal year 1970 outlays. This amendment is printed on page 70 of the bill.

Under the committee recommendation, the limitation on fiscal year 1970 outlays would be set at $187.9 billion, which is $5 billion less than President Nixon's request, which amounted, in his revised budget estimates, to $192.9 billion. However, the committee provision also contains language which would exempt from the limitation so-called outlays to the extent that these outlays in fiscal year 1970 exceed outlays in fiscal year 1969. The committee desires to make it completely clear that the limitation, therefor, because of the exemption, may be exceeded by $3.1 billion. It is estimated that $3.1 billion is the amount social security, interest on the public debt, veterans' pensions, public assistance grants, farm price supports, special support of Southeast Asia, and other unpredictable and uncontrollable items in 1970 exceed comparable figures for 1969. On the other hand, if these increases do not materialize, the limitation could not be exceeded otherwise. The increase of $3.1 billion in uncontrollable items in fiscal year 1970 over comparable items for fiscal year 1969 is a net figure.

While a ceiling of $187.9 billion is $5 billion less than the revised budget, the committee wishes to point out that the savings may or may not be this large because of these exemptions. However, even with these estimated increases for the exemptions, the ceiling would be $1.9 billion under the House ceiling and the revised budget, and at least this amount would be saved under the committee recommendation.

It is most difficult to estimate figures for the uncontrollable items. The January budget had certain figures which were revised by better information in the April 15 review. The committee has since been advised that the April 15 review figures are in line for another revision. Under the circumstances, the committee has recommended as a base for comparison for uncontrollable and unpredictable items the figures for fiscal year 1969, since these figures are now almost firm. The House provision which was stricken by the committee set a limitation on fiscal year 1970 outlays in the amount of the new President Nixon budget of $192.9 billion. This figure would increase or decrease, depending upon the action or inaction of the Congress on the appropriation bills and other proposals. Under the Senate committee's recommendation, a definite reduction of at least $1.9 billion has been recommended which will serve as an incentive to reduce the expenditure impact resulting from

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action on appropriation bills by at least this amount.

In a period of rapidly rising prices with continuing inflationary pressures, it is essential that we act to contain the inflation and preserve the value of our currency.

The Congress will not have the opportunity to act on all of the appropriation bills and legislation that will affect 1970 expenditures before the new year starts this July 1. The lateness of appropriation and legislative action this year has been occasioned not only by the factors which have occurred in recent years, but also by the fact that the Congress had to await President Nixon's budget recommendations and they were not forthcoming until April 15.

Although the Senate has not yet completed action on a single 1970 appropriation bill, it is important for the economic health of the Nation that we provide a guideline that will influence us in the actions that we take on the individual bills as they come before us. It may be 3 or 4 more months before the bills are enacted. We must make our wishes known now so that whatever actions are required can be taken in time to restrain 1970 expenditures gradually with a minimum of dislocation and harm to important Federal programs and Federal services.

Title IV of the present bill, in both the House version and that reported by the committee, faces up to this responsibility. The committee version is more definite, more specific, and I believe more desirable than the provision approved by the House, for the following reasons:

First. Under the committee version, the Congress and the administration will know more precisely where they stand and actions can be taken accordingly; under the House bill, the action or inaction by the Congress will influence the ceiling limit, and there is no way of knowing for quite a number of months exactly what the impact will be on those programs over which we exercise annual control.

Second. The committee faces the realities forced upon us by legislation and events which have already taken place. For example, it makes no attempt to restrict expenditures for unpredictable increases or decreases in interest on the public debt; in veterans' pension and compensation; in social security benefits; in other retirement benefits, such as civil service, railroad retirement, and foreign service retirement. Further, it will similarly not force restrictive action, the consequences we cannot foretell in cases of other public services, because of the contingencies of the heating up of the military situation in Southeast Asia. These exceptions provided in section 401(a) (1) and (2) are beyond the control of the Executive in the coming year and many of them are beyond the control of the Congress. The House bill would have made it mandatory that the Congress act now or the President act later to find savings on the contingency that these programs and costs would exceed the revised budget estimate—which in any case can be no more than a guess for such volatile programs as farm price supports, medicaid, public assistance grants, and others.

Third. The committee bill removes any question that the President has the authority to take the actions required to bring expenditures within the limits it provides. At the same time, it makes clear that the President need not take any action if the Congress itself succeeds, in its individual appropriation actions, in reducing expenditures to the limits provided. The House bill, on the other hand, fails on both these counts.

Finally, the Senate bill is an ironclad guarantee of a reduction of at least $1.9 billion in spending for those programs subject to control by the Congress and the President this year, whereas the effect of the House bill is unknown and uncertain.

The spending limitation is similar in many respects to that included last year as section 202 of the Revenue and Expenditure Control Act of 1968. The main difference, aside from the specific figures involved, has to do with more complete certainty as to the programs that would be affected by the limitation. Under last year's provision, changes from the originally estimated expenditures were suggested to revise the limitation only for Southeast Asia support, interest on the debt, veterans' benefits and services, social security trust funds, public assistance grants only up to $560 million over the original budget estimate, and price support operations of the Commodity Credit Corporation only up to $907 million over the original budget estimate. In addition to these items, the committee bill would also allow the limitation to be revised—up or down—by changes in other programs which are similarly uncontrollable in the year ahead. For example, civil service retirement, railroad retirement, delivery of mail, subsidies under existing contracts for maritime wages, payments under low-rent housing contracts, and similar programs.

The committee provision also bases the calculation of these uncontrollable changes on a firmer foundation than last year's bill by using the difference between the 1970 expenditures and the actual 1969 outlays for the relatively uncontrollable programs. The 1969 figure will be known in a few weeks and provides a sound benchmark with no degree of uncertainty; last year's law, on the other hand, put the changes in terms of the difference between one guess and another guess—namely, the original budget estimate for a band of volatile programs which have to be reestimated and revised periodically throughout the year.

Briefly, the House bill, if all the administration's estimates turn out to be correct, does not guarantee any reduction in the budget recommended by President Nixon. It provides no firm guidance to the Congress in its actions on the budget requests. The committee bill, on the other hand, makes abundantly clear the fact that we must aim for lower spending, and it guarantees a reduction in those programs over which we and the administration can exercise control under existing law.

The committee bill, in addition, provides a firm base on which the administration can make plans as to how it would take the actions required to reduce spending with minimum harm to public services, and it can make those plans now. If congressional action makes administrative action unnecessary, those plans could be laid aside. The House bill, however, leaves the President with an unknown quantity. It makes sound administration with minimum harm to public services extremely difficult of attainment. The President's position is almost untenable. He cannot act affirmatively and positively until he knows the impact of final action on all his budget requests—which result will not be completed until the year is perhaps almost half gone.

With the large growth in various guaranteed Government benefits and services in the post-World War II era, a significant portion of the Federal budget has remained beyond annual congressional—or Executive—control through the appropriation process.

For example, I think it might be of interest to note in this regard, Mr. President, that the total appropriations requests for fiscal year 1970 amount to circa $210 billion, whereas the amount over which Congress can exercise control is only about $143 billion.

During this post World War II period, no administration, Republican or Democratic, has been able to estimate the flow of these uncontrollable payments with accuracy. This history indicates the magnitude and the burden of the job the President would have if the House bill were enacted. The committee bill removes the greatest part of this uncertainty.

These important distinctions, I believe, make the superiority of the Senate position beyond question.

I might add that, based on current estimates, the Federal outlays in the current year are expected to amount to $185.6 billion, which is $6.7 billion more than in 1968.

The 1970 estimate of $191 billion—the $187.9 billion mentioned in title IV plus the $3.1 billion change in uncontrollable costs—is $5.4 billion greater than the current 1969 estimate. This is a reduction in the growth of the budget that we are planning, but some growth to meet our real obligations, as previously mentioned must be allowed. It is essential to the continued health of the economy and the commitments we have made to our aged and veterans, our educational and health institutions.

The final section of the bill, title V, contains language inserted by the committee repealing section 201 of the Revenue and Expenditure Control Act of 1968—Public Law 90–364. In essence, this section had provided that only three out of four vacancies in the executive branch may be filled, until the June 30, 1966, level of employment had been reached for the entire Federal Government. Further, the provision required that Federal employment be maintained at that June 1966 level.

Subsequently, the Congress exempted certain agencies and programs from the application of this section.

Testimony before the committee on

the present bill convinced the committee that the provision, which was designed to promote economy and efficiency in Government, has had a reverse effect—it is extravagant in its impact and too rigid for the effective utilization of manpower.

In the case of the Social Security Administration, employee overtime has had to be substituted for regular time in order to meet the increasing workloads. The statement was made that it has cost roughly $6 million more in fiscal year 1969 to process the work done on overtime than if that work had been performed on a regular-time basis. Additionally, some important purchases have had to be postponed and certain activities deferred to meet the stringencies imposed by the employee limitation.

The experience of the Treasury Department has been similar. Testimony in the hearings indicated that the Bureau of Customs, because of insufficient manpower, has been unable to examine all mailed packages, which has resulted in an estimated loss of between $30 to $40 million in revenue. The Internal Revenue Services reports that there has been an estimated revenue loss in fiscal year 1969 of $500 million and the loss might be as high as $1 billion if the restrictions are not lifted for fiscal year 1970.

Other examples of the undesirable, and unanticipated, effects of these personnel restrictions are cited in the committee hearings, copies of which are available to you.

Of significant interest is the fact that the House of Representatives, on May 27, passed two appropriation bills for fiscal year 1970—the Department of Agriculture and the Departments of Treasury, Post Office, and Executive Office appropriation bills—which contained similar provisions, removing the agencies covered in these bills, for fiscal year 1970 only, from the personnel limitations imposed by section 201. These bills are now receiving the attention of the Senate subcommittees having jurisdiction.

It is the committee's opinion that the application of section 201 of Public Law 90-364 has resulted in the ineffective deployment of personnel, inefficient use of overtime, the interruption or curtailment of essential services, and costly losses in revenue expected in several areas of the Government's operations during the fiscal year.

Therefore, the committee recommends that section 201 be repealed outright, and permanently, rather than on a departmental or yearly basis, and has thus inserted language in the accompanying bill to accomplish this purpose.

Mr. President, this concludes my presentation on this supplemental appropriation bill. I shall be happy to try to respond to any questions Senators may have. I do not claim to have all the answers, but the Senator from South Dakota (Mr. MUNDT), who is the ranking minority member of the subcommittee, will be available to assist in answering questions. Other members of the subcommittee will also be available.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Will the Senator withhold that request for a moment?

Mr. WILLIAMS of Delaware. Certainly.

Mr. BYRD of West Virginia. Mr. President, I express my appreciation to the members of the staff of the Committee on Appropriations for the exemplary support they have rendered to me and for the extremely fine cooperation that they have accorded me in the consideration of the pending bill.

They have been available at all times. We have met on Sunday afternoons. We have met on Saturdays. We have met in the evenings, and we have met in the mornings. They have been available at any time that would suit my convenience. I am very grateful to them. And particularly am I very grateful to the chief clerk, Mr. Tom Scott.

Without the knowledge and experience, the assistance and advice and counsel given to me by the staff, I would have found the job impossible of performance. I express my gratitude to them.

I also thank the Senator from South Dakota (Mr. MUNDT), the ranking minority member of the subcommittee, for the support he has given throughout the hearings and throughout the markup of the bill.

I also express appreciation to the Senator from North Dakota (Mr. YOUNG), the ranking minority member of the full committee and to the other minority and majority members of the subcommittee and the full committee for the help they have rendered in bringing the bill to the floor of the Senate.

I shall now be glad to yield to the Senator from Delaware, but first I ask the Senator if he would be willing for me to put in a quorum call so that the Senator from South Dakota may come to the Chamber.

Mr. WILLIAMS of Delaware. Surely.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD at this point pages 3 through 7 of the committee report, which is a summary tabulation giving a comparison between the budget estimates, House allowances, and the Senate committee recommendations for all types of authority contained in this bill.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—SUMMARY

Chapter No.	Department or activity	Budget estimate	Recommended in House bill	Amount recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with—	
					Budget estimate	House bill
	TITLE I					
	Military operations in Southeast Asia:					
	New budget (obligational) authority	$1,496,900,000	$1,234,000,000	$1,272,000,000	−$224,900,000	+$38,000,000
	By transfer			(8,910,000)	(+8,910,000)	(+8,910,000)
	TITLE II					
I	Agriculture:					
	New budget (obligational) authority	13,118,000	9,118,000	13,118,000		+4,000,000
II	Defense:					
	New budget (obligational) authority	249,682,000	226,050,000	227,950,000	−21,732,000	+1,900,000
	By transfer			(9,377,000)	(+9,377,000)	(+9,377,000)
III	District of Columbia:					
	Federal funds: New budget (obligational) authority	29,736,000	10,365,000	29,101,000	−635,000	+18,736,000
	District of Columbia funds:					
	New budget (obligational) authority	(44,607,000)	(25,353,000)	(44,089,000)	(−518,000)	(+18,736,000)
IV	Foreign operations:					
	New budget (obligational) authority	162,853,000	2,700,000	160,000,000	−2,853,000	+157,300,000
	By transfer	(38,000)	(35,000)	(2,735,000)	(+2,697,000)	(+2,700,000)
V	Independent offices—Housing and Urban Development:					
	New budget (obligational) authority:					
	1968	7,168,000	7,168,000	7,168,000		
	1969	494,502,000	306,062,000	488,116,000	−6,386,000	+182,054,000
	Total	501,670,000	313,230,000	495,284,000	−6,386,000	+182,054,000
	New annual contract authorizations, increase in limitations	(104,500,000)	(82,500,000)	(102,500,000)	(−2,000,000)	(+20,000,000)
	Release of Public Law 90-364 reserves	(15,248,000)	(15,248,000)	(15,248,000)		

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COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—SUMMARY—Continued

Chapter No.	Department or activity	Budget estimate	Recommended in House bill	Amount recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with— Budget estimate	Increase (+) or decrease (−), Senate bill compared with— House bill
	TITLE II—Continued					
VI	Interior:					
	New budget (obligational) authority	$65, 136, 000	$54, 227, 000	$64, 225, 000	−$911, 000	+$9, 998, 000
	Release of Public Law 90–384 reserves	(2, 886, 000)	(2, 886, 000)	(2, 886, 000)		
	By transfer	(1, 628, 000)	(1, 628, 000)	(1, 628, 000)		
	Liquidation cash	(19, 000, 000)	(19, 000, 000)	(19, 000, 000)		
VII	Labor—Health, Education, and Welfare:					
	New budget (obligational) authority	713, 707, 000	713, 707, 000	714, 966, 000	+1, 259, 000	+1, 259, 000
	Release of Public Law 90–364 reserves	(292, 000)	(292, 000)	(292, 000)		
	(Limitation on salaries and expenses—trust funds)	(16, 500, 000)		(21, 200, 000)	(+4, 700, 000)	(+21, 200, 000)
	By transfer	(9, 346, 000)	(9, 346, 000)	(9, 346, 000)		
VIII	Legislative branch:					
	New budget (obligational) authority:					
	1968	126, 900		126, 900		+126, 900
	1969		30, 000	60, 000	+60, 000	+30, 000
IX	Public works	70, 000, 000		70, 000, 000		+70, 000, 000
X	State, Justice, Commerce, and Judiciary:					
	New budget (obligational) authority:					
	1968	860, 000	10, 000	860, 000		+850, 000
	1969	17, 606, 350	15, 013, 500	15, 799, 500	−1, 806, 850	+786, 000
	Total	18, 466, 350	15, 023, 500	16, 659, 500	−1, 806, 850	+1, 636, 000
	Release of Public Law 90–364 reserves	(1, 701, 000)	(1, 701, 000)	(1, 701, 000)		
	Limitation increase	(147, 000)		(147, 000)		(+147, 000)
	By transfer	(220, 000)	(220, 000)	(220, 000)		
XI	Transportation:					
	New budget (obligational) authority	7, 232, 000	2, 298, 000	4, 298, 000	−2, 934, 000	+2, 000, 000
	Release of Public Law 90–364 reserves	(28, 000)	(28, 000)	(28, 000)		
XII	Treasury-Post Office:					
	New budget (obligational) authority	2, 755, 000	2, 285, 000	2, 695, 000	−60, 000	+410, 000
	Release of Public Law 90–364 reserves	(334, 000)	(334, 000)	(334, 000)		
XIII	Claims and judgments	18, 188, 688	16, 880, 812	18, 188, 688		+1, 307, 876
	Total, title II:					
	New budget (obligational) authority:					
	1968	8, 154, 900	7, 178, 000	8, 154, 900		+976, 900
	1969	1, 844, 516, 038	1, 358, 736, 312	1, 808, 517, 188	−35, 998, 850	+449, 780, 876
	Total	1, 852, 670, 938	1, 365, 914, 312	1, 816, 672, 088	−35, 998, 850	+450, 757, 776
	New annual contract authorizations, increase in limitations	(104, 500, 000)	(82, 500, 000)	(102, 500, 000)	(−2, 000, 000)	(+20, 000, 000)
	Release of Public Law 90–364 reserves	(20, 489, 000)	(20, 489, 000)	(20, 489, 000)		
	Limitation increases	(16, 647, 000)		(21, 347, 000)	(+4, 700, 000)	(+21, 347, 000)
	By transfer	(11, 232, 000)	(11, 229, 000)	(23, 306, 000)	(+12, 074, 000)	(+12, 077, 000)
	Liquidation cash	(19, 000, 000)	(19, 000, 000)	(19, 000, 000)		

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—SUMMARY—Continued

Chapter No.	Department or activity	Budget estimate	Recommended in House bill	Amount recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with— Budget estimate	Increase (+) or decrease (−), Senate bill compared with— House bill
	Increased pay costs (included above):					
	Budget authority	($135, 378, 400)	($116, 435, 000)	($124, 846, 400)	(−$10, 532, 000)	(+$8, 411, 000)
	Release of reserves	(18, 589, 000)	(18, 589, 000)	(18, 589, 000)		
	By transfer	(1, 386, 000)	(1, 383, 000)	(3, 983, 000)	(+2, 597, 000)	(+2, 600, 000)
	Total	(155, 353, 400)	(136, 407, 400)	(147, 418, 400)	(−7, 935, 000)	(+11, 011, 000)
	TITLE III—INCREASED PAY COSTS					
	New budget (obligational) authority	1, 464, 734, 396	1, 183, 293, 454	1, 368, 137, 556	−96, 596, 840	+184, 839, 102
	Release of Public Law 90–364 reserves	(59, 510, 000)	(62, 277, 000)	(59, 741, 000)	(+231, 000)	(−2, 536, 000)
	By transfer	(85, 873, 000)	(81, 676, 000)	(87, 916, 000)	(+2, 043, 000)	(+6, 240, 000)
	Limitations on administrative and nonadministrative expenses	(24, 223, 000)	(22, 223, 000)	(22, 223, 000)	(−2, 000, 000)	
	TITLE V—GENERAL PROVISIONS					
	Increases in limitations and transfers from trust funds for personal services pursuant to sec. 502 of bill (H. Doc. 91–50)	(630, 000)	(630, 000)	(630, 000)		
	RECAPITULATION					
	Grand total, titles I, II, III, and V:					
	New budget (obligational) authority:					
	1968	8, 154, 900	7, 178, 000	8, 154, 900		+976, 900
	1969	4, 806, 150, 434	3, 776, 034, 766	4, 448, 654, 774	−357, 495, 690	+672, 619, 978
	Total	4, 814, 305, 334	3, 783, 212, 766	4, 456, 809, 644	−357, 495, 690	+673, 596, 878
	New annual contract authorizations, increase in limitations	(104, 500, 000)	(82, 500, 000)	(102, 500, 000)	(−2, 000, 000)	(+20, 000, 000)
	Release of Public Law 90–364 reserves	(79, 999, 000)	(82, 766, 000)	(80, 230, 000)	(+231, 000)	(−2, 536, 000)
	By transfer	(97, 105, 000)	(92, 905, 000)	(120, 132, 000)	(+23, 027, 000)	(+27, 227, 000)
	Liquidation cash	(19, 000, 000)	(19, 000, 000)	(19, 000, 000)		
	Limitations on administrative and nonadministrative expenses	(40, 870, 000)	(22, 223, 000)	(43, 570, 000)	(+2, 700, 000)	(+21, 347, 000)
	Increases in limitations and transfers from trust funds or personal services pursuant to sec. 502 of bill	(630, 000)	(630, 000)	(630, 000)		
	Increased pay costs (included above):					
	Budget authority	(1, 600, 112, 796)	(1, 299, 733, 854)	(1, 492, 983, 956)	(−107, 128, 840)	(+193, 250, 102)
	Release of reserves	(78, 099, 000)	(80, 866, 000)	(78, 330, 000)	(+231, 000)	(−2, 536, 000)
	By transfer	(87, 259, 000)	(83, 059, 000)	(91, 899, 000)	(+4, 640, 000)	(+8, 840, 000)
	Limitations on administrative and nonadministrative expenses	(24, 223, 000)	(22, 223, 000)	(22, 223, 000)	(−2, 000, 000)	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—SUMMARY—Continued

Chapter No.	Department or activity	Budget estimate	Recommended in House bill	Amount recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with—	
					Budget estimate	House bill
	RECAPITULATION—Continued					
	Grand total, titles I, II, III, and V:					
	Increased pay costs (included above)—Cont.					
	Increases in limitations and transfers from trust funds for personal services pursuant to sec. 502 of bill	($630,000)	($630,000)	($630,000)		
	Total	(1,790,323,796)	(1,486,511,854)	(1,686,065,956)	(−104,257,840)	(+199,554,102)

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. MUNDT. Mr. President, before the Senator yields the floor, as ranking Republican member of this subcommittee, I should like to congratulate the distinguished Senator from West Virginia for the workmanlike job he has done on this supplemental bill. It is a large bill, and it continued to grow larger as time elapsed, primarily because new items came in as a consequence of the applicable date of new legislation. Consequently, there is a reason why it is substantially larger than the House proposal. A number of items, as the Senator has set forth, were brought into the picture and were heard for the first time on the Senate side, because the time situation was such that they were not applicable or pertinent at the time the House hearings were held.

I know of no supplemental piece of legislation of this kind, in appropriations, which has had the painstaking, careful analysis that this one has received from the committee. We were able to effectuate a few economies—not as many as I would have liked, and not as many, I am sure, as the chairman would have liked—but I think we have placed before the Senate a measure which deserves to be supported by our colleagues and taken to the conference to work out the adjudications between the two bodies.

I would especially recommend against efforts to increase these appropriations, because of the tight-money situation in the country and because, wherever the committee deemed possible, we did make reductions.

In one or two instances, we did not vote items which were included in the House proposal, because the evidence was not presented to the Senate committee. In those areas, we anticipate going to conference with the House conferees with open minds; and because they have heard testimony in some instances which we did not hear, we will expect to meet with them and work out some compromise formula, if in fact we do not accede entirely to the House action.

We have arranged to clarify one or two items of this measure which will be handled by amendments during the course of the consideration of the bill, but I can recommend it to Senators as a determination which has been carefully arrived at, and has been arrived at by a group of Senators resolved to do what we could to protect the economy of the country.

I again congratulate the distinguished chairman of the subcommittee, who operates in that capacity now for the first time and who indicates clearly that he is going to be a very successful and useful chairman of the subcommittee handling supplemental and deficiency appropriations.

Mr. BYRD of West Virginia. I thank the distinguished Senator for his very generous remarks.

Mr. President, I now ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived by reason thereof.

Mr. WILLIAMS of Delaware. Mr. President, I hope that the Senator from West Virginia will withhold that request temporarily. There are some questions I wish to ask. Before we agree on the request perhaps we can get some answers to those questions.

Mr. BYRD of West Virginia. Very well. Mr. President, I withhold my request.

Mr. WILLIAMS of Delaware. I wish to ask the Senator some questions first in connection with title IV of the bill, relating to expenditure controls. I wish to get a clear understanding of what is being proposed here.

Under section 401 it states that expenditures and net lending—budget outlays—of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $187.9 billion.

On the surface that would look like a $5 billion reduction in what the House agreed upon. I wish to ask several questions about some of the provisos involved.

The section continues:

> *Provided*, That such amount shall be increased or decreased by the aggregate amount by which the sum of expenditures and net lending in said fiscal year are greater than or lesser than the sum of expenditures and net lending in the fiscal year ending June 30, 1969, for—
>
> (1) items designated "Open-ended programs and fixed costs" in the table appearing on page 16 of the budget of the United States for the fiscal year 1970 (House Document Numbered 91-15, part I, Ninety-first Congress).

Turning to page 16 of the budget, under "Open-ended programs and fixed costs," the first item we find is social security, medicare, and other social insurance trust funds. The budget estimate in 1969 is $39.6 billion for these items, according to page 16. The projected budget for 1970 is $42.4 billion, or an increase of $2.9 billion.

Let us take that one example. We will assume for the moment these items are correct. Under those circumstances does it mean that the $187.9 billion ceiling would be increased by the $2.9 billion?

Mr. BYRD of West Virginia. If I understand the Senator's question, the answer would be "yes," assuming the expenditure figures stated.

Mr. WILLIAMS of Delaware. That is my understanding. That one item would increase the amount of $187.9 billion by $2.9 billion.

My next question deals with the next item and relates to the interest on the national debt. In 1969 that figure is projected to $15.2 billion, while the 1970 projection is $16 billion. Again assuming those are the projected rates, that would be an increase of $800 million; and as I understand, under this committee formula that would automatically increase the expenditure ceiling again by another $800 million. Is that correct?

Mr. BYRD of West Virginia. The Senator is correct.

Mr. WILLIAMS of Delaware. While we are on that point, assume for the moment that the interest on the national debt were increased by another $500 million—and it looks very likely that as a result of the spiraling interest rates it will be—beyond what had been estimated in the 1970 budget; and assuming there were this extra $500 million, would that be added to the original figure also and automatically increase the ceiling by another $500 million?

Mr. BYRD of West Virginia. Yes.

Mr. WILLIAMS of Delaware. Is the answer "yes" on that item?

Mr. BYRD of West Virginia. Yes.

Mr. WILLIAMS of Delaware. Continuing further, on page 16 we have the item of civilian and military pay increase. There was no allocation for this item in 1969, but they estimate a cost of $2.8 billion for 1970. As I understand the situation, under this committee formula that would add another $2.8 billion to the ceiling. Is that correct?

Mr. BYRD of West Virginia. No, because the figure of $2.8 billion for this item has already been included in the uncontrollable category.

Mr. WILLIAMS of Delaware. I think the Senator from West Virginia will find the answer is "yes."

An application is pending before the committees for a further salary increase for postal employees and certain other employees, which I have seen estimated at various figures. However, the nearest extra cost figure I have seen agreed upon was around $500 million or $600 million if that increase were to go through. If that amount or any other amount as a result of legislation increasing salaries were added, would that automatically add to the ceiling to the extent it was agreed upon?

Mr. BYRD of West Virginia. Salary increases are uncontrollable and any increases over the estimate would be added.

Mr. WILLIAMS of Delaware. The answer is "yes"?

Mr. BYRD of West Virginia. Yes.

Mr. WILLIAMS of Delaware. The next item on page 16 is "Veterans' pensions, compensation, and insurance." Under the 1969 estimate the estimated cost figure is $5.6 billion; under the 1970 estimate the estimate is $5.9 billion, or an increase of $200 million when the figures are rounded out. That would bring about another increase in the committee's ceiling of $200 million. Is that correct?

Mr. BYRD of West Virginia. It would be an increase in the uncontrollables.

Mr. WILLIAMS of Delaware. And the ceiling would be automatically increased by that much?

Mr. BYRD of West Virginia. Yes. The ceiling would be increased by any increase in uncontrollable items over the estimate.

Mr. WILLIAMS of Delaware. "Public assistance grants, including medicaid" shows an estimate for 1969 of $6.3 billion, an estimate for 1970 of $7.4 billion, or an increase of $1.1 billion. As I understand the formula, the $187.9 billion ceiling would again be increased automatically by that amount.

Mr. BYRD of West Virginia. The answer to this and the other questions is this: Any increase in uncontrollables is going to automatically raise the $187.9 billion ceiling.

Mr. WILLIAMS of Delaware. Yes, that is correct.

Mr. BYRD of West Virginia. Just as increases in uncontrollables would raise the $192.9 billion estimate submitted by the President.

Mr. WILLIAMS of Delaware. The Senator is correct. The point I make is, assuming there are no other increases beyond those referred to in the estimates, these figures I have just stated are already in the budget, and even if budget expenditures are held the same as in the 1970 budget these increases I am referring to and have referred to in previous questions would automatically raise the ceiling, or if perchance the requests are below those amounts, they would reduce the figures.

Mr. BYRD of West Virginia. If the increases in the uncontrollables in fiscal year 1970 over these in fiscal year 1969, a portion of the list of which the Senator read into the Record, turn out to be as estimated, they will amount to $3.1 billion.

Mr. WILLIAMS of Delaware. We will tabulate them in just a moment; however, those additions just referred to thus far raise the ceiling of the committee bill by around $7.5 billion, but this will be reduced by the proposed reduction of $3.4 billion in the cost of the conflict in Southeast Asia.

The point I make is that the committee amendment is not an effective ceiling on expenditures at all. It is only a pious hope.

Mr. BYRD of West Virginia. That being the case, $3.1 billion will be added to the $187.9 billion, and this would create a ceiling total of $191 billion from which to work.

Mr. WILLIAMS of Delaware. I shall get to the exact total in just a minute.

Now let us examine what the committee did on farm price supports, Commodity Credit Corporation—that item includes soil bank payments. Is that correct?

Mr. BYRD of West Virginia. Yes.

Mr. WILLIAMS of Delaware. All expenditures which may be made under the Commodity Credit Corporation, which includes food-for-peace programs, school lunch programs, and so forth—all of the expenditures of the Commodity Credit Corporations, as I understand it, are exempted from control under the committee amendment. The 1969 estimate is a $3.6 billion cost for the Commodity Credit Corporation, and in the budget, page 16, to which the bill refers, the 1970 estimate is $3.1 billion, or a reduction of $500 million. If that were true that would mean a reduction of $500 million in the overall ceiling. Is that correct?

Mr. BYRD of West Virginia. The Senator is reading from a budget printed in January.

Mr. WILLIAMS of Delaware. I am reading from the same budget to which the committee bill referred.

Mr. BYRD of West Virginia. I have the latest figures submitted by the Bureau of the Budget on May 20.

Mr. WILLIAMS of Delaware. The bill does not refer to figures of May 20 but specifically refers to the budget, page 16.

Mr. BYRD of West Virginia. My figures——

Mr. WILLIAMS of Delaware. That is what is confusing. These estimates of the committee bill are merely a guess, not a mandatory ceiling on expenditures. I shall not say the committee amendment is a farce, but from an effective standpoint, it has no value.

The Senator, in his remarks, keeps referring to some figures furnished to him at a subsequent date, but I am reading from the bill that I have before me. The bill refers to the "open-end program and fixed costs" in the table on page 16 of the Budget of the United States. It does not refer to any other figures. This is legislation we are acting upon—items which include social security; medicare and other social insurance, trust funds; interest on the national debt; civilian military pay increases, past, present, and future; veterans' pensions, compensation, and insurance; public assistance grants, including medicaid; farm price supports, which includes every type of operation under the Commodity Credit Corporation; postal operation, directly related to mail volume which means pretty much all of the postal deficit, whatever it may be; legislative and judiciary expenditures; and then, just in the event some have been missed, we find the word "other" included.

Mr. BYRD of West Virginia. Which amounts to $2.1 billion.

Mr. WILLIAMS of Delaware. Apparently it has gained $500 million since the budget was printed.

Mr. BYRD of West Virginia. I am giving the Senator the latest figures.

Mr. WILLIAMS of Delaware. Then it has gained $500 million in the past 3 months. But the point is, those are all exempted under this program. I am just wondering whether we really have a ceiling because, as I tabulate it, the items on page 16 of the budget add back $7.3 billion to the $187.9 billion. That raises it to $195 billion as the ceiling. However, in fairness, it should be pointed out that the $195.2 billion ceiling at that point, in paragraph 1, will be reduced some by paragraph 2 under the item designated as "Special Southeast Asia Support." In the table on page 27 of the budget, the estimate is $28.8 billion in 1969, but 1970 is projected at $25.4 billion, which is a reduction of $3.4 billion. This would reduce this earlier figure by $3.4 billion.

I am wondering, is the committee not misleading the American people when it talks about enacting a ceiling of $187.9 billion and then turns around and has all these items added. The committee may not be doing so intentionally, but it is giving the American people the wrong impression. Then there are other increases in other sections dealing with aid to schools in federally impacted areas under the act of September 23 and 30, 1950.

I have not been able to get that estimate, but I understand it is around $200 million. I am wondering whether the committee has not proposed a ceiling which is applicable to everything except Government expenditures.

I point out these inconsistencies only to show the complete fallacy of using the committee formula. It is not a realistic figure.

I want to ask the Senator this question: If, in the course of the appropriations this year or in the legislative process in the weeks ahead. Congress liberalizes any of these programs beyond, what was projected in the 1970 budget where they will cost $1 million or $1 billion, would such action not automatically increase the ceiling by that same amount? As I understand it Congress would not have to touch the ceiling but merely authorize the extra $1 billion on any of the programs and, it automatically raises the ceiling.

If that is not true would the Senator point out what prevents it?

Mr. BYRD of West Virginia. No; we or the President would have to make an offsetting cut in the controllable items for any appropriation increases we may make in controllable items elsewhere.

Mr. WILLIAMS of Delaware. That sounds nice; but what language in the committee amendment says that, because I cannot find it?

Mr. BYRD of West Virginia. The language in the bill, which specifically requires a reduction of $1.9 billion.

Mr. WILLIAMS of Delaware. Well, now, let me read it——

Mr. BYRD of West Virginia. Let me read it for the Senator——

Mr. WILLIAMS of Delaware. I read from the bill:

> Such reservations by the President shall be in amounts sufficient to insure reductions not less than $1.9 billion—

If we place a period right there, that would be all right, but it continues—

> in expenditures and net lending, the amounts recommended in the April review of the 1970 budget, for programs other than those designated in subparagraphs (1) (2), and (3) of subsection (a).

I repeat, "other than those designated in subparagraphs (1), (2), and (3)." That is the loophole.

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Thus, what appears to be an ironclad ceiling, has left the barn door open. If this interpretation is wrong I think that we would need a modification of language stating that under no circumstances could it go beyond that ceiling of $187.9 billion; otherwise, it can go up to $195 billion under this formula—it really can go anywhere. I read again this exception:

> Such reservations by the President shall be in amounts sufficient to insure reductions of not less than $1.9 billion in expenditures and net lending, below the amounts recommended in the April review of the 1970 budget, for programs other than those designated in subparagraphs (1), (2), and (3) of subsection (a).

What I am worried and concerned about is that if we roll back certain expenditures by $1.9 billion in the programs that are not included in those exemptions, Congress could increase spending by $10 billion in the exempted areas and end up with a $200 billion expenditure level. Is that not true?

Mr. BYRD of West Virginia. Of course. That was true in connection with the legislation that was passed last year.

Mr. WILLIAMS of Delaware. It was not true.

Mr. BYRD of West Virginia. Oh yes.

Mr. WILLIAMS of Delaware. I beg the Senator's pardon. Not under the amendment I sponsored last year.

Mr. BYRD of West Virginia. Maybe I misunderstand the Senator, but it would have the effect of raising the overall ceiling.

Mr. WILLIAMS of Delaware. It would, but last year the ceiling could be raised only by affirmative action of Congress. We had several efforts made on the floor to make exceptions for the TVA and various other agencies, including the Post Office Department, but Congress did that affirmatively. It was not automatic. I realize that any ceiling we agree on today can be changed by legislative action of Congress tomorrow. I think if we are going to have a ceiling it should be a solid ceiling. The ceiling as it passed the Senate last year did not cover the trust funds payments because the trust fund payments can only be changed by congressional action as we raise or lower the payments for social security or retirement. I agree on that. We spelled out that the veterans benefits, which were mandatory under existing law, would be exempted. The reason we did that was to make sure that veterans and those on social security would be paid. They were not affected by that or by this ceiling. The only other exemption made in the proposal offered by the former Senator from Florida, Mr. Smathers, and I was the interest on the national debt as far as domestic programs were concerned. The cost of the Vietnam war was also exempted since this is an uncontrollable item.

Later there were a series or actions which were taken by Congress, but those later exemptions were approved over the objections of some of us. But, nevertheless, if we have an ironclad ceiling let us have one, then both Congress and the country as a whole will know when we violate that ceiling.

What bothers me in the committee proposal is that we give the impression that we are cutting the budget by $5 billion below the House figure when, in reality, we are doing nothing of the kind.

Mr. BYRD of West Virginia. If the Senator will just allow me, I will attempt to clarify the matter for him.

Mr. WILLIAMS of Delaware. I am glad to.

Mr. BYRD of West Virginia. We do not say that we make a net reduction in expenditures of $5 billion. We merely take the President's revised estimate of $192.9 billion and lower that ceiling by $5 billion, to the figure of $187.9 billion. Then we say that that amount of $187.9 billion shall be increased or decreased by the aggregate amounts, and in simple language, this means the aggregate amounts of increases of uncontrollables in fiscal year 1970 over the amount for uncontrollables in fiscal year 1969. Based on the latest estimate, that figure is $3.1 billion. So we are saying that we are lowering the ceiling to $187.9 billion, and we then increase that by $3.1 billion, which is the amount by which the uncontrollables in fiscal year 1970 are estimated to exceed the amount spent for uncontrollables in fiscal year 1969.

The figure would then be 191 billion, which would constitute a reduction of $1.9 billion from the President's revised budget request of $192 billion.

Mr. WILLIAMS of Delaware. Perhaps I do not see it, but in section 401, where does it refer to the budget of $192.9 billion as submitted by the President? As I read the bill all it refers to is the $195.3 billion submitted by President Johnson. Maybe it is in here, but I do not see it. Where is it?

Mr. BYRD of West Virginia. If the Senator will allow me to complete my sentence——

Mr. WILLIAMS of Delaware. Yes.

Mr. BYRD of West Virginia. I think the language which is confusing the Senator is that which is on page 71 of the bill, which reads as follows:

> Items designated "Open ended programs and fixed costs" in the table appearing on page 16 of the budget of the United States—

That language identifies the items. It does not identify the amounts. I think that is what is confusing the Senator.

It merely identifies the unpredictable item of Southeast Asia operations and the uncontrollable, fixed cost, or open-ended items such as social security, veterans' pensions and compensation, interest on the national debt, price support, and so forth.

Mr. WILLIAMS of Delaware. Assuming for the moment that the senator is correct, it still does not identify the amounts.

Mr. BYRD of West Virginia. No; I did not say that. I said it identifies the items, but not the amounts.

Mr. WILLIAMS of Delaware. When does it identify the amounts?

Mr. BYRD of West Virginia. The Senator has to go to the Bureau of the Budget to get the amount by which fiscal 1970 expenditures for uncontrollables is estimated to exceed the expenditures for uncontrollables in 1969.

Mr. WILLIAMS of Delaware. Oh, I see. This is subject to change every day.

Mr. BYRD of West Virginia. No, not at all. We take the $3.1 billion figure.

Mr. WILLIAMS of Delaware. Whatever the Director of the Budget says today. Tomorrow may be different.

Mr. BYRD of West Virginia. No, but I got the figures——

Mr. WILLIAMS of Delaware. Are they not subject to change at a later date? The Senator may have the figures, but we are acting on the committee bill.

Mr. BYRD of West Virginia. If the Senator will just let me finish my sentence——

Mr. WILLIAMS of Delaware. Of course.

Mr. BYRD of West Virginia. Of course, the figures for fiscal year 1969 cannot be absolutely definite at this point, because fiscal year 1969 has not yet run its course; but the very best up-to-date estimates that can be gotten indicate that the amount by which the uncontrollables will exceed in 1970 the amount spent in fiscal year 1969 is $3.1 billion. That, added to $187.9 billion, comes to $191 billion, which is $1.9 billion under the $192.9 billion in the President's revised estimates.

To tie that figure down and make sure that the Congress and/or the administration are obligated to make a reduction in controllable expenditures in 1970 by that much at least, we put the language in the bill to the effect that "Such reservations by the President shall be in amounts sufficient to insure reductions of not less than $1,900,000,000."

Mr. WILLIAMS of Delaware. The Senator will admit, will he not, that under any interpretation his answer is confusing? First, the bill refers to the budget on page 16, then the Senator refers to the budget submitted by President Nixon in April, now we are told it is the budget figures given to the Senator from West Virginia last week. What will it be tomorrow? The fact is there are still these exemptions for the open-ended programs under which it is possible that, no matter what is provided in the bill, the expenditures for fiscal 1970 could go over $200 billion.

Mr. BYRD of West Virginia. Of course, we do not foresee, nor can we foresee, what the expenditures are going to be for the uncontrollable items, but we do say we are going to have to make a $1.9 billion reduction in the controllables.

Mr. WILLIAMS of Delaware. But the point I am making is this. The Senator is talking about uncontrollable items; for example, Commodity Credit Corporation payments and farm price supports. Why are they uncontrollable? We have in committee a proposal, which I strongly support and which was cleared in the House, which limited agricultural payments to $20,000. Several hundred millions of dollars in savings are involved in that item. Congress can control this program, so that is a controllable item.

Conceivably, Congress can pass laws liberalizing support payments, but it is a controllable item. Congress can control it.

I will grant the Senator that interest on the national debt is not controllable in the Congress. We can pass all the debt ceilings we want to, but we have to pay the going price on the marketplace. To me, interest charges is an uncontrollable item.

Social security payments are paid

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under a trust fund, so it is an item that can be controlled by Congress. I regret that we are trying to count it as if it were normal revenue, though, for the purpose of claiming a balanced budget.

Proceeding further, Congress authorizes expenditures for the legislative and judicial branches of the Government. Certainly they are all controllable items, and yet they are listed as uncontrollable by the committee bill.

I have discussed this matter with the Bureau of the Budget. For example, an increase in postage rates has been requested effective July 1 which would bring in $519 million next year. I have been told that to the extent that Congress does not act, that, too, will increase by $500 million the figure which the committee has in its version of a ceiling. That ceiling is automatically increased by inaction of Congress to enact the postage increases asked for. I think the Senator will agree with that.

Mr. BYRD of West Virginia. The Senator has mentioned several matters. We may be dealing in semantics. We have used the word "uncontrollable." I have used the word "uncontrollable" to include items that may be controllable but are unpredictable. For example, expenditures for Southeast Asia are estimated to be $25.2 billion. They are not exactly uncontrollable, but they are unpredictable, and they have been exempted as uncontrollable under this bill. We may be talking about open-ended items, such as public assistance grants. We may be talking about fixed costs such as interest on the national debt. We may be talking about unpredictable items such as Southeast Asia expenditures. But they have all been placed in the "exempt" category.

Mr. WILLIAMS of Delaware. The price support programs come under the exempt provision, and they can be controlled in the future if Congress wants to.

Mr. BYRD of West Virginia. Yes.

Mr. WILLIAMS of Delaware. They are controllable items. Likewise, expenditures for the legislative branch are controllable. Why are they exempted?

Mr. BYRD of West Virginia. It is true that that is controllable by the legislative branch, but the Senator does not contend, does he, that if the President were forced to make a reduction of $1.9 billion, or any portion of it, he would attempt to make the reduction in the legislative branch?

That is why we have exempted the legislative item here.

Mr. WILLIAMS of Delaware. It might have been a good thing if he had.

Mr. BYRD of West Virginia. Well, it might or might not have been a good thing, but he is not going to, and the Senator knows that. That is why we have exempted that item.

Mr. WILLIAMS of Delaware. Why the judiciary?

Mr. BYRD of West Virginia. I do not think the President would want to cut the judiciary. Does the Senator believe he would?

Mr. WILLIAMS of Delaware. Frankly, I am beginning to wonder if Congress is going to cut anything. That is what is bothering me.

I am one who feels we have got to make these reductions. I feel very strongly that we have also got to extend the surcharge. But, on the other hand, if we are going to extend the surcharge only to pour an additional $8 to $10 billion into the Treasury with no control over its spending, where it can roll right on out in increased spending, I think we have not only not accomplished anything but have defeated our purpose. That is the reason why I want a bona fide, realistic control over spending if we are going to enact one. Let us not fool the taxpayers on a meaningless statement.

I realize that, just as it happened last year, no matter how tight we may make the expenditure controls, Congress can by subsequent action release those controls. I recognize that, and perhaps that is what would be done again. It was done in several instances last year, as the Senator knows.

But at least every time Congress raised that ceiling last year, or released those controls on some agency, every Member of Congress knew about it. Our constituents back home knew about it. It was all open and aboveboard, because Congress had to take affirmative action to raise the ceiling.

As I understand the situation here, we can go back home and boast of the fact that in the Senate we have cut expenditures by $5 billion more than the House cut, but in reality it is not a reduction at all.

Mr. BYRD of West Virginia. No. By $1.9 billion.

Mr. WILLIAMS of Delaware. Well, why talk of $187.9 billion being $5 billion less than the House figure?

We cannot even be assured we will have cut $1.9 billion in total expenditures, because the bill has opened up so many loopholes. We exempted last year the interest on the national debt, as Congress cannot control it; by the same token, neither the President nor the Treasury Department could increase such expenditures because interest on money is a fixed charge in the money market. It is much different from taking a grant program or a program like the agricultural program. These can be controlled. I think we have entirely too many exemptions here if we want to have realistic control.

As far as I am concerned, I would rather fix the figure, whatever it is, be it $190 billion or $187 billion. I certainly could support that on the basis that if we cannot get $187 billion we will get $190 billion.

But whatever figure we take, let us take a figure in good faith, with an ironclad ceiling, so that it can be exceeded only by affirmative action and rollcall votes right here in Congress.

Mr. COOPER. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. The junior Senator from Kentucky has been on his feet for quite some time. I yield to him first.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The junior Senator from Kentucky is recognized.

Mr. COOK. Mr. President, I ask the Senator, as to incorporating in the bill the ceiling of $187.9 billion, does he not think it is rather odd to first put on a ceiling, and then, on pages 71 and 72, exempt as uncontrollable $124.2 billion of that $187.9 billion?

Mr. BYRD of West Virginia. How does the Senator arrive at his figure of $124 billion?

Mr. COOK. The committee exempts everything on page 16 of the original bill, whatever that would be.

Mr. BYRD of West Virginia. Exempts those items, but not the amounts.

Mr. COOK. If we exempt those items as being uncontrollable items, and those items on page 16 amount to $108.9 billion?

Mr. BYRD of West Virginia. The Senator is referring to a budget which was printed in January.

Mr. COOK. These are the amounts the bill refers to.

Mr. BYRD of West Virginia. No, the items are referred to, by way of identification, but not the amounts.

Mr. COOK. Well, then, let us put the amounts back to what they were in fiscal 1969, $90.2 billion, and, in the case of the Southeast Asia situation, $28.8 billion; so, in that case, the uncontrollable total would be, not $124.2 billion, but about $115 billion.

Mr. BYRD of West Virginia. No; if the Senator will use his pencil, I will give him the amounts.

Mr. COOK. All right. But what in fact we are saying, by writing this bill and putting in a limitation, is that we can control $63.7 billion of this $187.9 billion, but that we cannot control the increase or decrease of $124.2 billion, or whatever figure the Senator wishes to suggest; is that not true?

Mr. BYRD of West Virginia. We cannot control them unless we do as the Senator from Delaware says. Of course, we can control some of these items, but they are considered unpredictable or open-ended.

Last year we started out with a certain number of exemptions, which were added to as the session proceeded. In this instance, we are starting out at the beginning with exemptions, and we are specifically listing them, so that Congress and the President will both know the exact amount by which the controllable items are to be reduced, and what items can be so reduced.

Mr. COOK. But did the Senator not reply to the Senator from Delaware that if the figure in the uncontrollables were to go up as much as 5 percent, we would have to seek a reduction in controllables?

Mr. BYRD of West Virginia. No, I did not.

Mr. COOK. I thought that was exactly what the Senator said.

Mr. BYRD of West Virginia. I did not.

Mr. COOK. He said we would have to reduce the controllables.

Mr. BYRD of West Virginia. I said if Congress increased the controllables in one area, it would have to make offsetting deductions in the controllables in another. If I used the word "uncontrollable," I did not intend to.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of Delaware. I think the question I asked was, would it not be conceivable for Congress to reduce the

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so-called controllable items by the $1.9 billion and at the same time increase the open-end items, the ones referred to as uncontrollable, by $10.9 billion if he wanted to, and have an additional $9 billion spending overall?

Mr. COOK. That is correct. I should also like to know from the Senator—I assume some of the gentlemen up here in the Press Gallery will be writing in newspapers that the President of the United States shall effect reductions of not less than $1.9 billion, and there may be people all over the country who will read that he has got to effect a reduction of $1.9 billion, except that he cannot work in the category that constitutes, in the language of this bill, an uncontrollable account, and the total of such accounts could reach as much as $124.2 billion out of $187.9 billion. Is that not correct?

Mr. BYRD of West Virginia. Of course. And that was correct last year.

Mr. COOK. And that the only reduction he could make, if he can make one, is within the controllables, and if the uncontrollables get out of hand, there would be no reduction at all?

Mr. BYRD of West Virginia. The able Senator is correct. That should be understood by anyone and everyone.

Mr. COOK. All right.

Mr. BYRD of West Virginia. I yield now to the senior Senator from Kentucky.

Mr. COOPER. Mr. President, as I recall, last year due to the amendment of the Senator from Delaware (Mr. WILLIAMS) and the former Senator from Florida, Mr. SMATHERS, there was a limitation of $6 billion fixed by Congress as a minimum reduction of expenditures.

I think what happened was that that $6 billion reduction in expenditures was maintained in the controllable expenditures, but there were uncontrollable expenditures which increased by about $3.8 billion, and as a result, we had a net decrease of about $2 billion.

Mr. BYRD of West Virginia. No, the increase of $6.2 billion in uncontrollables just about washed out the decrease of $6.7 billion in the controllables.

Mr. COOPER. Well, there was some surplus claimed; as I recall, about $2.1 billion.

My question is this: As I have listened to the discussion of the Senator from West Virginia, the Senator from Delaware, and my colleague, I have wondered, is it intended that there be an ironclad reduction in expenditures of at least $1.9 billion below the amount recommended to Congress in the views of President Nixon?

Mr. BYRD of West Virginia. Let me answer the Senator's question this way: The President's revised budget estimates amount to $192.9 billion.

Mr. COOPER. Yes.

Mr. BYRD of West Virginia. Of which, $106.7 billion is in the uncontrollable category. That leaves $86.2 billion in the controllable category.

We are simply saying here that the controllable $86.2 billion will have to be cut by $1.9 billion, bringing the controllable figure to $84.3 billion. It is that simple.

Mr. COOPER. Mr. President, I understand. However, as far as the controllable items, the Senator is insisting on an ironclad cut of $1.9 billion.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. COOPER. As far as the uncontrollable items, it could wipe that out by $2 billion, $5 billion, or $10 billion.

Mr. BYRD of West Virginia. As was the case in the fiscal year 1969 situation.

Mr. COOPER. There is no provision in the bill that would require this action. Assuming that the noncontrollable items were increased by $5 billion or $10 billion, there is no provision here that would require the President or Congress to reduce the controllable items by an amount sufficient to match the increased expenditures on uncontrollable items.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. WILLIAMS of Delaware. Mr. President, the whole argument basically gets down to the fact that last year the bill passed Congress and carried an exemption only as to interest on the national debt, which was really a fluctuating item.

Mr. BYRD of West Virginia. No.

Mr. WILLIAMS of Delaware. Just a moment.

Mr. BYRD of West Virginia. All right.

Mr. WILLIAMS of Delaware. Then it spelled out that the trust fund payments, the social security payments, were not affected because the only way they could be changed up or down would be by congressional action raising or lowering the monthly payments. That is recognized. They were not affected.

The same thing is true on veterans' benefits mandatory under the law. We know they are obligations. We spell out exemptions for these.

However, beyond the trust funds and the veterans' payments and the interest, that was it.

Mr. BYRD of West Virginia. Would the Senator indulge a correction at that point?

Mr. WILLIAMS of Delaware. Yes.

Mr. BYRD of West Virginia. The unpredictable expenditures for Southeast Asia were also exempted.

Mr. WILLIAMS of Delaware. I was referring to domestic programs. Naturally, we cannot estimate any cost due to an acceleration of the war. However, I was speaking of the domestic programs first. However, those were items that we exempted in the original proposal that was sponsored by former Senator Smathers of Florida and me. I grant the Senator that quite a few exemptions were approved later, although Congress did not make as many exemptions as are contained in the pending bill.

In all fairness, however, the TVA, which is not in the committee proposal, was exempted last year by the action of Congress. There may have been others.

I do not think there is anything new. This bill has far more exemptions now than Congress approved last year. This bill exempts the public assistance grants, including medicaid, farm price supports, and any prospective or future salary increases.

Mr. BYRD of West Virginia. Will the Senator indulge an interruption at that point?

Mr. WILLIAMS of Delaware. Surely.

Mr. BYRD of West Virginia. Last year, public assistance grants were included up to $560 million over the budget estimate, and also farm price supports under the Commodity Credit Corporation were exempted up to $907 million over the budget estimate.

Mr. WILLIAMS of Delaware. They were not exempted in the bill which we introduced in the Senate.

Mr. BYRD of West Virginia. They were added.

Mr. WILLIAMS of Delaware. I grant the Senator that they were added later but over my objection. However, when they were later exempted it required affirmative action, debate, and a vote by Congress. That is what I would like to have done here with respect to whatever expenditure controls we enact now. I would like to have us at least firm the matter up, and then if Congress wants to stand by its decision it will have a chance to resist any later effort to amend the ceiling.

However, as I interpret the matter, if we pass the pending bill this will be the last chance we will have to look at it. Everything is automatic even on some of the items which are controllable.

Mr. BYRD of West Virginia. That is one of the advantages of the committee version.

Mr. WILLIAMS of Delaware. The Senator is correct. There is no question that from the standpoint of those who want no limit on spending this bill has a tremendous advantage.

Mr. BYRD of West Virginia. No, from the standpoint of those who want to know where we are and what action will be called for as a result, it is an advantage to Members of the Congress and the administration.

Mr. WILLIAMS of Delaware. It is an advantage to those who want to increase spending. They would have the exemption already.

I think we would be making a terrible mistake if we were to approve the committee version. I will not say it is not worth the paper it is written on; however, as far as effective control on spending, in my opinion it is worthless. I would rather have no ceiling than for Congress to approve this farce.

Then the Senator could accept an amendment so as to tighten this down to the same restrictions we had last year when the bill was introduced in the Senate. If the Senate will accept that I will go along with changing the figure from $187.9 billion to $190 billion; that is, with the exemptions the same as introduced last year.

Mr. BYRD of West Virginia. Mr. President, the Senator begins with the item of unpredictable costs of Southeast Asia. That was in the Senator's bill last year. It is in the bill this year.

The next item is interest on the national debt. That was in the Senator's bill last year, and it is in the bill this year.

The next item is social security, including medicare. That item was in the Senator's bill last year, and it is in the pending bill.

The next item is veterans' pensions, medical care, and so forth. That item was in the Senator's bill last year, and it is in the pending bill.

The next item is farm price supports.

Mr. WILLIAMS of Delaware. That was not in my bill last year.

Mr. BYRD of West Virginia. Let me finish, please. The next item is farm price supports. That is in the pending bill, and it was in the Senator's bill after Congress had finished work on it, up to a point of $907 million over the budget estimate.

Mr. WILLIAMS of Delaware. The Senator talks about what Congress did before it got through. I will be honest with the Senator. There was not much left of the $6 billion cut when Congress got through; however, we made an effort. I am speaking of the bill when it went through the Senate and not of the exemptions that were approved later.

In my opinion, Congress made a big mistake when it made the later exemptions last year. The best evidence of that can be seen when one looks at the inflationary spiral which constitutes a serious danger in our country today.

I think if we are going to have an expenditure ceiling we should have one that means something. I would be willing to accept the same exemptions we had last year when we considered my original bill. I would even accept a figure of $190 billion if we can write that in and make it mandatory, with no loopholes or exemptions unless Congress and the Executive, working together, later change the figure.

Mr. BYRD of West Virginia. The Senator knows that if Congress made a mistake last year in exempting items, it will make the same mistake this year.

Mr. WILLIAMS of Delaware. Why should we double it?

Mr. BYRD of West Virginia. I do not know. The Senator can answer that question. However, he will agree that Congress will make the same exemptions this year.

Mr. WILLIAMS of Delaware. I will not agree with that, I hope that Congress realizes the dangerous results of its actions of last year. When we figure that today money is around 8 percent, and I notice in the paper today that they are predicting a triple A bond being released today or tomorrow with an 8-percent coupon rate and the Government of the United States paying around 7-percent interest. Certainly Congress is more alert to the dangers today; if not, then we had better get another Congress.

I do not think our Government can continue to neglect this inflationary spiral. I think we can do something, and I do not think that raising taxes is enough. We must cut spending.

Mr. BYRD of West Virginia. I agree.

Mr. WILLIAMS of Delaware. Then let us put an effective ceiling on expenditures.

Mr. BYRD of West Virginia. I agree.

Mr. WILLIAMS of Delaware. It is much easier to operate with a pocketful of money and no control over spending. It is much easier as an individual to go downtown with a pocketful of money. However, our Government has reached the point where it does not have the money to pay our bills without borrowing.

I hope that the Senator will go along with eliminating from the excepted list the open-end items on page 16.

Mr. BYRD of West Virginia. We had more than three items last year.

Mr. WILLIAMS of Delaware. The Southeast Asia items on page 27.

Mr. BYRD of West Virginia. Let me ask the Senator this: Would the Senator like to remove from the exemptions the item of $25.2 billion for expenditures for Southeast Asia?

Mr. WILLIAMS of Delaware. I do not think we have any choice; and that was exempted last year.

Mr. BYRD of West Virginia. Would the Senator like to remove that item from the exemptions?

Mr. WILLIAMS of Delaware. No. It was in last year when we introduced the bill.

Mr. BYRD of West Virginia. Would the Senator like to remove from the exemptions the $42.1 billion for social security and medicare?

Mr. WILLIAMS of Delaware. I have said that I will take the bill we had last year if the Senator will support it, and I will offer it as a substitute.

Mr. BYRD of West Virginia. Would the Senator like to remove from the exemptions the $16.4 billion for interest rates on the national debt?

Mr. WILLIAMS of Delaware. It is listed as $16 billion on page 16 of the budget.

Mr. BYRD of West Virginia. It is $16.4 billion.

Mr. WILLIAMS of Delaware. That was in the exemptions last year.

Mr. BYRD of West Virginia. So the Senator would like to remove it?

Mr. WILLIAMS of Delaware. No. What is this, shadow boxing?

Mr. BYRD of West Virginia. Would the Senator like to remove from the exemptions the $6.1 billion for veterans' pensions, veterans' compensation, and medical care?

Mr. WILLIAMS of Delaware. I have already said that that was in the bill last year.

Mr. BYRD of West Virginia. Would the Senator like to remove from the exemptions the $7.2 billion for public assistance grants, including medicaid?

Mr. WILLIAMS of Delaware. That was not in our bill, and they are controllable items.

Mr. BYRD of West Virginia. The Senator would like to exempt that?

Mr. WILLIAMS of Delaware. No. They can be controlled.

Mr. BYRD of West Virginia. Then, I suggest that the Senator offer an amendment, and let us have a vote on it.

Mr. WILLIAMS of Delaware. Do not worry, an amendment will be offered if that is what the Senator wants.

Mr. BYRD of West Virginia. I do not want it. That is what the Senator from Delaware wants.

Mr. WILLIAMS of Delaware. Why should we have an exemption for the postal operations? Why should we exempt Congress from some controls when we are asking other agencies to accept controls? Why should we ask all these executive departments to control spending but say that Congress is not going to be controlled? I would not exempt the judiciary. Then there is the item of $1.5 billion classified as "other."

Mr. BYRD of West Virginia. No, it is $2.1 billion.

Mr. WILLIAMS of Delaware. It has jumped $500 million in the last 3 months.

Mr. BYRD of West Virginia. It has jumped $0.6 billion.

Mr. WILLIAMS of Delaware. Perhaps it has jumped another hundred million dollars since we began debating.

I would strike out, that exemption. I just do not understand what it is. I suggest the absence of a quorum, and then we will start on the amendments.

I will withhold that. Does the Senator wish to speak first?

Mr. BYRD of West Virginia. I do, yes.

Mr. WILLIAMS of Delaware. I withhold that, temporarily.

Mr. BYRD of West Virginia. Mr. President, the committee has attempted to substitute an approach—which we think is workable, which will give the President of the United States some flexibility, and which will require a reduction of $1.9 billion in the controllable expenses—for an approach which was suggested by the House and which is considered by the committee to be unworkable, overly restrictive, and uncertain and indefinite in its results.

The provision enacted by the House would utilize the President's revised budget estimate of $192.9 billion as a ceiling, a ceiling which could be increased or decreased only by action or inaction of Congress. The President could do nothing to raise or lower that ceiling.

An example of action by Congress would be in the case of increasing the appropriation, let us say, for flood-control projects by $100 million over the budget estimate. That would automatically raise the ceiling from $192.9 billion to $193 billion.

An example of inaction by Congress which would have an impact upon that ceiling would be if Congress fails to enact legislation making the postal increases requested by the President. If Congress refuses to enact those postal increases, there would be an automatic increase in the ceiling of $192.9 billion by $621 million. That is an example of inaction by the Congress and its impact on the ceiling.

Congress would not determine the expenditure impact of its increases or decreases in appropriations. This would have to be done, under the House provision, by the Bureau of the Budget, which every month for the remainder of this calendar year would have to report to Congress the impact of its appropriations on expenditures. Then, during the last half of the fiscal year, the impact would be reported by the Bureau of the Budget once every quarter. But the provision that has been enacted by the House makes no exemptions whatsoever, no exceptions for increases in uncontrollable items, and it would require the President to make corresponding decreases in controllable items for any unanticipated increases in the uncontrollable items. It simply states a ceiling, makes no exemptions, and says this is it.

For example, if the war in South Vietnam were to heat up, let us say, next March, and the President had to request from Congress $2 billion in additional moneys for Southeast Asia, this would be a request by the President; it would not be action by Congress. If Congress allowed the $2 billion, this would not have

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any effect on the ceiling, because the President would have requested it, and the ceiling can be adjusted only by congressional action or inaction. So the ceiling would remain the same, at $192.9 billion, even though the President requested from Congress a $2 billion additional appropriation for Southeast Asia. Now, if $1 billion of that $2 billion were to be expended in fiscal year 1970, this would mean the President would have to make a corresponding decrease of $1 billion in controllable items as late as next April or May under the example I have cited.

The committee felt that this is too restrictive. It would straitjacket the President, and it really seems unworkable. So the committee sought to come to the floor with a provision that would require a reduction in expenditures but which would take into account and exempt the unpredictable item of Southeast Asia, fixed items such as the interest rate, and open ended items such as public assistance, and so forth. It has, therefore, exempted those so-called uncontrollables, but it does require the President or Congress to make a reduction in the controllable items in an amount not less than $1.9 billion. So this assures a cut of at least $1.9 billion. If Congress makes the cut, then the President does not have to make a reduction. But $1.9 billion is a pretty sizable cut in expenditures.

In 1968, Congress made appropriations cuts amounting to $5,567 million, whereas the expenditure impact from those cuts was only $1,907 million. In 1969, Congress made appropriations cuts amounting to $13,188 million. Yet the total expenditure impact was only $3,803 million. So the expenditure impact was approximately only one-third, or less than one-third, of the total appropriations cuts made by Congress.

So when we require an expenditure cut of $1.9 billion, we are really talking about a $5.5 billion to a $6.5 billion cut in appropriations. And that isn't chickenfeed in anybody's language. The $1.9 billion cut, when added to the $4 billion reduction that the President has already made in the Johnson budget, makes a total reduction from the Johnson budget of approximately $5.9 billion, which is about the size of the $6 billion cut required by the Congress last year.

So, Mr. President, I hope that the Senator will go along with the committee version, because it does insure a cut in Federal expenditures; it does exempt those areas of the budget over which the President and Congress have virtually no control. At the same time, it puts the President on notice now as to the minimum reduction to be made.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Maryland has a statement he wishes to make on another matter, and we can resume our debate later.

However, I wish to say to the Senator that I will propose amendments. I want to make sure that any ceiling enacted will be effective.

Mr. BYRD of West Virginia. The bill clearly states that there must be a reduction of $1.9 billion in these controllable items and that is as plain as one can make it. If that language becomes the law we will have to abide by it.

I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I thank the distinguished Senator from West Virginia for yielding.

Mr. President, I would like to point out that the inclusion of $18,736,000 in this bill for the District of Columbia subway system represents a real breakthrough. In my years in the other body, as well as here, I have been fighting this battle, and I would like to pay tribute to the distinguished Senator from West Virginia, because I think this item is an example of the constructive leadership that the Senator has exercised. I wish to thank him for it.

Approval of these funds will permit the Metropolitan Washington Transit Authority to start construction of the subway system, a system which is absolutely essential to meeting the transportation needs of this rapidly-growing area.

In line with the colloquy which has taken place between the Senator from West Virginia and the Senator from Delaware, longer postponements could greatly increase overall construction costs, which are now increasing as much as $250,000 per day. More seriously.

I am delighted that these funds have been included in this bill, because further delay could have disastrous results. First, longer postponements could greatly increase overall construction costs, which are now increasing as much as $250,000 per day. More seriously, longer delay could jeopardize the complicated and somewhat delicate structure of regional accords and financial commitments which have been so laboriously shaped by all the governments in the metropolitan area.

It is only realistic, however, to add a cautionary note. However much we may regret it, the fact is that the metro system cannot be considered or constructed without some regard for the progress of the area's freeway system. To be blunt, the subway has to date been held hostage for the freeway system, particularly for the Three Sisters Bridge. Therefore, the freeway controversy—incredibly tangled as it is—simply must be resolved in order to assure, first, that subway construction will continue on schedule, and second, that rational transportation planning for the entire metropolitan region can be advanced.

I was very pleased to see that the Secretary of Transportation has taken a personal interest in the problem and has indicated that he intends to press for a reasonable solution.

It would be most encouraging and timely to have the same types of assurances now from the District of Columbia government, including both the Mayor and the city council. I hope both Mayor Washington and Chairman Hahn will give us that kind of assurance.

What we need now from all parties, and I emphasize "all parties," is not stubbornness, but statesmanship. A problem of this magnitude and intricacy can be resolved only by the persistent exercising of the art of compromise. I think the distinguished Senator from West Virginia has given us an example of that.

To assure that the $18.7 million will actually be approved, I would urge all parties concerned to reconsider their individual positions, weigh carefully the possible price of further deadlock, and actively seek the areas of agreement on which a sensible transportation policy could be based.

If they have any doubt about the urgency of it they do not have to look at statistics; they merely have to try to get downtown in the early morning.

I trust that this course of seeking compromise will be productive. If necessary, I intend to make specific recommendations myself during the coming weeks.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DOLE in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I shall not call up my amendment with relation to summer jobs for youth for a little while. However, I wish to comment on another matter regarding this bill.

I am particularly heartened to note that the Committee on Appropriations has seen fit to restore the $16 million cut earlier this year from the educational opportunity grant program authorized by title IV–A of the Higher Education Act.

Under this program grants of from $200 to $1,000 are awarded to qualified students of exceptional financial need who, without this assistance would be unable to attend college. The amount awarded must be matched by funds from other sources such as institutional aid, student loans, and earnings from work-study employment.

I hope that our colleagues in the other body on the conference committee will agree to the wisdom of this restoration of funds, which offers such great hope to promising young Americans who otherwise would not be able to obtain a higher education. At a time when tuition costs are rising at a rate of between 5 percent and 10 percent annually, when other costs are rising and when obtaining a guaranteed student loan is more difficult because of the tight money market and high interest rates, the importance of the EOG program and its maintenance become more apparent.

As to how this $16 million restoration will affect one State, let me cite the example of New York, where $1.23 million in new funds for initial EOG awards would likely be made available to the colleges in the State. Of this amount, $270,000 would be assigned to the 25 State-operated campuses of the State University of New York—SUNY—increasing its available initial year funds by 30 percent, to $1.2 million. Thus some 305 new eligible students could be enrolled at SUNY's colleges in September in addition to the 1,100 for whom funds are presently available. The families of most of these 1,450 young people have

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gross incomes below $3,000—none exceed $6,000.

I should like to emphasize that none of these promising students will have to be sought out when this appropriation becomes a reality. They are now awaiting fulfillment of the pledge made them by SUNY in partnership with the Government based on the intent and authorization of the Higher Education Act, as amended last year. These Federal moneys are a vital addition to the $4 million being expended by the State for its own program, SEEK, which is similar to EOG in purpose.

In conclusion, I should like to commend the committee for this restoration of funds to EOG and assure its members that they have my support in conference to sustain the provision.

I feel an additional sense of strength because of that and urge upon the Congress the final enactment of this restoration which has been made so intelligently, I am happy to say to my friend, the Senator from West Virginia (Mr. BYRD), by the Appropriations Committee.

Thank you, Mr. President.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IT IS URGENT THAT MIRV FLIGHT TESTS BE HALTED

Mr. CASE. Mr. President, I rise to discuss a matter that is fully as urgent to the best interests of the United States as the contents of the bill that is now before the Senate.

I speak of the need to open talks with the Soviet Union on a strategic arms limitation treaty, and of the threat to those talks that is implicit in the continued testing of multiple warheads by both nations.

The press today reports that the administration has proposed that the talks between the two countries start on July 31, some 6 weeks from now. If true, this is indeed good news to all of us who have deplored the months long delay in getting talks started.

But the press has also reported no change in the administration's intention to continue flight tests of multiple independently targetable reentry vehicles—or MIRV's—even after the talks open. And that is indeed bad news.

For the simple fact is that nothing is so certain to insure that the strategic arms race continues on an upward spiral as is the deployment of MIRV's.

Today, thanks to independent surveillance systems, both sides can count the other's offensive missiles and estimate with some assurance the damage they might do.

But once these missiles can be fitted with with multiple warheads, and especially MIRV's, such assurance will not be possible.

The urgency of the matter rests on the fact that the only real hope of avoiding the deployment of MIRV warheads by both sides is to ban the testing of MIRV's before they have been fully developed by either side. And that moment is rapidly approaching.

Indeed, when I first raised this question with Secretary Laird when he appeared before the Foreign Relations Committee almost 3 months ago, he said we would be deploying MIRV's "not in the too distant future."

The United States has already conducted quite a number of MIRV flight tests with Poseidon and Minuteman III missiles. The Soviet Union has also conducted flight tests of multiple warheads in the Pacific.

Whether they are testing true MIRV's or simpler MIRV—that is to say, multiple reentry vehicles without independent guidance—is a matter of some dispute in the intelligence community.

Only a week ago Friday, for example, when asked if the Soviets were flight testing MRV's, Secretary Rogers told members of the Foreign Relations Committee, "I have no reason to think they are."

Then last Monday the Times reported that "intelligence experts in the Pentagon" have concluded that the Soviets are testing true MIRV's. This obviously inspired report has also appeared in other publications.

But whether the Soviets are testing MIRV's or simply MRV's is beside the point. For it is undisputed that the United States is substantially ahead of the Soviets in MIRV technology. Nor can anyone argue that a mutual moratorium on flight tests would enable the Soviets to overcome our lead.

More importantly, I know of no one who is prepared to dispute the proposition that, once MIRVs are fully tested by either or both sides, there would be no way of checking on compliance with an agreement not to deploy MIRV's except by detailed, on-site inspections which the Soviet Union would never agree to and we would not be likely to agree to either.

The importance of immediate action to stop MIRV flight tests now—before they have been completed by either side—cannot, therefore, be overestimated. Upon taking this action now may well depend the possibility of any effective limitation of strategic armaments by agreement between our country and the Soviet Union.

Three weeks ago I called on President Nixon to order an immediate halt to MIRV flight tests for so long as the Soviets did the same.

I made that proposal in full confidence that such an initiative on our part would entail no risk to our security:

We are substantially ahead of the Soviets in MIRV technology.

We can monitor their flight tests—as they can monitor ours. If they resume tests, we will know.

We can maintain our readiness to resume testing, as we must assume the Soviets would also do.

We can resume tests immediately should they decide to do so. Obviously, this proposal is not unilateral disarmament in any sense.

The Senate will recall that just over 10 years ago—on October 31, 1958—President Eisenhower announced that the United States would conduct no further tests of nuclear weapons in the atmosphere for so long as the Soviets did likewise.

The Soviets observed that moratorium for 3 years, until September 1, 1961, when they resumed testing. The United States then conducted further tests of its own. But the moratorium, even though broken, helped to pave the way for the partial Test Ban Treaty of 1963, which the Senate ratified by a vote of 80 to 19.

If we are ever to conclude a strategic arms limitation treaty with the Soviet Union, the terms of that agreement must be such that the President, the Senate, and the American people can be confident of our ability to detect violations that might jeopardize our safety.

We can have no such confidence once the Soviets have fully tested MIRV warheads. Nor could they have any such confidence once we have reached that stage.

Indeed, there is good reason to believe that, somewhere short of full testing, both nations would have to conclude that it was too late to enter a moratorium on testing with sufficient assurance that the other side could not deploy.

Would the Soviets respond in kind to the initiative I am proposing, and thus bring about an effective if informal moratorium on MIRV testing?

No one can say. But what I can and do say with absolute conviction is this: If we allow this momentary opportunity to stay the mad momentum of nuclear armaments to slip by, the security that this Government is sworn to seek and maintain for our Nation will not grow, but will diminish.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CASE. Mr. President, I yield to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, I associate myself with all that has been said by the distinguished senior Senator from New Jersey. I commend him for taking this position on this most vital subject, a subject which is of such importance to the United States and to the people of the world.

Mr. President, as this discussion makes evident, there is a deep and growing concern in the Senate that the opportunity for political control of our future security is fading before the mounting pressures of a technology that presents special difficulties to the political leadership of this Nation and the Soviet Union. Both countries have declared their desire to enter negotiations aimed at freezing the level of strategic armaments on both sides. Both countries have made known their desire to avoid an endless competition in weapons development and procurement. Both countries have indicated an awareness that in a nuclear war there can be no victor, in any meaningful sense.

But these new perceptions, which ought to be the paramount factors in shaping the policies of the two superpowers, have not yet produced the kind of arms control arrangements on which either side can rely. In recent years we have had the good fortune to be able to rely upon new techniques of surveillance

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to reduce the hazards of the arms race by keeping both nations informed as to the general strategic capacities of each other. This has permitted a measure of confidence in the estimates of force levels, estimates which in turn have been the basis for strategic planning and decisions. It has also permitted the two nations to begin contemplating more formal arms limitations which might be monitored with a fair degree of assurance that there was less chance of clandestine activities which could give one side a unique advantage, hence upsetting the strategic balance.

In this same period, owing largely to U.S. restraint in weapons deployment, the Soviet Union has pulled abreast of the United States in the numbers of strategic delivery vehicles. While there are variations in weapons characteristics and qualities, the condition into which the two powers have moved is one of rough strategic parity. Neither side could overwhelm the other; either side would receive a devastating retaliatory blow.

These, then, are the elements which mark the strategic balance in 1969: the Soviet Union and the United States have achieved a general strategic parity at a time when unprecedented means of surveillance have improved their capacity to monitor additions to each other's forces. These are the elements which have offered hope that it might be possible to devise workable arrangements to stabilize the balance at the present levels, hopefully in anticipation of later force reductions rather than an endless contest to raise the levels to ever higher ranges in the coming years. While no one who is knowledgeable in these matters expects to see massive and immediate steps toward disarmament, many informed persons have believed it might be possible to prevent the wasteful continuation and intensification of the arms race.

If these are the conditions of opportunity, they are greatly complicated by other factors which may make it exceedingly difficult to seize the opportunity. After much study, it has become clear to many Members of this body that the prospective deployment of MIRV technology is precisely such a factor.

The complexities of MIRV are many, and the reasons why it jeopardizes the prospects for arms control negotiations have been developed by a number of competent spokesmen. While no careful observer would imply that MIRV systems would make either the Soviets or the United States willing to contemplate nuclear war as a low-risk venture, the introduction of these forces would tend to increase the danger that, in a period of great tension such as the Cuban missile crisis, a pre-emptive strike might take place.

This danger stems from the fact that, with large numbers of accurate MIRVs, there is the theoretical capacity to destroy a very high percentage of the other side's land-based missile force. With a larger number of warheads confronting a relatively smaller number of targets, that is the other side's delivery vehicles, there is an insidious tendency to conclude that there may be an advantage in striking first. If that tendency matures, it will undermine the very foundations of deterrence which the United States has sought to bolster for more than a decade. The cornerstone of deterrence as a strategy is the so-called assured destruction capability, the capacity for the strategic forces to survive a first strike in sufficient numbers to deliver a devastating second strike.

That the United States is apprehensive about the threat to this cornerstone of our national strategy is evident in the rising concern over the continued deployment of the Soviet Union's large SS–9. Studies have shown that, if the SS–9 force continues to increase and if the Soviet Union perfects a MIRV system for that booster, the U.S. Minuteman sites will become increasingly vulnerable during the 1970s. If such a threat materializes it is clear that the United States will have to take countermeasures to insure its retaliatory capacity. Thus one can see the pressure that MIRV exerts directly on the arms race.

But this pressure is even more troublesome because of the vast uncertainties which MIRV creates for a possible arms limitation agreement. If MIRV technology enters the forces, it becomes impossible, without detailed and extensive inspection, to determine the precise number of warheads in each side's inventory. With today's means of observation and verification, it is possible without intrusive inspection to gage the number of delivery vehicles available to either nation. But a MIRVed missile looks no different from the outside than a single-warhead missile. Calculations of strategic force levels will immediately have to be revised to assume that any missile that can be MIRVed has been MIRVed. Compensating measures to protect each side's retaliatory forces will have to be based on this kind of bloated estimate. Thus the prospects for limiting the balance of terror to the rough dimensions it has now attained will decline sharply.

There is some hope, however, that restraint in the further testing of MIRV systems will buy time for the planned negotiations to succeed in warding off this destabilizing technology. That is the modest, limited goal of those of us who have been arguing for such restraint.

Both Senator CASE and I have been addressing this issue for many weeks now, and I believe we both are more convinced than ever that the United States and the Soviet Union have a strong, mutual interest in seeking to curb MIRV. If further flight tests on both sides can be deferred, it may yet be possible to work out adequate guarantees that such systems will not be deployed. As the United States has made clear in past proposals in the Geneva arms talks, this kind of limitation on offensive forces will also require an agreement on the limitation of defensive forces in both countries. These are issues which cannot be resolved except through the most intensive negotiations, but a helpful beginning can and should be made immediately by delaying the MIRV programs.

That is the message we seek to convey through this colloquy. Tomorrow a large number of Senators will join with us in cosponsoring a sense of the Senate resolution urging the President to propose to the Soviet Union a joint suspension of MIRV flight tests as an essential step toward preserving the chances of successful negotiation. It is my conviction that such a test moratorium can be an invaluable contribution to avoiding the dangerous and costly arms spiral that may now be in the offing. I urge those Senators who have not yet done so to join in this effort to lend the weight of opinion in this body to the deliberations on this vital subject now taking place in the executive branch.

Mr. President, I believe that the responsibility for controlling the arms race belongs not only to the executive branch of the Government but is also a joint responsibility that must be shared by the legislative branch.

So again I commend my distinguished colleague, the Senator from New Jersey, and again I implore my colleagues in the Senate to join in this colloquy and to join in the sense of the Senate resolution which I intend to offer. The resolution, in effect, merely calls upon the President of the United States to urge the Soviet Union to join with us in bringing about a moratorium on the operational testing of MIRV. If the Soviets resume testing, then the United States can resume testing.

I suggest that the testing that we have done to date is such that the United States cannot and will not lose by this move to call for a moratorium by the Soviet Union and the United States.

I thank the distinguished Senator from New Jersey.

Mr. CASE. Mr. President, I thank the Senator from Massachusetts. His has been one of the earliest voices to be raised in this matter.

I recall, for example, an extraordinarily fine speech he made in New York before the Newspaper Publishers Association in the latter part of April, and it was my privilege to have it printed in the RECORD a few days later. It was cool, intelligent, nonpassionate, and yet was deeply concerned and intelligently presented, as his remarks today have been.

I am happy to be associated with his resolution, and am honored to have him join in this colloquy.

Mr. President, at one time, I had planned to offer my proposal as an amendment to the Second Supplemental Appropriations Act, and thereby obtain an early expression of the sense of the Senate on this matter.

As many Senators know, I presented my proposal to the Appropriations Subcommittee on Deficiencies and Supplementals when it met to markup this bill on Friday, June 6.

I again presented the proposal to the full Appropriations Committee at its markup session last Wednesday, June 11.

It then became apparent that my colleagues on the committee did not wish to have my proposal considered as an amendment to this bill, and that if I offered it on the floor it would be subjected to a point of order.

Since my proposal concerns a matter of the highest urgency—indeed, a matter of survival—it is unthinkable that it than the merits. So I shall not offer it as an amendment to this bill, when it would be subject to objections other than those based on the merits, and a decision would

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not be a true measure of the sentiment of this body on this most important matter.

Instead, I shall introduce a simple resolution to the same effect. It reads:

> It is the sense of the Senate that, because of the great urgency of seeking verifiable agreements between the United States and the Union of Soviet Socialist Republics on the limitation of offensive and defensive strategic weapons, and because such agreements are imperiled by the development and prospective deployment of multiple warheads by both nations, the President should immediately suspend flight tests of multiple reentry vehicles for so long as the Soviet Union does the same.

The resolution I shall offer differs somewhat in wording from the one the Senator from Massachusetts (Mr. BROOKE) is offering and which I am joining with him in offering. In substance, however, our purpose is identical.

This morning I discussed the matter with the chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT). He was agreeable to its consideration by the committee. I ask that my resolution, which I now offer, be referred to the Committee on Foreign Relations.

Mr. COOPER. Mr. President, the deep concern expressed by the Senator from New Jersey (Mr. CASE), the Senator from Massachusetts (Mr. BROOKE) and others about the implications of continued MIRV testing brings this country closer to the basic decision that must be made: Whether to go on with another round of the nuclear arms race or to seek ways to halt the inexorable escalation of nuclear systems.

Recent editorials in the Washington Post and the New York Times and the very forceful and eloquent presentations of Senators BROOKE and CASE have described the problem in detail. Because deployment of MIRV or ABM may foreclose any possibility of a nuclear arms limitation agreement, it is all the more imperative that the United States enter into negotiations as soon as possible. Further delay, I contend, would increase the danger to the ultimate security of the United States.

As Senators know, I have opposed for some time the deployment of the anti-ballistic-missile system. The chief reason I have done so is to see if it is possible to secure an agreement with the Soviet Union—either formal agreement or one in fact—which would halt the deployment of new systems and halt and control the nuclear arms race.

ABM and MIRV are closely related. They are part of the action and counteraction which is characteristic of the nuclear arms race. They are the most advanced weapons in the next generation of the nuclear arms race. But ABM and MIRV do not pose symmetrical problems. While the proposed ABM is a system whose technical defects and limitations have been amply illustrated by testimony over the past year, no such technical deficiencies seem evident in MIRV.

There are sound technical and scientific grounds for delaying deployment of ABM until further research and development has been carried out. Most of the components of the proposed Safeguard system are not yet developed to the stage where they are ready for deployment. Further, the theoretical capabilities of the proposed Safeguard system are so limited that deployment even if its components are fully developed and tested would be of marginal value to the security of the United States.

I understand that MIRV testing thus far has met expectations and the time is not far off when deployment of this deadly weapon will take place. MIRV would multiply the number of deliverable nuclear warheads in the world by a factor of 3 to 10. If there is security to be gained by having a vastly larger number of deliverable warheads in the U.S. nuclear armory, MIRV seems to offer this advantage. But, in my view, the history of the nuclear arms race shows that MIRV will only increase the overkill capacity of the United States and the U.S.S.R., as it will cause reciprocating action by either country in the development of advanced nuclear systems and weapons. The multiplication of nuclear weapons of increased sophistication will only increase the chances of nuclear war.

Senator CASE and Senator BROOKE have not proposed a unilateral moratorium. I would oppose a unilateral halt by the United States in its MIRV testing. Such a unilateral halt could not be justified if the Soviets should proceed with their testing of MIRV. But Senators CASE and BROOKE have proposed a mutual moratorium. I therefore strongly support their plea to the administration that the forthcoming SALT talks begin immediately, and that the administration press for a joint United States-Soviet moratorium and controls on further deployment of all strategic nuclear weapons including MIRV.

I agree with the Senator from New Jersey (Mr. CASE) and the Senator from Massachusetts (Mr. BROOKE) that without such a moratorium, progress that might be made in SALT negotiations could be seriously undermined, for it is not logical to deploy the very weapons we wish to prevent coming into being. It is wise to carefully plan for the negotiations on such a vital security matter as nuclear strategic weapons systems, and this I know the administration has been doing. But enough time has gone by. It is imperative to begin these talks before the momentum of the arms race carries away the opportunity for rationality and lessened danger from nuclear war that now exists. I hope our country takes the initiative asked by the Senator from New Jersey and the Senator from Massachusetts.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. COOK in the chair). Does the Senator yield?

Mr. CASE. I shall be happy to yield, but first I wish to express at this point my very deep appreciation for the remarks of the Senator from Kentucky, and my satisfaction in being associated with one who has been preeminent for years in this area. I have supported his views on the ABM. I am happy to have the association of his experience, compassion, and understanding in this particular phase of this matter.

Mr. GOLDWATER. Mr. President, I think it would be proper at this point in the RECORD, if the Senator would be so inclined, for him to outline his reasoning as to why he feels the moratorium on the development of MIRV at this time would aid in disarmament talks with the Soviets.

Mr. CASE. I think we have all been attempting to do that in our arguments but I should be glad to review briefly and in skeleton form the thrust of the argument.

I think it is axiomatic that we, and I am sure the Soviet Union, would be unwilling to make any serious agreement limiting our strategic arms that was not subject to surveillance, each by the other side.

At present the number of missiles deployed is so subject. With one weapon in each missile we know pretty much where we stand and we would continue this relative to the other. Once we have independently targetable weapons, three to 10, or maybe more inside a single missile, the numbers of weapons are then no longer subject to surveillance by external means. It is most unlikely, in our judgment—those of us who feel strongly on this matter—if not impossible, that an agreement on the limitation of weapons would be made then because it would not be subject then to inspection and verification. It is about that simple.

So long as the MIRV is in the testing stage, tests can be monitored and they are being monitored. We know where we stand. If either side tests further, we shall know that by our external means of inspection and surveillance. It is about as simple as that.

If we let these weapons get to the point where either side can deploy them without further testing, we shall be in danger of not being able to make an arms limitation agreement.

Mr. GOLDWATER. The Soviets have said time and again they will never agree to surveillance. If we could get them to agree to surveillance, I would be happy to join the Senator in his desire.

Mr. CASE. That is the point. The kind of surveillance we could have now is not subject to agreement or consent by the other side in either case, and that is why the possibility of an arms limitation agreement will exist so long as we have strategic weapons which are subject to surveillance, each by the other side, without the kind of onsite inspection which the Soviets will not let us make, and I think we would not let them make either.

Mr. GOLDWATER. To comment on that reasoning, I think this might have some bearing on the developing debate. We have not increased our participation in the so-called nuclear race over the past several years. Five years ago the Soviet ABM was made known. They have now deployed two and they are now working on a third system. In the same time, we have not only failed to stay ahead but we actually decreased the number of missiles we planned to have at the beginning of the entire program.

While I follow the Senator's logic, I do not believe there is any indication by the activity of the Soviet Union. Although we have been holding back our development in the main, they have been going ahead.

I do not share the same optimism my friend from New Jersey does that the

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Soviets, now that they are not "comfortably" ahead, but ahead, and going further ahead in this so-called race, will be willing to come to an agreement such as we must have, that is, on-site inspection, if this thing is to work, when they declined in the past to agree to the same requests that have been made on them before.

I think that if we are going to get down to the nub of the whole thing it would be between the logic the Senator so ably developed, and the plain facts of the case have not indicated to the rest of us that they see any reason to participate now in negotiations.

I cannot agree that by dropping the development of MIRV they would be willing to come in.

Mr. CASE. I appreciate the Senator's concern. I appreciate very much the opportunity to discuss the matter with him on the floor of the Senate because he has been active and interested in this entire matter of our defense, including the area of strategic weapons, for a long time.

There is no question but that the number of missiles deployed by the Soviet Union has increased; but there is no question that our capacity for retaliation is as strong and powerful a deterrent as it has ever been, and the deterrent likewise operates against us.

This is the time when we are most likely to get some kind of arms limitation agreement. The Senator asks why should the Soviets want to reduce arms or come to an agreement when it is moving ahead so quickly.

I think the answer is as simple as this. As far as the Soviets are concerned, this is not a question of their loving us, or of their having a particular desire to help us or to do otherwise than in the words of Khrushchev, if the Senator will, to bury us. But they realize the world is too difficult and dangerous potentially for these two greater superpowers to let the arms race spiral to ever-ascending heights at which the risk of disaster will be so enormously increased, and the necessity to limit the arms race, therefore, at a time when both will have and both do have and will maintain this retaliatory capacity vis-a-vis the other. This seems to me to be most in the interest of the Soviets, our own interest, and the interest of the whole world and they are astute enough to see that.

Mr. GOLDWATER. I hope the Senator is right. I again bring up the facts of this case which have not indicated they are overly anxious to participate. They have known of our intentions and desires. I must say there has been no reaction to our overtures and no response at all that would give me the feeling that by dropping MIRV it would cause them to come to the table faster than dropping the ABM at the present time would cause them to come to the table.

Mr. CASE. The Soviet indication of interest in this field has been made known to us for a year or more, and that we were interested is quite true. Under President Johnson we were just about to go, and then the situation in Czechoslovakia came along and other matters interrupted our getting together. And so I do not think it is true that they have to be enticed to the bargaining table, because they want to come. The other day, the Secretary of State said that he talked to Mr. Dobrynin, as I understand it, and talks are scheduled to begin in 6 weeks. That is not the problem. The problem is, as we see it, to maintain the situation in which not only talks will go on but that circumstances may also be maintained in which effective arms limitation agreements can be made. That is the point.

Mr. GOLDWATER. Suppose the resolution of the Senator is adopted. Is it his idea that we immediately stop development of our MIRV and not wait for the Soviets to indicate that they will stop theirs, or would it depend upon their similar action in the field?

Mr. CASE. Certainly, we will not continue any suspension of testing for any length of time unless they do the same exactly. Thus, the difference between the resolution of the Senator from Massachusetts and mine is purely a semantic matter. His would require prior agreement on both sides. Mine would suggest an immediate cessation, or stopping, to be resumed if there is any further testing on the other side. I think it is purely a matter of semantics, really. Neither one of us is talking about a unilateral suspension.

Mr. GOLDWATER. I have not suggested that.

Mr. CASE. I know the Senator has not suggested that.

Mr. GOLDWATER. That, to me, is the point the Senator must clear up. If we stop experimentation in this field without their stopping at the same time, I do not believe we will achieve anything but give them an additional balance in their favor, where if we have a mutual agreement between the two countries that we will stop testing MIRV, that would be an entirely different picture.

Mr. BROOKE. That very well may be the slight difference in the resolution of the Senator from New Jersey (Mr. CASE) and the sense of the Senate resolution which I propose. I would agree——

Mr. CASE. In which I associate myself.

Mr. BROOKE. With which the Senator from New Jersey associates himself. I would agree with the Senator from Arizona that we should not stop testing until the Soviets stop their testing.

I do not believe that we should immediately stop and wait for them to stop. It should be done simultaneously. A cessation of the operational testing of MIRV should be done simultaneously.

If I may, I certainly would agree with what the Senator from New Jersey has said about the negotiations and the arms control talks. I think that the Soviets have indicated that they do want the talks, but there were several matters which have postponed them. One, as the Senator very well points out, is the move in Czechoslovakia by the Soviet Union. Certainly they were responsible for that. The others, of course, would be that there has been a change in the administration, and this prompted some delay. Then, I think that President Nixon's insistence—and rightfully so—that there be a thorough inquiry and study of our position prior to any talks, has further delayed the talks.

But I think that the rationale for MIRV was the Soviet ABM system. We know that the Soviets have an ABM system around Moscow which they found was not a very good system and which some have said they are dismantling. We do not really know whether they are dismantling it or not. But, at least, we know that we do have some leadtime. For the Soviets to deploy a sophisticated, strong, and hard system would take about 3 to 4 years of leadtime. We do not need more than 1 year of leadtime for the completion of our testing of MIRV and the perfection of its offensive capability.

If, on the other hand, the Soviets decide to deploy a sophisticated ABM system, then, of course, we can go ahead with the MIRV testing at any time. This is our deterrent factor. I think that this is the rationale upon which the whole MIRV technology is based. But that rationale fails if the Soviets are not developing a sophisticated ABM system and deploying it.

For that reason, I think that the sense of the Senate resolution calling for a moratorium on the operational testing of MIRV at this time is so important, because once the "genie" is out of the box, then it will be difficult if not impossible to proceed with further arms control talks. As the Senator from New Jersey has so adequately pointed out, the Soviets have shown no inclination that they are willing to let us come into the Soviet Union for onsite inspection. As the Senator from Arizona, who sits on the Armed Services Committee with me knows, they have not, even in the Nonproliferation Treaty, discussed with us onsite inspection.

Once we have MIRV, inspection will be made even more difficult. In order to determine if missiles have been mirved, we might have to go in and dismantle the ICBM's which, of course, we do not expect the Soviet Union would agree to, nor would the United States agree to it.

If we continue this testing and they continue the testing, then, obviously, at some time, and it would seem to be for the near future, this technology will be perfected. Then it might be too late, too late to get on with the negotiations, too late to commence serious arms control talks.

Therefore, I propose that one thing we can do at this time to bring about arms control talks and negotiations and to limit the escalation is to call a halt to the operational testing of MIRV, and MIRV technology, because this is unquestionably the most potent, the most dangerous, offensive capability that we know of on earth today.

I think that if we can resolve this problem, then, perhaps, we can put the ABM issue where it should be. I do not mean to take anything away from the importance of the ABM issue. I know that the distinguished Senator from Kentucky (Mr. COOPER) has been talking about it and working in opposition to deployment of it for some years now, and he feels very strongly about it. I think it is a very important issue. But if we can resolve the MIRV issue, then we may be able to resolve the ABM defensive issue more easily, because we can control the offensive capability against which it may be deployed.

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Mr. CASE. I thank my colleague from Massachusetts and join in his remarks on that point also.

Mr. JAVITS. Mr. President, will the Senator from New Jersey yield?

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Does the Senator from New Jersey yield to the Senator from New York?

Mr. CASE. I yield.

Mr. JAVITS. Mr. President, I think that both Senators have raised critically important issues. I find myself very much in the position of the Senator from Kentucky, who is a long-standing opponent of the ABM deployment.

With all respect, this subject has not yet been adequately clarified to the Senate. There are a number of questions which I think need to be raised, and the sponsors need to address themselves to those questions.

I should like to raise one or two. It is easy enough to go on the resolution. Certainly it would not be incompatible with the principles which I have followed here. But I have not yet gone on it. I may. I am thinking about it seriously, because I am sympathetic to it; but, as I say, I think there are some questions which will have to be answered first.

This is the main question which concerns me: It is clear that the ABM represents a new plateau, another strategy, in the nuclear arms race. Even the President has had to admit that. He himself turned from the Sentinel to Safeguard; in other words, from protecting or alleging that he could protect cities, to protecting missile sites. The Russians, in their deployment, to the extent that it proceeded as something called Galosh, they, too, had the same concept that they want to protect cities, that unless we do get somewhere on the ABM, they will undoubtly do the same thing and follow us with regard to Safeguard.

That represents a totally new strategic concept, a different strategic concept than the one that has been the balance of terror for the last 20 years. The balance of terror has been the mutual offensive capability of the United States and the Soviet Union. Though we may be ahead of them—and, indeed, I think we are—the extent of the overkill is so great that it hardly matters. We all recognize that.

What concerns me with the new idea which our friends, our allies, our supporters, Senators CASE and BROOKE, are introducing into the suggestion is whether or not it is desirable to now go back from this new platform, which we are all agreed on we have to fight from at all costs. That is here by authorization. We do not have to pass a sense resolution on that as to whether we are for or against. The question is whether it is desirable to take specific objectives like MIRV and retrace on disarmament negotiations from the platform of the struggle led by the Senator from Kentucky (Mr. COOPER) and others. He certainly has been preeminent in it.

We have been fighting for the proposal that we stop Safeguard and then go back from that to SALT negotiations—not only MIRV, but the Minutemen in their silos, to every kind of nuclear weapon, as far back as we can, to halt the unbelievable consumption of the nuclear arms race.

I am not satisfied that MIRV is the place where we should stop. I want to go back further, if we can. I do not know what a SALT negotiation will produce. I am not quite sold on what a SALT negotiation will produce and that if they stop producing MIRV, a great advance has been made. I want to see a halt on testing underground. I want to see nuclear arms reduced to nothing, and then go on to traditional and conventional weapons. I am not satisfied to stop only at MIRV. I do not think that is a great big success. Everybody in the world could be killed, anyway, even if we stopped MIRV, if some insane man took control in one country or another.

Mr. CASE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE. The Senator has helped to sharpen our point.

Mr. JAVITS. Good. I am glad. I invite the Senator to go ahead and sharpen it.

Mr. CASE. ABM was a new plateau. I suggest MIRV raises the plateau a thousand times. It is not just that we are trying to stop MIRV. The point is that once MIRV is deployed, we cannot negotiate on anything; limitations on single weapons, for example. We will not know whether they are single weapons. This is the enormously important part of MIRV—the utter uncertainty that it introduces into the whole matter of arms limitation because of the utter uninspectability of all arms after MIRV becomes a possibility. That is the point. And to suggest that this is new matter which we are interested in for the first time is a mistake.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CASE. I am happy to yield.

Mr. BROOKE. I am certainly pleased to see the distinguished Senator from New York join in the colloquy and ask an important question. He is one whom we would all like to see associated with us.

Mr. CASE. It is inconceivable that he will not be.

Mr. BROOKE. We would like to see him join in the resolution of the Senator from New Jersey and the resolution to be introduced tomorrow. I will join in the last statement that it is inconceivable that he will not be.

The Senator raises the point as to whether the MIRV resolution is diversionary. I certainly can understand the Senator's high regard for the work of the distinguished Senator from Kentucky (Mr. COOPER) on ABM and the work of the many others who have joined in it, in their attempt to stop the deployment of the Safeguard system. But I do not think that the MIRV resolution is diversionary.

In the first place, if MIRV is not stopped at this time, then certainly next year the ABM will unquestionably be deployed, because we will have to deploy an ABM if we know that the Soviet Union has "MIRV-ed" its ICBM's. There is no doubt about that.

I think, as the distinguished Senator from New Jersey has stated, we are on the verge of MIRV, and if we allow the perfection of MIRV and everything else that we have been talking about, all our greatest fears will be upon us. That is in the offing.

I know the Senator is interested in the SALT talks, and in the ABM and other issues. But we do not have any time on MIRV. We know how close we are to MIRV. We know about our testing. We know the Soviets are testing, but we do not know if it includes testing MIRV's. We do know that the Soviets are testing MRV's. There seems to be some conflict, in the testimony that I have heard, at least, as to whether the Soviets are testing MIRV's. But if they are testing MIRV's, and if they "MIRV" their SS–9's, with the supermegatonnage they have, then we are in serious trouble.

I would agree that in any nuclear exchange between the United States and the Soviet Union what would probably result is a society that we would not want to live in. I agree with that. But we do have an opportunity to stop it, and we can only stop it if we bring about a moratorium on the operational testing of MIRV. Once it is a fait accompli, it is possible we will never get on with any negotiations. If we do, the issue is going to be far more difficult.

The ABM issue has been discussed over a long period of time, under the leadership of the Senator from Kentucky (Mr. COOPER) and other Senators. I certainly know that matter will come before us. But it need not interfere with our resolution calling upon the President of the United States to ask the Soviet Union to agree to a moratorium on the testing of MIRV. Those of us who raise this issue are not in leadership positions in this body. The resolution may not come to the floor. But if a sufficient number of Members of this august body say to the President we believe we should get on immediately with arms control talks and we further believe that we should stop the testing of MIRV in order to get on with arms control talks, I think it will be living up to our responsibility as enlightened members of the legislative branch of this Government.

I do not think this proposal will in any way affect the ultimate vote that will be taken on whether we should deploy the Safeguard system or not. Although they are related subjects, I think they certainly can be divorced so far as any vote that will be taken on the floor on the sense of the Senate resolution, or whether we should deploy the Safeguard system when it comes up for a vote.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. CASE. Mr. President, I shall say only this before I yield to whoever else would like to have the floor. The point is we are not going to dilute or weaken our position with regard to unjustified deployment of ABM or the wrong kind of ABM or the ABM in the wrong place. It is by action that we develop strength, not only strength to propose but to oppose, and knowledge and experience. The larger the group in this body—the Senator from Kentucky, the Senator from Massachusetts, the Senator from New York, the Senator from California—who is on the floor and on his feet—the Senator from Maryland, the Senator from Kansas, and other Senators, interested in this subject, the more important and

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effective this body will be in relation to every issue. It is not necessary to ration a limited amount of strength in this body. Strength grows with doing. It will be more effective in the case of ABM because of having exercised itself on this issue also.

Mr. BROOKE. Mr. President, will the Senator yield on that same point?

Several Senators addressed the Chair.

Mr. CASE. I yield to the Senator from Massachusetts.

Mr. BROOKE. In answer to the Senator's question, if the Soviets perfect MIRV, we are not going to be talking in the United States about the deployment of an ABM system like Safeguard. Safeguard is not going to be sufficient to protect us against the Soviet MIRV, SS–9. So we would not even be talking about Safeguard.

We shall first have to stop the MIRVing of the SS–9 through a moratorium on the operation testing of MIRV, or else the ABM issue is relegated to a position of really not being of great importance. I shall not say the issue will become insignificant; but we will find ourselves talking about a far more sophisticated and expensive ABM system.

Mr. JAVITS. Mr. President, if the Senator will yield to me for just a very brief comment——

Mr. CASE. I am happy to yield.

Mr. JAVITS. I think we who are fighting the ABM battle—and I think that still remains the main engagement—have to be very careful about our position in the eyes of the American people, that we are not gullible; and I think the Senator's resolution certainly covers that in terms of reciprocity—that we do not expect the millennium, but that we want to stop somewhere, and we think we have found the point at which to stop, beyond which is the point of no return.

If the Senator is correct in the cutting edge of his argument, which is that once we let MIRV come into being for the Russians or us—probably much more damaging for the Russians, because of their opposition to onsite inspection—then we have put ourselves beyond the pale of disarmament agreement, because there is no way of dealing with MIRV except onsite inspections. That is essentially the cutting edge of the argument of the Senator from Massachusetts.

I do not know that I agree with that, for this reason: It may very well be that the United States would at all times insist on onsite inspection, if we limited intercontinental ballistic missiles themselves. It may be that there is no automatic surveillance in any way that will substitute for it even to that extent; so that just cutting off the MIRV would not be taking us back far enough.

That may be. I am not saying it is, but it may be.

In addition, we cannot discount the development of the means. In other words, in the last 10 years, for example, without disclosing any big Government secrets, we all believe that the means of non-on-site surveillance, for example, even in the field of peaceful uses of atomic energy, have very materially advanced. I personally have little doubt that those means will advance farther, probably to include even the multiple warhead type of operation.

I think the argument itself has shown, just now, the concern, which I think is a proper one for me and for the Senator from Kentucky (Mr. Cooper), who probably says things more kindly than I do, but really implied the same thing: that we do not want to get away from the main struggle. And I am not entirely in agreement with the Senator from Massachusetts that the main struggle does not continue to be the ABM.

But be that as it may, I do think that the resolution which the Senator proposes, assuming the hypothesis that he bases it on, is certainly a fair one in reciprocity.

I think we all owe another debt of gratitude—as I have owed many, over a long lifetime, because I have served with him, man and boy, for 20 years—to the Senator from New Jersey, for calling this matter strikingly to the attention of the President and the country. That again, itself, is of critical importance, because it may be that all the while that we have been fighting about Safeguard and the ABM, a few smart boys in the back room of the Pentagon have been saying, "Well, these fellows are a joke. When we get MIRV, there is nothing to be done about it; we have got to go on and on from there."

Maybe those fellows are right, and that is the plan. That may be what we ought to be deliberating about. Whether I go on the resolution or not, or Senator Cooper does, I do not think is very critical.

But I do think the sharpness of focus with which the Senator from New Jersey has raised this issue, and the fact that it has been raised by him in a serious way, laying his tremendous prestige on the line, as it were, is a great service to the country, and I shall join in it with the greatest of avidity and cooperation. I believe that the greatest use of it is to keep us from falling into the pitfall that men most often fall into, which is not the one ahead, up the road, but the one which lies at their feet.

Mr. CASE. Mr. President, I would assume that the Senator from New York will and does support wholeheartedly the Senator from Massachusetts, the Senator from Kentucky, myself, and others in our effort to secure earliest hearings on this resolution.

Mr. JAVITS. Of course. I am on the committee, and the Senator has my full assurance of cooperation in that respect.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. COOPER. Mr. President, I have found no problem supporting this expression of concern about MIRV, in my position, and I shall state my position.

I said a few minutes ago that the main reason I opposed the installation and deployment of ABM was to see if there was a possibility to bring the nuclear arms race to a halt, and perhaps under control.

I do not know whether or not an agreement can be reached, but it seems to me that we have some time, perhaps a year, in which to determine if it is possible. During that time, during that year we can better see if the projections which have been made by the Department of Defense and by Secretary Laird are in fact correct assessments.

If Secretary Laird's conjectured assessments are in fact correct, and we would have to take measures to meet the projected threat—measures that are now being proposed—in my view too early, before it is necessary. I believe we should first make a determined effort to bring the nuclear arms race to a halt. For this reason, I see no conflict in any way between my support of a resolution which seeks to bring it to a halt to the deployment of a related weapon in the next generation of nuclear weapons—MIRV.

As the Senator from New Jersey has stated, and as has been stated in the testimony given by many distinguished scientists, and by the Department of Defense itself, the reason that we started the development of MIRV was because the Soviet Union had begun the construction of an ABM; conversely, the Soviet Union began the partial installation of an ABM around Moscow because we were developing MIRV.

I was very much interested in reading the testimony of the Secretary of Defense in the so-called white paper which has just been released, which is his testimony before the subcommittee of the House Appropriations Committee on May 22.

Throughout that testimony, again and again, while Secretary Laird never categorically stated that the Soviet Union is employing an MIRV, he left the implication that not only that the USSR has the capacity to do so, but that they are probably coming very close to that ability. In fact, in one place he made the statement that the tests in the Pacific, which he first said were tests of MRV, could very likely have been MIRV tests.

He uses this possibility as an argument to press upon Congress and the American people to support the deployment of the very doubtful Safeguard system, a system deficient in technology and feasibility. In very significant ways MIRV and ABM are related. I am happy that other Senators have undertaken to search into the larger questions of arms control which now face us. I support the resolution because it is one which speaks to a mutual halt of flight testing. ABM and MIRV are obviously related, and I should be inconsistent if I did not support it. It is my belief that the United States has to begin, and begin now, these SALT talks to see if we can stop this nuclear arms race, with all its systems calculated to bring us to destruction.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CASE. I yield to the Senator from Massachusetts.

Mr. BROOKE. The Senator referred to statements by the Secretary of Defense that the Soviets were testing MRV's, and were probably testing MIRV's.

Did the Secretary of Defense at any time clearly state that we have information which would indicate that the Soviets are actually testing MIRV's?

Mr. COOPER. I read very carefully over the weekend the so-called white paper—the hearings before the subcommittees of the Committee on Appropriations of the House of Representatives under date of May 22.

I studied in detail the testimony relat-

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ing to MIRV given by Secretary Laird. In no place does he ever categorically say that the Soviets have tested MIRV. However, we find a statement like this on page 9 after the preceding paragraph speaking of the test of MIRV:

> A number of these vehicles have been launched thus far, three out to 5,100 n.mi. into the Pacific. (The third was launched just the other day.) Although we still have no conclusive evidence that these multiple reentry vehicles are independently aimed, the intelligence community considers it likely that the Soviets will go on with the development of MIRV's and install them in a new version of their SS–9 type ICBM's. Should they also greatly improve the accuracy of their small ICBM's, which the intelligence community considers possible, the survivability of our Minuteman force as presently deployed would be virtually nil by the mid to late 1970s.

Immediately following that, in the next paragraph, he said:

> It is also possible that the SS–9 with the three reentry vehicles will turn out to be a MIRVed missile. If that should be the case and if the Soviets were to back-fit all of their SS–9's with this new payload, three 5-megaton warheads each, the more than 230 SS–9's now operational or under construction would in themselves constitute a severe threat to our Minuteman force. And, if the Soviets were to increase this force to even 420 missiles and improve the accuracy to a quarter of a mile, they could probably destroy 95 percent of our Minuteman force, leaving only 50 surviving.

He never categorically testified that any of the MIRV's have been fired or tested. However, there is a kind of implication running through the testimony that perhaps the MIRV's have been tested.

Then, through statements to the press which have appeared in several papers, in which articles the writers—and I do not criticize the writers because they state very clearly that the information comes from authoritative sources—say that the MIRV's have been fired.

The articles give that implication. The articles seem to be part of an effort to impose upon Congress and the American people a belief that Soviet MIRV's are being fired or about to be fired and that we are in such great danger that we must immediately install the Safeguard ABM system.

The point is that all these new weapons systems are interrelated. The installation of the ABM for example will bring about the development of more offensive missiles and increases the likelihood of the development of MIRV's.

Because it is so important to get into talks about the limitations of all future weapons systems both offensive and defensive before they are deployed. I find no difficulty in supporting the position of the Senator.

Mr. CASE. Mr. President, I thank the Senator from Kentucky. I think he is quite correct in his analysis of these two most important matters.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CASE. Mr. President, I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, as I understand what the Senator from Kentucky has read and quoted from the statement of the Secretary of Defense, it is to the effect that the Soviets are likely to develop MIRV for the SS–9. Of course, they are likely to develop MIRV for the SS–9. Of course, they want to move on from MRV's to MIRV's. Of course, the Soviets know that we are testing MIRV's.

We cannot expect the Soviets not to continue their testing and not to move on to MIRV technology if they know through their intelligence that the United States has moved into MIRV technology.

This is exactly what we propose to do by a moratorium on operational testing—to stop any further testing so that the Soviets will not perfect their MIRV technology.

I am very delighted that the senior Senator from Kentucky supports our position. I think there is nothing that is repugnant to his ABM position in this sense-of-the-Senate resolution on the moratorium on MIRV's, nothing inconsistent with it, nothing incompatible with it.

I hope that the distinguished senior Senator from Kentucky, together with the distinguished senior Senator from New York, after asking all the questions they want to ask about MIRV, will not only support it thoroughly, but will also join in the sense-of-the-Senate resolution as distinguished cosponsors of that resolution.

Mr. CASE. Mr. President, I thank the distinguished Senator from Massachusetts.

Before I yield to the distinguished Senator from California and then to the distinguished Senator from Maryland. I point out that what has been said, it seems to me, as he suggests, only underscores the great urgency of action on this matter at the earliest possible moment.

The closer the Soviet Union is and the closer the United States of America is to achieving the deployability of MIRV, the closer we are to that point of no return which we are all deeply concerned about.

Mr. President, I am sorry to have delayed so long in yielding to my friend, the distinguished Senator from California.

Mr. CRANSTON. Mr. President, I thank the Senator from New Jersey.

The evidence is overwhelming that ABM and MIRV are inextricably linked, that they are locked together. Those of us who now oppose ABM may well find ourselves supporting the ABM system in the future. And if we fail to stop the MIRV now, if MIRV is let loose upon the world, and if research and development dispel further doubts concerning the ability of an ABM to function, we may be driven to the point of recognizing that ABM is indeed required to give us defenses against MIRV.

I point out to the distinguished Senator from Kentucky and to the distinguished senior Senator from New York—whose deep devotion to peace and recognition of the very great tensions and strains and dangers that stem from the arms race are beyond question—that time is running out on this matter.

I know of the care and thoughtfulness of the Senator from New York in approaching all issues. However, on this issue, the point of no return is close upon us.

The original desire to enter into negotiations to halt the development of this and other devices of mass destruction was strongly evident last year. Then came the invasion of Czechoslovakia and an end to all negotiations at that time.

Then came the new administration. That administration has quite properly devoted considerable time and thought and exploration and research to the whole question of disarmament.

During this period, time has been running. During these months, there have been tests by us of MIRV and tests by the Soviets of either MIRV or MRV.

Quite soon, each side presumably will be satisfied that it has tested enough, although all evidence now is to the effect that neither side has yet reached that point.

As the Senator from New Jersey has said, once deployment of MIRV occurs, all is lost in terms of inspection, short of on-the-spot inspection, which is unacceptable to the Soviets and may well be unacceptable to us under some circumstances. Indeed, we do not have to wait until deployment comes for all to be lost on this issue.

Once either side is satisfied that it has tested enough, or once either side fears that the other side has tested enough, we have gone beyond the point of no return. That is why it is so urgent that all strength possible be brought behind the effort now to stop MIRV, before weeks, let alone months, have passed and that danger point is suddenly behind us.

With respect to the remarks made by the Senator from Arizona, I totally agree with him in his basic point that we should not stop MIRV if the Soviet Union does not stop MIRV. The resolution offered by the Senator from Massachusetts takes that point fully into account and takes into account that present abilities to inspect—not including on-the-spot inspection—enable us and enable the other side to know whether or not there are experimentations with this device; and so each side could automatically and instantly detect a violation of a stand-still agreement if this resolution were adopted and a stand-still agreement was accepted by both sides.

Finally, let me say, from this side of the aisle, that I think a great contribution has been made to the cause of peace by the fact that the Senator from Kentucky (Mr. COOPER), on the other side of the aisle, has provided the great leadership he has provided in the ABM fight, and he recognizes the interlocking nature of the MIRV and ABM. This, together with the fact that the Senator from Massachusetts and the Senator from New Jersey, again on the other side of the aisle, have provided such inspiring and effective leadership in the MIRV battle, along with the ABM battle, bodes well for our country. When we can have this sort of leadership within that party, matched, I hope, by effective leadership on this side of the aisle, I think we have rising hopes that we can make a breakthrough in the cause of peace.

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Mr. CASE. I thank the distinguished Senator from California.

Mr. BROOKE. I thank the distinguished Senator from California.

I should like to say that he is providing distinguished leadership on that side of the aisle, and we are very grateful for having his association with the sense-of-the-Senate resolution.

Mr. CASE. I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I thank the Senator from New Jersey for yielding in order that I can pay tribute to his leadership and to his objectivity in bringing this subject to the floor of the Senate this afternoon.

As the Senator knows, I am very much in sympathy with his views. I hope to join with the distinguished Senator from Massachusetts in the resolution to be offered on the subject of MIRV.

I should like to make one cautionary point. There has been a good deal of discussion this afternoon about ABM's; and my own position on ABMs has been a matter of public record for over a year, since we had to vote on this matter in the other body, of which I was then a Member. I have stated here my views—they are in sympathy with those of the Senator—on the question of MIRV.

I hope that we will set this entire discussion—as I am sure those of us who are here today do set it—in its proper context. But I think we should make it clear, not only for those who are in the Senate today but also for all others who may have some interest in these proceedings—that we are discussing not just certain things, certain new instruments of mass destruction, certain new weapons.

We should make it clear that we are not falling for a new recipe of the Washington alphabet soup; that we are talking about an entirely new generation of armament; and that as we discuss these individual items of armament—offensive and theoretically defensive—we are contemplating the fact that the world is threatened with a whole new generation of armament, a new generation of armament that a crowded world and a hungry world cannot afford and will not tolerate.

It is for this reason that I am extremely grateful to the distinguished Senator from New Jersey and the distinguished Senator from Massachusetts for the leadership they have shown. Unless we can take hold of the objective points in such a vast and complex question as this—and we have taken hold of them—I think it makes it very hard for Congress and for the country to grasp the implications, and I appreciate what the Senator from New Jersey and the Senator from Massachusetts are doing.

Mr. CASE. I thank the Senator from Maryland. I thank him not only for joining us in general support of our objective, but also for the particular contribution he has just made in regard to this matter as an element in the escalation of the arms race.

The arms race will go from level to level, ever higher in escalation, unless it is stopped by verifiable agreements. This matter is important further for two reasons: In itself as an escalation of the arms race and, most important, as an element, depending on how we deal with it, which will have perhaps crucial importance upon the possibility of securing verifiable arms reduction agreements.

I thank the Senator.

I yield the floor, Mr. President.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

The Senate resumed the consideration of the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

Mr. CRANSTON. Mr. President, I support the committee amendment to restore the $16 million which was cut from the educational opportunity grants program last summer. I congratulate the Appropriations Committee for including this item in the supplemental bill. It has grieved me to see a program with so noble a purpose as this, one which seeks through education to promote equality of opportunity in this country, stymied through a lack of funds. I think that this is a commitment we should keep. Congress should cease playing a game of cat-and-mouse with the young people from disadvantaged backgrounds whom this program is designed to serve.

At the outset, it was envisioned that the EOG program would enjoy a steady rise, enabling a gradually increasing number of disadvantaged students to attend college. This would be part of our attack on poverty, and it would attempt a cure at the roots—lack of education and training for fruitful lifetime employment. It has long been recognized that there is a great deal of talent wasted in this country due to lack of opportunity to exercise it.

College is expensive. Even a relatively inexpensive college is expensive, for it means, to begin with, the short run sacrifice of income. For the child of a family which can shoulder little of the financial burden of college expenses, the educational opportunity grants can add the margin of help that makes it possible for a student to attend college, pay the tuition, buy the books, and cover the personal expenses which are involved. For disadvantaged students, the colleges can use a combination of work-study, individual earnings, and loans, and fill the gap with an EOG.

When appropriations for EOG's were cut by $16 million last fall, college opportunity was denied to some 32,000 aspiring students. This is the approximate number to whom the colleges would have to deny aid because of the reduced appropriations, and these are the very students who have the fewest alternatives for financing a college education. For California residents the number denied would be about 4,040 disadvantaged students.

Even the 2-year community colleges, which are among the Nation's best educational bargain, will have to cut back their services to disadvantaged students. California has a vigorous community college system. Many of these colleges are doing yeoman work in the education of the disadvantaged in their areas, and their reports to me indicate that they are hurting. Here is the complaint from the San Mateo Junior College district, which enrolls 1,300 minority students, many of whom need financial aid:

> One of the serious problems that has led to alienation and to campus disruption has been our inability to provide adequate financial aid for our students from homes of low family income . . . We know that innovative programs like ours, coupled with appropriate student financial aids, can equalize opportunity and minimize campus tensions.

From the San Jose City College comes this report:

> We have a substantial number of minority students who attend our college and we are desperately in need of funds to maintain adequate programs . . . The Student Financial Aids Program for 1969–70 at San Jose City College has been drastically affected by the curtailment of funds from the Federal Government. We will receive approximately forty per cent of the funds requested from each of three programs—NDSL, EOG, and Work-Study. What this means is that awards to students in need of financial assistance will either have to be reduced below the level students will need to meet their educational expenses, or reductions will have to be made in the number of students whose low incomes qualify them for financial help.

Mr. President, I hope these examples will illustrate why I believe that it is urgent that we vote to restore no less than $16 million to the EOG appropriations for 1969. I do not believe that colleges should be hampered in their efforts to equalize educational opportunity by an unpredictable Congress. A program like this requires funding close to the authorization level if it is to do the job it was designed to do. And in this case it is a vitally important job which will be critical for years to come.

EDUCATIONAL OPPORTUNITY GRANTS

Mr. GOODELL. Mr. President, I am extremely delighted that the Committee on Appropriations has restored $16 million in funds for the educational opportunity grants program in the second supplemental appropriation bill now pending before the Senate. As I indicated in a letter to the committee urging that this action be taken, about 32,000 low-income and disadvantaged students will be able to take part in this program next September should these funds be appropriated now.

The educational opportunity grants program has been a successful and effective way of making the benefits of higher education available to qualified high school graduates of exceptional financial need who, without this aid, would otherwise be unable to obtain these benefits. It is vitally important that we continue to support programs of this kind to the fullest extent possible.

The restoration of full funding for the EOG program is significant from another point of view. We have passed programs in the Congress to identify and encourage needy students to continue their education beyond secondary school. In order for these programs to succeed, we must have the requisite financial assistance available for those students whose potential we are attempting to develop. It is simply inconsistent to encourage a needy child to better himself through higher education, and then have to tell him that we cannot help him out when he gets to college.

I hope that when this issue is discussed

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in conference, the conferees will agree upon the necessity for a full restoration of $16 million in funds for this program. Congress has shown its interest in developing the untapped potential of our disadvantaged youth. We cannot fail to carry through in our commitment.

Mr. President, as an excellent example of the immediate impact of these funds, I ask unanimous consent to have printed in the Record a letter from Samuel B. Gould, chancellor of the State University of New York, outlining the possible effect of this funding restoration upon the 63 campuses of the State University of New York.

There being no objection, the letter was ordered to be printed in the Record, as follows:

State University of New York,
Albany, N.Y., June 11, 1969.

Hon. Charles E. Goodell,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

Dear Senator Goodell: I urge you to support current Senate efforts to add to the supplemental appropriation bill in the amount of $16 million to make the Educational Opportunity Grant (EOG) program available to many more of the prospective low income and disadvantaged students. In support of this effort, I would like to offer some indication of the extent to which such action will increase our ability to offer opportunity to these students at the 63 campuses of the State University of New York.

Of the approximately $1,230,000 in new funds for initial EOG awards which are likely to be made available to all colleges in New York State from a $16 million appropriation, about $270,000 would be assigned to the 25 State-operated campuses of the University. This would increase State University's available initial year funds by thirty percent, to $1,200,000.

Some 350 new EOG eligible students could be enrolled at SUNY's colleges in September in addition to the 1,100 for whom funds are presently available. The families of most of these 1,450 students have gross incomes below $3,000; none exceed $6,000.

It is important to understand that none of these young people will have to be sought out once the proposed appropriation becomes a reality. We now know who they are. They are waiting for us to fulfill the promise we made to them in partnership with the government based on the intent and authorization of the Higher Education Act of 1965 as recently amended. At least another 1,500 whose expectations have similarly been raised by this action of the Federal Government are waiting to hear from us.

Our community colleges could, collectively, expect at least an additional $300,000 from a supplemental budget you propose. This would bring their available grant funds to about $1,500,000. The number of students who could be offered this opportunity would increase from about 1,800 to approximately 2,400. These additional 600 students represent only part of the community college waiting list. Many additional students eligible and waiting for EOG support may have to be turned away by community colleges this fall.

Thus, for the entire State University, including the community colleges, the net increase in students who could be assisted by the supplemental appropriation would be close to 1,000.

State University with the support of New York State is trying to do its part in offering opportunity to the type of student the Educational Opportunity Grant was intended to assist. Our State University SEEK program alone of about $4 million is ready to provide the supportive educational and other assistance to these students. If the present low level of Federal EOG support should continue, we may have to redirect some of the SEEK funds from the educational programs where it is most urgently needed to the kind of direct financial aid that these students require. I strongly believe this is poor policy and the wrong use of resources. In addition, such action will create a dilemma that neither students nor college administrators should have to face.

The proposed supplemental appropriation is urgently needed now, and I would appreciate your willingness to give this measure your fullest support.

Sincerely,

Samuel B. Gould.

Mr. JAVITS. Mr. President, in light of the situation which we now see at the end of the day, it is unlikely that the amendment I have submitted, to increase the supplemental amount available to the Neighborhood Youth Corps to $55 million, can be considered tonight.

I shall offer this amendment tomorrow, with the support of a number of Senators. However there are some remarks which Senators might find useful to have in the Record, together with a letter from the U.S. Conference of Mayors, and a schedule showing precisely why at least $55 million is necessary.

I might say preliminarily that this amount was proposed to the Appropriations Committee. I wish to express my gratitude to the Senator from New Jersey (Mr. Case)—and I believe that the Senator from Rhode Island (Mr. Pastore) was also of considerable help in the Appropriations Committee—for putting the matter before that committee and for being successful to the extent of $7½ million, which was not in the bill, and which represents an amount which even the Labor Department agrees we need and can be very fruitfully and effectively spent.

Because I think it is critically important, I would first express by thanks and appreciation for that, and explain to Senator Case that I would not have offered this amendment at all were it not for the very strong support coming from the U.S. Conference of Mayors. If we expect to cool off what could be a very hot summer, I feel that we had better listen to them and Senators from States with big cities and smaller communities with similar needs should at least hear the argument and look at the figures and have an opportunity to vote on the needed amount, according to the Conference of Mayors, rather than just letting it go by default.

This does not take one thing away from the magnificent service—and the country should be very grateful—rendered by Senator Case and Senator Pastore in the Appropriations Committee.

Mr. CASE. Mr. President, I thank the Senator.

I thoroughly sympathize with him. In fact, as he has said, I did offer his amendment in the Appropriations Committee. I think the reason for it is obvious. I believe that the U.S. Conference of Mayors is the body most able to tell us what is necessary. Based upon the estimates from my own State, I know that the amount that would be provided by the Senator's amendment is by no means too generous.

Mr. JAVITS. I thank the Senator.

Mr. President, the amendment will be cosponsored by me, together with the Senator from Wisconsin and chairman of the Subcommittee on Employment Manpower and Poverty of the Committee on Labor and Public Welfare (Mr. Nelson), the Senator from California (Mr. Cranston), the Senator from Massachusetts (Mr. Brooke), the Senator from New York (Mr. Goodell), the Senator from Maryland (Mr. Mathias), the Senator from Minnesota (Mr. McCarthy), and the Senator from Ohio (Mr. Young).

It would provide an additional $55 million under the Manpower Development and Training Act for the Neighborhood Youth Corps summer program for the coming months.

The summer Neighborhood Youth Corps program was developed to enable disadvantaged youths to earn money during the period when they tend to disassociate themselves from school and are most subject to pressures to leave school. Programs are administered on the local level by public or nonprofit "sponsors." On the national level, administration is the responsibility of the Department of Labor, pursuant to a delegation from the Office of Economic Opportunity. This summer the Department has stipulated that each sponsor must hire an independent accountant to certify proper handling and recording of funds. That should avoid some things we have run into in other summers, when we had irresponsible handling of accounting and bookkeeping details in some instances.

The Department of Labor has advised that 1,530,000 youths 14 to 21 years of age will be unemployed and eligible for Neighborhood Youth Corps summer programs this summer. Yet, without a supplemental the allocation for the summer will provide only 336,000 slots, the same number as last year. Thus, despite initial appropriations and the recent reallocation by the administration, the vast majority of our eligible disadvantaged youths will have no choice but to spend the summer months on our cities' streets rather than in meaningful employment.

We know that at this date there is a difference between the number of Neighborhood Youth Corps slots which is needed and the number which can be effectively utilized by the Federal, State, and local officials involved in this essential program. Accordingly, I recently requested that the Conference of Mayors poll their cities to determine how many additional slots could be beneficially used during the coming weeks. On the basis of reports confirmed on June 5, 1969, the Conference has advised that 72,382 slots can still be effectively used in our 50 major cities. For example, New York City falls 21,621 slots short of its needs; Chicago needs an additional 8,846 slots; Los Angeles, 2,401 slots; Detroit 2,422 slots; Baltimore, 2,363 slots; Cleveland, 2,822 slots; San Francisco, 642 slots; Boston, 814 slots; and Pittsburgh, 412 slots.

Mr. President, I ask unanimous consent to have printed in the Record a chart prepared for me by the U.S. Conference of Mayors, dealing with the 50 largest cities and showing their needs at 72,382 job slots for the summer, giving the figures according to the present allocation, comparing them with 1968, and showing what is required for each of the 50 larger cities.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAMS, 50 LARGEST CITIES, 1968 AND 1969—ENROLLMENT LEVELS

City	Summer, 1968			Summer, 1969			Additional required
	EOA	MDTA	Total	Original allocation	Additional slots added by reallocation	Total, all sources	
Akron	350	150	500	350	165	515	97
Atlanta	1,292	500	1,792	1,292	555	1,847	420
Baltimore	4,000	500	4,500	4,000	637	4,637	2,363
Birmingham	790	150	940	790	179	969	421
Boston	1,300	----------	1,300	1,200	186	1,386	814
Buffalo	1,645	500	2,145	1,645	565	2,210	635
Chicago	18,500	3,000	21,500	18,500	3,654	22,154	8,846
Cincinnati	1,204	75	1,279	1,110	208	1,318	617
Cleveland	3,900	----------	3,900	3,900	118	4,018	2,882
Columbus	625	----------	625	625	19	644	456
Dade County (Miami)	1,250	350	1,600	1,150	499	1,649	501
Dallas	820	175	995	920	105	1,025	495
Dayton	420	100	520	420	116	536	84
Denver	450	100	550	450	117	567	233
Detroit	5,000	200	5,200	4,780	578	5,358	2,422
El Paso	398	300	698	398	321	719	0
Fort Worth	465	35	500	465	50	515	270
Gary	780	200	980	780	230	1,010	370
Honolulu	836	138	974	836	167	1,003	458
Houston	1,622	200	1,822	1,622	255	1,877	970
Indianapolis	400	----------	400	350	62	412	238
Jersey City	750	114	864	750	140	890	385
Kansas City, Mo	798	300	1,098	800	331	1,131	269
Los Angeles (including Long Beach)	8,829	1,291	10,120	8,828	1,599	10,427	2,401
Louisville	1,380	----------	1,380	1,480	45	1,525	1,080
Memphis	850	240	1,090	850	273	1,123	377
Milwaukee	1,100	407	1,507	1,100	453	1,553	372
Minneapolis	1,000	205	1,205	1,000	242	1,242	508
Newark	2,380	228	2,608	2,380	307	2,687	1,493
New Orleans	990	200	1,190	990	236	1,226	7,264
New York	23,900	3,640	27,540	23,900	4,479	28,379	21,621
Norfolk	1,000	100	1,100	1,000	134	1,134	616
Oakland	2,207	341	2,548	2,207	418	2,625	1,232
Oklahoma City	720	125	845	720	151	871	388
Omaha	830	400	1,230	830	427	1,267	188
Philadelphia	2,790	280	3,070	2,305	858	3,163	942
Phoenix	1,137	520	1,657	1,885	57	1,942	1,343
Pittsburgh	3,100	300	3,400	3,165	338	3,503	412
Portland, Oreg	510	65	575	616	19	635	431
Rochester	733	----------	733	700	64	764	461
St. Louis	1,080	700	1,780	1,080	754	1,834	0
St. Paul	300	363	663	300	383	683	0
San Antonio	2,140	100	2,240	2,142	166	2,308	1,434
San Diego	1,539	213	1,752	1,539	266	1,805	884
San Francisco	1,525	400	1,925	1,525	458	1,983	642
Seattle	800	375	1,175	846	365	1,211	285
Tampa	1,100	200	1,300	1,100	239	1,339	586
Toledo	400	200	600	400	218	618	82
Tulsa	240	100	340	240	111	351	69
Washington, D.C	7,520	1,982	9,502	7,305	2,486	9,791	3,014
Total	117,695	20,062	137,757	117,566	24,813	142,379	72,382

Note: All figures except last column supplied by Department of Labor; last column supplied by U.S. Conference of Mayors.

Mr. JAVITS. Mr. President, we need not look merely to our 50 largest cities to find tension, discontent, and the need for additional opportunities for our disadvantaged youths. The Conference of Mayors advises that 67,313 slots can still be effectively utilized in hundreds of smaller cities which have sponsors for the Neighborhood Youth Corps summer programs. For example, Little Rock, Ark. is 600 slots short; Lexington, Ky., 150; Birmingham, Ala., 100; Orlando, Fla., 500; Fort Lauderdale, Fla., 100; and Compton, Calif., 200.

An opportunity for one youth in the Neighborhood Youth Corps summer programs costs approximately $411. To provide opportunities for the 72,382 youths in our 50 largest cities and for the 67,313 youths in our smaller cities who can still benefit from a summer job, will require an additional appropriation of an amount in excess of $55 million. As reported by the Senate Appropriations Committee, a supplemental of only $7,500,000 will be available, an amount based upon only a preliminary report from the regional offies of the Department of Labor.

As I said when I began, I respectfully submit that the situation is such, and the premium on having peace in our cities is so great, that I feel in all fairness the Senate should have an oportunity to vote upon the amount which the mayors think they need, considering the tremendous budgetary strains under which our Government departments are now laboring and the tremendous pressures on them to bring everything down to the barest minimum without real concern for the priorities involved.

The overall situation for this summer has been aggravated by the effect of certain decisions by the Department of Labor. I have made it quite clear in previous statements that the Department should be given the chance to redefine the "mix" of training opportunities available to our young people and I have every reason to believe that the administration is acting in good faith and that, in the end, the administration will provide expanded and more relevant opportunities.

But despite the Department's best efforts, the summer has arrived before those ambitious and well-intended plans can be culminated. Thousands of youths who were in Job Corps centers designated for closing have chosen not to accept transfer to other centers and have returned to the cities, still awaiting assignment to other manpower programs. The Secretary recently reported that as of May 24, 1969, only 225 of over 3,000 enrollees who had returned to their homes from Job Corps centers have actually been enrolled in other programs. In addition, the Department is making efforts to locate more than 1,100 dropouts who, once located, should be provided summer jobs. The Secretary has also indicated that more than 9,000 youths who had been accepted or had applied for Job Corps have been delayed entry and many may not be assigned to centers until as late as August or September because of a recruiting freeze instituted by the Department of Labor as a part of the phaseout.

We must make available Neighborhood Youth Corps slots for those youths who are caught in the uncertainties imposed by the transition between the elimination of almost half of the Job Corps centers and the implementation of new plans for an expanded and improved manpower training program.

Mr. President, we have been telling this Nation's disadvantaged over and over again that the road out of poverty is traveled by those who are willing to work. If we let an additional 136,500 youths 14 to 21 years of age spend this summer in idleness, how can we be assured that they will not spend the rest of their lives on welfare rolls? To fail to provide these slots is to miss an opportunity to let disadvantaged youngsters learn from their own experience that it means something to have a job.

Is $55 million too high a price to pay? How much is $55 million? Mr. President, colleagues, $55 million can buy more than 136,500 meaningful opportunities for youth or it can buy 200 tanks. Putting it another way, the recently announced cost overrun on the Minuteman missile would provide the number of job slots which we seek to add for this summer for every summer for the next 70 years.

Mr. President, I do not use those figures to denigrate what we do in defense or the provisions which are made to secure the hardware for our Armed Forces. I only point out that from the facts involved, considering the order of magnitude of the appropriations with which we deal, the amount of $55 million is not very large. A critical situation faces this country again this summer, as is wisely recognized through the Nation. Therefore, the price—if it may be deemed that—which we pay for an added measure of domestic security cannot begin to be compared to the amounts we spend unhesitatingly in the military field.

Mr. President, I, and many others, have fought hard for a rearrangement of our national priorities, within reason. I have talked about the overall figure of $5 billion as a figure which needs to be reoriented to the uses of the war on poverty, on rural poverty, as well as on urban poverty, and the other deep, social ills which assail our country today.

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The sum of $55 million is of an emergency character. It is for summer jobs for the most volatile element of our population. This is simply an effort to rearrange our national priorities more in keeping with the aggregate of our national problems than, seemingly, has come out of the administration.

Mr. President, I would not have made this amendment without the support of the U.S. Conference of Mayors and their express statement that it is what is urgently required by those men to whom we will be looking to keep their cities "cool" throughout the summer. If we expect them to do that—and we do—we had better give them some tools to work with. This is what it takes.

The amount involved is so disproportionate to the issue involved, and so well within the capability of every budget, whatever freeze we may place upon it, that I respectfully submit that the amendment should be adopted.

Mr. President, I ask unanimous consent that the text thereof be printed at this point in the RECORD, along with a number of documents which establish the need which this amendment seeks to fill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 5, 1969.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in response to the joint inquiry you and Senators Nelson and Cranston made concerning Job Corps enrollees at the centers to be closed.

The data we have reflects what has happened at the centers as of May 30 and at the local employment offices in the home areas of the enrollees as of May 23 except for 16 States where the latest information is as of May 10. These data are obtained each week and we can provide more up-to-date information as it is received and processed.

The status of the 16,536 enrollees at the centers to be closed April 11, including some 264 that arrived at the centers since that date, is as follows:

1. *Transfers to other Job Corps centers.* 4,700 have been transferred to other Job Corps centers. Another 1,100 are still in the centers to be closed and have been scheduled to be transferred to other centers. According to Job Corps officials handling the transfers, 97 percent of the women's and 100 percent of the men's urban center enrollees have been placed in the same program or in courses closely related to the skill training they were receiving in the centers that are being closed. The training program in the conservation centers is standard so that all conservation center enrollees transferring to other centers were able to continue their program without interruption.

2. *Placement in other manpower training programs.* As of May 30, employment service interviewers have referred 600 enrollees to training programs directly from the centers. About 85 percent were referred to MDTA projects, the remainder to NYC projects. We do not have data at this time to indicate how many have actually started their new program.

As of May 24, 3,000 enrollees had returned to their homes for placement assistance. Employment service interviewers at the local offices in the enrollees home towns have referred about 700 enrollees to training. Of this number 225 have been enrolled in a program with the remainder waiting for the courses to start. The types of programs are as follows:

	Referred	Enrolled
NAB, JOBS	82	42
MDTA, institutional	124	52
MDTA, OJT	17	0
NYC	223	83
Other	248	48
Total	694	225

There were about 500 ex-corpsmen who had been placed in an assessment program and were receiving stipends, and another 1,300 that were being processed.

3. *Placement in employment.* About 1,000 enrollees have been placed in jobs, with slightly more than half placed after they returned home and the remainder placed directly from the center. Over 80 percent of the placements have involved jobs paying $1.60 per hour or better; 28 percent had wage rates of more than $2.00 per hour.

4. *Job Corps graduates.* As of May 30, 2,300 enrollees at the closed centers have graduated. Another 800 are scheduled to graduate before their centers close.

5. *Dropouts.* As of May 30, 1,100 enrollees have dropped out of the centers to be closed. The local offices in the home areas of these enrollees have been notified of their leaving. Since the enrollees will have to contact the local offices to obtain whatever pay and allowances owed to them, it is expected that they will contact the local office at which time they will be put into the same assessment and counseling program as the other enrollees. As soon as the bulk of the enrollees that checked in through the employment offices is satisfactorily taken care of, we plan to make special efforts to contact the dropouts that have not contacted the local office by checking with their parents, school officials, etc.

6. *Summary* (data rounded to nearest hundred).

Job Corps enrollees in centers to be closed	16,500
To graduate	3,100
To transfer to other centers	5,800
To be referred to jobs or training	6,500
Dropouts	1,100
To be referred to jobs or training	6,500
Referred to training	1,300
Placed in jobs	1,000
Still at Job Corps center	800
In transit to home area or data not received from local employment office because of lag in reporting	1,600
In counseling and assessment program	1,800
Receiving stipends	500
Being processed	1,300

I trust that this information will give you a clear picture of what has happened to enrollees at the centers to be closed.

During my April 25 appearance before your committee there were several requests made for information which I promised to supply for the record, but which we were unable to furnish the committee before the transcript was printed. I am now enclosing four tables developed in response to your inquiry about the need in the United States for manpower programs and the extent to which that need is being met (page 250 of the Hearings). Also enclosed is material relating to the cost of operating the new centers (page 275 of the Hearings).

Sincerely yours,

GEORGE P. SHULTZ,
Secretary of Labor.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 29, 1969.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: This is in response to the questions raised in your telegram of May 7 concerning recruiting and processing of youngsters for the Job Corps.

At the time the recruiting freeze was imposed, Job Corps records indicated there were 3,542 males and 1,748 females for a total of 5,290 who had applications processed and accepted.

There were 2,753 males and 1,272 females with applications in various stages of processing by Job Corps.

Screeners have been advised informally to tell youths about the likely delay in entry. The following communication is being sent to all youths whose applications are presently held by the Job Corps:

"DEAR ——— ———: Your application for the Job Corps has been processed and approved. At the present time, all openings in existing Job Corps centers are filled. As openings become available, you will be assigned based on the earliest applications on file departing first. While you are awaiting assignment, you should check in regularly with your local employment service office and screener. In closing, Job Corps wishes to thank you for your interest in the program and will advise you as soon as openings become available.

"Sincerely,

"——— ———,
"Job Corps Regional Administrator."

During mid-June, Job Corps will begin assigning young men to Men's Urban Centers. Civilian Conservation Center assignments are expected to resume in mid-July, and young women will be assigned to the remaining centers late in August or early in September.

Male recruiting will begin sometime in the middle or latter part of June and female recruiting in late July or early August.

Sincerely,

GEORGE P. SHULTZ,
Secretary of Labor.

Target group for NYC summer programs

(In-school youth 14 to 21)

Age, sex, and race	*Number*
Total, 14 to 21	1,530,000
Total, 14 to 15	837,000
Male, white	242,000
Male, nonwhite	140,000
Female, white	292,000
Female, nonwhite	163,000
Total, 16 to 17	215,000
Male, white	62,000
Male, nonwhite	37,000
Female, white	74,000
Female, nonwhite	42,000
Total, 18 to 21	478,000
Male, white	138,000
Male, nonwhite	80,000
Female, white	167,000
Female, nonwhite	93,000

Department of Labor.

Mr. PERCY. Mr. President, I should like to make a short statement and then ask one or two questions. I am the first to say that the No. 1 urgent need in our country today, so far as meeting the conditions of those living in poverty is concerned, is to provide jobs.

I have a high priority for housing because of my responsibilities on the Housing and Urban Affairs Subcommittee.

But I think that, if given a choice of priorities, I would say that jobs should come first, because we would probably not be able to have housing without jobs, the lack of which brings about a condition of despair, a feeling of worthlessness in a society that is the most affluent society on earth today. The great gap which exists between those who work and those who do not is the feeling of being wanted and needed. This is particularly true with respect to young people. They have a feeling of frustration during the summer months, when they may be idle. Such a time of year brings young men and women out on to the streets, roaming about. I think that the distinguished Senator from New York, who has focused upon this particular aspect of unemployment, makes a very important point.

I cannot help thinking of the tragic, almost disastrous condition we have in my own State of Illinois, in the city of Cairo, where once again blacks and whites are engaged in an exchange of gunfire, with the National Guard lining up on one side to try to maintain law and order.

Here we have a condition that appears to be a racial fight. However, I cannot help believe that down underneath, the underlying struggle is for jobs. There are too few jobs in that community. The power structure is controlled by the whites. It is jobs that the blacks want. It is possibly for control of the power over those jobs that the struggle is all about.

It is the inadequacy of income to meet the sufficiencies of living that brings about these clashes.

The same condition exists in East St. Louis, a city presently in great difficulty. I hope that our hunger committee can go there for hearings and see at firsthand what the conditions are in that city, where, under normal conditions, year in and year out, one out of four young black males is unemployed—25 percent. From month to month they have a feeling of frustration and bitterness because of the lack of utilization of the education they have gained.

Therefore, Mr. President, I do not doubt the need at all. I really feel that the American people are quite prepared, over the long pull, virtually to guarantee a job to every person who is able to work, and willing to work.

Mr. President, 70 percent of the people responded favorably to a Gallup poll question as to whether they would provide such a guarantee to an individual in this country.

Thus, the American people are willing to move up to see that if private industry cannot absorb all of the people available for work, then the public sector will undertake to provide the skill, the education, and the wherewithal to provide jobs in the public sector or as a supplement to the private sector, so that we can make it possible for those who are now idle, to work.

My question concerns the timing and the amount.

I have no doubt that the present Secretary of Labor, Mr. Schultz, is compassionate, knowledgeable, and an experienced man who, above all men I know, desires to see idleness replaced with worthwhile work. I commend the administration for not wanting to see any cuts in the budget over last year. I am concerned that just the increase in our population alone and the increase in inflationary pressures should they just stand still, that we get from idle money, may release the amount of $55 million so that it can be used. I think the Senator from New York would envision as the time schedule, if we approve the amendment, that it be made a part of the supplemental bill before us.

I ask the Senator from New York, what processes would be necessary, how long would it take until this money is actually approved and can be dispensed and placed in the hands of the mayors so that it can actually be put to use this summer? After all, summer has begun, school is out in many parts of the country, and these youths are now idle.

Mr. JAVITS. Mr. President, the time limits are practicable because this is a supplemental and the House has already passed it. The House included nothing for this.

I should like to join with the Senator in respect to what he said about Secretary Schultz. He is a very broad-gaged man, with a deep understanding of the problems of the cities, as he has shown in many ways. I think that, in this particular case, he has been under considerable budgetary pressure, which is understandable because I think the President puts that on every Secretary, so that the Secretary of Labor has gone about as far as he can go in his survey of his own regional offices. He has turned up the need for $24 million, and he found some $16 million of that in programs where the money would not be used by the 30th of June. Then he advised us that an additional $7.5 million was the minimum required. Of course, that is provided for in the bill.

Now we had almost a similar experience last year, when we came in very late and the supplemental appropriation was not made available until July 2.

The supplemental funds were used. I know what our experience is in New York City. The U.S. conference of mayors figures represent additional slots that can be put to use under the management techniques by which summer jobs are given to the Neighborhood Youth Corps in every one of the 50 cities, and the smaller cities. There are actually far more applications and people who need to be given the jobs than can be given. So it is very easy and quick to call in the people to whom this opportunity has been denied and give it to them. They are very delighted to get it.

In addition, the way in which this program works now is that there are only about 10 weeks, with the $411 figure per slot. So there is still ample opportunity, before school opens, to use the money.

Furthermore—and this has been true in other situations—if the Senate should adopt this $55 million proposal, with some assurance that if something better than what is offered will come out of conference, every city will keep a certain number of applicants on hand to be put quickly to work the minute the money is forthcoming. As a matter of fact, last year New York City put them to work, taking a chance on an estimated figure that would come in. That is the tactical technique.

I will say that this is just about the last minute to get anything like this done. I have been around New York City a bit. As the Senator knows, we have quite a mayoralty campaign going on in New York City. As a result, I have been around the city in an unusually intensive way, though I live there and know it, anyway. I am deeply convinced that no assurance can be given as to which way the cities will go this summer. I think that in New York City we are especially fortunate to have a mayor who has a reputation for being able to keep the "roof" on the town. That will help us a great deal. But I still do not know, and I think, with all respect, nobody knows, how nicely adjusted the temper of the community is. There is plenty of reason for frustration. Not nearly enough has been done. At the same time, we do have some good marks for trying, and there are some visual evidences of our effort.

I wish to tell the Senator from Illinois that he should take tremendous satisfaction from his role in housing. I see it on every side. I think the Appropriations Committee has recognized it by the restoration which has been made even in the supplemental bill. When the regular appropriation bill comes before us, we may have a little trouble, but these are very good programs, especially the program for home subsidies.

I feel that it is feasible and practical, as the Conference of Mayors has suggested, to act now on this particular supplemental bill, which has to be completed before the end of the month, anyway, for other reasons than this particular appropriation. We could expect that the money will be effectively used and that it will have a measurable impact on the situation in our big cities.

I should like to point out to the Senator something that is very interesting to me. Last summer the Neighborhood Youth Corps was very effective in "cooling down" our hot cities. This was not because they were vigilantes or were special policemen, but it was because they wore clean clothing and were in effect saying, "I am doing something, and the Government is trying to help." This was very persuasive on people who were inclined to lose their temper and their heads.

Considering the amount involved, I think it is a desirable and wise provision by us. I shall put it to the Senate in the temperate and modest way in which I have put it now. Like my colleagues, we are exploring a field where the difference between a situation of reasonable acceptability and one which is very dangerous to the country may be a hair's breadth, and this may be the breadth.

Mr. PERCY. Mr. President, I appreciate very much the explanation given to me. From my own experience, looking at the figures of the request for the city of Chicago that has been submitted, this sum would provide an additional 8,800 jobs. Here is a city of 3.5 million people. and one wonders what difference 8,800 jobs would make. But it does make a difference to every single boy who will

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be employed and helped. I can remember very well every summer I worked in between school terms. I can remember how it added to my experience and how I felt an additional importance because of that work, no matter how menial it was.

Every student who can get work may prevent himself from being a dropout. It can help him have a sense of worthwhileness. It can give him a sense of appreciation for education, which is the most powerful weapon he can have, and what it can mean to him in later life.

In my own city of Chicago, what we would be voting for would be to give young people 8,800 jobs which can help them feel worthwhile, and not like an IBM card, unwanted, unrelated, and unneeded in a society which is moving ever faster and leaving the individual behind. Here is our chance to step up and help.

With the confidence and knowledge of my distinguished colleague in this field, in which he has been so preeminent, we can vote to so employ this money. I hope we can do it. I wish we could increase the money. I am sympathetic with our administration's effort to try to stop inflation and to try to protect the income of people who are having their pockets picked because of the ravages of inflation. I would rather see the money cut out of some other part of the budget and put into these jobs.

Mr. JAVITS. I thank my colleague. He has asked a question which is very perceptive. According to the figures we have, the target population has increased by thousands. We will have something like a million and a half this year. That is the reason for doing better.

Mr. PERCY. So if we do the same as last year, we are slipping back, because of the population increase. We must add the factor of population.

Mr. JAVITS. Yes.

There was a story in the New York Times last Sunday in which it was stated that the private industry community was expected to do better. Every bit of evidence we have indicates the private business community will have to do much better. After all, last summer was not a bed of roses. I hope private business will do better. One of the ways to encourage private business to do better is to show that we will do better.

I thank my colleague for his support.

THE ADAM CLAYTON POWELL DECISION

Mr. ALLEN. Mr. President, the Supreme Court, in the Adam Clayton Powell decision, announced today, showed again the determination of the Supreme Court to usurp the powers and prerogatives of Congress.

In my judgment, the decision that the House of Representatives was without power to exclude Powell from the 90th Congress was contemptible and spiteful, and an arrogant affront to Congress.

It gave indication of Chief Justice Warren's determination to use what I hope is his swansong, as a vehicle to give Congress a parting slap; and also to try to make of the Supreme Court a super-Government riding herd over the other branches of Government and usurping their duties and responsibilities.

It mattered not to Chief Justice Warren that Powell had been found by the House to be guilty of misuse of public funds. Warren ruled that no matter how Powell had conducted himself, if he had been elected by his constituency, was over 25, had been a citizen for more than 7 years, and was an inhabitant of the State from which he had been elected, he could not be denied a seat of the House of Representatives.

Following the Court's reasoning, Congress must seat any person no matter how reprehensible his conduct, how unscrupulous his character, no matter how disloyal to ethical principles, if he is elected and meets the age, citizenship and residence requirements of the Constitution. No other qualifications or lack of them can be brought into play.

The Supreme Court ignored the fact that the Constitution gives each House of Congress the power to judge the qualifications of its Members and punish its Members for disorderly behavior. This power of Congress has, before now, been unquestioned during the 180 years of our existence as a Republic.

I think it is significant that the Supreme Court in reaching this decision reversed a decision of the Court of Appeals of the District of Columbia, of which Judge Warren E. Burger is a member.

Judge Burger's line of reasoning will be a welcome relief from that of Chief Justice Warren.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 42 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, June 17, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate June 13, 1969, under authority of the order of June 12, 1969:

Assistant Postmaster General

Harold F. Faught, of Pennsylvania, to be an Assistant Postmaster General.

Diplomatic and Foreign Service

Ridgway B. Knight, of New York, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Portugal.

U.S. Advisory Commission on Information

William F. Buckley, Jr., of Connecticut, to be a member of the U.S. Advisory Commission on Information for the term of 3 years expiring January 27, 1972, vice Sigurd S. Larmon, term expired.

U.S. District Judge

Gerald S. Levin, of California, to be U.S. District Judge for the northern district of California, vice a new position created under Public Law 89-372 effective September 18, 1966.

Governor of the Virgin Islands

Melvin H. Evans, of the Virgin Islands, to be Governor of the Virgin Islands.

In the Air Force

Gen. John P. McConnell, FR611 (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of general under the provisions of section 8962, title 10 of the United States Code.

Gen. John D. Ryan, FR1418 (major general, Regular Air Force), U.S. Air Force, to be appointed as Chief of Staff, U.S. Air Force, for a period of 4 years beginning August 1, 1969, under the provisions of section 8034, title 10 of the United States Code.

Chairman, Joint Chiefs of Staff

Gen. Earle Gilmore Wheeler, 018715, Army of the United States (major general, U.S. Army), for reappointment as Chairman, Joint Chiefs of Staff, for an additional term of 1 year.

Chief of Naval Operations

Adm. Thomas H. Moorer, U.S. Navy, for appointment as Chief of Naval Operations in the Department of the Navy for a term of 2 years.

Executive nominations received by the Senate June 16, 1969:

In the Army National Guard

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Ross Ayers, O378526, general of the line.

Col. John P. Jolly, O431736, Adjutant General's Corps.

To be brigadier general

Col. Jackson Bogle, O461234, Adjutant General's Corps.

In the Navy

The following-named officers of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefor as provided by law:

MEDICAL CORPS

Harry P. Mahin
David P. Osborne
Herbert G. Stoecklein

SUPPLY CORPS

John A. Scott
Vincent A. Lascara
Edwin E. McMorries

CHAPLAIN CORPS

Francis L. Garrett

CIVIL ENGINEER CORPS

Albert R. Marschall

DENTAL CORPS

John P. Arthur

In the Air Force

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law:

LINE OF THE AIR FORCE

Lieutenant colonel to colonel

Adams, Donald D., 0017253.
Adams, Marvin L., 0016144.
Adams, Ranald T., Jr., 0017336.
Adcock, Roy D., 0025629.
Aguilar, Adolph, 0035225.
Ahrens, Herman C., Jr., 0035608.
Allard, Lionel C., Jr., 0024331.
Allen, Lew, Jr., 0017342.
Allery, Kenneth E., 0036093.
Allison, John H., 0035733.
Almes, Guy C., 0036012.
Ambrecht, John F., 0014226.
Ames, James R., 0035945.
Anderson, Richard R., 0011588.
Andress, Crystal L., 0033770.
Arant, Albert F., 0034682.
Armstead, Seth A., Jr., 0012947.

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Atkinson, Anderson W., 0017339.
Audick, Albert E., 0024345.
Augustyn, Frank J., 0017308.
Austin, David A., 0026422.
Austin, Harold R., 0037040.
Bain, James, 0036368.
Ball, Clarence C., Jr., 0035165.
Bally, William J., Jr., 0036589.
Barrentine, Emmett S., Jr., 0027679.
Barron, Thomas P., 0036554.
Bartholf, John C., 0017502.
Bartholomew, Gabriel P., 0022659.
Barton, Bernard H., 0036844.
Bass, Bernie S., 0036743.
Baumann, Lee S., 0036615.
Baxter, William D., 0017530.
Baynes, Hugh L., 0049233.
Bean, James R., 0025818.
Beard, Charles E., Jr., 0016143.
Bechtold, Louis A., 0017259.
Becker, William R., 0036373.
Behr, Robert M., 0021515.
Bell, Paul E., 0026466.
Bellis, Benjamin N., 0017330.
Benham, Harold N., 0015249.
Benit, Henry J., 0035982.
Bennett, Samuel L., 0037016.
Benton, Ernest L., 0036608.
Bissell, Donald R., 0016925.
Blanchard, Jerome L., 0013164.
Blanton, Eugene T., 0036826.
Bolen, George O., Jr., 0015453.
Boswell, Marion L., 0017719.
Boucher, Ernest W., 0048767.
Bouldin, Frank H., 0034453.
Boutwell, William A., 0035766.
Boyd, Harwell L., Jr., 0037047.
Bradburn, David D., 0017335.
Brechwald, Edward J., 0017363.
Brewer, Orse, Jr., 0035591.
Brim, Raymond E., 0035675.
Buckingham, Charles E., 0017483.
Burcham, Lee A., 0017305.
Burgess, Richard B., 0017383.
Burkett, Daniel L., 0017571.
Burnham, Perry H., 0048748.
Burns, John J., 0028203.
Butler, James J., Jr., 0014361.
Butler, Ralph J., 0015142.
Butts, Jack N., 0035611.
Cameron, Carl C., 0036832.
Campbell, John R., 0035647.
Carey, Russell J., Jr., 0014095.
Carroll, Thomas L., 0017313.
Carson, James S., 0052255.
Carter, Jack E., 0036242.
Caruthers, Marion F., 0036145.
Casey, Maurice F., 0036992.
Castelli, Joseph R., 0076525.
Castle, Johnny R., 0017446.
Chacey, David D., 0014413.
Chapman, Kenneth R., 0017362.
Chatfield, James D., 0017515.
Chille, Peter J., 0017231.
Christensen, Keith L., 0022639.
Clague, Charles E., Jr., 0034829.
Clancy, Orville W., 0036620.
Clark, Philip S., 0052264.
Clayton, Gerald H., 0052089.
Cohlmia, George V., 0036393.
Coke, Paul E., 0025500.
Colladay, Martin G., 0017344.
Connor, John H., 0035837.
Cook, Harvey A., Jr., 0015382.
Cook, Walter E., 0014627.
Cooke, Robert R, Jr., 0035016.
Corra, Nicholas A., 0037109.
Cotellesse, Peter, 0022699.
Covington, James C., 0037093.
Crenshaw, David L., 0033717.
Cross, Floyd E., 0036545.
Crowder, Charles E., Jr., 0016299.
Crum, Walter S., 0016741.
Culver, Frank B., III, 0020765.
Dahlem, Walter E., Jr., 0036115.
Dalferes, George L. J., 0048786.
Dallman, Howard M., 0015281.
Damewood, Lawrence D., 0051851.
Daniels, Robert W., 0022860.
Darmstandler, Harry M., 0036641.
Davies, Franklin C., 0016854.
Davis, Marion M., Jr., 0017183.
Deatrick, Eugene P., Jr., 0017371.
Delmore, John R., 0034577.
Demmon, George B., 0032708.
Demont, Russell D., 0035657.
Deniston, Dale R., 0036901.
Denniston, Clyde R., Jr., 0017437.
Denton, Edward P., 0036594.
Derienzo, Joseph F., 0034734.
Dienst, William L., 0015415.
Dingeldein, Robert, 0017568.
Dobrowolski, Edward L., 0032682.
Dodds, John E., 0016289.
Doherty, Albert M., 0036614.
Dorman, George S., 0017411.
Downer, Charles P., 0036080.
Dreiseszun, Abraham J., 0036902.
Drew, Adrian E., 0037125.
Duckett, Wayne G., 0015265.
Dulion, William E., 0037037.
Dunlap, Lloyd L., Jr., 0017380.
Durkee, Frank W., 0052125.
Dye, L. A., Jr., 0015754.
Dye, Rufus, Jr., 0036943.
Easley, Frank, 0036317.
Eckerman, Chester E., 0035853.
Edge, Robert L., 0017565.
Eichelberger, William R., 0017244.
Eldridge, Malcolm W., 0052209.
Elias, William, 0035514.
Ellis, Frederick D., 0033868.
Ellis, Richard H., 0036867.
Elstun, Maurice, 0036278.
Evans, Marion T., 0034752.
Evans, Robert A., 0016996.
Evans, William J., 0017355.
Evely, Clyde P., 0023738.
Ewing, Donald E., 0017214.
Felices, Salvador E., 0017377.
Ferrato, Theodore P., 0022713.
Fertig, William V., 0034622.
Finley, David H., 0034736.
Fleek, Thomas A., 0036200.
Florick, Leo, 0035094.
Foley, Roland D., Jr., 0016818.
Foust, William L., 0023690.
Fowler, Lawrence A., 0036386.
Fox, Harold L., 0034401.
Francis, Charles F., 0036140.
Francisco, George W., 0035521.
Franklin, R. C., Jr., 0036845.
Freshwater, Robert E., 0017522.
Frisbie, Norman H., 0013722.
Fry, Joe, 0052165.
Fuqua, Robert P., 0037092.
Gaines, Edmund P., Jr., 0017558.
Garvin, Thomas P., 0035530.
Gauch, Eugene W., Jr., 0035961.
Gauthier, Adelbert G., 0036457.
Gibson, Ralph D., 0017284.
Gibson, Winfield S., 0036407.
Gilbert, William W., 0020738.
Gimmi, Richard F. B., Jr., 0021517.
Giraudo, Joseph L., Jr., 0036639.
Glass, Donald R., 0016416.
Glover, Kenneth, D., 0036285.
Gordon, Lawrence N., 0017467.
Graafs, Edward H., 0036465.
Grace, Harold W., Jr., 0022694.
Green, Norman H., 0018237.
Greenwade, Paul V., Jr., 0037102.
Greenwood, Guiher G., 0037099.
Greget, Tony M., 035946.
Griffin, Hiram, 0017133.
Griffin, Robert J., 0052304.
Grimm, Harley L., 0017067.
Grooms, Wayne G., 0032750.
Gross, Kenneth E., 0018289.
Grossman, Frank H., 0052279.
Grossmiller, William J., III, 0017311.
Grow, John W., Jr., 0036887.
Gustin, George, 0036865.
Haggard, Samuel R., 0064401.
Hall, Richard C., 0035661.
Hamel, Robert E., 0020728.
Hamilton, Maynard G., 0016172.
Hamilton, Robert S., 0036381.
Hansen, Leroy P., 0016751.
Hanson, Lewis C., 0035624.
Hardy, Alan H., 0036738.
Harre, Eugene H., 0052096.
Harris, Edgar S., Jr., 0017505.
Harris, Roy L., Jr., 0017560.
Harward, Garn H., 0034582.
Haynes, Robert M., 0048772.
Hays, Ralph M., 0036669.
Head, Vernon L., 0036425.
Hedlund, Donald C., 0015772.
Heiberg, Harrison H. D., Jr., 0017368.
Henderson, Fred H., Jr., 0036262.
Henner, Ernest S., Jr., 0011658.
Hess, Walter N., 0034049.
Heyl, Rodney W., 0011690.
Hightower, Loyd W., Jr., 0035527.
Hildebradt, James E., 0017351.
Hiley, James H., 0036438.
Hill, James F., 0020741.
Hinton, John R., Jr., 0020691.
Hoffs, Henry, 0036071.
Holladay, Robert L., Jr., 0035269.
Holmberg, Herbert A., 0014587.
Holton, William D., 0052274.
Horn, John D., 0012714.
Horne, Raymond E., Jr., 0020735.
Horton, Clarence F., Jr., 0017486.
Hoskins, James E., 0052043.
Houghton, Homer H., 0032644.
Howell, Philip V., Jr., 0017534.
Hoyt, Robert F., 0010006.
Hoza, Paul P., 0015268.
Hudson, James D., 0024370.
Huff, Wesley E., 0034568.
Hughes, Eugene, 0035785.
Hughes, James D., 0017468.
Hulett, Charles E., 0036843.
Hunt, Ralph M., 0036538.
Hutto, Merl G., 0017433.
Jackson, Bush M., Jr., 0036061.
Jackson, Robert A., 0016121.
Jacobs, Albert, 036281.
Jacobs, Robert A., 0014007.
Jacobson, Hilding L., Jr., 0036683.
Jacolick, Harvey T., 0036889.
Janssen, William L., 0052092.
Jeffers, Ulie H., Jr., 0052208.
Jewell, Harold R., 0017297.
Johnson, Ivan D., 0036010.
Johnson, Marvin M., 0034691.
Jolley, Bryan R., 0016734.
Jones, Arthur M., 0017286.
Jones, Glenn W., 0050372.
Jones, Paul D., 0015146.
Jones, Robert L., 0028197.
Jones, Robert L., 0022693.
Kaiser, Henry A., 0035938.
Kalb, Robert D., 0036879.
Keith, Jack L., 0036073.
Kendrick, Claud D., 0035877.
Kenny, Patrick H., Jr., 0016482.
Kiger, Robert I., 0035306.
Kimball, Wesley D., 0052302.
King, Nat D., 0016981.
King, Roy W., 0026780.
Kinney, Robert W., 0036129.
Kleine, James D., Jr., 0013301.
Klinginsmith, Russell F , 0025497.
Kosciuszko, Alphons E., 0017057.
Kosmatka, Raymond, 0036090.
Krauska, Thomas J., 0023186.
Kresge, Cletus C., 0036965.
Kuhn, Joseph A., 0024321.
Kumnick, Chris A., Jr., 0012270.
Ladd, Herbert W., Jr., 0036884.
Lamb, Thomas E., 0025498.
Lancaster, Roy A., 0035782.
Lapping, Sherwood F., 0035914.
Lasalle, Louis W., 0036412.
Laseter, William H., 0036180.
Lebell, Jonah, 0019786.
Lee, Fitzhugh, Jr., 0035748.
Leighty, Claude C., 0035988.
Lengnick, Roger H., 0017326.
Leonard, John H., 0028161.
Lester, Frank G., 0017367.
Leuchtmann, Robert L., 0017564.
Lieber, Bernard, 0035209.
Ligon, Vernon P., Jr., 0033825.
Lillie, William H., Jr., 0036812.
Lilly, Bobby J., 0035514.
Lindeman, Jack R., 0017314.
Litchfield, Robert L., 0011764.
Lobdell, Harrison, Jr., 0017360.
Lockee, Archie S., 0036104.
Loftus, Marshall J., 0036353.
Lowe, Jerome G., 0033965.
Lowry, Robert M., Jr., 0017420.
Lowry, Thomas J., Jr., 0036881.
Luby, Edward W., 0036855.

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Lucas, Charles W., 0036221.
Lucchesi, Gene A., 0034027.
Luebbert, Herman E., 0037013.
Luther, Joseph G., 0036989.
Lyles, Luther W., 0036097.
Lysaker, Howard E., 0035643.
MacDonald, Nelson J., 0035241.
Macia, James H., Jr., 0036621.
MacKenzie, Robert F., 0013779.
MacWilliams, Malcolm M., 0017396.
Madison, John E., 0024725.
Magnan, Mark W., 0028204.
Mahon, William J., 0025537.
Mann, Gerald E., 0014925.
March, William C., 0035307.
Marshall, Charles W., 0050407.
Martin, Hugh J., 0026459.
Martinez, Cesar J., 0036127.
McBurney, Raplee Y., 0036700.
McCain, William M., 0036600.
McCall, James L., 0035011.
McClure, Robert D., 0013714.
McCollum, Vance W., 0051890.
McCormick, Howard E., 0020744.
McDonnell, Michael C., 0034737.
McGee, Charles E., 0051799.
McGilpin, Willam A., Jr., 0034504.
McGugan, Charlie T., Jr., 0051813.
McIntire, Jesse C., 0016010.
McKenney, Lawrence E., 0034984.
McKennon, Sandy J., 0016099.
McKinney, Joseph T., 0017323.
McPherson, Daniel E., Jr., 0017907.
McInney, Joseph T., 0017323.
McVey, William H., 0014700.
Mejaski, Joseph W., 0036454.
Merz, Charles F., 0035956.
Meyers, Roy I., 0017264.
Miller, Clement K., 0036267.
Miller, James M., 0017096.
Milton, John L., 0016392.
Milzer, Carl W., 0021440.
Minnich, E. Scott, 0017462.
Minor, John M., 0017415.
Mock, Theodore E., 0022724.
Molchan, John E., 0017391.
Moore, Arthur R., Jr., 0017475.
Moore, James A., 0036477.
Morgan, Whitney L., 0051082.
Morris, Edward D., 0036279.
Morris, George H., 0025776.
Morris, Grady, 0035713.
Morris, Jack B., 0024326.
Morris, Julian B., 0023741.
Morrison, Charles M., 0036148.
Moseley, James C., Jr., 0028160.
Moulton, Ralph R., 0036601.
Mulcahy, William J., 0022798.
Murfield, J. Donald, 0025489.
Murphy, James S., 0037080.
Murphy, Robert B., 0036456.
Murphy, William J., Jr., 0022681.
Myers, Howard S., Jr., 0034694.
Nakis, George M., 0036810.
Naleid, Jerome F., 0017334.
Naler, James D., 0037038.
Nealon, John F., 0035995.
Neff, Benjamin G., 0017280.
Neighbors, William S., 0050423.
Nelsen, Raymond Z., Jr., 0036506.
Nelson, Palmer A., 0034811.
Nelson, William H., 0035811.
Newby, Warner E., 0037082.
Newell, Richard G., 0017484.
Newhouse, Morris H., 0036124.
Nielsen, Austin, 0011964.
Norwood, Billie J., 0017525.
Novy, James S., 0035965.
Nunez, Raul, 0023751.
Obarr, William C., 0015664.
Obarski, Stanley J., 0036371.
O'Connor, John T., 0036761.
O'Connor, Theodore J., 0036165.
Oliver, Jeptha D., Jr., 0036243.
Oliver, John W., Jr., 0017161.
Orell, Joe, 0035325.
Ostrye, Norbert B., 0015299.
Pace, Robert E., 0022710.
Paige, Leroy D., 0024724.
Palenscar, Alexander J., Jr., 0048787.
Pappas, Antonio S., 0036455.
Parker, John M., 0036475.
Parker, John B., 0015648.
Parr, Ralph S., 0028206.
Paschall, James E., 0017427.
Pate, Ernest W., 0035898.
Payne, Donald W., 0016718.
Pear, Charles E., 0036251.
Pendergraft, Wesley L., 0018242.
Perez, Richard A., 0016928.
Perry, Daniel C., 0017013.
Perry, Frank V., 0016389.
Perry, Roland A., 0018231.
Pettigrew, Joe D., 0035218.
Phelan, James, 0036496.
Pisanos, Steve N., 0020745.
Pitts, John E., Jr., 0017406.
Poe, Bryce II, 0017393.
Pohl, Nelson O., 0023709.
Pool, Sam J., 0036247.
Portt, Glen A., 0052311.
Price, Jack R., 0022764.
Prieve, Donald G., 0023743.
Prothero, Alvin E., 0035275.
Rafalko, Edmund A., 0016888.
Ramsey, Charles E., Jr., 0037111.
Ranson, Jerald J., 0036421.
Rea, Parks M., 0034580.
Reece, Horace S., 0051867.
Reed, Junior B., 0036109.
Reisinger, William J., 0036782.
Riave, Lionel L., 0041289.
Rice, Franklin C., 0036403.
Ridgway, Clifton S., 0036959.
Ritchey, Andrew J., 0016250.
Roberson, John F., 0036706.
Roberts, Lionel W., 0035747.
Roberts, Ray D., 0013248.
Robinson, Ray A., Jr., 0023628.
Rodriguez, Reynaldo A., 0052176.
Rogers, William J., 0036138.
Rose, John G., 0014460.
Rose, John M., Jr., 0024398.
Rosenow, John J., 0035994.
Rossman, Russell J., 0016429.
Rothwell, Ian D., 0036728.
Rowdon, Earle J., 0036668.
Ruffatto, Bennie J., 0035167.
Russell, Durward B., Jr., 0051941.
Ryan, Robert M., Jr., 0016567.
Sadler, Robert E., 0017561.
Sanderson, Duncan M., 0012970.
Sanderson, Robert W., 0036541.
Sargent, Jack S., 0033921.
Savuto, Joseph A., 0013897.
Saxton, David W., 0022674.
Schmitt, John J., Jr., 0017470.
Schroeder, George Z., 0016578.
Schulz, Richard G., 0036689.
Sears, Phillip F., 0036238.
Seaver, Owen L., 0014805.
Seccomb, Milo L., Jr., 0036833.
Seeger, Charles M., 0016956.
Senter, Lee R., 0036825.
Severn, Theodore, 0035559.
Sexton, Roy D., 0026677.
Shafer, Jonathan K., 0015298.
Shahbaz, John C., 0051947.
Shannon, William E., 0021802.
Sheehan, Daniel J., Jr., 0016675.
Shepard, Leland C., Jr., 0021435.
Shiver, William H., 0026392.
Short, Vere, 0035217.
Shriner, Frederick F., 0036781.
Sigman, Isiah, 0036657.
Simmons, Alfred C., 0013957.
Sizemore, Robert, 0017157.
Skinner, Harry G., 0016637.
Smith, Charles A., 0017276.
Smith, Donald R., 0015726.
Smith, George K., 0015506.
Smith, James S., 0037035.
Smith, Robert R., 0015191.
Smith, Stanley C., 0036664.
Sowers, Robert L., 0052273.
Spalding, John R., Jr., 0036711.
Spencer, Earl W., 0015436.
Spencer, William R., 0036392.
Spies, Fred R., 0051060.
Staley, Ray C., 0020742.
Stephens, Homer Q., 0034687.
Stevens, David H., 0024572.
Stewart, Emmett F., 0036282.
Stewart, James L., 0022691.
Stewart, Kenneth M., 0016667.
Stewart, Robert B., 0017322.
Stickman, William R., Jr., 0017034.
Stippich, Robert C., 0037041.
Stokes, Louis S., 0012626.
Stonberger, Harold W., 0023699.
Stringer, Elbert M., 0017423.
Stull, Grafton W., 0013627.
Summer, Peter D., 0016577.
Swan, Clinton D., 0010224.
Sweetnam, Richard W., 0036052.
Swindell, Charles W., 0015240.
Swisher, Kenneth C., 0026834.
Tallman, Kenneth L., 0017337.
Taylor, Paul P., 0016660.
Temple, Robert J., 0017248.
Temple, William A., 0017319.
Theus, Lucius, 0018270.
Thomas, John E., 0052318.
Thomas, John H., 0014080.
Thompson, Earl A., 0035749.
Thompson, George W., 0017726.
Thompson, Webb, 0052307.
Thornhill, Howard A., 0035516.
Thurman, George D., 0036625.
Toolan, Frank J., 0036807.
Townsend, James G., 0015260.
Trautwein, Donald F., 0015474.
Trout, Darvin L., 0014822.
Trumble, John B., 0011523.
Turner, Howard D., 0025799.
Tyndall, Joseph M., 0022803.
Vanhoy, Lonnie E., 0014629.
Vanpelt, Warren W., 0026429.
Vansickle, Earl R., 0017516.
Ventres, Robert L., 0017234.
Versurah, Vincent V., 0014989.
Vickrey, Mac, 0051925.
Vidmer, Richards, Jr., 0017544.
Vincent, John H., 0037017.
Voss, John G., 0036811.
Walker, William L., 0037126.
Warndorf, James P., 0036981.
Warren, Foster G., 0017566.
Wassner, William R., 0036340.
Watkins, Charles T., Jr., 0036013.
Wayne, Robert E., 0017397.
Webb, Marcell E., 0034755.
Weber, Marvin O., Jr., 0017461.
Wehrle, Joseph H., 0052329.
Weinbrenner, George R., 0036374.
Wells, Eugene O., 0035342.
Wengel, Emil J., 0015296.
Wenzel, Lloyd H. N., 0014960.
Werbeck, Donald L., 0018290.
Weyhrich, Melvin P., 0023700.
White, Richard J., 0034596.
Wilkinson, Stanley, Jr., 0036675.
Williams, Durwood R., 0023750.
Willoughby, David J., 0036521.
Willson, Dean W., 0035197.
Wilson, Ernest R., 0023694.
Wilson, Harold H., 0010388.
Wilson, Howard E., 0032694.
Winn, David W., 0036646.
Winters, Robert E., 0051946.
Wood, Branson L., Jr., 0016152.
Yancey, William B., Jr., 0017476.
Young, Elton C., 0035469.
Young, Kendall S., 0036493.
Zaniewski, Felix J., 0026685.
Zeh, Theodore G., Jr., 0017421.
Zweifel, Harold J., 0013773.

Chaplains

Jellico, Thomas M., 0024681.
Stein, Martin J., 0050960.

DENTAL CORPS

Baldwin, Kenneth H., 0024205.
Hoot, Norman G., 0021847.
Jones, Eugene H., 0018962.
Julius, Loy L., 0023071.
Knoll, Oliver J., 0019969.
Roy, Edward W., 0024676.
Sachsel, Arthur J., 0029278.
Segreto, Vincent A., 0022405.
Weaver, Robert N., 0024140.
Zellers, Howard W., Jr., 0024121.

MEDICAL CORPS

Anderson, George R., 0022950.
Baird, Glenn D., 0020845.

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Chesney, Murphy A., 0029806.
Clark, Randall L., 0029611.
Fitch, Ray F., 0024655.
Nafis, Warren A., 0023581.
Peniston, William H., 0025636.
Richard, Eli F., 0025471.
Smith, J. Lewis, Jr., 0024194.
Upp, Charles W., 0023174.
Wesp, Joseph E., 0023055.
Willmarth, Charles L., 0029612.

NURSE CORPS

Garvin, Sara E., 0021045.
Lawrence, Evelyn N., 0022075.

MEDICAL SERVICE CORPS

Delahunt, John C., 0019509.
Dibona, Philip, 0021641.
Herrin, Daniel M., Jr., 0021620.
Leahy, Joseph H., 0055326.
Merritt, William F., 0019487.
Morden, Harold R., 0019510.
Otter, Henry F., 0019480.
Templeton, Robert C., 0048926.

VETERINARY CORPS

Grau, William H., Jr., 0023073.

BIOMEDICAL SCIENCES CORPS

Bodycomb, Joyce, 0020897.
Madget, Mary E., 0027972.
Smith, Francis S., 0036854.

U.S. TARIFF COMMISSION

Will E. Leonard, Jr., of Louisiana, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1975. (Reappointment)

COMMISSION ON CIVIL RIGHTS

Howard A. Glickstein, of New York, to be Staff Director for the Commission on Civil Rights.

EXTENSIONS OF REMARKS

NEW GENERAL MOTORS PLANT OPENS IN WEST VIRGINIA—PUBLIC OFFICIALS PARTICIPATE IN DEDICATION—GM PRESIDENT EDWARD N. COLE GIVES CHALLENGING ADDRESS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 16, 1969

Mr. RANDOLPH. Mr. President, on June 13 General Motors Corp. formally dedicated its eastern parts plant at Martinsburg, W. Va.

This was an important event in the State's economic life. I was privileged to be present for the dedication ceremony with Edward N. Cole, president of General Motors; Gov. Arch A. Moore, Jr., of West Virginia; Representative Harley O. Staggers; and 200 business leaders.

Senator Robert C. Byrd was unable to attend and sent greetings by telegram.

This new production facility of the Nation's largest automobile manufacturer already employs 1,100 workers and is expected to add nearly $17 million to the local economy annually, including a payroll of more than $10 million.

I joined in the official welcome of General Motors to West Virginia and pointed out the important role it will perform in the life of the State. The selection of West Virginia by General Motors is indicative of the advantages we possess for industry. This also is demonstrated by other new industries that have moved to the State and by the expansion of enterprises already there.

The General Motors plant is adjacent to the new Interstate Highway No. 81, undoubtedly an important factor in selecting a site for a facility that will provide automobile parts for 15 distribution centers in 21 Eastern States.

As I said at Martinsburg, such highways are essential to the economic growth of West Virginia and the rest of the Nation. The fact that there is a backlog of more than $250 billion worth of needed construction underscores the necessity for moving ahead with a new national highway program.

When the presently approved Interstate System is completed, we must be ready to meet future needs, and the Congress is looking into that challenge.

The late Charles F. Kettering, a talented and brilliant man who was vice president and research director for General Motors, once said: "My concern is for the future because I am going to spend the rest of my life there." I was reminded of this wise observation at Martinsburg as we welcomed General Motors and extended to it the invitation to spend its future years in West Virginia.

In his welcome to General Motors, Governor Moore said the decision to locate the new plant in West Virginia supports the belief that the State has a bright future.

West Virginia, the Governor emphasized, is on the move again, and General Motors is helping to give the State new confidence and new optimism.

Several thousand citizens toured the vast facility on the day following the official ceremonies.

Paul B. Martin, editor of the Martinsburg Journal, crystalized the feeling of our people in a helpful editorial on June 12. He stressed the partnership that exists between the new General Motors plant and the Martinsburg community.

Mr. President, the remarks of President Cole at the dedication of the plant were a very timely and thoughtful discussion of the automobile industry.

In view of the importance of his industry to the Nation and to West Virginia, I ask unanimous consent that excerpts from his challenging address and the Martinsburg Journal's editorial be printed in the Record.

There being no objection, the excerpts were ordered printed in the Record, as follows:

EDITORIAL

NEW GENERAL MOTORS PLANT OPENS IN WEST VIRGINIA

Already GM is proving to be a "good citizen" in our community and so we welcome this biggest of all American industries to Martinsburg and wish for it a long, happy and profitable experience and continued cordial relationships here.

ADDRESS BY MR. COLE

This new Eastern Parts plant has a significant role in our world-wide system of processing and distributing service parts to our dealers. In addition, we are proud to have the opportunity of locating a major GM plant in the beautiful state of West Virginia, adding to the economic impact of the automobile industry in this state.

Latest available data shows that manufacturers of motor vehicles operate 10 plants and offices in West Virginia—not including the new Martinsburg facility. The state's more than 400 new car and truck dealers have an investment of $46 million in their businesses. Together, the operations of automobile manufacturers and new vehicle dealers account for an employment of 7,300 workers with annual payrolls of more than $37 million.

The Martinsburg plant, which went into full operation early this year, employs about 1,100 people with an estimated annual payroll of over $10 million—including wages and employe benefits. In addition, we expect to purchase about $6 million worth of goods and services from other business concerns in this region each year.

The number of cars in use in this country has risen dramatically during recent years. Along with the greater sophistication of car owners and their demands for higher levels of operational efficiency in their cars and trucks, the magnitude of automotive servicing requirements has increased substantially. The construction of this new modern facility is one of a number of major steps taken by General Motors in recent years to meet increasingly complex and demanding service requirements of our customers.

We operate in a highly volatile and competitive business environment spurred by increasing consumer demands, rising costs and other pressures. Our basic requirement is to provide automotive vehicles which are safe, reliable, durable and which represent a high level of transportation value for the consumer against competition from all other types of goods and services.

But society today expects more from the businessman than just doing a good job of running his business. It looks to him for leadership in seeking solutions to some of the major challenges of our times.

We in the automobile industry are particularly concerned with those social and environmental issues related to the use of our products and the operation of our facilities—traffic safety, air and water pollution, and urban transportation.

We in American business must place even stronger emphasis on our important role as builders of a greater society. We must continue to seek ways of improving the capacity and efficiency of the business resource so that we can better serve the increasingly demanding requirements of our society.

The automobile industry has made tremendous progress in improving the safety of its vehicles over the years. This includes advances both in the capability for avoiding accidents and protecting the occupants in the event of an accident.

We have assigned high priority to the development of features which will improve the capabilities of the driver to avoid an accident. Controllability, ease of handling and rapid response characteristics are basic requirements.

We are concerned, however, that similar attention is not being given by state and federal authorities to improvements in both roads and driver performance. Regardless of the continuing advances in automotive safety design, we cannot expect a significant reduction in traffic deaths and injuries unless there are strong nationwide efforts to upgrade the quality of our highways and drivers.

In the area of air pollution control, we have made substantial progress toward cleaner air.

New control systems introduced in the 1960's have reduced the amount of both hydrocarbon and carbon monoxide emissions

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more than 60 per cent compared with non-equipped cars.

With respect to product quality, General Motors has extensive testing and quality control programs designed to insure defect-free products. Our current efforts in this area are more intensive than at any time in our history. From a practical standpoint, we recognize that some defects will still occur because of the complexity of motor vehicles, the system of mass-production manufacture and the ever-present element of human error. In addition, it is impossible to anticipate all of the problems which might occur in the field over extended periods of time and widely varying conditions of weather, road, customer use and maintenance.

Our goal, however, is to insure trouble-free operation for General Motors cars and trucks and we will continue to devote priority attention toward this objective.

Automobile service is another aspect of our business which is receiving wide public attention today and an area directly related to the facility we are dedicating here today. Again, an examination of the basic facts provides a more accurate perspective.

The automobile has grown more complex as the industry has responded to the needs and desires of the motoring public. Today's car is almost like a house—with its own self-contained heating, cooling and electrical systems as well as other important comfort and convenience features.

Over the years, General Motors and its dealers have carried out a number of programs designed to improve the automobile service made available to our customers.

Early this year, GM consolidated its parts distribution activities under the General Motors Parts Division which has the responsibility for procurement and distribution of replacement parts for our car divisions—including Chevrolet trucks. To use a military term—GMPD has seven major supply depots—including the new plant here at Martinsburg. These supply depots process and distribute parts to 43 parts distribution facilities around the United States, from which the nearly 13,000 dealers of our car divisions are served.

The primary area of the Martinsburg plant includes 21 Eastern States. However, the plant also ships a major share of parts needed for North American-type vehicles in overseas countries. Shipments each month total about 1,000 railcars or trucks, in addition to other orders which go by parcel delivery or air express directly to dealers.

I hope my remarks have given you a better understanding of the extensive efforts which we are devoting to provide top-quality products and service for our customers. Charges by our critics which imply that we as an industry are purposely short changing the public not only are unrealistic—but, from a business point of view, are ridiculous.

We have everything to lose and nothing to gain when we deliver products of sub-standard quality to our customers or fail to provide satisfactory service. We pay a high penalty for defects in terms of costs for recall campaigns and warranty expenses. But we pay even more dearly in customer dissatisfaction and loss in owner loyalty which have detrimental effects on repeat sales and public reputation.

We have an obligation to our customers and to the success of our business to do the best job we can in building high-quality, high-value products and in encouraging our dealers to provide prompt and satisfactory service at reasonable prices. As businessmen, no goals are more important. And we will continue to devote our best talents and resources to the achievement of these objectives.

Now, let me comment briefly on the outlook during the rest of 1969.

The automobile industry has enjoyed very good business thus far in 1969. For the entire calendar year, we are projecting sales of passenger cars—including imports—somewhere between 9.3 and 9.5 million, with truck sales in the area of 1,850,000 units. Combined, this will bring total 1969 vehicle sales to between 11,150,000 and 11,350,000 units and will represent a very good year for the automobile industry.

We believe that the overall climate for business will remain at a high level during the remainder of 1969. The automobile industry will contribute to and share in this continuing healthy pace of economic activity.

General Motors is glad to be in West Virginia and in Martinsburg. I want to express our appreciation for the fine cooperation we have received from officials and civic leaders in Martinsburg, Berkeley County and West Virginia. You have been of great assistance in helping us get settled and in full operation—and we are grateful.

PROGRESS THROUGH UNDERSTANDING

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mrs. CHISHOLM. Mr. Speaker, on June 6 I was privileged to speak at the commencement exercises at Howard University. I found this a special challenge because Howard has been for many years in the vanguard of the black movement. She remains so today, in spite of the disturbances which wrecked her campus among so many others this year.

While I strongly support the movement of which Howard's black students are a part, I am deeply concerned about the corrosive misunderstanding and hostility which has consequently arisen between black and white, between young and old. Realizing how difficult it will be for people with such different world views as these groups, I feel it essential that we approach one another with mutual respect and a willingness to listen honestly.

To underscore my feelings, I wish to include the text of my speech in the CONGRESSIONAL RECORD:

PROGRESS THROUGH UNDERSTANDING

This is a proud moment for me. I am here to speak to you, not so much because of what I am expected to say, but because I am simultaneously the Representative of two oppressed groups. I am Black, and I am a woman, and I am the first person who in spite of this double handicap has been elected to the Congress of the United States. For that reason, my appearance is a sort of historic occasion. It is difficult to take part in a historic occasion. Every eye is fixed upon one. Every slip will be noticed and criticized with scant mercy.

I have searched my heart to discover what I should say to you today. To make the task more difficult, I am aware that there are two audiences here, and perhaps I should make different speeches to each of them. There are the old and the young, the fairly-satisfied and the fiercely-unfulfilled, the dwellers in the present and the citizens of the future. They seem to have so little in common that they often cannot talk to each other. What can I say to both of them? The gap between the older and younger generations is one of the most baffling and disturbing facts of our time. Why has it opened? Can it be bridged? Whose fault is it? These questions perturb and preoccupy many of us, particularly those of us who are educators.

Here at Howard University, I think it is particularly imperative that these questions be answered. In some of what I am going to say, I may depart from the etiquette that should govern a guest's behavior and criticize my host. Believe me, I do so out of concern and respect, because I think it is vital to raise some very basic issues here and now. More than any other institution, perhaps, Howard is faced with choices that probably will mean its life or death. They will also be vital to larger institutions of which Howard is a part—the federal city Washington, and our nation as a whole.

It is perhaps the most difficult thing in the world to be at once Black and American. Some have given up trying to live with the contradictions involved. They have rejected the society by which they feel themselves rejected. They talk of revenge and martyrdom, and scorn their elders who chose the course of working for limited, possible gains.

Those elders, although some of them admire and some share the moral indignation of the young, recoil from the behavior that it leads to. Violence, confrontation and rebellion are self-defeating, they believe. They will end in repression and failure.

Probably we all know this dialog, and many of us have taken part in it. For Black Americans, the tensions between the generations have taken on particular acuteness and have especially serious implications. For us, a choice between subservience and alienation is not an academic or philosophical question, as it is with many other Americans. Here at Howard, the extreme attitudes and the range of shades of feeling between the two have all had their spokesmen. The dialog has been, in one way or another, going on for several years. Its outcome is still in doubt. It cannot remain in doubt much longer.

Everywhere today, one sees the same pressure for reformation of our existing institutions. Everywhere one sees the good standing in the way of the better. In our churches the division is between the defenders of the spiritual and moral truths that have sustained hundreds of generations, and those who say that truths are worthless if they are not put to work to serve men in the streets of our time and speak to them in terms they can understand and relate to their real lives. Our cities are approaching paralysis, unable to meet today's problems with yesterday's methods of organization and finance. Many unions, formed to proclaim and defend the brotherhood of working men, have turned out to be jealous defenders of the status quo and obstacles to the progress of men and women who want only their birthright—a meaningful, decent-paying job.

The list could be multiplied, by examination of all our institutions and analysis of what it is in each one that forms its own particular version of the problem. But in each case the challenge is basically the same. The old methods will not solve the new problems. Traditional institutions are unable to meet contemporary needs. They must reform or die.

This is certainly true of the United States Congress, as I am learning and as many new members have had to learn before me. The dead hand of tradition is heavier there than anywhere else one looks. This institution, the House of Representatives and Senate, was designed to be the capstone of our system of representative democracy. Today, whom does it represent? The war industries are well represented, the manufacturers of aircraft and weapons systems. The oil industry is represented. While working people go without to pay their income taxes, it gets a 27½ per cent forgiveness on its share of the cost of government. For what? For using up an irreplaceable national resource. Why should anyone be allowed to profit, let alone receive special consideration on his tax bill, for doing such a thing?

It is because oil states are Southern states, from which the same members are returned to Congress from safe, one-party districts year after year until they become the most senior and powerful names on the Hill.

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Examples could be multiplied, but this is enough to illustrate why special interests dominate the Congress and the public interest comes second.

We are waging a tragic, unjust, wasteful and illegal war in which we have no national interest at stake. As the casualty lists mounted and as the character of that war became clear, pressure grew to end it. The last administration was driven from office by that pressure—a lesson that the new administration does not show the slightest sign of having studied. And in Congress, what has been the effect of this outpouring of public opinion against the war? A handful of members—21, of whom I am one—have taken the only practical course. We have declared that until that war is ended and our national wealth and energy turned to fighting the war here at home against poverty, racism and ignorance, we will vote for no more military spending bills. But the response of most House members has been to continue their support of the war policy and military waste. Others have started, in traditional Congressional style, to work both sides of the street. They are talking against the war, but they keep on voting for it.

What kind of human being can know the useless, tragic waste of this war, and the staggering list of unmet human needs in our own cities and countryside, and vote for the war? But apart from that, what kind of representative government do we have when the Congress can continue to do this? It would not be possible if the institution were not frozen—petrified—into its obsolete methods, by which I mean chiefly its seniority system. A safe district and a sound heart are all one needs to become powerful in Congress. It would be funny if it were not so dangerous.

I omitted schools from my list of institutions that are faced with the challenge—to change or die—because I wanted to deal with them at more length, and particularly with the institutions of higher learning like Howard that have in the past been the sources of the leaders of the black race. Howard's past is a proud one. Its list of distinquished graduates includes many truly great men; it and its retiring president have been pioneers in the creation of the great body of civil-rights law; diplomats, scientists, judges, public officials, physicians, teachers who have made enduring marks on their society, have been graduated from this school.

Now, Howard is two years into its second century. Like our nation itself, I think it is on trial for its life. The greatness of its past is no guarantee of its future. In fact, if it remains the prisoner of its past success, it will be sure to fail.

The United States will soon begin its third century. The first two have been marked by prosperity, peace and freedom on a scale new in man's history. But from its founding, this nation concealed a fatal flaw. Its design was intended to establish and preserve freedom. The design was drawn by men who owned slaves. With few exceptions, they did not even feel the inconsistency of their words and their deeds. Ninety years later, the new nation was nearly torn in two as it tried to repair the flaw in its founding. The nation survived, but the wrongs were not righted. They still are not righted, and they will not be righted in our time at the rate things are going.

What is the relevance of this to Howard University, or of Howard to the greater society? This question was asked by earlier generations here, and they answered it in their own way. The eminence of this university is evidence that those answers were not wrong. But were they right enough. Are they right for our time. I think it is hardly necessary to say that they are not.

Students have made known in no uncertain terms what they think must be the role of this university in the future, in this community and in the nation. They are saying—as they are saying on other campuses for other reasons—"You are not with it." They are saying, "We cannot stay aloof from the problems that cry out for solution. If the future is not going to be better than the past, we do not care whether we have a future."

To the older generation, that sounds like a repudiation of them and of all they have done and endured. But I think it is not. I think it is more of an appeal, a passionate appeal for understanding, alliance and cooperative effort. The fierce clarity of the moral vision of the young is beautiful, and it is true. But it is often not matched by practical wisdom to make that vision real, to make the world flesh. If I ever have to choose between the vision and the wisdom, between rebellion and submission, I must choose the vision and the rebellion. But I do not think it has come to that yet. The time is nearly here, but it is not yet.

What can we do? What can we all do together? There is the answer. We must get together. We must understand and love each other, and we must build a community. Black teachers and scholars have lived in their own special kind of ivory tower. They must come down from it. A Black university has no room at this time for mere "academicians." It needs scholars, but they must be men of action, who are able to apply their knowledge to the world around them in which their brothers and sisters suffer, starve and die. They must hear what their community is saying, and go into it and work.

There are unique, irreplaceable roles that a Black university can play—and this must become truly a Black university if it is to play them. It can assume its rightful position of leadership in the field of urban studies. Here, in the heart of one of the nation's largest cities, it can apply scholarship, research and the skills of the trained mind to defining the problems of the cities and discovering solutions to them.

For instance, it could have pioneered in the fields of legal protection of the poor, and in welfare rights law. This great work is being done, but it is being done largely by others. It should have been done here.

Howard can lead in the recovery and recreation of Black culture, history, art and tradition. It should be a center for the study of non-white cultures, a source of vitality, energy and self-respect for young men and women who are insisting on restoring their rightful heritage, which has been denied them.

These are the kind of things that are meant by the overworked word "relevance." One is weary of some words, and relevance is one of those.

I want to say some things directly to the younger audience here, because most of this has been an exhortation to the older audience. I want to say five things, and I think I will say them in the form of a letter.

Dear Graduates, You will continue to find it difficult, as you have found it, to tolerate what you think of as the apathy and the backwardness of some of your older folks. But try to understand, and learn from them what they still have to teach, as you continue your own independent growth.

You know that you must continue to fight the system that has been denying you the opportunity to be a total man or woman. But fight intelligently. Fight so that you get results and achieve something. You can't tear down everything and build everything new at once. Be practical. You can learn this from the men and women who have, in their own best consciences, fought the same fight before you, as they can learn many vital things from you.

You will have to guard against becoming like some of the older folks when you get out into the community. They have been absorbed by the society as it is and adjusted to things as they are until they would not really think of changing them. Now that you have graduated, don't cop out. Don't let yourselves be, in the current jargon, co-opted.

Remember, too, that you are not the end. It will not be long before you are an older generation. You must be conscious of your crucial importance as models and images for younger blacks. Your actions and your appearance must command respect, and imitation, and you must stay true to yourselves and your honor and pride in being the first generation of your race in our nation with the prospect of reaching full maturity and individuality as men and women, complete human beings.

And finally, I hope many of you will run for office. Wherever I go, I meet students who come up to me and ask. "How can I get into office?" The answer is to work for it. Get into public life, make your voice heard on public issues, study, prepare, keep trying. We need you perhaps most of all in the political field. Some Americans perhaps can afford the luxury of electing politicians who do not truly represent them—although I think they really cannot. But Black Americans have been under-represented throughout history, and are pitifully under-represented now. Strictly on a population basis, there should be five or six times as many Black Members of Congress as there are in this session. I hope it will be a very short time before that inequity is put right, and I hope that some of you listening to me today will be the ones to do it.

Our task at this moment in history is a great one, and if we are to perform it we must first understand what it is. We must neither withdraw from our society and nation, nor be absorbed by it. We must, for our own sakes and for everyone's sake, find a better way. To adopt what two sociologists, Christopher Jencks and David Riesman, concluded on the problem, we must find forms of education that will help Black people cope with the white world without becoming either completely alienated from it or subservient to it. And we must, in a larger context, build new institutions or reform our old ones so that there are avenues of upward mobility and achievement that will allow Black citizens to maintain creative tension between themselves and the White world, instead of becoming wholly adapted to it.

If we fail, this nation will be poorer for it, and if we succeed, it will be richer indeed.

RETIREMENT OF EDWARD WOOZLEY, SPECIAL ASSISTANT TO SENATOR JORDAN OF IDAHO

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, June 16, 1969

Mr. JORDAN of Idaho. Mr. President, earlier this month, my special assistant, Edward Woozley, retired, following 22 years of dedicated public service. I first became associated with Ed during my term as Governor of the State of Idaho. Ed was Idaho Land Commissioner when I took office in 1951, and with the advent of the Eisenhower administration he was selected as Director of the Bureau of Land Management and served in that capacity for 8 years, until the change of administration in 1960. At that time I was again fortunate to obtain Ed's invaluable service and counsel.

Ed's knowledge of natural resources and ability to put that knowledge to work on behalf of both Idaho and the United States has been a tremendous personal asset to me. I and my staff will miss Ed as a friend and as a counsel. Ed's expertise in resource matters was

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shared with many others less expert in this field who sought his advice which was always available.

I ask unanimous consent to have printed in the RECORD three articles which have recently appeared concerning Ed's retirement. The first is a feature story written by Frank Hewlett which appeared in the Salt Lake City Tribune; the second was written by my wife for her weekly column for Idaho papers, entitled "Where Rolls the Potomac"; and the third is an editorial which was published in the South Idaho Press, of Burley, Idaho.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Salt Lake City Tribune, June 1, 1969]

IDAHOAN ENDS U.S. SERVICE

(By Frank Hewlett)

WASHINGTON.—Edward Woozley, a popular and able Idahoan of pioneer stock, is heading west for retirement next week after 16 eventful years here in key positions with the executive and legislative branches of the federal government.

During the eight years of the Eisenhower Administration he was director of the far-flung operations of the Federal Bureau of Land Management.

Since then he has been an administrative and special assistant to Sen. Len B. Jordan, R-Idaho.

PLAN RETURN

The 67-year-old Mr. Woozley had strong backing this year for assistant secretary of the interior for public lands management in the Nixon Administration but he surprisingly asked that his name be taken off the list of candidates. Instead, Ed and his wife, Iona, are returning to the west where they plan to divide their time between Malad Idaho, and Long Beach, Calif.

Before coming to Washington, Mr. Woozley served for 6½ years as Idaho's state land commissioner. Before that he was a farmer, stockman, land appraiser and field man for the Eastern Idaho Production Credit Assn. and the Federal Lank Bank of Spokane.

OWN FARM

Mr. Woozley still has an 800-acre farm in Oneida County, part of which was homesteaded by his grandfather.

The Woozleys have 10 grandchildren and their oldest son Weldon lives at Bountiful, Utah, and is a management engineer at Hill Air Force Base. Their daughter, Mrs. Lenore Stayner lives in Long Beach and their youngest son, Winston, is a businessman at Bethesda, Md.

NEW TECHNIQUE

Looking back over his eventful years with BLM, Mr. Woozley is most proud of how he was able, with the cooperation of the Utah congressional delegation, to set up a cadastral survey system which resulted in the survey of several hundred thousand acres of Utah land and the state at long last being able to get title to school lands which it had been awarded with statehood.

He recalls that the survey teams had telerometer, a new radar measuring device, to speed up the surveys. In some of the roughest areas they also used helicopters and two way radios.

While Mr. Woozley was running the BLM the Continental Shelf Act became law and it was his job to issue the first federal leases in Gulf of Mexico, leases which since have brought over a billion dollars into the federal treasury.

It was also during his years at BLM that Hawaii and Alaska became states and the first private oil field was developed in Alaska, in an area where there now appears to be a major field.

Since 1962 Mr. Woozley has been Sen. Jordan's adviser on public land problems. He has also been working closely with the Public Land Law Review Commission.

WHERE ROLLS THE POTOMAC

(By Grace E. Jordan)

WASHINGTON.—His ancestors were Welshmen. They loved the great outdoors, and being able to watch over his country's outdoors (for pay) has made his own life's labor satisfying. He is Edward Woozley, born near Malad, Idaho, who for twenty-two official years has been looking after the natural resources of both Idaho and the U.S.A.

At 67 Woozley is resigning from the staff of Sen. Len Jordan because he and his wife Iona want to be near their daughter Leonore Stayner, who with her husband and four boys lives in Long Beach. They have one son, Weldon in Utah; and another, Winston, lives here. They want also to do some traveling and get better acquainted with their 10 grandchildren.

Ed Woozley may have served longer in Washington than any other Idaho public servant excepting Sen. William Borah or Rep. Addison T. Smith.

In 1947 Governor C. A. Robins made him executive secretary of the Idaho State Land Board, but long before that he was concerned with soil and mankind's use of it. In 1931, at the age of 29, he became an Idaho state land appraiser, and in 1934 a field man for the Eastern Idaho Production Credit Association. In 1936 he took on additional duties as secretary-treasurer of a cooperative under the Federal Land Bank in Spokane. His appointment in Boise followed.

Succeeding Gov. Robins, Gov. Jordan kept Woozley, but meantime the Eisenhower administration had discovered his talents, and two years later made him director of the Bureau of Land Management in the Department of Interior. He remained in this position for eight years, "the world's largest landlord"—after Hawaii and Alaska became states he had 475 million acres of unreserved public lands to administer.

With the change of administration in 1960, Woozley joined the staff of Sen. Henry Dworshak, and after Dworshak's death Len Jordan again had a chance to secure Woozley as a right hand man.

The scope of Woozley's knowledge and the field of his activities can be discerned from the areas of his work: forestry, mineral land leasing, livestock grazing, wild life management, watershed improvement, reclamation and power, bureau of Indian affairs, agricultural problems, soil conservation, the Commodity Credit Bureau, the Farmers' Home Administration, highway development, forest roads and trails, and flood control.

Could a day or a decade encompass more?

His years in the Interior Department gave him an acquaintance with many people on whom he could call for greater effect in serving his state and others. This wide acquaintance, background, and taste for research have been put to excellent use with Sen. Jordan's membership on the Interior and Insular Affairs Committee, Joint Economic Committee, Senate Public Works Committee, and the Public Land Law Review Commission.

In 1957 Lewis Hoffman wrote a book on Oil and Gas Leasing in which he said: "More progress has been made in the four years he (Woozley) has been director of the Bureau (of Land Management) than during any other period in the more than 43 years of my association with the Bureau and its predecessor, the General Land Office."

However, Ed Woozley feels that his greatest contribution has been to his native state, where with the State Land Board he developed badly needed management practices. Under both governors he enjoyed great cooperation and his reforms could be crystallized.

The Woozleys were grade school sweethearts, and Ed says that Iona must also have credit for anything he has accomplished. They are faithful members of the Mormon Church, and they still own 800 acres of ranch land near Malad, tracts including the homesteads of his father and grandfather.

Ed has two natural gifts: he plays musical instruments, and he has on tap more good stories than Bob Hope. Stories fresher and funnier. Iona is a superb cook and does ceramics.

One of Ed's favorite bits of philosophy comes, he believes, from the Bible. (My Bible doesn't seem to have it.) "Try all things and cleave unto that which is good." He adds, "You might modify that a little, but don't throw it entirely out."

[From the Burley (Idaho) South Idaho Press, June 6, 1969]

RETURNS HOME

Another Idahoan who has won salutations for his service in the nation's capital and will soon be "coming home" after many years in Washington, D.C., is Edward Woozley. He was offered several top spots with the Nixon administration but declined in view of his approaching retirement age.

Mr. Woozley was Idaho land commissioner for 6½ years under Gov. Robbins and Gov. Jordan and was named director of the Bureau of Land Management with the advent of the Eisenhower administration. During his years directing this far-flung agency of the federal government, Woozley set up a cadastral survey system which resulted in the survey of several hundred thousand acres of Utah land. This effort resulted in Utah gaining title to school lands which had been awarded to it when it was admitted to the Union but had no power of control during the interim period.

During his administration of the BLM which finally succeeded to all of the responsibilities of the old Taylor Grazing Act in the transition period following World War II, the Continental Shelf Act was passed. It was Woozley's responsibility to issue first federal leases in the Gulf of Mexico which have since brought over a billion dollars into the federal treasury.

Colorful events like admission of Hawaii and Alaska as states brought new roles to the BLM and the oil development of the largest state in the Union cast the BLM in a new, responsible role with private developers.

Idaho and the west have contributed much talent and knowledge to the U.S. government as has been reviewed here from time to time. Mr. Woozley's service to the country is no less exciting and deserving of commendation.

For the past several years, Ed Woozley has given mature and able counsel to Sen. Len Jordan in Washington. He and Mrs. Woozley will return to Malad where they own and operate a large dry farm. Idaho welcomes these distinguished citizens back home.

RUMSFELD COMES ON STRONG

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, the Washington Evening Star of last Friday, June 13, carried a most useful analysis of the early efforts of the new Director of the Office of Economic Opportunity, former Representative Donald Rumsfeld.

Director Rumsfeld is hard at work trying to mold the OEO into a truly effective and innovative force. I commend the Star's article for its excellent analysis of the outstanding work begun by Don Rumsfeld.

The article referred to above follows:

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REVIVING AN AGENCY—RUMSFELD COMES ON STRONG

(By Richard Critchfield)

Donald Rumsfeld, far from presiding over the liquidation of the Office of Economic Opportunity, has moved in his first 18 days on the job to revive it as the dominant innovative force on most aspects of domestic policy.

The 36-year-old former Illinois congressman has already persuaded President Nixon to ask Congress to give OEO a two-year lease on life, won it a broad role in the war against hunger, expanded its experiments in welfare and income maintenance and discouraged moves to shift complete authority for all federal manpower programs to the Labor Department.

Perhaps most significant in the long run, Rumsfeld's generally sympathetic approach toward the community action programs, designed to help the poor confront local power structures, differs sharply in emphasis from the position held by Daniel Moynihan, Nixon's urban affairs adviser and a Democrat.

Moynihan, an ex-Harvard professor and onetime stevedore on the New York docks, sees little difference between the poor and the prosperous in America except that the poor have less money. He recently formulated a proposed national social policy aimed at breaking up the ghettos and helping Negro families with jobs to give them the income to move into suburban areas.

Moynihan's criticism of OEO, set down in his book "Maximum Feasible Misunderstanding," is that the community action concept in practice has sometimes subjected the mass of Negro families to minority mob rule or other abuses of power, in some cases produced large scale corruption and in others helped to fuel the campus rebellion.

Rumsfeld, a Princeton graduate and ex-Navy pilot who is a product of Chicago's plush North Shore suburb of Winnetka, describes the poor in more abstract, idealistic terms as "detached and alienated" from the affluent society around them.

While he agrees with Moynihan that poverty funds should "not lead to the subversion of society in any way," Rumsfeld feels that some degree of tension between the poor and local governments may not be a bad thing, especially when it comes to changing institutions.

The difference in viewpoint between Rumsfeld and Moynihan—with one or the other likely to prevail when it comes to finally framing Nixon's specific social policies—can be seen, for instance, in their responses to a controversial $960,000 economic development grant to a Durham, N.C., organization whose staff includes some well known black revolutionaries.

One of these, Howard Fuller, has repeatedly called for destruction of the existing power structure and has been involved in a number of campus rebellions this spring.

In the Durham area, some call him a sort of Negro folk hero and civil rights leader; others call him a gangster and agitator.

When Moynihan heard about the Durham grant, he pointed out that few of the excesses of the Negro revolt against poverty would have been possible without federal financing. Moynihan sees no lack of compassion in his view since he feels the mass of decent Negroes have in some cases been subjected to undemocratic rule and intimidation by black militants.

Rumsfeld, in contrast, said in an interview he would be very hesitant to label a man like Fuller as "anti-social, a militant or a gangster," and that he should be seen more sympathetically as one of those "whose life isn't relevant to what is going on around them."

A DISTRICT OF COLUMBIA EXAMPLE

For example, he said, his 9-year-old daughter Marcy, who attends the Fillmore grade school in Northwest Washington where 60 percent of the children are black, has classmates who "feel in no way part of what's going on around them. So much of what we accept as ordinary life isn't relevant to them in terms of what they're doing, where they're going or what their prospects are in life."

To Rumsfeld, OEO's task should be something more than just raising the incomes of the poor. "We have to decide what we're trying to do. Are we going for total victory, to eradicate poverty as President Johnson put it, or are we trying to find ways to allow all individual Americans to be part of society?"

If the country chooses the second goal, he said, community action will have a major role, not necessarily to set the poor against local power structures, but to bring pressure for institutional change.

"Look," Rumsfeld said. "We have a country. There are problems in this country that are the concern of this agency. These problems are the result of something. They didn't just happen.

"It's one thing to run around with band aids to patch up problems. But you'd never catch up. And you don't really run into resistance there.

"But when you get at what lies behind these problems and start to make demands on the institutions involved, like getting labor unions to change their hiring practices or getting the medical profession to make concessions in caring for the poor, then you have real resistance.

"I'm not convinced that the institutions we have are functioning as perfect mechanisms for dealing with the problems of the poor."

Asked if his views on community action put him in conflict with Moynihan, Rumsfeld said, "You can't get all hung up agreeing or disagreeing with a book or what a person says. I've got my own ideas. I'm Rumsfeld. I'm more inclined to follow my own observations and thought processes than dart in and out of other people's thought processes."

He said he felt part of Moynihan's role is "to stimulate thinking and debate" and that the task of Dr. Arthur F. Burns, Nixon's counselor, is to study what hard information is the basis for decisions. He described Burns as having "a tremendous respect for the facts."

Rumsfeld said flatly that the Vietnam war, by stimulating the economic boom of recent years, is one important reason why the number of poor has fallen by 16 million since 1959 to 22 million today.

How much the OEO has helped, he said with characteristic frankness, nobody knows—adding that "there's just an awful lot we don't know around this building."

OEO'S TROUBLES

Until Rumsfeld took over May 26, OEO seemed destined to be cut down to a small, low-budgeted "incubator" or experimental agency. It had been one of Nixon's prime targets during the campaign and, indeed, a sign in one of OEO's elevators said the day after Nixon's victory last November: "This building will self-destruct Jan. 20."

A Nixon task force headed by Richard Nathan, now deputy budget director, called for shifting OEO's operational programs elsewhere, giving its planning and coordination functions to the White House and whittling down what was left to a social laboratory.

With Nixon's appointment of Moynihan, OEO's most vehement critic, as his chief domestic adviser, the anti-poverty agency was like a foundering ship. More than a third of its top 59 executives—Democratic appointees—resigned. When the Job Corps and Head Start were shifted to other agencies along with a big chunk of OEO's $2 billion budget, it seemed to most OEO staffers that the White House was rescuing the most valued cargo before scuttling the ship.

Nixon, meanwhile, had been in search of an OEO director and had been turned down by a number of candidates.

The President turned to Rumsfeld, and that was the turning point for OEO.

Just elected to a fourth term in the House, Rumsfeld agreed to give up his safe Republican seat in return for equal status with Moynihan as a presidential assistant (he now attends the daily morning staff meeting at the White House) and Cabinet rank, plus a request for a 2-year extension of OEO and chairmanship of the Urban Affairs Council's poverty subcommittee.

And on April 21, when introduced to the press by Nixon, Rumsfeld himself said, "I am certainly not standing here today with the idea of disbanding OEO."

Since then he has spent 10-to-12-hour working days poring through five years of congressional hearings on OEO and the poverty act, practically memorizing a green folder, the "congressional presentation book," which details OEO's guidelines, strategy and programs and in making sure what was left of the agency stayed intact for the time being.

SHULTZ'S IDEA

But just about the time his appointment cleared the Senate, another would-be ax fell on OEO.

Labor Secretary George P. Shultz sent the White House a draft of legislation to put all federal programs which seek to give jobs to the poor under the Labor Department.

The next move is up to Rumsfeld.

And while he says he has no interest in "empire building" or in "how much money happens to flow through this particular faucet," Rumsfeld does not appear ready to help dismantle OEO.

This probable conflict over policy—the disparity of views among Rumsfeld, Shultz, Moynihan and Burns—appears to be what Nixon seeks.

More than just specific antipoverty policy hangs in the balance, and Rumsfeld is taking his place now as an advocate of maintaining a strong Office of Economic Opportunity—an opportunity to him as well.

THE NATIONAL SUMMER YOUTH SPORTS PROGRAM

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. DELLENBACK. Mr. Speaker, this summer 120 institutions of higher education will open up their athletic facilities to disadvantaged youngsters who, because they live in inner city neighborhoods, lack opportunities to pursue many sports activities. This national summer youth sports program is being cosponsored by the President's Council on Physical Fitness and the National Collegiate Athletic Association, offering an excellent example of effective and beneficial cooperation between the private sector and the Federal Government.

If present expectations are met, nearly 75,000 young people from about 50 metropolitan areas will participate in various activities, including sports skills instruction, health education, and counseling as well as competitive sports.

I would like to commend the President's Council on Physical Fitness and the NCAA for their initiative and foresight in planning this badly needed program. And because their plans could never have been implemented without the cooperation of colleges and universi-

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ties, I would also like to commend the participating institutions for their generous donation of their facilities. Many students today criticize our Nation's colleges and universities for lacking social awareness or concern. I believe these students would do well to take note of the national summer youth sports program and of the essential role being played by the participating institutions.

SLOVAK LEAGUE OF AMERICA

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, June 16, 1969

Mr. SCOTT. Mr. President, I had the great honor of being invited to address the Slovak League of America at its annual convention May 24, 1969, at the Sheraton-Park Hotel in Washington, D.C.

I ask unanimous consent that my remarks on that occasion, which outlined some of the great contributions of Slovak Americans, be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

PENNSYLVANIA'S SENATOR HUGH SCOTT'S SPEECH BEFORE SLOVAK LEAGUE OF AMERICA IN WASHINGTON

It is a special pleasure to be with you tonight, for I feel that an important part of Pennsylvania has come to Washington, in the form of the Slovak League of America. Yes, I am aware that all Slovak Americans do not live in Pennsylvania, but I am also aware that many of your League members do live in my state and have contributed greatly to its growth and diverse strength.

Besides that, the real drama of Slovaks in America—the opening wedge toward recognition of an independent state of Slovakia—occurred in Pittsburgh in 1918 with the signing of the Pittsburgh Pact. If that did not bring immediate independence, it was not the fault of the Slovak League of America which has been fighting through the years, since 11 years before the Pittsburgh Pact, to realize the Slovakian dream of independence. Today, you finally see Slovakia independent of the Czechs to the extent of being a so-called Socialist Republic, equal in stature to the Czech Socialist Republic. But the tragedy of domination persists, in the form of the Soviet tyranny over all of Eastern Europe, including Czechoslovakia.

The history of the spirit of independence in Slovakia and among Slovaks in America is all the more remarkable because the fire of your spirit is fed by the barest sparks of realized freedom. Thus, in 1918, there was jubilation at the Pittsburgh Pact, which was quickly snuffed out; in 1938, another period of joyful independence, which the Nazis crushed; and in 1968, a moment of rebellion, which the Soviets put a halt to. In each of these magic moments, however, the world could recognize the spirit of the Slovaks as the spirit of freedom, and it is a spirit the world envies.

So great is your love of freedom and your pride in your nation and peoples, that Slovak Americans, through the Slovak League made a memorable effort to aid the United States cause during World War II. Not only did many fight in the American uniform, many more helped to forge the weapons of defense in the factories of Pennsylvania, and still others conducted immensely successful war bond drives and airplane-buying fund raising campaigns. Even the ladies pitched in, with their ladies auxiliary organization. As one who served both in Congress and in the military during the war years, I believe I can express the thanks of a grateful nation for the efforts of the Slovak Americans.

Yes, you have much to be proud of, and you are to be commended for keeping your heritage and your pride in it alive through the Slovak League of America.

We have all noted much about pride in recent news stories. Black pride is viewed as an emerging force in the United States, and in a context of pride in the Negro's contribution to America in history, and pride in one's race and self, it is a wonderful thing. Because I also believe in pride in language, I cosponsored the Bilingual Education Act which passed in 1968 and which help Spanish-speaking children learn in their own tongue before and during the time they are learning English. The culture of the Slovaks is equally a part of our diverse American heritage.

I mention these efforts to give certain citizens of the United States greater opportunity because I think it shows that Congress and the people of the United States are generally coming to a realization that you and your group has held for a long time: That we as a people are strengthened by our heritage and are culturally richer in our diversity. Slovaks, through the Slovak League of America, put great emphasis on education, convey the importance of pride in the Slovak language, and see to it that generation after generation keeps the flame of liberty alive in their hearts. It is a matter of perpetuating a heritage, and it is an important thing.

Even today the Slovak League of America seeks a righteous patch for the Slovak people, when it requests an independent Slovak section in the State Department, a Slovak Desk with the Voice of America, and a general Consulate in Bratislava. I support these requests and will help you in these endeavors.

I commend the Slovak League of America for setting an example through its organization, and I thank the Slovak League for its contribution to this nation and to the ideal of liberty among men.

THE ABM SYSTEM

HON. JOHN N. HAPPY CAMP

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. CAMP. Mr. Speaker, I would like to bring to the attention of my colleagues the fact that my congressional mail concerning deployment of the ABM Safeguard system is running overwhelmingly in favor, with only scattered letters expressing opposition to the system.

Although I have only been a Member of this distinguished body since the beginning of the year, I have already learned that constituents normally correspond with their Congressman when they are opposed to a legislative proposal—rarely do they write when they are in favor of a particular measure.

Because of the debate raging throughout Capitol Hill and the Nation over deployment of the Safeguard system, I am taking this opportunity to share with my colleagues the thoughts which my constituents and I have about this matter of such vital importance to the security of the Nation.

From Boise City, Okla.:

I take this hasty carbon method of asking you to do all that you can in supporting the ABM system to the hilt, backing increased capability of our own, and strongly getting civil defense protective measures running and on the ball.

From Tonkawa, Okla.:

I want you to please support the President's ABM program. Don't let the American people down.

From Ponca City, Okla.:

The Soviets are mounting a massive and intensive campaign against the ABM system. The United States cannot afford not to deploy the Safeguard ABM. I am asking you, Mr. Camp, not only to vote for it, but to work for it among your fellow Congressmen.

From Turpin, Okla.:

Please vote for the proposed ABM System. It is not near enough, but it would help some.

From Ponca City, Okla.:

We urge you to support the President in his advocacy of the ABM System. Our only security lies in a strong defense.

From El Reno, Okla.:

Support the Safeguard ABM defense system proposed by President Nixon. This is a matter of vital interest to our Nation and there should be no question as to the feelings of the people in support and voting for this system for the security and promotion of our scientific interests in the plans for peace in our country.

The above excerpts from just a few letters indicate to me that Oklahomans, and above all, Americans, are vitally concerned about the strength of this country's defenses.

In the face of Russian developments in the area of missile capability, how can we justify not deploying the Safeguard?

It is common knowledge that the Russians possess an orbital bombardment system—FOBS—that is capable of hitting any target in the United States from an orbiting satellite beyond the range of any antimissile missiles we now have.

With the advent of the Russian's new intercontinental ballistic missiles, the SS–9, which will have a MIRV-type warhead, we are faced with criticism for testing our own MIRV system to offset the Soviet gain. I understand that the Russians now have 230 SS–9's.

In the last 2 years the Soviets have increased their number of operational ICBM launchers more than three times—from 250 in mid-1955 to 896 by September 1968. The Soviets now actually have or have under construction more ICBM launchers than the 1,048 possessed by the United States.

In the face of this, how can we justify not deploying the Safeguard?

Russian advances in defense efforts are pushing them well ahead of us in nearly every area. In the 1970's, they will undoubtedly be stronger than we are, if we do not embark upon a crash program to upgrade our defense program.

Russia already has 250 attack submarines compared to the United States' 105. Of this number, 100 are missile launching submarines compared to only 41 of the United States. Or surface-to-surface missile-carrying ships, Russia has 25 and the United States has none. Russia has 300 minecraft; the United States has 86. Russia has 150 missile patrol boats which fire the Styx cruise missile, which we all remember was responsible for the sinking of the destroyer *Eilath* by the Egyptians; the United States has none. The United States has 177 destroyers,

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163 of them are more than 20 years old. Russia has 86 destroyers, all of them less that 20 years old. Of the 105 attack submarines the United States has, 60 of them are more than 20 years old. All of Russia's 250 are less than 20 years old.

Continual debate and procrastination between the Department of Defense and Congress has stalled plans to produce the F–15 fighter which could match the Russian's MIG–23. The Soviet Union has the numerically largest strategic bomber force in the world today, because the U.S.S.R. has retained its air-refuelable medium bombers while the United States has scrapped a large force of over 1,000 B–47's. The latest information available indicates that we have retained 680 aging B–52 and B–58 bombers, while the Russians have 1,110.

Secretary of Defense Melvin Laird has assured us that we have sufficient strength today in the combination of our strategic forces—our missiles, bombers, and Polaris capability—to respond to any attack that might be launched against the United States. This is reassuring to all of us, and it is now up to Congress to maintain that strength and provide ample protection for our strategic forces—the ABM Safeguard system.

Relying on retaliatory measures is not the answer, as the Russians are proceeding with development of an effective antimissile system. With an all-out first strike and a shield at home against U.S. missiles, the Russians could absorb U.S. retaliatory efforts with little damage.

The proposed Safeguard system is a defensive system, not an offensive system. It is designed to show the Russians that we are serious about protecting our deterrent forces—to show our enemies that they cannot achieve an effective first strike against the United States. It will show them that we are not increasing our nuclear arsenal for a low-risk attack on them and that it would be worthwhile to proceed with negotiations on limiting strategic arms.

Defense of our country deserves the highest priority. How can we justify not deploying the Safeguard?

Let us get proponent and opponent together. Let us turn criticism into constructionism.

Let us turn our efforts toward protection of our American way of life to insure that our children and our grandchildren will look back upon what we did and say that above all, we put our consideration for America's security first.

CONSTRUCTIONIST IN THE SEER'S EYE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. BOLLING. Mr. Speaker, the editorial page of the Washington Post for June 10, 1969, carried an informative article by James Clayton on the subject of judicial labels, particularly that of "strict constructionist." The article clearly and concisely discussed the problem in a manner I found most helpful. It follows:

Constructionist: In the Seer's Eye

(By James E. Clayton)

Like any other catch-word or phrase used to describe the philosophy of a Justice of the Supreme Court, the tag of "strict constructionist" so widely used to describe Chief Justice-designate Warren E. Burger is misleading and inappropriate. It is a nice-sounding combination of words that has a clear meaning, unlike such labels as liberal or conservative, but it conceals more than it reveals and it unfairly characterizes those Justices to whom it is not applied.

The dictionary describes the two words as applying to those who interpret the Constitution "according to its liberal meaning." Thus the appeal of the label to President Nixon and other current critics of the Supreme Court—it says they want men on the Court who will decide cases in accordance with the Constitution and it implies that the Court has not been doing that.

The trouble is that many of the most important parts of the Constitution do not have a "literal" meaning. What, for instance, is the literal meaning of "due process of law" or "equal protection of the laws" or "general welfare" or "commerce among the several states"? If they had clear meanings, the Court would never decide cases by votes of 5 to 4 and would never be the center of controversy. But it is a constitution, not a code of laws, from which they come and it is such phrases that are subject to a wide range of interpretations that have kept this Constitution alive for almost two centuries.

Take, for example, the Sixth Amendment. It says that "in any criminal prosecutions the accused shall enjoy . . . the Assistance of a Counsel." What is the literal meaning? Is a criminal prosecution only a trial or does it include the preliminary hearing, the grand jury investigation, or the steps that occur immediately after an arrest? If one Justice believes the "prosecution" begins at the time of arrest and another believes it begins only when a defendant is brought into court, which is being the strict constructionist? Neither is giving the words a "literal" meaning.

Thus, Mr. Nixon and others who say that what the Supreme Court needs these days are "strict constructionists," they are really saying that judges who read the Constitution as they do are strict constructionists and those who don't aren't. Someone who reads the Constitution differently can make the same argument in reverse, as columnists Frank Mankiewicz and Tom Braden did in this newspaper recently.

This idea of strict constructionism is not new, however, and it does have a legitimate place in legal terminology. It can be applied properly to a statute or a contract when it means, according to *Black's Legal Dictionary*, a reading that "recognizes nothing but is not expressed, takes the language used in its exact and technical meaning."

Over the years, some lawyers and judges have tried again and again to apply this kind of thinking to the Constitution. Perhaps Justice Owen J. Roberts expressed it best when he wrote in 1936 that the task of the Supreme Court is "to lay the article of the Constitution which is invoked against the statute which is challenged and to decide whether the former squares with the latter."

The only trouble is that constitutional interpretation doesn't work that way. Roscoe Pound, one of the foremost legal thinkers of the century, described the Justice's idea as "the slot-machine theory" and he and others had a field day demonstrating its fallacy.

The Constitution, for example, says nothing about paying subsidies to tobacco farmers or regulating airplane traffic or shooting rockets to the moon, and anyone seeking support for such activities by the Federal Government will search the literal meaning of its words in vain. Such programs are constitutional because first Congress, then the President, and later, in some instances, the Court have said they fall within legitimate interpretations of the congressional powers to regulate interstate commerce or to spend money for the general welfare.

One needs only to compare the language of the Constitution with the issues the Court is asked to decide to see how far-fetched talk about "literal" interpretation is. Does a state deny some citizens "equal protection of the laws" by apportioning its Congressmen so that one represents 10,000 voters and another 500,000? Does a statute taking citizenship away from a military deserter violate the bar against "cruel and unusual punishment?"

One of the more humorous aspects of the current discussions is that Felix Frankfurter, who was in the vanguard of those attacking Roberts then, is now being held up by the President and others as an exemplar of a strict constructionist.

Another amusing aspect is that Chief Justice-designate Burger, hailed by Mr. Nixon as a strict constructionist, characterized Hugo Black as the same thing during the Senate hearings. Yet Justice Black's view of the Constitution unquestionably is not the view that Mr. Nixon and most of those who have lavished praise on Judge Burger have in mind.

The idea that Justice Black is a strict constructionist grows largely out of the way he interprets the First Amendment. Yet President Nixon and probably Judge Burger would be among the last to claim that Justice Black's interpretation of the Fifth or Fourteenth Amendments meets their definition of strict constructionism, although it meets Justice Black's definition.

The heart of the matter is that the phrase sounds good, serves the purpose of criticizing the Court in a sneaky kind of way, and ducks the hard question of how a Constitution written with broad language in 1789 so it could meet problems then unseen should be interpreted in 1969.

NECESSITY FOR ROTC

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. MONTGOMERY. Mr. Speaker, I would like to point out the following editorial from the Des Moines, Iowa, Register and the article that appeared in the June 15 issue of the Washington Post, as indicative of the nationwide support for ROTC in the face of campus protests against the program. I believe these two articles are further evidence that we do need legislation to control campus unrest. The articles are as follows:

[From the Des Moines (Iowa) Register, June 9, 1969]

Need for ROTC

Student protests on many college campuses have been directed at the Reserve Officers Training Corps (ROTC). In some cases, the protesters have wanted to kick ROTC off the campus; in others, they have insisted merely that it be made an extracurricular activity without college credit.

. . . it seems to us that ROTC serves a useful purpose in providing officer material for the American forces that is basically civilian trained and civilian oriented. The only other choices would be to obtain all military officers from the service academies and from officer training schools at military installations. These officers are more likely to be indoctrinated with military philosophy and to seek permanent military careers than college-educated ROTC products.

In short, we think ROTC helps to main-

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tain a rotating military officer corps that is not imbued with professional military ideals but which holds the civilian and democratic ideals of America uppermost. It minimizes the risk of establishing a permanent military officer caste as an interest group with powerful influence in politics, as has so often been the case in other countries such as Germany and Japan.

. . . as long as we have large military forces in this country, some young men will want to be trained for at least temporary military careers, and we favor providing this opportunity in public and private universities, rather than relying on the military services themselves to do all the training of officer material.

[From the Washington (D.C.) Post, June 15, 1969]

COLLEGES SPEAK UP FOR ROTC

(By Richard M. Cohen)

ROTC, the campus-based military program with an image problem, was endorsed yesterday as "most appropriate" by an association representing 113 state universities and land-grant colleges.

While stressing that ROTC programs should remain under "study and revision," the 15-member executive committee of the National association of State Universities and Land-Grant Colleges unanimously declared:

"The basic issue . . . is whether or not it is appropriate for state universities and land-grant colleges . . . to include among them opportunities for those who wish to prepare themselves for service in the Armed Forces. We believe it most appropriate."

The statement, which was signed by the presidents of six universities and the chancellor of one, noted that critics of ROTC charge that the program contributes to the militarization of American society.

"In fact," the statement said, ROTC is "one of the best guarantees against the establishment in this country of a 'military' caste or clique or establishment" since the armed forces rely on the program to supply a "substantial majority" of civilian-educated regular and reserve officers.

A spokesman for the association said that no state university or land-grant college had moved either to abolish ROTC or strip the program of its academic standing as Harvard did when it reduced ROTC to an extra-curricular activity.

Among those signing the statement were the presidents of the University of Alabama, Iowa State University, University of Wisconsin and the chancellor of the State University of New York.

NOTHING IS CERTAIN BUT DEATH AND TAXES

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. HUNGATE. Mr. Speaker, we all know the saying, "Nothing is certain but death and taxes." I now suggest this is two words too long. Nothing is certain but death.

Everyone agrees that tax reform is urgent. Reform should precede extension of the surtax or increase in other taxes.

The middle and lower income taxpayers bear more than their fair share of the tax burden, while some receiving annual incomes of $1 million pay no income tax—because all their income is from tax-exempt municipal bonds.

Major oil companies, through the oil depletion allowance, can recover not only the original investment in the well, but thereafter can continue to recover 27½ percent of their production from the well tax free, ad infinitum—or until the well runs dry.

Some foundations with gambling casino interests and unusual political and judicial friendships enjoy tax-exempt status.

While major equipment purchases help heat up the economy and spur inflation, our tax laws grant a 7-percent investment tax credit thus encouraging the purchase of certain capital goods.

And, oh yes, at a time when we all decry inflation, this Congress permitted itself a 42-percent pay raise, while seeking to hold the line on wages and prices for labor and industry.

So what happens when tax law revisions are proposed? Municipalities pass resolutions opposing changes in the tax exemption of municipal bond income. Oil company executives object to any change in the 27½-percent oil depletion allowance. Educators and scientists protest any tax, even 5 percent, on foundations. And, railroads, airlines, equipment dealers, and others oppose removal of the investment tax credit.

Once upon a time, a man lost a bet and had to eat a pair of shoes. When asked what part he liked best, he said, "The holes." Perhaps "the holes" are our favorite parts of the tax laws.

Perhaps tax reform, like charity, begins at home. Do we really want it? I appreciate hearing from the folks at home on this. Congress needs all the guidance it can get.

SELF-HELP: THE PARAPLEGIA FOUNDATION OF ARIZONA

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. STEIGER of Arizona. Mr. Speaker, the Paraplegia Foundation of Arizona has done and is doing some innovative work that holds great promise for those with spinal cord injuries.

The Paraplegia Foundation of Arizona is a nonprofit corporation dedicated to finding a cure for paraplegia. The founding board of directors and medical advisory board are comprised of recognized civic leaders, research scientists, and physicians. The Paraplegia Foundation of Arizona is the only such organization in the United States.

What is paraplegia? Simply stated, paraplegia is permanent paralysis of the lower part of the body resulting from disease or injury to the spinal cord. Further, it almost always leaves the individual with no feeling below his level of injury, unable to control certain internal functions, and permanently confined to a wheelchair.

Spinal cord injury has tragically changed the lives of over 125,000 individuals in our country. New cases are flowing into our hospitals at a rate estimated to be 15 per day, every day of the year. Medical care and treatment for the paraplegic is financially crippling, not only to the individual, but to the public sector, which must eventually support him. Various conservative estimates, based upon a life expectancy of half normal, indicate a cost for paraplegic care of over $50,000 and an additional wage and tax loss to the community of $190,000. Thus, the total loss to the Nation is over one-quarter of a million dollars per patient. Using only 100,000 cases, this represents over $24 billion loss to the Nation, or about $1⅓ billion annually This cost is ever increasing, for the incidence is now estimated to be approaching 10,000 per year.

We must all be personally concerned with the plight of the paraplegic; because in less time than it takes to snap your finger, it can be our plight or that of someone in our family. A lifetime in a wheelchair can and does happen so innocently—touch football in the back yard, a tumble from a bicycle, an automobile or swimming accident, to name only a few. Add to this an unusually high toll coming out of Vietnam, and it is obvious that a national problem exists.

Medical history can be made in Phoenix, where a cure for paraplegia may be found through an existing combination of brilliant medical talent and research facilities that are among the most advanced in the free world. The solution for the spinal cord injured paraplegic can be found only through concentrated research into the physiology of the spinal cord. Existing in Phoenix are sophisticated laboratory facilities, an internationally recognized research team, and one-half million dollars worth of the latest scientific equipment. The key to a cure is research, the key to research is money.

The Paraplegia Foundation of Arizona has just made a grant of $5,000 to Barrow Neurological Institute of St. Joseph's Hospital in Phoenix, Ariz., where this extremely important research will be undertaken. The first $5,000 merely sets the stage for concentrated efforts which will then be scheduled to begin October 1, 1969. By October 1, $35,000 will be needed to continue this program for 1 year, and to allow the finest research scientists to utilize these available facilities.

As a result of paraplegia research much "spinoff" knowledge will have been gained about other disorders of the central nervous system; such as stroke, epilepsy, multiple sclerosis, and congenital birth defects.

A closely coordinated program has been developed by two of the leading Phoenix hospitals, St. Joseph's and Good Samaritan for the immediate and long-range care of paraplegics. This is the first program of its kind in the United States, although this concept has been endorsed by the Congress for several years. The care of these patients is self-supporting and augments nicely research which will be done as a result of funding by the Paraplegia Foundation of Arizona. However, all research must be supported by private philanthropy and Government research grants.

The private sector in Arizona has undertaken a tremendous responsibility to our Nation's paraplegics. Hundreds of

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thousands will be looking this way, in the very near future, for the end of a dream with which they and their families have been living for many years. The Paraplegia Foundation of Arizona must not fail, and will not, with support from both the public and private sector, and with the help of our national institutes.

NATIONAL HEALTH OFFICER NEEDED

HON. BILL D. BURLISON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. BURLISON of Missouri. Mr. Speaker, certainly one of the key officials in any administration is the top health officer. Most reasonable observers would want our President to have sufficient time in order to obtain the highest caliber of individual to fill this vital post. However, I believe that after 5 months without this official, most of us would agree that we are beyond the period of a reasonable time. There are many indications of misuse and abuse of the medicare and medicaid law and much which, at best, borders upon fraud. I, for one, wish to take this opportunity to urge the President to fill this important post in the Department of Health, Education, and Welfare as soon as possible.

This subject was reported and analyzed in the June 15 edition of the Washington Post. That article is inserted at this point in the RECORD:

MEDICAL SCANDALS SHOW HEW WATCHDOG NEEDED

(By Eve Edstrom)

Multi-million-dollar alleged abuses of Medicaid and Medicare are making headlines across the Nation, exploding medical costs are hitting every taxpayer, the annual total health spending is soaring toward $55 billion—and yet the Nation has no top health official to watch over the public's interest.

The political controversy that is swirling over President Nixon's failure to nominate such an official has obscured the fact that the issue is not one man's appointment but the delivery of health services to all Americans.

The reported abuses of Medicaid, which is the Federal-state program for medically aiding the poor at all age levels, dramatize the problem.

Scattered audits in several states indicate that taxpayers are being bilked by double billing practices and excessive charges, while many of the needy ill are not getting care.

Unlike Medicare which is the hospital and medical insurance program for the aged, Medicaid permits payments for drugs if state legislatures opt for such coverage.

Among the charges now being leveled against Medicaid is that drugs are so easily available that tax funds are being used to support narcotics addiction.

And one of the more startling and often-quoted statistics about Medicaid payments concerns the $328,000 in Federal and State funds that reportedly went to a druggist in an Eastern Kentucky town of 750 people.

The druggist, in an Associated Press dispatch, was quoted as saying:

"I think Medicaid has been good to me and I think I've been good to it."

But the question now being asked in health circles is not what is good for the Kentucky druggist or even his clients. The question is what is good for all American consumers of health services.

How can they be assured of quality care at costs that are not prohibitive to themselves and to state and Federal governments? And how, in the words of Sen. John J. Williams (R-Del.), can public programs be made to work without allowing "profiteers" to have a "field day?"

Just last Thursday, Williams inserted 16 new examples of Medicare and Medicaid fraud in the Congressional Record.

One concerned a Florida physician who paid kickbacks to patients after listing them on false claims for medical treatment. In one instance, the doctor claimed 21 house calls or office visits for a patient who was in Greece at the time.

In another case based on HEW records, Williams said a doctor defrauded the Medicare program of almost $350,000 by charging for services not given, by duplicating bills for the same service, and by providing useless treatments.

Such examples underscore the need for aggressive watchdog policies. For example, when New York City established such a system to oversee Medicaid's dentistry payments, it reported savings of $27.3 million in the year ending last December.

But establishing national policies and making legislative changes to deal with the problems that have arisen in the Medicare and Medicaid fields involve highly sensitive areas, particularly the precarious relationships which exist between the public and private sectors of health care.

And, in these matters, the overall responsibility for being the advocate for the public—and not the advocate for doctors, hospitals or druggists—rests with the Assistant Secretary for Health and Scientific Affairs.

This is why Health, Education and Welfare Secretary Robert H. Finch wants the knowledgeable and gutsy Dr. John H. Knowles, general director of Massachusetts General Hospital, for the job.

Numerous professional health and allied organizations agree, declaring in letters and telegrams to Finch and the White House that Dr. Knowles is one of the most qualified men in the Nation for the post.

Yet last week and previously, Senate Republican leader Everett M. Dirksen (Ill.) has all but said that he and not President Nixon will appoint the Assistant Secretary for Health.

Dr. Knowles, said Senator Dirksen, is unacceptable to him, just as Dr. Knowles is unacceptable to the most conservative forces of the American Medical Association.

By Friday, it appeared that Dirksen may have been successful in his pledge to block Dr. Knowles' nomination.

A White House aide said no final decision had been made, but the odds were that the Knowles nomination was "dead". HEW sources insisted this was not true, that "Knowles is still in the mix" and a decision could be expected by July 1.

Finch left for a 10-day vacation Friday although he previously had told a reporter that it would be "unfortunate" if a decision on the appointment was not made before he went on his holiday.

Finch's predecessor, former HEW Secretary Wilbur J. Cohen, views the five-month delay in filling the Assistant Secretaryship as a "calamity."

He said it amounts to losing almost a year in making decisions on crucial health matters, such as how to best provide brakes on runaway health costs

While all items on the Consumer Price Index were up 11 per cent between December, 1965 and December, 1968, physicians' fees rose 21 per cent and hospital daily service charges rocketed by 52 per cent.

And now that the Nation is spending $20 billion in public funds and $34 billion in private funds for health care, Cohen said there must be some hard decisions on how to make certain that such vast expenditures are used effectively.

Cohen's observations concerning the need to give immediate attention to health matters were echoed on the house floor last week by Rep. Paul G. Rogers (D-Fla.)

Rogers said there are "more than a dozen pieces of legislation which must be considered for extension in the health area this year, yet we have no word on these very important programs, mainly because of the lack of an Assistant Secretary for Health."

Rogers said he was not pleading for the appointment of any particular individual. But he had one request of President Nixon:

Put aside political considerations and fill the job.

A CONCERNED CITIZEN SPEAKS ABOUT AMERICA'S TURMOIL

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. ZWACH. Mr. Speaker, I am inserting a copy of an address given by Gov. James L. Robertson, Vice Chairman of the Board of Governors of the Federal Reserve System. Governor Robertson delivered this address in Omaha, Nebr., on May 22. I commend the tone and philosophy, as follows:

A truck driver was sitting all by himself at the counter of the Neverclose Restaurant down by the depot in my hometown, Broken Bow, Nebraska. The waitress had just served him when three swaggering, leather-jacketed motorcyclists—of the Hells' Angels type—rushed in, apparently spoiling for a fight. One grabbed the hamburger off his plate; another took a handful of his french fries; and the third picked up his coffee and began to drink it.

The trucker did not respond as one might expect of a Nebraskan. Instead, he calmly rose, picked up his check, walked to the front of the room, put the check and his half-dollar on the cash register, and went out the door. The waitress followed him to put the money in the till and stood watching out the window as he drove off. When she returned, one of the cyclists said to her: "Well, he's not much of a man, is he?" She replied: "Nope. He's not much of a truck driver either—he just ran over three motorcycles."

Like the trucker's response, mine will be different, too—hopefully though without running over any motorcycles. As a central banker, I might be expected to talk about the awesome domestic and international financial problems which are the subject of my official concern. I am concerned about these problems, and especially the need to combat inflation hard enough and fast enough to keep it from getting out of hand.

I will be glad to discuss those matters later, in response to questions, if first you will let me speak briefly—not as a central banker, but as a concerned citizen to each and every citizen of this great land. I refer to the crises that is manifest in the chaotic conditions that have developed in many of our institutions of higher learning, and even in some of our high schools.

I find myself increasingly troubled by these developments. It might be inaccurate to say that people are apathetic about it, but too many of us are seemingly content to be hand wringers, head-shakers, and condemners. This is not the way Americans typically re-

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spond to difficulties. We tend to be activists and problem solvers. Our motto when confronted with a difficulty is: "Don't just stand there, do something."

Today, we appear to have too many people, mostly young ones, who think of themselves as problem solvers and activists but who want to *undo* something. They want to undo and destroy what it has taken men centures to build. They have an almost ferocious conviction of their own righteousness and wisdom. They see themselves as the only real devotees in the world of the true, the good, and the beautiful. But to those of us who have lived a little longer and acquired a little more knowledge, and a little more experience, what they seek is neither true, nor good nor beautiful.

One of the advantages that age has over youth is that we have been in their position, but they have never been in ours. We know those fiery passions, that hot idealism, that unshakeable certainty that one has within his grasp the solutions to all the world's problems. But experience has taught us that reason is a better guide to action than passion, that beautiful dreams of the young idealists sometimes end up as bitter nightmares, and that those men who had the greatest certainty that they had the final solution to all problems have ended up portrayed in the history books as tyrants and enemies of mankind.

This is not to say that we should discourage the dreams of the idealists and the aspirations of our youth. Quite the opposite, we should encourage those dreams and aspirations and pay heed to the expressions of dissent which flow therefrom, for there is the source of orderly change and progress. But we must teach them what we taught their older brothers, what we ourselves were taught, and what our fathers were taught—that our wants and aspirations must be tempered to accommodate the legitimate wants and aspirations of others who live with us on this planet; that other people have rights and that these rights are embodied in laws that have been worked out over hundreds of years to make it possible for men to live together in some degree of harmony and to work for common ends; that these laws are our protection against others trampling on our rights; that if we ignore or destroy the law, we jeopardize our own liberty as well as the liberty of others.

We have recently seen a distinguished Harvard professor and Nobel Prize winner explain and justify the behavior of those who would destroy the law by saying, in effect, that these young people want something very badly and they have not been able to get it in any other way. This is very much like explaining and justifying the behavior of a child who throws a tantrum in a department store by saying that the youngster wanted a toy fire engine very badly and had no other way of getting it. Sensible parents know that children must be taught at an early age that throwing temper tantrums is not an acceptable way of getting what they want. This is done by punishing—not rewarding—those who engage in unacceptable conduct.

Society must do the same. The good parent is not the permissive one who tolerates and encourages temper tantrums in children. The overwhelming majority of parents realize this and hence it is possible to walk through our department stores without having to step over the bodies of screaming children lying in the aisles pounding their fists upon the floor.

Unfortunately, this is not true of our colleges, where mass teen-age temper tantrums have become a regular part of the campus scene.

The other day the Chief of Police of Los Angeles retired after a quarter century of service and stated that he was about ready to write off a whole generation of young Americans because of their attitude toward authority. Now, we cannot afford to write off a whole generation of young Americans—not even its small minority about whom I am talking. Every generation plays a vital role in the process of keeping civilization alive. We cannot write off a generation if we hope to transmit to the generations to come the values that man has laboriously nurtured and protected over the centuries.

Our country has survived and prospered because of the ideas on which it was founded. People from all parts of the globe came here to live. They spoke a variety of languages and had widely disparate economic, social, and cultural backgrounds. Yet they succeeded in building a great nation.

A nation is more than a collection of human beings who live in the same geographical area. To constitute a viable nation, these human beings must sense a community of interest, must share a common set of operational values.

America's glory lies in the fact that it won voluntary acceptance of its values from men and women of widely different backgrounds. This was perhaps largely because so many were attracted to this wild country in its early days precisely because they were impressed by what we stood for. Many had fled from authoritarianism and tyranny, to live in a land that offered them both liberty and justice.

This has always been the kind of country that allowed wide latitude to its citizens in both speech and action. However, it was expected in return that the citizens would respect and support the institutions, laws, and customs that were essential to the survival of a society of this kind.

It was expected, for example, that the citizens would accept the principle of majority rule, and obey the laws approved by the majority.

It was expected that the majority would respect the constitutional safeguards erected to curb its power and safeguard the rights of minorities.

It was expected that when the majority decided that the national interest led the country into conflict with a foreign enemy, all citizens, regardless of their personal views or national origin, would support and defend the United States. Thus it was that Nebraska's great statesman, Senator George W. Norris, after having vigorously opposed America's entry into the first World War, declared his unstinting support for the Commander-in-Chief once war was declared.

Underlying these operational principles were some commonly accepted moral values that helped bind the American people together. We shared a belief in the Judeo-Christian religious and ethical values—respect for truth, respect for human dignity, consideration of the rights of others, and a common conviction that man had a higher purpose in life than animalistic gratification of his sensual desires.

It is true that we have made many mistakes and that our practices have not always matched our beliefs, but we have generally recognized the value of aspiring for more than we could hope to achieve. And we were generally understanding and tolerent of our human and social imperfections, knowing that it was vain to expect to build Utopia here on earth.

The ideas that made this nation what it has become—a beacon in a dark world—did not spring up overnight. They were not the product of any single individual. They grew and developed over centuries before they reached their present development here.

These ideas will not die overnight, but what is transpiring at this moment in our country is a concerted effort to bring about their demise. The turmoil on the college campuses is but a symptom of it. A minority but an articulate and activist minority of young people—young people who may be future teachers, writers, and political leaders—apparently have been persuaded that the cementing ideas that made this a great nation are false. Indeed, some of them deny that this nation has achieved anything praiseworthy. These young people have a different set of ideas and ideals.

They believe that freedom of expression for those with whom they disagree should not be tolerated.

They believe that laws which are not to their liking should be ignored and flouted.

They believe that their country is generally wrong in its disputes with foreign countries and hence they have no obligation to give it any support or to rise to its defense.

They proclaim their respect for truth, but they show little interest in undertaking the kind of arduous and dispassionate search for facts that is essential if truth is to be found.

They profess profound respect for the rights of all men, but they physically assault those whose opinions differ from their own, invade the privacy of their offices, rifle their files, and boastfully publish private correspondence of others to achieve some political advantage.

John W. Gardner, in his recent Godkin Lectures at Harvard, put it well when he said:

"Sad to say, it's fun to hate . . . . That is today's fashion. Rage and hate in a good cause! Be vicious for virtue, self-indulgent for higher purposes, dishonest in the service of a higher honesty."

But as he and many others have pointed out, it takes little imagination to visualize the kind of state these youthful revolutionaries would create if they had the power. Constitutional safeguards for the rights of even those who arrogate power unto themselves—let alone everyone else—would cease to exist. There would be no freedom of expression. Truth would be what the rulers believed, not what objective investigation might show. Personal privacy would disappear.

The age of Orwell's Big Brother would be upon us, for the historic pattern of continuing violent protest is clear. First comes revolution, with the overthrow of the good along with the bad, followed by chaos, and finally by dictatorial control. Only then could the long, agonizing struggle to obtain the four freedoms begin anew.

Perhaps because of the obvious risk of losing so much for so little, some of us are tempted to say: "It can't happen here!" But it happened, in our lifetime—in Russia, Italy, Germany, all of Eastern Europe, China, and Cuba.

It could not happen here if we took greater pains to preserve and protect the operational values of our society.

It will happen here if through carelessness we permit these values to be lost to that generation that some people are already prepared to write off.

We must appreciate that changes in basic ideas take place slowly, almost imperceptibly. What has happened on our college campuses is merely a reflection of an attack on our basic ideas that has been going on for many years. When the competing ideas begin to produce the kind of overt behavior we now observe, they have already secured a strong and dangerous foothold.

The question is, are we prepared to battle for the preservation of the ideas that made this country great? Do we believe in them enough to insist that they be transmitted to succeeding generations? Or will we—beset by doubts and uncertainty—decide that it is too much trouble to stave off the onslaught of the totalitarians?

Our survival as a free nation may well depend on our answer to this question: Is it too much to ask that our youth be taught—at school as well as at home—to value and respect the ideas that have given this country unexampled freedom as well as material abundance?

I, for one, do not think we price liberty too high when we ask that those who wish to

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enjoy it give their allegiance to the institutions and ideas that make it possible, even while seeking to change them through nonviolent dissent.

Edmund Burke once said, "The people never give up their liberty but under some delusion."

What is the source of the delusion that has led so many of our brightest youth to place liberty in jeopardy? If we are to be more than hand-wringers and head-shakers, we must probe for the answer to that question.

For me, it is difficult to escape the conclusion that the finger points at those of us who have neglected the education of our youth, and especially at those who condone, forgive, and even justify violations of law and outrageous assaults upon the rights of others.

Would that every parent and teacher take upon himself the responsibility of conveying to the young the wisdom contained in Burke's words:

"Men are qualified for civil liberty in exact proportion to their disposition to put chains upon their own appetites; in proportion as their love of justice is above their rapacity; in proportion as their soundness and sobriety of understanding is above their vanity and presumption; in proportion as they are more disposed to listen to the counsels of the wise and the good, in preference to the flattery of knaves."

THE WOMAN OF THE YEAR

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. BRASCO. Mr. Speaker, the Bedford-Stuyvesant section of Brooklyn is acknowledged as one of the most underprivileged areas of the city of New York.

Yet, while many people in this area are on the lowest rung of the economic ladder, they are strongly civic minded and appreciate any help they can get to alleviate their problems.

Recently, Miss Elizabeth Nanes, administrator of the Adelphi Hospital, 50 Greene Avenue, was chosen by the 88th Precinct Community Council, composed of area residents, community organizations, including churches and school educators as the Woman of the Year in recognition of her "goodwill and thoughtful services rendered to the council in behalf of your grateful neighbors and fellow citizens."

She was presented with a plaque by the community council for the many kind things she has done for the people in this community.

In another citation, Brother Baldwin Peter, FSC, principal of Bishop McLoughlin Memorial High School, hailed Miss Nanes for her dedication to community services and "general assistance to the school and continued goodness to our boys."

Miss Nanes has been administrator of Adelphi Hospital for more than 30 years. The nonprofit institution renders 24-hour emergency service to the poor of the area, and also allows neighborhood organizations to hold their meetings in the hospital's auditorium.

The council's president, Roy Vanesco, in recognizing Miss Nanes, also awarded service plaques to Police Capt. Robert Boetig, Patrolman Joe Billelo of 88th precinct, and Brother Peter, principal of Bishop McLoughlin Memorial High School.

I believe it is important to recognize people of the caliber of Miss Nanes, and their enormous contributions to the well-being of the less fortunate. Service to our neighbors represents a strong antidote to tensions and distrust.

THE SOUND AND MY FURY

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, the other day I received a copy of a joint resolution enacted by the senate of the California Legislature. This resolution deals with a problem that exists in my congressional district but is not limited to it alone. For those of my colleagues whose districts are fortunate enough to be spared jet aircraft noise, it may be difficult to realize the harmful effects that are visited upon the neighborhoods surrounding our jetports. Paraphrasing the old cliché that seeing is believing, for those individuals not acquainted with airport din, hearing is believing.

The resolution—Senate Joint Resolution 7—is concerned with sonic booms and resultant damage therefrom. I have sponsored a bill, H.R. 8206, that would provide funds for these damages and encourage investigations and planning in this area. With the rise in jet travel and the supersonic transport looming on the horizon, these problems must be faced and satisfactorily resolved, now, before it is too late.

At the same time that the California resolution arrived, I also coincidentally received a letter from Dr. H. W. Colby, superintendent and secretary to the board of the Lennox School District. Dr. Colby's letter shows that the ramifications of the jet noise problem are varied and far reaching. Schools situated next to jet airports are, due to the fact of their physical location, not providing their students with the best education that would otherwise be available. Aside from harmful effects upon the hearing of the youngsters in attendance, their abilities to concentrate are also being impaired. Proper motivation consequently is stunted and a ripple effect of harmful results goes on and on, ad nauseum.

To apprise you of one aspect of this problem. I am inserting a copy of Dr. Colby's letter into the RECORD along with California Senate Joint Resolution 7. It highlights through a sad example the severity of jet noise interference in the area and lends support for the passage of another bill of mine, H.R. 3850, which calls for Federal assistance in the soundproofing of schoolrooms which are bombarded by unwanted aircraft created decibels. When noise causes teachers to quit their jobs, the situation obviously has become intolerable. Children, unlike teachers, cannot transfer or quit schools as easily. We must act now for the sake of the physical and mental well-being of our constituents, especially those who have no voice of their own. Education is too precious a commodity to be shortchanged due to legislative shortsightedness. The aforementioned inserts follow:

LENNOX SCHOOL DISTRICT,
Lennox, Calif., June 11, 1969.

The Honorable CHARLES H. WILSON,
House Office Building,
Washington, D.C.

DEAR MR. WILSON: One of most obvious and easily measured losses our pupils suffer from aircraft noise is the actual number, frequency, and length of disruptions due to commercial aircraft landing at Los Angeles International Airport.

A more subtle loss is the effect the noise has on the districts' recruitment and retention of quality teachers. Last week we had a request from a newly-employed first year teacher to be released from her 1969–70 contract. She stated she is afraid she will be unable to do her best work due to the disruptions. Attached is a copy of the resignation of another of our teachers effective at the close of the term.

These examples remind us that the actual time lost by pupils is not their only loss. Perhaps equally damaging is the danger of lessening of teacher quality in schools so affected.

We would appreciate being kept informed of the progress of your bill relating to this.

Yours truly,

H. W. COLBY, Ed. D.,
Superintendent.

LOS ANGELES, CALIF.,
May 4, 1969.

To Whom It May Concern:

This year I have taught sixth grade at Jefferson school and on March 26th, I was offered a contract for next year with your district. I enjoy my job and have liked working with my colleagues and principal, but I find that the noise level from the jets is more than I can tolerate. These flying examples of progress can be damaging to hearing (how many times have I seen the children I teach quickly clamp their hands over their ears), and they constantly interrupt my teaching and the children's learning.

Because of these conditions, I must inform you that effective June 20th, the last day of this contract year, I will no longer be an employee of Lennox School District. I have signed a contract with Redondo Beach City School District. Had conditions been otherwise, I would have been very happy to remain a teaching member of your staff.

Sincerely,

——— ———.

SENATE JOINT RESOLUTION NO. 7

Joint resolution relative to the effect of supersonic jet aircraft

Whereas, Sonic booms caused by supersonic flights of modern jet aircrafts have already caused extensive property damage and untold aesthetic harm; and

Whereas, The destructive capacity of sonic booms is attested to by the fact they have destroyed a substantial control tower and severely damaged houses; and

Whereas, There are presently under construction jet transports capable of speeds in excess of 1,000 miles per hour, which would produce sonic booms of a greater magnitude than those currently being produced and with consequently greater damage; and

Whereas, The Federal Aviation Agency estimates that there may be as many as 200 transcontinental flights daily by these planes

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within a decade, subjecting many citizens to these supersonic booms 15 to 20 times a day; and

Whereas, It has also been estimated that property damages from these sonic booms may exceed one billion dollars a year, and cause increases in property insurance rates and taxes, besides causing untold psychological damage; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to comprehensively examine and review the contention of the Federal Aviation Agency and other authorities concerning the inevitability of the coming of the supersonic boom as an immutable condition in the lives of the citizens of California and the United States, and to take appropriate action to forestall any such eventuality with its possible catastrophic effects and determine what can be done to alleviate what could become the most offensive environmental blight of the 20th century; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

AMERICAN FLAG TO BE PLACED ON MOON BY APOLLO 11 ASTRONAUTS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. EVINS of Tennessee. Mr. Speaker, officials of the National Aeronautics and Space Administration have announced that the Apollo 11 astronauts will erect an American flag on the moon denoting our achievements in space.

Certainly this is fitting and appropriate, and in this connection I place in the RECORD herewith the letter from NASA announcing its plans, an editorial in the Chattanooga Times, and a letter to the editor of the Times by a distinguished scholar and philosopher, Dr. Martin Rywell, of Harriman, Tenn., who points out correctly that it is my honor and pleasure to directly represent citizens from both middle and east Tennessee in the Congress as both areas are now a part of the great Fourth Congressional District which I am honored to represent.

The letter and the news articles follow:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., June 10, 1969.

HON. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: During the recent hearings on NASA's budget request there was a discussion of symbols to be used in commemorating the first manned lunar landing.

I can now advise you that NASA's plans are to erect an American flag on the surface of the moon in the course of the Apollo 11 mission. We also plan to take and bring back from the moon an American flag for presentation to the Congress. Our final decisions on the symbolic articles to be taken on the lunar mission and their disposition are, of course, subject to approval by the President.

Sincerely yours,
ROBERT F. ALLNUTT,
Assistant Administrator for Legislative Affairs.

[From the Chattanooga Times, June 12, 1959]

THE FLAG—THERE AND HERE

At least two Americans flags are going to the moon with the astronauts of Apollo 11, according to Rep. Joe L. Evins who is in a good position to know—the chairmanship of the House appropriations subcommittee which oversees funding for the National Aeronautics and Space Agency (NASA).

The Middle Tennessee congressman reports that one flag will be planted on the moon and the second one returned to earth for presentation to Congress.

No symbolic claim to the moon is involved in placing the American flag there. The gesture is simply one of what we consider pardonable pride in the realization of an historic goal.

Our own hope is that Apollo 11 will carry not two, but four flags. It would be highly appropriate and desirable, we believe, to place beside the U.S. flag on the moon the flag of the United Nations and to return a second U.N. flag to earth for presentation to the general assembly when it reconvenes. That could be this nation's way of acknowledging the works of scientists and scholars of many lands whose contributions have helped to make the moon mission possible.

We make these comments also by way of acknowledging National Flag Week here in earth's greatest country. Let all the standards be proudly unfurled on Flag Day next Saturday. Every family needs a flag. As these banners fly with the wind, and even as excitement escalates over the moon quest, let every American's deepest patriotic conscience be focused on the nations' obligation and its opportunities here at home: To rid America, morally in its own high self-interest, of racism and racial discrimination conscious or unconscious; to promote social justice in strong, sustained social action; to exorcise the twin curses of the extremes, right and left, that imperil the historic progress of us all.

[From the Chattanooga Times, June 14, 1969]

"FLAG, THERE AND HERE"

(By Dr. Martin Rywell)

I found your Editorial page though it was not listed in your index of June 12, 1969. I am a disciple rather than a reader of The Chattanooga Times and hope you have many more disciples. We forgive you your omissions and transgressions.

And you let us down in your editorial about the American Flag. We disciples are in Roane and Anderson county (Oak Ridge), a large part of your readership. You even have a circulation manager here. And don't forget Hamilton County was carved out of Roane County. We are proud of our Congressman Joe Evins. Therefore we resent your editorial description of Congressman Evins as the Middle Tennessee Congressman. His district takes in one-third of our state. Therefore we of East Tennessee urge that you give more publicity to Congressman Evins if you wish to cater to your readers and disciples.

As for your editorial contention that we add two U.N. flags to the moon flight, I, for one, think it uncalled for gesture. The U.S. financially maintain the U.N.; and its ineffectiveness is proven by U Thant's order to withdraw the U.N. troops and provoked the 6-Day War and its aftermath in the Middle East.

It is American technological skill and it is the daring of Americans that made the moon trip possible. We earned the right to proudly plant our flag on the moon not as a conquest but as a peaceful venture. By what right has the U.N. flag earned such an honor!

NEWSPAPER EXPLAINS FARM STORY

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. NICHOLS. Mr. Speaker, the proposal to place an artificial limit on farm program payments has been the subject of much emotional appeal unrelated to facts about farming and our Nation's farm program.

The issue is complicated, and the substitution of emotionalism for logic is a gross mistake with dire consequences for U.S. farm policy and will have severe effects on both large and small producers.

An informative account of the facts and figures relating to payments to farmers from the Department of Agriculture has been printed in the Colbert County, Ala., Reporter. I want to commend Mr. Dick McGrew, copublisher of the paper, for his excellent presentation of this complicated problem, and I include the article as a part of my remarks at this point:

[From the Colbert County (Ala.) Reporter, June 12, 1969]

COMPLETE STORY ON PRICE SUPPORT

(By Dick McGrew)

Farmers wouldn't take something for nothing, even if you stood there and gave it to 'em. And Colbert County farmers are no different either as a report in the Congressional Record and another North Alabama newspaper would lead you to believe.

The report of facts and figures relating to payments of the Agricultural Stabilization and Conservation Service leaves a lot to be said and even more to be desired. Bare figures fail to represent the true situation.

Most farmers, whose privacy was grossly invaded, would like to see the whole story told, but would fear to kick up the dust in view of further damage and embarrassment from those who have to have the last say, namely newspapers.

The report came from the Congressional Record, which at the request of Illinois Congressman Paul Findley, listed all farmers who received more than $25,000 in federal farm payments during 1968.

A close examination of why the payments are ever made in the first place is in order: Colbert County farmers surveyed this week by the Colbert County Reporter were quick to point out that the payments are price support and not "subsidy."

It is costing the farmers far more than the 20–25 cents a pound just to produce his cotton. The parity price is set at 45 cents a pounds; the government pays the farmer the difference between the support price (20 cents) and 65 percent of parity, provided that he does not exceed his allotted acreage in cotton planted.

The legislative reference service of the Library of Congress reports farm income in the absence of farm programs would drop so low as to bring about wholesale agricultural bankruptcy throughout the nation.

Land values, according to the studies, would deteriorate proportionately and the purchasing power of agriculture would be reduced so drastically that a national depression such as experienced in the 1920's, and

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again in the 1930's, could well be brought about.

A 1967 USDA survey shows that more than 23 percent of the nation's cotton farmers received less for their cotton including all price support payments than the actual cost of production.

The ASCS farm program is aimed at curtailing the increasing surplus quantities of cotton while making sure the farmer stays in business. This method is far better than directing public tax funds to pay storage costs of surplus crops.

And it's not all the "poor ole farmer"; Colbert farmers told the Reporter this week they believed that the government is making up a cost that the public is failing to bear.

Ed Mauldin, who farms in both Colbert and Lawrence counties, explained the ASCS payments he received was distributed in part among more than 50 families, who participate in farming operations with him and others from whom he leased acreage. Tenant farmers get three-fourths of the payment based on the acreage they have planted.

The same report listed Mauldin having received $154,966 in payments; the figure is believed to be in error.

The report published this week would have led most to believe that the farmers just stuck the bundles of public money in their hip pocket.

But that just isn't so. "It's not all take home," remarked R. Gordon Pruitt, a Tuscumbia, Rt. 4 cotton producer. Six families thrive off the economy of the Pruitt operation.

"I don't feel a bit sorry about getting mine. Everybody produces a product, puts prices on it and sells it in a store at a profit. When they support my product, we're just barely making a profit.

"They are not supporting the farmer, they are supporting the consumer," Pruitt explained.

W. E. and W. C. Reid of Cherokee said their farm operation carried over a loss of $25,000 from the 1967 crop, another item not reflected in the report on the "poor ole farmer" image.

The Reids were reported to have received $72,121 in ASCS payments while Pruitt received $41,588.

With the price of American labor, it is impossible to produce cotton for 20 cents a pound, Pruitt said. "You can't compete paying $1.15 and $1.30 per hour with countries like India where they may be paying only 15 cents a day for their labor," he added.

Elbert Reid said it cost their operation $21,000 to buy and lease additional cotton acreage to be eligible for the ASCS payment, thus leaving $51,000. Deduct the loss from the 1967 crop and the difference between the going market price and parity, and you have an empty pocket book, one that is eaten to threads in expense.

"I want the public to know that I'm not ashamed of this price support. It's not subsidy, it's the difference between the price you can sell cotton for and its actual worth," Reid commented, adding that parity is set at 45 cents a pound. He estimated cotton will bring only 23 cents a pound this year on the market.

"We've been spending $5,000 to $10,000 a year for 10 years getting this land in a state of cultivation," he said, citing another item not reflected in the figures published this week.

The Reids reported a yield of 980 pounds of lint cotton per acre last year. This year with the prevailing market level, the Reids face a loss of $28,000 on the cotton they will sell.

More than $200,000 of the $1,434,928 in cotton payments was paid to farmers outside Colbert County in areas from where cotton allotments were transferred.

ESTABLISHMENT OF JOINT COMMITTEE ON OCEANIC AND ATMOSPHERIC PROGRAMS

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. POLLOCK. Mr. Speaker, today I have introduced a resolution for the purpose of creating a Joint Committee on Oceanic and Atmospheric Programs. The Congress has for some time now been cognizant of the great need for a concentration of effort to increase man's knowledge of the oceans and utilization of the resources which have been locked in the depths of the seas.

In 1966, the Congress passed the Marine Resources and Engineering Development Act, which set forth the policy of the United States to develop and maintain a comprehensive, long-range national program in marine science for the benefit of mankind. To further these objectives, the act established the National Council on Marine Resources and Engineering Development, composed of the Vice President of the United States and various Cabinet officers, to serve as a coordinating body. It also created a Commission on Marine Science, Engineering, and Resources to review existing programs and recommend a long-range national program for the United States.

The Commission, under the chairmanship of Dr. Julius A. Stratton, submitted its report entitled "Our Nation and the Sea" to Congress early this year. The report is a truly monumental analysis of the manifold challenges facing the United States. It analyzes in detail our present national capability for the exploration and utilization of our global marine environment and sets forth over one hundred recommendations to implement a national program.

The Subcommittee on Oceanography, of our Committee on Merchant Marine and Fisheries, under the leadership of our distinguished colleague from North Carolina (Mr. LENNON) is now conducting hearings to analyze each of the Commission's recommendations. Many distinguished spokesman from private industry and the academic community have testified before our subcommittee, and with few exceptions have overwhelmingly endorsed the recommendations of the Commission.

The principal recommendation—perhaps the cornerstone of our future efforts in the field of marine science—calls for the establishment of the National Oceanic and Atmospheric Agency to unify the activities of those Federal departments and bureaus which are most intimately concerned with the future growth of marine science and technology.

As a corollary to this agency, the Commission has also recommended the establishment of a National Advisory Committee for the Oceans composed of individuals drawn from outside the Federal Government and broadly representative of the Nation's marine and atmospheric interests. This committee would serve in an advisory capacity to the National Oceanic and Atmospheric Agency, the President and the Congress.

The Commission has rightly pointed out that the organization of Congress, as well as the executive branch, does not now reflect a clear realization that the development of our oceanic frontiers requires a unified, coherent approach. At the present time, Mr. Speaker, there are at least eight committees of the House, and an equal number in the other body, which are concerned with aspects of marine science. There are at least 21 Federal agencies likewise concerned with our oceanic programs which report to one or more of these various committees. We must recognize and come to grips with the fact that there are areas of national concern which are so broad in scope that they cannot be dealt with piecemeal or by fragmenting them among different legislative committees.

If we are to implement the declaration of policy of the Marine Resources and Engineering Development Act, it can only be done through a realinement of the traditional spheres of legislative oversight. The varied activities which interrelate in the effort to expand knowledge of our marine environment must be focused within one or at least a minimum of legislative committees.

I have studied a variety of approaches to this problem and have concluded that the most direct and expeditious means of achieving this realinement would be through the establishment of a joint committee similar in organization to the Joint Atomic Energy Committee.

The Commission's report, as well as witnesses before the Subcommittee on Oceanography, has stressed the need for a "mission oriented" agency which will devote its energy exclusively to the fields of marine and atmospheric science. The success of this concept, which I endorse, will depend to a great extent upon the ability of the Congress to keep in step with the rapid expansion of basic knowledge and technology in these fields.

I am well aware, Mr. Speaker, of the difficulties involved in severing traditional areas of jurisdiction from standing committees. However, the challenge of inner space is no less important than that of outer space. Indeed its potential is of far greater significance to the immediate needs of mankind. I am confident, therefore, that the Congress will recognize this need for a departure from narrowly defined committee jurisdictions.

The jurisdiction of the proposed joint committee as stated in my resolution is admittedly broad and lacking in specifics. The framework is there, however, ready to be filled in. Thus, when the National Oceanic and Atmospheric Agency is created, the jurisdiction of this committee should be amended to expressly encompass that organization.

Finally, Mr. Speaker, I wish to comment on the term "atmospheric" as employed in my resolution. The report of the Commission on Marine Science clearly demonstrates the fact that the oceans and the atmosphere surrounding the earth are a single environmental system upon which man is heavily dependent.

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Hurricanes, for example, can only arise from tropical oceans. Weather is an oceanic phenomenon whether you are in the middle of the Atlantic or farming the plains of our Midwest. Progress in long-range weather prediction will only be achieved through the development of marine and atmospheric science on an equal, integrated basis. For this reason, a failure to unite these two basic areas would be a serious flaw.

In offering this resolution, Mr. Speaker, I hope that my colleagues will renew their commitment to a long-range national program in marine and atmospheric science.

REPORT TO THE SEVENTH (MISSOURI) CONGRESSIONAL DISTRICT

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. HALL. Mr. Speaker, this week I will place in the mail my report to the people of the Seventh Congressional District of Missouri.

My letter will deal with the problems facing our Nation at this time, and the new administration's order of priorities to deal with them. I insert this letter at this point in the RECORD:

The first 100 days of the new Administration have come and gone, and the deliberate, contemplative pace has been in sharp contrast to the brash, pellmell, spending spree that marked the beginning of the "credibility gap" of a few years ago. If nothing else, it has proved, that lightning speed is no criterion for legislative achievement.

The measured pace of this Administration has been keynoted by the desire to put "first things first." To develop a set of priorities, give the priorities the careful and considerate attention they should have, to insure their soundness and workability, then submit them to the Congress for action.

After a recent talk with the President, I am convinced that action, in the form of legislation, will be dealt with in the following manner:—

PRIORITY NO. 1—PEACE

The President has put peace with honor in Vietnam at the very top of the list of priorities. He has made it clear that the United States is ready and willing to negotiate a mutual withdrawal of all foreign troops. The peace talks in Paris are slow and tedious, but appear to be taking on a more positive attitude. Soon the South Vietnamese forces will be able to take on more of their own defenses, and when that occurs, we can expect to see the beginning of a withdrawal of some American troops. The President is handling this effort personally, and is optimistic!

PRIORITY NO. 2—INFLATION

The present inflationary spiral, now in its fourth year, represents a National self-indulgence that we can no longer afford. We cannot stop inflation by just simply printing more money, or by raising more taxes. There is only one way, as any housewife can tell you, and that is to operate from a balanced budget. Income will have to be more than outgo. An unchecked "joy ride" could end in unemployment and financial distress for millions. I believe the budget will be brought into true balance with income in Fiscal 1970 and we will pay on our debt in Fiscal 1971.

PRIORITY NO. 3—CRIME

Crime cannot be eliminated by loud voices and good intentions. It can only be contained by carefully conceived and well executed "action" plans. The Department of Justice, headed by Attorney General John Mitchell, is setting into motion plans to assist in the formation of State-wide units to help investigate and *prosecute* crime. It takes time to invoke proper and complete enforcement. It is my hope that soon Americans will once again be able to walk the streets at night without the constant fear for their lives. I believe that people respect the law, according to its enforcement.

The President and the Attorney General have also made it clear that violence and anarchy can no longer be tolerated on the campuses of the Nation's colleges. If the college administrators cannot set their houses in order, there are Members of the Congress who are ready to take further legislative action. Certainly there is beginning to be a change for the better in the Supreme Court, so that before long the Judiciary can and will again back the constabulary.

PRIORITY NO. 4—WELFARE

The Office of Economic Opportunity is being completely revamped to meet the needs of today. Many bad programs are being eliminated and the good ones retained and strengthened. The Job Corps and other less successful projects will be reorganized and placed in more appropriate agencies, or done away with entirely. The Head Start Program has been moved into the Department of Education and placed in a newly created Office of Child Development. Reorganization and consolidation is important and relates to numbers 2 and 3 above.

PRIORITY NO. 5—PORNOGRAPHY

Three new proposals have been suggested to the Congress. The first would be to prohibit the sending of sex materials to any child or teenager under 18. The second would prohibit the sending of advertising designed to appeal to a prurient interest in sex. It would apply regardless of the age of the recipient. The third measure complements the second by providing added protection from the kind of smut advertising now being mailed, unsolicited, into many homes. I have personally submitted legislation to the House of Representatives (H.R. 11134) to carry out these proposals.

Soon I will be mailing out my annual questionnaire. It will be sent to people all over the Seventh Congressional District asking their views on the vital issues facing the Nation today. It will greatly assist me in properly representing you.

I am sure that there is no greater wish in the hearts and minds of every citizen of our great Country than, that the Vietnam War may be ended with a just and honorable peace. President Nixon and his Administration are doing everything in their power to see that this is done. In my next campaign for re-election to Congress, it is my sincere hope that it can be based on the issues of a Nation at peace with the World, and we will "establish justice, insure domestic tranquillity," and again "promote the general welfare, and secure the blessings of liberty to our selves and our posterity."

TODAY'S COLLEGE STUDENTS

HON. JOSEPH P. VIGORITO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. VIGORITO. Mr. Speaker, today's news media seem to take some sort of pleasure in presenting to us all the news that is dreary, disturbing, and unappealing. More and more we hear the comment, "There doesn't seem to be any 'good' news anymore."

This especially seems to hold true when we read news about the young generation of Americans now attending colleges and universities.

I am pleased, therefore, to bring to the attention of my colleagues a little piece of "good" news about some college students in my 24th District of Pennsylvania.

Mr. Speaker, I insert into the RECORD the following short article from Nation's Business magazine of June 1969:

STUDENTS WHO DO NOT MAKE HEADLINES

It's high time somebody investigated the unconventional behavior of students at tiny Thiel College in Greenville, Pennsylvania.

A group of Phi Theta Phi fraternity brothers staged a walkathon through more than a dozen nearby communities and raised $1,630 which they donated to Children's Hospital in nearby Pittsburgh.

The Chi Omega sorority sisters have adopted a Navajo Indian girl in New Mexico and contribute to her support. At Christmas time they sing carols at the St. Paul Home for the Aging.

Thiel students raised almost $1,000 for college-related charities and local Community Chest. They are regular donors at the Greenville Hospital Blood Bank.

Each week a group of Thiel students visits St. Paul Children's Home to tutor orphans. The Sigma Phi Epsilon fraternity house is the scene of an annual Christmas party for these youngsters.

Students teach Sunday evening parish classes at St. Michael's Church. In the summer they paint, repair and do odd jobs in Greenville community centers to help create a better atmosphere for local youngsters.

FLAG DAY

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. NICHOLS. Mr. Speaker, Saturday was Flag Day throughout the Nation, and I was pleased to see so many of our citizens displaying Old Glory to commemorate the day. Earlier this year, my colleague, Congressman WALTER FLOWERS of Alabama's Fifth District, delivered an address at a flag dedication ceremony in Fairfield, Ala. I found his remarks to be most appropriate, and I would like to insert them in the RECORD at this point:

ADDRESS BY HON. WALTER FLOWERS

We are gathered to dedicate an American flag—Old Glory—to the memory of those American servicemen who have been killed and wounded in our country's service in Viet Nam—and to those brave men who are still protecting our freedom—yours and mine—by their presence there today.

This is a most appropriate action, for the flag is the symbol of our country, of our freedom and of our citizenship. The thirteen stripes tell of our past glories, and the fifty stars of our present greatness. Together, their combination tells of our historic continuity and our political oneness.

The flag means freedom, and when fused into our kind of political system, it means democracy. And in a democracy the individual is all important. A democracy has no other purpose—no other reason—than to give men, women, and children the freedom to live their lives according to their own choice; provided, my friends, that the choice

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does not interfere with its proper exercise by others.

If one were intent upon "softening up" a nation in order to make inroads in its traditions and undermine its democratic institutions, it would be logical to begin by undermining a nation's love and respect for its symbols, and especially its love and respect for its flag.

This has happened more recently than we would like to think, when our flag has been dragged through streets, trampled upon and burned. Those who do this to our national banner seek to degrade the very foundations of our country, to dishonor our heritage, and to tread upon its institutions.

35,000 fine, loyal American servicemen have made the supreme sacrifice in Viet Nam. Every week the Defense Department sends members of Congress a list of the latest casualties by name and address. It is a sad thing to see page after page reflecting bright hopes now gone—promising futures now destroyed—happy homes now darkened. It is heartbreaking to pick up the phone and the voice at the other end of the line back in Alabama says, "Congressman, we just got a telegram from the Defense Department—it says 'our son has been killed', or its says, 'My husband is missing in action', or it says, 'Our son has been wounded'. Can you get us more information?"

Whenever I see Old Glory flying proudly in the breeze, I know that these men are dying for me and they are dying for you, and they are dying so that our flag may continue to fly for the finest and the fairest and the freest nation on this earth.

There have been occasions when patriotism, or Americanism, has been derided and made "fun of". It has been hinted that our traditions come from the horse and buggy days; that we cannot be progressive and at the same time be patriotic.

That is one reason why all of our national holidays are important; one reason why flag dedications, such as this one, are important. Patriotism and Americanism are not outmoded. Be proud of our flag and what it represents.

Look at it often and remember what a great price has been paid to bring our nation this far in history. And most important of all, remember what it will take to keep it flying over the "land of the free and the home of the brave".

LEGISLATION TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENT

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. JOHNSON of California. Mr. Speaker, I have introduced today, for appropriate reference, a bill that will hopefully transform an otherwise inhospitable area of my district into an oasis of productivity. This measure which would authorize the Secretary of the Interior to conduct a feasibility investigation of the potential Amargosa project is cosponsored by my distinguished colleague from Nevada, as the program it covers lies partly in that State and in California.

The Bureau of Reclamation completed a reconnaissance survey on this project in 1968 and determined that large quantities of high quality groundwater underlie about 93,000 acres of irrigable land in the Amargosa Valley. The study further shows that a project of about 21,000 could be successfully developed from this water supply and that sufficient water would remain to supply the community needs that would arise when the irrigation is developed.

Our information indicates that the lands are suited to a wide range of highly specialized crops that can be grown only in the long growing season of the valleys of the Pacific Southwest. Moreover, the construction would be relatively inexpensive by current day standards, in that the entire undertaking would cost less than $9 million. The benefit-cost ratio is an outstanding 3.6, indicating this to be one of the more favorable opportunities to come before us in recent times.

Mr. Speaker, I am pleased to call the attention of the Members to this most worthwhile program and confidently hope that they will support its authorization when the committee brings the bill to the floor.

WILSON PRAISES INVENTIVENESS AND DEDICATION OF CENSUS BUREAU EMPLOYEES

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, it has been just a few short months since I had the honor to be elected chairman of the Census and Statistics Subcommittee of the House Post Office and Civil Service Committee. They have been busy months, both for myself and the other members of the subcommittee. We have learned much about the Census Bureau and its statistical programs. We have visited the Bureau, spoken with its employees and officials, toured its facilities, and have been much impressed with the dedication and inventiveness of its personnel.

It is in reference to this latter point I wish to talk today. At some time in the near future, I will address this body again regarding the 1970 Censuses of Population and Housing—a controversial subject on which the subcommitte is currently holding hearings. I do wish to make clear, however, that the hearings on the 1970 census are in no way a reflection on the professional competence and dedication of the Bureau's personnel. They are a group of people which any agency could be proud to have on its employment roster.

As is true of all of us when engaging in areas in which our knowledge is not that of the expert, we tend to overlook the "intermediate process." The telephone dial connects us with the world; the letter we drop into the mailbox somehow reaches its destination; and each individual census questionnaire is automatically transformed into a statistical report.

If we think about it, even momentarily, we realize that these things do not happen by themselves, that a complex and sophisticated management and technical control must be developed before the input to a system becomes usable output.

In my opinion, the Census Bureau has done a particularly noteworthy and outstanding job in the development of the techniques and equipment needed to handle its "intermediate processes." Nor am I referring to electronic computers, even though the Census Bureau back in 1950, was among the very first of Government agencies to install an electronic computer system.

Let me describe a few of these machines, all of which have been patented in the name of the U.S. Government, and give proper recognition to the gifted employees of the Census Bureau who were responsible for their development. It is indeed a tribute to Mr. A. Ross Eckler, the distinguished Director of the Bureau of the Census, that, under his direction, not only has the development of new electronic data processing equipment been encouraged, but a climate has been maintained which has led the inventors to remain with the Census Bureau when, I am sure, they could have gotten jobs with private industry at substantial increases in salary.

I am giving a brief description of the equipment which so favorably impressed the subcommittee.

THE 1970 CENSUS AUTOMATIC MICROFILMING MACHINE

This wonderful machine automatically photographs the 1970 census questionnaires to provide the microfilm input to the census computers. A unique feature of the machine is its page-turning device which makes possible the automatic microfilming of each page of the multipage census questionnaire.

The persons responsible for the development of the automatic microfilming machine, together with a brief description of their individual contribution, are:

Mr. Anthony A. Berlinsky, chief, Engineering Development Laboratory—for great ingenuity in conceiving and developing the basic design of this unique paper-handling and microfilming equipment and for outstanding leadership of his staff in implementing its design, testing, and construction.

Mr. Robert J. Varson, assistant chief, Engineering Development Laboratory—for valuable service as assistant project leader in all phases of design, testing, and construction of this equipment and for especially important contributions to the development of the electronic logic employed in it.

Mr. Martin J. Brennan, electronic technician—for designing electronic control circuitry and paper detection systems essential to effective coordination of the machine's paper-handling and microfilming functions.

Mr. Gordon W. Pearson, mechanical engineering technician—for designing mechanical page-turning and paper-feeding devices.

Mr. Ignatius N. Bellavin, electronic technician—for adapting camera units to the unusually demanding requirements of this high-speed microfilming equipment.

Mr. Niles S. Blackwell, assistant foreman, Mechanical Laboratory—for design of paper-stacking devices and planning for mechanical fabrication and assembly procedures.

FOSDIC 70, FILM OPTICAL SCANNING DEVICE FOR INPUT TO COMPUTERS

This fascinating electronic machine reads the microfilm copy of the 1970 census questionnaire and produces the computer tape from which the various census statistical reports are tabulated. It has replaced a massive key punch operation eliminating the preparation of hundreds of millions of IBM cards.

The persons responsible for the development of FOSDIC 70, together with a brief description of their individual contribution, are:

Mr. McRae Anderson, chief, Engineering Research Branch—for outstanding inventiveness in personally conceiving, designing, and supervising assembly of the FOSDIC 70 system—a contribution that resulted in a Bureau cost reduction of $2 million for the 1970 Census.

Mr. William M. Gaines, assistant division chief for engineering—for effectiveness in general support and direction of the development of FOSDIC 70 and planning for its timely installation and maintenance.

Mr. Leighton M. Greenough, chief, Optical Measurement Laboratory, National Bureau of Standards—for developing specifications for the cathode ray tube assembly and optical assembly on FOSDIC 70 and consulting services on document design, filming processes, and film scanning techniques.

Mr. James R. LeFevre, electronic technician—for providing detailed machine drawings, working from rough sketches, for all parts manufactured for the FOSDIC 70 system.

Mr. Carl W. Walker, electronic engineer—for contributions in testing and modifying the prototype FOSDIC 70 system.

Mr. John E. Forkish, electronic technician—for expediting construction of production models of FOSDIC 70.

MAP AREA COMPUTER AND COORDINATE LOCATOR

These sophisticated machines, developed especially to meet the geographic and mapping requirements of the 1970 Census, automatically calculate land area and compute and display geographic coordinates for any specified map segment.

The persons responsible for the development of the map area computer and coordinate locator, together with a brief description of their individual contribution, are:

Messrs. Berlinsky and Brennan, whose major contributions to the 1970 model automatic microfilming machine have been cited, also played leading roles in the design and development of this special equipment for the Bureau's Geography Division.

Mr. William T. Fay, chief, Geography Division—for recognizing potential applications of equipment, establishing basic design requirements, and working most effectively with technical personnel toward successful development and modification of equipment to meet Bureau needs.

Mr. Ben E. Kappes, assistant chief, Electronic Laboratory—for electrical construction and modifications of coordinate locator machine.

Mr. Jean D. Domingue, machinist—for mechanical design and construction of sensing units and mechanical packaging of electronic components of coordinate locator machine.

There is no question, but that dedicated and hard work on the part of many people has been the essential ingredients of the highly successful equipment development program of the Census Bureau.

But to the Census Bureau, equipment development is but one part of its charter. Dedication, hard work, and professional competence on the part of all its employees has achieved for the Census Bureau its major goal of providing the United States with the finest statistical system in the world.

As chairman of the Census and Statistics Subcommittee, I am proud to be a part of the Census Bureau family and I take great pleasure in being able to commend the Census Bureau and its personnel. It is one of the finest agencies of the Federal Government. With the help of this great legislative body it will continue to be the premier statistical organization.

SMALL INVESTORS "PENALIZED" BY CURRENT SAVINGS BOND INTEREST RATE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, on February 18 my colleague, the Honorable ROBERT MICHEL, of Illinois, introduced H.R. 7015. This bill, which would give the President the authority to raise the interest rate on series E Government bonds from the present ceiling of 4.25 percent to a new ceiling of 5 percent, is an extremely important piece of legislation. As Mr. MICHEL has repeatedly pointed out, recently there have been far larger amounts of series E bonds cashed in by the public than bought for the future.

Many people in my own district in Wisconsin have written to me about this. They wonder why such bonds have a return rate below that of commercial banks or other Government securities which are available to only large investors. The answer is simple. The present rate was fixed by law way back in 1917 when interest rates in general were lower. To make the investment in Government bonds attractive to the small investor, the interest rate on them must be increased. Presently we are literally penalizing those patriotic citizens who do buy series E bonds.

Today I am introducing a companion bill to H.R. 7015. It is my hope that Congress will act promptly in this area. The interest rate change proposed in these two bills is the least which should be done. Hopefully, the administration will also propose change in this area. Until then, though, I feel Congress would be wise in taking preliminary action to equalize the interest rate available to both small and large investors in Government securities and between series E bonds and the commercial market. By doing this, financial investment in our Nation's future will be aided, not hindered as is presently the case.

STUDENT UNREST ON COLLEGE CAMPUSES

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, in the latter part of May, 22 Republican Members of the House divided into groups of three and four to gage the depth of student unrest on some 50 college campuses across the country and to investigate the cause of the underlying problems.

Although the White House was not responsible for their trip, the President is to be commended for calling some of the Congressmen to the White House after their trip and to request that they compile a full report for him.

It is quite clear from their preliminary account that the congressional group found student unrest to be rooted in fundamental causes not necessarily provoked by "outside agitators."

One month earlier, a Member of the other body from my State, Senator CHARLES H. PERCY, toured 11 college campuses, 10 of them in Illinois. The Senator did not make the trip to inspect the damage of student rioting; indeed, at only one of the 11 campuses had there been any overt student action against the administration.

Nevertheless, the Senator found that the situation on the campuses was far from what it should be. And it was apparent that administrators, trustees, faculties, public officials, and members of the surrounding business community all have a role to play in the problems that abound on campuses and, hopefully, will now play a role in solving them.

Mr. Speaker, I insert in the RECORD Senator PERCY's remarks at Western Illinois University, Macomb, which deal with the question of student unrest, as well as a series of articles published in the Rockford Morning Star written by Steve Blain, an able reporter who accompanied the Senator on his tour:

PRELUDE TO A BETTER WORLD

I am here because I deeply feel that we must try to work together to rekindle in ourselves and all Americans the embers of mutual care and concern for our fellow man.

If that task is within our power to achieve, it is because your generation, as it appears to me for the most part, is more humane, more concerned with personal honesty and has a more basic commitment to unselfish purposes than any previous generation in modern times.

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For in the new generation on campus there is a long-delayed and vitally needed reaction against the impersonality and arbitrary quality of our social institutions—the big university, big government and the mass media. It is not surprising that this feeling carries over into a general disaffection with the size and the impersonality of the world beyond the campus. Too much appears to reach us these days in mega-packages: megaopolis, megatons and even megadeaths.

To a degree perhaps unsurpassed by any previous generation in modern times, the students of today are painfully seeking to experience first-hand a meaningful relationship between learning and life.

The student of today legitimately is seeking a larger say in university affairs. And faculty and administrators on the campus—not without some pain—are beginning to realize in ever greater numbers that students—along with themselves, the alumni and the surrounding community—do have a proper role to play in charting tne course of university programs and policies.

On dozens of campuses across the land, lawful student protests have brought in their wake a healthy and overdue re-examination of administrative and faculty policies. Unhappily, extreme tactics, violence, disruption and flagrant disrespect for the rights of others has at times undermined trust and broken communication between the students and the world-at-large.

I believe changes are needed. I believe protests are needed. For at the heart of most campus protest is an underlying legitimate grievance. *But I also believe that protest to be effective must be responsible.*

We live in a nation in which freedom of dissent is absolutely fundamental and essential. But we also live in a nation in which respect for law and order with justice is embedded in the cornerstone of our democratic society. These twin principles—dissent and protest, law and justice—are not contradictory. They are complimentary for one without the other would undermine our free institutions: our universities, our press, our government.

Recent uprisings in the the unversities are not unrelated to uprisings in the ghettos. For these are the two main areas of life where the conventional styles of American politics have patently failed. The student alienated from his campus has much in common with the ghetto youth alienated from his city. Both suffer from an inability as individuals to materially influence institutions than can better or worsen their lives.

Happily, there are many in the student generation, just as in the new black generation, who believe that change is possible in American life.

I think yours is a generation that is fully capable of reviving our democratic institutions and breathing new meaning into them. At the same time, I do not believe that either on a campus or in the ghetto lawlessness and violence are a necessary prelude to change.

Despite the potential present in the new generation, each young man and each young woman must choose his or her own way.

Doubtlessly, some will remain apathetic, unresponsive and unconcerned with the challenges that surround us; occupied with merely the most superficial aspects of social success.

Meantime, others will embark upon and continue an inward retreat from the pressures of society and perhaps ultimately adopt life-styles that are dependent on drugs and couched in escapism.

The road is open and the choice is yours.

Today, I would address myself to those who are discontent with things as they are and, finding the world far from perfect, would attempt to lead the new generation to a new understanding of social responsibility. My words are addressed to the activitists and, yes, the protestors, who would react to a troubled world not by turning their backs to its problems but by coming to grips with them. I speak today to those who believe with me that change is possible in our society and those who would do their part in bringing about a better world.

For I firmly believe that we have reached a crossroads in American life and that it is largely up to the new generation—the young, the ambitious, the educated and the committed—to determine what new path we shall embark upon from here.

The basic problem in our society is not its inability to change. It is rather our inability to order that change in a way that yields the greatest good for our people.

Now in a nation founded upon a Jeffersonian agricultural tradition, three-fourths of our people live on 10 per cent of the land. Nearly 20 million American have moved into urban areas—just in the last two decades. On each coast and in our midwestern heartland these changes have often created the kind of congestion in which it is difficult to move around, to get to work, to get home and, quite literally, even to breathe. Simply stated, our cities are where we live and their problems must be solved.

At the same time, 80 per cent of our population is sharing the great prosperity of the post-war years while 20 per cent is not. Poverty and lack of opportunity in America, and the frustrations these conditions produce among our people, continue to undermine our economic order and to gnaw at our sense of social justice. Something simply has to be done about better housing, quality education, opportunity to work at meaningful jobs and good nutrition for *all* of our people.

America is simply not spending enough of her material resources where they should rightfully go. Our economic problem is no longer to find ways to create and preserve wealth: it is rather to find ways of distributing our abundance in a more reasonable and responsible way. In fact, our sense of spending priorities needs to be shaken up.

We spend as much for chewing gum as for model cities.

We spend as much on pet food as we do on food stamps to feed the poor and the hungry.

We spend as much on hair dye as we do for grants to provide for urban mass transport.

We spend as much on cigarettes as government at all levels spends for higher education.

Our failures to sensibly allocate our wealth are just as glaring in the expenditure of tax dollars as in the private sector.

Why should we spend nearly $3 billion a year in farm subsidies—two-thirds of which goes not to the poor but to the more affluent farmers?

Why should we provide for a military budget of more than $80 billion to prepare for every conceivable battle on every conceivable battlefield—when most of us are more deeply concerned about the threat to our security at home than some external threat, serious as it might be.

Our problems are not only economic; they are social and spiritual as well. At a time of unprecedented material affluence in the United States, the Harris Poll reveals that more than 33 million Americans regard themselves as alienated from the mainstream of our society.

Many are poor. Many are black. Many never went to school beyond the eighth grade. But the problem of alienation in our society runs deeper than merely the special problems of the disadvantaged.

In a cross-section of American society, most of those polled—54 per cent—believe that "the rich get richer and the poor get poorer in America. Some 42 per cent believe that "what I think does not count very much: and 36 per cent believe that "people running the country don't really care what happens to people like me."

So I would ask the college student of today: what, if anything, do you propose to do about this situation?

You are without a doubt one of the most privileged group of citizens of a rich and powerful nation: university students in a world where two-fifths of mankind can still neither read nor write.

As our President has said, we are approaching the limits of what government can do alone. In his Inaugural Address, the President said: "Our greatest need now is to reach beyond government to enlist the energies of the concerned and the committed."

It does not fully serve our national purpose merely to levy taxes and to enact massive Federal programs. Despite unprecedented spending, millions of Americans are still angry, frustrated, alienated and unfulfilled.

Shall we turn our backs on their despair?

Shall we say to ourselves that our obligations end with a welfare check?

An investment in person-to-person social work—volunteers seeking to show people how to budget their time, their energies and their funds more intelligently would provide a human return for society.

How many here could help? How many are capable of making an effort in a direct and personal way in caring about the fate of our fellow human beings? To help strengthen and enrich just one human life could be a source of immense satisfaction to every person here.

How many of you here could spend two or three free afternoons a week tutoring a boy or girl who without that extra effort probably would never get to go to college?

How many businessmen could provide study courses for workers whose present lack of reading skills erases whatever chance they might have for advancement?

How many housewives could shop and prepare meals for elderly shut-ins?

How many imaginative young people could fashion practical programs for aiding hard-core unemployed in our ghettos?

All these volunteer tasks are within our ability to perform if we would look outside ourselves at the problems that surround us and then make the extra effort.

Moreover, I believe that the Federal government could play a useful role in catalyzing and shaping student involvement in community affairs.

I would like to see a coordinated program of Federal grants to colleges and universities for the specific purpose of developing models of community action programs. New curriculums in the social sciences would be accompanied by laboratory work in urban planning, housing, air pollution, traffic control, tutorial work and so forth.

If we can spend millions to build new classrooms and laboratories for the colleges, if we can finance scientific studies on campus that lead to better health and a better understanding of the world around us, then we can also put some of our resources in utilizing these skills and energies of our campuses in community action efforts.

In these ways, we may in time put to work the huge potential energies of a restless young America. The Peace Corps and the domestic VISTA program have shown us the way

Now every service club, every business and trade association, every church, every parent-teacher group and, most particularly, every campus must ask itself what can we do in the way of providing a better spiritual and material life for all Americans.

If you decide to make that extra effort—here and today—I know that together we can succeed.

[From the Rockford (Ill.) Morning Star, Apr. 28, 1969]

PERCY: FIRST JUSTICE, THEN LAW, ORDER

(By Steve Blain)

PEORIA.—Law and order will not be established in this country until the present in-

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justices are eliminated, U.S. Sen. Charles H. Percy told a group of Bradley University students today.

"American society today is unjust and hypocritical as to the promises this country offers and the realities that exist," Percy said.

Percy spoke in response to a question from one of the student leaders who asked about his stand on the law and order issue.

"Law and order means different things to different people," Percy said. "To the affluent, it means protecting their property. But to the poor, it's their enemy. This is why I say there must be law and order with justice."

Percy is on the third day of a five-day, nine college tour of Illinois campuses. He arrived at Bradley at about 10 a.m. today and was scheduled to go to Western Illinois University, Macomb, this afternoon.

On a trip billed as a non-political, Percy is seeking student opinions on state and national issues as well as asking questions of his own.

VIETNAM WAR

Percy sat in on an informal discussion this morning with about 25 student leaders at Bradley. Questions covered a broad variety of topics, but concentrated, along with law and order, on the war in Vietnam and student protests on campus.

A Bradley student said construction is going on at the Peoria campus using federal funds, but it has been discovered that construction unions working on the job use discriminatory membership policies. The student asked Percy that if all other methods of protesting against the unions' policies are unsuccessful, Percy would condone a student take-over of the building to stop construction.

"As a lawmaker, I can't suggest that you break laws," Percy said, "But there are other means of voicing your wishes, such as picketing. I urge your steps be lawful as possible but if you do break laws, make it clear you are willing to pay the price."

Percy said the issue brought up by the student is "an area of great need in this country; the right of a person to hold a job."

UNIONS MUST ACT

Our barriers are being broken down in the employment of minority groups. Percy said, but trade unions must be willing to open their membership lists to all.

Percy has already appeared at Illinois College, Jacksonville, and attended a meeting of Vista and Peace Corps alumni Sunday at the Center for Continuing Education at the University of Chicago.

On Tuesday, he will appear at Eastern Illinois University, Charleston, and Southern Illinois University campuses at Edwardsville and Carbondale. He will be at Northern Illinois University, DeKalb, and DePaul University, Chicago, on Wednesday.

[From the Rockford (Ill.) Morning Star, Apr. 29, 1969]

Percy Goes Back to School To Get Student's Opinions

(By Steve Blain)

Macomb.—U.S. Sen. Charles Percy is conducting his own poll on student's opinion regarding national issues while on his tour of Illinois college campuses.

Students at Bradley University, Peoria, and Western Illinois University here are in general agreement that there should be a gradual withdrawal of U.S. troops from Vietnam, that a decision should be deferred on installation of the ABM system and that Negroes are still deserving of more rights.

Percy visited Bradley and Western Illinois Universities on the third day of the flying tour of college campuses in the state.

INFORMAL SESSIONS

While he delivered a formal address to the Western Illinois student body Monday afternoon, the bulk of Percy's day consisted of give-and-take sessions, first with selected groups of student leaders and then with assemblies of the student bodies.

Bradley students voiced concern over major issues such as the war in Vietnam, campus uprisings and racial discrimination. Western Illinois students, however, in the meeting between student leaders and Percy, cited clashes of interest between the school and the town of Macomb.

At student assemblies at both universities, Percy asked for a show of hands on several major issues.

At both universities, the larger majority of students favored a negotiated peace in Vietnam with the gradual withdrawal of U.S. troops.

ABM OPPOSED

The large majority at both schools favored deferring a decision on the ABM until it is determined if negotiations can be established with Russia. This is a position Percy favors in opposition to the Nixon administration which wants to install the system now.

[From the Rockford (Ill.) Morning Star, Apr. 30, 1969]

Percy Urges Escalation of Hunger War

(By Steve Blain)

Carbondale.—U.S. Sen. Charles H. Percy, R-Ill., called Tuesday for a complete revision of the nation's approach to feeding the hungry which includes lowering of the price of food stamps and in some cases eliminating the cost of the stamps.

"There are thousands of men, women and children in America—some not very far away from where we sit—for whom hunger is an ever-present experience," Percy said.

Percy spoke Tuesday night to a student assembly at Southern Illinois University here, it was his third appearance of the day on an Illinois college campus.

Present remedies to combat hunger, such as the distribution of surplus agricultural commodities, the food-stamp program and school lunches have been helpful, Percy said, "but we know that they have been only partially effective in some cases."

And hunger, Percy said, is only one of several symptoms such as inadequate housing and lack of medical care and education that "make up the syndrome which we call poverty."

Concentrating almost completely on the need to feed the nation's hungry, Percy said the surplus and commodity program at best reaches only about six million of the country's estimated 27 million poor.

"The school lunch program is equally deficient," Percy said. "Only two million of the six million poor children in school receive free lunches."

Among suggestions made by Percy regarding revision of the food-stamp program were:

—Lowering the price of the stamps and in some cases eliminating the price completely.

—Weekly stamp sales instead of the present policy of monthly stamp sales.

—Establishing more convenient distribution points and providing transportation.

—Making eligibility requirements less severe.

"In a modest way, students on campus can join in the war on hunger," Percy said. "Young men and women at this and at other universities can help make a change in these conditions by working voluntarily to educate hungry people to what programs are available and how their small resources might best be used to provide them with the best possible diet."

"I can think of two instances where we have commited ourselves as a nation to goals which, although important, fail to contain the high human values of a national war on hunger," Percy said. "One was putting a man in space and the other was creation of our modern system of superhighways. Each required resources equivalent to or more than would be needed to eliminate hunger. Both are being successfully accomplished."

[From the Rockford (Ill.) Morning Star, Apr. 30, 1969]

Negro College Students Air Complaints

Edwardsville.—Negro students at Southern Illinois University campuses at Edwardsville and Carbondale said they have difficulty in feeling allegiance to their schools and asked for more Negro teachers, administrators and courses in black history.

The Negro students were among several who spoke to U.S. Sen. Charles H. Percy, R-Ill., Tuesday during Percy's tour of Illinois college campuses.

In a question and answer session at a student assembly on the Edwardsville campus Negro students told Percy "We have listened to many leaders and heard many dialogues and this is good, but the problem is America has betrayed the blacks. We appreciate you (Percy) coming here to listen to us but just being here is not enough. You have to go back to Washington and other places and spread the word."

At a dinner Tuesday evening on the Carbondale campus, at which student leaders were invited to express their views, a Negro girl said more black teachers would add another dimension to the educational process.

"White teachers speak from their standpoint," she said. "And it would broaden both white and Negro students' experience to learn from black teachers."

WHITE TEACHER

A black history course is taught at the Carbondale campus, the girl said, but the instructor is white.

"He (the teacher) doesn't know how it feels or what it means to be black, the girl said." He just sits there and reads the textbook aloud. That's not relevant to me."

A white administrator at the dinner contended there is no such thing as a white viewpoint or a Negro viewpoint.

The girl said there are different viewpoints because of living conditions and environment.

"There are just the color white, the color black, the color brown and the color yellow," the man said.

"And there are white neighborhoods and black neighborhods and you know the difference," the girl said.

At Edwardsville, a Negro student was critical of what he termed the federal government's policy of "setting up a multi-million-dollar program and putting a Negro in charge of it who has only a high school or junior high school education. He won't be able to handle the program, of course, and when he flops all Negroes are blamed."

There are about 300 Negro students out of about 10,000 students on the Edwardsville campus and about 1,700 Negroes out of 19,000 on the Carbondale campus.

Percy appeared at Edwardsville Tuesday afternoon, and Carbondale Tuesday night after a morning appearance at Eastern Illinois University in Charleston.

Percy said in Charleston that a program of guaranteed jobs is "much more logical than a guaranteed annual wage which might destroy a person's incentive."

TRAINING PROGRAMS

Giving tax credits to businesses which use on-the-job training programs would involve the private sector in solving the unemployment problem, he said.

Such a program would be similar to the GI Bill of Rights under which veterans gained education and training.

After his comments, Percy participated in a panel discussion with six Eastern students which included some questions from the audience.

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One panel member questioned Percy's proposal that tax money in the form of credit to business be used.

NATIONAL PROBLEM

"I think it's a national problem that we just can't ignore," Percy said. "As one example, 49 percent of the people on welfare in Illinois originally came from Mississippi. A guaranteed job program would reduce the welfare rolls which are also supported by tax money."

Percy's comments drew little reaction from the audience of about 75 students, in contrast to his appearances Monday at Bradley University, Peoria, and Western Illinois University, Macomb.

Percy will appear at Northern Illinois University in DeKalb and DePaul University in Chicago today.

Percy's tour of Illinois college campuses began Saturday.

[From the Rockford (Ill.) Morning Star, May 1, 1969]

STUDENTS URGED TO WORK WITHIN COLLEGE SYSTEM

(By Steve Blain)

DE KALB.—Protests against the establishment and efforts to change it can best be accomplished by working within the establishment system itself, U.S. Sen. Charles H. Percy, R-Ill., told a group of Northern Illinois University students here Wednesday.

"People, like Rap Brown, Stokely Carmichael or the students who took over Cornell University will not have a lasting impact on the nation," Percy said.

Instead, he said, it is persons such as aggressive young senators and representatives "who have the power to change the course of the establishment by influencing its lawmaking process" who will have the most impact on the nation's future.

Percy spoke to a group of NIU student leaders here Wednesday on the last day of his five-day tour of Illinois university campuses.

AGAINST WAR

His opposition to extreme civil disorders and campus uprisinges came near the end of a two-hour discussion session with the student leaders. Earlier, Percy had reiterated his stands against the war in Vietnam and deployment of the ABM missile system.

Percy, who throughout his tour has favored "responsible" student protests and dissent, said persons who suffer most from riots and student takeovers of university buildings are the rioters and students themselves.

"They are the best allies the extreme right has," Percy said.

In addition, he said, "I've toured riot neighborhoods long after the disturbance was over. The burned out buildings are still there, the debris is still there, the remaining businesses can't get insurance and because their competition has been burned out they charge higher prices."

QUALITY SUFFERS

The quality of education at a university besieged by its students will soon suffer, Percy said, because "the good instructors and administrators will leave in flocks. They have better things to do than fight fires and try to run the university from their homes."

In reaffirming his opposition to the ABM deployment, Percy said he thinks the issue will be defeated in the Senate. Two weeks ago, Herbert Klein, communications director for President Richard M. Nixon, told an NIU audience he thinks the measure will pass in the Senate by a slight margin.

ABM SYSTEM

The ABM system is a "useless tool that will continue the arms race," he said, and "we have enough deterrent power now to destroy the Soviet Union."

Percy also called for a gradual withdrawal of U.S. troops from Vietnam and estimated nation-wide sentiment was about even on whether or not this country should get out of the war.

Percy concluded his tour of campuses with an appearance Wednesday afternoon at the University of Chicago. He visited nine university campuses in five days.

MEETING THE POLLUTION PROBLEM

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. EDWARDS of Alabama. Mr. Speaker, the question of water and air pollution is on the minds of many of us. The problems we face in this regard were outlined in exceptional manner by Dr. Leslie L. Glasgow recently.

Dr. Glasgow is Assistant Secretary of the Interior for Fish and Wildlife, Parks, and Marine Resources. He has a very distinguished record of constructive work in fisheries, wildlife, and forestry not only in Government but in academic and business life as well.

Speaking on June 8 at commencement exercises at the University of South Alabama in Mobile, Dr. Glasgow highlighted the problem in very effective ways.

Because of its value to those of us here and to the general population I include it at this point in full:

A COLLEGE GRADUATE'S RESPONSIBILITY TO THE ENVIRONMENT

(Remarks by Dr. Leslie L. Glasgow)

Perhaps you heard about Comedian Bob Hope's commencement address. He had been asked to give some advice to graduates entering the nonacademic world. So he told them, "Don't go."

I am more optimistic; do go! I propose a discussion of some of the ways we have mismanaged our environment. But then, from the far side of the generation gap, I want to invite you to hurry up and join us in the struggle to save our air, water, soil, and vegetation. We are all in this mess together and we need your help.

Communications media of many kinds bombard young people more continuously and more effectively today than ever before, and some of the bombardment is distasteful, gloomy, or tragic in content. But although it might be reassuring to new graduates to be reminded that there still are places where peace and quiet are natural and available, and where humans can feel normal as a part of the living world, these places are disappearing.

It is not a time to be lulled, for the environment is changing, usually in ways we dislike, and the quality of life in the world is deteriorating. It will continue to change for the worse unless the educated and trained people bring their skills, their knowledge and their influence to bear on protecting their world. The trick is to avoid irreversible damage to our environment; to understand consequence of our industrial development, human population growth, housing growth and resource uses before the damage is done; to plan so that uses are compatible rather than destructive. We must reverse the present trend of environmental destruction. If we do not, what will your world be like in another 50 years?

In line with this need to consider long-range consequences, President Nixon's announcement of his establishmet of Environmental Quality Council is an important milestone in the Nation's conservation history. For the first time, at the highest level, we will have a means for developing and coordinating a comprehensive Federal effort to meet environmental problems. The Council will provide better coordination of our scattered ecological programs. As matters now stand, agencies find themselves diametrically opposed in environmental concerns. My Department encourages farmers in the Dakotas to preserve potholes as habitat needed for those "duck factories." The Agriculture Department pays farmers to drain them. My Department pits itself against developers who have permission from other agencies to destroy valuable estuarine sites or alter the environment of streams beyond the ability of marine life to adapt. A sister agency is leading the pollution fight against reluctant city councils, industries and others. The President's plan will provide a high court for settling disputes such as these. It would focus attention on all environmental problems that become major issues.

We who are already engaged in the environmental campaign mean to enlist all of you. I hope that by now those of you from the biological and associated disciplines are seriously concerned with ecological matters. But you graduates from other departments, this appeal is beamed at you as well as parents and friends.

The young business and management graduate bound for Wall Street should be aware that a pedestrian walking around Fun City for a day, breathes in carcinogens equivalent to two packs of cigarets. He is, as are so many others, a prisoner of the environment.

I want to hasten to disclaim any favoritism in singling out New York. Other cities have also accomplished impressive pollution of their air. Depending upon one's industrial preference, you may seek out communities which will permit you to breathe—even insist upon it—smoke, flyash, dust, mist, oxides of nitrogen, sulphur dioxide, carbon monoxide, acid, aldehydes, organic acids, hydrocarbons, mercaptans, hydrogen sulfide, ammonia, solvents, sulfides and fluorides.

From my windows in a corner office in the Interior building in Washington, I can watch the jets taking off from National Airport, following the Potomac River, leaving a dark wake of unconsumed fuel as they get up, up and away.

I don't know with any precision what that amount of kerosene, year after year, is going to do to the spring herring run, to the vegetation in the parks and to the pedestrian, but it doesn't help them. The jets are Johnny-come-latelys among the Potomac polluters.

For that matter, air pollution is a relatively recent field of study. Not much was done about it until 1930, when the Meuse Valley in Belgium underwent an inversion. Donora, Pennsylvania, experienced its fit of strangulation in 1948. London, England, had its prolonged fog in 1952 which prevented the escape of noxious gases from the local atmosphere. Pollution is not free. Eventually it appears on a price tag. Sooner or later someone must pay that bill. In the Meuse Valley, Donora and London, the price was sickness for a great many people, and some invalids were hastened to their graves. Pollution carries a very stiff price, and it is not at all necessarily paid by the people who cause it.

In the Appalachian Region, about 10,500 miles of streams in eight States are affected by mine drainage. About 5,700 miles of streams are continually polluted. The most significant pollutant is acid. Eighty percent of the acid mine drainage in Appalachia comes from abandoned mines, whose former owners are not going to pay the bill. Someone must, and estimates are that $3.5 million in added annual costs are imposed by acid mine drainage on industrial users, municipal water supplies, navigation and public facili-

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ties. These are readily measured costs. Our Bureau of Sport Fisheries and Wildlife estimates that when other costs are reckoned—for destrıcution of aquatic life, general environmental degradation and aesthetic destruction and so on—the annual bill may run between $16 and $20 million.

Less than two-tenths of one percent of the United States has been disturbed by surface mining, but the damage has been extensive. Surface mining occurs in every one of the 50 States. Alabama has 134,000 acres of land disturbed by mining.

About 25 percent of the acid mine pollution comes from surface mines. And strip mines are heavy silt polluters. In Kentucky a recent study found that silt pollution from strip mine soil banks amounted to 27,000 tons per square mile annually. In contrast, silt runoff from nearby land, of similar slope but forested, amounted to 25 tons per square mile per year.

Silt and soil sediments not only fill up streams and lakes, but also carry along some hitchhiking pesticidal chemicals or other substances which make the effect worse. There are rivers of pesticides running into our rivers. Remember the heptachlor-fire ant fiasco. It began right here in Mobile.

The persistent, or "hard" pesticides remain in the soil for years. And they do get around, transported by flood waters or dust particles to the sea or around the world in atmospheric winds. DDT has been found in the Antarctic, where it never has been used. Like other organochlorides, DDT can build up in small amounts, gradually growing through the food chain process, to a dangerous extent in the food web.

During World War Two, DDT was credited with saving millions of lives. Its success in eliminating typhus and malaria fired the imagination and we hailed it as a miracle chemical. But we have been shocked into awareness now that this "great friend" has some habits so intolerable we should outlaw it. We are going to have to switch to chemicals that are less residual. They may complicate the task of manipulating insect populations, but they will not have the shocking ecological after-effects of the hard chemicals.

Most of the users of DDT and other organochlorides have been and still are using them in accordance with guidelines and procedures which had been approved by the appropriate authorities.

Only recently have we awakened to the fact that these "acceptable" uses and procedures are resulting in such massive contamination of our soil, water and air.

There has been widespread publicity over the DDT buildup in Lake Michigan. The introduction of coho salmon caused a revolution in fishing there. Fishing in the Great Lakes had not been so great in the memory of living fishermen. The cohos, fed by banquet diets of alewives, grew to such sizes the men who caught them did not even have to lie about them. Then a few weeks ago the Food and Drug Administration seized commercially caught cohos, because they contained DDT residues greater than 5 parts per million. It was a shocking development. DDT has a half life of 10 years. Lake Michigan is essentially a closed system with little drainage. The problem will remain serious for at least 10 years, even if we should discontinue use of DDT. We have lost a great fisheries industry, and lost millions of dollars in tourist trade.

Recent monitoring studies by the Bureau of Sport Fisheries and Wildlife have shown that significant amounts of organochloride compounds occur in fishes of Alabama and many waters throughout the Nation. Of 590 samples of fish collected at fifty stations, during 1967 and 1968, DDT or its metabolites were found in measurable quantities in 584 samples. Thirty eight of these or 6.5 percent contained residues greater than the FDA's interim action level of 5 parts per million in fish.

Similar findings have been found in surveys sponsored by several States. For example, 16 percent of the 257 fish samples taken in a Massachusetts study from 1965 through 1967 contained residues of DDT and its metabolites greater than 5 ppm. A less extensive study in my own State of Louisiana showed that average DDT levels above 5 ppm were common in fish taken from agricultural areas. Here in Alabama fish collected in the Tombigbee River contains more than 5 ppm.

Miss Rachel Carson's *Silent Spring* was an important catalyst, perhaps the most important of all, to stimulate thinking on the total environment. Her primary target was a narrower one, but the volleys she fired at chemicals were heard over a much larger field. Although we have not yet exhausted our stock of robins, as she feared, we are awake to factors we might have ignored without her little book. But can we save our national symbol, the bald eagle? Experiments have shown that DDT in the diets of some birds results in thin-shelled eggs that crack easily. Perhaps this is why we have had a rapid decline in the bald eagle population.

Pesticial chemical changes are believed to cause many changes in the bodies of animals when they become stored in body fat. I have mentioned the difficulties with coho DDT readings. Persistent chemicals have also interfered with hatchability of fish spawn in that lake, and in Clear Lake, California, and Lake George, New York. A serious fish kill at the Mississippi River Passes five years ago was traced to endrin dumped into the river many miles upstream at Memphis.

Man fouls his streams in other ways besides pesticidal pollution. For example:

Enrichment changes. Addition of fertilizing wastes from sewage plants and agricultural wastes makes a river or lake turn green with algae and lose oxygen at night. The City of Omaha has a normal population of about 250,000 people, but the stockyards cause a waste load on the Missouri River equivalent to 80 million people. The changes are hardly beneficial to the river.

Thermal changes. Heat from atomic power generation plants and industrial cooling sources is raising the temperature of many streams and estuaries and a few lakes up to several degrees, enough to drive out or kill aquatic organisms.

Industrial and household wastes. Soaps and detergents are hard on stream animals. Creamery wastes, pickle liquors from steel mills, ore tailings from mines and a hundred other types of wastes, including that from paper mills, are changing aquatic environments.

The Torrey Canyon and Santa Barbara oil spills are so fresh in memory there isn't much need to dwell on oil pollution.

The potentials for bigger spills are on the shipways now. Supertankers are under construction, and designers are planning super-supertankers, if the language can stand the strain on the superlative. The reason is so called "economy." Before the Arab-Israeli war, a 50,000-ton tanker could transport oil from the Persian Gulf to Western Europe for about $3.60 a ton, via the Suez Canal. Now a 200,000 ton tanker can take a ton of oil between the same ports, but avoiding the canal and sailing instead around the Cape of Good Hope, for about $2.40. The apparent saving is obviously one-third. But who has reckoned in the costs of spills four times as big as before?

And supertankers are on the increase. Two years ago about 10 percent of the tankers were too big to navigate the Suez Canal. Now 45 percent of the tankers are too big. According to some estimates, by 1971 almost 60 percent of the tankers in use will be too big for the canal.

Such heavy metals as copper, mercury, zinc and lead in our wastes, and in our automobile fuel, eventually harm fish and wildlife which become exposed to them.

There is a point where Man can beat an environment to death, wound it so badly it cannot regenerate. Lake Erie, the Monongahela, the Tombigbee and the Ohio Rivers may be close to the end point now.

I have learned from President Widdon and members of your faculty of the University's growing activity in marine biology and other marine sciences. Our Department's Bureau of Commercial Fisheries is providing some assistance to the faculty in grant-supported research on estuarine-marine subjects. Estuaries are a particular concern in daily affairs in our Department. We are collecting information on the current status and the resource potentials of estuaries and coastal zones. Congress requested it. The National Estuarine Inventory which results will be recorded on tape for automatic data processing. It will contain maximum available information on 864 estuaries and their adjacent coastal zones.

As you might have expected, our estuaries are in trouble.

Estuaries play a dominate role in the support of a major portion of our commercially important fisheries. Approximately 65 percent of the U.S. annual commercial fish and shell fish harvest, either by volume or value, consists of species which occupy estuarine areas during some phase of their life cycle. As the typical estuary may provide a wide range of environmental conditions, many species with different life histories or environmental requirements can be accommodated simultaneously. In this respect, one cannot help but reflect that our troubled cities may have something important to learn from the oysters, redfish, speckled trout and so forth.

This harvest of estuarine fishery resources is over 3 billion pounds annually with a value of nearly $260 million to the fishermen. These estuarine fishery resources include 10 of the 15 most valuable groups of species in our commercial fisheries, such as shrimp, which support the most valuable commercial fishery; menhaden, the most important in volume; salmon, our second most valuable fishery; mollusks, the third most valuable; plus at least 70 other commercially important species.

Marine organisms are extremely sensitive to persistent pesticides. This is especially true for crustaceans; as little as 0.6 parts per *billion* in the water will kill or immobilize a shrimp population in two days. Also, a concentration of one part of DDT per million is sufficient to destroy oyster larvae. The death of adult and young oysters usually attracts the immediate attention of oystermen. That way the public can find out what pesticides are doing. But destruction of larvae goes unnoticed. In the case of the oyster beds, we cannot put any faith in the "old saw" about no news being good news.

Dramatic kills are highly visible, as I shall relate. But losses of both fish and shellfish to sublethal concentrations of pesticides are typified by gradually declining populations, not publicized executions.

Physical pollution is rapidly destroying many valuable estuaries and other estuarine areas. Land fills, draining of marshes, dumping and dredging channels destroy natural areas which are fish and wildlife habitats. We have only scattered data, but enough to show clearly that the problem warrants immediate attention.

In the northeast, 45,000 acres of tidal wetlands from Maine to Delaware were lost between 1954 and 1963.

Twenty square miles of Tampa Bay, Florida, have been filled and converted into residential areas.

The San Francisco Bay estuarine complex offers a dramatic example of what has happened in urbanized estuarine areas. Of the original 435 square miles of water area, 17 square miles have been reclaimed and 240 square miles are in immediate danger of being reclaimed. Of the original 300 square miles of marsh area surrounding this bay, 240 square miles have already been reclaimed.

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Altogether, more than 2.5 million acres of estuarine habitat in the U.S. have been lost in recent years. Over one-half million acres have been destroyed in the past 20 years from dredging and filling alone.

At the present rate of attrition, the final pattern of unspoiled estuaries throughout the country not in public ownership probably will be determined over the next 5 to 10 years.

Both domestic sewage and industrial waste contain substantial quantities of solids which are rapidly settled in sea water and cover the oyster bottoms. Highly polluted harbors of the Atlantic Coast are typical examples including Jamaica Bay, New York; Bridgeport Harbor, and New Haven Harbor, Connecticut; Narragansett Bay, Boston Bay and Great Bay in New Hampshire.

Pollution detrimental to fish and wildlife is rarely a local problem. Each estuarine habitat—a bay, marsh, or inlet—is a link in the life cycle of important estuarine animals and plants, a nursery, or spawining area, a summering or wintering area. The population size of any given fish or wildlife species is largely dependent on the sum and quality of available habitats. When one habitat is destroyed an entire population is affected accordingly. Rarely will a pollutant affect only a single part of the environment. As the types of pollution interact so do the effects.

Eliminating or reducing one link in the food chain may similarly affect some of its higher members.

Subtle, insidious, and sublethal effects that increase the mortality or reduce the reproductive potential of our valuable estuarine resources may evolve so slowly that the consequences may not be obvious until the very extinction of a species is threatened.

Mass mortality of fish and wildlife, on the other hand, occurs from sudden and deadly changes in their environment. Massive kills appear to be increasing, and a few examples suggest the magnitude and widespread occurrence of this problem. In 1963, 3,500 striped bass entering the Roanoke River on their annual spawning run died within a matter of hours from pollution. One massive single kill of 38 million fish took place in San Diego Harbor in August 1962. Approximately 3 million dead alewives drifted from the Anacostia River into the Potomac early in September 1962.

In 1963, a massive fish mortality occurred in Chesapeake Bay and its tributaries. It was estimated that more than 9 million fish died in the Potomac River alone.

In the Carolinas recent massive kill of blue crabs of yet undetermined origin has wiped out an estimated 50 percent of that population.

Obviously there are environmental dangers to fish and shellfish. But we are part of earth's population, too. Pathogenic bacteria and viruses in estuaries contain a hazard to the health of this graduating class. You are part of the interrelationship. Many acres of oyster beds are not harvested because they are in contaminated water.

In your own Mobile Bay, oysters decline and beds are closed. For three months, 99 percent of the Bay has been closed to oystering. And in the lower two-thirds of the Bay, about five percent of the producing reefs are permanently closed. What a contrast for a bay that at one time was one of the highest producing fisheries areas in the South. Even before settlement by the white man, the fisheries resources of Mobile Bay supported one of the highest concentrations of Indians in North America.

Other commercial aquatic resources are affected. The large, harvestable kelp beds ringing the Palos Verdes Peninsula and Point Loma in California, deteriorated to the point where there was little or no harvesting. Studies of effluents discharged into the area did not reveal any chemical or effluent toxic enough in itself to destroy the kelp.

The explanation is based on the subtle changes in the ecological balance of the kelp environment.

Dumping of wastes in the Gulf and the oceans constitutes a new threat.

If I seem to have accentuated the negative it is because I think we have ample daily reminders of the great accomplishments of our technology. We can fly to the moon but we have not yet learned to protect our environment. Should any industry, collectively or individually, be permitted to force you to breathe contaminated air, drink foul water or eat contaminated food? I think not. The common good of people certainly should prevail over the profit of industry. Of course we know we must utilize our natural resources. I am not at all sure that the public puts enough emphasis on the *wise* use of our resources, or their wise conservation.

Secretary of the Interior Hickel summed it up succinctly for a graduating class on the West Coast the other day. He said "your future hangs on your environment."

Perhaps I have been preaching to the saved. As I started out to say, I am not here to convert the already converted, but to recruit you as educators of the uninformed. You are the bright, educated young people we need.

President Nixon put it this way:

"To the young people of America, I say this: It is true that you are inheriting a world you never made. But that has been true of *every generation*. The great, exciting difference is that you live in a world you can *change*.

"America needs the vision, the dissent, the constructive action your generation can provide in the years ahead."

It is fashionable today to deplore the "alienation" of the voters from those who serve them, the "frustration" of the average citizen who attempts to get something done, the "apathy" of the officeholder regarding reform. You know the current code words. Possibly you have been misled by them.

I suggest it is not very intelligent to claim that government and industry are self-propelled and self-sufficient. I mentioned what Rachel Carson did with an angry book. The individual can accomplish a goal—and in the face of great opposition.

Recently at a town meeting in Dedham, Massachusetts, a motion under consideration called for widening a street by ten feet on each side. A resident of the street rose in opposition. He said his home had a tree, one of the few remaining at that end of the block, and he didn't want it cut down just to accommodate more trucks and cars. He wanted to preserve the grass against concrete, preserve elms and oaks against parking meters, preserve the breathing space against parking space.

Here was a bare bones defense of environmental value. And the town meeting accepted his appeal and killed the street-widening proposal by a vote of 133 to 98.

This warm little anecdote is even better than you think. The hero who saved the street was a 15-year-old boy. If a youngster not yet halfway through his teens can stand off the powerful factions who serve the automotive interests, then young men and women with college training can be expected to do great things.

We cannot rely on 15-year-olds to rectify the errors of the past and present. People who go it alone in any public competition are handicapping themselves. But citizens who coordinate their efforts can accomplish wonders and with persistence, anything.

I think that anyone with experience in a public position will affirm in the most fervent terms the power of organized interest groups. And the groups cover every spectrum of opinion. Some of them are out to get something done you do not wish done. It really is in your own selfish self-interest, the national interest aside for the moment, to see that the short-sighted spoilers don't run away with our heritage.

If you have the misconception that your opinions are not considered, I only wish I could share my mail with you. You will be read and you will be heard. The well-informed, well-educated and articulate voter swings more weight than cynics suspect. So join the crusade for a better environment. There are never too many on the battlements. While you need not make a career of it, although we wish more would, at any rate do your bit.

The Nation needs your skill, whatever profession you have chosen or may decide upon in the future. But don't ever let it blind you to your permanent responsibility to the environment.

We are giving you a world admittedly burdened with flaws, and you are going to determine what happens to it. Your generation is the best informed, the most intelligent, the most idealistic this country has ever known. We have great faith in you. Heaven knows we wish you the very best of luck! All our hopes are riding with you.

So this week all across the land, the torch for a better environment is passed to a new generation. I hope the graduating students all over American carry it high and that they carry it far.

OUR AMERICAN FLAG: LONG MAY THE BANNER OF FREEDOM WAVE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. EVINS of Tennessee. Mr. Speaker, as the Flag Day weekend concludes, it is fitting and appropriate that we rededicate ourselves to preserving, promoting, and perpetuating our cherished American way of life as symbolized by our flag. In this connection I place in the RECORD herewith my latest newsletter, Capitol Comments, because of the interest of my colleagues and the American people in this most important part of our American tradition.

The newsletter follows:

[From the Capitol Comments, June 16, 1969]

OUR AMERICAN FLAG: SYMBOL OF THE GREATNESS AND PROMISE OF OUR NATION

(By Representative JOE L. EVINS)

As the Nation honors the American flag on Flag Day weekend, it is fitting and appropriate to emphasize the significance and importance of our flag, the most dramatic symbol of the United States of America. Our flag represents far more than the red, white and blue colors authorized by Resolution of the Continental Congress on June 14, 1777.

Our flag represents the essence of our cherished American way of life—freedom and democracy, love of God and country, pride in our great heritage, faith in the American tradition, and national unity—"one Nation under God, indivisible, with liberty and justice for all."

The House of Representatives in special ceremonies honored the flag and the great tradition this Banner of Freedom represents. Speakers called for a rededication to the principles and the heritage embodied in the Stars and Stripes. Only a few miles from Washington, at Fort McHenry, on September 14, 1814, Francis Scott Key was inspired to write the Star Spangled Banner, our national anthem, when he saw the flag waving proudly over Fort McHenry in "dawn's early light" following a night of bombardment and "the rockets' red glare."

Outraged and distressed over defilement of the flag and the lack of respect for our heri-

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tage and our Nation by a small minority of Americans, the Congress has passed legislation making desecration of the flag a Federal offense.

A timely and appropriate announcement concerning the flag came this week from officials of the National Aeronautics and Space Administration who announced that the American flag will be placed on the moon as a symbol of national pride and achievement. This announcement came after these officials were questioned in our Subcommittee on Independent Offices, which I am honored to serve as Chairman, about their plans in this respect. The Apollo 11 mission is scheduled to plant the flag on the moon in July.

The great spirit of America—the courage and faith of free men—as symbolized by the flag that flew over Valley Forge in that awful winter of 1778 will be renewed and reaffirmed when American heroes of this generation place an American flag on the moon.

As we reflect on these events and the greatness of our Nation demonstrated through two centuries of challenge, this is an appropriate time to reflect on the meaning of our flag and to rededicate ourselves to preserving, promoting and perpetuating our cherished American way of life.

OLDER AMERICANS ACT AMENDMENTS OF 1969

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. LANDGREBE. Mr. Speaker, I wish to take this opportunity to explain to my fellow colleagues my reasons for opposing H.R. 11235, the Older Americans Act Amendments of 1969.

While I fully agree with and support the proposition that the older people of our Nation are entitled to every opportunity for a full and meaningful life, I feel that this legislation is both wasteful and unresponsive to the real needs and welfare of our older citizens.

In a recent article in the Post of Frederick, Md., Mr. Martin E. Segal, an authority on retirement, revealed that a study in Boston, Mass., showed that very few older persons said they ever needed the services available to them—for example, visiting nurse, homemaker services, job retraining services to mention a few. In all cases, the percentage needing these services was less than 10 percent of the total aged population of greater Boston. What is more, there were almost no aged who said that they needed a service that they had not received.

From the mail that has come from the senior citizens of my district, their primary concern is the rising costs of living—of food and rent and the increasing inflationary spiral which is destroying their purchasing power, particularly those who are attempting to live on a fixed or limited income. They are also concerned, as I am, with the increasing costs of the Vietnam war in terms of lives and money resulting from our no-win policy.

Last week I received petitions signed by 250 people in my district who are seeking my help and assistance to increase social security benefits. Their concerns are with the daily rising costs for the basic necessities of life, and not with the Older Americans Act which, I understand, would provide such services as free dancing lessons and bus rides to the zoo.

They are concerned also with the Government's policy of deficit spending, which, in my opinion, is one of the most significant factors in creating and continuing the inflation which we are experiencing.

I believe that the most important step we can take as Members of Congress to aid and assist our older citizens is to bring to the conduct of Government measures of fiscal responsibility and soundness that will improve the economic conditions of our society to such an extent that our older citizens will be able to enjoy lives which are full, healthy, and active and carefree. Increasing and expanding Government programs and deficit spending will not accomplish that objective. I firmly believe we will never accomplish it until we end the Vietnam war, committing to that task whatever resources it will take. Then we will be able to restore to our economy and domestic scene conditions of economic progress and stability that will permit Americans of all ages increased opportunity for fuller and richer lives.

Therefore, until the Vietnam conflict has ended and our soldiers have been returned safely home and until we make a greater effort toward fiscal sanity and balanced budgets, I intend to vote against such legislation as the Older Americans Act Amendments with its request for the appropriation of $252 million. While I am deeply concerned with the living conditions of our elderly and needy, and will do all I can to support measures that will insure to them the necessary means for a full life, I am convinced that our present foreign and domestic problems dictate a reordering of priorities which have necessitated the vote which I have cast.

LEGISLATION TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCES DEVELOPMENT

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. BARING. Mr. Speaker, I want to bring my colleagues' attention to a bill I am cosponsoring in the House of Representatives today to begin an investigation of the feasibility to economically utilize and develop land and water resources of the Beatty, Nev.-Death Valley Calif., Amargosa Valley area for agriculture, municipal and industrial purposes.

I also want to remind my colleagues of the special benefits such exploratory work in Amargosa Valley will hold for the future of the burgeoning population of the southwestern United States. I urge approval of the bill, which my fellow colleague and chairman of the Interior Committee Irrigation and Reclamation Subcommittee, Representative HAROLD T. JOHNSON, of California, is cosponsoring with me.

There are vast amounts of untapped underground water lying just beneath the surface of the Amargosa Valley. The plan, as proposed by the bill after the feasibility study, calls for the drilling of additional wells and to construct distribution and drainage facilities to supply water to 21,000 acres of irrigable lands. Let me point out explicitly, that Beatty in my State of Nevada and Death Valley in California are located in the highly potentially valuable Amargosa Valley where there are about 93,000 acres of arable land overall and the huge underground Amargosa River running near Beatty could be tapped to develop substantial portions of the land.

This will take a Federal reclamation project to adequately develop as the current status of the economy in the Beatty area is not sufficient enough to garner local financial support for the hardworking citizens to develop the venture alone.

I have a report on a 1968 reconnaissance taken of the area which backs up this theory and shows that irrigated farming can be a very successful enterprise which in turn would make a major contribution to the economic growth of the area today and in the future.

While this is a large project, the cost is seemingly low. To adequately complete a construction project to insure proper use of the water, the cost, according to the 1968 reconnaissance report, is set at about $8 million.

Constituents in both Nevada and California have expressed their keen interest in such a project.

ARIZONA WILDLIFE FEDERATION OBJECTS TO CERTAIN PROVISIONS OF THE GUN CONTROL ACT OF 1968

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. STEIGER of Arizona. Mr. Speaker, many individuals are concerned over the Gun Control Act of 1968 enactment and its implementation by the Internal Revenue Service. I am enclosing copies of two resolutions adopted by the Arizona Wildlife Federation in January 1969, and a covering letter sent to me by the president of the federation, Mr. Fred W. Greenwald:

ARIZONA WILDLIFE FEDERATION,
Phoenix, Ariz., April 10, 1969.

Congressman SAM STEIGER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STEIGER: During the 46th Annual Convention of the Arizona Wildlife Federation, formerly known as the Arizona Game Protective Association, held in Springerville, Arizona on January 17, 18 and 19, 1969, the Convention delegates considered the Gun Control Act of 1968, otherwise known as Public Law 90–618.

It was the unanimous consensus of the delegates at this Convention that the Gun Control Act of 1968 did not constitute reasonable legislation, and that it would not accomplish the purposes of the legislation as set forth in Section 101 of that Act.

It is more apparent since the promulgation of Federal regulations ostensibly to effectuate the purposes of the Act that the Act and the regulations do place an unreasonable burden upon the acquisition, disposition, use and enjoyment of firearms and ammunition by law-abiding citizens for reasonable and proper purposes, and it was for that reason that Resolution No. 22, as set forth in the accompanying compilation of Resolutions, was adopted at the Convention.

As you are aware, the Gun Control Act of 1968 is a composite of new legislation and an adoption of or an amendment to provisions of the National Firearms Act and the Federal Firearms Act. It is not the position of our Association that there should be no firearms legislation, nor would we realistically support repeal of the entire Gun Control Act of 1966 inasmuch as the Act does embody legislation which had been in existence for many years.

It is for that reason that reference to our Resolution No. 22 will indicate a carefully selected request for repeal of provisions of the Gun Control Act of 1968 while retaining restrictions imposed upon acquisition and disposition of destructive devices, firearms mufflers and silencers as defined in said Act and while retaining restrictions which would prevent firearms or ammunition from being received, transported by or to those individual persons ineligible under the Act and as defined in Section 922, subsections (d) 1, 2, 3, 4; (g) 1, 2, 3, 4; (h) 1, 2, 3, 4; and (i), (j), (k) of the Act.

We earnestly seek your aid in the introduction of legislation designed to effectuate the purposes of the Resolution, and your support of any legislation introduced to accomplish the purposes of this Resolution.

Our Association would furthermore like to call your attention to Resolution No. 11 which was passed at our Convention so that you may be advised that the Arizona Wildlife Federation is opposed to any additional legislation providing for gun registration and/or individual licensing of gun owners and users.

Very truly yours,

FRED W. GREENWALD,
President.

RESOLUTION No. 11

RELATIVE TO FIREARMS LEGISLATION

Whereas, there is no concrete relation between strict gun controls and crime reduction; and

Whereas, the possibility of removal of firearms from private ownership is frightening; and

Whereas, the financial responsibility of enforcing stricter gun laws is placed on an already over-taxed population; and

Whereas, placing restrictions on basic freedoms are dangerous; and

Whereas, assassinations of a few key individuals is not cause to burden whole society with bureaucratic red tape;

Now therefore, be it resolved that the Arizona Wildlife Federation be actively concerned with all further Federal, State, or municipal firearm legislation; and is specifically opposed to gun registration and individual licensing; and

Be it further resolved that the Arizona Wildlife Federation supports severe penalties and strict enforcement of existing laws concerning criminal use of firearms.

RESOLUTION No. 22

RE: GUN CONTROL ACT OF 1968

Whereas, provisions of the Gun Control Act of 1968 place an unreasonable burden upon the acquisition, disposition, use and enjoyment of firearms and ammunition by law abiding citizens for reasonable and proper purposes; and

Whereas, provisions of said act unreasonably and arbitrarily declare as felonious acts, transactions concerning the acquisition and disposition of firearms and ammunition unrelated to actual or intended criminal use thereof, or the competency or good citizenship of the persons involved; and

Whereas, the Internal Revenue Service has created regulations which greatly exceed the letter and intent of the Gun Control Act of 1968, the net result of which amounts to registration;

Now therefore, be it resolved, that the Arizona Wildlife Federation in convention assembled requests that those provisions of the Gun Control Act of 1968 and regulations relating thereto restricting, regulating and prohibiting the acquisition or disposition of ammunition and firearms other than destructive devices and firearms mufflers and silencers as defined in said Act in intrastate, interstate or foreign commerce be repealed except as applicable to licensed importers, manufacturers and dealers and as provided in Section 922, sub-sections (d) 1, 2, 3, 4; (g) 1, 2, 3, 4; (h) 1, 2, 3, 4; and (i) (j), (k) of said Act.

AGRI-BUSINESS FARM CENTERS—BIG NEW THREAT TO RURAL AMERICA

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. ZWACH. Mr. Speaker, the following reprint of a radio address was reprinted in the June issue of the the Independent Banker. The radio talk was prepared and given by Mr. Ed Wimmer, who is vice president of the National Federation of Independent Business.

I found his article extremely interesting and I would like to share his thoughts on this matter with you, as follows:

AGRI-BUSINESS FARM CENTERS—BIG NEW THREAT TO RURAL AMERICA

(By Ed Wimmer)

Plans are underway to open a chain of huge, agri-business farm centers that could be far greater threat to rural America than anything the big chains or federal government have caused in the last 50 years. National Farm Stores, Inc., has announced that it is starting a nationwide chain of one-stop 40-acre, new mall-type shopping Agri-business shopping complexes to furnish all the needs of the farmer.

INTERNATIONAL POWER

Financial backing for the building of these 40-acre agri-business, all-engulfing raids on rural America was announced by Litton Industries, now involved in an antitrust suit. Litton is so vast an operation that its officials informed the White House and our State Department and embassies that interference of the Federal Trade Commission in its acquisition of a German typewriter company "may provoke German government action and revive old animosities against United States dollar imperialism."

But let us look at Litton Industries before we say anything more about corporations becoming so giant that when a federal agency attempts to cut back on their giantism, they notify U.S. embassies and warn of possible disruption between friendly governments.

Litton is a conglomerate—one of the fastest built in the U.S.—with revenues of over $2 billion in 1968, assets of $1,200,000,000, and profits before taxes of over $100 million. Before swallowing the German typewriter firm, it bought Royal Typewriter Co. (Royal McBee) which, with its German holdings, the FTC says, constitute too much typewriter control. The German company had a string of subsidiaries, of course, which went with the typewriter merger.

FOURTEENTH LARGEST DEFENSE CONTRACTOR

Litton is the 14th largest defense contractor in the U.S., so how many boys have died to give it acquisition money? It owns or controls Data Register of Sweden, Streator International, Western Geographical and subsidiaries, American Book Co. and subsidiaries, Litton Tool, The Rust Corp., Arrow Service, Cole Steel, Eureka Corp., Pittsburgh Paper, Hewitt-Robbins, Engalis Shipbuilding, Allen-Hollander, Dennis Supply Co. Stores. Bionetrics Laboratories, Kimball Systems, Leopold Corp., Stouffer's Foods, Wilson Marine Transit, Monroe International Corp., Monroe Calculating of Holland, Profex Ray Co., Litton Precision, Litton Systems, Litton Systems of Canada, McCray Corp., Jefferson Electric, Landis Tool, and frankly, I don't know what else!

Now tell me if you believe that even a fairly large chain store operation could compete against 40-acre, Litton-financed Agri-Business Farm Centers, and what will happen to rural towns all around these centers if they are the success they must be to continue expanding, as they say, "all over the United States?"

A big oil company is mentioned as a supplier of fertilizers, petroleum products, farm chemicals, service station and propane gas needs. It is said to be the same oil company that is opening grocery stores in Detroit. Litton Services Group will arrange all interim construction, and arrange whatever permanent financing is needed.

KILL OPPORTUNITY

So I ask you again, what chance would *your* boy have of ever starting a small business of his own against such an octopus of corporate power? Where will the small town business and bank be five or ten years from now; and because the corporate farms have been advancing in all agricultural centers, and because they buy so much of their needs direct from the biggest suppliers, killing off the independent farm equipment and other suppliers, what happens eventually to Litton's Agri-Business, 40-acre farm centers? What happens to America?

When the Federal Trade Commission stepped in on Litton's typewriter deal, it was knocking off a little fringe benefit of Litton—one it would hardly miss; a mere midget of a corporation with only $51 million in assets. Where FTC has been weak is in our antitrust laws that allowed such combining as Litton has done, and in the failure of Congress to strengthen those laws and provide the money to enforce them.

SOCIALISM THROUGH MONOPOLY

Litton talks about "German government retaliation," but not even our own federal officials mention that before he died, Konrad Adenauer said that the biggest threat of a return to Nazism was the return to monopoly capitalism building up in Germany. Kurt Foreburg, prominent Berlin banker, said the German economy was well on the way to "collectivism and monopolicapitalismus," and Dr. Folkert Wilkin wrote:

"The continued flow of tribute to industrial conquerors is no device of progress, but a work of frustration and ultimate destruction."

Serge Dahlin, Soviet economist, put the consolidators in the same light when he said the "free enterprise economies of Western major nations are transforming themselves into socialism through the monopoly process." His rather frightening conclusion was:

"It is collectivization of capitalistic property—a negation of private enterprise within the domains of capitalism itself."

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NEED LOTS OF "SOMEBODIES"

Consider, however, the views of Dr. Howard Perlmutter, with MIT for 10 years and now with Wharton College. Dr. Perlmutter sees superinternational giants taking over; General Motors jumping from $20 billion to $160 billion in sales. He sees superinternational unions wanting to share in the prosperity of the super-international corporate giants, so he says their leaders will go along. His final conclusion (which we have seen all along):

"The only obstacle: the sovereign state which will ultimately demand outright nationalization."

We either have to believe in a society that makes millions of somebodies out of nobodies, or a society that makes millions of nobodies out of potential somebodies. We can believe in a society that concentrates on the development of the individual, best seen in the family farm and independent enterprise of all kinds. Or we can permit the submergence of the individual in a coterie of huge corporate farms, 40-acre (or more) agribusiness monopolizers like Litton's National Farm Stores, big unions, huge banking combines, and unlimited, omnipotent federal government.

Young people of America should be given every possible opportunity to strike out on their own, run their farms and businesses, and become important in the profession, in government, in community affairs. Jefferson and Madison were right when they warned future generations always to be against all forms of undue power. The efforts of the Justice Department, Federal Trade Commission, Congress, and trade organizations that are trying to open up a free and fair market deserve our support.

Willis J. Ballinger, a former economic advisor to the Federal Trade Commission, told a Senatorial investigating committee in the 1930's that the multiplication of stores and banks under a single control is "the executioner of man's ambitions, and what is a more perfect crime than to strike down the would-be proprietor on the doorstep of his dreams, and go unpunished."

AFFECTS EVERYONE

Litton Industries, like so many being questioned today, would go on swallowing company after company until it became one of the super giants seen by Dr. Perlmutter. In the case of the 40-acre Agri-Business Farm Centers, what will be the toll of individual enterprises, the drain of capital from the towns, the ruin brought to chambers of commerce, civic clubs, and churches, because too few people do not understand that upon the destiny of goods and services rests the destiny of the nation?

Each and every one of us is tied in one way or another to what the Littons and their kind do to that structure.

A VIEW OF STUDENT UNREST

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. MARSH. Mr. Speaker, against the background of growing national concern over disruptive activity on college campuses, I believe a well-reasoned expression of a freshman student of Madison College, Harrisonburg, Va., will be of interest to the House.

I include, therefore, an article by Frank Humphreys which appeared in the Madison College newspaper, the Breeze, on May 27, 1969, as follows:

RADICALS CAUSE CONCERN

(By Frank Humphreys)

Summer is rapidly approaching, and most college students will be departing the academic community in pursuit of economic endeavors. At scattered campuses across the nation rise the waves of an ever-increasing number of major, violent disturbances. And it could well be that these recent outbreaks will turn the tide of academic freedom that has been rising in recent years.

REPERCUSSIONS HEARD THROUGHOUT SOCIETY

Repercussions from these demonstrations are being heard at all levels of our society. The current administration in Washington is considering counter-action aimed at putting federal funds out of the reach of radicals. College administrations and facilities are all wondering when their campuses will be hit. And the vast majority of students who fail to participate in these insurrections are doing everything in their power to avert any violence on their campuses.

What has really happened to colleges today? In order to determine this, one must examine 1) the nature of the "demands" put forth: 2) methods employed to coerce compliance with the same; 3) the practicality of the demands as they relate to the academic development of the student; and 4) the effect of "hasty" action by various administrations and faculties.

The first illegitimate children of the protest movement were conceived at the University of California, Berkeley Campus. These young rebels were stressing free speech, a cause espoused by numerous individuals in the course of our history. The use of the four-letter word detracted from what appeared to be seemingly worthy objectives.

CAUSES EXPAND TO INSANITY

From this early beginning revolts, or rather demonstrations, sprang up in other areas. The causes were many, and who can combat the exhuberance of youth in supporting a cause? In many instances, the demands were sound, and many helpful beneficial programs resulted.

Sanity has finally been left by the wayside, however. A close examination of the recent disturbances clearly supports this point. From the initial demands for freedom of speech, things have now progressed to the point where the young radicals feel that they can no longer attend an institution unless they have complete power over it.

Marches and peaceful assemblies were the early tools of the protest trade. Students moved to obstruct traffic or occupy a building simply to gain recognition of their point of view. When these tactics were slow in yielding results, the next logical step led to violence. Buildings were forcibly seized and held, "hostages" were taken to use as levels against the "establishment", and civil disobedience became an advocated way of life.

As a malignant cancer rapidly spreads and consumes completely when not properly treated, so did the rash of violence put its blot on scores of colleges and universities. Daily reports from across the nation told of another campus being hit by insurgents. Students no longer carried books to class. Instead firebombs, knives and guns became every student's closest companions.

PEACEFUL STUDENTS ARE CASUALTIES

Where this violence and coercion was used in great quantities, the casualty toll rose rapidly. The president of a north-eastern university suffered a fatal heart attack while attempting to mediate the differences around him. In the foreign country of California, for surely nobody actually considers it part of the United States, truly peaceful students intent on getting an education were the victims of severe bodily harm at the hands of the lawless. One girl was so badly mutilated as the result of an explosion in an administration building that extensive plastic surgery will never bring her anywhere near her original beauty, and as yet no one has found a way to restore sight to eyes that have been ripped by such a blast.

What could possibly be so important that groups of young people would resort to such tactics just to achieve a given objective? Besides free speech, the demands included academic freedom, a voice in the selection of required courses, a voice in the hiring and firing of faculty and administration, creation of black studies programs, and abolishment of entrance requirements for Negro students. And it is also possible that somewhere along the line someone was advocating "a chicken in every pot", or was it "some pot for every chick."

Admittedly most bastions of higher education could use a complete revision of their basic studies courses. The courses now required were put in this category years ago and no longer meet the needs of our mobile society. Along with this is the desire by most students to have a more flexible curriculum. Rather than having to take all required courses and regurgitate back the information for four years, most students would prefer a wider curriculum under which they could develop their own particular talents.

STUDENTS GIVEN VOICE IN CHOOSING PROFS

Giving an active voice to students in hiring and firing of members of the faculty or administration is like giving a lighted torch to a pyromaniac. Both would prove equally destructive. To further illustrate, suppose an apprentice carpenter told the union that he would decide which of the journeymen he felt was qualified to teach him the trade. Common sense tells us that the apprentice had better consider another vocation, for he would not long be a part of the carpenter's union.

This holds true even more so in the academic field. How can undergraduates suppose themselves to have the intelligence necessary to determine who is going to teach them? To gain a position of responsibility and to gain knowledge of any given subject, one must have a qualified teacher to present it. And there has never yet been the student who is qualified to say which teacher is most able to present the required material before taking the course.

What of the black militants advocating the creation of "Black Studies" departments? The suggestion itself points up the complete folly of such a position. The cry of the blacks is that "whitey" controls their entire way of life. The best way to combat such a situation is not learning of all the shortcomings and failures of one's ancestors; rather an in-depth study of the successes of those in power is called for. A minority cannot hope to gain any power through violence, mainly because they are physically outnumbered. More effort should be placed by the black militants on learning about the governmental structure of the society in which they live so that they could legally penetrate this system and gain respect from those they profess to hate. After all, even Hitler used the existing legal means to begin his rise to power.

ACTION COMMITTEES REPRESENT BOTH SIDES

In the midst of all the violence and chaos, what have the administrators and faculty members been doing to alleviate some of the problem areas? Many institutions have created action committees on which both sides are well represented. These groups attempt to solve problems before they arise, a sort of mental and academic birth control. These endeavors are successful where both parties involved participate in an open and honest manner. Great strides made by these action groups go largely unnoticed, but such is the case of most significant "peaceful" accomplishments.

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Numerous other instances of hasty, thoughtless actions by those in power have resulted in the degradation of the entire academic profession. Take the actions of the Cornell University faculty as a shining example of opportunistic decision making.

The faculty originally repudiated the dean for compromising his position in the face of threats from a heavily armed group of black militants. The faculty also upheld the earlier decision of a regularly constituted committee of students and faculty to censure guilty students for their violent acts. They then reversed themselves, opening the floodgates for further acts of violence not only on their own campus but on others as well.

TIME FOR STEADFAST ACTION IS NOW

This capitulation did not go unnoticed either. The noted American philosopher Sidney Hook, in commenting on the eventuality of government involvement in campus disorders, said of the government, "It cannot permit assault, arson, possible loss of life merely because administrators—and faculties—are cowardly." Seemingly a severe indictment of all faculties and administrators, Hook's views serve to point up the fact that the time for steadfast action in the face of impending danger is now—before it becomes necessary for the government to move in to control a situation which promises to get worse before it gets better.

It is imperative that the summer months ahead be used in wholly constructive efforts to return college campuses to their roles as places of learning rather than training grounds for social guerrillas. It is incumbent upon the students to rationalize their demands and present them in an orderly fashion. It is equally incumbent upon the faculties and administrations to throw aside petty prejudices and archaic points of view in a concerted attempt to return to academic achievement rather than academic anarchy.

Our academic institutions can ill-afford another "winter of . . . discontent." The survival of the freedom of academic pursuit hinges on the return to peaceful and responsible control of the learning facilities and processes by those properly qualified to exercise that authority—not on the violent overthrow of the same by a group of irresponsible militants.

EXCESSIVE INTEREST RATES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. ANDERSON of California. Mr. Speaker, the recent recordbreaking increase in the prime interest rate to 8½ percent, I am sure, is of great concern to all of us. This action coupled with the already high interest rates, a subject on which I have received many communications and personal contacts, prompted me to write to the President and issue a press release.

I believe there is an immediate need for a rollback of interest rates. To continue with the high interest rates can only, in my judgment, lead to most difficult experiences, especially for our middle-income and low-income people. The cost of living will be increased for many who are already caught in the inflationary spiral of prices. Credit, so vital to many of our citizens, will become almost prohibitive. One can well appreciate what this will mean to home construction and the cost of installment buying. Representatives from the homebuilding groups, real estate firms, saving and loan companies, and labor have contacted me expressing great concern.

I do not believe that we can continue with inaction. Therefore, I have called upon the President to take immediate steps to effect a rollback of interest rates. Presidents in the past have been effective in rolling back commodity prices, as well as wage increases. I do not believe that we should be satisfied with less from President Nixon.

My letter to the President and a press release follow:

JUNE 13, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your immediate attention and action are requested with respect to the recent increase in the prime interest rate. The prime interest rate at 7½ percent was already too high; and the increase to 8½ percent is outrageous.

This latest irresponsible action, which will further increase spiraling prices and costs, comes at a time when we are already in the midst of run-away inflation and will result in a justly indignant citizenry.

I believe high interest rates, especially with this latest increase, to be one of the most serious problems affecting the average American citizen today. The high rates will cripple private industry, and to cite one example, and a most important one, is the effect it is having on the homebuilding industry, especially low-income housing. If the big financial interests are deliberately attempting to stop middle and low income housing, they are succeeding by this action.

Mr. President, it is my considered opinion that you should take immediate action to effect a rollback of interest rates. In the past, Presidents have been effective in rolling back commodity prices, as well as wage increases. I can think of nothing more vital to the lives of most of us than the cost of money. Therefore, as our President, I believe you have an obligation to take an active role at this time on this crucial subject.

For long, your Party and the banking institutions of this country would appear to have had a close working relationship and an association that would give you an excellent opportunity to take a position of leadership in reducing the outrageous high interest rates.

Respectfully,
GLENN M. ANDERSON,
Member of Congress.

Congressman Glenn M. Anderson of the 17th Congressional District (California) today called upon President Nixon to effect an immediate roll back of interest rates.

Anderson labeled the recent record-breaking increase in the Prime Interest Rate to 8½ percent as "irresponsible action that will further increase spiraling prices and costs, coming at a time when we are already in the midst of run-away inflation, and will result in a justly indignant citizenry."

Anderson described the action by the banking interests as "outrageous" and expressed his concern that higher interest rates will cripple private industry. He cited one area—that of homebuilding—as being particularly hard hit. Anderson said, "If the big financial interests are deliberately attempting to stop middle and low income housing, they are succeeding by this action."

He called upon President Nixon to take immediate action to effect a rollback of interest rates. Anderson further stated that in the past, Presidents have been effective in rolling back commodity prices, as well as wage increases. "Therefore, as our President," Anderson said, "I believe you have an obligation to take an active role at this time on this crucial subject."

Anderson also called to the President's attention that the Republican Party and the Banking Institutions "appear to have a close working relationship and an association" that would give President Nixon an excellent opportunity for leadership in bringing about reductions in "the outrageous high interest rates."

AMNESTY FOR MEN RESISTING THE WAR IN VIETNAM

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mrs. CHISHOLM. Mr. Speaker, I have recently received a petition from the Clergy and Laymen Concerned About Vietnam demanding amnesty for men resisting the war in Vietnam.

The question of amnesty for those men who are in jail, who are in self-imposed exile, and who have deserted the military, because of their conscientious opposition to the Vietnam war, has become critical. In terms of numbers, we speak of an estimated 700 jailed men, hundreds more awaiting sentencing, close to 5,000 emigrees, and untold numbers forced by conscience to hide in their own country. They have committed the crime of acting on individual moral commitment.

The law that makes this commitment illegal, that has sent thousands of men to prison, is the draft. By the draft, literally millions of young men, chosen inequitably, have been forced to fight, to kill, to die in a senseless war which we as a Nation hardly understand, let alone want. This is an unjust and oppressive law which has punished and is punishing these thousands. It is time to repeal the draft and to extend amnesty to the men who have suffered.

Even if one believes that the draft law is legitimate, there are several reasons why amnesty should be granted to Vietnam war resisters.

Over the last 5 years since the war became Americanized, there has grown an intense dissatisfaction with our Vietnam policy. There now appears to be widespread national agreement that our war effort, for moral, legal, and practical reasons, is bankrupt.

We owe this national awareness in large degree to the war resisters. They were the first to speak the truth about Vietnam, for which we rewarded them with disgrace and cries of treason. They were the prophets whose words have proven accurate. They must be allowed to come home to a place of respect in a country which has finally recognized their truth.

Amnesty will also serve to partially repudiate our participation in the war. Of course, it must be accompanied by an immediate end of violence and political settlement. But while the negotiations will end the war, amnesty will symbolize our national repentence. It will repudiate our barbaric destruction in Vietnam, which cannot be dismissed or easily forgotten when it is ended.

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The men who have been punished for resisting the war are political prisoners. Incarceration for political beliefs is abhorrent wherever it occurs; it is in total contradiction with the ideals of a free democracy. It must end in America.

Finally, even those who endorse our war policy must admit that the resisters are acting out of most deeply agonized consciences. They are among the most sensitive of American youth. When a nation imprisons its finest young men for daring to act on conscience, it is clear that that nation has gone badly astray. We have confused conscience with criminality, just as we have confused senseless brutality with protecting the South Vietnamese from outside aggression.

The war resisters who have given years of their lives to oppose governmental criminality in Vietnam, which they were drafted to participate in against their consciences, have suffered unjustly for too long. We would prove that we are a nation worthy of them by granting amnesty.

THE SPIRIT OF UNITY IN CAMEROON

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. POWELL. Mr. Speaker, while the headlines of current newspapers may shout at us about unrest and violence in the developing nations, no less sensational have been reports of the productive activities of the Federal Republic of Cameroon. On January 1, Cameroon entered its 10th year as an independent nation and its accomplishments since 1960 have silenced a great many skeptics. For in the beginning this small African country was faced not only with the problems of establishing itself as a member of the world community, but also with internal conditions which challenged its very existence as a nation.

The significance of January 1, 1960, tells only half of Cameroon's story; it was at that time that the eastern region, a United Nations trust territory under French administration, became a sovereign republic. The picture was not complete until October 1, 1961, when Western Cameroon left the protectorate of the British to join Eastern Cameroon and form a federal republic. Observers were discouraging about the potential of such a union, with its cultural and political differences, a precarious agrarian economy, and, to top it off, a language barrier, a vestige of the colonial era.

Today, the 6 million people of Cameroon can gaily scoff at the claims of their earlier critics. Two years ago, the political parties of Cameroon—numbering 382 among over 200 different tribes at the time of independence—agreed to forget their differences and work together for progress in their country. And it was progress they attained, a steady climb upward, a stable series of successes.

Two 5-year development plans have been developed; as a result of the first plan, schools and medical facilities have been expanded, accompanied by government subsidies to encourage agricultural production. Now the second plan finds Cameroon emphasizing the improvement of agricultural development, by providing rural training centers to teach farmers scientific methods. By enhancing an agricultural way of life, the government not only uplifted the basis for its economy, but also prevented the population from drifting to the towns, thus averting the dangerous development of urban slum areas. Moreover, resettlement programs for the urban unemployed have brought many back to the farms, an effort which has helped alleviate a problem common to most African countries, indeed to almost every nation of the world.

Nor did the Cameroonians allow the presence of two different languages to impose an additional burden upon them. The constitution, as well as all official documents, are printed in both French and English. And besides having practically all bilingual schools, the government has set up special schools to meet its needs for bilingual personnel. Surely a sincere desire for the common good is at work in Cameroon.

But all the planning and technology known to man can be of no use without guidance. Cameroon has found such guidance in the administration of its President, Ahmadou Ahidjo, whose decisiveness has overcome division, whose effectiveness has proven far from ephemeral.

To President Ahidjo and his country, and to a continuing spirit of unity, let us pay tribute.

AN ACCOMPLISHMENT OF PRIVATE ENTERPRISE

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. MILLER of Ohio. Mr. Speaker, the Anchor-Hocking Corp. has recently completed a gigantic new distribution warehouse near Lancaster, Ohio. The size of this structure is truly overwhelming: its exterior dimensions are 600 by 1,500 feet; the floor space would accommodate 18 football fields; the foundations alone contain 43,000 tons of concrete. The building will have a storage capacity of 120 million items of glassware manufactured in the company's Lancaster plant.

This facility will feature the most modern developments in loading, storage, communications, fire protection, and worker safety. Products will be shipped from this warehouse to all 50 States and to 105 foreign countries.

This structure will stand as a tribute to the constructive forces of private enterprise in this great Nation. The Anchor-Hocking Corp.'s multimillion dollar investment will create additional jobs, help provide better consumer products at lower prices, and will add to the overall strength of the American economy.

This example should be brought to the attention of all who insist on more and more Government involvement in our economic development. Free enterprise built our industrial might that is the envy of the rest of the world. It is apparent that free enterprise is still doing the job.

ABIDING VALUES OF AMERICAN SOCIETY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. WYMAN. Mr. Speaker, the distinguished columnist, David Lawrence, writing editorially in United States News & World Report of June 9, 1969, reprinted the full text of an address of Hon. James L. Robertson, Vice Chairman, Board of Governors, Federal Reserve System. Mr. Robertson's remarks pointedly articulate both the challenge and the answer to America's domestic crises, particularly the rebellion of the young.

Because I think this address is one of the finest I have ever read, I am including it in the Record at this point in the hope that all of the readers of the Record will take the time to read it and in turn to pass it on as broadly and widely as possible in this great country. To Mr. Robertson is owed the obligation and gratitude of all citizens who realize that unless this problem is solved within the framework of our existing social structure, there will be continuing disintegration of our society toward anarchy and eventual dictatorship. Such loss of our precious freedoms which our forefathers not too long ago gave their lives to preserve must be an urgent concern of all Americans.

The article referred to follows:

A "Concerned Citizen" Speaks About America's Turmoil

(By James L. Robertson)

(Note.—A most unusual speech was made on May 22 in Omaha, Nebr., by James L. Robertson, Vice Chairman of the Board of Governors of the Federal Reserve System. It was not reported generally in the press because it was delivered by a banker talking to bankers, and he would normally be expected to discuss financial matters. But he didn't. Instead, he addressed himself in a most penetrating way to the problem of the hour in America—the disturbances and disorders and threats of revolution, particularly among the nation's youth.

(Mr. Robertson has had a wide experience in government, first as a clerk in the U.S. Senate Post Office and later as a special agent of the Federal Bureau of Investigation. After graduate work at Harvard Law School, he joined the legal staff of the Office of the Comptroller of the Currency and rose to the post of First Deputy Comptroller. He has been a member of the Federal Reserve Board for 17 years, three of these as Vice Chairman. The full text of his speech is printed below.—David Lawrence, Editor.)

A truck driver was sitting all by himself at the counter of the Neverclose Restaurant down by the depot in my hometown, Broken Bow, Nebraska. The waitress had just served him when three swaggering, leather-jacketed motorcyclists—of the Hell's Angels type—rushed in, apparently spoiling for a fight. One grabbed the hamburger off his plate;

another took a handful of his French fries; and the third picked up his coffee and began to drink it.

The trucker did not respond as one might expect of a Nebraskan. Instead, he calmly rose, picked up his check, walked to the front of room, put the check and his half-dollar on the cash register, and went out the door. The waitress followed him to put the money in the till and stood watching out the window as he drove off. When she returned, one of the cyclists said to her: "Well, he's not much of a man, is he?" She replied: "Nope. He's not much of a truck driver either—he just ran over three motorcycles."

Like the trucker's response, mine will be different, too—hopefully though without running over any motorcycles. As a central banker, I might be expected to talk about the awesome domestic and international financial problems which are the subject of my official concern. I am concerned about those problems, and especially the need to combat inflation hard enough and fast enough to keep it from getting out of hand.

I will be glad to discuss those matters later, in response to questions, if first you will let me speak briefly—not as a central banker, but as a concerned citizen—about a matter which is or should be of deep concern to each and every citizen of this great land. I refer to the crisis that is manifest in the chaotic conditions that have developed in many of our institutions of higher learning, and even in some of our high schools.

I find myself increasingly troubled by these developments. It might be inaccurate to say that people are apathetic about it, but too many of us are seemingly content to be hand-wringers, head-shakers, and condemners. This is not the way Americans typically respond to difficulties. We tend to be activists and problem solvers. Our motto when confronted with a difficulty is: "Don't just stand there; *do* something!"

Today, we appear to have too many people, mostly young ones, who think of themselves as problem solvers and activists but who want to *undo* something. They want to undo and destroy what it has taken men centuries to build. They have an almost ferocious conviction of their own righteousness and wisdom. They see themselves as the only real devotees in the world of the true, the good, and the beautiful. But to those of us who have lived a little longer and acquired a little more knowledge, and a little more experience, what they seek is neither true, nor good, nor beautiful.

One of the advantages that age has over youth is that we have been in their position, but they have never been in ours. We know those fiery passions, that hot idealism, that unshakable certainty that one has within his grasp the solutions to all the world's problems. But experience has taught us that reason is a better guide to action than passion, that beautiful dreams of the young idealists sometimes end up as bitter nightmares, and that those men who had the greatest certainty that they had the final solution to all problems have ended up portrayed in the history books as tyrants and enemies of mankind.

This is not to say that we should discourage the dreams of the idealists and the aspirations of our youth. Quite the opposite, we should encourage those dreams and aspirations and pay heed to the expressions of dissent which flow therefrom, for there is the source of orderly change and progress. But we must teach them what we taught their older brothers, what we ourselves were taught, and what our fathers were taught—that our wants and aspirations must be tempered to accommodate the legitimate wants and aspirations of others who live with us on this planet; that other people have rights and that these rights are embodied in laws that have been worked out over hundreds of years to make it possible for men to live together in some degree of harmony and to work for common ends; that these laws are our protection against others trampling on our rights; that if we ignore or destroy the law, we jeopardize our own liberty as well as the liberty of others.

We have recently seen a distinguished Harvard professor and Nobel Prize winner explain and justify the behavior of those who would destroy the law by saying, in effect, that these young people want something very badly and they have not been able to get it in any other way. This is very much like explaining and justifying the behavior of a child who throws a tantrum in a department store by saying that the youngster wanted a toy fire engine very badly and had no other way of getting it. Sensible parents know that children must be taught at an early age that throwing temper tantrums is not an acceptable way of getting what they want. This is done by punishing—not rewarding—those who engage in unacceptable conduct.

Society must do the same. The good parent is not the permissive one who tolerates and encourages temper tantrums in children. The overwhelming majority of parents realize this and hence it is possible to walk through our department stores without having to step over the bodies of screaming children lying in the aisles pounding their fists upon the floor.

Unfortunately, this is not true of our colleges, where mass teen-age temper tantrums have become a regular part of the campus scene.

The other day the Chief of Police of Los Angeles retired after a quarter of century of service and stated that he was about ready to write off a whole generation of young Americans because of their attitude toward authority. Now, we cannot afford to write off a whole generation of young Americans—not even its small minority about whom I am talking. Every generation plays a vital role in the process of keeping civilization alive. We cannot write off a generation if we hope to transmit to the generations to come the values that man has laboriously nurtured and protected over the centuries.

Our country has survived and prospered because of the ideas on which it was founded. People from all parts of the globe came here to live. They spoke a variety of languages and had widely disparate economic, social, and cultural backgrounds. Yet they succeeded in building a great nation.

A nation is more than a collection of human beings who live in the same geographical area. To constitute a viable nation, these human beings must sense a community of interest, must share a common set of operational values.

America's glory lies in the fact that it won voluntary acceptance of its values from men and women of widely different backgrounds. This was perhaps largely because so many were attracted to this wild country in its early days precisely because they were impressed by what we stood for. Many had fled from authoritarianism and tyranny, to live in a land that offered them both liberty and justice.

This has always been the kind of country that allowed wide latitude to its citizens in both speech and action. However, it was expected in return that the citizens would respect and support the institutions, laws, and customs that were essential to the survival of a society of this kind.

It was expected, for example, that the citizens would accept the principle of majority rule, and obey the laws approved by the majority.

It was expected that the majority would respect the constitutional safeguards erected to curb its power and safeguard the rights of minorities.

It was expected that when the majority decided that the national interest led the country into conflict with a foreign enemy, all citizens, regardless of their personal views or national origin, would support and defend the United States. Thus it was that Nebraska's great statesman, Senator George W. Norris, after having vigorously opposed America's entry into the first World War, declared his unstinting support for the Commander-in-Chief once war was declared.

Underlying these operational principles were some commonly accepted moral values that helped bind the American people together. We shared a belief in the Judeo-Christian religious and ethical values—respect for truth, respect for human dignity, consideration of the rights of others, and a common conviction that man had a higher purpose in life than animalistic gratification of his sensual desires.

It is true that we have made many mistakes and that our practices have not always matched our beliefs, but we have generally recognized the value of aspiring for more than we could hope to achieve. And we were generally understanding and tolerant of our human and social imperfections, knowing that it was vain to expect to build Utopia here on earth.

The ideas that made this nation what it has become—a beacon in a dark world—did not spring up overnight. They were not the product of any single individual. They grew and developed over centuries before they reached their present development here.

These ideas will not die overnight, but what is transpiring at this moment in our country is a concerted effort to bring about their demise. The turmoil on the college campuses is but a symptom of it. A minority, but an articulate and activist minority of young people—young people who may be future teachers, writers, and political leaders—apparently have been persuaded that the cementing ideas that made this a great nation are false. Indeed, some of them deny that this nation has achieved anything praiseworthy. These young people have a different set of ideas and ideals.

They believe that freedom of expression for those with whom they disagree should not be tolerated.

They believe that laws which are not to their liking should be ignored and flouted.

They believe that their country is generally wrong in its disputes with foreign countries and hence they have no obligation to give it any support or to rise to its defense.

They proclaim their respect for truth, but they show little interest in undertaking the kind of arduous and dispassionate search for facts that is essential if truth is to be found.

They profess profound respect for the rights of all men, but they physically assault those whose opinions differ from their own, invade the privacy of their offices, rifle their files, and boastfully publish private correspondence of others to achieve some political advantage.

John W. Gardner, in his recent Godkin Lectures at Harvard, put it well when he said:

"Sad to say, it's fun to hate. . . . That is today's fashion. Rage and hate in a good cause! Be vicious for virtue, self-indulgent for higher purposes, dishonest in the service of a higher honesty."

But as he and many others have pointed out, it takes little imagination to visualize the kind of state these youthful revolutionaries would create if they had the power. Constitutional safeguards for the rights of even those who arrogate power unto themselves—let alone everyone else—would cease to exist. There would be no freedom of expression. Truth would be what that rulers believed, not what objective investigation might show. Personal privacy would disappear.

The age of Orwell's Big Brother would be upon us, for the historic pattern of continuing *violent* protest is clear. First comes revolution, with the overthrow of the good along with the bad, followed by chaos, and finally by dictatorial control. Only then

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could the long, agonizing struggle to obtain the four freedoms begin anew.

Perhaps because of the obvious risk of losing so much for so little, some of us are tempted to say: "It can't happen here!" But it happened, in our lifetime—in Russia, Italy, Germany, all of Eastern Europe, China, and Cuba.

It could not happen here if we took greater pains to preserve and protect the operational values of our society.

It will happen here if through carelessness we permit these values to be lost to that generation that some people are already prepared to write off.

We must appreciate that changes in basic ideas take place slowly, almost imperceptibly. What has happened on our college campuses is merely a reflection of an attack on our basic ideas that has been going on for many years. When the competing ideas begin to produce the kind of overt behavior we now observe, they have already secured a strong and dangerous foothold.

The question is, are we prepared to battle for the preservation of the ideas that made this country great? Do we believe in them enough to insist that they will be transmitted to succeeding generations or will we—beset by doubts and uncertainty—decide that it is too much trouble to stave off the onslaught of the totalitarians?

Our survival as a free nation may well depend on our answer to this question: Is it too much to ask that our youth be taught—at school as well as at home—to value and respect the ideas that have given this country unexampled freedom as well as material abundance?

I, for one, do not think we price liberty too high when we ask that those who wish to enjoy it give their allegiance to the institutions and ideas that make it possible, even while seeking to change them through nonviolent dissent.

Edmund Burke once said, "The people never give up their liberty but under some delusion."

What is the source of the delusion that has led so many of our brightest youth to place liberty in jeopardy? If we are to be more than hand-wringers and headshakers, we must probe for the answer to that question.

For me, it is difficult to escape the conclusion that the finger points at those of us who have neglected the education of our youth, and especially at those who condone, forgive, and even justify violations of law and outrageous assaults upon the rights of others.

Would that every parent and teacher take upon himself the responsibility of conveying to the young the wisdom contained in Burke's words:

"Men are qualified for civil liberty in exact proportion to their disposition to put chains upon their own appetites; in proportion as their love of justice is above their rapacity; in proportion as their soundness and sobriety of understanding is above their vanity and presumption; in proportion as they are more disposed to listen to the counsels of the wise and the good, in preference to the flattery of knaves."

DOUGLAS—MOSCOW AXIS II

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. RARICK. Mr. Speaker, twice last week I rose to call to the attention of our colleagues the aid and comfort given Communists in this country and in Vietnam by Associate Justice William O. Douglas. The papers this weekend again point up the erratic activities of this disgrace to the bench.

Last week his aid to a convicted magazine pornographer, with further cases pending was made public. The society column of the local paper reports his conversation with anti-Communist gossip columnist Pearson at the British Embassy. This week he prepares to attack the Army Corps of Engineers in another lurid magazine. Ad interim, he again does as I have warned he would do—by interfering with troop movements to Vietnam.

I have no knowledge of the merits of this particular case, but point up again to my colleagues that the power to prevent, by judicial fiat, the movement to Vietnam of one fighting man is the power to prevent such movement by every fighting man. The full Supreme Court has never upheld an order of Douglas in a whole series of these military cases.

Only last week the Moscow Summit Conference of International Communism called on all "progressive forces" to obstruct American shipment of troops and supplies to Vietnam. Mr. Douglas has responded. I ask that the three items be inserted following my remarks:

[From the Evening Star, June 14, 1969]

MARINE'S SHIFT TO VIETNAM DELAYED BY JUSTICE DOUGLAS

Marine Pvt. Paul Winters evidently has won his legal battle to stay away from Vietnam.

Justice William O. Douglas yesterday ordered the Marines not to send the 24-year-old Winters to war until the Supreme Court can act on his appeal for release from the Marines.

That won't be until October, at the earliest, and Winters is due to be discharged in August.

Winters has been at odds with the Marine Corps since 1967, when he was called to active duty.

The Marines said the Forest Hills, N.Y., man had failed to perform his reserve obligations satisfactorily. Winters said his enlistment terms called for attendance at only 90 percent of the drills and that the rules were changed later to require 100 percent attendance.

At one point, in October 1968, Winters was on his way to Vietnam, but when the plane stopped in Alaska for refueling, he was taken off on a court order. Another time, he was discharged through a clerical error, and went home. When the Marine Corps found it had made a mistake, he was returned to Camp Pendleton.

[From the Washington Post, June 15, 1969]

DOUGLAS HITS ARMY CORPS OF ENGINEERS

CHICAGO, June 14 (UPI).—The Army Corps of Engineers is a Washington "sacred cow" that commonly outmaneuvers the President and can spend $10 million on any project without congressional approval, Supreme Court Justice William O. Douglas writes in the July issue of Playboy magazine.

Douglas says the Corps is Public Enemy No. 1 among Federal agencies.

"It commonly outmaneuvers the President and has its way, irrespective of his wishes," Douglas writes. "A member of Congress who is in good with the Corps will receive favors; those who may have been critical of it will be kept waiting.

"There are few members of Congress who do not early learn the lesson that an obsequious attitude pays off when it comes to pumping millions of dollars into a district that may save an election for a deserving Democrat or Republican but destroy a lovely free-flowing river."

Douglas says the Corps is one of the Nation's largest polluters and that its dams destroy the rivers.

The Corps, with 40,000 full-time employes, has special permission from Congress to spend $10 million on any project without approval—unlike any other Federal agency, Douglas writes.

He mentions rivers from the Potomac to the Columbia in the Northwest saying, the Corps has built dams on them without regard to conservation or ecology.

[From the Evening Star, June 13, 1969]

QUEEN'S HANDSHAKE SAVES THE GREAT DAY

(By Joy Billington)

On the Queen's Birthday, Catherine Freeman used the queen's handshake as she stood at her husband's elbow to shake more than 2,000 hands last night.

By 6 p.m. a thousand guests had greeted British Ambassador and Mrs. John Freeman at their first garden party in Washington. By 7:05 p.m., she had one white glove off.

Closested under a tree were Justice William O. Douglas and Drew Pearson, in deep conversation and oblivious of the crowd. The justice, a grass widower while his wife visited relatives in Oregon, said he hadn't read anything about the recent obscenity trial in Montgomery County.

"I don't read about anything likely to come up before the court," he said, explaining that he skims headlines to avoid such accounts. "At the time of the Alger Hiss case I avoided reading about it," he said. "So I still don't know a thing about it."

MRS. RUTH MACPHAIL—OUTSTANDING EXAMPLE OF INITIATIVE AND PUBLIC SPIRITEDNESS.

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. CLEVELAND. Mr. Speaker, when an example of a citizen who shows some public-spirited initiative in making their community a better place to live, I like to bring it to the attention of the House. It is good to read of people who do not wait for someone else to do the work and solve the problems.

A good example of this in my district was made the subject of an editorial in her hometown newspaper, The Keene, N.H., Evening Sentinel. I am particularly pleased to put it in the RECORD because Mrs. Ruth MacPhail is a friend of mine whose public spiritedness and charity manifests itself in many ways.

As one who wishes to encourage such displays of initiative and perseverance, I offer this editorial for the RECORD. At the same time my congratulations to my friend Ruth MacPhail for a fine achievement—one of many.

The article follows:

MACPHAIL'S FOUNTAIN

The famous motto of the U.S. Post Office Department could be paraphrased to read: "Neither sleet nor snow nor wild horses nor apathy discourage a woman from doing something she has her mind made up to do." Especially if that woman is Mrs. Ruth MacPhail of Water Street.

Early last August—nearly ten months ago—Mrs. MacPhail, who makes her presence felt in downtown Keene, decided that the people of the city would enjoy and therefore should have a fountain in the Common in Central Square.

The Common had been "renovated" because some of the old trees were dead or dying and had to be removed, and Mrs.

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MacPhail was one of many who thought the renovation left something to be desired. But while others talked and criticized, Mrs. MacPhail talked about it and then went to work.

Her independent, one-woman, money-raising campaign got launched in a healthy fashion with an anonymous gift of $1,000 from a local retail establishment. At that stage she didn't think that very much more money would be needed to build a fountain. But when she began getting estimates, she learned that while water runs into fountains, fountains run into money.

Streetcorner gossip indicated that in the early stages of Operation MacPhail Fountain, only a few people took the project seriously. But as donations began coming in from responsible business firms as well as individual citizens, the idea caught on. And as stories began appearing in the paper and announcements on the radio, reporting that the fund was growing steadily, there was no doubt that Mrs. MacPhail was going to get a fountain built in the Common.

The next step was forming a committee, with representatives in city hall, and ironing out the details.

This week it was all over but the shouting and the masonry, plus some last-minute technicalities; because Mrs. MacPhail now has in her possession a bank book with a balance of more than $5,300—enough to build the fountain and pay for additional wiring and plumbing.

She deserves the admiration of the entire community for her spirit and determination in first deciding that something ought to be done, and then setting about to do it. It's a classic and heartwarming lesson in perseverance.

ANNIVERSARY OF THE INDEPENDENCE OF NAURU, GAMBIA, GHANA, TUNISIA, WESTERN SAMOA, CEYLON, BURMA

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

NAURU

Mr. POWELL. Mr. Speaker, on January 31, 1968, the tiny oval island of Nauru became independent. It had previously been governed by Australia under the auspices of the Trusteeship Council of the United Nations.

Nauru, with a population of 6,056 and an area of 8.4 square miles, is one of the world's smallest countries. (Monaco is the smallest with an area of less than a square mile.) It is located 400 miles northeast of Guadalcanal and 1,300 miles northeast of Australia.

Despite its size, Nauru had proved to be quite capable of economic viability. This fact is mainly due to the super-rich phosphate deposits, which are themselves due to the generosity of generations of guano birds. The phosphate is an excellent natural fertilizer and has been very valuable for agricultural uses in Australia and New Zealand. Because of these rich deposits, Nauruans have a higher per capita income than Australians. After the country gained control of the phosphate business in early 1969, the total income has soared to nearly $24,000,000.

The Nauruans have been described as an "extremely homogeneous group with strong family ties and a gentle, kindly and generous nature." Under the able and distinguished leadership of President Hammer De Roburt, who was also Nauru's chief architect of independence, Nauru will undoubtedly continue to give its island inhabitants the comfortable and peaceful existence they so desire.

A TRIBUTE TO THE GAMBIA

Mr. Speaker, a short time ago, the heading of a derisive article on the ceremonies surrounding the independence of a small nation in Western Africa read "Enter Gambia, Laughing." But it is this same tiny country—half the land area of Massachusetts and half the population of Boston—which can claim the last laugh. As Gambia enters its fifth year of independence, I bring to your attention only a few accomplishments of a country whose prospects were deemed gloomy by observers on February 18, 1965.

Gambia has rightly earned the title of the "model of independence"—the evidence is considerable. Its economy, based largely on the production of peanuts, has flourished despite the limitations imposed by the very poor, sandy soil. Much to the credit of Gambia is the fact that the peanut output was one-half ton for each member of the population, which enjoys an exceptionally low cost of living. The swamplands, which are often flooded during the wet season, are being cultivated for rice production. And the winning combination of a mild subtropical climate and the small-country hospitality of the Gambians has fostered a potential for a profitable tourist trade. It is no wonder that the Gambia brought British budgetary assistance to an end 1 year before a target date which was set with little optimism in 1965.

The political stability in Gambia has made it unique among the four former British West African colonies. Government has evolved without coups-d'etat, order accompanies the healthy climate of varied political thought. In fact, just last year, the country's main minority party swept the capital city's municipal elections with a handsome plurality, a fact which is an unmistakable sign of democracy at work.

Not only has she maintained her independence in her own right, but she has also avoided becoming part of a larger state, Senegal, which surrounds Gambia, a pencil-shaped country, on three sides. Indeed, Gambia has worked to encourage economic cooperation with the former French colony. Moreover, acceptance in the United Nations and a working relationship with Great Britain add to Gambia's contribution toward international understanding.

When Gambia embarked on the new experience of being a new state, it was said that "in a more rational world Gambia would simply not exist as a separate entity." In this world, Gambia has done more than merely exist. Her history is a commendable record for independence; her future looks more than promising. And it is with great pleasure that I extend my sincere best wishes for her continued prosperity and peace.

A SALUTE TO GHANA

Mr. Speaker, on March 6, 1957, the Nation of Ghana was born, and with its release from the British protectorate came probing questions as to how the former Gold Coast colony would fare. Inasmuch as Ghana was the first of the sub-Saharan African countries to achieve independence since World War II, the hopes for all of Africa rested on the example set by her; and she has fulfilled her responsibility well. Many of her achievements are now milestones in her history. I need not mention the distinction Ghana brought upon herself with the success of the Volta River dam project; nor can one help but admire the record of the economy, with a trade balance which has moved from a $245.1 million deficit in 1967 to an encouraging surplus of about $68 million in 1968.

But what of Ghana in relation to the rest of the world? The United Nations has found a respected member in Ghana, whose Government has placed international cooperation and understanding high on its list of values. In addition to her role in world politics, her activities for the benefit of Africa have been remarkable. For even though Ghana is a developing nation, she has aided her African neighbors. Add to this fact the initiation of conferences to further African cooperation and a constitution which sets the union of Africa as a fundamental principle, and one can credit Ghana with a sizable contribution to the promotion of African unity.

Since it became a republic on July 1, 1960, Ghana has not had an easy time of it in the realm of internal politics. Beset by the unfortunate circumstances associated with the Nkrumah government, the limitations of its constitution on political diversity, and the regrettable incident recently revealed by the head of the National Liberation Council, Ghana would appear to be doomed to one political failure after another. But Ghana was not destroyed by these setbacks. Indeed, the people almost thrived on the problems and turned them to their advantage.

In 1966 the legacy of the Nkrumah government was what seemed to be an insurmountable total of debts. Rather than trying to shirk the wrongdoings of their predecessor, the leaders of Ghana have negotiated repayment of the $800 million debt without denying funds to development at home.

A little over a year ago, a revolutionary step was taken by the military government: the drafting of a new constitution. For the establishment of this document marked the beginning of the end for the military government; by September of this year the affairs of Ghana will be administered by civilian leaders. There is also much to be said for a document whose longest chapter is devoted to individual liberty. The rigidity of a one-party system, to which a great deal of African instability has been attributed became an anachronism with the constitutional provision for any number of political doctrines. Freedom abounds in Ghana in both speech and press.

Nevertheless, that time-honored companion of freedom, responsibility, has not been forgotten by the leaders of Ghana. In keeping with its pledge to end corruption in government, the National Liberation Council accepted the resignation of its leader, General Ankrah, who admitted to accepting funds illegally; the matter was handled with dignity and honor. And an easy transition can be expected to the leadership of General Akwasi Afirfa, whose devotion to Ghana and democratic views will aid in preparing his country for the changeover to a civilian government.

Ghana has succeeded in meeting the problems of a new nation from the outset and throughout its development. I salute the resourcefulness and justice which exemplifies to Africa and to the world a growing democracy: The Republic of Ghana.

INDEPENDENCE DAY SALUTE TO TUNISIA

Mr. Speaker, I would like to take this time to express my belated congratulations to the Tunisian people in this 13th year since their call for independence. From the historic day of March 20, 1956, until the present the relationship of this great country to the United States has been a friendly and constructive one.

On June 1, 1959, Tunisia's new Constitution went into effect. It is striking to note that the Tunisians refer to it as an "American-style" document because under the Constitution the President wields similar powers to those of our own President. The Constitution provides that the President of Tunisia shall "fix the general policy of the state" and be the Supreme Commander of the Armed Forces.

No one would deny that Tunisia has a long way to go before achieving complete self-development, but at least it is generally recognized that for the past 12 years this country has endeavored to solve its problems with the greatest energy and dedication.

Tunisian leaders have often expressed their thanks for American assistance in their development programs. Tunisian President Bourguiba, for example, said in October 1967, of the Peace Corps: "I think that this organization, which is an honor to America and which we owe to President Kennedy, is bearing its fruit . . . I wish to thank you for what the Peace Corps has brought in the way of aid to Tunisia."

It has been through the efforts of President Bourguiba that the political orientation of the country has remained decisively pro-Western. President Bourguiba said in February 1968: "We are convinced that the American people constitute a firm support for the protection of civilization. We also believe that United States power is an element of security which keeps the world safe from a certain form of totalitarianism." On April 1 of this year President Nixon met with President Bourguiba following the funeral of General Eisenhower. Gestures of goodwill such as this illustrate the respect that our two countries have for one another.

We have developed especially friendly relations since World War II. Together our troops fought to liberate Tunisia from the Axis powers. And typically the United States has proved itself to be a generous friend. Through our foreign assistance programs we are helping the government build electric power stations and in various other ways develop the Tunisian economy.

Mr. Speaker, it is with pride that as a Member of Congress I salute the government and people of Tunisia.

SALUTE TO WESTERN SAMOA

Mr. Speaker, Western Samoa celebrated its seventh anniversary last January, as a free and sovereign state. Under the leadership of the head of state, Malietoa Tunamafili II, and the prime minister, Fiami Mata'afa, the new country has grown, with the population increasing rapidly.

Western Samoa is often pictured as a romantic South Sea island area where nature supplies most of the simple needs of the people with a minimum of effort. The Western Samoans know that although the islands are endowed generously with beauty and a favorable climate, these are not enough to face the harsh realities and demands of independence.

The economy is based on tropical agriculture. The three chief products are copra, cocoa, and bananas. New food and export crops are needed to provide for the rapidly growing population but further land development is, of course, limited.

Since its discovery by the Dutch in 1722, the Samoan Islands have played an important part in the history of the South Pacific. Strategically located as a military base and a crosslands for trading ships, the islands were soon coveted by many nations. The United States sent its first expedition to the islands in 1839, and the first American consul was appointed in 1856. The climax of this particular struggle for possessions abroad occurred in 1889 when the United States, Germany, and Great Britain successfully checkmated one another's forces. The large islands of Opulu and Savaii with several lesser islands became Western Samoa under Germany.

As a result of World War I, Western Samoa was taken by New Zealand, which held a mandate over these islands, first through the League of Nations, then under the United Nations. New Zealand recognized the rights of sovereignty for her trust territories and a constitution was promulgated in October 1960. Independence was proclaimed January 1, 1962, thus ending 46 years of New Zealand administration and 70 years of foreign rule.

Now the progress of the first Polynesian state of the 20th century is being watched closely by other island groups in the Pacific that are approaching independence. Samoa, in turn, is working hard to set a good example and make itself an effective and responsible member of the world community.

CEYLON

Mr. Speaker, after more than four centuries as a colony of the Portuguese, the Dutch, and then the British, Ceylon became a sovereign state on February 4, 1948. I would like to take this opportunity to send my belated congratulations to that country of 11 million people on their 21st anniversary.

Ceylon is now a self-governing member of the British Commonwealth of Nations. Lying on the southeastern tip of India, it has always been an important trading center between East and West.

Like many other developing nations, Ceylon has adopted a socialist economic policy, which has included the nationalization of several industries and agricultural plantations. Social and economic conditions have improved considerably. Over 65 percent of her peoples can now read and write, and 80 percent of her children between the ages of six and 14 attend classes. The population explosion has to a great extent subsided from a 2.8 percent rate of increase in 1960 to only 2.2 percent in 1967.

Happily for Ceylon, the downtrend in her population growth has been accompanied by growing economic progress. A 10-year plan, which began in 1959, called for diversification and increased production in the agricultural sector. The Government has financed over $2.85 billion—61 percent—of the expenditure for the plan, and the rewards have been many. The New York Times reported in January 1969 that Ceylon was the first developing nation to achieve the goal of a 5-percent rise in per capita income set by the United Nations Conference for Trade and Development for the "Development Decade" of the 1960's.

We sincerely hope that Ceylon continues her remarkable progress, and that she does so with the tranquillity and wisdom that has come to characterize that warm and friendly nation.

BURMA

Mr. Speaker, on January 4, 1969, Burma celebrated the 21st anniversary of her independence. "Independence" has been Burma's watchword in an attempt to find a middle-of-the-road posture in a bipolar world. It has been difficult but hardly impossible.

Under the leadership of General Ne Win who gained control of the Government on October 29, 1962, Burma has pursued a course of "non-Communist socialization." This has often meant the nationalization of industries and commercial enterprises in order to give the country the needed amount of national planning and to insure economic prosperity and social justice for her people.

Factionalism and tribalism have plagued Burma for years. In fact, the oldest active guerrilla war in Southeast Asia is in Burma. General Ne Win is trying to resolve these problems.

On international affairs, Burma has pursued a policy of nonalinement in foreign affairs, which is partially the result of her natural desire to avoid foreign entanglements and partially the result of an acute case of xenophobia. But Burma has actively participated in the United Nations since her admission in 1948. She has participated in the UNESCO Research Center on Social Implications of Industrialization in Southeast Asia as well as in the Colombo Plan Council for Technical Cooperation in South and Southeast Asia.

Symbolic of Burma's trust in the United Nations is her distinguished citizen U Thant, currently serving as Secretary-General.

Up until now, Burma has successfully trod the difficult path of neutrality and relative peace in a region engulfed with violence and turmoil. We can only hope that she continues on this path and that she brings prosperity and justice to her peoples. If she can, she will set an example from which all Southeast Asia can learn.

XUM

MEMORIES SPAN A CENTURY

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. HAGAN. Mr. Speaker, I want to call to the attention of my colleagues an article that appeared in the Waynesboro, Ga., newspaper, the True Citizen, on June 11 regarding a lady who celebrated her 99th birthday, Mrs. Mary Savannah Barrett Cohen.

Although there is no doubt that having reached one's 99th year would be reason enough to be the subject of much thought and prose, in my case I feel especially fortunate to have a grand lady of this caliber residing in the First District of Georgia. Mrs. Cohen's senior years seem to enhance her charms, her keen interest in things happening around her, and her delight in reflecting back over her years from childhood to adulthood and remembering the vast changes in her hometowns of Waynesboro and Augusta.

I am indeed proud to be able to call Mrs. Cohen a neighbor and constituent, and I certainly hope that she will enjoy her 99th year in the same spirit and with the same zest for living as she has exhibited in all the wonderful years past.

The article follows:

HER MEMORIES SPAN A CENTURY

(By Joyce Odom)

Mary Savannah Barrett Cohen was 99 years old last week.

That in itself is a remarkable thing, but Mrs. Cohen reads three newspapers every day, can remember the ages of her great-grandchildren and writes letters in a graceful, flowing hand.

Bright blue eyes sparkle when she talks about her memories which span a century. She's confined to a wheelchair now at Keysville Nursing Home, and for the first time in her life is a bit less than completely independent.

She was born in Augusta June 2, 1870, and spent her early years in Waynesboro in a house where a service station is now on the town's main street, Liberty.

She remembers that during her childhood her father, Jim Barrett, and an uncle bought "an old broken down paper mill in Bath, S.C., that you had to get to uphill through sand beds." Mrs. Cohen said the mill first made paper from rags which came baled up and in all colors. Workers had to pick out the white ones to use for paper. Then "a man from Massachusetts" came and taught the Barretts to make paper from wood. "Papa took us down to the mill and we watched them grind up the wood; it looked like mush."

"I know they sold the paper made from wood to some newspapers to print on, but they must not have got much for it because the mill went broke," she laughed.

The family also had a plantation here where they planted indigo. She remembers an overseer named Hodges who had a peg leg.

The family moved to Augusta when "Vannah," as she was always called, was seven and lived in a House on Carnes Road, now 15th Street. Her father was "in the cotton business." She lived there until she married Russell Cohen, the son of John J. Cohen of Augusta. Her children were born and went through elementary school in Augusta (a son, Russell, 75, who lives in Waynesboro, and a daughter who died 25 years ago).

The family lived in Nashville, Tenn., while Mrs. Cohen's son Russell attended Vanderbilt and became a football star there. After the children were grown, Mr. and Mrs. Cohen moved back to Augusta, and finally back to Waynesboro.

Mr. Cohen died 20 years ago, and since that time until just a few months ago, Mrs. Cohen has lived alone, driven her own car, cooked her meals and kept house. "I'm not sick or anything now, I just can't walk," she said. She fell and broke her leg recently.

Mrs. Cohen remembers Waynesboro when the downtown area consisted of one block of stores, the streets and sidewalks were unpaved and "every grocery store sold liquor."

"Young girls were not allowed to go to town on Saturday night," she said. Most of the stores were just shanties, she said, with the exception of those owned by the Fulchers and the Grays.

In answer to the inevitable question asked the very old, Mrs. Cohen said, in her honest, straightforward way, "I don't know why I've lived so long; my family members usually don't, but I did have an aunt who lived until she was 90."

She sees well and reads everything she can get her hands on including the Atlanta and Augusta daily newspapers and The True Citizen.

Mrs. Cohen's mother, Sophie Settagast, came from Germany and took her children there when "Vannah" was nine for a ten months visit. "Mama wanted us to learn to speak German, but we used to tell her, 'Nobody talks like that'."

Mary Savannah Barrett Cohen has a fond memory of Augusta which she especially likes to tell about: She remembers riding horseback to a drug store on Broad Street, in the now-traffic-jammed metropolis.

MARTIN LUTHER KING—THE TRUTH CAN NO LONGER BE HIDDEN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. RARICK. Mr. Speaker, for the fourth time in 14 days I rise to call on the administration to make public information in its possession concerning the illegal, immoral, and subversive activities of the late Martin Luther King.

This information is known to exist. Some of it has already been destroyed.

Unless prompt action is taken, I have reason to believe that more will be destroyed or concealed.

The appropriate committees of the Congress should be given immediate access to what is left of these files before the whitewash is complete.

King's apologists no longer bother to deny his involvement—his close cooperation—with well-known leaders of the Communist conspiracy, both here and abroad.

The American people have learned, a little at a time, of his close association with such identified subversives as Abner W. Berry, Myles Horton, James Dombrowski, Bayard Rustin, Jack H. O'Dell, Carl and Anne Braden, Herbert Aptheker, Elizabeth Gurley Flynn, Gus Hall, Dorothy Ray Healy, Mike Zagarell, John Abt, Daniel Rubin, and Arnold Johnson, all functionaries and officials of the Communist Party and all close "advisors," "aides," and "assistants" of King.

The close ties between King and such latter-day subversives as James and Dianne Bevel, Stokely Carmichael, Paul Booth, John Hulett, James Forman, Rap Brown, Jerry Rubin, Fred Shuttlesworth, and Michael Wood are no longer denied. King's close association with known sex perverts Bayard Rustin and Ralph Abernathy is not even denied by his frantic defenders.

These facts are now too well known to the American people. The truth will not go away.

Instead, following the adage that the best defense is a good offense, the left has launched a vitriolic attack on the FBI in general and on J. Edgar Hoover in particular.

Mr. Hoover's monumental record of a lifetime of devoted service to his country needs no defense. History will recall him as one of the great Americans of all time. His meticulous care in the protection of the privacy of the individual while conducting the investigations vital to the security of the community has charted a course which is an invaluable addition to our way of life.

Americans, armed with the facts, have no trouble deciding the question of credibility between this man and his detractors. The latest coyote to join the yapping is Carl T. Rowan, whose column published in the Washington Star yesterday, I insert it at this point in my remarks:

IT IS TIME FOR J. EDGAR HOOVER TO GO

(By Carl T. Rowan)

A society is never in more peril than when the people lose the ability to identify a genuine threat to personal liberty.

This society is in a lot of peril if we may judge from the public reaction—or lack of it—to courtroom admissions of a variety of illegal FBI wiretaps and buggings of homes and hotel rooms.

A justice department official acknowledged in Federal District Court that Dr. Martin Luther King was under electronic surveillance in 1964 and 1965, and the FBI agent who supervised this surveillance told the court "it was my understanding that it went on after that."

The whole truth is that Dr. King's phones were tapped, his hotel rooms bugged, and he was personally shadowed right up to the time he was slain in Memphis on April 4, 1968.

Another FBI agent, C. Barry Pickett, told the court in Houston, Texas, that for four solid years he had listened eight hours a day, five days a week to the conversations of Elijah Muhammad, leader of the Black Muslims. Pickett employed both a telephone wiretap and a microphone planted in Muhammad's home.

These cases of electronic eavesdropping, which violate both federal law and a presidential executive order, were disclosed in a hearing on former heavyweight boxing champion Cassius Clay's effort to overturn a five-year prison sentence for his refusal to be drafted.

These buggings, which caught some Clay conversations in their "net," are but a fraction of the illegal wiretaps that have moved this country far closer to a police state than most Americans realize.

Why the bland, indifferent reaction on the part of most Americans?

First, there is the general FBI justification for such tactics: "national security."

XUM

Former Attorney General Ramsey Clark, who states emphatically that the FBI had no authority to wiretap or bug Dr. King, asserts that "the implication that people thought Dr. King was a security threat is outrageous."

Still, that term "National security" is more powerful than "motherhood," for it evokes fear, and men still surrender more things—including liberty—out of fear than they do out of love.

The puzzling thing about Clark's statement is that he acts as though he is surprised to hear of the wiretapping and bugging of Dr. King. Could Clark possibly have been unaware that FBI officials were going before congressional committees and partly justifying larger appropriations by titillating some congressmen and feeding anti-King ammunition to Southerners who despised the civil rights leader—all by way of revealing "tidbits" picked up through the wiretaps and buggings?

Was Clark unaware that certain FBI officials were roaming the country leaking to newspaper editors poisonous stories about Dr. King and what the buggings allegedly had revealed?

Everybody else in Washington of any consequence knew it, and many deplored it, but no one seemed to know how to go about making the FBI bend to the laws of the land.

There is a not-too-flippant assumption in Washington that J. Edgar Hoover has been FBI director for 45 years because all the recent Presidents have assumed that he knew too much about them to be replaced. So not only was he not replaced by any of the younger, very able FBI men in the normal course of things, but Presidents Johnson and Nixon have felt it wise or expedient to waive a law saying Hoover has reached the rocking-chair age.

Hoover ought to be replaced as FBI director—immediately.

As Washington agency heads go, Hoover may have done a better job than most. But the people of this country knew something when they limited the time one man might serve in the presidency. They saw personal fiefdoms as inimical to the democracy, the personal freedom, that we have come to cherish.

If it is dangerous to have one man serve three full terms as President, it is far more dangerous to have one man take lifetime possession of a powerful police-investigative agency that prods into the deepest secrets of the most prominent, most honored citizens and has the power to discredit, even destroy, almost anyone. The kind of abuse of and contempt for the law manifest in the King and Muhammad eavesdropping become almost inevitable when a man is left in a key job as long as Hoover has been.

Were Hoover a more thoughtful man, or as concerned about the preservation of democracy and liberty as his speeches suggest, he would have resigned long ago. He would not keep putting Presidents in the political bind of deciding to keep him or ease him out.

It is clear Hoover has no intention of resigning. So when does the President muster the courage to say: "Well done, thou good and faithful servant. Goodbye."?

Mr. Speaker, this column sheds little light on King, except to suggest that which cannot be denied—much is known about his unsavory character and conduct. Rowan's intemperate attack on security surveillance and his personal attack on J. Edgar Hoover shed a great deal of light on the author and the clouding operation, however. Over the past 30 years the Communist Party had conducted the same attack Rowan has paraphrased without apology the party line. For comparison with his attack today, I insert at this point in my remarks a summary of this Communist Party line, according to its official organs, prepared and released by a committee of this House nearly 20 years ago:

REPORT ON THE NATIONAL LAWYERS GUILD: LEGAL BULWARK OF THE COMMUNIST PARTY

(Prepared and released by the Committee on Un-American Activities, U.S. House of Representatives, Washington, D.C., September 17, 1950)

5. FEDERAL BUREAU OF INVESTIGATION

Investigate the Federal Bureau of Investigation because of "vicious assaults upon civil liberties" Editorial, (*Daily Worker*, March 13, 1940, p. 6).

An article in the Daily Worker indicated that the FBI had gone beyond the scope of its authority in conducting general intelligence investigations. Reference was made to the increase in the FBI's appropriation over a period of years, and it was alleged that because of its Director's "absorbing interest in investigating alleged subversive activities" the FBI was falling behind in its regular job of dealing with other types of specific Federal violations (*Daily Worker*, March 25, 1940).

The Nazi Gestapo is Hoover's Model of Conduct for FBI (*Daily Worker*, December 19, 1940, p. 5, columns 5, 6, and 7).

Federal Bureau of Investigation Director J. Edgar Hoover was referred to as "Chief of the national thought police * * *" (Editorial, *Political Affairs*, January 1948, p. 10).

It seem that the FBI * * * is worried that the American people may get wise to its real function—which is thought control on the Gestapo and Japanese police model (Editorial, *The Worker*, June 6, 1948, p. 6).

The FBI and the Department of Justice have developed into a secret political police which exists outside the law and beyond the U.S. Constitution. * * * An aroused nation must stop the FBI effort to replace the American Constitution by the reign of the political spy (Editorial, *Daily Worker*, June 13, 1949, p. 7).

Continuation of * * * protests can turn the rumors about J. Edgar Hoover's resignation into actual and heartening fact (Editorial, *Daily People's World*, June 16, 1949, p. 6).

The FBI's "undercover network" is a menace to the internal security of the nation * * * The American people must rid the nation of this "undercover network," which serves not the nation but a class, the minority of the financial-industrial cliques. The Bill of Rights and the FBI's "undercover network" are incompatible. One or the other must go. We have no doubt which the people will choose (Editorial, *Daily Worker*, June 21, 1949, p. 8).

Surely the American people must see the FBI with new eyes today. The time has come to investigate its methods, its scandal-mongering lists, its blackmailing data, its misuse of public funds, its usurpation of power, its tentacles gripping all parts of our country and its people (*Daily Worker*, p. 10, June 29, 1949, written by Elizabeth Gurley Flynn).

Mr. Speaker, to make an intelligent judgment as to the credibility of two men whose testimony conflicts, it is necessary to know something of each of the men and of their motivation.

Athough J. Edgar Hoover, who called Martin Luther King "one of the most notorious liars in the country" is well known to our colleagues, and his accomplishments are known and respected throughout the world, it is otherwise with Carl T. Rowan who attacks him.

At this point in my remarks, I insert from the recently published Biographical Dictionary of the Left, by eminent historian Dr. Francis X. Gannon, the most recent biographical sketch of Rowan:

BIOGRAPHICAL DICTIONARY OF THE LEFT

(By Francis X. Gannon)

Carl Rowan was born on August 11, 1925 in Ravenscroft, Tennessee, son of Johnnie Bradford and Thomas Rowan. He married Vivien Murphy. He attended Tennessee State University and Washburn College. He is an alumnus of Oberlin College (A.B., 1947) and the University of Minnesota (M.A., 1948). He is the author of *South of Freedom* (1953), *The Pitiful and the Proud* (1956), *Go South to Sorrow* (1957), *Wait till Next Year* (1960), and *No Need for Hunger* (1962).

From 1948 until 1961, Rowan was with the *Minneapolis Tribune* as a copywriter (1948–1950) and as a staff writer (1950–1961).

From 1961 until 1963, Rowan was a deputy assistant secretary of state for public affairs. In that position, he was used as a speech writer and traveling companion for Vice President Lyndon B. Johnson. His major achievement for the State Department, however, was to serve as the Kennedy Administration's efficient hatchetman against Moise Tshombe of the Congo's Katanga Province. When Tshombe's anti-Communist regime seceded from the rest of the chaotic Congo, Rowan branded Tshombe as an "international Uncle Tom" who was nothing more than a hand-picked stooge for Belgian businessmen.

In 1963 and 1964, Rowan was U.S. Ambassador to Finland. In 1964 and 1965, he was Edward R. Murrow's successor as director of the United States Information Agency. While in that position, he travelled to Europe, promoting Lyndon Johnson's "bridge building" between the United States and the Communist bloc of eastern Europe. He went out of his way to assure Communist leaders that the United States government had placed its permanent seal of approval on Europe's Communist regimes. To an audience in Belgrade, Yugoslavia, Rowan said that Americans were acutely aware of revolutionary changes sweeping the world. He elaborated: "We emphasize that we believe in change because we were born of it, we have lived by it, we prospered and grew great by it. So the status quo has never been our god and we ask no one else to bow down before it."

In 1965, Rowan resigned his directorship and became a columnist for the *Chicago Daily News* and Publishers Newspaper Syndicate. He is also a regular contributor to *Reader's Digest* magazine and a radio and television commentator for the Westinghouse Broadcasting System.

Throughout his several careers, Rowan has demonstrated that he is a liberal and has been recognized as such by his peers. He has received the Sidney Hillman award for news reporting, the Contributions to American Democracy award from Roosevelt University, the Golden Ruler award from the Philadelphia, Fellowship Commission, the Liberty Bell award from Howard University, the Communications Award in Human Relations from the Anti-Defamation League, and the National Brotherhood award from the National Conference of Christians and Jews. These tributes are almost invariably reserved for those who are actively promoting leftist-liberal causes.

When the Kennedy Dynasty discovered the value of Negroes' votes and began to place Negroes in high government positions, Rowan was one of the show pieces. In 1962, an application for membership to the famous Cosmos Club of Washington, D.C. was submitted on behalf of Rowan. The application was rejected. Within a few days, leading figures in the Kennedy Administration—many of them longtime members of the Cosmos Club—suddenly became color conscious and resigned their membership.

Alexander Jones, executive editor of the *Syracuse Herald-American*, rushed to the defense of the Cosmos Club officers: "I say this incident is a planned political effort in which the Kennedy forces are trying to make Negro capital, using Rowan as a sort of Freedom Rider in the National Capital on the club front.

"I have been a member of the fine old Cosmos Club for more than 20 years and I believe I can speak with some slight knowledge of how it operates.

"I say that there are people who think Carl Rowan is a bumptious, self-enamored and tasteless fellow.

"And that estimate completely discounts the color of his skin. He could be platinum blond and the people I am thinking about would still turn thumbs down on him.

"Many men have been blackballed in application for membership by the Cosmos Club committee, as they have in most private clubs.

"The only one I have ever heard of who ever made a public issue of it is this same Carl Rowan, who is giving every indication of becoming a professional racist."

Rowan has the normal prejudices of a modern liberal. He detests political conservatives and anti-Communist investigations. He is a staunch admirer of the United Nations and its Red heirarchy. He fancies himself an expert on foreign affairs but in reality he is no more than a parrotting apologist for the appeasement-toward-Communism policy that has prevailed for so long in the White House and the State Department.

In 1966, Rowan was convinced, or at least let his readers think he was convinced, that the Soviet Union's leaders were trying very hard to effect a peaceful settlement of the Vietnam War.

Rowan has long championed the idea that the United States should make friendly overtures to Red China—something which would have been done a long time ago, he contends, if only the "purges and inquisitions of the late Sen. Joseph McCarthy" had not had a stifling effect on public debate of U.S. policy toward Red China. (When and where this alleged stifling took place, Rowan has never mentioned.)

One curious facet of Rowan's work remains unexplained. On radio and television and in his writings, he is a persistent and dedicated defender of the Central Intelligence Agency—so much so that it is not unreasonable to suspect that he is or has been a CIA agent.

THE VALUE REVOLUTION

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. RIEGLE. Mr. Speaker, one of the most important tasks facing both the individual citizen and all levels of government is coming to grips with the problem of student unrest and campus disorder. We must go far beyond merely reacting to the outward manifestation of this problem, that is, with restoring order to a riot situation and punishing those who destroy property. It is more important that we understand the fundamental questions these students are asking about our value system and the direction in which our country is heading.

I have recently read an article by Stewart Udall, former Secretary of the Interior, which I think really gets to the heart of the transition we are in and to the underlying issues of the campus turmoil. Because I agree with Mr. Udall's perception of this value revolution and the need for channeling this concern in a constructive way, I insert Mr. Udall's remarks at this point in the Record:

[From the New York Times, June 7, 1969]

The Value Revolution

(By Stewart L. Udall)

There is a deepening awareness that today's domestic turbulence is in reality a fundamental questioning of the value system of American society.

The protest of the blacks against the personal affronts and indignities of daily life is also a more general protest against the false and frequently inhuman values of our total social system. The widespread student antagonism toward the standards of "the establishment" represents an even broader disagreement with conventional values.

SOCIAL RENEWAL

I believe this pervasive and pointed questioning of values may bring about a shift in those ideas and attitudes that ultimately shape the nation. In fact, we may already be engaged in the most vital sorting out of values since 1776. Even our search for the roots of failure at the time of the Depression was more a questioning of the workability of the economic system than a radical search for the elements of thorough-going social renewal.

Our contemporary turmoil concerns human relationships: between the privileged and the impoverished, between black and white, between parents and children.

If we honestly believe, as I do, that the present young generation is not only the best educated, but also the most aware and idealistic in our history, we must be responsive to its causes and complaints. The anger of the young blacks against the built-in inequalities and hypocrisies of "the system" legitimately challenges the moral basis of the old order.

If a large proportion of the superior university graduates turn their backs on corporate careerism, if many of our most creative minds are turned off by conventional opportunities, we should question the incentives and concepts that make the system go. For there is no doubt that the desire to be merely affluent is yielding to the impulse to live in an environment that is life-giving and creative.

If most of our cities and countrysides are increasingly unclean and ugly we should begin to reconsider the policies that have made them a disordered mess. If technology is to continue its thrust, then it must be influenced by social considerations and aspirations—in short, technology must be civilized.

The thing that appalls the new generation the most, I believe, is the waste endemic in American life: the waste of young talent; the waste of the contributions the unmelted minorities could make if we gave them a chance; the waste of the beauty and bounty of a magnificent continent. The student protest against the Vietnam policy was and is a moralistic protest against waste.

EXCESSES OF WAR

With the benefit of hindsight we now realize it is a judgment wiser than Washington's—a judgment that the lives and wealth expended were excessive and misdirected, and thus demeaned us before mankind.

We will always need in this country all the idealism we can get, particularly from our youth, for the idealist is more sensitive to crucial moral issues, more attuned to the nonmaterialistic opportunities. Who, indeed will pierce our old frauds and follies unless fresh minds question the habits and attitudes of the past?

The value revolution is upon us. It may transform our lives. Those preoccupied with the selfish scramble for easy wealth, unmerited advantage and personal ease should become accustomed to the well-aimed arrows of those who have contempt for these aspects of American life.

The value doubters will continue to scorn our efforts to define the national well-being solely by Gross National Product, freight-car loadings, auto production, or the sufficiency of military preparedness. They want to assess (and they are entitled to raise the issue) what that product is, what the freight cars contain, what the relevance of individual wheels is to our mass transportation needs, how humanism fits into what can never again be a simple logistical measure of preparedness.

The time has come to recognize the worth of the value revolution and to encourage it toward constructive channels. It can have a profound and beneficial influence on our future if it causes us to renew our lives, revise our institutions, and reassess our directions and purposes.

JOINT COMMITTEE ON ATOMIC ENERGY MEMBERS SPEAK TO NATIONAL COAL ASSOCIATION

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. HOSMER. Mr. Speaker, Representative John B. Anderson and myself had the pleasure of speaking this morning to the 52d anniversary convention of the National Coal Association. Our respective speeches follow:

Needed: A Peace Treaty for the Energy Community

(Remarks by the Honorable John B. Anderson, Member, Joint Committee on Atomic Energy, Before the National Coal Association, Mayflower Hotel, Washington, D.C., June 16, 1969)

Good morning, ladies and gentlemen, I hope it isn't too early in the day to speak to you about a serious subject.

I refer to the increasing public opposition, not a little of it wholly unreasoning, to the construction of all electric power plants. The fact that the preponderance of this opposition has of late been concentrated on nuclear power plants should not be of comfort to you. There are those who have made efforts to trade upon the visceral public anxieties associated with the atom, and to a certain extent they have succeeded. But their temporary success, if you can call it that, has had cancerous effects. Unless these efforts are stopped, objective dialogue will give way to unrestrained charge and countercharge, with effects that are inimical to all in the power business. Portraying nuclear plants as bad and electric utility executives as irresponsible individuals intent upon destroying the wonders of nature impairs public confidence in the motivation and integrity of these men in a way that is harmful to more than nuclear power.

As a result, coal and other fossil-fueled plants, hydroelectric projects and pumped storage facilities also have encountered significant and growing public opposition. I regret to say that the situation will probably continue to deteriorate before it begins to improve.

It seems that what should be a genuine, legitimate and quite understandable concern about the effects on the environment of large power plants has been transformed in many instances into an insistence on pristine purity that refuse to recognize the need

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to meet two goals—namely, the goal of clean air and water and natural beauty, and the goal of abundant, economical, and reliable electric power. Some balance and some perspective must be given to meeting these goals. We cannot afford recurrences of the Great Northeast Blackout, or a multiplication of the so-called "brown-outs" which have been recurring with increased frequency in recent years. My purpose this morning is to try to give some perspective to these considerations.

THE IMPACT OF ATTACK

The effort needed to overcome the damage being done by irresponsible attacks on the power industry has yet to be appreciated. These attacks tend to destroy years of planning that have been directed to working out suitable arrangements to provide much needed electric power generating and transmission facilities. The attack itself may be initiated on nuclear issues. However, many in reality constitute attacks on power generating stations of any kind. Nuclear power has often provided a convenient way of launching them. But in the long run the coal industry cannot hope to benefit from them.

A factor too often overlooked is the lead time and the planning that must be done to provide power generating capactly, especially during these times of rapidly mounting demand. Significant disruption of these efforts could well consume a major portion of a decade to recover from them. The resulting electric power shortages could be of sustained duration and would have many serious implications for the community. Free, frank and open discussion we must have. But we cannot allow the irresponsible actions of a few individuals to interfere with soundly conceived plans to meet the energy needs of this Nation.

ELECTRIC POWER GROWTH

The demands for energy in this country are growing at a tremendous rate. The Nation will need half again as much energy annually by 1980 as it did in 1965 and almost two and one-half times the 1965 level by the year 2000. Energy in abundance is needed to sustain economic growth and raise the standard of living.

Electrical power usage will represent an increasingly larger share of the total energy demand. In 1965, about 22% of the total energy used in the U.S. was electrical. By 1980, this is expected to increase to about 29% and by 2000 to 52%. The total electric generating capacity in the U.S. is expected to increase about five fold between now and the end of this century. These statistics clearly illustrate the high degree of dependence being placed on electrical power in this country.

An important problem in meeting these power needs is to find suitable sites for locating power generating stations. With increasing frequency, "don't put it here" is becoming the public's reaction to particular sites selected by the utilities. A concern for the environment has contributed to this reaction. An important factor is the increasing competition for potential steam power plant sites. This results from limitations in the availability of suitable land; it also results from the fact that the features which make a site attractive for a power plant also makes it attractive for many industries and other uses.

The siting problem is one that concerns not only the state and federal regulatory agencies with long-standing responsibilities in electric power generation and distribution, but also agencies with environmental and other public interest responsibilities. In carrying out these responsibilities account must be taken of considerations relating to such things as public safety, the quality of air and water, and the protection of scenic and recreation areas.

To resolve these complicated issues requires more knowledge and understanding than we have had. An important first step toward such understanding is the interagency effort which led to the report titled "Considerations Affecting Steam Power Plant Site Selection," which was published about six months ago by the Office of Science and Technology. This report assembles in summary fashion our present knowledge of the public interest considerations that should play a role in planning the power plants of the future. The report recognizes that our knowledge is incomplete and in some areas is non-existent. But it has served the important purpose of highlighting these areas and in focusing attention on the need for further meaningful efforts. The report contains no policy pronouncements but it has succeeded in stimulating discussion of the need for additional surveys, research and other actions by the industry and Government to protect the public interest.

For example, *Electrical World*, the industry trade magazine, recently summarized the reasons why the problem of plant siting promises to become more critical in the years ahead. First, the expanding population with its increasing industrial and recreational needs is preempting land areas suitable for siting. Second, the geometric expansion of power generation, involving single units in the 1,000-MW range, greatly escalates the physical requirements—particularly the water requirements—for sites. Third, society's increasing sensitivity to environmental values is already greatly reducing the availability of sites. This trade journal went on to observe that "Unless some thoughtful, constructive approach is worked out, this problem of plant siting will go from worrisome, to critical, to disastrous in the years ahead." I thoroughly concur in that observation.

THERMAL EFFECTS

One of the environmental considerations treated by the siting report was thermal effects. Steam electric power plants, whether fossil-fired or nuclear, release substantial quantities of heat to the environment. Although attempts have been made to magnify the difference that exist between the present light water nuclear and fossil plants, the fact remains that this difference that does exist is only one of degree and both types of plants must accommodate to the thermal effects problem.

The number of people suffering misapprehensions about thermal pollution, so-called, and the extent of their misapprehensions never ceases to amaze me. It is not at all uncommon to see laymen equate thermal discharges with "thermal pollution." Ipso facto, waste heat in their minds means thermal pollution. In turn, they automatically equate thermal discharges with fishkills. In fact, the rejection of heat to an adjacent stream, river or sea does not necessarily mean that damage to fish or to the ecology will result. If the total flow of a stream or the total volume of a lake is adequate to absorb the heat discharge without violation of established water quality standards, then proper plant design can prevent thermal effects problems in the immediate vicinity of the plant site. For example, temperature at which the cooling water is returned to the adjacent body of water can be reduced by increasing the flow rate through the plant condenser, by hold-up ponds, or by improved mixing methods. Provision can also be made for rapidly dispersing this heated water when it is returned.

LEGISLATION ON WATER POLLUTION

Before moving on, one parenthetical note is in order. As you know, a number of laws have been passed on the Federal level in recent years to prevent and control water pollution including thermal effects. Additional legislation is now pending which would significantly affect nuclear power plants and, at least in the larger sizes, most fossil fired plants. I noted that one of the coal industry trade associations expressed opposition to the measure during recent hearings. The Joint Committee early in the session announced its support of the bill, and in fact the House members of the committee actively supported it on the floor when the legislation was recently considered in the House of Representatives.

The Senate companion to this bill has not yet been reported by the subcommittee within the Public Works Committee presently considering it. However, several weeks ago a draft copy of the bill as it had been revised up until then was made available to interested persons. In the ears of many of us the legislation as it was then proposed had a number of objectionable features. As far as I am concerned, and I know my views are shared by the other members of the Joint Committee, all bets are off as to our support of the bill unless the controls that are imposed on the electric utility industry go no further than are necessary to accomplish the ends that all of us have in mind. If in our efforts to curb and cure pollution we go beyond what is reasonable and necessary, I'm afraid there are going to be a lot of people flicking their light switches to "on" and finding themselves still in the dark. I certainly hope that the subcommittee involved will consider this matter very carefully. Based on information received in the last few days, I now have reason to believe that it will.

AIR POLLUTION

I now want to turn to another area where power plants have environmental effects. I refer to the problem of air pollution, an area identified for immediate priority attention by the Environmental Quality Council recently established by President Nixon.

According to a National Academy of Science report the generation of electricity contributes 12.5% of total atmospheric pollutants. The pollutants of major concern from power plants are fly-ash, smoke, and soot, and the gaseous oxides of sulfur, carbon and nitrogen. These pollutants are annoying, can cause property damage, and can have adverse public health consequences.

The utilities are assisting in the clean air campaign through increased usage of fuel of low-sulfur content. Moreover, strides are being made in developing equipment to remove or reduce the air pollutants generated by the combustion of coal and oil. However, even greater strides could be made through increased industrial and Federal research and development assistance. The Joint Committee's authorization report to be releassed this week will call attention to this need.

This audience does not need to be told of the difficulties involved in controlling the various pollutants from power plants. You know them and also know the efforts being made to control them—their prospects, problems, and costs.

You know that the City of New York in its Air Pollution Control Code has established standards which restrict the sulfur content of fuel oil to not more than 1% sulfur by weight, and require a gradually tighting limit upon the sulfur content in both solid fuels and residual fuel oils. As regulations like these become more widespread, as they require more stringent control of air quality, the costs of installing, operating and maintaining pollution control equipment will rise. These rising costs and the need for clear air provide strong incentives for more intensive research and development efforts on such equipment. Until satisfactory removal processes are developed, the principal methods available to minimize air pollution effects by electric power plants using fossil fuel will continue to be the judicious selection of the plant site, restrictions on fuel sulfur content, and building high stacks.

RADIOACTIVE RELEASE FROM NUCLEAR POWER PLANTS

Let me turn now to the matter of radioactive releases from nuclear power plants, a subject as misunderstood as the question of thermal effects—if not more so.

During operation, nuclear power plants are permitted to release, under well controlled and carefully monitored conditions, very small quantities of radioactivity. Experience to date with licensed operating power reactors shows that radioactivity has been a small percentage of releases that may be permitted under AEC regulations. These AEC limits are based on guides developed by the Federal Radiation Council and approved by the President for the use of Federal agents. In evaluating the acceptable risk from radiation exposures, the Council uses the best technical expertise in the field, and takes into account the recommendations of the National Council on Radiation Protection and Measurements, and the International Commission on Radiological Protection.

The control of radioactive waste produced at nuclear power plants will continue to be entirely manageable, as it now is, even though nuclear power production is estimated to grow many fold in the next decade. Fifty billion kilowatt hours of operation have been accumulated to date in commercial reactors without the accidental release of radioactive materials above the annual permissible levels of normal operation.

RESEARCH AND DEVELOPMENT

The AEC and the nuclear industry have long conducted a comprehensive program of research and development on environmental and safety aspects of nuclear power. Nuclear technology has been unusual with respect to the efforts that are going into providing for public safety. Because of this, the safety record of the nuclear power industry has been an outstanding one.

The concern for public safety was perhaps best expressed by Chairman Chet Holifield of the Joint Committee when he said:

"The atomic energy program is unique in that for the first time a detailed regulatory system was imposed by the government before the experience of any serious accidents prompted a demand for such regulation."

In addition to its safety research and development programs, the AEC has continually carried out extensive investigations in the field of geology, seismology, hydrology, and meteorology. Substantial information has been developed on the movement of water in rivers through studies directed toward understanding the transport of heat and radioactive materials in water systems. Model studies made to simulate various stream environments are directly applicable to the problem of dispersing waste heat, whatever its source. Biological studies of the effect on the ecology of radioactive material that might be present in waste water from nuclear plants are very similar to the types of studies that examine the effects of waste heat upon marine life and vegetation.

A point I must register here is that the entire power industry, not just the nuclear segment, benefits from such research programs. The need is that more be done along these lines, that the efforts of all be joined, in a complementary and mutually supporting manner, to grapple with the problems that confront us. There is just too much to be done to allow our energies to be dissipated in self-defeating efforts which deprecate the contribution that each segment of the power industry can make.

AESTHETIC CONSIDERATION

Another important consideration affecting electric power plants is the effect they have on scenic and recreational aspects of the environment. Some may take a casual view of these concerns, but those who have encountered this kind if opposition will not take it so lightly thereafter.

As with other environmental considerations, there is no way to eliminate completely the effect that electric power plants and their associated transmission facilities have on the natural beauty of the environment. There is, however, much that can be done, and much that is being done, to minimize adverse effects. Where one type of power plant lends itself to a particular setting, advantage should be taken of that fact. Again, the challenge in this area as in others is to reach a reasonable balance among alternate power sources, recognizing the prevailing technological and economic considerations. Based on progress made thus far, it can be expected that reasonable solutions will be found with respect to the asethetic effects of power plants and their associated transmission lines and facilities.

THE NEED FOR CONSTRUCTIVE APPROACHES

The electric power industry has shown a willingness to take steps to preserve the beauty of the countryside, but needs encouragement, support, and the constructive contribution of all involved. I hope and trust that those who want the benefits of electric power, but not the inconveniences that go with its production, will realize that they must develop a more balanced point of view. Such a balanced posture would contribute materially to resolving the problems to which I have alluded.

In this connection, the authorization report which the Joint Committee will be releasing in a day or so will provide very constructive support for strengthened efforts on power plant siting. I personally endorse the support thus provided and want to underscore its importance.

As I have indicated, current conflicts between production and distribution of electricity and protection of the environment—regardless of the fuel employed—are but a prelude to larger long-term problems. The Joint Committee believes, and I trust the entire industry believes, the problem of plant siting shows signs of passing into the critical stage, and that a pressing need exists for a long-term policy approach that will assure the availability of generation plant sites in the decades ahead. Therefore, we have urged that the Nation's electric utilities and appropriate agencies of government at all levels join forces to establish realistic, long-range plans for the selection and utilization of sites for large generating facilities so as to best meet the public's twin demand for electric power and environmental protection.

I hope the National Coal Association will support this call for concerted action. A half century ago, procedures were initiated for rational, regional development of the power potential of our nation's rivers. We believe that efforts must now be directed toward applying similar comprehensive planning principles to systematic solution of siting difficulties associated with the burgeoning number of steam electric generating stations. Reliance on ad hoc, plant-by-plant arrangements has already proved inadequate; a bold new approach is required—supported by all involved in meeting the total energy problems and protecting the environment.

CONCLUSION

From my own extensive experience in following basic energy problems, and from my more recent involvement in developing the policies that guide our atomic energy programs, I feel I must comment on the role that each of us is called to play in meeting our nation's needs. All of us who have looked in depth at these needs and problems have concluded that greater efforts are called for—greater research and development programs, and greater emphasis and action on coordinated planning efforts to achieve optimum solutions.

My experience with the Joint Committee and my discussions with many groups responsible for meeting energy needs have convinced me of their determination to proceed in a constructive manner along these lines. They intend to direct their resources more vigorously in support of needed research and development, and more actively in coordinated planning efforts. There is also a strengthened resolve to see that problems are openly discussed and brought to the attention of those with responsibility for solutions.

It is of great concern to see these purposes subverted; to see resources dissipated in negative effort which tear down the positive endeavors of others. Those involved in these negative efforts seem not to understand that they are unwittingly working against their own best interests.

It is essential that leadership or organizations like this carefully assess their own efforts and those of others to assure that such efforts are directed along the constructive lines I have described. Let me make it clear that I urge this of all groups—and I mean *all* groups—whose business is energy. Should efforts be found that are not oriented along constructive lines, they should be uprooted and reoriented accordingly.

This nation cannot endure internecine conflict among those entrusted with responsibility for meeting our energy needs. The entire energy community is well aware of the sums of money and efforts being spent by some in efforts whose singular purpose is to oppose competing energy sources, while problems in their own backyard are begging solution for want of such resources—financial, technical and managerial.

You in the coal industry are called to end any such misdirected efforts as may be found in your midst. They are unworthy of an industry which has contributed so much to our national strength, and whose contributions in years ahead will be so important to this nation's welfare. You are further called to make common cause with all engaged in the massive effort needed to meet our energy need and protect our environment. I am confident that the coal industry will not fail this challenge.

ENERGY: TODAY AND TOMORROW

Remarks of Representative CRAIG HOSMER to the National Coal Association, Washington, D.C., June 16)

There are only about four developments in the nuclear area this year that may be of interest to you. First, there is the fact that hardly anybody is buying nuclear reactors any more. But I don't want to talk about that.

Then there are: (1) the development of a national ecological syndrome, (2) the problem of disposition of the uranium enrichment plants, and (3) the probable emergence of a new competing energy source. I shall speak to these in that order.

ECOLOGYOMANIA

First, ecologyomania. Quite properly Americans have become concerned over their steadily deteriorating environment. Far less attention has been paid to the contaminating consequences of industralization than is necessary. Far fewer funds have been expended than are needed to accommodate these developments to the reasonable preservation and conservation of our country.

But that does not mean, as some would have us believe, sending the world back to whence it came to be refurbished into its original pristine condition.

Just as the birth of even one more person requires an accommodation with nature to provide ground on which to place his feet—and thereby some ecological consequence, however slight—so, also, is there some similar consequence each time man takes a further step from his original cave. That is the absolutely inevitable and the absolutely inescapable cost of progress.

It does not mean, however, that the price of progress need necessarily be a drab, noxious garbage pit of a world. Measures can be taken to prevent this. It is simply a matter of deciding what changes in our environment are tolerable and a willingness to pay the cost of avoiding the intolerable.

We can thank the conservationists and others who have raised the environmental and esthetics issue, but also we must see that these issues are made clear to a confused public. Specifically, in the case of electric power, demand for which doubles every nine or ten years, we must make clear that the choice is not "conservation or kilowatts"—we must have both in reasonable amounts. The real issue is this: "How much conservation is fitting, and how much more are we willing to pay for our kilowatts to get it?"

Take the late, lamented Bolsa Island Nuclear Desalting Plant as an example. Ocean water temperature in a limited area around the island would have been raised. Sea growth on which sea life feeds would have been killed. But the sponsors of the project already had located other plant life in the warmer waters of lower California readily transplantable to Bolsa Island as replacement. In this case some change in the ecology would have been involved, but the promoters were willing to pay the cost of minimizing it. However, we still don't know if the conservationists would have accepted even that minimal change as a reasonable cost for new supplies of fresh water and electric power.

And, although the conventional fuels people may take some temporary delight in watching the nuclear people squirm under the pressure of the so-called thermal pollution issue, it will catch up with them, too.

Some smart ecologist will calculate that conventional plants are, say, 40% efficient energy converters and new nuclear plants 35% efficient. Then he will calculate that, respectively, 60% and 65% of the unconverted BTU's go some place. In the case of nuclear plants the whole 65% goes into cooling water. With conventional plants, 10% goes up the stack and 50% into the cooling water. Then, with these figures, our ecologist will pied piper his followers against the conventional people on two fronts: water pollution and air pollution.

Gentlemen, we're in hot water together and I suggest that we cooperate.

DIFFUSION PLANTS

Next, let's take a look at the three uranium enrichment plants, that vast, 2½ billion-dollar complex of gaseous diffusion technology at Oak Ridge, Paducah and Portsmouth, Ohio which enriches uranium for the world's nuclear reactors.

These plants were sized and built in the late 1940s and the early 1950s, when it was believed that vast quantities of highly enriched uranium would be needed for defense purposes. Subsequent development of the H-Bomb so reduced these requirements that today only about 15% of diffusion plant capacity is required for military needs. What remains is available for supplying slightly enriched uranium to foreign and domestic utilities for civilian power reactors.

Although today the enrichment complex operates only at around 2/5th capacity, the projected growth of nuclear power is such that even with a planned $800 million improvement and upgrading program, the present complex will be at full capacity by 1980. After that, several new billion-dollar enrichment plants will be needed to keep up with utility demands.

We have long heard complaints—and not just from the conventional fuels people—that government should not be operating these plants primarily for the benefit of the electric utility industry. And, certainly, the taxpayers should not and will not foot the bill for the vast new capital investment in improvements and expansion that will have to be made.

With this in mind, the Atomic Energy Commission has declassified almost all data regarding the gaseous diffusion process and the operation of the plants. It has suggested a spectrum of seven alternatives for their future management, ranging from continued AEC operation to sale of the plants outright to three competing operators.

The first alternative is the same situation we have now and is neither philosophically nor economically available. The last alternative seems to me to be politically unfeasible. I just can't see the U.S. Senate or the House, either, going for legislation which would inspire massive charges of "federal giveaway." The Dixon-Yates controversy is too fresh in my memory.

Somewhere in the middle of the spectrum of alternatives lies the government owned corporation formula—a structure providing access to the private money market for operations and expansion, somewhat along the pattern of TVA. Soon, when the Joint Committee begins hearings on the future of the diffusion plants, I will concentrate my questioning on the government corporation idea, since I believe it to be the alternative that is both economically and politically feasible.

The hearings will go into many very basic questions which must be explored. To state just a few: How shall the price for enrichment services be fixed? Who should determine the tails assay of the depleted feed material? What about the national security? Who should do how much R&D on new diffusion and centrifuge enrichment technologies, and who will pay for it? How will our complex maze of enriched uranium agreements with other countries be honored?

The questions will have to be divided into four different categories. One category will be permanently reserved to the government to resolve as a function of state. Answers to another should be included in the enabling legislation and the corporate charter. Decision making regarding the remaining categories ought to be allocated, as appropriate, between the corporate board of directors and its general manager, with suitable guidelines for proper resolution being provided.

This job will have to be done with considerable care and wisdom. The nuclear power industry from the mines to the ultimate consumers has a great stake in how well the problem of the future uranium enrichment is solved, as do nuclear power's competitors.

This mention of competition amongst energy suppliers leads me to my final topic, which, under the circumstances, I shall discuss in some detail.

GREAT NEW ENERGY SOURCE

Recently a technical paper has come into my hands which indicates a great new energy source may soon be brought into existence to compete with conventional fuels like oil, gas, and atomic energy.

This paper emanated from a laboratory hastily established by refugee scientists in a squash court beneath the football stands at the University of West Virginia. It reveals that the actual existence has at last been confirmed of a substance known as coal (that's spelled c-o-a-l).

This was sobering news to me, and I am sure others who have regarded this possibility as no more than a rumor, deviously designed to confuse the Bureau of Mines, constrain the utility industry, and drive down the cost of nuclear kilowatts.

Previously, coal was thought to be only a legend of the Carboniferous Age, when savages used certain fossilized plant remains as jewels and to blacken their faces during pagan ceremonies.

PEACEFUL USES

This very learned and highly technical paper suggests that this exotic substance, heretofore only predicted in the Periodic Table of the Compounds, may someday even be used in reactors for the generation of electricity.

What a great thing it would be for America if we could come up with a new energy source capable of competing with the atom. A thought like that staggers the imagination!

First there was fission. Then there was fusion. Now, looming on the technical horizon is the exciting new concept of oxidation.

Today, at what I shall boldly call the dawn of the Coal Age, we must surely expect the onset of the same hopes, fears and expectations that characterized the dawn of the Atomic Age. We are challenged to unlock the power of coal to make its incalculable energy available for the benefit of all mankind.

Some day, every family may even have a small coal reactor in its backyard, generating electricity which is too cheap to meter.

Other potential peaceful applications are seemingly endless: coal powered automobiles, coal propulsion for ships and aircraft, coalbalt cancer cures, and coal propelled spacecraft lifting astronauts to the planets and beyond.

MILITARY APPLICATIONS

Military applications of coal will, of course, be highly classified. But you may be certain that America does not intend to be second in the coal bomb race, and that coal deterrence will become the keystone of United States military strategy.

We will build a sophisticated arsenal of A-Bombs—Anthracite Bombs—and Bituminous Bombs. Clear-cut coal superiority will assure this nation that no potential aggressor will ever become emboldened to attack us.

And we will build great national coal laboratories at such places as Los Coalamos, N. M., Carbonne, Ill., and Coke Ridge, Tenn.

GOVERNMENT'S ROLE

It goes almost without saying that our national guilt complex, caused by subjecting the world to the unthinkable horrors of coal war, will demand that we develop manifold peaceful uses of coal as quickly as possible, money being no object.

And I think we can do so. If its development is handled right, coal can become the greatest power source since atomic energy. But it should be crystal clear to all that such a critical undertaking as this cannot be left to the whims of a fledgling industry. It obviously requires the steady, bureaucratic hand of government to assure that everything is done properly and that no one rushes ahead precipitously.

This monumental effort may take 20 or 30 or even 50 years and billions and billions of dollars for research, development and, of course, demonstration. Since a small and inexperienced coal industry could not possibly finance rapid and massive development of coal's peaceful uses, government must subsidize it. To implement this I propose the following:

First, creation of a Coal Energy Commission, headed by five wise and articulate men, whose job it will be to subsidize development of coal technology, provide public liability insurance against its hazards, and travel around making speeches about it.[1]

Second, creation in the Congress of a powerful and prestigious Joint Committee on Coal, which will be kept fully and currently informed on the subject, and whose job it will be to harass the Commission, to pontificate, to ram coal bills through Congress, and to travel around making speeches about it.

As an adjunct, we also must initiate a Coal-For-Peace Program and establish an International Coal Energy Agency to help promote coal on a world-wide basis and to prevent its surreptitious diversion from peaceful to military uses.

Once these steps are taken we will be ready to start spending the taxpayer's money, hopefully at a rate of $2-to-$3 billion a year.

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[1] The Chairman of this Commission should be some laureate known and respected world-wide as "Mr. Coal"—someone of impeccable qualifications such as Tony Boyle or Brice O'Brien or even Ralph Nader.

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RESEARCH, DEVELOPMENT AND DEMONSTRATION

We will begin, pursuant to the venerable doctrine of *caveat emptor,* by building first generation coal reactors so heavily subsidized that no sensible utility can afford not to buy one.

Then we will build second generation, unsubsidized coal reactors which utilities will be willing to buy because they have become status symbols and because their ownership evidences a utility's allegiance to flag, country and conservation.

When coal is burned in a reactor, some scientists predict it will bring into being a very valuable by-product known as fly-ash. We must learn to recycle fly-ash in coal reactors.

There is even the impressive possibility of third generation breeder reactors, which will breed more fly-ash than they consume, thereby assuring the world of limitless energy for all time to come.

If coal people but have the courage and wisdom of those who founded our atomic age and made it great, there is no domestic problem we cannot solve nor foreign foe we need ever fear. For the real secret of success for the Coal Age is to be learned from the Atomic Age. In a word, it is: Promote.

The Commission and the Joint Committee should deluge the nation with messages such as: "Coal Powers America's Future"—"Coal for Peace and Plenty"—"Keep Cool and Clean with Coal" —"Enrich Thermally with Coal"—and so on.

PUBLIC ACCEPTANCE

But make no mistake. The path to coal glory will not be easy. The atomic energy people will fight back in many crafty, subtle ways.

They will be aided and abetted by others staunchly opposed to coal for philosophical reasons, and kooks incapable of viewing coal in terms other than those of mushroom clouds belching from prurient seas of ugly coal reactors, totally lacking redeeming social value.

They will get Congressmen from uranium states to introduce legislation to investigate the slag heaps. Moral issues will be raised about Radon's daughters being down in the mines with the dirty old coal miners.

The Coal Energy Commission's jurisdiction will be challenged by the Interior Department; the Justice Department will investigate the infant coal industry's vertical, horizontal and slantwise integration.

PUBLIC SAFETY

But the most dangerous attacks will focus on coal reactor safety, coal's unknown genetic consequences and coal's dangers to the environment.

Maximum incredible fear and alarm will be generated in the populace over the hazardous waste product from coal reactors. Coal's foes will not hesitate to flail the industry with such terror-invoking phrases as carbon monoxide and sulphur dioxide.

And everywhere people will be asking, What if a coal reactor's oxygen supply got out of control? Will it melt down, all the way through the earth, and come out in China? Will massive quantities of deadly, toxic gases be released on billions of people?

How heavily, will they ask, can human wisdom, care and engineering be relied upon to hold this peril under control? They will say that if the Lord wanted coal reactors on the face of the earth, he would have made coal grow on trees.

PREDICTION FOR THE FUTURE

Let me venture a prediction. One day, in the not-too-distant future, a very strange thing will happen.

A small, elderly woman will return home from her Coalinga, California, Sierra Club meeting. She will smile at her African violets, kick off her tennis shoes and prepare to belt down her usual frozen daiquiri luncheon. As she activates the electric blender, the entire nation will plunge into darkness. The last final overload on the generating capacity will have occurred.

At that precise moment, three thousand miles away across an entire continent, in the hearing room of the Joint Committee on Coal, the nuclear people will have just completed their emotion-charged testimony once again demanding an end to coal subsidies.

The lights in the hearing room will flicker, then dim, and finally the lights go out. And sitting there in the darkness, with only the gentle sobbing of the chairman and ranking minority member to break the silence, coal's proponents and coal's opponents will contemplate the tragic series of events which led to this catastrophe.

Slowly the realization will come that they were so busy fighting each other that they forgot their prime obligation to the American people—which was to provide energy in ample quantities at the lowest possible cost.

The American people didn't care whether their electricity was nuclear kilowatts or the exciting new coal kilowatts.

But the public listened when the nuclear people accused the coal people of polluting the skies; and they listened when the coal people accused the nuclear people of polluting the waters. They listened when the preservationists sought to stem the black tide of pollution and raised the battle-cry: "Electric power, no—flower power, si!"

The people got mad. They picketed and they protested and they demonstrated. They intervened at public hearings. They flooded the mail with conservationist ads clipped from the newspapers. They read books about "Careless Coal." The public became so enranged that they passed a constitutional amendment guaranteeing every American's fundamental and inalienable right to safe, healthful, productive and aesthetically and culturally pleasing surroundings.

No one could build a power plant any more. And soon there just weren't enough kilowatts to go around.

On that future day of which I speak, and in that hearing room of the Joint Committee on Coal, and in that darkness the atomic people and the coal people at last recognize the error of their ways. They determine to abandon their collision course. They coalesce into a coalition and pledge forevermore to work together in the public interest.

Thus will America emerge from her Dark Age.

And if all this has any moral, in just plain, salty everyday, down-to-earth language, the moral would be:

Post hoc ergo propter hoc—vis unitas forgior.[3]

ADDITIONAL INCOME TAX EXEMPTION TO A TAXPAYER SUPPORTING A DEPENDENT WHO IS MENTALLY RETARDED

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. LONG of Maryland. Mr. Speaker, recently one of my constituents called my attention to a problem faced by millions of American parents. His 26-year-old, mentally retarded, son earns about $5 a week in a sheltered workshop. The father must, of course, provide his son's food, lodging, medical, clothing, and other expenses. But at the same time, he must save for his son's support after his own death or retirement. In order to ease the burden on families and enhance the future security of the mentally retarded, I am introducing legislation to extend an additional $600 income tax exemption to any taxpayer supporting a dependent who is mentally retarded.

In a special message to Congress in October 1961, President Kennedy estimated that 126,000 children are born each year who will be mentally retarded at birth or later in life. According to the Department of Health, Education, and Welfare, about 3 percent of our population—approximately 6 million Americans—are mentally retarded—120,000 of them in Maryland. On the basis of Treasury estimates, Maryland families with retarded dependents under this legislation would save approximately $12 million annually.

My bill states that mental retardation exists when a doctor certifies that an individual has a medically demonstrable severe mental defect or infirmity that prevents him from undertaking mental activity that is considered normal for his age group, or that prevents him from engaging in normal remunerative employment.

Mr. Speaker, I urge favorable consideration of this legislation during the present session of Congress.

WITHHOLDING CITY EARNINGS TAXES FROM FEDERAL EMPLOYEES' PAY

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. ASHLEY. Mr. Speaker, I am introducing today legislation which calls for the regular withholding of city earnings taxes from the pay of Federal employees.

The regular withholding of taxes by an employer from employee payrolls was initiated as a service to both citizens and government bodies. It was reasoned that such a system would make it easier for a family to budget its income and, at the same time, eliminate the costly burden of collection and provide for more efficient fiscal planning on the part of the taxing body.

Enactment of this legislation would enable Federal agencies to the extent practicable and economically justfiable to give cities the kind of cooperation now afforded States in collection of their income taxes from Federal employees.

The proposed withholding system is peculiarly important to cities because of the low rate of local income taxes, which generally do not exceed 2 percent. The liability of one taxpayer is, therefore, generally so small that the filing of individual returns, tax enforcement, and collection procedures associated with higher rate State and Federal income

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[3] Don't let them kid you, fellows—stick together and we'll whip them.

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taxes are uneconomical. Thus, fair and productive municipal income taxes must rely largely on withholding.

Because of the peculiar situation in which Federal employees find themselves, they are generally required to file individual returns which most other taxpayers are not compelled to do. Too frequently, they find themselves assessed interest and penalties for late filing. In some cases, they face embarrassment for having failed to report, and they become the victims of collection proceedings.

Under these circumstances, equity in administration, as well as revenue considerations, would seem to demand that the Federal Government be required to withhold just as other employers do. This would be fair to the locality, would be fair to other employees subject to withholding, and it would be fair to Federal employees who now must pay their local income taxes quarterly or annually rather than through very small amounts withheld from their pay.

YOUTH CAMP SAFETY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. ROSENTHAL. Mr. Speaker, 151 House Members were surprised and disappointed recently when the youth camp safety survey bill failed to pass under suspension of the rules. We are confident that this important bill will be approved when submitted again to the House under its regular procedures.

As sponsor of the original youth camp safety survey bill I was especially surprised that the issue in the floor discussion was economy. This bill, like my version, was designed as a very modest proposal whose very essence was economy of both funds and Federal involvement.

The original youth camp safety legislation asked much more than a survey because the sponsors felt the problems of youth camp safety were well-established. But a cautious report on that first bill by the Department of Health, Education, and Welfare indicated that more information was needed. Instead of a Federal program to set safety standards where few now exist, we accepted the HEW plan to study further the state of State, local, and private regulation of camping safety.

Facing such a survey were these facts:

Nineteen States have absolutely no regulations on camp safety.

Thirty-three States have no licensing requirements for camp operators.

Twenty-nine States require no annual inspection of camp facilities.

Only four of the 21 States which do inspect annually require that safety factors be considered in the inspection.

The additional information which this youth camp safety survey bill proposes to collect will give us more insights into the state of safety which affects the millions of children who camp each year.

I am confident that a majority of this House will see that $175,000 is a reasonable amount to obtain this information and that this bill will be passed when it is considered again soon.

I include below a story from the Long Island Press from June 2, 1969, the date the House failed to pass this bill under suspension. "Is Your Child's Summer Camp Safe?" raises questions which we must reconsider soon.

I also include a letter from the American Camping Association, the largest group representing private camps in this country, which expresses the Association's endorsement of the bill to survey our Nation's youth camps and assess their health and safety standards.

The material follows:

[From the Long Island (N.Y.) Press, June 2, 1969]

IS YOUR CHILD'S SUMMER CAMP SAFE?

(By Richard H. Stewart)

WASHINGTON.—In the summer of 1967 a flat bed truck with 62 children and eight camp counselors somersaulted on a high-speed freeway in California.

Four children and one counselor were killed in the crash. Fifteen others were seriously injured.

The driver was 20 years old. The speedometer needle in the wrecked truck was fixed at 58 miles per hour.

California, like 45 other states in the nation, has no regulations regarding the condition of camp vehicles or the qualifications for those who drive them.

In 1965 a group of boys and their counselor from a camp in New York traveled to the Montreal River in Toronto, Canada, and, despite warnings, put their canoes into dangerous rapids. Two of the canoes overturned and some boys were injured, but not seriously.

Several days later the same group arrived in Maine at the Penobscot River's west branch, a dangerous churning span of water used by a paper company to shoot logs downstream.

Residents of the area considered the river too dangerous to venture out on, but the camp counselor led his charges into the white water.

One boy, David Kurman, 15, of Westport, Conn., a strong swimmer, was drowned. His body was recovered three and a half days later.

New York is among 40 states that do not require any specific training for camp counselors handling aquatic activity.

This summer an estimated 8 million (nobody knows the exact number) children will be sent off to about 10,600 summer camps (that figure also is uncertain).

Parents of these children will know precious little about the camps. Some will have been influenced by flashy brochures that are in reality meaningless. Some will have actually visited the camps involved but without any of the basic ideas of what to look for or how to judge the camp.

In truth, a one—or two-day visit will give them little insight into the most important factor in a summer camp, the quality of its director and staff.

Statistics compiled by investigators of summer camp operations point up how haphazard the regulations are:

Only 21 states require annual inspections, and in all but four of these they are conducted by health agencies and do not cover safety factors.

46 states have no age requirements for camp counselors.

19 states have no regulations at all for camps.

48 states have no minimum age for the camp director, and only 17 require that the camp operator be licensed.

States do not require that a doctor be on call and 37 do not even require that there be a health supervisor on the staff.

The only semblance of national standards for camps comes from the American Camping Association, a non-profit organization which allows camps which meet its standards to advertise that they are ACA members.

It conducts inspections of applying camps and visits them periodically thereafter, but has no way of enforcing its rules except by withdrawing its seal of approval from the camp's advertising.

Less than one third of the nation's camps are accredited by the ACA.

Ernest F. Schmidt, executive director of the ACA, told a congressional committee last year:

"We know that some camps are not safe. There are many reasons for this: lack of equipment, lack of experience, lack of money, lack of proper facilities or equipment, lack of foresight, sometimes just lack of judgment."

Senator Abraham Ribicoff has taken the lead in trying to promote national standards for camp operations through legislation he has filed since 1966 but which has not yet reached the floor of Congress.

Ribicoff's bill would require the Department of Health, Education and Welfare to make a study to establish a national standards for the states and encourage their implementation by the federal government paying one half of the cost of the state's cost up to $50,000 per state.

Introducing the bill in the Senate again this year, Ribicoff said, "One out of every eight camps visited by representatives of the ACA in 1967 failed to meet ACA standards. And it is generally recognized these are some of the best camps in the nation.

"The bill is aimed at fly-by-night operations and those camps that are unaffiliated and unaccredited by responsible camping organizations . . . those that fail to provide a safe environment do not belong in the business."

AMERICAN CAMPING
ASSOCIATION, INC.,
Martinsville, Ind., March 11, 1969.

Hon. BENJAMIN ROSENTHAL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROSENTHAL: I know that you will be pleased to learn that at the meeting of the National Board of Directors of the American Camping Association in Atlanta in February, Bill No. H.R. 763 was discussed.

I have been requested by our Board to offer you the full cooperation of this Association in the passage of important legislation.

I have instructed our National Executive Director, Ernest F. Schmidt, to offer his assistance and to keep in touch with you, and in having our National Headquarters write to all of our forty Sections and Seven Regions, stating our National Board's reaffirmation of support for the Bill by asking that letters to this effect be written by the Sections and Regions to their respective legislators.

May I thank you for your continued interest in safety for American youth and for the opportunity that is being given the American Camping Association to help in this effort.

Sincerely,

FRANK M. WASHBURN,
National President.

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DEPARTMENT OF DEFENSE: GRAPE BOYCOTT-BREAKERS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. BROWN of California. Mr. Speaker, it upsets me to see the power of the Department of Defense used to break a labor boycott. Yet, that seems to be happening in California's grape strike.

Two articles from recent issues of the Los Angeles Times show an interesting picture of the grape boycott's effect after 2 years, and how military purchases of grapes have zoomed since the boycott's start.

As Times labor writer Harry Bernstein points out, grape sales have dropped off 6.5 percent from their 1966 level at the same time that the Defense Department upped its consumption of grapes from 7.5 million pounds during 1966–67 to a planned purchase of over 16 million pounds this year.

For me, the implication here is clear—and disgraceful. Without the rapid increases in Defense grape buying, it is probable that the grape workers would have found the producers much more willing to sit down and discuss the problems which caused the strike and boycott. Yet, as long as the Government, that is, the Defense Department, can take up any slack caused by the boycott, there is just no reason for grape producers to need to end the strike.

Such a policy stemming from the Government is deplorable. No matter how much the Defense Department claims that the jump in grape purchases was not related to the boycott, I remain unconvinced.

I insert two articles from the Los Angeles Times in the RECORD at this point:

[From the Los Angeles Times, June 6, 1969]

FARM UNION DISCLOSES SOARING GRAPE PURCHASES FOR VIETNAM

(By Harry Bernstein)

Military and civilian consumption of California table grapes in South Vietnam is soaring, it was reported Thursday by the AFL–CIO United Farm Workers' Union.

Government officials in Washington, D.C., denied union charges that the increase in grape purchases was designed to help growers in the grape strike-boycott, but confirmed the figures in a Defense Department study.

South Vietnam was the 25th largest importer of U.S. fresh grapes before the strike-boycott began two years ago. At that time, South Vietnamese civilians imported about 350,000 pounds of grapes a year.

Department of Commerce figures for the last fiscal year, however, show that South Vietnam civilian purchases of grapes have gone to 2.8 million pounds and that country is now the world's third largest importer of grapes.

The U.S. military purchases of California grapes has gone up even faster.

The Department of Defense says it is now shipping eight times more grapes to U.S. troops in Vietnam than in any previous year.

The U.S. military in Vietnam distributed 468,000 pounds of grapes in 1967 compared to 2 million pounds in the first half of this year, with an estimated 4 million pounds estimated for the year as a whole in Vietnam.

Overall, the Defense Department purchased 7.5 million pounds of grapes in 1966–67 compared to 16 million pounds planned for purchase this year.

So far this year, 8 million pounds have been bought for the U.S. Armed Forces.

The AFL–CIO charges the military has been "buying up dumped California grapes as a market of last resort for the struck grape growers."

The Department of Defense insists it has not taken sides in the grape dispute and that purchases of grapes have been increased only because "troop acceptance" of grapes has increased and that there are fewer supplies than usual of other fresh fruits.

The union began its strike two years ago against California grape growers when the growers refused to bargain with the union or to hold secret-ballot elections to decide whether farm workers wanted a union at all.

Growers insisted their workers wanted no part of the union, but now they have agreed to back federal legislation permitting union representation elections, provided the law would prohibit boycotts and strikes at harvest time.

When the strike alone did not bring any action from the growers, the unions started their worldwide boycott.

The boycott won new support here Thursday from a delegation of 31 political, labor, legal and church leaders from Canada who predicted that their country this summer will halt most of its California grape purchases.

The delegation stopped here en route to Delano and the Coachella Valley to join farm worker picket lines.

Dennis McDermott, general vice president of the Canadian Labor Congress and Canadian director of the United Auto Workers told a press conference:

"Canada normally buys over 15% of California grapes. In the past few days, the three largest grocery chains in Canada agreed not to buy California grapes, including Dominion, Ltd., with 200 stores in Ontario; Loblaws, Ltd., with 259 stores, and Stienberg's, with 58 stores."

The Canadians were termed "either complete hypocrites or a band of innocents" by Michael Bozick, president of the Desert Grape Growers League in Indio.

He said Canadian pickers earn between $1 and $1.20 an hour compared to nearly double that for California grape pickers, and said that if the Canadians look carefully they will see that "our workers are healthy, happy residents of our community . . ."

In another development, the Labor Department announced in Washington that it will change its previous policies and will now let California officials determine when a farm labor dispute exists.

Until now, federal officials made such determinations, and last year certified that 45 farm labor disputes did exist.

This meant that the state employment department could not send farm workers to firms certified as having a labor dispute.

California officials found that less than a dozen labor disputes existed, but federal certification took precedence.

The new decision was criticized by Sen. Walter F. Mondale (D-Minn.) who told Secretary of Labor George Shultz that it marked a "retreat of the federal government in the field of farm labor relations."

[From the Los Angeles Times, June 9, 1969]

SALES OF GRAPES OFF ONLY 6.5 PERCENT DESPITE BOYCOTT—GROWERS, UNION LEADERS DIFFER ON INTERPRETATION OF LATEST STATE FIGURES

(By Harry Bernstein)

California grape growers sold 527,900 tons of table grapes in 1968 despite the most massive boycott ever conducted against a product in a labor dispute.

The sales were down only about 6.5% from 1966—the most comparable crop year, according to experts.

Growers and union leaders are disputing the meaning of the new figures put out by the California Department of Agriculture as grape growers begin harvesting the first of the state's 1969 crop in Coachella Valley.

Growers say the boycott has had relatively little impact, other than to cause some disruption of the market, which forces them to sell grapes in different parts of the country when the boycott is partly effective in the usual big-city areas.

The AFL–CIO United Farm Workers Organizing Committee says the boycott has had a major impact on California table grape growers and that the strike-boycott will be even more effective on this year's crop.

FIGURES INTERPRETED DIFFERENTLY

The same figures are available to both sides but are being interpreted differently.

There is no argument that the boycott has had some effect, but the question still unresolved is whether it has achieved the kind of impact that might be expected from a campaign waged in almost every major U.S. city and in dozens of foreign countries.

The boycott began two years ago when grape growers in the Delano area refused to recognize the farm workers' union, headed by Cesar Chavez, as bargaining agent for their field employes.

Management said its workers did not want a union, but it refused a union proposal to let the workers decide by secret-ballot elections.

When a strike failed to halt the grape harvest, the boycott began.

Both sides agree that the fairest comparison of grape sales comes from figures for 1966 and 1968, because 1967 was an "off year" for a variety of reasons including weather and marketing conditions.

COMPARATIVE FIGURES CITED

In 1966, there were 564,200 tons of fresh grapes sold at an average of $84 a ton for a total of $47.4 million.

In 1968, there were 527,900 tons of fresh grapes sold at an average of $81.90 a ton for a total of $43.2 million.

This represents a drop in gross income of $4.2 million, which the union says was caused primarily by the boycott, and the growers say it was typical of the fluctuations in any variable food crop.

The simple figure of $4.2 million does not represent the only effect of the boycott, the AFL–CIO contends.

Wages and other labor costs were up substantially—some estimates say about 25%—and normally this would have pushed grape prices upward. Yet, the union notes, grape prices went down despite the rising labor costs.

Also, the price of grapes or other products might normally be expected to rise as the supply drops. The supply of fresh grapes dropped by about 6.5% from 1966 to 1968, but the prices also dropped.

This, too, could be attributed to the boycott effects, as the union claims. The growers, however, discount such figuring.

There is also a long-range change that seems to be taking place in California's table grape industry which might be caused in part by the boycott.

In 1966, the total table grape-bearing acreage was 82,000. It had dropped to 78,100 by last year. And the Department of Agriculture is predicting that a total of only 74,500 acres will bear table grapes this year.

Some experts say there are nonboycott factors that are causing a drop in table grape acreage (wine grape acreage is up from 1966 to 1968).

But others, including some growers, say that while they may have been thinking about cutting down their grape acreage, the

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boycott was enough to make the decision final.

And the union contends that the cutbacks in acreage are due primarily to the effect of the boycotts.

Before the strike-boycott began, the growers and their political allies were strongly opposed to any federal legislation that would set up election machinery to let farm workers vote on whether they want a union.

Agriculture is totally unlike other industries, the growers argued, and they opposed all attempts to give farm workers the kind of labor laws, including union representation elections, available to most other workers.

Since the boycott, however, growers in California have changed their position, and are now backing legislation that would let farm workers vote for or against a union.

They hedge their move by calling for laws that would also prohibit boycotts or harvest-time strikes, and Sen. George Murphy (R-Calif.) has introduced legislation to achieve this. It has been denounced as unfair by the unions.

Chavez says the grower-proposed farm labor law is worse than the present "laws of the jungle, which provide neither grower nor worker any protections."

But he contends that the growers' decision to seek some kind of legislation was prompted by the effectiveness of the boycott and strike, and not "by their sudden recognition that farm workers should have the same rights as other workers."

Michael Bozick, president of the Desert Grape Growers League, said growers "will continue already extensive efforts to solve the problems this boycott has created—not here in California grape fields but in such cities as Toronto, where housewives are being denied by unions and their rabble of extremist supporters the right of freedom to choose for themselves what they can or cannot buy."

(Bozick was responding to a delegation of Canadian labor, church, legal and government officials who came here last Thursday to pledge support for the table grape boycott.)

A MAN ON THE MOON—A PERCEPTIVE COMMENTARY

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. CLEVELAND. Mr. Speaker, as we verge on the eve of a landing on the moon, I thought the House would be amused and perhaps edified to read the following whimsy written by my good friend Ed DeCourcy of the Newport, N.H., Argus-Champion. As Members will see, it is whimsy with a bite. The ancestors of Mr. DeCourcy's moon man had a place to go—the earth—when things went bad on the moon and life could not be supported. We would not be so fortunate, the moon and apparently all the other planets being uninhabitable by man. Let us then pay attention and, reading beyond the whimsy of Mr. DeCourcy's fable, respond with vision to the urgent message which underlies it:

[From the Newport (N.H.) Argus-Champion, June 5, 1969]

THE SPECTATOR

(by Edward DeCourcy)

MOON LANDING SITE No. 2, July 20, 1969.—Astronaut Neil Armstrong reported a strange interview from here this afternoon. As he stepped down the ladder from his LM and put his left foot into the soft lunar dust, he was greeted by a man with no space equipment whatever.

"Good morning, my name is Adamson."

"Good morning, Mr. Adamson, my name is Armstrong."

"So you finally came back."

"I don't understand."

"Well, I don't mean you, exactly. I mean that your people finally decided to come back."

"Sorry, Mr. Adamson, I still don't understand."

"Didn't you just fly in from Earth, up there?"

"Yes, we did. We are the crew of Apollo 11, and as you can see from the sign on the Lem, we are from the United States."

"Never heard of the United States, but we used to have a legend here about a guy named Apollo, who was supposed to be god of sunlight, but I never put much stock in that."

"I'm sorry, Mr. Adamson, but I'm confused. Where are you from and how did you get here?"

"Those are silly questions, Mr. Armstrong. I'm from here, and if I may say it, I got here the same way any baby gets where he gets. I was born here."

"Well, Mr. Adamson, what do you do here?"

"Not much, really. My family is sort of keeper of the archives. That doesn't mean much, because there aren't any archives. But my family seems to have taken on the chore of keeping the history of our people by word of mouth."

"None of this makes much sense, Mr. Adamson."

"Maybe it will, Mr. Armstrong, if I tell you how I happen to be called Adamson. You see, my ancestor, away, way back, was the first astronaut."

"Oh, that's exciting. We thought the first astronaut was Yuri Gagarin, and that the first American astronaut was Alan Shepard."

"Never heard of them, Mr. Armstrong."

"Well, they never got beyond Earth orbit."

"Oh, you mean they were astronauts who took off from Earth?"

"Well, of course, Mr. Adamson, where else?"

"Well, Mr. Armstrong, my ancestor took off from here."

"You mean from the moon?"

"Certainly. That's the climax of the history my family preserves. We know that the moon's satellite, Earth, could be reached, and all through the history of mankind there had been a yearning to get there, but it wasn't until my ancestor's time that our scientists had developed the technology to get there."

"Mr. Adamson, there's been a lot of subversive rumor in recent years about flying saucers, and all that sort of bunk, but no creature has ever been known to emerge from one."

"Mr. Armstrong, that's preposterous. How do you suppose you got to Earth?"

"Well, if I may say it, Mr. Adamson, I got there the same way you told me you got here."

"Well, yes, I suppose that's right, but just how do you suppose your ancestors got there?"

"Golly, Mr. Adamson, I've got to leave in an hour and a half and I haven't got time to get into Darwinism with you."

"Forget Darwin, Mr. Armstrong. Your ancestors traveled to Earth from here. We had a mighty good thing going here, but we blew it. Our technology was so good it could produce anything, and all our people got filthy rich. The trouble was there was no place to throw the trash, and we never could get along with the people over on the Dark Side. We destroyed the atmosphere with fumes, and the water with sewage and industrial waste. Then our chemists and biologists at Dugway Lake developed poison gas and powerful germs. It was at that time that my ancestor made the trip to our satellite, Earth. Lots of others followed him, because life here was getting pretty grim, and the future looked dimmer. Meanwhile, our medical science had nearly conquered death, but was unable to slow down birth, and the Moon was horribly crowded. So we began wars with the people from the Dark Side. Then some earthatic flipped the switch, released that gas and those germs and set off a bunch of nuclear missiles. My family made it to the Cave of Cheese, but nobody else did, so now we're the only ones here."

"By the way, Mr. Adamson, what was the name of your ancestor who was the first astronaut?"

"Adam, naturally."

RELAXATION OF LOAN TERMS TO MAINE SUGAR INDUSTRIES, INC.

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, it has come to my attention, through an article by Donald R. Larrabee in the Bangor Daily News on May 29, 1969, that Maine Sugar Industries, Inc., has asked the Commerce Department for a reduction of some $1,185,000 in debt service over the next 2 years on Maine Sugar Industries, $8,745,300 debt to the Economic Development Administration. The Commerce Department, according to the article, has offered some relaxation in its loan terms if Maine Sugar Industries officials will agree to open their books and records to Economic Development Administration inspectors and agree to cooperate with a consultant to be picked by the agency. This offer is said to be made in order to give Maine Sugar Industries officials a chance to put the company on a "sound and continuing basis."

I have no objection to the Commerce Department's reported offer if it represents nothing more than an attempt to insure repayment of its loan, although I would most certainly object if there is any plan to advance additional funds. At the same time I am reminded that this is one more sorry chapter in the history of the ill-advised Economic Development Administration involvement in this project.

I publicly expressed my doubts years ago about the wisdom of locating a beet sugar factory in Maine and raised questions about the desirability of using Government funds to finance it since it would tend to cause unemployment in the long established sugar industry in New England. And when the outlook for the beet sugar operation at Maine Sugar Industries was dubious and management proposed to add machinery and equipment for refining raw cane sugar, I strongly objected to use of Government funds since it was not only unwise but appeared to be in direct conflict with

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the terms of section 702 of the Public Works and Economic Development Act of 1965 which provides:

> No financial assistance under this Act shall be extended to any project when the result would be to increase the production of goods, materials, or commodities, or the availability of services or facilities, when there is not sufficient demand for such goods, material, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises.

It now appears that my judgment was correct and that Federal financial assistance to this project was not "preceded by and consistent with sound, long range economic planning," one of the conditions set forth in the Public Works and Economic Development Act.

However regrettable the present plight of Maine Sugar Industries may be, I hope that the Economic Development Administration can learn a lesson from this experience and use better judgment in the future not only in connection with Maine Sugar Industries, but also with respect to any similar ventures. To assist the Economic Development Administration in this regard, I introduced on April 3, 1969, H.R. 9958, a bill to amend section 702 of the Public Works and Economic Development Act to provide for public notice and public hearings prior to the granting of financial assistance under the act in the amount of $100,000 or more. The opportunity for interested persons to present their views may help the Economic Development Administration to avoid repetition of these past mistakes.

The article from the Bangor Daily News to which I referred follows along with a subsequent article by Donald R. Larrabee of June 4, 1969. I present these for consideration of my colleagues:

[From the Bangor (Maine) Daily News, May 29, 1969]

GOVERNMENT OFFERS TO EASE LOAN TERMS FOR VAHLSING

(By Donald R. Larrabee)

WASHINGTON.—The Commerce Department has offered to ease debt service on some $8,745,300 in government loans to Maine Sugar Industries Inc. if the Vahlsing firm will open its books to federal auditors, it was learned Tuesday.

The proposal was outlined to members of the Maine congressional delegation during the day by Assistant Commerce Secretary Robert A. Podesta, who said the government is "concerned" whether the Aroostook County Sugar Beet Project can succeed.

MSI Board Chairman Fred H. Vahlsing, Jr. has appealed to the Commerce Department's Economic Development Administration (EDA) in recent days for a $1,185,000 reduction in debt service in the next two years to help the sugar beet operation over a serious financial crisis stemming from adverse crop conditions in 1968.

Podesta told the delegation the government is sympathetic with Vahlsing's problem and wants to do what it can to continue the beet industry's job-generating stimulus to the Aroostook economy. To accomplish this, the commerce official offered Vahlsing an interim financing deferral arrangement while MSI officials attempt to place the company on a "sound and continuing basis."

But Podesta said EDA's loan terms will be relaxed only if Vahlsing agrees to cooperate with a "consultant" picked by the agency and permits inspectors to interview company officials, examine records and other data to evaluate the project.

Also, Podesta said, Vahlsing must cooperate with Commerce Department auditors who want to appraise and audit the "construction of the project."

Vahlsing was not available for comment Tuesday evening at his Robbinsville, N.J. headquarters.

It was learned that Vahlsing has been objecting to an audit on grounds it would unfairly reveal trade secrets. The company official is said to be suspicious of a Louisiana firm hired as a subcontractor last February, when EDA engaged Thomas H. Miner and Associates of Chicago, to make a complete inspection and appraisal of MSI's assets.

Assistant Secretary Podesta reportedly has offered to assign the audit to another firm to satisfy Vahlsing's objections.

The extent of MSI's difficulties with the government is spelled out in a letter which Podesta wrote to Vahlsing and all members of the Maine Congressional delegation last Friday. A copy was sent to the Securities and Exchange Commission.

The Podesta letter said the government is "very concerned with the failure of MSI to make timely on its obligations in accordance with the terms of the loan agreements and related notes."

Podesta said EDA has been unable to obtain "satisfactory information on the status and prospects" of Maine Sugar Industries.

He added that periodic balance sheets and operating statements have not been submitted to EDA as provided in the loan agreements.

The commerce official said EDA is "extremely reluctant" to extend any further help or "concessions" to MSI until it has obtained "hard information on the long-range prospects of the operator."

COMPLETES REVIEW

Podesta said EDA has completed a preliminary review of the status and prospects of loans made by EDA and its predecessor agency, the Area Redevelopment Administration. These include a loan of $6,495,000 for the initial sugar beet refinery operation in 1965 and a second loan of $2,250,300 for installing cane sugar processing equipment a year later.

In addition, the government has guaranteed loans of at least $4 million to the Aroostook operation.

Podesta said the Commerce Department feels that the beet crop and related sugar production have fallen far short of the amounts projected for each year. Podesta said the experience to date is "not reassuring" that the project can succeed.

He said that while EDA wants to help Maine farmers, it can't achieve the objectives of the economic development program "if we proceed as we have in the past with makeshift expedients and no long-range plans."

WOULD RESCHEDULE

It was in this context that Podesta said EDA is prepared to reschedule the loan payments due in April through November of this year on the two notes now held by EDA.

This, he said, would permit MSI to proceed with day-to-day operating arrangements and allow time for in-depth consideration of a "long-range solution to the overall problem."

If the Vahlsing Company agrees to the required audits, Podesta said, EDA will try to complete its review in about 60 days. He concluded the letter by stressing that the offer "in no way constitutes approval or disapproval" of the actions involving funds in the future.

It is understood that Podesta asked Rep. William D. Hathaway, D-Me., who represents the Aroostook area, to arrange the delegation meeting. Hathaway, in turn, asked to hold the meeting in the office of Sen. Margaret Chase Smith, R-Me., Sen. Edmund Muskie and Rep. Peter N. Kyros, D-Me. attended.

Podesta's purpose apparently was to prevail on the delegation to intervene with Vahlsing, so that the audit could proceed and the Maine company could get the financing deferrals to stay in business.

NEEDS EASING

With the planting season approaching in Maine, Vahlsing told the Commerce Department recently that it was "absolutely urgent" to obtain an easing of the government's debt service.

Maine was given a sugar beet allocation by the Agriculture Department four years ago and was originally committed to grow some 33,000 acres of beets each year. It has never achieved this figure and Vahlsing has estimated that only 13,000 acres would be productive this year. But he has proposed shipping into Maine some 12,000 acres from his New York State operation to maintain steady activity in the Aroostook processing operation.

[From the Bangor (Maine) Daily News, June 4, 1969]

VAHLSING AGREES TO LET AUDITORS EXAMINE BOOKS

(By Donald R. Larrabee)

WASHINGTON.—Maine Sugar Industries chairman Fred H. Vahlsing Jr., apparently has paved the way for an eight-months moratorium on government loan re-payments by agreeing to cooperate fully with commerce department auditors and an outside consulting firm.

It was learned that Vahlsing has written to assistant commerce secretary Robert Podesta accepting the conditional offer of the economic development administration (EDA) to postpone payments on two notes totaling $8,745,300 until December.

The special arrangement will be settled in precise terms next Monday when Vahlsing meets here with commerce department and auditors and officials of a nationally-known consulting firm which has been hired to appraise the Aroostook County Sugar Beet Operation.

Vahlsing told Podesta he will cooperate with the auditors and would meet the conditions set forth by the commerce department official last week.

Podesta made it clear that the payments on the EDA loans cannot be relaxed unless the government can examine books and records sufficiently to valuate the project.

Vahlsing did not meet his principal and interest payment to EDA in April. He explained to commerce officials that a bad crop of sugar beets last year and poor prices for Aroostook potatoes has created a financial crisis which could affect the planting of a 1969 crop.

In suggesting a willingness to defer principal and interest payments until Dec. 1, Podesta said he hoped the company could get into better financial shape for a long-term solution to its problems with the fledgling beet sugar industry in Maine.

"We desperately hope that they can succeed," Podesta told a reporter. "We're not trying to make it difficult for them. If this doesn't work out, the farmers will lose, the stock-holders will lose and nobody will win. They need all the sympathetic consideration they can get."

At next Monday's meeting, the government hopes to come to final agreements with Vahlsing about the kinds of information that should be made available to the auditors and inspectors.

Vahlsing also is asking the EDA for a $1,185,000 reduction in debt service on the government loans during the next two years. The commerce department has not yet ruled on this request.

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BOOTH FISHERIES—AN EXAMPLE FOR FOOD PROCESSING PLANTS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. WYMAN. Mr. Speaker, those of us who care about the Nation's health are constantly reminded of the necessity to maintain high sanitation standards in the manufacture and processing of food. In fact, only last month the Food and Drug Administration put into effect new regulations setting minimum standards for all food processing plants in the country.

I personally do not like to see need for regulations to do that which is right and ought to be done voluntarily. It should be done voluntarily. Therefore, it was a great source of satisfaction for me to learn that Booth Fisheries went voluntarily far beyond those sanitation standards required by regulations and laws when building a new facility at Portsmouth, N.H.

As a result of the wisdom and foresight used by Booth executives in building this plant, it has been cited by Modern Manufacturing magazine as one of the "10 top plants of 1969."

Congratulations are in order to Booth Fisheries and all of its employees on this high honor. I am proud to have them in my congressional district. The article from Modern Manufacturing magazine which tells the story of this ultraclean facility follows:

A CLEAN DESIGN FOR AN ULTRACLEAN FISH PROCESSOR: BOOTH FISHERIES, PORTSMOUTH, N.H.

"CITATION

"Constant, careful, plant-wide sanitation is the hallmark of this modern facility, which brings new luster to an age-old industry. Booth Fisheries exudes cleanliness, from its fiberglass floors to its built-in, hygienic wash system. The clean lines of the handsome concrete exterior further reinforce this pervasive image."

An aura of antiseptic cleanliness gives plant-wide sparkle to the handsome new Booth Fisheries facility at Portsmouth, N.H. The sanitation efforts of Booth's engineers and executives are grounded far more deeply in necessity than in esthetics, however. For centuries mankind has been aware of the rapid deterioration rate of dead fish. Offensive odors and easy contamination are constant hazards. So it is not surprising that this new frozen-fish processing plant is among the most sophisticated.

Booth's recently completed 130,000-sq. ft. processing and packaging plant is much more than an efficient ice-house. Its exterior, double-tee wall panels and windowless facade would make it an outstanding building for any manufacturing enterprise. Its office area, a neat, compact 12,000-sq. ft. complex, affords quick access to the production floor and projects an attractive image to visitors and customers. The 40 x 40-ft. plant-area bays and uniform 20-ft. clearance height give ample elbow room and offer broad flexibility for future modification. Yet the key to Booth's excellence lies with its unique approach to on-line hygiene and built-in cleaning equipment.

NEW DIMENSIONS IN SANITATION

Plant planners have installed a high-pressure central cleaning system as part of what Booth calls its "dynamic sanitation program." Every cleaning solution is metered automatically at a central point, located at the rear of the plant, far from the processing areas.

Here, the system's convenience is clearly demonstrated. Since detergent mixing and sanitizing of materials are carefully excluded from fish handling locations, the splashing and messing characteristic of manual mixing is eliminated as a possible source of contamination. At the mixing point there is complete control over each potentially troublesome variable.

The controls and changes centered in the plant's stainless steel mixing reservoir include 1) careful proportioning of the detergent, 2) accurate setting of solution temperature, 3) determination of the correct cleaning solution for usage in terms of high-pressure, low volume application character and, 4) addition of such water conditioning as is needed.

The detergent proportioning is accomplished by an automated and accurate measurement of liquid detergent and water at a pre-set ratio. This assures an exact detergent concentration at all times. The equipment applies this control by means of any electronic anticipator circuit which slows the rate as the solution approaches its pre-determined concentration. In so doing, it eliminates any wasteful overages.

A temperature compensator maintains heat uniformly throughout the entire application. Water entering the system is pre-heated to 180° by a subsidiary boiler unit. A separate pump, equipped with a special metering control, adds water conditioner to the solution at a carefully established ratio.

This ratio-can be adjusted according to the measured level of water hardness. The controls provided by this high-pressure form of mechanical cleaning offer a reasonable assurance of uniformity in sanitizing. The results obtained are virtually impossible to match in a manually controlled system.

VERSATILE, EFFECTIVE CLEANING

The cleaning process at Booth represents the utmost in overall flexibility. The system has been designed to include 16 drop stations within the plant. At each of these points, the necessary solution is delivered with sufficient impact (500 psi) to provide a fully adequate level of cleaning by an operator using a spray nozzle. The network of drop stations are so located as to insure full coverage in all process, storage and maintenance areas.

A separate, centralized system is provided for application of disinfectant. Special piping, parallel to the detergent piping arrangement, carries this element to the various drop stations.

A high degree of efficiency characterizes the entire sanitary set-up at Booth. For example, cleaning solution is instantly available at any time and at any place within the complex. This means that cleaning can be matched at once to lulls in production, or can be put in service during work breaks.

Moreover, the sheer force of impact of the detergent provides swift mechanical action. Supervisory people find it easy to plan and schedule cleaning crew activities. Training is shorter for these crews too, and there is a dramatic reduction in water usage, thanks to its well planned application.

STRONG SUPPORTING FEATURES

Of course, there's a lot more to this sleek new Booth facility than the ease with which it can be kept sanitary. Other impressive features include:

A dry bulk handling system with a 400,000-lb. capacity accurately juggles batter and breading ingredients among storage bins. The two substances are weighed and moved to production points by a pneumatic conveyor system. Automatic signaling, when the ingredient level drops, actuates the conveyor.

The straight-line production arrangement helps uniformity and quality. Frozen fish blocks are sawed into sticks in two passes. battered and breaded, the sticks move directly to a 415° oven that hardens their outer coatings without fully defrosting them.

In-line freezers, 60-ft. long, are part of the overall straight-line plan. The three giant units works at a low -40° with auxiliary humidity control.

Quality control includes 15 separate production checkpoints. There are four automatic weighing stops along the production line. Freezer and deep fryer temperatures are checked continuously and a battery of metal detectors function at all times. Cooking oils are constantly filtered to eliminate even the finest particles and fat coagulants. The laboratory tests includes taste, the ultimate quality measure in the food industry.

Built-in sanitation independently backs up the dynamic detergent solution arrangement. For example, there is sealed, fiberglass flooring in all production areas. And white, acrylic finished, aluminum interior plant walls for ease of maintenance and a high standard of cleanliness.

OPERATIONS IMPACT

At Booth's new, super-sanitary facility, the cleanliness program is an engineering problem. But the payoffs to operations are the real key to excellence.

Quality Control can confine its activities to actual product content. Washing down as needed assures the absolute minimum of contamination.

Employee morale and output have shown sharp increases at the new Booth plant, where even hand hygiene is an important part of the production effort.

Keen competition and tight governmental regulations demand that Booth production people uniformly maintain high standards. The many strategically placed drop stations for cleaning nozzles mean instant response to wash down needs, anywhere, any time. And Booth's own sanitary standards are higher than those of any local, state, or federal agency.

OUR CRAZY, COSTLY LIFE WITH OIL QUOTAS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. CONTE. Mr. Speaker, on April 1, 1969, I spoke on the floor of the House about the need to overhaul the present oil import program.

One month later, I introduced a bill that would phase out this program over a 10-year period. I was joined in this effort by 53 of my colleagues in the House from both sides of the aisle and from many areas of the country.

I might add that since that time I have also introduced legislation aimed at another inequity in the oil industry, namely the 27½ percent oil depletion allowance.

Therefore, I was most interested to read an article by Allan T. Demaree that appeared in the June 1969, edition of Fortune magazine on the subject of the oil import program. I recommend it to all my colleagues, and for this reason include it in the RECORD at this time:

OUR CRAZY, COSTLY LIFE WITH OIL QUOTAS

(By Allan T. Demaree)

The quota system that chokes off the free flow of oil into the U.S. costs the nation billions and shelters gross inefficiencies in the domestic crude-oil producing industry. Imposed in the name of national security just

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a decade ago, it has become the object of mounting discontent. It has given government officials the power arbitrarily to parcel out enormous fortunes to individual companies. It has been administered with ever increasing ineptitude, bringing about the most heavy-handed bureaucratic meddling in the marketplace. And it has caused huge domestic industries, regions of the country, and even nations to pit themselves against one another in an unseemly battle for political favor in Washington. All in all, the quota on oil imports has proved to be one of the most ill-conceived and ill-executed federal regulatory schemes since the abortive flight of the NRA's Blue Eagle.

Once above earnest scrutiny in Congress, the oil quota is now being subjected to searing criticism there. Democratic Senators William Proxmire of Wisconsin, Ted Kennedy of Massachusetts, Edmund Muskie of Maine, all from consumer states, have repeatedly lambasted it in recent months. "The system reeks and is ripe for change," Senator John Pastore, a Rhode Island Democrat, proclaimed on the Senate floor. "The industry should know that this is a time of consumer revolt." A small army of economists paraded before Senator Philip A. Hart's antitrust and monopoly subcommittee a few weeks ago, denouncing current policies as expensive, wasteful, and administered on dubious principles. And on the other side of the Capitol, Chairman Wilbur Mills and his powerful Ways and Means Committee have been giving the oil industry added jitters by questioning the 27½ percent depletion allowance, a provision that, like the quota, has been supported on grounds of national security.

Not even the oil industry is satisfied with the way the quota system is run. Charging that the government has favored a few companies at the expense of most, the American Petroleum Institute urged President Nixon to undertake the first serious review of the quota system in seven years, a task Nixon has delegated to a Cabinet committee headed by Secretary of Labor George P. Shultz, former dean of the University of Chicago Business School. What the committee recommends after studying the turbulent history of oil quotas will undoubtedly prompt some changes. The decision to impose quotas was founded on an astonishing dearth of clearheaded analysis, and the system has since drifted through a series of compromises that have satisfied no one. This experience should make government officials chary of extending similar protection to the swelling number of industries that have beaten paths to Capitol Hill and the White House in recent years. These quota seekers range from the giant steel companies to the American Beekeeping Federation, which argues that without a protected market for honey, the U.S. will surely lose bees essential for pollinating crops, from alfalfa to garlic.

A $4-BILLION PRICE TAG

By erecting quota barriers, the government limits the amount of foreign oil that is brought into the U.S., currently to about 21 percent of domestic consumption. This has saved most of the U.S. market for domestic crude-oil producers, and has helped to maintain the wellhead price of U.S. crude at about $3 a barrel, more than twice the price of crude in the Middle East. Even after adding on shipping charges and import duties, Middle Eastern and Venezuelan crude has been landed on the east coast in recent years for $1.25 to $1.40 less per barrel than crude produced in Texas and Louisiana.

The cost to consumers of this restrictive import policy is impossible to determine exactly; but reasonable estimates put the price tag at about $4 billion a year—more than the combined budgets of the six New England states. The restrictions on foreign crude result in higher gasoline and heating-oil prices. They also increase costs to industries that use oil for fuel and raw materials. This fact has hardly escaped the notice of petrochemical producers, who constitute one of the largest manufacturing industries in the nation. They complain vociferously that they cannot continue selling in world markets while using raw materials that cost more than those available to their foreign competitors.

Moreover, the gap between domestic and world crude prices has been getting wider, increasing the cost of import restrictions. Only seven years ago the difference in price between domestic and foreign oil on the east coast was about $1 a barrel. But domestic crude-oil producers, walled off from competition by the quota barriers, have been jacking up their prices recently (15 cents a barrel since January). This has occurred even as the world price of oil has been declining because of robust competition and the development of huge tankers that have cut transportation costs in half during the past ten years. The decline in the delivered price of foreign oil was interrupted in 1967 by the Arab-Israeli war, but resumed last year.

Import quotas shore up the system of state regulation that has been keeping domestic crude prices high for years (see "U.S. Oil: A Giant Caught in Its Own Web," FORTUNE, April, 1965). The big producing states, Texas and Louisiana, which account for more than half the nation's output, hold production down to the amount the market will absorb at high prices. Simultaneously, this state system, called market-demand prorationing, favors inefficient producers over efficient ones. The states allow hundreds of thousands of so-called "stripper wells" to produce freely, pumping out an average of 3.6 barrels a day, while they cut back the flow from efficient wells that could produce far more at lower costs. Henry Steele, an economist at the University of Houston, estimates that if market-demand prorationing had been abolished in 1965, production costs would have fallen 46 percent in Texas and 38 percent in Louisiana. The free flow of cheap foreign crude into the U.S. would, of course, undermine these state-run cartels. It would force inefficient producers out of the industry by lowering the price of crude.

I GOT BY WITHOUT A SCANDAL

The oil industry's stake in the quota system is prodigious. By fiat, the government divides, mainly among U.S. refiners, the foreign oil that is allowed to enter the country. The Interior Department's Oil Import Administration dispenses import allocations, or "tickets" as they are known in the industry; a ticket to import one forty-two-gallon barrel of crude oil into the east coast has a value of about $1.25, the approximate difference between domestic and world prices. The value of the tickets being handed out right now comes to nearly $1 million a day. Some companies have received as much as $35 million in tickets in a single year. The tickets awarded Standard Oil Co. (New Jersey) since the beginning of controls are conservatively valued at $305 million; Gulf Oil, $290 million; Standard Oil of California, $265 million.

Needless to say, decisions on how the tickets are to be split up—who will be allowed a share, who won't, and in what proportion—bear heavily on the profits of individual companies. During the Kennedy-Johnson years, Stewart Udall, the then Secretary of the Interior, had much to do with the way these valuable licenses were passed around, and his decisions were subject to impassioned polemics. "A small decision meant a lot of money," he recalled recently. "It was a minor miracle that I got by without any major scandal."

While the benefits of tickets given to industrial giants like Jersey, Gulf, and Socal seem breathtakingly large, little refiners gain relatively more than big ones. The government has built a small-business subsidy into its allocation system. While Jersey was granted one barrel of foreign oil for every twenty barrels of domestic oil it processed last year, scores of small refiners in the country were given a barrel of foreign crude for every five of domestic. This subsidy has undoubtedly kept many a marginal refiner in business.

All refiners receive tickets whether or not they process foreign crude. Many inland refiners can't use imported crude because the transportation costs are prohibitive. So they trade their tickets to the great coastal refiners in return for domestic crude and, in effect, pocket the $1.25 differential. A robust trade in tickets has grown up. For many of the smaller inland refiners, ticket swapping may well be the most lucrative transaction of the year.

The oil industry and its regulators argue heatedly that this system is essential to the national security. Indeed, a forceful case can be made for the proposition that the U.S. must maintain a strong crude-oil producing industry lest it become overly dependent on foreign sources for the great bulk of its supply. Much of the world's crude is produced in unfriendly or unstable countries, such as the Middle Eastern states that embargoed supplies to the West for twelve weeks in 1967. If the U.S. were to become overly dependent on foreign sources, there would be no guarantee that sheiks, shahs, and South American politicos wouldn't try to wield their power over this vital strategic commodity to influence our foreign policy.

Domestic crude-oil producers seized upon this argument not in a moment of international crisis, but when they were hurting economically. By 1948 the development of low-cost sources in the Middle East and Venezuela had transformed the U.S. from a net exporter to a net importer of oil. Ten years later foreign crude had captured 18 percent of the U.S. market. Domestic producers were both injured and insulted when a few refiners landed Middle Eastern oil in Texas ports, and others had the temerity to ship Venezuelan crude past Louisiana's oil wells and up the Mississippi.

The surge of imports shoved U.S. crude out of its accustomed markets. The Texas Railroad Commission, which controls production in that state, shut regulated wells down to eight producing days a month in 1958. "The torrent of foreign oil," declared Commission Chairman Ernest O. Thompson, "robs Texas of her oil market," costing the state nearly $1 million a day. To the argument that the U.S. mustn't become dependent on foreign oil, domestic producers added a corollary: if producers are to have sufficient incentive to explore for future supplies in the U.S., they must be guaranteed a fair share of the American market at prices they consider adequate.

So persuasive were these arguments that President Eisenhower twice tried to curtail imports on a voluntary basis. When that failed, he acted on producers' pleas for mandatory quotas in 1959. As his aide Sherman Adams recalls in his memoirs, Eisenhower's action "was primarily an economic decision brought on by an economic emergency." It was executed by presidential proclamation on the basis of national security, the only grounds then available under international trade agreements for the unilateral imposition of quotas. To this day oil remains the only commodity in which the U.S. restricts imports for reasons of national security.

HOW MUCH IS TOO MUCH?

While something can be said for the national security argument, many questions about it have gone unanswered. What is "overdependence on foreign oil"—the current level of 21 percent, or 11 percent, or 31 percent? A quarter of all imported crude comes via underground pipeline from Can-

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ada. While tickets are not needed to import Canadian oil, the amount imported is limited by bilateral agreement and deducted from the total allowed under the quota. Is this crude less secure than that shipped to east-coast refineries from the Gulf of Mexico by tankers, which are vulnerable to submarine attack? Are we willing to build an antiballistic-missile system with the cooperation of our neighbor to the north, but unwilling to depend on it for oil?

Two-fifths of our crude imports come from Venezuela, which is as close to Philadelphia Harbor by tanker as Texas City, Texas. This leaves less than a fifth of our crude imports—and less than 3 percent of the total U.S. crude requirement—coming from the volatile Middle East. Would a cautious increase in this amount involve grave danger to the national security?

The very nature of modern war mocks a policy of oil isolationism. Nuclear attack would almost certainly destroy more American refining capacity than production, leaving the U.S. with more crude than it could process. In limited wars like Korea and Vietnam, on the other hand, the U.S. has relied to an increasing extent on foreign oil because the supply lines are shorter and the price is lower. More than three-quarters of the oil used in Vietnam last year came from foreign sources, much of it from the Mideast.

Other questions have barely been broached in government circles. Is subsidizing the domestic crude-oil industry—with all its state-supported inefficiencies—the cheapest way to meet our national security goals? If the U.S. were willing to pay the price—if, for example, crude went to $5 a barrel—many other domestic fuels would come on the market. A price high enough would prompt companies to synthesize liquid fuels from coal and produce oil from the vast shale deposits of Colorado, Utah, and Wyoming, where estimated reserves total two trillion barrels—enough for four hundred years at current rates of consumption.

In fact, many alternatives exist that may be cheaper than today's subsidies. The U.S. could diversify foreign sources to limit risk. Or stockpile oil in storage tanks or underground. Or pay companies to explore for oil on federal lands and hold these reserves for an emergency. While none of these alternatives wins huzzahs from the oil industry, all deserve more serious examination than they have received in the past. Otherwise, the U.S. will continue buying insurance at high premiums.

The need for probing the alternatives is dramatized by two comparisons. First, quotas are defended on the grounds that they encourage oil companies to explore in the U.S. Yet *total* industry expenditures for oil exploration and development in this country amount to less than $3.3 billion a year. This is well below the $4-billion cost of the quotas and the inefficiencies they protect. Moreover, the quota system is not the only subsidy to the industry rationalized on the basis that it encourages exploration. The depletion allowance and the right to expense intangible drilling costs are estimated to reduce the domestic industry's tax bill by more than $1 billion a year.

As one might expect, oil executives argue that an end to quotas would severely blunt their incentive to search for oil in the U.S., where production costs are higher than elsewhere in the world. Says Richard C. McCurdy, the president of Shell Oil, "We'd stop exploring. We'd slowly liquidate our U.S. production." Both Jersey Standard and Atlantic Richfield say they probably would not have looked for the titanic reserves on the North Slope of Alaska if they had anticipated selling that oil at $2 a barrel rather than $8.

Yet no one can say for sure whether incentive would really be dulled if import controls were relaxed and market-demand prorationing died a timely death. In fact, it can be argued that incentive might ultimately be strengthened because efficient producers could pump more oil at lesser unit costs. This would make low-cost, high-production reservoirs, such as those in the Gulf of Mexico and Alaska, more profitable to search out and develop. Large amounts of U.S. production probably could compete profitably with foreign oil today if only the incubus of regulation were lifted. Exactly how much is not known. Oil companies jealously guard information on their production costs, yet this information is essential if policy makers are to judge how much protection American oil needs. Amazingly, the government has never pressed the industry for this critical data.

The high costs of current policies are also pointed up by comparing them with the expense of storing oil for emergencies. A recent study by M. A. Adelman, an economist at M.I.T., shows that Europe could purchase and store 2.2 billion barrels of oil, a six-month supply, for a total annual expenditure of $770 million. Even if the costs in the U.S. turned out to be four times higher than Adelman's estimates for Europe, they would be far less than the price of current protectionist policies.

During the Suez crisis of 1967—the only time that foreign supplies have been disrupted since the imposition of quotas—U.S. domestic production was increased by more than 100 million barrels. The increase was not to meet U.S. emergency needs, but to supply Europe. This oil cost the U.S. over $300 a barrel when the expense of maintaining quotas for the past decade is figured in. If the U.S. is maintaining expensive, spare producing capacity to supply Europe, a fair question to ask is whether the Europeans, who buy cheap oil from the Mideast day in and day out, shouldn't pay for a bit of their own security.

A NIMBUS OF AUTHORITY

The original government report recommending import restrictions ignored many important questions. It was thrown together in eight weeks by a White House-appointed task force made up of an oilman, a coal executive, an investment banker, and a judge. Although the report revealed nothing more sensitive than its own lack of erudition, it was kept under security wraps for six years, acquiring a nimbus of security with age like a Chinese grandfather. Three years later a Cabinet committee rejected out of hand alternative proposals for assuring a safe supply. For the government to contract out the search for reserves was dismissed in a sentence as both "contrary to the "principles of free enterprise" and "costly," although no effort was made to assess the expense. The costs of the present system were not seriously considered until 1962, when a committee appointed by President Kennedy put the price at about $3.5 billion a year, and urged that controls be liberalized to permit "a modest increase" in imports. Kennedy ignored the recommendation, however, and instead tacked the quota lid down still tighter.

During the Kennedy years, federal oil policy was directed from the White House. When Lyndon Johnson took office, he sensed that oil decisions could prove embarrassing to a President from Texas. So he made a point of delegating authority to Interior Secretary Udall, although Udall allows that "in one or two instances people in the White House tried to get a heavy oar into oil matters." Nixon has snatched oil policy back to the presidential bosom. Last February, Michael L. Haider, chairman of Jersey Standard and of the American Petroleum Institute, met with presidential counselor Arthur Burns to urge the review of import controls that has since been undertaken.

The choice of a chairman for this sensitive, Cabinet-level study proved an *Alphonse et Gaston* affair. Robert Ellsworth, a key White House aide before being named Ambassador to NATO, advised Nixon to pick Burns; but Burns attached a covering note to Ellsworth's memo pleading that he was too busy. Nixon's choice of Shultz, a widely respected economist, came as a surprise. The President explained it by saying that the Labor Department had "no direct involvement in the issues to be weighed," so Shultz could remain detached. Until the study is completed this fall no major moves in oil policy are expected.

SQUABBLING OVER THE SPOILS

Founded on a questionable rationale and ensnarled in confusion about its goals, the oil quota system has proved unusually susceptible to the buffeting of pressure groups. Because the stakes are so high, great corporations, politically powerful regional interests, and major oil-exporting countries squabble fiercely over the benefits oil quotas bestow.

Venezuela, which earns 92 percent of its foreign exchange from oil exports, stands vigil lest the slightest change in U.S. policy decrease its markets. So concerned was former President Romulo Betancourt, in fact, that when John Kennedy installed a "hot line" to South American capitals in 1962, Betancourt was the first to call Washington, audibly agitated over rumors that Kennedy was going to reduce quotas. And when Secretary Udall allowed Phillips Petroleum to switch its purchase of about $40 million worth of oil from Venezuelan to other sources, Venezuelan officials marched on Washington in a fury. As a result, the White House and State Department pressured Udall into reversing his decision, after a dispute that left President Johnson and his Interior Secretary at swords' points in the waning days of their Administration.

Oil policy was also a sensitive issue when Canada's Prime Minister Pierre Elliott Trudeau paid his first visit to President Nixon last March. Canadian oil is officially exempt from import restrictions on grounds that it is exported overland into the northern tier states of the Midwest, and is therefore considered a safe source of supply. Still, the U.S. engages in the questionable practice of negotiating secret agreements with Ottawa to limit the amount of oil Canada may export to this country—not for security reasons but make sure that Canadian production doesn't disrupt the cozy U.S. market. In the latest agreement, which was flushed out of secrecy in recent lawsuit, a promise was wrung from Canada to "exert every effort" not to displace U.S. production, not to supply refiners who were "unduly expanding their market area," and not to send oil to Chicago before 1970. In other words, not to compete too hard. Much to the exasperation of U.S. producers, however, the Canadians have repeatedly exceeded the limits set by the agreements, and Trudeau is now seeking a still bigger share of the high-price market.

Perhaps the most ridiculous bargain ever struck in the name of national security is an agreement the U.S. negotiated in 1961 giving Mexico an "overland exemption" similar to Canada's. Since there is no pipeline between Mexico and the U.S., the state-owned oil company, Petroleos Mexicanos, ships 30,000 barrels of oil a day by tanker into Brownsville, Texas. From there the oil is pumped into tank trucks, driven over the Gateway Bridge into Mexico, and then U-turned back into the U.S.—all to qualify as a quota-exempt "overland" import. Branded "el loophole" by indignant Texas oilmen, this little charade has cost the companies importing the oil nearly $15 million in extra loading and transportation charges.

A SERIES OF "SPECIAL DEALS"

Whenever the government creates valuable assets, like import tickets, and awards them

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arbitrarily to a limited number of people with special interests, like refiners, contention is inevitable. Companies originally excluded from the club of ticket holders, including Du Pont, Union Carbide, Kodak, and other giants of the petrochemical industry, have successfully battled their way in over the shrill cries of refiners, who were forced to give up some of their own tickets to make room. At the same time, oil executives have finagled with the ingenuity of wily tax lawyers to win larger cuts of the pie. In 1965, Phillips Petroleum won the right to establish a $45-million petrochemical plant in Puerto Rico, process exclusively foreign oil, and then ship 24,800 barrels a day of gasoline "by-product" to the east coast, where it competes with fuels made from high-priced domestic crude. The right to ship this gasoline has been estimated to be worth about $11 million a year. Competitors were outraged because the amount of the shipments was deducted from the total amount of foreign oil they shared.

To many oil executives, this marked the beginning of a series of "special deals" in which Udall recommended, and President Johnson approved, the exclusive grant of profit-making opportunities to a few select companies at the expense of others. Udall justified the Phillips deal not on national security grounds, but on the theory that a special import allocation was needed to induce job-creating investment in Puerto Rico, where unemployment was running at 11 percent. In return for the allocation and liberal tax concessions from the Puerto Rican Government, Phillips promised to reinvest $55 million in satellite plants, which would use the petrochemicals Phillips produced as feedstocks.

The grant to Phillips encouraged others to apply for similar arrangements. Typically, these deals have combined three factors: a company eager to import cheap oil, a geographical region that would benefit from the company's investment, and a crevice in the quota barrier. After Phillips, Udall awarded Sun Oil, Union Carbide, and Commonwealth Oil Refining valuable rights to process exclusively foreign oil in Puerto Rico and ship products to the mainland. By that time the Virgin Islands were crying for "parity with Puerto Rico." Hess Oil & Chemical won tickets to ship to the U.S. mainland gasoline and heating oil produced from foreign crude at its refinery on St. Croix. (Udall had difficulty justifying the special deal for Hess since employment in the Virgin Islands was so high that workers were being imported from the British West Indies.) The Sun, Commonwealth, and Hess shipments, which will total 54,500 barrels of oil products a day by 1972, are deducted from the amount of oil other companies may import. The effect is to slash the benefits of many for the sake of a few. (Carbide ships only petrochemical products to the mainland; these are exempt from quota restrictions and aren't deducted from other companies' allocations.)

THE BATTLE OF MACHIASPORT

Similar applications began pouring in from every company and region that could conjure up a rationale—Guam, Hawaii, Savannah, Georgia, and Machiasport, Maine. The application by Armand Hammer, the septuagenarian chairman of Occidental Petroleum, to process 300,000 barrels a day of Libyan and Venezuelan crude at Machiasport became a *cause célèbre* in the oil industry. It was overwhelmingly opposed by the major oil companies, which feared a further nibbling away of their tickets, and unanimously supported by New England politicians, who saw the promise of lower oil prices for their constituents. Battled to a stalemate in the closing days of the Johnson Administration, Occidental's plan now hangs in limbo.

The special deals underscore the government's awesome power to distribute exclusive franchises without detailed justification. While quota application for others were approved, Udall brushed aside a request by Texaco to build a refinery in Puerto Rico, where it is the leading gasoline marketer. He offered no official explanation, allowing the company's application to perish without taking action on it. When Udall approved the Hess application in the Virgin Islands, he simultaneously turned down a request from Coastal States Gas Producing, saying only that his "firm and final" decision was to permit no other refineries on the islands in order "to protect and conserve the incomparable reefs and beaches."

Although it deals with fabulous sums of money, the Interior Department has adopted few of the procedural safeguards common to other regulatory agencies. It issues no formal opinions to explain its decisions. It has held fifteen hearings on various aspects of the program, but has never followed one of these with a report of findings. Unlike the award of oil leases or contracts, the special deals have never been opened up to competitive bidding by Interior, which has preferred to negotiate the terms privately. (It once proposed a plan to auction off quotas, which would have let the Treasury, rather than refiners, collect the price differential between foreign and domestic crude; the scheme was quietly scuttled when it met nearly universal opposition from the industry.)

Companies dissatisfied with their lot under the quota system may plead their cases to an Oil Import Appeals Board, on which sit three officials, one each from the departments of Interior, Commerce, and Defense. Under its rules, the board dispenses or adjusts allocations to companies that are "in special circumstances" or are suffering "exceptional hardship." These ill-defined criteria have led to some questionable awards.

Udall's own decisions have been highly unpredictable. In the case of Phillips, Hess, and others, Udall made decisions beneficial to the companies, then changed the oil-import regulations to validate his actions. These ex post facto turns in policy have made it difficult for oil companies to plan. An application by Mobil to import oil into Puerto Rico was rejected a few years before the Phillips application was approved, without the slightest indication then that any change in policy would later be considered. As Jersey Standard Chairman Haider puts it with soft-spoken confidence: "We're flexible. We can play the game any way you want—if somebody will just tell us what the rules are."

A PECULIAR WAY TO REGULATE

When vast sums are involved, such irregular procedures undermine the sense of fair play that is an essential attribute of any regulatory agency. Tongues clucked in the oil industry, and suspicion pervaded the capital, when well-connected Washington lawyers and influential politicians were associated with one request for special privilege after another. Oscar Chapman, a prominent Democrat, Secretary of Interior under Truman, and now a Washington lawyer, was instrumental in putting together the Puerto Rican deal. First he drummed up oil-company interest in the project, then he approached Interior Department officials confidentially in 1962, and finally he represented Phillips as counsel when the company requested an import allocation two years later. Puerto Rico was represented by Arnold, Fortas & Porter, the firm co-founded by President Johnson's close confidant, Abe Fortas, who had been intimately connected with the island's affairs since World War II. David T. Willentz, a director of Hess Oil and Chairman Leon Hess's father-in-law, was a powerful figure in New Jersey Democratic politics. The Hess quota application was stoutly supported by such congressional oligarchs as Representative Michael Kirwan, an Ohio Democrat, who for years headed the House Interior appropriations subcommittee, with power over the Interior Department's purse, and Representative Wayne Aspinall, a Colorado Democrat, who chairs the House Interior Committee, which holds sway over the department's legislation.

Not even Udall's harshest critics in the oil industry accuse him of personal dishonesty, and most believe that he was earnestly trying to bend oil-import controls to serve his vision of the national good. The companies did "pay" for their special privileges in varying degree. Hess agreed to pay $2,700,000 a year (50 cents for each barrel of oil products it shipped to the States) to a conservation fund on the Virgin Islands. Sun agreed to pay about $1 million (or 10 cents a barrel) into a similar fund in Puerto Rico. And Occidental held out a promise to contribute more than $7 million a year to such a fund for New England. But to grant special privileges in return for charitable contributions seems a peculiar way to regulate.

With one mystifying amendment after another, the import regulations became so complex that Senator Proxmire charged it would take a "Ph.D. in chemistry and a Philadelphia lawyer to begin to comprehend them." When petrochemical producers were admitted into the ranks of ticket holders, the Oil Import Administration unwittingly worded the necessary amendments so that some refiners that also produced petrochemicals were allowed to "double dip" into the import pool. In an oilman's game of now-you-see-it, now-you-don't, these refiners claimed one set of tickets based on their refining operations, then picked up another batch based on their petrochemical operations—even though the same oil was used for both.

No sooner had this situation been corrected than Udall found himself bogged down in a $1,500,000 misunderstanding about what was and what wasn't a petrochemical. Standard Oil Co. (Indiana) was producing large quantities of aromatic chemicals for use in its unleaded gasoline, and these technically qualified as petrochemicals under Interior regulations. It came as a surprise to Udall, however, when the company claimed and received tickets worth more than $1,500,000, cutting heavily into the foreign oil he had intended to provide chemical companies as low-cost feedstock. Pronouncing himself "appalled" at this turn of events, and declaring himself "not very happy" with his staff (who had sent him a memo on the situation that had mysteriously been lost), Udall revoked the company's tickets without notice or hearing. Standard of Indiana was "shocked at the arbitrary action" and filed suit, the Justice Department refused to defend Udall, and the embarrassed Secretary was forced to return the tickets—and put his staff to work rewriting the regulations once again.

THEY WINCE AT COMPETITIVE BLOODLETTING

One outgrowth of the Standard of Indiana debacle was that Interior for the first time began auditing refiners' claims for tickets. One of the first audits concluded that Standard of Indiana claimed to have converted more oil to petrochemicals than it actually had, thereby earning extra tickets worth about $600,000. But the company is fighting Interior's efforts to recoup, arguing that it had really claimed too little, not too much. Subsequently, Interior spot-checked thirty-seven requests for new quotas, discovered "many discrepancies," and threw out six of the applications. The fact that audits had never previously been conducted can be laid in part to congressional parsimony. The Oil Import Administration has only five professional people. They were forced to make some of the spot checks over a holiday weekend.

As import control became more and more confused, so did their objective. The Oil Import Appeals Board winces at the sight of free competitive bloodletting. It awarded

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tickets to two small refiners that had been shut down for years, hoping the handouts would help them pay off creditors and reopen their plants. Another company bought an abandoned refinery from Mobil in Wyoming and encountered unexpectedly high costs rehabilitating it. "Moved by the plight of this small company," as it said, the board doled out tickets to that refiner, too.

Several of Udall's actions involving Commonwealth Oil of Puerto Rico provide a graphic illustration of market meddling. In 1966, Commonwealth discovered a loophole in the regulations that allowed it to ship products from its refinery in Puerto Rico to the West Coast. Commonwealth won Udall's tacit approval and subsequently negotiated a forty-six-month contract to supply a cut-rate marketer in San Francisco with up to 10,000 barrels of gasoline daily. Major refiners in California screamed foul, charging that Commonwealth's gasoline had a competitive advantage and that the shipments had the effect of cutting back their own import allocations. They enlisted the aid of former Senator Thomas Kuchel, then the Republican whip, and other politicians to bring an end to the shipments. Yielding to political pressure, Udall reversed his position, closed the West Coast loophole, and gave Commonwealth permission to ship to the east coast instead. The move cut the San Francisco marketer off from supplies.

Another of Udall's actions was tantamount to pressuring a company to buy from a particular supplier as a condition for obtaining a federal grant—an especially pernicious kind of government pressure. Commonwealth Oil was seeking the right to increase shipments from its refinery to east coast markets, claiming that it should have parity with the new Phillips plant, which Interior had allowed to ship 24,800 barrels daily. Then Union Carbide applied for permission to expand its petrochemical facilities on the island. With this Udall saw a chance to provide Commonwealth with a market—without allowing the company to increase its shipments to the mainland, which would surely have raised fresh complaints from competitors there. So, as a condition of approving Carbide's request, Udall bargained Carbide into agreeing to purchase half its feedstocks in Puerto Rico from Commonwealth. Commonwealth subsequently dropped its demand to ship more products to the east coast. "We twisted a lot of arms," Udall concedes.

Udall's rejection of Texaco's request to build a refinery in Puerto Rico, which has never been officially explained, also relates to Commonwealth Oil. As the biggest gasoline marketer on the island, Texaco bought a substantial amount of its supplies from Commonwealth's refinery. If Texaco were allowed to build its own refinery, Udall knew that Commonwealth would have to search for new customers, and would surely seek the right to ship more gasoline to the east coast—once again roiling the industry. Udall's desire to avoid such upsetting complications was a central reason for allowing the Texaco application to die.

A FAR LESS COSTLY WAY

The U.S. today finds itself saddled with an expensive, muddled, and unseemly system of import restrictions because it has ignored the dictates of rational economical policy making. The government has not determined how large a reserve of oil the U.S. would need in the event of a foreseeable emergency. Nor has it tried to adopt the least costly method of providing such a reserve. It has preferred to rely on senseless protectionism—a policy it must now abandon.

No doubt exists that the U.S. can provide for its emergency needs at less cost than under the current system. Since the government has never taken the trouble to weigh the alternatives, the methods—or combination of methods—that make the most sense are not yet clear. The studies conducted by Adelman of M.I.T. surely indicate that the storage of oil for emergencies may prove a feasible course of action. But the most important consideration is that all courses be examined with an open mind.

The cost and the maladministration of the quota system have raised cries for its abolition. Much can be said for that direct solution. But it may be that some form of import restrictions, less onerous than those now in effect, has a place in a rational oil policy. If so, those restrictions must be adopted on the rational grounds that they enhance U.S. security at a tolerable cost—not because they prop up the domestic industry in its present inefficient form. The government must quit mixing defense considerations with protectionism, as it has done so dramatically, and shamefully, in its efforts to keep Canadian oil out. At the very least, the U.S. should permit the free movement of oil from Canada, a country with which we enjoy uniquely close relations. The government should also put pressure on the states to abandon those regulatory practices that stifle efficiency. The time has come to allow a fresh breath of competition to blow through the industry.

THE ACADEMIC ADMINISTRATOR: A LIFETIME FIXTURE

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. SCHADEBERG. Mr. Speaker, I present to my colleagues a report entitled "The Academic Administrator: A Lifetime Fixture," by Gian C. Sud, associate professor at Western Michigan University. It is presented as another view on what can be done to bring stability to our campuses. The report follows:

THE ACADEMIC ADMINISTRATOR: A LIFETIME FIXTURE

One of the most pressing problems in higher education today is the question of governance in the modern university. It requires a healthy state of faculty-administration relationship as well as rapport between faculty and administration on one hand and students on the other. Unfortunately, all is not too well on many campuses. The need for an overhaul of present policies governing the administrative personnel of the universities is very clearly manifested by the reported resignations this fall of at least a dozen university presidents from their respective posts across the nation.

A feeling of being "on the outside" seems to be rather prevalent among the students and some members of the faculties, who refer to "they" to denote the administration and "we" for themselves even during everyday conversations. In other words, rather rigid lines seem to have been drawn between the three essential groups on a campus—the administration, the faculty, and the students. This is partially because most of the administrators have been with the institutions for a long time and feel that they have more claim to the institution than the students and the incoming new faculty members. Even though administrators encourage faculty participation in university committees and councils, the faculty is left with the distinct feeling that their role is advisory at best. And when it counts, papa knows best. The lack of faculty attachment to their institutions may well have left a vacuum and a communication gap between the students on the one hand and administrators on the other. In other words, it is the failure of the university administrations and faculties that has, at least partially, been responsible for the so-called student unrest.

The president of today, or any other administrator of a university for that matter, must possess considerable executive talents, in addition to being a leader in his academic field. He must understand the intricacies of present-day finance, the committee system and public relations. He must provide vigorous leadership, and he must take counsel of his faculty and open effective lines of communication with his student body. Above all, the president of today must be a chief executive with a totally new approach to governance.

The days, when the presidency or deanship was a lifelong position, must be for the record books now. In this new generation and era, any of these positions should not last the working life of any one man. Accordingly, the term of service of the president and his administrative team must be limited and specifically defined.

Senator Eugene McCarthy,[1] in demanding the replacement of J. Edgar Hoover as Director of the F.B.I., brought attention to a new thought. He said that an agency "in a democracy should not be kept under the control largely of one man to a point where it develops to a kind of fief." He went on to say that, in our democracy, circumstances produced necessity for limiting the term of officials. The military Generals, Governors, and even the Presidents have a restricted length of time to serve their respective offices. In addition to other factors, this steady rotation of men and women occupying high offices of administrative and executive nature has brought about the utilization of ideas and services of more people. It has further prevented what may be called stagnation of thought and policy. This has been true in the sciences, where the great advantage of the American Scientific System is the extreme mobility of men and ideas.

In universities and colleges where, by their very nature, the ideas and policies are at a constant melting point, it is hard to conceive why their presidencies, deanships and other administrative positions are based on what seems to be lifelong appointments. In view of the changed nature of these institutions, I should think that restricting the tenure of office of the administrators to specific terms may be a step in the right direction. Why should the president or dean of a university not step down and go back to his teaching and research after, for example, ten years? This is long enough time for the individual to have brought forth and executed new ideas. After such time, new faces should be brought into these positions who have fresh ideas and fresh approaches to their jobs. In many institutions the administrative officials stick to their positions unreasonably long.

It is interesting to note that many presidents, or deans for that matter, who have been in their respecive positions for probably as many as 20 years, as if the positions were for their lifetime, will strongly propose a 'rotation system.' They will urge for rotation of members on committees, for rotation of departmental chairmen, and for rotation of personnel handling minor administrative assignments. They are, with conviction, the most vehement proponents of the theory that rotation of personnel will prevent ideas from becoming stagnant. They would like to bring new faces, new personnel and new ideas to various jobs. Why then, should the presidency or the deanships not have new people with new ideas at frequent intervals? A limit on the length of service by one man in one position is common not only in the government but also in business and

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[1] McCarthy, Senator Eugene, "Issues and Answers, ABC–TV," April 21, 1968.

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industry where healthy corporations have found it to be of utmost advantage.

The approach of limiting the tenure of service of high administrative officials in colleges and universities will undoubtedly pose problems. The problems would be varied and diverse, and it is not possible to anticipate or list them here. However, it seems to me that the problems will not be of the magnitude or nature which could not be overcome easily with proper planning and careful thought.

Let me discuss an example here. Let us suppose that the term of the president of a university was limited to ten years. The governing body of this particular institution could initially appoint the person to two five-year terms. The contract should specifically state that the individual will have the option to retain his position for the second five-year term, or to decline it, at the end of the first term. However, the governing board shall not have the authority to dismiss this individual at the end of the first term if he chooses to serve a second term.

Now, when the president (in this example), after having chosen to serve the second term, is in the ninth year of service, the governing board should designate the new president. The new president can then be on the job for one year, simultaneously with the out-going individual, which is more or less similar to the system followed in the Presidency of the U.S.A. It is evident that such a system will insure a continuity of work as well as smooth takeover by the President-designate without a significant additional cost to the institution. In order to extend this approach of limiting the tenure of service for the administrative officials, the governing boards of universities should have written by-laws specifically stating that the incoming president shall have the right to appoint all new administrative officials of his own choosing, including the vice-presidents, the deans, and associate deans, etc. This will parallel the system of appointment of the U.S. Cabinet. Of course, it will be entirely up to the new president to retain any or all of the out-going officials at his own discretion. To make this system effective and advantageous, the governing boards should permit the out-going officials, who normally would be faculty members with tenure in the departments of their respective interests, to retain salaries at the level of their administrative position. Calculations based on the above principle in any given institution revealed that the additional cost to be so incurred will be minimal. Of course, there is one assumption in it that most of the administrative appointments were made from among those professors who held academic ranks. They were well-known men in their respective fields, each drawing a relatively high salary.

Thus, their appointments to administrative posts had not resulted in substantially extra expenditure over and above their professional salaries. The proposal has the additional advantage that, when the administrative officials return to teaching and research, they will bring invaluable experience to their departments. Earlier, I had assumed that administrative appointments were made from among the most competent. It follows, therefore, that their return to teaching and research, after serving administrative duties, would not be hampered by a lag in their keeping up with their respective subject matters. Undoubtedly, these men will keep up with their fields while serving in administrative positions.

I believe that the above proposal merits consideration. Its contribution to the entire academic process in bringing a greater amount of faculty and student attachment to their institution seems obvious. It will not only develop a greater sense of belonging and consequent responsiveness on the part of the faculty, but will also alleviate some of the problems that the present-day academic administrators face. It will indeed modernize the governance in the contemporary university.

MORE SUPPORT FOR ROTC

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. PURCELL. Mr. Speaker, while attacks continue, and even increase, on compuses throughout the Nation against the ROTC, more rebuttals are being presented both in the press and in the colleges and universities themselves in support of this very fine program.

Mr. J. T. Rutherford, a friend and former colleague in this body who is now serving as executive director of the Association of Military Colleges and Schools of the United States, has brought to my attention an article written by Felix R. McKnight, editor of the Dallas Times Herald, in the Sunday edition of June 8, entitled "ROTC Has Its Rights, Too." I compliment Mr. McKnight and his very distinguished newspaper for taking an affirmative stand on this disturbing issue.

As a product of the ROTC program at Texas A. & M. University, I take pleasure in inserting Mr. McKnight's article in the CONGRESSIONAL RECORD and commend the attention of my colleagues to it. The article follows:

ROTC HAS ITS RIGHTS, TOO

(By Felix R. McKnight)

Six nights ago, about midnight, an explosion wired for murder, destruction and fear stunned the University of Michigan campus. It was the latest, most violent, most appalling move by anarchists who seek to destroy the college ROTC programs.

Terrorists strapped explosives to the gasoline tank of an official car assigned to Army ROTC Commandant Col. H. K. Reynolds. It was parked in the ROTC building drive.

The eruption demolished the car, blew out 40 windows and gouged a huge hole in the building. The intended human victim had left the car; was not injured.

Bomb squads of the FBI quickly sealed off the campus area; started an investigation.

The purists who abhor the thought of war's violence; the militants who burn draft cards and Selective Service facilities in protest against military participation reached the height of campus madness.

Madness President Nixon warned about in his South Dakota commencement address . . . "self-righteous moral arrogance."

The Michigan episode is the ugliest in the organized assault on ROTC. Buildings have been burned, ROTC students threatened, programs harassed and picketed by militants. Now the murder plots.

What is ROTC? What is this all about?

The Reserve Officer Training Corps, many years old, is the reservoir that has produced the military leadership necessary to preserve the security of this nation. War is a cruel, indefensible fact of life. These men, like ROTC Ike Eisenhower before them, hate war and fight in the cause of peace and preservation of the free life.

Who else, if you please, is available to knock off the Hitlers and other tyrants who would stifle free men?

They train for service in all branches of the military. In graduating classes around the nation this week, the Army branch alone will receive 760 new officers from the U.S. Military Academy, 8,500 from Officer Candidate Schools and 16,500 from college ROTC programs.

The furore over ROTC on college campuses centers not just around the militant dissenters. Their faculty friends are insisting that ROTC be stripped of academic credits—or even banned.

But, as one columnist noted, they would seek academic respectability for Eldridge Cleaver or separatist studies. By their own free reasoning a college student should be permitted to take ROTC courses and training if he so elects. And he further notes:

"If the student desires to drill with a master sergeant, or to otherwise satisfy ROTC training requirements, what business is it of the busybodies on campus, who prate about academic freedom—while designing a curriculum geared to their own neurotic lust?"

Very recently Roger T. Kelly, assistant secretary of defense for manpower, forthrightly said that campus demonstrations will not, in any sense, weaken the ROTC programs.

It is up to the institutions, by voluntary contract, whether ROTC programs are continued, Kelly conceded, but if it is discontinued the universities will be making a tragic mistake.

"It is unconscionable to me," Kelly said, "that a university would cruelly deny rights and opportunities to a group of responsible students to placate the noisy demands of a small and radical group. . . . The colleges themselves would be the big losers. They would lose the opportunity to provide some of our nation's future leaders."

Yet, the clamor from the new left has erased academic ROTC credits from such institutions as Harvard, Princeton, Pittsburgh, Stanford, Pennsylvania, Dartmouth, Boston, Fordham, Yale, etc.

The program, now being degraded by the current flock of anti-war dissenters, looked pretty good in saving our national hide after Pearl Harbor and Korea. It would have been disaster and total subjugation without them.

Not all blacks join their militant brothers in this protest. In 14 predominantly Negro colleges, there are 6,635 enrolled in ROTC courses—and a total of 9,500 enrolled in senior ROTC courses around the country.

Black or white, the individual should have the right to ROTC training if he so desires. And 200,000 of them on 350 American college campuses made that free choice in 1969.

President Nixon said Wednesday at the Air Force Academy commencement that "it is open season on the armed forces" and he warned the new isolationists:

"The adversaries of the world are not in conflict because they are armed. They are armed because they are in conflict and have not learned peaceful ways to resolve their conflicting national interests . . ."

CUMBERLAND SOLDIER DIES IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. LONG of Maryland. Mr. Speaker, Sp4c. John D. Sharp, a fine young man from Maryland, was recently killed in Vietnam. I wish to commend his courage and honor his memory by including the following article in the RECORD:

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CUMBERLAND SOLDIER DIES IN VIETNAM

A 19-year-old helicopter gunner from Cumberland is the latest Maryland serviceman to be killed in Vietnam, the Department of Defense announced yesterday.

He was Army Spec. 4 John D. Sharp, son of Mr. and Mrs. John E. Sharp, of 730 Gephart drive, Cumberland.

Specialist Sharp was killed June 6 when his helicopter exploded after being shot down by enemy fire. A member of the First Air Cavalry Division, he had been stationed at An Loc in South Vietnam.

Specialist Sharp, whose 20th birthday would have been June 18, enlisted in the Army in September, 1967.

He received basic training at Fort Bragg, N.C., and helicopter training at Fort Rucker, Ala., before being sent to Vietnam last September.

A native of Cumberland, he graduated from SS. Peter and Paul Elementary School and Allegany High School. He also attended Allegany Community College for one semester before going into the Army.

In addition to his parents, his survivors include two sisters, Mrs. Ronald Glicksman and Mrs. Fred Wartzack, both of Cumberland, and his paternal grandmother, Mrs. Okie Sharp, of Gaithersburg, Md.

CONGRESSMAN McCLORY REPORTS RECORD QUESTIONNAIRE RESPONSE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. McCLORY. Mr. Speaker, in accordance with a practice which I established when I first came to the House of Representatives in 1963, I mailed questionnaires to my Illinois constituents on subjects of particular interest to the Congress and to the Nation.

A total of 137,892 questionnaires were mailed, destined for every postal patron in the 12th District, comprising Lake and McHenry Counties and Hanover and Barrington Townships in Cook County, Ill. At the time the results were tabulated several days ago, a total of 24,847 questionnaires had been answered and returned to my office. This is a greater than 18-percent response and represents the greatest participation in my experience of polling my constituents. According to market survey experts, this is an extremely high percentage.

The poll is particularly valuable to me on the issue of the proposed anti-ballistic-missile defense system. Whereas my mail has been almost entirely against any such system, the questionnaire survey indicates that my 12th district constituents favor the modified ABM system, as recommended by President Nixon, by a margin of better than two to one.

On the issue of electoral college reform, I have been very impressed by the fact that more than 75 percent of my constituents have expressed themselves in favor of the direct popular election of President and Vice President.

While the questionnaire results are not binding upon me, they represent a most valuable and persuasive expression of a generous cross-section of the citizens of the 12th District of Illinois—and I intend to give thoughtful consideration and respect to their opinions as contained in the questionnaire results.

Mr. Speaker, I should add that by polling my constituents I generated more than 5,000 individual letters on the issues selected for the questionnaire, and I have tried to answer all of those letters.

Mr. Speaker, the questionnaire and the responses are indicated in the following summary:

QUESTIONNAIRE RESULTS OF 1969 OF CONGRESSMAN ROBERT MCCLORY

Total number of questionnaires mailed: 137,892.

Questionnaires returned: 24,847.

[Answers in percent]

1. In Vietnam, do you favor—

Withdrawal of U.S. forces	36.7
Holding operation by joint United States South Vietnam Forces	14.9
Increased military pressure on North Vietnam	44.3
No response	4.2

2. Do you favor a modified defensive ABM system as recommended by President Nixon?

Favored by	64.6
Opposed by	30.3
No response	5.1

3. Concerning the Draft Law, which is your preference:

The present system which permits student deferments	26.1
A lottery system with no student deferments	42.9
A volunteer Army at an estimated payroll increase of $10 billion per year	27.9
No response	3.2

4. If the electoral college is changed, do you favor—

Substitution of election of President by direct popular vote	75.2
Apportion States electoral votes on the basis of candidates popular vote	14.5
Award electoral votes by congressional districts	5.6
No response	4.7

5. Should the voting age be lowered to 18?

Favored by	39.5
Opposed by	58.8
No response	1.8

6. Do you favor cancellation of Federal scholarships to college students participating in campus disorders?

Favored by	88.2
Opposed by	10.1
No response	1.7

7. Should the Federal government develop laws to help prevent strikes by Public Employees

Favored by	60.9
Opposed by	35.5
No response	3.7

8. Should the Federal government guarantee an annual income to heads of families, whether or not they are working?

Favored by	11.9
Opposed by	84.9
No response	3.3

9. Do you favor returning a percentage of Federal income taxes to the States and local governments for use as they see fit?

Favored by	64.2
Opposed by	31.9
No response	3.8

10. Do you favor transfer of duties of the Office of Economic Opportunity to other departments?

Favored by	56.5
Opposed by	28.8
No response	14.7

11. Do you favor President Nixon's decision to remove postmasters and rural mail carriers from political control?

Favored by	91.4
Opposed by	6.2
No response	2.4

THE BLACK REVOLUTION AND THE ECONOMIC FUTURE OF NEGROES IN THE UNITED STATES

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. COHELAN. Mr. Speaker, last week Dr. Andrew Brimmer, a member of the Board of Governors of the Federal Reserve System, gave the commencement address at Tennessee A. & I. University. In his remarks Dr. Brimmer summarized for the graduating class, in cold, clear economic terms, the gains and the losses of the past decade and the outlook in the immediate future for Negroes in the United States.

This distinguished economist and educator, recognized throughout the world today for the professional competence he brings to the highest councils of our national and international monetary negotiations, can speak with some feeling about what he calls "the catalog of ills which underlie the patina of racial equality and which render the United States a racist society." An overseer at Harvard University, where he won his doctoral degree, a former Fulbright scholar, professor of economics and Assistant Secretary of Commerce, he started life as the son of Louisiana sharecroppers and is all too familiar with the corrosive burden borne by American blacks for the past 300 years. Only 42, he has long been active in fighting the injustices which plague the impoverished, black and white alike, in our society.

But in urging his young black audience to assume their rightful role in the world beyond the campus and to "see it like it is," he underscores the folly of accepting "deceptively inviting digressions which are luring some of our most promising young people with false hopes of progress through separate development along racial lines."

He reminds them that Negroes have benefited relatively more than the population as a whole from the economic expansion of the sixties, that among both whites and nonwhites the dramatic gains are going to the well educated, and that now, more than ever, their real opportunities for economic independence and personal fulfillment lie in obtaining technical competence, knowledge of the arts and humanities, and the basic skills of reading, writing, and speaking effectively.

For college faculties and administrators, Dr. Brimmer has sharp words of warning, too, pointing out that there is need for curriculum reform in even our most prestigious institutions, but insisting that they must be realistic in terms of students' and society's needs. He cautions against letting "black studies" or "Afro-American studies" become sheltered workshops. "On the mistaken assumption that they are being relevant and responsive, many of our college faculties are creating facilities which may cripple young people—rather than strengthen their ability to compete in an economy of expanding opportunities."

Mr. Speaker, I recommend Dr. Brimmer's inciteful analysis for my colleagues' consideration and request that it be inserted at this point in the Record.

ADDRESS BY ANDREW F. BRIMMER,[*] JUNE 8, 1969

I was pleased and flattered to receive the invitation to address this graduating class in the 57th year of Tennessee A. and I. University. I accepted on the assumption that—despite the ferment surrounding the quest for change on the college campuses of our nation—it is not only still possible but essential to carry on the sane and unsentimental discussion of the prospects for progress in American society. Since my own perspective on this society is derived primarly from the experience of an economist, I will focus on the outlook for the economy over the next decade. And since Negroes constitute the vast majority of this graduating class and of this University, I will place particular stress on the unfolding opportunities for equal participation which our expanding economy can be expected to provide.

But before turning to that task, let me hasten to carry out those duties which any commencement speaker is expected to perform: on this occasion—marking for most of you the completion of your formal educational experience and the beginning of life in the world beyond the campus—I commend all of you for your accomplishments to date. Partly because of the enormous strides in college enrollment made in recent years, we tend to forget that Negro college graduates are still much more rare than the Negro's share of our total population would suggest. We tend to forget that, among Negroes age 21 and over, less than one-in-twenty has four years or more of college education—compared with more than one-in-ten for the population as a whole. I am aware of—and I fully appreciate—the considerable sacrifices which you and your families have made along the road to this ceremony. I must also reassure you (because you obviously already know) that the world beyond the campus is not only exciting and challenging—but it desperately needs the help of all the bright minds and vigorous bodies it can get. So let me join in welcoming you to this exhilarating venture.

However, in these times of trouble in our country—and in the world at large—it would be an insult for a commencement speaker to dwell on empty generalities. Since I have come to praise you and not to insult you, I will refrain from any further obeisance to ritual or rhetoric. Instead, let me return to the central theme of these remarks.

I am certain that I do not need to remind this audience of the turmoil currently sweeping our society. I am sure that you would agree with me that we are not simply being plagued by a rash of bitter and violent disorders without cause, meaning or goals. Rather, we are witnesses to—and in many instances warriors in—a campaign aimed at a fundamental reformation of American society. Some call it a revolution. Moreover, I know that it is not necessary for me to emphasize that at the core of the drive to reform our society (no matter what other elements may be stressed from time-to-time) is the pervasive and agonizing question of race. Thus, no matter what other adjectives we may use to characterize the vigorous quest for change, we must also describe it as a black revolution—a basic upheaval about the role of race in this country.

I could easily consume all of the allotted time by simply reciting the catalogue of ills which underlie the patina of racial equality and which render the United States a racist society. But you know this catalogue. Whatever index of social and economic conditions we choose (education, employment, housing, health, etc.) tells the same story: the legacy of racial discrimination and segregation is real, and the scars it has inflicted on all our citizens are deep and enduring. But undoubtedly the most corrosive burden has been borne by the American Negro for more than three hundred years. So, I could easily devote all of my remarks to a passionate condemnation of the conditions which foster racial strife in this country. I could easily dwell on the mosaic of urban disorganization and decay—equally inlaid with poverty, segregation and racial conflict.

If I were to adopt either course, I would certainly be in step with the typical speaker before any predominantly black audience today. However, I have chosen to travel a different route. But, so that I will not be misunderstood, let me say that it should be obvious to anyone that I am unalterably opposed to any kind of racial discrimination or segregation in whatever form it may appear. I have heard no convincing reasons as to why we must continue to suffer the steady deterioration of our cities or tolerate the persistence of poverty in the most prosperous land in the world. So I fully appreciate the need—and support strongly the efforts—to press on with these unfinished tasks.

I have chosen a somewhat different approach in these comments because I believe we should pause from time-to-time to take stock of the distance we have already covered and to survey the terrain ahead. Only by such periodic checks can we be sure to stick to our main route and avoid digressing into byways and blind passages which can lead only to disappointment and frustration. In this stock-taking, first I review the extent of economic progress the Negro has actually made in recent years. This is followed by an appraisal of the economic outlook over the next decade. Finally, I try to flag several of the deceptively inviting digressions which are luring some of our most promising young people with false hopes of progress through separate development along racial lines. My main theme can be summarized briefly:

So far in the decade of the 1960's, Negroes have benefited relatively more than the population as a whole from the vigorous expansion of the national economy. However, increased occupational mobility and significant strides in education have also played vital roles.

Reflecting these favorable trends, the income differentials between blacks and whites have narrowed appreciably in the last few years, with the greatest relative gains by Negroes being among those with the highest levels of education. Simultaneously, however, within the Negro community,, two different classes are becoming increasingly evident as the best prepared are moving ahead rapidly while the least prepared are lagging behind.

Looking ahead over the next decade, the Negro community as a whole can be expected to improve its economic position to a greater extent than the population generally. Again, while expansion of the national economy is expected to be the mainspring of this improvement, continued advances in education will also play a major part.

Unfortunately, at exactly the time when education and technical competence are becoming increasingly critical for Negroes—as for other Americans—the notion is spreading that black students need not concern themselves with most of the content of a traditional college curriculum. Instead, it is being held—in even some of the very best institutions—that the most relevant educational experiences for black students are those which will equip them to return to the urban ghettos and work exclusively for the improvement of the black community. In my judgment, it is a serious error for college faculties to allow such notions to go unchallenged. But, what is even more tragic, on numerous campuses Negro students—mainly in response to their own demands—are being permitted—and in some cases encouraged—to enroll in sheltered workshops in the guise of "black studies" and "Afro-American" programs Thus, on the mistaken assumption that they are being relevant and responsive, many of our college faculties are creating facilities which may cripple young people rather than strengthen their ability to compete in an economy of expanding opportunities.

RECENT ECONOMIC PROGRESS IN THE BLACK COMMUNITY

During the decade of the 1960's, Negroes have made sizable economic gains—although they still lag well behind the population as a whole. This progress is evident whether defined in terms of employment, changing occupational characteristics, education or income.

For example, between 1960 and 1967, nonwhite employment (more than 90 per cent of which is made up of Negroes) rose more rapidly than in the country at large. In 1960, nonwhites held 7 million (or 10.5 per cent) of the more than 66 million civilian jobs then in existence. By 1967, total civilian employment exceeded 74 million, and nonwhite employment had risen to 8 million. Thus, while total employment increased by 11½ per cent, that for nonwhites rose by 14 per cent. Over these seven years, the rise in the number of jobs held by nonwhites accounted for 12.6 per cent of the expansion in total employment.

The occupational distribution of employed Negroes has also changed somewhat during the current decade. Their gains have been particularly striking in professional and technical fields, in clerical work, in semi-skilled factory jobs, and in nonhousehold service tasks. Skilled craftsmen occupations among nonwhites have also risen somewhat faster than their total employment. In contrast, the number of nonwhites engaged as managers, officials and proprietors have expanded more slowly than total nonwhite employment. To a considerable extent, the occupational upgrading among nonwhites has paralleled an absolute decline in their employment as private household workers, as farmers and farm workers, and as nonfarm laborers. In general—and what is much more important—in those occupations where total employment is growing most rapidly, the rate of growth of nonwhite employment has been even faster; and in those occupations where total employment is declining, nonwhites are showing an even swifter decline.

Nevertheless, nonwhites are still heavily concentrated in low-skilled, low-paying occupations. To some extent, this partly reflects educational deficiencies and the absence of skills of a sizable proportion of the Negro population. On the other hand, it is also partly due to racial discrimination and limited access to job opportunities. This is clearly indicated by a recent estimate prepared by the Bureau of Labor Statistics (BLS) of what the occupational structure for white and nonwhite men would be if "...

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[*] Member, Board of Governors of the Federal Reserve System. I am indebted to Mr. Henry Terrell and Miss Mary Ann Graves of the Board's staff for assistance in the preparation of these remarks.

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at each given education level Negroes had the same opportunity for employment as white workers." If this greater occupational equality were to exist, the largest relative percentage gains for nonwhites would occur among craftsmen (the proportion of which would just about double) and among managers and proprietors (where a three-fold increase might be registered). The relative proportion of service workers would be cut by one-half, and the percentage of nonfarm laborers would decline by two-thirds. Little change would be expected to occur in the proportion of nonwhite men employed in professional and technical occupations.

TRENDS IN PERSONAL INCOME

Reflecting these favorable trends and occupations, the personal income of nonwhites has risen substantially in both absolute and relative terms. In 1959, the median income of nonwhite families was $2,917; by 1967, this had risen to $5,141—a gain of 76 percent. For all families, median income climbed from $5,417 in 1959 to $7,974 in 1967, an increase of 47 percent. For white families, the corresponding figures were $5,643 in 1959 and $8,274 in 1967, also a rise of 47 percent. Over these years, the ratio of nonwhite to white median family income rose from 52 percent to 62 percent with a particularly sharp rise occurring after 1965 (when the ratio was 55 percent).

In fact, the last few years have brought noticeable improvement in the income position of Negroes looked at apart from other nonwhites. For example, in 1965 the median family income of Negroes stood at 54 percent of that for white families. By 1967, the median family income of Negroes amounted to $4,939, and that for white families was $8,318. Thus, the ratio had risen to 59 percent. So, in three years, Negroes had managed to narrow the gap by 5 percentage points—or by roughly 11 percent.

The improvement in income was spread rather evenly throughout all regions of the country. The narrowest gap between white and Negro family incomes was found in the North Central region. In these states median income for Negroes in 1967 amounted to $6,540, compared with $8,414 for whites—a ratio of 78 percent; in 1965 the ratio was 74 percent. In the South, the median income for white families in 1967 stood at $7,448 and that for Negroes at $3,992—for a Negro-white ratio of 54 percent, compared with 49 percent in 1965. In passing, it might be noted that not only do median incomes of both white and Negro families in the South lag behind the incomes of both groups, respectively, in the rest of the nation, but the greatest disparity between Negro and white family income among regions is also found in the South.

Undoubtedly, one of the prime factors underlying the improvement in the income position of the Negro community in the nation as a whole is the continued progress being made in education. For example, in 1967 the median years of school completed by nonwhite men (who were 18 years of age and over and who were in the labor force) stood at 10.2 years; for white men the corresponding number was 12.3 years, a difference of 1.9 years. However, in 1957, the median years of schooling for nonwhite men were 8.0 years, and for white men the figure was 11.5 years, a gap of 3.5 years. In fact, by 1962, the gap was still 3.1 years, so progress has been particularly rapid within the current decade when the differential has been cut by almost one-half. Among nonwhite women, educational progress has been even more marked. In 1967, the median years of school completed by nonwhite women in the labor force were 11.5 years, compared with 12.4 years for white women—a difference of only 0.9 year. In 1957, the corresponding figures were 8.9 years for nonwhite females and 12.2 years for white females, a gap of 2.3 years. In 1962, the measures stood at 10.5 years for nonwhite women and at 12.3 years for white women, a difference of 1.8 years. Thus, within this decade the educational attainment of nonwhite women has converged even more sharply than that of nonwhite men on their respective counterparts. In citing these trends, I am not implying that the quality of the education obtained by whites and nonwhites is equally good. We know that the opposite is generally true. Nevertheless, improvements in education have made a difference in the relative income gains won by nonwhites.

Just how much difference improvements in education can make can be traced in the changes in the median incomes of Negro and white men, classified by years of schooling completed, who were living in large cities in 1959 and 1967. The figures (from the Bureau of the Census) are as follows:

Years of schooling	Median income: Negro men			Median income: White men		
	1959	1967	Percentage increase	1959	1967	Percentage increase
Elementary: 8 years or less	$3,428	$4,215	23	$5,139	$6,454	10
High school:						
1 to 3 years	4,059	5,086	25	5,788	7,495	17
4 years	4,323	5,642	31	6,265	8,188	20
College:						
1 year or more	5,022	7,025	40	7,686	10,499	20
4 years or more	(1)	7,556	(1)	8,486	11,536	21

[1] Not available

Several conclusions can be drawn from these data. Between 1959 and 1967, the higher the level of education, the more rapid was the rise in median income for both Negro and white men. However, the relative increases for Negroes were 1½ to 2 times as large as those achieved by white men. In 1959, Negro men with 8 years or less of schooling had a median income equal to about 70 per cent of that for Negro men who had 1 year or more of college; by 1967, the ratio had fallen to 60 per cent. For white men in the same circumstances, the income ratio declined from 67 per cent to 61 per cent. In 1967, men with only an elementary school education had median incomes just over half those earned by those in their respective races who had completed 4 years or more of college. During the decade of the 1960's, white men with high school educations pulled away somewhat, in relative income terms, from those who went only to grade school, and they just about maintained unchanged the gap between themselves and white men who went to college. Among Negro men, those with high school educations also pulled away, in relative income terms, from Negro men who went only to elementary school; however, the gap between their incomes and the incomes of Negro men who went to college widened further, as the ratio declined from 86 per cent to 80 per cent.

Thus, in general, these data clearly demonstrate that income for whites and Negroes has been rising most rapidly for those with college educations. Among Negroes, the gains—in both absolute and relative terms—have been the greatest at the highest levels of education.

In fact, there appears to have emerged a general tendency for income differentials within the Negro community to widen in recent years. In contrast, within the white community, income differentials seem to have remained unchanged or narrowed slightly. These tendencies can be traced in the Bureau of the Census data showing the percentage share of aggregate income received by each fifth of families, ranked by income and by the color of the family head. The figures for selected years are as follows:

Families	1959	1962	1965	1967
White (percent):				
Lowest fifth	5.5	5.5	5.6	5.8
2d fifth	12.6	12.4	12.5	12.5
Middle fifth	17.8	17.6	17.5	17.5
4th fifth	23.4	23.5	23.4	23.5
Highest fifth	40.8	41.1	40.8	40.7
Top 5 percent	16.1	16.0	15.5	14.9

Families	1959	1962	1965	1967
Nonwhite (percent):				
Lowest fifth	3.9	4.2	4.6	4.4
2d fifth	9.6	10.4	10.7	10.4
Middle fifth	16.5	16.6	16.5	16.4
4th fifth	25.1	24.4	24.7	24.1
Highest fifth	44.9	44.2	43.5	44.7
Top 5 percent	16.4	16.3	15.5	17.5

In examining these data, the first thing to note is that the distribution of income is by no means equal in either the white or nonwhite community. If it were, each fifth of the families would receive 20 per cent of the aggregate income in each year. In reality, however, only those families around and just above the middle of the distribution come close to receiving approximately this proportion of the total income. The families constituting the lowest fifth receive between 4 per cent and 6 per cent of the income, while those in the highest fifth receive over 40 per cent of the total. This general pattern of income distribution holds for both white and nonwhite families.

But looking beyond these overall characteristics, it will also be observed that, within the nonwhite community, the distribution of income is considerably more unequal. Among nonwhites, from the lowest through the middle fifth, for each of the years shown, the proportion of aggregate money income received by the families in each category is below that for the white community. The opposite is true for nonwhite families above the middle fifth; their share is greater than that received by white families in the same category. The same tendency is evident when the top 5 per cent of the families with the highest incomes in both groups are compared.

Moreover, in the last few years, incomes within the nonwhite community have apparently become even more unequally distributed. The shares of income received by those households at or below the middle fifth of families have been eroded slightly, while the shares received by the highest fifth and by the top 5 per cent have edged up somewhat. In the white community, the opposite tendencies are evident.

Again, these figures seem to underline a conviction held by an increasing number of observers: a basic schism has developed in the black community, and it may be widening year-by-year. Whatever explanation one may offer to explain it, in my opinion, the differential impact of educational progress within the Negro community must be accorded considerable weight.

ECONOMIC OUTLOOK FOR THE AMERICAN NEGRO

At this point, we can take up the second task sketched above: an assessment of the economic prospects for the American Negro over the next decade. In trying to look ahead, however, I must emphasize that I fully recognize the hazards of attempting to forecast economic activity. To make such a forecast is not my principal objective. Rather, my chief purpose is to appraise the implications for Negroes of a number of economic trends which are already clearly visible. For example, we have a good indication of the most likely trends in population and labor force participation over the next decade. Moreover, given a few reasonable assumptions about the overall rate of economic growth, we can be fairly certain of the trends in the level and occupational distribution of employment, and the level and distribution of personal income between the white and black communities.

POPULATION TRENDS

Our firmest estimates are for the population. The Negro will continue to be a larger proportion of the population, recahing a total of approximately 32.5 million in 1980. This would represent an increase of 10.5 million, or 48 per cent, from 1968. The total population has been projected by the Bureau of the Census at about 243 million in 1980, a gain of 45 million, or 23 per cent over 1968. Thus, the Negro population is expected to account for nearly one-quarter of the net increase in the Nation's population during the period 1968–1980, lifting the Negro proportion from 11 per cent of the total in 1968 to 13.4 per cent in 1980. These projections assume lower fertility than currently. However, the rate of decrease in fertility is expected to occur mainly among the white population. The result is a divergence in the rate of population growth for the two groups.

OUTLOOK FOR THE LABOR FORCE

For the present discussion, the proportion of the population which is working or seeking work holds the most interest. During the next decade, the labor force participation rate for nonwhites is expected to remain essentially unchanged at approximately 60 per cent. On this assumption, about 12.2 million nonwhites would be in the labor force in 1980, compared with 9.1 million in 1968. This represents an expansion of roughly one-third, compared with about one-quarter between 1956 and 1968. Since the total labor force in 1980 might be in the neighborhood of 101 million, nonwhites would constitute 12 per cent of the work force by the end of the next decade compared with 11.0 per cent in 1968.

This large growth in the total labor force and the even faster increase for Negroes will be accompanied by several dramatic changes in composition. For instance, over 23.7 million members of the labor force are expected to be under 25 years of age in 1980, a significantly higher proportion than in 1968. Thus, although more and more young people will undoubtedly want to work in order to continue in school in the next decade, the influx into the full-time work force of teen-agers clearly will be substantial. Moreover, an increasing proportion of these teen-agers will be nonwhites. This prospect will pose a continuous challenge to the Nation to provide appropriate employment opportunities at decent wages. But it will also put a heavy burden on Negro youths to acquire marketable skills. As we know, the impact of unemployment among teen-agers—and especially among nonwhite teen-agers—has been particularly severe. For example, while the unemployment rate of the total labor force was down to 3.6 per cent in 1968, it was still 12.6 per cent for all teen-agers and 24.9 per cent for nonwhite youth. There will also be sharp increases in the number of adult women in the labor force. By 1980, it is estimated that there will be about 7 million more women working or looking for work than in 1968, a large proportion of whom will be searching for full-time work.

TRENDS IN OUTPUT AND INCOME, 1968–1980

By 1980 the United States will have a $1.4 trillion economy if it grows in real terms at an average annual rate of 4 per cent. This would represent an increase of 50 per cent in the real output of goods and services in the 1970's. Expressed in per capita terms, Gross National Product (GNP) would be about $5,650 in 1980 against $4,274 last year—thus, rising by about one-third during this period.

For our purpose we would like to know what the growth of output implies for Negroes. However, we have no direct way to identify their share of GNP. On the other hand, we do have a fairly good measure of aggregate money income earned by Negroes as defined by the Bureau of the Census. This series does distinguish between income recipients according to color. In 1967, aggregate money income as measured by this series amounted to $487 billion. Of this amount, $451 billion was earned by the white population, and $35.7 billion was received by nonwhites, representing 7.3 per cent of the total. In 1956 the income of the nonwhite population amounted to $14 billion or 5.7 per cent of the total. During recent years the share of aggregate money income received by nonwhites has been increasing. If we assume that the same annual increase in the proportion received by nonwhites during the period 1956–1967 continues during the next decade, nonwhites would receive about 8.8 per cent of aggregate money income in 1980. If present overall trends continue, aggregate money income might amount to $843 billion in 1980, expressed in 1968 prices. The division might be $769 billion accruing to the white population and $74 billion accruing to nonwhites.

Thus, during the 1970's, sizable gains will undoubtedly be registered in the aggregate money income of nonwhites as well as for whites. But the relative improvement for nonwhites would probably be substantially greater. This can be seen most clearly when the income figures are expressed in per capita terms. In 1967 aggregate money income per head was $2,460; it was $2,590 for whites and $1,510 for nonwhites. By 1980 the total may rise to $3,465 per capita. The corresponding figures for whites and nonwhites may be about $3,648 and $2,277, respectively. Consequently, for whites aggregate money income might increase by 40 per cent; but for nonwhites, the gain in per capita terms might be as much as 50 per cent.

OCCUPATIONAL CHANGES AND THE DEMAND FOR SKILLS

Behind this outlook for employment and income are significant prospective changes in the economy's demand for skills. These forthcoming changes will have serious implications for Negroes. For example, if nonwhite continue to gain in the 1970's at the pace recorded during the last decade, their occupational distribution in 1980 will be substantially different from what it is today. While nonwhites might constitute about 12 per cent of the total labor force in 1980, they may hold over 10 per cent of the professional and technical jobs compared with just under 6 per cent in 1967. They may have also raised their share of the managerial, official and proprietary occupations from 2.8 per cent in 1967 to nearly 4 per cent in 1980. Sizable gains probably would also have been recorded in the clerical, sales and craftsmen occupations. They might continue to provide about the same proportion of farm workers and laborers, while a noticeable decline may have occurred in the proportion of service jobs held by them.

These changes would also have a striking impact on the distribution of occupations within the nonwhite community. For instance, professional and technical workers in 1975 might constitute about 12 per cent of the nonwhite labor force compared with 7.4 per cent in 1967. The ratio probably will have risen further by 1980. While this proportion in 1975 would still be below the 15 per cent expected for whites in the same year, the relative shift is unmistakable. The managerial group might account for about 3 per cent of the nonwhite labor force in 1975 compared with 2.6 per cent in 1967. Here also the percentage can be expected to climb further by 1980. A substantially higher proportion of the nonwhite labor force probably also would be employed in the clerical and sales fields. As already indicated, most of the relative shift will be away from the blue-collar and unskilled occupations. The expected decline among nonfarm laborers is especially striking where the percentage of the nonwhite labor force so engaged may shrink from 11 per cent in 1967 to less than 10 per cent by 1975—and to an even smaller proportion by 1980.

Associated with—and partly responsible for—these improvements in the occupational distribution of the nonwhite population is the expectation of substantial further progress in their educational achievement. If the trend of the increase in the median years of schooling for both whites and nonwhites recorded during the period 1952 to 1967 continues during the decade of the 1970's, the gap between the two will have been narrowed considerably. On this assumption, by 1980, nonwhite women on the average may have completed about 12.1 years of schooling compared with 12.6 years for white women. This would mean that the educational differential would have shrunk from 0.9 years in 1967 to only 0.5 years in favor of white women. Among nonwhite men, the median years of schooling may have risen to 11.4 years by 1980, compared with 12.8 years for white men. further narrowing the gap to about 1.4 years compared with a gap of 1.9 years in 1967. Moreover, substantial improvement can also be expected in the quality of education received by Negroes over the next decade.

COLLEGE EDUCATION AND THE ECONOMIC PROGRESS OF THE BLACK COMMUNITY

Sadly, however, as I observed at the outset, just at the time when the outlook for greater participation by Negroes in the national economy is improving considerably, a number of digressions are appearing which may lead astray some of our most promising young people.

We can encounter on an increasing number of college campuses a myopic view which holds that black students really do not need to concern themselves with a good part of the curriculum offered by a typical undergraduate college. Instead, it is being argued by many students and faculty members that courses and programs should be recast to concentrate on subjects such as urban problems, the eradication of racism, the enhancement of the blackman's cultural image, and the widening of knowledge of his heritage among members of a predominantly white society. Parallel to—and reinforcing—this view is a spreading tendency among many black students to isolate themselves into separate enclaves and to minimize contact with whites. In my personal judgment, these developments are not only short-sighted; they are inimical both to Negro students themselves and to the Negro community at large.

In expressing this criticism, I am not unaware of the need for a thorough reform of much of the curriculum offered by even our best institutions. Through serving on several college governing boards and advisory committees, I see a good deal of campus life.[1]

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[1] My present service includes: Overseer, Harvard University (Massachusetts); Trustee, Tuskegee Institute (Alabama); Carlton College (Minnesota); and Howard University (Washington, D.C.); Member, Advisory Committee, Graduate School of Business, Atlanta University (Georgia).

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I have spent a fair proportion of my professional life in college teaching;[3] and—through lectures and seminars—I still participate frequently in the intellectual environment of the campus. Through numerous discussions with students, faculty members, and college administrators, I am convinced that in most institutions numerous courses and programs are seriously out-of-date. But I am also convinced that in most colleges and universities—undoubtedly spurred to a considerable degree by persistent pressure for change on the part of students and junior faculty members—the process of modernization is underway, and it can be expected to accelerate.

What concerns me most are the consequences which some of the campus innovations imply for black students and for the Negro community as a whole. In particular, I am greatly disturbed by the proliferation of programs variously described as "black studies" or "Afro-American studies" and by the growing tendency of numerous Negro students to concentrate in such areas or to substitute such courses for more traditional subjects in undergraduate programs (especially in the social sciences and humanities). So far only a few colleges apparently have established degree programs in these fields, but a sizable number of institutions do accept them as appropriate for minors or secondary concentration.

In my personal judgment, Negro students should be extremely cautious about devoting their college careers to a concentration on "black studies" or "Afro-American studies." I can well understand the bitterness and frustration they may feel about the lack of awareness of the major contributions which black people have made not only to American society but in the world at large. I can also appreciate their eagerness to equip themselves to work effectively in the improvement of the urban environment in which most of them will live once they leave college. Nonetheless, they should have no illusions about the extent to which they are likely to acquire in "black studies" programs the mental discipline, technical skills, and rigorous training in problem-solving that they will so desperately need in their future careers.

Rather black students—along with all other students—must accept the fact that there is no real alternative to thorough grounding in the technical underpinnings of the subject they may choose as a major. And whatever may be their field of concentration, they really must learn to read and to write and to speak effectively—and they just have to achieve some degree of understanding in mathematics and the other so-called hard sciences. In addition, they certainly will need some acquaintance with the social sciences—especially with the subject matter of economics, sociology and political science.

Unfortunately, one encounters far too few faculty members on college campuses these days who are willing to face black students and insist that they take a meaningful and realistic view of the requirements of a college education. Instead, more and more of the key faculty members in many institutions—and often they are among the most sensitive and responsive—seem to be accepting (in some cases completely and in others with only slight modifications) whatever "demands" for program and other changes black students may propose. Rarely does one see faculty members (in whose hands a college curriculum must rest) coming forth to tell black students that some of their proposals and views are simply nonsense—as some of them certainly are! One gets the distinct impression that, on the predominantly white college campus, faculty and administrators are showing considerable panic in their relations with black students. In the typical case, there are few—if any—Negroes on the campus with college or professional training who can offer advice and council, and thus provide a somewhat more considered perspective on the environment of the American Negro today and the outlook for the years ahead.

Thus, many college faculties, perhaps unconsciously, are accepting the untested views of numerous black students (only occasionally tempered by the benefit of an off-campus review) about the the character and content of a college education that has meaning for American Negroes. In the process, they may be helping to create a series of sheltered workshops in which black students languish during a considerable part of their college careers and then leave the campus ill-equipped to perform in a world which is placing an increasingly heavy premium on technical skills and a vigorous intellect. Thus, on the mistaken assumption that they are being relevant and responsive, many of our college faculties are creating facilities which may cripple young people—rather than strengthen their ability to compete in an economy of expanding opportunities.

In my opinion, if they really want to be helpful to many young people who truly need their assistance and guidance, colleges should devote themselves to attracting more students from low income areas—both urban and rural—a step which will clearly require a considerable expansion in their scholarships and other forms of financial assistance. And once they are on campus, they should be provided with special counseling and other remedial assistance to enable them to overcome the handicaps imposed by inferior high schools and to master even the toughest parts of the college curriculum. Moreover, under no circumstances should the colleges provide them with college-supported segregated housing either on or off campus—as unfortunately some institutions are currently doing. After all, the opportunity to broaden one's own horizon is one of the chief benefits of a college experience.

I have concentrated in this part of these remarks on the problems arising on the predominantly white campuses—because there the issues are most acute. But they also exist on predominantly black campuses as well. We hear from time-to-time about the resentment and rejection many black students on such campuses have shown toward the few white students who have enrolled in recent years. I find such practices especially dismaying; one would have thought that people who have suffered themselves from the corrosive effects of racial discrimination and segregation would be the last to inflict such pain on others.

CONCLUDING REMARKS

In my judgment, the foregoing analysis strongly suggests that, if the rate of improvement registered during the last decade continues the Negro in the 1970's will strengthen substantially his relative position in the American economy. His employment will be much stronger, and his real income will be considerably higher. The opportunities to share as a full participant in an expanding economy also will have widened noticeably.

On the other hand, these possible gains are by no means assured. Thus, a far greater effort—on the part of Negroes as well as on the part of government and the private sector generally—will be required if the promises are to be fulfilled. For Negroes, and especially for Negro youth, this greater effort must be concentrated on the improvement of technical competence, the acquisition of marketable skills and the enhancement of their ability to compete in an economy of expanding opportunity.

PERSPECTIVE ON THE MILITARY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. BROWN of California. Mr. Speaker, the No. 1 topic in Congress these days is that of the military's role in Government and priority-setting.

It is my belief that only through wide dissemination of the many analyses and critiques of the Military Establishment, and of their implications for decision-making, can we here in Congress receive a broad enough picture of the overall problem.

To accomplish this availability of information, from time to time, I have been inserting in the RECORD articles, statements, and editorials which I feel have relevance in this area, and should be read by other Members.

Today, I wish to place four more articles into the RECORD. Under unanimous consent I submit these materials for inclusion in the CONGRESSIONAL RECORD, as follows:

[From the Washington Monthly, June 1969]

DEFENSE—OR OFFENSE? WASHINGTON'S WHISPERED ISSUE: OUR FIRST-STRIKE CAPABILITY

(By Morton M. Kondracke)

Although these sentiments have been diagnosed as "criminally insane" by Nobel-Prize-winner George Wald in a now-famous speech, they are in fact part of United States strategic nuclear policy. While almost everyone assumes that our policy is to deter war, official doctrine contains another goal: if there is a war, to win it, even if everybody is dead. The Pentagon, of course, has a less disturbing way of expressing it. Its language says that, if deterrence fails, the nation's goal is "to insure that the United States and its allies emerge with relative advantage irrespective of the circumstances of initiation, response and termination."

To deter war, the United States depends on what the Pentagon calls "assured-destruction" capability, that is, "the unmistakable ability to inflict an unacceptable degree of damage upon any aggressor—even after a surprise attack on the United States." Legitimate questions are being asked in the anti-ballistic missile debate about how much assured destruction is enough. No one but certifiable unilateral disarmers (of which, despite House Minority Leader Gerald Ford, there are none in the ABM debate) would argue against the idea that "assured-destruction capability" is a capacity well worth retaining for the sake of deterrence.

But war-winning is another matter. It has not been publicly debated yet, but it should be. Our methods of war-winning, in Pentagonese, are called by the defensive-sounding (therefore harmless-sounding) name, "damage limitation." In the wonderful world of war-gaming, however, defensive-sounding programs are actually some of the most dangerous and provocative, not to mention expensive. For example, in the name of "damage limitation," we retain the option—senseless though it might be to exercise it now—of launching a pre-emptive, "counterforce" nuclear attack against the Soviet Union or China. If we ever used the option, the United States would be starting nuclear war, but we'd call it "damage limitation" because we would be cutting down on the number of enemy weapons that could damage us in return. If we tried to exercise the option against the Soviets, we would suffer

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[3] I have taught at Harvard, Michigan State, and the University of Pennsylvania.

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"unacceptable damage" ourselves (about 80 million deaths). Nonetheless, the option is there and we have "damage-limiting" weapons on the drawing boards which look suspiciously (if to Americans, then certainly to Russians) like the means to making the option more attractive. These go by the names MIRV, AMSA, SRAM, SCAD and Safeguard.

Perhaps striking first is an option we don't want to have. Perhaps war-winning is not a game we want to play. If not—or even if so—it is a matter that ought to be debated, but this is as close as it's recently come:

Senator Stuart Symington (D-Mo.): ". . . You and I have talked about this many times. . . . It seems for various reasons we do not want to establish what could be the greatest deterrence of all. If the Soviets knew that if they went after our missile bases we in turn would go after their cities, that would be a far greater deterrence than anything brought up at these meeting to date. . . .

Secretary of Defense Melvin R. Laird: "I am a little concerned over that proposal. . . . But you know what we are talking about, Senator. I'm sure you understand."

Symington: "And you know what I am talking about, Mr. Secretary." (Laughter.)

What Secretary Laird and Senator Symington were talking about in this mystifying little exchange during the Senate Foreign Relations Committee's ABM hearings was United States strategic targeting doctrine. Most people assume, thanks to the latter-day Robert S. McNamara, that, as Symington suggested, U.S. missiles are targeted on Soviet cities as a means of deterring war—i.e., of letting the Soviets know that if they try a surprise first strike we will inflict "unacceptable damage" on them in return. In fact, this is not the whole truth.

PLAYING THE GAME

There was, in 1962, another Robert S. McNamara, who made a University of Michigan commencement speech in which he said that "the principal military objective, in the event of general nuclear war, should be the destruction of the enemy's military forces, not his civilian population." McNamara said that, instead of inflicting "maximum damage" on an enemy, it would be better to "bring the conflict to an end favorable to us and to minimize [i.e., limit] damage on ourselves. . . ." Its proponents advertised this as a "city-sparing" strategy; in other words, as a humane way of waging nuclear war. In fact, it implied that the United States regarded nuclear war as a "winnable" proposition.

By the necessary rules of the game McNamara was proposing, the side with missiles left over when the other side was out would "win." The advantage, clearly, was on the side that struck first. McNamara began spreading the word that the U.S. had so many more missiles than the Soviets that it had a long head start for any such "game." (Although the "missile gap" of the 1960 campaign had been a phony, the U.S. went on building up its arsenal as if it had been real.) It so happened, also, that McNamara's speech came two weeks after a magazine article appeared quoting President John F. Kennedy as saying that "in some circumstances, we might have to take the initiative" in using nuclear weapons.

In furtherance of McNamara's "city-sparing" strategy, U.S. targeting doctrine was arranged in such a way that U.S. missiles were aimed at Soviet rockets, not at Soviet cities. This "counter-force" targeting doctrine was applauded by General Curtis E. LeMay (who was Air Force Chief of Staff at the time), but others at the Pentagon—particularly the Navy—were aghast. The targeting doctrine implied that the United States would have to strike first. If the Soviets fired first, their missiles would no longer be there to be hit in a U.S. retaliatory strike.

Though he presumably didn't know the secret details of U.S. targeting, Nikita Khrushchev understood well enough what McNamara was proposing in his speech, and he condemned it as "a camouflage for nuclear war." The Soviet leader said he would never subscribe to "rules" for nuclear war (under which, not incidentally, he would have lost). He accused the U.S. of "preparing for a new world war" and of "feverishly stockpiling nuclear weapons." He took out ads in several North American newspapers. More realistically, he began to harden (protect) Soviet missiles so they could survive a U.S. surprise attack. McNamara's speech was delivered on June 16. By October 23, the Soviet Union had introduced intermediate-range missiles into Cuba. It is widely accepted, by President Nixon among others, that the United States emerged successfully from the Cuban missile crisis because of our overwhelming nuclear superiority. There are more than a few people in Washington around at the time, who believe that the U.S. never would have got into the crisis in the first place had it not been for McNamara's rattling our rocket superiority and implying that the United States intended to use it in a realistic war game.

Much has changed since 1962. Nowadays, not entirely to the liking of the hawks in Congress or the Joint Chiefs of Staff, primary emphasis in U.S. strategic planning is on assured destruction (deterrence) instead of damage limitation (war-winning). But one thing that has not changed is U.S. targeting doctrine. Our missiles are still aimed at Soviet missiles as well as at Soviet cities. This is our option for waging pre-emptive war. Its existence was discussed in closed hearings last year before the Senate Preparedness Subcommittee, which published a heavily-censored version of the testimony during the Presidential campaign last fall. Most newspapers carried accounts of the subcommittee's report, which held that the Soviets were making dangerous strides in nuclear technology. But the hearings themselves are fascinating reading, despite the gauntlet of "[deleted]s" in the transcript. As to targeting, here are some excerpts.

General Earle G. Wheeler (chairman of the Joint Chiefs of Staff): "Speaking for the Joint Chiefs of Staff, we have always held to the view that we must attack those forces of the Soviet Union which are able to inflict destruction on ourselves and our allies."

James T. Kendall (chief subcommittee counsel): "What you are saying is that our war plans do allocate weapons for damage-limiting or counter-force?"

Wheeler: "They certainly do. . . . We can do certain things that are significant in the damage-limiting field. [Deleted] and we have made no change in this targeting policy."

Later in the hearings, Dr. Alain C. Enthoven, then-Assistant Secretary of Defense for systems analysis, told the subcommittee: "First, I would like to emphasize that our targeting policy, as reflected in the guidance for preparation of the targeting plan, has not changed. From 1961–62 on, the targeting plan has been based on the principle that we should have different options that target the strategic forces and cities." Nor has the policy changed with the arrival of the Nixon Administration. Following the Symington-Laird "I understand-you understand" exchange, Pentagon research chief John S. Foster said there was nothing wrong with Symington's "city-hitting" proposal for insuring deterrence. "The limitation," said Foster, "is only one of retargeting our deterrent . . . to retaliate on his cities for an attack on U.S. missiles."

There are those, it should be said, who insist that counter-force targeting does not *necessarily* imply that the U.S. would be the first to launch a nuclear attack. They draw up this scenario for nuclear war; the Soviets would hit first, but would limit their attack (as in McNamara's 1962 war game) to our missile sites and other military targets. Although Enthoven testified that such an attack would kill 10 million Americans, the scenario goes that we would play the game, striking back at their unused missiles and military installations. They would hit back at ours, and so on, with no one ever getting mad enough to cheat and hit a big city. One of the creators of scenarios like this is Herman Kahn of the Hudson Institute, who told a House Foreign Affairs subcommittee this spring that "one must recognize the possibility of a controlled and limited use of these weapons, and of a need to alleviate the consequences, whether or not there is much control or limitation."

The brilliant Dr. Kahn might be termed Mr. Damage Limitation, for he has suggested numerous scenarios for limited nuclear war. One of them, admittedly extreme, is a "war of competitive mobilization" in which the U.S. might declare war but withhold its attack while it spent "hundreds of billions of dollars a year" preparing. Kahn says: "It might be possible to build almost a 'spare United States' underground in a year or two." Since the United States has a greater productive capacity than the Soviet Union, goes the plan, we could dig deeper into the ground and do it faster, thereby winning(!) the eventual nuclear war.

While Kahn acknowledges that this plan is a bit far-out, he testified in favor of closer-in damage-limiting programs, notably the anti-ballistic missile system. Someday, he said, it might be possible with lasers to deploy what amounts to an anti-ballistic bubble over the United States, capable of shooting down any incoming missiles. This would be an ultimate in damage limitation. If the United States had one and the Soviets didn't, we could launch a nuclear war with impunity and win. Of course, the Soviets might deploy an anti-laser laser, which would mean moving on to something else.

Kahn, along with other brilliant and sophisticated nuclear thinkers, scorns the idea that nuclear war is "unwinnable" or that it should be made—according to Symington's suggestion—too awful for anyone to contemplate. Kahn, borrowing from psychiatry, calls this common attitude "rejection." Incidentally, Kahn told the House subcommittee: "I think it is unpleasant to face these problems. I think it is more unpleasant to talk about them. I don't particularly encourage discussion in the general public because I think this is the kind of thing which you don't want housewives discussing, to be frank." He said Congressmen should discuss it, along with government officials and experts. Dr. Kahn's expertise notwithstanding, housewives may disagree. It is they who would do most of the dying in a nuclear war. Congressmen and the experts—especially the experts—would be protected. Should the housewives have the opportunity to see their fate debated? Quite a few would probably think so, if they knew about it.

THE QUESTIONS

If the issue were debated, the first question ought to be: do we want to retain our current targeting doctrine, which gives us the option of launching a first strike and which also makes it possible for us to contemplate "controlled" nuclear wars? A second question is: do we want to spend billions of dollars on "damage-limiting" devices which make nuclear war (theoretically, anyway) "winnable"? Maybe the answer to both questions is "yes," but there are good arguments for "no."

Nowadays, a first strike on the part of the United States would be madness. It was theoretically possible in 1962, when the U.S. had (using President Nixon's figures) a 4- or 5-to-1 superiority over the Soviet Union. (We have infinite superiority now over China—we have 4,200 warheads capable of

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reaching them, they have none capable of reaching us—and don't think there aren't people around who think about using them.) But, to the great sadness of U.S. superhawks, the United States no longer enjoys the old advantage, although we retain some numerical superiority. The Soviets now have an "assured-destruction" capability against us, meaning that they could inflict "unacceptable damage" on the U.S. in retaliation. The Pentagon estimates that there would be about 100 million dead on each side, give or take 20 million. Though McNamara has been mercilessly pilloried (by LeMay and the "old" Nixon) for letting U.S. superiority slip, it really didn't happen that way.

Enthoven testified that, after the 1962 experience, the Soviets went to hardened silos and more missiles. Far from wanting to let the Soviets begin to catch up, he said, we just couldn't afford to stop them.

The upshot was summarized by Enthoven and the Preparedness Subcommittee chairman:

Senator Stennis: "As I understand it, your position is that they have developed to such an extent that we do not have the capacity to knock them out with a first strike."

Dr. Enthoven: "That is right, Mr. Chairman."

A question for the debate, then, is this: if we can't use our option to strike first, why have it? An answer might be: to fight a "controlled" nuclear war. Enthoven testified that this is not a very attractive proposition either. "If such an attack remained restricted, and if both sides withheld attacks on cities," he said, "we could significantly limit damage to our citizens by our current and programmed, strategic offensive and defensive forces and civil defense measures. However, even an attack limited to our strategic forces would probably kill more than 10 million Americans. Furthermore, we would not be able to deprive the Soviets of their residual forces. . . . It is quite uncertain, under these circumstances, how a nuclear war could be ended."

That being so, do we want to be able to fight "limited" nuclear wars? Wouldn't it be better—since the chances are that controlled war would get out of control anyway—to take Symington's suggestion and announce that we will respond to any Soviet attack with a counter-attack on cities? Such a policy—it's called "mutual unconditional deterrence"—would eliminate any thought on either side of "winning" a nuclear war. Both sides would lose everything. It would be the best incentive not to start a war. It would, in fact, make strategic nuclear weapons irrelevant and unusable; and it could provide the basis for a gradual trimming down of arsenals on both sides.

Furthermore, it would reduce the need for "damage limitation" as a goal in national strategic policy saving considerable money. All we would need in the way of strategic weaponry (research might continue, but deployment would not be necessary) would be enough to inflict unacceptable losses on an attacker. That amount would be a matter for debate, but in the past we have always built much more than we have needed—so much, in fact, that we have plenty left over for damage limitation (i.e., war-winning). This is known as overkill, and we both have plenty. Senator Albert Gore (D-Tenn.) has figured out that the United States has 48 times the number of warheads needed to destroy the 50 largest Soviet cities. The Soviets have 22 times the number needed to destroy our 50 largest cities.

Some damage-limitation weapons are bound to be deployed. We plan our deterrent needs not against what the Soviets have, or even what they are expected to have, but against a "greater-than-expected threat," which, in Enthoven's words, "assumes that the Soviets develop . . . their forces to a degree we believe is only remotely possible." As a result, "five years later, when the forces are actually in the field, we are likely to find that the actual Soviet threat is not as great as we had predicted it would be, so we have forces left over that can be used for other missions" besides deterrence. He was talking about a damage-limitation mission. It is probably neither possible nor desirable to eliminate all damage-limiting forces. But it is wise to have enough assured destruction to cover all circumstances. Some excess is an inevitable result.

It is quite another matter to plan for damage limitation or to build it stealthily, using cover assertions that "gaps" exist in our ability to deter war. The planner who is significantly and unnecessarily boosting our damage-limiting capability is thinking about winning a nuclear war—or starting one. The Joint Chiefs of Staff, straightforward soldiers that they are, want to build more damage-limiting hardware, and they say so. They consider it unpatriotic to think that nuclear war is unthinkable.

Counsel Kendall: "Are you concerned that in some way we may now be in or approaching a stage of unconditional mutual deterrence whereby neither side would dare to use its strategic nuclear weapons under any circumstances?

General Wheeler: "I do not think we have reached that stage, nor do I think we will necessarily reach it if we exert our brains and if we have the will not to permit it to happen. . . . I do not see this unconditional mutual deterrence. It could well be that you are going to arrive at a situation where the decision is going to be harder to make to use these forces.

Kendall: "Suppose the numbers of casualties . . . were doubled (to 160 million for the U.S., 200 million for the Soviets). . . . Obviously, you would have no country left, neither of us.

Wheeler: "Mr. Kendall, I reject the 'better Red than dead' theory—lock, stock, and barrel."

The Chiefs want to retain the option of trying to win wars and they want the equipment with which to pick up on that option. They want a large, advanced ICBM with multiple warheads. They want a new manned bomber equipped with SRAM (an air-to-ground nuclear missile) and SCAD (a bomber-carried drone plane). They want fallout shelters for the entire population and a thick, city-protecting ABM system. Total cost: classified but gigantic. Piled on, these damage-limited systems might begin to approach the kind of all-out superiority you need if you want to think about launching a pre-emptive strike or threatening one to blackmail an enemy into submission. Unfortunately for the Joint Chiefs, these programs were not approved by McNamara. Neither was the theory of "exploitable nuclear superiority," simply because it was impossible to attain—any effort we made to achieve it would be matched by the Soviets. We would both have more weapons, concluded McNamara, but each side would still be able to kill off the same number of people.

GAP VERSUS PACT

But now we are embarked on a new Administration which speaks with two voices. One voice says that we will talk with the Soviets about limiting nuclear weapons and perhaps negotiate an agreement which will "codify equality." The same soft voice says that the goal of the U.S. strategic arsenal is "sufficiency" for deterrence, not "superiority." However, another voice tells us that the Soviets are striving for a first strike capability against us with "no question about it."

The same voice says that unless we build new weapons the Soviets will be ahead "in all areas" by the mid-1970's. This latter voice, which is heard most often from the mouth of Melvin R. Laird, echoes back to the days of yore, when "missile gaps" and "bomber gaps" were dreamed up (by Democrats, it should be noted) as opportunities to establish U.S. superiority in weapons. Laird may be right—and in the unfortunate position of the boy crying wolf the third time. But, having heard "wolf" before, suspicions among the population are natural. They should lead to vigorous debate.

If Americans are suspicious, what about the Soviets? They have seen the "gap" pattern develop before in the U.S. In 1962, it cost them dearly. They have reason to be suspicious now, too, because we are readying two programs that are at least partly damage-limiting (war-winning), though we are justifying them as maintaining assured destruction (deterrence). One such program is the Safeguard ABM system, which Laird says we need to plug a deterrent gap, but which also has a war-winning role against both China and the Soviets that could be expanded. The other program, on the verge of being deployed, is MINUTEMAN III with MIRV (for multiple independently-targeted re-entry vehicle), a system for equipping each rocket with several warheads that can be directed to different targets. MIRV is justified these days in the name of assured destruction (in a retaliatory strike, to get through Soviet ABMs). But last year, Foster testified to its original purpose: "to increase our targeting ability." Our MIRVs are highly accurate—a requirement not needed for use on cities, but necessary for destroying somebody's missiles. Or, as Foster testified last spring, "we are beginning (with MIRV) to get a rather effective damage-limiting capability."

This being so, MIRV is an even better issue than ABM around which to debate the question of war-winning. This has not yet been done. The doves on the Senate Foreign Relations Committee have skipped around both MIRV and the larger question. They shouldn't: we could all get killed. If we want Adam and Eve to be Americans, we should decide it publicly.

Business Executives Move for Vietnam Peace

(Statement of J. Sinclair Armstrong, on behalf of Business Executives Move for Vietnam Peace, on the Appropriation Request for the Vietnam War before the Defense Subcommittee of the Committee on Appropriations, House of Representatives, Washington, D.C., June 9, 1969)

Business Executives Move for Vietnam Peace is an organization of 2,500 owners and executives of American business corporations in forty-nine states who seek by open and lawful means to bring about an end to U.S. participation in the War in Vietnam.

My own credentials to address you are not impressive compared to those of any of the Military Sponsors of Business Executives Move for Vietnam Peace. However, I do come here with a background of service in the Naval Reserve in World War II and as Assistant Secretary of the Navy during two years of the Eisenhower Administration. I am a life member of the Navy League of the United States and a member of the Advisory Council of its New York Chapter.

My business experience has been in law and finance, and includes four years as a member of the Securities and Exchange Commission (two as its Chairman), also under President Eisenhower, and ten years in my present position as an Executive Vice President of the United States Trust Company of New York (whose official views I do not purport to speak for on this occasion).

OUR POSITION AGAINST THE VIETNAM WAR

We conceive that War to be a material and moral disaster for the U.S., and our participation in it to be contrary to our country's economic and strategic interests.

From the moral point of view, the killing and wounding of hundreds of thousands of human beings in a tiny country on the other side of the globe that could not possibly endanger the security of the U.S. weighs on our national conscience. The losses of our own precious fighting men, about 42,000 killed and 230,000 wounded so far, is a senseless and cruel drain of our nation's most valuable human resource.

In our third National Meeting, held in Washington, D.C., on Tuesday, May 6, our members voted unanimously to seek immediate withdrawal of all U.S. armed forces from Vietnam.

We have attempted to present that opinion, and an outline of a specific plan for bringing about such withdrawal, developed by our Executive Committee and National Council, with advice of our Military Sponsors, to the President, the Secretary of State, and the Presidential Assistant for National Security Affairs. We invited each of them to address our National Meeting, or to send a representative to hear our views and state the Administration's position. We have been rebuffed by them, up to now.

Accordingly, we deem it an especially valuable privilege to present this brief statement to this Committee of the Congress.

OUR MILITARY CREDENTIALS

Business Executives Move for Vietnam Peace is privileged to have as expert advisers a distinguished group of retired officers of field and flag rank. Among these is one who has served with the Joint Chiefs of Staff, the distinguished former Marine Corps Commandant, General David L. Shoup.

In his article, "The New American Militarism", The Atlantic Monthly, April, 1969, General Shoup said: "For years up to 1964 the chiefs of the armed services, of whom the author was one, deemed it unnecessary and unwise for U.S. forces to become involved in any ground war in Southeast Asia". That was the expressed view of the late General of the Army Douglas MacArthur. "In 1964 there were changes in the composition of the Joint Chiefs of Staff, and in a matter of a few months the Johnson Administration, *encouraged by the aggressive military,* hastened into what became the quagmire of Vietnam."

President Nixon said to the graduating class at the Air Force Academy, on June 4, "On the home front you are under attack from those who question the need for a strong national defense and indeed see a danger in the power of the defenders . . . It is open season on the armed forces".

Business Executives Move for Vietnam Peace does not attack the armed forces. We favor immediate withdrawal from Vietnam in aid of U.S. strategic defense and vital national interests. We rely on traditional views of U.S. military leaders, which we deem much sounder than the present leaders' views.

THE APPROPRIATION REQUEST FOR SOUTHEAST ASIA OPERATIONS

The Budget of the U.S., FY 1970, pages 73 and 74, states $23,025 million as recommended budget authority ("NOA") for "special Southeast Asia" and $25,733 million (including $336 million "economic assistance") outlays for special Southeast Asia in fy 1970, and military personnel in Southeast Asia, 639,000 in fy 1970.

Secretary of Defense Clifford's Defense Budget and Posture Statement, delivered in January to this Committee, which has not been changed by Secretary Laird so far as we know, calls for the level of operations and personnel requested in the FY 1970 Budget document, for Southeast Asia.

Business Executives Move for Vietnam Peace urges this Committee to reject this request for NOA of $23 billion and rescind obligational authority heretofore granted to spend $25¾ billion on the Vietnam War in fy 1970.

We urge this Committee to hand this request back to the Administration, and to require a new estimate based on a planned, phased, complete withdrawal from Vietnam of all U.S. forces beginning at once.

We do not have sufficient detailed data nor any staff to estimate precisely what this reduced amount should be. In view of the diverse considerations involved in such a withdrawal and the difficulty of making a precise estimate of its cost (recalling my own experience as Assistant Secretary of the Navy for Financial Management and Comptroller of the Navy), I believe that $12.5 billion is a prudent estimate of the cost savings that could be made.

ECONOMIC FACTORS URGING IMMEDIATE TERMINATION OF THE VIETNAM WAR

The national economy is endangered by the excessive defense and space spending. Such a large proportion of our economic effort—10% of GNP—is going into non-productive activity. The effect of this is destabilizing to a free economy.

This has led, building up fast since 1964, to U.S. financial troubles. There were serious deficits brought on by the War—(unified) budget deficits of $5.916 million in fy 1964, $1,618 million in 1965, $3,790 million in 1966, $8,790 million in 1967, and the whopping deficit of $25,187 million in fy 1968, for a cumulative five-year deficit of $45,301 million.

In parallel with this fiscal instability, consumer prices began running up rapidly in 1964 and are still advancing at the fastest pace in American economic history (at March, 1969, 125.6 of 1957–1959 base index of 100, and an increase from 119.5 during the previous twelve months—a 5% annual rate).

With enormous U.S. military expenditures overseas and trade balances declining, accompanied by heavy loss of monetary gold, the integrity of the dollar in international finance came under a cloud for the first time.

The growing non-competitiveness of American industry led to its failure to hold even the American market. This condition must be regarded as of the gravest importance. In the 1968 Annual Report of the United States Steel Corporation is a discussion—pages 32–38—on International Competition. On page 35 a bar chart shows Steel Import Penetration of Domestic Market increasing from 7% in 1964 to 17% in 1968. The Corporation says: "Moreover, although U.S. technology and productivity are improving, in an increasing number of industries they no longer seem sufficiently superior to offset our hourly employment cost disadvantage. Further, technological gains here can soon be matched or sometimes surpassed overseas, when capital is available. In addition, plant and equipment costs are much lower abroad. Thus the U.S. has a fundamental international competitive cost disadvantage—a disadvantage likely to worsen before it wanes".

This adverse condition of American industry cannot be repaired as long as the present level of non-productive activity is sustained. The Vietnam War is an important part of that non-productive activity.

The Congress enacted a 10% surtax to reduce the deficit, and the monetary authority has brought about tight money. Interest rates have risen to historic highs. The prime corporate lending rate was 7½% but many banks were quoting 8½% brokers' loan rates in New York on June 6.

The unavailability of credit has curtailed vital national programs for housing, education, and the like. Wage increases to offset price increases have continued to spiral. Military spending for non-productive purposes has pumped money into the economy without accompanying consumer and capital goods.

As this has gone along, an economic instability has developed that threatens to require more controls. The Congress has already been asked by President Nixon to continue the surtax and to abandon the investment credit that serves as an inducement to industry to modernize outdated capital facilities and equipment. (Neither of these restrictive tax measures would be needed if $12.5 billion could be taken from the Defense Budget by ending the Vietnam War.)

With the country running out of bank credit and with interest rates very high, surely the next steps will have to be direct wage and price controls and allocations of materials. There is beginning to be felt a considerable body of responsible business opinion that *unless the Vietnam War is promptly ended* and unnecessary defense spending curtailed, wages and prices will have to be frozen and vital materials allocated. This would lead to re-establishment of all the old "OPA" apparatus with which business and labor struggled, of necessity, during World War II. It would lead to a statist society. And in that statist society, where would be the economic liberties that we Americans hold dear? The freedom of competitive enterprise for business, the freedom of collective bargaining for labor, would be lost to Government controls in Washington. The economics of the situation tell us that the Vietnam War should be ended now in the vital interests of our free American society.

CONSTITUTIONAL POSITION

President Nixon also said at the Air Force Academy on June 4:

"And there can be no question that we should not spend unnecessarily for defense. How much is necessary? The President of the United States is the man charged with making that judgment".

President Nixon is right that we should not spend unnecessarily.

Unfortunately, with many of the same military and diplomatic advisers on Vietnam as President Johnson had, such as Generals Westmoreland and Wheeler, and Ambassadors Bunker and Lodge, President Nixon seems to be making very little progress, either at Paris or on the bloody battlefields.

But the President is not the only man "charged with making that judgment".

The Congress has the power "to lay and collect taxes", "to provide for the common defense", "to raise and support armies", and "to declare war" (none has been declared against Vietnam). U.S. Constitution, Article I, Section 8, "Powers of the Congress".

The President is "Commander-in-Chief of the Army and Navy" and "shall from time to time give to the Congress information on the state of the union and recommend to their consideration such measures as he shall judge necessary and expedient". Article II, Sections 2 and 3.

Constitutional responsibility for these decisions clearly falls on the Congress. They must not be taken by the President nor abandoned by the Congress.

The decisions of the Congress on whether to continue the Vietnam War—and to permit other mistaken adventures of intervention like Vietnam to be commenced by the President—will have vital implications for the future. If the Congress says "no" to these military adventures, free enterprise in a free economy will survive and prosper in America. If the Congress is acquiescent, condoning them and appropriating money for them, that free society is doomed.

So we, Business Executives Move for Vietnam Peace, urge the Congress to review the Defense Posture and Budget for FY 1970 and revise the Budget so as to deny the President the appropriations with which to continue the Vietnam War. We urge this in the vital interests of the United States.

[From the Los Angeles Times, May 29, 1969]

WIDE DISTRUST OF THE MILITARY

(By D. J. R. Bruckner)

Out on Main Street, President Nixon's proposal to reform the draft is popular. People believe a lottery will improve morale and discipline in the lower echelons of the military. Now, one wonders, what will he do about the top echelons?

That something should be done is obvious. In congressional debate about the Pentagon, a factor of great significance is overlooked: If you talk to people on the streets you will find that many—and most of the young—believe the military is not capable of defending the country. One element in this growing doubt is probably the complexity of modern weapons. Many refuse to believe they will work. Others, having seen pictures of rocket shots on television, refuse to believe that any weapon could ever stop such a device.

More serious is the deep distrust of the men at the top. Most people will tell you the military has spent huge amounts in lives and money during the past 20 years with few results. There is a temptation to denounce this mentality as barbaric, but possibly the people are worried about something more than why we do not win.

Of course, everyone is angry about Vietnam and all that blood. Few relatives of soldiers doubt that their boys are the best; if they are dying and not winning, the people say, the generals are to blame.

They recall other incidents: the Bay of Pigs, which many more of the old than of the young remember as a military pipe dream foisted off on an unsuspecting President.

They distrust the Navy for exposing the Pueblo to capture and then trying to court-martial the officers while refusing to investigate the admirals. People remember these things. They know that the same service lost an unarmed plane in the same area recently; and they know that it had exposed another intelligence ship to attack in the Mediterranean in 1967.

Nuclear submarines, which we are told could wipe out an enemy from the sea even if he had first wiped us off the land, have sunk in the bottom of the ocean, or in a harbor. The Pentagon says we have the most sophisticated war machinery in the world, but everyone knows that we have lost 2,500 aircraft in Vietnam; and many recall news reports of rifles which did not work in the field.

People talk about a new supertank which has no conventional defense weapons and which will not run, and they count the crashes of the F–111 aircraft. They worry less about the doubled cost of the C–5A than about what it is and whether it will work; many know that the Cheyenne helicopter program collapsed before it got off the ground.

In New York and Cleveland, St. Louis, Minneapolis and Omaha, people will tell you—not all of them hot youths, either—that the military cannot even protect us from itself. They worry aloud about all the mystery with which the Pentagon surrounded the crash of a nuclear bomber in Spain three years ago. And the stink of 6,400 dead sheep in Utah sticks in every nostril on Main Street.

I think that most people are still ready to believe any man, especially a leader, until they have reason not to; with the military, they are disturbed with so much secrecy, and duplicity.

Partly, the popular doubt now springs from the nature of modern warfare; there are no big heroes, and the individual generals are not well known. That may be fortunate for them, for many people—and most of the young—now believe that military men rise to the top, command behind curtains for a few years, and then retire to big jobs in industries which deal in defense systems. The people may be wrong, but many of them think of generals and admirals as old men with fat fronts, fat backs, fat heads and swollen wallets—mysterious movers of a war machine so complex that it cannot work, much of it untested, parts of it unsafe.

It is the faith of the people, not the cost of weapons which is at issue now. We can argue that war is evil in any case, but we know, from the history of everybody, that a nation which feels unprotected will soon feel threatened and will probably break out into irrational violent acts.

[From the Los Angeles Times, June 2, 1969]

MIRV TESTS IMPERIL ARMS CONTROL

Unlike most of the oratory which has been aimed against the proposed Safeguard missile defense system, Senate appeals for a U.S. moratorium on further testing of multiple-warhead offensive missiles make a lot of sense.

The Nixon Administration should, before it is too late, reconsider its apparent intention of testing and then deploying the so-called MIRVs without regard to the possible impact on the expected arms control talks with Moscow.

In a real sense, the MIRVs (missiles which carry several individually targeted warheads) are what the arm limitation talks are all about.

The fundamental fact is that any Soviet-American agreement to limit the number of offensive missiles on both sides must be subject to some kind of verification—otherwise there would be no safeguard against cheating.

Thanks to the capabilities of U.S. "spy" satellites, Pentagon officials are confident that any Soviet buildup in the number of offensive missiles, in violation of an agreement, could be detected. The Russians presumably have a comparable capability to monitor such activity here.

"Spy" satellites could not, however, be depended upon to detect the installation of multiple warheads—a step by which either we or the Russians could vastly increase nuclear striking power without increasing the number of missiles or launching complexes.

Neither country is likely to convert its missiles to MIRVs in the absence of tests demonstrating a capability for the separate and accurate targeting of the multiple warheads.

Such tests can be monitored.

The Soviet Union has conducted several trials of multiple-entry warheads, but has not yet demonstrated a capability for equipping each with a separate but reliable guidance system.

The United States is well ahead in this respect, but the fact that tests have not been completed indicates that the Pentagon does not yet have full confidence in the American MIRV.

Obviously, it is in our interest that an arms control agreement be reached before the Soviets demonstrate a genuine MIRV capability of their own.

However, the point being made by Sens. Edward Brooke (R-Mass.), Clifford Case (R-N.J.) and others is that the Russians are unlikely to agree to a missile freeze if we have a demonstrated MIRV capability when the talks begin and they do not.

That being the case, it makes sense to hold off on the tests—and on plans for MIRV-equipped Poseidon and Minuteman III missiles.

ALL RIGHT, YOUTH, MAKE SOMETHING OF IT

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. CARTER. Mr. Speaker, I submit for the RECORD the best written article I have seen concerning student unrest and proper direction of their interests and actions. It appeals to the youth of our country, as well as to those of us who came up during the depression years. To me, it is most carefully thought out and revealing. The article follows:

[From the Louisville (Ky.) Courier-Journal & Times Magazine, June 15, 1969]

ALL RIGHT, YOUTH, MAKE SOMETHING OF IT

(By John Ed Pearce)

I have heard and read a great deal lately from you young people, about your disillusionment with your world, your society, my generation. You complain that you have been dumped into a society of war, poverty, injustice and prejudice. We have been so materialistic, you say, so intent on "making it" that we have forgotten the real values of life—love, fairness, peace and brotherhood. As a result of our greed and timid conformity we have missed life, and in the process have left you a mess that can only be righted by destroying it and building better on the rubble.

I don't see it quite that way. *Let me,* as Dick Nixon says, *make this clear:* I offer no apologies for my generation. I am proud of it, and of what we have built on the foundation left us. I hope you will do as well. You will if you will leaven your zeal with a little humor, your egotism with a little history, and ask why your insistence on universal love seems so often to express itself in hate for those who differ with you.

The generations from which you inherit, including mine, have given you a basically sound world; imperfect, full of flaws springing from human imperfections, but strong, dynamic and exciting. For us, in many ways, these are indeed the best and worst of times. But the worst is on the surface; the best is underneath, solid and enduring.

It is strange that yours should be the most favored generation in history and yet the most self-pitying, but a sense of self-tragedy is common to the young. When I was your age, I recall, we felt rather sorry for ourselves, victimized by depression, forced to fight when we didn't want to.

But if you think we value too highly the security of material possessions, let me remind you of this: We were born in the aftermath of one great conflict, grew up in history's greatest depression, and graduated in time to fight man's grisliest war. Getting out, we had one thing uppermost in mind—we wanted better, for ourselves and for you. We got it.

You speak of poverty. But we have known it, and not just from visits to Mississippi or Harlem. We remember when the fear of hunger hung heavy in every home. We remember the eyes of the homeless, the defeated faces in the breadlines, the soup kitchens, the Okies, the shuffling beggars in the streets, the endless parade of tramps at the back door begging for work or food; men with embarassed eyes, men once able and self-sufficient whose hunger had eaten away their pride. We remember the winter deaths in the slums and sharecroppers' shacks and mountain hollows, deaths from cold and hunger that left infant bodies too weak to stave off disease.

You are angered—and you should be—that four per cent of our people are unemployed, and a few are chronically hungry. You are incensed—and you should be—because some Negroes in the South have worms, lack medicine, live in wretched hovels and suffer malnutrition. But we remember when intestinal worms were commonplace among the people. We remember when 20 per cent of our men were jobless. And when Franklin Roosevelt cried that one third of our nation was ill-housed, ill-fed and ill-clothed, we knew he did not exaggerate. The failings of the past do not justify those of today, of course. But

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a realistic comparison reveals a continuing progress that is not a symptom of a sick society.

We have been materialistic because we have seen too many people suffer too much from material want, because we remember too many starving children, because we have walked too many miles through too many cold mornings to work long hours at low pay and return home at night to parents with fear and worry in their eyes. We determined it would not happen to you, that you would have vitamins and orange juice and milk, warm clothes, a comfortable home and good schools and a running start at life.

Because of it, you are the biggest, tallest, healthiest, brightest, handsomest generation to inhabit this land, and perhaps the world. You are going to live longer, suffer sickness less often, work fewer hours, learn more, see more of the world's grandeur and have more choice of your life's undertaking than any generation before. Because we were materialistic you will have more leisure, more chance to achieve, more chance to spend the days of your years in meaningful, challenging pursuits.

You cry out against the injustices suffered by Negroes—and you should. But we remember when a Negro lynching made news only when it was public. We remember the "nigger school" down there in the poor section of town where a few black kids, ridiculed and suspect for their ambition, could get six years of slipshod schooling. We remember when "nigras" came only to the back door, stepped off the sidewalk when white ladies passed, worked for 50 cents a day, kept to their ghettos except to work in the white community.

We are now told that we should share the guilt of forebears responsible for their enslavement, and make reparations for their mistreatment. The argument is insupportable. We are no more responsible for their enslavement than for the mistreatment of Koreans by Japan. On a more realistic basis, look at what our generation has achieved in the first for equal justice: Negroes vote, hold offices from city halls to Congress, wear lab smocks and police uniforms. They share schools and colleges, parks, playgrounds, swimming pools and all other public accommodations. They are business, political and professional leaders, dominate sports and are prominent in the entertainment world. Intermarriage is not yet common, but laws forbidding it are being struck down. Social and economic barriers are crumbling.

If your generation can make as much progress toward racial equality in the next 20 years as we have made in the past 20 you should be able to solve what we call the racial problem. But it is not a problem to be taken lightly, for it is rooted deep within both black and white and will not yield either to emotional demands or violence, neither of which touches the heart wherein the answer lies. May I also suggest that the cause of equal participation is not served by separatism on campus, segregated dormitories, or "black studies" that equip a man only to teach "black studies."

You speak with commendable concern of economic injustice. But we remember when children worked in sweatshops, when miners attempting to organize were shot down like dogs, when striking steel worker were mowed down by police. We remember the county poorhouse, the chain gang, the hell of the insane asylum. Consider how far we have come, as well as how far we have to go.

You speak of class distinction, of ethnic and religious prejudice. Like all people, we do tend to divide ourselves into classes—economic, intellectual, cultural. But the evolving picture, I believe, is more encouraging than divisive, especially in the economic sense. Pre-depression, the country was divided into a small upper class (about 10 per cent), a modest middle class (30 per cent) and a huge lower or "working" class. We still have a relatively small upper class, but the remarkable thing about our society is the upward thrust of the lower class into what can only be termed middle class in terms of income, ownership, education, taste, leisure, etc., and the shrinking of the lower class. The middle class sprawls across the socio-economic spectrum, even as it sprawls across the fringe areas of our cities. It is a mass of home-owners instead of renters, drivers instead of walkers, of vacationers, boat-owners, stockholders who send their children to college. It is a vast stabilizing force, and it, rather than the "money elite" is the real force with which you will have to contend if you are determined to overthrow the existing order. And you will find it a tough nut to crack.

You say we are greedy, possession-mad. Let me say this for my generation: Never has a people given more generously of its blood, effort or material. We fought (not always willingly, but we fought) a far bloodier war than Vietnam to save the world from an unspeakable tyranny, and we then gave our wealth in rich measure to heal the wounds not only of friend but of foe. Show me a parallel.

Never has this nation taxed itself so heavily to give its disadvantaged—its poor, sick, aged, helpless—a second chance at a decent life. Welfare has become a way of life, perhaps too much so. So have pensions, hospitalization, unemployed pay, Social Security. The widowed are no longer herded to the county poor farm, the aged do not have to spin out their years a burden in the back room of their children's homes. We have quit hiding our "crazy" people, and have made a start in treating that most delicate of mechanisms, the brain.

We have given you a healthier world than we found. You no longer need fear epidemics of flu, typhus, diphtheria, smallpox, scarlet fever. We have banished the nightmare of polio. We are closing TB wards daily. Rickets and worms are rare. Childbirth is no longer feared. Improving safety laws protect the health of mine and factory workers. We are beginning to make startling progress in transplants, and are beating at the ignorance that surrounds cancer. We have pushed the boundaries of knowledge into the gene and out into space.

We have thrown open the doors of museums and concert halls where once only the rich entered. We have given you antibiotics, television, air conditioning and transistors. We have made a start (late, but a start) toward healing the scars left on our earth in our plunge across the continent. We are writing new meaning into conservation, trying to stop the erosion of our soil, the pollution of air and water, setting aside land for public enjoyment, learning to work with the forces of nature to preserve threatened life forms.

We have given you the knowledge and the means to enjoy sex, as you should, and yet combat the population surge that threatens to engulf and destroy civilization. Our divorce rate shows that we have not lived up to our moral code nor coped adequately with the subject of our sexuality. Taboos of centuries cling to us. But it was we who initiated the drive toward sexual honesty and frankness. You can discuss sex, with us or among yourselves, and perhaps you will find the way to a saner relationship between man and woman.

It is in the field of social relationships that we, like all before us, have fallen shortest of the goal. We have developed weapons that can end all life (do not lament this; nuclear power can be made to serve man as well as destroy him, and the questing mind cannot be asked to draw back from knowledge because it may prove dangerous). But even with the threat of annihilation hanging over us we have not found an alternative to war. Perhaps you can perfect the social mechanism so that all men may, without the threat of force, pursue their course, in which we will no longer need laws or police to enforce them, or armies to prevent men of one belief from trespassing against others, though the violence with which you protest violence justifies little hope that you will. You must learn to hate injustice without hating the unjust, to hate war without hating those who resort to it.

Which brings us to the most sensitive of your protests. The root of your discontent, of our nation's discontent, the toothache that distorts all other sensations in the body politic is, of course, the war in Vietnam. I oppose this war as you do, and have from the beginning. But we must keep it and our reactions to it in logical perspective.

Recently the editor of The Bennington (Vermont) Banner, explaining the revolt of the young against their parents' generation, wrote of the war: "It is not just another war. It has been a military and political and moral blunder of a magnitude without parallel in American history . . . they (the young) rebel at the sins of their parents. And when the sins have been particularly monstrous, the youthful reaction is likely to be that much more shattering."

Ignoring the intellectual arrogance (not uncommon to editors) that essays this questionable interpretation of American history, I find this an intriguing and significant statement, no less interesting for the venom and intolerance that saturates it. On the way to Florida recently, I became confused by highway markers and took a wrong turn that cost us time and trouble. By the Bennington standards, I had committed a sin.

The decision to intervene in Vietnam was, I am convinced, a wrong turn, a mistake resulting partly from ignorance, as do most mistakes. But it was a mistake shared by most of our chosen leaders, including many of those most admired by the young. It was, as the Bennington editor says, a blunder. But it was made without the knowledge or intent of evil that marks sin, and we must wonder at the basic goodness of those who would impute sin to those who stumble.

I think that any factual assessment of Vietnam will show how decently we stumbled into this trap of history. It seems certain to go down in history as a bloody mistake (though history's verdict is by no means in yet), but I am convinced that we made it with the best of motives and that we remain in Vietnam not for pride nor profit, as so many young profess to believe, but because we have yet to find a way to quit without endangering both the people and principles we went to defend. And to infer sin in our decision indicates a misunderstanding of both government and man.

There is another interesting aspect to the war which I hope you will consider. In my opinion, our intervention in Vietnam is at least as defensible as our intervention in the Dominican Republic. We went to Vietnam—or so we thought—to give people the right to choose their government without external, or externally-supported pressure. In the Dominican Republic we intervened to uphold those who had overthrown the only elected government the country had ever had. But there was little campus outcry against this venture, and I can only wonder if it is because it was fought at little cost to the young. I do not blame you for not wanting to fight a war you oppose morally. But moral resentment should not wax and wane with the degree of personal sacrifice involved.

You protest that the government lies, conceals and compromises. But ideals alone are often an inadequate vessel for the rough trip through the rapids of international politics. And since neither Washington, Moscow nor Peking is run by holy men, survival sometimes requires compromise with full candor. Neither is Washington run, let me add, by men of omniscience or omnipotence. It is run

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by human beings, as are the newspapers and great corporations you regard so bitterly.

Sometimes they don't know; sometimes they make mistakes, even, alas, as you and I.

You say that you have been dumped into a world you never made. Frankly, I cannot recall a generation having been given the privilege of choosing the shape of the world into which it was born. It has been said that yours is the first generation to grow up unsure that it will have a world to live in tomorrow. It has its tension, of course, as have all eras; we feel them as keenly as you. But in an individual sense (which may be the only relevant one) this has been true of all men since the spear. Whether because of the plague, the Hun or the hydrogen bomb, man has always lived with some lurking fear, and with no assurance that he will have a tomorrow. But before you become paranoid in your fear of nuclear doomsday, remember that we share this fear, and the danger behind it, and your determination that this force must be tamed. You are not alone in opposing the arms race, the ABM, the overbalance on defense spending. You will have help in your fight to control this violence. But remember that man has had these weapons for a generation now, and his fear of them has, in part, kept the great powers from falling on each other.

You insist we have given you a rotten system. It is not rotten and we have not given it to you. No generation gives power to the next. You will grow into it, regardless of us. You will control its production and wealth as rapidly as your talents enable you to fight your way to control. You will become its political leaders and set its policies as rapidly as you can convince people that your judgment is sound and your policies preferable. I would be disappointed if you were not impatient with the slow working of representative democracy. It may, indeed, be as bad as you say; Winston Churchill correctly declared that it is an impossible system of government, but the best that man has yet devised.

We worry about you because you seem more intent on destroying the system than in correcting it. Your willingness to resort to violence to force the will of your minority on the majority smacks more of the storm trooper than of the reformer. Your intolerance makes me wonder who your reforms are designed to benefit, just as your tactics make me doubtful that you will succeed. The minority that seeks to enforce its will invites the retaliation of the greater violence of the majority.

Believe me, I am glad to see your anger at discovering want and injustice. It speaks of something good in you. It will spur you, I hope, to make changes.

At the same time, I suggest that much of your shock comes from a delayed collision with reality. You recoil at want because you have never lived in its midst. You resent injustice, violence, and suffering because you have grown up in a comfortable world. You remind me somewhat of the child who discovers that his parents have lied to him about Santa Claus and is furious at them, ignoring the reality of daddy behind the myth.

You say the school-book view of America is false, that democracy, equality, brotherhood, liberty and justice for all are myths. You are wrong. They are the ideals, the goals, the vision put before us by the men who started all this. Is our democracy less than a reality because some (your militants, for example) abuse its privileges? Are the ideals of liberty and justice for all less inspiring, less worthy, less believable because we, being human and fallible, fall short of them?

You reject our middle-class values, but then define them yourself as being materialism, greed, conformity and an obsession with security, which is like our implying that your attitude toward Vietnam is based on cowardice. It is not easy to pinpoint our values, but among them are freedom from fear, want and oppression, the right to rear one's children in love and conscience, to choose one's leaders and change one's government as times dictate, to be free to reach as far as our talents will permit, and to live in our homes in dignity, peace and security.

I think it is important for you to be aware of our attitudes and our experience for several reasons. It is good to know where you have been so that you can better decide where you want to go. And it is well for a man to think well of his forebears, those who went before and gave him life. For, as the saying goes, the apple does not fall far from the tree, and the traits you have inherited are those on which you must depend as you begin your work.

As a generation, you have good qualities, I think, from which to draw strength in time of stress.

QUESTIONNAIRE RESULTS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, earlier this year, I sent questionnaires to each of the more than 140,000 homes in my congressional district, seeking my constituents' viewpoints on some of the major problems and issues facing our Nation.

I have conducted such an opinion poll each year since my election to Congress in 1964, and the results have been exceedingly valuable in helping me determine grassroots sentiment in my district. This year, more than 16,000 persons participated, the largest return I have ever received. The returns were tabulated by volunteer workers in my district office, and I have reported the results in a newsletter.

Among the highlights were the following:

My constituents overwhelmingly favor tax reform, by 95 percent; increasing the individual tax exemption, by 91 percent; popular election of the President and Vice President, by 85 percent; expansion of Federal aid to education, by 72 percent; and congressional approval of overseas troop commitments, by 71 percent.

They strongly oppose deployment of the anti-ballistic-missile system, by 75 percent; continuation of farm subsidy and price support payments, by 67 percent; and lowering the voting age to 18, by 63 percent.

For the benefit of my colleagues who might be interested, I am inserting in the RECORD, at this point, the complete results of the survey:

ELECTION REFORM

Electoral college

Would you favor a Constitutional Amendment to substitute popular election of the President and Vice-President for the present Electoral College system?

Yes (85 percent)	13,877
No (15 percent)	2,251
Total replies	16,128

Voting age

Would you favor lowering the minimum voting age to 18 years?

Yes (37 percent)	5,931
No (63 percent)	10,266
Total replies	16,197

NATIONAL SECURITY

The draft

Proposals to revise our Selective Service System come before the Congress each year. Which of the following proposals would you favor?

The present system, which permits deferment of students (31 percent)	4,813
A random-chance lottery system, with no student deferments (41 percent)	6,482
A professional, all volunteer Army, with an annual estimated increase in payroll of $6 to $17 billion (28 percent)	4,484
Total replies	15,779

Space

The early Apollo series of space missions has been spectacularly successful. Would you:

Continue to fund the space program at its present level of $3.8 billion (52 percent)	8,259
Reduce allocations for space exploration (26 percent)	4,145
Increase allocations for space exploration (14 percent)	2,156
Abandon the space program (8 percent)	1,462
Total replies	16,022

Anti-ballistic-missile system

Would you favor:

Construction of an antiballistic-missile system to defend our cities from missile attack, at a cost of approximately $50 billion (25 percent)	3,781
Negotiation of an international agreement with adequate inspection safeguards, to limit expenditures for anti-ballistic missile defense (75 percent)	11,288
Total replies	15,069

TAXES AND ECONOMIC POLICY

Surcharge

Do you favor President Nixon's suggestion to continue the 10 percent surcharge?

Yes (31 percent)	4,686
No (69 percent)	10,586
Total replies	15,272

Tax reform

Do you favor a comprehensive tax-reform program to close such loopholes as the oil-depletion allowance?

Yes (95 percent)	14,089
No (5 percent)	798
Total replies	14,887

Personal exemption

Do you favor increasing the individual income-tax exemption from the present $600 to $1200?

Yes (91 percent)	14,545
No (9 percent)	1,384
Total replies	15,929

FOREIGN POLICY

Troop commitments

Would you favor a Congressional Resolution requiring the President to obtain approval of Congress before U.S. troops are committed to fight in foreign countries?

Yes (71 percent)	10,882
No (29 percent)	4,428
Total replies	15,310

Foreign aid

This country's foreign aid program was reduced this year to $1.7 billion, the lowest level in the history of the program. Would you prefer to:

1. Further reduce the foreign aid program (45 percent)	7,212

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2. Continue it at about the same level (20 percent)	3, 130
3. Increase the level of the aid program (3 percent)	483
4. Restrict foreign aid to non-military aid only (32 percent)	5, 127
Total replies	15, 952

GOVERNMENT PROGRAMS

School aid

Do you favor expansion of Federal aid to education to include direct grants for construction of schools in rapidly growing districts or in districts with obsolete and overcrowded schools?

Yes (72 percent)	11, 170
No (28 percent)	4, 376
Total replies	15, 546

Farm subsidies

Do you favor continuation of farm subsidy payments and price-support programs?

Yes (33 percent)	4, 748
No (67 percent)	9, 612
Total replies	14, 360

Postal service

Do you favor:

Retaining the present postal service, taking funds from general tax revenues to meet costs that exceed postal revenue (16 percent)	2, 439
Reorganizing the Post Office Department to provide improved service, but still requiring some support from general tax revenues (23 percent)	3, 436
Creation of a government-owned postal service corporation to provide improved service, on a self-supporting basis (54 percent)	8, 205
Making the postal service a wholly tax-supported, non-revenue service such as public highways (7 per cent)	1, 000
Total replies	15, 080

MAJOR PROBLEMS

What, in your opinion, are the three most important problems facing our nation in the years immediately ahead?

The war in Vietnam	6, 042
Crime	5, 141
Tax reform	4, 142
Inflation	4, 002
Civil rights	3, 650
Education and mental health	2, 706
Youth unrest	2, 135
Poverty	2, 099
Conservation	1, 673
Foreign relations	1, 447
Communist threat	718
Too much welfare	390
Disrespect for government	363
Overpopulation	351

CHEMICAL-BIOLOGICAL WARFARE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. KOCH. Mr. Speaker, Representative RICHARD D. MCCARTHY and I are concerned about the continuing lack of information concerning the effects of chemical and biological warfare agents. We would like to bring to the attention of our colleagues three newspaper articles from the New York Times and a preliminary report on the ecological effects of the defoliation and antifood campaigns in Vietnam. The conclusion one draws from these documents is that more scientific study is definitively needed to assess the environmental impact of our defoliation and crop-destruction activities in Vietnam. Exactly such a study has been called for in House Joint Resolution 691, which Representative MCCARTHY and I introduced on April 30, 1969.

In addition, we are introducing two documents germane to the problems of testing and shipping toxic chemical warfare agents such as nerve gases. The first is an excellent account by Philip Boffey of the incident last year in Utah resulting in the deaths of approximately 6,000 sheep. The second is a statement prepared by the Committee for Environmental Information in St. Louis for the recent hearings held by the House Foreign Affairs Committee. This statement describes ways that the toxic agents that the military proposed to ship over half way across the country could be safely detoxified without shipment. It illustrates the constructive contributions that can be made to such problems by groups of scientists such as the Committee for Environmental Information, the Scientists' Committee for Public Information, and other groups around the country that are part of the increasing role of scientists in the critical public problems facing our society.

[From the New York Times, Jan. 4, 1968]

USE OF HERBICIDES BY THE UNITED STATES IN VIETNAM DEFENDED

(By Walter Sullivan)

During the current fiscal year and the one preceding it the United States used herbicides in Vietnam on such a scale that the total cost will reach almost $100-million.

This is in contrast to an expenditure of $12.5-million in the fiscal year 1966. These figures were made public here yesterday by a military specialist who argued—that the killing of foliage that could conceal Vietcong ambushes leads to no long-term effects.

The speaker was Dr. Charles E. Minarik, director of the Plant Science Laboratory at Fort Detrick, Md., an adviser to the Pentagon on defoliation practices.

He addressed the Northeast Weed Control Conference at the Commodore Hotel and elaborated afterwards in an interview.

His arguments contrasted with charges made last week by Dr. Barry Commoner, director of the Center for the Biology of Natural Systems at Washington University in St. Louis.

Dr. Commoner spoke at the annual meeting of the American Association for the Advancement of Science.

He said the association had tried in vain to obtain from the Department of Defense scientific data supporting the Pentagon's contention that the defoliation program would not have long-term ill effects on Vietnam and its population. At a news conference he said one of the herbicides, maleic hydrazide, had produced cancer in mice.

Another cacodylic acid, used to kill elephant grass around American bases, contains arsenic, Dr. Commoner said. An area one-third the size of Montana has been sprayed, he asserted. In his prepared text he added:

"We have engaged in a massive environmental intrusion without being aware of the biological consequences."

Dr. Minarik said maleic hydrazide had not been used in Vietnam and that cacodylic acid, like most other herbicides in use there, was soon broken down by bacteria in the soil.

When eaten by cattle with their fodder, he added, the substance is excreted in their urine and, unlike DDT, does not appear in their milk.

He said there was no known case of death or serious injury to anyone from herbicides in use in Vietnam, even in factories where large amounts of the material was processed. However, he added, that the Vietcong probably "believe their own propaganda."

They have said bleeding from the nose and ears had resulted from poisoning by herbicides, he said. The spraying of areas of potential ambush thus scares them away, as well as denying them cover, he said.

He argued that defoliation in Vietnam was essentially no more a threat to the balance of nature than the spray-killing of vegetation along power lines, railways and highways in the United States.

In Vietnam the goal is to kill vegetation within "a couple of hundred feet" of highways and waterways where ambushes are likely, Dr. Minarik said.

As along American power lines and other rights of way, the animal life retreats from the defoliated zone into the nearby forest with little effect on the region as a whole.

The Midwest Research Institute in St. Louis has completed for the Pentagon a study of the effects of large-scale use of herbicides on the life of a region like Vietnam, Dr. Minarik said.

The results have not yet been made public, he added.

One of the herbicides, Tordon 101, contains a component, picloram, which does not break down quickly in the soil, Dr. Minarik said. However, it is employed sparingly, he added. In this country it is used to kill conifers.

One problem is to find herbicides that act quickly, even on trees 100 to 150 feet tall. Those now in use usually take from four to six weeks for maximum effect. Regrowth begins after six to twelve months. Peasants are planting crops in areas that have been cleared of forest by defoliants, Dr. Minarik said.

[From the New York Times, Feb. 13, 1968]

DEFOLIATION STUDY CASTS DOUBT ON LONG-TERM DAMAGE IN VIETNAM

(By Walter Sullivan)

There are no clear indications that widespread aerial spraying to strip Vietnamese war zones of foliage will do long-term damage. However too little is known to assess the efforts with confidence.

That, in essence, in the finding of a study in the field, undertaken for the Department of Defense by the Midwest Research Institute. It was carried out after a number of scientists had expressed concern at the possible long-term effects of such spraying on the balance of nature in that part of the world.

The study found no substantial evidence that the spraying of Vietnamese jungle would adversely affect the human population or have long-lasting effects on the wildlife or fertility of the land.

In an apparent attempt to head off possible charges of bias, the Pentagon asked the National Academy of Sciences to review the study.

The academy, while gingerly not taking sides on the controversy, found that the Midwest Research Institute, in Kansas City, had done a "creditable job" in reviewing literature on the subject.

However the academy review pointed out that there was a dearth of factual information on the ecological effects "of repeated or heavy herbicide applications." The ecology of an area refers to the interdependence of its life forms and their material environment.

REPORT HELD 'FIRST STEP'

On Jan. 31, Dr. Frederick Seitz, president of the academy, in forwarding its assessment of the report to Dr. John S. Foster Jr., direc-

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tor of defense research and engineering, wrote:

"It is clear that the compilation of this report is only a first step in investigating further the ecological effects of intensive use of herbicides."

Never before, at any time or place, has there been such intensive spraying of defoliants, according to the report. A particularly intensive effort has been directed against vegetation in the demilitarized zone between North and South Vietnam. Some of the region's densest vegetation is to be found in this area.

Along canals where ambushes have been common, vegetation has been sprayed from one-eighth to one-half a mile on either side of the waterway.

The heavy rain forest around guerrilla strongholds, and vegetation near air bases, highways and rail lines has also been sprayed to deny concealments to the Vietcong.

The entire American production of one leaf killer, 2,4,5–T, is being diverted to Vietnam, cutting off American farmers from their supply. In 1966 a total of 7.5 million pounds of this chemical was used by farmers in this country.

UNANSWERED QUESTIONS

Among the questions that cannot be answered on the basis of present knowledge according to the report, are the effects of defoliation on various species of animal on the brink of extinction. Likewise uncertain is the extent to which killing off the vegetation threatens to turn the soil into a substance with the consistency of adobe brick—a process known as laterization.

One of the endangered species of the region is the Douc Langur, which, the report says, has been described as "perhaps the most colorful of all mammals."

It is a monkey that lives almost entirely on leaves and hence is highly vulnerable to defoliation. Also in this category is the crested or Indochinese gibbon, an arboreal animal almost never seen on the ground.

Perhaps the most important of all is the Kouprey, an ancestor of modern cattle that has come down almost unchanged from the Miocene Era, some 20 million years ago.

The Kouprey, says the report, "was not even discovered until 1936." Only about 800 animals are known to survive in central Cambodia.

Vietcong supply routes pass through both Laos and Cambodia. According to the report, those in Laos have been "liberally sprayed" to expose the trails to air attack.

However, the report notes that some animal species have been aided, rather than harmed, by defoliation. The process, like logging, is followed by a surge of the undergrowth on which certain animals browse.

It will be particularly harmful to animals like the langurs and gibbons if large blocks of jungle are defoliated. However, unlike the situation with insecticides, such as DDT, the chemicals used against Vietnamese foliage do not persist in the food chain or concentrate in animal tissue, according to the report.

"The possibility of lethal toxicity to humans, domestic animals or wildlife by use of the noncroplant herbicides discussed in this report is highly unlikely and should not be a matter of deep concern," says report. The term "noncroplant" was used because the study does not deal to any extent with the use of chemicals to destroy enemy food crops.

While tests have been made on gross toxicity, the report says inadequate information is available on the effects of persistent exposure to lesser amounts.

It recommends research to see if changes in heredity or offspring result from such exposure, before a single herbicide is used in any areas over a long period.

In particular it cites cacodylic acid in this respect. That herbicide contains arsenic and, while its manufacturer reports no ill effects on those making it, it has been singled out by critics of the defoliation program as being possibly dangerous.

Laterization, or conversion of the soil to a brick-like hardness, is typical of tropical regions of heavy rainfall. The rain leaches silica and other minerals from the soil, leaving it rich in iron oxides, and alumina. As long as such soil is covered with vegetation and humus, no harm is done. However when exposed to the sun it bakes into a sort of adobe brick.

A number of regions have become virtual deserts when the land was cleared for agriculture and then eroded. The soils of Vietnam are believed to be largely of the laterizing type. Even in the Mekong Delta this is true to some extent.

"We do not feel that we have sufficient information on the soil conditions of all of Vietnam to dry any valid conclusions covering the hazard of creating laterization of soil by the indirect action of herbicides," the report says.

Another area of uncertainty, according to the report, concerns the effects of herbicide spraying on the life of lakes and streams, The subject has not been extensively studied, in particular under the conditions characteristic of Vietnam.

The evaluation of the report by the Academy of Sciences contained a series of anonymous comments by members of the evaluation team.

One argued that the effect on water quality was unlikely to be harmful. Others questioned the emphasis on laterization, which they also considered improbable as a byproduct of defoliation.

It was noted that the report had been prepared solely on the basis of interviews with some 140 individuals and a study of 1,500 items of scientific literature, rather than one-the-spot experience.

Chief authors of the report were William B. House, director of biological sciences at the Midwest Research Institute, Louis H. Goodson, Howard M. Gadberry and Kenneth W. Dokter, all attached to the institute.

The term that reviewed the report for the academy and, to some extent, gave advice in its preparation consisted of Dr. Alden S. Crafts, botonist of the University of California at Davis, chairman, Dr. Keith C. Barrons, director of plant research at the Dow Chemical Company; Dr. Richard Behrens of the University of Minnesota, Dr. William S. Benninghoff of the University of Michigan, Dr. William R. Furtick of Oregon State University and Dr. Warren C. Shaw of the Department of Agriculture.

[From the New York Times, Sept. 21, 1968]

STUDY FINDS VIETNAM ECOLOGY HURT

(By Douglas Robinson)

SAIGON, SOUTH VIETNAM, September 24.—An American authority on tropical plant life has written a report saying that while there has been ecologic change in South Vietnam because of chemical defoliation, he does not believe it will cause permanent damage.

"That defoliation has caused an ecologic change is undeniable," he said. "I do not feel the change is irreversible, but recovery may take a long time."

The report, which is entitled "An Assessment of Ecological Consequences of the Defoliation Program in Vietnam," was prepared by Dr. Fred H. Tschirley of the United States Department of Agriculture.

Defoliants have been used in Vietnam to destroy the forest and jungle cover used by the enemy and to expose supply trails to air observation. The chemicals have also been employed to cut down the rice crop destined to supply enemy troops. Jungle areas near allied bases and highways have also been sprayed with defoliants to reduce enemy cover.

FULL REVIEW OF PROGRAM

Dr. Tschirley was among members of a committee set up earlier this year to review the herbicide program comprehensively. His report, released today, is only a small part of the over-all study, most of which is still classified.

Dr. Tschirley gathered his information during a month's stay last spring. Because of security reasons, many of his observations of defoliated areas were from helicopters flying as high as 2,000 feet.

A United States mission spokesman said, "There is a sufficient ground sampling to give full meaning to his report." The report, however, was studied with qualifying phrases such as "This report can in no sense be considered a complete, authoritative assessment of the ecologic effects resulting from defoliation of the forest canopy."

It continued: "The conclusions reached are judgments based on prior experience and the necessarily few observations that were possible in an area of war activity with the time frame demanded."

SOME MULTIPLE SPRAYINGS

The survey showed that 16.2 per cent of the total forested area of South Vietnam had been treated with chemicals through 1967, or about 5 per cent of the entire land mass. The figure included areas that have been treated two and three times.

In his study, Dr. Tschirley has concluded that defoliation, or even denudation, "has no measurable effect on atmospheric moisture and thus would have no effect on precipitation"; that the "possibility of flooding or of changes in the water table as a result of defoliation are subjects that need careful consideration," and that "the relative susceptibility of specific species in the . . . forests of Vietnam is not known."

The report identifies the three types of herbicides used in Vietnam by the color codes used on barrels of chemicals to identify them as well as by their constituents. They are:

Orange, the principal defoliant used in Vietnam, is composed of the butyl esters of 2,4–D (dichlorophenoxyacetic acid) and 2,4,5–T (trichlorophenoxyacetic acid).

White, a mixture of 2,4–D and picloram (aminotrichloropicolinic acid), which is known commercially as Tordon 101.

Blue, which has cacodylic acid as its more active ingredient, and is known by its brand name of Phytar 560G. Cacodylic acid is dimethylarsinic acid in a pentavalent state rather than the more toxic trivalent state.

Both orange and white are defoliants used against broadleafed and woody plants and trees. Blue is used on grasses and some crops, including rice.

In discussing whether the orange or white defoliant would destroy micro-organisms in the soil, a condition that would have a severe effect on the soil ecology, Dr. Tschirley concluded that neither chemical would have a detrimental effect on "microbial populations in soil." There is no discussion of what effect the blue defoliant might have.

NERVE GAS: DUGWAY ACCIDENT LINKED TO UTAH SHEEP KILL

Nine months ago some 6000 sheep grazing in Skull Valley, Utah, were killed or sickened by a mysterious ailment that attacked the central nervous system. The sheep were located near the Dugway Proving Ground, the Army's chief site for field testing chemical and biological weapons, so suspicions were immediately aroused that the sheep had been felled by a lethal substance originating at Dugway. These suspicions were heightened when it was subsequently revealed that Dugway had tested highly toxic nerve agents the day before the sheep became ill.

The massive sheep kill attracted to Utah a swarm of investigators from the military, from state and federal agencies, and from various universities. There were loud pledges from all concerned that there would be a no-holds-barred investigation into the question of what killed the sheep. For a time, while public interest in the incident remained high, status reports on the investigation were issued by the Army and by some of the civilian agencies involved. The Army generally took the line that, while Dugway was highly suspect, there was no conclusive proof as to what killed the sheep and further tests were necessary to establish the cause. At this writing, more than 9 months after the incident, there has still been no detailed report of what the investigation revealed. Brigadier General William W. Stone, Jr., of the Army Materiel Command, who headed the Army's investigation, has compiled a secret report on the incident, but the Army has not released an unclassified summary of this report and shows no inclination to do so. Nevertheless, it is possible, from the scattered statements the Army has made and from a variety of other sources, to piece together the outlines of what happened.

Virtually all the scientific and circumstantial evidence publicly available indicates that the primary cause of the sheep deaths was VX, a persistent nerve agent that was used in an aircraft spray test at Dugway the day before the sheep started dying. The scientific evidence will be discussed in more detail below, but, in brief, scientists have found traces of the nerve agent in the dead sheep and in nearby vegetation and snow water; they have established that the sheep were poisoned by an organic phosphate compound, of which the nerve agent is one; and they have shown that low doses of the nerve agent fed to healthy sheep will produce the same symptoms as those found in the sick Skull Valley sheep. There is evidence that the sheep ingested the nerve agent primarily by eating contaminated vegetation, and that the toxic material persisted in the area for at least 3 weeks after the incident. As a result of the unfortunate incident, a high-level advisory committee, headed by Surgeon General William H. Stewart, has recommended stringent new safety procedures for Dugway, and the Army last week adopted them *in toto*.

ACCIDENT AT DUGWAY

How the agent escaped from Dugway may never be known beyond doubt, but investigators suggest that a combination of circumstances conspired to bring about the sheep slaughter. There was an accident during the spray test at Dugway; shortly thereafter a change in weather conditions apparently carried the agent toward the sheep and then precipitated it around them; and sheep turned out to be unusually susceptible to the agent. Had any of these factors been absent, it is conceivable—though unprovable—that there would have been no "Dugway incident."

The Army's initial reaction to news of the sheep deaths was to deny that Dugway had been doing any testing that could have caused the incident, but this posture had to be abandoned when the office of Sen. Frank E. Moss (D-Utah), revealed on 21 March that Dugway had conducted three separate nerve agent operations on 13 March, the day before shepherds first noticed the sheep were ill. The Army had supplied the information to Moss and apparently intended it to be "for official use only," but Dale O. Zabriskie press assistant to Moss, says there was no restrictive marking on the document so he promptly released the information to Utah newsmen, much to the Army's consternation.

Surgeon General Stewart states that two of the nerve agent operations—a demonstration firing of 155-mm shells containing nerve gases, and a disposal operation involving the burning of about 160 gallons of a persistent nerve agent—have been ruled out as possible sources of substance that kill the sheep. The third operation, in which a high-speed aircraft dispensed 320 gallons of VX in the form of liquid droplets from two pressurized spray tanks, remains highly suspect.

The purpose of the aircraft spray test, according to statements made by Army officers at an informal briefing for the Utah congressional delegation last March, was not to test the nerve agent, which had been released hundreds of times at Dugway before, but rather to test the total disseminating system, consisting of the nerve agent, the spray tanks, and the high-speed aircraft. "You test the entire configuration before you put it on the shelf," General Stone explained at the briefing.

The Army has consistently refused to say whether anything went wrong during the test, and Colonel James H. Watts, Dugway's commanding officer at the time of the incident, has even been quoted as denying rumors of a malfunction. But three sources who participated in the investigation—namely D. A. Osguthorpe, a veterinarian who acted as consultant to the Utah Department of Agriculture, G. D. Carlyle Thompson, director of the Utah State Division of Health, and Surgeon General Stewart—all confirmed to *Science* that there was, indeed, a malfunction. The malfunction resulted in the agent being released at a much higher altitude than anticipated.

The Army has publicly announced that the aircraft approached the target grid on a heading of 315 degrees true at an altitude of 150 feet (see map at right). Full details of what subsequently went wrong are not available but the following version has been pieced together from several sources.

Plans for the test called for the plane to dispense the nerve agent over the target grid, then pull up and jettison its supposedly empty tanks. But the pilot, unfortunately, has no way to shut off the tanks—they continue to discharge until they are empty. In the test on 13 March, according to investigators, one of the tanks failed to empty itself over the target grid and continued to dispense the nerve agent after the plane pulled up.

To what altitude the discharge continued is not completely clear. Colonel Watts, the former Dugway commander, has been quoted as saying the agent was released at a maximum altitude of 450 meters, or about 1500 feet. Osguthorpe, who has had access to much of the Army's data, believes the agent was carried somewhat higher. Either way, the agent was clearly within striking range of the ridge of the low-lying Cedar Mountains, which stood between the sheep and the test site. At their high point, according to the contour map distributed by Dugway, these mountains rise about 2700 feet above the Dugway flats, while at the points lying directly between the sheep and the test site, they rise only some 1200 feet above the valley. Somewhat less than 20 pounds of the VX is believed to have remained airborne after the 13 March test, according to testimony presented to a Senate appropriations subcommittee last May by Lieutenant General Austin W. Betts, chief of research and development for the Army.

At the time of the test, according to the Army, the winds at altitudes below 2300 feet were generally from the south-southwest, with gusts up to 35 miles per hour. Had this wind direction continued, the agent would have been carried up the west side of the Cedar Mountains and over barren salt flats. But there was a "weak front" in the area, reported the Army, and about 2 hours later the wind shifted and blew from the west. Betts said the wind "could have carried any very small particles of VX remaining airborne over the areas in Skull Valley and Rush Valley where sheep were later affected" Betts also said scattered showers developed during the early evening after the test (which took place at 5:30 p.m.) and he added that "one of these rain showers could have washed this airborne VX out of the air and deposited it on vegetation and the ground." Snow was reported the following morning.

On 14 March, the day after the test, sheep in several bands in Skull Valley just east of Dugway began showing signs of illness. One herder described the sheep as "crazy in the head." They generally acted dazed, held their heads tilted down and off to the side, walked in a stilted, uncoordinated manner, urinated frequently, fell down, and were unable to get up. Dugway scientists say these are not the usual symptoms associated with the nerve agent, but it was later discovered that these symptoms can be produced by low doses of the agent.

The affected herds were located in a crescent extending generally east and northeast from the Dugway site. The nearest sheep were about 27 miles from the site of the aircraft spray test and were separated from the test by low mountains. The farthest sheep were 40 to 45 miles from the test site and were located in Rush Valley, beyond a second, higher range of mountains, but near a low-lying pass through the mountains. The sheep nearest the test site were the most severely affected while the herd in Rush Valley was touched only slightly. The course of the illness in the sheep that died was as short as 24 hours and as long as several weeks.

Investigators were initially mystified that sheep seemed to be the only animals in the area affected. Horses and cattle intermingled among the sheep showed no symptoms of illness, though chemical tests did indicate a somewhat depressed level of cholinesterase in the blood, an indication the animals had been exposed to an organic phosphate compound, a class which includes the nerve agents. Dogs and humans seemed unaffected. And while a survey of the area turned up at least 15 dead rabbits, rodents, birds, and other small wildlife, there seems to be no evidence that these small animals were killed by the nerve agent. One jack rabbit was observed to show signs of incoordination and trembling, symptoms which might indicate exposure to a nerve agent. But the Army, which had the area surveyed both before and after the test, maintains that the rodent population remained essentially unchanged.

Why were sheep the only animals affected? The answer seems to lie partly in the fact that sheep are more susceptible to the agent than many animals, partly in the fact that sheep had greater access to contaminated food than most animals.

Dugway scientists stated at the time of the incident that not much was known about the effects of the nerve agent on sheep. But during the course of the investigation, according to Surgeon General Steward, it was learned that sheep are "peculiarly responsive" to the nerve agent and succumb to "much lower doses" than would harm a human being, even a child. Moreover, sheep, it seems, die easily once they become sick. Robert H. Huffaker, a Public Health Service veterinarian, who participated in the investigation, believes the first sheep that died may have been killed by the nerve agent, but those that died later succumbed to such secondary causes as starvation. "Sick sheep like to die," he says. "You won't find them crawling a mile to a waterhole on a broken leg."

The Army has stated that the sheep were apparently affected by eating contaminated vegetation, and feeding experiments conducted by the Agriculture Department's Poisonous Plant Research Laboratory in Logan, Utah, lend substance to this theory. When Logan scientists fed forage from the affected areas of Skull Valley to healthy sheep, the sheep showed a marked depression of cholinesterase activity (a sign of pos-

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sible nerve agent exposure) and some of them developed symptoms identical to those observed in the sick Skull Valley sheep. In contrast, sheep placed in the affected areas but muzzled and fed only hay and water brought in from outside showed no signs of toxicity, though some investigators doubt it.

There was speculation early in the investigation that the sheep may have been sickened by licking contaminated snow, and since at least one laboratory has identified traces of the nerve agent in snow water, this may remain a possible source of the poison.

The toxic substance seems to have persisted in the area for at least 3 weeks after the incident, possibly longer. Logan scientists placed three different groups of normal sheep in the affected area on 19 March, 1 April and 4 April and all groups developed illness identical to that of the sheep in the initial outbreak. By 3 months after the incident, however, the poison had apparently dissipated. Healthy sheep fed forage collected from the affected area on 12 June, and on several occasions subsequently, showed no signs of illness.

The massive sheep kill has raised questions about the potential danger to human life. Alvin Hatch, manager of the ranch that suffered the greatest losses, told *Science* his herders often obtain their water by melting snow, though at the time of the incident they were carrying a water supply. Since the nerve agent has been identified in snow water, Hatch speculates that his herders may have had a "narrow escape."

There were also reports that one of the sheepherders and two Agriculture Department scientists who autopsied the dead sheep developed headaches, nausea, dizziness, and diarrhea, but an Agriculture Department report, dated 15 July, says "there was no confirmation that these (symptoms) were directly associated with the cause of illness in the sheep." The Public Health Service and the Army tested the vast majority of humans in the affected areas and found no evidence of nerve agent effects. Whether humans escaped harm primarily because the level of nerve agent present was too low to affect them, or because they did not wander around the range munching vegetation, is not clear from the information available to *Science*.

HAS GAS ESCAPED BEFORE?

Dugway has had no offbase chemical monitoring system, so it is impossible to tell whether any significant amounts of lethal agent have escaped in the past. The advisory committee headed by the surgeon general states that the Marsh sheep kill "provided the first off-post event which was suspected of being connected to Dugway operations," but such a statement does not rule out the possibility that nerve gas agents may have escaped previously and simply failed to strike populated areas. Fay Gillette, sheriff of Tooele County, Utah, for the past 22 years, told *Science* that on several occasions some 6 or 7 years ago he received "confidential calls" from Dugway, generally in the evening, asking him to patrol U.S. Highway 40, 35 miles north of Dugway, and tell people who were stopping along the side of the road to get moving. "They never told me why and I never asked them," says Gillette. Seymour M. Hersh, author of a recent well-reviewed book on chemical and biological warfare, spent 3 weeks in Utah investigating the Dugway incident and concluded that "this is not a freak event—there have been other similar occurrences at Dugway." Hersh says he has detailed his findings in an article scheduled to appear in *Esquire* magazine.

ARMY ISN'T TALKING

The weight of circumstantial evidence—the accident at Dugway, the weather conditions, the location of the affected herds—strongly suggests Dugway was the source of the substance that killed the sheep. But even stronger evidence was turned up by scientists who participated in the investigation. Unfortunately, complete information on the scientific findings is apparently known only to the Army, and the Army isn't letting its scientists say much. *Science* requested an interview in August with Mortimer A. Rothenberg, Dugway's chief scientist, and Rothenberg agreed, subject to approval by his superiors. Such approval was denied.

The Army told *Sciense* it could submit questions to Dugway in writing, so four questions were mailed in on 22 August. More than 3 months passed before the answers came back. Even then, the answers were, in some respects, incomplete and ambiguous.

Fortunately, the Army is not the only source of information on the investigation. Dozens of civilian specialists from federal and state agencies and from various universities participated in aspects of the investigation, and some were actually on the scene in Skull Valley before the Army even knew any sheep had died. After considerable prodding, *Science* was able to obtain reports from the two major federal agencies involved, the Public Health Service and the Agriculture Department. From these reports, and from the few public statements made by the Army, it seems clear that the preponderance of scientific evidence has implicated the nerve agent as responsible for the sheep deaths.

The most convincing evidence comes from chemical tests conducted by the National Communicable Disease Center in Atlanta, a branch of the Public Health Service. Chemists at NCDC used gas chromatography infrared spectoscopy and mass spectrometry in an effort to find traces of nerve agent in the dead sheep or in such environmental materials as snow and grass. In a report to Utah's health director, dated 29 April, NCDC said unequivocally that chemists found traces of the nerve agent. The report's "summary of chemical results" states that:

"—Water and forage from Skull Valley as well as blood and liver from ill sheep showed an agent which proved to be identical in chemical composition to a sample of the test agent supplied by Dugway.

"—Rumen contents from ill sheep showed the same response on instruments as the authentic test agent furnished in water by Dugway, that is, hydrolysis products of test agent.

"—Infrared chromatograms of test agent, hay, and water extracts showed similar scans indicating identity of agents under study.

"—Mass spectrometry of test agent hay and water isolates *prove beyond doubt* [italics added] that these responses are in fact identical and can only be attributed to the same chemical."

CONFIRMING TESTS AT DUGWAY

Confirming chemical tests seem to have been conducted in Dugway's laboratories, though the Army is much less emphatic in asserting that it definitely detected traces of the nerve agent. General Betts, the Army's R & D chief, testified last May that Dugway's chemical analysis of large samples of vegetation from the affected area had proceeded "to the point where it was considered possible that traces of VX or a similar organic compound were very likely present." More recently, in a 25 November response to the questions posed by *Science*, the Army said that "traces of agent or agent-like material were found in samples of vegetation collected at several periods of time after the March 13th incident."

The chemical tests were conducted with great difficulty, for they required instruments capable of detecting minute traces of the nerve agent and considerable sophistication in interpreting the results. Army scientists initially analyzed several hundred samples of water, soil, snow, vegetation, and wool from Skull and Rush Valleys and found no evidence of VX. Only after "very large samples of vegetation" were analyzed did the Army conclude that the agent might "possibly" be present. Meanwhile, the Agriculture Department initially thought it had detected "some similarity" between decomposition products of the nerve agent and substances in the tissues from affected sheep, but later concluded that the similarity was caused by products normally found in sheep tissue and was not significant. Agriculture officials say they also had problems with their instruments. In all, according to the Army, several thousand samples of environmental materials from a 100-square mile area were analyzed by various agencies in the effort to determine what killed the sheep.

ARMY STILL SKEPTICAL

As a result of the inherent difficulties of the analysis, some Army scientists are said to remain unconvinced that the nerve agent has been unequivocally identified. Nevertheless, NCDC Atlanta remains confident of its results, and no one has publicly challenged the seemingly conclusive findings. Surgeon General Stewart told *Science* that, at the time of the incident, NCDC had "better equipment than Dugway to detect very low levels" of the nerve agent.

In addition to tests identifying the nerve agent itself, there is considerable evidence, apparently undisputed, that the sheep were poisoned by an organic phosphate compound. These compounds are found in nerve agents, many common pesticides, and some noxious plants as well. They interfere with the action of the enzyme cholinesterase at nerve endings, and a depressed level of cholinesterase is thus considered a rather specific indication that an organic phosphate is involved. Numerous investigators have reported a severe depression of cholinesterase in the blood of the affected sheep. Moreover, the Agriculture Department has reported finding a cholinesterase depressing substance in snow collected from the area of the sheep kill. Thus it seems clear that the sheep were subjected to an organic phosphate poison, and since the investigation turned up no evidence that death was caused by poisonous plants or pesticides, the most likely culprit among the organic phosphates is the nerve agent tested at Dugway.

Further evidence implicating the nerve agent comes from feeding experiments at Dugway. When healthy sheep were fed small doses of VX, they developed essentially the same symptoms as the sick sheep in Skull Valley.

Army scientists are not convinced, however, that VX was the only cause of the sheep deaths. In its 25 November response to *Science* the Army said: "Although minute quantities of the agent were detected off-post, the results from these investigations have not provided conclusive evidence that nerve agent by itself caused sickness or death in the sheep. The answer is still unknown and may never be determined. The evidence suggests a combination of factors or effects." The Army is currently conducting experiments to determine whether the toxicity of the nerve agent is increased synergistically by the action of pesticides, noxious plants, trace elements in the soil, or the condition of sheep following the rigors of trailing and lambing. Thus far the Army has concluded that there is no synergism when sheep are fed both nerve agent and heptaclor, a pesticide which has been found in portions of Skull Valley.

Though Brigadier General John G. Appel, who has immediate command over Dugway, was quoted on 6 December as denying that the nerve agent caused the sheep deaths, the Army has accepted legal responsibility by paying $376,685 to one rancher for the loss of 6249 sheep (4372 dead, 1877 others sickened) as well as a lesser amount to some Indians who lost a small number of sheep. According to an Army letter to members of Congress, such compensation is proper, under the Military Claims Act, "where the Army's activities contributed to the loss."

NEW SAFETY RULES

The sheep kill incident has caused the Army to tighten up the safety procedures used in testing persistent lethal chemical agents at Dugway. On 5 July, Secretary of the Army Stanley R. Resor announced the formation of a high-level advisory committee, headed by the Surgeon General, to review the safety of chemical testing at Dugway. Last week, the committee's recommendations were released, and Resor announced that every single one had been ordered adopted.

The new regulations state that highspeed aircraft must maintain "positive control" over the dissemination of lethal agents and that no release of such agents shall be made above 300 feet. They also prohibit testing when the wind speed exceeds 15 miles per hour, or when thunderstorms are occurring or predicted within 100 miles of the lethal cloud.

One of the most significant new rules requires that Dugway release agents in such a way that the agent cloud remains in the barren salt flats area north and northwest of the test site and does not cross heavily traveled U.S. Highway 40, to the north, for at least 3 hours (by which time the cloud would presumably have dispersed to the point where it is harmless). Heretofore, Dugway has not worried much about the direction of travel of the cloud and has counted on dilution of the cloud to render it nonhazardous. To carry out the new rules, Dugway will have to extend its ability to predict downwind behavior of the cloud from the present range of a few miles to "several tens of miles."

Another significant regulation requires Dugway, for the first time, to establish a monitoring system to detect the entry of chemicals into the environment outside the proving grounds. The system will consist of air samplers to sound an immediate alarm (though there is some question whether such samplers can be made sensitive enough) as well as ecological surveys to detect penetration of chemicals into local animal populations, both domestic and wild.

UTAHANS NOT WORRIED

Although the sheep death incident caused concern throughout the nation, the people of Utah and their community leaders did not seem particularly worried. The incident was not treated as front-page news by the Salt Lake City papers, and the Tooele Chamber of Commerce actually passed a resolution expressing confidence in Dugway, presumably because Dugway contributes heavily to the local economy. Moreover, there was virtually no reaction from Utahans when the Army revealed that lethal nerve agents, which had aroused a storm of protest in Denver, would be transferred in part from Denver to the Tooele Army Depot.

The Army has consistently said there was no negligence on the part of anyone at Dugway, so the sheep slaughter was presumably the result of inadequate safety regulations rather than a failure to follow prescribed regulations. Surgeon General Stewart told *Science* that Dugway was operating "on a set of assumptions that had worked in practice for so long that the assumptions became truths." In retrospect, the Army can clearly be blamed for a lack of caution in handling the deadly nerve agents, as well as a lack of candor in informing the public about the cause of the incident.—Philip M. Boffey.

ON THE TRANSPORTATION OF CHEMICAL WAR AGENTS THROUGH POPULATED AREAS AND DISPOSAL DUMPING IN THE OCEAN

(Statement by the Committee for Environmental Information)

A series of shipments of mustard gas and nerve gas may be shipped through St. Louis beginning later this month.

It is perfectly possible that all 27,000 tons of chemical war gas could pass through St. Louis without harming anyone. Other hazardous materials are frequently shipped by rail with safety. However, accidents do happen. For example, on February 19, 20 cars of a 120 car Chicago, Burlington and Quincy freight train from Denver went off the track at Crete, Nebraska and toppled onto two cars of ammonia on a siding. The fumes drifted through the town, and eight people were killed.

What would be the hazard to the people in the vicinity if such an accident happened to one of the one-ton containers of war gas? We have inadequate information about the safety of the containers to answer this question. It has been said that it would be as dangerous to empty them, in order to subject them to the tests usually required for containers in which hazardous materials are shipped, as to ship them without this test. What this means is that we do not know what would happen if a container were tipped off its railroad car, or how much pressure it would actually withstand if something heavy—like another railroad car—fell on it. If there is no safe method of removing the material from them, these are not safe storage containers.

There are two types of gas to be included in these shipments, and the effects would be very different, depending on which one might escape.

Mustard Gas. Low concentrations of sulfur mustard will cause eye and skin blisters, which can be deep and may require weeks or months of healing. High concentrations may produce shock. A victim who survives the initial effects may later show damage to the bone marrow and ulceration of the gastrointestinal tract. Mustard gas may cause cancer or may have genetic effects—that is, may result in a birth defect in the progeny of parents injured by mustard gas. In its liquid form—presumably the form in which it is stored in the tanks to be transported—it can penetrate leather, clothing, plastics and other materials. It evaporates very slowly. It would be prudent for railroad workers in the vicinity of the trains to wear protective clothing or ointment and to have chemical purification sprays available for decontamination of the air and any contaminated surfaces. In case a tank were ruptured in an accident, the area should be evacuated immediately and decontamination handled by workers wearing gas masks and protective clothing.

Nerve Gas. The nerve gas to be disposed of is one of the "G" agents, now outmoded by the "V" agents, such as the VX which killed more than 6000 sheep in Utah last spring. The G agents, however, may be more dangerous in a situation like this, as they are more volatile than VX. That is, if the liquid leaks from the tank, it can more easily be transformed into a vapor, and inhaled. Some of the G agents are also more persistent than the V agents. Nerve gas is many times more toxic than mustard gas, and inhaled into the lungs, it acts within a few minutes; even the least lethal of the G agents can kill in relatively small amounts. Gas masks and protective clothing are even more important in the case of the nerve gas than in the case of the mustard gas. A small amount of liquid G agent on the skin can kill within a half hour to an hour. The danger of accidental release of nerve gas in a city is a most serious problem. The only known antidote to nerve gas poisoning is atropine. This may be used in conjunction with oxines. In some cases, artificial respiration is necessary also, and sometimes additional treatment for convulsions. The antidote usually has to be administered within a few minutes after exposure if the victim is to be saved, and atropinization maintained for 24 hours. It is routine in laboratories and plants which work with nerve gas to have atropine-filled syringes readily available on wall brackets for instant use. In a crowded area such as a city, this would mean that a large number of atropine-loaded syringes would need to be available for instant use in order to save the lives of the people who are exposed to the gas. However, heavy exposure to the nerve gas requires a spectrum of medical care, not simply a shot of atropine. Obviously, this would require an elaborate organization in any heavily-populated area through which the gas was to be shipped prior to the time the shipment was expected to pass through the city. It should be noted that some medical authorities are doubtful of the usefulness of the atropine antidote under such conditions because of the need for carefully balancing the amount of atropine against the amount of nerve gas received. Finally, in a very densely populated area, it is doubtful that a sufficient number of doses of atropine could be made available at short notice.

There are two other questions that should be considered: whether the war gases should be transported across the country at all, and whether they should be dumped in the ocean.

Part of the research that has gone into chemical warfare has been concerned with chemical defense, and agents for chemically decomposing the war gases have been found. An alternative method of disposal, therefore, would be to render the gases harmless at the arsenals where they are now stored or at the places where they were manufactured. Undoubtedly, there would be some hazard to the workers doing the job, but it would be a known hazard to a few individuals under controlled conditions (as in the case of the manufacture of the war gas in the first place) instead of an unknown hazard under uncontrolled conditions, perhaps to a large number of people.

To convert mustard gas to a non-toxic compound, all that is necessary is to treat it with chlorine, or with nitric acid or with hydrogen peroxide. Treatment with a strong alkali would detoxify the G agent. The chemistry of destroying these agents is very much simpler than the chemistry of making them. The Cost could easily be calculated. For what reason has the Department of Defense chosen land shipment and sea disposal rather than these methods of chemical destruction of the noxious gases?

The Department of Defense should be asked if it has estimated the cost of de-activating the war gas, and how this compared with the cost of transportation and dumping. If such a cost comparison was made, were all the necessary safety precautions, such as decontamination teams, personnel to supervise evacuation, and preparation for medical care in case of an accident included in the cost of the proposed transportation scheme?

In regard to dumping the gases in the ocean: Reassuring statements have been quoted to the effect that at the depth of 7200 feet there are only crustaceans, that it would take 400 years for the water at that depth to reach the surface, and that the gas would last only 185 hours (8 days) after escaping. We have limited information about the effect on marine life. However, some forms of ocean life, such as whales and squid may move vertically as much as 7200 feet; a slow leak in a tank might provide continuous contamination over a long period of time, even if the gas remained toxic for only 8 days. We don't know where the dumping is to be done, and, therefore, in what direction and how rapidly the currents would carry the material. If the tanks ruptured on impact, tons of mustard gas might be released which might have a massive genetic effect on a variety of marine organisms. Much more should be known about the possible effects on marine life before such dumping is done.

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GENERAL SERVICES ADMINISTRATION RESPONDS TO THE NEEDS OF THE DISADVANTAGED

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. RIEGLE. Mr. Speaker, the Nixon administration's concern for the disadvantaged people of this country is being borne out by deeds rather than empty promises. I am indebted to William Raspberry of the Washington Post for the latest example. Writing under the heading "Potomac Watch," Mr. Raspberry tells of new rules recently laid down by Robert L. Kunzig, Administrator of General Services. In the future, Mr. Kunzig states that the General Services Administration will avoid constructing public buildings or leasing private property in locations which would work hardships on employees. The hardships mentioned included the lack of adequate housing for low- and middle-income workers and the lack of accessibility for those who would have to travel from other areas of the urban center.

It is obvious, Mr. Speaker, that this administration has an understanding of the problems facing the disadvantaged and is directing its energies toward the solution of these problems.

I am, therefore, inserting Mr. Raspberry's article into the RECORD, so that all my colleagues may learn of this most important change in policy:

[From the Washington Post, June 11, 1969]

NEW GSA CHIEF CURBS AGENCIES' TREND TO DECENTRALIZE

(By William Raspberry)

For several years, the General Services Administration—partly unthinkingly and partly as a result of an old Eisenhower edict—has been "decentralizing" low-level government employes out of work.

The decentralization trend was in some measure the outgrowth of an official preoccupation with atomic war. The idea was to make it difficult for a single enemy attack to immobilize the government.

But it also stemmed from GSA's efforts to meet growing demands for modern, well-appointed office space with parking and greenery. And since the building growth was heaviest in the suburbs, GSA started looking in that direction, unmindful, one supposes, of the hardships it was working on the government's low-grade black employes for whom transportation was inadequate and moving was out of the question.

The trend continued, however, long after these hardships had been called to GSA's attention. GSA kept pointing to the Eisenhower decree as its justification.

Now GSA's new administrator, Robert L. Kunzig, has moved to stop the agency from riding roughshod over the poor folk. He has done so by ordering revisions in the Federal property management regulations.

Rules applying both to construction of public buildings and the leasing of privately held space now include this provision:

In selecting sites for building or leasing office space, "GSA will avoid locations which will work a hardship on employes because (1) there is a lack of adequate housing for low and middle income employes within a reasonable proximity and (2) the location is not readily accessible from other areas of the urban center."

The new rule, which became effective upon its publication in the May 29 Federal Register, represents a major advance in GSA's thinking.

Less than two years ago, the agency was locating Federal agencies in such complexes as Arlington's Crystal City which were refusing to rent apartments to Negroes. After some official pressure, GSA worked out an agreement whereby Crystal City would rent to Negroes who worked for an agency housed in the complex. And this limited agreement was interpreted as narrowly as possible.

For example, although the Food and Drug Administration had offices in Crystal City, a Negro FDA employe was denied opportunity to rent an apartment there because he worked at another location.

Kunzig's recent decree may help to avoid that kind of nonsense. It may also help to desegregate the suburbs. The people who are developing the office building complexes around the Beltway know that the Government makes a very good tenant, and they can be expected to do what they can to convince GSA that they are worthy landlords.

GSA thus could strike the same kind of blow for fair housing as the Pentagon did with its 1967 order that placed off limits to all servicemen apartments that refused to rent to Negro servicemen.

The GSA rule change goes even further than the Pentagon edict. The latter was concerned primarily with racial discrimination. GSA's order speaks not only to the availability of housing without regard to race but also to the availability of housing within the price range of the affected employes.

Kunzig said his order is in line with President Nixon's directions to "provide maximum job opportunities for persons in less advantaged groups." He thereby indicates his awareness that housing opportunity is an integral part of job opportunity.

A STUDY OF CONGLOMERATES: WHERE ARE THEY LEADING US?

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. CELLER. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to include my address before the American Management Association, Inc., briefing session, at the Americana Hotel in New York City, on Thursday, June 12, 1969. The statement follows:

A STUDY OF CONGLOMERATES: WHERE ARE THEY LEADING US?

It is a pleasure to meet with you today to discuss conglomerate corporations. Everybody now recognizes that the United States is undergoing a merger wave of unprecedented proportions. Many people feel that these mergers, particularly mergers by the conglomerates, threaten the basic structure of American industry.

In its March 1969 report on Current Trends in Merger Activity, the Federal Trade Commission notes that all previous levels of merger activity were eclipsed in 1968. There were 4,003 mergers of all types in 1968, and this was an increase of 68 percent over 1967, when there were 2,384.

Not only is the total number of mergers at an all time high. In 1968, the number of large acquisitions, that is, one where the acquired firm has assets of $10 million or more, increased substantially. In 1968, there were 192 such large companies acquired, as compared to 169 in 1967. The total value of the assets acquired in these large mergers equalled $12.6 billion in 1968. This was more than 50 percent larger than the $8.2 billion assets acquired in manufacturing and mining mergers in 1967, and three times greater than the $4.1 billion assets in 1967. Projections for 1969 indicate that $18 billion of large firm assets will be acquired.

The impact of mergers in large corporations is underscored by the disappearance of companies with assets of $250 million or more. During the two decades between 1948 and 1967, there were only 12 firms acquired which had assets of more than $250 million. In 1968, however, 12 such firms were merged. This included one in excess of $1 billion, Ling-Temco-Vought's acquisition of Jones & Laughlin Steel Corporation, now under challenge by the Department of Justice.

Fortune's 500 list shows what is happening. Twenty-two percent, 110, of *Fortune's* 500 in 1962 have disappeared by merger. In 1968, 31 companies disappeared from the list, 26 by being absorbed into other companies. In 1968, six of the firms with assets of more than $250 million which were acquired had been listed by the FTC among the 200 largest corporations in 1967.

The current merger movement differs from the prior merger waves in the 1890's and in the 1920's. The current movement is lasting longer, and is of greater magnitude, than its predecessors. Moreover, the current merger movement is different because of its conglomerate character. In 1968, the Federal Trade Commission reports, conglomerate mergers accounted for 84 percent of the number, and 89 percent of the assets of all recorded large acquisitions.

The Federal Trade Commission classifies conglomerate mergers as "product extension" or "market extension" if the merging companies have discernible relationships in either production or marketing. If no such relationship can be found, the Federal Trade Commission classifies the merger as "other conglomerate." In 1968, 43 percent, or $5.5 million, of acquired assets, fell in this "other" category. Among the 47 "other" conglomerate mergers in 1968, were a movie distributor's (Loew's Theatres) acquisition of a tobacco company (P. Lorrilard & Co.), and a communications company's (ITT) acquisition of a bakery (Continental Baking) and a paper company (Rayonier).

Statistics alone do not show the impact of the merger movement. Examination of what happens to employees and communities adds flesh and blood to the statistical skeleton.

Frequently corporate headquarters are moved from a small or medium sized city to a metropolis. Local management is removed or subordinated to outside interests. Civil leaders, familiar with community needs, may be replaced with professional managers whose concern is for the problems of a profit and loss statement, and who have little time or interest for the problems of local school boards, municipal and county government, community charity, local real estate taxes, adquate policing of crime, and solutions to other civic disruptions manifest throughout the land.

There have been two case studies that provide dramatic illustrations of these conditions. *Business Week*, in its April 26, 1969 issue, reported a nationwide survey it had conducted into the effects in local plants and companies of takeovers by outside corporations. *Business Week* described the situation, which it called the "Blaw-Knox syndrome," that resulted when White Consolidated Industries, Inc. acquired Blaw-Knox Company. In 1968 the merging companies announced that there would be no changes in personnel and policies, and that Blaw-Knox would continue to operate as an autonomous division. One year later, however, *Business Week* found that the company's 230 man headquarters staff had been reduced to 40 people, and its 8 operating divisions had been scattered around the country. The chairman of Blaw-Knox had left within a year, and its vice presidents

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began to leave within 4 months. Not only was there disaster among the upper level employees. Business suffered drastically, apparently through the new management's inability to cope. *Business Week* reported that new orders for mill equipment, Blaw-Knox's biggest product line, had plunged from $55 million in 1967 to a six month rate of $4 million.

The *Business Week* survey found that Pittsburgh lost 9 of its 23 major corporate headquarters through mergers of local companies. The loss of a corporate headquarters nearly always results in the acquiring company selecting new representatives and agents. Banks, advertising agencies, insurance brokers, and other services may be switched.

The State of Wisconsin, through its Division of Economic Development, has jointly sponsored with the University of Wisconsin a most valuable study into merger effects. The report entitled "Social and Economic Consequences of the Merger Movement in Wisconsin," was published in May 1969. The report focuses its attention on social and economic implications of the merger movement, as distinguished from the effects of mergers on competition and prices.

Although the report in its Conclusions and Recommendations makes it clear that it is difficult to generalize about social and economic consequences, some mergers, particularly mergers where outside corporations acquired Wisconsin companies, had measureable adverse effects. In the 1963–1967 period covered by the survey, it was found that 55 percent of the acquired companies after they had been merged had a slower rate of employment growth. Both in-State and out-of State mergers had more declines than advances in employment growth in the postmerger period. Acquisitions by out-of-State corporations, the Wisconsin report found, had a more severe impact on employment growth. The report states: [1]

"*The growth of aggregate Wisconsin employment of companies acquired by out-of-state corporations declined substantially more than that of those acquired by in-state corporations.* The premerger aggregate growth rate of firms acquired by out-of-state firms was 6.02 percent. Following the mergers their growth rate declined to—.48 percent—108 percent less than in the premerger period. The data, plus information from survey of acquired companies, indicate that several parent corporations have failed to take advantage of the opportunities provided by the acquired companies. Undoubtedly, opportunities still exist for increased investments which would generate expanded employment and payrolls in Wisconsin communities while increasing the profitability of the companies."

The Wisconsin study found, also, that 53 percent of acquired companies after the merger had a slower rate of payroll growth. Payroll growth, notably in large firms acquired by out-of-State corporations, was depressed by mergers. Inflation in recent years has markedly raised wages and salaries. It would be reasonable to expect that payrolls in acquired companies, because of the inflation, would have advanced more than employment. In this connection, the report states: [2]

"The fact that this frequently did not happen in companies acquired by out-of-state firms would lead one to believe that their acquirers have transferred a portion of the higher salaried employees to a location outside Wisconsin. Such transfers mean a loss of talent, retail expenditures, and personal income taxes in the economies of Wisconsin's communities and the state."

The Wisconsin study also examined contributions to the United Fund. Thirty Milwaukee companies acquired by out-of-State corporations were compared with 30 similar companies that had not been acquired. The following significant findings were made: [3]

"*The total 1968 contributions of the 24 companies acquired in the 1963–1968 period were less than their contributions in 1963.*

"The total 1958 to 1968 rise of United Fund contributions of the 30 acquired companies was less than half as large as the increase of the non-acquired companies. Contributions of the acquired corporations rose 16 percent during the ten years, while those of the non-acquired companies rose 34 percent."

The Wisconsin study and the *Business Week* survey made it clear why corporate mergers, particularly conglomerate mergers, have sparked an unprecedented number of investigations at the national level. There are now at least eight investigations underway into national questions about conglomerates. In addition to the House Antitrust Subcommittee investigation, announced in October 1968, there are the following:

1. The Senate Antitrust and Monopoly Subcommittee.
2. The Federal Trade Commission.
3. The Federal Communications Commission.
4. The Securities and Exchange Commission.
5. The New York Stock Exchange.
6. The House Ways and Means Committee.
7. The Antitrust Division of the Department of Justice.

The last five have been started since January 1969.

Although there are naturally some areas of overlap, each of these investigations involve different aspects of the conglomerate merger problem. Each investigation will provide insight on the basis of its own specialities and responsibilities. The results from each will be mutually useful and complementary.

A word about the House Antitrust Subcommittee's investigation. It is now underway and documents and information are being delivered by conglomerate companies which have been selected for inclusion in our sample for intensive study. The investigation now is in the fact gathering stage. The next stage—public hearings—will commence as soon as our schedule permits.

It is, of course, still too early to spell out what ultimate conclusions and recommendations, if any, will be needed. While I believe it is clear that the Celler-Kefauver Act in an appropriate case applies to a pure conglomerate acquisition—it is not clear that the Act is adequate to correct all conditions that may result in public injury. That is the reason for the House Antitrust Subcommittee's investigation.

We aim to find out the answer to this question: If a multi-industry company merger does not substantially lessen competition or tend to create a monopoly, and thus does not violate the antitrust laws, is there any effect that nonetheless needs to be corrected by legislation?

To answer this question, a wide spectrum of information is required.

Althought conglomerate mergers now dominate the merger wave and therefore are the center of attention and criticism, conglomeration is but part of a larger picture. An inexorable increase in the concentration of economic power in the American economy is our basic problem. Mergers historically have contributed to increased concentration, and conglomerate mergers since they disregard established industry boundaries, are feared by many to presage a complete industrial restructuring. Staff studies for the Cabinet Committee on Price Stability, published in January 1969, indicate that between 1948 and 1967, there was a ". . . persistent and substantial upward movement in the share of assets controlled by the 200 largest manufacturing corporations." The sharpest rise coincided with the vastly accelerated merger activity in recent years. By 1967, the 100 largest corporations held 47.6 percent, and the 200 largest corporations held 58.7 percent of the assets of all manufacturing corporations. By 1967, the 100 largest manufacturing corporations held about the same share of manufacturing assets that the 200 largest had held in 1948.

The staff study found that distribution of total assets of manufacturing corporations in 1968 was as follows: [4]

"The 78 corporations with assets of $1 billion or more held 43 percent of the total, and the 529 corporations with assets of $100 million or more held 73 percent. Another group of 791 medium-size corporations, with assets of $25 million to $100 million, held another 9 percent. The remaining 18 percent of the assets was held by approximately 185,000 corporations. Although about 250,000 proprietorships and partnerships are engaged in some form of manufacturing, their assets are less than 2 percent of the assets of manufacturing corporations."

Concentration of power in the American economy is the basic problem. When we consider new legislative remedies for concentration problems and conglomerate mergers, however, we face the realization that time-honored tests for determining the public interest may no longer be adequate. Under the antitrust laws, good behavior is distinguished from bad behavior by measuring how the activity effects competition or restrains trade. The assurance of free access to markets where competitive conditions exist has been one of the main objectives of antitrust legislation. The Celler-Kefauver Act, for example, strikes down mergers which substantially lessen competition, or tend to create a monopoly in any line of commerce in any section of the country.

If we conclude that a conglomerate merger contains features that should be prohibited, even though its competitive effects do not amount to a violation of the Celler-Kefauver Act, then we must reexamine the policy underlying the antitrust laws. We must find a test other than direct effect on competition. Most of the remedies that have been suggested involve more direct Government controls in conjunction with a test based on a concept that size in and of itself can be antisocial or so subject to abuse that control is necessary. Of course, where size is measured by the share of a market, and the market share has amounted to a monopoly, the antitrust laws have always applied. Controversy has arisen when the size of the market share did not amount to monopoly power. If we are to accept a "size" test how do you determine what is the appropriate size? What may have been too large in 1920 might not be too large under conditions in 1968. We must be careful not to inhibit necessary growth in the economy or in the institutions that are its constituent parts.

A number of remedies have been suggested. The Task Force Report on Antitrust Policy, the so-called "Neal" Report, dated July 5, 1968, which was prepared for President Johnson and released by Assistant Attorney General McLaren on May 20, 1969, contains two proposals that illustrate application of a size test.

First, the Neal Task Force recommended new law, called the Concentrated Industries Act. This act would attack concentration in oligopoly industries. These are industries in which four or fewer firms account for 70 percent or more in industrial sales. An oligopoly firm would be one whose market share in an oligopoly industry would be 15 percent or more. When the Attorney General found that oligopoly conditions existed he would be authorized to institute a proceeding to re-

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[1] "Social and Economic Consequences of the Merger Movement in Wisconsin," p. 75.

[2] *Ibid*, p. 76.

[3] *Ibid*, p. 78.

[4] "Studies by the Staff of the Cabinet Committee on Price Stability," p. 45.

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duce concentration. The case would be heard by a Special Antitrust Court, appointed by the Chief Justice and composed of circuit and district judges.

The Special Antitrust Court would determine whether an oligopoly industry existed, and which firms were oligopy firms in such industry. After a one-year waiting period, to provide for voluntary adjustments, further proceedings would be conducted for appropriate relief. The court could order appropriated relief, including divestiture within a reasonable period of time, not in excess of four years, to reduce concentration so that the market share of each oligopoly firm would not exceed 12 percent.

The second act recommended by the Neal Task Force was a Merger Act. Under the Merger Act no "large" firm, that is, any firm that had sales in excess of $500 million, or assets in excess of $250 million, could merge or combine with any "leading" firm. A "leading" firm is one which has a market share of 10 percent in markets where the aggregate market share of any four or fewer firms was more than 50 percent.

This outline of the Concentrated Industries Act and the Merger Act recommended by the Neal Task Force shows their novelty and complexity. Many adjustments will have to be made in our present policies to accommodate these concepts. Adjustments of this magnitude generally are difficult and accompanied by heated controversy. So far neither the Johnson Administration, which initially received the Task Force Recommendations nor the Nixon Administration, which released them, has endorsed these proposals. No Member of Congress, I believe, has suggested their adoption by introduction of bills. This matter needs much more study before I make up my mind.

In the 89th Congress, in connection with efforts by the President to persuade business to restrain price increases, I introduced a bill requiring prior notification of price rises in certain industries. This bill provided for the designation of a list of basic industries. Basic industries, then, would be subject to certain procedures with respect to their pricing practices. The bill listed the steel industry, the aluminum industry, the petroleum refining industry, the copper industry, and the automobile industry, and provided for the Secretary of Commerce to add to the list by the application of a size test. Industries could be designated "basic" if "the combined sales of the four largest units amounts to 75 percent or more of aggregate sales in the industry, when the aggregate sales in the industry amount to ——— percent of the gross national product." Under this definition, a "basic" industry would be determined by two factors: (1) its magnitude, and (2) its concentration. It may be that these measures of size might be appropriately considered in conglomerate merger legislation. This might or might not be another test.

There have been other proposals to reduce concentration. These include massive divestiture proceedings, similar to the breakup of the public utility holding companies, in oligopoly industries when concentration reached certain levels. Former Assistant Attorney General Donald F. Turner favored divestiture and took the position that "The disruptive effects of divestiture are . . . commonly exaggerated, and in any event are short-run consequences greatly outweighed by prospective long-run gains."

Remedies to halt future increases in concentration have included prohibitions against further expansion by merger after a firm reaches a certain size or whose market share reaches a certain size. Another remedy is the proposal where after a large corporation reaches a certain size it would be permitted to acquire another corporation only if at the same time it divested itself of approximately an equal amount of assets. The "Neal" Task Force specifically refused to endorse the suggestion that further expansion by large firms by merger be prohibited.[5]

Another remedy suggested for control of concentrated economic power has been advanced by the economist, Adolph A. Berle, Jr. On the assumption that fewer companies and more corporate bigness is inevitable, Mr. Berle would advocate more direct Government action. French style "indicative planning" would be used to guide and influence activities of corporations for the public welfare. The Government defines problems, sets goals, encourages business through incentives, contracts, or, if necessary, controls. Corporate decisions on where to spend capital are assumed to have too great an impact on the public to permit such decisions to be made in the absence of participation by representatives of the public. Obviously suggested changes of this magnitude bear the seeds of prolonged controversy. A number of European countries are used to more direct Government participation in business behavior. The European models, however, must give us pause. The heritage from a medieval aristocracy has produced an all too willing acceptance of the inhibiting effects of cartel structures and practices.

When these proposals are considered, it is clear that, other than the adjustments in the tax laws to inhibit mergers, new legislation is both nebulous and controversial. It may be that our investigations will show that additional legislation will not be needed to cope with conglomerate mergers. We may ultimately conclude that if a merger does not have the requisite adverse competitive effects under the Celler-Kefauver Act, its benefits may equal or exceed the damages it may cause.. On the other hand, the investigations now underway may disclose facts and considerations which make it mandatory that affirmative and far-reaching controls, based on new concepts of relationship of Government to industry, be enacted.

USE POLLUTION TO BENEFIT MANKIND

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. VANDER JAGT. Mr. Speaker, two of the major problems facing this Nation and the world are the need to provide a nutritious food supply for the expanding population and at the same time to keep that growing population from being strangled by environmental pollution. The ideal solution for these problems would be to find a way to use the waste materials that pollute our society in a reconstituted form to feed the growing number of undernourished. While that does sound a little like "pie in the sky," efforts are being made to obtain protein from petroleum wastes and yeast from industrial wastes. These and other research efforts are described in an article in the May 1969 issue of Ocean Industry. For the information of my colleagues who have an interest in recycling and reclaiming the resources for the benefit of mankind, I ask unanimous consent that the text of the subject article be printed in the Record.

The article follows:

Use Pollution To Benefit Mankind

(J. Leon Potter, Vitro/Hanford Engineering Services)

Among the problems facing mankind are maintenance of a nutritious food supply and prevention of environmental pollution. Only with proper planning is it possible to feed the people and clean up after them while allowing the essential biological life cycle to continue unbroken.

The population of the world is about 3.5 billion people. Conservative estimates say the world will have from 5.3 to 7.4 million persons by 2000 A.D.—with 80 to 85% of this population being in the underdeveloped countries.

In part, this means we need (1) more efficient food production; (2) more efficient utilization of the now-wasted organic compounds as byproducts; (3) new sources of food and food supplements, such as algae, yeast and fish protein concentrates, and (4) development of the efficient techniques of protein production by maximum utilization of our resources.

Approximately half the world's population lives on diets dominated by cereal crops which fail to provide protein of either the quantity or quality needed for adequate human nutrition. Chronic protein deficiencies will become one of man's most threatening problems because it can cause irreversible mental damage and premature death due to a low resistance to infectious diseases.

The alternative is to provide a nutritional supplement of 10 to 20 grams of animal protein per day to the diet. The world-wide problem of increasing need for protein and the great changes expected in the world food economy in the next 20 years emphasize the need for future development of the sea's food resources.

Instead of considering organic waste, thermal effluents, oil spills, sewage nutrients and garbage only as pollution, we must demonstrate that these currently wasted organic compounds—if properly managed—can be treated as enrichments to estuarine areas. With controlled symbiotic systems, it will be possible to solve our protein deficiencies while improving our environment.

Protein from petroleum wastes. Waste oil and other petroleum materials constitute a constant pollution threat to the estuarine system. In 1968, the California State Department of Fish and Game reported 181 oil spills in the Los Angeles and Long Beach areas.

The clean-up of oil wastes depends on the capability of containment, collection, onshore treatment and eventual disposal or utilization. To this end, each major port or oil producing area should have an oil waste task force to abate oil pollution by routinely inspecting and making recommendations for prevention of accidents, cleaning up minor leaks and spills and taking immediate action in case of emergencies. This task force also can be responsible for the storage, treatment and eventual utilization of the oil as a private enterprise. Such activity should lead to the next step—conversion of waste oil into protein compounds for marketing as animal feed supplement.

How a French plant handles petroleum waste. A plant at Lauera, France is selling protein produced from waste, low-grade petroleum. Micro-organisms, growing on a diet consisting primarily of oil hydrocarbons, are producing an excellent high-grade protein. This concept has proven so successful that there is good reason to believe petroleum will become an important food resource for the earth's growing population.

A pound of bacteria, feeding on crude so worthless that it is burned as waste, can grow fast enough to produce 10 lbs. of protein in a day. If a yearling calf were able to manufacture protein at the same rate, it would end the day roughly the size of a three-car garage and it would have consumed several tons of expensive grain in the process.

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[5] Task Force Report, III–6.

The proteins produced by fermentation of waste petroleum are no different in quality than protein made by any other natural resource. Petroleum proteins are rich in B vitamins and include a well-balanced variety of amino acids. In particular, they have a high content of lycine which makes them a useful complement to the cereal grains.

Yeast from industrial wastes. Another major source of estuarine pollution are the industries such as pulp and paper, food processing, etc., which produce organic compounds as a waste effluent containing primarily carbohydrates, sugars and organic and inorganic nutrients.

Plant-treatment systems should be used to collect the solids, concentrate them and convert them into compost fertilizers and animal feed additives. The soluble nutrients and sugar compounds can be collected and converted by selective fermentation by Torula yeast into marketable protein for use as food additives and animal feed supplements.

Protein production from carbon-containing compounds is not a new idea. For many years the growing of yeast for animal supplements and human foods has been an appreciable, though small, industry.

Yeast cells grown on carbohydrates have a high nutritive value, not only because of their protein content, but also because of the presence of vitamins and amino acids. Yeast cells grow rapidly. Torula yeast under optimum conditions will double in size and volume every 30 minutes. These cells can be grown in tanks or lagoons using only waste organic compounds for food.

Table 1 demonstrates the high value protein and other nutritous content of Torula yeast, one of the most complete foods available.

Using domestic sewage. Modern sewage plants are designed to destroy or render harmless the solid waste and oxide of the nutrients in solution.

Because most plants are over-loaded and, therefore, inefficient, the effluents are befouling our environment and high volumes are moving to our oceans. The waste effluents discharged from those plants are in both solid and liquid form. Sludge solids, if properly treated, can be used for compost soil additives and fertilizers. This sludge, blended with garbage wastes, can be developed into an excellent and marketable compost while the millions of gallons of nutrient-rich effluent can be utilized as food for the more efficient protein-producing plant life, such as algae and plankton.

Soluble nutrients contained in the millions of gallons of wasted fresh water need to be utilized, or at least managed, to gain an economic re-use. In areas such as water-short southern California, re-cycling or multiple use of water is becoming a necessity.

Work at the University of California and other institutions around the world has demonstrated the economic potential of recovery of nutrients and pollution abatement while producing a marketable protein for cattle, poultry feeds and fish food with unicellular algae and plankton in processes using controlled photosynthesis.

The cost of protein produced from waste effluents is approaching 3 cents/lb., compared with agriculture and animal protein at 10 cents/lb. Algae produces protein at a rate of 30 to 50 tons/acre/year, compared with the conventional agriculture of 3 to 5 tons/acre/year.

Algae is used for many purposes. Marine algae is processed to obtain iodine. Agar is produced from numerous genera and species of algae. Alginates (polymers of manuronic acid) obtained from marine algae are used as thickeners or stabilizers in the production of plastics, ice cream and candy. Marine algae also has long been used as fertilizer, livestock feed and human food—particularly in the Asian countries.

More recently it has been suggested that unicellular forms of algae, such as Chlorella, be used to alleviate protein deficiencies or for space travel food. It has been used to purify sewage and reclaim waste waters. The nutritive value of algae grown on sewage has been studied with rats and chicks. Table 2 shows the nutrient content of algae grown from sewage.

Habitats need to be improved: Habitat improvement likely will play a major role in improving the productivity of estuarine systems. All future land fills, bay realignment and dredging projects should be designed around the principle of such improvement. The most productive zones for fish ecology are our rapidly disappearing estuaries. Irregularities in bottom topography—such as reefs, rock outcrops, vegetated cover, piers or artificial habitats—attract fish and the vertebrates in greater abundance than nearby flat, barren bottoms. Recognition of this fact makes it important to create artificial irregularities in the barren bay bottoms which have been dredged and worked. With a planned dredging program it is possible to make the changes needed and still improve the habitat of the lower aquatic benthos.

Abandoned cars and other refuse cluttering our cities and countryside have proven to be good material for building fishing reefs in the sea. Fish are attracted to the artificial reefs to feed off mussels and other organisms which attach themselves to the reef materials to seek protection in the crevices or simply to have a "home."

Using thermal enrichment to develop food: A major use of industrial water is as a coolant. For each kilowatt generated in a modern coal-fired power plant, approximately 6,000 Btu's of heat must be dissipated via * * * heat exchangers. Nuclear reactors are less efficient, requiring the dissipation of 1,000 Btu's per kilowatt hour generated. By 1980, the electrical power industry will require 200 billion gallons of water per day for cooling purposes.

This water has great potential in the production of food through development of aquiculture and enhancement of biological life. Thermal energy can increase the growth rate of the lower forms of marine life to provide additional food for the higher forms.

Aquiculture comes of age: The cultivation of marine organisms has been practiced for hundreds of years, but intentified farming using supplemental feeds and warm water discharges has just begun.

The Inter-Chem Corp. has an oyster hatching facility at Oyster Bay, Long Island, where oyster spat are raised to a shell diameter of 2 to 3 millimeters and then moved to the thermal effluent discharge channel of the Long Island Light and Power Co. plant for accelerated growth. The process has been so successful that Inter-Chem is expanding the hatchery and growth areas.

Scotland's White Fish Authority has found that to fully utilize the increased growth potential of fish via thermal enhancement, it is necessary to supplement their diet with additional food. Special thermally heated algae ponds are producing an adequate feed supply for the thermally produced fish by using the nutrient from sewage of a nearby town. The results are so successful that each new nuclear-fueled electric power station in the British Isles will be established with aquiculture areas being an important part of the plant design and setting.

To apply the full potential of thermal effluents for fish protein production, provisions must be made for feeding these aquafarms. The use of waste organisms from industry and domestic sewers to produce marine organisms is the answer.

Symbiotic industries: In conclusion, I would like to suggest a utilization concept demonstrating one feasible recycling approach for converting waste materials into food.

By utilizing the nutrients available from now-wasted organic compounds, enhanced by thermal energy from the power industry and combined with planned marine habitats, highly efficient symbiotic food production systems, as shown in Fig. 1, could be produced. Such systems, designed to utilize the waste of man for the production of the necessary protein for man, will be one of man's greatest scientific advances.

COMMUNICABLE DISEASES ACT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. ROSENTHAL. Mr. Speaker, I was joined last Thursday by 14 colleagues from New York City in introducing the Communicable Diseases Act of 1969.

This measure will amend the Public Health Service Act to provide Federal funds to cities and States to be used specifically for the control of communicable diseases. The most immediate problem this bill addresses is the control of tuberculosis.

Under present Federal programs, TB control funds are available to States and communities for the specific purpose of controlling and treating that disease. But under a proposed change in the budget of the new Administration, these funds would be diverted to broader, less specific grants to State health departments on the basis of population and per capita income.

DOUBLE PROBLEM

Diverting funds in this manner would hurt New York City's TB program in two ways.

First, the entire State would get less money for TB control despite the fact that the State has the highest number of new, active TB cases each year.

Second, New York City would get fewer dollars from the new allotment to New York State since other factors, extraneous to control of TB, would influence the state health department's distribution of funds. For example, less urgent but more politically palatable programs in public health would be competing for the same dollars now used to fight TB.

Since tuberculosis is principally a problem in poor areas where the disease thrives on inadequate housing, poor diet and insufficient medical care, it is clear that New York City has the greatest need for funds to fight TB.

WHERE TB OCCURS

The statewide incidence of tuberculosis also demonstrates that New York City's poverty problems result in a very serious TB situation. Of the 5,069 new active cases of the disease reported in 1967 in New York State, 3,542 were in New York City. The city now receives funds from the Public Health Service approximately in proportion to this serious TB incidence rate.

But under the proposed funding, the whole State would lose initially over two hundred thousand dollars. Then, when the State government distributed these funds, it would be under statewide pressure to use them for new programs unrelated to the city's serious TB problems.

As the New York State Tuberculosis and Respiratory Disease Association said in its June 5, 1969 testimony before a House Appropriations subcommittee:

"Unless funds are earmarked as under the 'project' method, States would only be encouraged to use funds for tuberculosis control, being under no obligation to do so. With added pressures for new programs, therefore, control efforts may be seriously curtailed. In essence, large cities, where the incidence of tuberculosis is highest, would be at the mercy of State health departments for operating funds."

THE SAME PROBLEM

I might add that the same problem New York City has in other fields in getting its proper share of Federal and State funds would now extend to TB control—if the administration's refunding proposal is not cancelled.

I am convinced that this decision would not have been made if the administration had received and accepted expert medical advice before making its decision. After the decision, the only recourse Congress has is legislation, as we have introduced today, to put tuberculosis, and several other communicable diseases, in a separate category for funding as national health problems deserving specific and directed attention at the highest level.

Our legislation, therefore, while concerned immediately with a problem in New York City, will face the national problem of eight serious communicable diseases with a proper coordinated program of Federal, State and local action.

A DIFFERENT RESPONSE

The spread of communicable diseases constitutes a special kind of health problem for the Nation and indeed for the world. Because it differs in kind from all the other health challenges we face, it requires a different response—a response that is truly national and nationwide.

Communicable disease knows no boundaries. In a society like ours, characterized by enormous mobility with unfettered passage across jurisdictional lines, the only protection is national protection. An excellent program of protection in one community or State cannot guard its people against the effects of an inadequate program half a mile or half a continent away.

Moreover, communicable diseases are not conquered until the last case is eradicated from the earth. Therefore vigilance must be unceasing. We have seen syphilis break loose in epidemic proportions again in our own time after it had been considered under control. We have seen polio flare up in localized outbreaks after we had allowed ourselves to think that it was gone forever. Measles, which 5 years of nationwide effort have brought to its lowest point in history, could rise up again.

ANOTHER CONQUEST

Now we stand on the threshold of another great conquest, as vaccine becomes available to prevent rubella, commonly called German measles, that deceptively mild disease in adults which has caused such tragedy through its effects on unborn infants. I believe this Congress will provide for the first year of a major national attack on this disease. But bringing rubella under control will require much more than a 1-year effort.

Therefore I urge that the special needs of communicable disease control be met by a program tailored to these needs. I subscribe fully, both in principle and in practice, to the concept of the Partnership for Health legislation which in essence assigns to the States and communities the responsibility for determining their health priorities and encourages them to use funds available to them through Federal channels to meet these identified priority needs. I believe that this approach, in general, will yield the most effective use of the resources available to health care, in terms of meeting human need.

PARTIALLY PROTECTED

I am firmly convinced, however, that we in the Congress and in the Federal health agencies have a national responsibility for assuring that every person and every community is protected against the preventable ravages of communicable diseases such as syphilis, tuberculosis, polio, rubella, and others. I believe that such effective protection on a national basis cannot be guaranteed if some States and communities should choose to use all their health resources for other purposes. A nation partially protected against communicable disease is a nation unprotected.

For this reason I am introducing legislation making Federal funds available to the States and communities to be used specifically for the control of communicable disease. I believe such legislation to be in the national interest, and essential to the health protection of the American people. I believe that it will have the effect of complementing the Partnership for Health concept of which I wholeheartedly approve, by setting apart from the competitive arena at the State and local levels the resources necessary to do this essential work for all the people of our land.

I include below a summary of this legislation and its sponsors.

SUMMARY OF COMMUNICABLE DISEASE ACT OF 1969, H.R. 12153

I. This bill will assist states in preventing the introduction, and transmission of communicable diseases in the United States from interstate and intrastate sources and from foreign countries. Grants would be awarded by the Secretary of HEW to States and their political subdivision with the approval of state health authorities.

II. Grants would be available to: assist in financing communicable disease control programs; finance the purchases of vaccines or other means for those population groups especially subject to those communicable diseases; help pay personnel and other program expenses for organizing, promoting and investigating disease control programs.

III. Principal diseases covered under this bill would be: tuberculosis, venereal diseases, rubella, whooping cough, measles, poliomyelitis, diptheria, and tetanus.

IV. Amends Section 361 of Public Health Service Act (42 U.S.C. 264).

Sponsored by: Joseph P. Addabbo, Mario Biaggi, Frank J. Brasco, Jonathan B. Bingham, Hugh L. Carey, Leonard Farbstein, Jacob H. Gilbert, Seymour Halpern, Edward I. Koch, John M. Murphy, Bertram L. Podell, Adam C. Powell, Benjamin S. Rosenthal, William F. Ryan, and James H. Scheuer.

CONGRESS AND THE UNIVERSITY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. ROSENTHAL. Mr. Speaker, two clear voices have spoken against headstrong action on student unrest.

The Harvard faculty has made an excellent statement on the rights and responsibilities of the university community in dealing with dissent. Forbidden under this Harvard policy is violence against any member or guest of the university community as well as deliberate interference with academic freedom, freedom of speech, and freedom of movement, and theft or property destruction and obstruction of normal university functioning. Appropriate penalties are stipulated.

The rights of dissent are also protected under this Harvard policy. All individuals and groups within the university have the right "to press by appropriate means for action on any matter on which they believe the university can and should act, and they have the right to be given a full and fair hearing and serve the essential commitment of the university and the rights of individual or collective expression of opinion or dissent."

This interim statement, it should be noted, was announced the same day that Harvard severed 16 students for their roles in seizing a university building 2 months ago.

The second important statement came from the National Commission on the Causes and Prevention of Violence which warned against legislation that would punish either students or colleges for campus disorders.

I hope that these words of caution will be heard by the House when it considers whether legislative interference is an appropriate response to campus disorders.

The Commission report is also an interim statement which it issued because "so threatening is the situation, so essential is the need for understanding and calm appraisal" that the situation could not wait for the full Commission report in the fall.

The principal charge of the Commission's report is that campus disorder cannot be understood in isolation. There is no single cause, no single solution. Ill-tempered laws, the Commission adds, might only make more radical the roles of already radical minorities which disrupt the campus.

Do we really want thousands or tens of thousands of radical students cut loose from their universities and discharged into society with their alienations intensified and their tenuous ties to society completely severed?

Do we want to remake the universities in our image and not let them remain places where, no matter what turmoil, students may find some form for their attempts to make sense of the world they inherit?

Where are those who proclaimed so often in the past that Federal control of education was evil, that a free and independent system of education was vital to America? Where are those who feared that Federal aid to education would lead to Federal control? I hope that they are on the side of the Commission which counsels "patience, understanding, and support for those in the university community who are trying to preserve freedom and order on the campus."

If Congress makes no distinction between peaceful protest and violent disruption, will the students do so? If we see no difference between the nonconformity of youth and the terror tactics of the extremists, will be encourage or discourage the college administrators and faculty, like Harvard's, which try to make these differences clear and meaningful?

I encourage my colleagues to read these two excellent statements, which I include below, and thus encourage the discourse of reason in the Halls of Congress and on the university campus. I also include a perceptive article by Tom Wicker titled "How To Radicalize the Students":

[From the New York Times, June 10, 1969]

TEXT OF A STATEMENT ON CAMPUS DISORDERS BY THE NATIONAL VIOLENCE COMMISSION

WASHINGTON, June 9—The members of this commission, along with most Americans, are deeply disturbed by the violence and and disorder that have swept the nation's campuses.

Our colleges and universities cannot perform their vital functions in an atmosphere that exalts the struggle for power over the search for truth, the rule of passion over the rule of reason, physical confrontation over rational discourse.

We are equally disturbed, however, by the direction of much public reaction to campus unrest. Those who would punish colleges and universities by reducing financial support, by passing restrictive legislation, or by political intervention in the affairs of educational institutions, may unwittingly be helping the very radical minority of students whose objective is to destroy our present institutions of higher education.

Thoughts for summer

So threatening is the situation, so essential is the need for understanding and calm appraisal, that this commission feels compelled to speak now rather than to remain silent until publication of its final report next fall.

We offer our comments during the summer pause in the hope that they will contribute to constructive thought and action before the beginning of the new academic year in September.

The problem of campus unrest is more than a campus problem. Its roots lie deep in the larger society. There is no single cause, no single solution. We urge all Americans to reject hasty and simplistic answers. We urge them to distinguish between peaceful protest and violent disruption, between the nonconformity of youth and the terror tactics of the extremists.

We counsel patience, understanding and support for those in the university community who are trying to preserve freedom and order on the campus. We do so in the conviction that our universities and colleges are beginning to learn how to achieve change without disorder or coercion.

I

During the past year, many of America's universities and colleges have been seriously wounded. These wounds arise from multiple causes. One is the increasingly violent expression of widespread student discontent.

Although much of this discontent often focuses on grievances within the campus environment, it is rooted in dissatisfactions with the larger society that the campus can do little about.

Students are unwilling to accept the gaps between professed ideals and actual performance. They see afresh the injustices that remain unremedied. They are not impressed by the dangers that previous generations overcome and the problems they have solved.

It means little to them that the present adult generation found the way out of a major depression to unparalleled heights of economic abundance, or that it defeated a massive wave of vicious totalitarianism and preserved the essential elements of freedom for the youth of today.

To students, these triumphs over serious dangers serve primarily to emphasize other problems we are just beginning to solve.

Idealism and impatience

Today's intelligent, idealistic students see a nation which has achieved the physical ability to provide food, shelter and education for all, but has not yet devised social institutions that do so.

They see a society, built on the principle that all men are created equal, that has not yet assured equal opportunity in life. They see a world of nations—states with the technical brilliance to harness the ultimate energy but without the common sense to agree on methods of preventing mutual destruction.

With the fresh energy and idealism of the young, they are impatient with the progress that has been made but seems to them to be indefensibly slow.

At a time when students are eager to attack these and other key problems, they face the prospect of being compelled to fight in a war most of them believe is unjustified. This traumatic experience has precipitated an unprecedented mass tension and frustration.

In assessing the causes of student unrest, it would be a mistake to assume that all causes are external. There are undoubtedly internal emotional pressures and internal value conflicts in many students which contribute to their own dissatisfaction and thus to the tension and turmoil of campus life.

Students attribute the shortcomings they see to the smugness of their elders and the weaknesses of social institutions. They see the university, guardian of man's knowledge and source of his new ideas, as an engine for powering the reform of the larger society, and as the first institution they are in a position to reform.

Acceptance of democracy

We emphasize that most students, despite their view of society's failures, accept as valid the basic structure of our democratic system; their main desire is to improve its ability to live up to its stated values.

Their efforts to do so are welcome when they take the form of petitions, demonstrations and protests that are peaceful and nonviolent. Although many persons are unsettled by these activities (which are often of a bizarre nature), we must all remember that peaceful expression of disturbing ideas and petitions for the redress of the grievances are fundamental rights safeguarded by the First Amendment of our Constitution.

Methods of dealing with "campus unrest" must not confuse peaceful protest and petition with violent disruption. To do so will aggravate rather than solve the problem.

A small but determined minority, however, aims not at reform but at the destruction of existing institutions. These are the nihilists. They resort to violent disruption as the means best suited to achieve their ends.

By dramatic tactics of terror, they have focused wide-spread public attention upon themselves and have often induced university authorities either to surrender or to meet force with force. When they have managed on occasion to provide counterforce to an excessive degree, they have succeeded in enlisting the sympathies of the more moderate campus majority.

They are the agent that converts constructive student concern into mindless mob hysteria. They are the chief danger to the university and its basic values.

There is also a minority of students who are not nihilists, but who feel that violence and disruption may be the only effective way of achieving societal and university reform.

II

Forcible obstruction and violence are incompatible with the intellectual and personal freedom that lies at the core of campus values. In its recent declaration on campus unrest, the American Council on Education noted that "there has developed among some of the young a cult of irrationality and incivility which severely strain attempts to maintain sensible and decent human communications. Within this cult is a minute group of destroyers who have abandoned hope in today's society, in today's university and in the processes of orderly discussion to secure significant change."

These "destroyers" seek to persuade more moderate students that verbal expressions of grievance go unheeded while forcible tactics bring affirmative results.

Despite some eloquent and subtle rationalizations for violent methods of protest, the record of experience is incontrovertible. While violent protest is sometimes followed by the concessions sought, it more often produces a degree of counterviolence and public dismay that may gravely damage the cause for which violence is invoked.

Even when violence succeeds in achieving immediate social gains, it tends frequently to feed on itself, with one power group imposing its will on another until repressive elements succeed in re-establishing order.

The violent cycles of the French and Russian Revolutions and of the decade resulting in the Third Reich are stark summits of history to ponder. All history teaches that as a conscious method of seeking social reform, violence is a very dangerous weapon to employ.

President's reminder

That is why our nation has sought to avoid violent methods of effecting social change, and to foster instead the principles of peaceful advocacy proclaimed in the Bill of Rights and the rule of law. As the President has just reminded us:

"The purpose of these restraints is not to protect an 'establishment' but to establish the protection of liberty; not to prevent change, but to insure that change reflects the public will and respects the rights of all."

The university is the citadel of man's learning and of his hope for further self-improvement and is the special guardian of this heritage. Those who work and study on the campus should think long before they risk its destruction by resorting to force as the quick way of reaching some immediate goal.

Father Theodore Hesburgh of Notre Dame has observed that the university, precisely because it is an open community that lives by the power of reason, stands naked before those who would employ the power of force.

It can prevail only when the great majority of its members share its commitment to rational discourse, listen closely to those with conflicting views, and stand together against the few who would impose their will on everyone else.

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Kingman Brewster of Yale has persuasively articulated this policy:

"Proposition one is the encouragement of controversy, no matter how fundamental; and the protection of dissent, no matter how extreme. This is not just to permit the 'letting off steam' but because it will improve (the university) is a place to be educated."

"Proposition number two is a convincing intention to deal speedily and firmly with any forcible interference with student and faculty activities or the normal use of any (university) facilities . . . I see no basis for compromise on the basic proposition that forcible coercion and violent intimidation are unaccepatble means of persuasion and unacceptable techniques of change in a university community, as long as channels of communication and the chance for reasoned arguments are available."

Belief in an enclave

Several attitudes held by members of the university community have often interfered with the application of these sensible standards.

One is the belief of many that the civil law should not apply to internal campus affairs. They feel that the academy is an enclave, sheltered from the law, that the forces of civil authority may not enter the campus, save by invitation. This is a serious misconception—a residue of the time when the academy served in loco parentis, making and enforcing its own rules for students' behavior and protecting them from the law outside, save for such extreme crimes as murder and arson.

Now that students themselves have finally discarded school authority over their personal lives, they must logically accept the jurisdiction of civil authority. They cannot argue that of all Americans they are uniquely beyond the reach of the law.

At the same time, the university is ill equipped to control violent and obstructive conduct on its own. Most institutions have few campus police; most of these are not deputized and thus do not possess true police power.

Few schools have explicit rules either defining the boundaries of permissible protest or stating the consequences if the boundaries are crossed. Some have very loose rules for disciplinary proceedings; others have diffused disciplinary power so widely among students, faculty and administration that effective discipline is difficult to impose, and is seldom imposed quickly enough to meet an emergency.

And in most institutions the ultimate internal disciplinary sanction of suspension or expulsion lies unused because the campus community shrinks from its probable dismissed students to the draft and what students call the "death sentence" of Vietnam.

III

Out of many discussions with faculty members, students and administrators, and with full appreciation that no two institutions are the same, we offer the campus community the following specific suggestions:

1. A broad consensus should be achieved among students, faculty and administration concerning the permissible methods of presenting ideas, proposals and grievances and the consequences of going beyond them.

Excellent guidelines have been provided by the American Council on Education's recent declaration on campus protest. These could usefully be supplemented by more detailed statements developed by representatives of the American Association of University Professors, the American Association of Universities, the American Council on Education, the Association of Land Grant Colleges and State Universities, the National Student Association, and possibly others.

Where agreed upon and explicit codes of student conduct and procedures for student discipline are lacking, they should be adopted; where they already exist they should be reviewed and, if necessary, improved.

Students have the right to due process and to participate in the making of decisions that directly affect them, but their right of participation should not be so extensive as to paralyze the disciplinary process itself.

Codes for campus conduct should place primary reliance on the power of the institution to maintain order in its own house, and on its courage to apply its own punishment when deserved.

These codes should also recognize the universal duty to obey the civil and criminal laws of the larger society, and the right of the civil authorities to act when laws are violated.

The use of police

2. Universities should prepare and currently review contingency plans for dealing with campus disorders. Advance plans should be made to determine, insofar as possible, the circumstances under which the university will use (1) campus disciplinary procedures, (2) campus police, (3) court injunctions, (4) other court sanctions and (5) the civil police.

A definite plan, flexibility employed at the moment of crisis, is essential. There have been enough violent and obstructive incidents on enough campuses to permit institutions to assess alternative courses of action and to anticipate both the varieties of disorder which might occur and the most appropriate response.

Most importanty, university authorities should make known in advance that they will not hesitate to call on civil police when circumstances dictate and should review in advance with police officials the degree of force suitable for particular situations:

It is a melancholy fact that even in cases where the need for calling back the civil police has been generally recognized, the degree of force actually employed has frequently been perceived as excessive by the majority of the campus community, whose sympathies then turned against the university authorities.

Indeed, there is reason to believe that a primary objective of campus revolutionaries is to provoke the calling of police and the kinds of police conduct that will bring the majority over to their side.

Clear decision-making

3. Procedures for campus governance and constructive reform should be developed to permit more rapid and effective decision-making. There is great misunderstanding and confusion as to where ultimate authority for campus decision-making lies. The fact is that the authority is shared among several elements.

By law, trustees are granted full authority over colleges and universities. But trustees cannot supervise the day-to-day affairs of a university; hence they delegate power to the president. The president, however, in addition to being the agent of the trustees, is the leader of the faculty. His effectiveness derives as much from campus consensus of faculty and students as it does from the power delegated to him by the trustees.

In the American system of higher education, the faculty plays the primary role in determining the educational program and all issues directly relevant to education and faculty research. Unlike the systems of some other countries, educational control in the American system is faculty-oriented; anything else is a deviation from the norm.

Faculty control of education and research is the best guarantee we have of academic freedom. It is a precious asset that must not under any circumstances be sacrificed. Most student demands for change pertain to educational and research matters and too often their efforts have been directed toward administrative officers who usually do not have the power the students assume they possess.

And often, too, some faculty members have mistakenly joined with students in using coercive force against administrative officers when it is the faculty itself that should deal appropriately and effectively with the issues in question.

Quick response urged

Most other powers in the university are diffused. For most purposes, shared power is an asset. But to prevent disorders, universities must be able to respond quickly.

Campus protests are sometimes escalated to the level of force because legitimate grievances, peacefully urged, have been referred to university committees which were slow to respond. Scholars have the habit of examining any hypothesis, debating it exhaustively, deferring decision to await more evidence, and when something must be decided, shunning a consensus in favor of subtle shades of disagreement and dissent.

For the process of education, these are admirable qualities. But for dealing with naked force, they can be a prescription for disaster. Faculties therefore have a special obligation to organize themselves more effectively, to create representative groups with power to act and to maintain constant and systematic lines of communication with students.

They should be ready to meet every challenge to the educational integrity of the institution. If this integrity is compromised, it will be the faculty that suffers the most.

Students should, of course, have a meaningful role in the governance of all noneducational, nonresearch functions. They should serve, too, on committees dealing with educational and related questions, exercising their right to be heard on these subjects, so long as the faculty remains paramount.

Better communications

4. Faculty leaders and administrative officers need to make greater efforts to improve communications both on the campus and with alumni and the general public.

Campus difficulties are constantly aggravated by misinformation and misunderstanding. On campus, large numbers of faculty and students often act on the basis of rumor or incomplete information. Alumni and the general public receive incomplete, often distorted, accounts of campus developments.

The communications media, on and off the campus, concentrate on controversy. Much of the peaceful progress of our colleges and universities is never communicated to the outside world. Campus authorities have the responsibility to see to it that a balanced picture is portrayed.

IV

To the larger society, we make these suggestions:

1. The majority of the American people are justifiably angry at students who engage in violent and obstructive tactics. While the public varies widely in its desire for social change, it shares a common belief in the value of social order.

It also regards university students as among the most privileged in society—among those who should understand best the importance of freedom and the dangers of anarchy.

One outlet for this public resentment has been the support of legislation withholding financial aid both from students who engage in disruption and from colleges and universities that fail to control them.

There has also been a steady weakening of public sentiment in favor of the additional public funding that higher education so badly needs. Current appropriations for new facilities and for annual operating costs have been insufficient. Some private universities have faced a reduction in individual and corporate gifts.

Existing laws already withdraw financial aid from students who engage in disruptive acts. Additional laws along the same lines would not accomplish any useful purpose.

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Such efforts are likely to spread, not reduce the difficulty.

More than seven million young Americans are enrolled in the nation's colleges and universities; the vast majority neither participate in nor sympathize with campus violence.

If aid is withdrawn from even a few students in a manner that the campus views as unjust, the result may be to radicalize a much larger number by convincing them that existing governmental institutions are as inhumane as the revolutionaries claim.

If the law unjustly forces the university to cut off financial aid or to expel a student, the university as well may come under widespread campus condemnation.

Use of legislation

2. We believe that the urge to enact additional legislation should be turned into a channel that could assist the universities themselves to deal more effectively with the tactics of obstruction, State and municipal laws against trespass and disorderly conduct may not be wholly effective means of dealing with some acts of physical obstruction.

They were not written to deal with such conduct, and they do not cope with the central issue—forcible interference with the First Amendment rights of others.

We are presently considering whether there is a need for statutes authorizing universities, along with other affected persons, to obtain court injunctions against willful private acts of physical obstruction that prevent other persons from exercising their First Amendment rights of speech, peaceable assembly, and petition for the redress of grievances.

Such laws would not be aimed at students exclusively but at any willful interference with First Amendment rights, on or off the campus, by students or by nonstudents. They would also be available to uphold the First Amendment rights by students as well as other citizens.

3. Finally we urge the American people to recognize that the campus mirrors both the yearnings and the weaknesses of the wider society. Erik Erikson, a renowned student of youth, has noted that young and old achieve mutual respect when "society recognizes the young individual as a bearer of fresh energy, and he recognizes society as a living process which inspires loyalty as it receives it, maintains allegiance as it extracts it, honors confidence as it demands it."

One effective way for the rest of us to help reduce campus disorders is to focus on the unfinished task of striving toward the goals of human life that all of us share and that young people admire and respect.

Text of the Resolution Adopted by the Harvard Faculty

Cambridge, Mass., June 9.—The central functions of an academic community are learning, teaching, research and scholarship. They must be characterized by reasoned discourse, intellectual honesty, mutual respect and openness to constructive change. By accepting membership in this community, an individual neither surrenders his rights nor escapes his fundamental responsibilities as a citizen, but acquires additional rights as well as responsibilities to the whole university community.

They do not require him to be silent and passive. But they do require him to see how easily an academic community can be violated—knowingly or unknowingly—whether by actual violence or by lack of responsiveness to widely perceived needs for change; whether by impatience or by insensitivity, or by failure in a process of decision to make sufficient effort to consult those who have to live with the results of the decision.

We believe it timely to state explicitly what certain of these rights and responsibilities are, and to establish procedures for their protection and enforcement. The present formulation is an Interim Statement, limited to activities that touch on the essential functions of a university. We recognize the need to formulate, in the near future, a document that will emerge from the widest discussion within and will reflect a wide consensus of all members of the Harvard community. This statement shall apply equally to students, to officers of instruction and to officers of administration.

ALL HAVE THE RIGHT

All individuals or groups within the university community have the right to express, advocate and publicize their opinions. They also have the right to press by appropriate means for action on any matter on which they believe that the university can and should act, and they have the right to be given a full and fair hearing and serve the essential commitment of the university and the right of individual or collective expression of opinion or dissent.

We have taken and will continue to take measures aimed both at dealing with issues and grievances raised by members of the community and at improving and broadening the procedures by which such matters can be resolved and decisions made. We welcome participation of all members of the community in this endeavor.

We regard the following activities as unacceptable because they would prevent or impede the performance of the essential tasks of the university and are incompatible with the shared purpose of an academic community:

a. Violence against any member or guest of the university community.

b. Deliberate interference with academic freedom and freedom of speech (including not only disruption of a class but also interference with the freedom of any speaker invited by any section of the university community to express his views).

c. Theft or willful destruction of university property or of the property of members of the university.

d. Forcible interference with the freedom of movement of any member or guest of the university.

e. Obstruction of the normal processes and activities essential to the functions of the university community.

Any such activity shall subject the violator to discipline by an appropriate agency.

SUBJECT TO DISCIPLINE

In case of any violation of any of the subparagraphs A through E by a student, he shall be subject to appropriate discipline within the full range of possible disciplinary measures by the faculty or by a committee or agent to which the faculty may have delegated disciplinary power.

Appropriate discipline for a student who violates sub paragraph A will ordinarily be expulsion, dismissal, separation or requirement to withdraw. In cases of violations of sub paragraphs C, D, and E, discipline will ordinarily be initiated upon complaint by a member of the university community adversely affected, or on a determination of probable cause by a committee or agent to which the faculty may have delegated disciplinary power.

In cases of violation of any of the subparagraphs A through E, a student found to be engaging in unacceptable activities may be warned to stop. If, despite the warning, the student persists in the unacceptable activity, he may be suspended summarily from the university by a committee or agent to which the faculty may have delegated disciplinary power, pending completion of a regular disciplinary proceeding.

Occasions may arise that may require the appropriate university authorities to use other proper means to control or terminate unacceptable activities. It is the sense of the faculty that the appropriate authority should attempt, whenever possible, to deal with such occasions through the disciplinary measures described in the preceding paragraphs. The faculty also urges that appropriate university authorities consult with representative student and faculty bodies to the maximum extent practicable in devising and implementing ways to invoke other proper means of control.

While this Interim Statement is in effect, the disciplinary authority over students engaging in the activities listed above shall be delegated to the Committee of Fifteen or a designated successor. The power of summary suspension shall be delegated jointly to the Dean of the Faculty of Arts and Sciences and the Committee of Fifteen (or its designated successor), who are authorized to establish appropriate working arrangements to give effect to this power.

We further affirm that an officer of instruction or administration who engages in the unacceptable activities listed above should also be considered subject to discipline by the appropriate agencies of the university.

How To Radicalize Students

(By Tom Wicker)

Washington, June 9.—It may already be too late to stop the punitive, unnecessary and ill-conceived legislation against students and universities now being seriously considered in the House of Representatives; but if anything can halt the blundering rush of vengeful politicians into Federal control of education, it may be the sensible statement issued today by the National Commission on the Causes and Prevention of Violence.

Mrs. Edith Green of Oregon apparently does not have the votes to get this legislation out of her subcommittee. So she will try to get the full Education and Labor Committee at its meeting tomorrow to take the bill away from the subcommittee; for this purpose she is believed to have a majority of nineteen—fourteen Republicans and five Democrats—of the 35 members. And if it can be pushed through the Education and Labor Committee, it will almost surely reach the House floor, where the spirit of vengeance is matched, these days, only by the mood of panic.

It is incredible, even so, that such legislation could even be contemplated; one has to go back to the South of a decade ago, when communities closed their schools to save them from integration, to find such suicidal folly. This bill would make mandatory the complete cutoff of Federal assistance of any kind to any university or college that did not set up a rigid code of conduct, including a table of penalties, for its students *and* faculty (as if the latter were mere employes); however viewed, that is intolerable intrusion by the Government into the control and administration of private institutions.

Since colleges themselves administer such programs as National Defense Education loans and the college work-study program, they would lose Federal funds for them. Many students who have never participated in any kind of disorder, but who either receive these funds or ought to, would thus be penalized.

CUTTING OFF AID

The Green bill also would force colleges to cut off any form of Federal assistance to any student, faculty member, research fellow or employe who had "contributed to a substantial disruption of the administration of such institution" (whatever that may mean).

This does not refer merely to student loans and grants; the bill says specifically that the assistance to be terminated also includes veterans' benefits under the G.I. Bill of Rights; payments of a surviving child's insurance benefits under Social Security; and salaries of faculty members engaged in training Peace Corps volunteers. All these, plus loans and grants, to be denied for a period

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of five years, and almost as an afterthought, the bill adds that if a student so penalized at one institution then transfers to another, the second has to honor the cutoff of assistance ordered by the first, no matter what the student's subsequent conduct.

DANGERS OF MEASURE

The thought-control aspects of the bill are made even more clear by the fact any student applying for or entitled to any form of Federal payment would have to sign an affidavit that he had never "contributed to a substantial disruption"; in short, * * * is an absolute prerequisite for receiving even inherited Social Security benefits or combat earned G.I. benefits.

Representatives Ogden Reid of New York and John Brademas of Indiana, who are leading the opposition to this repugnant measure, circulated today a number of statements by college presidents denying the need for it and pointing to its inequities and dangers.

The college heads emphasized that such punitive legislation would have as a primary effect the further embitterment and alienation of a student generation already in revolt against the standards and attitudes of its elders. That also was a main point of today's statement by the Commission on Violence.

Its chairman, Dr. Milton Eisenhower, himself a former college president, pointed out on the commission's behalf, that if "aid is withdrawn from even a few students in a manner that the campus views as unjust, the result may be to radicalize a much larger number by convincing them that existing governmental institutions are as inhumane as the revolutionaries claim."

The Violence Committee, scarcely a radical body, views the roots of student unrest lying "deep in the larger society" and one effective remedy, it suggested, "is to focus on the unfinished task of striving toward the goals of human life that all of us share and that young people admire and respect."

Now there would be something really useful for Congress to do. Fat chance.

MORE JUDICIAL RESIGNATIONS—BUT FROM THE WRONG PARTNERSHIP

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. RARICK. Mr. Speaker, in my speech of May 15, I had included extracts of public records identifying land partnerships involving several Federal judges. Anyone with a second grade education could see that such participating judges fall under suspicion as to their judicial decisions affecting land values in this area because of their vested real estate interests.

Now we find that from Justice Brennan to Judge Skelley Wright, second thoughts are arising on their plantation investments and that they may even dispose of their interests.

The question unanswered is the degree to which their partnership businesses prospered as a result of their extremist social decisions which have brought about population and business relocations in the area.

If they are sincere jurists, dedicated to the idea of impartial justice, then they know way down deep inside that the injury inflicted on our judiciary nationwide by their selfish greed demands more than self-exoneration by ceasing that particular wrongdoing. It demands that they immediately resign from the bench.

Various newspaper clippings follow:

[From the Washington Evening Star, June 12, 1969]

APARTMENT INVESTMENT LINKS SEVERED BY JUSTICE BRENNAN

(By Lyle Denniston)

Supreme Court Justice William J. Brennan Jr. has severed his financial investment in an Arlington apartment complex as part of his full withdrawal from non-judicial activities.

A spokesman for the justice said yesterday that Brennan has given up the limited partnership which he has held for about three years in Concord Village Associates, which operates a large apartment development in Arlington. Official records have indicated that Brennan's share in the group was worth an estimated $15,000.

It was disclosed earlier this week that Brennan had resigned from his annual position as a teacher at a judges' seminar at New York University Law School.

Yesterday, his office said that resignation came on May 23, the same day on which the justice decided to cancel all speech commitments and to withdraw from all other off-the-bench activities.

CONNECTION CUT

A day or two after making those decisions, Brennan's office said, he sold his only stock investments and severed his connection with the apartment venture. The stock he sold was in American Telephone & Telegraph Co. and Public Service Co. of New Jersey. All the securities had been left to him by his mother, his office said.

Asked what had led Brennan to withdraw from non-judicial affairs, a spokesman in his office said only that it was "a personal decision."

The justice's withdrawal came within nine days after a colleague, Justice Abe Fortas, resigned from the court amid controversy over his non-judicial connections.

Arlington County records indicated that, in addition to Brennan, the limited partners of Concord Village Associates included Justice Fortas, his wife Carolyn Agger, and two judges on the U.S. Court of Appeals here—J. Skelly Wright and David L. Bazelon.

Judge Wright told a reporter yesterday: "In view of Justice Brennan's position, I will certainly reconsider my position."

Wright said that his investment in the group was "the smallest on the list," and he valued it at about $7,500.

Judge Bazelon was quoted by the Associated Press yesterday as saying he was considering what to do about his interest in the venture, but had not yet made up his mind.

Meanwhile, a second Senate subcommittee announced that it would examine the outside activities which federal judges ought to perform and the general question of judicial ethics.

FIVE-DAY HEARINGS

Sen. Sam J. Ervin Jr., D-N.C., chairman of the Senate subcommittee on separation of powers, said his panel would hold five days of hearings beginning July 11.

Although the senator said his panel would be looking into the probability of new legislation, a subcommittee aide said there was no intent to move rapidly towards action on reform bills. The subcommittee study was described as more of a basic analysis of the problem of off-the-bench ethics.

Another Senate subcommittee on judicial efficiency, headed by Sen. Joseph D. Tydings, D-Md., has been active in the field of judicial ethics recently.

Both the Ervin and Tydings subcommittees are part of the Senate Judiciary Committee.

[From the Washington Post, June 14, 1969]

BAZELON TO REVIEW HIS REALTY INVESTMENTS

(By Leonard Downie, Jr.)

Chief Judge David L. Bazelon of the U.S. Court of Appeals here has decided to "review" the propriety of more than $300,000 worth of investments he has in at least eight local real estate syndicates.

He told a reporter this yesterday, as a fellow appellate judge, J. Skelly Wright, disclosed he is withdrawing from similar real state ventures.

Wright's move followed a similar withdrawal earlier this week by U.S. Supreme Court Justice William J. Brennan. Wright said that, like Brennan, he has severed all financial ties outside the court.

Wright said that because "continuing publicity has unfortunately reflected on the judiciary" and his family, he has decided to request a real estate firm to liquidate his property investments. He described the investment as residential property in Arlington County that is "in no way connected with the Government."

Bazelon's holdings in the syndicates, which own office and apartment buildings here, are much more extensive than were those of either Brennan or Wright.

In the wake of the recent resignation from the Supreme Court of Justice Abe Fortas, the Judicial Conference of the United States adopted apparently non-enforceable resolutions prohibiting Federal judges from receiving any "compensation" for "services" outside the courthouse.

Investments and the receipt of investment income did not appear to be barred, although details of a judge's investments would be filed with the Judicial Conference.

Justice Brennan and Judges Bazelon and Wright—along with investors that included Sen. Abraham Ribicoff (D-Conn.), former Justice and United Nations Ambassador Arthur Goldberg, and former Justice Fortas—have been partners in syndicates investing in large office buildings and apartment complexes here.

Most of the syndicates were assembled by Washington builder and community leader, Charles Smith and his firm. They bought or built office and apartment buildings in Washington, Alexandria and Arlington.

Key partners in some of the deals were Washington parking and land magnates Dominic F. Antonelli Jr. and Kingdon Gould Jr. Gould recently was named Ambassador to Luxembourg.

Tax experts generally regard investments such as these "tax shelters" that can reduce the income tax impact on wealthy investors, primarily through accelerated depreciation deductions and capital gains tax rates.

Brennan and Wright each held small shares of just one of the syndicates, Concord Village Associates, owner of a large apartment complex in Arlington. Brennan's share was worth an estimated $15,000; Wright's $7500.

Brazelon's investments, according to public partnership records, have been much more extensive. Reporters found him listed as an investor in eight syndicates. His wife, Miriam, is listed as an investor in three of them; trust funds for his two children hold shares in one syndicate.

Bazelon would not comment on whether this was the complete extent of his investments in these ventures. He also would not say how much the holdings were worth.

Partnership records list the total value of his share in just four of the ventures at more than $200,000. Information in other records makes it possible to estimate the value of his holdings in all eight at between $300,000 and $400,000.

"I went into these investments because I thought they were proper," Bazelon said yesterday. "They are all matters of public record."

If in his review of the holdings, he finds that they may now lie outside the new code or appear otherwise undersirable, Bazelon said, he would drop them.

Besides Concord Village Associates, the syndicates in which Bazelon has invested include:

Colorado Building Associates, which bought Colorado Building at 1341 G st nw.

1919 M Street Associates, which built a high-rise office building at that address.

1140 Connecticut Avenue Limited Partnership, which built a new office building at that address.

Downtown Associates, which owns an office building at 1201 E st nw.

Duke Associates, which developed the Orleans Village apartment complex in Alexandria.

Crystal House Associates, developer in the Crystal City office and apartment building complex.

Wilson Associates, developer of another Arlington high-rise.

Bazelon's share as a limited partner in these ventures ranges from 2.4 per cent of 1140 Connecticut Avenue Limited to 8 per cent of Colorado Building Associates.

His financial share, according to public records, is as high as $60,000 (plus another $15,000 invested by his wife) in 1919 M Street Associates, and $61,[illegible] invested in Crystal House Associates.

Sen. Ribicoff is listed as a partner of both Duke Associates and 1140 Connecticut Avenue Limited. Goldberg is listed as owning 2 per cent of 1140 Connecticut Avenue Limited.

All three have said that they were brought into the syndicates by Charles Smith, who has also been a limited partner in most of the ventures. The limited partners only contribute capital and share in the profits or losses of the ventures.

General partners, most often members of Smith's family or firm, handle negotiations for and management of the properties and all other work involved in the investment.

Smith, a highly successful developer here, became well known to the judges and other investors through his civic, philanthropic and Jewish community activities.

[From the Washington Post, June 15, 1969]

RIGGING OF JUDICIAL PANELS IN COURT OF APPEALS DENIED—ATTORNEYS SUSPICIOUS OF SYSTEM

(By Thomas W. Lippman)

Is it true, as some critics suspect, that the panels of judges at the U.S. Court of Appeals here are sometimes rigged so that certain cases will be decided in certain ways?

That question, often asked by lawyers in private conversations, provided a tense moment last week when one attorney dared to put it directly to the court at the Washington Judicial Conference.

Norman M. Littell, who has practiced law in the courts here for years, raised the issue in a room occupied by most of the city's trial and appellate judges and by many of its influential lawyers.

Why is it, Littell wanted to know, that on the "Bazelon court," certain "sociological cases" always seem to be assigned to certain "liberal" judges?

His reference was to Chief Judge David L. Bazelon, leader of the liberal wing on a court that has broken much new ground in criminal, mental health and civil liberties law during his seven-year tenure in that office.

Many of the controversial cases were decided by 2-to-1 votes, over the dissents of such "conservative" judges as Chief Justice-designate Warren E. Burger. Most cases in the court are heard by three-judge panels.

Littell's question was directed at Judge J. Skelly Wright, who was representing the court in a panel discussion on dockets and calendars. He is a legal ally of Bazelon.

"The cases are selected by lot," Judge Wright said. "The panels are designated by lot—they are literally picked out of a hat, at random, by the clerk. I don't know of any complaint that this system has been breached in any way."

Wright then called Nathan J. Paulson, the clerk of the court, to come to the microphone and give an explanation of the case assignment procedures.

"I would have been fired," Paulson said, if there had been any question about the assignment of cases.

He said that he put the names of sitting judges in one tin, and the numbers of the cases in another. "I don't even know what the cases are," he said, "because they're listed only by number. I pull out the names of three judges, and the numbers of three cases, and that's the calendar for the day, period."

Lawyers who practice before the court do not know until the day of argument which judges have been assigned to hear their cases. But when they find out, they are often heard exchanging such remarks as, "with that panel, we're dead," or, "we got a good panel."

And it does sometimes appear that the outcome of some issues can be guessed in advance because of the marked views of some judges on certain issues.

Judge Bazelon, for example, has a strong interest in mental health and in the law of criminal insanity.

Since Jan. 1 of this year, the Court has issued written opinions in seven cases in which mental health or criminal insanity was the central issues. Bazelon was on the panel in all of them. Judge Edward A. Tamm, perhaps the most vigorously conservative of the active judges, was in only one of them.

On the other hand, opinions have been issued in 18 criminal cases in which the central point was either the validity of police identification procedures, or the admissibility of confessions, both sensitive issues.

In these cases, no visible pattern of judicial assignment emerges. No active judge was on the panel in more than 10 of the 18 cases, or fewer than three.

The problem with any assessment of the court's activity is that it takes no account of the scores of cases decided without a formal opinion. These are cases in which the court issues a cursory order, without explanation, so that it is impossible to tell which judge took what views of the issues raised—or even what those issues were.

A case on criminal insanity, for example, might prompt the issuance of a landmark opinion from one panel of judges, or be dismissed without comment by a different panel.

So it is theoretically possible that the reason Bazelon appears in all the criminal insanity opinions is that only when he is on the panel do such cases prompt written opinions at all.

A review of a dozen major opinions issued by the court in the past 18 months, on lord and tenant law to vagrancy statutes, shows a wide variety of judges on the panels that issued them. Most lean to the so-called liberal side, but then the liberals have had a wide majority on the court, so that no inferences other than mathematical probability can be drawn.

[From the Washington Evening Star, June 13, 1969]

WARREN HELPED JUDGES ADOPT RULES ON INCOME

(By Lyle Denniston)

Chief Justice Earl Warren apparently helped persuade a meeting of federal judges to adopt a strict ban on their outside income by hinting that Supreme Court justices would follow the example.

Several sources had varying versions of what Warren told the 25-member U.S. Judicial Conference on Tuesday, when it met here to write a flat prohibition on "compensation" for all federal judges—except justices.

But they agreed that the chief justice had left "implications" that, before Warren retired on June 23 or 30, some degree of compliance by the justices themselves would be promised.

However, the judges apparently had no assurance, as such, that the court would act—collectively or individually. In fact, some jurists came away from the meeting of the conference, the policy-making arm of the federal judiciary, doubting that Warren could get action even if he tried.

The continuing discussions among judges about whether they had taken vows of self-denial that the high court would not imitate indicated they were beginning to sense the pressure on them from the newly adopted restrictions on off-the-bench activities.

The curbs plainly were prompted by the recent controversy over the outside affiliations—and income—of high court members, particularly former Justice Abe Fortas and Justice William O. Douglas.

Yet, when a participant suggested the resolution's wording be changed to make it apply to "judge or justice" instead of simply "judge," the meeting Tuesday was told the conference has no power over the Supreme Court.

It is clear that some of the judges at the meeting did not know, in advance, that the justices would be completely exempt from anything adopted by the conference.

Apparently reacting to this discovery, some of them brought up with Warren what—if any—reaction could be expected from the justices.

Reportedly, Warren said he expected the matter to be under further discussion within the court, and that something may come of that. Some judges have interpreted these remarks as an assurance of action; other considered them only a broad hint.

The chief justice, one source said, had made a point of stressing the independence of each member of the high tribunal, and that he had to be careful not to suggest they could be required to do anything.

GENERAL FERGUSON, AIR FORCE SYSTEMS COMMANDER, SAYS ROUTE TO MOON PASSES THROUGH ARNOLD ENGINEERING DEVELOPMENT CENTER IN TULLAHOMA, TENN.

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. EVINS of Tennessee. Mr. Speaker, Gen. James Ferguson, commander of the Air Force Systems Command, recently delivered the principal address at the dedication of the new airport at Arnold Engineering Development Center in Tullahoma, Tenn., in the Fourth Congressional District which I am honored to represent in the Congress.

General Ferguson pointed out that the route to the moon passes through Tullahoma and AEDC because of the unique and essential testing which AEDC provides for space vehicles.

Because of the interest of my colleagues and the American people in our aerospace program and because of the outstanding role which this major test-

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ing facility plays in our space and aircraft development programs, I place General Ferguson's remarks in the RECORD.

The address follows:

REMARKS AT ARNOLD ENGINEERING DEVELOPMENT CENTER, FORMAL OPENING OF NEW AIRFIELD, ARNOLD AIR FORCE STATION, TENN., MAY 28, 1969

General LUNDQUIST, distinguished guests, ladies and gentlemen.

It is a pleasure for me to be here with you today to celebrate the formal opening of a long-awaited and much-needed addition to this important national test facility.

The Arnold Engineering Development Center is a great national facility—indeed, as I have stressed on many occasions this past year, it is a great national resource. By operating as a service to the military, NASA, educational institutions and civilian industry, Arnold plays a vital role in maintaining and advancing our nation's aerospace technology.

Virtually every major space and aircraft system in our nation's inventory spent part of its early life here in Middle Tennessee.

In a very real sense, the route to the moon passes through Tullahoma, Tennessee and the Arnold Center. Through the use of the giant wind tunnels, unique test cells and space simulation chambers at the Arnold Center, the nation is able to reduce the costs and times required to develop today's complex aerospace systems.

On this significant occasion, we recognize once again the wisdom of General Henry Arnold, the vision of Dr. Theodor von Karman, and the foresight of the other men of science and government who advocated and fought for these facilities a quarter century ago. Where would we be today without their vision and direction?

Consider the tragic and unnecessary losses in aircraft, in missiles and spacecraft, the money and time misspent—and most importantly—consider the lives which might have been lost if we had to test in the air what we now probe on the ground in these Arnold facilities.

The Arnold Center is more than a sprawling collection of mortar, inlets, compressors, combustors, nozzles, diffusers, and pressure tanks. It is a closely knit group of dedicated men and women—professional in their approach, responsive to the problems of an expanding aerospace environment, and imbued with a strong sense of urgency to meet the nation's critical needs for improved facilities and new test techniques.

AEDC and similar facilities must continue to grow if they are to fill their vital role in the technological world of tomorrow. To this end, we have the responsibility and the obligation to inform our fellow citizens and their elected government representatives of the need for new and improved test facilities.

There are some important reasons why we should expand our facilities here and at our other test sites throughout the country.

First, we must look at the competition—it is clearly evident that the Soviet Union is placing a heavy emphasis on progressive research, test, and technical facilities. They are sparing no effort to insure that they will have the facilities to test their future aerospace systems.

The second reason for concern is the state of our own facilities. While they have been adequate to meet our present needs, we have definitely reachd a limit in our ability to "make-do" on a year-to-year basis. Advances in the state-of-the-art are rapidly making obsolete some of the facilities and methods of testing used here today. For example, we have no test cell in this country at present which is completely adequate for testing the C–5A engine without flying it.

Third, we know from our experience at Arnold and other facilities that our test capability must anticipate future requirements before the requirements themselves are clearly understood. It is virtually impossible to advocate a major new facility on the strength of a specific future program. In many cases, the facility must exist before the technologies necessary to the program can be identified.

Fourth, we must face the fact that it takes from three to five years to design and construct any greatly advanced test facility. It usually takes even longer to justify the expenditure, get budget approval and have the money appropriated.

These four points add up to the fact that we are already behind the times and the state-of-the-art in planning for future test facilities. Our test facilities are the foundation of our aerospace future, and we cannot afford to let this foundation crumble.

There are two groups presently studying our national test requirements. One is the Joint Coordinating Board of the Department of Defense and the National Aeronautics and Space Administration. The other is the Joint Commanders' Ad Hoc Group for Testing Facilities. The urgency of this matter leads us to hope that they can make recommendations as far reaching as those made by Dr. von Karman's Scientific Advisory Committee, which led to the establishment of the Arnold facilities.

We are assembled today at a visible milestone of progress in the 20-year history of the Arnold Center. We have been pressing for construction of this runway for years, and its completion means that our operation here will serve its many users more efficiently.

This landing strip will eliminate the necessity for trucking rocket motors and other critical and sensitive test items over highways from Stewart Air Force Base, Northern Field and other airports in the area. It will speed up the testing process as well as eliminate a major inconvenience to the using agencies.

This runway represents yet another useful addition to one of our country's most vital national resources.

We all share your enthusiasm and your aspirations for the continued growth and achievement of the Arnold Engineering Development Center.

Thank you.

SENATE—*Tuesday, June 17, 1969*

The Senate met at 12 o'clock noon, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, look upon this good land, which Thou hast given us, and forsake us not in our hour of need. Let Thy spirit come upon us once more with purging, cleansing, and redeeming power. Search out the dark places of our souls, our homes, our schools, our cities, our whole culture, and by the light of Thy presence, lead us again to true brotherhood, to moral rectitude, and to the spiritual splendors of our fathers. Deliver us from the ravages of division, discord and hostility, and lead us to unity, concord and peace. Bring us to Thee and to Thy law; forgive us and encompass us in Thy love, lest we perish. Put Thy law in our minds and Thy love in our hearts, that we may show by our lives what we proclaim with our lips—a nation whose God is the Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication addressed to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 17, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the Chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 16, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar, No. 395.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated, as requested by the Senator from Montana.

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FEDERAL POWER COMMISSION

The bill clerk read the nomination of John N. Nassikas, of New Hampshire, to be a member of the Federal Power Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

JOSEPH F. McCAFFREY—25 YEARS A WASHINGTON CORRESPONDENT

Mr. MANSFIELD. Mr. President, this month marks the 25th year as a Washington correspondent of a very good and close friend, Joe McCaffrey, of the American Broadcasting Co.

Joe McCaffrey, I think, gives out more news about what happens in the House and Senate than any other commentator. I must admit, in all candor, that if I want to find out on occasion what is happening, especially in the other body or in conferences, I have to listen to Joe McCaffrey when he comes on at 10 minutes to 7, 5 days a week.

I have enjoyed my friendship with him. He is an impartial commentator. He is a very good man, who tries to see and report all sides of a question.

I extend to my friend Joe McCaffrey my best personal wishes on his 25th year as a Washington correspondent. During this entire time he has served Congress and the Nation well.

Mr. DIRKSEN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. DIRKSEN. Mr. President, I have had a good many experiences with Joe McCaffrey over a long period of time. He is by all odds one of the most amiable and affable correspondents I have ever encountered. He is thorough in his work. He has a deft touch when it comes to the newsy quality he imparts to virtually everything he does in the broadcast field. His friends are legion everywhere in the city and on Capitol Hill.

I share with the majority leader his high esteem for the service rendered by Joe McCaffrey, and we wish him well as he observes his 25th anniversary as a broadcaster. I wish him another 25 years; and by that time—who knows—he may be broadcasting from the moon. [Laughter.] That will be worth going miles to see.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COTTON. Mr. President, I should like to add my word to the remarks of the distinguished majority and minority leaders.

As one of the less glamorous Members of the U.S. Senate who has, I hope, worked long and faithfully but without quite as much flair for publicity as others, I have found that Joe McCaffrey recognizes all Members of Congress whenever they make a contribution to or render service in any particular connection, even though they are not potential presidential or vice presidential candidates, or often in the news. I think his fairness and his accuracy are—I am not going to criticize others by saying "superior," but there are none in my experience to whom I can listen with so much confidence and know that he is dealing with facts.

I congratulate him on 25 years of service and hope for him many more years of service.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE WAR IN VIETNAM

Mr. PELL. Mr. President, on three occasions this year, I have protested our Vietnam policies on the floor of the Senate, making a total of 28 times that I have spoken out in past years in this body on the war.

I speak again today on the same subject because I remain deeply concerned about the course of our Vietnam policy. Recent events and developments have done little to allay that concern.

Despite official protestations to the contrary, until President Johnson's "abdication" speech of March 31, 1968, it seemed that our Vietnam policy was based on the theory that at some point on the escalation ladder the military pressure on the enemy would become so great that they would capitulate, and give up the struggle. Although that speech was an admission that a military victory was not possible, the fighting and dying in Vietnam has continued. Fifteen thousand, one hundred and fifty-two young Americans have made the final sacrifice for their country since then, bringing total U.S. combat losses to more than 36,000 killed and 225,000 wounded. Our total numbers of combat casualties exceed those we suffered in World War I. After a year of talks with the other side in Paris, it is still a war of attrition in Vietnam against an enemy with a seemingly endless supply of manpower, bearing in mind that the offer of Chinese soldiers has so far been declined—and a determination to expend that manpower as necessary to prevent political defeat.

Some military leaders, supported by armchair strategists sitting comfortably at home, say that Washington-prescribed ground rules have prevented a military victory, that "we are fighting the war with one hand tied behind our back." They are right, in a sense. There have been restraints, but those restraints have kept us out of a wider and more devastating war. The two basic rules of land warfare are that you must destroy both the enemy's men and the enemy's source of supplies. The source of the other side's manpower is both in North Vietnam, which we earlier tried to dry up, and in South Vietnam, which we are trying to save and where we have often been confronted with the dilemma of waging war on the very people we are fighting to protect. The sources of the enemy's supplies go beyond North Vietnam, however, to China, Russia, and other Communist countries. To invade North Vietnam would certainly trigger a war with her treaty ally China, just as our movement into North Korea in 1950 brought in the Chinese. Russia, too, could not sit idly by and see her treaty ally, North Vietnam, overrun by American troops. The net result, in all likelihood, could be a nuclear war that would destroy much of mankind. To bomb the source of supplies could bring the same result, as could the blockading of Hanoi. Thus, the military alternatives, as I see them are: First, go all out for a military victory that would lead us down the road to a general war; second, continue to fight a war of attrition at the existing level; or third, cease our search and destroy missions, assume a less aggressive military posture, and commence withdrawing our men at a substantial rate, thus forcing the South Vietnamese to assume the burden that is rightfully theirs and which they have the manpower to assume. The question is whether they have the will to assume that burden or a sufficiently inspiring and accepted government to give their manpower the leadership that is necessary. The replacement of a twentieth of our men by the South Vietnamese is certainly a step in the right direction. But, I ask, is it a large enough step to result in a real change in direction. Far more significant would be a change in orders to our combat commanders, deescalating our present, long standing search and destroy strategy to hold and secure strategy.

As I have said repeatedly, I believe that we should follow the latter strategy, both as a means of reducing U.S. casualties and as a demonstration by specific actions of our efforts to reach a compromise settlement in Paris. The war is a military stalemate, with neither side capable of winning—or losing—by force of arms. Under these circumstances, I am unable to appreciate how the sacrifice of additional American lives, on future Hamburger Hills, can result in positive political gains in terms of who is to control South Vietnam in the future. In regard

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to the tactical importance of Hamburger Hill and the loss of life there, I believe the words of the commanding officer of our forces in that battle speak for themselves. He was Maj. Gen. Melvin Zais, and he is quoted in the Providence Journal of June 7 as saying when home in Fall River, Mass., on leave:

> After we finished he (the enemy) was gone and there was no tactical reason to remain on that hill. It had no military importance whatsoever.

The other side has shown, in 4 years of pounding by everything we have, that "hitting it over the head" will not make it give in. And our soldiers have by their courage and skill shown the enemy that it cannot take South Vietnam by force. There have been mistakes aplenty in this war. But I believe that history may demonstrate that one of the most serious was the decision made by the Johnson administration to exert all-out military pressure in South Vietnam following the bombing halt, destroying the possibility of creating the hoped for favorable climate in Paris.

There has been much speculation over the fighting capacity of the South Vietnamese forces. Now is the time to test their capacity—and their will. The South Vietnamese boast of having more than one million men under arms, while the combined Vietcong and North Vietnamese forces have only about one-quarter that number. If U.S. troops were withdrawn to a substantial degree, we would still leave behind an awesome array of weapons and materiel which should give the South Vietnamese overwhelming military power—if only they were as dedicated to their cause as the American soldier, and—the big "if"—if they had the support of the people of South Vietnam.

In 1965 this became an American war. It is time that the war was turned back to those whose responsibility it is to wage it, to the rightful owners, the Vietnamese. Until we do, there is little incentive for the Thieu government to bargain seriously in Paris or elsewhere. Why would they want to run the risk of negotiating themselves out of office?

Instead of taking steps to broaden its base preparatory to serious political bargaining with the NLF, the Thieu government has evidenced its fear of free and open political competition in South Vietnam. Twenty-three newspapers have been closed in the last year. Political and religious leaders who dare speak out for peace or in opposition to government policy soon find themselves behind bars; corruption pollutes the air; and even folk singers who sing of peace are muzzled. Torture remains a part of the normal interrogation process for the less conspicuous political prisoners, and here I commend to my colleagues the very interesting report of June 10 of the U.S. Study Team on Religious and Political Freedom in South Vietnam. I would be in jail if I were a South Vietnamese Senator and had the temerity to express the views I am expressing today on this floor. All this, I am sure, speaks loudly to the other side of fear and weakness, not confidence and power. I believe that the Saigon government really does not want to talk seriously about a political compromise—in Saigon, Paris, or anywhere else. The Saigon Thieu-Ky regime knows that, with peace, and without American troops and dollars, the prospects for their remaining in power would be slim indeed.

All told, I believe the only way that the South Vietnamese Government can be convinced of the necessity for dealing realistically with the National Liberation Front is for President Nixon to move forward with a definite, unconditional plan for a gradual pulldown of all U.S. troops.

I would add here that the planned withdrawal of 25,000 troops and the stated but highly conditioned possibility of further withdrawals, does not, to my mind, constitute the kind of clear notice that should be served on President Thieu. The withdrawal, rather, smacks of a sop to American public opinion.

There certainly is no question that with the South Vietnamese manpower available and the weapons and air and firepower we could turn over to them, they should be able to more than hold their own provided they had the will to do so. They certainly would have the means.

There is, of course, the danger that a Communist South Vietnam, and ultimately a unified Communist Vietnam, might eventually emerge from the opening of the political processes to all political views. But, even if an Asian Yugoslavia evolves, I believe that American interests will still be far better served by such a result than they would be by continuation of this bloody, indeterminate war. In fact, it is possible that a unified, independent Vietnam could serve as a strong bulwark against Chinese expansionist tendencies. This might even have certain advantages over a continuation of a divided Vietnam, ripe for a reopening of conflict.

It will be generations before Vietnamese emotions, conditioned by over two decades of warfare, are no longer dangerous. Many in this country still become aroused at the mention of our own Civil War. There has been so much blood, terror, and tragedy on both sides that recriminations in some degree are likely, regardless of which side ends up in control of South Vietnam.

Most important, if a government unfriendly to the Thieu government did evolve, I believe the United States would have a responsibility to those individual Vietnamese who sided with us no matter whether for reasons of patriotism or cupidity. A settlement, with international guarantees, providing amnesty for all parties is certainly the minimum protection to be sought. And, if the need arose, and here I emphasize there is no reason why it should since the South Vietnamese would certainly have the men and means to look after themselves, I believe our responsibility goes a lot further in that provision should be made for political asylum for those who request it.

There are various possibilities—special programs such as those provided for the Hungarian refugees following the 1956 revolt, and for those who fled Castro's Cuba; and undertaking by our SEATO allies to provide resettlement arrangements; or, as I have suggested before, even by purchase of a resettlement area in a not too distant sparsely populated region with a similar climate, such as Borneo. There are, of course, other possibilities. The point is that there is, I believe, a special U.S. obligation to prevent a retaliatory bloodbath in South Vietnam. The cost of providing a sanctuary would be but a pittance compared with the same $90 million a day that the war now costs the American taxpayer.

Mr. President, I hope the President will reject the siren song of those who plead for a little more time and military pressure. The track record of too many of those still involved in Vietnam policymaking is strewn with such pleas. I hope he will also reject the urgings of those who believe a token withdrawal of U.S. forces will serve to placate American public opinion. Unless such a minimal withdrawal of less than 5 percent of our troops is quickly followed by a more significant assumption by the South Vietnamese Government of the responsibility for its war, the result may be only a continuation of the misery and bloodshed.

I hope that the President will take risks for peace and produce tangible evidence of his willingness to take further steps to sort out our interests from those of the Thieu government. I suggest that he publicly advise President Thieu at the earliest opportunity, first, that the United States has already delivered on its commitment and that it is now up to South Vietnam to carry on the fight, militarily and politically; second, that the U.S. forces will scale down offensive operations in expectation of some comparable response from the other side; and, finally, third, that the bulk of our American troops will be withdrawn in accordance with a definite, specific timetable.

Mr. SCOTT. Mr. President, I agree that it is highly desirable for South Vietnam to take over as much of the operation of the war in Vietnam as it can. I am not an authority on how much South Vietnam can take over on any given day.

I have long since advocated the withdrawal of a substantial number of troops. I indicated 25,000 or 50,000 would be substantial.

President Nixon has done what no one has been able to do before, and that is to deescalate the war. This President has pursued the very suggestions which have been made to various administrations over the years—namely, to try to work out acceptable solutions, beginning with the withdrawal of forces, replacement by the South Vietnamese, going on with provisions for supervision of national and free elections, discussions over possible future coalition governments, and much better accord with South Vietnam than has ever been achieved before, and in other respects which I am sure are underway at the present time.

I know that the medical detachment from Washington, Pa., and another detachment from Philadelphia that are due to return in August will not regard their withdrawal as in any sense a sop or token. They are physical fighting human beings who will be delighted to be back in their homes. This is true of many who will come back. The sooner they come back,

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the better. But I am not going to tell the Commander in Chief how many should be withdrawn.

I do recall that General Zais, who has been quoted with regard to the withdrawal from "Hamburger Hill," further made the very pungent and bitter comment that if they had not cleared that ridge, "they," the enemy, "would have come down and killed us where we slept."

I will take the tactics and strategy of a man who is concerned with not getting our soldiers killed. Our strategy is to save Americans and the American Armed Forces from carrying on any greater proportion of the combat than we must. But, as I have said before, I am not going to try to second guess the generals in this matter, and I am not going to tell the President that he should pull all the troops out tomorrow.

The sooner we can pull them out, the better. The sooner South Vietnam can take over, the better. But I do not want any of our soldiers coming back here and saying they came back under terms other than honorable.

Mr. PELL. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. PELL. I would not dream of establishing the precise number or the specifics of the timetable. The suggestion I would make is that the timetable and our definite intentions be publicly set forth.

In connection with General Zais' remarks, I ask unanimous consent to insert in the Record an article quoting General Zais, published in the Providence Journal on June 7, the gist of which is apparently a little different from the report the Senator from Pennsylvania used.

Mr. SCOTT. Mr. President, if the Senator from Rhode Island will yield, I heard General Zais, myself, on the 11 o'clock news, say what I just got through saying. If that is not included in his statement, I will be delighted to see it.

Mr. PELL. I ask unanimous consent to insert the article into the Record and let General Zais speak for himself. I particularly invite the attention of my colleagues to the last sentence of the article.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island?

There being no objection, the article was ordered to be printed in the Record, as follows:

A General's Defense of "Hamburger Hill"

(By Thomas J. Morgan)

The name "Hamburger Hill" was dreamed up by some enterprising reporter, the general who commanded the 101st Airborne Division in the controversial battle said yesterday, but added that the assault itself was only too real and led to a "gallant victory."

Maj. Gen. Melvin Zais, 53, a native of Fall River, returned to his home state last Thursday for leave between Army assignments. He is visiting his mother, Mrs. Jennie Zais, to whom yesterday was "the greatest day of my life."

She cheerfully made room for a troop of reporters and television crews who invaded the living room to speak with her son, who is focal point of a clash in the U.S. Senate.

The paratrooper assault on Ap Bia Mountain, a 3,000-foot hill in the A Shau Valley near the Laotian border, cost more than 50 American lives last month. The action was condemned by Sen. Edward M. Kennedy, D-Mass., as a "senseless" waste of lives and as an action which bespoke of hypocrisy when compared to the U.S. position voiced at the Paris peace talks.

Republican leaders promptly rejoined the majority whip, and after several days of cross-fire, the Senate storm died down.

So far as General Zais is concerned, nothing has changed. His mission, as he saw it, "was simply to enter the A Shau Valley and locate and destroy any elements of the North Vietnamese Army (NVA) and any caches of munitions and supplies."

Calling the whole affair "a routine military operation," General Zais said his Screaming Eagles Division found the enemy at Ap Bia—Hill 937. After more than a dozen assaults which lay the hill blasted bare of trees, a four-battalion convergence drove the enemy from his bunkers.

The general, whose older son, Barrie E. Zais, 27, is an Army captain now serving in Vietnam, and who on Wednesday presented a diploma to his other son, Michell M. Zais, 22, at West Point, defended his military moves at the time by saying the enemy was prepared to move east and threaten the coastal area around Hue, a major city.

Yesterday he rejected "explicitly" Senator Kennedy's allegation that the assault troops themselves "questioned the madness" of the action, which sent them against the mountain "a dozen times or more."

"Morale was as high as it possibly could be," General Zais said emphatically. With more than just a touch of pride, the general noted not a single American life was lost on the final, victorious assault.

Newsmen asked him about a supposedly new tactic of searching out for the enemy in small groups, in line with U.S. policy in Paris which calls for no further escalation of the war by the United States.

"Yes, we have been searching out in small groups," General Zais said, "but that's what we are there for: We didn't go there for a tropical vacation."

What is there about the Vietnam War which has so embittered and split the American people as no other war? he was asked.

"You'll have to remember," he said thoughtfully, "that we never were mobilized so spontaneously as we were after Pearl Harbor. We gradually drifted into this one and it is understandable that the people are growing impatient."

Hill 937—Ap Bia—Hamburger Hill is abandoned now, he said.

"This is not a war of hills," General Zais said. "You simply fight the enemy where you find him. Ap Bia was where we found him. After we finished, he was gone and there was no tactical reason to remain on that hill, it had no military importance whatever."

INTEREST RATES, THE 10-PERCENT SURTAX, AND WARTIME WAGE AND PRICE CONTROLS

Mr. LONG. Mr. President, in 1967, when President Johnson suggested that Congress enact the 10-percent tax surcharge, he warned that failure to pass it would cause "spiraling interest rates and severely tight money."

The Secretary of the Treasury, Henry Fowler, reiterated this same theme not once, but twice, during public hearings before the Committee on Ways and Means, where he argued long and hard for the surtax. He said:

> We also need this tax increase to avoid excessively high interest rates and tight money.

And at a later point, he noted:

> I have dwelled at some length of the importance of the proposed tax increase for the performance of finance markets and interest rates, because to my mind that is a key reason for its enactment.

The Chairman of the Council of Economic Advisers agreed. His argument was:

> Without a tax increase, the cruel and unequal bite of tight money and high interest rates would impose some restraint on the growth of demand and the inflation of money incomes. But the additional revenues generated by that kind of restraint would not flow to the Government. Rather, they would flow to those who have money to lend.

That was the background against which the surtax was passed.

President Kennedy has broken faith with the American people on the question of interest rates by condoning high rates after promising them low rates. As one who ran for Vice President on the same platform, President Johnson must share the blame. Nonetheless, President Johnson used the threat of still higher rates as a lever to get congressional support for his surtax.

Now, Vietnam is the only instance in this Senator's recollection in which this Nation has fought a major war without imposing some sort of wage and price controls on the economy. Because we have not enacted those controls, prices have gone up to far higher levels than they need to have risen, and demands for wage increases have been right with them. As far as I am concerned, if we are going to ask our economy to support a war effort, then the least we should do is dress it out in full battle gear with restraints on wages and prices both, and whatever else is needed to keep our economy in check. We have successfully fought inflation at home at the same time we fought a war abroad by doing this in the past.

Today, we are advised that the moneylenders of America have raised their prime interest rates to the unheard of level of 8½ percent. Now, if that is the rate they plan to charge their best corporate borrowers, just imagine what they are going to charge the poor people of our land who have to borrow to pay doctors' bills, educate their children, or buy a home.

President Nixon is standing at the crossroads. He can move in one direction and demand that the bankers rescind their interest rate increases, just as President Johnson forced the steel companies to roll back their price hikes 2 years ago. After all, interest is nothing more than the price bankers charge for the product they sell. Or President Nixon can take the other road and concede publicly that he has more sympathy for the moneylenders than he has for the money borrowers.

If he chooses the latter course, he must recognize that the premise on which the 10-percent surtax was enacted a year ago is a false premise. The surtax has not halted inflation. It has probably added to inflation by increasing the prices consumers must pay for the products they buy, and by contributing to greater demands for higher wages to pay for those products.

Nor has the surtax slowed the pace of

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interest rates. Rather, it has probably caused bankers to raise their rates so that they will realize the same, or higher, profits that they enjoyed before the surtax was enacted.

The surtax and high interest rates are not compatible. The American people probably can stand the burden of one or the other, but they should not be shackled with both. Everybody knows that the merciless tax of inflation, mirrored in the interest rate increase announced by the bankers, strikes hardest at the aged, the young and the poor, and those living on fixed incomes, with no regard for the concept of ability to pay. The national interest demands that our people be protected from that sort of tax. The 8½ percent interest rate must not be allowed to stand.

I would hope that President Nixon and his Secretary of the Treasury, together with other responsible persons who have some influence in this new administration, will do what they can to bring down this outrageous 8.5 percent prime interest rate, accompanied by higher rates on top of that.

I ask unanimous consent to have printed in the RECORD at this point a list showing the increases in the prime interest rate since August 3, 1960.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Prime interest rate

	Percent
Aug. 23, 1960	4.5
Dec. 6, 1965	5.0
March 10, 1966	5.5
June 29, 1966	5.75
Aug. 16, 1966	6.0
Jan. 26, 1967 (some banks, 5.5%)	5.75
Mar. 27, 1967	5.5
Nov. 20, 1967	6.0
Apr. 19, 1968	6.5
Sept. 25, 1968 (some banks, 6.0%)	6.25
Dec. 2, 1968	6.5
Dec. 18, 1968	6.75
Jan. 7, 1969	7.0
Mar. 17, 1969	7.5
June 10, 1969	8.5

Source: Federal Reserve Bulletin.

EIGHT GREAT NORTH CAROLINIANS

Mr. ERVIN. Mr. President, on May 18, 1969, Appalachian State University, at Boone, N.C., dedicated four new dormitories which bear the names of eight great North Carolinians: Charles A. Cannon and his wife, Ruth Coltrane Cannon, David Stanton Coltrane and his wife, Lela Hayworth Coltrane, Moses H. Cone and his wife, Bertha Lindau Cone, and O. Max Gardner and his wife, Fay Webb Gardner.

Pursuant to an invitation extended to me by Dr. William H. Plemmons, president of Appalachian State University, and one of America's greatest educators, I had the privilege of making the dedicatory remarks on that occasion. I ask unanimous consent that a copy of these dedicatory remarks be printed at this point in the RECORD.

There being no objection, the dedicatory remarks were ordered to be printed in the RECORD, as follows:

EIGHT GREAT NORTH CAROLINIANS

As one who treasures in his memory the sacrificial services performed by D. D. Dougherty and B. B. Dougherty in founding and nurturing Appalachian State University, and appreciates the priceless contributions of the institution to the economic, the educational, the cultural, and the spiritual life of North Carolina and the nation, I cherish this opportunity to participate in the dedication of these four magnificent dormitories as places of abode for students coming to this University for intellectual and spiritual light.

It it fitting, indeed, that these dormitories bear the names of eight great North Carolinians: Charles A. Cannon and his wife, Ruth Coltrane Cannon, David Stanton Coltrane and his wife, Lela Hayworth Coltrane, Moses H. Cone and his wife, Bertha Lindau Cone, and O. Max Gardner and his wife, Fay Webb Gardner, who brought enlargement and enrichment of life to multitudes of our people.

Two of them, Charles A. Cannon and Mrs. Lela Hayworth Coltrane, still abide with us, continue their good works and grace this occasion. The others have joined "the choir invisible of those immortal dead who live again in minds made better by their presence."

Tyrannous time compels me to strive to confine within narrow limits my appraisal of the careers of those whose names these domitories bear. I mention them in alphabetical order.

CHARLES A. AND RUTH COLTRANE CANNON

Charles A. Cannon was born on November 29, 1892, at Concord, North Carolina, where he stills resides.

After attending the public schools of Concord, Fishburne Military Academy at Waynesboro, Virginia, and Davidson College, he accepted employment with the textile manufacturing firm now known as the Cannon Mills Company, of Kannapolis, North Carolina, which his, father, James W. Cannon, one of the South's pioneers in this field, had founded.

On his father's death, Mr. Cannon, who was then only 29 years old, became the managing head of the enterprise. As the result of his consummate ability and unflagging efforts in this capacity, the Cannon Mills Company has become the world's largest manufacturer and merchandiser of household textiles. It now employs 22,000 persons in 19 plants in North and South Carolina.

Mr. Cannon is also Chairman of the Board of the Cabarrus Bank and Trust Company, a director of the New York Life Insurance Company, and President of the Wiscassett Mills Company of Albemarle, North Carolina, the Social Circle Cotton Mill of Social Circle, Georgia, and the Imperial Cotton Mills of Eatonton, Georgia. As President of the North Carolina Cotton Manufacturers Association, and Chairman of the Board of Governors of the American Textile Manufacturers Institute, and in other capacities, he has rendered invaluable assistance to the textile industry as a whole.

Despite the demands of business upon his energy and time, Mr. Cannon has crowded into his busy days diligent service on the North Carolina State Highway Commission, the North Carolina Commission on the Blue Ridge Parkway, the Robert L. Doughton Memorial Commission, the North Carolina Medical Care Commission, the North Carolina Sanatorium Commission, the North Carolina Citizens Committee for Better Schools, the Board of Trustees of the University of North Carolina, the Board of Trustees of Duke University, and the Board of Trustees of Cabarrus Memorial Hospital.

Mr. Cannon has done much to better the public schools of Kannapolis and Cabarrus County and to encourage boys and girls of that area to attend institutions of higher learning. He gives his religious allegiance to the Presbyterian Church and supports the good works of that and other denominations.

These activities reveal Mr. Cannon's strong mind, tremendous energy, compassionate heart, and religious faith. But they do not make manifest his other characteristics, such as the sense of humor which delights his friends, the forthrightness which makes him abhor guile and obstentation, and the courage which inspires him to fight for the things he holds dear.

When 19 years of age, Charles A. Cannon married Ruth Louise Coltrane, a Concord girl of charming personality and high intelligence, who was his constant inspiration until her death on December 22, 1965.

While majoring in history at Greensboro College, where she graduated with highest honors, Mrs. Cannon became imbued with the desirability of making North Carolina's history known and preserving its historic landmarks.

To this end, she served as President of the North Carolina Society for the Preservation of Antiquities, as Chairman of the Roanoke Island Historical Association, as Vice President of the Tryon Palace Restoration Committee, and as an officer of numerous historical and patriotic organizations; directed the publication of "Old Houses and Gardens in North Carolina" and several historical records; sponsored the outdoor dramas "The Lost Colony" at Manteo and "Horn In The West" at Boone; and aided in the restoration of the historic town of Bath, and the marking of many historic sites.

Mrs. Cannon loved the beautiful and the good as well as the historic. Her vision inspired the Elizabethan Garden at Manteo and the colonial style of architecture which distinguishes the business section of Kannapolis.

As an active Presbyterian, she was much concerned with the Presbyterian institutions at Banner Elk: Lees-McRae College, Grandfather Home for Children, and the Charles A. Cannon, Jr. Memorial Hospital. She joined her husband in establishing a college scholarship program for the young people of their area and in his support of Wingate College, which named one of its dormitories in their honor.

The marriage of Mr. and Mrs. Cannon was blessed by two sons, William C. Cannon and Charles A. Cannon, Jr., and two daughters, Mrs. Robert Hayes and Mrs. Richard Spencer.

Charles A Cannon, Jr. died in action while serving as a Lieutenant in the United States Air Force in the Second World War. As a consequence, he will be numbered forever among those of whom Britain's heroic poet, Rupert Brooke, said:

> "These laid the world away; poured out the red
> Sweet wine of youth; gave up the years to be
> Of work and joy, and that unhoped serene,
> That men call age; and those who would have been,
> Their sons, they gave, their immortality."

DAVID STANTON COLTRANE AND LELA HAYWORTH COLTRANE

David Stanton Coltrane was born on his father's farm in Randolph County, North Carolina, July 27, 1893. After attending public schools in Randolph and Guilford Counties, and spending a year as a student at Guilford College, he entered North Carolina State University at Raleigh, where he studied agriculture and graduated in 1918.

After graduation, Mr. Coltrane spent two years as county farm agent in Randolph County and seventeen years as a North Carolina field representative of the American Limestone Company of Knoxville, Tennessee. From 1937 until 1963, he served North Carolina ably and successively as Assistant Commissioner and Commissioner of the Department of Agriculture, as Assistant Director and Director of the State Budget Bureau, as Assistant Director and Director of the Department of Administration, and as Consultant on Economy and Efficiency to the Governor's Office.

Although he was approaching the age of

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three score years and ten, Dave Coltrane, as he was called by his intimates, accepted from Governor Sanford in January 1963, appointment as Chairman of the newly-created North Carolina Good Neighbor Council, which was charged with responsibility for maintaining and promoting good racial relations in North Carolina.

He was a fortunate selection for this post, which he actively filled until his death. He did not accept the present-day delusion that racial problems can be solved by the coercive power of law. He believed that their solution must be sought in compassion, goodwill, and tolerance, which induce mutual understanding and a spirit of cooperation.

As a consequence, he kept the lines of communication between the races open, and assembled men of both races around conference tables to discuss frankly and honestly all divisive issues and to seek their solutions. He established scores of local good neighbor councils in various areas of the State to perform similar functions.

When tense situations threatened to erupt into violence, he walked courageously into their midst, and by his quiet persuasion helped to bring about what has been aptly called "a sense of the possibility of reconciliation."

In performing his duties as Chairman of the North Carolina Good Neighbor Council, he sought to motivate disadvantaged Negroes to acquire skills qualifying them for industrial employment, and to encourage industries to give them employment when they had done so.

Notwithstanding the pressures of his official duties, Mr. Coltrane was active in the affairs of farmer organizations; operated two farms in Granville County; held important posts in the Methodist Church; and served as a trustee of the North Carolina Wesleyan College at Rocky Mount, North Carolina.

His accomplishments were applauded by his contemporaries in many ways. Honorary doctorates were bestowed upon him by North Carolina State University and Saint Augustine College, and buildings were named for him at Agricultural and Technical University and Winston-Salem State College.

On August 10, 1920, Mr. Coltrane was happily married to Lela Hayworth, of Asheboro, North Carolina, a lady of outstanding intelligence and personality, who won Ph. B. and A.B. degrees as a student at Elon College in Elon College, North Carolina. The children of this marriage are Major James Ralph Coltrane and Mrs. J. H. Robertson. It is worthy of note that after her children attained adulthood, Mrs. Coltrane pursued graduate studies at North Carolina State University at Raleigh and was awarded the M.S. degree by that institution.

While fulfilling in the highest degree her duties as wife and mother, Mrs. Coltrane has served in these capacities: A Trustee of High Point College, a Trustee of the Methodist Retirement Home, an officer of the North Carolina Division of the United Daughters of the Confederacy, a member of the Board of Missions of the Methodist Church, a member of the Board of the Young Women's Christian Association, a member of the North Carolina Civil War Centennial Commission, and a member of the North Carolina State Mental Health Association. In so doing, she has made contributions of great moment to the civic, the cultural, the educational, and religious life of North Carolina.

David S. Coltrane died unexpectedly at Raleigh on October 31, 1968, survived by his wife, his son, and his daughter.

Mrs. Coltrane continues to reside in Raleigh, where she maintains an active interest in everything which betters the life of her community and the State.

MOSES H. AND BERTHA LINDAU CONE

Moses H. Cone, the first son of Herman Cone and his wife, Helen Guggenheimer, was born in Jonesboro, Tennessee, June 29, 1857. The family moved to Baltimore, Maryland in 1870, where his father engaged in the wholesale grocery business.

Young Moses was educated in the schools of Jonesboro and Baltimore, but did not attend college. Having an avid curiosity, he read books on all subjects, and thus made himself a highly educated man with many intellectual interests.

When Moses was a teen-ager, his father gave him a job as a "drummer," and sent him into the South to obtain orders for groceries which were filled by the Baltimore store.

In performing this work, young Moses traveled by train to the principal towns and by horseback to rural areas. In the course of this employment, he visited mountain areas in Western North Carolina, and fell in love with the region around Blowing Rock in Watauga County, where he puchased some 3,500 acres of land which embraced Flat Top and Rich Mountains.

Here he built his permanent home, planted orchards, flowers, and flowering shrubs, constructed lakes and drives, and raised cattle and sheep. All in all, he made this estate one of indescribable beauty. While he maintained a winter home in Baltimore, and resided at times in the home of his brother, Ceasar Cone, in Greensboro, this estate remained his legal residence for the remainder of his life.

During the latter part of the 19th century, small textile plants operated by water power came into being in many parts of the South. Moses Cone visited many of these plants soliciting orders for groceries from the general stores they operated. In this way he became familiar with the difficulty these textile plants had in marketing their products for fair prices.

To aid the southern textile plants in solving this problem, he and his brother, Ceasar Cone, established the Cone Export and Commission Company as an agency for marketing the products of southern textile mills in national and foreign markets. This organization was incorporated in 1890, and since that time has operated in New York City and in Greensboro, where Ceasar Cone established his home.

Shortly thereafter, Moses and Ceasar Cone built the Proximity Cotton Mill, the White Oak Cotton Mills, and other textile plants in northeast Greensboro. As their operations increased, they acquired other plants in Greensboro and elsewhere, and enlisted the aid of their younger brothers in their enterprises.

Some years after the death of Moses Cone, all of these plants were merged into the Cone Mills Corporation, which now employs 16,000 persons in 26 textile plants in North Carolina, South Carolina, and Alabama, and makes more denim than any other organization in the world.

The love of Moses Cone embraced not only the mountains, but their people. He undertook to better the educational opportunities of their children. When the Legislature of North Carolina incorporated what is now Appalachian State University as a state institution under the name of Appalachian State Teachers College in 1903, Moses Cone became one of the incorporators and trustees of the institution, and throughout the remainder of his life furthered the development of the institution by his talents and his means.

While a young man, Moses Cone met and married Bertha Lindau of Baltimore, a woman of remarkable personality, who shared his interests and his dreams. They adhered to the Jewish religion and practiced in their daily lives its highest precepts.

They shared two great dreams. One of them was to establish a hospital to minister to the sick and injured, and the other was to make their estate at Blowing Rock accessible to all who believe that "the heavens declare the glory of God, and the firmament showeth His handiwork."

Moses Cone died December 8, 1908, before these dreams were realized. In consequence of his own request, his body was buried on Flat Top Mountain. After his death, Moses H. Cone's relatives joined Bertha Lindau Cone in establishing the Moses H. Cone Memorial Hospital at Greensboro, and donating the estate at Blowing Rock to the Federal Government as trustee for all lovers of beauty.

Bertha Lindau Cone died in 1947, and was buried beside her husband on Flat Top Mountain.

O. MAX AND FAY WEBB GARDNER

O. Max Gardner, a son of Dr. Oliver Perry Gardner, and his wife, Margaret Young, was born in Shelby, North Carolina, March 22, 1882. He lost both parents by death early in life, and was reared by a sister, Bessie Gardner, who subsequently married Clyde R. Hoey.

After attending the public schools of Shelby, and enlisting at the age of 16 for service in the Spanish American War, he entered the North Carolina State University at Raleigh, where he received the degree of Bachelor of Science in 1903. Afterwards he studied law at the University of North Carolina at Chapel Hill. He was a great athlete, serving as Captain of the football teams at both of these institutions.

He began the practice of law in Shelby in 1907, and was soon recognized as one of North Carolina's ablest lawyers and most eloquent orators.

Max Gardner had much intellectual and physical vigor. Hence it is not surprising that he was extremely active in the business, the civic, the political and the religious life of Shelby and Cleveland County, serving as President of the Cleveland Cloth Mills; as Director of the Belmont Mills, the Dilling Mills, the Dover Mills, and the First National Bank of Shelby; as President of the Cleveland Springs Corporation, the Cleveland County Board of Agriculture, the Shelby Chamber of Commerce, and the Shelby Kiwanis Club; as Chairman of the Democratic Executive Committee of Cleveland County; and as President and teacher of the Men's Bible Class of the First Baptist Church of Shelby. He also supervised the farming of approximately 2,000 acres of land.

He was chosen by the citizens of Cleveland County to represent them in the state Senate in 1911 and 1915, and by the citizens of North Carolina to serve them as Lieutenant Governor from 1917 to 1921.

He served on the Board of Trustees of North Carolina State University and the University of North Carolina at Chapel Hill.

He championed the cause of the Democratic Party in many statewide campaigns, and thereby attained great popularity throughout the state. As a consequence, he was nominated without opposition as the Democratic candidate for Governor in 1928, and received a majority of 70,000 in the general election of that year, notwithstanding Herbert Hoover, the Republican candidate for President, carried the State by a 60,000 majority.

Max Gardner's tenure as Governor coincided with the Great Depression which brought despair to the people, and made it exceedingly difficult for the state to finance the public schools and other essential governmental functions. At this time, Governor Gardner made this statement:

"If by some magic we in North Carolina could regain our faith in ourselves and each other, in our institutions and agencies of public and private service, the whole face of the state would be transformed within 60 days.

"We should remember that there has been no change in the basic character of our people. We are the same we have always been and North Carolina possesses everything she ever possessed except money. And some day we can make money again if we do not turn yellow and quit. We must carry on in North Carolina."

As a result of Governor Gardner's courage and faith, North Carolina continued to edu-

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cate her children and to perform her other governmental tasks, and emerged from the Great Depression a finer and stronger state.

When his term as Governor ended in January 1933, Max Gardner established a law firm in Washington, D.C., and soon acquired a choice clientele in the nation's Capital.

By his legal learning and business acumen, Max Gardner acquired substantial wealth. He was extremely generous in his contributions to North Carolina State University, Gardner-Webb College, and charitable and religious institutions.

He declined to accept a number of high offices tendered to him by President Roosevelt, and continued in active practice as one of the leading lawyers of Washington until 1946, when he became Under Secretary of the Treasury. While serving in this post, President Truman named him Ambassador to the Court of Saint James, and he was on the point of sailing for England to fill that post when he died in New York on February 6, 1947.

Max Gardner was singularly fortunate in his choice of a wife. On November 6, 1907 he married Fay Lamar Webb, the daughter of the beloved jurist, Judge James L. Webb. She was a lady of much beauty and many graces.

Mrs. Gardner was educated in the public schools of Shelby, and at the Lucy Cobb School for Girls in Athens, Georgia. She shared her husband's ambitions and by her charisma did much to aid their consummation. North Carolina never had a more charming "First Lady" in the Governor's Mansion.

Time does not permit me even to catalogue the services which Mrs. Gardner rendered to the Baptist Church, the Democratic Party, and the various charitable, civic, cultural, historical, patriotic, political, public, and social organizations to which she belonged. I must content myself with stating that she was a Trustee of Gardner-Webb College, the North Carolina Orthopedic Hospital, the Children's Home Society, and the Harry S. Truman Library. The truth is that she did everything within her power to enrich the lives of our people. For her distinguished public and humanitarian services, the University of North Carolina at Greensboro conferred upon her the degree of Doctor of Humane Letters.

Mrs. Gardner died January 16, 1969, mourned by all North Carolina.

Governor and Mrs. Gardner were the parents of a daughter, Margaret Love Gardner, who is now the wife of N. E. Burgess; and three sons, Ralph Webb Gardner, who is affiliated with the law firm established by his father; James Webb Gardner, who died January 19, 1946; and O. Max Gardner, Jr., who died November 10, 1961.

WHAT THEIR LIVES TEACH

I have attempted to draw verbal portraits of those whose names these buildings bear.

Inasmuch as biography is history teaching by example, this question arises: What do their lives teach?

It seems to me that their lives teach these things:

1. A free society, such as ours, exalts the individual and grants him leave to develop his talents as fully as he wills.

2. An individual who truly avails himself of this leave becomes a person of strong mind, great heart, true faith, and ready hands.

3. An individual of this character recognizes that God and society impose upon him the obligation to employ his talents and his means to enlarge and enrich the lives of his fellowmen as well as those of the members of his family.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Proposed Project To Be Undertaken for the Marine Corps Reserve

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, the location, nature, and estimated cost of the Twin Cities Naval Air Station, Minnesota Helicopter Landing Mat Expansion, proposed to be undertaken for the Marine Corps Reserve (Air); to the Committee on Armed Services.

Report of the Federal Trade Commission

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Annual Report of the Federal Trade Commission, fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Commerce.

Report of the Office of Coal Research

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a copy of the 1969 report of the Office of Coal Research, relating to coal research activities undertaken during calendar year 1968 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Third- and Sixth-Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, reports relating to third- and sixth-preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report of the National Advisory Committee on Handicapped Children

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the interim emergency report of the National Advisory Committee on Handicapped Children, May 6, 1969 (with an accompanying report]; to the Committee on Labor and Public Welfare.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

James J. Needham, of New York, to be a member of the Securities and Exchange Commission.

By Mr. McGEE, from the Committee on Post Office and Civil Service:

Harold F. Faught, of Pennsylvania, to be Assistant Postmaster General.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the Legislature of the Virgin Islands petitioning the Congress to establish a constitutional government for the people of the U.S. Virgin Islands, subject to the plenary powers of the Congress of the United States over the Territory of the Virgin Islands; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Franklin County Board of Supervisors, Malone, N.Y., with reference to continued tax exemption of bonds of local government; to the Committee on Finance.

A resolution adopted by the City Council of the City of Philadelphia memorializing the Congress of the United States to designate the birthday of the late President, John Fitzgerald Kennedy, a national legal holiday; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S.J. Res. 123. A bill joint resolution to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates (Rept. No. 91–236).

By Mr. MOSS, from the Committee on Commerce, with amendments:

S. 1689. A bill to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes (Rept. No. 91–237).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PROUTY (for himself and Mr. Cotton):

S. 2420. A bill to amend the Social Security Act and related provisions of law to increase old-age, survivors, and disability insurance benefits payable under title II of such Act, to increase the amount of income individuals may earn without suffering deductions from benefits payable under such title, to exempt individuals over age 70 from the reduction on account of earnings, to increase the widow's benefit, and otherwise to improve the social security program; to the Committee on Finance.

(The remarks of Mr. Prouty when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. DIRKSEN:

S. 2421. A bill for the relief of Elisabetta Foglia; to the Committee on the Judiciary.

By Mr. BAYH:

S. 2422. A bill to amend part B of title IV of the Higher Education Act of 1965, relating to the students insured loan program, in order to provide that the Secretary of Health, Education, and Welfare shall prescribe the maximum rate of interest allowed for the purposes of such part; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Bayh when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. McGOVERN:

S. 2423. A bill for the relief of Dr. Benigno Buentipo; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2424. A bill to amend the Social Security Act; to the Committee on Finance.

(The remarks of Mr. Hartke when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MAGNUSON (for himself, Mr. Hartke, Mr. Hart, Mr. Long, and Mr. Pearson):

S. 2425. A bill to authorize the Secretary of Transportation to provide for a long range program of comprehensive regional planning for, and coordination of, transportation, including therein the undertaking of research and development and the conducting of demonstrations, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HOLLAND:

S. 2426. A bill for the relief of Doctor Delsa Evangelina Estrada de Ferran; to the Committee on the Judiciary.

By Mr. MOSS:

S. 2427. A bill for the relief of Cal C. Davis and Lyndon A. Dean; to the Committee on the Judiciary.

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By Mr. HART:

S. 2428. A bill for the relief of Doctor Norberto S. Portugal; to the Committee on the Judiciary.

By Mr. LONG:

S.J. Res. 124. A joint resolution relating to increasing the voluntary limitations on the exportation of wire rods to the United States by foreign steel producers; to the Committee on Finance.

S. 2420—INTRODUCTION OF THE SOCIAL SECURITY AMENDMENTS OF 1969

Mr. PROUTY. Mr. President, I, together with the distinguished senior Senator from New Hampshire, Mr. COTTON, introduce for appropriate reference a bill to amend the Social Security Act. I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

Mr. President, the Social Security Act has been amended 12 times in the 34 years since its original enactment. To some I suppose statistics might indicate the Social Security Act has been the subject of enough major amendments. However, Mr. President, the Social Security Act deals with the problems of people living in an ever-changing society. For the most part, the people with whom the act is concerned are those who are most seriously affected by the changes in society.

Each of us recognizes the tremendous growth of affluence which has taken place in our country since the end of World War II. Because our country is one in which concern is shown for the individual, we have also realized that large segments of our society have been left behind. For example, nearly 10 percent of our total population is age 65 or over and yet, nearly 6 million of those 20 million individuals live below the level which has been established as the poverty threshold.

Herman B. Brotman, Chief of Reports and Analysis, of the Administration on Aging, points out that the elderly are not moving out of poverty as quickly proportionately as the under age 65 population. In May 1968, writing in "Useful Facts No. 37" issued by the Administration on Aging, he reported:

> The 65+ population, continuing the modern trend of faster growth than the under-65 group, increased between 1965 and 1966 by approximately 300,000 or 1.6 percent to 17.9 million. But the aged who were poor also increased, from 5.3 million to 5.4 million, up 1.8 percent. Thus, while the proportion of all under-65 persons living in poverty fell from 16 to 14 percent, the proportion of the aged who were poor remained about the same, 30 percent. People aged 65+ made up 9.3 percent of the total noninstitutional population but 18.1 percent of the poor.
>
> Another 2.3 million or almost 13 percent of the 65+ population were on the borderline between poverty and low income, making a total of 42.5 percent of aged living below the low-income level.

Mr. President, I believe that it is intolerable for such a situation to exist in our country. The contrast between the "haves" and "have nots" is becoming more and more vivid.

Our Nation's annual gross national product is fast approaching the one trillion dollar mark.

However, over 6 million of our citizens aged 65 or over find it difficult, if not impossible, to obtain the basic necessities.

Nonaffluent older Americans find life so uncomfortable that they are forced to live a day-by-day bare existence made tolerable only by the faith in our democratic institutions which they trust will not let their plight go unnoticed.

Last year in testimony before the Labor and Public Welfare Committee, Margaret Mead, the noted anthropologist, stated:

> I wish to emphasize particularly how deeply a rapidly changing society like ours is dependent upon the ongoing participation of its alert and experienced older people . . . To accomplish this essential inclusion of our older people, we need income maintenance which will give them dignity, independence and the means for social participation.

Mr. President, we are not achieving that end. Ninety percent of this country's older Americans rely primarily upon the social security system for their economic well-being after their active working years. Most of them find their dignity eroded by the inflation which eats away at their meager monthly benefit. Most of them find their independence thwarted by our failure to realistically adjust social security benefits in order to keep pace with an inflation which is so difficult to control. Each of them find their opportunities for social participation limited by the Nation's overall preoccupation with the welfare of its youth to the exclusion of concern for its aged.

In January 1967 our Nation acted to alleviate to some extent the hardship facing older Americans. At that time we in this body passed a major social security bill which would have provided a minimum benefit of at least $70 a month.

Mr. President, I remember well the evening that this body passed this bill. It gave me momentary satisfaction because year after year from 1961 on, I proposed bill after bill and amendment after amendment to provide a $70 minimum monthly benefit. Unfortunately, my satisfaction was fleeting because during the conference with the House that $70 minimum monthly benefit was reduced to $55.

Mr. President, I must admit that there are times when I become very discouraged in the pursuit of my efforts to improve the plight of older Americans. I do not think that the lack of success by those of us who want to provide adequate income for older Americans is due to the Nation's viewing its older citizens with coldness and calculated neglect. Instead, Mr. President, I believe it is simply a case where the Nation does not fully realize the facts concerning the economic problems of older Americans and the facts which clearly indicate that those problems can be solved without undue hardship or inconvenience to the rest of the society.

Mr. President, I am optimistic that the bill Senator COTTON and I are introducing today which, if enacted, would substantially improve our social security system.

Section 2 of the bill, Mr. President, would increase social security benefits for all recipients. This is needed, Mr. President, because all social security recipients find themselves in a worse economic position today than 2 years ago when we passed the last social security increase. In December 1967, Congress enacted a 13-percent increase in social security benefits. However, the consumer price index has increased from 118.2 at that time to 125.6 in March 1969, indicating that over 69 percent of the beneficial effect of the increase had already been eliminated.

Section 2 increases the minimum monthly benefit from $55 to $70 and provides benefit increases on a graduated basis from 7 percent at the highest benefit to 28 percent at the minimum benefit level.

I ask unanimous consent, Mr. President, that two charts showing the actual dollar increases for social security recipients be printed in the RECORD immediately following my remarks.

Section 3 of the bill, Mr. President, increases the benefit for widows receiving social security from 82½ percent of the amount their husbands were entitled to, to 100 percent. Mr. President, I am sure that all of us can empathize with the sense of loss, tragedy, and hopelessness confronting the widow who has lost her loved one. All of us can understand the sorrow which is a part of that stage of life unique to the older American. I think all of us also realize that no amount of money can eliminate the sorrow resulting from the loss of a loved one. By the same token, we should be able to understand that when our social security law imposes such a drastic reduction in income to a grieving widow, it multiplies the problems and depression with which she is already faced.

Under the present law, if an aged couple is receiving social security benefits of $150 a month, the wife would receive only $82.50 a month following the death of her husband. In other words, the income coming into her household will suddenly decrease by nearly 50 percent. Under the bill I am introducing today, the widow in the example I have just given would receive at least $100 a month, thereby decreasing the degree of economic shock which affects her household under the present law.

Mr. President, section 4 of this bill corrects a provision in the present law which can be supported by neither logic nor equity. Under the present law an individual is entitled to receive full social security benefits at age 65, but he does not have to. Many individuals are healthy at age 65 and can continue making a substantial contribution to the work force. Therefore, they continue full employment and receive no social security benefit. However, week after week, month after month, both they and their employers continue to pay the social security payroll tax.

Now, Mr. President, this situation would make some sense if the individual who continued working after age 65 would receive a greater social security benefit when he finally decided to retire. However, in almost every case the individual who continues full employment after the age 65 will not receive 1 penny more in social security benefits when he finally decides to retire. As far as I can tell, there are only two exceptions to this

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situation. The first exception occurs whenever Congress increases the base salary to which the social security payroll tax is applied. In that case the individual may receive a slightly greater benefit if his income is equal to or greater than the base salary amount to which the social security payroll tax is applicable.

The other exception, Mr. President, is the case of an individual who begins to work under the social security system late in life so that the necessary quarters for social security eligibility are obtained after age 65.

In order to be fair to those individuals who continue full employment after age 65, section 4 of this bill would give them the right to elect whether or not they wish to continue payment of the social security payroll tax.

Sections 5 and 6 of the bill are concerned with the retirement test or earnings limitation contained in the present Social Security Act.

Mr. President, we all realize that in 1935 when the Social Security Act originated, this Nation was in the depths of a great depression. It made some sense at that time to discourage the continued employment of older Americans so as to make room in the work force for the thousands of middle-aged Americans standing in the relief lines. Today, our Nation probably has as full an employment situation as is possible. In short, many industries need the skills and labor of older Americans. Under the present law, the individual eligible for social security benefits loses $1 for every $2 he earns over $1,680 a year and under $2,880. He loses dollar for dollar for any earned income which exceeds $2,880. I, for one, believe that present-day situations do not justify the existence of such a penalty against older Americans who are willing and able to work.

In 1961 and 1964 I proposed legislation which would totally eliminate the retirement test or earnings limitation under social security. Since that time I have compromised my original proposal by substituting the liberalization of the earnings limitation in lieu of its complete elimination. I have done this because I realize that total elimination would cost the social security system a considerable amount of money and when one looks at all of the economic problems facing older Americans, priorities must be set to give preference to those who need the money the most. Nevertheless, I am convinced that both equity and logic necessitates liberalizing the present law.

Section 5 of this bill would increase the earnings limitation from the present $1,680 a year to $2,400 a year. This is identical to a social security amendment twice adopted by this body.

Section 6 of the bill would lower the age to which the earnings limitation applies from 72 to age 70. In other words, any individual who continues employment after age 70 would not be affected by the earnings limitation.

Mr. President, this bill does not cure all of the problems facing older Americans. In fact it does not cure all of the problems presently affecting the social security system. However, I believe that it embodies those improvements in the social security system which must be taken immediately. I believe, Mr. President, that the enactment of this bill would begin to ease the unnecessary hardships facing this Nation's older Americans.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and charts will be printed in the RECORD.

The bill (S. 2420), to amend the Social Security Act and related provisions of law to increase old-age, survivors, and disability insurance benefits payable under title II of such act, to increase the amount of income individuals may earn without suffering deductions from benefits payable under such title, to exempt individuals over age 70 from the reduction on account of earnings, to increase the widow's benefit, and otherwise to improve the social security program; introduced by Mr. PROUTY, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Amendments of 1969".

INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS

SEC. 2. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$20.00	$61.10	----------	$85	$70.00	$105.00
$20.01----	20.64	62.20	$86	87	71.50	107.30
$20.65----	21.28	63.30	88	89	72.80	109.20
$21.29----	21.88	64.50	90	90	74.20	111.30
$21.89----	22.28	65.60	91	92	75.50	113.30
$22.29----	22.68	66.70	93	94	76.70	115.10
$22.69----	23.08	67.80	95	96	77.80	116.70
$23.09----	23.44	69.00	97	97	79.40	119.10
$23.45----	23.76	70.20	98	99	80.80	121.20
$23.77----	24.20	71.50	100	101	82.30	123.50
$24.21----	24.60	72.60	102	102	83.50	125.30
$24.61----	25.00	73.80	103	104	84.20	126.30
$25.01----	25.48	75.10	105	106	85.70	128.60
$25.49----	25.92	76.30	107	107	87.00	130.50
$25.93----	26.40	77.50	108	109	88.40	132.60
$26.41----	26.94	78.70	110	113	89.80	134.70
$26.95----	27.46	79.90	114	118	91.10	136.70
$27.47----	28.00	81.10	119	122	92.50	138.80
$28.01----	28.68	82.30	123	127	93.90	140.90
$28.69----	29.25	83.60	128	132	95.30	143.00
$29.26----	29.68	84.70	133	136	96.50	144.80
$29.69----	30.36	85.90	137	141	97.10	145.70
$30.37----	30.92	87.20	142	146	98.60	147.90
$30.93----	31.36	88.40	147	150	99.90	149.90
$31.37----	32.00	89.50	151	155	101.20	151.80
$32.01----	32.60	90.80	156	160	102.60	153.90
$32.61----	33.20	92.00	161	164	104.00	156.00
$33.21----	33.88	93.20	165	169	105.40	158.10
$33.89----	$34.50	$94.40	$170	$174	$106.70	$160.10
$34.51----	35.00	95.60	175	178	108.10	162.20
$35.01----	35.80	96.80	179	183	109.30	164.00
$35.81----	36.40	98.00	184	188	109.80	164.70
$36.41----	37.08	99.30	189	193	111.30	167.00
$37.09----	37.60	100.50	194	197	112.60	168.90
$37.61----	38.20	101.60	198	202	113.80	170.70
$38.21----	39.12	102.90	203	207	115.50	173.30
$39.13----	39.68	104.10	208	211	116.60	174.90
$39.69----	40.33	105.20	212	216	117.80	176.70
$40.34----	41.12	106.50	217	221	119.30	179.00
$41.13----	41.76	107.70	222	225	120.60	180.90
$41.77----	42.44	108.90	226	230	121.90	184.00
$42.45----	43.20	110.10	231	235	122.30	188.00
$43.21----	43.76	111.40	236	239	123.50	191.20
$43.77----	44.44	112.60	240	244	125.00	195.20
$44.45----	44.88	113.70	245	249	126.20	199.20
$44.89----	45.60	115.00	250	253	127.60	202.40
		116.20	254	258	129.00	206.40
		117.30	259	263	130.20	210.40
		118.60	264	267	131.60	213.60
		119.80	268	272	133.00	217.60
		121.00	273	277	134.30	221.60
		122.20	278	281	134.40	224.80
		123.40	282	286	135.70	228.80
		124.70	287	291	137.20	232.80
		125.80	292	295	138.40	236.00
		127.10	296	300	139.80	240.00

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"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1965 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)	"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1965 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—	If an individual's primary insurance benefit as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—			At least—	But not more than—		At least—	But not more than—		
		$128.30	$301	$305	$141.10	$244.00			$176.30	$493	$496	$186.90	$372.80
		129.40	306	309	142.40	247.20			177.50	497	501	188.10	374.80
		130.70	310	314	143.80	251.20			178.60	502	506	189.30	376.80
		131.90	315	319	145.10	255.20			179.70	507	510	190.00	378.40
		133.00	320	323	146.30	258.40			180.80	511	515	190.50	380.40
		134.30	324	328	146.40	262.40			182.00	516	520	191.10	382.40
		135.50	329	333	147.70	266.40			183.10	521	524	192.30	384.00
		136.80	334	337	149.10	269.60			184.20	525	529	193.40	386.00
		137.90	338	342	150.30	273.60			185.40	530	534	194.70	388.00
		139.10	343	347	151.60	277.60			186.50	535	538	195.80	389.60
		140.40	348	351	153.00	280.80			187.60	539	543	197.00	391.60
		141.50	352	356	154.20	284.80			188.80	544	548	198.20	393.60
		142.80	357	361	155.70	288.80			189.90	549	553	199.40	395.60
		144.00	362	365	157.00	292.00			191.00	554	556	200.00	396.80
		145.10	366	370	158.10	296.00			192.00	557	560	200.50	398.40
		146.40	371	375	158.20	300.00			193.00	561	563	201.80	399.60
		147.60	376	379	159.40	303.20			194.00	564	567	202.80	401.20
		148.90	380	384	160.80	307.20			195.00	568	570	203.80	402.40
		150.00	385	389	162.00	311.20			196.00	571	574	204.90	404.00
		151.20	390	393	163.30	314.40			197.00	575	577	205.90	405.20
		152.50	394	398	164.70	318.40			198.00	578	581	206.90	406.80
		153.60	399	403	165.90	322.40			199.00	582	584	208.00	408.00
		154.90	404	407	167.30	325.60			200.00	585	588	209.00	409.65
		156.00	408	412	168.50	329.60			201.00	589	591	209.50	410.80
		157.10	413	417	169.00	333.60			202.00	592	595	210.00	412.40
		158.20	418	421	169.50	336.80			203.00	596	598	210.50	413.60
		159.40	422	426	170.60	340.80			204.00	599	602	211.00	415.20
		160.50	427	431	171.70	344.80			205.00	603	605	211.50	416.40
		161.60	432	436	172.90	348.80			206.00	606	609	212.20	418.00
		162.80	437	440	174.20	350.40			207.00	610	612	213.20	419.20
		163.90	441	445	175.40	352.40			208.00	613	616	214.20	420.80
		165.00	446	450	176.60	354.40			209.00	617	620	215.30	422.40
		166.20	451	454	177.60	356.00			210.00	621	623	216.30	423.60
		167.30	455	459	179.00	358.00			211.00	624	627	217.30	425.20
		168.40	460	464	180.20	360.00			212.00	628	630	218.00	426.40
		169.50	465	468	181.00	361.60			213.00	631	634	218.50	428.00
		170.70	469	473	181.50	363.60			214.00	635	637	219.00	429.20
		171.80	474	478	182.10	365.60			215.00	638	641	219.50	430.80
		172.90	479	482	183.30	367.20			216.00	642	644	220.30	432.00
		174.10	483	487	184.50	369.20			217.00	645	648	221.30	433.60
		175.20	488	492	185.70	371.20			218.00	649	650	222.40	434.40"

(b) The amendment made by subsection (a) shall be effective with respect to monthly benefits under title II of the Social Security Act for months after the month following the month in which this Act is enacted.

INCREASE IN AMOUNT OF WIDOW'S BENEFITS

SEC. 3. (a) Section 202(c) (1) and (2) of the Social Security Act is amended by striking out "82½ per centum" wherever it appears therein and inserting in lieu thereof "100 per centum".

(b) The amendments made by subsection (a) shall apply with respect to monthly benefits under section 202 of the Social Security Act for months after the month following the month in which this Act is enacted.

ELECTIVE EXEMPTION FROM FUTURE COVERAGE BY CERTAIN INDIVIDUALS WHO ARE ALREADY FULLY INSURED

SEC. 4. (a) Subsection (c) of section 211 of the Social Security Act is further amended (1) by striking out "or" at the end of paragraph (5) thereof, (2) by striking out the period at the end of paragraph (6) thereof and inserting in lieu of such period a semicolon followed by the word "or", and (3) by adding after paragraph (6) thereof the following new paragraph:

"(7) The performance of service by an individual during the period for which there is in effect a certificate filed by such individual under section 1402(i) of the Internal Revenue Code of 1954."

(b) Subsection (c) of section 1402 of the Internal Revenue Code of 1954 is further amended (1) by striking out "or" at the end of paragraph (5) thereof, (2) by striking out the period at the end of paragraph (6) thereof and inserting in lieu of such period a semicolon followed by the word "or", and (3) by adding after paragraph (6) thereof the following new paragraph:

"(7) the performance of service by an individual during the period for which there is in effect a certificate filed by such individual under subsection (i)."

(c) Subsection (a) of section 210 of the Social Security Act is amended (1) by striking out "or" at the end of paragraph (18) thereof, (2) by striking out the period at the end of paragraph (19) thereof and inserting in lieu of such period a semicolon followed by the word "or", and (3) by adding after paragraph (19) thereof the following new paragraph:

"(20) Service performed by an individual during the period for which there is in effect a certificate filed by such individual under section 1402(i) of the Internal Revenue Code of 1954."

(d) Subsection (b) of section 3121 of the Internal Revenue Code of 1954 is amended (1) by striking out "or" at the end of paragraph (18) thereof, (2) by striking out the period at the end of paragraph (19) thereof and inserting in lieu of such period a semicolon followed by the word "or", and (3) by adding after paragraph (19) thereof the following new paragraph:

"(20) service performed by an individual during the period for which there is in effect a certificate filed by such individual under section 1402(i)."

(e) Section 1402 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"(1) EXEMPTION CERTIFICATE.—Any individual who has attained age 65 and is a fully insured individual (as defined in section 214(a) of the Social Security Act) may at any time file a certificate (in such form and manner, and with such official, as may be prescribed by regulations made under this chapter) certifying that he elects to have exempted from coverage by the insurance system established by title II of the Social Security Act any employment performed by him, or any self-employment engaged in by him.

"(2) Effective period of certificate.—A certificate filed by an individual pursuant to this subsection shall be effective, in the case of employment (as defined in section 3121 (b) and section 210 (a) of the Social Security Act), performed by him on and after the first day of the first calendar quarter which begins more than 30 days after the date such certificate is filed, and, in the case of self-employment in a trade or business (as defined in subsection (c) and section 211 (c) of the Social Security Act), engaged in by him for the taxable year in which the certificate is filed and all succeeding taxable years."

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INCREASE IN AMOUNTS INDIVIDUALS MAY EARN WITHOUT SUFFERING DEDUCTIONS IN THEIR BENEFITS

SEC. 5. (a) Paragraphs (1), (3), and (4) (B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140 wherever it appears therein and inserting in lieu thereof "$200".

(b) The first sentence of paragraph (3) of such subsection (f) is amended by striking out "year, except of the first $1,200 of such excess (or all of such excess if it is less than $1,200), an amount equal to one-half thereof shall not be included" and inserting in lieu thereof "year".

(c) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$200".

(d) The amendments made by the preceding subsections of this section shall apply only with respect to taxable years ending after the date of the enactment of this Act.

REDUCTION FROM 72 TO 70 THE AGE AFTER WHICH DEDUCTIONS ON ACCOUNT OF EARNINGS ARE NO LONGER IMPOSED

SEC. 6. (a) Subsections (c)(1), (d)(1), (f)(1), and (j) of section 203 of the Social Security Act are each amended by striking out "seventy-two" and inserting in lieu thereof "seventy".

(b) Subsection (h) (1) (A) of such section 203 is amended by striking out "the age of 72" and "age 72" and inserting in lieu thereof in each instance "age 70".

(c) The heading of subsection (j) of such section 203 is amended by striking out "Seventy-two" and inserting in lieu thereof "Seventy."

(d) The amendments made by the preceding subsections of this section shall apply only with respect to monthly insurance benefits under title II of the Social Security Act for months in taxable years (of the individual whose earnings are involved) ending after the date of the enactment of this Act.

The material presented by Mr. PROUTY is as follows:

SPECIFIC MONTHLY SOCIAL SECURITY BENEFIT INCREASES FOR INDIVIDUALS UNDER THE PROUTY-COTTON BILL[1]

Those now receiving—	Would receive—
$55 to $61.10	$70.00
$62.20	71.50
$63.30	72.80
$64.50	74.20
$65.60	75.50
$66.70	76.70
$67.80	77.80
$69.00	79.40
$70.20	80.80
$71.50	82.30
$72.60	83.50
$73.80	84.20
$75.10	85.70
$76.30	87.00
$77.50	88.40
$78.70	89.80
$79.90	91.10
$81.10	92.50
$82.30	93.90
$83.60	95.30
$84.70	96.50
$85.90	97.10
$87.20	98.60
$88.40	99.90
$89.50	101.20
$90.80	102.60
$92.00	104.00
$93.20	105.40
$94.40	106.70
$95.60	108.10
$96.80	109.30
$98.00	109.80
$99.30	111.30
$100.50	112.60
$101.60	113.80
$102.90	115.50
$104.10	116.60
$105.20	117.80
$106.50	$119.30
$107.70	120.60
$108.90	121.90
$110.10	122.30
$111.40	123.50
$112.60	125.00
$113.70	126.20
$115.00	127.60
$116.20	129.00
$117.30	130.20
$118.60	131.60
$119.80	133.00
$121.00	134.30
$122.20	134.40
$123.40	135.70
$124.70	137.20
$125.80	138.40
$127.10	139.80
$128.30	141.10
$129.40	142.40
$130.70	143.80
$131.90	145.10
$133.00	146.30
$134.30	146.40
$135.50	147.70
$136.80	149.10
$137.90	150.30
$139.10	151.60
$140.40	153.00
$141.50	154.20
$142.80	155.70
$144.00	157.00
$145.10	158.10
$146.40	158.20
$147.60	159.40
$148.90	160.80
$150.00	162.00
$151.20	163.30
$152.50	164.70
$153.60	165.90
$154.90	167.30
$156.00	168.50
$157.10	169.00
$158.20	169.50
$159.40	170.60
$160.50	171.70
$161.60	172.90
$162.80	174.20
$163.90	175.40
$165.00	176.60
$166.20	177.60
$167.30	179.00
$168.40	180.20
$169.50	181.00
$170.70	181.50
$171.80	182.10
$172.90	183.30
$174.10	184.50
$175.20	185.70
$176.30	186.90
$177.50	188.10
$178.60	189.30
$179.70	190.00
$180.80	190.50
$182.00	191.10
$183.10	192.30
$184.20	193.40
$185.40	194.60
$186.50	195.80
$187.60	197.00
$188.80	198.30
$189.90	199.40
$191.00	200.00
$192.00	200.50
$193.00	201.80
$194.00	202.80
$195.00	203.80
$196.00	204.90
$197.00	205.90
$198.00	206.90
$199.00	208.00
$200.00	209.00
$201.00	209.50
$202.00	210.00
$203.00	210.50
$204.00	211.00
$205.00	211.50
$206.00	212.20
$207.00	213.20
$208.00	214.20
$209.00	215.30
$210.00	216.30
$211.00	217.30
$212.00	218.00
$213.00	218.50
$214.00	219.00
$215.00	219.50
$216.00	220.30
$217.00	221.30
$218.00	222.40

SPECIFIC MONTHLY SOCIAL SECURITY BENEFIT INCREASES FOR AGED COUPLES UNDER THE PROUTY-COTTON BILL

Those now receiving—	Would receive—
$82.50 to $91.70	$105.00
$93.30	107.30
$95.00	109.20
$96.80	111.30
$98.40	113.30
$100.10	115.10
$101.70	116.70
$103.50	119.10
$105.30	121.20
$107.30	123.50
$108.90	125.30
$110.70	126.30
$112.70	128.60
$114.50	130.50
$116.30	132.60
$118.10	134.70
$119.90	136.70
$121.70	138.80
$123.50	140.90
$125.40	143.00
$127.10	144.80
$128.90	145.70
$130.80	147.90
$132.60	149.90
$134.30	151.80
$136.20	153.90
$138.00	156.00
$139.80	158.10
$141.60	160.10
$143.40	162.20
$145.20	164.00
$147.00	164.70
$149.00	167.00
$150.80	168.90
$152.40	170.70
$154.40	173.30
$156.20	174.90
$157.80	176.70
$159.80	179.00
$161.60	180.90
$163.40	182.90
$165.20	183.50
$167.10	185.30
$168.90	187.50
$170.60	189.30
$172.50	191.40
$174.30	193.50
$175.80	195.30
$177.90	197.40
$179.70	199.50
$181.50	201.50
$183.30	201.60
$185.10	203.60
$187.10	205.80
$188.70	207.60
$190.70	209.70
$192.50	211.70
$194.10	213.60
$196.10	215.70
$197.90	217.70
$199.50	219.50
$201.50	219.60
$203.30	221.60
$205.20	223.70
$206.90	225.50
$208.70	227.40
$210.60	229.50
$212.30	231.30
$214.20	233.60
$216.00	235.50
$217.70	237.20
$219.60	237.30
$221.40	239.10
$223.40	241.20
$225.00	243.00
$226.80	245.00
$228.80	247.10
$230.40	248.90
$232.40	251.00
$234.00	252.80
$235.70	253.50
$237.30	254.30
$239.10	255.90
$240.80	257.60
$242.40	259.40
$244.20	261.30
$245.90	263.10
$247.50	264.90
$249.30	266.40
$251.00	268.50
$252.60	270.30
$254.30	271.50
$256.10	272.30
$257.70	273.20
$259.40	275.00
$261.20	276.80
$262.80	278.60
$264.50	280.40
$266.30	282.20
$267.90	284.00
$269.60	285.00
$271.20	285.80
$273.00	286.70
$274.70	288.50
$276.30	290.10
$278.10	292.10
$279.80	293.70
$281.40	295.50
$283.20	297.30

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[1] Both monthly benefit amounts are based on retirement at at age 65.

SPECIFIC MONTHLY SOCIAL SECURITY BENEFIT INCREASES FOR AGED COUPLES UNDER THE PROUTY-COTTON BILL [1]—Continued

Those now receiving—	Would receive—
$284.90	$299.10
$286.50	300.00
$288.00	300.80
$289.50	302.70
$291.00	304.20
$292.50	305.70
$294.00	307.40
$295.50	308.90
$297.00	310.40
$298.50	312.00
$300.00	313.50
$301.50	314.30
$303.00	315.00
$304.50	315.80
$306.00	316.50
$307.50	317.30
$309.00	318.30
$310.50	319.80
$312.00	321.30
$313.50	323.00
$315.00	324.50
$316.50	326.00
$318.00	327.00
$319.50	327.80
$321.00	328.50
$322.50	329.30
$324.00	330.50
$325.50	332.00
$327.00	333.60

[1] Both monthly benefit amounts are based on retirement at age 65.

S. 2422—INTRODUCTION OF A BILL AUTHORIZING FLEXIBLE INTEREST RATES FOR THE STUDENT INSURED LOAN PROGRAM

Mr. BAYH. Mr. President, the question of how much Federal assistance will be made available to higher education will be debated in committee and on the floors of the Senate and the House in the next few months. Tragically, education is a low priority field as far as the Nixon administration is concerned. The revised budget which the President has submitted to this Congress reflects an unfortunate lack of emphasis in this important area. Hopefully Congress will exercise its prerogative and insure that budgetary inequities do not maim the fine and essential system of education we have in the United States.

However, Mr. President, there are some programs in the field of higher education which cannot wait for long. One of these is the guaranteed student loan program under the National Defense Education Act.

Under this program, the Federal Government pays the interest on loans made by private banks to college students during the duration of the student's undergraduate education. Last year, faced with the problem of rapidly rising interest rates, Congress found it necessary to raise the authorized interest payment from 6 to 7 percent. However, this year the guaranteed loan program is completely unworkable. With the prime interest rate at a whopping 8.5 percent, loans are just not available at 7 percent.

Mr. President, today I introduce a bill to help ease the flow of loan money.

My proposal would permit the Commissioner of Education to raise and lower the amount of interest paid by the Federal Government under the guaranteed student loan program. By permitting the Commissioner to act in this matter, we would eliminate the stumbling block of Congress having to deal with the problem of the interest ceiling in a time when the rates are increasing at an astronomical rate. If we do not permit some flexibility in this program, we will be cutting off the only source some students have of financing their college educations.

I have talked with a number of students, a number of bankers, and a number of officials at institutions of higher learning, who feel that unless Congress takes action quickly, it will be impossible for the institutions and the students involved to make the necessary plans relative to what they are going to do next September.

But the guaranteed loan program is not the only area which concerns me. The major student assistance programs under NDEA face a severe financial squeeze as a result of an economy move by the administration. The effects of these proposed cuts could be catastrophic nationwide unless Congress acts and acts quickly. We cannot cut back on Federal assistance to higher education and expect the States to pick up the slack. Most States already have more budgetary problems than they can handle, and to expect them to accept this additional burden, I think, is either naive or shows complete ignorance of the plight of most States' budgets.

For example, the State universities in my home State of Indiana this spring felt the effects of student unrest. Prior to this time, Hoosier campuses had been relatively free from disorders and dissent. When student protest came to Indiana, it came not as the result of demands totally unrelated to the educational process but out of a sincere desire of the students for a college education. The possibility of obtaining a university degree has become increasingly difficult for many Indiana students.

This spring, Hoosier students were confronted with an unexpected fee increase at their colleges—in some cases as much as 75 percent.

The most immediate contributing factor to the fee increase was the action taken by the 1969 session of the Indiana General Assembly. The legislature voted drastic cuts in State assistance to higher education. It abolished new State scholarship and the operating budgets for the main campuses of Indiana University and Purdue University were reduced by $1.4 million and $900,000 respectively. The budgets were reduced at a time when a number of students that have to be taught and housed and fed and cared for was increased. The budgets of the other two State universities, Ball State and Indiana State, were not cut, but the appropriations allotted were totally inadequate to meet the demands of increased enrollment and nationwide inflation. All four schools in Indiana are now faced with the unhappy prospect of higher education becoming, in the words of one concerned student, "A privilege for the wealthy rather than a right for the qualified."

These sudden and high fee increases meant that some students, especially those from lower income families, would not be able to return to school next fall—that some would not be able to begin school next fall, and for others it meant going further into debt and mortgaging their futures for college education. As one Indiana educator said:

> I see good students, good engineers as it were, who are going to have to leave this university because they came here on loans, and they came here with their mothers working and scrubbing floors and she can't hack it another two years if the fees go up.

No doubt many students in other State colleges and universities around the country are faced with this same dilemma.

One of the largest student assistance programs is the national defense student loan program. And yet this program is totally dependent upon current funding. Unless Congress makes money available for NDSL, thousands of potential college students will be denied a university education.

Congress for each of the last 3 years has appropriated $190 million for the national defense student loan program. However, the Nixon administration's fiscal year 1970 budget request is $155 million for the same program. The 1970 authorization level for NDSL is $275 million and applications from schools around the country already indicate a need and eligibility of at least $273 million. A cutback from $190 million to $155 million would mean that between 44,000 and 50,000 deserving students will not receive NDSL assistance to go to college next fall. Institutional requests show that even if Congress maintains the present level of funding, countless other potential students will not receive loans. In Indiana, my home State university requests for next fall total $9.6 million: if Congress appropriates only the $155 million requested, the maximum Hoosier colleges could receive would be $4.3 million. NDSL projected funding is as low as 37 percent of the demand for one State.

Appropriations for the work-study program, by which we have been trying to give needy students an opportunity to get their education and under which the Federal Government pays 80 percent of the cost of part-time employment made available to students by the colleges have been increasing each year, but the amount is still inadequate to meet the need. For example, for the school year 1969–70, there were $275 million in gross applications from U.S. institutions of higher learning of which $219.3 million was approved by regional boards. Yet the total of all Federal funds available to meet this demand was a mere $169 million.

We tell students we are going to provide additional employment for them and see to it that they have an opportunity to work their way through college. Yet, we do not give them enough funds to do the job we say is needed.

The Nixon budget before Congress asks for only $154 million. The budget request would be inadequate to fund the program in 1968–69, and yet in 1969–70, 350 more schools will begin to participate in the program and the minium wage paid to the students soon will be increasing by 15 cents an hour.

At a time when society is stressing self-help and many are advocating that students earn their educations, it seems to me that we should be increasing appropriations for the work-study program, not reducing them.

On Wednesday, June 11, the Senate Appropriations Committee voted to include in the second supplemental $16 million for educational opportunity grants. This was the same amount which was cut from the 1969 Appropriations bill by the conference committee. I compliment the committee. I concur wholeheartedly with the Appropriations Committee on the need to restore these badly needed funds. The fact that the committee and the Senate this year have had to take their time to restore funds that were eliminated last year demonstrates the imprudence of slashing education programs. Cutting the investment in education is not economy; it is folly.

In 1965, Congress established the educational opportunity grant program for students of exceptional financial need. American universities were encouraged to recruit actively minority and needy students and contracts were let to State, local, and nonprofit private organizations to identify and encourage these students. Believing in the slogan, "To get ahead, get a good education," Congress established the economic opportunity grants program to help deserving students break the poverty cycle. In the first operating year of the program, 133,900 beginning students went to college at a cost of $54,113,941. Unfortunately, current figures show regression instead of progress in the program.

This year, 140,500 initial grants were awarded, but without the restored $16 million, only 100,200 new students will be able to start college on educational opportunity grants—a mere 50 percent of those who are eligible. In 1 school year, without these additional funds, 40,300 potential students would be denied their chance at a college degree.

The EOG program receives funding 1 year in advance of the current fiscal year. One of the problems facing administrators of this program is that renewal students have first priority for available funds. Each year, more and more renewal students are added to the program, and as appropriations are cut back, fewer and fewer initial grants for new students are available. Colleges are going as far down in their recruiting as the ninth grade telling these economically deprived students that there is a way for them to go to college if they will just work hard and have faith. But then when these students apply for college, they find that there is no more money in the till for initial-year grants. Unfortunately, it is extremely difficult to predict accurately how many renewal students there will be at every college. Full funding for the program would help eliminate this uncertainty on the part of the student and the college. Full funds would permit financial aid offices to plan how much the school and private sources will have to make available in matching funds.

The budgetary request for educational opportunity grants appears to reflect this need for full funding, but an analysis of the fiscal year 1969 appropriation and the fiscal year 1970 request will show how misleading absolute figures can be. The administration has requested $175.6 million and this year's appropriation was $124 million. However, to this $124 million was added $9 million in funds that the Office of Education was not permitted to spend in 1968 and $11 million in unexpected unused renewals. These additions bring the current operating budget of EOG to $144 million. This next academic year, obligations to 180,400 returning students will be fulfilled. Yet, because of the low appropriation, even with an addition of $20 million in redeemed and holdover money, only one-half of the eligible beginning students will receive grants. Of course, the restoration of the $16 million—which the Appropriations Committee, in its wisdom, restored—will help keep the program close to the 1968–69 level.

The Office of Education estimates that the following year's renewals will be as many as 188,400. Even if Congress appropriates the entire $175 million requested for the 1970–71 school year, there will be enough funds for only 120,000 initial year grants—again, only about half of the eligible students who could have entered college if the program were fully funded. If Congress permits cutbacks and does not support full funding, will it be any wonder that minority groups doubt the depth of our commitment to solve the problems of educational inequality? I think the answer is obvious.

Mr. President, I cannot stress too strongly the importance of immediate congressional consideration of appropriations for higher education. Three of the four programs I have mentioned all have different funding timetables. If we wait until August or September to appropriate funds for title IV, it will be too late for the national defense student loan and guaranteed loan programs. They are now totally dependent upon current funding.

Both the Education and Labor and Labor and Public Welfare Committees have urged that the national defense student loan program be granted one year's forward funding. Under the present system, funds are usually appropriated for these loans after the schools have sent out acceptances. Without more advanced funding, it is almost impossible for colleges to plan ahead on the number of students who will be matriculating and the number of loans that will be needed and available. This would eliminate the terrible uncertainty that now accompanies a basically sound program. I strongly urge the President and the Senate and House Appropriations Committees to approve forward funding for this program. It would be in the best interests of our educational institutions and of the students who are tomorrow's leaders.

For years we have been hearing that education is the key to the future. I firmly believe that an investment in the education of our young people is an investment in the future of America. The unrest on college campuses has caused great concern in this Nation, quite understandably. Although a very small percentage of the colleges in the United States have experienced disorders and these have been perpetrated by a small minority of the students, there are those who are advocating the elimination of Federal aid to higher education. If Congress were to take this action, we would be playing into the hands of the student radicals—the far-out few who say you cannot make it in the system. We would be giving proof to the charge that the over-30 generations have no sympathy with the problems of the young. Education is not a field which can be cut back one year and the difference made up the next. Repercussions will be felt for years if we do not fund, at an adequate level, the programs we have already undertaken. Cutbacks in the name of economy is false economy and just plain foolish. Congress must take the following steps: First, increase appropriations for title IV of the Higher Education Act to full authorization levels; second, lift the restrictions on the interest paid by the Government under the guaranteed student loan program so that students can obtain these loans to finance their educations, and third, provide for 1-year forward funding for the national defense student loan program so that the colleges and the students will know how much money will be available prior to the beginning of the academic year.

I concur wholeheartedly with John Kenneth Galbraith when he said:

> People are the common denominator of progress. So . . . no improvement is possible with unimproved people, and advance is certain when people are liberated and educated.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2422), to amend part B of title IV of the Higher Education Act of 1965, relating to the students insured loan program, in order to provide that the Secretary of Health, Education, and Welfare shall prescribe the maximum rate of interest allowed for the purposes of such part, introduced by Mr. BAYH, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 2424—INTRODUCTION OF THE OMNIBUS SOCIAL SECURITY AMENDMENTS OF 1969

Mr. HARTKE. Mr. President, I introduce at this time, for appropriate reference, the Omnibus Social Security Amendments of 1969, which are intended as a modernization of the old Social Security Act.

The United States was negligently late in recognizing the need for and benefits of economic security. When Congress passed the Social Security Act in the mid-1930's, 27 countries already had well-developed national retirement systems. The great depression forced this Nation to deal with the problem of economic insecurity in an increasingly industrialized and urbanized society.

The social security system today covers almost all workers, including those who are self-employed. Last year, 90 million people contributed to social security; $180 billion has been paid to beneficiaries since its inception. Every month, more than 15 million social security benefit checks are issued. Ninety to 95 percent of all those reaching retirement age now are eligible for benefits. Presently, there are more than 18 million Americans over the age of 65.

Despite the number of Americans and the amount of money involved, there has never been a full review of the social security system and its impact on the Nation. Not surprisingly, many anomalies, inequities, and injustices exist in the present law.

Today, Mr. President, I introduce a bill

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encouraging such a full-scale review of the entire social security and welfare system, and correcting some of the existing inequities.

The most urgent concern in any revision of the Social Security Act is to increase the benefits to meet the existing need. Inflation is rapidly eroding the gains of every American. In an inflation, the elder American living on social security is like a prisoner living in an ever-contracting cell. He paid his fair share, only to discover that his return frequently assigns him to a life of poverty.

As a distinguished task force reported to the Finance Committee:

> The Social Security System has failed to keep up with the rising income needs of the aged.

To remedy this situation, my bill raises the minimum income benefit to at least $100, provides for a 10-percent increase in existing benefits, and ties future increases to increases in the cost of living as determined by the Department of Labor.

The need for higher benefit levels is clearly revealed in the fact that the average social security payment to retired workers is now $98 a month, to aged widows $86, and to disabled workers $112. Of course, this means that many people receive lower amounts and about 2.8 million beneficiaries receive the minimum benefit. The minimum for a worker at age 65 or later is only $55. This was raised only last year from the minimum of $47. These meager amounts hardly mean a happy retirement.

I might point out to the Senate that when I introduced the $100 minimum in the Committee on Finance last year, we were not even able to receive enough votes to provide for $1,200 a year for a person on social security. My interest in this amendment was the previous administration's proposal which no other member of the Finance Committee indicated he was going to enter into, was to provide for a minimum benefit of $70 a month. This minimum benefit of $70 a month, that I proposed in committee, did pass the Finance Committee, and also the Senate; but the House of Representatives, in conference with the Senate, insisted that the amount be reduced to $55 a month.

Providing a 10-percent increase in benefits and a minimum benefit of at least $100 a month as proposed by my bill will be an important step in assuring retired Americans an adequate income.

There is now, I believe, very widespread acceptance of the idea that social security benefits should be increased automatically as the cost of living rises. In 1968, both the Republican and Democratic Parties included proposals to do this in their platform. Since both parties would seem to be in agreement, there is little reason for not having tied benefit increase to cost of living by the time of adjournment of this Congress.

I might also point out that during President Nixon's campaign, he made a speech in Pennsylvania, verified by the present Secretary of Health, Education, and Welfare, Mr. Finch, in hearings before the Finance Committee that President Nixon had, indeed, promised the American people that benefits in social security would be tied to the increase in the cost of living. What I want to do is to help the President keep his promise.

Our older people on social security have had $3 billion in purchasing power taken away by inflation from their pensions alone since 1965. These people should not have to wait 1, 2, or 5 years until Congress provides some form of relief. To give some indication of the urgency of the problem it is indicated that at the present rate, price rises would wipe out a 7-percent increase long before it reaches social security beneficiaries.

By tying benefits to the cost of living, Congress can insure that elder Americans' investment in their retirement is "inflation proof."

Mr. President, my proposed bill also revises the funding formula for social security so that the employer, employee, and the Federal Government all would contribute a one-third share.

The probability that a contribution from general revenue would be required to finance the social security system has been acknowledged from the beginning. In 1935, the Committee on Economic Security which recommended the adoption of the social security system also recommended that the Federal Government make contributions. The 1938 and 1948 Advisory Councils on Social Security also supported a Federal contribution from general revenues. A Government contribution was enacted in the Social Security Act in 1943 but was eliminated in 1950.

I believe that a Government contribution to the social security system is necessary because:

First, any more increase in the payroll tax, which is essentially a regressive tax, would create an oppressive burden for the low-paid workers, the young workers, and the small businessmen;

Second, adequate benefits cannot be provided by raising payroll taxes;

Third, contribution by the Federal Government to the social security system should reduce the cost of other welfare programs.

One of the most self-defeating provisions of the present social security law is the limitation on earnings. It is indeed a bizarre paradox in America. A desire to work penalizes a man after a certain age. At the present time, a beneficiary who earns more than $1,680 a year receives a reduced social security benefit. I propose that Congress immediately increase the earnings limitation to $2,400 and over a period of 7 years eliminate it entirely. Older Americans should not be penalized for investing their retirement or discouraged from participation in our society. At the present time, 26 percent over the age of 65 are participating in either part-time or full-time employment.

The law in the medieval age treated woman as an inferior creature. They were denied many rights granted to men. Most of these feudalistic laws have been eliminated from our legal system but the concept of a woman's inferiority is alive and well in our social security system. Under present law, a man can draw 150 percent of his monthly benefits if he is married. If he is a widower, he receives his full benefits. But, if he leaves a widow, she can receive only 82½ percent of his total allotment. A widow's expenses are not less costly than a man's. A woman faces the prospect of not only losing her husband but almost half of her income. My legislation would eliminate this discrimination and allow a surviving spouse of a primary beneficiary to receive 100 percent of the social security benefits.

Mr. President, my bill would also provide the supplementary medical insurance program for the aged in the areas of eye, hearing, and dental care. It will include the provision of eyeglasses, hearing aids, and dentures where they are needed, as well as the necessary attendant examinations and treatment of other conditions related to these. Studies reveal that the elderly have the greatest need for dental care and the least ability to pay.

In the area of eye care the basic facts are the same: it is the elderly who are in the greatest need because they have the greatest sight impairment, but because of their limited income they are far more likely to live with their disability rather than have it properly cared for to make their later years as enjoyable as they might be.

I would imagine that a person like myself, who goes to the eye doctor for an annual examination, has to adjust his bifocals every once in a while, so that it really means something to him personally when he receives that final examination for special sight device.

This bill also removes the present exclusion in the area of hearing impairment.

The amount of hearing impairment is considerably greater than that of visual impairment, although I venture that most people, seeing so many more eyeglasses than hearing aids in use, would be surprised to know that fact. Whereas there are an estimated 5,390,000 persons in the Nation with eye problems at least severe enough to make them unable even with glasses to recognize a friend walking on the other side of the street, more than 8½ million have—by their own or family member's account in answering the health survey questions—"deafness or serious trouble hearing with one or both ears."

Although I believe the greatest legislative accomplishment of the 89th Congress was the establishment of the social security-based health insurance program for persons over the age of 65, I also believe that this program must not remain limited only to elderly persons.

Rather, I believe this program must be changed and so expanded that beneficiaries of social security-provided disability insurance payments may share in its benefits, may be included in the Federal health insurance program.

To achieve this most worthwhile purpose, Mr. President, I am introducing a bill to provide that individuals entitled to disability insurance benefits—or child's benefits based on disability shall be eligible for health insurance benefits under title XVIII of the Social Security Act.

Mr. President, just as the men and

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women who are elderly and retired on social security payments must live and manage on very limited income and have a great need that their health care costs be met by the social insurance method, so, too, it is most necessary that the health care costs of those who must live and manage on limited income because they are disabled, because they are beneficiaries of the disability insurance program, be met by the very same concept of social insurance enacted into Federal law.

REFUND OF THE PAYROLL TAX

With the steady increase in the taxable wage base, the social security payment is becoming increasingly regressive. The poor pay proportionately higher percentages of their income. Presently the payroll tax of the Social Security Act annually consumes $1.5 billion of the incomes of those families whose income falls below the poverty line. This collection of $1.5 billion a year from families below the poverty level conflicts with the avowed national policy of eliminating poverty.

Because the payroll tax is inequitable, the income tax law should be amended to provide a partial refund of social security taxes. I propose a formula in the bill today by which 90 percent of the payroll tax paid by workers in the lowest income groups would be refunded.

CONCLUSION

Mr. President, I have discussed briefly some of the major provisions of the bill I am introducing today. It is not my claim that the proposals contained in this bill are perfect, but I believe they represent a concern for the welfare of our elder citizens, a concern that should be, and I trust will be, shared by Congress. I conclude my remarks by asking that a section-by-section outline of my bill be printed in the RECORD; and I also ask unanimous consent that the text of the entire bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the analysis and the text of the bill will be printed in the RECORD.

The bill (S. 2424), to amend the Social Security Act, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Omnibus Social Security Amendments of 1969".

TITLE I—OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

INCREASE IN BENEFIT AMOUNTS

SEC. 101. (a) Section 215 (a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$32.60	$90.80 or less	----------	$160	$100.00	$150.00
$32.61----	33.20	92.00	$161	164	101.20	151.80
$33.21----	33.88	93.20	165	169	102.60	153.90
$33.89----	34.50	94.40	170	174	103.90	155.90
$34.51----	35.00	95.60	175	178	105.20	157.80
$35.01----	35.80	96.80	179	183	106.50	159.80
$35.81----	36.40	98.00	184	188	107.80	161.70
$36.41----	27.08	99.30	189	193	109.30	164.00
$37.09----	37.60	100.50	194	197	110.60	165.90
$37.61----	38.20	101.60	198	202	111.80	167.70
$38.21----	39.12	102.90	203	207	113.20	169.80
$39.13----	39.68	104.10	208	211	114.60	171.90
$39.69----	40.33	105.20	212	216	115.80	173.70
$40.34----	41.12	106.50	217	221	117.20	176.80
$41.13----	41.76	107.70	222	225	118.50	180.00
$41.77----	42.44	108.90	226	230	119.80	184.00
$42.45----	43.20	110.10	231	235	121.20	188.00
$43.21----	43.76	111.40	236	239	122.60	191.20
$43.77----	44.44	112.60	240	244	123.90	195.20
$44.45----	44.88	113.70	245	249	125.10	199.20
$44.89----	45.60	115.00	250	253	126.50	202.40
		116.20	254	258	127.90	206.40
		117.30	259	263	129.10	210.40
		118.60	264	267	130.50	213.60
		119.80	268	272	131.80	217.60
		121.00	273	277	133.10	221.60
		122.20	278	281	134.50	224.80
		123.40	282	286	135.80	228.80
		124.70	287	291	137.20	232.80
		125.80	292	295	138.40	236.00
		127.10	296	300	139.90	240.00
		128.30	301	305	141.20	244.00
		129.40	306	309	142.40	247.20
		130.70	310	314	143.80	251.20
		131.90	315	319	145.10	255.20
		133.00	320	323	146.30	258.40
		134.30	324	328	147.80	262.40
		135.50	329	333	149.10	266.40
		136.80	334	337	150.50	269.60
		137.90	338	342	151.70	273.60
		139.10	343	347	153.10	277.60
		140.40	348	351	154.50	280.80
		141.50	352	356	155.70	284.80
		142.80	357	361	157.10	288.80
		144.00	362	365	158.40	292.00
		145.10	366	370	159.70	296.00
		146.40	371	375	161.10	300.00
		147.60	376	379	162.40	303.20
		148.90	380	384	163.80	307.20
		150.00	385	389	165.00	311.20
		151.20	390	393	166.40	314.40
		152.50	394	398	167.80	318.40
		153.60	399	403	169.00	322.40
		154.90	404	407	170.40	325.60
		156.00	408	412	171.60	329.60
		157.10	413	417	172.90	333.60
		$158.20	$418	$421	$174.10	$336.80
		159.40	422	426	175.40	340.80
		160.50	427	431	176.60	344.80
		161.60	432	436	177.80	348.80
		162.80	437	440	179.10	350.40
		163.90	441	445	180.30	352.40
		165.00	446	450	181.50	354.40
		166.20	451	454	182.90	356.00
		167.30	455	459	184.10	358.00
		168.40	460	464	185.30	360.00
		169.50	465	468	186.50	361.60
		170.70	469	473	187.80	363.60
		171.80	474	478	189.00	365.60
		172.90	479	482	190.20	367.20
		174.10	483	487	191.60	369.20
		175.20	488	492	192.80	371.20
		176.30	493	496	194.00	372.80
		177.50	497	501	195.30	374.80
		178.60	502	506	196.50	376.80
		179.70	507	510	197.70	378.40
		180.80	511	515	198.90	380.40
		182.00	516	520	200.20	382.40
		183.10	521	524	201.50	384.00
		184.20	525	529	202.70	386.00
		185.40	530	534	204.00	388.00
		186.50	535	538	205.20	389.60
		187.60	539	543	206.40	391.60
		188.80	544	548	207.70	393.60
		189.90	549	553	208.90	395.60
		191.00	554	556	210.10	396.80
		192.00	557	560	211.20	398.40
		193.00	561	563	212.30	399.60
		194.00	564	567	213.40	401.20
		195.00	568	570	214.50	402.40
		196.00	571	574	215.60	404.00
		197.00	575	577	216.70	405.20
		198.00	578	581	217.80	406.80
		199.00	582	584	218.90	408.00
		200.00	585	588	220.00	409.60
		201.00	589	591	221.10	410.80
		202.00	592	595	222.20	412.40
		203.00	596	598	223.30	413.60
		204.00	599	602	224.40	415.20
		205.00	603	605	225.50	416.40
		206.00	606	609	226.60	418.00
		207.00	610	612	227.70	419.20
		208.00	613	616	228.80	420.80
		209.00	617	620	229.90	422.40
		210.00	621	623	231.00	423.60
		211.00	624	627	232.10	425.20
		212.00	628	630	233.20	426.40
		213.00	631	634	234.30	428.00
		214.00	635	637	235.40	429.20
		215.00	638	641	236.50	430.80
		216.00	642	644	237.60	432.00
		217.00	645	648	238.70	433.60
		218.00	649	650	239.80	434.40"

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for the month of January 1970 on the basis of the wages and self-employment income of such insured individual, such total of benefits for such month or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), as in effect prior to January 1970, for each such person for January 1970, by 110 percent and raising each such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for the month of January 1970, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for January 1970, or".

(c) Section 215(b)(4) of such Act is amended to read as follows:

"(4) The provisions of this subsection shall be applicable only in the case of an individual—

"(A) who becomes entitled, after December 1969, to benefits under section 202(a) or section 223; or

"(B) who dies after December 1969 without being entitled to benefits under section 202(a) or section 223; or

"(C) whose primary insurance amount is required to be recomputed under subsection (f)(2)."

(d) Section 215(c) of such Act is amended to read as follows:

"PRIMARY INSURANCE AMOUNT UNDER 1967 ACT

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the enactment of the Social Security Amendments of 1969.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before the month of January 1970, or who died before such month."

(e) The amendments made by the preceding provisions of this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969 and with respect to lump-sum death payments under such title in the case of deaths occurring after December 1969.

(f) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for the month of December 1969 and became entitled to old age insurance benefits under section 202(a) of such Act for the month of January 1970, or who died in such month, then for purposes of section 215(a)(4) of the Social Security Act (if applicable) the amount in column IV of the table appearing in such section 215(a) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(c) of such Act) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based.

(g)(1) Section 227(a) of the Social Security Act is amended by striking out "$40" and inserting in lieu thereof "$75", and by striking out "$20" and inserting in lieu thereof "$37.50".

(2) Section 227(b) of such Act is amended by striking out in the second sentence "$40" and inserting in lieu thereof "$75".

(3) Section 228(b)(1) of such Act is amended by striking out "$40" and inserting in lieu thereof "$75".

(4) Section 228(b)(2) of such Act is amended by striking out "$40" and inserting in lieu thereof "$75", and by striking out "$20" and inserting in lieu thereof "$37.50".

(5) Section 228(c)(2) of such Act is amended by striking out "$20" and inserting in lieu thereof "$37.50".

(6) Section 228(c)(3)(A) of such Act is amended by striking out "$40" and inserting in lieu thereof "$75".

(7) Section 228(c)(3)(B) of such Act is amended by striking out "$20" and inserting in lieu thereof "$37.50".

(8) The amendments made by this subsection shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969.

COST-OF-LIVING INCREASES IN BENEFITS

SEC. 102. Section 202 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"COST-OF-LIVING INCREASES IN BENEFITS

"(w)(1) For purposes of this subsection—

"(A) the term 'price index' means the annual average over a calendar year of the Consumer Price Index (all items—united city average) published monthly by the Bureau of Labor Statistics; and

"(B) the term 'base period' means the calendar year 1969, or if later, the calendar year preceding the year in which the most recent cost-of-living adjustment has been made in monthly benefits under this title by reason of the provisions of this subsection.

"(2) As soon after January 1, 1971, and as soon after January 1, of each succeeding year as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary shall determine the per centum of increase (if any) in the price index for the calendar year ending with the close of the preceding December over the price index for the base period. If the increase occurring in the price index for the latest calendar year with respect to which a determination is made in accordance with this paragraph over the price index for the base period is equal to at least 2 percent, there shall be made, in accordance with the succeeding provisions of this subsection, an increase in the monthly insurance benefits payable under this title equal to the percent rise in the price index adjusted to the nearest one-tenth of 1 percent.

"(3) Increase in such insurance benefits shall be effective for benefits payable with repect to months beginning on or after April 1 of the year in which the most recent determination pursuant to paragraph (2) is made.

"(4) In determining the amount of any individual's monthly insurance benefit for purposes of applying the provisions of section 203(a) (relating to reductions of benefits when necessary to prevent certain maximum benefits from being exceeded), amounts payable by reason of this subsection shall not be regarded as part of the monthly benefit of such individual.

"(5) Any increase to be made in the monthly benefits payable to or with respect to any individual shall be applied after all other provisions of this title relating to the amount of such benefit have been applied. If the amount of any increase payable by reason of the provisions of this subsection is not a multiple of $0.10, it shall be reduced to the next lower multiple of $0.10."

LOWERING OF AGE AT WHICH OTHERWISE UNINSURED INDIVIDUALS MAY BECOME ENTITLED TO BENEFITS

SEC. 103. (a) Section 228 (a) of the Social Security Act is amended to read as follows:

"(a) Every individual who—

"(1) has attained the age of 65,

"(2) is a resident of the United States (as defined in subsection (3)), and is (A) a citizen of the United States, or (B) an alien lawfully admitted for permanent residence in the United States (as defined in section 210(i)) continously during the 5 years immediately preceding the month in which he files application under this section, and

"(3) has filed application for benefits under this section,

shall (subject to the limitations in this section) be entitled to a benefit under this section for each month beginning with the first month after September 1966 in which he becomes so entitled to such benefits and ending with the month preceding the month in which he dies. No application under this section which is filed by an individual more than 3 months before the first month in which he meets the requirements of paragraphs (1) and (2) shall be accepted as an application for purposes of this section."

(b) Section 228(c)(1) of such Act is amended by striking out "The" and inserting in lieu thereof "Except as otherwise provided in subsection (i), the".

(c) Section 228 of such Act is further amended by adding at the end thereof the following new subsection:

"INDIVIDUALS EXEMPT FROM REDUCTION ON ACCOUNT OF GOVERNMENTAL PENSION SYSTEM BENEFITS

"(i) Notwithstanding the provisions of subsection (c), if at the beginning of any month an individual has not less than 4 quarters of coverage (whenever acquired), the benefit amount of such individual for such month under this section shall not be reduced on account of any periodic benefit under a governmental pension system for which he or his spouse is eligible for such month."

(d) The amendments made by this section shall be applicable with respect to benefits payable under section 228 of the Social Security Act for months after the month following the month in which this Act is enacted, but only on the basis of applications for such benefits filed in or after the month in which this Act is enacted.

LOWERING OF AGE AT WHICH ACTUARIALLY REDUCED BENEFITS MAY BE PAID

SEC. 104. (a) (1) Section 202 (a) (2) of the Social Security Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(2) Section 202(b) (1) of such Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(3) Section 202(c) (1) and (2) of such Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(4)(A) Section 202(f) (1)(B), (2), (5), and (6) is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(B) Section 202(f)(1)(C) of such Act is amended by striking out "or was entitled" and inserting in lieu thereof "or was entitled, after attainment of age 62,".

(5)(A) Section 202(h)(1)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(B) Section 202(h)(2)(A) of such Act is amended by inserting "subsection (q) and" after "Except as provided in".

(C) Section 202(h)(2)(B) of such Act is amended by inserting "subsection (q) and" after "except as provided in".

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(D) Section 202(h)(2)(C) of such Act is amended by—

(i) striking out "shall be equal" and inserting in lieu thereof "shall, except as provided in subsection (q), be equal"; and

(ii) inserting "and section 202(q)" after "section 203(a)".

(b)(1) The first sentence of section 202 (q)(1) of such Act is amended (A) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's", and (B) by striking out, in subparagraph (A) thereof, "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(2)(A) Section 202(q)(3)(A) of such Act is amended (i) by striking out "husband's, widow's, or widower's" each place it appears therein and inserting in lieu thereof "husband's, widow's, widower's, or parent's", (ii) by striking out "age 62" and inserting in lieu thereof "age 60", and (iii) by striking out "wife's or husband's" and inserting in lieu thereof "wife's, husband's or parent's".

(B) Section 202 (q)(3)(B) of such Act is amended by striking out "or husband's" each place it appears therein and inserting in lieu thereof ", husband's, widow's, widower's, or parent's".

(C) Section 202(q)(3)(C) is amended by striking out "or widower's" each place it appears therein and inserting in lieu thereof "widower's, or parent's".

(D) Section 202(q)(3)(D) of such Act is amended by striking out "or widower's" and inserting in lieu thereof "widower's, or parent's".

(E) Section 202(q)(3)(E) of such Act is amended (i) by striking out "(or would, but for subsection (e)(1) in the case of a widow or surviving divorced wife or subsection (f) (1) in the case of a widower, be) entitled to a widow's or widower's insurance benefit to which such individual was first entitled for a month before she or he" and inserting in lieu thereof "(or would, but for subsection (e)(1), (f)(1), or (h)(1), be) entitled to a widow's, widower's, or parent's insurance benefit to which such individual was first entitled for a month before such individual", (ii) by striking out "the amount by which such widow's or widower's insurance benefit" and inserting in lieu thereof "the amount by which such widow's, widower's, or parent's insurance benefit", (iii) by striking out "over such widow's or widower's insurance benefit" and inserting in lieu thereof "over such widow's, widower's, or parent's insurance benefit" and, (iv) by striking out "attained retirement age" each place it appears therein and inserting in lieu thereof "attained age 60 (in the case of a widow or widower) or attained retirement age (in the case of a parent)".

(F) Section 202(q)(3)(F) of such Act is amended (i) by striking out "(or would, but for subsection (e)(1) in the case of a widow or surviving divorced wife or subsection (f)(1) in the case of a widower, be) entitled to a widow's or widower's insurance benefit to which such individual was first entitled for a month before she or he" and inserting in lieu thereof "(or would, but for subsection (e)(1), (f)(1), or (h)(1), be) entitled to a widow's, widower's, or parent's insurance benefit for which such individual was first entitled for a month before such individual", (ii) by striking out "the amount by which such widow's or widower's insurance benefit" and inserting in lieu thereof "the amount by which such widow's widower's, or parent's insurance benefit", (iii) by striking out "over such widow's insurance benefit" and inserting in lieu thereof "over such widow's, widower's, or parent's insurance benefit" (iv) by striking out "62" and inserting in lieu thereof "60", and (v) by striking out "attained retirement age" each place it appears therein and inserting in lieu thereof "attained age 60 (in the case of a widow or widower) or attained retirement age (in the case of a parent)".

(G) Section 202(q)(3)(G) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(3) Section 202(q)(5)(B) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(4) Section 202(q)(6) of such Act is amended (i) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's", and (ii) by striking out, in clause (III), "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(5) Section 202(q)(7) of such Act is amended—

(A) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's"; and

(B) by striking out, in subparagraph (E), "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(6) Section 202(q)(9) of such Act is amended by striking out "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(c)(1) The heading to section 202(r) of such Act is amended by striking out "Wife's or Husband's" and inserting in lieu thereof "Wife's, Husband's, Widows, Widowers, or Parents".

(2)(A) Section 202(r)(1) of such Act is amended (i) by striking out "wife's or husband's" the first place it appears therein and inserting in lieu thereof "wife's, husband's, widow's, widower's, or parent's", and (ii) by inserting immediately before the period at the end thereof the following: ", or for widows, widower's, or parent's insurance benefits but only if such first month occurred before such individual attained age 62".

(B) Section 202(r)(2) of such Act is amended by striking out "wife's or husband's" and inserting in lieu thereof "wife's, husband's, widow's, widower's, or parent's".

(d) Section 214(a) (1) of such Act is amended by striking out subparagraph (A), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting the following new subparagraphs (A) and (B):

"(A) in the case of a woman who has died, the year in which she died or (if earlier) the year in which she attained age 62,

"(B) in the case of a woman who has not died, the year in which she attained (or would attain) age 62,".

(e)(1) Section 215(b)(3) of such Act is amended by striking out subparagraph (A), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting the following new subparagraphs (A) and (B):

"(A) in the case of a woman who has died, the year in which she died, or, if it occurred earlier but after 1960, the year in which she attained age 62,

"(B) in the case of a woman who has not died, the year occurring after 1960 in which she attained (or would attain) age 62,".

(2) Section 215(f)(5) of such Act is amended (A) by inserting after "attained age 65," the following: "or in the case of a woman who became entitled to such benefits and died before the month in which she attained age 62,"; (B) by striking out "his" each place it appears therein and inserting in lieu thereof "his or her"; and (C) by striking out "he" each place after the first place it appears therein and inserting in lieu thereof "he or she".

(f)(1) Section 216(b)(3)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(2) Section 216(c)(6)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(3) Section 216(f)(3)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(4) Section 216(g)(6)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(g)(1) Section 202(q)(5)(A) of such Act is amended by striking out "No wife's insurance benefit" and inserting in lieu thereof "No wife's insurance benefit to which a wife is entitled".

(2) Section 202(q)(5)(C) of such Act is amended by striking out "woman" and inserting in lieu thereof "wife".

(3) Section 202(q)(6)(A)(i)(II) of such Act is amended (A) by striking out "wife's insurance benefit" and inserting in lieu thereof "wife's insurance benefit to which a wife is entitled", and (B) by striking out "or" at the end and inserting in lieu thereof the following: "or in the case of a wife's insurance benefit to which a divorced wife is entitled, with the first day of the first month for which such individual is entitled to such benefit, or".

(4) Section 202(q)(7)(B) of such Act is amended by striking out "wife's insurance benefits" and inserting in lieu thereof "wife's insurance benefits to which a wife is entitled".

(h) Section 224(a) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(i) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969, but only on the basis of applications for such benefits filed after September 1969.

LIBERALIZATION OF EARNINGS TEST

SEC. 105. (a)(1)(A) Paragraphs (1), (3), and (4)(B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$200".

(B) The first sentence of paragraph (3) of such subsection (f) is amended by striking out ", except that of the first $1,200 of such excess (or all of such excess if it is less than $1,200), an amount equal to one-half thereof shall not be included".

(2) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$200".

(3) The amendments made by this subsection (other than the amendment made by paragraph (1)(B)) shall be effective only with respect to taxable years ending after December 31, 1968, and before January 1, 1972. The amendment made by paragraph (1)(B) of this subsection shall be effective with respect to taxable years ending after December 31, 1968.

(b)(1) Paragraphs (1), (3), and (4)(B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$250".

(2) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$250".

(3) The amendments made by this subsection shall be effective only with respect to taxable years ending after December 31, 1971 and before January 1, 1974.

(c)(1) Paragraphs (1), (3), and (4)(B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$300".

(2) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$300".

(3) The amendments made by this subsection shall be effective only with respect to taxable years ending after December 31, 1973 and before January 1, 1976.

SEC. 2. (a) Subsections (b), (d), (f), (h), (j), and (k) of section 203 of the Social Security Act are repealed.

(b) Subsection (c) of such section 203 is amended (1) by striking out "Noncovered

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Work Outside the United States or" in the heading, and (2) by striking out paragraph (1) thereof.

(c) Subsection (e) of such section 203 is amended by striking out "subsections (c) and (d)" and inserting in lieu thereof "subsection (c)".

(d) Subsection (i) of such section 203 is amended by striking out "subsection (b), (c), (g), or (h)" and inserting in lieu thereof "subsection (c) or (g)".

(e) Subsection (l) of such section 203 is amended by striking out "or (h)(1)(A)".

(f) The second sentence of paragraph (1) of subsection (n) of section 202 of the Social Security Act is amended by striking out "Section 203 (b), (c), and (d)" and inserting in lieu thereof "Section 203(c)".

(g) Paragraph (7) of subsection (t) of section 202 of the Social Security Act is amended by striking out "Subsections (b), (c), and (d)" and inserting in lieu thereof "Subsection (c)".

(h) Paragraph (3) of section 208(a) of the Social Security Act is repealed.

(i) The amendments made by this section (other than subsection (h)) shall apply only with respect to benefits payable for months beginning after December 31, 1975, and the amendment made by subsection (h) shall become effective on January 1, 1976.

CHILD'S BENEFITS FOR STUDENTS

Sec. 106. (a)(1) Section 202 (d)(1)(B)(i) of the Social Security Act is amended by striking out "full-time student and had not attained the age of 22" and inserting in lieu thereof "qualified student and had not attained the age of 26".

(2) Section 202(d)(1)(E) of such Act is amended by striking out "full-time student" and inserting in lieu thereof "qualified student".

(3)(A) Section 202(d)(1)(F)(i) of such Act is amended by striking out "full-time student" and inserting in lieu thereof "qualified student".

(B) Section 202(d)(1)(F)(ii) of such Act is amended by striking out "22" and inserting in lieu thereof "26".

(4)(A) Section 202(i)(1)(G)(i) of such Act is amended by striking out "full-time student" and inserting in lieu thereof "qualified student".

(B) Section 202(d)(1)(G)(ii) of such Act is amended by striking out "22" and inserting in lieu thereof "26".

(b) Section 202(d)(6) of such Act is amended (1) by striking out "22" each place it appears therein and inserting in lieu thereof "26", and (2) by striking out "full-time student" each place it appears therein and by inserting in lieu thereof "qualified student".

(c)(A)(i) The first sentence of section 202(d)(7)(B) of such Act is amended (I) by striking out "full-time student" and inserting in lieu thereof "full-time student, or part-time student, as the case may be," and (II) by striking out "full-time attendance" each place it appears therein and inserting in lieu thereof "full-time or part-time attendance, as the case may be,".

(ii) The second sentence of section 202(d)(7)(B) of such Act is amended by striking out "full-time attendance" and inserting in lieu thereof "full-time or part-time attendance, as the case may be,".

(B) Section 202(d)(7) of such Act is further amended by adding after subparagraph (C) thereof the following new subparagraphs:

"(D) A 'qualified student' is an individual who—

"(i) is a full-time student or a part-time student, and

"(ii) is determined by the Secretary (in accordance with regulations prescribed by him) to be making satisfactory progress in the courses of study pursued by him in the educational institution in which he is enrolled; except that no individual who has attained age 22 shall be a qualified student after the date he first becomes eligible for a baccalaureate degree from an educational institution in which he is or has been enrolled.

"(E) A 'part-time student' is an individual who is in attendance at an educational institution (as defined in subparagraph (C)) and is carrying a course load as determined by the Secretary (in accordance with regulations prescribed by him) which, in light of the standards and practices of the institution involved, is not less than one-half the course load which would be carried by a full-time student in such institution, except that no individual be considered as a 'part-time student' if he is paid by his employer while attending an educational institution at the request, or pursuant to a requirement, of his employer."

(d) Section 203 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"DEDUCTIONS FROM CHILD'S BENEFITS OF PART-TIME STUDENTS

"(m)(1) Deductions, at such time or times as the Secretary shall determine, shall be made from any child's insurance benefit (under section 202(d)) to which an individual is entitled for any month in which such individual is a part-time student (as defined in section 202(d)(7)(E)), if such individual would not have been entitled, under section 202(d), to such a benefit for such month except for the fact that he was a qualified student (as defined in section 202(d)(7)(D)) during such month. For any month in which such individual is a part-time student carrying a course load in the educational institution in which he is enrolled of not less than three-fourths of a full course load (as determined by the Secretary under regulations prescribed by him), the deduction from the child's benefit of such individual shall be equal to one-fourth of the amount of such child's benefit and, for any other month, the deduction from the child's benefit of such individual shall be equal to one-half of the amount of such child's benefit.

"(2) An individual referred to in paragraph (1) shall report to the Secretary such information as the Secretary shall by regulations prescribe to enable the Secretary to make deductions from such individual's benefits in accordance with such paragraph.

"(3) Whenever any individual, without good cause, fails or refuses to make any report required pursuant to paragraph (2), the Secretary may (in accordance with regulations prescribed by him for such purpose) make penalty deductions from the child's insurance benefits to which such individual is entitled. Any such penalty deduction shall not exceed the amount of the child's insurance benefit to which such individual is entitled for one month, and not more than one such penalty deduction shall be made for any one such failure or refusal."

(e) Section 222(b) of the Social Security Act is amended (1) by striking out "22" and inserting in lieu thereof "26", and (2) by striking out "full-time student" and inserting in lieu thereof "qualified student".

(f) The last sentence of section 225 of the Social Security Act is amended (1) by striking out "22" and inserting in lieu thereof "26", and (2) by striking out "full-time student" and inserting in lieu thereof "qualified student".

(g) The amendments made by the preceding provision of this section shall apply with respect to monthly insurance benefits under section 202 of the Social Security Act four months after the month which follows the month in which this Act is enacted; except that, in the case of an individual who was not entitled to a child's insurance benefit under subsection (d) of such section for the month in which this Act is enacted, such amendments shall apply only on the basis of an application filed in or after the month in which this Act is enacted.

(h) Section 205 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"NOTIFICATION OF RECIPIENTS OF CHILD'S INSURANCE BENEFITS OF PROVISIONS RELATING TO STUDENTS

"(r) The Secretary shall establish and put into effect procedures designed to provide notification to individuals receiving child's insurance benefits under section 202(d) of the provisions of such section relating to eligibility for such benefits in the case of individuals who have attained age 18 and are qualified students. In the case of individuals who are receiving child's insurance benefits for the month in which they attain the age of 14, such notification shall be provided in such month, or, if that is not feasible, at the earliest time thereafter that is feasible. In the case of individuals who first become entitled to child's insurance benefits for a month after the month in which they attain the age of 14, such notification shall be provided in the month in which they first become entitled to such benefits, or, if that is not feasible, at the earliest time thereafter that is feasible.

DEFINITION OF DISABILITY

Sec. 107. (a) Section 223(d) of the Social Security Act is amended (1) by striking out paragraphs (2) through (4) thereof and (2) by redesignating paragraph (5) thereof as paragraph (2).

(b) The third sentence of section 216 (i)(1) of such Act is amended by striking out "paragraphs (2)(A), (3), (4), and (5)" and inserting in lieu thereof "paragraph (2)".

(c) The amendments made by this section shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, and for disability determinations under section 216 (i) of such Act, filed—

(1) in or after the month in which this Act is enacted, or

(2) before the month in which this Act is enacted if the applicant has not died before such month and if—

(A) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month, or

(B) the notice referred to in subparagraph (A) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month.

USE OF COMBINED EARNINGS IN COMPUTATION OF BENEFITS FOR MARRIED COUPLES

Sec. 108. (a) Section 202(a) of the Social Security Act as amended by section 104 of this Act is further amended to read as follows:

"(a)(1) Every individual who—

"(A) is a fully insured individual (as defined in section 214 (a)),

"(B) has attained age 60, and

"(C) has filed application for old-age insurance benefits or was entitled to disability insurance benefits for the month preceding the month in which he attained age 65, shall be entitled to an old-age insurance benefit for each month beginning with the first month in which such individual becomes so entitled to such insurance benefits and ending with the month preceding the month in which he dies.

"(2) Except as provided in subsection (q), such individual's old-age insurance benefit for any month shall be equal to his primary insurance amount for such month as determined under section 215(a), or as determined under paragraph (3) of this subsection if such paragraph is applicable and its appli-

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cation increases the total of the monthly insurance benefits payable for such month to such individual and his spouse. If the primary insurance amount of an individual for any month is determined under paragraph (3), the primary insurance amount of his spouse for such month shall, notwithstanding the preceding sentence, be determined only under paragraph (3).

"(3) If both an individual and his spouse are entitled to benefits under this subsection (or section 223), or one of them is so entitled and the other would upon satisfying subparagraphs (A) and (C) of paragraph (1) be entitled to benefits under this subsection, then (subject to paragraph (4)) the primary insurance amount of such individual, and the primary insurance amount of such spouse (who shall be deemed to be entitled to benefits under this subsection, whether or not satisfying such subparagraphs, beginning with the later of the month in which such spouse attains age 60, or the month in which such individual became entitled to benefits under this subsection), for any month, shall each be equal to the amount derived by—

"(A) adding together such individual's average monthly wage and such spouse's average monthly wage, as determined under section 216(b),

"(B) applying section 215(a)(1) to their combined average monthly wage determined under subparagraph (A) (subject to the next sentence) as though such combined average monthly wage were such individual's average monthly wage determined under section 215(b), and

"(C) multiplying the amount determined under subparagraph (B) by 75 percent.

If the combined average monthly wage resulting under subparagraph (A) exceeds the average monthly wage (hereinafter referred to as the 'maximum individual average monthly wage') that would result under section 215(b) with respect to a person who became entitled to benefits under this subsection (without having established a period of disability) in the calendar year in which the primary insurance amounts of such individual and spouse are determined under this paragraph, and who had the maximum wages and self-employment income that can be counted, pursuant to section 215(e), in all his benefit computation years, then the determination under subparagraph (B) shall take into account only that part of such combined average monthly wage which is equal to the maximum individual average monthly wage but the amount determined under such subparagraph shall be increased by 25.88 per centum of the difference between such combined average monthly wage (or so much thereof as does not exceed 150 per centum of the maximum individual average monthly wage) and such maximum individual average monthly wage before applying subparagraph (C). The primary insurance amount of an individual and his spouse determined under this paragraph shall not be increased unless there is an increase in the primary insurance amount of either of them pursuant to provisions of this title other than this paragraph.

"(4) Paragraph (3) shall not apply—

"(A) with respect to any individual for any month unless, prior to such month, such individual and his spouse shall have each acquired, after attainment of age 50, not less than 20 quarters of coverage (counting as a quarter of coverage for purposes of this subparagraph any quarter all of which was included in a period of disability, as defined in section 216(i),

"(B) with respect to any individual for any month unless there is in effect with respect to such month a request filed (in such form and manner as the Secretary shall by regulations prescribe) by such individual and his spouse that their primary insurance amounts be determined under paragraph (3),

"(C) with respect to any individual or his spouse for any month if such individual or his spouse shall have indicated, in such manner and form as the Secretary shall by regulations prescribe, that he or she does not desire a request filed pursuant to subparagraph (B) to be effective with respect to such month, or

"(D) for purposes of determining the amount of any monthly benefits which (without regard to section 203(a)) are payable under the provisions of this section other than this subsection on the basis of the wages and self-employment income of an individual or his spouse."

(b)(1) Section 202 (e)(2) of the Social Security Act is amended by striking out "shall be equal to 82½ percent of the primary insurance amount of such deceased individual" and inserting in lieu thereof "shall be equal to the larger of (A) 82½ percent of the primary insurance amount of such deceased individual for such month as determined under section 215(a), or (B) 110 percent of the primary insurance amount of such individual as determined under subsection (a)(3) of this section (assuming for purposes of this clause that such subsection was applicable) for the month preceding the month in which he died".

(2) Section 202(f)(3) of such Act is amended by striking out "shall be equal to 82½ percent of the primary insurance amount of his deceased wife" and inserting in lieu thereof "shall be equal to the larger of (A) 82½ percent of the primary insurance amount of his deceased wife for such month as determined under section 215(a), or (B) 110 percent of the primary insurance amount of his deceased wife as determined under subsection (a)(3) of this section (assuming for purposes of this clause that such subsection was applicable) for the month preceding the month in which she died".

(c) Section 203(a) of the Social Security Act is amended by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or", and by inserting after paragraph (3) the following new paragraph:

"(4) when the primary insurance amount of the insured individual is determined under section 202(a)(3), such total of benefits for any month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B)(i) the amount appearing in column V of the table in section 215(a) on the line on which appears in column IV the amount determined under subparagraph (B) of such section 202(a)(3) for such individual and his spouse, or

"(ii) if the amount so determined under such subparagraph (B) does not appear in column IV—

"(I) the amount appearing in column V on the line which appears in column IV the next higher amount, if the amount so determined under such subparagraph (B) is less than the last figure in column IV, or

"(II) an amount which bears the same ratio to the amount appearing on the last line of column V as the amount determined under such subparagraph (B) bears to the amount appearing on the last line of column IV, if the amount so determined under such subparagraph (B) is greater than the last figure in column IV."

(d)(1) Section 215(f)(1) of the Social Security Act is amended by inserting "(or section 202(a)(3))" after "determined under this section".

(2) The second sentence of section 215 (f)(2) of such Act is amended by inserting before the period at the end thereof the following: ", or as provided in paragraph (3) of section 202(a) if such paragraph is applicable (but disregarding any increase which might result under the second sentence of such paragraph solely from changes in the maximum wages and self-employment income that can be counted in the years involved)".

(e) Section 223(a)(2) of the Social Security Act is amended by inserting after "section 215" the following: "or under section 202(a)(3)".

(f)(1) The amendments made by subsections (a), (b), and (c) of this section shall apply only with respect to monthly insurance benefits under title II of the Social Security Act for and after the second month following the month in which this Act is enacted.

(2) In the case of an individual or his spouse who became entitled to benefits under section 202(a) or section 223 of the Social Security Act prior to the second month following the month in which this Act is enacted (but without regard to section 202(j)(1) or section 223(b)(2) of the Social Security Act), the average monthly wage of such individual or spouse, as the case may be, for purposes of section 202(a)(3)(A) of the Social Security Act, shall be the figure in the column headed "But not more than" in column III of the table in section 215 (a)(1) of the Social Security Act in effect immediately prior to the enactment of this Act on the line on which in column IV of such table appears the primary insurance amount of such individual or spouse, as the case may be, for the month in which this Act is enacted, unless the average monthly wage of such individual or such spouse, as the case may be, is, after the enactment of this Act, redetermined under section 215(b) of the Social Security Act.

INCREASE IN BENEFITS FOR WIDOWS AND WIDOWERS

SEC. 109. (a) Section 202 (e) (1) and (2) of the Social Security Act is amended by striking out "82½ percent" wherever it appears therein and inserting in lieu thereof "100 percent".

(b) Section 202 (b) (1) and (2) of such Act is amended by striking out "82½ percent" wherever it appears therein and inserting in lieu thereof "100 percent".

(c) The amendments made by this section shall apply with respect to monthly benefits under section 202 of the Social Security Act for months after the month following the month in which this Act is enacted.

ELIMINATION OF REMARRIAGE AS DISQUALIFYING EVENT FOR ENTITLEMENT TO WIDOW'S OR WIDOWER'S BENEFITS

SEC. 110. (a)(1) Section 202(e)(1)(A) of the Social Security Act is repealed.

(2) Section 202 (e)(1) of such Act is amended by striking out "she remarries, dies, becomes entitled to an old-age insurance benefit" and inserting in lieu thereof "she dies, becomes entitled to an old-age insurance benefit".

(3) Section 202 (e)(2) of such Act is amended by striking out "and paragraph (4) of this subsection".

(4) Section 202(e) of such Act is further amended by striking out paragraphs (3) and (4) thereof.

(b)(1) Section 202(f)(1)(A) of such Act is repealed.

(2) Section 202(f)(1) of such Act is amended by striking out "he remarries, dies, or becomes entitled to an old-age insurance benefit" and inserting in lieu thereof "he dies, becomes entitled to an old-age insurance benefit".

(3) Section 202(f)(3) of such Act is amended by striking out "and paragraph (5)".

(4) Section 202(f) of such Act is further amended by striking out paragraphs (4) and (5) thereof.

(c)(1) Section 202(s)(2) of such Act is amended by striking out "Subsection (f)(4), and so much of subsections (b)(3), (d)(5), (e)(3)" and inserting in lieu thereof "So much of subsections (b)(3), (d)(5)".

(2) Section 202(s)(3) of such Act is amended by striking out "(e)(3),".

(3) Section 202(k)(2)(B) of such Act is

amended (A) by striking out "(other than an individual to whom subsections (e)(4) or (f)(5) applies)", in the first sentence, and (B) by striking out the second sentence thereof.

(4) Section 202(k)(3) of such Act is amended (A) by striking out the "(A)" at the beginning of paragraph (A) thereof, and (B) by striking out paragraph (B) thereof.

(d) The amendments made by this section shall apply with respect to monthly insurance benefits under section 202 of the Social Security Act beginning with the second month following the month in which this Act is enacted; but, in the case of an individual who was not entitled to a monthly insurance benefit under section 202(e) or (f) of such Act for the first month following the month in which this Act is enacted, only on the basis of an application filed in or after the month in which this Act is enacted.

MINIMUM CHILD'S INSURANCE BENEFIT

Sec. 111. (a) The first and second sentences of section 202(d)(2) of the Social Security Act are each amended by inserting immediately before the period the following: ", or, if greater, $30".

(b) The last sentence of section 203(a)(3) of the Social Security Act is amended by adding immediately before the period the following: "; and except that if the total of benefits for such month includes any benefit payable to any individual under section 202(d) which is reduced below $30, then the benefit to which such individual is entitled under section 202(d), notwithstanding any other provision of this subsection, be increased to $30".

(c) The amendments made by this section shall be effective for months after the month following the month in which this Act is enacted.

ELIMINATION OF REDUCTION IN DISABILITY BENEFITS ON ACCOUNT OF RECEIPT OF WORKMEN'S COMPENSATION BENEFITS

Sec. 112. Effective with respect to benefits under title II of the Social Security Act for months after January 1969, section 224 of the Social Security Act is repealed.

CONTRIBUTIONS FROM GENERAL REVENUES TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND FEDERAL DISABILITY INSURANCE TRUST FUND

Sec. 113. In addition to the funds appropriated for each fiscal year to the Federal old-age and survivors insurance trust fund and to the Federal disability insurance trust fund, under section 201 of the Social Security Act, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year which ends June 30, 1971, an amount to each such fund which is equal to 50 per centum of the amount appropriated to such fund pursuant to such section.

TITLE II—HEALTH INSURANCE

INCLUSION OF CHIROPRACTORS' SERVICES

Sec. 201. (a) Section 1861(r) of the Social Security Act is amended (1) by striking out "or" at the end of clause (2), and (2) by inserting immediately before the period at the end of clause (3) the following: ", or (4) a chiropractor licensed as such by the State, but only for purposes of section 1861(s)(1) and 1861(s)(2)(A) and only with respect to functions which he is legally authorized to perform as such by the State in which he performs them".

(b) The amendments made by this section shall be effective with respect to services furnished after the month following the month in which this Act is enacted.

ENTITLEMENT OF DISABLED TO HOSPITAL INSURANCE BENEFITS

Sec. 202. (a)(1) Section 226(a) of the Social Security Act is amended to read as follows:

"(a) Every individual who—

"(1) has attained the age of 65 and is entitled to monthly insurance benefits under section 202,

"(2) is entitled to disability insurance benefits under section 223,

"(3) is entitled to child's insurance benefits under section 202(d) and is under a disability (as defined in section 223(c)) which began before he attained the age of 18, or

"(4) is a qualified railroad retirement beneficiary, shall be entitled to hospital insurance benefits under part A of title XVIII for each month for which he meets the condition specified in paragraph (1), (2), (3), or (4), whichever is applicable, beginning with the first month after June 1966 for which he meets such condition."

(b) Section 226(b) of such Act is amended—

(1) by striking out "after June 30, 1966, or on or after the first day of the month in which he attains age 65, whichever is later" in paragraph (1) and inserting in lieu thereof "on or after the later of (i) July 1, 1966, or (ii) the first day of the month in which he attained age 65 or the month in which his disability began, whichever is applicable"; and

(2) by striking out "under section 202" in paragraph (2) and inserting in lieu thereof "under section 202 or 223".

Sec. 2. (a) The heading of title XVIII of the Social Security Act is amended by striking out "FOR THE AGED" and inserting in lieu thereof "FOR THE AGED OR DISABLED".

(b) The heading of part A of title XVIII of such Act is amended by striking out "for the Aged" and inserting in lieu thereof "for the Aged or Disabled".

(c) Section 1811 of such Act is amended by inserting before the period at the end thereof the following: ", and for individuals who are under a disability and are entitled to benefits under section 223 or 202(d) of this Act or under section 2(a)5 or 5(c) of the Railroad Retirement Act of 1937".

(d)(1) The heading of part B of title XVIII of the Social Security Act is amended by striking out "for the Aged" and inserting in lieu thereof "for the Aged or Disabled".

(2)(A) Section 1831 of such Act is amended by striking out "individuals 65 years of age or over who" and inserting in lieu thereof the following: "individuals who are 65 years of age or over or are entitled to hospital insurance benefits on the basis of disability and who".

(B) The heading of section 1831 of such Act is amended by striking out "for the aged" and inserting in lieu thereof "for the aged or disabled".

(e) Section 1836 of such Act is amended to read as follows:

"ELIGIBLE INDIVIDUALS

"Sec. 1836. Every individual who—

"(1) is entitled to hospital insurance benefits under part A, or

"(2) has attained the age of 65 and is a resident of the United States, and is either (A) a citizen or (B) an alien lawfully admitted for permanent residence who has resided in the United States continuously during the 5 years immediately preceding the month in which he applies for enrollment under this part, is eligible to enroll in the insurance program established by this part."

(f)(1) The first sentence of section 1837(c) of such Act is amended by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1) or (2)".

(2) The second sentence of section 1837(c) of such Act is amended to read as follows: "For purposes of this subsection and subsection (d), an individual who satisfies paragraph (1) of section 1836 but not paragraph (2) of such section shall be treated as satisfying such paragraph (1) on the first day on which he is (or on filing application would have been) entitled to hospital insurance benefits under part A."

(3) Section 1837(d) of such Act is amended—

(A) by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1) or (2)", and

(B) striking out "such paragraphs" and inserting in lieu thereof "such paragraph".

(4) Section 1837 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) For purposes of subsections (b), (c), and (d) of this section (and for purposes of sections 1838(a) and 1839(c)), any enrollment under this part which terminates in the manner described in section 1838(c) shall thereafter be deemed not to have existed."

(g)(1) Section 1838(a) of such Act is amended—

(A) by striking out "paragraphs (1) and (2)" in paragraph (2)(A) and inserting in lieu thereof "paragraph (1) or (2)";

(B) by striking out "such paragraphs" in paragraph (2)(B) and inserting in lieu thereof "such paragraph";

(C) by striking out "such paragraphs" in paragraph (2)(C) and inserting in lieu thereof "such paragraph"; and

(D) by striking out "such paragraphs" in paragraph (2)(D) and inserting in lieu thereof "such paragraph".

(2) Section 1838 of such Act is further amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:

"(c) In the case of an individual satisfying paragraph (1) of section 1838 whose entitlement to hospital insurance benefits under part A is based on disability rather than on age, and who ceases to be entitled to such benefits due to the ending of such disability (and the consequent termination of his entitlement to benefits under title II of this Act or the Railroad Retirement Act of 1937) before he attains 65 years of age, his coverage period (and his enrollment under this part) shall be terminated. The termination of a coverage period under the preceding sentence shall take effect on a date determined under regulations, which may be determined so as to provide a grace period (not in excess of 90 days) in which coverage may be continued."

(f)(h) (1) Section 1840(a)(1) of such Act is amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(2) Section 1840(a)(2) of such Act is amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(3) Section 1840(c) of such Act is amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(i) The Railroad Retirement Act of 1937 is amended by adding after section 21 the following new section:

"HOSPITAL INSURANCE BENEFITS FOR THE DISABLED

"Sec. 22. Individuals who are entitled to annuities under paragraph 5 of section 2(a), and individuals who are entitled to annuities under section 5(c) and have a disability described in section 5(l)(1)(ii), shall be certified by the Board under section 21 in the same manner, for the same purposes, and subject to the same conditions, restrictions, and other provisions as individuals specifically described in such section 21; and for the purposes of this Act and title XVIII of the Social Security Act individuals certified as provided in this section shall be considered individuals described in and certified under such section 21."

ENTITLEMENT TO HEALTH INSURANCE BENEFITS FOR THE AGED AT 62 FOR WOMEN

Sec. 203. (a)(1) Section 226(a)(1) of the Social Security Act (as amended by section 202 of this Act) is further amended to read as follows:

"(1) has attained (i) in the case of a woman, the age of 62, or (ii) in the case of a man, the age of 65, and".

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(2) Section 226(b)(1) of such Act is amended by inserting "(in the case of a man) or age 62 (in the case of a woman)" immediately after "65".

(b) Section 1831 of such Act is amended by inserting "(in the case of men), or 62 years of age or over (in the case of women)," immediately after "65 years of age or over".

(c) Section 1836(1) of such Act is amended to read as follows:

"(1) has attained (i) in the case of a woman, the age of 62, or (ii) in the case of a man, the age of 65, and".

(d)(1) Section 21 of the Railroad Retirement Act of 1937 (as added by section 105 of the Social Security Amendments of 1965) is amended by inserting "(in case of a man), or age 62 (in case of a woman)," after "age 65".

(2) Section 21(b)(1) of section 21 of such Act (as added by section 111(b) of the Social Security Amendments of 1965) is amended by inserting "(in case of a man), or age 62 (in case of a woman)" after "age 65".

(e) Section 103(a)(1) of the Social Security Amendments of 1965 is amended by inserting "(in the case of a man), or age 62 (in the case of a woman)" after "age 65".

(f)(1) Subject to paragraph (2) of this subsection, the amendments made by the preceding provisions of this section shall take effect on the first day of the second month following the month in which this Act is enacted.

(2) For purposes of section 1837 of the Social Security Act a woman, who, on the effective date of the amendments made by this section, has not attained age 65 but has attained age 62, shall be deemed to first have satisfied paragraph (1) of section 1836 of the Social Security Act on such effective date. No woman shall, by reason of the amendments made by this section, be entitled to any benefits provided under title XVIII of the Social Security Act or section 21 of the Railroad Retirement Act of 1937 for any period prior to such effective date.

COVERAGE OF PRESCRIBED DRUGS

SEC. 204. (a) Section 1832(a)(1) of the Social Security Act is amended to read as follows:

"(1) entitlement to have payment made to him or on his behalf (subject to the provisions of this part) for—

"(A) medical and other health services; and

"(B) prescribed drugs, except those described in paragraph (2)(B); and".

(b) Section 1832(a)(2)(B) of such Act is amended by inserting immediately before "furnished by a provider" the following: ", and prescribed drugs,".

(c) Section 1832(a) of such Act is further amended by adding at the end thereof (after and below paragraph (2)(B)) the following new sentence: "As used in this part (and in part C to the extent that it relates to this part), the term 'services', unless the context otherwise indicates, includes prescribed drugs.".

(d) Section 1833(b) of the Social Security Act is amended by striking out "$50" and inserting in lieu thereof "$75".

(e)(1) Section 1835(a)(2)(B) of the Social Security Act is amended by striking out ", such services" and inserting in lieu thereof "or prescribed drugs, the services".

(2) Section 1835(a) of such Act is further amended by adding at the end thereof the following new sentence: "In the case of prescribed drugs, the certification requirement of paragraph (2)(B) shall be satisfied by the physician's prescription.".

(f) Section 1861(m)(5) of the Social Security Act is amended by striking out "(other than drugs and biologicals)" and inserting in lieu thereof "(including prescribed drugs, but not including any other drugs and biologicals)".

(g) Section 1861(s)(2) of the Social Security Act is amended by striking out "(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)" each place it appears and inserting in lieu thereof "including drugs and biologicals)".

(h)(1) Section 1861(t) of the Social Security Act is amended by adding at the end thereof the following new sentence: "The term 'prescribed drugs' means drugs and biologicals which require a prescription of a physician for the use of an individual.".

(2) The heading of such section 1861(t) is amended to read as follows: "DRUGS AND BIOLOGICALS; PRESCRIBED DRUGS".

POSTHOSPITAL EXTENDED CARE SERVICES

SEC. 205. (a) Section 1814 (a)(2)(D) of the Social Security Act is amended to read as follows:

"(D) in the case of posthospital extended care services, such services are or were required to be given on an inpatient basis because the individual needs or needed skilled nursing care on a continuing basis for—

"(i) any of the conditions with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the requirements of paragraphs (6) and (8) of section 1861(e)) prior to transfer to the extended care facility or for a condition requiring such extended care services which arose after such transfer and while he was still in the facility for treatment of the condition or conditions for which he was receiving such inpatient hospital services, or

"(ii) any condition requiring such extended care services and the existence of which was discovered or confirmed as a result of findings made while the individual was receiving outpatient diagnostic services, or, in the case of an individual who has been admitted to an extended care facility for such a condition, any other condition arising while he is in such facility;".

(b) The first sentence of section 1861(i) of such Act is amended to read as follows: "The term 'posthospital extended care services' means extended care services furnished an individual (A) after transfer from a hospital in which he was an inpatient for not less than three consecutive days before his discharge from the hospital in connection with such transfer, or (B) after he has received outpatient hospital diagnostic services, if, after reviewing the findings revealed by such services, his physician and the hospital from which he received such services certify (not later than seven days after the termination of such services) that he is in immediate need of extended care services, and if he is admitted to an extended care facility within fourteen days after the date on which his need for extended care services was so certified."

COVERAGE OF DENTAL CARE, EYE CARE, DENTURES, EYEGLASSES, AND HEARING AIDS

SEC. 206. (a) Section 1861(r)(2) of the Social Security Act is amended by striking out "but only with respect to (A) surgery related to the jaw or any structure contiguous to the jaw or (B) the reduction of any fracture of the jaw or any facial bone".

(b) Section 1861(s)(8) of such Act is amended (1) by inserting "(A)" immediately after "(8)", and (2) by striking out "(other than dental)," and (3) by adding thereunder the following new subparagraph:

"(B) dentures, eyeglasses, hearing aids, and other prosthetic devices relating to the oral cavity, jaw, eyes, or ears, including replacement thereof; and".

(c)(1) Section 1862(a)(7) of such Act is amended to read as follows:

"(7) where such expenses are for routine physical checkups, or immunizations;".

(2) Section 1862(a) of such Act is further amended (A) by inserting "or" at the end of paragraph (11) thereof, (B) by striking out paragraph (12) thereof, and (C) by redesignating paragraph (13) thereof as paragraph (12).

(d) The amendments made by the preceding provisions of this section shall apply with respect to services furnished after the month which follows the month in which this Act is enacted.

(e)(1) The first sentence of section 1839(a)(2) of the Social Security Act is amended by striking out "one-half" and inserting in lieu thereof, "one-third".

(2) Section 1844(a)(1) of such Act is amended by inserting "two times" after "equal to".

(3) The amendments made by this subsection shall be effective in the case of insurance premiums payable under the supplementary medical insurance program established by part B of title XVIII of the Social Security Act for months after June 1970.

(b)(1) Section 1861(r) of the Social Security Act is amended (A) by striking out "or" at the end of clause (2), and (B) by inserting immediately before the period at the end thereof the following: ", or (4) a doctor of optometry, but only for purposes of sections 1861(s)(1) and 1961(s)(2)(A) and only with respect to functions which he is legally authorized to perform as such by the State in which he performs them.

(2) Section 1862(a) of such Act (as amended by subsection (b) of the first section of this Act) is further amended (A) by striking out the period at the end of paragraph (12) (as redesignated by paragraph (2) of such subsection (b)) and inserting in lieu of such period "; or", and (B) by adding after such paragraph (12) the following new paragraph:

"(13) where such expenses constitute charges with respect to the referral of an individual to a physician (as defined in section 1861(r)(1)) by a doctor of optometry arising out of a procedure in connection with the diagnosis or detection of eye diseases."

(3) The amendments made by this subsection shall apply with respect to services furnished after the month which follows the month in which this Act is enacted.

AMENDMENT TO TITLE XIX OF THE SOCIAL SECURITY ACT

SEC. 207. (a) Section 1902(a)(17)(D) of the Social Security Act is amended by striking out "or is blind or permanently and totally disabled".

(b) The amendment made by this section shall apply to calendar quarters commencing after December 31, 1970.

CONTRIBUTIONS FROM GENERAL REVENUES TO FEDERAL HOSPITAL INSURANCE TRUST FUND

SEC. 208. In addition to the funds appropriated for each fiscal year to the Federal Hospital Insurance Trust Fund, under section 1817 of the Social Security Act, there is hereby authorized to be appropriated for each fiscal year, beginning with fiscal year which ends with June 30, 1971, an amount to such Fund which is equal to 50 per centum of the amount appropriated to such Fund pursuant to such section.

TITLE III—PUBLIC WELFARE AMENDMENTS

REQUIREMENTS OF COMPLIANCE WITH MINIMUM STANDARDS

SEC. 301. (a) Section 2(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (13) the following new paragraph:

"(14) provide, with respect to all individuals seeking or receiving assistance under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(b) Section 402(a) of such Act is amended—

(1) by striking out "and" at the end of clause (22), and

(2) by striking out the period at the end of clause (23) and inserting in lieu thereof "; and (24) provide, with respect to all in-

dividuals seeking or receiving aid under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(c) Section 1002(a) of such Act is amended—

(1) by striking out "and" at the end of clause (12), and

(2) by striking out the period at the end of clause (13) and inserting in lieu thereof "; and (14) provide, with respect to all individuals seeking or receiving aid under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(d) Section 1402(a) of such Act is amended—

(1) by striking out "and" at the end of clause (11), and

(2) by striking out the period at the end of clause (12) and inserting in lieu thereof "; and (13) provide, with respect to all individuals seeking or receiving aid under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(e) Section 1602(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (16),

(2) by striking out the period at the end of paragraph (17) and inserting in lieu thereof "; and", and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) provide, with respect to all individuals seeking or receiving aid or assistance under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(f) The amendments made by the preceding provisions of this section shall be effective with respect to calendar quarters beginning after December 31, 1969.

(g) Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"NATIONAL MINIMUM STANDARDS AND UNIFORM ACCEPTANCE REQUIREMENTS

"SEC. 1122. (a) The Secretary shall from time to time (as provided in subsection (c)) determine and promulgate—

"(1) the minimum amount of aid or assistance which (with appropriate adjustments based on other income and resources as required by the relevant provisions of this Act) would have to be paid to eligible recipients under titles I, X, XIV, XVI, and part A of title IV, and

"(2) the manner in which other income and resources should be taken into account in determining need for aid or assistance under such titles and the other conditions which it might be appropriate to impose in determining eligibility for such aid or assistance,

in order to assure that the purposes of such titles are being carried out effectively and without discrimination between applicants and recipients in different States. The minimum standards determined and promulgated under paragraph (1), and the acceptance requirements determined and promulgated under paragraph (2), shall (subject to subsection (b)) apply uniformly and equally throughout the United States with respect to aid and assistance provided under State plans approved under such titles.

"(b) The minimum standards and acceptance requirements determined and promulgated under subsection (a), which shall take into account the full need of all recipients, may vary as between the several programs of aid or assistance involved to the extent necessary to take into account the different requirements of the classes of individuals to whom such programs respectively apply, and may vary as between individuals in different geographic areas to the extent necessary to take into account any differences between cost levels in such areas; but any such variation shall be designed only to prevent aid or assistance under the programs involved from being of greater net benefit to one individual or class of individuals than to another.

"(c) The minimum standards and acceptance requirements described in subsection (a) shall be promulgated by the Secretary between January 1 and March 31 of each year, beginning with the year 1970, and such promulgation shall be conclusive for each of the four calendar quarters in the period beginning with the July 1 next succeeding such promulgation; except that the Secretary shall initially promulgate such standards and requirements as soon as possible after the enactment of this section and such initial promulgation shall be conclusive for the two calendar quarters in the period beginning January 1, 1970, and ending June 30, 1970."

TITLE IV—AMENDMENTS TO INTERNAL REVENUE CODE

CREDIT FOR SOCIAL SECURITY TAXES

SEC. 401. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"Sec. 40. Special Credit for Social Security Taxes Paid by Low-Income Individuals.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to his low-income credit for the taxable year as determined under subsection (b).

"(b) AMOUNT OF LOW-INCOME CREDIT.—

"(1) MARRIED INDIVIDUALS.—In the case of a husband and wife, the low-income credit for the taxable year is an amount equal to—

"(A) 90 percent of the social security taxes of such husband and wife for such taxable year, reduced (but not below zero) by

"(B) the amount (if any) by which the combined total adjusted incomes of such husband and wife exceed $1,600.

If a husband and wife each file a separate return for the taxable year, their low-income credit shall be apportioned between them in such manner as the Secretary or his delegate prescribes by regulations.

"(2) OTHER INDIVIDUALS.—In the case of any other individual, the low-income credit for the taxable year is an amount equal to—

"(A) 90 percent of the social security taxes of such individual for the taxable year, reduced (but not below zero) by

"(B) the amount (if any) by which the total adjusted income of such individual for the taxable year exceeds $1,600.

"(c) DEFINITIONS.—

"(1) TOTAL ADJUSTED INCOME.—For purposes of subsection (b), the total adjusted income of an individual (or of a husband and wife who file a joint return) for any taxable year is the adjusted gross income minus the deduction for personal exemptions provided in section 151.

"(2) SOCIAL SECURITY TAXES.—For purposes of subsection (b), the social security taxes of an individual for any taxable year is—

"(A) the sum of—

"(i) the tax imposed by section 3101 which is deducted and withheld from the wages paid to such individual during the taxable year, and

"(ii) the tax imposed by section 1401 on the self-employment income of such individual for the taxable year, reduced by

"(B) the amount allowable under section 6413 (c) as special refund of tax imposed on wages.

"(d) TREATMENT AS OVERPAYMENT OF TAX.—For treatment of the credit allowed by this section as an overpayment of tax, see section 6401(b)."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Special credit for social security taxes paid by low-income individuals.

"Sec. 41. Overpayments of tax."

(c) Section 6401(b) of the Internal Revenue Code of 1954 (relating to excessive-credit) is amended to read as follows:

"(b) EXCESSIVE CREDITS UNDER SECTIONS 31, 39, AND 40.—If the amount allowable as credits under sections 31 (relating to tax withheld on wages), 39 (relating to certain uses of gasoline and lubricating oil), and 40 (relating to special credit for social security taxes paid by low-income individuals) exceeds the tax imposed by subtitle A (reduced by the credits allowable under subpart A of part IV of subchapter A of chapter 1, other than the credits allowable under sections 31, 39, and 40), the amount of such excess shall be considered an overpayment."

(d) The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

The material presented by Mr. HARTKE, follows:

OUTLINE OF THE OMNIBUS SOCIAL SECURITY AMENDMENTS OF 1969

Section I—Title of Act "Omnibus Social Security Amendments of 1969."

TITLE I. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE

Sec. 101. Provides minimum benefit amounts of $100.00.

Sec. 101(g). Provides for a 10% raise in benefits.

Sec. 102. Provides for benefit payments to increase with the cost of living.

Sec. 103. Provides for the lowering from 72 to 65 the age for special minimum benefits for certain otherwise uninsured individuals.

Sec. 104. Provides for the lowering of age at which actuarially reduced benefits may be paid to 60.

Sec. 105. Provides for an increase in limitation to $2,400, and over a period of 7 years eliminate it entirely.

Sec. 106. Provides for the extension from 22 to 26 the age limit for the receipt of child's insurance benefits by individual attending school, and to permit reduced child's benefits to be paid to individuals attending school on a part-time basis.

Sec. 107. To provide that the definition of "disability" shall be the same as that in effect prior to the enactment of the Social Security Amendments of 1967.

Sec. 108. To permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit.

Sec. 109. To provide for an increase in the amount of the insurance benefits payable to widows and widowers.

Sec. 110. To provide that remarriage shall not disqualify an individual from receiving widow's or widower's benefit.

Sec. 111. To provide that each child entitled to a child's insurance benefit shall receive a benefit of at least $30 per month.

Sec. 112. Would allow disabled workers to receive both social security benefits and workmen's compensation.

Sec. 113 Provides for a one-third contribution by the U.S. government to Federal Old Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund.

TITLE II. HEALTH INSURANCE

Sec. 201. To provide for the inclusion of chiropractors service under the Health Insurance Program.

Sec. 202. To provide the individuals entitled to disability insurance benefit and individuals entitled to permanent disability annuities under the Railroad Retirement Act of 1937 shall be eligible for health insurance benefits.

Sec. 203. To provide for entitlement of Health Insurance Benefits for the Aged at 62 for women.

Sec. 204. To provide for coverage of prescribed drugs under the Health Insurance Program.

Sec. 205. Provides for post hospital extended care services under Health Insurance Program.

Sec. 206. To include dental care, eye care, dentures, eyeglasses and hearing aids among the benefits provided by the insurance program.

Sec. 207. To change the eligibility for assistance under Title XIX of the Social Security Act.

Sec. 208. Provides for a one-third contribution to the Federal Hospital Insurance Trust Fund.

TITLE III. PUBLIC WELFARE AMENDMENTS

Sec. 301. To provide for nationally uniform minimum standards and eligibility requirements for public assistance.

TITLE IV. AMENDMENTS TO INTERNAL REVENUE CODE

Sec. 401. To amend the Internal Revenue Code of 1954 to allow a portion of the social security taxes paid by low income individuals to be used as a credit against any Federal income tax due and to refund the balance of such portion to such individuals.

S. 2425—INTRODUCTION OF THE 1969 NATIONAL TRANSPORTATION ACT

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, on behalf of myself, the Senator from Indiana (Mr. HARTKE), the Senator from Michigan (Mr. HART), the Senator from Louisiana (Mr. LONG), and the Senator from Kansas (Mr. PEARSON), the National Transportation Act of 1969.

Under the provisions of this proposed legislation, the Secretary of Transportation would be authorized and directed to designate appropriate "major transportation regions" within the United States with the concurrence of the Governors of the States. Existing regional commissions could qualify under the terms of the bill.

It would be the function of each regional commission to develop plans, research, and development programs and demonstration projects for balanced and coordinated regional transportation development. Each region would be required to formulate a long-range overall transportation plan designating the priority of transportation needs and identifying the transportation resources of the region, and develop specific plans for the development of an improved transportation system within the region. Further, each regional commission would initiate research and development programs to improve intercity passenger transportation and any other transportation service essential to the region. Actual demonstration projects responsible to the region's needs would be authorized by the bill.

Federal assistance for regional commission expenses, planning, research and development programs and demonstration projects would be disbursed pursuant to a formula based upon area of the region, population of the region, and number of municipalities within the region and would be limited to a maximum of 90 percent. Annual appropriations would be required to provide Federal funding.

This bill would authorize the Secretary of Transportation to initiate a long-range program of comprehensive regional planning, coordination, and development to provide a balanced transportation system throughout the United States.

The development of a balanced and efficient transportation system adequate to meet the current and future transportation needs of the United States is essential to our commercial life, our national defense, the general welfare of our citizens and the preservation and enhancement of our environment. The daily frustrations and obstacles facing the consumer of transportation services, whether innercity, intercity, or transcontinental, are symptomatic of the fact that our present transportation facilities, transportation planning and transportation development are inadequate to meet the current and future transportation needs of the United States.

If we are to serve our transportation needs—and I am convinced that we must serve those needs if we are to serve the basic needs of our society—then we must have comprehensive, coordinated transportation development consistent with the preservation and enhancement of our environment. Too long we have fragmented and dispersed our efforts in the transportation field. The overriding national policy to be served must be one of assuring our citizens adequate, efficient and expeditious transportation for commuting to work, access from the innercity areas to industrial areas, access to airports, intercity travel or any other form of movement of people and goods necessary to our commercial life, national defense, and recreational endeavors. Our transportation needs will not be well served if we continue to develop each mode of transportation without due consideration to the overall transportation needs of our communities and careful appraisal of the appropriate mixing of alternate modes of transportation.

The difficulties inherent in pursuing a fragmented development of the various modes of transportation are recognized by nearly all familiar with our national transportation system. I am pleased that Senator HARTKE, chairman of the Surface Transportation Subcommittee; Senator LONG, chairman of the Maritime Subcommittee; and Senator HART, chairman of the Energy, Natural Resources, and the Environment Subcommittee, as well as Senator PEARSON, have joined with me in sponsoring this measure. While we appreciate that each mode of transportation needs individual study and warrants the attention of the Congress, the requirement of the public for a transportation system coordinated and balanced to serve its total needs demands a more integrated transportation planning and development system.

We can no longer defer the need to coordinate our transportation development and we can no longer ignore the demands for a more efficient transportation system. This bill attempts to remedy the situation by merging the expertise and understanding within each region as to the transportation needs of that area and the Federal Government's ability to provide financial assistance and guidance in assuring that our national and international transportation needs are properly pursued, and the environment so essential to our daily lives is enhanced and preserved.

I ask unanimous consent that the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2425), to authorize the Secretary of Transportation to provide for a long-range program of comprehensive regional planning for, and coordination of, transportation, including therein the undertaking of research and development and the conducting of demonstrations, and for other purposes, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Transportation Act of 1969".

FINDINGS OF FACT

SEC. 2. The Congress finds—

(1) That the development of a balanced and efficient transportation system adequate to meet the current and future transportation needs of the United States is essential to the commercial life, national defense and general welfare of the people of the United States;

(2) That present transportation facilities, transportation planning, and transportation development are inadequate to meet the minimum current and future transportation needs of the people of the United States;

(3) That the preservation and enhancement of the environment, the conservation of natural resources, including scenic, historic, and recreation assets, and the strengthening of long-range land-use planning is vital to the health and welfare of the people of the United States, and that the planning and development of transportation facilities should be consistent with these goals; and

(4) That systematic and coordinated planning and development of balanced transportation facilities within and between all regions of the United States must be encouraged and should be vigorously pursued as provided in this Act.

STATEMENT OF PURPOSE

SEC. 3. The primary purpose of this Act is to provide for the planning and development of a balanced transportation system throughout the United States. In furtherance of this purpose this Act is designed to encourage the major regions, geographic and economic, of the United States to plan for and provide, with the aid and support of the Federal Government, coordinated transportation planning and development within and between such regions. It is the intent of this Act to encourage such regions to undertake planning, research and development programs, and demonstration projects which will lead to improved and compatible transportation capabilities related to the needs of regional development and also to encourage diversity of approaches and experimentation which will be suitable and productive for the regions of the country.

ESTABLISHMENT OF REGIONS

SEC. 4. The Secretary of Transportation (hereinafter referred to as the "Secretary") is authorized and directed, within six months of the effective date of this Act, to designate appropriate "major transportation regions" within the United States with the concurrence of the Governors of the States and the authorized representative of the District of Columbia in which such regions will be located, provided that there is a relationship between the areas within each such region geographically, demographically, and economically. As used in this Act, the terms "State", "States", and "United States" include the several States, the District of Columbia, and Puerto Rico.

REGIONAL COMMISSIONS

SEC. 5. (a) Upon designation of major transportation regions, the Secretary shall invite and encourage the States wholly or partially located within such regions to establish appropriate multi-state regional commissions.

(b) Each such commission shall be composed of one member from each participating State in the region and one Federal member, hereinafter referred to as the "Federal cochairman" who shall be the Secretary or his designee. Each State member may be the Governor, or a person who shall be appointed by and serve at the pleasure of the Governor, or such other person as may be provided by the law of the State which he represents. The State members of the commission shall elect a cochairman of the commission from among their number. Notwithstanding the foregoing provisions relating to State membership, in the event the Secretary finds that an existing regional commission embraces within its functions and purposes the field of transportation development, the Secretary may, at the request or with the consent of the participating States, accept such regional commission as the transportation regional commission for the purposes of this Act.

(c) Decisions by a regional commission shall require the affirmative vote of the Federal cochairman and of a majority, or at least one if only two, of the State members. In matters coming before a regional commission, the Federal cochairman shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter and the State members shall consult with representatives of appropriate local sub-divisions within their respective States.

(d) Each State member of a regional commission shall have an alternate, appointed by the Governor, or as otherwise may be provided by the law of the State which he represents. The Secretary shall appoint an alternate for the Federal cochairman of each regional commission. An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the State or Federal cochairman for whom he is an alternate.

(c) If any one State is designated a major transportation region, the Secretary may establish a commission for such State in a manner agreeable to him and to the Governor of such State.

FUNCTIONS OF REGIONAL COMMISSIONS

SEC. 6. In carrying out the purposes of this Act each regional commission shall with respect to its region—

(1) develop plans, research and development programs, and demonstration projects for balanced and coordinated regional transportation development, and establish a priority ranking for such plans, programs, and projects, and in accomplishing the objectives of this clause each regional commission shall—

(A) evaluate the relative benefit of the plan, program, or project in serving the essential transportation needs of the affected area;

(B) evaluate the prospects that the plan, program or project on a continuing rather than a temporary basis will improve the economic, environmental, and social development of the area served by the plan, program, or project; and

(C) with respect to its planning function—

(i) initiate and coordinate the preparation of long range overall transportation plan for such region, such plan to designate the priority of transportation needs of the affected area and identify transportation resources of the affected area; and

(ii) develop comprehensive and coordinated plans utilizing the long range overall transportation plan as a guide, and establish priorities thereunder, that give due consideration to other Federal, State, and local transportation planning in the region; and relate transportation development to other planning and development activities and needs of the region, including but not limited to preservation and enhancement of the environment;

(iii) prepare specific plans for the development of improved and compatible transportation systems within such region; and

(iv) conduct investigations, research, surveys, and studies to provide data required for the preparation of plans;

(D) with respect to research and development programs—

(i) initiate research and development of intercity systems aimed at immediate improvements in intercity passenger service using existing facilities and available equipment; or

(ii) initiate research and development of safe and reliable high speed prototype intercity passenger systems, susceptible of early demonstration; or

(iii) initiate research and development of equipment for use in urban areas for the purpose of providing at an early date a prototype demonstration system providing high speed passenger transportation for such areas; or

(iv) initiate research and development of transportation systems that provide compatibility between urban and intercity systems; or

(v) initiate research and development of any other transportation systems essential to the needs of the affected area;

(E) with respect to demonstration projects, insure that such projects reflect the priority of the transportation needs of the affected area as determined by the commission in accordance with this section; and

(F) cooperate with Federal, State, and local agencies in the conducting or sponsoring of research and development programs and demonstration projects required to improve regional transportation;

(2) review and study, in cooperation with the appropriate agencies involved, Federal, State, and local public and private transportation plans, programs, and projects and, where appropriate, recommend modifications or additions which will increase their effectiveness and compatibility in the region;

(3) provide a forum for consideration of transportation problems of the region and proposed solutions and establish and utilize, as appropriate, citizens and special advisory councils and public conferences;

(4) formulate and recommend, where appropriate, interregional compacts and other forms of interstate and interregional cooperation to carry out recommended programs for improved transportation, and work with Federal, State and local agencies in developing appropriate model legislation;

(5) prepare legislative and other recommendations with respect to both short-range and long-range transportation programs and projects for Federal, State, and local agencies and the methods of their implementation; and

(6) provide for and encourage financial participation by State and local governments and private industry to the maximum extent practicable including, but not limited to the provision of land to conduct prototype demonstrations.

ADMINISTRATIVE POWERS OF REGIONAL COMMISSIONS

SEC. 7. (a) To carry out its duties under this Act, each regional commission is authorized to:

(1) adopt, amend, and repeal bylaws, rules, and regulations governing the conduct of its business and the performance of its functions;

(2) accept, use and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible; and

(3) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in carrying out its functions and on such terms as it may deem appropriate, with any department, agency, or instrumentality of the United States or with any State, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation.

(b) In order to obtain information needed to carry out its duties, each regional commission shall:

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable, a cochairman of such commission, or any member of the commission designated by the commission for the purpose, being hereby authorized to administer oaths when it is determined by the commission that testimony shall be taken or evidence received under oath;

(2) arrange for the head of any Federal, State, or local department or agency (who is hereby so authorized, to the extent not otherwise prohibited by law) to furnish to such commission such information as may be available to or procurable by such department or agency; and

(3) keep accurate and complete records of its doings and transactions which shall be made available for public inspection.

EXPENSES OF REGIONAL COMMISSIONS

SEC. 8. (a) Not to exceed 90 per centum of the administrative expenses of each regional commission as approved by the Secretary may be paid by the Federal Government. The remaining 10 per centum of such costs or expenses shall be paid by the States included in each region. The share to be paid by each such State shall be determined by the regional commission. The Federal Cochairman shall not participate or vote in such determination. In determining the amount of the non-Federal share of such costs or expenses, the Secretary shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including but not limited to space, equipment, and services.

(b) Each regional commission may appoint an Executive Director, who shall be responsible for the day-to-day management of the operations conducted by the Commission. The Executive Director shall receive compensation at a rate not to exceed $——— per annum.

(c) Each regional commission may employ, in addition to an Executive Director, such technical, clerical, or other personnel on a regular, part-time, or consulting basis as may be necessary for the discharge of its functions. Regional commissions for regions comprising two or more States shall not be bound by any statute or regulation of any participating State in the employment or discharge of any officer or employee.

PERSONAL FINANCIAL INTERESTS

SEC. 9. (a) Except as permitted by subsection (b) hereof, no State member or alternate and no officer or employee of a regional commission shall participate personally and substantially as a member, alternate, officer, or employee, through decisions, approval, disapproval, recommendations, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization (other than a State or political subdivision thereof) in which he is serving as officer, director, trustee, partner, or employee, or any person or organization

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with whom he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest. Any person who shall violate the provisions of this subsection shall be fined not more than $10,000, or imprisoned not more than two years, or both.

(b) Subsection (a) hereof shall not apply if the State member, alternate, officer, or employee first advises the regional commission involved of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such commission that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the commission may expect from such State member, alternate, officer, or employee.

(c) No State member of a regional commission, or his alternate, shall receive any salary, or any contribution to or supplementation of salary for his services on such commission from any source other than his State. Any person who shall violate the provisions of this subsection shall be fined not more than $5,000, or imprisoned not more than one year or both.

(d) Notwithstanding any other subsection of this section, the Federal cochairman and his alternate on a regional commission shall not be subject to any such subsection but shall remain subject to sections 202 through 209 of title 18, United States Code.

(e) A regional commission may, in its discretion, declare void and rescind any contract or other agreement pursuant to this Act in relation to which it finds that there has been a violation of subsection (a) or (c) of this section, or any of the provisions of sections 202 through 209, title 18, United States Code.

APPROPRIATIONS

Sec. 10. There are hereby authorized to be appropriated $——— for the fiscal year ending June 30, 1970, and for each fiscal year thereafter through the fiscal year ending June 30, ——, for the purposes of carrying out the provisions of this Act. Appropriations authorized under this Act shall remain available until expended.

FINANCIAL ASSISTANCE TO REGIONS

Sec. 11. (a) The Secretary shall apportion the sums appropriated pursuant to this Act for each fiscal year among the major transportation regions in the following manner:

(1) One-third in the ratio which the total area of each region bears to the total area of all regions;

(2) One-third in the ratio which the total population of each region bears to the total population of all the regions as shown by the latest available Federal census; and

(3) One-third in the ratio which the population in municipalities and other urban places, of five thousand or more, in each region bears to the total population in municipalities and other urban places of five thousand or more in all the regions, as shown by the latest available Federal census. For the purpose of this provision, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(b) In no case shall the total Federal contribution to the cost of any plan, program, or project hereunder be more than 90 percent of the total cost of such plan, program, or project. In determining the amount of the non-Federal share of such costs, the Secretary shall give due consideration to all contributions, both in cash and in kind, fairly evaluated, including but not limited to land, space, equipment, and services.

(c) The Secretary shall authorize the release of funds hereunder to a region on the basis of the establishment of an acceptable regional commission and the existence of plans, programs, or projects, which are approved by such commission and comply with this Act. Any funds which are apportioned to a region under subsection (a) of this section which, by agreement between the regional commission and the Secretary, are not needed by that region may be expended for plans, programs, or projects in another region as determined by the Secretary, except that no region shall receive more than 25 percent of the total funds appropriated pursuant to this Act for any fiscal year.

(d) Funds available for expenditure hereunder for any region may be utilized for plans, programs, or projects involving only such region or in cooperation with other regions, or through payment of funds authorized hereunder to departments or agencies of the Federal Government for conducting such plans, programs, or projects.

(e) Each regional commission is authorized in its discretion to transfer not to exceed —— per centum of any funds which are apportioned to the region under subsection (a) of this section to the Secretary for the conduct of such research and development in the field of transportation as he may deem desirable. In utilizing such funds the Secretary is authorized to enter into contracts with public or private agencies, institutions, organizations, corporations, and individuals without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5a).

RECORDS AND AUDIT

Sec. 12. (a) Each regional commission receiving assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the plan, program, or project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the plan, program, or project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

ANNUAL REPORTS

Sec. 13. (a) Each regional commission established pursuant to this Act shall make a comprehensive and detailed annual report each fiscal year to the Secretary with respect to such commission's activities and recommendations for plans, programs, and projects. The first such report shall be made for the first fiscal year in which such commission is in existence for more than three months. Such reports shall be transmitted to the Secretary not later than September 30 of the calendar year following the fiscal year with respect to which the report is made.

(b) The Secretary shall make a comprehensive and detailed annual report to the Congress of his operations under this Act for each fiscal year beginning with the fiscal year ending June 30, 1970. Such report shall be printed and shall be transmitted to the Congress not later than January of the year following the fiscal year with respect to which such report is made.

POWERS OF SECRETARY

Sec. 14. In performing his duties under this Act, the Secretary is authorized to—

(1) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each such department, bureau, agency, board, commission, office, establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

(2) call together and confer with, from time to time, any persons, including representatives of labor, management, transportation, and government, who can assist in meeting the problems of area, regional or national transportation, and make provision for such consultation with interested departments and agencies of the Government as he may deem appropriate in the performance of the functions vested in him by this Act;

(3) employ experts and consultants or organizations therefor as authorized by section 3109 of title 5 of the United States Code, compensate individuals so employed at rates not in excess of $100 per diem, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently, while so employed: *Provided,* That contracts for such employment may be renewed annually; and

(4) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this Act.

MISCELLANEOUS

Sec. 15. (a) Except as may be otherwise expressly provided in this Act, all powers and authorities conferred by this Act shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing.

(b) Funds authorized to be appropriated under this Act may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

(c) All financial and technical assistance authorized under this Act shall be in addition to any Federal assistance previously authorized and no provision hereof shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance to which any region, State or other entity eligible under this Act would otherwise be entitled under the provisions of any other Act.

Mr. HARTKE. Mr. President, I am pleased to join as a cosponsor of the National Transportation Act of 1969. The United States has relied for too long on a fragmented disjointed approach to providing for the needs of the traveling public and of shippers. In this Nation's recent history by far the greatest emphasis has been placed on utilization of highways and airways—but in many areas these modes are reaching their saturation points. The environmental and economic implications of continuing to place primary reliance upon the automobile and the airplane are frightening. The citizenry deserves and is beginning to demand viable alternatives—the evident success of the high speed ground experiment in the Northeast corridor holds promise for developing highly satisfactory alternatives. We must begin to apply this kind of experimentation to other areas. We must begin soon to provide for a balanced transportation system—a system which provides rapid, convenient, and economical transportation from doorstep to doorstep even where more than one mode is utilized.

This bill would promote systematic transportation planning and experimentation for the first time on a national scale and would at the same time insure that the system developed would conform to local requirements.

I commend the distinguished chairman of the Commerce Committee (Mr. Magnuson) for having taken the leadership in this effort and I intend to lend enthusiastic and active support toward attaining the objectives of this legislation.

ADDITIONAL COSPONSORS OF BILLS

S. 1707

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Washington (Mr. Jackson), I ask unanimous consent that, at its next printing, the name of the Senator from Washington (Mr. Magnuson) be added as a cosponsor of the bill (S. 1707), to establish a Commission on Government Procurement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 1872

Mr. INOUYE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. Gravel) be added as a cosponsor of the bill (S. 1872), to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2014

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Arkansas (Mr. Fulbright), I ask unanimous consent that, at its next printing, his name be added as a cosponsor of the bill (S. 2014), to amend the Food Stamp Act of 1964, and other acts, to provide adequate food and nutrition among low-income households, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2360

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Ohio (Mr. Young), and the Senator from Pennsylvania (Mr. Scott) be added as cosponsors of the bill (S. 2360), to enlarge the boundaries of the Grand Canyon National Park in the State of Arizona.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 211—SUBMISSION OF A RESOLUTION RELATING TO ARMS CONTROL, MIRV, AND NATIONAL SECURITY

Mr. BROOKE (for himself and other Senators) submitted a resolution (S. Res. 211) expressing the sense of the Senate relating to arms control, MIRV, and national security.

(See the above resolution printed in full when submitted by Mr. Brooke.)

CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENT

AMENDMENT 43

Mr. HUGHES. Mr. President, I submit an amendment intended to be proposed by me to the bill (S. 1809) to provide for continuation of programs authorized under the Economic Opportunity Act of 1964. I ask that the amendment be received, appropriately referred, and printed in the Record.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, appropriately referred, and printed in the Record.

The amendment was referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

Amendment No. 43

At the end of the bill add the following new section:

"ALCOHOLIC COUNSELLING AND RECOVERY PROGRAM AUTHORIZED

"Sec. 10. Section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new paragraph:

" '(8) An "Alcoholic Counselling and Recovery" program designed to discover and treat the disease of alcoholism. Such a program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counsellors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $10,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program.' "

Mr. HUGHES. Mr. President, recently we read of a man dying in jail in the Washington metropolitan area for lack of medical attention. He was the victim of one of the most common and pernicious diseases known to man—alcoholism.

This was not a rare occurrence in our civilized society. This particular incident just happened to get into the papers.

Ten years ago, research people were estimating that there are 5 million alcoholics in America. Today, despite dramatic growth in our population, the same figure is commonly heard.

I am convinced that this estimate is far short of the mark. I am also convinced that there has been an alarming increase in alcoholism in recent years almost everywhere in this land.

Perhaps more than any other vicious disease, alcoholism afflicts the whole man and the whole society. It disrupts the family, the church, the school. And it seriously disables the economy.

In no sector does the disease strike with more tragic impact than on the poor. Those of you who have seen skid rows or the drunk tank of the average jail know what I mean. The effect of alcoholism on impoverished families already hard pressed to meet the minimum needs for subsistence is one of the saddest aspects of American life.

As in most other instances, people afflicted with the multiple handicaps of poverty have less access to community services and facilities for alcoholics. In addition, alcoholism is often a barrier between the family and available services. The chronic alcoholic is not likely to complete a job training program or to look after family's food and health needs even when welfare help is available.

In point of grim fact, the alcoholic and his or her family have frequently been excluded from community services because of the stigma of alcoholism. In effect, they are punished, rather than treated for illness.

Of particular concern are the most common effects of alcoholism: First disruption of family life, and second, loss of employment and decreased employability.

In these two areas, alcoholism has the most impact in terms of perpetuating individuals and families in poverty. To meet these problems, the most effective interventions are before the person has reached the bottom, that is, while there are still family ties and prospects for employment to provide incentive for achieving rehabilitation.

Multiservice centers operated by community action agencies and neighborhood health centers are key points of contact for the low-income alcoholic and his family.

By virtue of their structure and orientation, these agencies are ideally suited to provide services for the alcoholic which are truly responsive to his and his family's needs.

They are oriented toward alcoholism as a problem related to the conditions of poverty and contributing to the continuation of poverty. Further, they are peculiarly capable of dealing with alcoholism as a community problem; and mobilizing needed community resources.

There are currently several local programs operating as components of community action agencies. These programs are organized to provide a specific service for alcoholics and families within the context of the other activities of the agency. These programs do not aim simply to "cure" the alcoholic; rather, they seek to initiate and maintain sobriety so that the alcoholic and his family can mobilize their resources and utilize other services available in the community. Thus, the alcoholic and his family are given hope, the most essential element in rehabilitation.

In addition, the programs focus on prompting community acceptance of the alcoholic and his family, developing sources of support for them among friends and neighbors, and, ultimately, enabling them to provide support to others struggling with the problems of alcoholism.

Experiences of operating programs indicate they can achieve a high degree of success with a relatively small investment of funds. This high cost-effectiveness is related to the use of voluntary assistance—Alcoholics Anonymous and Al-Anon family groups—and the close relationships with other available services.

Mr. President, the potential for using OEO funds and facilities to help individuals and families at the poverty level gain relief from this dread disease already exists under the proposed legislation.

But without this amendment I have proposed, the objective of treating alcoholism and its effects will be lost in gen-

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eralization and lipservice, as has too often been the case in the past.

The thrust of my amendment is to make sure that specific programs in the areas of prevention, treatment, and rehabilitation of alcoholics in the poverty sector be initiated and continued. The purpose also is to direct the use of existing program and facilities of OEO in helping impoverished families afflicted by the existence of this disease among its family members.

I submit to you, Mr. President, there is no investment we make that will pay richer dividends in human values and economic resources than the modest investment called for in this amendment to help America's poor families cope with this pernicious disease and its disastrous effect.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969—AMENDMENT

AMENDMENT NO. 44

Mr. YARBOROUGH (for himself and Mr. Pell, Mr. Javits, Mr. Goodell, Mr. Montoya, Mr. Case, Mr. Williams of New Jersey, Mr. Nelson, Mr. Mondale, Mr. Cranston, Mr. Hughes, Mr. Kennedy, Mr. Hart, Mr. Young of Ohio, Mr. Eagleton, Mr. McCarthy, Mr. Muskie, Mr. Brooke, Mr. Gore, Mr. Prouty, Mr. Metcalf, Mr. Tydings, Mr. Harris, Mr. Hollings, Mr. Spong, Mr. Moss, Mr. Schweiker, Mr. Cotton, Mr. McGovern, Mr. Gravel, Mr. Burdick, Mr. Church, Mr. Randolph and Mr. Inouye) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes, which was ordered to lie on the table and be printed.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert B. Krupansky, of Ohio, to be U.S. Attorney for the northern district of Ohio for the term of 4 years, vice Merle M. McCurdy, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, June 24, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF HEARINGS ON HOUSING AND URBAN DEVELOPMENT LEGISLATION

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency will begin hearings on 1969 housing and urban development legislation on July 15, 1969.

Hearings will be held upon all bills pending before the subcommittee at the time the hearings commence.

All persons wishing to testify should contact Miss Doris I. Thomas, room 5226, New Senate Office Building; telephone 225-6348.

Mr. President, at a later date, and prior to the hearings, I shall submit for the Record a list of the bills to be considered during the hearings.

ANNOUNCEMENT OF HEARINGS ON MILITARY POLICIES AND PROGRAMS IN LATIN AMERICA

Mr. CHURCH. Mr. President, the subcommittee on Western Hemisphere Affairs of the Senate Foreign Relations Committee will hold a series of hearings beginning June 23 on U.S. Military Policies and Programs in Latin America.

The first witnesses, to be heard June 23 at 10 a.m. in room 4221, New Senate Office Building will be:

Ralph Dungan, former Ambassador to Chile, 1964–67.

Prof. George C. Lodge of the Harvard Business School, former Assistant Secretary of Labor for International Affairs, 1958–62.

David Bronheim, former Deputy U.S. Coordinator of the Alliance for Progress, 1965–67.

On July 8, the subcommittee will hear from G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs, and Charles A. Meyer, Assistant Secretary of State for Inter-American Affairs.

The purpose of the hearings is to explore the full range and scope of U.S. military activities in Latin America, their political impact in Latin America, and their implications for U.S. foreign policy. The activities in question include not only the military assistance and sales program but also U.S. military missions and service attachés, mobile training teams, other training programs both in the Canal Zone and the United States, military bases and other facilities, ship loans, joint United States-Latin American military exercises, orientation tours of the United States for Latin American military officers, military decorations received by U.S. officers and bestowed on Latin American officers, and, finally, the role of the United States in inter-American military activities, such as regional conferences and meetings, the Inter-American Defense Board, and the Inter-American Defense College.

The breadth of these activities raises a number of questions—

What are the coordination and control procedures of the executive branch?

What is the role of Congress in authorizing and approving?

What is the impact on the image of the United States in Latin America?

What is the relationship, if any, to the increasing number of increasingly authoritarian military governments in Latin America?

What basic U.S. national interest is served by these activities, and what is their cost-benefit ratio?

"FOOD FOR WORK" RAISES NEW HOPE FOR WORLD'S HUNGRY, U.S. FARMERS

Mr. McGOVERN. Mr. President, during recent months the Nation has given welcome and well-justified attention to the problem of overcoming hunger and malnutrition in the United States. Concurrently, there has arisen a new idea that holds out great promise for helping to overcome hunger throughout the world. This is the food-for-work plan, which was incorporated in the legislation enacted in the past session to extend the life of the Food for Peace Act for 2 more years.

The new food-for-work plan has a most exceptional potentiality. It might enable the United States to export increased quantities of our farm products for famine relief and economic development purposes overseas, while actually reducing our net budget expenditures and improving our balance of payments over what they otherwise would be.

And by increasing total world demand for and consumption of food, it would likewise strengthen farm prices both in the United States and in other countries.

Surely these are possibilities that deserve the most constructive and conscientious attention from our AID and Department of Agriculture officials.

At present, I understand that the Department of Agriculture is exploring how to devise operating procedures and to negotiate agreements with importing countries to put the food-for-work provision into effect. A food-for-work association is being organized by our farm organizations and other interested groups, under the leadership of the National Association of Wheat Growers, to encourage and assist in this effort. As I noted several times last year when the Food for Peace Act extension bill was before the Committee on Agriculture and later as it was being acted upon in the Senate, I consider this a most promising advance and I earnestly hope the administration will put it into effect as expeditiously as possible.

Recently the Farmers Union Herald published an article pointing to the tremendous potentials in India for the new food-for-work plan. The Herald is one of the outstanding farmers' cooperative publications in the northern Midwest, and indeed in the entire country. The article was one of a four-part series written by Robert Handschin, director of research for the Farmers Union Grain Terminal Association, who with eight other American newsmen recently returned from a 3-week tour of India's agricultural areas.

Mr. Handschin's article quickly comes to grips with the central problem in the developing countries—the need to create jobs and purchasing power for the huge numbers of people who are being added to the labor force both by the swift growth of population and by the displacement of farm laborers out of agriculture by mechanization and advanced technology. He perceives that the food-for-work amendment might resolve this problem, and in the process lead to the day when, as Handschin writes:

There will no longer be hungry, jobless people while our acres stand idle and farm surpluses depress prices here and in many other countries.

Mr. President, the series of articles by Mr. Handschin was printed in the Congressional Record of May 8, 1969. I now ask unanimous consent that the announcement by the National Association of Wheat Growers of its campaign to promote expanded exports of U.S. farm commodities through implementation of the food-for-work amendment and other means, and a memorandum by its president, Mr. E. L. Hatcher, describing the Food for Work Association being formed for that purpose, be printed in the Record.

There being no objection, the announcement and memorandum were ordered to be printed in the Record, as follows:

Wheatgrowers Seek To Boost Buying Power for U.S. Food in Hunger Areas of World

The National Association of Wheat Growers has launched a drive to reverse "the present gloomy outlook for farm exports."

E. L. Hatcher, wheat farmer from Lamar, Colo., and president of the national association, announced he is writing to leaders of other farm organizations, farm supply businesses, and processors and exporters of farm commodities this week to ask for their cooperation and support.

"We aim to hitch American food-power to the needs of hungry people by promoting direct action to raise their earning power and their buying power," Hatcher explains.

A memorandum accompanying Hatcher's letter analyzes the slump in farm exports and outlines plans for "a concerted and constructive effort to turn the current trend around."

Hatcher said the "decline in the Food for Peace program that has set in during the past few years" is "a factor of very serious proportions."

"This is an outgrowth of the present United States Government policy of promoting the expansion of agriculture in importing countries to make them 'self-sufficient in food production'," Hatcher stated.

Hatcher asserted that the "self-sufficiency" policy "must be modified so as to give to American agriculture the larger role in the world economy that its comparative efficiency warrants." He added:

"The principal means by which we propose to advance this goal is *to promote trade and food aid policies on the part of the United States which will lead to massive expansion of demand for and consumption of food in the world.*

"Our specific object is to promote increased purchasing power among the low-income people in the developing countries who will spend a large share of any increase in their incomes for food. If *human need* can be transformed into *effective demand,* all the food that all the world's farmers can produce could be sold—and at remunerative prices."

Hatcher announced that the Wheat Growers Association has retained Robert G. Lewis, a consulting economist in Washington, to plan and direct the campaign.

Lewis was a Vice President of the Commodity Credit Corporation and Administrator in the U.S. Department of Agriculture until 1967, and has been a consultant to the Agency for International Development on food and development policies. He authored a study last year which made the first major criticism of the policy adopted in 1966 of urging self-sufficiency in food production upon developing nations. Lewis originated the "Food for Work amendment" to the Food for Peace law which was enacted by Congress last year with the support of the Wheat Growers ard other farm groups.

Hatcher's memorandum termed the Food for Work amendment "particularly effective because it provides for positive measures to expand demand for food in the importing countries." Encouraging implementation of this amendment will be one of the major goals of the campaign, Hatcher said.

The amendment provides that when U.S. farm commodities are sold under the Food for Peace law to developing countries, the local currencies received in payment by the U.S. Government may in turn be sold at a discount for dollars. Buyers of the currencies must spend them to pay wages in works of public improvement.

According to Lewis' study the U.S. Government would need to realize only a small percentage-return on the market value of commodities sold in this manner in order to reduce its net costs below the alternative of paying farmers to reduce U.S. farm output by an equivalent amount.

Building Sales Opportunities for U.S. Agriculture in the Hungry Countries

(Memorandum from E. L. Hatcher, president, National Association of Wheat Growers)

April 1969.

American farmers and agribusiness industries face a drastic cut-back in their export markets.

We all know of the drop in U.S. agricultural exports that has occurred this year. To some extent this reflects temporary conditions of world supply and demand.

But there is also a long-range factor of very serious proportions. This is the decline in the Food for Peace program that has set in during the past few years. For example, P.L. 480 wheat exports alone may decline this year by more than 100 million bushels below last year. This is an outgrowth of the present United States Government policy of promoting the expansion of agriculture in importing countries to make them "self-sufficient in food production".

Recent official U.S. Government forecasts signify that a major share of the usual "Food for Peace" outlet for American farm products may disappear within the next few years. In March 1968, the Administrator of AID summed up for the first time some of the specific implications for American farm exports of the "self-sufficiency" policy, declaring:

". . . Pakistan has an excellent chance of achieving self-sufficiency in food grains in another year. India . . . hopes to achieve self-sufficiency in food grains in another three or four years. She has the capability to do so. Turkey . . . total production this year may be nearly one-third higher than in 1965. The Philippines are clearly about to achieve self-sufficiency in rice . . ."

AID's magazine *War on Hunger* reported later that "The Government of India is predicting that the country will be self-sufficient in food grains by the early 1970's." Undersecretary of State Katzenbach said self-sufficiency might be achieved in India "as early as 1971."

Some countries that formerly imported grain under Food for Peace programs are now becoming exporters of grain as a result of the self-sufficiency campaign. For example, the Foreign Agricultural Service of the U.S. Department of Agriculture reported in *Foreign Agriculture* on February 3, 1969:

"For the past two years Iran has switched sides at the world wheat trading counter—becoming a seller rather than a buyer. Exports during 1967 totaled 100 thousand metric tons; during 1968, about 250 thousand."

Other former-importers of grain also are entering the world export market, many as a result of U.S. encouragement and aid. Meanwhile, the *surplus* of grain-producing capability in the U.S. and other advanced countries already exceeds the total volume of food grains moving in world trade, and is growing.

The recent and apparently continuing decline in P.L. 480 exports is not being replaced by commercial exports. Total U.S. farm exports have ceased to expand in the past few years, and efforts toward self-sufficiency threaten further inroads upon U.S. farmers' foreign markets in many of the prosperous countries as well as in the poor countries.

This adds up to a most serious outlook. In the case of wheat, for example, exports have been taking far more than the domestic market. In recent years wheat exports have ranged from 144 percent to 168 percent of domestic food use. Exports under Food for Peace programs alone have amounted to more than the total demand for domestic food use in some years.

Exports represent a major market also for many other crops. Moreover, any loss of markets for wheat will result in immediate difficulties for most other crops and for livestock products, if acreage that is now devoted to wheat should become available for production of feed grains.

This outlook is serious also for the suppliers of farm production materials, for the businesses that sell farm commodities and manufacture and export food products, and all other industries that serve agriculture and the food business.

The worst thing about this is that it does not mean the end of—nor even any significant decline in—human hunger in the world. Our own experience in the United States shows that "self-sufficiency"—or even huge surpluses—do not necessarily insure that food will get to those who need it.

The National Association of Wheat Growers is asking you to join in a concerted and constructive effort to turn the current trend of U.S. farm exports around, and onto a steady, sustained, and speedy upward course.

We believe that the present policy of promoting "self-sufficiency in food production" in the developing countries must be modified so as to give to American agriculture the larger role in the world economy that its comparative efficiency warrants.

The principal means by which we propose to advance this goal is *to promote trade and food aid policies on the part of the United States which will lead to massive expansion of demand for and consumption of food in the world.* Our specific object is to promote increased purchasing power among the low-income people in the developing countries who will spend a large share of any increase in their incomes for food. If *human need* can be transformed into *effective demand*, all the food that all the world's farmers can produce could be sold—and at remunerative prices.

We believe the new "Food for Work" amendment to P.L. 480 that was enacted by Congress last year can be particularly effective, because it provides for *positive measures to expand demand for food in the importing countries* to be linked directly to the *importation of added food supplies.* Public works projects carried out under this amendment can result in immediate large-scale increases in total consumption of food, while liberalized policies concerning imports of labor-intensive goods into the United States will make it possible for these newly-developed markets for American farm products to be transformed onto a permanent commercial basis.

The National Association of Wheat Growers has retained Robert G. Lewis to plan and direct a campaign of at least one year's duration to advance these purposes. Mr. Lewis is an economic consultant who has extensive experience in government agricultural programs and trade policy. He originated the Food for Work amendment last year, and with the support of our

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organization, persuaded Congress to enact it. His Food for Work proposal was developed in the course of a study of the Food for Peace program which Mr. Lewis conducted under the sponsorship of several of the Nation's leading farm and commodity organizations, food processors, and export firms. (Copies of the Study can be obtained from Mr. Lewis at $2 per copy.)

All farm organizations, business firms, and individuals who are interested in the expansion of farm commodity export markets are eligible to join in the "Food for Work Association" which we are establishing to carry on this campaign. Mr. Lewis will serve as executive director of the campaign with the title of President. I have been designated by the Board of Directors of the National Association of Wheat Growers to serve as Chairman of the Organizing Committee. All participating organizations or individuals subscribing a minimum of $100 per month for a year ($1,200) will be entitled to representation on the Board of Directors. All funds collected and disbursed will be accounted for in monthly statements to all members of the Board of Directors, and the Board will meet periodically to review progress of the campaign.

Specific activities to be carried out in the campaign will include:

A. Counseling with government officials in AID, the U.S. Department of Agriculture, the Department of State, and elsewhere as needed, to encourage and assist in carrying out projects under the Food for Work amendment, and to promote the use of P.L. 480 to expand markets for U.S. farm commodities;

B. Analysis of trade data, trends, and influences, and preparation of information for participants in the campaign;

C. Promotion of understanding and support among the public, Members of Congress, and special interest groups such as religious and welfare agencies, for measures leading to increased exports and consumption of U.S. farm and food products and the establishment of long-term two-way trade opportunities for American agriculture on a basis of comparative efficiency;

D. Promotion of interest on the part of importing-country goverments in participating in agreements authorized under the Food for Work amendment, including labor-intensive public works to produce roads, bridges, sanitation facilities, water works, schoolhouses, and other "public capital" needed in order to stimulate economic development;

E. Seeking financial support from investors for public works projects in developing countries sponsored under the Food for Work amendment; and

F. Development of recommendations to members of the Association for any legislation needed or desirable in promoting the expansion of exports and consumption of U.S. farm commodities.

I appeal to you to subscribe financially to the full extent of your ability to support the campaign I have outlined above. Your annual subscription may be paid in full, or in monthly or larger installments. Your checks should be made to and mailed, together with the name and address of your designee to represent you on the Board of Directors, to: Food for Work Association; Robert G. Lewis; President; 3512 Porter St., N.W., Washington D.C. 20016 (tel. 363-1119).

I sincerely believe that the campaign we are inaugurating here can turn the present prospect of declining farm markets and rising surpluses into a new and promsing era for American agriculture, and for all the workers and industries which serve it. I hope you will join us in this effort.

FLOOD INSURANCE

Mr. DODD. Mr. President, I invite the attention of Senators to the historic moment occurring next June 25, when the first flood insurance policies will be issued in Fairbanks, Alaska, and in Metairie, La., under the National Flood Insurance Act of 1968.

The coverage afforded by these initial policies soon will be available throughout the United States, and so, at last, the hour has come when, thanks to this act, millions of Americans will be able to insure themselves, at reasonable rates for the first time, against one of the most prevalent and devastating of natural disasters.

I take great satisfaction in the availability of this new protection against the sudden and savage destitution of our fellow citizens. My own State of Connecticut is prone to flood damage, and in the past, has suffered greatly from the loss of life and property. Moreover, Connecticut is home to a large segment of the national insurance business, which is fully entitled to share in the provisions of this act. The position of the private insurance business has not been impaired.

In fact, the door is being opened on an entirely new phase of the insurance business. Disastrous floods engulf large areas and victimize everyone living there in one way or another. As a result, the private insurance industry has found it impossible to make flood policies "spreadable" at prices most Americans can afford. Henceforth, the private companies can afford, in cooperation with the Federal Government, to underwrite the staggering losses inflicted by floods.

In noting that this risk to the Nation's safety and economy is now being effectively met, thanks to the vast Federal resources behind the program, I would like to add that I also take great personal satisfaction in the event.

Back in 1956, when I was a Member of the House of Representatives, I demonstrated my concern over this breach in our national defenses against nature by introducing a bill for a National Disaster Insurance Corporation.

The bill was to provide for low-cost insurance and noninterest loans to victims of all kinds of natural calamities. Under it, policies against hurricane and earthquake damage also would have been available. These broad proposals became known as the Dodd plan.

As I still calculate the requirements of our country, it was unfortunate that only the flood provisions of my bill survived when it was incorporated into the 1965 Flood Insurance Act. On that occasion, we lost an opportunity to look to the Federal Government for assistance from the other tragic moments of nature's anger.

Moreover, as many Senators will recall, the 1956 measure restricting disaster insurance to flood damage never became effective. No funds to implement it were ever appropriated. Other reasons for its failure certainly include the minimal business opportunities given to private insurance companies and the absence of a table of premium rates, varying according to the flood risks in the different sections of the country.

We all can be grateful that these defects have been eliminated by our acceptance of the National Flood Insurance Act of 1968.

In the passage of this legislation, we can detect a model effort that blueprints for us how the Federal Government and private industry can work together in order to construct for the Nation a much needed safeguard.

The practicable system of flood insurance rates is the product of a joint effort by the Department of Housing and Urban Development, the U.S. Army Corps of Engineers and the private insurance companies.

I am most pleased, of course, by their success in this restricted area of disaster insurance. But in contemplating it, I cannot help but wonder, even more than I did 13 years ago, why we lack the commonsense and good intent to develop similar insurance protection against other natural catastrophes.

Surely, comprehensive insurance of this kind is bound to be written into law sooner or later. One of humanity's nobler instincts is the always helpful response of the individual to his neighbor victimized by nature. Why then, can we not buttress the individual's sense of responsibility with a complementary effort by the Government?

Between this moment and what I believe will be the inevitable moment coming when the Government will have to share my anxiety in this matter, why should we gamble with the welfare of thousands, or even hundreds of thousands, of Americans and their ability to recover from natural misfortunes that we all must fear and that we sensibly should anticipate.

In line with the specific proposals I made in the House of Representatives back in 1956, I believe that the broad approach to be made by the Federal Government in this field of our obligations should encompass such preparations for disaster as rent-free shelter for disaster victims and the stockpiling of temporary housing for emergencies.

The Flood Insurance Act of 1968 is a step in the right direction, and I am gratified to see this public service becoming a reality after so much effort and so much delay.

Now that the provisions of this act are becoming effective, we should be inspired with the confidence to confront the challenge it creates: We have built a part of the national insurance dike, but we should not walk off the job leaving it unfinished.

THE RACIAL BALANCE DECISION OF THE SUPREME COURT

Mr. ALLEN. Mr. President, on June 2, 1969, the Supreme Court of the United States handed down what we believe will become one of the most controversial decisions in the history of the Court. This conclusion is arrived at by reason of the truly revolutionary principle of "racial balance" announced by the Court, and on a consideration of the almost unlimited field for application and dangerous potential for mischief inherent in the principle.

Mr. President, I refer to the decision in United States against Montgomery County, Ala., School Board. The factual background in a nutshell is this: The Federal District Court in Montgomery, Ala., established an absolute standard for employment and assignment of schoolteach-

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ers in the Montgomery County school system in the following language:

> In each school the ratio of white to Negro faculty members (must be) substantially the same as it is throughout the school system.

This particular ruling was taken on appeal to the U.S. Court of Appeals for the Fifth Judicial Circuit, where the racial ratio standard for assignment of teachers to separate schools was rejected and the lower court order was modified to provide for "substantial or approximate" attainment of racial ratio as a future goal. The Supreme Court overruled the circuit court of appeals and reinstated the racial ratio standard as controlling criteria in future teacher assignments.

Mr. President, I submit that the principle established by this decision is that of "racial balance" and that it is of such importance as to call for much more critical attention than it has yet received.

In this connection, the problem of critical analysis is made somewhat difficult by reason of the devious approach employed by the Supreme Court in laying down the principle and by reason of the refusal of the Court even to mention the far-reaching implications of the principle. In short, the Court affirmed the obverse of the principle of racial balance without mentioning the necessary proposition from which the obverse is inferred. Let me illustrate.

A proposition stating that the Constitution requires racial participation in employment in public services proportionate to the numerical strength of the separate races in a community is precisely the same as declaring that the Constitution requires racial balance in the employment of races in public services. The obverse of this proposition is that any deviation from racial balance is unconstitutional.

It will be recalled that the Supreme Court approved the order of a Federal district court which assigned racial ratios to separate schools as a means of correcting racial imbalance reflected in employment and assignment of teachers. In doing so, the Supreme Court necessarily established the principle that proportionate racial participation or racial balance in the employment and assignment of teachers is an affirmative requirement of the Constitution.

The fact that the Supreme Court incorporated the requirement of racial balance into the Constitution by upholding the obverse of the above proposition rather than by directly affirming the principle cannot alter the fact that the principle of racial balance is clearly and unavoidably laid down as an affirmative requirement of the Constitution. The only question left open by the Court is to what degree the standard is to be achieved.

The term "racial balance" implies the existence of an ideal degree of racial participation in public services. This ideal is considered to reflect racial participation in employment or services proportionate to the numerical strength of the races in the population of a community. When such proportion is expressed as a ratio, as was done in the case under consideration, the effect is to prescribe racial balance as the goal.

In the instant case the Federal district court judge directed the assignment of teachers to achieve racial balance in this language:

> In each school the ratio of white to Negro faculty members (must be) substantially the same as it is throughout the school system.

We do not imply that the Supreme Court has said that henceforth every Federal district court judge in the United States must order assignment of teachers to schools in a manner to achieve immediate and precise racial balance. On the contrary, the Supreme Court in establishing the principle of racial balance expressed the opinion that it did not believe the district court judge intended to apply the principle inflexibly as to time and presumably as to mathematical exactitude.

On the other hand, the Supreme Court went out of its way to make clear that "substantial and approximate" attainment of the ideal racial participation would not meet the Supreme Court concept of constitutionally required racial balance. In fact the Supreme Court specifically rejected the "substantial or approximate" criteria, suggested by the U.S. Court of Appeals, in favor of the mathematical ratio imposed by the Federal district court.

So while "racial balance" has been established as an affirmative requirement of the Constitution, the precise degree of conformity required remains hanging. However, we do know that something less than exact proportionate racial participation may be acceptable to the Supreme Court but that something more than "substantial or approximate" balance is required.

Previous Supreme Court attitudes regarding a constitutional mandate of mathematical preciseness in allocating legislative powers of State and Federal Governments leaves little room to doubt that the Court intends in this case to impose near precise racial balance as the constitutional requirement for employment in public services.

In any event, no one can seriously question the fact that under the Constitution, as revised and edited by the Warren Court, racial participation in public employment must be proportionate to the numerical strength of the races in the population and that such standard is in essence the standard of racial balance. Neither can it be doubted that this essentially social concept of racial balance has been dressed out by the Court and armed with the coercive powers of Federal Government under the guise of a principle of constitutional law.

One result of this decision is that Federal district courts throughout the United States are now vested with near unlimited discretionary powers over public school systems. Such courts can compel employment and assignment of teachers until racial balance is achieved in each school in the separate school systems throughout the Nation. Additional discretionary powers vested in Federal district court judges include the power to veto over expenditures of capital funds, veto over location of new schools, a power of supervision over recruitment, hiring, firing, promotion, and transfer of teachers and administrative personnel, as may be necessary to achieve the new constitutional mandate of racial balance.

And, while the decision was rendered in a case involving employment and assignment of public school teachers, it cannot seriously be questioned that the principle applies with equal force to assignment of schoolchildren. Consequently, Federal district courts are now vested with power to redraw school attendance boundaries, to close schools and compel transfer and bussing of pupils, and otherwise to supervise the public school systems in a manner to reach what is now said to be a constitutional mandate of racial balance in public schools.

In addition, the principle has application to employment in all public services of which teaching is but one. It has application to employment in the civil services and to firemen and policemen on all levels of government.

The principle has application also to all private employment in firms doing business with any branch of Federal, State, and local governments.

Another inevitable result of the decision is that every racial minority in the United States may now allege deviation from racial balance in employment as a basis for legal action to compel racially proportionate employment. In addition, the Federal executive is authorized and empowered by this decision to send its agents throughout the land armed with authority of the Supreme Court decision to further dictate employment practices in private employment.

Consequently, we can reasonably expect to see ushered in a new era of litigation which may extend from now to eternity or until the Supreme Court holds that the "racial balance" mandate of the Constitution prohibits an employee from exercising the right to quit, change jobs, or move when to do so would result in creating a now constitutionally prohibited racial imbalance in in employment.

We recognize that this last projection may seem to be unreasonable but we most sincerely submit that it does not strike us as more unreasonable as a possibility than the ruling that the Constitution requires hiring and assignment of employees by racial quotas in order to achieve a racial balance in employment.

And I do maintain that the Supreme Court decision is unreasonable in the extreme. It is irrational, arbitrary, and invidious. It utterly disregards the public interest; it disregards individual merit and experience and qualifications; it disregards educational criteria such as the availability of qualified and experienced teachers as may be required by education considerations. Furthermore, it disregards the will and wishes of the teachers and pupils involved and it disregards the will and wishes of the people of the communities involved and thus disregards the necessity for public support of the education system. Finally, the racial balance mandate disregards what parents may believe to be the best interest of their children in a most intimate matter affecting the health, safety, and moral welfare of their children.

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The Supreme Court decision goes even further than this. It specifically defies the will of Congress. For example, in the appropriation bill for the Department of Health, Education, and Welfare, passed in October 1968, it was specifically provided:

> No part of the funds contained in this act may be used to force bussing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

In addition the Civil Rights Act of 1964 states:

> "Desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance . . .
>
> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

Innumerable expressions of legislative intent of a similar nature have been incorporated in Federal aid to education statutes—but aside from misleading the people, what avail are these expressions of congressional intent in the face of this last Supreme Court decision?

The Supreme Court has declared a new ball game. Congressional intent no longer matters, nor the will and wishes of State legislatures, nor of elected local school officials, nor that of teachers or even parents of the children. Racial balance is the new and controlling constitutional criteria for determining the location of new schools, in decisions related to closing and consolidating schools, in transferring and busing children, and in the assignment of pupils and teachers. Consequently all decisions on these questions are now supposed to be within the purview of discretionary powers of a single Federal district court judge.

Mr. President, tyrannical powers are thus vested in Federal district court judges. This is a situation unparalleled in the history of our Nation or in the history of any nation of free people. For in truth, such powers are absolutely incompatible with a government of a society of free people.

Let me cite an example of tyrannical control. The U.S. Court of Appeals for the Fifth Judicial Circuit decided to turn control of the Mobile County, Ala., school system over to the Department of Health, Education, and Welfare. This is the judicially assigned responsibility of the Department of Health, Education, and Welfare as laid down by the Court:

> The District Court shall forthwith request the Office of Education of the United States Department of Health, Education, and Welfare to collaborate with the Board of School Commissioners of Mobile County in the preparation of a plan to fully and affirmatively desegregate all public schools in Mobile County, urban and rural, together with comprehensive recommendations for locating and designing new schools, and expanding and consolidating existing schools to assist in eradicating past discrimination and effecting desegregation.

Mr. President, the above language is an order to the Federal district court judge to request the Department of Health, Education, and Welfare to restructure the public school system of an entire county having a population of approximately 300,000 people, despite the specific language of an act of Congress which prohibits expenditure of HEW funds for achieving racial balance in public schools.

Yet, under authority of the racial balance decision of the Supreme Court, the Department of Health, Education, and Welfare can do nothing but reorganize the public school system to achieve racial balance.

The above approach can reasonably be expected to be followed throughout the United States.

After years of judicial doubletalk we now know that the ends to be achieved by Federal courts is not "desegregation" nor "nondiscrimination" but rather "racial balance" defined by the Court as racial participation in the public services proportionate to the numerical strength of the races in a particular unit of employment. And this theoretical social ideal imposed by the Supreme Court as law of the land must be achieved to a degree that is more than substantial or approximate even though less than mathematically precise.

Mr. President, I predict that the people of our Nation are not going to accept tyrannical control over the lives of their children affecting, as it does, the safety, and moral welfare of their children. This can mean but one thing; Federal district courts have to continue to resort to processes of the inquisition to enforce its school orders. They can gain compliance only by threatening elected local school officials with confiscation of their property by imposition of heavy fines and threats of imprisonment or both without benefit of trial by jury. This fact expresses a judgment on the whole sorry system.

On the part of the Federal executive, it must continue the vicious practice of depriving innocent children of food, money, and other benefits authorized by Congress. In areas other than public education the executive must continue to deprive and threaten to deprive the aged, sick, poor, handicapped of necessities of life as a means of compelling compliance with its dictatorial orders. In still other areas the Federal executive must continue to threaten abrogation of contracts and thus financial ruin of private business as a means of enforcement.

Mr. President, I submit that the enforcement techniques adopted by the Federal judiciary and the Federal executive are alone enough to condemn the policies and decisions which gave them birth. These techniques reveal an underlying callousness and even viciousness on the part of disciples of force and violence some of whom currently wield this hideous power in our Republic.

Mr. President, there is but one solution to this corruption—it is to amend the Constitution of the United States to return control of public schools to the States and to the people. I have submitted a proposed constitutional amendment for submission to the States to do just that.

DETROIT CONCERT BAND RECEIVES FINE TRIBUTE

Mr. GRIFFIN. Mr. President, a very fine musical organization in my home State, the Detroit Concert Band, recently received a singular recognition.

Of all the bands in the United States and Europe, the Detroit Concert Band, under the baton of Dr. Leonard Smith, was selected by the British Broadcasting Corp. for an hour-long documentary on the life and music of John Philip Sousa.

As the Detroit News has observed, the BBC discovered what Michigan people have known for a long time: no musical organization in the world can play a John Philip Sousa march like the Michigan Concert Band.

Mr. President, I ask unanimous consent that a splendid article concerning this band and its director, published in the June 4 issue of the Detroit News, under the heading "Quest for 'Sousa Quality' Ends Here," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

QUEST FOR "SOUSA QUALITY" ENDS HERE

(By Armand Gebert)

What the British Broadcasting Corp. (BBC) discovered through time and research, Detroiters have been enjoying for 23 years.

It's this: No musical organization in the world can play a John Philip Sousa march like the Detroit Concert Band.

The BBC realization of this fact is the reason why one of its producers, Kenneth Corden, and a team of technical experts were flown here from London to film an hour-long documentary on the indefatigable "March King."

The "Sousa quality," as Corden calls it, is what the Detroit Concert Band has under the baton of Leonard Smith.

It's this quality of a precise beat, martial musical vigor and showmanship that is being captured in filming and recording sessions in the Masonic Temple auditorium.

The 55-member band has been augmented by 11 other leading wind and brass instrumentalists for the sessions which started yesterday and are being completed today.

Corden, who was born the year Sousa died, 1932, said he started researching in 1967 "to capture the real man (Sousa) in music and life."

Days were spent interviewing persons who knew and played under Sousa's direction, in poring over manuscripts in libraries and in listening to recordings—including tapes of the Detroit Concert Band.

"Wherever I went the Detroit Concert Band and Leonard Smith were always recommended," he said. "I couldn't ignore these recommendations. That's why I'm here. They were right."

Sousa's compositions are popular in Britain and on the Continent. What about the bands that play them there?

Corden was prepared for the question. "Over there musicians play music exactly as it's written," he said. "But Sousa didn't put down all of his effects. He was a showman and kept a few tricks to himself. This is the quality I was seeking."

He found it by talking to people like William Bell, who played tuba in Sousa's band from 1921 to 1924 and later joined the New York Philharmonic.

Bell, 66, who is now a faculty member at Indiana University, is one of the instrumentalists who were brought here especially for the color television documentary.

The big genial man, who recalls appearing in Detroit with Sousa, said during a break at yesterday's session: "Sousa would

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have approved. A better band, couldn't have been selected."

Original Sousa arrangements, which are part of Smith's library, are being used for the documentary.

"El Capitan," "The Washington Post," "U.S. Field Artillery," "Liberty Bell," "The George Washington Bicentennial" and, of course, the famous "Stars and Stripes Forever" are included in the program.

The Sousa showmanship? Well, what is expected to delightfully startle British audiences is generally accepted as part of the score by Detroiters.

Examples: The highlight in "Stars and Stripes Forever" when piccolo players, trombonists, trumpeters and cornetists leave their seats and march toward the footlights to perform.

Another moment is during the "Over Hill, Over Dale" segment in the "U.S. Field Artillery" when pistol shots are suddenly fired from the band's percussion section.

However, even Detroiters are apt to be surprised when they hear a portion of Debussy's "Golliwog's Cakewalk" in the production.

Corden explained that this is intended as a polite musical retort to the French composer who as a music critic of a Sousa band concert in Paris in the early 1900s wrote: "American music may be the only kind which can find a rhythm for unspeakable cakewalks."

Smith, who has been conductor of the Detroit Concert Band since 1946, said being selected to perform in the BBC documentary is one of the "big highlights in the band's history." He said he considers it "a recognition of our efforts to maintain the high Sousa tradition.

Smith, Leopold Stokowski, the American choreographer George Ballanchine, and other prominent world musicians will be among those who will give commentaries in the production. Original film clips and photographs of Sousa will also be featured.

Detroit is also represented in technical aspects of the production. Lare Wardrop, a cameraman for WWJ–TV, The Detroit News, and Gary Galbraith, a free lance cameraman, worked under Corden's direction.

The film is expected to be released by the BBC in Britain in November and it will be shown in this country on National Educational Television stations in late November or December.

But Detroiters won't have to wait that long to hear Sousa performed as they like it. The Detroit Concert Band will be appearing at Belle Isle and the State Fairgrounds in a series of programs from June 15 through August 10—and Smith promises many selections by the March King.

STATEMENT OF PHAM THE TRUC, MEMBER OF SOUTH VIETNAM HOUSE OF REPRESENTATIVES

Mr. FULBRIGHT. Mr. President, there has come to my attention a statement issued in Tokyo by Pham The Truc, a Member of the House of Representatives of South Vietnam. Mr. Truc's statement is a severe condemnation of both South Vietnamese and United States policies and a plea for peace. In view of President Thieu's recent militant statements concerning suppression of dissent from his government's policies, it will be interesting to see if Mr. Truc is allowed to return to South Vietnam.

I ask unanimous consent that Mr. Truc's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

An Appeal to the People of the United States of America and Japan, May 30, 1969

(By Pham The Truc)

Thousands of people every day are being killed and the land devastated in the cruel war in Vietnam. Why can't peace be established in Vietnam—a peace for which not only the people of Vietnam but also all peace-loving peoples of the world are longing?

The following is my view on this question.

The regime of Nguyen Van Thieu and Nguyen Cao Ky which is the offspring of a military clique is still, in its basic nature, a military dictatorship. It has only been able to maintain its status by the continuation of this war. In order to buy the favor of supporters, this regime encourages them to exploit the poor and acquiesce in their activities of corruption. The corruption in Vietnam is no less inhuman for the people of Vietnam than the war itself and the fundamental rights of the Vietnamese people are being trampled upon.

Furthermore, the present Saigon regime never hesitates to enact whatever repressive measure it can lay hands on in trying to banish, detain, and oppress religious leaders, politicians, intellectuals and students. The recent arrests of the Rev. Thick Thien Minh as well as a number of students are good examples of this oppression.

The government tries to control the Diet to keep the people quiet and their voices unheard. The government is, for example, giving special favor to pro-governmental Congressmen while threatening those who try to alert the people of the corruption existing in society. Furthermore, the regime is even oppressing the judicial sectors of their own government.

Thus, the principles of democracy in Vietnam are being trampled upon and the morale of the people is facing a fatal crisis.

In other words, the present government is a regime which lacks the support of the majority of the people, exclusively relying on a few people who gain profits out of war procurements and exploit the poor.

It is the United States government which supports this unpopular government of Vietnam, and by advocating the "Vietnamization of the war" it intensifies the military actions. Thus, the United States government is making the solution of the war all the more difficult and adding to the atrocities of an already bloody war.

Through these serious errors, leaders of the United States government have proved again that there is not the slightest improvement in their basic understanding of Vietnam and Asia.

As a citizen of Vietnam and also as a member of the Congress, I present the following requests of the United States government:

(1) The United States government should immediately stop supporting the military regime of Nguyen Van Thieu and Nguyen Cao Ky. (All the treaties which have been concluded between the United States government and the military regime of Vietnam have no value to the Vietnamese people whatsoever.)

(2) The United States government should withdraw all military forces from Vietnam. (There is no ground for President Nixon's view expressed in his eight-point proposal of May 14, namely, that the United States military forces cannot be withdrawn without the risk of mass slaughter.)

(3) The United States government should be sincere in the Paris Peace Talks. By being "sincere" I mean that *Peace* for the Vietnamese people, and not the 'face' of the United States government, should be the priority. Political settlement, and not military settlement, should be the priority.

A believer in God, I pay my respects to the people of the United States who love peace, freedom and equality. I pray from my heart that God and the American people's pious faith in God will reflect the noble tradition of the United States and will show leaders of the United States the right policy toward peace in Vietnam.

(Note.—Mr. Pham The Truc. 1940 Born in Dalat City, Vietnam; 1963 Graduate of Dalat University; 1963–67 Teacher of Binh Thuan High School; October 1967 Elected Congressman; Belongs to Dan Toc Group in the Congress.)

CLARIFICATION OF THE AMERICAN INSURANCE ASSOCIATION'S STATEMENT

Mr. BAYH. Mr. President, on January 24, 1969, a Washington Post article, dated January 21, 1969, and entitled "Building Bond Prejudice Cited," was at my request printed in the Congressional Record. Subsequently it has been brought to my attention by David Q. Cohen, counsel for the American Insurance Association, that the Post article contained a paragraph reported inaccurately as a direct quotation of the American Insurance Association in a statement to the Small Business Administration task force members—September 10, 1968. The paragraph in question was actually contained in a memorandum from the Small Business Administration to its construction task force members and read as follows:

> Negroes and other American minorities are almost nonexistent as entrepreneurs in all phases of the construction industry. As contractors they generally lack the necessary managerial and technical skills, experience and financial capacity. As a result, they operate at a low level of efficiency, organization, and profitability.

I ask unanimous consent to have printed in the Record both the Washington Post article and the American Insurance Association statement entitled "The Surety Industry and Minority Group Contractors," to further clarify this correction.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 21, 1969]

Building Bond Prejudice Cited

(By Vincent Cohen)

John Davies was awarded a $9000 Navy contract for subcontracting work at the David Taylor Model Basin in Maryland last year. The general contractor required him to submit a corporate surety bond for the work. Davies is black.

He applied to more than a dozen bonding companies. He was turned down by all of them, although he had completed jobs larger than $9000 without a bond. The contract was taken from him and offered to the second choice, a white contractor who got a bond—and the job.

The problem faced by John Davies is similar to the problems of 8000 minority contractors around the Nation.

They find it virtually impossible to get bonded and without bonds they cannot compete for what they feel is their fair share of the $1000 billion spent in construction each year.

The obstacles facing contractors like Davies are rooted not only in the normal problems of business but in traditional patterns of discrimination and in what black contractors feel is unfairness on the part of the bonding companies.

They form a vicious circle from which, until recently, there was no way out.

A construction bond is a guarantee to the owner of a project that a contractor can do the job well and that he can finish it. If the

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contractor fails, the company that issued the bond is liable for any damage or inconvenience incurred by the owner.

Surety companies say they use three criteria in judging whether to bond a contractor: capability, character and credit. Surety association statements like the following, minority contractors contend, show there is a fourth "C"—color.

"As contractors, Negroes and other American minorities lack the necessary management and technical skills, experience and financial capacity. As a result, they operate at a low level of efficiency, organization and profitability."

This assertion came in an American Insurance Association statement to the Small Business Administration Construction Task Force, Sept. 10, 1968.

Davies and other members of the Washington Area Contractors Organization, a group of black contractors, say generalizations like the Association's statement show prejudice against them by the surety companies. The companies say the problem lies in the inability of minority contractors to fulfill adequately the three "C's."

The greatest problem, according to David Q. Cohen, spokesman for the surety industry, is the first "C"—capability.

Only in recent years has a handful of blacks and other nonwhites penetrated construction union ranks. This exclusion has cut them off from training that has proved valuable to white contractors.

Even with the absence of this training, contractors like Davies get jobs and complete them successfully. But Davies admits organized training for minority noncontractors and construction workers is badly needed.

Davies and other WACO members say bonding company judgments of contractor character are "subjective, to say the least." Surety companies admit their decisions are subjective. But they say each contractor must be considered in light of the job for which he wants the bond and of his record. They have issued repeated statements to SBA denying that race is a factor in their deliberations.

Cohen and others involved in bonding say past business dealings and on-the-job attitudes are the main points considered.

The credit criterion boils down to one thing: can a contractor get enough unrestricted cash to do the job and protect himself and the owner in case of unforeseen problems?

The assets of most minority contractors are limited to the capital they have saved from their construction work. Surety companies look on most loans against personal or company assets as liabilities, even if they temporarily put cash in the company account.

Many of the larger well-connected white contractors have made use of the funds of friends and family. Minority contractors are hard put to find such resources.

Black contractors, like Davies, feel that surety companies and government officers who require 100 per cent of the bid price of a job in ready liquid assets are unfair.

From 10 per cent to one-third of a project's price is usually needed to complete the first part of the job. After this, the contractor receives the first draw on the contract payment from the owner.

The problems of the minority contractor are now being studied by private and government agencies.

The Small Business Administration has developed an 18-city program called Action Construction Teams. The NAACP recently announced an organization called the Afro-American Builders Corporation already involving 1200 contractors in 20 cities.

In Washington, the Washington Area Contractors Association and Uptown Progress, a group of black mid-city businessmen planning for urban renewal, have plans for breaking the bonding wall.

The working model is the General and Specialty Contractors Association, Inc., of Oakland, Calif.

This group received a $300,000 grant from the Ford Foundation last year to develop programs to upgrade minority contractors and solve the bonding problem.

The resulting program provides working capital loans for member contractors.

GSCA also offers management training for contractors who may have construction ability but not business management know-how. Construction employe training is also given.

GSCA also helps its contractors bid on jobs and fill out bonding applications. Surety companies say faulty applications account for many bond rejections.

When the bond is obtained, GSCA advisers assist the contractor in construction performance. GSCA accountants help with the books and GSCA lawyers advise on legal matters.

After the member contractor completes a job, GSCA, advisers urge him to move immediately to a higher-priced project. When he reaches $2.5-million jobs, he is on his own.

Surety company executives, bond officials, community leaders and white contractors in the Oakland area sit on GSCA's board and assist in program development and implementation.

N. G. Tademy, a black GSCA contractor, advanced his job range from about $130,000 to more than $300,000 in the first six months of GSCA's operation.

Davies and other minority contractors say they need the large and profitable government jobs to grow. But the government has very stringent bonding requirements on all jobs over $200,000.

However, the Federal requirement for neighborhood company participation in the redevelopment of cities may force big white contractors to take in minority group members as partners to get part of the redevelopment money.

With billions to be spent on construction in 1969, contractors like John Davies now have some hope of moving up instead of around in a circle.

[Statement of the American Insurance Association]

The Surety Industry and Minority Group Contractors

In order to properly appreciate the role of suretyship in the present efforts to make a more adequate place for the minority group construction contractor in our economy, it is extremely important to comment on what contract bond suretyship is, and how it functions. Unless some of the basic concepts are understood, many of the misunderstandings which have already become apparent from the meetings held under the auspices of the Small Business Administration will persist and becloud constructive thinking about the subject.

A construction project bond is fundamentally a form of security, the demand for which invariably derives from the person for whom the work is to be performed (whether he be an owner or a prime contractor). Like other types of security, it is rarely ever voluntarily tendered by a debtor. The furnishing of the security as a prerequisite to obtaining a contract for the work is mandated by the owner on the potential prime contractor, or by the latter on his potential subcontractors. *The person who is required to furnish the surety bond does not receive any protection whatsoever from the bond.* The protection of the bond always flows to the benefit of others, such as the owner and labor and materialmen.

Since it is the owner, whether public or private, who lays down the bond requirement on the person who is to furnish it, it is essential to comprehend exactly *what the owner expects from the surety.* These expectations can be summarized in the following three ways:

1. That the surety qualify the proposed contractor as to his ability to perform the contract for the contract price within the time set for completion of the project. In other words, that the surety determine for the owner's benefit whether the proposed contractor has the integrity, experience, know how, equipment and adequate working capital (extrinsic, of the contract price for the work) to bring the project to a successful completion.

2. That the proposed contractor and his surety assure the owner to the extent of the amount fixed in the bond, that they will indemnify him for any reasonable costs in completing the project which are in excess of the agreed price for the work.

3. That the proposed contractor and his surety assure that persons who furnish labor and material for the project to the contractor or his immediate subcontractors will be promptly paid.

We stress that the foregoing functions are expected of the surety by the owner. These services are exactly those for which the owner is willing to pay (as a part of the cost of the construction). It is apparent, therefore, that a surety which is not prepared to carry out these functions defeats the expectations of the owner and in a sense shortchanges him if it does not.

It is well to keep in mind that the demand for the suretyship arises from two sources, the public domain and the private domain. Throughout the United States, the lowest responsible bidders are, as a matter of public policy and to protect the public purse, required by statute to furnish surety bonds guaranteeing performance of the contract and payment for labor and material furnished for the work. It is not deemed sufficient for public purposes that the bidder be simply the lowest bidder if he does not have the character, financial resources, skill and know how and equipment to bring the public work to a successful conclusion on time. For example, officials of a school district, and the inhabitants thereof, are not very happy when they are told that a school which was contracted to be finished by September 1 will not be finished until Christmas. The fact that a surety bond will compensate the school district in money for the damages suffered in housing the school population in the interim does not ameliorate the administrative problems of the school district in providing adequate schooling facilities for the community. Years of surety company experience in dealing with owners, clearly confirm that they want performance on time as one of the principal objectives of the suretyship, not money damages from the contractor or his surety. It is a serious mistake to think otherwise.

Consequently, it should be obvious that anyone who anticipates that surety companies will blind themselves to the reasonable expectations of owners, whether public or private, and issue bonds for unqualified contractors is in effect asking sureties to abdicate one of their principal functions. To indulge in such a practice would be an unwarranted disservice to the owner. No surety company can reasonably be expected, unilaterally and in disregard of the long known desires of owners, to adopt a radical concept of underwriting premised on the needs *of the bond applicant* rather than on the needs *of the owner.*

In the light of these preliminary thoughts, it is now appropriate to touch on some facts relevant to participation by minority group contractors in the pattern of the American construction economy. From the many discussions in which we have participated, we infer a commonly held misimpression—that the bonding requirements are a stumbling block to minority group advancement in the construction economy. The fact of the matter is, that on the roughly $75 billion of annual

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construction in the United States, only in the field of public works is a bond a common prerequisite to obtaining a contract. Public work involves about $15 billion a year. Of the remaining $60 billion of construction, traditionally about 20% at most is required by owners to be bonded. This means $12 billion of bonded private work. The grand total of bonded work, public and private, therefore, amounts to about $27 billion, leaving $48 billion of normally unbonded work. These figures demonstrate the fallacy of the contention that surety bond requirements are an obstacle to the upgrading of minority group contracts. The facts being what they are, the surety industry cannot legitimately be faulted for the inability of minority groups to participate in a so-called fair share of construction expenditures in the United States.

It should be recalled, too, and also recognized as a fact that the statutory requirements for suretyship from public works contractors have been historic in the proper administration of public works construction. Such requirements preceded the use of corporate suretyship in the United States, the services of which grew up only as an accommodation to the public requirements. Similarly, suretyship for private construction was a response to what some owners conceived to be necessary for their protection. Thus, the market for contract surety bonds was not, and is not, created by surety companies, but by the needs of owners, whether public or private. Surety companies, like the sellers of any commodity or service, must tailor their products to the demands and requirements of the buyers, who in the case of contract surety bonds are in essence the owners.

The surety industry defers to no one, person or group, in decrying the difficulties which beset minority contractors in their efforts to participate more freely in competition for the construction dollar. But it must not be forgotten that the surety industry is not the cause of such difficulties. They are deeply rooted in the mores of our society which for so long have deprived most of the minority groups of meaningful access to good educational and training opportunities, intellectual and vocational. This unfortunate history has disabled most of the minority group, contractors and others, from amassing sufficient capital, management skills and know how to compete successfully with the majority of our population.

Absolute candor compels us to point out that the chief and recurring difficulty which most minority group contractors encounter in applying for surety bonds arises from their marked deficiencies in experience, management and other skills in running construction jobs of more than limited scope. While very many also lack working capital, to a certain degree, with the availability of financing through such governmental sources such as the Small Business Administration coupled with various lending techniques, such financial weakness is often secondary to the lack of expertise. These deficiencies are accurately described in a recent memorandum of the Small Business Administration dated September 10, 1968 and addressed to "Construction Task Force Committee Members", to wit,

"Negroes and other American minorities are almost nonexistent as entrepreneurs in all phases of the construction industry. As contractors they generally lack the necessary managerial and technical skills, experience and financial capacity. As a result, they operate at a low level of efficiency, organization and profitability."

In view of the service which owners, whether public or private, expect of surety companies and to which surety companies must be responsive, it cannot be anticipated that minority group contractors will quickly find an expanded market for their surety bond requirements at least until such time that minority group skills ard expertise are markedly improved.

We believe that it will serve no useful purpose, economic or sociological, for surety companies to issue contract bonds indiscriminately to all applicants, qualified or not. Such an unqualitative underwriting policy will unquestionably undermine the present confidence of owners in contract surety bonds. It will not only anger owners left with unfinished projects, but will also inflict a mortal wound on the performance reputation of minority group contractors as a class. Furthermore, the surety industry cannot be expected to bear the burden of charges by the construction industry that an extremely liberalized underwriting policy aids and abets competition from allegedly "irresponsible contractors", at a time in our economy when the construction industry is suffering from "profitless prosperity", meaning thereby much work with little opportunity for profit even for the most expert construction firms.

Having just highlighted the dilemma in which the surety industry finds itself in considering how it can be helpful in the upgrading of economic opportunities for minority group contractors, we turn now to a definition of the areas wherein we believe the industry can be helpful *as part of a team* to further the general objective.

We believe that the Ford Foundation and the Small Business Administration to a large degree cogently and acutely analyzed the handicaps facing minority group contractors. We believe that the Foundation's organizational scheme for a preliminary appraisal of such contractors and their potential bondability for specific jobs is sound. We believe it essential that there be some objective apparatus, mainly independent of the surety business and with credibility in the minority group, which must review a proposed bidder's financial status, his experience record, and his technical know how and advise him candidly whether he reasonably meets acceptable criteria for performing the work he wishes to undertake. The surety industry, to the extent that it is represented by the membership of the American Insurance Association, pledges itself to work with any such objective reviewing bodies, particularly with those under sponsorship of the Small Business Administration and the Ford Foundation, in making available to them gratis knowledgeable surety bond underwriting personnel as consultants. These individuals will assist in the appraisement of a minority group contractor's bondability and will assist in attempting to place the bonds of any who, having completed the preliminary screening process, may appear to merit surety company backing for the construction obligations he seeks to undertake.

RESTORATION OF THE ANTELOPE CREEK LANDS TO THE NAVAJO TRIBE OF INDIANS

Mr. GOLDWATER. Mr. President, I ask unanimous consent that a star print be made of S. 2119, to provide for the restoration of the Antelope Creek lands to the Navajo Indian Tribe of Indians; to insert the word "Upper" before the word "Colorado" on page 2, line 24, and the word "Upper" before the word "Colorado" on page 3, line 13.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

GENOCIDE CONVENTION—A MATTER OF INTERNATIONAL CONCERN

Mr. PROXMIRE. Mr. President, in June 1949, President Harry S Truman transmitted to the Senate the Convention on the Prevention and Punishment of the Crime of Genocide. The convention was adopted unanimously by the General Assembly of the United Nations in Paris on December 9, 1948. The basic purpose of the convention is the prevention of the destruction of a human group. The convention defines genocide to mean certain acts, enumerated in article II, committed with the intent to destroy, in whole or in part, a national, ethical, racial, or religious group, as such. The first resolution of the General Assembly on this subject stated:

> Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings.

The distinction between those two crimes, therefore, is not a difference in underlying moral principles, because in the case of both crimes, moral principles are equally outraged. The distinction is that in homicide, the individual is the victim; in genocide, it is the group. The General Assembly also at this time pointed out in a resolution that the physical extermination of human groups is of such grave and legitimate international concern that civilized society is justified in branding genocide as a crime under international law. On September 23, 1948, Secretary of State Marshall stated:

> Governments which systematically disregard the rights of other nations and other people and are likely to seek their objectives by coercion and force in the itnernational field.

To say that genocide is a matter of "international concern" is to understate its importance. Yet for 20 years this Genocide Convention has lain dormant in the Committee on Foreign Relations, and the Senate has done nothing toward ratification of this very basic declaration of human rights—the right to live. The time is now—and the time is long overdue—for Senate ratification of the convention on the prevention and punishment of the crime of genocide.

COMMENCEMENT ADDRESS BY SECRETARY OF HOUSING AND URBAN DEVELOPMENT, GEORGE ROMNEY

Mr. BAKER. Mr. President, a week ago I attended graduation exercises at the University of Tennessee, my alma mater, where my good friend, the Honorable George Romney, delivered the commencement address.

More than a thousand graduates, their families and friends were privileged to hear a dynamic and very forceful address by Secretary Romney, in which he spoke candidly of our Nation's problems, foreign and domestic, and earnestly sought to enunciate some reasonable solutions to those problems.

Because I believe that Secretary Romney's remarks are so pertinent to the turbulent nature of the times and so vitally important to the health and welfare of our Nation, I ask unanimous consent that the text of his speech be printed in the RECORD.

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There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY GEORGE ROMNEY, SECRETARY OF U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNIVERSITY OF TENNESSEE COMMENCEMENT, KNOXVILLE, TENN., JUNE 10, 1969

We ourselves have spawned in our country a small but growing number of energetic, reactionary barbarians whose fervent objective is to destroy America and its institutions. They say, "We should destroy a system that has not abolished war, prejudice and poverty."

Recently I was asked, "How did we get in the mess we're in, and what can I do about it?"

The mess we're in is so complex and pervasive that our national survival is at stake. Our mortal threat is both internal and external. It is not just the result of mistakes and failures. It is also the result of success and progress.

Abroad, until recent years, America has been a beacon of hope for the people of all nations. This was true immediately following World War II, as we generously gave succor to our former enemies, aided our wartime allies, and through the Truman policy of containment protected vulnerable free nations threatened by communist aggression.

Our early postwar foreign policies were tremendously successful. But as is too frequently the case, the once successful containment policy outlived its time. It was continued after it should have been replaced by a positive policy.

For containment is inherently a negative policy of reacting to comunist initiatives. It distorted our vision of world events. We were looking so hard for evidence of communist aggression that we thought people who had been resisting Chinese influence and domination for over a thousand years had suddently becomes aggressive Chinese agents.

Contrary to our traditional, sound military policy of avoiding a land war in Asia, we intervened in the South Vietnamese conflict—even though their leader did not seek our direct and active combat assistance to the point of Americanizing the conflict.

This was the most tragic foreign policy and military mistake in our history. It even tends to unite Russia and China in South Vietnam despite their belligerent antagonism elsewhere.

The initial mistake of intervention, and other subsequent mistakes, have contributed to creating at the present time most of the very conditions which we thought required our intervention in the first place. We now have a conflict between the leader of the free nations and the combined communist nations.

The vital question is, what do we do now? We have three basic choices:

1. We could admit our mistakes and pull out.
2. We could negotiate a camouflaged surrender.
3. We could do only what is necessary in our bargaining and fighting to prevent our past mistakes from becoming an even greater mistake for those we intended to help, as well as for ourselves.

The probable result of either of the first two alternatives would be a collapse of resistance to outside communist domination in Southeast Asia, and its collapse or weakening elsewhere.

I am convinced that the President will pursue every means of securing a peaceful settlement, short of abandoning those who would then become the victims of our past mistakes.

What can you do?

1. You can have faith in and support the President's commitment to a peaceful solution. He has offered a specific, positive, fair basis for settlement.
2. You can support policies that will prevent future Vietnams, including the policy that only Congress should involve us in a foreign war, except in the event of direct attack on a foreign foe.
3. You can help us avoid essentially the same error at home we made abroad by our mistaken over-reaction to the communist threat in Southeast Asia. Communist subversion is a continuing domestic threat, but we must not let it divert us from our own responsibilily to turn the searchlight inward and solve our own internal ills constructively.

Our chief domestic ill is racism, black and white. It has intensified the urban crisis. What are the major successes and failures that produce it?

The founding of this nation culminated centuries of struggle, pain and sacrifice. It is the highest political expression yet known to man. I believe the Declaration of Independence contains inspired principles of self-government written by men raised up by Providence for that very purpose. But their principles were compromised by the continuation of slavery.

Failure to resolve this contradiction ultimately plunged us into Civil War. Lincoln saved the Union and freed the slaves, but millions because of race continued as second class citizens at best.

The agricultural and industrial revolutions compelled millions of white and black immigrants to migrate to the big cities. They lacked the education and training for their new alien urban environments.

Following World War II our successful efforts to build moderate income housing, renew our cities and construct freeways also facilitated the middle income flight to the suburbs, regularly bulldozed the poor out of their homes, and increased their congestion within the inner city.

Today, an impoverished inner city surrounded by affluent suburbs is the common metropolitan pattern. As a result, Americans are increasingly separated into economic and social as well as racial enclaves.

The plight of the inner city poor has been aggravated as industry and business have followed the movement to the suburbs, removing jobs beyond the reach of those who lack both private and mass transportation.

As the problems in our cities have mounted, the electorate and local officials turned more and more to Washington, knowing there was more money there and thinking there was greater wisdom. But federal money and bureaucratic panaceas alternately have raised false hopes and produced failures, followed by disillusionment, frustration and bitterness.

Those who were skeptical of state and local government's ability to solve our mounting problems now know that there are federal weaknesses too. And those of us now in Washington know we must decentralize governmental responsibility and energize private enterprise and the people and their voluntary institutions, if we are to overcome our domestic racial and urban crises.

What can you do?

1. You can oppose every barrier to equal and full citizenship for all.
2. You can esteem others as yourself, regardless of racial, economic and social status, extending to each the basic human dignity that is his right.
3. You can develop the skills necessary for you to be able to help others.
4. You can fulfill your citizenship by being active in the political party of your choice.
5. You can work to modernize state and local governments.
6. You can identify critical problems in your own neighborhood, community, or state and become active in existing voluntary organizations dedicated to achieving solutions—or if none exist, you can enlist other concerned citizens in taking joint organized action.
7. You can refuse to take without giving.
8. You can choose a companion to whom you want to be completely true, be a good parent, and provide a home founded on faith in God, America, and your fellow men.

Some of those who would destroy America say, "This society is only interested in higher prices and profits." They are wrong.

Our economy is unique. Its marketplace is an economic polling booth. Its most distinctive aspect is not capitalism or profits, but its responsiveness to its consumer electorate. That's what makes profits possible. Profits are a yardstick for measuring product acceptance by sovereign consumers.

The countries that advocate "production for use" instead of production for profit all have lower standards of living, shoddier goods, and much higher prices.

Never forget that where there is no free market, there is no freedom.

Our American economy has progressively reduced poverty. In 1900, about 90% of the people were poor; in 1920, 50%; in 1930, 34%; and in 1968, 15%.

Fifteen percent is too much. There is reason for growing concern, because with rampant inflation and pockets of monopoly we are losing ground—particularly in the field of housing. We desperately need to reverse the soaring cost of housing that is pricing families out of decent homes faster than Congress can pass new laws and appropriate more subsidies.

Yet we are capable of building houses of better value at lower cost by using modern technology and management. If we built automobiles the way we build houses, we wouldn't need any freeways—most people couldn't afford one car, let alone two or more.

And with graduates like those from your new school of architecture, we can make houses available for all family income levels that promote pride of occupancy because of their quality and beauty.

What can you do? You can support the Administration's policies to fight inflation. You can be active in your home communities and states to bring about needed changes in building codes, zoning and house building practices that now fragment the housing market.

Always remember that America is the product of the world's authentic revolution—a revolution that recognized the need not for just another "nation," but for a "process" that would promote a continuing revolution.

It is a process for solving our human and social problems. It is a means of shackling and dividing power. It is a means of shielding every group from the tyrannical excesses and violence of the few or the many. It is a means of dissent, debate, and change without violence.

My adult lifetime has encompassed the revolution that started with the great depression and the New Deal. As Leo Rosten has pointed out, America's process made possible "in the past 35 years a profound transfer of power, a distribution of wealth, an improvement of living and health without liquidating millions, without suppressing free speech, without the obscenities of dogma enforced by terror."

In my opinion we are at the commencement of another revolutionary period. It can take us further along the road of national fulfillment, if we understand and use our built-in "process" of choice and change without violence.

Your generation's passion for honesty, and hunger for idealism, can delight America's beacon of hope—if your knowledge of America, your devotion to it, is used to create a new age of peace, brotherhood, and greater social and economic justice.

If you want to understand more about America, get a copy of Father R. L. Bruck-

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berger's book, "Image of America." In it he tells you why America's revolution is the worlds only authentic revolution.

What can you do?

You can understand what made America as great as she is, and how you can make America an even better example for others.

Understand America, or perish—or better, understand America and live—live and help others to live more fully and joyously.

ROOM TO ROAM

Mr. McGOVERN. Mr. President, the U.S. Government is still the biggest landholder in our Nation, with over 700 million acres. Some 27 million are in national parks, 186 million in national forests, and 23 million in fish and wildlife refuges.

The major Federal land-managing agency is the Interior Department's Bureau of Land Management which operates 480 million acres of public lands.

Many people think of these lands in the West as grazing lands and of the Alaska portion as frozen tundra.

This is far from the facts. BLM's public land holdings cover every conceivable kind of land and every possible use.

They are truly multiple use lands dedicated to public use.

Last year the Superintendent of Documents sold over 200,000 copies of a BLM booklet, "Room To Roam," a wonderfully illustrated recreation guide to the public lands.

It had some defects—one of which was the omission of key public land areas in South Dakota.

A new, second edition of "Room to Roam" has just been issued by the Superintendent of Documents. It is a great improvement over the first edition. It is more descriptive and more complete with information not only on the BLM's public lands but also on other scenic, natural, and historic attractions in the West.

Western South Dakota is now included, with Custer's Gold Discovery Trail, the Badlands, Wind Cave, Jewel Cave, the Bear Butte National Wildlife Refuge, Mount Rushmore, and the BLM's Makotopi conservation project all shown.

The Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, sells this book for 75 cents. I predict it will be another best seller.

The Secretary of the Interior, the Director of the BLM, and their staffs are to be commended for this public interest program which so attractively displays unique recreation opportunities on the public's lands.

BETH ISRAEL SCHOOL OF NURSING

Mr. GOODELL. Mr. President, it was recently my pleasure to attend the commencement exercises at the Beth Israel School of Nursing. The Beth Israel School of Nursing, under the leadership of the Honorable Charles H. Silver, president of the Beth Israel Medical Center, and Mrs. Rose Muscatine Hauer, director of the nursing school, has been in the forefront of the nursing profession.

I am pleased to ask unanimous consent to have printed in the Record the commencement remarks made by Mr. Silver on June 4, 1969. These remarks state well the importance and contribution of the Beth Israel School of Nursing. I commend them to the attention of the Senate.

There being no objection, the address was ordererd to be printed in the Record, as follows:

Address by Hon. Charles H. Silver, President, Beth Israel Medical Center, at Commencement Exercises of School of Nursing, June 4, 1969

Let me have the pleasure of saying right at the outset how happy I am—and how proud you must be—that this is the largest graduating class in the history of the Beth Israel School of Nursing.

And I would be less than fair to these lovely young ladies if I did not add that it is definitely one of the best.

One good reason for our growth and progress is the happy place that has been your home for the last few years. No school of nursing possesses anything finer as housing for its students than our Flerman Hall.

But buildings in themselves are simply not enough and I sincerely feel that our most important asset is the kind of splendid young people we send out into the world. They are a credit to their profession and our most valuable credential as we mark the major milestone of eighty years of service to humanity.

I think you will agree with me that this year's graduates will protect our position among the great nursing schools of America.

And much of the credit goes to that wonderful woman whose heartfelt interest in cultivating their skills and preparing for this great day entitles her to our deep personal tribute. I speak, of course, of our First Lady of Nursing, the Director of our School of Nursing, Mrs. Rose Muscatine Hauer.

I am sure she would want to share your applause with her extremely able and conscientious assistants: Mrs. Leanore Nathanson, Mrs. Helen Fausner and Miss Elizabeth Bruce.

Because of the lessons you have learned at Beth Israel, you are well-equipped to uphold the high tradition which our School of Nursing has maintained since its founding in 1902. Tonight, you join a dedicated legion of more than 3000 nurses who have established the name of our Medical Center as a symbol of hope and of health for the sick and ailing throughout this country as well as in hospitals and on battlefields in the far corners of the earth.

This troubled world of ours was never more in need of healing and it will benefit by the blessing of your care wherever your career may take you. But I devoutly hope that you will elect to remain with us to carry on your mission of compassion within the walls of Beth Israel where you have begun so well.

Yet, because you learned to be nurses under the constant guidance of our gifted faculty, Beth Israel will be a part of you wherever you may be—and you will always be a part of Beth Israel.

It is a very special distinction to wear the cap of a Beth Israel nurse. It marks you as a scientist of a very special sort, an expert trained in her own particular art . . . and I consider it to be the most beautiful and gentle art of all.

In other years, it meant much to me that our commencement exercises were held at Public School 20, the Anna Silver School. That is because this particular school is where I learned my first lessons as a child, not only in the classroom but at home from that blessed and beloved person who taught me what it means to really care and to be considerate of the needs of others.

Her name was Anna Silver—and she was my mother.

Now, as our graduating classes grow larger, we have moved uptown to one of our city's great colleges. I think there is something appropriate and very meaningful in this.

It is right that our commencement should take place in a college, for this is one of the areas in which Beth Israel has pioneered. We have brought to nursing something of greater value than its customary rigid discipline. That is the bright, alert—yet challenging—academic atmosphere of our campus.

After all, you have really been attending a college for the past few years and you are young and vivid human beings, very much alive—as I have often had occasion to observe. We have tried to give you the kind of undergraduate life that would make you feel that your university is the mammoth, magic city of New York . . . and every day of school rich and rewarding.

I am constantly grateful that in this vast ocean of dissension and unrest around us today, Beth Israel is truly an island of compassion, and Flerman Hall, which sets an example for the nursing academies of tomorrow, is a tower of comfort and happy companionship. For this, I think we should all take a moment to thank our cherished friends and benefactors, Minnie and Harold Flerman.

This may also be the proper time to thank the dedicated Chairman of our Nursing Committee and his devoted family who have done so much for Beth Israel Medical Center. I speak of our able and gracious Chairman, Seymour Phillips.

Because of such men and our other faithful members of the Board of Trustees, we have been able to open even greater opportunities in the expanding fields of nursing.

You are on the brink of a bold and beautiful adventure. We feel that you are ready because our eyes have been on the future—your future—and we have confidence that you will make your mark in the missions of mercy which you have chosen as your life's work.

We have come to know at Beth Israel that it takes generations to build a hospital . . . and only seconds to need one.

We have come to know that it takes years to educate a nurse and that many lives will depend upon what she has learned.

Inspired by this knowledge, we are constantly expanding and developing our nursing programs for the classes that will follow you, and I am happy to say that in all of this work we are fortified by the constant encouragement and assistance—yes, by the leadership and vitality of our new General Director—Dr. Ray Trussell.

In all of our endeavors we are fortunate to have the unfaltering help, the tireless hands and heart, of our nursing faculty and medical staff. They are all members of the great and growing Beth Israel family who have worked together to help make this day possible for you—and to make a better day nearer for the ill and needy who seek the help and hope that Beth Israel can bring.

We are grateful to welcome as a distinguished member of our Beth Israel family the dynamic young statesman who represents our commonwealth in Washington: Senator Charles E. Goodell.

It is not easy to find a fitting phrase with which to close these words of love and congratulation to our graduates. Perhaps it is enough to say that nothing really closes . . . no, not the doors of Beth Israel which will always remain open to you . . . and certainly not our hearts which are so full of pride in your accomplishments and hope for your happiness and well-being in the days ahead.

You have come to the moment of truth and triumph. You are Beth Israel nurses.

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Go forth and heal.

In healing others, you shall, yourself, be healed.

In bringing your blessings to the world which sorely needs them—you shall, yourself, be blessed.

PERSONAL RANKS OF AMBASSADOR OR MINISTER

Mr. FULBRIGHT. Mr. President, as Senators know, article II, section 2 of the Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls." In spite of this provision, however, a number of Government officials have been accorded "personal" ranks of Ambassador or Minister without Senate confirmation.

Thus, as of May 1, 1969, there were 20 individuals with the personal rank of Ambassador and 63 with the personal rank of Minister. All of these officers are recognized as Ambassadors or Ministers, but they have never been confirmed by the Senate. This is somewhat as if the President were to confer the personal rank of brigadier general on a major or the personal rank of admiral on a commander.

According to the information received from the Department of State, these titles are conferred in several ways: First, by Presidential appointment; second, by Presidential letter; third, by direction of the President; and fourth, on behalf of the President. In the first two instances, the appointments are made over the President's signature. In the third instance, the appointment is made by some person delegated to do so by the President, such as one of his special assistants. In the last instance, the appointment is made by someone on behalf of the President, usually the Secretary of State. In no case, however, is the Senate formally advised when these appointments are made or that they are contemplated. Moreover, there are cases where individuals have been given the personal rank of Ambassador even though they never appeared before the Committee on Foreign Relations or were never confirmed by the Senate.

In a letter dated January 26, 1968, the Department of State maintains—

> The greatest present-day requirement for personal ranks is in connection with United States participation in numerous international organizations and to fulfill the practical day-to-day necessities of diplomatic intercourse.

In addition, the State Department says:

> Such designations are related to special assignments, or are granted in connection with certain limited but routine diplomatic assignments with the intention of assisting the person upon whom it is conferred to carry out his assignment or mission in a more effective fashion by providing somewhat more status and prestige than would normally accrue to that person.

Mr. President, I do not find this justification very persuasive. The Constitution is quite clear on this matter. It gives the President the power to appoint ambassadors and ministers "by and with the advice and consent of the Senate." It does not say that the President, the Secretary of State, or anyone designated by the President, may accord the personal rank of ambassador or minister on any individual, whether he is in the Foreign Service or not.

This matter was discussed by the Committee on Foreign Relations in executive session on June 10, 1969. At that time it was decided to send a letter to the Secretary of State in which the committee went on record as opposing the practice of conferring personal ranks of Ambassador or Minister on individuals for any purpose and recommending that it be discontinued unless hereafter authorized by law.

Mr. President, I ask unanimous consent that my correspondence with the Department of State on this subject, including the list of individuals currently holding personal ranks of Ambassador or Minister, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

JUNE 10, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: As you know, on May 13, 1969, Mr. John M. Steeves, the Director General of the Foreign Service, testified before the Committee on Foreign Relations, on the procedure for selecting Career Ambassadors and Ministers and the practice of conferring *personal* ranks of Ambassador or Minister on individuals *without* Senate confirmation. Subsequently, on June 10, 1969, the Committee discussed these matters in executive session and decided to express itself formally through this letter.

Regarding the personal ranks of Ambassador or Minister, Article II, Section 2 of the Constitution provides that Ambassadors and Ministers shall be appointed by the President "by and with the advice and consent of the Senate." In spite of this provision, however, over the years a number of Government officials have been accorded *personal* ranks of Ambassador or Minister *without* the knowledge or approval of the Senate. This is somewhat as if the President were to confer the personal rank of Brigadier General on a Major or the personal rank of Admiral on a Commander.

As of May 1, 1969, there were 20 individuals with the personal rank of Ambassador and 63 with the personal rank of Minister. All of these officers are *recognized* as Ambassadors or Ministers, but they have never been confirmed for such positions by the Senate. As a matter of fact, the Senate is not even informed when these appointments are made or that they are contemplated. Moreover, there are cases where individuals have been given the personal rank of Ambassador even though they *never* appeared before the Committee on Foreign Relations or were never confirmed by the Senate for *any* position.

According to a letter dated January 26, 1968, which was received from Assistant Secretary William B. Macomber, "persons given the personal rank of ambassador or minister have never been considered to be 'ambassadors and other public ministers' in the sense of Article II, Section 2 of the Constitution, and thus do not require Senate approval." "Such designations," the State Department maintains, "are related to special assignments, or are granted in connection with certain limited but routine diplomatic assignments with the intention of assisting the person upon whom it is conferred to carry out his assignment or mission in a more effective fashion by providing somewhat more status and prestige than would normally accrue to that person."

In the Committee's view, however, the Constitution is quite clear on this matter. It gives the President the power to appoint Ambassadors and Ministers "by and with the advice and consent of the Senate." It does not provide that the President, the Secretary of State, or anyone designated by the President, may accord the *personal* rank of Ambassador or Minister on any individual, whether he is in the Foreign Service or not or whether he has ever been confirmed by the Senate.

Such being the case, the Committee wishes to go on record as opposing the practice of conferring *personal* ranks of Ambassador or Minister on individuals for any purpose and recommends that it be discontinued unless hereafter authorized by law. On the other hand, if the President wishes to designate an individual as his "Personal Representative" or "Personal Emissary" to carry out a *temporary, routine diplomatic assignment,* the Committee would have no objection as long as such appointment is for a *special assignment of limited duration.*

Sincerely yours,
J. W. FULBRIGHT,
Chairman.

DEPARTMENT OF STATE,
Washington, January 12, 1968.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of December 20 regarding designations of the personal rank of Ambassador. I had hoped to be able to reply before now, but the precedents for according the personal rank of Ambassador are such that it has proved necessary to do more historical research on the matter before responding in detail. I am pressing to have this research completed at the earliest possible date and will hope to have a reply for you shortly.

Sincerely yours,
H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional Relations.

DECEMBER 20, 1967.

Hon. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I have received a list of twenty-two individuals who are currently serving with the personal rank of Ambassador accorded by the President.

I would appreciate receiving a statement of the legal and/or historical authority for according the personal rank of Ambassador, bearing in mind Article II, Section 2, of the Constitution which provides in part that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls."

In addition, it would be appreciated if you would furnish me with a list of individuals who are currently serving with personal ranks of Minister accorded by the President.

Sincerely yours,
J. W. FULBRIGHT,
Chairman.

DEPARTMENT OF STATE,
Washington, January 26, 1968.

Hon. J. W. FULBRIGHT,
Chairman, Senate Foreign Relations Committee, U.S. Senate

DEAR MR. CHAIRMAN: Further reference is made to your request of December 20, concerning the according of personal rank of Ambassador, which was acknowledged on January 12. You also requested a list of individuals currently serving with personal ranks of Minister accorded by the President.

The practice of using executive agents for a great variety of special missions in Foreign Affairs has been a clearly established prerogative of the Executive since the days of George Washington, according to our Histori-

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cal Office. They report that the first occasion of record on which a personal rank was bestowed on an executive agent was in 1897, when President McKinley sent Whitelaw Reid as "Ambassador extraordinary on special mission" to congratulate Queen Victoria on the sixtieth anniversary of her accession to the throne.

While the practice of designating special Ambassadors began in connection with ceremonial missions, it did not remain limited to them, but was extended by analogy to other temporary missions. The greatest present-day requirement for personal ranks is in connection with United States participation in numerous international organizations and to fulfill the practical day-to-day necessities of diplomatic intercourse.

The "ambassadors and other public ministers" whom the President is empowered by Section 2 of Article II of the Constitution to appoint "by and with the advice and consent of the Senate" are those officers having diplomatic functions in the regular diplomatic service of the United States. Such appointments to office can be made only by the Executive Branch of the Government in the manner provided by the Constitution. An Ambassador, Minister or other diplomatic officer is appointed to an office which is a public station or employment and embraces the ideas of tenure, and emolument.

As indicated earlier, the President has traditionally designated, in the discharge of his diplomatic function, so-called "special" and "personal" agents and representatives without obtaining the advice and consent of the Senate. Such designations are related to special assignments, or are granted in connection with certain limited but routine diplomatic assignments with the intention of assisting the person upon whom it is conferred to carry out his assignment or mission in a more effective fashion by providing somewhat more status and prestige than would normally accrue to that person. It does not in itself accord the recipient any additional powers, extra compensation or allowances or any other monetary benefits and is, of course, limited in duration to a specific assignment or mission. Consequently, persons given the personal rank of ambassador or minister have never been considered to be "ambassadors and other public ministers" in the sense of Article II, Section 2 of the Constitution.

In 1955, the Department of Justice made a study of the duties and responsibilities of the President in order to determine those specific duties or "powers" which could not be delegated and which required the personal attention of the President. Specific reference was made to the President's prerogative of conferring the personal rank of ambassador and the personal rank of minister on officers of the Foreign Service and other officials in connection with specific assignments requiring special rank for effective performance. The Department of Justice was of the opinion that such powers of the President could not be delegated since it was clearly a "personal act by the President".

Enclosed is a list of individuals who are currently serving with the personal ranks of Minister accorded by the President.

I hope the above information will be of help to the Committee.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

PERSONAL RANKS ACCORDED BY THE PRESIDENT, ACTIVE AS OF MAY 1, 1959

AMBASSADOR

Name	Date	Designation
Katie Louchheim, of District of Columbia	Nov. 25, 1968[1]	U.S. member on the Executive Board of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), Paris.
Glenn A. Olds	Apr. 7, 1969[1]	Representative of the United States on the Economic and Social Council of the United Nations.
Christopher H. Phillips, of New York	Mar. 28, 1969[1]	Deputy Representative of the United States in the Security Council of the United Nations.
Seymour M. Finger, of New York (FSO-1)	Jan. 27, 1967[1]	Senior adviser to the U.S. Representative to the United Nations.
Richard D. Kearney	Mar. 22, 1967[1]	A member of the International Law Commission, United Nations.
Henry DeWolf Smyth, of New Jersey	June 21, 1961[1]	The representative of the United States to the International Atomic Energy Agency, and as the representative on the Board of Governors of the IAEA.
Philip H. Trezise, of Michigan (FSO-CM)	Nov. 4, 1965[1]	Representative of the United States to the Organization for Economic Cooperation and Development (OECD), Paris.
Emil Mosbacher, Jr., of New York	Jan. 28, 1969[2]	Chief of Protocol for the White House.
Donald L. McKernan	Sept. 26, 1966[1]	In connection with his designation as Special Assistant to the Secretary of State for Fisheries and Wildlife, accorded the personal rank of Ambassador during the periods of his representation of the United States at international conferences and meetings on fish and wildlife matters.
Bernard Zagorin, of Virginia	Dec. 13, 1966[1]	U.S. Director of the Asian Development Bank.
Raymond Telles, of Texas	Apr. 18, 1967[1]	Chairman of the U.S. Section of the Border Development Commission.
Samuel D. Berger, of New York (FSO-CM)	Mar. 7, 1968[1]	Deputy Ambassador to the Republic of Vietnam.
William E. Colby, of Maryland (FSR-1)	Nov. 27, 1968[1]	Deputy for pacification, Saigon, Republic of Vietnam.
Milton Barall, of New York (FSO-1)	Oct. 9, 1967[1]	Head of the Caribbean Study Group.
Joseph F. Friedkin, of Texas	July 2, 1968[1]	Commissioner of the U.S. Section on the International Boundary and Water Commission, United States and Mexico.
Henry Cabot Lodge, of Massachusetts	Jan. 22, 1969[2]	Personal representative to head the U.S. delegation at the Paris meetings on Vietnam.
Lawrence E. Walsh, of New York	do	Personal representative at the Paris meetings on Vietnam.
William W. Scranton, of Pennsylvania	Apr. 8, 1969[2]	U.S. representative to the Plenipotentiary Conference on Definitive Arrangements for the International Telecommunications Satellite Consortium.
John N. Irwin II, of New York	Mar. 7, 1969[1]	Personal representative of the President to conduct important negotiations with the highest ranking officials of the Government of Peru.
Gerard C. Smith, of District of Columbia	Mar. 11, 1969[1]	Head of the U.S. delegation to the Conference of the 18-Nation Disarmament Committee, at Geneva, convening Mar. 18, 1969.

MINISTER

Roswell D. McClelland, of Connecticut (FSO-1)	Aug. 29, 1967[3]	Deputy chief of mission, Athens, Greece.
Norman B. Hannah, of Illinois (FSO-1)	July 18, 1966[1]	Deputy chief of mission, Bangkok, Thailand.
Russell Fessenden, of Ohio (FSO-1)	Oct. 17, 1967[1]	Deputy chief of mission, Bonn, Germany.
Melvin L. Manfull, of Utah (FSO-1)	Mar. 18, 1967[1]	Deputy chief of mission, Brussels, Belgium.
Leonard J. Saccio, of Connecticut (FSO-1)	Aug. 31, 1965[1]	Deputy chief of mission, Buenos Aires, Argentina.
Francis W. Herron, of Iowa (FSO-1)	Aug. 29, 1967[3]	Deputy chief of mission, Caracas, Venezuela.
Clinton L. Olson, of California (FSO-1)	June 3, 1966[1]	Deputy chief of mission, Lagos, Nigeria.
Philip M. Kaiser, of New York (FSR-1)	Sept. 14, 1964[3]	Deputy chief of mission, London, England.
Eugene V. McAuliffe, of Massachusetts (FSO-1)	Dec. 3, 1968[1]	Deputy chief of mission, Madrid, Spain.
James M. Wilson, Jr., of the District of Columbia (FSO-1)	Nov. 22, 1966[1]	Deputy chief of mission, Manila, Philippines.
Henry Dearborn, of New Hampshire (FSO-1)	July 14, 1967[1]	Deputy chief of mission, Mexico, Mexico.
Emory C. Swank, of the District of Columbia (FSO-1)	Mar. 6, 1967[1]	Deputy chief of mission, Moscow, U.S.S.R.
William H. Weathersby, of California (FSIO-1)	Feb. 5, 1968[1]	Deputy chief of mission, New Delhi, India.
Rufus Z. Smith, of Illinois (FSO-1)	Oct. 26, 1968[1]	Deputy chief of mission, Ottawa, Ontario, Canada.
Robert O. Blake, of California (FSO-1)	Sept. 13, 1968[1]	Deputy chief of mission, Paris, France.
Jordan T. Rogers of Maryland (FSO-1)	Aug. 1, 1968[1]	Deputy chief of mission, Rawalpindi, Pakistan
William Belton, of West Virginia (FSO-1)	Oct. 19, 1967[1]	Deputy chief of mission, Rio de Janeiro, Brazil.
Francis E. Meloy, Jr., of Maryland (FSO-1)	May 4, 1964[1]	Deputy chief of mission, Rome, Italy.
Nicholas G. Thacher, of New York (FSO-1)	Aug. 31, 1964[1]	Deputy chief of mission, Terhan, Iran.
David L. Osborn, of Tennessee (FSO-1)	Dec. 17, 1966[1]	Deputy chief of mission, Tokyo Japan.
William C. Burdett, of Georgia (FSO-1)	Jan. 25, 1968[1]	Deputy chief of mission, Ankara, Turkey.
Jack W. Lydman, of District of Columbia (FSO-1)	Apr. 7, 1966[1]	Deputy chief of mission, Djakarta, Indonesia.
Edwin W. Martin, of Maryland (FSO-CM)[4]	Oct. 9, 1967[1]	Consul general, Hong Kong.
Leonard Weiss, of Illinois (FSO-1)	Sept. 13, 1968[1]	Counselor of Embassy for economic affairs, Bonn, Germany.
Stanley M. Cleveland, of Nevada (FSO-1)	Oct. 9, 1967[1]	Counselor of Embassy for economic and commercial affairs, London, England.
Herbert D. Spivack, of Tennessee (FSO-1)	Aug. 29, 1967[3]	Counselor of Embassy for political-economic affairs, New Delhi, India.
Robert A. Brand, of Connecticut (FSO-1)	Dec. 14, 1967[1]	Counselor of Embassy for economic affairs, Paris, France.
Manuel Abrams, of Florida (FSO-2)	Nov. 1, 1967[3]	Counselor of Embassy for economic and commercial affairs, Rome, Italy.
Martin F. Herz, of New York (FSO-1)	July 26, 1968[1]	Counselor of Embassy for political affairs, Saigon, Vietnam.
Herman H. Barger, of Connecticut (FSO-1)	Apr. 10, 1968[1]	Counselor of Embassy for economic and commercial affairs, Tokyo, Japan.
Robert A. Fearey, of Maryland (FSO-1)	Nov. 22, 1966[1]	Political adviser to the commander in chief of the Pacific, Honolulu/CINCPAC.
Raymond G. Leddy, of Pennsylvania (FSO-1)	July 15, 1968[1]	Political adviser to the commander in chief, Southern Command, Panama/CINCSOUTH.
John O. Bell, of Maryland (FSO-1)	Aug. 23, 1965[1]	Political adviser to the commander in chief, Strike Command, Tampa/CINCSTRIKE.
Robert M. Brandin, of New Jersey (FSO-1)	July 14, 1967[1]	Chief of the SHAPE Liaison Section, Brussels.
Robert H. B. Wade, of Maryland (FSR-1)	Sept. 14, 1964[3]	U.S. permanent representative to the UNESCO, Paris.

Footnotes at end of table.

PERSONAL RANKS ACCORDED BY THE PRESIDENT, ACTIVE AS OF MAY 1, 1959—Continued

MINISTER—Continued

Name	Date	Designation
George S. Newman, of New York (FSO-1)	Sept. 20, 1968[1]	Special assistant for press affairs, Saigon, Vietnam.
Stanley S. Carpenter, of Virginia (FSO-1)	Aug. 29, 1967[1]	Civil administrator of the Ryukyu Islands, Naha, Okinawa.
Eddie W. Schodt, of Virginia (FSO-1)	Nov. 8, 1968[1]	U.S. member and chairman of the advisory committee to the High Commissioner of the Ryukyu Islands, Naha, Okinawa.
Donald C. Bergus, of Pennsylvania (FSO-1)	Jan. 30, 1968[1]	Counselor of the U.S. interests section of the Spanish Embassy in Cairo.
George K. Tanham, of Florida (FSR-1)	Apr. 5, 1968[1]	Special assistant to the Ambassador for counterinsurgency, Bangkok, Thailand.
James S. Killen, of Washington	Nov. 27, 1967[1]	Director, U.S. AID mission to Turkey.
Michael H. B. Adler, of the District of Columbia	Sept. 20, 1968[1]	Director, U.S. AID mission to Nigeria.
Wesley G. Haraldson, of North Dakota (FSO-1)	Jan. 25, 1966[1]	Director, U.S. AID mission to the Philippines.
John P. Lewis, of Indiana	July 23, 1965[1]	Director, U.S. AID mission to India.
C. William Kontos, of Illinois	Dec. 3, 1968[1]	Director, U.S. AID mission to Pakistan.
William A. Ellis, of Washington	Oct. 17, 1968[1]	Director, U.S. AID mission to Brazil.
Donald G. MacDonald, of Maryland	Jan. 9, 1967[1]	Director, U.S. AID mission to Vietnam.
Howard L. Parsons, of Iowa (FSO-1)	Nov. 21, 1967[1]	Director, U.S. AID mission to Thailand.
William D. Miller, of Pennsylvania (FSR-1)	Mar. 28, 1966[1]	Counselor of Embassy for public affairs, New Delhi/USIA.
Edward J. Nickel, of Connecticut (FSIC-1)	June 6, 1968[1]	Counselor of Embassy for public affairs (JUSPAO), Saigon/USIA.
William I. Cargo, of Florida (FSO-1)	Oct. 19, 1967[1]	Deputy U.S. permanent representative on the Council of the North Atlantic Treaty Organization, Brussels/NATO
Timothy W. Stanley, of Connecticut	Nov. 28, 1967[1]	Defense adviser to the chief of the U.S. mission to the NATO.
Thomas W. Wilson, Jr., of District of Columbia (FSR-1)	do	Political adviser to the chief of the U.S. mission to the NATO/Brussels.
Jacques J. Reinstein, of New Hampshire (FSO-1)	Aug. 31, 1967[3]	American civil deputy commandant, NATO Defense College, Rome.
Weir M. Brown, of Illinois	July 3, 1962[1]	Deputy to the U.S. representative to the Organization for Economic Cooperation and Development, Paris/OECD.
George S. Vest, of Virginia (FSO-1)	Oct. 31, 1967[1]	Deputy chief of mission to the European communities, Brussels.
Charles H. Mace, of Ohio (FSO-1)	May 13, 1965[1]	Deputy representative of the United States to the European office of the U.N. and other international organizations, Geneva.
Henry Brodie, of Maryland (FSO-1)	Mar. 17, 1966[1]	U.S. representative on the Council of Representatives of the Contracting Parties to the General Agreement on Tariffs and Trade, Geneva/GATT.
Verne B. Lewis, of Maryland (FSO-1)	July 21, 1965[1]	Deputy representative of the United States to the International Atomic Energy Agency, Vienna/IAEA.
Stuart H. Van Dyke, of Virginia	Oct. 1, 1968[1]	U.S. representative to the Development Assistance Committee of the OECD, Paris.
Robert P. Boyle, of Virginia	Aug. 9, 1968[2]	Representative of the United States on the Council of the International Civil Aviation Organization, Montreal/ICAO.
William J. Stibravy, of New Jersey (FSO-1)	Sept. 24, 1968[1]	U.S. representative to the United Nations Industrial Development Organization, Vienna.
Walter M. Kotschnig, of Maryland	Aug. 27, 1962[1]	Deputy representative of the United States in the Economic and Social Council of the United Nations, New York

[1] Rank given by letter from the President.

[2] Rank given in commission from the President in connection with straight Presidential appointment.

[3] Rank given by letter written at direction of the President.

[4] Was an FSO-1 at time rank was accorded.

U.S. RELATIONS WITH CHINA

Mr. FULBRIGHT. Mr. President, in mid-February, Communist China abruptly canceled a meeting between Chinese and American diplomats in Warsaw which would have resumed these long-interrupted discussions.

The Secretary of State happened to be testifying before the Committee on Foreign Relations on the Nonproliferation Treaty on the day the Chinese announced that they were canceling the meeting because the United States had "engineered" the defection of a Chinese diplomat in the Netherlands. I asked the Secretary for his comments and he replied that he "would be surprised" if the diplomat's defection were the reason for the Chinese decision.

Stanley Karnow, the able and experienced "China watcher" of the Washington Post, who has reported on mainland developments from Hong Kong for many years, is of a somewhat different opinion. In an article which was published in the June 2 issue of the Washington Post, he argues that evidence made available in Hong Kong makes it plain that the meeting "was torpedoed by U.S. errors that inadvertently undermined the Peking faction that advocated a fresh approach to the United States." Mr. Karnow cites, in particular, President Nixon's comments on China at his first press conference and "the awkward handling" of the defecting Chinese diplomat who was turned over to the United States by the Dutch Government despite Chinese suggestions and whose arrival in Washington was then publicized by the State Department just before the Warsaw talks were scheduled to be resumed.

Mr. Karnow's article deserves the close attention of those who believe that some positive steps should be taken in our relations with Mainland China. The present situation, as far as these relations are concerned, is both dangerous and anachronistic.

I ask unanimous consent that the article and the comments made by President Nixon at his first press conference in January be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AMERICAN ERRORS TORPEDOED PEKING BID FOR RAPPROCHEMENT

(By Stanley Karnow)

HONG KONG—As he campaigned for election year, Richard Nixon repeatedly asserted that, if successful, he would explore ways to improve United States relations with Red China. And after his victory, apparently responding to his overtures, the Chinese Communists offered to resume the Sino-American diplomatic meetings in Warsaw.

In mid-February, however, Peking abruptly cancelled the talks on the grounds that the "anti-China atmosphere . . . created by the U.S. Government" made it "most unsuitable" to hold the scheduled meeting.

As a result, the occasion for significant discussions between the United States and China has been lost—at least for the time being.

Now, looking back on that episode in the light of reliable evidence made available here, it is clear that elements inside the ruling Chinese hierarchy were seriously seeking some kind of rapprochement with the Nixon Administration.

The evidence makes it equally plain, moreover, that the chance for contacts was torpedoed by U.S. errors that inadvertently undermined the Peking faction that advocated a fresh approach to the United States.

This breakdown, it should be stressed, did not come from any willful attempt to sabotage a reconciliation. Instead, as so often happens, it stemmed from actions taken and statements uttered without regard for consequences in a particularly delicate set of circumstances.

To understand what occurred, it is necessary to appreciate the motives that prompted certain Chinese leaders to entertain the idea of easing the Sino-American deadlock.

For one thing, the Russian invasion of Czechoslovakia was a traumatic shock that dramatically reminded the Chinese that their vast northern and western borders were vulnerable to Soviet attack.

In addition, the halt to American bombing of North Vietnam confirmed their view that the threat of a U.S. assault from Southeast Asia was far less than the danger of a Soviet thrust.

Accordingly, moderate Chinese military and civilian leaders managed to persuade Mao Tse-Tung's doctrinaire disciples that the moment was ripe for Peking to end its rigid isolationism and pursue a flexible foreign policy.

These moderates had no intention of embracing Americans amid vows of everlasting friendship. They calculated, however, that gestures towards the United States especially if reciprocated, would exacerbate Soviet fears of a deal between Peking and Washington and thereby discourage Russian adventurism.

Obviously aiming to communicate their new pragmatism to Washington, high-ranking Chinese began hinting to Western diplomats in Peking that, after all, the Soviet "revisionists" were much worse than the U.S. "imperialists".

Prior to President Nixon's inauguration, there was a perceptible sense of anticipation in Peking that a shift in China's attitude towards the United States was in the offing.

But this feeling was suddenly deflated when Mr. Nixon, speaking at his first press conference in early January, sounded like his old self.

He emphasized his opposition to Red China's admission to the United Nations, reaffirmed U.S. support for Taiwan and added, in effect, that "We won't change until the Communists change first." In short, he held out not even an olive twig.

About the same time, the awkward handling of a Chinese diplomat who defected in the Netherlands further served to kill hopes for an early improvement in ties between the United States and China.

When the diplomat initially defected, Chinese Foreign Ministry officials in Peking virtually appealed to the Dutch authorities not to turn him over to the United States imme-

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diately lest the case jeopardize the Sino-American talks due to be held in Warsaw.

But the Dutch government, recalling troubles with the Chinese in 1966, ignored both Peking's appeal and the advice of its own experts, and gave the defector to the American Central Intelligence Agency.

From the Chinese viewpoint, that move was still acceptable as long as the incident was unpublicized. As the defector reached Washington, however, a State Department spokesman announced his arrival and indicated that he might be given asylum.

With that seemingly minor misstep and the President's gratuitous press conference remarks as ammunition, the Peking hard-liners shot down the moderate Chinese advocates of a more supple foreign policy. The Warsaw meeting was called off at the last minute.

Considering current trends in China, it is probable that the moderates will find another opportunity to propose fresh talks with the United States. The story of the last lost occasion suggests, though, that Chinese sensitivity as a function of Peking's shakiness cannot be underestimated.

EXCERPT FROM PRESS CONFERENCE OF PRESIDENT NIXON—JANUARY 27, 1969

Relations with China

Q. Mr. President, now that you are President, could you be specific with us about what your plans are for improving relations with Communist China and whether you think you'll be successful or not.

A. Well I have noted, of course, some expressions of interest on the part of various Senators and others in this country with regard to the possibility of admitting Communist China to the United Nations.

I also have taken note of the fact that several countries, including primarily Italy among the major countries, have indicated an interest in changing its policy and possibly voting to admit Communist China to the United Nations.

The policy of this country and this Administration at this time will be to continue to oppose Communist China's admission to the United Nations.

There are several reasons for that. First, Communist China has not indicated any interest in becoming a member of the United Nations. Second, it has not indicated any intent to abide by the principles of the U.N. Charter and to meet the principles that new members admitted to the United Nations are supposed to meet, and, finally, Communist China continues to call for expelling the Republic of China from the United Nations and the Republic of China has, as we—I think—most know, been a member of the international community and has met its responsibilities without any question over these past few years.

Under these circumstances, I believe it would be a mistake for the United States to change its policy with regard to Communist China in admitting it to the United Nations.

Now there is a second immediate point that I have noted and that is the fact that there will be another meeting in Warsaw. We look forward to that meeting. We will be interested to see what the Chinese Communist representatives may have to say at that meeting, whether any changes of attitude on their part on major substantive issues may have occurred.

Until some changes occur on their side, however, I see no immediate prospect of any change in our policy.

CRITICISM OF POLICIES OF UNITED STATES AND SOUTH VIETNAMESE GOVERNMENTS

Mr. FULBRIGHT. Mr. President, last week the former commander of the South Vietnamese forces in I Corps, Gen. Nguyen Chanh Thi, issued a statement sharply critical of the policies being carried out in Vietnam by both the United States and the South Vietnamese Governments. General Thi is a popular leader whose removal by General Ky brought on the 1966 Buddhist uprisings, the last serious threat to the Saigon military regime. Since his ouster he has been living in Washington.

In discussing the prospects for peace, General Thi said:

> In order to bring lasting peace to the Vietnamese people, there must be an atmosphere of military as well as political deescalation in the country.
>
> The first steps to show the sincerity of both sides in the search for peace and the ending of suffering of the Vietnamese people should be a reduction of military operations and at the same time, increased freedom for the people of Vietnam so that they can express themselves freely without threat of arrest of fear of terrorism.

He went on to make specific recommendations for changes in political and military policy. Unfortunately, the Midway Conference and the subsequent statement by Mr. Thieu do not offer any reason to hope that any significant policy changes are going to be made by either Government.

Because I believe that General Thi's statement will be of general interest, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF GEN. NGUYEN CHANH THI

It is by now very clear that a total military victory cannot be won by either side in the Vietnam war. Yet the jockeying of both sides for a better military posture continues ruthlessly, despite the fact that neither would significantly improve its bargaining position at the conference table.

The continuing military struggle, while negotiations are underway, has caused the Vietnamese people to be caught between the attacks and operations of the Allies and the Communists, making the population the innocent victims of this senseless competition for a better military posture.

In spite of the fact that a political settlement, *not* a military victory, is being sought, the Allies armed forces are still saturating South Vietnam with bombs, napalm and defoliants in quantities unheard of before in the history of mankind. This situation has existed for the last few years, but has reached terrifying proportions since the halt of the bombing or North Vietnam.

The suffering of the Vietnamese people as a result of the deaths of innocent civilians and the destruction of homes, land and means of living is incalculable. It is difficult to assess the efficacy of such a strategy in a political war where the main weapons are not superiority of arms and men, but the morale, motivation, loyalty and allegiance of the people. My own personal experience, acquired through more than 25 years of fighting against guerrillas, has convinced me that large scale bombing and defoliation do not contribute much to the war effort. On the contrary, they cause more harm than good, they hinder more than help the cause of winning the people to the side of freedom and democracy.

Thus, though some progress might have been achieved in Paris, the lives, aspirations and essential rights of the Vietnamese people are still in jeopardy. In order to bring lasting peace to the Vietnames people, there must be an atmosphere of military as well as political deescalation in the country.

The first steps to show the sincerity of both sides in the search for peace and the ending of suffering of the Vietnamese people should be a reduction of military operations and at the same time, increased freedom for the people of Vietnam so that they can express themselves freely without threat of arrest or fear of terrorism.

I earnestly appeal to you to stop or at least de-escalate several of the senseless war techniques which impose casualties and unmeasurable sufferings of the people and the devastation of their environment:

1. The Allied forces should limit their destruction operations in populated areas. It would be of great help in the search for peace that the U.S. should stop bombing, particularly bombing raids by B–52s, and napalming the villages and hamlets of South Vietnam. In such a political war as that in Vietnam, the presence of 10 enemy in a community should not be an excuse to kill 100 innocent persons. A reduction of these military activities, and even their cessation, will not greatly increase the risks of the Allies nor lengthen the war during the course of negotiations.

2. The U.S. government must reconsider its policy of defoliation. Vietnam is an agricultural country, the life of 90% of our people depends on the fertility of the soil of our Fatherland. The long range consequences of this policy of unrestrained defoliation are unknown. However, the destruction of people's environment might disturb the development of the Vietnamese population for many generations to come.

3. The Saigon government must not block the way to peace by abusing the word "DEMOCRACY". To win the "hearts and minds of the people", to win their loyalty and allegiance to the cause of freedom and democracy, it is necessary that the government stop paying lip-services to "democracy" while putting into prison thousands of students, religious and political leaders and while closing scores of newspapers. The government must begin to give the Vietnamese people the democracy for which they have fought so long and so hard.

4. The Saigon government should immediately free all non-communist political detainees. The government must realize that the time of hard political struggle with the communists is not very far away. Nationalists cannot help win this competition if the majority of them are in jail or in exile because of personal differences. It is no longer the time to pursue personal ambitions; it is a time to work together for the survival of Vietnam as a democratic nation.

5. The Vietnamese people should be given the opportunity of true self-determination and I emphasize here the word TRUE. In Vietnam, this can come only when the person who directs the government and the elections is not himself a candidate. Peace and democracy can exist and last only when people are given the chance to select their own leaders from the hamlet level to the national level in free and fair ways, without threats or coercion.

On their side, the Communists must stop rocketing civilians in the towns and cities, using women, children and the aged as shields in their attacks on military posts and administrative headquarters, and put an end to their policy of deliberately attracting allied artillery and air raids on innocent and helpless civilians living in hamlets and villages.

The de-escalation of the military operations can be the result of a bilateral understanding, but even in the absence of it, the Allied armed forces should take unilateral action. Although some military setbacks may result, your show of concern for the welfare and the future of the Vietnamese people will earn such support that will more than outweigh the setbacks and improve the Allied bargaining position manyfold.

Only your understanding of the aspirations for freedom and democracy of the Vietnamese people will bring lasting peace to our Father-

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land and put an end to the loss of American and Vietnamese life and the destruction of our Nation.

SEA LEVEL CANAL

Mr. THURMOND. Mr. President, one of the basic decisions in the construction of the Panama Canal was the question of type decided after full debate in the Congress in 1906 in favor of the high-level lake and lock plan under which the canal was built and has been subsequently operated.

Since the revival of the issue over type in 1945 after the advent of the atomic bomb, the subject has been discussed extensively in technical literature and the CONGRESSIONAL RECORD. The latest angle in the complicated question is that of economic justification with special reference to supertankers and ore vessels.

A recent editorial in the Chicago Tribune covering the economic aspect of the problem is informative and timely. Citing the experience of supertankers since the closing of the Suez Canal, the Tribune draws a parallel with the Panama Canal. The Tribune says:

> This experience proves that American shipping experts were right when they told the Johnson Administration there was no economic justification for a sea level canal in Panama. The present high-level lake-lock canal, with improvement nearing completion and others now contemplated, will be adequate for potential traffic well into the next century. Ships that are too large for the present canal would avoid a sea level canal because of the toll costs.

The editorial in the Tribune points up the need for modernization of the present facilities, such as I have proposed in S. 2228. It supports the contention of experts that no sea level canal is necessary. I commend the Tribune for its grasp of the problem, and its fine support of our interests in Panama.

I would like to add, however, that the suggestion for amending the present treaty by increasing the annuity paid to Panama is open to question. The improvements proposed in S. 2228 would not require any amendments to the existing treaty. On the merits of increasing the annuity, the following remarks are in order:

The $1,930,000 annuity now paid Panama, mentioned in the editorial, consists of two parts: First, $430,000, which was increased in the 1936 treaty from the $250,000 obligation of the Panama Railroad alliance by the United States under the 1903 treaty because of the devaluation of the gold dollar; and second, $1,500,000 additional instigated by the Department of State and which the Congress requires to be borne by the State Department budget because of the protests of shipping interests that have to pay tolls, as more than $100 million annually is injected into the Panamanian economy annually from U.S. agencies in the Canal Zone and other U.S. programs in Panama, a further increase in the annuity is open to serious reservation. Moreover, such an increase would not settle anything but would definitely lead to further demands.

Mr. President, as this editorial will be of interest to many Members of Congress, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, June 7, 1969]

NO SEA LEVEL CANAL

An authoritative study in the New Middle East, a London periodical, concludes that there is no commercial future for the Suez Canal, which has been closed since the six-day war in 1967. The development of giant tankers and ore carriers and the advent of containers for dry cargoes will make the Suez canal noncompetitive with other routes.

A single tanker of 200,000 tons plying between British ports and the Persian gulf can cut more than $1 a ton off the price of carrying the same quantity of oil via the canal route in the largest tankers (75,000 tons) that could transit the canal fully loaded in 1967.

This experience proves that American shipping experts were right when they told the Johnson administration there was no economic justification for a sea level canal in Panama. The present high-level lake-lock canal, with improvements nearing completion and others now contemplated, will be adequate for potential traffic well into the next century. Ships that are too large for the present canal would avoid a sea level canal because of the toll costs.

The Johnson administration negotiated new treaties for the existing canal, making extraordinary concessions to Panama, in return for the right to construct a sea level canal in Panama. The 1903 treaty, giving the United States effective sovereignty in the Canal Zone "in perpetuity," would be abrogated by the new treaty, which would acknowledge Panama's sovereignty and provide for joint ownership and operation of the canal.

Another treaty would imperil the security of the canal by requiring Panama's consent for defense operations outside of a diminished Canal Zone.

Publication of these treaties by THE TRIBUNE resulted in so much opposition in the United States and Panama that they were never formally signed. The Nixon administration has taken no position on the question, but the military junta in Panama has announced that it favors a sea level canal.

The Nixon administration should not try to revive these treaties. Panama's compensation, now $1,930,000 a year, should be increased, but this could be done by amending the present treaty.

SENATOR EAGLETON SPEAKS ON THE ROLE OF CONGRESS IN DEFENSE SPENDING

Mr. MUSKIE. Mr. President, the able junior Senator from Missouri (Mr. EAGLETON) recently delivered a timely and provocative address on the necessity for Congress to face up to its responsibility to oversee the military budget and defense spending. He pointed out that too often in the past, Congress has abdicated this responsibility, and said:

> It's time for Congress to stop complaining about being had by the military and start scrutinizing Pentagon expenditures.

Mr. President, I commend Senator EAGLETON's remarks to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR THOMAS F. EAGLETON, MAY 31, 1969

Year after year since 1945, the generals and admirals have marched up to Capitol Hill to relate new and often exaggerated threats and recommend new and ever-more costly weapons systems to meet them—claiming that each is "absolutely necessary for national security."

And Congress, virtually without exception, has voted as much as the Pentagon has asked, or more. The system of checks and balances has simply been inoperative in governing our military expenditures.

As a result, the spending priorities of this nation have been grossly distorted. According to Missouri's great Senator Stuart Symington, 75 cents of every tax dollar in the budget, excluding trust funds, goes to pay for past, present and future wars. We have been building missiles to stand guard in the fields of economically decaying rural communities or to circle our crumbling and smog shrouded cities.

Today, however, we see a new phenomenon on the home front—the military establishment—the Pentagon—is under fire and on the defensive.

Day after day, Congressmen and Senators rise on the floor to attack defense programs and to condemn summarily the growth and power of the military-industrial complex—a phrase which can and has been expanded to include, as one choose, the academic community, labor unions, and Congress as well.

The Pentagon is now experiencing "massive retaliation" in response to years of military over-kill in selling its programs to Congress.

And there is a real danger of over-reaction which could produce results just as serious as our past quarter-century of runaway military budgets.

As the military becomes a more vulnerable target, with more colossal and costly blunders being uncovered everyday, it is well to remember that Congress too is to blame.

Many Congressmen and Senators have been all too willing to yield to the popular pressures of the past and support every conceivable military program. They may now heed a new vox populi and oppose every program with the same tenacity.

Senators now fly to the Air Force museum to attack the ABM in the shadow of the XB–70 bomber.

The ABM is certainly deserving of criticism—but the inference to be drawn about the military by doing so in the shadow of the mechanical equivalent of the dodo, bears close scrutiny.

For it was Congress, not the Pentagon, which tried the hardest to keep the XB–70 flying. In fact, the project was cancelled over Congressional opposition after 1.3 billion dollars was poured into it.

The general and admirals do not control the power of the purse; the Congress does. The Pentagon is not responsible for the Congressional laxity; Conrgess is.

It's time for Congress to stop complaining about being *had* by the military and start scrutinizing Pentagon expenditures.

The Joint Economic Committee has recently issued a document, "The Economics of Military Procurement," which reports "extensive and pervasive economic inefficiency and waste," and an "absence of effective cost control" over procurement that totaled $44 billion in the last budget year.

The report concludes that a variety of sloppy practices add up to "a vast subsidy for the defense industry, particularly the larger contractors."

Congress passed the "Truth in Negotiations Act" in 1962 to give the Government a look at suppliers' books and provide accurate information on project costs. The Joint Economic Committee indicates widespread noncompliance and other shortcomings have rendered it ineffective. The Government's failure to fully implement it seems to be one of the major reasons. The 91st Congress can and must see that this law is not circumvented.

Congress can empower the General Accounting Office to report in depth the cost

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of projects as they progress year by year, not wait until 2 billion dollars have been wasted on another C–5A. The 91st Congress can and must do this.

But most importantly, Congress can question some of the assumptions which govern foreign policy and dictate national security needs.

For instance, why is a standing army of over 3.4 million men—the largest in the world—necessary?

There is a statutory ceiling on the armed forces, limiting them to 2.3 million men. For the past 20 years Congress has suspended that ceiling, justifying the reason for such action as "obvious." I don't think it is obvious.

Do we really need 55,000 men in Korea, 40,000 in Okinawa, 40,000 in Japan, 30,000 in the Philippines, 45,000 in Thailand, 23,000 in the Panama Canal Zone, Puerto Rica, and Guantanamo, 10,000 in Greeland, 228,000 in Western Europe, 92,000 stationed in "other places"—wherever they may be—and 10,000 in North Africa and the Middle East? In addition, the Atlantic Fleet requires 254,000 men and the Pacific Fleet requires 389,000 men.

The Congress has the power to raise armies. It has the responsibility to authorize and appropriate the expenditures of federal revenue. In so doing it can set national priorities and channel national resources toward national goals.

It is time we started exercising that responsibility in a responsible manner.

THE PESTICIDE PERIL—XVI

Mr. NELSON. Mr. President, the agricultural industry, which has up until now depended heavily on pesticides to control unwanted weeds and insects from ruining crops, is becoming increasingly alarmed at the potential threat these pesticides pose to the crops themselves.

Persistent pesticides do not readily break down and decompose into harmless residues after they have taken care of the intended victim. Instead, they remain in the soil and injure the next season's crop. The buildup of still toxic residues can persist enough to sometimes reduce the next year's grain crop by half its normal output.

A recent issue of the Wisconsin Farmers Union News described the growing threat of pesticides and went on to say that the threat is not limited to just the soil, but to waters, fish, wildlife, and the total environment. The problem is of concern to scientists and conservationists alike who are trying to develop less harmful chemicals and natural controls which will do the job effectively without harming the environment.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wisconsin Farmers Union News, May 26, 1969]

CAN WE TAME THE CHEMICALS THAT TAME THE WEEDS?

MADISON.—Weeds are one of the oldest problems in agriculture. As soon as man started to scratch the soil with a stick so he could domesticate some plants for his own use, he started competing with weeds.

An average Wisconsin corn field may contain nearly a ton of weeds per acre which can reduce the crop by 10 or 15 per cent. Consequently, most cropping practices have been developed to control weeds. Crops were planted in rows to pull a cultivator through.

CULTIVATOR BEING REPLACED

In the last two decades, the cultivator has been partially replaced with chemical weed sprays. This has meant that rows can be closer together for higher production and that crops can smother some weeds.

Sometimes a price must be paid for the better yields and more efficient land use. Weed chemicals may contaminate some plants, some soil, and on occasion the water runoff from fields.

Agricultural scientists at the University of Wisconsin are attacking this problem from many angles. Farmers will probably never go back to the cultivator and the hoe. Instead researchers will seek effective chemicals that can help control weeds without adding to pollution problems.

REMAIN IN SOIL

One of the problems with certain herbicides is that they are able to remain in the soil and injure the next season's crop. One example is atrazine which is used to kill weeds in fields of soybeans, corn and vegetables.

Ideally this weed chemical should decompose into harmless residue after it has done its weed-killing job. But under certain conditions, it retains its plant-killing power and the next season it goes to work on the planted crop as well as the weeds.

Wisconsin agronomist K. P. Buchholtz is one of the scientists studying this persistence of atrazine. He is also testing new chemicals to find one that does not leave any harmful residue for the next crop.

CAN CUT GRAIN CROP

Atrazine weed killer applied last year in a cornfield may still be present in the field this year when it is planted to grain. The normal application can persist enough to reduce the next year's grain crop one-fifth. With heavy atrazine applications on the previous·year of corn, the grain crop can be cut in half because of the residue.

Buchholtz has found that certain practices can cut down this weedkiller residue effect. The chemical can be applied at a lower rate in the cornfields, and the fields can be plowed to turn the chemical to the surface for faster breakdown. He has also found that the chemical applied in solution is less persistent than when applied in granular form. Also if it is applied before the corn comes up rather than afterward, it has a month longer to decompose during the growing season. He found too, that certain varieties of grain are more tolerant of the chemical than others.

Of course weather conditions can make a difference, but they can not be controlled. In a warm, wet year atrazine breaks down faster and causes less harm the next year.

Soils scientists Gordon Chesters and David Armstrong of the University of Wisconsin are studying what happens chemically to atrazine when it gets into the soil. Atrazine is broken down by chemical reactions which are speeded up when acids and organic matter are present. In the acid sandy soil of central Wisconsin atrazine is two-thirds to three-fourths decomposed in 225 days. In the same length of time in an alkaline clay soil, it might be only 10 per cent decomposed. In peat or muck soil atrazine attaches to organic matter particles where it is kept out of circulation or is subjected to breakdown by organic acids.

The pollution of soil by weed chemicals is not only a problem in fields and gardens. It also occurs in our forest nurseries. Tree seedlings are hard to start because of weed competition, so beds are often sprayed with a weedkiller such as 2,4–D.

HARMFUL TO TREES

A Wisconsin forestry researcher, Theodore Kozlowski, has found that many of the common chemicals used to control weeds in red pine nurseries actually "suffocate" the young plants. Researchers are constantly searching for new chemicals that will control the weeds without harming the plants, and they are also looking for kinds of trees that are more tolerant to these herbicides.

Pollution by weed chemicals is not only a soil problem—it also is a problem in water. In many communities, a battle rages about control of algae, seaweed and other weeds in local lakes or ponds. Some of the chemicals that kill weeds in the water may also kill the fish or are harmful to swimmers when used improperly.

WATER WEED CONTROL

One chemical for water weeds has been tested by Wisconsin entomologist William Hilsenhoff and found to be effective for cleaning up water weed (Elodea) in farm ponds and small lakes. The chemical, Diquat, killed the weeds in a 5-acre pond within six days, and it did not harm the fish, insects or other animals in the pond. It did, however, remove the habitat of the animals that live on Elodea so they were forced to migrate to a new habitat.

It is interesting to note that weeds themselves have become a serious pollutant in waters all over the world. While we worry about contamination by algae and other tiny weeds in northern areas, tropical places have a giant problem with water hyacinth choking up the main rivers.

COST FACTOR IMPORTANT

This weed is of major concern on the rivers of Africa, Asia, and South America. It is also a serious problem on the Gulf Coast of the United States. The water hyacinth problem is partly of man's own making. As he moved into new areas he brought plant material with him. One effective control is quarantine, which is working in some areas. The cost of chemicals for massive weed control is very difficult for many of these poor countries at this time.

What are we doing about the weed problem and the pollution problems that go with it? Scientists at the University of Wisconsin and elsewhere are attacking it in several directions.

One, they are trying to find chemicals that kill weeds and then leave residues that will not harm beneficial crops and will not get into the soil and water to harm plant and animal life there.

Second, they are finding out the conditions under which the chemicals are less harmful. They already know that certain times of application are better and that in certain soils and climates the problem is not as great.

Third, they are looking for plants that are more tolerant of the chemicals now used. They have found certain varieties now in existence that are able to withstand chemical sprays. At the same time, plant breeders are trying to produce new varieties that have this resistance.

VIRGIN ISLANDS PASSES LAW SIMILAR TO S. 9—TO COMPENSATE INNOCENT VICTIMS OF CRIME

Mr. YARBOROUGH. Mr. President, I have reintroduced my proposel to create a commission to compensate victims of crime. The proposal is contained in my bill, S. 9, of the 91st Congress. I have previously introduced this proposal in the 89th and 90th Congresses. Since its first introduction in 1965, I have had the benefit of the opinions of some of the Nation's top legal scholars and their contributions have, I feel, measurably improved my proposal.

Recently, I received a letter from Mr. Kevin J. Butler, special assistant to the Virgin Islands representative to Washington, informing me that the Virgin Islands Legislature enacted a similar proposal in March 1968. The Virgin Islands now joins the States of California, Massachusetts, Hawaii, New York, and

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Maryland, and the two foreign nations, Great Britain and New Zealand, which already have such provisions in their laws.

I think that it is time for the U.S. Congress to consider my proposal. I hope that action will be taken on S. 9 this year.

Mr. President, I ask unanimous consent that the text of the Virgin Islands law to provide for the compensation of the innocent victims of crime be printed in the RECORD.

There being no objection, the law was ordered to be printed in the RECORD, as follows:

BILL 3498

(No. 2111 (Approved March 6, 1968) Seventh Legislature of the Virgin Islands of the United States—regular session)

An act to provide for compensation to innocent victims of certain criminal offenses or the dependents of such victims, to establish a criminal victims compensation commission, and for related purposes

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Chapter 21 of Title 3, Virgin Islands Code, as amended, is hereby further amended by the addition thereto of the following section:

"§ 375a. Virgin Islands Criminal Victims Compensation Commission

"(a) There is hereby created and established the Virgin Islands Criminal Victims Compensation Commission which shall be composed of the Commissioners of the Departments of Social Welfare, Health, and Public Safety and the Attorney General, or their designees, as members ex officio. The Commission shall, at its first meeting in each calendar year, elect as its Chairman one of its members and the Commissioner of Social Welfare shall serve as Executive Secretary of the Commission. For administrative purposes the Commission shall be an agency of the Virgin Islands within the Department, and shall be subject to the direction of the Commissioner in his capacity as Executive Secretary as expressly provided by law.

"(b) The Commission shall meet at least twice in each calendar year and whenever called to meeting by the Chairman or by the Executive Secretary to administer and execute the provisions of chapter 7, Title 34, Virgin Islands Code, or to establish, amend, or revise policy or rules and regulations.

"(c) Three members shall constitute a quorum; and no matter requiring the approval or determination of the Commission shall be effectively approved or determined unless it receives the affirmative vote of a majority of the members present and voting (a quorum being present)."

SECTION 2. Title 34 of the Virgin Islands Code is hereby amended by the addition thereto of the following new chapter:

"CHAPTER 7. CRIMINAL VICTIMS COMPENSATION ACT

"Subchapter I. Short title; declaration of policy; definitions

"§ 151. Short title

"This chapter shall be known as and may be cited as the 'Virgin Islands Criminal Victims Compensation Act'. It shall be liberally construed to effect its purposes.

"§ 152. Statement of policy

"The purpose of the provisions of this chapter is to establish a program of public compensation to innocent victims of certain criminal offenses, to the persons injured or killed while attempting to prevent the commission of criminal offenses or to apprehend suspected offenders, and to families of such victims or persons for personal injuries or deaths resulting from the commission of such offenses. This purpose is a reflection of the recognition by the Legislature of the Virgin Islands that many criminal offenses result from social and economic diseases of the community, while many others result from the temporary and permanent mental and emotional aberrations of the offender, and still others are perpetrated by the asocial and the socially immature and immoral, all of which are beyond the control of most victims of crimes. The Legislature is further cognizant of the social need to enlist and encourage the cooperation of the public in preventing crimes and in capturing criminals and to compensate any person who is injured while attempting to prevent a crime or apprehend a criminal. With this recognition as a base, the Legislature determines and declares, as a matter of public policy, that no innocent victim of any criminal offense covered by this chapter, no person injured while fulfilling his public duty in attempting to prevent a crime or to apprehend a criminal, and no family of any such victim or person shall be constrained to bear the financial burden of resulting personal injury or death, and that the Government of the people of the Virgin Islands shall compensate any such victim or person or family for the loss resulting from such injury or death.

"§ 153. Definitions

"Unless the context clearly requires otherwise, as used in this chapter—

"(1) The term 'applicant' means any person who applies for compensation under the provisions of this chapter.

"(2) The term 'child' means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child.

"(3) The term 'Commission' means the Virgin Islands Criminal Victims Compensation Commission created and established by Section 375a of Title 3 of this Code.

"(4) The term 'dependents' means such relatives of a deceased victim as were substantially dependent upon his income at the time of his death, or would have been so dependent but for the incapacity due to the injury from which death resulted, and shall include the child of such victim born after his death.

"(5) The term 'Executive Secretary' means the Executive Secretary of the Commission.

"(6) The term 'offender' means any person accused, indicted, or convicted of the criminal offense which was the alleged cause of the injury or death for which compensation is sought under the provisions of this chapter.

"(7) The terms 'personal injury' and 'injury' mean actual bodily harm, and include pregnancy and mental or nervous shock.

"(8) The term 'victim' means any person who is injured or killed—

"(A) by an act or omission of any other person which is within the scope of the criminal offenses covered by subsection (a) of section 162 of this chapter, or

"(B) while attempting to prevent the commission of a criminal offense under the provisions of Title 14 of this code, or to apprehend a person suspected of such an offense.

"Subchapter II. Administration and procedure

"§ 156. Powers and duties of the Executive Secretary: Preliminary hearings; reports with recommendations; submission to Commission

"(a) Except as otherwise provided in this chapter, the Executive Secretary shall administer the provisions of this chapter.

"(b) Upon an application made to the Commission under the provisions of this chapter, the Executive Secretary shall hold a prompt and fair hearing on each application filed under this chapter, and, on the basis of evidence received, shall prepare a written report with recommendation for action on such application by the Commission.

"(c) The Executive Secretary, within five days after the preparation of the report with recommendations, shall submit copies to each member of the Commission, to the applicant, to the victim if he is not the applicant and is living, and to any offender, and he shall submit, upon request, copies to any other person who satisfies the Executive Secretary that he has a substantial interest in the proceedings. He shall further, within 30 days after the preparation of the report with recommendation, submit such report and recommendation to the Commission and call the Commission to formal meeting for the purposes of considering and acting upon the application and the report.

"(d) The Executive Secretary shall notify the applicant, the victim if he is not the applicant and is living, any offender, and any other person who satisfies the Executive Secretary that he has a substantial interest in the proceedings of the time and place for the preliminary hearing before him and for the final consideration by the Commission.

"(e) The Executive Secretary shall execute all orders of the Commission.

"§ 157. Powers and duties of the Commission: final orders and decisions; finality

"(a) When called to consider and to act upon an outstanding application and accompanying report submitted pursuant to section 156(c) of this chapter, the Commission shall make its determination and issue its order with due dispatch. Such determination and order of the Commission shall be final as provide by section 166 of this chapter.

"(b) The Commission shall hold a fair hearing before making its determinations and before rendering a final order when such a hearing is requested by the Executive Secretary, by a majority of the members of the Commission, by the applicant, or by the offender.

"§ 158. Procedural powers and limitations; rights of parties; effect of criminal conviction; immunity of witnesses

"(a) The Executive Secretary and the Commission, when conducting a proceeding under this chapter, shall have the authority and the power to administer oaths and affirmations, to issue subpoenae ad testificandum and subpoenae duces tecum which shall be enforceable pursuant to the pertinent provisions of chapter 29, Title 14, Virgin Islands Code, in any case of contumacious failure to comply with any such subpoena, to rule upon offers of proof and receive relevant evidence, to take or cause depositions to be taken when it is determined that the prompt and fair disposition of the proceeding will be furthered thereby, to require reports or testimony from medical doctors or psychologists who have treated or examined the victim in relation to the injury or death for which compensation is sought, to direct the course of the proceeding, to dispose of procedural requests and motions, to make recommendations, determinations, and orders in conformity with sections 156 and 157 of this chapter, and to take any other action authorized by rules and regulations promulgated pursuant to the provisions of this chapter. No subpoena may be issued except under the signature of the Chairman of the Commission or of the Executive Secretary, and application to any court for the enforcement of such subpoena may be made only by the Chairman or Executive Secretary.

"(b) The Commission shall adopt by regulation as the rules of evidence in connection with the preliminary hearing and in connection with the final consideration the provisions of section 10 of the Revised Model State Administrative Procedure Act promulgated in 1961 by the National Conference of Commissioners on Uniform State Laws.

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"(c) The applicant, any offender, and any other person who satisfies the Executive Secretary at the preliminary hearing or the Commission at the final consideration that he has a substantial interest in the proceedings shall have the right to appear and be heard, either in person or by attorney, and shall also have the right to produce evidence and to call, to examine, and to cross-examine witnesses.

"(d) Any person who files an application under the provisions of subsection (c) of section 161 of this chapter on behalf of a victim or a dependent who is a child or who is non compos mentis shall have all of the procedural rights and privileges granted and guaranteed to applicants under this chapter.

"(e) No person appearing as a witness before the Commission at final consideration may be excused from answering any question put to him by any member of the Commission on the ground that to answer might or would incriminate him; but no answers made by any witness to any such question shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the person for perjury or for contempt in respect to any answer to any such question. Refusal to answer any question determined by the Commission to be proper and pertinent shall be subject to punishment for contempt under the pertinent provisions of chapter 29, Title 14, Virgin Islands Code.

"(f) In making a determination the Commission shall consider all circumstances which it determines to be relevant, including provocation, consent, or any other behavior of the victim which directly contributed to his injury or death.

"(g) The Executive Secretary, in connection with the preliminary hearing, and the Commission, in connection with the final consideration, may not make public any information which might lead to the identification of the offender or of the victim if—

"(1) the offender has not been convicted, or

"(2) the Executive Secretary or the Commission is satisfied that privacy is necessary to protect the interests of the victim or any dependent of the victim.

"(h) Every determination of the Commission shall be based on the evidence before it and shall be supported by substantial evidence. The applicant shall have the burden of proving every pertinent fact, which is brought into issue, to the satisfaction of the Commission.

"Subchapter III. Application; award and payment of compensation

"§ 161. Application: Eligibility; Requirements; Limitations

"(a) Any victim, any person who is responsible for the maintenance or care of the victim and who has incurred expenses as a result of injury to or the death of the victim, and, in the case of the death of the victim, the estate or any dependents of the victim may apply for compensation under the provisions of this chapter; Provided, however, That no person who is not a citizen of the United States or who is not an immigrant alien admitted to the United States for permanent residence under the pertinent provisions of the Immigration and Nationality Act, as amended (8 U.S.C. §§ 1101 et. seq.) may apply for or receive compensation under the provisions of this chapter.

"(b) Every application for compensation under this chapter shall be filed with the Executive Secretary in accordance with regulations prescribed by the Commission within one year after the personal injury or death occurs. Additionally, the Executive Secretary must be notified within thirty days after such injury or death occurs that an application for compensation under this chapter will be filed, and a report of the criminal offense which allegedly caused the injury or death for which compensation is sought under this chapter shall be filed by the victim with the police within twenty-four hours after the offense was committed. If the application, notification, or report is not filed or made within the time prescribed, the applicant shall have the burden of satisfying the Executive Secretary that the delay was justified by extraordinary circumstances.

"(c) In any case in which the victim or a dependent of a victim is a child, the application may be filed on his behalf by his parent or guardian; and in any case in which the victim or a dependent of the victim is mentally incompetent the application may be filed on his behalf by his parent, guardian, or such other person authorized to administer his estate.

"(d) No more than one application may be filed by or on behalf of any person eligible to file an application under the provisions of subsection (a) of this section; and where more than one application is filed on behalf of two or more dependents of the same victim the Executive Secretary and the Commission shall consolidate the claims and the proceedings thereunder.

"§ 162. Offenses and incidents covered

"(a) The Commissioner may order the payment of compensation in accordance with the provisions of this chapter in any case in which—

"(1) The victim was injured or killed by any act or omission that constitutes a criminal offense which as a felony or aggravated assault and battery under the laws of the Virgin Islands and which may be prosecuted under the laws of the Virgin Islands pursuant to the provisions of subchapter V, chapter 1, Title 14 of this code; or

"(2) The victim was injured or killed while attempting to prevent the commission of a criminal offense which may be prosecuted under the laws of the Virgin Islands pursuant to the provisions of subchapter V, chapter 1, Title 14 of this code, or to apprehend a person suspected of such an offense.

"(b) For the purposes of this chapter, the fact that the offender was legally incapable of forming a criminal intent by reason of age, insanity, drunkenness, or otherwise shall not preclude an award of compensation under this chapter.

"§ 163. Awards: General provisions; allowable compensation; standards for compensation; effect of prosecution or conviction

"(a) The Commission, upon proper application and after the required preliminary hearing before the Executive Secretary and the required final consideration and if it determines that the applicant has satisfied the burden of proving all contested issues of fact, may order the payment of compensation in accordance with the provisions of this chapter from the Criminal Victims' Compensation Fund created and established as a special revolving fund in the Treasury of the Virgin Islands under section 3030 of Title 33 of this code.

"(b) Subject to the limitations of subsection (a) of section 164 of this subchapter and to the deductions and limitations under section 165 of this subchapter, the Commission may order the payment of compensation—

"(1) to, or for the benefit of, the victim or to his estate up to the amount of expenses actually and reasonably incurred or to be incurred as a result of the injury or death of the victim, including medical, burial, and other necessary expenses;

"(2) to any person repsonsible for the maintenance of care of the victim who has incurred expenses as a result of the injury or death of the victim, including medical, burial, and other necessary expenses, up to the amount of such expenses;

"(3) to or for the benefit of the victim for—

"(A) the loss of earnings resulting from total or partial disability resulting from the injury equal to two-thirds (⅔) of the difference between his earnings (or earning power, if the victim was not employed) at the time when the injury occured, and the wages, if any, earned by the victim during his disability, but not to exceed four hundred dollars ($400) in any one month; and

"(B) pain and suffering, but not to exceed five hundred dollars ($500);

"(4) in the case of the death of the victim, to or for the benefit of any one or more of the dependents of the victim up to the amount of pecuniary loss of such dependents, but not to exceed ten thousand dollars ($10,000) to the spouse of the deceased victim and not to exceed one thousand dollars ($1,000) to each dependent of the deceased victim other than the spouse.

"(c) For the purpose of determining the amount of any compensation to be awarded under this chapter, the Commission shall, insofar as practicable and feasible, formulate standards for the uniform and consistent application of the provisions of this chapter, and shall take into consideration rates and amounts of compensation payable for injuries and death under other laws of the Virgin Islands and of the United States and the availability of funds in the Criminal Victims' Compensation Fund.

"(d) An award may be granted under this chapter whether or not any person is prosecuted for or convicted of the crime which is the alleged cause of the injury or death. The Executive Secretary or the Commission may suspend the preliminary hearing or the final consideration, respectively, for such appropriate period during which a prosecution for the criminal offense, which is the alleged cause of the injury or death for which compensation is sought, has been commenced or is imminent.

"§ 164. Same: Limitations

"(a) The total amount of compensation awarded or paid to any one applicant under the provisions of section 163 of this subchapter may not exceed the sum of $10,000.

"(b) The Commission may not award compensation to an applicant under this chapter if, supported by substantial evidence, it determines that—

"(1) The criminal offense, which allegedly caused the injury or death for which compensation is sought under this chapter, did not occur; but if any person has been convicted of the criminal offense, proof of that conviction unless an appeal against the conviction or a petition for a rehearing, retrial, or certiorari in respect of all charges is pending or a new trial or rehearing has been ordered, shall be res judicata as to the fact that the criminal offense has been committed; or

"(2) The act or omission which constituted such criminal offense was not a proximate cause of the injury or death; or

"(3) The requirements of section 161 of this chapter were not met or the provisions of section 162 of this subchapter were not satisfied; or

"(4) The offender is the victim's spouse, parent, grandparent, stepparent, child, grandchild, stepchild, brother, sister, half brother, half sister, or spouse's parent, grandparent, stepparent, child, grandchild, stepchild, brother, or sister; or

"(5) At the time when the personal injury or death was caused or at any time after the injury, either the victim was living with the offender as his wife or as her husband, or both the victim and the offender were members of the same household; or

"(6) The victim provoked, consented to, or in any other direct manner contributed to his injury or death; or

"(7) The victim and the offender, at the time when the injury or death was caused,

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were engaged in a common unlawful enterprise or activity; or

"(8) The injury or death was caused by the operation of a motor vehicle, airplane, or boat, unless the vehicle, airplane, or boat was used as a weapon in a deliberate attempt to injure or kill the victim.

"(c) Orders for payment of compensation pursuant to this chapter may be made only as to injuries or death caused by criminal offenses occurring after June 30, 1968, or caused during an attempt to prevent a criminal offense or to apprehend a person suspected of committing such an offense which attempt occurred after June 30, 1968.

"§ 165. Same: Terms of payment; deductions

"(a) Except as otherwise provided in this chapter, any order for the payment of compensation under this chapter may be made on such terms as the Commissioner determines to be appropriate.

"(b) The Commission shall deduct from any payments awarded under this chapter the amount of any moneys actually received by the applicant from the offender, from any person on behalf of the offender, or from any payments under any insurance policy, other than a policy on the victim's life, but including workmen's compensation, for the personal injury or death for which compensation was awarded under this chapter.

"(c) The payment of any compensation awarded under this chapter shall be subject to and limited by other outstanding awards under this chapter and the amount of money in the Criminal Victims' Compensation Fund.

"§ 166. Same: Finality and reconsideration; review

"(a) Every determination and order of the Commission shall be final, except that an applicant may obtain a reconsideration by the Commission of an order upon filing a written request for reconsideration with the Executive Secretary within one calendar year after the issuance of the order, and upon approval of the request by the Commission.

"(b) In the case of an award to or for the benefit of the victim under subdivision (3) of subsection (b), section 163 of this subchapter which is to be paid periodically, depending on the continuing disability of and any wages earned by the victim, the Commission shall review the award at least every two years to determine such continuing disability and wages earned, if any, and to alter such award to accord with any pertinent change in circumstances. The victim shall inform the Commission of any pertinent change in his disability or in his income from wages. If the victim does not inform the Commission as required, his payments may be terminated at the discretion of the Commission.

"(c) Neither the right of the applicant to reconsideration nor the obligation of the Commission to review shall affect the finality of a determination and order of the Commission.

"Subchapter IV. Recovery of compensation

"§ 169. Repayment by the applicant

"Any applicant who has received payments on an award made by the Commission under this chapter shall pay to the Commission all sums, not to exceed the amount of such payment, which, after the payment on the award, have been received by the applicant from the offender, from any person on behalf of the offender, or from any payments under any insurance policy, other than a life policy, for the personal injury or death for which the award was made under this chapter.

"§ 170. Recovery from the offender

"(a) In any case where a person is convicted of a crime which was the cause of the injury or death for which compensation has been awarded under this chapter, the Commission may institute an action against such person for the recovery of the whole or any specified part of such compensation actually paid to the applicant under this chapter in any court of competent jurisdiction in the Virgin Islands. Such court shall have jurisdiction to hear, determine, and render judgment in any such action. Any amount recovered and collected which exceeds the amount paid pursuant to the award shall be paid to the applicant.

"(b) In any case where payment is made to the Commission under section 169 of this subchapter, the Commission may recover under this section only the difference between such payment and the amount of the compensation awarded under this chapter. The balance of any amount recovered and collected shall be paid to the applicant.

"§ 171. Criminal Victims Compensation Fund

"All payments made to the Commission under the provisions of section 169 of this subchapter and all payments made to the Commission on awards granted under the provisions of section 170 of this subchapter shall be covered by the Commission into the Criminal Victims Compensation Fund created and established as a special revolving fund in the Treasury of the Virgin Islands under section 3030 of Title 33 of the Code.

"Subchapter V. Miscellaneous

"§ 174. Rules and regulations

"The Commission, subject to the approval of the Governor and not inconsistent with law, may adopt, enforce, revise, amend, rescind, or repeal rules and regulation prescribing the administrative and procedural steps to be followed in the filing of applications and during the proceedings under this chapter, and governing other administrative functions and activities of the Commission, of the Executive Secretary, and of any staff members.

"§ 175. Personnel; budget

"Subject to the provisions of chapter 35 of Title 3 of this code, the Commission may employ such personnel as 'it determines necessary for the effective and efficient administration of its functions and responsibility. Budget needs of the Commission shall be submitted annually to the Legislature as a part of the budget of the Department of Public Welfare.

"§ 176. Reports to the Governor and to the Legislature

"The Commission shall prepare and transmit to the Governor and to the Legislature annually a report of its activities under this chapter including the name of each applicant, a brief description of the facts in each case, the amount, if any, of compensation awarded, recommendations for appropriate amendments to the law, and an accounting of revenues to and expenditures from the Criminal Victims Compensation Fund with estimates of needs during the next fiscal year.

"§ 177. Penalties

"The pertinent provisions of chapter 75 of Title 14 of this code shall apply to every application, statement and document and to all information presented to the Executive Secretary in the application or at the preliminary hearing, or presented to the Commission at the final consideration of an application for compensation under this chapter; and, in addition, whoever, in any matter during a preliminary hearing or a final consideration, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain any fake, fictitious, or fraudulent statement or entry, shall be fined not more than $1,000 or imprisoned for not more than 5 years or both."

SECTION 3. Chapter 111 or Title 33, Virgin Islands Code, as amended, is hereby further amended by the addition thereto of the following section:

"§ 3030. Criminal Victims Compensation Fund

"(a) There is created and established in the Treasury of the Virgin Islands a special revolving fund to be designated and known as the Criminal Victims Compensation Fund. The Commissioner of Finance shall maintain and provide for the administration of said Fund as a separate and distinct fund in the Treasury, and no monies shall be available for expenditure from said Fund except as provided by law.

"(b) There is authorized to be appropriated to the Criminal Victims Compensation Fund such sums each year as are determined necessary by the Legislature, upon recommendation by the Virgin Islands Criminal Victims Compensation Commission for carrying out the provisions of chapter 7, Title 34 of this code. The Fund shall consist of all monies appropriated thereto pursuant to authorization under this section and of all monies paid to the Fund pursuant to the provisions of subchapter IV of said chapter 7.

"(c) Monies shall be disbursed from the Criminal Victims Compensation Fund by the Commissioner of Finance at the discretion and direction of the Executive Secretary of the Virgin Islands Criminal Victims Compensation Commission for the purpose of awards and payments under the provisions of chapter 7, Title 34 of this code."

SECTION 4. There is hereby appropriated to the Criminal Victims Compensation Fund, created by section 3 of this Act, the sum of $10,000 from the General Fund of the Treasury of the Virgin Islands for fiscal year ending June 30, 1968.

SECTION 5. The provisions of this Act shall become effective on July 1, 1968.

Approved March 6, 1968.

BILL 3587

(No. 2176 (Approved April 23, 1968) Seventh Legislature of the Virgin Islands of the United States—regular session)

An act to amend certain provisions of chapter 7 of title 34, Virgin Islands Code, relating to the Criminal Victims Compensation Act, and for other purposes

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Chapter 7 of Title 34, Virgin Islands Code, as enacted by Act No. 2111 (Bill No. 3498), Seventh Legislature, Regular Session 1968, approved March 6, 1968, is hereby amended as follows:

(a) Section 175 of said chapter is amended by changing the words "Department of Public Welfare", appearing therein, to read "Department of Social Welfare".

(b) Section 177 of said chapter is amended by changing the language "Chapter 75", appearing therein to read "Chapter 77".

SECTION 2. Section 4 of Act No. 2111 (Bill No. 3498), Seventh Legislature, Regular Session 1968, approved March 6, 1968, is hereby amended by changing the year "1968", appearing at the end thereof, to read "1969".

Approved April 23, 1968.

BILL 3748

(No. 2286 (Approved July 16, 1968) Seventh Legislature of the Virgin Islands of the United States—ninth special session)

An act to amend Act No. 2111, approved March 6, 1968, relating to compensation for innocent victims of certain criminal offenses

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Section 164(c), Title 34 of the Virgin Islands Code, as enacted by Act No. 2111, approved March 6, 1968, is hereby amended to read as follows:

"(c) Orders for payment of compensation pursuant to this chapter may be made only as

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to injuries or death caused by criminal offenses occurring after January 1, 1968, or caused during an attempt to prevent a criminal offense or to apprehend a person suspected of committing such an offense which attempt occurred after January 1, 1968."

SECTION 2. Section 4 of Act No. 2111, approved March 6, 1968 is amended to read as follows:

"SECTION 4. There is hereby appropriated to the Criminal Victims Compensation Fund, created by section 3 of this Act, the sum of $50,000 from the General Fund of the Treasury of the Virgin Islands for the fiscal year ending June 30, 1969."

Approved July 16, 1968.

BETTER CONTROLS ON PESTICIDES PLANNED IN CALIFORNIA AND NEW YORK

Mr. NELSON. Mr. President, two articles published recently in the New York Times report further action taken against the use of DDT.

In New York State, Governor Rockefeller's administration endorsed the State pesticide control board's recommendation for controls on chlorinated pesticides. And two of the State's legislative committees announced they would conduct hearings on the pesticide situation.

In California, the State agriculture director issued an order prohibiting the use of DDT and DDD—another chlorinated hydrocarbon similar to DDT—in all forms in California households and home gardens and in dust form in farm fields. The State legislature is also considering measures to ban the use entirely of the two pesticides within the State.

I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CALIFORNIA OFFICIAL TAKES STEPS TO BAN USE OF TWO PESTICIDES

SACRAMENTO, CALIF., June 12.—Steps to ban the use of DDT and another long-lived pesticide, DDD, in California households and home gardens and to limit their use on farms were initiated today by California's Agriculture Director, Jerry W. Fielder.

He issued the order, which would take effect Jan. 1, 1970, if he formally adopts it after July 11. Its opponents have until then to submit written arguments against the move.

The order would prohibit the use of DDT and DDD in all forms in California households and home gardens and in dust form in farm fields. Other forms of application could be used under permits obtained from county agricultural commissioners.

Mr. Fielder announced the proposed order as a State Senate Committee prepared to hold a hearing next week on a bill by Senator John A. Nejedly, Contra Costa County Republican, to ban the use entirely of the two pesticides within the state.

The agriculture director said:

"We know of no reliable evidence that these pesticides are directly harmful to man, but they do represent a hazard to man's natural environment, including fish and wildlife. As part of our continuing program to regular pesticides in the public interest, therefore, we believe this proposed action is necessary."

Mr. Fielder also noted that the agricultural use of DDT and DDD in dust form had declined over the years. State officials could offer no estimate of the percentage of DDT and DDD now being applied in farm fields in dust form.

DDT CONTROLS ARE BACKED BY STATE ADMINISTRATION

ALBANY, June 16 (AP).—Governor Rockefeller's administration aligned itself today with critics of the pesticide DDT, promising tighter controls on use of such chemical agents in the state.

Lieut. Gov. R. Malcolm Wilson, acting as Governor during Mr. Rockfeller's absence, issued a statement praising the findings of the state Pesticide Control Board, which has recommended curbs on chlorinated pesticides.

DDT and similar compounds have been branded in many quarters dangerous to animal and human life because they can retain their toxic effect for prolonged periods.

Last week two committees of the Legislature said they would conduct hearings on the pesticide situation.

COMMENTS ON THE ABM

Mr. GORE. Mr. President, on May 15, I wrote Dr. Jerome B. Wiesner a letter in which I said that as there had not been sufficient time when he had testified on May 14 to question about statements made by Dr. Foster taking issue with a number of points made in the book on the ABM which he had edited, he might wish to have an opportunity to respond to Dr. Foster's comments. I then quoted in my letter a number of specific comments made by Dr. Foster. Dr. Wiesner replied, in a letter to me dated June 4.

On May 28, I wrote Dr. Teller, who had also appeared before the Subcommittee on International Organization and Disarmament Affairs on May 14, to ask him whether he wished to add to his testimony in a written supplementary statement in light of the fact that it had not been possible to continue the hearings in the afernoon. Dr. Teller has now provided an additional statement.

I ask unanimous consent that my exchange of correspondence with Dr. Weisner and Dr. Teller be printed in the RECORD at this point.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

MAY 15, 1969.

Dr. JEROME B. WIESNER,
Provost, Massachusetts, Institute of Technology, Cambridge, Mass.

DEAR DR. WIESNER: There was not sufficient time at the hearing on May 14 to question you about recent statements made by Dr. Foster in which he took issue with a number of points made in the book on the ABM which you and Professor Chayes edited. It occurred to me that you might wish to have the opportunity to respond to Dr. Foster's comments. I realize that you addressed yourself to some of his comments in your testimony before the Subcommittee, but I thought that you might want to collect in one place your replies to all the criticisms he has made. This letter and your reply could then be included in the record of the hearings.

In an address in Dayton, Ohio, on May 12, Dr. Foster made the following specific comments on your book:

1. Dr. Foster quoted your statement that the assertions made by Secretary Laird "are not based on any intelligence about new Soviet weapons systems" but "represent his interpretation of facts that have, in the main, been known for some time but have not been viewed heretofore by the responsible officials as signaling a Soviet attempt to attain a first-strike capability."

Dr. Foster commented that "Mr. Laird's statements are based on agreed intelligence data" and he said he knew of "no disagreement on the approximate number of SS–9's being built by the Soviet Union, nor of any significant issue in size of its payload." He added: "No person who has seen the data objects to the conclusion that the SS–9 has been tested with multiples and the community agrees upon an approximate weight of the R.V.'s."

2. Dr. Foster quoted your statement that "it would take at least two attacking ICBM's to be reasonably sure of destroying one Minuteman." He explained that the U.S. has designed, but not deployed, "a system which allows a missile to signal the launch-control point if it has launched its re-entry vehicle properly." He argued that "the control point could reprogram another missile to make up failures" and that therefore "it would be foolish to attack half of the silos twice as the book advised, rather than all of them at once."

3. Dr. Foster quoted your statement that "it would take three missiles with 30% failure probability to destroy an incoming warhead with 97% certainty . . . and this uses up the defensive missiles at a fearsome rate."

He commented that the intent is to use sequential firing of interceptors to eliminate this problem and that furthermore "we expect missile failure rate considerably less than his assumed 30%, and results of firings to date support our expectation."

4. Dr. Foster quoted your statement that the Sentinel system "was designed for a wholly different purpose. . . ." He said in reply: "This is just not true. The Nike-X R&D program upon which both Sentinel and Safeguard were based, always had a Sprint missile for point defense of targets, especially Minutemen and cities."

5. Dr. Foster quoted your statement that "it has been authoritatively suggested that it just may be impossible during the next years to write a computer program for dealing with the various forms of attack that can be anticipated."

Dr. Foster argued: "Programming of large computer-control systems is difficult. We have had considerable relevant experience, and our experience shows us that it can be done."

6. Dr. Foster stated in his speech: "The book in many spots also claims that the defense can be easily countered by simple penetration devices or by 'blackout' attacks."

He asserted that these devices "are not simple" and that they "will require more resources than the Communist Chinese will have available for a considerable time." He added that with regard to the Soviets "the penetration tactics are not very useful for an attack on the Minuteman force . . . Light penetration aids and the extensive high altitude blackout do not have much effect on a Sprint defense which takes place in the atmosphere."

You might also wish to comment on Dr. Foster's statement on May 6 in which he enumerated seven alleged errors in your book. These errors were that:

1. It greatly overstates the technical and tactical problems of the proposed ballistic missile defense.
2. It understates the technical and tactical problems of overcoming Safeguard.
3. It misinterprets the estimates by the intelligence community.
4. It presents assertions and assumptions with the force of fact.
5. It offers incompetent, dangerous and inadequate alternatives to Safeguard.
6. It assumes the Soviet threat and the Chinese threat will be total surprises.
7. It assumes we will not be able to test the Safeguard system.

Sincerely yours,

ALBERT GORE,
Chairman, Subcommittee on International Organization and Disarmament Affairs.

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OFFICE OF THE PROVOST,
Cambridge, Mass., June 4, 1969.
Senator ALBERT GORE,
Chairman, Subcommittee on International Organization and Disarmament Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR GORE: I very much appreciate the opportunity to augment the statement that I made before you on May 14. After I respond to the questions that you have raised I would like to add a few comments that were stimulated by the discussions before your Committee. Also, I would welcome an opportunity to reappear and answer any further questions that your Committee might have. I am mindful of the fact that my need to be in Boston on the afternoon of the hearing day cut short the question period. Senator Dodd has already addressed a question to me that he had intended to ask during the hearings. I am certain that other members of your group were also left frustrated by the improper balance between the presentation by your witnesses and the opportunity for questioning.

In your letter you quote Dr. Foster's statement regarding agreed upon intelligence which seems to be in conflict with the views expressed in the book, "ABM: An Evaluation of the Decision to Deploy an Anti-ballistic Missile System" by Professor Abram Chayes and myself. As was brought out in the hearings there is a considerable difference between the agreed upon facts about observations and the interpretations of that data, and I believe it is in this area that widest disagreements between us, Mr. Laird, Dr. Foster, Mr. Packard and others, including members of the intelligence community, arise. In fact, the spokesmen for the Pentagon have hardly been consistent with their own interpretations of the significance of intelligence information. There is also considerable confusion between observations and predictions. A notable example of this is in the matter of multiple, independent, steerable reentry warheads, called MIRV. Dr. Foster has stated as have others that there have been observations of Soviet multiple warhead tests. Unless I am misinformed, the objects observed were not independently guided devices, but rather just clusters of reentry devices fired by a single rocket. Nonetheless, in much of the discussion, including Dr. Foster's May 12th statement and the speech referred to in your letter, he made the tacit assumption that by 1974 or 75 the Soviet Union would have a fully developed, steerable, multiple reentry system which would be employed as part of a sophisticated retargeting system. It was by assuming such a retargeting capability that Dr. Foster attempted to refute the calculations resented in our book. To my knowledge there is no intelligence evidence whatsoever upon which to base an assumption. Dr. Foster says that the United States has developed such a capability but decided not to put it into use. From this he concludes that the Soviets must have such a capability too or at least must be given credit for it. I suggest that you examine this particular situation with some care for it shows the arms race in its most virulent form. Here we are literally running an arms race with ourselves. If we can stay just the right amount ahead of the Soviet Union so that we have to be concerned with what they might develop we can keep ourselves completely occupied by developing weapons systems and countermeasures to them without ever having seen the Russian counterpart to which we are responding. I would suggest that since the multiple reentry warhead with retargeting capability, including the necessary communication system, etc., has now been interjected into this debate, that you take the occasion to examine the U.S. developments to see first hand the additional complexity being suggested for the Soviet offensive missile system.

Your point 2 relates to the question retargeting which I have already addressed in the previous answer. It is generally agreed that the reliability of offensive missiles will be sufficiently less than one, so that a counter force attack would require some effort to compensate for the failures among them or too high a fraction of the force under attack would survive. The straight forward way to compensate for these failures is to target two offensive missiles and warheads against each target under attack. This arrangement greatly enhances the probability of destroying the target. For example, if a single offensive weapon had an overall kill probability of 0.7 there would be a 30% chance that the target it was attacking would survive, or if one thousand such offensive missiles were fired at a thousand targets, approximately 300 of the targets would survive. Clearly if these were Minutemen missiles capable of retaliating for the first strike, the surviving force would be too large to tolerate. If two rockets, each having the same overall kill probability of 0.7 were fired at each target, the probability of a single target surviving would be 0.09, and if two thousand such weapons were doubly targeted against a thousand individual targets, only 90 of them would survive on the average. Double targeting is obviously a costly venture and so there is a considerable incentive to develop a more efficient procedure. One such would be to fire only one missile at each target, then to do a reconnaissance to spot the targets that had survived because of rocket failures and to fire a second round at the survivors. In principle this is a very simple thing to do, but in practice this would be quite complicated. It would have to involve either reconnaisance or some other form of data gathering which pinpointed the location of individual nuclear explosions with a very high precision. As I understand Dr. Foster's proposal, it doesn't go this far. If I understand Dr. Foster's new Soviet threat, it supposes that they will merely monitor the successful launchings of their multiple warheads, and if a warhead launched at a given target fails to report that it is on a proper course one of the back-up warheads that was launched a few minutes after the first will be directed to the same target. This proposal is questionable on several accounts. First of all it makes the assumption that most of the unreliability will be in the booster and the MIRV bus, and that the reentry device and the nuclear weapon will work as planned. In fact, in his Dayton speech Dr. Foster assumed that the combination of warhead reliability, MIRV guidance and reentry shield reliability when combined with the kill probability of the weapon itself against the Minuteman targets would yield an overall kill probability of 0.95. You will recall that I questioned this assumption during my testimony before your Committee. I would like to repeat my objection to this assumption. It is a highly optimistic value for such a complex system. You will recall that earlier Pentagon information gave a kill probability of 0.8 for the warhead alone, and this is the value that we used in our paper. You will note that Dr. Foster's whole argument hangs on this portion of the attack system being near perfect or even the complicated arrangements which he postulates will not yield the dire results that he predicts. Beyond this point, the retargeting capability which he proposes that the Soviets would use as part of a first strike capability depends upon sophisticated communications and control technology with which it is unlikely that anyone would saddle his offensive missile systems, for in addition to the troublesome complexity they introduce, they also are subject to countermeasures such as jamming which would introduce another element of uncertainty into the whole thing.

Dr. Foster objects to our statement that it would take three Sprint missiles to get a 97% probability of killing an incoming warhead. He gives two reasons for his objection. First of all, by firing sequently and directing the Sprints to successive targets he believes that it is possible to reduce the number of Sprint missiles required to get a high kill probability with fewer missiles. This tactic works under certain attack conditions but it is also possible to design attack configurations in which reassignment just doesn't work either because the incoming objects are too widely spaced or are randomly distributed. In fact, we believe that it would be so easy to increase the number of incoming objects that look like warheads, and therefore must be attacked by defensive missiles, to any degree that is desired do that the defensive system will always be saturated so that there is a very good chance that there will always be considerably less than one defensive missile per incoming object.

Now in regard to Dr. Foster's statement that the Sprint missiles will be more than 70% reliable and firing tests to date prove this, I can only say that the great weight of experience is on our side. When one moves from carefully manufactured and maintained R&D rockets to large scale production devices, installed in the field and maintained by standard GI crews, the reliability falls considerably. As we note in our book Dr. Fink, who until very recently worked in the Pentagon, published an article in Science and Technology magazine in which he examined rocket reliability and from operational data concluded that a reliability in the 50 to 60 percent range was normal.

Though Dr. Fink was talking about offensive rockets, not ABM missiles, ABM rockets are probably a little more complicated than the ICBM missiles, so Dr. Fink's data would indicate that an assumed 0.75 reliability is giving the ABM system the benefit of a serious doubt.

Regarding point 4: Dr. Foster apparently takes exception with our statement that the Sentinel system was designed for a wholly different purpose than hard point defense. I participated in the discussions which lead to the development of the Nike X system after the Nike Zeus system was not put into production. The primary emphasis of the redirected system was still the protection of cities and while we recognized at the time that it also could be used for hard point defense, all of the participants fully acknowledged that it was far from optimum for this purpose. In particular the present weaknesses of the Safeguard system were recognized at that time. The fact that interception had to occur at an altitude sufficiently high to prevent damage to soft targets lead to more costly intercept rockets than would have been needed if it were a hard point system. It was also recognized that the long range intercept component was unnecessary and that the soft MSR missile site system was really improper for a hard point system.

Point 5: Dr. Foster apparently contests my statement regarding the difficulty of programming the computer and says they have examined their experience and have concluded that it can be done. Dr. Teller in his testimony also pointed to the fact that the Livermore Laboratory is using a time sharing computer as evidence that time sharing computers can be programmed. Both of these statements are very misleading for no time sharing system of the degree of complexity contemplated in the Safeguard system has been designed and operated satisfactorily. In fact, no one has previously attempted to make a system with a comparable degree of complexity. Dr. J. C. R. Licklider in reviewing previous experience with such systems for our book points out that the software developments for the Safeguard system represent a very major extrapolation of presently operating systems in several respects, and therefore one should expect the development of proper computer programs to be a major bottleneck in the development of the Safe-

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guard system. Anyone who makes the casual statement that we have computer time sharing systems in our laboratory and this proves that the Safeguard system can be made to work, has clearly not examined the problem in adequate detail. I would suggest that anyone interested in this problem read the two essays on this subject presented in our book. I have already mentioned the chapter by Dr. Licklider entitled "Underestimates and Overexpectations" devoted entirely to the question of computer programming. The chapter on Safeguard reliability problems also devotes a substantial amount of space to the problems of programming reliability.

Though the difficulty of computer programming is only one of several issues which led us to the conclusion that the Safeguard system was not likely to be available on schedule or perform as claimed; it is a key issue so it would be worth your effort to try and understand it reasonably well. Here is a place where you could see whether or not the experts including the scientists designing the system really would support the optimistic views that the Defense Department and its supporters have been expressing. There are several ways in which you could study this problem. You might just invite a number of experts in the field to express their views on the difficulty of preparing the programs in question, or you might hold some hearings on this subject, though this would be difficult for it is a fairly technical business. Another possibility would be to appoint a small advisory group to your Committee and give them the task of exploring the problem for you and presenting you with a report.

Dr. Licklider in his chapter suggests that it would be appropriate to explore the history of sophisticated computer systems in the Defense Department, the so-called L systems. The history of false starts and cancellations here would probably be more appalling than the revelations of the recent report on short falls in the electronic systems developed and procured since World War II. The reason for this is simple; conceptually electronic computers are capable of the most fantastic tasks including those proposed for Safeguard, but unfortunately they must be implemented by human beings whose capacities unfortunately don't increase as the computer systems they conceive or grow in complexity. Computer programming is not a science and so far all efforts to make it into an orderly discipline have failed. As our book explains in detail, large programs grow in difficulty much faster than their increase in size would lead one to expect, and above a certain size it may be impossible to ever develop a stable program because new problems are developing as fast as the old ones are cured.

Point 6: Dr. Foster apparently differs with our opinion that the Chinese could have simple decoys on their first generation missiles. It is certainly true that the United States military has spent a great deal of money and time developing our countermeasures, possibly they are more sophisticated than need be—like many other U.S. military devices. Lightweight balloon type decoys are certainly easy to make, and it would take no unusual technical capability to detonate nuclear weapons above the atmosphere in order to create blackout. I believe that simple active jammers could also be made by the Chinese using electronic components that they could easily buy from Japan if they can't make them themselves. A Chinese designer could get a great deal of information regarding countermeasures, their feasibility and their design from U.S. literature so that the various possibilities we have examined would be known to them as well as expert opinions regarding their value. For your information, I am enclosing copies of two articles which appeared in U.S. aerospace journals during the past year or two to illustrate my point. One of the articles entitled, "U.S. Penetration Capability Erodes" is obviously a scare article not be taken seriously, but its charts on "Penetration Aids Programs" are very comprehensive and show what can be mined in the literature.

Dr. Foster says that light penetration aids and extensive high altitude blackout will not have an effect on the Sprint defense. I don't believe that Dr. Foster could have read our book very carefully if he thinks we believe that they will because we repeatedly make it clear that we understand different problems faced by an enemy in trying to penetrate the Spartan and the Sprint defenses. The light decoys and blackout tactics apply only for the Spartan. In the case of Sprint defense heavy decoys, large numbers of small nuclear warheads and attacks on the very soft MSR radar are the countermeasure tactics which we stress. Our analysis shows that if the SS–9 missile was fitted with a large number of medium-yield nuclear weapons and independent warheads (15 to 30 independent units) plus a comparable number of heavy decoys, any reasonable Sprint deployment would be exhausted with little or no effect on the surviving forces. This is the most realistic Soviet deployment for the 70's and is at least as good an explanation as to why the Soviets chose to build large missiles as is any intention of achieving a first strike capability. This perfectly straightforward exhaustion capability was highlighted in our book but has gone unanswered in all of the Pentagon responses.

You ask me to comment on Dr. Foster's statement of May 6 in which he enumerated seven alleged errors in our book. In a sense his comments speak for themselves because the matters which he raises are matters of judgment and not matters of fact, so it is a little hard to understand how he can use the term "error" in describing them even though he disagrees with them. I will comment on his points nonetheless.

Dr. Foster alleged that he had found three pages of errors in our document and promised that he would supply us with a list so that we would be able to comment intelligently to inquiries about this statement. So far we have not received this list so that it is not possible to comment intelligently upon the points he makes. We hope that we will receive his criticisms so that we can respond with comments or make corrections if they are called for. We understand that the Institute for Defense Analysis has been hired to make a critique of our book, and possibly Dr. Foster is waiting for their report to provide him with specific objections. I would imagine that the IDA document would be available to you, and it might be helpful in your efforts to unravel this many-stranded technical ball of military yarn.

Point 1: He states that we greatly overstate the technical and tactical problems of the proposed ballistic missile defense. That is his judgment, in our opinion and the opinion of many technical experts whom we have consulted—some of whom work on aspects of the ABM problem—we have stated fairly and objectively the difficulties that are to be expected. It is possible that in some cases we have overstated the problems and in others we have undoubtedly understated the difficulties which will be encountered. However, Dr. Foster has not given any detailed information which would lead to change our opinion.

Dr. Foster's Point 2 is that we understate the technical and tactical problems of overcoming Safeguard. I have already discussed this question in the previous section and pointed out how a straight forward, exhaustion technique using large numbers of small warheads on the SS–9 would render the Safeguard system totally impotent even if it worked technically, an assumption which I am unwilling to concede.

Point 3: Dr. Foster states that our book misinterprets the estimates of the intelligence community. Without further elucidation it is obviously not worth trying to guess just what Dr. Foster means by this. It is clear however from the exchanges between members of your own Committee and Dr. Foster that everyone is subject to this charge. Here again is a critical area where it may be desirable to have an expert panel review the facts and give you their judgments.

Point 4: Dr. Foster says we present assertions and assumptions with a force of fact. The only assertions and assumptions that we presented as facts were assertions and assumptions made by representatives of the Pentagon. Otherwise we made a determined effort to separate fact from what were our own opinions, and generally when we stated facts we gave the source of the information. Dr. Foster's statement is so totally lacking in facts that it is impossible to answer properly.

Point 5: Dr. Foster states that our book offers incompetent, dangerous, and inadequate alternates to Safeguard. The only comment that I can make on this is that this is a totally ludicrous, ill-considered and irresponsible statement. All of the alternatives we suggest would work and would increase the survivability of the U.S. deterrent. The alternatives we offer could be undesirable for various reasons including the possibility that additional protection of the deterrent force is not needed, but this statement by a competent Defense Establishment official can only indicate high degree of desperation with regard to Safeguard. This statement, it seems to me, is akin to the scare statements of Secretary Laird's with regard to the SS–9 first strike capabilities.

Point 6: Dr. Foster says that we assume that the Chinese and the Soviets' threats will be total surprises. We don't assume that. We assume that they may be and undoubtedly will be partial surprises and that in any event we won't know until after the nuclear war whether they were or not, so that we will not be in a position to make a judgment about the effectiveness of the ABM system before it is used. It is always surprising to me that technical experts who are willing to ascribe so much ingenuity and cunning to the Soviet systems—witness Dr. Foster's recent statement regarding the probable use of retargeting capabilities by the Soviet Union in a first strike attack—are unwilling to give them any credit for originality or ingenuity in the countermeasures field.

Point 7: Dr. Foster says that our book assumes we will not be able to test the Safeguard system. More than that, we state explicitly several times that we don't believe that it will be possible to make *realistic* tests of the Safeguard system either at the Kwajalein test ground or in continental U.S.A., and nothing that has been said since our book was published has in any way refuted this statement. There are plans for elaborate simulation tests of the ABM system, and these will do some good, but the weight of all the experience to date with the simulalation of large systems is that they are not completely effective. The statement applies to both military and civilian systems. No aircraft, no military weapons system, no civilian computers system, or for that matter no large industrial plant has ever operated as predicted in spite of the most realistic simulation tests that it has been possible to devise for them in advance of the time when they were placed in operation. Dr. Licklider examines a number of cases where simulation was tried in his chapter in the ABM book and these should be examined carefully by you. For example, the electronic switching system, E.S.S., which is being installed by the Bell Telephone System was subject to very extensive simulation trials and limited field trials before it was put into full scale operation. But in spite of this, numerous difficulties were encountered in its programs after it was placed into operation. A genuine test of the ABM system would involve the use of large numbers of incoming objects,

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defensive and offensive nuclear explosions and an attempt to duplicate an attacker's tactics and his countermeasures strategy. The latter obviously will always remain unknown so that in any sense which I believe to be meaningful the Safeguard system will have to remain untested. Most weapons systems fail to function as they are expected to when first placed into operation and the military users are forced to modify both the weapons and their tactics before they can be used effectively in the field. The history of most weapons is one of steady improvement in reliability and effectiveness as they are employed. The ABM system by its very nature will not be subject to this kind of a shake down.

With your permission, I would like to point out a major inconsistency in Dr. Teller's testimony. He stated that the United States should abandon its efforts to achieve a first strike capability against the Soviet Union for a variety of reasons including, he said, that it was technically impossible to achieve one. It is hard to reconcile this very strong statement with the continuing fear that the Soviet Union might by its present course of action achieve a first strike capability against the United States. If with our superior technical capabilities and production base it is technically impossible for the U.S. to achieve a first strike capability, how can the U.S.S.R. do it?

Finally, I would like to suggest that your Committee give serious consideration to the creation of an impartial panel of experts to review the many technical points that have been raised in the ABM debate and provide you with an independent assessment on the various controversial points that exist in this debate. I believe that a clear-cut judgement can be rendered. Non-technical statements in great volume have made it appear that these issues are too complex to understand and are greatly confusing the public.

I am sorry that this answer to your questions is so long. Please excuse me.

Sincerely yours,

JEROME B. WIESNER.

MAY 28,1969.

Dr. EDWARD TELLER,
Lawrence Radiation Laboratory,
University of California,
Livermore, Calif.

DEAR DR. TELLER: Senator Symington has suggested that additional testimony by you would be pertinent to the inquiry by the Subcommittee on International Organization and Disarmament Affairs into the strategic and foreign policy implications of ABM systems. At present, there are no plans to hold additional public hearings with non-governmental witnesses.

We will, however, be pleased to hold the record open for ten days or so in order to leave you time to submit a statement of reasonable length.

Sincerely yours,

ALBERT GORE,
Chairman, Subcommittee on International Organization and Disarmament Affairs.

UNIVERSITY OF CALIFORNIA,
Berkeley, Calif., June 2, 1969.

The Honorable ALBERT GORE,
U.S. Senate,
Committee on Foreign Relations,
Washington, D.C.

DEAR SENATOR GORE: In response to the kind suggestions of Senator Symington and yourself, I am submitting the following supplementary statement to my testimony. It covers an aspect of the ABM debate which, according to several discussions I had, now appears to me to have great importance in connection with the ABM debate. It will be very kind of you to include this in your Proceedings, and possibly in the Congressional Record.

Sincerely yours,

EDWARD TELLER.

ADDITIONAL TESTIMONY TO THAT GIVEN BEFORE SUBCOMMITTEE ON INTERNATIONAL ORGANIZATION AND DISARMAMENT AFFAIRS ON MAY 14, 1969, ON THE ISSUE OF BALLISTIC MISSILE DEFENSE

(By Edward Teller)

In the course of the debate on ABM it has become clear that the question of a possible Russian first strike in the mid-1970's is of paramount importance. I should like to comment on this danger from two points of view. One is the technical possibility of a Russian first strike capability. On this point the judgment I offer is based on specific knowledge and information. The second point of view is connected with Russian intentions. In this connection I claim no special knowledge but add my remarks merely to clarify the background on the basis of which my comments are made.

The continued Russian deployment of numerous SS–11's and fewer but larger SS–9's has developed far beyond the limit that the Russians would need for retaliation. This is particularly striking since our own deployment has been curtailed. It should be also noted that the heavy SS–9's, on account of their smaller number but greater individual capability, are less adapted to a second strike force but could be exceedingly efficient in a first strike.

The danger that our own Minuteman force could be wiped out in a first strike has been discussed in detail by Dr. J. S. Foster, Jr. His facts and figures are based on careful and conscientious evaluation of the actual situation and should be accepted at face value.

It has, however, been stated that even if our Minuteman force would be wiped out we would retain more than sufficient capability to retaliate by using our bombers and our missile-carrying submarines. It is therefore concluded by opponents of the ABM that no Russian first strike could eliminate our ability to retaliate.

Reliance on our bombers is of particularly great importance. This can be readily seen by considering the claim in the report edited by Drs. Wiesner and Chayes. In this report it is stated that we shall retain the ability to deliver at least 2500 megatons in retaliatory capability after a first strike by the Russians. Of these 2500 megatons, 2000 are supposed to be delivered, according to the same report, by our aircraft.

In actual fact, retaliation by our bombers is highly dubious on two accounts. One is that our bombers may not survive; they may be destroyed on the ground. The second reason is that our bombers may not penetrate; they may be shot down by missiles or they may be wiped out by enemy fighters.

In comparison with our Minuteman force, our bombers on the ground present relatively easy targets. They are soft, they can be dispersed to not much more than 60 bases, and their destruction does not require enemy missiles of high accuracy. A Russian launch from submarines or from missiles in fractional orbits or multiple orbits will give us too little time so that our bombers cannot take off. To keep a considerable number of our bombers permanently in the air would be much too expensive. Keeping them in the air in case of international tension assumes that the Russians are not capable of a true surprise attack. This assumption does not seem to be a highly reliable one.

Thousands of Russian radars and excellent Russian fighters make it dubious that those bombers which can take off will be able to deliver their bombs on target. Actually, the Russians have spent much more on air defense than we have. What is particularly disturbing about this situation is the fact that the Russians can evaluate the capabilities of their radars and their fighters in a satisfactory way. Thus the Russians may acquire high confidence in their air defense and may not be deterred from a first strike by our bomber force.

This argument does not imply that bombers are useless. In connection with the Chinese threat they may play a decisive role. They may have important functions in later phases of a nuclear war. Most important of all, they are an important element of our preparedness for a non-nuclear conflict. But as a deterrent against a Russian first strike, our bombers alone do not give us sufficient safety.

Most of those who argue that a Russian capability for a first strike cannot become real in a few years base their opinion on the invulnerability of our submarines as a retaliatory force. It is indeed true that Polaris and its successor, Poseidon, appears to be in many respects our most reliable deterrent. But even this deterrent may turn out to be insufficient in view of the massive Russian build-up of their Naval forces and Naval shipyards.

In our technological age we must continue to bear in mind the possibility that the Russians may find a new method of antisubmarine warfare. This circumstance alone should give pause to those who believe in the absolute invulnerability of our submarines. I shall assume, however, for the sake of the following argument, that the Russians will not succeed in making a breakthrough in the methods of locating and sinking submarines.

It is entirely possible that in a few years the Russians will initiate a Naval procedure whereby each of our missile-carrying submarines will be followed by one or more Russian submarines. This can be done if the Russians are using active sonar to keep track of our submarines. Such a procedure, of course, gives away the fact that our submarines are followed but the question will remain what to do about it.

Of course, we will have to assume that in such a situation mere protests will be of no avail. The two most obvious alternatives on our part would be to tolerate the situation or else to shoot at the Russian submarines.

In the first case the Russians may include in a first strike the practically simultaneous sinking of all our submarines. Those which are in harbor are easy targets. Those which are at sea can be sunk by nuclear explosives delivered by short-range missiles from a submarine that is on the tail of our Polaris or Poseidon. In this way our Naval retaliatory force could disappear.

If, on the other hand, we shot at the Russian submarines which follow ours, a Naval war of attrition will probably result. Considering Russian numerical superiority in submarine force this Naval attrition will consume all our missile-carrying submarines long before the Russian fleet is exhausted. The result is the same as in the previous case. We are left with no Naval retaliatory force.

Other, more complicated and more expensive alternatives remain. I do not pretend to prove that there is no way out of the dilemma presented above. I do believe that there is no easy way and I also believe there is no way on which we can count with reasonably great assurance.

It is therefore my opinion that the Russian build-up of land-based missiles which are capable of carrying heavy weights and numerous megaton warheads to our country, cannot be discounted as a potential first strike force. That the capability of a Russian first strike must be seriously considered is underscored by the fact that the Russians continue to take serious measures of civil defense, based primarily on a plan to evacuate their cities. Thus they seem to be ready to assume a position in which nuclear war can be waged by them, while their losses of population would remain limited. Secretary McNamara's concept to keep the population of cities as hostages does not seem to be accepted by the Russians.

I should now like to turn to the second question. Are the Russians actually planning

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a first strike? This question of an *intention* to strike first should be sharply differentiated from a Russian *capability* to strike first.

I believe that no one can guess Russian intentions and I know that an opinion on my part is less appropriate than that on the part of others who have studied psychology, history or politics. The following is presented merely as a guess.

I cannot believe that any set of reasonable men would plan a first strike, and I furthermore believe the rulers of the Kremlin are reasonable. I nevertheless believe that these same men are planning to acquire a first strike *capability*. The question is for what purpose? Even though the Russians do not plan a first strike, their ability to strike first, coupled with our unwillingness and inability to do so, could give Russia a decisive advantage. The Russians may, indeed, be encouraged to pursue a more aggressive and threatening policy. In such a situation the credibility of American help would vanish. Our allies would not be able to rely on us and may be forced to desert us. American influence may soon be restricted to the boundaries of our 50 states.

It is possible to assume that we may still live happily and in contentment for a number of years, although the rest of the world may soon share the fate of Czechoslovakia.

The question then would arise that if our country remains the last and only abode of freedom, how long would we enjoy such a unique privilege? The promise that Polyphemus made to Odysseus may well apply to us. The Cyclops promised Odysseus that he would be the last to be eaten.

RAINDROPS

Mr. NELSON. Mr. President, I ask unanimous consent that a recent news article reporting an Atomic Energy Commission-financed study to determine how efficient rain is in clearing up air pollution be printed in the Record at the end of this statement. I found the article very interesting. Without intending to demean the study—which I am sure could provide valuable information—I hope that this AEC effort is not being carried out under the philosophy which says let us use the assimilative capacity of our environment to the utmost for disposing of our wastes, rather than one which says, let us find ways to stop polluting the air, the water, the land.

I hope, for instance, that the Atomic Energy Commission is studying how to cut thermal pollution from the nuclear powerplants, and how to eliminate their discharge of radioactivity. This is a matter which, in fact, should have quite a priority, because nuclear powerplants are going in now all over the country, and threaten to have a devastating impact on our environment unless proper controls are installed with them.

I would rather stop the pollution than have to pray for rain.

There being no objection, the article was ordered to be printed in the Record, as follows:

Important To Study the Washout: Just How Efficient Are Raindrops?

(By Medill News Service)

How efficient are raindrops?

A project sponsored by the Atomic Energy Commission and being conducted in Illinois is expected to show how effective raindrops are in at least one job, washing pollution from the atmosphere.

Rain could clean the atmosphere's lowest level in three days—if no further pollutants were added, an AEC spokesman said.

But pollutants are being added continually, so scientists can study only how much pollution is washed out by one rain storm.

"We've put an awful lot of gunk in the atmosphere and if it stayed there we wouldn't be able to breathe," the spokesman added.

That's the reason "it is important to get out and study the washout."

Pollutants can be "scavenged" from the atmosphere in three ways: particles serve as nuclei for the condensation of water vapor, cloud droplets absorb gaseous pollutants, or raindrops wash out both particulate and gaseous materials.

The AEC project will study how effectively precipitation cleans the atmosphere. It also will study what happens inside clouds as ice crystals, cloud droplets and raindrops pick up pollutants, the AEC said.

The study is being conducted by the University of Illinois, Illinois State Water Survey, the University of Michigan and the AEC's Argonne National Laboratory. The two universities have received a total of $139,281 in contracts for the study.

The Illinois Water Survey rain gauge network was chosen for the study because of its extensive series of 196 gauges and 1600 square mile area, the AEC spokesman added. More than 800 volunteer observers will collect the rain samples.

"All samples will be collected and ready for analysis within five hours of a rain storm," the spokesman said.

The study will be conducted in two phases, from the middle of May to June 15 and from July 20 through August 10.

The weather's unpredictability is one reason for the two periods, the AEC spokesman said.

"If there is no rain we're not going to be able to do anything."

The spokesman added that the project's purpose is to study "scavenging," not to cause rain or alter the weather.

Scavenging will be studied through analysis of precipitation from a storm. Various "tracer" materials will be released into the storm or along its edge and it is their presence in the resulting rain water which will determine the efficiency of washout.

The rainwater will be analyzed by cameras and a "raindrop spectrometer" will be used to count the size of the raindrops.

The AEC spokesman added that no radioactive or toxic materials will be released during the experiments.

The AEC's main interest in the study is to gather information to help more accurately predict what happens to radioactive gases and particles during a rainstorm.

However, the AEC spokesman said most of the radioactive gases and particles are in the stratosphere where there is no rain. The stratosphere serves as a reservoir and the material gradually "leaks" down to the atmosphere's lowest level where it is washed out by precipitation.

ABM IMPORTANT PART OF AMERICA'S DEFENSE

Mr. FANNIN. Mr. President, one of the most thoughtful and well presented editorials setting forth the rationale for the ABM Safeguard system was printed recently in the Arizona Republic.

The editorial calls attention to the testimony of Dr. Albert Wohlestetter of the University of Chicago who, as a member of the scientific community, says many of the ABM critics have not done their homework.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Arizona Republic, May 31, 1969]

The ABM and the United States

President Nixon appears to be gaining ground in his fight for the anti-ballistic missile system, now known as Safeguard. Even Sen. Mike Mansfield, a stalwart foe of the ABM, concedes that the Senate will approve the new missile program by a narrow margin. The House of Representatives is believed certain to vote for the ABM.

We think it would be unfortunate to have a narrow, cliff-hanging vote in either House of Congress. While the program would go forward, it would suffer from a close authorization vote, particularly in the Senate. And while a good many senators seem to have grave doubts about the ABM, we find no evidence of any such division among the majority of American citizens.

It is true that pacifist sentiment opposes any new weapons system. Part of the anti-Vietnam war emotionalism has spilled over into the missile debate. The two issues are separate, and should be kept so.

The Vietnam war is an external affair, with impact on our Pacific policy and on our opposition to the spread of communism. But its outcome is hardly likely to determine whether American cities can be laid waste by atomic bombs, or the American nuclear deterrent can be wiped out.

As Dr. Albert Wohlestetter of the University of Chicago has pointed out, the anti-ABM people have not done their homework. Particularly, he disagreed with the claim that an all-out, first-strike attack by Russia would destroy only 75 per cent of American Minutemen missiles, thus leaving the United States a second-strike capability that could destroy the principal Russian cities.

Dr. Wohlestetter was even more critical of a claim by Dr. Ralph Lapp, former member of the Atomic Energy Commission, that 76 per cent of American Minutemen would survive a Soviet missile attack in the mid-1970s. He pointed out that Dr. Lapp based his claim on a projected total of 333 Soviet attack missiles instead of 500; that Dr Lapp assumed the Russians would hold back one-fourth of their missiles for a second strike; that they would fire two warheads against each targeted American missile, thus leaving three-fourths of our silos untargeted.

The substance of the thesis held by Dr. Wohlestetter—once described by Dr. Henry A. Kissinger as the man who recast American military strategy for the 1960s—is that the Russians can destroy 95 per cent of American Minutemen with a pre-emptive strike. If the remaining 5 per cent were fired, the Russians would get at least some protection from their own anti-ballistic system.

So quite obviously the United States needs Safeguard to protect enough of its own silos to make the cost of a sneak attack unacceptable to any potential enemy.

While the military argument for the ABM system is convincing, the political argument is even more so. In the forthcoming negotiations for an American-Soviet nuclear disarmament pact, the bargaining will start with the known capabilities of each country. Russia will start with an ABM system in place; unless the U.S. can match it, there is little likelihood that the Russians will agree to dismantle their own system unilaterally.

There is nothing hawkish or aggressive in a system designed to protect American missiles from a foreign attack. The U.S. needs the AMB system. A substantial affirmative congressional vote would be a signal to the world that this country has no intention of repeating the disastrous unilateral disarmament programs that preceded World War II.

VULNERABILITY OF POLARIS SUBMARINES

Mr. GORE. Mr. President, in hearings before various committees of Congress,

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and otherwise, on the ABM proposal, officials of the Department of Defense have made what appear to be conflicting statements about the vulnerability of Polaris nuclear submarines in the decade beginning in 1970. The possible vulnerability of Polaris is sometimes cited as a reason why the Safeguard system must be installed. These assertions are made despite the fact that high-ranking Navy officers have issued reassuring statements about the invulnerability of Polaris.

In order to clarify this matter, I wrote to the Secretary of the Navy on May 28 to ask for his comments on some of the conflicting statements that have been issued and also to request a statement from him concerning his views as to the vulnerability of Polaris in the 1970–80 time period.

I ask unanimous consent to have printed in the RECORD my letter to the Secretary of the Navy, dated May 28, 1969, and his reply thereto, dated June 12, 1969.

~~I note~~ that Secretary Chafee expresses "strong confidence in the continued effectiveness of Polaris/Poseidon submarines."

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MAY 28, 1969.

Hon. JOHN H. CHAFEE,
Secretary of the Navy,
Washington, D.C.

DEAR MR. SECRETARY: In his testimony before the Subcommittee on International Organization and Disarmament Affairs on March 21, the Secretary of Defense said:

"I do not believe that we will be in a position where the Polaris would be sufficient in that time period, after 1972, to be relied upon as the deterrent force of the United States."

A year ago, in hearings before the Senate Armed Services Committee, the Chief of Naval Operations, Admiral Thomas H. Moorer, was asked:

"Admiral, we have put a great many of our chips on the invulnerability of the Polaris submarines. Do you have a high degree of confidence that this invulnerability will be maintained, and what operations do you foresee in the event of a technological breakthrough on the part of the Soviets that would reduce or eliminate the invulnerability?"

Admiral Moorer replied:

"I have a very high confidence that this will be maintained for several reasons."

More recently, in an interview published in the *Washington Post* on May 12, Rear Admiral Levering Smith was quoted as giving a number of reasons for "his belief in the invulnerability of the nuclear missiles carried by nuclear-powered Polaris submarines."

I would appreciate your comments on the foregoing statements and also a specific statement from you on the vulnerability of Polaris submarines in the period 1970 through 1980 with reasons for your judgment on this point.

Sincerely yours,

ALBERT GORE,
Chairman, Subcommittee on International Organization and Disarmament Affairs.

THE SECRETARY OF THE NAVY,
Washington, D.C., June 12, 1969.

Hon. ALBERT GORE,
Chairman, Subcommittee on International Organization and Disarmament Affairs, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of 28 May 1969. I appreciate the opportunity to comment on the present and future security of Polaris/Poseidon submarines. As regards the statements by the Secretary of Defense, the Chief of Naval Operations and Rear Admiral Levering Smith, my views are in accord with those of the Deputy Secretary of Defense, Mr. Packard, who stated before the House Armed Services Committee on April 15, 1969:

"The Soviets appear to have allocated considerable resources to expanding and improving their submarine and ASW capability in the past few years. We must assume that the Soviets will continue this effort and, indeed, might further expand it. Given their well-known concern with Polaris, we must further assume the possibility that a substantial portion of their effort could be directed toward countering Polaris.

"In specific, however, we have no evidence of any present or prospective Soviet 'breakthrough' in ASW technology that would sharply increase the threat to Polaris. Based on the data we now have, we expect the Polaris to remain highly survivable until at least the late 1970s, but we can't be sure. This date is not set by any specific projection of a known threat, but rather by the general uncertainties associated with projections of this nature so far in the future.

"Nonetheless, given these uncertainties in predicting the future in this field and the current level of the Soviet effort, it would be imprudent to ignore the possibility of the emergence of a 'greater than expected' Soviet ASW threat in the 1970s."

I have strong confidence in the continued effectiveness of Polaris/Poseidon submarines. To the best of our knowledge the Soviets have not been able to detect or track any of these submarines while on station. This is the principal reason for my confidence. If there is anything to the saying "imitation is the sincerest form of flattery" we can take some wry pleasure from the fact that the Soviets are building a Polaris-type force of their own.

Sincerely yours,

JOHN H. CHAFEE.

MARION DAM

Mr. DOLE. Mr. President, last Saturday, June 14, I was privileged to attend the dedication of the Marion Dam and Reservoir. The principal speaker of the day was my friend and colleague, Representative GARNER SHRIVER, who has ably represented this area for more than 8 years. A number of Kansans deserve credit for their efforts in seeing this fine project to completion, including such outstanding leaders in flood control as George A. Fox, president, Neosho-Cottonwood Flood Control Association, and Scottie W. Gound, director, Neosho-Cottonwood Flood Control Association; but, unquestionably, in the halls of Congress, Congressman SHRIVER was the moving force, along with former Senator Frank Carlson.

The dedication ceremony was a memorable event, the highlight being the remarks of Representative SHRIVER, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Senator Dole; Mayor Christensen; Mr. Gound; Colonel Pinkey; Colonel Rice; distinguished guests, dedications such as this are happy occasions. In a very real sense this is a dedication to the future rather than to a past and completed event.

This beautiful dam and reservoir is an important unit in the four-reservoir system for the control of the flow of the upper Grand Neosho River Basin which includes John Redmond, Council Grove and the yet to be constructed Cedar Point dams. Eventually 268,500 acres of very fertile and highly developed agricultural land and 3,400 acres of urban land will be effected.

Of the total capacity of 146,500 acre-feet, nearly 60,000 will be reserved for holding back flood waters, and nearly 87,000 acre-feet for water quality control, with the balance for sediment control.

FLOOD PROTECTION

The flood protection provided by Marion dam will permit more intensive cultivation of over 215,000 acres of fine agricultural land.

Residents of Marion, Chetopa, Elmdale, Florence, Strong City, Burlington, Chanute and Humboldt may rest easier with the assurance that much of the floodwaters which have so many times wreaked their destructive force in the past will no longer do so.

There are some who refer to such projects as the Marion Dam and Reservoir as a "pork barrel project." Each Congressman, within his own congressional district, recognizes the importance and need for such projects. However, when it is a dam or a reservoir in someone else's district it is considered to be "pork barrel" or even a "boondoggle."

Projects of this kind, including the facility we dedicate today, undergo a long and thorough justification process. They must be justified on a cost-benefit ratio both at the state and national levels. There must be approval at the state level before congressional authorization can be considered. I only wish some of our foreign aid programs would undergo as thorough a justification process as this.

Projects such as this represent one of the finest uses of federal funds that I know of because they add to, and preserve, the resources of our great land. They are high on my list of domestic priorities.

Since Marion Dam was activated for flood control operations there have been 6 periods of high water, and over $200,000 damages have been prevented already. So soon in its useful life has it proved itself. It is far from being a "pork barrel" project.

It is of interest to note that less than 3 million American farmers are faced with the responsibility of feeding some 300 million or more American citizens within a few years if present population trends continue. In order to accomplish this the farmer must be assured of security on the land, and of an adequate supply of water for his crops. This is a major reason for such projects as Marion Dam.

It will assure the farmer cultivating his land in the basin of protection for his land, property, even his life from harm due to flooding.

Alternating periods of floods and drought have been facts of life for Kansas due to changes of climate. They are as certain to occur as death and taxes, and either extreme has a disastrous effect on the economy. No longer, will this be true.

Besides the flood protection afforded by this magnificent dam the water that is retained will be released as needed to ensure continuation of the natural flow upon which so many downstream depend for water supplies for domestic use and for industry.

RECREATIONAL FACILITY

In the interim the normal pool of 6,160 acres can be utilized for recreational purposes. Recreation has in recent years become recognized as an essential component of our daily life with its many pressures, from which it is imperative to escape from time to time even for a little while.

There are few natural lakes in Kansas and such as are found are small. The largest lakes are man-made. Twenty years ago there were no federal reservoirs in the state but now with the coming of Marion there are 17.

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These lakes are very important elements in the growing number of recreational facilities within the state. Federal projects now provide statewide 8 million acre-feet of storage capacity. Of this 5,827,400 acre-feet is allocated to flood control, 2,230,400 acre-feet is devoted to irrigation, conservation and sediment control. Normal surface areas of the conservation storage provide an area of over a hundred thousand acres, with over 800 miles of shoreline which can be utilized for recreation.

Marion reservoir gives us a beautiful lake about which there are scattered boat launching ramps, 7 public use areas, 10 picnic shelters, with more planned for the future. These are being provided for the many thousands of visitors and pleasure seekers who will have new opportunities for boating, swimming and other water related activities.

Marion reservoir will be stocked with several kinds of fish, among them will be the delectable wall-eyed pike and the gallant fighter the northern pike.

The Kansas State Forestry, Game and Fish Commission has acquired 3,500 acres of land and water area in the upper reaches of the reservoir area which will be operated as a wildlife management and public hunting area. It is among the largest in the state.

Our region will attract many people from far and near to take advantage of these wonderful opportunities for pleasure and relaxation. I am told that some 44,000 visitors have taken advantage of existing facilities in the first four months of 1969. This is certain to increase as the fame of Marion lake becomes better known.

LOCAL PARTICIPATION

Local people are closest to both the problems and potential benefits concerning water resources. Much of the task of planning and conservation lies with individuals and local communities. Many projects are accomplished through local efforts, including municipal water supply and sewage treatment works. Larger projects require the assistance of the state or the federal government. However, even in these larger projects local interests play a vital role. It is largely from expressions of local concern that water projects receive their initial impetus.

As the project progresses from inception to completion, local interests can play a major role in shaping its uses, in the process of demonstrating the benefits and values to be attained. This has been accomplished in full measure in the present instance. Without the foresighted and persistent efforts of the devoted friends of the Marion dam and reservoir project this magnificent project might never have come into being.

Many people, I am sure, share equally the credit for bringing this about. I believe that special credit should be given to the members of the Neosho-Cottonwood Flood Control Association under the leadership of our good friend George A. Fox, to the members of the Marion Chamber of Commerce including that fine American citizen and Kansan, Scottie Gound. I join with Senator Dole in paying tribute, too, to Kansas Senators, Andrew Schoeppel and Frank Carlson, and Congressman Ed Rees who provided leadership in the authorizing legislation for this and other flood control projects.

The support of the Kansas Soil and Water Conservation Commission, under the chairmanship of Frank Haucke; of the Mo-Ark Basins Flood Control and Conservation Association, George E. Lister, president; and The Tri-State Arkansas Basin Development Association at congressional hearings was an essential part of the constant insistence and pressure which is so necessary to see a project, no matter how worthy, through to it final realization. Within the past week over 100 responsible Kansas citizens have been in Washington in the interest of water projects. It is this kind of support that is needed and appreciated by legislators.

It is with a great deal of pleasure that I join with you in dedicating a project which is beautiful, useful and pleasurable. That is rare in these days and should be cherished and enjoyed for many, many years.

RUSSIA HAS NOT CHANGED HER WAYS

Mr. DODD. Mr. President, the junior Senator from Washington (Mr. JACKSON) has over the years won for himself a nationwide reputation as one of the most knowledgeable and thoughtful Members of the Senate on problems of national defense and foreign affairs. Although he is a stanch Democrat, his approach to these matters has always been nonpartisan. He has, moreover, always been a man who has been prepared to swim against the stream and to speak his mind no matter how unpopular his opinions might be.

The most recent proof of these qualities is the article entitled "Russia Has Not Changed Her Ways," which the Senator from Washington wrote for the current issue of Reader's Digest. There are three paragraphs in particular that I wish to call to the attention of Senators. Here is what the able and distinguished Senator from Washington said:

> I do not know how to assess the Soviet Union except as an opportunistic, unpredictable, dangerous opponent, with rapidly expanding military capabilities. The truth speaks loudly.
>
> The Soviet approach to foreign relations involves what the Soviet rulers call "the calculation of forces." If this calculation is favorable, they will seize their opportunities. If it is unfavorable, they may use negotiation as a tactical maneuver to gain the time in which to alter the balance of forces in their favor or to bring about a sense of calm and goodwill before launching an energetic offensive on a new front. However, if the Kremlin sees no advantageous alternative to a negotiated settlement in a given situation, it may accept a limited, expedient arrangement. This view of negotiation comes straight from the gospel according to Lenin and Stalin, and is shared by the present rulers of Russia.
>
> As I see it, the United States and our allies should work for mutually acceptable arrangements with the Soviet Union where their interests and ours converge; but, simultaneously, we must maintain the strength and resolve to discourage and deter Soviet expansion. The only safe way to negotiate with the Russians is to keep our eyes open and to bargain from strong positions. It is on this basis that I favor negotiating with Moscow on the reciprocal limitation or reduction of offensive and defensive nuclear forces.

I think it appropriate to note that my own views on the subject run parallel to the views expressed by the Senator from Washington. I would remind Senators in particular of my speech on "The Myth of the Detente," which I made in the Senate on August 2, 1968. But I consider "Russia Has Not Changed Her Ways" a particularly outstanding contribution, because of its freshness and forcefulness and because it is right up to the minute.

The Senator from Washington is to be congratulated on this article.

Mr. President, I ask unanimous consent that the complete text of "Russia Has Not Changed Her Ways" be printed in the RECORD, in the hope that Senators will find the time not merely to read it but to give it the careful study which it merits.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RUSSIA HAS NOT CHANGED HER WAYS

(By Senator HENRY M. JACKSON)

We live in a restless and risky world where a fresh crisis arrives as regularly as the morning paper. Faced with complex problems, we understandably hope for prompt solutions; and it is not surprising that convenient but false myths work their way into some Americans' thinking.

This is particularly so in matters concerning the Soviet Union. If we are to come to grips with the real dangers and the real problems, the cold water of reason has to be poured on some prevalent myths.

Myth No. 1: That the Soviet Union is ready to live in peace with its neighbors and to become a good citizen of the world community.

A Czech citizen might be permitted some doubts. Or a Romanian or a Yugoslav.

I do not know how to assess the Soviet Union except as an opportunistic, unpredictable, dangerous opponent, with rapidly expanding military capabilities. The truth speaks loudly.

The momentum of Moscow's drive to parity with us in its missile forces is especially disturbing. By the end of this year the Kremlin will have deployed as many land-based long-range intercontinental ballistic missiles (ICBMs) as we will have—or more—and with a substantially greater megatonnage. The Soviets have installed more than 200 of the very large SS–9 missiles, each capable of carrying one gigantic 20- to 25-megaton warhead (with 1000 times the yield of the Hiroshima bomb) or multiple smaller warheads; and they are building sites for more. They are producing Polaris-type nuclear submarines at the rate of seven per year, each with 16 ballistic missiles.

Remember that in past crises—the missiles in Cuba, the harassments of Berlin, the backing of militant Arab forces in the Middle East, the costly economic and military support of North Vietnam—the strategic inferiority of Soviet power set definite limits on the risks that the Soviet rulers were willing to run. But once the Kremlin is confident of possessing equal or preponderant nuclear capability, we must assume that it will be tempted to pursue its imperial purposes more boldly, accept a far wider range of risks—especially in areas like Central Europe, where it has a local superiority of conventional forces.

Don't forget that Khrushchev was not removed from power for what he was trying to accomplish in Cuba and elsewhere. Rather he was criticized for *failing*—for having to back down. The leopard does not change its spots. The brutal occupation of Czechoslovakia and the ominous Brezhnev doctrine which asserts the right of the Soviet Union to intervene unilaterally in all communist-run countries are vintage Russian imperialisms. If some well-meaning Americans have not seen the point, Russia's neighbors have.

President Tito of Yugoslavia denounced the Brezhnev doctrine as an attempt "to justify even the open violation of the sovereignty of a socialist country and the adoption of military force to prevent independent socialist development."

By its attack on Czechoslovakia in the name of communist orthodoxy, the Kremlin has pointedly emphasized its readiness to use military force for its political ends. Moreover, the invasion vividly demonstrated Soviet capability for rapid movement of large combat forces over long distances, and for doing this

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in stealth to achieve maximum surprise. No one can now doubt that the Soviet Union will use its power on other fronts, when it believes that the risks are acceptable.

Soviet rulers cannot, I think, be sleeping easily. The unrest in Eastern Europe and the bloody clashes a continent's width away on the Sino-Soviet frontier do not make pleasant dreams for those struggling for power and influence within the Kremlin onion towers. We cannot discount the danger that a harassed, nervous and temporarily ascendant faction may take perilous risks and make serious errors of judgment in its conduct of foreign affairs. Hence, there is everything to be said for steady strength on our part.

Myth No. 2: That the United States is always the first to develop new weapons, and is therefore responsible for the arms buildup.

The evidence decisively refutes this notion:

The Soviet Union acted first to develop ICBMs.

The Soviet Union has developed and tested a 60-megaton bomb; it is the only nation to possess a terror weapon of anything like that size.

The Soviet Union is the only nation to have built and installed ICBMs of the SS–9 size and to be testing multiple warheads on it.

The Soviet Union has developed and tested a Fractional Orbital Bombardment System (FOBS), a first-strike-oriented weapon; it is the only nation to have available such an orbital weapon.

The Soviet Union—in 1962—test-fired an anti-ballistic missile (ABM) against an incoming nuclear-armed missile; it is the only nation to have conducted such a test.

The Soviet Union acted first to deploy ABMs and is installing more than 60 ABM launchers, and is testing an improved model—whereas the United States has not yet deployed ABMs of any kind.

I do not cite these facts to make the claim that there is no interaction between Soviet and American military policies. Obviously there is. Obviously, too, the Soviet Union is eager to exploit promising technological advances to strengthen its position.

The present campaigners against President Nixon's Safeguard ABM program argue that it would "escalate the arms race." I have never heard one of these critics say that in deploying its ABM system some years ago the Soviets were "escalating the arms race." There is a clear double standard here, and I am confident that the American people, once they have the facts, will recognize it as a standard that is crudely biased against our own country.

It is worth noting that Premier Kosygin, at a press conference in London on February 9, 1967, explicitly rejected the proposition the deployment of a defensive missile system heats up the arms race or is "destabilizing." Said Kosygin, *"I think that a defense system which prevents attack is not a cause of the arms race but represents a factor preventing the death of people."*

Now, the fact is that possession of a relatively effective ABM system by *only* the Soviet side would be destabilizing. It could put in jeopardy the credibility of the overall ability of the United States to retaliate—which is the first essential of national security and individual liberty, and of the survival of our allies in freedom.

The Western deterrent—*i.e.*, strength to deter an attack—must be credible to the Soviet Union. But it wouldn't be if the Soviet rulers ever came to believe that a surprise first-strike nuclear attack on the United States, coupled with their ABMs, would limit damage to the Soviet Union to a level acceptable to them (however they define that level).

The Western deterrent must also be reassuring to our allies and, above all, to the American President. If he ever came to believe that the Soviet Union had a first-strike capability and that the West no longer had a safeguarded second-strike capability, this belief could undermine his will to resist Soviet pressures in a period of crisis. In these circumstances, the Kremlin, not feeling deterred by our forces, would be emboldened to extend its influence. This would create the most dangerous sort of confrontation—a showdown between nuclear powers.

I commend President Nixon for his statesmanlike decision to proceed with the deployment of a limited ABM defense. The Safeguard system is designed to meet the threats without over-reacting. It would help protect essential elements of our retaliatory force. At the same time this strictly defensive protection should help persuade the Soviet Union to negotiate seriously with us on properly safeguarded arms limitations.

I am a Democrat, but I am proud that over the years I have supported my President, Democratic or Republican, in critical decisions, popular or unpopular, to provide for the security of our country and to improve the chances of maintaining peace.

Myth No. 3: That all it takes for success in negotiations with the Soviet Union is to sit down and talk with them.

This is, of course, wrong, and shows an utter lack of maturity about negotiating with the Kremlin.

Some Americans see international negotiation only as a way of *ending* conflict. They are blind to the fact that negotiation as practiced by Moscow is equally adapted to *continuing* and *waging* conflict.

The Soviet approach to foreign relations involves what the Soviet rulers call "the calculation of forces." If this calculation is favorable, they will seize their opportunities. If it is unfavorable, they may use negotiation as a tactical maneuver to gain the time in which to alter the balance of forces in their favor or to bring about a sense of calm and goodwill before launching an energetic offensive on a new front. However, if the Kremlin sees no advantageous alternative to a negotiated settlement in a given situation, it may accept a limited, expedient arrangement. This view of negotiation comes straight from the gospel according to Lenin and Stalin, and is shared by the present rulers of Russia.

As I see it, the United States and our allies should work for mutually acceptable arrangements with the Soviet Union where their interests and ours converge; but, simultaneously, we must maintain the strength and resolve to discourage and deter Soviet expansion. The only safe way to negotiate with the Russians is to keep our eyes open and to bargain from strong positions. It is on this basis that I favor negotiating with Moscow on the reciprocal limitation or reduction of offensive and defensive nuclear forces.

Obviously, our resources are limited—though not so limited as those of the adversary—and we must use them with prudence, recognizing that we have urgent and vital tasks at home as well as abroad. The United States will not lag behind any nation in beating its swords into plowshares when the day comes that others will join us. Meanwhile, in these fateful and difficult times, Americans must be prepared to accept the responsibilities of a great power, lest international crises get out of hand and the chances of peace go glimmering.

Winston Churchill said the right words to us: "The price of greatness is responsibility."

THE SAFEGUARD SYSTEM

Mr. GORE. Mr. President, I invite the attention of the Senate to three important letters relating to the so-called Safeguard system written by distinguished scientists who have appeared before the Subcommittee on International Organization and Disarmament Affairs.

The first of these letters, dated May 29, was from Dr. Wolfgang Panofsky, director of the Stanford Linear Accelerator Center, to me. Dr. Panofsky points out that the main issue in debating the ability of the proposed Safeguard system to defend our Minuteman force against a possible first strike is "the large uncertainty of the forecast as to how many MIRV'd SS–9's the Soviets will in fact have available in the 1970's, and the small number of antimissiles which the Safeguard provides in intercepting them."

In connection with Dr. Panofsky's statement about the small number of antimissiles the Safeguard system provides, it should be noted that the Defense Department refuses to release the number of Sprint missiles assigned to defend Minuteman fields in phase II of Safeguard. This figure is classified, perhaps so that the American people will not know how thin the protection offered by Safeguard is.

I ask unanimous consent that Dr. Panofsky's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STANFORD UNIVERSITY,
Stanford, Calif., May 29, 1969.

Hon. ALBERT GORE,
Disarmament Subcommittee of the Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR SENATOR GORE: I have received the transcript of Professor Albert Wohlstetter's paper dated May 23, 1969, on the subject "Supplement on Purported Proofs that the Minuteman Will Be Safe Without Further Protection." I also note that this material has been prominently reported in the press.

I am somewhat perturbed that the differences among the calculations of Drs. Wohlstetter, Lapp and Rathjens have been given this degree of attention. Fundamentally these calculations differ only in their assumptions on the reliable CEP of the Soviet MIRV warheads carried on the SS–9, on the assumed hardness of Minuteman, and on the targeting doctrine adopted by the Soviets in a first-strike attack. As expected the spectrum of assumptions ranging from highly conservative to highly unconservative would materially affect the results. Yet what matters is not the conservatism or lack thereof adopted by Drs. Wohlstetter, Rathjens and Lapp in their calculations but by the Soviet authorities when debating a possible first-strike against Minuteman and, considering the always unknown reliability of their forces, they would have to be conservative indeed.

The prominence given to the numerical disagreement among these calculations which are a natural consequence of the spread in assumptions has obscured the main issue, namely the large uncertainty of the forecast as to how many MIRV's SS–9's the Soviets will in fact have available in the 1970's, and the small number of anti-missiles which the Safeguard provides in intercepting them. Those two numerical factors are, in my view, vastly more important than the spread among the calculations on survival of Minuteman under hypothetical SS–9 attack as developed by the various experts.

It has been a privilege to be able to testify before your committee; I hope that you will find these additional comments useful.

Sincerely,
WOLFGANG K. H. PANOFSKY,
Director.

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Mr. GORE. Mr. President, the second letter was written on May 30 by Dr. Hans Bethe, a Nobel laureate. The letter was addressed to the Senator from Oregon (Mr. PACKWOOD), but Dr. Bethe was kind enough to send a copy to me.

I quote, first of all, Dr. Bethe's statement with regard to the number of Sprint missiles in the present Safeguard plan:

> There are far too few Sprint missiles in the present plan. To have an effective defense, we should have at least two Sprint missiles for each defended Minuteman silo, probably more. To defend two Minuteman wings we therefore require at least 600 Sprints. Nothing like this is in the present plan, either for Phase I or Phase II. It is possible to provide these Sprints but it would probably add 1 billion dollars to the cost. It is misleading that the DOD's plan has omitted this cost.

I quote, next, Dr. Bethe's statement regarding the effectiveness of the Safeguard system:

> I believe that the proposed defense of Minuteman is not suitable. It has the wrong radar; they are too expensive, too few and too soft. It does not have enough Sprint missiles by a large factor. Therefore *if* we wish to defend our Minuteman silos we should redesign the system.

Finally, I quote Dr. Bethe's concluding statement:

> The best way to make the entire development unnecessary is to conclude, at the earliest possible date, an agreement with the USSR stopping all further building of offensive missiles, and reduce missile tests to a minimum.

I ask unanimous consent that the full text of Dr. Bethe's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ITHACA, N.Y.,
May 30, 1969.

Senator ROBERT PACKWOOD,
U.S. Senate,
Committee on Public Works,
Washington, D.C.

DEAR SENATOR PACKWOOD: Thank you very much for your letter of May 14, and for your concern about the ABM problem. I shall try to answer your third question "Does the anti-ballistic missile actually work?"

First let me discuss your assumptions.

(1) It is certainly possible that the Russians will have 400 to 500 SS 9s by the mid 70's. Whether they actually intend to build at this rate, and will carry out their building programs, is another question.

(2) It is possible for the Russians to equip their SS 9s with MIRV by mid 70's.

(3) The accuracy is a great question. Deputy Secretary Packard in his briefing of the Armed Services Committee, has given the probability of a Minuteman silo being destroyed by a 5 megaton warhead as follows:

Accuracy 0.6 miles, 50% destruction probability.

Accuracy 0.4 miles, 80% destruction probability.

Accuracy 0.25 miles, 95% destruction probability.

It is very difficult to estimate the accuracy of Russian missiles, and any estimate is essentially a pure guess. My guess would be that an accuracy of 0.6 miles is reasonable. With such an accuracy the Russian force would not threaten our Minuteman force significantly. Secretary Laird appears to assume that by the mid 70's the Soviets could have an accuracy of 0.25 miles. This is certainly possible according to the laws of physics. But to achieve this, they would have to make very major modifications in their guidance system, in their system of deploying the MIRV, and in the design of their reentry vehicle. All these developments are possible, but each of them would require a lot of testing and therefore a lot of time. In order to have this accuracy on all their SS 9s, they would have to retrofit their entire force.

Let us assume, in spite of all these arguments that the Russians will develop a first strike capability against our Minuteman. How effective is the proposed Safeguard system in saving Minuteman silos? I do not believe it has significant effectiveness for the following reasons:

(1) There are far too few Sprint missiles in the present plan. To have an effective defense, we should have at least two Sprint missiles for each defended Minuteman silo, probably more. To defend two Minuteman wings we therefore require at least 600 Sprints. Nothing like this is in the present plan, either for Phase I or Phase II. It is possible to provide these Sprints but it would probably add 1 billion dollars to the cost. It is misleading that the DOD's plan has omitted this cost.

(2) The MSR radar is too soft. Its hardness is less than one-tenth of that of a Minuteman silo. The Russians would therefore presumably attack the radar before they attack any silos. Once the radar is destroyed, all the silos are defenseless. Therefore the defender has to be sure that *no* enemy warhead reaches the radar. But intercept by a Sprint missile also has only limited accuracy and reliability. Let us assume that Sprint 90% probability of a successful intercept. This is very satisfactory as long as we try only intercepts of enemy RVs directed against one of our silos: it would simply mean that 10% of the enemy RVs will get through in spite of our defense, but this is a risk we can easily take. On the other hand it is not at all satisfactory if the enemy RV is directed against the radar because the radar is unique. We would therefore have to fire at least 2 Sprints against each incoming RV; this would raise the probability of successful intercept to 99%. This means that the Russians would have to fire about 100 RVs against the radar to have a good chance of destroying it. Intercepting these RVs would require the use of 200 Sprints on our part.

(3) It is clear from this that the radar should be a lot harder than it now is, and there should be not one but several radars defending a Minuteman wing. But one MSR costs, I believe, 200 million dollars. Therefore we should look for a complete redesign of the radar, making it much cheaper. This can be done for the purpose of defending Minuteman because the radar does not have to have much range because we can permit the enemy RVs to come in quite close to our hard Minuteman and radar. Radar of lesser range need less power, and hence are much less expensive. Designs have been studied in which each Minuteman has its own simple radar, and cost estimates are about ¼ million dollars for each.

(4) The PAR and the Spartan contribute very little to the defense of Minuteman, and may well be omitted as long as Minuteman defense is our only aim. This would be a very large saving.

Summarizing, I believe that the proposed defense of Minuteman is not suitable. It has the wrong radar; they are too expensive, too few and too soft. It does not have enough Sprint missiles by a large factor. Therefore *if* we wish to defend our Minuteman silos we should redesign the system.

This redesign need not take a long time because the required radar are very simple. Nor need the building of the radars take long. Therefore I am not impressed by Dr. Foster's argument that failure to start the first phase of the Safeguard deployment this year would delay operation by two years. If Sprint production and site engineering takes a long time, let us start this. But let us redesign the radars more appropriately if we really want ABM defense of Minuteman at all.

The best way to make the entire development unnecessary is to conclude, at the earliest possible date, an agreement with the USSR stopping all further building of offensive missiles, and reduce missile tests to a minimum.

Yours sincerely,

HANS A. BETHE.

Mr. GORE. Mr. President, the third letter I have received is from Dr. George Rathjens, of MIT. It is a copy of a letter he has written to the New York Times which has not yet been published, to the best of my knowledge. In the first part of his letter, Dr. Rathjens comments on criticisms by Dr. Albert Wohlstetter of certain statements made by Dr. Rathjens regarding the percentage of our Minuteman force that could be expected to survive a preemptive attack by a Soviet SS–9 missile force in the mid-seventies. I believe that Dr. Rathjens' comments deserve to be heard.

The second part of Dr. Rathjens' letter makes five points that strike me as worth emphasizing. These are that if the Soviets wish to do so they can, by the midseventies, build a missile force that will imperil our Minuteman force; that if they do build such a force, "the present Safeguard plan will be of hardly any help" as it could be "easily overwhelmed" by an "almost trivially small additional Soviet effort"; that there is no hard evidence that the Soviet Union is determined to build a first-strike capability; that even if the Soviets were to build such a capability a preemptive attack would be "absolute madness" unless they could simultaneously destroy the other components of our retaliatory strength; and that the most effective means of insuring the continued viability of the Minuteman force is an agreement that would preclude a large build up in the Soviet ICBM strength and the attainment of MIRV capabilities.

I ask unanimous consent that Dr. Rathjens' letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Cambridge, Mass., May 30, 1969.

The NEW YORK TIMES,
New York, N.Y.

TO THE EDITOR:

Your edition of May 26 carried a story by William Beecher about Albert Wohlstetter's criticisms of an estimate I made that 25% of our Minuteman force could be expected to survive a preemptive attack by a Soviet SS–9 missile force in the mid-1970's. Mr. Wohlstetter is reported to claim that the "correct" number is 5%.

I have dealt with Mr. Wohlstetter's criticisms in a classified letter to the Senate Armed Services Committee, but also feel I should comment on them publicly.

First, there is a question of whether or not I used the right "hardness" for our Minuteman silos in my calculation. I used a chart released by Deputy Secretary Packard showing the probability of a Minuteman silo being destroyed as a function of accuracy and data made available by former Deputy Secretary

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of Defense Nitze on November 8, 1967 showing that ten 50 KT warheads could be expected to destroy 1.2 to 1.7 hardened silos, the only unclassified authoritative sources on this subject of which I was aware. One cannot determine unambiguously the hardness of a Minuteman silo from Mr. Packard's chart because there is no indication on it as to whether accuracy is measured in statute or nautical miles. However, if one assumes, as I did, that the hardness referred to by Mr. Nitze is appropriate to the Minutemen and that the Soviet Union will achieve the accuracies implied in Mr. Nitze's statement, one can, by using both the Packard and Nitze releases, derive a probability for a Minuteman silo being destroyed without knowing the exact hardness. Any error in estimation of hardness is irrelevant because it is exactly offset by a compensating error in estimation of accuracy.

Second, it is alleged that I made an error in assuming four 1 MT warheads per SS–9 missile rather than three 5 MT warheads as Secretary Laird and Mr. Wohlstetter assumed. My statement for the Disarmament Subcommittee of the Foreign Relations Committee was prepared before anyone had suggested that the Soviet Union could employ the latter option with the SS–9. Had I instead assumed three 5 MT warheads per SS–9, my calculation would have led to approximately 17% instead of 25% survival for our Minuteman force. I saw no reason to change my statement for the Armed Services Committee since I continue to regard a payload of less than three 5 MT warheads as a plausible threat and because the difference is small compared to the more important points which follow.

The major difference between Mr. Wohlstetter's analysis and mine is with respect to the extent to which the Russians could retarget some of their missiles to take account of failures of others. Mr. Wohlstetter has assumed perfect information would be available to the Soviets not only about missiles out of commission at the time they chose to attack but also about failures in guidance during powered flight, failures in stage separation, failure in third stage thrust termination, and failures in separation and guidance of the individual warheads, and that they would be able to use that information with the high confidence required to make a preemptive attack a rational choice. I have assumed they would not be able to obtain and use information about such failures in a *timely* fashion but would rather be able to compensate for them at best only on a statistical basis. This difference accounts for most of the difference in our estimate of the percentage of Minuteman that would survive.

But beyond this there are five far more important points to be made.

First, if the Soviet Union wishes to do so it can, by some time in the mid-1970's, build a missile force that will imperil our Minuteman force. On that we are agreed. The difference is with regard to exactly how large a Soviet force is required.

Second, if they do build such a force, implementation of the present Safeguard plan will be of hardly any help. It can be so easily overwhelmed than an almost trivially small additional Soviet effort would be required to destroy the defense and then knock out the Minuteman force. Even an expanded Safeguard system would be less satisfactory than other available alternatives for strengthening our retaliatory capabilities.

Third, there is no hard evidence that the Soviet Union is determined to build a capability to preemptively attack our ICBM's.

Fourth, even if they did build such a capability, a preemptive attack by them would be absolute madness unless they could be highly confident of also destroying the other components of our retaliatory strength essentially simultaneously, a possibility that is all but incredible. (They would also have to have high confidence that we would not launch some or all of our Minuteman force before the arrival of their ICBM's. It would seem most unlikely that they could have such confidence even despite statements that the U.S. planning did not contemplate launch of Minutemen based on radar warning of attack.)

Fifth, the most effective means of insuring the continued viability of the Minuteman force is an agreement that would preclude a large build-up in Soviet ICBM strength and the attainment of MIRV capabilities that both Mr. Wohlstetter and I have postulated. Getting on with the negotiations that might lead to such an agreement and a moratorium on MIRV tests as suggested by a number of members of Congress clearly merit higher priority than the deployment of Safeguard.

Sincerely yours,

George W. Rathjens.

FOR A CEASE-FIRE IN VIETNAM

Mr. DODD. Mr. President, yesterday's newspapers reported that Mr. Cyrus R. Vance, former U.S. representative at the Paris peace talks, had called for a "standstill cease-fire by both sides in Vietnam, with an international peacekeeping force to oversee the cease-fire."

I am pleased that this suggestion has now been made by a man of the stature of Mr. Vance, who is certainly one of our most knowledgeable diplomats on the question of Vietnam.

I note that I first called for an across-the-board cease-fire in a statement I made when President Johnson on March 31, 1968, announced the partial suspension of bombing. Since that time, I have renewed my call for a cease-fire on a number of occasions, most recently in my Senate speech of May 8, 1969. In this speech I said:

> It has been a source of deep regret to me that we have not made the call for a total cease-fire our official position, from the beginning, in the Paris peace talks. It is a position that would have the support of all those who are committed to peace; and if the Communist delegations refused to go along with our proposal for a cease-fire, the onus for the continuation of the killing would clearly be on their shoulders.

I know that the views expressed by Mr. Vance in his statement of several days ago is shared by other people, in the administration and on the fringes of the administration, who have given careful study to the Vietnam situation. It is my hope that their recommendations will soon be converted into official policy.

MORE THAN A GENERATION GAP

Mr. HART. Mr. President, all around us—and perhaps especially in Congress—we hear impatient voices asking what is the matter with our high school and college young people, that they should be behaving differently from previous generations.

Recently, a young constituent of mine from Detroit put it down on paper as movingly and as graphically as I suspect is possible. If my colleagues would take the time to read what Rissa Grossman of Mumford High, class of 1969, and Beloit College, class of 1973, has to tell us, we might all have greater understanding.

I ask unanimous consent that her comments be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> There is a war in Vietnam, and I can judge its validity and I can agonize over the horrors committed there and I can dedicate my future to working for peace—my mind can expand and hold all this.
>
> Then, war at home, racial prejudices so ingrown, so crude, police actions so vicious—I see in horror, I react and my mind expands to hold this one too.
>
> Then nuclear weapons, super-military industrial balancing power of Russia, of the U.S., of Canada, of China, of Britain, of France, of Israel, and I can expand my mind to hold these I can dedicate a part of my life to nuclear disarmament.
>
> Then starvation, around the corner, on radio and TV it can touch my senses; I feel, react, and I expand my mind to hold this and I dedicate some fraction of my time to helping to break down the diplomatic garbage that allows people to starve in the midst of super-tons of food.
>
> Can I live to do what is in my mind, what has been added and added to with each rude awakening to the horrible reality of an over-exploited, super-progressive world? At 20, at 38, at 50 I can walk into a street as any street and die from cars, from crazy knives, from wild bullets, and yet I believe I can help something, I can survive and make changes. The magical opportunity will arrive with the next shipload surely of bananas from Brazil and her factory of American interests.
>
> I expand my mind, I feel it easing into new positions, stretching and stretching and I contain it and I know that I will help.
>
> But biological, chemical warfare—How can I expand my mind to accept this one too now? I cannot make a neat package of C.B.W.—I cannot fold it in, expect it to remain there quietly until I can change it.
>
> Lack of control over my life is increasing—or perhaps just doubling and tripling over territory once covered—I am protected by six thousand kinds of "overkill" in case that burning house or car crash or disease does not reach me in time.
>
> The world is playing such a terrible game with itself. Our delight in death and its dealing devices are our means of pleasure—eventually we must all fall prey to our own traps. The chemicals meat for "them" will most certainly be accidentally released on 60,000 red, flaming Americans—all sure on deaths of commies and bad people, all full of hope and good cheer for their families and friends while white snow falls gently to the ground, and money exists, and tans are easily gotten in a weekend Florida sunshine daily from TWA and Havana.
>
> How do I wake up and rationalize my position in this grand world as a student, learner of book-Spanish and romantic English poetry and sociology?
>
> My world is going to topple at any time in not just a twinkling of an eye but during 2 or 3 twisting, gasping minutes and all the centuries of development and all the arts and music and flowers and good people of my world will die, pass away, disappear from any knowledge of the beforehand.
>
> I cannot, I must not, rationalize the actions of my country and world. Life is too important.
>
> Rissa Grossman.

SAN ANTONIO CONSERVATION SOCIETY SUPPORTS THE AMERICAN FOLKLIFE FOUNDATION

Mr. YARBOROUGH. Mr. President, I am sponsoring a bill, S. 1591, to create an American Folklife Foundation in the

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Smithsonian Institution. The proposal has already gained the support of the Director of the Smithsonian Institution, the Librarian of Congress, and many of America's leading folk artists.

Today I have received additional support for my proposal from the San Antonio Conservation Society. This organization has been responsible for the preservation and development of much of the rich cultural heritage of the Alamo City. Their untiring efforts to preserve the remaining rich heritage of San Antonio's past have made that city the treasure house of history that it is today. I am grateful to have their support for my bill, S. 1591.

Mr. President, I ask unanimous consent that the letter from the San Antonio Conservation Society, dated June 4, 1969, endorsing my bill, S. 1591, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

San Antonio Conservation Society,
San Antonio, Tex., June 4, 1969.

Re S. 1591.
Hon. Ralph W. Yarborough,
Senate Office Building,
Washington, D.C.

Dear Senator Yarborough: Your introduction of a bill relating to the American Folklife Foundation has just been brought to our attention.

As you know, the San Antonio Conservation Society participated in the Folk Festival sponsored by the Smithsonian Institution last summer, and we wish to assure you of our continued interest in this important preservation of our cultural heritage.

We hope you will keep us advised on the progress of your bill.

Sincerely,
Mrs. Brooks Martin,
President.

CONSUMER-PROTECTION LEGISLATION

Mr. HART. Mr. President, consumer-protection legislation ranks high on the list of congressional accomplishments of recent years. We in Congress know firsthand that the Nation's trade unions were in the front ranks of those battles for America's consumers. Fairness, honesty, and safety in the marketplace are sure to be prominent issues in this Congress. I think that Senators will find the comments on consumer issues made by Evelyn Dubrow, legislative representative of the International Ladies' Garment Workers Union, in a recent labor news conference interview, interesting and informative. I ask unanimous consent that the text of the Mutual Radio Network program be printed in the Record.

There being no objection, the program was ordered to be printed in the Record, as follows:

Consumers and the 91st Congress

Guest: Evelyn Dubrow, legislative representative for the International Ladies' Garment Workers Union, AFL-CIO.

Reporters: Murray Seeger, Washington correspondent for the Los Angeles Times; Frank Swoboda, labor correspondent for United Press International.

Mederator: Frank Harden.

Harden. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Evelyn Dubrow, legislative representative for the International Ladies' Garment Workers Union, AFL–CIO.

The labor movement has long been in the forefront of the fight for solid and effective consumer-protection legislation, and major breakthroughs, have been made in recent Congresses. Yet, the AFL–CIO believes that much remains to be done in the consumer-protection area. This is expected to be a major issue in the new Congress. Miss Dubrow is chairman of the AFL–CIO's Consumer Affairs Legislative Subcommittee. Here to question her about consumer issues in the 91st Congress are Murray Seeger, Washington correspondent for the Los Angeles Times, and Frank Swoboda, labor correspondent for the United Press International. Your moderator, Frank Harden.

And now, Mr. Swoboda, I believe you have the first question?

Swoboda. President Nixon has appointed a consumer consultant, on a part-time basis. Do you think that this may be an indication of what can be expected from the White House in the consumer field during the next four years?

Dubrow. Mr. Swoboda, that's a question I've had, too. Frankly, I was very disappointed that President Nixon did not feel he ought to have a full-time consumer consultant. And I would say that therefore, he has relegated the problems of consumers somewhat to the background.

But, I'm a little disturbed about one other thing—and I have no preconceived notions about how well Mrs. Rogers will or will not do—and that is the fact that she is continuing her job at Good Housekeeping magazine. No matter how I look at it, I still think this means a conflict of interest, because the Good Housekeeping "seal of approval" does not necessarily mean that every other product that does not get that seal of approval is, per se, not good for consumers or not a better buy for consumers.

So, there are many questions in my mind about this appointment. All I can say for the AFL–CIO is we shall wait and see.

Seeger. In the last few years, Miss Dubrow, a plethora of consumer legislation has been passed. What new areas of consumer protection would you like to see legislated?

Dubrow. Well, Mr. Seeger, first of all, I think the time has come to make the position of consumers in this country very clear. Generally, I agree with those members of Congress—men like Congressman Ben Rosenthal, (D-N.Y.), and Senator Hart (D-Mich.), and some of the others—who consider the whole consumer problem one that now ought to reach full maturity or citizenship status.

I think we ought to push very hard for either a Consumer Department or an independent agency, which Senator Hart is suggesting.

Certainly, I think it is important to do an overall job for the consumer. But in addition to that, I think there are a number of other areas that need to be explored.

This whole business of door-to-door salesmen who take advantage of people, particularly those in poverty and ghetto areas. This whole problem of guarantees and warranties that don't prove to really protect the consumer. The whole matter of cigarette hazards, and I notice here that we have no smokers among us today—congratulations.

I think the whole problem of packaging and labelling, beyond the Truth-in-Packaging Law is another. I would also include the whole problem of what is happening to the legislation that is already on the books. These are some of the things that I see in the immediate future—things we ought to be concerned with.

Seeger. Well, wasn't the Federal Trade Commission set up as a sort of watchdog for the consuming public—against unfair trade practices?

Dubrow. Yes, that's true. But I think that in many cases, unfortunately, the FTC has neglected to do its job fully.

I also think that because, for the first time the spotlight is on the consumer's needs, the FTC is beginning to see that it has more responsibility. I think that for a long time, the consumer himself was responsible for not having better protection from the FTC.

I suppose, Mr. Seeger, you are thinking of the Nader report. Frankly, I don't know how completely justified it is.

I can only say that certainly, Mr. Nader has done something of a public service, by putting the spotlight on what regulatory agencies should be doing.

Swoboda. Miss Dubrow, now that the spotlight is on consumer affairs and consumer protection, do you see any change of attitude in Congress?

Dubrow. Yes, as a matter of fact, the consumer has become very popular in Congress. About a year ago or maybe two, I predicted that the consumer was going to suddenly become of great interest to the individual members of Congress. And, I think that has happened.

The fact that we were able to establish a Consumer's Federation of America; the fact that so many, like Senator Magnuson (D-Wash.), chairman of the Senate Commerce Committee, and many members of the House have introduced consumer legislation are all indications that more and more, the consumer is speaking for himself—and Congress is listening.

Swoboda. Do you think that the sentiment in Congress has reached the stage where it might produce some further meaningful legislation in this area?

Dubrow. I certainly expect so. I think the fact that Senator Hart plans to have hearings on the whole problem of mergers; the fact that Senator Magnuson intends to look into how well the acts on the books now are being implemented; and the fact that a number of individual Congressmen are introducing consumer's legislation, are indications of this.

Seeger. Well, Miss Dubrow, for many years, it was a rule of thumb that the consumer was the great unorganized body of opinion in this country but could never be organized. What has happened to stir up all the interest in consumer problems?

Dubrow. Well, I think that first of all, the fight against poverty has made it very clear to responsible citizens that one of the ways you fight poverty is by giving the consumer the best that he can get for his money. And, there is no question, Mr. Seeger, the proof is clear—the poor pay more.

Also, I think that for the first time in many years, many groups concerned about individual consumer problems are getting together.

Third, I think the whole problem of what's happening to the dollar is another factor. Whether you agree or disagree about inflation, the dollar isn't a dollar any more, in many ways.

The rich have always been concerned with what happened to their consumer dollars. Now, for the first time, the middle- and low-income people have joined those ranks, and there is a common front.

As a result, we have this consumer organization that's beginning to burgeon into an effective force.

Seeger. Well, those of us who cover labor know you, Miss Dubrow, primarily as a lobbyist for labor's interests. Why is organized labor so interested in the consumer area?

Dubrow. Well, there are many good reasons for that.

First of all, when we negotiate for wage increases, we like to think that our people are going to get more in their pay envelopes, but we also hope that they are going to use their pay better. We feel they go hand-in-hand.

There is no point in getting a wage increase, if the man who gets it turns his pay over to his wife, Mr. Seeger, and finds that it isn't buying as much as it did before the wage increase.

We've always been interested in consumers in the labor movement, particularly in our industry, which is a modest-wage industry. We also feel there is a very fundamental need for us to protect our members, as union members. I have said for years that for the labor movement to do an effective job, it has to be concerned with its members, not just the seven, or eight, or six hours a day that they work—they have to be concerned with them as whole people and concerned with the welfare of their families.

Therefore, that means that we have to be concerned with our people as consumers, and we have to protect them.

SWOBODA. Miss Dubrow, could you give us some specifics of labor's goals, in terms of legislation?

DUBROW. Yes. First of all, we're going to be concerned with, as I say, looking into this problem of a department—a Consumer's Department. The AFL–CIO, I believe, Mr. Swoboda, is on record in support of some kind of move in that direction.

Second, we are going to be concerned with how, for instance, Truth-in-Lending is going to be implemented.

Third, we are going to be very concerned with the whole auto insurance field, which is beginning to look as though it is a great sore in the consumer area.

I would say that we will be very concerned with door-to-door salesmen, because there again, we think people are being taken advantage of.

We're going to be interested in fish inspection. As you know, we were successful in getting poultry and meat inspection. The next thing will be seafood and fish inspection.

I think we probably will be interested, as I say, in guarantees and warranties, because right now, that little slip of paper you get with an appliance doesn't mean very much, even though they try to prove that it does.

And, I would think that overall, we will certainly be interested in what Senator Hart's group does on anti-trust and monopoly and the matter of mergers.

That's a pretty big program for us.

SEEGER. In the recent past, Miss Dubrow whenever consumer groups have gone to Congress with proposals such as these, they have had the support of the White House and in the last couple of years, particularly, in the person of Betty Furness. Now, with the new Administration not filling her position, does it mean that the consumer drive is going to slow down?

DUBROW. The consumer drive will not slow down as far as the AFL–CIO is concerned, nor do I think it will slow down as far as other organizations concerned with consumers. I think what may slow down is White House interest in this. I am hoping that the pressure of both the labor and consumer movements will make President Nixon understand that this would be a great mistake.

I do not expect interest to slow down in Congress itself.

To the contrary—I think you're going to see a real upsurge of interest in consumer legislation. I said before, good consumer legislation can do nothing but bring great respect to the Congress of the United States.

SEEGER. It'll be harder to pass bills, though, without direct White House help, won't it?

DUBROW. It may be harder to get bills signed. I don't know whether it will be harder to get bills passed.

For instance, I think that Senator Hart and Senator Magnuson were the ones who said that Congress has to respond to the consumer, because the floodlight of publicity is on us.

What the Executive does is something else.

SWOBODA. Well, Miss Dubrow, do you anticipate that the White House role will be passive, or, do you think that they will actually try to block efforts to bring about consumer legislation?

DUBROW. Well, if you mean as of now, I suspect it's likely to be passive, Mr. Swoboda. I really can't see that a man who has any political savvy, and I assume President Nixon has quite a lot, would fight it publicly.

But, an awful lot can be done behind the scenes. For instance, the regulatory agencies, that don't have the spotlight on them as much as Congress, can be maneuvered. I'm not saying they will be. I'm just going to wait and see.

But, I don't think it will be active opposition. I think, if anything, it will be passive opposition.

SEEGER. A couple of weeks ago, Miss Dubrow, the United States Chamber of Commerce announced a program of its own to try to get local chambers of commerce to try to set up consumer bodies and to investigate complaints in local communities. Is there a role for this kind of consumer protection?

DUBROW. There certainly is. As a matter of fact, the Consumer's Federation of America hopes that there will be local councils all around the country to give information to people and to help protect them.

It's really a question of whether the Chamber of Commerce is working out its program for publicity purposes or whether it intends to implement that program.

Now, in my estimation, if the Chamber of Commerce is serious about doing that, it will invite all other local, concerned groups to come in and work with them, and advise them, and work out a program.

So, again, I'm waiting to see what they do.

If their motives are right, I will congratulate them.

If their motives are not right, then I think we have to produce our own local programs.

SEEGER. Is one of your concerns, Miss Dubrow, the increase of foreign products coming into the country, some of which, apparently, are of much poorer quality than American products? Is this a target for your drive?

DUBROW. I have been stewing for a long, long time on this whole import business, particularly in terms of product safety.

We passed a Flammable Products Act. We have a commission on product safety. Yet, you find, for instance, things like paper goods coming in. I was a little shocked a couple of months ago when an educational director of the ILG sent me a pair of paper panties, with a clipping from the newspapers that said, while this was an English product selling for 10 cents, one of the big textile companies—which shall remain nameless at the moment—was thinking of making the paper product and working out a deal with this English company to sell these panties for 10 cents each. I looked at the panties and I was a little shocked to see that the label said, "keep away from fire."

It seems to me that the problem of the way goods are dumped in this country, without regard to product safety and product value, is something to be looked into. And, this just doesn't mean in terms of petition.

It means in terms of really good consumer protection. I think we need to worry about that, and we will continue to worry about it.

SWOBODA. Well, Miss Dubrow, what now does the law say about that? Doesn't a product have to conform to some standard, or, do they just have to label it, "keep away from fire"?

DUBROW. Oh, I think it has to conform to some standard. I don't think there is any question but what Commissioner Elkind will look into this, just as he is now looking into safety glass and that sort of thing.

But the thing that gets me is that sometimes, the product takes hold before a commission can start investigating it.

I don't have to tell you that regulatory commissions find so many things they have to look into that it might take several years before they can look into this. And, this is what bothers me, because, you know, kids die because they chew paint on toys, blankets burn in babies' cribs. These things occur, while every man of good motive wants to do something about it.

I think we have to have an effective law that says that a product cannot go on the market until it has had some kind of governmental investigation.

I think this is the whole problem that we have had with regulatory agencies.

Sometimes, they have closed the barn door after the horse has been stolen.

SWOBODA. You would like to see legislation similar to that governing drugs, for instance—it must be tested first?

DUBROW. Yes, indeed.

I think it is terribly important. I'm convinced that the decent businessman will try to live up to this kind of legislation. And, in all probability, we will get safety without worrying about regulation, if the businessmen—manufacturer—knows there is somebody who is going to look into this whole problem.

SEEGER. Is there no legislation now, Miss Dubrow, governing the safety of products—I'm thinking, particularly, of toys? At Christmastime, you see stores filled with things—much of which I put in the category of junk—and much of which is unsafe for children.

DUBROW. Well, last year, as you know, we passed the Flammable Fabrics Act and established the products safety commission. And, as I say, in those, there were a great number of protections for products. There is no question about it.

But, we have it on the books and we now have a commission that is supposed to be looking into this. The question is, how much of the act is being implemented?

This is something that I think Senator Magnuson intends to look into. I think that among the things he hopes to do, is not just pass some new consumer legislation, but investigate how well we are doing on this legislation that is already on the books. This is so important.

SEEGER. Another issue that troubles me, and I think again of the toy sales at Christmastime, is the quality rating of some of these products. Can any of the private groups or the government go around and look at the products and say this is a good buy, or this is a bad buy?

DUBROW. Yes, Consumer's Union, as you know, issues reports, mostly on things bigger than toys.

But, one thing I'm hoping an organization like Consumer's Federation of America will do is set up some kind of machinery for investigating this—perhaps do a voluntary job on it.

I don't know. I don't pretend to have the answer. I just know that something needs to be done to make the Flammable Fabrics Act and the Product Safety Act effective. So far, they have been only partially effective, I would say.

SWOBODA. Do you see any hope for that, in this Congress?

DUBROW. Yes, I think that we may very well see some strengthening amendments. I think you will find that the regulatory agencies and commissions are going to be examined much more carefully, in terms of how they produce—at least, I'm hoping so

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Seeger. Are you satisfied, Miss Dubrow, with the way the Truth-in-Lending Act is being put into effect now—with the new regulations?

Dubrow. I don't know what those new regulations really are, and I don't think anybody knows. I talked with Congresswoman Lenor Sullivan (D-Mo.), who, as you know, was very instrumental in getting that bill through. I think she is going to have some hearings on those regulations.

I think it is disgraceful—and I don't think anything has been done about it—that although implementation money was authorized under the Act, it has not yet been appropriated. So, we have no way of knowing if that Act is going to be implemented or not. I think that is dreadful.

I think another thing we need to look out for is this effort to promote the Uniform Consumer Credit Code—to try, in some states, to use it to make the federal Truth-in-Lending Act less effective. I think that whole area has to be watched very carefully.

Fifty legislatures will be looking into the Uniform Consumer Credit Code, and I would suggest that if a legislature is interested, they had better determine what they intend to do with it before they go along with the adoption of such code.

Seeger. Do you think the federal Truth-in-Lending Act will be much stronger than individual state codes would be?

Dubrow. Well, I think they will be as strong, certainly, and in many cases, stronger.

But, we don't want the Truth-in-Lending Act to be used as an excuse for permitting other state consumer laws that would be harmful to the consumer to be passed. That's what we are going to be concerned with in the next number of months.

Harden. Thank you, gentlemen. Today's Labor News Conference guest was Evelyn Dubrow, legislative representative for the International Ladies' Garment Workers Union, AFL–CIO. Representing the press were Frank Swoboda, labor correspondent for United Press International, and Murray Seeger, Washington correspondent for the Los Angeles Times. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Radio Network.

THE HOUSTON CHRONICLE LEADS—A RISING TIDE OF PUBLIC OPPOSITION TO ABM PROPOSAL

Mr. YARBOROUGH. Mr. President, one of the most serious questions facing Congress today is the question of whether or not to authorize and appropriate funds for construction and development of an anti-ballistic-missile system. Over the past few months, I have been getting evidence of a rising tide of public opposition to this proposal.

Earlier this year, four editorials on this subject appeared in the Houston Chronicle. I found them to be eminently well written and well reasoned. I commend them to the attention of Senators.

I ask unanimous consent that the four editorials from the Houston Chronicle, the first dated March 9, 1969, entitled "Forget About the ABM"; the second dated March 18, 1969, entitled "Expensive Step Backward"; the third dated April 2, 1969, entitled "ABM Cost Still Going Up"; and the fourth dated May 12, 1969, and entitled "ABM—Tip of the Iceberg," be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Houston Chronicle, Mar. 9, 1969]

FORGET ABOUT THE ABM

This week President Nixon will make a multi-billion dollar decision which could determine the course of the missile race and influence the possibility of arms limitation talks with the Russians.

What Mr. Nixon has promised to decide is whether the United States will go ahead with the deployment of a limited, or "thin," anti-ballistic missile (ABM) system. For a number of reasons, the most' logical course is to forget about ABM.

The system under consideration was recommended in the Johnson administration as a partial defense for the United States against attack from intercontinental missiles that might be launched from Red China when such missiles are developed. The Pentagon has said that the Chinese might have such a missile by 1970.

When former Secretary of Defense Robert McNamara gave his blessing to ABM it was reported that the military was being given the thin system as a pacifier. The cost was estimated at $4 billion and now it has increased to $5.8 billion.

Even if the military were to be appeased by the spending of those billions, it would not be worth the price. But it seems that the military will not be satisfied unless it gets a "thick" ABM system which might cost $50 billion.

The purpose of the thick system would be to protect the United States from some of the missiles which Russia would loft at this country in the event of war. If we were to build such a system, there is no reason why Russia could not do the same. Then we would be at about the same point we are now—that is, we can virtually destroy Russia, and they us, regardless of which nation fires the first missile.

The building of an ABM system by both nations would not change the balance of power, but both would become poorer by billions of dollars. Both nations have plenty of peaceful areas in which these vast sums could be spent to accomplish more good for their peoples.

Rather than start on another costly round in the missle race, the interests of the United States and Russia would be better served by an agreement limiting arms, including missiles.

[From the Houston Chronicle, Mar. 18, 1969]

EXPENSIVE STEP BACKWARD

President Nixon has made a grave mistake, we believe, in his decision to go ahead with a modified antiballistic missile system. It was not an easy decision, of course. It may prove to be the most important of his four-year term, although he did make the most of a bad choice by the conciliatory manner in which he announced it.

He said he hopes the revised ABM system will protect the nation's nuclear deterrent without simultaneously escalating the arms race or impeding the arms control talks with the Soviet Union.

But he's not likely to get his wish in this respect. We can't have our cake and eat it.

What we are about to do is embark on another hugely expensive military project, and at this point no one knows for sure whether it will be of any value whatsoever. In the next several years it supposedly will cost $5 billion to $6 billion, but a project like this one invariably costs many times more before it's over. This is merely the meagerest of beginnings. Once we get started in earnest, an ABM system may go as high as $50 billion. And Sen. Stuart Symington, a former Air Force secretary who opposed the system, says he thinks it ultimately will cost $400 billion.

And for what? Some of the nation's top scientists—for example M.I.T.'s Dr. Jerome Wiesner and Dr. James R. Killian Jr. and Harvard's Dr. George R. Kistiakowsky, all former advisors to presidents—say the system may not be able to do what it is supposed to do.

Even if it can, it will be easy for the Russians to improve their offensive weapons as rapidly as we can improve our defensive ones. Since both nations already have the ability to destroy each other many times over, it looks like we're simply headed for a higher, more expensive order of nuclear stalemate. Meanwhile, the domestic needs of both Russia and America go unsatisfied for lack of money.

President Johnson started this "light" ABM system supposedly to protect against intercontinental missiles which Red China "might" have by 1970. Mr. Nixon, on the other hand, plays down this idea. He says the system's primary purpose will be to protect our land-based retaliatory forces against direct Soviet attack, and also against a possible accidental attack.

Mr. Nixon announced his decision just after the Senate had finally approved the treaty to limit the spread of nuclear weapons. The ABM decision surely will take much of the edge off the Senate's action. Instead of slowing down the arms race, we're speeding it up.

Sen. Eugene McCarthy says Mr. Nixon has made his first big mistake, and undoubtedly the President is going to have trouble getting the Senate to go along.

[From the Houston Chronicle, Apr. 2, 1969]

ABM COST STILL GOING UP

The challenge to the plan for a limited anti-ballistic missile system has not been slowed by the President's endorsement of a scheme which he calls Safeguard.

And questioning has already proved worthwhile for it has brought additional information to the surface which probably would have remained buried in the bowels of the Pentagon if the adherents of an ABM system were not called on to justify their position.

As the debate increases, so, it seems, does the estimated cost of the proposed system. The Sentinel system which Lyndon Johnson supported when he was President was touted as a $4.8 billion package. When Safeguard was first announced a $6 billion price tag was mentioned.

In the current issue of U.S. News & World Report, Defense Secretary Melvin Laird is asked: What is the total cost of this ABM investment? He answers: "The total cost in dollars is between 6 and 7 billion, plus about 2 billion more in projected ABM-component research and development."

Thus at this point, before the tap is hardly turned or Congress has made its decision, we are talking about 9 billion dollars for ABM sites at two air bases near the U.S.-Canadian border.

Secretary Laird was also asked why the opposition has arisen to the ABM. His reply was that the missile plan has become "more or less a symbol of some of the frustrations we all feel" over the war in Vietnam.

That "more or less" phrase covers a lot of ground, but one of the major reasons the American public is unwilling to automatically go along with proposals for vast spending by the military or the government is that some of the past programs have proved to be wasteful and less than desirable.

As Laird pointed out, we are spending at the rate of $30 billion a year in Vietnam and more than that amount is being spent for other purposes classified as defense. The total defense budget recommended by the John-

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son administration for the coming fiscal year is $80 billion, almost 40 percent of the total national budget.

This level of spending needs to be questioned and probed, particularly when some of our domestic needs are so great. However, the examination of the proposals should be on a non-partisan basis. This is not a Republican vs Democrat issue.

As Senate Majority Leader Mike Mansfield said over the weekend: "I would hope most devoutly that this would not develop into a partisan issue because it is too big for that . . ."

[From the Houston Chronicle, May 12, 1969]

ABM—Tip of the Iceberg

As the anti-ballistic missile debate continues in the capital and across the nation contradictory statements and claims are tumbling off the mimeograph machines and presses.

Stacked in piles, the wealth of material for and against the ABM could make a fairly sizable shield itself. And the opponents of the costly missile system contend that such a paper would be as effective as ABM in protecting the nation's populace from a missile attack.

In a recent discussion entitled "ABM: Yes or No?" published by the Center for the Study of Democratic Institutions, Dr. Jerome B. Wiesner, special assistant for science and technology to President John F. Kennedy and now provost of Massachusetts Institute of Technology, warned:

"It is the general technical consensus that Sentinel is not going to buy us any protection against a Soviet missile attack. One might then ask, 'Well, why do you care whether or not Sentinel is built?'

"I care because I think it is regarded by most advocates of ABM systems as the down payment on a much more substantial system. I have heard high-ranking officers say that if they thought the Sentinel system was all that the United States ever intended to buy, they would be against it. But they believe that it will lead naturally to the large-scale ABM system.

"Does deployment of a large-scale ABM system, in fact, add to or detract from national security? My judgment is that in the end we would, at best, be in very little different posture than we are now but with a great deal bigger military system; at worst, we would be in a situation in which the actual damage (both sides could inflict) could be somewhat greater."

The price tag for the "very little different posture" which Dr. Wiesner foresees doesn't win any support for ABM. Estimates on the limited system now range as high as $13 billion although when Sentinel was proposed by President Nixon the price tag was set at $6.8 billion.

Going on to the expanded ABM, what has been referred to as the thick system, could cost the nation $50 billion more. The cost and the dispute over the technical quality of the system are the two most common arguing points. Also influencing the debate is a growing desire for peace; an end to the killing in Vietnam, to vast expenditures for defense (more than $80 billion a year), and the redirecting of sums like the $30 billion a year poured into the Vietnam war to needed projects in the United States.

THE FOOD STAMP REFORM ACT OF 1969

Mr. FULBRIGHT. Mr. President, recently, the distinguished Senator from South Dakota (Mr. McGovern) introduced the Food Stamp Reform Act of 1969—S. 2014. The purpose of the bill is to join State, Federal, and local governmental units in an affirmative effort to safeguard the health and well-being of the Nation's population by providing adequate levels of food consumption and nutrition for members of low-income households. The investigations and reports of the Senate Select Committee on Nutrition and Human Needs and of private organizations have shown quite clearly that within the abundance of America there are substantial numbers of our citizens who do not have enough to eat or do not have adequately nutritious diets.

One of the most alarming aspects of the scope of hunger and malnutrition or undernutrition is the permanent mental and physical damage which this inflicts on the young. One result of improper, inadequate diet in childhood, particularly early childhood, is to lock the children into the cycle of poverty and welfarism which afflicted many of their parents.

For whatever reasons, the commodity distribution and the food stamp program have failed in one of their purposes, to wit: "to safeguard the health and well-being of the Nation's population and raise levels of nutrition among low-income households." There is little doubt that these programs have not lived up to their potential and that people are unfed or ill-fed needlessly. It is time to reach out and affirmatively help our fellow citizens.

Arkansas is not one of the wealthiest States—in 1967, the per capita income was $2,098. It is a State where the people word hard and realize the value of a day's work. But it is also a place where every county takes advantage of the commodity distribution program or the food stamp program. In March 1969, 23,753 people were receiving free commodities, and 89,721 people participating in the food stamp program. These 113,474 people are only representative of what I suspect to be a much larger number of needy. Statistics from the U.S. Department of Agriculture show that 66⅔ percent of those enrolled in the commodity distribution program in Arkansas drop off the rolls when the participating county switches to the food stamp program. What has happened to these people concerns me. It is too simple to say that two-thirds of the people who had previously been participating in and eligible for the free food program are no longer needy or no longer eligible. An answer which has been proven true in other parts of the country is that these people simply do not have the money to purchase their allotment of food stamps. Using the Department of Agriculture statistics showing a two-thirds decrease in participation after a county changes to the food stamp program, and multiplying it by the March 1969 food stamp program participants' figure of 89,721 in Arkansas, produces an additional 179,442 potentially eligible persons in the 56 counties in Arkansas which have the food stamp program. Combining the actual and estimated number of participants in the food stamp program in Arkansas—269,163—with the actual number of participants in the commodity distribution program in Arkansas—23,753—shows a total of 292,918 persons who would be benefited by a viable food stamp program. The Food Stamp Reform Act is such a program.

The Food Stamp Reform Act of 1969 will benefit the poor in Arkansas specifically by: First, increasing the minimum coupon allotment for a family of four to $120 per month; second, removing the prohibition of concurrent commodity distribution program and food stamp program in the same county, thus making the food coupon "dollars" spread further; third, removing the requirement that a participant must purchase all of the food coupons allotted to him per month thereby allowing him to take advantage of the food program to the extent that his income allows, as he determines; fourth, providing that affirmative efforts be made by governmental units to insure the availability of educational programs in nutrition and related areas; and fifth, authorizing the provision of free food stamps to those families of four earning less than $960 per year—a similar minimum level is set for other sizes of low-income households.

There are those who will criticize and oppose this program as another form of "welfarism" or as something which just encourages "idleness." I do not believe this. In fact, it is my belief that this type of program is a first step in breaking the welfare cycle. A hungry person cannot be trained, cannot be educated; the person physically or mentally handicapped by poor nutrition, inadequate diet in childhood will rarely, if ever, be able to break out of the welfare-poverty cycle.

In addition to the moral, social, and humanitarian justifications for the Food Stamp Reform Act, there are communitywide benefits to this program. The purchases which the poor will make with the stamps or coupons will produce an economic benefit. In March 1969, the purchasing power of the food coupons, was approximately $2 million in Arkansas.

It may be wise to amend or perfect the bill during the legislative process, but basically it is a sound bill.

THOUGHTFUL CITIZEN COMMENTS ON ABM

Mr. HART. Mr. President, last week I received a thoughtful letter, addressed by a professor of physics at Grand Valley State College, Grand Rapids, Mich.

My constituent, Daniel Anderson, addresses himself to three key points of discussion on the ABM.

First, the discrepancy between congressional mail on the ABM and various random polls on this issue;

Second, the often-heard comment, "How can a purely defensive weapon be provocative?" and

Third, the repeated argument: "If I err, I want to err on the side of too much—military strength."

Mr. Anderson's reasoning seems to me informed and provocative. I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

GRAND RAPIDS, MICH.,
June 6, 1969.

I wish to continue urging you to vote in opposition to expending public monies for an Anti-Ballistic Missile system in general, and for the proposed "Safeguard" system in particular.

It is not my purpose in this letter to try to present arguments against ABM—I am sure you are familiar with, and will continue to acquaint yourself with arguments both for and against such a system. However, I wish to deal with one point.

It is my understanding that Congressional mail has run quite strongly against ABM (as much as 10 to 1). It is also my understanding that various random polls have usually run well in favor of such a system (about 2 to 1). Some have been puzzled as to this discrepancy. Some have even suggested that it hints of some kind of organized conspiracy that is not in the interests of our nation.

The answer is really very simple, I believe. Because of my position as a professor of physics at Grand Valley State College, I have been called upon to address groups of people on the ABM issue, most specificially on technical details. I have found that in a typical group of such people (which would most likely be a random selection similar to those responding to a poll), well over 90%, if not 100%, do not really know what ABM is and how it functions, at least as presently conceived. As interest is quickened, many begin investigating more and more into the various aspects of the ABM issue: technical capability, economic factors, sociological implications, its possible effects upon international relations, etc., etc. The typical naive response, "How can a purely defensive weapon be provocative?" soon changes as one realizes that ABM has *already been* provocative of various measures (and I fear it will continue to be so, both in our country and in the Soviet Union). My point is this: it is the aroused, disturbed individual who writes his Congressmen, and thus the mail is heavily anti-ABM.

Mr. Nixon stated that, ". . . if I err, I want to err on the side of too much (military strength)." Senator Griffin, I disagree. To continue relying on armaments and the use of force (which *all* sides claim is "the only language the other side can understand") can only guarantee their eventual employment. I see no light ahead for anyone when we continue thinking, talking, planning, spending, and acting in terms of war. I believe our only hope is to begin taking risks in the other direction—it is better to take risks for peace than to guarantee the inevitability of an awful catastrophe.

Sincerely yours,

——— ———.

ORDER PROVIDING FOR INCREASE IN COMPENSATION OF OFFICERS AND EMPLOYEES OF THE SENATE EFFECTIVE JULY 1, 1969

Mr. RUSSELL. Mr. President, acting in my capacity as President pro tempore and under the authority and duty vested in me by section 212 of the Federal Salary Act of 1967, I have signed an order providing for an increase in the compensation of officers and employees of the Senate, effective July 1, 1969. I send to the desk a copy of this order and I ask unanimous consent that it be printed at this point in the RECORD.

I would like the Members of the Senate to know that this action is taken with the advice, counsel, and approval of the majority and minority leaders, the chairman of the Post Office Committee, and a member representing the minority on that committee.

There being no objection, the order was ordered to be printed in the RECORD, as follows:

ORDER, U.S. SENATE, OFFICE OF THE PRESIDENT PRO TEMPORE

By virtue of the authority vested in me by section 212 of the Federal Salary Act of 1967 (81 Stat. 634), it is hereby *Ordered*, That (a) effective July 1, 1969, the annual rate of gross compensation of each officer or employee whose compensation is disbursed by the Secretary of the Senate (1) shall be increased by 10.05 per centum, and (2) as so increased, shall be adjusted to the nearest multiple of $219. As used in this subsection, the "officer" does not include a Senator.

(b) In any case in which the rate of compensation of any officer, employee, or position, or class of officers, employees, or positions, the compensation for which is disbursed by the Secretary of the Senate, or any minimum or maximum rate with respect to such officer, employee, position, or class is referred to in or provided by statute, Senate resolution, or the Order of the President pro tempore of June 12, 1968, such statutory provision, resolution, or Order shall be deemed to refer to the rate which an officer or employee subject to the provisions of subsection (a) receiving such rate immediately prior to the effective date of the increase provided by such subsection would be entitled (without regard to such statutory provision, resolution, or Order) to receive on and after such date.

(c) The annual rate of gross compensation of each employee in the office of a Senator shall be adjusted, effective July 1, 1969, to the lowest multiple of $219 which is not lower than the rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before June 30, 1969, the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased, such notice shall be deemed to have been given.

SEC. 2. The table contained in section 105 (d)(1) of the Legislative Branch Appropriation Act, 1968, as amended, shall be deemed on and after July 1, 1969, to read as follows:

"$239,805 if the population of his State is less than 3,000,000;

"$255,135 if such population is 3,000,000 but less than 4,000,000;

"$268,275 if such population is 4,000,000 but less than 5,000,000;

"$280,320 if such population is 5,000,000 but less than 7,000,000;

"$293,460 if such population is 7,000,000 but less than 9,000,000;

"$308,790 if such population is 9,000,000 but less than 10,000,000;

"$324,120 if such population is 10,000,000 but less than 11,000,000;

"$339,450 if such population is 11,000,000 but less than 12,000,000;

"$354,780 if such population is 12,000,000 but less than 13,000,000;

"$370,110 if such population is 13,000,000 but less than 15,000,000;

"$385,440 if such population is 15,000,000 but less than 17,000,000;

"$401,865 if such population is 17,000,000 or more.".

SEC. 3. The limitation on gross rate per hour per person provided by applicable law on July 1, 1969, with respect to the folding of speeches and pamphlets for the Senate is hereby increased, effective on such date, by 10.05 per centum. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent. The provisions of subsection (a) of the first section shall not apply to employees whose compensation is subject to such limitation, or to employees referred to in the last proviso in the second paragraph under the heading "SENATE" in the Second Deficiency Appropriation Act, 1948.

SEC. 4. (a) The figure "$199" appearing in section 105(a)(1) of the Legislative Branch Appropriation Act, 1968, as amended (as increased by the Order of the President pro tempore of June 12, 1968), shall be deemed on and after July 1, 1969, to refer to the figure "$219".

(b) The figures "$1,194", "$6,766", "$11,741", "$11,940", "$15,721", "$15,920", "$17,313", "17,512", "$21,492", "26,069", "$27,263", and "$28,457", appearing in section 105 of such Act (as increased by such Order) shall be deemed on and after July 1, 1969, to refer to the figures "$1,095", "$7,446", "$12,921", "$13,140", "17,301", "$17,520", "19,053", "$19,272", "$23,652", "$28,689", "$30,003", and "$31,317", respectively.

(c) The figure "$597", appearing in the first sentence of section 106(b) of the Legislative Branch Appropriation Act, 1963, as amended (as increased by such Order), shall be deemed on and after July 1, 1969, to refer to the figure "$657".

(d) The figure "$6,662", contained in section 5533(c)(1)(A) of title 5, United States Code (as increased by such Order insofar as it relates to individuals whose pay is disbursed by the Secretary of the Senate), shall be deemed on and after July 1, 1969, insofar as it relates to such individuals, to refer to the figure "$7,287".

RICHARD B. RUSSELL,
President pro tempore.

U.S. STUDY TEAM ON RELIGIOUS AND POLITICAL FREEDOM IN VIETNAM

Mr. RIBICOFF. Mr. President, it has been stated that our presence in Vietnam is for the purpose of supporting the right of self-determination by the South Vietnamese. It is deeply disturbing that the ruling Government in South Vietnam has been authoritarian in its treatment of political dissent.

Rumors and stories of arbitrary imprisonment of opponents of the Government in South Vietnam have persisted for some time. Last week, however, the rumors were shown to be based on facts by the U.S. Study Team on Religious and Political Freedom in Vietnam.

Included on the team were Representative JOHN J. CONYERS, JR., of Detroit, Mich.; Bishop James Armstrong, of the United Methodist Church, Dakotas area; Mrs. John C. Bennett, long active in national church women's groups and wife of the president of Union Theological Seminary; Allan Brick, associate secretary for national program, Fellowship of Reconciliation; Rev. Robert F. Drinan, S.J., dean of the Boston College Law School; John de J. Pemberton, executive director of the American Civil Liberties Union; Rabbi Seymour Siegel, professor of theology at the Jewish Theological Seminary, and Adm. Arnold E. True, U.S. Navy, retired.

This team stated in a telegram to President Nixon just before his Midway meeting with President Thieu that "religious and political suppression is widespread. Speaking for peace or in any other way opposing the Government easily brings the charge of Communist sympathy and subsequent arrest. Long detention without trial is frequently the result. There must be no illusion that this climate of political and religious suppression is compatible with either a representative or stable government."

I am deeply troubled by the detailed documentation of these findings contained in the final report of the study team. Censorship of the local press is widespread. Participation in strong political arguments is fraught with danger. These mechanisms for the exchange of ideas must be encouraged, not destroyed if there are to be meaningful elections after the war.

We are all indebted to the dedicated men and women involved with this project for the time and effort they have devoted to this endeavor. Everyone concerned with the present and future welfare and freedom of the people of South Vietnam should study this report closely.

To facilitate this, Mr. President, I ask unanimous consent that the entire report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Findings on Trip to Vietnam by U.S. Study Team, May 25–June 10, 1969

INTRODUCTION

Background

The U.S. Study Team was sent to South Vietnam by an ad hoc committee organized in late 1968 by a group of well-known churchmen concerned about the war and the repression of those religious and political forces in South Vietnam who urge an end to hostilities. This committee has wide national interreligious representation. The officers named were: Chairman, Barton Hunter, Executive Secretary of the Department of Church in Society of the Christian Church; Secretary, Gerhard Elston of the National Council of Churches; Executive Diretcor, Allan Brick, Associate Secretary for National Program of the Fellowship of Reconciliation, who also served as a member of the team.

The sponsoring committee defined the team's goals as follows: "First, they will seek to identify the variety of religious forces in South Vietnam and the range of political expression existing there. They will seek to investigate the situation of religious groups and the extent of the imprisonment of leaders of nonaligned groups who represent potentially important political sentiment. The team will be interested, for example in visiting both Mr. Dzu and Thich Thien Minh. Second, the team will seek to investigate the situation of all prisoners in South Vietnam. Recognizing the difficulties of doing this in a wartime situation, the team will nonetheless attempt to obtain realistic information."

Team members

Members of the team were: Bishop James Armstrong of the United Methodist Church, Dakotas Area; Mrs. John C. Bennett, Protestant church woman; Allan Brick, Associate Secretary for National Program, Fellowship of Reconciliation; Hon. John Conyers, Jr., M.C. of Detroit, Michigan; Robert F. Drinan, S.J., Dean of the Boston College Law School; John de J. Pemberton, Executive Director of the American Civil Liberties Union; Rabbi Seymour Siegel, Professor of Theology at the Jewish Theological Seminary; and Rear Admiral Arnold E. True, United States Navy (retired).

Summary

A report issued by the team following the Vietnam trip documents police and military suppression of religious and political expression in South Vietnam under the Thieu-Ky Government. The chief findings of the team are:

1. Many thousands of persons being arrested in South Vietnam are denied all procedural protection. Arrests are made by a variety of local and national officials—by District police, special security forces, military forces and intelligence units—each exercising "relatively unfettered discretion."

2. The Thieu-Ky Government's widespread and increasing use of the extra-constitutional Military Field Tribunal has been responsible for the sentencing and imprisonment of additional thousands of persons, denying them the fundamental elements of a fair hearing and often failure to serve prior notice of the charges against them. Many of these prisoners remain without trial in the hands of the arresting authorities while the remainder have been removed to prisons by adminisrtative action without charges or trials.

3. The Study Team agrees with those who say that repression, though not as obvious and violent as under the Diem Government, continues to be pervasive and brutal. While some persons visited appear to reflect modern notions of penal administration and certain prison officials seemed sensitive to the needs of inmates, the sheer weight of witnesses' statements concerning physical abuse seemed overwhelming conclusive. It became clear that whatever amelioration appeared in the formal correctional institutions, torture and brutality are widespread in the arresting and interrogation process.

4. Without question the Thieu-Ky Government uses the words "communism", "neutralism" and "coalition" to silence dissent and weaken political and religious opposition. Student peace movements, Buddhist pleas for nonviolence and a "third solution", and the freedom of the press have been systematically suppressed by an insecure government that relies more on police state tactics and American support than upon true representation and popular support. As one Vietnamese attorney phrased it: "On cannot fight for freedom without insuring freedom at home."

I. LIMITATION ON RELIGIOUS AND POLITICAL FREEDOM IN SOUTH VIETNAM

The eight member U.S. Study Team met with President Thieu, Minister of Interior Tran Thien Khiem and members of his staff, Ambassador Ellsworth Bunker and members of his staff, national religious leaders, lawmakers, intellectuals, attorneys, students, a variety of persons of different political persuasions and talked with scores of political prisoners. It visited prisons at Thu Duc, Chi Hao, and on Con Son Island, as well as the National Police Headquarters. The Government of South Vietnam was helpful in providing data, in permitting Team members to visit prisons, and in making accessible certain prisoners.

Three things are readily apparent in South Vietnam: (1) A state of war exists and any meaningful study of freedom must be done against that background; (2) South Vietnam is poor and is unable to provide from its own resources institutional facilities and forms of care which are taken for granted in the Western world; and (3) whereas the United States of America has lived under the guarantee of its present Constitution for nearly two hundred years, South Vietnam does not have a tradition of political liberty and its Constitution is only two years old. Notwithstanding this, in a message cabled directly to President Nixon from Saigon, the Study Team said:

"Speaking for peace or in any other way opposing the government (in South Vietnam) easily brings the charge of communist sympathy and subsequent arrest . . . There must be no illusion that this climate of religious and political suppression is compatible with either a representative or a stable government."

Many persons interviewed argued that President Thieu's government is less repressive than the ten years of brutal intimidation under Ngo Dinh Diem. Others, while agreeing that repression is not as obvious and violent, argued that it is equally pervasive though more subtle today. (Some of the following documentation will indicate that there is still unsubtle, violent intimidation.)

Three celebrated cases of political arrest have claimed international attention in recent months. They are the cases of Thich Thien Minh, one of the most influential Buddhist monks in South Vietnam; Truong Dinh Dzu, runner-up in the Presidential Election of 1967; and Nguyen Lau, wealthy publisher of the *Saigon Daily News*.

Thich Thien Minh was arrested on February 23, 1969, at the Buddhist Youth Center and charged with "harboring rebels, concealing weapons and illegal documents . . . harboring deserters and supporting draft dodgers." After appearing before a military field tribunal, he was sentenced to serve terms of ten and five years at hard labor, the sentences to run concurrently. Last month, his sentence was reduced to three years.

It is assumed by many that Thich Thien Minh was arrested not because of the specific crimes with which he was charged but for his public criticism of the Thieu-Ky government and his strong advocacy of peace.

In February, he was summoned to the Ministry of the Interior and warned to tone down his sermons which were said to be disrespectful to the government of President Thieu. He had earlier said that the people of South Vietnam could accept neither the "terrorist regime" of North Vietnam nor the "corrupt government" in Saigon. Replying to Thien Minh, President Thieu said, "My government can die because of those pacifists, but before we die, they will have to die first."

The Study Team visited both Thich Thien Minh and Quang Duc Buddhist Youth Center. The Youth Center, closed at the time of Thich Thien Minh's arrest (20 other Buddhists were arrested at the same time), was handed back by the Government and reopened during the Team's stay in Saigon. Team members saw Thich Thien Minh's room, as well as the many hallways, rooms and stairways that separated him from the tiny room and wooden closet with the false back that were said to be the hiding place of the V.C. agent and a cache of small arms. Seeing the distances and buildings involved, it is not difficult to believe the monk's assertion that he had no personal knowledge of a V.C. agent's presence in that hidden room.

The Team talked with Thich Thien Minh, who has been held in military custody. They interviewed him in a small house, a part of a larger complex * * * government officials pointedly left the room that the discussion might be private. However, it had been determined during the conversations that there was a government agent only four feet from the Venerable, behind a thin wall. Thus, the interview was necessarily inhibited. Thich Thien Minh had been moved four times since his arrest and was kept under the strictest security. Though badly injured in 1966 by a hand grenade, said to have been thrown by a V. C., he said his health was good. He added, "My only offense is that I believe in peace."

On May 1, 1968, Truong Dinh Dzu was arrested "on charges of urging the formation of a coalition government as a step toward peace." In August, he was sentenced to five years of forced labor. Although the N.L.F. is now participating in the Paris peace talks and a coalition government is being widely discussed by responsible government officials

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in the United States, Mr. Dzu has not yet released.

In a national election that denied certain candidates the right to run[1] because they were peace advocates, and that heavily favored the Thieu-Ky regime because of its domination of the military and political structures of South Vietnam and because of the well-known support of the American "presence" in Vietnam, Mr. Dzu ran second, polling 18 percent of the vote. He wisely did not announce his "white dove" platform until after his candidacy had been approved. (It is interesting to note that in the election, the Thieu-Ky ticket gained only 35 percent of the vote. In March 1968, Vice-President Ky told an Italian journalist, "Our last elections were a loss of time and money, a mockery.") Dzu has never been accused of being pro-communist and is, as President Thieu openly acknowledged, a "political prisoner." The fact that, running as a peace candidate and advocating direct talks with the N.L.F., he ran second only to the President, accounts more than anything else for his imprisonment. Mr. Dzu was moved from Con Son Prison Island to Chi Hoa Prison in Saigon during the last week in May, 1969. U.S. Study Team members saw him in his cell in Chi Hoa. Suffering from a heart condition, he looked well and various kinds of medicines were in evidence. He said he wanted to serve his country as a nationalist. On June 5, President Thieu told the Team that support for a coalition government cannot be tolerated.

On April 16, 1969, Nguyen Lau, publisher and owner of the Saigon Daily News was arrested for "having maintained private contacts with a Vietcong political agent." The agent, a boyhood friend of Lau, returned to Saigon in 1964 from North Vietnam. He talked with Lau many times during the past five years and had, at one time, asked him to supply information for the V.C. According to both Lau and Tran Ngoc Hiem, the agent, Lau had refused to supply the information.

In discussing Lau's case with a member of the Team, one of Saigon's most highly regarded foreign correspondents explained its background. In Vietnam, a culture influenced immeasurably by Confucianism, family ties and friendship are reversed. Mr. Lau, in a press conference held by government officials at National Police Headquarters, made no attempt to deny his associations with Hiem. He said that Communism was poisoning the minds of many, but that Vietnam would surely survive Communism. He added, "Even today, sitting before you, I keep wondering if as a publisher and as a Vietnamese intellectual, I should denounce a friend who I have known since boyhood."

Mr. Lau was educated at Oxford and the Sorbonne. As a member of an old and important family of wealth he has no respect for war profiteers and little sympathy for corruption in the government. As a respected journalist and an avowed anti-Communist, he considered it part of his responsibility to be open to every facet of Vietnamese life. He once said, "If people are free to walk the streets, they are free to talk to me."

He insisted upon his right to criticize. On March 24, 1969, the New York Times quoted him as saying, "Diem said bluntly that he was not going to tolerate freedom of the press. There were no illusions then. We are living a lie now. People say they are giving you freedom and someone without experience in journalism may be innocent enough to believe that this is paradise. Now you may be carried away by your illusions and land in trouble." Less than a month later Nguyen Lau was arrested.

Members of the Study Team visited the National Police Headquarters. There, Lt. Col. Nguyen Mau, Chief of Special Branch, told them about the government's case against the publisher. The only "evidence" he produced was the photostat of a press card, allegedly issued by Mr. Lau to one Tan That Dong, the alleged V.C. alias of Tran Ngoc Hiem. Such "evidence", however, raises serious questions. Two days following Lau's arrest, police brought a "so-called Vietcong" to the Lau home. In Mrs. Lau's absence, they proceeded to take pictures of him in various positions around the house. When her two sons (aged 10 and 14) protested, they were handcuffed while the picture-taking continued. When told of the incident, Mrs. Lau courageously went to the authorities. A senior police official did admit that police had visited the house with a V.C. agent and camera to gather "evidence".

Members of the Study Team were not permitted to see Mr. Lau, still being held without sentence. Nor were they permitted to see thirteen other prisoners they had made specific requests to visit.

These three cases have not been isolated because they are more important than others, but because they are more well known. They are symptomatic of a climate of intellectual, religious and political repression that has led to the imprisonment, exile or silencing of thousands of loyal Vietnamese nationalists, persons who are not pro-Communist, but who are critical of the Thieu-Ky government and who insist upon the right to think for themselves.

The government's sensitivity at this point is revealed in its attitudes toward dissenters, so-called "militant Buddhists", students and intellectuals, political opponents and the press.

The religious picture in South Vietnam is confused. About one-tenth of the nation's population is Roman Catholic. Yet, from the time of Diem and the Nhu's on, Catholicism has played a dominant role in Vietnamese political life. (Actually, this goes back to the 18th Century French missionary-priest, Pigneau de Behaine, and the continuing influence of French Catholicism during colonial days.) President Thieu reminded the Study Team that, though he had trouble with Buddhists, Catholics had supported his administration. The former editor of a Catholic magazine, a friend and confidante of Archbishop Nguyen Van Binh, agrees that fewer than 10 percent of the Catholics in South Vietnam are critical of the war and of Thieu's government. It must be remembered that about 100,000 of South Vietnam's Catholics were born in what is now North Vietnam and came south following 1954. They are, for the most part, vigorous anti-Communists.

However, there are Catholics who want a closer tie with Buddhists and who are seeking what some call, a "third solution." They are trying to find answers between Communism and corrupt militarism. Father Hoang Quynh, an active leader of the All-Religion Citizen's Front, has worked with Buddhists in trying to prevent further friction between the Buddhist and Catholic communities. He has said, "Catholic faithful must learn to live a responsible political life." There are other Catholics who seem close to the Pope's views on meaningful negotiations and peace. They have won the confidence of Buddhist leaders.

When, in January, 1968, all of the bishops of South Vietnam released a four-page statement supporting Pope Paul's message on Vietnam and calling for a bombing halt in North Vietnam, it seemed that there had been a breakthrough. However, and without exception, those with whom Study Team members spoke indicated that the hierarchy in South Vietnam had confined themselves to what the Pope had said with no desire or inclination to supplement or further interpret the Vatican's plea concerning peace. There continues to be sharp feeling between Buddhists and Catholics. As one Buddhist complained, "When Catholics talk about peace, the Thieu government hears it one way. When we use the word, it is supposed to mean something else." Many Buddhists feel, and justifiably so, that they have been discriminated against by a succession of governments in Saigon.

There are two major Buddhist factions in South Vietnam; the "moderate" government-authorized faction of Thich Tam Chau, and the "activist"[2] faction of Thich Tri Quang and the An Quang Pagoda. However, the Unified Buddhist Church of the An Quang Pagoda is made up of both Mahayana (northern) and Therevada (southern) Buddhists. Early in 1967, the government sought to fragment the Buddhists, withdrawing the charter of the Unified Church and recognizing the "moderate" wing of Thich Tam Chau. However, the An Quang Pagoda continues to be a major factor in the religious and political life of the country. On the Buddha's 2513th birthday, celebrated May 30, at the An Quang Pagoda, former Chief of State, Phan Khac Suu, Tran Ngoc Chau, General Secretary of the House of Representatives, other deputies and senators, Father Quynh, as well as Cao Dai and Hoa Hao leaders were present, indicating a broad base of popular support among disparate groups. During the ceremonies, white doves of peace were released as a crowd of more than 3,000 people looked on, and Thich Tinh Khiet Supreme Patriarch of the Unified Buddhist Congregation said, "Every hostile tendency of the world has jostled its way into the Vietnam war in order to exploit it and seek for victory, whereas all the Vietnamese people—either on this side or on the other side of the 17th Parallel—are mere victims of this atrocious war. Our nation is thus forced to accept ready-made decisions without having any right to make our own choice." President Thieu and pro-government supporters may insist that such peace talk is "political." If so, it is an obvious expression of that freedom essential to an emerging democracy. And it is no more political than a caravan of government-owned cars driving Thich Tam Chau to the Saigon Airport on June 5, to meet the Nepalese delegation to a World Buddhist Conference on Social Welfare; no more political than the imprisonment of hundreds of Buddhist monks.

Often the Buddhists who protest government policy are students. Following the government-controlled elections of 1967, Buddhist students joined by some of their professors were promptly singled out by the government for retaliatory acts. A professor of law said, "Van Hanh University (Buddhist) was the chief target for attack. . . . If students go to meetings, the police follow them and they can be arrested any time. Many times, they are drafted before the legal age or before their deferments as students expire."

As a result of a peace meeting held in September, 1968, in Saigon University, the Student Union was closed by police. Students, professors, deputies from the Lower House and some Buddhist monks had participated in the meeting. Thirty persons, mostly students, were arrested. More arrests followed.

At about the same time, a student in the Medical School was murdered. He had been kidnapped by the N.L.F. and later rescued by American troops. He was accused of having "leftist tendencies". He was found dead with his hands tied behind his back, having been pushed from a third floor window. The police called it "probable suicide" and made no investigation.

Student resistance continued. On Christmass Eve, responding to the Pope's plea for

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[1] General "Big" Minh was kept in exile in Bangkok and Au Truong Thanh, the other leading contender was refused candidate status because of his alleged "neutralism". The Study Team talked with Au Truong Thanh in exile in Paris.

[2] The term "militant" is usually applied to the An Quang Pagoda faction. However, Buddhists are committed to nonviolence. In French, "militant" means an "active supporter or worker in a political group."

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peace, 2,000 students, many of them Catholic, held a peace procession. In the aftermath, hundreds were arrested.

In spite of set-back and discouragement, spirit of the student peace movement remains unbroken. A Buddhist student stepped out of a sullen mass of prisoners at Camp No. 7 on Con Son Island and addressed members of the Team. The government translator said, "He is here because he refuses to be drafted. He says he doesn't want to serve the United States. As a Vietnamese citizen he will go into the Army only when we have independence." A student, recently released from Con Son, reacting to the devastation visited on his country by modern instruments of war, said much the same thing: "I will not serve a country that has done so much to my own."

Students, intellectuals and Buddhist monks do not comprise the only opponents who threaten President Thieu's government.

There is a growing mood of independence in the Lower House. It is only found in a few deputies, but they are voicing increasing opposition to the policies and practices of the Thieu-Ky government. There have been criticisms of Operation Phoenix in the National Assembly. Two members of the Lower House raised serious questions about prison policies early in May. The president's tax program has been challenged. Constitutional questions challenging the prerogatives of the executive branch are frequently raised.

President Thieu proudly points to the "new alliance" of political parties in South Vietnam as an indication of the breadth of his support. This alliance includes the Greater Union Force, the Political arm of militant Roman Catholic refugees, the Social Humanist Party, a rebirth of Ngo Dinh Nhu's Can Lao party, the Dai Vet, an erstwhile grouping of anti-French nationalists, a faction of the Hoa Hao sect based in the Delta and the Viet Kuomintang, a pro-government bloc formed after the Tet offensive in 1968. All of these parties together, combined with the Thieu-Ky vote, failed to capture half of the popular vote in the 1967 elections.[3]

While there is genuine political opposition, most of it has been driven underground. Members of the Study Team met with leaders of five old-line political parties no longer permitted to function as recognized entities. These men had all been active in the resistance movement against the French and were ardent nationalists. Their parties have been outlawed, their requests to publish a newspaper have gone unanswered and their voices have been muted. These men, and they reflect a vast middle-position in South Vietnam, struggled against the French and consider the Americans their new colonial masters. Over the past twenty-five years, they have known imprisonment and sacrifice. (A retired general present had been in prison eleven times.) They argue that unity and independence cannot be achieved under present circumstances. One of them said, "We know the American government is anti-Communist and they help us fight Communism. But when they look at Viet Communists, they think of them as western Communists. That is a bad mistake." It is the conviction of the Study Team that there will be no truly representative government in South Vietnam until voices such as these can be legitimatized and participate in the democratic processes of the republic.

One further evidence of political oppression is the government's attitude toward the press. Although it seems reasonably tolerant of foreign correspondents, and they are permitted to function without too many instances of censorship, the government's relationship to the Vietnamese press is far more direct and inhibiting. Twelve months ago, censorship was officially eliminated in South Vietnam. Since then, at least twenty-five newspapers and two magazines have been suspended. Mr. Lau's *Daily News* has been suspended for thirty days for hinting that Thich Thien Minh's trial might have been unfair. *Tin Sang* was closed when it suggested that Prime Minister Huong (one of the more highly regarded members of the Thieu government and a former political prisoner himself) once yielded to pressure in a cabinet appointment.[4] Nguyen Thanh Tai a UPI combat photographer, was arrested in May, 1968, for taking pictures "detrimental" to South Vietnam.

One of the most credible and influential anti-government nationalist leaders with whom we talked prepared a three-page position paper for the Team. The English translation was his own. In part, he said:

"The range of political expression as legally exists here is narrow indeed . . .

"Let us imagine for a moment that those people are given a chance. What would they do?

"They would firstly negotiate with the Government of the United States an agreement on the Allied Forces Establishment in Viet Nam which would provide for progressive withdrawals when the situation warrants it. Of course, they would bear in mind the security and the honor of the Allied troops who came here to protect ourselves and prevent a Communist domination.

"They would secondly invite the Vietnamese people to actively participate in national affairs and take their share of responsibility. Democratic freedom would be enforced without restrictions, how adventurous this might first look. Live forces such as students, intellectuals, religious leaders and workers' unions would be given an authorized say. Unjust treatment would be redeemed. One cannot fight for freedom without ensuring freedom at home . . ."

Many, not all of the nationalist leaders with whom the Study Team talked believed that a continuing American presence in South Vietnam is an unfortunate necessity until the political situation can be stabilized and made more representative. One student leader who had been imprisoned twice by the Thieu government for his activities on behalf of peace argued that no *truly* representative democracy can come into being as long as U.S. troops are present and U.S. policy is being enforced. He said, "By now, we should have learned the irony of having any Vietnamese government that is embraced by U.S. power. The Americans must depart leaving us to decide our own future." He spoke those words with anguish, obviously knowing the problems that Vietnamese nationalism and many of its long-suffering advocates would face in dealing with the N.L.F., in the wake of an American withdrawal, Yet, he bitterly insisted that after many years of American military presence and American good intentions, there was no other way.

At the luncheon given the Team by members of the Lower House, Deputy Duong Minh Kinh talked about the vast expenditures poured into North Vietnam by the Soviet Union and China, and into South Vietnam by America. He said, "We are beggars from all of the people in the world in order to destroy ourselves. That is the greatest tragedy of all."

II. DETENTION, INTERROGATION, IMPRISONMENT AND TREATMENT OF PRISONERS

The large majority of those imprisoned in South Vietnam are held because they oppose the government; they are "political prisoners". Undoubtedly, a great many of these are, as the government classifies them, "Viet Cong". Legally speaking, they are properly prisoners of war—although they are kept in a separate category from military prisoners. Others are "civilians related to Communist activities;" i.e., V.C. agents, and are accurately classified as such. Still others, many of them detained without hearing or trial, should be classified differently. Some of these have been picked up in "search and destroy" sweeps and are innocent of anything save being present in an area of military operations. Others are clearly political prisoners. They are nationalists and not Communists, but are seen by the government as inimical to its continuing control. In the official statistics very few "detainees" and "political prisoners" are so classified. The government places the vast majority of prisoners in either the "communist" or the "criminal" category.

The classification of prisoners in 41 Correctional Centers as given by Col. Nguyen Psu Sanh, Director of Correctional Institutions is:

	Percent
Criminals	16.98
Communists	64.25
Civilians related to Communist activities	4.16
Military	11.91
Political activities harmful to national interest	.21
War prisoners temporarily in correctional centers	2.49

Colonel Sanh said that there are 35,000 prisoners in these Correctional Centers. The senior American advisor to Col. Sanh, Mr. Don Bordenkercher, estimated that, in addition, there are 10,000 held in interrogation centers. He reported that the number had gone up gradually since the Tet offensive of 1968 when the jump was precipitate. Ambassador Colby, General Abrams' Deputy for Pacification, said that the number of prisoners had gone up and will continue to go up as the pacification program (Civil Operations and Revolutionary Development Support) develops.

The national police in Saigon and in the provinces are the official organ for making arrests. In addition, there appear to be many other arrest and detention agencies.[5] It is clear that those arrested are taken to a variety of detention centers for interrogation and that many are held in these centers for periods of time up to two years. According to the U.S. Mission, American advisors are involved only with cases of Viet Cong or suspected Viet Cong sympathizers and with persons apprehended during military operations; e.g., "Operation Phoenix", the 18 month-old program which pools information from half a dozen U.S. and South Vietnamese intelligence and security agencies with the purpose of identifying and capturing Viet Cong political agents.

Doubtless the total number of political prisoners in South Vietnam—including those held as prisoners of war by intelligence agencies and in military prisons, as well as those in the correctional institutions and those held by various other arresting agencies—far exceeds the official statistics and estimates. Due to the wide range of arresting and detention agencies, and the inadequacy of statistical methods, no accurate count of prisoners can be made.

In addition to the provincial Correctional Centers, there are four large prisons for essentially civilian prisoners. These are Chi Hoa in Saigon, Phu Nu in Thu Duc (for female prisoners), Tan Hiep near Bien Hoa, and Con Son on an island off the southeastern coast. Team members were enabled by the Ministry of the Interior to visit Chi Hoa, Thu Duc, and Con Son Island Prison. They

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[3] The United States sent election "observers" to Vietnam to report on election procedures. As one cynical Vietnamese put it: "We are planning to send twenty-two Vietnamese observers who don't speak English to the United States . . . for four days to see if your elections are fair."

[4] See: New York Times, March 24, 1969.

[5] See Section III, B.

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were also shown through the interrogation center at National Police Headquarters.

The following statistics, provided by prison officials, further illustrate the government's desire to de-emphasize the so-called "political prisoner" category. Warden Pham Van Lien of Chi Hoa prison reported to Team members on June 3, 1969, this prisoner classification:

	Percent
Criminals	45.0
Communists	40.0
Civilians condemned by military court	4.0
Military	10.0
Political—non-Communist	.6

Prison Governor Minh, of Thu Duc prison, classified the 1,126 prisoners held by him on June 3, 1969 as:

Criminal offenders	265
Communists	843
Civilians condemned by military courts	15
Military prisoners	3
Political prisoners	0
Prisoners of war	0

The Warden of Con Son Island prison reported that there were 7,021 men and boys in Con Son, of whom: 984 were soldiers who committed political offenses (helped or sympathized with the V.C.); 2,700 were civilians who had worked directly with the V.C.; 769 were soldiers who committed criminal offenses; 252 were civilians who committed criminal offenses; and 2,316 were detainees, never tried or sentenced.

(Note that only the Warden of Con Son Island prison separately identified unsentenced detainees in his statistics. The rest of the breakdowns presumably distribute the detainees among the classifications according to file, or dossier, information.)

There are no figures available on the religious affiliation of prisoners. Warden Lien reported that there were about 120 Buddhist monks in Chi Hoa prison on June 3 when Team members visited.

Thu Duc (Women's Prison)

Members of the Study Team spent several hours at the Women's Prison, where the staff, headed by Prison Governor Minh, explained the prison's operation and enabled members to see what they requested. The administration of the prison seemed commendable in many respects. The dispensary was reasonably clean. There were two large rooms filled with power sewing machines where the inmates made military uniforms. There were sewing classes, classes in English and other educational opportunities provided.

The cells and large prison rooms were over crowded. This was especially hard on nursing mothers and those with small children. Fifty women, some with babies, lived in a crude building 40′ by 30′. Sanitation was primitive and inadequate. There was evidence that some prisoners had not received needed medical attention.

Team members were especially concerned about the large number of prisoners who had not been sentenced after many months of detention, the looseness and inaccuracy of prisoner classification, the inhumanity of some sentences (one slight old woman who, according to her dossier had passed V.C. letters, had served ten years of a fifteen year sentence), and the extreme youthfulness of many of the inmates. Governnor Minh told the Team that there were fifty children from birth to 13 years of age in prison (the very youngest, of course, belonged to the women prisoners), and forty young offenders from 13 to 17 years.

To judge from both interviews and official explanations, the circumstances of many classified as "Communist" did not justify this classification. Two students who were called "Communist" were found by the Team members to be unsentenced detainees. Their dossiers said that they were being held because they had exhibited "leftist tendencies" and had written for a Saigon University paper which was later suspended. In another building twenty percent of the women said they had not been tried or sentenced. It seemed obvious that prisoners who had been accused of "leftist tendencies" or who had not yet been tried could not justly be categorized as "Communist". Yet they were and were forced to live with persons who were considered "hard core Communists".

Chi Hoa

Chi Hoa is often referred to as the "showcase prison". Since 1963 American funds have been available for the improvement of facilities, and American advisors have helped set up rehabilitation programs. The Team was given an attractive brochure with pictures of prisoners in classes, at worship, and enjoying recreational activities. The brochure states that "the present Vietnamese system of corrections is . . . based on the principles of humanity, charity and equality."

The Warden said that there were about 5,500 men and boys now in prison of whom 40% were "Communist" and only .6% were "non-Communist political" prisoners. Each prisoner wore a colored badge indicating his classification. The Warden estimated that 40% of the inmates had not yet been tried or sentenced. He said someone from the Ministry checked the lists every month and an effort was made to have those prisoners who had been in longer than six months brought to trial and sentenced.

The Team members were taken on a tour of the prison. Wherever they went, they found the halls and cells clean. They were shown the vocational classes in which about 300 prisoners were enrolled and met daily over a six-month period.

Team members saw the Catholic Chapel, a Buddhist shrine and a Buddhist pagoda. In the pagoda, they talked with several monks who are in prison for resisting the draft. These monks were the only prisoners in any of the institutions who did not stand at rigid attention. Sometimes prisoners shouted ear-splitting anti-Communist slogans when Team members stopped to see them.

The Warden estimated that there were 200 children from 10 to 14 years of age and 200 from 14 to 18 in the prison not yet sentenced. All children, he said, were in a separate section and given education. Team members asked to see the children's section and were shown two cells. In one room, about 40′ by 25′, there were 47 children *under 8 years of age*. One child, 4 years old, said he was in prison because he had been caught stealing a necklace. The children were squatting in one end of the room eating when the Team members entered. They live in a bare room, with sanitary facilities at one end. No materials for play or study were in evidence. The food was rice with vegetables and fish. It looked adequate. The children seemed to be well physically. When the Team entered, the children left their bowls of food and assembled in lines without any order from the adult in the room or from the Warden. All, even the 4 year old, stood at attention and did not move or speak; only their eyes followed the visitor's moves. In the next cell, similar in size, there were 67 children slightly older but under 10 years. The situation was the same in all respects.

The Team members saw three cells in the men's section, the same size as the cells for children. There were about 50 men in each of the rooms viewed. Some of the men were preparing over tiny burners various kinds of food which had been brought by friends or relatives. None of the men in these three cells had been sentenced.

Upon asking to see the disciplinary cells, the Team members were shown a room with iron rings for shackling prisoners, which, we were told, were seldom used. The iron looked rusty. Team members did not get to see any of the 100 prisoners who the Warden said were in solitary.

The prison is in the form of a hexagon, four stories high facing inside. The wedge-shaped area in front of each of the six sections contains water tanks for bathing and washing clothes and an open space. The Warden said that after 5 p.m. the inmates are allowed here for sports and bathing. Since there is an average of about 1000 inmates in each section, it is obvious that only a very small proportion of the inmates could play soccer, volley ball, bathe or wash clothes at one time.

Con Son Island Prison

Con Son Island Prison, an escape-proof prison about 50 miles off the southeast coast is said by officials to contain 7021 prisoners, most of them "political". In many of the barracks, the majority of the prisoners were "political" prisoners who had been "tried" before a Military Field Court, usually without legal representation. They wore red tags which identified them as either V.C. or V.C. sympathizers. Those with yellow badges (detainees) presented another kind of problem. A show of hands, taken in a number of barracks, revealed that many detainees had been imprisoned as long as a year and a half with little hope of being released unless, conceivably, a place was required for new prisoners. It was explained that frequently the means or records necessary to determine whether charges should be brought were unavailable. There was a failure to observe even a minimum amount of due process in the overwhelming majority of cases. The same circumstances were recited over and over by the prisoners; they were either being held on charges of sympathizing with or aiding the enemy, or they had been rounded up after a military action in their village and were held. Others were students who had indicated their support for peace.

The tour had been carefully arranged by prison officials. The only time the Team members deviated from the prepared pattern, successfully demanding to see Camp No. 4 instead of the camp that the prison authorities had scheduled, they saw something of significance. There were large dark dormitory cells (three out of about ten such cells were inspected) in which there were from 70 to 90 prisoners each, all of whom (as determined by a show of hands) were condemned to life in prison. None had had lawyers or any trial other than a judgment by a military tribunal.

The prison authorities denied the existence of "tiger cages", reputed small barred cells in which prisoners being disciplined were chained to the floor in a prone position. Although recently released prisoners referred to this practice from actual experience, the Team members were unable to elicit any more from the prison officials than that the "tiger cages" were no longer in existence. (At first any knowledge of such things was denied). One prisoner, however, speaking surreptitiously to the Team members said, in answer to a question, "Yes, the 'tiger cages' are here, behind Camp No. 2 and Camp No. 3. You looked in the wrong place." The Team members had looked behind Camp No. 4.

Taking into consideration the conditions under which such a prison had to operate, it seemed that an attempt was being made by the prison officials to conduct as clean and sanitary an operation as they could. There was a 1.3 million dollar expansion underway (funded and supervised by the U.S.A.) which would provide 72 additional barracks.

Pursuing further the question of how prisoners were disciplined, the Team members were told that only 10 out of the 7021 prisoners were under discipline. On request, the visitors were shown two of these ten. They had been in solitary for six months because of their refusal to salute the flag. One said he would never salute it. His legs were

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deeply marked, the Colonel in charge explained this was the result of a past disease. Questioned directly, the prisoner said it was the result of a long period in leg irons.

Although Team members observed no brutality, they felt that to have no disciplinary barracks other than a small number of maximum security cells was highly unusual. The Team members noted the fearful reaction of the inmates whenever prison officials appeared, surmising that there must exist a high degree of punitive regimentation.

A disturbing aspect of the prison situation in Vietnam is physical abuse of prisoners. U.S. officials (there are American advisors at every level of Vietnamese bureaucracy (agree that there is torture, but insist that it does not take place in the correctional centers but in the interrogation and detention centers where the prisoners are taken first. Accounts by ex-prisoners verified the fact that torture in detention and interrogation centers is general procedure.

Frequently, the interrogation center at the National Police Headquarters in Saigon was mentioned as a scene of torture. However, many informants said that the types and extent of torture administered in some of the detention centers in the provinces were far worse than in the National Police Interrogation Center in Saigon.

Although Team members were allowed to visit the National Police Headquarters in Saigon, it was an arranged visit. There was no evidence of the forms of torture here described. Colonel Mau said that modern interrogation techniques ruled out the need for physical violence. Team members saw the interrogation rooms but no prisoners were being questioned. The Team's evidence for the tortures described come from interviews with ex-prisoners testifying to what they had endured and seen, together with the statements of doctors and others who had treated the victims. While the testimony of prison officials and the appearances of the National Police Headquarters cannot be lightly dismissed, the sheer weight of witnesses' statements seemed overwhelming and conclusive to Team members.

All prisoners are oppressed by conditions of overcrowding. Sometimes, however, many prisoners are stuffed into small cells which do not allow for lying down or, sometimes, even for sitting; and this, when it is steaming hot, when excrement accumulates, and when the prisoners are seldom released for exercise, is torture indeed.

Beating is the most common form of abuse. Intellectuals appear to receive "favored" treatment and seldom are subjected to torture other than beating. This is done with wooden sticks and clubs. ("Metal" was mentioned by one observer.) The blows are applied to the back and to the bony parts of the legs, to the hands, and, in a particularly painful form, to the elevated soles of the feet when the body is in a prone position. Beating of the genitals also occurs. A number of commentators also described the immersion of prisoners into tanks of water which are then beaten with a stick on the outside. The pain is said to be particularly intense and the resultant injuries are internal.

Another type of water torture in which a soaked cloth is placed over the nose and mouth of a prisoner tied back-down to a bench is said to be very common. The cloth is removed at the last moment before the victim chokes to death, and then is reapplied. In a related form, water is pumped into the nose.

The most common procedure is said to be the elevation of the victim on a rope bound to his hands which are crossed behind his back. One witness described a "bicycle torture" used in this center. For about a week the prisoner is forced to maintain a squat position with an iron bar locking his wrists to his ankles; "afterwards he cannot walk or even straighten up", it was said.

An intellectual who was arrested in 1966 and spent the first six months of his two and one-half years term in an interrogation center described what he called the "typical case" of a woman law student in a nearby cell. She had been in the interrogation center for six months when he arrived and stayed for the next six months during his own imprisonment there. Throughout this year, she was tortured mostly by beating. When she was finally called before a tribunal to hear the charges, she had to be carried by two fellow prisoners. The tribunal, apparently because of her status, heard her case carefully and determined that it was a case of misidentification. Someone in Zone D had reported a V.C. returnee or spy who looked like her.

The same informant said, as a number of others did, that sexual torture was common. Though apparently it was not used on this woman student, it is used on many women. Frequently coke and beer bottles were proded into the vagina. Also, there were a number of accounts of electrical wires applied to the genitals of males and females, as well as to other sensitive parts of the body. Another informant told of the torture by electricity of an eight-year-old girl for the purpose of finding her father: "She said her father was dead and they just kept torturing her . . . They tortured her mother too." This was said to have occurred in the National Police Interrogation Center (Saigon) during 1968. Several ex-prisoners testified that it is not unusual to torture family members, including children, before the eyes of the prisoner. "Then," explained a woman teacher who had been imprisoned twice, "the prisoner will tell anything."

A respected physician told Team members that recently police brought a dead girl from an interrogation center to a city hospital and asked the Doctor there to certify to death from natural causes. On examination of the cadaver, the Doctor found signs of beating and sexual violation. He refused to so certify. Pressure was brought on the head of the hospital to issue the certificate. Such incidents are not unusual.

III. LEGAL STANDARDS AND PROCEDURES

The heart of the problem of assessing the conditions of political imprisonment in South Vietnam lies in the matters of standards and procedures. The key questions are: who is subject to arrest and imprisonment; and, how in each case is this determination made? If either the standards for determining who is subject to arrest, or the procedures for making the determination is loose, then enormous potential for official capriciousness exists and the freedoms of those subject to such caprice are ephemeral.

The Study Team found both the standards and the procedures to be loose by any measure, even by the most generous measure of allowance for the exigencies of civil and guerilla warfare. The evidence is more than adequate to sustain the conviction of the Study Team that this looseness is used deliberately to suppress political dissent and to oppress some religious groups. In particular, loyal nationalists who are in basic disagreement with the government fear with good reason retaliation for expressing their views.

Naturally, the particular kind of war being waged in South Vietnam bears upon the judgments of the Team. Government of Vietnam officials quite properly see an analogy between the civilians arrested for guerilla war activities—sabotage, espionage and the organization and support of National Liberation Front military cadres—and soldiers taken as prisoners in more conventional war. The validity of the analogy should be granted. We cannot class as suppression of political freedoms the imprisonment of those actively engaged in conducting war against the government. Moreover, the need for procedures to permit speedy imprisonment without exposing the government to the risk of further war like activity on the part of the arrested persons must be conceded.

It is humbling for Americans to be reminded that their own history is replete with invasions of individual rights made in the name of wartime emergency: the suspension of the writ of habeas corpus during the Civil War, for instance, and the evacuation of persons of Japanese ancestry from the West Coast during World War II. An American cannot presume to sit with clean hands in judgment upon the Government of South Vietnam. But both the principles of justice to which their constitutions commit the United States and the Republic of Vietnam, and the pragmatic concern for winning popular support for democratic principles compels this Team to confine the restrictions on freedom made in the name of wartime exigency to those actually necessitated by war.

Loose and inadequate standards and procedures do not represent concessions to those wartime exigencies. Minimization of risk of war-like activities against the government is not achieved by the imprisonment, for instance, of loyal nationalists who advocate forming a coalition government with N.L.F. representatives. Nor does minimization of such risks require imprisonment of powerless people who scurry to avoid exposure to the demands of both N.L.F. and government forces, in so-called "insecure" areas, and are arrested on suspicion with the expectation that brutal interrogation may yield a "confession" which will warrant detention.[6]

In fact, imprisonments of this kind create the unnecessary risk of alienating loyalties; a hazard made doubly severe by the highly political character of a war in Vietnam. The seriousness of this hazard is underscored by the statement of the Team of one young man, a resident of a rural province, that probably a majority of the men his age who reside in "secure" areas (under Government of South Vietnam control) of that province have experienced arrest and detention at least once during their lives. The evidence available to the Team suggests that the number of such arrests is steadily and continuously increasing.

The limits of the "war exigencies" justification are well illustrated by Article 29 of the Republic of Vietnam Constitution which clearly contemplates the existence of exceptional circumstances such as war. It provides:

"Any restriction upon the basic rights of the citizens must be prescribed by law and the time and place within which such a restriction is in force must be clearly specified. In any event the essence of all basic freedoms cannot be violated."

A. Standards

Authority for imprisonment of non-conventional criminals is found in the State of War Law, Law No. 10/68, adopted by the National Assembly and promulgated by the President on November 5, 1968. It amends the State of War Decree promulgated prior to the present Constitution, on June 24, 1965, and as amended authorizes, among other things:

"The search of private houses, both by day and night;

"Fixing the place of residence of those elements judged dangerous to national security;

"Prohibition of all demonstrations or gatherings harmful to public security and order;

"Pronibition of the distribution of all printed matter harmful to national security;

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[6] Credible testimony of instances of arrests fitting both these examples was given the Study Team from many sources. (See Section II)

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"Control and restriction of communications and travel, consonant with security requirements; . . ."

In particular, the euphemistic language of the second paragraph quoted requires elaboration. Under it, numbers of persons are "assigned residence" in one or another of the provincial or national prisons by action of a Provincial Security Committee for specified but renewable terms, not exceeding two years, because they are "judged" to be "elements . . . dangerous to national security." Such a standard patently abdicates to the judging body the determination of who is to be subject to such imprisonments, with little, if any, legislative guidance or control. In fact, it was determined that students with nothing more than the notation in their files that they exhibied "left-wing tendencies" were being incarcerated in national prisons whose administrator classified them in his census as "Communists"; i.e., in the same category with individuals found to have assumed leadership roles in organizing war-like activity for the N.L.F. Others claimed to the Team that they had been detained for no other reason than that local officials responsible for their arrests expected to extort bribes as conditions for their release.

Under the heading of "prohibition of . . . gatherings", the Team learned of a Saigon political leader who was sentenced by a military field court to imprisonment for one year because he called a press conference without proper advance clearance from Republic of Vietnam authorities. (In this man's case, a known requirement appeared to have been deliberately violated, but the sentence suggests that the State of War Law is being used for more than minimization of military risks to national security.)

The standards just quoted should be read in conjunction with Article 4 of the Constitution which provides:

"Article 4. (1) The Republic of Vietnam opposes Communism in any form. (2) Every activity designed to publicize or carry out Communism is prohibited."

The looseness of the prohibition against activity designed to "publicize or carry out" Communism parallels that inherent in the other standards we have discussed. Under it, President Thieu, in an interview he generously afforded the members of the Team, justified the detention of Truong Dinh Dzu as a "political prisoner" on the ground that he had allegedly advocated the formation of a coalition government in which the N.L.F. would participate. This would violate Article 4, President Thieu reasoned, since such advocacy is *ipso facto* prohibited by that article. It may be unnecessary to point out, in response to this reasoning, that the Constitution also provides machinery for its own amendment, a process hardly likely to be completed without someone having first advocated a result barred by the language of the provisions being amended.

B. Procedure

1. Arrest, Detention and Interrogation

Because of the long periods for which individuals are often held and interrogated prior to any disposition, often for six months or more—the procedures for determining who is to be arrested and for how long he is to be detained and interrogated take on a special importance. Moreover, the frequent and serious physical abuses about which the Team heard most often occur during this period. Although they seem to be employed as "aids" to interrogation, they are forms of cruel and barbarious punishment against which the citizen needs every conceivable procedural protection.

In fact, procedural protections are essentially nonexistent at the arrest and interrogation stage. Arrests are made by a wide variety of local and national officials—by district police, special security forces, military forces and intelligence units—each exercising a relatively unfettered discretion. The arrest may occur for no other reason than that the arrestee was found near the scene of a guerrilla raid. Unless the arrested person is of exceptional importance, he will usually be detained by the arresting unit or by the district or security police in the district or province where arrested, and subjected to whatever interrogation methods authorities in that unit choose to apply.

Such detention for interrogation frequently continues for many months and it is at this stage that the bestial brutality the Team encountered occurs.

Despite the constitutional provision that: "(6) A defendant has the right to a defense lawyer for counsel in every phase of interrogation, including the preliminary investigation", the Team was unequivocally assured by Colonel Mau, Chief of the Special Branch of the National Police Forces, that no one within his knowledge ever saw a lawyer at this stage—certainly never when detained at the Interrogation Center of the National Directorate of Police in Saigon. All of the Team's information tended to confirm that this generalization applied to other places of interrogation, both in Saigon and in the provinces.

Not only is the arrestee denied a right to counsel at this stage, he is frequently denied all contact with outsiders, including members of his family. Often families are not notified of the arrest, and they may go for days or months in ignorance of any fact save that their loved-one has disappeared. In one instance, when occasional visits were stopped after several weeks on the ground that they interfered with the interrogation. Isolation itself may be used as an interrogation "aid" or technique.

2. "Assigned Residence" by Provincial Security Councils

An unknown proportion of the persons held in the correctional system—the four national and thirty-seven provincial prisons of the system—are assigned there by action of Provincial Security Councils rather than by the judgment and sentence of any court. An official of one province reported that 50 percent of the 1,400 occupants of the local provincial prison were assigned there by the action of the Provincial Security Council.

When Prime Minister Huong took office in May, 1968, the Team was told he made a major effort to improve the functioning of these bodies, enlarging them to include an elected official (in the provinces where elections have been held) and causing them to pare their backlogs of undisposed business. As a result, it may be assumed that dispositions in some provinces show a greater sensitivity to local opinion and that the periods of preliminary detentions—to the extent they exceed the length of interrogation desired—have been reduced.

One of the Prime Minister Huong's first acts was to initiate a remarkable admission of wrongdoing on the part of the Thieu government in the release and commutation of the sentences of a number of political prisoners whose total has been variously estimated from 2,000 to 6,000.

On another occasion Deputy Prime Minister Khiem commendably acknowledged in response to questions raised in the National Assembly the arbitrary nature of the arrests and interrogation procedures and the official fear of repercussions which could result from the conditions of brutality.

When a Team member shared with Minister Khiem a preliminary sketch of team findings; i.e., loose prisoner classification, denial of due process and the arbitrary action of military field courts, he agreed that these were concerns he and his staff had been considering.

But these steps only sweeten a system that is intolerable. No society can pretend to be free that permits "administrative" detentions of the kind handled by Provincial Security Councils. One Team member was privileged to visit the members of one such Council as its regular weekly session was being concluded. Members of the Council each possessed a type-written list of the names of the individuals whose cases were being considered, approximately 100 names were on the list for a single afternoon's consideration. He was told that on heavy business days the Council sometimes continued to meet into the evening. An officer brought the relevant files to the meeting and read to the Council the information required for consideration. Without notice to the arrested person, without his presence or that of witnesses to the facts relevant for determination, without confrontation or opportunity for rebuttal, to say nothing of rights of counsel or to appeal, the liberty of each of the 100 persons listed was summarily determined and detentions in prison were ordered for periods—renewable by like procedure—of up to two years. No wartime conditions, nor any other justification, can be offered to reconcile such a procedure with the democracy which is claimed to be the object of the Constitution of the Republic of Vietnam. Undoubtedly, the system succeeds in detaining some people for whom a real connection with the activities of the N.L.F. has been shown, although the Team was told that all serious wartime offenses are referred to a Military Field Court for disposition. But no other purpose than convenience to the interests of local or national officials which are adverse to those of the detainees—whether to suppress political opposition or otherwise—can really be served by this mechanism.

3. Military Field Tribunals

The Study Team has reached the conclusion that the Thieu-Ky Government has, through the extensive and increasing use of the extra-constitutional Military Field Courts, imprisoned thousands of persons without the most fundamental elements of a fair hearing and, in a shocking number of instances, without even apprising the imprisoned persons of the charges against them. This extraordinary development has had such a devastating effect on the people of South Vietnam and such a chilling impact on all political activities that it seems important to chronicle in some detail the process by which the present Saigon Government, in the name of a wartime emergency, can deny persons arrested for political "offenses" all of the guarantees which Vietnamese constitutional and statutory law gives to persons accused of crime.

The Constitution of the Republic of Vietnam, promulgated on April 1, 1967, confers in Article 7 a series of guarantees upon those accused of crime which are among the most generous and progressive of any democracy in the world. Because these rights have been denied to probably 65 to 75 percent of all of the persons committed to prisons in South Vietnam, it is important to set them forth in some detail. Article 7 reads as follows:

"(1) The State respects and protects the security of each individual and the right of every citizen to plead his case before a court of law.

"(2) No one can be arrested or detained without a legal order issued by an agency with judicial powers conferred upon it by law, except in case of flagrant violation of the law.

"(3) The accused and his next of kin must be informed of the accusation against him within the time limit prescribed by law. Detentions must be controlled by an agency of the judiciary.

"(4) No citizen can be tortured, threatened or forced to confess. A confession obtained

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by torture, threat or coercion will not be considered as valid evidence.

"(5) A defendant is entitled to a speedy and public trial.

"(6) A defendant has the right to a defense lawyer for counsel in every phase of the interrogation, including the preliminary investigation.

"(7) Any person accused of a minor offense who does not have a record of more than three months' imprisonment for an intentional crime may be released pending trial, provided that he or she is employed and has a fixed residence. Women pregnant more than three months accused of minor offenses who are employed and have fixed residence can be released pending trial.

"(8) Accused persons will be considered innocent until sentence recognizing their guilt is handed down.

"In the event of doubt, the court will rule in favor of the accused.

"(9) If unjustly detained, a person has the right to demand compensation for damages from the State after he has been pronounced innocent, in accordance with the provisions of law."

All of these carefully spelled-out guarantees were nullified for political offenders by law No. 10/68 of November 5, 1968, which we have earlier described. This law amends and revitalizes a pre-constitutional decree issued June 24, 1965. By its legitimation of the Military Field Courts, this law, in effect, amended the Constitution although none of the Articles of the Constitution related to amending the document (Nos. 103–107) were complied with.

The November 5, 1968 law, in addition to authorizing the invasions of individual rights previously recited, authorizes local proclamations of martial law and in its Article 2 declares that:

"All violations of the law related to national security fall within the Military Field Courts which will try them in accordance with emergency procedures."

The creation of these "Military Field Courts" is nowhere authorized in Article 76 through Article 87 of the Constitution, which provide in detail for the structure of Vietnam's judiciary. Nor is the "Military Field Court" related to military tribunals which exist in the armed forces of South Vietnam for the prosecution of offenses committed by military personnel. *The "Military Field Courts" are not really courts at all.*

The Study Team is convinced that the number of arrests and imprisonments continues to grow larger under the law of November 5, 1968. Moreover, it is clear that the 1968 law, unlike the 1965 decree, abrogates and amends the 1967 Constitution of South Vietnam in an illegal way. Indeed, the 1968 law eviscerates that Constitution and suggests that the President and the National Assembly disregarded the Constitution in several respects and, relying on "a state of war", undertook to legitimize the Military Field Courts which imprison persons in proceedings having few if any of the features of a real trial. No matter how favorably they are viewed, these courts serve as the instrument by which the Thieu government imprisons and thereby silences its critics.

The inadequacies of the Military Field Courts are many. Among their more glaring defects are the following:

(1) These courts violate Article 77 of the Constitution which stipulates that every court should be composed of "an element that judges and an element that prosecutes, both of which are professionaly qualified." In the Military Field Court, the judge is a military official not necessarily trained in law.

(2) The offenses triable by the Military Field Courts are non-appealable. The denial of these basic rights violates the Vietnam Constitution as well as the practices which have become customary in most of the judicial processes in the civilized world.

(3) The Military Field Courts also violate Article 9 of the Universal Declaration of Human Rights which states that, "No one shall be subjected to arbitrary arrest or detention." This statement is now incorporated in the draft Covenant on Civil and Political Rights and is broadened to read as follows:

"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest and detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law."

These provisions are being violated in South Vietnam. Their violation is thus a violation of the Constitution of South Vietnam which states in Article 5 that "the Republic of Vietnam will comply with provisions of international law which are not contrary to its national sovereignty and the principle of equality between nations."

IV. APPENDIX

A. U.S. study team on religious and political freedom in Vietnam

James Armstrong, Bishop of the United Methodist Church, Dakotas Area. Bishop Armstrong received his A.B. from Florida Southern College, a B.D. from Emory University, and D.D. from Florida Southern and DePauw University. Elected to the episcopacy in 1968, James Armstrong is the youngest United Methodist Bishop in the United States. He taught for eight years at the Christian Theological Seminary (Disciples of Christ) in Indianapolis, served for ten years as minister of the Broadway United Methodist Church in Indianapolis. Known for his interest in public affairs, he was a board member of the Community Service Council, the Urban League and the Indianapolis Progress Committee, and was singled out as "one of the leaders who builds cities" by Time-Life in its book *The Heartland.* He himself is the author of the book, *The Journey that Men Make,* published by Abingdon Press.

Mrs. John C. Bennett (Anne McGrew Bennett). Mrs. Bennett received a B.Sc. in Education from the University of Nebraska and M.R.E. from Auburn Theological Seminary. She taught for several years in country schools in Nebraska, was married in 1931 to John C. Bennett, now President of the Union Theological Seminary in New York City. Mrs. Bennett has been active in denominational and interdenominational affairs for many years. She is a member of the U.S. Inter-Religious Committee on Peace, a former board member of the Council for Christian Social Action of the United Church of Christ, and served from 1960 to 1964 on the General Board of the National Council of Churches.

Allan Brick, Associate Secretary for National Program, Fellowship of Reconciliation. Dr. Brick received an A.B. from Haverford College, an M.A. and a Ph.D. in English from Yale University. A former professor of English at Dartmouth and Goucher Colleges, Dr. Brick served as Peace Education Director for the American Friends Service Committee, Middle Atlantic Region, from 1966 to 1968. He has published articles on English and American literature, as well as articles on student and protest movements and is coauthor of *The Draft,* a report by the American Friends Service Committee, published by Hill and Wang, New York.

John Conyers, Jr., Representative in Congress of the First Congressional District, Detroit, Michigan. Congressman Conyers received his B.A. and his law degree from Wayne State University. Currently serving his third term both as a Representative and a member of the Judiciary Committee, he has been an active supporter of civil rights legislation in Congress. In this capacity he has made trips to Selma, Charleston, Mississippi and other places to investigate cases of civil rights violations. Prior to election to Congress, Mr. Conyers was a labor and civil rights lawyer, also serving as Director of Education for Local 900 of the United Auto Workers, an executive board member of the Detroit NAACP and an advisory council member of the Michigan Civil Liberties Union. During the Korean conflict, he served as a Second Lieutenant in the Corps of Engineers.

Robert F. Drinan, S.J., Dean, Boston College Law School, and Professor of Family Law and Church-State Relations. Father Drinan received his A.B. and M.A. from Boston College, his LL.B and LL.M. from Georgetown University Law Center, an S.T.L. (Licentiate in Sacred Theology) from Gregorian University in Rome. He is author of several books, the latest of which is *Democracy and Disorder,* published in 1969 by the Seabury Press, and is a contributor to many publications, including *Commonweal* and the *Harvard Law Review.* Father Drinan has served widely in legal, civic and education organizations and committees. He is a former vice-president of the Massachusetts Bar Association, is currently chairman of the M.B.A.'s Committee on the Administration of Justice and chairman of the Advisory Committee for Massachusetts to the United States Commission on Civil Rights.

John De J. Pemberton, Jr., Executive Director of the American Civil Liberties Union. Mr. Pemberton received his B.A. at Swarthmore in 1940, and LL.B. *cum laude* at Harvard in 1947. As a student at Harvard Law School, Mr. Pemberton served on the board of editors of the *Harvard Law Review;* after graduation, taught commercial and bankruptcy law at Duke University until 1950. From 1950 to 1962, he practiced law in Rochester, Minnesota, as a member of the firm of Pemberton, Michaels, Bishop and Seeger. In Rochester, he served on the Minnesota Advisory Committee to the United States Civil Rights Commission and the Minnesota Fair Employment Practices Commission. An active member of the ACLU since 1950, Mr. Pemberton was appointed its Executive Director in 1962.

Seymour Siegel, Professor of Theology in The Jewish Theological Seminary of America and Assistant Dean of its Herman H. Lehman Institute of Ethics. Dr. Siegel graduated from the University of Chicago. In 1951 he was ordained by the Jewish Theological Seminary and in 1958 received the Seminary's degree of Doctor of Hebrew Literature. As representative of the World Council of Synagogues, Dr. Siegel has traveled widely to Jewish communities abroad; in 1962, He became the first Visiting Professor from the Seminary to serve at the Seminario Rabbinico Latinoamericano in Buenos Aires. He is a member of the editorial boards of *Conservative Judaism, Jewish Heritage,* and editorial consultant to Benziger Brothers Publishing Company. Now completing work on his second book, *Jewish Theology Today,* he has also contributed many articles and reviews to both scholarly and popular journals, among them the *Saturday Review* and *Commentary.*

Arnold E. True, Rear Admiral, United States Navy, Retired; Professor Emeritus of Meteorology, San Jose College. Admiral True received a B.S. at the U.S. Naval Academy in 1920, and M.S. from M.I.T. in 1931, and graduated from the U.S. Naval War College in 1939. He served in the United States Asiatic Fleet in the Far East, commanded the USS Hammann and two destroyers in World War II, and was on the staff of the Commander-in-Chief of the United States Atlantic Fleet between 1944 and 1946. During the Battle of Midway he received injuries which necessitated his retirement. From 1947 to 1967 he was professor of meteorology at San Jose College. Admiral True recently presented testimony to the Senate Armed Services

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Committee concerning budget requests of the Department of Defense.

The Reverend Peter Jenkins, of Congressional Church, Wimbledon, England and Treasurer of Eirene International Christian Service for Peace Organization, met the team in Paris and accompanied them to Saigon.

CABLE FROM U.S. STUDY TEAM TO PRESIDENT NIXON

SAIGON,
June 5, 1969.

President NIXON,
Washington, D.C., U.S.A.:

The Independent Study Team on Religious and Political Freedom in Vietnam has completed its study here and is preparing a detailed report. The team met with South Vietnamese and United States officials, various Buddhist and Roman Catholic leaders, representatives of other principal sects, members of the National Assembly, Attorneys and other specialists in jurisprudence as well as numerous private individuals, including some prisoners.

The team inspected prisons in Saigon, Thu Duc and Con Son. Our final report will be related to the following firm impressions:

The Government of South Vietnam does not presently exemplify at least one of the goals set forth in your May 14th statement. "There should be an opportunity for full participation in the political life of South Vietnam for all political elements that are prepared to do so without the use of force or intimidation."

Religious and political suppression is widespread. Speaking for peace or in any other way opposing the Government easily brings the charge of Communist sympathy and subsequent arrest. Long detention without trial is frequently the result.

The number of political prisoners continues to increase.

There must be no illusion that this climate of political and religious suppression is compatible with either a representative or stable government.

We respectfully request that you consider this in weighing any commitments to the Thieu Government.

On behalf of the Study Team on Religious and Political Freedom in Vietnam.

Hon. JOHN CONYERS, JR.,
Member of Congress.

MEMBERS OF THE U.S. STUDY TEAM ON RELIGIOUS AND POLITICAL FREEDOM IN VIETNAM

James Armstrong, Bishop, United Methodist Church.

Anne M. Bennett (Mrs. John C.).

Allan Brick, Director of National Program, Fellowship of Reconciliation.

John Conyers, Jr., Member of Congress.

Robert Drinan, S.J., Dean, Boston College Law School.

Peter W. Jenkins, Pastor, Congregational Church, Wimbledon, England.

John de J. Pemberton, Executive Director, American Civil Liberties Union.

Seymour Siegel, Rabbi, Professor of Theology, Jewish Theological Seminary.

Arnold E. True, Rear Admiral, U.S.N. (Ret.).

S. 4—THE ESTABLISHMENT OF A BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the Big Thicket area in southeast Texas is an expanse of forest, wildlife, and rivers which has become an important project of preservation for many Texans. Orrin H. Bonney has written an article, "Big Thicket: The Biological Crossroads of North America" which appeared in the May 1968 issue of the Sierra Club Bulletin. My bill, S. 4, which calls for the establishment of a Big Thicket National Park of not less than 100,000 acres, is supported in Mr. Bonney's article, as he writes that the Big Thicket has been whittled down from an expanse of 3.5 million acres to the present 300,000 acres. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIG THICKET

(By Orrin H. Bonney)

Near the great population centers of Dallas, Houston, and the Beaumont-Orange-Port Arthur complex of East Texas is Big Thicket. Once a sweeping expanse of about 3.5 million luxuriantly forested acres. Big Thicket has been whittled down to less than one-tenth its former size. But the 300,000 remaining acres contain great beauty and habitats that are ecologically unique.

The beauty of Big Thicket is elusive. Travelers who look at forest skimming past their car windows are likely to ask, "But where is Big Thicket?" The Thicket's special beauties are not for the motorist, only for walkers who penetrate its dense woods to see the breathtaking loveliness of ferns growing from the moss of gnarled tree trunks, the unbelievable green solitude of duckweed-matted bayous, tree-encircled meadows resplendent with wildflowers, magnificent magnolia groves, azaleas exploding with color, luminous beech forests, eerie cypress swamps.

Big Thicket is unparalleled in the richness and diversity of its plant life. Sometimes called the "biological crossroads of North America," its 60-inch annual rainfall and gulf climate make the Thicket a lapping-over point of subtropical and temperate vegetation, found nowhere else in the United States. A National Park Service study states that "the forest contains elements common to the Florida Everglades, the Okefenokee Swamp, the Appalachian region, the Piedmont forests, and the open woodlands of the coastal plains." Large areas resemble tropical jungles in the Mexican states of Tamaulipas and Vera Cruz. Big Thicket's ecologic complex encompasses eight plant communities—upland, savannah, beech-magnolia, baygall, palmetto-baldcypress-hardwood, bog, streambank, and flood-plain forest—with intermediate gradations.

At least 21 varieties of wild orchids and 25 ferns grow in the area, and four of America's five insect-eating plants. "Mr. Big Thicket," Lance Rosier, has spent a lifetime here; he calls it a matchless area for the study of fungi, mosses, and algae. A study of fungi and algae would doubtless disclose many species that hitherto have been unclassified and unnamed.

Several species of trees have reached their finest development in Big Thicket, and champion-sized trees continue to be discovered: the world's largest American holly, eastern red cedar, Chinese tallow, sycamore; red bay, yaupon, black hickory, sparkleberry, sweetleaf, and two-wing silverbell. The world's tallest cypress tree towered undiscovered in Trinity River bottomlands until a year or two ago.

For reasons still unknown, Big Thicket is a "region of critical species changes." As Dr. D. S. Correll, noted botanist of the Texas Research Foundation, has pointed out, Appalachia flora grow in Big Thicket, the flowers coming in a direct line from Tennessee. As each species reaches the western extreme of its range in East Texas, it tends to differ from its more easterly cousins. "The variations are often so great that the plant has to be segregated as a distinct species," says Dr. Correll.

At least 300 bird species make Big Thicket their home year-round; countless migratory birds visit the area, which lies on the dividing line between the great flyway of the Mississippi Valley and the migration route that curves along the gulf coast.

The ivory-billed woodpecker, gaudily plumed and larger than a crow, ranged through southern forests in the past. With the gradual passing of vast, virgin hardwood stands that were its home, this regal bird was thought to be extinct. But a number of ivory-bills—estimates range from seven to ten—have been observed in the Neches River bottomlands of Big Thicket. Preservation of the area would be justified on this basis alone.

Hunters have roved Big Thicket since Indians paddled across the waters of the "Big Woods," as they called it, in search of once-abundant game. (Enforcement of game laws reached the area in 1964; poaching and hunting out of season are still a way of life there.) Bear and panther are rarely seen now, but smaller game animals are well represented. Reptiles and amphibians—ranging in size from alligators to tiny worm snakes—add to the interest of the region.

Archaeologists haven't studied Big Thicket yet, but nearby studies indicate that artifacts from all four eras represented in Texas will be found there—the Paleo-American, Archaic, Neo-American, and Historical. Early Indians in the area were the Akokisa and the Bidai. The Coushatta Indians (then the Alabama) came west in about 1800 and settled in Big Thicket. They still remain there, on the only Indian reservation in Texas.

Until the 1820's, the Thicket wilderness was inviolate. Historic trails—such as the Old San Antonio Road, the Atascosita-Opelousas Trail, and the Contraband Trail—bypassed the "impenetrable wood" with its luxuriant undergrowth, unfordable streams, and bogs. But in the 1820's, the wilderness was penetrated from the north by Anglo-American settlers who moved in by way of flatboats, keel boats, and rafts. Farm settlements mushroomed along streams to form towns like Jasper (1824) and Woodville and Hillister (1830). Old men in dying crossroad towns will still tell you stories of epic bear hunts, of bawdy sawmill days, of hiding Civil War deserters, runaway slaves, and other fugitives.

Economic development of Big Thicket began on a small scale during the 1850's, when logs were floated down the Sabine and Neches rivers to three sawmills. In 1876 a narrow-gauge railroad, with an eventual 250 miles of tram offshoots, launched the lumbering industry into the big time and doomed the western Thicket wilderness. Railroad builders took another giant step in 1896, positioning their rights of way to facilitate plundering of Big Thicket's unspoiled eastern half. Their lines slashed through the Great Woods, with sawmill towns strung along them like beads on a necklace. Moving out—lock, stock, and railroad tracks—when the accessible and marketable timber was gone from an area, lumber companies left denuded chaos and disintegrating sawmill towns behind them. The turn of the century saw a sustained assault on Big Thicket resources that did not end until practically all of the virgin pine forests had been reduced to cut-over woodlands.

Most of its wilderness was raped decades ago, but Big Thicket has remarkable recuperative powers. Stumps decayed, and dense undergrowth recaptured the sites of old sawmill towns. And fortunately, there are areas that axe and machine have never reached.

Today, the last 300,000 acres of Big Thicket are under renewed attack. The entire acreage is privately owned, most of it by five lumber companies. Lumbermen, pipeline companies, and real estate promoters are racing to carve up Big Thicket at the dismaying rate of 50 acres a day. But growing numbers of Texans—keenly aware of their state's lack of

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public land, its dwindling natural areas, its mere 106 miles of trails—are becoming seriously concerned at last. More and more of them are realizing that it's now or never if significant parts of Big Thicket's last 300,000 acres are to be preserved for the people of Texas and the nation.

Battle lines were drawn when the Texas conservationist and statesman, Senator Ralph Yarborough, introduced in 1967 a bill to establish a Big Thicket National Park of 75,000 acres: S. 4. While the National Park Service has made no final recommendations, its preliminary study of 1965 envisioned a nine-unit national monument of 35,000 acres built on a "string of pearls" concept.

(1) The Big Thicket Profile Unit, 18,180 acres, which is in the heart of the original Thicket and contains a representative selection of almost every kind of land and vegetation to be found in the area.

(2) The Beech Creek Unit, 6,100 acres, with its virgin beech forest.

(3) The Neches Bottom Unit, 3,040 acres.

(4) The Tanner Bayou Unit, 4,800 acres, on the Trinity River.

(5) The Beaumont Unit, 1,700 acres, containing an entirely untouched cypress swamp.

(6) The Little Cypress Creek Unit, 860 acres.

(7) The Hickory Creek Savannah, 220 acres, which contains an unusually lush growth of insect-eating plants.

(8) The Loblolly Unit, 550 acres, which contains the largest (and almost the last) stand of virgin pine in the state of Texas.

(9) Clear Fork Bog, 50 acres.

The Lone Star Chapter of the Sierra Club has studied the 35,000-acre "string of pearls" plan, and believes it is too small and too fragmented to preserve Big Thicket's special values. . . .

NEW COMMANDER FOR U.S. ARMY MATERIEL COMMAND

Mr. CANNON. Mr. President, on March 10, 1969, Gen. Ferdinand J. Chesarek assumed command of an enormous military activity headquartered in Washington, D.C., known as the U.S. Army Materiel Command or AMC. He replaced Gen. Frank S. Besson, Jr. This command employs 176,000 people, spends $14 billion annually, has a $24 billion inventory which includes military materiel in the hands of troops and has more than 60 installations and activities, including 19 depots, six central research and development laboratories, and three logistics schools under its jurisdiction.

Within the Department of the Army staff, Washington, D.C., General Chesarek has served as Assistant Deputy Chief of Staff for Logistics—Materiel Readiness—and then as Assistant Deputy Chief of Staff for Logistics. He was appointed Comptroller of the Army and was subsequently designated the first occupant of the newly created position of Assistant Vice Chief of Staff, Department of the Army. He has been awarded the Distinguished Service Medal for his service as Assistant Vice Chief of Staff from February 1967 to May 1968.

With this top-level management experience and because of his challenging logistical background one can readily understand why General Chesarek was selected to command AMC.

Mr. President, I ask unanimous consent that a speech dealing with weapon system acquisition and the procurement process of General Chesarek's at a recent conference at the U.S. Army Aviation Command, St. Louis, be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Acquisition of Weapons Systems

I welcome the opportunity provided by this conference and Jack Norton's invitation to talk briefly about a mutual problem of pressing importance—the acquisition of weapon systems. The problem is pressing because the rumblings of public discontent over cost and procurement methodology in recent years have now grown to a roar. We see continuous references to the dangers of the military-industrial complex—denunciations of cost overruns, of inept procurement programming, of "buy in", of lack of competition, and so on. These expressions of public concern tend to burgeon into larger areas, such as the role and influence of the military in national affairs and the level of military spending.

A recent Wall Street JOURNAL editorial states that the "new tendency in Congress and in the public at large to question growing influence of the military . . . is, it seems to us, a healthy development. A rigorous civilian review of the role of the military in national life is long overdue."

As many of you know, the Deputy Secretary of Defense is addressing the problem of more effective weapon systems acquisition and of ways to improve our methodology and contracting.

The impact of our methodology extends deep in the subcontractor structure, and therefore, is of wide industrial concern.

In my view, our three most important problems are:

1. To develop ways of better defining the technical baseline so as to identify more accurately the risk to the contractor and to the government.

2. To reduce the amount of contingency a contractor must include for price increases in labor, materials, and subcontracts by devising a better escalation provision.

3. To improve our decision making as well as the contractor's annual division of effort to insure that funding does not act as an artificial restraint on the progress of the work.

Let me expand on the reasons why these three problems are critical with respect to weapon systems acquisition and the procurement process.

In recent months, there have been a number of articles, comments, and speeches from industry sources, all of which make essentially the following point with respect to our current policies on major system acquisitions:

"Total package procurement and fixed price development contracts for weapon systems procurement are artificial. The basic problem is that fixed price development contracts and total package procurement contracts do not proceed from a solid technical baseline. This means there are technical unknowns, unknown unknowns, and technical uncertainties in the contract. The work has not been done before, with the result that cost experience is meager."

Although our record in the 1960s will show we have made some progress over the 1950s by use of concept formulation and contract definition, I share the view that these paper studies will not substitute for hardware. We recognize that in very large and complex systems the cost of resolution of an expected technical problem can run into the millions—even hundreds of millions—of dollars. On the other hand, we are not willing to go back to the development buy-in/production get-well days.

It seems to me as we explore refinements to the techniques of procuring military hardware from private industry that we must continually remind ourselves of the larger goal. We, the Army and private industry are participating in the expenditure of public funds on devices and systems intended to maintain this nation's security.

It is clear, then, that regardless of the form of the contractual arrangement we enter into, the Army and industry cannot sit like poker players with impassive faces, hoping to benefit from the mistakes of the other player. There must be mutual confidence—there must be a free exchange of ideas—there must be an honest and timely admission of difficulties and mistakes if the people of this country are to be well served. We should not let the fixed price arrangement become a monster which ultimately defeats our basic purpose.

As we have made some progress, the question is: Without losing our gains, what can be done to improve the process?

First, we on the government side must be more realistic. In our enthusiasm to achieve early operational advantage, we must not blind ourselves to the magnitude of the risk involved in committing ourselves to production of the unknown. We must be hardheaded and objective with ourselves to insure that high risk components are proved prior to system contracting no matter how much time is required. This means more component development, such as that which we are doing now on very high output engines for tactical vehicles and the very high performance demonstrator engine program for aircraft.

Next, we can expand contract definition from a paper analysis to one including prototypes. This expanded contract definition concept is being included in the Bushmaster, Armored Reconnaissance Scout Vehicle and Mechanized Infantry Combat Vehicle procurement. Instead of three to four months of effort on contract definition, you could have 12 to 16 months. Equally, you will have the opportunity to see the results of testing before you finalize your price proposal for engineering development and production. Still another method that has been suggested is breadboard models or prototypes of particularly important components. We are taking this approach in the Mallard program.

The second point has to do with how we reduce the amount of contingency a contractor must include for price changes in labor, in material, and in his subcontractor structure over which he has no contol. This is a very important point because we are talking very long-term contracts—five to ten years. Our analysis of your experience has shown that, even though we use the standard ASPR clauses on escalation, reality tends to outpace our provisions no matter how well structured. Equally, we find that the interrelationship of these three ASPR separate clauses over the period involved becomes so complex that neither industry nor government can fully calculate the effect.

For certain of our long-term, multiyear production contracts, the Bureau of Labor Statistics and ourselves have jointly devised a composite index tailored to the military truck environment. We have been using this index for the past five to six years in our general purpose vehicle procurements. Our experience has been good. It is relatively simple, sensitive to changing conditions, and understandable. The same approach might be applicable to other categories of major military equipment, and we propose to examine it during the next few months. You may be interested that, as a result of its own analysis of several of its recent total package procurements, the Air Force has arrived at a similar conclusion concerning the need for revision of its escalation provisions.

The third point concerns funding and the essentiality that it be consistent with the effort required.

As all of us know, our funds become available in annual increments. We in the government have an obligation to assure ourselves and you that these funds are made available to support our contractual commitments. Equally, you should not so plan your work or make your sequential effort depend upon the generation of funds not programmed. We do not have a pot of uncommitted money available for such contingencies. This means

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that to give you more, we must take away from someone else. Such adjustments are difficult.

I am convinced of the necessity for improvement, as overoptimistic pricing and unrealistic funding have identical results—an adverse impact on your profit and a shortfall in the production and the performance of equipment we desire.

From the viewpoint of industry you may select a different set of significant problems—but if we try to shotgun our approach and search out and attack every deficiency, we are likely to accomplish nothing. In the final analysis, direction is all important, which makes these conferences of great mutual benefit. We must join in the ultimate objective—namely, insuring that we maintain public confidence in our procurement process.

The prime objective of a government contract is to move a weapon system to the user in a reasonable time and at a reasonable cost.

We do not desire that you take unreasonable risks. We do want you to realize a fair profit.

We do not want our contracts to become a source of dispute. We do want an atmosphere of willingness on your part to undertake our work.

Our work over the next several months should result in solutions that can be applied over time not only to ease the burdens on ourselves and on industry but to aid materially in improving the public understanding of the military-industrial association which is so important from the viewpoint of national defense.

In working with these matters, we can expect a great deal of visibility and kibitzing. I would like to close this technical discourse by citing an oft-quoted comment by Lucious Aemilius Paulus, a Roman consul who had been selected to conduct the war with the Macedonians in 168 B.C. He went out from the Senate house into the assembly of the people and addressed them as follows:

"In every circle, and, truly, at every table, there are people who lead armies into Macedonia; who know where the camp ought to be placed; what posts ought to be occupied by troops; when and through what pass the territory should be entered; where magazines should be located; how provisions should be conveyed by land and sea; and when it is proper to engage the enemy, and when to lie quiet.

"And they not only determine what is best to be done, but if anything is done in any other manner than they have pointed out, they arraign the consul, as if he were on trial before them.

"I am not one of those who think that commanders ought at no time to receive advice; on the contrary, I should deem that man more proud than wise, who regulated every proceeding by the standard of his own single judgment.

"What then is my opinion?

"That commanders should be counselled, chiefly, by persons of known talent; by those who have made the art of war their particular study, and whose knowledge is derived from experience; from those who are present at the scene of action, who see the country, who see the enemy; who see the advantages that occasions offer, and who, like people embarked in the same ship, are sharers of the danger.

"If, therefore, any one thinks himself qualified to give advice respecting the war which I am to conduct, which may prove advantageous to the public, let him not refuse his assistance to the state, *but let him come with me into Macedonia.*

"He shall be furnished with a ship, a horse, a tent; even his travelling charges shall be defrayed.

"But if he thinks this too much trouble, and prefers the repose of a city life to the toils of war, let him not, on land, assume the office of a pilot at sea."

I have often wondered whether he got away with his sage advice. In our time and in our business, life is not so simple; but if we earnestly and sincerely seek advice from a wide spectrum of qualified observers, the end product will indeed stand the test of challenge and ill-formed charges. This is the way we are going about it, with confidence but with great care.

FEELINGS OF FILIPINO PEOPLE TOWARD UNITED STATES

Mr. FONG. Mr. President, recently I received a letter from the Honorable Sergio Osmena, Jr., a member of the Republic of the Philippines Senate, telling me of the thoughts and feelings of the Filipino people toward the United States.

Senator Osmena was most kind to inform me that recent pronouncements by some high government officials "which tend to indicate a change in Philippine-United States relationship" do not reflect the views of the majority of the Filipinos. He clearly stated that his country wants to "maintain close relations with the United States and be identified with the free peoples of the world."

Senator Osmena also sent me three major speeches which he delivered on the floor of the Senate. One of them, titled "Commonsense and Vietnam," expressed his views on why the Republic of the Philippines should continue to support the South Vietnamese in their fight for survival. Although the speech was delivered in March 1966, he assured me "that the views expressed therein are shared by the vast majority of the Filipino people."

He, likewise, supports our country's efforts to help the people of South Vietnam maintain their political integrity and territorial sovereignty. To quote Senator Osmena:

> The United States, as the leader of the democratic bloc of free nations, in keeping with her solemn commitments, has sent troops to South Vietnam in order to protect the territorial integrity of the country. . . . Unless the free nations of the world, particularly the Philippines, will rally behind the democratic allies in containing communist aggression in South Vietnam, we will some day wake up to find all of Southeast Asia . . . firmly in the grip of communism. . . .
>
> One can just imagine the impact among the members of the free world, and particularly the United States, should the Philippines fail to extend the assistance requested by our South Vietnamese ally. The last thing we want the United States not to do is to back down on her commitments. Can we afford to back down on our own commitments?

Mr. President, I ask unanimous consent that Senator Sergio Osmena's speech on "Commonsense and Vietnam" be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

COMMONSENSE AND VIETNAM

Mr. President, Ladies and Gentlemen of the Senate.

The Filipino people today are deeply engrossed in the vital issue of whether or not to send a Filipino engineering battalion with adequate security to South Vietnam.

The issue has aroused wide-spread interest. Everyone who has considered himself an authority on the matter has been discussing the merits and demerits, the pros and cons of the case, privately and publicly. Articles and editorials as well as public pulse letters have been written, a good number of them presenting diametrically opposite views. Everything seems to depend on whether one is an extreme nationalist, a chauvinist, an opportunist, an imperialist, or just a plain oppositionist.

The discussions have even become charged with emotionalism and sentimentalism.

It is against this backdrop that I rise this evening in order to discuss the issues involved in Vietnam.

But before so doing, however, I feel it appropriate to give a brief background of the events leading to the decision to send an engineering battalion to assist the beleaguered people of South Vietnam.

BACKGROUND OF THE VIETNAM STRUGGLE

Vietnam was formerly French Indo-China and one of the many colonies under French domination before World War II. In 1940 the Imperial Japanese Forces subjugated French Indo-China. Just as what happened in the Philippines, guerrilla forces sprouted in French Indo-China fighting against the Japanese invaders. These guerrilla forces consisted of many elements, among them, patriotic and nationalistic Vietnamese, together with an aggroupation of forces under communist leadership just as we had the Huks. When the Imperial Japanese Forces were finally driven out of French Indo-China in 1945 by British and Chinese soldiers of Generalissimo Chiang Kai-shek, the British government turned the country over to France.

But the freedom-loving Vietnamese, who were imbued with the same resolve as we the Filipinos to be independent and free, continued their fight for freedom in order to throw off the yoke of French domination. The Vietnamese people were fighting a true nationalist revolution against the French, but the communists among them stole their revolution from them.

Largely because of the loss of support among the French people at home, as well as the massive Chinese communist assistance diverted to French Indo-China from Korea after the Korean War, France was defeated at Dienbienphu.

THE GENEVA AGREEMENTS

As a result, the Geneva Agreements of 1954 were arrived at, which provided for the partitioning of Vietnam at the 17th Parallel under international supervision through the International Control Commisison, composed of India, Canada and Poland. The agreements also provided for free elections in 1956 leading to the reunification of the country. North Vietnam was under the leadership of Ho Chi Minh and his Communist cohorts; while South Vietnam was governed by Emperor Bao Dai with Ngo Dinh Diem as Prime Minister. Subsequently, following a national plebiscite, Ngo Dinh Diem was installed as President of the Republic of South Vietnam.

COMMUNISTS VIOLATED GENEVA AGREEMENTS

However, the communists of North Vietnam, supported by the communists of Red China, never intended to comply with the provisions of the Geneva Agreements of 1954. The North Vietnamese regime rendered the International Control Commission absolutely impotent from the outset, refusing even to permit the International Control Commission to supervise the exodus of those who wanted to flee terror in the North and seek refuge in South Vietnam. As we all know, almost a million Vietnamese who had already seen the true face of communism in the North fled to South Vietnam. If the communists had permitted proper functioning of the International Control Commission, the total number of refugees would have been much greater.

Another evidence of the communist North Vietnamese regime's nefarious intent was its retention within South Vietnamese territories of large military forces, which it instructed to go underground, hide their

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weapons, and await instructions for future subversion.

In view of this obvious communist duplicity, it is no small wonder that President Ngo Dinh Diem refused to permit nationwide elections in 1956. Mr. Diem felt that South Vietnam's only hope lay in *free elections* under international supervision. He knew that communist North Vietnam, with a larger population than that of South Vietnam, could inevitably win an unsupervised election by simply delivering a 100% vote in the northern sector of the partitioned nation—and nobody questions the communists' ability to deliver a 100% vote in areas under their complete control.

PROGRESS IN THE SOUTH; RETROGRESSION IN THE NORTH

What happened in the two zones in the years immediately following the partitioning of Vietnam? In the communist zone of the North, there was economic stagnation, hardship and privation—all made even worse by the ruthlessness of the communist methods, ruthlessness that led in 1956 to a peasant uprising in Nghe An province, which reportedly cost the lives of 50,000 peasants.

North Vietnam's gross national product decreased steadily. Meanwhile, in South Vietnam, there was dramatic progress. In ten years school enrollment increased from 300,000 to 1,500,000. More than 12,000 dispensaries and clinics were established. Under a land reform program beginning in 1957, some 600,000 acres of farm lands were distributed to 115,000 farmers. South Vietnam became once again a major rice exporting nation.

This was the contrast between North and South Vietnam—dramatically illustrated by only one set of comparative statistics: while per capita food production between 1955–60 dropped 10% in North Vietnam; it rose by 20% in the South. What happened was simply this: the life of the people in South Vietnam improved so much that the communist regime in the North realized that it must abandon all hope of a political takeover in the South; Ho Chi Minh and his colleagues realized that they must instead move for a military takeover of South Vietnam.

COMMUNISTS LAUNCH "WAR OF NATIONAL LIBERATION"

The North Vietnamese communists, following the guidelines set down by Mao Tse Tung, decided to launch in South Vietnam what the communists call a "war of national liberation."

Before 1959, the Viet Cong guerrillas in the South—that is, the forces left behind after the Geneva agreements, together with such recruits as they could gather through indoctrination, coercion and terror, were not a serious threat to the security of South Vietnam. To be sure, they conducted a small-scale campaign of terror; in the period 1957 to 1959 they murdered or kidnapped more than 1,000 civilians. However, during that period the threat could be contained by South Vietnam's own armed forces.

However, when the communists decided to launch their "war of national liberation," they greatly accelerated their terroristic activities in South Vietnam. This was followed by political organization. As early as 1959 Ho Chi Minh declared that the "communist revolution" must be brought to the South. Early in 1960 Ho Chi Minh's military commander Vo Nguyen Giap, described Hanoi as "the revolutionary base for the whole country." A September 1960 congress of the Lao Dong, the North Vietnamese communist party, decided to establish the "National Front for the Liberation of South Vietnam." The first the outside world knew of the establishment of the Front was a Radio Hanoi broadcast on January 29, 1961.

The communists then proceeded to form a South Vietnamese branch of North Vietnam's communist party; they named it the People's Revolutionary Party. It was during this period that supplies, arms and men began pouring from the North into South Vietnam in increasing numbers. For a long time the North Vietnamese infiltrators into South Vietnam were military personnel of Southern origin—men who could blend into the surroundings of the areas from which they came and who could speak with the accents of their home regions. Ultimately, however, the supply of Southerners in the North dried up and North Vietnam began infiltrating into the South entire regiments of the North Vietnamese Army.

The purpose of the communists' "war of national liberation" and "National Liberation Front" was to take over a large enough area of South Vietnam to enable them to set up the "Front" as the "legitimate government" of South Vietnam.

Indicative of the phony nature of the North Vietnam's "Liberation Front" is that not a single leading political or intellectual figure in the South, whatever his differences with the government in Saigon, has joined the Viet Cong or its "Liberation Front" apparatus. Nor has a single one of the many religious, political, labor or student groups in the South rallied to the banner of the Front.

The reason for this is simple: informed people in South Vietnam know that the "National Liberation Front" originated in the North, is controlled by Hanoi, and is completely subservient to its communist masters. It is also worth noting that whenever communist North Vietnam has sent "Liberation Front" representatives abroad they have always travelled under *North* Vietnamese passports.

What is a "war of national liberation"? It is an attempt to commit aggression by means short of openly marching armies across frontiers. It is a naked attempt to seize a piece of real estate. The technique is to destroy an enemy government by stealing its people. It is a grotesque measure of Viet Cong success that not only the Vietnamese peasants, but also a good many well-intentioned Filipinos have been duped into a naive belief that these political gangsters are honorable patriots.

SOUTH VIETNAM REQUESTS ASSISTANCE AGAINST AGGRESSION

As a result of the flagrant violations of the Geneva Agreements by the North Vietnamese, which resulted in the invasion of South Vietnam by communist forces armed by Red China and directed by Peking, the United States of America upon request by the legally constituted South Vietnam government decided to lend its military assistance to South Vietnam.

There were no US combat forces in South Vietnam at the time the communists began to increase their aggression in 1960. However, in the words of President Johnson "unchecked aggression against free and helpless people would be a great threat to our freedom and an offense to our own conscience." Hence the United States fulfilled its commitment by sending combat troops not for purposes of aggression but to fight side by side with the 500,000 Vietnamese troops in defense of the territorial integrity of the free peoples of South Vietnam.

THE U.S. COMMITMENT

This painful decision the United States had to make if only to show to the people of the free world that she was ever ready to comply with her solemn commitments not only in South Vietnam but in any part of the globe.

For it is abundantly clear that should the United States renege from its commitments, it would be encouraging additional communist subversion and aggression throughout the globe. If the aggression against South Vietnam were permitted to succeed, in the words of Secretary of State Dean Rusk, "the forces of militant communism everywhere would be vastly heartened and we could expect to see a series of so-called 'wars of liberation' in Asia, Latin America and Africa."

The United States is more than ever determined to stop communist aggression in South Vietnam just as it did in Berlin, Greece, Korea and Cuba, to mention a few.

Historians will still remember that in these countries the communist forces of aggression were stopped in their tracks because of a firm determination of the United States of America to stop communist aggression whereever it may be found.

As President Johnson and his predecessors have repeatedly emphasized, the American objective in Southeast Asia is peace—a peace in which the various peoples of the areas can manage their own affairs in their own ways. America does not seek to destroy or overturn the communist regimes in Hanoi and Peking. All America wants is that the communists cease their aggressions, that they leave their neighbors alone. The United States had sought to achieve a peaceful settlement of the war in Vietnam but the Communists had inevitably slammed the door. The communists would not discuss at a conference table unless the United States Armed Forces would be withdrawn from South Vietnam, something totally unacceptable to America.

SOUTH VIETNAMESE REQUEST PHILIPPINE ASSISTANCE

Because of the precarious situation obtaining in South Vietnam, the Prime Minister of the government of the Republic of Vietnam has sent a plea to our government for an engineering battalion with adequate security cover. The first request was made on April 14, 1965 when Dr. Phan Huy Quat, Prime Minister of the Republic of Vietnam, addressed a letter to then President Diosdado Macapagal. President Macapagal in response to the South Vietnamese request recommended the approval of House Bill No. 17828 in 1965. In that year, the Liberal-controlled House of Representatives approved the bill but the Nacionalista-controlled Senate headed by then Senate President Marcos failed to act on the same.

The second request was made in February 2, 1966, when the Ambassador of South Vietnam to the Philippines sent a similar letter to President Ferdinand Marcos.

To the credit of President Marcos, a Nacionalista, after having been apprised of all the facts surrounding the Vietnamese problem, he recommended to Congress the approval of a bill appropriating money for the sending of a Philippine engineering battalion with the necessary security to South Vietnam.

The issue, therefore, transcends partisan politics. Both President Macapagal, a Liberal, and President Marcos, A Nacionalista, have agreed to send Filipino troops to Vietnam, just as in the United States three American Presidents, namely, Eisenhower, a Republican, Kennedy, a Democrat and Johnson another Democrat, had seen fit to come to the military aid of the Republic of South Vietnam.

THE FUNDAMENTAL ISSUES

Brushing aside all technicalities, in my humble observation, the main questions boil down to these: Is it to the best interests of the Philippines and the Filipino people to assist a beleaguered friendly neighbor who has asked for assistance in fighting a common enemy? Is it moral and proper for us, the Philippines, a democratic country, to listen to the advice of our great ally and benefactor, the United States, so that we may heed the South Vietnamese supplication?

Let me present for your valued consideration my arguments in favor of sending an engineering battalion with adequate security cover to South Vietnam as envisaged in Senate Bill No. 150.

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The globe is divided into two camps of contradicting and conflicting ideologies: the democratic camp which stands for freedom and the communist block which stands for slavery.

Everyone realizes the fact that the leader of the free world is the United States and that we just like South Vietnam belong to the democratic camp. The issue before us is the expansion of our nation's commitment in South Vietnam. I wish to make it clear that the issue is *expansion* of a commitment which already exists. There are almost 70 Filipino personnel in South Vietnam today engaged in medical, civic action and psychological warfare work. What is asked of us is to send engineering forces so that the South Vietnamese government will be able to free more of its armed forces to bear the brunt of the fighting, as indeed they do.

Would it not be more prudent and advisable to help a friendly neighbor fighting for its very life against a common enemy, the communist reds, so that should we be placed under the same predicament we would likewise be able to request similar assistance?

For let there be no mistake about it, the North Vietnamese are merely following instructions of Mao Tse Tung whose Defense Minister Lin Piao, who is also Vice-Chairman of the Chinese Communist Party Central Committee and a Vice Premier has stated "the seizure of power by armed force, the settling of the issue by *war* is the central task and highest form of revolution." Lin Piao has stated the objectives of the Chinese communists and that was to "establish rural base areas and the use of the countryside to encircle the cities and finally capture them"—to shape the army first and foremost on a political basis to seize the power of a state "by revolutionary violence" for, as Mao Tse Tung says, "political power grows out of the barrel of a gun."

For what is at stake in South Vietnam? The United States, to be sure considers that its security, its vital interests are at stake in South Vietnam. By the same token, the fundamental security of the Republic of the Philippines is also at stake in South Vietnam.

Let us analyze this.

THE STRATEGIC CONSIDERATIONS

There has been a lot of talk about the immense importance of South Vietnam; the unpleasant reality is that it is all true. By a whim of history that small and tortured country has become pivotal both politically and psychologically, like Poland at the outset of World War II. Its loss to the communists could lead eventually to the loss of the entire Southeast Asian Peninsula, an area of more than two million square miles, with a population of more than 250 million.

The Southeast Asian Peninsula has obvious economic importance. It is a trade gateway almost as important as the Suez Canal. If it were barred to the major trading nations of the free world, air and shipping lines would be forced to shift round-the-world routes to places like Darwin in northern Australia 2,000 miles south of the present route through Manila.

South East Asia is underpopulated and contains vast natural resources such as oil, rubber and tin—and most important of all, major surpluses of rice. Its rice has been the goal of Chinese imperialism for centuries, just as it was for the Japanese in World War II. Today, South East Asia is Peking's main hope for solving the Communist China's massive food problem.

Capture of South East Asia would tip the balance of world resources toward the Communist bloc, dramatically reinforcing its limited economic power—and thus its military power, with a corresponding loss of strength to the free world. In effect, communist control of South East Asia would amount to collapse of the tenuous stability, the precarious balance of power between the world's two major power blocs, with incalculably dangerous consequences.

Communist objectives in South East Asia have long been clear to anyone who cared to examine the facts.

PHILIPPINE NATIONAL SECURITY AND NATIONAL INTERESTS

From the foregoing enumeration of facts, it is patently clear that the loss of South Vietnam to the free world would eventually be a loss of Southeast Asia to the communists, thereby causing a most serious threat to our national security. Viewed from the light of cold reasoning, is not our country fully justified in sending additional assistance to South Vietnam as requested by her leaders?

Certainly, it is to our national interest to defend and protect our democratic ideals, lest someday we lose all we treasure and enjoy. Lose to whom? No less than to a godless, ruthless and autocratic foreign power whose doctrine we abhor because it runs counter to every principle of democracy, justice and liberty that we have imbibed and cherished, and whose system of government we thoroughly detest because it is a government of a murderous clique whose god is naked power and whose law is murder and rape.

FREE WORLD ASSISTANCE TO SOUTH VIETNAM

Thirty-one nations belonging to the free world have seen fit to send assistance to South Vietnam. They are: Australia, Republic of China, Japan, Korea, Laos, Malaysia, New Zealand, Thailand, Greece, Turkey, Pakistan, Austria, Belgium, Denmark, France, West Germany, Ireland, Italy, Luxembourg, the Netherlands, Spain, Switzerland, United Kingdom, Argentina, Brazil, Dominican Republic, Ecuador, Guatemala, Uruguay, Venezuela and Canada. If countries ten thousand miles away from South Vietnam have extended their assistance to an ally, certainly we, who are only two hour's flight from Saigon should be more deeply concerned in putting out the flames of communism that would seek to encompass the free nations of Southeast Asia, of which we are one.

CAN WE DEFEND OURSELVES WITHOUT EXTERNAL ASSISTANCE?

As often stated, we are a small nation. The basic philosophy of our national defense is collective security. This we have done by entering into treaties of collective defense with many countries in the world with whom we have mutuality of interests and with whom we share the same fundamental beliefs and ideologies.

But let me present a more potent argument why we should send an engineering battalion to South Vietnam.

It is an undeniable fact which all ultra-nationalists or super-nationalists will admit, that by ourselves we could never defend our country against Red Chinese aggression. Our annual budget for defense purposes during the last fiscal year was p284 million, 92% of which was for pay, allowances and retirement benefits of our Armed Forces and only 8% was expended for training, operations and other purposes.

Our Armed Forces consists of roughly 43,000 troops; 16,000 in the PC, 13,000 in the Army, 5,200 in the Navy and 8,000 in the Air Force.

We have only 150 aircrafts, and our Navy consists of only 50 ships, hopelessly inadequate even to curb smuggling.

Even if we were to spend our entire Philippine government annual budget for defense purposes alone, it would not be sufficient to maintain the US Carrier "Enterprise" on combat station in the South China Sea for one year.

We have, therefore, to depend almost entirely upon the United States for our external protection. Remove the United States 7th Fleet and 13th Air Force and I should like to ask the ultra-nationalists where would we be? Red China could occupy the Philippines in twenty-four hours.

WHY DID WE SIGN BASES AGREEMENT WITH U.S.?

Why did we enter into a military assistance agreement with the United States? Let me for a moment recall the circumstances.

In 1933, my late father, then Senator Osmeña, returned from the United States as head of the Osrox Mission to Washington and brought back with him the Hare-Hawes-Cutting Independence Act. It was necessary for the Independence Act to become operative that the Philippine Legislature accept the same.

In that year, however, then Senate President Manuel Quezon raised strong objections to the H-H-C Law. His reason was that the law granted the United States the right to establish military and naval bases in the Philippines even after independence. Mr. Quezon said it was incongruous for the Philippines, after having obtained her independent status, to have a part of her territory under a foreign power. He raised the same issues that the opponents of the Vietnam Bill are now raising—national dignity, sovereignty, nationalism. As a result, the H-H-C Law was rejected by the Philippine Legislature, which was then under the control of then Senate President Quezon.

The following year, Mr. Quezon journeyed to Washington. He was able to obtain approval of the Tydings-McDuffie Act. This law contained the same provisions as the H-H-C Law with one exception— under the T-M Law the United States would no longer have any right to maintain military and naval bases in the Philippines after the grant of independence—only refueling stations.

What happened afterwards is now part of history. When Japanese bombs fell on Philippine soil on December 8, 1941, we were caught literally with our pants down. We were unprepared. As a result we were invaded and occupied by the Japanese hordes.

Had we accepted the H-H-C Law instead of raising the hue and cry of nationalism, America would have been assured that she could maintain military and naval bases in the Philippines. Such assurances would have compelled her to fortify to the utmost her naval and military bases in our country, knowing as she did then that Japan was feverishly preparing to embark on a plan of establishing the so-called Greater East Asia Co-prosperity Sphere.

Had America done so, our country could have been spared the utter humiliation of being invaded and occupied. It could have been impossible for Japan to conquer the Philippines just as she found it impossible to invade Hawaii. That I take it, was the reason why my father was willing to give the United States all the bases it needed for the protection, not only of its interests in the Philippines but also for the protection of the Philippines and the preservation of the independence that the United States had promised her.

History has proven the wisdom of my father's attitude. Had America fortified all her bases here to the extent that she would have, if the H-H-C Law had been accepted by the Philippine Legislature, there would have been, I dare say, no tragic surrender in Bataan, no Death March and no humiliating surrender of Corregidor.

But the bugbear of nationalism prevented America's plan to fortify our country and as a result we suffer subjugation.

Due to our bitter lessons learned from World War II, we, the Filipino people, apprehensive as we all were then of our future, speaking through our duly elected representatives, authorized the President of the Philippines to negotiate with the President of the United States for the establishment of bases military and naval in our country. That was on July 28, 1945 or one year be-

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fore the establishment of Philippine independence. What were our immediate objectives? First and foremost was to insure the territorial integrity of the Philippines, our country. Second was to guarantee the mutual protection of the Philippines and the United States. The third was to insure the maintenance of peace in the Pacific.

After months of full and mature deliberation by our leaders the military bases agreement was signed by Manual Roxas who was then President of the Philippines, and Paul V. McNutt, first American Ambassador to our Republic. The formal signing took place right in Malacañang on March 21, 1947.

If, as it must be admitted, the Philippine defense is almost entirely dependent upon the United States and since we fully recognize that America is the leader of the free world in our fight against the forces of aggression, would it not be in keeping with our national pride and dignity if when requested by Uncle Sam, we should send a token force to South Vietnam in order to contribute our share in the efforts to stop the enemy?

NATIONAL DIGNITY AND SOVEREIGNTY

I am heartily in accord with those who insist that we should maintain our national dignity and sovereignty but not at the expense of our welfare and security. And what are we going to do with dignity and sovereignty once we are in the grip of the Communists, once we have utterly lost freedom, even the freedom to advance stupid and ridiculous suggestions? If we as a nation have to depend primarily upon America for our external defense, would it not be in keeping with out national dignity and sovereignty if we were to accept America's suggestion to do that which she thinks should be done in the interests of our own security?

DEMOCRACY IN ACTION

On February 21, 1966, I was privileged to listen to the brilliant speech of the distinguished gentleman from Batangas, a Nacionalista who spoke against the Vietnam Bill. On March 1, 1966, I was again privileged to listen to the inspiring remarks of our distinguished colleague from Bulacan, a Liberal, who spoke in favor of the Vietnam Bill.

Here, indeed, was democracy in action—a way of life that we have learned to love, but which we may not be privileged to continue enjoying should the cause for which our allies are fighting in Vietnam fail.

IDENTITY OF UNITED STATES AND PHILIPPINE INTERESTS IN ASIA

Is it not correct to state that what is advantageous militarily to the United States in this part of the globe would also be advantageous to the Philippines? All over the world, in Europe, in Africa, in South America, in Asia, the forces of democracy are locked in mortal combat with the forces of communism. Here in our little corner of the earth, in Southeast Asia, North Vietnamese soldiers equipped with communist guns have invaded South Vietnam in an effort to communize all of Vietnam and eventually all of Southeast Asia.

The United States, as the leader of the democratic bloc of free nations, in keeping with her solemn commitments, has sent troops to South Vietnam in order to protect the territorial integrity of the country. [The United States has no designs to proceed to North Vietnam, but only to contain subversion and aggression in South Vietnam.] Unless the free nations of the world, particularly the Philippines, will rally behind the democratic allies in containing communist aggression in South Vietnam, we will some day wake up to find all of Southeast Asia, including Laos, Thailand, Cambodia, Malaysia, Singapore, and even the Philippines firmly in the grip of communism.

REFUTATION OF OPPOSITION ARGUMENTS—INVOLVEMENT IN WAR

The argument has been advanced that by sending an engineering battalion with adequate security cover to South Vietnam, the Philippines would be involved in war. Such being the case, it has been said that we would be subject to retaliation. Mr. President, it is my confirmed opinion that in the global conflict between the forces of communism and the forces of democracy, there can be no neutralism. The communists will attempt to invade the Philippines if it suits them regardless of whether or not we are involved.

PROBLEMS OF 1954 DIFFERENT FROM PROBLEMS OF 1966

The revered names of President Magsaysay and President Laurel have been mentioned as having opposed the sending of troops to Southeast Asia in April of 1954. For that reason, it has been argued that were they alive today, they would continue to maintain the same stand.

Mr. President, in April 1954, both Presidents Magsaysay and Laurel opposed sending troops to Vietnam because they expressed opposition to the dispatch of military forces to fight on the side of a colonial power that was attempting to maintain its hold over a colony. In those days, the Vietminh, though they were certainly led and dominated by communists, were composed largely of Vietnamese who were fighting for the independence of their homeland from France. Today, the situation is entirely different. The government in South Vietnam, an independent and sovereign government, has called for our assistance in repelling a communist aggressive movement which seeks to destroy South Vietnam's independence.

WHAT CAN PHILIPPINES ACCOMPLISH IN SOUTH VIETNAM?

In his speech, the distinguished and brilliant gentleman from Batangas stated, "If we fight in South Vietnam we will not crush the North Vietnam government; we will not even attack the Red Chinese." The distinguished Senator from Batangas also said, "Crush the Viet Cong in South Vietnam today and they will merely retreat into North Vietnam, rest, recover, gain strength and come back again another day." And he poses the question, "Will they disappear?"

The question, Mr. President, is not "Will they disappear?" but will they have learned that communist "wars of liberation" cannot succeed if the forces of the free world stand fast?

It is the intention of the democratic allies to prevent the spread of communist aggression and subversion in Southeast Asia, to teach the communists that they will be met with resistance wherever they attempt aggression, to convince the communists that they must stay within their territorial limits. The communists should have learned these lessons in Korea, Greece, Berlin, Malaysia, in the Philippines and Cuba, where free nations reacted with firmness and determination. It is clear that the lesson must be taught again today in Vietnam.

GREAT BRITAIN'S CONTRIBUTION

The distinguished gentleman from Batangas states that Great Britain has sent "much sympathy, no troops."

Mr. President, Great Britain is in an awkward situation in that it is one of the Cochairmen of the Geneva Conference, a body that is considered to be in continuing existence. In order to fulfill properly its role as Co-Chairman, the United Kingdom cannot be placed in a position of making too obvious a commitment on either side. However, the United Kingdom has provided a British Advisory Mission in South Vietnam for about five years.

This Mission, composed of veterans who participated in putting down the communist insurgency in Malaya, has provided valuable advice and assistance to the South Vietnamese, and has worked in cooperation with the Malaysian government in arranging training for more than 2,000 Vietnamese military officers in Malaysia.

The United Kingdom has also provided considerable economic support to South Vietnam, including laboratory equipment for Saigon University, typesetting equipment for the government printing office, a cobalt deep-ray therapy unit for the National Cancer Institute and much equipment for the facilities of medicine, science and pharmacy at Saigon University, the Meteorological Service and the Agricultural School at Saigon, the Atomic Research Establishment at Dalat, and the Faculty of Education at Hue. The United Kingdom has also agreed to provide 50,000 British pounds sterling worth of diesel fishing boat engines.

THAILAND'S CONTRIBUTION

Our distinguished colleague from Batangas states that Thailand has provided no troops in South Vietnam. Mr. President, the Thais have supplied a military air detachment with C–47 pilots, navigators and maintenance men. They are now on duty flying operational transport missions for the Vietnamese forces. In addition, they have provided cement and zinc roofing materials and have provided jet training for Vietnamese pilots in Thailand. Thailand has an incipient communist insurgency movement of its own to contend with in Northeast Thailand. It is making a valuable contribution to the anti-communist struggle in Southeast Asia by committing its armed forces and police to internal defense. Moreover, Thailand's distinguished Prime Minister said during his visit to this country two weeks ago that Thailand is prepared to do more in Vietnam if necessary.

WHAT HAVE AUSTRALIA AND NEW ZEALAND DONE?

The distinguished gentleman from Batangas also criticizes the size of Australian and New Zealand troop commitments.

Mr. President, both Australian and New Zealand are deeply committed to the defense of the Malaysia-Singapore area, and maintain large forces there. No one can doubt the importance of keeping those forces where they are. The stability of that area would be jeopardized if they were moved.

Australia, in proportion to its resources and population, has made a major contribution in Vietnam for the past several years. In addition to sending a crack infantry battalion, 100 specialists in jungle warfare and an air force unit which flies daily logistical support missions for the Vietnamese forces, Australia has provided a million Vietnamese textbooks, 3,300 tons of corrugated roofing for Vietnamese military dependent housing, 15,570 sets of hand tools, 16,000 blankets, 14,000 cases of condensed milk and a 50-kilowatt radio broadcasting station. Hundreds of Vietnamese have been sent to Australia for training.

Australia has also provided surgical teams, civil engineers and dairy and agricultural experts. And furthermore, Australia announced only last week that it is tripling the size of its combat forces in South Vietnam, bringing them up to a strength of approximately 4,500. Australia is a richer nation than the Philippines, but we overlook its small population—considerably less than half the population of this country.

New Zealand, a nation with only one-tenth the population of the Philippines, has not only sent engineers and artillerymen to South Vietnam, it has provided New Zealand pounds equivalent to $200,000.00 for a science building at the University of Saigon, equipment for a technical high school, and is training 62 Vietnamese in New Zealand.

CHINESE NATIONALIST VOLUNTEERS?

The distinguished Senator from Batangas has stated that the Chinese Nationalists

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have offered volunteers and that they have been turned down.

Mr. President, I say that, if the allegation is true, the South Vietnamese were wise to decline an offer of the Chinese Nationalist volunteers. It is vital that Red China not be offered an excuse for sending "volunteers" into the Vietnam conflict as she did in Korea.

The response to communist aggression in Vietnam should be a measured response, carefully calculated to convince North Vietnam that it must leave its neighbors alone, and not a response that would trigger Red Chinese intervention. I feel that Red China would view Nationalist China volunteers in South Vietnam as a fulfillment of Chiang Kai-Shek's threat to "retake the mainland", and would enter the war openly and not just clandestinely.

As it is, Nationalist China has provided to South Vietnam far more than we have. They have sent an agricultural team composed of more than 80 men, a military psychological warfare team, a surgical team, and an electrical power mission. They have provided half a million mathematics textbooks, electrical power substations, prefabricated warehouses, agricultural tools, seeds and fertilizers, as well as providing training for more than 200 Vietnamese in Taiwan.

DOES INACTION BY OTHERS ABSOLVE US?

Mr. President, what I deplore far more than the inaccurate allegations about the relative contributions of other countries to the defense of communist aggression is the clear implication on the part of those who make such charges that since they feel that some other nations have failed to fulfill their obligations, they believe that this country is thereby exonerated, absolved of all responsibilities, to fulfill our obligations.

One can just imagine the impact among the members of the free world, and particularly the United States, should the Philippines fail to extend the assistance requested by our South Vietnamese ally. The last thing we want the United States not to do is to back down on her commitments. Can we afford to back down on our own commitments?

U.N. OR SEATO COLLECTIVE ACTION?

The distinguished gentleman from Batangas has stated that he "would not oppose the sending of such combat troops to South Vietnam as are within our capacity" provided that this were done under United Nations auspices.

Numerous attempts have been made to use the good offices and the power of the United Nations to move the Vietnam conflict from the battlefield to the conference table. To date, all such efforts have failed. On January 31, 1966, the United States formally requested the United Nations Security Council to consider the situation in Vietnam and to recommend steps toward a peaceful solution. However, the communists reacted as they always have in the past. The very next day following the United States request for action by the United Nations Security Council the North Vietnamese regime reiterated its stand that the UN has no right to deal with the Vietnam question and that any UN Security Council resolution on the Vietnam question would be null and void.

In order for the UN to take collective action in Vietnam under United Nations auspices, it would be necessary to have Security Council approval. As everyone knows, this would require a unanimous vote in the Security Council which would obviously be impossible, since it would be vetoed by the Soviet Union.

Individual members of the SEATO can assist and are assisting in South Vietnam in response to individual requests from the government of South Vietnam. As we all know, South Vietnam, as one of the protocol states of the SEATO Treaty can call for SEATO assistance to repel aggression. However, the SEATO Treaty also provides that collective action by the eight SEATO members must be based upon a unanimous vote. Here again, as in the United Nations Security Council, we cannot expect a unanimous vote. France, one of the eight SEATO powers, has already taken the position that the Vietnam problem can be solved only by "neutralization" of the area, which is to say that France has obviously abdicated all responsibility for using its military force to preserve the peace in Southeast Asia.

Therefore, it is clear that action to repel communist aggression in South Vietnam must be based upon the individual decision of free nations in response to South Vietnam's request and not upon collective action under the provisions of either the United Nations charter or the SEATO Treaty.

WE CANNOT AFFORD NOT TO HELP

The question has been asked, can we afford to send an engineering battalion with security cover to South Vietnam?

I feel, Mr. President, that the question should be: "Can we afford not to afford it?" For certainly, we cannot put a price tag on liberty and freedom.

It has been said that the 2,000 Filipino troops that will be sent to Vietnam will not be sufficient to tilt the balance in favor of the free world. Is it the position of the opponents of the Vietnam bill that we should merely fold our arms when there is a fire in the neighborhood? Would it not be better to contribute our share, no matter how little, in putting out the fire before it reaches our own house?

AMERICA'S MOTIVES IN VIETNAM

It is most unfortunate that in the discussions of the Vietnam bill that aspersions have been cast upon the American motive in Vietnam. America today has close to 200,000 troops fighting in Vietnam. Just last week the U.S. Senate voted an additional 45 million dollars for economic assistance to Vietnam and 4.8 billion dollars for military assistance. What has America to gain for herself? Absolutely nothing. She has no territorial designs on South Vietnam, just as she had no territorial designs on the Philippines when she granted us our independence in 1946. All that America wants to accomplish, in the words of President Johnson, and I quote: "We do not seek the destruction of any government, nor do we covet a foot of any territory. But we insist, and we will always insist, that the people of South Vietnam shall have the right of choice, the right to shape their own destiny in free elections in the South or throughout all Vietnam under international supervision. And they shall not have any government imposed upon them by force and terror so long as we can prevent it." This is the American stand.

President Johnson adds:

"Most of the non-Communist nations of Asia cannot, by themselves and alone, resist the growing might and grasping ambition of Asian Communism. Our power, therefore, is a vital shield. If we are driven from the field in Vietnam, then no nation can ever again have the same confidence in American promise, or in American protection. In each land the forces of independence would be considerably weakened. And an Asia so threatened by communist domination would imperil the security of the United States itself.

"We did not choose to be the guardians at the gate, but there is no one else.

"Nor would surrender in Vietnam bring peace. We learned from Hitler at Munich that success only feeds the appetite of aggression. The battle would be renewed in one country and then another, bringing with it perhaps even larger and crueler conflict.

"Moreover, we are in Vietnam to fulfill one of the most solemn pledges of the American nation. Three Presidents—President Eisenhower, President Kennedy, and your present President—over 11 years, have committed themselves and have promised to help defend this small and valiant nation.

"Strengthened by that promise, the people of South Vietnam have fought for many long years. Thousands of them have died. Thousands more have been crippled and scarred by war. We cannot now dishonor our word or abandon our commitment or leave those who believed us and who trusted us to the terror and repression and murder that would follow."

This, then, is why the Americans are in Vietnam.

CONCLUSION—WE MUST HELP

And so, Mr. President, unless we adopt a more realistic and more generous policy, there is danger that our country will ultimately become the exclusive domain of the Huks and communists, men whose government wherever found is based not on the will of the people but on the whims of the Kremlin and Peking.

I do not know what stand my intelligent colleagues will take on the Vietnam bill, but for myself I vote wholeheartedly in favor of sending additional assistance to Vietnam as requested, certain that in the long run it will be for the best interests of the Philippines.

I have no objection to playing politics now and then, but the welfare of the people should always be above and beyond politics. Nor should we ever endanger their future in the name of misunderstood sovereignty and national dignity.

And I vote for this not because I am pro-American but because I am heart and soul pro-Filipino.

STATEMENT BY SENATOR MONTOYA IN SUPPORT OF S. 740

Mr. KENNEDY. Mr. President, on June 11, the distinguished junior Senator from New Mexico (Mr. MONTOYA) testified before a subcommittee of the Committee on Government Operations on the problems of the Spanish-speaking American.

Senator MONTOYA's testimony is most illuminating and presents a comprehensive discussion of the problems of the Spanish-speaking American in the fields of education, employment, poverty, health, housing, and other segments of today's society. Senator MONTOYA was testifying on the need for permanently establishing the present Inter-Agency Committee on Mexican-American Affairs. I am pleased to be a cosponsor of his bill, S. 740, to accomplish this purpose.

Mr. President, because I believe that Senator MONTOYA has performed a valuable public service in bringing to the attention of Congress the critical situation of this second largest minority in our country, I ask unanimous consent that his testimony be printed in the RECORD.

I commend Senator MONTOYA for his excellent remarks and for the leadership which he is displaying in improving the opportunities for the Spanish-speaking Americans of this great Nation.

After consultation with a number of groups and individuals concerned, Senator MONTOYA has recommended that the name of the agency be changed to "Cabinet Committee on Opportunity for the Spanish Speaking."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

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Statement by U.S. Senator Joseph M. Montoya, Democrat, of New Mexico, Before the Subcommittee on Executive Reorganization of the U.S. Senate Committee on Government Operations in Support of S. 740, a Bill To Establish the Interagency Committee on Mexican-American Affairs, June 11, 1969

INTRODUCTION

Senator Ribicoff, Members of the Subcommittee on Executive Reorganization: I welcome this opportunity to return and testify before this Subcommittee on which I served for four years until this Session of Congress. It is like a homecoming to me. I have many fond memories of our past deliberations before this Subcommittee. It is therefore, rather appropriate that the subject which has brought me back to appear before you to testify is a subject very dear to my heart. That is, the future well-being of the Americans of Spanish descent in this country.

As you have stated, Mr. Chairman, the subject of these hearings is a bill, S. 740, which I introduced on January 28, 1969, to establish the Interagency Committee on Mexican-American Affairs. I have been joined on this bill by 24 of our colleagues, attesting to the need and support for the legislation. I am pleased to note to the Subcommittee that the cosponsors of the bill are from both political parties and from all segments of the country.

Mr. Chairman, before proceeding further with my statement, I would like to make a few preliminary remarks. When we speak of Americans of Spanish descent, we are really speaking of Mexican-Americans, Spanish-Americans, Puerto Ricans, individuals from Latin American countries, Cubans, and others. Sometimes, they are referred to as Mexican-Americans; sometimes—as in my home State of New Mexico—Spanish Americans; oftentimes as Americans of Spanish descent, and any number of designations. These phrases are used interchangeably and normally all are meant to mean the same thing. Each has its pluses and minuses. Throughout the rest of my statement I will be referring to Spanish-speaking Americans merely for the sake of simplicity and not to overlook the other designations.

I will also devote a few minutes during my statement to the special problems of the Puerto Ricans, who although do share the general problems of the Spanish-American community, also have their own peculiar characteristics.

I intend to discuss with you briefly just who the Spanish-Americans are; what their problems are; what the existing Inter-Agency Committee on Mexican American Affairs has accomplished; what yet needs to be done; the growing unrest within the Spanish-American community; and why I feel the bill before you now, S. 740, is the hope of the Spanish-speaking Americans of this country.

I intend to offer some amendments to the bill which I will also discuss with you as well as other amendments before you.

In addition to my statement this morning, I also have with me a number of materials with reference to the Spanish-American which I have had prepared. I will be referring to these materials in my statement from time to time. I ask that they be made a part of the hearing record at the conclusion of my testimony. I believe that these materials along with the testimony which you will receive during the next two days, will result in the most comprehensive and meaningful compilation on the problems of the Spanish-speaking American community that has ever been put together in any one place. I think that if no other purpose were to be served by these hearings, this factor, in itself, would make the hearings well worth while.

SPANISH-AMERICANS: WHO ARE THEY?

Let me turn rather briefly to a discussion of, "just who are the Spanish-Americans?"

I like to make a particular statement, which I usually tell in jest but which upon reflection has much truth in it. The statement very simply goes like this: "When the Pilgrims landed at Plymouth Rock, the Spanish were there to feed them pinto beans!"

As I stated, I usually make the remark in jest, but it does have more truth than not. I think that most Americans think of the Spanish-speaking American as a "foreigner." It's an accepted fact. It's not usually even challenged, neither in the mind of the individual nor in discussions with others of like thinking.

Without recounting a lengthy course in American history, I think it is essential for the purpose of these hearings, to lay the proper foundation, to have in the record a short history of the Spanish-speaking American.

Long before the first Pilgrims landed at Plymouth Rock, the Spanish had already made explorations into what is now Southwestern United States and had established settlements. As early as 1528, Cabeza de Vaca, whose ships had wrecked near Galveston Island, spent the next eight years roaming the area that is now Texas before making his way back to Mexico City in 1536. (In 1519 Hernando Cortez and his conquistadores landed on the Mexican coast near Veracruz, only 27 years after Columbus discovered the islands of the Caribbean. Already Spain had colonized the isles of Hispaniola and Cuba. By 1521 Cortez had conquered the powerful Aztec Empire and Mexico. In 1522 he was named Governor and captain-general of New Spain, and was superseded in 1535 by Antonio de Mendoza, first viceroy of New Spain.

In 1539, de Vaca's tales excited Mendoza to send an expedition north, journeying through Sonora, the valley of San Pedro in New Mexico, and arrived at the Zuni villages in Arizona. Francisco Coronado led another expedition in 1540 in search of the fabled "seven cities of gold." Between 1528 and 1602, the Spanish explored the borderlands from Galveston to San Diego, Sonora to Santa Fe. Spain then centered its interest in Mexico and 40 years elapsed before the settlement of New Mexico was undertaken. It was here that the first permanent Spanish penetration occurred. In 1598 Juan de Onate went first to El Paso and then up the Rio Grande to a point near Santa Fe and there established a settlement in 1609, just two years after the English had made their first settlement far to the east in Virginia.

From this date forward, Spanish settlers began moving in numbers into what is now United States territory.

It was almost 200 years before the descendants of the early Spanish settlers were to meet with the descendants of the early English settlers. With the Louisiana Purchase in 1803, new territories were now beckoning the settlers of the East. The pattern for future conflicts between the "Spanish" and the "Americans" was being shaped.

Several years of battling followed, principally in the area which is now Texas. General Sam Houston, Santa Ana, the "Battle of the Alamo", the conflict over the Nueces River-Rio Grande boundary, the annexation of Texas in 1845, declaration of war by Mexico against the United States in 1846, the Treaty of Guadalupe-Hidalgo, the Gadsden Purchase—all these are famous names in America's history. Any American school child today is familiar with them. However, in what connotation is he familiar with them? They represent periods of bloodshed, of war, of hatred. For the "Anglo" child they engender a feeling of patriotism for his country, a feeling of alienation from the "enemy." And who is the "enemy" in the minds of the child, as in the minds of the adults? The "enemy" is the Mexican-American, the Spanish-American, the foreigner.

I think it is basic for us to reflect upon our history if we are to attempt to analyze why the Spanish-speaking American is where he is today, why the Spanish-speaking American is treated as he is today, if we are to try to understand the basic problems and to seek solutions.

Our treatment of the American Indian is referred to in history books as the blackest mark on our history. This is so because the American Indian was here before anybody and he has been conquered, persecuted, and put on reservations. Although we established the Bureau of Indian Affairs to look after the welfare of the Indian citizens, our treatment of the American Indian is still a very black mark on our history. We have so far to go to make things right.

But what of those of our citizens that were here on this land second only to the Indian—that is, the Spanish-speaking? Just like the Indian, he, too, was conquered, persecuted and "put in his place." Just like the Indian who even today in the minds of most Americans, has been stereotyped as the dumb, buffalo-hunting savage who is being chased all over the movie screen until he is slaughtered and conquered, the Spanish-speaking American, too, has been stereotyped but this time as the "foreigner" wearing a sombrero, and with a mustache, who is too dumb and lazy to do anything today and who always leaves his chores in cigarette commercials go until "manana."

The Anglos' earliest impressions of Spanish settlers and of Mexican settlers after the annexations following the Mexican War, were that the Spanish-speaking were poor, idle, and given to drinking, thievery, and gambling. Herein was formed the first basis for the stereotype of the Spanish-speaking which often exists today. They have been regarded by the Anglo as part of the landscape that needed developing. The fact that since the turn of the century the majority of Mexicans who have immigrated into Texas have come from the Mexican peasant population—Mexico's economically, educationally, and politically impoverished class—has added to the Spanish-speaking being stereotyped as poor, ignorant, and inferior.

Thus, although stereotyped as an inferior class, the Spanish-speaking American may be a descendant of the Spanish explorers of Cortez, Cabeza de Baca, or Coronado. Or he may have recently immigrated from Mexico and may well be a descendant of the great Aztec civilization. Or he could well be a Puerto Rican, a Spanish American from Spain, a Central American from Costa Rica, Panama, or the other Central American countries, or he might be a South American, or a Cuban. All have the same background, language and surnames.

Whatever his ethnic origin, the Spanish-speaking American is one of 10 million in this country—the second largest minority in America, representing 5% of our total population. He is one who moved out into the frontier lands of our Nation just like the Anglo American did. But unlike the Anglo-American, the Spanish-speaking American had to give way as did the American Indian. He lost lands which he had held for centuries. He lost his footing in his community. He became the governed in his village. His language, which had been the tongue of commerce, became the mark of the "foreigner." Suddenly this was no longer his land or home.

The Spanish-speaking American has been pushed into menial jobs, into poor education, into barrios—the ghettos of Spanish-speaking Americans. Caught in a vicious circle, they have set the patterns of poverty which their children, to the present, several decades later, still encounter.

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Except for the Puerto Ricans, who are concentrated primarily in New York City, the Spanish-speaking American is concentrated principally in the five Southwestern States of Arizona, Colorado, California, New Mexico, and Texas. Spanish-speaking Americans, however, are becoming more dispersed and can be found in virtually all of the 50 states and the District of Columbia in significant numbers.

PROBLEMS OF THE SPANISH-SPEAKING AMERICAN

Just what are the problems which the Spanish-speaking American confronts in American life today? In a phrase, one might sum up the Spanish-speaking American as being at the "bottom of the heap."

In jobs—nearly 80% work in unskilled or semiskilled jobs—porters, laborers, elevator operators, and so forth;

In education—most Spanish-speaking Americans barely complete the eighth grade and many are functionally illiterate as in Texas where 40% of the Spanish-speaking population is illiterate.

In income—nearly 50% of all Spanish-speaking American families fall below the poverty line of $3,200; and

In business—they own less than 1% of the U.S. Businesses.

Thus, the Spanish-speaking American is not only a numerical minority, his level of living and participation in the economy is so minor as to be difficult to measure. We have seen much progress made in recent years towards uplifting members of minority races, and I have been proud to have played a part in this progress as a Member of Congress. But, whether we like to admit it or not, although aimed at meeting the problems of all minorities, these efforts have really been concentrated on meeting the problems of the largest minority in this country. Little conscious effort has been made towards assisting the second largest, the Spanish-speaking American.

Let me discuss specifically the things to which I refer.

A. Education

The statistics on Spanish-speaking American educational levels illustrate that the Spanish-speaking American lags markedly behind all other ethnic groups with the exception of the American Indian. The Spanish-speaking American ranks below the Negro in education.

I would like to submit for the record, a number of charts and tables summarizing the educational status of the Spanish-speaking American. Briefly, these facts and figures and other materials show that:

Spanish-speaking persons 14 years and over in the Southwest average 3.9 years less schooling than the Anglo and 1.6 years less than the non-white population, including both Negro and Indian. (Anglos 12.0 years, non-white 9.7 years, Spanish-speaking 8.1 years). Exclude the Indian and the difference would be even more revealing.

The schooling gap is most severe in Texas with a difference of 5.2 years between the Spanish-speaking and Anglo population (11.4 years for Anglos compared to 6.2 years for the Spanish-speaking).

The schooling gap is least severe in California where the Spanish-surnamed average 3.1 years less schooling than the Anglo population. (Anglos 12.1 years, Spanish-speaking 9.0, non-white 10.8 years).

The quality of education in an East Los Angeles or San Antonio barrio may differ sharply from that of education in a school located in an upper or middle class area staffed with better personnel and having better facilities.

The American school system has failed both the second and third generations of Spanish-speaking Americans. Although native born Spanish-speaking Americans have twice the schooling of the foreign born, their education level is still extremely low.

The percentage of the Spanish-speaking male population in each of the five Southwestern States with no schooling whatsoever is alarming. The percentage of Negro males with no schooling in these States is approximately the same as the general population. However the percentages of Spanish-speaking males with no schooling are several times that for the total population and range from 5.3% in Colorado (as compared to 1.1 for total population and 0.9% Negro) to 16.0% in Texas (as compared to 3.4% for total population and 5.3% Negro).

In every Southwestern State the percentages of Spanish-speaking Americans without grade school education are significantly greater than the figures for the total population. The respective figures for Spanish-Speaking Americans and total population not completing grade school are: Texas 64.7% Spanish-speaking American, 29.2% total population; Arizona, 52.1% versus 21.7%; New Mexico, 44.4% versus 23.1%; Colorado, 29.9% versus 13.9%; and California, 37.4% versus 14.4%.

In every Southwestern State the percentages of Spanish-speaking American male without grade school education are significantly greater than the figures for the Negro population.

Spanish-speaking males with a college education are a very small percentage of Spanish-speaking males in every state, ranging from 1.6% in Arizona to 2.8% in California. This figure is 7% to 8% higher for the total population in every state. It should be added here that the figures for Spanish-speaking college graduates include Latin American citizens here going to school. At the University of Texas at Austin, one-fourth of the Spanish-speaking college graduates are Latin American citizens who return to their homeland.

School enrollment of Spanish-speaking Americans shows a significant drop begining with the 14–15 age group at which time 88% of the Mexican population is in school as compared to 94.3% of total population.

Spanish-speaking Americans have a higher drop-out rate and drop earlier than do Anglos and Negroes.

Although Spanish-speaking Americans under 25 constituted 15% of all persons under 25 in the five Southwestern States, they constituted only 6.2% of the total college enrollment.

On the seven campuses of the University of California less than one-half of one percent of the students are Spanish-surnamed although Spanish-speaking Americans make up more than 15% of the school age population in that state. Spanish-speaking Americans make up 5.4% of the total college enrollment in California.

A large proportion of Spanish-speaking college students are enrolled in junior colleges rather than four year colleges. For example, Spanish-speakings students make up 5.4% of the California college students, but constitute 7.5% of junior college students.

Very few Spanish-speaking Americans finish college. In 1968, Spanish-speaking graduates were only 2.9% of all graduates. As noted earlier, a large percentage of these are Latin American citizens who return to their country.

In short, the Spanish-speaking is being shortchanged on the one asset that would lift him out of the depths of deprivation and discrimination and into the mainstream of life—education. He has the greatest rate of drop-outs; he drops out of school earlier; very few go to college; very few of them that do go, graduate with a four year college degree; in general, he has the lowest educational attainment of anyone in this Nation which is committed to a good education for all.

B. Employment

We are all familiar with the billboards and the advertisements which read, "To get a good job, get a good education." We have already seen the poor educational standing of the Spanish-speaking American. It should be little surprise then to learn that:

The unemployment rate among Spanish-speaking Americans in the Southwest as a whole is about double that of Anglos;

The patterns of underemployment is even more revealing;

A 1966 Department of Labor survey showed that 47% of the men in a Spanish-speaking American district in South Texas were either unemployed, underemployed, or earning less than $60 per week;

In 1960, 79% of all Spanish-speaking American workers held unskilled or semiskilled jobs;

In Los Angeles County, Spanish-speaking Americans are well-represented in the food, steel, automobile and diecast aluminum industries, yet, they constitute less than 5% of the aircraft, telephone, space and electronic industries, which are the most important and fastest growing in that State.

By mid-1966, the U.S. Government had come to be the best employer of Spanish-speaking Americans in the Southwest. They represent about 10% of Federal employees in that area, a figure comparable to their percentage of the total labor force. However, it is distressing to note that the vast majority of these civil servants are clustered in the lower grades. In the postal service 70% are at entry level and 91% in the lower paying grades of 1 through 4.

The tendency of both government and private employers has been to screen out rather than screen in Spanish-speaking American applicants. Many requirements are totally irrelevent to the task at hand. Some very simple jobs require a high school diploma. The emphasis on college diplomas or the passing of a comprehensive examination blocks the way to meaningful employment for many others.

Clear cases of discrimination against the Spanish-speaking American in employment were revealed by a study conducted by the University of California Graduate School of Business Administration, entitled "Mexican Americans in Southwest Labor Markets." For example; the study showed that:

In situations where Spanish-speaking Americans and Anglos had completed the same number of school years, the incomes of Spanish-speaking Americans were only 60 to 50% those of Anglos;

There was a disproportionate representation of Spanish-speaking low wage occupations and jobs.

Within 6 of 7 major occupational categories, Spanish-speaking Americans hold inferior jobs to those on which Anglos are employed;

While the currently fashionable emphasis on formal schooling in job selection, applied to the inferior schooling Spanish-speaking Americans receive, may be instrumental in bringing about some of these adverse relationships, this emphasis itself is discriminatory when schooling is not related to job performance, which is believed to be largely the case in the manual occupations.

Discrimination was shown by the low earnings of Spanish-speaking Americans compared to those of Anglos, within job classifications; Spanish-speaking Americans receive significantly less than Anglos for similar kinds of work.

An example of the latter, where an Anglo earned $1.00 in the sales field the Spanish American received 88¢ in California and 61¢ in Texas.

There are other sources of concern to the Spanish-speaking American. They have been subjected to both abuses of cheap labor and to unemployment when cheaper labor was available. On one day in Laredo, Texas, where 3,365 American citizens were unemployed, 2,581 "Green Carders" crossed the border. In El Paso, 11,772 "Green Carders" crossed on a day when 5,050 Americans were

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unemployed. More examples of this type "discrimination" are readily available.

The farm labor force is another cause for concern. Here are employed both women and children in large numbers as well as males. They work in the fields under much the same conditions as did the Negro slaves in the cotton fields of pre-civil war days.

For the migrant workers who follow the crops there is interruption in education, residence requirements for health and welfare programs cannot be met, and living conditions are unspeakable. There are no minimum standards for migrant housing in New Mexico and Texas. A Colorado migrant worker described the housing in this way: "On various places, they just run out the chicken and the migratory worker moves in. When he moves out the chickens move back in."

The Spanish-speaking American farm workers, estimated at 250,000 in number have little or no protection under American law. Not one state provides unemployment insurance for the migrant worker and there is limited protection under workmen's compensation. The National Labor Relations Act, as we know, gives no right to bargain to farm labor. Social Security and minimum wage laws are extremely limited.

Where the Spanish-speaking American could capitalize on his assets in the job market, because of his bilingual abilities, he is excluded by other standards. It has been suggested the Spanish-speaking Americans already fluent in the language of Latin America and who could establish immediate rapport with the population in terms of ethnic similarity, are automatically screened out of the Foreign Service in most instances. One requirement is a rigid oral examination which concentrates on a knowledge of "American culture" and the ability to discuss and convey the distorted picture of American history, art, and literature which has rejected an element representative of another outstanding culture within a culture.

There is little available current employment and unemployment statistics for the Spanish-speaking American. This is one of the many gaps which exist in information on this group of citizens. The Department of Labor, which monthly publishes a variety of labor market studies, has persisted in presenting all data on a White-Non-white basis, making it impossible to assess the employment picture for the Spanish-speaking American on a timely basis. I have accumulated a summary of the available data, however, and I would like to submit it for inclusion in the record at this point.

This data reveals among other things the following unemployment comparisons between the general population and the Spanish-speaking population in 1966.

In New York Metropolitan Area, 4.0% of the general population is unemployed while East Harlem, where Puerto Ricans are concentrated has a 9.0% unemployment rate;

The San Antonio Metropolitan Area has a general unemployment rate of 4.2% but the East and West Sides, composed of 84.0% Spanish-speaking Americans, have a rate of 8.1%;

In the Phoenix Metropolitan Area the general unemployment rate is 3.1%, that for the Salt River Bed Area, of which 30.0% is Spanish-speaking American, the rate is 13.2%;

The data also shows the following comparisons for 1960 for the Southwest in general:

8.5% of Spanish-speaking males were unemployed compared to 4.5% other white, and 9.1% nonwhites;

9.5% of Spanish-speaking females were unemployed compared to 5.0% other white, and 8.1% non-whites;

Of the Spanish-speaking Americans employed, 20.5% were in white collar jobs compared to 56.7% of other whites; and

Of the Spanish-speaking Americans employed, 79.5% were in blue collar jobs compared to 43.3% for other white persons.

While we are on the subject of employment, I think we should take note of the employment practices of the three major networks of our nation—ABC, CBS, and NBC. According to the Equal Employment Opportunity Commission:

Out of 3,500 employees, the three networks employ 76 Spanish-speaking Americans and 121 Negroes;

Out of 504 managers, the three networks had 3 Spanish-speaking and 6 Negroes;

Out of the 76 Spanish-speaking employees of the three networks, 36 were clerical and 17 were blue collar workers;

Of the 121 Negroes employed by the three networks, 67 were clerical and 12 were blue collar workers;

There were only 3 Spanish-speaking surnamed professionals in the three networks; and

There were only 15 Spanish-speaking technicians in the three network labor force.

The newsmedia could contribute so greatly toward improving the life for the Spanish-speaking American. I challenge them to do so, not merely by exposing the plight of the Spanish-speaking American, but by participating in positive efforts to end discrimination against the Spanish-speaking American within their own ranks.

C. Poverty

Poverty is a way of life with the Spanish-speaking American. In many cases, his ancestors came from poverty in Mexico or other Latin American countries and the poverty cycle has never been broken for them. Poverty is simply inherited from generation to generation.

Taking the five States in the Southwest, the total population had 19.7% of their families in poverty; 15.9% of the Anglo families were in poverty; with the percentage of Spanish-speaking American families over double that of the Anglo, at 34.8% of families in poverty.

Of the urban population in the Southwest, 16.8% of all the families are living in poverty; 13.3% of the Anglo families are living in poverty; and 30.8% of the Spanish-speaking American families are living in poverty.

The same contrast exists in percentage of rural nonfarm families living in poverty, with the percentages being 30.1% for total population, 24.2% for the Anglo population, and 50.2% for the Spanish-speaking population. The percentages for rural farm families living in poverty are, 40.8% for the total population, 36.6% of the Anglo population, and 58.7% of the Spanish-speaking population.

These statistics in themselves are cold enough and no further explanation should be required. It is even more revealing, however, when we remember that these are income figures per family, not per person. Considering the large size of Spanish-speaking families, it is easy to visualize that the Spanish-speaking family with an income less than $3,000 is living in greater poverty than the Anglo family with the same income. In Texas, for example, where the median income of the Spanish-speaking family is $2,941 and that of the total population $4,884, the average family size of a Spanish-speaking family is 4.63 and that of the total population is 3.33. Thus, the Spanish-speaking head of household not only has a significantly lesser income, he has more individuals to feed with that less money.

It's equally interesting and revealing to contrast the percentages of Anglo and Spanish-speaking families earning $10,000 or more. Among the general population of the Southwest, 17.6 of the total number of families have incomes of $10,000 or more, as compared with 6.6% of the Spanish-speaking families.

In certain counties, the poverty is even more prevalent. For example, in Mora County, New Mexico, where the population is 85.4% Spanish-speaking, the percentage of poor families in 1966 was 67.1%. In Los Alamos County, New Mexico, where the population is only 11.2% Spanish-speaking, there were only 2.1% of the families living in poverty in 1966.

I have attached various charts and tables to my statement with reference to the poverty status of the Spanish-speaking American.

D. Civil rights

Hard data on the denial of civil rights to Spanish-speaking Americans is hard to acquire. This is partially so because outright discrimination is difficult to prove and also because statistical studies still focus primarily on the Negro as opposed to the white, English-speaking majority.

Subtle though it is in some instances, discrimination against the Spanish-speaking American exists.

One example of discrimination is evidenced by that part of the news media which remains ignorant to the fact that there is a second minority group of brown-skinned, Spanish-speaking Americans. While the Negro now plays a sophisticated role as an average gainfully-employed consumer, the Spanish-speaking American can be viewed on commercials as a sombrero and serape-clad, gun-toting bandit who speaks "pigeon English."

This past year we have seen the Spanish-speaking American thrust upon us in nationally televised advertising as a "manana-type" revolutionary advertising L&M cigarettes; again as a Frito-bandito; and as an ignorant peon who calls the Yellow Pages "Jello Pages." The Spanish-speaking American appears in commercials, true, but never with dignity.

Despite the lack of hard data illustrating the inequity of opportunity afforded Spanish-speaking Americans, his low educational attainment, low income, poor housing and health, and downright poverty are strong evidence that such is the case. The U.S. Civil Rights Commission is expected to publish studies at various times during 1969 to show the extent of injustice to the Spanish-speaking American and to recommend corrective action to the President and to the Congress.

We know by now that poverty in the midst of affluence breeds crime. Recent studies of the causes of crime and violence with proposed courses of action have been a popular undertaking. However, *The Challenge of Crime in a Free Society,* a 1967 report by the President's Commission on Law Enforcement and Administration of Justice, and the Kerner Commission Report, both impressive documents, have ignored the situation of crime in the Spanish-speaking American community. They contain the familiar color breakdown of black versus white.

The problems, however, are there despite the fact they have not been the center of fancy reports. There is much fear and mistrust among the Spanish-speaking American community of our courts and police. Courts are viewed in many instances as the "cleansing agent" for the Anglo's conscience where the Anglo can legitimize his persecutory acts against the Spanish-speaking American. Because he has been stereotyped as ignorant, drunkenly, and a thief, the Spanish-speaking American is the subject of abuse both by the police and other legal authorities. The courts, it is felt, then give legal coloration to the otherwise illegal or questionable acts of law enforcement officials.

The most common complaint about the administration of justice is police brutality. This includes charges of discourtesy, unnecessary stopping and questioning of Spanish-speaking Americans on the street, illegal searches and seizures, and out-right brutality. The instances of complaints in the files of the U.S. Civil Rights Commission are too numerous to disregard.

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Here in the District of Columbia the police have been instructed not to use the words "Nigger", "boy", and other such descriptive words formerly used by police in dealing with Negroes. These were words which degraded the Negro in his own eyes and the eyes of the policemen. The same practice exists with respect to police treatment of Spanish-speaking Americans. The most common descriptive word used by police in an attempt to degrade a Spanish-speaking American is to refer to him as "you Mexican", or "you dumb Mexican". Though proud of their ancestry, these individuals are no less Americans and recognize the implication behind the cat-call.

Young people seem to be particularly susceptible to police harassment. It is charged that in cases where an Anglo youth would be released to the custody of his parents, the Spanish-speaking American is jailed. Teenagers without jobs are often picked up and charged as vagrants. In many cases, Spanish-speaking Americans are not given the opportunity to hold meetings to organize themselves in order to assert their collective power.

Charges of excessively high bail involving Spanish-speaking American suspects and denial of bail are often heard, according to U.S. Civil Rights Commission files.

Studies show that in areas where the Spanish-speaking population is below 40%, there are generally very few if any Spanish-speaking American law enforcement officers. About 7.4% of the total uniformed personnel in 232 agencies in the Southwest are Spanish-speaking Americans. Of the 62 members of the elite Texas Rangers, there is not one Spanish-speaking American, and there have been very few in the 135 year history of the organization. Of 171 law enforcement agencies surveyed by the U.S. Civil Rights Commission, only 10 have Spanish-speaking personnel in top positions; 8 of these in towns of less than 10,000 in population. Some members of the Spanish-speaking community feel that Spanish-speaking law enforcement officers are encouraged to be more brutal towards members of their own community in order to be accepted by the Anglo officers.

A large proportion of Spanish-speaking Americans cannot afford private counsel and if they are being tried for less serious charges are without attorneys. In California an indigent accused of a misdemeanor has the right to counsel. Arizona guarantees the right to indigents only if they are charged with high misdemeanors. None of the other Southwestern states offer counsel to indigents in other than felony prosecutions. A study of misdemeanor cases in Albuquerque, New Mexico, municipal court shows that 15% of the defendants represented by counsel were found guilty as opposed to 45% without counsel. Even when there is a court-appointed attorney, if he is not a Spanish-speaking attorney, his services to his client will have been greatly diluted. In fact this may be a denial of his constitutional right to counsel in serious offenses if he does not understand English very well.

The U.S. Civil Rights Commission has found that there is extensive under-representation of Spanish-speaking Americans on grand and petit juries in State courts throughout the Southwest. One attorney who has practiced in Texas for 18 years says he can remember one case in which a Spanish-speaking American served on the jury. Another attorney in Texas cannot recall seeing a single Spanish-speaking American juror in the hundreds of cases he has tried in South Texas.

In Phoenix, Arizona, the population is over 6% Spanish-speaking yet on 95% of all trials in that city, no Spanish-speaking Americans sit on the jury.

In Los Angeles County, where there are nearly 500,000 eligible Spanish-speaking residents only four served as grand jurors during a period of 12 years.

In Monterey County, California, with over 23,000 Spanish-speaking residents, only one Spanish-speaking juror has served in the 30-year period from 1938 to 1968.

Such exclusion from juries as these figures indicate not only violates the right to serve (and indeed the obligation), but also denies the Spanish-speaking American defendant a fair and impartial trial.

The Courts have only very recently begun to consider civil rights cases in voting involving discrmination against Spanish-speaking Americans.

Katzenbach v. Morgan (384 U.S. 641, 1969) has been the most important case relevant to Spanish-speaking Americans. In this case the court ruled that congressional legislation can nullify literacy requirements enacted by State legislatures. At the present time, Arizona and California both require that a voter be literate in English.

Incidents of direct discrimination such as the following have been reported:

Spanish-speaking Americans from two Northern California counties reported in 1967 that local officials had refused to give registration books to Spanish-speaking American volunteer deputy registrars.

In a Texas town it was alleged that police ticketed cars for minor defects on election day and that officials attempted to make eligible voters believe they must own property in order to vote.

A detailed study is being undertaken this year by a private organization to determine the number of Spanish-speaking registered voters in the Southwest as compared to the general population. If their representation in State legislatures is any measure of their power to elect, their voting number would seem very low.

In *Arizona* where 14.9% of the population are Spanish-speaking Americans, only 8.9% of the Legislature is Spanish-speaking American.

In *California*, 9.1% of population is Spanish-speaking Americans, but only 0.8% of the Legislature is Spanish-speaking American;

In *Colorado*, 9% of population are Spanish-speaking Americans, and only 2.02% of the Legislature;

In *New Mexico*, the figures improve where 28.3% of the population are Spanish-speaking Americans and 24.1% of the Legislature are Spanish-speaking American;

In *Texas*, 14.8% of population are Spanish-speaking Americans, but only 6.6% of the State Legislature are Spanish-speaking.

Just as he has been discriminated against in other segments of our society, he also is discriminated against in having to shoulder a larger proportion of our country's defense. He has sacrificed his life in American wars in noble numbers. Statistics from the Department of Defense show the casualty ratio of Spanish-speaking Americans to the general population for the period of January, 1963, to February of 1967, in the five Southwestern states as follows:

In Colorado where he represents only 9% of the population, the Spanish-speaking American represents 20.3% of the casualties;

In New Mexico where he represents only 28.3% of the population, the Spanish-speaking American represents 40% of the casualties;

In California where he represents 9.1% of the population, the Spanish-speaking American represents 12.3% of the casualties;

In Texas, he represents 14.8% of the population and 18% of the casualties; and

In Arizona, he represents 14.9% of the population and in this case only 10.8% of the casualties.

The Spanish-speaking American represents only 11.8% of the total population in the five Southeastern States but represents 15.8% of the casualties.

To summarize the civil rights condition of Spanish-speaking Americans, most Spanish-speaking Americans are familiar with outright discrimination. He has never sought to establish himself as an independent force to be reckoned with. He has contributed much to the culture of his country—he named much of the Southwest and developed its soil. He has traveled the migrant trail and harvested its crops. He has fought for his country without questioning why. But despite these contributions, they know from first-hand experience that there are many who consider that their coloring, culture, and language make them naturally inferior. It is difficult to fight such deep-rooted hatred. Perhaps rather than try to fight individuals, it is better to change the system, to convert its so-called social institutions from complacency to real social action.

The Spanish-speaking have been in this country from as far back as the mid 16th century. They are indeed a part of the American dream. For the most part they are American citizens, and have been for generations. As citizens they are entitled to the same protection as are other Americans. They, too, are entitled to civil rights, but they have not been sharing in the American dream.

E. Housing

What the Negro knows as the ghetto with all of its gruesome conditions, the Spanish-speaking American knows as the barrio. They are one and the same, differing only in name and inhabited by individuals differing in color. The barrios have been created by a number of circumstances, some of them historical, others economic.

Regardless of the reasons for their creation, the barrios did come into being. Its inhabitants have clung ever closer together, isolating themselves, fearing and refusing change. Without change they have had little progress. The physical separation these areas provide implies a further social separation. Where there is social separation with in this country, there is generally social deprivation.

These are some of the results of lack of education and employment opportunity:

The Spanish-speaking American is seven times more likely to live in substandard housing than his Anglo counterpart;

The mortality rate at birth or during the first year of life is twice that of the Anglo;

The average life span of Spanish-speaking Americans in Colorado is 56.7 years as opposed to 67.5 years for others.

As is typical among all the poor, Spanish-speaking American families tend to be large. The Spanish-speaking American birth rate is 50% higher than that of the U.S. population as a whole. The group is unusually young. The percentage of the Spanish-speaking American population below the age of 15 is 42%; that of nonwhites is 36.6%; and that of Anglos, 29.7%.

With a low income the Spanish speaking American is forced to choose deteriorating housing, and with a large family the space he can afford is inadequate. In one Southwestern city (Phoenix, Arizona), in one tract of the Inner City in which the population was 76.2% Spanish-speaking, the median family income was $2,867, compared with $6,842 in the Outer City; 52.1% of the families were in poverty status, compared with 12.2% of the Outer City; 11.1% were unemployed compared with 3.7% in the Outer City; the average schooling was 5.3 years compared with 11.8 years in the Outer City; 34.7% lived in overcrowded homes compared with 12.3% in the Outer City; and 82% lived in dilapidated and deteriorated housing, compared with 6.2% in the Outer City. The tuberculosis rate in the Inner City was three times that of the Outer City.

The Spanish-speaking American community complains of the bureaucratic approach to implementation of Federal housing programs. They feel:

Loan eligibility requirements are unrealistic;

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Interest rates on insured loans are prohibitive; and

Personnel unfamiliar with the needs and life styles of the Spanish-speaking community are controlling the programs.

One study in the five Southwestern States and New York City revealed the following statistics on housing;

In Arizona, 11.3% of the Anglo families lived in overcrowded and/or dilapidated housing compared to 43.6% of the Spanish-speaking families;

In California, the figures were 6.8% of Anglo families, 26.7% of Spanish-speaking families;

In Colorado, 8.5% of Anglo families and 35.0% of the Spanish-speaking families;

In New Mexico, 10.3% of the Anglo families and 39.6% of the Spanish-speaking families; and

In Texas, 9.4% of the Anglo families and 46.5% of the Spanish-speaking families.

F. Health

When we turn to health and the quality of medical care being received by the Spanish-speaking American, we are again faced with a lack of readily available information on the Spanish-speaking American. Government agencies which collect health statistics do not categorize Spanish Americans. The breakdown is between black and white. Without accurate statistics, it is impossible to determine what programs are needed and what means must be utilized for that implementation.

The most common complaints with regard to inadequate health care are:

Excessive costs, particularly in lengthy illnesses;

Insufficient or completely absent medical and dental services;

Lack of facilities for mentally retarded and mentally ill;

Shortage of bilingual professionals in the health field;

Geographic inaccessibility;

Indifferent or even hostile attitude of medical staff; and

Lack of information and education with respect to proper medical care.

All other things being equal, it is safe to assume that with a low educational attainment, low incomes, large families, that the Spanish-speaking suffers a higher rate of infant mortality, death at an early age, is more susceptible to illnesses and diseases, and, in general, is in a very sad, unhealthy condition. The lack of data on the health needs of the Spanish-speaking American is one very convincing reason for continuing the Inter-Agency Committee—this lack of data must be corrected.

G. Migrants

I will discuss briefly here the problems of the migrants. Another Subcommittee—the Subcommittee on Migratory Labor of the Senate Committee on Labor and Public Welfare—is presently conducting extensive hearings into this subject, under the able chairmanship of our distinguished colleague, Senator Walter F. Mondale of Minnesota. It is important for our discussion here today, however, to at least make reference to the problem.

Migrants are reported to represent one-fourth of all the poor of this country. In general they earn the average salary of $1,200 a year per working season with other sources providing them an additional $1,100 per year, for a total income of $2,300. The average size of family of migrant workers consists of 5.6 persons in a family. When you consider that the migrant must travel from his home base to work base, an average of 900 miles distance, and back, this income figure becomes even more shocking.

The migrant, of course, faces many other problems besides low income. The life expectancy of the average American child born today is 70 years; That of a migrant child born today is 55 years; and the life expectancy of a Spanish-speaking child born to a migrant family is only 38 years—32 years less than other white American children. Among the Spanish-speaking migrant, 41% of the deaths occur by 5 years of age. The predominant causes of ill health are respiratory and gastro-intestinal, in that order. In migrant camps tuberculosis and parasitic infirmities are rampant. The migrant has little knowledge that programs exist for his benefit. When necessity does take a migrant to a local health clinic, he is met, usually, by people who do not speak his language nor understand his poor English. Local health clinics are not usually set up for the care of migrants and most clinics will not attend to migrants needs because they fail to meet the State welfare residency requirements. The Michigan Health Department for example, goes on the assumption that Migrant Health Programs take care of Migrants and do not come under Welfare Department jurisdiction. Michigan has an estimated 80,000 migrants during a growing season, of which 78% are Spanish-speaking.

Mr. Chairman, I refer you to Table 7 which gives some data on a three-State survey on migrants.

Migrants usually live in overcrowded conditions. In Michigan, 50% of the migrants lived in housing units of one or two rooms in which they shared the same unit with 6 or more persons; 24% shared the same unit with 9 or more persons. Their diseases are highly communicable and thus rampant in these overcrowded conditions.

Unsanitary conditions are more common than not. Often times there are no sanitary or cooking facilities at all. In the worst cases there will be one toilet per migrant camp and one spigot for water use, whether for hygenic or for cooking purposes. Usually there is no drainage and no garbage disposal facilities.

Nutrition among the migrants is a sometimes thing. Sometimes they eat well, sometimes they scarcely eat. Unavailability of household goods and cooking facilities contribute to their poor diets. In the more modern camps, these conditions are being corrected.

As for education, the migrant averages approximately a fourth grade level. The chances of a migrant child receiving a good education under today's conditions is very remote. The average stay of a migrant family in a camp is 8 weeks. Time spent in traveling from camp to camp runs from 48 hours to two weeks. Often times the moves are from state to state. Educational continuity is out of the question.

Most states have a residency requirement which precludes welfare assistance to temporary residents such as farm workers. Recent U.S. Supreme Court decisions may or may not help alleviate this condition for the migrants.

Many charges have been made that growers do not comply with even the simple legal requirements which are imposed on them by law. Often times, it is reported, four or five growing seasons go by without the growers' compliance with laws being checked.

Where the Spanish-speaking American is at the "bottom of the heap", the migrant is at the "bottom of the bottom".

PUERTO RICANS

Let me turn now to special mention of the Puerto Ricans and their own peculiar problems. I will insert at the conclusion of my statement a rather comprehensive report prepared at my request which goes into detail on the problems faced by mainland Puerto Ricans. In addition, I understand you will have a representative of the Puerto Rican community here to testify tomorrow. I would like to make brief reference to this segment of the Spanish-speaking community, however, for I feel it is essential that their problems—which parallel those of other Spanish-speaking Americans—also be vigorously tackled by the Inter-Agency Committee on Mexican American Affairs. I will summarize the contents of the more comprehensive report which I will submit for the report.

According to 1960 Census figures, there are approximately 855,000 Puerto Ricans living in this country. Of these, nearly 600,000 were born in Puerto Rico and immigrated to the U.S., while nearly 260,000 were born in the U.S. of Puerto Rican parentage. They live in every one of our 50 States, including Hawaii and Alaska. They are concentrated, however, in New York where, in 1960, approximately 643,000 of the 855,000 were residing. Within New York, most live in New York City. Their total number is not known for certain, inasmuch as in the five Southwestern States they were classified in 1960 as Spanish-speaking Americans.

Puerto Ricans made up 7.9% of the New York City population in 1960 and 9.68% in 1964. For 1967, the Puerto Rican population in New York City was estimated to be 938,438 or 11.8% of the projected population. Because most Puerto Ricans are living in New York City, references in this statement will be to Puerto Ricans living in that City.

Puerto Rican families, like other Spanish-speaking *families,* tend to be *significantly larger in size* than families among the white, non-Puerto Ricans. Families of seven or more persons account for about 11% of all Puerto Rican families as against only 2% of all Anglo families. This compares with 8.0% of all non-White families. Figures for families of five and six persons also show a larger percentage among Puerto Ricans than among Anglos or non-whites.

For Puerto Ricans, 61.9% of families of five or more members were below the *poverty* line as compared to 46% of non-whites, and 17.7% of Anglos.

The Puerto Rican population in New York City is a significantly younger population as compared to the general population in the City. The median age of Anglos in New York City in 1966 was estimated to be 38.6 years, that of the nonwhite 26.1 years, and that of the Puerto Rican 19.1 years.

Although they constituted only 7.9% of the population of New York City in 1960, Puerto Ricans accounted for 18.7% of the persons in poverty. On education, Puerto Ricans in New York fare as poorly as the Spanish-speaking American in the Southwest. The poverty status, the stereotype, and other formidable obstacles faced by the Puerto Rican have blunted motivation and discouraged higher education in Puerto Rican communities throughout the United States. Little if any meaningful action has been taken to alleviate this condition.

The Coleman Report on Equality of Educational Opportunity evidences that Puerto Rican children lag behind both urban whites and urban Negroes in verbal ability, reading comprehension, and mathematics. Test scores of sixth grade students place the average Puerto Rican child about three years behind the average white child in all three categories of achievement and about one year behind the Negro child.

Puerto Rican adults have the lowest level of formal education of any other ethnic group in New York City. Of the Puerto Ricans 25 years of age or older, 87% dropped out without graduating from high school as compared with approximately 67% of Negro population, and 60% of Anglo population. Even more dramatically, 52.9% of Puerto Ricans in New York City 25 years of age and older, had less than an eighth grade education, contrasted with 29.5% of the Negro population, and only 19.3% of the other whites.

Of the small number of Puerto Ricans completing high school, only a small percentage

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(20% in 1963) were being prepared to begin higher academic education. The quality of education for ghetto children has also discouraged advancement.

Although more than 50% of the nation's high school graduates now go on to higher education, no more than 2% of Puerto Rican mainland population passes through that door. No other group in the populous Northeast of this country is so thoroughly excluded. Consequently, there are now astonishingly few Puerto Ricans in technical and professional occupations in the metropolitan New York area—some 15 to 20 mainland educated physicians, a small handful of engineers and not a single architect. In the New York City School system, 22% of the students are Puerto Rican but less than 1% of the teachers are Puerto Rican.

When we turn to *employment*, the pattern is the same as the one we have seen for other Spanish-speaking Americans. It is estimated that 85% of the migrants leave a job in Puerto Rico for a better job on the Mainland United States. He is better educated and more likely to have had experience than the worker who stays on the Island. The first job in the U.S. will bring better wages, but a lower job classification than he had in Puerto Rico. In New York City, more than 50% were employed in the City's manufacturing industry. This has made things worse for the Puerto Rican in as much as New York City has suffered a substantial loss of factory jobs in recent decades.

In the skilled work area, training opportunities are scarce. Puerto Ricans are further handicapped by the fact that they meet a society at an increasingly high level of technological sophistication requiring years of being part of the system. As newcomers from a predominantly rural society, they are not oriented to this situation. All these barriers are exacerbated by the discrimination which they face. Often, even college graduates from Puerto Rico, who are highly trained, end up working in a factory because a Spanish accent is considered a deterrent to effective and efficient performance of the more professional jobs.

In a survey of the patterns of employment in 100 major corporations on which the Equal Employment Opportunity Commission (EEOC) had hearings in New York in 1968, the Puerto Rican again is underrepresented more disproportionately than any other group. The impressive fact is that ninety out of the 100 companies are holders of Federal government contracts and 46 are members of Plans for Progress. In fact the companies not participating in the Plans for Progress organization have a better record of minority utilization in almost every occupational category.

In a city where 10% of the people were Puerto Ricans at the time EEOC gathered the employment statistics, only 2.9% were in any white collar position. Furthermore, the jobs tended to be in the lowest level categories. To under-score this, only 1% of the officials and managers in finance, publishing, law, and communications are Puerto Ricans.

In 1966, the estimated median family *income* of all families in New York City was $6,684; for Anglo families it was $7,635; for nonwhite families it was $4,754; and for Puerto Ricans it was $3,949.

The *unemployment* picture for Puerto Ricans has been consistently bleak when contrasted to other ethnic groups. In 1960 the unemployment rate for Puerto Ricans was 9.7%, compared to 6.8% for nonwhites, and 4.4% for all races combined. The underemployment, or sub-employment rate is even more distressing, being 33.3% among Puerto Ricans.

As relative newcomers, Puerto Ricans entered the competition for *housing later* than did the Negroes and other whites. Being the lowest income population in New York City, Puerto Ricans had less money to pay for rent. Consequently they wound up living in housing units that are the most deteriorated or dilapidated, and the most crowded. A 1960 census revealed that the housing renewal needs of New York City potentially involved up to one million new units, or approximately one-third of the City's entire housing supply. Some 40,000 "Old Law Tenements" built before 1901 contain about 335 thousand apartments and house close to one million persons. A great number of these are Puerto Ricans. In 1960, one of every eight Puerto Rican families lived in a single room unit. Puerto Ricans own few homes, 95% of them renting apartments.

Race prejudice combined with poverty have forced the Puerto Ricans to live in the worst housing in New York and it is evident that code enforcement continues to be fragmented and poorly financed.

On *health*, the same gloomy picture exists for Puerto Ricans as it does for other Spanish-speaking Americans. They suffer a higher rate of acute conditions than the general population; they have fewer number of physician visits; they suffer a higher rate of infant mortalities than do the Anglos; they suffer higher mortality rates than do the Anglo population.

These same miserable conditions, which are repulsive to every human instinct, are also shared by the Spanish-speaking American in the Southwest. While the Spanish-speaking are a resourceful and energetic people and expect to struggle their way out of the many problems they face, it is realized that the resolutions to many of these problems lie beyond their control.

INTER-AGENCY COMMITTEE ON MEXICAN AMERICAN AFFAIRS

In an effort to combat these conditions, President Johnson created on June 9, 1967, a Cabinet-level committee designated as the Inter-Agency Committee on Mexican American Affairs "to assure that Federal programs are reaching the Mexican Americans and providing the assistance that they need, and (to) seek new programs that may be necessary to handle problems that are unique to the Mexican American community."

Appointed to the Committee were the Secretaries of Agriculture; Commerce; Labor; Health, Education, and Welfare; and Housing and Urban Development; and the Director of the Office of Economic Opportunity. The Honorable Vicente T. Ximenes, a member of the Equal Employment Opportunity Commission, was appointed chairman of the Committee.

I might digress a moment here to pay tribute to Vicente Ximenes who recently resigned as Chairman of the Committee. He has performed a tremendously difficult job in a most admirable manner. It is because of his performance that the Inter-Agency Committee has compiled such an excellent record of accomplishments and which led President Johnson to recommend that the Inter-Agency Committee be established by legislation. His entire staff is to be commended, and, particularly, Mr. Jose Andy Chacon, until recently the Executive Director of the Inter-Agency Committee. I want the record to show that.

I would like to submit for the record a report on the accomplishments of the Inter-Agency Committee as of June 1, 1969. Tomorrow, this Subcommittee will be hearing from Commissioner Ximenes and his successor as Chairman of the Inter-Agency Committee, Mr. Martin Castillo. They will describe in more detail for the Subcommittee the workings of the Inter-Agency Committee.

Generally, however, the Inter-Agency Committee has been:

Lending technical assistance to Federal agencies which have either grant-in-aid or direct programs of significance to the community so that these programs will match the real needs of the community;

Lending technical assistance to community organizations seeking program assistance from the Federal government;

As occasion demands, matching the needs of the community with both private and public resources outside the community;

Providing research and statistical assistance to Federal agencies, serving as a clearing house for the agencies and the community on what is happening in this field;

Alerting Federal agencies to the largely untapped personnel resources of the community and supplying placement assistance; and

Assisting Federal agencies in the communications field so that the government can, in a meaningful way, let the community know what services are available.

The Inter-Agency Committee conducted hearings in El Paso, Texas, in October of 1967, to meet with the Spanish-speaking American community, to review their problems and to hear from them first hand what their needs are. The hearings were designed to learn how the Federal Government could best work with state and local governments, with private industry and with the Spanish-speaking Americans themselves in solving these problems.

Much information was gathered at these hearings and has been the basis for most of the Inter-Agency's activities during the past year-and-a-half. A new rapport has been established between the Spanish-speaking community and government on all levels. A spark of hope has been ignited for this second largest minority.

Over 1,000 specific recommendations resulted from these hearings and fundamental new directions were charted for the Federal Government to follow. Among these was an acknowledgement that:

The cultural differences and background of the Spanish-speaking American community must be acknowledged and understood;

Bilingual education in all phases of instruction should be developed;

Federal agencies must develop and practice an "outreach" philosophy in bringing services to the Spanish-speaking American community;

Federal employment opportunities must be opened further to the Spanish-speaking American community;

The community must be involved in all aspects of program planning whether it is in school activities or model cities programs;

Problem solving must be undertaken through the cooperation of government, private industry, and Spanish-speaking American civic and service organizations.

Specific programs and projects in which the Inter-Agency Committee has initiated or become involved are enumerated in the report which I have just submitted for inclusion in the record. Also included in the report is a tabular summary of action taken by the Inter-Agency Committee, their placement activities, and the areas of action.

The record of the Inter-Agency Committee during this relatively short period of time has been rather impressive. It could have done more, true. By considering it was a new agency, a new experience, considering it had to maneuver within an established bureaucracy with established ideas, I believe it has made tremendous accomplishments.

NEED FOR CONTINUANCE OF THE INTER-AGENCY COMMITTEE

During the last two years of operation the Inter-Agency Committee has accomplished a great deal. However, during this time it has been learned that much more remains to be done if real opportunities are to be made available to the Spanish-speaking population.

The surface has barely been scratched. As a matter of fact it can be said that the problems attendant to the Spanish-speaking are like an iceberg, "only the tip has been

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exposed." The evidence that problems exist, however, has been uncovered.

One of the real breakthroughs in recent months has been the agreements reached with the Bureau of the Census on changes to the 1970 census questionnaire. Meaningful census data will for the first time be obtained on a national basis. Much more of the "iceberg" will be exposed when the 1970 census has been completed.

The Inter-Agency Committee has also found a great lack of knowledge and understanding within the various government departments in regard to the Spanish-speaking American. They have also found a willingness within government and the private sector to learn about and to communicate with this group. Therein lies progress. The ultimate success of a liaison with government, industry, and the community in bringing some solution to the social and economic problems is yet to be realized.

This is going to take time. It has taken nearly four centuries to create the problems which the Spanish-speaking Americans are confronted with. They cannot be solved overnight. Neither can they be resolved within the next year or two years, or maybe not even within the next one or two decades. To meet these problems, to provide continuity to the progress which the Inter-Agency Committee has been making thus far, it must be established on a permanent basis by legislation until there is no longer a need for its existence.

All Spanish-speaking Americans look longingly toward the day when the need for the Inter-Agency Committee will no longer be required, for arrival of such a day will mean that the Spanish-speaking American is no longer a second or third class citizen. But that day is neither here nor will it be for many years to come. We are only kidding ourselves if we think that these problems can be soon resolved without a permanent agency to tackle them.

The Spanish-speaking American does not want special treatment. He does not want charity. He does not want hand-outs. These are conditions that rob him of his manhood, of his initiative, of his strong pride which is his birth right. But neither does he want to forever be relegated to a third class citizenship behind white America and Black America. All he wants is equality.

The Spanish-speaking American wants an opportunity. He wants a chance to get a better education, a better job. He wants an opportunity to contribute to society on an equal par with others.

The cold statistics which I have been quoting here this morning and of which you will hear even more during the next two days of hearings, are "cold" statistics behind which lie some very "hot" problems. Every day we see growing evidence that these "hot" problems can and will explode upon our national scene which is already overburdened with social unrest and civil disturbances unless something positive is done to alleviate them.

The Spanish-speaking American has remained relatively quiet to date. That has been his nature. He has always sought to solve his problems in his own way and by himself. If he could not do it he would rather remain silent than to ask for help. But the Spanish-speaking American is realizing that he is faced with many problems which are not of his making and which he cannot physically, mentally, or practically solve by himself. They are problems which have been created for him by others—individuals, by social institutions, and yes, even by our own state and Federal governments.

The Spanish-speaking American is learning that to remain quiet is to remain forever downtrodden. To remain quiet is to remain forever uneducated; unemployed; poorly housed, clothed, and fed; and, in general, to remain forever poor.

To date, the Spanish-speaking American has not been duped or led astray by the apostles of hatred and violence whose only solution to problems is to tear down our social institutions instead of to try to reform them. And those apostles of hatred and violence do exist even among the Spanish-speaking Americans. We see ridiculous attempts at making citizens' arrests on Federal officials from a nominee to be Chief Justice of the U.S. Supreme Court to Forest Service officials. We see shootings and, in some cases, even murder. Fortunately, these acts are on the part of a very few irresponsible and erratic personalities and cannot be taken seriously.

However, there are growing discontent and unrest among very responsible individuals and groups representing the Spanish-speaking American community. And this unrest and discontent is both justified and long overdue and *must* be taken seriously. Not to do so would be foolhardy and would result in serious civil disturbances throughout this Nation.

It is, thus, so essential that the Inter-Agency Committee be continued on a permanent basis, to attack and resolve the myriad of problems confronting the Spanish-speaking American. In the Inter-Agency Committee, the Spanish-speaking American has a voice in the highest chambers of our Federal Government. In the Inter-Agency Committee, the Spanish-speaking American has hope. Through the Inter-Agency Committee, the Spanish-speaking American can continue to progress, to make others aware of his problems and to seek a national commitment to resolve them.

Establish the Inter-Agency Committee permanently and we can expect an orderly, concerted effort on the part of the Spanish-speaking American to work within existing institutions to resolve his problems. If we do not permanently establish the Inter-Agency Committee, we will be turning the Spanish-speaking American lock, stock, and barrel over to the apostles of hatred and violence. The Spanish-speaking population in this country is a young population, and a young population without any hope, without a voice to speak for it in the highest chambers of our Federal Government can create a great deal of chaos.

I am not speaking as an alarmist. I am speaking as a realist. I do not and would not condone violence. But let us act to avoid the need for others to make the choice.

The Johnson Administration, which established the Inter-Agency Committee on a temporary basis in 1967, saw the wisdom of establishing it permanently by legislation and recommended and submitted legislation to the Congress to do just that on January 17, 1969.

I do not know the position of the Nixon Administration on this proposal, but I should hope that they, too, are committed to assisting the Spanish-speaking American in a meaningful way—by supporting creation of the Inter-Agency Committee on a permanent basis. Platitudes are fine oratory, but positive action is desired and necessary. I strongly hope that we will get active support from the new Administration for this bill and not merely tokenism. The Spanish-speaking American has had a belly-full of oratory and tokenism. He is tired of that diet and wants positive action.

It is important to note, Mr. Chairman, that the authority which established the Inter-Agency Committee—a Presidential memorandum—expires on June 30, 1969. There is no indication that its authority will be continued administratively beyond that date even though a new Chairman has been appointed, Mr. Martin Castillo.

It is, therefore, imperative that we act and act promptly.

LEGISLATION

Before concluding, I would like to make a few comments with specific reference to the bill before you, S. 740. I introduced this measure with the cosponsorship of 24 of our colleagues, both Democrats and Republicans.

Since introducing it, I have had an opportunity to review it again as well as having the benefit of numerous comments received from a number of individuals and organizations. Consequently, a number of amendments are in order which I am recommending to this Subcommittee.

First, let me comment on two amendments which have been introduced by our colleague Senator Goldwater and which I support. I would like the record to show that Senator Goldwater should be commended for his own personal interest in the bill and efforts to improve upon it. One amendment, Amendment Number 27, would change the nature by which the Chairman of the Committee would be appointed. I believe that this amendment will give the President the flexibility he needs in choosing a qualified Chairman. It will also ensure that the Chairman will be selected only from "among individuals who are recognized for their knowledge of and familiarity with the special problems and needs of Spanish Americans."

In addition, Amendment Number 27, will ensure that such appointment will be made only "with the advice and consent of the Senate." This will ensure that we in Congress have some measure of control over the direction that the Interagency Committee shall take.

The amendment further provides that the Chairman of the Committee shall not concurrently hold any other office or position of employment with the United States. Although I believe that Commissioner Ximenes, while also serving as a Commissioner of the Equal Employment Opportunity Commission, served admirably in his position as Chairman of the Interagency Committee, given the magnitude of the problems which the Interagency Committee will be addressing itself to, the undivided attention of a full-time Chairman is required.

The second amendment by Senator Goldwater, Amendment number 26, would provide that the Committee shall meet at least quarterly during each year. While I feel that this will ensure that the Committee *must* meet at least four times a year, I would like the legislative history of this measure indicate that this is not meant to be a maximum limitation nor guidelines on the number of times the Committee should meet. If it is necessary to meet more often, I should certainly want there to be neither a prohibition nor a feeling that they cannot meet more regularly than four times a year.

Another amendment which I am submitting for your attention today—would merely ensure that the Interagency-Committee is meant to serve and meet the problems of all Spanish-speaking Americans, be they Mexican-Americans, Spanish-Americans, Puerto Ricans, or of other Spanish-speaking background. The amendment would merely add a new section to the bill to read as follows:

"For the purposes of this Act, the term Hispanic-American includes Mexican-Americans, Puerto Ricans, and all other Spanish-speaking or Spanish-surnamed Americans residing in the Several States and the District of Columbia."

The Interagency Committee has been serving all these individuals in the past and when I originally introduced S. 740, I included a preamble in the bill spelling this purpose out. There has been some confusion and misunderstanding among some segments of the Spanish-speaking community, however, and it is, therefore, essential to spell this out more clearly.

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A second amendment I propose today, and which I would urgently encourage this Subcommittee to adopt, is a very basic one and of great symbolic importance to all Spanish-speaking Americans who are not of Mexican ethnic backgrounds. The name of the Interagency Committee has been, and was retained by me in introducing S. 740, the Interagency Committee on *Mexican-American* Affairs.

Although the Interagency Committee has been servicing all Spanish-speaking Americans and not merely these of Mexican extraction, symbolically it is viewed by Spanish-speaking Americans of other ethnic extractions, as not representative of them and their problems because the name refers specifically to "Mexican-Americans."

This is an age-old topic for discussion among Spanish-speaking Americans as to just what they want to be called. We use the phrases Mexican-American, Spanish-American, Spanish-speaking American, Spanish-Surnamed American, Hispanic-American, Americans of Spanish Descent, and any number of designations. All have their strong points. All have their weak points. Commissioner Ximenes has stated that he feels our problems are too many and things to accomplish too great to quibble about what the Interagency Committee should be called. I agree. However, the Spanish-Speaking American is proud of his heritage. If he is of Mexican extraction he wants to be remembered as such. If he is a descendant from Spain, he is proud of it and wants to be remembered that way. If from Puerto Rico, the same thing. If from another Latin American country, likewise. So that it is important that he have an agency, which is to look out for his welfare, symbolically represent him as well as theoretically and actually represent him.

For this reason, after long discussions with a number of individuals, and after much contemplation, I am proposing that the name of the Interagency Committee be amended to read, "Interagency Committee on *Hispanic*-American Affairs." As I have stated, each of these designations have their drawbacks but I feel that "Hispanic-American" is all inclusive and should offend noone. The Webster Dictionary definition succinctly defines the phrase as: "pertaining to or deriving from the people, speech, or culture of Spain, of Spain and Portugal, or of the regions colonized by the Spanish and Portuguese."

I would ask that the Subcommittee elicit from each of its witnesses in the next two days, comments on this proposed name change. Perhaps a better name could be found, and if so, I would support it.

Finally, I call attention to the change in the composition of the Committee which my bill would make. The present Interagency Committee consists of the Secretaries of Agriculture; Commerce; Health, Education and Welfare; Labor; Housing and Urban Development; the Director of the Office of Economic Opportunity; and, until recently, chaired by a Commissioner of the Equal Employment Opportunity Commission. When I introduced S. 740, I expanded the membership on the Committee to include in addition to the above, the Secretary of the Treasury, the Attorney General, the Administrator of the Small Business Administration, and such other officers of Federal departments and agencies as the President or the Chairman may designate.

I felt it imperative to bring into this "war against the problems of the Spanish-speaking community" all those heads of Federal departments most intimately concerned with the various problem areas. It has been suggested, however, that to expand the Committee to this many members will almost ensure that all—or even a fair number—of the Committee members will be unable to attend the Committee's meetings. It is suggested that this will result in the Committee members designating a lower echelon official to represent him at meetings and that the effect and authority of the Committee will thus be diluted. I think this is a valid contention and I would urge this Subcommitee to question Comimssioner Ximenes and others specifically on this point. Should it be decided to reduce the membership, I feel it crucial that a careful decision be made regarding which ones will remain on the Committee to ensure that the most crucial problems of the Spanish-speaking community are met.

CONCLUSION

Mr. President, that concludes my testimony this morning. I do submit for the record various materials to which I have referred in my statement. These being various tables and charts on educational attainment, employment, poverty, migrants, and others which are attached to my statement, as well as a supplemental report to my statement on the accomplishments of the present Inter-Agency Committee on Mexican-American Affairs, a supplemental report to my statement on the special problems of the Puerto Ricans, and various charts and tables on employment problems of the Spanish-speaking.

I feel it essential that the hearing record be documented as comprehensively as possible on the needs of the Spanish-speaking American.

I will be happy to answer any questions that we may not have already covered.

Thank you.

TABLE 1.—MEDIAN YEARS OF SCHOOL COMPLETED BY SPANISH-SURNAME PERSONS COMPARED WITH OTHER POPULATION GROUPS, VARIOUS AGE CLASSES, 5 SOUTHWEST STATES, 1960

[Males and females combined]

State and age group	Anglo	Spanish surname	Nonwhite	Spanish surname-Anglo gap: Years [1]	Spanish surname-Anglo gap: Percent [2]
Southwest: 14 years and over	12.0	8.1	9.7	3.9	32
14 to 24	11.3	9.2	10.6	2.1	19
25 and over	12.1	7.1	9.0	5.0	41
Arizona: 14 years and over	12.0	8.0	7.7	4.0	33
14 to 24	11.1	8.9	8.5	2.2	20
25 and over	12.1	7.0	7.0	5.1	42
California: 14 years and over	12.1	9.0	10.8	3.1	26
14 to 24	11.4	10.2	11.3	1.2	10
25 and over	12.2	8.6	10.6	3.6	30
Colorado: 14 years and over	12.1	8.6	11.2	3.5	[illegible]
14 to 24	11.5	9.6	11.1	1.9	16
25 and over	12.2	8.2	11.2	4.0	33
New Mexico: 14 years and over	12.1	8.3	7.9	3.8	31
14 to 24	11.2	9.5	8.7	1.7	15
25 and over	12.2	7.4	7.1	4.8	40
Texas: 14 years and over	11.4	6.2	8.7	5.2	46
14 to 24	11.1	8.1	10.2	3.0	27
25 and over	11.5	4.8	8.1	6.7	58

[1] Difference between Anglo and Spanish surname median years.

[2] Difference as explained in note 1 computed as a percent of Anglo median years.

Source: 1960 U.S. Census of Population, vol. 1, pts. 4, 6, 7, 33, and 45, tables 47 and 103; and PC(2)1B, tables 3 and 7.

TABLE 2.—EDUCATIONAL ATTAINMENT OF SELECTED ETHNIC GROUPS FOR 5 SOUTHWESTERN STATES IN 1960 [1]

	Arizona			California			Colorado			New Mexico			Texas		
	S.S. [2]	Total	Negro	S.S.	Total	Negro	S.S.	Total	Negro	S.S.	Total	Negro	S.S.	Total	Negro
Male, 14 years old and over (percent):															
No school years	11.2	3.6	4.9	8.3	1.8	1.8	5.3	1.1	0.9	6.6	3.4	3.0	16.0	3.4	5.3
1 to 4 years	18.7	6.2	14.8	12.8	3.7	7.7	12.3	3.3	5.1	15.3	6.8	10.1	23.5	8.7	17.4
5 to 7 years	21.7	11.9	21.0	16.3	8.9	15.4	22.3	9.5	12.4	22.5	12.9	17.6	25.2	17.1	23.8
8 years	16.1	15.3	15.3	14.2	13.5	13.0	19.2	17.1	12.7	15.1	13.1	10.2	9.5	11.5	11.6
High school:															
1 to 3 years	17.5	22.3	24.3	24.8	24.4	28.8	22.9	21.9	27.4	21.6	22.7	24.0	13.6	22.3	22.8
4 years	9.7	21.1	13.0	14.9	24.3	20.6	11.9	24.6	25.1	11.8	22.0	25.9	7.4	18.9	12.2
College:															
1 to 3 years	3.0	10.9	4.5	6.0	13.2	9.4	3.8	11.9	10.9	4.5	10.0	6.7	3.0	10.0	4.5
4 years or more	1.8	8.6	2.2	2.8	10.3	3.3	2.3	10.6	5.5	2.7	9.1	2.5	1.6	8.1	2.5
Median years completed	7.8	10.7	8.6	8.9	11.7	10.3	8.5	11.6	11.1	8.4	10.8	10.1	6.2	10.2	8.3
Female, 14 years old and over (percent):															
No school years	8.4	3.2	2.6	6.3	1.4	1.4	4.6	0.9	1.1	6.6	3.7	2.0	17.0	3.2	3.4
1 to 4 years	14.9	4.4	9.4	10.3	2.8	5.6	11.5	2.4	4.3	5.6	13.9	6.6	22.9	6.9	12.0
5 to 7 years	22.1	10.4	20.3	16.2	7.6	14.2	21.9	7.5	11.5	21.9	11.7	19.6	25.7	15.5	12.3
8 years	17.8	14.1	16.2	15.2	13.2	12.8	18.1	14.9	13.7	15.7	12.8	11.7	9.1	11.1	9.9
High school:															
1 to 3 years	19.8	23.9	27.6	26.7	24.6	29.2	24.5	22.6	27.8	22.6	24.2	29.5	13.3	24.3	26.2
4 years	12.9	27.1	14.8	19.2	31.1	23.1	14.7	31.5	26.4	15.3	26.4	20.3	9.0	24.2	15.3
College:															
1 to 3 years	2.1	10.8	6.0	4.6	12.9	10.3	3.3	12.9	9.8	2.5	9.9	6.5	2.0	9.3	4.7
4 years or more	1.1	6.1	3.1	1.6	6.5	3.3	1.4	7.3	5.3	1.5	6.2	3.9	0.9	5.4	3.8
Median years completed	8.2	11.2	9.2	9.2	12.0	10.6	8.7	12.1	11.1	8.5	11.1	10.0	6.1	10.6	9.0

[1] 1960 Census of Population supplementary report PC (S-1)-55.

[2] Spanish surname.

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TABLE 3.—SCHOOL ENROLLMENT OF SPANISH-SURNAME PERSONS AND ALL PERSONS 5 TO 21 YEARS OF AGE, BY AGE GROUPS, 5 SOUTHWEST STATES AND URBAN-RURAL SOUTHWEST, 1961[1]

[Percent enrolled]

	Total	Spanish surname
SOUTHWEST BY TYPE OF AREA AND AGE GROUP		
All areas:		
5 to 21	79.0	74.2
5 to 6	64.5	55.6
7 to 13	97.6	96.0
14 to 15	94.3	88.0
16 to 17	80.6	66.9
18 to 19	41.9	33.2
20 to 21	21.2	12.1
Urban:		
5 to 21	79.9	75.3
5 to 6	67.5	58.2
7 to 13	97.9	96.4
14 to 15	94.8	89.2
16 to 17	81.2	68.2
18 to 19	43.4	34.0
20 to 21	23.3	13.0
Rural nonfarm:		
5 to 21	74.6	71.1
5 to 6	54.2	47.4
7 to 13	96.6	94.7
14 to 15	92.3	84.9
16 to 17	77.1	64.1
18 to 19	33.3	30.8
20 to 21	12.2	9.6
Rural farm:		
5 to 21	79.0	67.9
5 to 6	44.4	41.3
7 to 13	96.8	93.8
14 to 15	92.9	82.3
16 to 17	82.9	57.9
18 to 19	49.3	29.7
20 to 21	13.1	7.0

	Total	Spanish surname
STATES AND AGE GROUP		
Arizona:		
5 to 21	78.0	74.0
5 to 6	57.5	55.0
7 to 13	96.9	96.2
14 to 15	92.9	90.2
16 to 17	79.1	68.3
18 to 19	45.4	36.6
20 to 21	21.4	10.1
California:		
5 to 21	82.3	78.9
5 to 6	82.8	79.9
7 to 13	98.2	97.6
14 to 15	96.3	92.9
16 to 17	83.3	73.7
18 to 19	40.8	33.3
20 to 21	21.5	12.1
Colorado:		
5 to 21	81.2	77.1
5 to 6	69.3	63.9
7 to 13	98.1	97.4
14 to 15	95.2	89.4
16 to 17	83.5	68.0
18 to 19	48.0	34.0
20 to 21	26.3	12.4
New Mexico:		
5 to 21	76.5	76.6
5 to 6	50.9	49.6
7 to 13	96.8	96.4
14 to 15	93.4,	93.3
16 to 17	81.5	76.3
18 to 19	41.6	41.7
20 to 21	17.6	14.5
Texas:		
5 to 21	74.1	69.4
5 to 6	39.0	34.5
7 to 13	96.9	94.5
14 to 15	91.6	82.6
16 to 17	76.3	58.7
18 to 19	41.9	31.1
20 to 21	20.2	11.9

[1] No separate data for Anglos and nonwhites are available for urban and rural areas; hence this table compares Spanish-surname persons with all persons.

Source: 1960 U.S. Census of Population, vol. I, pts. 4, 6, 7, 33, and 45; tables 101, 95; PC(2) 1B, table 4.

TABLE 4

	Spanish-surnamed college enrollment (1968–69)	Spanish-surnamed enrollment as percent of all enrollment	Percent of Spanish-surnamed population in the State (1960)
Arizona	3,118	7.1	14.9
California	29,405	5.4	9.1
Colorado	2,708	3.8	9.0
New Mexico	3,397	17.6	28.3
Texas	19,201	7.6	13.4
Total	57,899	6.2	11.9

1968 COLLEGES GRADUATES

State	Total graduates[1]	SSA graduates[2]	Percent of SSA	Percent of SSA population in the State (1960)
Arizona	9,429	161	1.7	14.9
California	74,253	1,060	1.4	9.1
Colorado	11,927	203	1.7	9.0
New Mexico	3,847	335	8.7	28.3
Texas	39,984	1,230	3.0	13.4
Total	103,440	2,989	2.9	11.9

[1] Estimated 1968 total number of graduates based on percentage increase of past years, 1965, 1966, 1967; figure includes all degrees granted.

[2] Figure includes all degrees granted which were reported by school.

TABLE 5.—CONTRAST OF ETHNIC POVERTY LEVELS IN 5 SOUTHWESTERN STATES AND NEW YORK CITY, 1960

	Arizona	California	Colorado	New Mexico	Texas	New York City
Total families	312,036	3,991,500	438,815	221,951	2,392,564	2,080,000
Total poor families	66,345	562,710	,80,455	54,180	687,965	611,155
Poor families:						
Anglo (numerical)	41,155	435,849	66,141	24,083	395,598	421,600
Anglo (percentage)	16.4	12.8	16.7	15.6	21.3	19.2
Spanish surnamed (numerical)	11,312	58,256	11,117	22,555	139,663	75,395
Spanish surnamed (percentage)	30.8	19.1	35.0	41.5	51.6	53.7
Average family size:						
Total population	3.41	3.19	3.33	3.68	3.33	3.21
Spanish surnamed	4.56	4.01	4.38	4.37	4.63	4.72
Median income:						
Total family	$5,568	$6,726	$5,780	$5,371	$4,884	$6,600
Spanish surnamed family	$4,183	$5,533	$4,008	$3,594	$2,914	$3,800
Housing (overcrowded and dilapidated (percentages):						
Anglo	11.3	6.8	8.5	10.3	9.4	(1)
Spanish surnamed	43.6	26.7	35.3	39.6	46.5	(1)
Unemployment rates (percentages):						
Anglo males	4.3	5.3	3.4	3.7	3.3	4.4
Spanish speaking	6.2	7.7	9.5	10.3	8.2	9.7
Educational level (percentages) 14 years and over:						
Anglo	12.0	12.1	12.1	12.1	11.4	10.8
Spanish speaking	8.0	9.0	8.6	8.3	6.2	8.3

[1] Not available.

TABLE 6.—STATISTICAL REPORT ON POVERTY IN THE SOUTHWEST, 1960

Number of families	Total	Percent poor in each group	Percent poor children	Percent poor urban	Percent rural nonfarm	Percent rural farm
Total	7,356,866	19.7	17.2	16.8	30.1	40.8
White	6,766,367	17.8	(1)	15.1	26.9	38.8
Anglo	6,068,340	15.9	(1)	13.3	24.2	36.6
Spanish surnamed	698,027	34.8	32.7	30.8	50.2	58.7
Nonwhite[2]	590,299	41.7	35.6	36.1	66.8	70.0
American Indian	[2] 36,900	[2] 53.1	[2] 28.1	[2] 32.3	[2] 58.3	[2] 68.7

[1] Not available.

[2] Estimate figures from Bureau of Indian Affairs. To be noted that American Indian included in nonwhite figures contains the bulk of nonwhite poor in the Southwest.

Note: Only figures available are 1960. OEO sources indicate that whereas figures for 1965 and 1967 vary upward in money and population growths percentages remain substantially the same.

TABLE 7.—3-STATE STATISTICAL ABSTRACT ON MIGRANTS

	Michigan	Minnesota	Washington
Total migrants	80,000	10,000	40,000.
Percent Spanish surnamed	73 percent	98 percent	41 percent.
Income	$1.25 an hour (piece rate averages less than $1.25).	$1.35 an hour $1,231 year (season) $1,200 year other sources	$1.46 an hour. $1,200 year (season). $1 100 year other sources
Housing	48 percent 1-room housing unit 30 percent 2 rooms housing unit 50 percent 6 or more persons in unit. 24 percent 9 or more persons in unit.	6.4 persons per unit 1-family dwelling-type housing which vary greatly from very poor to decent family dwelling; from 1-to 6-room houses.	2.6 persons per room 1-and 2-room row housing.
Health	Life expectancy 38 years. 41 percent migrant deaths occur by age 5.	Life expectancy 38 years. 41 percent migrant deaths occur by age 5.	Life expectancy 38 years. 41 percent migrant deaths occur by age 5.
Welfare (not eligible)[1]	Not eligible	Not eligible	Not eligible.
Education	4th grade average	3.6 grade average	5th grade average.

[1] In most States because of residency requirements. Some attention given to food supplement and some attention given to medical needs.

CHART I

MEDIAN SCHOOL YEARS COMPLETED BY SPANISH-SURNAMED MALES AND FEMALES, 14 YEARS AND OLDER, BY NATIVITY AND PARENTAGE, SOUTHWEST, 1960

	Years
Native of native parentage:	
Males	8.6
Females	8.8
Natives of Mexican or mixed parentage:	
Males	8.4
Females	8.2
Born in Mexico:	
Males	4.1
Females	4.4

Source: U.S. Census of Population, PC(2) 1B: Persons of Spanish Surname, Tables 3 and 7.

CHART II

PERCENT OF TEENAGERS ENROLLED IN SCHOOL, SPANISH-SURNAME PERSONS COMPARED WITH OTHER POPULATION GROUPS, SOUTHWEST, 1960

[Not printed in RECORD.]

Source: 1960 U.S. Census of Population, Vol. 1, Parts 4, 6, 7, 33, and 45, Tables 44, 94, 101, and PC(2) 1B, Table 4.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE VIETNAM WAR

Mr. GORE. Mr. President, I tried my very best to keep us out of the Vietnam war.

Many times and in various ways, I tried to prevent the war from being widened and deepened, thus bloodier and harder to end.

I am now doing everything I can to get us out of this horrible war as quickly, as honorably, and as completely as possible. I firmly believe this to be right.

Almost 2,000 of our boys have been killed or wounded per week in Vietnam this year. There have been more than 40,000 such casualties since President Nixon's inauguration. We have gained nothing; we will gain nothing except more anguish at home and more ill will abroad.

President Nixon has now ruled out a military victory. This leaves only one way to stop the war—a negotiated political settlement. The sooner the better. It is better to save lives than to try to save political face, either American or Asiatic.

I thought President Nixon made constructive proposals for conciliation, and for a political settlement, in his speech of May 14. I supported those constructive suggestions. I still do. But his conference on Midway with President Thieu of South Vietnam provided no real encouragement. We seemed only to get tied closer to Mr. Thieu.

Withdrawal of a few men at a time without a settlement, however desirable for those fortunate few, is not a step toward peace, but it is more likely a step toward prolonging both the war and the tenure of Mr. Thieu. The kind of settlement we need, and the kind for which we should use our overwhelming presence in Vietnam to persuade, is a conciliation and coalescence of forces and factions and personalities in South Vietnam that would permit not just a fortunate few of our sons to come home, but all of them.

We must not any longer equate our national security with the survival of the Thieu-Ky regime. Indeed, our national security is not involved in what happens or in what does not happen in Vietnam.

This is a political war.

If there is to be peace in South Vietnam, the people of South Vietnam themselves must have a will to live together in peace in their own way. We cannot force that will; we may not be able even to persuade it. There is no evidence that President Thieu represents it.

Our whole effort, then, should be directed toward bringing about a conciliation of the forces and factions of South Vietnam. Some of the most astute observers at the conference at Midway have concluded that President Nixon postponed this hard decision. I do not think our President can afford longer to postpone this hard decision. The killing continues. His own mandate for peace erodes with time; likewise, his power to lead and achieve.

Moreover, there is lurking, if not looming, a danger that a President of the United States will become once again ensnared with the delusion of military victory, even though now "ruled out."

Our people earnestly desire peace. They voted to stay out of the war in 1964. They voted for an ending of the war in 1968.

This war must end. It must end because it is immoral and because it is wrong. It must end, too, because it threatens to destroy us.

Mr. HARTKE. Mr. President, I wish to congratulate the Senator from Tennessee. He has been one of the most thoroughly intelligent men in many fields, but this is especially true in this field, with regard to trying to do something to stop the war in Vietnam and bring to an end the horrible killing that is going on in that part of the world.

Mr. President, it is very important to keep in mind that people such as the Senator from Tennessee are not to be discouraged in trying to bring the war to an end. I could not agree more that the difficulty at the moment seems to be that the tail is wagging the dog. We have a situation where we are not the master of our foreign policy, and we are not the master of our destiny.

I congratulate the Senator for his excellent statement.

Mr. GORE. Mr. President, I thank the able Senator.

In response I wish to call to his attention an Associated Press release from Vietnam, a story I have just read, reporting that the Vietcong are back atop Hamburger Hill.

Mr. President, I ask unanimous consent to have printed in the RECORD the Associated Press dispatch to which I have referred.

There being no objection, the dispatch was ordered to be printed in the RECORD, as follows:

CAMP EAGLE, VIETNAM (AP).—North Vietnamese troops—possibly as many as 1,000 of them—have returned to Dong Ap Bia, the 3,000-foot mountain where U.S. paratroopers fought a bloody battle that sparked congressional criticism, intelligence sources said today.

Maj. Gen. John M. Wright Jr., commander of the 101st Airborne Division, said he is prepared to send troops up the mountain again "should the situation warrant it."

Wright said there are no present plans for another ground assault, but added Hill 937—the military designation for Ap Bia—"is no different from any other piece of terrain in our area of operations."

If it becomes necessary to attack again, he said, "I am prepared to commit everything that it takes, up to the entire division, to do the job."

Wright speculated the North Vietnamese may have returned to hold the hill as an anchor for a perimeter guarding nearby supply caches in the Ashau Valley or as a radio communications base.

U.S. aircraft flying near the jungled slopes of Ap Bia have drawn ground fire in recent days and American forces have retaliated with artillery and aerial bombardment.

Mr. GORE. Mr. President, I do not wish to comment upon military tactics in detail. I must say that this meat grinder operation of search and destroy, of abandonment and retaking, is perturbing. Hamburger Hill is still there, the valley is still there, the dead have been removed, and the Vietcong are back on Hamburger Hill.

I yield.

Mr. HARTKE. Mr. President, I wish to say to the Senator that I think there is no one in the United States who does not want this war to come to an end. We want to support President Nixon in his efforts. He is the President, and he has to make the decisions. However, I think it is high time that he recognized that a political settlement is the essence of the settlement which is needed to carry this matter to a successful conclusion. President Nixon has said this repeatedly. I hope he does not permit his decision in the past to reach a political settlement to be interfered with by people who are not interested in political settlement. I hope the President does not get into a position where he feels that the preservation of the present regime in Saigon is more important than his own basic decision on this matter.

Mr. GORE. I thank the Senator. Since the President ruled out a military victory I see no feasible course except political conciliation and settlement. What other way is there to end the war except on the battlefield or at the conference table?

I share the Senator's view and I trust that the hard decision will not any longer be postponed.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. MANSFIELD. Mr. President, I have read what the distinguished senior Senator from Tennessee has had to say with a great deal of interest. He indicates, of course, that it is impossible for us to "impose"—and that is the key word—a coalition government in South Vietnam.

Mr. GORE. Or the will of the people to live together among themselves in peace.

Mr. MANSFIELD. The Senator is correct. But the Senator may recall that in the elections of September a year ago in South Vietnam two groups were excluded, the so-called neutralists and the Vietcong.

It would be my hope that in some way it would be possible to bring about—so to speak—a coming together of the people who live in South Vietnam, including the NLF, neutralists, and others not allowed to vote in the election in September a year ago.

It is my firm belief that a coalition in South Vietnam is inevitable, and the sooner these people get together in some way or other and bring about elections, which President Thieu indicated he would be in favor of, the better off they and we will be.

It was interesting to learn that President Thieu, perhaps on the basis of pressure from the present administration, did indicate some weeks ago that his government would be willing to meet with representatives of the NLF privately. I would consider that to be the first step toward public meetings, and that he would allow, thereafter, the Vietcong and others to participate in elections if they changed their labels. That is, of course, gloss and does not mean much.

However, the Senator is correct that if there is to be peace in Vietnam it will not be on the battlefield, but in Paris, and it will be on the basis of the Vietnamese deciding what kind of government they will have and what the future should hold for them, because the decision is theirs.

Mr. GORE. I thank the Senator. It is partly for that reason that I have felt, rightly or wrongly, that a phased withdrawal, a long and drawn out withdrawal of a few men at a time—25,000 being less than 5 percent of our forces there—carries with it, if not a commitment, at least an implied commitment to keep sufficient American forces there to maintain the Thieu-Ky regime in power.

Mr. Thieu and Mr. Ky should be told in no uncertain terms and quickly that it is necessary to have a coalition of the factions and forces of the people of South Vietnam, and all of our efforts should be used in that direction. We will find no peace in maintaining the Thieu-Ky regime in power.

I call to the attention of the Senate that only a few days ago a committee of distinguished Americans returned from an investigation in South Vietnam and reported to this country that thousands, many thousands of political prisoners, religious leaders, even children suspected of being sympathetic with the Vietcong, are prisoners without trial. Are we to find peace or security in supporting such a regime? I do not think we shall find either.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, informed the Senate that pursuant to the provisions of 15 U.S.C. 1024(a), the Speaker had appointed Mr. BROWN, of Ohio, as a member of the Joint Economic Committee, to fill the existing vacancy thereon, vice Mr. RUMSFELD, excused.

The message announced that the House had passed the joint resolution (H.J. Res. 783) making further continuing appropriations for the fiscal year 1969, and for other purposes, in which it requested the concurrence of the Senate.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The BILL CLERK. H.R. 11400, an act making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will resume the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the committee amendments, with the exception of the two committee amendments, the first on pages 70, 71, and 72 of the bill, and the second on lines 6, 7, and 8 on page 73, be agreed to en bloc, and that the bill, as thus amended, be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived by reason thereof.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 10, after the word "Navy' ", strike out "$14,500,000" and insert "$21,500,000".

On page 2, line 13, after the word "Force' ", strike out "$115,000,000" and insert "$146,000,000."

On page 2, line 20, after "$15,390,000," insert "and in addition, $8,910,000, to be derived by transfer from the appropriation 'Procurement, Marine Corps' ".

On page 3, after line 17, insert:

"SOIL CONSERVATION SERVICE

"FLOOD PREVENTION

"For an additional amount for 'Flood prevention', $4,000,000 to remain available until expended for emergency measures for runoff retardation and soil erosion prevention, as provided by section 216 of the Flood Control Act of 1950 (33 U.S.C. 701 b–1)."

On page 4, line 21 after "Corps'," strike out "$4,500,000" and insert "$6,400,000."

On page 5, line 7, after "$3,600,000," insert "and in addition, $1,000,000 to be derived by transfer from the appropriation 'Procurement, Marine Corps'."

On page 5, line 12, after "$10,000,000," insert "and in addition, $3,000,000, to be derived by transfer from the appropriation 'Research, Development, Test and Evaluation, Army'."

On page 5, line 18, after "$8,800,000," insert "and in addition, $5,377,000, to be derived by transfer from the appropriation 'Other Procurement, Air Force'."

On page 5, after line 20, strike out:

"General Provision

"SEC. 201. Deficiencies incurred under the terms of section 3732 of the Revised Statutes, as amended (41 U.S.C. 11), shall not exceed the amounts of the estimates in House Documents Numbered 91–50 and 91–94, or the amounts provided herein, whichever is lower, for each such authorized purpose."

On page 6, after line 10, insert:

"LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

"For an additional amount for 'Loans to the District of Columbia for capital outlay', for the general fund of the District of Columbia, $18,736,000."

On page 6, line 23, after "$10,034,000," insert "of which $95,000 for the Department of Corrections shall remain available until September 30, 1969, and".

On page 7, after line 16, insert:

"CAPITAL OUTLAY

"For an additional amount for 'Capital outlay', $18,736,000, of which $1,514,000 shall not be available for expenditure until July 1, 1969."

On page 8, line 7, after "2,700,000" insert "to be derived by transfer from appropriations for 'Economic Assistance', fiscal year 1969, of the Agency for International Development,".

On page 8, after line 13, insert:

XUM

"FUNDS APPROPRIATED TO THE PRESIDENT

"INTERNATIONAL FINANCIAL INSTITUTIONS

"SUBSCRIPTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

"For payment of the first installment of the United States share of the 1969–1971 increase in the resources of the International Development Association, as authorized by law, $160,000,000, to remain available until expended."

On page 9, line 6, after the word "telecommunications", strike out "$500,000" and insert "$777,000".

On page 9, line 16, after "$600,000" insert "of which $100,000 shall remain available until September 30, 1969".

At the top of page 10, insert:

"NATIONAL SCIENCE FOUNDATION

"SALARIES AND EXPENSES

"The appropriation granted under this head in the Independent Offices Appropriation Act, 1969, shall be available for the purchase of one aircraft for replacement only."

On page 10, at the beginning of line 9, strike out "$2,573,000" and insert "$3,139,000."

On page 10, line 13, after the word "pensions'," strike out "$179,000,000" and insert "$276,600,000".

On page 10, at the begining of line 17, strike out "$14,200,000" and insert "$89,200,000".

On page 10, line 20, after the word "care'," strike out "$46,189,000" and insert "$53,800,000".

On page 11, line 8, after the word "by" strike out "$40,000,000" and insert "$50,000,000"; and at the beginning of line 11, strike out "$40,000,000" and insert $50,000,000".

On page 11, after line 22, insert:

"DEPARTMENTAL MANAGEMENT

"FAIR HOUSING PROGRAM

"For an additional amount for 'Fair housing program', $1,000,000."

On page 12, after line 13, insert:

"EDUCATION AND WELFARE SERVICES

"For an additional amount for 'Education and welfare services', $2,781,000."

On page 12, at the beginning of line 19, strike out "$2,769,000" and insert "$2,700,000, of which $150,000 shall remain available until September 30, 1969."

On page 13, after line 2, strike out:

"For a repayable advance to the 'Land and water conservation fund,' as authorized by section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–7), for liquidation of obligations incurred against such fund pursuant to law, $19,000,000, to remain available until expended."

On page 13, after line 14, insert:

"OFFICE OF THE TERRITORIES

"ADMINISTRATION OF TERRITORIES

"For an additional amount of 'Administration of territories', $950,000, to remain available until expended."

On page 13, line 22, after the word "research'," strike out "$2,092,000" and insert "$2,242,000".

On page 14, after line 1, insert:

"HEALTH AND SAFETY

"For an additional amount for 'Health and safety', $750,000 to remain available until September 30, 1969."

On page 14, line 7, after the word "fund'," strike out "$5,000,000" and insert "$10,000,000".

On page 14, line 21, after "$1,353,000," insert "of which $250,000 shall remain available until September 30, 1969".

On page 15, line 9, after the word "protection'," strike out "$2,479,000" and insert "$2,366,000".

On page 15, line 13, after the word "Construction'," strike out "$100,000" and insert "$1,103,000".

On page 15, line 19, after the word "management'," strike out "$25,028,000" and insert "$24,374,000, of which $460,000 shall remain available until September 30, 1969".

On page 15, line 4, after the word "'Construction'," strike out "$200,000" and insert "$400,000".

On page 16, line 8, after the word "received" insert "prior to September 1, 1969".

On page 16, after line 20, insert:

"MANPOWER ADMINISTRATION

"MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

"For an additional amount to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended, $7,500,000, to remain available until September 30, 1969."

On page 17, line 11, after the word "activities," insert "$19,920,000"; and, after the amendment just stated, strike out "including payments authorized by section 108(b) of the District of Columbia Public Education Act, as amended (Public Law 90–354, approved June 20, 1968), and annual interest grants authorized by section 306 of the Higher Education Facilities Act, as amended (Public Law 90–575, approved October 16, 1968), $11,161,000, of which $3,920,000 shall remain available until expended for said annual interest grants: *Provided*, That, in addition, $160,000 shall be derived by transfer from 'Community mental health resource support', Public Health Service, fiscal year 1969: *Provided further*, That none of the funds appropriated by this Act for annual interest grants authorized by section 306 of the Higher Education Facilities Act, as amended by Public Law 90–575, shall be used to formulate or carry out any grant to any institution of higher education unless such institution is in full compliance with section 504 of such Act", and insert in lieu thereof "of which $3,920,000 shall be for annual interest grants authorized by section 306 of the Higher Education Facilities Act, as amended (Public Law 90–575, approved October 16, 1968), to remain available until expended for said annual interest grants, and $16,000,000 shall be for educational opportunity grants under part A of title IV of the Higher Education Act of 1965, as amended, to remain available through June 30, 1970: *Provided*, That, in addition, $160,000 shall be derived by transfer from 'Community mental health resource support', Public Health Service, fiscal year 1969: *Provided further*, That none of the funds appropriated by this Act for annual interest grants authorized by section 306 of the Higher Education Facilities Act, as amended by Public Law 90–575, shall be used to formulate or carry out any grant to any institution of higher education unless such institution is in full compliance with section 504 of such Act."

On page 18, line 23, after "$9,186,000," insert "to remain available until September 30, 1969".

On page 19, after line 7, strike out:

"DISTRICT OF COLUMBIA MEDICAL FACILITIES

"For grants and loans pursuant to the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90–457), $15,000,000, to remain available until expended."

On page 19, after line 21, insert:

"SOCIAL SECURITY ADMINISTRATION

"LIMITATION ON SALARIES AND EXPENSES

"For an additional amount of 'Limitation on salaries and expenses,' Social Security Administration, $21,200,000, to be expended, as authorized by section 201(g)(1) of the Social Security Act, as amended, from any one or all of the trust funds referred to therein."

On page 20, after line 5, insert:

"SENATE

"For payment to Vide G. Bartlett, widow of E. L. Bartlett, late a Senator from the State of Alaska, $30,000.

"The clerk hire allowance of each Senator from the States of Illinois and Texas shall be increased to that allowed Senators from States having a population of eleven million, the population of said States having exceeded eleven million inhabitants.

"For an additional amount for 'Inquiries and Investigations', fiscal year 1968, $126,900."

On page 21, after line 10, insert:

"CHAPTER IX

"PUBLIC WORKS

"DEPARTMENT OF DEFENSE—CIVIL

"DEPARTMENT OF THE ARMY

"CORPS OF ENGINEERS—CIVIL

"FLOOD CONTROL AND COASTAL EMERGENCIES

"For an additional amount for 'Flood control and coastal emergencies', $25,000,000, to remain until expended.

At the top of page 22, insert:

"INDEPENDENT OFFICES

"ATOMIC ENERGY COMMISSION

"PLANT AND CAPITAL EQUIPMENT

"For and additional amount for 'Plant and Capital Equipment', $45,000,000, to remain available until expended."

On page 22, line 7, change the chapter number from "IX" to "X".

On page 22, line 12, after "$65,000," insert "of which $40,000 shall remain available until September 30, 1969".

On page 22, line 23, after the word "activities'," strike out "$1,314,000" and insert "$1,277,000, of which $101,000 shall remain available until September 30, 1969".

On page 23, line 19, after "$2,505,000" insert "of which $162,000 shall remain available until September 30, 1969".

On page 24, line 13, after "$1,187,000" insert "of which $737,000 shall remain available until September 30, 1969".

At the top of page 25, insert:

"ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

"SALARIES AND EXPENSES

"In addition to the amount made available in the appropriation under this head in the Department of Commerce Appropriation Act, 1969, for retirement pay of commissioned officers and payments under the Retired Serviceman's Family Protection Plan, $147,000 shall be available in that appropriation for such expenses."

On page 26, at the beginning of line 9, strike out "$1,975,000" and insert "$1,948,000".

On page 26, line 12, after "$2,412,000" insert "of which $205,000 shall remain available until September 30, 1969".

"FEES AND EXPENSES OF COURT-APPOINTED COUNSEL

"For an additional amount for 'Fees and expenses of court-appointed counsel', fiscal year 1968, $850,000.

"For an additional amount for 'Fees and expenses of court-appointed counsel', fiscal year 1969, $850,000."

On page 27, line 3, after "$97,500" insert "of which $10,000 shall remain available until September 30, 1969".

On page 27, line 7, change the chapter number from "X" to "XI".

On page 27, after line 8, insert:

"OFFICE OF THE SECRETARY

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses', $2,000,000, to remain avail-

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able until December 31, 1969, for necessary expenses in connection with the consolidation of Departmental activities into the Southwest Area of Washington, D.C."

On page 28, line 5, change the chapter number from "XI" to "XII".

On page 28, after line 12, insert:

"U.S. SECRET SERVICE

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses' $470,000."

On page 28, at the beginning of line 21, strike out "$107,000" and insert "$100,000".

On page 28, at the beginning of line 25, strike out "$200,000" and insert "$147,000".

At the top of page 29, change the chapter number from "XI" to "XIII".

On page 29, line 8, after the word "Congress" strike out "$16,880,812" and insert "$18,118,688".

On page 30, after line 1, insert:

"SENATE

"Compensation of the Vice President and Senators, $458,270;

"Salaries, officers and employees, $1,647,837;

"Office of the Legislative Counsel of the Senate, $21,905;

"Contingent expenses of the Senate:

"Senate policy committees, $27,190;

"Automobiles and maintenance, $2,180;

"Inquiries and investigations, $370,640; including $14,460 for the Committee on Appropriations;

"Folding documents, $2,565;

"Miscellaneous items, $169,015, including $100,500 for payment to the Architect of the Capitol in accordance with section 4 of Public Law 87–82, approved July 6, 1961;"

On page 32, after line 15, insert:

"Senate office buildings, $174,000;

"Senate garage, $6,500;".

On page 34, line 2, after the word "expenses'," strike out "$2,214,000" and insert "$2,114,000".

On page 37, line 17, after the word "programs'," strike out "$2,300,000" and insert "$2,000,000".

On page 43, line 8, after the word "Army'," strike out "$230,000,000" and insert "$300,000,000".

On page 43, line 10, after the word "Navy'," strike out "$160,000,000" and insert "$198,700,000".

On page 43, line 12, after the word "Corps'," strike out "$45,000,000" and insert "$61,500,000".

On page 43, line 14, after the word "Force'," strike out "$214,000,000" and insert "$267,600,000".

On page 43, line 16, after the word "Army'," strike out "$13,000,000" and insert "$16,400,000".

On page 43, line 22, after "$32,000,000," insert "and in addition, $3,600,000, to be derived by transfer from the appropriation 'Research, Development, Test, and Evaluation, Defense Agencies' ".

On page 44, line 11, after the word "expenses'," strike out "$1,000,000" and insert "$1,100,000".

On page 47, line 23, after the word from, strike out "the amount reserved under"; and in line 24, after the word "Service" strike out "pursuant to section 201 of Public Law 90–364" and insert "fiscal year 1969"; on page 48, line 3, after the word "to", strike out "said" and in the same line after "201" insert "of Public Law 90–364".

On page 66, after line 13, insert: "limitation on administrative expenses, Federal Savings and Loan Insurance Corporation, (Release of $4,000 reserved under this appropriation pursuant to section 201 of Public Law 90–364);".

On page 67, line 4, after the word "expenses'," strike out "$32,000" and insert "$41,000".

On page 67, line 16, after the word "expenses" strike out "$250,000" and insert "$400,000".

On page 73, after line 8, insert a new section, as follows:

"SEC. 504. Funds appropriated, or otherwise made available, by this Act for the fiscal year 1969, shall remain available for obligation until July 1, 1969, or for five days after the date of approval of this Act, whichever is later, unless a longer period is specifically provided: *Provided*, That all obligations incurred in anticipation of such appropriations and authority for the fiscal year 1969 as well as those for longer periods as set forth herein are hereby ratified and confirmed if in accordance with the terms hereof."

FULL FUNDING FOR EQUAL OPPORTUNITY GRANTS

Mr. BROOKE. Mr. President, it is with pleasure that I note the decision of the Appropriations Committee to restore the full funding for educational opportunity grants. Last year the Senate agreed to appropriate $140.6 million for these important student aid grants. In conference with the House, however, $16 million was deleted from the bill. Since the appropriations bill was long overdue, there was no practical way to prolong the fight for this one item at that time.

Now the decision has been made to restore this $16 million item and to bring appropriations for equal opportunity grants more nearly up to a level which meets the need. Since 1966, initial year awards have been made to 123,000, then 132,000, and last year to 140,000 beginning college students. At the same time, through the efforts of the colleges themselves, and under the inspiration of programs like Upward Bound and Talent Search, more students than ever before are becoming interested in attending college.

There are still many young people who will not be able to go on to higher education, even with the full funding provided by this supplemental appropriation. But the $16 million restoration will go a long way toward filling the gap for 1969. I commend the committee for its good efforts, and express my sincere hope that the sum will be retained.

RESTORATION OF FUNDS FOR EDUCATIONAL OPPORTUNITY GRANTS

Mr. PERCY. Mr. President, I wish to offer my support for the restoration of the educational opportunity grant funds as recommended by the Appropriations Committee.

Last April, a group of students from each of the State universities in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin came to Washington. They came to discuss with their Senators and Representatives the problems confronting their institutions because of the shortage in Federal financial aid funds, particularly those for opportunity grants. They came with the belief that legal, nonviolent activities through the political process could bring about desirable change. They left hopeful that needed funds for education would be provided.

The issues raised by these students have been reiterated constantly by their professors, deans, and college presidents who have written and visited their congressional delegation urging funds for educational opportunity grants. They are rightly concerned.

Last year the conference committee considering educational opportunity grants reallocated $16 million from the $140.6 million appropriations for this program. The loss of these funds deprived about 32,000 deserving students of the financial assistance they needed to attend college. In Illinois alone, the cutback meant that about 4,300 instead of 6,500 disadvantaged students received EOG funds for education.

Mr. President, we are now making a great effort through Educational Talent Search, Upward Bound, and other programs to seek out young people and encourage them to go to college so that they can become contributing members of society. EOG funds help insure that they have the financial means to obtain this higher education. By reducing the funds of this program, we are doing them and our country a disservice. I am, therefore, pleased that the committee has approved the restoration of the $16 million to extend educational opportunities to eager and ambitious young men and women.

Mr. MONDALE. Mr. President, a most compelling reason for including the $16 million that had been cut from the educational opportunity grants program in this supplemental appropriations bill is that we will be keeping faith both with our institutions of higher learning and with our most disadvantaged students. I commend the Appropriations Committee for its action, and urge the Senate and the conference committee to sustain that action.

The Higher Education Act of 1965 required institutions receiving EOG funds to make intensive efforts to recruit needy students. The act advises them to seek out indigent students in the 11th grade or lower, and to make conditional educational opportunity commitments to them.

Many such commitments have been made. When last year's appropriations for the EOG program were reduced by $16 million—reducing thereby the number of EOG awards—many colleges were faced with a difficult problem: they had to choose between breaching faith with students by breaking those commitments, or increasing their institutional deficits to uphold them. Several institutions were forced to cut back or delay the implementation of programs for the benefit of highly able, but financially deprived, young people. In the words of Malcolm Moos, president of the University of Minnesota:

> Such federal cutbacks jeopardize not only our work with low income students presently at the university, but also our future recruitment programs. In addition, these cutbacks create hardships for the student group least able to cope with them, and may well increase campus tensions as institutions are unable to assist our economically deprived.

Other evidence testifies to the extent of the harm which would result from any prolonged reduction in EOG appropriations, and shows the wisdom behind the Appropriations Committee's recommendation. I ask unanimous consent that certain relevant letters and telegrams be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD as follows:

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HEW MEMORANDUM OF JUNE 12, 1969, SHOWING ESTIMATED NUMBER OF STUDENTS TO BE AIDED BY $16,000,000 RESTORATION

Estimated number of initial year students	Existing budget (1)	Under $16,000,000 increase (2)	Additional students, fiscal year 1970 (3)
Total	$100, 200	$132, 190	31, 990
10. Alabama	1, 350	2, 190	840
11. Alaska	40	50	10
12. Arizona	1, 100	1, 350	250
13. Arkansas	1, 150	1, 270	120
14. California	9, 050	13, 090	4, 040
15. Colorado	1, 500	1, 710	210
16. Connecticut	1, 300	1, 630	330
17. Delaware	275	300	25
18. District of Columbia	800	920	120
19. Florida	2, 450	3, 010	560
20. Georgia	1, 650	2, 270	620
21. Hawaii	400	400	0
22. Idaho	425	520	95
23. Illinois	4, 375	6, 550	2, 175
24. Indiana	2, 450	3, 690	1, 240
25. Iowa	2, 100	2, 620	520
26. Kansas	1, 825	2, 270	445
27. Kentucky	1, 775	2, 100	335
28. Louisiana	2, 150	2, 520	370
29. Maine	450	540	90
30. Maryland	1, 675	1, 680	5
31. Massachusetts	3, 450	5, 010	1, 560
32. Michigan	4, 350	5, 960	1, 610
33. Minnesota	2, 650	3, 300	650
34. Mississippi	1, 300	1, 600	300
35. Missouri	2, 600	3, 460	860
36. Montana	550	590	40
37. Nebraska	1, 075	1, 220	145
38. Nevada	125	160	35
39. New Hampshire	400	530	130
40. New Jersey	1, 800	2, 270	470
41. New Mexico	600	720	120
42. New York	6, 900	10, 120	3, 220
43. North Carolina	2, 500	3, 130	630
44. North Dakota	525	760	145
45. Ohio	5, 050	6, 540	1, 490
46. Oklahoma	2, 200	2, 310	110
47. Oregon	1, 300	1, 720	420
48. Pennsylvania	4, 875	6, 650	1, 775
49. Rhode Island	600	760	1
50. South Carolina	825	1, 210	385
51. South Dakota	550	660	110
52. Tennessee	1, 900	2, 910	1, 010
53. Texas	5, 625	7, 350	1, 725
54. Utah	1, 425	1, 480	55
55. Vermont	375	430	55
56. Virginia	1, 850	2, 200	350
57. Washington	2, 150	2, 790	640
58. West Virginia	1, 000	1, 250	250
59. Wisconsin	2, 400	3, 310	910
60. Wyoming	250	280	30
61. U.S. service schools			
62. Canal Zone			
63. Guam	50	50	0
64. Puerto Rico	650	850	200
66. Virgin Islands	10	10	0

ST. PAUL, MINN.,
June 13, 1969.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Hamline University urges that strong consideration be given towards sustaining the action of the Senate Appropriations Committee to add a $16 million supplemental appropriation to the Educational Opportunity Grants program as well as any action towards receiving a supplemental national defense loan allocation. The programs are not presently funded at the level needed to assist the number of students eligible for them.

J. B. KNUESEL,
Director of Financial Aids.

ST. PAUL, MINN.,
June 13, 1969.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Urge serious consideration of legislation for supplementary appropriation for Federal financial aid program EOG work study. National defense loans all need help.

LEONARD WENC,
Director of Financial Aid MacAlester Collegee.

ST. PAUL, MINN.,
June 13, 1969.

Senator WALTER MONDALE,
U.S. Senate Office Building,
Washington, D.C.:

Urge full consideration and support for additional funding of H.E.W.Q programs.

RAY Q. MOCK,
Chairman, Financial Aid College of St. Thomas.

MANKATO, MINN.,
June 13, 1969.

WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.:

The Minnesota State Association of financial aid administrators urges you to support the supplemental appropriations for the national defense student loan and educational opportunity grant programs. These vital programs must be funded in order that institutions of higher education are able to assist the many disadvantaged students who without such assistance would be unable to attend college. Your assistance will be greatly appreciated.

ROBERT J. MATUSKA,
President of Minnesota State Association of Financial Aid Administrators and Director of Financial Aids, Mankato State College.

ST. PETER, MINN.,
June 13, 1969.

Senator WALTER F. MONDALE,
U.S. Senate Building,
Washington, D.C.:

Please support the supplemental EOG allocation when voted on in the Senate. We are unable to fund many eligible EOG candidates. We also encourage additional funding of NDEA.

BRUCE GREY,
Director of Financial Aid, Gustavus Adolphus College.

NORTHWEST MINNESOTA YOUTH DEVELOPMENT PROJECT,
Bemidji, Minn., March 21, 1969.

Hon. ROBERT FINCH,
Secretary of Health, Education, and Welfare,
Washington, D.C.

DEAR SECRETARY FINCH: As the director of an Educational Talent Search program funded under the Higher Education Act of 1965, I wish to call your attention to the acute problem which the reduction of funds for Educational Opportunity Grants has precipitated.

The cut-back puts the level of funding for 1969–70 initial year grants 22 per cent below that of the current school year for economically disadvantaged young people planning to continue their education beyond high school. This tremendous reduction in initial year grants is taking place at a time when Educational Talent Search counselors have been identifying ever larger numbers of youth who should pursue higher education. In addition, it comes after financial aid officers have complied with the requirements of Section 407 of Title IV, Part A, of the Higher Education Act of 1965 which encouraged them to make conditional commitments to high school eleventh graders and lower. For the Federal government to establish programs such as Educational Talent Search and request financial aid officers to make conditional commitments, then to reduce the funds necessary to carry through these commitments will result in vast numbers of disillusioned youth from the ranks of those we have been attempting to encourage.

I am also writing to the representatives and senators from the state of Minnesota to request their support in efforts to get a supplemental appropriation for initial year Educational Opportunity Grants. An appropriation of 16 million dollars would restore the reduction that has been made at the committee level. I feel that it would be of tremendous assistance to them, however, if the administration would recommend such a supplemental appropriation. It is my feeling that the minimum supplemental appropriation that should be considered by the Administration and the Congress is the 16 million dollars necessary to restore the funding to the 1968–69 level. There would still be numerous eligible students who would not be able to gain assistance, but at least we would not be losing ground.

Immediate action is necessary as the funds sought come from Fiscal 1969. In addition, it is imperative that the colleges be notified of the restoration of funds soon to enable them to provide needy students with the financial aid packages necessary for them to continue education. Hopefully, this can be accomplished before they become disillusioned with our Federal government and its various programs.

I am also writing to Acting Commissioner Muirhead and to President Nixon to request their support in this serious situation.

Sincerely,

MARK O. PAULSON,
Director.

REDWOOD FALLS, MINN.,
June 15, 1969.

Hon. WALTER F. MONDALE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: Attached is a copy of a letter received by my 18 year old son who graduated this Spring from the Redwood Falls High School. He has previously applied and been accepted for attendance at Southwest Minnesota State College at Marshall, Minn. beginning with the Fall term. Your attention is particularly invited to the second sentence of the second paragraph of the attached letter.

It is going to be difficult to reconcile his feelings that he may be unable to attend college for lack of the amount required to supplement his first year attendance expense. With over 40 Billion being expended in Vietnam annually and a like amount in the military complex, the sum required by him seems like a mite. The question is, which is more important?

Your reply will be greatly appreciated so I can explain to my son what his future possibility is in regard to attending College.

Respectfully yours,

HARRY C. WALTER.

INDIANA UNIVERSITY,
Bloomington, Ind., June 6, 1969.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I wish to urge serious consideration of restoration of funds to the federal student aid programs—more particularly, the Educational Opportunity Grant Program. At this time in our history, with rising student expectations and rising college costs, the necessity for a program designed for students from low income families is critically apparent.

At Indiana University, for example, we are bringing to the campus this summer 200 very disadvantaged students to begin their college work. The summer work is preparation to their continuing education in the fall. Almost all of these students require assistance under the EOG Program. By providing for this group of students, we have only $35,000 in EOG funds to meet the needs of the other entering freshmen who need $250,000 in EOG funds. Therefore, many deserving and otherwise qualified students will be denied the opportunities of higher education.

It is important that the maximum amount

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of funds possible be restored to the EOG Program. I stress the concern of financial aid officers for providing financial assistance to the economically disadvantaged. We hope the Congress will provide the funds necessary to meet our commitments to the students.

Sincerely yours,

EDSON W. SAMPLE,
Assistant Director.

MAY 27, 1969.

DEAR SENATOR MONDALE: The students at Augsburg College, Minneapolis, received notice last week that Federal funds for the coming school year were cut severely. Although the cuts did not affect me, many of my friends had their scholarships and grants significantly reduced. As a member of the Senate Subcommittee on Education, I would ask you to please do all you can to prevent any further cuts, and, if possible to restore what has been lost. The cost of attending a private college has soared the past three years and cutbacks in aid are making the price of attending a private college beyond the reach of many middle class incomes. Certainly schools such as Augsburg play a vital role in enriching our American society and I would stress the fact that government interest and support for them is a wise investment.

I will be a senior at Augsburg in the fall and have come to a fairly full realization of the ridiculous contradictions in our societies' value system. Student revolt can hardly be termed an unexpected phenomenon, and although I heartily disapprove of needless destruction and the kind of student-initiated violence we have witnessed this past year, I share the frustration and helpless anger that gives rise to unrest. Certainly the co-existence of a war in Viet Nam and government cutbacks in aid to fine educational institutions symbolizes the tragic confusion that exists in our government today.

From what I've heard of you, I would guess that you might agree with much of what I've said, but I nevertheless ask your help and your understanding. A nation of concerned young people and a community of hopeful students is watching.

Sincerely,

MARY ALICE LONG,
Class of 1970.

SOUTHWEST MINNESOTA STATE COLLEGE,
Marshall, Minn., June 12, 1969.

CHARLES H. WALTER,
Redwood Falls, Minn.

DEAR CHARLES: The Financial Aids Committee has reviewed your application and we regret we shall be unable to grant you financial aid for the coming academic year at Southwest Minnesota State College.

Your application definitely indicates that you are in need of financial assistance to attend the college. However, a reduction in Federal funds for the coming academic year has made it impossible for us to provide assistance to you.

However, attempts are being made at this time to secure additional funds for our financial aid program and if additional funds are obtained, you will be among the first to be considered for financial aid.

In the meantime, we would strongly suggest that you investigate the Guaranteed Bank Loan program. This program is administered by local banks and you should check with banks in your area to see if they participate in the program. These loans are made to students at no interest rate while you are in school and a seven percent (7%) rate of interest after you leave school with five to ten years to repay the loan.

We are sorry we cannot be of assistance at this time but you will be hearing from us if additional funds are made available.

If you have questions, please do not hesitate to call upon us.

Sincerely,

MELVIN R. RENNER,
Director of Admissions and Registrar.

Mr. MONDALE. Mr. President, in particular, I call my colleagues' attention to two letters, one received from a senior at Augsburg College in Minneapolis, Minn., and the other, from a father whose son has been denied financial aid.

I stress, gentlemen, that it is not only in response to such clear expressions of need that the Appropriations Committee has called for a restoration of the EOG funds. It is also in direct response to the mandate of certain basic American traditions. For generations, the United States has been known as the land of opportunity; for generations, we have vowed that every American's birthright includes equal opportunity, personal freedom, and self-determination. More recently, we have recognized that a precursor for the exercise of that birthright is knowledge, which can be achieved only with the access to advanced and continuing education. As a people, we are committed to the value and promise of education; as a Government of the people, we are committed to making that promise a reality. The EOG program, enhanced by this supplemental appropriation, contributes to that effort, and it deserves our support.

To say that the EOG supplemental appropriation would be an improvement is not to say that nothing remains to be done. On the contrary, as the Nixon Task Force Report on Education has itself reported:

> Among the most serious problems facing education in the Nation is that of the financing of higher education. Viewed as a problem extending over the next decade, it is a matter of more than doubling the resources available to colleges and universities, from the present $17.2 billion to approximately $41 billion, to provide places for an additional 3 million students, many of them from disadvantaged backgrounds.

I suggest that the major challenges in education still confront us. This is highlighted by the fact that even if we approve this supplemental appropriation now before us, EOG initial year appropriations for fiscal year 1969 would provide for only 57 percent—$68 million, compared with $120 million requested—of the total amount requested by institutions for initial year grants. I stress, therefore, that we should support this restoration of funds with full awareness of the fact that, while it will at least prevent a slip backwards, it does not provide for the tremendous forthright advance, which we require.

I repeat, my approval of the Appropriations Committee action, and I urge that we concur with that action, understanding that, at best, we are only beginning to meet the obligations of the Nation and the needs of its young people.

Mr. HART. Mr. President, I would like to say that I am proud of my colleagues on the Appropriations Committee. By their action in restoring $16 million greatly needed dollars for educational opportunity grants, they have shown an admirable sense of justice and conscience. These are difficult times, it is true, but it is unjust to vent our spleen and attempt false savings in the wrong place, against the wrong people.

Since the $16 million was cut from educational opportunity grants late last summer, college financial aid officers have had the miserable task of turning away qualified but financially disadvantaged applicants because of lack of funds. In many States and at many colleges, funds available for these grants have been enough to meet only 40 to 60 percent of the need, and sometimes even less than that.

I will give you a couple of examples. Flint Community Junior College, which along with many other community colleges throughout the country has been actively engaged in attracting and training students from disadvantaged families, reports that it will be able to aid only 20 students with educational opportunity grant funds, whereas it really needs sufficient funds to aid 80 students. What will become of the other 60? Delta College in Michigan will suffer the same kind of cut in funds, calls it a disaster and says that with these cuts it will not be able to meet commitments made to the disadvantaged as long as 2 years ago. As one more example, here is the effect of the educational opportunity grant fund cut at Schoolcraft College in Livonia, Mich. This college had requested $20,000 for educational opportunity grant support for 40 initial-year awards. They now estimate that they will be able to provide this assistance to only nine students.

The restoration of $16 million for educational opportunity grants will go a long way toward alleviating this problem, and allowing the colleges to carry through with their commitments to the young people in their communities. I sincerely hope that my colleagues in the Senate will permit this restoration to go through and will fight for it in conference.

Mr. President, among the many letters and telegrams I received from Michigan, urging congressional support for the educational opportunity grants program, is one from Mary Konopnick of Mount Clemens, Mich. Miss Konopnick's letter is so eloquent a testimonial to the value of this program—to the country and to the individual—that I ask unanimous consent that her letter be inserted in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MT. CLEMENS, MICH.,
June 3, 1969.

Senator PHILIP A. HART,
Federal Building,
Detroit, Mich.

DEAR SENATOR HART: Have you ever wondered just exactly what happens with money that you and other Senators earmark for aid to education? Let me offer myself as an example or "proof of productivity" from these educational bills that you endorse.

My name is Mary Konopnick, I'm 22 years old, a resident of Mt. Clemens, Michigan and a recent graduate of Western Michigan University. I attended my four years at Western almost entirely on federal and state funds. If these funds were not made available to me in the form of loans (National Defensè), scholarships (Michigan Higher Assistance Authority Tuition Scholarship and University Scholarships), and Grants (*Educational Opportunity Grant including* the now defunct Government Incentive Award), I would most likely never have attended school or still be in the process of struggling through trying not to become too discouraged.

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Instead, today I hold a B.A. Degree and a Secondary Provisional Teaching Certificate. My immediate plans (if I can Manage financially) are to attend Medill Graduate School of Journalism at Northwestern University in June.

During the past four years, I feel that I have put government funds to good use by being on the Dean's List for six semesters, by being admitted to a Freshman Woman's Honorary Society, by being inducted into a national Educational Honorary Society (Kappa Delta Pi), by working at the Job Corps in Battle Creek (scholarship funds made it possible for me to hold down only a part-time job giving me more free time to participate in worthwhile programs) and by graduating cum laude.

I recognize the necessity of education in our society today and am most appreciative that I was able to secure a good start on one with your and the government's aid. You may be sure that I totally support any educational bills or programs which allocate funds to universities to be used to provide students with financial aid to complete their education. I hope that you, also, will give your support to continue such programs and to inaugurate new ones. Thank you.

Sincerely,

MARY KONOPNICK.

Mr. EAGLETON. Mr. President, it is a tribute to the good judgment of the Appropriations Committee that the supplemental bill provides for the restoration of $16 million in educational opportunity grants for disadvantaged college students. The committee's action will increase the number of initial-year awards for the next academic year from 100,200 under the $124,600,000 now available to 132,000. Although this is less than the 140,500 first-year awards in the 1968–69 academic year, it is a step in the right direction. I believe firmly in the goals that the EOG program is designed to fulfill.

In our complicated, credential-oriented society, there can be no frustration so damaging or debilitating as to be denied access to a college education. That there are still people in this country unable to attend a college or university simply because of a lack of the necessary finances is a blight on our social conscience. If equality of opportunity is to be more than a cliche, or a hollow and cynical catchword, the Government has a responsibility to guarantee a fair start for those who suffer from social and economic inequities not of their own creation.

By now most colleges and universities have begun vigorous recruiting efforts among the disadvantaged. College enrollments will increase by approximately 3 million students during the next decade. Many of these will come from economically deprived backgrounds, and they will require financial assistance in order to meet the increasing costs of higher education. At the same time, universities themselves are becoming more and more hard pressed financially, and the number of institutions with any discretionary funds to use for student aid purposes on those occasions when Federal programs are curtailed, or fail to keep pace with the need, is rapidly diminishing. The combination of increased enrollments generally, a larger proportion of students from disadvantaged backgrounds, and a leveling off or reduction in student aid support, is creating a squeeze on colleges, and cannot fail to create disillusionment and despair among many deprived young people.

The principle of guaranteeing equal educational opportunity, Mr. President, is at all times unassailable. And, at a time of acute social unrest, the failure to act on that principle is simply not very pragmatic. President Nixon has said that he does not want any young man or woman in America to be denied an opportunity for higher education simply because he or she lacks the financial ability. I doubt that anyone in Congress would disagree with that sentiment.

The persons whom the EOG program seeks to help are serious, career-oriented students, many of whom already have the responsibility of providing at least partial support for parents and siblings.

The restoration of this money for the EOG program is a humane and decent gesture. It is also quite practical as an investment in our national well-being.

The ACTING PRESIDENT pro tempore. The clerk will state the first committee amendment that has not been agreed to.

The assistant legislative clerk read as follows:

On page 70, after line 3, strike out:

"SEC. 401. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $192,900,000,000; *Provided*, That whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations thereon, the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on expenditures and net lending, and the limitation set forth herein shall be correspondingly adjusted.

"(b) The Director of the Bureau of the Budget shall report periodically to the President and to the Congress on the operation of this section. The first such report shall be made at the end of the first month which begins after the date of approval of this Act; subsequent reports shall be made at the end of each calendar month during the first session of the Ninety-first Congress, and at the end of each calendar quarter thereafter."

And, in lieu thereof, insert:

"SEC. 401. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $187,900,000,000: *Provided*, That such amount shall be increased or decreased by the aggregate amount by which the sum of expenditures and net lending in said fiscal year are greater than or lesser than the sum of expenditures and net lending in the fiscal year ending June 30, 1969, for—

"(1) items designated 'Open-ended programs and fixed costs' in the table appearing on page 16 of the budget of the United States for the fiscal year 1970 (House Document Numbered 91–15, part I, Ninety-first Congress);

"(2) the item designated 'Special Southeast Asia support' in the table appearing on page 27 of that budget; and

"(3) programs of aid to schools in federally impacted areas, under the Acts of September 23 and September 30, 1950 (20 U.S.C., chs. 13 and 19).

"(b) The President shall reserve from expenditure and net lending, from appropriations or other obligational authority heretofore, herein, or hereafter made available (including amounts made available to carry out programs to which title IV of the Elementary and Secondary Education Amendments is applicable), such amounts as may be necessary to effectuate the provisions of subsection (a).

"Such reservations by the President shall be in amounts sufficient to insure reductions of not less than $1,900,000,000 in expenditures and net lending, below the amounts recommended in the April review of the 1970 Budget, for programs other than those designated in subparagraphs (1), (2), and (3) of subsection (a).

"(c) In the administration of any program as to which—

"(1) the amount of expenditures or net lending is limited pursuant to subsection (a), and

"(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure or obligation (as determined by the President) shall be substituted, in the application of the formula, for the amount appropriated or otherwise made available."

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment to the committee amendment and ask that it be read.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 70, insert the following:

Strike out the colon at the end of line 25 and all that follows through and including line 15 on page 72, and insert in lieu thereof the following: ", except by—

"(1) those expenditures in excess of $25,400,000,000 that the President may determine are necessary in behalf of our military effort in Southeast Asia,

"(2) those expenditures for interest in excess of the amounts shown for interest in the budget of the United States (H. Doc. 91–15 Part I, Ninety-first Congress) for such fiscal year,

"(3) those expenditures for benefits and services administered by the Veterans' Administration under the provisions of title 38, United States Code, in excess of the amounts shown for such expenditures in such budget for such fiscal year, and

"(4) those expenditures from trust funds established by the Social Security Act, as amended, in excess of the amounts shown for such expenditures in such budget for such fiscal year. For purposes of paragraphs (3) and (4), there shall be taken into account only those expenditures required to be made under laws enacted prior to July 1, 1969.

"(b) To effectuate the provision of subsection (a), the President shall reserve from expenditure such amounts from such appropriations or other obligational authority, heretofore or hereafter made available, as he may prescribe."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Delaware.

Mr. LONG. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

CONFIRMATION OF NOMINATION OF WILL E. LEONARD, JR.

Mr. LONG. Mr. President, as in executive session, I report favorably from the Committee on Finance the nomination of Will E. Leonard, Jr., of Louisiana, to be a member of the U.S. Tariff Commission.

The term of Mr. Leonard on the Tariff Commission expired yesterday. In order

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that his service on the Commission might not be interrupted, but be continuous, it is necessary that his nomination be confirmed today. I therefore ask unanimous consent that the vote on the confirmation of the nomination take place now. In the event that a Senator should wish to object, although I have no knowledge of any objection that might be made, I should be happy to have the action on the nomination reconsidered tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Does the Senator from Louisiana desire that the President be notified of the confirmation of the nomination?

Mr. LONG. No, not at this time. I shall ask for that action tomorrow.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess will not extend beyond 2 p.m. today.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

At 1 o'clock and 40 minutes p.m. the Senate took a recess subject to the call of the Chair.

At 2 p.m. the Senate reconvened, when called to order by the Presiding Officer (Mr. Mansfield in the chair).

ORDER OF BUSINESS

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hollings in the chair). Without objection, it is ordered.

MEDICARE PAYMENTS AND THE TAX COLLECTOR

Mr. LONG. Mr. President, the Committee on Finance, in the course of its investigation into medicare and medicaid, has developed a great deal of information with respect to payments to physicians, dentists, optometrists, and other health-care providers.

We have found that a large number of these people received what appeared to be extremely high payments in 1968. In many instances these large payments may be justified because the individual's practice consists principally of medicare and medicaid recipients. In many instances, however, we are finding that these payments are not justified. For example, we have found medicaid paying quite a few individual practitioners more than $100,000 in 1968. In one State a general practitioner received $169,000.

On a combined basis, we find medicare and medicaid paying a total of $75,000 or more to hundreds and hundreds of physicians. On the medicare side, a prime cause of the high payments is the rapid inflation in medical fees of what Congress thought would be reasonable charges, which has been tolerated and encouraged in the administration and operation of part B of medicare. In many areas of the country, medicare is paying far more for the same service than does Blue Shield under its own most widely held program.

We are also encountering many abuses of the programs, principally in the form of overutilization. For example, a doctor in Florida returned $25,000 to medicare voluntarily. He decided to do this after an investigation had begun of payments made to him. He contacted the medicare carrier and reported that many of his visits to nursing home patients were really not necessary and that he was going to refund $25,000, which he thought to be about the amount of his abuse of medicare. Mr. President, I ask that the text of the Florida Blue Shield memorandum on this matter appear at this point in my remarks.

There being no objection the text was ordered to be printed in the Record, as follows:

> We are currently doing a mail survey on the above physician in ——— and the survey letter should have reached Dr. ———'s patient Saturday. He was brought to our attention because of his earnings, $95,856.25, for 1968.
>
> Today, March 31, 1969, Dr. ——— telephoned me with the information that he was just doing his income tax and he noticed that he had received a large amount of money from Medicare during the past year. He said that he felt bad because he had been billing Medicare for nursing home visits which he felt were not absolutely necessary. He said that he wanted to return to Medicare that part of his payments which he felt were unnecessary.
>
> I tried to reach some type of figure in my own mind, using the Profile books, but they were not accurate becausing nursing home visits were coded the same as office visits and hospital visits for a long time. In desperation, I totaled up Dr. ———'s assigned benefits for the years 1967 and 1968, and I then asked him what percentage of his time was spent in ECF's. With this figure, I then asked him what percent of this time he felt was unnecessary. In rounding off figures, we agreed on a figure of $25,000 to be paid back to Medicare "S". Dr. ——— said that he will send this check to my attention within the next week or ten days.

Mr. LONG. Mr. President, unfortunately, this situation is not an isolated one. Many carriers and other informed people have advised of "gang visits" by physicians to nursing home and hospital patients. This occurs when a physician visits and charges separately for as many as 40 and 50 patients in a single day in the same institution.

More specifically, the Finance Committee has, or shortly will have, the names and addresses of all physicians who were paid more than $25,000 under medicare. In addition, we have the names and addresses of at least 5,000 health care practitioners who were paid $25,000 or more under various welfare programs in 1968.

We have learned that many providers know how to effectively milk the medicare and medicaid programs. We have serious reservations, however, as to whether all of that "milk" is being reported to the Federal tax collector.

The Internal Revenue Service contacted the committee to express their interest in the thousands of names and addresses and total payments to those who were paid $25,000 and more under medicare and medicaid. It was a great surprise to me to learn that none of this information was available to them, but I have since found out the reason. The medicare program permits carriers to employ their own individual indentification systems, which all too often resemble nothing more than Swiss bank accounts.

These so-called identification systems function to obscure rather than identify. Social security has had to take months and months trying to get for the committee the names and addresses of the physicians we requested. It is no wonder, then, that the Internal Revenue Service has been frustrated.

Some of us believe that the existing provisions in the Internal Revenue Code require the reporting of payments under medicare and medicaid and any private health insurance program. The Internal Revenue Service is of a similar opinion, but at the request of the Department of Health, Education, and Welfare, it extended a moratorium on the requirements in the law which it had given earlier to the commercial medical insurance companies.

It is time to put an end to the moratorium. It seems to me that if we require the reporting of $12 in interest which a hard-working taxpayer receives on his $300 savings account, equity demands that a $100,000 payment to a doctor be reported to Internal Revenue Service. In the interest of equity, then, the Finance Committee will turn over to the Internal Revenue Service the many thousands of names and addresses of persons who were paid $25,000 and more under medicare and medicaid in 1968.

Additionally, we have agreed to turn over to the Internal Revenue Service information we have obtained on "kickback" arrangements and similar abuses. It seems to this Senator only fair to require full reporting of all payments of income to the tax collector before we even take up the question of tax reform in the Senate.

I am pleased to observe that the Senator from Delaware (Mr. Williams) is also upset about the fact that billions of dollars of medicare and medicaid payments are escaping the tax net. He feels strongly about this, as I do, and he is writing a special amendment, I am informed, to force the reporting of these payments along with private health insurance payments, to the tax collector and to force medicare carriers and intermediaries to abandon the "Swiss bank account" system and use the tax account number—the social security number—as other taxpayers must do.

I must say, Mr. President, that it was the idea of the Senator from Delaware that we should go into this matter; and he, together with the Senator from New Mexico (Mr. Anderson), felt that the status of the medicare and medicaid programs should be thoroughly explored and evaluated.

While I had predicted that the cost would exceed anything anyone estimated

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at the time the medicare bill was passed, I never really anticipated that we would find as many abuses as are now being uncovered.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I commend the Senator for his remarks.

In connection with the availability of this information for the use of the Treasury Department, Congress some time ago passed a law requiring every American corporation and every individual making a payment for interest, for wages, or for dividends to report the individuals' social security number or tax number, which are the same. This was done in order to enable the Treasury Department, with the use of computers, to have readily at hand the information as to how much income "Joe Doakes" was receiving from the various sources.

I was very much surprised to learn that the Social Security Department and the health service were not abiding by this law. Certainly, it was not intended that they be exempt.

As the Senator from Louisiana has pointed out, they were using code numbers for the doctors in making these payments. I find that medicare would use one code number, and medicaid would use another number; and in some instances where they were running out of numbers they were using a man's telephone number for identification. I asked the question, "Suppose he changes his telephone number two or three times in the year. Would you have three or four numbers for the same man?" It is absolutely ridiculous.

Under existing law, they have the authority to make this correction—not only the authority but I think also the obligation. The law spells out that any payments such as those should bear the social security or tax number of the recipient of the check.

I suggested that if they could not get together promptly on this matter I was going to introduce an amendment which would require that this agency of the U.S. Government abide by the law which is applicable to all other citizens of the country. I understand that they think they can put this into effect by Executive decision. However, I will say this: They have but a very short time to do it, because if this is not done I shall join the Senator from Louisiana in sponsoring an amendment and attaching it to the first vehicle that comes to the Senate. This policy of using social security numbers for identification makes good common sense in accounting procedures.

Mr. LONG. Mr. President, as the Senator so well knows, the law requires that when one pays money to someone, he must use his tax number, and the tax number, in most instances, is also the social security number. So if one has money coming from the Government, his claim bears the same number it would if the man owed money to the Government. The number identifies him.

It came to be as a great surprise to find doctors collecting money under other than their tax number or social security number. Then, we find in many instances the public is being overcharged to the extent that in one instance a man being investigated voluntarily wanted to return $25,000. There have been very serious abuses as I have indicated.

When we tried to find out who got the money we find it is all recorded under coded numbers. Then, we find this method was agreed to by a responsible agency of this Government to permit these coded numbers in instances where people receive large payments. That system has impeded the investigation the Senator wanted to make. I suspect when we get through uncoding the numbers we will find the Government has a large amount of money coming in in taxes in connection with medicare and medicaid.

Mr. WILLIAMS of Delaware. Not only will it have that effect in connection with payments to doctors but also I found that under the existing law, when patients go into nursing homes under medicaid, to the extent they are receiving social security benefits and those social security benefits are not adequate to cover the cost of the nursing homes, first the social security checks go toward defraying the cost with medicaid picking up the remainder. Therefore, it is necessary that they know the amount of the social security payments that "Mr. X" is receiving.

We find that rather than putting these patients in nursing homes and identifying them by their own social security numbers the patients are given a code number. If a patient goes in the nursing home two or three different times he may have a different number each time, and there is no way of knowing if "John Smith" is drawing $50, $100, or $30. This makes it difficult to check whether the money is being properly credited. We found many abuses, not so much on the part of recipients but on the part of nursing homes which are crediting perhaps $40 from social security whereas in reality they are receiving a check for $50 or $60.

This present system is wide open for abuse. It would take a Philadelphia lawyer to run down the code numbers to identify all the John Smiths, and by the time the proper John Smith is identified with the correct social security number the trail has almost been lost.

I believe the least they could do would be to identify everyone by his social security number. I was told they had not thought of that before. Well, they have been reminded of it now, and my patience is running out. If they have not straightened out some of these methods and used a little commonsense on the part of administrative officers I am going to propose the necessary legislation to put an end to it.

Mr. LONG. I was made aware of the fact that the agency which has the responsibility for preventing the Government from being defrauded in paying for the care of aged citizens had requested it, and the Internal Revenue Service permitted this secret code system to be used. I was further dismayed to find that the Internal Revenue Service agreed to this kind of scheme. It seems to me it is a subject that both of them would find great difficulty in justifying.

Mr. WILLIAMS of Delaware. I agree with the Senator.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1104. An act for the relief of Thi Huong Nguyen and her minor child, Minh Linh Nguyen; and

S. 1513. An act for the relief of Chi Jen Feng.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 2667) to revise the pay structure of the police force of the National Zoological Park, and for other purposes, and it was signed by the Acting President pro tempore.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

The Senate resumed the consideration of the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, the pending amendment would strike from the bill pages 70 through 72, down to line 15, and substitute therefor the text of an amendment which is comparable to the amendment embraced as a part of the Smathers-Williams measure as introduced in the Senate and acted upon last year. That would leave the committee amendment to read as follows:

> Section 401(a) expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $187,900,000,000:

I now list the four exceptions in my amendment:

> (1) those expenditures in excess of $25,400,000,000 that the President may determine are necessary in behalf of our military effort in Southeast Asia.

The figure of $25.4 billion is arrived at in the same manner as in the committee bill in paragraph 2. It refers to the same figure on page 27 of the 1970 budget submitted by the President, and this section exempts the expenditures in Southeast Asia.

The second section would exempt those expenditures for interest charges which are in excess of the amounts shown for interest in the 1970 budget—House Document 91-15 of the 91st Congress.

Interest charges are exempted because we recognize that the amount of interest can be projected only as an estimate and

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cannot be determined exactly. It is therefore an uncontrollable item because it is determined by the interest rates in the money market. So this second section would exempt any increase thereof above the amount in the budget.

Third, exemptions proposed are those expenditures for benefits or services administered by the Veterans' Administration under the provisions of title 38 of the United States Code, in excess of the amounts shown for expenditures in such budget and for such fiscal year. These exemptions for veterans' benefits and services are mandatory under existing law; they are obligations of the Government and have to be paid by the Government unless Congress were to pass a law repealing, raising, or lowering them. Otherwise they are fixed charges, and for that reason they are exempt.

The fourth exemption applies to trust funds, such as social security. They would be exempted anyway under our interpretation, but to save any misunderstanding they are specifically exempted. While they can estimate projected expenditures in social security for fiscal 1970 it is conceivable that there could be a larger number of people retiring than is contemplated and, certainly, as they retire they are eligible for retirement benefits. These are paid out of the trust fund payments without any further change by Congress. For that reason payments from these trust funds are exempt.

Other than that, those are the only exceptions that this amendment would allow. The amendment would leave the ceiling of $187.9 billion as mentioned in the committee bill.

Mr. President, this amendment, which is comparable to what the Senator from Florida and I sponsored last year, in my opinion, should be adopted, because it is most essential that Congress place some control over our spending, especially at a time when we are contemplating raising or extending the 10-percent surcharge for another year.

Certainly if we are only going to extend the tax to raise more money to finance expanding spending programs we would be defeating our purpose in combating inflation. This is the least that Congress should do. If we are going to have a ceiling, then whatever the ceiling may be let us make it a meaningful ceiling, one that has some force in it and one that does not have a lot of automatic escape hatches.

I realize that any ceiling that we approve today, Congress by legislative action can tomorrow or at some subsequent date, modify the ceiling and make an exemption for some agency, as happened in many instances last year. But at least every time it happened it required affirmative action by Congress so that every Member of Congress and our constituencies knew what we were doing and the effect it was having on the overall ceiling.

Now, for a moment let us discuss what is in the committee bill as it was reported——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate. This is a very important amendment we are discussing and I trust that the Chair will require order to be maintained in the Senate, not only on the floor but also in the galleries.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Delaware may proceed.

Mr. WILLIAMS of Delaware. Under the bill, the committee amendment, as it was reported, starts out with a ceiling on expenditures and net lending for fiscal 1970 not to exceed $187,900,000,000. But then, it continues:

> *Provided*, That such amount shall be increased or decreased by aggregate amounts by which the sum of the expenditures and net lending in said fiscal year are greater than or lesser than the sum of the expenditures and net lending in the fiscal year ending June 30, 1969.

Then it proceeds to the exemptions, the first being items designated "open-ended programs and fixed costs."

These appear on page 16, Budget of the United States, fiscal year 1970—House Document 91-15, part 1, 91st Congress.

Now, Mr. President, I ask unanimous consent to have printed in the RECORD this tabulation appearing on page 16 of this document under the title of "Open-Ended Programs and Fixed Costs."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BUDGET OUTLAYS

[Fiscal years, in billions]

Controllability	1968 actual	1969 estimate	1970 estimate	Change, 1969 to 1970
Open-ended programs and fixed costs:				
Social security, medicare, and other social insurance trust funds	$35.5	$39.6	$42.4	+$2.9
Interest	13.7	15.2	16.0	+.8
Civilian and military pay increase			2.8	+2.8
Veterans pensions, compensation, and insurance	5.0	5.6	5.9	+.2
Public assistance grants (including medicaid)	5.3	6.3	7.4	+1.1
Farm price supports (Commodity Credit Corporation)	3.2	3.6	3.1	−.5
Postal operations directly related to mail volume	.7	.5	.5	+.1
Legislative and judiciary	.3	.4	.4	(1)
Other	1.3	1.6	1.5	−(1).1
Outlays from prior year contracts and obligations	17.3	17.6	18.9	+1.3
Subtotal, relatively uncontrollable civilian outlays	82.4	90.2	98.8	+8.6
Relatively controllable civilian outlays:				
Proposed social security benefit increases			1.6	+1.6
Other	20.5	17.6	19.0	+1.5
Undistributed intragovernmental transactions	−4.6	−5.1	−5.7	−.6
Total budget outlays	178.9	183.7	195.3	+11.6

[1] Less than $50,000,000.

Mr. WILLIAMS of Delaware. Mr. President, I shall relate just what the committee amendment would mean mathematically as to any ceiling.

We start out with the first item——

Mr. BYRD of West Virginia. Mr. President may we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Delaware may proceed.

Mr. WILLIAMS of Delaware. Mr. President, the committee starts out with a ceiling of $187.9 billion before the exception which I have just mentioned. I refer to those open-ended programs on page 16. The first item is "Social security, medicare, and other social insurance trust funds." I might explain that the committee amendment relates the ceiling to the 1969 budget.

The first exemption, social security, is projected at $39.6 billion for 1969 and $42.4 billion in 1970, or an increase of $2.9 billion. Automatically that $2.9 billion is added to the committee's ceiling of $187.9 billion, which brings it to $190.8 billion.

The next exemption is "Interest on the national debt." The 1969 projection was $15.2 billion. For 1970 it is $16 billion, or an increase of $800 million. That $800 million automatically adds onto this ceiling, bringing it to $191.6 billion.

The next exemption is "Civilian and military pay increase," and for this there is nothing projected in 1969, but in 1970 there is projected $2.8 billion, with the result that that is a $2.8 billion increase. Add that, and we now have a $194.4 billion ceiling in the committee amendment.

The next exemption is "Veterans' pensions, compensation, and insurance." That adds $200 million. Add that to the $194.4 billion and we have a ceiling of $194.6 billion.

Remember that this is the committee bill which is supposed to have a ceiling of $187.9 billion.

The next exemption, "Public assistance grants—including medicaid", that item is projected as $6.3 billion in 1969 and $7.4 billion in 1970, or an increase of $1.1 billion. That adds automatically, to the ceiling and we are up to $195.7 billion.

Now the next item is "Farm price supports—Commodity Credit Corporation," and the budget projects that as $3.6 billion in 1969 and $3.1 billion in 1970, or a reduction of $500 million which automatically reduced that ceiling figure by $500 million and brings it back to $195.2 billion.

The next item is "Postal operations directly related to mail volume," and that is projected as an increase of $100 million. That brings it back up to $195.3 billion which, by the way, is now back to the Johnson budget.

Remember all this maneuvering is made under a ceiling first pictured as $187.9 billion. What a farce.

Then the committee has an exemption for "Legislative and judiciary" but no cost figure is listed.

The committee also lists a classification "Other" which is $1.6 billion in 1969 and $1.5 billion in 1970, or a reduction of $100 million, which brings it back to $195.2 billion.

Before I leave that section, these increases mentioned are the projected increases between the 1969 and the 1970 budgets as appearing on page 16 of the budget. They would be subject to any further variations in the future as a result of overestimation or underestimation, and they would be subject to any increase or decrease as a result of any newly enacted laws during this Congress in the next 12 months which increased the cost of any specific program in these categories over and above the amount that was projected for the 1970 estimate.

Such an increase would be automatic. Congress would not have to go through the mechanics of changing the ceiling. This is a greased vehicle for freewheel spending.

Also, the President has suggested an increase in postage rates of $519 million for the next fiscal year. If Congress does not enact the postage increase effective July 1, or to the extent we do not do it next year, that will add another $519 million to that same ceiling automatically. The committee ceiling rises by our failure to take action.

I may mention that the question was raised earlier as to the effect the proposed user taxes on the airways would have on the ceiling. Whether or not that tax was enacted, it would not affect this ceiling. It would affect the ultimate deficit at the end of the year. Now we are back to the $195.7 billion ceiling.

I now discuss the next section, part 2 of the bill as reported to the committee. This exempts the item designated "Special Southeast Asia support" in the table appearing on page 27 of that budget. If we turn to page 27 of the budget we will find that this cost is projected as $28.8 billion in 1969 and $25.4 billion in 1970, which is a reduction of $3.4 billion.

So we would subtract that from the ceiling which we built up with these other additions. So then we are back to a $192.3 billion ceiling because that item would automatically subtract from the ceiling just as if we increased it it would automatically increase the ceiling.

Then, exemption 3 under the committee bill exempts programs for aid to schools in federally impacted areas. I do not have the exact figure, but I understand it to be $100 million to $200 million. Whatever may be involved over and above the amount projected in the budget that, too, represents an automatic increase.

I have been unable to get an analysis of the exemptions on page 72, which deal with the lending amounts. So I will ignore those at this point. I am not sure how much they would add. I am sure they would not subtract because the trend is not in that direction.

These statistics prove that under the committee bill there is no ceiling on any of the items which I have mentioned. Conceivably Congress could expand the cost of these items by $10 billion next year if it wanted to. If Congress did so and the President signed the bills, that would automatically increase the ceiling without any further action of Congress.

For example, if Congress decided to raise salaries for postal employees, as is being suggested, to the extent that those salaries would be increased it would automatically be projected as an increase in the debt ceiling without any further action by the Congress or any reference thereto.

In my own opinion, if we are to have a deficit ceiling, we should have an effective one.

There is one factor about the bill as reported by the committee which should be pointed out because it does take affirmative action. I read the language at the bottom of page 71 of the bill:

> Such reservations by the President shall be in amounts sufficient to insure reductions of not less than $1,900,000,000 in expenditures and net lending, below the amounts recommended in the April review of the 1970 budget . . .

If it stopped right there it would have more effect, but it continues—

> for programs are other than those designated in subparagraphs (1), (2), and (3) of subsection (a).

And those are all the loophole exemptions to which I have referred, which open the barn door all the way. If the committee bill is approved Congress would have opened the doors on spending at both ends of the barn and propped them wide open. Congress could expand spending by $8 billion or $10 billion more in these areas, and the ceiling would automatically rise to cover.

I do not think there is any disagreement between the chairman of the committee and myself as to this interpretation. There may be disagreement as to which ceiling should be imposed.

Assuming that the departments all through the Government practiced the most rigid economy possible, I grant that the ceiling would have the effect that the committee version of the bill provides, but if we assume that, we would not need a ceiling. We are putting a ceiling in this bill to make sure that spending is curtailed. If we need a ceiling at all let us have an effective ceiling. If we are going to have an effective ceiling then let us pass a bill that has some controls in it. If we are not then let us abolish the whole procedure, and let everybody know that there are no spending controls contemplated.

The argument may be made, "Well, if you accept the iron-clad ceiling you have suggested here, comparable to what we had last year, you are delegating to the President a lot of responsibility that should be discharged by the Congress." I disagree completely with that argument, and I point out that the situation here today is exactly what it was when we made the same proposal last year. Congress has not yet acted on a single appropriation bill for any department, not one. As we act on the appropriation bills in the weeks and months that lie ahead we can, if we wish, and we should, spell out in each appropriation bill that portion of this reduction in expenditures that we want made in fiscal 1970. If we spell out every one of them in the bills as we act on them later there will be nothing left for the President to cut. However, if Congress does not spell out the reductions, if we neglect our responsibilities as we act on the appropriation bills in the weeks and months ahead then the responsibility is delegated to the President to do that which the Congress failed to do.

I hope that this amendment will be accepted.

Mr. BYRD of West Virginia. Mr. President, would the Senator indicate the amounts involved in the four items which would be exempted under his amendment?

Mr. WILLIAMS of Delaware. The social security trust funds would be exempted for $2.9 billion above the 1969 figure.

Mr. BYRD of West Virginia. In what amount?

Mr. WILLIAMS of Delaware. That is estimated at $42.4 billion. The interest on the national debt, assuming it is the same as the budget figure, would be $800 million above the $15.2 billion 1969 estimate that would be exempted. The figure for veterans' pensions and services is $200 million above the 1969 estimate.

Mr. BYRD of West Virginia. And what would be the totals in each of the four categories? For example, in the Senator's amendment, he states the total for South Vietnam——

Mr. WILLIAMS of Delaware. That is $2.9 billion, and then add the $800 million and the Veterans' Administration item of $200 million. That is $3.9 billion, and then, if you go over on page 27 for the Vietnam war cost that is a minus figure, as the Senator knows, from $28.8 billion in 1969 to $25.4 billion for 1970. With that subtraction there would be a difference of $500 million allowed on these four exemptions.

Mr. BYRD of West Virginia. The Senator's amendment reads as follows, in part:

> Those expenditures for interest in excess of the amounts shown for interest in the budget of the United States.

What is the amounts shown for interest?

Mr. WILLIAMS of Delaware. $16 billion; it is shown in the budget at $15.2 billion in 1969 and projected at $16 billion in 1970. The additional amount that interest rates rise or fall as a result of fluctuations in the cost of interest would be exempted, because after all, we are not going to let the Government default on the interest on any of its bonds.

Mr. BYRD of West Virginia. Now, Mr. President, will the Senator indicate the amount involved in paragraph 3 of his amendment?

Mr. WILLIAMS of Delaware. It is estimated in the budget as $200 million above the 1969 figure of $5.6 billion.

Mr. BYRD of West Virginia. No, that is not the figure I am asking for. "Those expenditures for benefits and services, in excess of the amounts shown for such expenditures." What are the amounts shown for such expenditures in the budget?

Mr. WILLIAMS of Delaware. $200 million. It is shown as $5.6 billion in 1969, and $5.9 billion in 1970.

Mr. BYRD of West Virginia. Then the figure would be $5.9 billion.

Mr. WILLIAMS of Delaware. And it carries it out as $200 million. It looks like

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it would be $300 million, but I understand the rounded figures would come back to the $200 million.

Mr. BYRD of West Virginia. But as I understand, the Senator is saying expenditures in excess of $5.9 billion would be exempted?

Mr. WILLIAMS of Delaware. The reason for that would be this——

Mr. BYRD of West Virginia. I am not asking for the reason just now.

Mr. WILLIAMS of Delaware. All right.

Mr. BYRD of West Virginia. What is the figure the Senator is using for paragraph 4, "in excess of the amounts shown"? What amount does the Senator have in mind?

Mr. WILLIAMS of Delaware. These are the trust funds. It is shown in the 1969 budget as $39.6 billion and in the 1970 budget as $42.4 billion.

Mr. BYRD of West Virginia. So the figure the Senator has in mind is $42.4 billion?

Mr. WILLIAMS of Delaware. That is the figure in the budget.

Mr. BYRD of West Virginia. It is $42.4 billion?

Mr. WILLIAMS of Delaware. That is right.

Mr. BYRD of West Virginia. Mr. President, the total amount of the items which would be exempted under the Senator's amendment from the limitation is $89.7 billion, as against $106.7 billion in the provision agreed to by the Senate committee.

Although I have difficulty in following some of the figures in the Senator's amendment, simply because the figures that I am using have been secured from the Bureau of the Budget as of May 20th, and do constitute later figures——

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. If I may finish my sentence first.

The intent of the Senator's amendment is clear. Specifically, he would provide for an increase in the limitation on outlays for only four items; Southeast Asia support; interest on the national debt; veterans insurance, compensation, and pensions; and payments from trust funds established under the Social Security Act.

I now yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I merely wish to say that the budget figures are the same figures referred to in the committee bill. But the net result, whichever figures we use, would be identical because when we are exempting these items; they would be exempted. So it would not make any difference on that point which figures we are using. But for the sake of pinning it down I used the budget figures, and we had used them last year. As the Senator knows, these May 20 figures are just figures given to him as of that date, and they may be different from the figures as of May 21.

Mr. BYRD of West Virginia. Well, that is true. But the figure for social security that I am using is $42.1 billion. That is the figure which, according to the Bureau of the Budget, the total expenditure will be for social security, medicare, and so forth, in fiscal year 1970.

The Senator's amendment would exempt everything in excess of $42.4 billion for that item, as I understand it.

Mr. WILLIAMS of Delaware. Will the Senator yield?

Mr. BYRD of West Virginia. Yes.

Mr. WILLIAMS of Delaware. Again I point out to the Senator that although $42.4 billion is the figure in the budget, it would be the same identical answer, to a penny, whether you use $42.4 billion or $42 billion even, for this reason: What we are doing is saying that those social security recipients when they get ready to retire, having paid into the social security trust fund, have a right to draw their retirement, and we would not want to come up the last month of the fiscal year and say, "We have hit the ceiling, and you cannot draw your check until next year."

These are trust funds, separate from the general revenues of the U.S. Government. They are separate under the law, and they should be treated separately under the law. I repeat what I have said on many earlier occasions, no administration has a right to count accumulations in those trust funds as normal receipts for the purpose of deceiving the American people that they have a balanced budget. That has nothing to do with this debate today, but it needed to be said again.

Mr. BYRD of West Virginia. Mr. President, the Senator would exempt four items. I have already named them, as he has named them. But I call to the attention of Senators that there are a large number of mandatory items in addition to these four, for which the Senator's proposal would make no allowance.

First, why are payments from the civil service retirement fund less mandatory than those from the social security trust fund? And how about railroad retirement trust fund payments? Why are they less mandatory than payments from the social security trust fund? And Foreign Service retirement trust fund payments; why are they less mandatory than those from the social security trust fund? The committee bill exempts these items but the Senator's amendment, as written, does not.

Second, grants to States for public assistance are determined by the same Social Security Act that determines the trust fund payments. The Senator from Delaware would exempt from the limitation those grants, including medicaid, depending on State law and on State caseloads, that qualify under that act, and they have proved in the past to be unpredictable. Since we removed them from budgetary control in a specific statute, it behooves us, I think, to similarly allow for them in this expenditure limitation and the committee bill does this. But the amendment offered by the distinguished Senator from Delaware does not.

Third. Grants for vocational rehabilitation services, under existing law, also depend upon State laws and State caseloads. The committee bill accommodates any change in these factors, while the Senator's proposal does not.

Fourth. Mail volume. Mail volume is unpredictable; but the desire of the Senate to see that the mail is delivered promptly, 6 days every week, is certain and is predictable.

Last year the Senate overwhelmingly exempted postal field service employees from the three-out-of-four personnel limit because it wanted to assure prompt delivery of the mail, and the House accepted the Senate amendment in conference.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. If the Senator will withhold his request for a minute, I shall be glad to yield.

Recognizing this policy of the Senate, the committee bill would allow the expenditure limit to change if mail volume requires a corresponding change in expenditures related to the delivery of the mail. The amendment offered by the distinguished Senator from Delaware would make no such provision.

Fifth. Farm price support payments are now mandatory for fiscal 1970 under the existing law. And while that would be subject to special control through modification of legislation, the present legislation extends through calendar year 1970 and controls the actions of both the Secretary of Agriculture and the President.

Price support decisions that will lead to fiscal year 1970 outlays were generally made by President Johnson except for final decision on certain products. Outlays in fiscal year 1970 from these program decisions that have already been made under present law are in fact uncontrollable from the budgetary standpoint, and they are certainly unpredictable. Their magnitude can be greatly affected by weather conditions, changes in exports, changes in domestic demands, and other uncontrollable factors affecting the size of the crop and affecting the supply and demand factors.

The committee provision recognizes this fact, but the Senator's amendment does not do so.

Finally, there are many smaller programs for which outlays are mandatory under existing law. Examples include annual contributions for low-rent public housing, those annual contributions for section 235 and section 236 of the Housing Act of last year, and also claims and judgments against the United States.

These are mandatory items, and the committee bill recognizes that fact and exempts them. However, the amendment of the Senator from Delaware does not do so.

Many of these items are unpredictable. Many of them are mandatory. By allowing for a change in the spending limitation only for the four items which he specifically cities, the Senator from Delaware certainly does not imply that we should hold the expenditures for other mandatory payments to the amounts budgeted by President Nixon.

I am sure the Senator recognizes that under the law we cannot do this, whether it is for farm price support payments, civil service retirement benefits, unemployment compensation, payments for Federal employees and ex-servicemen,

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public assistance grants to the States, or many others. However, the amendment does require that we find offsetting reductions in the controllable programs for which payments are not mandatory under present law. This not only creates a great deal of uncertainty as to what Congress and the President will have to do and when we will know what it is that we have to do, but it could cause the President to make cuts to live within the limitation that we in Congress would object to strongly and that the President himself would find highly undesirable.

The committee bill would force at least $1.9 billion in spending reductions in the controllable programs. The Senator's amendment would cut $5 billion, as I understand his amendment. However, if the present estimates turn out to be too low—as they have for mandatory payments many times in recent years—the required reduction could be much larger. And the only place that the President could make such large reductions would be in defense spending.

An overall expenditure limitation is not the way to force extremely large cuts in defense spending, because too much is at stake.

I trust that the amendment of the Senator from Delaware will be rejected.

Mr. WILLIAMS of Delaware. Mr. President, I shall be brief, because I desire to have a vote on the amendment soon.

First, the Senator from West Virginia points out that my amendment does not specifically refer to the railroad retirement trust fund or the civil service trust fund and that payments from those funds are equally mandatory. He is correct. But the same argument can be used against the committee amendment: it likewise does not refer to them. However, to clarify the situation, both are automatically covered because unless Congress by affirmative action restricts directly the expenditures from the railroad retirement fund, the civil service fund, the social security trust fund, or other such trust funds payments will be made automatically by the trustees of those funds.

So I have provided in my amendment the same exemption of the trust funds as the Senator from West Virginia has.

The social security fund was specifically exempted last year, not because we were advised that that was necessary—in fact, we were told that it was automatically excluded—but because we had experienced a situation earlier when the executive branch was asking for an increase in the debt ceiling and the President felt that Congress would not give him as much as he wanted, deferred social security checks were used as a threat.

I remember the Secretary of the Treasury stating on that occasion that if the debt ceiling were not raised by a certain time social security payments would have to be held up at the end of the month. That was not true. There was not a word of truth in that threat because those payments are made from the trust fund. Nevertheless, his statement scared a great many people.

To avoid such a situation the former Senator from Florida, Mr. Smathers, and I included an exemption for the social security trust fund.

Neither the civil service retirement fund nor the railroad retirement trust fund is mentioned in the amendment of the Senator from West Virginia or in my amendment, but I am perfectly willing to have both of them mentioned because they are not affected either way.

However, the Senator is correct as to the price support program and to other programs under the Commodity Credit Corporation; they are not exempted under my amendment, nor is any other program administered or affected by public assistance grants, including medicaid. I may say, incidentally that, based on a preliminary investigation by the Committee on Finance, great savings can be achieved in medicaid and improved service provided at the same time.

Likewise, the postal operations are not exempted by my amendment, but all these are exempted under the Senator's amendment. The Senator from West Virginia related the experience Congress had last year with the Post Office Department. Senators will remember that. We were told by postal officials that they were going to discontinue postal deliveries in cities on Saturdays, that they were going to cut back on some rural carrier services, that they were going to close some post offices; in fact, we were threatened that the whole postal service was going to collapse if Congress did not exempt that agency before that week was ended. That was toward the end of July; as I recall, less than 10 days remained in the month.

Congress acceded to the threat and exempted the Post Office Department.

Later I learned that the Postmaster General had padded his payroll with some 20,000 additional employees in the 30 days before he made the threat. The number of postal employees on that date was at an all-time high. The Postmaster General had more employees than he knew what to do with. In fact, I said that they must have gone fishing or perhaps were playing pinochle as the reason we were getting such slow delivery of mail both before and after the Postmaster General employed the extra personnel.

I am not intimidated by those bureaucrats who say, "We are going to shut down our agency if we do not get more money." If they cannot operate their agencies efficiently they should submit their resignations, and I would be glad to help find replacements—and that goes for their resignations regardless of their political affiliation. I am getting a little tired of this type of bureaucracy that is continuously finding more and more ways of spending money, yet finding more and more excuses for not saving money. Many of those bureaucrats have never known what it is to meet a payroll or go out and make a living in private industry. I think it would be a good experience for some of them. After all, even if we approve and hold the ceiling as proposed under my amendment the Government would still be spending nearly $6 billion more than is allowed in the ceiling of last year, and that certainly is not cutting it back unrealistically.

As I said before, payments from these trust funds are not affected, and they should not be affected by either of our amendments. The only way we could affect the social security payments, the civil service retirement payments, or the railroad retirement payments would be to change the law. Certainly we could do that at any time, but that is not proposed. There is no disagreement between the Senator from West Virginia and me as to what is being exempted. My amendment as compared to the committee bill, would strike from the exempted list—I do not want any misunderstanding—many of those items appearing on page 16 of the budget which are exempted by the committee amendment, and I will enumerate them: Public assistance grants, including medicaid; farm price supports and all expenditures under Commodity Credit Corporation; the postal operations directly related to mail volume or otherwise. The legislative branch would not be exempted under my amendment, nor would the judiciary.

The point is that whatever ceiling we agree upon should be a realistic figure, and if later Congress wants to change these exemptions let us do it affirmatively and let everybody know what we are doing.

I appreciate the remarks of the Senator from West Virginia. He has been very fair in explaining his amendment. I think he is accurate in his explanation of his amendment, and I, too, have tried to explain mine as I think it will work. We are not trying to kid anybody. The issue is very clear as to which amendment we want. So far as I am concerned, I am ready to proceed to a vote.

Mr. BYRD of West Virginia. Does the Senator maintain that under his amendment railroad retirement, civil service retirement, and foreign service retirement would be exempted?

Mr. WILLIAMS of Delaware. Yes. At the time we drafted the amendment last year we were advised by the counsel that it was not necessary to mention these trust fund payments for the retirement benefits. That included social security, the medicare payments, insurance funds, and the civil service retirement fund. For that reason we did not mention them.

Later, the alarming statement was made by the former Secretary of the Treasury that if Congress did not act on the debt ceiling by a certain date social security recipients might not receive their checks, and that statement got a lot of people unduly excited. To make sure that did not happen again the amendment stated clearly that they are not affected. The question had not arisen on the other funds. I would have no objection to spelling it out for them also.

They do not need to be spelled out in here, but they are not covered. They are automatically exempt.

I will say, further, that neither the railroad retirement nor the civil service retirement is mentioned under the Senator's amendment. However, in my opinion that, too, is not necessary because they are automatically covered, whether they are mentioned or not. So I do not think there is any point of dissension about that.

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Mr. BYRD of West Virginia. Mr. President will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. BYRD of West Virginia. The Senator's amendment on this point reads as follows:

> Those expenditures which are trust funds established by the Social Security Act as amended.

Now I ask the further question: Were railroad retirement, civil service retirement, and the Foreign Service retirement programs established by the Social Security Act as amended?

Mr. WILLIAMS of Delaware. No, they were not, and they are not under the amendment of the Senator from West Virginia, either; because on page 16 they refer to social security and other social insurance funds, which are medicare, disability, and so forth. They are exempted just the same. They are not mentioned in either of the items we are covering here. It is not necessary. However, if the Senator wanted to spell that out I would have no objection, but I say that it should be spelled out in both amendments. I do not think it is necessary. I would be willing to vote on this with the clear understanding that they are exempted, the same as social security, or we can spell it out.

For example, if the civil service retirement projected expenditures for 1970 at x figure and suppose retirements were to accelerate toward the end of the year, certainly as these people who are eligible for retirement elect to retire there is nothing in here to prohibit them, either under my amendment or under the amendment from the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I want the floor in my own right.

The Senator is mistaken. I know that he intends to include the railroad retirement trust fund, the civil service retirement trust fund, and the foreign service retirement trust fund. But I believe he is mistaken. I do not think the language in the amendment as written would do that.

Mr. WILLIAMS of Delaware. The Senator is correct—the language does not do it. It is automatic by law. There is no language in the amendment of the Senator from West Virginia that excludes them, either.

Mr. BYRD of West Virginia. Mr. President, on that point, the language in my amendment does exclude them.

Mr. WILLIAMS of Delaware. Will the Senator show it?

Mr. BYRD of West Virginia. Yes; I will be glad to.

On page 71 of the bill, on line 6, the items exempted under the committee approach are identified, and they are identified as follows:

> Items designated "Open-ended programs and fixed costs" in the table appearing on page 16 of the budget of the United States. . . .

On page 16 of the budget of the United States, the item reads as follows:

> Social Security, Medicare, and other Social insurance trust funds.

I emphasize the words "and other social insurance trust funds." It is all inclusive of foreign service, civil service, and railroad retirement. So under the language of the committee bill, all these social insurance trust funds are clearly included. The Senator intends that they be included under his amendment, but according to the clear language of his amendment, as it now appears, I am constrained to believe that they would be omitted.

Mr. WILLIAMS of Delaware. I will not quarrel with the Senator because there is no difference in the objective. I think he will find social security and medicare, and the other insurance trust funds refer to the disability insurance, medicare, and the unemployment insurance, which do come under the category of the Social Security department; and I think the Senator will admit that in discussing this we have referred to the item which was the all-inclusive item. I will not debate the point because they are covered anyway.

However, Mr. President, in order to make sure of it I will modify my amendment in paragraph 4 to read as follows where it reads:

> Those expenditures from trust funds established by the Social Security Act as amended.

Insert this language:

> The Railroad Retirement Trust Fund, the Civil Service Retirement Trust Fund, and the Foreign Service Retirement Fund.

I so modify the amendment.

The PRESIDING OFFICER (Mr. BELLMON in the chair). The amendment is so modified.

Mr. WILLIAMS of Delaware. Now that does include it, but it was unnecessary. I am not debating this point because there is no doubt in my mind that the Senator's committee amendment likewise covers it. I do not think it covers it under the language to which the Senator from West Virginia has referred. That is my understanding.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

Mr. WILLIAMS of Delaware. In just a moment.

I do not think there was any question but that they were covered and that it was not at all necessary to put that paragraph in because it would automatically be covered whether we did or not. But as I stated before, I have no objection to relieving the doubts.

I would like to suggest the absence of a quorum and send the modified language to the desk.

Mr. COTTON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD of West Virginia. I suggest the Senator from New Hampshire proceed at this time, and the Senator can then send his modifications to the desk.

Mr. WILLIAMS of Delaware. If the Senator wishes to discuss a matter I yield the floor.

Mr. COTTON. Mr. President, I have only a few words to say, but I would like to say them now while certain amendments are being cleared up at the desk.

Mr. BYRD of West Virginia. Mr. President, Senators would like to hear the words of the distinguished Senator. May we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COTTON. Mr. President, I regret that illness in the family made it completely impossible for me to be present when this supplemental bill was marked up last Friday, so that I did not have the opportunity to make this statement in the Committee on Appropriations.

Mr. President, there is no one in the Senate who has had a more consistent record over an extended number of years of trying to hold down appropriations than the Senator from New Hampshire. However, I want to say today what I said last year when we had a different President. This is not a partisan position, because I made this statement in relation to President Johnson and I am now saying the same thing with relation to President Nixon.

I wonder when the Congress and its Appropriation Committees are going to face up to their own jobs and their own tasks, and do the cutting themselves rather than to try by artificial means to get a general cut in the appropriations, and to pass on to the President of the United States to choose where the cuts shall be made.

Mr. President, one of the few powers that Congress has is the power to control the purse. If we have lost control not only of the purse but of ourselves, if we cannot perform and do not dare to try to perform the functions of Congress, then, it is indeed a discouraging situation.

What are we doing here today? We are writing into a supplemental bill, a supplemental bill dealing with deficits in fiscal year 1969, a ceiling for fiscal year 1970, which does not start until next month. In a sense we are tying our own hands in advance, and doing it almost casually in connection with a supplemental bill.

Everyone knows what is bound to happen. It has happened under Democratic Presidents and Republican Presidents. It is bound to happen again as it happened last year. Congress said to the President that we wanted to cut the national budget by so many billions of dollars. We told him to do the cutting, and he did it. Where did he do it? He did it, as has been the time-honored practice, in some of the most sensitive areas; areas that would arouse the people. Then, pretty soon we began to have thundering at our doors by people who are upset because they were not going to get their impacted school funds, because they were not going to get their school milk money, or they were not going to get their school lunch money, or they were not going to get some of the other items, smaller items to be sure, but items having a great impact.

I cannot guarantee that the present President will not do the same as former Presidents have done. The Senator from New Hampshire has fought, bled, and died to get a few million dollars for title III funds under the National Defense Education Act, which are matched by the States, and which every superintendent of schools and every principal or headmaster of high schools in my State, and I suspect in other States, is anxious to obtain.

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If the amendments of the distinguished Senator from Delaware are adopted they would foreclose our doing anything about the language at the House which provided that certain educational funds should not be interfered with. We would foreclose in advance much of the power of the Committee on Appropriations and much of the power of Congress.

Mr. President, certainly the Senator from New Hampshire could never be characterized as a dove, but people are aroused and they expect action in relation to the Vietnam question, which is the most sensitive question before this country—the matter of extricating ourselves from Vietnam. We can make speeches on the floor of the Senate from now until doomsday but they will accomplish little. There will come a time within the next few months when we will be writing the military appropriation bill, and there will come a time when we may be able to exert some influence on the military or the administration by judicious handling of these appropriations. One might say that there is not much that we can do so long as we have boys in Vietnam. We cannot vote against feeding them or arming them. But I am not talking about that. I am talking about the constant running debate concerning military appropriations and the charge that Congress and its committees on appropriations have not sufficiently scrutinized them and put to the test military appropriations.

All of these things lie before us and we are here today trying, in one fell swoop, to surrender and pass into the hands of the President the duty of making the decisions that we either do not dare or do not have the intestinal fortitude to make for ourselves. If the Congress has fallen to that point it does not make such difference what we do here today because we have completely lost control; we have lost control of the Government and we have lost control of our own sworn duty.

I cannot vote for the amendments of the distinguished Senator from Delaware as much as I admire his motives, and his desire to economize and save the taxpayers' money. As a matter of fact, so far as I am concerned, I am strongly tempted not to vote for the appropriation bill itself if it carries in it the dashed-off agreement on a fixed ceiling, without thought as to where cuts are going to be taken, and simply shoulder onto the Executive downtown the sworn duty of Congress.

As the appropriation bills come before the Senate, one by one, I want a chance for us to do our own economizing and to decide ourselves where cuts are to be made.

As Senators know, the people of this country are becoming aroused. We are in a different situation now than we have been for a long time. There is a taxpayers' revolt. Our people are alert. Aroused constituencies are aware of the situation that we should be facing up to. I do not like to nonchalantly throw this important duty aside.

Mr. President, I am not inconsistent in this because when the first attempt to impose spending ceilings was made last year, coupled with the 10-percent surtax, I voted against the whole thing, even though I felt that the tax was necessary. I did so because I could not and did not—and said so on the floor of the Senate with relation to President Johnson, just as I say it today—believe that we were justified in evading our responsibilities and placing them on the shoulders of the President of the United States. I did not think that was the intelligent way to handle the problem and I was positive it would come back to haunt us in the months ahead—as it most certainly did.

If the amendment of the Senator from Delaware is adopted, even if the amendments of my good friend on the Appropriations Committee who is guiding this bill on the floor at the present time, the Senator from West Virginia (Mr. BYRD), are added, in a sense we will have foreclosed the opportunity to use careful and discriminating judgment in where to cut. There are certainly many places that cuts can be made but I do not like to turn over to the President of the United States and his Cabinet, the Pentagon, or someone else, the power to select where such cuts shall be made.

Mr. President, I hope that somewhere between here and the committee on conference—I wish it could be here, but I do not deceive or delude myself—that somewhere along the line in this appropriations process we could stand up and face up to our own responsibilities. We should not just make a lump sum appropriation, throw it into the President's lap, and say, "Cut it by so much. Cut it wherever you like," and then in a few months begin to scream, to groan, and to shout because it was cut where we as individual Senators did not like.

Mr. BYRD of Virginia. Mr. President, will the distinguished Senator from West Virginia yield for a few questions?

Mr. BYRD of West Virginia. I am happy to yield to my good friend from Virginia.

Mr. BYRD of Virginia. I should like to get a better understanding of the total figure which the outgoing President Johnson submitted in his budget, and then, as I recall, in President Nixon's submitted revised budget and then today the distinguished Senator from West Virginia mentioned the latest revision, I believe, dated May 20.

My question to the Senator from West Virginia is: What is the total new obligational authority as of May 20?

Mr. BYRD of West Virginia. The answer is $205.9 billion.

Mr. BYRD of Virginia. Mr. President, I wonder whether the distinguished Senator from West Virginia has the figure originally submitted by the outgoing President Johnson which would compare with that?

Mr. BYRD of West Virginia. It is $211.4 billion.

Mr. BYRD of Virginia. And then the one final figure, the original Nixon revised budget?

Mr. BYRD of West Virginia. That is the same figure, $205.9 billion.

Mr. BYRD of Virginia. It is $205.9 billion?

Mr. BYRD of West Virginia. Yes.

Mr. BYRD of Virginia. Now, as I recall, during debate today, the item of total interest on the national debt was mentioned. I am not clear whether it is $16 billion, which is the figure I recollect as being in the budget, or whether it is $16.4 billion, because I think the $16.4 billion figure was mentioned by the Senator from West Virginia.

Mr. BYRD of West Virginia. It is $16.4 billion, as of May 20.

Mr. BYRD of Virginia. So there has been a revision up to date of $400 million in that item, since the original budget was submitted, I take it; is that not correct?

Mr. BYRD of West Virginia. The figure as of May 20 was $16.4 billion.

Mr. BYRD of Virginia. Now, can the Senator give me the social security trust fund figure, is it $42.1 billion?

Mr. BYRD of West Virginia. That is correct, as of May 20, for social security, including medicare and other social insurance trust funds.

Mr. BYRD of Virginia. Now, does the Senator have handy the social security trust fund figure in the original budget?

Mr. BYRD of West Virginia. No. I do not have that figure.

Mr. BYRD of Virginia. Does the Senator have available the other trust fund figures, of which the highway trust fund, I presume, would be the largest other than the social security trust fund? What do the other trust funds add up to?

Mr. BYRD of West Virginia. I do not have the revised figures for that specific item.

Mr. BYRD of Virginia. I thank the Senator.

Now may I put a question to the distinguished Senator from Delaware (Mr. WILLIAMS), and will he yield for that purpose?

Mr. WILLIAMS of Delaware. I am happy to yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, is the Senator from Virginia correct that the amendment offered by the Senator from Delaware is identical to or substantially identical to the legislation enacted by the Senate last year when it approved the 10-percent surtax?

Mr. WILLIAMS of Delaware. It is substantially identical to the amendment that was passed by the Senate. However, in the conference it was modified, and some exemptions were put in which were not in the Senate's amendment. But the amendment I have offered is identical to the amendment—I have the old bill before me—except that we changed the figure for the ceiling to bring it up to date, and use the same figure offered by the Senator from West Virginia and his committee. Other than that, it is identical right down the line. We just change the effective dates. It has the same effect as the so-called Williams-Smathers package offered on March 8, 1968.

Mr. BYRD of Virginia. If the Williams amendment were adopted today, would it conform to the language of legislation which accompanied the 10-percent surcharge?

Mr. WILLIAMS of Delaware. That is correct.

Mr. BYRD of Virginia. I thank the distinguished Senator.

Mr. WILLIAMS of Delaware. Mr. Pres-

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ident, I am ready to vote. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I shall take only a minute before the vote comes up on my amendment.

The suggestion has been made that acceptance of this amendment would be a delegation of the authority of Congress to the President. I remarked earlier in my statement that as of this date not a single appropriation bill for any agency of the Government or any department thereof has as yet been acted on for 1970. So every one of them will be before us. Even if it accepted this ceiling Congress could yet make its selective cuts in the various appropriation bills as they come before us in the weeks ahead. To the extent that we did that, we would be delegating no authority to the President. To the extent that we failed to do it we would delegate to the President that authority which we had failed to exercise.

As to the question of why this amendment should be offered to the supplemental appropriation bill, the committee also has an amendment in that bill, and my amendment is merely a substitute therefor.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. COTTON. What the Senator's amendment does do, however, is that, regardless of the action of the Appropriations Committees, the Appropriations Committees are compelled to meet automatically a ceiling that is set down today for all the appropriation bills for 1970, no matter what may occur?

Mr. WILLIAMS of Delaware. That is correct. It would be a ceiling hanging over the heads of the Appropriations Committee as it acted on the appropriation bills in the months ahead. There is no argument about that, and it was so intended.

Mr. COTTON. But the ceiling laid down last year was not quite the same.

Mr. WILLIAMS of Delaware. As originally offered, yes. However, later it was amended, and as the Senator knows, I strenuously resisted the effort in many of the changes. As I stated earlier, if we adopt a ceiling I recognize that conceivably Congress could amend the ceiling, change it, make exceptions. I realize that, but if we are going to have a ceiling let us have one that Congress would have to change by affirmative action.

Mr. COTTON. And the Senator's amendment really amounts to drawing a very fine New Year's resolution on the part of all of us to save the taxpayers money?

Mr. WILLIAMS of Delaware. The Senator states it well. In the light of the fact that this Congress and our executive branch together have been living beyond their income to the extent that they have for the past several years and in the light of the fact that we are operating right now at a deficit of $500 million a month more than we are taking in, I would say the answer to that question is "Yes." Perhaps a resolution by Congress that we are going to try to save the taxpayers some money is overdue. I welcome that interpretation.

Mr. COTTON. I agree thoroughly with the Senator's suggestion. I agree that the time has come to make the resolution and keep it. But the Senator from New Hampshire, I think, is even older in years than the Senator from Delaware, and I do not know what the experience of the Senator from Delaware has been, but I have very vivid recollections of how effective the New Year's resolutions are and how long they last. We have to do this job day by day and week by week. We cannot do it in advance. I remember, when I was a child, that my father gave me an automatic instrument into which I could put dimes. I could not open it until it was full. It was enforced saving. But I found a way to open it within, I think, 2 days.

Mr. WILLIAMS of Delaware. The Senator is correct. This is a day-to-day operation, and we will have to work in the days to come just as we did before. I realize that Congress can go on a sudden spending spree any time it wants to, tomorrow or the day after. I think the Senator will agree that as the Senator from Delaware saw it he did the best he could, and I assure him that I will continue to do the best I can to stop the spending spree. I was not one who was trying to break the ceiling.

Mr. COTTON. He did exactly that. I commend him for doing it.

Mr. WILLIAMS of Delaware. I will assure the Senator that I will continue to try to hold down these expenditures. The time is long overdue when we have to bring our fiscal imbalance into balance. As one who has said we are going to have to continue the surtax, which means an additional tax of $8 to $10 billion for the American taxpayers for another 12 months, at the same time I say that if we are going to extend the surtax with no control over our spending I do not think it will achieve the objective we seek. I am trying to achieve the objective of holding down expenditures, and I assure the Senator I will be here tomorrow trying to do it just as I am today.

Mr. COTTON. The Committee on Appropriations, of which the distinguished Senator is not a member, although he always contributes to the cause, has that responsibility, and I have faith in the committee, on which I have served these years.

I think we are thoroughly aware of what we are up against. I would rather like to see the committee be given an opportunity to come in and show what it can do, without, in advance, before anyone knows what the circumstances are going to be, having the Senate and the Congress give us an ultimatum and give us a set ceiling under which we have to live.

Mr. WILLIAMS of Delaware. I am only saying that I will accept the ceiling figure which the Senator's own committee approved and which is in the bill. I am only trying to write guidelines and to close the built-in loopholes.

The committee proposal for a ceiling with all of the built-in exceptions is in my opinion merely a pious hope. It is worthless as far as controlling expenditures is concerned.

Mr. BYRD of West Virginia. Mr. President, may I say, in further response to the inquiries from the Senator from Virginia (Mr. BYRD), that when President Nixon revised his budget estimate as of April 15, no new budget document was printed. So far as the printed budget document is concerned, all we have is the one submitted by President Johnson on my birthday, which happens to be January 15, this year.

Now, if I may address my remarks to the matter before the Senate for decision.

We have three proposals from which the Senate will have to choose—at least three. One is the proposal that comes from the House, which, for the time being, I shall disregard. The second is the proposal which was worked out in the Senate Committee on Appropriations. The third is the proposal which the Senator from Delaware has offered by way of an amendment.

And so at the moment I would like just briefly to attempt to explain and to distinguish between these two proposals, the one by the Senate committee and the other offered by the Senator from Delaware.

The proposal offered by the Senate committee would reduce the $192.9 billion figure, presented by the President in his revised budget estimates, by $5 billion, to the figure of $187.9 billion.

The committee then would exempt from any forced reduction those items which are considered to be unpredictable, such as support for Southeast Asia; uncontrollable and fixed, such as the interest on the national debt; and open-ended, such as public assistance grants. These items, which would be exempted under the Senate committee recommendation, are estimated to total $106.7 billion in fiscal year 1970.

Now, the committee bill says that it will exempt these items in 1970 in the amount by which they exceed the expenditure for the same items in fiscal year 1969; they are estimated to total $103.6 billion in fiscal year 1969, and they are estimated to total, as I have said, $106.7 billion in 1970.

Therefore, the difference is $3.1 billion, which would exempt, and this figure is added on to the $187.9 billion, to make a total of $191 billion, which would constitute the expenditure ceiling in lieu of the $192.9 billion.

The Senate committee then nails the reduction down. It says that there must be a reduction of not less than $1.9 billion in the controllable items—the $1.9 billion being derived by subtracting from $192.9 billion, the President's estimate, the $191 billion, which is the ceiling established by the committee.

Those items that are exempted, and which may up the $106.7 billion, under the committee bill are these:

Support for Southeast Asia, $25.2 billion—that is the latest estimate, as of May 20;

Social security and the other social insurance trust funds, including railroad retirement, civil service retirement, Foreign Service retirement, totaling $42.1 billion—again, the very latest figure;

Interest on the national debt, $16.4 billion;

Pay increases for military and civilian employees, $2.8 billion;

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Veterans' pensions, compensation, and insurance, $6.1 billion;

Public assistance grants, including medicaid, $7.2 billion;

Farm price supports under the Commodity Credit Corporation, $3.6 billion;

"Other" items—which would include IDA, the International Development Association, for example, and vocational rehabilitation—in the amount of $2.1 billion;

Legislative and judiciary, $.4 billion;

Postal operations, depending upon the mail volume, $.5 billion.

I believe there is one more item, amounting to $.4 billion, and that is Federal aid for impacted areas. If I have left out no items, these items should add up to $106.7 billion which would be exempted under the bill. And these are May 20 estimates, as secured from the Bureau of the Budget.

This would leave $86.2 billion within which reductions could be made. But the $86.2 billion, Mr. President, is made up of only two items: Defense, $52.5 billion, and "other," $33.7 billion.

So there is where the President and Congress would have to make the cuts. And within that $86.2 billion, Defense and other, there is $18.9 billion in prior year contracts and obligations.

This further reduces the area within which cuts can be made to a figure of $67.3 billion. That is all we have to work from: $67.3 billion. And the major portion of that is Defense. So, we are working in a pretty small area.

The committee, as I say, would require a reduction of $1.9 billion. It does not say that the President has to make this cut. It simply says that the President must make this cut if we do not make it. But it does exempt those programs which are mandatory, uncontrollable, unpredictable, fixed, and open ended.

Now, a $1.9 billion cut is a pretty sizable cut. In fiscal year 1968, Congress reduced appropriations in the amount of $5.567 billion; but the expenditure impact was only $1.907 billion. So there is a good example that fits almost into the very picture that we have here today. We are talking about a $1.9 billion cut in expenditures. What does that mean, when it comes to cutting appropriations? Well, in 1968, it meant a cut in appropriations of $5.567 billion. That is a pretty sizable cut.

If we consider fiscal year 1969, Congress cut appropriations by $13.188 billion. But what was the amount of the expenditure reduction? Just twice what we are trying to achieve here: $3.803 billion.

Now, we are not bound to stay below the $1.9 billion figure. Congress can cut more, may I say to the distinguished Senator from New Hampshire. Congress can cut more from that figure if Congress so desires. Congress can cut appropriations to the extent that the expenditure impact would be twice that much, if it wants to. But under the committee bill, Congress and the President would at least know that a reduction of $1.9 billion is required. I think that the people want to see some kind of responsible reduction made in Federal expenditures. The committee has sought to face up to the need.

Now, the Senator from Delaware would require a $5 billion cut in expenditures. But if we are to judge from experience, that would require appropriation cuts trebling that amount, or up to $15 or $16 billion.

The Senator from Delaware, in addition, exempts only four items. Granted, they amount to about $89 billion, he exempts only four items. He does not exempt public assistance grants, which were exempted last year up to $560 million above the budget estimate. He does not exempt farm price supports, which were exempted last year up to $907 million over the budget estimate. He does not exempt the so-called other items, vocational rehabilitation, the International Development Association—I must admit I voted against that, but it is in the bill—nor does he exempt legislative, for example.

The Senator's amendment would not exclude mandatory pay increases. So, boiled down to its lowest common denominator, the Senator's amendment is unworkable, in that it is too stringent. It would not exempt any of the other items that are just as mandatory, just as uncontrollable and open ended, and just as unpredictable as are the four items exempted; and it would require too deep a cut, one which I think would put the President in an untenable position.

The President has already cut the Johnson budget by $4 billion; and then, were we to force another $5 billion, that would make a total of $9 billion. I do not think the President can live with that.

If Congress wants to make a $5 billion cut, it can still do it under the committee proposal, but it will not be required to do it, nor will the President be required to do it.

Mr. President, I hope that the able Senator's amendment will be rejected.

Mr. WILLIAMS of Delaware. Mr. President, the Senator points out that the amendment offered by the Senator from Delaware proposes cuts of $5 billion. That is correct.

Mr. BYRD of West Virginia. The committee version would provide for a reduction of $1.9 billion.

Mr. WILLIAMS of Delaware. I know that. However, it would be $3.1 billion below President Johnson's budget figures. However, that is not the big difference. The big difference is to the extent that the amendment offered by the Senator from Delaware provides a mandatory ceiling.

My amendment provides that the ceiling has some teeth in it, and if the amendment is adopted everyone will be on notice that it does mean that the cuts would have to be made or Congress by affirmative action would have to amend the ceiling.

There would be no automatic trigger for the increases as provided by the committee amendment.

I am ready to vote.

Mr. BYRD of Virginia. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. BYRD of Virginia. Mr. President, the Senator from West Virginia gave the figures in the Nixon budget as $192.9 billion. What is the figure for the Johnson budget which would compare with that figure?

Mr. BYRD of West Virginia. It would be $4 billion in excess of that figure.

Mr. BYRD of Virginia. Does the Senator have the exact figures handy?

Mr. BYRD of West Virginia. It would be $196.9 billion, $4 billion in excess of the Nixon budget figure.

Mr. BYRD of Virginia. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON) and the Senator from Montana (Mr. MANSFIELD) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Vermont (Mr. AIKEN) is absent on official business.

The Senator from Maryland (Mr. MATHIAS) is detained on official business and, if present and voting, would vote "nay."

The result was announced—yeas 16, nays 80, as follows:

[No. 36 Leg.]

YEAS—16

Allen
Byrd, Va.
Cook
Cooper
Curtis
Dole
Fannin
Goldwater
Hansen
Jordan, Idaho
Packwood
Proxmire
Saxbe
Thurmond
Tydings
Williams, Del.

NAYS—80

Allott
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cotton
Cranston
Dirksen
Dodd
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Goodell
Gore
Gravel
Griffin
Gurney
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Tower
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—4

Aiken
Anderson
Mansfield
Mathias

So the modified amendment of Mr. WILLIAMS of Delaware was rejected.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I would like to ask the manager of the pending bill and the distinguished acting majority leader, in view of the fact that the Senator from Massachusetts will probably address the Senate for about 1 hour, and in view of the clock, whether there will be any business transacted after the address by the Senator from Massachusetts.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, I was not aware that the distinguished Senator from Massachusetts was planning to make a speech 1 hour in length. If that is the case, I do not think we should try to press for completion of the pending bill this afternoon. Some Senators have to go to New York and elsewhere for very important reasons. Then, too, there are at least three amendments, if not more, that will require some discussion and possibly a rollcall vote.

However, there is a continuing resolution that we should adopt in the Senate today if 700,000 postal employees are to receive their pay on Thursday, which is on the day after tomorrow. If this continuing resolution is not adopted, these 700,000 employees, I am told, will not be paid. The House of Representatives has already passed the continuing resolution. I think it is incumbent, therefore, upon the Senate likewise to pass the resolution quickly.

If we can complete action on that measure today I do not think we should attempt to do anything further today on the pending bill, by way of any votes.

Mr. DIRKSEN. Is the resolution ready to be submitted?

Mr. BYRD of West Virginia. The resolution is ready.

Mr. DIRKSEN. Would the Senator from Massachusetts yield for that purpose?

Mr. BROOKE. I yield.

Mr. DIRKSEN. I would suggest that the distinguished acting majority leader ask for immediate consideration of the resolution.

CONTINUING APPROPRIATIONS FOR POSTAL EMPLOYEES

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 782.

The PRESIDING OFFICER laid before the Senate House Joint Resolution 782, making further continuing appropriations for the fiscal year 1969, and for other purposes, which was read twice by its title.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BYRD of West Virginia. Mr. President, as I have already explained, unless the Senate adopts this continuing resolution, which was agreed to earlier by the House of Representatives, 700,000 postal employees will not receive their pay on Thursday of this week. The Postmaster General called me earlier today and he is very anxious for the Senate to act, because otherwise he will have no funds to meet his payroll. Here we are 48 hours away from payday for 700,000 postal employees, and I think it is important and imperative that the Senate today adopt the continuing resolution, House Joint Resolution 782.

I move the resolution's adoption.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 782) was ordered to a third reading, read the third time, and passed.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROOKE. Mr. President, I yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri may proceed for 5 minutes.

Mr. SYMINGTON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

KANSAS CITY DESERVES ADDED SERVICE TO PORTLAND-SEATTLE

Mr. SYMINGTON. Mr. President, I have had the opportunity since May 29 to review the decision in the Reopened Pacific Northwest-Southwest Service Investigation and am extremely disappointed that the Civil Aeronautics Board, by a 3-to-2 decision, on that date, again denied the much-needed competitive service between the Kansas City and Portland-Seattle markets.

Based on the statistics presented by city officials and civic leaders in asking reconsideration, it is all too clear that the present carrier—with one round-trip a day between Kansas City and Portland, and one round-trip a day between Kansas City and Seattle—is not providing the level of service merited.

It is significant to note that an examiner for the Civil Aeronautics Board, on two separate occasions, studied the needs of this market and on both occasions recommended that a competitive carrier be certified for this route. Further, this finding was substantiated by the Board's own staff, the Bureau of Operating Rights.

Based on these findings by the examiner and by the Board staff, it is not only disappointing but difficult to understand why three members of the Board persist in ruling that competitive service not be allowed.

I would hope Kansas City and Portland-Seattle representatives will file again as soon as possible for competitive service; and in the meantime, I would also hope the Senate Commerce Committee will look into the lack of competitive service, and therefore lack of adequate service in this market.

Mr. President, as further example of the feeling in Kansas City as to the inadequacy of present service to the Pacific Northwest, I ask unanimous consent to have printed at this point in the RECORD an editorial from the Kansas City Times of April 5, "An Air Ruling Shorts Kansas City and the Pacific Northwest."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN AIR RULING SHORTS KANSAS CITY AND THE PACIFIC NORTHWEST

The denial of expanded airline service between Kansas City and the Pacific Northwest by the Civil Aeronautics board is a most unfortunate and, we think, a misguided ruling. This rebuff to the self-considered best interests of both areas actually was executed by three of the CAB's five members. The two others agreed with the CAB's Bureau of Operating Rights and its examiner in the case—that a need exists for additional service on the Kansas City-Portland-Seattle route.

How sharply the 3-man CAB majority departed from the views of those directly concerned can be shown in the following facts:

The city government and the Chamber of Commerce here, after extensive studies of the potential market, requested the additional service to the Northwest.

So did the Pacific Northwest cities directly concerned, including civic and business interests. Seattle's bid also was actively supported by the attorney general of the state of Washington.

There were several applicants for a new connection between the two areas in addition to the route already served by United Air Lines. The choice, if there was to be one, narrowed between Trans World Airlines and Eastern Airlines. After lengthy hearings the CAB examiner recommended T. W. A. instead of Eastern which sought a mandatory stop at Kansas City on its St. Louis-Portland-Seattle route. Both T. W. A. and Eastern are convinced that the desired service is needed and can be made profitable. These hard-headed appraisals are based on economic surveys.

Air traffic is growing spectacularly year after year. Kansas City is one of the few large communities that has invested in a new airport specifically designed to handle the coming jumbo transports and other special requirements of the jet age. Moreover, air congestion is not a problem here as it is at most major aviation centers. Despite its readiness to take on expanded airline activities, Kansas City finds itself being brushed aside by a seemingly indifferent majority of the CAB's present members.

Parties in the case—which is separate from the Trans-Pacific case now under presidential review—can file exceptions to the board's negative ruling. But there is little hope at this time that the viewpoint of the 2-man minority will prevail.

It may be necessary to wait for a more enlightened majority attitude that could come with future changes in the CAB's membership. The problem is that the need for this route exists *now*. Kansas City and the Pacific Northwest have been badly served by the authority charged with organizing the nation's air network in the public's interest and convenience.

Mr. SYMINGTON. Mr. President, I also ask unanimous consent for insertion in the RECORD of a copy of the petition for reconsideration filed by the city of Kansas City and the Chamber of Commerce

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of Greater Kansas City in the Reopened Pacific Northwest-Southwest Service Investigation, a request that was subsequently denied by the Civil Aeronautics Board on May 29.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

[Before the Civil Aeronautics Board, Washington, D.C., Docket 15459, et al.]

IN THE MATTER OF THE REOPENED PACIFIC NORTHWEST-SOUTHWEST SERVICE INVESTIGATION

(Petition for reconsideration of Order 69–4–11 of the city of Kansas City, Mo., and the Chamber of Commerce of Greater Kansas City)

Kansas City is profoundly shocked by the Board majority's indifference to its urgent need for additional competitive service to the Pacific Northwest. After almost five years of proceedings and two Initial Decisions, both of which found a need for competitive service, a majority of the Board has now told Kansas City that it must continue to be the victim of United's extremely poor monopoly service to Seattle and Portland.

The citizens of Kansas City are incensed by this decision because they have gone "all out" to provide a new airport known as Kansas City International Airport, scheduled for opening by June 1, 1970 at an initial investment of more than $212 million. They are at a loss to understand why the Board (as well as other Federal agencies) would urge communities to expand their ground facilities to accommodate growing passenger traffic, present jets and superjets of the future, and then leave them high and dry. Demoralizing, hardly reflects the feeling in Kansas City. The conclusion of the majority that the Kansas City-Northwest market has no pressing need for competitive service is legally and factually unsupportable and should be reversed.

I. THE KANSAS CITY-SEATTLE/PORTLAND MARKET WILL GENERATE SUBSTANTIAL TRAFFIC WITH PROPER SERVICE AND IS LARGE ENOUGH TO JUSTIFY COMPETITION

In 1967, close to 25,000 O&D and connecting passengers moved between Kansas City and Seattle; another 14,000 such passengers travelled between Kansas City and Portland. Despite extremely poor service by United, traffic increased by about 17 percent over 1966. Using the Board's forecasting methodology employed in its decision—15% annual growth and 20% stimulation, a stimulation far too low in view of the market's underdevelopment—the Kansas City-Seattle market would reach 45,000 passengers by 1970 or 124 daily passengers—a level of traffic well in excess of the Board's 100 daily passenger criterion for competitive service. The Kansas City-Portland market would be close to 26,000 or 71 daily passengers.

The use of only a 20% stimulation factor is manifestly improper in the circumstances here. United operates only a single round trip in each of the markets. On the basis of the traffic experience in the St. Louis-Pacific Northwest markets where the traffic has increased *threefold* after Eastern's institution of service, it is not unreasonable to assume that the Kansas City markets in issue would be stimulated between 75% and 100%. Using the lower 75% stimulation factor, the Kansas City-Seattle market in 1970 would amount to 66,000 passengers or 180 daily passengers, the Kansas City-Portland market would reach 37,000 passengers or over 100 daily passengers. These volumes of traffic would clearly support competitive service, especially in view of United's minimal schedule pattern.

Clear evidence of the underdevelopment of Kansas City-Pacific Northwest markets is reflected in the surge of the St. Louis-Pacific Northwest traffic after Eastern's institution of a good pattern of service in the latter market. In 1966, before Eastern's service between St. Louis and the Pacific Northwest, the Kansas City market was 50% larger than the St. Louis market. In 1967, the roles were completely reversed with the St. Louis market being 70% larger.* With the institution of an adequate volume of service in the Kansas City markets, traffic response would be equally as dramatic as that of St. Louis.

We are at a loss to understand the Board's failure to take into account the connecting and beyond traffic that would flow over the Kansas City-Pacific Northwest segments. In its forecast for other markets in its decision, the Board includes connecting traffic, but disregards it in the case of Kansas City. More importantly, the Board's approach to beyond traffic at Kansas City is inconsistent with its approach at St. Louis. In its earlier decision, the Board found that "the ability to provide beyond St. Louis services is the selection for this route." And there is no factor or greatest importance in carrier question that beyond traffic has figured heavily in Eastern's St. Louis-Pacific Northwest operation. It would also be an extremely important element in providing a traffic pool for flights between Kansas City and the Pacific Northwest. Yet the Board ignores the availability of back up traffic in evaluating the Kansas City-Northwest markets' potential. Bearing in mind the emphasis placed by the Board in many other cases on beyond gateway traffic flows, we cannot understand why the Board discriminates here against Kansas City's position as a hub through which substantial volumes of traffic could be attracted en route to the Pacific Northwest. Furthermore, if the Board's objective to ease congestion at Chicago is ever going to be achieved, then it must turn to opportunities for relief such as Kansas City offers in this proceeding.

There can be no doubt that the traffic potential exists for additional service between Kansas City and the Pacific Northwest. It awaits development by a competitor for United, whose unbelievably poor service record holds out no prospect that the market will ever be adequately served or promoted.

II. UNITED'S SERVICE BETWEEN KANSAS CITY AND THE PACIFIC NORTHWEST HAS BEEN GROSSLY INADEQUATE

United has been authorized to serve the Kansas City-Pacific Northwest markets for over thirteen years. And after this long period of time United today operates but one round trip in each of the two markets, a single nonstop round trip between Seattle and Kansas City and a single non-stop round trip between Kansas City and Portland. For only a brief period in 1967 did one of the markets, Kansas City-Seattle, enjoy the "luxury" of two United flights. Against this background of poor service it is difficult to understand how the Board can conclude that the market receives a reasonable quantum of single-plane service. Moreover, single-carrier connecting service is extremely limited. As a result it is not surprising to find that in 1967 United carried only 65% of the Kansas City-Seattle traffic and 69.5% of the Kansas City-Portland traffic on a single-carrier basis.

The token service that United gives the Kansas City-Pacific Northwest market would be better not provided at all if it is going to be used by the Board as a reason for not granting badly needed competitive service. The St. Louis-Seattle market now, after less than 2 years of single-plane authorization, received 4 times the number of schedules that the once larger Kansas City-Seattle market receives. Surely Kansas City after thirteen years is entitled to something more than the bare minimum of service that United reluctantly offers. Competitive authority in the market is the only assurance that Kansas City will ever receive improved service to the Pacific Northwest.

CONCLUSION

The Kansas City-Seattle/Portland markets have suffered from more than a decade of negligence and indifference. The future, with only United in the markets, is bleak. Kansas City respectfully submits that competition in these markets is required by the public convenience and necessity.

Respectfully submitted.

HERBERT C. HOFFMAN,
City Counselor.
AARON A. WILSON, Jr.,
Deputy City Counselor.
(Attorneys for Kansas City, Mo., and the Chamber of Commerce of Greater Kansas City.)

Dated: April 18, 1969.

CERTIFICATE OF SERVICE

I hereby certify that I have, this day, served a copy of the foregoing Petition for Reconsideration of Order 69–4–11 of the City of Kansas City, Missouri and The Chamber of Commerce of Greater Kansas City upon each party of record in this proceeding by mailing a copy thereof, properly addressed, postage prepaid.

Dated at Kansas City, Missouri, this 18th day of April, 1969.

AARON A. WILSON, Jr.,
Deputy City Counselor.

Mr. SYMINGTON. Mr. President, I also ask unanimous consent for insertion in the RECORD of a letter from the able mayor of Kansas City, Hon. Ilus W. Davis, dated April 24, in which he presents the cogent arguments as to why there should be competitive service between the Kansas City and Portland-Seattle markets.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CITY OF KANSAS CITY, MO.,
April 24, 1969.

Hon. STUART SYMINGTON,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR SYMINGTON: Kansas City urgently requests your support of our motion to the Civil Aeronautics Board for reconsideration of their recent decision rejecting competitive air service between Kansas City and the Pacific Northwest. Their adverse decision in the *Reopened Pacific Northwest-Southwest Service Investigation, Docket 15459 et al.*, was a severe blow to the citizens of Kansas City.

This proceeding has gone on for almost five years and has included the Initial Decisions of two examiners, both of whom found a need for competitive service in these markets (Kansas City-Seattle-Portland). The only carrier serving Kansas City and the Pacific Northwest at the present time is United Airlines. After more than thirteen years United today operates but one round-trip in each of the two markets. It is difficult to understand how the Board can conclude that the market receives a reasonable quantum of single-plane service. The poor service of United is reflected in the fact that they carry only about 65% of the Kansas City-Northwest traffic, the balance obviously preferring connecting service (usually at Denver) offered at more convenient times.

In the first portion of this case, Eastern Airlines was certificated to serve St. Louis and the Pacific Northwest. In 1966, before Eastern's service between St. Louis and the

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*1967 traffic for St. Louis-Pacific Northwest markets based on last 2 quarters of year and then annualized to compensate for fact that St. Louis-Pacific Northwest service by Eastern did not begin until the middle of the year.

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Pacific Northwest, the Kansas City market was 50% larger than the St. Louis market. In 1967 (after institution of the service by Eastern) the roles were completely reversed with the St. Louis market being 70% larger. With the institution of an adequate volume of service in the Kansas City markets, traffic response should be equally as dramatic as that of St. Louis.

Our citizens are further disappointed by this decision because, as you know, they have gone "all out" to provide a new airport which is scheduled for opening by June 1, 1970 at an initial investment of more than $212 million. We are at a loss to understand why members of the Civil Aeronautics Board (as well as other Federal agencies including the Department of Transportation) would urge communities such as Kansas City to expand their airports to accommodate growing traffic and new super-jets, and then fail to provide additional needed service.

A copy of the Motion For Reconsideration is enclosed which gives a more detailed analysis of the traffic generating potential of Kansas City. It is significant to note that in 1967, with the sub-standard service offered by United, passenger traffic between Kansas City and Seattle was about 25,000 and between Kansas City and Portland, approximately 14,000.

Chairman John H. Crooker, Jr. and Member G. Joseph Minetti dissented in the Board's opinion and stated as follows: "In considering the long-range service needs of the markets in issue, we would have favored an award of competitive service authorization on the Kansas City-Seattle-Portland route."

I will appreciate any help that you might give us in seeking further service on this route.

Sincerely,

ILUS W. DAVIS,
Mayor.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. MAGNUSON. Mr. President, I wish to join with the distinguished Senator from Missouri in expressing great disappointment that there was a denial of the petition to have competitive service from this great middle western area into the Pacific Northwest gateway, which is technically the gateway to the Orient, airwise. I do not speak with reference to any particular airline.

I am particularly at a loss to understand this matter in view of the fact that the examiner and all of the staff, as far as I can tell, said that this was not only economically feasible, but also that it was reasonable to furnish this service between these points. Then I suggest to many people, as did the Senator from Missouri—that is the Seattle group which was called to Washington who represented the area—that the petitioners refile, based upon the examiner's report, all other reports, and every bit of evidence that we know of in this case. That was turned down again by the 3-to-2 decision.

I am at a loss to understand why the CAB so ruled.

This morning, the Commerce Committee—and the Senator from New Hampshire was there from the Aviation Subcommittee—began hearings on what we call an overall aviation bill on which the administration has sent up a proposal, together with several other proposals, to see what we can do about the problem of growing aviation in this country.

This decision, in my opinion, is so shortsighted because everyone knows who looks at commercial aviation, and the desire of the American people to use commercial aviation systems, that it will double in the next 10 years. Every bit of evidence points in that direction.

Well now, when they know that, to turn down their own examiner's report and the advice of people who say they have got to have it sooner or later and that this is the time to start it—they would like to have it sooner or later, but I would like to have it now, I would like to have it much sooner in connection with this area than we do now, going across the North into the great Twin Cities in the Chicago area and down to the South.

The board granted the same type of argument for the Pacific Northwest and places in between to the southwest Texas area, and also to New Orleans. It seems to me that the Kansas City areas have just been left out of this thing. All the movements are that way, particularly as the Senator from Missouri so well knows that in the growth of international aviation, this is one of the big gateways.

I join the Senator from Missouri in his remarks and I hope that the parties involved will refile and see what the board will say because the examiner's report is so clear, I have never known a case where the examiner was so positive and the people involved so sure that it was economically feasible.

Mr. President, it is the duty of the CAB to grant routes when, as a matter of policy, they find they are economically feasible, and to furnish that service to the American people.

Mr. SYMINGTON. First, let me thank the Senator from Massachusetts (Mr. BROOKE) for yielding for this colloquy, inasmuch as he has the floor at this time.

Second, I am very grateful to the Senator from Washington, who is chairman of the Commerce Committee which handles these matters, for his understanding and his comments with respect to this all-important problem.

Nor am I for any special airline. I am for the people of this country getting competitive service. This lack of service is and will seriously affect the economic development of my State, and all the Middle West.

Mr. MAGNUSON. Mr. President, let me ask one simple question, although the ramifications of some of these things are quite complex, but there was never any evidence at all—not one scintilla of evidence—that there would not be enough passengers to fill up the airplanes; am I not correct?

Mr. SYMINGTON. You certainly are. It is obvious that a gross injustice has been done to many people, despite the recommendations of the experts in this case.

Mr. EAGLETON. Mr. President, if the Senator from Massachusetts will yield to me for just 30 seconds, I will simply like to join in the sentiments expressed by my colleague (Mr. SYMINGTON), as well as those of the Senator from Washington (Mr. MAGNUSON).

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, announced that on June 13, 1969, the President had approved and signed the following act and joint resolution:

S. 537. An act for the relief of Noriko Susan Duke (Nakano); and

S.J. Res. 13. Joint resolution to provide for the reappointment of Dr. John Nicholas Brown as Citizen Regent of the Board of Regents of the Smithsonian Institution.

COMPARISON OF FEDERAL SALARIES WITH SALARIES PAID IN PRIVATE ENTERPRISE—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-131)

The PRESIDING OFFICER. The Chair lays before the Senate a message from the President of the United States, which, without being read, will be referred to the appropriate committee, and will be printed in the RECORD.

The message from the President was referred to the Committee on Post Office and Civil Service, as follows:

To the Congress of the United States:

I forward herewith the annual comparison of Federal salaries with the salaries paid in private enterprise, as provided by section 5302 of title 5, United States Code.

The report, prepared by the Director of the Bureau of the Budget and the Chairman of the Civil Service Commission, compares the present Federal statutory salary rates with average salary rates paid in private enterprise for the same levels of work, as reported in the Bureau of Labor Statistics Bulletin No. 1617, *National Survey of Professional, Administrative, Technical, and Clerical Pay, June 1968.*

Also transmitted is a copy of an Executive order promulgating the adjustments of statutory salary rates to become effective on the first day of the first pay period beginning on or after July 1, 1969. These adjustments were developed in the joint report from the Director and Chairman, and in accordance with the directions of section 212 of Public Law 90-206, the Federal Salary Act of 1967.

Public Law 90-206 provides that comparable adjustments shall be made, by administrative action of appropriate officers, in the salary rates of employees of the judicial and legislative branches and those of Agricultural Stabilization and Conservation County Committee employees.

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1969.*

SIXTH ANNUAL REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate a message from the

President of the United States, which, without being read, will be referred to the appropriate committee, and will be printed in the Record.

The message from the President was referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

Herewith I transmit to the Congress the Sixth Annual Report on Special International Exhibitions conducted during Fiscal Year 1968 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).

This report covers official United States participation in Trade Fair Exhibitions and the Montreal World's Fair through the U.S. Information Agency, Labor Missions and Exhibits arranged by the Department of Labor, and Trade Missions organized by the Department of Commerce.

Richard Nixon.

The White House, *June 17, 1969.*

NATIONAL ALLIANCE OF BUSINESSMEN

Mr. PROUTY. Mr. President, on Saturday, June 14, I was privileged to be one of the morning speakers during a national meeting of the National Alliance of Businessmen.

The distinguished Senator from Colorado (Mr. Dominick) delivered the meeting's main address, and outlined succinctly the essential role of the private sector in manpower training of the disadvantaged.

Senator Dominick's words embody one of the most explicit challenges to the private sector that I have had occasion to hear. With the feeling that my colleagues will wish to read the full text of Senator Dominick's remarks, I ask unanimous consent that it be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

The Role of the Private Sector, Particularly the NAB "Jobs" Program, in Manpower Training of the Disadvantaged

(By Senator Peter Dominick)

I am happy to be here today because of the opportunity to discuss with a group of self-starters in the business community something close to their hearts—good employees.

Let me say at the outset that if the tone of my remarks today sound serious it is because I am convinced the challenge we face is serious.

By your presence here—by your membership in the National Alliance of Businessmen, you have each indicated your willingness to help reduce poverty, unemployment and underemployment in the most meaningful way possible; by hiring the hard-core and training them. But when you take this approach, you are at once confronted with overcoming a fundamental barrier. Ever since you've been in business, you have sought the best type of worker available. Now, with the United States on the crest of the biggest economic wave in its history, you are being asked to throw aside your basic business instincts—and to hire people that would never have gotten past the plant gate in years past.

There are reasons—a whole collection of reasons—that dominate our news columns and outshine our TV spectaculars.

There are the riots, the demonstrations, the growing welfare rolls, and the critical circumstances of the poor. These have led some to desperate and questionable measures. There is the basic conviction—to which I hold fast—that all Americans should be guaranteed the opportunity to earn a good living. But there is the rather startling fact that the public employment service offices in the 50 states reported that in 1968 more than 350,000 jobs went unfilled at the end of every month.

I spoke of the growing welfare rolls. Certainly this is a major reason more people in government are turning to the private sector for help. This growth in existing rolls—plus millions standing by—is alarming in a time of heightened social consciousness, lean budgets, and a tight squeeze on the American taxpayer.

Earlier this week, as one of five panel members, I video-taped a one-hour program for ABC–TV entitled "The Welfare Game". You will see it on your home sets the evening of July 13th.

Before I turn to the theme which permeated the program, and why I believe its basic thrust presents a challenge to the private sector, let me briefly place the welfare picture in perspective.

We now have 9 million people receiving money payments—as distinguished from medical care—through Medicaid under the various federally assisted welfare programs. The total cost (federal, state, and local) for these payments last year was $5.7 billion.

Of the 9 million now on the rolls, 2.8 million are over 65, blind, or permanently and totally disabled. The size of this group remains relatively stable.

The remainder are in the largest and fastest growing group—Aid to Families With Dependent Children—which accounted for three-fourths of the increase in money payments in 1968. In this group are: 4.6 million children; and 1.6 million adults, 1.3 million of which are mothers.

The logical question which arises is where are the fathers, and why aren't they working and supporting their families? The best estimate of HEW gives the following profile: 5½% are dead, 12% are incapacitated, 5% are unemployed, over 75% are absent from home.

Estimates are that there are another 22 million people not on welfare, but living on submarginal incomes below the poverty line of approximately $3,300 for a family of four. In my judgment, this so-called poverty line of $3,300 is arbitrary and outdated. I don't see how we can expect four people to live for a year on that income in 1969.

I think you will agree with me that the present welfare system in this country isn't working, and must be changed.

For those who must be on relief, we can provide a national standard to avoid the wide disparity we now have among the 50 states. We can make the AFDC-Unemployed Fathers program mandatory, rather than optional with the states. The budget for the one-year-old Work Incentives Program (WIN), which requires mandatory referral by welfare agencies of all appropriate adults to manpower services, has been *increased* by President Nixon. I think we can increase work incentives even further. The number of day care slots for children of parents in the WIN program has been increased almost fourfold.

The present welfare system results in fathers abandoning their families. They can't find enough work on their own. Their children cannot receive welfare if they stay at home. We must change that system. We have two choices—find jobs and employment for these fathers or just guarantee a minimum income for every family.

But I think one of the most heartening aspects of the Nixon budget is the recognition it has given to the need for research on solutions to the welfare crisis. Last year funds set aside for research amounted to one-tenth of 1% of maintenance payments. This money, too, has been increased by nearly 4 times. Pilot programs are now underway or soon will be testing the validity of theories about which we are hearing so much—the negative income tax, children's allowances, etc.

Well, where does all this leave the private sector, and in particular your program—Job Opportunities in the Business Sector?

The central theme which you will detect in the TV program is that 4 of the 5 panelists—not including myself—take the position that the objective is to find as many of those additional 22 million people as possible who may be eligible for welfare and get them on the rolls with a guaranteed income. I believe we should be concentrating on locating those now on the rolls who may be either employable or trainable and place them in productive jobs. The same argument for locating and placing the employable and trainable applies to that larger low-income group, who we should be trying to keep off the rolls.

In a nutshell, that feathered war spear has been hurled into the ground and we have been challenged to pick it up.

Let's look first at the private sector, then at the JOBS program. One of the biggest difficulties historically is matching the jobs with the jobless. I mentioned that 350,000 jobs went unfilled at the end of every month in 1968. In the case of those who apply for welfare, job referrals under the Work Incentive Program are making an impact. Welfare payments to an individual under this program are decreased as his or her earnings increase. In Denver, for instance, they were able to reduce welfare payments under the AFDC–Unemployed Father Program by $25 per case during the first three months of this year.

A national job skills bank—something which I have long advocated—could make a major contribution to matching jobs with people. Utilizing modern data processing equipment, such a facility could catalogue unfilled jobs and the needs of individuals and serve as a channel of communication. Skills banks are already operational on a regional basis. One operated by the S.E.R. program (Service-Employment-Redevelopment) has provided job placements to 640 people in the Denver Metropolitan Area.

Decentralization of industry location can also be of substantial significance. By this I mean placement of new plants not only in the ghetto, but in rural areas which also are in need of economic revival. As illustrations we have the selection of Windsor, Colorado, for a new Eastman-Kodak plant. IBM went to Niwot, Colorado. Soon a new plant of another firm will be going into a rural area of Georgia.

Tax credits to employers to encourage training and upgrading of the disadvantaged—the proposed Human Investment Act—is something of which I know you are all aware and which I continue to support.

This brings me to this effort you call Job Opportunities in the Business Sector.

You started the attack a year ago and achieved some startling results. It may be called cheating, but I notice the results were so good the goals have been raised. Originally, 500,000 hard-core disadvantaged were to be hired and in training by June 1971; now, it's 614,000. You began in the 50 largest metropolitan areas in the Nation; now, you're adding the next 75 largest. Your first year's goal of 100,000 has been surpassed with the hiring of nearly 180,000 and nearly 100,000 in training. Your goal for June of next year has been raised to 338,000.

A profile of the average JOBS trainee shows you are reaching a severely disadvantaged group.

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The average trainee has a family income of $2600/year, and has completed less than 11 years of schooling.

Over 90% or members of minority groups, including 76% Negro and 13% Mexican-American.

Frankly, there are two factors which I think really stand out in the JOBS program.

First, unlike many other manpower training programs, the hard-core worker begins with a job and income. Then he is trained.

Second, the relatively low cost of $3,000 per trainee for those hired under contract funding to help companies offset the extraordinary costs of hiring and training the hard-core is itself salutary. But even more significant is the fact that for every job provided with this government reimbursement, businessmen have added three jobs and absorbed the extra costs themselves. There is, in essence, a multiplier effect of 3 to 1.

This additional effort, at no cost to the government, is an act of faith on the part of business and industry. Yet, it is this act of faith which is our biggest challenge. We must interest the businessmen in your communities in the JOBS program. We must persuade companies that hiring the disadvantaged can be good business. And we will need to coordinate the activities of businessmen with government when this coordination is necessary.

The Federal Government and in many cases state and local governments are ready and able to assist those companies that need financial or technical assistance to conduct these on-the-job training programs. Thousands of companies have gained experience in training the jobless since the first manpower act was passed in 1962. This experience has not been wasted as the efforts of the National Alliance of Businessmen attest. The business community has been more than ready to take up JOBS contracts when there has been previous good experience with the Labor Department's on-the-job training contracts.

Our efforts at expanding the JOBS program may meet their biggest challenge when the targets are among those communities and firms where experience with the government has been small or nonexistent.

What is the Labor Department in the Nixon Administration doing to eliminate red-tape and make it easier for a business to participate?

The time element, usually a factor in deciding to particiapte, has been reduced dramatically. A maximum of three to four weeks is all that it takes for a proposal to be approved.

Approvals of proposals have been left entirely up to the discretion of the Regional Manpower Administrators, giving the contracting procedures a "one-stop" flavor.

To help cut the time further, the original proposal of the company becomes the heart of the contract when the proposal is accepted, eliminating the need for new presentations.

Furthermore, the unit-cost feature of these contracts eliminates the need for individual cost accounting records for each trainee. The government and the contractor agree that the firm will receive "X" dollars per trainee, period.

On top of the streamlining of services, the Labor Department has worked out some special features for the latest round of JOBS contracts for the 125 city areas. Financial assistance will be made available for the upgrading of workers in entry or low-paying jobs. Contract periods have been reduced from 24 months to 18 months and training periods from 12 months to nine months.

The upgrading feature adds a new dimension to the JOBS program, helping to provide assistance to employers who plan to build career ladders for their basic employees. Employers who have been hiring and training workers under previous JOBS contracts will have a chance to apply for upgrading funds. So will new contractors who will be hiring and training entry-level disadvantaged workers.

This upgrading feature was added to the JOBS program because you wanted it and the Federal Government agreed to it—because it made sense. Some of the larger contracts had jobs and training programs in occupations that did not seem like much to the casual observer. The occupations were basic, entry-level jobs for people who had little or no experience or training. Once hired by the companies and trained up to an efficient level of production or service, were these people to remain there? Business, labor and government said no. The upgrading feature has been introduced to prevent impacting—jamming up company rosters with entry-level jobs and no upward movement for the employees without further training.

Thus, upgrading is an important feature of any job training program. It is as important to the person already employed as it is to the person entering the job door for the first time.

The Nixon Administration means business when it talks about job training for the hard-core.

We have heard a great hue and cry about the reduction in the Job Corps. This decision was based on the determination that complete residential services are not essential for all Job Corps enrollees, that training is not always best provided at a great distance from the enrollees home, and that Jobs Corps centers should not be operated as isolated entities divorced from other manpower programs. The Job Corps is not being abolished. Recruiting is expected to resume under a reorganized program soon.

But let's look briefly at the commitment President Nixon has made which has not made the headlines:

The budget for the JOBS program has been increased by $200 million, more than twice that of last year.

In 1964, there were only 27,000 training opportunities for youth in all manpower programs. The Nixon budget contains 368,600.

The budget request for all manpower programs is $2.3 billion, an increase of $368 million over last year. It will provide more than 1 million people a new chance.

Unquestionably, the President is expanding job placement and training services for the poor, not curtailing them.

With this unprecedented outlay for the betterment of our human resources, there also comes an unprecedented focus of attention on the private sector.

Will the private sector accomplish the task that its leadership says it can do?

A key element will be the strength of the support which we receive in each of your communities.

And let's keep in mind that our efforts must include all businessmen, small and large. Small businessmen can, and in fact have, banded together in groups to operate JOBS programs. The Labor Department, for instance, has about 1,000 JOBS contracts to date, but more than 2,400 companies are involved. The difference is the 80 groups.

I continue to feel that the greatest resource in America is private initiative. Recognition of this principle came in the May, 1969, presentation to the Congress by the Office of Economic Opportunity in these words:

"The success of the National Alliance of Businessmen in developing new job openings for the disadvantaged has made JOBS the most promising manpower program in the entire anti-poverty effort."

In closing, I would say that the United States has truly turned the corner in terms of its future greatness. There is no doubt in my mind that the tremendous interest being taken by the business community in training less fortunate Americans for jobs and decent lives is the one great factor that has been missing in the social scheme of things. True, the businessman's lot has been made a bit more difficult. A few years ago there would have been a cry about businessmen having to coddle new workers, having to use capital for nonproductive purposes, having to hire people they would have thought twice about. But, what he has been gaining because he cares, what he has been gaining because he understands, what he has been gaining because he has a conscience, is America's gain in the long run.

SENATE RESOLUTION 211—SUBMISSION OF A RESOLUTION RELATING TO ARMS CONTROL, MIRV, AND NATIONAL SECURITY

Mr. BROOKE. Mr. President, I am submitting today, on behalf of myself and Senators Case, Cranston, Cook, Eagleton, Percy, Saxbe, Hatfield, Pearson, Mathias, Nelson, Hart, Pell, Mondale, Metcalf, Williams of New Jersey, McGovern, Young of Ohio, Moss, Tydings, McCarthy, Proxmire, Church, Bayh, Hughes, McIntyre, Randolph, Harris, Gravel, Inouye, Kennedy, Muskie, McGee, Cooper, Javits, Goodell, Yarborough, Packwood, Mansfield, and Montoya, a resolution to express the sense of the Senate on a matter of the greatest urgency, the prospective strategic arms negotiations with the Soviet Union and the special problems posed for those negotiations by the continued testing of MIRV—multiple independently targetable reentry vehicles. In submitting this resolution we are seeking to convey both a general concern that the negotiations be expedited, and a specific opinion that they are less likely to succeed if the development and deployment of MIRV systems are completed.

We are lending our support to one recommendation in particular, that the President seek immediately a joint Soviet-American suspension of MIRV flight tests as a way of preserving the opportunity to forestall deployment of this dangerous technology, an opportunity that will not long remain open to us. To seize that opportunity will require an act of bold and decisive leadership on the part of both the Soviet Union and the United States.

Let me begin by stating briefly the main contentions on which this resolution is grounded:

First. MIRV deployment, which will be difficult to monitor if testing continues, will create extraordinary difficulties for verifying compliance with an agreement on arms limitations.

Second. MIRV systems will seriously jeopardize the stability of mutual deterrence, by increasing the vulnerability of hardened missile silos.

Third. MIRV will be unnecessary to penetrate ABM defenses unless extensive and thick city defenses are erected; the leadtime to perfect and deploy MIRV is shorter than the leadtime to build this kind of ABM system.

Fourth. MIRV will be less likely to enter the operational forces unless extensive test programs afford high confidence in the system's reliability and accuracy. Hence a mutual suspension of

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MIRV testing can be a decisive lever on the arms race.

There has been much discussion in recent weeks of MIRV testing and its likely impact on the long-planned strategic arms limitation talks. Having grappled with this question for many months, I would like to summarize the central considerations which have led me and many other Members of this body to the view that a joint test suspension could be a vital contribution to our efforts to curtail the arms race, to reduce the risks of nuclear war, and eventually to free greater resources for the critical domestic needs facing this country and the Soviet Union.

As I mentioned in the debate yesterday, the rising hopes for effective strategic arms control have rested on a combination of political and technological developments which have created virtually unique conditions for such an endeavor.

After a lengthy period of U.S. strategic superiority, recent years have brought the two great powers into rough equilibrium, so far as the overall levels of their strategic forces are concerned. Despite qualitative and some numerical differences in their force structures, both sides have achieved a clear measure of what Secretary McNamara called assured destruction capability, that is, neither side could hope to destroy so many of the other's strategic weapons that it could escape an utterly devastating second strike. In short, the United States and the Soviet Union have entered an era of mutual deterrence.

At the same time, despite the extraordinary secrecy surrounding the Soviet Union's military programs, new technology has been perfected to allow both sides to maintain a reasonable degree of surveillance over the number and general characteristics of strategic weapons being tested and deployed. Thus, one of the fundamental pressures for ever-increasing weaponry, the need to hedge against largely unknown force levels on the other side, has been relaxed. And this same technology opens the possibility of verifying compliance with certain types of arms limitations without the kind of intrusive inspection that we have been unable to achieve in past negotiations with the Soviet Union.

These new conditions, coupled with a growing awareness that thermonuclear war would be suicidal, have brought both nations to express serious interest in freezing strategic force levels. Such a freeze is likely to be the principal objective of the proposed SALT talks.

But the conditions which favor strategic stability are gravely threatened by a whole new generation of weapons now on the horizon. This is especially true of MIRV. Once testing is completed of these systems, without detailed inspection it will be impossible to tell whether a missile has one or many warheads. Each side will have to presume that any missile that can be MIRV'ed, will be MIRV'ed. In a very short period estimates of effective force levels on both sides will have to be revised upward drastically.

Viewing the SS-9, the United States will have to make major compensating changes in its own strategic inventory. Viewing the Poseidon and Minuteman III, the Soviet Union will feel obliged to make similar adjustments in its forces. In short, the arms race will jump to a new plateau, with dread consequences for mankind's hopes for stable peace and with dire consequences for mankind's hopes to concentrate its resources of human needs.

It is not only that such an escalation of the arms race will be costly, though it certainly will be. Even more menacing to our interests is that likelihood that such a trend can only detract from the margin of security which we and the Soviets now enjoy. In a situation in which both nations possess a highly accurate MIRV capability, there is the grave danger that, at a moment of acute crisis, the possibility of a preemptive counterforce strike will rise. Why is this so?

For many years now the United States and the Soviet Union have been engaged in a quest for invulnerable retaliatory forces. There has been solid understanding on both sides that such invulnerability is essential to provide an assured capacity to retaliate against any first strike. By making sure of its retaliatory capacity, each side could reduce to very low levels the probability of any attempt to disarm it by attacking its strategic forces. The invulnerable retaliatory force, then, is the bedrock of mutual deterrence. And development which threatens those forces, necessarily erodes the barriers to war.

President Nixon made this point clear in his remarks of March 14. He specifically rejected a deployment of a massive city defense because such a system tends to be more provocative in terms of making credible a first-strike capability against the Soviet Union. And he added, "I want no provocation which might deter arms talks." The President, on similar grounds, declined to endorse an increase in our offensive capability because it would be provocative to the Soviet Union and might escalate the arms race. In developing his views on these matters, the President has displayed commendable insight and restraint.

The great difficulty with the prospective deployment of MIRV technology is that it is a de facto multiplication of offensive capability. As such it is indeed highly provocative, it complicates the arms talks, and it presents a direct threat to mutual deterrence. When either side achieves a sufficiently accurate MIRV capability, it will have a significant capability to reduce the other side's retaliatory forces. In sum, MIRV is incompatible with the sensible strategic doctrine President Nixon has enunciated for the security of both the United States and the Soviet Union.

It is, of course, wrong to imply that the U.S. MIRV technology is identical in purpose or characteristics to the multiple warhead technology which has been observed in the Soviet Union's test programs. The U.S. systems involve much smaller warheads and are designed to penetrate an anticipated ABM defense. This country does not seek a first-strike capability against the Soviet Union.

If the somewhat ambiguous tests which the Soviets have been conducting turn out to be a true MIRV capability, we must frankly face the fact that it looks far more like a system designed for counterforce purposes than for penetration. There have been few more disturbing activities on the part of the Soviet Union, and I trust that the intense public discussion of these issues has already made evident to Moscow that its tests with the SS-9 are highly provocative and not helpful to the pending arms control efforts. But these developments only add greater urgency to precisely the point being made by the resolution I offer today, namely, the paramount importance of curbing MIRV technology.

While the U.S. MIRV effort is certainly not designed to disarm the Soviet Union, it is ambiguous. Once deployed, operational testing and guidance modifications could give the force increasingly precise delivery. With greater precision, the force would eventually acquire a growing capability against hardened missile silos. And it is this anticipation of emerging counterforce capability on which both sides are likely to base their force planning and posture decisions. In this manner the very notion of a meaningful strategic freeze will be called into question and the arms race will very likely continue at a higher and more frenetic pitch.

Not only is MIRV technology in conflict with the goal of stable deterrence; from the U.S. standpoint, it is also premature and unnecessary. While the MIRV concept was developed from a variety of origins, and with a variety of missions in mind, the stated mission on which the decision to proceed with Poseidon and Minuteman III was based was to penetrate an expected heavy ABM system in the 1970's. So far that type of heavy ABM deployment has not materialized.

For the Soviet Union to carry out such a deployment, involving either the early technology of the Galosh system or more advanced components, would require several years. Completion of the U.S. MIRV test program could be accomplished in a few months and deployment could take place in a shorter time than would be required for a Soviet ABM. It is evident that there is no present need for MIRV in the U.S. inventory, and it would be foolish indeed to allow some outmoded technological schedule to deprive the United States and the Soviet Union of an unprecedented chance to achieve meaningful strategic arms control. The risks involved in delaying the U.S. MIRV tests are minimal, and the possible gains to our security from arranging a joint suspension of MIRV tests as a prelude to limiting MIRV deployment are very high.

There are many points of agreement among persons most fully informed about these issues. It is clear that the prospective vulnerability of land-based missiles would be greatly reduced if the Soviet Union can be persuaded that we have a mutual interest in foregoing MIRV development and deployment. It is clear that if the U.S. program is completed, it will be exceedingly difficult to dissuade the Soviet from deploying com-

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parable systems. It is clear that many tests are required to demonstrate with confidence the high accuracies that would make MIRV a counterforce threat.

In the judgment of knowledgeable people in the technical and intelligence communities, it would not be feasible to complete such an elaborate series of tests and to carry out a large-scale deployment of MIRVable missiles in secret. The diverse and extensive intelligence capabilities, particularly of the United States, make it likely that any attempt to complete such tests clandestinely would be discovered.

While one may conceive ways to conduct one or two tests, or partial tests, without revealing that they are related to a MIRV program, there is little likelihood that a party could clandestinely complete a full-scale test program sufficient to justify the costs and risks of an actual deployment. Moreover, to engage in such tests in violation of such an agreed moratorium would entail grave risks of discovery, with the definite probability that agreed mutual arms control would no longer be considered. If, as we have reason to believe, the two nations now recognize a common interest in seeking to curb the strategic competition, the risks of trying to exploit a moratorium to gain a temporary advantage seem too great to run.

And the main point should be emphasized. By rational assessment, each side has a larger interest in persuading the other side not to introduce MIRV systems than it has in deploying MIRV technology of its own.

It is also clear that a mutual suspension of flight tests will not suffice to prevent deployment of MIRV. The proposal advanced in this resolution does nothing more than buy time for the negotiations to devise additional barriers to MIRV deployment.

One can already specify some of the issues which will have to be resolved in those negotiations if MIRV competition is to be avoided. There will have to be agreement on limiting the number of delivery vehicles on each side. In particular, assuming that the Soviet Union recognizes a common interest in preventing MIRV deployment, it will have to accept a limit on the number of MIRVable boosters, especially the SS-9, if the United States is to refrain from MIRVing its land based and SLBM force.

In addition there will have to be agreed limits on the types and levels of ABM deployment in which the two countries can engage. If the Soviets pursue the kind of thick city defense which the United States has already foresworn, the pressure to maintain the U.S. deterrent by deploying MIRV is bound to grow. Similarly, unless some controls on antisubmarine warfare are arranged, concern over possible vulnerability of the Polaris fleet and its Soviet counterpart will tend to induce both sides to multiply their offensive forces by MIRVing, as a means of insuring their second-strike capacity.

Unless progress is measurable on such issues as these, it is doubtful that a MIRV flight test moratorium will survive. But coupled with emerging arrangements on these questions, the restraint of a test moratorium will be reinforced. Gradually and in these ways, barriers can be erected to the technological determinism which has shaped so much of the contemporary contest in strategic weaponry.

No one aspect of the arms race can be handled in isolation. Its many dimensions must be grasped, and we must learn to cope with them simultaneously. That is the task before the planned SALT talks. But the situation in which those talks proceed is not static, and we cannot afford the luxury of a leisurely attitude toward them. The opportunities before us today are not permanent ones, as I hope this discussion makes clear. The policy recommended by this resolution would preserve one of the most vital opportunities in this history of the arms race.

If the negotiations fail, the pressure for MIRV and for ABM will rise. If the negotiations succeed, the pressure will decline. In other words, if it is possible to negotiate adequate guarantees for mutual security in these realms, the motive forces of the arms race will weaken. If it does not prove possible to do so, those forces will drive both sides into another intense phase of weapons competition.

When confronting such stark alternatives, surely there can be no doubt which is preferable. This resolution is a call for one modest step to keep open the option of meaningful arms limitation. I believe it speaks for itself in expressing to the Nation, to the Soviet Union, and to other interested parties that a substantial body of Senators have concluded that every reasonable effort should be made to expedite arms negotiations and to forestall the deployment of MIRV systems.

That is the message we seek to convey.

I ask unanimous consent that the proposed resolution be printed at this point in the Record, and I commend it to the attention of other Members of the legislative and executive branches.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, will be printed in the Record.

The resolution (S. Res. 211) was referred to the Committee on Foreign Relations, as follows:

S. Res. 211

Whereas the competition to develop and deploy strategic weapons has reached a new and dangerous phase, which threatens to frustrate attempts to negotiate significant arms limitations and weaken the stability of nuclear deterrence as a barrier to war; and

Whereas development of multiple independently targetable re-entry vehicles by both the United States and the Soviet Union represents a fundamental and radical challenge to such stability; and

Whereas the possibility of agreed controls over strategic forces appears likely to diminish greatly if testing and deployment of multiple independently targetable re-entry vehicles proceed; and

Whereas a suspension of flight tests of multiple independently targetable re-entry vehicles promises to forestall deployment of such provocative weapons; and

Whereas a suspension of such tests could contribute substantially to the success of prospective strategic arms negotiations between the United States and the Soviet Union; Now, therefore be it

Resolved, That the Government of the United States should seek prompt negotiations with the Union of Soviet Socialist Republics to reach agreement on limiting both offensive and defensive strategic weapons; and

Resolved further, That it is the sense of the Senate that the President should urgently propose to the Government of the Union of Soviet Socialist Republics an immediate suspension by the United States and the Union of Soviet Socialist Republics of flight tests of multiple independently targetable re-entry vehicles, subject to national verification or such other measures of observation and inspection as may be appropriate; and

Resolved further, That the Government of the United States should declare its intention to refrain from additional flight tests of multiple independently targetable re-entry vehicles so long as the Soviet Union does so.

Mr. BROOKE. Mr. President, I ask unanimous consent to add to the list of cosponsors of the resolution the name of the Senator from Montana (Mr. Mansfield).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, will the Senator yield?

Mr. BROOKE. I am happy to yield to the distinguished Senator from New Jersey.

Mr. CASE. Mr. President, the Senate of the United States and the people of the United States deserve more contributions of the kind that the Senator from Massachusetts has just made. We need such contributions. I am most happy to be associated with the Senator in this particular effort. It is right, and it is necessary.

It is very necessary that the legislative branch, and particularly the Senate, take the initiative here, because it seems clear, I am sorry to say, that at least the Defense Department is accepting the inevitability of the MIRVing of all our weapons and all the Soviet weapons. I do not say this lightly. In the June 23 issue of Newsweek magazine, there is published a statement, which cannot be taken as other than authoritative, of the view of the Pentagon. I ask unanimous consent that an excerpt from the article entitled "Nixon Says Yes to Arms Talks," published in Newsweek for June 23, 1969, be printed in the Record at this point.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Pentagon officials, particularly Secretary of Defense Laird, support the arms-limitation talks as a means to achieve a nuclear standoff, or mutual deterrence, without going into a runaway arms race that could cost $100 billion and would not improve U.S. defenses.

Laird has doubts and reservations about just how far the arms-control agreements would go, but the suggestion is that he would accept a "freeze" at present rough parity levels, with some mutual escalation He is less eager to go into arms cutbacks, because reductions are difficult to supervise, inspect, verify and control.

But he is willing to accept the concept of reasonable parity between the two nuclear superpowers: Laird's thinking embraces these points:

Both the U.S. and the Soviets require an ABM system as protection against Red China. The arms agreement would start from that mutual requirement for a defense against a Red Chinese ICBM threat in the mid-1970s.

The U.S. and the Soviets have currently achieved a rough parity in ICBM's. The installation of MIRV warheads is inevitable technologically, and the clock cannot be turned back. The U.S. is ahead in MIRV technology, but the Soviets are gaining. It is an anachronism to talk about stopping MIRV now—and each side assumes that the other's ICBM's will eventually be armed with the maximum number of warheads possible with MIRV. However, the U.S. is now ready to agree to hold its ICBM's to 1,000 Minutemen and 54 of the big Titan II ICBM's, provided the Soviets will hold their ICBM's, to the 1,200 they now have operational or under construction. That is considered reasonable parity.

Some understanding will have to be reached on the Polaris-missile submarines. The U.S. is willing to agree not to build any more Polaris submarines, or to scrap one for each new one built with the same number of missiles. The Soviets have about eight or nine "Yankee" (U.S. term) missile submarines similar to Polaris. If the Soviets agree not to build more than two dozen or so, the U.S. might agree to scrap ten old subs from among the 41 Polaris submarines. Or the U.S. might be able to persuade the Kremlin that the American lead in submarine missiles is offset by Russia's geographical advantages and superiority in land-based ICBM's, and particularly the giant SS–9 missiles.

The U.S. would urge the Soviet to deploy their future improved ABM around their ICBM sites and to provide area coverage against the expected small Red Chinese threat. The Soviets have 67 Galosh ABM missiles currently deployed around Moscow. The U.S. has no deployed ABM's, but the U.S. deployment would proceed as it is now scheduled, with Soviet concurrence.

Strategic bomber forces would be frozen or reduced.

At present the U.S. has about a 3-to-1 lead over the Soviets in nuclear weapons. The U.S. has 1,000 Minuteman ICBM's, 54 Titan II ICBM's, 656 Polaris missiles, and about 549 big jet bombers (about half on ground alert with four 1-megaton bombs each). The Soviets have about 1,100 ICBM's, 100 more under construction, about 144 Yankee submarine missiles, and about 150 bombers. (The Russians also have a small number of submarines with shorter-range missiles and about 800 medium-range ballistic missiles that do not directly affect U.S. strategic forces.) The last official count of U.S. and Soviet deliverable nuclear warheads showed 4,200 U.S. against 1,200 Soviet as of last September 1. This ratio has narrowed to about 3 to 1 in recent months. If the U.S. and the Soviets install MIRV warheads in the next few years, the count (if not the ratio) could multiply because the U.S., for its part, plans from three to a dozen or more warheads per missile booster.

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Laird has endorsed arms-control talks to prevent a new nuclear arms race. He has argued that a U.S. ABM deployment would not deter strategic arms talks. In fact, he has said that "we are in a better negotiating position if we have both defensive and offensive systems to discuss." He leaves the clear impression that he does not expect SALT agreement much before 1973—at least a year before his ABM sites could be built in Montana and North Dakota.

To sum up, Laird bases his concept of nuclear-arms stability or parity upon the eventual deployment of a thin ABM system on each side for defense, plus parity in offensive weapons. This is the heart of the Nixon-Laird-Packard approach on nuclear-arms control. They do not want to escalate or provoke the arms race but to cool it off, freeze it, and, if possible, persuade the Soviets to halt their recent upsurge in ICBM and submarine-missile production.

Mr. CASE. The article makes it very clear that in Newsweek's view the Pentagon regards the completion of this testing and the full deployment of MIRV an inexorable inevitability.

I cannot accept that view, because it would mean, as the Senator from Massachusetts so well pointed out yesterday, today, and earlier, that if we ever do arrive at any kind of an agreement for limitation of arms, it will be at a level so much higher than now that the danger will be unbearable.

The initiative has to be taken by the legislative branch if the executive branch is unwilling to make the effort to keep arms escalation and deployment of arms on both sides of a tolerable level. Therefore, I am especially happy that the Senator from Massachusetts has succeeded so very well in interesting the Members of this body in his persistent and unflagging effort to gain supporters for his resolution and for this cause; and I am enormously happy, too, that we have every prospect of having his resolution and mine, Senate Resolution 210, heard by the Committee on Foreign Relations and action taken upon them within the very near future, because this is a matter in which we do not have months and years of grace.

We have perhaps, at the most, not many weeks. I commend the Senator from Massachusetts, and I thank him as a citizen as well as a Senator for his initiative.

Mr. BROOKE. Mr. President, I am both pleased and honored to have the support of the distinguished Senator from New Jersey (Mr. CASE). The Senator from New Jersey has been in the forefront of the leadership of those of us in the legislative branch of the Government who have been seriously concerned about the ever-increasing arms race and the delay in the commencement of arms control talks and negotiations.

Yesterday, in a brilliant discussion of this issue on the floor of the Senate, the Senator made a rich contribution to the concept of this resolution.

I thank him for the support which he has rendered the Senate, which has enabled us to have so many of our colleagues join in the effort. I repeat that it is an honor to have the Senator from New Jersey associated with me on the resolution.

I also want to thank the Senator for calling to the attention of the Senate the article in Newsweek and for succinctly and meticulously pointing out what obviously now would appear to be the fact—that there are those in our Government who accept the inevitability of the MIRVing of the U.S. forces and Soviet forces.

The Senator knows well, as we all know, that if ever that key is really out of the box and if we do have a MIRVing of the Soviet SS–9, it will be difficult, if not impossible, to get on with arms control and negotiations that could bring an end to the nuclear race and free much-needed money to solve the problems existing in our country.

The Senator from New Jersey has long been a very distinguished member of the Committee on Foreign Relations. He has stood for national security. In endorsing and supporting the resolution, the Senator stands for national security. And our national security is best served if we are able to bring about a cessation and suspension of MIRV technology, not 1 month from today and not 1 year from today, but now.

I thank the distinguished senior Senator from New Jersey.

Mr. CASE. Mr. President, I am most grateful and highly honored. I could not agree more with the proposition announced by the Senator from Massachusetts that we must stabilize the level of armaments in the world at a tolerable place.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. CRANSTON. Mr. President, the Senator from Massachusetts has made a profoundly careful and thoughtful statement of the logic that lies behind his resolution.

Fortunately, the Senator has not only made his statement, but has also had the creativity to devise a way of bringing the rationale behind it forcefully to the attention of the country and its leadership. The Senator has been successful in mobilizing a very substantial portion of the Senate on both sides of the aisle representing many divergent views behind this particular approach to the search for an end to the arms race.

I believe we have no greater hope than that which lies in this approach, revolving particularly around MIRV and the related ABM system, to bring an end to the arms race. I hope we go beyond this resolution to positive action by our Nation in concert with positive action by the Soviet Union to end the threat that MIRV will be further tested and then deployed.

I think the historians will say that when the Senator from Massachusetts took this step, he took a crucial step that may have turned us back from the brink of atomic holocaust.

I thank the Senator for his great and important leadership.

Mr. BROOKE. Mr. President, I thank the distinguished junior Senator from California for his kind and generous remarks.

Mr. President, when the subject of MIRV was first introduced, the junior Senator from California was one of the first to grasp the significance, the importance, and the seriousness of the issue. The Senator has not only associated himself with the matter as a supporter of the resolution, he has also been an active worker in talking with Members of the Senate and gaining the support of many on his own side of the aisle who have joined in cosponsoring the resolution.

I want the Senator to know, as he is now serving his first term, that he is truly a welcome addition to the U.S. Senate. He certainly is a welcome supporter and cosponsor of the resolution.

I express to him my gratitude for all he has done to get the support that we have been able to muster in order to bring the matter before the administration, the Nation, and the world.

I thank the distinguished junior Senator from California for his rich contribution.

Mr. GRIFFIN. Mr. President, would the Senator yield?

Mr. BROOKE. I yield.

Mr. GRIFFIN. Mr. President, I thank

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the Senator from Massachusetts for yielding. Let me say that although I am not a cosponsor of the resolution, I may very well support the resolution if it should come to a vote.

The junior Senator from Massachusetts has performed a great service by providing a thoughtful statement on this critically important matter.

As a member of the Senate Committee on Armed Services, I know he has personal access to a great deal of information which the junior Senator from Michigan has not, as yet, had the opportunity to review.

Accordingly, I believe that the President ought to give very serious consideration to the proposal of the junior Senator from Massachusetts. I happen to support the President's proposal for a limited Safeguard ABM system. If we hope to achieve meaningful arms-control agreement with the Soviet Union, I believe it is important not to pull the rug out from under our chief negotiator as he is about to take his seat at the negotiating table.

Of course, I respect those who disagree with the President, but I think that at this point in history, with the arguments as closely balanced on this issue as they are, the Senate should defer to the President's judgment as to what is needed to achieve meaningful arms control agreement with the Soviets.

Mr. President, I want to be on record as commending the junior Senator from Massachusetts for making what I consider to be a very important contribution to the debate on this important subject.

Mr. BROOKE. Mr. President, I thank the distinguished junior Senator from Michigan for his contribution to the debate. I assure the Senator that in submitting the resolution I do so in my best judgment, and with my best conscience.

I agree with him that we are hopeful that the President soon will enter into negotiations on arms control. We want to equip him well for his mission.

Unquestionably, I feel that the most important subject of any arms control talks would be the subject of MIRV, because MIRV is the most dangerous and most awesome offensive capability known to man.

I feel very strongly that the resolution will not in any way hinder the President, but in fact will be helpful to the President as he goes into arms control talks, which we all hope we will begin immediately.

I thank the distinguished Senator from Michigan for his contribution and for his kind and generous words with respect to the resolution.

I am very hopeful, I might add, that the resolution will be referred to the Committee on Foreign Relations; that there will be early and public hearings on it; and that it will be reported to the full Senate. Of course, in the meantime, if arms control talks start, so much the better. But I think that in the meantime our message to the President is very clear. I believe, very clearly, that we share a joint responsibility with the executive branch of the Government in making decisions as to what risks this Nation should take so soon after the Tonkin Gulf resolution, of which we are ever mindful. I think it is highly important that the Senate tender its advice to the President in these important security matters.

I am very hopeful that this resolution will be an aid to the President as he goes about the performance of his awesome responsibilities.

Again, I thank the distinguished Senator from Michigan.

I yield to the distinguished junior Senator from Missouri (Mr. Eagleton).

Mr. EAGLETON. Mr. President, I, too, wish to commend the Senator from Massachusetts on his leadership and foresight in promulgating and garnering support for the instant resolution.

Earlier this year the Senate ratified the Nuclear Nonproliferation Treaty that has in article VI thereof language providing for arms negotiation or arms control discussions to commence between the United States and the Soviet Union at "an early date."

Parenthetically, I might add that I am saddened that this treaty has not been signed by the President. I wish it would be, if for no other reason than to emphasize one of the main thrusts of the treaty, that is, the cessation of the arms race. By signing this treaty, President Nixon would signify his firm resolve that these talks begin in the immediate future.

On several occasions, Secretary of State Rogers has stated publicly, in interviews and the like, that he expected that arms control talks would begin "early this summer." He repeated that statement, I believe, as recently as 10 days or 2 weeks ago. If we are to assume, as I hope we can assume, that such talks will begin early this summer—and we are in the early part of the summer at this instant—it would seem to me to be the height of folly to proceed with the MIRV system which system in and of itself would potentially be destructive of the arms talks.

To state it another way, and to expand upon the thought which the Senator from Massachusetts closed on a few minutes ago in his exchange with the Senator from Michigan, there should be no item of greater priority or higher up on the arms talks agenda than MIRV or multiple warheads. There is nothing that should be treated of earlier and hopefully disposed of and agreed to earlier in these talks than MIRV and its counterparts.

Therefore, I am pleased and honored to join the Senator from Massachusetts (Mr. Brooke), the Senator from California (Mr. Cranston), the Senator from New Jersey (Mr. Case), and other Senators including most recently, I note, the majority leader, the Senator from Montana (Mr. Mansfield)—in cosponsoring the resolution, which I deem to be not only of immediacy but also of tremendous urgency insofar as our Nation's future and well-being are concerned.

Mr. BROOKE. Mr. President, I learned many years ago to have great respect for the distinguished junior Senator from Missouri (Mr. Eagleton). We both served as attorneys general of our respective States.

I want him to know how grateful I am to have him associated with this resolution and to have his support as a cosponsor. I thank him at this time for his contribution to this colloquy.

Mr. President, I ask unanimous consent that the name of the Senator from New Mexico (Mr. Montoya) be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

SENATE JOINT RESOLUTION 123—EXTENSION OF THE TIME FOR THE MAKING OF A FINAL REPORT BY THE COMMISSION TO STUDY MORTGAGE INTEREST RATES (REPT. NO. 91-236)

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the immediate considerations of Senate Joint Resolution 123, which was reported earlier today by the Committee on Banking and Currency.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution will be stated.

The joint resolution (S.J. Res. 123) was read, as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4(g) of the Act of May 7, 1968 (Public Law 90-301) is amended by striking out "The Commission may make an interim report not later than April 1, 1969, and shall make a final report of its study and recommendations not later than July 1, 1969," and inserting in lieu thereof the following: "The Commission shall make an interim report not later than July 1, 1969, and shall make a final report of its study and recommendations not later than August 1, 1969,".

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to the consideration of the joint resolution.

Mr. BYRD of West Virginia. Mr. President, the joint resolution has been cleared with the leadership on the other side of the aisle. As the clerk has read, it would merely extend the time for a commission to make its report on a study of mortgage interest rates. I move the passage of the joint resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S. Res. 123) was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE COMMITTEE ON COMMERCE TO FILE ITS REPORT ON S. 1689 DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Commerce be authorized to file its report on S. 1689 during the adjournment of the Senate from the completion of business today until the Senate convenes tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, June 18, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate June 17, 1969:

U.S. ATTORNEY

Henry A. Schwarz, of Illinois, to be U.S. Attorney for the eastern district of Illinois for the term of 4 years vice Carl W. Feickert.

U.S. MARSHAL

Albert A. Gammal, Jr., of Massachusetts, for appointment as U.S. marshal for the district of Massachusetts for the term 4 years vice Robert F. Morey.

Charles R. Wilcox, of Wyoming, to be U.S. Marshal for the district of Wyoming for the term of 4 years vice John Terrill, retired.

The following officers to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

IN THE AIR FORCE

To be generals

Gen. Howell M. Estes, Jr., FR1211 (major general, Regular Air Force) U.S. Air Force.

Gen. Raymond J. Reeves, FR1082 (major general, Regular Air Force) U.S. Air Force.

To be lieutenant generals

Lt. Gen. Keith K. Compton, FR1849 (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Stanley J. Donovan, FR1089 (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Robert A. Breitweiser, FR1406 (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Charles H. Terhune, Jr., FR3424 (major general, Regular Air Force) U.S. Air Force.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 17, 1969:

FEDERAL POWER COMMISSION

John N. Nassikas, of New Hampshire, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1970.

U.S. TARIFF COMMISSION

Will E. Leonard, Jr., of Louisiana, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1975.

HOUSE OF REPRESENTATIVES—*Tuesday, June 17, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Happy is the man that findeth wisdom, and the man that getteth understanding.—Proverbs 3: 13.

Almighty and most merciful Father, from whom cometh wisdom and understanding, make us aware of Thy presence as we seek to provide for the welfare of our people. May we be guided in all our consultations to find the more excellent way and be given strength to walk in it that the safety and honor of our Nation may be preserved, freedom be fortified, and Thy purposes be promoted on this planet.

Grant, O Lord, that we may do only that which is right and wise and good for all. Give to us a calmness of mind and a steadiness of spirit that we may fulfill Thy will in this all too short life and find happiness in walking in Thy ways and working for Thy way.

In the Master's name, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2667. An act to revise the pay structure of the police force of the National Zoological Park, and for other purposes.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 12. Concurrent resolution to express the sense of Congress on participation in the Ninth International Congress on High Speed Photography, to be held in Denver, Colo., in August 1970.

CALL FOR A STANDSTILL CEASE-FIRE

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to call to the attention of my colleagues a significant statement by our former representative at the Paris peace talks Cyrus R. Vance, who has broken his self-imposed silence on the peace talks and has called for a "standstill cease-fire" by all sides in Vietnam.

It was on May 15, 1969, that seven colleagues and myself introduced into this House a resolution calling on the President to propose an immediate cease-fire and to direct the immediate and unconditional withdrawal of 100,000 U.S. troops from Vietnam. When my colleagues and I introduced that resolution there were those who said it was not feasible and they would not join us.

On June 8, President Nixon to his credit directed the immediate withdrawal of 25,000 U.S. troops. Today we see confirmation that it is possible, indeed of dire necessity, that we have a cease-fire and a withdrawal of large numbers of our soldiers in Vietnam. The President has taken a first step. It is not enough. I urge my colleagues who are desirous of ending the killing in Vietnam and who have confidence in the judgment of Cyrus R. Vance that they now join with us in cosponsoring House Concurrent Resolution 256 so as to impress upon the President that there is support in this House for further withdraws of U.S. soldiers to the extent of at least another 75,000 and for an immediate cease-fire.

PROTECTING THE MAJORITY IN OUR COLLEGES

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, a few critics of my bill, H.R. 10136, to suspend Federal funds to colleges and universities where the administrators fail to take appropriate action against illegal demonstrations and seizures of college property, complain that it is unfair to the majority who do not riot or destroy college property.

The very opposite is true. My bill is designed to keep the college open for the vast majority of students who are trying to get an education and who, themselves, are opposed to the rioting, burning, and looting which has forced many schools to close for extended periods. Under the legislation I propose, Federal intervention in college riots is forestalled because the bill puts full responsibility for keeping the colleges open upon the college administrators where it belongs. Federal funds would be cut off only if the administrators accede to the disruption minority and allowed the college to close or be disrupted.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

FRANK KLEINERMAN

The Clerk called the bill (H.R. 3377) for the relief of Frank Kleinerman.

There being no objection, the Clerk read the bill, as follows:

H.R. 3377

Be it enacted by the Senate and House of Representatives of the United States of

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America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,717.50 to Frank Kleinerman of 15 Meadowbrook Road, Longmeadow, Massachusetts, in full settlement of his claims against the United States for damage caused to property owned by him at 28 Charles Street, Meriden, Connecticut, due to the freezing of plumbing and heating pipes during a period of severe cold weather due to the refusal of agents of the Internal Revenue Service to permit him to enter the premises and take steps to protect his property. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following amendment:

Strike all after the enacting clause and insert:

"That notwithstanding the limitations of section 2401 of title 28 of the United States Code, or any other statute of limitations, jurisdiction is hereby conferred on the United States District Court of the District of Connecticut to hear, determine and render judgment on the claims of Frank Kleinerman of 15 Meadowbrook Road, Longmeadow, Massachusetts, against the United States for damage to property owned by him at 28 Charles Street, Meriden, Connecticut, due to the freezing of plumbing and heating pipes during a period of severe cold weather due to the alleged negligence of agents of the Internal Revenue Service in refusing to permit him or his agents to enter the premises and the alleged negligence of the agents of the Internal Revenue Service to take steps to protect his property. Nothing in this Act shall be construed as an admission of liability on the part of the United States. The action authorized herein must be filed within one year of the effective date of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PEDRO IRIZARRY GUIDO

The Clerk called the bill (H.R. 5000) for the relief of Pedro Irizarry Guido.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be recommitted to the Committee on the Judiciary.

The SPEAKER. Is there objection to request of the gentleman from Tennessee?

There was no objection.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REFERENCE OF CLAIM OF JESUS J. RODRIGUEZ

The Clerk called House Resolution 86, referring the bill (H.R. 1691) to the Chief Commissioner of the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CAPT. JOHN W. BOOTH III

The Clerk called the bill (H.R. 1808) for the relief of Capt. John W. Booth III.

There being no objection, the Clerk read the bill, as follows:

H.R. 1808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain John W. Booth III (United States Air Force), of Des Arc Prairie, Arkansas, is relieved of liability to the United States in the amount of $2,794.70, representing overpayments of base pay received by him for the period beginning October 7, 1960, and ending July 31, 1967, as a result of inclusion by the Air Force, through administrative error, for pay purposes of service by the said Captain John W. Booth III as a midshipman at the United States Naval Academy. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

On page 1, line 5, strike "$2,794.70" and insert "$3,011.20".

On page 1, line 6, after "overpayments of base pay" insert "and flight pay".

On page 1, line 7, strike "July" and insert "August".

On page 2, strike the language of lines 4 through 12, and insert:

"SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain John W. Booth III an amount equal to the aggregate of the amount paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

"(b) No part of the amount appropriated in subsection (a) of this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. BEATRICE JAFFE

The Clerk called the bill (H.R. 1865) for the relief of Mrs. Beatrice Jaffe.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. AILI KALLIO

The Clerk called the bill (H.R. 1999) for the relief of Mrs. Aili Kallio.

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMDR. EDWIN J. SABEC, U.S. NAVY

The Clerk called the bill (H.R. 5419) to provide relief for Comdr. Edwin J. Sabec, U.S. Navy.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MRS. VITA CUSUMANO

The Clerk called the bill (H.R. 1462) for the relief of Mrs. Vita Cusumano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MISS JALILEH FARH SALAMETH EL AHWAL

The Clerk called the bill (H.R. 1707) for the relief of Miss Jalileh Farah Salameth El Ahwal.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

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MARTIN H. LOEFFLER

The Clerk called the bill (H.R. 3165) for the relief of Martin H. Loeffler.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HARRY BUSH

The Clerk called the bill (H.R. 3560) for the relief of Harry Bush.

There being no objection, the Clerk read the bill, as follows:

H.R. 3560

Be it enacted by the Senate and House of Representatives of the United States of of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Harry Bush shall be held and considered to have complied with the provisions of section 316 of that Act as they relate to residence and physical presence.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of the Immigration and Nationality Act, the periods of time that Arie Rudolf Busch (also known as Harry Bush) has resided in the United States since August 29, 1960, shall be held and considered to meet the residence and physical presence requirements of section 316 of that Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Arie Rudolf Busch (also known as Harry Bush)".

A motion to reconsider was laid on the table.

MISS MARIA MOSIO

The Clerk called the bill (H.R. 5107) for the relief of Miss Maria Mosio.

There being no objection, the Clerk read the bill, as follows:

H.R. 5107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Maria Mosio may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Stanley Rajca, a citizen of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sister of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ERNESTO ALUNDAY

The Clerk called the bill (S. 648) for the relief of Ernesto Alunday.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed ovcr without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

GIUSEPPE DELINA

The Clerk called the bill (H.R. 3373) for the relief of Giuseppe Delina.

There being no objection, the Clerk read the bill, as follows:

H.R. 3373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of section 244(a)(1) of the Immigration and Nationality Act, Giuseppe Delina shall be deemed to have been physically present in the United States since April 17, 1952.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, for the purposes of the Immigration and Nationality Act, Giuseppe Delina shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THI HUONG NGUYEN AND HER MINOR CHILD, MINH LINH NGUYEN

The Clerk called the bill (S. 1104) for the relief of Thi Huong Nguyen and her minor child, Minh Linh Nguyen.

There being no objection, the Clerk read the bill, as follows:

S. 1104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Thi Huong Nguyen, the fiancée of Sergeant Richard Beshada, a citizen of the United States, and her minor child, Minh Linh Nguyen, shall be eligible for visas as nonimmigrant temporary visitors for a period of three months: *Provided,* That the administrative authorities find that the said Thi Huong Nguyen is coming to the United States with a bona fide intention of being married to the said Sergeant Richard Beshada and that she and her minor child, Minh Linh Nguyen, are found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Thi Huong Nguyen, and her minor child, Minh Linh Nguyen, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Thi Huong Nguyen and her minor child, Minh Linh Nguyen, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Thi Huong Nguyen and her minor child, Minh Linh Nguyen, as of the date of the payment by them of the required visa fees.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YAU MING CHINN (GON MING LOO)

The Clerk called the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CHI JEN FENG

The Clerk called the bill (S. 1531) for the relief of Chi Jen Feng.

There being no objection, the Clerk read the bill, as follows:

S. 1531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Chi Jen Feng shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 1, 1954.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. MELVIN A. KAYE

The Clerk called the bill (H.R. 1453) for the relief of Capt. Melvin A. Kaye.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

JOECK KUNCEK

The Clerk called the bill (H.R. 1698) for the relief of Joeck Kuncek.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROBERT W. BARRIE AND MARGUERITE J. BARRIE

The Clerk called the bill (H.R. 2037) for the relief of Robert W. Barrie and Marguerite J. Barrie.

There being no objection, the Clerk read the bill, as follows:

H.R. 2037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert W. Barrie of San Diego, California, is relieved of liability to the United States in the amount of $973.01, and Marguerite J. Barrie of San Diego, California, is relieved of liability to the United States in the amount of $748.80, such sums representing expenses incurred in the shipment of household goods from San Diego, California, to Hartford, Connecticut, incident to their retirement from active service in the United States Navy. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert W. Barrie and Marguerite J. Barrie, respectively, an amount equal to the aggregate of the amounts paid by him or her, or withheld from sums otherwise due him or her, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

On page 1, line 9, after "Connecticut," insert "and from Hartford, Conn., to San Diego, Calif.,".

On page 2, line 12, after "section" strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CARLO DeMARCO

The Clerk called the bill (H.R. 2209) for the relief of Carlo DeMarco.

There being no objection, the Clerk read the bill, as follows:

H.R. 2209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the annual leave account of Carlo DeMarco, a postal employee of the Toms River Post Office, New Jersey, there shall be added a separate account of two hundred and thirty-eight hours of annual leave, in full settlement of all claims of the said Carlo DeMarco against the United States for compensation for the loss of such leave which was earned by him in the years 1963 to 1967, inclusive, while he was employed in the United States Post Office in Toms River, New Jersey, which was not credited to his leave account by reason of a failure to credit prior Federal service in computing his leave.

SEC. 2. Section 203(c) of the Annual and Sick Leave Act of 1951, as amended (65 Stat. 680, 67 Stat. 137; 5 U.S.C. 2062(c)), shall not apply with respect to the leave granted by this Act, and such leave likewise shall not affect the use or accumulation, pursuant to applicable law, of other annual leave earned by the said Carlo DeMarco. None of the leave granted by this Act shall be settled by means of a cash payment in the event such leave or part thereof remains unused at the time the said Carlo DeMarco is separated by death or otherwise from the Federal service.

With the following committee amendment:

On page 1, line 6, after "two hundred" strike "and thirty-eight".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT G. SMITH

The Clerk called the bill (H.R. 3723) for the relief of Robert G. Smith.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Tennessee?

There was no objection.

BEVERLY MEDLOCK AND RUTH LEE MEDLOCK

The Clerk called the bill (H.R. 3920) for the relief of Beverly Medlock and Ruth Lee Medlock.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

DR. EMIL BRUNO

The Clerk called the bill (H.R. 4105) for the relief of Dr. Emil Bruno.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Tennessee?

There was no objection.

BERNARD L. COULTER

The Clerk called the bill (H.R. 4658) for the relief of Bernard L. Coulter.

There being no objection, the Clerk read the bill, as follows:

H.R. 4658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Richard S. Bell the sum of $313.66 in full settlement of all claims against the United States and against Bernard L. Coulter arising out of an accident which occurred in Chicago, Illinois, on December 17, 1962, when said Bernard L. Coulter was operating a Government motor vehicle in the course of his duties as an employee of the United States Department of Justice and in full satisfaction of the judgment and costs entered against the said Bernard L. Coulter in civil action numbered 64 MI 16879 in the Municipal Court for the Frist Municipal District of the Circuit Court of Cooke County, Illinois, based upon said accident. No part of the amount appropriated in this section in excess of 25 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $9.50 to Bernard L. Coulter in full settlement of his claims for reimbursement for costs he was required to pay by reason of entry of judgment in civil action referred to in section 1 of this Act. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 1, line 8, after "December 17, strike "1962" and insert "1961".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 2, line 3, correct the spelling of the word "First".

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBERT E. JAMESON, JR.

The Clerk called the bill (H.R. 5337) for the relief of the late Albert E. Jameson, Jr.

There being no objection, the Clerk read the bill, as follows:

H.R. 5337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of determining the entitlement of Albert E. Jameson, Junior (Social Security Account Number 011-09-9887), of Hyde Park, Massachusetts, to disability insurance benefits under section 223 of the Social Security Act (and to a period of disability under section 216(i) of such Act), the said Albert E. Jameson shall be deemed to have filed application for such benefits as required by section 223(a)(1)(C) of such Act (and for the establishment of a period of disability as required by section 216(i)(2)(B) of such Act) immediately before his death on November 1, 1964.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. RUTH BRUNNER

The Clerk called the bill (H.R. 9488) for the relief of Mrs. Ruth Brunner.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

FURTHER CONTINUING APPROPRIATIONS, 1969

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 782) making further continuing appropriations for the fiscal year 1969, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I hope I shall not have to object, I have had the opportunity only in the last few minutes to read this resolution. I wonder if the gentleman would give us a brief explanation as to what is here proposed?

Mr. MAHON. If the gentleman will yield, the House on May 21 passed H.R. 11400, the second supplemental appropriation bill for fiscal year 1969, covering about $3.7 billion. About $1.3 billion of that was for increased pay costs as a result of pay raises heretofore authorized by Congress. There are other salary funds involved not related to the increased pay rate legislation.

The bill, of course, went to the other body, where it is presently being considered. We hope that it will soon be passed so that we can go to conference and settle the various items of difference between the two bodies.

The committee in the other body, in reporting the bill, added some $673 million above the House—mostly as a result of further budget requests from the President.

Mr. Speaker, what makes the pending resolution so urgent is that salary funds for various agencies and funds for the compensation of veterans and others are involved here. The Post Office Department payroll, for example, I am advised is payable on Thursday of this week—day after tomorrow. Others will be falling due in the coming days.

So, in view of the fact that it may take some time to settle the differences between the House and the Senate versions of the second supplemental bill, and in view of the fact that it has not as yet passed the other body, it was thought necessary that the required funds be promptly made available so that everyone who is entitled to receive salary or compensation will do so at their regularly scheduled times.

May I point out further that under this joint resolution no new employees can be hired.

Furthermore, it does not increase the pay of anyone beyond what they are now authorized to receive.

It does not permit any new contracts to be entered into.

It does not permit initiation of any new programs.

And it does not permit expansion of any existing programs.

It is merely intended to avoid delays in authorized salary and compensation payments.

What it really does is to borrow funds from the supplemental appropriation bill which we passed through the House on May 21.

Mr. GROSS. As a cold matter of fact, Mr. Speaker, this resolution would not provide for borrowing from supplemental funds because those funds are not yet in existence—they have not been appropriated, lacking full action on the part of the Congress and the signing of the bill by the President, but I do understand what the gentleman means. It would be borrowing money that does not exist legally.

Would the gentleman agree with that?

Mr. MAHON. I was using the term "borrow" in a very general way. In other words, what we are doing is lifting out of the other bill certain funds which are urgently required for pay and compensation. Technically it is not, of course, borrowing.

Mr. GROSS. This does not change any rates of pay; it simply finances operations as they now exist with respect to the number of personnel and the payment of personnel.

Mr. MAHON. The gentleman is correct. We had hoped that we could have avoided this, but in view of the fact that it has taken a little more time than some had anticipated on the second supplemental, we have to do something about this as I now see it.

Mr. GROSS. Mr. Speaker, one further question:

Is there another continuing resolution in existence?

Mr. MAHON. A continuing resolution for fiscal 1970 is scheduled for consideration in the early future, probably next week.

Congress has gotten off to a slow start. President Johnson submitted his budget in January and President Nixon submitted the amended budget about April 15, and it has just not been possible for the authorizing committees to authorize programs and enact the programs into law and for the appropriation bills to be cleared.

So a continuing resolution for the forthcoming fiscal year will be necessary.

Mr. GROSS. Then we may expect next week a continuing resolution dealing with the entire Government; is that correct?

Mr. MAHON. The gentleman is absolutely correct.

Mr. GROSS. I thank the gentleman for his response.

Mr. Speaker, I withdraw my reservation of objection.

Mr. WAGGONNER. Mr. Speaker, I further reserve the right to object.

Mr. Speaker, I would like to ask a question of the distinguished gentleman from Texas, the chairman of the House Committee on Appropriations. Am I correct in assuming that this continuing resolution comes under the Holman rule and is subject to amendment?

Mr. MAHON. I would assume that it would be subject to amendment. It is a joint resolution. It speaks for itself, and it provides for authorized pay and compensation for Federal workers and others.

Mr. WAGGONNER. The gentleman has, I think, hit the nail on the head. I want to ask him as to the possibility of an amendment involving the pay of the U.S. Supreme Court in view of yesterday's decision. What would be the gentleman's attitude about an amendment prohibiting any of these funds provided for in this continuing resolution going to pay for salaries of the U.S. Supreme Court?

Mr. MAHON. That would be a matter, of course, for the Speaker to rule upon, as to whether or not it would be germane to this resolution. I am not at the moment aware of the exact extent of funds included in the pending resolution for the Court, but in view of the general pay raise legislation involved it is fair to assume that some of these funds would be for the Supreme Court.

Mr. WAGGONNER. At least that part involving the pay raise?

Mr. MAHON. I would think so.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry .

Mr. WAGGONNER. Mr. Speaker, in the opinion of the Chair would such an amendment to prohibit utilization of any of these funds for paying the salaries of the U.S. Supreme Court be considered germane to this continuing joint resolution?

The SPEAKER. In response to the parliamentary inquiry, the Chair does not feel that that question should be passed upon prior to the situation actually arising.

Mr. WAGGONNER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. At what point, Mr. Speaker, then during the debate on this joint resolution today would it be in order to offer such an amendment?

The SPEAKER. After consent is granted for consideration of the joint resolution if it is granted, it would be subject to the 5-minute rule.

Mr. WAGGONNER. I thank the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. MAHON)?

There was no objection.

The clerk read the joint resolution, as follows:

H.J. RES. 782

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds for the several departments, agencies, corporations, and other organizational units of the Government such amounts as (1) may be necessary to cover salaries, compensation, and pay (including pensions and retired pay) for the fiscal year 1969, and (2) are provided for in the "Second Supplemental Appropriations Act, 1969," as reported to the Senate June 11, 1969, with amendments (Senate Report No. 91–228, 91st Congress).

SEC. 2. Appropriations made by this joint resolution shall be available to the extent and in the manner which would be provided by the Second Supplemental Appropriations Act, 1969, as reported to the Senate, and all expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever such Act is enacted into law.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

Mr. BOW. Mr. Speaker, enactment of House Joint Resolution 782 is occasioned by the fact that Congress has not completed its action on the second supplemental appropriation bill for 1969 and our faithful postal employees would not be paid their salaries on Thursday next, June 19 if this resolution were not approved.

Most of the Federal service has an adequate lag in the payment of salaries which would not necessitate approval of this resolution, but the Post Office Department operates under a different pay arrangement, and without the resolution postal employees could not receive their salary checks on Thursday.

Just as our distinguished chairman, the gentleman from Texas (Mr. MAHON), has indicated to the House, this resolution:

First, authorizes no new employees;

Second, provides for no increase in salaries beyond the levels authorized for employees at present;

Third, permits the Government to enter into no new contracts;

Fourth, permits the initiation of no new programs; and

Fifth, simply provides that the funds expended for salaries and compensation under this resolution shall be deducted from amounts provided in the second supplemental appropriation bill, which is now being considered by the other body.

This resolution also will permit a judicious conference between the House and the other body with respect to our differences on amounts provided in the bill. If we had not approved this resolution, the pressures to agree to a conference in time for the postal employees to be paid on Thursday would have been so great that the conferencees would not have been in a position to carefully explore the merits of our differences with the other body.

Mr. Speaker, generally I am opposed to legislating in this manner, but under the circumstances there does not seem to be any other way in which we can provide for the pay of Federal employees since the second supplemental appropriation bill has not been enacted into law.

CALL OF THE HOUSE

Mr. GROSS Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 82]

Alexander
Anderson, Tenn.
Ashbrook
Ashley
Bates
Biaggi
Bingham
Blatnik
Brademas
Brasco
Brock
Cahill
Carey
Casey
Chappell
Clark
Clausen, Don H.
Conyers
Corman
Cramer
Delaney
Denney
Dorn
Downing
Dulski
Eckhardt
Edwards, La.
Fallon
Farbstein
Foley
Fraser
Gallagher
Garmatz
Giaimo
Halpern
Hébert
Holifield
Ichord
Jarman
Kee
Kirwan
Kluczynski
Leggett
Mailliard
Mathias
Miller, Calif.
Moorhead
Nedzi
O'Hara
Olsen
Ottinger
Pollock
Powell
Purcell
Reuss
Roberts
Rosenthal
St. Onge
Sandman
Scheuer
Stephens
Talcott
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Wold
Wolff

The SPEAKER. On this rollcall 365 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. YOUNG. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore (Mr. BOLAND). Without objection, it is so ordered.

There was no objection.

PUBLIC HEALTH CIGARETTE SMOKING ACT OF 1969

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 437 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 437

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may require.

Mr. Spekaer, House Resolution 437 provides an open rule with 3 hours of general debate for consideration of H.R. 6543 to extend public health protection with respect to cigarette smoking, and for other purposes.

The purpose of H.R. 6543 is to strengthen the warning label which must appear on cigarette packages and to postpone the termination date on preemption of certain aspects of regulation of cigarette advertising from July 1, 1969, to July 1, 1975.

The bill, as amended, would require the following label on cigarette packages:

> Warning, The Surgeon General has determined that cigarette smoking is dangerous to your health and may cause lung cancer or other diseases.

This is a stronger warning than that required at the present time.

No statement relating to smoking and health, other than that cited above, shall be required on a cigarette package.

No statement relating to smoking and health shall be required in the advertising of cigarettes which are so labeled.

The Secretary of Health, Education, and Welfare not later than 18 months after enactment of this legislation, shall report to Congress concerning current information on health consequences of smoking and making recommendations.

The Federal Trade Commission is also required to report and make recommendations within 18 months.

Any violator shall be guilty of a misdemeanor and on conviction shall be subject to a fine of not more than $10,000.

Upon application of the Attorney General and for cause shown, the U.S. district courts are invested with jurisdiction to prevent and restrain violations.

Packages of cigarettes for export beyond the jurisdiction of the internal revenue laws shall be exempt from the requirements of the act, but such exemptions shall not apply to cigarettes for sale or distribution to the Armed Forces.

The provisions of the act affecting the regulation of advertising shall terminate on July 1, 1975.

Mr. Speaker, I urge the adoption of House Resolution 437 in order that H.R. 6543 may be considered.

The SPEAKER. The Chair recognizes the gentleman from Tennessee (Mr. QUILLEN).

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the distinguished gentleman from Texas (Mr. YOUNG) has pointed out, H.R. 6543 provides for a 6-year extension of present legislation covering public health protection with respect to cigarette smoking and for other purposes.

The bill will be presented under an open rule, with 3 hours of general debate, upon the adoption of House Resolution 437.

The purpose of the bill is to stiffen the warning currently required on all cigarette packages and to prohibit for an additional period of 6 years any regulation or interference with tobacco advertising by any Federal or State regulatory agencies.

Currently, each cigarette package must contain the following:

> Caution: Cigarette Smoking May Be Dangerous To Your Health.

This is to be amended to read:

> Warning. The Surgeon General Has Determined That Cigarette Smoking Is Dangerous To Your Health And May Cause Lung Cancer Or Other Diseases.

The current act expires on June 30 of this year. The bill would extend the act through June 30, 1975.

By extending the act, the bill effectively continues the current absolute prohibition placed upon all regulatory agencies, Federal and State. None may interfere with or place any limitation upon cigarette advertising, nor can they require any other caution to be placed upon a cigarette package than is already provided by the bill.

In effect, Congress retains full, complete, and exclusive jurisdiction in such areas through June 30, 1975. This would preclude both the FCC and the FTC from proceeding with their announced intentions of: First, effectively stopping television advertising of cigarettes; and, second, effectively stopping the advertising of cigarettes in any printed form.

These results would be achieved not by prohibition of such advertisements but by requiring the advertiser to include material so damaging to his product as to, in effect, destroy his own business.

Except for the change in the language of the caution and in the extension of the prohibition to all regulatory agencies through June 30, 1975, the rest of the bill H.R. 6543 is a word-for-word restatement of the current law.

Mr. Speaker, we grow tobacco, not cancer, in the First District of Tennessee and throughout the Nation, and I challenge the Surgeon General of the United States to prove otherwise.

In the uproar over the alleged connection between smoking and cancer which followed the Surgeon General's report, many people were led to believe that there is conclusive medical proof of such a connection.

This is not true. In spite of all the research that has been undertaken, there is still dispute, even among members of the medical profession, about a connection between smoking and ill health.

Tobacco growers, in fact the whole industry, must not be put out of business, and the bill before us today allows ample time for research and development to protect the health of the people who smoke.

During the life of this bill, a 6-year extension of the present measure, the tobacco industry and the great scientists of this land teamed with the best in the medical field, will conduct extensive tests to determine the causes of cancer.

The word of one man—the Surgeon General of the United States, who has said that smoking causes cancer—should not be taken as final law. Rather, we should leave it up to the majority of the medical profession to decide.

The tobacco industry in this country started with the Indians when they grew some form of tobacco for use. Then came the settlers and development, progress and growth, until today the burley tobacco group in my district and throughout the burley belt is of the highest quality in the land. The same is true of other types of tobacco.

It is unfair to let one individual and a bureaucratic agency put a great industry out of business, when it is entirely up to the individual whether he wants to use tobacco.

We need 6 additional years to give the fine doctors throughout the Nation an opportunity to go forward with their studies and work to control and cure cancer.

This bill provides a sterner warning on cigarette packages than the last measure adopted by Congress. This, in itself, is a message to the individual user, but it does not put an end to the great industry which produces an income for survival of so many in my district and elsewhere in this country.

Failure of Congress to act to prohibit regulation of or interference with tobacco advertising will result in extensive loss of revenue to newspapers, magazines, and broadcasting media.

And to many people, including a large number in my own home district, it would mean a total loss of income.

We must not allow this to happen in the face of such flimsy evidence against cigarettes, nor should we allow regulation of cigarette advertising to fall into the hands of Federal agencies, from which only chaos could result.

In a nutshell—let us sum it all up:

A 30-word statement in H.R. 6543 will decide which branch of Government—Congress or the regulatory agencies—has the power to determine what may or may not be advertised for sale to the public.

The issue goes far beyond the question of smoking and health. It strikes at the fundamental question of policymaking by the elected legislative branch or by appointed regulatory agencies, which have been called the headless "fourth branch" of Government.

In the 1965 Cigarette Act and again in the present act, Congress has affirmed its intention of remaining the "exclusive policymaker." Refusal to surrender congressional function to the regulatory agencies is the meaning of the 30-word preemption provision, section 5(b) of H.R. 6543.

Without this ounce of preemption Congress will give the green light to the architects of administrative chaos. Today cigarettes are the target. Tomorrow, the victims may be dairy products, automobiles, and others which have been called "hazardous to health." For the decision of what legal products may be advertised, and how, will be left to the appointive, anonymous alphabetical agencies.

Here is the outline of the shape of things to come if Congress fails to assert its primacy via preemption:

The Federal Communications Commission will ban all cigarette advertising on radio and television. It bases this censorship on a concern for the public health, but ignores the Surgeon General's view the proposed ban is not a particularly desirable public health measure.

The Federal Trade Commission will force all cigarette advertising to include such dire warnings of disease and death, that the industry would be compelled to stop advertising entirely. The FTC warning statement goes beyond what the Surgeon General has proposed.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Speaker, what Surgeon General is referred to in section 4, line 9 of this bill? There are a number of Surgeons General throughout the Government. What Surgeon General is referred to.

Mr. QUILLEN. The information submitted in our committee is that it is the Surgeon General of the United States.

Mr. GROSS. Is it the Surgeon General of the Public Health Service?

Mr. QUILLEN. No, it refers to one man.

Mr. GROSS. Supposing the next Surgeon General would take a different position, then what happens since this language involving an unnamed Surgeon General is written into permanent law?

Mr. QUILLEN. As I stated, I think we should leave it up to the best medical minds of this country, to the majority, to make an extensive and exhaustive study and bring back to Congress the medical facts.

Mr. GROSS. This language reads:

> Warning: The Surgeon General Has Determined That Cigarette Smoking is Dangerous to Your Health and May Cause Lung Cancer or Other Diseases.

The next Surgeon General may say cigarette smoking is not necessarily dangerous. What do we then do with the law?

Mr. QUILLEN. The gentleman has raised a good point, but the committee in explaining this to the House Rules Committee said it was the decision of the Surgeon General of the United States and therefore they wanted the warning to state that it was the Surgeon General.

Mr. GROSS. Well, it seems to me the bill ought to at least specify the Surgeon General of the United States. Otherwise it might be the Surgeon General of the Navy, the Surgeon General of the Army, or the Surgeon General of the Air Force. I do not know how many more we have in various capacities in the Federal Government.

Mr. QUILLEN. As I said, the gentleman has raised a good point, and that is

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why we have an open rule with 3 hours of general debate.

Mr. GROSS. Does the gentleman suppose we could get an amendment adopted to this bill to require that every bottle of whisky to the effect that "This may be dangerous to your health if you drink it"?

Mr. QUILLEN. If this bill is not passed, I will say to the gentleman from Iowa, I would predict we will have these alphabetic regulatory agencies cramming all kinds of regulations down our throats if Congress does not exercise its authority at this time.

Mr. GROSS. Then how about a label on every pound of butter, which if eaten in excess can be injurious to health, and every box of candy, and so on with respect to scores of products?

Mr. QUILLEN. It could lead to a ridiculous trend. I agree with the gentleman from Iowa.

Without preempting the big brother act of the regulatory agencies, we will see the following crazy quilt of regulation in cigarette advertising:

A package of cigarettes will be labeled by Congress:

> Warning: The Surgeon General Has Determined That Cigarette Smoking is Dangerous to Your Health and May Cause Lung Cancer and Other Diseases.

A cigarette advertisement in a national magazine or newspaper—assuming a manufacturer would run it at all—would disparage itself by order of the FTC and warn:

> Cigarette Smoking is Dangerous to Health and May Cause Death from Cancer, Coronary Heart Disease, Chronic Bronchitis, Pulmonary Emphysema and Other Diseases.

Plus the latest FTC "tar" and nicotine ratings.

No cigarette advertising at all would be carried on television and radio, by order of the FCC.

What is behind the uprising of these two creatures of Congress? Arrogance of power and prohibitionist zeal are certainly factors. But in addition there is in the cigarette controversy a measure of relief from growing public criticism. Most recent victim is the Federal Trade Commission. A 185-page report by seven law students attacked the agency for "spectacular lassitude and office absenteeism, incompetence by the most modest standards, and lack of commitment to their regulatory missions."

President Truman said:

> If you can't stand the heat, get out of the kitchen.

Apparently, the advice is being modified: "If you can't stand the heat, jump on the antismoking bandwagon."

Mr. Speaker, the case against cigarette smoking seems to be developing into the "case of the missing evidence."

The House Interstate and Foreign Commerce Committee, in 13 days and 1,807 pages of testimony, discovered that there are two sides to the smoking and cancer controversy, only one of which has been revealed to the public.

The American people have been barraged with antismoking literature, commercials on radio and television, newspaper stories, films before their civic clubs, and pamphlets, and all of this has been one sided.

Committee members had been exposed to the same antismoking campaign, but they had an advantage over the general public. In the course of their hearings, they compiled pages of testimony that directly contradicted popular, or publicized, views that smoking causes cancer. I include the following quotes at this point:

DOES SMOKING CAUSE LUNG CANCER?

Thomas H. Brem, M.D., Professor and Chairman, Department of Medicine, University of Southern California School of Medicine: "A person of true scientific discipline would never make a final judgment on the type of evidence presented in favor of the hypothesis."

Sheldon C. Sommers, M.D., Clinical Professor of Pathology, Columbia University Medical College: "After at least 30 years of experimental work, and many smoke inhalation experiments in animals, lung cancers of the most common, squamous cell human type have not been produced. It is usually difficult to prove a negative, but if cigarette smoke were a cause of lung cancer, it is indeed surprising that no animal experiments have succeeded in its production."

Victor Buhler, M.D., Associate Clinical Professor of Pathology and Oncology at University of Kansas School of Medicine, and former president of the College of American Pathologists: "The cause of cancer in humans, including the cause of cancer of the lung is unknown."

Duane Carr, M.D., Professor of Surgery, University of Tennessee College of Medicine: "As of the present date, the cause of lung cancer remains unknown."

Hiram T. Langston, M.D., Professor of Surgery, University of Illinois College of Medicine, and President of the American Association for Thoractic Surgery: "The statistical association between smoking and lung cancer is not indicatve of cause and effect, because the clinical behavior of the disease does not permit this conclusion."

William B. Ober, M.D., Associate Professor of Pathology, New York Medical Center: "As of 1969, our knowledge of the cause or causes of lung cancer remains primitive . . . to date the only evidence supporting this (cigarette smoking) hypothesis is statistical, and there are statistics which fail to support it."

DOES SMOKING CAUSE HEART DISEASE?

William Evans, M.D., former consulting physician, the Institute of Cardiology, London, England: "The incrimination that smoking causes or accelerate heart disease from atherosclerosis of the coronary arteries is wholly unwarranted."

Walter S. Priest, M.D., Emeritus Professor of Medicine at Northwestern University Medical School: "It is very doubtful that such a relationship exists. If heavy smokers suffer coronary thrombosis in a significantly greater proportion than non-smokers, the cause of the phenomenon could be related to the stress that usually goes together with the smoking habit." (quoting Viel, B.; Donoso, S.; and Danilo, S., Archives of Internal Medicine, 122 No. 2, August 1968).

Surgeon General William H. Stewart: "The evidence I feel is still not strong enough for me to say within the criteria of causality . . . that there is cause and effect."

Campbell Moses, M.D., Medical Director, American Heart Association: "There is no proof that cigarette smoking causes [diseases of] coronary arteries . . . let's be sure we understand the American Heart Association position. We do not say that we have the data which says cigarette smoking causes coronary artery [disease]."

Carl C. Seltzer, Ph.D., Senior Research Associate, Harvard University School of Public Health: "It would be regrettable, if the impact of the prestige of the U.S. Public Health Service led scientists and the public to believe in and accept as firmly established facts which, on the basis of current knowledge, are speculative and lacking in scientific validity. The situation demands not special pleading but scientific truth, namely, what is reasonably established. And, certainly, it has not been reasonably established that cigarette smoking causes coronary heart disease."

DOES SMOKING CAUSE EMPHYSEMA?

"Special Report on Emphysema," National Institute of Allergy and Infectious Diseases, N.I.H.: "The cause or causes of emphysema are not now known."

Surgeon General William H. Stewart: "They stated [the 1964 Surgeon General's Advisory Committee] . . . that a relationship exists between pulmonary emphysema and cigarettes but it has not been established that this relationship is causal."

Edwin Rayner Levine, M.D., Associate Professor of Clinical Medicine, Chicago Medical School: "I cannot find any actual evidence that . . . cigarette smoke or anything else, has a causal relationship to the development of this disease."

John P. Wyatt, M.D., Professor and Chairman, Department of Pathology, University of Manitoba: "Most authorities agree that emphysema presents a complex problem which awaits a scientific explanation."

Israel Rappaport, M.D., Former Associate Clinical Professor, Columbia University Medical School: "The 'protagonists of the antismoking campaign' have refused to face this paramount question: 'If it is true that we do not know what emphysema is and whence it originates, how can they maintain the claim that it is linked to cigarette smoking? How can their position be reconciled with scientific principles?'"

Mr. Speaker, testimony such as this, flatly contradictory to accepted views, seriously undermined the major conclusions of the antismoking witnesses—and the underlying premise for further punitive legislation. It was not lost on the committee that among the witnesses quoted above were some notable opponents of smoking.

But further doubt arose as expert witnesses also exploded many of the supported dogmas of the antismoking forces. Under scientific attack, a number of subsidiary assertions, which had bolstered the main charges and lent force to antismoking commercials, were weakened. In effect, they were now ended with a question mark instead of an exclamation point.

Following are some of the newly raised questions:

DOES SMOKING TURN THE LUNGS BLACK? OR CAN DOCTORS TELL SMOKERS' LUNGS FROM NONSMOKERS' LUNGS?

Sheldon C. Sommers, M.D., Clinical Professor of Pathology, Columbia University Medical College: "The knowledge of what the black pigment represents, namely, carbon particles or coal dust, is known to every well trained second-year medical student, and . . . it is not possible to equate blackening of the lung to exposure to tobacco products."

Hiram T. Langston, M.D., Professor of Surgery, University of Illinois College of Medicine, and President of the American Association for Thoracic Surgery: "The color of the lung has to do with the matter of carbon, and I am unable to recognize the difference between a smoker and a non-smoker . . . and I have never been able to correlate it with the use of tobacco."

Irving Zeidman, M.D., Professor of Pathol-

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ogy, University of Pennsylvania School of Medicine: "I would estimate that of a thousand pathologists in this country, 998 would say, 'I could not tell,' and the other two would say, 'I could tell' and those two who could tell either had some infinite intuition or are not telling the truth."

Victor Buhler, M.D., Pathologist, St. Joseph Hospital, Kansas City, Missouri: "I have examined thousands of lungs—and I cannot tell you from examining a lung whether or not its former host had smoked . . . I state flatly and unequicovably and emphatically that cigarette smoke will not turn the lung black."

Isn't Every Smoker Damaged by His Smoking?

Bernice C. Sachs, M.D., Seattle Mental Health Institute: "Not everyone gets cancer or heart disease. And of course, nonsmokers, as well as smokers, get both. Indeed, it would appear that, as observed in the first massive review of the smoking research literature, the British Report of the Royal College of Physicians, 'most smokers suffer no serious impairment of health or shortening of life as a result of their habit' . . . I hope it is well understood that no medical practitioner can advise patients they can avoid lung cancer or heart disease by not smoking."

Israel Rappaport, M.D., Former Associate Clinical Professor, Columbia University Medical School: "To experienced physicians who examined and observed so many heavy smokers, the most astonishing feature of the present issue over the effects of smoking must be the current trend to simply ignore the overwhelming evidence presented by the tens of millions of smoking men and women going through life without any signs or symptoms of damage to their lungs from many years of smoking—even heavy smoking."

H. Russell Fisher, M.D., Professor of Pathology, University of Southern California School of Medicine: "If cigarettes were the cause of lung cancer, I believe we would have an incidence many times greater than we do now, and would not encounter the disease in non-smokers."

Is There a Lung Cancer Epidemic?

H. Russell Fisher, M.D., Professor of Pathology, University of Southern California School of Medicine: "The increase in the incidence of lung cancer in the United States . . . reflects the growing and aging population of this country. The apparent increase is also reflected in the increased expertise and improved diagnostic abilities of the medical profession. The increase in the number of members of my own specialty in medicine (Pathology) is directly responsible for some of the apparent increase."

Duane Carr, M.D., Professor of Surgery, University of Tennessee College of Medicine: "Changes in classification of disease have contributed to much of the reported increase in diseases such as lung cancer."

Milton B. Rosenblatt, M.D., President, Medical Board, Doctors Hospital, New York: "In 1900, the combined crude death rate for respiratory diseases in the United States exceeded 450 per 100,000 but there were no death rates recorded for lung cancer. If only a small percentage of the death attributed to tuberculosis, pneumonia, bronchitis or influenza had been incorrectly diagnosed and were, in actuality, cases of lung cancer, there would be relatively little increase in the prevalence of this disease during the past half century.

"The concept that cancer of the lung is a new disease and a by-product of modern civilization is false and those who promulgate this thesis are misleading the public. The disease was a well known entity for a century before the era of widespread cigarette smoking. The only thing new is our ability to diagnose it before autopsy."

Thomas H. Brem, M.D., University of Southern California (quoting A. G. Gilliam, M.D., of the National Cancer Institute): "An important aspect of present trends in this country, which is generally ignored, is the declining rate of increase. If this feature of the trend continues, the disease will reach its peak among the white male population in the foreseeable future (1983) and then start to decline.

"The observed decline in the rate of increase of lung cancer is exactly what one would expect, however, if the reported increase were due to constantly improving detection of this disease—or of any other for that matter."

Doesn't Giving Up Smoking Make One Healthier?

George L. Saiger, M.D., Former Associate Professor of Epidemiology, Columbia University: "Even if cigarette smokers, as a group, did not smoke, there still would be a higher proportion of persons with primary cancer of the lung, or coronary heart disease, if you wish, among them than among non-smokers, as a group, since constitutionally they are more disposed to the disease."

Ray Rosenman, M.D., Director, Western Collaborative Study of Coronary Heart Disease: "The same higher coronary rate was observed in former cigarette smokers as in all current moderate and heavy smokers . . . the incidence of symptomatic infarction was as great in former cigarette smokers as it was in current smokers and was as great in former cigarette smokes as in men smoking more than one pack daily."

Theodor D. Sterling, Ph.D., Professor of Applied Mathematics and Computer Science, Washington University: [From data in the HEW survey of smoking and illness] "a consistent pattern is quite obviously apparent. For all categories, present smokers have a much lower incidence [of disease and disability] than do former smokers."

Isn't Cigarette Smoking, Addictive?

Surgeon General William H. Stewart: "We would disagree with the contention that cigarette smoking is 'physiologically addictive.' "

Arthur Furst, Ph.D., Director, Institute of Chemical Biology, University of San Francisco: "In no sense, pharmacological sense, can one talk about smoking being addictive."

Charles Hine, M.D., Ph.D., Clinical Professor of Pharmacology and Preventive Medicine, University of California School of Medicine: "Physical dependence does not develop either to nicotine or other constituents of tobacco."

Sheldon C. Sommers, M.D., Director of Laboratories, Lenox Hill Hospital, New York: "Some confusion arose through use of the word 'addiction' in connection with tobacco use. By generally accepted World Health Organization criteria, smoking tobacco is not considered an addiction."

Doesn't Cigarette Smoking Cause Excess Deaths, Shorten Life, and Increase Morbidity?

Theodor D. Sterling, Ph.D., Professor of Applied Mathematics and Computer Science, Washington University: "I know of no such figures which show a higher mortality rate for smokers than non-smokers, without ambiguity, without difficulties of interpretation, and without leaning very heavily upon a selected number of instances for presentation and hiding some of the others which are probably just as important or just as controversial."

Milton B. Rosenblatt, M.D., President, Medical Board, Doctors Hospital, New York: "The widely publicized accusations of hundreds of thousands of deaths caused by cigarettes and of shortening of life expectancy a specific number of minutes per cigarette smoked are fanciful extrapolations and not factual data."

Sheldon C. Sommers, M.D., Director of Laboratories, Lenox Hill Hospital, New York, New York: "Many figures were cited concerning 30,000 or 50,000 or 260,000 persons per year having or dying from lung cancer or the other diseases being considered. Since it is not known what the causes of lung cancer, coronary heart disease, or bronchopulmonary disease are, the multiplication of numbers does not contribute to understanding them any better."

Rune Cederlof, Ph. D., Associate Professor, National Institute of Public Health, Stockholm:

"Mr. Preyer. So you can say there is no significant difference in the mortality rate of smoking and non-smoking twins.

"Dr. Cederlof. Yes.

"Mr. Preyer. Then there is no evidence that non-smoking twins live longer than smoking twins?

"Dr. Cederlof. No."

John W. Sawyer, Ph. D., Professor of Mathematics, Wake Forest University:

"the [Public Health Service] Morbidity Report expressly conceded that errors in some of the results were too large to permit meaningful conclusions; at the same time conclusions from these results were advanced. This type approach is not scientific, but shows bias and desire to reach predetermined conclusions . . .

"[The Public Health Service] has gone even further in using portions of the Morbidity Report, often out of context, as the basis for a condensed propaganda pamphlet entitled 'Smoking and Illness.' This pamphlet boldly ignores even those inherent limitations acknowledged in the Morbidity Report. It flatly, and without qualification, asserts precisely how much illness and disease is due to smoking. Nowhere does the pamphlet disclose that the basic data included no medical diagnoses by doctors but only self and proxy diagnoses by laymen. In light of this Critique, the further use and compression of the Morbidity Report in this pamphlet can only be regarded as a dangerous and misleading deterrent to further scientific study."

Mr. Speaker, if the contradictory testimony of medical experts raised doubts among committee members, their puzzlement was increased by concessions coming, oddly enough, from the antismoking witnesses. For example:

Paul Rand Dixon, Chairman of the Federal Trade Commission, was told:

> It has never been proven medically, the causal connection between the inhalation of smoke and lung cancer. You know that, don't you?

And he said:

> Yes, sir.

No witness disagreed that the type of lung cancer associated with smoking has never been induced in animal inhalation experiments, despite more than 30 years of efforts and many reams of publicity intimating otherwise.

Dr. William H. Stewart of the Public Health Service testified:

> I have never stated a cause and effect between (cigarette smoking) and coronary diseases.

Dr. Campbell Moses of the Heart Association said:

> There is no proof that cigarette smoking causes coronary artery disease.

His colleague, Dr. Lewis January, said:

> There was no specific causal relationship.

Dr. Stewart quoted the 1964 Surgeon General's Advisory Committee as hav-

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ing "stated that a relationship exists between pulmonary emphysema and cigarettes but it has not been established that this relationship is causal."

Dr. John Gompertz of the Tuberculosis and Respiratory Diseases Association testified:

> The cause of emphysema is not clearly understood."

Asked if it was "not known," he said:

> That is true.

Dr. Robert Browning, his colleague, said "we have not any valid statistics yet available" on emphysema.

Doubt, however, was not the only reaction among committee members. Many were understandably concerned that evidence marshaled against cigarette smoking appeared to be patently one sided. Some felt that they, along with the public, had been taken on a "bandwagon" ride. Expert witnesses agreed that both were indeed possibilities.

Following are some observations on one-sided reporting of research:

R. H. Rigdon, M.D., professor of Pathology, University of Texas:

> I have been disappointed in my failure to find in the Surgeon General's Report of 1964 and in the 1967 HEW Report to Congress, The Health Consequences of Smoking, a discussion of the published reports of those that disagree with their conclusions.

Sheldon C. Sommers, M.D., director of laboratories, Lenox Hill Hospital, New York:

> Then I read the [Surgeon General's 1964] report and I realized what had happened. They had simply done a selective review of the literature. They had not investigated all aspects. The report simply didn't cover the entire field, in my opinion. It was a disappointment.

William B. Ober, M.D., director of laboratories, Knickerbocker Hospital, New York:

> People who tell you that cigarette smoking causes lung cancer do not like to be reminded of [conflicting] data. In fact, they were not included in the last Surgeon General's report on "Smoking and Health."
>
> I am sorry that the publication presented only one side of the picture.

Milton B. Rosenblatt, M.D., president, medical board, Doctors Hospital, New York:

> Doctors don't know any more about it than anybody else does. They pick up a headline in the newspapers and they know as much as any lay person. This is a highly specialized area. . . . The Public Health Service I regret to say, uses misleading data. It is true, but it is not the whole truth.

Hiram T. Langston, M.D., professor of surgery, University of Illinois College of Medicine:

> I think that the attitude of many of my associates in the medical profession is that there are so many things that they have to look into that I doubt if any great percentage have devoted the time and effort to investigating the actual background information, and have tended to . . . accept what is handed them.

Arthur Furst, Ph. D., director, Institute of Chemical Biology, University of San Francisco:

> [Scientists] absorb the general ideas about smoking that is going on in the world around them . . . just because you are a scientist or just because you are a doctor doesn't put you in much better position to know any better than anyone else if you don't look at the facts.

Duane Carr, M.D., professor of surgery, University of Tennessee College of Medicine:

> [The majority of physicians] have to rely upon published reports and attach some significance . . . to reports of the Surgeon General . . . the number is rather small who have either the time or the inclination to cover the experimental literature.

Thomas H. Brem, M.D., professor and chairman, Department of Medicine, University of Southern California:

> I am perfectly sure that if you poll the doctors of this country you would get a very strong majority who believe what the Public Health Service Report says, and that there is substantial proof of the causality relationship. But I think there is only one in 10,000 doctors in this country who really has read the papers and evidence on the other side.

On the "bandwagon" effect:

Duane Carr, M.D., professor of surgery, University of Tennessee College of Medicine:

> Unfortunately, many supposedly well informed officials in the Public Health Service and certain voluntary health organizations have permitted their emotionalism and zeal to outdistance the actual scientific knowledge and proof. This has resulted in misleading the public into believing there is proof where none exists. A bandwagon effect has resulted even in the medical and scientific community where too many have accepted the pronouncements of dedicated zealots, lacking the time to examine the scientific basis, or lack of it, for such pronouncements.

Ronald Okun, M.D., director of clinical pharmacology at Cedars-Sinai Medical Center, Los Angeles, Calif.:

> There is such an emotion-laden question here. There is so much bias, that one is in danger of being ostracized by his colleagues in the scientific community if his data does not fall in step with preconceived notions.
>
> Yet, I feel that because a stone started rolling down a hill, people have continued to take up this crusade—the word I chose to use—with really no evidence, but just the momentum of a stone rolling down a hill. . . . If one wants to be a crusader and remove a social habit from our environment which some people find distasteful they choose a very emotion-laden illness to pin it on to make it easier to get their job done.

It seems to me that what we have learned from 1,807 pages of testimony is that the public has been subjected to an old-fashioned scare campaign. The same kind of campaign that will take place if Congress fails to retain absolute jurisdiction in this matter.

Mr. Speaker, I yield now 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I appreciate the gentleman from Tennessee yielding, because I have informed him in advance that unfortunately I cannot take the position he takes with respect to this legislation.

Normally when I vote for a rule in the Committee on Rules, as I did for this rule, and when I approve it on the floor, as I expect to do today, I do so with the hope and expectation that I can and will support the legislation it makes in order.

I have received, I am sure along with other Members of Congress, communications from segments of the broadcasting industry as well as of the tobacco industry, saying that passage of this legislation is essential or there will be regulatory chaos; and, as the gentleman from Tennessee just argued, that passage of this legislation is necessary to insure that Congress retains its jurisdiction in this field rather than cede it to a fourth branch of Government.

I would hope, very frankly, that by a negative vote on this bill, once the rule has been adopted, we could have made it absolutely clear in the legislative history that will surround that vote that Congress is exercising its jurisdiction; that we are telling the Federal Communications Commission, "It is the will of Congress that you should regulate this product which we have found by this very piece of legislation to be injurious to the public health."

A few days ago one of the distinguished advisers of the President, Dr. Daniel Moynihan, delivered a very remarkable commencement address out at the University of Notre Dame. Among the things he said on that occasion is that in this country today, and indeed throughout the Western World, we are facing a crisis of values.

I read recently a book by Stephen Spender, the poet and critic, called, "The Year of the Young Rebel." He had traveled to some university campuses both here and abroad. He came to the conclusion that what the students today want is not power per se; what they are interested in is changing values.

It seems to me that we in Congress today come head on into a collision with some competing values, and we might as well admit it.

Surely, there is a right or a value of the broadcasting industry to continue to receive $200 or $300 million a year in advertising revenues from the kind of advertising that is done, I am told, 55 minutes during prime time on three television networks every night of the year. There is that economic value.

There is the economic value of which my friend spoke, of the tobacco farmer he represents. Incidentally, I am not without sympathy for their position. I really do not believe they are going to be harmed by the defeat of this legislation as much as my friend fears they may be.

Against these economic interests, important as they may be, is arrayed the question of whether there is not a value or interest that transcends those we have enumerated. I say there is a higher value. There is a higher responsibility on the part of this Congress to do what it can to protect the health of the American people. I say that by a "nay" vote on this legislation we would tell the young people of this country, who, by the time they graduate from high school, have been exposed to 15,000 hours of television—and we would tell that child in the ghetto, where recent surveys, I am told, indicate only 7 percent of the people ever read a newspaper or magazine but two-thirds of the families have television sets—we would tell those children, "We place a higher value on pro-

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tecting your health than we do on any other of these interests, important and valuable as they may be."

It seems to me that is the crux of the issue with which we are confronted in this legislation. For this Congress to assume the position that we do here, that we make the affirmative finding under the authority of the Surgeon General—be it a past Surgeon General or a present Surgeon General or someone else—we make the finding in this bill that this is injurious to the public health, that it may cause lung cancer and other respiratory diseases, and then we go on to say, "But, no, we will not protect the children of this country from the kind of insidious influences that are wrought upon their young and impressionable minds with the kind of advertising that is done with respect to this particular product."

I read some very interesting testimony—and with this I will close—taken before the Committee on Interstate and Foreign Commerce from a Dr. Ronald G. Vincent, associate chief, Department of Thoracic Surgery, Roswell Park Memorial Institute, Buffalo, N.Y., who ought to know what he is talking about because he treats 250 new cases of lung cancer a year. He says of those people only 10 percent will be alive 5 years later and 96 percent will indicate they smoke one or more packs of cigarettes a day. In his testimony he said, and I quote:

> I suspect that the historians of the future will look upon our efforts during the past decade with amusement. The record will probably show that here was a highly intellectual society, greatly concerned and oriented toward problems of health, who spent millions of dollars in health research, but with a clearly defined epidemic bursting at their feet, and for reasons of what they thought to be enlightened political and economic self-interest, stood flailing about the branches, while refusing to strike at the roots of the problem.

The **SPEAKER** pro tempore. The time of the gentleman has expired.

Mr. **QUILLEN.** Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. **ANDERSON** of Illinois. Mr. Speaker, I read a story a couple of years ago in the newspaper about a couple of young teenagers who got into a department store and stayed there after it closed and remained there all night. They did not steal anything but merely went around the store and changed the price tags on all the products so that you could buy a fur coat for $1.98. They transposed values and badly confused and mixed up some of the customers in that store the next day. I would suggest that we will be confusing very badly the young people of this country if we transpose values in this instance and put a higher premium on the economic interests of the tobacco farmer and of the broadcasting industry and all of these other entirely legitimate interests that we do on protecting the health of the young people of our country. Ought we not put a higher premium on protecting the public health of our country? That is the question we must answer.

Mr. **QUILLEN.** Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. **YOUNG.** Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Washington (Mr. ADAMS).

Mr. **ADAMS.** Mr. Speaker, because of the remarks that the gentleman from Illinois just made, I think I should make it clear that on this bill and on this rule I shall stand with him, and tomorrow will probably be a long day. He has precisely stated the issue, and I support him on it. The issue is one of values; the issue is one as to whether or not this generation, in this civilization, will do what it can to protect its young. We will not delay this bill; we will not pettifog on this bill. I shall vote for the rule on this bill, and I want publicly to thank the Committee on Rules for having given us the time to prepare for this bill. We are now prepared, and today I will deliver the amendments which I know about to other Members that want them. There will probably be others. Our amendments will strike exactly at the heart of the question which is: Should we have a warning to the young people who are making up their minds—those between 9 and 18 years of age—by giving them the best knowledge that we have about cigarette smoking. This bill is not directed toward banning cigarettes.

If we put cigarettes in the same position as liquor, as the gentleman from Iowa mentioned, the tobacco industry will probably save themselves about $200 million a year in advertising. The people that drink will continue to drink, those who smoke will probably do the same, but maybe they would know a little more about it if we did put a label on them. I would not care if both were labeled. What we are trying to do with cigarettes in this debate is make known to you the fact that every night, every day, every week, hour after hour cigarette smoking is pointed out to the young as the manner in which to grow up.

And I know all of you that have children deal with it every night. Cigarette smoking by advertising is directed toward showing that it is the "in" thing to do; it is the way to get the girl; it is the way to be the hero; it is the way to be the adult to which every child aspires, and so it is true with reference to telling our values. We are saying to the young people simply that the best medical knowledge we have now is that this problem is hazardous but yet we are going to say that in advertising we will not say that.

Mr. Speaker, I want to make it very clear that our amendments will be directed toward two basic things. First, by telling the people, telling them as best we know, what the situation is so they can make an informed judgment. The second will be to shorten the length of time before this Congress considers this matter again. If you want to talk about the control of the FCC and the FTC, the most important thing which the Committee on Interstate and Foreign Commerce generally tries to follow is that no bill goes beyond 3 years before you look at it again.

Another point is what we do to the States. Forty-eight of the 50 States prevent young people from having cigarettes sold to them. Many of them prohibit any advice to young people to smoke. And, yet, in these States they are not permitted because of the bill which we have to say that you cannot control the advertising of cigarettes insofar as young people are concerned.

Mr. Speaker, we will have a great deal of general debate today in which we will describe the medical testimony and I think you will find there is not a single medical society in the world that does not take the position that cigarette smoking is hazardous to one's health.

There are individual doctors who will testify—and men of integrity and whom I believe are sincere in their opinion that will say—we do not know what it is when you light up a cigarette and smoke it that causes one's medical problems. It could be a number of things. But I wish the cigarette industry would spend $200 million on research rather than $200 million on advertising to find out.

The **SPEAKER** pro tempore (Mr. BOLAND). The time of the gentleman from Washington has expired.

Mr. **YOUNG.** Mr. Speaker, I yield 2 additional minutes to the gentleman from Washington.

Mr. **ADAMS.** To give you some idea—and this issue is going to be a value judgment issue—there is going to be no partisanship in this issue at all, it is going to be those who believe that we should "tell it like it is" and those who for their own legitimate reasons feel that this is doing too much. I do understand the economic problems of the tobacco industry and I can say this: that in the opinion of this, gentlemen, whether you advertise or not, you are probably going to sell the same number of cigarettes, to sell them the following year and the following year after that. But what will probably happen thereafter is that fewer young people will move into the market over a period of time and you will have, instead of an expansion, a stabilization of the industry.

Mr. Speaker, the liquor industry does not advertise on television. That is why it is not covered in this bill. They made a voluntary agreement years ago—the television industry—not to put the advertising of liquor on television.

Mr. Speaker, just to indicate some of the people who are involved in this issue, I received a telegram this morning—and this telegram is addressed to me—from the heart specialist who treated President Eisenhower, Dr. White, in which he basically says, "Go on the floor and try to do something about this; tell the people, tell them at least what we think the effects will be and what other cardiologists think."

The same has been true of specialists engaged in cancer research. They are not trying to come in here and scare you and say, "We know if you are going to smoke a cigarette you are going to get cancer." They just say that in their medical judgment it is dangerous to smoke cigarettes.

Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD the telegram which I have just received from Dr. White.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The telegram referred to follows:

BOSTON, MASS.

Representative BROCK ADAMS,
Cannon House Office Building,
Washington D.C.:

The cigarette bill that Congress soon will consider serves to encourage, rather than discourage cigarette smoking. It would eliminate every effective means of regulating advertising. Many scientific studies during the past 12 years have convinced me and a great majority of my fellow cardiologists that heavy cigarette smoking accounts for hardening of the arteries and other conditions that are responsible for most cases of heart attacks and strokes and causes death from cancer and other diseases. All of us, physicians and laymen, have an obligation to eliminate or reduce the hazard of cigarette smoking. Further, it would authorize a health warning only on cigarette packages where experience has shown such warnings to be virtually useless, being seen chiefly by confirmed smokers only. I congratulate you on your determination to lead the fight against this bill and send my warmest wishes for success. To defeat this bill would contribute importantly to our nationwide effort to reduce death and disability from the heart and blood vessel diseases, the number one killer in our nation today.

PAUL DUDLEY WHITE, M.D.

Mr. FOUNTAIN. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. I thank the gentleman for yielding, and I would like to ask the gentleman whether Dr. White in his telegram or in any communication directed to the gentleman or to anyone else has stated that he has ever engaged in 1 minute of basic research on this subject?

Mr. ADAMS. Dr. White did not so state in his telegram, and so I do not know whether he has. I will say to the gentleman that we did have witnesses who have engaged in basic research; we have had pathologists, heart specialists, cancer specialists, and all of them indicated—and I will agree with the gentleman that this matter of what causes the cancer out of cigarette smoke is not known. If they knew, they would stop it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. YOUNG. Mr. Speaker, I yield 1 additional minute to the gentleman from Washington.

Mr. ADAMS. I thank the gentleman for the additional time, and I will yield to the gentleman from North Carolina so that he may reply.

The problem that we have is that these men have found over studies going back through 1962 what happens in the relationship in America is between people who smoke and the incidence of cancer and heart disease, and this is what they will say—and this is what the debate will reveal this afternoon.

Mr. FOUNTAIN. I would also ask the gentleman if there were any medical or scientific witnesses—who have engaged in basic research and who have had experience with the raw materials—who testified that in their opinion there is a direct and positive causal relationship between cigarette smoking and a disease?

Mr. ADAMS. When the gentleman phrases it in that way, no, because it is mainly epidemiological. In other words, it is the same situation as that which happened when the man in England many years ago found that there was an epidemic in an area of typhoid, and that all the people were drinking from the same pump. So what he did was take the handle off the pump, and the epidemic stopped.

Now, he did not know that typhoid baccilli were carried by the water supply, but he did know that if he could break the causal connection between the two he could save the lives of people. And that is the type of evidence that the Surgeon General has, and the American Medical Association has testified about. And basically I would say to the gentleman that is true of most diseases.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. YOUNG. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Speaker, first I would like to thank the gentleman from Texas for yielding me these 5 minutes, and to associate myself with the gentleman from Illinois and the gentleman from Washington in respect to their remarks on smoking.

Mr. Speaker, it is amazing to me that after all of the evidence that has come forth that there are still people who question whether or not cigarette smoking has a relationship to cancer, emphysema, and the other diseases that the scientists say it does relate to. But then again, I know that there are still people in this world who believe that the earth is flat, and if they are willing to believe that, then they are not going to accept the statistical evidence that cigarette smoking will lead to these diseases.

Some of the people who sold thalidomide I am sure today do not agree with the statistical evidence that thalidomide causes deformations in the fetus, but still we know it took place, and thalidomide has been outlawed.

I say to you that the same statistical correlation exists in cigarette smoking. Those who represent the tobacco interests just think about the statistics: 300,000 people will die this year as a result of cigarette smoking. One million schoolchildren will be hooked on cigarettes this year, as a result of television and radio advertising. Those people at age 25 who smoke two packages of cigarettes daily will have a longevity of 8⅓ years less than someone who does not.

Is it worth it? Is the private interest worth it? Is the profit to be made by the cigarette industry worth it to take these chances with the lives of the American people?

There is another area that the committee never went into, and that is the subject of addiction.

There is no question but that there are scientists today who say that cigarette smoking is addictive. All you have to do is to look at all those people whose very lives depend on it, those people who have Buerger's disease—who are told by their doctors, "Do not smoke because if you do—each year, each day, each month another part of your body is going to have to be amputated."

Yet, they will continue to smoke because there is an addictive quality to it.

I say to my colleagues in this House, there is no question but that there will be a penalty paid by the tobacco farmers and we should make that up to them. We should do all that is necessary to make certain that if there is a loss in tobacco profits, it is made up by some kind of subsidy.

We are paying people not to grow wholesome crops. Is it not possible that we pay them not to grow poison?

I say to you, if you consider all these things, we must not only accept the proposals or the amendments that will be made later on, but we must make them even stronger.

Mr. YOUNG. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Speaker, the legislation on cigarette labeling that is before the House today is important to the health and welfare of every American—and is particularly important to the health and welfare of young Americans.

With this legislation Congress has not only the opportunity but the duty to set national policy. If Congress does not act, two independent agencies—the Federal Trade Commission and the Federal Communications Commission—have told Congress that they intend to take matters into their own hands.

Congress in 1965 did act on cigarette labeling, and by so doing, made it clear that policy in this important field should be and is the prerogative of the elected Representatives of the people in Congress. I strongly support congressional action on the issues before this body today. Congress must and should resolve the controversial questions concerning smoking and health.

However, if Congress has a duty to act, it also has a duty to act responsibly. In protecting the health and welfare of American youth it could well be that a weak measure would be worse than no measure at all.

Mr. Speaker, the bill as reported from the Commerce Committee, to my mind, does not adequately deal with the preponderance of scientific and medical testimony presented. Nor does it provide for dissemination of an adequate health warning to the one important group of Americans that should be the primary focus of our actions—the young who have not yet formed the cigarette smoking habit.

The present warning on cigarette packages comes into the hands of those already smoking. The proposed, somewhat stronger warning would also appear only on cigarette packages. Younger Americans, before coming to the point of buying cigarettes, would come into only occasional contact with the health warning.

But these same young persons, as do all Americans, come into daily contact with cigarette advertising, in print, on radio, and on television. This advertising is understandably designed to make cigarette smoking seem an appealing and adult activity, encouraging experimentation by holding up first one, then another brand as superior in flavor and smoking pleasure.

At the very least, whatever warning we approve for use on cigarette packages should also appear in cigarette advertising. Advertising theory has long held that repetition is a key to effectiveness and constant reminders of the health hazards of smoking should be before all groups, not just those who already have the habit.

There are those who hold that requiring a warning in advertisements will cause the cigarette manufacturers to forgo the use of such advertising. I do not believe that will be the case. A carefully worded warning would do no more than satisfy the requirement for full disclosure and need not destroy the purpose of the advertisement, which may be to induce persons who are already smokers to try another brand—perhaps one lower in tar and nicotine.

Others say that a requirement for inclusion of a warning in cigarette advertising would be discriminatory—that no other industry faces such a requirement in its marketing activities. Opponents of a warning in advertising say that sellers of other products with demonstrable hazards from misuse, such as automobiles and alcoholic beverages, are not compelled to carry warnings in their advertising.

But whereas automobiles can be operated safely, medical testimony holds that cigarettes cannot be smoked safely. And producers of distilled spirits, recognizing that their products may be misused, have voluntarily refrained from using the most highly persuasive advertising media—radio and television—to promote their products. No such restraint has been forthcoming from the cigarette manufacturers.

In this context, it should be added, regulations of advertising and sales practices has, in our lifetimes, been moving beyond the simple and callous doctrine of "let the buyer beware." Manufacturers are now deemed to have positive responsibilities to their customers, and full disclosure—which has long been the rule for most responsible industries—is now becoming the rule for all.

Admittedly, radio may present a special problem if a warning in advertising is required. In a radio commercial all words tend to have equal emphasis and any required language would cut into the limited time for the advertiser's message. It is possible that the requirement for the warning to appear in radio advertisements could be waived. Use of radio for cigarette advertisements has been limited compared to use of other media. The basic format of radio spots for cigarettes, the jingle, would suffer from a requirement that specific statutory language be presented. On television, the warning could appear on the screen without interfering with jingles or other material in the sound portion of the announcement.

Mr. Speaker, our responsibilities for setting policy in this important field are clear. After extended debate in open session all arguments must return to the central fact that the issues here should be resolved by Congress, which must be responsible and responsive, through its elected representatives, to the wishes and needs of all the people. For the regulatory agencies, after seeking and failing to obtain congressional advice, to act unilaterally on such an issue of basic policy would be, by definition, not in the public interest. Yet if Congress does not act, the FCC and the FTC should be commended for coming forward to fill the policy vacuum that will result.

Clearly a mandate for the Commissions is in order—but one that accurately and fairly comes to grips with the gravity of the health hazard.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6543, Mr. BROOKS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 1½ hours, and the gentleman from Ohio (Mr. DEVINE) will be recognized for 1½ hours.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the legislation which the House is considering today amends the Federal Cigarette Labeling and Advertising Act. The bill was reported from the Interstate and Foreign Commerce Committee by a vote of 22 to 5.

Some of the most extensive hearings held by the committee during the time I have been a member were held on this legislation. We heard every person who asked to be heard and could comply with our hearing schedule. In all, the full committee heard 91 witnesses and received 117 statements in 13 days during the period from April 15 to May 1.

On May 28, the committee ordered H.R. 6543 reported to the House. At the request of Members who wished to file minority reports, I deferred filing the report on the bill until June 5. On Sunday, June 8, I received a telephone call at my home from a member of the committee who asked for additional hearings on the legislation on grounds that information had been brought to his attention which placed in question certain testimony received from a representative of the radio and television broadcasting industry to the effect that the industry was carrying out an effective continuing review of cigarette advertising on radio and television. This information consisted of a confidential 1966 report of the code authority of the National Association of Broadcasters relating to broadcast cigarette advertisements and an allegation by a former employee of the code authority—who also released the confidential report—to the effect that the industry had ceased effective self-regulation of cigarette advertising in April 1968.

So as to provide Members with as much information as possible while considering the legislation before the House, I ordered a hearing to be held last Tuesday. At that hearing we heard Mr. Vincent Wasilewski, president of the NAB; Mr. Stockton Helffrich, director of the code authority of the NAB, and Mr. Warren Braren, who, until May 1 of this year was manager of the New York office of the code authority. Those hearings lasted the entire day and the hearing record covers 266 pages.

All this information is presented to the House, and I trust that each Member will consider all the evidence and give every part such weight as his best judgment may dictate.

The issue is highly emotional. But what is required of us, in my opinion, is that we act in accordance with what we consider to be the best interest of this Nation as a whole.

Now, Mr. Chairman, let me turn to the legislation itself. In 1965, Congress enacted the Federal Cigarette Labeling and Advertising Act—Public Law 89–92—and made it effective January 1, 1966. Essentially the act—

First, requires cigarette packages to bear the label:

> Caution: Cigarette Smoking May Be Hazardous To Your Health.

Second, prohibits any other statement relating to smoking and health from being required on cigarette packages so labeled; and

Third, provides that until July 1, 1969, no statement relating to smoking and health can be required in any advertisement of cigarettes packaged in accordance with the act.

H.R. 6543 as reported by the committee amends the act in two respects.

First, changes the warning required on cigarette packages to read:

> Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous To Your Health And May Cause Lung Cancer Or Other Diseases.

Second. It postpones the termination date on preemption of regulation on cigarette advertising from July 1, 1969, to July 1, 1975.

Mr. Chairman, to fully appreciate the situation with which we are concerned in this legislation, the Members of the House should know that the Federal Communications Commission and the Federal Trade Commission have each undertaken rulemaking proceedings based on the possibility that Congress will permit the preemption provisions to terminate on July 1, 1969.

The rules proposed by the FCC, if adopted, would ban all cigarette advertising from radio and television. Those proposed by the FTC would have virtually the same effect with respect to cigarette advertising in all other media. The FTC proposal would require printed cigarette advertisements to bear a lengthy health warning.

Now, Mr. Chairman, others will point out the problems of constitutional and statutory law which these proposed rules

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raise. While I am concerned about these problems, they are not my major concern. My principal concern is that these agencies, the FTC and the FCC, have assumed a policymaking role with respect to matters never intended by Congress.

What may be broadcast over radio and television, and how legitimate articles of commerce may be advertised, are fundamental decisions. They should not be made by agencies not responsible to the people of this Nation.

Mr. Chairman, I do not smoke; I do not believe that any of my children smoke; and I do not believe that smoking is good for anyone. Because my committee has reported this bill I intend to support it. Nevertheless, if amendments to the bill are adopted by the House I will not be distressed. The point I am making, Mr. Chairman, is that in the present situation policymaking with respect to cigarette labeling and advertising should be fixed by the agency set up by the Constitution for the making of public policy—that agency is the Congress of the United States. I hope this House will not abdicate this duty and responsibility by failing to pass legislation on cigarette labeling and advertising.

Mr. Chairman, I have heard some Members make the statement that they will vote against this bill so that the FTC and the FCC can act. This is not accepting our responsibility. That is what is the matter with this Nation. We talk of values, but yet we say, "We will give that responsibility to somebody else." This Congress is endowed with the power to act in this situation and we should not give it to some agency downtown by failing or refusing to act.

It is our responsibility. This Congress should do whatever needs to be done.

We had before our committee 26 amendments that were voted on. Some of them were lumped into groups, but there were 20 separate votes taken. That is the democratic way of doing it. We should let the elected Representatives of the people act by their votes. That is one reason why I thought this bill should come to the floor of Congress, to let the elected Representatives of the people of this Nation have their say with respect to what should be done and then vote.

So let us accept our responsibilities as Representatives of the people, make our amendments to the bill, and then let the bill be passed.

Mr. Chairman, the following correspondence corrects certain misinformation which appears on pages 1289 and 1290 of the hearings on this legislation and I include it in the RECORD at this point:

LORILLARD,
May 21, 1969.

HON. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, Washington, D.C.

DEAR MR. CHAIRMAN: In hearings of the Interstate and Foreign Commerce Committee on labeling and advertising of cigarettes, May 1, 1969, there occurred a colloquy between Robert B. Meyner, Administrator of the Cigarette Advertising Code, and you, which tended to reflect adversely on the Lorillard Corporation and to suggest improprieties in the relations between Lorillard and the Federal Trade Commission. Because Mr. Meyner's testimony contained factual inaccuracies, we are writing this letter with the request that it and the attached documents be made a part of the record of the hearings. We are taking the liberty of forwarding copies of this correspondence to Mr. Meyner and to Chairman Paul Rand Dixon of the Federal Trade Commission.

In his testimony on May 1, Mr. Meyner condemned the Federal Trade Commission's announcement of March 25, 1966, in which the Commission, reversing prior policy, declared that a factual statement of tar and nicotine content in cigarette advertising would not be considered in violation of law. Mr. Meyner stated that this Federal Trade Commission action brought about the immediate resignation of one member of the Code—later identified as Lorillard—and the subsequent resignation of two other unidentified Code members. (They were, in fact, Stephano Brothers and American Tobacco Company.) There followed this exchange between Mr. Meyner and you:

"The CHAIRMAN. There are a couple of questions I would like to ask. You mentioned about some withdrawing from the Code at a certain time. Who was it?

"Mr. MEYNER. The first was Lorillard. They withdrew the very day that the Federal Trade Commission abandoned its policy on tar and nicotine.

"The CHAIRMAN. The same day?

"Mr. MEYNER. The same day.

"The CHAIRMAN. What reason did they give for withdrawal?

"Mr. MEYNER. They gave the FTC ruling, as I recall it. They referred to the FTC.

"The CHAIRMAN. On that FTC ruling, how soon after the FTC changed its ruling did companies start emphasizing low tar in their advertising?

"Mr. MEYNER. *The very day.*

"The CHAIRMAN. It looks like there might have been some collusion here.

"* * * * *

"The CHAIRMAN. What I am trying to get at is it looks like there might have been some advance notice, let us put it that way, when a company is ready to advertise that same day. You do not need to answer this. I am saying from my own mind this looks a little strange to me, if this happened the same day, that they would start advertising when the FTC lifts the ban, the same day." (Tr. 1760. Emphasis added.)

Mr. Meyner's statement with respect to the commencement of advertising by Lorillard is incorrect. The first Lorillard advertisement incorporating the change in Federal Trade Commission policy did not appear until 35 days after Lorillard's resignation from the Code.

The actual chronology of events was as follows:

On March 25, 1966, the FTC announced its changed policy. (Copy attached) In that same day, in a meeting called following notice of the Commission's action, Lorillard's executive committee reached a decision to resign from the Cigarette Advertising Code. Lorillard's letter of resignation was hand-delivered to Mr. Meyner that afternoon. (Copy attached) On March 28, Lorillard issued a press release publicly announcing its resignation. (Copy attached) On April 6, 1966, Lorillard made the first public announcement of development of True, a new reduced tar and nicotine filter cigarette. (Copy attached) On April 11, 1966, the first factory shipments of True were made. On April 29, 1966, the first print advertisement of True appeared, in the *New York Times*. Television advertising of True began the week of May 16, 1966, in the New York market. This was the first Lorillard advertising containing tar and nicotine statements under the revised FTC policy. It was not prepared until after March 25, 1966, nor was it submitted to the FTC for clearance or review prior to dissemination.

The suggestion of "collusion" is most unfair to Lorillard and to the Federal Trade Commission. Therefore, in view of the prominence which has been given to Mr. Meyner's testimony and your statement in response to the inaccuracies in that testimony, we believe the record should be corrected to set forth the facts as they are described above.

We trust that you will appreciate our desire to have the record in this matter correctly state the facts, and we appreciate your courtesy in considering the above.

Sincerely yours,
ARTHUR J. STEVENS,
General Counsel.

NEWS RELEASE OF FEDERAL TRADE COMMISSION, MARCH 25, 1966

The Federal Trade Commission today announced that it has sent identical letters to each of the nation's major cigarette manufacturers and to Mr. Robert B. Meyner, Administrator of The Cigarette Advertising Code, Inc., in regard to factual statements of tar and nicotine content on labels and in advertising of cigarettes.

The text of the letter is as follows:

"GENTLEMEN: The Cigarette Advertising Guides promulgated by the Commission in September 1955 provided that no representation should be made that "any brand of cigarette or the smoke therefrom is low in nicotine or tars * * * when it has not been established by competent scientific proof applicable at the time of dissemination that the claim is true, and if true, that such difference or differences are significant." On the basis of the facts now available to it, the Commission has determined that a factual statement of the tar and nicotine content (expressed in milligrams) of the mainstream smoke from a cigarette would not be in violation of such Guides, or of any of the provisions of law administered by the Commission, so long as (1) no collateral representations (other than factual statements of tar and nicotine contents of cigarettes offered for sale to the public) are made, expressly or by implication, as to reduction or elimination of health hazards, and (2) the statement of tar and nicotine content is supported by adequate records of tests conducted in accordance with the Cambridge Filter Method, as described in an article entitled "Determination of Particular Matter and Alkaloids (as Nicotine) in Cigarette Smoke," by C. L. Ogg, which appeared in the Journal of the Association of Official Agricultural Chemists, Vol. 47, No. 2, 1964. It is the Commission's position that it is in the public interest to promote the dissemination of truthful information concerning cigarettes which may be material and desired by the consuming public.

"By direction of the Commission.
"JOSEPH W. SHEA,
"Secretary."

MARCH 25, 1966.

GOV. ROBERT B. MEYNER,
Administrator, the Cigarette Advertising Code, Inc., New York, N.Y.

DEAR GOVERNOR MEYNER: As you know, the P. Lorillard Company participated in the development and organization of the Cigarette Advertising Code. The Code was essentially the cigarette industry's response to a recognized need for industry self-regulation during a time of uncertainty over the course of future legislative and regulatory action.

It is our believe that the circumstances which led to the establishment of the Code administration have now significantly changed. The legislative situation has been stabilized with the enactment of the Cigarette Labeling Act of 1965. More impor-

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tantly, the Federal Trade Commission has now announced a fundamental change in its cigarette advertising policy dealing with tar and nicotine representations. It is evident to us that the Commission, in making this announcement, seeks to encourage the development of low tar and nicotine cigarettes for those consumers who desire such products. This has been the continuing objective of P. Lorillard Company over many years and remains our goal not only with respect to our existing brands, but with respect to new products under development. We regard the FTC's policy announcement as a stimulus to the further development of improved filter cigarettes.

Accordingly, we now wish to advise you of our resignation as a member of Cigarette Advertising Code, Inc., effective as of this date, pursuant to the authority of Article III, Section 4, of the By-Laws. We shall continue as in the past to label and advertise our products in accordance with existing law and with applicable regulations and rulings of the Federal Trade Commission. We shall also continue to adhere to those principles underlying the provisions of Article IV, Section 1, of the Cigarette Advertising Code dealing with limitations on advertising to youth.

We wish to express our gratitude to you for your efforts on behalf of the industry and the Code Authority during the period of our membership.

Sincerely yours,

M. YELLON.

NEWS RELEASE OF P. LORILLARD CO.

P. Lorillard Company, a pioneer in the field of high filtration cigarettes, today (Monday, March 28, 1966) announced its withdrawal from the tobacco industry's voluntary Cigarette Advertising Code organization. This followed the Federal Trade Commission announcement last Friday permitting a factual statement of the tar and nicotine content of the mainstream smoke from a cigarette.

This "fundamental change" in the FTC's cigarette policy evidently "seeks to encourage the development of low tar and nicotine cigarettes for those consumers who desire such products," P. Lorillard stated. "We regard the FTC's policy announcement as a stimulus to the further development of improved filter cigarettes."

The announcement of Lorillard's resignation was transmitted to Governor Robert B. Meyner, Administrator of the Code, by Manuel Yellen, Lorillard Board Chairman and Chief Executive Officer.

Lorillard stated that it will continue to label and advertise its products in accordance with existing law and with applicable regulations and rulings of the Federal Trade Commission. The Company also stressed it will continue to adhere to the principles of the Cigarette Advertising Code dealing with limitations on advertising to youth.

NEW YORK, April 6.—P. Lorillard Co., which withdrew from the Cigarette Advertising Code last week, announced today it had developed a new king sized filter cigarette.

Distribution of the new cigarette, named True, will begin in the New York area next week and then be extended nationally as production increases, Manuel Yellen, Lorillard chairman, said.

Yellen said the new cigarette had an air filtration system specifically formulated to cut tar and nicotine.

Lorillard withdrew from the voluntary code after the Federal Trade Commission announcement permitting a factual statement of the tar and nicotine content of the smoke from a cigarette.

Lorillard said then the change in FTC policy evidently seeks to encourage the development of low tar and nicotine cigarettes for those consumers who desire them.

The company said laboratory tests of the new cigarette had been conducted according to the Cambridge Test Method prescribed by the FTC.

CIGARETTE ADVERTISING CODE, INC.,
New York, N.Y., May 29, 1969.

ARTHUR J. STEVENS, Esq.,
General Counsel, Lorillard Corp.
New York, N.Y.

DEAR MR. STEVENS: Governor Meyner has asked me to reply to your letter of May 21, 1969, since I had previously discussed the matter with you on the telephone.

As I advised you then, the error in chronology to which the Governor testified on May 1, was discovered and corrected by him before we heard from you.

I am enclosing a copy of my letter of May 7 to Mr. Williamson, the clerk of the committee.

The correction was to change Mr. Meyner's answer on page 1760 from "The very day", to a reference to the fact that the new brand was announced twelve days later.

The confusion, I believe, resulted from our mental transposition, during the testimony, of two events. While the indicated interval occurred between the FTC rule and the announcement of the True brand, advertising of True's ranking in the Roswell Park tests did follow the release of those test results by only one day.

We certainly regret, as I told you, the indicated error. I trust the correction we had already made has set the matter straight.

Very truly yours,

DANIEL B. GOLDBERG,
Deputy Administrator.

MR. W. E. WILLIAMSON,
Clerk, Committee on Interstate and Foreign Commerce, Washington, D.C.

DEAR MR. WILLIAMSON: I am returning the transcript which you were good enough to send me, with some minor editing.

I do call your attention to the fact that I have made a correction in chronology on page 1760, and the Chairman may wish to consider changing the phrase "that same day" in his observation on page 1761.

Very truly yours,

DANIEL B. GOLDBERG,
Deputy Administrator.

Mr. MURPHY of New York. Mr. Chairman, that cigarette smoking is a menace to life and lung is no longer a proverbial pipe dream but a deadly scientific fact. That 42 percent of our adult population still considers smoking a minor indulgence—despite the shocking facts first reported in January 1964—is, in itself, a major health problem. That relatively little has been done to curb cigarette-related disease by developing less hazardous cigarettes is a national disgrace.

More than 5 years ago, the Surgeon General of the U.S. Public Health Service issued a report titled "Smoking and Health," which concluded that cigarette smoking is a health hazard of sufficient importance to warrant appropriate remedial action. In 1967, the Public Health Service issued another report, "The Health Consequences of Smoking," which confirmed that smoking is a serious health risk to the individual smoker and a major health problem for the Nation.

Clinical and autopsy studies, epidemiological studies and animal experiments have overwhelmingly proven that cigarette smokers have substantially higher rates of death and disability than nonsmokers. The macabre stitistics show that—

The risk of death from all causes is 70 percent higher for smokers.

The risk of death from lung cancer is over 10 times greater for smokers.

The risk of death from bronchitis and emphysema is six times greater.

The risk of death from coronary artery disease is 70 percent greater.

Despite these sobering statistics, people still continue to smoke. There are millions of people who probably will never be willing to or able to give up smoking.

What has been done for them and, more important, what is being done to discourage young people from smoking? The answer is: relatively little.

We must encourage young people not to start smoking. At present, as many as half the boys and girls in this country have become cigarette smokers by the time they are 18. The hazards of smoking must be instilled in them at an early age.

And, we must pursue development of a less hazardous cigarette. A simultaneous climate of opinion must also be developed so that when a safe cigarette is developed, smokers will turn to it.

In testimony before the House Appropriations Committee on March 13, 1967, the Secretary of Health, Education, and Welfare, John W. Gardner stated:

> There are going to be a great many people who will never stop smoking and we must get going with the kind of research and persuade the tobacco industry to pursue the kinds of research that will result in a safer cigarette.

Scientific journals have recently reported successful testing of a formulation which causes a reduction in tars and nicotines, and benzpyrene—the deadly carcinogen in cigarette smoke.

Benzpyrene, as pointed out in the Surgeon General's reports on "Smoking and Health" not only acts to induce cancer itself, but has a synergistic power and triggers or activates other substances to become major tumor initiators.

Any cigarette which produces significantly less benzpyrene is, therefore, a less hazardous, or safe, cigarette.

This successful biochemical and biological testing of a spray called Chemosol has been conducted and developed by Dr. Perry B. Hudson and the High Tor Foundation. By spraying this chemical solution on cigarette tobacco, the benzpyrene is significantly reduced without destroying the flavor or aroma.

This development is a significant breakthrough. It must not be relegated to the back shelf when a practical, less hazardous cigarette can be made available to the public. The time for utilization of the Chemosol process for commercial purposes in the cigarette market is now.

Further, this first practical method for the production of a safe cigarette should be brought to the public's attention.

A safer cigarette is practical and can be mass produced now—and safer cigarettes have already been produced in laboratories.

The development of Chemosol-treated cigarettes drew American backing and support in 1965 by a small group of interested investors.

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This group is now incorporated as American Chemosol Corp. Dr. Perry Hudson is heading Chemosol Research.

As a Member of Congress, I felt the matter should be explored with a view to government participation. I then talked to Mr. Louis Beck, of New York, the company president.

It was decided to pursue the process with private money. I might add at this point that no Federal funds have been sought or contributed to the 3-year research and development program by American Chemosol.

Several months later, I learned that Dr. Hudson's testing program on live mice was showing positive results and that his treated cigarettes, when compared with untreated cigarettes, were very much safer.

From the outset American Chemosol strived to cooperate, first of all, with our Government agencies with respect to speed completion of this vital endeavor, and at the same time, with representatives of the American tobacco industry.

With respect to the first, I should like to say that, aside from personal relationships which were cordial and open, the Government was ill-equipped to come to grips with this new discovery. In other words, there was not, and so far as I know, still is not, a Federal instrumentality with the facilities necessary for corroborative testing so that new inventions dealing with public health, can be voted up or down.

This meant that the long series of tests had to be accomplished independently and at great expense and that corroborative testimony from other qualified scientists had to be obtained in a most laborious and time-consuming fashion.

But this has now been accomplished.

With respect to relations with the tobacco industry, I can only say that it has been somewhat of a charade.

There has always been a format of cooperation—but always up to a point. Industry scientists willingly discussed with Dr. Hudson the best testing methods. They even supplied cigarette tobacco from commercial lots for use in Dr. Hudson's tests. But they always tended to sneer at and distort the results.

The explanation here, and this is an opinion I share with many others, I believe, is that the tobacco industry has always denied, and still denies publicly, that smoking is harmful to health.

Considering the industry efforts that have gone into making safer cigarettes, we can conclude that their private thinking is different.

In a Senate speech on March 7, 1969, Senator Frank E. Moss stated:

> Again we can only conclude that the cigarette industry is not interested in competing to market less harzardous cigarettes, an unhappy reflection of its sense of social responsibility.

I am confident that Dr. Hudson's findings point the way to a new era of safer cigarette enjoyment.

I believe the House will have to give serious thought to new standards for cigarette labeling and advertising.

Obviously the existing law is a bad compromise in that it does not protect the public, in particular our youth, from developing harmful cigarette habits, and it does not provide sufficient incentive for free enterprise to exploit a safer cigarette.

Furthermore, the Federal Trade Commission regulations now do not consider other recognized harmful ingredients—such as benzo(a)pyrene—which are present in cigarette smoke and are the real culprits to the smoker, and therefore prohibit the developer of a less hazardous cigarette to in fact plainly tell the smoking public of its existence and that it is indeed less hazardous. Therefore, there is little incentive to develop a less hazardous cigarette. I therefore submit that the public be informed.

It is my feeling that a safer cigarette should be promoted extensively so as to drive bad cigarettes out of the marketplace.

In summary, then, the FTC which a long time ago announced plans for an independent laboratory, has for all practical purposes turned the measurement of tars and nicotines over to the American tobacco companies who are supposed to be under investigation. The various governmental agencies in Agriculture and HEW supposedly protecting the public interest have been playing a kind of intramural league system of unproductive research, costing millions of tax dollars, without taking prudent advantage of the many scientific contributors outside of the Government. The tobacco industry has denied that a problem even exists. Much like the automobile industry's study of exhaust air pollution, the tobacco industry regards lung pollution as a matter to be cubbyholed in a dormant, if not conspiratorial, industry trade association.

Those individuals and institutions most responsible for the smoking problem have failed convincingly in giving the American public a reasonable solution and therefore I have placed my faith in and committed myself to an independent force.

Because of my private involvement in this one company, as a member of the board of directors, I am hereby announcing a voluntary restriction of my public role as a Congressman. I shall not participate in any vote, in committee or on the floor, wherein a conflict of interest may arise. I do not, however, plan to remain silent. The public deserves all pressure possible to have a safer cigarette marketed.

Mr. DEVINE. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the House finds itself in a unique position today, I think, because I know of no official party line in the Democrat Party nor in the Republican Party and I know of no particular administration position. Everyone has a great deal of latitude and elbow room to do just exactly as he pleases on the legislation before us today.

Just as a brief review, this bill very simply will prevent the Federal Communications Commission from banning cigarette advertising and the Federal Trade Commission from setting stringent rules on cigarette advertising in printed form. Both the FCC and the FTC have announced their intention to issue rules by July 1 unless the House takes some action today.

Our Committee on Interstate and Foreign Commerce, by a vote of 22 to 5, passed and favorably recommended enactment of this legislation, in that Congress would delay for a period, until July 1, 1975, any control over any cigarette advertising.

The legislation does one other thing, which is that it changes the warning on the present cigarette package from:

> Caution: Cigarette smoking may be hazardous to your health.

To a label which reads:

> Warning: The Surgeon General has determined that cigarette smoking is dangerous to your health and may cause lung cancer or other diseases.

In reviewing the committee report and the testimony and in preparing for our appearance here today, I was reminded of our beloved former colleague, Charley Halleck, who often took the floor of the House and mentioned the fact that one of his female constituents had written to him and said: "Please, Congressman, I cannot afford all the help you are giving me."

So again we are in the position of trying to save the American people from themselves—and I am not sure we can legislate in that particular category.

If Members will pardon a personal reference for a moment, I do not consider myself a prude as far as cigarette smoking is concerned. I imbibed in cigarettes for a period in excess of 30 years—and I do not mean by that to reveal my age—but I ceased smoking over 5 years ago, completely voluntarily, and nobody had to put a skull-and-crossbones or a poison warning on the package to cause me to stop smoking.

I was recently certificated, and I thought I would bring along this plaque and share it with the House today. I have here a beautiful certificate which is normally hanging on the wall of my office. I will read it so it will be included in the Record:

> Having successfully passed 12 months, after breaking the habit of smoking, the American Cancer Society awards this certificate of honor to Samuel L. Devine for being a *smoking dropout*, thereby adding years of healthy life and aiding the Society in its unceasing battle to bring an end to lung cancer.
>
> Granted on this 11th day of January, 1965.

This is signed by the medical director and the president of this association.

I am quite proud to have a certificate from such a respected and formidable group as the American Cancer Society, but again the question is whether we legislatively can solve the problems of the American people, whether we have to tell them or cease telling them about a product.

My personal preference would be to have everyone cease using cigarettes, and thus eliminate a great deal of annoyance and mess without which I would gladly live. I am in favor of the legislation before the House today. It is not because I think that it is particularly good legis-

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lation, but I am opposed to what will happen if we fail to pass it.

Present law, part of which would expire at the end of this month, provides for a warning on each package of cigarettes. It also tells the regulatory agencies to keep their hands off advertising for a 3-year period which now comes to an end. Notice has been served upon Congress and industry and the Nation that two regulatory agencies; namely, the Federal Communications Commission and the Federal Trade Commission, fully intend to take steps which would effectively end all advertising of cigarettes. This bill would tell them to stay out of the area for an additional 5 years.

One might very likely ask, if he is like me very unenthusiastic about cigarettes, "Why not?" Go ahead and ban advertising or make it impractical—who cares? The answer is that when faced with the legal and practical consequences of such action in the present circumstances, it is not right.

Now there are many people who feel so emotional about the subject that their suggestions make little practical sense. They would ban all advertising of cigarettes and feel that this would eliminate cigarette smoking and also keep them out of the hands of our young people. But in the real world it does not work that way. Some other countries have tried banning the advertising of cigarettes, and the consumption rose rather than diminished. On the other hand, here in America with Madison Avenue grinding out bales of ads for myriad brands of cigarettes, a well-motivated and well-directed campaign of education, which admittedly was forced upon the communications industry, has shown great promise. Sales of cigarettes have fallen significantly.

The main reason many of us feel that this legislative shackle on the regulatory agencies is necessary is the precedent which their contemplated actions would set. Let us assume that the use of cigarettes is fully as damaging to the user as the Surgeon General and others claim. Let us ignore completely the counterclaims. It just is not right to allow an arm of the Government to effectively ban the advertisement of a product which it is otherwise legal to make and sell.

If I may interpolate for a moment, we in Congress spend millions and millions of dollars of the taxpayers funds to subsidize the tobacco industry. On the other hand, we are turning around here and talking about legislation to ban the sale of that which we have subsidized. It does not seem to be a very consistent position.

Now someone may wish to point out that by agreement hard liquor has not been advertised on television and radio. That is so, and if such an agreement were to be reached about cigarettes, I would have no objection to it, although in my opinion the voluntary ban on liquor advertising is unrealistic and when closely inspected pretty phony. The effect of hard liquor upon the user and the effect of beer and wine in sufficient amounts is the same. The dangers are the same, the social consequences are the same. I am not advocating banning beer advertising because I would have the same fundamental trouble with that principle.

I happen to be one who consumes neither hard liquor nor beer, but that is not the point here today.

If it is to be the philosophy of our marketplace that every product which may have harmful effects if improperly or imprudently used must be so tagged and the dangers specified, there is a long list to which the regulatory agencies must address themselves. Certainly liquor in any form would be a prime candidate. But if you are going to attack it by way of advertising bans, then we are less than honest if we allow it to be made freely available. No more beer in ball parks and the like.

Where we are headed is all too clear.

Among the things that should certainly have a warning placed upon the containers and also in the advertising under such a marketplace philosophy would be all soft drinks. Everyone who has looked into it knows that they wreck your teeth if used in large quantity. And now the FDA says that artificial sweeteners may have hazards which make them just as dangerous. Chewing gum would be in the list. Most dairy products and animal fats would be subject to a warning. Candy certainly. Nearly any household tool designed to cut or grind must certainly qualify.

Within the last few days we have heard that the unlimited use of electric guitars can raise hob with your ears. That hardly comes as a revelation to those of us who have teenage youngsters, but it is being stated as a medical and scientific fact.

Can we allow these twanging monsters to be sold without a sufficient warning on the instrument itself and any advertisement promoting them? I suppose we could justify putting a warning on miniskirts, "Dangers, wearing this garment may cause traffic accidents and eye strain." You just cannot tell.

Obviously the present legislation is not intended to be funny. It is intended to and does stop some foolishness which would result if it were to be dropped. The whole business of antismoking activity has been directed into the wrong channel. The answer to cigarette smoking is not bans on advertising or meaningless warnings but more and better education—call it propaganda if you choose—to convince the user or incipient user to lay off. It can work and it should be done.

So I support this legislation as a means of keeping the Federal Government in its own backyard. Those who have watched regulatory agencies use unlimited authority will realize the necessity for it.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT), a member of the committee.

Mr. ECKHARDT. Mr. Chairman, I rise to make clear what this bill does and what it does not do with respect to the field of cigarette advertising. The language of the bill in this regard is exactly like that of the Federal Cigarette Labeling and Advertising Act of 1965 which expires on July 1, 1969.

It does not limit the authority of a State or of a Commission of the Federal Government to ban cigarette advertising entirely. It does not limit their authority to do anything they could do before the passage of the act except in the specific fields which the act specifically preempts. Preemption is provided in only two fields: First, in the manner of labeling the package; and, second, in the content of cigarette advertising.

Thus the bill obviously does not preempt the field of control of advertising, its timing, its amount, whether or not it may be counteracted by public service programs running counter to its message, or whether or not certain advertising shall be permitted at all.

One of these areas of advertising control reserved to the FCC has already been treated by the courts. The Court of Appeals for the District of Columbia, in *Banzhaf* v. *FCC*, 405 F. 2d 1082, has held an FCC ruling valid that required radio and television stations to devote a significant amount of broadcast time to presenting the case against cigarette smoking if they carry cigarette advertising. The court specifically held that the Federal Cigarette Labeling and Advertising Act did not preempt this field and deny the Commission such authority.

The rationale upon which the Banzhaf case was decided clearly precludes a holding that the act encompasses general areas of FCC control. As was said in that case:

> The Act was in fact passed in response to a pending Federal Trade Commission rule which would have required warnings both on packages and in all advertising.
>
> * * * * *
>
> Nothing in the Act indicates that Congress had any intent at all with respect to other types of regulation by other agencies—much less that it specifically meant to foreclose all such regulation. If it meant to do anything so dramtic, it might reasonably be expected to have said so directly—especially where it was careful to include a section entitled "Preemption" specifically forbidding designated types of regulatory action.

The pertinent language under "Preemption" in the existing act and under this bill is found in section 5(b) which reads:

> No statement relating to smoking and health shall be required in advertising of any cigarettes the packages of which are labeled in conformity with the provisions of this Act.

Banzhaf interprets this language, or explains the reason for it, as follows:

> Congress patently did not want cigarette manufacturers harassed by conflicting affirmative requirements with respect to the conduct of their advertising.

The court then proceeded to say:

> A uniform regulation of broadcasters designed to inform the public was not excluded by the Federal Cigarette Labeling and Advertising Act.

Certainly the same thing would be true of any uniform regulation of broadcasters by the FCC. As the court said, the act was not in anywise intended to reach regulation by other agencies than the FTC. Indeed the FTC is specifically referred to in the act in section 5(c) in the "Preemption" section. It follows a fortiori that this act did not exclude

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any single uniform regulation of broadcasters, like a total ban of cigarette advertising.

Clearly, such a total bank is within the authority of the FCC under the Communications Act of 1934 by virtue of the fact that the Commission has a mandate to consider the public interest in granting, renewing, or modifying licenses to broadcasters—47 U.S.C. 307-309—and it is empowered to promulgate rules and regulations and prescribe instructions and conditions "as may be necessary" to carry out the provisions of the law—47 U.S.C. 303.

The Commission can certainly declare that it is not in the public interest that the airwaves be used to promote consumption of a commodity that it believes has been shown by credible evidence to be seriously detrimental to the public health:

> Whatever else it may mean * * * the public interest indisputably includes the public health. (*Banzhaf* v. *FCC*, 405 F. 2d 1082, at 1096.)

The Supreme Court has held that the Federal Communications Commission is more than a traffic policeman concerned with the technical aspects of broadcasting and that it neither exceeds its powers under the statute nor transgresses the first amendment by interesting itself in general program format and the kinds of programs broadcast by licensees—*Red Lion Broadcasting Co.* v. *FCC* (Nos. 2 and 717, October term 1968—June 9, 1969); *National Broadcasting Co.* v. *United States*, 319 U.S. 190 (1943).

Long before the accumulation of evidence of the health hazards of cigarette smoking became so conclusive, the Supreme Court recognized that the danger was sufficient to justify a State law prohibiting cigarette advertising on billboards, streetcar signs, placards, or other objects or places of display—*Packer Corporation* v. *Utah*, 285 U.S. 105 (1932).

Though it could hardly be argued that the reenactment of the language of a previous law construed by the courts to be specific and narrow could be now considered broad and encompassing because of its legislative history, indeed there is no legislative history that should result in such an altered construction. The report of the Committee on the Public Health and Cigarette Smoking Act of 1969 reenforces the conclusion of the courts, that the preemptions of the act and of this bill are specific and narrow, stating:

> The question of a ban on cigarette advertising is not treated in the Federal Cigarette Labeling and Advertising Act. * * *
>
> Since the bill, as reported, is in the main reenactment of existing law, it does not address itself to the question of a ban on cigarette advertising on radio and television.

It is quite immaterial whether or not the Chairman of the FCC, when queried on this matter, stated:

> The Commission would be precluded from completing its proposed rule making by reenactment of the present preemption provisions.

The Chairman of the FCC may decide that he is "precluded" either by law or some policy of self-restraint. Of course, he cannot bind the Commission, and he does not speak authoritatively as against the established narrow interpretation of the preemption provision by the courts. Indeed, if his conclusion be a legal one, he is also in conflict with the interpretation of the committee itself that a "ban on cigarette advertising is not treated" in the older act, and the new act, containing identical language, also "does not address itself to the question of a ban on cigarette advertising on radio and television."

The committee appears somewhat schizophrenic in the language contained at the bottom of page 4 and the top of page 5 of the report where it is stated:

> Aside from the questions of constitutional and statutory law which the two agencies' proposed rules raise, they are an assumption by these agencies of policymaking with respect to a subject matter on which the Congress has made policy (see sec. 5 (b) of the act), has stated its intention to be the exclusive policymaker on the subject matter, at least until July 1, 1969 (see sec. 10 of the act), and has given strong indication of its intention to continue to do so.

Note that the paragraph refers to the intent of Congress respecting the law that ends July 1, 1969, the Cigarette Labeling and Advertising Act, not the intent of the committee respecting the bill that is before us here, the Public Health Cigarette Smoking Act of 1969. If all that is intended in the quoted paragraph is that Congress "stated its intention to be the exclusive policymaker on the subject of such 'statements' relating to smoking and health" which may be printed on a package or inserted in a cigarette advertisement, then the statement is correct.

Perhaps this is what is meant, but the reference to "two agencies" is inept. There was only one agency, the FTC, attempting to enter this policymaking field in 1965 when the Cigarette Labeling and Advertising Act was enacted. The FTC was attempting to assume authority to insert a warning in advertising at that time.

As we have said, the committee's construction refers to this 1965 act. If it purports to give that act a construction broad enough to ban the FCC's present posture with respect to banning all advertising, then it is contrary to the rationale in Banzhaf and at odds with the meaning that section 5(b) spontaneously yields.

Of course, the language was written before the writer could have considered *Red Lion Broadcasting Co.* v. *FCC* (Nos. 2 and 717) October term 1968, June 9, 1969, and its sustaining effect on Banzhaf.

For anyone sophisticated enough to know how committee reports are put together, the divergent provision of this single paragraph, in conflict with all the rest of the interpretation contained in the report, is hardly convincing to establish legislative history.

Furthermore, legislative history can only have effect when there is new language dealing with the subject matter which is adopted against a certain factual background. In this case Congress is readopting old language. If the language were "meant to do anything so dramatic" as to affect "other types of regulation by other agencies" than the FTC, then it might reasonably be expected to have said so directly, as was said in Banzhaf. But here such dramatic change, if it occurred, would have to have been occasioned by no change in language at all.

Lastly, legislative history may not alter statutory language which is clear on its face and needs nothing to construe it. The language is clear: It simply prevents any "statement relating to smoking and public health" from being "required in advertising of any cigarettes, the packages of which are labeled in conformity with the provisions of this act."

Mr. DEVINE. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, the debate over smoking and health has always been deeply emotional and disturbingly complex. But lately, the issue is taking on an Alice-in-Wonderland quality. It is growing "curiouser and curiouser" with each passing day.

I do not know if cigarettes cause disease. But I am convinced that cigarettes cause confusion in Congress. How else can one explain the debate on the floor today?

By a better than 4-to-1 margin, the full Interstate and Foreign Commerce Committee has reported out a bill that would prevent the regulatory agencies from invading the committee's jurisdiction. Yet opponents of the bill are asking the House to silently surrender its prerogative. If Congress fails to act it will legitimize a takeover by the Federal Communications Commission—which would ban cigarette advertising—and the Federal Trade Commission—which would force cigarette advertising to incriminate themselves. If these unjustified actions were taken against any other industry or product, the attempt would be decisively rebuffed. Unfortunately it seems that all is fair in love, war, and the cigarette controversy.

In all the confusion let me point to a solid fact that is often overlooked. It has not—I repeat not—been scientifically established that cigarettes cause lung cancer and other disease. The committee report on H.R. 6543 states this solid fact very plainly:

> On the basis of these hearings the Committee concludes that nothing new has been determined with respect to the relationship between cigarette smoking and human health since its hearings in 1964 and 1965. The arguments pro and con with respect to cigarettes are the same now as then though supported by a larger statistical base. The 1964 report of the Surgeon General Advisory Committee on Smoking and Health remains the principal basis for efforts to regulate the labeling and advertising of cigarettes. The principal judgment of the advisory committee in 1964 was that "Cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action."

In 1965, Congress took "appropriate remedial action, "based on the scientific evidence which is the same now as then. Despite this, the committee bill calls for a stronger label, as a concession to antismoking forces. And despite this concession, antismoking zeal is unsatisfied. And so we are here debating how to increase the punishment to be meted out to a legal product which has not even been proved guilty.

It is an ironic commentary on our times that the testimony of medical and scientific experts who dispute the scientific evidence against smoking cigarettes is buried by the press. Yet the same kind of testimony that questions the scientific evidence against the use of marihuana gets headlines. Apparently many Americans are closed minded about a legal product and open minded about an illegal one.

But be that as it may, I think the overriding issue here is an unwarranted effort by Federal regulatory agencies to grasp unprecedented power and control with ramifications unlimited. An usurpation of Congress responsibility if you will. Obviously if these attempts at regulation are allowed to go unchallenged and become effective, they would have an impact on areas far beyond those contemplated by Congress.

Keep in mind that the growing, sale, and manufacture of tobacco for cigarettes and other uses is still a legitimate, legal business, and if this action as contemplated by these regulatory agencies can be done in this instance, logically it can be done in many others; as there are other products that in one way or another affect the health and well-being of the American citizens. For example, the use of certain dairy products and foodstuffs contribute—according to medical evidence—to the cholesterol count in one's blood which, in turn, has a direct relationship to heart disease. Are we then to permit these regulatory agencies to ban the advertising of certain dairy products and foodstuffs. If not, we permit them to single out one legal industry and discriminate against it.

Neither of these agencies has or pretends to have any expertise with respect to human health and cigarette smoking. They base their action on the 1964 report of the Surgeon General's Advisory Committee on Smoking and Health. I think it is highly significant that even the Surgeon General has stated that the FCC's proposed rules are not regarded by him as particularly desirable.

Certainly Congress, having once exercised its prerogative and established policy in this field, should retain that prerogative. By this legislation Congress will continue its control and jurisdiction of this subject matter, assure continuing research of the effect of tobacco upon one's health, and provide an incentive for finding methods to improve the quality of the product.

Equally as important, however, it will prevent an unwarranted grasp of unprecedented power with frightening ramifications. Failure to enact this legislation will give the green light to the architects of administrative chaos. Today cigarettes are the target. Tomorrow who knows what. The thirst for power is insatiable, and in this case, possibly more lethal to the best interests of the American public than an occassional puff of smoke. Having once sipped the nectar the FCC may not quench its thirst until it has plunged its cup deeper into the well of regulation and control.

If the FCC can successfully ban certain advertising of a legal product on radio and TV, what can it not do in regulating the Nation's health, morals, and individual freedom?

Mr. Chairman, in the best interest of the American public and commonsense, this legislation should be enacted into law. If Congress is to retain its responsibility in the policymaking field this legislation should be adopted.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Van Deerlin).

Mr. VAN DEERLIN. Mr. Chairman, I speak as one of a brave little band of a half dozen members in the committee who sought to amend this legislation during the markup session. We had hoped, through 3 weeks of hearings on the extension of the act, that our words might be influential, effective, articulate.

But when it came to voting on amendment after amendment, I regret to report that our words were as dust with our colleagues of opposite persuasion.

We cling tenaciously, however, to the view that this bill is deficient in several important respects. I hope that in the 3 hours of debate that the Committee on Rules was wise enough to provide, we will manage to touch upon many phases of its deficiencies.

I would call your attention to one deficiency. Although the wording of the warning on the cigarette carton or pack has been strengthened somewhat, it is still rather inconspicuous and, I think, ineffective in reaching potential first-time smokers—the young people who may be drawn into taking up the habit of smoking.

It was emphasized repeatedly during the hearings that the hooked smoker is not the person we are trying to reach. He knows what he has got himself into. Very few of them, I am told, have the personal courage, the determination, and spirit of self-denial of the gentleman from Ohio (Mr. Devine) who obviously has taken up a different sort of life since he put the weed behind him.

But I am interested in reaching my six children, and I am interested in reaching those thousands of other young people who become new cigarette smokers every day.

As I have indicated in a message to each of your offices, I shall propose that the warning—which, I concede, has been improved and strengthened—be placed not on the narrow side of the pack but on the wide side. Instead of hiding it with the copyright, where it is unlikely to be seen as a package normally lies on a table or in a counter display, the warning would be placed on both of the wide sides of the package, so there would be just no likelihood that someone buying that package would fail to see it.

I should like to touch briefly on another practical aspect of the job that we are entering upon today, and which we shall complete tomorrow.

I know it is possible to argue that our job is to come up with what we in our wisdom, and with whatever courage we have been given, consider the best possible bill to help to protect the American public. We do not feel bound to enact only legislation which the Senate has indicated it will accept.

I think we cannot ignore, however, the practical aspect of what lies ahead for this legislation. As you know, the present 4-year law normally will expire at midnight on June 30. It has been made clear by the leadership, certainly the Commerce Committee leadership in the other body, that they will not take up a bill which does nothing more than is contained in the bill we are asked to pass tomorrow. The practice of unlimited debate in the other body makes it perfectly possible that in the time remaining, no final action can be taken on this legislation. If the committee leadership in the other body is reluctant to act, if it feels we have sent them a "sweetheart" bill for the tobacco industry, my best guess is that there will be no bill passed by the Senate, and no bill sent to conference.

If that happens, I submit that even those of you who feel that you have served your own State's industry best—and I do not gainsay anyone's first responsibility to his constituents—then there will be no legislation, and I wonder how well those constituents will have been served.

Most of my colleagues, I am sure, would prefer that Congress establish some ground rules for future regulating. But the rules should be reasonable enough to give the agencies some leeway in warning the public of the potential perils of smoking.

If we do not amend the bill to modify the preemption clauses, we are likely to discourage the other body from taking any action at all on this legislation. If, on the other hand, we can strengthen the bill on the floor of the House, we will increase the prospects of Senate concurrence—and the likelihood of Congress retaining some control over the regulators.

I would therefore implore my colleagues to consider favorably the amendments that will be offered at the end of this debate.

Their effect would be to strengthen—not weaken—the hand of Congress.

Mr. DEVINE. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. Mizell).

Mr. MIZELL. Mr. Chairman, I rise as a freshman to address this illustrious body only because of the seriousness of the legislation which is being considered here this afternoon.

First of all, I wish to say that I do not drink, smoke, chew, or dip. I do not drink any alcoholic beverage of any kind. But I think it would be a tragedy for Congress to permit regulatory agencies to take action which would restrict the promotion and sale of legally manufactured and sold products in this Nation.

The Federal Trade Commission and the Federal Communications Commission have proposed action that would ban all advertising of cigarettes, a product that is both legally manufactured and sold in the United States.

I personally feel that Congress should enact legislation to govern the activities of these regulatory agencies. If they are allowed, with the approval of the Surgeon General, to take such action, it will be detrimental to this Nation itself—

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since the tobacco industry is worth billions of dollars and supplies jobs for more than 1 million persons. These people are employed in the growing of tobacco, the manufacturing of tobacco products, and other related jobs. To allow these agencies to take such action would be an injustice to these American taxpayers.

These are people who work hard, pay their taxes, support their families, their churches, and their communities. These are the kind of people we find all over this great Nation of ours, who carry the load, who pay their fair share of the cost of government, sometimes even more than their fair share. Unjustly jeopardizing the industry they work for is the same as unjustly jeopardizing their livelihoods.

When I say that the proposed action of these commissions is unjust, I say it because I have yet to hear anyone testify that there is proof beyond a reasonable doubt that cigarette smoking does in fact cause disease. The Surgeon General reports that cigarettes may cause disease, and, furthermore, that there may be a relationship between cigarette smoking and disease. Now, as all of us well know, and I am sure that the Surgeon General will agree also, there are many other legally manufactured and legally sold products that show relationships toward various ills and diseases, many of them fatal. Without mentioning specific products because they are not in question here today, there are many consumable products that have direct relationships with such diseases as heart failure, diabetes, fatal sclerosis of the liver, high blood pressure, tooth decay, and many others, and I could go on and on. Many of these relationships are not just based on assumptions, as is the case in the tobacco controversy, but on proof.

So, there are many products on the market today that the Surgeon General could label, "May Cause Disease." Yet I have found no evidence that any action has been taken, or for that matter, proposed against any of these other industries. This fact raises a serious question in my mind as to the sincerity of the Surgeon General and the members of these regulatory agencies in their efforts to protect the American consumer.

In the courts of this great Nation of ours, it takes proof beyond a reasonable doubt in order to convict the accused. A billion dollar American industry is on trial here, and without conclusive proof, two regulatory agencies and the Surgeon General have already infringed upon the advertising rights of this industry.

The action taken so far in my opinion has gone too far, but in order to prevent further injustices to this southern based industry, I urge the Congress to exercise its authority over these two regulatory agencies by passage of this legislation which would prohibit the FCC and FTC from taking the irresponsible action they have proposed which would lead to the opening of a Pandora's box.

This action would then not only affect the tobacco industry but other industries as well, representing millions of dollars in tax revenues, not to mention the millions of jobs that would be placed in jeopardy. For my colleagues who represent areas that are either highly industrialized or agricultural, I leave you with this warning of what you may be opening the door for. I once again voice support for this proposal.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER of North Carolina. Mr. Chairman, I am from a tobacco State. To me and my constituents, the basic question we are here to decide today and tomorrow is the medical question—is cigarette smoking harmful to your health?

The economy of my district largely turns on tobacco: the workers in the tobacco industry, the small farm merchant, the filling station operator, the cellophane industry, cigarette paper industry, the truckers, the schoolteacher, all largely depend for their incomes on what the tobacco farmer grows. You may say, "Let him grow something else." The fact is that tobacco is raised on very small family farms that are totally unsuitable for any other type of farming. It would be a disaster for the tobacco farmer and our entire economy if he stopped growing it. So I am concerned with people. These people are not very interested in constitutional questions about free speech, or in the theory of the balance of powers between Congress and regulatory agencies. Such questions can be utilized to put off the day of reckoning by what seems to them to be technical arguments. But the nitty gritty question—the one their livelihoods depend on—is simply this: Are cigarettes harmful to your health? If so, can a safe cigarette be grown and manufactured? In short, do they have a future?

I have said I am concerned with people. But I and my constituents are also concerned with the American people and not just the people in our district. If the health of the American people is suffering from what we do to gain our livelihood, then so be it: we will yield to a higher good than our own self-interest.

So we are not too concerned by nuances of phrasing on labels, constitutional questions. Nor do we care whether the preemption provision against regulation of advertising by the regulatory agencies runs for 6 months or 6 years. We want to know—we need to know to determine our future—is cigarette smoking harmful to health?

I am not a medical expert and do not pretend to medical expertise. But, I have been a judge for some 8 years and have some confidence in my ability to size up witnesses and weigh testimony. Many of you here are lawyers. I ask you to sit in judgment on tobacco; I ask you to sit as triers-of-the-fact and to do what you are so skillful at doing: weighing evidence, free from preconceptions as to what the verdict should be before you hear the evidence.

As a jury, as triers-of-the-facts, what would you think of the case of a complaint which is grounded on a report, called the Surgeon General's Report of 1964, which was developed not by the time proven method of hearings involving confrontation and cross-examination, but instead was based on a "review of the literature"—a review which proved to be highly selective and did not cite much contradictory experimental evidence? What would be your judgment as a juror when, in the latest hearings on that report, not a single witness supporting that report testified to any research which he himself had done, while 20 witnesses testified that their own research—not hearsay, but research—cast serious doubts on the theory that cigarettes cause disease?

Of course, as a juror you would want to know that many of these 20 witnesses were paid by the tobacco industry, and you would want to examine their testimony in the light of their possible bias. On examining their credentials you would learn that they include people such as the past president of the Society of Thoracic Surgeons, chairman of the Department of Medicine of the University of Southern California; a former president of the College of American Pathologists, the president of the American Association for Thoracic Surgery, the author of two definitive books on heart disease, a two-time president of the American Association for Cancer Research, the director of Laboratories of Knickerbocker Hospital, the past president of the American College of Cardiology, the president of the Medical Board of Doctors Hospital in New York, the director of the Harold Brunn Institute for Cardiovascular Research—and on and on. It would become very clear to you that these men were paid for their time and not for their opinions. You do not buy these men. They are in no sense "industry spokesmen," but speak as individuals and leading members of the scientific community.

You must weigh their testimony against the opinions of our leading health agencies—the American Cancer Society, the American Heart Association, the Tuberculosis Association. They are obviously well-intentioned witnesses, interested in the health of the American people and passionately convinced of the dangers of cigarette smoking. In weighing their testimony, you consider these facts:

First. The agencies themselves had done no independent research. They were relying on reports from the Public Health Service which became progressively distorted as they got further away from the original source.

Second. The agencies were woefully misinformed about some basic facts. For example, they testified that "smoking causes the lungs to turn black"—untrue—or, "your chances are better at Russian roulette than they are of smoking and not impairing your health." The facts are that 5/100 of 1 percent of all smokers annually suffer lung cancer from smoking. Less than 2 percent of all heavy smokers—who smoke two packs or more a day for 30 to 40 years—get lung cancer. Or, "there is an epidemic of lung cancer in this country." Fact: respiratory death rates were over five times what they are today in 1900. There is a declining rate of increase in lung cancer, indicating that the incidence will level off in the next few years.

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Third. Many of their statements are seriously misleading. For example, the repeated statements that there are "77 million excess workdays lost each year by smokers" is based on the Public Health Service "Morbidity Report" which the expert testimony at these hearings shows to be worthless. Or the statement that "heavy smoking will shorten your life by 8 years," is based on a statistical study by a doctor who did not testify and who has refused to disclose the raw data in his studies so as to permit independent evaluation. Is this the way to get at the facts?

Does this evidence convince you? Clearly, their zeal has outdistanced the facts.

But, you may say, no medical or scientific body has taken a position contrary to the Surgeon General's report. How do you explain that? You explain it very simply: 90 percent of all doctors and scientists do not have the time or inclination to be into the experimental work on this subject. They accept the conventional wisdom, the received opinion just as do you and I. See the testimony of Dr. Langston, Dr. Furst, and Dr. Brem.

I approached the tobacco hearings from the point of view of the conventional wisdom. Being from a tobacco State, I was determined to see that tobacco got a fair hearing but knew that the health of our people came before the health of the tobacco industry. I thought that the medical facts would prove to be very bad indeed. Like most of the public, I thought that the case against tobacco had been made by disinterested and well-informed groups acting on behalf of the public—such as the U.S. Surgeon General and the Public Health Service—and by our major health organizations, such as the American Cancer Society, the American Heart Association, the Tuberculosis Association. It was only the tobacco industry and the tobacco farmer—both having a substantial self-interest—who questioned the scientific facts. Or so I thought.

This was very naive. After sitting through 13 days of hearings and listening to every witness, the picture that emerges is precisely the opposite of that I had in mind before the hearings. The case presented by the "public" witnesses was characterized by argumentativeness, overreaching, and one-sided advocacy. If you looked for expert medical and scientific testimony and not hearsay, it was to be found almost entirely from witnesses produced by protobacco forces.

There is not time here to review the evidence of 13 days of hearings in detail. I can only beg you to read the three volumes of testimony and judge for yourself. I and my constituents will gladly abide by your decision if you will do that. I urge the same procedure on the press and the editorial writers in this country.

You will find that the case made at these hearings is simply this: that cigarettes may or may not be harmful to your health; we just do not know. It is at least as likely that factors other than cigarette smoking are the cause of lung cancer, heart disease, and emphysema. Clearly, our duty to the American people is to find the facts, close the gaps in our knowledge; let us reopen the case, not close it. Let us stop proposing solutions before we have identified the problem.

My tobacco district is not afraid of the facts; we are only afraid of the evangelistic spirit. We are not afraid of the evidence; we are only afraid of the propaganda.

Mr. DEVINE. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, first I want to point out that no tobacco is grown in my district. I also do not smoke, and my only daughter does not smoke, and one of my sons does not.

The observation should be made that since the adoption of the Agricultural Adjustment Act of 1938 tobacco is recognized as a basic agricultural commodity. If we go down to the Department of Agriculture, we find many, many dollars have been spent in developing better strains of tobacco through research, and many dollars have been spent in various payments to producers. So we are talking about a product, which is recognized by the Government as a legal product whose production is encouraged. It has been legalized under the laws of the land.

My concern is different, perhaps, from others. Without question those in the areas where tobacco is grown have the economic interests of the people in their districts in mind. I presume I would feel the same way if I represented such a constituency.

My concern is in a different direction. How far do we go in granting authorization to regulatory agencies? Those of us who serve on the Committee on Interstate and Foreign Commerce are aware of the fact that we have had a constant parade of requests for authority, for cease and desist authority, where in effect the regulatory agency says, "You are guilty" and it is up to you to prove you are innocent. I have become a bit frightened about this.

A few years ago we had the Federal Trade Commission moving in on this very issue, claiming it had authority. The Congress at that time felt it should act, and the label which is presently on the pack was made a part of the law. The Federal Trade Commission failed in its attempt.

Now we see the Federal Communications Commission moving in the same field. The Surgeon General is saying he does not want to stop advertising. The Federal Communications Commission, and likely the Federal Trade Commission, are saying they want to stop advertising.

This is a legal product subsidized by the Government in its production, and there is another Government agency saying, "You cannot advertise to sell it."

If tobacco is harmful, I believe we are proceeding in the wrong manner if we are going to do anything at all. In my judgment, the broadcast industry has proceeded on a basis of the industry itself making rules of operations concerning the advertising of alcoholic beverages. I am convinced that the tobacco industry itself is going to move the direction of some more care in advertising procedures, and this is the way it ought to be.

The big question right now, so far as I am concerned, is not related to the producer. The big issue at the moment is, do we continue to hand over to regulatory agencies more and more power that can be abused at times as well as be beneficial at times?

I want to merely say that I may not have gone along, or I would have preferred a different label from the one being proposed by the committee. I believe I would have used a little different approach. I would have preferred "Excessive smoking is dangerous to health."

I would not have used the Surgeon General as a crutch. I would have made it a positive statement on the part of the committee. Probably we could have improved on that. The vote of the committee went for the label which is presently proposed, which of course is just as positive, but I thought it moved in the direction of leaning on the opinion of somebody else rather than to issue one of our own.

I want to make it very clear that my concern here is to think carefully as to how far we should go in handing over to Federal agencies power that can be abused.

There are many things here we need to think about.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, I have been interested in the fact that a number of men have indicated they do not smoke and they hope their children do not. I hope mine do not, also. I had a real problem when I discussed the matter with them and they asked me what I had done and what I was going to do about it. All I can say is—and I do not pretend to be a child psychologist—you had better look them in the eye pretty directly and say what you did and why you did it, because otherwise they will have an awful time understanding what we are doing here today. I know I would not like to try to explain why we say it is bad and then do not do anything about it.

I would like to say this to the chairman of the committee, because I particularly understand his problem overseeing these agencies such as the FCC and the FTC. We are not taking the position that Congress should not act and that we should just walk away. We will offer amendments today to control these agencies. I hope that the chairman will support them. We will offer amendments also that we not let this run along for a long period of time. I think the Committee on Interstate and Foreign Commerce should look at this matter in another 3 years. I completely agree with his point that this is a matter of great importance and is a matter that we should look at before the year 1976.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the chairman of the committee.

Mr. STAGGERS. I certainly appreciate what the gentleman from Washington has said. I know he knows I respect his views. I think as chairman, in all fairness, I should state that I supported every

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amendment to go to the floor and the House when it came up. I did not vote for the bill to come to the floor, because I felt that representatives of all of the people of the United States should be in on the decisions. When the amendments were not carried there, then I voted to bring the bill here to the floor of the House.

Mr. ADAMS. I very much appreciate the chairman's statement, because I believe it will make clear to all of the Members that the chairman supported many of these amendments and tried to improve this bill, which is what we have all tried to do, and he will probably be with us. It was not that he thought this bill would be an end to all of the problems that were inherent in this matter. I very much appreciate the chairman's statement.

I also wish to make this statement. It has been mentioned several times that this is a legal product. I want to state that in 48 of the 50 States for people who are minors it is not a legal product. If you will look at pages 485 and 486 in the record, you will see a listing that I had put in of every State, most of which prohibit any sale of cigarettes to minors. So there will not be any question about it, gentlemen, we will be offering an amendment tomorrow which will say this specifically. I call this the States rights amendment. It will say that any State or political subdivision, thereof, may require any cigarette advertising within its jurisdiction to include a warning relating to the health hazards presented by cigarette smoking. We will offer an amendment also where they can warn with respect to the State law in every State. So you will have an opportunity, we will offer an amendment to shorten the time period to 3 years with regard to this bill. So that you will know we will not let the FTC and the FCC run rampant, we are going to offer an amendment that says that if you want to put the label on the package, you can put it on the ad. Just tell the people how it is. I am not arguing that this Congress should not act. I think it should act, but it should act responsibly and should act in a fashion that will make all of us proud and pleased that we are men who can pass on this kind of legislation and can talk to their children about it.

I want to tell you why we think this is important with regard to children. In case you did not know it, in 1967 the industry spent $311 million in advertising. What this produced in 1 month in 1968 were 13.3 billion exposures to cigarette commercials on TV alone. In that month each teenager was exposed on an average to 61 commercials and each child to 45 commercials. This is the age when children and teenagers are making up their minds as to whether or not to smoke.

If you will read the hearings—and that is why we wanted the hearings printed and available, so that you could see them—you will find testimony indicating that cigarette ads are directed toward young people.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. ADAMS was allowed to proceed for 1 additional minute.)

Mr. ADAMS. Mr. Chairman, I shall spend more time tomorrow on this subject when we offer amendments under the 5-minute rule. I do want to indicate generally what amendments will be offered. I have copies of them at the desk and I shall be glad to provide the Members with copies of the amendments so they will know what will be presented.

Mr. Chairman, if we are not able to improve this bill by putting in something to protect the young people and limiting the time, then we shall urge this body to vote for a motion to recommit the bill back to the Committee on Interstate and Foreign Commerce without instructions because that action will say to the committee, "All right, we want you to improve this bill. Improve the bill and then send it back so we may have a bill that we can go to the American public with that will do the job."

Mr. Chairman, I want to close by emphasizing that none of us have advocated that we go to a ban on smoking. We are simply saying we must do something with reference to this matter for the highest duty of a civilization is to protect its young.

Mr. ROONEY of Pennsylvania. Mr. Chairman, representations have been implied that the Code and Code activities have been meaningless and comprise a facade. In simple fact, as indicated in the monthly issues of the Code Authority's Code News, a wide range of accomplishments in the public interest are evidenced:

May 1969: Code Board Endorses New Policies on Film Trailers and Safety—The NAB Television Code Review Board has endorsed the Code Authority's position requiring the inclusion of the motion picture industry's movie ratings in television trailers, and the recent interpretation which requires the depiction of normal highway safety precautions in commercials and programs.

April, 1969: Code Interprets "Safety" Standard As Applying to Ads with Moving Vehicles—

Under this recent Code interpretation of the "safety" standard, the "normal" highway safety precautions which should be depicted in all commercials include representations in which:

Persons in *moving* automobiles and station wagons are shown wearing seat belts and shoulder harnesses in those scenes where they *normally* would be visible.

Motorcyclists are shown wearing helmets and eye protectors.

In programs, these principles would apply where such depictions are consistent with plot and characterization.

March, 1969: Code News Now Gives More Info on Status Of Feature Film Ads—

In response to subscriber requests, feature film commercials reviewed by the Code Authority now will be listed with additional information on their status under Code standards.

The Code Authority's evaluation of the television and radio commercials for movies in theatrical release will be reported under three main categories: compliant with Code standards, raises questions under Code standards, and raises questions of appropriate scheduling only.

The Code Authority recommends that subscribers consider broadcasting those commercials in the latter category during hours normally associated with adult viewers and listeners.

Questions and Answers supply guidance as to acceptable and unacceptable copy involving obesity, overweight, calories, variables in reducing, difficulty in losing weight, and claims of permanency.

Other areas considered include: low calorie foods, derisive references to overweight, uses of children in commercials, testimonials, guarantees, and tie-ins with prescription drug products.

December, 1968: Health claims in ads for vegetable oil and margarine products discussed in Questions and Answers.

September, 1968: Vermouth mixer product found unacceptable under the Guidelines for Alcoholic Beverage Advertising.

Code Authority lists holiday inventory of toy and game commercials approved under the advertising standards of the Television Code and Toy Advertising Guidelines.

August, 1968: Code Authority confirms that the principles of the Alcoholic Beverage Advertising Guidelines apply to products other than beer, wine, and hard liquor, e.g. use of hard liquor unacceptable in air travel commercials.

Commercial claims for ulcer relief found unacceptable.

Code Authority reminds broadcaster that advertising for personal tear gas weapon violates federal mailing laws and Code standards.

Code Authority cautions against depiction of antisocial acts in commercials.

July, 1968: Subscribers advised on what constitutes a lottery.

May, 1968: Guidelines issued for advertising of products and services for weight reducing/gain.

April, 1968: Code questions claims in chinchilla ranching programs and commercials.

March, 1968: Code supplies Questions and Answers on revised time standards provisions including limits on program interruptions.

January, 1968: Firearms/ammunition advertising restricted to promotion as sporting equipment and in conformity with recognized standards of safety. Mail order ads of firearms/ammunition unacceptable.

October, 1967: Code supplies detailed information on standards covering acne product commercials.

September, 1967: Movie commercials depicting use of LSD and other hallucinogenic drugs unacceptable under Code standards.

August, 1967: Interpretation of Code standard on techniques to avoid in children's advertising.

Code underscores standards reflecting broadcaster concerns with an avoidance of bigotry/one-sided and demeaning presentations.

June, 1967: American Nurses' Association endorses Code's men-in-white standards and explains its own code favoring restrictions on nurses in television advertising.

Cigarette Advertising Guidelines interpreted/clarified for subscribers and advertisers.

June, 1967: Intent of lottery law clarified.

Claims for relief of bronchitis ruled out in cough-cold ads. Code supplies acceptable/unacceptable commercials and commercial approaches covered by the Alcoholic Beverage Advertising Guidelines.

March, 1967: Code Authority role and procedure in commercial evaluation outlined.

December, 1966: Code alerts subscribers that Mail Order Advertising Requires Special Care in Evaluating Offer Before It Is Aired.

November, 1966: Code explains assistance received from science/medical experts in reviewing studies of a technical nature offered by advertisers in support of claims.

October, 1966: Cigarette Advertising Guidelines announced; cover athletic activity, tar and nicotine statements, filters, uniformed individuals, premiums, and portrayal of youth.

September, 1966: Groundrules for acceptable and unacceptable depiction of hypnosis.

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July, 1966: Code supplies Questions and Answers dealing with disparagement in broadcast advertising.

Code Authority joins American Humane Association and others endorsing guidelines for pet food advertising.

June, 1966: Code issues Third Edition of guidelines for alcoholic beverage advertising.

TV Code Review Board reconfirms prohibition on hard liquor advertising.

May, 1966: Code Authority issues interpretive Questions and Answers on Arthritis and Rheumatism Guidelines.

Guest article from the American Dental Association verifies parallels between broadcasting Codes and criteria followed by ADA in evaluating therapeutic claims.

April, 1966: Code announces policy against use of a dramatization disclaimer in testimonial advertising.

Code further interprets men-in-white standard as it effects visual representations of clinical tests.

March, 1966: Code alerts subscribers to Treasury Department's use of U.S. currency in television advertising.

February, 1966: Code Authority adopts questionnaire as guide in implementing Code requirement that commercial testimonials be "genuine and reflect personal experience."

Code Authority explains limitation on fantasy situations in commercials under Toy Advertising Guidelines with intent to avoid over-glamorization which exploits a child's imagination.

July, 1965: Code adopts second edition of guidelines for the advertising of products used in the relief of arthritis and rheumatism symptoms.

Code amendment on hypnosis adopted by Television Board; requires that "hypnosis, either as fiction or in fact should be presented with proper precautions to avoid any adverse effect on the viewing audience."

June, 1965: Code issues Questions and Answers on testimonial standard to help determine acceptable advertisements.

April, 1965: Code rules chiropractors, like physicians, dentists or nurses, are unacceptable, directly or by implication, under the men-in-white provision of the Television Code.

March, 1965: Toy Advertising Guidelines reaffirmed by Code Board which emphasizes in particular provisions related to toy weapons and related war toys. Advertisers asked to cooperate in avoiding frightening dramatizations.

January, 1965: Clarification offered on Television Code's men-in-white rule in effect since July 1, 1963. Standard, unique to television broadcast advertising, comprises working example of the effect of industry self-regulation.

Mr. DEVINE. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina (Mr. WATSON).

Mr. WATSON. Mr. Chairman, I am from South Carolina. Tobacco is an important industry in my State; however, I do not happen to have very much of it grown in the congressional district which it is my honor to represent.

Additionally, let me say further that there is no manufacturing of tobacco in my district. But, even if there were, I would never for a moment stand up here and conscientiously say or do anything which I did not think was in the best interest of the American people. Furthermore, I would never impugn the motives of those who happen to differ with me on this bill and I trust that they will be gentlemen enough not to impugn the motives of those of us who happen to support it and happen to believe that it is the best we can do under the circumstances.

You know, I guess most of you will find it rather strange when I say I wish with all of my heart that medically speaking it had been established that the inhalation of smoke caused lung cancer. I wish it with all my heart. I wish that it has been established that it causes emphysema. I wish so with all my heart that it had been established that it causes unfortunately, such has never been proved medically or otherwise except through rather questionable statistical conclusions.

Mr. Chairman, everyone dreads cancer. I, personally, have had the pleasure of working with our Cancer Crusade in my home county. I want to find the cause of and cure for cancer. But you know the opponents of this measure, those who would like to abolish the tobacco industry altogether, will tell you as I that it has never been established medically that lung cancer can be produced through the inhalation of cigarette smoke.

Mr. Chairman, permit me to read a statement from one of the witnesses that appeared before the Committee on Interstate and Foreign Commerce. He happens to be Dr. Sheldon C. Sommers, a great clinical professor of pathology at Columbia University Medical College.

Dr. Sommers made this statement:

> After at least 30 years of experimental work, and many smoke inhalation experiments in animals, lung cancers of the most common, squamous cell human type have not been produced. It is usually difficult to prove a negative, but if cigarette smoke was a cause of lung cancer, it is indeed surprising that no animal experiments have succeeded in its production.

I am sure my friends who oppose my position on this bill will agree that that statement has not been contradicted by anyone of the American Cancer Society, or any other organization, or any doctor.

You know, my dear friend—and he is very eloquent and very persuasive—the gentleman from Illinois (Mr. ANDERSON) and he was further supported by the equally persuasive and very able gentleman from Washington who preceded me in the well, said that this is a matter of values, and it is. Simply stated, it is a matter of what value to place on the truth. Let us start with that, because you have no other values if you do not start with the truth.

Mr. Chairman, we listened to witness after witness, as the chairman pointed out earlier. We leaned over backward to be fair as he even reconvened the hearings last week so we could hear one young man who had been fired by the National Association of Broadcasters. Trying to arrive at the truth, I asked the Surgeon General of the United States, "You could have chosen any words in your prepared testimony that you wished, but you never chose the unequivocable and categorical statement that "Smoking causes lung cancer." Why? His words were "it can contribute," "it does, perhaps," and "maybe it can." Yet we are asked to make legislative conclusions upon most contradictory expert testimony.

We as Members of the Congress are called upon to tell the truth insofar as we know it to be. When doctors say there is doubt, how can we say there is certainty? We had such conflicting testimony before our committee by men of the medical profession—and as the gentleman from Washington said, we do not impugn their motives; they were honorable men on both sides—in fact, we had so much contradictory testimony that one member of the committee found himself picking up a cigarette and starting to light it, and he does not even smoke. I believe that depicts the confusion that we had on the committee.

But there are some who would come in and say to us as responsible Members of this body, representing our people and searching for the truth, that we are to say positively that this is a fact, when medically it has never been established. Yes, ladies and gentlemen of the Committee, there is one thing that is really at stake here, and that is what value do we place on the truth? And the strengthened label required in this legislation is all that we can honestly use with the present state of the medical knowledge!

As our able chairman said earlier this is an emotional issue, but you know we are called upon to rise above the emotional aspect and deal with the facts as we have found them.

There were 1,800 pages of testimony, and yet all agree that they have never produced lung cancer through the inhalation of cigarette smoke.

Now, the able gentleman from Illinois (Mr. ANDERSON) earlier said it is what value we place on the young people and their acquiring this particular habit. You know, we do not all want to be prophets of gloom and doom here this afternoon. There is some encouraging news as it relates to young people. Unfortunately that is one sad aspect of this, that you have not always gotten the other side from governmental authorities. The American people have not been given the basis for these figures that have been tossed around: We read "100,000 doctors have stopped smoking." There is no concrete evidence to support that statement.

They just projected some figures—I believe they surveyed some 5,000 doctors, as I recall, and wound up with some 800 responses. From that the Government agency extrapolated and reached the 100,000 figure, never telling the American people as to why or when they stopped.

In fact, they have had one survey since 1964, the year of the Surgeon General's report, and it was actually based upon information that was obtained about people who were not present in 60 percent of the instances. The information was gained from a child or a wife or some other person about a smoker.

We had the statistics experts say that that is a most unreliable way to conduct any kind of real, factual survey. They never bothered to check out to see whether or not the information which was gained from the child or the wife about a smoking husband was true or not—interestingly enough.

Now we are called upon to state posi-

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tively that that is a fact—that smoking produces death from lung cancer and all of these other dread diseases.

But, as I started to say, all is not gloom and doom, and I want to shed some happiness on this occasion for those who are concerned with young people. In that regard I yield to no man in my concern for youth.

You have not heard from the governmental agencies of a survey that was just taken, and this is a public health survey, which is referred to on page 37 of the hearings. It shows there has been a dramatic decrease in smoking on the part of young people. This should be extremely interesting to those who would say that self-regulation on the part of the industry has failed and the present law on labeling has not been effective.

I read this to those who would say that self-regulation on the part of the tobacco industry and the National Association of Broadcasters has failed. This is the fact, according to the survey of the Public Health Service:

> Among the 17-year-olds questioned during 1967–68, 25.6 percent of the boys said they smoked cigarettes and 15.7 percent of the girls said they are smokers.
>
> A 1957 survey (ten years ago) of the same age group reported 34.7 percent of the boys and 25.5 percent of the girls said they smoked.

This is a survey which was made on June 7, 1969. But have you heard anything about it from the Public Health Service? Unfortunately, encouraging figures are not very interesting to those who want to outlaw cigarettes.

I am sure you agree with me that we are encouraged, to say the least, to hear some figures like this. Is it not about time that we say a good word on behalf of the industry and the National Association of Broadcasters and thereby encourage them to be ever more diligent in their efforts at self-regulation?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEVINE. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. WATSON. Is it not about time that we as representatives of the people recognize the fact that the tobacco industry is spending millions of dollars for research in the field of health seeking the cause of cancer. Already the Tobacco Institute has given $12 million and has promised an additional $8 million to the American Medical Association to study this problem to try to find out answers that we do not have today.

The gentleman from Washington who preceded me said that 48 States have laws against the sale of cigarettes to minors. Mine is one of those States and I strongly support that law. May I say to my friend that there is absolutely nothing in the bill that would affect those laws one iota. They have been on the statute books of the States before and they are still on the statute books and nothing in this bill would affect that one iota.

Another question which we must answer is, "Are we going to abdicate our responsibility to the FTC or to the FCC?" Talking about chaos, are you aware of the fact that the FCC proposes a total ban on all cigarette advertising while the FTC wants only a different label? Which would prevail? Also, to add to the confusion the Surgeon General himself said he was against any ban on advertising. Again, who or which agency would take precedence? The FTC is saying, "We want this particular wording in all advertising," the FCC is saying, "There will be no advertising at all." Incidentally, an FCC regulation would only apply to radio and TV advertising so do we want to go on record here as giving preference to one advertising medium over another? Are we going to give a preference and allow advertising in newspapers and magazines and ban it in the other media?

This committee worked long and hard trying to do what is right amidst much confusion and contradictory testimony. The gentleman from Washington, the gentleman from Michigan, the gentleman from California, and the others who opposed us fought long and hard. But despite their valiant efforts, the 13 days of hearing and 1,800 pages of testimony convinced the committee to support this bill in its present form by a vote of 22 to 5. It is now our responsibility on this floor to face up to the issues, and I hope we will face them in a dispassionate way.

As long as we say that tobacco is legally manufactured and a legally distributed product, then I think the labeling contained in this bill is all we can truthfully present to the American people. To do otherwise would seriously torture the value of truth.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. ADAMS. Mr. Chairman, will the gentleman from West Virginia yield 1 minute to me?

Mr. STAGGERS. I yield 1 minute to the gentleman from Washington.

Mr. ADAMS. If in the legislative history established on this bill it is established that the States have the right to both place a health warning or to ban advertising, or to place on the advertising that occurs within a State a statement of the prohibition of sale to minors contained by their State law, where they have State laws prohibiting the sale of cigarettes, we could avoid a lot of the amendments tomorrow, and I think this would be an established position that many States would like to know about. So if that is the situation, I would like the legislative history to reflect it and let us get it absolutely clear now.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from South Carolina.

Mr. WATSON. Over the past 4 years, since this act has been in existence, has there been any concern on the part of any State about this particular preemption presenting any problem to them in the enforcement of their criminal statutes in reference to the sale of cigarettes? Furthermore, I do not recall any State official who testified, or who requested to testify before our committee, objecting to this particular feature. Was there a singe one?

Mr. ADAMS. I can state that I was informed before this bill was passed that the State of New York had moved on cigarette advertising and/or its ban and was prepared to proceed. It has taken the position that this statute had an effect on it and has not proceeded further. So we had better get it clear before the amendment stage.

Mr. WATSON. No requests have been brought to my attention.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I wish to commend the Interstate and Foreign Commerce Committee and its distinguished chairman for providing the House of Representatives with a bill that will permit us to legislate from a foundation of fact.

Every Member of the House should be grateful to the chairman and his colleagues for their fairness in letting all sides be heard. The committee held 13 days of hearings, gathering 1,420 pages of testimony and statements from 91 witnesses.

The result of their uncommonly hard work was a presentation of both sides of the cigarette controversy.

The report states:

> The committee concludes that nothing new has been determined with respect to the relationship between cigarette smoking and human health since its hearings of 1964 and 1965.

The committee took a good look at the facts about smoking and health. The Commerce Committee had the opportunity, which most of us do not have, of reviewing the record. They came to the conclusion they did because they are informed about the true facts of the situation.

As far as I can determine, their finding that "nothing new has been determined" with respect to smoking and health has not been contradicted. I note that several equally informed committee members who filed minority views came to a similar conclusion.

For example, the gentleman from California (Mr. VAN DEERLIN) and the gentleman from New York (Mr. OTTINGER) point out that the Surgeon General "merely states smoking cigarettes is hazardous." They go on to observe:

> The degree of hazard is the subject of dispute, but the Surgeon General's most serious finding against cigarettes is hardly more severe than the proven deaths and injuries resulting directly from driving automobiles.

The gentleman from Texas (Mr. ECKHARDT), who also filed a minority view, made this observation:

> From what I have heard presented to the committee it is at least possible that the conflicting doctrines instead of being one true and one false, they may share the truth between them.

Mr. Chairman, an unusual situation confronts this House. The Chairman of the Federal Trade Commission and the Chairman of the Federal Communications Commission are relying on the Surgeon General, who it seems is relying on the evidence of 1964 and 1965.

Four years ago, Congress was confronted with a similar situation. Congress was pressed to legislate against the tobacco industry. But wisely, Congress

first explored the state of knowledge as to smoking and health. Wisely, I think, Congress enacted a law that was most appropriate to the state of the knowledge at that time.

Four years have made no change in the state of knowledge. **The case against** cigarette smoking was not proved then. In my judgment, it remains unproved now. The state of knowledge as it now exists is reflected in the committee bill before us today.

The committee bill would not allow regulatory agencies, individual States, and local governments to impede commerce and the national economy. It would prevent hasty, impulsive, piecemeal action based on presumption regarding the causal relationship between smoking and health.

Mr. Chairman, it will be argued that I reached my opinion because I represent a tobacco district in a tobacco State. I make no apology for championing the interests of my constituents. But I would make one fine point: Because I represent more than 17,000 small tobacco farmers, I felt it incumbent to get the facts—and the facts themselves have freed me from any possible conflict between the interests of my district and my country.

The same sort of experience was shared by the gentleman from North Carolina (Mr. PREYER). A former Federal judge, he approached the hearings hoping for the best but expecting the worst. As he put it:

> I was determined to see that tobacco got a fair hearing but knew that the health of our people came before the health of the tobacco industry. I thought that the medical facts would prove to be very bad indeed. Like most of the public, I thought that a case against tobacco had been made by disinterested and well-informed groups acting on behalf of the public—such as the U.S. Surgeon General and the Public Health Service.

But exposure to the evidence brought about his enlightenment, for he goes on to report that:

> After sitting through 13 days of hearings and listening to every witness, the picture that emerges is precisely the opposite of that I had in my mind before the hearings . . . I challenge anyone to read the entire record of this hearing and come to a contrary conclusion. The problem is to get anyone to do this.
>
> The evidence in the recent hearings cries out for a reevaluation or a reopening of the Surgeon General's Report of 1964.

I urge passage of H.R. 6543 as the best method of returning a matter of scientific debate to research laboratories of the medical and scientific community.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. Mr. Chairman, I have a very simple amendment I will offer later in the proceedings. It has to do with section 10, which now provides that the act shall terminate on July 1, 1975. I propose to amend that to have it expire in 1972.

The reason I am proposing this amendment, notwithstanding any amendment that may be adopted to the committee amendments, is because I think since we have provided in the bill itself for a report to be made by the Secretary of Health, Education, and Welfare to the Congress not later than 18 months after the passage of this act, it is rather fruitless for us to put that type provision in the bill and then have the act continue in effect until 1975.

It is my feeling that if we are to be sincere with the people of this country, the report of the Secretary of Health, Education, and Welfare may develop information with regard to the effect of cigarette smoking. It may be that the reports we hear from those who advocate the position in favor of the bill will be substantiated. If that is the case, then we should not allow this to continue until 1975. We should have it come back before the Congress. It should come back before this committee so action can be taken based on the report of Secretary of Health, Education and Welfare.

I should like to point out at this time also that the chairman and the members of the committee sat through three long weeks of hearings. I will be honest to say that the testimony before the committee was extensive. I believe the witnesses who testified before us made a good case for both sides with regard to the positions before the committee.

But I also think as my distinguished colleague on the committee has so eloquently presented to the House, that in the meantime something may happen. The gentleman indicated that the tobacco interests and the Tobacco Institute itself are prepared to give money for further medical research. What are we to do if that research does determine within a year or year and a half that there is a direct relationship between smoke inhalation and cancer?

Do Members think we could sit by until 1975 to take some action on the recommendation of the Secretary of Health, Education, and Welfare? I submit to this committee that we will not be able to do that.

For those reasons, no matter what amendments are adopted, I feel strongly that this legislative enactment should not be for the period of time being proposed in this bill. For 6 long years are we to extend this legislative mandate? I frankly believe this is very, very contrary to the custom of this committee, the Committee on Interstate and Foreign Commerce. It is certainly never done in any other piece of legislation from our committee.

Frankly, I feel if we are to sincerely go to the people of this country and tell them we are interested in their health and we are going to keep faith with them—we have heard a lot of talk about values and truth here today—one of the things we can do is at least to indicate at this time we are not going to write this off for 6 long years, one way or the other.

I hope we adopt the amendment I will offer tomorrow.

Mr. DEVINE. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, the words of some of my colleagues remind me of the words of a young preacher just graduated from Transylvania and preaching his maiden sermon in Paris, Ky.

The retiring parson called him into his study and said:

> Son, you may get nervous and your mouth may get dry. So I am placing a pitcher of water with gin in it by the lectern. In such cases of nervousness, help yourself to the mixture.

The young man went in and addressed the congregation. He found that he did get nervous. And his throat did get dry. He imbibed freely of what he found to be a delicious concoction.

He spoke loud and long. After his sermon, he went into the study for a critique. The retiring parson said:

> Son, you spoke long enough—a hour and a half—but strangely, you held the attention of the audience. However, in your religious fervor, you deviated from the essence of the truth. In the first place, there are ten commandments, not twelve; there are 12 apostles, not 10. And David slew Goliath with a slingshot, he didn't take a club and beat hell out of him.

In my colleagues' almost religious zeal, I feel that they may have departed from the essence of the truth, for in the first place, lung cancer has never been experimentally produced by the inhalation of tobacco smoke, although literally thousands of mice, rats, hamsters, shrews, guinea pigs, dogs, and rhesus monkeys have been smoking at N.I.H. for the past 10 years. Many of these animals have been subjected to tracheotomies so that the smoke inhalation would go directly into their lungs, but as yet, no squamous cell carcinomas have been produced.

This contrasts vividly with the capability of producing lung cancer easily by the inhalation of hydrocarbons, such as produced by automobile exhausts.

This has been done many, many times. And it is passing strange, too, that the rate of lung cancer in England is twice as great as it is in the United States, although the rate of smoking is much less. Again, the rate of lung cancer is greater in Holland and Australia, although the rate of smoking is much less than in the United States.

So, we see many, many other factors are undoubtedly involved in the causation of lung cancer besides smoking. I submit that air pollution causes much lung disease. The coal-dust-laden air in mines causes pneumoconiosis. Smog caused by air inversion over Donora, Pa., caused many cases of respiratory disease and many deaths. The same condition has occurred over New York City, Los Angeles, and London, with great increases in death rates.

I submit that when definitive research has been done and final conclusions arrived at, that there will be many more factors involved in the causation of lung cancer. And I trust that such research will be carried out.

In the district I represent in southeastern Kentucky, almost 36,000 families have tobacco allotments. Tobacco is their chief source of income. With this money at the end of the year, they settle their accounts for food, for doctor bills, and for the necessities of life. Injury to the

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tobacco industry will impose great hardships upon this already depressed area.

The State of Kentucky derives $400 million in income from the industry. Cutting down the growth of tobacco in Kentucky will throw thousands of poor people out of work, and cause many people to crowd into the ghettos of our cities in search of work and further increase both rural and urban problems.

The bill before us today would place the dreaded name "cancer" on every package of cigarettes sold in the United States. This label is horrifying and no doubt will render great harm to the industry.

So many, many other industries offer as great or greater injury to our public than the tobacco industry. For instance, 53,000 people each year are killed by Cougars, Jaguars, Cobras, Wildcats, and Thunderbirds, which are recorded as having the capability of traveling 160 miles an hour on our highways. Yet the proponents of legislation which would prevent the advertising of a legal product have nothing to say about the automotive industry which manufactures the wildly-named automobiles which have proven to be such vicious killers on our highways.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman.

Mr. GROSS. Does the gentleman think that in this matter of health hazards that O. Roy Chalk might well put a label on the back of his D.C. Transit buses? You not only get your lungs full of smoke, but you are likely to be asphyxiated sitting in your car when you get locked up in traffic with them. How about a label on the backs of some of the buses?

Mr. CARTER. I certainly agree with the distinguished gentleman. It is quite true.

Again, nothing is said concerning the fact that 50 percent of those who are killed in such wrecks are under the influence of alcohol. No alcoholic beverages are labeled, "Caution, this may be hazardous to your health, or to the health of innocent motorists."

If one consumes alcoholic beverages and gets behind the wheel of a Cougar, a Jaguar, or a Wildcat, the lives he takes may well be his own and also those of other innocent families. Smoking a cigarette may present a danger only to the one who smokes it.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes. I yield to the gentleman.

Mr. WYMAN. Is there any basis in the gentleman's professional experience for equating the smoking of a cigarette with an absolute poison?

Mr. CARTER. I beg the pardon of the gentleman.

Mr. WYMAN. Is there any basis in the gentleman's experience for equating the smoking of a cigarette with an absolute poison?

Mr. CARTER. I could not call it that.

Mr. WYMAN. Mr. Chairman, if the gentleman will yield further, is it not a fact that whether or not cigarette smoking is harmful depends upon how much the individual who is doing the smoking inhales the cigarette smoke?

Mr. CARTER. I agree with that statement.

Mr. WYMAN. Then is there not a question as to whether or not even the warnings on cigarette packages will have the desired effect, because it depends upon the user of the cigarette on an individual subjective basis?

Mr. CARTER. I do not know if I got your question, but I believe the warning is sufficient at the present time.

Mr. WYMAN. Well, if the gentleman will yield further, the Federal Communications Commission has no authority to shut off advertising of a nonpoisonous substance whose use depends entirely as to whether or not it is harmful on the extent of use by individuals. It is all a matter of degree, is it not?

Mr. CARTER. I would respond to the gentleman from New Hampshire in saying that I do not think the Federal Communications Commission should have that power. I do not believe it has this right.

Mr. WYMAN. Is the gentleman familiar with the fact that Mr. Hyde, the Chairman of the Federal Communications Commission, suggested, as reported in the newspapers on June 12, that radio stations permitting the advertising of cigarettes and television stations might not have their license renewal regarded favorably unless they followed the wishes of the Commission in this regard?

Mr. CARTER. I certainly deplore that statement on the part of the Chairman of the Commission.

You know, the Surgeon General appeared before our committee, and in my opinion he is a real fine gentleman, and he had three other distinguished advisors with him who strongly supported legislation for labeling cigarettes and I understand perhaps would go even further. Yet at the same time I saw that they were all heavy smokers, including the Surgeon General. As I sat there we saw great layers of smoke arising from the witness stand and going up to the ceiling. In other words, they were saying in my opinion, "Do not do as I do, but do as I say do." This was the Surgeon General of the United States.

Some have stated 300,000 people die of lung cancer each year. However, the vital statistics which I have here in my hand for 1966—the latest year I could obtain—show a total of 56,000 deaths from neoplasms of the lung. No more than half of this number represents the number actually having lung cancer. Many of these tumors are caused by metastasis from tumors in other parts of the body, since the lung might be compared to a screen which filters out from the blood malignant cells from other parts of the body, and here they grow.

The passage of the present bill will depress the tobacco industry far more than it is now realized. The horrible name "cancer" on a package of cigarettes will have a greatly depressing effect.

Cigarette smoking has diminished in the United States over the past 2 years. There has not been a decrease, however, in lung cancer since this decrease in cigarette smoking has occurred.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEVINE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Kentucky.

Mr. CARTER. I thank the gentleman for the additional time.

Mr. Chairman, it is a fact that although women now smoke more than they did years ago, the number of those dying from lung cancer is relatively the same as it was. It is seen, then, that in women at least cigarette smoking has not caused an increase in lung cancer.

Another interesting observation is that the parts of the anatomy most exposed to smoking are not in the areas in which the tumors appear. While the trachea is exposed more than any other part of the respiratory tract after the larnyx, cancer of the trachea is almost unheard of.

Mr. Chairman, I regret that my committee saw fit to pass this rather difficult label. I know that it is going to depress the tobacco industry, and that it will injure the poor people of my area, although since it is the best approach at this time that we can do, I do urge acceptance of it.

Mr. ADAMS. Mr. Chairman, would the gentleman yield for a question?

Mr. CARTER. Mr. Chairman, I yield to the gentleman from Washington.

Mr. ADAMS. In December 1968 the American Medical Association, House of Delegates, adopted this statement:

> *Resolved,* That the American Medical Association again urge its members to play a major role against cigarette smoking by personal example and by advice regarding the health hazards in smoking, and be it
>
> *Further resolved,* That the American Medical Association discourage smoking by means of public pronouncements and educational programs, and be it
>
> *Further resolved,* That the American Medical Association take a strong stand against smoking by every means at its command.

Does the gentleman agree with that statement?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DEVINE. Mr. Chairman, I yield 1 additional minute to the gentleman from Kentucky.

Mr. ADAMS. Mr. Chairman, I would like to know if the gentleman agrees with that statement? And I know also that we have in the record that the American——

Mr. CARTER. Mr. Chairman, I refuse to yield any more of my valuable time to the gentleman from Washington. The gentleman has read into the record enough.

Now, let me say this to the gentleman, Mr. Chairman, that this is the first time in the years that we have served together that the gentleman has referred to the American Medical Association as an authority on anything.

Mr. ADAMS. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I believe

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you should know that there is no organized health or medical group which has found other than that smoking of cigarettes is dangerous to the health, and I challenge anyone to successfully contradict that statement.

Now, I favor action by the Congress, and I do not know why we have had so many speakers attempt to divert us to a straw man, rather than dealing with the substance of the issue before us.

The issue is not whether we are going to let regulatory agencies usurp the powers of the Congress, the question is whether the Congress is going to accept its responsibilities in a responsible and timely manner.

I said in the minority views that I filed 4 years ago, "A more realistic and responsible approach to this problem would be to warn the nonsmoking consumer of the health hazard before the product is purchased—rather than remind the individual who already smokes and after he has the product in his possession, that it may be harmful to his health."

I propose tomorrow to offer an amendment which will treat all advertising media equally. It will require, if this House adopts it, that the warning appear on every offer for sale, whether it be in the printed media or the spoken media—whether it be printed or occurs on radio or television.

I think we have to ask ourselves whether our objective here today is to protect the public interest—and a warning in all advertising would do that, or whether our objective is to protect the Tobacco Institute and its membership—and a warning only on the package does that. Because after having given a consumer fair warning of the hazardous nature of the product as the simple package label does, then if the consumer goes ahead and uses it, the industry is relieved of a major part of its liability for any injury to the health of the smoker. That is why the tobacco industry wants this bill today. They are perfectly willing to take a warning that says—not that smoking may be bad—but that it is dangerous.

So along with all of our organized medicine and organized public health, the Commerce Committee of this House also found by a vote of 22 to 5 that cigarette smoking is dangerous to your health. They changed it from "may be" to "is". It is an important difference. If it is brought to the attention of the young men and women of this country before they become addicted to the habit of smoking—and I use the term "addicted" advisedly—because the withdrawal symptoms of a cigarette smoker are frequently analogous in every sense to withdrawal symptoms of a person who partakes of stronger drugs.

I dare say that if it were not for the economic impact of tobacco upon the American economy, we would be classifying cigarettes as an addictive drug, as they should be classified.

Now on the question of whether or not there has been an established link between tobacco and lung cancer, that is a question you can play with a great deal. But the following facts have never been contested in any sense.

The risk of death from all causes is 70 percent higher for men who smoke cigarettes than for male nonsmokers. It is significantly higher for women who smoke cigarettes than for those who do not. That is a fact statistically arrived at. But by whatever method, it is an uncontested fact.

The risk of death from lung cancer is over 10 times greater. It is 10 times greater for cigarette smokers than for nonsmokers. Now that is a fact.

The risk of death from bronchitis and emphysema is six times greater for smokers than for nonsmokers.

In general the greater number of cigarettes smoked daily, the higher the death rate.

For men who smoke fewer than 10 cigarettes a day, the rate is 40 percent higher.

For those who smoke 10 to 19 cigarettes a day, the rate is 70 percent higher.

For those who smoke 20 to 39 cigarettes a day, the rate is 90 percent higher.

For those who smoke 40 or more cigarettes a day, the rate is 120 percent higher.

The risk is definitely greater if a smoker inhales, and that is a fact.

Now, as to this matter of self-regulation and whether or not there is an effort made to induce people to smoke—at no time in the history of this Nation has there been a greater volume of television commercials sponsored by cigarette companies than exists today.

I had one of my colleagues sit down beside me a little earlier this afternoon. He pulled out his package of cigarettes and said, "You know, this is the first time I have looked at that caution on the side of the package. I know all about Marlboro country, and I know that you can't take the country out of Salem." Make no mistake about it. That repetitious pattern of urging, through the most attractive type of advertisements, that, first, cigarette smoking is a social grace and, second, that it is a manly characteristic, has an imprint.

Let me make it abundantly clear that as this law is written it clearly forecloses any State from requiring notice that sale to minors in its State, in connection with cigarette advertising, is illegal, and it forecloses them from making that notice on ads.

Finally, I include at this point in the RECORD a copy of a letter received in my office which substantiates that concern felt by the medical academic community:

> I understand that Congress is now considering the problem of cigarette smoking and that it is concerned about the conclusiveness of the evidence that cigarette smoking causes death and disability.
>
> I believe that it has been established beyond any reasonable doubt that cigarette smoking is a serious health hazard capable of causing death and disability, and that this opinion is shared by the overwhelming majority of the informed medical community and is no longer open to serious dispute. The following statement, which I understand has been proposed by the F.T.C. to replace the current health warning, is a fair and accurate statement of the dangers of smoking as established by the overwhelming weight of the clinical, experimental, and epidemiological evidence: "Cigarette smoking is dangerous to health and may cause death from cancer, coronary heart disease, chronic bronchitis, pulmonary emphysema and other diseases." As far as I know no responsible medical or scientific body has even concluded that cigarette smoking is not a serious health hazard.
>
> I have signed this statement as an individually concerned physician and not on behalf of my institution. It does not necessarily reflect the view of my school or of any member of the faculty. My affiliation may be shown for purposes of identification only.
>
> Signed by the deans of the following medical schools:
>
> University of Colorado School of Medicine.
> Case Western Reserve University School of Medicine.
> Louisiana State University School of Medicine.
> University of Pennsylvania School of Medicine.
> University of Washington School of Medicine.
> University of Rochester School of Medicine & Dentistry.
> University of Iowa College of Medicine.
> University of Texas Medical Branch.
> The Chicago Medical School.
> Medical College of Georgia School of Graduate Studies (signed as medical scientist).
> Boston University School of Medicine.
> Washington University School of Medicine.
> University of Mississippi School of Medicine.
> Marquette School of Medicine.
> Rutgers Medical School.
> Michigan State University College of Human Medicine.
> New York Medical College.
> University of California School of Medicine.
> University of Oklahoma Medical Center.
> Northwestern University Medical School.
> Baylor College of Medicine (Assoc. Dean).
> University of California at Irving.
> University of New Mexico School of Medicine.
> University of Arizona School of Medicine.

Mr. DEVINE. Mr. Chairman, I yield 3 minutes to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Chairman, in coming from a State that has no tobacco industry, but does have retail and wholesale outlets, I cannot help but make two or three observations. I think it is important that we do in this field only what we should do and, as the gentleman from California has said, our responsibility in the House is to apply an appropriate warning to all advertising media.

There is no question, but smoking does not help. It does not help anyone. It sets the stage for heart disease, for emphysema, and all kinds of risks. But it does not cause cancer in everyone and the danger in smoking to the individual varies with his use of tobacco. It has been said here that people who smoke less than 10 cigarettes a day increase their susceptibility to serious disease by 40 percent. I do not agree with that, but I am not a doctor. I cannot believe that is true. I think whether it hurts you really depends upon how much you inhale and how excessively you smoke. I cannot believe that anyone who smokes less than 10 cigarettes a day is really hurting himself very much if at all—especially if he or she does not inhale.

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The point to the legislation under consideration here is the extent to which a regulatory agency, acting in the protection of the general public, should have the power to impose requirements that have vast economic effects upon people and industry and upon jobs. You just cannot cut off something that is not a poison, because you do not like it. No matter if you are Chairman of the Federal Communications Commission or not, you cannot arbitrarily act by fiat. We have courts, and a system of laws with rights and responsibilities. We are not here dealing with poison. We are not here dealing with something, as the Chairman of the Commission said before us in the Independent Offices Subcommittee on Appropriations, that can be equated with poison. That is not so. The doctor who has spoken here on the floor of the House knows that you cannot equate cigarettes with pure poison. I would like to read the transcript of Chairman Hyde's testimony before my subcommittee on this.

LIMITATION ON CIGARETTE ADVERTISING

Mr. WYMAN. Mr. Chairman, what is the nature of your proposal on the cigarette restriction?

Mr. HYDE. Our proposal, of course, is subject to the rulemaking notice and subject to our consideration of comments that may be submitted by interested parties and subject, of course, to any action that Congress might take. The proposal would preclude the advertising of cigarettes on either radio or television.

Mr. WYMAN. All advertising?

Mr. HYDE. Right. We have in our notice a possibility that some advertising regarding nicotine and tar content might be appropriate but that is just in the notice for the advice of interested parties. The overall proposal is to bar cigarette advertising on radio and TV.

Mr. WYMAN. What is the statutory authority? If you don't have it at your fingertips——

Mr. HYDE. To establish regulations in the public interest and our basic theory is that these regulations would be justified to protect public health.

Mr. WYMAN. Is it your position that unless Congress renews the Cigarette Labeling and Advertising Act of 1965, you have the authority to do this under existing statute?

Mr. HYDE. It is our position that we would have legal authority to prescribe such a rule.

Mr. WYMAN. In U.S. News and World Report issue of February 17 you are quoted as saying that the product poses a unique danger, "a danger measured in terms of an epidemic."

How great is the threat to public health, in your opinion, from what I would call "moderate smoking of cigarettes"?

Mr. HYDE. Well, we do not undertake in our shop to make judgments on this. We rely entirely on the findings of the reports of the Departments of Health, Education, and Welfare, Federal Trade, and the Surgeon General.

Of course, we do cite in our notice of proposed rulemaking the statistics which have been issued by the departments, that there are 50,000 deaths a year from lung cancer, and the department says that the most important cause of lung cancer is cigarette smoking.

Mr. WYMAN. But a regulation or a rule by the Federal Communications Commission outlawing all advertising on radio and television would, to be justifiable, virtually equate cigarette smoking with poison, would it not?

Mr. HYDE. We base our ruling on the findings of the Department of Health, Education, and Welfare and it does give figures along the lines which I have just mentioned.

Mr. WYMAN. Isn't it a fact that the danger in the smoking of cigarettes—admitting that perhaps the smoking of a single cigarette by an individual each day is not good for him—isn't your evidence in regard to the danger of cancer or emphysema, or any of these things, that it is confined to excessive use. Would not the public be adequately protected against excessive use by advertising which, by regulation of the FCC, was required to appropriately warn—not just at the end of the advertisement, but perhaps by incorporation in the text, of appropriate warning of the individual against excess of use?

Mr. HYDE. We have the information that was published by the department and under the title of "General Mortality Information" there is a finding—this is in the 1967 report:

"In addition evidence herein presented shows that life expectancy among young men is reduced by an average of eight years in "heavy" cigarette smokers, those who smoke over two packs a day and an average of four years in "light cigarette smokers, those who smoke less than one-half pack per day."

Mr. WYMAN. What troubles me in part, in connection with this is, is it the function of the agency in the absence of specific statutory authority to attempt to spoon feed the public in regard to how many cigarettes they should smoke or should not smoke?

Mr. HYDE. I think we have here a unique situation. The Commission must make a finding when it issues a license for the operation of a TV or radio station that such operation will be in the public interest. I would suggest there is nothing that has a more clear and important bearing on public interest than public health.

Now, when the Commission is on notice of a finding by these several agencies of Government that cigarette smoking is a hazard to health in terms which they have mentioned, we just cannot ignore that.

Mr. JONAS. Would the gentleman yield?

Mr. WYMAN. Yes.

Mr. JONAS. You think you have more of an obligation to follow—not a recommendation, but to abide by or to accept the findings of a department of the executive of the Government than Congress?

Mr. HYDE. Well, sir, I would say that Congress itself has found the use of cigarettes—that cigarettes may be a hazard to health. It states so on the side of the package.

Mr. JONAS. But it specifically refused to bar the manufacture of cigarettes and how can you then assume the responsibility of undertaking to bar the advertisement of something that is legal to manufacture in the United States? I think you are exceeding your authority.

I want you to read into the record the specific statutory authority. You have a right to your opinion and I have a right to mine but I think the record should show the words of the statute you contend gives you the authority, as an administrative agency of the Government, to bar the advertisement of anything that it is legal to manufacture in the United States. It seems to me that it would have been more in keeping with your obligation, if you have such strong feelings on the subject, to have recommended to Congress that it bar the manufacture or to bar the advertising of cigarettes. Your ban does not even touch advertising in the periodicals and newspapers. You have no control over them or you would have undertaken to bar the advertising of cigarettes in the newspapers of the country.

Mr. HYDE. No, really, our responsibility runs to the licensing of stations. We are aware that about 75 percent of the advertising budget of the cigarette manufacturers is invested in radio and TV advertising but we, as members of the Commission, are charged as a matter of duty of licensing stations under conditions that will serve the public interest and we——

Mr. JONAS. I think the Commission has arrogated unto itself a prerogative of Congress.

Mr. HYDE. We don't believe we have arrogated to ourselves the responsibility of making the overall determination of what is in the public interest; rather, we have taken cognizance of the findings of the two departments I have mentioned. We have taken cognizance of the concern of Congress here and then, of course, we have to refer to our own responsibilities under the act which we administer.

You have asked me to cite statutory authority——

LEGAL AUTHORITY FOR COMMISSION ACT

Mr. JONAS. You are going to do that later?

Mr. HYDE. I have it in front of me.

Mr. JONAS. All right, please read it.

Mr. HYDE. I am quoting from paragraph 15 of our order:

"We believe in view of the public health basis uniquely authenticated by official action, that we do have authority to act here under the public interest standard set out in sections 303, 307, 308, 309 and 315 of the Communications Act, 47 United States Code 303, 307, 308, 309, 315."

Mr. JONAS. Mr. Wyman wants the law and not the citation.

Mr. HYDE. I will supply the text for these citations.

Mr. JONAS. Has the Commission ever undertaken to bar the advertising on radio and television of anything else that is legally manufactured in the United States?

Mr. HYDE. I believe not. I cannot recall a single instance where we have undertaken——

Mr. JONAS. Have you ever undertaken to bar the advertising of anything other than cigarettes?

Mr. HYDE. Not so far as I can recall.

Mr. JONAS. And you take the position that cigarettes, the use of cigarettes, regardless of whether they are used to excess or not, is the only article that the public interest would be involved in and, therefore, you single it out and bar its advertising. You have no such compunctions about tightening upon the showing of horror, crime, and sex pictures and pornographic material and many other things that could be cited which probably, have caused more damage and more trouble and caused more crime than cigarettes?

Mr. HYDE. We do not believe that we have singled out a product. We believe——

Mr. JONAS. Wait a minute. You don't think those things—the public has any interest in those things?

Mr. HYDE. I would not say that at all.

Mr. COX. The statute bars obscene matter, all right.

Mr. HYDE. Yes, that is barred, but what I wanted to say is, we didn't single out cigarette smoking. It was the findings of the Department of Health, Education, and Welfare, Federal Trade and, as I mentioned before, Congress itself, that singled out this item.

Mr. JONAS. Congress acted and the way it singled it out was to require the placing of this legend on the packages, but you weren't satisfied to follow the judgment of Congress. You arrogated to yourselves the right to go beyond the congressional mandate after Congress had already acted in this very field. Is that not right?

Mr. HYDE. No; I wouldn't believe that is our position in the matter.

The Commission, recognizing that the Cigarette Labeling Act would, by its terms, expire on June 30 or July 1, being on notice of the substantial amount of cigarette advertising that is being presented on TV, all hours of the day, every day of the week and, of

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course, on notice of the findings as to the impact upon health, found it appropriate—subject to review by Congress, of course, and we thought it would be helpful to Congress to report to Congress what the administrative agency would feel required to do if Congress didn't give some other guidelines.

Mr. Jonas. How many times have you recommended to the legislative committee that it take action similar to this?

Mr. Hyde. This is the only instance in which we have——

Mr. Jonas. And this is not merely a recommendation; this is a formal order under your rulemaking power which goes into effect, unless Congress affirmatively acts?

Mr. Hyde. We have indicated in our——

Mr. Jonas. Yet you go before the legislative committee of the Congress every year and you have never recommended legislation to accomplish what you undertake to do by fiat.

Mr. Hyde. Well, Congressman, we do believe that not only our powers in the Communications Act, but our responsibilities do require us to take some action in this area.

Mr. Jonas. Well, wouldn't the first action normally be to make a recommendation to Congress?

Mr. Hyde. If it required legislation, it would; but we don't believe legislation is required.

Mr. Wyman. That is just what I am trying to find out.

Mr. Jonas. Thank you for yielding for my few little, mild questions.

Mr. Wyman. There is a big difference between outlawing all advertising and requiring a certain type of minimum content of the advertising. Was that considered in detail by the Commission before it arrived at this notice of intention of proposed rulemaking?

Mr. Hyde. There was some discussion of the fact that our area of regulation would be limited to TV and radio and that advertising might very well be presented on other media——

Mr. Wyman. I didn't mean that, I mean did you talk within the Commission about the warning? I see these things on the television too—I don't happen to smoke cigarettes, but I see the ads suggesting the big wild open West and urging smoking a certain cigarette and that makes you a certain type of he-man when the truth is actually the opposite. But wouldn't the public interest be served, or wouldn't what the Commission, I think, has in mind—which is the public health—be served if, within the text of that advertising you required that it be repeated again and again, or appropriately interpolated, that any person using cigarettes excessively may shorten their life expectancy and may kill themselves and cause themselves an agonizingly slow death, or have emphysema or one thing or another?

Mr. Hyde. We didn't seriously discuss any halfway measures. We were pretty well convinced that we should, on the basis of these reports, propose to prohibit the——

Mr. Wyman. Stop it completely?

Mr. Hyde. Yes.

Mr. Wyman. Do you know whether there has been any opportunity to coordinate this policy with other agencies that might regulate advertising content in other public media such as newspapers, magazines and so on?

Mr. Hyde. No; there hasn't. We had some very limited staff liaison with Federal Trade, but we did not undertake any coordination with respect to advertising in other media.

Congressman, we felt compelled to act with respect to the media which we do license because it is the primary advertising media for cigarettes.

Mr. Wyman. You are aware of the fact, for example, that there is pending in the Congress resolutions calling for a study of how to curb violence within the Constitution, if it can be.

Have you every considered within the Commission outlawing advertising in support or any program in which the dominant theme is violence, or that sort of thing? I realize the unconstitutional problems, but have you ever given that any consideration?

Mr. Hyde. We haven't given consideration to any specific proposals. It has been subject to some comment, of course, in the Commission.

We prepared a statement for the Eisenhower Commission which, of course, was discussed. We have not given serious thought to promulgation of a rule which would undertake to regulate in that area.

Mr. Wyman. But actually violence causes a lot more deaths in America every month than cigarette smoking, doesn't it?

Mr. Hyde. The reason why we felt that this was a unique situation and the reason why we felt compelled to act is that this product, used in the normal way, according to what might be the directions, according to the report of the Department of Health, Education, and Welfare, has very serious health consequences.

Mr. Wyman. Is that report available?

Mr. Hyde. I don't know of any other product that has been the subject of such a finding.

Mr. Wyman. Is that report available to the public?

Mr. Hyde. Oh, yes. There is a report and then there is a supplemental report.

Mr. Wyman. What is the date of it? The original and the supplemental. Do you know?

Mr. Hyde. Yes, it is in our statement. I understand it is June of 1967 and June of 1968.

Mr. Wyman. Would it be possible ultimately, before the text of this copy is ready for the printer, for you to include the sentences or paragraphs from that report that impelled you to act?

Mr. Hyde. Yes, sir. We have included what we thought were some very significant excerpts in our notice of proposed rulemaking, but I will submit a separate statement for the record.

(The following pages taken from the Commission's notice of proposed rulemaking are submitted for the record:)

As stated in the 1967 Report to Congress on the Health Consequences of Smoking by the Department of Health, Education, and Welfare:

"In the 3½ years since the publication of that report, an unprecedented amount of pertinent research has been completed, continued, or initiated in this country and abroad under the sponsorship of governments, universities, industry groups, and other entities. This research has been reviewed and no evidence has been revealed which bring into question the conclusions of the 1964 report. On the contrary the research studies published since 1964 have strengthened those conclusions and have extended in some important respects our knowledge of the health consequences of smoking."

The present state of knowledge of these health consequences can, in the judgment of the Public Health Service, be summarized as follows:

1. Cigarette smokers have substantially higher rates of death and disability than their nonsmoking counterparts in the population. This means that cigarette smokers tend to die at earlier ages and experience more days of disability than comparable nonsmokers.

2. A substantial portion of earlier deaths and excess disability would not have occurred if those affected had never smoked.

3. If it were not for cigarette smoking, practically none of the earlier deaths from lung cancer would have occurred; nor a substantial portion of the earlier deaths from chronic bronchopulmonary diseases (commonly diagnosed as chronic bronchitis or pulmonary emphysema or both); nor a portion of the earlier deaths of cardiovascular origin. Excess disability from chronic pulmonary and cardiovascular diseases would also be less.

4. Cessation or appreciable reduction of cigarette smoking could delay or avert a substantial portion of deaths which occur from lung cancer, a substantial portion of the earlier deaths and excess disability from chronic bronchopulmonary diseases, and a portion of the earlier deaths and excess disability of cardiovascular origin.[1]

The 1968 supplement has the following highlights:

"GENERAL MORTALITY INFORMATION

"Previous findings reported in 1967 indicate that cigarette smoking is associated with an increase in overall mortality and morbidity and leads to a substantial excess of deaths in those people who smoke. In addition, evidence herein presented shows that life expectancy among young men is reduced by an average of 8 years in 'heavy' cigarette smokers, those who smoke over two packs a day, and an average of 4 years in 'light' cigarette smokers, those who smoke less than one-half pack per day.

"SMOKING AND CARDIOVASCULAR DISEASES

"Current physiological evidence, in combination with additional epidemiological evidence, confirms previous findings and suggests additional biomechanisms whereby cigarette smoking can contribute to coronary heart disease. Cigarette smoking adversely affects the interaction between the demand of the heart for oxygen and other nutrients and their supply. Some of the harmful cardiovascular effects appear to be reversible after cessation of cigarette smoking.

"Because of the increasing convergence of epidemiological and physiological findings relating cigarette smoking to coronary heart disease, it is concluded that cigarette smoking can contribute to the development of cardiovascular disease and particularly to death from coronary heart disease.

"SMOKING AND CHRONIC OBSTRUCTIVE BRONCHOPULMONARY DISEASE

"Additional physiological and epidemiological evidence confirms the previous findings that cigarette smoking is the most important cause of chronic nonneoplastic bronchopulmonary disease in the United States.

"Cigarette smoking can adversely affect pulmonary function and disturb cardiopulmonary physiology. It is suggested that this can lead to cardiopulmonary disease, notably plumonary hypertension and corpulmonale in those individuals who have severe chronic obstructive bronchitis.

"SMOKING AND CANCER

"Additional evidence substantiates the previous findings that cigarette smoking is the main cause of lung cancer in men. Cigarette smoking is causally related to lung cancer in women but accounts for a smaller proportion of cases than in men. Smoking is a significant factor in the causation of cancer of the larynx and in the development of cancer in the oral cavity. Further epidemiological data strengthen the association of cigarette smoking with cancer of the bladder and cancer of the pancreas."[2]

4. We shall not set out the many detailed reports (e.g., the Hammond study; the Dorn study) discussed in these documents. We do point out that among the diseases as to which cigarette smoking is the main or most

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[1] *The Health Consequences of Smoking, a Public Health Service Review,* 1967, Public Health Service Publication No. 1696, pp. 3–4 (Revised January 1968).

[2] *The Health Consequences of Smoking, 1968.* Supplement to Public Health Service Publication No. 1696, pp. 3–4.

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important cause,[3] there is an alarming rate of increase in mortality. There were 25,416 deaths from emphysema and/or chronic bronchitis in 1966 which represent a 25-percent increase over 1964.[4] It is estimated that "* * * within 10 years, the death toll from these two diseases, which doubles every 5 years, could be well over 80,000." (The Dark Side of the Marketplace, 1968,, by Senator Warren G. Magnuson and Jean Carper, p. 187.) The annual number of deaths in the United States from cancer of the lung increased from 18,313 deaths in 1950 to 48,483 in 1965.[5] It is stated that "by 1976, unless the epidemic is checked, twice that number or 80,000 yearly, will die of the disease" (ibid). The 1967 report indicates that cigarette smoking is associated with as much as one-third of all deaths among men between 35 and 60 years of age.[6] The 1968 report of the Secretary of Health, Education, and Welfare to Congress concludes that "* * * smoking is a serious health hazard in this country, one which is bringing about much unnecessary disease and death within our population. In the words of the 1964 report, adequate remedial action is required. In my opinion, the remedial action taken until now has not been adequate." [7] See also The Dark Side of the Marketplace, 1968, *supra*.

Mr. Wyman. For example, you just referred earlier in your testimony to the fact that it came to your attention that for young people smoking less than half a pack a day would shorten their lives by 4 years.

Mr. Hyde. I think that was from 1967 report.

Mr. Wyman. This troubles me. How do they get to that conclusion?

Mr. Hyde. That is a statistical finding.

Mr. Pryor. Mr. Chairman, has any similar study been made on alcohol?

Mr. Hyde. I know of none on alcohol.

Mr. Jonas. You say there has been no similar study on crime? I thought the books were full of reports of various commissions about crime and violence. They even wanted to bar the manufacture of pistols and firearms but nobody has ever seriously proposed to bar the manufacture of cigarettes. They have proposed it, but it hasn't gotten anywhere. That is the reason I can't understand why you pick out cigarettes, a harmless little product of agriculture, to direct all of your ire against and leave the whole field of violence and crime untouched.

Mr. Wyman. Of course, alcohol is outlawed by agreement as far as advertising is concerned.

Mr. Hyde. By voluntary action the broadcasting industry, by and large, does not accept advertising for hard liquor. They carry some advertising for wines and beers and, as a matter of fact, in connection with the release of this notice of proposed rulemaking, we invited industry's attention to the problem, hoping that there might be some voluntary interest in taking some corrective action.

Mr. Wyman. I don't want to pursue this any further at this time, but I would like to ask would it be possible, Mr. Chairman, if the industry came forward with some voluntary reduction like 50 percent plus a warning, that the notice of porposed rulemaking in this instance might be dismissed?

Mr. Hyde. I am not in position, really, to do any negotiating, but I would certainly welcome any reduction.

Mr. Jonas. You take the position that a man doesn't have the constitutional right to smoke himself to death, if he wants to?

Mr. Hyde. Oh, no. No, sir. I wouldn't interfere at all. I wouldn't think of it.

Unless this Congress should act affirmatively and give this agency regulatory power to do what it proposes to do, it does not have that power.

What we should do is to require a fair warning, and we ought to require the warning on television as well as on the cigarette packages: a warning that excessive use may contribute to disease—excessive use.

I agree that it is difficult to define these things. They do not lend themselves to a yardstick of measurement of the type we would like to be able to legislate. But we cannot do any more than this, nor should we.

An item in the New York Daily News published on June 12 stated:

> The Chairman of the Federal Communications Commission said today that any TV or radio station that continued to broadcast cigarette commercials could run the risk of not having its license renewed.
>
> Chairman Rosel H. Hyde pointed out in an interview that the United States had said that 300,000 persons in the country die prematurely each year as a result of cigarette smoking.
>
> The Department of Health, Education and Welfare, he added, has circulated warnings on smoking. Therefore, he said, smoking could not be in the public interest.
>
> "The law says that a station must operate in the public interest," Hyde said. "But when a license is up for renewal by a station that broadcasts cigarette commercials, how can the FCC find that this station operates in the public interest when it promotes a product that a government agency says is harmful?"

This is wrong. A regulatory agency that is an arm of Congress itself ought not to be permitted to do indirectly that which it may not do directly.

I urge responsible warnings, but not prohibition of cigarette advertising. This makes sense.

The record simply does not back up factually or medically the conclusions the Chairman of the FCC seems to make.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER assumed the chair.

The SPEAKER. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on June 13, 1969 the President approved and signed bills of the House of the following titles:

H.R. 2718. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk;

H.R. 2940. An act for the relief of Henry E. Dooley;

H.R. 10015. An act to extend through December 31, 1970, the suspension of duty on electrodes for use in producing aluminum; and

H.R. 10016. An act to continue until the close of June 30, 1971, the existing suspension of duties for metal scrap.

The SPEAKER. The Committee will resume its sitting.

PUBLIC HEALTH CIGARETTE SMOKING ACT OF 1969

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. Dingell).

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I simply want to state to the gentleman who was just in the well, the gentleman from New Hampshire (Mr. Wyman), that cigarettes have been treated in a very unique fashion. With every other product, the FTC and the FCC, on any charges as to what their effects may be or can or cannot be, are subject to review in the courts, and so on, including products such as prescription drugs and many others which are not allowed to be sold, or are required to carry warnings.

I thank the gentleman from Michigan for yielding.

Mr. DINGELL. Mr. Chairman, we have before us a most remarkable piece of legislation, legislation which has prompted the membership of this body

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[3] As to other diseases such as in the heart disease field, consider the following statement:

For the population as a whole, cigarette smoking increases the likelihood of death by coronary disease by about 70 percent. But for those people who already suffer from high blood pressure, cigarette smoking jumps the risk to over 200 percent. (1967 World Conference on Smoking and Health, a Summary of the Proceedings, p. 122).

[4] 1968 supplement, *supra* at 66.

[5] Id. at 94.

[6] Health Consequences of Smoking, 1967, supra, p. 14. The foregoing is just a sketch of some of the highlights and does not represent a history of all the significant statistics in the reports. Thus, the following statistics in the reports were cited before the 1967 World Conference on Smoking and Health:

"Over a quarter of a million premature deaths each year from diseases associated with cigarette smoking."

"Eleven million extra cases of chronic disease in the cigarette smoking population."

* * * * *

"The quarter of a million early deaths are a little less than a seventh of all the deaths in America each year. At present rates, then, one-seventh of all Americans now alive—about 28 million people—will die prematurely of diseases associated with cigarette smoking. These are round figures, but they are not far from the mark." (Speech of Senator Robert Kennedy, 1967 World Conference on Smoking and Health, a summary of the proceedings, pp. 4–5.

The recent book, The Dark Side of the Marketplace, by Senator Warren G. Magnuson and Jean Carper, refers (pp. 185–186) to a "recent autopsy study of cross sections of human lung tissue [which] revealed that 93.2 percent of the smokers had abnormal lung cells as compared with only 1.2 percent of the nonsmokers," and to the 7-percent drop of the lung cancer rate of British doctors (16 percent of whom gave up cigarettes between 1951 and 1958) as against a 22-percent increase in the rate among the general public in Great Britain.

[7] Report to Congress on Smoking and Health by the Secretary of Health, Education, and Welfare, July 1, 1968, p. 1.

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to most ferociously slay strawman after strawman this afternoon.

We have effectively raised the strawman that the prerogatives of the Congress are being usurped, that the FTC and FCC are usurping the prerogatives of this body. We have raised the strawman that those outstanding experts in the field of research and medicine who continuously and without cessation in the medical and scientific community have warned this Congress and this Nation and the people of the world about the hazards of smoking either do not know what they are talking about, or for some strange or devious reason are seeking to mislead the American people, this Congress, and the administrative agencies in the exercise of their functions into actions which are out of keeping with the public interest.

My colleagues will remember when this legislation was last before the House of Representatives, I supported it. I supported it at that time on the basis that it was the best piece of legislation whose enactment we could then secure.

However, during the interim time much has happened. The remarks of the American Cancer Society before the Commerce Committee I believe give us strong reason why at this time this body should act to provide for stronger legislation. The American Cancer Society, when it was before the Commerce Committee which was taking testimony on this matter said frightening things. They said that from 1965, when the Cigarette Labeling and Advertising Act was enacted, through 1968, more than 210,000 Americans died of lung cancer. They estimated about 158,000 of these deaths were due to cigarette smoking.

In 1965, when the act was passed, 48,500 Americans died of lung cancer. In 1969 the toll will be close to 60,000.

I have spoken of lung cancer, but that is not the only disease which strikes cigarette smokers. Although the death rate for lung cancer is 10 times as high as lung cancer for nonsmokers or among those who never smoked, in passing let it be noted that for those who smoke two packs or more a day, the odds are 20 to 1.

The fact is that the legislation passed 2 years ago is totally inadequate to provide what many of us expected and hoped when the legislation was passed.

The answer is it does not warn the young people of this Nation. The answer is that it does not even warn smokers, who daily disregard the warnings on the cigarette pack and who consume these instruments either without awareness or understanding, or else oblivious to great hazard.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Does not the gentleman think they know the hazards, without having to be warned?

Mr. DINGELL. I have no way of knowing precisely what the smoker feels, The fact of the matter is he persists in smoking.

I might be willing to consign the smokers of this Nation to the fate they bring upon themselves, but I am not willing to consign the young people of this Nation to that fate. I am not willing to consign the young people of this Nation to the fate the smoking advertising and advertisements blandished daily before the eyes and senses of our young people of this Nation by radio and television and by periodicals, would lead them to.

It is my feeling that young persons seeking to grow up, seeking to become adults, seeking to exercise the social graces that these advertisements make cigarettes so much a part of, should be protected by a wise society from cigarettes and from cigarette advertising for at least as valid a reason as that for which many of my colleagues would protect them from marihuana, pornography and narcotics.

I would point out it is very plain that the burden and the bulk of medical sentiment—national, local, State, and international—is strongly in favor of vigorous action to warn everybody, and to repress and control not only cigarette advertising but also cigarette smoking.

We have heard some of my colleagues down here in the well say there is no medical evidence that cigarettes and smoking cause cancer.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. DINGELL. Those statements mislead this body. There is one standard way of detecting a medical hazard that is utilized by all responsible researchers, and that is the epidemiological method. I would point out that this method has always been enormously persuasive to all responsible medical and research personnel.

Study after study, researcher after researcher, has found direct and irreproachable relationship between smoking and diseases like cancer of the mouths, lungs, throat, stomach, esophagus.

Emphysema, cardiovascular disorders, heart disease, circulatory disorders are directly related to smoking by the statistical method by responsible researchers with no axe to grind or interest to serve.

In the hearings before the Committee on Interstate and Foreign Commerce we find resolution after resolution on this subject. The hearings are full of responsible medical authority on the hazards of smoking.

The American Medical Association House of Delegates has presented a very strong resolution warning of the hazards of smoking.

There is a resolution of the board of regents of the American College of Physicians re tobacco, March 31, 1968, which points to the clear and evident hazard.

There are resolutions by the Pennsylvania Medical Society and by the Massachusetts Medical Society doing the same.

The California Medical Association had a strong and lengthy position paper on the hazards of smoking. There are statements and resolutions on cigarette smoking and lung cancer by health agencies and professional societies in the United States.

The American Academy of Pediatrics; the American Association for Thoracic Surgery; the American Cancer Society; the American College of Chest Physicians; the American College Health Association; the American Heart Association; the American Medical Association Reference Committee on Public Health and Occupational Health; the American Public Health Association on two different occasions; the Association of State and Territorial Health Officers; the Surgeon General of the U.S. Public Health Service; the National Tubuerculosis Association; the President's Commission on Heart Disease, Cancer, and Stroke; the Public Health Cancer Association; the Society of State Directors for Health, Physical Education, and Recreation; the Society of Thoracic Surgeons; and an abundance of other associations, both national and international, have presented resolution upon resolution pointing out the hazards.

Now, who is on the other side? We do not know where the broadcasters are. It is plain, however, from lengthy hearings before our committee, consuming a whole day, that their code means very little and is less enforced. But on the other side we very clearly see only one group, the manufacturers of cigarettes and tobacco products.

It is not my purpose to drive the cigarette industry out of business. It is only my purpose to see to it that they pose no undue hazard to our society. I cannot allow the debate in this body to induce the membership to believe that our committee received responsible testimony on the other side. It did not. We received weasel words in abundance, to be sure; industry payrollers said their prepared pieces; but the opinion of responsible researchers free to assess the truth was uniformly and unanimously clear on one point, cigarettes are a major health hazard.

It is only my purpose to see to it that these groups and these people be truthful in their advertising and present truthfully the hazards existing with regard to smoking. For that reason I intend tomorrow to offer one amendment which will be directed principally at preventing advertising from this group which has so much to gain from advertising of this kind influencing the young people of this Nation to start smoking.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. MOSS. When Mr. Wasilewski, the president of the National Association of Broadcasters, appeared before the committee last week did he not make it quite clear that in the past year under the continuing oversight of commercials their code authority had reviewed two commercials of the many thousands that were broadcast?

Mr. DINGELL. That is correct. And we sought very diligently to find evidence on the part of the National Association of Broadcasters of the type of oversight we have been discussing, but, alas, none was to be found.

The bill, H.R. 6543, which comes be-

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fore the House today is clearly inadequate to make any meaningful contribution toward the control of one of the gravest health problems of our time. It falls disappointingly short of the minimum needs to stem the rising tide of deaths and disabilities associated with cigarette smoking.

In light of every increasing evidence incriminating cigarette smoking as a hazard to health, the bill is but a feeble gesture toward remedial action.

Any Member of the House who votes for this bill on the assumption that the case against cigarette smoking has not been proved is out of step with the vast majority of the Nation's physicians and research scientists and his own constituency. The scientific community and the public overwhelmingly accept the evidence against cigarettes.

Two years ago the Surgeon General, speaking before the World Conference on Smoking and Health, put it this way:

> The proposition that cigarette smoking is hazardous to human health long ago passed the realm of possibility. It has now gone beyond the probable, to the point of demonstrable fact. We no longer need to use the conditional tense of the verb. The sentence with which all of us are familiar—"Caution: Cigarette smoking may be hazardous to your health"—is inadequate as a description of the present state of our knowledge. Cigarette smoking is hazardous to health.
>
> This is no longer a matter of opinion, nor an evangelical slogan. It is flat scientific fact. Establishing it and demonstrating it is no longer our goal; rather, this scientific fact is our starting point. We begin here.

The tobacco industry, however, is not satisfied to begin here. During the House hearings witnesses for the industry harked back to arguments that have been answered time and again. They were telling us that the evidence is inconclusive, that there were inconsistencies and contradictions in the evidence which suggest that the hazards of cigarette smoking may not be so real as we have been led to believe.

To be in disagreement with a medical consensus does not necessarily mean one is wrong. But it should be pointed out that some tobacco industry witnesses spoke for a small minority, usually for themselves alone. This is in contrast to the witnesses who came before the committee as representatives of major health and medical organizations.

I mean no disrespect for those who hold the minority view. Their sincerity is not in question. It is a tribute to their dedication that several of the witnesses who appeared before the committee later traveled to Canada to testify before the Parliamentary Health Committee which is also considering cigarette legislation in the wake of a decision of the Canadian Broadcasting Corporation to ban cigarette advertising on radio and television.

Unanimity on any scientific question is rare, and smoking and health is no exception. Some of the same people who contested the research which identified cigarette smoking as a cause of lung cancer about 20 years ago, do so today. Others remain unconvinced that smoking can be a contributory factor in other diseases. The arguments against the evidence have been answered many times. Just 14 years ago the American Cancer Society replied to many of the doubts raised about the evidence in the May 1956 issue of CA, a bulletin of Cancer Progress.

In January 1959, six distinguished research scientists coauthored an exhaustive reply to many of the same charges against the evidence in an article published in the Journal of the National Cancer Institute. The 1964 report of the Surgeon General's Advisory Committee on Smoking and Health also took into account the claims of those who voiced doubt over the findings. One year ago—in March 1968—the Public Health Service and the American Cancer Society replied in detail to a rehash of the same charges against the evidence published in True magazine, an article widely promoted by the Tobacco Institute. Again, only a few weeks ago, the Surgeon General, at the request of the chairman of the House Commerce Committee, provided still another reply to the criticisms against the evidence expressed during the House hearings.

With these sources of information available, it would be pointless to comment now on the testimony of each witness who appeared on behalf of the tobacco industry. It would be instructive, however, to examine two areas of the smoking problem in which it is claimed the evidence is vulnerable.

The first concerns the evidence concerning cigarette smoking and lung cancer; the second concerns the use of statistics in research methodology.

On lung cancer, the 1964 report of the Advisory Committee on Smoking and Health reported:

> Cigarette smoking is causally related to lung cancer in men; the magnitude of the effect of cigarette smoking far outweighs all other factors. The data for women, though less extensive, point in the same direction.
>
> The risk of developing lung cancer increases with duration of smoking and the number of cigarettes smoked per day, and is diminished by discontinuing smoking.

Three years later, the 1967 PHS report on "The Health Consequences of Smoking" stated that "the case for cigarette smoking as the principal cause for lung cancer is overwhelming."

Fifty years ago lung cancer was a rare disease. Today among American men, it is the most common cause of death from cancer.

Yet a witness last month said that if cigarette smokers all stopped smoking cigarettes it would make no difference; they would still have the same death rates from lung cancer. The minority who take this view point to what they consider loopholes in the evidence. The true increase in lung cancer deaths, they say, is exaggerated because it is based on poor diagnosis, unreliable reporting, and padding of the statistics to include undesignated lung cancers along with the primary cases. The dissenters ignore the demonstrable fact that diagnostic accuracy of lung cancer in large general hospitals and reporting in tumor registers in large population centers support the thesis of a real increase in lung cancer.

Other doubts have been expressed concerning the relationship of cigarette smoking and lung cancer. Why, we are asked, is lung cancer rare among women smokers, although there has been a tremendous increase in women smokers? The answer is that it is not so rare. Lung cancer has increased by more than 50 percent in the last 14 years and by 400 percent since 1930. The rate of increase in women is not as great as it is among men because women smoke differently than men. And they have not been smoking as long. The trend in rates for women however is the same as for men—upward.

It is also asked why, if cigarette smoking causes lung cancer in humans, it has not been produced in animals by inhalation of cigarette smoke? These questions ignore the reasoning that animals do not receive as large a dose of cigarette smoke through indirect exposure as a human being does by voluntary deep inhalation. They ignore the reasoning that animals do not live long enough to develop lung cancer.

Another question is why only relatively few cigarette smokers develop lung cancer out of the millions who smoke but never contract the disease. The answer is that few disease-producing agents cause disease in all individuals exposed to the agents. Some people are more susceptible to disease than others, and cancer is no exception.

It is interesting that these and similar questions, which were raised more than a decade ago, and answered then and since, were raised again at the recent House hearings. The effect of raising these questions repeatedly while ignoring the answers is to encourage young people to think cigarette smoking is not hazardous and to give smokers false assurances that the case against cigarette smoking is still in doubt.

A second major area of contention is statistics. Over and over the position of the tobacco industry and some of its witnesses has been the case against smoking is based almost entirely on inferences drawn from statistics, and statistics can be made to prove anything.

The 1964 report of the Surgeon General's Advisory Committee on Smoking and Health made it clear that the finding which established cigarette smoking as a health hazard were not based on statistics alone, but on the convergence of the three lines of evidence: population studies, clinical and autopsy studies, and animal experiments. The report made clear its criteria for judging causality, and these included the consistency of the association, the strength of the association, the specificity of the association, the temporal relationship of the association, the coherence of the association.

Even if the evidence against cigarettes was only statistical, which it assuredly is not, the case would be strong enough to act on. As the distinguished scientist Warren Weaver said:

> Various groups, in order to shake public confidence in statements which they find uncomfortable, are taking the position that it is silly to be impressed by evidence that is "only statistical."

An early case of the industry's discomfiture over statistics was recalled during the recent hearings by Dr. David D. Rutstein, professor of preventive medicine at Harvard. In an antismoking article he wrote for the Atlantic Monthly in October 1957, he stated that over 25,000 people in the United States die from lung cancer each year and the number is increasing by about 2,000 each year. The tobacco industry, he said, ridiculed the data at the time. It turns out that his projection of 48,827 deaths from lung cancer in 1966 was underestimated. A total of 51,478 deaths from lung cancer were reported in that year, or about 2,500 more than his original prediction.

This year, the American Cancer Society estimates that 59,000 men and women in the United States will die of lung cancer.

Another instance of skepticism of statistical associations was expressed during the hearings by a witness who said:

> It will be up to this Congressional body to decide whether or not it will take action on the basis of hypotheses, possibilities or correlations, or whether it will take action on the basis of facts.

It is converging lines of research, including correlations, that have led to the findings incriminating cigarette smoking as a health hazard. From these have come the facts on which the House must take action. Here are some of the facts from the Public Health Service reports:

> The risk of death from all causes is 70 percent higher for men who smoke cigarettes than for male nonsmokers. It is also significantly higher for women who smoke cigarettes than for those who do not.
>
> The risk of death from lung cancer is over 10 times greater for cigarette smokers than for nonsmokers.
>
> The risk of death from bronchitis and emphysema is six times greater.
>
> The risk of death for cigarette smokers from coronary artery disease, which is the major killer of smokers and nonsmokers alike, is 70 percent greater than for nonsmokers.
>
> In general, the greater the number of cigarettes smoked daily, the higher the death rate for men who smoke fewer than 10 cigarettes a day the rate is 40 percent higher; for those who smoke 10 to 19 cigarettes a day, 70 percent higher; for those who smoke 20 to 39 a day, 90 percent higher and for those who smoke 40 or more a day, 120 per cent higher.
>
> The risk is greater for those who inhale.
>
> In 1964, the year of the first government report on smoking, there were nearly 46,000 deaths (about 24 per 100,000 in the population) from lung cancer. In 1969 the figure, as previously noted, will be more than 59,000 deaths (about 29 per 100,000).
>
> In 1964, there were 20,000 deaths (10.6 per 100,000) from emphysema and chronic bronchitis. In 1969 it is estimated that nearly twice this number (20.1 out of every 100,000 Americans) will die of these respiratory diseases.

It should be noted, in light of the charge that Government reports keep repeating the same studies, that new studies have yielded evidence which underscores the indisputable health hazards of cigarette smoking. Overall, these new studies have strengthened and expanded conclusions based on the older studies.

For example, the 1968 PHS report, "The Health Consequences of Smoking" states flatly that—

> Cigarette smoking can contribute to the development of cardiovascular disease and particularly to death from coronary heart disease.

The report also deals with the shortened lifespan of the smoker:

> Life expectancy among young men is reduced by an average of 8 years in "heavy" cigarette smokers, those who smoke more than 2 packs a day, and an average of 4 years in "light" cigarette smokers who smoke less than the one-half pack a day.

One further point needs to be made concerning the recent testimony. Most of it was directed against the findings in the 1964 report of the Surgeon General's Advisory Committee on Smoking and Health. The tobacco industry continues to promote the impression that this report was the creation of the Surgeon General. This inaccuracy is carried into the wording of the health warning in the proposed bill. The revised warning now reads:

> The Surgeon General has determined that cigarette smoking is dangerous to your health and may cause lung cancer and other diseases.

The report was not a creation of the Surgeon General nor is it accurate to assert that it was his determination that cigarette smoking is dangerous to health. That determination was made by a panel of experts drawn from a list of 150 scientists and physicians working in the fields of biology and medicine, men who were competent to evaluate the elements and factors in the complex relationship between smoking and health. The tobacco industry, among other groups and organizations, was given full opportunity to veto any of the names on the list, no reasons being required.

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>
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>
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>
> In general, the greater the number of cigarettes smoked daily, the higher the death rate. For men who smoke fewer than 10 cigarettes a day the rate is 40 percent higher; for those who smoke 10 to 19 cigarettes a day, 70 percent higher; for those who smoke 20 to 39 a day, 90 percent higher and for those who smoke 40 or more a day, 120 percent higher.
>
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>
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> In 1964, there were 20,000 deaths (10.6 per 100,000) from emphysema and chronic bronchitis. In 1969 it is estimated that nearly twice this number (20.1 out of every 100,000 Americans) will die of these respiratory diseases.

It should be noted, in light of the charge that Government reports keep repeating the same studies, that new studies have yielded evidence which underscores the indisputable health hazards of cigarette smoking.

The judgments of the committee have been accepted by the overwhelming majority of the world's physicians and of those in other fields of science concerned with the problem. To our knowledge no medical or scientific body anywhere has taken an opposite position.

If the industry fails to accept the evidence, the American public apparently does accept it. A Public Health Service survey has shown that 72 percent of the cigarette smokers questioned indicated that they believed smoking to be harmful. By a ratio more than 2 to 1, those polled favored a compulsory warning on cigarette labels and in advertising. Eight out of 10—including 7 out of 10 smokers—also said they believed that a statement on tar and nicotine content should be required on each package.

In addition a Harris survey conducted in March found that 56 percent of the smokers surveyed favored changing the warning on cigarette packages to read: "cigarette smoking can cause lung cancer and heart trouble which can cause death."

The people, in other words, want stronger action against cigarettes than this bill permits.

The 1965 bill on cigarette advertising and labeling is generally acknowledged as a victory for the tobacco lobby. Passage of the bill before us would assuredly guarantee another victory for the tobacco lobby, and we cannot afford to let this happen. The proposed bill would extend until 1975 a prohibition against Federal, State, and local regulatory action against cigarettes as a health hazard.

From now until 1975, if present trends continue, some 450,000 Americans will die of lung cancer and tens of thousands of Americans will die prematurely of emphysema, chronic bronchitis, and other diseases associated with cigarette smoking. This is a terrible price to pay for failure to enact a stronger bill.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. McMILLAN).

Mr. McMILLAN. Mr. Chairman, I rise in support of this proposed legislation. I am not here trying to protect the cigarette manufacturers, but I do represent thousands of tobacco producers in my congressional district and certainly hundreds of thousands of other farmers throughout the United States who depend on this product for a livelihood. We want to be definitely sure that the smoking of cigarettes does cause cancer before we outlaw smoking. I think we should be very careful at a time like this as to how we permit the Government agencies to act in possibly preparing regulations that would prevent thousands of farmers from making a decent livelihood.

Mr. Chairman, I want to thank the committee for taking your valuable time to give consideration to the thousands of people who would be affected should the Federal Communications Commission outlaw the advertising of cigarettes on television. I have come from a tobacco-growing area and I presume we produce about as much cigarette tobacco as any other congressional district in the United States. In fact, we have thousands of tobacco farmers in my congressional district and many more thousands who make their living on the tobacco farm.

It is rather difficult for us to understand just how a Government agency created by the Congress of the United States could have authority to make laws to the extent that they could forbid the advertising of one of the leading farm products in this country and, in fact, the only farm product where the Federal Government collects between $3 and $4 billion annually in taxes to help administer the affairs of the Government. In addition, every State and practically every county and every town in the United States collects cigarette taxes to assist in maintaining their State, county, and municipal governments.

I am certain that if the Federal Communications Commission has authority to make a far-reaching law of this magnitude they can also forbid the advertising or sale of animal fat, alcoholic beverages, automobiles, and numerous other items that will injure a person's life if a person overindulges.

I certainly would have testified before the committee if there had been any absolute scientific proof that lung cancer is the result of cigarette smoking. We all know that people have been smoking in this country since the time the Indians owned North America and it is my opinion they will be smoking as long as their is a country existing. I realize that about as many people will continue to smoke regardless of the Federal Communications Commission proposed law on this subject. However, I think we are permitting a Federal agency to step far beyond its jurisdiction in making laws of this nature which vitally affects hundreds of thousands of people who depend on this one industry for a livelihood.

Tobacco is the leading money crop in the State of South Carolina and especially in my congressional district and I am at a loss to know just how the Federal Government expects to feed and clothe these thousands and thousands of people who depend on producing and manufacturing tobacco.

We all know that any human being can injure his or her health by overindulging in any manner. Certainly, more people suffer from overeating and overdrinking than they do from oversmoking and if you want to go a little further we are quite certain that more people are losing their lives from driving too fast than they are from smoking cigarettes. I do not think anyone could truthfully state that smoking three packages of cigarettes each day would not in some manner prove to be injurious to a person's health; however, the same would be true of eating and drinking.

The minute we can get definite proof from all the scientists of any importance stating definitely that smoking causes cancer, I, of course, will be one of the foremost supporters of legislation to outlaw the sale of cigarettes. However, this proof has not been submitted and I have heard some of the leading physicians in the United States, employed by the tobacco companies to make scientific tests, make definite statements that they have not found any exact connection between the smoking of cigarettes and lung cancer. These physicians are among the top physicians in the United States and could not be considered biased or accused of making incorrect statements.

I think we are going much too far when we gamble on taking the livelihood of millions of workers away without having definite scientific proof on this subject.

Again, I would like to state that everyone with commonsense realizes that if one overindulges in smoking it could possibly weaken his entire health system including his heart. However, when we state definitely that smoking causes lung cancer we are going beyond any proof that has been made available at this time. It is my hope that the House of Representatives will not further reduce its authority in the legislative field by permitting some Government agency to issue rules and regulations outlawing the advertising of one of our leading farm products.

I include a statement recently sent to the Chairman of the FCC:

STATEMENT

We, the undersigned Members of the South Carolina Delegation, are unanimously opposed to the Federal Communications Commission's proposal to outlaw cigarette advertising on radio and television.

We feel that, since tobacco is the only farm product being taxed by the Federal government and the individual states, it should not be singled out to be compelled not to advertise over the news media in this country. Several hundred thousand persons will lose employment both in the production and manufacture of cigarettes if the government, who received approximately $4 billion dollars in taxes from this single farm product, forbids its advertisement through the regular news media.

We trust that the Members of the FCC will give further study to this important proposal before taking such drastic action as we have numerous other items, such as liquor, automobiles and numerous other commodities, that could fall in the same category if their health hazards were investigated.

STROM THURMOND,
U.S. Senate.
JOHN L. MCMILLAN,
Member of Congress.
TOM S. GETTYS,
Member of Congress.
JAMES R. MANN,
Member of Congress.
ERNEST F. HOLLINGS,
U.S. Senate.
L. MENDEL RIVERS,
Member of Congress.
ALBERT W. WATSON,
Member of Congress.
WILLIAM J. BRYAN DORN,
Member of Congress.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Chairman, I rise in support of H.R. 6543. The question involved in this legislation is a critical one and a very basic one. It is not really a question of whether cigarette smoking is or is not detrimental to health. Rather it is a question of whether Congress is willing for the Federal Communications Commission to make an arbitrary decision that prohibits cigarette advertising on radio and television. If we should permit the FCC to take this action in regard to cigarette smoking, what is there to prevent them from deciding next year that candy is detrimental to the public health in that it causes obesity, tooth decay, and other health problems? What about milk and eggs? Milk and eggs are high in saturated animal fat and no doubt increase the cholesterol in the bloodstream, believed by many heart specialists to be a contributing factor in heart disease. Do we want the FCC to be able to prohibit the advertising of milk, eggs, butter, and ice cream on TV?

What about high-compression automobiles capable of high speeds? Certainly, they are a menace on the highways. Are we going to let the FCC prohibit automobile advertising?

What about beer and wine? Their harmful potential is established beyond question and both are advertised on TV virtually without restriction.

The list is almost endless.

It is interesting, too, I believe, that since we passed the present act in 1965, there is really nothing new on just how harmful cigarette smoking may be. The evidence is still entirely statistical; not causative in nature. The statement: "Caution: Cigarette smoking may be hazardous to your health" is still as strong a statement as known and established facts justify, and certainly there have been no new discoveries or breakthroughs tying cigarette smoking to any disease directly enough to justify complete prohibition of all cigarette advertising.

We all know that no action by the Federal Government, however drastic, can or will be effective in eliminating cigarette smoking completely. National prohibiting of beverage alcohol was attempted but the 18th amendment after

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only 14 years of stormy existence was repealed by the 21st.

Now I consider that it is right and proper for the Federal Government to disseminate for public consumption any and all factual data which it may have, tending to show that cigarette smoking is or may be hazardous to health. It is our proper prerogative and duty to warn the public about the dangers inherent in high-speed automobiles, about the dangers of overindulgence in beverage alcohol and high-calorie foods; about the dangers of improper use of barbiturates and other medicines sold without prescription across the counter. But it is quite another thing to prohibit advertising of these products.

The FTC can and should prohibit the advertiser of any product from making false, fraudulent, and misleading claims and if it can find and cite instances where the tobacco industry is making false, fradulent, and misleading claims about cigarette smoking, it can promptly take them to court in either criminal prosecution or civil action for injunctive relief. This the FTC has not done, nor does it even suggest that the advertising is false, fraudulent or misleading.

Unless and until the case against cigarette smoking is conclusively proved by causative evidence, such drastic action as that proposed by the FCC cannot be justified and the Congress must act and act promptly to extend the present labeling act to insure that such action does not take place.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. SATTERFIELD).

Mr. SATTERFIELD. Mr. Chairman, this Congress in 1965 carefully considered the facts concerning smoking and health and we did two things. We attempted to reflect what the true state of the art was at that time with respect to smoking and health and to leave it to the individual to make his choice whether or not to smoke. Now it seems to me, as we consider this matter once again, the prime question should be what new knowledge do we have that has been developed since we considered this matter 4 years ago. The answer purely and simply, as you have been told here today, is that there are no new facts. Indeed, the only new development is a requirement of the Federal Communications Commission that all stations, radio and TV, shall provide time for antismoking commercials. The FCC when it came before our committee made it quite clear that it has engaged in no research of its own whatever. The Federal Trade Commission made it clear it has engaged in no research of its own whatever. As a matter of fact, the medical societies which appeared before us made clear that they also had not engaged in any research of their own. Instead, each of these agencies and societies has relied primarily upon the statements of the Surgeon General of the United States and the Department of Health, Education, and Welfare. Because everything comes back to the pronouncements of the Surgeon General of the United States, it seems to me that we should concern ourselves now with what medical authorities who testified before our committee during 3 weeks of hearings, had to say about the Surgeon General's findings. Make no mistake about it, there is controversy. There is controversy with respect to the data upon which the Surgeon General has relied.

Death certificates, for example, upon which he has relied, do not reflect whether or not an individual smoked, or how much he smoked. There was evidence that death certificates are proved only when followed by an autopsy and that autopsies occur in only 10 percent of all deaths.

Furthermore, records showed that autopsy reports varied with the report of the physician on death certificates in one-third to one-half of cases where such records were kept. In essence, this means death certificates are proved in only 5 to 7 percent of all deaths.

Questions were raised with regard to control groups providing a basis for statistics in population studies. Also, there were questions as to the methodology employed in obtaining the raw information upon which population studies were made. But more important, there is a controversy about the basic judgment about the Surgeon General's exclusion of hypotheses which are fully compatible with existing data which, it is felt, should receive equal consideration with the smoking hypothesis. For example, there is the constitutional hypothesis based upon heredity, genetics, and the emotional makeup of the individual that might involve him in his susceptibility to disease such as "twin" studies have indicated and other things that might involve him in the problem may be involved with respect to coronary heart disease. It was pointed out he has ignored the virus hypothesis, and there is a growing feeling this hypothesis is concerned with these diseases. It is interesting to note some of the facts which experts, who testified before us, found incompatible with the smoking hypothesis. First, it was shown that an overwhelming majority of smokers do not contract lung cancer, while, at the same time, nonsmokers do. It was brought out that if, indeed, the increased incidence of per capita smoking is responsible for the claimed increase in lung cancer, it would follow that the average age at which lung cancer is contracted would be decreasing. The fact is that the average age is increasing. In 1949 it was 61, whereas today it is 65.

Mr. Chairman, another fact inconsistent with the smoking hypothesis and not adequately explained by smoking habits is that in England, where per capita cigarette consumption is one-half that of the United States, the incidence of lung cancer is twice that of the United States; whereas in Australia, where the per capita cigarette consumption equals that of England, the incidence of lung cancer is one-half that of England. Further, in Holland, where per capita cigarette consumption is lower than that in the United States, the incidence of lung cancer is 33 percent higher.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman 5 additional minutes.

Mr. SATTERFIELD. Furthermore, if cigarette smoking causes cancer, why is it that 80 percent of all lung cancer and 90 percent of cancer of the larynx occurs in men. If genetics are involved, and this is an obvious possibility, then clearly any association with cigarette smoking is only incidental. If cigarette smoking causes cancer, why is it that lung cancer has never been produced in laboratory animals even though exposed to the inhalation of cigarette smoke during their entire lives?

Mr. Chairman, what bothers me more than anything else, developed in our testimony was that highly qualified experts, pathologists, thoracic surgeons, general practitioners, and statisticians were able to demonstrate that certain published and well-known statements dealing with smoking which have generally been accepted as true, are in fact false and without basis. For example, there is the question of a smoker's lungs being of a different color. One of the most widely accepted myths about smoking is that a smoker's lungs are turned black as a result of smoking. A second myth is that it is easy to differentiate between the lung of a smoker and the lung of a nonsmoker. The overwhelming evidence, particularly of pathologists, is that it is impossible to tell a smoker's lung either by gross or microscopic examination and that smoking does not affect the color of one's lung.

We heard the claim that there are 300,000 excess deaths due to smoking. This figure was thoroughly discredited, Mr. Chairman. It was based upon an estimate which included a wide range of diseases far beyond any which are claimed to be connected with smoking.

You have to reduce those figures to embrace only those diseases included in the total which are suggested by the Surgeon General's committee to be causually connected with smoking; namely, lung cancer in men, cancer of the larynx in men, and chronic bronchitis. We find then that less than 53,000 of these estimated deaths can be included and I point out that this is an estimated figure which includes emphysema for which no casual connection is claimed. This 300,000 figure is pure conjecture and I submit its repetition gives it no weight or probity.

We have heard claims that smoking takes years off of one's life. That is clearly disproved. We have heard that there is an epidemic of lung cancer, and yet we have witnesses before us who contended that this increased incidence of lung cancer can be accounted for by improved diagnostic techniques.

In conclusion, Mr. Chairman, I want to make one thing very, very clear. I do not contend that any group in this controversy is right or that any other group is wrong, but I believe it is the responsibility of us here in the Congress not to bestow through legislation a creditability to supposition and conjecture beyond proven fact that we should report a bill which reflects the truth, the factual truth, and nothing but the factual truth.

The conclusion supported by our hearings is dear. There is a controversy about

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the validity of the conclusions reached by the Surgeon General and HEW, dealing with smoking and health. There is an even greater question that there are sufficient facts upon which a reasonable decision will lie. The responsibility in this instance, Mr. Chairman, is ours. For here and only here has there been a forum in which this controversy could be developed. We should not change the provisions of the existing law unless and until facts are developed to substantiate and justify that change.

We should pass H.R. 6543 as reported from our committee.

Mr. Chairman, I yield back the balance of my time.

Mr. HULL. Mr. Chairman, it is interesting to note that antismoking organizations are strenuously lobbying within this body to put over their points of view. So far as I can observe, the tobacco industry has been content to put on its case articulately and convincingly in the forum of the 13 days of hearings which the committee conducted. This apparently is untrue of antismoking organizations which appear afraid to rely on the record.

Not only that, but in my own experience when a Member attempts to get additional and material information on this subject it is not that easy to come by. I wrote to the Surgeon General on the 20th of May with respect to certain smoking and health activities and I am still waiting for an answer. The good doctor had sent some information on the cost of his Department's antismoking activities to the distinguished chairman of the Committee on Interstate and Foreign Commerce on May 1. The $4.4 million that he itemized bore no resemblance to figures that I had seen previously as a member of the Committee on Appropriations, and I therefore asked for an explanation at an early moment. Nothing has happened, and yet the antismoking people have not been at all hesitant to supply all the Members of this House with self-serving material on an entirely gratuitous basis.

Just before hearings began on this issue anticigarette lobbying organization called Lash sent a number of its representatives throughout our corridors attempting to present each Member with a plastic lung-shaped ashtray. At the time the cigarette bill was originally scheduled for the floor debate, we were advised in a notice from this same organization that on the very eve of that debate it would stage a "Smoking-Withdrawal Workshop" for Members, their wives and their staff members, over at the Congressional Hotel.

All Members evidently have received a form letter from a Dr. Frommeyer of the American Heart Association, and a mimeographed statement from a Dr. Vincent of Roswell Park Memorial Institute, even though both of these organizations had witnesses at the hearings.

Dr. Vincent's communication was particularly striking, since accompanying it was a large box of book matches printed by Roswell Park, which is an agency of the State of New York. These matches conveyed antismoking propaganda to all of us. I do not know the costs of these various lobbying efforts, or who is really paying for them, but my colleagues may be interested in some of the recent publicity surrounding the finances of Roswell Park. According to these published reports, they are deeply in the financial hole because, among other things, questions have arisen concerning the payment for air transportation to Expo 67 for employees, and some hundreds of dollars worth of—of all things—cigarettes and cigars.

Mr. Chairman, I should like to furnish at this point in the RECORD reports from the Syracuse Post-Standard of April 24, and from the Buffalo Courier-Express of May 15. I call attention to the fact that Roswell is substantially supported by the U.S. Department of Health, Education, and Welfare, and, therefore, any mismanagement of funds should be of great concern to the Congress. The articles follow:

[From the Buffalo, (N.Y.) Courier Express, May 15, 1969]

HEALTH RESEARCH, INC.: AUDITORS DISALLOW CARPETING CLAIM

(By Jim McAvey)

Claims of $2,305 for carpeting in the office of Dr. James T. Grace, Roswell Park Memorial Institute director, and $1,201 to renovate and $539 to paint the office of former director Dr. George E. Moore were among those disallowed by federal auditors in a check of the tangled 1964 records of Health Research Inc. (HRI).

The auditors also questioned a claim of $870 for cigars and cigarettes and one of $500 for the expenses of a Dr. Zbindus of Hoffman-Laroche Inc. at a meeting in Manila.

Considerable research concerning possible connections between smoking and cancer has been done at Roswell Park, but it could not be determined if the cigars and cigarettes were used in these projects.

NOT OVERHEAD ITEM

In any event, the auditors contended, and HRI officials subsequently agreed, the expense could not be considered an overhead item as originally proposed by HRI.

The auditors noted that while HRI claimed $500 to cover Dr. Zbindus' expenses, Hoffman-Laroche, a drug firm, later sent a $500 check to Roswell to cover this cost. HRI officials agreed to withdraw the claim.

Health Research Inc. was organized to obtain grants for cancer research at Roswell Park.

The audit was conducted by the U.S. Defense Contract Audit Agency for the U.S. Dept. of Health, Education & Welfare (HEW). HEW supplied about 80 per cent of the funds distributed through HRI, funds which totaled about $7 million last year.

REPORT QUALIFIED

As they stated in a report on an examination of HRI's 1965 records, the auditors noted the report of the 1964 records had to be "qualified" because of "the many inaccuracies and imbalances in HRI's accounts."

The findings of the examination of the 1965 records were reported in The Courier-Express last Sunday. The report on the audit of the 1964 records was released to the newspaper Wednesday.

HRI, reported by New York State Comptroller Arthur Levitt to be $1.4 million in the red, is attempting to recover $412,000 it contends the federal government owes it for overhead costs connected with HEW funded research projects.

The federal auditors indicated it would be highly unlikely HRI would ever receive any of the $412,000.

OVERPAYMENTS OF $522,238

For one thing, the auditors said, between Aug. 27, 1964, and Dec. 13, 1967, HRI was given $259,111 in sick leave costs in excess of its actual costs for this purpose.

In addition, they said, as of Dec. 31, 1967, HRI had received from HEW $263,127 for pension plan payments in excess of what it was actually entitled to for these payments.

These overpayments, totaling $522,238, "completely negate the effect of withholding the $412,208," the auditors reported.

HEW withheld the $412,208 in 1967, claiming HRI had been paid that much in excess of what it was entitled to for overhead costs.

SUM OF $237,268 IS QUESTIONED

In all, the auditors questioned $237,268 of the $890,021 HRI claimed in overhead costs for 1964. As reported Sunday, the auditors concluded HRI was claiming $208,807 for 1965 alone to which it was not entitled. Audits of HRI's accounts through 1968 are being conducted.

In questioning the claim of $870 for cigars and cigarettes, the auditors said it might have been an allowable cost if charged to a specific grant, but could not be considered an overhead item. HRI had not determined the "final disposition" of the expense but agreed it was not an overhead cost, the auditors said.

The largest of the overhead costs claimed by HRI which the federal auditors questioned, were $131,925 of the total claimed for sick leave payments; $14,726 of the total claimed for pension payments; $15,976 for computer operation; $13,251 in depreciation; $18,160 in miscellaneous and $21,747 for expenditures at West Seneca projects.

Since the disclosure of the financial mess at HRI began, Dr. Robert K. Ausman has resigned as director and taken a federally paid position as a medical director in Tampa, Fla. He has been joined there by Dr. Granville W. Larimore who helped found HRI in 1953 and was first deputy state health commissioner at the time of his resignation.

Gov. Nelson A. Rockefeller has included $1.2 million in his supplementary budget to extricate HRI from its $1.4 million financial hole.

[From the Syracuse (N.Y.) Post-Standard, Apr. 24, 1969]

ROSWELL FUNDS BADLY MISMANAGED

BUFFALO.—The funding agency for Roswell Park Memorial Institute, Buffalo's big cancer research hospital, is at least $1.4 million in the red and has been mismanaged so badly that taxpayers in Syracause and throughout the rest of New York State may have to pay hundreds of thousands of dollars to bail it out, a series of reports disclosed here this week.

The funding agency, called Health Research Inc., was set up in 1955 to channel federal and private grants to Roswell Park.

These grants, amounting to millions of dollars a year, were responsible in large measure for the research center's success in finding some of the causes and developing treatments for the terrifying and baffling killer which is cancer.

But while the doctors and scientists at Roswell Park were battling cancer, the authorities at Health Research Inc. were taking actions which have resulted in complaints of an overdrawn bank account, charging the federal government for research funds that never were spent as claimed, failure to take competitive bids on major purchases totaling more than $1 million, and possibly diverting $394,000 in employe pension trust funds.

State auditors have charged that Health Research Inc. has been operating $1.4 million in the red, writing checks against an $831,000 bank deficit and failing to mail some 300 checks drawn on the agency's bank account.

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"Since many of the expenditures are still under audit, the $1.4 million deficit may be increased in any of the expenditures charged to grants were not valid," State Comptroller Arthur Levitt said in an audit of the agency's accounts through December 1966.

One of the more colorful charges which has cropped up in the investigations of Health Research Inc.'s troubled financial affairs is that the agency owned an airplane in 1967 which was used to take employes on junkets to Expo 67 in Montreal.

The agency was forced to dispose of the twin-engine Cessna early this year on orders from Albany. The plane, seating six persons including the pilot, made regular runs between Buffalo and Expo 67 for the convenience of Roswell Park employes, according to scientists at the research center.

The passengers were charged $50 apiece—$15.73 less than a commercial flight—and the private plane made the trip in one hour less than the scheduled airliners.

The Buffalo-Expo run, by an outfit called—"Roswell Airways" was advertised on bulletin boards at Roswell Park Memorial Institute as being "scheduled at the passengers' convenience, during the week as well as the weekend."

The State Budget Division would not be specific, but there were indications the requested appropriation would be well in excess of $600,000.

Such an appropriation, of course, would have to be paid by the taxpayers throughout New York State.

Health Research Inc. has been investigated in the last six years by at least seven federal and state agencies in an effort to unravel claims of financial mismanagement. Its director for most of that period was Dr. Robert K. Ausman, who now has a federally paid health job in Tampa, Fla.

The General Accounting Office complained in 1962 about alleged overcharges on federal research contracts dating from 1957. Dr. Ausman was 29 years old in 1962 and had been director of Health Research Inc. for less than a year.

As a result of the audits and investigations, a new contractual arrangement has been agreed to by Health Research Inc. and four state agencies—the Budget Division, the Health Department, the Division of Audit and Control, and the attorney general's office.

Under the new arrangement, federal grants for cancer research at Roswell Park would be paid to the state government and not channeled directly to Health Research Inc. as had been done in the past. Such grants have amounted to up to $7 million a year.

The new arrangement would, in effect, make Health Research Inc. a state agency subject to accounting systems approved by the U.S. Department of Health, Education and Welfare and by the State Division of Audit and Control.

One top research investigator said "All the problems are being progressively resolved now," but another said the audits so far have "touched only the top 10th of the iceberg."

It is against this background that Roswell Park is facing budget cuts of $1.5 million this year as a result of cuts in the projected state budget and reductions in federal grants.

These cuts will mean the elimination of 80 patient beds at a time when there is a substantial list of cancer patients waiting for care and treatment, the possible closing of the Roswell Park Laboratory for genetic research on cancer, and the possible reduction of studies linking tobacco with cancer.

The cuts could bring a 25 per cent reduction in the number of patients treated at the hospital, which accepts cancer sufferers from a wide area of Upstate New York, including Syracuse.

In a separate effort to make ends meet, Roswell Park within a few weeks will begin charging patient fees, like most other hospitals. Until now, treatment at the state-owned medical and research facility has been free.

Mr. JONES of North Carolina. Mr. Chairman, I will not impose upon the time of the Members of this House to reiterate the various arguments which have been projected here this afternoon as to the danger or lack of danger of the use of tobacco. Certainly, there are those who are convinced in their own minds that use of tobacco is harmful, and there are those of us who are equally convinced that the lack of scientific evidence raises many questions. What I do feel we should consider here this afternoon is the threat to free enterprise as it relates to bureaucratic controls and directives of the FCC and the FTC. Their proposed ban of cigarette advertising on TV and radio is without any statutory authority whatsoever, and it is unthinkable that this Congress, directly responsible to the citizens of this Nation, should by omission fail to check this proposed censorship. Therefore, Mr. Chairman, I rise in support of this legislation, H.R. 6543, and urge this House to adopt the committee report in its present form and, tomorrow, to defeat the many amendments which will be offered and, finally, pass by an overwhelming vote the committee bill which is before us.

Mr. EDWARDS of California. Mr. Chairman, I am not certain that it is politic to admit one watches television, at least commercial television, or even that one watches sporting events. But such events are of wide interest drawing many watchers of all ages from those just barely able to toddle to those able now only to toddle.

A part of each of those televised sports events, one of the most frequent parts, is the commercial.

Not long ago I saw one of these commercials, the "Me and my ——," commercial, which indicated a cigarette is as much of a treat for a young man as a beautiful woman. Most of the young men viewing, I would hope, have other opinions, but perhaps the cigarette industry, should receive our thanks for its contribution to ending the population boom. Even so, I seriously wonder about the continuing equation of cigarettes with sex appeal, cigarettes with the good things of life and cigarettes with pleasure. The only honest equation is that of cigarettes with the mortician.

Today we are debating legislation concerning cigarette advertising. Efforts will be made to strengthen the legislation, and I support those efforts. Efforts also will be made to weaken the legislation, and I will oppose those efforts.

There is but one statistic which is important in this debate. Two Surgeon Generals each have estimated that 300,000 people die each year of smoking.

For those who wonder why the youth of the Nation questions the motives of the older generation, consider this paradox of 300,000 people dying a year while Congress debates whether a simple warning of the cause of death should be issued.

I wish to join the gentleman from California, Congressman John Moss, in his call for the warning on cigarettes be included in all advertising of cigarettes. Only, if such warnings are carried in every advertisement, can those who see the advertisement realize at the same time the danger they face.

I also support the proposal that the warning be carried on the broad side of the cigarette package, instead of hidden, as is now the case.

Finally, I believe cigarette advertising should be banned from all radio and television shows with a high youth appeal.

Let us, for a change, be honest with the American people.

THE TOBACCO FARMER: FORGOTTEN MAN IN THE CIGARETTE INDUSTRY

Mr. Chairman, for all the $245 million a year the tobacco companies spend advertising cigarette smoking on radio and television as the American way of life, the tobacco farmer still remains low man on the economic totem pole in the United States.

While cigarette manufacturing becomes more automated and the number of employees—now around 32,000—dwindles each year, tobacco farming still remains a hand-to-mouth existence on a relatively small patch of ground using the same methods of 200 years ago.

And while the tobacco companies—until now, at least—have boasted of rising sales and profits, all the industry has done for the tobacco farmer is to leave him largely in the class of the have-nots.

By 1964, when the last census of agriculture was taken, 55 percent of the commercial tobacco farms had average incomes of about $2,600 or $50 a week for a family of four. Half of these families averaged only $1,300 or $25 a week. And these are farms where farming is mostly a full-time occupation.

The haves, some 30,000 tobacco farms of a total of 170,000, or 17.5 percent, had annual average incomes of $18,600. The rest, making up 27.5 percent of the tobacco farms, averaged $7,055 annually.

By contrast, nearly two-thirds of the commercial farms in the United States had annual incomes over $5,000. In fact, a full 40.2 percent of all commercial farms averaged $33,077 for the year 1964. Only one-third of all commercial farms in the United States had incomes under $5,000 a year.

In an attempt to supplement his meager income, the have-not tobacco farmer often sends his wife and children out to work. The Census Bureau reported about 70 percent of the have-not tobacco farms—those with product income under $5,000—derive income from sources other than their own farms. This additional income accounts for almost 50 percent of the total income of the poorest farms. Yet, despite this added income, some 45,000 tobacco farms—27 percent of the total—still averaged $2,300 for an entire year from all sources of income. Or less than $45 a week.

The well-being of tobacco farmers in relation to other types of farmers can

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also be seen in a comparison of selected material possessions. For instance, only 47 percent of all tobacco farms have a telephone, compared with a high of over 88 percent for dairy farms, and an average of 76 percent for all commercial farms. About three-quarters of the tobacco farms possessed a car, while over 90 percent of the dairy farms and almost 85 percent of all commercial farms reported at least one car. Only 63 percent of the tobacco farms had a home freezer, against 83 percent of the dairy farms, and 72 percent of all commercial farms.

Ironically, the one item that tobacco farms did not lag behind in was television sets. Some 86.1 percent of the tobacco farms have a TV set, against a national average of 87.6 percent for all commercial farms, and 91.8 percent of the dairy farms.

Again we can break down commercial tobacco farms into the haves and the have-nots. Thus, while some 87 percent of the haves—farms with product income over $5,000—possess an automobile, only 68.3 percent of the have-nots do. About 57 percent of the haves have a phone, only 39.2 percent of the have-nots do. Likewise, 78 percent of the haves own a home freezer, only 50.7 percent of the have-nots do.

The plight of the poor tobacco farmer supplying the cigarette industry is borne out by the fact that most of the high-value tobacco farms, the haves, were largely farms on which shade-grown and cigar types of tobacco were grown. Thus, although these farms accounted for only 4 percent of all tobacco farms, they accounted for almost 20 percent of the value of all tobacco sold. Most of these farms were located in Ohio, Pennsylvania, and Connecticut.

The have-not tobacco farms were concentrated in the Appalachian region of the country, with five States—North Carolina, South Carolina, Virginia, Kentucky, and Tennessee—accounting for over 90 percent of the farms. These tobacco farms were relatively small, averaging 96.5 acres per farm in 1964. Over two-thirds contained less than 100 acres and over 40 percent contained less than 50 acres. The average size of all U.S. commercial farms stood at 445.8 acres, in 1964.

In 1964, tobacco farms accounted for some 8 percent of the 2.2 million commercial farms in the United States, but only 5 percent of the value of crops harvested, largely because of the relative inefficiency of the tobacco farm. According to the Department of Agriculture, the tobacco farm index of output per man-hour stood at 127 in 1967—1957–59 equaled 100—while that for all farms stood at 167.

I include the following tables at this point:

TABLE 1.—DISTRIBUTION OF COMMERCIAL FARMS BY ANNUAL INCOME FROM FARM PRODUCTS, TOBACCO, AND ALL U.S. FARMS COMPARED, 1964

Annual product value	Percent of farms	
	Tobacco	All United States
Over $10,000	17.5	40.2
$5,000 to $10,000	27.5	23.3
Under $5,000	55.0	36.5

Source: 1964 U.S. Census of Agriculture.

TABLE 2.—ANNUAL INCOME OF COMMERCIAL TOBACCO FARMS, SELECTED CLASSES, FOR THE UNITED STATES, 1964

Annual product value	Number of farms	Percent of farms	Population	Annual farm income
Over $10,000	29,729	17.5	129,212	$18,607
$5,000 to $10,000	46,754	27.5	195,711	7,055
Under $5,000	93,610	55.0	336,667	2,575

Source: 1964 U.S. Census of Agriculture.

TABLE 3.—ANNUAL FARM INCOME FROM PRODUCTS SOLD TOBACCO AND U.S. FARMS COMPARED, 1964

Annual product value	Annual income	
	Tobacco	All U.S. farms
Over $10,000	$18,607	$33,077
$5,000 to $10,000	7,055	7,240
Under $5,000	2,575	2,493

Source: 1964 U.S. Census of Agriculture.

TABLE 4.—FARM CHARACTERISTICS OF COMMERCIAL TOBACCO FARMS, BY ECONOMIC CLASS, FOR THE UNITED STATES, 1964

	Percent of farms	Percent of farms	Population	Annual farm income	Percent of farms with—				Annual farm income, all farms, United States
					Auto	Telephone	TV	Home freezer	
Total, commercial farms [1]	170,093	100.0	661,590	$6,527	76.5	47.0	86.1	62.6	$15,869
Class I	992	.6	3,884	92,029	94.4	90.7	94.6	88.7	105,786
Class II	5,689	3.3	23,366	26,196	95.6	81.5	97.6	90.2	27,373
Class III	23,048	13.6	102,002	13,525	90.1	62.8	96.2	85.1	14,160
Class IV	46,754	27.5	195,711	7,055	83.3	49.7	91.9	71.5	7,240
Class V	48,397	28.5	181,397	3,631	76.5	45.9	86.9	60.7	3,629
Class VI	45,213	26.6	155,270	1,301	59.7	32.1	72.5	40.0	1,044
All farms, United States					84.7	76.2	87.6	72.5	

[1] Commercial farms were divided into 6 economic classes on the basis of the total value of all farm products sold, as follows:

Class	Value	Class	Value
I	$40,000 or more	IV	$5,000 to $9,999
II	$20,000 to $39,999	V	$2,500 to $4,999
III	$10,000 to $19,999	VI [2]	$50 to $2,499

[2] Provided the farm operator was under 65 years of age and he did not work off the farm 100 or more days.

Source: 1964 U.S. Census of Agriculture.

TABLE 5.—CHARACTERISTICS OF COMMERCIAL FARMS BY TYPE, FOR THE UNITED STATES, 1964

[Percent of farms with specified equipment and facilities]

	Total commercial farms	Tobacco	Cash-grain	Cotton	Fruit and nut	Poultry	Dairy	Livestock farms	Livestock ranches	General
Automobiles	84.7	76.5	93.3	70.8	86.1	86.3	92.4	89.6	80.3	90.0
Telephones	76.2	47.0	85.3	46.2	87.5	85.4	88.2	85.0	72.1	81.5
Television sets	87.6	86.1	90.3	82.4	87.2	90.7	91.8	90.2	77.6	91.6
Home freezers	72.5	62.6	77.7	62.3	65.2	78.3	82.6	79.7	72.5	81.0
Average estimated value of products Sold per farm	$15,869	$6,527	$13,621	$14,835	$28,231	$35,540	$14,593	$16,122	$21,271	$12,975

Source: 1964 U.S. Census of Agriculture.

TABLE 6.—DISTRIBUTION OF FARMS BY VALUE OF FARM PRODUCTS SOLD, U.S. AND APPALACHIAN REGION STATES COMPARED, 1964

	Percent of farms with products sold						
	Under $1,000	$1,000 to $2,499	$2,500 to $4,999	$5,000 to $9,999	$10,000 to $19,999	$20,000 to $59,999	$60,000 to more
United States	26.6	15.8	14.1	17.0	14.6	10.4	2.3
Appalachian region:							
Virginia	38.5	20.8	15.5	12.3	6.9	4.9	1.1
West Virginia	65.8	17.3	7.2	4.6	2.8	1.8	.4
North Carolina	28.5	15.3	16.1	19.5	13.3	6.3	.9
Kentucky	30.9	24.8	19.8	14.7	6.9	2.5	.4
Tennessee	37.9	26.2	17.5	10.3	4.9	2.6	.4

Source: 1964 U.S. Census of Agriculture.

TABLE 7.—CHARACTERISTICS OF COMMERCIAL FARMS BY TYPE, FOR THE UNITED STATES, 1964

[Percentage distribution of farms by size]

	Total commercial farms	Tobacco	Cash-grain	Cotton	Fruit and nut	Poultry	Dairy	Livestock farms	Livestock ranches	General
Less than 10 acres	3.9	12.9	0.1	4.6	9.2	18.9	0.5	1.8	0	0.2
10 to 49 acres	12.6	31.0	3.6	31.2	44.3	27.0	3.9	8.0	0	6.1
50 to 69 acres	4.8	11.3	2.4	7.3	9.6	8.7	3.3	3.9	0	4.5
70 to 99 acres	8.9	12.4	7.0	9.3	9.8	11.5	10.3	8.2	0	9.7
100 to 139 acres	10.3	11.7	8.1	8.3	7.9	10.0	15.7	9.2	3.6	12.1
140 to 179 acres	11.1	6.9	11.5	6.9	4.7	6.8	17.2	11.8	5.2	13.5
180 to 219 acres	7.3	4.3	7.2	4.4	3.0	4.2	12.3	7.7	3.5	8.6
220 to 259 acres	6.6	2.7	7.8	3.5	2.1	3.0	9.6	7.8	3.1	7.9
260 to 499 acres	18.9	5.2	27.2	12.2	5.1	6.7	21.1	22.9	14.0	22.1
500 to 699 acres	5.3	.9	8.8	4.6	1.4	1.5	3.6	6.6	8.0	6.2
700 to 999 acres	3.8	.4	6.9	3.4	1.0	.8	1.5	4.7	8.6	4.3
1,000 to 1,999 acres	3.8	.2	6.7	3.0	1.0	.6	.8	4.9	15.4	3.5
2,000 acres or more	2.7	.1	2.7	1.3	.8	.2	.2	2.7	38.6	1.4
Average size (in acres)	445.8	96.5	464.9	255.8	153.6	116.0	227.0	410.6	4,571.2	348.3

Source: 1964 U.S. Census of Agriculture.

TABLE 8.—CHARACTERISTICS OF COMMERCIAL FARMS, BY TYPE, FOR THE UNITED STATES, 1964—DISTRIBUTION OF FARMS BY VALUE

[In percent]

	Total commercial farms	Tobacco	Cash-grain	Cotton	Fruit and nut	Poultry	Dairy	Livestock farms	Livestock ranches	General
Less than $10,000	15.4	37.8	5.1	39.6	7.8	20.2	10.7	12.2	3.9	10.8
$10,000 to $19,999	15.8	23.8	7.7	15.5	11.8	26.4	21.9	14.9	7.7	15.9
$20,000 to $39,999	24.0	22.1	19.7	14.2	22.6	30.0	33.0	25.0	15.6	27.7
$40,000 to $69,999	19.7	10.1	24.6	9.8	20.3	14.2	20.5	23.0	17.2	23.4
$70,000 to $99,999	9.3	2.8	14.9	5.3	10.5	4.3	6.8	11.1	11.0	10.4
$100 000 to $149,999	7.1	1.6	12.8	5.3	9.3	2.5	3.9	7.7	12.2	6.9
$150,000 to $199,999	3.2	.5	6.0	3.1	5.1	.9	1.4	3.0	7.4	2.8
$200,000 to $499,999	4.1	.4	7.0	5.6	9.4	1.2	1.5	3.1	15.0	3.4
$500,000 or more	1.1	.1	.9	1.7	4.4	.2	.3	.5	8.2	1.0

Source: 1964 U.S. Census of Agriculture.

Mr. CORMAN. Mr. Chairman, I rise in opposition to H.R. 6543, as it was reported to the floor for consideration.

In view of the Surgeon General's recent statement that there are over 300,000 deaths a year from smoking; and, further, in view of a recent report from Dr. Luther Terry, former Surgeon General of the United States, that more than 40 percent of the total American adult population are regular cigarette smokers, and that half these people have tried to quit smoking at least once—and that 4,000 teenagers and young adults a day are being convinced through television and radio ads that "maturity and success can be bought in a cigarette package"—but not that smoking is deadly—I believe the bill we are debating today does not begin to go to the heart of the problem with which we are concerned. Its provisions are weak, inconsequential and, frankly, not worthy of our consideration.

The legislation we enacted in 1965 was admittedly weak. The warning we then permitted to be placed on cigarette packages was pure tokenism to what many of us felt was needed to solve a very serious national health problem. But, the controversy was new and the Interstate and Foreign Commerce Committee was in general agreement, more or less, that a simple warning statement on packages that "cigarette smoking may be hazardous to your health," would be sufficient to discharge the Congress' responsibility in the public interest.

I felt then, as some of my colleagues did, that the Congress should have approached the problem by warning the nonsmoker of the dangers to his health before he began the habit of smoking. This could have been done in the legislation we passed in 1965, but the measure that passed preempted the regulatory agencies from rulings requiring warnings on any advertising of cigarettes.

My grave concern now—as it was then—is not so much for the adult—but for the young people watching cigarette ads on television and listening to them on radio. They are at an impressionable age when habits are picked up so readily; especially when they are mesmerized by the kind of cigarette commercials the industry presents.

The bill before us today continues the warning label on packages but adds a few more incidental and inconsequential words to the phrase. Also, it increases the preemption clause for 6 years; nothing else. No attempt to permit the regulatory agencies to curb cigarette advertisements—a wholly inadequate bill.

It is an absolute necessity now, more than ever before in view of current statistics, that stronger warnings on cigarette packaging be enacted, and above all else, that something be done about cigarette advertising on radio and television. The responsibility of the Congress is clear cut. Over the past several years, the Federal Government's own Public Health Service has increasingly warned about the health hazards of the smoking habit and strongly urged that the habit be avoided by young people. How can we avoid the responsibility of warning Americans—young and old—about the dangers of the cigarette smoking habit and in the strongest possible ways? It seems to me, that as legislators for the citizens of this Nation, we are today standing at the cross roads of our responsibility in this issue.

Mr. Chairman, a number of amendments to H.R. 6543 will be offered on the floor tomorrow by five of my colleagues who are members of the Interstate and Foreign Commerce Committee and who are interested in a stronger bill. I firmly support the amendments they will offer.

Let me say at the outset, I believe that cigarette smoking is and should be and probably always will be a matter of individual choice. This is indisputable, but the Congress has the duty to see that the choice is an informed one. This duty can only be discharged by making certain, through Federal legislation, that uncomplicated, precise, and honest warnings are displayed properly on cigarette packages so that they can be seen instantly by anyone picking up a package.

Second, I support any amendment that would remove from the bill the preemption provision on FCC, FTC, and State regulation of cigarette advertising, so that these agencies would be able to regulate cigarette advertising after June 30, when the current preemption expires. Failing this, I would certainly be in favor of allowing the FCC to regulate cigarette radio and television advertising where programs with a high youth appeal are concerned.

I made the statement a few moments ago that every day about 4,000 teenagers and young adults try their first cigarette. Given the kind of cigarette advertisements that appears on television or heard on radio constantly throughout the days and evenings, I would seriously doubt if many of these 4,000 young people smoke their first cigarette and stop there. Statistics bear out the fact that most of them try another, and then another, until the dependency habit is

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upon them. We all know from our own experience, or from that of our friends and family, that once the habit is established, it is almost impossible to break it. The struggle is often pitiful to watch. Sometimes it is a losing battle, and one returns to the habit even after weeks of private agony of trying to control the need for cigarettes. These are hopeless cases—but we can and we must—at least provide the necessary legislation to control this habit-forming menace for teenagers. Young people do not realize the health hazards that are involved in cigarette smoking. Youth is notorious for its inability to believe that "it can happen to me."

The National Association of Broadcasters' Code Authority—its advertising self-regulation unit—just last week reported that cigarette commercials have "substantial appeal to youth—and that with few exceptions the cigarette commercials of 1966 and 1969 are in no way significantly different." The testimony before the House Committee made it evident that the broadcasting industry has proven more effectively than anyone else could that it cannot regulate itself.

I would hope that the Members of this House would give very serious and careful consideration to these anticipated amendments to the bill. They spell life or death for many Americans—and I make this statement advisedly.

Mr. Chairman, there is one other aspect to this controversy I wish to bring to the attention of the House. The controversy, it seems to me, has also resolved itself into a tug of war between two departments of our Federal Government—one with vested interest to protect the tobacco industry, which carries in its wake the interests of the broadcasting media; the other with the vested interest to protect the health of this country's citizens—ofttimes their very lives.

The contradictions and curious actions of the U.S. Department of Agriculture and the U.S. Department of Health, Education, and Welfare present a ludicrous situation. On the one hand, HEW spends $2,100,000 a year to educate the public against smoking, while the Agriculture Department annually pays out $1,800,000 in price-support subsidies alone to tobacco farmers. Moreover, the Agriculture Department uses public tax money to promote oversea sales. For instance, under Public Law 480, the Secretary of Agriculture recently announced that he had approved a 1-year extension of a $210,000 Government subsidy to help pay for cigarette advertising in Japan, Thailand, and Austria. How can we, in good conscience, use public funds to subsidize own own tobacco farmers and promote overseas markets for tobacco products when we spend millions of Federal dollars in our own country in an attempt to educate the American people on the vital need to stop smoking? I am all in favor of keping our overseas markets healthy and sharing our expertise with other countries, but not at the expense of the health of innocent people.

I also recognize the fact that we are asking the communications industry to voluntarily divest themselves of vast sums of advertising income. I can also sympathize with those of my colleagues who are concerned with the economic effects of the curtailment of the tobacco industry in their own districts. As painful as an erosion of the tobacco industry must be, it cannot be permitted to outweigh the health of the Nation's citizens. Conversion in industry is not new to this country. Industries have successfully faced this problem after every war in which this Nation has engaged. But, what I cannot accept is the shocking lack of concern by both the tobacco industry and the broadcasting industry for the public interest.

The tobacco industry has used every means under the sun to negate the findings of the U.S. Public Health Service about the hazards of cigarette smoking. They have lobbied, they have cajoled, they have threatened, by arguing that any action damaging the industry would force Negro fieldhands out of jobs and cause them to move North, further swelling the already swollen ghetto and relief rolls. They have threatened with talk of decrease in tax intake by local, State and national governments if the tobacco industry is curtailed or stopped. They talk of deserted farms, silent factories, mass migrations—but these are exaggerations of the worst kind and are easily refused.

In the first place, no one expects cigarette sales to stop. I am certain that no amount of enacted legislation or education about health hazards will completely stop the sale of the product, even with the reported 300,000-plus deaths a year from smoking. Curtailment of one industry has always given way to the beginning of another. This is the experience of American industry. The cessation of one kind of crop planting has always given way to the planting of another kind. This has been the experience of the American farmer. It is not easy to do, but it has been done and can be done and the Nation's health is our first responsibility; and, I would pledge my support to any reasonable program to alleviate the plight of a tobacco farmer whose tobacco yield would be curtailed.

Just what would be the effects of an advertising blackout? I would like to quote parts of a discussion recently printed in Time on this point. I found it absolutely remarkable in its clarity. If I had any nagging fears that the broadcasting industry would go into the poor house as a result of my proposals, these statements have alleviated my fears. Let me quote:

> In the U.S. a complete ad ban on cigarettes would wipe out many new brands struggling to reach profitability; on the other hand, an FCC ban on broadcasting advertising would save the manufacturers the $225 million or so a year—about three-quarters of their total ad budgets—that they would spend on TV and Radio. They would invest that money in many ways—in other advertising media, in such promotions as games and coupons, in acquisitions, and in raising their already generous dividends. These possibilities have aroused new investor interests in the long-depressed tobacco stocks, and many of them have enjoyed a modest rally over the past few months.
>
> The most immediate effects would certainly be felt by the three major networks and by the nation's independent TV and radio stations. In anticipation of some sort of restriction, CBS has already set up its 1969 budget without including the $59 million—11 percent of its total revenue—that it took in from cigarette commercials last year. President Frank Stanton expects that CBS would eventually find other advertisers to take up the slack.

No, the industries would not suffer. They would be uncomfortable perhaps through the conversion period—nothing compared to the discomfort of emphysema. The small farmer would suffer only until his Federal subsidies could be directed to another product—a product undoubtedly far more healthful and important to the consumer than the tobacco leaf.

Mr. Chairman, I would earnestly urge my colleagues to give the utmost thought and consideration to the ramifications of the bill we are debating today. If it is not amended, the consequences for so many Americans, and particularly for so many of our young people, will be extremely dangerous. It is undeniably our responsibility to safeguard their health.

Mr. FOUNTAIN. Mr. Chairman, I rise in support of the Public Health Cigarette Smoking Act of 1969, although I am unalterably opposed to the new warning label which the committee bill will require to appear on cigarette packages.

Let me first dispose of the label question. I am opposed to the new label because I do not think it is accurate. I think we will be enacting into law something which is not fact. The far-reaching implications of the new warning label are unjustified. It is true that the Surgeon General of the United States, on the basis of statistical evidence—not basic research—has expressed his opinion that cigarette smoking is injurious to health and may cause this disease or that disease.

I know of no factual statement put out by the Office of the Surgeon General, or conclusions based thereupon, stating that the Surgeon General of the United States "had determined that cigarette smoking is dangerous to your health and may cause lung cancer or other diseases." That is the wording of the new label. However, the implications are that the highest and most expert medical and scientific authorities in the Nation—which the Surgeon General is not—have engaged in the necessary basic research and have examined all of the facts, scientific and otherwise, and that, on the basis of all such research and evidence about the relation of cigarette smoking to disease, the Surgeon General of the United States has made what would be tantamount to a scientific "determination" that "cigarette smoking is dangerous to your health, and may cause cancer or other diseases." Such use of the word "determination" can lead to no other conclusion than that "there is a direct causal relation between cigarette smoking and certain diseases." And yet admittedly, that has not been established. There has been no such finding or "determination."

I am not aware of any such basic research or finalized study of the facts, or any such findings and conclusions, or any official authoritative final "determination" by medical authorities, including the Surgeon General of the United States.

Not only has the Surgeon General himself not made "such a final determination" but the scientific evidence given before the House Interstate and Foreign Commerce Committee produced a record which cast far more than a reasonable doubt on the case against cigarette smoking. In fact, as I read the record, and as the record is understood by such members of the committee as our colleagues, Congressmen David Satterfield and Richardson Preyer and others, it reflects a substantial erosion of confidence in the so-called facts of the antismoking case.

In fact, HEW Secretary Finch himself, clearly noted gaps in the "facts" on April 25, 1969, during the hearings when he announced in a news release:

> I believe that industry and government, working together, offer great promise of finding the answers we need. I am confident our joint efforts will yield a cooperative research program which will strongly promote the public interest.

Like most people, the members of the House Interstate and Foreign Commerce Committee were well aware of the charges that had been made against cigarette smoking—just cigarette smoking, not "heavy smoking" or "excessive smoking," but plain normal cigarette smoking, like a normal amount of anything else. A constant barrage of antismoking commercials, newspaper stories, and pamphlets, buttressed by one-sided reports from the Office of the Surgeon General, and from a number of other sources favorable to the "big brother" approach of the Federal Government, created a bandwagon effect. And like most people, including many physicians, lack of familiarity with the actual scientific evidence led many committee members to accept the view that "where there is cigarette smoke, there must also be fire."

However, committee members, unlike the general public, were exposed through experts to the other side of the smoking and health controversy. Many of them have told me they were amazed. They had been led to believe that only tobacco farmers and the tobacco industry questioned the Surgeon General's report and the antitobacco campaign. And this evidence was revealing. Much of the testimony they heard flatly contradicted popular views. By the time the hearings ended, committee members were inclined to agree with my fellow North Carolinian, "Rich" Preyer, who observed in the words of Mark Twain:

> It's not what we don't know that hurts us. It's what we know that isn't so.

So what the committee learned and what I have learned, and on the basis of what the Surgeon General himself has said, and not said, I am, therefore, satisfied with the kind of authoritative "determination" which the new warning label would imply, simply has not and cannot honestly be made. Consequently, I am opposed to that language, but other provisions of the bill as amended by the committee are so meaningful, important, and necessary, as I will later point out, that I support the legislation. In other words, I want to make it clear that my vote for this bill does not mean that I favor the new warning label or that I am in accord with the seemingly popular idea that cigarette smoking, per se, causes diseases of any kind. It may or it may not cause disease; but until I know so, as a result of the right kind of basic research and authoritative findings, I am unwilling to say so in a statutory enactment by the Congress. Of course, cigarette smoking may be harmful in some way to some people—especially very young people; and excessive smoking, like an excessive amount of almost anything, may be harmful. It depends upon the individual. But whatever is done on the subject should be done by the Congress; even the Congress has the duty not to go beyond the facts.

Notwithstanding my objection to the new and confusing label—which of course was a compromise in language—I want to urge this committee to approve this legislation because I think it has the "fairness" approach that is designed to prevent "punitive and piecemeal regulations," which may otherwise reign. I would much prefer the legislation provided initially by H.R. 6543, introduced by Messrs. Satterfield, Blanton, Stuckey, and Preyer; H.R. 6544 introduced by Messrs. Broyhill of North Carolina, Watson, Carter, Kuykendall, Skubitz, and Thompson of Georgia; H.R. 6545, introduced by Mr. Perkins; and H.R. 7177 introduced by the entire North Carolina delegation. These bills would retain the present caution label on cigarette packages reading:

> Cigarette smoking may be hazardous to your health.

But, under the circumstances, I will support the committee bill and oppose any and all additional amendments designed to further restrict the sale and advertising of cigarettes.

What is the great virtue of all these bills? In a word: "fairness."

They are fair to the purposes and intention and function of the Congress.

They are fair to the programs of the executive branch.

They are fair to large segments of the economy—to businessmen, to workers, and not the least to small farmers.

They are fair to the public and their right under the Constitution to make decisions for themselves.

And these bills are even fair to those antismoking pressure groups whose self-annointed propaganda campaigns cannot be distinguished by fairness. I wish I had time to read some of their literature such as "Don't Vote for Death."

Of course, we are not medical researchers. Neither are we scientific experts. Nor are we self-convinced possessors of "the truth." Indeed at this stage, there is no certain and convincing truth about the relationship between smoking and health. In this regard we may indeed stand just about where we stood in 1965. The experts disagreed then, they disagree now.

We are, however, legislators. We have responsibility to our constituents and to the entire Nation. And fortunately to guide us we have our faith in a few fundamentals, such as that a man—or an industry—is presumed innocent until proven guilty, and that reason and rationality are preferable to rash and impulsive action.

Upon this simple faith are these bills founded. H.R. 6543, now the committee bill, as amended—H.R. 6544, H.R. 6545, and H.R. 7177 preserve the purpose of the 1965 act. Mr. Chairman, 4 years ago, after lengthy hearings, and debate upon the recommendation of the distinguished House Interstate and Foreign Commerce Committee, under the leadership of its fine chairman, the gentleman from West Virginia (Mr. Staggers), Congress constructed "a comprehensive Federal program to deal with cigarette labeling and advertising in regard to any relationship between smoking and health."

Congress designed this structure to achieve two basic objectives:

First, to insure that the public is adequately informed that cigarette smoking may be hazardous to health by means of a warning on each cigarette package.

Second, to insure that commerce and the national economy are protected, consistent with this policy, and are "not impeded by diverse, nonuniform, and confusing cigarette labeling and advertising regulations."

On June 30 next, when the advertising provision terminates, this carefully constructed congressional structure will be seriously weakened. Like a dike that is half torn down, it will do little to halt the flood of "diverse, nonuniform and confusing" cigarette advertising regulation. When this happens, the Federal Trade Commission, the Federal Communications Commission, individual States, and local governments will be as free as wind-driven flood water not only to "impede" commerce and the national economy, but to devastate it.

A multiplicity of State and local regulations pertaining to labeling of cigarette packages would create "chaotic marketing conditions" and "consumer confusion," not to mention the terriffic burden it would place upon the whole tobacco industry. In the final analysis the tobacco producers and consumers would be the goats.

Without congressional guidance to provide some form of flood control, these regulatory agencies and Government officials will be limited solely by their individual taste for authority and their prospects for achieving it. For bureaucrats, like nature, abhor a vacuum.

The stakes are high and the time is short. Pressures mount and calmness fades. Emotions rise and reason fails. These are the signals for caution. These are the signs of danger ahead.

I have every confidence that this Committee and this Congress will heed the signals and obey the signs. For much depends on the calmness, rationality and objectivity of your deliberations.

Let me outline just how much.

About 3 million men, women, and children in American farm families are dependent for their living on the tobacco crop. They share approximately $1.4 billion each year from their crops. These are not statistics; these are people living on farms in some 22 States who buy large quantities of agricultural machinery, fertilizers, insecticides, as well as automobiles, trucks, television sets, electric stoves, refrigerators, food, and clothing. And they also pay taxes. Tobacco farms and tobacco farmers can be found as far north as Massachusetts, as far south as

Florida and as far west as Wisconsin and Missouri.

More than 100,000 workers are employed by U.S. tobacco manufacturing companies. Their total payroll—which they spend locally—exceeds half a billion dollars a year.

The value of manufactured tobacco products will amount to close to $5 billion this year. Its manufacture is a very important segment of industry in several States, notably North Carolina and Virginia, where tobacco manufacturing is the second and third ranking industry respectively. The income from manufactured tobacco flows out into the economic mainstream. The industry uses and pays for 40 million pounds of moisture-proof cellophane, 70 million pounds of aluminum foil, 27 billion printed packages, and nearly 3 billion cartons.

There are more than 4,500 wholesale firms that distribute tobacco products, and literally hundreds of thousands of retail merchants that derive a substantial share of their income from the sale of cigarettes and tobacco products.

All in all, about 1½ million businesses and their employees and their families are dependent on the tobacco trade. This constituency of tobacco includes paper mills, machinery plants, truckers, wholesalers, vending machine companies, advertising agencies, advertising media, and retailers. Consider all who work in these business establishments and you have millions of Americans who are dependent upon tobacco directly or indirectly, wholly or partly, for their livelihoods.

Not only is the United States first in tobacco production but it is also the world's leading tobacco exporter. The value of our tobacco exports in 1968 was a record $686 million, 95 percent of which was for "cold" cash. The value of our imports was $160 million. Thus, tobacco contributed in excess of half a billion dollars to our country's balance-of-payments position.

Finally, there are tobacco tax revenues. Over and above the income taxes—individual and corporate—paid by the people who grow, manufacture, supply and sell tobacco, the Federal Government, the States and local governments derived an all-time high of $4.2 billion last year—1968. On the average, about half the price of a package of cigarettes goes to the Federal or State tax collector, and is used to finance a host of necessary and beneficial projects. Much has been said about tobacco support programs. It should interest all of us to know that since tobacco and other farm programs were adopted in 1933 the Federal Government alone has collected over $50 billion in tobacco taxes. State and local taxes are said to amount to more than $25 billion over that same period—1933–68.

Cigarette taxes depend on cigarette sales. So smokers are paying a socially useful price for their voluntary pleasure.

However, more is at stake than economic considerations, as weighty as they are. Grave constitutional issues are involved.

Cigarettes are a legal product and, therefore, under the first amendment to the Constitution, the right to advertise is clear. Even in the absence of constitutional questions, such extreme measures at regulatory action on the part of any Federal commission, in the absence of affirmative authority from the Congress, should not be tolerated, and even the Congress itself must tread with caution in this whole area. Voluntary abstention from the acceptance of cigarette or liquor or other types of advertising on the part of broadcasters is one thing, but an order of a creature of the Congress prohibiting advertising is quite another.

Dr. Clarence Cook Little, scientific director of the Council for Tobacco Research, the scientist who has been associated with more research on tobacco and health than any other person in the world, said on Monday, February 3, 1969:

> There is no demonstrated causal relationship between smoking and any disease.

He went on to point out that—

> The gaps in knowledge are so great that those who dogmatically assert otherwise—whether they state that there is or is not such a causal relationship—are premature in judgment.

In fact, he said:

> If anything, the pure biological evidence is pointing away from, not toward, the causal hypothesis.

I understand there will be amendments from the floor to severely restrict advertising of cigarettes on radio and television. I hope this Committee will vote them down. Many serious questions have been raised as to whether or not even the Congress, without an appropriate constitutional amendment, would have the authority to outlaw cigarette advertising on television and radio or tell either radio or television stations what can or cannot be said over the air about a given legal product.

So this right to advertise clearly comes within the right of free speech and a free press which are protected by the first amendment. And what company wants to advertise his product and then say "but it is dangerous to your health and may cause lung cancer or other diseases"? This would have the effect of preventing indirectly what most of us are opposed to the FCC or FTC doing directly—stopping legitimate advertising over television and radio.

Mr. Chairman and Members, we might remind ourselves that in 1919, or thereabouts, when the excessive use of alcoholic beverages created so many problems, our people adopted a constitutional amendment forbidding the manufacture and sale of such products. Fourteen years later, in 1933, I believe, that amendment—the 18th—was repealed.

If an executive agency or any of the independent agencies of Government, or even the Congress, has the power to forbid the advertising of cigarettes by radio or television, would it not also have the power to prevent such advertising through the printed word? And if such prohibition were permitted or authorized, could it not be made to extend to all potentially harmful items, articles or instruments. If we should permit the FCC to take this action in regard to cigarette smoking, what is there to prevent them from deciding next year that candy is detrimental to the public health in that it causes obesity, tooth decay and other health problems? What about milk and eggs? Milk and eggs are high in saturated animal fat and are said by many medical experts to increase the cholesterol in the bloodstream, believed by many heart specialists to be a contributing factor in heart disease. What about starches and sugars against which so much has been said in recent years by members of the medical profession. Do we want the FCC to be able to prohibit the advertising of milk, eggs, butter, and ice cream on TV?

However, do we believe the Federal Communications Commission has or should have the power to prohibit the advertising on TV and radio of all of these things used by our people because of possible harm from their use? What about high-compression automobiles capable of great speeds? Certainly they can be a menace on the highways. Should the FCC, therefore, prohibit, or have the power to prohibit, automobile advertising? As someone has said, "What about beer and wine." Their harmful potential is clearly established and both are advertised on television virtually without restriction.

Under certain circumstances, State and local governments have adopted regulations relating to items sold to the general public, but no restriction is placed on advertising which offers these items for sale.

Surely the Federal Trade Commission can and should prohibit the advertiser of any product, cigarettes or otherwise, from making false or fraudulent and misleading claims, and if it can find and cite instances where tobacco industry is doing this about cigarette smoking, it has the power to take them to court. This the FTC has not done, nor does it even suggest that advertising is false, fraudulent, or misleading. The tobacco industries, like many other industries, have themselves adopted appropriate rules and regulations consistent with what is legal and right.

As Dave Lawrence said in one of his columns:

> Whether cigarette smoking is or is not dangerous to health is not the prime issue. What is actually involved is the power of Congress or the Federal Communications Commission or any other agency to issue regulations which determine what may or may not be advertised for sale to the public . . . If it is lawful to manufacture and sell the article itself, then the advertising is a proper exercise of the right to conduct a business through the sale of such products by any of the available methods of marketing.

He also pointed out that if a Federal agency has the power to tell any of the communications media what they may or may not offer for sale, it would be "discriminatory to allow the same product to be sold over the counter."

But if the legislation we are debating here today is not extended, the FCC proposes to say in effect: "Thou shalt not see cigarette advertising on television." The next order could well include advertising in print. In fact, the Federal Trade Commission without this legislation is set to force all cigarette advertising to include such dire warnings of death and disease that the industry would have to stop all advertising.

H.R. 6543 will prevent this form of

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censorship and discrimination. It would prevent this form of pseudolegislation.

As I have previously said, individual States could "balcanize" the free flow of interstate commerce, replacing Federal uniformity with a patchwork of local laws and regulations. This legislation will prevent this form of economic chaos.

What bothers so many of us and should disturb all of us is that the motivating power generating the attacks on an industry, our economy, and our form of government is based on a presumption of guilt. The advocates of suppression, censorship, discrimination, and punitive measures may be just as convinced of the rightness of their ends and the justification of their means as we are.

But I respectfully remind this Committee that any study tends to find what it really seeks to discover. And the Surgeon General's Advisory Committee on Smoking and Health which issued its report in 1964 is no exception. In fact, this group's statement on its conduct of the study is revealing. I leave it to the Committee to judge whether the full truth would emerge from such a methodology. Or whether it would tend to reach a foregone conclusion by omitting the study of factors that might possibly work against the presumption of guilt.

Here is the statement on conduct of study:

> At first an encyclopedic approach was considered to deal with all aspects of the use of tobacco and resulting effects, with all relevant aspects of air pollution, and all pertinent characteristics of the external and internal environments and makeup of human beings. It was soon found to be impracticable to attempt to do all of this in any reasonable length of time, and certainly not under the urgencies of the existing situation. The final plan was to give particular attention to the cores of problems of the relationship of uses of tobacco, especially the smoking of cigarettes, to the health of men and women, primarily in the United States.

Thus the antismoking forces may well be wrong, as much of the scientific testimony from unbiased witnesses has demonstrated. But regardless of what testimony may develop, I would expect any reasonable man's doubts to be increased if only slightly by the Surgeon General's remarks at an Appropriations Subcommittee hearing on March 6, 1968. Contrary to his many public utterances to the contrary, he admitted to committee members—and I quote:

> We have not been able to establish an absolute cause and effect between [smoking and emphysema].
>
> We have never said there was definite proof of a cause-and-effect relationship between coronary heart disease and cigarette smoking . . . We have never said cause and effect to the initiation of cardiovascular disease . . . I do not think one can make the statement that the scientific evidence supports it.
>
> We know that some nonsmokers get lung cancer and we know that many heavy smokers never get lung cancer.

Mr. Chairman, the situation today is substantially the same as the situation was 4 years ago. The Committee of the Whole, the House, and the Congress acted wisely then. I have every confidence that we will do so again.

Regrettably, many tobacco battles lie ahead. That has always been the plight of the farmer—whether the battle be with insects or with human beings. And the tobacco war itself will never be brought to an end, one way or the other, until honest and proper basic research, with both animals and human beings, has been carried out.

As my distinguished colleague from North Carolina, "RICH" PREYER said:

> Let's get the facts and stop the propaganda. This legislation will help in that direction.

Mr. STAGGERS. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Public Health Cigarette Smoking Act of 1969".

Mr. STAGGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking and for other purposes, had come to no resolution thereon.

PROPOSED AMENDMENTS TO H.R. 6543

Mr. ADAMS. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a proposed set of amendments that have been indicated to me would be offered to the bill tomorrow, for the use of the Members tomorrow in the event of process.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The amendments are as follows:

> On page 2, line 7, immediately before the semicolon insert "and in any cigarette advertisement or promotional material".
>
> On page 4, at the end of line 6, insert the following: "(A) fails to bear a statement of the average tar and nicotine yields per cigarette in such package as determined by a method approved by the Secretary of Health, Education, and Welfare, and (B)".
>
> On page 4, line 11, strike out "Such statement" and insert in lieu thereof "Each such statement".
>
> On page 4, line 15, insert after the period the following new sentence: "In the case of any cigarette package having more than one side, such statement shall be placed on the two widest sides of such package."
>
> On page 4, line 20, insert ", other than the statement required by section 4 of this Act", immediately after "health".
>
> On page 4, strike out lines 20 through 23.
>
> On page 4, beginning in line 24, strike out "(c) Except as is otherwise provided in subsections (a) and (b) and inserting in lieu thereof "(b) Except as otherwise provided in subsection (a)".
>
> On page 5, line 8, strike out "(d)" and insert in lieu thereof "(c)".
>
> On page 4, line 23, insert after the period the following new sentence: "This subsection does not prevent any State or political subdivision thereof, which prohibits the sale of cigarettes to persons below certain ages, from requiring that any cigarette advertisement within its jurisdiction set forth the fact that persons below certain ages are prohibited by such State or political subdivision from purchasing cigarettes."
>
> On page 4, line 23, strike out the period and insert in lieu thereof ", except that any State or political subdivision thereof may require that any cigarette advertisement within its jurisdiction include a warning relating to the health hazards presented by cigarette smoking."
>
> On page 4, line 23, strike out the period and insert in lieu thereof the following: ", except that the Federal Communications Commission shall by regulation prohibit any holder of a station license under the Communications Act of 1934 from broadcasting any cigarette advertising in connection with such types of programs as the Commission determines would be most likely viewed or heard by a substantial number of individuals under the age of eighteen."
>
> On page 4, beginning in line 24, strike out "Except as is otherwise provided in subsections (a) and (b), nothing" and insert in lieu thereof "Nothing."
>
> On page 7, line 4, strike out "1975" and insert in lieu thereof "1972".

SIXTH ANNUAL REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

Herewith I transmit to the Congress the Sixth Annual Report on Special International Exhibitions conducted during Fiscal Year 1968 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).

This report covers official United States participation in Trade Fair Exhibitions and the Montreal World's Fair through the U.S. Information Agency, Labor Missions and Exhibits arranged by the Department of Labor, and Trade Missions organized by the Department of Commerce.

RICHARD NIXON.

THE WHITE HOUSE, *June 17, 1969.*

ANNUAL COMPARISON OF FEDERAL SALARIES WITH SALARIES PAID IN PRIVATE ENTERPRISE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-131)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, referred to the Committee on Post Office and Civil Service and ordered to be printed:

To the Congress of the United States:

I forward herewith the annual comparison of Federal salaries with the salaries paid in private enterprise, as provided by section 5302 of title 5, United States Code.

The report, prepared by the Director of the Bureau of the Budget and the Chairman of the Civil Service Commission, compares the present Federal statutory

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salary rates with average salary rates paid in private enterprise for the same levels of work, as reported in the Bureau of Labor Statistics Bulletin No. 1617, *National Survey of Professional, Administrative, Technical, and Clerical Pay, June 1968*.

Also transmitted is a copy of an Executive order promulgating the adjustments of statutory salary rates to become effective on the first day of the first pay period beginning on or after July 1, 1969. These adjustments were developed in the joint report from the Director and Chairman, and in accordance with the directions of section 212 of Public Law 90–206, the Federal Salary Act of 1967.

Public Law 90–206 provides that comparable adjustments shall be made, by administrative action of appropriate officers, in the salary rates of employees of the judicial and legislative branches and those of Agricultural Stabilization and Conservation County Committee employees.

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1969*.

DIRECTIVE OF THE SPEAKER IMPLEMENTING SALARY COMPARABILITY POLICY IN 1969 FOR OFFICERS AND EMPLOYEES OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following directive, which was read:

DIRECTIVE OF THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES IMPLEMENTING THE SALARY COMPARABILITY POLICY IN 1969 FOR OFFICERS AND EMPLOYEES OF THE HOUSE OF REPRESENTATIVES REQUIRED BY SECTION 212 OF THE FEDERAL SALARY ACT OF 1967—JUNE 17, 1969

Pursuant to the authority and duty vested in the Speaker of the United States House of Representatives by section 212 of the Federal Salary Act of 1967 (81 Stat. 634; Public Law 90–206; 5 U.S.C. 5304, note) to implement the salary comparability policy set forth in section 5301 of title 5, United States Code, in the year 1969 for personnel of the House of Representatives, the rates of pay of personnel of the House of Representatives whose pay is disbursed by the Clerk of the House of Representatives are adjusted as follows:

IMPLEMENTATION OF SALARY COMPARABILITY POLICY IN 1969 FOR PERSONNEL OF THE HOUSE OF REPRESENTATIVES

SECTION 1. Subject to sections 216 and 225 of the Federal Salary Act of 1967 (81 Stat. 638, 642; Public Law 90–206; 2 U.S.C. 60e–14, note; 2 U.S.C. 351–361), the per annum gross rate of compensation (basic compensation plus additional compensation authorized by law) of each employee whose compensation—

(1) is disbursed by the Clerk of the House of Representatives, and

(2) is fixed at a rate of basic compensation plus additional compensation authorized by law,

is increased by 10.05 per centum.

SEC. 2. Subject to sections 216 and 225 of the Federal Salary Act of 1967 (81 Stat. 638, 642; Public Law 90–206; 2 U.S.C. 60e–14, note; 2 U.S.C. 351–361), the single per annum gross rate of compensation of each officer or employee, except an officer or employee within the purview of section 3 or 4 of the Directive of the Speaker of the United States House of Representatives of June 11, 1968 (2 U.S.C. 60a), or section 3, 4, or 5 of this directive, whose compensation—

(1) is disbursed by the Clerk of the House of Representatives, and

(2) is fixed at a single per annum gross rate,

is increased by 10.05 per centum.

SEC. 3. In order to preserve and continue the pay relationships existing immediately prior to July 1, 1969, between—

(1) positions on the United States Capitol police force and on the United States Capitol telephone exchange, respectively, the compensation for which is disbursed by the Clerk of the House of Representatives, and

(2) positions on such police force and telephone exchange, respectively, the compensation for which is disbursed by the Secretary of the Senate,

the respective single per annum gross rates of compensation of personnel on such police force and telephone exchange, respectively, whose compensation is disbursed by the Clerk of the House of Representatives are increased, subject to sections 216 and 225 of the Federal Salary Act of 1967 (81 Stat. 638, 642; Public Law 90–206; 2 U.S.C. 60e—14, note; 2 U.S.C. 351—361), by 10.05 per centum, adjusted to the nearest multiple of $219.

SEC. 4. The House Employees Schedule (HS) established pursuant to section 4 of the House Employees Position Classification Act (78 Stat. 1079; Public Law 88–652; 2 U.S.C. 293) is amended to read as follows:

"HOUSE EMPLOYEES SCHEDULE—PER ANNUM RATES (EFFECTIVE JULY 1, 1969)

HS levels	STEPS											
	1	2	3	4	5	6	7	8	9	10	11	12
1	$5,236.60	$5,433.05	$5,629.50	$5,825.95	$6,022.40	$6,217.62	$6,415.30	$6,610.52	$6,808.20	$7,003.41	$7,396.31	$7,789.20
2	6,022.40	6,217.62	6,415.30	6,610.52	6,808.20	7,003.41	7,199.86	7,396.31	7,592.76	7,789,20	8,180.89	8,573,78
3	6,938.34	7,167.94	7,396.31	7,625.91	7,854.28	8,083.89	8,312.26	8,541.86	8,771.45	8,999.82	9,459.02	9,915.77
4	7,985.66	8,214.03	8,443.64	8,673.23	8.901.60	9,131.20	9,359.58	9,589.17	9,817.55	10,047.15	10,505.12	10,963.09
5	9,163.13	9,425.88	9,687.40	9,948.93	10,210.45	10,471.97	10,734.72	10,996.24	11,257.76	11,519.29	12,043.57	12,566.61
6	10,471.97	10,734.72	10,996.24	11,257.76	11,519.29	11,780.82	12,043.57	12,305.08	12,566.61	12,828.13	13,352.41	13,875.46
7	11,912.19	12,213.01	12,515.04	12,815.85	13,116.67	13,416.26	13,718.29	14,019.10	14,319.92	14,621.96	15,223.58	15,826.44
8	13,527.14	13,830.18	14,131.98	14,433.79	14,735.59	15,038.64	15,339.21	15,641.02	15,944.06	16,245.86	16,849.48	17,454.33
9	15,277.54	15,619.72	15,963.15	16,304.10	16,647.54	16,989.73	17,331.92	17,675.34	18,017.54	18,358.49	19,044.10	19,729.73
10	17,053.84	17,395.92	17,736.77	18,078.86	18,418.49	18,759.34	19,101.43	19,442.28	19,783.14	20,124.00	20,805.70	21,488.65
11	19,199.21	19,584.23	19,968.03	20,351.81	20,735.60	21,120.63	21,503.18	21,888.20	22,271.99	22,655.77	23,423.34	24,190.92
12	21,515.49	21,930.42	22,344.08	22,758.99	23,172.66	23,587.58	24,001.24	24,414.90	24,829.81	25,244.73	26,073.31	26,900.63
13	24,005.11	24,465.58	24,923.52	25,381.46	25,839.40	26,297.34	26,757.80	27,215.74	27,673.68	28,131.62	29,050.03	29,965.91".

SEC. 5. Subject to sections 216 and 225 of the Federal Salary Act of 1967 (81 Stat. 638, 642; Public Law 90–206; 2 U.S.C. 60e–14 note; 2 U.S.C. 351–361), the single per annum rate of compensation in effect immediately prior to July 1, 1969, of each employee whose compensation—

(1) is disbursed by the Clerk of the House of Representatives,

(2) is fixed at a saved rate, and

(3) is increased by section 214(c) of the Federal Salary Act of 1967 (81 Stat. 636; Public Law 90–206; 2 U.S.C. 293c),

is increased by 10.05 per centum.

SEC. 6. The additional compensation provided by this directive for personnel whose per annum compensation is fixed at a rate of basic compensation plus additional compensation authorized by law shall be considered a part of basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement.

SEC. 7. The provisions of this directive shall become effective on July 1, 1969.

JOHN W. MCCORMACK,
Speaker, U.S. House of Representatives.

The SPEAKER. The directive is ordered to be printed in the Journal.

CERTAIN MINORITY EMPLOYEES, HOUSE OF REPRESENTATIVES

Mr. GERALD R. FORD. Mr. Speaker, I offer a priviliged resolution (H. Res. 441) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 441

Resolution relating to the positions of certain minority employees in the House of Representatives

Resolved, That, until otherwise provided by law—(1) The six positions of minority employees listed in House Resolution 8, Ninety-first Congress, as supplemented by House Resolution 238, Ninety-first Congress, and House Resolution 265, Ninety-first Congress, are hereby given position titles in the descending order in which those six positions are listed in House Resolution 8, as follows:

(A) the position title of the position listed first is "Floor Assistant to the Minority";

(B) the position title of the position listed second is "Floor Assistant to the Minority";

(C) the position title of the position listed third is "Floor Assistant to the Minority";

(D) the position title of the position listed fourth is "Floor Assistant to the Minority";

(E) the position title of the position listed fifth is "Pair Clerk to the Minority"; and

(F) the position title of the position listed sixth is "Staff Director to the Minority".

(2) Appointments to each position for which a position title is provided by subparagraph (1) of this section shall be made by action of the House of Representatives.

(3) The rate of pay of each position for which a position title is provided by subparagraph (1) of this section shall be a per annum gross rate equal to the annual rate of basic pay of Level V of the Executive Schedule in section 5316 of title 5, United States Code, unless a different rate is provided for such position by action of the House of Representatives.

SEC. 2. (a) The first section of this resolution shall not affect or change the appointments or continuity of employment of those employees who hold such positions on the date of adoption of this resolution.

(b) In accordance with the authority of the House of Representatives under subparagraph (3) of the first section of this resolution, the respective per annum gross rates of pay of those positions for which position titles are provided by clauses (C), (D), (E), and (F) of subparagraph (1) of the first section of this resolution are as follows:

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(1) for the position subject to clause (C)—$20,160;

(2) for the position subject to clause (D)—$25,200;

(3) for the position subject to clause (E)—$28,440; and

(4) for the position subject to subparagraph (F)—$28,080.

SEC. 3. This resolution shall become effective as of the beginning of the calendar month in which this resolution is adopted.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITION TO LEGISLATIVE PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time to announce that in addition to the program, the distinguished gentleman from Massachusetts (Mr. PHILBIN) will call up under unanimous consent tomorrow the bill S. 1647, to authorize the release of 100,000 short tons of lead from the national stockpile and the supplemental stockpile.

PERMISSION FOR JOINT COMMITTEE ON ATOMIC ENERGY TO FILE A REPORT ON THE ANNUAL AUTHORIZATION BILL

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Joint Committee on Atomic Energy may have until midnight tonight to file a report on the annual authorization bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill which we have been debating today, H.R. 6543.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CURRENT SECRET PEACE NEGOTIATIONS

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, in the days of Woodrow Wilson, after whom a School of Public and International Affairs is now named at Princeton, and whose goal was "open covenants openly arrived at," a phonograph record became quite popular, which in some ways sounds acutely descriptive of our current secret peace negotiations. The record was by Moran and Mack whom Madison Avenue today would have to call "A Duo of Sun-drenched Starlings." People who actually saw them said they worked under the name of "Two Black Crows":

MORAN AND MACK	CURRENT PEACE NEGOTIATIONS
What was your idea in telling that man there is a man in the moon?	What was your idea in telling these people you are engaged in secret peace talks?
I believe there is a man on the moon—Do you?	I believe we are engaged in secret peace talks—do you?
No, I don't	No, I do not.
Well, I still do.	Well, I still do.
Well, what was your idea in telling that man you spoke to the man in the moon?	Well, what was your idea in telling people you secretly talked to the NLF?
I never said he answered me—I didn't say that.	I never said they answered me—I did not say that.
Well, did you ever see the man in the moon?	Well, did you ever see these secret peace talks?
Well, I don't believe I did.	Well, I do not believe I did.
Did you ever see anybody that said they saw the man in the moon?	Did you ever see anybody who said they took part in the secret peace talks?
I don't guess so.	I do not guess so.
Did you ever see anybody that said they saw anybody who said they saw the man in the moon?	Did you ever see anybody who said that they saw anybody who took part in the secret peace talks?
I'd rather not be bothered, but I dreamed there was a man in the moon and I believe in dreams. I never did until one night I dreamed I was eating flannel cakes and when I woke up the blanket was gone.	

Moran and Mack had a good script. You really cannot blame President Nixon for borrowing from it.

TULSA PRESSMEN'S LOCAL SUPPORTS NEWSPAPER ACT

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDMONDSON. Mr. Speaker I have received a copy of a telegram containing some very good news for the 101 of us who are sponsors in the House of the Newspaper Preservation Act. The telegram was sent to Senator PHILIP A. HART, whose Subcommittee on Antitrust and Monopoly Legislation of the Senate Committee on the Judiciary currently is holding hearings on the Newspaper Preservation Act.

The telegram is from Tulsa Local No. 226 of the International Printing Pressmen and Assistants Union, and reports that the local has unanimously adopted a resolution in support of the Newspaper Preservation Act.

The telegram says, in part,

> We have been the beneficiaries of the efficiency, savings and stability that has come since the organization of Tulsa's Newspaper Printing Corporation thirty years ago. We in no way want to see this disturbed.

The Tulsa local also points out that the two newspapers served by the Newspaper Printing Corp.—the Tulsa Daily World and the Tulsa Tribune—"are highly regarded for their dedication to the public welfare and their independence in news and editorial voice."

Mr. Speaker, there are those in organized labor who oppose this legislation. The people of this local are fully acquainted with a successful newspaper joint operating agreement, and they support the legislation. I hope they are heard. Mr. Speaker, I would like this telegram to appear in the RECORD.

> TULSA, OKLA.
> *June 8, 1969.*
>
> Hon. PHILIP A. HART,
> *U.S. Senator from Michigan,*
> *Chairman Sub-Committee of the Judiciary,*
> *Senate Office Building, Washington, D.C.:*
>
> Tulsa Local No. 226 of the International Printing Pressmen and Assistants Union unanimously adopted a resolution at their meeting of this date urging passage of Senate Bill 1520 otherwise known as the Newspaper Preservation Act. We have been the beneficiaries of the efficiency, savings and stability that has come since the organization of Tulsa's Newspaper Printing Corporation thirty years ago. We in no way want to see this disturbed. The newspapers we produce are highly regarded for their dedication to the public welfare and their independence in news and editorial voice. Failure to pass this legislation could saddle our newspapers with extravagant and unnecessary costs and could face us with the uncertain and chaotic conditions this local lived through prior to 1940. Our resolution further directed this telegram sent to you, Congressman Celler of New York and all members of the Oklahoma delegation in the Congress.
>
> A. J. BOONE,
> *President.*
> J. E. THOMPSON,
> *Secretary.*
> C. W. PFEIFER,
> *Recording Secretary.*

FEDERAL COURTS HAVE NO JURISDICTION OVER DISPUTES BETWEEN MEMBER AND HOUSE

(Mr. FLYNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, today I have introduced legislation declaring that the Federal courts shall have no jurisdiction over disputes between an individual Member of the House of Representatives and the House itself.

Until yesterday, all lawyers and students of the law, together with all judges save seven, thought that was the law under all established principles of American jurisprudence.

In the case of Powell against McCormack et al., Judge George L. Hart, Jr., of the U.S. District Court of the District of Columbia, and the unanimous panel of the Circuit Court of Appeals for the District of Columbia thought that such was the law. The district court denied jurisdiction and dismissed the action. The Circuit Court of Appeals for the District of Columbia unanimously affirmed the judgment of the district court.

The language of section 5 of article I of the Constitution is just as clear as words of the English language can be:

> Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members . . .

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This legislation when enacted will simply affirm what everyone until yesterday believed the law to be.

This action of the Congress will not be without precedents.

Congress possesses the power of investing the inferior Federal courts with jurisdiction either limited, concurrent, or exclusive and withholding jurisdiction from them in the exact degree and character which to Congress and to Congress alone may seem proper for the public good.

The Supreme Court of the United States in *Lockerty* v. *Phillips*, 319 U.S. 182, affirmed this principle that the Constitution of the United States established three coequal and coordinate branches of Government—the legislative, executive, and judicial—in articles I, II, and III of the Constitution respectively. In establishing three concurrent and coordinate branches of Government those who framed the Constitution never intended that either branch could assert functions which are specifically reserved to another branch.

The decision in the case of Powell against McCormack et al., handed down by the Supreme Court on yesterday, Monday, June 16, brings about a direct confrontation between the judicial and legislative branches.

The Supreme Court has challenged the authority of the Congress to be the judge of one of its members and has ascertained that it, the Supreme Court, has that authority. Members of Congress may differ as to the manner of responding to this usurpation of legislative power. No one can dispute the effectiveness of the intent proposed by the introduction of this legislation.

All Federal courts except the Supreme Court of the United States are ordained and established by the Congress, and as such possess only the jurisdiction which Congress confers.

The Supreme Court of the United States has only that jurisdiction conferred by article III of the Constitution. The issue raised by the Supreme Court decision, Powell against McCormack, et al., is crystal clear: the Congress has the power to resolve; it may accept this legislation and thereby affirm its sovereignty as a coequal and coordinate branch of Government; or it may reject this legislation and thereby acquiesce in the unprecedented decision of the Supreme Court.

POWELL CASE LAYS FOUNDATION FOR JUDICIAL OVERSIGHT OF CONGRESS

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, while this body was in session yesterday the news media reported the decision of the Supreme Court in the case of Powell against McCormack. Merely from the advices of the news, I felt impelled to caution our colleagues of the underlying danger of this most recent usurpation of power by the members of that Court—and to warn of the constitutional crisis which this decision precipitates.

Overnight I have had the opportunity to read the decision itself, and I find it is a fitting valedictory from Earl Warren, whose claim to fame is now clearly staked out. History will record his tenure as one of constant intemperate assaults on the Constitution. Whether history will record that the Constitution survived his attacks is largely up to this House.

I urge every Member of this body—and especially those who are trained in the discipline of the law—to personally and carefully read this decision. I urge that we all undertake a study of the pleadings, the briefs, and arguments; and the decisions of the district court and of the court of appeals. We must make some decisions in this House, and our decisions should be made on the basis of our own responsible understanding of the constitutional division of powers in our system of government.

Mr. Speaker, this decision of the Court should become a law school model of judicial impropriety. The Court reaches out to discover a constitutional question upon which it might rule. In doing so it reasons and at least inferentially decides in five complex areas, as outlined on page 7 of the opinion:

> Respondents press upon us a variety of arguments to support the court below; they will be considered in the following order. (1) Events occurring subsequent to the grant of certiorari have rendered this litigation moot. (2) The Speech or Debate Clause of the Constitution, Art. I, § 6, insulates respondents' action from judicial review. (3) The decision to exclude Petitioner Powell is supported by the power granted to the House of Representatives to expel a member. (4) This Court lacks subject matter jurisdiction over petitioners' action. (5) Even if subject matter jurisdiction is present, this litigation is not justiciable either under the general criteria established by this Court or because a political question is involved.

The Court discusses at length the difference between the power of this House to "exclude" and its power to "expel." In remarkable contrast to its erroneous decision to ignore history in the 1954 school decisions when history was plainly against the construction which the Court desired to give to the 14th amendment, the Court now occupies 25 pages of its 62-page opinion with a tortured study of the history of parliamentary exclusion and expulsion since 16th-century England. In doing so, it only reinforces the reasoning of Judge McGowan below, when he pointed out the absurdity of the distinction in the case:

> Appellant Powell's cause of action for a judicially compelled seating thus boils down, in my view, to the narrow issue of whether a member found by his colleagues . . . to have engaged in official misconduct must, because of the accidents of timing, be formally admitted before he can be either investigated or expelled. The sponsor of the motion to exclude stated on the floor that he was proceeding on the theory that the power to expel included the power to exclude, provided a 2/3 vote was forthcoming. It was. Therefore, success for Mr. Powell on the merits would mean that the District Court must admonish the House that it is form, not substance, that should govern in great affairs, and accordingly command the House members to act out a charade. (129 U.S. App. D.C., at 383–384, 395 F. 2d, at 606–607.)

Such cases as Bond against Floyd, Dombrowski against Eastland, Tenney against Brandhove and Baker against Carr, in which the Court has established dangerous constitutional precedents one at a time are cited in support of its current decision. What this means in short is that since succeeding attacks on the Constitution, unresisted by the people or by the Congress, have now weakened its protections in many major respects, the time is ripe to administer the final blow.

If we accept the principle that the Court can act at all in this area, if it can tell us that the exclusion was without authority, then it can review any other action we take in the matter. It can review the punishment which has been imposed—not only in substance, but in procedure. Suppose that the power of this House to punish a Member is to be limited by due process. Who is to determine the procedure? There is left in the case, for the resolution of the lower courts, the question of injunction of not only the employees of this House, but of you, Mr. Speaker.

For the convenience of our colleagues, I insert the conclusion of the Court at the end of its opinion, and the dissent of Association Justice Potter Stewart, following my remarks:

CONCLUSION

To summarize, we have determined the following: (1) This case has not been mooted by Powell's seating in the 91st Congress. (2) Although this action should be dismissed against respondent Congressmen, it may be sustained against their agents. (3) The 90th Congress' denial of membership to Powell cannot be treated as an expulsion. (4) We have jurisdiction over the subject matter of this controversy. (5) The case is justiciable.

Further, analysis of the "textual commitment" under Art. I, § 5 (see Part VI, Section B(1)), has demonstrated that in judging the qualifications of its members Congress is limited to the standing qualifications prescribed in the Constitution. Respondents concede that Powell met these. Thus, there is no need to remand this case to determine whether he was entitled to be seated in the 90th Congress. Therefore, we hold that, that since Adam Clayton Powell, Jr., was duly elected by the voters of the 18th Congressional District of New York and was not ineligible to serve under any provision of the Constitution, the House was without power to exclude him from its membership.

Petitioners seek additional forms of equitable relief, including mandamus for the release of Petitioner Powell's back pay. The propriety of such remedies, however, is more appropriately considered in the first instance by the courts below. Therefore, as to Respondents McCormack, Albert, Ford, Celler, and Moore, the judgment of the Court of Appeals for the District of Columbia Circuit is affirmed. As to Respondents Jennings, Johnson, and Miller, the judgment of the Court of Appeals for the District of Columbia Circuit is reversed and the case is remanded to that court with instructions to enter a declaratory judgment and for further proceedings consistent with this opinion.

It is so ordered.

SUPREME COURT OF THE UNITED STATES—No. 138.—OCTOBER TERM, 1968

ADAM CLAYTON POWELL, JR., ET AL., PETITIONERS, V. JOHN W. MCCORMACK ET AL.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

[June 16, 1969.]

MR. JUSTICE STEWART, dissenting.

I believe that events which have taken

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place since certiorari was granted in this case on November 18, 1968, have rendered it moot, and that the Court should therefore refrain from deciding the novel, difficult, and delicate constitutional questions which the case presented at its inception.

I

The essential purpose of this lawsuit by Congressman Powell and members of his constituency was to regain the seat from which he was barred by the 90th Congress. That purpose, however, became impossible of attainment on January 3, 1969, when the 90th Congress passed into history and the 91st Congress came into being. On that date, the petitioner's prayer for a judicial decree restraining enforcement of House Resolution No. 278 and commanding the respondents to admit Congressman Powell to membership in the 90th Congress became incontestably moot.

The petitioners assert that actions of the House of Representatives of the 91st Congress have prolonged the controversy raised by Powell's exclusion and preserved the need for a judicial declaration in this case. I believe, to the contrary, that the conduct of the present House of Representatives confirms the mootness of the petitioners' suit against the 90th Congress. Had Powell been excluded from the 91st Congress, he might argue that there was a "continuing controversy" concerning the exclusion attacked in this case.[1] And such an argument might be sound even though the present House of Representatives is a distinct legislative body rather than a continuation of its predecessor,[2] and though any grievance caused by conduct of the 91st Congress is not redressable in this action. But on January 3, 1969, the House of Representatives of the 91st Congress admitted Congressman Powell to membership, and he now sits as the Representative of the 18th Congressional District of New York. With the 90th Congress terminated and Powell now a member of the 91st, it cannot seriously be contended that there remains a judicial controversy between these parties over the power of the House of Representatives to exclude Powell and the power of a court to order him reseated. Understandably, neither the Court nor the petitioners advance the wholly untenable proposition that the continuation of this case can be founded on the infinitely remote possibility that Congressman Powell, or any other Representative, may someday be excluded for the same reasons or in the same manner. And because no foreseeable possibility of such future conduct exists, the respondents have met their heavy burden of showing that "subsequent events made it absolutely clear that the allegedly wrongful behavior could not reasonably be expected to recur." *United States* v. *Concentrated Phosphate Export Assn.*, 393 U.S. 199, 203.[3]

The petitioners further argue that this case cannot be deemed moot because of the principle that "the voluntary abandonment of a practice does not relieve a court of adjudicating its legality . . ." *Gray* v. *Sanders*, 372 U.S. 368, 376.[4] I think it manifest, however, that this principle and the cases enunciating it have no application to the present case. In the first place, this case does not involve "the voluntary abandonment of a practice." Rather it became moot because of an event over which the respondents had no control—the expiration of the 90th Congress. Moreover, unlike the cases relied on by the petitioners, there has here been no on-going course of conduct of indefinite duration against which a permanent injunction is necessary. Thus, it cannot be said of the respondents' actions in this case, as it was of the conduct sought to be enjoined in *Gray*, for example, that "the practice is deeply rooted and long standing," *id.*, or that, without judicial relief, the respondents would be "free to return to [their] old ways." *United States* v. *W. T. Grant Co.*, 345 U.S. 629, 632.[5] Finally, and most important, the "voluntary abandonment" rule does not dispense with the requirement of a continuing controversy, nor could it under the definition of the judicial power in Article III of the Constitution. Voluntary cessation of unlawful conduct does make a case moot "if the defendant can demonstrate that there is no reasonable expectation that the wrong will be repeated." *Id.*, at 633.[6] Since that is the situation here, the case would be moot even if it could be said that it became so by the House's "voluntary abandonment" of its "practice" of excluding Congressman Powell.

The petitioners' proposition that conduct of the 91st Congress has perpetuated the controversay is based the fact that House Resolution No. 2—the same resolution by which the House voted to seat Powell—fined him $25,000 and provided that his seniority was to commence as of the date he became a member of the 91st Congress.[7] That punishment, it is said, "arises out of the prior actions of the House which originally impelled this action." It is indisputable, however, that punishment of a House member involves constitutional issues entirely distinct from those raised by exclusion,[8] and that a punishment in one Congress is in no legal sense a "continuation" of an exclusion from the previous Congress. A judicial determination that the exclusion was improper would have no bearing on the constitutionality of the punishment, nor any conceivable practical impact on Powell's status in the 91st Congress. It is thus clear that the only connection between the exclusion by the 90th Congress and the punishment by the 91st is that they were evidently based on the same asserted derelictions of Congressman Powell. But this action was not brought to exonerate Powell or to expunge the legislative findings of his wrong-doing; its only purpose was to restrain the action taken in consequence of those findings—Powell's exclusion.

Equally without substance is the petitioners' contention that this case is saved from mootness by application of the asserted "principle" that a case challenging allegedly unconstitutional conduct cannot be rendered moot by further unconstitutional conduct of the defendants. Under this hypothesis, it is said that the "Court can not determine that the conduct of the House on January 3, 1969 has mooted this controversy without inferentially, at least, holding that the action of the House of that day was legal and constitutionally permissible." If there is in our jurisprudence any doctrine remotely resembling the petitioners' theory—which they offer without reference to any authority—it has no conceivable relevance to this case. For the events of January 3, 1969, that made this case moot were the termination of the 90th Congress and Powell's seating in the 91st, *not* the punishment which the petitioners allege to have been unconstitutional. That punishment is wholly irrelevant to the question of mootness and is in no wise before the Court in this case.

The passage of time and intervening events have therefore, made it impossible to afford the petitioners the principal relief they sought in this case. If any aspect of the case remains alive, it is only Congressman Powell's individual claim for the salary of which he was deprived by his absence from the 90th Congress.[9] But even if that claim can be said to prevent this controversy from being moot, which I doubt, there is no need to reach the fundamental constitutional issues that the Court today undertakes to decide.

This Court has not in the past found that an incidental claim for back pay preserves the controversy between a legislator and the legislative body which evicted him, once the term of his eviction has expired. *Alejandrino* v. *Quezon*, 271 U.S. 528, was a case nearly identical to that before the Court today. The petitioner was a member of the Senate of the Philippines who had been suspended for one year for assaulting a colleague. He brought an action in the Supreme Court of the Philippines against the elected members of the Senate[10] and its officers and employees (the President, Secretary, Sergeant-at-Arms, and Paymaster), seeking a writ of mandamus and an injunction restoring him to his seat and to all the privileges and emoluments of office. The Supreme Court of the Philippines dismissed the action for want of jurisdiction and Alejandrino brought the case here,[11] arguing that the suspension was not authorized by the Philippine Autonomy Act, a statute which incorporated most of the provisions of Article I of the United States Constitution.[12]

Because the period of the suspension had expired while the case was pending on certiorari, a unanimous Court, in an opinion by Chief Justice Taft, vacated the judgment and remanded the case with directions to dismiss it as moot. To Alejandrino's claim that his right to back pay kept the case alive, the Court gave the following answer, which, because of its particular pertinency to this case. I quote at length:

"It may be suggested, as an objection to our vacating the action of the court below, and directing the dismissal of the petition as having become a moot case, that, while the lapse of time has made unnecessary and futile a writ of mandamus to restore Senator Alejandrino to the Island Senate, there still remains a right on his part to the recovery of his emoluments, which were withheld during his suspension, and that we ought to retain the case for the purpose of determining whether he may not have a mandamus for this purpose. . . . It is sufficient for the Court to deal with this feature of the case, which is really only a mere incident to the main question made in the petition and considered in the able and extended brief of counsel for the petitioner, and the only brief before us. That brief is not in any part of it directed to the subject of emoluments, nor does it refer us to any statute or to the rules of the Senate by which the method of paying Senators' salaries is provided, or in a definite way describe the duties of the officer or officers or committee charged with the ministerial function of paying them.

* * * * *

". . . the remedy of the Senator would seem to be by mandamus to compel such official in the discharge of his ministerial duty to pay him the salary due, and the presence of the Senate as a party would be unnecessary. Should that official rely upon the resolution of the Senate as a reason for refusing to comply with his duty to pay Senators, the validity of such a defense and the validity of the resolution might become a judicial question affecting the personal right of the complaining Senator, properly to be disposed of in such action, but not requiring the presence of the Senate as a party for its adjudication. The right of the petitioner to his salary does not therefore involve the very serious issue raised in this petition as to the power of the Philippine Supreme Court to compel by mandamus one of the two legislative bodies constituting the legislative branch of the Government to rescind a resolution adopted by it in asserted lawful discipline of one of its members, for disorder and breach of privilege. We think, now that the main question as to the validity of the suspension has become moot, the incidental issue as to the remedy which the suspended Senator may have in recovery of his emoluments, if illegally withheld, should properly be tried in a separate proceeding against an executive officer or officers as described. As we are not able to derive from the petition sufficient information upon which properly to

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Footnotes at end of article.

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afford such a remedy, we must treat the whole cause as moot and act accordingly. This action on our part of course is without prejudice to a suit by Senator Alejandrino against the proper executive officer or committee by way of mandamus or otherwise to obtain payment of the salary which may have been unlawfully withheld from him." 271 U.S. at 533, 534–535.[13]

Both of the factors on which the Court relied in *Alejandrino* are present in this case. Indeed, the salary claim is an even more incidental and subordinate aspect of this case than it was of *Alejandrino*.[14] And the availability of effective relief for that claim against any of the present respondents is far from certain. As in *Alejandrino*, the briefs and memoranda submitted by the parties in this case contain virtually no discussion of this question—the only question of remedy remaining in the case. It appears from relevant provisions of law, however, that the Sergeant-at-Arms of the House—an official newly elected by each Congress[15]—is responsible for the retention and disbursement to Congressmen of the funds appropriated for their salaries. These funds are payable from the Treasury[16] upon requisitions presented by the Sergeant-at-Arms, who is entrusted with keeping the books and accounts "for the compensation and mileage of Members."[17] A Congressman who has presented his credentials and taken the oath of office[18] is entitled to be paid monthly on the basis of certificates of the Clerk[19] and Speaker of the House.[20] Powell's prayer for a mandamus and an injunction against the Sergeant-at-Arms is presumably based on this statutory scheme.

Several important questions remain unanswered, however, on this record. Is the Sergeant-at-Arms the only necessary defendant? If so, the case is surely moot as to the other respondents, including the House members, and they should be dismissed as parties on that ground rather than after resolution of difficult constitutional questions under the Speech and Debate Clause. But it is far from clear that Powell has an appropriate or adequate remedy against the remaining respondents. For if the Speaker does not issue the requisite certificates and Congress does not rescind Resolution 278, can the House agents be enjoined to act in direct contravention of the orders of their employers? Moreover, the office of Sergeant-at-Arms of the 90th Congress has now expired, and the present Sergeant-at-Arms serves the 91st Congress. If he were made a party in that capacity, would he have the authority—or could the 91st Congress confer the authority—to disburse money for a salary owed to a Representative in the previous Congress, particularly one who never took the oath of office? Presumably funds have not been appropriated to the 91st Congress or requisitioned by its Sergeant-at-Arms for the payment of salaries to members of prior Congresses. Nor is it ascertainable from this record whether money appropriated for Powell's salary by the 90th Congress, if any, remains at the disposal of the current House and its Sergeant-at-Arms.[21]

There are, then substantial questions as to whether, on his salary claim, Powell could obtain relief against any or all of these respondents. On the other hand, if he was entitled to salary as a member of the 90th Congress, he has a certain and completely satisfactory remedy in an action for a money judgment against the United States in the Court of Claims.[22] While that court could not have ordered Powell reseated or entered a declaratory judgment on the constitutionality of his exclusion,[23] it is not disputed that the Court of Claims could grant him a money judgment for lost salary on the ground that his discharge from the House violated the Constitution. I would remit Congressman Powell to that remedy, and not simply because of the serious doubts about the availability of the one he now pursues. Even if the mandatory relief sought by Powell is appropriate and could be effective, the Court should insist that the salary claim be litigated in a context that would clearly obviate the need to decide some of the constitutional questions with which the Court grapples today, and might avoid them altogether.[24] In an action in the Court of claims for a money judgment against the United States, there would be no question concerning the impact of the Speech and Debate Clause on a suit against members of the House of Representatives and their agents, and questions of jurisdiction and justiciability would, if raised at all, be in vastly different and more conventional form.

In short, dismissal of Powell's action against the legislative branch would not in the slightest prejudice his money claim,[25] and it would avoid the necessity of deciding constitutional issues which, in the petitioners' words, "touch the bedrock of our political system [and] strike at the very heart of representative government." If the fundamental principles restraining courts from unnecessarily or prematurely reaching out to decide grave and perhaps unsettling constitutional questions retain any vitality, see *Ashwander* v. *TVA*, 297 U.S. 288, 346–348 (Brandeis, J., concurring), surely there have been few cases more demanding of their application than this one. And those principles are entitled to special respect in suits, like this suit, for declaratory and injunctive relief, which it is within a court's broad discretion to withhold. "We have cautioned against declaratory judgments on issues of public moment, even falling short of constitutionality, in speculative situations." *Public Affairs Press* v. *Rickover*, 369 U.S. 111, 112. "Especially where governmental action is involved, courts should not intervene unless the need for equitable relief is clear, not remote or speculative." *Eccles* v. *Peoples Bank of Lakewood Village*, 333 U.S. 426, 431.

If this lawsuit is to be prolonged, I would at the very least not reach the merits without ascertaining that a decision can lead to some effective relief. The Court's remand for determination of that question implicitly recognizes that there may be no remaining controversy between the Petitioner Powell and any of these respondents redressable by a court, and that its opinion today may be wholly advisory. But I see no good reason for any court even to pass on the question of the availability of relief against any of these respondents. Because the essential purpose of the action against them is no longer attainable and Powell has a fully adequate and far more appropriate remedy for his incidental back pay claim. I would withhold the discretionary relief prayed for and terminate this lawsuit now. Powell's *claim* for salary may not be dead, but this *case* against all these respondents is truly moot. Accordingly, I would vacate the judgment below and remand the case with directions to dismiss the complaint.

FOOTNOTES

[1] See, *e. g.*, *United States* v. *Concentrated Phosphate Export Assn.*, 393 U.S. 199, 202–204; *Carroll* v. *President and Commissioners of Princess Ann*, 393 U.S. 175, 178–179.

[2] See *Gojack* v. *United States*, 384 U.S. 702, 707, n.4 ("Neither the House of Representatives nor its committees are continuing bodies.)"; *McGrain* v. *Daugherty*, 273 U.S. 135, 181. Forty-one of the present members of the House were not members of the 90th Congress; and two of the named defendants in this action, Messrs. Moore and Curtis, are no longer members of the House of Representatives. Moreover, the officer-employees of the House, such as the Sergeant-at-Arms, are re-elected by each new Congress. See n. 15, *infra*.

[3] See also *United States* v. *W. T. Grant Co.*, 345 U.S. 629, 633; *United States* v. *Aluminum Co. of America*, 148 F. 2d 446, 448. The Court has only recently concluded that there was no "controversy" in *Golden* v. *Zwickler*, —— U.S. ——, because of "the fact that it was most unlikely that the congressman would again be a candidate for Congress." *Id.*, at ——. It can hardly be maintained that the likelihood of the House of Representatives' again excluding Powell is any greater.

[4] See also *United States* v. *W. T. Grant Co.*, 345 U.S. 629, 632–633; *Local 74, United Bhd of Carpenters & Joinders* v. *NLRB*, 341 U.S. 707, 715; *Walling* v. *Helmerich & Payne, Inc.*, 323 U.S. 37, 43; *Hecht Co.* v. *Bowles*, 321 U.S. 321, 327; *United States* v. *Trans-Missouri Freight Assn.*, 166 U.S. 290, 307–310.

[5] With the exception of *Gray*, the "continuing controversy" cases relied on by the petitioners were actions by the Government or its agencies to halt illegal conduct of the defendants, and, by example, of others engaged in similar conduct. See cases cited, *supra*, nn. 1, 3, 4. The principle that voluntary abandonment of an illegal practice will not make an action moot is especially, if not exclusively, applicable to such public law enforcement suits.

"Private parties may settle their controversies at any time, and rights which a plaintiff may have had at the time of the commencement of the action may terminate before judgment is obtained or while the case is on appeal, and in any such case the court, being informed of the facts, will proceed no further in the action. Here, however, there has been no extinguishment of the rights . . . of the public, the enforcement of which the Government has endeavored to procure by a judgment of a court. . . . The defendants cannot foreclose those rights nor prevent the assertion thereof by the Government as a substantial trustee for the public under the act of Congress, by [voluntary cessation of the challenged conduct]." *United States* v. *Trans-Missouri Freight Assn.*, 166 U.S., at 309.

The considerations of public enforcement of a statutory or regulatory scheme which inhere in those cases are not present in this litigation.

[6] Certainly in every decision relied on by the petitioners the Court did not reject the mootness argument solely on the ground that the illegal practice had been voluntarily terminated. In each it proceeded to determine that there was in fact a continuing controversy.

[7] House Resolution No. 2 provided in pertinent part:

"(2) That as punishment Adam Clayton Powell be and hereby is fined the sum of $25,000, said sum to be paid to the Clerk to be disposed of by him according to law. The Sergeant at Arms of the House is directed to deduct $1,150 per month from the salary otherwise due the said Adam Clayton Powell, and pay the same to said Clerk until said $25,000 fine is fully paid.

"(3) That as further punishment the seniority of the said Adam Clayton Powell in the House of Representatives commence as of the date he takes the oath as a Member of the 91st Congress."

The petitioners' argument that the case is kept alive by Powell's loss of seniority, see *ante*, at —, is founded on the mistaken assumption that the loss of seniority is attributable to the exclusion from the 90th Congress and that seniority would automatically be restored if that exclusion were declared unconstitutional. But the fact is that Powell was stripped of seniority by the action of the 91st Congress, action which is not involved in this case and which would not be affected by judicial review of the exclusion from the 90th Congress. Moreover, even if the conduct of the 91st Congress were challenged in this case, the Court would clearly have no power whatsoever to pass upon the propriety of such internal affairs of the House of Representatives.

[8] Article I, § 5, of the Constitution specifically empowers each House to "punish its Members for disorderly Behaviour."

[9] The salary claim is personal to Congress-

man Powell, and the other petitioners therefore clearly have no further interest in this lawsuit.

[10] The Philippines Senate was composed of 24 Senators, 22 of whom were elected, and two of whom were appointed by the Governor General. Alejandrino was one of the two appointees. See 271 U.S., at 531–532.

[11] Under the Philippine Autonomy Act, 39 Stat. 545, this Court had jurisdiction to examine by writ of error the final judgments and decrees of the Supreme Court of the Phillippine Islands in cases under the Constitution or statutes of the United States. A subsequent statute substituted the writ of certiorari. 39 Stat. 726.

[12] "Section 18 [of the Autonomy Act] provides that the Senate and House respectively shall be the sole judges of the elections, returns and qualifications of their elective members, and each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expell any elective members. The Senators and Representatives shall receive an annual compensation for their services to be ascertained by law and paid out of the Treasury of the Philippine Islands. Senators and Representatives shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place." 271 U.S., at 532.

[13] The petitioners rely on the following passage from *Bond* v. *Floyd*, 385 U.S. 116, 128, n. 4, as dispositive of their contention that the salary claim prevents this case from being moot:

"A question was raised in oral argument as to whether this case might not be moot since the session of the House which excluded Bond was no longer in existence. The State has not pressed this argument, and it could not do so, because the State has stipulated that if Bond succeeds on this appeal he will receive back salary for the term from which he was excluded."

I do not believe that this off-hand dictum in *Bond* is determinative of the issue of mootness in this case. In the first place, as the Court in *Bond* noted, it was not there contended by any party that the case was moot. Moreover, contrary to the implication of the statement, the legislative term from which Bond was excluded had not ended at the time of the Court's decision. (The Court's decision was announced on December 5, 1966; Bond's term of office expired on December 31, 1966.) In any event, he had not been seated in a subsequent term, so the continuing controversy had not been rendered clearly moot by any action of the Georgia House, as it has here by the House of Representatives of the 91st Congress. No one suggested in *Bond* that the money claim was the only issue left in the case. Furthermore, the considerations which governed the Court's decision in *Alejandrino* were simply not present in *Bond*. Because of the State's stipulation, there was no doubt, as there is here, see *infra*, at ——, that the Court's decision would lead to effective relief with respect to Bond's salary claim. And finally, there was no suggestion that Bond had an alternative remedy, as Powell has here, see *infra*, at ——, by which he could obtain full relief without requiring the Court to decide novel and delicate constitutional issues.

[14] *Alejandrino* was the only petitioner in the case, and since he was an appointed Senator, it appears that there was no group of voters who remained without representation of their choice in the Senate during his suspension.

[15] 2 U.S.C. § 83.

[16] U.S. Const., Art. I, § 6; 2 U.S.C. § 47.

[17] 2 U.S.C. §§ 80, 78.

[18] 2 U.S.C. § 35.

[19] 2 U.S.C. § 34.

[20] 2 U.S.C. § 48.

[21] The respondents allege without contradiction that the Sergeant-at-Arms does not have sufficient funds to pay Congressman Powell's back salary claims. Separate appropriations for the salaries of Congressmen are made in each fiscal year, see, *e.g.*, 80 Stat. 354, 81 Stat. 127, 82 Stat. 398, and, according to the respondents, "it is the custom of the Sergeant to turn back to the Treasury all unexpended funds at the end of each fiscal year." Thus, the only funds still held by the Sergeant are said to be those appropriated for the present fiscal year commencing July 1, 1968.

[22] "The Court of Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress, ..." 28 U.S.C. § 1491. The district courts have concurrent jurisdiction over such claims only in amounts less than $10,000. 28 U.S.C. § 1346.

[23] *United States* v. *King*, — U.S. —. The petitioners suggest that the inability of the Court of Claims to grant such relief might make any remedy in that court inadequate. But since Powell's only remaining interest in the case is to collect his salary, a money judgment in the Court of Claims would be just as good as, and probably better than, mandatory relief against the agents of the House. The petitioners also suggest that the Court of Claims would be unable to grant relief because of the pendency of Powell's claim in another court, 28 U.S.C. § 1500, but that would, of course, constitute no obstacle if, as I suggest, the Court should order this action dismissed on grounds of mootness.

[24] It is possible, for example, that the United States in such an action would not deny Powell's entitlement to the salary but would seek to offset that sum against the amounts which Powell was found by the House to have appropriated unlawfully from Government coffers to his own use.

[25] Relying on *Bank of Marin* v. *England*, 385 U.S. 99, 101, the petitioners complain that it would impose undue hardship on Powell to force him to "start all over again" now that he has come this far in the present suit. In view of the Court's remand of this case for further proceedings with respect to Powell's remedy, it is at least doubtful that remitting him to an action in the Court of Claims would entail much more cost and delay than will be involved in the present case. And the inconvenience to litigants of further delay or litigation has never been deemed to justify departure from the sound principle, rooted in the Constitution, that important issues of constitutional law should be decided only if necessary and in cases presenting concrete and living controversies.

A BILL TO AMEND THE FOOD STAMP ACT

(Mrs. MAY asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. MAY. Mr. Speaker, I am today introducing a bill to amend the Food Stamp Act. This bill represents the administration's recommendations for a more effective stamp program. The need for such action was first ably and dramatically presented to the Congress by President Nixon in his message of May 6. This bill also incorporates the provisions of H.R. 10967, a bill I recently introduced to amend the Food Stamp Act.

As a member of the House Committee on Agriculture, I have been closely associated with the operation of the food stamp program. I feel that the changes sought by the administration will, for the first time, place the program on a truly effective legislative base—one that will permit the program to be soundly administered; one that will permit it to effectively contribute to the elimination of hunger and severe malnutrition.

These are the elements that have led me to that conclusion:

It recognizes that there must be a joint Federal, State, and local government sharing of responsibility;

It actively seeks the involvement of the private sector;

It concentrates financial aid upon the poorest of the poor—among whom hunger and severe malnutrition are most prevalent;

It retains the principle of self-help but places it on a practical basis;

It insures that those who participate will have a real, rather than an illusionary, opportunity to purchase an adequate diet;

It recognizes that supportive food and nutrition education is a critical element in the total program to improve national dietary standards;

It properly places upon States the responsibility for insuring that the needy—wherever they reside—should have access to a food assistance program; and

Finally, it recognizes that food programs should not be planned and operated in isolation from other social welfare programs. In fact, it looks forward to the time when special food programs no longer may be necessary.

I urge my colleagues to carefully review the provisions of this bill. I am confident that they will find it a carefully developed and practical approach. It promises not more than it can deliver.

The food stamp program is now operating in nearly 1,500 areas throughout the country. It is benefiting more than 3 million people. But even more needy people in those nearly 1,500 areas should be utilizing it. The bill I am sponsoring will eliminate some of the unnecessary barriers to participation. It will permit more of our neediest people to invest, according to their means, in an opportunity for improved family nutrition.

The President has not asked simply for more money for food stamps. He has wisely placed first emphasis on developing a sounder, more effective food stamp program.

In the past 2 years, there has been dramatic new evidence of the social costs of poor diets, especially among the young. With the bill I am today introducing, the Congress has the opportunity to move to eliminate those social costs in a country where its abundance of food is its greatest national resource.

The bill and section-by-section analysis follow:

H.R. 12223

A bill to amend the Food Stamp Act of 1964, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 2 of the Food Stamp Act of 1964, is amended to read as follows:

"It is hereby declared to be the policy of Congress, in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, local governmental

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units, and other agencies to safeguard the health and well-being of the Nation's population and raise levels of nutrition among low-income households. The Congress hereby finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households. The Congress further finds that increased utilization of foods in establishing and maintaining adequate national levels of nutrition will promote the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To alleviate such hunger and malnutrition, a food stamp program is herein authorized which will permit low-income households to purchase a nutritionally adequate diet through normal channels of trade."

SEC. 2. Subsections (a) and (b) of Section 4 of the Food Stamp Act of 1964, as amended, are amended to read as follows:

"(a) The Secretary is authorized to formulate and administer a food stamp program under which, at the request of the State agency, eligible households within the State shall be provided with an opportunity to obtain a nutritionally adequate diet through the issuance to them of a coupon allotment which shall have a greater monetary value than the charge to be paid for such allotment by eligible households. The coupons so received by such households shall be used only to purchase food from retail food stores which have been approved for participation in the food stamp program. Coupons issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

"(b) In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder may be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted because of a disaster; (2) on request of the State agency, for such period of time as the Secretary determines necessary, to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by a food stamp program; or (3) on request of the State agency if the State agrees to finance, from funds available to the State or political subdivisions thereof, all of the costs, subsequent to the delivery of such foods within the State, of handling, storing, and issuing federally donated food to eligible households in the area."

SEC. 3. Section 5 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(a) Except for the temporary participation of households that are victims of a disaster as provided in subsection (b) of this section, participation in the food stamp program shall be limited to those households whose income and other financial resources are determined to be substantial limiting factors in permitting them to purchase a nutritionally adequate diet.

"(b) The Secretary, in consultation with the Secretary of Health, Education and Welfare, shall establish uniform national standards of eligibility for participation by households in the food stamp program and no plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary. The standards established by the Secretary, at a minimum, shall prescribe the amounts of household income and other financial resources to be used as criteria of eligibility: *Provided,* That the Secretary may also establish temporary emergency standards of eligibility, without regard to income and other financial resources, for households that are victims of a disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that commercial channels of food distribution have again become available to meet the temporary food needs of such households."

SEC. 4. Subsections (a) and (b) of Section 7 of the Food Stamp Act of 1964, as amended, are amended to read as follows:

"(a) The face value of the coupon allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet.

"(b) The maximum amount which State agencies shall be authorized to charge any eligible household for the coupon allotment issued to it shall not exceed 30 per centum of the household's income: *Provided,* That coupon allotments may be issued without charge to households with little or no income or other financial resources under standards of eligibility prescribed by the Secretary."

SEC. 5. Subsection (e) of Section 10 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"The State agency of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State, the political subdivisions within the State in which the State desires to conduct the program, and the effective dates of participation by each such political subdivision. In addition, such plan of operation shall provide, among such other provisions as may by regulations be required, the following: (1) the specific standards to be used in determining the eligibility of applicant households; (2) that the State agency shall undertake the certification of applicant households in accordance with the general procedures and personnel standards used by them in the certification of applicants for benefits under the federally aided public assistance programs; (3) safeguards which restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; (4) for the submission of such reports and other information as from time to time may be required; (5) that the State agency shall undertake effective action, including the use of services provided by other federally funded agencies and organizations, to inform low-income households concerning the availability and benefits of the food stamp program and ensure the participation of eligible households; and (6) for the granting of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of a State agency under any provision of its plan of operation as it affects the participation of such household in the food stamp program. Upon the joint approval of the Secretary and the Secretary of Health, Education, and Welfare the State plan may provide for withholding the amount to be paid by a household for its coupon allotment from any payment made by the State agency to such household under a federally aided public assistance program, if such withholding is authorized by such household. In approving the participation of the subdivisions requested by each State in its plan of operation, the Secretary shall provide for an equitable and orderly expansion among the several States in accordance with their relative need and readiness to meet their requested effective dates of participation."

SEC. 6. Subsection (b) of Section 15 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(b) The Secretary is authorized to pay to each State agency an amount equal to 50 per centum of the sum of: (1) the direct salary, travel, and travel-related cost (including such fringe benefits as are normally paid) of personnel, including the immediate supervisors of such personnel, for such time as they are employed in taking the action required under the provisions of subsection 10(e)(5) of this Act and in making certification determinations for households other than those which consist solely of recipients of welfare assistance; (2) the direct salary, travel, and travel-related costs (including such fringe benefits as are normally paid) of personnel for such time as they are employed as hearing officials under section 10(e) of the Act; and (3) an amount equal to 25 per centum of the cost computed under (1) and (2)."

SEC. 7. Section 16(a) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"To carry out the provisions of this Act, there is hereby authorized to be appropriated not in excess of $315,000,000 for the fiscal year ending June 30, 1969, $610,000,000 for the fiscal year ending June 30, 1970, such sums as the Congress may appropriate for the fiscal years ending June 30, 1971, June 30, 1972 and June 30, 1973, and not in excess of such sum as may hereafter be authorized by Congress for any subsequent fiscal year. Sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for the purposes of this Act until expended. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account created under section 7(d) of this Act. This Act shall be carried out only with funds appropriated from the general fund of the Treasury for that specific purpose and in no event shall it be carried out with funds derived from permanent appropriations."

SEC. 8. State plans of operation approved by the Secretary of Agriculture under the Food Stamp Act of 1964, as amended, prior to the date of the enactment of amendments thereto by this Act shall continue in effect until such plans are changed to accord with such amendments: *Provided*, That no such previously approved plan shall remain unchanged for more than 180 days after the enactment of such amendments.

SEC. 9. (a) Notwithstanding any other provision of law, the Secretary of Agriculture, after June 30, 1970, shall not approve, or continue the approval of, the participation of any State in the food stamp program or the program for the distribution of federally donated foods to households unless the State makes provision for the operation of one of such programs in each political subdivision within such State: *Provided*, That the Secretary of Agriculture may extend the period for compliance with this section to June 30, 1971, upon notification by the Governor of any State that State legislative action is required to provide authority or funds to meet the requirements of this section and that the legislature of such State will not convene in regular session between the date of enactment of this Act and June 30, 1970: *Provided further*, That federally donated foods may be made available, under terms and conditions prescribed by the Secretary of Agriculture, to meet temporary emergency food needs of disaster victims of those States not approved in accordance with this section for participation in the food stamp program or the program for the distribution of federally donated foods to households.

(b) In making provision in accordance with subsection (a) of the section for operation of a food stamp program in any political subdivision, the State shall provide for the distribution of federally donated food to households in such political subdivision until the request by the State agency for the food stamp program in such political subdivision has been approved by the Secre-

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tary of Agriculture in accordance with the requirements of section 10(e) of the Food Stamp Act of 1964, as amended, relating to the equitable and orderly expansion of the food stamp program among the several States.

Section-by-Section Analysis

SECTION 1

This section of the bill amends section 2 of the Food Stamp Act of 1964, as amended.

While retaining the original policy of the Act that the Nation's abundance of food should be utilized to raise levels of nutrition among low-income households, the amendment changes the Declaration of Policy to reflect the finding of Congress that the limited food purchasing power of low-income households contributes to hunger and malnutrition. It also changes the current general purpose of the Act from that of "raising levels of nutrition" to that of enabling eligible households "to purchase a nutritionally adequate diet".

SECTION 2

This section of the bill revises subsections (a) and (b) of section 4 of the Act.

Subsection 4(a) of the Act sets forth a general description of the food stamp program authorized by the Act. The proposed amendment, by deleting the words "more nearly" from the first sentence of the subsection, will authorize the Secretary to formulate and administer a food stamp program which will provide eligible households with an opportunity to obtain a nutritionally adequate diet, rather than one which merely approaches this goal. Other provisions of the subsection remain unchanged.

The revisions in subsection 4(b) continue current authorities to temporarily operate a commodity distribution program in a food stamp area where a natural or other disaster disrupts commercial food distribution channels. The subsection contemplates that, in the event of such a disaster, federally donated commodities may be used to assist in mass feeding of households that are victims of the disaster and, when necessary, for distribution to individual households in the immediate aftermath of such a disaster until commercial food distribution facilities are again operating and the households have access to them.

In some disaster situations, commercial food distribution channels may become operative and available in some sections of a food stamp area before they are available in others. Therefore, revisions are also proposed in section 5 of the Act to authorize temporary food assistance through the food stamp program to households that are victims of a disaster, if and when such action is feasible. Thus, flexibility is provided in making the most effective use of Federal resources to provide emergency food assistance to households when disasters disrupt commercial food distribution facilities or prevent disaster victims from temporary access to such facilities.

The bill also amends subsection 4(b) to authorize the simultaneous operation of both the food stamp and commodity distribution programs in the same political subdivision in other than temporary situations caused by natural or other disasters when commercial food distribution facilities are disrupted. At the request of the State agency, such simultaneous operations can be authorized during the period deemed necessary (the initial months) to effect an orderly transition from the Commodity Distribution Program to the Food Stamp Program. During such a transition period, Federal payments would be available to help finance within-State administrative costs to the same extent such Federal payments are now, or may be, authorized under each of the two programs. If the State agency requests simultaneous operation for a period of time beyond that deemed necessary for an orderly transition to a stamp program, or if the State agency wishes to institute the Commodity Distribution Program in an existing food stamp area, the full cost of handling and issuing the commodities in the food stamp area would be at the expense of the State agency or the local government unit.

SECTION 3

This section of the bill revises section 5 of the Act.

The proposed amendment retains the concept that the food stamp program shall be limited to households whose income and resources are substantial limiting factors in the attainment of a nutritionally adequate diet. However, unlike the current Act which provides that maximum income limitations shall be consistent with those used by the State agency in the administration of its federally aided public assistance programs, the amendment directs the Secretary of Agriculture, in consultation with the Secretary of Health, Education and Welfare, to establish, from time to time, new uniform national standards of eligibility. At a minimum, these new uniform standards will include the amounts of income and other financial resources to be used as eligibility criteria for households of various sizes. The Secretary would also be authorized to establish eligibility standards to meet the temporary food needs of households through the food stamp program when such households have been victims of disasters which have disrupted commercial food distribution facilities if such facilities have again become available to meet these temporary needs.

SECTION 4

This section of the bill revises section 7 of the Act.

Subsection 7(a) of the Act would be amended to provide that the value of the total coupon allotment to be issued to eligible households will be equal to the cost of a nutritionally adequate diet, as determined by the Secretary.

Subsection 7(b) of the Act also would be changed to provide a new basis for determining the charges to be made (the purchase requirements) for coupon allotments. Unlike the present Act, which provides that households shall be charged an amount determined to be equivalent to their normal expenditures for food, the proposed amendment directs the Secretary to limit such charges to an amount not in excess of 30 percent of income.

Under the revised language it is intended that an increasing percentage of income will be charged as the income of the household increases but that no household will be charged more than the maximum of 30 percent of its income specified in the amendment. Compared with the current level of coupon charges, the revised system would provide relatively larger reductions in coupon charges for those eligible households with the lowest incomes, among whom the incidence of hunger and serious malnutrition is considered to be most prevalent.

The revised language of subsection 7(b) of the Act also authorizes the issuance of coupon allotments without charge to households with little or no income, under standards of eligibility determined by the Secretary. It is expected that, currently, these income standards of eligibility for free coupons will be set at a level of about $30 in monthly income for a household of four members.

SECTION 5

This section of the bill revises subsection 10(e) of the Act.

While retaining all of the existing minimum provisions to be included in the plan of operation to be submitted by a State agency which desires to participate in the program, the proposed amendment adds two new requirements, as well as language which will permit households to authorize the withholding of coupon purchase requirements from their public assistance payments.

New language added by the amendment would place a positive responsibility upon the State agency to take effective action to inform low-income people about the program and to encourage the participation of eligible households. In undertaking such outreach actions, the State agency would be required to utilize the resources of other federally funded agencies such as those financed under the Economic Opportunity Act, as amended.

State plans of operation also would be required to include provisions under which the State agencies will grant fair hearings to households aggrieved by action of the State agencies.

The revised language also provides that, with the approval of the Secretary of Agriculture and the Secretary of Health, Education and Welfare, a State agency may establish a system under which a food stamp household may elect to have its charge for the coupon allotment withheld from its public assistance check. The State agency could then automatically mail the monthly coupon allotment to certified public assistance households. State agencies may now issue coupons by mail but households must remit coupon charges to the State agency each month before the coupons can be mailed.

SECTION 6

This section revises subsection 15(b) of the Act.

The revised language will continue to provide for Federal payments to assist States in the costs they incur in the certification of non-welfare households. Federal payments now are available to pay a portion of the salary and travel costs of merit system caseworkers (and their immediate supervisors) used to make certification determinations in the local counterpart offices of the State welfare agency. The new language will provide Federal payments to assist States in the salary and travel costs incurred by personnel who undertake the outreach actions required under the new subsection 10(e)(5) and those who act as hearing officials under the new requirement for a State fair hearing procedure. It is deemed to be in the interest of the program to recognize the additional costs to States in insuring that there is a prompt and equitable system under which households can appeal State and local decisions concerning their program eligibility or basis of participation.

SECTION 7

This section of the bill revises subsection 16(a) of the Act.

The proposed amendment provides for appropriation authorities for the program through the fiscal year 1973. It also authorizes any portion of the sums appropriated for any fiscal year which are not expended in that fiscal year to remain available until expended.

SECTION 8

This section of the bill does not amend the Food Stamp Act of 1964, as amended. It provides for a period, not to exceed six months, in which existing State plans of operation may remain in effect while changes required in the plans by the proposed amendments are being made by the State agencies and the Federal Government. It is expected that State agencies will be able to carry out some changes in their plans of operation before others. In such cases these changes can be put into effect as soon as they have been approved in accordance with the provisions of section 10 of the Act.

SECTION 9

This section of the bill does not amend the Food Stamp Act of 1964, as amended.

Section 9 establishes a new requirement that each State shall provide for the operation of a food stamp or commodity distribution program in each of its political sub-

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divisions if USDA food assistance is to be supplied to any of its low-income households. States will have until June 30, 1970, to meet the requirements of this section, or until June 30, 1971, if the Governor of any State notifies the Secretary of Agriculture that State legislative action is necessary to enable the State to meet this requirement and that the State Legislature will not convene in regular session by June 30, 1970. In the meantime, the Department will continue its plan to use all available alternatives to insure that every county will be committed to the operation of a USDA family food program by June 30, 1970.

However, the failure of a State to elect to participate in such USDA food programs will not preclude the continued use of federally donated foods to meet the emergency food needs of victims of natural or similar disasters in such a State.

It is contemplated that, over the period of the next few years, the Food Stamp Program will progressively replace the Commodity Distribution Program for households. Section 10(e) of the Food Stamp Act of 1964 authorizes the Secretary of Agriculture to approve new areas for the Food Stamp Program under a plan which, among other things, provides for the equitable and orderly expansion of the program among the several States. In the event that the sum appropriated for the program in any fiscal year is not sufficient to approve all new areas requesting participation, States will be required to operate a Commodity Distribution Program for households in such areas until their participation in the Food Stamp Program can be approved.

A NEW ANTITRUST POLICY?

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, a great deal of controversy has been generated recently by what appears to be the beginning of a new antitrust policy.

I have been following the various statements being made by the Justice Department and have been equally interested in the reaction of the business community to these pronouncements.

A news dispatch yesterday, however, prompts me to comment on the subject.

I am referring to a story quoting Richard McLaren, the Assistant Attorney General for Antitrust, as saying that he is waging his antimerger war against U.S. business to head off a demand for antimonopoly legislation.

This statement seems to me to lack a basis of fact and, furthermore, expresses a rather odd view of the role of the Justice Department.

I know of no great clamor for antimonopoly legislation.

The Congress has been concerned lately with the social and economic impact of business concentration and possible effects of the current conglomerate trend.

But, as the legislative body of the Government charged with making the laws of the country, we are proceeding in a manner far more judicious and certainly more reasonable than the course apparently being taken by the Attorney General and his staff.

We are, as we should be doing, setting out to get the facts about the situation—facts to determine what, if any, course of action is called for and facts to assure that if legislation is necessary, the legislation will pinpoint a solution to the specific problem.

This approach seems to me far better than a shotgun technique of stopping all mergers.

The distinguished chairman of the House Judiciary Committee has scheduled hearings to examine the facts of economic concentration.

The House Ways and Means Committee is already considering legislation to pinpoint a solution to one aspect of the problem—the issuance of debt paper or "funny money" in acquisitions.

We also are awaiting the results of indepth studies of economic concentration and mergers now being conducted by the Federal Trade Commission.

The formulation of new law is Congress' role, and it is best equipped to do it.

It is the Justice Department's role to carry out and safeguard existing law.

It is not, as Mr. McLaren has stated, to "head off a demand for legislation."

If the Justice Department believes the current situation calls for stricter statutes, then let them come to us with their suggestions.

I am sure all Members of Congress would welcome their views and would give them the consideration they deserve—but only after full and complete hearings.

Along that line, I was interested to note that Mr. McLaren says that everyone of his cases is based on "solid, well-defined principles which the Supreme Court has applied in prior cases involving threats to competition."

This seems to be in contradiction to what he said during his confirmation hearing.

If my memory serves me, when asked by a Member of the Senate whether section 7 of the Clayton Act would reach conglomerates, he replied that he was not certain it did.

Since there has been no major cases decided since he took office, I am at a loss to know where all of these "well-defined principles" came from all of a sudden.

I do not mean to engage in a semantic debate, however, my real concern is that the Justice Department is on its own, breaking new and dangerous antitrust ground without the benefit of facts and the wisdom and scrutiny of Congress.

I was deeply disturbed to read the news reports of a speech made by Attorney General Mitchell in recent weeks in which he enunciated new and far-reaching policy with regard to mergers.

In that pronouncement, tantamount to an administrative fiat, he stated that the Justice Department intends to oppose any merger among the top 200 manufacturing firms or between any of the top 200 and any leading producer in any concentrated industry.

What bothers me about that statement is that it can be interpreted in no other way than a clear-cut attack on bigness.

There is no statute on the books that makes bigness illegal.

The "bigness is bad" philosophy has been rebuffed over and over by the courts.

Bigness is not, nor has it ever been a test for possible antitrust action.

Certainly, if bigness leads to some malpractice in the market, then there is plenty of law to take care of it.

What is even more bewildering to me is that the Attorney General and his staff have embarked upon this road in the face of expert advice to the contrary.

Within the last month, the reports of two separate task forces, one under Democratic sponsorship and one authorized by President Nixon himself have cautioned the Justice Department against such a drastic course of action.

The Nixon Task Force on Productivity attempted to draw some sound ground rules for establishing antitrust policy for the new administration.

That group, made up of educators and businessmen who are experts on the subject, stated clearly that the Justice Department should not take antitrust action against large diversified companies on the basis of "nebulous fears about size and economic power." The report also agreed that any antitrust policy should have benefit of the facts of the problem, as I suggested earlier.

It recommended calling semipublic conferences to study new guidelines for enforcement.

And yet, within weeks after the recommendations of the report became known, the Attorney General set forth his new policy.

And it seems clear that he did so on the basis of "nebulous fears about size and economic power," and in spite of the Nixon report warning that "vigorous action on the basis of our present knowledge is indefensible."

Mr. Mitchell's action also is inconsistent with the recently released Neal report.

This group, named by President Johnson, spent months studying the current scene with relation to a proper Government antitrust posture.

In its conclusions, it clearly stated that antimerger attacks on large companies using the Clayton Act would have to be through "a contrived interpretation."

In view of the findings of these two distinguished bodies, I doubt, not only the wisdom of Mr. Mitchell's action, but I sincerely question its legality.

Mr. Mitchell's recent sweeping edict could very well do irreparable harm to business and the economy.

His threat to oppose all mergers of the Nation's top 200 companies could stifle business development.

It is the duty of Congress to examine the situation and it is well prepared to do so.

But our determinations will be worth nothing if, in the meantime, the Justice Department persists in legislating by edict.

I would propose, therefore, that the Justice Department withhold any further actions until Congress has had an opportunity to perform its factfinding chores as it has set out to do.

Through this logical approach, we can be certain that all of the relevant information is examined and, if legislation is needed, it will be fashioned to fit the need.

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INCREASE OLD-AGE BENEFITS UNDER SOCIAL SECURITY

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, today I am introducing a bill which would increase social security benefits under the old age, survivors, and disability insurance program by an average of 8 percent. In addition, it provides for an automatic adjustment of benefits to increases in the cost of living.

The bill, if enacted, would raise the minimum social security benefits from $55 to $80 and would create an actual percentage increase ranging from 45.4 percent for those recipients at the lowest level to 5.6 percent for those at the highest benefit level. The people who would be assisted most from such a change are those at the lowest end of the scale and have the greatest need for increases in their social security payments.

In addition to the present need for greater benefits the rising cost of living will make further increases necessary in the future. Consequently, to avoid the necessity of additional legislation, this bill provides for benefits to automatically increase as the cost-of-living index rises. This would be on a percentage basis applying equally to all benefit levels.

To finance such legislation, this bill authorizes a contribution from general funds for the amount of the increased benefits. These would be benefits over and above what the recipients previously contributed to social security. The responsibility for taking up the slack in benefits belongs to all of society and should be financed by all segments of our economy—not just those persons paying into the social security fund.

Often, our elderly citizens must suffer because of meager incomes, and every rise in the cost of living increases their plight, for this burden hits hardest at those who live on a fixed income. If enacted, this bill would immediately raise the benefit payments to the elderly and would not allow the cost of living to destroy these gains by reducing their purchasing power. Thus, the present and expected future problems of social security recipients can be substantially relieved.

SCUTTLING TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 10 minutes.

Mr. SAYLOR. Mr. Speaker, yesterday, calling a spade a spade, the New York Times editorially spoke of the dilemma concerning extension of the surtax and its effect on the promised tax reform. I sincerely hope the administration is not planning to abandon tax reform, as intimated in the editorial. Such action would be worse than foolish. The editorial talks about "sweeteners," but I submit that the people to be "sweetened" are those carrying the heaviest load of taxes now—the middle-income taxpayers.

The long-suffering, middle-income taxpayer has been promised tax reform this year from every conceivable source. That same taxpayer is not, in my opinion, in the mood to have his justifiable expectations for a meaningful tax reform trifled with. Tax reform means tax relief to the middle-income taxpayer and extension of the surtax is no "tax relief" by any stretch of the imagination.

The editorial suggests a "safe" course in the temporary extension of the surtax while the Ways and Means Committee "hammers" out a tax reform bill. That seems to me to be putting the cart before the horse. The surtax was imprudently enacted last year as a "temporary" measure—to let it die its natural and legal death on June 30 would seem the "safest" course. Unfortunately, what seems to be in the wind now is an extension of the surtax, followed by a "tax reform," which will leave the middle-income taxpayer in the exact place he started.

The American taxpayer is not going to be fooled by such shenanigans. I predict that unless we let the surtax die its deserved death and enact a meaningful tax reform, we could end up with a taxpayer's revolt that could make the revolt of the college cowards seem pale by comparison.

The editorial follows:

[From the New York Times, June 16, 1969]

SCUTTLING TAX REFORM

Politics is full of paradox. At one moment the Administration warns the country that economic disaster will ensue if the income tax surtax is not extended beyond its June 30 expiration date. But at another, it places that very surtax in jeopardy by abandoning any serious efforts to close the more notorious loopholes in the tax law. The White House is apparently convinced that it can turn its back on tax reform and still push the surtax through Congress. It stands a good chance, however, of becoming the victim of an embarrassing miscalculation.

The precise nature of the agreement reached between the President and the Democratic leadership of the House will not be known until the Ways and Means Committee reports out a bill. But it is almost certain to embrace two "sweeteners." The first is a special low-income allowance that would remove from the income tax rolls about two million families now living at or below the poverty-line. It is a desirable reform, but because of the small liabilities that are involved, does little to lighten the total tax burden on the working poor.

The other "sweetener" is a loophole-opener rather than a reform. It would exempt aircraft, railroad box cars, and equipment outlays by small business from the proposed repeal of the 7 per cent investment tax credit. The revenue loss to the Treasury would amount to about $1 billion without corresponding benefits to society.

Aside from the low income allowance, the measure being readied by Ways and Means is bereft of reforms. The oil depletion allowances, the escapes from taxes on capital gains, the gift loopholes, the tax-free bonds—all of the abuses that shake the public's confidence in Congress would remain.

If abandonment of tax reform had no effect on the prospect of extending the surtax, the White House agreement with the Congressional leaders might be written off as a triumph of expediency over principle. But that is not necessarily the case. It appears doubtful now that the surtax can be carried on the floor of the House without support of liberal Democrats and Republicans. And the House liberals, already offended by the Administration's refusal to cut defense expenditures and reallocate funds to social programs, are cool toward a bill that perpetuates tax inequities. Indeed, tax reform and fiscal responsibility may prove to be inseparable issues.

The safest and most principled course of action is one that the White House rejects: to let Congress temporarily extend the surtax while it hammers out a bill for long overdue tax reforms.

BASEBALL HAS DUAL STANDARDS; ONE FOR STARS, ANOTHER FOR "OTHER GUYS"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PIRNIE) is recognized for 5 minutes.

Mr. PIRNIE. Mr. Speaker, those of us who share a deep interest in the great game of baseball have had a good deal to talk about this year. Unfortunately, far too many of our conversations have been centered on controversies involving organized baseball and its personnel.

I have had a particular interest in the subject because of my involvement in the pursuit of justice for former American League umpires Al Salerno and Bill Valentine. In this effort I have been joined by Senator GOODELL and in recent weeks our fight for the rights of the two umpires has been gaining momentum. Hardly a day goes by without receiving inquiries and expressions of concern regarding the cavalier manner in which Salerno and Valentine were dismissed for attempting to organize their colleagues in the formation of an American League Umpires Association.

With so many major problems facing the Congress and the American people it has been impossible for Senator GOODELL and me to devote to the umpires' case as much time as we would have liked. There are simply too many other priority items. However, we have not given up because we remain convinced of the merits of our cause, and when given the opportunity we do our best to tell the story to others with the hope that in return we will receive their pledge of support. Our batting average is high—we have been able to make personal presentations to several of our colleagues and their response has been most encouraging. Basically, they have said "the cause is just, keep up the fight and count me in." As of today, we have received 17 such pledges of support, and I am pleased to list those who have become identified with our effort:

Senator JACOB K. JAVITS and Representatives JONATHAN B. BINGHAM of New York, JOHN R. DELLENBACK, of Oregon, HAMILTON FISH, JR., of New York, SEYMOUR HALPERN, of New York, JAMES M. HANLEY, of New York, RICHARD D. MCCARTHY, of New York, JOSEPH M. MCDADE, of Pennsylvania, MARTIN B. MCKNEALLY, of New York, DAVID R. OBEY, of Wisconsin, ARNOLD OLSEN, of Montana, ADAM C. POWELL, of New York, HOWARD W. ROBISON, of New York, DAN ROSTENKOWSKI, of Illinois, HENRY P. SMITH III, of New York, MORRIS K. UDALL, of Arizona, and CLEMENT J. ZABLOCKI, of Wisconsin.

Of course, we are continuing the battle and will do all we can to enlist additional support. If any of my colleagues require further information on the case, I hope they will not hesitate to contact me; my files are packed with factual reports to document the contention that Salerno

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and Valentine were unjustly fired and deserve to be reinstated.

Before concluding, I wish to call my colleagues' attention to a revealing article by Francis Stann of the Washington Evening Star. In his Friday, June 13, column, Mr. Stann commented on some of the baseball controversies referred to in my introductory statement. I quite agree with the veteran sports writer's observation that baseball players have made headlines this year as a result of their off-the-field activities, and those in authority—the so-called "establishment"—have bent over backward to accommodate those who play for pay.

I refer to Mr. Stann's column not because of a desire to question the manner in which the various cases mentioned were resolved but only to ask why there is in baseball a dual standard for the treatment of players and the other personnel so necessary to the game. Everyone, from the team general manager to the commissioner gets into the act when ~~a threat~~ of retirement is issued by a player unhappy with the way he is being handled. We have even seen, in the case of Ken Harrelson, a summit meeting in the commissioner's office to work out an arrangement satisfactory to all interested parties, especially the player.

I do not wish to take anything away from Harrelson, as a matter of fact I think the "Hawk" is a most colorful player. However, is it right for baseball to have one standard for a home-run hitter and another for umpires. It is fine to be concerned about the rights of the men who bring the fans to the game. What about the rights of the men who are essential if the game is to be played—the umpires? Athletes are sensitive human beings and their feelings should be considered. The same applies to umpires. Discrimination, which so long was evident in major league baseball, continues. It no longer is the color of a man's skin that is a factor—and thank goodness for this progress—but rather the cut and color of his uniform.

We have been concerned about umpires Salerno and Valentine for a long time, since September, 1968. We remain concerned and will continue to do what we can for these two men because we sincerely believe their cause is just. Hopefully, baseball officials will eventually see the light and take action to rectify the situation to prove to all interested parties that whether an individual is a .300 hitter, a guy who warms the bench, or "just umpires" as Salerno and Valentine have been designated, his rights are protected and he is treated in a fair and equitable fashion. Baseball is the American game and that is the American way:

Athletes Call the Tune for the Establishment

(By Francis Stann)

All that remains now to complete the rout of the Establishment in sports is for Pete Rozelle to welcome Joe Namath back to pro football and allow him to retain his notorious gin mill, too.

This is the day of athletes calling the shots. Consider, if you please, the case of Maury Wills, who quit the Montreal Expos, announcing his retirement, and 24 hours later unretired. He can swear on a stack of Spink record books that it wasn't with the stipulation that he be traded—and to what club—and nobody will believe him.

Instead, children and even adults are bound to imagine a dialogue between Maury and Expo president John McHale that went something like this:

McHale: "I know the Expos aren't going anywhere except down, Maury. But these are expansion years. It's no time to retire. It's got to cost you and it leaves us a body short."

Wills (poker faced): "You may have a point, John. Like I said at my press conference I'm not helping the Expos. The fans are booing me. But . . ."

McHale: "Look, you've been around the block. I can talk to you. Have you given any thought to unretiring if we trade you?"

Wills: "John, you know I'm kinda tired and all. I'm 36 years old. Baseball hasn't been much fun lately. Did you have any particular team in mind if you swing a deal?"

McHale: "Well, if you unretire I might have a talk with the Dodgers. Those fun days you mentioned, they were spent in Los Angeles, weren't they? Four pennants, National League's most valuable player, movie stars and stuff . . ."

Wills: "Now that you mention it, I did like L.A. I guess if you got on the horn and they want me back, I could unretire. I might even help them win a division, although it never crossed my mind until now."

McHale: "I'll bet. Well, I'll check with you in a day or so."

Wills (humming softly as he exits): "My heart belongs to the Dodgers."

And so the Expos, instead of being shy a body, wound up a three-way deal with the Dodgers and Cubs by adding two bodies—Ron Fairly and Adolpho Phillips—plus a pitcher optioned to the minors.

And Wills got his way.

Earlier in the season Ken Harrelson called a tune and made the Establishment dance. When the Hawk was traded from the Red Sox to Cleveland as the key figure in a six-player deal he protested, "Gosh, no, I won't go." And he didn't for about four or five days, causing all sorts of consternation.

For perhaps the first time in history a club president (Cleveland's), a general manager (Boston's) and Baseball Commissioner Bowie Kuhn met to coax Harrelson out of his petulant "retirement." It was on this occasion that Kuhn uttered his immortal words, "It would be a tragedy for baseball if Harrelson retired."

Harrelson vowed that if he were shipped from the Boston area it would cost him as much as $750,000 from various enterprises, but, of course, he also unretired, just as everybody, except the very naive, knew he would. But he forced the Establishment to perform a jig and, for all anybody knows, he may have succeeded in receiving a salary adjustment.

Meanwhile, back on the pro football front, no progress has been reported in the O. J. Simpson-Buffalo Bills stalemate. O. J. hasn't encountered a pro line yet but he wants the kind of money the likes of even Namath didn't command.

It is getting close to training time for the football Hessians and owner Ralph Wilson of the Bills hasn't seen his way to yield or even effect a compromise with Simpson. Wilson is on the horns of dilemma. He has a pretty sad football team—1–12–1 last year—and without Simpson it has no box-office draw.

On the other hand, just one player, regardless of his skills, isn't apt to move up the Bills.

Simpson had a suggestion for Wilson. "Trade me," O. J. has invited.

"I might have to," Wilson has told confidants.

Everybody knows where Simpson would like to play—on the West Coast or in New York, where the off-the-field action and money are. O. J. fancies himself a movie actor. So does Namath. They are going to grow mustaches and beards to their hearts' content and play tough, horse-riding film heroes, rescuing Raquel Welch like Jim Brown does.

That's what they would like for club-owners and commissioner to think. Not being stupid, themselves, they know deep down that without perpetuation of their athletic reputations their names won't be worth a quarter on marquees or neon gin mill signs in two or three years unless they can act.

On second thought, who've you seen on screens lately who really can?

SPECIAL FLAG FOR FIVE EXPLORERS OF SPACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McDONALD) is recognized for 10 minutes.

Mr. McDONALD of Michigan. Mr. Speaker, on July 20 the work of thousands of men and women of many nations will be rewarded when an American astronaut, Neil Armstrong, walks on the surface of the moon.

We will be well on our way to making reality man's age-old dream of conquering the universe.

Such a dream only a few years ago was consigned to the realm of fantasy. If the dream of Columbus was considered ludicrous by an age that believed the world was flat, how much greater was the ridicule heaped on those who dreamed of traveling to other planets.

The creater of Buck Rogers, it now turns out, was only seeing into the future.

On July 20, it will be the moon. In future years, perhaps in terms of decades, it may be Mars, Saturn, and Venus. We have come a long way, and we have come at space-age speed.

We have come to this point because we have had the cooperation of thousands of men and women dedicated to the conquest of space. And this has not been a totally American effort.

Men and women in many other countries have contributed to every one of our space probes whether they have been operators of tracking stations or meteorologists.

Thus, on July 20, their work will be rewarded.

Mr. Speaker, I believe there is a very special way to honor those who have worked so many years in this program.

Two of my constituents, Bruce Thompson and Jim Saile, point out that in the early days of space exploration Russian and American scientists compared their findings. They also note that three American astronauts and two Russian cosmonauts have died in the line of duty.

They suggest that we honor man by placing on the moon alongside our own national flag a specially designed flag bearing the likenesses of these five explorers of space—Yuri Gagarin and Vladimir Komarov, of Russia, and Virgil Grissom, Roger Chaffee, and Edward White of the United States.

Mr. Speaker, the design for this flag is on display in the Speaker's lobby.

I plan to contact the members of the

Senate Aeronautical and Space Sciences Committee urging them to include language in their version of the NASA authorization bill which would permit the implementation of this fine suggestion. I would like to share with you the text of Mr. Thompson's letter:

THOMPSON, HUBERT & SAILE, INC.,
Pontiac, Mich., June 13, 1969.
Hon. JACK MCDONALD,
Washington, D.C.

DEAR JACK: I read in the Pontiac Press of Pontiac, Michigan, an editorial which appeared Wednesday, June 11, 1969, concerning the flag that should be planted by our astronauts on July 20 when man first steps on the moon.

May I make a suggestion?

In the last paragraph the following statement is made, ". . . and let the Star Spangled Banner, God willing, float proudly in the lunar breeze as evidence of man's greatest scientific achievement." Jack, there are six very important words in this statement: God willing—Man's greatest scientific achievement.

It is a known fact that during the early stages of space exploration the Russian and American scientists compared their findings with one another. It is a known fact that the Russian people put the first man in earth orbit. One of their cosmonauts was killed on re-entry from space. Three of our astronauts were killed in preparation and training for space exploration: God willing—Man's greatest scientific achievement.

Let's honor man.

When the astronaut makes the first step on the moon, television cameras will carry this historic feat world wide. With the turmoil, the mistrust, the bickering, the killing etc., not even mentioning our image worldwide, wouldn't it be wonderful if the United States who is Man's representative to the first landing on the moon, recognize man and pay tribute to the men who gave their lives for this purpose.

Jim Saile has designed a flag which we consider worthy of consideration by Congress to be placed on the moon July 20, 1969, along with the Stars and Stripes. I respectfully submit this drawing and design to you in hopes that you will present it to the proper authorities.

As the respected representative of Michigan's 19th District, I can think of no-one I'd rather have present this flag to our Government for consideration of Mans Greatest Scientific Achievement.

Sincerely,
BRUCE L. THOMPSON.

OLD GLORY FIT MOON FLAG

Now that history's first manned moon landing appears imminent, discussion has arisen in Washington as to whether the American astronauts should plant the Stars and Stripes or the United Nation's flag on lunar soil once they have landed.

Some people must be kiddin'!

Can anyone advance a sound reason for not raising the American flag in favor of that of the United Nations after we've spent $25 billion making it possible, and drawn on the resources of an army of Americans made up of scientists, technicians and astronauts?

The U.N. is an organization of 126 nations who've contributed little, at the expense of the U.S., to its own budget that last year amounted to $117 million.

Obviously, Russia is the only nation that had a chance to put a man on the moon before Apollo 11's July mission, and the Reds have all but scratched themselves from this race.

For once, let's think of the United States first, disdain the importunities of starry-eyed do-gooders, and let the Star Spangled Banner, God willing, float proudly in the lunar breeze as evidence of man's greatest scientific achievement.

USE OF MILITARY EQUIPMENT AND PERSONNEL BY PRIVATE INDIVIDUALS AND CORPORATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. WEICKER) is recognized for 5 minutes.

Mr. WEICKER. Mr. Speaker, yesterday I sent a letter to Secretary of Defense Melvin R. Laird which I am simultaneously inserting in the RECORD.

In this letter I ask the Secretary to outline the policy of the present administration in regard to the use of military equipment and personnel by private individuals and corporations.

My question to Secretary Laird was prompted by the use of the aircraft carrier *Yorktown* and five other naval ships as well as naval personnel and equipment by 20th Century Fox in making the motion picture "Tora, Tora, Tora," which portrays the Japanese version of the sneak attack on Pearl Harbor in 1941.

Permission for the use of U.S. Navy ships, personnel, and equipment had been granted by the previous administration.

At this point I am inserting in the RECORD an exchange of correspondence between my office and the office of Secretary of Defense Melvin Laird:

JUNE 16, 1969.
Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I am enclosing a copy of my statement relative to the use of the U.S.S. *Yorktown* made on the floor of the United States House of Representatives on June 9, 1969. Even though it is clear that the acts complained of were formulated by the previous Administration, I would greatly appreciate knowing from you as to what the policy of this Administration will be in regards to the use of military equipment and personnel by private individuals and corporations.

In an advertisement dated Monday, June 16, 1969, which appeared in the Washington Post and the New York Times, and signed by Darryl F. Zanuck, President of Twentieth Century-Fox Film Corporation, the following statement is made:

"Tora! Tora! Tora!" is an American-Japanese historical film officially approved by the American Department of Defense as well as the Japanese Department of Defense.

The implication is approval by the Department of Defense under this Administration. I would greatly appreciate, Mr. Secretary, your indicating to me whether such is the case.

Thank you for your attention to this matter.

With kindest regards,
Sincerely,
LOWELL P. WEICKER, Jr.,
Member of Congress.

THE SECRETARY OF DEFENSE,
Washington, D.C., June 17, 1969.
Hon. LOWELL P. WEICKER, Jr.,
House of Representatives,
Washington, D.C.

DEAR LOWELL: This is in response to your letter concerning the use of the carrier U.S.S. *Yorktown* in the filming of the movie "Tora! Tora! Tora!". As you know, the decision to authorize the use of the carrier and other military equipment for the filming of this commercial movie was made late in 1968, prior to the time that I assumed my duties as Secretary of Defense. The fact is that most of the actual filming had been completed when I took office, particularly the scenes aboard the U.S.S. *Yorktown*.

The Defense Department has a directive covering cooperation for film producers and television documentaries. This directive stipulates that assistance will be provided only on a "no interference" basis and with no cost to the taxpayers. You may be certain, regardless of any actions taken in the past, that as Secretary of Defense in this Administration, I shall insist that the provisions of this directive are followed.

In your letter, you asked whether an advertisement signed by Mr. Darryl F. Zanuck might imply that the Department of Defense officially approves this film. I want to emphasize again that all decisions relating to "Tora! Tora! Tora!" were made before the Nixon Administration assumed office on January 20th. As far as I am concerned, I have no basis on which to approve or disapprove this film.

I do have a basis, however, for insisting that cooperation with film producers in future matters of this kind be restricted to situations in which such cooperation can be accomplished without interfering with normal operations and without cost to the government. I intend to see that these criteria are followed during my administration of the Defense Department.

Sincerely,
MELVIN R. LAIRD.

Mr. Speaker, to me it is perfectly clear that Defense Department policy was stretched by members of the previous administration to cater to the best interests of 20th Century Fox and was in flagrant disregard for the best interests of the Navy and the taxpayers of the United States.

I believe that this matter is proper subject for an investigation by Congress, and I again renew my request that the Subcommittee on Military Operations of the Committee on Government Operation take this matter up immediately. The subcommittee chairman has indicated to me today that he has turned my request over to the subcommittee staff for investigation. I believe that this investigation should be conducted in public by members of the subcommittee.

It is also clear that advertising statements by Darryl F. Zanuck, president of 20th Century Fox, in the New York Times and Washington Post, in which he stated:

> 'Tora, Tora, Tora', is an American Japanese historical film officially approved by the American Department of Defense and the Japanese Department of Defense.

This should not imply that there has been approval of this film by the Department of Defense under the present administration.

Mr. Speaker, I feel that the American public has a right to know the circumstances behind the decision by a previous administration to allow their tax dollars to be used to subsidize this film. However, the American public should know that this administration does not intend to bend policy to politics and that the criteria for using taxpayer's money will be what is in the national interest not Mr. Zanuck's.

THE AMERICAN SOLDIER

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. HALL. Mr. Speaker, the Order of Lafayette is an organization made up of officers who served in France during

World War I and/or World War II. Its purpose is to strengthen the traditional friendship of the United States with France. I think we can all agree, that any effort in that direction, by any group should certainly not go unnoticed.

Recently the Order of Lafayette conferred its Freedom Award, given for outstanding patriotism on Maj. Gen. Thomas A. Lane, U.S. Army, retired. General Lane's acceptance speech dealt succinctly with the role of the American soldier in our society.

I insert General Lane's speech at this point in the RECORD:

THE AMERICAN SOLDIER

(An address to the Order of Lafayette by Maj. Gen. Thomas A. Lane, U.S. Army, retired, May 24, 1969)

Mr. Chairman and fellow citizens, I accept with deep gratitude this honor bestowed by The Order of Lafayette. I salute this great patriotic organization which has stood through the years in stalwart service to our American political principles. I speak proudly for the thousands of supporters of Americans for Constitutional Action whom you honor tonight and who year after year give unswerving dedication to our common cause.

Because the Chairman of our Board of Trustees, Admiral Ben Moreell, so recently and eloquently addressed you about the work of Americans for Constitutional Action, I shall not repeat the story this evening. I shall speak instead about another vital issue affecting the welfare of our country, the political role of the soldier in our society.

From time to time I am approached by Americans who ask, "Is there any chance that the military leaders will take charge of the government and rescue us from the disasters which the politicians have contrived?" I answer, "No chance at all. Our military leaders are our strongest supporters of constitutional government."

I think such questions as this reflect a lack of understanding of our political system. It is a misunderstanding widespread among our people and extending even into our military services.

There are two ways to organize government. One is the ancient hierarchical order wherein power is centered in government and administered for the benefit of the people. In this order, the government is sovereign and the people are its wards.

The other way is the American way in which all men are equal. They create government to serve them. The citizen is sovereign and government is his servant.

The hierarchical order represents ancient custom into which we tend to relapse. It tempts leaders with centralized power. It comforts weak citizens with paternalism. It offers defined rank and authority to resolve all questions.

The citizen sovereign has a much more difficult role. He creates a system of law within which citizens may pursue their own interests. He must accept responsibility for the great decisions. He must define and limit government, keeping it his servant lest it become master.

These differences in the organization of the State are reflected in the organization of its military forces. In the hierarchical order, the military forces are one echelon in a chain of authority stemming from the sovereign. The military services have higher authority to which they look for guidance on all matters affecting their organization and operations. Life is relatively simple.

In the American system, life is more complex. No individual holds absolute authority. The President, the Congress, the Courts, all officials hold authority defined in and circumscribed by law. They are to be obeyed and respected only when they act within the law. Therefore, the chain of command is a chain of limited authority and the soldier bears a responsibility for knowing its limits.

I recall the story of a young engineer lieutenant who was building and maintaining fortifications on Corregidor during the nineteen thirties. A new commanding general issued instructions for the construction of new works. The lieutenant respectfully informed the general that the construction he proposed was prohibited by international treaty. The lieutenant said he could do the work only if he received instructions in writing.

Some years ago, I was a colonel directing a construction program controlled by higher headquarters. The local commander had great interest and past experience in the work. There were some difficulties. When a general officer from higher headquarters discussed the relationship with me, I said I fully understood the interest of the local commander and would cooperate in every way but that I could not allow him to interfere in matters which were my direct responsibility under orders of higher headquarters. In the course of the conversation, I assured my superior that I would obey all lawful orders received from the local commanding general. He asked me, "Who is going to decide whether an order is lawful?" I responded, "I am." He seemed surprised and doubtful. I realized then that many officers are not aware of the limited nature of authority in our services.

In the ordinary course of military service, the issue of authority does not arise because our officers are trained to operate within its proper limits. In my long career of service, I never received an unlawful order from a superior. Customs of the service and traditions of command assure a generally correct relationship.

The proper limits of authority and responsibility assume a critical importance for military personnel only in their dealing at top levels of command with the civilian elements of government. At this level the relationships are crucial, not only for military leaders but for our whole government.

At these levels too, questions of authority never arise as long as all officials function within their defined powers. The issue is raised when an official attempts to exercise authority which he does not possess. It is raised also when officials acting within their defined powers adopt policies damaging to the vital interests of the country. What response can a subordinate officer make in these circumstances?

It is my view that all usurpations of authority are injurious to the safety of the nation and must be resisted. No matter how urgent the crisis nor how solicitous the usurper, when the President without authority seizes the steel mills, industry must take him to court and have his action invalidated. Orderly government can be preserved only when usurpation is not tolerated.

The challenge to authority is especially difficult for military men. They have served in a military structure which is necessarily authoritarian and in which relationships are closely controlled by law and custom. In the civilian hierarchy, they encounter widely varying attitudes in the use of authority. If they are not alert, military leaders may make the false assumption that the civilian authority is analogous to command authority and consequently treat the civilian as they would a military superior.

The relationship is in reality quite different. The military leader must realize that he brings to his office a knowledge and experience which the civilian superior does not possess. The military leader must bring his knowledge and experience to bear so that the civilian leader will be guided to decisions which are best for the country. It is not enough merely to make a recommendation and then to abide by the political decision.

Let me give you an example of these relationships in action as they were practiced by an American who, better than any other in this century, knew the proper relationships of military and political authority.

When President Franklin D. Roosevelt took office in 1933, General Douglas MacArthur was Chief of Staff of the Army. In his economy program, the President had a bill before Congress to put half of the officer corps on leave without pay for six months each year, thereby cutting its effective strength in half. General MacArthur explained to the Secretary of War that this bill would effectively destroy the Army because officers placed on furlough would take other jobs and would give up their commissions.

When Secretary Dern was unable to persuade the President to withdraw the bill, General MacArthur obtained an appointment with the President. He presented his case cogently and fluently, but the President was unmoved. They talked for two hours. Finally General MacArthur said he could not condone such injury to the Army and to the country. If the President persisted in his course, the General would leave the service and carry the fight to the people.

General MacArthur left the White House believing that he had surrendered his office. Instead, President Roosevelt withdrew the bill. There was no doubt that he thereafter had heightened respect for General MacArthur.

In the light of this example, I think I can now define the military-political relationship in our society. I start from the foundation stone that we are all citizens of this great Republic. We are all sovereigns sharing responsibility for guiding our ship of state.

When we enter the military service, we submit to authority defined in the Military Code and limit our political activity in ways essential to order in a military organization. But we do not forfeit our citizenship. We accept military discipline as an obligation of higher service than other citizens are required to perform.

Everything we do in the military service must be subordinate to our obligations of citizenship. We can pursue a military career only as long as that career is consonant with the best interest of the country. If therefore we become convinced as General MacArthur did that the policy announced by duly constituted authority is hostile to the vital interests of the country, our obligations of citizenship compel us to withdraw from active service, resume our full political freedom and carry to the people our objections to the unsound policies of the administration.

This is why there cannot be a rebellion in our armed forces. Rebellion is the course of men who can see no other way to save the country. In our society where every man is sovereign, military leaders who would change our political policies have the right and duty to leave the military service and to stand with their fellow citizens in political action. There can be no other honorable course for them.

In opening these remarks, I addressed you as fellow citizens. I want now to say that this is the highest accolade which can be given to any American. All the honors of public life, to include the presidency, are subordinate to it. When a new immigrant takes his oath of citizenship and says, "I am an American", he has joined the sovereign ranks of those who bear in their minds and hearts the ultimate destiny of this great nation. I rejoice tonight to be in the presence of men and women who hold this honor dear.

CLEVELAND SUPPORTS DR. KNOWLES

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, I rise today to express my support for the immediate consideration of Dr. John H.

Knowles for the position of Assistant Secretary of Health, Education, and Welfare.

In late January, Secretary of Health, Education, and Welfare Robert Finch announced that Dr. Knowles was his choice for the important post as the country's chief medical official. Apparently, all that remained was formal announcement of the appointment. But it has not happened yet, and, meanwhile, this important post remains vacant.

Dr. Knowles is undoubtedly one of the best qualified men for this position. In his years as director of the Massachusetts General Hospital, he has displayed expertise in hospital supervision, modern medical techniques, health planning, and scientific research. I have met Dr. Knowles personally, and I can testify that this man, if finally appointed and confirmed, would serve his country with efficiency, dignity, and intelligence.

I offer the following resolution from the Massachusetts House of Representatives as testimony to the qualifications of Dr. Knowles for the position of Assistant Secretary of Health, Education, and Welfare:

Resolution Memorializing the President of the United States To Nominate Dr. John H. Knowles as Assistant Secretary of Health, Education, and Welfare, and the U.S. Senate To Confirm Said Appointment

Whereas, Dr. John H. Knowles, the distinguished and able General Director of the Massachusetts General Hospital is being mentioned as Assistant Secretary of Health, Education and Welfare; and

Whereas, Dr. Knowles as General Director of the Massachusetts General Hospital, which in 1967 was rated number one in a list of ten of America's best hospitals, is a recognized expert in hospital supervision, medical affairs, health planning and scientific research, all fields which come under the supervision of the Assistant Secretary of Health, Education and Welfare; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully urges the President of the United States to nominate Dr. John H. Knowles as Assistant Secretary of Health, Education and Welfare; and be it further

Resolved, That the Massachusetts House of Representatives respectfully urges the Senate of the United States to confirm said appointment; and be it further

Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of the United States Senate and to the members thereof from this Commonwealth and the other New England states.

House of Representatives, adopted, April 28, 1969.

Wallace C. Mills,
Clerk.

Attest:

John F. X. Davoren,
Secretary of the Commonwealth.

HIGHWAY SAFETY: COMMENTARY NO. 4

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, highway death statistics are one of the ugliest spillover effects of economic growth. The Subcommittee on Roads of the House Public Works Committee recently concluded hearings on the effectiveness of the National Highway Safety Act of 1966. I noticed during the proceedings, that everybody was eager to participate in the safety dialog. But, mere talk does not decrease the number of men, women, and children that are killed each year on our Nation's roads.

As the National Safety Council has so realistically remarked:

> The real test is how much safety will actually emerge from all this talk. The answer, for the immediate future, is what it has been for 50 years—only so much as the individual citizen is determined it shall be. The cold-blooded fact is that it may be too late to do anything about the 50,000 people who are going to die this year, and probably those who may die next year, and perhaps even the year after. But, if we insist upon a mandatory program, we may be able to keep more of our parents and our husbands, and wives, and our children, and our friends, and ourselves, alive in the years after that.

This remark was made in 1966. During that year traffic accidents slaughtered 53,041 people. Two years later, in 1968, the death figure had risen to 55,200. This increase of 2,159 may seem like an improvement, if we consider that each year over 2 million new drivers and over 2 million new automobiles are being fed into the traffic stream. But, any way you look at it, 55,000 fatalities represents a tremendous waste of human life and resources. It is not enough to accept the fact that the ratio of deaths to the increase in new drivers and cars, represents a diminution of overall traffic fatalities.

Since January 1961, when the Nation started to keep toll of the grim casualties from Vietnam—now 36,000—over 400,000 persons have been killed in automobile accidents. This is not to mention the untold tragedies of the permanently impaired, both physically and mentally, with loss of limbs and sight, and other disablements, and the awful costs.

It is time to eliminate this senseless slaughter; and the best way is to renew our commitment to highway safety.

MASS TRANSIT BEFORE AIRPORTS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to direct your attention for a moment to the plan the President submitted yesterday for airport and airways improvement. While I support the President's efforts to improve air travel, I am surprised that an airport plan should be announced before any statement has been made by him on mass transit. When I met with Secretary Volpe during the last week in May, I was assured that mass transit had been given top priority by his Department.

I agree that airports must be improved. I use the airlines every week and I will support the President's proposal. But, every day tens of millions of people use inadequate mass transit. The President should hasten to indicate that he agrees with Secretary Volpe and that his priorities place mass transit before air travel. I urge that he submit a mass transit proposal just as soon as possible so that the Congress can move on in working on this matter of top priority.

I have submitted a bill, one which now has 74 cosponsors, to provide $10 billion for mass transit capital improvements over the next 4 years. And, I have been in communication with municipalities all over the country about their mass transit needs and the financial assistance they must have if they are to carry out their construction plans. The response I have received indicates that the need for improved mass transit is urgent all over the country; it is imperative that the President recognize this and act to untangle the traffic jams mushrooming on the ground just as he hopes to find a solution for those stacking in the sky.

THE PRIME RATE INCREASE: A FINANCIAL DISASTER

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, last week this country once more became the victim of what can only be regarded as a financial conspiracy against the people. For the fifth time since November 13, 1968, the bankers have raised their prime rate of interest, jacking it up a full percentage point to the usurious rate of 8.5 percent. This represents a 2-percent increase since December 1968. The bankers claim this measure was necessary to stem the tide of inflation and reduce the heavy demand for credit.

It is high time for Congress to take a long, hard look at the financial machinations of our banking industry. Was this boost in the prime rate necessary or was it simply a thinly veiled effort on the part of these latter-day robber barons to raise profit margins and squeeze more money out of our overtaxed populace?

Clearly, the banking community cannot complain about business under the old prime rate. Bank earnings are reported to be gaining 10 percent this year over 1968. Also, with the Federal Reserve discount rate at 6 percent, banks stand to make sizable profits from the difference between this Federal Reserve discount rate and their prime lending rate at 8.5 percent. The 2.5-percent differential is the widest since the Federal Reserve System was established; one can only hope that the Federal Reserve Board will act quickly to close this gap and insure that our financial overlords do not get any more ill-gotten gains than they are already getting.

Judging from past history, we must expect this prime rate rise to trigger increases in interest levels on all types of loans. These high interest rates are a major economic problem. They not only add to inflation but they also increase the possibility of an absolute drying up of funds for consumers and homeowners pushing this country into the brink of a serious recession.

One segment particularly burdened by these high rates is the middle- and lower-middle-income group which now finds it nearly impossible to purchase a new home. The wealthy have a wide freedom of choice in buying a home; the very poor have no realistic hope of homeownership and in some cases can look to the Federal Government or to a local housing association for help. The middle-income group is the one left in the financial limbo; unless they earn at least $15,000, they can simply forget about considering buying a new home next year under these tight money conditions.

The prime rate increase will undoubtedly hasten the flight of lendable funds out of our thrift institutions and, as some mortgage experts believe, will precipitate a drying up of mortgage money. This money is already flowing out of banks and thrift institutions into the higher interest short-term securities and bonds further tightening the screws on mortgage funds. One large savings bank said that as a result of the prime rate increase it will be charging more "points" on home mortgages guaranteed by the Federal Housing Administration.

This point system and the high initial down payment are bad enough for our struggling potential homeowners; what is really a national disgrace is the fact that this mortgage squeeze does not really reflect a truly severe money shortage. Most banks say they have an adequate supply of funds to lend. The problem is that demand for all types of loans is strong and that even with the home mortgage interest rates at high levels, banks can earn a higher return on their money elsewhere. I just cannot see how this prime rate increase can be anything else than a severe blow to an already crippled housing industry.

Perhaps this prime rate increase could be somewhat justified if there was any truth in the bankers' statements that it was anti-inflationary in design. However, this increase will stoke rather than extinguish the inflationary fires and may lead us into a recession. Prime rate increases in the past have not had any measurable effects on business spending and have actually led to further price increases. Large companies can use this increase as justification for higher prices and thus offset their higher borrowing costs. In the long run, then, it is the consumer who suffers in these prime interest rate increases and the bankers and big businessmen who reap the rewards.

Under no circumstances can this prime rate increase be justified. It is neither anti-inflationary nor in the best interests of general economic stability. Congress cannot stand idly by watching certain segments of our society bear the full brunt of anti-inflationary measures while our bankers and big businessmen are allowed not only to escape but to actually thwart these measures. We must develop new measures aimed at fighting inflation that will spread the burden equitably on all our income groups. This, I feel, is more in keeping with the principles of our democracy and best exemplifies the true spirit of free enterprise.

INJUSTICE FACING SURVIVORS OF RAILROAD WORKERS

(Mr. SKUBITZ was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, today I am introducing a bill which would remove the provision of the Railroad Retirement Act and the provision of the Social Security Act which presently prevent a widow, widower, child, or parent from receiving survivors benefits under both acts at the same time.

This bill would direct the Secretary of Health, Education, and Welfare and the Railroad Retirement Board to formulate a set of regulations for allocating the benefits from the two programs in such a way as to result in the highest total of benefits. It would allow the survivors to receive benefits based on either some combination of the two programs or on using one of them separately so that the final result is the maximum amount of benefits.

Under present prohibitions, survivors are not allowed to receive benefits from both programs, and subsequently, they receive no payments at all or very low ones. This situation has meant that upon the death of the person employed by the railroad, the amount of benefits given to the family is substantially reduced. This is unfair to the survivors and may leave them in a precarious financial situation.

This bill, then, not only eliminates the provisions that have caused this situation but also clearly directs the Secretary of Health, Education, and Welfare and the Railroad Retirement Board to act to provide the optimum benefits to the survivors. The injustice facing survivors of railroad workers can thus be corrected and their payments raised to the level to which the survivors are actually entitled.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Thompson of Georgia (at the request of Mr. Blackburn), on account of official business.

Mr. Wolff (at the request of Mr. Friedel), for today, June 17, and June 18, on account of illness.

Mr. Brademas (at the request of Mr. Tiernan), for June 17 to 19, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Saylor, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Hanley, for 15 minutes, tomorrow, June 18.

(The following Members (at the request of Mr. Mizell), to revise and extend their remarks and to include extraneous matter to:)

Mr. Pirnie, for 5 minutes, today.

Mr. McDonald, for 10 minutes, today.

Mr. Lloyd, for 15 minutes, on June 18.

Mr. Weicker, for 5 minutes, today.

(The following Member (at the request of Mr. Obey), to revise and extend his remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gross and to include a newspaper article.

Mr. Saylor and to include extraneous matter.

Mr. Hull to include extraneous matter in his remarks during general debate today.

Mr. Bow following the passage of the joint resolution.

Mr. Mahon following the passage of the joint resolution.

Mr. Murphy of New York following the remarks of Mr. Staggers during general debate in the Committee of the Whole today.

Mr. Rooney of Pennsylvania following the remarks of Mr. Adams in the Committee of the Whole today.

Mr. Staggers, his remarks during general debate in the Committee of the Whole today, and to include extraneous material.

(The following Members (at the request of Mr. Mizell) and to include extraneous matter:)

Mr. Utt.

Mr. Cederberg.

Mr. Steiger of Wisconsin in two instances.

Mr. Broyhill of Virginia in four instances.

Mr. Conte.

Mr. Scott.

Mr. Reid of New York in two instances.

Mr. Frelinghuysen in two instances.

Mr. Weicker.

Mr. Shriver.

Mr. Taft in two instances.

Mr. Miller of Ohio.

Mr. Keith in four instances.

Mr. Cleveland in two instances.

Mr. Ayres.

Mr. Broomfield.

Mr. Bob Wilson.

Mr. Michel in two instances.

Mr. Wyman in two instances.

(The following Members (at the request of Mr. Obey) and to include extraneous matter:)

Mr. Hanna.

Mr. Mann in two instances.

Mr. Long of Maryland.

Mr. Edwards of California in two instances.

Mr. Corman.

Mr. Rodino in three instances.

Mr. Gallagher.

Mr. Bolling in two instances.

Mr. Natcher in two instances.

Mr. Boland.

Mr. Hungate in two instances.

Mr. Rarick in four instances.

Mrs. Sullivan.

Mr. Clay.

Mr..Young in two instances.

Mr. Flowers in five instances.

Mr. Ryan in two instances.

Mr. Gonzalez in two instances.

Mr. Tiernan in three instances.

Mr. St Germain.

Mr. Dingell.

Mr. Reuss in six instances.

Mr. Donohue in three instances.

Mr. Fountain in three instances.

Mr. Price of Illinois in two instances.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from

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the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 12. Concurrent resolution to express the sense of Congress on participation in the Ninth International Congress on High Speed Photography, to be held in Denver, Colo., in August 1970; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2667. An act to revise the pay structure of the police force of the National Zoological Park, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on June 16, 1969, present to the President, for his approval, a bill of the House of the following title:

H.R. 4622. An act to amend section 110 of title 38, United States Code, to insure preservation of all disability compensation evaluations in effect for 20 or more years.

ADJOURNMENT

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p.m.) the House adjourned until tomorrow, Wednesday, June 18, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

860. A letter from the Comptroller General of the United States, transmitting a report on improvements in the management of Government parking facilities by the General Services Administration; to the Committee on Government Operations.

861. A letter from the Chairman, Federal Trade Commission, transmitting the 54th annual report of the Commission, covering fiscal year 1968; to the Committee on Interstate and Foreign Commerce.

862. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

863. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 11702. A bill to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes; with an amendment (Rept. No. 91–313). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK. House Resolution 440. Committee on Rules. A resolution providing for the consideration of S742. An act to amend the act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, and for other purposes; with amendment (Rept. No. 91–314). Referred to the House Calendar.

Mr. HOLIFIELD: Joint Committee on Atomic Energy. H.R. 12167. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 91–315). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 12180. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BLATNIK:

H.R. 12181. A bill to amend the Internal Revenue Code of 1954 to increase the standard deduction and the minimum standard deduction allowable to individuals; to the Committee on Ways and Means.

H.R. 12182. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 12183. A bill to limit the jurisdiction of Federal courts in cases brought by a Representative or Senator against the House of Representatives or the Senate of the United States and any of its officials; to the Committee on the Judiciary.

By Mr. BUSH:

H.R. 12184. A bill to establish the Interagency Committee on Mexican-American Affairs, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CORMAN:

H.R. 12185. A bill to amend the Internal Revenue Code of 1954 to disallow any deduction for depreciation for a taxable year in which a residential property does not comply with requirements of local laws relating to health and safety, and for other purposes; to the Committee on Ways and Means.

H.R. 12186. A bill to amend the act of October 19, 1949, entitled "An Act to assist States in collecting sales and use taxes on cigarettes," so as to control all types of illegal transportation of cigarettes; to the Committee on Ways and Means.

By Mr. DADDARIO:

H.R. 12187. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any persons to qualify for employment consistent with his highest potential and capability and for other purposes; to the Committee on Education and Labor.

By Mr. EVINS of Tennessee (for himself, Mr. CORMAN, Mr. KLUCZYNSKI, Mr. ADDABBO, Mr. CONTE, Mr. BROYHILL of North Carolina, and Mr. BURTON of Utah):

H.R. 12188. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. FLYNT:

H.R.12189. A bill to limit the jurisdiction of Federal courts in cases brought by a Representative or Senator against the House of Representatives or the Senate of the United States and any of its officials; to the Committee on the Judiciary.

By Mr. HALEY:

H.R. 12190. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. HANNA:

H.R. 12191. A bill to provide that certain members of the Retired Reserve shall be entitled to retired pay; to the Committee on Armed Services.

H.R. 12192. A bill to grant a Federal charter to the Meals for Millions Foundation; to the Committee on the Judiciary.

By Mr. HARVEY:

H.R. 12193. A bill to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS:

H.R. 12194. A bill to provide appropriations for sharing of Federal revenues with States and their local governments; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 12195. A bill to provide that disabled individuals entitled to monthly cash benefits under section 223 to the Social Security Act (and individuals retired for disability under the Railroad Retirement Act of 1937) shall be eligible for health insurance benefits under title XVIII of the Social Security Act without regard to their age; to the Committee on Ways and Means.

H.R. 12196. A bill to amend part B of title XVIII of the Social Security Act to include prescribed drugs among the items and services covered under the supplementary medical insurance program for the aged; to the Committee on Ways and Means.

By Mr. MIKVA:

H.R. 12197. A bill to amend the Immigration and Nationality Act to permit adjustment of status of nonimmigrants to that of persons admitted for permanent residence without regard to country of origin, and for other purposes; to the Committee on the Judiciary.

By Mr. O'NEAL of Georgia:

H.R. 12198. A bill to limit the jurisdiction of Federal courts in cases brought by a Representative or Senator against the House of Representatives or the Senate of the United States and any of its officials; to the Committee on the Judiciary.

By. Mr. O'NEILL of Massachusetts (for himself and Mr. CLEVELAND):

H.R. 12199. A bill to authorize the Secretary of the Interior to establish the Bunker Hill National Historic Site in the city of Boston, Mass., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER:

H.R. 12200. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

H.R. 12201. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12202. A bill to amend chapter 83, title 5, United States Code, to eliminate the re-

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duction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

H.R. 12203. A bill to amend chapter 89 of title 5, United States Code, relating to enrollment charges for Federal employees' health benefits; to the Committee on Post Office and Civil Service.

H.R. 12204. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. PODELL (for himself and Mr. Patman):

H.R. 12205. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. PODELL (for himself and Mr. Perkins):

H.R. 12206. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. PRICE of Illinois:

H.R. 12207. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 12208. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 12209. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SKUBITZ:

H.R. 12210. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Mr. TIERNAN:

H.R. 12211. A bill to amend the Public Health Service Act to provide for the establishment of a National Lung Institute; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 12212. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHITEHURST:

H.R. 12213. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12214. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BLATNIK:

H.R. 12215. A bill to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 12216. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the continued payment of supplemental annuities in accordance with present law; to the Committee on Interstate and Foreign Commerce.

By Mr. MacGREGOR:

H.R. 12217. A bill to exempt a member of the Armed Forces from service in a combat zone when such member is the only son of a family, and for other purposes; to the Committee on Armed Services.

H.R. 12218. A bill to authorize the Secretary of Commerce to conduct research and development programs to increase knowledge of tornadoes, squall lines, and other severe local storms, to develop methods for detecting storms for prediction and advance warning, and to provide for the establishment of a National Severe Storms Service; to the Committee on Interstate and Foreign Commerce.

H.R. 12219. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

By Mr. MATSUNAGA (for himself, Mr. Holifield, Mr. Anderson of California, Mr. Annunzio, Mr. Bolling, Mr. Byrne of Pennsylvania, Mr. Clay, Mr. Evans of Colorado, Mr. Farbstein, Mr. William D. Ford, Mr. Gallagher, Mr. Gonzalez, Mr. Hanna, Mr. Hansen of Idaho, Mr. Hicks, Mr. Horton, Mr. Leggett, Mr. Long of Maryland, Mrs. Mink, Mr. Moss, Mr. Nedzi, Mr. Podell, Mr. Rees, Mr. Rosenthal, and Mr. Roybal):

H.R. 12220. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Internal Security.

By Mr. HOLIFIELD (for himself, Mr. Matsunga, Mr. Johnson of California, Mr. O'Hara, Mr. O'Neill of Massachusetts, Mr. Scheuer, Mr. Sisk, Mr. Teague of California, Mr. Tunney, Mr. Udall, Mr. Ullman, Mr. Waldie, and Mr. Charles H. Wilson):

H.R. 12221. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Internal Security.

By Mrs. MAY (for herself, Mr. Gerald R. Ford, Mr. McKneally, Mr. Zwach, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Ayres, Mr. Broomfield, Mr. Brown of Michigan, Mr. Button, Mr. Camp, Mr. Don H. Clausen, Mr. Conte, Mr. Esch, Mr. Fish, Mr. Gude, Mr. Halpern, Mr. Hosmer, Mr. Kuykendall, Mr. McCloskey, Mr. McDade, Mr. MacGregor, Mr. Michel, Mr. Rhodes, and Mr. Saylor):

H.R. 12222. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mrs. MAY (for herself, Mr. Schwengel, Mr. Steiger of Wisconsin, Mr. Shriver, Mr. Taft, Mr. Talcott, Mr. Ruppe, Mr. Finley, Mr. Whitehurst, and Mr. Robison):

H.R. 12223. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. POAGE:

H.R. 12224. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 12225. A bill to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RIVERS:

H.R. 12226. A bill to amend article 85 of the Uniform Code of Military Justice (10 U.S.C. 885), relating to the offense of desertion from the Armed Forces of the United States; to the Committee on Armed Services.

By Mr. SHIPLEY:

H.R. 12227. A bill to amend section 2412 (a) of title 28, United States Code, to make the United States liable for court costs and attorney's fees to persons who prevail over the United States in actions arising out of administrative actions of agencies of the executive branch; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 12228. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SKUBITZ:

H.R. 12229. A bill to amend the Railroad Retirement Act of 1937 and title II of the Social Security Act to eliminate those provisions which restrict the right of an individual to receive survivor benefits simultaneously under both acts; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT:

H.R. 12230. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MAHON:

H.J. Res. 782. Joint resolution making further continuing appropriations for the fiscal year 1969, and for other purposes; to the Committee on Appropriations.

By Mr. CORBETT:

H. Con. Res. 289. Concurrent resolution relating to an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H. Con. Res. 290. Concurrent resolution relating to an Atlantic Union delegation; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 12231. A bill for the relief of Winston G. Smith; to the Committee on the Judiciary.

By Mr. KEE:

H.R. 12232. A bill for the relief of Pietro Bertolino, his wife, Giovanna Accardi Bertolino, and their two children, Angela and Antonnino; to the Committee on the Judiciary.

By Mr. McCLOSKEY:

H.R. 12233. A bill for the relief of Elena V. Revilla; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 12234. A bill for the relief of Harvard Specialty Manufacturing Corp.; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 12235. A bill to provide for the free entry of certain cotton bags for Hamilton Specialties, Inc., of Brooklyn, N.Y.; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 12236. A bill for the relief of Lt. Col. Harold E. Gladstone and Elsie Gladstone; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

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224. By Mr. ULLMAN and Mrs. GREEN of Orgeon: Memorial of the 55th Legislative Assembly of the State of Oregon memorializing Congress to enact legislation that will: Clearly state that the Federal Government shall not have acquired or reserved any water right as a result of the reservation or withdrawal of any public lands; require compliance with State water laws by all Federal agencies, and adequately safeguard all water rights established under State laws against the action of Federal agencies; to the Committee on Interior and Insular Affairs.

225. By Mr. ULLMAN and Mrs. GREEN of Oregon: Memorial of the 55th Legislative Assembly of the State of Oregon memorializing Congress to amend the Constitution of the United States to abolish the electoral college, to create a system for a direct election of the President, and require that the successful candidate must receive no less than 40 percent of all the votes cast for President or there should be a runoff election; to the Committee on the Judiciary.

226. By the SPEAKER: A memorial of the Legislature of the State of Alabama, relative to recomputation of the pay of retired members of the Armed Forces on the same basis as the pay of military personnel on active duty; to the Committee on Armed Services.

EXTENSIONS OF REMARKS

SCHOLARSHIP TRIP

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. MANN. Mr. Speaker, we are all well aware of the many worthwhile programs activated by the civic and service organizations throughout our Nation. I would like to bring to the attention of my colleagues yet another worthwhile program, specifically for young people, made possible through the sponsorship of various service clubs in my district. This project is the Fourth District scholarship trip designed to give outstanding students from my district an opportunity to see what goes on in Washington through a 4-day tour of the Nation's Capital.

On Sunday, June 15, nine high school juniors from Greenville, Spartanburg, and Laurens Counties arrived in Washington to initiate the first Fourth District scholarship trip. These students were selected on the basis of outstanding leadership, scholarship, and participation in school activities. During the trip, they will be observing the legislative, judicial, and executive branches of our Government in action. They will meet with Representatives and Senators of both political parties, view sessions of the House and Senate, attend a Department of State foreign policy briefing, visit the Supreme Court, plus many more worthwhile educational activities.

This trip is being financed entirely by service clubs in the Fourth District and is certainly a credit to their recognition of the value of training young leadership and inspiring an interest among young people in the governmental process.

This trip's scholarship winners and their sponsors are: Lynn Louanne Cross, of Carolina High School, daughter of Rev. and Mrs. Louis Cross, sponsored by American Legion Post No. 3; Susan Hayes, a student at Greer High School, daughter of Mr. and Mrs. Gene Wylie Hayes, sponsored by the Greer Chamber of Commerce; Lucinda Bowens, of Washington High School, daughter of Mr. and Mrs. L. V. Bowens, sponsored by the North Greenville Rotary; Bill Stewart, a student at Spartanburg High School, son of Mr. and Mrs. William Grady Stewart, sponsored by the Hillcrest Optimists; Emory Joseph Derrick of Woodruff High School, son of Mr. and Mrs. Curtis W. Derrick, Jr., sponsored by the Woodruff Chamber of Commerce; Robert Farnsworth, of Greenville High School, son of Mr. and Mrs. James O. Farnsworth, sponsored by the Greenville Exchange Club; Gary Pittman, of Parker High School, son of Mr. and Mrs. W. K. Pittman, sponsored by the Greenville Lions; Edward Adkins, a student at Slater-Marietta High School, son of Mr. and Mrs. Thomas T. Adkins, sponsored jointly by the Slater-Marietta Parent Teachers Association and the Slater-Marietta Lions Club; and Bob Lentz, of Wade Hampton High School, son of Mr. and Mrs. Robert L. Lentz, Sr., sponsored by the Greenville Kiwanis Club.

I wish to commend these young men and women on their achievements and their interest. On their behalf, and on behalf of the people of my district, I thank the many service organizations, schools, and individual citizens whose generosity has made this experience possible.

THE PLIGHT OF PERSONS WHO LIVE ON FIXED INCOMES

HON. WINSTON L. PROUTY

OF VERMONT

IN THE SENATE OF THE UNITED STATES

Tuesday, June 17, 1969

Mr. PROUTY. Mr. President, recently Representative **Louis C. Wyman**, from New Hampshire's First Congressional District, delivered a speech before the New England area conference of the American Association of Retired Persons and the National Retired Teachers Association in Manchester, N.H.

In his speech, he expressed the concern which many of us in Congress have for the plight of those persons living on fixed incomes. The cost-of-living index is rising at an alarming and unprecedented rate and is imposing particular economic hardship on our older citizens.

At a time when many of us are proposing legislative measures to alleviate the economic problems of older Americans, I believe that Members of Congress will find Mr. Wyman's remarks pertinent.

I ask unanimous consent that the address be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech by Congressman Louis Wyman

There is no subject of greater significance or more importance to those who are on fixed incomes than the cost of living. Despite the restraints being imposed upon our economy, living costs in March 1969 took their biggest monthly jump since the Korean war year of 1951.

The March increase was eight-tenths of 1 percent above the February level. The rise in the first quarter of 1969 was 1.5 percent.

If that trend continues, living costs would go up 6 percent—compared with 4.7 percent for the preceding 12 months.

The March figures showed big rises in practically every item by which Americans' living costs are measured—among them: food, clothing, housing, transportation, medical care, and recreation.

Medical care is up 6.7 percent over a year ago. Home ownership is up 9.6 percent, apparel is up 6.2 percent, and food is up 3.8 percent. One effect of the March rise is that it slashed about 90 cents from the value of average weekly paychecks of $111.75 which is a record high for some 45 million workers. This virtually wiped out big pay gains for the month.

A Commerce Department report also illustrated inroads of inflation. In 1968, it said, personal income per capita—the total income of all Americans divided by the population—showed an 8 percent increase above 1967. But increased taxes and higher prices left only a 3 percent gain.

Inflation is no mystery, an increased quantity of money comes into existence in a specific way. It comes into existence, for example, because Government makes much larger expenditures than it can or wishes to meet out of the proceeds of taxes, or from the sale of bonds paid for by the people out of real savings. Suppose, for example, that the Government prints money to pay war contractors. Then the first effect of these expenditures will be to raise the prices of supplies used in war and to put additional money into the hands of the war contractors and their employees.

The war contractors and their employees, then, will have higher money incomes. They will spend them for the particular goods and services they want. The sellers of these goods and services will be able to raise their prices because of this increased demand. Those who have the increased money income will be willing to pay these higher prices rather than do without the goods—for they will have more money, and a dollar will have a smaller subjective value in the eyes of each of them.

When the process has been completed, nearly everybody in production will have a higher income measured in terms of money. But prices of goods and services will have increased correspondingly The Nation will be no richer than before. Meanwhile, however, the groups that have still had no advance whatever in their money incomes will find themselves compelled to pay higher prices for the things they buy, which means that they will be obliged to get along on a lower standard of living than before.

Thus, inflation may indeed bring benefits for a short time to favored groups, but only at the expense of others.

Economist Henry Hazlitt notes that "in the long run inflation brings ruinous consequences to the whole community. Even a relatively mild inflation distorts the structure of production and leads to the over-expansion of some industries at the expense of others. This involves a misapplication and waste of capital. When the inflation collapses, or is brought to a halt the misdirected capital investment—whether in the forms of machines, factories, or office buildings—cannot yield an adequate return and, in fact, loses the greater part of its value."

The inflation of today has been particularly harmful to those retired persons who depend upon social security for their support. The administration has asked for a 7 percent increase in social security benefits this year to meet the increase in prices. Wilbur Mills, the chairman of the House Ways and Means Committee, has opposed this proposal and urges a 10 percent increase next year. Certain Democrats in Congress are, unfortunately, making a political football of the issue of social security benefits. They do not want to act upon an increase this year, but wish to wait until the election year of 1970 so that whatever political advantage may be gained will be theirs at that time.

In my opinion, both the administration's proposal and Mr. Mills' refusal to act fall far short of the mark of what is actually necessary to insure that America's retired citizens live in comfort and dignity, and that they not be sacrificial lambs to the inflationary pressures to which they are now subject. I support a 10 percent increase in social security benefits *this year!*

But, more important, I want to see a cost of living rider added to the social security act making it clear that the benefits of this program will increase as the cost of living increases: which rider must also apply to the tax.

Unless the tax is adjusted to provide required added funds to pay for the automatic increases the whole process becomes a snare and a delusion because social security is a trust fund operation and Congress must protect its fiscal integrity. Social security checks must never exist at the pleasure of general fund appropriations. It is unfortunate and unnecessary to have our senior citizens come before Congress year after year begging for a meager stipend . . . and it's about time that both political parties give serious thought to acting in concert to do something constructive about this problem.

TREADING ON THIN ICE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. GROSS. Mr. Speaker, a great deal has been said in recent weeks about ties between the military and this country's defense industry.

I call attention to an article by Leslie H. Whitten which appeared in the Baltimore News-American on June 15 and which points up one of the dangers of less than "arms length" military procurement practices.

In this case, two Air Force evaluators reportedly were allowed to buy the stock of a company whose product they were testing before that stock was offered to the public.

I include the article for insertion in the RECORD at this point in the hope it may serve notice on any other Government officials who may be in similar conflict-of-interst positions that they are treading on thin ice:

TWO AIR FORCE OFFICERS REAPED GAINS IN STOCK DEALS

(By Leslie H. Whitten)

WASHINGTON, June 14.—Two key Air Force evaluators obtained stock at bargain prices from the vice president of a defense firm whose Vietnam-bound electronic product they were testing. They bought the firm's stock at $8 a share and it went to $23 the first day of public sale.

Defense Department directives bar financial interest by officers in matters they are dealing with in a government capacity.

Lt. Col. Eugene D. Roberts, 48, director of the ground systems division for the Tactical Air Reconnaissance Center, Shaw Air Force Base, S.C., conceded he grossed $2,800. He sold his stock because, he said, he reached the judgment that holding it was not "right."

Maj. Francis J. Engel, 40, test project manager for the "940 presoaker," a photographic device he and Roberts were surveying, said he grossed about $3,200. He said he unloaded his 100 shares because of a possible "conflict of interest." Both men said they waited six months—when the profits are taxable at the lower capital gains rate—before they sold.

The stock was provided to Roberts and Engel by Paul R. Kemp, Jr., vice president for marketing of Mark Systems, Inc., Cupertino, Calif., south of San Francisco. Kemp resigned this January, about a year after his stock transaction with Engel and Roberts.

Neither the lieutenant colonel nor major told their superior officers of the purchase, they said. Both spoke frankly of their stock deal during separate telephone interviews.

The disclosure of the purchases comes at a time when the defense industry's ties with the Pentagon—the "military-industrial complex" are under unprecedented attack on Capitol Hill and elsewhere.

Kemp and the officers denied that there was any element of "influencing" in the stock deal. A May 10, 1965, Presidential directive bars any financial interests by federal employes that "appear to conflict substantially with their responsibilities and duty." The Defense Department (DOD) has detailed strictures based on the executive order.

One DOD order says that an officer "may not participate in his government capacity in any matter in which he . . . has a financial interest.

Roberts and Engel, at the time they bought the stock were both involved with Mark systems' "940 presoaker." The film device—which now costs $60,000 each—was part of a $600,000 defense contract. But larger future sales potential hung on the testing then going on.

In describing his job on the mechanism Engel said, "It was project management—what should be put in, what taken out." The machine has been tested but is still being evaluated by Roberts' ground systems division at Shaw Air Force Base, Roberts said.

The company, in its Aug. 2, 1968 annual fiscal report, said net sales were $2,799,897, earnings "were less than management had originally planned" and a substantial loss was expected for the first half of 1969.

Nevertheless, the stock, which hit 54 in 1968, has been hovering in the high 20's recently. In the December, 1967, offering, 48,000 out of 125,000 shares were set aside for directors, officers, stockholders, employes and their friends and relatives.

Those officers and directors who bought 1,000 shares at $8 a share, for example, would now have a profit of about $20,000. Thus, the management has both corporate and personal reasons for wanting the best possible Air Force reading on the "940 presoaker."

The "940" permits rapid processing of photographs taken by tactical reconnaissance planes and long storage of special films. Five are in Vietnam or on their way, according to Mark systems.

But the "940" has had its woes. Company president Bernard Marcus and Lt. Col. Roberts acknowledged problems but are enthusiastic about it. Major Engel, while more reserved, believes it can be made to work although at one time "It flunked the test" and required highly trained experts to get it to function.

A young graduate chemist who has worked on the machine, Lt. James E. Briscoe, 26, says "it does a real fine job—when it runs." Briscoe, who worked on it at Mark systems with Engel, said he was not offered stock and if he had, "I assume I would have rejected it."

A civilian consultant on the machine, Charles Rulapaugh, 63, employed until last November by Mark systems, was reached and said it was "virtually impossible for it to perform anywhere near some of its advertised specifications." Only in the hands of experts with advanced training, he said, would the "940" turn out limited quantities of "acceptable" film—called "bimat."

Rulapaugh said it was the open and general opinion within Mark systems that the "940" did not perform satisfactorily.

Rulapaugh, whose photographic technical background goes back to 1932, he said, acknowledged he may set up a company competitive with Mark systems.

Whatever the merits of the "940 presoaker," of which eight have been sold to the Air Force and Navy, Mark systems is concerned over the stock deal with the two Air Force evaluators.

The company counsel and secretary, Bradford Jefferies, said he is looking into the deal on behalf of the board of directors and officers.

"Management policy is that the company would not direct sales (of the stock) to any government personnel who were in a position to influence any procurement of the company or whose position would create a conflict of interest," said Jefferies.

"The present information is that Mr. Marcus and maybe some others of management were aware that Mr. Kemp was prepared to sell (to Engel and Roberts) . . . the question is whether the two individuals were in a conflict of interest situation."

After discussion with company officials, Jefferies said later the same day: "in management's opinion the proposed sale did not violate the company's policy because neither man was involved in procurement and their ability to influence the 'Bimat'-testing program was zero."

RESOLUTIONS ADOPTED BY AMERICAN JEWISH COMMITTEE

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 17, 1969

Mr. SCOTT. Mr. President, I invite the attention of the Senate to two important resolutions which were adopted by the American Jewish Committee at its recent annual meeting. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

AMERICAN JEWISH COMMITTEE STATEMENT ON ISRAEL

On the occasion of its 21st anniversary, we send our warmest congratulations and good wishes to the State of Israel, whose survival as a free nation has been a source of constant concern to millions of people throughout the world, Jews and non-Jews alike. Only two years ago, Israel was forced to defend itself for the third time in 20 years against the unreasoning efforts of its Arab neighbors to bring about its destruction. Since then, the area has been in a state of constant hostility. Israel's will for peace has been countered by an Arab will for war, manifested in an openly stated policy of "no peace, no negotiations, no recognition." To this, the U.A.R.'s disavowal of the 1967 ceasefire has been added. In recent weeks, hostilities have been intensified. We share our Government's concern about the increased risk of outside involvement, including that of the United States, and the need

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to explore every avenue for achieving peace in the area.

United States friendship for Israel has been indeed non-partisan, based upon mutuality of interest in a peaceful and prosperous Middle East. We welcome the announced policy of our Government steadfastly to pursue the goal of a "just and lasting peace" and to insist that the particulars of a peace settlement be determined by negotiations between the parties themselves. Particulars of a settlement must be determined by the parties themselves in light of each party's appraisal of its own security interest, tempered by flexibility, compromise, justice, vision, and magnanimity. The timing and extent of withdrawal of Israeli armed forces should be the consequence of, not the impetus to, any comprehensive settlement.

To the extent that the four powers acting either singly or in concert, can assist Ambassador Jarring on behalf of the United Nations in promoting negotiations for an agreed settlement between and among the parties, a useful purpose will be served. But if such efforts in fact produce an imposed peace as a substitute for negotiations, or serve to delude any of the parties into believing that less than full peace will be acceptable, then continued conflict will be the inevitable result. We assume that our Government will be constantly on guard to see that the procedures in which it participates do not produce pressures on it to support a formula for settlement which has the appearance but not the substance of a lasting peace. Our own national interests require that any settlement be free of the seeds of continuing war in the area. Our failure to insist upon this in 1957 made the 1967 war inevitable. If we fail again, we will have engaged in a self-defeating process which will only increase the likelihood of a fourth round. Should a fourth round occur, the United States may find itself directly involved in the conflict. This would frustrate the increasingly strong insistence of Americans that our energies be devoted to the achievement of peaceful aspirations of mankind both at home and abroad.

Adopted at the 63rd Annual Meeting of the American Jewish Committee, May 18, 1969, New York City.

The American Jewish Committee Statement on Anti-Semitism in Eastern Europe

I

For more than 50 years, the Jews of the Soviet Union have faced continuous and increasingly heavy pressures designed to eliminate them as a distinct cultural and religious minority within the USSR.

Although recognized as a nationality group, the 3 million Jews of the Soviet Union are consistently deprived of the basic rights and benefits which are granted to other ethnic minorities. Religious and observant Jews remain without the basic institutions for education and the training of leaders. Discrimination in certain areas of employment, as well as restrictions in certain specialized institutions of higher study, continues today. Yet, despite the handicaps under which they live, Soviet Jews have shown increasing signs that they are desirous of maintaining their identity and culture and of re-establishing their own institutions.

We are alarmed at the current Moscow-inspired propaganda campaign which depicts Jews as being part of an "international conspiracy" directed against the Socialist world. The entire litany of classical anti-Semitism has been revised, and the discredited Trofim Kichko, the notorious anti-Semitic propagandist, is being utilized once more. The Soviet press and radio continues to depict Jewish behavior in a manner calculated to discredit Jews and Jewish groups throughout the world.

II

In the past two years, anti-Semitic manifestations in some communist countries of Eastern Europe have increased, as demonstrated by the violence of spoken and written anti-Jewish attacks, and by the purges of Jews at all levels of society.

Poland has obediently followed the Soviet anti-Jewish and anti-Israel propaganda offensive, including the reproduction of Russian and Ukranian-language anti-Jewish publications. Polish intellectuals and Jews remain threatened with reprisals if they show any support for Israel.

The public demonstrations which erupted more than a year ago gave rise to an increased anti-Jewish offensive, manipulated for political reasons. "Polish citizens of Jewish origin" or "Zionist instigators" were singled out for responsibility. Hundreds of officials, scholars and workers were purged solely because they are Jews.

More alarming, a special anti-Jewish propaganda unit was created which spewed forth materials meant to discredit Jewish history and Jewish life. Polish Jews therefore find it difficult to remain as citizens in an environment made hostile by official action.

Since last August, when armies of five Warsaw Pact nations invaded Czechoslovakia, "Zionist elements" continue to be blamed by the Soviet, Polish and even the East German press for promoting a "counter-revolution," which necessitated their intervention. Many Jews have lost their positions and fear has caused thousands to flee. As a result of new Soviet pressures, restrictions against free expression have been imposed and the celebration of the millenium of Czech Jewish life has been cancelled once again, thus heightening the sense of anxiety.

III

It is apparent that anti-Semitism is becoming an integral part of the domestic and foreign policy of the Soviet Union and several East European nations, in order to obscure their real internal problems. All people of the world must awaken to the danger of the use of anti-Semitism as a weapon of Soviet-initiated policies to suppress progressive and liberalizing forces among Warsaw Pact members.

We seek a united front to bring pressure which will restore the communal rights denied Soviet Jews so they may live in dignity, or leave. We urge people and nations of differing ideological views and social systems, and especially progressive and liberal elements, to prevent any new manifestations of the old disease of anti-Semitism from spreading in East Europe.

Adopted at the 63rd Annual Meeting of the American Jewish Committee, May 18, 1969, Waldorf Astoria Hotel, New York City.

CABLE TV

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. TIERNAN. Mr. Speaker, there appeared in Sunday's edition of the New York Times an article by Jack Gould which touched upon the implications of cable television and its future within the communications industry.

Mr. Gould has pointed out the possibilities for improvement in the quality of the medium through the increased usage of the cable.

I would like to bring this article to the attention of my colleagues, as follows:

If Cable TV Ever Goes Where It Could Go

(By Jack Gould)

The world of television is in orbit on an enticing flight plan; no one knows the point of splashdown. Along on the economic, social and scientific ride are all branches of government, big network and little stations, Hollywood producers, enterpreneurs of new methods of delivering pictures to the home, hardware manufacturers, academicians with prefabbed answers, owners of neighborhood movie houses, bewildered directors of corporate mammoths, Wall Street brokers and enough lawyers to leave a country defenseless. The cause is cable television.

When television dawned on an unprepared world in the late 1940's, the operation of the medium was deceptively simple. In the manner of radio, a TV station randomly scattered a miscellany of intelligence and diversion to anyone with a receiver in range of its tower of visual enlightenment.

In due course Channels 2 through 13 filled up and, depending on a viewer's location, he might get anywhere from one to seven stations to keep him rooted in the parlor. By design, the stations were geographically separated by cities and a lush time was had by all. Networking of programs, or the interconnecting of cities by relay facilities, came along so that national impact—and revenue—could be realized.

The novelty of pictures in the home and the income they provided invited a state of euphoria. Not much attention was accorded to those sections of the country where TV signals were either non-existent or overcast with blinding snow. And it also became apparent that a TV receiver in many areas was a largely wasted instrument. Frequently, more channels were dark than lit.

If a cluster of homes was electronically underprivileged in the depths of a valley, with a huge mountain serving as a barrier to seeing Milton Berle, Howdy Doody, and Worthington Miner's dramas, there was a solution. Put one antenna on top of the mountain—a master aerial—and then run the signal down lead-in wire to the restless residents of the culture gulch.

This method of extending the range of TV beyond "the line of sight" had companion gains. If you could pick an ideal spot for a master antenna, regardless of where the receivers were, you could have virtually flawless reception. The master antenna, consisting of separate aerials pointing in all directions, could intercept stations not just from one city, but several. So was Cable Television born. There are now upwards of 5 million receivers connected in this manner. The initial implications of cable TV spoke almost for themselves. First, the idea conquered the limitation of program choice. A community of under 100,000 population could get as much reception as metropolitan New York.

The howls of pain began to be heard. If the subscribers to a cable system could enjoy a movie by eavesdropping on a station 50 or 100 miles away, how much could the producer get for the same movie when he tried to lease the film to a station in the community where the subscribers lived? Understandably, the producer wanted some new idea of copyright protection and the local station wanted some protection from competition from afar.

The complications didn't stop there, however. At the point where distant signals are collected by a master antenna and then fed into a cable system, why not connect a studio replete with cameras and film exhibition apparatus? Instead of only filching programs off the air, create your own programs on the spot and use the cable system for distribution.

The bigger chips were beginning to fall. The *cable*—the innocuous phrase "cable TV" contains an economic timebomb. While over the air only one channel can deliver one program at a time to the home, a modern cable system going into homes can offer a

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variety of 20 programs and services, and the number could rise to 50 or better.

Instead of a scarcity of channels, which is inherent in the process of sending programs over the air, a cable system could carry ABC, CBS, NBC, the Hughes Sports Network and public broadcasting and still have 15 more channels with which to tinker. The Thursday specials at the local supermarket could be posted for leisurely reading, a facsimile newspaper could be transmitted in several editions a day, a brand new movie could be presented on still another channel for a run of one or two weeks or longer. The curriculum of a school or college could be presented, all at the flick of a channel selector in a subscriber's home. Or there could be TV designed solely for one neighborhood, an escape from the tyranny of TV for the mass.

That's one overall measure of the revolution in the offing, but there is yet another: an undergraduate electronics technician could hook together dozens of regional and cable television systems so that in the next decade, for instance, perhaps two or three national cable networks could come into existence, challenging the prominence of NBC, CBS and ABC. Again, technically speaking, there is no reason to believe that these supplementary networks could not be rented on demand to a theatrical film producer or to a politician who didn't want to hire a chain the year around, but only for as long as he wanted. Theater owners, of course, tremble at such a vision: they could be bypassed.

But, as the American Civil Liberties Union suggested last week, why not open at least some of these cable TV channels to any and all comers? So long as there are enough channels, why not make the television screen as accessible as long-distance telephone service?

Echoing the alarms of today's existing broadcasters, the F.C.C. is worried that if Cable TV ever goes where it *could* go, technically, the best attractions of so-called free TV would be siphoned off to a system in which the rewards for producers or artists would be infinitely greater. At least privately some of the commissioners, with reason, suspect that the interest of the Cable TV boys in high culture and news and information is merely a promotional come-on. With the passing of time, they suspect, Cable TV would be far more interested in the box-office wallop of "The Graduate."

It should be noted that many thoughtful politicians, especially those from the black ghettoes, champion such an apprehension. Free TV, in its present form, happens to be a godsend to the economically deprived, and if the medium should slip into the grasp of those who impose a viewing charge, the consequence could be a serious burden on lower income groups.

The F.C.C.'s thoughts in this direction are reflected in another argument which further confuses the future. A vision of Pay TV over Cable TV actually lags by many years, behind the concept of Pay TV over the air. The Zenith Radio Corporation has been fighting for a system that would scramble pictures and sound at a regular TV transmitter and then, upon the consumer paying a becoming charge, unscramble the program in his home. The theater owners have taken the F.C.C. to court for proposing to authorize this service under guarded conditions. Actually, though it isn't openly discussed, the Zenith design could be dovetailed into a cable system.

The bruised viewer, who naturally is not a party to the wheeling and dealing over his destiny, might reasonably adopt the view, as this writer does, that the home screen desperately needs competition in types of systems. The more the merrier, and let the public, through the withholding of its largesse, have one small voice in the process of program selection. If, on a multiple cable system, the cream from a hit movie pays the price for a show intended to involve a neighborhood in its own issues, capitalism would not seem destroyed.

If the total number of channels available on the modern set—channels 2 through 83—should ever become activated, all the current notions about what TV can or cannot do would fall by the wayside. The contagion of restrictive Big Daddyism, so prevalent in some industry and governmental sectors, overlooks the amazing capacity of the individual to find room for new services, without scrapping all of the old. Not even the surface of TV has been scratched. New opportunities—and heaven knows how many new jobs—can come about by throwing away the old mould. There's nothing sacrosanct about the present system of TV, not if one looks at its shows. The enervating apology that profits from trash are necessary to support the survival of substance is becoming wearing. The peril of the much-vaunted communications explosion is that it will not be allowed to explode.

Restrictive backroom deals known only to the few, such as the pact two weeks ago between the staffs of the broadcasters and the cable operators, should have no place in the schedule of things.

The present contention that the public has a genuine element of choice is unmitigated hogwash; it has a choice between what *others* choose to let it see. Competition in the cultural and informational arena may have its drawbacks; the pursuit of the buck is omnipresent. But the solution to that is not in passive resignation and accommodations of convenience. The promise of the next generation in electronics is that the wooing of the masses will reach a saturation point, that the road to challenge, difference—and even a comfortable living—lies in having enough channels to offer the have-nots of the present, young and old alike, a crack at specialization, according to their own lights. More people look at television than read books, but who would suggest that all books be placed under the scrutiny of a narrow cabal of retailers dedicated to maximum sales, or charitably released by a few universities and philanthropic organizations?

Electronics has come to the same point. Its door must be open to the variety of society itself, to competition with dissimilarity, rather than banal likeness. Cable TV holds that potential.

THE DISTORTED INFORMATION AGAINST THE ABM SYSTEM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 17, 1969

Mr. THURMOND. Mr. President, there are extensive efforts throughout the country to make all information possible available to the American people on the President's proposal for the Safeguard anti-ballistic-missile defense system. It is absolutely necessary that this information be accurate, objective, and not misleading. I strongly support the President's proposal and the effort to make all facts known to the American people. I have placed in the Record information both for and against the ABM to demonstrate objectivity.

Mr. President, in this regard I think it is absolutely essential that distorted information on the ABM which has been put before the American people should be clarified for them. I invite their attention and the attention of the Senate to an editorial in the June 6 issue of the Washington Post and an editorial in the June 7 issue of the Armed Forces Journal which help to clarify some misleading information.

Mr. President, these editorials concern the Harper & Row two-page advertisement on anti-ABM study and a study favorable to the ABM prepared by the National Strategy Committee of the American Security Council. As the editorials imply, the advertisement is misleading and fact distorting. This kind of advertising should be repudiated by those who are responsible.

Mr. President, this confrontation is often referred to as the "Battle of the Books." Apparently, the two-page Harper & Row advertisement tried to discredit the other study by claiming that the committee said:

> An anti-missile defense is foolproof. It will give us a seamless garment of security in an age of acute danger.

The Washington Post correctly points out that the committee and the news stories actually stated:

> Anti-missile defense is an essential component in the network of military systems designed to give the American people a seamless garment of security in an age of acute danger.

The editorial further states that the word "foolproof" does not appear in either the news stories or the committee study. The editorial adds that the committee also said:

> Anti-Ballistic Missile defense is not a cure-all for the security of the United States.

In the interest of fairness and accuracy, I call this misleading information to the attention of the American people. I urge that the responsible persons print a retraction of equal display which is normal practice for credible press, especially on such a vital issue.

Mr. President, I ask unanimous consent that the Washington Post and Journal editorials be printed in the Extensions of Remarks.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Washington Post, June 6, 1969]

What's in an Ad?

We don't know who thought up the text of the two-page advertisement appearing in this newspaper and elsewhere on Tuesday in behalf of the new book, "ABM," which is a critical evaluation of the Administration's proposed Safeguard anti-ballistic missile system. But if we didn't know the Pentagon was on the other side of the issue, we would have suspected the fine hand of its boomerang-tossing public relations experts. Who else could have thought up the following question for a coupon-clipping, instant referendum on whether or not to go ahead with the ABM? "I really believe my family and I will be safe once we proceed with the 'safeguard' ABM"—"Yes" or "No."

Presumably the answer is someone at Harper & Row—publishers of the 282-page study—who mean to tabulate the results of this meaningless survey and send them on to Congress. Presumably, too, the box to be checked is "NO," and that is as it should be—since the argument for the Safeguard system hardly rests on the proposition that we are all meant to feel safe once we have proceeded with it. What bothers us somewhat more than the loading of the question with an assumption the Administration has never made, is that the anti-ABM formulators of the question have evidently not thought it through to its possible counter-productive result. We can see the mail coming in from

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unexpected quarters now: No, I really do not believe my family and I will be safe with the ABM. I believe we also need MIRV, AMSA, MOL, FOBS, and SRAM.

The research leaves as much to be desired as the thinking in this text. The case for the possible inefficiency of 1969 radars, for instance, *must* rest on something a tad more current than a 1960 clipping from *Newsweek*. And then there is this provocative quotation, which the advertisers of the book would knock down: "An anti-missile defense is foolproof. It will give us a seamless garment of security in an age of acute danger." The citation for this silly statement is more than passing vague since the ad doesn't say who said it or where—merely: "AP quote from pro-ABM presentation, May 7, 1969." Our own researches show that the quotation was an approximation of some remarks made in a document of the American Security Council (by Willard Libby, William Thaler, and Nathan Twining). The AP dispatch in question, in fact carried an accurate and somewhat different quote: "Anti-missile defense is an essential *component in the network* of military systems *designed to give* the American people a seamless garment of security in an age of acute danger." (Italics added). It's not quite the same thing as claiming so much for the ABM—to put it gently. The part about a missile defense being "foolproof" does not appear in either the original dispatch or the original document. We don't know where that came from. We do know that the original statement was preceded by remarks of an opposite nature: "Antiballistic missile defense is not a cure-all for the security of the United States. It is not the ultimate defense system . . ."

Finally, there is the unfortunate introduction of the whole fallout shelter-civil defense issue as a Horrible Example. The text reminds us of how we were all once led by the "experts" to believe in the efficacy of civil defense—"It was a mass delusion, but we wanted to believe we could still do *something*. Remember?" We remember vividly, and there may even be some valid analogy here. But we also remember that among the "experts" intimately involved in the civil defense hijinks of the early nineteen sixties were any number of the experts Harper & Row is now asking us to believe on the inefficacy of the ABM—Jerome Wiesner, a veteran of the Gaither Committee which recommended a costly civil defense effort; Theodore Sorensen, the man who crafted President Kennedy's 1961 speech asking a vast civil defense program, and Carl Kaysen, who, according to Mr. Sorensen, did the White House staffwork on which the speech was based, to mention a few. We don't mind the book's promoters bringing up the subject; it's just that we don't think it is much of a confidence-builder.

All this inadvertence and playfulness with a dead serious subject is what got us to thinking about the Pentagon and its special way of making a case. The zealots on both sides have a way of doing their work for each other.

[From the Armed Forces Journal, June 7, 1969]

THE PUBLIC VERSUS THE ANTI-ABM LOBBY

It's ironic that the American public backs by almost two-to-one President Nixon's decision to deploy a two-site anti-ballistic missile system to protect against dramatic and undenied Soviet strides in strategic offensive forces, while the Senate now wavers within two or so votes of blocking the ABM system.

Part of the irony lies in the fact that for years it was Congress—not the Administration—which pressed hard for accelerated ABM development and the system's early deployment.

Part of the irony stems from the set of double standards with which *some* Senators now are waging the ABM "debate." Some weeks ago they severely criticized the Army for having drawn up a plan to get the ABM facts before the American public: this week, two-page ads are appearing in six of the country's largest newspapers to promote Senator Edward M. Kennedy's new book ridiculing the Safeguard system. The ad carries anti-ABM copy on more than a full page, in type an inch high and Harper & Row, the book's publisher, admitted to the JOURNAL that it has never spent so much money in such a concentrated period to publicize one of its titles—which itself is ironic, since the kindest thing we can say about the Kennedy book is that it's incredibly bad. Harper & Row denied that some other party is underwriting the cost—we estimate it at over $50,000—of this unprecedented ad program. The ad even carries a prominent clip-out coupon for readers to "vote" Yes or No on the Safeguard program: Harper & Row offers to "tally the results and forward them to Congress."

The timing of this anti-ABM lobby is superb: members of the Congressional staff tell us that the Senate's procurement authorization bill may be "marked up" late this month: thus, the Senate may be voting on the ABM issue before or just after its 4 July recess.

And the lobby is having its effect: with opinion polls showing 47% of the public favoring Safeguard and only 26% opposed (with 27% not sure), we are told that "spontaneous" mail to senators is now running as high as eight-to-one against ABM.

The Safeguard issue is now so close in the Senate that one more vote—pro or con—could decide whether the United States, once again, will arm itself with blind faith against the Soviets, or with a tangible option available to the President to protect our retaliatory forces. Given past experience with the "defensive" missiles Moscow put into Cuba in 1962, with Soviet perfidy in violating in September of 1961 the moratorium on atmospheric nuclear tests, we think the Senate should back the President. If it is unwilling to recognize the Commander-in-Chief's responsibility to make this difficult judgment, what authority *does* he have left?

All of which adds up to this: *Your* vote counts just as much as the ones being carried by the anti-ABM lobby. For every one of the 25,000 readers to whom we mail the Journal each week, there are three more who read "pass along" copies: 100,000 letters from *you* to your Senators backing the President could give him the one extra vote needed in the weeks ahead. Tell the Senate where *you* stand on ABM.

WATERSHED DEVELOPMENT—AN AVENUE TO RURAL DEVELOPMENT

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. NATCHER. Mr. Speaker, the 16th National Watershed Congress was held recently in Louisville where 27 industrial, agricultural, and conservation organizations gathered with many local, State, and Federal agencies to consider the broadening importance of watershed protection and development in the growth of the American society.

The watershed congress was fortunate to have as the featured luncheon speaker on June 10 the distinguished Senator from Indiana, the Honorable BIRCH E. BAYH. As a member of the Air and Water Pollution and Flood Control-Rivers and Harbors Subcommittees of the Senate Public Works Committee, Senator BAYH is exceptionally qualified to "offer a thought or two," as he put it, "on the challenge of community growth and the importance of the small watershed as the center of this development."

I highly commend Senator BAYH's comments on the issues of water quantity, water quality, multiple use of available water supplies, and other aspects of watershed management to all concerned Americans and particularly to Members of this House and our colleagues in the Senate. I include Senator BAYH's address at the National Watershed Congress, entitled "Watershed Development—An Avenue to Rural Development," at this point in the RECORD:

WATERSHED DEVELOPMENT—AN AVENUE TO RURAL DEVELOPMENT

(Address by Senator BAYH)

I am honored to join this distinguished group of leaders in land and water development at the 16th National Watershed Congress.

Kentucky and Indiana share many things in common. This Ohio River, for instance. Abe Lincoln. And something else, something very basic: the frontier experience; the pioneer spirit; a strong attachment to the land; and inbred appreciation of the value of our land and water resources, as reflected in watershed development.

Both Indiana and Kentucky have been distinguished with watershed-projects-of-the-year: Indiana's Middle Fork of the Anderson River project last year, and Kentucky's Mud River project in 1964 and North Fork Little River project in 1967. Kentucky is to be especially congratulated as the only State having twice captured this prize.

I understand a film will be presented outlining the accomplishments of the Middle Fork of the Anderson Conservancy District in Indiana. I want to commend the effort of the local leadership of the Anderson River project. Among others, Carl Gayer, chairman of the conservancy district; Al Dauby, chairman of the Lincoln Hills RC&D Forestry Committee and of the Perry County Soil and Water Conservation District; and Joe Jasper who was so largely responsible for the fine cooperation that resulted in an award-winning project deserve recognition for bringing this honor to Indiana.

When I received your invitation to speak on "Watershed Development—An Avenue to Rural Development" it struck me that this was a topic of considerable breadth and magnitude, and importance.

I have a thought or two to offer on the challenge of community growth and the importance of the small watershed as the center of this development. I have an official relationship with the small watershed program as a member of the Senate Public Works Committee. But I am concerned, too, as a private citizen, about how the watershed program is faring as an instrument of community development and national well-being.

Daniel Webster once observed: "When tillage begins, other arts follow."

Too often we have made the transition required to house, school, employ, and otherwise accommodate a rapidly growing, restless population without proper understanding or regard for the "art" of community development. Many things need to be done to protect a natural heritage and manage this heritage for the usefulness it is intended to serve.

A pressing need exists to sharply reduce water and air pollution; develop adequate clean water supplies for every need—agriculture, municipal and industrial, recreation, wildlife conservation; prevent recurring floods that plague many parts of the country and cost land owners and taxpayers dearly; develop the rural communities to upgrade the quality of living in the countryside, and to relieve the burden of over-populated urban centers.

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I see no alternative to a strong, constructive program of soil and water resource conservation and development actively involving government at all levels in cooperation with private enterprise.

The small watershed, it seems to me, is a logical base for launching community development programs.

The theme of this meeting, "Watersheds—Framework for Community Action," implies the multiple purpose approach to watershed development. It also recognizes the concept of community as an area with common problems, interests, and potentials, and a desire on the part of the people to work together to build a better community life.

Further, while the small watershed is a proper area for such concerted planning and action, the watershed must be recognized as part of a larger whole—the river basin. I believe it is vital to look beyond individual watershed boundaries to regional cooperation to assure economic and social wellbeing.

I am convinced, too, that within each watershed every legitimate interest must be recognized for successful overall development. There will be conflicts, of course. There is always the need to compromise in our democratic society. Compromise, in a free society, is the only possible way to listing accomplishment.

There is a place in every watershed project for many community needs. And, to the extent that these needs are in the vital public interest, Federal cost-sharing is justified and should be provided for by law.

Specifically, I mean water quality management as a cost-shared purpose in Public Law 566 projects. I mean cost-sharing for municipal and industrial water supply, and long-term contracting for land treatment measures to help provide the needed working base for accomplishing desired goals.

Here in water-rich Kentucky—and, I am happy to add, in Indiana, too—we have many sources we can tap for the water we need. But it is not always the water we *can* or *want to* use in the condition we find it.

There is a growing awareness of the menace to our vital water supplies from pollution of our rivers, streams, and lakes. This is more than a job to be carried out just on the major rivers.

As a member of the Air and Water Pollution Subcommittee of the Senate Public Works Committee, I am convinced that water pollution control should start in the headwaters just the same as for water runoff control. And Federal assistance should be provided to cope with the problem in the upstream areas as it is in mainstem waters.

Watershed sponsors cannot be expected to bear the entire cost of measures for pollution abatement when the main benefits accrue to widespread interests downstream. Consequently, very few such measures are included in watershed work work plans even though the need exists in many cases. Action is long overdue in amending Public Law 566 to provide authority to cost-share on water quality management in upstream watershed projects.

I strongly support more research into the nature, causes and remedies of pollution; adequate technical assistance to private individuals, and to State and local public agencies and organizations attacking pollution problems; public cost-sharing and loan programs on a national basis to fight pollution; and strong, local organizations that understand what needs to be done and that are able to provide the necessary local leadership.

Action is needed on several other important amendments to Public Law 566 to broaden the scope and authority of this worthwhile program.

It is unrealistic that watershed sponsors cannot take advantage of grants from other national programs to acquire needed land rights for project measures. National resource programs should work in harmony for maximum public benefit.

Long-term agreements with assured cost-sharing on land treatment measures, as carried out in the Great Plains program, would provide a greatly needed stimulus to the watershed program and should be authorized.

Public Law 566 should be amended to provide small communities cost-sharing assistance in domestic or industrial water supply. Smaller communities often cannot afford expensive water supply facilities that are vital to economic stability and growth.

I agree that recreation, wildlife enhancement, water supply, and not flood prevention alone, should justify installation of a P.L. 566 project where the benefit to the local area is clearly indicated. I believe the watershed program has amply proved its usefulness as a base for community development, and has advanced far beyond the important benefits of flood prevention and watershed protection.

The new 4⅝ percent interest rate which has been put to use in evaluating benefits and costs of Federally-assisted water projects means watershed project sponsors will need to evaluate project benefits very carefully to help assure that their project will be as favorably considered as possible.

I agree with certain of my colleagues in the Senate that, while the new increased rate is intended to reflect more accurately the cost to the U.S. Treasury in providing funds for water-related projects, the action should not have been taken without a more thorough consideration of water resource development needs by all interested parties. I assure you that I will do all I can to bring about needed progress in water resource development, and to keep real or apparent roadblocks from preventing this advance.

Too often, I believe, the public, far removed in miles from the center of government, fails to realize the power of the citizenry in Washington and in the Statehouse. The voice of an organized citizenry is heard in the innermost chambers of an elective body.

There is a tendency, I think, too often for government agencies and private organizations to take a "special interest" view of a project or development, when comprehensive planning and action of all interested parties is needed for the most effective results.

I'm afraid we talk cooperation more often than we practice it—and this can be fatal where our natural resources are threatened and where they need to be developed to their full potential for broad public benefit.

There has been a significant gain toward a balanced water and related land resource planning program during the last few years.

Comprehensive river basin planning carried out under the guidance of the Water Resources Council, established by the Water Resources Planning Act of 1965, has brought together all Federal agencies concerned with water resource development and State and local agencies into a coordinated cooperative planning effort.

The U.S. Department of Agriculture is presently participating in the development of 61 comprehensive river basin studies. All of the States except Alaska are participating to some degree in the river basin program of this Department.

This advance is highly significant. The National Water Resources Assessment recently published by the Water Resources Council estimates that 59 percent of the average annual flood damages occur in upstream areas as compared to 41 percent in downstream areas. Much of the upstream damage is to agricultural and related values. Therefore, agricultural interests must be properly represented in the planning process which influences decisions on both the nature and timing of proposed developments.

However, the Department of Agriculture has only a little over 24 percent of the Federal water resource development planning funds in 1969 as compared to 49 percent for the Corps of Engineers. I do *not* suggest that the Corps' planning effort be reduced; rather, that Agriculture's effort be expanded.

I am particularly aware of this condition as a result of the detailed comprehensive river basin study being conducted of the Wabash River Basin. This basin is a highly productive agricultural area. It also has a high degree of development in other economic sectors such as business and industry.

Demands for water have become highly competitive.

The Wabash study has shown there are an estimated 166 potentially feasible upstream watershed projects which would cover over 40 percent of the Wabash River Basin. These projects could provide flood protection to the upstream agricultural flood plains and rural communities; supply water for irrigation, municipal and industrial use, recreation, fish and wildlife enhancement and water quality management.

Many of the watershed projects depend upon their mutual and combined effects to provide the services needed. Others are closely tied in with proposed downstream developments. These projects should be installed, it seems to me, on the basis of the broad river basin plan.

Such an arrangement, with proper funding, would enhance the economic and social development of communities in the river basin through a coordinated approach to upstream resource management, in contrast to a piecemeal approach on a project-by-project basis.

There is need for more comprehensive planning of river basins; more coordination of individual agency efforts, and more joint efforts. We are not utilizing our public and private resources effectively through piecemeal approaches to resource planning operations of a broad public nature. We must draw upon the particular skills and knowledge of the various agencies and organizations which can contribute effectively to the total endeavor. Then we can draw good plans and proceed with implementing them for the greater public good.

We have got to stretch the available dollars for getting the job done. We have got to make every man-hour count.

I strongly urge more Federal funds for small watershed projects under P.L. 566 as essential to effective river basin conservation and management. This is an investment, not an expenditure. We may take the findings of Spindletop Research, Inc., in a special study of the Mud River P.L. 566 project in Kentucky, and the Brush Creek project in West Virginia, which clearly shows high return on investment in these projects.

The Spindletop study considered benefits in addition to those normally evaluated in developing watershed projects. The study showed that in a 7-year period an estimated 1,300 jobs were created as a result of the Mud River project with an assured water supply and recreation. Land values also increased. Some 1,200 new jobs and nearly $20 million in wages, among other benefits, were credited to the Brush Creek project.

We could examine any number of watershed projects and readily recognize their undisputed value in watershed protection and development.

As a firm believer in the watershed program, I am concerned that it has not received the support it deserves. Recently, as you know, 96 watershed projects became eligible for operations assistance following agreement on approval procedures between the Executive Branch and the Congress. These projects have been added to others that will move into construction and eventual completion as funds are available. The fact is that available Federal funds will not permit the rate of progress that is needed and that the project sponsors have a right to expect.

The 1970 budget estimate proposes a limit of 25 new watershed planning starts and 50 new construction starts. The budget proposes

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less money for watershed planning, watershed works of improvement, flood prevention and river basin surveys than is available in the current fiscal year. The $9 million proposed reduction in funds for works of improvement is a particularly harsh blow to the watershed program.

It is curious to me that these budgetary reductions should be proposed in light of statements made by President Nixon during the recent campaign in which he supported—and I quote—a "vigorous expansion of soil and water conservation programs." I do not believe the cause of soil and water conservation is well served by curtailing programs that suffer from a growing backlog of work that simply must be done.

The record shows that of the more than 8,000 watersheds which have been found to need project action, only 936 have been approved for operations; construction has been completed on only 233 projects; and only 438 projects are currently under construction. That is a long way from 8,000-plus.

The increasing cost of doing business and the importance of planning projects for multiple purpose use require a high level of funding.

State governments and the local sector are going to have to come up with more support. Local and State jurisdictions might consider the enhanced tax base resulting from economic improvement in a watershed project area.

An example is the Muddy Fork of Illinois River watershed project in Arkansas. Economic progress resulting from the multiple purpose project, which was authorized in 1961, raised the community of Lincoln's school district tax assessment by more than half a million dollars between 1963 and 1968.

Congress and the Administration are going to have to recognize, with greater conviction than seems indicated, that multiple purpose small watershed projects are sound and essential development that must move forward more rapidly.

If there are any doubts concerning the basic need for small watershed protection and development, and the wisdom of making this investment, these doubts have got to be resolved.

May I suggest that the organizations represented at this Watershed Congress exert every effort to convince their elected representatives in Washington and in the State capitals of the great need for vigorously expanding the soil and water conservation program in the national interest. You have the facts—all the evidence you need—to make a powerful argument. You have many friends on Capitol Hill. Provide us with the opportunity to support a strong defense of water management and other conservation programs.

I assure you of my continued support of a program I believe to be essential to our national well-being. For the watershed program is more than land treatment, and dams and reservoirs. The watershed project has become a center for cooperative community development.

Each watershed project is part of that larger dream we all share—and which our forebears had, also—of an American way of life bountiful for all the people.

A century and a quarter ago, the noted European traveler and writer, Alexis de Tocqueville, noted of the American: ". . . in his eyes what is not yet done is only what he has not yet attempted to do."

Our history as a dynamic people building a dynamic society has stood up to that observation.

We have the resources and the talent. We have a growing storehouse of knowledge and experience to move forward toward an age of unsurpassed opportunity and prosperity for all Americans. I believe we are moving toward that goal. Surely, to the extent that we protect and manage our land and water resources to provide the greatest possible benefit to the local community, we are headed in the right direction.

Thank you for allowing me to share some thoughts with you.

REPRESENTATIVE CHARLES WHALEN SPEAKS ON STUDENT UNREST

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 17, 1969

Mr. SCHWEIKER. Mr. President, Representative CHARLES W. WHALEN, JR., of Ohio's Third Congressional District, delivered the major address at the commencement exercises of Stivers High School, in Dayton, Ohio.

His comments, delivered from the perspective of a college professor and State legislator turned U.S. Representative, have great meaning for our young population today. I commend them to the attention of the Senate, as well.

I ask unanimous consent that Representative WHALEN's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STUDENT UNREST

(By Congressman CHARLES W. WHALEN, JR., at the commencement exercises of Stivers High School, Dayton, Ohio, Thursday, June 5, 1969)

If a national survey were conducted, I am certain that "campus unrest" would be identified as the theme most often used in 1969 Commencement addresses. This was President Nixon's topic as he addressed graduates of General Beadle State College this past Tuesday. Ohio Senator William Saxbe, speaking last week at Capital University's commencement exercises, also chose this subject.

The dilemma confronting university administrators and faculties throughout the United States is of special concern to me.

First, fourteen years of my life have been devoted to educating college students. In fact, I still retain my affiliation with the University of Dayton, having been granted an official leave of absence as Professor of Economics while serving in my present position in Washington.

Second, as a Member of Congress, I am the recipient of many constituent letters urging federal action to halt campus disturbances.

In view of these circumstances, I would like to "join the crowd", as it were, and take this opportunity to share with you my views concerning the subject of student-scholastic relations.

Campus disorders have been attributed to several causes. Some observers have stressed the concern of our youth with our Vietnam involvement. Others emphasize the backlash generated by the inequities in our Selective Service System. Reaction against racial discrimination often is cited as a source of student unrest. Finally, some ascribe distortion of our national values as a primary reason for student disenchantment.

Admittedly, all of these have contributed, to some degree, to the growing disregard for authority on our nation's campuses. In my opinion, however, there is a more fundamental cause.

To understand why the authority of university officials, as well as teachers, is being challenged—by violence, in some instances—it is well to analyze the nature of authority.

Webster defines "authority" as "a right to command or act".

Authority is indispensable to man's nature. The individual respects the authority of an unseen Creator. A child recognizes the authority of his parents. An employee is subject to the authority of his employer, as is a student to his teacher, and the citizen to his government.

Authority may be exercised in one of two ways.

First, there is "autocratic authority". Decisions affecting those subject to authority are made without consultation or recourse.

Second, there exists what I term "responsive authority". Responsibility still remains with that individual who, by virtue of his position, can "command or act". However, when contemplating a course of action, he maintains an open-line of communication with his subordinates, thus insuring their participation in the decision-making process. Further, he establishes an appeal procedure for those who may oppose his conclusions.

Our forebears created in our country a government based on the precepts of "responsive authority". Responsibility is vested in our elected officials. The citizenry, in turn, is subject to the laws promulgated and administered by these officials. Autocracy, however, is avoided by the requirement that public officials be subjected to a periodic "review" by the electorate. Hence, an appeals mechanism—the ballot box—exists at all levels of American government.

Unfortunately, many institutions operating within the framework of our democracy have not always functioned in a manner compatible with our nation's guiding principles.

A prime example is in the area of management-labor relations. The eighty years between 1850 and 1930 saw our nation emerge as an industrial giant. However, the economic benefits wrought by this development were accompanied by mounting difficulties between employer and employee. Management exercised its authority arbitrarily. Rights of workers were ignored. There thus emerged during this period a degree of unrest which makes our present-day campus disorders look like a pink-tea party.

For instance, in 1892 twenty men were killed at the Homestead Works of the Carnegie Steel Company in a battle between locked-out workers and armed Pinkerton guards. According to Rexford G. Tugwell, in his recent book, "Grover Cleveland" . . . "The issue was the recognition of the union and its right to bargain collectively. . . But wages and conditions were far from reasonable. . . The twelve-hour day with a swing-shift of twenty-four hours once a week at the hardest labor; wages that would maintain a family only at the barest level of subsistence; and surroundings that were the familiar filthy slums of mine and factory towns—these were the intolerable conditions that caused rebellion".

In June, 1894, employees of the Pullman Company struck as a protest against a 25 percent wage cut. The strike resulted in property damage amounting to $80,000,000. On July 7 seven strikers were killed and many more were wounded by militia gunfire.

As late as 1937 employees occupied automobile plants in a series of sit-down strikes which paralyzed the State of Michigan for several months.

In each of these, and similar, instances the public clamored for a return to law and order. Armed force was used to quell these disturbances. But, the cause of the unrest—"autocratic authority"—remained. Only the passage of a series of landmark federal statutes (National Railway Labor Act, the Norris-LaGuardia Act, the Wagner Act) gave

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workers the rights which heretofore they had been denied by employers. With these laws also came an end to the violence and death which had characterized many industrial disputes of the preceding half century.

Our nation's universities now are the one non-governmental institution whose authoritarian structure has undergone little or no change. Relationships between administration and faculty, administration and student, faculty and student, are much the same today as they were two centuries ago.

On many campuses, for example, a faculty member can be dismissed, without cause, at the end of his contract period. In many instances promotion and tenure decisions are arbitrarily made and are not appealable.

Student needs frequently are subrogated by professors who must adhere to the doctrine of "publish or perish." The quality of undergraduate instruction sometimes is sacrificed on the altar of prestige-seeking graduate programs.

Curricula are developed with little consideration of the requirement of those whom courses of instruction are intended to benefit. A college education is the only commodity in the market place whose buyer pays $12,000 and has absolutely no voice in what he is to receive.

From the foregoing it can be concluded that "autocratic authority" still is the order of the day on many of our college campuses. From my own experience I realize that there is nothing malicious in this posture. For instance, as a department chairman it just never occurred to me that it might be productive to invite students to participate in departmental faculty meetings. Yet, today this is being done! What I am saying is that it is human to accept the status quo until circumstances dictate otherwise.

The eruptions which have become a "way of life" on our college campuses are comparable in many respects to the labor-management disturbances of the late nineteenth and early twentieth centuries.

The thrust of both is (and was) "change"—change from "autocratic" to "responsive" authority.

We may deplore the violence which sometimes accompanies student protests, much as labor union members were excoriated fifty years ago.

Student actions may be supressed by armed force, just as union members were clubbed into submission a half century ago.

Federal funds may be withheld from students just as several decades ago employees were fired, without recourse, for their union activities.

In the face of all of this, however, two facts stand out.

First, suppressive will not cure our college ills.

Second, campus peace will be restored only when attention is focused on the cause of current disorders rather than on the disorders, themselves.

Happily, on many campuses one can observe the beginning of a metamorphosis from "autocratic" to "responsive" authority.

Boards have been created to entertain faculty dismissal and promotion-denial appeals.

More specific tenure policies have been invoked, replacing the former subjective judgement system.

Administrators are involving, to a greater degree than ever before, students and junior faculty members in the formulation of curricula and policy decisions.

Campus disorders need not be a perennial problem. Indeed, just as industrial violence has been consigned to our history books, so, too, the current era of student violence can become an unpleasant memory of the past.

As in the case of the industrial strife of an earlier era, however, today's student unrest will disappear only with a change in the manner in which authority is exercised.

Whether this change will be difficult or comparatively easy to accomplish depends upon the degree to which college authorities willingly accept it.

Having discussed a pressing national issue, let me now address myself directly to you graduates whom we honor tonight.

Some of you, upon departing from Stivers High School, plan to further your education by enrolling in a four-year baccalaureate program. Others will participate in the excellent two-year curricula offered by our area's fine community colleges and technical institutes. The rest of you will move directly into your life's work.

As you embark upon your chosen activity—or perhaps "unchosen" if you are temporarily tapped by Selective Service—you should remember one important fact concerning the diploma you receive this evening. Successful completion of four years of high school indicates that you have learned to think, that you have acquired certain skills, that you have the ability to respond to tests which periodically confront you. Therefore, to the college or university to which you apply, or to your prospective employer, your diploma means that you are *prepared* to succeed. I underscore the word "prepared". Your diploma, of itself, does not guarantee success. Achievement in your life's endeavors comes only through the diligent application of skills acquired and principles learned. What I am recommending, in other words, is hard work—or, more precisely, hard work intelligently directed.

The point you must always bear in mind, then, is this. A building cannot be erected without a foundation. By the same token, a foundation without a structure atop it is worthless.

You have built a solid foundation during your four years at Stivers High School. To you I extend my sincere congratulations upon your completion of this effort.

Now it is up to you to erect the building. As you embark upon this task, I wish you Godspeed!

SURTAX

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. ST GERMAIN. Mr. Speaker, I have no inclination to vote for the surtax at this time. I do not see the point of making the average taxpayer scrimp and spare to provide this administration with a $6.3 billion budget surplus.

Furthermore, we need tax reform before we think about extending the surcharge. The basis for any surcharge is unfair because the tax structure is unfair to the middle-income taxpayer. Too many of the wealthy do not pay their part of the tax load. Why compound the unfairness? Ten percent of an unfair share is still unfair; and 10 percent of zero is still zero. The surtax perpetuates injustice. We pile unfairness upon unfairness.

Last year the surtax was passed to save us from fiscal disaster. I wanted to see the needed revenues raised by tax reform, but there was not time for that type of legislation, so with reluctance and reservations I cast my vote for the surtax, persuaded by promises that tax reform was just around the corner.

Now, a year later, the promise of tax reform is not enough. Promises do not put groceries on the tables of my constituents. We need major tax reforms, not one or two flashy changes. The provision packaged in with the surtax to exempt poor people from paying taxes is sure to get a lot of attention, and has my backing, but what does it do for the broad mass of middle-income taxpayers? When are we going to see some reforms which shift some of the tax pressure away from the middle-income person? The American people are not going to be satisfied by token reforms.

The personal exemption figure should be raised, and action should be taken on the oil depletion allowance, capital gains untaxed at death, special treatment for stock options, the multiple corporation loophole, the provision permitting payment of estate taxes by the redemption of Government bonds at par, accelerated depreciation on speculative real estate, foundations, and conglomerate mergers. Not to speak of enacted legislation, we do not even have strong promises from the administration on all of these points.

If the Congress extends the surtax at this time, that will take away some of the incentive for substantial tax reforms. If there is no surtax the pressure will be on to make up for those revenues by plugging tax loopholes. I believe that only by keeping the pressure on and keeping incentive strong will we get the major tax reforms which the American people have every right to expect.

If the surtax is not extended does that necessitate runaway inflation? Not if we reduce military spending by $10 billion, and not if we have major tax reform which, besides action on the 7-percent investment credit, would mean plugging tax loopholes and consequently taking as much money out of circulation as the surtax would. The money available for spending would not change; just the spenders would be different. It can also be urged that without the surcharge the need for wage increases would be less acute.

Inflation means a rise in the cost of living. But saddling the middle-income taxpayer with the surtax is nothing else than adding to his living costs. The surtax has the same effect on the taxpayer as inflation; it means an increase in his cost of living. Rather than vote to extend that increase in the cost of living, then, I am voting to decrease the cost of living for the taxpaying American by saying "No" to the surtax.

ILLITERATE COURT

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 17, 1969

Mr. THURMOND. Mr. President, an excellent editorial has appeared in the State newspaper in Columbia, S.C., clearly exposing the fallacious reasoning used by the Supreme Court in the Gaston County literacy test case.

It is no surprise to those of us who follow the Supreme Court decisions that

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such reasoning has been used and that once again the Court has refused to allow itself to be confused by the facts.

Mr. President, as I said, we have come to expect this type of travesty from the Court, and since it has become so common in recent years, we find it difficult to think of some new and different way to express our dismay. For this reason, I was very pleased to find such a fine analysis of the decision in The State.

Mr. President, I ask unanimous consent that the editorial entitled "Illiterate Court," published in the June 6 edition of The State, be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ILLITERATE COURT

The Supreme Court confirmed again Monday what has been apparent for some little time: where the issue is civil rights, the court recognizes no constitutional restraints. Here the court will do what it fancies to be "right," redrafting legislation and amending the Constitution as it goes along.

Thus it was that, on Monday, the court refused to allow officials in Gaston County, N.C., to resume literacy tests for voters. Such tests went out with the 1965 Voting Rights Act, which arbitrarily assumed that when fewer than 50 per cent of the eligible voters took the trouble to vote the reason had to be discrimination.

The act also provided, however, that literacy tests could be resumed if affected localities were able to show an absence of discrimination in the registration of voters. This Gaston County was able to do. It therefore was entitled to escape the provisions of the Voting Rights Act, but the court was not having any.

It made no difference, the court ruled, that Gaston County was innocent of discrimination. The county historically had maintained separate and inferior schools for Negroes. As a consequence, said the court, it had to be assumed that a large proportion of Gaston Couty Negroes were illiterate. This being so, literacy tests would impose an unfair restriction on Negro voters. No such restriction, said the court, would be allowed.

A major discrepancy in the court's reasoning is readily apparent. Who says the country's Negro schools were so bad that students failed to learn how to read and write? The court says so, and the evidence shows plainly that the court is wrong. Whatever the shortcomings of Gaston County's segregated Negro schools, that is no reason to believe that they graduated illiterates.

Among those testifying to this effect was Thebaud Jeffers, a Negro principal who moved to Gaston County as a teacher in 1932. To his own personal knowledge, Mr. Jeffers said, the county's Negro schools had been good enough for at least 37 years to teach youngsters to pass a literacy test. The court dismissed this testimony as "unpersuasive."

The fact is the court was not to be swayed by evidence. In civil rights cases, the issues most often turn, not on hard and impartial facts, but on the court's emotional commitment to a holy cause. And so, in ten years' time, the court has done a complete turnabout. As late as 1959, in *Lassiter* vs. *Northampton County,* the court refused to tamper with North Carolina's literacy requirement because, it said, the Constitution allows the states "wide scope" in determining the qualifications of voters. Now the same requirement is thrown out on grounds that Negro students once were discriminated against.

There is, one has to admit, a certain historic irony in the ruling. In times past, many Southern whites were exempt from literacy provisions under so-called "grandfather clauses" and similarly shabby devices. Now the court has ruled that illiterate Negroes in the South have a right to vote. Ironic it may be, but what of the Constitution, which the justices have sworn to protect? And what, in the absence of that Constitution, will become of justice in the United States? These are questions the court might properly ponder before it next takes up its burden of guilt and sets off to secure someone's imaginary civil rights.

AID FOR INSTITUTIONS OF HIGHER LEARNING AND STUDENTS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. BOLLING. Mr. Speaker, there has been a great deal of alarm expressed about requests for diminished appropriations for various Federal education programs to aid both institutions of higher learning and students. These alarms are usually couched in general terms which, while valid, lack specifics.

However, recently I received a letter from Rev. Maurice E. Van Ackeren, S.J., president of Rockhurst College in Kansas City, Mo. It is a remarkably detailed and persuasive letter that documents in compelling detail the problems that will be generated if the present level of appropriations is continued or further diminished. This Rockhurst document states clearly that tragic personal consequence of the present trend in Federal education expenditures. I am certain that other institutions of higher learning could also produce comparable documents. If this were done on a large scale, I am certain that education appropriation requests would be increased. I hope that other institutions produce similar documentations that they will send to their representatives in Congress. I recommend the Rockhurst presentation as a model. It follows:

ROCKHURST COLLEGE,
Kansas City, Mo., June 13, 1969.

Congressman RICHARD BOLLING,
Washington, D.C.

DEAR CONGRESSMAN BOLLING: I want to thank you again for the opportunity to discuss these matters with you this morning. As I am sure you are aware, several of the national associations of higher education, especially the Association of American Colleges and the American Council on Education, have been actively engaged in trying to prevent the reductions in educational funding as outlined in the administration budget request.

Beyond this, however, both the ACE and the new Emergency Committee for Full Funding of Education Programs have mounted a campaign to increase the funding of education programs up to the full authorizations. In his June 3 testimony before the House Appropriation Subcommittee on the Departments of Labor and HEW, John F. Morse of ACE stated, "We firmly believe that education must receive a larger proportion of the total Federal budget. But most important of all we do not seek increases in one educational program at the expense of another educational program. We seek a large share of the budget for all educational programs." Mr. Morse cited specifically the student aid programs, the construction grants and loans, library programs, and international education.

Former HEW Secretary Arthur S. Flemming speaking as a spokesman for the Emergency Committee said education appropriations were only 49 percent of authorizations in fiscal 1969 and appear to be only 37 percent for fiscal 1970. The current president of Macalester College further pointed out that "we cannot continue to keep raising expectations" through authorizations and then "replacing hope with increasing frustration and despair" as programs are not fully funded.

As president of Rockhurst College, I fully support the efforts of these two groups to achieve maximum national funding. In this letter I want to present you with my staff's estimates of the implications of the current budget requests for seven programs on the operation of Rockhurst. I have attached a copy of a background report on these seven prepared by our government relations officer. While what happens at Rockhurst is not a matter of national concern, it will effect the educational resource of the greater Kansas City area. I am confident that the material presented below is typical of many colleges throughout the United States.

STUDENT FINANCIAL AID PROGRAMS

The one unmistakable fact about these programs is that the need continues to grow. This is essentially due to the rapidly increasing cost of higher education which in a non-tax supported institution like Rockhrust will result in increasing tuition rates. At Rockhurst this has meant a tuition increase from $800 to $1,200 in only four years. Since at tax supported institutions these increased costs have not generally been passed along to students, the cost factors have not affected the size of composition of the student body. Indeed the ability of public institutions to keep student fees low has enabled them to enroll an increasing percentage of college students. At Rockhurst reduction in the size and changes in the makeup of the student body were less severe than they would have been were it not for the expanding programs of aid. The fact that 26 percent of our students participate in the federal aid programs and that over 40 percent receive aid of some sort is testimony to the important role student financial aid plays in private higher education.

If the funding of federal student aid programs declines or fails to keep pace with growing enrollments and accelerating costs, either Rockhurt will be forced to serve only those whose high incomes make them able to pay high tuition, or be forced to give up its fifty-year search of excellence in education in favor of a more modest, less effective, but less expensive educational program. We view neither of these alternatives as acceptable to the traditions and goals of Rockhurst nor as being in the best interests of the Kansas City area.

NATIONAL DEFENSE STUDENT LOANS

While the administration request for the NDSL program is some $32 million less than the fiscal 69 appropriation, the estimated Rockhurst allocation is up $4,000 last year although still $1,000 short of our fiscal 68 allotment. Even with this increase, however, we still do not have enough NDSL funds to meet the bona fide needs of our students. The tentative fiscal 70 allocation and our 1/9 contribution plus estimated collections on past loans will result in a total of $51,192 available for lending. We have already made awards totaling $66,750, a 30% over-award. In addition by September 1969 we will have had need for an additional $20,000 to meet certified student needs.

These dollar amounts translate into students who will be unable to attend Rockhurst even though they judged it to be best

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suited to their educational needs or who will have to work more hours on a part-time job than appropriate for their academic load. Our experience with the guaranteed loan program indicates that it cannot fill in the gap. In fact the 7% interest rate and the deferred pay back make it virtually impossible for new students to make these loans in Missouri and Kansas.

EDUCATIONAL OPPORTUNITY GRANTS

The reduction in funding for the Rockhurst EOG program was particularly disappointing. The Upward Bound project operated by the college is just beginning to produce sizeable numbers of disadvantaged students ready for college. From the beginning of this program, the college has indicated that it would admit and financially assist qualified Upward Bound graduates. In addition I have appointed a task force to investigate and report on the college's commitment to minority group students in our community.

At a time when both these efforts are beginning to bear fruit, we find our initial E.O.G.'s will be cut from $41,060 to $15,182. While this will be enough to assist the Upward Bound graduates (though not to the full extent of their need), it leaves little on which to base an aggressive recruitment of disadvantaged students.

Our financial aid office estimates that it would have been able to allocate $30,000 in initial E.O.G.'s even under the new Office of Education guidelines for eligibility.

COLLEGE WORK-STUDY PROGRAM

Of the three aid programs, CWSP has been the most consistent in providing sufficient funds to meet student needs. The increase in the non-federal contribution from 10% to 20% has been a factor in increasing the total program.

While the allocation for fiscal 1970 is the same as fiscal 1969, student wages paid will increase this academic year. In line with the minimum wage law, the minimum at Rockhurst will advance from $1.30 per hour to $1.45 in February 1970 and to $1.60 in February 1971. This will eventually affect the upper ranges as well.

Thus we will be faced with operating a program for more students at higher wages with the same amount of money. The national appropriation calls for increased funding but also at higher wages. The end result is that fewer students will be aided unless appropriations are increased.

INSTRUCTIONAL EQUIPMENT

As I indicated in my letter to you of March 7, 1969, the lack of a budget request for the Title VI-A program is a serious concern for us. Over the last four fiscal years, Rockhurst has participated in Title VI projects, totaling $59,838 of which $31,396 came from our own operating budget. These projects have enabled us to make improvements in the instructional effectiveness of ten of our departments. The elimination of this program will defer urgently needed equipment acquisitions in the departments of biology, psychology, and the social sciences. The elimination of one of the few programs specifically designed for undergraduate education is most disheartening to those of us in this worthy endeavor.

GRANTS FOR THE CONSTRUCTION OF UNDERGRADUATE FACILITIES

Rockhurst has relied heavily on federal assistance in the development of our physical facilities. We have received loans for three residence halls, a loan and a grant for Greenlease Library, and a grant for the renovation of Sedgwick Hall. We will soon be submitting an application for a grant to assist us in expanding our physical education facilities. Our projected enrollment due to the admission of coeds in the fall of 1969 makes this a priority item. The lack of funding for this program will delay or eliminate this needed facility. The administration suggestion that "colleges and universities should be encouraged to finance construction from non-Federal sources" overlooks the fact that two-thirds of the project would be so financed any way and that the administrations tax reform proposals on charitable giving will make it more difficult to attract private funds.

DEVELOPING INSTITUTIONS

As a founding member of the Kansas City Regional Council for Higher Education, Rockhurst has been involved in the Council programs funded under Title III of the Higher Education Act. In addition we have received funds for National Teaching Fellowships.

This year we applied for a $207,270 grant to develop a cooperative relationship with Avila College. However because appropriations were not increased, no new programs were funded.

The Avila-Rockhurst grant would have provided funds to deal with some essential, developmental problems at both schools: faculty development, student personnel programs, electronic data processing, and intercampus transportation.

While we will continue to apply for these funds because the programs they support are of high priority, we have little hope of receiving a grant as long as appropriations do not increase.

COOPERATIVE EDUCATION PROGRAM

Rockhurst is one of the few schools in this area which offers a cooperative education program and the only school to offer it in the business areas. The government agencies and companies involved have all testified to its effectiveness in preparing young people for careers in business and management.

This federal program is specifically designed to assist schools in expanding and developing and establishing co-op programs. We feel that we will have an excellent chance of receiving a grant to improve our program and will apply this fall, but the lack of appropriations request will mean further delay in the extension of the benefits of this program.

Finally, we are greatly concerned about a number of the tax reforms which appear to be receiving serious house committee consideration. Particularly damaging to private colleges (but detrimental to the public institutions as well) would be the establishment of a 3% threshold for charitable gift deduction, the reduction or eliminating of the charitable deductions on gifts of appreciated securities, and the imposition of a federal tax on foundation investment incomes. These and other proposed reforms relating to charitable contributions would certainly have an adverse effect on voluntary contributions to education at a time when Rockhurst and the vast majority of colleges are in critical need of increased assistance from alumni, friends, firms, and foundations. The possible restriction of private philanthropy coupled with reductions in federal support makes even more difficult the continued strength of private higher education which HEW secretary Robert Finch has called "essential to forestall total conformity, and rigidity in American higher education."

In all of these areas, I am not suggesting or requesting that you initiate specific action with any particular agency on Rockhurst's behalf. However, I do feel you will find it helpful to be aware of our specific problems and concerns as you discuss these matters with your associates in the Congress.

I strongly urge you to use your vote and your influence to increase funding for all authorized educational programs and especially to restore appropriations for the Instructional Equipment Program, the Grants for Construction of Undergraduate Facilities, and the Cooperative Education Program; to increase appropriations for the NDSL program and for aid to developing institutions. With regard to the tax reform measures, I am sure that the impact upon Rockhurst and other institutions of higher education will play a major part in your decision.

Thanking you again for this opportunity and for your past efforts on behalf of Rockhurst and education, I am.

Sincerely yours,
MAURICE E. VAN ACKEREN, S.J.,
President.

NATIONAL DEFENSE STUDENT LOANS

LEGISLATION

P.L. 85-864, Title II, National Defense Education Act of 1958, as amended.

PURPOSE

To establish and develop capital funds at institutions of higher education for making low-interest, long term loans to students needing them to pursue courses of study.

Funding	Authorization	Appropriation
Fiscal year:		
1966	$179,300,000	$181,550,000
1967	190,000,000	193,115,000
1968	225,000,000	187,400,000
1969	210,000,000	193,400,000
1970	275,000,000	[1] 161,000,000
1971	300,000,000	

Rockhurst participation	Requested	Granted
Fiscal year:		
1966		
1967		
1968	$43,844	$39,679
1969	45,900	34,687
1970	69,750	[2] 38,760

[1] Administration request.
[2] Estimated.

EDUCATIONAL OPPORTUNITY GRANTS

LEGISLATION

P.L. 89-329, Title IV-A, Higher Education Act of 1965, as amended

PURPOSE

To provide grants to assist in making available the benefits of higher education to qualified high school graduates of exceptional financial need who, without this aid, would be unable to obtain these benefits.

Funding	Authorization	Appropriation
Fiscal year:		
1966	[1] $70,000,000	$58,000,000
1967	[1] 70,000,000	112,000,000
1968	[1] 70,000,000	131,600,000
1969	[1] 70,000,000	124,600,000
1970	[1] 100,000,000	[2] 175,600,000
1971	[1] 140,000,000	

Rockhurst participation [3]	Requested	Granted
Fiscal year:		
1966		
1967		
1968	$58,926	$41,250
1969	47,250	41,060
1970	30,400	[4] 15,182

[1] Plus whatever amounts are needed for renewal grants.
[2] Administration request.
[3] Initial awards only.
[4] Estimated.

COLLEGE WORK-STUDY PROGRAM

LEGISLATION

P.L. 88-452, Title I-C, Economic Opportunity Act of 1964, as amended.

PURPOSE

To stimulate and promote the part-time employment of students, particularly students from low income families, who are in need of earnings in order to pursue their courses of study. Employment may be for the institution itself or for a public or private nonprofit organization.

Funding	Authorization	Appropriation
Fiscal year:		
1966	$129,000,000	$99,123,000
1967	165,000,000	134,100,000
1968	200,000,000	134,300,000
1969	225,000,000	139,900,000
1970	255,000,000	[1] 154,000,000
1971	285,000,000	

Rockhurst participation	Requested	Granted
Fiscal year:		
1966		
1967		$64,871
1968	$95,400	65,757
1969	89,000	89,000
1970	123,000	[2] 89,244

[1] Administration request.
[2] Estimated.

INSTRUCTIONAL EQUIPMENT

LEGISLATION

P.L. 89-329, Title VI, A, Higher Education Act of 1965, as amended.

PURPOSE

To provide funds to assist institutions of higher education in the acquisition of TV, laboratory and other special equipment and in minor remodeling for the improvement of the quality of classroom instruction.

Funding	Authorization	Appropriation
Fiscal year:		
1966	$37,500,000	$15,000,000
1967	60,000,000	14,500,000
1968	70,000,000	14,500,000
1969	13,000,000	14,500,000
1970	60,000,000	[1] 0
1971	60,000,000	

Rockhurst participation	Requested	Granted
Fiscal year:		
1966	$7,080	$7,080
1967	7,154	7,154
1968	6,982	6,982
1969	7,152	7,152

[1] Administration request.

GRANTS FOR CONSTRUCTION OF UNDERGRADUATE FACILITIES

LEGISLATION

P.L. 88-204, Title I, Higher Education Facilities Act of 1963, as amended.

PURPOSE

To provide grants to higher education institutions to finance the construction, rehabilitation and improvement of undergraduate facilities and for the administration of related State plans.

Funding	Authorization	Appropriation
Fiscal year:		
1966	$463,000,000	$460,000,000
1967	482,000,000	460,000,000
1968	735,000,000	274,000,000
1969	943,000,000	83,000,000
1970	936,000,000	[1] 43,000,000
1971	936,000,000	

[1] Administration request excludes funds for 4-year colleges.

ROCKHURST PARTICIPATION

Greenlease Library.
Sedgwick Hall Renovation.
Proposed Physical Education Facility.

DEVELOPING INSTITUTIONS

LEGISLATION

P.L. 89-329, Title III, Higher Education Act of 1965, as amended.

PURPOSE

To provide funds to assist in raising the academic quality of developing colleges and universities through cooperative arrangements and teaching fellowships.

Funding	Authorization	Appropriation
Fiscal year:		
1966	$55,000,000	$5,000,000
1967	30,000,000	30,000,000
1968	55,000,000	30,000,000
1969	35,000,000	30,000,000
1970	70,000,000	[1] 30,000,000

Rockhurst participation (excluding KCRCHE)	Requested	Granted
Fiscal year:		
1966	0	0
1967	$24,025	0
1968	13,000	$13,000
1969	32,500	13,000
1970	207,270	0

[1] Administration request.

COOPERATIVE EDUCATION PROGRAMS

LEGISLATION

P.L. 90-575. Higher Education Amendments of 1968.

PURPOSE

To provide grants to institutions of higher education for the planning, establishment, expansion, or carrying out of programs of cooperative education that alternate periods of full-time academic study with periods of full-time public or private employment.

Funding	Authorization	Appropriation
Fiscal year:		
1969	$340,000	$0
1970	8,000,000	[1] 0
1971	10,000,000	

[1] Administration request.

ROCKHURST PARTICIPATION

None; but will apply to support and expand present co-op program.

SUPPORT FOR ADMINISTRATION AVIATION PROGRAM

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 17, 1969

Mr. SCOTT. Mr. President, the graph depicting Federal fiscal support for civil aviation facilities and equipment over the past two decades is corrugated by a series of peaks and valleys. An overlay charting major air disasters during the same period would show a close correlation with this graph.

This frenetic "panicbutton" approach to national aviation planning; perhaps understandable in the earlier days of flying, is now totally inconsistent with the nature of aviation in the "air age."

A comparison of the sawtooth appropriations pattern with the curve of aviation growth in this country in terms of airline and general aviation operations is likewise interesting. Aviation growth curves show no spectacular peaks and yawning valleys when plotted across the past 20 years or when projected into the future. Instead, the growth of civil aviation can be plotted in a smooth, almost steady line, sharpening at some points but climbing continually—a climb that has been getting steeper in recent years.

The question that must concern us now is what the relationship between aviation growth and the Federal support of the growth should properly be. Should not the curve of national expenditures for aviation more closely match the orderly curve of aviation growth? Now that air travel is not only an accepted but highly popular and productive form of transportation, of national as well as personal benefit, it would seem that the answer should indeed be "Yes."

A reasonable fiscal solution to this feast-and-famine situation is now before us. The "panic-button" approach to financing this country's aviation needs can be replaced by an approach that takes into account the system's shortcomings and the means for correcting them.

The Nixon administration has proposed a reasonable way out of this dilemma.

This plan is worthy of consideration if we are to do away with piecemeal national aviation planning.

A TRIBUTE TO COURAGE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. MICHEL. Mr. Speaker, the President's Committee on Employment of the Handicapped conducted their annual meeting on May 1, 1969, at the Washington Hilton Hotel, and while I was unable to be in attendance it is my privilege to insert in the RECORD today a copy of the remarks by Secretary of Labor George P. Shultz, as well as a copy of "A Tribute to Courage," delivered by Mrs. Scott Carpenter, before presentation of the President's Trophy to Mr. William Passmore, Handicapped American of the Year.

I include both texts in the RECORD at this point:

A TRIBUTE TO COURAGE

(Remarks by Mrs. Scott Carpenter, before presentation of President's trophy to William Passmore, Handicapped American of the Year, at annual meeting, President's Committee on Employment of the Handicapped, May 1, 1969)

In a letter sent to him from a man behind prison bars lies a clue to William Passmore: "As long as a man's life means something to someone else, it will mean something to *him*."

William Passmore is many things. Most importantly, he is a "someone else" to whom every other man is unique and precious.

Few of the 58,000 citizens of East Chicago, Indiana, a bustling, steel producing center, have not heard of him; most are familiar with his engaging personality and his reputation for community service; many love him because their lives have been enriched—or redeemed—by his friendship and his caring.

No one he meets—prisoner or free, young or old, black or white, sick or well, disadvantaged or affluent—has any doubt that to William Passmore and therefore, then, to him-

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self, his life is important, his life is worthwhile.

What accounts for this reverence for life? What makes William Passmore not only accept, but embrace, the role of brother's keeper?

No doubt the seeds were sown in a humble, religious home. Mrs. Laura Passmore, who is with us this morning, says her son Willie was a happy child, interested then as now in everything and everybody, and with a special love of sports. When the boy was young, Mr. Passmore died, leaving his wife to be mother and father to Willie, his older brother and two sisters.

In high school, Willie's passion was football. When he was 17 and a junior, he was hurt during a practice session. What seemed at first a painful shoulder injury, turned out to be spinal column damage. The boy's legs became paralyzed. After more than two years of treatment, including extensive spinal surgery and endless months in traction, gangerene set in.

Willie was home alone when the doctor told him both legs must be amputated if he were to live.

"There were no tears," his mother recalls, as she describes how Willie broke the news to her.

"What did you tell the doctor?" she asked.

Willie answered: "Well, if I can live . . ."

Because he chose life, all life to William Passmore became more precious.

After the operation he was, for a while, close to death. Pneumonia was just one of the physical complications. And fear, pain and despair were ever present. Eventual recovery he credits to the love and prayers of his family and friends; his own stubbornness and above all, the will of God.

Slowly his strength returned and at home, with the help of visiting teachers, William Passmore earned his high school diploma. Then, after training in business and accounting by the Division of Vocational Rehabilitation, he went to work as a night dispatcher for a cab company. The job was to last 11 years, and gave him the chance to meet, by phone, thousands of people. He also began to write a column for the Chicago Daily Defender called, "East Chicago on the Go." For 18 years, the column has provided still another entrée to the people and the life of his city.

At the same time, he started the practice of Sunday afternoon visits to patients at St. Catherine Hospital, where *he* had spent so many, many hours. Soon, he was able to chat with them in six different languages which he picked up "by ear."

The response of sick men, women and children to this smiling young man in a wheelchair, who understands their fears and sympathizes with their problems, is magical. For 18 years the cry has been going out when patients need cheering: "See if you can find Bill Passmore."

St. Catherine is the only hospital in East Chicago, so these Sunday visits have gained him thousands of new friends. Much of his influence in the community today, with business leaders, civic organizations, labor, the churches, the medical profession, people—black and white—in all segments of the city's melting pot society, stems from these bedside visits.

There are many other ways in which William Passmore serves his fellow man:

He is a regular at monthly meetings of the Anselm Forum, an interracial group that has existed for 25 years to promote brotherhood and the acceptance of minorities.

He is assistant Sunday School superintendent at St. Mark's A.M.E. (African Methodist Episcopal) Zion Church, where his lack of self pity is an inspiration to the entire congregation but particularly to the girls and boys.

He is a sponsor of "Convicts Anonymous," a group therapy organization which prepares men in the State prison for life outside, and of "Convicts Unlimited," which finds employment for them after release. These are among the most satisfying of his volunteer efforts. He draws on endless resources to provide the prisoners with hope, material help, jobs and self respect.

A commissioner of correction for the State of Indiana says: "The people Passmore counsels don't come back to prison."

He also utilizes his relationships within the community in a broader employment crusade. As a member of the working press, he seizes every chance to bring together those who have and those who need jobs. Employers who meet Bill Passmore at their sickbeds hire his referrals later. And when he was a cab dispatcher, a businessman who called for a cab often would get, in addition, a reference for someone who was out of work.

His amazing success at this avocation led, two years ago, to his current employment as Work Coordinator for the Mayor's Committee on Social and Economic Opportunity. Here, in the Neighborhood Youth Corps, he labors as teacher, counselor, friend and sometimes father and mother to disadvantaged teenagers. The goal is to persuade them to finish their educations, to find them jobs and in most cases, a better way of life.

According to Bill Passmore's co-workers, no other man could do the job as well. He maintains close to perfect communication with youth. And if there is a failure with a young person, he regards it as his failure.

A personal testimony appears in a letter from a young infantryman in Vietnam: "I could never have found a decent clean job without your help. I worked there for four months before being drafted and I am now rest assured that employment awaits me after my discharge from the Army. East Chicago needs you, Sincerely, Your pal. . ."

Last year, the city that needs him, the city he serves so well, Paid William Passmore a singular honor.

On his 37th birthday, the people of East Chicago gave him a mammoth dinner party. Almost 600 people were there including the Mayor, friends from the Jaycees (of which he is a life member), staff and former patients from St. Catherine, fellow-members of the NAACP and the numerous other organizations to which he belongs and for which he works with a whole heart. Hundreds who could not attend, helped fill a huge scrapbook of congratulatory cards and telegrams.

During the evening, William Passmore received many gifts and many testimonies of gratitude and affection. Someone said he was honored for "that which he has given."

In the same spirit, we honor him today.

Traditionally, this spoken tribute to the Handicapped American of the Year is called, "A Tribute to Courage," and this year again we have saluted a courage that ignores handicap, denies bitterness and refuses defeat. But I would like to suggest an expansion of the title: "A Tribute to William Passmore: A Tribute to Courage—and Love."

Remarks by Secretary of Labor George P. Shultz

I am happy to be here to represent President Nixon. I am also happy to be here in my own right.

I am sure you know of the President's deep interest in the handicapped. If he could have possibly found a free hour—or even a free half-hour—he would have come this morning.

I am sure you know, too, that President Nixon is no stranger to the President's Committee. Back when he was Vice President, he spoke at a couple of your Annual Meetings. And his office was always available for your special events—such as the time when the President's Committee brought all the leading cartoonists in the country there for breakfast one morning.

His affection for this Committee hasn't changed over the years. But, putting it mildly, the pressure of his job has changed. So here I am in his place.

This morning, I want to establish three premises, draw two conclusions and make one suggestion.

My first premise is that every person in America should have the right to feel useful and to feel needed; the right to contribute to society as best he can and in whatever way he can; the right to dream, to aspire; the right to take whatever action he can to achieve his dreams and his aspirations.

In short, every person in America should have the right to be a Mr. Somebody—or a Miss Somebody or a Mrs. Somebody. Ego-fulfillment, the psychologists call it.

In a society like ours, rooted in the concept of work as being useful and desirable, it obviously is work that gives us the feeling of fulfillment.

And so, every person who has the potential for work should have the right to seek and to find work. No door should be closed to him because of his color, his religion, his nationality—or his handicap, physical or mental.

Note that I said "every" person. I did not say "almost every" person. I include all the handicapped, not just some of the handicapped. Who are we to presume to choose which of our fellow men we shall deprive of the right to self-fulfillment?

My second premise is that if the United States wants to remain strong and vigorous, it must make full use of all its resources. The day is long past when we could afford the luxury of wasted resources, in the smug belief that there were always more where these came from.

When it comes to our national resources, we are learning a lesson. Only last week I read of massive efforts to drill for oil on the cold northern shores of Alaska—where it's so frigid that roads and even bridges are carved out of solid ice. When summer comes, the roads turn to icy slush, stranding the work crews until the cold sets in again.

Tremendous efforts and tremendous ingenuity, to pump gas, one of our most valuable natural resources. Would we make the same tremendous efforts to make use of another most valuable resource—man?

Is an oil well worth more than a person?

We are just beginning to show concern for the conservation of people resources—but we have a long way to go to treat people resources with the same care that we treat natural resources.

All of our training programs, vocational rehabilitation programs, work-study programs, poverty programs, manpower progams and all the rest—these point the way. We are heading in the right direction. But the road is long.

I can tell you now that manpower programs of the Department of Labor have played a large role in helping the handicapped to independence in the past, and will play an even larger role in serving the handicapped in the future.

These programs can and should be the keys that open new doors to them. And those keys are going to work.

My third premise is based on the first two—on the fact that every person should have the right to self-fulfillment through work, if at all possible; and on the fact that our human resources deserve the same efforts of conservation that we show our natural resources. My third premise is this: we must concern ourselves with opportunities for those handicapped men and women who need our concern the most . . . those who so far have been left out of the action.

I mean those with severe physical disabilities such as cerebral palsy. And those with degenerative conditions such as multiple sclerosis. And those with stigmatic disabilities such as epilepsy.

And I mean the mentally retarded—not just the mildly retarded, but those with greater degrees of retardation who could work if jobs were made simple enough for them.

And I mean former mental patients—those who need help and compassion in gaining new work skills and new social competencies.

In other words, we cannot pick and choose which categories of the handicapped we wish to serve. Our commitment has to be with all the handicapped and not with some of the handicapped. This means squarely facing up to the tough cases we are tempted to pretend don't exist.

Those were my three premises. Now for my two conclusions.

Conclusion number one is that we can make a dent in these problems if we tackle them with the same dedication and the same concentration that we have displayed in meeting the problems of others in need of our special concern—such as the disadvantaged.

There must be a strong groundswell of concern for the handicapped in America—and you are the people who can create it.

Conclusion number two is that this groundswell, this strong national concern, cannot possibly come about through Government action alone. Nor can it come about through the action of the business community alone. Nor through the action of labor alone. Nor through the action of volunteers alone.

There must be a strong partnership among all the major forces in America—public sector, private sector, management, labor, the rest.

The leadership must come from you—from the volunteers—from you, who represent the real strength of America—from this President's Committee, and from Governors' Committees in the States, and from local Committees in a thousand cities.

Finally, we come to my one suggestion.

What is needed to help solve our problems is some fresh thinking about the basic meaning and nature of work—particularly work for the handicapped.

Some examples:

Why must people be compelled to work eight hours a day? Why can't the work day be shortened for physically handicapped persons who cannot stand up to the rigors of an eight-hour day? Or two? Or whatever they are capable of?

Why can't we redesign more jobs so that the physically and mentally handicapped can perform them? Why can't we combine routine, simple functions into jobs that the mentally retarded would be able to perform? Why can't we readjust the flow of work so that the paralyzed secretary doesn't have to move about the office?

Why don't we pay more attention to architectural barriers that keep out the handicapped as effectively as barbed wire fences? We have made much progress in eliminating barriers from public buildings. But what about plants and factories and offices? How much talent is business screening out, because people in wheelchairs can't get inside the front door?

Why haven't we done more about considering the psychological factors of work, in trying to match jobs to the personalities of workers? Think how many former mental patients could come into the labor market if we did more of this. Mr. A can't take crowds, so we put him to work where he's pretty much alone. Mr. B is compulsive about cleanliness, so we give him a job that demands cleanliness.

These are just scratches on the surface. So much more can be done to think freshly about work—in ways that would open more doors for the handicapped.

Who's going to do all this? Not Government alone; not business alone; not any segment of society alone. But you and you and you and me. All of us, together.

President Nixon said it all so well, in the policy memorandum he issued last month to all agencies of the Federal Government. "I have personally observed the mutual benefits that derive from hiring the handicapped, and I want this 'good business' to continue and prosper," he said.

Mr. President, we all want this "good business" to continue and prosper. Working together, we can be sure that it does.

RESOLUTION BY THE EXECUTIVE COMMITTEE OF THE SOUTH CAROLINA REPUBLICAN PARTY SUPPORTING THE ABM SAFEGUARD SYSTEM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 17, 1969

Mr. THURMOND. Mr. President, it is a pleasure for me to inform Senators that the executive committee of the South Carolina Republican Party unanimously adopted a resolution on June 5 supporting President Nixon's proposal for an anti-ballistic-missile system to defend our Nation. I strongly endorse this resolution and commend the executive committee for their wisdom and for their deep concern for the security of our country.

Mr. President, I ask unanimous consent that the resolution be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED JUNE 5, 1969

Whereas since World War II the communists have done little that would indicate that they truly desire peaceful coexistence; and

Whereas between the years 1962 and 1965 the Soviets have increased their nuclear striking power 300 percent, while the United States was decreasing its nuclear striking power by 50 percent; and

Whereas it is reported that the Soviet Union has more than 200 nuclear missiles aimed at the United States of multi-megaton destructive power; and

Whereas informed sources advise that the Soviets have surpassed the United States in numbers of land-based inter-continental ballistic missiles and are continuing to deploy ICBM's at a more rapid rate; and

Whereas the Soviets are building a Polaris-type submarine fleet at such a rate that they are expected to surpass the United States in the next five years; and

Whereas the Soviet Union now has a defensive missile of its own; and

Whereas Communist China is following the same pattern of nuclear development as that of the Russians; and

Whereas the past eight years have seen the United States move from a vast superiority in military might to a position that leaves our nation so vulnerable as to endanger the survival of the Free World; now be it

Resolved, By the Executive Committee of the South Carolina Republican Party, duly assembled on this the fifth day of June, 1969, hereby unanimously commends President Nixon for proposing the development of an anti-ballistic missile system to protect our homes and does urge the Congress of the United States to implement this proposed defensive missile system; and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, to Senator Strom Thurmond, and to Congressman Albert Watson.

AN EXCELLENT CHOICE

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. WEICKER. Mr. Speaker, I applaud President Nixon's choice of Mr. J. William Middendorf II, as the U.S. Ambassador to the Netherlands.

Mr. Middendorf is a fellow resident of my hometown, Greenwich, Conn., and has been a longtime friend.

I feel that we, the American people, and our Government are fortunate to have a man of Mr. Middendorf's intelligence, integrity, and charm serving as the representative of the United States in The Hague.

Over the years that I have known Bill Middendorf I have admired his ability to evaluate situations and arrive at clear, workable solutions to problems. This talent is probably one of the main prerequisites of service as a U.S. Ambassador.

Mr. Middendorf's reputation as a businessman in our Nation and in foreign countries is legendary. A partner in the firm of Middendorf Colgate, Mr. Middendorf has earned the esteem and admiration of the world's business community. His business ability and knowledge are well known in Holland, where he has the respect of the Dutch people who have built a lively, healthy economy by their own business acumen.

Mr. Middendorf's forward-looking approach has resulted in a keen interest in the production of fish protein concentrates, which help solve the world problem of hunger.

In the area of cybernetics, Mr. Middendorf has taken a vital interest in this key element to the future of science, industry, and technology.

With such an active business career, one could scarcely believe that an individual would have time for other activities. Mr. Middendorf however, has diverse interests which contribute to his potential of being an outstanding Ambassador.

A renowned philanthropist, Mr. Middendorf has displayed a deep concern for people.

As a patron of the arts and history, Mr. Middendorf has studied Dutch history and art, and is well versed in the background and culture of the Netherlands.

In 1960 Mr. Middendorf was a judge at the Rome Olympic Games Committee and is president of the Field Hockey Association of America.

A firm believer in the American political system, Bill Middendorf has played an active role as Republican national finance chairman, while at the same time remaining out of the public spotlight.

I have outlined for my colleagues just a few of the activities and qualifications of our new Ambassador to the Netherlands. There are many more virtues that

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I could comment on but the best description of Bill Middendorf I can think of is—he is a sincere, dedicated man whom I am proud to call "friend."

I ask my colleagues to join me in wishing Bill Middendorf "bon voyage" and success as Ambassador to the Netherlands.

JAMES WARBURG

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. RYAN. Mr. Speaker, it is with deep regret that I inform my colleagues of the death of James Warburg on June 4 at the age of 72. Financier, former Government official, author of some 30 books, Mr. Warburg frequently questioned and opposed U.S. foreign policy. He was a strong advocate of disarmament, always championing the cause of peace and reconciliation.

An early supporter of the New Deal, he served as monetary adviser to the American delegation to the London Economic Conference of 1933. Although he disagreed with President Roosevelt over monetary policy, he returned to Government to support F. D. R. in the allied military cause, serving as director of the Office of War Information.

As a critic of cold war policy, Mr. Warburg wrote in 1958 an open letter in the New York Times to President Eisenhower, which we would do well to recall:

> The greater part of the world is in revolutionary change—change which is idle to deny and futile to resist—change which can be guided toward constructive ends only by leadership which identifies itself with the needs and aspirations of people.

James Warburg was a warm, sensitive man; and his absence will be sorely felt. I extend to his family my deepest sympathy at this time of sadness.

I include in the RECORD the obituary which appeared in the New York Times on June 4, 1969:

JAMES P. WARBURG, FINANCIER AND WRITER ON U.S. POLICY, DIES

(By Walter Sullivan)

GREENWICH, CONN., June 3.—James P. Warburg, financier, former Government official, confidant of Presidents and frequent dissenter from American foreign policy, died in Greenwich Hospital early today. His age was 72.

He apparently succumbed to a series of strokes or other circulatory impairments. A few weeks ago Mr. Warburg fell while in Florida, and then suffered a slight impairment of his vision.

Mr. Warburg, the member of an international banking family, was a prolific author, with more than 30 books to his name. He was an inveterate letter-writer to newspapers (50 of his letters have been published in The New York Times since 1949).

As a public speaker he was an eloquent proponent of his liberal-democratic point of view. An operation for cancer of the tongue in 1961 left him with a barely perceptible lisp, but was not a serious impediment to his. speaking efforts.

DEALING WITH COMMUNISTS

In a sense he was the opposite of a devil's advocate. He was a spokesman of the idealists, of those who sought disarmament and accommodations with the Soviet Union and Communist China. Probably his closest approaches to the centers of power were in his associations with Franklin D. Roosevelt and John F. Kennedy.

He was an early champion of the New Deal and served as monetary adviser to the American delegation at the London Economic Conference of 1933. Two years later, he broke with President Roosevelt over monetary policy and wrote several books attacking the New Deal.

Then, as the United States drifted toward involvement in World War II he again rallied behind the President in the latter's support of the Allied cause. He rejoined the Government and eventually served as deputy director of the Office of War Information.

Mr. Warburg's roots were in three great German banking families—the Loebs, Schiffs and Warburgs—and he began his career at the National Metropolitan Bank in Washington. In 1931, at the age of 35, he became president of the International Acceptance Bank and a year later became director of the Bank of the Manhattan Company.

He also held directorships with various railroads, but then severed many of these connections, apparently because of his view that "big business" was to blame for much of what he considered misguided United States foreign policy.

BACKING OF POLAROID

However in about 1937 he heard of some interesting work being done by a 28-year-old man in Cambridge, Mass., named Edwin H. Land. Mr. Land had developed a synthetic process for making sheets of polaroid material that, Mr. Land predicted, could be used for a host of scientific tasks as well as for reducing headlight glare and making three-dimensional moving pictures.

As recounted today by Mr. Land, a group of bankers representing the Harriman, Rockefeller and Kuhn, Loeb firms was mustered by Mr. Warburg, who put a sizable chunk of his own assets into Mr. Land's Polaroid Corporation. The result was that Mr. Warburg made a second fortune.

Mr. Warburg's father, Paul M. Warburg, was one of two brothers who came to this country from Hamburg, Germany, where James Paul was born on Aug. 18, 1896. The other brother was Felix. Paul had married Nina Loeb, daughter of Solomon Loeb, who also came to this country and helped found Kuhn, Loeb & Co. the investment banking house.

The children of Felix included Frederick M., now a senior partner in Kuhn, Loeb; Paul Felix, who died in 1965, Gerald and Edward M. M.

Further cross-relationships in the family were forged when Theresa Loeb (a daughter of Solomon by another marriage than that to James Warburg's grandmother) married Jacob Schiff, another immigrant from Germany.

Their daughter, Frieda Schiff, married Felix Warburg and was mother to Frederick and his brothers. Dorothy Schiff, publisher of The New York Post, is Jacob's granddaughter.

A member of the family recalled today how James displayed his mental prowess at an early age. While a student at the Middlesex School his grades were so sensational that his classmates ran a pool on what they would be. The lowest figure that anyone chose (on the basis of 100 as a perfect score) was 95.

He was graduated Phi Beta Kappa from Harvard in 1917 and served as a lieutenant in the Navy Flying Corps during World War I.

Much of his life was spent as an ardent dissenter. His close association with such framers of Government policy as Dean Acheson, former Secretary of State, deteriorated as American foreign policy developed during the postwar period of the cold war.

As he became more disenchanted with policy under Presidents Harry S. Truman and Dwight D. Eisenhower, the flow of his books increased and he took full-page newspaper advertisements to plead his cause of peace and reconciliation. He spoke for universal disarmament and, in the early postwar years, backed the United World Federalists.

In an open letter to President Eisenhower in 1958, published as an advertisement in The Times, Mr. Warburg said:

"Let us stop fighting history. The greater part of the world is in revolutionary change—change which is idle to deny and futile to resist—change which can be guided toward constructive ends only by leadership which identifies itself with the needs and aspirations of peoples on the march toward what they hope will be a better future."

He argued that American policy was determined by reaction to decisions made elsewhere. "Let us stop letting Moscow, Peking or Taipei dictate our action. Let us develop an affirmative policy of our own."

His concern over the future role of his native Germany was reflected in his books. In 1953 he published "Germany: Key to Peace," in which he warned that German rearmament would be a major impediment to an accommodation with the Soviet Union.

In the review of another work, "How to Co-Exist: Without Playing the Kremlin's Game," A. H. Raskin of The Times commented: "The refreshing thing about Mr. Warburg's latest broadside is that his failure to make any appreciable dent in the thinking of either major party has not causd him to become either hopeless or embittered."

"Too little attention," Mr. Raskin said, "has been given to where we are going and what we are doing to ourselves in the process. Mr. Warburg's earnest volume helps overcome that lack."

Such was the diversity of his interests and talents that he served, for a time, as chairman of the board of the Juilliard School of Music and was a director of the New York Philharmonic Society. He published at least three volumes of poetry.

REAL ESTATE INTEREST

It was said by his colleagues that, as a young banker, he exercised five horses before breakfast. In his later and more sedate years he operated successfully in Florida real estate, maintaining a winter home at Deerfield Beach, Fla. In addition to his residence on John Street in the countryside back of Greenwich, he had an apartment at 34 East 70th Street in New York.

In June 1918, he married Katherine Faulkner Swift. They had three children, April (now Mrs. B. Gagliano of Rome), Andrea (now Mrs. Sydney Kaufman of Forest Hills, Queens) and Katherine (now Mrs. Robert A. Levin of Chicago). The marriage was terminated in divorce in 1934 as was a subsequent marriage, to Mrs. Phyllis Baldwin Browne.

In 1948 he wed the former Joan Melber. Their children are James P. Jr., Jenny, Philip Neff and Sally. Also surviving is Mr. Warburg's sister, Mrs. Samuel B. Grimson of New York.

A memorial service will be held at 11 A.M. Friday at Round Hill Community House, Round Hill Road.

LET'S MAKE CERTAIN THE PEOPLE ELECT THEIR PRESIDENT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. HUNGATE. Mr. Speaker, I call the attention of the House to a statement on the question of electoral college re-

form by Hubert Humphrey in the May 25, 1969, This Week magazine:

Let's Make Certain the People Elect Their President

(By Hubert Humphrey)

We gambled once again in 1968 with our dangerous 18th century Electoral College system, and by a very small margin, the nation did choose a President.

But we were lucky. A change of a few hundred thousand votes could have plunged the nation into uncertainty and potential chaos.

I remember watching the returns as President Nixon was conceded Illinois' 26 electoral votes. It appeared he would be the electoral vote winner. But, because of my large vote margins in New York, Massachusetts, Michigan, Minnesota and Pennsylvania, I went ahead in the popular vote.

It brought to mind candidate Nixon's statement shortly before the election: "I think that if the man who wins the popular vote is denied the Presidency, the man who gets the Presidency would have very great difficulty in governing."

Fortunately for Mr. Nixon and the nation, he edged ahead in the popular vote and there was no doubt on November 6 who our 37th President would be. The transition of power from one administration to another proceeded smoothly.

But what if I had stayed ahead in the popular vote? Under our Electoral College system, a President can be elected with as little as 25 percent of the popular vote. Such a minority President would take office under a great handicap.

Or what would have happened if I had carried one or two more states? A shift of 111,663 votes in California, or a shift of 75,844 votes in Ohio and New Jersey, or a shift of 98,076 votes in Illinois and Wisconsin would have denied Mr. Nixon an electoral vote majority. America then would have had to wait in uncertainty for the Electoral College to meet in December. Then, probably amid rumors that third-party candidate George Wallace had made a deal with one of us, a largely anonymous group of electors would have met in their separate states to choose a President.

Let's assume that George Wallace's 45 electors stayed with him, and neither Mr. Nixon nor myself were able to win an Electoral College majority. The decision then would have gone to Congress, where the House would have elected the President and the Senate would have elected the Vice President.

In the House, each state would cast one vote. The 7,000,000 voters of California would have been equal to 70,000 voters of Alaska. Since the House is narrowly controlled by Democrats, I might have been able to gain the necessary 26 state votes. But the House might very well have deadlocked.

The Senate, meanwhile, more comfortably controlled by Democrats, probably would have elected my running mate, Senator Edmund Muskie, as Vice President. On January 20, amid uncertainty and without any effective transition from the previous administration, Mr. Muskie might have taken office as Acting President, not knowing how long he might have to serve.

This nation, the most powerful in the history of the world, cannot afford to gamble again. The experience of 1968 should be enough to get Congress to work drafting and passing a Constitutional amendment to be submitted to the states for ratification.

What are the alternatives to the outmoded Electoral College system?

1. The direct election plan would abolish the Electoral College in favor of direct popular election by the people. If no candidate received 40 percent of the vote, the top two candidates would meet in a runoff election.

2. The proportional plan would retain the electoral vote system, but would apportion the votes, down to three or four decimal-point percentages of the popular vote, to each candidate. If no candidate received 40 per cent of the electoral vote, the top two candidates would meet in a runoff election (this time decided by popular vote, not electoral vote).

3. The district plan would also retain the electoral vote system. The popular vote winner in each Congressional district would receive one electoral vote, and the popular vote winner in each state would receive two at-large electoral votes. Again, there would be a runoff if no candidate received 40 per cent of the electoral vote.

Which is the fairest and best plan?

I support the direct election plan. It alone guarantees that the President will be the popular vote winner. With either the proportional or district plans, the popular vote runner-up can still be elected President. In fact, Mr. Nixon would have been elected President in 1960 under either the proportional or district plan, even though John F. Kennedy was the popular vote winner.

The direct election plan treats each citizen and each vote equally. There are no mathematical manipulations, and no decimal-point Presidents. Every citizen would have equal incentive to vote—there would be no "safe" states where citizens are discouraged from voting.

Candidates would campaign nationally, instead of by state. In the fall campaign, I concentrated my campaign on the big electoral vote "swing" states. Under the Electoral College system, a candidate need win only the 12 biggest states to be elected, so candidates naturally center their campaigns on these big states, virtually ignoring the smaller states. Under the direct election plan, candidates would be encouraged to visit cities and counties all over the nation.

The direct election plan is fairer to potential candidates, too. There is now heavy pressure to nominate candidates from big states in hopes that the candidate will bring that bloc of electoral votes with him. In the past 25 presidential elections, for example, there have been 26 New Yorkers on the national tickets.

I faced that choice in August. I rejected the "big state" temptation and picked the man I thought was most qualified to be my Vice President. Senator Muskie comes from Maine, with four electoral votes.

Opponents of change say the Electoral College should be retained because it is a key part of the Federal system. I do not agree. In 1787, the "Great Compromise" on the issue of large states versus small states centered on the makeup of Congress. The Senate, with two members from each state, represents state interests and the Federal principle, not the Electoral College.

An important issue in any electoral system change is state interests. Many residents of small states favor the Electoral College system because each state has two bonus electors plus those given each state on a population basis. Alaska thus has one elector for every 91,333 population, while California has one elector for every 482,500 residents.

But this small state advantage is more than erased by the "winner take all" feature of the present electoral system. The popular vote winner in a state takes all of that state's electoral votes. Whether the margin is one or 1,000,000 votes, all of the electoral votes in a state go to one man. So a narrow win in a big state can be more important than big victories in a number of smaller states.

The direct election plan does away with the small state advantage inherent in the electoral vote system, and the big state advantage that goes with the winner-take-all rule. The direct election plan does not discriminate against any state.

While both the proportional and district plans do away with the winner-take-all rule, they retain the electoral vote system and the resulting advantage to small states. Either of these plans thus discriminates against larger states. Only the direct election plan is fair to all states.

The direct election plan also would discourage the divisive efforts of regional or splinter parties since candidates of such parties would have little chance of developing enough nationwide strength to deny a popular vote victory to one of the major party candidates.

It is essential, as we learned in 1968, that Americans be given the opportunity to participate equally in the contest to choose a national leader. At the Democratic Party convention, we made significant progress, despite all the disorder outside the convention hall, in reforming our party process. By 1972, the Democratic Party will have genuinely transformed itself into a party of the people, open equally to all.

We must encourage every American to take part in politics—to help select the nominees of his party and to help elect the President. The direct election plan—by eliminating the winner-take-all Electoral College system—would help encourage every American to vote. Next steps would include enabling more citizens to vote by eliminating outmoded registration requirements and by lowering the voting age.

It is time to open the nominating and electoral processes to all of our citizens—equally. It is time to abolish the Electoral College in favor of the only fair and safe alternative—direct election by the people.

The Presidency is a national office. The President represents all of the people, equally and at once. The people ought to elect the President. I believe direct election is an idea whose time has come.

LT. GEN. WILLIAM B. BUNKER

HON. JOHN YOUNG

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. YOUNG. Mr. Speaker, on June 5, 1969, a sudden and fatal blow struck down Lt. Gen. William B. Bunker, the Deputy Commander of the U.S. Air Materiel Command. He was a preeminent intellect, manager, engineer, and, of course, a distinguished soldier. His passing must not go unheralded, for it marks the end of an era in the Army, of course, but moreover, in our National Defense Establishment. In these times it is important to reflect upon the selfless, soldierly service of this great servant to his country. In his stewardship one will find the epitome of what our Defense Establishment is all about—civilian managed as it is. Here was a top military manager who held no brief for laxity in the defense industry, who consistently implemented regulations and laws to the letter in spite of the effect upon personal relationships or widely heralded reputations of any of the giants in American industry. As chief negotiator for the Army on the difficult and arduous determinations relative to production programs, General Bunker was the key man in holding industrial titans' feet to the fire. Without addressing the comprehensive complexities of these issues in general, the point to be made is that here was a soldier, doing his job as he saw it, in spite of the great pressures of time and countless vested interests from all quarters. He never lost sight of the interests of the Army and

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the national defense in dealing squarely with industry.

I would like to submit three items for the Record. They include General Bunker's recommendation for his recent award of the Distinguished Service Medal, the Army Materiel Command eulogy prepared by Gen. F. J. Chesarek, the commanding general, and finally the graveside eulogy delivered on June 9, 1969, by his long-time commander and friend, Gen. Frank S. Besson, currently chairman of the Joint Logistics Review Board of the Office of the Secretary of Defense:

Recommendation for Award of DSM to Lt. Gen. William B. Bunker

Lieutenant General William B. Bunker performed meritorious and distinguished service for this nation as the comptroller and director of programs from June 1962 to April 1964 and deputy commanding general, U.S. Army Materiel Command during the period April 1964 to November 1968.

The entire period of these assignments, in positions of the utmost importance to the capability of the Army to achieve its assigned mission, and to the welfare of the nation, was marked by a constant series of significant personal contributions by General Bunker.

General Bunker made significant contributions to the success of the Army Materiel Command since the inception of the concept of such a command. As a member of the original planning group set up to organize the Army Materiel Command, he was instrumental in establishing procedures which smoothed the transition between the establishment of the command and the technical service organizations it replaced.

As the first comptroller and director of programs, U.S. Army Materiel Command, from June 1962 to April 1964, General Bunker had corporate responsibility for an annual obligation authority which exceeded twelve billion dollars. This involved the functions of ninety-two major installations and activities employing over one hunderd and sixty-nine thousand military and civilian personnel. In addition to being responsible for the integrated performance of programming, budgeting, accounting, and review and analysis, he had direct control over the establishment and execution of the operation and maintenance, Army (O&MA) appropriation, military assistance program (Logistical support), Family Housing Management Account (FHMA), and the Army Industrial Fund. He was also responsible for the development, presentation and defense of programs and budgets for these appropriations. Throughout the entire period of his assignment with the command, General Bunker constantly searched for new and improved management techniques. During this period of Government-wide emphasis on cost reduction, General Bunker was a key figure in the development and realization of AMC exceeded goals, which were a major part of the Army effort in the cost reduction program.

Later, General Bunker was made the deputy commanding general of the Army Materiel Command. This job in an organization charged with the responsibilty for research, development, production, procurement, testing, evaluation, maintenance, storage, and issue of Army equipment and materiel was an awesome undertaking which challenged the highly superior qualities and extremely rare professional skills of a general in a high logistics position. General Bunker's outstanding abilities, energetic determination and unparalleled management talents combined to provide the necessary leadership to the organization supplying the much needed materiel and equipment to the men and women of the U.S. Army worldwide in a timely manner. His distinguished contributions toward organizing and developing the industrial might of the U.S. from a peacetime economy to the most efficient and effective arsenal for a democracy during a period of limited war was phenomenal.

In January 1965, there were approximately 20,000 troops in Vietnam. Annually, there has been an increase almost of 200,000, so that by early 1968 there were 550,000 combat forces in Southeast Asia. This buildup had a tremendous impact on the Army logistic system. The U.S. Army Materiel Command, with General Bunker as deputy commander, was required to provide the major portion of the logistics support required by troops in Southeast Asia, representing all the services.

Support of our troops in the United States, as well as in the rest of the world, had to be continued and improved simultaneously. The buildup of our forces presented a great challenge to the capability of AMC in providing materiel support for these various operations. New weapons systems and new uses for existing weapons had to be formulated. Projects had to be expanded and all procurements had to be accelerated. U.S. industrial might had to be re-oriented, motivated and enlarged in an economy dedicated to both guns and butter for the first time in U.S. history during a period of active warfare abroad. Eight Army ammunitions plants were reopened in rapid succession in support of our Southeast Asia requirements and to replace mobilization inventory stocks. Production for small arms ammunition worldwide was accelerated 600 percent. Extreme difficulties were overcome in the acquisition of many parts and supplies to support these operations.

As a personnel manager, General Bunker assisted in guiding the efforts of 12,000 military and 160,000 civilian employees toward resolving the tremendous logistical problems presented by our military force buildup in RVN along with the 40% increase in Army strength worldwide. In addition to directing personnel in providing logistical support, General Bunker addressed the funding problem. Through his personal efforts in presenting the AMC case to the Department of the Army and the Department of Defense, he was instrumental in securing authorization for funding the AMC programs in January 1968, instead of June and July as had been the practice. All of the FY 68 funds were allocated and committed by December toward known and established requirements.

Primary emphasis through AMC's huge network of more than 190 arsenals, depots, laboratories, proving grounds, procurement offices, and other facilities has been placed upon providing the finest possible weapons, equipment, and other supplies at the lowest fair price to the Government and to our troops wherever located. Despite the ever-increasing overseas demands for supplies and the increased workload, General Bunker's outstanding ability to inspire and motivate his team to accomplish more and better work was decisive in assuring the timely completion and delivery of many new weapons systems to RVN.

General Bunker constantly searched for new managerial techniques which could be employed to shorten lead time or reduce costs. As a result, he became deeply involved in the early concepts of project management and was responsible for the initial AMC regulation governing the basic techniques for operation and control of project managers. Project management within AMC has been the primary mechanism for planning, direction and control of roughly one-half of all RDT&E and PEMA programs assigned to the command. In total, the USAMC project management effort accounts for management of new annual obligational authority of approximately $4 billion which has been programed against requirements to develop, procure, test, field and support the most complex, costly and combat critical materiel in the Army inventory. Successful accomplishment of the AMC project managed effort is an absolute concomitant to continue support of Southeast Asia operations, to the future well being of the Army, to the security of the Nation.

A recognized authority on the military use of helicopters since the early 1950's, he had played a leading role in the development of Army aviation. Procurement and logistical support of Army aircraft has been expanded under General Bunker's direction as follows:

A. Expanding the aircraft inventory from about 5,700 aircraft in 1962 to over 11,000 aircraft in 1968. More than one-half of the aircraft inventory is presently operating and being supported under combat conditions.

B. The newest version of the Chinook helicopter (CH–47C), was accepted in March 1968.

C. A production contract for the OH–58A, light observation helicopter, was awarded in March 1968.

D. AMC formally accepted the AH–IG Huey Cobra, the highest speed helicopter gunship.

E. Twenty-one CH–54A "Flying Crane" helicopters have been airlifted to Vietnam.

General Bunker was also intimately involved in project Flat Top. AMC was assigned responsibility for the Army's first floating aircraft maintenance facility. Determination was first established for the overall feasibility of a floating maintenance facility. Various ship's hulls had to be studied for the one most suitable to house such a facility. During this period, seventeen ships were surveyed, including the CVE, CVS (AUT), T–1, T–2, C–2 and C–3 hulls, AR and AV classes. Concurrently, conceptual plans were developed concerning the deployment, utilization, re-supply, and manning of the ship, all of which were unprecedented in Army history.

The AV class was selected as being the most economically feasible for conversion; the concept for the project was approved by the JCS; and the Secretary of Defense approved the concept and provided $9 million for ship conversion and $2.5 million for capital equipment aboard the vessel.

Detailed coordination had to be effected with the Department of the Navy, which was performing the conversion, and the numerous AMC commodity commands, which were procuring the capital equipment for the facility. A Department of Defense priority was obtained on this project along with assistance from AMC depots in borrowing skilled manpower, which resulted in the conversion of the facility being completed 6 months ahead of schedule. In February 1966, the floating aircraft maintenance facility departed Conus for Southeast Asia and assignment to the U.S. Army Vietnam. This provision for on-the-scene, in-theater, depot-level aircraft maintenance support has contributed greatly to a reduction in the theater EDP rate for aircraft, and hence the firepower mobility of the U.S. forces there.

As one of the leading management proponents in the Nation, General Bunker has kept his command in the forefront of American business management. He has worked endlessly and tirelessly to keep the command abreast of scientific and technical developments, and to insure that their potential impact has been understood by members of the command. As president of the Armed Forces Management Association, an organization composed of leading defense contractors and selected military personnel, General Bunker has continued to advance the cause of enlightened management practices throughout the defense establishment and the nation's industrial base. His efforts have earned high praise from military, industrial, and academic circles alike.

General Bunker contributed materially to the national ADP program for AMC logistics

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management (NAPALM), one of the largest systems efforts in the Army and Department of Defense. During the period beginning 1 July 1966, the program had entered one of its most critical phases, involving the selection of the initial sets of equipment and the establishment of the central system design agency to complete and install the new standard system under his guidance these important milestones were achieved and the program is proceeding on schedule.

General Bunker unquestionably has rendered services of inestimable value to the entire U.S. Army and to the Government of the United States in his outstanding professional direction of base logistic support complex. The modernization and vitalization he has brought to the Army's logistic system have had the most far-reaching effects and the many benefits resulting from his abilities and unstinting efforts will continue to accrue to the Army for many years to come. As a consequence, the award of the Distinguished Service Medal to General Bunker will be a rightly deserved recognition of his many contributions.

DEPARTMENT OF THE ARMY, HEADQUARTERS U.S. ARMY MATERIEL COMMAND,
Washington, D.C., June 5, 1969.

For over six and one-half years, Lieutenant General William B. Bunker was a principal in shaping the Army Materiel Command and in executing its many missions. His death, just fifty-five days before his scheduled retirement, comes as a grievous shock to all his colleagues and friends.

General Bunker was a brilliant officer. An intellectual, engineer, administrator, and manager, he was admired and respected not only by his brother officers but by his wide circle of associates in the scientific, industrial, and educational communities. His contributions were legion; his dedication total; his love of the Army and his country manifest by his deeds and actions.

I know that every member of the Army Materiel Command is saddened by General Bunker's death. Our prayers go to him and Mrs. Bunker. We can honor him best by carrying on with the same dedication and drive that he displayed so brilliantly throughout the entire life of this command.

F. J. CHESAREK,
General, U.S. Army, Commanding.

EULOGY FOR LT. GEN. WILLIAM BEEHLER BUNKER

As the friends and associates of Bill Bunker gathered here today well know, it is extremely difficult to reduce to words an appreciation of his life and works. He was a veritable giant in intellect and endeavor, but he was not a status seeker. We who knew him, learned his true measure gradually. We learned to respect his strength of character and incisive approach to fundamentals of problems; we learned to count on his directness and his integrity; learned to listen to his counsel, to expect his kindly humanity, to treasure his quiet humor, and to love and respect him for all that he was.

Without doubt, the keystone of his life was soldierly duty to his country. Duty always came first—and perhaps we should not have been so shocked at his death on the eve of retirement. His whole outlook was conditioned by his family environment—for his father, his brother and the husband of his only sister, all were killed in the active army service of the country—two of the three, including his father, as Japanese prisoners of war.

Duty for Bill Bunker was not just total dedication. Throughout his life he was continually studying to expand his capacity to serve. It was not idle chance that he was able to discuss, on even terms with experts, stability problems in helicopters, software design for sophisticated computers, probability formulae for systems analyses, chapter and verse of the armed forces procurement regulations, or improving the dialogue with an impatient younger generation.

The range and depth of his understanding of fundamentals did not always win him friends, because he really could not disguise his lack of tolerance for argument based on intuition or pink cloud fancy.

Caught between breadth of vision and depth of understanding on the one hand and a sort of "take it or leave it" brusqueness on the other hand, his roads to achievement and success were not always smooth. The jolts and vicissitudes bothered him, of course, but he early adopted a philosophy that they were part and parcel of the price of imaginative leadership—to be endured and shrugged off with his wry smile. He may have engendered a few misunderstandings among his superiors, but he enjoyed a host of fierce and enduring loyalties among his subordinates, military and civilian.

Today is not the day to dwell in detail on his military career, but it was unique in its variety. A cavalryman turned engineer. He evidenced his early and continuing interest in civic affairs and social issues by teaching in off duty hours, mathematics, in Spanish to Nicaraguans when he was surveying an alternate route for the Panama Canal. He bought marine and rail equipment for the transportation corps in World War II. He ran the ground terminals for the Berlin Airlift and the Korean War, and, of course, he foresaw the capability of helicopters and blue-printed their wide scale introduction into the army. As commander of the Aviation Materiel Command in St. Louis, he pioneered the large scale effective use of modern computers in the business management of Military Materiel. The advanced data system that he perfected is the primary reason that army aviation is so well supported in Vietnam today.

For the past 6½ years, as noted by General Chesarek in announcing General Bunker's death, he was a principal in shaping the Army Materiel Command. To quote, in part, from that moving announcement:

"General Bunker was a brilliant officer. An intellectual, engineer, administrator, and manager, he was admired and respected not only by his brother officers but by his wide circle of associates in the scientific, industrial, and educational communities. His contributions were legion; his dedication total; his love of the army and his country manifest by his deeds and actions."

General Bunker is no longer with us. He leaves behind his beloved Crissie whose dedication to her husband was as complete as his dedication to his duty. To Crissie, to their son Paul and to his other relatives, we extend our deepest sympathy.

For the rest of us, his friends and associates, and indeed, his Army and his Country, we will sorely miss the inspired leadership of a great and good man. We can however, be thankful that we were privileged to be around when Bill Bunker ran his splendid course, here on our troubled earth.

This eulogy was delivered at gravesite at Arlington National Cemetery, Arlington, Va., on June 9, 1969, by Gen. Frank S. Besson, Jr.

Mr. Speaker, there is little to add to these testaments from the Army, his current commander, General Chesarek, and his former commander and old friend, General Besson. However, I want the record clear that I knew this man—I knew him as a man and as a soldier who refused to cater to vested interests and insisted upon facing all issues, large or small, objectively and unequivocably. Our country has lost a trusted and true patriot of the first order. We have suffered a great loss, but are immeasurably better for having known him and his selfless dedication to his duty and to this great Nation he loved and served so well.

A LOOK AT PEACE

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. KEITH. Mr. Speaker, in an era when the only young people who are heard by the press are the shouting ones, it is a relief to hear an occasional note of reason and calmness. One such note was recently sounded at the Hanover High School graduation, in Hanover, Mass.

I had the privilege of attending that commencement, and of hearing a speech by a graduating senior from Hanover, Mark A. Tirrell. He did not rant and rave about the evils of the "establishment"; he did not castigate America for all the evils of the world. Instead, he gave a reasonable, rational approach for the individual to take toward the problem of world peace. This viewpoint—which I would like to think is more prevalent among our young people than those which get all the publicity—is worth more than the passing attention of us all, and I commend it to your attention, as follows:

A LOOK AT PEACE

(By Mark Andrew Tirrell)

As he accepted the Presidential nomination in 1868, Ulysses S. Grant cried, "Let us have peace!" His words are echoed continually in the world today.

What is peace? Does it exist today? As citizens can we promote peace?

In a negative sense, peace is the absence of war and violence. More than that, it is the existence of harmony in human relationships. It's a state of public quiet free from civil disturbance and with security for all. The Roman orator Cicero said simply, "Peace is liberty in tranquillity."

If peace exists today it is certainly hard to find. There is war in Vietnam, Korea, Suez and Biafra to name only a few of the "hot spots." Organized crime in the United States operates so efficiently it is often undistinguishable from legitimate business. Race riots plague every major city in the country.

Relations among individuals, groups, and nations are cold and impersonal. There are labor strikes because employers and employees can't peacefully discuss their problems. Every city in the United States has a ghetto. Animosity is now considered a part of politics. A cold war has existed between the United States and Russia for over twenty years. The United Nations is an organization having perhaps the greatest peace-making potential in the world, yet Soviet Russia continues to boycott and veto all its major action. In Europe, France still refuses to admit England to the Common Market, even though England is virtually a financial fiasco. No, there is no real peace in the world, but the situation is not hopeless.

There is a way to world peace. It won't be easy or quick, but it's possible. World peace must start with the individual. Before there can be peace among races, denominations, and countries there must be peace between each individual and his neighbor.

This can only be attained by effort on the part of all of us. Whether we're students or

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teachers, in the service or in business, married or single, rich of poor, we can help the cause. During the thirteenth century a citizen of Italy thought out the idea of individual effort toward peace. Because he happened to be a religious man, he set his solution down in prayer form. It has become known as the Peace Prayer of St. Francis of Assissi.

Lord, make me an instrument of your peace.
Where there is hatred, let me sow love.
Where there is injury . . . pardon.
Where there is doubt . . . faith.
Where there is despair . . . hope.
Where there is darkness . . . light.
Where there is sadness . . . joy.

O, Divine Master, grant that I may not so much seek
To be consoled . . . as to console,
To be understood . . . as to understand,
To be loved . . . as to love,
For
It is in giving, that we receive.
It is in pardoning, that we are pardoned.
It is in dying that we are born to eternal life.

In the epic "Paradise Lost" John Milton says, "Where peace and rest can never dwell, Hope never comes." As graduates today we can look at the world and see the lack of hope. We have a choice to make. We can choose to ignore the world, bury ourselves in our own affairs, and leave the problem to our children and grandchildren; or we can choose to give hope to the millions of sad, unloved, and misunderstood people of the world. Tomorrow may be too late, so let's make the choice today, while there is still time to be instruments of peace.

ADDRESS BY VICE PRESIDENT AGNEW AT THE OHIO STATE UNIVERSITY COMMENCEMENT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. MICHEL. Mr. Speaker, now that the commencement season on our college campuses has come to an end we are confronted with a veritable deluge of words of advice and counsel offered by commencement speakers all over the country. It was my privilege to contribute to that dialog by addressing the graduating class at Eureka College in Eureka, Ill., on June 1.

As we all know, commencement speeches tend to fall into a predictable pattern, however, I thought that the message presented to the graduating class at Ohio State University by Vice President SPIRO AGNEW was particularly significant in that he had some things to say to our own generation, the establishment so-called, or the over-30 group, or whatever label the young folks like to hang on us these days.

I was particularly impressed by his admonition:

> A society which comes to fear its children is effete. A snivelling, hand-wringing power structure deserves the rebellion it encourages. If my generation doesn't stop cringing, yours will inherit a lawless society where emotion and muscle displace reason.

All in all, the Vice President's remarks provide some food for thought for people of all ages and I include the complete text of his address in the RECORD at this point:

ADDRESS BY THE VICE PRESIDENT, OHIO STATE UNIVERSITY COMMENCEMENT, JUNE 7, 1969, COLUMBUS, OHIO

Plutarch once quoted a rational appeal by Augustus Caesar at the outset of an address to a young and impatient audience:

"Young men," said Caesar, "Hear an old man to whom old men hearkened when he was young."

The quotation is powerful, if for no other reason than its recognition that there is a time to speak and a time to listen—for both youth and age.

Today your kind invitaton brings me here as a speaker—not a "know it all," but a frank advocate of the American system, who seeks only your thoughtful appraisal of his case.

Your generation is not the first youth who ever questioned the efficacy of a custodial generation. You are not the first to aggressively challenge the fundamental values of a society. Such challenges are normal, proper, and the basis of human improvement.

We are not in turmoil because of your testing. We are in trouble because my generation has apparently failed to define and defend either its achievements or its inheritance from past generations of Americans.

A society which comes to fear its children is effete. A snivelling, handwringing power structure deserves the violent rebellion it encourages. If my generation doesn't stop cringing, yours will inherit a lawless society where emotion and muscle displace reason.

A society which looks calmly into the logic or illogic of its youth's anger and ambition, accepting the rational and rejecting the immature, is alive. Ask yourselves which kind of society you want for tomorrow—tomorrow when you are the establishment.

My purpose is not to castigate youth nor discuss why the generations differ. They differ mainly because they develop consecutively. not concurrently. My purpose is to point out the case for American democracy and to challenge you to determine whether the advantages all Americans enjoy would have developed outside our free and enterprising system.

This nation was founded upon two great concepts—liberty and equality of opportunity. Our total political system has been structured to secure these precepts.

Our Constitution—the world's oldest enduring document designed to create a free and open society—guarantees a government by laws, not men. The individual is protected by its dimorphic thrust, extending civil rights on one hand and exacting civil responsibilities on the other.

The history of this nation is a lesson in the advantages of political freedom. A government formed with lofty purpose and the overall constitutional objective of human dignity has not run from the revelation of its hypocracies but struggled over upward to match deed with word. Hard changes have been made because right is more important to us than convenience. We know that real liberty means not just an equal opportunity to be equal, but an equal opportunity to be superior if one possesses the stuff of which superiority is made.

The record shows that human progress marks our history. We have not cowered before great contests. We have lost some, won many. Over the past centuries, slave labor and child labor and unfair labor practices have been outlawed. Discriminatory laws and invidious discriminatory practices have been repealed, overruled or abandoned.

All is not perfect. The purpose of our Constitution is not to promise perfection, but to establish a more perfect union. Happines is not a universal condition among us. Our Constitution does not guarantee happiness. But ours is the only Constitution pledged to "the pursuant" of it. Our Constituton does not guarantee perpetual equality but only the vigilant maintenance of the opportunity to be equal or to excel.

Two centuries of a people's high dedication did not result from rhetoric but recognition that this country does offer the best way of life.

Democracy is above all a highly pragmatic system. It assumes truth is neither revealed nor absolute but arrived at through experience and open debate. It asumes all men have equal rights to publish their views and to affect their destinies. It assumes the more education society gives to its citizens the better the chance that they will hold enlightened views, pursue truth more perfectly and make individual and collective choices more intelligently. Enlightened views, truth and intelligent choices breed progress.

Admittedly, no political system is perfect. Democracy's greatest flaw rests in its intransigent commitment to individual freedom. When social change depends on persuasion, rather than coercion, it comes slowly.

Totalitarian systems might deserve a higher mark if efficiency—not liberty—is considered the purpose of government.

The meteoric rise of Nazi Germany is an example of sometime totalitarian efficiency. Yet its success was short-lived. For one fact about tyranny is inescapable—as long as men serve masters not of their choosing they will struggle by any means to unseat them. If they succeed through force, chaos will ensue. There is neither progress nor civilization in chaos.

Winston Churchill has said it well: "Democracy is the worst form of government, except all those other forms that have been tried from time to time."

Even democracy is shaded by variances. American political democracy has retained its economic counterpart—a free enterprise system. Some successful democracies have opted for differing degrees of socialism.

The free enterprise system is perhaps the most arduous route, for it demands the greatest initiative from the individual. In my judgment, our results reveal rewards which justify that effort.

Socialism consciously creates economic equality by leveling the peaks rather than raising the valleys. A relatively equal income distribution may be artificially achieved. But in all too many cases, individuality is sacrificed and mediocrity becomes the standard. The right to excell is quashed by destroying the reason to excell. When security supplants excellence as the principal target, the goal of social planning is reduced to the lowest common denominator. In the absence of high goals and great dreams life becomes a frustratingly drab and preoccupation with self gradually destroys the moral fibre of a country.

The free enterprise system is not without conscience. Its social goals envisage elevation of the valleys—bringing all to higher levels. Competition, not legislation, must be the principal instrument of achievement. Individual success is considered the foundation of socal progress.

We believe that, just as truth and wisdom are the products of freely competing ideas, higher living standards for all result from competing economic forces.

The facts give confidence to our convictions. America discovers more, produces more, earns more, possesses more and invests more than any nation in the world. Our young people are better educated, our elderly better cared for, and our impoverished better served.

This has not been the result of a single volcanic revolution. It has evolved through the perpetual orderly revolution which is embodied in the routine functioning of our political system.

I have lived half a century. Perhaps our accomplishments during my lifetime furnish a reasonable test of progress.

The breaching of scientific barriers has been phenomenal. I can remember when Charles Lindbergh landed his single engined

"Spirit of St. Louis" in Paris. Now I look forward to America's lunar landing next month.

The computer, the transistor, television, jet planes, radio astronomy, the laser, and nuclear energy were developments of the past fifty years.

In the last twenty-five years alone, mankind has acquired more scientific knowledge than in all of previous history. Ninety per cent of all the scientists that have ever lived and worked are alive at work today.

Life expectancy has increased; infant mortality decreased. The dread diseases of polio, typhus, malaria, measles, small pox, pellagra and rabies have been virtually eradicated.

America's ideas on social progress have made dynamic advances. In the year of my birth, the overwhelming majority of Americans thought that government had no business in business; that government could not prevent abysmal depressions or sky-rocketing inflations; that government might protect its people from war but not from poverty in their old age, ill health or inadvertent unemployment.

Today, we take for granted social security, unemployment insurance and medical assistance programs. We use the federal monetary system to stabilize the national economy. We have a Security and Exchange Commission to safeguard investments and a National Labor Relations Board to protect the rights of labor and management.

This year, this state alone will confer thirty-four thousand undergraduate degrees. This approximates three-quarters of all undergraduate degrees conferred in the United States fifty years ago.

Changes did not occur overnight, but progress that in the past took generations has been telescoped into decades and years. Reform in most cases has come peacefully and legally.

There is no reason to believe that this pattern of persistent and ever accelerating progress will not continue . . . no reason unless the vision of America changes.

There is great danger in confusing growing up with growing old. As America matures she need not grow old. Her vision need not become dim, nor her focus myopic.

I am reminded of a saying of Cicero:

"For as I like a young man in whom there is something of the old, so I like an old man in whom there is something of the young; and he who follows this maxim, in body will possibly be an old man, but he will never be an old man in mind."

I see no end to progress so long as there is freedom for every voice to be heard and every idea to compete.

I see no end to progress so long as successive generations test new leadership, new ideas, new purpose in the arena of free choice.

I see no end to progress so long as Americans refuse to accept either physical or spiritual barriers in this country, world and universe.

Right now we have a choice. Will we treat all that is wrong with America as a challenge . . . or an indictment? Will we attack these problems or just weep over them? Will we condemn our institutions or correct them? Will we repudiate democracy because it moves slowly or revitalize it so its pace quickens?

The answers are far from self-evident. The jury is still out. I trust that the ultimate response will be positive. I trust that Americans understand history well enough to see in our imperfect past the promise of a more perfect future.

I trust we will not permit selfishness to narrow our vision or fear to corrode our confidence.

Today, we must decide anew whether to be bound by the illusory barriers of the past or to explore the potential of limitless boundaries in space, under the sea, and in human understanding.

This nation, I assure you, is not too poor in resources to meet this challenge. The question remains whether this nation is too poor and timid in spirit to test itself against all the perils of majestic undertakings.

The question remains as to whether the summation of a recent British study of the United States is right or wrong . . . it said: "The American people have lost the *will* to be world leaders."

The answer rests with all the American people and particularly with the new Americans represented by the Class of 1969. I pray your answer will be affirmative and your response strong.

SOLID WASTE DISPOSAL

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. TIERNAN. Mr. Speaker, in yesterday's New York Times there appeared an article by Gladwin Hill which pointed out the critical situation that many cities are facing in dealing with the problems of air and water pollution.

I feel strongly that the Congress must begin to focus more attention on the problems of the environment that surrounds us if we are to successfully manage the same.

I urge my colleagues to peruse this most important article. The article follows:

MAJOR U.S. CITIES FACE EMERGENCY IN TRASH DISPOSAL—GROWING NATIONAL PROBLEMS MAY PARALLEL THE CRISIS IN AIR AND WATER POLLUTION

(By Gladwin Hill)

LOS ANGELES, June 15.—An avalanche of waste and waste disposal problems is building up around the nation's major cities in an impending emergency that may parallel the existing crises in air and water pollution.

Some features of the situation are being described by conservative Federal officials as "a national disgrace."

Experts feel that resolution of the problems may require radical changes in people's patterns of consumption and disposal, major shifts in municipal administration and sweeping revision of the nation's attitude toward its environment.

These are the conclusions and implications that emerge from interviews with leading authorities in the field and a 13-city check by The New York Times of what is becoming known as "the third pollution": the problem of solid wastes and their disposal.

REFUSE BURDEN GROWS

Every man, woman and child in the country, on average, is now generating more than five pounds of refuse a day—household, commercial and industrial—ranging from garbage to iron filings but excluding vastly larger amounts of uncollected trash such as agricultural waste.

Collection and disposal facilities are staggering under the load, and the load is increasing rapidly.

"The major metropolitan areas are standing in front of avalanche, and it it threatening to bury them," says Karl Wolf of the American Public Works Association, which has been conducting research projects on waste disposal.

WHERE IT COMES FROM

Since 1950, the nation's population has increased 30 per cent, but the waste load has increased 60 per cent and is expected to increase another 50 per cent in the next decade.

The increase results from increased population, increased consumption of commodities and affluence, which has brought the regular discard of things that once were saved.

"We used to get few newspapers—people would save them to make money in paper drives" says Detroit's Public Works Commissioned, Robert P. Roselle. "Now we collect them all. The telephone company used to collect old phone books for their paper value. Now we collect them."

In San Francisco even with no population increase, waste has increased by a third in the last decade. In Chicago it has been rising 2 per cent a year despite a slight decline in population. Cities across the country are also grappling with mounting numbers of automobiles, a physical and fiscal nuisance, although their mass is minuscule in the total waste picture.

"Half the communities in this country with populations of 2,500 or more," said Wesley Gilbertson, the first Federal Solid Wastes Program director, "are not doing even a minimally job of solid waste collection and disposal."

ONLY A PARTIAL ANSWER

Once community trash could be disposed of simply by dumping it on the outskirts of town or burning it. Now with cities growing, outskirts have become fewer and farther away.

And incineration can only be a partial answer, because of the 20 per cent ash residue, the large volume of noncombustibles and air pollution problems.

So, from New York to San Francisco, the cry is going up that cities are running out of disposal space. A year's rubbish from 10,000 persons covers an acre of ground seven feet deep.

Philadelphia has been short of space for years and has had to shift largely to incineration. But it now is near the end of its rope because of incinerator obsolescence and high replacement costs.

New York City has been using up many acres of dumping space a year, with little space left. Even Tucson, Ariz., surrounded by desert, estimates that it will run out of disposal space within the next three years.

The problem is economic. Close-in urban land has become too valuable for dumping; other local dump sites are too far away because of trucking costs. And costs are rising.

Boston's refuse collection costs jumped last year from $2.6-million to $3.9-million just because of payroll increases. New York City's sanitation department, concerned primarily with solid wastes, has 14,000 workers, and its budget has climbed to nearly $150-million a year.

In Milwaukee, annual rubbish-removal charges for a household have risen in a decade from $26.40 to $35.25. Albuquerque's rate went up from $30 to $36 this year. In Portland, Oreg., the monthly rate goes from $2 to $2.25 next month.

ALTERNATIVE SYSTEMS SOUGHT

These trends have touched off a scramble for alternative refuse disposal systems somewhere in the range of present costs.

The average community outlay for refuse collection and disposal, according to a survey made in 1968 by the Public Health Service's Solid Wastes Program, is $6.80 a person a year.

But in some Washington suburbs, household rates run as high as $46.20 a year. New York City figures it costs $30 to dispose of a ton of trash.

San Francisco, where the current household charge is $22 a year, is planning to ship its refuse 375 miles by railroad to a desert disposal area in Lassen County.

Philadelphia is close to completing an arrangement for railroading its rubbish to dis-

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tant abandoned mine pits. Chicago is considering a 250-mile haul.

Milwaukee has a rail-haul plan, but has not been able to find an amenable disposal locality. Philadelphia figures it now costs about $7.50 a ton to get rid of refuse by incineration; under the railroad plan it would pay a contractor only $5.35 a ton.

Chicago and Detroit are experimenting with trash compaction into blocks; Japanese researchers say that the blocks can be used as building materials.

Pneumatic tube waste-dispensing systems have been tried in Europe, and the Walt Disney organization is planning such equipment for its new Florida development.

Some organizations have been working on ways of macerating household trash, in a device like a garbage grinder, and forcing it in liquefied form to treatment centers. However, this would take care of only part of a community's waste.

Similarly, there has been a lot of talk lately about devising more easily destructible packaging, particularly bottles and cans. But if all packaging were abolished completely, it would reduce the waste load only about 15 per cent.

BACK YARDS STUDIED

Despite all the quests for solutions, some experts believe that the most serviceable short-range answer may lie in cities back yards.

Around 75 per cent of the nation's trash, by tonnage, still goes to open dumps, with about 15 per cent going into incinerators.

The Public Health Service found that 94 percent of the dumps and 75 per cent of the incinerators were inadequate in respect to sanitation and polluation and termed this "a national disgrace."

Only 5 per cent of refuse is disposed of by the "sanitary landfill" method, in which each day's deposit is covered with six inches or more of compacted dirt, making it rodent-proof and odorless. The process, according to the Public Health Service, in a typical situation costs only $1.27 a ton, against 96 cents for obnoxious dumping.

NO SIMPLE SOLUTION

There is no simple answer to the nation's refuse problem experts say, because it is a composite of myriad problems that hinge on local economics.

These can vary greatly even in different sections of the same city. In New York, scrap metal contractors pay the city from 21 cents to $4.03 to pick up abandoned automobiles in the Bronx, Brooklyn, Queens and Staten Island.

In Manhattan, because of logistic difficulties, they pay nothing.

Across the country, scrap metal prices vary sharply, depending on transportation and the nearness of metal works.

If Milwaukee could find a disposal area, it is estimated that railroad removal would cost from $5.45 to $6.23 a ton, $2 less than its present dumping and incineration system.

Yet Denver backed off from a plan to haul its trash by train 75 miles to a point near Colorado Springs because estimates were that within a decade it would cost $419,000 more than local disposal.

Apart from such variables, the quest for new disposal methods starts from the most disorderly of economic bases. Across the country, trash systems have evolved from the primitive town dump, and there is no uniformity or consistency in methods or financing.

Roughly half the nation's refuse collection is by public agencies and half by private collectors, either franchised or dealing directly with customers.

In many places, householders are billed specifically for the service; in others the service is financed from general tax funds.

Sometimes the charge is calculated at cost; sometimes it is pegged to yield a profit. Sometimes the service is given below cost with the differential coming from taxes. The profits of franchised collectors may or may not be subject to regular public scrutiny.

INEFFICIENCY FOUND

Thus, in many cases citizens have little way of knowing whether they are getting their money's worth and whether the cost of an alternative system would be justified.

Inefficient approaches to waste disposal are the rule rather than the exception.

"Most of what is wrong with solid waste management in the United States," says one official, "can be attributed to fragmenting responsibility down to small political jurisdictions which lack sufficient resources for the job."

In Los Angeles County, 70 communities share rubbish collecting depots and disposal sites. But elsewhere in California, Federal researchers found one area where 80 public agencies were running 70 separate disposal systems.

The hazy economics of some municipal systems, experts have observed, provide a field day for officials and agencies to juggle funds—not necessarily into their own pockets, but to the detriment of efficient refuse disposal.

What is being done about the waste problem nationally?

Congress got the word on the impending waste glut as far back as 1965 and passed the Solid Waste Disposal Act. It gave the Public Health Service primary responsibility for a program of research and technical assistance and matching grants to states and localities to help in the development of disposal programs.

Most of these states have availed themselves of these grants, the average being about $50,000. But total appropriations for the solid waste program have remained less than $20-million a year.

NO CURE-ALLS FOUND

While much valuable basic information has been amassed—(nobody knew anything about the national waste disposal picture before)—and a number of experimental projects launched, the program has not yet come up with any cure-alls.

The general line of thinking is that, as with air and water pollution, each area will have to work out a solution fitted to local circumstances and that waste collection and disposal will have to be handled regionally, with localities pooling efforts.

Ultimately, coping with solid waste, it is believed, should be part of an integrated system covering also liquid and gaseous effluents.

"One of the most significant items of progress," says Richard D. Vaughan, current director of the Solid Wastes Program, "is that state budgets are starting to show specific items for waste disposal work.

"There is public concern about this, where three years ago there wasn't any."

Senator Edmund S. Muskie, the Maine Democrat has fostered basic water pollution legislation, has turned his attention to solid waste and has a bill pending that would increase financing of the solid waste program tenfold, to a level of more than $200-million a year.

Seemingly there are only two things that can be done with rubbish—burn it or bury it, in the ground or in the ocean.

But there is an often overlooked third possibility, and some scientists think it is the only one for the long run. That is to reclaim refuse—to break it down into its main constituents for reuse.

That has been the dream of many people, but it has not been realized, except for a small amount of scrap metal and paper salvage, because it has been cheaper to procure new materials.

A number of ingenious experimental factories for converting trash into garden compost have been established around the country, but most of them closed down because there wasn't a market for that much compost.

USE AND DISCARD

So the nation's economy has continued on a "use-and-discard" pattern. But there comes a point where the cost of getting rid of used material gets so high that the cost of renovating it would represent an economy.

That point is already being approached with the commonest commodity, water.

The same tactic is even more applicable to solid waste. Dirty water, if not renovated, disposes of itself one way or another. Solid waste does not; it just piles up. And scientists foresee the day when accumulation of rubbish, and gases from its incineration, will be as troublesome over the face of the globe as are the wastes in a spacecraft.

The latter are systematically "recycled." The same recycling eventually will be imperative with everyday wastes, it is felt, and may as well be undertaken soon as a decisive answer to the refuse problem.

A scientific report prepared for the Senate Public Works Committee last year said:

"It is now evident that the industrial economy of the United States must undergo a shift from a use-and-discard approach to a closed cycle of use and salvage, reprocess and and reuse . . . or else faces the alternative of a congested planet that has turned into a polluted trash heap, devoid of plant and animal life, depleted of minerals, with a climate intolerable to man."

Short of this long-range solution, the public is confronted with some early large-scale expenditures just to get relief from current rubbish bugbears.

Mr. Vaughan estimates it will take an outlay of more than $2-million a day—$835-million a year—for five years, just to "upgrade existing collection and disposal practices to a satisfactory level."

This is a sizable sum, but only a fraction of the $4.5-billion a year the Public Health Service estimates is being spent to deal with all types of solid waste.

Relief may be some time in coming. Frank Stead, a former official of California's Department of Public Health and one of the nation's leading environmental experts, said recently that it would take 16 years to bring about basic changes in solid waste management.

"Two years to convince the public that new concepts will be successful, four years to put through the necessary legislation and 10 more years to put the changes into effect," he said.

ST. LOUIS POST-DISPATCH ABHORS "ARROGANCE FROM RAILROADS" CONCERNING WATERWAYS LEGISLATION

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mrs. SULLIVAN. Mr. Speaker, very serious concern is being expressed up and down the Mississippi-Ohio River system by all those served by the inland bargelines over the fate of H.R. 8298, a bill to modernize the bulk exemption of the inland bargelines. Hearings have just been completed by the Subcommittee on Transportation and Aeronautics and a very clear record made of the public interest in approving this bill. The ICC has set July 1 as a deadline at which time the efficiencies of the large new towboats will be handicapped and costs and rates artificially increased unless this bill is

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passed. Everyone agrees that this bill is in the public interest. Virtually the only opposition comes from the railroads.

The St. Louis Post-Dispatch on May 28 published the following editorial on this important mixing rule bill which I believe will be of interest to my colleagues:

ARROGANCE FROM RAILROADS

For two years the railroads have, virtually alone, prevented Congress from removing an obsolete and wasteful restriction on the water carriage of freight. The Transportation Act of 1940 stipulated that not more than three commodities exempt from regulation could be moved in a single tow, and that exempt commodities could not be mixed with regulated commodities in a single tow without loss of the exemption.

As tows have grown larger and larger these restrictions have become more and more senseless. They would have had the effect of breaking up single large tows into several small ones, arbitrarily and at heavily increased cost. Accordingly for 27 years the Interstate Commerce Commission interpreted the "mixing rule," as it is known, so as to permit sensible operations. Then two years ago it reversed itself, to the consternation of the barge industry.

This simple matter could have been resolved with no trouble had not the railroads seized upon it as a stick with which to beat Congress into exempting them from all rate controls by the Interstate Commerce Commission. Extensive hearings have been held in Congress and the House Commerce Committee has just completed three days of additional hearings. Certainly Congress should be able now to make up its mind.

The railroads are meddling in an internal affair of the bargelines which is really none of their business. They are following a "public be damned" policy toward that large part of the public which ships and receives freight by inland waterways. How long will Congress continue to go along with that arrogant attitude?

BURN BURSAR, BURN

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. SAYLOR. Mr. Speaker, in a truly perceptive article, Mr. Andrew Rooney has said in Life magazine what I know thousands upon thousands of parents must be feeling about the crisis on the college campuses. I have wondered if the college administrators, who are so willing to capitulate to the demands of a militant student minority, have ever considered the demands of the parents of the nonviolent student majority. Apparently not. Parents of college students are not expected to have "rights," they are expected only to pay. Talk about a disadvantaged group.

Parents of college students are in that category of "forgotten Americans" mentioned by President Nixon. The Congress of the United States, at long last, has recognized that this group of middle-income citizens must be heeded and that is the reason behind the drive for a meaningful tax reform. If this group of middle-income taxpayers can move the Congress, perhaps they can move the college administrators to pay more heed to the sensibilities of those who pay the college bills.

Mr. Rooney's article follows:

BURN BURSAR, BURN

(By Andrew Rooney)

Parents, it's our turn. Now that commencement exercises are getting rid of all those noisy college students, why don't we move in? Let us seize the bursar's office, barricade the doors, ransack the files and find out what the hell they've done with our tuition money. Colleges and universities have been crying poor for so long and there has been so much talk about multimillion-dollar government grants and private endowments that no one seems to remember that there are several million of us breaking our backs to scrape together enough cash to pay the bills. The $3,800 we put down for the 150 days the child spends in college hardly warrants a petty cash receipt.

One evening this spring I was minding my business, watching television, and my wife was minding hers, our finances.

"We are paying about $16,000 for the kids," she said.

"I didn't even know we had to buy them," I said. "I thought they were already ours."

"For tuition, books, room and board. Education," she said.

"My God," I said. "Is that more or less than I make?"

She explained it all to me and it turns out we fall in the most unfortunate category of all. We have four kids. They are all smart enough to get into good colleges but too dumb for scholarships. I make too much money to apply for government help but not enough really to be able to pay the bills myself.

My big complaint is not paying the money I can't afford; it's that I don't know what I'm getting for what I'm paying. If the kids think the college establishment leaves them out of it, they ought to see what parents get by way of communication from the institution. We have paid for a total of six college years so far, and we still have ten to go. In that time we have heard from two colleges about five times. Three of the letters were notices that we were late with the money and would have to pay a $12 penalty fee, two were invitations to Parents' Weekend.

The fact is, the schools are saving their stamp money to use on money-raising mail for the rest of our lives and the rest of the kids' lives. My wife and I both went to one private school and one college each. Our son has gone to two private schools, and our three girls are going to two colleges. The only ones we don't hear from are the two current colleges. From the others, the ones we're done with, we get as many as ten pieces of mail a week, all telling us how much more it cost to educate us than we paid them. I just wish some college would tell us how much it does cost to educate a kid. I'd be happy to pay them if I could and be done with it. They could endow a chair with the money they save on stamps for me alone.

I don't know where colleges send report cards anymore. Not to the dues-paying parent. I have the feeling most professors have given up marks that mean anything, not so much from deep-felt principle but because they don't know my kid from the 50 others in the class.

Even more than a report card, I'd like to see the professor's class attendance record. I'd like to compare the blue sky fiction in the college catalogue with what actually takes place in a course. My oldest girl chose and was accepted at a first-class university because of a paragraph in the catalogue extolling the virtues of its Chinese language studies department. The catalogue was better than the department. By the time classes began, two of the five professors had left, two were on sabbatical and the fifth was translating the Bible from Chinese into Sanskrit.

If the professor who attracts people to the college in the first place isn't too busy consulting in Washington or isn't on sabbatical or writing a book, he usually finds other reasons for not being in class. Several times this year one of my daughters has come home for a long weekend or early vacation because, she said, there were some disruptions on the campus and everybody knew the professors wouldn't show up for class. No one ever informed me or mailed me a rebate.

When I think of paying someone to teach my children, I think of him doing it five days a week for an hour each day with from five to 30 other students in the classroom. No college course meets more than three days a week anymore. A typical class is more likely to meet once a week for 45 minutes in an auditorium with 200 in attendance. And the professor very often can't be there because of something.

It would hurt too much to count up what I have paid for each classroom hour of instruction. I would guess the professor's per head rate compares favorably with the fee of a brain surgeon.

Most colleges hold classes on about 150 days days a year. You think college students just have the summer off, but 150 days leaves a lot of summer days. Schools open in October and close in May. We hardly have time to get the beds made and the downstairs room cleaned up after the Christmas vacation before the kids are back home for their mid-semester post-exam break. The mid-semester break is the one that immediately precedes the long spring vacation. That has been extended in recent years because it takes the kids so long to get to and from Aspen or Fort Lauderdale. I'm waiting to see the first college announce a calendar for the school year in which the Christmas holiday, the mid-semester break, and the spring vacation run uninterrupted into an early closing date caused by "trouble on the campus."

I have twins who go to the same college. During their years at home we always felt vaguely guilty that we didn't have enough space to give each one a room of her own. They are living now in a dormitory, under conditions they could only have been prepared for if our family of six had all lived in one room together. The three roommates don't flip to see who gets the top bunk. They flip to see who gets out of bed first because there's only floor space for one of them to be out of bed at a time. For this lodging, I pay $600, or about $4.00 a night. From the three occupants, the college gets $12 a night for a room the Holiday Inn wouldn't give to an ice-cube maker.

Seizing control of the bursar's office is the only way that we parents can hope to learn the truth about what is being done to us. But we must all be prepared for what will happen to us afterward. As soon as our sit-in ends, we will all get bills from the colleges, charging us rent for the time we spent there.

WE HAVE 3 OR 4 YEARS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. KEITH. Mr. Speaker, we are all too aware of the calamity that has struck the Santa Barbara area of the west coast. The undersea oil leak there has fouled miles of the areas most beauti-

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ful beaches, and the damage it has caused to the ecology of the region is incalculable. Now we are told that the only solution to the problem is to continue pumping oil out of this reservoir—a process that may take up to 20 years before all the oil is gone.

The message is clear: The experts who can find this undersea oil, and drill for it, are at a loss when it comes to stopping it.

In my own area of New England, these same experts are eagerly eyeing the undersea terrain for signs of oil deposits. Within 3 or 4 years, some estimate, oil drilling will begin in that area—and the prospect of a tragedy like that which hit Santa Barbara is now looming in Cape Cod's future. That is, unless we do something now to prevent it. Or will it take a layer of oil on the Cape Cod National Seashore before we take action?

The Falmouth Enterprise recently ran an editorial on this very subject. Their comments were so cogent and perceptive that I felt they deserved a wider circulation, and it is with that in mind that I commend the following editorial to your attention.

WE HAVE 3 OR 4 YEARS

It is almost certain that commercial petroleum will be found on the North Atlantic continental shelf, according to the New England Marine Resources Information Program at the University of Rhode Island's Graduate School of Oceanography.

A spokesman for the federal government said actual drilling may be three or four years away.

Meanwhile out on the West Coast.

The undersea gusher that erupted Jan. 28, drenching the Santa Barbara beaches with sticky, black oil, has dwindled, but there is a steady small leakage of oil. Bulldozers, trucks, rakes and shovels labor week in and week out to keep 80 miles of resort beach superficially clean.

The oil companies that fouled the Santa Barbara beaches paid for regional newspaper ads asserting cheerfully that "Santa Barbara Is As Enjoyable Today As Last Year."

"It simply is not true," said the Santa Barbara newspaper. There are many days when oil or oily debris makes bathing or strolling along some beaches unpleasant. Our tourist promotion must be fair and candid. We must be concerned not just for the current year's business volume, profits and tax returns, but for those of coming decades."

The experts have been trying to figure out what to do about the continuing oil leak. The best answer they have come up with so far is to keep on pumping until this pocket of oil is emptied. They admit that this pocket may be connected with other pockets and it may take 20 years to empty the leaking oil reservoir. So much for the ability of the oil companies to cope with ruinous accidents.

And in the meantime they are discovering that there are no laws to protect the public from pollution and ruination of the offshore waters.

"Here is perhaps the most aggravated case of water pollution in the country today," said one conservationist. "Everybody's against water pollution. Yet nothing is being done about this."

The New York Times commented: "Suits have been filed, but litigation obviously is a poor remedy; citizens could smother in pollution before the questions are finally adjudicated."

And on these shores we apparently have three or four years to brace for the coming of the oil rigs.

DISCOVER FLYING CAMPAIGN EMPHASIZES IMPORTANCE OF GENERAL AVIATION IN U.S. TRANSPORTATION SYSTEM

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. SHRIVER. Mr. Speaker, during the month of June a nationwide campaign called "Discover Flying" is reaching a climax. The general aviation industry has united with one voice in an effort aimed at stimulating interest in, and knowledge of, general aviation's role in the total transportation system.

Some 55 companies have donated time, money, and talent to help inform the nonflying public.

This is an industry with a $5 billion direct and indirect impact on the economy, with 126,000 airplanes and 700,000 pilots flying close to 4 billion miles each year in and out of 10,000 airports. Every day there are 65,000 general aviation flights. General aviation accounts for between one-third and one-half of all the people traveling in intercity air transportation.

Recent studies reveal that general aviation activities in 1967 accounted for $2.2 billion of the total U.S. gross national product, and by 1980 this figure will reach $7.1 billion, an increase of over 222 percent.

America has led the world in flying, starting with the Wright brothers historic flight at Kitty Hawk, N.C., in 1903.

It is imperative that the United States continue its leadership in aviation.

In this regard, I am proud to represent a congressional district which has contributed so much to America's aviation leadership. Fifty-six percent of the commercial aircraft manufactured in the United States are produced by Beech, Cessna, and Lear Jet, all located in Wichita, Kans.—the air capital of the world. Of the Nation's eight leading business-private aircraft firms, these three account for about 70 percent of the total dollar sales.

Boeing Airplane Co.'s Wichita division also plays an important role in military and commercial aviation.

Mr. Speaker, it is appropriate that as the Discover Flying campaign reaches its peak that we recognize the impact of general aviation upon our lives and our economy. In the years ahead, general aviation will play an increasingly important part in the Nation's transportation system.

In planning for the future, general aviation and the way it fits into the total scheme of transportation of people and things must be given fair consideration.

Yesterday, President Nixon in his message to the Congress on the future of air transportation recognized general aviation's role. He proposed $25 million in grants in fiscal 1970 to aid in the development of airfields used solely by general aviation.

The President's message encompassed other important recommendations designed to improve the safety and convenience of air travel for the American people.

The administration's recommendations provide the basis from which adequate, equitable, and appropriate legislative action can evolve.

No area of activity is more vital to the national well-being than transportation. Our economic, social, and technical progress moves forward through transportation, on the surface and in the air.

America's superior strength in air transportation is solidly based on the broad capabilities of the 126,000 aircraft in general aviation, the 2,300 commercial airliners, and her 38,000 military planes—as well as the hundreds and thousands of men and women who are engaged in production, maintenance, operational support, and piloting of the aircraft.

The Discover Flying campaign is a well-conceived and valuable method of informing the public of one of America's great assets—the general aviation industry.

EXPRESSION OF NEED

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. BOLLING. Mr. Speaker, Computer World in its issue of June 11, 1969, discussed in an editorial the compelling need for providing the Congress with current, comprehensive information in order that we may better fulfill our responsibilities. In the course of the editorial, it focuses on a praiseworthy objective established by Representative WILLIAM S. MOORHEAD. It quite properly pays tribute to Representative MOORHEAD's succinct statement of the need and the problem. It follows:

EXPRESSION OF NEED

Rep. William S. Moorhead's recent description of what Congress needs also defines Congress' information problem. "What we need," he said, "is somebody with the capability to respond to Congress, and to say, 'In our opinion the question and the judgment factor is this, or is that.' "

The capability to respond; the capability to locate a question; the capability to locate a judgment factor.

Quite a need. No wonder that Rep. Jack Brooks, who is a practical man now very well versed in the realities of the data processing situation, commented that the project of computerizing Congress is a long term one, and the thrust is a long way off.

Yet Moorhead's comments should not be underestimated. He stated the need—and the need is genuine. He did not state that the need should be fulfilled by a computer system. He understood that point so clearly that he accepted the role of computers in the provision of this vital service. He also understood that a person would probably also be involved.

The day we can come near to designing the system Moorhead describes is far off. Our attempt nowadays are faltering steps along the way. Yet they are movement, and they are movement in the right direction. Some-

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day when, someone will make another step forward in this direction.

Hopefully when he does so, someone will recognize it as a step forward and will see that it comes into fruition and gets the support that is needed.

In rounding up support for the right step, he may think of Rep. Moorhead's remarks. For they can be used as a target, or as a test of whether the new idea is really a step forward, and not a step back. They can help us discriminate the useful from the useless, and perhaps from the worse-than-useless.

Computer systems, no less than men, need targets at which to aim. Our thanks to Moorhead for giving us a good—if currently unattainable—target.

SDS PICKS CHICAGO FOR ITS CONVENTION

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. CEDERBERG. Mr. Speaker, some time ago I brought to the attention of my colleagues a number of documents which were being distributed by the radical Students for a Democratic Society. In my remarks at that time I noted the fact that these anarchists would more properly be called the "Students for the Destruction of a Democratic Society" and that their activities were a threat to all segments of our society. Recent weeks have seen a rising awareness of the intention of this group to invade and destroy not only our institutions of higher education, but also factories and even our high schools.

It was with a great deal of pleasure, therefore, that I noted in last Thursday's Washington Post that this organization had been refused the facilities of every college and university which it had approached in connection with a site for its 1969 convention. Moreover, it would appear that every other meetingplace which it had attempted to obtain also refused its services. To me, this refusal to allow this organization to be legitimized by offering it the use of facilities which are supported by the society they are trying to destroy is praiseworthy. I wish to congratulate the people who refused to aid this group; and I commend the article to the attention of my colleagues:

[From the Washington Post, June 12, 1969]

SDS PICKS CHICAGO FOR ITS CONVENTION

CHICAGO, June 11 (UPI).—The radical Students for a Democratic Society, barred from holding its 1969 convention on campuses throughout the Nation, announced today it will hold the meeting in Chicago beginning June 18.

"We don't want any trouble, and if there is any it will be caused by Mayor Daley and his fascist pig police," Bernardine Dohrn, an SDS national secretary, said in a news conference.

Chicago was the site last August of bloody clashes between police and demonstrators during the Democratic National Convention.

Another national secretary, Michael Klonsky, said he expected 1500 delegates to show up for the convention. He said the meeting would be held in private facilities, possibly on a campus. Three sites are under consideration, he said.

A spokesman for Daley said he knew of no special provisions the city would make for the convention. A Police Department spokesman had no comment on the selection.

The SDS' quest for a convention site has been difficult.

Klonsky said his organization had been refused by at least 37 colleges and universities and by at least 25 meeting halls, parks and camps.

A poll by United Press International today showed that college administrators had rejected the convention for reasons ranging from a lack of space to a frank statement that the SDS was bent on destroying American education and had no place on their campus.

STATEMENT ON "THE CASE FOR THE ONE-BANK HOLDING COMPANY"

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. TAFT. Mr. Speaker, it is my understanding that sometime in the next month or so, the Committee on Banking and Currency may report the one-bank holding company bill, and that the House may then have a chance to consider it.

While, along with other Members, I am engaged in studying the measure and have as yet made no judgment upon my position with regard to it, I have recently noted an article in the May 15 issue of Fortune magazine entitled "The Case for the One-Bank Holding Company" by Sanford Rose. Since this article provides a considerable amount of background information about the operation of one-bank holding companies, that it might be helpful to Members in their consideration, I am including the article at this point in the RECORD:

THE CASE FOR THE ONE-BANK HOLDING COMPANY

(By Sanford Rose)

Since the summer of 1968, banks in growing numbers have been asking their attorneys to split them in two. Where once just a bank stood, now there is a bank and atop that a one-bank holding company. The Chase Manhattan Bank has become a subsidiary of the New Chase Manhattan Corp., Continental Illinois Bank is now a unit of Conill Corp., and Morgan Guaranty is now under J. P. Morgan & Co., Inc. More than a hundred institutions, with close to a third of the nation's deposits, have so far indulged in this bit of organizational fission, including twenty-one of those on FORTUNE's list of the fifty largest commercial banks.

The aim is freedom to diversify into fields now closed to banks by court rulings and government regulators. For most banks, this freedom would be used to create a sort of supermarket of financial services, free of all geographical fetters. A few banks have the far grander dream of entering manufacturing and commerce. If the Nixon Administration has its way, the banks may get freedom to expand into other financial activities but will be walled off from nonfinancial fields. If Representative Wright Patman gets *his* way, banks will be restricted to what is now viewed as "banking," i.e., the holding-company exercise will have gained them nothing.

Under present laws—the laws that both the Administration and Patman are trying to change—the opportunities presented by the one-bank holding company are virtually limitless. The underlying bank continues to be regulated, but the overhanging holding company is an unregulated business, free to launch into any activity except the securities business. (The Glass-Steagall Act bars any bank affiliate from becoming a securities dealer.) The holding company can thus buy a steel mill or a bowling alley just as easily as it can an insurance firm or a factoring company.

One-bank holding companies have been around for over a hundred years. But they have typically been small-town affairs: the local kingpin owned the town bank, the lumber company, the general store, etc., through the family holding company. When Congress decided to regulate bank holding companies in 1956, it knew of these small companies and, determining that they were doing no harm, specifically exempted one-bank holding companies from regulation. A bank holding company was defined in the 1956 Bank Holding Company Act as one owning 25 percent or more of the voting shares of at least *two* banks. Congress clearly did not foresee that big banks in major cities would someday turn themselves into one-bank holding companies. Nor did it foresee the recent rise of conglomerates, many of which are interested in owning banks.

THE VIEW FROM NIGHTMARE ALLEY

The prospect of august banking institutions rushing into unregulated businesses, many of which have relatively thin capital resources, disturbs a lot of people and raises the specter of all sorts of abuses. The bank, it is said, might exercise favoritism in lending funds to its sister organizations within the holding company. Even worse, to ward off the failure of one of these new ventures, the holding company might raid the bank's resources—including both its capital and its presumably sacrosanct deposits. Nor do the nightmarish visions cease there. Some worriers see a linkup between banking and commerce as a threat to the free-enterprise system. According to Secretary of the Treasury David Kennedy, unless the government moves quickly to forestall such tieups, "we would find ourselves in a structure dominated by some fifty to seventy-five huge centers of economic and financial power—each of which would consist of a corporate conglomerate controlling a large bank or a multibillion-dollar bank controlling a large nonfinancial conglomerate." Some Administration spokesmen have suggetsed that the U.S. economy might come to be dominated by something akin to the zaibatsu—the giant banking-industry combinations that dominate the Japanese economy.

To combat these and other alleged dangers, the Nixon Administration has proposed legislation that would put all bank holding companies—one or "multi"—under a revised Bank Holding Company Act. All will be restricted to financially related businesses (except for those in other enterprises as of mid-1968, which would get "grandfather" protection). It will be the responsibility of the Federal Reserve and its sister regulatory agencies, the FDIC and the Comptroller of the Currency, to decide which businesses are indeed financially related—and their decisions must be unanimous.

Reactions to the Administration's bill are anything but unanimous. The position taken by Representative Patman, and by some other Congressmen who have traditionally been suspicious of "big eastern bankers," is that the proposed law is a ruse. True, it would keep banks out of commerce and industry and put their other financially related businesses under regulation. But the Congress-

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men are suspicious. They suspect that the Administration is inducing bankers to support its bill by promising to encourage permissive application of the law, to the benefit of the big banks and the detriment of the small.

The bankers' position on the bill is ambivalent. On the one hand, they are somewhat unhappy about a provision under which expansion into financially related business would require the unanimous agreement of the three regulatory agencies, including the Fed, which has been most unfriendly at times. But they are overjoyed at another provision that would protect them from conglomerate take-overs. In the past year and a half about twenty banks, with deposits of close to $2.4 billion, have succumbed to tenders from nonbank corporations. In February, 1969, the banking community got its severest jolt when Leasco Data Processing made an effort to acquire the Chemical Bank, the nation's sixth-largest bank. Though the effort was beaten off by pressure from the banking community (one might say "their reaction was Chemical"), the community hasn't stopped quaking.

The conglomerates, of course, deplore this aspect of the legislation. From their standpoint, the Treasury's effort to maintain the barriers between banking and commerce just looks like protecting the inefficient—i.e., the inefficient bank.

THE END OF A COZY RELATIONSHIP

The real point is that the nation can benefit from the formation of one-bank holding companies. There are, for one thing, definite efficiencies that could be realized by financial supermarkets operating on a nationwide basis. Certainly there is great *in*efficiency in the present pattern, in which financial services are fragmented among many institutions, and the nation's 13,488 banks—85 percent of which have less than $25 million in deposits—are geographically restricted by branch-banking laws. Furthermore, the major fears, particularly fears for the safety of deposits, are based upon ignorance of the many legal and regulatory safeguards that already exist. Even a linkup between banking and industry is not as dangerous as it appears. There are some risks, to be sure, but the Treasury's talk of zaibatsu-like conglomerates is more scary than relevant, and it simply overlooks the existence of antitrust laws. On the whole, the good in bank-industry conglomerates outweighs the evil; and the potential abuses that are discernible could be controlled by minor amendments to existing law.

The holding-company movement is the latest and most dramatic evidence of a long, gradual transformation of banking from a custodial function to a competitive industry. Until the 1960's few businessmen extolled competition so much and practiced it so little as the average banker. As one of the country's leading security analysts puts it: "The banker has traditionally gotten his kicks from depositor safety and golf with other bankers—not from rising earnings per share." It is only in recent years that the average banker has focused on earnings per share. Concentrating on earnings, however, risked the displeasure of the large depositor, who was generally regarded as the guarantor of the bank's safe, secure existence.

The relationship of large depositor to stockholder has always been one of love-hate. The depositor gives the bank its raw material—money—and in the past often gave it on a nearly free basis, in the form of demand deposits. But he exacted a price. He bestowed his demand deposits only on condition of heavy capitalization and large investments in low-yielding government securities.

This was understandable from his viewpoint. The difference between a bank's assets (mostly loans and investment-grade bonds) and its liabilities (mostly depositors' money) is the stockholder's capital, or net worth. The bigger the capital cushion, the more leeway there is for loan and bond losses without insolvency. And the more riskless government bonds the bank holds in its asset portfolio, the more remote is the possibility of serious losses. The interests of the shareholder are opposite. The larger the government's portfolio, the smaller is the more profitable loan portfolio. And the larger the ratio of capital funds to assets, the smaller is the percentage return per share.

This conflict is apt to be most clear-cut in small banks but can be real enough even in large ones. For example, Du Pont classifies all banks with which it does business as A, B, or C institutions. The breakdown depends on the bank's liquidity and capital adequacy, as measured by more or less conventional ratios. If a bank—even a large one—slips from an A to a B, Du Pont might move its money to another institution, company officials say.

The regulator always seemed to side with the depositor and against the shareholder. He ceaselessly demanded more capital, and if not more capital, more government bonds. This was natural; the regulator's business, after all, was depositor safety and not shareholder protection. Though allegedly the servant of the owners, the bank manager was also as likely as not to be found playing on the depositor's team. It was generally easier that way, partly because the depositor had a bigger, more visible lobby. He represented concentrated power and usually sat on the bank's board of directors to boot. On the other hand, bank shareholding, especially in large institutions, was and is widely diffused, with the typical owner generally undemanding. Also, more than in most industries, managerial salaries in banking are determined less by profitability than by the sheer size of the institution.

This comfortable situation began to change about a decade ago, when a new generation of corporate treasurers, spilling out of the business schools and into corporate offices, recoiled at the size of their companies' interest-free demand deposits. It made far more sense to put the money into Treasury bills or to lend it out through the intercorporate paper market than to leave it idle at banks. While it took time for the corporate treasurer-banker relationship to break down, it did eventually crumble. Banks found it increasingly necessary both to buy their money from corporations and to compete more aggressively for consumer time deposits. This adjustment was initially quite painful. Profit margins—measured as the realized yield on loans and investments less interest payments and expenses—began to skid, although the erosion in most big banks was confined to the years 1961–65.

LOOKING AROUND FOR FEES

The high cost of money prompted the more venturesome banks to look into virtually capital-free areas of potential business—areas in which compensation was not in rates but in fees. Since computers were already in the bank, why not sell bookkeeping and data-processing services as widely as possible? Since investment specialists were already on hand, both as trust officers and as adjuncts to the commercial-lending operation, why not use them to run a financial consulting business? Or a mutual fund that the small saver could buy a share in? And since banks traditionally provided travel services to their corporate accounts, why not run a travel agency for the man off the street?

The freer spirits also began to see new horizons in lending. The return on commercial and industrial loans—the traditional bread and butter of most banks—is limited somewhat by national monetary policies. If government policy makers, for example, wish to keep short-term money rates high and long-term rates low (as they did in the early 1960's for balance-of-payments reasons), bank earnings can be adversely affected. But if a bank puts a higher proportion of its assets into specialized areas of lending where the charge, or interest rate, reflects service factors as well as money-market conditions, it may earn more and avoid being squeezed. The types of lending with a strong service component include accounts-receivable financing, consumer lending, leasing (in reality, a form of term loan), mortgages, and construction lending. Smart bankers got the message.

Unfortunately, to enter many of these fields—whether service or lending-*cum*-service—banks required the blessing of regulators, who were accustomed to viewing banks as institutions that made loans and bought bonds with the leavings. A big exception was the office of the Comptroller of the Currency, which regulates all banks with national charters (there are now over 4,700). Comptroller James Saxon and his successor, William Camp, believed that banks should be permitted to perform any financial service that does not impair their solvency and liquidity. Emboldened by their advisory opinions, national banks began expanding into leasing, mortgage servicing, and even a type of mutual fund. Saxon and Camp were even kinder. Believing that standards of capital adequacy were too restrictive, they permitted banks under their jurisdiction to hold less capital per dollar of assets than many state institutions. Innovative banks responded by trading their state charters for national ones. Over the past seven years, 152 state banks, with over $23.8 billion in deposits, have become national institutions.

With so many banks slipping out of the fold, the Fed finally got religion—if in a less evangelical form than the Comptroller of the Currency. On August 14, 1968, it issued a ruling permitting state member banks to establish operating subsidiaries and "loan-production offices." The latter are places where traveling bank-loan salesmen can hang their hats—in other words, near-branches in areas where banks can't legally have branches.

In practice, neither the Comptroller's nor the Fed's policies gave the banks very much freedom. Virtually every time the regulators said a bank could do something it hadn't been doing before, up popped a competitor to challenge this in the courts. Travel agencies, messenger services, service bureaus, mutual funds, etc., argued that a bank is a bank—and it doesn't belong in our businesses. The courts frequently agreed.

Banks simply got fed up with this yes-you-can, no-you-can't jockeying. As David Cates, vice president of Loeb, Rhoades & Co., put it: "The Fed did not grant a power, it only removed a restriction." To get the power that would secure this freedom, banks had no choice but to operate their new businesses through unbanks—i.e., holding companies. The idea was first implemented, not by a lifelong banker, but by an interloper from the insurance industry. In 1967, Harry Volk had only ten years in banking, yet that had been enough to know that the future of the banking business lay with the "finance industry." Accordingly, he turned his Union Bank of Los Angeles into a *de novo* commercial corporation called Union Bancorp., which became the owners of the bank.

After a year or so of hesitating—and duly noticing Union Bancorp's impressive earnings—other banks soon followed, first stepping, then pushing, finally stampeding into line. The accelerating rush was more than an example of "an idea whose time had come." Bankers sensed that Congress might impose new restrictions but might also provide some sort of "grandfather protection" for those who got there first.

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A LITTLE NET WORTH GOES A LONG WAY

So far most bankers have been holding themselves on a reasonably short tether, either in anticipation of the restrictive legislation or because many of them lack the managerial resources for quick diversification. One area of intense acquistive activity is real estate. Here the advantages of the holding-company structure vis-à-vis that of a bank are exceedingly clear. A mortgage-banking subsidiary of the holding company can take a piece of the equity in, say, a shopping center as part of its loan package. It thus gets the depreciation tax-shelter that is denied to a bank. Beyond real-estate and some insurance ventures, however, banks have generally been unclear about their acquisition plans.

If bankers have not yet spent much time on acquisitions, they are certainly thinking and talking a lot about an essential precondition for acquisition: leverage. Since their holding companies initially have a lower price-earnings ratio than many industrial firms or conglomerates, they prefer not to merge by exchanging equity. That would, at least, be an expensive way to buy earnings. The holding companies would obviously seek to borrow funds for acquisition—provided the I.R.S. rules governing the deductibility of interest expense on debentures used in acquisitions remain the same.

But how much money can the company borrow when its principal asset, at least in the beginning, is a bank that is already operating with about 92 percent borrowed funds (money owed to depositors and external debt)? A great deal more, many feel: though a bank is limited in its external borrowings to roughly one-third the book value of its equity—if it exceeds this ratio, the regulators tend to frown exceedingly—the holding company can breach this limit. Since it is unregulated it can borrow as much as lenders will lend and some bankers think that could conceivably be four or five times the market value of its stock.

The holding company may capitalize its new businesses on very little net worth. A North Carolina banker states: "The capital requirements that slow us up in a bank wouldn't prevail in the holding company. A leasing company with assets worth $11 million can have equity of only $140,000, and a finance company with assets worth $41 million can have equity of $1,700,000. You can't get ratios like that in a bank." Another North Carolinian, C. C. Cameron, president of First Union National Bank of North Carolina, says: "An independent mortgage banking company can make 16 percent to 25 percent on its net worth. A mortgage department of a bank usually earns less than half that. Part of the difference is the equity kicker. Another reason is that there is just too much net worth in a bank."

WILL BANK DEPOSITS BE MILKED?

The advantages of the holding company seem formidable indeed—to the shareholder. But what about the depositor? Aren't there substantial risks when banks are allowed, via non-banks, to enter unregulated businesses? And if there are additional risks, what, if any, are the offsetting benefits to the public?

Paradoxically, there seem to be fewer risks to the depositor when new financial businesses—or any activities, for that matter—are conducted through the holding company than when they are carried on by the bank itself. If, for example, leasing were a department of the bank and a bank-leased plane crashed, the injured parties could look to the bank's assets for recovery if the insurance was insufficient. The bank can reduce this risk, even without a holding company, by placing its leasing business in a wholly owned subsidiary. The separate corporate shell usually protects all the bank's assets except for the equity invested in the affiliate. This equity is vulnerable, however. Since it is an asset of the bank, it really represents the funds provided by depositors and shareholders. If several wholly owned bank subsidiaries fail, the loss in bank assets could conceivably be greater than the capital cushion, and the bank would lack sufficient resources to meet its obligations to depositors.

This need not happen if the subsidiaries that failed belonged to the holding company. The holding company gets its investable funds from the sale of equity, from external borrowings, and from dividends paid out of the underlying bank's earnings. None of these sources involves depositors' money. If the holding company gets into trouble, the price of its stock can fall below the book value of the bank's equity—indeed it can fall to zero—and this still does not touch the bank's safety by hair, provided, of course, that the law is properly enforced.

But suppose, say the skeptics, that a major subsidiary were in jeopardy. Would not the holding company then "milk" the bank's capital, its deposits, or anything it could get its hands on to save the business? It might try, but it would clearly be blocked. Because the subsidiary bank is regulated, its capital and surplus cannot be touched; it can remit dividends to the holding company only out of undistributed profits. And before it remits any dividends it must first transfer from undistributed profits to capital surplus the funds necessary to support any additional deposits and replenish any bond losses. In cases where unrealized bond losses are substantial, the regulators could require it to feed the kitty even more

If milking of the bank via dividends is impossible, what about other types of raids? Suppose the holding company were to order the bank to lend enough money—i.e., depositors' money—to the stricken affiliate to save it. This conduit too is regulated. Insured banks may lend no more than 10 percent of their capital and surplus to any one affiliate, and no more than 20 percent to all. More significant, the collateral requirements are so stringent it isn't worth the trouble. A bank can lend to a nonaffiliate on any unsecured basis or upon the pledge of machinery, real property, or accounts receivable. But when an affiliate borrows it must put down solid gold collateral—e.g., 110 percent of the value of the loan in state and local government bonds, or 120 percent in other marketable securities.[1] If it has that kind of money, the affiliate isn't in trouble to begin with. Says George Moore, chairman of First National City Bank, "When we owned Carte Blanche we wanted to lend them money but we just couldn't do it. We had to send them to another bank where they could get a better deal."

The legal obstacles to unsound banking practices are indeed impressive, particularly at the federal level. Enforcement powers derive from the National Bank Act, as well as the Federal Reserve Act and the Federal Deposit Insurance Act. In 1966, Congress passed the Financial Supervisory Act, which gave regulators broad authority to order a bank to cease and desist any time evidence of unsound policies is uncovered. This power applies to banks that are owned by holding companies or by a large number of unrelated shareholders. Says a noted bank lawyer: "Where traffic is so carefully controlled, the ownership of the vehicles is unimportant."

HALTING A RUN ON A BANK

Those who are nevertheless leery of one-bank holding companies might point out that some of the penalties for unsound practices are so Draconian that they would rarely be applied. A regulator, for example, could demand that a bank get rid of certain loans. If the bank refused, it could be kicked out of the Reserve System, its charter could be lifted, or its insurance canceled. Quite naturally, the regulatory agencies would be chary of using such powers. When a bank is recalcitrant, and the infraction is not particularly serious, the temptation is to forget it. This absence of a "graduated response" is unquestionably a serious problem in bank regulation; but it might easily be remedied by granting the regulators power to, say, impose fines or suspend bank officers.

It will pay to take note of one other much discussed scenario in which the depositor is imperiled. If several subsidiaries of the holding company failed simultaneously, the depositors, despite all their protection, might not *feel* safe if the subsidiaries were publicly associated with the bank. If the depositors get scared, they might stage a run on the bank. At this point the regulatory agencies would immediately go out of their way to reassure the public. But let us press this horror story further: suppose even the regulators' explanation did not satisfy depositors. A serious run on the bank would still not be allowed to jeopardize deposits, if only because the Federal Deposit Insurance Corporation has no intention of paying off insured deposits under $15,000 (and letting big depositors go begging) in a bank of appreciable size. If it allowed a big bank to close its doors, the failure would wipe out correspondent balances of numerous smaller banks, many of which could also be forced into insolvency. The chain reaction would put a big dent in the FDIC's $4-billion assets.

At the first hint of a serious run, then, the agency would quickly move into the community, seeking eligible merger partners for the bank in trouble (as it did in the case of the Public Bank of Detroit, with deposits of only $108 million). The upshot would be union with an "untainted" bank. The only ones to lose from this deal would be the stockholders of the original bank, that is, the holding company, whose equity might be diluted or even wiped out. It is difficult to believe that any depositors in the banks, large or small, would ever lose a dime.

BLUEPRINT OF A BANKING SUPERMARKET

The public would not merely avoid losing with the holding company; it would probably emerge the gainer. The biggest benefit of the financial conglomerate would be increased competition. Currently, branch banking laws, buttressed by the local banking lobbies in state legislatures, artificially segment the nation's credit market. Sears, Roebuck and the A & P can have outlets in fifty states, but a New York City bank is limited to the city's five boroughs, plus Westchester and Nassau counties; a Philadelphia bank to four contiguous counties, and a Chicago bank to a single building. This does not disturb the large corporate borrower a bit. He can come to the bank; the bank need not go to him. But it seriously handicaps the retail borrower, or the small-business customer, who is left with relatively few and often only one source of credit. The holding company can change this. Its small-loan or commercial-financing affiliates, being nonbanks, are not subject to branching restrictions. They can open offices anywhere. They might even benefit small borrowers in populous areas. If a New York holding company were to open an office of its small-loan affiliate in San Francisco, and vice versa, this could heat up the competitive climate, as, for example, the 1960 move of First National City Bank into Nassau County did. It made personal loans at one-half to *three percentage points* below the local banks' going rate.

The one-bank holding company might bring other benefits. It would make it easier to create financial supermarkets—all services

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[1] The securities might be its own stock, provided it is publicly traded. To prevent any abuse of these rules, Congress probably should amend the definition of "marketable securities" to exclude equity in the holding company or any part of its corporate family.

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under one roof—an obvious convenience. Also, there appear to be certain economies in combined operation. If insurance can be joined with banking, automobile casualty insurance could be granted at the same time and as a result of the same credit investigation that authorized the automobile loan. House and personal liability insurance could be sold at the same time that mortgage credit was extended.

These are only teasers, however. Fertile brains are working on ideas that could really turn the financial supermarket into a socially significant idea. Dr. Frederick Hammer, an economist who recently moved from the Bankers Trust to Leasco, likes to discourse on the possibilities in a complete personal financial-planning service. "The consumer is visited by a 'financial planner,' accoutered with a portable terminal that is connected to a remote computer. While speaking to the prospect, the planner feeds his financial information to the computer. The specialist and the computer give the man a 'best allocation' of his total resources—casualty insurance, life insurance for himself and his family, savings-account level, trust accounts for his family, and loan levels for, say, his mortgage, automobile, etc. . . .

"In actual operation," Hammer continues, "the service could automatically transfer funds between accounts. Within specified levels, if the checking account grew too large, funds could be transferred to savings; when savings grew past a 'trigger level,' funds could be invested in a mutual fund or in trusts. Deficiencies in accounts could be made up with short-term installment loans. Routine bills—mortgages, insurance premiums, utility bills, etc.—could be paid automatically. The 'man in the street,' unsophisticated financially, could be equipped at virtually no cost to himself with access to the most sophisticated thinking available."

THINKING THE UNTHINKABLE

A large part of the public might concede the case for allowing banks to become financial supermarkets. But what about the holding company that became a real conglomerate, embracing both banking and industry? Unquestionably, the same protections for the depositor and the public that apply to the purely financial conglomerate would be in force. And while there is no great benefit to society in a bank moving into industry, there are situations in which the opposite might be socially desirable, i.e., the take-over of a bank by an industrial corporation. After all, there are still plenty of uncompetitive and unprofitable banks in the U.S. Many, particularly small ones, have low loan-deposit ratios and portfolios overloaded with Treasury bills (although the recent inflation has temporarily changed this). They are in effect poor service banks. The community should have a way of prodding the weak bank into a profitable, service-oriented stance. It generally doesn't.

If a weak bank is a relatively small factor in its market, it may be able to merge with another bank. But if it is relatively large, it cannot do so because the Justice Department probably won't let it. Bank of California, for example, is a perennial laggard in its state market. It lends a lower percentage of deposits than its two leading competitors. Its earnings growth over the past ten years (2.12 percent compounded) is the worst of any bank on FORTUNE's list of the fifty largest. And since it currently makes only 9.8 percent on an already well-leveraged net worth (most big banks are now up to 12 percent), this bank is clearly not building a capital base adequate for future expansion of risk assets—adequate, that is, by normal regulatory standards. By all logic, Bank of California should be merged with, say, Wells Fargo. Not so, the antitrusters would say.

While a bank big enough to merge with Bank of California is effectively precluded from touching it, an industrial corporation still can—at least, it probably can. (In recent years the Justice Department has allowed a number of such mergers.) This form of take-over, then, is virtually the only way that a sleepy but relatively large bank can be rescued, apart from a stockholder revolt. This is not to presume that the industrial corporation's management would naturally be superior to that of another major bank. It is just that the industrial might be eligible to take over Bank of California and pump in the fresh capital and managerial talent currently unavailable to the bank. Institutions like Wells Fargo or Crocker-Citizens simply can't.

Unfortunately, the Treasury's bill would slam the door on such a rescue even if Justice allowed it. In effect, the Treasury argues that when an industrial corporation takes over a bank—or even threatens a take-over—the risks outweigh the benefits. These risks, in the Treasury's view, take two forms: special solvency and liquidity dangers and new and substantial kinds of economic concentration.

The Treasury's solvency and liquidity argument has two parts. First, the threat of conglomerate take-overs might force independent banks into speculative loans and investments. The banker might say: "Well, I didn't make enough bankable loans before, but now that the conglomerate is at my heels I'll make a lot of risky loans in an effort to become more profitable overnight." This behavior seems farfetched and, of course, there is the suggestion that the regulators would be dozing. But even if the banker were so restless, the depositors, as noted, would not be hurt except in the case of very small banks. And perhaps this is an acceptable price for an affluent society to pay to improve its credit-creating mechanism. Adequate safety has not been the banking industry's major problem for over thirty years. Adequate service has.

The other part of the Treasury's solvency argument seems more plausible: while some conglomerates might be good for banking, others—particularly the purveyors of "Chinese money," i.e., the convertible debenture—would be disastrous. These conglomerates, the argument goes, might buy and resell banks simply to manipulate their price-earnings multiples. In short, they might treat a bank, whose principal asset is its reputation for stability, as an investment pawn.

This argument underestimates the difficulty that really disreputable conglomerates would encounter in taking over a bank—especially one of some size. For good or ill, the large depositors would have an effective veto over the take-over by threatening to remove their deposits. As a further safeguard against take-overs that are essentially stock manipulations, Congress could require some sort of character check. At present, when a group applies for a bank charter to found a new bank, it must present evidence of good character; why should acquirers be treated differently from founders? While the Treasury bill does not require a character check, a bill introduced by Senator Sparkman would prohibit anyone from acquiring control of a large bank without the approval of the bank's regulatory agency.

Unfortunately, this bill would apparently work to prevent even healthy take-overs. It would force the prospective acquirer to go first to the regulators, then to the stockholders. Since the former would have five months in which to make up their minds, the take-over effort would probably collapse of its own weight. A take-over that is not speedily consummated tends to fall apart. Probably it would never even get to the stockholders. A more sensible approach would be a procedure that did not interfere with the tender bid but obliged the regulators to approve or disapprove the resultant merger within, say, thirty days—and to offer written reasons for their decisions. This would provide the character check but would not thwart all would-be acquirers.

THE ZAIBATSU SYNDROME

When pressed, advocates of restrictive legislation generally concede that the solvency and liquidity issue is really less meaningful than the concentration argument. To many, the issue is at bottom a visceral one; they simply feel that "there is too much bigness in the economy." If they are right, the antitrust laws should be more vigorously enforced. But most businessmen are under the impression that these laws are pretty well enforced right now. Under existing statutes and court rulings an acquisition by any corporation, industrial or banking, is subject to the most careful scrutiny for possible anticompetitive effects. In addition to the burden of proof that every acquirer bears, the Treasury bill would now ask some corporations to shoulder an additional one: it says in effect that the acquisition of a bank by an industrial corporation or the purchase of a nonfinancial business by a bank-run holding company, is prima facie evidence of anticompetitiveness. This is discriminatory legislation, pure and simple.

Perhaps to clothe the nakedness of this legislative intent, many in Washington are busy cataloguing potential abuses of power inherent in any union of banking and industry. One much-feared abuse is the tie-in: a bank that is part of a complex that includes a steel mill will say to the business borrower: "If you want that loan you'll have to buy my affiliate's steel." This kind of tie-in deal is against the law, of course, as it violates Section 1 of the Sherman Act and Section 3 of the Clayton Act. The number of cases of successful prosecution is legion.

VETOED BY THE MARKETPLACE

Quite apart from the law, the marketplace provides builtin safeguards against this type of abuse. Conceivably, the bank might be able to force a borrower to buy its steel in a period of tight money, when the borrower is more or less helpless. But if the seller's market in credit disappeared, the borrower would take his business elsewhere. Even with only a few hundred industry-bank conglomerates—or perhaps only fifty to seventy-five, which the Treasury fears might emerge if its bill doesn't pass—the borrower shouldn't have trouble finding a conglomerate that would lend to him without requiring that he buy its steel, simply because the underlying bank would need customers. The first conglomerate would certainly know this and would be exceedingly foolish to insist on an illegal tie-in arrangement to begin with. If it persisted, it would face yet another penalty. If any such deal became known, every independent steel company and those affiliated with other conglomerates would promptly pull as many of their deposits out of the bank as possible.

Market forces can also act to curb a related abuse: excessive lending to the customers of holding-company affiliates. William Sherrill, the newest member of the Federal Reserve Board, believes that this is potentially the gravest danger in any bank-industry tie-up. His fear is that the holding company will force the subsidiary bank to divert a large proportion of its loanable funds to the customers of its nonbank affiliates—again, in periods of tight money. Since competitors would lack the advantage of such a relationship, they would lose sales to the holding company's affiliates. In such a situation, Sherrill worries, these competitors would tend to throw themselves into the

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arms of the nearest conglomerate complex that included a bank.

But a bank that practiced such shenanigans would as a matter of course lose the deposits of all the companies in the affiliate's industry. More significantly, in order suddenly to shift lendable funds to the customers of its affiliates, it would be forced to rupture established business relationships with its regular customers at the time of their greatest presumed need, namely, a time of tight money. If that didn't seriously damage the bank, what would?

The mere threat of such discriminatory lending policies, in fact, would prompt the competitors to retaliate. To finance their accounts receivable, for example, they could form acceptance corporations. This possibility has been mentioned by, among others, Kalman Cohen, professor of economics at Carnegie-Mellon University. More likely, the holding company would have had some difficulty persuading its bank to undertake this pattern of lending to begin with. Bankers don't like to be managed by nonbankers, particularly if the result is the destruction of a sizable portion of the bank's earnings base, to the putative benefit of the corporate whole. A conglomerate that tried such arm twisting would find itself with a serious personnel problem.

THE FEAR OF SHADOWS

This may help explain why the conglomerate record in banking has not thus far been impugned. Though large conglomerate one-bank holding companies already exist—among them C.I.T. Financial Corp., Signal Oil & Gas, Gulf & Western Industries, and D. H. Baldwin Co.—there have never been documented instances of abuse of power by such companies. William McChesney Martin, chairman of the Federal Reserve Board, recently all but admitted this. Testifying before the Patman committee, Martin said, "I wish I had some evidence of abuse that I could present to this committee. But the evidences . . . are not here at the present time in any substantive amount."

But Martin is nevertheless one of many who feel that the mere linkage of banking and nonbanking must inevitably lead to abuses. As T. H. Milner, Jr., president of the National Bank of Athens (Georgia) and a spokesman for small banking interests, puts it: "I personally do not believe that any banker can give a clear-cut, unbiased decision on credit if he is connected, however slightly, with a string of other nonbanking businesses in the community his bank serves. There has to be a conflict of interest . . ."

Milner would probably have to admit that there are conflicts of interest even when a bank is *not* involved in other businesses. Large depositors, after all, at times pressure bank managers into granting unusually favorable credit terms and induce them to pigeonhole credit applications from competitors. But, say the proponents of restrictive legislation, this is no argument for permitting a situation in which abuses of power can multiply.

Surely abuses *can* result when banks diversify into other businesses—financial as well as industrial. If such *potential* abuses materialize and become widespread, however, they can be handled by potential legislation. The benefits of the financial supermarket, on the other hand, seem immediate, and palpable. The possible contribution of the industrial corporation to wide-awake, service oriented banking also is clear and undeniable—though if the Justice Department abandoned its counterproductive merger policy, the rescue of inefficient banks by such corporations might be unnecessary. The real public-policy question is: Shall we allow both bank stockholders and consumers of credit to be damaged by what have been described as the Three Big Fears—the regulator's fear of working, the banker's fear of competing, and the legislator's fear of shadows?

TRIBUTE TO COLEMAN HAWKINS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. HUNGATE. Mr. Speaker—

> The man that hath no music in himself,
> Nor is not moved with concord of sweet
> sounds,
> Is fit for treasons, stratagems, and spoils;
> The motions of his spirit are dull as night,
> And his affections dark as Erebus:
> Let no such man be trusted.
>
> —SHAKESPEARE.

Coleman Hawkins, the great musician, who lately died, was a man worthy of humanity's trust. Some appropriate remarks about him appeared recently in the New Yorker:

[From the New Yorker]

THE TALK OF THE TOWN

The godlike offer too much and they demand too much. They seem cold because they have only themselves to match. They are shameless perfectionists and their light hurts the eyes. Such was Coleman Hawkins, the great tenor saxophonist, who died last week, at the age of sixty-four. Hawkins invented the jazz saxophone, and, more than that, he spent forty years tinkering with his invention—remodeling it, streamlining it, polishing it. Most artists, of whatever kind, find a style that, like the Boston matron's hat, sustains them for life, even when sheer use turns it to self-parody. But Hawkins, instinctively detesting commercialism, changed his style every ten or fifteen years. He began—in the twenties, with Fletcher Henderson—as a nervous, serio-comic performer who spent notes by the thousand. This adolescent choppiness subsided, and he became a classic Romantic with a big-breasted tone and an Echo Mountain vibrato. Then his style lost weight, revealing a fluent, tough, muscled attack—the attack that produced his seminal 1939 recording of "Body and Soul." He passed into his fourth, and final, phase ten years ago, and it was unsettling. The best of his earlier modes was still there, but there was a new element—a naked, hellfire crying out that suggested he had finally discovered what life is and didn't like what he saw. Hawkins' musical adventurousness—which kept musicians twenty years younger running—was simply a by-product of his unstemmable creativity. He spent most of his life *improvising*, which means that he altruistically gave part of himself away night after night, month after month, year after year. A sculptor can touch his work, a painter can stare at his finished canvas, but improvisation—except in the rare instances when it is recorded—is borne away the second it is uttered. Hawkins' generosity changed jazz, and jazz has changed Western music. One example will do. Harry Carney, the baritone saxophonist, has since 1927 been the rock that Duke Ellington has built his band on, and the Ellington band remains revolutionary and incomparable. Carney idolized Hawkins.

Hawkins' majesty was quietly embodied in his person. He was a handsome, straight-backed, medium-sized man who dressed impeccably and spoke distinctly in a low voice. Even in his later years, eroded by alcohol and the demands of his profession, he was seignorial. He offset his frail, stooped appearance by growing a patriarchal beard. He was always a lesson to watch. Eight years ago, he was hired as an accompanist for Ida Cox, the oldtime blues singer, who had been unearthed and brought to New York to make some recordings. He overslept on the day of the session, but when he came into the studio—his eyes still three-quarters closed, a black felt hat jammed evenly on his head, his suit razor-sharp, and his walk very fast—he was the Chairman arriving, not just a tardy musician. Not long before that, he played almost every concert of the fledgling Great South Bay Jazz Festival, on Long Island, despite having to work in New York at the same time, and he played with a passion and invention that made the whole enterprise unforgettable. And one evil night several years ago at the Village Vanguard, after the bassist Charlie Mingus had spent an hour berating the audience and his musicians for something or other, Hawkins countered Mingus's rudeness by turning his back on him and playing magnificently into a corner of the bandstand. He courted no one, but he had friends, and Roy Eldridge, the trumpeter, was perhaps the closest. "Coleman was a first-class cat all the way down the line," Eldridge said last week. "He was the old school. He never traveled economy, and, of course, he was like a genius on his horn. I guess I knew him as well as anybody. I got my first job—for twelve dollars a week, in 1927—through him, by copying his solo, note for note, off Fletcher Henderson's record of 'Stampede.' And I was the first person near him after he came back from five years in Europe in 1939. I had a Lincoln and he had a Cadillac, and we followed each other to gigs—double things like that. He was a person people were afraid to talk to. If anything went wrong on a job, they wouldn't go to him, they'd always come to me. He was proud, but he wasn't cold, and he had a sense of humor. He just stayed away from cats he didn't like. People said he didn't like Lester Young, who was supposed to be his great rival. Man, I remember Coleman and I sat up all one night with Lester in the fifties, when we were with Jazz at the Philharmonic, trying to find out why Lester was up so tight. We never did. The last five years, Coleman was sick, and he just about quit eating. All he had eyes for, when he ate at all, was Chinese food, like Lester. But I'd call him in the evening and tell him what I was cooking. I'd tell him such-and-such, and he'd say, "That sounds pretty good. I'll have to go out and get me some.' The next day, I'd call again, and he'd forgotten everything. Coleman always had money, and he always spent it the right way. He'd have a Leica and a Steinway and three-hundred-dollar suits, but before anything else he always laid out six hundred dollars a month to take care of his rent and his wife and children. I often wondered if he had a little income of his own, but I never knew, because money was one thing we didn't discuss. Just a while ago, I went out with Coleman when he wanted to look at a Rolls-Royce to buy, and I said to him, 'You'd look ridiculous riding around in that.' So he bought a Chrysler Imperial. Eight thousand in cash. I don't think he got to put more than a thousand miles on it."

Just a year ago it was my privilege to hear him in the program "Jazz Runs at Laurel." He gave meaning to these lines of T. S. Eliot:

> Music heard so deeply
> This it is not heard at all but you
> Are the music
> While the music lasts.

When all in this Hall are dust, men will hear and stand in awe of "The Hawk."

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THE DANGEROUS DELAY IN STARTING ARMS NEGOTIATIONS

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. NEDZI. Mr. Speaker, as the nuclear arsenals of the superpowers grow ever more awesome the margin for political decision grows ever more precariously thin. As the danger to the world increases, thoughtful men realize that it is in our national interest and in the world's interest that the United States and the Soviet Union reach some agreement on arms control.

This may be one of those moments of opportunity in world history when a turning point has been reached. If this moment passes, the consequences may be devastating. It behooves us, therefore, to get arms control talks moving. In this regard, I believe the June 16, 1969, column by Marcus Childs in the Washington Post is worthy of our attention. The delay in starting arms negotiations is explained. The reservations on the part of President Nixon are only partly justified, in my opinion. Without assessing blame I believe that we should more readily move to the conference table.

Under leave to extend my remarks in the RECORD, I insert the Childs' article in the RECORD:

NIXON IS TO BLAME FOR DELAY IN STARTING ARMS NEGOTIATIONS

(By Marquis Childs)

Like duelists sparring in the dark, the United States and the Soviet Union confront the opportunity, if indeed the opportunity still exists, to slow the nuclear arms race. When the Pentagon curtain is lifted, the peek into the mysteries of that race are calculated to scare the innocent bystander into believing the risks of a slowdown are almost too great to take.

The Nixon Administration has held up the start of the arms talk for nearly six months for reasons obscured by controversy and clouded by a lack of hard facts. The following sequence, much of it hitherto undisclosed, throws a little light on that delay.

It begins with the preparations for the Nixon takeover after last November's election. One of the President-elect's law partners approached Secretary of Defense Clark Clifford to ask him to stay on in that office. After long consideration and a search of the past showing that a Cabinet officer of one party had never been carried over into the Cabinet of a President of another party, Clifford said no. He felt it would be impossible to serve responsibly in a Nixon Cabinet.

But, having a close liaison with the new men, Clifford argued the case for beginning the arms talks at the earliest possible moment. Under the chairmanship of Secretary of State Dean Rusk, he had sat in the high-level committee that worked out in detail the agreed American negotiating position. A set of negotiating principles put down on paper were initialed by both American and Soviet officials.

Then on Aug. 20 came the Soviet invasion of Czechoslovakia. For President Johnson it was the most crushing disappointment of his presidency. Plans had been set for Mr. Johnson to fly to a summit meeting to proclaim the start of talks that could ease the awful arms burden.

Toward mid-November, the number of Russian divisions in Czechoslovakia was reduced from 20 to about two, and hope was revived that the talks could start at a low level. The argument was that, having begun, they would gain a momentum that another Czechoslovakia, say in Rumania or Yugoslavia, could not halt.

At this point, the Nixon men expressed their opposition. They wanted a chance to review the whole matter after they took over. To make sure Moscow understood their stand, word was conveyed directly to the Soviets of their unwillingness to sanction talks started by the outgoing Administration.

That was delay No. 1 as the newcomers prepared for a lengthy review that seemed, to outgoing officials, who had labored long and hard, to ignore the achievement of an agreement of principles by both sides. Hitch No. 2 was at least as serious in its consequences.

Clifford had made the case for straight arms talks uncomplicated by the profound political differences between the two sides in several areas. The Nixon men believed that arms negotiation should be tied to political concessions by Moscow in Vietnam and the Middle East. If they want arms reduction so badly, so the argument went among some Nixon advisers, let's make them pay for it. At his first press conference in January the incoming President said:

"What I want to do is to see to it that we have strategic arms talks in a way and at a time that will promote, if possible, progress on outstanding problems in which the United States and the Soviet Union, acting together, can serve the causes of peace."

On the face of it this sounded reasonable enough. But to Clifford and the others, aware of how swiftly a new and even more costly round in the arms race was shaping up, it seemed a big obstacle in the way of success while time and hope ran out. Feeling a great sense of urgency, Clifford devoted one of his rare public speeches—rare since he left office—largely to arms negotiation. On Feb. 17 he said:

"The hard fact is that we may never again expect to be in as favorable a position as we now enjoy for entry into talks about a freeze in strategic nuclear armaments. The Soviet Union continues to produce and perfect its nuclear missiles. Technological developments may well make any arms limitation agreement more difficult to develop and enforce a year from now or six months from now than it is today."

That point of no return is closer at hand by four months than when Clifford spoke—it may already have been passed. The reason is not so much the antiballistic missile system, embattled in the Senate, as the many-headed missile with each warhead aimed at a separate target, MIRV in Pentagon jargon. The United States has conducted 14 tests of MIRV beginning last August, seven on Minute Man III and seven on Poseidon. A news story inspired by the Pentagon had the headline: "Soviet Gain Seen in MIRV Program." The implication was that with MIRV requiring on-the-spot inspection, the prospect for limiting this newest round was all but ruled out.

As the Cabinet level planned the start of the talks, the cards would be put on the table—how far have you gone with MIRV? How many missiles do you have? How many whopping SS-9s? The dark would be dispelled and negotiation could begin. It may have been impossible then. The odds are far longer now—six to nine months later.

BALTIC STATES FREEDOM REMEMBERED

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. GALLAGHER. Mr. Speaker, 29 years ago, the flame of freedom was cruelly and illegally snuffed out in the lands of the Baltic States.

Twenty-nine years ago, the free and independent states of Lithuania, Latvia, and Estonia were betrayed by wanton aggression.

Twenty-nine years ago, the two decades during which these states enjoyed the blessings of liberty became just a memory for the Baltic peoples.

Today, we Americans remember the tragic events of 29 years before. We recall the inhuman deportations of more than 200,000 human beings from the Baltic States to the barren and desolate terrain of Siberia. Wrenched from their homelands, these brave people became captives in a foreign prison.

Mr. Speaker, these events give us all cause to reflect on the fragile nature of human freedom. When the Soviet Union invaded the Baltic region, it violated a solemn, international treaty—signed in 1920—in which the Soviets renounced "voluntarily and forever" all sovereign rights over the people and territory of the Baltic region. But a treaty is no more effective than the motives which prompt its creation and the honorable intentions of the men who enforce its provisions. The peace and tranquillity of the world community depends on international agreements for its existence; when these agreements are wilfully, indeed brazenly violated, there can be no peace or freedom.

If there is a message to be taken from the dark days of June 1940, when the Communist world marched on Lithuania, Latvia, and Estonia, it is that eternal vigilance is the price which the free nations of the world must pay to preserve their liberty. The Baltic peoples provide us all with a courageous and inspiring example of human beings so dedicated to their independence that they were willing to make the ultimate sacrifice for its preservation.

Today, then, let us not commemorate the captivity of the Baltic States. Rather, let us celebrate the bright, albeit brief, period of freedom which these states enjoyed after the First World War. And let us look forward to the time when honor among nations is the strongest weapon in our arsenal of defense.

CONFEDERATE MEMORIAL DAY, 1969

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. RARICK. Mr. Speaker, the fallen sons of the South are not forgotten. "Lest we forget"—these were Americans who died in defense of their homes.

An understanding of the South and its undying traditions comes only with the realization that no other Americans have been defeated in war—subjected to a hostile occupation—and "reconstructed."

It is because of this that we of the South react quickly to every encroachment on our liberties, and in our desperate attempt to warn other Americans of impending danger, we are many times misunderstood.

The contributions of men of the South—past and present—both in peace and at war—speak for themselves in tribute to their fidelity and dedication to the truest principles of constitutional government.

June 3 is Jefferson Davis' birthday and the first Sunday in June, the 8th this year, the annual Confederate Memorial Services were held at Jackson Circle in Arlington National Cemetery, the hallowed national shrine to our country's heroes who lie buried on the former estate of our great military leader, Robert E. Lee, of Virginia.

The annual ceremony is conducted by the Confederate Memorial Committee, Washington, D.C., and is dedicated to the memory of the Confederate veterans and ther descendants who served our country.

No more fitting tribute or remembrance could be said than the few short words emblazed on the Confederate monument at Jackson Circle:

Not for fame or reward, not for place or for rank,
Not lured by ambition, or goaded by necessity
But in simple obedience to duty, as they understood it
These men suffered all, sacrificed all, dared all . . . and died.

The orator for the memorial service was Dr. B. H. Webster of Nashville, Tenn., commander in chief, Sons of Confederate Veterans.

Mr. Speaker, I am honored to include Dr. Webster's address for our colleagues perusal:

ADDRESS BY DR. WEBSTER

Compatriots, Daughters, and Guests: Thank you for your fine introduction. I appreciate very much the invitation to speak on this glorious and grand occasion at Arlington with the combined Sons of the Confederate Veterans and the United Daughters of the Confederacy cooperating.

Let us discuss this afternoon the valor and heritage of the South which is dear to my heart! I was born and bred a Southerner, and I am proud to be a Southern Patriot.

I am reminded of an anecdote of my friend, Thurman Sensing, Executive Director of the Southern Industrial Council, that everyone loves a Southerner; that you can travel all over the world and see signs that read, "Go Home Yankees," but nowhere have you seen signs that say, "Go Home Southerner," so everyone loves a Southerner.

It is always intriguing to proclaim the valor of the South. In the Preamble of the Sons of the Confederate Veterans, we declare in the name of a reunited country that we pledge allegiance to the Constitution of the United States which was largely written and expounded by Southern men and always clung to by Southern people as the very Magna Charta of our liberties.

We believe in the right of all sections of the country to confer power upon the Federal Government, and an opposition to further amendments. We adhere to the principles of the Great Charter of Runnymede, 1215 A.D. We associate ourselves in one united, compact body of all men of Confederate ancestry, so that we may cultivate, perpetuate, and sanctify the ties of fraternity and friendship, and aid and encourage the recording and teaching of all Southern history from Jamestown to the present era.

We must urge, aid, and assist, in the erection of suitable and enduring monuments and memorials to all Southern valor, military and civil, wherever they may be. May we always honor and revere the memory of our heroic ancestors, who by their sacrifice perpetuated unto us and our descendants that glorious heritage of valor, chivalry, and honor which we now hold and venerate! May we instill into our descendants a devotion to and reverence for the principles represented by the Confederate States of America, to the honor, glory, and memory of our fathers who fought in that Cause!

The South is remembered forever because of the preeminent statesmen, political and military leaders which it developed. Moreover, there has never been a given time or situation in all the world that has produced such renowned individuals. Let us recount a few of these remarkable men.

George Washington, a Virginian, was the Father of Our Country. Thomas Jefferson, a Virginian, wrote the Declaration of Independence. James Madison was the Father of the Constitution. George Mason wrote the Bill of Rights. John Marshall, was the first Chief Justice, and founder and foremost exponent of the American System of Constitutional Law, or we might say the Father of Constitutional Law.

The geographical picture of the United States as we know it today was largely brought about by the leadership of Southern leaders. The Thirteen Colonies were developed into the United States of America under Washington's leadership. Thomas Jefferson's administration annexed the Louisiana Purchase which later numbered fifteen states, more than all the original Thirteen Colonies together. Under the administration of James Monroe, Florida was purchased.

Texas became independent under the leadership of Sam Houston and Stephen Austin. The Alamo sired the spirit of Texas through Southern heroes such as David Crockett.

The generalship of Zachary A. Taylor and Winfield Scott won the war with Mexico in 1846, along with the heroism of such stalworth Southern patriots as Robert E. Lee, Jefferson Davis, and John A. Quitman of Mississippi. Under the presidency of James K. Polk of Tennessee, by the Treaty of 1848, Mexico ceded claims to Texas, California, Arizona, New Mexico, Nevada, Utah, and much of Colorado. During the same administration, under the statesmanship of John C. Calhoun, the Oregon Claims were settled with Great Britain, and the nation became a major power.

Also, soon after the War Between the States, one of the great grievances against Andrew Johnson, a Tennessean, was the purchase of Alaska for $7,200,000.00 which was one of the best investments that the country has ever made. As we now know, this brought another state into the Union.

Many other Southern leaders such as Andrew Jackson, Patrick Henry, John Sevier, and Cordell Hull who was the Founder of the United Nations, will long be remembered. The literary and poetic heritage of the South is both memorable and time honored. This would make an excellent paper for some future speech.

As a result of their illustrious Southern forebears, the Confederates became the political and spiritual heirs of the Founders of the Republic. George Washington became the Centerpiece of the Great Seal of the Confederacy with the inscription of February 22, 1862, as the official birthday of the Confederate States of America.

The War Between the States has produced greater study and imagination than almost any conflict in history. A new biography of a leader, a battle, or some memoir comes off the press practically monthly.

Military circles abroad and European observers have made special studies for the major European armies. Without doubt, this war constituted an important chapter in military history.

June 3rd having been the 161st birthday of Jefferson Davis, I should like to memorialize again that great patriot who was a United States Congressman, a United States Senator, Secretary of War under President Franklin Pierce, and a West Point Graduate who served brilliantly in two wars.

Of particular interest to me is the fact that he founded the Army Medical Corps. Let us not forget that he was the President of the Confederacy, and gave freely of his time and talents for the direction of the helm of that government through the four years of its existence. Due to his great achievements and magnificent service, he has been nominated for election to the Hall of Fame.

How fitting that former President Dwight D. Eisenhower gave a magnificent summary of how he felt about Jefferson Davis when he said:

"Having long held the conviction, a conviction reinforced by my reading of Hudson Strode's Biography of Jefferson Davis, that the President of the Confederacy was one of our outstanding ante-bellum Americans, I have been impressed by the worth of both his military and civil service to the nation, and have admired his selflessness, courage, and dedication to America—He nobly tried to do what he thought right."

And, I like to remember again that there is no lost Cause!

Yes, we lost our last battle, but we never lost our Cause.

Our Cause was never a Lost Cause. It is just as right and just as much needed today as it was in 1776 and 1861. All of those who hope to live in the land of the free and the home of the brave must believe in it, stand up for it, and fight for it.

The South is rising again. There is great industrial development everywhere in the Southland. The hope of the Country lies in Dixie.

May the valor and wonderful heritage of the South ever persist and become the stalworth ramparts of the nation.

KENMORE JUNIOR HIGH SCHOOL ACHIEVEMENT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, I should like to call the attention of our colleagues to a magnificent achievement on the part of the coaches and players of the Kenmore Junior High School in Arlington, Va., which is located in my congressional district.

Of the four sports in which the Kenmore Junior High School participates, they hold a record of 25 victories and no defeats during the school sports year just completed. I believe this may establish a national record, and that the players and coaches in the school should be commended.

Under leave to extend my remarks, I am including at this point in the RECORD two articles which appeared in the Northern Virginia Sun on May 29, 1969, concerning the school and its successful sports year:

KENMORE JUNIOR HIGH COMPLETES FOUR-SPORT YEAR WITH 25–0 MARK

Good coaching, average athletes and an extreme desire to win was the formula Kenmore Junior High of Arlington used to finish a 25–0 four-sport year.

Setting the standards for the other teams, the football squad won its five games and completed the first undefeated season in any sport in Kenmore's history.

Coached by Bob Rimmer, the Braves relied primarily on a running offense from the winged-T formation. The first defensive unit gave up only six points all season while Kenmore defeated Gunston 20–6, Stratford 13–0, Williamsburg 27–6, Jefferson 33–6 and Swanson 6–0.

Four football players helped carry the winning spirit as starters on the basketball team which won 10 games and averaged 48 points to the opponents' 36 points.

Coach Robert Lewis said the record was built with the use of tough, aggressive defense, outstanding ball handling for junior high level play, plus a tremendous desire to bring a second straight county championship to Kenmore.

The wrestling team wasted no time in extending the winning streak for Kenmore which in years past had been the league's doormat. As in basketball and football, Swanson was the toughest opponent but was defeated 29–22. Against Jefferson the unbelievable score of 66–2 was posted. Other scores were Gunston 42–16, Stratford 36–22 and Williamsburg 37–19.

Five of the fifteen weight classes had undefeated wrestlers.

Three wrestlers, George Kult, 80 pounds, Wally Frankland, 153 pounds, and Richard Tuten, 174 pounds, had five victories and no defeats. Mark Gaughan, 97 pounds, and Steve Sherwood, 135 pounds, both had four wins and one tie. Coach Don Gardiner guided the grapplers to Kenmore's third consecutive county championship of the school year.

As track practice began, the thought of the fourth championship for Kenmore was uppermost on the mind of everyone and especially that of the principal, C. Clinton Cone, who had known some lean years as head of the newest school in the county and one with many losing records.

Track coach Dale Pigg realized that he was under the gun as the season opened and was most satisfied with the first victory against Gunston by a score of 96½ to 29½. The second meet against Stratford was also relatively easy, 91 to 35.

The tougest dual meet was against Jefferson, 66⅔ to 59⅓. Last week the Braves beat Swanson 84⅓ to 41⅔.

Only one competitor participated in all four sports. He was Ben Vaught. There were eight who started in three of the four sports: Harry Thomas, Bobby Meeks, Wally Frankland, Larry Murray, Gary McInturff, Carl Butler, Richard Tuten and Brian Marth.

Eight Braves also were in two sports: Jim Barbe, Pat Barton, Don Birdseye, Joe Constantz, Ted Soper, Clarence Stewart, Ed Hoeg and Jeff Braucher.

Results of Kenmore games and participants in each sport:

FOOTBALL

Kenmore 20, Gunston 6.
Kenmore 13, Stratford 0.
Kenmore 27, Williamsburg 6.
Kenmore 33, Jefferson 6.
Kenmore 6, Swanson 0.

First Team Offense—LE, Harry Thomas; LT, Bobby Meeks; LG, Gideon Brown; C, Bob Kidwell; RG, Joel Constantz; RT, Wally Frankland; RE, Larry Murray; QB, Gary McInturff; TB, Ted Soper; FB, Carl Butler; WB, Rodney Mullins.

First Team Defense—DE, Rodney Mullins; DT, Clarence Stewart; MG, Richard Tuten; DT, Ben Vaught; DE, Wally Frankland; LB, Gary McInturff; LB, Nick Derzis; CB, Ed Hoeg; CB, Carl Butler; S, Larry Murray; S, Brian Marth.

Co-Captains: Carl Butler, Gary McInturff.

Head Coach: Bob Rimmer; Assistant: Dale Pigg.

BASKETBALL

Kenmore 54, Gunston 45.
Kenmore 47, Stratford 32.
Kenmore 38, Williamsburg, 22.
Kenmore 71, Jefferson 35.
Kenmore 34, Swanson 30.
Kenmore 54, Gunston 53.
Kenmore 42, Stratford 37.
Kenmore 46, Williamsburg 36.
Kenmore 44, Jefferson 32.
Kenmore 47, Swanson 42.

Members of the Kenmore Varsity squad were: Ricky Adams, Jim Barbe, Pat Barton, Jeff Braucher, Mark Dickson, Herman Eason, Rich Healey, Eddie Hoeg, Tom Kinert, Brian Marth, Larry Murray, Harry Thomas, Ben Vaught, Steve Williams. Managers were Jim Hendricks and Dick Thomas. The Braves are coached by Robert Lewis.

WRESTLING

Kenmore 42, Gunston 16.
Kenmore 36, Stratford 22.
Kenmore 37, Williamsburg 19.
Kenmore 66, Jefferson 2.
Kenmore 29, Swanson 22.

The Squad—George Kult, 80 pounds; Mark Gaughan, 97 pounds; Steve Sherwood, 135 pounds; Wally Frankland, 153 pounds; Richard Tuten, 174 pounds; Stuart Blue, 87 pounds; Martin Chretien, 87 pounds; Neill Blue, 105 pounds; Mark Crisp, 114 pounds; Don Birdseye, 122 pounds; Eddie Reams, 129 pounds; Ted Soper, 129 pounds; Carl Butler, 140 pounds; Gary McInturff, 147 pounds; John Benton, 160 pounds; Ben Vaught, 160 pounds; Bobby Meeks, 167 pounds; Clarence Stewart, Unlimited.

TRACK

Kenmore 96½, Gunston 29½.
Kenmore 91, Stratford 35.
Kenmore 66⅔, Jefferson 59⅓.
Kenmore 84⅓, Swanson 41⅔.
Kenmore 85, Williamsburg 41.

Head Coach: Dale Pigg; Assistant: Bob Rimmer.

Shot put—13 yr. old: Bob Hagler, George Grant, Dale Atkinson; 14 yr. old: Brian Marth, Jim Barbe, Wally Frankland; 15 yr. old: Dan Saravia, Bobby Meeks, Gary McInturff.

High jump—13 yr. old: Allen Cogswell, Abey Albert, Pat Boyle; 14 yr. old: Dave Painter, Harry Thomas, Larry Murray; 15 yr. old: Joel Constantz, Pete Jankiewicz, Ben Vaught.

Broad jump—15 yr. old: Larry Linten, Rick Healey, Bob Hagler; 14 yr. old: Bill Lemnitzer, Wally Frankland, Carl Butler; 15 yr. old: Richard Tuten, Gary McInturff, Larry Waldow.

Sprints and relays—13 yr. old: Rick Healey, Chris Lemons, Allen Cogswell, Larry Linten; 14 yr. old: Carl Butler, Wally Frankland, Harry Thomas, Larry Murray; 15 yr. old: Pat Barton, Larry Waldow, John Coleman, Richard Tuten.

660 yard run—Don Birdseye, Ben Vaught, Gary Duncan.

Braves Complete Sweep of Junior High Sports

Kenmore's Braves completed a sweep of Arlington County Junior High School sports yesterday by defeating Williamsburg, 85–41, in the final track meet of the season at Kenmore.

Kenmore went through the football, basketball, wrestling and track seasons without a defeat and won 25 events during the school sports year.

The Braves won 12 of the 16 events on yesterday's program as the school closed the track season with a 5–0 record.

The summaries:

13-YEAR-OLDS

50-yard dash (6.1)—1. Healy Kenmore; 2. (tie) Hall, Williamsburg and Lemmons, Kenmore.

High jump (5.1)—1. Hall, Williamsburg; 2. Hughes, Williamsburg; 3. Boyle, Kenmore.

Shot put—(41–6¾)—1. Atkinson, Kenmore, 2. Grant, Kenmore; 3. Hall, Kenmore.

Broad jump (16-1½)—1. Hagler, Kenmore; 2. Boyle, Kenmore; 3. Papuga, Williamsburg

220-yard relay (27.7)—1. Kenmore; 2. Williamsburg.

14-YEAR-OLDS

70-yard dash (7.9)—1. Murray, Kenmore; 2. Reeves, Williamsburg; 3. Butler, Kenmore.

High jump (5–2)—1. (tie) Thomas, Kenmore, and Murray, Kenmore; 3. Reeves, Williamsburg.

Shot put (49-5½)—1. Frankland, Kenmore; 2. Barbe, Kenmore; 3. Clapp, Williamsburg.

Broad jump (18–⅝)—1. Butler, Kenmore; 2. Fields, Williamsburg; 3. Frankland, Kenmore.

440-yard relay (48.7)—1. Kenmore; 2. Williamsburg.

15-YEAR-OLDS

100-yard dash (10.6)—1. Tuten, Kenmore; 2. Waldon, Kenmore; 3. Coleman, Kenmore.

660-yard run (1:28.3)—1. Murphy, Williamsburg; 2. Birdseye, Kenmore.

High jump (5-3)—1. Allen, Williamsburg; 2. Vaught, Kenmore; 3. Clark, Williamsburg.

Shot put (55-6⅞)—1. Mahon, Williamsburg; 2. McInturff, Kenmore; 3. Meeks, Kenmore.

Broad jump (18-2⅜)—1. Murphy, Williamsburg; 2. Tuten, Kenmore; 3. Heggi, Williamsburg.

440-yard relay (48.6)—1. Kenmore; 2. Williamsburg.

BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. SCOTT. Mr. Speaker, since election to Congress, I have prepared a monthly newsletter which is mailed to all residents of the 8th District of Virginia who have indicated a desire to receive it. This month's issue is set forth below for the information of my colleagues:

Your Congressman Bill Scott Reports

COMMUTER TAX

District of Columbia officials in presenting their tax proposal to Congress have again urged the imposition of a commuter tax. An estimated 300,000 suburban residents work in Washington and the D.C. officials feel that a levy of ¼% tax on gross income would raise $3.5 million dollars annually while a 1% salary tax would raise $14 million. However, commuters already pay sales and gasoline taxes to the District government as well as taxes to operate their own local and state governments. Since Washington is the capital city, it would seem reasonable to raise the Federal contribution if revenue is needed beyond what is reasonable for Washington residents to raise. Citizens throughout the country contribute to the Federal contribution and this seems more equitable than obtaining supplemental funds from area residents only. While some other large cities have a commuter tax, they do not receive a Federal subsidy. The Chairman of the House District Committee has been advised of these views.

TAX FORM

It is evident that people are concerned about inequities in present tax laws. Our mail indicates they feel that there is an unfair burden on taxpayers in the middle income bracket while some citizens pay little or no taxes. The House Ways and Means Committee has announced tentative decisions on some of the reforms which they have had under consideration. Possible reforms include

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restrictions on private foundations; a general tightening of tax laws in the areas of charitable contributions, losses from farming operations, multiunit corporations and certain types of corporate merger transactions; and extending the unrelated business income tax to churches, social welfare clubs, civic leagues, social clubs and fraternal beneficial associations. Another proposal affords more generous moving expense deductions to those persons who must move their residences because of their job. While this is only a preliminary "progress report" of the Committee's work on tax reform, it is hoped that the ultimate tax reform bill, which they expect to have completed by mid-August, will be at least a step in the direction of an equitable system of taxation. Another upcoming tax activity will be consideration of extension of the income tax surcharge which will very likely come before the House for approval in a few days.

PREVENTIVE LEGISLATION

The House passed a bill prohibiting the issuance of a permit on any real property within the District of Columbia owned by or under governmental control for camping, sleeping, sitting-in or other overnight occupancy, or for constructing or erecting any temporary building except for governmental activity. This, of course, is an outgrowth of last year's Tent City occupancy near the Lincoln Memorial and you may recall that the Virginia Members of the House joined in introducing a similar proposal last year. Public buildings and grounds in the capital city are the property of all of its citizens and, in my opinion, should not be utilized by demonstrators.

SAFETY IN CONSTRUCTION

Both the construction industry and organized labor supported a measure passed by the House last week to strengthen the federal construction safety program. The measure authorizes the Secretary of Labor to set safety standards for contractors when federal funds are involved. However, it does not prevent the states from passing similar safety measures or allow arbitrary action by the Secretary of Labor. He is required to hold hearings on proposed standards, consult with an advisory board, and act only against a specific violation. It is hoped that the measure, if adopted by the Senate, will reduce the $3 billion annual loss to the construction industry and the loss of life and time to the construction worker.

CIGARETTE LABELING BILL

Congress is considering H.R. 6543, the Public Health Cigarette Smoking Act of 1969. This legislation would require that all packages of cigarettes sold in the United States bear a warning message reading as follows: "The Surgeon General has determined that cigarette smoking is dangerous to your health and may cause lung cancer or other diseases." The present law which expires at the end of the month requires a warning message that reads: "Caution: cigarette smoking may be hazardous to your health." The pending bill is considered a stronger statement of the danger.

LORTON BILL

In view of the continued concern of constituents with conditions at the D.C. Correctional Institutions at Lorton, I have introduced a bill to transfer jurisdiction over them to the U.S. Bureau of Prisons. While it is expected that the House District Committee will soon hold hearings on Lorton disturbances, the transfer of jurisdictions may solve some of the problems that have plagued the institutions in recent years.

PAY TELEVISION

We have been receiving many letters from constituents who are concerned about the possibility of having to pay to watch television. In December of last year, the Federal Communications Commission established rules authorizing pay television. This authorization was to become effective in six months—June 12, 1969. The delay was provided to allow time for Congressional and court review. Although legislation was introduced to prohibit the establishment of pay TV, the bill was never reported out of Committee or brought to the floor of the House for consideration. It is my understanding that pay TV, as currently contemplated by the FCC, would permit only one station to be licensed for this purpose in areas which have at least four other regular stations. The unscrambling unit, which would enable a person to receive a pay channel, would be rented by the viewer only if he desired to view pay programs. No one would be deprived of free TV viewing or forced to subscribe to the pay channel.

POST OFFICE PLANS

The Post Office Department has furnished me with the following list of new construction projects in our district approved as of May 2, 1969:

City	Net interior (square feet)	Date of approval	Status
Centreville	11,500	January 1969	Seeking a site.
Chantilly	2,993	April 1968	Do.
Colonial Beach	2,054	do	To be advertised May 1969.
Fredericksburg	18,458	January 1969	Seeking a site.
Great Falls	4,500	April 1968	Do.
Leesburg	14,954	May 1966	Under construction.
Louisa	5,280	August 1967	Awarded April 1969.
Occoquan	864	April 1968	Under construction.
Rockville	864	do	Do.
Tappahannock	5,006	do	Under advertisement.
Woodbridge	9,046	February 1967	Seeking a site.
Waterford	1,000	February 1962	Advertised April 1969.
Woodford	1,152	April 1968	Under construction.
Vienna	16,818	do	Seeking a site.

Since the list was prepared, plans have been approved for a new postal facility at Irvington, with interior measurements of 2,017 sq. ft., and the Department is presently seeking a site for this building; the new post office at Occoquan is scheduled for dedication on June 28 at 2:00 P.M. and the Department is considering improved postal quarters in the Manassas area.

POSTAL REFORM HEARINGS CONTINUING

Almost everyone agrees as to the need for change in mail service but differ as to how it should be accomplished. The House Post Office and Civil Service Committee is continuing to hold hearings on a wide variety of bills. The proposal for a Postal Corporation is a comprehensive measure which would eliminate the Post Office Department, substitute a Postal Service Corporation headed by a Board of Directors and remove the Postmaster General from the Cabinet. More than 700,000 employees would be removed from the competitive Civil Service system and be subject to long-term employment contracts between the Board of Directors and employee representatives. Disagreements on salary and working conditions would be settled by a Board of Arbitration. The Corporation would be authorized to borrow up to $10 billion and could set postal rates, subject only to a 60-day right of Congress to veto rates. My thoughts on the matter were expressed in a House speech about 10 days ago. Let me know if you would like a copy.

WASHINGTON COUNTRY PARKWAY

A number of constituents have inquired as to the status of plans of the National Park Service to establish a parkway connecting Mt. Vernon to Yorktown by way of the Northern Neck. Congress would have to authorize this project and appropriate the necessary funds before any action could be taken by the Park Service and it is my understanding that no hearings are contemplated and no action will be taken this year.

DISTRICT OFFICE

Should you desire to discuss any matter and find it inconvenient to come to Washington, I plan to be in the office in the Fredericksburg Post Office all day on Fridays, June 20 and July 11.

SOMETHING TO PONDER

"Lawless are they that make their wills their law"—Rochefoucauld.

BLAME INFLATION FOR INTEREST BOOST

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, a comprehensive and judicious analysis of the economic forces at work behind recent increases in interest rates was prepared by Mr. Lee Silberman for the Milwaukee Journal of Sunday, June 15.

Mr. Silberman is a graduate of the University of Wisconsin and former banking editor of the Wall Street Journal. He presently is a vice president of a New York investment house.

Mr. Silberman's article is relevant to the work of every Member of Congress and I recommend its review by every Member:

INFLATION, STRAIN ON CREDIT BLAMED FOR INTEREST JUMP

(By Lee Silberman)

Just what is behind the recent sharp increase in interest rates?

With money costs in this country now at historic highs this question is of more than idle interest to consumers, businessmen, home buyers, school board members, governmental officials and everybody else who has to borrow funds.

In an issue this vital there is no single answer. The reasons for rocketing money costs, rather, reflect a combination of circumstances including:

Inflation, a chronic condition in this country since World War II, resulting from more and more spending dollars chasing relatively too few goods, and reflected in an almost endless rise in prices.

Steadily rising demands for credit by each of the major segments of the economy—business, individual and the public sector (federal, state and local). These demands have led to economic overheating in recent years, under the growing strain of financing both the Vietnam conflict and business as usual at home.

The recent evolution of a restrictive national economic program aimed at curbing excessive economic growth and inflation and slowing both to a sustainable pace.

These restraints, first instituted in the spring of 1968 with the imposition of the income tax surcharge and federal spending limitations, have since been broadened to include and increasingly restrictive monetary program by the federal reserve system. It is designed to further constrain excessive economic demands specifically through the tightening of credit supplies. Some people contend the federal reserve may have been to heavy handed, threatening a new "money

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crunch" similar to the one in the summer of 1966, when credit markets almost ground to a halt.

These then were the basic factors that were behind last Monday's explosive 1% increase by the nation's larger banks in their minimum or "prime" interest charge, to a record 8½%. It is the interest charged on loans to their most reliable borrowers, usually national corporations.

MAY HIT CONSUMER

Since most other bank lending rates are scaled upward from the prime rate, the increase may also lead to higher bank rates on consumer, real estate, securities and other kinds of loans—if they have not already taken place.

The larger "money center" banks resorted to the dramatic prime rate action as a means of relieving a squeeze in which they had increasingly found themselves. It was caused by a continuing strong demand for credit, mainly by businesses and by the federal reserve's stringent policy of severly limiting the banks' supply of loanable funds.

The prime rate boost, initiated by Bankers Trust Co. of New York and quickly followed by practically all of the nation's major banks, was the fourth in a round of increases that started late last year when the federal reserve first began putting on the credit brakes. The rate rise came after three prior increases of .25% and one of .5%, carrying the rate up from an already moderately high 6¼% in early December.

SUFFERED IN SILENCE

But unlike the earlier increases that were suffered in silence, the jump to 8½% hit a nerve and triggered a loud outcry, notably from Washington. Rep. Wright Patman (D-Tex.), chairman of the house banking and currency committee and inveterate critic of the banking industry, charged that the action had "outraged and alarmed the American people and has sent a shock wave throughout the economy."

Patman ordered an investigation into the rate increase to determine if remedial legislation was required. Hearings are set for June 19, with Treasury Secretary David M. Kennedy as the first witness.

Kennedy, formerly a Chicago banker, for some weeks quietly had been urging bankers to curtail their lending activity to avoid another raise in rates.

WORST FEARS REALIZED

Kennedy clearly was worried that high bank interest rates could erupt into a political issue and might be used in Congress to club the administration's proposal for extending the income tax surcharge that expires on June 30.

Kennedy's worst fears have been justified. Opponents of extending the surtax argue that last year's tax increase in the income tax was supposed to restrain inflation and void monetary moves that might send interest rates careening upward. With rates shooting up anyway, there is no longer any point in retaining the surtax, they maintain.

Surtax renewal is caught in still other ploys. These include a maneuver by congressional liberals to obtain more fundamental tax reform as the price of their surtax support.

But on the question of surtax extension versus higher interest rates, Chairman William McChesney Martin of the federal reserve board left no doubt where he stood.

Early last week, Martin warned that without the surtax monetary policy "would be called upon to carry a larger share of the burden" of the government's deflationary economic program. He suggested that removal of the surtax could lead to even higher interest rates.

INTENSE DIALOG

The intense public dialog that has erupted in the wake of the banks' latest rate action is hardly surprising. The government long ago staked out an interest in basic price changes, be it in steel, lumber or money.

The reason in the case of money is not difficult to perceive: A nation's money and credit are deeply fraught with public interest, since the very essence of the value of a nation's currency depends on how effectively its money is managed.

The principal responsibility for this rests with the federal reserve system.

The system, consisting of a seven member appointed board of governors in Washington and 12 district reserve banks throughout the country, serves broadly as the commercial banks' bank, accepting their deposits, collecting their checks and making them loans.

Above all, the federal reserve's purpose is to provide a crucial element of flexibility in the nation's monetary and banking system.

OVERCOME RIGIDITY

But while the architects of the system sought to overcome the rigidity that had caused a succession of depression spawning money panics—the federal reserve act grew directly out of the panic of 1907—the reserve system at present, some critics contend, may have ironically turned the credit screws so tightly as to again freeze the money mechanism in place.

Whether the federal reserve is nurturing another credit squeeze that may force a breakdown in bond markets, as some experts say occurred briefly in September, 1966, remains to be seen. More to the point, the Patman prime rate inquiry is almost certain to look into just how strenuously the federal reserve has been tugging at the credit reins, and the extent to which this stringency may be responsible for the latest sharp rate increases.

There is no denying that the commercial banking system, through which the federal reserve transmits monetary policy, has been under particularly severe pressures to accommodate requests for credit by customers.

TAX DEADLINE NEAR

A good indication of just how large the loan demands on the banks have been lately will be seen in the banking statistics issued by the federal reserve authorities later this week.

Monday is the deadline for the payment by corporations of their mid-June federal income tax installments, which are expected to bulge, reflecting recent sizable profits and the surtax. If this is true, the corporations should step up their borrowings sharply over the tax date. Many companies, moreover, increased borrowings substantially last week to provide temporary financing of their June dividend payments to stockholders.

Major New York city banks, which account for roughly 25% of the business lending of all banks in the country, reported last week that their commercial and industrial loans stood at $25.1 billion, up $600 million from the start of this year. A year ago, these loans totaled $22.5 billion, an increase of only about $320 million from the start of 1968.

DEPOSITS DECLINE

Besides the rise in loan demand, which has been bigger than most large banks would have liked under the circumstances, the money pinch has been accentuated by a sharp run-off of deposits that bankers feel possibly could not have come at a worse time. The decline in deposits has specifically come in savings and interest bearing funds that corporations have been keeping in banks in large quantities.

These deposits, called certificates of deposit, are normally issued by banks in large denominations of $100,000 each on which banks pay interest up to a maximum of 6¼%.

LOSS BATTLED

However, because of the sharp rise in interest rates outside commercial banks in recent months, corporations have found they can invest temporarily idle funds in other kinds of short term investments at rates well over 8%. As a consequence, the total of large certificates of deposit have dropped a sizable $4.2 billion since the start of 1969 in New York city banks alone (the drop in all United States banks in the corresponding period has exceeded $7 billion). The banks in turn have scrambled to make up for the loss of these deposits by obtaining funds through any other sources, such as temporary borrowings from other banks and by tapping vast pools of dollar deposits owned abroad—known as Eurodollars.

These funds have grown exceedingly expensive, as the rigors of tight money spread through the economy. The interest charge for interbank borrowings in recent weeks soared to unprecedented levels of 10%, while the Eurodollar rates stood at 11% and 12%.

In view of the extremely high costs that banks suddenly found themselves having to pay for funds, executives of the larger banks said they had no choice but to raise the structure of charges, pegged to the prime rate, that they assess for loans.

Only last Thursday, a panel of bankers attending the annual meeting of the New York State Bankers association at Lake Placid, N.Y., suggested that even at 8½% the prime rate might not be high enough unless some easing takes place soon in the demand for loans.

SELL GOVERNMENT SECURITIES

The banks have turned to the sale of government securities from their own portfolios. It is an approach they undertake reluctantly in present weak bond markets for good reason. Massive liquidations of this nature, such as the banks already have been forced to make, not only mean they might incur serious price losses in the transactions, but they drive the markets down further to depreciate the values of securities they still hold. Distress selling on such an enormous scale can cause securities markets to freeze up, as was fleetingly the case in 1966.

STOP BUYING

In the bond markets, declining prices mean a commensurate rise in yields, which move inversely to price. The banks historically are important investors in these bonds, a great many issued by state and municipal governments to finance capital improvements.

Because of the increased credit stringency, however, banks in general ceased adding to their holding of these bonds earlier this year at the very time when the needs of state and local governments were swelling the potential volume of this kind of financing. As a result of the sharp depreciation of municipal bond prices, a popular index of the average tax free return on municipal bonds has now risen about 5.60%.

But while these yields are pleasant for investors to contemplate, they are bad news for instrumentalities that need the financing. This is particularly true of states and localities that are governed by debt ceilings which have already been pierced by the accelerating market rates. These governing bodies have had to cancel or postpone offerings until such time when market conditions turn more favorable.

How soon this is likely to occur depends, of course, on the monetary authorities. Basically, the federal reserve seeks to permit the amount of credit in the economy to rise at a faster or slower rate of growth in line with what the authorities believe it requires at a particular time.

Hence, in pursuing its mission of "flexibility," the federal reserve tightens up on credit during periods of inflational economic activity and, conversely, loosens credit during slack times to spur spending.

MAINTAIN STABILITY

The principal objectives of monetary policy, on balance, are to maintain a stable price level, high employment and a sustainable balance in the nation's international payments.

In determining whether they are proceeding on target, the monetary authorities have to make two major kinds of continuing evaluations—one of the relative strength and direction of the economy, the other of the suitability and effectiveness of monetary controls.

If the federal revenue's posture in a restrictive program such as the present one is pushed too far, either deliberately or simply through an incorrect reading of the economic and monetary indicators, it risks economic "overkill"—a recession.

Many economists, worry that this may now loom as a very real danger. Some believe, however, that the federal reserve will pull back before pushing over the brink. These observers believe that the federal reserve has tightened controls as far as it is prudently feasible. Moves toward a somewhat less restrictive policy may become evident in the next month or so.

IMPACT FELT

Although federal reserve policy affects the economy broadly, monetary policy acts to influence the cost and availability of credit in the economy primarily through the commercial bank, and secondarily in the bond and other credit markets, as we have already observed.

Yet the fact that commercial banks bear the initial brunt of monetary policy does not insulate the other financial institutions from feeling the impact, although the effects are indirect and may be delayed.

Because of the generally high prevailing interest rates, life insurance companies have again been beset, as they were in 1966, by mounting requests by policyholders for loans based on the policies. Most life companies are contractually committed to lower loan rates than are in the present market. Because companies are now paying out many more millions of dollars in additional policy loans, they have that much less money available to invest in mortgages and bonds, thus contributing to the rise in yields on those obligations.

The federal reserve's strategy has been clear: By deliberately retaining the 6¼% ceiling in the wake of the rise in short term interest rates on competing investment media, it priced the certificates of deposit out of the market and forced vast amounts of these deposits to be withdrawn.

"C.B." WEAPONS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. BOB WILSON. Mr. Speaker, I would like to warn against the danger of "C.B." weapons. I am speaking not only about chemical-biological weapons but also Chinese-Bolshevik weapons. The Chinese and Russians have created the real threat of insidious chemical and bacteriological warfare by their massive research and development programs.

We have heard a great deal in recent weeks about the accidental death of some sheep in Skull Valley, Utah. There have been emotional and exaggerated attacks on the Defense Department's efforts to research and understand the complex nature of the C.B. agents that may be used against us. A misguided, almost hysterical, drive is underway to force unilateral American withdrawal from this grim aspect of defense.

Attacks are made on the "military-industrial establishment" because of the relatively modest efforts to develop antidotes to protect our citizens and military forces from enemy C.B. weaponry. Our military people are pilloried because they dare plan for our defense and consider the possibility of deterrence.

The germ warfare experts are busy in Peking. I am not speaking about the Asian or Hong Kong flu. I refer to experiments for contaminating the people of the United States, and any other people who Chairman Mao perceives as villains who must be destroyed. What about the thousands of possibilities of fungi and viruses, anthrax and typhus, that the Chinese may be preparing for mass use?

Are we to take the ostrich approach and force our own Government to desist from seeking means for detection and protection?

The Soviet Union today is better equipped militarily—offensively and defensively—for C.B. warfare than any other nation in the world. Soviet military scientists have placed much emphasis on these systems. They are incorporated into the Russian military machine.

Moscow has a wide variety of chemical munitions. The Soviet order of battle envisages the use of tactical chemical weapons in conjunction with nuclear weaponry or separately, as suits Soviet strategy. The Russian stockpile includes C.B. agents capable of creating horrendous effects including the destruction of humans without destroying the material properties or means of production.

Marxism quickly accepts C.B. weaponry as moral. The end justifies the means. Adolf Hitler possessed lethal chemical agents in World War II. But even the Nazi madman desisted when notice was served upon him by the Allies that immediate retaliation would be made in kind. We have our Chemical Warfare Service to thank for saving millions of lives in that war by perfecting proper gas masks, the means of detection, and the capacity to assure deterrence by a credible stockpile of chemical weapons.

This country must make sure that potential enemies are convinced that it is not to their advantage to use C.B. weapons against us. If the opponents of C.B. weaponry really wanted to prevent the unleashing of such arms, they would not take potshots at our defenders, but instead assure that an adequate budget is provided for thorough research and development.

Moscow considers C.B. weaponry as just another weapon in the Communist arsenal. Communist troops receive intensive training in offensive chemical warfare. The Soviet soldier is conditioned to the use of C.B. weaponry. Moscow ignores the Geneva Protocol of 1925 that condemns use of such agents.

In considering the biological weapons, one does not need to compromise U.S. intelligence sources to disclose the development by Communist scientists of mutant types of disease that would defy present known methods of treatment. Such new diseases would be extremely difficult to diagnose. Detection and treatment might be further complicated by using various mixtures of agents, such as those causing tularemia and typhoid. What is so terrible about our own people studying the possible combinations of micro-organisms that others are developing for use against us?

Individual defense—civilian and military—rests on detection, protection, treatment. Time is the vital factor. We must know as early as possible what germs are being used and how to cope with them. We must have the antidote ready. At least we have the right to try. I cannot conceive of aggressive use of such weaponry by the American people. I, therefore, deplore the calculated efforts to undemine our defense.

This is not a partisan issue involving one administration or another. In February 1967, Cyrus R. Vance, then Deputy Secretary of Defense, reported on American policy on C.B. warfare. Mr. Vance said:

> We have consistently continued our de facto limitations on the use of chemical and biological weapons. We have never used biological weapons. We have not used lethal gases since World War I and it is against our policy to initiate their use. We have used riot-control agents in Vietnam—agents similar to those used by police forces throughout the world. . . .
>
> I have indicated that we seek international understanding to limit chemical and biological warfare and that we have not used weapons of the sort condemned by the Geneva Protocol. I should also point out that we have at the same time maintained an active chemical and biological program. In the past few years, we have placed increasing emphasis on defensive concepts and material. As long as other nations, such as the Soviet Union, maintain large programs we believe we must maintain our defensive and retaliatory capability.

It is interesting to note that a nation much concerned about world health, a country that has more physicians and medical research per capita than the United States, the State of Israel, is opposed to pressures to force a unilateral American withdrawal from C.B. defense programs. The Israeli intelligence may know more about Communist plans than we do. I refer to a recent report by Milton Friedman, chief of the Washington bureau of the Jewish Telegraphic Agency, the news service for Israel newspapers and Jewish periodicals. It is worth considering, and I, therefore, include this report in the RECORD as a portion of my remarks:

HALT IN C.B. RESEARCH MAY JEOPARDIZE ISRAEL

(By Milton Friedman)

The efforts of American intellectuals to halt appropriations for "CB" (chemical-biological) military research may jeopardize Israeli security. Israel is receiving gas masks, detection equipment, and technical assistance from the United States for Defense against possible Egyptian CB attack.

The Soviet Union has placed great emphasis on chemical and biological warfare. The Soviet stockpile includes a wide spectrum of agents capable of creating military effects over a broad range. Egypt has obtained Soviet assistance on CB weaponry. Russian CB technicians are believed to be among the Soviet military advisers in Egypt.

Moscow is thus supplementing the CB program that President Nasser started years ago by employing former Nazi scientists who tested poisonous gasses and fatal bacteria on Jewish victims in concentration camps.

Communist China has supplied rockets and other weapons to Arab terrorist groups. Peking is known to have developed capabilities in the area of CB weapons although no such weapons have yet been reported released by Chairman Mao to his various clients abroad with the possible exception of some "CS" tear gas to North Vietnam.

SNEAK C.B. ATTACK

In any event, the Israeli defense forces take very seriously the possibility that Nasser may unleash a sneak CB attack. Immediately prior to the outbreak of the Six-Day War, in June, 1967, Israel made frantic efforts to obtain gas masks for children and key personnel. Several thousand masks were obtained from West Germany. Israel's rapid victory, especially the achievement of aerial supremacy, obviously deterred Nasser from unleashing CB weapons.

Today a new situation exists. Thousands of Israeli troops are confined to bunkers and complex fixed fortifications along the Suez Canal. Egypt possesses chemical agents that can be fired in artillery shells. Such agents are colorless, odorless, and tasteless. Saturation firing would penetrate the deepest dugouts.

The first indication that chemical weapons were being used would probably be the actual appearance of casualties. Biological agents would be even more difficult to detect.

Surprise might thus be achieved for an Egyptian thrust across the canal to seize a limited area and thus re-open the entire United Nations cease-fire issue.

Nerve gases could be put down in heavy concentrations to catch troops before they could put on protective masks. Lethal chemical agents include those known as nerve agents, GB and VX. Both are liquids that are disseminated as aerosols. VX is a persistent compound that can penetrate the skin and normal combat clothing.

It is virtually impossible to detect GB and VX with the ordinary senses of smell, sight, and taste. They can enter the body through the skin, can be breathed in, can even enter through the eyes. Action is rapid. Small amounts will cause death, paralysis, prostration, while microscopic amounts will impair vision, cause nausea and muscular noncoordination.

To detect chemical agents, the U.S. Army has recently developed a portable automatic chemical detector and alarm, light enough to be carried on a soldier's back. Laboratories are also working on alarms to detect biological agents—living micro-organisms.

Treatment for nerve agents must be administered rapidly to counter their quick reaction. Atropine syrettes can be effective against some types of aerosols if used promptly. Artificial respiration also can counter reactions—if applied in time.

IMMUNIZATION AVAILABLE

While U.S. scientists are striving to perfect better masks and protective clothing, the Army has also produced a chemical biological pod which can be carried on a light truck complete with filtered air pumps. It can serve as an aid station, command post, communications center, and so forth because the pod provides an all-encompassing gas mask for several men simultaneously.

The Soviet Union has experimented with a wide variety of bacteria, rickettsia, viruses, and fungi as well as lethal organisms causing plague, anthrax, tuleremia, thyroid, typhus—and various mixtures.

Biological agents could be sprayed across the Suez Canal from aerosol generators or in missile warheads. It is also possible to unleash infected insects with prevailing winds.

American liberals are trying to end CB research because a number of sheep were accidently killed at Skull Valley, Utah, during research. There is also a mood of resentment because military non-lethal tear gas was used against demonstrators at Berkeley, Calif., and in the course of operations in Vietnam.

Termination of such research would encourage the preparations of the Egyptians, Russians, and Chinese, many observers feel.

The U.S. Defense Department still operates on the premise of deterrence. During World War II, notice was served on Hitler that use of German gas on allied troops would bring instant reprisal. He used none although SS scientists perfected the deadly Zyklon-B in concentration camp experiments. The Israelis tend to subscribe to the deterrence concept. They do not share the desire of U.S. liberals for unilateral stoppage of CB research.

The following material explains our activities in the R. & D. area. It was prepared by the U.S. Department of Defense and defines our national policy toward the whole subject:

CHEMICAL AND BIOLOGICAL WARFARE RESEARCH AND DEVELOPMENT FUNDING

The following is a listing of research and development funding by Fiscal Year for chemical and biological research and development. In general, more than half of these R&D funds are for defensive concepts and material. In addition, it includes expenditures on smoke, flame and incendiary, herbicide and riot control agents; all unrelated to the basic chemical and biological threat. A sizable fraction of the remainder is spent on studies and other efforts to define the nature of the threat.

With respect to total expenditures for research and development since World War II, the precise figures are not available prior to FY 1957. It is estimated however that approximately $223 million dollars was spent in research and development from 1946 through 1957. Since that time the funding has been as follows:

[In millions]

1958	$37
1959	38
1960	49
1961	59
1962	79
1963	116
1964	126
1965	117
1966	115
1967	109
1968	89
1969	94

Thus there has been a total of some $1,250 million dollars expended for research and development in the area of chemical and biological warfare since World War II.

Our purpose in maintaining a chemical and biological program is for our own protection. Unfriendly nations are known to have large stockpiles, a vigorous testing program, and an active military operational capability. To counter this threat we require a strong R&D program, a modest defensive effort, a minimal offensive program sufficient for a credible retaliatory capability to insure that these weapons will never be used against us, and a capability to test our defensive systems with modern and effective weapons.

Our position on the use of chemical and biological warfare is clear. We have never used biological warfare and we have not used chemical warfare since World War I, when it was used in retaliation. During World War II President Roosevelt announced the policy that the U.S. would not be the first to use chemical warfare. This was reiterated by President Truman, by President Eisenhower, and by President Johnson's administration, and has been so stated before the General Assembly of the United Nations. Speaking in support of the Hungarian resolution that all nations should adhere to the Geneva Protocol of 1925 (which proscribes chemical and bacteriological warfare), our representative, Ambassador Nabrit, stated on December 5, 1966 (in part):

"While the United States is not a party to the Protocol, we support the working objectives it seeks to achieve . . . We were not the first to engage in gas warfare in World War I and we have not engaged in it since that time . . ."

A concise statement of the U.S. position on chemical warfare was made to the Subcommittee on Disarmament by the Honorable Cyrus Vance on February 7, 1967, when he was Deputy Secretary of Defense. Briefly, he stated that we are actively seeking the limitation of chemical and biological weapons through the United Nations, while maintaining a credible technological and military capability to the extent necessary to deter the use of these weapons by our adversaries.

THE BATTLE FOR BUNKER HILL

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, today I have introduced legislation that would make the Bunker Hill Monument in Charlestown, Mass., a national monument.

Every schoolchild knows the importance of the Battle of Bunker Hill in the success of the American Revolution. One hundred and ninety-four years ago today, the American revolutionaries met their British adversaries at Bunker Hill.

The battle's importance was not solely because of its tactical and strategic value, but because it was the first major step in a long, hard-fought war for independence.

Thomas Bolyston Adams, descendant of the Adams family of colonial and Revolutionary times, wrote an article for the Boston Globe of Sunday, June 15. Mr. Adams understands the significance of the Battle of Bunker Hill, and perhaps, more importantly, evaluates the various forces and circumstances that led to the victory of the Americans.

I am happy to share his article with my colleagues. Mr. Adams is an historian of great note. He, like all good historians, speaks of the past so that we may better understand the present, and provide for an improved future.

I recommend this article to my colleagues. In it you will find some history and a lesson for the present:

A BATTLE FOR A HILL

(By Thomas Boylston Adams)

The strength of rebellion is the stupidity of the establishment. Seldom has this axiom been better illustrated than by the Battle of Bunker Hill on the 17th of June 1775.

The American forces occupied and fortified the heights above Charlestown during the previous night. To do this they crossed a narrow causeway onto Charlestown Neck. They left their rear entirely unprotected. The British enemy had total command of the sea with heavy batteries on ships in the harbor and shallow draft, easily moved gunboats. On the rising tide—it was high at 2 p.m. on the 17th—the British could have landed sufficient forces on the causeway under protection of heavy artillery to have cut off retreat. Thereafter it would have been necessary for the British merely to wait

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quietly for a few hours until the Americans came down to surrender or came out to be killed.

Instead the British chose to make a frontal assault against a heavily fortified hill. They suffered terrible losses. Fortunately for the Americans, whose powder ran out, they were obliged to flee just as the British were beginning to move their floating batteries to cut off retreat.

But this was not all. Military bad tactics required the destruction of pleasant and prosperous Charlestown. Some snipers from thence were harassing the British flank. The destruction was efficiently accomplished with hot shot and fire bombs. Four hundred houses, with churches and public buildings, burned in a tremendous fire to ashes in an afternoon. The American people were sufficiently persuaded of the atrocious nature of the adversary. After the 17th of June, no civilian counted his life, his wife, or his property safe from savage attack. A red-coated soldier was as horrible to the American mind as was a red Indian at the time of King Phillip's war.

On that famous day the British high command had it in its power to crush at a single stroke almost the whole concentrated military strength of the revolting colonies. The Continental Headquarters at Cambridge might have been captured. In the subsequent rout and demoralization the British army probably would have been free to intimidate the whole countryside. George Washington would have had no army to assume command of on Cambridge Common. It would not have been necessary to evacuate Boston. American independence might have been postponed indefinitely—just possibly forever.

But that is unlikely. The combination of military seniority and protocol at the head of the British forces in Boston and Tory ignorance and affluence at the head of the British government in London was unbeatable—for the British.

At Bunker Hill the Americans had built an elaborate trap for themselves and walked into it. But the British General Gage carefully examined the trap, consulted his subordinates and ignored their wisest advice. He then issued orders to approach the trap, as it were with bare hands, and drive the animals out of it.

Of course the British were terribly mauled. They lost more than a thousand men, fully half their effective force, as compared with some four hundred Americans, barely a tenth part of their potential. But the British had captured the hill and so it was reported that the provincials had been defeated with great loss and their army "severely drubbed," while the British "came off completely victorious." The number of American casualties was rather incorrectly estimated. They were assumed to have carried off great numbers of wounded, and to have buried in a mysterious trench during the course of the battle numerous dead.

Gradually more accurate information got across the Atlantic. The British losses were considered to be serious but the fact of capture and occupation of the hill was incontestable. The real figures of American losses were not firmly established until after the end of the war. Many Americans considered the battle a defeat. The British insisted it was a victory. Historians are agreed it was a British disaster.

The whole business was furiously debated in the British Parliament that same November. There was a motion before the House to approve the action of the government in sending more troops to America, stepping up shipments of supplies and escalating the war as rapidly as possible.

John Wilkes, Lord Mayor of London, said, "Every man, either of the navy or the army, who has been sent by the government to America, and fallen a victim in this unjust contest, has, in my opinion, been murdered by administration and his blood lies at their door. What have we conquered? Bunker's Hill only and with the loss of 1200 men. Are we to pay as dearly for the rest of America?"

But the government whips moved in. Where necessary members were reminded of patronage. The amateur strategists were castigated. The loyalty of all good British subjects was called upon. The motion passed 270 to 108.

It took another seven years of bitter fighting, tragic loss, waste, taxation and inflation for the truth to sink in. But the fire lit in Charlestown would not be put out. After Bunker Hill almost no one in America was capable of believing in the good intentions of the British government. Not until the last foreign soldier had left could there be peace.

DR. V. D. MATTIA—B'NAI B'RITH HUMANITARIAN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. RODINO. Mr. Speaker, recently my good friend, Dr. V. D. Mattia, president of Hoffman-La Roche, Inc., received the Humanitarian Award from B'nai B'rith.

This highly distinguished award could not have gone to a more worthy and deserving recipient, for Dr. Mattia has labored long and effectively in the cause of brotherly love. At the dinner honoring Dr. Mattia, I was deeply impressed by the wisdom and nobility of his remarks, and would like at this time to share them with my colleagues.

The address follows:

THESE ARE OUR YOUTH AND THESE ARE OUR BROTHERS

An age of destruction is a time for dissent—dissent with what is wrong and unjust. Our youth were born in an era of violence, disillusioned by a humanity gap—between what is said and what is done, between what should be and what is. Our youth have seen the impact of violence on the history of our day. Their ideals have been shattered and they recoil when a few with bullets outweigh millions with ballots. They cannot understand why billions of dollars carry men safely to the moon while millions of our people are maimed physically and mentally, spiritually and intellectually by the lack of food and jobs, of housing and education. Our youth see this. They feel it intensely. They try to speak—but they are inarticulate. They wish to serve—but they act chaotically. They are trying—almost incoherently and even desperately—to articulate a philosophy for a better life. The trauma of their behavior is obscuring, and sometimes negating, the nobility of their intent and the integrity of their goals.

In some instances their actions are certainly counterproductive, if not, in fact, utterly destructive of their principles and goals. I seek neither to condone nor condemn them. I submit, however, it is essential that we understand their motivations; for if we do not comprehend the etiologies, we cannot influence the effects.

Let us never forget that in every period of crisis in our history, our youth have fought and sacrificed—first to lay the foundations of our society and then to preserve our union. Our youth answered the call to "make the world safe for democracy" in World War I, then to thwart the threat of tyranny in World War II.

And during these critical years, a young president summoned them. They met his challenge. They joined his Peace Corps. But suddenly his life, and their ideals, were struck down by violence. The cause of civil rights summoned them—and again they rose to work for their beliefs. But again an inspiring leader and a cause were struck down by violence. Another young leader sought to show them that change could be achieved within the structure of our political system. He, too, was struck down by violence. Then, in their frustration with a war they did not want, they forced out a president they could no longer believe, only to confront the events of Chicago.

There are many among us who believe that the actions of our youth are related to a permissive society. I submit, however, that they have drawn their unhappy conclusions from the obscene success of the few who have, with violence, vetoed the wishes, the hopes and the aspirations of the many.

Our youth have never failed us. They will never fail us. But we must not fail them. It is we who must justify their faith in us—even though it may be a questioning faith. It is we who must justify their faith—even as they challenge our faith in our institutions.

Our universities must become far more than foundations of learning. They must become springs of initiative. As a source of inspiration for ideals, our universities must provide the pioneering conceptions and plans to capture the imagination and challenge the aspirations of our youth. Our laboratories must forge—not ever escalating weapons of destruction, but new instruments, new discoveries for peace and for life. Our factories must throb with the building of the essentials for a good life—clean, unpolluted and unpoisoned—for a better fulfillment for man. Our homes must reflect the love and the understanding that bind men together, the mutual respect which will unite us as a people.

Our youth intuitively respond to our needs. They are sensitive to our hurts. They aspire to a world that is greater and better, richer and fuller. Their voices appear confused but the message that they are desperately trying to give us is simple. We must hear what they are trying to say, for they seek to proclaim, "Every man of every creed, these are our brothers."

Our world is moving toward an age beyond the industrial era, beyond the atomic age—to an age that must preserve not only the heritage but also the continuity of man, to an age in which each man recognizes the dignity of his fellow man of every color, of every country, and of every creed—an age dedicated to all men, for all mankind.

ADMINISTRATION'S PLANS PERIL NEGRO STRIDES IN POLITICS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. CLAY. Mr. Speaker, I have referred previously to the "insensitivity" of this administration toward black people and poor people who deserve a chance to participate in and to reap rewards of this American system. Unfortunately—the American system has yet to open up to these people and their efforts to become a part of it are often nipped in the bud.

I call to the attention of my colleagues the following account of one more threat

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against black citizens. I commend Don Oberdorfer for pointing up this unfortunate attitude which prevails in the Nixon administration. I regret the constant catering to the Southern white establishment which is so clearly evidenced by the actions and/or the refusals to act by this administration.

Mr. Oberdorfer's column, which was carried by the Washington Post, Thursday, June 5, follows:

ADMINISTRATION'S PLANS PERIL NEGRO STRIDES IN POLITICS

(By Don Oberdorfer)

ATLANTA, GA.—In the immediate aftermath of the sit-ins and freedom rides which ushered in this decade of racial protest, leaders of the U.S. Government, private foundations and civil rights groups met to chart a way to redress the black man's grievances in the South without tearing the society apart. The course they chose was as old as the Constitution—not white power or black power but political power through the ballot box on a free and equal basis, one man, one vote.

This effort has achieved dramatic strides though far from complete success. Today it is threatened by Congress and the Nixon Administration. Decisions to be made in the next several months will determine whether the Nation will scrap this drive to update the Constitution in the case of the Southern Negro.

The concept of political and social change through the ballot box is, as they say, as American as apple pie, but its application to the black man in many areas of the South was long denied. In 1962, according to the best available data, less than 30 percent of the voting age Negroes in the 11 southern states were on the registration rolls.

This was the starting point for the Voter Education Project put together by the Southern Regional Council with the cooperation of major civil rights groups notably the NAACP, SCLC, SNCC and CORE—and with funds from private foundations and encouragement from the Federal Government. From its headquarters in Atlanta, VEP has funnelled more than $1.2 million from a dozen major foundations and other givers to local voter registration drives throughout the South. The campaign was strengthened immeasurably by the Voting Rights Act of 1965, which suspended much-abused literacy tests and authorized Federal examiners in areas where Negroes were denied the vote.

By last summer, according to the latest statistics, some 62 per cent of southern blacks were registered—roughly double the percentage of six years before. Though this falls short of the 78 per cent registration ascribed to southern whites, and though the power of the black man at the ballot box is still limited by many circumstances and contrivances, the rise of the Negro voter has had a substantial and generally healthy influence on southern politics. Some 461 Negroes are now serving in elective posts throughout the South, more than six times as many as in 1965.

At this point, one might expect that the southern voting campaign would be receiving widespread and even perhaps exaggerated accolades as an example of the vitality of the embattled American political system. Instead, it is facing the possibility that Washington officialdom is about to wring its neck.

One line of attack is on the foundation money which has supported the drive. As part of the Nixon administration's tax reform program earlier this year, the Treasury Department recommended to Congress that private foundations be prohibited from financing any activity "intended to affect a political campaign" specifically including voter registration drives.

The recommendation arose from the Ford Foundation's grant of $175,000 to the Cleveland, Ohio, chapter of CORE a few months before the 1967 election there. Much of this money went to CORE's registration drive in the innter city which helped nominate and elect Mayor Carl Stokes over white opponents.

A few weeks ago, executives of four major foundations—Ford, Carnegie, Taconic, and Field—met with presidential assistant Daniel P. Moynihan to plead that the voter registration campaign in the South should not be sacrificed because the incident in the North. On May 9, the Treasury issued an almost indecipherable press release intended to show—as Treasury officials later explained—that the Government did not mean to interfere with "publicly-supported" registration drives such as that of the Southern Regional Council.

Last week the House Ways and Means Committee announced a tentative ban on "direct or indirect" foundation sponsorship of any activities intended to influence an election, including voter registration drives. While the text of this proposal has not been made public, the indications are that it would stop the funds to the southern campaign.

At the same time, the Nixon administration has shown signs of hesitation about the extension of the Voting Rights Act, which expires next year. The civil rights groups engaged in the voting drive—probably the healthiest surviving remnants of the civil rights movement—have appealed for the Act to be strengthened to eliminate abuses. Now they fear that it will be weakened instead or even junked.

It is true, that Mr. Nixon and the Republican Party have won the support of very few of the 1.6 million southern Negroes who are reported to have registered since 1962. However, the broad principles and object lessons involved clearly outweigh any political advantage or disadvantage in this region of 18 million registered voters.

The Nixon Administration, like the Kennedy and Johnson administrations before it, has appealed to protesters to channel their energies within the system. Mr. Nixon has argued that violence and disorder are unjustifiable because legitimate means are available to deal with the problems at hand.

At the moment, the evolutionary process which Mr. Nixon extolls is being threatened in Washington. If he means what he says about the merit and vitality of the American system, he will not let the voting rights campaign go down the drain.

HON. FRED. A. HARTLEY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. RODINO. Mr. Speaker, when I returned recently from Geneva, where I was attending a session of the Intergovernmental Committee for European Migration, I was deeply saddened to learn that my predecessor in the House, the Honorable Fred A. Hartley, has passed away.

Fred Hartley's career was one of distinguished public service. As I grew up in the 10th District of New Jersey, I well remember the popularity and esteem in which he was held. He was a genuine constituent Congressman, always willing to lend a helping hand to others.

I extend my sincere sympathy to his family, and know that they can find some measure of comfort in the fullness of his life's services to his fellow man.

FIRST POLL RESULTS

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. FRELINGHUYSEN. Mr. Speaker, a preliminary tabulation of a five-part questionnaire which was sent to the 172,000 households in my congressional district has recently been completed.

With many polls being taken on President Nixon's proposed Safeguard anti-ballistic-missile system, I should like to call attention to the results I received in my questionnaire. Of those responding, 62 percent expressed support for President Nixon's ABM proposal, while 23 percent expressed opposition.

In addition to the query on the anti-ballistic-missile system, I sought the opinions of my constituents on such important issues as tax reform, reform of our electoral system, and reforms in the Post Office Department.

The results, I feel, are most interesting and I include in the RECORD, at this point, a copy of my newsletter in which I detail these results:

FIRST POLL RESULTS

Preliminary tabulation of my district-wide questionnaire shows overwhelming support for Congressional action to reform the tax structure, as well as widespread general agreement with the manner in which President Nixon has handled his responsibilities thus far.

A first tabulation of 25,000 responses shows 84 per cent of those answering feel that extensive tax reform is an urgent matter. Fourteen per cent expressed the opinion that such reform would be useful, while two per cent felt reforms would not be useful. Seventy-five per cent of those responding agreed with the way in which the President was handling his responsibilities, while 11 per cent disagreed and 10 per cent expressed no opinion.

Widespread dissatisfaction with the manner in which Presidents are elected was revealed when only four per cent of those responding indicated a desire to retain the present method. Suggestions as to the direction in which to move toward changing the electoral system, however, were somewhat mixed. A modification of the present system to reflect the popular will more accurately was supported by 40 per cent, while abolition of the current system in favor of a direct popular vote drew support from 55 per cent.

Near-unanimous support was given to President Nixon's proposal to establish a system to appoint postmasters through an impartial selection board or Civil Service tests, removing such appointments from the political patronage system. A total of 95 per cent of those responding supported this plan, while only two per cent disagreed.

The most controversial issue at the moment—the recommended deployment of an anti-ballistic-missile system around two missile sites—drew support for the President from 62 per cent of those replying. A total of 23 per cent opposed the plan and 14 per cent expressed no opinion.

The questions concerning tax reform, electoral reform and removing postmasters from the patronage system drew fairly even support from all categories of those respond-

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ing—age groups, male and female and party preference.

Wide disparities occurred, however, particularly in the party preference category, on the questions involving the President's handling of his responsibilities and the proposal for the anti-ballistic-missile system. For instance, 86 per cent of those who listed themselves as Republicans agreed with the President's actions thus far, but only 35 per cent of those who classified themselves as Democrats supported the President. Five per cent of the Republicans disagreed with the President's actions while 32 per cent of the Democrats disagreed. Of those who classed themselves as independent voters, 65 per cent supported the President and 18 per cent disagreed.

The majority of the Democrats who answered—52 per cent—disapproved of the anti-ballistic missile proposal, while 35 per cent approved the plan. In contrast, the ABM system recommended by the President drew the support of 72 per cent of the Republicans responding and the disapproval of 15 per cent of the Republicans. Forty-eight per cent of the independent voters favored the ABM proposal and 34 per cent opposed it.

MEALS FOR MILLIONS FOUNDATION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. HANNA. Mr. Speaker, in the past year many Americans have come to realize the depth and extent of hunger and malnutrition in our country. Among the facts that have come out is that despite our great reserves of private initiative only a very few private organizations have been making an attack on this problem. One organization which not only perceived the problem before almost anyone else but which also has been doing something about it for over 20 years is the Meals for Millions Foundation. Meals for Millions has been attacking hunger both in the United States and in other countries since 1946.

Mr. Speaker, I am today introducing legislation to grant Meals for Millions a congressional charter. There are two ways in which this action will help Meals for Millions to carry out its valuable activities.

First. Meals for Millions is a nonprofit foundation, dependent on private donations to continue its activities. Congressional recognition will help it to get the support it needs.

Second. A congressional charter will increase the acceptability of Meals for Millions in regions where it hopes to initiate projects. This is particularly important for Meals for Millions' extensive overseas programs.

I would now like to describe the Meals for Millions program so that you can see just why it deserves your recognition.

As you know, solving the hunger problem is not just a question of putting a certain quantity of food in people's bellies, but also of insuring that they get adequate amounts of each of the nutrients necessary for good health. Often the diets of the poor consist almost entirely of cereal and other starches and are especially likely to be deficient in protein. Malnutrition of this sort undermines health and reduces productivity and initiative. It serves to enforce a vicious cycle in which people are undernourished because they are poor while their malnutrition helps to keep them from escaping from poverty.

To attack this problem, Meals for Millions originally centered its activities around the distribution of multipurpose food or MPF. MPF was developed from the soybean by a California Institute of Technology biochemist to meet the following specifications: It would—

First, provide one-third of a full day's nutrition in each two ounces;

Second, require no refrigeration;

Third, have an indefinite shelf-life;

Fourth, be palatable whether eaten hot or cold;

Fifth, not offend any dietary law;

Sixth, not make a significant drain on supplies of accustomed food; and

Seventh, be low cost and readily available.

In addition, MPF can be eaten by itself or it can be used to enrich other foods. A program based on MPF, therefore, does not require major changes in the eating habits of tradition-bound populations.

Even with a product like MPF it proved impossible for a single organization like Meals for Millions to feed all the undernourished people of the world. However, direct distribution of MPF has proved extremely effective in dealing with hunger emergencies. As an example of this type of operation, in December of 1967 Meals for Millions sent 75 cases of MPF by truck and helicopter to aid Navaho Indians trapped by blizzards in Arizona.

In addition to its emergency feeding programs, Meals for Millions has been putting a growing effort into a long-range attack on hunger by helping undernourished areas to feed themselves. Their program involves the establishment of local plants to produce MPF-like high protein food supplements. The goal is for the local programs to be self-supporting and so to make a continuing contribution to an area's nutrition.

There are three requirements if this goal is to be met.

First. The program must use local capital.

Second. The food supplement product must be manufactured from local resources and readily integrable into local diets.

Third. There must be a market for the product.

To insure that these requirements are met, Meals for Millions begins each program with an on-the-spot study of the undernourished region. It then draws up a comprehensive plan specifically tailored to the needs and opportunities of the region. The plan is proposd to local sources of capital and carried out only if they are willing to participate. If they are, Meals for Millions will provide a number of forms of assistance. It supplies technical aid in developing an appropriate food product and in building and operating the production plant. It provides help and advice in organization and marketing. Meals for Millions also engages in two educational activities necessary for the success of the project. At its pilot plant in Santa Monica, Calif., students from undernourished areas are trained in food technology and management. In the region of the project itself, mass education programs are used to develop a market for the food supplement. Often there are demonstration feeding programs for school and preschool children.

A few examples will demonstrate how the Meals for Millions program operates in practice. For Talca, Chile, a high protein flour was developed. It is made from locally available wheat, sunflower, and powdered skim milk. An assurance was then gotten from the Chilean Government that it would purchase 80 percent of production for use in schools. With this assurance, the Industrial Association of Talca put up $18,000 risk capital for a flour-blending plant. Meals for Millions supplied $6,000 worth of equipment and technical assistance in designing and operating the plant. In addition a student was trained in Santa Monica to be the plant technical manager. The result is a self-supporting program that will be a continuing source of protein for the school children of Talca and the surrounding area.

Another example of the Meals for Millions total approach is their program in Daule, Ecuador. A former Peace Corpsman employed by Meals for Millions organized a corporation to make noodles and pasta products enriched with soybean based MPF. Two Ecuadorians have been trained to run the plant. With small payments, local sharecroppers are acquiring stock in it. At the same time Meals for Millions is helping them to organize 11 cooperatives to purchase land. On this land they will grow the rice and soybeans that the plant will process. In addition 300 chickens and a used truck have been supplied to further help the people of Daule improve their condition.

Meals for Millions also provides other forms of assistance to food supplement projects. It developed an inexpensive peanut sorting device for use by a Meals for Millions student at his high protein food plant in Sitapur, India. It has worked on a soybean based substitute for cows milk in cooperation with Africa Basic Foods, Inc. of Uganda, and on a method of making use of fish protein for Chile. Among the marketing methods that have been developed is the distribution of enriched drinks to children by sidewalk vendors in Chile, Brazil, and Mexico.

This year Meals for Millions' No. 1 priority is to combat hunger in America. Meals for Millions has been active in this field for 23 years. The 1968 Hunger USA report points out that is one of a tiny handful of private organizations that is actually engaged in feeding the poor in America. Currently, Meals of Millions is expanding the scope and extent of its programs among Indians, migrant workers, Mexican Americans, and other impoverished groups.

Meals for Millions has also continued its worldwide attack on hunger. An MPF plant has been built in Chunchon, Korea. The output of this plant will be used to enrich the basic rice diet of the people through preschool, school, and hospital

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feedings. In addition, in 1968, Meals for Millions distributed 375,000 pounds of MPF on emergency basis in 21 countries. Over 200,000 pounds were sent to Biafra.

In the world today there remain vast numbers of starving and undernourished people. With world population growth the problem becomes ever more pressing. Successful antihunger programs like those of Meals for Millions are thus vital. Meals for Millions deserves the recognition of Congress; and the support of the American people.

The text of my bill follows:

A bill to grant a Federal charter to the Meals for Millions Foundation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

INCORPORATION

SECTION 1. Clifford E. Clinton, Los Angeles, California; Edmund J. Clinton, San Marino, California; Ernest R. Chamberlain, South Pasadena, California, and their successors, are hereby created and declared to be a body corporate by the name of the Meals for Millions Foundation (hereafter in this Act referred to as the "corporation"), and by such name shall be known and have perpetual succession. Such corporation shall have the powers and be subject to the limitations and restrictions contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in section 1 of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, and the doing of such other acts as may be necessary to complete the organization of the corporation.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be to relieve and prevent the world's number one problem—hunger, and to that end to offer a helping hand rather than a handout.

CORPORATE POWERS

SEC. 4. (a) The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to appoint and fix the compensations of such officers and employees as its business may require and define their authority and duties;

(4) to adopt and amend bylaws, not inconsistent with this Act or any other law of the United States or any State in which it is to operate, for the management of its property and the regulation of its affairs;

(5) to make and carry out contracts;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to acquire by purchase, lease, or otherwise, such real or personal property, or any interest therein, wherever situated, necessary or appropriate for carrying out its objects and purposes and subject to the provisions of law of the State in which such property is situated (A) governing the amount or kind of real or personal property which similar corporations charted and operated in such State may hold, or (B) otherwise limiting or controlling the ownership of real or personal property by such corporations;

(8) to transfer, lease, and convey real or personal property;

(9) to borrow money for its corporate purposes, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject to all applicable provisions of Federal or State law; and

(10) to do any other acts necessary and proper to carry out its objects and purposes.

(b) For the purpose of this section, the term "State" includes the District of Columbia.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Santa Monica, California, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation. Service upon, or notice mailed to the business address of, such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP

SEC. 6. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as set forth in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act, the membership of the initial board of directors of the corporation shall consist of the persons named in the first section of this Act.

(b) The initial board of directors shall hold office until the first election of a board of directors. The number, manner of selection (including filling of vacancies), terms of office, and powers and duties of the directors shall be set forth in the bylaws of the corporation. The bylaws shall also provide for the selection of a chairman and his term of office.

(c) The board of directors shall be the governing board of the corporation, and a quorum thereof shall be responsible for the general policies and program of the corporation and for the control of all funds of the corporation. The board of directors may appoint committees to exercise such powers as may be prescribed in the bylaws or by resolution of the board of directors.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. The officers of the corporation shall be those provided in the bylaws. Such officers shall be elected in such manner, for such terms, and with such duties, as may be prescribed in the bylaws of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment or reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the corporation's board of directors.

(b) The corporation shall not make loans to its members, officers, directors, or employees. Any director who votes for or assents to the making of such a loan, and any officer who participates in the making of such a loan, shall be jointly and severally liable to the corporation for the amount of such a loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation and its officers and directors as such shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. The provisions of sections 2 and 3 of the Act of August 30, 1964 (36 U.S.C. 1102, 1103), entitled "An Act to provide for audit of accounts of private corporations established under Federal law" shall apply with respect to the corporation.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with this Act, the bylaws of the corporation, and all other Federal and State laws applicable thereto.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 16. The corporation shall have the sole and exclusive right to use the name "Meals for Millions Foundation". The corporation shall also have the exclusive and sole right to use, or to allow or refuse the use of, the emblems, seals, and badges which have been used by the Meals for Millions Foundation, a corporation chartered in California in carrying out its programs, and which have been transferred to the corporation under this Act. Nothing in this section shall be construed to interfere or conflict with established or vested rights.

TRANSFER OF ASSETS

SEC. 17. The corporation may acquire the assets of the Meals for Millions Foundation chartered in California, upon discharging or satisfactorily providing for the payment and discharge of all the liabilities of such corporation and upon complying with all laws of California applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this Act is expressly reserved.

DEATH TO THE EVERGLADES?

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. DINGELL. Mr. Speaker, the callous disregard which is too often shown by agencies of Government—Federal, State, and local—as well as private individuals, is all too well pointed out in an editorial which appears in the New York Times of Friday, June 13, 1969, concerning the rush to destroy the Everglades National Park. So that my colleagues may be advised as to what is going on in the Everglades National Park, I include the text

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of the New York Times editorial at this point in the RECORD:

[From the New York Times, June 3, 1969]

DEATH TO THE EVERGLADES?

The Everglades National Park faces a decisive threat to its existence. On a site at the northern edge of the park, Miami proposes to build the world's biggest airport, covering 39 square miles. The airport planners envisage jets, jumbo jets, and supersonic transports arriving and departing every 30 seconds.

Jet noise would destroy the silent "lost world" quality of this subtropical wilderness. Jet fumes would pollute the air. An industrial and commercial building boom set off by the construction of the airport would bring more insecticides and sewage into the park's waters, where pollution is already a serious problem.

The worst effect of the airport would derive from its location in Big Cypress Swamp. The waters of Big Cypress drain through and nourish the western third of the park. For the past seven years, the park has suffered severely because flood-control and water-diversion projects of the Army Engineers have blocked the normal flow of water south from Lake Okeechobee. An intensive development of Big Cypress, combined with the continued refusal of the Army Engineers to guarantee a minimum yearly flow of water to the park, would seal the park's doom.

The Senate Interior Committee under the leadership of Senator Jackson of Washington has begun public hearings on the Everglades controversy in an effort not only to prevent the catastrophe to the park but also to reform the Federal procedures which make this and similar catastrophes possible.

As is so frequently the case with environmental and ecologic questions, Federal agencies are working at cross-purposes. The Department of the Interior is trying to save the park, while the Army Engineers are fighting for the water interests of the farmers and land developers. The Department of Transportation has provided $500,000 to help build a training runway to the proposed airport site, already under construction, and another $200,000 for study of an access route from Miami. Both grants were made without consultation with the Department of Interior and without any study of the environmental consequences. According to an Interior Department solicitor, these grants were made in violation of Federal law which provides that the Secretary of Transportation shall not approve any project that has an adverse effect on park land unless there is no feasible and prudent alternative.

Interdepartmental studies and consultations have belatedly begun; but decisions finally have to be made in terms of competing values. The almighty dollar of the developers and the speed and convenience of the jet plane represent one set of values. The Everglades National Park represents other human and natural values. The continent's only subtropical park, it is a unique wonderland of plants, fish, animals and birds and it affords the only protection for 22 species already on the rare and endangered list. The nation cannot indefinitely evade a choice of the values by which it intends to live.

GEORGE MEANY'S SPEECH TO THE INTERNATIONAL LABOR CONFERENCE

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. AYRES. Mr. Speaker, it has recently been my privilege to serve as a congressional adviser at the 53d session of the International Labor Conference at Geneva, Switzerland. I was first chosen to serve with this important body in 1963 and after attending that session, I was shocked at the domination of the Communist nations over the operation of the ILO. I am happy to report that there has been considerable improvement in the way that the American delegation has been received in the session now being coducted.

I believe that this improvement has been due in great part to the quality of the delegates who have made up the tripartite American delegation. Here we have found the most able men of our Government, labor, and industry.

I would today, Mr. Speaker, like to call your attention to the speech made on June 12, 1969, to the 1,300 delegates representing 114 nations by the Honorable George Meany.

The able president of the AFL–CIO has a long record of constructive work in the international labor field and has also been decorated by several foreign nations for his performance in international affairs.

Mr. Meany has also served as a member of the American delegation to the United Nations and has been a special adviser to that body.

Certainly anyone attending the conferences of the International Labor Organization could see the serious attention all of the delegates paid to his remarks.

Eight times Mr. Meany has been one of the leaders of our American delegation to the ILO, and has brought the American position on labor to the attention of the delegates. During the six times that I have attended these conferences I have been able to see the progress that he has made. I consider him to be one of our most able statesmen.

Mr. Speaker, I believe that Mr. Meany's speech will be of interest to all of my colleagues. The text of Mr. Meany's remarks follows:

SPEECH OF GEORGE MEANY

It is a distinct pleasure for me to congratulate you, Sir, on your election to the presidency of the International Labour Conference. Nothing could be more fitting than for a Workers' delegate to preside over the deliberations of this great organisation on the occasion of its fiftieth anniversary. In choosing a Workers' delegate as President the members of the Conference have emphasised two cardinal principles: first, that the ILO is a tripartite organisation, in which the three partners—governments, employers and workers—are equal; and secondly, that the ILO is and always has been dedicated above all to the welfare of the workers. Let me say also, Mr. President, as one whose privilege it has been to know you intimately for many years as a friend and a trade union colleague, that it is most appropriate that you, who have given such distinguished service to the ILO on behalf of all the world's workers, should have been selected as the first Worker President of the International Labour Conference.

We in the American trade union movement take pride in the role that American labour has played in the ILO since its very inception. Perhaps no single individual did more to bring about the establishment of the ILO than Samuel Gompers, the first President of the American Federation of Labor. Indeed, only a few weeks after the start of the First World War Gompers had already begun to consider how International co-operation could be organised most effectively after the war to raise the standards of workers all over the world. Throughout the years of the First World War Gompers repeatedly expressed his concern about how the problems which workers faced would be met, once hostilities were concluded. That was the precise question which the Supreme Allied Council in January 1919 assigned to the Commission on International Labour Legislation. Gompers was unanimously elected Chairman of that Commission, which, under his leadership, recommended the establishment of what we now know as the International Labour Organisation.

Even at that early date Gompers had the foresight to recognize that if the ILO could bring great benefit to the workers in the industrialised countries it would have an even more significant mission in, as Gompers put it, "bringing light into the lives of workers" in what we now call the developing countries. And that is what the ILO has been doing for half a century; it has been "bringing light into the lives of workers" all over the world.

If I may be permitted a personal note, it is a particular privilege and pleasure for me to participate in this historic fiftieth anniversary session of the Conference. As many of the delegates know, the American labour movement strongly favoured United States affiliation to the ILO right from the start, but it was not until 1934 that the United States became a Member of the Organisation. My own participation in the work of the ILO dates back to 1936, and since that time I have watched closely the development and growth of this Organisation.

Every large organisation is bound to have its shortcomings. But, in the light of long years of close association with the ILO, I know that the lives of countless numbers of workers have been improved and their freedoms safeguarded by the work the ILO has done through the years.

One of the foremost strengths of the ILO has been its tripartite structure. It was the genius of the founders of the ILO to realise that only by securing the full participation of the representatives of workers, employers and governments could the welfare of workers be effectively improved. Tripartism in the ILO is essential if we want to continue to make genuine progress through international action for the betterment of conditions of workers.

As the Director-General has stated on page 2 of the Introduction to his Report to this Conference, 1969 is indeed "the fiftieth anniversary of the birth of an international sense of social purpose". But the Director-General is also right when he suggests that we must do more at this milestone in the Organisation's history than take pride in the ILO's past accomplishments, impressive as they undoubtedly have been. This should be the time for framing the future of the Organisation so that it will be able to meet the difficult challenges it will face in the years to come. It is in this forward-looking spirit that the ILO is launching this year the World Employment Programme, with its goal, as stated in the Employment Policy Convention, 1964 (No. 122), of enhancing the opportunities of workers in all nations to secure full, freely-chosen and productive employment.

This is a goal to which the American trade union movement has long been dedicated. In our own country we are seeking the enactment of legislation to make a decent job at decent wages a right of every American.

But our efforts have not been confined to the legislative arena. With the co-operation of our Government the AFL–CIO has established the Human Resources Development Institute. The purpose of this Institute is to mobilise the best resources of skill, talent and experience available in our trade union movement to plan, develop, co-ordinate and operate manpower programmes. We are placing special emphasis on providing training for what we call the "hard-core" unemployed and the youth who have never had a decent job. We especially want to broaden job opportunities for Negroes, Puerto Ricans, Mexican Americans and other minority groups by providing the necessary assistance and orientation to prepare them to enter apprenticeship and undertake other desirable skill training.

This is what we are doing at home to broaden employment opportunities for some of the most "disadvantaged" members of our society. But the American labour movement has always been and is now deeply concerned with the development of free and prosperous societies all over the world. That is why, unlike some groups in my own and other industrially advanced countries, the AFL–CIO has never faltered in its support for programmes aimed at helping developing countries to achieve self-sustaining growth and to build democratic institutions.

The American labour movement has established its own agencies—the American Institute for Free Labor Development, the African-American Labor Center and the Asian-American Free Labor Institute—to give the most practical expression to that support. Through these organisations we have promoted and channelled financial aid to workers' housing, schools, community centres, health services, workers' banks and many other needed facilities, services and institutions in Latin America, Africa and, in more recent months, Asia. We have used our own trade union funds for training and education programmes requested by our fellow trade unionists in those areas. Through these agencies we have also undertaken to ensure that the international economic assistance programmes of our Government serve the welfare of the working people in those regions.

It may be appropriate on this fiftieth anniversary of the ILO to re-examine some of its basic purposes. There are some who tend to look down their noses at what are sometimes called the "traditional activities" of the ILO. Occasionally they even suggest that the Organisation should drop altogether or drastically reduce its standard-setting activities.

I do not share that view. On the contrary, I firmly believe that existing international labour standards will need to be modified if the workers all over the world are to be assured a fair share in economic and social progress. New conditions and new needs create the need for new standards, not just in industrialised countries but especially in the developing countries. Thus, in a few short pages of his Report devoted to occupational safety and health, the Director-General refers to new types of protection required for workers using tractors in agriculture and forestry, in the use of pesticides in agricultural work, and in the mining and milling of radioactive ores. These are just a few of the new areas where ILO standards can help to safeguard the health and lives of workers.

Indeed, the World Employment Programme itself stems from the Employment Policy Convention and Recommendation adopted by the International Labour Conference in 1964. As the Director-General has stated, this Programme will provide the basis for a major concerted effort toward the implementation of these instruments. His suggestion for periodic reviews of both national and regional efforts for employment expansion should help to reveal the most promising avenues of attack against both unemployment and underemployment. This would be in the best traditions of the ILO's pursuit of improved international labour standards. These efforts will require an even-handedness of analysis which must not be hampered by political considerations. Unfortunately, the ILO has too often been remiss in that regard, when it comes to its treatment of conditions in totalitarian countries.

Thus the Director-General's Report reveals a lamentable bias when on the very same page it refers to "unemployment" in the United States but "manpower surpluses" in the industrialised countries of Eastern Europe (Part 1, page 51).

The same kind of bias is shown when the Report points to the failure to co-ordinate housebuilding with growth and employment in what are described as "market economies" whereas there is not one word on the notoriously poor housing conditions for workers in the Communist countries.

Unfortunately this is not the only example of the toleration, within the ILO, of a double standard as between democratic and totalitarian countries. We are rightly concerned this year in the Conference with the need to ensure that there is no element of forced labour in the new youth employment programmes in the developing countries. This concern is appropriate, but equally appropriate would be some evidence of concern with the continuing existence of forced labour camps in the country which calls itself a workers' State, where tens of thousands of workers, intellectuals and members of minority groups have been incarcerated for trying to assert a small measure of freedom. Similar barbarous conditions are to be found in the Caribbean country which seeks to export its brand of oppression in the western hemisphere.

American trade unionists have some times been criticized in the ILO for being too frank and blunt in their attacks on oppression and in their defense of human rights. Let me say to the delegates to this Conference that we have not hesitated and we will not hesitate to speak the truth as we see it. We are convinced that the ILO will only be weakened in its efforts on behalf of workers if it permits sensitivity to political criticism by totalitarian elements to weaken its crusade for freedom and social justice.

But our refusal to gloss over the shortcomings of the ILO will not deter us from recognizing its outstanding positive accomplishments. As we look ahead to the next fifty years, we are confident that the ILO will, even more than in the past, bring light into the lives of workers.

The sombre but objective picture the Director-General has portrayed of mass joblessness and continuing poverty and deprivation in many parts of the world should only strengthen our resolve that the ILO must play an even greater role in the years to come in the world-wide fight against want and oppression. We in the American labour movement will do all we can to support the ILO in its continuing struggle for social justice and human dignity.

A SALUTE TO KATE FROST SHERIDAN

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. CORMAN. Mr. Speaker, when new social concepts are enunciated, whether they arise from governmental or private inspiration, it is not enough that the programs which develop from these concepts are eventually approved and the machinery set in gear to make them run. Something must animate them to make the grand words come alive, to make the generous intent meaningful and effective.

Years ago lawyers around the country recognized the plight of the near-indigent and indigent when legal assistance was needed. Legal costs were such that anyone of limited means simply could not afford to hire a lawyer, and oftentimes, as a result, injustice went uncorrected. Even more often, people with limited education frequently did not know when they had a right to seek redress through law for a grievance or an injustice.

So the American Bar Association, feeling that the word "justice" had a hollow ring when it was not freely available to all Americans, sought to redress this inequality by providing free legal aid to American citizens who would otherwise be helpless before the law. Thus were legal aid societies established.

It is a great concept. For half a century these societies have filled a glaring gap in the American system of justice. But it has worked so well because of one prime ingredient—the people of humanity who have devoted their time to make it work.

In the San Fernando Valley in California, there is an outstanding woman who exemplifies the spirit of dedication and selflessness which makes such programs work. She is Kate Frost Sheridan. In the past 9 years, Kate has devoted 20,000 hours of her life to this proposition that legal assistance should be available to all who need it. Through her efforts, 4,000 valley citizens, urgently in need of help, have had their faith in our system of justice reinforced when they received her competent legal assistance free of any charge.

Kate Frost had all the advantages that only a devoted family of means could bestow on a beloved daughter. They were especially lavish in providing her with a rich and varied education, which included 2 years in Paris studying music at the Conservatory of Music. But during her college years at UCLA, where she majored in history and political government, Kate happened to take some courses in business law, and this sparked what was eventually to become her main professional endeavor. After several years of postgraduate work in government and economics, Kate finally returned to her earlier interest, and entered and graduated from the law school at the University of Southern California.

She was not to make professional use of this excellent education for a number of years, however, choosing instead to devote her energies to her husband and their two children for the next 25 years. But once her children were safely launched on their own, she turned her formidable energies to practicing law as a full-time volunteer for the San Fernando Valley Bar Legal Aid Association. Consider again: 20,000 hours of donated time in 9 years. That is far more time per year than most of us spend on a full-time job, when we are paid for our services. It was almost as if she felt she had to make up for the years she spent away from the profession which had fascinated her for so long.

Kate Frost Sheridan is retiring now, leaving a legacy behind her of 4,000 lives that are the better and happier for her efforts, and today, the San Fernando Valley Bar Association will be honoring her with a surprise testimonial dinner. They have to make it a surprise, because Kate does not want any accolades—her reward has been her personal satisfaction in helping people who needed help. But her colleagues in law insist, and the occasion will be a testimonial both of affection and of the enduring respect she

has won from her colleagues in a tough, demanding profession.

It will also be a testimonial to the quality of humanity one finds in people—that animus that injects humanity into programs which are only paper projects until people like Kate Frost Sheridan bring them to life and make them meaningful.

CATCHWORDS AND VULGARITY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, a constituent of mine, Mr. Sidney Koretz, of Arlington, Va., has asked me to insert in the Congressional Record an article which appeared in the May 1969 Jewish Spectator.

Mr. Koretz thinks this article is an excellent response to complaints that studies of the Jewish past are irrelevant to the present. I therefore commend the article to those who read this Record for thoughtful evaluation and consideration, and include it herewith:

Catchwords and Vulgarity

It is of the very nature of the catchword that it cannot do justice to that which it is intended to epitomize by those who use it excessively and with wrong semantic associations. This is why catchwords tend to be expressive of the type of shallowness that is conducive to vulgarity. An example of the vulgarization of a catchword is the current bandying about of *relevance*, especially in the American Jewish Community.

Relevance is being defined by Webster as "relation to the matter at hand; a traceable, significant logical connection to a situation, occasion, etc."

Relevance is not a synonym of *timeliness*, however. It is not the quality or state of being *timely;* it is not up-to-dateness in the sense of modernity. Relevance refers to a *connection* of logical, casual and/or historical context. Thus, the past and all that was done in the past is *relevant*, although it may not be *modern* or *practically useful*.

There has been a great deal of complaining by rabbinical students, and also by some rabbis, about the *irrelevant* curriculum of the rabbinical seminaries' emphasis on the classical texts of Judaism. Those who speak for *relevance* in Jewish studies say that the study of talmudic and rabbinic texts, in the original, and also of the Hebrew Bible, is a waste of time because it is not *relevant* to the areas in which the American rabbi functions. Many rabbinical students, therefore, are in favor of curtailing the study of texts so as to provide more time for the study of psychology, sociology, modern Jewish problems, etc., that is to say, courses which will prepare them for the *practical day-to-day, "relevant"* problems they will face as spiritual leaders of congregations.

"The cultural explosion" of the post-World War II years, which is not limited to the United States, is basically a quest for the recovery and discovery of the past by millions of persons who are questing for roots. They think that the roots of the present are in the past, and that without these roots the present is inauthentic. In this country perhaps the most significant area of the cultural explosion is the study of the "Great Books of the Western World" in thousands of discussion groups. Edited by Robert M. Hutchins and Mortimer J. Adler, the library of the Great Books includes the works of Homer, Aristotle, Thomas Aquinas, Francis Bacon, Descartes, Hegel and of another two-score seminal thinkers and writers who decisively shaped Western Culture. The lone contemporary author of a Great Book included is Sigmund Freud.

"The paperback explosion," too, is expressive of the quest for the recovery and discovery of the past. Of the approximately thirty thousand paperbacks in print, some ten thousand are reprints of the great books of the past—the distant past of Antiquity and of the Middle Ages and the more recent past of the 18th and 19th century classics.

In the arts, grand opera and Shakespeare enjoy wide and sustained popularity. The same is true of classical music. While the Beattles have faded out, Beethoven continues to rule supreme. Experimental dance and theatre groups are *trying* to make an impact, but they are adding to and not detracting from the appreciation of classical ballet and the theatre which adheres to the principle that "the play's the thing."

Applying standards of *relevance* to culture is *vulgar* because it is evaluating that which is above-and-beyond utilitarian categories with the measure of practical usefulness. The universe of culture is sovereign. It is not subject to laws other than "art for art's sake" (*ars pro artis*) and *"Torah for Torah's sake"* (*torah lishemah*).

Indeed, there is "applied art." Besides "pure research" and "Torah for Torah's sake," there are practical research and Torah study in preparation for the rabbinate and the teaching of Hebrew and Jewish subjects. But in the context of the definition of "Liberal Education," the practical uses of the knowledge acquired are *irrelevant*.

If one were to apply the standards of practical *relevance* to the pursuit of knowledge, archeology and the study of the civilizations of the ancient Middle East would have to be assigned to the scrap heap. Yet the discovery of an ancient artifact or a document *electrifies* hundreds of millions of persons. When all is said for what the Dead Sea Scrolls have contributed to a better understanding of nascent Christianity and the sectarian movements of which early Christianity was one, there is no denying that the Scrolls have no relevance whatever for contemporary Christianity (or Judaism). Yet the discovery of a Qumran text is front-page news, as is any new interpretation of even a small section of one of the Dead Sea texts. The controversy over whether twenty-seven skeletal remains found on Masada are those of some of its last defenders has no relevance whatever to contemporary problems. However, newspapers and news magazines the world over—and not only Israeli and Jewish papers—reported the issues involved in great detail.

The discovery of an "unknown" Rembrandt or Renoir—or even a canvas by a lesser master—is front-page news. When New York's Metropolitan Museum acquired Rembrandt's "Aristotle before the Bust of Homer," some years ago, the crowds who stood in line for viewing the painting were larger—and the interest continued for much longer—than those who clamored for admission to the Metropolitan's "Harlem on My Mind" exhibition.

One could go citing proofs for what *really* need not be proved, namely, that the universe of culture is not subject to the standards of relevance. Culture is timelessly timely. Obviously, this sovereignty does not extend to the pseudo-culture of that which was, or is, *relevant*—i.e., *meant to be relevant to a particular time or situation*. The universe of culture is governed by the paradox that "the timely and relevant" is forgotten, while "the timelessly irrelevant" endures and is *meaningful* forever—centuries and millenia. *Meaning*, not relevance, is the frame of reference for evaluating the legacy of the past.

While it is *vulgar* to inquire about the *relevance* of that which is studied for study's sake (*torah lishemah*), it is imperative that social institutions, such as laws, be examined and reexamined in the context of societal structures and situations radically different from those for which they were meant to legislate. *Law must be relevant to life* because it is the very fabric of life. Law, therefore, must be adapted (i.e., interpreted) so as to be *relevant* to new and changed conditions. It is self-evident, for example, that Jewish laws ordained for sending important announcements by signals and messengers, two thousand years ago, have no *relevance* whatever today when radio and television have linked the far corners of the globe and provide split-second transmission of news.

It is eminently proper, therefore, to question-and-dispute the relevance of the "second-days holidays observance" of Passover, Shevuot and Sukkot which was instituted for the benefit of Diaspora Jewish communities that could not be informed (because of distance) of the sighting of the new moon—the criterion for fixing the dates of the festivals before the Jewish calendar was fixed by astronomical calculation. *IF* there were *meaning* to the observance of the "second-days festival observance," surely it would have been made law for the Jews in Israel as well. But this observance had only *relevance* for a segment of the Jewish people. As this *relevance* no longer exists—and as the second-days festival observance has no *meaning*—it should be abolished by rescinding the respective laws. However, the study of the talmudic and rabbinic literature on calendrics, loses none of its meaning because these methods of calendrics have become obsolete. The past has meaning because it is the soil from which the present grows and by which it is being nourished.

Those who inquire about Jewish relevance ask what Judaism can still contribute *today* when the essential Jewish legacy of ethics has become part of universal ethics and of the ethics of Christianity as well. The posing of *this* question is characteristic of the apologetics of modern Judaism and its spokesmen who think that Jews must prove their right to survive. The self-consciousness of the quest to prove that Jews and Judaism "deserve" to live is a unique (and sad) phenomenon. It is the result-and-concomitant of millenial Jewish homelessness and persecution which, as many Jewishly-ignorant Jews see it, is without meaning.

Thus, while medieval Jewish apologetics was aggressive rather than defensive, in the form of "Religious Disputations," contemporary Jewish apologetics is directed at Jews who aver that Judaism and Jews are "superfluous" because they have contributed all they were capable of creating.

Now it is true that the great Jewish Ideas and Ideals—reverence for life, equality, social justice, universal education, eternal peace—were taught by Jews thousands of years ago. They are the unique and distinctive Proclamation of Israel. But is it also true that the Great Jewish Ideas and Ideals have not yet become the norms of life of any nation or society, including the Jews. Today, when social engineers project "The Great Society" and "The Good Society," they still quote and invoke the Hebrew Prophets.

Life is its own justification. Human life is sacrosanct. The right to life of every person—even of persons of sub-human intelligence—is regarded as self-evident. Even if the Jews were not puzzling such a contemporary thinker as C. P. Snow with their uniquely huge production of geniuses *today*, as they did in the past, there still would be no need to marshall apologetics for proving that Jews and Judaism are here as of right. Conservationists exert great efforts so as to preserve species of plants and animals on the verge of extinction. They rightly say that life will be diminished and impoverished with the extinction of the redwoods and the bald eagle whose place in the totality of life is insignificant. And the conservationists who

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worry about the redwoods and the bald eagle are right when they denounce as *vulgar* the insensitivity of those who do not understand that the variegated variety of plant and animal life is its own justification.

Relevance is of the realm of the marketplace which appraises with the measure of utilitarianism. In the universe of the mind, the quest is for meaning and the roots from which meaning grows. This is why the Blacks now are demanding that African studies be introduced in the schools their children attend. Obviously, African studies are not relevant to the lives of American Negroes. But they are convinced that African studies will convey to their children that Black is *meaningful.*

The right question to ask about the Jewish legacy is not whether it is still *relevant*, but whether it still has *meaning*. Now, perhaps more so than ever in the past, the *meaning* of the Jewish legacy confronts challenges, and shames us—because the questions concerning its *relevance* attest that those who worship the Golden Calf of tangible functionalism are still with us.

CONGRESSMAN DON EDWARDS' STATEMENT ON TAX REFORM

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. EDWARDS of California. Mr. Speaker, in recent days we have had much talk about tax reform, but little action.

The only tax reform which appears to have any chance is a reform which merely continues the present unfair tax system.

Therefore, I pass on to this House the creative suit of Friedy B. and Francis Heisler requesting what I believe is a tax reform which will appeal to all of our population, particularly those who are over age 50.

We have failed to reform the tax loophole for oil depletion, and I doubt we will reform it this year. So, my friends the Heislers have suggested we extend the oil depletion allowance to human resources.

I am certain every Member of this House, at least on certain days, feels his or her human resources have been depleted, and an income tax break would be in order.

There may be some objection to such depletion allowances from those under 30, whose activities have not yet caught up with their energy. However, those under 30, who survive to be over 30 may well find their views changing. Age may not bring wisdom, but from experience I can say it does bring weariness.

In order that this House can fully study the Heislers' position, I include an article from the Monterey Peninsula-Herald and a copy of their complaint in Federal court in the RECORD at this point:

CARMEL COUPLE FILES SUIT AGAINST IRS

SAN FRANCISCO.—Should people—as a natural resource—be eligible for the same federal depletion allowance on taxes that are applied to oil, gas and minerals?

That's the question attorney Francis Heisler of Carmel, and his psychiatrist wife, Friedy, posed to the U.S. District Court in a suit filed against the Internal Revenue Service.

The suit asks the court to order the IRS to refund more than $6,000 in taxes which Heisler, 73, and his wife, 69, claim was illegally assessed in the years 1965–67.

RESOURCES

The suit notes it is "to be expected that their 'natural deposits' and the 'improvements thereof', will be gradually depleted and in a foreseeable time will undoubtedly wholly disappear."

The Heislers say the Internal Revenue Code of 1954 provides "for the depletion and for depreciation of improvements according to the peculiar conditions in each case."

Oil and gas wells are granted a 27½ per cent depletion allowance and such minerals as clay, asbestos, graphite and mica deposits also get allowances.

INTERPRET

The plaintiffs contend that since the IRS can interpret depreciation allowances for such natural resources, they see no reason why the same interpretation can't be given to "such natural resources as a person's ability to earn a livelihood."

They say the amount being sought represents the equivalent of a 27½ per cent depletion allowance on their earning power.

Copetitioners are listed as "all persons similarly situated who are employed or self-employed and support themselves and their families by their labor."

DENIED

The IRS turned down the Heislers' requests for tax refunds of $1,239, $1,443 and $2,560 in 1965–67. This Feb. 18 the IRS informed them their claim was rejected disallowed because "the examination did not disclose any basis for reducing this tax liability."

In case of an adverse court ruling, the Heislers ask that a three-man court determine whether the law providing for depletion allowances is constitutional.

[In the U.S. District Court for the Northern District of California]

FRIEDY B. HEISLER, M.D. AND FRANCIS HEISLER, PLAINTIFFS, *v.* UNITED STATES OF AMERICA AND JOSEPH M. CULLEN, DISTRICT DIRECTOR OF INTERNAL REVENUE SERVICE, SAN FRANCISCO, CALIFORNIA, AND RANDOLPH THROWER, COMMISSIONER OF INTERNAL REVENUE SERVICE, WASHINGTON, D.C., DEFENDANTS.

(Complaint for refund of personal depletion allowance of income tax paid and, in the alternative, to declare 26 USC 611, 612 and 613(b) (Depletion allowance) unconstitutional by Heisler & Stewart, Attorneys at Law, Carmel, Calif., attorneys for plaintiffs)

The plaintiffs appearing herein by their attorneys Heisler and Stewart, for their complaint against defendants, respectfully show to this court:

I

This action is brought under the Constitution of the United States and particularly under the Fifth Amendment thereto, as it will in full appear hereafter:

Under the act pertaining to District Court jurisdiction (29 USC 1331 (a), 1333 (1), 1340, 1343(3)(4), 1346(a)(1) and 1651 (a)(b)); under Rule 23 of the Federal Rules of Civil Procedure pertaining to class actions; under USCA 611, et seq; under 28 USC 2281–84 pertaining to a Constitutional Court and 22 USC 2403 pertaining to the advise to be given to the United States when Constitutional issues are involved. The plaintiffs' claim does not exceed the sum of $10,000.00, (however, the claim of the un-named plaintiffs far exceed $10,000.00) and arise under the Internal Revenue laws of the United States as hereinafter more fully appears.

II

This act is brought on behalf of the above-named plaintiffs as well as on behalf of each and all of the persons similarly situated who are employed, or self-employed, and support themselves and their families by their labor, be it manual or otherwise; such persons are so numerous as to make it impracticable to bring them all before the court; and the right which is the subject of this action which comes to all who make a living or provide for their livelihood by means of work; the named plaintiffs fairly insure adequate representation of all that therefore, it is requested that the named plaintiffs may proceed with their instant suit on their own behalf and on behalf of others similarly situated, though not named.

III

At all times hereinafter mentioned, the named plaintiffs were, and are now citizens of the United States, both residing in the State of California at Route 1, Box 215, Carmel, Monterey County, of such state; that they are both gainfully self-employed.

IV

Plaintiff Friedy B. Heisler is a medical doctor, specializing in the field of psychiatry, with offices in Carmel, California. She graduated from high school and from two years college in Switzerland, her native country. Thereafter, she studied at the University of Illinois Medical School where she received her degrees, both BS and MD. Upon further improving her knowledge and experience, she became a Diplomat, and still later, a Fellow, of the American Psychiatric Association. She was an Assistant Professor at the Illinois Neuropsychiatric Institute Medical School. She was on the psychiatric staff of several State and Federal Institutions and was also consultant for public and private charity organizations. Presently, she is engaged in full private practice as a medical doctor and extension instructor at the University of California at Santa Cruz, and lecturer in her field.

Plaintiff Francis Heisler graduated from Real School where he received the Baccalaureate Degree. He studied engineering at the Federal Polytechnical Institute in Zurich, Switzerland, and graduated with the diploma of an lectrical engineer. He was an assistant to the professor in electrical engineering at his alma mater and subsequently became employed as an engineer in Germany, later a research engineer in Chicago, Illinois, in which occupation he continued until about 1930. While in Zurich, Switzerland, he studied law at the Department of Philosophy at the University of Zurich and he also continued law in Chicago, Illinois, and he received his Degree as a Juris Doctor. He was admitted to practice law in the States of Illinois and California, in the District of Columbia and before the Supreme Court of the United States, as well as before the various Districts and Courts of Appeal of the United States. At the present time, he is engaged in full time practice of law with offices in Carmel and Chicago and with associate law offices in Berkeley, California and Washington, D.C.

VI

At all times pertinent to the issues here, the Defendant Joseph M. Cullen was, and now is the District Director of Internal Revenue, San Francisco, California, and he is a resident of the Northern District of California, within the jurisdiction of this court. Defendant Randolph Thrower is presently the Commissioner of the Internal Revenue Service, and as such, is the executive in charge of the policy of said service; Defendant United States is in need of no identification except that it is the entity which disposes of the taxes illegally and erroneously collected from the plaintiffs and gets along without collecting of the depletion allowance granted to others than the plaintiffs.

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VII

This suit is brought for the recovery of the sums of $1,239.37, $1,443.69, and $2,560.45, erroneously and illegally assessed by the defendants against the named plaintiffs as part of their income taxes for the respective fiscal years of 1965, 1966 and 1967.

VIII

On or about April 8, 1968, the named plaintiffs submitted to the Defendant District Director of Internal Revenue on form 843, a Claim for the Refund of taxes illegally, erroneously and excessively collected and on said form they made a claim for their respective refunds for the years above-mentioned on the ground that the Internal Revenue Code of 1954, Title 26 USCA, Paragraph 611, et seq., provides in computing taxable income for a reasonable allowance "for the depletion and for depreciation of improvements according to the peculiar conditions in each case." The plaintiffs in their claim set forth that they did, in fact, improve their "natural deposits" by obtaining an education in schools and outside; the plaintiff Friedy B. Heisler becoming a psychiatrist, teacher and a lecturer, and the plaintiff Francis Heisler, becoming an engineer, lawyer and lecturer; both of them having practiced their respective professions honorably for more than thirty years and they are still so practicing. They further claim that since they are within the reach of the Biblical age of three score and ten years it is to be expected that their "natural deposits" and the "improvements thereof", will be gradually depleted and in a foreseeable time, will undoubtedly wholly disappear. They requested a refund from the Defendant District Director of Internal Revenue in accordance with the Constitutional command of due process and within the equal protection of the law and further in accordance with the depletion allowance provided for other taxpayers under paragraphs 611, 612 and 613(b) of Title 26 USCA. They requested the maximum depletion allowance provided in said Title, ie. twenty-seven and a half percent of the income tax jointly paid by them during the years 1965, 1966 and 1967.

IX

The Defendant District Director of Internal Revenue acknowledged the request for an adjustment on form 3870, indicating that the request for refund filed by the plaintiffs was received by him.

X

Subsequently, under the date of February 18, 1969, the defendant District Director of Internal Revenue informed plaintiffs that their claim for the year 1966, in the amount of $2,560.45, was disallowed because "the examination did not disclose any basis for reducing this tax liability." The defendant District Director also informed plaintiffs that "the issue raised by your claim for refund has been considered during this examination and determined to be unallowable because the depletion allowance claimed did not meet any requirement of Section 611 of the 1954 Internal Revenue Code and T.B.M. 39 Cumulative Bulletin No. 1, page 131," and the claim so presented by plaintiffs for the year 1966 for refund in the amount representing twenty-seven and a half percent of the taxes jointly paid by them for such year was disallowed.

XI

The plaintiffs received no information from the defendant District Director of Internal Revenue as to the allowance or disallowance of their claims filed for the years of 1964 and 1965; however, the claims having been filed more than six months prior to the filing of this suit and no action was taken by the defendant District Director of Internal Revenue concerning the same, it is assumed, and so to be considered, that the claims for the years 1964 and 1965 were disallowed, as was the claim for the year 1966.

XII

The plaintiffs submit that the Defendant District Director of Internal Revenue's interpretation of the Internal Revenue Code of 1954, Title 27 USCA, 611, 612 and 613(b) is wholly erroneous, illegal and unconstitutional. The interpretation is to the effect that depletion allowance is to be granted for such "natural resources" as oil and gas wells, minerals, timber, and many other natural deposits, but not be granted for such "natural resources" as a person's ability to earn a livelihood. Such interpretation by the defendant District Director of Internal Revenue is immoral and, for that reason alone, and for other reasons, is unconstitutional, to boot, and is particularly contrary to the constitutional precept of due process of law as set forth in the Fifth Amendment to the Constitution of the United States and contrary to the precept of the equal protection of the law. The interpretation of the above statute by the defendant District Director of Internal Revenue represents an invidious discrimination or classification which is patently arbitrary and utterly lacking in rational justification. The interpretation so made by the defendant District Director of Internal Revenue is unjustifiable, unfair and violative of due process.

XIII

Plaintiffs submit that it is contrary to due process and contrary to the equal protection of the law when the Defendant District Director of Internal Revenue holds that the "natural resource" such as clay used or sold for the use in the manufacture of drainage and roof tile and flower pots, is to be granted a 5% depletion allowance but none is to be granted to the plaintiffs for the depletion of their natural resources and the improvement thereof. It is clearly contrary to due process and the equal protection of the law when the defendant District Director of Internal Revenue grants fifteen percent depletion allowance to such natural resources as china clay, sagger clay and clay used for purposes dependent on its refractory properties, irrespective of whether or not such natural resources are inexhaustable or not, while holding that plaintiffs are not entitled to depletion allowance of their natural resources, even if it as a foregone conclusion that their natural resources, in absence of a miracle, will be thoroughly exhausted. The interpretation and the holding referred to above by the defendant Director of Internal Revenue that a twenty-seven and a half percent depletion allowance is to be granted on oil and gas wells, irrespective of whether they are to be exhausted sooner or later, when he holds that twenty-two percent depletion allowance is to be granted on sulphur and anorthosite clay, asbestos, or graphite and/or mica, irrespective of whether or not such resources will be exhausted while he holds that no depletion allowance is considered allowable for the soon totally exhausted natural resources of the plaintiffs and the improvement of their resources.

XIV

Although repayment thereof has been demanded, no part of said claims of $1,239.37 for 1964, of the $1,443.69 for 1965 and of the $2,560.45 for the year 1966 has been credited, remitted, refunded to the plaintoffs or to any of their accounts, and the full amount thereof, together with interest drawn from the respective dates of April 15, 1965, April 15, 1966 and April 15, 1967, and at the rate of six percent per annum remains due and owing from the defendant District Director of Internal Revenue to the plaintiffs.

XV

Because of the denial of the defendant District Director of Internal Revenue of Plaintiffs' refund claim for the years 1964, 1965 and 1966, it is to be expected that similar claims for the years subsequent to 1966 during which plaintiffs will be called upon to file their income tax returns, will be similarly denied unless this Honorable Court intervenes and grants its order upon the defendants to refund to the named plaintiffs twenty-seven and a half percent of the taxes paid by them for the years 1964, 1965 and 1966 in the amounts hereinabove indicated.

Wherefore, plaintiffs pray that this Honorable Court enter a judgment:

1. That the plaintiffs are entitled to a refund and that the defendant District Director of Internal Revenue ought to pay to them the sums of $1,239.37, $1,443.69 and $2,560.45, with interest thereon, from April 15, 1965, April 15, 1966 and April 15, 1967 respectively at the rate of six percent, together with costs and disbursements of this action.

And as a further relief, that the plaintiffs ask that if the interpretation of the defendant District Director of Internal Revenue denying plaintiffs' claim for refund of twenty-seven and a half percent of their respective taxes be upheld by this Honorable Court, then the plaintiffs say that said Title 26 U.S.C.A. paragraphs 611, 612, 613(b), is unconstitutional because it represents invidious discrimination or classification which is patently arbitrary and utterly lacking in rational justification, and for the purpose of determining the constitutionality of said act referred to and because of the importance of the issues, the plaintiffs hereby request the convocation of a three-man constitutional court to pass upon the issues herein raised as to the unconstitutionality of Title 26 U.S.C. 611, 612 and 613 (b).

Plaintiffs, pursuant to 28 USC 2403, advise the United States that they may claim Title 26 USCA and sections 611, 612 and 613(b) unconstitutional and did so by forwarding two copies of the within complaint, together with a Summons to the United States Attorney, Washington, D.C.

The plaintiffs pray for such further relief as the law requires.

Dated: March 28, 1969, at Carmel, California.

Respectfully submitted,
FRANCIS HEISLER,
Attorney for the named and un-named Plaintiffs.

CERTIFICATION

I, Friedy B. Heisler, M.D., one of the parties named in the foregoing complaint, on behalf of myself and on behalf of the named and unnamed plaintiffs, declare that I have read the complaint and know the contents thereof; that allegations contained therein are true of my own knowledge except as to those matters which are therein stated to be upon information and belief and as to those matters I declare that I believe them to be true.

Dated: March 28, 1969.

FRIEDY B. HEISLER, M.D.

MISCONCEPTIONS PLAGUE PAY TV

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. GALLAGHER. Mr. Speaker, misconceptions abound over the proposed plan to have the Federal Communications Commission establish subscription television stations, commonly known as pay TV. The major misconception concerns the notion that subscription television stations are intended to eliminate free television stations. Nothing could be further from the truth.

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The FCC has emphasized that the proposed subscription service would be supplemental to present conventional television. The service will be permitted for only one station in a community, and, moreover, only in communities which receive service from at least four conventional TV stations. Thus, the same television fare we receive today will continue, but we will have the added benefits of a scription service for extraordinary programs.

Another fear revolves around the thought that pay TV stations will siphon off programs from conventional networks. This is also unfounded. The FCC has put express safeguards into its proposal to avoid precisely this kind of situation.

Mr. Speaker, my office has received thousands of letters from people on this subject. I share the concerns expressed in these letters, but feel that a more public discussion of the FCC proposal would eliminate most, if not all, these concerns. The benefits to be obtained from supplemental television subscription service will in no way disrupt the benefits enjoyed from conventional service today.

GREATER ST. LOUIS LABOR COUNCIL, AFL–CIO, SELECTS CONGRESSWOMAN LEONOR K. SULLIVAN FOR ITS FIRST DISTINGUISHED CITIZEN AWARD

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. PRICE of Illinois. Mr. Speaker, although we represent constituencies in different States, the gentlewoman from Missouri, the Honorable Leonor K. Sullivan, is well and favorably known by the people of my district, the 24th Congressional District of Illinois, for her many battles in behalf of consumers throughout the United States, and particularly in the St. Louis-East St. Louis metropolitan area. Our adjoining districts, separated by a great river which constitutes our respective State boundaries, are closely united in many joint efforts and in a broad community of economic interest.

Many of Mrs. Sullivan's constituents work in my congressional district; many of my constituents work in her district and are members of St. Louis union locals. Thus, it was with genuine pleasure that we in East St. Louis learned of the high honor paid to our esteemed neighbor by the St. Louis Labor Council, AFL–CIO, in designating the great congresswoman from Missouri as the first recipient of its annual distinguished citizen award.

The sentiments expressed in this citation will be applauded and affirmed, I am sure, by all the Members of the House who recognize in Mrs. Sullivan the leading congressional champion of consumer causes and a tireless worker for better Government in behalf of all citizens.

Under unanimous consent, Mr. Speaker, I proudly offer for inclusion in the Record the text of the citation, signed by Oscar A. Ehrhardt, president, and James E. Meyers, secretary-treasurer, and presented to Congresswoman Sullivan last month by the Greater St. Louis Labor Council, AFL–CIO, as follows:

The Greater St. Louis Labor Council AFL–CIO Honors as Labor's Distinguished Citizen the Honorable Leonor K. Sullivan, May 24, 1969.

For her untiring and dedicated efforts on behalf of the American people, her beloved State of Missouri and her constituents of the Third Congressional District.

During her distinguished career as a United States Representative, Mrs. Sullivan has taken up the causes of the average American championing such efforts as truth-in-lending and consumer protection. Although her causes have been just, she has had to mount her battles against sometimes overwhelming odds. Despite the barriers placed in her path, Mrs. Sullivan has persevered and in so doing has forever won a place of gratitude in the hearts of all Americans.

For this personal dedication to justice for all, the St. Louis AFL–CIO Labor Movement is proud to honor Mrs. Sullivan as its first Distinguished Citizen.

Oscar A. Ehrhardt,
President.
James E. Meyers,
Secretary-Treasurer.

FREEDOM'S GENERATION

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. FRELINGHUYSEN. Mr. Speaker, because of its timeliness and real interest, I have asked permission to have printed in the Record a speech given recently by my friend and colleague, Hamilton Fish, Jr., of New York. Mr. Fish spoke at commencement exercises held on June 11 at St. Mark's School, in Southborough, Mass. The speech follows:

Freedom's Generation

(Address by Representative
Hamilton Fish, Jr.)

A generation ago, like you, I sat in a graduating class. The one thing about that day I cannot remember is who the commencement speaker was or what he had to say.

My thoughts, like yours, were targeted upon family, friends and plans for the summer and the future. But of one thing I am sure—if the speaker kept it short, I know I blessed him. I intend to do likewise and earn your gratitude.

For you of the class of 1969, this is the time to say goodbye to your teachers: if they have been effective teachers, and I am sure that is the only kind St. Mark's has, they know that their effectiveness is partly due to you, because they can only teach as much as you have been willing to learn.

In thanking them you might do worse than to borrow from that philosopher, Lawrence Berra, known to his associates with the New York Yankees and Mets as "Yogi." On Yogi Berra Day his fans gave him a tremendous ovation as an expression of their admiration. When it became Yogi's turn to respond, he gave us this classic: "I sure want to thank everyone who made this day necessary."

It is most surprising, in this era when institutions such as education are being put to the test of relevance, that the institution of the prize day speaker has survived. But it has, so that now, after your years of study and achievement, you must wait another 15 minutes before you receive your diplomas.

A century ago when prize days started at St. Mark's, there was no stigma in being a dropout. Abraham Lincoln was a dropout. So was Thomas Edison. Henry Ford never went to college. But the Horatio Alger days are all but gone. Every aspect of life, whether running a corporation or being an inventor or gaining political office, is today so much more complex than ever before in history that a good education is an absolute essential. Today, education demands rigorous competition and the lonely discipline of the pursuit of reason.

You have been in school now for at least two-thirds of your life. By the time you finish college, and especially if you go on for a graduate degree or two, you will spend nearly the first one-third of your lifetime in so-called educational institutions. The curriculum you are offered, the campus rules under which you live, the whole formal structure, is one in which everything has traditionally been decided by others. But now students are asking for a share in the control of education.

Adults, amazingly enough, did not foresee that rebellion against the tyranny—yes, tyranny—of education was predictable.

As they press their demands, students are making sensational news. There is revolt on the campus. A few have abandoned reason and persuasion—which ought to be the hallmark of the entire educational process—for assault and violence. Surprise, anger, and dismay come from the older generation. In their fear of something they understand no more than they "dig" rock-n-roll music, adults take a stand for "law and order," complete with night sticks, and tear gas.

As students you are doomed to be in the middle of the fray, either as participants or as bystanders. As students, you have a unique claim to colleges and universities: If there were no students, they would not be there. On the other hand, if there were no colleges or universities, you could not be students. Universities are yours to improve. They are also yours to protect.

The dangers inherent in the assault of student revolutionaries—and in the reaction to it—are monumental. To swing the wrecker's ball against the ivied walls of education destroys your base, your platform, your instrument for change. The university's role should be to prepare the architects of change, and it is you students who must become those architects.

Alienation of the university from the rest of America would be a deep and lasting disservice.

Continued blind disregard of the rule of law, destructive attacks both on the campus by its student critics and off the campus by the outraged critics of the students, invite a tough Federal response. It invites repressive Federal legislation with the potential for lasting scars on freedom of inquiry and free expression.

Neither the tactics of the SDS nor the heavy hand of the Congress has any place on the American campus.

Yet it is out of freedoms that our society has bred you, our youth, freedom's generation. For that is what you are, freedom's generation. As freedom's generation, you are most favored, most free, a generation enjoying more real options than your fathers and grandfathers ever knew. You have not only more options as to careers—how many kinds of vital work were not even dreamed of fifty years ago!—but you have made choices as to which values you will accept or reject.

Now listen to this. If education is ever to succeed, it must lead our youth to *think* rather than simply to conform. But when that has begun to happen, we adults appear scandalized that thinking should lead to questioning. And we should also have known that questioning would lead to value judgments.

Our society has managed to disillusion freedom's generation. With the idealism inherent in youth—and thank God for it!—students have looked upon the $80 billion de-

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fense budget and said to the older generation, "But how does this build peace for our generation?" They have looked at Vietnam and said in horror, "We won't go." They have looked at poverty—and we really only discovered poverty in the last decade, in the midst of our affluence—and they have said, "Here is another place you have botched up the world. Why should anyone in America ever go hungry?" They have assessed America and its leadership and found a yawning gap between principles and performance. This they want to change. They have, in short, come up with questions on the value judgments of their predecessors and made their own judgments on the disordered values of the society we adults are turning over to them.

Youth asks whether it cannot better achieve the values it wants in society by sharing in the controlling decisions of its own education? For freedom's generation knows and sees, and *feels*, as its predecessors have not, that responsible leadership in the years ahead must be based on education that is pertinent to the great value judgments underlying the future structure of society.

You of freedom's generation hear we cannot afford to cure chronic killers, but you read of the breeding of plague and tularemia in germ warfare laboratories. You read the official reports on rioting, setting forth the drift toward two Americas, separate but unequal, but you cannot find a national consciousness or will to reverse this trend. You eagerly espouse the cause of a strong international system of justice and world law, to which this Nation gives its official sanction, but you see America and the world in continuing cold, and sometimes hot, war, prisoners in deadly arms race. You learn that our Government spends more on the health of migratory birds than on the health of migratory workers.

Who turned off this generation? Do we elected officials have to look further than ourselves?

So what course is there for freedom's generation laboring under the weight of irrelevance in its despair for human fulfillment? It stands—you stand—at the crossroads where one road leads to retreat, to the limited involvement of criticism from the sidelines. The other road, the rocky one, leads to real responsibility in the real world. So here again you have options: Freedom *from* responsibility, which is a false freedom, or freedom to take leadership *with* responsibility in a generation shortly to direct the future.

If only because of your numbers—half our population is now under 25—your generation is on the threshold of real political clout. The nation will inevitably feel the impact you will make on its consciousness and on its values.

The system is here, a system that brings change through acceptance of the verdict at the ballot box. It is the gift to you from preceding generations. They can be faulted for their lack of relevance—but they have been faithful to the democratic process.

In this system free expression and the political process combine to produce rational decisions. It is a system committed to reason and persuasion to bring about change, the same reason and persuasion which are at the heart of education. It is a system which not only permits dissent but which guarantees dissent.

Your involvement cannot be limited to the political process; the tasks facing us are too great for government action alone. Your generation brings to the nation's strengths a passion for community, and its demand for personal and public honesty gives the future hope. Your contemporaries who choose the negative approach of disruption and violent confrontation have no monopoly on the means for change.

For all its faults, the real world is an exciting place. Its future, as it has always been, belongs to man. Direct and steer the future. Embrace the democratic political process, serve notice on your elders that the promise of America is not dead.

Work to bring sanity into world affairs, Leap at the challenges ahead in medicine; in architecture; in the environmental sciences with their power to improve the quality of life in America. Taste and enjoy the unique satisfaction that comes only from service.

You are freedom's generation. How you exercise your freedom will determine the character—and the future—of America.

THE CHALLENGE AND ACHIEVEMENT OF THE ATLANTIC CABLE

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. DONOHUE. Mr. Speaker, on June 4, 1969, I placed in the RECORD the first of two articles by Mr. Walter J. O'Leary concerning the invention and development of the telegraph.

At this time, I am pleased to include his second article describing the history of the laying of the Atlantic cable in 1866, which is a vivid and fascinating story of man's valiant struggle to link communications between Europe and the United States.

This second article by Mr. O'Leary appeared in the June 7, 1969, issue of the Boston Catholic Diocese newspaper, the Pilot. The article follows:

ATLANTIC CABLE OVERCAME DECADE OF DEFEATS, DELAYS

(By Walter J. O'Leary, recenty retired after 50 years of service as a telegrapher with Western Union)

The story of the laying of the Atlantic Cable in 1866 is one of the great accomplishments of mankind. It was achieved, after nearly ten years of repeated frustrations, disappointments and crushing defeats, from 1856 to 1866.

There are numerous locations along the New England coast where sections of Atlantic cables have come ashore. The photograph here shows a section of cable on the beach at Rockport, Massachusetts, where a length of cable came ashore in 1884. It was in service for over fifty years before it was abandoned around 1934. This one extended to Canso, Nova Scotia, where it worked into other cables going to and from Europe. There were cable stations at Rye Beach, New Hampshire, Duxbury and Orleans, Massachusetts. All these extended to points in the Maritime Provinces where they joined their European counterparts.

The cable landed at Rockport and was constructed by the Commercial Cable Company, whose owners were the son of James Gordon Bennett of the New York Herald and John W. MacKay, mining engineer and later President of the Postal Telegraph Company. Their specially fitted steamer, the *MacKay Bennett* laid the cable in 1884, from London to Rockport via Canso, Nova Scotia.

The French Cable Company operated a cable from Orleans, Mass., to Brest, France. This was laid in the year 1890. It is claimed that when the Steamship *Portland*, sailing from Boston on the night of November 28, 1898, for Portland, Maine during a raging blizzard, floundered off the coast at Truro, Mass., with a loss of all 200 persons on board, news of the disaster reached Boston and the world from Orleans via Brest, France and back to this country over another cable.

The Duxbury and Rye Beach cables were the properties of the Western Union Telegraph Co. and the All America Cable Company respectively. Like the others they were extensions of those to Europe via the Maritime Provinces.

After nearly sixty years of continuous service between America and Europe during two world wars, these New England terminals were closed in the march of progress for more efficient methods of automation.

The old cable houses still standing are silent reminders of the determined and courageous efforts of accomplishment by a great American, Cyrus W. Field, and his associates on both sides of the Atlantic, to lay a successful cable between America and Europe. Here is that story.

Cyrus West Field was born in Stockbridge, Mass. on November 30, 1819, and died at his Country House Ardsley, Irving-on-Hudson, N.Y., July 12, 1892. At the early age of 15, he left school, went to New York and became a clerk in the store of A. T. Stewart & Company. After three years he joined his brother Matthew in a papermill at Lee, Mass. In 1840, he formed the C. W. Field & Co., wholesale paper dealers with plant and offices in Westfield, Mass. and New York. In 1853, at the age of 34, he had amassed a fortune of $250,000 and retired from active business.

With the success, expansion and growth of the Magnetic Telegraph following the transmission of that historic message, "What Hath God Wrought," by Samuel Morse in 1844, it was reported that he had experimented at an earlier date with a submarine telegraph cable between Castle Garden and the fort at Governors Island in New York. Also, Professor Charles Wheatstone, English physicist and inventor, declared that in his opinion there would be no difficulty in operating a telegraph circuit under water.

For a number of years the government of Newfoundland was interested in connecting that island with the American continent. It was in 1852 that the legislature there incorporated a company under the title of the Newfoundland Electric Telegraph Company for that purpose. To help accomplish this purpose, one of their members, Mr. F. N. Griborne, came to New York to consult with Mr. Matthew D. Field, a civil engineer. Matthew spoke to his brother Cyrus, who became interested in the project not only of connecting Newfoundland with Cape Breton but connecting Europe with America as well. He consulted with Morse, the U.S. Navy and many persons of influence who advised him the undertaking was feasible. Another brother, David Dudley Field, a distinguished Attorney and later a member of the Supreme Court, became legal adviser.

Cyrus, in company with his brother David Dudley and Mr. Chandler White, sailed from Boston to St. John's, Nfld., where they secured a charter from that government. He also went to England and talked to influential people in order to raise capital for the venture. The Atlantic Telegraph Co. was formed. He procured specimens of cable as well as promises from the British government of ships to aid in laying the cable. Upon his return home he secured similar pledges from our government.

The manufacture of the cable laid across the Gulf of St. Lawrence was carried out in England. It was covered with guttaperche wrapped in rope yarn and a series of strands of common iron wire laid down in a tube of lead.

The initial attempt to lay the 60 mile stretch from Newfoundland to Cape Breton, Nova Scotia, attempted on August 23, 1855, had to be temporarily abandoned due to stormy weather. Field was not discouraged, knowing that similar attempts had been made successfully between Calais, France and Dover, England in 1850; between Great Britain and Ireland in 1852 and between Scotland and Ireland in 1853. The second attempt between Newfoundland and Cape Breton was completed in 1856.

The Atlantic cable was also manufactured in England. It was insulated with gutta-

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percha, bound with hemp steeped in a solution of tar and tallow. Outside the hemp was the iron wire protector.

Several attempts were made to lay a workable cable across the Atlantic. The first one was in 1857. Since there was only one ship afloat large enough to play out 2500 miles of cable—an amount believed necessary because of winds and currents, plus the uneven ocean floor—the British Navy supplied the *Agamemnon* and the U.S. Navy furnished her largest vessel, the *Niagara*. This attempt met with failure when the cable broke several hundred miles from Valentia, Ireland.

A year later in June 1858 another attempt was made. Unfortunately this too met with a similar fate. A third attempt was made a month later, but this time both vessels met in mid-ocean, where the cable was spliced together and each vessel, the *Niagara* and *Agamemnon*, started for its respective shores.

It was on August 4, 1858, that the *Niagara* entered Trinity Bay, Newfoundland and the *Agamemnon* reached Valentia successfully. Messages of congratulations were exchanged between the Queen of England and the President of the United States and celebrations followed on each side of the Atlantic. Suddenly, one month later on September 1st, the cable went dead completely.

It was some time after this succession of disasters that the Western Union Telegraph Company appropriated several millions of dollars to extend their empire into Europe by way of the Pacific Coast, across Bearing Strait,. through Siberia, and over the Ural Mountains into Europe.

In the meantime, the indomitable Cyrus Field was once more back in England, whose government backed the interest payments on a new 600,000 pound loan if a cable was laid successfully. The firm of Glas, Elliot and Co. manufactured the new cable.

This time the steamship, *Great Eastern*, the largest ship afloat, was engaged to do the work. The three massive holds of the great ship took all 2500 miles of cable aboard. It was on July 23, 1865, after securing the cable to the shores of Valentia, that it set sail for North America. Within six hundred miles of its destination, the cable got tangled in the apparatus playing it out and, amidst high seas, the cable parted. After several attempts were made to pick up the broken cable from the ocean floor without success, Field, the *Great Eastern* and all on board were forced to return dejectedly to England.

It is recorded that Field possessed great persuasive powers over others, and indeed he must have, for anyone to continue to back his efforts. But this they did and a new company was formed. This time it was called the Anglo-American Telegraph Company. More cable was made and taken aboard the *Great Eastern* as before. It set sail this time on Friday, July 13, 1866, from Valentia Bay. Fortunately, at long last, the cable laying went on without interruption, until July 27, 1866, when the *Great Eastern* came to anchor in Hearts Content, Newfoundland Bay, and since that date both hemispheres have been united by the Atlantic Cable. The feat will always be associated with the name of Cyrus W. Field.

TWO MARYLAND MARINES DIE IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. Gerald B. Brown and Pfc. Emidio Pasqualucci, two fine young men from Maryland, were recently killed in Vietnam. I would like to commend their courage and honor their memory by including the following article in the RECORD:

TWO STATE MARINES DIE IN VIETNAM—PRIVATES PASQUALUCCI AND BROWN KILLED IN ACTION

Two Maryland marines have been killed in combat in Vietnam, the Defense Department announced yesterday.

They are:

Pfc. Gerald B. Brown, 19, of the 6900 block Chambers road, was fatally wounded by hand-grenade fragments June 5 while on patrol in Quang Tri.

Pfc. Emidio Pasqualucci, of North East in Cecil county, died Tuesday of wounds he received in an explosion while on a search-and-clear mission near Da Nang.

PLANNED ON COLLEGE

Private Brown, a 1968 graduate of Northern High School, enlisted last August because "he felt the war was necessary," according to his mother, Mrs. Gerald L. Brown.

His burial will be in the military cemetery at Dulaney Valley. "I think that's the way he would have wanted it," Mrs. Brown said here yesterday.

The sandy-haired youth, who was last home during Christmas, had planned to go to college on completion of his active duty in mid-1970, his parents said. He had been in Vietnam four months.

"He loved sports," Mrs. Brown said of her son, who was a football player during his high school days. "He went out for almost everything they had."

Besides his parents, Mr. Brown is survived by two brothers, David, 14, and Paul, 12, both of whom live with the family.

Pfc. Pasqualucci was the husband of Mrs. Sandra L. Pasqualucci of Box 161, North Beach.

LOUISIANA OPPOSES AID TO COMMUNIST COUNTRIES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. RARICK. Mr. Speaker, I am in receipt of concurrent resolution No. 60 of the Louisiana Legislature which urges and requests the Congress of the United States to take steps to see that this Nation shall cease giving aid to Communist countries.

I include herewith the full text of the concurrent resolution:

SENATE CONCURRENT RESOLUTION 60

A concurrent resolution to urge and request the Congress of the United States to take steps to see that this Nation shall cease giving aid to Communist countries

Whereas, the government of the United States has been engaged in the Viet Nam Conflict over a span of several years; and

Whereas, many American lives have been lost and many sacrifices made by the citizens of this great Nation in defense of the principles of peace and independence; and

Whereas, the principles of peace and independence being defended by the citizens of the United States are openly opposed in active warfare by the Communist countries and by communistic influences; and

Whereas, at least eighty percent of the sinews of the war in Viet Nam are being provided North Viet Nam by Russia and its European satellites; and

Whereas, the assistance given to North Viet Nam has been made possible almost entirely by the help of the United States to Russia and its Communist satellites.

Therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring, that the members of the Congress of the United States, collectively and individually, are hereby urged and requested to exert their full authority and influence toward unremitting efforts to cause the United States Government to cease and desist promptly the furnishing of aid and assistance in any form, either directly or indirectly, to any communistic country or to any Communist or group of Communists.

Be it further resolved that the Secretary of the Senate shall transmit without delay a copy of this Resolution to each member of the House of Representatives and the Senate of the Congress of the United States.

C. C. AYCOCK,
Lieutenant Governor and President of the Senate.
JOHN S. GARRETT,
Speaker of the House of Representatives.

CIVIL UNREST

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. WYMAN. Mr. Speaker, the views of the president of the Florida Bar Association on campus unrest, appearing in the Florida Bar Journal of April 1969, are a contribution to perspective on this difficult and troublesome subject. President Marshall M. Criser makes the point that where competent administration within the academic community has been firm, reasonable, and responsible, the college administration has survived without the violence that has occurred on the more permissive campuses of the land.

The violent campus protestors are a small minority. Their right to dissent is unquestionable, but they have no right to violence and lawbreaking.

To meet the challenge to the structure of these institutions, those who deliberately break the law in the course of dissent must be punished firmly, certainly, and without delay.

The remarks of President Criser follow:

UNREST

Our college campuses have become the proving ground for the determination of whether our ordered society shall survive.

Although they represent a very small percentage of the total enrollment where trouble has occurred, the dissenters, militants and agitators have disrupted the education of the great majority. They continue to attempt to ignite the always searching and volatile personality of the emerging student for purposes which vary from constructive criticism to the advocacy of anarchy.

As has been the problem in other areas where dissent has led to violence, much damage is directly attributable to persons who declaim against change through orderly processes. They liken any lawbreaker, no matter the motivation, to the patriots of our history. They cloak all dissent with the protective cover of academic freedom and they are permissive even to the point of encouraging violence.

Empirical studies show that on every campus where serious disorder has occurred there has been a segment of the faculty which has goaded and encouraged the troublemakers. They often are the teachers who have been inadequate in their professional and personal relationships with students. By encouraging the non-conformists and activists, they seek to obtain an

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acceptance and camaraderie that they have not been ble to achieve with their intellect or talent.

On the other hand, where faculties have remained substantially loyal to the administration, and where administrators have not succumbed to fear and coercion, there has been no serious confrontations.

These problems must be solved on the campus by men and women in authority working with students in orderly and lawful processes for improved educational opportunities. Students have to recognize that their First Amendment rights provide for the expression of their opinions but not for the condescension of their unlawful acts. The role of government should be to assure that competent administrators are available and have the support they will require. Government must see that the inadequate administrators are replaced and the unfit removed.

A great myth has emerged from the minds of those who do not understand the workings of our society. That is that the faculties and students should govern the campuses on which they sojourn; that they should constitute a self-determinative society who would adopt the rules and regulations by which the affairs of the academic community would be governed for the period of time that they are in residence. They overlook that in the case of public educational facilities these have been provided by, and are maintained for, the taxpayers and citizens of the state. Further, that in private institutions the constituted trustees have a fiduciary responsibility to those who have over the years provided the funds to build and maintain these facilities.

What we face on the campus is but a manifestation by young people of the uncertainty and conflict which endangers our entire national, political, economic and social existence. Those who oppose authority, those who have destructive criticism without constructive programs, and those who oppose the "Establishment" without knowing what the "Establishment" is, are in vogue these days. The clamor is from those who would teach without having first learned and those who would lead without having first responsibly followed.

The young men and women enrolled in college today will in ten to fifteen years be in a position to lead the business and political affairs of this nation. They are a generation born after World War II who have never known a depression and have lived in relative affluence in a permissive society. They are confused by causes and embittered by an unpopular war. They seek their rightful place. They need to assert themselves and should not be suppressed as long as their assertion is lawful and responsible. They must live by the Rule of Reason and the Rule of Law or must be prepared to accept the appropriate consequences.

Our United States may have been born of dissent but it can likewise terminate in anarchy. The time to stop a revolution is not at the end but at the beginning.

A MEASURE TO MAINTAIN NUTRITIONALLY ADEQUATE DIETS

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. TAFT. Mr. Speaker, I have today joined with a number of my colleagues in cosponsoring the administration's anti-hunger bill.

The measure would strengthen and expand the food stamp program to permit low-income families to maintain nutritionally adequate diets.

The proposal is a definite improvement over existing programs, and I am hopeful that the Congress can act favorably on the measure.

The bill would insure that no family that qualified for the program would pay more than 30 percent of its income for food stamps. The poorest families would actually pay less.

In addition, the bill would require that—

Families in extreme poverty receive free stamps;

Every State would operate either a food stamp or commodity donation program, in every political jurisdiction within the State, by 1970–71;

Uniform national eligibility standards be set; and

State and local welfare agencies make an effective outreach to bring in as many eligible families as necessary.

There is no question that hunger is a very serious problem in America. The Nixon administration recognizes the need for immediate action. We believe that this program will feed the hungry and will eliminate many of the problems associated with the present food stamp program.

REPORT ON POLITICAL AND RELIGIOUS FREEDOMS IN SOUTH VIETNAM

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. REID of New York. Mr. Speaker, a report recently issued by a private study team of eight members clearly documents the continued and pervasive deprivation of religious and political freedoms in South Vietnam.

The team members included: James Armstrong, bishop, United Methodist Church; Allan Brick, director of national program, Fellowship of Reconciliation; Mrs. Anne M. Bennett, Protestant churchwoman; John Conyers, Congressman from Michigan; Robert Drinan, dean of the Boston College Law School; Mr. John de J. Pemberton, the executive director of the American Civil Liberties Union; Seymour Siegel, rabbi and professor of theology at the Jewish Theological Seminary; and Arnold True, rear admiral of the U.S. Navy, retired. The team was accompanied by Peter W. Jenkins, pastor, Congregational Church, Wimbledon, England.

The visit to South Vietnam took place between May 29, 1969, and June 5, 1969. Team members interviewed numerous individuals, including President Thieu, Ambassador Bunker, national religious leaders, the Buddhist monk Thich Thien Minh, and political prisoners including Truong Dinh Dzu, the peace candidate who polled 18 percent of the vote in the 1967 election, second only to the Thieu-Ky ticket which received 35 percent. They also spoke with students, intellectuals, and members of the press, and visited numerous prisons.

The report, issued in three sections, deals with limitations on political and religious freedom; the detention, interrogation, imprisonment, and treatment of prisoners; and legal standards and procedures. The report notes in summary that "many thousands of persons being arrested in South Vietnam are denied all procedural protection." In addition it notes that "the Thieu-Ky government's widespread and increasing use of the extra-constitutional military field tribunal has been responsible for the sentencing and imprisonment of additional thousands of persons;" that repression continues to be pervasive; and that amelioration in the formal correctional proceedings has been offset by countless instances of brutality in the arresting and interrogation process. The essence of the report becomes clear when an anti-Government nationalist leader is quoted as saying, "One cannot fight for freedom without insuring freedom at home," and when Thich Thien Minh is quoted as saying, "My only offense is that I believe in peace."

Unfortunately, it continues to be clear that the Thieu-Ky government is seriously affected with corruption and is marked by a continued inability to enact major reforms promptly, including land reform.

I commend this thoughtful and searching report to the attention of all Members of Congress. The United States should be gravely concerned over the continuance of these conditions totally inimical to the basic concepts of free government and individual civil liberties. A government that fears its own people and suppresses important representative spokesmen is contrary to our ideals and to the ideals of the 35,000 Americans killed fighting there. While I think it imperative that the war be ended, the fact that war conditions exist in South Vietnam can in no way excuse or explain the injustices that this report so clearly delineates. The report follows:

FINDINGS ON TRIP TO VIETNAM, U.S. STUDY TEAM, MAY 25 TO JUNE 10, 1969

INTRODUCTION

Background

The U.S. Study Team was sent to South Vietnam by an ad hoc committee organized in late 1968 by a group of well-known churchmen concerned about the war and the repression of those religious and political forces in South Vietnam who urge an end to hostilities. This committee has wide national interreligious representation. The officers named were: Chairman, Barton Hunter, Executive Secretary of the Department of Church in Society of the Christian Church; Secretary, Gerhard Elston of the National Council of Churches; Executive Director, Allan Brick, Associate Secretary for National Program of the Fellowship of Reconciliation, who also served as a member of the team.

The sponsoring committee defined the team's goals as follows: "First, they will seek to identify the variety of religious forces in South Vietnam and the range of political expression existing there. They will seek to investigate the situation of religious groups and the extent of the imprisonment of leaders of nonaligned groups who represent potentially important political sentiment. The team will be interested, for example, in visiting both Mr. Dzu and Thich Thien Minh. Second, the team will seek to investigate the situation of all prisoners in South Vietnam. Recognizing the difficulties of doing this in a wartime situation, the team will nonetheless attempt to obtain realistic information."

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Team members

Members of the team were: Bishop James Armstrong of the United Methodist Church, Dakotas Area; Mrs. John C. Bennett, Protestant church woman; Allan Brick, Associate Secretary for National Program, Fellowship of Reconciliation; Hon. John Conyers, Jr., M.C. of Detroit, Michigan; Robert F. Drinan, S.J., Dean of the Boston College Law School; John de J. Pemberton, Executive Director of the American Civil Liberties Union; Rabbi Seymour Siegel, Professor of Theology at the Jewish Theological Seminary; and Rear Admiral Arnold E. True, United States Navy (retired).

Summary

A report issued by the team following the Vietnam trip documents police and military suppression of religious and political expression in South Vietnam under the Thieu-Ky Government. The chief findings of the team are:

1. Many thousands of persons being arrested in South Vietnam are denied all procedural protection. Arrests are made by a variety of local and national officials—by District police, special security forces, military forces and intelligence units—each exercising "relatively unfettered discretion."

2. The Thieu-Ky Government's widespread and increasing use of the extra-constitutional Military Field Tribunal has been responsible for the sentencing and imprisonment of additional thousands of persons, denying them the fundamental elements of a fair hearing and often failure to serve prior notice of the charges against them. Many of these prisoners remain without trial in the hands of the arresting authorities while the remainder have been removed to prisons by administrative action without charges or trials.

3. The Study Team agrees with those who say that repression, though not as obvious and violent as under the Diem Government, continues to be pervasive and brutal. While some persons visited appear to reflect modern notions of penal administration and certain prison officials seemed sensitive to the needs of inmates, the sheer weight of witnesses' statements concerning physical abuse seemed overwhelmingly conclusive. It became clear that whatever amelioration appeared in the formal correctional institutions, torture and brutality are widespread in the arresting and interrogation process.

4. Without question the Thieu-Ky Government uses the words "communism", "neutralism" and "coalition" to silence dissent and weaken political and religious opposition. Student peace movements, Buddhist pleas for nonviolence and a "third solution", and the freedom of the press have been systematically suppressed by an insecure government that relies more on police state tactics and American support than upon true representation and popular support. As one Vietnamese attorney phrased it: "One cannot fight for freedom without insuring freedom at home."

I. LIMITATIONS ON RELIGIOUS AND POLITICAL FREEDOM IN SOUTH VIETNAM

The eight member U.S. Study Team met with President Thieu, Minister of Interior Tran Thien Khiem and members of his staff, Ambassador Ellsworth Bunker and members of his staff, national religious leaders, lawmakers, intellectuals, attorneys, students, a variety of persons of different political persuasions and talked with scores of political prisoners. It visited prisons at Thu Duc, Chi Hao, and on Con Son Island, as well as the National Police Headquarters. The Government of South Vietnam was helpful in providing data, in permitting Team members to visit prisons, and in making accessible certain prisoners.

Three things are readily apparent in South Vietnam: (1) A state of war exists and any meaningful study of freedom must be done against that background; (2) South Vietnam is poor and is unable to provide from its own resources institutional facilities and forms of care which are taken for granted in the Western world; and, (3) whereas the United States of America has lived under the guarantee of its present Constitution for nearly two hundred years, South Vietnam does not have a tradition of political liberty and its Constitution is only two years old. Notwithstanding this, in a message cabled directly to President Nixon from Saigon, the Study Team said:

"Speaking for peace or in any other way opposing the government (in South Vietnam) easily brings the charge of communist sympathy and subsequent arrest . . . There must be no illusion that this climate of religious and political suppression is compatible with either a representative or a stable government."

Many persons interviewed argued that President Thieu's government is less repressive that the ten years of brutal intimidation under Ngo Dinh Diem. Others, while agreeing that repression is not as obvious and violent, argued that it is equally pervasive though more subtle today. (Some of the following documentation will indicate that there is still unsubtle, violent intimidation.)

Three celebrated cases of political arrest have claimed international attention in recent months. They are the cases of Thich Thien Minh, one of the most influential Buddhist monks in South Vietnam; Truong Dinh Dzu, runner-up in the Presidential Election of 1967; and Nguyen Lau, wealthy publisher of the *Saigon Daily News*.

Thich Thien Minh was arrested on February 23, 1969, at the Buddhist Youth Center and charged with "harboring rebels, concealing weapons and illegal documents . . . harboring deserters and supporting draft dodgers". After appearing before a military field tribunal, he was sentenced to serve terms of ten and five years at hard labor, the sentences to run concurrently. Last month, his sentence was reduced to three years.

It is assumed by many that Thich Thien Minh was arrested not because of the specific crimes with which he was charged but for his public criticism of the Thieu-Ky government and his strong advocacy of peace.

In February, he was summoned to the Ministry of the Interior and warned to tone down his sermons which were said to be disrespectful to the government of President Thieu. He had earlier said that the people of South Vietnam could accept neither the "terrorist regime" of North Vietnam nor the "corrupt government" in Saigon. Replying to Thien Minh, President Thieu said, "My government can die because of those pacifists, but before we die, they will have to die first."

The Study Team visited both Thich Thien Minh and Quang Duc Buddhist Youth Center. The Youth Center, closed at the time of Thich Thien Minh's arrest (20 other Buddhists were arrested at the same time), was handed back by the Government and reopened during the Team's stay in Saigon. Team members saw Thich Thien Minh's room, as well as the many hallways, rooms and stairways that separated him from the tiny room and wooden closet with the false back that were said to be the hiding place of the V.C. agent and a cache of small arms. Seeing the distances and buildings involved, it is not difficult to believe the monk's assertion that he had no personal knowledge of a V.C. agent's presence in that hidden room.

The Team talked with Thich Thien Minh, who has been held in military custody. They interviewed him in a small house, a part of a larger complex of carefully guarded government officials pointedly left the room that the discussion might be private. However, it had been determined during the conversations that there was a government agent only four feet from the Venerable, behind a thin wall. Thus, the interview was necessarily inhibited. Thich Thien Minh had been moved four times since his arrest and was kept under the strictest security. Though badly injured in 1966 by a hand grenade, said to have been thrown by a V.C., he said his health was good. He added, "My only offense is that I believe in peace."

On May 1, 1968, Truong Dinh Dzu was arrested "on charges of urging the formation of a coalition government as a step toward peace." In August, he was sentenced to five years of forced labor. Although the N.L.F. is now participating in the Paris peace talks and a coalition government is being widely discussed by responsible government officials in the United States, Mr. Dzu has not yet been released.

In a national election that denied certain candidates the right to run[1] because they were peace advocates, and that heavily favored the Thieu-Ky regime because of its domination of the military and political structures of South Vietnam and because of the well-known support of the American 'presence' in Vietnam, Mr. Dzu ran second, polling 18 percent of the vote. He wisely did not announce his "white dove" platform until after his candidacy had been approved. (It is interesting to note that in the election, the Thieu-Ky ticket gained only 35 percent of the vote. In March 1968, Vice-President Ky told an Italian journalist, "Our last elections were a loss of time and money, a mockery.") Dzu has never been accused of being procommunist and is, as President Thieu openly acknowledged, a "political prisoner." The fact that, running as a peace candidate and advocating direct talks with the N.L.F., he ran second only to the President, accounts more than anything else for his imprisonment. Mr. Dzu was moved from Con Son Prison Island to Chi Hao Prison in Saigon during the last week in May, 1969. U.S. Study Team members saw him in his cell in Chi Hoa. Suffering from a heart condition, he looked well and various kinds of medicines were in evidence. He said he wanted to serve his country as a nationalist. On June 5, President Thieu told the Team that support for a coalition government cannot be tolerated.

On April 16, 1969, Nguyen Lau, publisher and owner of the Saigon Daily News was arrested for "having maintained private contacts with a Vietcong political agent." The agent, a boyhood friend of Lau, returned to Saigon in 1964 from North Vietnam. He talked with Lau many times during the past five years and had, at one time, asked him to supply information for the V.C. According to both Lau and Tran Ngoc Hiem, the agent, Lau had refused to supply the information.

In discussing Lau's case with a member of the Team, one of Saigon's most highly regarded foreign correspondents explained its background. In Vietnam, a culture influenced immeasurably by Confucianism, family ties and friendship are revered. Mr. Lau, in a press conference held by government officials at National Police Headquarters, made no attempt to deny his associations with Hiem. He said that Communism was poisoning the minds of many, but that Vietnam would surely survive Communism. He added, "Even today, sitting before you, I keep wondering if as a publisher and as a Vietnamese intellectual, I should denounce a friend who I have known since boyhood."

Mr. Lau was educated at Oxford and the Sorbonne. As a member of an old and im-

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[1] General "Big" Minh was kept in exile in Bangkok and Au Truong Thanh, the other leading contender was refused candidate status because of his alleged "neutralism". The Study Team talked with Au Truong Thanh in exile in Paris.

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portant family of wealth he has no respect for war profiteers and little sympathy for corruption in the government. As a respected journalist and an avowed anti-Communist, he considered it part of his responsibility to be open to every facet of Vietnamese life. He once said, "If people are free to walk the streets, they are free to talk to me."

He insisted upon his right to criticize. On March 24, 1969, the New York Times quoted him as saying, "Diem said bluntly that he was not going to tolerate freedom of the press. There were no illusions then. We are living a lie now. People say they are giving you freedom and someone without experience in journalism may be innocent enough to believe that this is paradise. Now you may be carried away by your illusions and land trouble." Less than a month later Nguyen Lau was arrested.

Members of the Study Team visited the National Police Headquarters. There, Lt. Col. Nguyen Mau, Chief of Special Branch, told them about the government's case against the publisher. The only "evidence" he produced was the photostat of a press card, allegedly issued by Mr. Lau to one Tan That Dong, the alleged V.C. alias of Tran Ngoc Hiem. Such "evidence", however, raises serious questions. Two days following Lau's arrest, police brought a "so-called Vietcong" to the Lau home. In Mrs. Lau's absence, they proceeded to take pictures of him in various positions around the house. When her two sons (aged 10 and 14) protested, they were handcuffed while the picture-taking continued. When told of the incident, Mrs. Lau courageously went to the authorities. A senior police official did admit that police had visited the house with a V.C. agent and camera to gather "evidence".

Members of the Study Team were not permitted to see Mr. Lau, still being held without sentence. Nor were they permitted to see thirteen other prisoners they had made specific requests to visit.

These three cases have not been isolated because they are more important than others, but because they are more well known. They are symptomatic of a climate of intellectual, religious and political repression that has led to the imprisonment, exile or silencing of thousands of loyal Vietnamese nationalists, persons who are not pro-Communist, but who are critical of the Thieu-Ky government and who insist upon the right to think for themselves.

The government's sensitivity at this point is revealed in its attitudes toward dissenters, so-called "militant Buddhists", students and intellectuals, political opponents and the press.

The religious picture in South Vietnam is confused. About one-tenth of the nation's population is Roman Catholic. Yet, from the time of Diem and the Nhu's on, Catholicism has played a dominant role in Vietnamese political life. (Actually, this goes back to the 18th Century French missionary-priest, Pigneou de Behaine, and the continuing influence of French Catholicism during colonial days.) President Thieu reminded the Study Team that, though he had trouble with Buddhists, Catholics had supported his administration. The former editor of a Catholic magazine, a friend and confidante of Archbishop Nguyen Van Binh, agrees that fewer than 10 percent of the Catholics in South Vietnam are critical of the war and of Thieu's government. It must be remembered that about 1,000,000 of South Vietnam's Catholics were born in what is now North Vietnam and came south following 1954. They are, for the most part, vigorous anti-Communists.

However, there are Catholics who want a closer tie with Buddhists and who are seeking what some call, a "third solution". They are trying to find answers between Communism and corrupt militarism. Father Hoang Quynh, an active leader of the All-Religion Citizen's Front, has worked with Buddhists in trying to prevent further friction between the Buddhist and Catholic communities. He has said, "Catholic faithful must learn to live a responsible political life." There are other Catholics who seem close to the Pope's views on meaningful negotiations and peace. They have won the confidence of Buddhist leaders.

When, in January, 1968, all of the bishops of South Vietnam released a four-page statement supporting Pope Paul's message on Vietnam and calling for a bombing halt in North Vietnam, it seemed that there had been a breakthrough. However, and without exception, those with whom Study Team members spoke indicated that the hierarchy in South Vietnam had confined themselves to what the Pope had said with no desire or inclination to supplement or further interpret the Vatican's plea concerning peace. There continues to be sharp feeling between Buddhists and Catholics. As one Buddhist complained, "When Catholics talk about peace, the Thieu government hears it one way. When we use the word, it is supposed to mean something else." Many Buddhists feel, and justifiably so, that they have been discriminated against by a succession of governments in Saigon.

There are two major Buddhist factions in South Vietnam; the "moderate" government-authorized faction of Thich Tam Chau, and the "activists"[2] faction of Thich Tri Quang and the An Quang Pagoda. However, the Unified Buddhist Church of the An Quang Pagoda is made up of both Mahayana (northern) and Therevada (southern) Buddhists. Early in 1967, the government sought to fragment the Buddhists, withdrawing the charter of the Unified Church and recognizing the "moderate" wing of Thich Tam Chau. However, the An Quang Pagoda continues to be a major factor in the religious and political life of the country. On the Buddha's 2513th birthday, celebrated May 30, at the An Quang Pagoda, former Chief of State, Phan Khac Suu, Tran Ngoc Chau, General Secretary of the House of Representatives, other deputies and senators, Father Quynh, as well as Cao Dai and Hoa Hao leaders were present, indicating a broad base of popular support among disparate groups. During the ceremonies, white doves of peace were released as a crowd of more than 3,000 people looked on, and Thich Tinh Khiet, Supreme Patriarch of the Unified Buddhist Congregation said, "Every hostile tendency of the world has jostled its way into the Vietnam war in order to exploit it and seek for victory, whereas all the Vietnamese people—either on this side or on the other side of the 17th Parallel—are mere victims of this atrocious war. Our nation is thus forced to accept ready-made decisions without having any right to make our own choice." President Thieu and pro-government supporters may insist that such peace talk is "political." If so, it is an obvious expression of that freedom essential to an emerging democracy. And it is no more political than a caravan of government-owned cars driving Thich Tam Chau to the Saigon Airport on June 5, to meet the Nepalese delegation to a World Buddhist Conference on Social Welfare; no more political than the imprisonment of hundreds of Buddhist monks.

Often the Buddhists who protest government policy are students. Following the government-controlled elections of 1967, Buddhist students joined by some of their professors were promptly singled out by the government for retaliatory acts. A professor of law said, "Van Hanh University (Buddhist) was the chief target for attack . . . If students go to meetings, the police follow them and they can be arrested any time. Many times, they are drafted before the legal age or before their deferments as students expire."

As a result of a peace meeting held in September, 1968, in Saigon University, the Student Union was closed by police. Students, professors, deputies from the Lower House and some Buddhist monks had participated in the meeting. Thirty persons, mostly students, were arrested. More arrests followed.

At about the same time, a student in the Medical School was murdered. He had been kidnapped by the N.L.F. and later rescued by American troops. He was accused of having "leftist tendencies". He was found dead with his hands tied behind his back, having been pushed from a third floor window. The police called it "probable suicide" and made no investigation.

Student resistance continued. On Christmas Eve, responding to the Pope's plea for peace, 2,000 students, many of them Catholic, held a peace procession. In the aftermath, hundreds were arrested.

In spite of set-back and discouragement, spirit of the student peace movement remains unbroken. A Buddhist student stepped out of a sullen mass of prisoners at Camp No. 7 on Con Son Island and addressed members of the Team. The government translator said, "He is here because he refuses to be drafted. He says he doesn't want to serve the United States. As a Vietnamese citizen he will go into the Army only when we have independence." A student, recently released from Con Son, reacting to the devastation visited on his country by modern instruments of war, said much the same thing: "I will not serve a country that has done so much to my own."

Students, intellectuals and Buddhist monks do not comprise the only opponents who threaten President Thieu's government.

There is a growing mood of independence in the Lower House. It is only found in a few deputies, but they are voicing increasing opposition to the policies and practices of the Thieu-Ky government. There have been criticisms of Operation Phoenix in the National Assembly. Two members of the Lower House raised serious questions about prison policies early in May. The president's tax program has been challenged. Constitutional questions challenging the prerogatives of the executive branch are frequently raised.

President Thieu proudly points to the "new alliance" of political parties in South Vietnam as an indication of the breadth of his support. This alliance includes the Greater Union Force, the political arm of militant Roman Catholic refugees, the Social Humanist Party, a rebirth of Ngo Dinh Nhu's Can Lao party, the Dai Vet, an erstwhile grouping of anti-French nationalists, a faction of the Hoa Hao sect based in the Delta and the Viet Kuomintang, a pro-govevnment bloc formed after the Tet offensive in 1968. All of these parties together, combined with the Thieu-Ky vote, failed to capture half of the popular vote in the 1967 elections.[3]

While there is genuine political opposition, most of it has been driven underground. Members of the Study Team met with leaders of five old-line political parties no longer permitted to function as recognized entities. These men had all been active in the resistance movement against the

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[2] The term "militant" is usually applied to the An Quang Pagado faction. However, Buddhists are committed to nonviolence. In French, "militant" means an "active supporter or worker in a political group."

[3] The United States sent election "observers" to Vietnam to report on election procedures. As one cynical Vietnamese put it: "We are planning to send twenty-two Vietnamese observers who don't speak English to the United States . . . for four days to see if your elections are fair."

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French and were ardent nationalists. Their parties have been outlawed, their requests to publish a newspaper have gone unanswered and their voices have been muted. These men, and they reflect a vast middle-position in South Vietnam, struggled against the French and consider the Americans their new colonial masters. Over the past twenty-five years, they have known imprisonment and sacrifice. (A retired general present had been in prison eleven times.) They argue that unity and independence cannot be achieved under present circumstances. One of them said, "We know the American government is anti-Communist and they help us fight Communism. But when they look at Viet Communists, they think of them as western Communists. That is a bad mistake." It is the conviction of the Study Team that there will be no truly representative government in South Vietnam until voices such as these can be legitimatized and participate in the democratic processes of the republic.

One further evidence of political oppression is the government's attitude toward the press. Although it seems reasonably tolerant of foreign correspondents, and they are permitted to function without too many instances of censorship, the government's relationship to the Vietnamese press is far more direct and inhibiting. Twelve months ago, censorship was officially eliminated in South Vietnam. Since then, at least twenty-five newspapers and two magazines have been suspended. Mr. Lau's *Daily News* has been suspended for thirty days for hinting that Thich Thien Minh's trial might have been unfair. *Tin Sang* was closed when it suggested that Prime Minister Huong (one of the more highly regarded members of the Thieu government and a former polticial prisoner himself) once yielded to pressure in a cabinet appointment.[4] Nguyen Thanh Tai a UPI combat photographer, was arrested in May, 1968, for taking pictures "detrimental" to South Vietnam.

One of the most credible and influential anti-government nationalist leaders with whom we talked prepared a three-page position paper for the Team. The English translation was his own. In part, he said:

"The range of political expression as legally exists here is narrow indeed.

"Let us imagine for a moment that those people are given a chance. What would they do?

"They would firstly negotiate with the Government of the United States an agreement on the Allied Forces Establishment in Viet Nam which would provide for progressive withdrawals when the situation warrants it. Of course, they would bear in mind the security and the honor of the Allied troops who came here to protect ourselves and prevent a Communist domination.

"They would secondly invite the Vietnamese people to actively participate in national affairs and take their share of responsibility. Democratic freedom would be enforced without restrictions, how adventurous this might first look. Live forces such as students, intellectuals, religious leaders and workers' unions would be given an authorized say. Unjust treatment would be redeemed. One cannot fight for freedom without ensuring freedom at home."

Many, not all, of the nationalist leaders with whom the Study Team talked believed that a continuing American presence in South Vietnam is an unfortunate necessity until the political situation can be stabilized and made more representative. One student leader who had been imprisoned twice by the Thieu government for his activities on behalf of peace argued that no *truly* representative democracy can come into being as long as U.S. troops are present and U.S. policy is being enforced. He said, "By now, we should have learned the irony of having any Vietnamese government that is embraced by U.S. power. The Americans must depart leaving us to decide our own future." He spoke those words with anguish, obviously knowing the problems that Vietnamese nationalism and many of its long-suffering advocates would face in dealing with the N.L.F. in the wake of an American withdrawal. Yet, he bitterly insisted that after many years of American military presence and American good intentions, there was no other way.

At the luncheon given the Team by members of the Lower House, Deputy Duong Minh Kinh talked about the vast expenditures poured into North Vietnam by the Soviet Union and China, and into South Vietnam by America. He said, "We are beggars from all of the people in the world in order to destroy ourselves. That is the greatest tragedy of all."

II. DETENTION, INTERROGATION, IMPRISONMENT AND TREATMENT OF PRISONERS

The large majority of those imprisoned in South Vietnam are held because they oppose the government; they are "political prisoners". Undoubtedly, a great many of these are, as the government classifies them, "Viet Cong". Legally speaking, they are properly prisoners of war—although they are kept in a separate category from military prisoners. Others are "civilians related to Communist activities"; i.e., V.C. agents, and are accurately classified as such. Still others, many of them detained without hearing or trial, should be classified differently. Some of these have been picked up in "search and destroy" sweeps and are innocent of anything save being present in an area of military operations. Others are clearly political prisoners. They are nationalists and not Communists, but are seen by the government as inimical to its continuing control. In the official statistics very few "detainees" and "political prisoners" are so classified. The government places the vast majority of prisoners in either the "communist" or the "criminal" category.

The classification of prisoners in 41 Correctional Centers as given by Col. Nguyen Psu Sanh, Director of Correctional Institutions is:

	Percent
Criminals	16. 98
Communists	64. 25
Civilians related to Communist activities	4. 16
Military	11. 91
Political activities harmful to national interest	. 21
War prisoners temporarily in correctional centers	2. 49

Colonel Sanh said that there are 35,000 prisoners in these Correctional Centers. The senior American advisor to Col. Sanh, Mr. Don Bordenkercher, estimated that, in addition, there are 10,000 held in interrogation centers. He reported that the number had gone up gradually since the Tet offensive of 1968 when the jump was precipitated. Ambassador Colby, General Abrams' Deputy for Pacification, said that the number of prisoners had gone up and will continue to go up as the pacification program (Civil Operations and Revolutionary Development Support) develops.

The national police in Saigon and in the provinces are the official organ for making arrests. In addition, there appear to be many other arrest and detention agencies.[1] It is clear that those arrested are taken to a variety of detention centers for interrogation and that many are held in these centers for periods of time up to two years. According to the U.S. Mission, American advisors are involved only with cases of Viet Cong or suspected Viet Cong sympathizers and with persons apprehended during military operations; e.g., "Operation Phoenix", the 18 month-old program which pools information from half a dozen U.S. and South Vietnamese intelligence and security agencies with the purpose of identifying and capturing Viet Cong political agents.

Doubtless the total number of political prisoners in South Vietnam—including those held as prisoners of war by intelligence agencies and in military prisons, as well as those in the correctional institutions and those held by various other arresting agencies—far exceeds the official statistics and estimates. Due to the wide range of arresting and detention agencies, and the inadequacy of statistical methods, no accurate count of prisoners can be made.

In addition to the provincial Correctional Centers, there are four large prisons for essentially civilian prisoners. These are Chi Hoa in Saigon, Phu Nu in Thu Duc (for female prisoners), Tan Hiep near Bien Hoa, and Con Son on an island off the southeastern coast. Team members were enabled by the Ministry of the Interior to visit Chi Hoa, Thu Duc, and Con Son Island Prison. They were also shown through the interrogation center at National Police Headquarters.

The following statistics, provided by prison officials, further illustrate the government's desire to de-emphasize the so-called "political prisoner" category.

Warden Pham Van Lien of Chi Hoa prison reported to Team members on June 3, 1969, this prisoner classification:

	Percent
Criminals	45. 0
Communists	40. 0
Civilians condemned by military court	4. 0
Military	10. 0
Political—non-Communist	. 6

Prison Governor Minh, of Thu Duc prison, classified the 1,126 prisoners held by him on June 3, 1969 as:

Criminal offenders	265
Communists	843
Civilians condemned by military courts	15
Military prisoners	3
Political prisoners	0
Prisoners of war	0

The Warden of Con Son Island prison reported that there were 7,021 men and boys in Con Son, of whom:

984 were soldiers who committed political offenses (helped or sympathized with the V.C.),

2700 were civilians who had worked directly with the V.C.,

769 were soldiers who committed criminal offenses,

252 were civilians who committed criminal offenses, and

2316 were detainees, never tried or sentenced.

(Note that only the Warden of Con Son Island prison separately identified unsentenced detainees in his statistics. The rest of the breakdowns presumably distribute the detainees among the classifications according to file, or dossier, information.)

There are no figures available on the religious affiliation of prisoners. Warden Lien reported that there were about 120 Buddhist monks in Chi Hoa prison on June 3 when Team members visited.

Thu Duc (women's prison)

Members of the Study Team spent several hours at the Women's Prison, where the staff, headed by Prison Governor Minh, explained the prison's operation and enabled members to see what they requested. The administration of the prison seemed commendable in many respects. The dispensary was reasonably clean. There were two large rooms filled with power sewing machines where the inmates made military uniforms.

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[4] See: New York Times, March 24, 1969.

[1] See Section III, B.

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There were sewing classes, classes in English and other educational opportunities provided.

The cells and large prison rooms were over crowded. This was especially hard on nursing mothers and those with small children. Fifty women, some with babies, lived in a crude building 40′ by 30′. Sanitation was primitive and inadequate. There was evidence that some prisoners had not received needed medical attention.

Team members were especially concerned about the large number of prisoners who had not been sentenced after many months of detention, the looseness and inaccuracy of prisoner classification, the inhumanity of some sentences (one slight old woman who, according to her dossier had passed V.C. letters, had served ten years of a fifteen year sentence), and the extreme youthfulness of many of the inmates. Governor Minh told the Team that there were fifty children from birth to 13 years of age in prison (the very youngest, of course, belonged to the women prisoners), and forty young offenders from 13 to 17 years.

To judge from both interviews and official explanations, the circumstances of many classified as "Communist" did not justify this classification. Two students who were called "Communist" were found by the Team members to be unsentenced detainees. Their dossiers said that they were being held because they had exhibited "leftist tendencies" and had written for a Saigon University paper which was later suspended. In another building twenty percent of the women said they had not been tried or sentenced. It seemed obvious that prisoners who had been accused of "leftist tendencies" or who had not yet been tried could not justly be categorized as "Communist". Yet they were and were forced to live with persons who were considered "hard core Communists".

Chi Hoa

Chi Hoa is often referred to as the "showcase prison". Since 1963 American funds have been available for the improvement of facilities, and American advisors have helped set up rehabilitation programs. The Team was given an attractive brochure with pictures of prisoners in classes, at worship, and enjoying recreational activities. The brochure states that "the present Vietnamese system of corrections is . . . based on the principles of humanity, charity and equality."

The Warden said that there were about 5,500 men and boys now in prison of whom 40% were "Communist" and only .6% were "non-Communist political" prisoners. Each prisoner wore a colored badge indicating his classification. The Warden estimated that 40% of the inmates had not yet been tried or sentenced. He said some one from the Ministry checked the lists every month and an effort was made to have those prisoners who had been in longer than six months brought to trial and sentenced.

The Team members were taken on a tour of the prison. Wherever they went, they found the halls and cells clean. They were shown the vocational classes in which about 300 prisoners were enrolled and met daily over a six-month period.

Team members saw the Catholic Chapel, a Buddhist shrine and a Buddhist pagoda. In the pagoda, they talked with several monks who are in prison for resisting the draft. These monks were the only prisoners in any of the institutions who did not stand at rigid attention. Sometimes prisoners shouted ear-splitting anti-Communist slogans when Team members stopped to see them.

The Warden estimated that there were 200 children from 10 to 14 years of age and 200 from 14 to 18 in the prison not yet sentenced. All children, he said, were in a separate section and given education. Team members asked to see the children's section and were shown two cells. In one room, about 40′ by 25′, there were 47 children *under 8 years of age*. One child 4 years old, said he was in prison because he had been caught stealing a necklace. The children were squatting in one end of the room eating when the Team members entered. They live in a bare room, with sanitary facilities at one end. No materials for play or study were in evidence. The food was rice with vegetables and fish. It looked inadequate. The children seemed to be well physically. When the Team entered, the children left their bowls of food and assembled in lines without any order from the adult in the room or from the Warden. All, even the 4 year old, stood at attention and did not move or speak; only their eyes followed the visitors' moves. In the next cell, similar in size, there were 67 children slightly older but under 10 years. The situation was the same in all respects.

The Team members saw three cells in the men's section, the same size as the cells for children. There were about 50 men in each of the rooms viewed. Some of the men were preparing over tiny burners various kinds of food which had been brought by friends or relatives. None of the men in these three cells had been sentenced.

Upon asking to see the disciplinary cells, the Team members were shown a room with iron rings for shackling prisoners, which, we were told, were seldom used. The iron looked rusty. Team members did not get to see any of the 100 prisoners who the Warden said were in solitary.

The prison is in the form of a hexagon, four stories high facing inside. The wedge-shaped area in front of each of the six sections contains water tanks for bathing and washing clothes and an open space. The Warden said that after 5 p.m. the inmates are allowed here for sports and bathing. Since there is an average of about 1000 inmates in each section, it is obvious that only a very small proportion of the inmates could play soccer, volley ball, bathe or wash clothes at one time.

Con Son Island Prison

Con Son Island Prison, an escape-proof prison about 50 miles off the southeast coast is said by officials to contain 7021 prisoners, most of them "political". In many of the barracks, the majority of the prisoners were "political" prisoners who had been "tried" before a Military Field Court, usually without legal representation. They wore red tags which identified them as either V.C. or V.C. sympathizers. Those with yellow badges (detainees) presented another kind of problem. A show of hands, taken in a number of barracks, revealed that many detainees had been imprisoned as long as a year and a half with little hope of being released unless, conceivably, a place was required for new prisoners. It was explained that frequently the means or records necessary to determine whether charges should be brought were unavailable. There was a failure to observe even a minimum amount of due process in the overwhelming majority of cases. The same circumstances were recited over and over by the prisoners; they were either being held on charges of sympathizing with or aiding the enemy, or they had been rounded up after a military action in their village and were held. Others were students who had indicated their support for peace.

The tour had been carefully arranged by prison officials. The only time the Team members deviated from the prepared pattern, successfully demanding to see Camp No. 4 instead of the camp that the prison authorities had scheduled, they saw something of significance. There were large dark dormitory cells (three out of about ten such cells were inspected) in which there were from 70 to 90 prisoners each, all of whom (as determined by a show of hands) were condemned to life in prison. None had had lawyers or any trial other than a judgment by a military tribunal.

The prison authorities denied the existence of "tiger cages," reputed small barred cells in which prisoners being disciplined were chained to the floor in a prone position. Although recently released prisoners referred to this practice from actual experience, the Team members were unable the elicit any more from the prison officials than that the "tiger cages" were no longer in existence. (At first any knowledge of such things was denied). One prisoner, however, speaking surreptitiously to the Team members said, in answer to a question, "Yes, the "tiger cages" are here, behind Camp No. 2 and Camp No. 3. You looked in the wrong place." The Team members had looked behind Camp No. 4.

Taking into consideration the conditions under which such a prison had to operate, it seemed that an attempt was being made by the prison officials to conduct as clean and sanitary an operation as they could. There was a 1.3 million dollar expansion underway (funded and supervised by the U.S.A.) which would provide 72 additional barracks.

Pursuing further the question of how prisoners were disciplined, the Team members were told that only 10 out of the 7021 prisoners were under discipline. On request, the visitors were shown two of these ten. They had been in solitary for six months because of their refusal to salute the flag. One said he would never salute it. His legs were deeply marked, the Colonel in charge explained this was the result of a past disease. Questioned directly, the prisoner said it was the result of a long period in leg irons.

Although Team members observed no brutality, they felt that to have no disciplinary barracks other than a small number of maximum security cells was highly unusual. The Team members noted the fearful reaction of the inmates whenever prison officials appeared, surmising that there must exist a high degree of punitive regimentation.

A disturbing aspect of the prison situation in Vietnam is physical abuse of prisoners. U.S. officials (there are American advisors at every level of Vietnamese bureaucracy) agree that there is torture, but insist that it does not take place in the correctional centers but in the interrogation and detention centers where the prisoners are taken first. Accounts by ex-prisoners verified the fact that torture in detention and interrogation centers is general procedure.

Frequently, the interrogation center at the National Police Headquarters in Saigon was mentioned as a scene of torture. However, many informants said that the types and extent of torture administered in some of the detention centers in the provinces were far worse than in the National Police Interrogation Center in Saigon.

Although Team members were allowed to visit the National Police Headquarters in Saigon, it was an arranged visit. There was no evidence of the forms of torture here described. Colonel Mau said that modern interrogation techniques ruled out the need for physical violence. Team members saw the interrogation rooms but no prisoners were being questioned. The Team's evidence for the tortures described come from interviews with ex-prisoners testifying to what they had endured and seen, together with the statements of doctors and others who had treated the victims. While the testimony of prison officials and the appearances of the National Police Headquarters cannot be lightly dismissed, the sheer weight of witnesses' statements seemed overwhelming and conclusive to Team members.

All prisoners are oppressed by conditions of overcrowding. Sometimes, however, many prisoners are stuffed into small cells which do not allow for lying down or, sometimes, even for sitting; and this, when it is steaming hot, when excrement accumulates, and

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when the prisoners are seldom released for exercise, is torture indeed.

Beating is the most common form of abuse. Intellectuals appear to receive "favored" treatment and seldom are subjected to torture other than beating. This is done with wooden sticks and clubs. ("Metal" was mentioned by one observer.) The blows are applied to the back and to the bony parts of the legs, to the hands, and, in a particularly painful form, to the elevated soles of the feet when the body is in a prone position Beating of the genitals also occurs. A number of commentators also described the immersion of prisoners into tanks of water which are then beaten with a stick on the outside. The pain is said to be particularly intense and the resultant injuries are internal.

Another type of water torture in which a soaked cloth is placed over the nose and mouth of a prisoner tied back-down to a bench is said to be very common. The cloth is removed at the last moment before the victim chokes to death, and then is reapplied. In a related form, water is pumped into the nose.

The most common procedure is said to be the elevation of the victim on a rope bound to his hands which are crossed behind his back. One witness described a "bicycle torture" used in this center. For about a week the prisoner is forced to maintain a squat position with an iron bar locking his wrists to his ankles; "afterwards he cannot walk or even straighten up", it was said.

An intellectual who was arrested in 1966 and spent the first six months of his two and one-half years term in an interrogation center described what he called the "typical case" of a woman law student in a nearby cell. She had been in the interrogation center for six months when he arrived and stayed for the next six months during his own imprisonment there. Throughout this year, she was tortured mostly by beating. When she was finally called before a tribunal to hear the charges, she had to be carried by two fellow prisoners. The tribunal, apparently because of her status, heard her case carefully and determined that it was a case of misidentification. Someone in Zone D had reported a V.C. returnee or spy who looked like her.

The same informant said, as a number of others did, that sexual torture was common. Though apparently it was not used on this woman student, it is used on many women. Frequently coke and beer bottles were prodded into the vagina. Also, there were a number of accounts of electrical wires applied to the genitals of males and females, as well as to other sensitive parts of the body. Another informant told of the torture by electricity of an eight-year old girl for the purpose of finding her father: "She said her father was dead and they just kept torturing her . . . They tortured her mother too." This was said to have occurred in the National Police Interrogation Center (Saigon) during 1968. Several ex-prisoners testified that it is not unusual to torture family members, including children, before the eyes of the prisoner. "Then", explained a woman teacher who had been imprisoned twice, "the prisoner will tell anything."

A respected physician told Team members that recently police brought a dead girl from an interrogation center to a city hospital and asked the Doctor there to certify to death from natural causes. On examination of the cadaver, the Doctor found signs of beating and sexual violation. He refused to so certify. Pressure was brought on the head of the hospital to issue the certificate. Such incidents are not unusual.

III. LEGAL STANDARDS AND PROCEDURES

The heart of the problem of assessing the conditions of political imprisonment in South Vietnam lies in the matters of standards and procedures. The key questions are: who is subject to arrest and imprisonment; and, how in each case is this determination made? If either the standards for determining who is subject to arrest, or the procedures for making the determination is loose, then enormous potential for official capriciousness exists and the freedoms of those subject to such caprice are ephermeral.

The Study Team found both the standards and the procedures to be loose by any measure, even by the most generous measure of allowance for the exigencies of civil and guerrilla warfare. The evidence is more than adequate to sustain the conviction of the Study Team that this looseness is used deliberately to suppress political dissent and to oppress some religious groups. In particular, loyal nationalists who are in basic disagreement with the government fear with good reason retaliation for expressing their views.

Naturally, the particular kind of war being waged in South Vietnam bears upon the judgments of the Team. Government of Vietnam officials quite properly see an analogy between the civilians arrested for guerrilla war activities—sabotage, espionage and the organization and support of the National Liberation Front military cadres—and soldiers taken as prisoners in more conventional war. The validity of the analogy should be granted. We cannot class as suppression of political freedoms the imprisonment of those actively engaged in conducting war against the government. Moreover, the need for procedures to permit speedy imprisonment without exposing the government to the risk of further warlike activity on the part of the arrested persons must be conceded.

It is humbling for Americans to be reminded that their own history is replete with invasions of individual rights made in the name of wartime emergency: the suspension of the writ of habeas corpus during the Civil War, for instance, and the evacuation of persons of Japanese ancestry from the West Coast during World War II. An American cannot presume to sit with clean hands in judgment upon the Government of South Vietnam. But both the principles of justice to which their constitutions commit the United States and the Republic of Vietnam, and the pragmatic concern for winning popular support for democratic principles compels this Team to confine the restrictions on freedom made in the name of wartime exigency to those actually necessitated by war.

Loose and inadequate standards and procedures do not represent concessions to those wartime exigencies. Minimization of risk of war-like activities against the government is not achieved by the imprisonment, for instance, of loyal nationalists who advocate forming a coalition government with N.L.F. representatives. Nor does minimization of such risks require imprisonment of powerless people who scurry to avoid exposure to the demands of both N.L.F. and government forces, in so-called "insecure" areas, and are arrested on suspicion with the expectation that brutal interrogation may yield a "confession" which will warrant detention.[1]

In fact, imprisonments of this kind create the unnecessary risk of alienating loyalties; a hazard made doubly severe by the highly political character of a war in Vietnam. The seriousness of this hazard is underscored by the statement to the Team of one young man, a resident of a rural province, that probably a majority of the men his age who reside in "secure" areas (under Government of South Vietnam control) of that province have experienced arrest and detention at least once during their lives. The evidence available to the Team suggests that the number of such arrests is steadily and continuously increasing.

The limits of the "war exigencies" justification are well illustrated by Article 29 of the Republic of Vietnam Constitution which clearly contemplates the existence of exceptional circumstances such as war. It provides:

"Any restriction upon the basic rights of the citizens must be prescribed by law and the time and place within which such a restriction is in force must be clearly specified. In any event the essence of all basic freedoms cannot be violated."

A. Standards

Authority for imprisonment of non-conventional criminals is found in the State of War Law, Law No. 10/68, adopted by the National Assembly and promulgated by the President on November 5, 1968. It amends the State of War Decree promulgated prior to the present Constitution, on June 24, 1965, and as amended authorizes, among other things:

"The search of private houses, both by day and night;

"Fixing the place of residence of those elements judged dangerous to national security;

"Prohibition of all demonstrations or gatherings harmful to public security and order;

"Prohibition of the distribution of all printed matter harmful to national security;

"Control and restriction of communications and travel, consonant with security requirements; . . ."

In particular, the euphemistic language of the second paragraph quoted requires elaboration. Under it, numbers of persons are "assigned residence" in one or another of the provincial or national prisons by action of a Provincial Security Committee for specified but renewable terms, not exceeding two years, because they are "judged" to be "elements . . . dangerous to national security". Such a standard patently abdicates to the judging body the determination of who is to be subject to such imprisonments, with little, if any, legislative guidance or control. In fact, it was determined that students with nothing more than the notation in their files that they exhibited "left-wing tendencies" are being incarcerated in national prisons whose administrator classified them in his census as "Communists"; i.e., in the same category with individuals found to have assumed leadership roles in organizing war-like activity for the N.L.F. Others claimed to the Team that they had been detained for no other reason than that local officials responsible for their arrests expected to extort bribes as conditions for their release.

Under the heading of "prohibition of . . . gatherings", the Team learned of a Saigon political leader who was sentenced by a military field court to imprisonment for one year because he called a press conference without proper advance clearance from Republic of Vietnam authorities. (In this man's case, a known requirement appeared to have been deliberately violated, but the sentence suggests that the State of War Law is being used for more than minimization of military risks to national security.)

The standards just quoted should be read in conjunction with Article 4 of the Constitution which provides:

"Article 4. (1) The Republic of Vietnam opposes Communism in any form.

"(2) Every activity designed to publicize or carry out Communism is prohibited."

The looseness of the prohibition against activity designed to "publicize or carry out" Communism parallels that inherent in the other standards we have discussed. Under it, President Thieu, in an interview he generously afforded the members of the Team, justified the detention of Truong Dinh Dzu as a "political prisoner" on the ground that he had allegedly advocated the formation of a coalition government in which the N.L.F. would participate. This would violate Article 4, President Thieu reasoned, since such advocacy is *ipso facto* prohibited by that ar-

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[1] Credible testimony of instances of arrests fitting both these examples was given the Study Team from many sources. (See Section II)

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ticle. It may be unnecessary to point out, in response to this reasoning, that the Constitution also provides machinery for its own amendment, a process hardly likely to be completed without someone having first advocated a result barred by the language of the provisions being amended.

B. Procedure

1. Arrest, detention and interrogation

Because of the long periods for which individuals are often held and interrogated prior to any disposition, often for six months or more—the procedures for determining who is to be arrested and for how long he is to be detained and interrogated take on a special importance. Moreover, the frequent and serious physical abuses about which the Team heard most often occur during this period. Although they seem to be employed as "aids" to interrogation, they are forms of cruel and barbarous punishment against which the citizen needs every conceivable procedural protection.

In fact, procedural protections are essentially nonexistent at the arrest and interrogation stage. Arrests are made by a wide variety of local national officials—by district police, special security forces, military forces and intelligence units—each exercising a relatively unfettered discretion. The arrest may occur for no other reason than that the arrestee was found near the scene of a guerrilla raid. Unless the arrested person is of exceptional importance, he will usually be detained by the arresting unit or by the district or security police in the district or province where arrested, and subjected to whatever interrogation methods authorities in that unit choose to apply.

Such detention for interrogation frequently continues for many months and it is at this stage that the bestial brutality the Team encountered occurs.

Despite the constitutional provision that:

"(6) A defendant has the right to a defense lawyer for counsel in every phase of interrogation, including the preliminary investigation."

the Team was unequivocally assured by Colonel Mau, Chief of the Special Branch of the National Police Forces, that no one within his knowledge ever saw a lawyer at this stage—certainly never when detained at the Interrogation Center of the National Directorate of Police in Saigon. All of the Team's information tended to confirm that this generalization applied to other places of interrogation, both in Saigon and in the provinces.

Not only is the arrestee denied a right to counsel at this stage, he is frequently denied all contact with outsiders, including members of his family. Often families are not notified of the arrest, and they may go for days or months in ignorance of any fact save that their loved-one has disappeared. In one instance, when occasional visits were stopped after several weeks on the ground that they interfered with the interrogation. Isolation itself may be used as an interrogation "aid" or technique.

2. "Assigned residence" by Provincial Security Councils

An unknown proportion of the persons held in the correctional system—the four national and thirty-seven provincial prisons of the system—are assigned there by action of Provincial Security Councils rather than by the judgment and sentence of any court. An official of one province reported that 50 percent of the 1,400 occupants of the local provincial prison were assigned there by the action of the Provincial Security Council.

When Prime Minister Huong took office in May, 1968, the Team was told he made a major effort to improve the functioning of these bodies, enlarging them to include an elected official (in the provinces where elections have been held) and causing them to pare their backlogs of undisposed business. As a result, it may be assumed that dispositions in some provinces show a greater sensitivity to local opinion and that the periods of preliminary detentions—to the extent they exceed the length of interrogation desired—have been reduced.

One of the Prime Minister Huong's first acts was to initiate a remarkable admission of wrongdoing on the part of the Thieu government in the release and commutation of the sentences of a number of political prisoners whose total has been variously estimated from 2,000 to 6,000.

On another occasion Deputy Prime Minister Khiem commendably acknowledged in response to questions raised in the National Assembly the arbitrary nature of the arrest and interrogation procedures and the official fear of repercussions which could result from the conditions of brutality.

When a Team member shared with Minister Khiem a preliminary sketch of team findings; i.e., loose prisoner classification, denial of due process and the arbitrary action of military field courts, he agreed that these were concerns he and his staff had been considering.

But these steps only sweeten a system that is intolerable. No society can pretend to be free that permits "administrative" detentions of the kind handled by Provincial Security Councils. One Team member was privileged to visit the members of one such Council as its regular weekly session was being concluded. Members of the Council each possessed a type-written list of the names of the individuals whose cases were being considered; approximately 100 names were on the list for a single afternoon's consideration. He was told that on heavy business days the Council sometimes continued to meet into the evening. An officer brought the relevant files to the meeting and read to the Council the information required for consideration. Without notice to the arrested person, without his presence or that of witnesses to the facts relevant for determination, without confrontation or opportunity for rebuttal, to say nothing of rights of counsel or to appeal, the liberty of each of the 100 persons listed was summarily determined and detentions in prison were ordered for periods—renewable by like procedure—of up to two years. No wartime conditions, nor any other justification, can be offered to reconcile such a procedure with the democracy which is claimed to be the object of the Constitution of the Republic of Vietnam. Undoubtedly, the system succeeds in detaining some people for whom a real connection with the activities of the N.L.F. has been shown, although the Team was told that all serious wartime offenses are referred to a Military Field Court for disposition. But no other purpose than convenience to the interests of local or national officials which are adverse to those of the detainees—whether to suppress political opposition or otherwise—can really be served by this mechanism.

3. Military field tribunals

The Study Team has reached the conclusion that the Thieu-Ky Government has, through the extenisve and increasing use of the extra-constitutional Military Field Courts, imprisoned thousands of persons without the most fundamental elements of a fair hearing and in a shocking number of instances, without even apprising the imprisoned persons of the charges against them. This extraordinary development has had such a devastating effect on the people of South Vietnam and such a chilling impact on all political activities that it seems important to chronicle in some detail the process by which the present Saigon Government, in the name of a wartime emergency, can deny persons arrested for political "offenses" all of the guarantees which Vietnamese constitutional and statutory law gives to persons accused of crime.

The Constitution of the Republic of Vietnam, promulgated on April 1, 1967, confers in Article 7 a series of guarantees upon those accused of crime which are among the most generous and progressive of any democracy in the world. Because these rights have been denied to probably 65 to 75 percent of all of the persons committed to persons in South Vietnam, it is important to set them forth in some detail. Article 7 reads as follows:

"(1) The State respects and protects the security of each individual and the right of every citizens to plead his case before a court of law.

"(2) No one can be arrested or detained without a legal order issued by an agency with judicial powers conferred upon it by law, except in case of flagrant violation of the law.

"(3) The accused and his next of kin must be informed of the accusation against him within the time limit prescribed by law. Detentions must be controlled by an agency of the judiciary.

"(4) No citizen can be tortured, threatened or forced to confess. A confession obtained by torture, threat or coercion will not be considered as valid evidence.

"(5) A defendant is entitled to a speedy and public trial.

"(6) A defendant has the right to a defense lawyer for counsel in every phase of the interrogation, including the preliminary investigation.

"(7) Any person accused of a minor offense who does not have a record of more than three months' imprisonment for an intentional crime may be released pending trial, provided that he or she is employed and has a fixed residence. Women pregnant more than three months accused of minor offenses who are employed and have fixed residence can be released pending trial.

"(8) Accused persons will be considered innocent until sentence recognizing their guilt is handed down. "In the event of doubt, the court will rule in favor of the accused.

"(9) If unjustly detained, a person has the right to demand compensation for damages from the State after he has been pronounced innocent, in accordance with the provisions of law."

All of these carefully spelled-out guarantees were nullified for political offenders by Law No. 10/68 of November 5, 1968, which we have earlier described. This law amends and revitalizes a pre-constitutional decree issued June 24, 1965. By its legitimation of the Military Field Courts, this law, in effect, amended the Constitution although none of the Articles of the Constitution related to amending the document (Nos. 103–107) were complied with.

The November 5, 1968 law, in addition to authorizing the invasions of individual rights previously recited, authorizes local proclamations of martial law and in its Article 2 declares that:

"All violations of the law related to national security fall within the Military Field Courts which will try them in accordance with emergency procedures."

The creation of these "Military Field Courts" is nowhere authorized in Article 76 through Article 87 of the Constitution, which provide in detail for the structure of Vietnam's judiciary. Nor is the "Military Field Court" related to military tribunals which exist in the armed forces of South Vietnam for the prosecution of offenses committed by military personnel. *The "Military Field Courts" are not really courts at all.*

The Study Team is convinced that the number of arrests and imprisonments continues to grow larger under the law of November 5, 1968. Moreover, it is clear that the 1968 law, unlike the 1965 decree, abrogates and amends the 1967 Constitution of South Vietnam in an illegal way. Indeed, the 1968 law eviscerates that Constitution and suggests that the President and the National Assembly disregarded the Constitu-

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tion in several respects and, relying on "a state of war", undertook to legitimize the Military Field Courts which imprison persons in proceedings having few if any of the features of a real trial. No matter how favorably they are viewed, these courts serve as the instrument by which the Thieu government imprisons and thereby silences its critics.

The inadequacies of the Military Field Courts are many. Among their more glaring defects are the following:

(1) These courts violate Article 77 of the Constitution which stipulates that every court should be composed of "an element that judges and an element that prosecutes, both of which are professionally qualified." In the Military Field Court, the judge is a military official not necessarily trained in law.

(2) The offenses triable by the Military Field Courts are non-appealable. The denial of these basic rights violates the Vietnam Constitution as well as the practices which have become customary in most of the judicial processes in the civilized world.

(3) The Military Field Courts also violate Article 9 of the Universal Declaration of Human Rights which states that, "No one shall be subjected to arbitrary arrest or detention." This statement is now incorporated in the draft Covenant on Civil and Political Rights and is broadened to read as follows:

"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest and detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law."

These provisions are being violated in South Vietnam. Their violation is thus a violation of the Constitution of South Vietnam which states in Article 5 that "the Republic of Vietnam will comply with provisions of international law which are not contrary to its national sovereignty and the principle of equality between nations."

IV. APPENDIX

A. U.S. study team on religious and political freedom in Vietnam

James Armstrong, Bishop of the United Methodist Church, Dakotas Area. Bishop Armstrong received his A.B. from Florida Southern College, a B.D. from Emory University, and D.D. from Florida Southern and DePauw University. Elected to the episcopacy in 1968, James Armstrong is the youngest United Methodist Bishop in the United States. He taught for eight years at the Christian Theological Seminary (Disciples of Christ) in Indianapolis, served for ten years as minister of the Broadway United Methodist Church in Indianapolis. Known for his interest in public affairs, he was a board member of the Community Service Council, the Urban League and the Indianapolis Progress Committee, and was singled out as "one of the leaders who builds cities" by Time-Life in its book *The Heartland.* He himself is the author of the book, *The Journey that Men Make,* published by Abingdon Press.

Mrs. John C. Bennett (Anne McGrew Bennett). Mrs. Bennett received a B.Sc. in Education from the University of Nebraska and M.R.E. from Auburn Theological Seminary. She taught for several years in country schools in Nebraska, was married in 1931 to John C. Bennett, now President of the Union Theological Seminary in New York City. Mrs. Bennett has been active in denominational and interdenominational affairs for many years. She is a member of the U.S. Inter-Religious Committee on Peace, a former board member of the Council for Christian Social Action of the United Church of Christ, and served from 1960 to 1964 on the General Board of the National Council of Churches.

Allan Brick, Associate Secretary for National Program, Fellowship of Reconciliation. Dr. Brick received an A.B. from Haverford college, an M.A. and a Ph.D. in English from Yale University. A former professor of English at Dartmouth and Goucher Colleges, Dr. Brick served as Peace Education Director for the American Friends Service Committee, Middle Atlantic Region, from 1966 to 1968. He has published articles on English and American literature, as well as articles on student and protest movements and is co-author of *The Draft,* a report by the American Friends Service Committee, published by Hill and Wang, New York.

John Conyers, Jr., Representative in Congress of the First Congressional District, Detroit, Michigan. Congressman Conyers received his B.A. and his law degree from Wayne State University. Currently serving his third term both as a Representative and a member of the Judiciary Committee, he has been an active supporter of civil rights legislation in Congress. In this capacity he has made trips to Selma, Charleston, Mississippi and other places to investigate cases of civil rights violations. Prior to election to Congress, Mr. Conyers was a labor and civil rights lawyer, also serving as Director of Education for Local 900 of the United Auto Workers, an executive board member of the Detroit NAACP and an advisory council member of the Michigan Civil Liberties Union. During the Korean conflict, he served as a Second Lieutenant in the Corps of Engineers.

Robert F. Drinan, S.J., Dean, Boston College Law School, and Professor of Family Law and Church-State Relations. Father Drinan received his A.B. and M.A. from Boston College, his LL.B. and LL.M. from Georgetown University Law Center, an S.T.L. (Licentiate in Sacred Theology) from Gregorian University in Rome. He is author of several books, the latest of which is *Democracy and Disorder,* published in 1969 by the Seabury Press, and is a contributor to many publications, including *Commonweal* and the *Harvard Law Review.* Father Drinan has served widely in legal, civic and education organizations and committees. He is a former vice-president of the Massachusetts Bar Association, is currently chairman of the M.B.A.'s Committee on the Administration of Justice and chairman of the Advisory Committee for Massachusetts to the United States Commission on Civil Rights.

John De J. Pemberton, Jr., Executive Director of the American Civil Liberties Union. Mr. Pemberton received his B.A. at Swarthmore in 1940, an LL.B. *cum laude* at Harvard in 1947. As a student at Harvard Law School, Mr. Pemberton served on the board of editors of the *Harvard Law Review;* after graduation, taught commercial and bankruptcy law at Duke University until 1950. From 1950 to 1962, he practiced law in Rochester, Minnesota, as a member of the firm of Pemberton, Michaels, Bishop and Seeger. In Rochester, he served on the Minnesota Advisory Committee to the United States Civil Rights Commission and the Minnesota Fair Employment Practices Commission. An active member of the ACLU since 1950, Mr. Pemberton was appointed its Executive Director in 1962.

Seymour Siegel, Professor of Theology in The Jewish Theological Seminary of America and Assistant Dean of its Herman H. Lehman Institute of Ethics. Dr. Siegel graduated from the University of Chicago. In 1951 he was ordained by the Jewish Theological Seminary and in 1958 received the Seminary's degree of Doctor of Hebrew Literature. As representative of the World Council of Synagogues, Dr. Siegel has traveled widely to Jewish communities abroad; in 1962, he became the first Visiting Professor from the Seminary to serve at the Seminario Rabbinico Latinoamericano in Buenos Aires. He is a member of the editorial boards of *Conservative Judaism, Jewish Heritage,* and editorial consultant to Benziger Brothers Publishing Company. Now completing work on his second book, *Jewish Theology Today,* he has also contributed many articles and reviews to both scholarly and popular journals, among them the *Saturday Review* and *Commentary.*

Arnold E. True, Rear Admiral, United States Navy, Retired; Professor Emeritus of Meteorology, San Jose College. Admiral True received a B.S. at the U.S. Naval Academy in 1920, and M.S. from M.I.T. in 1931, and graduated from the U.S. Naval War College in 1939. He served in the United States Asiatic Fleet in the Far East, commanded the *USS Hammann* and two destroyers in World War II, and was on the staff of the Commander-in-Chief of the United States Atlantic Fleet between 1944 and 1946. During the Battle of Midway he received injuries which necessitated his retirement. From 1947 to 1967 he was professor of meteorology at San Jose College. Admiral True recently presented testimony to the Senate Armed Services Committee concerning budget requests of the Department of Defense.

The Reverend Peter Jenkins, of Congregational Church, Wimbledon, England and Treasurer of Eirene International Christian Service for Peace Organization, met the team in Paris and accompanied them to Saigon.

CABLE FROM U.S. STUDY TEAM TO PRESIDENT NIXON

SAIGON, *June 5, 1969.*

PRESIDENT NIXON,
Washington, D.C., U.S.A.:

The Independent Study Team on religious and political freedom in Vietnam has completed its study here and is preparing a detailed report. The team met with South Vietnamese and United States officials, various Buddhist and Roman Catholic leaders, representatives of other principal sects, members of the National Assembly, attorneys and other specialists in jurisprudence as well as numerous private individuals, including some prisoners.

The team inspected prisons in Saigon, Thu Duc and Con Son. Our final report will be related to the following firm impressions:

The Government of South Vietnam does not presently exemplify at least one of the goals set forth in your May 14th statement. (Quote) there should be an opportunity for full participation in the political life of South Vietnam for all political elements that are prepared to do so without the use of force or intimidation. (Unquote.)

Religious and political suppression is widespread. Speaking for peace or in any other way opposing the government easily brings the charge of Communist sympathy and subsequent arrest. Long detention without trial is frequently the result.

The number of political prisoners continues to increase.

There must be no illusion that this climate of political and religious suppression is compatible with either a representative or stable government.

We respectfully request that you consider this in weighing any commitments to the Thieu Government.

On behalf of the study team on religious and political freedom in Vietnam,

HON. JOHN CONYERS, Jr.,
Member of Congress.

U.S. STUDY TEAM

(Organizational associations listed for purposes of identification only)

James Armstrong, Bishop, United Methodist Church.

Anne M. Bennett.

Allan Brick, Director of National Program, Fellowship of Reconciliation.

John Conyers, Jr., Member of Congress.

Robert Drinan, S.J., Dean, Boston College Law School.

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Peter W. Jenkins, Pastor, Congregational Church, Wimbledon, England.

John de J. Pemberton, Executive Director, American Civil Liberties Union.

Seymour Siegel, Rabbi, Professor of Theology, Jewish Theological Seminary.

Arnold E. True, Rear Admiral, U.S.N. (Ret.)

THE NEED TO REASSERT TRUE CONTROLS ON MILITARY SPENDING

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. EDWARDS of California. Mr. Speaker, the San Francisco Chronicle in its Sunday, June 8, 1969, editorial, pointed out the need to reassert true controls on military spending.

The Chronicle, one of the most distinguished papers on the west coast of this Nation, and of the Nation, has ably presented one of the great needs of this Nation. I submit the full text of the editorial for inclusion in the RECORD, as follows:

A REIN ON THE PENTAGON

This may well be the year in which leading members of Congress will persuade a majority in both houses that the time has come to reassert true controls on military spending.

The intensifying fight over the ABM Safeguard is but one sign of this trend; another came last week from 45 members who banded together to oppose what they called "the growing militarization of American society."

Since World War II, this country has spent more than one trillion dollars on armaments and armed forces, and today 80 per cent of all Federal expenditures go for defense and defense-related costs. Yet in spite of these, in spite of a security establishment dominating much of their national life. Americans feel "less secure than ever before," these 45 Congressmen say.

They see this as a "national security state." They indict Congress—and themselves—for appropriating tens of billions to the Defense Department each year with little or no debate.

They say that Congress has failed in its constitutional function of overseeing the raising and employment of the armed forces. They conclude that under present circumstances the Armed Services committees of Congress "cannot be depended on to provide useful examinations of broad policy issues." They assert that the Executive Branch has "mousetrapped" Congress by employing modern techniques of systems analysis with unlimited ingenuity to justify particular weapons and particular programs, even particular wars, like Vietnam.

So it is the judgment of these 45 members of Congress—among whom we find Senators Fulbright, Hughes and McGovern and from Northern California, Congressmen Don Edwards, Phillip Burton and Robert L. Leggett—that a Defense Review Office should be created independently to analyze defense spending. This would be similar in function to the General Accounting Office.

They propose also several other approaches to more fully informed decisions, such as the holding of hearings out in the grass roots on national needs and priorities, the debating in Congress each year of national ends as well as military means, the reducing of security classifications and increased public access to defense information and the launching of an investigation into the military-industrial establishment.

The determination of the 45 Congressmen to somehow rein in the Pentagon comes at a particularly critical moment for giving the angry young generation some valid confidence in the ability of the political system to control the runaway militarization of the American economy, American foreign policy, and American life. It will be heartening to see others in Congress line up with them.

NEW YORK TIMES WARNS AGAINST SCUTTLING TAX REFORM

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. REUSS. Mr. Speaker, in a June 16, 1969, editorial, the New York Times warns that extension of the tax surcharge is in jeopardy unless accompanied by meaningful steps now to close gaping tax loopholes. The moderate income taxpayer is in no mood to accept a 10-percent surcharge this year against a 7½-percent surcharge for last year while the loopholes in the tax code go virtually untouched. Congress reflects the national mood, and the administration would do well to take this into account. I commend the New York Times editorial to my colleagues:

SCUTTLING TAX REFORM

Politics is full of paradox. At one moment the Administration warns the country that economic disaster will ensue if the income tax surtax is not extended beyond its June 30 expiration date. But at another, it places that very surtax in jeopardy by abandoning any serious efforts to close the more notorious loopholes in the tax law. The White House is apparently convinced that it can turn its back on tax reform and still push the surtax through Congress. It stands a good chance, however, of becoming the victim of an embarrassing miscalculation.

The precise nature of the agreement reached between the President and the Democratic leadership of the House will not be known until the Ways and Means Committee reports out a bill. But it is almost certain to embrace two "sweeteners." The first is a special low-income allowance that would remove from the income tax rolls about two million families now living at or below the poverty-line. It is a desirable reform, but because of the small liabilities that are involved, does little to lighten the total tax burden on the working poor.

The other "sweetener" is a loophole-opener rather than a reform. It would exempt aircraft, railroad box cars, and equipment outlays by small business from the proposed repeal of the 7 percent investment tax credit. The revenue loss to the Treasury would amount to about $1 billion without corresponding benefits to society.

Aside from the low income allowance, the measure being readied by Ways and Means is bereft of reform. The oil depletion allowances, the escapes from taxes on capital gains, the gift loopholes, the tax-free bonds—all of the abuses that shake the public's confidence in Congress would remain.

If abandonment of tax reform had no effect on the prospect of extending the surtax, the White House agreement with the Congressional leaders might be written off as a triumph of expediency over principle. But that is not necessarily the case. It appears doubtful now that the surtax can be carried on the floor of the House without support of liberal Democrats and Republicans. And the House liberals, already offended by the Administration's refusal to cut defense expenditures and reallocate funds to social programs, are cool toward a bill that perpetuates tax inequities. Indeed, tax reform and fiscal responsibility may prove to be inseparable issues.

The safest and most principled course of action is one that the White House rejects: to let Congress temporarily extend the surtax while it hammers out a bill for long overdue tax reforms.

AMERICANISM AND PATRIOTISM

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. UTT. Mr. Speaker, I would like to include in the Extensions of Remarks in the RECORD for today a speech delivered by Lloyd M. (Pete) Bucher, commander of the U.S.S. *Pueblo*, to the La Jolla Unit of Pro America, on May 20 when they met at the Atlantis Restaurant in San Diego.

Commander Bucher's speech contains a message of Americanism and patriotism, which should be read by the people to revive the meaning of Independence Day to be celebrated on the Fourth of July. It follows:

AMERICANISM AND PATRIOTISM

I am thankful that through God's help and the assistance of many friends, circumstances have made this reunion possible and given me this opportunity to speak publicly on my favorite subjects—patriotism—responsibility—and accountability.

It is because of the calibre and mentality of this group that I want to speak on this subject. Pro-America of La Jolla has among its membership many leaders in this community.

First, may I express my deepest gratitude for your great assistance to my wife, Rose, during my detention. Your invaluable aid in the Remember the Pueblo Committee and the tireless work of Barbara Morris has earned my undying gratitude. Every time I look at that stack of 25,000 letters in my dining room I realize how much work so many of you did. My crew and I deeply appreciate your help.

Your willingness to help, your dedication to America, identifies you among the defenders of this nation—the producers. It is the producers who represent America, not the parasites who are presently dissatisfied with our country and who are trying to destroy it. This is a country of builders, not destroyers. I am here today to ask you to rededicate your life, to assume your proper leadership in the rational type of patriotism that can, and must, save this country from the destroyers. I have seen the haters of this nation nurtured at the breast of capitalism, people who advocate violence and the destruction of the same system that has brought greater freedom and more food and a fuller life to more people than any other system yet devised by man, but the haters would not build what you producers have built.

The charismatic few whose names have become household words in this nation are not primarily concerned for their country. Their concern is for their own selfish interests. They lack that sense of responsibility which is characteristic of good citizenship.

It is you who are the real leaders of this country and who must remain its leaders if the freedoms, rights and opportunities we now enjoy are to survive.

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It is on your shoulders that the responsibility rests for the leadership it needs—not on your collective shoulders, for despite those who preach collective responsibility and collective guilt, there is no such thing, but only the responsibility of each and every-one of you individually.

Each of you has a leadership role that requires you to project what is good about this great nation, and to explain what enormous strides we are taking to correct those faults we admit we have.

I have seen men who have been innoculated and indoctrinated with hate of America. And I have seen other men who have stood proudly before these haters, and who still stood proudly by in a patriotic demeanor after hours of torture.

Some of my men were reared in homes where the greatness of our country was so taken for granted that the subject of patriotism was considered pretty corny or passe. But we realized how much is really great and good about this country when we were faced by the methodical and diabolical totalitarian North Koreans who are thoroughly indoctrinated with hatred of America. They are sorry excuses for humanity whose lives are dedicated to the premise that all that is wrong with the whole world, including famine and pestilence, is the direct responsibility of the United States.

We were in a land without love after our capture, a land without honest laughter or humor, without any of the humanitarian principles, and devoid of democratic principles we so often take for granted here at home.

We simply cannot afford to take our blessings of citizenship for granted. There are dedicated enemies abroad and vipers in our midst spreading anti-Americanism in their efforts to undermine our democratic way of life and our capitalistic system under which it has thrived. Your leadership is needed in selling our way of life and our form of government to our youth through your example here at home while others of us protect the country from threats from the outside.

You who are mothers and fathers must accept the responsibility of instilling in your sons and daughters the importance of understanding, love, and appreciation of the underlying ideals of our country, and there is so very much that is good and great here!

The day my crew returned to this country will always be the happiest day of my life. I would like to pay my public respects at this time to my crew. No commanding officer in naval history has ever had more reason to be proud of his men. Every man behaved in the highest traditions of this country, and many acted heroically far above the normal call of duty.

Every man remained steadfastly loyal to his country, and to his fellow prisoners. Despite brutal torture and promised relief no man aboard betrayed either his country or his shipmates. There was no weak link, no chink in our armor. Neither force nor blandishment could persuade one man that he should waiver in his loyalty. Every message, every letter, every photograph contained clues to the fact of our constant defiance. The crew retained their faith in their country and harassed their tormentors at every turn. As a crew, we all started the ordeal as a cross-section of America, some very patriotic, some apathetic on the subject of patriotism, and some who scoffed. Let me assure you that we are now eighty-two of the most patriotic men thankful for this great country. We have a highly developed sense of how wonderful America really is. My officers and men are now being reassigned to other commands, or are being released to civilian life, and I do not have to remind them of their responsibility for leadership in the re-birth of rational patriotism. They will not forget their experience, and I can assure you love of country is not an empty or fickle phrase to them.

With responsibility goes accountability. As I have been called upon to account for my actions, so is each of you called to account for your conscience every time you look in the mirror, and if you have failed or are failing in your duty to your heritage, your memory will be called to account by generations yet unborn.

We must not fail, for I have seen the enemy, and he is not filled with love and understanding. He is not gentle and he cares not a whit for peace. He wants bridges built, but only so he can march armies across them to destroy freedom. His idea of academic freedom is freedom of the academy to teach only his ideas. He teaches mindless reaction, not reason. He teaches the love of the state, not because his state is good: but because it is the state. He is irrationally patriotic.

He hates America, and he hates your forebears and you, because you have built the greatest nation in the world. He despises you individually, and this ability to hate abounds in those who use his techniques in our country. His tactic is subversion and force, not reason. I can testify to the brutality of his force. He does not wish to convince you. He wishes to break you.

There are those on our internal scene who wish to destroy America. They do not owe allegiance to our sworn enemies, but once our country is weakened, we will hardly be a match for those external enemies I have seen.

Our home-grown variety uses the same technique—force, not reason. They use intimidation. They instill the same fear. They can be stopped only by the positive patriotism of exemplary leadership that is willing to stand up and be counted.

Here I must pay my respects to S. I. Hayakawa of San Francisco State, and to Father Theodore Hesburgh of Notre Dame, men of reason, not force. They are leaders who have shown they are willing to stand up and be counted against those who initiate force.

It is particularly tragic that in our colleges and universities the citadels whose very existence demonstrates the search for reason to eliminate force, there are those who wish to replace reason with force. It is regrettable that so few college administrations have the moral courage of Father Hesburgh and Dr. Hayakawa, for today force has taken over many of our colleges. Students and non-students have taken to the use of force to gain those things their arguments have failed to gain. Although a small minority, they have intimidated the majority into silence. The violent minority may soon deprive the silent majority of an education, and maybe then the majority on campus will end this reign of terror.

I believe the violence on campus will be ended quickly when the disruptions are not just illegal but, more importantly, when they are unpopular. This can only happen when the presently intimidated, cowed, or unconcerned majority stands up to be counted. Those who wish an education should listen to the words of Dante—"The hottest places in hell are reserved for those who remain neutral in times of emergency."

And what are you doing to help? Have you recognized the danger, and have you publicly stood up to be counted? Have you accepted your responsibility with your own children? Do your sons and daughters in college belong to that great silent majority who, while disagreeing with the disruptions, still tolerate them?

This is no time for silence. I have seen the results when brute force defeats reason. You may silently support reason, but have you provided the leadership within your sphere of influence for liberty, for reason, and against the violence being preached?

I can testify from experience that you cannot negotiate with brutality. My recent experience has left me with a true understanding of the Communist ideology. I have seen young Americans, boys brutally tortured because they were Americans. Unreasoned hatred of America must be opposed by the reasoned love of America. This country is so great, so wonderful, provides so much for so many, and we cannot sit on the sidelines and watch this dream vanish like "a wisp of smoke." Some day we must pass the dream of America on to those young idealists who think they can destroy the greatest economic system in history, and then after the destruction believe they can at their leisure worry about what economic system to design as a replacement.

Let me assure these young men that if they weaken us, it will not be they who move in to pick up the pieces. If they insist upon substituting force for reason, then they will be easy pickings for those unreasoned, highly disciplined marxists who have made the substitution of force for reason an art. When reason is defeated and force is the criterion of right, the Barbarian becomes king.

Our Nation needs the leadership you possess. It needs you and all the rest of the producers of this country. I charge each of you to become involved, for if you do not become involved soon, you will be held accountable by your grandchildren who will surely ask, "How did you allow this to happen?"

CITIZENS ASSOCIATION DECLARES CAPITOL HILL UNSAFE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, the Capitol Hill Southeast Citizens Association recently sent a letter to Hon. Joseph D. Tydings, chairman of the Committee on the District of Columbia, U.S. Senate, which I believe deserves the thoughtful attention of all Members of Congress.

These fine people express their grave concern over the results of the District of Columbia's first elections, of members of the school board in the District, and their fear that "home rule" for the District would bring a massive exodus of the taxpaying citizens. I commend their expression to all who read this Record, and include the letter at this point:

Citizens Association Declares Capitol Hill Unsafe

Washington, D.C., *May 13, 1969.*

Sen. Joseph D. Tydings,
Chairman, Senate District Committee,
U.S. Senate, Washington, D.C.

Dear Senator Tydings: The Capitol Hill Southeast Citizens Association realizes you are under terrific pressure to have voting in the Nation's Capital. It realizes the Senate District Committee has to handle a great deal of business that the District Government should handle. You must realize that according to the D.C. Council agenda and the silly subjects discussed that the D.C. Council suffers more than you do and takes off of your shoulders a great deal of people in the ghetto who spend hours complaining to the D.C. Council.

This is the Federal City of the greatest Nation on earth, and the District government is not equipped to handle the Federal Government's responsibilities. All it discusses is the complaints of the poor; if the streets are paved and the City is kept attractive, we should all be thankful.

Due to the elected school board members, the entire D.C. School system is on the rocks. There is not one school on Capitol Hill

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equipped to teach quality education to intelligent pupils regardless of color. Only two members have any experience; no one is really an educational specialist. The school system is tragic because these uninformed board members are telling the D.C. School system what to do; practically 60 to 70 percent are receiving totally inadequate education; I refer to pupils in the D.C. Public schools.

Unless the voting talk ceases soon, all tax payers will have to move to Virginia; no one elected by the present citizens in D.C. eligible to vote will have any conception of the problem.

Washington needs its taxpayers; why move everyone out of the City leaving only those on relief? You have to realize this is a world capital and the Congress has to accept responsibility for preserving it.

To be chairman of such a distinguished Committee is an honor and a privilege and a heavy responsibility. You are fortunate that no one from the District of Columbia is there interfering with your authority. Appoint many assistants, but let no one interfere with your plans to maintain it on a high level. An assistant can listen to people complain.

Sensible and qualified organizations are now appearing before your committee. Resist every effort to have someone interfering with the finest standards of the Nation's Capital.

Thank you.

Elizabeth Draper,
Secretary.

FIGHT OVER FARM SUBSIDY PAYMENTS CEILING

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. CONTE. Mr. Speaker, for the information of my colleagues and the Members in the other body, I am including in today's Record an excellent analysis of the current status of farm payments legislation in the Senate, contained in an article by Burt Schorr in the Wall Street Journal of June 16, 1969.

The article contains the encouraging news that a number of Senators who opposed payment limitations last year are reconsidering, and in some cases have already reversed their positions. Although a proposal similar to my amendment sponsored by Senator John J. Williams of Delaware was soundly defeated a year ago, Mr. Schorr concludes that this year the Senate "conceivably could put an end to fat payments." My own analysis is that the chances for passage of a payments ceiling are improving every day.

The article mentions the so-called snapback provision which threatens to permit large cotton growers to escape the intent of the payments ceiling. In our respective statements to the Senate Appropriations Subcommittee on Agriculture both Dr. Schnittker and I have recommended its repeal. See the Congressional Records for June 10, page 15375, and June 16, 1969, page 15869. Senator Williams has also offered a repeal amendment. Further, we have been assured that such a legislative change would be entirely "germane" to an appropriations bill, since it would restrict the expenditures of funds and would be limited to the crop year 1970.

Although, as I have said, there is genuine reason for optimism, I am greatly concerned by Mr. Schorr's prediction that some Southern opponents of the ceiling will "almost certainly" seek to hold the pending food-stamp legislation "hostage" to prevent payment limitations. The suggestion that any Member of the other body would consider such blackmail, callously playing with the lives of the hungry and malnourished, is, to say the least, difficult to accept.

As recently as a few weeks ago, we witnessed some questionable tactics in this body designed to frustrate the majority support for my amendment. But this was mere shadow-boxing in comparison to the outrageous deal that Mr. Schorr predicts will be proposed in the Senate. I believe that the vast majority in the Senate will reject such tactics with revulsion. And I am convinced that the American people will not stand for it.

The article referred to follows:

Fight Over Farm Subsidy Payments Ceiling Nears in Senate; Battle Centers on Cotton

(By Burt Schorr)

Washington.—Lawmakers who want Uncle Sam to clamp a ceiling on his subsidy payments to farmers and those who view such a step as catastrophic for the agricultural economy are heading for a Senate showdown.

The engagement—probably sometime next week—conceivably could put an end to fat payments. At least some Senators whose votes helped repel a payment-ceiling thrust last summer are reconsidering their previous stand out of concern over mounting public resentment of farm-program costs.

But even if the ceiling forces loses by a narrow margin, which seems more likely, the Senate fight at least could prove to be the last battle won by defenders of hefty individual payments. These range from $15,000 to over $1 million a year for more than 16,000 farm operators—many of them corporations—out of the 2.3 million getting Federal checks.

The Capitol Hill debate on payment limitations already has registered an impact on Agriculture Department policymakers.

Since the Nixon Administration took office, department Republicans have acknowledged the need for farm program reforms that, among other things, would scale down Federal support for better-off farmers and direct more assistance to low-income rural residents. Until recently, department consideration of the legislative changes needed to accomplish this has been leisurely, with solid proposals not envisioned until late this year or early next.

PACKAGE LIKELY BY AUGUST

However, the department was jarred by last month's 225-to-142 House vote in favor of a Republican appropriations bill amendment that would limit to $20,000 the total Federal payments any single farm operator could receive under the cotton, wheat and feed-grain programs. Following a meeting earlier this month with Agriculture Secretary Hardin and President Nixon, House Minority leader Gerald Ford said the department's reform package is likely to be ready by August.

(Secretary Hardin, however, says only that the department is seeking "a consensus" of Congressional and farm opinions "in the fall months.")

Department economists don't believe the $20,000 limit would affect enough wheat or feed-grain growers to have any significant effect on the operation of those programs. The opposite is true in the case of cotton, however, making Federal aid to fiber producers actually what the payment-ceiling fuss is all about.

To a certain extent, cotton-program benefits reflect the power cotton-state Southerners have wielded from their key Congressional committee chairmanships since New Deal days. Crop economics also have encouraged far larger production units in cotton growing than in wheat or feed grains.

As a result, Federal payments in excess of $20,000 went to only 1.6% (or some 7,000), of the growers in the cotton program last year, but these accounted for more than 30% of the $784 million in direct payments under the program in 1968. This year, cotton program payments are expected to total $826 million.

TARGET FOR URBAN-ORIENTED SENATORS

This program thus is a tempting target for urban-oriented Senators who associate cotton plantations and their Capitol Hill defenders with opposition to civil rights, expanded Federal food programs and other social reforms. (One Southern defense tactic almost certainly will be to hold President Nixon's proposal for massive food-stamp expansion as hostage while the payment limitation danger continues.)

Critics of the cotton program argue that it is a costly way of keeping marginal growers, ginners and handlers in business in states like Georgia and North Carolina. Without Federal subsidies and acreage quotas, they say, production would quickly concentrate in areas of higher quality and efficiency like the Delta and California's San Joaquin Valley.

"The cotton structure is rickety and over-subsidized," agrees one cotton lobbyist here. "But the Southeastern ginners just don't want to give up even if they're 100 years out of date."

One obstacle to a payment ceiling is a "snap-back" provision that requires the Agriculture Department to guarantee program participants 65% of parity for their cotton should a payment ceiling be imposed. The effect of this, Secretary Hardin has stated, would be to jump the Government crop loan rate by over 50% (this, in effect, would be the Government purchase price because most growers would surrender their crops instead of repaying the loans); stimulate an additional two million bales of unneeded fiber; and end up costing Uncle Sam about $160 million more than the program benefits will total this year.

Congress could repeal the snap-back of course, providing its agriculture committees, both Southern controlled, would permit such a step. Nevertheless, the department still would be left with the administrative headache of preventing farm split-ups to avoid a payment limitation.

"Many such (ownership) changes are constantly occurring and are entirely legal." Secretary Hardin has testified, adding the estimate that "perhaps as much as 70% to 85% of the potential cotton acreage affected by the $20,000 limit would be able to maintain its eligibility for full payment." For example, family members who now operate pooled land as a single cotton unit could redivide it into smaller tracts, each eligible for a payment under $20,000.

John A. Schnittker, who as Under Secretary of Agriculture in the Johnson Administration worked within the department for payment ceilings, contends that the appropriation bill could be worded to give the department important tools for making a ceiling work. Senate insiders doubt whether such provisions could be established as "germane" to an appropriation bill, however.

If Senate opposition to big payments suddenly mushrooms, as it did in the House, more than likely it will reflect a general im-

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patience with farm-program costs, rather than a carefully weighed analysis of how ceilings would work.

Last year, when Sen. John Williams (R., Del.) made his perennial appeal for a ceiling, the vote was a solid 47 to 25 against. Now, some slippage in the opposition already is evident. Democratic freshman Sen. Hughes of Iowa, for example, says he'll vote for payment limits; last year, his Republican predecessor Bourke Hickenlooper voted against.

And Sen. Dodd (D., Conn.) indicates he's switching from "no" to "yes," asserting that "the time has come when we must find a better method than Government subsidies to achieve financial stability for our farmers."

Significantly, too, Sen. Mondale (D., Minn.), firmly against a ceiling last year, now is sitting on the fence—largely because of adverse home-state reaction to his 1968 vote. Another fence-sitter is Sen. Brooke. An aide to the Massachusetts Republican worries that opposition political ads in 1972 might say his boss "voted with the fat cats of cotton on a consumer issue."

CHARLES EVERS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. TIERNAN. Mr. Speaker, there recently appeared in the June 14 edition of the New Yorker magazine, the remarks of Mr. Charles Evers who discussed his recent victory in the mayoralty race in the town of Fayette, Miss.

I feel that Mr. Evers' remarks speak for themselves and I urge my colleagues to read them.

The article follows:

NOTES AND COMMENT

Late last month, Charles Evers came to New York and made a speech. Mr. Evers is the man who, on the seventh of July, will become the first black mayor of the town of Fayette, Mississippi. He made his speech at a party given for him by some friends of ours, Arthur and Marian Logan, and listening to it gave us a great deal of pleasure. Mr. Evers did not prepare his remarks. He did not have to. We think what he said is the best speech we have ever heard by anyone running for or elected to the office of mayor. Mr. Evers said:

"All of us have won a victory in Mississippi. All the poor blacks, and all the concerned, scared whites. I'm not going to belittle the whites, because they need help, just as we need help. What ever we have done was made possible by men like Medgar, John, Dr. King, and Bobby. Their lives made it possible not for Charles Evers to get elected but for all Americans in the state of Mississippi to have the right to go to the polls. They wanted to end hate and destruction in our country. This past Tuesday, part of their hope became a reality. Others came and helped us, too. John Lewis came, and he'd just got married. Paul O'Dwyer came all the way from New York just to be there. And many others helped us with their work and their prayers. This is not a celebration for Charles Evers but for all of us—the lesser-known and the better-known. I did nothing special. I don't deserve a pat on the back. It's my duty to do it, Everyone did it—doctors, mothers, fathers, pool sharks, and cabdrivers. I pray every day that I never become anything special. We've also got to mention Governor Rockefeller. He's one of the few whites who over the years has done something for the poor folks. We know that whatever happens in Mississippi affects the people in New York, and that whatever happens in New York affects the people in Mississippi. We're all God's children. He brought us all here. And those of us who are more affluent have something special to do. I don't mean being braggadocios. But He equipped us to go out and help our brothers. We're going to show the whites down there—the whites who have done so much to hurt us—that it's so easy to do good. We're going to say to all the blacks: Don't get mad, get smart. Don't shoot your brother, and don't bomb him. Just vote him out of office. Because the right will prevail. All the mean folks in this country will someday be gone. And then the country will belong to the good folks.

"You can't blame the kids for what is happening in this country, and you can't blame the blacks. It is the system which has kept *us* in the corner. But the black mayor and the black aldermen of Fayette are going to behave the same to everyone: young, in-between, old; black, white; rich, poor. We're going to prove this to white America. When you whites come to Fayette, you'll be able to drive there. And if you speed, we'll charge you the same amount we charge anyone. White and black, in our time, will pay the same cost of speeding—a dollar a mile per hour. Now, the mayor gets his salary from traffic fines. And when you win, I lose. I hope they put me out of business. When you get arrested in Fayette, you're not going to be abused. No policeman is going to strike anyone. If I ever hear of any policeman hitting any man, he will be fired in a moment. We are not going to tolerate any brutality. We need industry in Fayette. We got no jobs down there. We're seventy-five per cent of the population of that town, and sixty-five per cent of us blacks are on welfare. Twenty per cent of us are unemployed. The average level of education is less than the fifth grade. The average income is under a thousand dollars. There is not a single playground or swimming pool in town. It's not just the black folks who don't have these things. Nobody does. There are shack houses and no sewers. This is what white America has done to us. But we twelve blacks are going to make it better for blacks and whites. My dad always said, 'Don't ever destroy anything or anybody.' So we're all going to live and struggle together to make it a decent town. There are thirty-nine million poor folks in this country, and we blacks are only twenty-two million. That means there are a lot of poor Mexicans, poor Indians, poor Puerto Ricans, and poor whites—millions of all of us. That's why we're going to be mayor and aldermen for all our citizens. On July the seventh, we take office. On July the eighth, we are going to enact a law that will read something like this: 'Anyone found carrying a gun in this town will be sent to jail for six months.' There ain't nobody going to practice violence in our town. Then we'll issue an order saying that there will be no more discrimination in this town. And any contractor or shopkeeper—anyone—who doesn't comply is going to be prosecuted. Our schools will be open to everybody. There will be one school system, and that's all. Maybe what we do in Mississippi will help our black brothers and our white brothers all over the country. I'm only here to say: Let's help ourselves. Let's not cast anybody off, and let's not hate anybody. I'm not even going to hate that old chief of police, whom I'm going to fire on July the eighth.

"It can be done. It's got to be done. We got no choice. Please, any of you here who are sitting on the fence, get down off it on the right side. Thank you so much. Come visit us in Fayette. Have no fear."

CHILDREN VICTIMIZED BY PREJUDICE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. RARICK. Mr. Speaker, the news that another successful educator has been attacked, resulting in his resignation, because he dared to speak the truth—unpopular and politically unacceptable—is but another of the tragic signs of our times.

Since when does recognition of the simple fact that human beings are different from one another imply a scale of inferiority and superiority?

Educators recognize that children are different—that different techniques should be used in teaching different children, so that they can all achieve the maximum benefits. We do an unpardonable disservice to our children when, bowing before the false god of egalitarianism ad absurdium, we refuse to acknowledge this truth, insist that all children be treated as if cast in the same mold, and hence deny all of our children the benefit of honest education.

I insert as part of my remarks a news item from a recent New York Times:

SCHOOL AIDE QUITS SAN JUAN POST—VIEW ON NEGRO INTELLIGENCE SPARKS A BITTER DISPUTE

(By Henry Raymont)

SAN JUAN, P.R., June 5.—Herbert E. Warfel, a 66-year-old zoologist, has resigned as superintendent of Puerto Rico's largest private elementary school amid scathing denunciations of his views on race.

The resignation, and its immediate acceptance, was announced this morning by the board of trustes of the Caribbean Consolidated Schools, which operates three English-language schools in the San Juan area with more than 850 pupils.

The action followed bitter criticism by educators and civic leaders here of a speech by Mr. Warfel in which he linked violence on American university campuses to "hereditary inferiority" of Negro students. He also denounced demands for Afro-American studies as "a bunch of hogwash, if I ever heard it."

Mr. Warfel's speech, which he made Tuesday night at a Rotary Club dinner, was featured on the front page of The San Juan Star yesterday.

The educator, who taught at the Universities of Massachusetts and New Hampshire before he came here more than 10 years ago, promptly acquired uncomfortable prominence for his harsh words among Puerto Ricans who are particularly proud of their long record of racial assimilation and amity.

"That was shocking," said Abraham Diaz Gonzales, chancellor of the University of Puerto Rico's Rio Piedras campus, in an interview today. "We have enough problems here without injecting the race issue. What is especially sad is that a man with such archaic views has headed two of our best private schools in recent years."

CHANCELLOR IS SHOCKED

Mr. Warfel, who was born in Indiana and studied zoology at Cornell University, took charge of Caribbean Consolidated Schools three years ago. Before that he was headmaster of St. John's School in Santurce, a residential suburb of San Juan.

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In a statement last night accompanying his resignation, Mr. Warfel defended his record as a school administrator here, asserting he had never discriminated against any student, "irrespective of the color of his skin."

He said that his speech before the Rotary Club, of which he is secretary, had been based on "scientific data."

In support of his contention that Negro students displayed "inferior native intelligence" he cited a report issued earlier this year by Dr. Arthur R. Jensen, educational psychologist of the University of California at Berkeley, and an unidentified paper given in 1946 before the American Mammal Society.

In his report, Dr. Jansen theorized that measured mental differences between racial and ethnic groups were rooted in inborn genetic differences. He said that evidence indicated that children from Negro and other disadvantaged groups did poorly in "cognitive" learning—the ability to reason abstractly—while they did well in "associative" learning, which involves rote learning and memory.

Dr. Jensen's findings were challenged by, among others, the policy-making body of the Society for the Psychological Study of Social Issues.

In denouncing demands by black militants on numerous campuses for African studies, Mr. Warfel asked in the speech: "Name me one significant thing that Africa has contributed to the history of the world?"

If society were truly interested in improving educational opportunities for black students, he asserted, "we could help these people to progress by recognizing whatever differences there are and plan our work accordingly."

Few Puerto Rican educators seemed to share Mr. Warfel's premises. The outcry against his remarks was so indignant that he was forced last night to disconnect his private phone as well as to submit his resignation.

THE CRISIS IN AIR TRANSPORTATION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. RHODES. Mr. Speaker, this country faces a crisis in air transportation. Air traffic congestion, already a critical problem in large metropolitan areas, becomes more pervasive each year. Only by taking affirmative action today can we avert the severe dislocation of air transportation services in the future.

The President has recognized that the problem of air transportation cannot be viewed in isolation, but must be considered in relation to our total economic and social structure. The location and expansion of air transportation facilities has a profound effect upon metropolitan growth, business activity, the labor supply and other environmental factors. Its far-reaching importance must be recognized in any long range consideration of the air transportation problem.

Most importantly, Mr. Speaker, the President's proposal recognizes that no longer can we urge the solution to our various national problems by the expenditure of public funds without considering, as well, the source of the applicable public revenues. Under this proposal, those who will benefit most from the plan will be those who bear the major portion of the cost; namely, the airline passenger, the air shipper, the private aircraft owner and, of course, the airline. Moreover, the Federal contribution would be supplemented by that of State and local governments on a 50–50 matching basis.

In conclusion, this message presents a reasoned proposal based upon sound fiscal principles with a view towards the solution of a truly national problem. For these reasons, I urge its early consideration by the Congress.

A LIGHT GOES OUT

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. RODINO. Mr. Speaker, recently many of us in New Jersey lost a friend, a respected and wise counselor, and an inspiration to all those she touched, the late Martha Belle Williams, of Montclair.

Through her own determined efforts to achieve and excel, she belongs in the ranks of those who have set milestones along the path of Negro advancement. Only a short year ago I was privileged and honored to sponsor her for admission to the bar of the U.S. Supreme Court. Mrs. Williams will be missed, but her memory will certainly endure. I join her many friends and admirers in mourning her passing.

An article from the Montclair Times follows:

A LIGHT GOES OUT—MARTHA BELLE WILLIAMS

A light of kindness, of radiance, of sweetness, of ability, of love went out in this community last week with the passing of Mrs. Martha Belle Williams, the wife of Joseph J. Williams, senior attorney of the Montclair Office of the Essex County Legal Services and a former president of the Young Women's Christian Association here.

Twenty years ago Mrs. Williams reached 2 historic milestones at about the same time: she was elected as the youngest president of a YWCA in the United States and she in company with another woman were admitted as the first Negro women to practice law in New Jersey.

At that time Mrs. Williams reflected great credit upon and served as an inspirational hope for other members of the Negro race. Today, with Mrs. Williams dead at the too young age of 45, it is correct to say that she reflected great credit upon and the memory of her accomplishments serves as an inspirational hope for other young people of good faith, no matter what their race or creed.

Mrs. Williams not only will be sorely missed by the poor people of this community, to whom she offered untold hours of cheerful counsel and advice no matter how serious the problems, but her ability to bring sunshine into any room merely by crossing the threshold will make all in Montclair spiritually the poorer.

The chief characteristic of Martha Belle Williams was the God-given one of love for her fellow-man. It provided her with the opportunity of helping others. There is a great need for others to emulate Mrs. Williams, and she, herself, would want no further memorial than to inspire others to do their part to make the world a better place to live to which Martha Belle Williams devoted herself so conscientiously and successfully.

DO WE OBEY ONLY THE LAWS WE LIKE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, recently Mr. Floyd Robertson, assistant to the general director, National Association of Evangelicals, called my attention to an editorial in the June issue of Eternity magazine, concerning prayer in the public schools in Connellsville, Pa., as well as a letter to the editor Mr. Robertson had written in response to that editorial.

As I am in accord with Mr. Robertson, and believe his comments should be of interest to all who share my conviction that the Supreme Court erred in its decision concerning prayer in public schools, I insert the full text, both of the editorial and Mr. Robertson's letter, following my remarks, in the RECORD.

I am still hopeful, Mr. Speaker, that the day may come when the will of the majority of this House will be worked, and that the constitutional amendment I have sponsored jointly with many of my colleagues, will restore the right to our schools and institutions to make reference to God and to read from the Holy Bible in the schools across the Nation.

The material referred to follows:

DO WE OBEY ONLY THE LAWS WE LIKE?

(By Floyd Robertson)

Prayer and Bible reading in the public schools is still an emotional issue. And understandably so.

In a day when crime rates are soaring, when families are disintegrating, when four letter words are commonplace in public and when immorality is increasingly acceptable, it makes sense to inject a little religion into society.

Yet several things disturb us.

One is that some Christian people are taking the law into their own hands and putting Bible reading and prayer back into the curriculum in open defiance of the Supreme Court.

Up to 50% of public schools in the South still have prayer in the schoolrooms. And the same is true about some areas of the North.

Take Connellsville, Pa., for instance. Prayer is compulsory there now, no matter what the Supreme Court said. In fact, the Lord's Prayer and ten verses of Scripture are required each day, the same rite which was declared unconstitutional by the U.S. Supreme Court in 1963.

How can Christian people, who are constantly bewailing the breakdown of law and order in society, disregard the highest court in the United States? Even if we disagree, does that give us the prerogative to disobey? Do we "render unto Caesar" only when we agree with Caesar?

If so, we could ask with Christ, "What do ye more than others? Do not even the SDS members the same?"

Frankly, we don't see much difference between the fine folk in Connellsville and the bearded yippies in Chicago last August. They were both taking the law into their own hands in behalf of a cause they were convinced was right.

What is the Christian answer to this problem, then?

Well, for one thing, we should have learned by this time that we can't Christianize a nation by a rite. The Emperor Constantine, who baptized his soldiers en masse in a river, should have taught us a lesson. And a Bible verse a day will not keep immorality away. Indeed, it is precisely such a sugar-coating of religiosity that many young people are rebelling against today.

Secondly, Christians still need to have a clear understanding of what the Supreme Court's ruling said. The fact is that children can still pray in school and they can still read their Bibles. A teacher can read her Bible to the class for educational purposes. What the Supreme Court outlawed was state-controlled religious worship and requiring young people to worship in a way that was contrary to their consciences.

We have heard supposedly intelligent men say that children can no longer pray in school when they wish or that the Bible is outlawed in the classroom. This is not true.

Frankly, we think that Christian young people have even more opportunity to witness today than they did before. When the whole class was forced to bow in prayer, what did it mean for the Christian youngster to join in? Today those who name the name of Christ can have a distinctive witness in the classroom.

Thirdly, concerned Christians still need to approach the problems positively. Rather than condemn the Supreme Court, we need to explore fresh, creative ways of acquainting today's children with the Bible. And there are many ways that this can be done.

We would endorse the book *Religion Goes to School* by James V. Panoch and David L. Barr, which shows how the Bible can be brought into the schools on a legitimate basis.

We would also encourage churches to explore opportunities for released time and after-school programs for public school children in their areas. In many places the doors are wide open for this sort of ministry, but churches refuse (or neglect) to engage in it.

The last chapter in the "prayer and Bible reading in the schools" issue has not yet been written. Many states are grappling with the intricacies of the federal ruling in an attempt to come up with a responsible alternative. Perhaps, sometime, some place, a solution will be found.

But we should never expect the public school to do the job that parents and churches must do. We've been passing the buck for too long.

COMMISSION ON CHAPLAINS,
NATIONAL ASSOCIATION OF EVANGELICALS,
Washington, D.C. June 4, 1969.

Mr. RUSSELL T. HITT,
Editor, Eternity,
Philadelphia, Pa.

DEAR SIR: Do we obey only the laws we like? You say, "Frankly, we don't see much difference between the fine folk in Connellsville (Pa.) and the bearded yippies in Chicago last August." This should surprise no one who read your editorial in the June issue of Eternity, but the reflection is on your vision and understanding, not the "fine folk in Connellsville."

What "law" was violated when the people in Connellsville read their Bible and prayed in the public school? If the opinions of Thomas Jefferson, Abraham Lincoln, the president of the American Bar Association, and a host of other constitutional lawyers are reliable, a Supreme Court decision applies to the case at issue but is by no means the law of the land. Some politicians, misguided clergymen, magazine editors and a few jurists seem to think the Supreme Court can legislate laws, but they find no support for this in the Constitution.

Plessy v. Ferguson (separate but equal doctrine) was decided by the Supreme Court in 1896. The effect of that decision prevailed for many years but a man by the name of Brown out in Kansas refused to accept it as the law of the land. He used the same principle as the "fine folk in Connellsville" are employing and won his point from another Supreme Court in 1954. We hope the "fine folk in Connellsville" will be equally successful with a new Court now in the making.

You ridicule the "rite" of devotional exercises (supported by an overwhelming majority) and opt instead for the James Panoch and David Barr approach, whose book, like your editorial, devotes more space to defending the Supreme Court than to their announced subject. Panoch and Barr admit that according to the Supreme Court ruling any use of the Bible in school must have a primary secular purpose and effect unsullied by any religious objective. This deduces the Bible to the lowest common denominator, along with the Communist Manifesto for instances, and the Christian philosophy cannot be given a value any higher than the Marxist doctrine. A teacher who dares to claim superiority for Christianity is apt to be attacked by the vocal minority and compared with "the bearded yippies in Chicago" for violating the rules.

"Secondly," you say, "Christians still need to have a clear understanding of what the Supreme Court ruling said." Shouldn't this also apply to editors? If children may (as you indicated) pray whenever they wish and the Bible has not been outlawed, then why do you criticise the "fine folk in Connellsville"? They are only reading the Bible and praying whenever they wish.

Were you sincere in your reference to the time "when the whole class was forced to bow in prayer"? If so, you were sincerely wrong. Mr. Justice Douglas said in the Schempp decision: "In these cases we have no coercive religious exercise aimed at making the students conform. . . . If it (coercion) be present, it has not been shown." In the New York case he said: "There is no element of compulsion or coercion in New York's regulation. . . ."

You will not find the above facts in *Religion Goes to School*. The questions they answer are the ones they originate, but Panoch and Barr are never guilty of vicious and unwarranted attacks on Christians for doing what "they were convinced was right," which you concede is the proper category for "the fine folk in Connellsvile." Yet you do not hesitate to compare these with bearded yippies willfully violating known laws and openly advocating violence.

Sincerely,

FLOYD ROBERTSON,
Assistant to the General Director.

HOUSE OF REPRESENTATIVES—*Wednesday, June 18, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be kindly affectioned one to another with brotherly love; in honor preferring one another.—Romans 12: 10.

Our Heavenly Father, as we enter the gate of another day may it be in the faith that we are working for Thee and with our fellow Representatives on behalf of our beloved country.

May Thy spirit have full sway in our hearts and in the hearts of our people. Let discord and division be removed, all dissension and discrimination be erased. Make us mindful that we are dependent upon each other, that we need each other and that we must learn to live together on these shores. Help us to respect the rights of others and help others to respect our rights.

Above all remind us that we are here only for a little while and one day will lay down our tools and stand before Thee. At that time may we be unafraid and unashamed because we have been faithful in our stewardship.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 782. Joint resolution making further continuing appropriations for the fiscal year 1969, and for other purposes.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 123. Joint resolution to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates.

MAYORALTY RACE IN NEW YORK CITY

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I was delighted to read in the morning press that the Republican voters of New York finally caught up with the mayor of New York City. I could have told them a lot about it, if anybody had asked me, when he was down here in the House. I do not know of any Member in the House in the 21 years that I have been here who did less and got more action in the press than he did. If you can find one single thing he did while he was down here worthy of merit, I would like to have it called to my attention.

THE OUTLOOK WAS NOT BRILLIANT

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYMINGTON. Mr. Speaker, I simply want, as an ambulatory member of the Democratic baseball team this morning, to congratulate the Republicans on their victory last night, and the fine team

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they fielded, **Wilmer "Vinegar Bend" Mizell** and perhaps eight others.

But, Mr. Speaker, there has been progress. Last year we lost by a score of 17 to 1. This year we lost 7 to 2. We have cut them down to size. Even Mr. **Mizell** struck out only five batters, leaving open the question of what might have happened had he faced a sixth. I would like to close with three bits of advice to future Democratic batsmen, inasmuch as through trades and drafts we may lose a few.

First, on the fast ball I suggest that if you hear the ball hit the glove, it is probably fruitless to swing.

Second, in handling the curve, do not be alarmed by the noise. It is the normal sound of the landing gear falling into place.

Finally, if you have been standing there for 60 seconds and you have not noticed anything, perhaps you should walk with dignity back to the dugout. You are out.

Mr. JOELSON. Mr. Speaker, will the gentleman yield?

Mr. SYMINGTON. I am glad to yield to the gentleman from New Jersey.

Mr. JOELSON. I would like to tell the gentleman that tradition changes very slowly here. The Republican congressional delegation continues to win ball games and the Democratic congressional delegation continues to win elections.

Mr. SYMINGTON. It is a consolation.

A WISE USE OF FUNDS

(Mr. HARVEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HARVEY. Mr. Speaker, I have never held the position that money is the instant cure for all our social problems. In the complexity and the variety of human situations, money may very well be a hindrance rather than a help. Very often the resources of the human spirit play an infinitely more important role in solving human problems than do the resources of the Federal Treasury.

But there are situations when a given number of dollars can produce a foreseeable result. When we are dealing with problems of organization and restructuring of air transportation facilities, there is no doubt a great role to be played by increased funds wisely used.

The President's message has realized this fundamental truth. The increase to $250 million a year in the program for construction of airway facilities and equipment is an example of a wise proposal for the use of additional funds. Equally important is the proposal for financing of $5 billion in new and expanded airport facilities in the next 10 years.

Of profound importance is the proposal that there be established a revised and expanded schedule of taxes, the revenues from which would be placed in a designated account in Treasury to be used only to defray costs incurred in the airport and airway program.

Here, as in so many of the admirable proposals made by the President, we see the wise and beneficial use of adequate funds for social improvements. I applaud this message for its insight into the problems and solutions of this complex, difficult, and important field.

CODE OF ETHICS NEEDED FOR ALL JUDGES, INCLUDING SUPREME COURT

(Mr. BENNETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, the Judicial Conference of the United States, the policy and administrative arm of the Federal judiciary, has adopted a code of ethics and standards of conduct.

This code of ethics, banning outside fees and requiring disclosure, covers all Federal judges except U.S. Supreme Court Justices.

I am introducing today a bill providing for a code of standards for all Federal judges, following the recommendations of the Judicial Conference and requiring the inclusion of Supreme Court Justices.

The legislation prohibits a judge accepting compensation of any kind, whether in the form of loans, gifts, gratuities, honorariums or otherwise, for services performed except that provided by law for the performance of his judicial duties. However, the Judicial Conference may, on application from a judge, determine acceptance of compensation for the performance of services other than his judicial duties if those services are in the public interest and will not interfere with his judicial duties. Participation in a Judicial Conference or meeting would be an example of this exception.

Judges would be required to file annual reports of their investments and other assets held as well as a statement of income including gifts and bequests, from any source, identifying the source, and a statement of liabilities. The statements would be kept on file with the Judicial Conference and could be available for public disclosure as determined by the Judicial Conference.

There is a $1,000 and/or 1-year penalty attached to this bill for violations of the act.

Mr. Speaker, this legislation is patterned after the resolution adopted recently by the Judicial Conference. I believe it should have the force of law and should apply to Supreme Court Justices as well as other Federal judges and that is the purpose of my introduction of the bill today.

DISPOSAL OF LEAD

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1647) to authorize the release of 100,000 short tons of lead from the national stockpile and the supplemental stockpile.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, how are we coming out on this sale of lead? Are we going to make any money out of it? What is the story?

Mr. PHILBIN. Mr. Speaker, the Government will make a small profit. We paid approximately 14.4 cents a pound for the lead originally, and the current price is 15 cents per pound so we will probably make approximately $1 million on the sale.

Mr. GROSS. Mr. Speaker, do I understand lead is still being used to ballast ships?

Mr. PHILBIN. I have not heard that. Lead is urgently needed in industry at this time. There has been an increased consumption and a great demand, and there has been a somewhat reduced supply of lead on the market.

Mr. GROSS. If I read the report correctly, lead is used in some instances to ballast ships. I recall that after World War II, Henry Kaiser, among others, bought surplus freighters and in some instances recovered enough lead that had been used to ballast them to pay for the ships. I hope this lead is not going to be used for that purpose.

Mr. PHILBIN. To be candid with the gentleman from Iowa, according to our evidence, as we have said in our report, lead has been transferred in the past to the Navy for ballast of ships, but to what extent that practice continues I do not know. But we will look into that matter and advise the gentleman about it.

Mr. GROSS. What type Navy vessel is lead used for ballast?

Mr. PHILBIN. I believe that will be with reference to some classified vessels, but I could not discuss it now. That is my feeling about it. I will advise the gentleman fully about it after I make an inquiry and get full information.

Mr. GROSS. I thank the gentleman. Mr. Speaker, I withdraw my reservation of objection.

Mr. PHILBIN. Mr. Speaker, S. 1647 would authorize the disposal of 100,000 short tons of lead from the national stockpile and the supplemental stockpile objective for lead was reduced to zero by the Office of Emergency Preparedness in June 1963; consequently, the uncommitted inventory of 1,171,000 short tons of lead in the national and supplemental stockpiles is in excess of defense and strategic stockpile requirements.

The current market value of the 100,000 short tons of lead is approximately $30,000,000. The average acquisition cost of the lead in the stockpile was 14.4 cents per pound and the current market price is 15 cents per pound.

The current shortage of lead began in mid-1968. The lead industry was affected by strikes during the second half of calendar year 1967 and early into calendar year 1968. Supply was also affected by the dock strikes at east and gulf ports which lasted until early 1969. Imports of ores for consumption dropped from 144,000 short tons in 1967 to 101,000 short tons in 1968.

The demand for lead increased substantially from 1967 to 1968. In 1967 U.S. consumption of lead totaled 1,260,000 short tons. In 1968 consumption amounted to 1,319,000 short tons. It is apparent that this increased consumption is continuing in 1969. Some of this increased demand was attributed to the re-

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cent severe cold winter in the United States with its damaging effect on automobile and storage batteries and the consequent need for replacement batteries. Another factor has been the abnormally large shipment of battery replacements for operation of military vehicles in Vietnam.

Representatives of Government and industry testified they favored enactment of the original Senate bill which required disposal by negotiation or otherwise; however, they opposed the language contained in S. 1647 as referred to the House, which required disposal to the highest responsible bidder.

These representatives indicated that disposal of lead to the highest responsible bidder would be disruptive to the ordinary marketing of this material because it may upset the stable price structure of the material in the market and cause a market decline in price; the highest bid might be less than the market price; it might upset the distribution pattern in the market and cause distribution and price changes, and it eliminates the flexibility General Services Administration would have in its method of sale.

The committee, therefore, in amending the bill, as recommended by the General Services Administration and the Office of Emergency Preparedness, modified the language as contained in the amended bill, to more clearly define the manner in which General Services Administration would dispose of materials authorized for disposal under this bill. General Services Administration prefers to, and does, use competitive bidding procedures; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sales by the public advertising method would not assure the protection of the United States against avoidable loss, or protect producers, processors, and consumers against avoidable disruption of their markets.

The subcommittee and the full committee were convinced that there is a severe shortage of lead in the domestic market and recommended immediate action on this bill, as amended, in order that further hardship may be alleviated.

In view of these urgent needs, I respectfully urge the House to take prompt, favorable action on S. 1647.

Mr. ARENDS. Mr. Speaker, reserving the right to object, I wish to concur in the remarks made by my distinguished colleague, the gentleman from Massachusetts (Mr. PHILBIN), who handled this matter before the Stockpile Subcommittee.

Witnesses who testified before the subcommittee strongly urged that this bill be acted upon as soon as possible in view of the severe shortage of lead in the current domestic market. The reasons for this shortage have been adequately expressed by our distinguished subcommittee chairman.

This bill was unanimously approved by the subcommittee and referred to the full committee. The full committee, in turn, acted favorably upon the subcommittee recommendation that the bill be favorably reported, with amendment.

I strongly urge the House to take favorable action on S. 1647, as amended.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

S. 1647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, for sale to the highest responsible bidder, approximately one hundred thousand short tons of lead now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). The disposals authorizd by this section may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

With the following committee amendment:

Strike everything after the enacting clause and substitute the following:

"That the Administrator of General Services is hereby authorized to dispose of approximately 100,000 short tons of lead now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

"SEC. 2(a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

"(b) The material covered by this Act may be disposed of without advertising for bids if—

"(1) The material is to be transferred to an agency of the United States;

"(2) The Administrator determines that methods of disposal other than by advertising are necessary to protect United States against available loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

"(3) Sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO MEET TOMORROW DURING GENERAL DEBATE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may meet tomorrow afternoon while the House is in session during general debate but not under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CALL OF THE HOUSE

Mr. WYLIE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 83]

Alexander
Anderson, Ill.
Anderson, Tenn.
Ashbrook
Ashley
Bates
Brademas
Burton, Utah
Carey
Celler
Clark
Cramer
Daddario
Denney
Dorn
Dwyer
Edwards, La.
Foley
Gallagher
Giaimo
Gray
Hansen, Idaho
Hébert
Jacobs
Jarman
Kirwan
Kluczynski
Landgrebe
McCarthy
McClure
Mailliard
Miller, Calif.
Miller, Ohio
Morse
Morton
Nedzi
O'Hara
Olsen
Ottinger
Patman
Pollock
Powell
Railsback
Reid, N.Y.
Reuss
Roberts
Rosenthal
Scheuer
Stafford
Stephens
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tunney
Udall
Wolff

The SPEAKER. On this rollcall 376 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PUBLIC HEALTH CIGARETTE SMOKING ACT OF 1969

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6543, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through section 1, ending on line 4, page 1 of the bill. If there are no amendments to this section, the Clerk will read.

The Clerk read as follows:

Sec. 2. Public Law 89–92 (15 U.S.C. 1331–1339) is amended to read as follows:

"DECLARATION OF POLICY

"Sec. 2. It is the policy of the Congress, and the purpose of this Act, to establish a comprehensive Federal program to deal with cigarette labeling and advertising with respect to any relationship between smoking and health, whereby—

"(1) the public may be adequately informed that cigarette smoking may be hazardous to health by inclusion of a warning to that effect on each package of cigarettes; and

"(2) commerce and the national economy may be (A) protected to the maximum extent consistent with this declared policy and (B) not impeded by diverse, nonuniform, and confusing cigarette labeling and advertising regulations with respect to any relationship between smoking and health.

"DEFINITIONS

"Sec. 3. As used in this Act—

"(1) The term 'cigarette' means—

"(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and

"(B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (A).

"(2) The term 'commerce' means (A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island and any place outside thereof; (B) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or (C) commerce wholly within the District of Columbia, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island.

"(3) The term 'United States', when used in a geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, and Johnston Island.

"(4) The term 'package' means a pack, box, carton, or container of any kind in which cigarettes are offered for sale, sold, or otherwise distributed to consumers.

"(5) The term 'person' means an individual, partnership, corporation, or any other business or legal entity.

"(6) The term 'sale or distribution' includes sampling or any other distribution not for sale.

"LABELING

"Sec. 4. It shall be unlawful for any person to manufacture, import, or package for sale or distribution within the United States any cigarettes the package of which fails to bear the following statement: 'Caution: Cigarette Smoking May Be Hazardous to Your Health.' Such statement shall be located in a conspicuous place on every cigarette package and shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

"PREEMPTION

"Sec. 5. (a) No statement relating to smoking and health, other than the statement required by section 4 of this Act, shall be required on any cigarette package.

"(b) No statement relating to smoking and health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the provisions of this Act.

"(c) Except as is otherwise provided in subsections (a) and (b), nothing in this Act shall be construed to limit, restrict, expand, or otherwise affect, the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes, not to affirm or deny the Federal Trade Commission's holding that it has the authority to issue trade regulation rules or to require an affirmative statement in any cigarette advertisement.

"(d) (1) The Secretary of Health, Education, and Welfare shall transmit a report to the Congress not later than eighteen months after the effective date of this Act, and annually thereafter, concerning (A) current information on the health consequences of smoking and (B) such recommendations for legislation as he may deem appropriate.

"(2) The Federal Trade Commission shall transmit a report to the Congress not later than eighteen months after the effective date of this Act, and annually thereafter, concerning (A) the effectiveness of cigarette labeling, (B) current practices and methods of cigarette advertising and promotion, and (C) such recommendations for legislation as it may deem appropriate.

"CRIMINAL PENALTY

"Sec. 6. Any person who violates the provisions of this Act shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

"INJUNCTION PROCEEDINGS

"Sec. 7. The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this Act upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

"CIGARETTES FOR EXPORT

"Sec. 8. Packages of cigarettes manufactured, imported, or packaged (1) for export from the United States or (2) for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this Act, but such exemptions shall not apply to cigarettes manufactured, imported, or packaged for sale or distribution to members or units of the Armed Forces of the United States located outside of the United States.

"SEPARABILITY

"Sec. 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the other provisions of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

"Sec. 10. This Act shall take effect on July 1, 1969."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Commttee amendment: On page 1, beginning in line 5, of the reported bill, strike out "Public Law 89–92 (15 U.S.C. 1331–1339) is" and insert in lieu thereof "Sections 2 through 10 of Public Law 89–92 (15 U.S.C. 1331–1338) are".

PARLIAMENTARY INQUIRY

Mr. ADAMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMS. Mr. Chairman, if the amendments are adopted that are the committee amendments to the bill, then would amendments by Members be in order to those sections that were amended?

The CHAIRMAN. They would be unless they amended the committee amendment.

Mr. ADAMS. Mr. Chairman, that is what I was inquiring about. In other words, an amendment to the committee amendment would not be in order if that committee amendment were adopted.

Therefore, we would be required to offer our amendments which would go to the same section and the same language prior to the adoption of the committee amendment by the Committee of the Whole?

The CHAIRMAN. The amendments should be offered as amendments to the committee amendments when submitted.

Mr. ADAMS. Then, Mr. Chairman, on the first committee amendment, we have an amendment.

The CHAIRMAN. The first committee amendment is on page 1, line 6.

The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 4, beginning in line 7, strike out "'Caution: Cigarette Smoking May Be Hazardous to Your Health.'" and insert in lieu thereof the following: "'Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health and May Cause Lung Cancer or Other Diseases.'"

The CHAIRMAN. Are there any amendments to the committee amendment?

AMENDMENT OFFERED BY MR. ADAMS TO THE COMMITTEE AMENDMENT

Mr. ADAMS. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Adams to the committee amendment: On page 4, line 15, insert after the period the following new sentence: "In the case of any cigarette package having more than one side, such statement shall be placed on the two widest sides of such package."

The CHAIRMAN. The gentleman offers the amendment as an amendment to the second committee amendment?

Mr. ADAMS. Yes, Mr. Chairman. That was the reason why I made the parliamentary inquiry, to be certain that an amendment which was a change in the language of the actual label itself, on the positioning of the label, would not be passed by and be out of order if the committee amendment were adopted.

Mr. WATSON. Mr. Chairman, I make the point of order that the amendment to the committee amendment is not in order, inasmuch as it does not directly

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relate to the new language of the committee amendment.

The CHAIRMAN. The Chair will state that this amendment to the committee amendment No. 2 can be offered subsequently, without jeopardy.

Mr. ADAMS. Then, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 5, line 4, strike out "not" and insert in lieu thereof "nor".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 6, strike out line 23 and insert in lieu thereof the following:

" 'TERMINATION OF PROVISIONS AFFECTING REGULATION OF ADVERTISING

" 'Sec. 10. The provisions of this Act which affect the regulation of advertising shall terminate on July 1, 1975, but such termination shall not be construed as limiting, expanding, or otherwise affecting the jurisdiction of authority which the Federal Trade Commission or any other Federal agency had prior to the date of enactment of this Act.'

"Sec. 3. The amendment made by this Act shall take effect on July 1, 1969."

AMENDMENT OFFERED BY MR. TIERNAN TO THE COMMITTEE AMENDMENT

Mr. TIERNAN. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Tiernan to the committee amendment: On page 7, line 4, strike out "1975" and insert in lieu thereof "1972".

Mr. TIERNAN. Mr. Chairman, my amendment will simply change the period for the enactment of this act from 1975 to 1972.

If Members have taken the time to read the bill, on page 5 we would require the Secretary of Health, Education, and Welfare to report to the Congress not later than 18 months after the effective date of this act.

In that section it requires, first, the current information on health consequences of smoking; and second, such recommendations for legislation as he may deem appropriate be sent to us within 18 months after the effective date of this enactment. Also on page 5 it requires the Federal Trade Commission to transmit a report to the Congress not later than 18 months after the effective date of this act as to the effectiveness of the cigarette labeling; second, the current practices and methods of cigarette advertising and promotion; and third, such recommendations for legislation as it may deem appropriate.

Mr. Chairman, I suggest to the Members that since we have heard quite a bit of talk with regard to the efforts of those in favor of this act to have further medical research made and further funds appropriated for that purpose, it is incumbent on us, I believe, to change the length of time that this bill will be on the statute books from 1975 to 1972. This will give the Secretary of Health, Education, and Welfare and the Federal Trade Commission an opportunity to study the effects of the current practices of advertising and report back to us and it will put us in a position to enact legislation in accordance with their findings. This I believe is most important because what we are really doing here is tying the hands of Congress if for any reason we should find that there are certain consequences, whether or not the findings are, that, in fact, cigarette smoking is not injurious, as some would propose, or in fact that it is a very grave and serious threat to the health of the people of this country. So I suggest to you that this amendment is one that is most helpful in protecting the prerogatives of the House. It will continue to keep this matter under the scrutiny of our committee and of the House as a whole.

Therefore, Mr. Chairman, I move the adoption of my amendment to the committee amendment.

Mr. DEVINE. Mr. Chairman, I rise in opposition to the amendment.

The committee has already compromised with reality by placing an expiration date in this legislation. The fact of the matter is there should be no expiration date at all. This was the position which this House took when the Cigarette Labeling Act was passed in 1965; and there was good reason for it then, and there is good reason for it now. The other body placed an expiration date in the bill, and the reason that the act expires on July 1 of this year is due to a compromise made in conference between the two bodies in 1965.

My reasons for stating that the bill should extend the law indefinitely are, first, one Congress cannot bind the next; second, that Congress always has the authority to change or otherwise modify a law which it has passed, if new circumstances dictate that it is in the public interest to do so; and, third, that in the absence of new and compelling evidence or a change of circumstances, it is wasted effort and foolish labor for Congress, the committees, the agencies, and all others interested in legislation to go through the arduous and time-consuming legislative process.

Mr. Chairman, it should be obvious to all that whenever scientific research produces findings of sufficient importance, whether for or against cigarette smoking, Congress on its own initiative may repeal, modify, or otherwise amend this legislation.

Also, this bill would continue the requirement for annual reports to the Congress from the Secretary of Health, Education, and Welfare on smoking and health developments, and from the Federal Trade Commission on cigarette labeling and cigarette advertising. In addition, both the Secretary and the Commission are authorized to make recommendations for legislation to Congress; therefore Congress is automatically provided with current information upon which it may base reconsideration of this entire matter. Any automatic expiration date provides, on the one hand, an excuse to delay reconsideration, even though new evidence may dictate the need for it prior to the expiration date. On the other hand, the requirement for Congress to legislate periodically in this area becomes a loaded gun pointed unfairly at Congress, the committees, the agencies, and all those affected by this legislation, placing upon them the heavy burdens of committee hearings and prolonged debate and discussion on the floor.

Surely we have more important matters now, and we will continue to have more important matters to attend to in the future, than to go through the repetitious exercise of extending laws already on the books, where, as the committee in this case has stated, there are no real changes in circumstances.

On this particular point, let me say that we were notified in a public statement by Health, Education, and Welfare Secretary Finch in April that he has commissioned a review of the gaps in smoking and health research information by a distinguished group of research scientists. That work is now in progress. It may well lead to a "blueprint" of work needed in this area. It is impossible to say today that at any certain date in the future a further review of this legislation by the Congress will be timely or in the public interest.

Any effort to lessen the effective period of renewal of the law as recommended by the Commerce Committee should be defeated.

Mr. MOSS. Mr. Chairman, I rise in support of the amendment.

I am now serving my 13th year on the Committee on Interstate and Foreign Commerce. During that time it has become the custom of the Committee on Interstate and Foreign Commerce in all of its legislative enactments to require termination in 3 years in order that the committee shall retain effective jurisdiction and will consciously undertake to review its actions.

To me the only question I can recall at this moment is the act which expires on the 30th of June, the Cigarette Labeling Act which was passed in 1965 by an overwhelming majority.

Now, Mr. Chairman, tradition is involved, a carefully considered tradition is involved which will be violated by the extension of not 3 years but 6 years. Why are we being urged to give to this situation this unusual consideration? Is it because the public interest is being served? I cannot believe that is true.

Is it because of the underlying questions which have not been settled? Obviously, that is not the reason because the committee directs that reports be made to it and that recommendations be made to it by cognizant agencies of the Federal Government. But, it is convenient for the industry. If this is to protect the bill in its present form, it is my carefully studied opinion that this 6-year period is justified. But if it is a bill to serve the public interest, the tradition established

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in the committee, one deliberately established, should be respected.

Therefore, Mr. Chairman, the 3-year period should be established through the adoption of the amendment which has been offered by the gentleman from Rhode Island (Mr. TIERNAN).

Mr. SATTERFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, I rise to speak in opposition to the amendment. I shall not take my full 5 minutes. However, I would like to point out that in my opinion it is entirely consistent with tradition in our committee and for this Congress to continually and periodically review ongoing programs every 3 years so we may have some degree of control over their operation and their progress in order to know where we are going.

However, I think the situation is entirely different in this kind of legislation which does not deal with any type of program whatsoever.

I am confident that in a review of the legislation which Congress has enacted in the past similar to this, the record will disclose that this provision is unique indeed.

What we need in this Congress are the facts on smoking and its effect upon health. We do not have those facts as of today.

I am confident in my own mind that this House and this Congress at any time such facts are developed, will insist upon a change in this law and the provisions contained in this bill. In other words, we will come back then and make the changes justified by the facts then existing. I do not believe there is any need for a cutoff date whatsoever. I certainly do not think that by reducing it from 1975 to 1972 is justified at all.

Mr. ADAMS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this is one of the committee amendments to this bill and it is one of those on which this Congress will be judged. We have in this bill said that we will now allow any Federal agencies that ordinarily deal with public health matters in the United States to deal with the subject of the advertising of cigarettes for a period of time of 6 years. This gentleman happens to think that we should at least have all advertising try to tell the truth and try to give the public the best information that the health authorities of the United States can give with regard to products that are sold generally.

In this bill, if it is passed, we will prevent them from doing that. To me it is monstrous that we will do this for 6 years. This goes beyond not only this Congress but the next Congress and the Congress beyond that and elected through a national election for President.

What will happen if during this period of time, at the end of 18 months, we received a report and that sets forth in the report additional reasons why there should not be advertising of cigarettes in the manner in which they presently are advertised? If this should happen we will be faced with the fact that a bill has been passed that prevents us from doing anything, and prevents the FTC and the FCC from doing anything.

The chairman mentioned yesterday a very important factor in this House, which is review of committees, and that we should review what the FCC does, and we should review what the FTC does so that these committees and these agencies do not tend to move out from under us.

In this case, if we pass this bill for 6 years we have effectively removed any communication between Congress and these agencies for that period of time.

That is not review. That is not operating on the problem. It is not operating on the agency. It is not carrying out the dialog that I believe the people of this country expect. Around this country a number of people are watching today to see what Congress will do with this bill that I believe many Members feel is a little bill that involves maybe just an industry, and why are we complaining about it?

Well, there is a great deal more involved than that. The thing that is involved is whether or not the Congress of the United States is going to go to the people and say "We will maintain our function. We will maintain our representative relationship between your health hazards and the various industries within the United States." If we give this away for 6 years, we are in effect saying we really do not believe that we should review things more often than every 6 years, even though we are elected every 2.

The principle that is involved in this amendment goes far beyond the merits of the bill itself. It goes to the very operating procedures of the Congress, and those operating procedures of the Congress are oversight as well as legislation.

What good is it going to do to have the Secretary come in in 18 months and make a report, and then come in in another 18 months and make another report, and have the FTC come up, and have the FCC come up, when the bill has already been passed for a 6-year period? In the history of the Committee on Interstate and Foreign Commerce we never go beyond 3 years on legislation dealing with matters where we review agencies. This is unique. In fact, this bill itself is unique of all the bills that we consider. This is the only bill that I know of where we go to a Federal agency—and in this case we go to four of them, the Federal Communications Commission, the Federal Trade Commission, the Surgeon General, and the Department of Health, Education, and Welfare—and we take them out of the regulatory field so they cannot regulate in the manner in which they ordinarily would, and not only do it for 3 years, but do it for 6 years.

Mr. Chairman, I hope the Members of this House will vote for the amendment offered by the gentleman from Rhode Island (Mr. TIERNAN) and reduce the provisions of this bill to 3 years.

Mr. WATSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I had not intended to speak on this amendment, but inasmuch as my friend from Washington has called this a key amendment, I believe it might be helpful if I were to say just a word or two.

On the basis of the few years that I have served on the committee—and I cannot boast of having served on the committee as long as the gentleman from California, who has been on the committee for many years—but the longer I stay on that committee I can tell you quite frankly, the more I appreciate the complexities of this legislation and other measures coming before our committee.

The gentleman from California is correct as to tradition basically and as a policy of the committee generally to stick to a 3-year period, but a 3-year period so far as authorizations are concerned—not 3 years so far as the life of the program.

Now we do not restrict any program to 3 years in our committee. Air pollution and these other programs, the gentleman knows full well that they are continuing programs and they are not restricted to 3 years at all, except as to a review of authorizations. There is no money appropriated in this bill.

But the main thing we should bear in mind is that our hands are not tied by this date of 1972 or 1975 or whatever you make it. This body can repeal or amend this act, should it become law, at any time the state of the knowledge on the subject changes.

Just as certainly as the Secretary of HEW or anyone else comes in with some new evidence in this important area, this committee and this House can move immediately whether it is next month, next year or whether it is 1 year or 2 years or 3 years from now. Our hands are not tied and we cannot tie the hands of another Congress.

Another thing that we hope you will bear in mind is that we had the same arguments advanced at the time that we debated the bill in 1964.

What we are trying to do here now is to give the Secretary of HEW, and incidentally he is calling for surveys to study this in conjunction with the AMA and the Tobacco Institute to try to find out if there is any direct link between smoking, lung cancer, and these other diseases.

Why should we have to plow through this same ground every 2 years or every 3 years? Let us have a little breathing room here. Our committee is a busy committee, as other committees are. We just spent 13 days and had some 1,800 pages of testimony on this particular matter.

Let me reemphasize that your hands are not tied with this 1975 date. We can change it if the state of the art or the state of the knowledge on this matter changes tomorrow or next month or next year. We can come right back here and change this particular legislation.

So as I said initially, you are not tying your hands whether you make the date 1975, 1976, or 1977. Let us leave the date as the committee in its wisdom, after many hours of debate, decided by a vote of 22 to 5 for the date of 1975.

Mr. HICKS. Mr. Chairman, I make

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the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Ninety-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 84]

Alexander
Anderson, Ill.
Anderson, Tenn.
Ashbrook
Ashley
Bates
Brademas
Burleson, Tex.
Burton, Utah
Bush
Carey
Casey
Clark
Clay
Cramer
Denney
Dorn
Dwyer
Edwards, La.
Foley
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gray
Grover
Hanna
Hansen, Idaho
Hébert
Heckler, Mass.
Jarman
Karth
Kirwan
Kluczynski
Kuykendall
McCarthy
McMillan
Mailliard
Miller, Calif.
Monagan
Morgan
Morton
Nedzi
O'Hara
Olsen
Patman
Pike
Pollock
Powell
Railsback
Rees
Reifel
Reuss
Roberts
Smith, Calif.
Stafford
Stephens
Stratton
Thompson, N.J.
Tunney
Wilson, Bob
Wolff

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Price of Illinois) having assumed the chair, Mr. Brooks, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 6543, and finding itself without a quorum, he had directed the roll to be called, when 369 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. Tiernan) to the committee amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. TIERNAN. Mr. Chairman, I demand tellers.

PARLIAMENTARY INQUIRY

Mr. WATSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WATSON. Mr. Chairman, does the vote occur now on the amendment offered by the gentleman from Rhode Island (Mr. Tiernan) to the committee amendment? Is that what we are voting on?

The CHAIRMAN. The Chair will state that the vote is on the amendment offered by the gentleman from Rhode Island (Mr. Tiernan) to the committee amendment.

Mr. WATSON. In other words, Mr. Chairman, we are voting on the amendment to the committee amendment?

The CHAIRMAN. The Chair will state that the gentleman is correct.

Tellers were ordered, and the chairman appointed as tellers Mr. Tiernan and Mr. Friedel.

The Committee divided, and the tellers reported that there were—ayes 87, noes 114.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. MOSS

Mr. MOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Moss: On page 2, line 7, immediately before the semicolon insert "and in any cigarette advertisement or promotional material".

Mr. MOSS. Mr. Chairman, the amendment before you now is in every sense the most important which will be offered to this legislation. I point out that the committee has adopted, as did the Congress, a label which makes a finding that the use of cigarettes is dangerous to your health, and that label is proposed to be placed upon the package of cigarettes but upon no other media of advertising or communicating with a user or a prospective user.

If it is a fact—and it appears to be the consensus here—that the use of cigarettes is dangerous to health, then it is my firm conviction that a responsible committee will require that notice be contained in every single advertisement or promotional offering brought to the attention of the American public. There are literally thousands of radio and television commercials every day, and there are many pages of attractive ads in every media of communications in this country every day. They are brought forcefully to the attention of the young men and women of this country who have not yet started to use cigarettes.

I am perfectly willing to write off those who have already become the slave of the smoking habit. But I am most anxious that we do all within our power and all appropriate in the exercise of governmental power to alert succeeding generations to the fact that they should not take that first step, that it is dangerous for them to do so, and this amendment would require that that warning be placed on every advertisement made.

It does not act in prejudice to one media as opposed to the other. It treats all of them alike, and I think that any other body which had the overwhelming evidence of adverse impact upon health would be required to be labeled.

I know all the pleas that are going to be made that this is finally going to injure the small tobacco farmer. You would be surprised the burden the small tobacco farmer has borne in these hearings. You would forget, if you were to be present or to review the testimony, that the small tobacco farmer has not been as visible at any time as the very large and influential and powerful Tobacco Institute.

The Members will be told about the testimony of distinguished members of the medical community before the committee—and every one of them who came and testified contrary to the clear conviction of the majority of organized medicine came there under the sponsorship of the Tobacco Institute.

I said yesterday that we had a basic question to resolve here today: Is this label designed only to protect the industry against liability because of the nature of their product, or is it designed to inform and protect the American consuming public?

I think the latter is by far the more worthy objective of this Committee today. I hope the Members will adopt this amendment and live up to their responsibilities.

Mr. WATSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is true, as my friend the gentleman from California said, that perhaps this strikes at the very heart of the problem we are wrestling with, namely whether or not we shall require the advertisements to include the same warning as we would have mandatorily placed on the package of cigarettes.

Mr. Chairman, I think there are at least three compelling reasons for us to reject this amendment. First, what other legally manufactured product in the United States is required to advertise that their product is no good and the product might kill a user? That is No. 1. If it is legal to manufacture the product it is legal to advertise it.

If we are really concerned with the life and health of our citizens then what about the thousands upon thousands who die in automobile accidents as a result of people driving under the influence of alcohol? As a matter of fact, testimony before our committee was that in 40 percent of the cases where the condition of the driver was determined, the drivers were found to be driving under the influence of alcohol.

Assuming those who oppose cigarettes—and many of them are in favor of outlawing cigarettes altogether, but supposing everything they contend is true, that it causes lung cancer and it causes emphasema, and it causes fallen arches, and all the rest of it—the individual who does smoke brings harm only to himself. But what about those who drink beer and other alcoholic beverages and then get out on the highway behind the wheel of a car? They not only injure or kill themselves but kill or injure innocent people. Is there any clamor to bar them or to ban advertising as far as the intoxicating beverages are concerned? Let us be fair about the proposition.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. WATSON. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, my doctor tells me I have a cholesterol problem. As a result, I should not consume eggs or milk or ice cream or bacon or dairy products. So I am confirming the point the gentleman is making. Why should not these products have the same label on them as to their danger?

Mr. WATSON. The gentleman from California is correct. Where do we stop? If we begin here, then we open pandora's box, and we have to treat other problems exactly alike.

The second reason, aside from being unfair and an abridgement of free speech, it is a totally impractical requirement.

Suppose there is only a spot announcement of 15 seconds or so duration. What would you do? Would you have a company say, "I would walk a mile to smoke a Salem," and then immediately have them say, "The Surgeon General has determined that cigarette smoking is dangerous to your health and may cause lung cancer or other diseases"? Is that what you propose the industry do—spend more time degrading its product than trying to sell it?

Let us be practical.

Even the Chairman of the Federal Communications Commission himself stated before the committee that if we pass this amendment for all intents and purposes we are barring the advertising of any cigarettes. What company is going to pay to have an advertisement which would tell the American people, "My product will kill you"?

Finally and most important, in my opinion, this amendment is not necessary. Even Dr. Daniel Horn, the head of the National Clearinghouse for Smoking and Health, Public Health Service, stated both in New York and before our committee that we could shout from the rooftops, "smoking is harmful," and would not be telling anybody anything that they did not know.

If Members are still in doubt, there was a survey taken June 9 by the Public Health Service. They asked people about this very question. The survey revealed that 90 percent of those who responded said they were aware of the fact that smoking perhaps may be hazardous to health.

Yes, my friends, this is the crucial question. Do you want to single out this industry for discriminatory punishment while beer, wine and other producers can continue on their merry way? Treat all alike in the interest of fairness.

Let me plead with you. Reject this amendment. It is absolutely unnecessary.

Mr. ADAMS. Mr. Chairman, I rise in support of the amendment.

This amendment would allow the advertising of cigarettes to be handled as other products are handled. I believe the House should realize that what is done with cigarettes is unique when compared to any other product in America.

The gentleman mentioned eggs, butter, milk, and similar items. They have a redeeming feature to them, in that people have to eat them in order to live.

There is no known redeeming feature to cigarettes, and I do not know of anybody who came before the committee who said one either had to have them to live or that they were good for a person.

I hope that some of the Members will have the opportunity to read the hearings which took place last week. The code authority of the broadcasting industry—and this comes from memoranda, not testimony of the witnesses but memoranda—examined the problem and said this:

> Cigarette Advertising Guidelines—SH—

"SH" stands for Mr. Helffrich—

> opinioned that the current policy at the subscriber clearance offices was serving to weaken the cause of cigarette advertising self-regulation. Some of the current and proposed American Tobacco commercials were noted (see report of November 21 meeting with American Tobacco) as examples of the erosion there is taking place in terms of the type of representations being approved by network clearance offices.

The report itself goes on to point out that cigarette advertising in and of itself is directed toward and effective on young people. Its purpose is that. It does not have a purpose to say, "This is a package. There are so many cigarettes in it. This is how much it costs. This is what it looks like. This is where you can get it." Its whole purpose is to promote it in terms of sale: "This is how you can be an adult. This is a hero figure. This is how you can be the romantic figure of your particular desire."

Now, all we are saying in this amendment is that this bill should allow the health authorities to put on the advertising the truth of the matter regarding the product.

The gentleman mentioned other products. The reason that cigarettes are unique is that no other product in their circumstance advertises or even tries to advertise. Liquor does not go on television and it never has because of the very risks of having to be labeled. Prescription drugs do not go on television because of the problems of labeling involved. Other products such as analgesics do not, either. Many of you will remember what they did with Carter's Little Liver Pills, which is far less than they propose to do with cigarettes. They said, "You cannot call them Carter's Little Liver Pills because we do not know whether they do help the liver. You will have to call them Carter's Little Pills." Now, that is the normal regulatory pattern of the Federal Trade Commission, the Food and Drug Administration, and the FCC and all the rest. We have singled out cigarettes and said "Because it has started advertising you must let it continue to advertise and you must let the ads continue and not let the regulatory agencies operate on them."

The amendment offered by the gentleman from California basically says "Treat cigarettes like we do everything else." I hope that the Members of this House will vote for the amendment.

You will notice the type of amendments we are offering. No one has said, "Ban cigarettes," and no one has tried to say that we will go to some kind of a prohibition. All we are saying is treat cigarettes as we do other products and, for goodness sake, tell the American people what the truth is as best we know it.

I hope you will support the amendment.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are many of us who feel that the FCC and the Federal Trade Commission went too far at the outset. We feel that they discriminated against a lawful commodity. This amendment would magnify beyond reason and fairness the discrimination already unwisely being practiced by requiring that any commercials on television or radio be paid for by the advertising concern and carry all the proscriptions and recitations that may be subscribed to by the Surgeon General or by Congress. We are establishing a dangerous precedent which could on the same lame logic be extended to such products as milk because of its cholesterol content.

No commodity, no legal commodity, in existence in this country has been discriminated against to this extent and it has never been proposed to discriminate against a lawful commodity to this extent. The Federal Communications Commission provides for fair time, but to require anyone to pay for the advertising of somebody else I submit to this Chamber is altogether unfair and discriminatory.

In my opinion this House acted wisely in extending this legislation for 6 years and I will tell you the reason why. We have considerable research going on in all of the tobacco laboratories in this country with the hope that real hard facts and reliable scientific data can be provided upon which we can properly resolve such issues as are presented here today. To attempt to resolve them on the sketchy information available would be reckless and would in fact do serious damage to the millions who are employed in this industry.

In the district I am privileged to serve we have some 18,000 growers and we have many hundreds of thousands of people who are dependent upon this industry. I will say in all fairness, permit the industry, permit the growers, permit the health people the time necessary in which to work out this problem and to ascertain the true facts. But let us not proceed in an impassioned, unreasoned, and discriminatory way to destroy an industry that is presently contributing to the economic well-being of millions of American people. Let us not discriminate to an extent that has never been practiced against any other commodity or industry.

Mr. Chairman, I am hopeful that the Committee will vote down the amendment.

Mr. CORMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I shall not use the entire 5 minutes allocated to me but I take this time to pose a question to the author of the amendment, the gentleman from California (Mr. Moss).

I was somewhat persuaded by the gentleman from Kentucky who just spoke about us being fair to tobacco and not treating it differently from any other commodity. However, as I understood this bill, it was to treat tobacco quite differently with respect to the powers which the regulatory agencies have over it; is that correct?

Mr. MOSS. Mr. Chairman, if the gentleman will yield, I can think of no other product which is exempted from the jurisdiction of the Federal Trade Commission in its marketing practices.

Mr. CORMAN. As I understand the phraseology that we are discussing here, it has already been determined by the committee that it must be put on the package; is that correct?

Mr. MOSS. That is correct.

Mr. CORMAN. Then, what you are asking us to do is not only place it on the package but place it in the advertising?

Mr. MOSS. That is correct.

Mr. CORMAN. As I understand it, a

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substantial amount of money is spent to tell people about tobacco. It is the purpose of this amendment that this phrase which this Congress thinks ought to be on the package should also be included in the advertisements; is that right?

Mr. MOSS. Over $300 million a year is spent in advertising cigarettes.

Mr. PERKINS. Now, Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I shall be glad to yield to the gentleman from Kentucky.

Mr. PERKINS. Can the gentleman tell the Members of the Committee any other commodity where either the Congress or any Federal agency has prescribed what must be stated in its advertising?

Mr. ADAMS. Mr. Chairman, will the gentleman yield to me at this point in order to respond to the question which has been posed by the gentleman from Kentucky?

Mr. CORMAN. I am glad to yield to the gentleman from Washington.

Mr. ADAMS. If you wish to go down the list of all drugs that are sold, including analgesics, iodine, and through the entire spectrum, there is required to be a warning on those products and all contain a Federal hazards label. The same is true of products that you wear—if they are dangerous, if they will burn; they are so labeled. The same is true of products that you eat and the same is true of all types of products that have a danger connected with their use.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I thank the gentleman for yielding. I just wanted to point out that the Federal drug law only goes to the regulation of counterirritants which can be listed in each advertisement on various pharmaceuticals, but the advertisements have to be true in every particular, and the substance advertised has to do what is claimed for it. But I am saying that the problem that we have under the Federal labeling system covering products such as fly killer, iodine, and other substances that could in any way jeopardize health, must be labeled as being hazardous and poisonous, and may not be marketed without such a label.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. If I may make one comment, and then I will be glad to yield to the gentleman from Kentucky.

Mr. Chairman, I plead my own lack of expertise in this field. I wish we had left the whole matter to the regulatory agencies, but it is a fact that we took it away from them, and because of that I believe we owe an obligation to the public, and that is why I believe it was such a tragedy to treat this one product differently from all others that the consumers use.

Now I will yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding, and I concur that the purpose of the regulatory agency is to protect the public interest where the public interest is involved. But here we have—as I am sure the gentleman well knows—an equal time provision for the FCC, and that provision certainly applies, but the amendment proposes to go far beyond that. But there is no other commodity where we require the advertising agency to pay for any prescription that may be written by the Congress. Am I correct?

Mr. CORMAN. I will say to the gentleman from Kentucky that the gentleman has just hit it right on the head. This is the only product that we in the Congress try to regulate.

Mr. MOSS. If the gentleman will yield, there is not a requirement for equal time in broadcasting. There is a requirement for fair treatment, and it runs at a ratio of about one antismoking advertisement to three pro-smoking advertisements, and it does not go into the printing media at all because there is no equal time required.

Mr. PERKINS. Mr. Chairman, I will accept that correction that the test is "fairness" and not equal time.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, I thank the gentleman for yielding. I think there should be clarification of the statement made by the gentleman from Washington.

As I understood the question, it was asked what other products are labeled by specific instructions provided by the Congress.

Mr. PERKINS. That is correct.

Mr. COLLIER. A number of products were listed. Would the gentleman tell me where in the Federal statutes this is prescribed on other products or those he listed a moment ago?

Mr. CORMAN. Mr. Chairman, I do not yield any further, because I want to clarify the RECORD, and that is that this is the only product that Congress has taken unto itself the authority to regulate. We do not regulate any of the others. We just do it for tobacco.

This is the only one we have taken over ourselves. The others are done by the regulatory agencies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I want to say that I do not question the intent of the gentleman who offered this amendment. We have had long discussions in our committee about it, but I opposed the amendment then, and I do now, primarily on the basis that it just simply is not practical; it is too broad to say to the tobacco industry, or the media, that you have to put this label on all advertisements. It is not reasonable. You simply cannot require this on little spot announcements, or on TV spots, or a small one-column ad in the newspapers, or the novelty advertisements, or throughout the entire advertising media. We might later find some wording for an amendment, Mr. Chairman, that would allow the publication of a label in either the printed word or on the TV, or the radio media. I offered an amendment such as that in committee. This was voted down.

I find it a very difficult matter to come up with wording that would really be fair to both the tobacco industry, the media, and the public as a whole.

But simply to say that this label would be required in all advertising or in all promotional material is just not being practical or reasonable about it.

For these reasons I think, Mr. Chairman, it would be far better that we vote down this particular amendment and perhaps reserve the time later when we might examine an approach to make a different, right, and proper move.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. BROWN of Ohio. I would like to ask a question of the author of the amendment.

As I read the amendment, it says that this statement that the committee has indicated should be on all cigarette packs must be in all promotional material of cigarette or tobacco products.

Would this apply to the promotional effort of the Federal Government to export tobacco abroad?

Mr. MOSS. The gentleman knows it is not. Why, I do not know. We have asked that question and there is a specific exemption in the act for tobacco exported abroad unless it is exported for consumption by American Armed Forces.

Mr. BROWN of Ohio. So I am to understand that the Government wants to discourage consumption of tobacco so far as Americans are concerned, but it wants to promote the export and use of tobacco abroad; is that correct?

Mr. MOSS. The country importing from the United States would be free to impose whatever type of requirement or label or warning its law making body deemed appropriate to protect the interest of its citizens.

Mr. BROWN of Ohio. I ask the gentleman the question only in the interest of consistency. It seems to me it is a little illogical for us to try to limit domestic promotion and advertising of tobacco and, yet, to go ahead and spend $28 million a year trying to promote foreign exports of tobacco to other countries.

It seems to me Uncle Sam should have to get on one side of the issue or the other.

Mr. PICKLE. The gentleman from Ohio does raise a good question because of the wording, no matter what the gentleman intended, goes or applies to all promotional matter and advertising, including the very point the gentleman from Ohio mentioned. This is just another example of why this is too complex for us to deal with in this way. That is why I am opposed to this amendment.

Mr. ROONEY of New York. Mr. Chairman, I move to strike out the last word and rise in opposition to the pending amendment.

Mr. Chairman, I happen to know something about this subject, and, as they say, I learned about it the hard way. For over 40 years I smoked the same brand of cigarettes, in later years as many as three packs a day. Finally, in April 1966, the fine doctors and surgeons the U.S.

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Navy has at the Bethesda Naval Medical Center found that I had a large-sized tumor on the upper lobe of my right lung. They removed the upper lobe of my right lung. I shall always be grateful to them, the nurses including Miss Irene Sullivan, the corpsmen, and all the personnel.

Thank God, the tumor was not malignant.

But I am also grateful to the surgeons for not removing my use of reason. Because I gave up smoking cigarettes, and I have to admit that I have felt good ever since, is no reason why I should help to scuttle an entire important industry and put thousands and thousands of people out of employment. I have had many friends who have had similar lung operations and did not survive them, who never smoked a cigarette in their lives.

So, Mr. Chairman, I am opposed to this pending amendment and I am certainly going to vote against it.

Mr. HORTON. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I rise to say something that a constituent of mine cannot say.

Many of you perhaps have read the condensation of an article that appeared in the Christian Herald by Hugh J. Mooney which was reprinted in the Reader's Digest.

Mr. Chairman, I would like to read this statement by this constituent of mine and then read to you a letter he wrote to me, because I think we should hear from those people who have been afflicted by cancer as a result of smoking.

The article referred to is as follows:

What the Cigarette Commercials Don't Show: Here's the Reality of Cancer Country—Pictured by One Who Has Been There

(By Hugh J. Mooney)

In cigarette country, television commercials show two or three handsome, rugged cowboys on beautiful horses. Or there are sports cars, planes or scuba gear. The scene is always one of clean, windswept health. The people have a look of supreme confidence; the lovely girls all smile.

I know another country. It is a land from which few return. In this sad region there are no strong men, no smiling, pretty girls. Executives and store clerks there look very much alike, not only because they wear the same clothes, but because people living on the raw edge of a thin hope somehow get the same haunted expression on their faces.

I am referring to cancer country. I have been there.

I am 44 years old, and have a wife and two small children. By 1963, I had a comfortable salary with an insurance firm, and the future seemed bright. In May of that year, I developed a slight difficulty in swallowing. Our family physician said that if it persisted for another week, he would arrange an appointment for me with a throat specialist. It did persist. The specialist diagnosed it simply as "a case of nerves"—a diagnosis that he was to reaffirm in October. Finally, in January 1964, convinced that it was more than a case of nerves, I entered a hospital. And there the doctor told me, as gently as he could, that I had cancer of the throat.

The first thing that occurred to me was that I would die and Eileen, my wife, would have to give up the house. What a shame that my children would not be able to grow up in that house! We had bought it only two years before.

The doctor suggested that I enter a well-known Eastern hospital. Two days later, Eileen and I drove there. I was assigned to a four-bed room on the seventh floor of the east wing. This is known as Seven-East.

When I saw the three other patients in my room, I didn't want to believe my eyes. It was suppertime and the patients were eating. It wasn't much like the television campfire scene. These men stood by their beds and carefully poured a thin pink liquid into small glass tubes. Then they held the tubes high over their heads. The fluid drained down out of the tubes through a thin, clear plastic hose which disappeared into one nostrill

They had to eat this way because throat, mouth, tongue and esophagus had been cut away in surgery. I could actually see the back wall of their gullets—the entire front of the throat was laid open from just below the jaw down almost to the breastbone. Each of them had a large wad of absorbent bandage under his chin to catch the constant flow of saliva pouring out of his throat.

The sight of these "tube feeders" shocked and depressed me more than anything since the day I learned I had cancer. As soon as I had changed into my pajamas and robe, I rushed back to the solarium where Eileen was waiting. Shaking, I lit a cigarette and stared about me at all the other patients, some of whom would be dead in a week or so.

The doctor assigned to my case found us in the solarium. I made it clear to him that I never wanted to become like those other patients. I said that I would rather die than be cut up that way. He told me not to think about it, that perhaps such drastic surgery would not be necessary in my case.

A heavy snow was falling outside. Eileen had to leave to drive the 60 miles home. I walked with her to the elevator, pretending a lot more optimism than I felt. "Drive carefully," I said, and kissed her good-by. The first few hours after the elevator doors closed behind her were probably the worst of my life.

I fled to the solarium, unwilling to face the surgical horrors in my room. Yet everywhere I looked there were patients whose tongues, pharynxes, jaws, throats, chins or noses had been removed. Many of them were waiting for plastic surgery to reconstruct their faces and necks.

For this, it is necessary to grow extra pieces of flesh. Through some sort of surgical miracle these pieces of flesh—called pedicles—can be made to grow anywhere on the patient that the surgeon decides is best. One patient had flesh growing out of the side of his neck in a tubular U, like the handle of a suitcase. Another man had one growing from between his shoulder blades over his right shoulder to a spot in his throat just below the chin. It must have been 18 inches long.

I was torn between horror and pity. What might I look like soon? I reminded myself that surgery might not be necessary, and kept my eyes on the walls, the floor—anywhere but on the other patients.

The television set was on, and the cigarette commercials droned along, extolling the wonderful taste of the product. But these people who had smoked all their lives could no longer taste cigarettes—or anything else. Their food was poured through plastic tubing. There are no taste buds in plastic tubing.

All the people in the commercials had wonderfully appealing voices, young and vibrant. But the patients around me in the solarium did not have very nice voices. In fact, many had no voice at all; their vocal cords had been cut away.

These voiceless wraiths carried pad and pencil to communicate. Others, whose throat openings had been closed, were able to use an electronic device that looked something like a flashlight. You hold it against your throat, and it picks up vibrations from the section where your vocal cords used to be. It produces a tinny, electronic voice—faint, but understandable.

Next morning, I was taken to the operating room for a bronchoscopic examination. This is very much like sword-swallowing. You tilt your head back as far as you can, and doctors slide a metal tube through your mouth and all the way down into your trachea. You gag, reflexes go crazy trying to eject this tube, and you find that it is completely cutting off your supply of air. All this time two or three doctors are taking turns looking down the pipe.

Occasionally they take a sample for a biopsy—lowering something down the tube that snips off a specimen of flesh here and there. I passed out from lack of air during the examination, and came to back on my bed. I was told not to eat or drink anything and to remain in bed for at least two hours.

In an effort to save my voice, so important in insurance work, it was agreed that radiation treatments would be tried. The treatments were not effective, and in August 1964 the doctors told me I would have to undergo surgery.

The night before the operation, knowing that I would never speak again, I tried to tell Eileen how much I loved her and the children. She was very brave. The next morning, on my way to the operating room, I remember praying and repeating the name "Jesus" over and over. It seemed somehow right that this should be my last spoken word.

Eleven hours later, I was brought back to my room. Except for an hour in the recovery room, I had spent all that time on the operating table. Next day, I learned that the surgeons had removed my larynx, my pharynx, part of my esophagus and a few other random bits and pieces. I was now one of those "surgical freaks" whose appearance had so shocked me some months before. From this time on, I would breathe through a hole at the base of my throat called a stoma.

Knowing how odd my open throat made me appear, I felt completely cut off from humanity—a mere biological specimen. It was a difficult and lonely period of adjustment. Eight subsequent operations were required to reconstruct the front of my neck. Television helped pass the time. All of us there in Seven-East were, I confess, morbidly fascinated by the cigarette commercials. After smoking approximately 19,000 packs of cigarettes, I—we all—had turned out a bit different from those handsome fellows and beautiful young women.

Young people today are great believers in realism. It might be interesting, therefore, if some advertising agency were to do a cigarette commercial featuring a patient who has lost his throat to cancer caused by smoking. They could choose a man growing one of those flesh pedicles. Or the camera might slowly pan around the room, showing all of us still faithfully smoking brand X or brand Y—those of us who still had a complete mouth to put a cigarette into. They might even show the one total addict I met who smoked by holding his cigarette to the hole that led into his windpipe, through which he breathed air into his lungs.

We don't ride horses or helicopters or sports cars in Seven-East. We ride wheeled tables to the operating room, and if we're lucky we ride them back. Seven-East is only a part of cancer country. They treat lungs on the third floor. I thank God that I have not yet had to visit there.

Then he wrote to me this month, on June 9, and said:

Cigarette advertising on radio and television should be carefully controlled by both the federal and state governments. Ordinarily I am opposed to government controls of any kind but in this instance it seems to be a necessity. Cigarette advertising is really aimed at luring millions of young people to the habit of smoking by creating the false impression that it is a step "toward maturity and social grace" (a direct quote from

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> William Braren former head of the National Association of Broadcasters). I am forty-six years old now but my life has been rather tragically altered by throat cancer. I wrote an article which appeared in Reader's Digest in an attempt to awaken people to the dangers in smoking. I think it was one of the opening guns in the developing campaign to help people to stop smoking.
>
> Please use your vote and your influence to prevent the cigarette companies from further spreading the poisonous fallacy that smoking is a good and necessary step in growing up.
>
> Sincerely yours,
>
> HUGH MOONEY.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MOSS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DINGELL: On page 4, line 23, strike out the period and insert in lieu thereof the following: ", except that the Federal Communications Commission shall by regulation prohibit any holder of a station license under the Communications Act of 1934 from broadcasting any cigarette advertising in connection with such types of programs as the Commission determines would be most likely viewed or heard by a substantial number of individuals under the age of eighteen."

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his amendment.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. Mr. Chairman, it will come as some surprise to some of my colleagues, after having listened to this debate and what the Federal Communications Commission is going to do to the cigarette industry unless this bill is passed, to find that the Federal Communications Commission is not prohibited from the act of barring advertisements by cigarette companies of tobacco and cigarette products on television.

The function of this amendment is very simple. We will find its text reprinted at approximately page 16195 in the CONGRESSIONAL RECORD of yesterday. The function of the amendment is very simple. It is to assure that the Federal Communication Commission shall take such steps as are necessary to assure that advertising will be prohibited on programs which are aimed at children and young persons under the age of 18. Its function is also to assure that televisions advertising of cigarettes will be prohibited by the FCC during hours when young persons under the age of 18 are most likely to be watching TV.

So we reach by this amendment two circumstances which would appeal most to the young persons: We reach the hours of viewing and we reach programs which are aimed at young persons.

The urgent necessity of this amendment becomes very clear from a confidential memo which appeared in the committee hearings and it appeared in the hearings in extenso, but if Members will refer to page 239 of the hearings of June 10, they will find this language appearing in the confidential memorandum of the National Association of Broadcasters:

> Difficulty in cigarette advertising is that commercials which have an impact upon an adult can not be assumed to leave unaffected a young viewer, smoker or otherwise.

The code authority itself, on page 168 and page 169 of the same hearing to which I have alluded, pointed out the difficulty of enforcing its own regulations. Indeed, in the appearance that this agency made before our committee, it was forced to admit that on only two occasions had it been able to take steps or had it taken steps to act against cigarette advertising which might have an undue appeal to young persons. It is admitted by the code authority that the NAB code is ineffective in regulating advertising to protect the young.

If we refer to the same hearings, on page 150, we will have the document of the code authority on September 12, 1967—and let me remind this body that nothing has happened in the interim to change the truth or the impact of this comment—and we find therein a discussion at some length of the implications of cigarette advertising guidelines, and these words appear:

> The adult world depicted in cigarette advertising very often is a world to which the adolescent aspires. The cowboy and the steelworker are symbols of a mature masculinity towards which he strives. Popularity, romantic attachment and success are also very desirable attributes. To the young person, smoking may readily seem to be an important step that helps transcend this growth from adolescence to maturity.

The function of this amendment is not to injure the industry. The function of this amendment is perhaps to save the industry from more grievous action at a later time.

It is very plain that when an industry jumps its advertising from $200 million to $300 million a year because of the requirements of the FCC with regard to antismoking advertisements which appear on television, it is concerned and it is much concerned about the perpetuation of the market to which it appeals.

It is very plain, I would say to many of my colleagues here, if they but look at the advertisements which appear on television, they will see with clarity that the advertising of the cigarette industry appeals to the young person.

I assure my colleagues I will not offer subsequent amendments, and it is not my purpose to offer an amendment which will destroy the cigarette industry. It is my hope this amendment will carry and that it will serve the public interest by preventing advertising which will lure young people toward the cigarette habit.

Let us discuss for a moment the situation in which we find ourselves. I do not seek to rescue those already smoking from the fruits of their folly. I seek only to see to it that young persons who are particularly vulnerable and subject to the influence of the TV are protected against advertising which would be directed to them.

We have a code which the National Association of Broadcasters has admitted is so ineffective that a number of its high officials have suggested the code authority be abolished and that its functions be transferred to another agency.

We have advertising which is very clearly directed to the young people of this Nation, at times and hours and on programs and through an appealing content which would influence our young people to smoke cigarettes and take up the habit.

I say that one significant stride this House can take today is to adopt an amendment which will protect young people from this kind of advertisement. We have a high duty to assure that the regulatory agencies charged with responsibility of regulating broadcasting take all reasonable and proper steps to protect young people.

Many in this body would seek to protect young people from pornography and that sort of publication. I say that for the health and welfare of the young people advertising which would induce them to smoke is very little different in total effect on the individual from salacious material. One leads to degradation of spirit, the other leads to the most utter health peril.

So I say there is an opportunity before this body today. We can adopt an amendment which will not stop advertising, which will not prevent advertising in any other media, but which will take the significant stride forward of assuring that during hours when young people watch television and on programs which young people watch with particular interest and particular appeal that advertising of cigarettes will not appear, so that the young people of this Nation will be protected from addiction to cigarettes.

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I urge that this amendment be rejected. The amendment offered by my friend from Michigan would grant, I believe, to the Federal Communications Commission some very broad and sweeping powers which are unprecedented.

First, I should like to point out that the Chairman of the Federal Communications Commission, in hearings before the Committee on Interstate and Foreign Commerce during his testimony before our committee, expressed his opposition to provisions of this type. He stated at that time that it would be impractical to enforce them. He testified that legislation of this type would be extremely difficult to administer.

It is simply impractical, I believe, in view of the listening and viewing habits of the American public.

Second, Mr. Chairman, I should like to point out, as to the amendment offered by the gentleman from Michigan, how would one determine what a significant audience is, or what is a substantial number of viewers? Would that be 5 percent of the viewing audience? Or 10 percent? Or 75 percent? We certainly should not delegate power of this type to an administrative agency, over such a tremendously important subject as this.

Third, I would point out to the Members that we should not be under any illusion as to the result which would follow if such an amendment were adopted. As a practical matter, it would

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lead promptly to the elimination of all cigarette advertising over radio and television.

The Commission has already made its intention clear. It has announced a proposed rule to bar all cigarette advertising from radio and television.

I do not know of any valid basis for prohibiting advertising of a product which may lawfully be manufactured and sold.

Finally, I ask this question: On what rational basis can we limit this grant of jurisdiction to cigarette advertising alone? It has been pointed out in the debate here that there are many other products alleged to be hazardous.

The Commission is now to be given the authority to prohibit the advertising of every product which some group claims to be hazardous. I suggest that this amendment would open a Pandora's box and it should be defeated.

Mr. BOB WILSON. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman.

Mr. BOB WILSON. I think the gentleman has made an outstanding statement. I would like to associate myself with his remarks.

Cigarettes aside for the moment, let us examine the impact on advertising in the abstract.

First, a product "X" has been attacked by Government and private groups as a health hazard.

Second, a regulatory agency has decided that, therefore, its "authority to act is really a duty to act."

The pattern is quite simple, even though the problem is complex. A stimulus, in this case government and private charges, is followed by a response, the action of a regulatory agency. Notice that Congress is neatly shortcircuited—and so is the assumption of innocence until proven guilty.

On this simple justification—and despite the FCC disclaimers—other product advertising could go the way of cigarettes. For example:

Butter, margarine, cooking oils, milk and dairy products contain cholesterol;

Beer and wine are alcoholic beverages;

Soft drinks contain sugar or artificial sweetners;

Toothpaste and dentifrices contain flourides;

Automobiles have been called unsafe at any speed; and

Air travel has been under attack as a hazard.

On the basis of this kind of reasoning, the Hippies, the Yippies, and the war resisters have missed a good bet. For they could logically argue that the FCC should ban Armed Forces recruitment commercials from television, because war is hazardous to your health.

You will, of course, understand that I am exaggerating to make a point. However, I do not think I may be exaggerating by very much. Certainly, it is no exaggeration to state that the advertising industry has a great deal to lose by this overreach of the FCC. You would do well to join with the industries which seem to be more threatened at present; for the FCC is making a wave that could soon engulf you.

I can assure you that the proper place to decide this very important matter is in Congress and through the established mechanism of hearings and debate. I can also assure you that it is my intention to see that Congress is not bypassed.

Too much is at stake for the cigarette industry, the broadcasting industry, the advertising industry—and for the American people and our form of government. We cannot duck congressional action on this issue.

Mr. BROYHILL of North Carolina. I thank the gentleman.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from Texas.

Mr. ECKHARDT. Will the gentleman point out to me any provision in this bill which prohibits the FCC now from restricting advertising?

Mr. BROYHILL of North Carolina. The Chairman of the FCC conceded this point in the hearings. I think the gentleman is aware of that.

Mr. ECKHARDT. Since when do we accept the Chairman of the FCC as our attorney?

Mr. BROYHILL of North Carolina. This was the statement made in quite a bit of conversation in the committee. I think the committee as well as the Commission itself agrees not only the past act but also this bill itself prohibits the FCC from moving into this field. It has been established for quite some time.

Mr. ECKHARDT. Will the gentleman yield further?

Mr. BROYHILL of North Carolina. Yes.

Mr. ECKHARDT. The statement of preemption in section 5(b) says that no statement relating to smoking or health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the act. I do not see anything in that language which prohibits anything but the activity sought to be permitted by the amendment introduced by the gentleman from California (Mr. Moss), certainly not that activity sought to be permitted by the amendment offered by the gentleman from Michigan (Mr. DINGELL).

Mr. BROYHILL of North Carolina. I will be glad to have the gentleman take his own time as a member of the committee to argue whatever point he wants, but it was established, I believe, not only in the hearings, but the Commission has very definitely stated that they were preempted from entering into this field and were going to move into it only after this act expired. It proposed the rules, but they were not going to take any final action until after this act expired.

Mr. ECKHARDT. Mr. Chairman, I move to strike the last word.

I would like to take my time on the proposition raised by this amendment, not that I either favor or oppose the amendment, because I think the amendment simply purports to carve out an area of authority in the FCC which the FCC already has. It also has additional authority to ban advertising altogether. It is quite clear, I believe, that the provisions in the bill contained in section 5(b) specifically state the only preemption with respect to advertising which is contained in this law. The preemption contained therein simply says that no statement relating to smoking and health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the provisions of this act. Thus the preemption section only preempts the field of labeling and the field of control of internal content of advertising. The amendment of the gentleman from California (Mr. Moss) was necessary if those provisions were to be changed, because the gentleman's amendment said that the Commission should be permitted to regulate the internal content of advertising. However, the amendment offered here purports to go into a field which the Commission has not presently preempted. That is the reason why I cannot argue either in favor of or against the amendment, because I think the amendment simply gives to the Commission the authority which is contained in a larger authority to prohibit advertising altogether.

I should like to point out there, as I pointed out yesterday, that the Commission is not restricted in the field of prohibiting advertising under this act. I think this is the teaching of the Banzhaf case. I think it is recognized in the report and it has been recognized by every lawyer who has been engaged in the subject matter with whom I have consulted. They all say the language of the act upon its face affords no impediment to the Commission's banning cigarette advertising entirely. It is said on page 3 of the report:

> The question of a ban on cigarette advertising is not treated in the Federal Cigarette Labeling and Advertising Act. It is fair to say that the Congress limited its prohibitions in the act to statements relating to smoking and health because it was not thought that any attempt would be made to ban such advertising.

The statement after "because" is somewhat gratuitous. It is not certain why Congress limited its prohibition, but it is clear that it did do so.

The reference is, of course, to the 1965 act, but the present act contains identical language in section 5(b).

The Commission may react differently than the chairman or it may change its mind when the Supreme Court acts on the Banzhaf case. I do not think that is the kind of thing that Congress should leave in the air as a policy matter. It is of paramount importance, Mr. Chairman, that there be no muddying of the stream as a result of a Commission report, chairman's views, or a committee report. We should not be attempting to make law by committee report. Indeed, as a matter of fact, the committee report substantially supports the proposition that this act does not in any way reach the question of prohibiting or preventing advertising, as I have pointed out. It seems to me that we are simply fighting a battle in a field which is not touched by the act, is not touched by the report, and which is in the face of all responsible court decisions up to the present time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and on a

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division (demanded by Mr. DINGELL) there were ayes 35, noes 59.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. VAN DEERLIN

Mr. VAN DEERLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. VAN DEERLIN: On page 4, line 15, insert after the period the following new sentence: "In the case of any cigarette package having more than one side, such statement shall be placed on the two widest sides of such package."

Mr. VAN DEERLIN. Mr. Chairman, at this point in the debate I feel a little bit like a new player coming into the game in the third quarter when the score is already 21 to 0 against him. I have a nice, clean jersey, but I do not seem likely to alter the course of the game very much—unless you are still prepared to listen to a little logic.

I do not like to chew my cabbage twice, and I was up here yesterday talking about what was probably going to happen on the Senate side. I think this is important to those of you who feel that by beating back amendments to this bill, you are performing a service for someone.

I do not believe there is going to be very much time when this bill gets to the Senate. As a matter of fact, in 12 days and a few hours from now the present cigarette labeling law will expire. It passes into limbo as of midnight on June 30. The U.S. Senate will act upon legislation brought to it from the Senate Committee on Commerce. It just could be that there will be nothing on which the Senate may proceed. It is possible that the bill in the form that we seem likely to send over after today's action will be unacceptable to the Senate leadership. Either through inaction or through the device of the filibuster, it seems possible there will be no enactment, there will be nothing for the President to sign, and the agencies of Government whom you seek to forestall will be free to do their will.

Mr. Chairman, the amendment that I propose addresses itself not to the question of advertising at all. It leaves our area of concern strictly to what appears on the package. But the law that we passed in 1965—as the Members know, those Members who can take a package of cigarettes from their pockets—puts the label on the narrow side of the pack, or carton, next to the copyright, and almost lost from displaying the warning which we have proposed to strengthen.

If we leave it on that same panel, that thin side, it will not be seen as the pack lies on the table or on the display counter, and we will not be doing the job that the warning label is intended to do, which is to warn.

Mr. Chairman, my amendment would require manufacturers to print the warning label on the two widest sides of the standard pack; that is, on both the front and back, which would at least tell the customer what we have decided we want him to know. If, having read and understood the warning, people still want to buy cigarettes—and they have shown that, despite the warning on the packages today, in many millions they do—it is most certainly their right to do so.

Mr. Chairman, the crux of the matter lies in the phrase, "having read and understood the warning." I believe it is incumbent upon us to make certain that they read and understand it. They are certainly not getting the message now unless they take particular pains to scrutinize the entire pack. I believe we can all agree that the casual purchaser of a pack of cigarettes is unlikely to examine the package in detail. The typical customer will simply glance at the front of the pack to get the familiar brand name. It is, therefore, our responsibility to insure that this quick look also takes in the warning, otherwise the warning becomes quite unimportant.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I will be delighted to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

This amendment might be described as the "make business good for the printers" amendment. Why not dress cigarette packages up right, and put the same label on the bottom and front and the back? There is nothing there that cannot be displaced. Why not put it on all sides? Why not put it everywhere?

Mr. VAN DEERLIN. Mr. Chairman, in response to the inquiry of the gentleman from Iowa, I would say to the gentleman that had he been a resident of the ancient city of Athens he almost certainly would have allied himself with that school of philosophers who called themselves Sophists. He draws parallels which are not parallel. I am proposing a warning where it can be seen. The gentleman from Iowa knows very well that it can be seen much better if it is on the wide side of the cigarette package, rather than on the thin side.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLLIER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, with all due respect to the gentleman from California who suggested that it was time that we listened to a little logic, I would say that I cannot conceive of any logic to this amendment other than if—and I say "if"—it is the intention to impose some economic punishment on those who produce the product.

I did not understand that was the purpose of the legislation before us today.

There have been numerous requirements over the years promulgated in this Congress and among many regulatory bodies with respect to product labels and none—none that I can recall—has ever dealt with presenting the same information twice on the same label.

So this opens up a whole new area of labeling procedure. We have already gone to extreme lengths in providing the warning that is presently on all cigarette packages. We have said that it shall be located in a conspicuous place on every package and shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

To my knowledge, there has been one complaint that this existing law has not been complied with.

Ironically there is little concern in the amendment of the gentleman from California for the fellows who may need help the most, and I mean the one who buys cigarettes by the carton. If you take the language of your amendment and you applied it to labeling of the carton, you would have the labeling on the bottom of the carton since this is the widest side—along with the top, of course.

I can see no reason for adopting this kind of an amendment which is going to serve absolutely no purpose in curbing smoking but merely work an economic hardship on the industry. I do not recognize what the gentleman refers to as logic in his amendment.

If, however, the purpose of the amendment is not intended to be punitive it seems to me that this House should just vote it down because, as I say, it is without any basic merit.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. ADAMS. The gentleman from Iowa picked up his pack of cigarettes. I have a package here and maybe it will bring out what the problem is. This happens to be a package of Virginia Slims. You will notice you have to open it at one end and if you open it and tear off the corner, which is what everybody does, you cannot possibly read the label because the label is upside down. If you open it the other way, you cannot read it because there is no label on that side at all.

So, with this package there is no conceivable way when you open it and use these cigarettes that you can see the label.

Mr. COLLIER. I would submit, as is evident from the fact that I am wearing glasses that the gentleman's sight is probably better than mine. If I could not clearly read this, then I would not oppose this amendment.

Mr. ADAMS. I am trying to point out to the gentleman for his consideration that you just cannot read it because the language does not read like ordinary English.

If the gentleman would like this pack of cigarettes, if he smokes, I will donate it to him so he can see what I mean. That unreadable notice happens so far as most packages of cigarettes are concerned.

Mr. COLLIER. I appreciate the gentleman's offer, but those do not happen to be my brand. But I can read this and also the same printing on another pack in my pocket. You said this is not legible and I would suggest that is totally without basis of fact.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. GROSS. The amendment offered by the gentleman from California, reads "in the case of any cigarette package having more than one side."

What would happen if the cigarette manufacturer put out a circular package of cigarettes?

Mr. COLLIER. I would imagine in that case, it would render the whole section

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of the bill null and void if this amendment were adopted.

Mr. MOSS. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I think this amendment illustrates quite dramatically the fact that there is a very strong desire to protect not the American public but the American tobacco industry.

This raises the question as to what the objective of this legislation is.

The act is entitled—and I think you ought to read this with some sense of the irony of it—it is entitled "The Public Health Cigarette Smoking Act of 1969." I do not know what public health is benefitted from it. But it presumes to warn.

As I have said twice previously, if the intent is to warn people, then, let us place it on the package permanently. If it is to save the industry from liability, then hide it, as has been done for 4 years. But let us not kid ourselves or think we are fooling the American public by saying that we have taken action here in the House of Representatives today to protect them, because this is not action that will protect anyone, excepting the tobacco industry, those who manufacture cigarettes.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I am happy to yield to the gentleman from Illinois.

Mr. COLLIER. In offering the previous amendment, I understand the gentleman in the well had written off those who were already "slaves" to tobacco and was concerned with those who had not yet become addicted. In that regard let us say that a potential smoker walks up to a counter to buy a package of cigarettes. After having purchased the package, and since it is not likely that he could read the printing on it from any distance while it was in the display, can you imagine returning it to the store and saying, "Give me my money back; I just read the warning on the label that these cigarettes are bad for me"?

Mr. MOSS. I yield no further to the gentleman. That is a ridiculous statement to make and a ridiculous premise to put before this House. I am willing to take the crumbs here, and that is about all that is left. I think the industry has done an extremely capable job of covering this House and presenting their story. But I do not think the interest of the American public has been properly represented in this House in any manner. I think a lot of you have a lot of soul searching to do and a careful examination of your conscience to undertake. After all, this is not a play session of Congress. We are dealing with a deadly serious problem, the lives and health of a great many people. You can take any kind of action you want, but you are going to have to live with it, and you are finally going to have to account for what you are doing. Maybe you will be able to look some of the people in the eyes, those who have suffered heart disease, stroke, cancer, and emphysema, and you can tell them you have acted to protect them and to alert them to the nature of the danger, particularly the generation coming along. But you are avoiding every opportunity to give even the most minimum type of protection.

I think it is a disgraceful performance on the part of this committee and this House.

Mr. KYL. Mr Chairman, I move to strike the requisite number of words.

I rise because I am offended by the remarks of the gentleman from California perhaps not because of the words as spoken, but because of an interpretation that might be placed on those words by others.

It happens that I probably agree with him more than I do those who oppose any type of legislation of this nature. But I also harbor some very serious questions about how we can regulate the use of a product which the medical profession joins in saying is a harmful material.

Every report we get from anyone involved in the study of drugs tells us that alcohol is by far the most costly drug we have in existence in the United States, when we speak in terms of social costs. We have tried to regulate the use of alcohol in this country, even to the extent of making it completely illegal to make or use the substance. Prohibition did not work.

I mentioned this because we do have a somewhat parallel situation here. Too many people like to smoke, for a wide variety of reasons.

There is another factor. There is a large industry which supports the livelihood of a vast number of people in growing a crop which the Government supports, and in manufacturing tobacco products which the public buys. There are a lot of jobs associated with this industry.

I do not know how to regulate the business of smoking. I am satisfied myself that tobacco is a potentially hazardous substance so far as health is concerned. I am covinced of that. What I seek is not to oppose legislation such as was offered by the gentleman from California, but rather to find in all this discussion some kind of logical direction which we can take to do a more meaningful job in accomplishing the purpose.

I know I have not contributed anything substantial toward finding that direction. Frankly I do not know what the answer is, any more than I know how to try to control the costly uses of alcohol or other such substance, but I did want to say, Mr. Chairman, that I do not want anyone to believe that those who vote for or against this piece of legislation do so because somehow they have been bought or intimidated by anyone associated with the tobacco industry.

AMENDMENT OFFERED BY MR. PICKLE TO THE AMENDMENT OFFERED BY MR. VAN DEERLIN

Mr. PICKLE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. PICKLE to the amendment offered by Mr. VAN DEERLIN: Strike out the words "the two", and insert in lieu thereof the words "one of the".

Mr. PICKLE. Mr. Chairman, I will reread the amendment offered by Mr. VAN DEERLIN as amended by my amendment:

> On page 4, line 15, insert after the period the following new sentence: "In the case of any cigarette package having more than one side, such statement shall be placed on one of the widest sides of such package."

Mr. Chairman, my amendment would say that in the case of any cigarette package having more than one side, such statement shall be placed on one of the widest sides of such package. That is the amendment which I think should speak for itself. We do want to have a proper and adequate labeling on a package of cigarettes. We think it should be placed in such a position on a package that it is noticed and that it is legible and that it can be easily and readily recognized by anyone who buys the package of cigarettes.

We had this amendment in our committee. It was voted down. That is the same amendment offered by the gentleman from California. I think I was one who offered one amendment to say that the warning should be on one side, and also one of the widest sides.

The truth is, we are trying to get adequate labeling. I think if we amend this to say that at least it will appear on one side and on one of the widest sides, that will assure adequate labeling.

Mr. Chairman, I urge adoption of the amendment to the amendment.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Chairman, as usual, the gentleman from Texas brings not only wisdom but a great spirit of amelioration to the discussion, and I am prepared to accept his amendment to my amendment.

Mr. PICKLE. Mr. Chairman, the gentleman from California may be blowing smoke rings at me, but I appreciate his remarks.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, the object is to put the warning in a most conspicuous place, but if we take the package of cigarettes and on the wider side we have across it the name of the cigarette and the company and the seal and we bury the warning somewhere on that wide side, it may not be as conspicuous as if we had the warning—and it may be less conspicuous than if we had the warning on the side, a small side, where it is outlined all by itself and it is the only thing that appears on that side.

Mr. PICKLE. Mr. Chairman, I would say to the gentleman from Ohio it is a matter of judgment where it would be more conspicuous. It may be more conspicuous on the front side or the back side or on the side, depending on the individual. It is a matter of judgment.

Mr. HARSHA. Mr. Chairman, if the gentleman will yield further, the gentleman has only a certain amount of space available and it is a question what side we are going to use. If we put all that wording on the wide side, it will have to be a size print we can see. If it is singled out on the side, it may be the only writing on that side. I just want to point that out to the gentleman.

Mr. PICKLE. The gentleman makes a point. Obviously, either on the side or on the front, we want to get what would be an honest and proper label. I think that if we require the label on the widest

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side that would be acceptable and then we get at what we are trying to establish.

Mr. KUYKENDALL. Mr. Chairman, I move to strike the requisite number of words.

This amendment was discussed at quite some length in the committee and was voted down. At the time the amendment of the gentleman from California was discussed in the committee I discussed with him the fact that in the majority of cases with displays in supermarkets or in machines the side of the cigarette package which now contains the warning, or the other side just like it, is almost invariably the side forward in the display.

Since the committee hearings, at which time the amendment was voted down, I have carefully examined quite a number of cigarette displays, and the front of the package, which is the desire, I believe, of the gentleman from California, with the amendment of the gentleman from Texas, to have the label, is the most infrequently used portion of the cigarette package.

Actually, we are getting involved in a matter of techniques or technicalities here. I believe the Federal Trade Commission has every power in the world to handle it as it sees fit now under the presently written bill.

A point I should like to bring up more in response to the other gentleman from California (Mr. MOSS), is that I believe the real stir in the matter of the rewriting of this legislation began with the declaration by the FCC that it was going to ban cigarette advertising on radio and TV. One of the most interesting things about the committee hearings is that as a result of these hearings practically all the parties involved in the Government except the FCC itself have come around to saying that they did not want to ban cigarette advertising. We recognize the fact as a result of the hearings that almost everyone—teenagers, adult, and otherwise—is fully cognizant of the fact that there are hazards in cigarette smoking.

So it is my considered judgment that the media telling the true story about cigarette smoking, exposing the truth as they see it on both sides, is the most effective protection for the general public, and that the argument about what side of a cigarette package to put the warning on is about as meaningless as any issue we have discussed here today.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I am happy to yield to the gentleman from California.

Mr. VAN DEERLIN. I was going to say in answer to the information about the merchandising through vending machines—a question that was raised in committee by the gentleman—I have since ascertained that only 17 percent of the cigarette sales are through vending machines. Admittedly, the gentleman's point is valid to the extent of the 17 percent.

Mr. KUYKENDALL. And on the supermarket shelves, where cigarettes are sold in huge quantities, they are either in the carton or the edges are exposed. I have seen no supermarket displays showing the front of the package. There are signs with the front of the package, but they are replicas only. In supermarket sales they are shown with the edges forward.

Mr. VAN DEERLIN. As the gentleman knows, it would apply to the whole carton.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

It occurs to me that we are in the right church but the wrong pew trying to deal with this whole problem of the hazard of cigarette smoking.

Last year was the first year, 1968, when we saw an appreciable decline in the consumption of cigarettes in the United States.

I submit that the reason for that decline was not because of the writings on the packages or the limitations or restrictions on advertising but because the FCC has demanded and required of the media that they afford equal time to those opposing cigarette smoking. Anyone who has had an opportunity to see the TV ads and to hear the radio ads produced by the American Cancer Society and the other institutions will agree they are doing an excellent job of preparing these ads and will agree with me that the ads strike horror in every intelligent person seeing them. Anyone who is foolish enough to continue smoking after watching these ads certainly has been placed on notice.

There has been no definite correlation between the varying nicotine and tar content in cigarettes and the incidence of lung cancer. If we want to do a real service to the American people in helping them, especially those who are deeply involved in cigarette smoking, and those who cannot for one reason or another kick the habit, we can perform such a notable service by requiring that each package contain a listing on the package of the nicotine and tar content.

I say this because there is a difference in them. I saw a report prepared recently by the U.S. Public Health Service which did show a great variation in the nicotine and tar content in the various brands of cigarettes.

I do not smoke, so I do not have that problem. It seems to me, though, that many Americans are deeply concerned about their consumption of cigarettes. I think we could perform a notable service to the American people if we did give those who must smoke some idea of what kind of cigarettes they are consuming. My judgment is that that kind of a warning on the cigarette package would have much more meaning to the consumer and certainly help to guide him either in reducing ultimately the amount of nicotine and tar that he has to consume and also help him to perhaps stop smoking altogether.

Mr. Chairman, it is my hope that if I am recognized later, I will be able to offer an amendment which would require a listing of the nicotine and tar content in a cigarette.

As I said earlier, if there is a reduction in consumption, it is because of the counter publicity that the American Cancer Society and other organizations have caused in educating the American people as to the real hazards of smoking.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. ADAMS. I might say to the gentleman that the next amendment offered by this gentleman will be one to require the disclosure of the tar and nicotine content on each package.

Mr. PUCINSKI. In lieu of the present language?

Mr. ADAMS. No. In addition to the present language. That the tar and nicotine content of cigarettes be indicated on the package.

Mr. PUCINSKI. I think I can support that kind of an amendment.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. KUYKENDALL. This particular amendment was introduced by the gentleman from West Virginia in the committee. It is a case where there is very great difficulty in determining what would be proper because of the difficulty here. The chairman of the Federal Trade Commission in his testimony suggested this, but he was asked as to whether putting the figures on a cigarette package would not be considered perhaps an advertisement claim rather than a warning. In other words, what is the norm, what is good and what is bad.

Mr. PUCINSKI. The gentleman will agree with me on this, I am sure. If the cigarette manufacturers will list the tar and nicotine content, it will help cigarette consumers better judge the kind of cigarettes they consume. I still cannot understand what is the great charm about Marlboro country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE) to the amendment offered by the gentleman from California (Mr. VAN DEERLIN).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. VAN DEERLIN).

The question was taken; and on a division (demanded by Mr. VAN DEERLIN) there were—ayes 42, noes 70.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ADAMS

Mr. ADAMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADAMS: On page 4, at the end of line 6, insert the following: "(A) fails to bear a statement of the average tar and nicotine yields per cigarette in such package as determined by a method approved by the Secretary of Health, Education, and Welfare, and (B)".

On page 4, line 11, strike out "Such statement" and insert in lieu thereof "Each such statement".

Mr. ADAMS. Mr. Chairman, I shall not take the full 5 minutes. But, this is what I term the "old smokers' amendment." The thrust of all the amendments that we have placed before the House today has been basically to try to protect the young people by giving them the

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true story in advertising. This is the old smokers' amendment which is for the man who is hooked and is going to continue to smoke, to give him information on the package as to the tar and nicotine content of cigarettes.

Mr. Chairman, this approach was recommended by the Surgeon General, by the Department of Health, Education, and Welfare as well as the Federal Trade Commission. In other words, all the agencies dealing with this subject have said, that at least we ought to tell the people what the comparison is.

I am not saying that people will look at the label and say that there is this much tar in this one and there is that much tar in the next one and would, therefore, buy in terms of the nicotine content. I am not saying it is going to save the life of anyone or extend the life of anyone. But, in my opinion, it is a simple and fair thing to do with reference to the average individual who is going to smoke two or three packs of cigarettes a day, to at least look on the label to see what the tar and nicotine content is for one cigarette as opposed to another. There have been statements that the FTC might be able to do this now. This issue has gone back and forth and in the tobacco industry and elsewhere as to whether or not you would have a nicotine derby or a filter derby or something. That is why I placed in this proposed amendment language to the effect that HEW would set up through appropriate action a procedure as to how they would require this to be listed on the package.

This is a labeling amendment. It would require that in addition to the statement on the hazards to health that it would tell a man what he is getting in terms of tar and nicotine. That is all there is to the amendment.

I do not see that there is anything more that I could say about the amendment. I have tried to present it just as directly as I could. I hope the Members will support the amendment to assist what I call the old smoker, that fellow who is going to smoke, and who has smoked a lot, to tell him what he is getting.

Mr. PUCINSKI. Mr. Chairman, would the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, would it be the belief of the gentleman that if this amendment were adopted and the nicotine and tar contents were required on cigarette packages and in advertising, that certainly it would make the picture much clearer to the consumer?

Mr. ADAMS. I would say to the gentleman that I believe that it would.

Mr. PUCINSKI. And warn him of the hazards, and at the same time I believe it would make the advertising itself a great deal more meaningful.

Mr. ADAMS. I believe it would. It absolutely gives more information as to what a man is getting in the product he is going to inhale.

Mr. THOMPSON of Georgia. Mr. Chairman, would the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Chairman, I would ask the gentleman this: Supposing one package of cigarettes indicates that that particular brand has a lower nicotine rate or a higher tar rate than another package? Which would be the better brand?

Mr. ADAMS. I would say to the gentleman that that is up to the individual who is going to smoke them. He is going to have to make up his mind whether he wants more tar or more nicotine.

Mr. THOMPSON of Georgia. Mr. Chairman, if the gentleman will yield further, I know that the gentleman has looked into this matter, and that the gentleman is very knowledgeable about the matter, and I would ask the gentleman what is the average tar and nicotine content for the average American cigarette?

Mr. ADAMS. In the average American cigarette? It depends upon what type of scale you use in terms of the millimeter measurement of it. I cannot tell the gentleman what the average one is today. Perhaps the gentleman can supply the data to me.

Mr. THOMPSON of Georgia. If the gentleman would yield further, the point I am making is simply this: If a person is knowledgeable, as the gentleman in the Well is, and who has spent as much time as the gentleman has, and who is such an expert on this subject, cannot answer the question, how can we possibly expect any member of the public to know anything by the listing of the tar and nicotine content, meaning they do not know what is the safe level, and they do not know what is the dangerous level.

If an individual such as the gentleman in the Well cannot answer the question, it would seem the average person would also be unable to answer the question.

Mr. ADAMS. Oh, this is very, very simple. There is no safe level of tar and nicotine, so the individual is not going to be safe, but any dummy can go in and look at a series of cigarettes, compare one with the other, and see whether one is lower in tar or nicotine than the other.

I believe it would be monstrous if we tried to tell the individual on the package that this is a safe level, because we know of no safe level.

As the gentleman pointed out on the question of comparison, you would look at Kents, Marlboros, and all the other brands, and compare them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SATTERFIELD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment was carefully considered in our committee, and was defeated.

Mr. Chairman, the reason for my opposition to the amendment is that it is without any scientific foundation or justification, and I am fearful that if we resort to this device we are not going to enlighten people, but rather we will deceive them.

In 1964 the Surgeon General's committee made a finding that nicotine did not represent a significant health hazard. In the hearings before our committee witnesses made it very clear that no new data has been published since 1964, and that there is no ground for a different conclusion. Tar, so-called, refers to some 2,000 components in cigarette smoke which are normally found in the smoke of any substance, and they are found in miniscule quantities. In 1965 the Secretary of HEW opposed the listing of tar saying that it was misleading, even where the content listed was accurate.

I might point out here, Mr. Chairman, that there is no uniformity in the content of tobacco. One crop varies from another.

In the early 1950's the FTC ruled that the difference in tar content was insignificant, and this was confirmed by judicial review.

I believe it is interesting to spend a moment to review what the FTC has done. In 1955 and later in 1960 they came along with guidelines to combat the tar-nicotine derby resulting from conflicting advertisements by the different tobacco producers.

Then in 1966 they did a complete flip-flop without any new advancement in evidence on this subject and said they would accept this kind of advertising without question.

There has been no new evidence. There is no item in tobacco smoke identified as causing any disease. Our committee quite properly rejected this amendment.

To make it mandatory that there would be included a content level of tar and nicotine would be to encourage the public to rely upon something that has no foundation in fact. In essence it would mislead the public into believing that there is safety in one cigarette over another where, in fact, there is no foundation for that conclusion.

This will not lead to enlightenment, Mr. Chairman. It will lead only to deception. There is no reasonable basis or evidence to justify this amendment. It should be defeated.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I believe there is ample evidence and ample research that has been done by the Public Health Service, the Federal Trade Commission, and various others to establish the nicotine and tar content of various brand name cigarettes in this country.

I believe there is also a strong argument that can be made that cigarettes having a lower content of tar and nicotine are less dangerous than cigarettes having a higher content of tar and nicotine.

I would hope that our colleagues from the tobacco States who are seriously concerned about the tobacco industry, would not close their eyes to this amendment because, in my judgment, if there is salvation for that industry it might very well lie in this amendment.

This would compel producers to try to reduce the tar and nicotine content in their products. Some are already doing this and doing it well. Apparently, they have had some great results.

The point I am making here is that by

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this amendment you would bring about a greater degree of competition among the producers of cigarettes to try to reduce the tar and nicotine content if they want to stay in business. If they are oblivious to the public reaction and if they are oblivious to the fact that the high content of tar and nicotine constitutes a real hazard to health, then they are not going to stay in business very long.

Those of you who are concerned about the fact that there may be a prohibition against cigarette advertising by the various media in this country ought certainly to look at this amendment.

In my judgment, it offers a solution, a workable solution. I would like to see what happens to cigarette consumption and what effect it has on public health when most cigarette users who cannot kick the habit do have a choice in cigarettes. Right now much of the advertising is meaningless.

When people buy cigarettes, they are impressed by commercials, but have no idea what they are buying.

I think the gentleman in offering this amendment is making an honest effort here to try to resolve this problem and bring some balance between the fact that smoking may be hazardous under certain circumstances on the one hand, and the fact that we do have an industry in this country that needs to be protected on the other hand.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. ADAMS. I would like to comment on the gentleman's argument he made about the nicotine a little earlier. I think he would remember and is probably aware that during the hearings the doctors testified that nicotine, of course, is constrictive of the blood vessels because it affects the central nervous system. In other words, it forces the blood pressure up and releases the blood pressure and can lead to a heart condition.

This is what the Surgeon General says about it:

> Third, to provide the consumer with information on the tar and nicotine level of his cigarette, on the package and in advertising. We believe the consumer is entitled to know the tar and nicotine levels of his cigarette. Since November of 1967, the Federal Trade Commission has issued periodic ratings of these levels; the information is present and available, and all that remains to be done is its listing on packages and in advertising. It is the view of the Public Health Service that this is useful information; that the lower these levels are, the less hazardous is the cigarette likely to be.

That is why I say, Mr. Chairman, that I would hope the Members would support this amendment.

There is serious concern that advertising be banned. I think that those who have that concern would have a better chance of having the FCC considering this kind of advertising, if indeed this information were given.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Is it not true, whether we are talking about the label on a package of cigarettes or anything else, that when we as a responsible body start quoting figures we must, on a philosophical basis, have some norm? I do not want my 16-year-old son looking at any cigarette package, reading what is printed on it, and thinking it is safe.

Mr. PUCINSKI. I agree with the gentleman. I think what we are seeing in this country now is one of the greatest educational campaigns we have ever seen by those who believe for a fact that cigarette smoking is dangerous. I referred in my own remarks to the advertising being put out by the American Cancer Institute. They deserve credit for bringing to the American people the message that smoking is dangerous, and I think anyone who continues to smoke, in view of those advertisements, is acting with knowledge of what can possibly happen.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. Mr. Chairman, I move to strike the requisite number of words. I shall take only a portion of my allotted time.

There has been a very drastic change in what the gentleman referred to as the ignorant American public with relation to filter cigarettes during the last 10 years. Ten years ago you could hardly buy a cigarette with a filter, and now practically all cigarettes that are sold are filter cigarettes. There has been a thorough job done on that subject. But the idea of placing one or two figures on a cigarette package will result in one cigarette manufacturer bragging about it and another complaining about the same set of figures. I think it will create a delusion in some people, and in some people a sense of well-being by saying, "Now I have a safe cigarette." There is nothing that would be more deceptive, nothing that could be more misleading than one single set of figures on the side of a package of cigarettes, when no one, the Surgeon General or anyone else, knows what a safe figure is.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from South Carolina.

Mr. WATSON. The gentleman is precisely correct in what he has said. One thing that disturbs so many of us is that question. Why single out tar and nicotine? There is absolutely no evidence or testimony whatsoever that they produce lung cancer. The next question is: Where do you stop? The testimony produced in the hearings was that there are 2,000 different ingredients involved in cigarette smoking. What would we do? List all of them? Instead of having available cigarette 100's, we would probably have to have a package a mile long in order to get on it all 2,000 ingredients. As the gentleman has pointed out, the proposed action would be lulling an individual into a false sense of security, so far as the safety factor involved is concerned. That was dramatically pointed out in the hearings. There would not be anything to compare it with. As we have it now, we have a stronger warning, and I believe it will do the job that the gentleman has in mind. Certainly I do not impugn the motives of the gentleman from California or anyone else. You are doing what you honestly believe is for the best interests of the American people, and I trust that you will afford us the same privilege.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. No one here suggests that by listing on a package of cigarettes the tar and nicotine content that we are in any way saying it is safe. What we would be doing is giving the consumer the opportunity to know comparative contents. I am amazed at my good friend. Everything we buy contains a list of the contents. When you buy a can of soup or any other product—anything you buy, by law, must have listed on it the contents of the product. Why should we treat cigarettes any differently?

Mr. KUYKENDALL. There may be a reason to bring up that subject at another time and in another place, but I am absolutely convinced that listing tar and nicotine on the package will do more harm than good in preventing cancer.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to the debate for 2 days on this bill, and I have been waiting for the most important question of all to be answered: Should not some consideration be given to us Bull Durham smokers who roll our own? What are you going to do for us in this bill?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. DINGELL. We are not going to do anything for you in this bill.

Mr. GROSS. Apparently you are going to let me die in peace, the way I want to die. I would suggest for those of you who are concerned with the future of humanity that you bring out a bill providing that manufacturers of tailor-made cigarettes put a little whistle in each one of them, so that with every puff a whistle is blown on smoking.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. ADAMS).

The question was taken; and on a division (demanded by Mr. ADAMS) there were—ayes 27, noes 76.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ECKHARDT: On page 4 after line 23 insert the following: "The Federal Communications Commission shall not have authority to issue any order or orders banning entirely cigarette advertising. Nothing contained in this section shall prevent said Commission from utilizing such procedures and process as may be available to it within the general authority vested in it by other provisions of law."

Mr. ECKHARDT. Mr. Chairman, I say what I have to say here with respect and in good humor, but H.R. 6543 is a fraud, and it is a fraud in two respects. It is a fraud to tell the American people that an infinitesimal warning on the side of the cigarette package is a protection to their health, and it is also a fraud to assume, as many have assumed during this entire debate and before it, that there is any provision either in the original act or in the amended act that in any respect limits the FCC with respect to banning cigarette advertising entirely.

The thing is that the FCC, instead of acting courageously, withholds its action on the assumption that Congress must act first. The FCC has the power to act now. The cigarette people will not reveal this fact because they do not want to face squarely the proposition before this Congress, that the protection of their freedom to exercise their advertising judgment without restraint by the FCC should be extended in the face of the adverse publicity given to cigarettes. They are satisfied as long as the FCC withholds its hand even though the law does not require the FCC to withhold its hand. They know what this act does. They know it does not restrain the FCC. The attorneys for the FCC know that. The committee knows that, and it appears in the report. Yet, most of the argument is as if the act prohibited the FCC from acting.

Mr. Chairman, I offer this amendment merely to get a statement and a declaration from the House as to whether or not it wants, honestly and specifically within the act, to ban cigarette advertising entirely. If we do, we should vote for my amendment.

I must confess that I almost decided not to offer this amendment when I drove to Texas the other day and my little 4-year-old girl played a toy banjo, and all the way to Texas while she was playing on that banjo she sang "Me and my Winstons, I have got a real good thing." It almost drove me to distraction and I thought maybe I ought not offer this amendment.

But when I looked out and saw in passing through North Carolina those farmers in their poor little dilapidated and broken-down homes making their living by raising tobacco and getting that 3 cents out of every package which the gracious American Tobacco Co., Reynolds, P. Lorillard, and the other companies permit them to have, then I was sure I had to do my duty before this House and forget that little daughter singing that ditty, and permit the advertising of cigarettes.

That is the reason why I am offering this amendment.

Furthermore, when I saw these poor persons living on their earnings of 3 cents out of the price of a pack of cigarettes, I thought, "Why, this could happen in Texas if I would offer an act that a label should be put on every package of marihuana saying, 'Danger, the Surgeon General states that this may cause euphoria.' " Then we would preempt the field and prevent the States from making the sale of marihuana illegal, and the happy little marihuana farmer could then spring up in my area, which already raises flax, and could raise a different kind of flax and sell marihuana. All one has to do is put a little label on the package and thus preempt the field.

I offer this amendment so that Congress will have an opportunity to declare its intent as to whether or not the FCC should ban entirely cigarette advertising. This question is not resolved by the bill we have before us. Indeed it was not resolved in the Federal Cigarette Labeling and Advertising Act, the 1965 legislation which this bill seeks to revise and extend.

I refer to page 3 of the committee report where it is said:

> The question of a ban on cigarette advertising is not treated in the Federal Cigarette Labeling and Advertising Act.

Of course, this bill, called the Public Health Cigarette Smoking Act of 1969, is identical to the Federal Cigarette Labeling and Advertising Act in its preemption section, and the committee report says:

> Since the bill, as reported, is in the main a reenactment of existing law it does not address itself to the question of a ban on cigarette advertising on radio and television.

This amendment does address itself to that question and thus would afford Congress an opportunity to work its will on the following subject: "Should the FCC be permitted to ban cigarette advertising entirely?"

If it should, the vote on this amendment should be "No."

But if you wish to limit the power of the FCC to prohibit it from banning entirely cigarette advertising, you will vote "Yes" on my amendment, which does just that.

These are the reasons why I support this amendment: First, I would have preferred that the FTC, the FCC, and the States be encouraged to keep the dialog going with respect to cigarettes and health; that they delve into the subject of cigarette advertising in a comprehensive way with public hearings; and that they have available to them a broad authority to grant relief from advertising abuses. I am convinced that the broadcasting industry's code authority has not really curbed these abuses but has afforded merely window dressing to keep the responsible agencies of the Federal Government and the States from exercising their proper duty. Therefore, I was against the preemption contained in section 5(b).

But I think that my committee has clearly spoken in favor of maintaining some preemption. This results in a piecemeal effect. Certainly section 5(b) prohibits the FTC from requiring an insertion in an advertisement of labeled cigarettes warning the public of health hazards related to smoking.

Though the Cigarette Labeling and Advertising Act, which was passed in 1965, did not have the FCC in mind, I think it is a fair interpretation of section 5(b) that it also so limited the Federal Communications Commission.

But the act in its present form does not touch the general powers of the Federal Communications Commission; and, more specifically, it does not touch the authority of the FCC to ban advertising, including cigarette advertising, on grounds that it is deemed a threat to the public health.

Therefore, I urge my colleagues to vote for this amendment if they wish to change the meaning which section 5(b) spontaneously yields. That provision does not prohibit the FCC from banning cigarette advertising entirely. My amendment would do so.

Mr. ADAMS. Mr. Chairman, I rise in opposition to the amendment.

I shall be very brief. I hope the gentleman's amendment does not carry.

I agree with the gentleman. He is precisely correct. This bill does not deal either with banning advertising or limiting hours or controlling hours. It deals only with a health warning.

I do not believe that in this bill we should move to a whole new field of working with the FCC. In fact, I considered raising a point of order on the amendment, because the bill has nothing to do with the FCC banning or not banning, or controlling or not controlling the hours of showing of advertising.

I hope the amendment will be defeated.

Mr. SATTERFIELD. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Virginia.

Mr. SATTERFIELD. I want to welcome the gentleman to my side, in opposing this particular amendment.

I should like to ask, if it is not a fact there is law applicable to this particular question; namely, the Communications Act—section 326, I believe—which prohibits the Communications Commission from censoring any signal of a licensed station. Would not that be applicable?

Mr. ADAMS. No, that would not be applicable because this is not censorship. They can, in my opinion, regulate hours. They can also regulate in terms of banning, as has been done with certain prescription drugs.

Mr. SATTERFIELD. Is it not a fact that the first amendment would apply?

Mr. ADAMS. No. Under I believe it is the Red Lion case the first amendment does not apply to commercial advertising as opposed to the discussion of an issue. If you want to go on television and discuss the issue of whether you should smoke cigarettes, with the other side saying you should not smoke cigarettes, that would be protected by the first amendment. But commercial advertising as such is not protected by the first amendment.

Mr. SATTERFIELD. The gentleman certainly is not implying there is no controversy on this particular amendment.

Mr. ADAMS. I do not think there is. If there is a controversy, it is only because the two of us are in disagreement.

Mr. SATTERFIELD. I believe there is disagreement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ADAMS

Mr. ADAMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ADAMS: On page 4, line 20, insert ", other than the state-

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ment required by section 4 of this Act," immediately after "health".

Mr. ADAMS. Mr. Chairman, this amendment would change the preemption section with regard to a health warning to read that no statement other than the statement set forth in section 4 relating to smoking and health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the provisions of this act.

We have decided in this act that the label as put on the package is a proper and appropriate label. We have voted that. Some of us may have opposed it, but it has been imposed by the House properly by a vote of the House. We have also decided in the first part of this act what is involved with cigarettes. Therefore, it seems to me only logical—and I cannot see any argument possible against it—that if we have agreed this label is appropriate, then the label should be placed on the advertising. I am not requiring it by this amendment, but the amendment says that the Federal Trade Commission and the Federal Communications Commission can require that the label that is on the cigarettes be placed in the advertising on television, on radio, and in all other kinds of media if after hearings they decide that it should be done. This goes to the point that the chairman raised the first day, which was that these agencies, if you want to bring them under control, should be given instructions. In this the Congress would be saying to them that we will not allow you just to go out and do whatever you want, but we in Congress have decided an appropriate label is this, and then we set it forth in the act. Then we are saying to them that if you do believe that it should be done, you can place this label on all advertising. This would be done in the regular manner. In other words, a proposal would be sent out and there would be hearings and a decision would be made by the agency as to whether or not it would be put on. The parties involved would have the right to appeal the decision just as is done with every other product. I cannot see any reason why this should not be done. I would be very happy to have any opposition indicated to me, if you say that this label is all right. Then tell me why it should not be placed on advertising, because, after all, advertising is supposed to reveal to the people what the true state of the matter is in the best possible fashion.

Mr. Chairman, this is a very simple amendment, and I hope it will be adopted. It is the sort of an amendment that fits in with the rest of this bill, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. ADAMS).

The question was taken; and on a division (demanded by Mr. ADAMS) there were—ayes 37, noes 59.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ADAMS

Mr. ADAMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADAMS: On page 4, line 23, insert after the period the following new sentence: "This subsection does not prevent any State or political subdivision thereof, which prohibits the sale of cigarettes to persons below certain ages, from requiring that any cigarette advertisement within its jurisdiction set forth the fact that persons below certain ages are prohibited by such State or political subdivision from purchasing cigarettes."

Mr. ADAMS. Mr. Chairman, this is the last amendment about which I know that we have to offer. I thought that statement might bring a little joy to some of you. This is what I refer to as the States rights amendment. I thought we would save it until last because it would have the best chance of passing.

Mr. Chairman, this law has been constructed by many States—and I have statements at the table from various State commissioners—to prevent them from requiring health warnings or from regulating advertising within their States.

Now, it has been said several times during this debate that cigarettes are a legal product. I want to state clearly to this House that cigarettes are not a legal product for minors in 48 of the 50 States.

Mr. Chairman, in order that the Members may have some idea of the severity of some of the State laws, I shall refer them to the hearings, at page 485, and I would read to them for example—and the gentleman from Texas (Mr. ECKHARDT) mentioned marihuana and I know many of you are very, very violently opposed to marihuana—but I want to read to you what the Indiana statute says.

The Indiana statute states as follows:

> It is unlawful to give, barter, or sell either directly or indirectly to child under 16 tobacco to be chewed or smoked.
>
> Unlawful to sell, barter, furnish to any minor cigarette, cigarette wrapper, or advise and counsel minor to smoke.
>
> Unlawful for person under 21 to buy, receive, or accept or have cigarette, cigarette paper, wrapper or paper containing morphine, nicotine, oil of hemp.

Mr. Chairman, if advertising is not advising or counseling minors to smoke, I do not know what it is.

For those of you who are not familiar with marihuana, marihuana is one of the hemp family and is covered by the decisions of the court.

Forty-eight of the 50 States prohibit the sale of cigarettes to minors.

It would seem to me that in all fairness we should at least allow States that prohibit sales to minors to regulate advertising within their borders by requiring that there be a warning, even as they have said in the State law, that would say in the advertising, "No one under 18 is allowed by State law to smoke cigarettes or to have cigarettes."

Certainly, it seems to me they ought to be able to say to their young people, those who are of a particular age, these warnings and let the States decide whether or not they are allowed to smoke and also say to the advertising people that within certain hours within our State you shall not advertise the sale of cigarettes.

I think that probably if it were not for the law that we have passed, certain of the cigarette companies would be in violation of the State laws with reference to advising, counseling, and abetting children to smoke.

Because in the letter I read yesterday in 1 month in 1968 there were 13.3 billion presentations of cigarette advertisements in the United States, and it averaged out that every teenager saw at least 65 commercials in the month, and every child saw 45.

Now, this is cumulative. This is effective. This is showing their parents and other adults smoking and indicating to them that it is a habit that is worth while.

Mr. Chairman, I have tried during the course of the day to offer other amendments. Other gentlemen on our side have offered amendments to at least let the FCC and the FTC regulate. Now we are saying, "All right, if you are going to wipe all of those out and if you are not going to let anybody touch it, at least allow the States that have State laws prohibiting the sale to minors do some regulating." It is a States rights amendment. I believe that you can require it. You have it in the States now. If any of the Members have listened to some of the gasoline advertisements where they run these bingo games, it says "Void where prohibited by law."

The CHAIRMAN. The time of the gentleman has expired.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Washington. The "preemption" section, section 5 of the bill, is a curious provision. It continues the present law which prevents any Government agency, Federal, State, or local, from requiring health warnings in cigarette advertising.

If enacted, section 5 will continue to prohibit the Federal Trade Commission from requiring health warnings in all cigarette advertising; it will continue to prohibit the Federal Communications Commission from banning cigarette advertising on radio and television; and it will continue to prohibit the States from exercising their authority to legislate with respect to local advertising.

It is curious that those who rush to defend States rights are not on their feet today protesting such Federal preemption. It is curious that those who approve of a health warning on cigarette packages disapprove of a health warning in any other form.

Recently, I posed this question to my constituents in a newsletter: "Do you support my position in favor of the FCC's proposed ruling banning all cigarette advertising on radio and television?" Of those who responded, 75 percent agree with my position supporting the FCC's proposed ban. Section 5, if passed, will require me to tell my constituents that the Congress does not consider the FCC to have any competence or jurisdiction in what is broadcast over the airwaves. The Congress has created an agency to regulate those airwaves in the public interest and yet sees fit to revoke such authority now, and thereby a special interest outrageously is made paramount to the public's interest. This is a curious way to legislate, and I think my constituents and the public at large will agree, if this bill is enacted without serious revision on the floor this afternoon. To undo the illogic of section 5, I urge my colleagues to support the amendment that would restore the authority of Federal, State, and local agencies to regulate cigarette advertising if they deem it to be in the best interest of the public's health and welfare.

Mr. FOUNTAIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the distinguished gentleman who introduced this amendment said that he saved it for the last in the hope that the mood of the House might change. I would like to say that the gentleman certainly saved the worst one for the last.

Mr. Chairman, I am opposed to this amendment. As I understand its reading, the proposal would add on page 4, line 23 the following:

> This subsection does not prevent any State or political subdivision thereof, which prohibits the sale of cigarettes to persons below certain ages, from requiring that any cigarette advertisement within its jurisdiction set forth the fact that persons below certain ages are prohibited by such State or political subdivision from purchasing cigarettes.

This amendment, if added to this bill, would create utter chaos, and virtually make impossible nationally broadcast programs or the dissemination of nationally published magazines, and indeed many locally published newspapers. Imagine 50 different advertising formats in a nationally broadcast program.

It would open the door for each State to require each cigarette advertisement to recite word for word the State's law governing the purchase of cigarettes by minors. Nationally broadcast programs sponsored by a cigarette company would not be received in those States, for no commercial could possibly recite the varying applicable provisions for each and every State that might have the requirement.

Variations in State laws prohibiting sales to minors are well known. Some refer merely to minors; some to the age; others have provisions as to written permission of a parent or guardian, and some outlaw both sales to and possession by minors, and the age limit for a sales violation is frequently different from the limit for possession within a given State.

Local stations must commit themselves to showing nationally televised programs far in advance, often before it is certain who the sponsors will be. Stations would be denied the right to broadcast many programs if there was the remotest chance that even a 30-second spot cigarette commercial might appear on it.

These same variations would render it impossible to have printed cigarette advertisements in national publications, and in most local newspapers which enjoy any substantial out-of-state circulation.

The end result would either be utter chaos, confusion to the reading public, or more likely the complete cessation of cigarette advertising—which is what those offering this and other restrictive amendments are really seeking. They really want a ban on advertising either directly by law or indirectly by restrictions which will have the effect of stopping the advertising of cigarettes either nationally or locally.

Mr. Chairman, let me also add that all of these amendments relating to requiring warning statements in advertising, whether imposed by State or Federal agencies, embody the unique feature of having a businessman foot the bill for what Congress has made clear is a Government information program. In this instance, it is heavily supplemented by a great many private organizations who raise vast sums which they devote to anticigarette TV messages and pamphlets and antismoking clinics and the like.

It would be equally logical to require business advertising of any sort to carry full information about workmen's compensation laws, about the need to pay income taxes honestly and fairly, about the availability of unemployment compensation, or any other informational program which someone believes the public should have brought to it.

Even more, in this instance, as the HEW official in charge of the educational program made clear, there is no need for so stringent a requirement.

To put this burden on the advertising of a product that may be lawfully sold is not only punitive but also wholly unwarranted. In fact, it would be an undue burden upon interstate commerce.

I urge and sincerely hope the committee will vote this amendment down.

Mr. LENNON. Mr. Chairman, in the general debate yesterday on H.R. 6543, the Public Health Cigarette Smoking Act of 1969, I listened with great interest to the statement made by my colleague and good friend, L. H. FOUNTAIN, concerning his position which is certainly representative of the position of all of us from North Carolina. After his remarks were printed, I went back and reviewed them, in the RECORD on pages H4914–H4917, and I find myself in total agreement. I commend Mr. FOUNTAIN for his concern and efforts to keep advertising regulations within the authority of the Congress and not permit agencies of the Federal Government to run in all directions in the matter.

While I am also opposed to the proposed warning label because I do not believe that cigarette smoking has been incontrovertibly established by medical authority as dangerous to health, I shall support H.R. 6543, to extend public health protection, because this act will maintain the statutory authority of the Congress to regulate advertising. The administration of licensing cannot validly be converted into arbitrary acts of censorship. The committee bill, I feel, will protect the public and free enterprise from the threat of bureaucratic directives.

Mr. MOSS. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, with all due deference to the very distinguished gentleman who preceded me in the well, I did not expect that I would be here long enough to hear him abandon his traditional role of supporting the rights of the States. It is a very refreshing experience.

I was also impressed by the misinformation where he said it would require word for word the recitation of the laws of the States in any advertising.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I am happy to yield to the gentleman.

Mr. FOUNTAIN. I did not say it would require that. I said it would make it possible for that to happen.

Mr. MOSS. I would refer to the clear language of the amendment:

> This subsection does not prevent any state or political subdivision thereof which prohibits the sale of cigarettes to persons below certain ages from requiring that any cigarette advertising within its jurisdiction set forth the fact that persons below certain ages are prohibited by such state or political subdivision from purchasing cigarettes.

Now there is not a thing there that implies there is the requirement that all the provisions of the law be set forth.

I have seen advertisements on many occasions saying, "This offer is not legal in the following States" and then it goes on to list a series of States where the coupon cannot be redeemed or where the game cannot be played.

But here there is a complete preemption, and all the gentleman from Washington wants to do is to clarify the right of the States or local subdivisions to enforce their prohibition.

You must remember that when the law of the State says that this is not a legal product to a 16-year-old or an 18-year-old person, then it is not a lawful product. To present it as it was presented in the well here a few minutes ago as being a lawful product and that this would be an onerous burden on interstate commerce distorts completely and clearly the intent of the author of the amendment.

There ought to be some limits on how far we are willing to go to deny any warning, or effective orders against the use of cigarettes. There is clear evidence that some of the States interpret this as an absolute preemption where they cannot require a notice of the fact that it is unlawful to offer them for sale to young men and women below certain ages, in most States 16 or 18 years old. I think this is the very least that you can do.

Perhaps we have reached the point where the House or the committee is inclined to say: "The public be damned—we are not concerned with your welfare."

That is what the action here today impresses me as being.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. ADAMS).

The question was taken; and on a division (demanded by Mr. ADAMS) there were—ayes 44, noes 79.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CLEVELAND

Mr. CLEVELAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. CLEVELAND: On page 5, after line 20, insert the following new subsection:
>
> "(3) The Secretary of Agriculture shall transmit a report to Congress not later than

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> six months after the effective date of this Act, and annually thereafter, concerning the dollar amount of administrative costs, export payments, market promotion activities, price supports, or subsidies, direct or indirect, of any kind whatsoever, that innures to growers, processors, or exporters of tobacco produced in the United States."

Mr. SATTERFIELD. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SATTERFIELD. I make a point of order against the amendment as not being germane. It pertains to the Department of Agriculture and the economics applicable to export promotion, market promotion, and other matters pertaining to tobacco. The amendment is not germane to the current action. It is also beyond the scope of the bill.

The CHAIRMAN. Does the gentleman from New Hampshire desire to be heard on the point of order?

Mr. CLEVELAND. Yes, I do, Mr. Chairman.

My amendment, which is almost self-explanatory and is quite brief, would require the Secretary of Agriculture to transmit a report to the Congress 6 months after the effective date of this act concerning a matter that I believe is directly involved in the subject matter of the bill. We are all concerned about the health angle and the advertising angles in relation to the use of tobacco.

But there is another facet to this problem and I think the public should be informed about it. And we Members should be informed about it. That is that the U.S. Government is subsidizing tobacco in some instances, and they are shipping it abroad and in some foreign countries I am told they are advertising and promoting its use.

Now, Mr. Chairman, the purpose of this legislation we are debating is to warn the American public about the dangers of smoking cigarettes. This is certainly a proper health function of the Government. But is it not hypocritical, even two-faced, to be providing this warning while another arm of the Government is actively and perhaps expensively engaged in the business of supporting, subsidizing and even promoting the use of tobacco? Of course it is.

While my amendment would not end this practice it would compel the Government to inform the taxpayer how much it is costing him to maintain and expand the market for a product which his government tells him—also at his own expense—may be harmful to use. Surely, Mr. Chairman, we should end this embarrassing, costly double standard.

On page 5 of the bill, under subsection (d), the committee in its wisdom has asked the Secretary of Health, Education and Welfare to transmit a report to Congress on current information in respect to the health consequences of smoking and recommendations, if any, for legislation.

On the same page, the committee in its wisdom has asked the Federal Trade Commission to transmit a report to the Congress not later than 18 months after the effective date of the act concerning the effectiveness of cigarette labeling and the current practices and method of cigarette advertising.

It seems to me it would be quite germane for us to take the next step and ask the Secretary of Agriculture just how much he is putting into the promoting of tobacco and tobacco products, how much of it is being exported abroad, and under what conditions. I think this is thoroughly germane, and I ask the Chair to so rule.

The CHAIRMAN. The Chair has examined the amendment offered by the gentleman from New Hampshire (Mr. CLEVELAND) and the bill before the Committee. The Chair observes that there are two reports required in the bill, as shown on page 5, and the gentleman's amendment adds a third report that would be required, and this third report would be germane to the subject matter of the bill. It seems clearly germane, and the Chair overrules the point of order.

The gentleman from New Hampshire is recognized for 5 minutes in support of his amendment.

Mr. CLEVELAND. Mr. Chairman, I think my previous remarks in connection with the germaneness of this amendment also explain my purpose in asking the House to adopt this amendment. The hour is late and I know that many members of the Committee have been listening to this debate patiently and for a long time. I can only say I hope the Chairman of the Committee in his wisdom, now that he has found the amendment is germane, will accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. CLEVELAND).

The amendment was rejected.

Mr. WHALEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment which we have debated this afternoon portray the classic issue of self-regulation versus Government regulation of private industry.

I do not think there is any disagreement on the point that wherever feasible and in the public interest, self-regulation of private industry is always to be preferred over Government regulation. But where an industry, entrusted with the burden of self-regulation abdicates its responsibility, then, in the interest of the public, Government must act to fill the regulatory gap which has been thereby created.

In considering this proposed legislation on cigarette advertising, we are faced with a decision which will bear directly on the public health and welfare of our citizens, and in particular on our young people. To pass the bill in its present form would be to allow existing patterns and techniques of cigarette advertising to continue, possibly unchecked, for another 6 years.

I believe that it is therefore incumbent upon us to inquire as to just how good those patterns and techniques are, and as to the nature of the guidelines and regulatory devices which govern them.

The tobacco industry is one which purports to be self-regulated.

At least it has all the appearances of self-regulation.

For example, the industry, early in 1964, drafted an eight-page Cigarette Advertising Code, the primary aims of which were, in the words of its administrator, "to avoid appeals to youth and to eliminate unsubstantiated health claims." At the same time a regulating instrument—Cigarette Advertising Code, Inc.—was set up.

Then July 1, 1964, the major tobacco companies involved in the drafting of the code appointed Robert B. Meyner as the code's administrator, at an annual salary of $100,000. Mr. Meyner has to this date been the CAC's only administrator, and has continued to receive the $100,000-a-year salary for the past 5 years.

Given, therefore, these indicia of self-regulation, we must now look to the record to see exactly what kind of a job of self-regulation the CAC and its administrator have been performing.

During hearings before the Interstate and Foreign Commerce Committee on May 1, 1969, Mr. Meyner testified that the CAC represents "a worthy example of self-regulation." If his testimony on that date, considered as a whole, is to be taken at face value, then the conclusion would be that he and the CAC are doing as effective a job of self-regulation as could be done. But, regrettably, this does not seem to be the case.

Let us, therefore, look to the record to see just how "worthy" is this example of self-regulation.

From the outset, I refer to a rather critical situation relating to, and seriously affecting the operations of, the CAC's subscribing membership.

When the CAC was initially adopted, it listed as its members all of the so-called "big six" tobacco companies—American Tobacco Co., Brown & Williamson, Liggett & Myers, P. Lorillard & Co., Philip Morris Co., and R. J. Reynolds Co.—as well as three rather smaller companies—Larus & Bro. Co., Stephano Bro., and the U.S. Tobacco Co.

But within less than 3 years after the date on which the CAC went into effect, two of the big six companies withdrew as members—P. Lorillard in 1966, a company which today represents an 11-percent share of total industry production of cigarettes, and the American Tobacco Co. in 1967, a company which now occupies 22 percent of the total industry market.

Therefore, we have today a situation where major tobacco companies responsible for one-third of the total U.S. cigarette production are not even subject to the rules of the code. How, then, can Mr. Meyner presume to "speak for the industry" when at least one-third of it has not been under his jurisdiction for quite some time?

But putting aside for a moment—if that is possible—those two critical defections, let us look at what kind of a job that CAC have been doing in regulating the advertising of the remaining member companies.

Article IV, section 1(a) of the code states that—

> Cigarette advertising shall not appear: (1) On television and radio programs, or in publications, directed primarily to persons under twenty-one years of age; (2) In spot announcements during any program break in, or during the program break immediately

> preceding or following, a television or radio program directed primarily to persons under 21 years of age.

But when we look at the record, what do we find? I shall use the example of WNBC–TV in New York City, the "flagship" of the National Broadcasting Co., to demonstrate that the above-cited provisions are violated regularly.

For one thing, on April 17, 1969, a typical broadcasting weeknight on WNBC–TV, FCC records show that during prime time alone, 12 separate cigarette advertisements were aired.

Further, taking, as examples, four separate television programs aired on WNBC–TV during prime time, you will find that two cigarette commercials were broadcast during "I Spy," four during "Tammy and the Doctor," two during "The Virginian," and three during "Daniel Boone."

I think that the violations here of the above-cited CAC provisions are obvious. The shows that I have mentioned are all most certainly programs that draw vast audiences of young people.

Let us look at another provision of the code. Article IV, section 1(d) of the code states:

> Cigarette advertising shall not represent that cigarette smoking is essential to social prominence, distinction, success, or sexual attraction.

What has Mr. Meyner's CAC done to enforce the letter of this regulation? Apparently, not a great deal, since this regulation is also violated with regularity.

I would like to cite as examples some of the commercials referred to in the recently publicized confidential "Broadcast Cigarette Advertising Report," prepared in 1966 for the National Association of Broadcasters.

Reference is made in the report to the Camel filter commercial, which draws a parallel between the cigarettes and people who apparently enjoy, or have, gratifying pursuits. The people are depicted as smokers.

The report states:

> Some campaigns stress success in other aspects of life; (e.g., high social standing, affluence, and sophistication). Such a campaign is Pall Mall's which extolls the brand in settings of a penthouse apartment, a luxury liner and a theatre lobby.
>
> Parliament's theme—

The report continues—

> "The right place, the right time, the right people, the right cigarette," is also a reflection of this concept.

Section 1(d) is again violated regularly in ads such as Marlboro's, Camel's, and Viceroys, where use of so-called hero images is widely employed.

Quoting again from the confidential report:

> Current cigarette ads utilize dramatizations of men who are of the type with whom young people like to associate, look up to, and emulate. The association with Marlboro of the rugged cowboy, the hero of the west, is the most conspicuous example of this image. He smokes with authority. The cowboy's masculinity and virile good looks are combined with rugged outdoor settings to create compelling images of the western hero-figure typified in American folklore.

What about article IV, section 1 (h) and (i) of the CAC? Those sections read, respectively:

> Cigarette advertising shall not depict as a smoker any person well known as being or having been an athlete.

And—

> Cigarette advertising shall not depict as a smoker any person participating in, or obviously having just participated in, physical activity requiring stamina or athletic conditioning beyond that of normal recreation.

Compare these sections with Parliament's "tennis" commercial, which shows persons rigorously engaged in a sport, and with other commercials showing smokers bowling and golfing.

The report further finds that a number of brands utilize a theme which could be argued as overtly encouraging all day smoking or adherence to the smoking habit.

The report states:

> In Viceroy commercials men are seen smoking early in the day and then at night. The last cigarette tastes as fresh as the first because "Viceroy's got the taste that's right anytime of the day."

I believe, Mr. Chairman, that the above evidence clearly indicates that not only does Mr. Meyner not speak for a substantial portion of the cigarette industry, but that even those remaining members of the CAC regularly continue to violate their own code.

Unlike Pete Rozelle in his handling of the Joe Namath matter, Mr. Meyner either has been unwilling or unable to persuade his residual membership to conform to the code.

Thus, the only course that this body should follow is to send this bill back to committee without further delay, to permit an indepth study of the activities of the Cigarette Advertising Code, Inc. Those matters and problems which I have alluded to today, together with the new reports and file memos turned over last week to the committee, and which are now a matter of public record, dictate this need for prompt recommital.

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DEVINE. Mr. Chairman, a questionable implication has been left here concerning the effectiveness of the codes of the broadcasting industry. I believe it would be a disservice to the public to bring this self-regulatory effort into disrepute. It appears to me a genuine effort of an industry to live up to its obligations. Under their codes, the radio and television stations strive to fulfill their community responsibilities, to respect the special needs of children, to achieve decency and decorum in programs, and propriety in advertising.

Of course, broadcasting stations are not perfect. On occasion they have fallen short of the mark and we should not hesitate to be critical. But for many years in observing the industry closely, I believe that the self-regulatory codes of the radio and television broadcasters constitute a positive force in the interest of the American people.

The codes work effectively in many areas. For example, mail-order promotions, advertisements of remedies for serious medical problems such as bronchitis, firearms and ammunition sales outside of normal sporting activities, the exploitation of children in commercials for toys or products harmful to them without supervision—the codes restrain all of these practices.

As new products and situations arise, the codes have grown to meet the challenges. When a rash of movies were being promoted with a "hippie" theme or hallucinogenic drugs were involved, the code acted to set standards. As LSD rose in public awareness, the codes moved to prevent the portrayal of such products as desirable or socially acceptable.

Combating the staggering highway deathrate, commercials and programs set for the fall of this year will be subject to the code recommendations that shoulder harness and seat belts be shown in proper use and that motorcyclists have on helmets and eye protectors.

With the advent of a system of rating movies as to their appropriateness for different viewing audiences, the broadcasters have established a policy of including the rating with any commercials for the movies. They have further set limits on the showing of ads for movies of an adult character during certain hours.

Weight reducing products have come under supervision of the code and are designed to avoid the implication that the product in itself can cause weight loss without consideration of the total diet.

Advertisements for mail-order tear gas guns were prohibited. The code has positively dealt with such diverse subjects as ulcer relief, acne remedies, inclusion of forbidden hard liquor advertising in association with commercials for air travel, gambling activities at resorts, and even chinchilla ranching.

Advertisers are warned by the code to move away from antisocial behavior in commercials even when humorous or satirically presented such as bank robberies, hijacking, hooliganism, and vandalism.

Ethnic humor: that is, derisive slang, in connection with races or nationalities is prohibited by the code.

Compliance to the code's standards is initially up to individual broadcasters. But the code offers a staff of professional assistance to provide interpretive rulings on the wide range of subjects that daily pass over the airwaves.

Broadcasters have shown their concern by the establishment of such an authority. They indicate their responsiveness by the action already taken.

Is Federal regulation of the content of ads, and even of programs, a desirable alternative to this self-regulation? I submit that the Federal Government could not do as good a job. It should not even if it could.

Mr. ABBITT. Mr. Chairman, I move to strike the requisite number of words.

I commend highly the majority of the members of this committee for a job well done. I greatly appreciate their fine work. I rise in support of H.R. 6543 which has as its purpose the extending of public health protection with respect to cigarette smoking and for other purposes.

I introduced one of the bills which

was considered by the House Interstate and Foreign Commerce Committee on this subject and am very vitally interested in it. I feel that it is most important that Congress act expeditiously to postpone the termination date on preemption of certain aspects of regulation of cigarette advertising in order to prevent precipitous action by certain Federal agencies which have already indicated their intention to persecute the tobacco industry. I do not believe that we can take this matter lightly, nor should we, because if the Federal agencies can act with respect to the tobacco industry as they now propose, they can also act subsequently to restrict advertising and promotion of many other products simply because some agency or group has determined that they are harmful to the general public.

The Cigarette Labeling Act which was passed in 1965 accurately reflects the proven facts about smoking and health and requires a warning on cigarette packages only that smoking may be harmful to one's health. The House Interstate and Foreign Commerce Committee has submitted new wording which apparently is acceptable to the industry and makes provision for the preemption to be extended from July 1, 1969, to July 1, 1975.

I feel that this is a reasonable action and one which continues to reflect only the proven facts which now exist. To do more than this would be acting precipitously and without proper justification.

In 1965 Congress acted in the face of an attempted usurpation of authority by the Federal Trade Commission which sought at that time to require warnings on all cigarette packages and advertising that use of cigarettes can cause cancer and other diseases. The FTC now has reiterated its intention and gone somewhat further in its attempts to browbeat the tobacco industry. We are also faced today with an even greater grasp for authority by the Federal Communications Commission which has proposed that a ban be placed on all cigarette advertising on radio and television.

The issue here is clear—shall Congress allow its legislative authority to be usurped by regulatory agencies? I believe that the overwhelming sentiment today is to do no more than can be justified but no less than to protect the public interest to the extent that present evidence requires.

It is important that Congress act quickly because the Cigarette Labeling Act expires on July 1, 1969, and unless Congress extends it, the Federal Trade Commission, the Federal Communications Commission, and other agencies may attempt to take action which will far exceed logical or justified approaches.

The so-called evidence submitted by the regulatory agency in connection with their proposals does not indicate that there is today any more proof of the dangers of cigarette smoking than was available in 1965 when the Cigarette Labeling Act was passed. What was done then in order to forestall a dangerous grasp for authority would, therefore, logically appear to be a course of action today when we are facing even greater threats of precipitous action. Congress should not lend itself to the destruction of an entire industry simply on the basis of the whims and fancies or personal prejudices. Anything which is done must be justified by concrete and irrefutable evidence which certainly is not available today.

I am greatly concerned about the fundamental issue involved in the proposals made by the FTC and the FCC as the actions which they propose to take are clearly beyond the realm of authority of those agencies or any other agencies of the Federal Government. There is a growing tendency on the part of many of these regulatory agencies to arbitrarily increase their power and extend the scope of their operations under the guise that they are acting in the public interest. Such actions are frequently taken without the benefit of public hearings and certainly do not constitute legislative procedure.

I am particularly incensed by the attempts of the Federal Communications Commission to ban the advertising of cigarettes on radio and television. This proposal is clearly outside the jurisdiction which Congress has delegated to the FCC and in my opinion is only designed to intimidate Congress. It is not the prerogative of the FCC to take capricious action to prevent manufacturers of cigarettes from advertising, and certainly not on the basis of the contradictory medical evidence which is now available.

This is not strictly a health issue; it is a constitutional question, and one which Congress cannot afford to ignore. It is clear that if the FCC can ban cigarette advertising, it can also claim the right to curtail the advertising of other products—and if this authority exists to do this, presumably it also could extend to outright censorship and complete control of the broadcast content of radio and television.

Certainly the American people do not want or will not stand for government control of what they see or hear on the broadcast media. The freedom to speak also carries with it the freedom to advertise—unless there is some proven basis that the product in question is a detriment to the health and well-being of the public. Obviously there has been much disagreement among Government agencies on the information which is presently available on cigarette smoking, and it is abundantly obvious that the FCC cannot be considered as a basis for medical authority on the subject.

I am afraid that there are some today who, in their zeal to dramatize this subject, are in fact seeking to destroy the tobacco industry which is one of the oldest enterprises in the New World. There is a well organized campaign to undermine the industry and many who endorse this strategy and are in the forefront of these efforts seem to care little for fair play or objectivity. Any objective analysis of the information which is now available will clearly show that the Government should not put itself in the position of persecuting and destroying an entire industry. This is diametrically opposed to our system of free enterprise and I feel confident that Congress does not want to lend itself to such an undertaking.

The overall impact of the tobacco industry in this country is considerable. Tobacco is one of the major agricultural commodities upon which hundreds of thousands of growers depend for much of their livelihood. About two billion pounds of tobacco are produced annually on about one million acres on over a half million farms in the United States. Altogether about 1,500,000 businesses share in the tobacco trade and in the fiscal year 1967–68 tobacco taxes imposed by Federal, State, and local governments reached an all-time high of $4.2 billion. On cigarettes alone, the Federal tax amounted to $2,066,159,000; State taxes to $1,969,674,000; and municipal taxes to $61,696,000 making a total of $4,097,529,000. It is significant to note that cigarette taxes are more than five times as much as growers' receipts for the tobacco used in domestically consumed cigarettes.

I cite these figures only to show the total impact of the tobacco industry but as stated previously, my main concern is in the question of usurpation of authority by Federal agencies. Insofar as the Federal Communications Commission is concerned, we might point out that since the Cigarette Labeling Act of 1965 was adopted, there has been a growing number of antismoking advertisements carried on television stations throughout the country. Broadcasters generally have cooperated in the proper utilization of these commercials and the industry has endeavored to accommodate itself to the divergent points of view which have been aired. The fairness doctrine requires broadcasters to provide a reasonable opportunity for discussion of divergent views on controversial issues and the industry recognizes, of course, that this opportunity will continue to be utilized by those who oppose cigarette smoking. However, to carry through with the FCC proposal of February 9 would mean that the tobacco industry would be barred from exercising its constitutional right to advertise and in addition the implementation of this order would set up a chain reaction under which similar action might be applied to other products. It is obvious that if the FCC can invoke its ban on advertising, it is logical to assume that such things as patent medicines, vitamins, insecticides, alcoholic beverages, artificial sweeteners, many cosmetics and foods containing cholesterol, fluorides, etc., might also be deemed harmful to the body. The vulnerability of the product would be determined on whether or not it is subject to controversy and, of course, any of the abovenamed could be subject to criticism for some source.

I strongly urge that the Congress make unmistakably clear its intention with respect to the type regulation which these agencies are proposing as I am afraid that if this is not done we may soon find that further legislative authority will be usurped by the so-called commissions. Today it is cigarettes—tomorrow it might well be some other product and following this procedure to its logical conclusion, eventually almost everything which is advertised could be criticized or made controversial. We cannot

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afford to default on this issue and leave the decisionmaking process to the FCC, the FTC or any other Government agency or to the courts. It is clearly the prerogative of Congress to act and Congress should exercise this prerogative and extend the Cigarette Labeling Act of 1965 as is proposed by the bill now before us.

Mr. FARBSTEIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the various amendments which have been offered, and the discussion of them, has been very salutary. The fact that they were all defeated distresses me, and I feel constrained to vote against this bill.

The bill we have before us, H.R. 6543, should carry a health warning of its own, "Caution: Passage of this bill is a threat to medical practice in this country, to the programs of our medical and health agencies, and to the health of our people."

This is the way the Surgeon General of the United States characterized testimony in support of this bill.

This bill is bad legislation.

It is bad because it flies in the face of testimony from all major health organizations and the Department of Health, Education, and Welfare that Congress should authorize the Federal Trade Commission and the Federal Communications Commission to regulate cigarette advertising, particularly as such advertising appeals to youth.

It is bad because it flies in the face of the fact that since 1964, when the Surgeon General declared smoking a health hazard, cigarette advertising has risen 50 percent to $300 million per year and the warning on the package has caused no appreciable decline in overall consumption or numbers of new smokers.

It is bad because it flies in the face of the inability of the broadcasting industry to regulate itself and its supression of documentation indicating this inability

It is bad because it fails to require that tar and nicotine contents appear on each package of cigarettes.

I intend to vote against this bill because I believe the time has come for our society to place the health of the public first in the consideration of priorities; and that this is exactly what this legislation would not do. As a public servant, I believe it is my duty to protect the public from any health hazards that may exist, or at the very least to warn them of such hazards.

Cigarette smoking is today one of the major contributors to death and disease in this country. In my own New York State alone, at least 16,000 die needlessly each year. Seven out of every 10 of these deaths were among persons 35 to 65 years of age. There can be no mistaking that the link between cancer, heart disease, emphysema, et cetera, and smoking is more than casual. Dr. Oscar Auerbach, Senior Medical Investigator at East Orange Veterans' Administration Hospital has stated that "Cigarette smoking is the most devastating thing that can happen to the human body." He considers it in the same class as arsenic. Dr. Auerbach has been investigating the relationship between smoking and health for more than 15 years. If there are those who disagree with his conclusions, I need only point to the approximately 100,000 physicians in this country who have stopped smoking since the first report of the Surgeon General was issued in 1964.

While American ingenuity and salesmanship have the reputation of being able to sell anything, it should not be left totally free to sell ill health and death to the American people. I do not believe society should be left unprotected on this question.

I intent to cast my vote against this bill.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

The cigarette advertising issue is an illustration of the fact that nothing is ever simple and clearcut in Federal legislation. At stake are billions of dollars in a number of major industries in the country, a possibility of controlling to some extent several deadly health afflictions and one of the basic tools of our free enterprise system, the right to advertise, which grows from the first amendment. Each of these basic interests serves to conflict with the other in the problem.

To reach a decision in this issue one must understand complex medical terms, the technicalities of law, the subtleties of semantics and the worth of statistics in proving assumptions.

It is the forthcoming expiration of the Cigarette Labeling Act of 1965 which has prompted renewed congressional concern over cigarette advertising. The 1965 act specifically stipulated that cigarette packages contain the warning: "Caution: Cigarette Smoking May Be Hazardous to Your Health." But it also ruled out any further restrictions by the Federal or State agencies on the advertising of cigarettes within the lifetime of the legislation.

This law is due to expire on June 30 of this year. And if Congress fails to enact legislation to extend and/or modify the 1965 act, the Federal Trade and Communications Commissions will be able to impose regulations of their own without congressional approval. Both the FCC and the FTC voted last year to recommend barring all cigarette advertising on federally licensed radio and television and there is no reason to doubt that they will pursue this course if Congress takes no action.

A rewording of the package label has been approved by the Interstate and Foreign Commerce Committee which is as far as this matter should go until clearer evidence is available. The new language would state: "Warning: The Surgeon General has determined that cigarette smoking is dangerous to your health and may cause lung cancer or other diseases."

What makes the whole cigarette advertising controversy so ludicrous to me is that the Government is so inconsistent in its own attitudes about tobacco. While anxious to restrict or even abolish cigarette advertising by taxpaying industries to protect the public from the alleged hazards of smoking, Uncle Sam is still supporting the production and sale of tobacco through price supports and export subsidies. It is these practices which cost the taxpayer millions annually that I feel must be eliminated before private industry should be asked to bear the losses involved in limiting advertising—losses which would also cost the taxpayer millions annually. It seems it is always the taxpayer who gets it in the end.

The Government cannot ignore economic factors in pushing strenuously for new controls in the interest of public health. For instance, in 1968, some 732 million pounds of U.S. tobacco were exported, bringing in $686 million in sales and making a sizable contribution to our balance-of-payments position, which reached such a critical stage last year. As the world's largest producer of tobacco, we are also strongly affected economically by this commodity at home. About 2 billion pounds of tobacco are produced every year on some 1 million acres of land in 21 States—including Ohio.

While tobacco is grown on about 525,000 farms, more than 600,000 farm families share in the proceeds from tobacco sales, North Carolina alone has 186,000 families dependent or 750,000 people on tobacco in one form or another—many of them in federally assisted Appalachia.

These farmers throughout the country receive about $1.3 billion a year from tobacco sales. This is a small part of what U.S. consumers spent, $9.94 billion in 1968, to purchase tobacco products.

The spread means that a sizable industry of cigarette workers have an economic stake, too. But the greatest gainer of all from the sale of tobacco products is the Government—Federal, State, and local. These various levels of government last year took in $4.4 billion in excise revenue taxes from tobacco sales. Thus taxes represent about 44 percent of consumer expenditures for tobacco products and are about three times the amount farmers receive for the tobacco they produce.

Therefore, any further attempts by the Government to limit cigarette sales through restrictions on advertising would hurt local government as well as tobacco farmers and the Federal Government—all while the Federal Government was paying out funds to aid tobacco exporters and to bolster tobacco prices. The Department of Agriculture since 1933 has paid out about $53.8 million in its tobacco price support program. The cost of this price support program last year amounted to $1.8 million.

But the biggest tobacco subsidy is the export subsidy. While the United States has remained the world's largest tobacco exporter, in recent years we began to lose our position in world markets and were not sharing in the increase of the consumption of tobacco products. An export program aimed at regaining and expanding foreign markets for the United States was begun in 1966. Under its provisions, exporters are paid whatever amount they lose by selling tobacco products at competitive prices on the world market. In fiscal 1968 this program cost the Government $28 million.

Now to keep the American public interested in tobacco products is the busi-

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ness of the advertising industry. According to Commerce Department figures, the tobacco industry in 1967 spent $311.9 million dollars for this purpose. Of this, $226.9 million went for television commercials and $17.5 million for radio advertisements.

And this brings me back to the point I was making about the imposition of controls on advertising. How do you reconcile the Federal Government spending $30 million a year on price supports and export subsidies with the move to restrict or actually abolish advertisements for the same products on radio and television?

Why should the privately financed advertising and broadcast industries bear the loss of $227 million in revenue that would follow these restrictions?

That is a lot of money to spend to encourage heart disease, cancer, emphysema, and other ills, is it not? Or do cigarettes really cause the diseases? Could it be air pollution or a number of other ills associated with modern living? Statistical presentations before our committee established that heavy smokers experience more lung cancer and heart disease but they are also more prone to suicide and accidental death. As a former cigarette smoker who has given up the habit, I feel personally that cigarette smoking may truly be dangerous to one's health, but the evidence still has some contradictions which need to be resolved—although tobacco is clearly implicated.

But I cannot vote to prohibit advertising or to require advertisers to pay for statements critical of their own product while the policies of the Federal Government are so contradictory with reference to tobacco. The establishment of the Government's right to censor advertising of a legal product on the presumption of guilt could open up a whole new range of Government interferences in private industry with potentially harmful results for our whole economic system.

Who can say with assurance which products are safe and which are harmful under certain conditions of use? If Government can limit or abolish cigarette advertising on radio or television because of statistical implications of hazards in smoking, what's to stop it from imposing restrictions on automobile advertising and other products which may be used with lethal results according to statistics? Surely the automobile has one of the highest statistical danger potentials of any product made in this country, if we were to count the fatalities caused by traffic accidents—the 55 thousand people killed on our highways last year represent 20,000 more deaths than our Nation has experienced during the entire war in Vietnam.

I see no logic in forcing a private sector of the economy to take a position which the Federal Government itself has been unwilling or unable to take regarding tobacco. One branch of the Federal Government is engaged in the promotion, growth, sale, and export of tobacco while another branch is engaged in discouraging the consumption of tobacco. And both efforts would cost the taxpayer money. Why do we not just stop Government support of tobacco? At least that would save the taxpayer money. But does the medical evidence really justify the economic damage?

Government should never be permitted to force the private sector of the economy to take action that Government is unwilling to take itself. However, until the question of the degree of danger in the use of tobacco is better resolved. I have asked the executives of the radio station and newspapers which my company owns not to accept any cigarette advertising. However, I have not seen anything to justify any further Federal action at this time beyond the committee recommendation for strengthening the package label warning.

Mr. GALIFIANAKIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it appears to me that there are two fundamental issues at stake in the Public Health Cigarette Smoking Act of 1969. Those issues are the economic health of hundreds of thousands of rural and urban residents in a large section of the country and the physical health of literally millions of Americans everywhere.

Those of us who come from the area which is economically linked to tobacco are just as concerned about the hazards of smoking as anyone and just as desirous of finding the causes and cures for lung cancer—for all forms of cancer. Unfortunately, the almost uniform opinion heretofore has been that if you were concerned about one issue you could not be concerned about the other.

I, of course, intend to vote for this bill and hope that this body and the other Chamber will give it quick enactment. The present controls on limiting the advertising of cigarettes plus a new health warning on cigarette packages would be extended for another 6 years.

Frankly, Mr. Chairman, the House should not have to renew these limitations a third time. When Congress enacts this bill, however, it will have discharged only half of its responsibility in this regard.

The Federal Government has an equal responsibility to give maximum support and assistance to a greatly accelerated program of research to discover what harmful ingredients, if any, are in cigarette smoke. This would come primarily in the areas of lung cancer and respiratory and heart disease. I also want to point out, Mr. Chairman, that the testimony of such an eminent medical specialist as Dr. Sheldon Sommers, a pathologist from New York, sheds considerable doubt on the accuracy of the Surgeon General's report. The medical evidence is inconclusive with the split of opinion as it is, the only fact that is conclusive at this point is that tobacco is the principal cause of statistics.

Mr. Chairman, greater support of medical research programs would be a vital responsibility of this Government even if the smoking issue did not exist. But under the circumstances, our duty to the citizens of this country is increased many fold.

As I stated in this chamber in February and before the Interstate and Foreign Commerce Committee in April, I cannot think of a more appropriate opportunity for a Federal Government-industry cooperative program than one in this area. The cigarette industry and the U.S. Government received the major share of the revenue derived from the sale of tobacco. Therefore, it would be most appropriate for these two to jointly underwrite a true crash health research program to determine if there is a true relationship between smoking and health hazards, and, if so, how smoking can be made safe. In conjunction with this last statement, I wish to point out that the Federal Government realized an income of $2.07 billion from the sale of cigarettes alone in fiscal 1968. Additionally State and local governments realized $1.5 billion in fiscal 1968. How do we propose to recoup this lost revenue, especially in this time of high taxes and crushing inflation?

I was very much encouraged when Secretary Finch announced in late April that representatives of the Department of Health, Education, and Welfare and the tobacco industry are planning the development of a cooperative research program on the problems of smoking and health. This is a very significant first step. But because of the very pressing nature of the problem much more affirmative action and effort is warranted.

Therefore, Mr. Chairman, I urge this Congress to give its serious and constructive attention to a greatly increased level of Federal support to health research. To do otherwise would be inconsistent with—indeed would be in derogation of—our duty and responsibility to all of the citizens of this Nation.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a much better bill than some people want to give us credit for passing. It should be remembered that the labeling previously said, "Caution: Cigarette Smoking May Be Hazardous to Your Health." The new labeling is a much stronger statement that says, "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Injurious to Your Health and May Cause Lung Cancer and Other Diseases." That is a strong statement, Mr. Speaker, and it is a factual statement. Although there has been great contradiction of testimony before our committee, we can definitely say that the Surgeon General stated that in his opinion there is a causal relationship between cigarette smoking and lung cancer. Anybody who buys a package of cigarettes from now on and reads that label—and we must presume that that label is probably read nearly every time a man smokes a package of cigarettes—then that man has been warned about the possible dangers involved.

I had planned to offer two amendments which would attempt to allow advertisement in publications, and on radio and television but which would require the same warning. The amendments had been offered by me in our committee and were voted down. I therefore have supported the committee bill today although I feel that there is still a

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possibility that Congress can agree on wording which would allow advertisement in the various media and still require the warning which is on the package of cigarettes. This is not an easy matter to legislate. Perhaps we can still consider a compromise or alternate amendment as the other body considers this measure or as it might come back from conference.

I might add, Mr. Chairman, that one reason these particular amendments were not offered was that there had been such an overt and bold assertion on the part of both the FTC and the FCC that they would in effect bar all advertisement that I was reluctant to offer these amendments because to give them any authority might be to give them all authority. If we can effect such a compromise, these regulatory agencies must realize that they will be required to carry out the letter and the spirit of the Congress.

Mr. Chairman, one last point and that is that the tobacco industry should let this debate today and the ensuing legislation serve as a clear signal to them that much needs to be done in the field of self-regulation. We should give credit to the industry for the cooperation given in this area and should salute the work done by such groups as the American Cancer Society, the American Heart Association, and the American Medical Association. The possible dangers of smoking are not a secret by any means, because citizens will see these warnings at one time or another on television and in other media. But the tobacco industry through their advertising agencies must assume stronger leadership or else the Congress will pass legislation that in effect may cut off all advertising. It is time for the industry to show greater leadership than they have given us.

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD).

Mr. KOCH. Mr. Chairman, I rise at this point to advise my colleagues that I will not vote for this bill. I intend to vote for the motion to recommit the bill with instructions that the defeated amendments offered on the floor today which would have strengthened the bill be included in the bill before it is again brought to the floor. If that motion is defeated, as I am sure it will be, then I will have no recourse but to vote against the bill.

The public can draw only one conclusion, that special interests—in this case the tobacco interests—have triumphed again. They have won every battle today. But those who will pay the price of their victory are the children of this country—hooked next week, hooked next year—hooked for the next 6 years by the continued lure of cigarette advertising. Such a price is intolerable, and I will continue to work with those engaged in seeking to protect the public's health in this life-and-death issue.

(Mr. LOWENSTEIN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. LOWENSTEIN. Mr. Chairman, there is now ample evidence that where advertising smoking is concerned, self-regulation is the brand name for no effective regulation at all. The House today is in the process of buying no effective regulation at all. Let this legislation be so branded. And then let us legislate that cats will guard depots of milk.

For what we are doing here is to prohibit not only Federal regulation but State regulation as well. This, I assume, means either that the Congress has determined that smoking is no hazard to health, and therefore it would be unreasonable for anyone to regulate its promotion, or that no one should regulate the promotion of products that may be hazardous to health.

We do not seek to weaken the first amendment by limiting free speech. We do not seek to legislate the habits of the American people or to trample the privacy of the American home. We seek simply to minimize the promotion of hazards to the health of the American people, particularly young people.

Is the public welfare not a legitimate concern of the Congress? Are the health and safety of the American people no longer valid subjects for congressional action? Are we able to prohibit the advertising of contraceptives but not of cigarettes? Are we wise to do that?

Does anyone argue that cigarette smoking is good for the health? Can we not agree that where millions of lives are concerned—where there is evidence that the safety of many people may be imperiled because they are unaware of the hazards of smoking—can we not agree not to abdicate the responsibility specifically given us by the Constitution?

Should not we recommit this bill so the committee can amend it to reflect some concern for the health, safety, and well-being of the American people?

Mr. TUNNEY. Mr. Chairman, the legislation which we are considering today is important in that it demonstrates the concern of Congress for the dangers of cigarette smoking. It is important that we strengthen and expand the warning on cigarette smoking.

The warning that this legislation requires on cigarette packages is certainly an improvement. The warning is, nevertheless, directed at those who already smoke cigarettes. If any meaningful progress is to be made, efforts must be made to regulate the tremendous amount of cigarette advertising which is directed at encouraging young people to begin the cigarette habit. The warning label has no impact at all in this area.

Proper regulation of cigarette advertising requires vigorous action by responsible regulatory agencies such as the Federal Communications Commission and the Federal Trade Commission. Yet section 5 of this legislation preempts the agencies from taking further action. The most effective action we could take here today would be to amend H.R. 6543 to eliminate section 5—the preemption section. The regulatory agencies should not be precluded from promulgating reasonable measures designed to protect the public health.

In addition to eliminating the provision which takes away from the regulatory agencies the power to act, I feel that the Federal Government must discontinue its subsidy program to the tobacco producers.

Therefore, I am sponsoring legislation which would phase out the price support program for tobacco and prohibit the use of Government funds to promote tobacco products.

In fiscal year 1968, the Commodity Credit Corporation spent $138 million in tobacco price support payments. Federal funds should not be used to support a product which the Federal Government is labeling as dangerous to health.

Mr. HALPERN. Mr. Chairman, I rise in opposition to H.R. 6543, the bill now being considered by the House. This bill is totally inadequate to the enormity of the health hazards involved in cigarette smoking. I favor a stronger warning that mentions the word "death" as a possible result of cigarette smoking. I favor the inclusion of the tar and nicotine content of the cigarette on the package.

More important than the warning, however, is the area of advertising. This bill merely extends the present "preemption" of Federal, State, and local control for 6 more years. I am opposed to the continuation of this ban. The dramatic testimony presented by Mr. Braren before the Committee on Interstate and Foreign Commerce emphasizes the immediate need for Government control of cigarette advertising. The broadcast industry has failed miserably in its attempt at voluntary control.

The time has come for all of us to join together and place the health of our citizens, especially our youngsters, above any sectional or industrial interests. While the cigarette and broadcasting industries have large effective lobbies, who is to represent the public interest? The answer is clear. Each of us elected to this body must represent the public interest above all others. For the sake of the health of our citizens we must oppose the bill in its present form.

I strongly support amendments to be introduced to include a tar and nicotine content statement, to end the ban on FTC and FCC control of advertising not 6 years from now, but immediately. The same warning that appears on the packages should be required in all advertisements whether in broadcast or printed media.

Mr. BOLAND. Mr. Chairman, I want to express my support for the three strengthening amendments to this bill—amendments that would give Government agencies the legislative muscle they need to keep a tight rein on cigarette advertising.

Before discussing the amendments, however, I would like to say a few words about the legislation itself. The need is plain—indeed, conspicuous—for strengthening the warning now carried on cigarette packages. The present warning—a timid and tepid one that must rank among the understatements of all time—states merely, "Caution: Cigarette smoking may be hazardous to your health." The bill now before us calls for an admonition that is far more straightforward and far more accurate, "Warning: The Surgeon General has determined that cigarette smoking is dangerous to your health and may cause

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lung cancer or other diseases." Simple, frank, explicit, this stricture would give smokers the grim facts about cigarette smoking instead of a misleading evasion. Still, Mr. Speaker, I am not wholly satisfied with this warning. The ideal wording—to my mind, at least—is the wording sought in legislation I have filed in both the 90th and 91st Congresses. My bill, H.R. 988, calls for a warning that says, "Warning: Cigarette smoking is dangerous to health and may cause death from cancer and other diseases." This warning does not appeal to the Surgeon General's authority—it states a medical fact as a medical fact—and it candidly cites the possibility of death from cigarette smoking. Clearly, Mr. Chairman, the evidence amassed over the past half century demonstrates beyond doubt that chronic cigarette smokers are flirting with death. All available data on smoking—physiological, pathological, medical—makes clear the great risk smokers take each time they light up a cigarette. Cancer, emphysema, and a whole range of cardiovascular disorders are just a few of the diseases that can stem from the habitual inhalation of tobacco smoke.

The amendments I cited earlier are necessary to inform the consuming public about this menace to health. The first amendment—identical to a provision in my bill—would require the health warning in all cigarette advertising: that published in magazines and newspapers, or broadcast on television and radio. The second amendment would stipulate that the health warning must be carried on the broad side of the cigarette package instead of the narrow side. The third amendment—and, perhaps, the most significant one—would clear away the preemption that now bans the FCC, the FTC, and State agencies from regulating cigarette advertising. This amendment would allow the FCC to place the outright prohibition it wants on radio and television cigarette advertising.

Cigarette advertising must be regulated—and tightly regulated. Designed with all the glamour and attractiveness that Madison Avenue can muster, cigarette ads lure many young people into smoking and make it tantalizingly difficult for older smokers to quit. Typical ads present a young couple holding hands in a green country glade and ecstatically savoring their mentholated cigarettes, a business tycoon leisurely contemplating his streams of cigarette smoke in the opulence of a private club's sitting room, a crack racing driver puffing away at the cigarette perched insouciantly in the corner of his mouth as he shifts gears on the racecourse. Such ads are designed to make the consuming public regard smoking as fun, as attractive, as giving status. Nothing could be further from the truth. Smoking is a major peril to the Nation's health, leading to the death of thousands of Americans each year. It is high time that regulatory agencies strip away the fake glamour in cigarette advertising.

Mr. RYAN. Mr. Chairman, the passage of H.R. 6543 without any amendment would represent a decisive victory for the tobacco industry and a tragic defeat for the youth of our Nation. In the light of many medical studies, little doubt remains that cigarette smoking is dangerous and may cause death from cancer and other diseases. The Public Health Service summarizes its views of cigarette smoking as follows:

> 1. Cigarette smokers have substantially higher rates of death and disability than their non-smoking counterparts in the population. This means that cigarette smokers tend to die at earlier ages and experience more days of disability than comparable non-smokers.
>
> 2. A substantial portion of earlier deaths and excess disability would not have occurred if those affected had never smoked.
>
> 3. If it were not for cigarette smoking, practically none of the earlier deaths from lung cancer would have occurred; nor a substantial portion of the earlier deaths from chronic brochopulmonary diseases (commonly diagnosed as chronic bronchitis or pulmonary emphysema or both); nor a portion of the earlier deaths of cardiovascular origin. Excess disability from chronic pulmonary and cardiovascular diseases would also be less.
>
> 4. Cessation or appreciable reduction of cigarette smoking could delay or avert a substantial portion of deaths which occur from lung cancer, a substantial portion of the earlier deaths and excess disability from chronic bronchopulmonary diseases, and a portion of the earlier deaths and excess disability of cardiovascular origin. (The Health Consequences of Smoking, A Public Health Service Review, 1967, Public Health Service Publication No. 1696, pp. 3–4 (Revised January, 1968).

The sponsors of this bill claim that it will require cigarette manufacturers to include adequate warning of the dangers of smoking. This claim is a farce. The most effective way to protect youth from the hazards of smoking is to reach them before their decision to smoke has been made, before the package of cigarettes is ever purchased. Cigarette advertising obviously plays an important role in this decision.

The world of cigarette smokers has been depicted as an idyllic world of handsome men and lovely young women who walk hand in hand through scenic meadows. To the impressionable youth of America, such advertisements seem to promise the cigarette smoker a life of social success. The time has come to advertise the dangers of smoking realistically or not at all.

The present law provides that no statement relating to smoking or health, other than the warning set forth in the act, shall be required on any cigarette package and furthermore that no statement relating to smoking and health shall be required in the advertising of cigarettes, the packages of which are labeled with the statutory warning. That preemption expires on July 1, 1969. H.R. 6543 would extend the preemption to July 1, 1975.

By extending the preemption for 6 years, the Congress in effect would prohibit the Federal Communications Commission from removing cigarette advertising from television and radio which the Federal Communications Commission proposed to do upon the expiration of the preemption. On February 5, 1969, the Federal Communications Commission issued a notice proposing a rule which would ban broadcast licensees from presenting cigarette advertising.

Although the bill strengthens the language of the warning on the package to read:

> Warning: The Surgeon General has determined that cigarette smoking is dangerous to your health and may cause cancer or other diseases.

This amended warning is insufficient to alert the public to the potential consequences of cigarette smoking.

I am a cosponsor of H.R. 5212 which was introduced on January 29. In essence, this bill contains five major provisions to protect the consumer:

First, a warning to be included on all packages reading:

> Warning: Cigarette smoking is dangerous to health and may cause death from cancer and other diseases.

Second, all advertisements of cigarettes to include an identical warning;

Third, all advertisements to include a statement listing the average tar and nicotine contents of each cigarette;

Fourth, it made it unlawful to manufacture cigarettes that exceed a maximum length prescribed by the Secretary of Health, Education, and Welfare; and

Fifth, it repealed section 10 of the Federal Cigarette Labeling and Advertising Act, thereby eliminating the preemption and permitting the Federal Communications Commission and the Federal Trade Commission to regulate advertising.

Unfortunately, these provisions were not adopted in committee. Instead, a capitulation to the tobacco industry was reported to the floor of the House.

A number of amendments are proposed in an attempt to strengthen the health protection provisions of H.R. 6543.

The gentleman from Michigan (Mr. DINGELL) has an amendment to direct the Federal Communications Commission to prohibit the broadcasting of cigarette advertising which would be most likely to have an impact upon individuals under 18.

The gentleman from Rhode Island (Mr. TIERNAN) has an amendment to shorten the preemption period.

These and other amendments are worthy of support.

The Department of Health, Education, and Welfare, the Federal Communications Commission, the Federal Trade Commission, and every major medical association in the United States have called for a strong bill that will adequately inform the public of the dangers of cigarette smoking. Congress must not place economic and political considerations above the health of our citizens.

Mr. ADAMS. Mr. Chairman, I move to strike the requisite number of words.

I rise to inform the House that I am informed the motion to recommit this matter will be a straight motion to recommit to the committee. In light of what has happened this afternoon on our attempts to perfect this bill with amendments, because every perfecting amendment has been defeated and every attempt we have made to try to improve this legislation or to make it a bill we could vote has been thwarted, and I will, therefore, urge my colleagues to vote for the motion to recommit. I hope the House will support this position.

The House will say, if it does support the motion to recommit that it is not

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satisfied with this bill and that the committee should take it back and the committee should correct the bill and make the bill something the American public can support. It will be a bill to accomplish the things that should be accomplished by this House today.

So I am hopeful the motion to recommit, which, as I understand it, will be a straight motion to recommit to the committee, will be agreed to. I urge my colleagues to support it.

Mr. BROWN of California. Mr. Chairman, Government public health programs are based on a general objective of protecting and improving the Nation's health. The only protection and improvement stemming from passage of H.R. 5643 will be for the tobacco lobby and its friends.

This is a life and death issue, and it calls for strong, positive congressional action. I support the moves to:

First, have the Surgeon General's warning used in all forms advertising of cigarettes;

Second, to prohibit cigarette advertising on programs designed to be seen by young people;

Third, to have warnings on both front and back of cigarette packages;

Fourth, to print tar and nicotine contents on each package.

I also back all other proposed amendments which will create effective control and protection of cigarette advertising and promotional schemes.

Without these amendments, Congress will take a giant backward step in providing effective public health policy. And I intend to vote against this bill if it is presented in the form in which it came from committee.

Recommittal does not seem to be the answer; I do not envision the chances being too great that a better bill would come out of committee a second time.

Instead, in lieu of approval of strengthening amendments, I would just as soon see the whole bill defeated today on the floor, and allow regulations drawn up by the Federal Trade Commission and the Federal Communications Commission to go into effect.

Therefore, today I shall vote both against recommittal of the bill, and against the bill itself.

Mr. JONES of North Carolina. Mr. Chairman, I doubt that there has ever been a bill considered on this House floor which has been clothed with more emotional overtones than this H.R. 6543. To those who are so concerned over the general subject of tobacco, I do not question their motives nor their sincerity. But before they continue their efforts to destroy an industry which provides a livelihood for hundreds of thousands of medium- and low-income citizens, one that produces over $5 billion annually for tax purposes to municipalities, States, and the Federal Government, and one which in recent years has been the prime factor in this Nation retaining a favorable balance of trade in the world economy, I suggest that they look at the other side of the coin.

To proceed on the presumption that tobacco is the root of all health evils is not entirely correct. I have in my files a series of statements from some of the lending pathologists and surgeons throughout this Nation to the effect that the definite relationship between smoking and lung cancer has not been established. I will not impose on this Committee by listing these names, but I will be happy to furnish them to anyone upon request. But permit me to say that there are over 50 statements from names which I am sure would be familiar to many of you.

I would be less than honest if I did not admit that I approach this subject with some degree of prejudice inasmuch as I represent a congressional district which produces more tobacco than perhaps any other one. Reference has been made to the tobacco industry and the implication that the manufacturing of cigarettes is the sum total of the industry. This is indeed a shortsighted view, for I repeat again, there are some 600,000 farm families dependent on this production for a living, hundreds of thousands of factory workers who draw adequate wages in the manufacturing of cigarettes, freight carriers, advertising agencies, wholesale-retail merchants, and I could add other segments to this list. So, when we speak of the tobacco industry, let us not by definition confine it to six or eight major manufacturing companies, for it is indeed misleading.

It might be interesting, Mr. Chairman, to other members of this Committee to know that I have not been contacted by a representative of a single cigarette manufacturing company in connection with H.R. 6543. On the other hand, I have been contacted by literally hundreds of farmers in my district, who view this attack on tobacco as a serious threat to their very economic existence. Here, Mr. Chairman, is my concern, for I am sure the manufacturers of tobacco with their ingenuity and resources could easily and quickly convert to other operations. Many have already begun this transition into the production of other commodities. Within recent days, one of the oldest tobacco manufacturing companies, R. J. Reynolds, has officially removed the word "tobacco" from its title, and is today known as the "R. J. Reynolds Co."

So, I once again contend that it is grossly misleading to refer to the tobacco industry as including only a view of the major manufacturers.

In closing, let us forget tobacco for a moment and consider the dangers of bureaucratic censorship. For if the FCC is permitted a degree of censorship in this area, I think it is reasonable to ask, "who will be next?"

Therefore, Mr. Chairman and Members of the Committee, I urge you to give favorable consideration to H.R. 6543 to stop in its embryonic stage this monster of censorship before it becomes a sinster adult threatening the very freedoms which we have all been led to believe are ours.

Mr. PREYER of North Carolina. Mr. Chairman, when the Congress enacted the Cigarette Labeling and Advertising Act in 1965, included in that statute was some very clear and strong language designed to assert, beyond any shadow of a doubt, exclusive congressional authority over any regulation of cigarette advertising with respect to smoking and health. It was our intention then, and in reenacting the basic provisions of that law it is our intention now, to preclude nonuniform and "piecemeal" regulation by the Federal agencies and the States.

What could be clearer, Mr. Chairman, than the explicit "declaration of policy" in section 2 of the act, and which is also section 2 of H.R. 6543:

> It is the policy of the Congress, and the purpose of this Act, to establish a comprehensive Federal program to deal with cigarette labeling and advertising with respect to any relationship between smoking and health, whereby—
>
> "(1) the public may be adequately informed that cigarette smoking may be hazardous to health by inclusion of a warning to that effect on each package of cigarettes; and
>
> "(2) commerce and the national economy may be (A) protected to the maximum extent consistent with this declared policy and (B) not impeded by diverse, nonuniform, and confusing cigarette labeling and advertising regulations with respect to any relationship between smoking and health."

The act went on to state in section 5(b), which bears the title "Preemption," that—

> (b) No statement relating to smoking and health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the provisions of this Act.

It was certainly understood when the 1965 act was passed, and it is even more clear today, that these provisions were intended to prevent any Federal agency and the 50 States from tampering in any way with cigarette advertising "by diverse, nonuniform, and confusing cigarette advertising regulations with respect to any relationship between smoking and health."

Indisputably, the Federal Communications Commission's proposed ban on cigarette advertising is a regulation of that advertising "with respect to any relationship between smoking and health." The sole basis for the FCC's proposal is the claim of the Surgeon General that cigarette smoking constitutes a health hazard. The FCC itself has publicly recognized on numerous occasions that it may not lawfully ban cigarette advertising so long as the preemptive provisions of the Labeling Act are effective.

In view of these considerations, Mr. Chairman, the amendment offered by the gentleman from Texas which would explicitly forbid the FCC from banning cigarette advertisements is unnecessary, and, indeed, could be viewed as a retreat from the firm position taken in the 1965 act and continued in H.R. 6543. The amendment is unnecessary because the FCC is already preempted from banning cigarette advertising. Indeed, the amendment might even be misconstrued as cutting back the preemption that already exists. For that amendment speaks only to a ban on cigarette advertising by the FCC. It does not cover any other Federal agency and, more importantly, it does not cover such a ban if adopted by each State legislature or local governing body.

I certainly do not want to leave the impression, Mr. Chairman, that the Congress has changed its mind about tak-

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ing exclusive control over the subject matter and forbidding "piecemeal" regulation. It is for this reason, Mr. Chairman, that I oppose the amendment offered by the gentleman from Texas.

Mr. BROYHILL of North Carolina. Mr. Chairman, I strongly support H.R. 6543. That bill would amend the 1965 Cigarette Labeling and Advertising Act in two important respects. First, the bill changes the caution notice which currently appears on all domestically sold packages of cigarettes to read:

> Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health and May Cause Lung Cancer or Other Diseases.

Second, the bill would continue in effect until July 1, 1975, the preemptive provisions of the Labeling Act with respect to regulation of cigarette advertising.

The extension of the preemptive provisions is especially important at this time when the exclusive control which Congress has rightly taken over the subject matter has been directly challenged by the Federal Trade Commission and the Federal Communications Commission. The FTC proposes to require a lengthy and drastic health warning in all cigarette advertising; the FCC proposes to ban cigarette advertising entirely from radio and television. Enactment of H.R. 6543 would prevent both agencies from continuing with their proposed regulations.

Section 5(b) of the bill explicitly prohibits the requirement of a warning in cigarette advertisements, such as that proposed by the FTC. Implicit in the language of section 5(b) is the congressional policy that cigarette advertising should be allowed to continue—subject only to the same types of regulation, such as control of false or deceptive matter, as that to which the advertising of all other lawful products is subjected. Obviously, Mr. Chairman, the section which forbids the governmental requirement of a warning in advertising would be rendered nugatory if some Federal, State, or local agency were left free to substantially curtail that advertising or ban it altogether. Thus, the provision that "no statement relating to smoking and health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the provisions of this act" clearly encompasses a prohibition against a Government imposed ban on cigarette advertising.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and, the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking and for other purposes, pursuant to House Resolution 437, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BROTZMAN

Mr. BROTZMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BROTZMAN. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. BROTZMAN moves to recommit the bill H.R. 6543 to the Committee on Interstate and Foreign Commerce.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. ADAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 138, nays 252, answered "present" 3, not voting 39, as follows:

[Roll No. 85]

YEAS—138

Adams
Anderson, Calif.
Anderson, Ill.
Bell, Calif.
Bennett
Biester
Bingham
Blatnik
Boland
Bolling
Brasco
Brotzman
Buchanan
Burton, Calif.
Button
Cahill
Celler
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cohelan
Conable
Conte
Conyers
Corman
Coughlin
Culver
Daddario
Daniels, N.J.
Dellenback
Diggs
Dingell
Donohue
Dulski
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Farbstein
Fascell
Feighan
Findley
Fish
Ford, William D.
Fraser
Frelinghuysen
Gibbons
Gilbert
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Halpern
Hathaway
Hawkins
Hays
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Jacobs
Joelson
Kastenmeier
Keith
Koch
Kyl
Kyros
Latta
Leggett
Lloyd
Lowenstein
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
Macdonald, Mass.
Madden
Matsunaga
Mayne
Meeds
Meskill
Mikva
Minish
Mink
Morse
Mosher
Moss
Nix
Obey
Patman
Patten
Pelly
Pepper
Pettis
Pike
Podell
Rees
Reid, N.Y.
Robison
Rodino
Rogers, Fla.
Rosenthal
Roybal
Ryan
St. Onge
Scheuer
Schwengel
Shipley
Stafford
Stokes
Stratton
Symington
Talcott
Tiernan
Tunney
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Weicker
Whalen
White
Wold
Wydler
Wyman
Yates

NAYS—252

Abbitt
Abernethy
Adair
Addabbo
Albert
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Berry
Betts
Bevill
Biaggi
Blackburn
Blanton
Boggs
Bow
Bray
Brinkley
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Cleveland
Collier
Collins
Colmer
Corbett
Cowger
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Edmondson
Erlenborn
Eshleman
Fallon
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Foreman
Fountain
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Goldwater
Gonzalez
Goodling
Gray
Griffin
Griffiths
Gross
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harsha
Harvey
Hastings
Hechler, W. Va.
Henderson
Hull
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
King
Kleppe
Kuykendall
Landgrebe
Landrum
Langen
Lennon
Lipscomb
Long, La.
Long, Md.
Lujan
Lukens
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
MacGregor
Mahon
Mann
Marsh
Martin
Mathias
May
Michel
Miller, Ohio
Mills
Minshall
Mize
Mizell
Mollohan
Montgomery
Morgan
Morton
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
O'Neal, Ga.
O'Neill, Mass.
Passman
Perkins
Philbin
Pickle
Pirnie
Poage
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Riegle
Rivers
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Scott
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Stuckey
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Ullman
Utt
Vander Jagt
Waggonner
Wampler
Watkins
Watson
Watts
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wylie
Yatron
Young
Zablocki
Zion

ANSWERED "PRESENT"—3

Murphy, N.Y.
O'Konski
Taft

NOT VOTING—39

Alexander
Anderson, Tenn.
Ashbrook
Bates
Brademas
Burton, Utah
Carey
Clark
Cramer
Denney
Edwards, La.
Evins, Tenn.
Foley
Gallagher
Giaimo
Hanna
Hansen, Idaho
Hébert
Jarman
Kirwan
Kluczynski
Mailliard
Miller, Calif.
Monagan
Moorhead
Nedzi
O'Hara
Olsen
Ottinger

XUM

Pollock
Powell
Railsback
Reuss
Roberts
Springer
Stephens
Thompson, N.J.
Wolff
Zwach

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Ottinger for, with Mr. Hébert against.
Mr. Foley for, with Mr. Roberts against.
Mr. Gallagher for, with Mr. Alexander against.
Mr. Jarman for, with Mr. Kirwan against.
Mr. Thompson of New Jersey for, with Mr. Springer against.
Mr. Zwach for, with Mr. Hanna against.

Until further notice:

Mr. Edwards of Louisiana with Mr. Ashbrook.
Mr. Olsen with Mr. Railsback.
Mr. Wolff with Mr. Pollock.
Mr. Kluczynski with Mr. Cramer.
Mr. Carey with Mr. Mailliard.
Mr. Anderson of Tennessee with Mr. Denney.
Mr. Brademas with Mr. Bates.
Mr. Miller of California with Mr. Hansen of Idaho.
Mr. Monagan with Mr. Burton of Utah.
Mr. Reuss with Mr. Stephens.
Mr. Giaimo with Mr. Evins of Tennessee.
Mr. Nedzi with Mr. Clark.
Mr. Moorhead with Mr. O'Hara.

Mr. **McCULLOCH** changed his vote from "nay" to "yea."

Mr. **SCOTT** changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The **SPEAKER**. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **STAGGERS**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

RE-REFERRAL OF EXECUTIVE COMMUNICATION 863 TO COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. **MILLS**. Mr. Speaker, I ask unanimous consent that Executive Communication No. 863, received from the Secretary of Transportation on June 17, relating to the future of air transportation, and referred to the Committee on Ways and Means, be referred to the Committee on Interstate and Foreign Commerce because the chairman of the Committee on Interstate and Foreign Commerce and the chairman of the Committee on Ways and Means understand that the tax provisions contained in that message will be handled by the Committee on Ways and Means.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING GENERAL DEBATE TOMORROW

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may sit during general debate tomorrow, Thursday, June 19.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

RECOVERY OF FUNDS FROM ADAM CLAYTON POWELL

(Mr. CASEY asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. **CASEY**. Mr. Speaker, as I announced to the House on Monday, I have prepared a resolution relative to the recovery of funds misappropriated and misspent in violation of the rules of the House and in violation of the law by ADAM CLAYTON POWELL. This resolution will direct the Committee on House Administration to certify to the Clerk and to the Sergeant at Arms such amounts and will direct the Sergeant at Arms and the Clerk to withhold such amounts until the full amount of any funds due and owing by Mr. POWELL are fully recovered.

Mr. Speaker, this is taxpayers' money. I think they expect us to recover it. We try to recover other funds owed to the United States, and if we cannot recover these funds or do not make any effort to recover them anyway, I think we would be derelict in our duty.

I urge those Members of the House who agree with me to join with me in this resolution. I will withhold introducing it for a short time today, and anyone on the floor who wishes to join me, who wishes to see a copy of it, or should care to get a copy later can call my office and do so.

The resolution follows:

H. RES. —

Resolution relating to the recovery of Government funds improperly expended for private purposes by ADAM CLAYTON POWELL, Representative in Congress from the State of New York

Resolved, That the Committee on House Administration shall determine the aggregate amount of the improper expenditures of Government funds for private purposes permitted by ADAM CLAYTON POWELL, or participated in by ADAM CLAYTON POWELL, during the period he served as chairman of the Committee on Education and Labor. The amount so determined shall be certified in writing by the Committee on House Administration to the Clerk and the Sergeant at Arms of the House of Representatives, and shall be recovered by the Clerk and the Sergeant at Arms, respectively, by withholding (at such times and in such amounts as may be specified by the Committee on House Administration in such certification) from amounts otherwise due ADAM CLAYTON POWELL as a Representative in Congress from the State of New York. Amounts withheld by the Clerk under this resolution shall be disposed of by him according to law. Amounts withheld by the Sergeant at Arms under this resolution shall be paid to the Clerk for disposal by the Clerk according to law.

INVESTIGATION OF PRIME INTEREST RATE INCREASE BY NEW YORK BANKS

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **PICKLE**. Mr. Speaker, since last week's announcement by New York banks to increase the prime interest rates a full percentage point to 8½ percent, this country's economy is threatened with a dangerous downward spiral. The stock market has reached a recent new low, indicative of the shock waves assaulting the financial world.

Tomorrow, the Honorable WRIGHT PATMAN, chairman of the Banking and Currency Committee, will open investigations to fathom the reasons why this Nation should suffer another increase, the fifth such increase since December. The first witnesses to testify will be from the administration—Secretary of the Treasury David Kennedy and Attorney General John Mitchell and Federal Reserve Chairman William McChesney Martin. We have a right to know why the New York banks have raised their interest rates to an exorbitant high and yet they are not having to pay any more for their money. On the face of it, this appears to be a big grab.

I call on these admistration officials, and I urge President Nixon to institute all necessary actions to roll back the 8½-percent interest rates. I appeal to the House of Representatives, the administration, and the American people to change the "so what?" attitude and the lackadasical approach that it makes no difference.

This increase makes a great deal of difference. The increase is not limited to just the prime interest rate. There will be a direct affect on all other interest charges—those on personal loans, automobile loans, home loans especially, and on the price of all consumer goods that Americans buy on credit.

We are dangerously near creating a black market in money. Scarce loan funds will be available only to those affluent enough to pay the premium price. The little man, the low-income man, the backbone of this country gets little. He does, however, get hit the hardest.

We must face squarely the recognition that our traditional systems of economic control are archaic. They do not work anymore.

If President Nixon does not take immediate action to erase this section by the large banks, the smaller ones throughout the Nation will fall in line with similar increases. Then we can expect, and perhaps we deserve, drastic action from Congress such as wage and price controls, more gutting of Government spending and wage and price percentage guidelines.

Mr. **PATMAN**. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to my distinguished chairman.

Mr. PATMAN. I wish to commend the gentleman from Texas for his statement. The gentleman is exactly right. Interest rates can be rolled back. A 1-percent increase in interest rates means a $15 billion additional burden on the people every year. That represents several hundreds of dollars per family in addition to what they are now paying which is all some families can afford to pay.

Mr. PICKLE. I thank the chairman.

Mr. Speaker, some action must be taken soon. We cannot let it continue. If we do, it is going to affect every American taxpayer. As I see it, we cannot sit by and say that it makes no difference. It makes a great deal of difference.

Mr. PATMAN. Mr. Speaker, if the gentleman will yield further, we have hearings scheduled before the Committee on Banking and Currency for tomorrow afternoon and we expect to be in session Friday, Saturday, and Sunday if necessary, to hear all witnesses on this question.

Mr. JOELSON. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. Yes, I yield to the gentleman from New Jersey.

Mr. JOELSON. I merely want to commend the gentleman upon his statement. I think it is definitely time for us to enact a Federal usury law.

Mr. PICKLE. Mr. Speaker, I know something can be done in the same way as President Kennedy did in rolling back the price of steel in the steel industry and as President Johnson did in taking decisive action when a strike was threatened in the railroad and airline industries. I think the President can do the same thing with reference to this interesting question.

INTEREST RATES AND THE GENERAL ECONOMY

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I was very much interested in the remarks made by the distinguished gentleman from Texas (Mr. PICKLE). I must say that I listened with great interest to the very thoughtful television interview by the distinguished chairman of the House Committee on Banking and Currency (Mr. PATMAN) last evening.

Mr. Speaker, I doubt if the interest rates can be reduced unless all of us in the House face up to the dangerous inflationary pressures in our economy in a nonpartisan manner.

We will have for consideration on the floor within a very short time the question of whether or not we extend for a short time the surcharge, the question of whether or not we repeal the investment tax credit—and, incidentally, both of those major proposals were recommended by the Joint Economic Committee on which the gentleman from Texas serves as chairman.

In the bill approved on yesterday by the Committee on Ways and Means, that committee adopted almost to the letter those recommendations of that distinguished Joint Economic Committee. They were bipartisan recommendations.

In addition to that we provided that some 13 million people in the lower income brackets would receive tax reductions and that 5 million Americans who are below the poverty line, will be removed from the tax rolls altogether.

Now, Mr. Speaker, the idea that a person making $1,200 a year—that is $100 a month—in this year of our Lord 1969 pays a tax of $42 on $1,200 and one making $1,700 a year—$1,700 a year mind you—pays over $112 a year in Federal income taxes is hard to believe. That, in my judgment, is taking bread out of the mouths of the poor with a venegeance. In truth and in fact, we have poor people on the welfare rolls in most States of this Union who are drawing more in welfare, all of which comes from the taxpayer. Yet present law exacts these taxes on the poor who do not seek welfare but who attempt to earn their own keep.

So we added that just provision, removing those below the poverty line, to the bill. Incidentally the identical provision was included in the 1968 platform of the Democratic Party.

Mr. Speaker, let us face up to facts. We are in a difficult and dangerous inflationary period. I am going to make a part of my statement here a report on what has been happening in the last 6 months—in fact, the last 12 months.

Temporary extension of the surcharge, of course, is something that nobody wants to vote for, but I would suggest to my friends, whether they be members of my party, or members of the Republican Party, that the most cruel tax of all, as the gentleman from Texas has pointed out, is the tax of inflation. That inflation tax really hits the workingman and the middle-income taxpayers and those young or old, dependent on fixed incomes.

When inflation results in a prime interest rate of 8.5 percent, that takes it right out of the hides of the average person. When the price of bread goes up, when the cost of housing goes up, when the cost of services go up, when the cost of the essentials I like go up through inflation, inflation becomes the cruelest tax known to mankind.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. If the gentleman will permit me to make this further statement, and I will yield to the gentleman.

The former President of the United States, President Johnson, every living Secretary of the Treasury, Democrats and Republicans, recommended what the Committee on Ways and Means did on yesterday. This is truly, in fact, a bipartisan measure.

When the committee finished Tuesday I said:

> The Committee has just completed its substantive action on all of the provisions to be contained in the surcharge continuation and investment credit repeal Act. This action provides for:
>
> (1) Extension of the surcharge at the 10 percent rate through the end of this year and at 5 percent through June 30, 1970;
>
> (2) Deferral of the excise tax reductions on automobiles and telephone service for one year as recommended;
>
> (3) The repeal of the 7 percent investment credit, and
>
> (4) The removal of those persons who are at the poverty level from the tax rolls, effective January 1, 1970.
>
> The majority of the Committee agrees with President Nixon, former President Johnson, Treasury Secretary Kennedy, and his predecessors under the two previous Democratic Administrations, that this legislation is necessary action at this time to help curb the highly inflationary distortions in our economy and to protect the soundness of the dollar on the international front. While we recognize that any action to continue taxes at their present levels is distasteful, we feel that the only responsible position for us to take is to support this package and work very hard for its passage through the House of Representatives.
>
> The inflationary pressures on this economy continue to mount. The Federal Reserve Board production index for May, which was just released this morning shows an upsurge of one full index point, or one-half percentage point, a very marked increase, showing that the pressures on production of business equipment have not abated.
>
> There is no substantial evidence to show abatement of pressure on prices, particularly at the consumer level. Indeed, all the evidence which has come to our attention on the domestic front demonstrates the need for fiscal restraint at this time. The index of consumer prices rose 5.4 percent in the last year (April 1968 to April 1969). It rose at an annual rate of 6.7 percent from December to April. The March increase, at an annual rate of almost 10 percent, was the largest since February 1951, and the April increase was not much smaller. Although the May figures for the consumers' price index are not available, the exceptionally large rise of wholesale prices from April to May, at an annual rate of almost 10 percent, portends a further big rise of consumers' prices.
>
> Recent statistics on the low rate of unemployment of the labor force, 3.5 percent in May, and the increase in the index of industrial production by one-half a percentage point in May, testify to the continuing full employment of the economy's production capacity. The increase in the prime rate to 8.5 percent by the leading commercial banks last week was a highly unpopular act which revealed that large borrowers with the highest credit ratings as well as other borrowers have not reduced their requests for loans.
>
> Inflation must be stopped, and this action will help in that effort. Inflation is the cruelest tax of all, especially as it affects the working people and the middle income tax payers. The most responsible governmental and economic experts, as well as those I previously mentioned, heartily concur that this action is necessary.
>
> Also of importance to the national interest is for us to maintain confidence in the dollar abroad. Secretary Kennedy and his assistants testified that foreign governments are intensely concerned about the inflationary prospects in the United States, indicating that they recognize that what happens here has a wide bearing on the developments in the economies of other nations and on the international financial system generally. Short term rates in the Euro-dollar market in Europe have now moved above 11 percent the highest range in rates in history.
>
> The majority of the Committee sees no responsible course but to follow the recommendations of President Nixon and former President Johnson and recommends the passage of this legislation.
>
> Let me emphasize that action on the broad tax reform bill will move forward rapidly,

with meetings resuming tomorrow morning on that subject.

Now, Mr. Speaker, I will yield to the gentleman from Michigan, the distinguished minority leader.

The SPEAKER. The time of the gentleman has expired.

INTEREST RATES AND THE GENERAL ECONOMY

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I congratulate the gentleman from Louisiana and the majority members of the Committee on Ways and Means for the forthright, constructive action which was taken yesterday and which, I understand, will be confirmed on Thursday.

This is bipartisan action which is in the best interest of the United States. I hope the House of Representatives at the earliest possible time will concur overwhelmingly with the action recommended by the Committee on Ways and Means.

THE SURTAX ISSUE

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, on the surtax issue, I want to direct the attention of the House to the parliamentary situation which will probably exist. Undoubtedly, a closed rule will be requested by the Ways and Means Committee. Only the Republicans will have an opportunity to control the motion to recommit.

Under these circumstances, there will be no opportunity to vote on any other alternate on the surtax. It will either be voted up or voted down with precisely the same language which was written by the Ways and Means Committee. There will be no chance for amendment or an alternate proposal.

In considering the surtax legislation, 10 members of the Ways and Means Committee, or two-thirds of the Democratic members of the Ways and Means Committee, voted to terminate the surtax on October 31, 1969. Under the closed rule, the Nixon administration's proposal will be fully protected and controlled.

I hope that the Members of this House who would like to support an alternate proposal will urge the Rules Committee to permit one option which would terminate the surtax on October 31, 1969, and provide the Nixon administration with a $3 billion surplus.

It was promised last year that the surtax would halt inflation. The inflationary spiral has been soaring ever since.

It was promised last year that the surtax would hold down interest rates. They have been skyrocketing ever since.

It was promised last year that by this time we would have a tax reform program in hand. Two administrations have now failed on that promise.

There is every reason to believe that the surtax will continue to fuel inflation if it is extended. The record supports this conclusion.

Public utilities and other consumer needs are next in line for long-term price increases based on the added cost of the surtax. These increases will remain firm long after other price pressures recede. We can still hold back some proposed price increases by repealing the surtax within a reasonable time.

The inflation we suffer is not consumer-created. There is no shortage of supplies. There is no consumer overindulgence. It was created by our involvement in Vietnam and by the mismanagement of our fiscal affairs which included the adoption of the surtax last year. Neither of these factors can be cleared up as long as we resort to the lazy economics of the surtax.

A proposal to extend the surtax at 10 percent for 4 months will—

First, provide the administration with essential revenues and a modest surplus of about $3 billion;

Second, provide continued pressure for tax reform; and

Third, provide Congress with an opportunity to review the behavior of inflation and interest rates and then make a more informed judgment on fiscal and tax policies.

I hope that every Member of the House who favors some alternative to the administration's proposal will advise the Rules Committee of the need for a rule which will permit an alternative vote.

THE SURTAX ISSUE

(Mr. SISK asked and was given permission to address the House for 1 minute.)

Mr. SISK. Mr. Speaker, I would like, if I might, to have the attention of the gentleman from Louisiana.

I am concerned as one who supported the 10-percent surtax the last time around, and I recognize the present financial problems that we are concerned with. But I am curious in line with the gentleman's statement a little bit ago as to whether or not this sweetener that the committee has apparently put it, represents tax reform for this year. Would the gentleman make a comment as to whether we are going to have a tax reform bill in the next 3 or 4 months?

Mr. BOGGS. I am very delighted that the gentleman has asked that question.

As a matter of fact, the Committee on Ways and Means met this morning at 10 o'clock to continue its executive sessions on tax reform legislation. That is why the distinguished chairman of the committee and most of the members of the Committee on Ways and Means were not present at the Democratic caucus.

I was here in my capacity as majority whip.

I have not the slightest doubt that there will be a tax reform bill.

Mr. SISK. Is the gentleman making this prediction that it will be this year; is that right, or is he setting any time on this at all?

Mr. BOGGS. I can only predict as to our body. We will have a reform bill in the House of Representatives. I, of course, cannot answer for the other body, as the gentleman knows.

Mr. SISK. I recognize that.

Mr. BOGGS. I will go even further than that and predict that it will be here before the August recess if humanly possible.

I see the gentleman from California, a member of the committee, on his feet. Would the gentleman from California agree to that?

Mr. SISK. If I may just make a comment. I want to express my appreciation to my good friend, the gentleman from Louisiana, because, very frankly, I do not wish to get in the position where we are going through a one-time deal here and be sold on another year's extension of the the surtax with no tax reform for the people by such methods. People are upset about taxes and are insisting on a meaningful tax reform bill.

Mr. BOGGS. May I commend the gentleman for asking the question. I think I have answered it categorically. I see the minority leader on his feet as well.

Mr. SISK. I shall be glad to yield to the gentleman from California, a member of the committee.

The SPEAKER. The time of the gentleman has expired.

Mr. SISK. In conclusion, Mr. Speaker, I wish to say that I believe it to be of the utmost importance that we understand the significance of what we are going to be asked to do by extending this surtax for another year.

For the first time in the 15 years since I came to Congress, I am optimistic about the possibility of getting a meaningful tax reform bill passed. I believe there are people in Congress and in the administration who would like for us to take the surtax extension bill and pass it and then forget the whole idea of tax reform.

I am only too well aware of the implications of what the gentleman from Louisiana had to say about the actions of the other body, and it is for the very reason that we do not know what they will do that I am strongly of the opinion that we should make the most of the opportunity we have before us in this House to bring about the tax reforms we have been saying for years are so badly needed.

We should not, in my opinion, give the surtax supporters everything they want for the length of time they want it because if we do that, we will lose what leverage we have at this time to get these reforms written into law. My view is that we should give them a 3-month or perhaps a 4-month or at the very most, a 6-month extension of the surtax. This amount of time will give the committees and the administration sufficient working time to come up with a tax reform package that has some meaning.

USE OF THE AIRCRAFT CARRIER "YORKTOWN" AND OTHER NAVY SHIPS IN FILM PRODUCTION

(Mr. WEICKER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WEICKER. Mr. Speaker, on June 9, 1969, in a speech here on the floor of the House of Representatives, I

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asked that the Committee on Government Operations assign the Military Operations Subcommittee to investigate the events leading up to the use of the aircraft carrier *Yorktown,* five other Navy ships, personnel, and equipment by 20th Century Fox in the production of the film "Tora! Tora! Tora!"

At that time I pointed out that permission for the Navy to cooperate was given in the closing days of the previous administration and reports on the events leading to granting of permission hinted of political pressures.

Yesterday I received a letter from Secretary of the Navy John Chaffee reporting on the chronological history of negotiations between the Navy and 20th Century Fox on the film. I submit this letter and report for the Record:

The Secretary of the Navy,
Washington, D.C., June 17, 1969.

Hon. Lowell P. Weicker, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. Weicker: Thank you for your letter of June 7th asking a series of questions in connection with the filming of Tora, Tora, Tora. I will attempt to answer these as best I can. I do think it important to bear in mind that permission for the use of any Navy equipment in connection with the filming of that movie was made considerably in advance of the time that I or this Administration came to office. Thus, I am not able to give you in detail the answers to your questions.

First, negotiations started between the Department of Defense and Twentieth Century Fox in September 1966. During the course of these negotiations, the Navy reviewed the script and found it acceptable as did the Department of Defense. Permission to fly the movie company's aircraft from a U.S. carrier was granted in October 1968, and in November 1968, permission for transporting those aircraft aboard the *Yorktown* was granted.

You asked why Navy personnel and equipment were used in the filming of the picture. I don't know the answer to that except to say that the Department of Defense must have felt it complied with the principles in its instructions which require that there be authenticity in the portrayal of military operations and that acceptable standards of dignity be observed. Also, by cooperating with the producer the Department of Defense does have the right to review the script and the final film. Giving assistance to film producers has been a long-standing procedure within the military services.

I believe you have previously received a list of billings to Twentieth Century Fox from the U.S. Government for government equipment used in connection with the film. These have totalled $249,876, of which $134,326 is attributable to the costs of transporting thirty aircraft from San Diego to Pearl Harbor. In addition, Twentieth Century Fox paid $228,000 to U.S. military personnel who were on off-duty or leave status and volunteered to participate in the film.

I also enclose a chronological history of the negotiations which, as you will note, started in September 1966. If I can be of further assistance, please let me know.

Sincerely yours,

John H. Chafee.

Chronological History of Negotiations As of May 1, 1969

September 28, 1966. Twentieth Century-Fox Film Corporation (TCF) advised Department of Defense (DoD) it had obtained the film rights to the book "Tora, Tora, Tora" by Gordon Pring and a film would be produced by Elmo Williams. TCF requested assistance and asked to research stock footage film.

October 4, 1966. Film research was authorized in accordance with DoD Instructions 5410.15 and 5410.16.

December 29, 1966. DoD received a copy of a letter from the producer expressing a desire for accuracy and enclosing the first outline of the screenplay.

December 30, 1966. DoD advised TCF it would meet and discuss plans for the film with the producer, Elmo Williams.

January 3, 1967. DoD was advised that the producer would visit DoD in the middle of January, noting that he hoped to seek DoD approval in principle and achieve permission to research WWII equipment and military installations in the continental United States and Hawaii.

January 16, 1967. Producer Elmo Williams visited DoD and met with representatives of Defense and the military services. TCF agreed that the story must have a "positive approach" and that the original treatment would be revised to reflect this approach with more TCF emphasis on accuracy.

January 27, 1967. TCF expressed appreciation for consideration given producer during meeting with DoD representatives. Also, stated that scenes would be produced in Japan, too, for realism.

February 25, 1967. CINCPAC was informed that Elmo Williams had DoD approval for preliminary background research of military sites in Hawaii.

April 10, 1967. TCF requested the use of 19 AT6 Military Assistance Program (MAP), propeller-driven, Japanese Self Defense Force (SDF) aircraft for use as Zeros.

April 18, 1967. CINCPAC was requested to advise the Japanese Defense Ministry that DoD is assisting TCF on research and preproduction planning on an exploratory basis.

July 12, 1967. CINCPAC informed major Pacific Commands of the TCF film crew visit to Hawaii, that DoD approval for assistance was not official yet, but that indications were that TCF will meet all DoD Directive requirements for military assistance.

July 27, 1967. Revised script was received for DoD comments.

September 1, 1967. State Department informed DoD that it had no objection to military assistance to TCF on "Tora, Tora, Tora."

September 14, 1967. TCF was informed if it would accept DoD suggested changes and would agree to abide by DoD Instructions 5410.15 and .16, the script would be acceptable. DoD also requested new TCF requirements lists.

September 18, 1967. TCF advised DoD that there are no difficulties in making the recommended script changes with the possible exception of one—that President Roosevelt did not see 13 parts of the Saturday evening message. TCF research staff has information to the contrary.

September 22, 1967. TCF advised they would abide by DoD Instructions.

September 28, 1967. Final revised script and requirements list forwarded to CINCPAC for review and comments.

January 10, 1968. The Navy recommended assistance after review of the final script.

January 26, 1968. The Marine Corps approved the loan to TCF of an SBD aircraft from Marine Corps Museum.

February 2, 1968. TCF was advised that the screenplay is acceptable to DoD and assistance can be provided.

May 8, 1968. MAAG Japan and CINCUSARPAC were authorized to loan up to 20 excess T–6 aircraft to TCF at no cost to the Government.

August 1, 1968. TCF requested the use of the USS Valley Forge for photographic purposes; use of Marine Air Station, El Toro, and NAS North Island and the use of carrier qualified pilots.

August 27, 1968. TCF was informed that the use of a carrier cannot be authorized for landings and take-offs of company aircraft.

September 6, 1968. TCF forwarded a revised requirements list, reiterating the need to use an aircraft carrier for certain scenes.

September 12, 1968. TCF requested a DoD project officer to be assigned for production of "Tora, Tora, Tora."

September 26, 1968. Chief, MAAG Japan, was authorized to negotiate a lease with TCF for loan of 19 T–6 and 5 SNJ aircraft.

October 3, 1968. Jack Valenti, President, Motion Picture Association, wrote DoD that TCF had discerned some minor resistance from DoD to TCF request for use of an aircraft carrier.

October 3, 1968. Jack Valenti, President, MPA, requested DoD assistance in getting aircraft carrier Valley Forge or Princeton for TCF.

October 23, 1968. Jack Valenti, MPA, wrote that DoD participation is vital to the production of the picture and said he hoped that DoD would see its way clear to approve the project.

October 28, 1968. DoD authorized loading TCF aircraft aboard US aircraft carrier to film take-offs.

October 28, 1968. Jack Valenti was informed that an aircraft carrier would be provided for the "Tora, Tora, Tora" scenes for flight deck operations, but ruled out landing aboard the carrier.

October 30, 1968. TCF was advised DoD approved their request to embark and permit TCF aircraft to take-off (but not land on) a U.S. Navy carrier.

November 5, 1968. TCF advised that DoD had appointed a U.S. Navy officer as DoD project officer for production of "Tora, Tora, Tora."

November 6, 1968. TCF requested permission to film scenes at Fort Myer, Virginia.

November 21, 1968. TCF requested that a U.S. Army officer be allowed to portray General Marshall.

November 27, 1968. The TCF request to film at Fort Myer was approved.

November 29, 1968. TCF confirmed the conditions for transporting TCF aircraft aboard the YORKTOWN and requested the use of a Navy helicopter with the YORKTOWN for filming.

December 4, 1968. Sealift of TCF aircraft and utilization of Navy helicopter for filming was made a part of the authorized requirements list.

January 13, 1969. During practice maneuvers, a TCF civilian pilot was killed in the crash of a company-owned "Val" dive-bomber.

January 28, 1969. TCF started production filming in Hawaii.

April 12, 1969. Seven off-duty military personnel acting as "extras" aboard the NEVADA mock-up suffered varying degrees of burns about the hands, arms and face when strong winds blew a tongue of flame across their position.

April 15, 1969. Last of inactive ships leased by TCF returned to Navy custody.

April 19, 1969. TCF completed filming in Hawaii.

Mr. Speaker, at the same time I wish to call my colleagues' attention to page 5 of this report which clearly shows that when former presidential adviser, Jack Valenti, president of the Motion Picture Association, entered these negotiations, the Navy's decision that use of an aircraft carrier by 20th Century Fox could not be authorized, was reversed.

On August 27, 1968, 20th Century Fox was informed that the use of a carrier cannot be authorized for landings and takeoffs of company aircraft.

On September 6, 1968, 20th Century Fox forwarded a revised requirements

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list, reiterating the need for the use of an aircraft carrier for certain scenes.

On October 3, 1968, Jack Valenti, president of MPA, wrote the Department of Defense that 20th Century Fox had "discerned some minor resistance from the Department of Defense" to requests for the use of an aircraft carrier.

On October 3, 1968, the same day Jack Valenti requested Department of Defense assistance in getting the aircraft carrier *Valley Forge* or *Princeton* for 20th Century Fox.

On October 23, Jack Valenti wrote that Department of Defense participation is vital to the production of the picture and said he hoped that the DOD would see its way clear to approve the project.

On October 28 the Department of Defense authorized 20th Century Fox planes to be loaded on carrier and to film takeoffs. The same day Jack Valenti was informed of the decision.

I have turned this information over to the chairman of the Military Operations Committee with a renewed request that the committee conduct an open public investigation of this whole affair.

I feel that the U.S. taxpayers should know how their tax dollars were spent to subsidize a Darryl F. Zanuck production. I feel that such an investigation should determine whether the United States has been properly reimbursed by the persons responsible for this flagrant abuse of military equipment and personnel paid for by the U.S. taxpayers.

LAME-DUCK HANDOUTS IN FEDERAL ARTS FUNDS

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, one of the less attractive aspects of American political life is the spectacle of a lame-duck administration handing out financial favors during its last months in power. I am happy to note that relatively few examples of this technique have appeared since the Johnson administration left office. However, some abuses have come to light in an agency where we might least expect them—the national arts endowment.

To the Johnson cultural czar, Roger L. Stevens, the mandate seems to have included: First, the art of campus insurrection; second, the art of sex play for juveniles; and third, the art of theatrical real estate.

All of these interesting activities were nourished with Federal arts funds as the result of lame-duck handouts by Stevens. In the case of the real estate deal, Stevens himself ended up at the head of the project within a month after President Nixon removed him from the Federal payroll.

Let us take a closer look at the sort of artistry that is now being performed at the taxpayers' expense:

1. THE ART OF CAMPUS INSURRECTION

On January 10, 1969, 10 days away from the Nixon inauguration, the national arts endowment handed out $25,000 to the new thing art and architecture center of Washington, D.C. The guiding spirit of the new thing is one Topper Carew, self-styled black militant of the Nation's Capital. Indeed, the federally funded new thing is really the alter ego of Topper Carew.

After receiving his arts endowment subsidy, the biggest new thing that Topper Carew achieved was to throw his organization into the thick of the campus disorders that struck George Washington University in April. Quick to make the scene, he shouted to the demonstrators between obscenities:

> We're going to be right in there battling. . . . And we have the largest independent youth organization in the city. (The Hatchet of George Washington University, April 28, 1969.)

2. THE ART OF SEX PLAY FOR JUVENILES

On that same golden January 10, the Arts Endowment presented Arena Stage of Washington, D.C., with $20,000 for a new "improvisational" company—the living stage of '69. The Washington Post described it:

> A small, interracial company of five actors and a music director, the troupe will put on audience participation productions for inner-city youngsters in their own neighborhoods.

By April 19, the Post was able to describe in more detail just what sort of audience participation arena stage had in mind for the youngsters. The inner city that the company visited that week was McLean, Va. At McLean's fashionable Chesterbrook elementary school, the arena troupe appeared, ordered parents and teachers out of the room (so the students would be uninhibited, they said) and improvised what is called these days a love-in. At the request of some of the fourth, fifth, and sixth graders, the ad lib drama included a simulated demonstration of one of the cruder contraceptive methods. This was followed by a spirited question-and-answer period.

This particular adventure under Federal Arts subsidy, among other things, violated a sensible Fairfax County regulation which prohibits sex instruction in the elementary schools unless approved in advance by the parents.

3. THE ART OF THEATRICAL REAL ESTATE

Shrewd dealing in real estate is the art that brought to Roger L. Stevens the eventual reward of appointment as Chairman of the National Arts Endowment. It should come as no surprise, therefore, that a multi-million-dollar deal in theatrical real estate was one of his parting shots as he left office. This maneuver was arranged to bail out the ANTA Theater in New York City.

The theater, privately organized by a group of Stevens' friends, was in trouble and unable to handle its mortgage indebtedness. Banks are notoriously nervous about loans on show business properties, especially in these days of diminishing audiences. And they never like to maintain large loans on single-purpose buildings.

Faced with the prospect of defaulting on the mortgage, the ANTA owners brought their troubles to Stevens. A few weeks after President Nixon was elected, Stevens came to ANTA's rescue, arranging for the National Arts Endowment to take over the faltering theater for an estimated $1,400,000 in equity value by assuming the mortgage balance of $1,095,000 as well as financing the annual operating deficits.

Thus, the Federal Government finds itself as a theatrical landlord in New York now playing host at $8 a seat to an artistic endeavor called "A Teaspoon Every Four Hours." It will not have this tenant for very long according to the New York Times critic, who wrote:

> The only nice thing I can say about the play is that the press representative is a close friend of mine.

However, the real-life drama of the ANTA Theater deal is much more fascinating. A couple of weeks after obligating Federal millions to the project, Roger L. Stevens was elected chairman of ANTA's board.

These three examples are a few among many equally bizarre. They tend to be explained by Stevens' recent testimony to the Appropriations Committee:

> There hasn't been any set rule * * * A lot depended on how well we like the application * * * It is hard to specifically show what happened.

They confirm the misgivings of many thoughtful Members of Congress concerning the nature of the National Arts Endowment as it was proposed in 1965, and concerning the qualifications of those chosen to administer the programs. They also should serve to alert the President to the dangers of allowing such an undisciplined, chaotic approach to continue.

The present form of the Arts Endowment is a distortion of proposals first made to Congress in 1957 by President Eisenhower. They were picked by President Kennedy, and considerably changed and worked into law by President Johnson. We now have a chance under President Nixon to bring sense and order into a meaningful arts program for all Americans. Such a program should be administered primarily at State levels, in accordance with the sound directives established by Senator JAVITS in 1965. Such a program should be devoted to the needs of the present and potential audiences for the arts. It should give first attention to the preservation of those artistic organizations with a long history of undeniable, legitimate, and successful public service. Above all, such a program should be free of personal favoritism and the self-interest of its administrators. In the arts, as elsewhere in Government, there should be no place for cronyism.

AIR SERVICE

(Mr. CAHILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CAHILL. Mr. Speaker, those of us who use air transportation have become increasingly alarmed by the congestion and the potential danger at the principal airports of our country. This is particularly true at Washington National and the airports serving the New York-New Jersey area; that is, John F. Kennedy, LaGuardia, and Newark. An additional

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jetport has been urged for New Jersey for the past 10 years by the New York Port Authority. The real problem is the unrealistic and unwise scheduling of international flights by the airlines and the competitive nature of the airline industry. Most airlines are now flying 50-percent capacity. As is indicated in an editorial appearing in today's Philadelphia Inquirer, the real answer to improved air service and air safety is better distribution of air service.

Mr. Speaker, I am pleased to include in the Record a copy of the editorial appearing in this morning's Philadelphia Inquirer:

> ### A Better Distribution of Air Service
>
> President Nixon's special message to Congress on expansion of airport facilities and improvement of air traffic control systems deals constructively with an urgent national problem. His proposal for a ten-year, five-billion-dollar program, half of which would be financed with federal funds and the other half by state and local governments, is a realistic appraisal of the need.
>
> Revenue for the federal share of the cost would be raised by new and increased taxation on airport users. The proposed tax formula may not be perfect, and perhaps can be improved, but the general principle of spreading the cost over various classifications of airport users is a good one.
>
> Most of the five billion dollars—56 percent of it—would be allocated to relieving congestion at the most heavily used airports. No doubt the New York airports would get a substantial part of the money. This raises an important aspect of the airport congestion problem that has not received enough attention. The congestion is caused primarily by an inequitable distribution of commercial airline service.
>
> A few cities—especially New York—have a disproportionately large share of both domestic and international flights while many cities—notably Philadelphia but also a number of others on the Eastern Seaboard and elsewhere in the country—are deprived of adequate service. Thousands of out-of-towners pour into New York airports every day because they cannot get conveniently scheduled direct flights to where they want to go at airports nearer to their homes.
>
> The airport expansion program should be designed to remedy this inequity, not perpetuate it. Airlines have a responsibility, too, in striving for a fairer distribution of flights among available airports. Federal regulatory agencies have an obligation to encourage such a trend by approving instead of rejecting air route applications that would help decentralize rather than overconcentrate commercial air service.
>
> As President Nixon very appropriately stated it: "The purpose of air transportation is to save time. This purpose is not served when passengers must wait interminably in terminals; when modern jet aircraft creep at five miles per hour in a long line waiting for takeoff; when it takes longer to land than it takes to travel between cities; or when it takes longer for the air traveler to get to an airport than it does to fly to his destination."
>
> Adding more and more flights to a favored few airports that already are overcrowded isn't going to solve the problem.

REVOLT OF THE FORGOTTEN MAN

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, yesterday's primary election in New York City is yet another sign of the very significant phenomenon taking place in American public life today.

What is taking place is no less than a genuine revolt of the forgotten man.

Yesterday, both the incumbent mayor and his predecessor, the former mayor, were denied their party endorsements by the voters of New York City. This is an unprecendented political development. But it is far more than that.

It is an expression of revolt against "the system" and against the establishment: it is a message of warning, and I am certain it emerges from a deep-seated discontent among the American people.

If the New York primary were the only sign there would not be much comment. But look at what has happened in Minneapolis.

Minneapolis has a long history of Democratic Party control, including the past 8 years. The incumbent Democratic mayor decided not to run for reelection this year: all indications were that he could not have been reelected.

The Democratic Party candidate entered in the primary election April 29 finished third and out of the running. So the party did not even have a candidate in the general election June 10.

And in that general election the Republican candidate was defeated by almost 2 to 1 by a police detective not affiliated with either party, virtually without political experience, campaigning with very little money and no real organizational support.

The Los Angeles mayoralty campaign and other examples across the country add to the picture. Some see these events as almost entirely a result of the public demand for "law and order." This is an oversimplification.

I say that while "law and order" is part of it, we are witnessing a far more fundamental development than that. We are seeing a revolt of the forgotten man.

The forgotten man is the hard-working, law-abiding taxpayer who has no voice in public affairs except his one lonely vote, who is forced to finance a Government in which he feels he has no part, and who wants only to have a fair chance to make a living, keep his family in reasonable security from violence, and educate his children.

Today the forgotten man is sick and tired of big government, big business, big labor, militancy, and all the rest. He is mad at the newspapers because he does not believe he is being told the whole truth. He is mad at the high costs of education because he does not believe the educators know enough about what they are doing.

He is mad at the courts because he sees convicted criminals go free, and because he sees Supreme Court Justices involved in questionable private financial activities.

He is mad at the banks when he sees them raising interest rates to unconscionable levels even while their profits already are high.

He is mad at State and local governments, especially where the police are unreasonably handicapped in performance of their legitimate functions, and where public money is being squandered without realistic regard for what expenditures are essential and what are only desirable.

But none of us can sit by and point fingers at someone else. Let us look at ourselves.

What about bringing operations of this Congress up to date to meet the needs of the 1960's? Many of our colleagues have been working for congressional reform for 2 and 3 years and more.

Others have joined in the effort this year. Yet there has been no action so far. Why not? What about tax reform?

Some very high income people are still able to escape paying any Federal income tax whatever? Clearly this is not fair. It is not tolerable, and should have been corrected years ago. Yet even today no legislative remedy is before us.

The executive branch of this Government is a jungle of bureaucracies, each one of which is looking out for itself as its main concern. The waste of money and of talent is so great it is unimaginable.

The forgotten American is fed up with self-serving bureaucracy. And with a great measure of "country shrewdness" he knows what is going on generally even though he cannot possibly have the details.

I suggest, Mr. Speaker, that we hear the message and that we heed it.

THE HUMANE LABORATORY ANIMAL TREATMENT ACT OF 1969

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing the Humane Laboratory Animal Treatment Act of 1969, and I am pleased to announce that 24 of my colleagues in the House have joined with me in cosponsoring this bill. The cosponsors are: Messrs. Sikes, Pepper, Kyros, Barrett, Hathaway, Wyman, Brinkley, Whalley, Broomfield, McCloskey, Donohue, Chappell, Van Deerlin, Hamilton, Hechler of West Virginia, Blanton, Moss, Adams, Friedel, Madden, Gettys, Burke of Florida, Fulton of Pennsylvania, and Tunney.

An identical bill will be introduced in the Senate today.

This legislation would establish further standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the United States. Moreover, this bill would encourage the study and improvement of the care, handling, and treatment of laboratory animals and would encourage the development of methods for minimizing pain and discomfort of laboratory animals used in biomedical activities.

By the same token, this legislation would not halt, impede, or discourage the biomedical research that is carried out in this Nation, but it would improve the conditions in which the animals used in such research exist.

This bill is not antivivisectionist ori-

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ented, but rather represents another step in the continuing efforts of humane groups and representatives of the medical research community to reach an understanding on standards and conduct in the care and treatment of animals used in biomedical research.

In the 90th Congress, I introduced H.R. 13168, the Humane Laboratory Animal Treatment of 1967. While no hearings were held, the legislation gained widespread support from the humane interest as well as the medical and research community.

The legislation that I am introducing today is basically the same bill, but there have been some changes.

One important modification has been made: Public Law 89–544, the Laboratory Animal Welfare Act of 1966, administered by the Department of Agriculture, has been left unchanged.

In the former bill, H.R. 13168, those sections of Public Law 89–544 which applied to laboratories would have been repealed in an approach to place the care of laboratory animals under the jurisdiction of a single department.

After reviewing the work of the Department of Agriculture under this law, the decision was made to leave Public Law 89–544 unchanged in order that the Department of Agriculture may continue the work it has initiated.

However, it is necessary to point out that Public Law 89–544 protects only six species: dogs, cats, monkeys, guinea pigs, hamsters, and rabbits.

The bill I am introducing today would protect any living warmblooded vertebrate animal which is used or intended for use in connection with biomedical activities.

Moreover, I wish to point out that it is the intention of this legislation that I am introducing today to pick up where Public Law 89–544 leaves off in its protection of laboratory animals. Section 18 of Public Law 89–544 provides:

> Nothing in this Act shall be construed as authorizing the Secretary (of Agriculture) to promulgate rules, regulations or orders for the handling, care, treatment, or inspection of animals during actual research or experimentation, by a research facility as determined by such research facility.

The bill that I am introducing would provide for laboratory inspections by the Secretary of Health, Education, and Welfare through his professionally qualified employees or his agents to make sure that each laboratory is in compliance with the rules and regulations promulgated by the Secretary.

Moreover, section 5(a) of the bill provides that the Secretary of Health, Education, and Welfare "shall consult" with humane groups in the formulation of standards and regulations for the humane care, handling, and treatment of laboratory animals as well as for the accreditation of laboratory animal research facilities.

Another major provision in this bill is the requirement of laboratories to use anesthesia or pain-killing drugs in all cases, except where it would defeat the purpose of the experiment. At the present time there is no provision in law for easing the pain of animals used in laboratories for research, and this has been a point of major concern to humanitarians.

This legislation would also encourage the development and promotion of more humane experimental and testing techniques as well as the substitution of nonsentient biological models such as tissue cultures and mathematical models for live animals in experimentation and testing.

Penalties for violations of the standards and regulations issued by the Secretary would be levied against the offending laboratories and against the individuals who conduct or supervise any biomedical activity involving the use of animals. Any nongovernmental laboratory found to be not in compliance with the standards and regulations promulgated by the Secretary shall be subject to a civil penalty of up to $500 for each separate offense, and for each day during which such offense continues. In addition, the laboratory would be ineligible to receive or use any Federal funds from grants, awards, or contracts for research with animals, until the Secretary found the laboratory to again be in compliance. Any offending individual under the act would become ineligible to use laboratory animals in any laboratory animal research facility, and ineligible to receive a grant or contract from the United States involving the use of laboratory animals.

Mr. Speaker, each year thousands of laboratories use millions of animals for biomedical research. While in many instances the care is good and the pain and suffering minimal, there are too many instances of shocking disregard for unnecessary pain and suffering in the experimental process.

This legislation represents an earnest effort on the part of humanitarians and research scientists and technologists to reach a realistic understanding of the purpose living, warmblooded animals should have in biomedical research and a fundamental appreciation of the valuable service these animals perform for mankind.

Admittedly, there are segments of the humanitarian community which seek total abolition of the use of animals in biomedical research. Likewise, there are segments of the research community which refuse to accept any regulatory legislation to protect the animals.

There are the extremes, but they do not represent the thinking of the overwhelming majority of responsible humanitarians and researchers who understand that reasonable legislation is possible to protect the animals without impeding research.

I believe that this legislation represents that reasonable approach and I am hopeful that the Congress will act on this bill in the near future.

MR. JUSTICE WARREN VERSUS THE CONSTITUTION

(Mr. WHITTEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, recorded history clearly shows that power breeds the desire to have power and that no dictator ever voluntarily stopped short of taking it all.

Certainly the action of the Supreme Court on Monday of this week clearly demonstrates that if you give them an inch they will take a mile. This case, POWELL against McCORMACK et al., might better be styled "U.S. Supreme Court versus the Constitution, or the abortive effort of the Warren Court to take over the legislative branch of Government."

Mr. Speaker, there are literally hundreds of questions left in the air following this decision. It is to be noted that the Supreme Court limited itself to a declaratory judgment, merely judging "because the issue was justiciable—capable of being judged—but left it up to the lower court to find ways and means to have the Sergeant at Arms, the Clerk, and the Doorkeeper—all employees of the House of Representatives—to seek out and provide an appropriate remedy. How can any court claim that they can indirectly control the people's branch—the U.S. House of Representatives—by orders to our employees under threat of jail when the Court sidesteps any claim they could control the Speaker and various Members of Congress directly?

Where lies the authority of administering the oath of office of a Member to serve in a Congress already expired? Where lies the authority for the Sergeant at Arms to pay a Member from funds appropriated for the fiscal year and the fiscal year has expired?

Mr. Speaker, Chief Justice Warren doubtless took great pleasure in overruling his successor as Chief Justice, Justice Burger—particularly since Mr. Warren was thwarted in his efforts to force the Congress and the President to name Justice Abe Fortas as Chief Justice only a short time ago. Mr. Fortas has since resigned.

CONGRESSIONAL DISTRICTS

Mr. Speaker, any nation must of necessity defend itself at home as well abroad. When Mr. Warren and his Court first held that the size and population of congressional districts were subject to their regulation, I introduced a resolution and urged the House of Representatives to "thank the Court for its advisory opinion," on the ground that the Constitution provides that the House is the sole judge of the qualifications of its Members. I was unable to get such resolution through the committee and through the Congress. We could see then that to acknowledge such power in the Court was to invite a Court takeover in this field. This happened. First the courts said a population variance which did not exceed 10 percent would be all right. After forcing that goal now the judges say a variation of as much as 3 percent is too much. Of course, this is thoroughly impractical and I think in the future Congresses are going to have to seat whom they wish and tell the Court to stay in its own bailiwick. Letting the Court get by with its earlier decision on the Congress itself led to the completely out-of-bounds opinion of Monday.

CRIME—BREAKDOWN IN LAW ENFORCEMENT

Let us look to the matter of crime. When the Supreme Court and subordi-

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nate courts set out to say it is all right to let somebody prevent you from using your property—to sit-in so that you would lose your business—it disturbed many people, but many others thought, "So what?" But if they let them prevent the use of your property, the next step is to let them take your property; and the next is to burn and loot and destroy. We have seen all these steps taken, beginning with the original encroachment by the Court of basic rights, until today you are not safe to be out at night, man or woman, in half of the United States. We are approaching the conditions of the Middle Ages.

By allowing the Supreme Court and the Federal courts to claim the sole right to interpret the Constitution, they have virtually set themselves up as a judicial dictatorship. In an estimated 35 new decisions, privileges of the individual criminal have been placed ahead of the welfare of the public. The result has been a complete breakdown of law and order. Murder, rape, robbery, burning of large sections of our major cities, and even assassinations, have been the result.

All this, if closely analyzed, comes because we have stood by, both the legislative branch and the executive branch, and let the Supreme Court assume the sole right of interpretation of the Constitution, a right the Court does not have under the Constitution.

DESTRUCTION OF PUBLIC SCHOOLS

Let us look at our schools. An extensive process of education is absolutely essential to any continuing society. Our Nation has had one of the finest educational systems ever known.

In the Brown case, 1954, the Supreme Court said States could not provide for forced segregation by law. What has happened since?

By exercising their claim of the power to dictate, the Federal courts today are actually assuming and exercising the right to supervise the operation of local schools—open to all students—from day to day and month to month. We see court orders closing some school buildings, to force students into one building, regardless of overcrowding, and setting up quotas in others, directing the hiring and firing and assignment of teachers against the wishes of all parents and forced assignment by race against the wishes of all parents.

Educational funds are withheld under the misguided conception that in some way this punishes school boards—when in fact it is the children who are thus punished. This has happened because so far we have let the courts get by with the claim that they have the sole right to interpret the Constitution. Yet, any study will show they have no such exclusive power; for, under the Constitution the legislative and the executive branches are equal and coordinate and have the right to interpret for themselves, where their responsibilities are concerned.

All of this leads up to the fact, Mr. Speaker, that on January 3, I introduced House Resolution 51, providing for a standing committee in the House of Representatives on the Constitution. This would give us a forum in which we, too, could interpret the Constitution, and would enable us to hold our own in the battle for public support. When House Resolution 51 was not voted out by the committee, I filed Discharge Petition No. 3. I now urge Members to sign this discharge petition. We then would have an instrument with which to go before the bar of public opinion. I think it is essential that we take this step and take it now. I know the Congress, being an equal branch, can ignore the Court or limit its jurisdiction. I am convinced we will see this Court continue to strike at the very bedrock of our society unless we act now. They have already destroyed law enforcement. They are in the process of destroying the public school system, and in this opinion, they attempt to tear down the people's branch—the Congress, destroying the separate but equal doctrine and assuming further dictatorial powers. I think, among other things, we might review the announced statement by the Chief Justice that he expects to continue on in the Supreme Court Building, where doubtless he will be continuing his efforts to influence the Justices in their decisions.

We have had enough of Justice Warren and we are fortunate that he did not get to pick his successor. It is unfortunate that his first move is to claim the sole power in the judicial branch to interpret the Constitution, even to the extent of controlling, in effect, the other two branches of Government which certainly were intended to be, and have the power to be, joint and coequal.

Again, may I say to my colleagues, I hope you will all sign Discharge Petition No. 3. Let us establish for us a Committee on the Constitution, for as we all know, we swear to uphold the Constitution as Members of Congress—but to uphold it as it is written and not as it might be interpreted by Mr. Warren, Mr. Douglas, or any other members of the Supreme Court.

Alexander Hamilton described the place of Court in the Federalist:

> The Executive not only dispenses the honors but holds the sword of the community. The Legislative not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated. The Judiciary, to the contrary, has no influence over either the sword or the purse . . . and can take no active resolution whatever.

We must renew our resolve to return the Court to its proper place so that a citizen may enjoy the fruits of his labor, and to make certain that the public interest again becomes paramount. We must again make education the prime purpose of our schools by precluding their operation by the Federal courts, either by the district courts or from Washington. We must set up our own committees to interpret the Constitution. This I have proposed in House Resolution 51.

While we fight political dictatorship abroad, we must no longer permit dictatorship at home. What will it profit our Nation to bring to others the rights we believe to be theirs, if at the same time we permit those same rights to be taken away from our people here at home?

Again, please sign Discharge Petition No. 3.

PELICAN ISLAND NATIONAL WILDLIFE REFUGE

(Mr. FREY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, today I am introducing legislation which would designate as wilderness certain sections of the Pelican Island National Wildlife Refuge in Indian River County, which is located in my congressional district.

Pelican Island was this Nation's first national wildlife refuge, having been established by President Theodore Roosevelt in 1903. The benefits to this Nation because of congressional approval in the past 66 years in setting aside thousands of acres as wilderness are inestimable.

My bill would designate as wilderness some 18 islands totaling approximately 403 acres. This area is one of the most significant undisturbed mangrove habitats remaining on Florida's east coast. We must provide protection for the colonial bird and marine resources in this area, and preserve the natural areas for scenic, esthetic, and ecological values.

A companion bill passed the Senate on May 23. I would point out there has been no opposition to this legislation. In fact, the support for it is widespread and includes the Department of the Interior, and the other concerned Federal, State, and local government agencies.

STATEMENT CONCERNING THE WAYS AND MEANS COMMITTEE'S RECENTLY REPORTED TAX PACKAGE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of Ohio. Mr. Speaker, man has been fouling his environment for too long. A reversal of our misuse is no longer merely desirable: It is necessary to our very survival. We have reached and gone beyond the point of harmless negligence, and we cannot continue with impunity to blow noxious smoke rings into the air or to toss life-choking wastes into our waters.

In the 89th, 90th, and 91st Congresses I introduced legislation—the current bill is H.R. 409—designed to encourage industry self-correction of air and water pollution through the device of tax incentives. Yesterday the Ways and Means Committee reported out a tax package, and I am greatly encouraged that legislation offering tax incentives to industry if they install pollution control equipment has been included in this package.

The legislation which I introduced and which has received widespread bipartisan support includes, in addition to the accelerated depreciation allowance, a 20-percent tax credit on investment for pollution control. I am delighted that the principle of tax incentives has been accepted and applied to this pressing problem, and I am hopeful that Congress will proceed to pass this sorely needed legislation.

Surely the goal of a cleaner environment is one of obvious priority, recognized, and applauded by all. The dis-

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agreement has been over the proper means by which to finance the high costs of achieving it. Tax incentives to industry, acting as stimulus to the development and installation of purification treatments by the entities that create the pollutants, promise an effective and just dispersal of the financing burden.

THE PRESIDENT'S AVIATION MESSAGE

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today with a few brief remarks on President Nixon's message regarding the aviation situation in America.

For those of us in the Congress who have long been vitally concerned about the problems associated with our airports, our airways, and about air traffic—it is both comforting and reassuring to note that the "message" has finally been recognized at the Executive level.

Certainly, we must plan and provide for an orderly expansion of civil aviation during the coming decade and I believe the President's remarks in this reguard were both timely and articulate.

I was particularly impressed with his comments regarding "improving the environment of transportation" wherein he stated:

> In all planning for airways and airports, it will be the policy of this Administration to consider the relation of air transportation to our total economic and social structure.
>
> For example, existing jetports are adding to the noise and air pollution in our urban areas. New airports become a nucleus for metropolitan development. These important social and conservation considerations must be taken into greater account in future air systems development.
>
> In addition, airport planners must carefully consider ths opportunity for business growth and the availability of labor supply. The presence of airport facilities is both a follower of and a harbinger of business and job development.
>
> Most important, government at all levels, working with industry and labor, must see to it that all aviation equipment and facilities are responsive to the needs of the traveler and the shipper and not the other way around. Transportation to airports, whether by public conveyance or private vehicle, is as much a part of a traveler's journey as the time he spends in the air, and must never be viewed as a separate subject. A plane travels from airport to airport, but a persons travels from door to door. I have directed the Secretary of Transportation to give special attention to all the components of a journey in new plans for airways and airports improvements.

This is one of the best statements I have ever heard on the purpose, objective, and ultimate goals wherein the need is recognized to better coordinate, integrate, and balance our total transportation system.

In my judgment, an adequate airport and airways system, such as the President has outlined, can go a long way toward curing many of our social ills and the challenge of change demands that we move in the direction the President has suggested.

We can, as dedicated and creative people, recapture the "American Dream"—through aviation.

We can rekindle the spark of hope and faith in America—through aviation.

We can stimulate, motivate, and accelerate the learning process—through aviation.

We can broaden the horizons and the perspective of people everywhere—through aviation.

We can open up "opportunities unlimited" for this generation and future generations—through aviation.

We can provide relief from the overcrowded "pressure cookers"— "the high-rise ghettos" —the "concrete jungles" of urban metropolitan areas—through aviation.

We can improve the "environment for future living"—through aviation.

And, as President Nixon said:

> These proposals are necessary to the safety and convenience of our mobile population—In short, the airways and airports system which long ago came of age will come to maturity. Those who benefit most will be those who must bear its cost, and the Nation as a whole will gain from aviation's proven impetus to economic growth.

JOE McCAFFREY: 25 YEARS OF COMMENTARY

(Mr. PEPPER asked and was given permission to address the House for minute, to revise and extend his remark and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, this month Joseph F. McCaffrey, WMAL radio and television newscast commentator, is observing his 25th year as a Washington correspondent. This able and dedicated commenator has been recognized in polls as "the most listened to man in Washington." Mr. McCaffrey was called by the majority leader of the U.S. Senate, Senator MIKE MANSFIELD, "one of the Nation's finest and important men in the news and public fields." He has also been praised by the distinguished minority leader of this House, the Honorable GERALD FORD, as one "never afraid to call them as he sees them but he is always fair and that is all any man in public life can ask." Joe McCaffrey is a three-time winner of the Washington "Emmy" for his special interview programs. He has been called by a Pulitzer Prize winner "a real news pro in a business where they pay off more on show business than on reportorial ability."

Joe McCaffrey is the only independent correspondent ever to serve as president of the Radio-Television Correspondents Association of which association he is now a member of the executive committee. He has served longer than any other correspondent as an officer of this organization.

Joe McCaffrey has made Congress part of his daily beat since the 1940's and knows and is warmly known by most of the Senators and Representatives on both sides of the aisle. His nightly radio report "Day in Congress" has been on the air since 1958 and is the only program of its kind which is exclusively devoted to reporting what happens daily on Capitol Hill. This program is often called "the CONGRESSIONAL RECORD of the air" and Joe McCaffrey justly bears the enviable reputation as the "voice of Congress." Joe McCaffrey worked on newspapers during his high school and college days. He joined the Armed Forces almost a year before World War II was declared. In the performance of his duties he was seriously injured in an airplane accident and remained more than a year in Canadian and American military hospitals. One of Joe McCaffrey's feats was a 54-hour stretch of reporting as a part of the Washington bureau of CBS during the Normandy invasion and he thereafter served with distinction as a CBS news commentator. Later he became Washington editor of "Mutual Newsreel of the Air." At one time he operated his own Washington bureau and in 1954 he edited "The Election Guide." In 1955 he started a weekly interview program on WMAL which has now grown into two nightly appearances on WMAL-TV and two evening programs on WMAL radio.

I have had the privilege of being on Joe McCaffrey's program. I know his exceptional ability to develop his subject and his program, his dedication to a high standard of excellence in his work and have experienced the warmth of feeling he possesses and exhibits both as a friend and as an eminent craftsman in the realm of one of the most important media.

Joe McCaffrey is not only a distinguished commentator, an eminent correspondent and outstanding American, he is also a grand and gracious gentleman.

I am proud to join his many friends in congratulating him upon completing 25 years of notable and magnificent work as a Washington correspondent and in wishing him many, many more years of meaningful achievement, good health, and happiness.

TEXTILE IMPORTS HAVE GREAT IMPACT ON SMALL TOWNS THROUGHOUT NEW ENGLAND AND THE SOUTH

(Mr. MANN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MANN. Mr. Speaker, one of the most alarming aspects of the relentless buildup of textile imports entering this country is the impact they have on small towns throughout New England and the South. In many communities in these areas, textiles provide the major or only industrial payroll.

When the production of a mill is siphoned off by low-wage imports, the entire textile community suffers. The grocery stores, banks, department stores, and the schools and other public facilities which depend upon an industrial payroll, all feel the impact. Many mills are located in areas which cannot absorb workers when a shift is eliminated or a plant closed.

U.S. Department of Commerce statistics show a steady buildup of textile imports month after month and year after year. Last year, textile imports reached an all-time record level of 3.2 billion square yards. This is more than double what they were in 1964. The rise has been particularly sharp in manmade fiber textiles which grew from 221 million square yards in 1964 to 1.4 billion square yards in 1968. One out of every 4 yards of wool textiles used in this country today is imported. Cotton textile imports are 600 million square yards higher than in 1964.

While these overall statistics are staggering, their real significance lies in the way they are reflected in a community which depends on a textile mill for its basic payroll.

Mr. Herbert Koshetz, a reporter for the New York Times, recently visited an area of South Carolina which has been hit by textile imports. He talked with the man in the street, the banker, the pharmacist, the millworker, to get a complete picture of what is happening in some textile towns.

His story in the May 9 Times tells the human side of the serious problem which has developed.

It illustrates in very poignant terms why the United States must act now to bring about reasonable restraints on the growth of textile imports in order to preserve badly needed payrolls.

The article follows:

SOUTHERN MILL TOWNS FEEL PINCH OF TEXTILE IMPORTS

(By Herbert Koshetz)

INMAN, S.C.—Spring came late to the Carolinas. But local residents say it has been worth waiting for, and the blaze of the azaleas still is clinging to the town.

Not far from Interstate Highway 26, where the Southern Railway tracks cross the road, the streets are lined with poplars and oak trees that are coming to full leaf. And unmistakable signs of approaching summer are evident amid the rows of small houses surrounded with neat green grass plots.

This quiet town, far removed from problems that trouble large urban centers, looks sleepy and complacent. But it, too, has problems—brought on mainly by the sharp increase last year in low-priced textile imports.

Since the beginning of the year, the Inman Mills, largest employer in the area, has cut back from six days to five days a week, reducing the take-home pay of its 1,700 employes by at least 20 per cent.

A 50-PERCENT DECREASE

Inman is typical of many small textile towns in North and South Carolina, Georgia and Alabama that have been faced with import competition. There are no signs of deprivation, but the communities are hurting. Since salaries are down, so are store sales and savings.

Last year the influx of textile products—which include yarn, fabric and apparel—rose by 50 per cent in physical volume. They represented 9 per cent of domestic production.

Unlike textile manufacturers and many apparel producers in the country, most retailers who sell apparel like imports. Knitted wear from Europe and the Orient, as well as some woven apparel, have had a strong demand among American retailers mainly because of styling and quality, higher-profit margins, and the so-called "glamour" of having stock bearing an import label.

Management of the mills does not expect to stop imports, but insists that foreign goods eat up all the growth in the domestic market, which has sales of $21-billion on 13 billion linear yards of yarn and fabric. Imports deprive the industry of $1.8-billion more as the result of shipments totaling an additional 2.5 billion yards, and pose some danger to the million workers employed, mill executives say.

The question of imports is getting attention now from President Nixon. Secretary of Commerce Maurice H. Stans has just returned from a tour of European capitals, where he discussed possible agreements on quotas for man-made fiber and wool products. He will leave for Tokyo today on an Oriental trip, where textile import problems seem certain to be on the agenda.

The industry is confident that it will get some relief. But in the meantime, the smaller mills and their employes, as well as merchants and bankers are feeling the squeeze.

BUDGET REAL CLOSE

One such employe is Mrs. Easter Brown, whose fingers are never idle as she deftly applies the weaver's knot to the broken ends of thread on the spinning frame. She may not fully comprehend why her employer has cut down from six to five days. But she did not have to be urged to tell what was troubling her.

"Working full time is important to me," she said. "My husband has been disabled for eight years, and while we have no children to support, my income is the only one coming in."

"I have to budget real close to make it," she went on, "and when I'm only getting five days' work, I really feel the pinch."

The Inman Mills plant, a short distance from the Greeneville-Spartanburg Airport, changes its shifts at 3 in the afternoon.

Just before climbing into his car to go home, Oliver Crenshaw, a loom fixer, who probably earns the highest rate of pay for any production worker in the mill, talked about the shorter work week.

If he works a five-day week, he nets $107 for 40 hours of straight time. The six-day week, providing an extra eight hours on time-and-a-half, produces a pay check of $139.

PENSION FUND HIT

Another casualty of the import competition is the pension fund built up over the years by Inman's profit-sharing system. Inman lost $1-million last year, the first loss since 1937, and the company made no contribution to the profit-sharing plan. So far this year, things do not look any brighter for the pension fund, with which mill workers hope to supplement their social security.

James Culbertson, manager of the local branch of the Citizens and National Bank, said that the community of 7,000 depended heavily on the textile mills and the peach crops.

He said he could quickly see the results of the mill cutback in working hours. While there has been no foreclosure on homes or on cars there have been requests for extensions, and the bank has had to work out new arrangements on loans. Savings accounts and Christmas Club accounts also are affected.

W. L. Griffin, a pharmacist in the Inman Drug Store, said it would be hard to judge how much damage the shorter work week has done to business.

PEOPLE STILL BUYING

"I've seen serious recessions brought on by short time in the past," he said. "In 1962, we had a slump and another one during the Korean War. There was a little one going in 1964 and 1965. Right now, people are still buying, but some find they need a little bit of credit to tide them over."

James Chapman Jr., president of Inman Mills, a tall blond-haired man who does not look his 47 years, talked about his business. He said that family-owned large businesses, such as his, have been the worst hit by imports. These are companies doing between $10-million and $50-million a year.

Mills in this category produce goods that, more often than not, have no identity so far as the consumer is concerned, and must be sold in a highly competitive market.

They are not backed by national advertising programs. They are sold at relatively small margins of profit because the great majority of them are turned over to converters and apparel manufacturers who take over the task of finishing and dyeing them.

They differ from the large publicly owned mill operations whose products enjoy consumer identity owing to their presentation in a finished state.

"We don't want to lay any of our people off," Mr. Chapman of Inman Mills said, "so we have gone on shorter time."

The mills working three shifts cut down from six to five days, when it became increasingly difficult to sell their output of medium and lightweight broadcloths, poplins, jeans and other fabrics for casual wear, made either of cotton or blends of cotton and man-made fibers.

Inman produces only gray-colored goods, leaving it to the textile and apparel buyers to finish or print them as they see fit.

It was only about a year ago that Inman completed its newest and most modern facility. It should have increased the company sales, but last year, the volume in four mills was $1-million less than that registered the year before in three mills.

"Our Saybrook plant, which is built around the weaving of carded broadcloth, turns out, in our opinion, a good product. We had a big user of this cloth and were pricing it close to cost which came to 26⅜ cents a yard.

"We were asking 27 cents (a gross profit of 2.3 per cent) but our customer informed us that he was importing it from abroad at 21⅛ cents. Even after duty and transportation to the bleachery, his cost came to only 25½ cents, so we lost his business."

"If we go below five days a week, we're going to lose our labor to other industries," he said, stating that there is a labor shortage because of the many new industries, other than textiles, that have come into the Carolinas.

U.S. TOURIST DIES IN MIDEAST SHELLING

(Mr. HORTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HORTON. Mr. Speaker, by this time, all of us have read of the tragic death of an American tourist by Arab artillery attacks near the Dead Sea yesterday.

I learned of this senseless tragedy early yesterday, and as Shirley Louise Anderson's Congressman, I was called upon to confirm her identity to my good friend and fellow legislator, Gordon B. Anderson, the girl's father.

I have remained silent on the circumstances of Shirley's death until now because I wanted to wait for detailed factual reports from the Department of State, which, I might add, has been most cooperative in reconstructing this tragedy and in providing information.

Shirley Louise Anderson was a member of a generation of Americans who sought to make her mark on humanity by extending a helping hand to others. She was visiting the Holy Land en route home from a 2-year teaching assignment at an American school in the Congo. She left a more comfortable teaching position in the Chicago suburbs to apply her talents in a more troubled and less prosperous part of the world. Her loss has deeply moved the whole Rochester, N.Y., community.

To date, since the June 1967 Mideast war, literally millions of words have been spoken and printed about the need to

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reach some workable accord in that part of the world. As it is with so many continuing world crises, we can easily grow numb from reports of continued conflict and violence—numb, that is—until the violence hits home.

Certainly Americans are aware that Arab terrorism and organized mortar and artillery attacks are a fact of life in the State of Israel—particularly near the 1967 cease-fire lines. But it takes a tragedy like Shirley's death to bring home the fact that these attacks and raids are a continuing fact of death and despair for Israelis.

The attack yesterday was part of a renewed Arab artillery harassment of Israeli settlements in the area west of the Jordan River occupied by Israel for the past 2 years. Shirley was killed by a 122 millimeter shell only a few hundred yards from the river, at a cafe on the north shore of the Dead Sea. She and a group of 20 tourists in four civilan taxicabs had visited the nearby Qumran Caves—where the Dead Sea scrolls were found—and they were only a kilometer or so from the famed baptismal monastery, which was recently attacked by shellfire. According to Israeli press reports in Tel Aviv, the Israeli settlement of Kallia—a stone's throw from where the taxis were hit—was the object of Arab shelling for the second consecutive day.

It would be hard to write off Shirley's loss as an unfortunate and unlikely accident of this continuing and smoldering border conflict. Nor it is any unimaginable accident that this American girl—seeking to visit the roots of a religion she believed deeply in—should be killed by a Soviet-manufactured and supplied artillery shell, fired, most likely, from Iraqi Army positions across the river.

It has been the official position of our Government and the Russian Government that the Mideast conflict should not evolve into a confrontation between the great powers. Yet despite these pronouncements, we both have willingly trained and supplied Arab troops operating in Jordan. The Russians have gone further and have provided numerous technicians and advisers to Arab units. Many of us in Congress have spoken out against the pragmatic but inconsistent American policy of arming the Jordanians while they persist in military actions and in terrorism against both civilian and military personnel in Israel. Perhaps the possibility that Shirley or another American tourist could be killed or injured by Jordanian units using American supplies will give new life to those opposing this policy. Because that ironic possibility does exist, we must share in part, the blame for the fate of innocent bystanders killed by these weapons.

Whether or not the taking of this young life has any affect on those whose policies will determine the chances for peace in the Middle East, Shirley's fate should at least bring home to Americans the plain fact that we cannot isolate ourselves from what happens along the Jordan River, or along the Suez.

I know that the President is deeply concerned about this situation, and he has tread cautiously through the door of the Big Four talks in seeking a workable formula for settlement of this crisis.

My hope is that our negotiators and our people will not grow cold to the plight of the besieged Israelis because of their own strength and willingness to defend themselves from attacks like that which occurred yesterday on the Lido Cafe and on the settlement of Kallia—any more than the people of Rochester and America can grow cold to the innocent and tragic lose of Shirley Anderson.

Her loss, though in a sense accidental, is, in part, the result of policies of the great powers to help maintain a balance of power, and thus maintain an intolerable status quo—intolerable for the Israelis, for the Arabs, for all who seek peace in the world, and perhaps now most intolerable for the friends and family of this fine young American.

Mr. Speaker, I include as a part of the RECORD some news clippings describing yesterday's sad events on the north shore of the Dead Sea:

[From the Washington (D.C.) Post, June 18, 1969]

U.S. TOURIST DIES IN MIDEAST SHELLING

A 26-year-old American woman tourist was killed and a companion wounded by Arab shellfire yesterday on the Israeli-Jordan border.

The dead woman was identified as Shirley Anderson of Rochester, N.Y.

Her friend, Eileen Bonnet, 27, of Lodi, Calif., suffered a shrapnel wound to her left arm and was reported in good condition at Hadassah Hospital in Jerusalem.

The women had been mission teachers in Kinshasa, the Congo, for two years and had stopped in Israel en route back to the United States.

Officials said a 122-mm. shell fired by Iraqi troops in Jordan hit a taxi that the two women and a group of other tourists had taken to Kallia, a health resort near the Dead Sea, 15 miles east of Jerusalem and less than a mile from the Jordan River cease-fire line.

"We had just arrived and were going to change to go swimming when the shells started falling," Miss Bonnet told newsmen.

Ahmed At Abdul Karim, the Arab taxi-driver, said he and the tourists dived under some parked cars.

"The shells came without warning," he related. "Then they kept on coming. Every time the shells hit we hid under the taxis."

He said four cabs were damaged in the firing, which went on for about 30 minutes. The two American women apparently were about to escape in a taxi when a shell hit the the car.

FIRST TOURIST DEATH

Afterwards, Israeli army helicopters flew in and evacuated Miss Bonnet and other survivors. Miss Anderson was the first foreign tourist to be killed in action in Israel since the end of the war of June, 1967.

Israeli army spokesmen said the firing started from the Jordanian side of the border and was returned by Israeli forces.

In Amman, the Jordanian government blamed Israel for the death of Miss Anderson, charging that it began the shooting and deliberately endangered the lives of foreign visitors in the hope of reaping propaganda advantages.

"Unlike the Israelis, Jordanian forces are not accustomed to shelling civilian targets," an official said. "Israel's allegation indicates the Israelis wish to push tourists into the fighting area in order to gain propaganda profit."

He made no reference to Israeli claims that the Iraquis, who alone use Russian-made 122-mm. guns in the Mideast, were responsible for the shelling of the tourists.

FATHER'S COMMENT

In Rochester, N.Y., Gordon Anderson, a member of the Monroe County Legislature and an employe of Eastman Kodak Co., said his daughter wanted "to be of service to God and man. She was a devout Christian and that was one of the reasons she wanted to make the trip to the Holy Land."

Miss Anderson, who graduated from North Park College, Chicago, Ill., was sponsored as a missionary teacher by the U.S. government and the Evangelical Covenant Church of America, of which she was a member.

Along the Suez Canal last night, Egyptian and Israeli mortar and artillery crews exchanged fire for three hours between El Shatt, near the southern end of the waterway, and El Qantara, about 65 miles to the north. One Israeli soldier was killed and three wounded, Israeli military spokesmen said.

Meanwhile, Big Four delegates to the United Nations held their 13th private negotiating session yesterday in search of a Mideast peace formula. The meeting lasted almost three hours at the residence of French Ambassador Armand Berard. There was no announcement of progress.

[From the Washington (D.C.) Evening Star, June 17, 1969]

U.S. TOURIST KILLED IN JORDAN SHELLING

An American tourist was killed and four other persons were injured today when caught in an artillery and mortar duel between Israeli and Jordanian forces across the Jordan river, an Israeli spokesman said.

The American killed was identified as Shirley Anderson of Rochester, N.Y., daughter of Gordon B. Anderson, a legislator from Monroe County and an employe of the Eastman Kodak Co. in Rochester. She had been teaching in the former Belgian Congo for several years.

Her companion was identified as Eileen Bonnett, 27, of Lodi, Calif. Miss Bonnet suffered a shrapnel wound in the arm.

Another of the injured was said to be a 39-year-old taxi driver.

Officials said it was the first time, so far as they knew, that a tourist had been killed during Arab-Israeli fighting since the end of the 1967 Middle East war.

According to the spokesman, the tourists had stopped for refreshments at the Arab-owned Lydo Cafeteria near Qalya along the northern shore of the Dead Sea. Suddenly a shell slammed into the parking lot, setting two tourist buses on fire, reports said.

The injured were flown by helicopter to Haddassah Hospital in Jerusalem.

A Jordanian military spokesman in Amman, Jordan, said the battle lasted more than 90 minutes but reported no Jordanian casualties. He pinpointed the location as near Al-Maghtass, 4 miles north of the Dead Sea.

The Tel Aviv spokesman identified the exploding shell as a 122mm Soviet-made type. He said the battle began at about 7:45 a.m. (1:45 a.m. EDT) and continued for nearly two hours, intensifying and spreading south to the north shore of the Dead Sea.

BRAZILIAN REGIME PULLS CURTAIN BETWEEN ROCKEFELLER AND PEOPLE

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENSTEIN. Mr. Speaker, it is now clear to anyone who has been following the course of events in Brazil that Governor Rockefeller should end his visit there at once.

The notion that his visit to Brazil could

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serve a useful purpose has faded in the glare of the continuing actions of the Brazilian Government. The longer Governor Rockefeller stays in Brazil, the more difficult it will be for him to pay useful visits to other Latin American countries.

This morning's Washington Post reports that the Brazilian Government is continuing to arrest large numbers of people. It estimates that 800 to 1,000 Brazilians have already been placed in detention. Governor Rockefeller's presence there now gives at least symbolic sanction to these actions of the Brazilian Government.

The New York Times earlier reported the jailing of what it called "hundreds of political dissidents." Everyone knows that it has not required very much lately to qualify as a "political dissident" in Brazil, where the legitimate Government was overthrown by a military coup, and where the elected Congress has been dissolved.

The Brazilian Government now urges its throttled people to receive Governor Rockefeller with "traditional hospitality." It is an odd view of the traditional graciousness and warmth of the Brazilian people to intimate that these world-renowned characteristics thrive in an atmosphere of repression, but that is perhaps a matter of taste or rhetoric for Brazilians to ponder. It becomes the concern of the American people if an official envoy of the President accepts hospitality tendered under these circumstances.

Is it not, in fact, entirely inappropriate for Governor Rockefeller to stay on? I cannot believe he will find his visit a very satisfactory fact-finding expedition, unless he is to embark on a tour of prisons and unless he questions in private a great many Brazilians not likely to be on the official agenda. Nor will his continued presence there make it easier for him to gather information elsewhere in Latin America.

Governor Rockefeller suggested at Dartmouth that one of the more valuable aspects of his trips through Latin America has been the protests of those who have used the occasion of his coming to protest American policies there. He said that the demonstrations that have greeted him—or headed him off—in various places have dramatized the problems faced by those countries.

But surely, if this is a purpose of these trips, it has already been served in the case of Brazil. The state of affairs there does not seem to cry out for further dramatization. From the point of view of the United States, some indication of official disapproval would be a more relevant next step, one far more helpful to our reputation and standing among Latin Americans. We do not best show our concern about the civil liberties and general well-being of Latin Americans by extending more military aid to countries suffering from military repression.

Apparently the Brazilian Government thinks it will gain something in the eyes of the Government of the United States by receiving the President's special envoy in an atmosphere of relative calm. That such "calm" is to be gained at the cost of whatever political liberty was left in Brazil seems to be of no concern to that Government, evidently on the theory that Brazilians do not count very much and that Americans value political freedom less in assessing the worth of other governments than we value calm greetings to visiting firemen. That theory is not correct.

If President Nixon wishes to make friends for the United States in Latin America, he will discontinue Governor Rockefeller's trip at once, and will let it stay discontinued at least until Brazilian jails have been emptied of their new influx of political prisoners.

There can be lengthy discussion and honest disagreement about the value of Governor Rockefeller's visits to Latin America in the first place. There can be other discussion and disagreement about the propriety of official representatives of this Government engaging in official visits to various kinds of police states at various times for various purposes. But we do not need to reach either of these discussions in this situation.

For it is hard to find any merit at all in continuing an excursion which is supposed to get information and make friends, when the results are instead the opposite. At a minimum, we ought not go on providing the Brazilian Government with an opportunity—perhaps even an incentive—to extend its repressive behavior, and then to explain this behavior in a manner that incriminates the United States and increases resentment against us throughout Latin America and the world.

Today's New York Post—a newspaper that so often speaks for the conscience of this country—has an editorial that deserves notice:

To Repeat: Was This Trip Necessary?

Upon arrival in Brazil on the latest leg of what has become a Latin American ill-will tour, Gov. Rockefeller declared: "I bring an enormous respect for human dignity, liberty and social justice." Since the present regime clearly regards that sort of thing as dangerous contraband, the Governor's offering was presumably confiscated, at customs.

Human dignity has survived in Brazil despite, not because of, the Costa e Silva dictatorship. Free government, free universities and a free press are esssential characteristics of liberty but they do not flourish in that country. As a consequence, social justice is an elusive thing there.

All this must have been understood by Rockefeller and the Nixon Administration before the Governor ever set forth in Brazil. The mass arrests that heralded his appearance, together with the familiar tawdry trappings of a police state at his reception, disgraced this mission at the outset.

In the wake of the violent protests that have greeted him elsewhere in South America, Rockefeller has made a point of offering to talk with political dissidents and student demonstrators. He will have little opportunity to do so in Barzil.

The abortive Rockefeller missions have been defended—by him and others—as useful, independent fact-finding tours, more productive of information than the reports of professional diplomats. That claim may be slimly justified, even though the Governor's visits have generally been as brief as those encompassed in a cheap package tour.

But they have been tragically counterproductive otherwise, symbolizing once again an alliance for regression between the U.S. and Latin America despots. Nor is there any indication that the Nixon Administration plans any sweeping changes; its foreign aid requests for South America are over $20 million less than last year's. No further missions below the border are needed to forecast the meaning of that arithmetic.

And I hope everyone will take time to read the report of events in Brazil that appeared in this morning's Washington Post.

Brazilian Regime Pulls Curtain Between Rockefeller and People

(By John M. Goshko)

Rio de Janeiro, June 17.—Gov. Nelson A. Rockefeller continued his factfinding mission to Brazil today amid a calm that stood in sharp contrast to violent demonstrations that have greeted his presence in other Latin American countries.

Ironically, the tranquil atmosphere here points up what many critics fear could become an unfortunate byproduct of a mission intended to improve relations between the United States and Latin America.

This involves the fact that the Brazilian government of President Arthur da Costa e Silva is a military dictatorship that in recent months has become one of the most repressive in the hemisphere. It is employing this policy of repression to ensure that there will be no overt incidents during Rockefeller's three days here.

As a result, the New York governor, who bills his trip as an effort to find out what the Latin American people are thinking, has been isolated from any contact with the Brazilian people. His talks so far have been confined to hearing the opinions of Costa e Silva and the officials of the regime.

This creates a sticky situation for Rockefeller and, by extension, for the Nixon Administration. On the one hand, the protocol necessities that put Rockefeller in the position of warmly greeting Costa e Silva and his ministers will be cited all over Latin America as proof that the United States is in league with the region's strongman regimes

Yet for Rockefeller to do otherwise might lay him open to charges of meddling in the politics of a sovereign nation. This point was underscored today by banner headlines in the Rio newspaper, Correio da Manha reporting that during their talks last night in Brasilia Costa e Silva had complained to Rockefeller about the tendency of American newspapers to characterize his government as dictatorial or military-dominated.

In discussing the problem with U.S. correspondents today, Rockefeller moved gingerly around the issue. Specifically, he was asked whether he and Costa e Silva had discussed the repressive tactics that in recent months resulted in the closing of the Brazilian congress, the muzzling of the press and the drive against critics of the regime that has seen hundreds of persons arrested or deprived of their political rights.

The governor said he thought the regime was "aware of the feelings in the United States and Europe" and that "there is a real recognition of the concern that exists outside Brazil." When asked how Costa e Silva had justified these measures, Rockefeller said, "at the moment, I prefer not to go further on this point."

Nevertheless, evidences of Brazil's inner tensions cropped up at frequent intervals during a day that began in Brasilia, where Rockefeller arrived last night to begin this leg of his travels through South America.

Although the major part of the morning was devoted to talks with Costa e Silva and his cabinet, Rockefeller also paid a visit to the Congress—a handsome, futuristic edifice that has stood empty since the regime abruptly dismissed the legislators last December.

LEGISLATORS ABSENT

At the Congress building, Rockefeller was received by the Vice President of Brazil, Pedro Aleixo, the president of the Senate, Gilberto Marinho, and the president of the

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House, Jose Bonifacio. But the dearth of other legislators in the cavernous building represented a counterpoint to the Brazilian political situation that was not lost on those present.

Brazilian newsmen, who have been forbidden by the regime to write anything negative about the Rockefeller visit, joked discreetly in the background that the governor was being shown the Congress as "an interesting archeological specimen."

Similarly, while Rockefeller's large entourage of technical advisors was beginning talks with Brazil's opposite numbers, one portion of the governor's staff found itself with little to do. These were the people he has brought along to talk with representatives of youth groups.

Since last week, the regime has placed under temporary detention an estimated 800 to 1000 Brazilian students as part of its campaign to ensure against anti-Rockefeller demonstrations. Hence other students have been reluctant to call attention to themselves by volunteering to come forward and talk with Rockefeller's representatives.

DRIVE BYPASSED

The security wall erected between Rockefeller and the public in Brasilia continued this afternoon when the governor's party flew to Rio. After arriving at the Galeao Airport on the edge of the city, the party was transferred by smaller airplanes to the Santos Dumont airport in the heart of Rio in order to avoid the long drive from Galeao.

At Santos Dumont, the airstrip was surrounded by hundreds of Brazilian air force troops with rifles and machine guns at the ready. Neither the public nor the Brazilian press was allowed at the brief welcoming ceremonies.

The motorcade route to the Copacabana Palace Hotel, where the governor is staying overnight, was made along an oceanside boulevard devoid of spectators.

We should note too the concern of the American scientific community about the involuntary "retiring" of 68 Brazilian professors that took place earlier this month. Those "retired" included some of the most distinguished men in Brazil—the president of the University of Sao Paulo, heads of departments at both the Federal University in Rio de Janiero and at the University of Sao Paulo, and so on. These talented and dedicated men are no longer to be permitted to teach or conduct research at their universities.

I know we all hope that rumors about impending forced retirements of additional professors prove unfounded, but whatever else is done now, many of us in this House will want to associate ourselves with the telegram sent recently to President Costa y Silva by some of America's greatest scientists. The text of that telegram follow:

President ARTHUR COSTA Y SILVA.

DEAR MR. PRESIDENT: The recent decision of your government to remove a number of Brazil's leading scientists and scholars from their university positions is a matter of grave concern to us. We feel that to deprive Brazil of the benefit of the intellectual and scientific leadership provided by such internationally eminent scientists as Professor Isais Raw, Alberto Carvalho da Silva, Helio Lourenco de Oliveira, Jose Leite Lopes, Jaime Tiomno, and Florestan Fernandez, among others, will cause inestimable damage to the progress of science and education in Brazil. Moreover, the anti-intellectual image of the government created by this unfortunate action is certain to have serious repercussions among scientists in the world community whose sympathy and cooperation is essential to the continued technological development of Brazil.

We appeal to you to look personally into this matter in order that these scholars are returned to their institutions and encouraged to pursue their work in a climate of intellectual freedom.

SIGNERS

Fritz Lipman, Nobel Laureate, Professor of Biochemistry, Rockefeller University.

John Bardeen, Nobel Laureate, Professor, Dept. of Electrical Engineering, Univ. of Ill.

Arthur Kornberg, Nobel Laureate, Professor of Biochemistry, Stanford University Med. Sch.

Harold Urey, Nobel Laureate, Professor, Dept. of Chemistry, Univ. of Calif. at San Diego.

Marie G. Mayer, Nobel Laureate, Professor of Physics, Univ. of Calif. at San Diego.

Conrad Block, Nobel Laureate, Professor of Biochemistry, Harvard University.

Marshall Nirenburg, Nobel Laureate, Bethesda, Maryland.

Linus Pauling, Nobel Laureate, Professor of Chemistry, Stanford University.

Robert W. Holley, Nobel Laureate, Professor, Salk Institute for Biological Studies.

Rollin Hotchkiss, Professor, Rockefeller University.

George K. Hirst, President and Director, Public Health Research, City of New York, Inc.

Efraim Racker, Einstein Professor and Chairman, Division of Bio. Sciences, Cornell Univ.

Christian Anfinsen, Bethesda, Maryland.

Martin Kamen, Professor of Chemistry, Univ. of California at San Diego.

Sidney Colowick, Professor of Microbiology, Vanderbilt Univ. Medical School.

Nathan Kaplan, Professor of Chemistry, Univ. of California at San Diego.

Henry Lardy, Villas Professor of Biological Sciences, University of Wisconsin.

Emil Smith, Professor and Chairman, Biological Chemistry, Univ. of Calif. Medical School.

Soon we will have to discuss at greater length than is possible today the training of American troops in Spain in conjunction with the Spanish Army. We are now told that American troops have been trained to help the government of General Franco in case of public discontent in Spain. How little we learn from our misadventures!

In any event, little we have done lately in Spain or Brazil has been designed to add much to the confidence of the American people in the general conduct of our foreign policy.

POSTAL EMPLOYEES: THE POST OFFICE DEPARTMENT'S GREATEST ASSET

The SPEAKER pro tempore (Mr. BROWN of California). Under a previous order of the House the gentleman from New York (Mr. HANLEY) is recognized for 15 minutes.

(Mr. HANLEY asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. HANLEY. Mr. Speaker, currently, the Committee on Post Office and Civil Service, of which I am a member, is holding hearings on one of the most important and far-reaching pieces of domestic legislation which we will consider during this 91st Congress. The proposal to create an independent, Government-owned postal corporation can and will ultimately affect the lives of every American citizen, for our postal system is the most elaborate, complex, and, I believe, effective communications network that the world has ever known.

I joined in cosponsorship of the Postal Service Act of 1969, not necessarily because I believe the corporation concept is the answer to our dilemma, but because I feel it deserves wide discussion and consideration in Congress and throughout the country. I am not convinced that it is the best approach to the obvious need for reform. I am, however, confident that this proposal can serve as the mortar in which the pestle of the legislative process can formulate a measure which will meet the current and the future requirements of the postal service. I have considerable doubt as to whether the end result of our efforts will be a full-fledged corporation; but I do feel strongly that we will come up with the answers to many of the perplexing questions which face us today.

The nature of the debate in which we are now engaged is such that we must necessarily focus on the deficiencies of the postal service. The newspapers are full of accounts of delayed delivery, lost mail, slow-moving lines in antiquated post offices, and a thousand other real or imagined ills. Using the vernacular of the street, I say, "What's new?" On the other hand, we do not hear about the great bulk of the mail which is delivered quickly and efficiently. To reverse the old aphorism, good news is no news.

Therefore, I think that it would be appropriate to emphasize that our postal employees are doing an excellent job of moving and delivering the mail. It is my firm belief that our postal employees are the Post Office Department's greatest asset.

In 1968, almost 80 billion pieces of mail were processed by the postal system. This represents a 100-percent increase over the volume of mail in 1948. Yet, in the same period of time, the total work force of the Post Office Department has increased by only some 50 percent. Even the critical Kappel Commission estimates that 71 percent of first-class mail is delivered the day after mailing. I think that this is a good record, indeed.

We are informed that untold millions of pieces of mail are lost or suffer unnecessary delays every year. On the surface, this appears to be a shocking figure. Yet it is misleading. If, for example, as many as 1 million pieces a day were mishandled, this would represent only one-half of 1 percent of total mail volume of 200 million pieces per day. Thus, our performance average would be 99.5 percent, which, in effect, is better than the record of Ivory soap.

The excellent record of rural letter carriers is but one example of the increased efficiency of the postal service in general. In 1932, there were 41,602 rural routes, covering 1,358,000 miles a day, serving 25,000,000 customers. Today, rural routes cover 1,966,000 miles and serve 38,000,000 customers 6 days a week. Yet, there are now only 31,000 rural letter carriers. Thus, rural delivery routes cover an additional 608,000 miles a day, serve

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13 million more people, and deliver more than three times the volume of mail than in 1932—all of this with 11,000 fewer employees. This is a proud achievement and one which is reflected in varying degrees throughout the entire postal field service.

In looking at the admittedly antiquated management and facilities of the Post Office Department, it is in fact remarkable that the mails have not come to a grinding halt before now. The key to the failure of these gloomy predictions to come true lies in the dedication and energy of the postal employee himself. Often against overwhelming odds, postal employees have increased their productivity and time and time again averted the disaster which could come to our communications system if the flow of mail should become seriously clogged. Working in ancient buildings, lacking up-to-date equipment, suffering under outdated personnel practices, maintaining almost no control over the commodity with which he deals, the postal employee still has succeeded in delivering the vast bulk of the mail expeditiously and safely. As we discuss the troubles which have befallen the service, I feel that we should not lose sight of the fact that the postal system is run by a group of men and women whose devotion to their task is not exceeded by any others in the private or public sector.

No one would argue that the postal service is perfect. However, we must realize that reform is necessary not because a poor job is being done today, but because the organization and facilities of the Post Office Department, as inadequate as they are today, simply are totally incapable of meeting the challenge of the future. The rank and file employees have done their job and done it well. What, then, is the root of the problem plaguing the postal service? In my judgment, we can only point the finger at Congress itself for its traditional failure to recognize the true needs of the postal service. In a manner unlike any other agency in Government, for far too many years the Department has been treated as the proverbial stepchild.

Many things need to be done quickly to reform the postal system. In my mind, one of the critical areas is compensation and improved personnel management. During and after the depression, many high-quality people entered the postal service because there was nowhere else to turn. Under more favorable economic conditions, these men would have been doctors, lawyers, and businessmen. Thus, for the past 30 years, we have had the advantage of high-quality employees at bargain-basement prices at almost all levels of the postal service. With these men retiring, it becomes even more important for us to provide adequate pay so that we can continue to attract high-quality personnel.

Traditionally, employment in the postal service has required a person with high moral values along with an impeccable background. We have not reduced these standards; yet we offer only $5,900 as an entrance salary for a letter carrier or clerk. Compare this to District of Columbia bus drivers who enter at $6,800 a year or the $8,000 a year beginning pay for a District of Columbia policeman. How then is the Department going to attract the desired type of employee at the prevailing wage scale? Further, what incentives can we offer an applicant for postal employment when he learns that at least 75 percent of postal employees retire in the same grade in which they were hired? This is indeed a sad reflection on promotional possibilities in the Post Office Department.

I also feel that it is time to consider a major overhaul of the position classification system of the postal field service. The activity of my Subcommittee on Position Classification has produced positive evidence that suggests that such a reform of the position classification system of the Post Office Department is necessary. The subcommittee is currently working on a bill which will begin the process of revision of the classification systems of the entire Federal Government. It is interesting to note that though the Federal Government is the largest employer in the world, its classification system has not undergone a thorough reevaluation for 25 years. Certainly, we all agree that such laxity in the private sector would be intolerable and would entertain collapse. I am confident that, in the long run, the contemplated revisions will prove to be of great benefit to postal employees.

The Post Office Department also has a crying need for a full-scale research and development program. During the past few years, the Department and Congress have begun to recognize the necessity and usefulness of such a program. Under the leadership of the former Assistant Postmaster General for Research and Engineering, Dr. Leo S. Packer, great advances were made. Unfortunately, this job has been vacant for 4 months. The new administration has only now seen fit to recommend a man for this position.

It is difficult to overemphasize the fact that the failure of Congress to appropriate enough money for research and development over the years is one of the primary reasons the Post Office Department is faced with a crisis in the near future.

When our committee went to Europe in 1965 we saw the most sophisticated and modern machinery being used throughout the Continent. Yet, in our own country which has an incomparably greater volume of mail than all of Europe we are just now going beyond the experimental stage in using these new devices. Our investment for equipment is approximately $1,100 per employee. Similar investment in private industry runs 20 to 30 times that amount. We in Congress must be prepared to approve adequate appropriations for research and development if we are to have any hope for the future of the postal service.

Closely related to our tortoiselike pace in providing the necessary funds for research and development is our failure to provide modern facilities. For 25 years after the depression and through the 1950's, the United States built no new postal facilities. Can you envision what would have happened if our road building program had ground to a halt for 25 years? I am sure utter chaos would have developed. No major business that I know of could have survived, much less prospered, under such circumstances. Here again, Congress is paying for years of neglect. Therefore, it is my firm belief that we must immediately provide adequate and long-term financing for a crash building effort to replace thousands of facilities which have long outlived their usefulness.

These are only three of the more pressing problems which face us as we debate the issue of postal reform. Whether a Postal Corporation is the best way to solve these problems is still an open question. But solve them we must. I ask as we outline the inadequacy of the present postal system in relation to future needs that we be ever-mindful of the tremendous job which our faithful postal employees have performed to date.

In conclusion, I reiterate my confidence that the present postal reform activity will result in the development of legislation designed to give the Post Office Department the tools it has lacked for far too many years.

CHEMICAL AND BIOLOGICAL WARFARE RESEARCH—FACT VERSUS FICTION

The **SPEAKER** pro tempore (Mr. BROWN of California). Under previous order of the House, the gentleman from Utah (Mr. LLOYD) is recognized for 15 minutes.

Mr. LLOYD. Mr. Speaker, as Representative of the district in Utah which includes the Dugway Proving Ground where testing of chemical warfare agents has attracted nationwide attention and concern, I welcome the announcement that President Nixon has ordered a full-scale review of all aspects of the Nation's chemical and biological warfare program. This action will be reassuring to everyone, and particularly to those living in close proximity to the testing area. It should also perform the vital service of exploding any false rumors and responding to the lingering suspicions that the Army has failed to disclose facts which the American people are entitled to have.

Appropriate to this announcement by the executive department is this account of my own evaluation and report of the recent controversy surrounding the Dugway tests with special reference to recent hearings by congressional committees.

On May 20 and 21 the Subcommittee on Conservation and Natural Resources of the House Government Operations Committee conducted hearings on the dangers of testing of chemical and biological warfare agents at Dugway Proving Ground in Utah.

Army witnesses were subjected to a searching probe by members of the subcommittee, and properly so. Under these circumstances some of those witnesses seemed surprised, uncertain and at times evasive. I would hope that in any such future confrontation, the Army would, in the national interest, provide these witnesses who have a background in science with proper supporting counsel essential appropriately to disclose in a fully understandable, truthful and candid manner the facts which would answer

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the questions, and dispel the erroneous rumors and false charges.

These hearings produced information relevant to the March 1968 incident near Dugway when over 6,000 sheep died following an Army test of VX nerve agent. Information and speculation was also produced concerning other phases of operation at Dugway Proving Ground—some of it factual and some which I believe to be without foundation.

As the Congressman representing the district in which the Dugway Proving Ground is located, I have realized a responsibility to maintain constant vigilance to ascertain the most reliable facts to govern decisions with reference to the tests there. This effort to emphasize reliable facts which have generally supported security measures adopted by the Army, has resulted in adversary commentators charging that I and other Utah officials who have taken similar positions have been influenced by the economic advantages of the military installation at the expense of the health and lives of the citizens. This I label as both nonsense and false on its face. I have been dismayed that it has been given currency by some newspapers and by at least one nationally distributed publication. Nevertheless, I look upon my own responsibility as demanding that I continue to seek a proper factual perspective, free on the one hand of undue influence from the Army, and on the other hand, free of emotion and exaggeration. With that in mind, I would like to review the facts as I see them:

First. The Army conducted an airborne spray test of VX nerve gas at Dugway on March 13, 1968. A malfunction presumably occurred in releasing the agent from the airplane. Sheep grazing in Skull Valley some 27 miles from the test area began dying mysteriously on March 14.

Second. First reports of the sheep deaths did not reach Dugway officials until March 17. At that time, there was no conclusive evidence that nerve gas had killed the sheep, although there was speculation to that effect. Because information concerning the testing was classified, and because of the question of legal liability, the Army denied, based on first reports and with no conclusive evidence of causal relationship, that they were responsible for the sheep deaths. This denial was confined to first reports and to unauthorized persons. However, the public information policy of the Army at that point has been criticized. It is debatable as to whether the Army used excessive secrecy or was properly exercising reasonable and proper prudence.

Third. Between March 17 and March 22, Army officials appeared to be confused and issued misleading statements.

Fourth. On March 22, the Army admitted to testing the nerve agent. This admission was made public. However, despite efforts by Army scientists, State public health officials, and officials of other Federal agencies, there was still no conclusive evidence that the nerve agent had been responsible for the sheep deaths.

Fifth. I arrived at Dugway on March 26 for an on-the-spot examination of the evidence. At that time, there was no effort made to cover up or to conceal from me the Army's possible liability in the sheep deaths. Of equal significance, the Army readily acceded to my request that an attorney representing the owners of the dead sheep be admitted to briefing sessions. Army officials readily admitted to me that the tests had been conducted, and conceded that the finger of blame seemed to be pointed in their direction. However, they insisted that there was as yet no conclusive scientific evidence that the sheep deaths were caused by VX nerve agent. In fact I am advised it was not until the middle of May, nearly 2 months following the incident, that forced feeding of sheep in the laboratory began to produce symptoms similar to those exhibited by the sheep which died on the range.

Sixth. The Army has already paid $376,685 for the death of the sheep. A second claim in the amount of $198,309 for loss of income until the land was restored to full use has been referred to Congress for approval.

Seventh. Charges have been made that the accident which killed the sheep also killed 1,700 cows. The Army, Utah State health officials, an investigator for the State and an investigator for the U.S. Department of Agriculture during the sheep incident, and an attorney for the sheep owners have denied that this charge is true. There has been no evidence produced in the subcommittee hearings to substantiate the death of cows in addition to the sheep deaths.

Eighth. Charges have been made that the nerve gas test also contaminated 100 square miles of rangeland, possibly for 2 to 3 years. On October 17, 1968, the U.S. Bureau of Land Management declared the land involved safe for grazing, and normal livestock operations began shortly thereafter. There has been no evidence produced in the subcommittee hearings to substantiate the charge that 100 square miles of range remain contaminated by the nerve gas accident.

Ninth. Charges have been made that the Army has fieldtested Venezuelan equine encephalitis—VEE—at Dugway Proving Ground. The Army has denied ever field-testing VEE virus at Dugway and has stated that it has no plans to do so in the future. The Utah State Director of Public Health has stated that there has never been any evidence of wildlife or human infection from Dugway activities. There has been no evidence produced to confirm charges that VEE has been field tested at Dugway Proving Ground.

Tenth. Charges have been made that there is a large, permanently contaminated biological testing area within the proving ground which poses hazards to wildlife, and consequently to humans moving in and out of the area. In 1954, the Army placed a teacupful of anthrax bacteria in a 100-yard-to-the-side square area within the proving ground in a test to determine how long the bacteria might persist. The test area is in a remote section of the proving ground. The ground consists of almost pure crystalline salt which does not support vegetation or wildlife. The animal population of the area is less than one per square mile. The area is completely within the confines of the proving ground, and is inaccessible except in special vehicles. The area is fenced and marked, and the only access is patrolled. State health officials, a research ecologist from the University of Utah, and the commander of the Deseret Test Center have all stated that the test plot represents no threat to either human or animal life in the area as demonstrated by nearly 15 years of continued surveillance.

The last reported case of anthrax in any Utah animal was in 1946, several years before the test was made. There were only three cases of human anthrax infection in the Nation in 1968, and none of them were in Utah. The State had three cases of human anthrax in 1944, and one unconfirmed case in 1958.

It has always been my policy that we should have maximum public disclosure of CBW activities consistent with national defense. I favor minimum production, testing, inventory storage, and transportation of CBW agents, consistent with the supportable needs of national defense. I favor disposal of surplus CBW weapons through detoxification if this can be done consistent with human safety. It is my hope that we may make progress toward reliable international agreements controlling, or hopefully eliminating, production and testing of chemical and biological warfare agents.

I have met with the Secretary of the Army and have asked him to review the Army's public information policy on chemical and biological warfare with the specific objective of providing more information as a public necessity. Although the Army has always made disclosure to me, I think it may safely be more candid and informative with the public regarding CBW activities, or in the alternative should explain why the information must remain classified. I have also asked the Secretary to reevaluate the need for testing toxic chemical agents rather than simulated agents, and have asked that only minimum testing be conducted, consistent with national defense. I encourage greater research which would produce more precise knowledge of when and how decomposition of the chemical agent occurs. I have asked for fully adequate research into the possibility of contamination of underground water supplies by testing of the chemical agents.

I am pleased to see an alert congressional committee make in-depth inquiry into our CBW program and testing, in addition to the Armed Services Committee, and subcommittees of the Appropriations Committee.

In summary, I want to make it clear I am no apologist for the Army, nor am I a cheerleader for gas warfare. Clear evidence indicates, however, that hostile nations are engaged in similar research. We stored mustard gas in England during World War II. As a result, President Roosevelt stated the German Government was convinced against the desirability of using poison gas on the English following the evacuation of Dunkirk. Russia and Red China are heavily engaged in chemical warfare testing. Our

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own tests enable us to develop defensive agents to detoxify and decompose chemical agents which might be used by an enemy.

I believe my position has been clear and consistent. I am not a champion of chemical warfare. Neither am I a champion of distortion and exaggerated rumors. Personally, I would most earnestly hope the conditions which make testing necessary would disappear.

The hearings conducted by the Subcommittee on Conservation and Natural Resources were widely reported in the Nation's press. Some media reported the more sensational charges without reporting the factual answers, and in so doing, did not serve the public interest. I have received letters and telephone calls from various points around the country asking, "Is it safe to travel through Utah?" This is an example of the public misconceptions produced when unfounded rumors are reported without all the facts being fully reported. I hope the subcommittee in its report to Congress will acknowledge that the allegations which I have cited are without foundation. I requested during the subcommittee hearings that the name of the informant who raised the charges concerning the death of the cattle and the range contamination from the March accident be disclosed in the national interest and certainly in the interest of my constituency. This request was not granted, apparently on the grounds that the man may lose his Federal job. As I see it, anyone who, without reasonable inquiry, is so irresponsible as to deliberately spread false rumors in this sensitive situation should be fired.

I heartily endorse responsible inquiry into CBW activities by congressional committees. I have joined in introducing legislation to create a permanent House committee on environment which would pull together the duplicating and confusing authority of various committees concerned not only with testing of chemical and biological warfare agents, but the increasingly complex and vital field of all pollutants of air, water, and food. The public has a right to the facts, but the public interest is not served by exaggeration and false rumor.

Mr. Speaker, I include in the RECORD recent articles relevant to this subject from the Salt Lake Tribune and the Deseret News of Salt Lake City, and from the Washington Star.

One of the more significant articles entitled, "Reds Publicize Sheep Deaths To Gain Data?" appeared in the Salt Lake Tribune on June 1. It quotes Dr. D. A. Osguthorpe, Utah veterinarian, one of the leading Army critics who testified at the subcommittee hearings and who received wide attention in the Nation's press at the time, as saying that the national attention on chemical and biological warfare testing is a way "for Communists to get more information." He reported his hotel room was entered in his absence during his stay in Washington for the hearings, and valuable papers disturbed. He also reported unauthorized entrance into the hangar in Salt Lake City where his private airplane is kept and he stated private papers were searched. Perhaps the subcommittee would wish to communicate further with Dr. Osguthorpe concerning these darkly mysterious happenings as to whether they have relevance to the Dugway tests.

The articles referred to follow:

[From the Washington (D.C.) Sunday Star, June 15, 1969]

NEW INTEREST IN POISON GAS

(By Shirley Elder)

If a vagrant wind can sweep up a batch of invisible poison gas and carry it miles away to deal almost instant death to thousands of sheep grazing in a valley, what would happen if humans got in the way?

This immediate question (after all, 6,400 sheep died last year when deadly VX nerve gas was accidentally released from a low-flying plane) and other more speculative questions (such as what happens if a train carrying poison gas is derailed while rumbling through a city) have prompted Congress to take a new and searching look at this nation's policy on chemical and biological warfare (CBW).

Chemical warfare is the tactic of using poison gas to kill or disable an enemy. Biological warfare is the deliberate use of germs to infect an entire population with deadly contagious diseases. Unlike chemicals, germs have never been used in modern warfare.

In addition, chemical warfare experts have designed sprays that simply can strip the foliage from jungles and fields.

SABOTAGE CITED

Both can be delivered in shells, missiles and bombs. Germs, which are invisible, odorless and tasteless, also could be spread through sabotage of water and ventilating systems or detonated in mines offshore.

It is the first time in years that congressional concern has moved beyond the perfunctory level. The last real burst of activity came 10 years ago when the House Committee on Science and Astronautics held hearings on chemical and biological warfare development. The committee concluded that support for research in chemicals and germs should be increased. Annual costs now run between $300 million and $350 million.

Current hearings are moving in the opposite direction. Congressmen are alarmed over the vast stores of poisons. Most recently, the protests from Capitol Hill led to a halt, at least temporarily, of an Army plan to ship 27,000 tons of obsolete gases across the country for disposal at sea off New Jersey.

The Library of Congress, at the request of Sen. Edward M. Kennedy, D-Mass., has prepared a report on CBW that has just been printed and released by the Senate Labor and Public Welfare Committee.

KENNEDY'S SUGGESTION

In a letter accompanying the report, Kennedy suggested that laboratories now handling CBW research might better direct their talents into fighting disease and meeting other domestic needs.

"In the past," Kennedy wrote, "the subject of chemical and biological warfare has been shrouded in mystery and secrecy. The extent of United States participation in research and development is still largely unknown. Our use of and policy toward (CBW) has not been clarified.

"I am opposed to this secrecy and feel that the American public has a right to be better informed about what this nation is doing."

Kennedy called for the development of international controls. "The alternative," he said, "is the horrible prospect of widespread chemical and biological warfare, a situation no humane individual or government can allow to develop."

Congress is finding the "shroud of mystery and secrecy" difficult to penetrate. When, under sharp questioning recently, Rep. Henry S. Reuss, D-Wis., began to get some answers, he was astounded at the military's calm appraisal of the death-dealing vapors.

"Doctor, you frighten me, you really do," Reuss told Dr. Martin Rothenberg, scientific director at the CBW test area in Dugway, Utah.

Witnesses from Dugway were trying to convince Reuss that they did not know the sheep had been killed by airborne nerve gases. At first, Army spokesman denied VX was even being tested. By the time the information was out, it was too late to administer any kind of antidote to the stricken animals.

A weather expert told the Reuss subcommittee the winds around Dugway are often swift and unpredictable.

Later, it was revealed by another congressman, Rep. Richard D. McCarthy, D-N.Y., that an area near Dugway listed on Army maps as contaminated actually was infested with anthrax, a germ normally fatal if inhaled. The Army says it constitutes no danger to the area.

The development of chemical and biological weapons is not new, but their use has been rare since World War I. Few realize, according to the Library of Congress study, how extensively gases were used in that war, however.

ROOSEVELT'S COMMENTS

Excluding some curious historical accounts of poisoned wine and sulphur fumes, chemical warfare is said to have begun with the German chlorine gas attack at Ypres in April 1915.

Inevitably, there was British retaliation and steady escalation as new gases were developed until, finally, 30 types of chemicals had been introduced into warfare. The climax came with blistering mustard gas started by the Germans in July, 1917, and the Allies a year later.

In an international meeting after the war, a Geneva Protocol was hammered out in 1925. All signatory nations agreed not to start germ warfare—a "no first strike" treaty. The United States did not ratify the treaty.

However, in 1943, President Roosevelt said: "Use of such weapons has been outlawed by the general opinion of civilized mankind. This country has not used them and I hope that we never will be compelled to use them. . . ."

Since then, this same view has been reinforced by both the Defense and State Departments. But, still, the Senate has not formally acted on the 1925 treaty. President Nixon has been urged by both Senate and House members again this year to resubmit the document for ratification.

Since World War I, only a few cases of chemical weapons use have been reported.

Chemical and biological weapons are two distinct developments. And, like many other products of science, they quickly become obsolete.

The chemical, GB, for instance, first developed by Germany, an odorless liquid that cuts off a man's breath when inhaled, now is obsolete. The Army wants to dump more than 440 railroad carloads of it into the ocean.

Also included in the dumping plan are more than 260 carloads of outdated mustard gas and some tear gas.

Germ warfare agents now available include anthrax, cholera, plague, typhoid, Rocky Mountain spotted fever, encephalitis, smallpox, yellow fever, botulism and coccidiodomycosis, among many others.

The problem facing Congressional critics is not only the secrecy that surrounds CBW, but also the difficulty, if not impossibility, of developing international controls.

As the Kennedy report states: "The nations, including some of the smaller ones, are already downstream too far.

"The larger arsenals for CB warfare may be restricted to the major powers, but there is little doubt that an increasing capability is proliferating to some of the smaller and developing countries.

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"What used to be largely a picture of research has turned to development and development has turned to manufacturing and stockpiling. The subject is shrouded in secrecy and it is the secrecy which seems to provide a nonstop momentum . . . No one really knows what someone else may have ready for employment, in a military situation."

[From the Deseret (Utah) News, June 4, 1969]

Dugway Testing Role Distorted in Hearing

(By Gordon Eliot White)

Washington.—The record now public on chemical warfare, and particularly the hazards of testing at Dugway Proving Ground, was so badly distorted at last month's hearings before the Reuss subcommittee that a concerned citizen who simply wants the facts must be considerably confused. Neither the Army Materiel Command, which controls Dugway, nor the Anti-CBW Forces have given an unbiased picture of chemical warfare and the possible effect that Dugway's work might have on the citizens of Utah.

The Army's failure to alert state and local officials to the danger of a nerve gas accident last year led to the loss of 6,000 sheep, and only good fortune can be credited for the fact that there were no human deaths. The Army CBW officers, here and at Dugway, have been grossly obtuse in answering reasonable questions about their work.

When asked in March 1968, if there had been any biological tests at Dugway which might have affected the Skull Valley sheep, Dugway officials said "No." When it later became apparent that there had been a nerve gas test which went awry, the Army said blandly, "But you didn't ask us if there had been a chemical test."

On the other hand, the record in recent months has been badly muddied by such people as Rep. Richard McCarthy, D-N.Y., who charged that "1,700 cows" had been killed in the March accident, and that "100 square miles" of range land suffered long-term contamination. Told by Rep. Sherman P. Lloyd, R-Utah, that both charges were groundless, Rep. McCarthy nevertheless repeated them to the subcommittee and for national television.

Other charges flowed here, making headlines for a few members of Congress but adding nothing to public enlightenment. The tone of the debate is indicated by a sampling of the allegations:

(Rep. McCarthy)—"The Army has tested biological warfare agents in the open air at Dugway and has created a permanently contaminated area about 10 miles in diameter in western Utah;"

(Rep. Henry Ruess, D-Wisc., chairman of the Investigating House Subcommittee): "The Army is testing chemical agents in the atmosphere before it knows how toxic they are;"

(Rep. McCarthy): "The military laboratories that work with biological agents have a poor safety record over the past two decades;"

(Rep. McCarthy): "The Army is field-testing Venezuelan equine encephalomyelitis (VEE) at Dugway."

Confidential Army sources, cross checked here, indicate that there is more demagoguery than fact in those charges. Utah officials, including Dr. D. A. Osguthorpe, the Logan veterinarian who has helped lead the attack on the Army, said flatly there were no cattle involved in the nerve gas accident last year. If anyone lost any cows, he has not cared enough to ask the Army to pay for them.

The U.S. Bureau of Land Management certified Skull Valley as uncontaminated last October and the area is now being grazed with no ill effects to sheep or any other form of life that anyone has been able to notice.

That 10-mile circle supposedly contaminated by biological testing was outlined by Rep. McCarthy himself with a ballpoint pen, during the subcommittee hearings, to mark a very small area on a map so that it would be visible to television cameras. The Army, of course, had denied to Rep. Lloyd that there was such an area. When they admitted that, yes, there was a two-acre tract where anthrax had been placed 15 years ago, Rep. Lloyd was embarrassed and the facts never caught up with Rep. McCarthy's charges.

From all the data that can be found here, there is no truth to Rep. Reuss' charge that un-tested chemical agents are released in the air over Dugway. Army technicians claim that they exhaustively test all compounds for toxicity, particle distribution, spray cloud behavior, and other factors before testing outside of laboratory chambers.

Rep. McCarthy's charges about safety records at CBW laboratories were apparently based on a 1965 doctoral thesis written by G. Briggs Phillips of the safety staff at Ft. Detrick, Md., Phillips documented 3,300 "incidents" between 1954 and 1962, many of them as minor as test tubes which were dropped but did not break. McCarthy used the "3,300 incident figure" as though most of them involved deadly hazards to workers and the surrounding population.

In fact, from 1943 through 1968, there were 420 accidental infections at Ft. Detrick, 370 of them prior to 1960. Since then only 19 cases have required hospitalization, and the lab's safety record, with highly-dangerous biological agents, has been far better than for all other federal civilian employes, by a factor of nearly 10 to 1, on a basis of work hours lost.

The Army is less willing to discuss encephalomyelitis testing: it says strongly that it has not tested VEE and does not plan to, but leaves doubts about other strains of encephalomyelities by its failure to disclaim testing of any but VEE. The VEE report, however, almost certainly came from a garbled version of a University of Utah study that identified VEE antibodies in wild animals in the state.

The garbled attacks of CBW critics, sometimes on grounds that are patently false, like the report here two weeks ago that 1,700 cows had been killed by Dugway, are only befogging the real issues of Dugway safety and the role of CBW in modern American defense.

[From the Salt Lake City (Utah) Tribune, June 1, 1969]

Reds Publicize Sheep Deaths To Gain Data?

Communists may be deliberately magnifying the death of 6,400 sheep at Dugway Proving Ground to gain information on United States chemical warfare testing.

"I believe there is some Communist element in this," Dr. D. A. Osguthorpe said Saturday. The Salt Lake City veterinarian testified May 20 at congressional hearings in Washington, D.C.

Repeatedly publicizing the sheep deaths and chemical and biological warfare testing is a way "for Communists to get more information . . . ," he added. "Every time this is aired a few more people (connected with CBW) are brought into the open."

Dr. Osguthorpe also contradicted some reports that he is a "critic of chemical and biological warfare testing."

INTERNATIONAL POSITION

"I'm not against doing this kind of research because I know we have to keep our place internationally. But I am against the Army not keeping the public informed of its mistakes."

He blamed the 1968 Dugway incident on the failure of a plane gate to close, resulting in the accidental spraying of an organic phosphate compound into the atmosphere.

"From March 13 to 22 (of last year) the Army denied it happened. Gov. (Calvin L.) Rampton called a meeting on the 22nd and told them they were responsible for the death of the sheep."

Dr. Osguthorpe said the Army subsequently spent at least $500,000 for an investigation that would prove the Army wasn't responsible. In addition the federal government paid more than $350,000 in reparations for the dead animals.

The veterinarian said if the Army had immediately admitted responsibility, at least three-fourths of the sheep could have been saved.

CREDIBILITY GAP

"The total loss could have been only one-tenth of the million dollars eventually spent."

This incident also caused a "credibility gap," he said. "Until the commanding officer at Dugway was told he could admit the mistake, he had to deny it."

Dr. Osguthorpe said it took too long for decisions to filter down from the highest levels of government to Dugway.

But he said President Richard M. Nixon has appointed a special information officer to help avoid similar events.

Commenting on reports that his Washington hotel room was searched, Dr. Osguthorpe said, "The Army couldn't have searched my room. They already have the information that I do. I don't know who searched my room. . . It had to be someone who was watching my activities pretty closely."

SEARCHED PRIVATE PAPERS

He said he had told no one where he was staying after arriving in Washington on the evening of May 18.

One evening after he left his hotel by cab, someone entered his room and searched through his private papers, he said.

"I was supposed to have breakfast with a few congressmen the next morning. I planned to give them some papers, which I placed on my bed so I could easily find them. When I returned the papers had been removed from the bed." The next day he located the missing papers in a book he'd taken along.

While he was in Washington someone also pried a lock from the Salt Lake International Airport hangar where he keeps a private plane.

"I flew to Washington on a United (Air Lines) flight. The day I left I stopped at the hangar to get some papers and everything was fine. But when I returned the hangar had been broken into and the place searched. There could have been some connection between the two searches. This is the first time that I have had any trouble at all." The plane was not damaged.

DAY AFTER HEARING

He said the hotel room searcher might have been someone who attended the hearings and who would know what he looked like. The day after the hearing, someone appeared "to be watching me the whole time. I was on the Capitol grounds."

He said the persons who searched his room—and apparently ignored expensive cameras and money—were "interested in this chemical thing. It could possibly be, I think, someone connected with the Communist Party."

Dr. Osguthorpe added that the classified information he had in the hotel room was in a locked suitcase, which he doesn't think was opened. The suitcase was delayed in arriving because of a plane mixup.

MORE VALUABLE

He now believes his notes "are more valuable than I had thought." And his papers are now kept "under lock and key."

The doctor said he reported the hotel incident to the subcommittee conducting the hearings but was advised that such incidents were not uncommon in Washington and little could be done.

He said he did not report the hangar entry as he desired to maintain watch himself.

Electronic warning devices also were installed, he said.

[From the Salt Lake City (Utah) Tribune, May 29, 1969]

Dugway Denies Anthrax Area Human Threat—Disputes Claim by New York Solon

The threat to humans and animals represented by a small plot of Dugway Proving Ground contaminated with anthrax germs 15 years ago is practically nonexistent, according to health, research and Army authorities contacted Wednesday.

Brig. Gen. John G. Appel, commander of Deseret Test Center, confirmed Wednesday that a 100-square-yard area was contaminated with about a teacup full of anthrax bacteria in 1954 in a test "to determine how long it might present a hazard."

Anthrax germs can be fatal to animals or humans if the viable organisms are inhaled into the lungs or contact a cut in the skin.

AREA NOT DANGEROUS

General Appel said, however, that the contaminated area is not dangerous to man or animals as charged Tuesday by Rep. Richard D. McCarthy, D-N.Y., in a letter to Health, Education and Welfare Secretary Robert H. Finch.

Rep. McCarthy asserted the contaminated area was a circular plot, nine miles in diameter, about 15 miles west of the proving ground. The congressman added that the British tested anthrax on the Scottish Island of Gruinard early in World War II, that investigations by scientists in 1966 showed the island was still contaminated and "probably will remain contaminated for 100 years."

Both Gen. Appel and Dr. G. D. Carlyle Thompson, state health director, described the contaminated area as "being very small, marked with signs and fenced off," and located in the remote and practically inaccessible western end of the desert testing area.

"There is practically no animal life in the area, about one rodent per square mile," Gen. Appel explained. "There is no air contamination in the area, and there was none when the anthrax bacteria were placed in the area in 1954."

CLOSELY WATCHED

Dr. Thompson said the anthrax area has been closely watched by scientists and that none of the bacteria has been found in any wildlife in the area.

"The place can be reached only by vehicles with four-wheel drive," he said.

In his letter to Secy. Finch, Rep. McCarthy said, "It is obvious that this anthrax-ridden area in Utah poses hazards to wildlife and to humans moving in and out of the area."

Peter F. Olson, research ecologist, University of Utah, engaged in research at Dugway, said Wednesday there is no wildlife in the area and absolutely no vegetation to sustain any. He added that the contaminated plot of ground is far from any public thoroughfare and "no persons are just going to stumble on it."

"It's in a remote section of the Salt Flats—pure crystalline salt—with no vegetation and no wildlife. And a person would have to have a specially-built vehicle like a Trackmaster to even approach it," Mr. Olson said. "And if he did, the signs would warn him off."

After weighing the potential hazard now existing—considering the amount of anthrax applied to the area, its deterioration in 15 years in the unusually harsh environment and his knowledge of the organism. Mr. Olson said Wednesday:

"I would gladly go to the center of the contaminated area now and set up camp there for two weeks, if I thought it would prove anything. There may not be spore left there now."

Although the anthrax was applied to the area before Mr. Olson took the research position, he said he assumes the germs were applied to the surface of the salt bed in "an atomizer operation, sprayed on like you would with perfume."

"There would be very little spreading by the wind. The anthrax bacteria was in the spore stage when it was applied, and if any still exist there, they would still be in the spore stage. In other words, they are dormant, they do not propagate or multiply and the majority would die or become inviable in the harsh environment as time goes by. That salt reaches a temperature of 160 degrees.

"Anthrax germs enter the dormant, spore stage as a protection from a unfavorable environment. They would not change and start multiplying again unless they found an animal host or environment," Mr. Olson continued.

He said much mention had been made of pulmonary anthrax, the lung infection resulting from breathing in the germs. Actually, the scientists said, cutaneous anthrax, with the bacteria infecting a skin lesin, is the commonest form of the infection in humans—and human infection is rare.

"There were only three cases of human anthrax infection in the nation in 1968. None of them were in Utah," he added.

Referring to Rep. McCarthy's reference to contamination of the Scottish Island for "100 years," Mr. Olson said Wednesday it was possibly true that anthrax spores could survive for a century "under ideal environmental conditions."

"But the Salt Flats are far from an ideal environment," he commented.

[From the Salt Lake City (Utah) Deseret News, May 28, 1969]

Deadly Anthrax Contained in Dugway Section

(By Steve Hale)

A small section of Dugway Proving Ground is contaminated with anthrax germs, which can cause an often fatal lung disease in humans, the state health director disclosed today.

Dr. G. D. Carlyle Thompson, the director, described the area as being "very small, marked with signs, and fenced-off."

He said it is located in the western end of the Army area that deals with chemical and germ warfare weapons.

The health director said the anthrax area has been closely watched by scientists on the lookout for any signs of the disease in wildlife there. The place can be reached only by vehicles with four-wheel drive, he added.

No anthrax has been found in animals around the area, he said.

Dr. Thompson said the area has been contaminated for about 15 years.

Brig. Gen. John G. Appel, commander of the Deseret Test Center, said little animal life is found in the area—about one rodent per square mile.

The matter came to light when Rep. Richard D. McCarthy, D-N.Y., pinpointed the germ and the area Tuesday.

"This is the same disease which the British tested on the Scottish island of Gruinard early in World War II," McCarthy said. "Investigation by scientists in 1966 showed that the island was still contaminated and probably will remain that way for 100 years.

"It is obvious that this anthrax-ridden area in Utah poses hazards to wildlife and humans moving in and out of the area," the congressman said.

Gen. Appel took exception to that statement.

"The only kinds of animals in the area are transient animals like coyotes," he said. "The fence keeps coyotes out of the area."

He termed the Congressman's statement "emotional and exaggerated."

Gen. Appel said anthrax has been found in some Utah animals—but before Dugway area was contaminated. He said one domestic animal was found with anthrax in the 1934–38 period, two in 1939–43; and one in 1946.

As for human anthrax, Dr. Thompson said Utah had three cases in 1944 and one unconfirmed case in 1958.

The general said humans can become infected with the anthrax bacteria in two general ways—by contacting the germ at a break in the skin or by breathing anthrax germs. Skin anthrax is usually a relatively harmless ailment, but pulmonary anthrax is often fatal, he said.

Pulmonary anthrax is described by medical reference works as a rare form of anthrax contracted by inhaling virulent organisms. The pulmonary form first causes a mild cough and fever; but several days later the disease progresses to the point where the victim may die within 24 hours.

"There is no air contamination in the area, and there was none when the anthrax bacteria were put in the area in 1954," said Gen. Appel.

He said 100 milliliters of anthrax germs—about a teacup full—were placed in the 100 square yard area in a remote part of the Dugway Proving Ground.

He said the bacteria were placed in the ground there "to determine how long it might present a hazard."

Anthrax germs, he said, are spore-formers that have exceedingly long lives.

"I daresay you can find anthrax germs in soil anyplace in this country," Gen. Appel said, "but that doesn't mean they're going to go anywhere but there."

[From the Salt Lake City (Utah) Tribune, May 24, 1969]

All Dugways Accountable

Closer questioning of U.S. military activity by civilian authorities is overdue. After almost a decade during which the country has stood in awe of national defense needs, elected representatives are asking for better explanations. Effects from this change of heart were abundantly clear at recent hearings conducted in Washington, D.C., on implications of Army germ and gas warfare testing.

Most information was testimony confirming that atmospheric tests of lethal gas at Dugway Proving Ground in mid-March, 1968, were mishandled from start to finish. Not only were nerve agents permitted to drift over nearby pasture land, but the Army prevented veterinarians from knowing the type of poison so antidotes could be administered to infected sheep. And when 6,000 sheep died as a result, the Army adopted the odd stance of not confessing blame while compensating the owners for their loss, at a price, one hearing witness alleged, far above the animals' actual value.

The Dugway sequence was indeed bungled, and if it has made distant congressmen as well as local officials and residents apprehensive about the installation's ability to handle dangerous substances that shouldn't be surprising.

It is not clear that all military aspects of germ and chemical experimentation should be discontinued. It was not shown during the Washington hearings that Dugway is a constant threat to surrounding communities. Neither this phase of the national defense program nor all precautions connected with it were totally discredited.

Repeatedly disclosed by this and other recent investigations is a disturbing lack of accountability within national defense and defense oriented organizations. Once launched, military projects seem to develop a momentum that neither excessive costs nor public opinion are allowed to interrupt. And when errors get glaring it takes a congressional hearing to find where the fault lies. Any wonder public confidence is shaken?

Dugway management does not deserve a wholesale indictment. Its personnel are aware of their responsibility to conduct as-

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signments with the utmost care. But it is apparent that past policy was not sufficient to deal with accidents having effects beyond the test center.

The Washington hearings were helpful. It was reiterated that better communication between Dugway and state officials has been established and that the surgeon general of the U.S. has written additional safety measures for the facility. Moreover, congressmen forcefully asserted the civilian prerogative for determining this country's national policy. It's a particularly good season for stressing that principle.

[From the Salt Lake Tribune, May 23, 1969]

RAMPTON REFUTES HIGH PERIL IN NERVE GAS TESTS

(By Douglas L. Parker)

There is no "clear and imminent" danger from nerve gas testing at Dugway Proving Ground, Gov. Calvin L. Rampton said Thursday.

It's proper to be concerned about testing operations at the Tooele County Army facility, the governor added, "but I don't want to see it resolved in an atmosphere of public hysteria."

He noted that additional precautions, described to him by federal officials, were taken in the wake of last year's death of approximately 6,000 sheep in Skull Valley following an Army nerve gas test.

These precautions cannot prevent another accident entirely, of course, Gov. Rampton said, but they should make recurrence of such an accident much less likely.

He said he was "somewhat disappointed" that the Army still declines to publicly admit that last year's testing caused the death of the sheep, although tacitly acknowledging this issue by paying damage claims to livestock owners.

"That reticence might somewhat undermine the faith of the people," the Utah chief executive said.

The transfer of nerve gas storage containers from Denver to the Dugway Proving Ground hasn't "deeply concerned" him, the governor said.

SUBSTANTIAL PRECAUTIONS TAKEN

Substantial precautions have been taken, and there's not much more of a hazard than from many commercial chemicals maintained in the state, he added.

The governor's comments came during his monthly press conference televised over KUED educational television station at the University of Utah.

[From the Salt Lake City (Utah) Deseret News, May 17, 1969]

BAN THESE WEAPONS

President Nixon should not only resubmit the 1925 Geneva Protocol on gas warfare to the Senate, as he has been urged to do, but the measure should be ratified.

Approval would not preclude the U.S. from manufacturing or stockpiling of chemical, bacteriological, or radiological (CBR) arms. The document merely calls upon all nations to agree formally not to initiate "The use in war of asphyxiating, poisonous, or other gases or bacteriological methods of warfare." The U.S. and Japan are the only major nations that have not ratified the document.

The death of 6,300 sheep following nerve-gas tests at Dugway in 1966, and more recent facts about CBR drive home the potential terror of such warfare. For example, Rep. Richard McCarthy, D-N.Y., charged recently that the Defense Department has stockpiled enough chemicals in Colorado and Utah alone to kill more than 100 million people; that gas from a single bomb the size of a quart jar could kill every living thing for a mile around.

Because CBR weapons are cheap and can be produced in secrecy at a fraction of the cost of nuclear weapons, their spread is even more difficult to control. That is all the more reason for all nations agreeing not to start a war with such weapons, whether or not they choose to manufacture or stockpile them.

The horror resulting from using gas in World War I, moreover, has already brought continuing tacit agreement with the Protocol. President Roosevelt in 1942, for example, pledged that the U.S. would not use gas-germ weapons, except in retaliation. The nation's leaders also have since expressed support for the principles of the Protocol.

Because proliferation of CBR weapons is virtually uncontrollable, the only way to prevent their use appears to be by agreement and the threat of retaliation against any country which first uses CBR.

[From the Salt Lake City (Utah) Tribune, May 9, 1969]

EVIDENCE INCONCLUSIVE, MEDIC SAYS—DUGWAY VIRUS MAY NOT BE VEE

Because of technical difficulties in telling one virus antibody from others in the same general group, the antibody reportedly caused by Venezuelan equine encephalitis (VEE) in animals near Dugway Proving Ground may have been the product of another virus, Dr. Louis P. Gebhardt, head of the University of Utah department of microbiology, said Thursday.

Dr. Gebhardt has been consultant to a U. group with which the Army contracted in 1952 to study the ecology of the Dugway area to determine what microorganisms might occur naturally in the fauna of the area.

Antibodies are disease fighters formed when man or animal is exposed to disease-causing agents.

NO FIELD TESTS

Rep. Sherman P. Lloyd, R-Utah, Thursday in Salt Lake City released the text of a letter he received from the Army in response to his inquiry about an article in the current issue of Ramparts Magazine.

The letter stated: "The Deseret Test Center has not field-tested the viruses (VEE) at Dugway Proving Ground, nor has it any plans to do so in the future.

"Since 1961, the University of Utah has cooperated with the Dugway Laboratories in a routine examination of the wildlife of west-central Utah for evidences of certain types of pathogenic viruses. This examination resulted in the detection of antibodies against these viruses in 22 rabbits and rodents along the southwest periphery of the Great Salt Lake Desert.

FOUND IN RABBITS

"Results of the investigations have identified seven of the pathogenic viruses, among them VEE. These viruses were isolated or detected in rodents, carnivores, birds, cattle, sheep and mosquitoes."

Dr. Gebhardt said the U. of U. group obtained suspected VEE antibodies from "three or four rabbits"—none from birds as reported in the magazine article—in 1957 during routine tests by the ecologists.

Dr. Gebhardt explained that this is one of the Group A arboviruses, those which are transmitted by mosquitoes, ticks, etc. In testing them against known antibodies in the same group, there might have been a cross reaction, he said.

Dr. Gebhardt, who supervised the testing, said: "We didn't do all the required tests and we are not sure this was a true VEE antibody, although it was as close to this as to others."

He declared the VEE virus has never been isolated in Utah. The Western equine encephalitis virus (WEE) does exist in Utah, and when injected by insects into man causes what is known as sleeping sickness, Eastern encephalitis virus (EEE) is found less frequently here.

EASILY TRANSMITTED

Dr. Gebhardt said the VEE virus, common in South America but rare in the United States, causes no more serious illness than either WEE or EEE virus, although it is more easily transmitted from animal to man.

The finding of virus antibodies in animals near Dugway is totally unrelated to the death of 6,400 sheep last year, which was attributed to emissions of a lethal nerve gas.

Since the WEE virus is known to have existed in Utah for many years, the antibodies reported to have been caused by WEE virus may have been caused by the native virus.

Brig. Gen. John G. Appel, commander of the Deseret Test Center, said Dugway has never experimented with the VEE organism and has done nothing to change the ecology of the area. He said the contract with the U. may lapse in October, and the Army may advertise for bids to continue the work, since the university is now opposed to conducting classified research of this type.

NO CLASSIFIED WORK

Dr. Thomas C. King, U. provost, said, "The university has gone on record as being opposed to performing classified work. But," he added, "this does not preclude allowing individual investigators who require access to classified information to get it."

Press wire services, meanwhile, reported that Rep. Richard D. McCarthy, D-N.Y., said Thursday in Washington he had been informed that the Army was "testing a lethal strain of encephalitis at Dugway."

In a letter to Secretary Robert H. Finch of the Department of Health, Education and Welfare, McCarthy also said the nerve gas not only killed the sheep but destroyed 1,700 head of cattle and contaminated 100 square miles of pasture land outside the proving ground for as much as two or three years.

SAFE FOR GRAZING

The Defense Department denied that any cattle were killed. It also said the Bureau of Land Management certified last Oct. 17 that all adjacent range land was safe for livestock grazing.

McCarthy asked Finch to begin an immediate investigation of the Pentagon's entire biological and chemical warfare testing program "and its possible implications for United States health."

Tuesday, Rep. Henry F. Reuss, D-Wis., head of the newly formed House government operations subcommittee, announced his group will begin hearings May 20 on Army testing of technical and biological warfare agents.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. I yield to the gentleman from Florida.

Mr. SIKES. I have had an opportunity to see the comments which are being made by the distinguished gentleman from Utah (Mr. LLOYD). I am highly impressed by the realistic and sensible approach shown by him in his comments on this important subject. He is rendering a constructive service to the House by the logic which he is advancing here today. This is a most important subject. Unfortunately, it has been subjected to a great many sensational statements which did not convey the facts and which have not revealed the importance of chemical and biological warfare in the defense of America.

I feel, as the gentleman from Utah does, that it is an important and a very useful thing that the President has ordered a study on this subject, which can help to clear the atmosphere. Again I commend the distinguished gentleman

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from Utah for his contribution here today.

Mr. LLOYD. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on Military Construction of the Committee on Appropriations.

VIETNAM DEESCALATION TO SOME PLACE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 60 minutes.

Mr. LEGGETT. Thank you, Mr. Speaker.

Mr. Speaker, I welcome the recent announcement by President Nixon in which he stated that 25,000 American troops will be withdrawn from Vietnam by this coming August. To say that this decision is long overdue would be an understatement, the decision has finally been made and the country should be thankful. Thankful for a start in any case. I fervently hope this move is the beginning of a phased withdrawal of all combat troops from the Vietnam engagement within a politically and militarily legitimate time frame—within the next year or preferably as Clark Clifford is stating tonight in 6 months.

Former President Johnson often said that we must "bite the bullet." While Mr. Johnson was referring to continued escalation of this conflict when he made this statement, it is particularly applicable to President Nixon's announcement. It is my fervent hope that President Nixon has indeed decided to "bite the bullet" and end this disastrous war.

I am particularly pleased that President Nixon, in his elaboration of the Midway accord, stated that the reduction in American forces—the 25,000 troops originally brought home—will be combat troops. The type of troops to be disengaged from the conflict is as important as the number itself. My original thought upon hearing of the troop reduction was that it might encompass only support units—the bakers and cooks. The clarification, however, convinces me that the President is serious in his motives and has made a forthright step toward peace in Southeast Asia.

Let the RECORD show that today, June 18, 1969, there are more than one-half million American soldiers and sailors in Vietnam—538,500 to be exact. This breaks down to 360,000 Army, 36,000 Navy, 500 Coast Guard, 81,000 Marines, and 61,000 Air Force. A reduction of 25,000 Army troops takes on more importance in that this is a reasonably sizable percentage of the 360,000 Army total to be removed in a 2-month period. Of course, we must realize that there are over 1½ million total allied personnel in Vietnam at present. This includes the United States, ARVN, and small contingents for New Zealand, Australia, Korea, and Thailand. The South Vietnamese Army—ARVN—is the most sizable single force and hopefully will soon be in a position to take over the war in fact as well as in fiction. For many years I have been briefed on the continuing improvement in the quality of the ARVN forces. Unfortunately, these briefings were uniformly optimistic. The ARVN forces are large and reasonably well supplied—far better equipped than the Vietcong or North Vietnamese—yet the level of troop leadership has formerly been of such low quality as to render the South Vietnamese Army inefficient at best and counterproductive to the whole effort generally. President Nixon and President Thieu clearly stated that the ARVN forces will soon be in a position to take over the major brunt of the war effort, and I rely on that representation.

I should also like to cite some other troop reduction figures at this time. One year ago, before the bombing halt north of the 19th parallel, military intelligence estimated that there were approximately 190,000 North Vietnamese troops in South Vietnam. Last October, the Secretary of the Navy called me and advised in light of the fact that 20,000 to 30,000 North Vietnamese had withdrawn, that we were totally halting bombing in North Vietnam. The latest figures indicate that the North Vietnamese have further reduced their troop level down to an estimated 150,000. This is a sizable reduction both in gross number and percentage of the total—nearly 25 percent. We should clearly recognize that this troop reduction by the enemy has taken place and should look to the reasons with a sound perspective. At a time when bombing has been considerably diminished above the DMZ, we see a reduction in North Vietnamese troops. Since they easily could have reinforced their garrisons and raised the number of troops crossing the border, but in fact have reduced their strength, I think we must view this as a clear signal. Whether it is a response to our bombing halt, or an invitation for mutual withdrawal, I do not know. In either case the prospects for a settlement have been enhanced. It can be argued that the troop reduction is in part attributable to the massive casualties we have inflicted, but this does not account for the concentrations of troops and supplies north of the DMZ.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I am pleased to yield to my distinguished colleague, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I wish to thank the gentleman from California for yielding and to commend the gentleman for bringing to our edification a very important and timely subject.

It seems to me that contemporaneous with his remarks, the former Defense Secretary Clark Clifford, as the gentleman has previously indicated, has made statements that are quite compatible with the outline that the gentleman is now making in connection with this continuing war in Vietnam.

I would like to point out that the former Defense Secretary has also agreed very clearly with the gentleman in the well and has spoken toward a withdrawal of 100,000 troops before the end of the year. He has further criticized very highly the South Vietnamese Government, picturing its leaders as having a big stake in the continuing war.

I think, if I may point out to my colleague from California who is now in the well, that this is quite compatible with the report that I just joined in with a number of others who formed the U.S. Study Team on Political and Religious Standards in Vietnam.

Mr. LEGGETT. I am acquainted with the great work that the gentleman from Michigan and the very distinguished group of Americans have done on that team by making a personal, on the spot investigation with respect to political and religious freedoms in Southeast Asia.

Mr. Speaker, I would ask the gentleman if he would briefly tell us what was found out in that investigation.

Mr. CONYERS. If the gentleman will yield further, I would point out to the gentleman that, first of all, we found that many thousands of persons are being arrested in South Vietnam and are denied all procedural protection. The arrests are made by a variety of local and national officials, district police, special security forces, military forces, and intelligence units, each exercising what we found to be relatively unfettered discretion.

May I further point out that the question of political and religious freedom has a great bearing on the ability of that government to form a popular and stable government.

It is my personal impression as a result of my first trip to Vietnam with the very distinguished group of members who comprised the study team that we must begin to speak of the increasing number of political repressions that are going on, and the religious persecution that obtains.

We found, for example, Mr. Speaker, that the Thieu-Ky government's widespread and increasing use of the extraconstitutional military field tribunal has been responsible for the sentencing and imprisonment of additional thousands of persons, denying them all fundamental elements of a fair hearing, and often failure to serve prior notice of the charges against them.

May I point out to the gentleman that, although it is not as obvious and as violent as under the Diem government, it continues to be pervasive and brutal.

We found out, for example, that under the Thieu-Ky government—and I am sure the gentleman in the well is going to make some reference to this—that the use of the words "communism," "neutralism," and "coalition" have been used to silence dissent and weaken political and religious opposition.

Student peace movements, Buddhist pleas for nonviolence, and a "third solution" and the freedom of the press have been systematically suppressed by an insecure government that relies more on police-state tactics and American support, I am sorry to say, than upon true representation and popular support of its own image.

Mr. Speaker, may I finally point out that only today in the New York Times we find the very latest instance of the kind of repression that is emanating from the Thieu-Ky regime, when one of the very well-known constitutional attorneys, Tran Ngoc Lieng, one of the lawyers who defended one of the political candidates who was a runnerup in the election of 1967, was recently, in the last

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few hours, arrested and held for interrogation. This adds to the number of distinguished and perhaps unknown South Vietnamese citizens who are political prisoners, in very simple point of fact.

Mr. LEGGETT. It is a practical matter that Truong Dinh Dzu is still a political prisoner, sentenced to 5 years at hard labor. Is that correct?

Mr. CONYERS. The gentleman is correct.

I might point out that the committee visited him in his prison confinement, as we made visits throughout the rest of Vietnam, speaking not only to the President of South Vietnam, members of the cabinet, members of the legislature, but also to prominent lawyers, businessmen, religious leaders, working Vietnamese, and even to the prisoners and ex-prisoners.

Mr. Speaker, at this time I ask unanimous consent to include in my remarks the report of the U.S. Study Team on Religious and Political Freedoms; the New York Times article of today's date to which I have just referred; and also the wire release on the remarks of former Defense Secretary Clark Clifford.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The documents referred to follow:

FINDINGS ON TRIP TO VIETNAM, U.S. STUDY TEAM, MAY 25 TO JUNE 10, 1969

INTRODUCTION

Background

The U.S. Study Team was sent to South Vietnam by an ad hoc committee organized in late 1968 by a group of well-known churchmen concerned about the war and the repression of those religious and political forces in South Vietnam who urge an end to hostilities. This committee has wide national interreligious representation. The officers named were: Chairman, Barton Hunter, Executive Secretary of the Department of Church in Society of the Christian Church; Secretary, Gerhard Elston of the National Council of Churches; Executive Director, Allan Brick, Associate Secretary for National Program of the Fellowship of Reconciliation, who also served as a member of the team.

The sponsoring committe defined the team's goals as follows: "First, they will seek to identify the variety of religious forces in South Vietnam and the range of political expression existing there. They will seek to investigate the situation of religious groups and the extent of the imprisonment of leaders of nonaligned groups who represent potentially important political sentiment. The team will be interested, for example, in visiting both Mr. Dzu and Thich Thien Minh. Second, the team will seek to investigate the situation of all prisoners in South Vietnam. Recognizing the difficulties of doing this in a wartime situation, the team will nontheless attempt to obtain realistic information."

Team members

Members of the team were: Bishop James Armstrong of the United Methodist Church, Dakotas Area; Mrs. John C. Bennett, Protestant church woman; Allan Brick, Associate Secretary for National Program, Fellowship of Reconciliation; Hon. John Conyers, Jr., M.C. of Detroit, Michigan; Robert F. Drinan, S.J., Dean of the Boston College Law School; John de J. Pemberton, Executive Director of the American Civil Liberties Union; Rabbi Seymour Siegel, Professor of Theology at the Jewish Theological Seminary; and Rear Admiral Arnold E. True, United States Navy (retired).

Summary

A report issued by the team following the Vietnam trip documents police and military suppression of religious and political expression in South Vietnam under the Thieu-Ky Government. The chief findings of the team are:

1. Many thousands of persons being arrested in South Vietnam are denied all procedural protection. Arrests are made by a variety of local and national officials—by District police, special security forces, military forces and intelligence units—each exercising "relatively unfettered discretion."

2. The Thieu-Ky Government's widespread and increasing use of the extra-constitutional Military Field Tribunal has been responsible for the sentencing and imprisonment of additional thousands of persons, denying them the fundamental elements of a fair hearing and often failure to serve prior notice of the charges against them. Many of these prisoners remain without trial in the hands of the arresting authorities while the remainder have been removed to prisons by administrative action without charges or trials.

3. The Study Team agrees with those who say that repression, though not as obvious and violent as under the Diem Government, continues to be pervasive and brutal. While some persons visited appear to reflect modern notions of penal administration and certain prison officials seemed sensitive to the needs of inmates, the sheer weight of witnesses' statements concerning physical abuse seemed overwhelmingly conclusive. It became clear that whatever amelioration appeared in the formal correctional institutions, torture and brutality are widespread in the arresting and interrogation process.

4. Without question the Thieu-Ky Government uses the words "communism", "neutralism" and "coalition" to silence dissent and weaken political and religious opposition. Student peace movements, Buddhist pleas for nonviolence and a "third solution", and the freedom of the press have been systematically suppressed by an insecure government that relies more on police state tactics and American support than upon true representation and popular support. As one Vietnamese attorney phrased it: "One cannot fight for freedom without insuring freedom at home."

I. LIMITATIONS ON RELIGIOUS AND POLITICAL FREEDOM IN SOUTH VIETNAM

The eight member U.S. Study Team met with President Thieu, Minister of Interior Tran Thien Khiem and members of his staff, Ambassador Ellsworth Bunker and members of his staff, national religious leaders, lawmakers, intellectuals, attorneys, students, a variety of persons of different political persuasions and talked with scores of political prisoners. It visited prisons at Thu Duc, Chi Hao, and on Con Son Island, as well as the National Police Headquarters. The Government of South Vietnam was helpful in providing data, in permitting Team members to visit prisons, and in making accessible certain prisoners.

Three things are readily apparent in South Vietnam: (1) A state of war exists and any meaningful study of freedom must be done against that background; (2) South Vietnam is poor and is unable to provide from its own resources institutional facilities and forms of care which are taken for granted in the Western world; and, (3) whereas the United States of America has lived under the guarantee of its present Constitution for nearly two hundred years, South Vietnam does not have a tradition of political liberty and its Constitution is only two years old. Notwithstanding this, in a message cabled directly to President Nixon from Saigon, the Study Team said:

"Speaking for peace or in any other way opposing the government (in South Vietnam) easily brings the charge of communist sympathy and subsequent arrest . . . There must be no illusion that this climate of religious and political suppression is compatible with either a representative or a stable government."

Many persons interviewed argued that President Thieu's government is less repressive that the ten years of brutal intimidation under Ngo Dinh Diem. Others, while agreeing that repression is not as obvious and violent, argued that it is equally pervasive though more subtle today. (Some of the following documentation will indicate that there is still unsubtle, violent intimidation.)

Three celebrated cases of political arrest have claimed international attention in recent months. They are the cases of Thich Thien Minh, one of the most influential Buddhist monks in South Vietnam; Truong Dinh Dzu, runner-up in the Presidential Election of 1967; and Nguyen Lau, wealthy publisher of the *Saigon Daily News*.

Thich Thien Minh was arrested on February 23, 1969, at the Buddhist Youth Center and charged with "harboring rebels, concealing weapons and illegal documents . . . harboring deserters and supporting draft dodgers". After appearing before a military field tribunal, he was sentenced to serve terms of ten and five years at hard labor, the sentences to run concurrently. Last month, his sentence was reduced to three years.

It is assumed by many that Thich Thien Minh was arrested not because of the specific crimes with which he was charged but for his public criticism of the Thieu-Ky government and his strong advocacy of peace.

In February, he was summoned to the Ministry of the Interior and warned to tone down his sermons which were said to be disrespectful to the government of President Thieu. He had earlier said that the people of South Vietnam could accept neither the "terrorist regime" of North Vietnam nor the "corrupt government" in Saigon. Replying to Thien Minh, President Thieu said, "My government can die because of those pacifists, but before we die, they will have to die first."

The Study Team visited both Thich Thien Minh and Quang Duc Buddhist Youth Center. The Youth Center, closed at the time of Thich Thien Minh's arrest (20 other Buddhists were arrested at the same time), was handed back by the Government and reopened during the Team's stay in Saigon. Team members saw Thich Thien Minh's room, as well as the many hallways, rooms and stairways that separated him from the tiny room and wooden closet with the false back that were said to be the hiding place of the V.C. agent and a cache of small arms. Seeing the distances and buildings involved, it is not difficult to believe the monk's assertion that he had no personal knowledge of a V.C. agent's presence in that hidden room.

The Team talked with Thich Thien Minh, who has been held in military custody. They interviewed him in a small house, a part of a larger complex of carefully guarded government officials pointedly left the room that the discussion might be private. However, it had been determined during the conversations that there was a government agent only four feet from the Venerable, behind a thin wall. Thus, the interview was necessarily inhibited. Thich Thien Minh had been moved four times since his arrest and was kept under the strictest security. Though badly injured in 1966 by a hand grenade, said to have been thrown by a V.C., he said his health was good. He added, "My only offense is that I believe in peace."

On May 1, 1968, Truong Dinh Dzu was arrested "on charges of urging the formation of a coalition government as a step toward peace." In August, he was sentenced to five

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years of forced labor. Although the N.L.F. is now participating in the Paris peace talks and a coalition government is being widely discussed by responsible government officials in the United States, Mr. Dzu has not yet been released.

In a national election that denied certain candidates the right to run[1] because they were peace advocates, and that heavily favored the Thieu-Ky regime because of its domination of the military and political structures of South Vietnam and because of the well-known support of the American 'presence' in Vietnam, Mr. Dzu ran second, polling 18 percent of the vote. He wisely did not announce his "white dove" platform until after his candidacy had been approved. (It is interesting to note that in the election, the Thieu-Ky ticket gained only 35 percent of the vote. In March 1968, Vice-President Ky told an Italian journalist, "Our last elections were a loss of time and money, a mockery.") Dzu has never been accused of being pro-communist and is, as President Thieu openly acknowledged, a "political prisoner." The fact that, running as a peace candidate and advocating direct talks with the N.L.F., he ran second only to the President, accounts more than anything else for his imprisonment. Mr. Dzu was moved from Con Son Prison Island to Chi Hao Prison in Saigon during the last week in May, 1969. U.S. Study Team members saw him in his cell in Chi Hoa. Suffering from a heart condition, he looked well and various kinds of medicines were in evidence. He said he wanted to serve his country as a nationalist. On June 5, President Thieu told the Team that support for a coalition government cannot be tolerated.

On April 16, 1969 Nguyen Lau, publisher and owner of the Saigon Daily News was arrested for "having maintained private contacts with a Vietcong political agents." The agent, a boyhood friend of Lau, returned to Saigon in 1964 from North Vietnam. He talked with Lau many times during the past five years and had, at one time, asked him to supply information for the V.C. According to both Lau and Tran Ngo Hiem, the agent. Lau had refused to supply the information.

In discussing Lau's case with a member of the Team, one of Saigon's most highly regarded foreign correspondents explained its background. In Vietnam, a culture influenced immensurably by Confucianism, family ties and friendship are revered. Mr. Lau, in a press conference held by government officials at National Police Headquarters, made no attempt to deny his associations with Hiem. He said that Communism was poisoning the minds of many, but that Vietnam would surely survive Communism. He added, "Even today, sitting before you, I keep wondering if as a publisher and as a Vietnamese intellectual, I should denounce a friend who I have known since boyhood."

Mr. Lau was educated at Oxford and the Sorbonne. As a member of an old and important family of wealth he has no respect for war profiteers and little sympathy for corruption in the government. As a respected journalist and an avowed anti-Communist, he considered it part of his responsibility to be open to every facet of Vietnamese life. He once said, "If people are free to walk the streets, they are free to talk to me."

He insisted upon his right to criticize. On March 24, 1969, the New York Times quoted him as saying, "Diem said bluntly that he was not going to tolerate freedom of the press. There were no illusions then. We are living a lie now. People say they are giving you freedom and someone without experience in journalism may be innocent enough to believe that this is paradise. Now you may be carried away by your illusions and land trouble." Less than a month later Nguyen Lau was arrested.

Members of the Study Team visited the National Police Headquarters. There, Lt. Col. Nguyen Mau, Chief of Special Branch, told them about the government's case against the publisher. The only "evidence" he produced was the photostat of a press card, allegedly issued by Mr. Lau to one Tan That Dong, the alleged V.C. alias of Tran Ngoc Hiem. Such "evidence," however, raises serious questions. Two days following Lau's arrest, police brought a "so-called Vietcong" to the Lau home. In Mrs. Lau's absence, they proceeded to take pictures of him in various positions around the house. When her two sons (aged 10 and 14) protested, they were handcuffed while the picture-taking continued. When told of the incident, Mrs. Lau courageously went to the authorities. A senior police official did admit that police had visited the house with a V.C. agent and camera to gather "evidence."

Members of the Study Team were not permitted to see Mr. Lau, still being held without sentence. Nor were they permitted to see thirteen other prisoners they had made specific requests to visit.

General "Big" Minh was kept in exile in Bangkok and Au Truong Thanh, the other leading contender was refused candidate status because of his alleged "neutralism." The Study Team talked with Au Truong Thanh in exile in Paris.

These three cases have not been isolated because they are more important than others, but because they are more well known. They are symptomatic of a climate of intellectual, religious and political repression that has led to the imprisonment, exile or silencing of thousands of loyal Vietnamese nationalists, persons who are not pro-Communist, but who are critical of the Thieu-Ky government and who insist upon the right to think for themselves.

The government's sensitivity at this point is revealed in its attitudes toward dissenters, so-called "militant Buddhists", students and intellectuals, political opponents and the press.

The religious picture in South Vietnam is confused. About one-tenth of the nation's population is Roman Catholic. Yet, from the time of Diem and the Nhu's on, Catholicism has played a dominant role in Vietnamese political life. (Actually, this goes back to the 18th Century French missionary-priest, Pigneou de Behaine, and the continuing influence of French Catholicism during colonial days.) President Thieu reminded the Study Team that, though he had trouble with Buddhists, Catholics had supported his administration. The former editor of a Catholic magazine, a friend and confidante of Archbishop Nguyen Van Binh, agrees that fewer than 10 percent of the Catholics in South Vietnam are critical of the war and of Thieu's government. It must be remembered that about 1,000,000 of South Vietnam's Catholics were born in what is now North Vietnam and came south following 1954. They are, for the most part, vigorous anti-Communists.

However, there are Catholics who want a closer tie with Buddhists and who are seeking what some call, a "third solution". They are trying to find answers between Communism and corrupt militarism. Father Hoang Quynh, an active leader of the All-Religion Citizen's Front, has worked with Buddhists in trying to prevent further friction between the Buddhist and Catholic communities. He has said, "Catholic faithful must learn to live a responsible political life." There are other Catholics who seem close to the Pope's views on meaningful negotiations and peace. They have won the confidence of Buddhist leaders.

When, in January, 1968, all of the bishops of South Vietnam released a four-page statement supporting Pope Paul's message on Vietnam and calling for a bombing halt in North Vietnam, it seemed that there had been a breakthrough. However, and without exception, those with whom Study Team members spoke indicated that the hierarchy in South Vietnam had confined themselves to what the Pope had said with no desire or inclination to supplement or further interpret the Vatican's plea concerning peace. There continues to be sharp feeling between Buddhists and Catholics. As one Buddhist complained, "When Catholics talk about peace, the Thieu government hears it one way. When we use the word, it is supposed to mean something else." Many Buddhists feel, and justifiably so, that they have been discriminated against by a succession of governments in Saigon.

There are two major Buddhist factions in South Vietnam: the "moderate" government-authorized faction of Thich Tam Chau, and the "activists"[2] faction of Thich Tri Quang and the An Quang Pagoda. However, the Unified Buddhist Church of the An Quang Pagoda is made up of both Mahayana (northern) and Therevada (southern) Buddhists. Early in 1967, the government sought to fragment the Buddhists, withdrawing the charter of the Unified Church and recognizing the "moderate" wing of Thich Tam Chau. However, the An Quang Pagoda continues to be a major factor in the religious and political life of the country. On the Buddha's 2513th birthday, celebrated May 30, at the An Quang Pagoda, former Chief of State, Phan Khac Suu, Tran Ngoc Chau, General Secretary of the House of Representatives, other deputies and senators, Father Quynh, as well as Cao Dai and Hoa Hao leaders were present, indicating a broad base of popular support among disparate groups. During the ceremonies, white doves of peace were released as a crowd of more than 3,000 people looked on, and Thich Tinh Khiet, Supreme Patriarch of the Unified Buddhist Congregation said, "Every hostile tendency of the world has jostled its way into the Vietnam war in order to exploit it and seek for victory, whereas all the Vietnamese people—either on this side or on the other side of the 17th Parallel—are mere victims of this atrocious war. Our nation is thus forced to accept ready-made decisions without having any right to make our own choice." President Thieu and pro-government supporters may insist that such peace talk is "political." If so, it is an obvious expression of that freedom essential to an emerging democracy. And it is no more political than a caravan of government-owned cars driving Thich Tam Chau to the Saigon Airport on June 5, to meet the Nepalese delegation to a World Buddhist Conference on Social Welfare; no more political than the imprisonment of hundreds of Buddhist monks.

Often the Buddhists who protest government policy are students. Following the government-controlled elections of 1967, Buddhist students joined by some of their professors were promptly singled out by the government for retaliatory acts. A professor of law said, "Van Hanh University (Buddhist) was the chief target for attack . . . If students go to meetings, the police follow them and they can be arrested any time. Many times, they are drafted before the legal age or before their deferments as students expire."

As a result of a peace meeting held in September, 1968, in Saigon University, the Student Union was closed by police. Students, professors, deputies from the Lower House and some Buddhist monks had par-

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[1] General "Big" Minh was kept in exile in Bangkok and Au Truong Thanh, the other leading contender was refused candidate status because of his alleged "neutralism". The Study Team talked with Au Truong Thanh in exile in Paris.

[2] The term "militant" is usually applied to the An Quang Pagoda faction. However, Buddhists are committed to nonviolence. In French, "militant" means an "active supporter or worker in a political group."

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ticipated in the meeting. Thirty persons, mostly students were arrested. More arrests followed.

At about the same time, a student in the Medical School was murdered. He had been kidnapped by the N.L.F. and later rescued by American troops. He was accused of having "leftist tendencies". He was found dead with his hands tied behind his back, having been pushed from a third floor window. The police called it "probable suicide" and made no investigation.

Student resistance continued. On Christmas Eve, responding to the Pope's plea for peace, 2,000 students, many of them Catholic, held a peace procession. In the aftermath, hundreds were arrested.

In spite of set-back and discouragement spirit of the student peace movement remains unbroken. A Buddhist student stepped out of a sullen mass of prisoners at Camp No. 7 on Con Son Island and addressed members of the Team. The government translator said, "He is here because he refuses to be drafted. He says he doesn't want to serve the United States. As a Vietnamese citizen he will go into the Army only when we have independence." A student recently released from Con Son, reacting to the devastation visited on his country by modern instruments of war, said much the same thing: "I will not serve a country that has done so much to my own."

Students, intellectuals and Buddhist monks do not comprise the only opponents who threaten President Thieu's government.

There is a growing mood of independence in the Lower House. It is only found in a few deputies, but they are voicing increasing opposition to the policies and practices of the Thieu-Ky government. There have been criticisms of Operation Phoenix in the National Assembly. Two members of the Lower House raised serious questions about prison policies early in May. The president's tax program has been challenged. Constitutional questions challenging the prerogatives of the executive branch are frequently raised.

President Thieu proudly points to the "new alliance" of political parties in South Vietnam as an indication of the breadth of his support. This alliance includes the Greater Union Force, the political arm of militant Roman Catholic refugees, the Social Humanist Party, a rebirth of Ngo Dinh Nhu's Can Lao party, the Dai Vet, an erstwhile grouping of anti-French nationalists, a faction of the Hoa Hao sect based in the Delta and the Viet Kuomintang, a pro-government bloc formed after the Tet offensive in 1968. All of these parties together, combined with the Thieu-Ky vote, failed to capture half of the popular vote in the 1967 election.[3]

While there is genuine political opposition, most of it has been driven underground. Members of the Study Team met with leaders of five old-line political parties no longer permitted to function as recognized entities. These men had all been active in the resistance movement against the French and were ardent nationalists. Their parties have been outlawed, their requests to publish a newspaper have gone unanswered and their voices have been muted. These men, and they reflect a vast middle-position in South Vietnam, struggled against the French and consider the Americans their new colonial masters. Over the past twenty-five years, they have known imprisonment and sacrifice. (A retired general present had been in prison eleven times.) They argue that unity and independence cannot be achieved under present circumstances. One of them said, "We know the American government is anti-Communist and they help us fight Communism. But when they look at Viet Communists, they think of them as western Communists. That is a bad mistake." It is the conviction of the Study Team that there will be no truly representative government in South Vietnam until voices such as these can be legitimatized and participate in the democratic process of the republic.

One further evidence of political oppression is the government's attitude toward the press. Although it seems reasonably tolerant of foreign correspondents, and they are permitted to function without too many instances of censorship, the government's relationship to the Vietnamese press is far more direct and inhibiting. Twelve months ago, censorship was officially eliminated in South Vietnam. Since then, at least twenty-five newspapers and two magazines have been suspended. Mr. Lau's *Daily News* has been suspended for thirty days for hinting that Thich Thien Minh's trial might have been unfair. *Tin Sang* was closed when it suggested that Prime Minister Huong (one of the more highly regarded members of the Thieu government and a former political prisoner himself) once yielded to pressure in a cabinet appointment.[4] Nguyen Thanh Tai a UPI combat photographer, was arrested in May, 1968, for taking pictures "detrimental" to South Vietnam.

One of the most credible and influential anti-government nationalist leaders with whom we talked prepared a three-page position paper for the Team. The English translation was his own. In part, he said:

"The range of political expression as legally exists here is narrow indeed.

"Let us imagine for a moment that those people are given a chance. What would they do?

"They would firstly negotiate with the Government of the United States an agreement on the Allied Forces Establishment in Viet Nam which would provide for progressive withdrawals when the situation warrants it. Of course, they would bear in mind the security and the honor of the Allied troops who came here to protect ourselves and prevent a Communist domination.

"They would secondly invite the Vietnamese people to actively participate in national affairs and take their share of responsibility. Democratic freedom would be enforced without restrictions, how adventurous this might first look. Live forces such as students, intellectuals, religious leaders and workers' unions would be given an authorized say. Unjust treatment would be redeemed. One cannot fight for freedom without ensuring freedom at home."

Many, not all, of the nationalist leaders with whom the Study Team talked believed that a continuing American presence in South Vietnam is an unfortunate necessity until the political situation can be stabilized and made more representative. One student leader who had been imprisoned twice by the Thieu government for his activities on behalf of peace argued that no *truly* representative democracy can come into being as long as U.S. troops are present and U.S. policy is being enforced. He said, "By now, we should have learned the irony of having any Vietnamese government that is embraced by U.S. power. The Americans must depart leaving us to decide our own future." He spoke those words with anguish, obviously knowing the problems that Vietnamese nationalism and many of its long-suffering advocates would face in dealing with the N.L.F. in the wake of an American withdrawal. Yet, he bitterly insisted that after many years of American military presence and American good intentions, there was no other way.

At the luncheon given the Team by members of the Lower House, Deupty Duong Minh Kinh talked about the vast expenditures poured into North Vietnam by the Soviet Union and China, and into South Vietnam by America. He said, "We are beggers from all of the people in the world in order to destroy ourselves. That is the greatest tragedy of all."

II. DETENTION, INTERROGATION, IMPRISONMENT AND TREATMENT OF PRISONERS

The large majority of those imprisoned in South Vietnam are held because they oppose the government; they are "political prisoners." Undoubtedly, a great many of these are, as the government classifies them, "Viet Cong." Legally speaking, they are properly prisoners of war—although they are kept in a separate category from military prisoners. Others are "civilians related to Communist activities"; i.e., V.C. agents, and are accurately classified as such. Still others, many of them detained without hearing or trial, should be classified differently. Some of these have been picked up in "search and destroy" sweeps and are innocent of anything save being present in an area of military operations. Others are clearly political prisoners. They are nationalists and not Communists, but are seen by the government as inimical to its continuing control. In the official statistics very few "detainees" and "political prisoners" are so classified. The government places the vast majority of prisoners in either the "communist" or the "criminal" category.

The classification of prisoners in 41 Correctional Centers as given by Col. Nguyen Psu Sanh, Director of Correctional Institutions is:

	Percent
Criminals	16.98
Communists	64.25
Civilians related to Communist activities	4.16
Military	11.91
Political activities harmful to national interest	.21
War prisoners temporarily in correctional centers	2.49

Colonel Sanh said that there are 35,000 prisoners in these Correctional Centers. The senior American advisor to Col. Sanh, Mr. Don Bordenkercher, estimated that, in addition, there are 10,000 held in interrogation centers. He reported that the number had gone up gradually since the Tet offensive of 1968 when the jump was precipitated. Ambassador Colby, General Abrams' Deputy for Pacification, said that the number of prisoners had gone up and will continue to go up as the pacification program (Civil Operations and Revolutionary Development Support) develops.

The national police in Saigon and in the provinces are the official organ for making arrests. In addition, there appear to be many other arrest and detention agencies.[1] It is clear that those arrested are taken to a variety of detention centers for interrogation and that many are held in these centers for periods of time up to two years. According to the U.S. Mission, American advisors are involved only with cases of Viet Cong or suspected Viet Cong sympathizers and with persons apprehended during military operations; e.g., "Operation Phoenix", the 18 month-old program which pools information from half a dozen U.S. and South Vietnamese intelligence and security agencies with the purpose of identifying and capturing Viet Cong political agents.

Doubtless the total number of political prisoners in South Vietnam—including those held as prisoners of war by intelligence agencies and in military prisons, as well as those in the correctional institutions and those held by various other arresting agencies—far exceeds the official statistics and estimates. Due to the wide range of arresting and detention agencies, and the inadequacy of statistical methods, no accurate count of prisoners can be made.

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[3] The United States sent election "observers" to Vietnam to report on election procedures. As one cynical Vietnamese put it: "We are planning to send twenty-two Vietnamese observers who don't speak English to the United States . . . for four days to see if your elections are fair."

[4] See: New York Times, March 24, 1969.

[1] See Section III. B.

In addition to the provincial Correctional Centers, there are four large prisons for essentially civilian prisoners. These are Chi Hoa in Saigon, Phu Nu in Thu Duc (for female prisoners), Tan Hiep near Bien Hoa, and Con Son on an island off the southeastern coast. Team members were enabled by the Ministry of the Interior to visit Chi Hoa, Thu Duc, and Con Son Island Prison. They were also shown through the interrogation center at National Police Headquarters.

The following statistics, provided by prison officials, further illustrate the government's desire to de-emphasize the so-called "political prisoner" category.

Warden Pham Van Lien of Chi Hoa prison reported to Team members on June 3, 1969, this prisoner classification:

	Percent
Criminals	45.0
Communists	40.0
Civilians condemned by military court	4.0
Military	10.0
Political—non-Communist	.6

Prison Governor Minh, of Thu Duc prison, classified the 1,126 prisoners held by him on June 3, 1969 as:

Criminal offenders	265
Communists	843
Civilians condemned by military courts	15
Military prisoners	3
Political prisoners	0
Prisoners of war	0

The Warden of Con Son Island prison reported that there were 7,021 men and boys in Con Son, of whom:

984 were soldiers who committed political offenses (helped or sympathized with the V.C.),

2700 were civilians who had worked directly with the V.C.,

769 were soldiers who committed criminal offenses,

252 were civilians who committed criminal offenses, and

2316 were detainees, never tried or sentenced.

(Note that only the Warden of Con Son Island prison separately identified unsentenced detainees in his statistics. The rest of the breakdowns presumably distribute the detainees among the classifications according to file, or dossier, information.)

There are no figures available on the religious affiliation of prisoners. Warden Lien reported that there were about 120 Buddhist monks in Chi Hoa prison on June 3 when Team members visited.

Thu Duc (women's prison)

Members of the Study Team spent several hours at the Women's Prison, where the staff, headed by Prison Governor Minh, explained the prison's operation and enabled members to see what they requested. The administration of the prison seemed commendable in many respects. The dispensary was reasonably clean. There were two large rooms filled with power sewing machines where the inmates made military uniforms. There were sewing classes, classes in English and other educational opportunities provided.

The cells and large prison rooms were over crowded. This was especially hard on nursing mothers and those with small children. Fifty women, some with babies, lived in a crude building 40′ by 30′. Sanitation was primitive and inadequate. There was evidence that some prisoners had not received needed medical attention.

Team members were especially concerned about the large number of prisoners who had not been sentenced after many months of detention, the looseness and inaccuracy of prisoner classification, the inhumanity of some sentences (one slight old woman who, according to her dossier had passed V.C. letters, had served ten years of a fifteen year sentence), and the extreme youthfulness of many of the inmates. Governor Minh told the Team that there were fifty children from birth to 13 years of age in prison (the very youngest, of course, belonged to the women prisoners), and forty young offenders from 13 to 17 years.

To judge from both interviews and official explanations, the circumstances of many classified as "Communist" did not justify this classification. Two students who were called "Communist" were found by the Team members to be unsentenced detainees. Their dossiers said that they were being held because they had exhibited "leftist tendencies" and had written for a Saigon University paper which was later suspended. In another building twenty percent of the women said they had not been tried or sentenced. It seemed obvious that prisoners who had been accused of "leftist tendencies" or who had not yet been tried could not justly be categorized as "Communist". Yet they were and were forced to live with persons who were considered "hard core Communists".

Chi Hoa

Chi Hoa is often referred to as the "showcase prison". Since 1963 American funds have been available for the improvement of facilities, and American advisors have helped set up rehabilitation programs. The Team was given an attractive brochure with pictures of prisoners in classes, at worship, and enjoying recreational activities. The brochure states that "the present Vietnamese system of corrections is . . . based on the principles of humanity, charity and equality."

The Warden said that there were about 5,000 men and boys now in prison of whom 40% were "Communist" and only .6% were "non-Communist political" prisoners. Each prisoner wore a colored badge indicating his classification. The Warden estimated that 40% of the inmates had not yet been tried or sentenced. He said someone from the Ministry checked the lists every month and an effort was made to have those prisoners who had been in longer than six months brought to trial and sentenced.

The Team members were taken on a tour of the prison. Wherever they went, they found the halls and cells clean. They were shown the vocational classes in which about 300 prisoners were enrolled and met daily over a six-month period.

Team members saw the Catholic Chapel, a Buddhist shrine and a Buddhist pagoda. In the pagoda, they talked with several monks who are in prison for resisting the draft. These monks were the only prisoners in any of the institutions who did not stand at rigid attention. Sometimes prisoners shouted ear-splitting anti-Communist slogans when Team members stopped to see them.

The Warden estimated that there were 200 children from 10 to 14 years of age and 200 from 14 to 18 in the prison not yet sentenced. All children, he said, were in a separate section and given education. Team members asked to see the children's section and were shown two cells. In one room, about 40′ by 25′, there were 47 children *under 8 years of age*. One child 4 years old, said he was in prison because he had been caught stealing a necklace. The children were squatting in one end of the room eating when the Team members entered. They live in a bare room, with sanitary facilities at one end. No materials for play or study were in evidence. The food was rice with vegetables and fish. It looked inadequate. The children seemed to be well physically. When the Team entered, the children left their bowls of food and assembled in lines without any order from the adult in the room or from the Warden. All, even the 4 year old, stood at attention and did not move or speak; only their eyes followed the visitors' moves. In the next cell, similar in size, there were 67 children silghtly older but under 10 years. The situation was the same in all respects.

The Team members saw three cells in the men's section, the same size as the cells for children. There were about 50 men in each of the rooms viewed. Some of the men were preparing over tiny burners various kinds of food which had been brought by friends or relatives. None of the men in these three cells had been sentenced.

Upon asking to see the disciplinary cells, the Team members were shown a room with iron rings for shackling prisoners, which, we were told, were soldom used. The iron looked rusty. Team members did not get to see any of the 100 prisoners who the Warden said were in solitary.

The prison is in the form of a hexagon, four stories high facing inside. The wedge-shaped area in front of each of the six sections contains water tanks for bathing and washing clothes and an open space. The Warden said that after 5 p.m. the inmates are allowed here for sports and bathing. Since there is an average of about 1,000 inmates in each section, it is obvious that only a very small proportion of the inmates could play soccer, volley ball, bathe or wash clothes at one time.

Con Son Island Prison

Con Son Island Prison, an escape-proof prison about 50 miles off the southeast coast is said by officials to contain 7021 prisoners, most of them "political". In many of the barracks, the majority of the prisoners were "political" prisoners who had been "tried" before a Military Field Court, usually without legal representation. They wore red tags which identified them as either V.C. or V.C. sympathizers. Those with yellow badges (detainees) presented another kind of problem. A show of hands, taken in a number of barracks, revealed that many detainees had been imprisoned as long as a year and a half with little hope of being released unless, conceivably, a place was required for new prisoners. It was explained that frequently the means or records necessary to determine whether charges should be brought were unavailable. There was a failure to observe even a minimum amount of due process in the overwhelming majority of cases. The same circumstances were recited over and over by the prisoners; they were either being held on charges of sympathizing with or aiding the enemy, or they had been rounded up after a military action in their village and were held. Others were students who had indicated their support for peace.

The tour had been carefully arranged by prison officials. The only time the Team members deviated from the prepared pattern, successfully demanding to see Camp No. 4 instead of the camp that the prison authorities had scheduled, they saw something of significance. There were large dark dormitory cells (there out of about ten such cells were inspected) in which there were from 70 to 90 prisoners each, all of whom (as determined by a show of hands) were condemned to life in prison. None had had lawyers or any trial other than a judgment by a military tribunal.

The prison authorities denied the existence of "tiger cages," reputed small barred cells in which prisoners being disciplined were chained to the floor in a prone position. Although recently released prisoners referred to this practice from actual experience, the Team members were unable to elicit any more from the prison officials than that the "tiger cages" were no longer in existence. (At first any knowledge of such things was denied). One prisoner, however, speaking surreptitiously to the Team members said, in answer to a question, "Yes, the 'tiger cages' are here, behind Camp No. 2 and Camp No. 3. You looked in the wrong place."

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The Team members had looked behind Camp No. 4.

Taking into consideration the conditions under which such a prison had to operate, it seemed that an attempt was being made by the prison officials to conduct as clean and sanitary an operation as they could. There was a 1.3 million dollar expansion underway (funded and supervised by the U.S.A.) which would provide 72 additional barracks.

Pursuing further the question of how prisoners were disciplined, the Team members were told that only 10 out of the 7021 prisoners were under discipline. On request, the visitors were shown two of these ten. They had been in solitary for six months because of their refusal to salute the flag. One said he would never salute it. His legs were deeply marked, the Colonel in charge explained this was the result of a past disease. Questioned directly, the prisoner said it was the result of a long period in leg irons.

Although Team members observed no brutality, they felt that to have no disciplinary barracks other than a small number of maximum security cells was highly unusual. The Team members noted the fearful reaction of the inmates whenever prison officials appeared, surmising that there must exist a high degree of punitive regimentation.

A disturbing aspect of the prison situation in Vietnam is physical abuse of prisoners. U.S. officials (there are American advisors at every level of Vietnamese bureaucracy) agree that there is torture, but insist that it does not take place in the correctional centers but in the interrogation and detention centers where the prisoners are taken first. Accounts by ex-prisoners verified the fact that torture in detention and interrogation centers is general procedure.

Frequently, the interrogation center at the National Police Headquarters in Saigon was mentioned as a scene of torture. However, many informants said that the types and extent of torture administered in some of the detention centers in the provinces were far worse than in the National Police Interrogation Center in Saigon.

Although Team members were allowed to visit the National Police Headquarters in Saigon, it was an arranged visit. There was no evidence of the forms of torture here described. Colonel Mau said that modern interrogation techniques ruled out the need for physical violence. Team members saw the interrogation rooms but no prisoners were being questioned. The Team's evidence for the tortures described come from interviews with ex-prisoners testifying to what they had endured and seen, together with the statements of doctors and others who had treated the victims. While the testimony of prison officials and the appearances of the National Police Headquarters cannot be lightly dismissed, the sheer weight of witnesses' statements seemed overwhelming and conclusive to Team members.

All prisoners are oppressed by conditions of overcrowding. Sometimes, however, many prisoners are stuffed into small cells which do not allow for lying down or, sometimes, even for sitting; and this, when it is steaming hot, when excrement accumulates, and when the prisoners are seldom released for exercise, is torture indeed.

Beating is the most common form of abuse. Intellectuals appear to receive "favored" treatment and seldom are subjected to torture other than beating. This is done with wooden sticks and clubs. ("Metal" was mentioned by one observer.) The blows are applied to the back and to the bony parts of the legs, to the hands, and, in a particularly painful form, to the elevated soles of the feet when the body is in a prone position. Beating of the genitals also occurs. A number of commentators also described the immersion of prisoners into tanks of water which are then beaten with a stick on the outside. The pain is said to particularly intense and the resultant injuries are internal.

Another type of water torture in which a soaked cloth is placed over the nose and mouth of a prisoner tied back-down to a bench is said to be very common. The cloth is removed at the last moment before the victim chokes to death, and then is reapplied. In related form, water is pumped into the nose.

The most common procedure is said to be the elevation of the victim on a rope bound to his hands which are crossed behind his back. One witness described a "bicycle torture" used in this center. For about a week the prisoner is forced to maintain a squat position with an iron bar locking his wrists to his ankles; "afterwards he cannot walk or even straighten up", it was said.

An intellectual who was arrested in 1966 and spent the first six months of his two and one-half years term in an interrogation center described what he called the "typical case" of a woman law student in a nearby cell. She had been in the interrogation center for six months when he arrived and stayed for the next six months during his own imprisonment there. Throughout this year, she was tortured mostly by beating. When she was finally called before a tribunal to hear the charges, she had to be carried by two fellow prisoners. The tribunal, apparently because of her status, heard her case carefully and determined that it was a case of misidentification. Someone in Zone D had reported a V.C. returnee or spy who looked like her.

The same informant said, as a number of others did, that sexual torture was common. Though apparently it was not used on this woman student, it is used on many women. Frequently coke and beer bottles were prodded into the vagina. Also, there were a number of accounts of electrical wires applied to the genitals of males and females, as well as to other sensitive parts of the body. Another informant told of the torture by electricity of an eight-year old girl for the purpose of finding her father: "She said her father was dead and they just kept torturing her . . . They tortured her mother too." This was said to have occurred in the National Police Interrogation Center (Saigon) during 1968. Several ex-prisoners testified that it is not unusual to torture family members, including children, before the eyes of the prisoner. "Then", explained a woman teacher who had been imprisoned twice, " the prisoner will tell anything."

A respected physician told Team members that recently police brought a dead girl from an interrogation center to a city hospital and asked the Doctor there to certify to death from natural causes. On examination of the cadaver, the Doctor found signs of beating and sexual violation. He refused to so certify. Pressure was brought on the head of the hospital to issue the certificate. Such incidents are not unusual.

III. LEGAL STANDARDS AND PROCEDURES

The heart of the problem of assessing the conditions of political imprisonment in South Vietnam lies in the matters of standards and procedures. The key questions are: who is subject to arrest and imprisonment; and, how in each case is this determination made? If either the standards for determining who is subject to arrest, or the procedures for making the determination is loose, then enormous potential for official capriciousness exists and the freedoms of those subject to such caprice are ephermeral.

The Study Team found both the standards and the procedures to be loose by any measure, even by the most generous measure of allowance for the exigencies of civil and guerrilla warfare. The evidence is more than adequate to sustain the conviction of the Study Team that this looseness is used deliberately to suppress political dissent and to oppress some religious groups. In particular, loyal nationalists who are in basic disagreement with the government fear with good reason retaliation for expressing their views.

Naturally, the particular kind of war being waged in South Vietnam bears upon the judgments of the Team. Government of Vietnam officials quite properly see an analogy between the civilians arrested for guerrilla war activities—sabotage, espionage and the organization and support of the National Liberation Front military cadres—and soldiers taken as prisoners in more conventional war. The validity of the analogy should be granted. We cannot class as suppression of political freedoms the imprisonment of those actively engaged in conducting war against the government. Moreover, the need for procedures to permit speedy imprisonment without exposing the government to the risk of further warlike activity on the part of the arrested persons must be conceded.

It is humbling for Americans to be reminded that their own history is replete with invasions of individual rights made in the name of wartime emergency: the suspension of the writ of habeas corpus during the Civil War, for instance, and the evacuation of persons of Japanese ancestry from the West Coast during World War II. An American cannot presume to sit with clean hands in judgment upon the Government of South Vietnam. But both the principles of justice to which their constitutions commit the United States and the Republic of Vietnam. and the pragmatic concern for winning popular support for democratic principles compels this Team to confine the restrictions on freedom made in the name of wartime exigency to those actually necessitated by war.

Loose and inadequate standards and procedures do not represent concessions to those wartime exigencies. Minimization of risk of war-like activities aganst the government is not achieved by the imprisonment, for instance, of loyal nationalists who advocate forming a coalition government with N.L.F. representatives. Nor does minimization of such risks require imprisonment of powerless people who scurry to avoid exposure to the demands of both N.L.F. and government forces, in so-called "insecure" areas, and are arrested on suspicion with the expectation that brutal interrogation may yield a "confession" which will warrant detention.[1]

In fact, imprisonments of this kind create the unnecessary risk of alienating loyalties; a hazard made doubly severe by the highly political character of a war in Vietnam. The seriousness of this hazard is underscored by the statement to the Team of one young man, a resident of a rural province, that probably a majority of the men his age who reside in "secure" areas (under Government of South Vietnam control) of that province have experienced arrest and detention at least once during their lives. The evidence available to the Team suggests that the number of such arrests is steadily and continuously increasing.

The limits of the "war exigencies" justification are well illustrated by Article 29 of the Republic of Vietnam Constitution which clearly contemplates the existence of exceptional circumstances such as war. It provides:

> "Any restriction upon the basic rights of the citizens must be prescribed by law and the time and place within which such a restriction is in force must be clearly specified. In any event the essence of all basic freedoms cannot be violated."

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[1] Credible testimony of instances of arrests fitting both these examples was given the Study Team from many sources. (See Section II)

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A. Standards

Authority for imprisonment of non-conventional criminals is found in the State of War Law, Law No. 10/68, adopted by the National Assembly and promulgated by the President on November 5, 1968. It amends the State of War Decree promulgated prior to the present Constitution, on June 24, 1965, and as amended authorizes, among other things:

"The search of private houses, both by day and night;

"Fixing the place of residence of those elements judged dangerous to national security;

"Prohibition of all demonstrations or gatherings harmful to public security and order;

"Prohibition of the distribution of all printed matter harmful to national security;

"Control and restriction of communications and travel, consonant with security requirements; . . ."

In particular, the euphemistic language of the second paragraph quoted requires elaboration. Under it, numbers of persons are "assigned residence" in one or another of the provincial or national prisons by action of a Provincial Security Committee for specified but renewable terms, not exceeding two years, because they are "judged" to be "elements . . . dangerous to national security". Such a standard patently abdicates to the judging body the determination of who is to be subject to such imprisonments, with little, if any legislative guidance or control. In fact, it was determined that students with nothing more than the notation in their files that they exhibited "left-wing tendencies" are being incarcerated in national prisons whose administrator classified them in his census as "Communists"; i.e., in the same category with individuals found to have assumed leadership roles in organizing war-like activity for the N.L.F. Others claimed to the Team that they had been detained for no other reason than that local officials responsible for their arrests expected to extort bribes as conditions for their release.

Under the heading of "prohibition of . . . gatherings", the Team learned of a Saigon political leader who was sentenced by a military field court to imprisonment for one year because he called a press conference without proper advance clearance from Republic of Vietnam authorities. (In this man's case, a known requirement appeared to have been deliberately violated, but the sentence suggests that the State of War Law is being used for more than minimization of military risks to national security.)

The standards just quoted should be read in conjunction with Article 4 of the Constitution which provides:

"Article 4. (1) The Republic of Vietnam opposes Communism in any form.

"(2) Every activity designed to publicize or carry out Communism is prohibited."

The looseness of the prohibition against activity designed to "publicize or carry out" Communism parallels that inherent in the other standards we have discussed. Under it, President Thieu, in an interview he generously afforded the members of the Team, justified the detention of Truong Dinh Dzu as a "political prisoner" on the ground that he had allegedly advocated the formation of a coalition government in which the N.L.F. would participate. This would violate Article 4, President Thieu reasoned, since such advocacy is *ipso facto* prohibited by that article. It may be unnecessary to point out, in response to this reasoning, that the Constitution also provides machinery for its own amendment, a process hardly likely to be completed without someone having first advocated a result barred by the language of the provisions being amended.

B. Procedure

1. Arrest, detention and interrogation

Because of the long periods for which individuals are often held and interrogated prior to any disposition, often for six months or more—the procedures for determining who is to be arrested and for how long he is to be detained and interrogated take on a special importance. Moreover, the frequent and serious physical abuses about which the Team heard most often occur during this period. Although they seem to be employed as "aids" to interrogation, they are forms of cruel and barbarous punishment against which the citizen needs every conceivable procedural protection.

In fact, procedural protections are essentially nonexistent at the arrest and interrogation stage. Arrests are made by a wide variety of local national officials—by district police, special security forces, military forces and intelligence units—each exercising a relatively unfettered discretion. The arrest may occur for no other reason than that the arrestee was found near the scene of a guerrilla raid. Unless the arrested person is of exceptional importance, he will usually be detained by the arresting unit or by the district or security police in the district or province where arrested, and subjected to whatever interrogation methods authorities in that unit choose to apply.

Such detention for interrogation frequently continues for many months and it is at this stage that the bestial brutality the Team encountered occurs.

Despite the constitutional provision that:

"(6) A defendant has the right to a defense lawyer for counsel in every phase of interrogation, including the preliminary investigation."

the Team was unequivocally assured by Colonel Mau, Chief of the Special Branch of the National Police Force, that no one within his knowledge ever saw a lawyer at this stage—certainly never when detained at the Interrogation Center of the National Directorate of Police in Saigon. All of the Team's information tended to confirm that this generalization applied to other places of interrogation, both in Saigon and in the provinces.

Not only is the arrestee denied a right to counsel at this stage, he is frequently denied all contact with outsiders, including members of his family. Often families are not notified of the arrest, and they may go for days or months in ignorance of any fact save that their loved-one has disappeared. In one instance, when occasional visits were stopped after several weeks on the ground that they interfered with the interrogation. Isolation itself may be used as an interrogation "aid" or technique.

2. "Assigned residence" by Provincial Security Councils

An unknown proportion of the persons held in the correctional system—the four national and thirty-seven provincial prisons of the system—are assigned there by action of Provincial Security Councils rather than by the judgment and sentence of any court. An official of one province reported that 50 percent of the 1,400 occupants of the local provincial prison were assigned there by the action of the Provincial Security Council.

When Prime Minister Huong took office in May, 1968, the Team was told he made a major effort to improve the functioning of these bodies, enlarging them to include an elected official (in the provinces where elections have been held) and causing them to pare their backlogs of undisposed business. As a result, it may be assumed that dispositions in some provinces show a greater sensitivity to local opinion and that the periods of preliminary detentions—to the extent they exceed the length of interrogation desired—have been reduced.

One of the Prime Minister Huong's first acts was to initiate a remarkable admission of wrongdoing on the part of the Thieu government in the release and commutation of the sentences of a number of political prisoners whose total has been variously estimated from 2,000 to 6,000.

On another occasion Deputy Prime Minister Khiem commendably acknowledged in response to questions raised in the National Assembly the arbitrary nature of the arrest and interrogation procedures and the official fear of repercussions which could result from the conditions of brutality.

When a Team member shared with Minister Khiem a preliminary sketch of team findings; i.e., loose prisoner classification, denial of due process and the arbitrary action of military field courts, he agreed that these were concerns he and his staff had been considering.

But these steps only sweeten a system that is intolerable. No society can pretend to be free that permits "administrative" detentions of the kind handled by Provincial Security Councils. One Team member was privileged to visit the members of one such Council as its regular weekly session was being concluded. Members of the Council each possessed a type-written list of the names of the individuals whose cases were being considered; approximately 100 names were on the list for a single afternoon's consideration. He was told that on heavy business days the Council sometimes continued to meet into the evening. An officer brought the relevant files to the meeting and read to the Council the information required for consideration. Without notice to the arrested person, without his presence or that of witnesses to the facts relevant for determination, without confrontation or opportunity for rebuttal, to say nothing of rights of counsel or to appeal, the liberty of each of the 100 persons listed was summarily determined and detentions in prison were ordered for periods—renewable by like procedure—of up to two years. No wartime conditions, nor any other justification, can be offered to reconcile such a procedure with the democracy which is claimed to be the object of the Constitution of the Republic of Vietnam. Undoubtedly, the system succeeds in detaining some people for whom a real connection with the activities of the N.L.F. has been shown, although the Team was told that all serious wartime offenses are referred to a Military Field Court for disposition. But no other purpose than convenience to the interests of local or national officials which are adverse to those of the detainees—whether to suppress political opposition or otherwise—can really be served by this mechanism.

3. Military field tribunals

The Study Team has reached the conclusion that the Thieu-Ky Government has through the extensive and increasing use of the extra-constitutional Military Field Courts, imprisoned thousands of persons without the most fundamental elements of a fair hearing and in a shocking number of instances, without even apprising the imprisoned persons of the charges against them. This extraordinary development has had such a devastating effect on the people of South Vietnam and such a chilling impact on all political activities that it seems important to chronicle in some detail the process by which the present Saigon Government, in the name of a wartime emergency, can deny persons arrested for political "offenses" all of the guarantees which Vietnamese constitutional and statutory law gives to persons accused of crime.

The Constitution of the Republic of Vietnam, promulgated on April 1, 1967, confers in Article 7 a series of guarantees upon those accused of crime which are among the most generous and progressive of any democracy in the world. Because these rights have been denied to probably 65 to 75 percent of all of the persons committed to persons in South Vietnam, it is important to set them forth in some detail. Article 7 reads as follows:

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"(1) The State respects and protects the security of each individual and the right of every citizen to plead his case before a court of law.

"(2) No one can be arrested or detained without a legal order issued by an agency with judicial powers conferred upon it by law, except in case of flagrant violation of the law.

"(3) The accused and his next of kin must be informed of the accusation against him within the time limit prescribed by law. Detentions must be controlled by an agency of the judiciary.

"(4) No citizen can be tortured, threatend or forced to confess. A confession obtained by torture, threat or coercion will not be considered as valid evidence.

"(5) A defendant is entitled to a speedy and public trial.

"(6) A defendant has the right to a defense lawyer for counsel in every phase of the interrogation, including the preliminary investigation.

"(7) Any person accused of a minor offense who does not have a record of more than three months' imprisonment for an intentional crime may be released pending trial, provided that he or she is employed and has a fixed residence. Women pregnant more than three months accused of minor offenses who are employed and have fixed residence can be released pending trial.

"(8) Accused persons will be considered innocent until sentence recognizing their guilt is handed down. 'In the event of doubt, the court will rule in favor of the accused.'

"(9) If unjustly detained, a person has the right to demand compensation for damages from the State after he has been pronounced innocent, in accordance with the provisions of law."

All of these carefully spelled-out guarantees were nullified for political offenders by Law No. 10/68 of November 5, 1968, which we have earlier described. This law amends and revitalizes a pre-constitutional decree issued June 24, 1965. By its legitimation of the Military Field Courts, this law, in effect, amended the Constitution although none of the Articles of the Constitution related to amending the document (Nos. 103–107) were complied with.

The November 5, 1968 law, in addition to authorizing the invasions of individual rights previously recited, authorizes local proclamations of martial law and in its Article 2 declares that:

"All violations of the law related to national security fall within the Military Field Courts which will try them in accordance with emergency procedures."

The creation of these "Military Field Courts" is nowhere authorized in Article 76 through Article 87 of the Constitution, which provide in detail for the structure of Vietnam's judiciary. Nor is the "Military Field Court" related to military tribunals which exist in the armed forces of South Vietnam for the prosecution of offenses committed by military personnel. *The "Military Field Courts" are not really courts at all.*

The Study Team is convinced that the number of arrests and imprisonments continues to grow larger under the law of November 5, 1968. Moreover, it is clear that the 1968 law, unlike the 1965 decree, abrogates and amends the 1967 Constitution of South Vietnam in an illegal way. Indeed, the 1968 law eviscerates that Constitution and suggests that the President and the National Assembly disregarded the Constitution in several respects and, relying on "a state of war", undertook to legitimize the Military Field Courts which imprison persons in proceedings having few if any of the features of a real trial. No matter how favorably they are viewed, these courts serve as the instrument by which the Thieu government imprisons and thereby silences its critics.

The inadequacies of the Military Field Courts are many. Among their more glaring defects are the following:

(1) These courts violate Article 77 of the Constitution which stipulates that every court should be composed of "an element that judges and an element that prosecutes, both of which are professionally qualified." In the Military Field Court, the judge is a military official not necessarily trained in law.

(2) The offenses triable by the Military Field Courts are non-appealable. The denial of these basic rights violates the Vietnam Constitution as well as the practices which have become customary in most of the judicial processes in the civilized world.

(3) The Military Field Courts also violate Article 9 of the Universal Declaration of Human Rights which states that, "No one shall be subjected to arbitrary arrest or detention." This statement is now incorporated in the draft Covenant on Civil and Political Rights and is broadened to read as follows:

"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest and detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law."

These provisions are being violated in South Vietnam. Their violation is thus a violation of the Constitution of South Vietnam which states in Article 5 that "the Republic of Vietnam will comply with provisions of international law which are not contrary to its national sovereignty and the principle of equality between nations."

IV. APPENDIX

A. U.S. study team on religious and political freedom in Vietnam

James Armstrong, Bishop of the United Methodist Church, Dakotas Area. Bishop Armstrong received his A.B. from Florida Southern College, a B.D. from Emory University, and D.D. from Florida Southern and DePauw University. Elected to the episcopacy in 1968, James Armstrong is the youngest United Methodist Bishop in the United States. He taught for eight years at the Christian Theological Seminary (Disciples of Christ) in Indianapolis, served for ten years as minister of the Broadway United Methodist Church in Indianapolis. Known for his interest in public affairs, he was a board member of the Community Service Council, the Urban League and the Indianapolis Progress Committee, and was singled out as "one of the leaders who builds cities" by Time-Life in its book *The Heartland*. He himself is the author of the book, *The Journey that Men Make*, published by Abingdon Press.

Mrs. John C. Bennett (Anne McGrew Bennett). Mrs. Bennett received a B.Sc. in Education from the University of Nebraska and M.R.E. from Auburn Theological Seminary. She taught for several years in country schools in Nebraska, was married in 1931 to John C. Bennett, now President of the Union Theological Seminary in New York City. Mrs. Bennett has been active in denominational and interdenominational affairs for many years. She is a member of the U.S. Inter-Religious Committee on Peace, a former board member of the Council for Christian Social Action of the United Church of Christ, and served from 1960 to 1964 on the General Board of the National Council of Churches.

Allan Brick, Associate Secretary for National Program, Fellowship of Reconciliation. Dr. Brick received an A.B. from Haverford College, an M.A. and a Ph.D. in English from Yale University. A former professor of English at Dartmouth and Goucher Colleges, Dr. Brick served as Peace Education Director for the American Friends Service Committee, Middle Atlantic Region, from 1966 to 1968. He has published articles on English and American literature, as well as articles on student and protest movements and is co-author of *The Draft*, a report by the American Friends Service Committee, published by Hill and Wang, New York.

John Conyers, Jr., Representative in Congress of the First Congressional District, Detroit, Michigan. Congressman Conyers received his B.A. and his law degree from Wayne State University. Currently serving his third term both as a Representative and a member of the Judiciary Committee, he has been an active supporter of civil rights legislation in Congress. In this capacity he has made trips to Selma, Charleston, Mississippi and other places to investigate cases of civil rights violations. Prior to election to Congress, Mr. Conyers was a labor and civil rights lawyer, also serving as Director of Education for Local 900 of the United Auto Workers, an executive board member of the Detroit NAACP and an advisory council member of the Michigan Civil Liberties Union. During the Korean conflict, he served as a Second Lieutenant in the Corps of Engineers.

Robert F. Drinan, S.J., Dean, Boston College Law School, and Professor of Family Law and Church-State Relations. Father Drinan received his A.B. and M.A. from Boston College, his LL.B. and LL.M. from Georgetown University Law Center, an S.T.L. (Licentiate in Sacred Theology) from Gregorian University in Rome. He is author of several books, the latest of which is *Democracy and Disorder*, published in 1969 by the Seabury Press, and is a contributor to many publications, including *Commonweal* and the *Harvard Law Review*. Father Drinan has served widely in legal, civic and education organizations and committees. He is a former vice-president of the Massachusetts Bar Association, is currently chairman of the M.B.A.'s Committee on the Administration of Justice and chairman of the Advisory Committee for Massachusetts to the United States Commission on Civil Rights.

John De J. Pemberton, Jr., Executive Director of the American Civil Liberties Union. Mr. Pemberton received his B.A. at Swarthmore in 1940, an LL.B. *cum laude* at Harvard in 1947. As a student at Harvard Law School, Mr. Pemberton served on the board of editors of the *Harvard Law Review;* after graduation, taught commerical and bankruptcy law at Duke University until 1950. From 1950 to 1962, he practiced law in Rochester, Minnesota, as a member of the firm of Pemberton, Michaels, Bishop and Seeger. In Rochester, he served on the Minnesota Advisory Committee to the United States Civil Rights Commission and the Minnesota Fair Employment Practices Commission. An active member of the ACLU since 1950, Mr. Pemberton was appointed its Executive Director in 1962.

Seymour Siegel, Professor of Theology in The Jewish Theological Seminary of America and Assistant Dean of its Herman H. Lehman Institute of Ethics. Dr. Siegel graduated from the University of Chicago. In 1951 he was ordained by the Jewish Theological Seminary and in 1958 received the Seminary's degree of Doctor of Hebrew Literature. As representative of the World Council of Synagogues, Dr. Siegel has traveled widely to Jewish communities abroad; in 1962, he became the first Visiting Professor from the Seminary to serve at the Seminario Rabbinico Latinoamericano in Buenos Aires. He is a member of the editorial boards of *Conservative Judaism, Jewish Heritage*, and editorial consultant to Benziger Brothers Publishing Company. Now completing work on his second book, *Jewish Theology Today*, he has also contributed many articles and reviews to both scholarly and popular journals, among them the *Saturday Review* and *Commentary*.

Arnold E. True, Rear Admiral, United States Navy, Retired; Professor Emeritus of Meteorology, San Jose College. Admiral True re-

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ceived a B.S. at the U.S. Naval Academy in 1920, and M.S. from M.I.T. in 1931, and graduated from the U.S. Naval War College in 1939. He served in the United States Asiatic Fleet in the Far East, commanded the *USS Hammann* and two destroyers in World War II, and was on the staff of the Commander-in-Chief of the United States Atlantic Fleet between 1944 and 1946. During the Battle of Midway he received injuries which necessitated his retirement. From 1947 to 1967 he was professor of meteorology at San Jose College. Admiral True recently presented testimony to the Senate Armed Services Committee concerning budget requests of the Department of Defense.

The Reverend Peter Jenkin, of Congregational Church, Wimbledon, England and Treasurer of Eirene International Christian Service for Peace Organization, met the team in Paris and accompanied them to Saigon.

CABLE FROM U.S. STUDY TEAM TO PRESIDENT NIXON

SAIGON, *June 5, 1969.*

PRESIDENT NIXON,
Washington, D.C., U.S.A.:

The Independent Study Team on religious and political freedom in Vietnam has completed its study here and is preparing a detailed report. The team met with South Vietnamese and United States officials, various Buddhist and Roman Catholic leaders, representatives of other principal sects, members of the National Assembly, attorneys and other specialists in jurisprudence as well as numerous private individuals, including some prisoners.

The team inspected prisons in Saigon, Thu Duc and Con Son. Our final report will be related to the following firm impressions:

The Government of South Vietnam does not presently exemplify at least one of the goals set forth in your May 14th statement. (Quote) there should be an opportunity for full participation in the political life of South Vietnam for all political elements that are prepared to do so without the use of force or intimidation. (Unquote.)

Religious and political suppression is widespread. Speaking for peace or in any other way opposing the government easily brings the charge of Communist sympathy and subsequent arrest. Long detention without trial is frequently the result.

The number of political prisoners continues to increase.

There must be no illusion that this climate of political and religious suppression is compatible with either a representative or stable government.

We respectfully request that you consider this in weighing any commitments to the Thieu Government.

On behalf of the study team on religious and political freedom in Vietnam,

Hon. JOHN CONYERS, Jr.,
Member of Congress.

U.S. STUDY TEAM

(Organizational associations listed for purposes of identification only)

James Armstrong, Bishop, United Methodist Church.

Anne M. Bennett.

Allan Brick, Director of National Program, Fellowship of Reconciliation.

John Conyers, Jr., Member of Congress.

Robert Drinan, S.J., Dean, Boston College Law School.

Peter W. Jenkins, Pastor, Congregational Church, Wimbledon, England.

John de J. Pemberton, Executive Director, American Civil Liberties Union.

Seymour Siegel, Rabbi, Professor of Theology, Jewish Theological Seminary.

Arnold E. True, Rear Admiral, U.S.N. (Ret.)

FOUR OF OPPOSITION GROUP IN SAIGON ARE SUMMONED TO POLICE INQUIRY

(By Terence Smith)

SAIGON, SOUTH VIETNAM, June 17.—At least four members of a liberal opposition group that recently called for the formation of a "government of reconciliation" were ordered tonight to report for questioning by the National Police.

Summonses were delivered this evening by police officers to four members of the newly organized Progressive Nationalist Committee, a left-of-center group of students, intellectuals and members of the professions. They were ordered to appear before the chief of the special police at 9 o'clock tomorrow morning.

The summonses appeared to be the first step in a widely expected Government campaign against liberal political groups and persons.

In the last few days there have been reports from South Vietnamese sources that the Government was planning to take steps against groups that have been publicly calling for a softer negotiating position in the Paris peace talks.

President Nguyen Van Thieu warned of such a crackdown in a news conference last week on his return from Midway Island where he conferred with President Nixon.

"I WILL PUNISH THEM"

"From now on," the President said, pounding his fist for emphasis, "those who spread rumors that there will be a coalition government in this country, whoever they be, whether in the executive or the legislature, will be severely punished on charges of collusion with the enemy and demoralizing the army and the people. I will punish them in the name of the Constitution."

At the same time, President Thieu warned that action would be taken against any newspapers that distorted the news in a manner that would demoralize the nation. On Saturday, the leading English-language paper, The Saigon Daily News, was closed on such a charge. It was the 32d paper shut down by the Government for political reasons in the last year.

According to reliable South Vietnamese sources, the Government is planning to subdue the more militant elements of its opposition by issuing warnings to some politicians, and by arresting others suspected of maintaining contacts with Communists. More newspaper closings are expected.

The Progressive Nationalist Committee is headed by Tran Ngoc Lieng, the lawyer who defended Truong Dinh Dzu, a former presidential candidate now in prison for advocating a coalition government with the National Liberation Front, or Vietcong.

The committee first appeared on June 4, just four days before President Thieu was to confer with President Nixon. In a public statement, it called for the formation of a government of reconciliation that would be composed of "nationalist elements acceptable to both sides."

The purpose of the reconciliatory government, according to the statement, would be to "prepare and organize elections to determine the political future of South Vietnam."

THIEU REPORTED UPSET

The statement was reported to have irritated Mr. Thieu, who was said to have felt that it was an effort to undercut his position on the eve of the Midway meeting.

At his news conference following the meeting, Mr. Thieu was asked if he planned to take any action against Mr. Lieng or members of his committee. He declined to answer the question with the explanation that he had not read the committees statement, but he promised that he would look into the matter.

The summonses issued tonight were delivered to two deputy chairmen of the committee and to two members. Mr. Lieng did not receive one.

At his home tonight, Mr. Lieng said in an interview: "If the Government means to repress the genuinely nationalist organizations by this technique, the Communists will reap the benefits. The whole nationalist movement will suffer as a result."

Mr. Lieng said he would be surprised if he did not eventually get a summons. "They called me in once before, in February," he said. "That was when we had just begun to put the organization together. They questioned me for several hours and then released me."

Mr. Lieng said that his committee was not in favor of the formation of a coalition government as such. "The members of the reconciliatory government would not be Communists," he said. "They would be true nationalists acceptable to both sides."

The secretary general of the committee, Chau Tam Luan, a militant young professor, objected bitterly to the Government's action tonight. "The object of these summonses is to suppress opposition," he said, "to make people afraid to join us. This is a way of warning people, letting them know that if they join us they can expect a call from the police."

NEW YORK.—Former Defense Secretary Clark Clifford says the United States should order a reduction of fighting in South Vietnam and remove all its ground combat troops by the end of 1970.

In a statement Clifford blisters the South Vietnamese Government, picturing its leaders as having a big stake in continued war.

"As the Saigon authorities saw it, the longer the war went on, with the large-scale American involvement, the more stable was their regime and the fewer concessions they would have to make to other political groupings," he said.

His statement, appearing in Foreign Affairs, Quarterly of the Council on Foreign Relations, is the most outspoken comment on the Saigon regime to come from a recent U.S. Government official at this level.

The article is likely to play an important role in the continuing American debate on the war.

He makes these proposals:

1. As a first step, the United States should announce it will withdraw 100,000 troops before the end of this year.

2. "We should also make it clear that this is not an isolated action, but the beginning of a process under which all U.S. ground combat forces will have been withdrawn from Vietnam by the end of 1970."

3. "Concurrently with the decision to begin withdrawal, orders should be issued to our military commanders to discontinue efforts to apply maximum military pressure on the enemy and to seek instead to reduce the level of combat."

4. "While our combat troops are being withdrawn, we could continue to provide the armed forces of the Saigon government with logistic support and with our six resources."

Clifford contends that a policy of applying maximum military pressure has resulted in continuing high U.S. casualties "without any discernible impact on the peace negotiations in Paris."

He says a decision to shift the combat burden to the South Vietnamese "would confront North Vietnamese leaders with a painful dilemma."

"Word that the Americans were beginning to withdraw might at first lead them to claims of victory," he wrote. "But even these initial claims could be expected to be tinged with apprehension. There has, in my view, long been considerable evidence that Hanoi fears the possibility that those whom they characterize as 'puppet forces' may, with

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continued but gradually reduced American support, prove able to stand off the Communist forces.

"As American combat forces are withdrawn, Hanoi would be faced with the prospect of a prolonged and substantial presence of American air and logistics personnel in support of South Vietnam's combat troops, which would be constantly improving in efficiency. Hanoi's only alternative would be to arrange, tacitly or explicitly, for a mutual withdrawal of all external forces."

As U.S. forces are withdrawn, he adds, Saigon would "recognize, probably for the first time, that American objectives do not demand the perpetuation in power of any one group of South Vietnamese." As long as the Americans seem prepared to stay indefinitely, he adds, the Saigon regime is unlikely to dilute its control and make room for other elements.

Clifford foresees no adverse impact on the Paris talks from this plan. He sees better chances for bargaining on political realities which "are in the final analysis both beyond our control and beyond our ken; moreover, they are basically none of our business."

Speaking of the period last fall when Hanoi accepted participation of the South in the Paris talks in return for a bombing halt, Clifford recalls what happened after Saigon was so informed.

"The cables from Saigon were stunning," he said. "The South Vietnamese Government suddenly and unexpectedly was not willing to go to Paris . . . as fast as one Saigon obstacle was overcome, another took its place. Incredulity turned to dismay. I felt that the President and the United States were being badly used. Even worse, I felt that Saigon was attempting to exert a veto power over our agreement to engage in peace negotiations."

It took three weeks to get Saigon's regime to Paris "and still additional weeks to get their agreement on seating arrangements," he writes.

"The goal of the Saigon government and the goal of the United States were no longer one and the same, if indeed they ever had been. They were not in total conflict, but they were clearly not identical," he says. "We had largely accomplished our objective for which we had entered the struggle. There was no longer any question about the desire of the American people to bring the Vietnam adventure to a close."

Last July when he made a trip to Saigon, he reports he found Saigon officials "too complacent when the facts were laid before them." He recalls asking Vice President Nguyen Cao Ky about the high desertion rate among South Vietnamese soldiers. He says Ky replied this was because the men were not paid enough and "suggested that we could cut back our bombing, give the money thus saved to the Saigon Government and it would be used for troop pay."

"He was not jesting," Clifford adds. "His suggestion was a serious one."

Clifford says the visit left him depressed with the "pervasive americanization of the war," and "worst of all, I concluded that the South Vietnamese leaders seemed content to have it that way."

"Nothing we might do would be so beneficial or could so add to the political maturity of South Vietnam as to begin to withdraw our combat troops," Clifford says. "Moreover, in my opinion, we cannot realistically expect to achieve anything more through our military force, and the time has come to begin to disengage. That was my final conclusion as I left the Pentagon on Jan. 20, 1969. It remains my opinion today."

Mr. LEGGETT. I think the gentleman has made an outstanding contribution, as I have already stated, and I want to thank him very much for his remarks at this time.

Mr. Speaker, I do wish to discuss one or two more items. We, of course, must wait for the next move. Hopefully, President Nixon's "open door to mutual deescalation" will be seen by the enemy. I know the reaction by the North Vietnamese and Vietcong in Paris was one of cynicism. This might be because Asiatics do not fight or negotiate according to Marquis of Queensbury rules. We have long experienced a series of tirades from the enemy after each piece move on our part. I believe we should ignore the spoken word and rely on actions of our adversary to determine their true response. The North Vietnamese reductions I have already cited are an example of response we might anticipate. If the reductions continue on both sides—ours publically and theirs privately—I think we are on the road to peace. If American reductions matched the North Vietnamese reductions over the past year, already we should have withdrawn 140,000 men—a 25-percent reduction.

However, I doubt that American presence in South Vietnam will totally evaporate until there is a thread of political settlement in the south.

It is possible that President Nixon has finally found a way out of the deadlock. The President's televised message on May 14, 1969, prior to the Midway Conference, contained a number of suggestions which could, if seriously implemented, start the final settlement. The suggestions, I feel, that have merit are as follows—as taken from the transcript of the President's speech:

> In this spirit, let me be explicit about several points:
>
> We seek no bases in Vietnam.
>
> We insist on no military ties.
>
> We are willing to agree to neutrality if that is what the South Vietnamese people freely choose.
>
> We believe there should be an opportunity for full participation in the political life of South Vietnam by all political elements that are prepared to do so without the use of force or intimidation.

He means here that the SVN Constitution must be revised.

> We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves.

He means here that we must have a new Constitution, and new election.

> We have no intention of imposing any form of government upon the people of South Vietnam, nor will we be a party to such coercion.

He means we do not support the existing SVN Constitution.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman.

Mr. CONYERS. Mr. Speaker, I want to compliment the gentleman for his very timely presentation. I remember quite well it was in the early spring of 1968 that the distinguished Member from California directed a letter to former President Lyndon Johnson, which had to do with this war, and I hope that the gentleman will include that letter in his comments this evening.

I would just like to point out one of the problems, that he has very accurately put his finger on. That is the fact that we have heard from our own President that there is a desire for us to bring together in a popular government in Vietnam all of the peoples who are willing to come together who will not use force.

But I want to report to the gentleman that in my visits to the American Embassy in Saigon, and in my discussions with the Deputy Secretary of State and discussions with many others in the Government since I have returned, I do not feel that this particular phrase he has cited which the President has used is being given very full implication. I think therein is the rub.

When I talked to the president of South Vietnam, he made it very clear as do the newspaper accounts of arrests that are happening in Vietnam today, that the talk of coalition and neutralism and of a third force is considered to be in violation of the Constitution and is considered to be subversive.

Of course, that makes it impossible for us to have a rational and intelligent discussion among the Vietnamese people about government, about politics, and about their own destiny.

It seems to me that, as the gentleman has pointed out so ably, until others hear this part of our President's remarks, it is going to be impossible for us, no matter how much money and how many troops we pour into Vietnam—and I only hope that the reverse will become the truth—it will be impossible for us ever to form a stable government because of the fact that we find so much political repression going on, and that we are, in the final sense, propping up a very unpopular and unstable government that can only maintain its control because of our support.

I commend the gentleman for making this a part of the broader understanding that is necessary for the administration, for the Congress, and, indeed, truthfully, for the American people in general.

Mr. LEGGETT. I thank the gentleman again for his very pertinent remarks and his allusion to the fact that, in order for us to get a new constitution, the existing government will have to resign in Vietnam. If they can be reelected by a popular government, God bless them, as far as I am concerned, but they will have to let everyone participate. We will have to have a full and complete election.

I recall getting some statistics in the last few days indicating total enemy casualties. Deaths in Vietnam over the past 6 years have been 500,000. If the proportion of wounded is anything like our wounded, which are running 3 to 1, I assume we must be talking about another million and a half that have been wounded and have left the field of battle. That is 2 million breadwinners, which relate probably to families of five per family, and we might be talking about 5 or 10 million people that those dead people represent, considering the connection with the injured.

So this is a very considerable faction in South Vietnam, and they are not all infiltrated from North Vietnam. I think that is a great figment, and we have to

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let these people breathe. If we would persist in this "never-never land" of a political philosophy in which the Communists have to evaporate, withdraw and die, I think we would have "Vietnams" in Italy, France, and many other countries in Western Europe, where 30 to 35 percent of the people are part of the Communist Party.

I would like to conclude by referring again to President Nixon's statement, in which he said on the 14th of May that he has no objections to reunification. If that turns out to be what the people of North Vietnam and South Vietnam want, we ask only that the decision reflect the free choice of the people concerned.

Again, I think that this means that they have got to have a new constitution so that they can have that kind of election.

Then the President concluded by saying:

> To implement these principles, I reaffirm now our willingness to withdraw our forces on a specified timetable. We ask only that North Vietnam withdraw its forces from South Vietnam, Cambodia and Laos into North Vietnam also in accordance with a timetable.

I would like to restate again that they have withdrawn 25 percent of their forces and that now the action is up to us.

Continuing the President's remarks:

> Our offer provides for a simultaneous start on withdrawal by both sides; agreement on a mutually acceptable timetable; and for the withdrawal to be accomplished quickly.
>
> If North Vietnam wants to insist that it has no forces in South Vietnam, we will no longer debate the point—provided that its forces cease to be there, and that we have reliable assurances that they will not return.

This has happened.

> The remaining U.S. and Allied forces would move to complete their withdrawals and the remaining North Vietnamese forces were withdrawn and and returned to North Vietnam.

Hopefully, this would be accomplished in 12 months.

> An international supervisory body, acceptable to both sides, would be created for the purpose of verifying withdrawals, and for any other purposes agreed upon between the two sides.

An excellent item for Paris agreement:

> This international body would begin operating in accordance with an agreed timetable, and would participate in arranging supervised ceasefires.
>
> As soon as possible after the international body was functioning, elections would be held under agreed procedures and under the supervision of the international body.

And under a new SVN Constitution:

> Arrangements would be made for the earliest possible release of prisoners of war on both sides.
>
> All parties would agree to observe the Geneva Accords of 1954 regarding Vietnam and Cambodia, and the Laos Accords of 1962.

A broad representative government is an absolute necessity in South Vietnam. The present Thieu-Ky regime is not representative of any but one side of the civil strike taking place in the South. Our administration—with the exception of Ambassador Bunker—does not believe that the present Thieu-Ky regime is representative.

I include at this point in the RECORD the Government of Vietnam explanation of why Truong Dinh Dzu was convicted for 5 years for a political crime after the last election:

EMBASSY OF VIETNAM,
Washington, D.C., September 20, 1969.

Hon. ROBERT L. LEGGETT,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR SIR: In answer to your letter of August 16, 1968, I wish to inform you that Mr. Truong Dinh Dzu was tried on July 26, 1968, by the Military Court of III Corps Area and sentenced to five years of hard labor for having violated the provisions of Decree Law 49/67 of July 1965. This law brings condemnation to any Vietnamese citizen who acts with a view to publicizing the policy, slogans, or instructions of communists or persons controlled by the communists, and to any citizen whose actions have the effect of undermining the will of the nation to oppose communism and of being detrimental to the anti-communist fighting spirit of the people and of the army. The same Decree Law also provides for the condemnation of people who publicize, distribute, sell, display, or hide any printed matter, pictures, or other means of propagation that would bring about the same above-mentioned effects.

I also wish to point out that a basic provision of our Constitution (Article 4, Chapter I) declares that—

> The Republic of Vietnam opposes communism in any form, and
>
> Every activity designed to publicize or carry out communism is prohibited.

The fact that Mr. Dzu was a presidential candidate, as he is usually referred to here in the United States, had absolutely nothing to do with the decision of the Military judges who condemned him in August 1968, any more than did the majority decision of the Civilian Court which found him guilty of charges of passing bad checks and of illegal transferring of funds abroad, on September 15, 1967, twelve days after our Presidential elections. These latter charges were brought against him months before he decided to enter the political arena, but trial for which had been deliberately postponed in order to allow him to run for the Presidency.

With regard to your question concerning the newspaper which was closed down temporarily by order of the Government, the decision to that effect was taken by the Ministry of Information for the newspaper in question (Song), as well as for the other three (Saigon Post, Saigon Moi, and Dong Nai) subsequently affected by similar measures, because these newspapers had published information from a foreign source which was absolutely false and groundless, and conducive to damaging the prestige of the leaders of the nation and the honor of the Armed Forces of the Republic.

Such decision was taken only after a number of warnings had been issued by the Ministry of Information asking those newspapers to check their information before publication, so as to avoid carrying false reports; detrimental to the interests of the nation.

The same Ministry has already lifted its ban, however, and all incriminated newspapers have resumed normal publication.

We appreciate your bringing your questions to our attention, and are happy to assist you in any way we can.

Sincerely yours,

NGUYEN HOAN,
Counselor.

Mr. Speaker, even President Thieu does not bore us with the fiction that his is a representative government. The administration has continually stated that they are not wed to any particular party or group in South Vietnam. For the last few weeks the possibility of a hybrid government has been publically discussed and not negated by the administration.

In their joint communique, after the Midway meeting, President Nixon and President Thieu stated the following:

> President Thieu informed President Nixon that his government was devoted to the principle of social and political justice for the people of South Vietnam. The policy of national reconciliation had been adopted with this in mind. His offer to negotiate directly with the "National Liberation Front"—without conditions—had been inspired by this principle. If the other side is genuinely interested in finding peace, it should be possible to create an atmosphere in South Vietnam in which all the people of South Vietnam can participate in the life of a free, viable and prosperous state.

I doubt however that President Thieu was referring to a new constitution.

President Thieu has already proclaimed an alliance of factions within South Vietnam which is supposed to be representative of the diversity of political thought within the land. These are enviable motives as expressed, but what does the current alliance consist of. To quote the Washington Post:

> It is as if an American government headed by Everett Dirksen announced a new political party including the following groups: the delegates to the 1964 Republican Convention; the Rotary Clubs of America; the Ladies' Hadassah of Wyoming; the American Baptist Convention; the Sports Car Club of America; the Society of Former FBI Agents; the National Association of Manufacturers; and the National Indignation Convention.

There is a saying that two Vietnamese constitute a political party and three Vietnamese constitute a political party with a dissident faction. These are the political facts of life in South Vietnam and they must be recognized. It is misleading for President Thieu to give quasi-support to a viable government based on coalition principles and then come up with what amounts to a mutual admiration society of the right. The Washington Post editorial was a concise statement of the problem and bears reprinting at this time!

[From the Washington Post, May 27, 1969]

A COALITION IN SAIGON

It is questionable whether President Thieu's new political alliance (called, in the manner of all such amorphous associations, the National Social Democratic Front) is the "beginning" of anything in South Vietnam, except more confusion and a marginal shoring up of the military regime. The alliance meant to be the banyan tree under which all anti-Communist elements in South Vietnam may squat. Its components, besides senior military officials, are:

The Greater Union Force, the political arm of militant Roman Catholic refugees;

The Social Humanist Party, a re-birth of Ngo Dinh Nhu's secret society, Can Lao;

The Revolutionary Dai Viet, a conservative grouping of erstwhile anti-French nationalists;

A faction of the Hao Hao, a Delta-based political-cum-commercial-cum-religious sect whose politics defy description;

A faction of the Vietnamese Kuomintang and the People's Alliance for Social Revolu-

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tion, a pro-government bloc formed last year in the wake of the Tet attacks.

There is an old Vietnamese saying (doubtless invented by the Americans) which holds that two Vietnamese make a party and three Vietnamese make a party plus one faction. It is difficult to characterize these groups (all of whom have quarrled or are quarreling with one another) to make them comprehensible to a Westerner. A very wise commentator once ridiculed the device of analogy in South Vietnam, observing that to call Nguyen Cao Ky a fascist (for example) was as absurd as calling Walt Rostow a Cao Dai. But the tendency is irresistible. It is as if an American government headed by Everett Dirksen announced a new political party including the following groups: the delegates to the 1964 Republican convention, the Rotary Clubs of America, the Ladies' Hadassah of Wyoming, the American Baptist Convention, the Sports Car Club of America, the Society of Former (FBI) Agents, the National Association of Manufacturers, and the National Indignation Convention.

It is not what you might call a broadly based coalition. It contains few of the names traditionally associated with South Vietnamese politics, and of course none of the men or groups associated with a settlement of the war. Still, the Americans in Saigon appear heartened by evidence, however slight, of unity. One of these was quoted yesterday as saying, "it's a great achievement . . . Two years ago it would have been impossible to get all these people under the same roof."

True enough, we suppose, as far as it goes. They are under the same roof, and in the euphoria of the moment perhaps may even stay there for a month or two. Sooner or later, however, General Thieu and the leaders of his government are going to be obliged to contemplate their collective future after national elections, if that is what is decided at Paris, or a resturcturing of the government to include members of the National Liberation Front. The alliance that General Thieu announced yesterday is a collection of men with no stake in either national elections or coalition government. One index of this is found in the results of the presidential election in 1967. The candidates of all the parties now under President Thieu's roof pooled a total of 48 per cent of the votes.

It is a fact of life that not all elements in South Vietnam are loyal to the Thieu-Ky regime. No doubt many of these dissident groups are Communist. One of the major current problems of full government participation by all is the South Vietnamese law which reads substantially as follows:

Decree Law 93, February 1, 1964

Article 1.—Are hereby outlawed those individuals, political parties, organizations or associations which put into effect, either directly or indirectly, communism or the pro-communist neutralist thesis.

Article 2.—Are considered as pro-communist neutralists all elements involved in propaganda activities in favour of the neutralist thesis. These acts will be identified with acts of disturbance of public order.

Article 3.—All elements who violate Articles 1 and 2 will be prosecuted under Articles 2 and 3 of the Military Code. In flagrante delicto, the culprit shall be tried before the Military Court with no preliminary inquiry and judged according to the emergency procedure provided for in Ordinance No. 8 of May 16, 1954.

Article 4.—Sentences applied by the Military Court will be those provided for in the Military Code, the penal code and the specific laws, not below minimum punishment.

Article 5.—The Military Court judges without appeal, its decisions cannot be appealed against for cassation. In case of capital punishment the sentence can be carried out immediately after dismiss of petition for mercy.

Article 6.—The provisions of the Penal Codes regarding extenuating circumstances and reprieve are not applicable.

The South Vietnamese Constitution contains similar provisions.

President Nixon in his public statements has clearly announced that we are not wedded to the present regime. I hope this will be implemented by acts as well as words.

Since 1965, the Vietnam war has been a haunting refrain. The dates may change and the numbers may change, but we play the same tune over and over again.

I find it hard to understand how we can make the same mistakes over and over again. We continue the same tactical blunders. We continue the same strategic blunders. For a while we kept seeing light at the end of the tunnel. It was always a pitch black tunnel. We then were continually on the verge of turning a corner. Every time we turned a corner we escalated. The Westmoreland policy of search and destroy was discredited, and we inherited General Abrams. General Abrams gave us Hamburger Hill. That stirring production that ended where it began—Nowhere.

As I read over my past statements and letters on the war, I see that they are as valid today as they were 2, 3, or 4 years ago. We have poured funds into our commitment at the rate of $40 billion a year for the past three years with 35,000 dead Americans as the result. The Central Intelligence Agency says the total outside investment in North Vietnam, military and civilian, during the past 15 years is no more than $4½ billion. I hope the troop reduction by President Nixon is a portent for the future.

Two years and 1 month ago, almost to the day, I delivered a speech entitled "Escalation to No Place." Some of the numbers and names have changed but the melody lingers on, and I feel it deserves repeating today not only because I, in all modesty, think it was a good delineation of the problems in 1967, but more importantly because those same statements are equally applicable to the present situation. The speech is as follows:

Escalation to No Place

Mr. **Leggett**. Mr. Chairman, I want to voice my support for the pending 412 defense authorization for fiscal 1968. My expression is with some trepidation. My concern stems from several areas which I would like to review.

To begin with, we are authorizing one of the largest armament programs in history as part of a $76 billion defense budget next year. It has been estimated by ranking Members in the other body that even this budget must be augmented next year in excess of $5 billion. We have come a long way over the past year proving that the U.S. military machine is not a paper tiger. We have certainly proved, however, that it is an expensive tiger.

In a manner our total effort in Southeast Asia is schizophrenic. Our tactical operations appear to be programed almost for the indefinite future. Our high budget strategic operations on the other hand appear to anticipate the war's termination every year. Expressly the budget this year was conditioned on the war's ending next month. The large defense supplemental appropriation of $12.5 billion this year led many to believe that there was a credibility gap. I do not think there was a gap so much in our information as there was in our planning. The right hand many times does not know what the left hand is doing. It was this gap in our planning that allowed the United States to be cascaded over the past year into one of the most colossal of foreign encounters in our history. We started off calendar 1966 by approving a $4.8 billion authorization bill for South Vietnam that is ending up at nearly the $3 billion a month rate at the present time by a simple budget differentiation subtraction. The proof of the arithmetic is in the fact the Department of Defense has withheld approval of Department budget requests that would increase the 1968 defense budget by one-third.

The American people in a measure are being torn apart at the seams. Sixty-three percent support the President's foreign policy on the last poll—many because of convictions—many because it is the patriotic thing to do or because of the obvious benefits of a unified foreign policy right or wrong. I hope that same 63 percent will voice support to the administration next year.

Our overall policy is fraught with a number of problems. In our effort to buy off the war overseas quickly we are almost breaking the bank at home and it is arguable that our military efforts today have done little but stimulate an equal but opposite enemy force.

On the economic side we have programed this year a $9.7 billion deficit. The Pentagon in making its plans seems to care little that the deficit envisions raising the national debt not only the $2 billion last July and the $6 billion last February, but also $8 billion next month. Nor is it readily apparent how the bills get paid if we fail to raise taxes at least $4 billion next year and fail to allow for the sale of $5 billion more of our paper assets in the form of participation certificates. Nor is it now apparent how a further unplanned supplemental defense deficit would be funded. Washington economics was fraught with disaster last February when we absolutely had to have the votes on the floor of the Congress to pay our bills the following week.

Unfortunately I see little real blue sky on the horizon during 1968. The problem simply is not credibility gap but the fact that the Bureau of the Budget simply is not geared to provide oversight of the Department of Defense. What is needed is some agency actually able to exercise heavy restraint on Defense spending such that the size and nature of our foreign military operations could be controlled.

I mentioned that while our war financing was almost panic on an annual basis of the war's duration, that tactical operations are to the contrary. If this was true a year ago I think that it is true in spades today. Actually at one time last year I saw a type of victory on the horizon—not so today, largely because of escalation.

I firmly believe we have escalated to no place. In the face of continuous recommendations from General Westmoreland that the war will go on indefinitely, I have failed to understand the theory of escalation. When we in the States have assumed that our force level at 150,000 or 250,000 was at the outer limit considering that a $750 billion economy was fighting a $1 billion economy without modern transportation, a Navy or airpower, we have always assumed that the large buildup had some kind of foreseeable victory in mind.

General Westmoreland has recently addressed the Congress and the country is now brought to realize that even with 450,000 men and an expenditure rate of $3 billion per month, that this is not enough.

I think that it is easy to move blindly ahead, every soldier or Congressman relying

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on the man ahead and ultimately on the Commander in Chief. When things go wrong or not as anticipated we blame the Russians, the Chinese, the Congress, the President, or the vocal minority. I think that it is time to lose a little of the Notre Dame football team spirit and take dead aim on where we have been and where we are going.

Our bombing is marginally effective. We are panicking to get a better night fighter and anti-SAM device. Our effort overall reminds me of a giant trying to swat a gnat on a sheet of balsam wood with a sledge hammer becoming very nervous in the endeavor. The largest importer into North Vietnam last year was not the Soviet Union but the United States when we dropped better than 1 million tons of bombs. It is possible that as a Great Society we are trying to solve a war problem with technology of infrared and kindred devices giving at all times too little consideration to the people problem and human nature. If we intended to break the back of the north with our bombing we have been unsuccessful. The morale of the North Vietnamese is better today after having knocked 534 of our multimillion dollar machines from the sky than it was a year ago. I am sure that they are longing to get a shot at our 14 million TFX–F–111's—that are now rolling off the runway. Neither would I classify our B–52 program as a howling success. I know when I hunt duck that unless I pick a bird out of the flock my game bag will be empty. Likewise to bomb a jungle on course and distance is noisy but little else.

While we stated a year ago that we needed to beef up our troops because there were 10,000 North Vietnamese troops in the south and that we needed at least a 10-to-1 overkill ratio to handle guerrillas in the bush—today while the United States has raised its level by 150,000 the North Vietnamese raised its level to better than 100,000. While we were fighting 225,000 solid core enemy a year ago, we now admit their numbers to be 278,000 and we frankly admit also that there is no magic in these numbers.

The casualty levels also have been a modified success story. We have talked too often about 10-to-1 kill ratio in our favor.

In the 1964 elections we had lost 450 Americans. Today we have lost 9,445 American boys and 56,327 have collected Purple Hearts and will collect pensions. In addition, last year the South Vietnamese lost 13,154 and 29,597 were wounded. Other allied losses are 845 dead and 2,330 wounded—all as of last week. Total casualties on our side of 102,062 last year alone then must be measured against 84,430 Vietcong dead and 126,645 estimated wounded. Since Vietcong casualty figures must be discounted by unidentified civilian casualties counted in the overall numbers it is readily apparent that an enemy casualty ratio of 1 to 2 would be optimistic.

And how are we doing on the ground. When last year the I Corps and the Mekong were well in hand—this year they are both open-ended areas. Army troops which should have been programed to pacify the Mekong bread basket are now all tied up on the demilitarized zone.

In addition, we should take stock of attitudes outside of Vietnam. The Soviet Union to date with a gross national product half the size of the United States has engaged in the war only modestly. The 120 Soviet ships that called on Haiphong last year is but a few percent of the U.S. sailings to Saigon. The Soviet Union has expended in North Vietnam to date in 15 years about the dollar amount that the United States expends in the south in 15 days. The Soviet Union is now considering a more ambitious program and it is no wonder since the United States indiscriminately calls every enemy peasant casualty a "bloody Communist."

The Soviets of recent date are holding support rallies for North Vietnam. But for the accident of the Sino-Soviet cleavage the United States might have had the "fat in the fire" already. With Soviet opinion hardening I see nothing but a foreboding future for United States-Asian policy.

And how about opinion at home. Admittedly draft conscientious deferments are running 4 to 1 of previous encounters. Dr. King and Black Muslim Clay cannot now be considered as isolated objectors. The college community with serious reservations in the past will have calamitous reservations in the coming year. The Republican policy position recently disclosed statement in a measure indicates the possibilities for some men's logic. As more butter and bread are cut out of domestic programs in the coming year, more Americans will be introspectively quizzical of our policy.

What does this dissent mean? It means that the opinion is entitled to respect. In local school bond elections the rule of thumb is that bonds cannot be issued to levy a tax on all unless two-thirds of the voters assent. We can't remove a man from Congress once seated under the Constitution unless two-thirds of the Members so vote. Yet we subject every young person not deferred to the draft while 63 percent of the people of the country only have subscribed in a poll to our foreign policy.

Legally the United States can pursue its present foreign policy course. Not to be concerned with the respectable minority, however, is foolhardy.

I would say then that the better part of valor at the present time would be for the administration to be deadly serious with itself as to where we have been and where we are going. It will profit us little as a nation if we exhaust ourselves economically on North Vietnam only to find that our curtailment and lack of attention to the rest of the world, including the Americas, has allowed a Communist foundation to be dug on our hemispheric mainland. While our policy in Vietnam at one time was a matter of choice, at the present time it is monumentally compulsive. We criticized last year the U.S. AID program in South Vietnam as a conglomeration of confusion. If the situation is any better today I am unaware in spite of a major AID effort at reorganization. The South Vietnamese revolutionary cadre system of 30,000 men has suffered high casualties over the last year and is now reputed to be ineffective. What this all really means is that the war on poverty for the world's deprived and underprivileged must be fought offensively through effective AID programs in a time of peace rather than defensively at a time of war. Because people are bound to wonder if the United States does not care for any political future at a time of peace, why do they care at a time of war with communism? I sincerely hope that one day we will realize that American wealth was given to us for a purpose. If we would help our neighbors but 25 percent of the magnitude of our military assistance, there might truly be a hope for peace in our time. The fact that AID and poverty programs are ineffective for reasons other than money is another story.

Finally I would like to offer my views looking toward resolution of the Vietnam issue.

How should the United States resolve our current international dilemma? First, we should recognize that we are escalating to nowhere. We should resist escalation at all costs unless we know the escalated result. We have played too much blind man's bluff on a major scale too long. We should unilaterally scale down our cost and size of operations in South Vietnam and keep the burden of the conflict on the Vietnamese themselves. We should recognize, I believe, that the alternative to being pushed into the Tonkin Gulf in 1965 is not wholesale, all-out war in 1967 especially when our commander in the battlefield has no predictions for victory whatsoever in the foreseeable future.

If actions were scaled down and if our war budget could reapproximate the $5 billion level, then we would be postured as a nation to wait out the hardheadedness of Ho Chi Minh. He sees us now restless in our Great Society and today his patience is better than ours.

In some encounters in the past perhaps we had not the option to reason why, only to do and suffer the consequences. Today we are involved in a new kind of undeclared war which is concerned not so much with a mad dictator's lust for power, but with a surge of people to better their plight. While we can destroy a dictator, you cannot destroy a whole people.

It is inevitable, therefore that the present conflict be concluded with some kind of an accommodation by the people on both sides of the encounter looking toward their mutual development. The United States has been, perhaps, too ready with the olive branch in the past and now grows weary of offering to negotiate. In time I believe tensions will relax to the point when Ho Chi Minh will talk. It is to American interests that the balance of the world, free and Communist, not become too exercised or alarmed in the meantime.

Mr. Speaker, some prior views on the Thieu-Ky position on alternative governments for South Vietnam may be gained from the following statement of Mr. Thieu last month:

> The clearcut limitation of this outburst of political expression is the government's ban on any public or published advocacy of a "coalition" government with the Communist led National Liberation Front. That is a "betrayers peace" in the eyes of the Vietnamese government.

Have Thieu and Ky changed. I am personally doubtful, but possibly political realities have finally impugned on their monomanical view of life.

On August 19, 1968, I spoke before the Democratic platform committee meeting here in Washington, D.C. I made a plea for deescalation at that time. The Midway announcement is in accord with my recommendations of a year ago. At this platform hearing I also outlined what I consider to be an intelligent policy to follow in Southeast Asia in conjunction with our military disengagement, I would like to repeat those suggestions now, as they are still viable and very opportune:

Remarks at Platform Hearing

What I am concerned with, Gentlemen, are the 2,000 little red marks on the classified briefing maps in South Vietnam where our intelligence indicates the people support the Viet Cong. What do we offer these people to lay down their arms? I say the South Vietnamese tail has simply got to stop wagging the American dog. How do we regroup so that the South Vietnamese will be conditioned to compromise which is currently lacking in their posture.

I spoke on this matter on the House floor November 16, last as follows:

"I say the solution is simple: Retract our American Goliath posture and de-escalate to Vietnamese proportions. Sell the war back to the South Vietnamese by slowly retracting and reducing our troops and dollars. North Vietnamese fanatics can only be stopped by South Vietnamese fanatics. Save American boys' lives and U.S. fiscal solvency and redevelop American cities with workable programs with the surplus that remains. The effect of this retraction might allow all the Vietnamese to work their will in the Tonkin Gulf; would cause the Soviets to retract their shipping to Haiphong, which has increased

50 percent in the past 9 months, and if nothing else might form the basis for negotiations which the American people now want by the polls 2 to 1."

Specifically what kind of policy action am I suggesting we take? If a new policy is not determined the electorate and the Democratic convention will erupt.

To outline the policies that we can't pursue, I believe is to indicate our course of action.

1. Though General Lemay and others wanted to shock bomb North Vietnam four years ago, this alternative is no longer open. Bombing in the North exceeds World War II levels but considering that their economy is equal to Arlington County only there are no targets. Large bombers would be SAM vulnerable. We could bomb towns and people with nuclear bombs and invade North Vietnam, but only a few percent of the American people support this alternative. This alternative does have global consequences.

2. I frankly believe that a cut and evacuate the area theory likewise could be disastrous. To evacuate might create a Southeast Asia vacuum that would draw in many unfriendly imperialist types.

3. I likewise believe it grossly unwise to continue to spend $40 billion per year as we are doing buying the South Vietnamese into corruption, complacency and uncompromising idealism, illsuited for the times.

4. The alternative is to stage down. Colonel William Corson, U.S. Marine Corps retired, just concluded several years commanding a 6,000 man battalion in Vietnam and he also spent six months in Vietnam analysis in the Pentagon. He recommends as do I that we back off the war to a $5 billion level selling the war back to the Vietnamese. (Today the Colonel suggests forthwith withdrawal.) The Colonel spells out in Chapter 12 of his book "The Betrayal" of the political and economic war how this can be done. I believe an $850 billion economy can fight a $1 billion economy at an effective rate for $5 billion per year. The difference would reduce the deficit and be used to enact *better domestic* programs.

1. Corson suggests we halt most of the bombing in the North since the results outlined by Westmoreland have occurred—we've drummed up a hornet's nest.

2. Stage down our troops in half and force the war back on the Vietnamese.

3. Regain complete control in the United States of all AID and military pay and allowances in Vietnam removing control from the Vietnamese Army.

4. Develop a government that represents all factions in South Vietnam, such that we might have true "self determination."

For the review of the Committee I have permission of the author to attach to my statement his Chapter 12 with a further elaboration of the revised posture program I believe we need to pursue.

I believe that the Democratic Platform could well reflect many of these views and thereby give our Paris negotiators the tools to effect a proper agreement.

Proposed Democratic Platform: A New Direction for the 1970's

We recognize that the promotion of Democratic institutions in Vietnam has been extremely difficult under seige of war. However, we believe that the prolongation of the war has been abetted because of the inability of the Vietnamese to achieve a complete democracy. We believe that an incomplete democracy in Vietnam during the past five years at least has created divided loyalties in that country and frustrated attempts to develop a meeting of the minds compromise of the warring factions in that country.

We believe that the causes of the incomplete democracy stem from:

(1) The war;

(2) American wealth intervention that has been unreasonable in size compared to the economy of Vietnam;

(3) Corruption at most levels of Vietnam government activity, the same being abetted by American assistance;

(4) Factionalism among religions in Vietnam;

(5) The exclusion from the election process of all factions including 80 percent of the rural area of Vietnam that are not strongly supportive of the ruling party;

(6) The domination of the government by military leaders;

(7) The absence of an Allied Unified Defense Command.

We recognize that an agreement with the warring factions will be extremely difficult in Vietnam. We further recognize that statements such as this, while they may interfere with the Paris negotiations, will also form the basis for a true set of principles upon which we can negotiate.

The North Vietnamese and South Vietnamese we recognize as sovereign entities. This fact should not hamstring a modification of American policy. Further American aid to the South Vietnamese should be properly subject to new conditions. *New conditions* should vastly improve the ability of the South Vietnamese to accustom that country to compromise. Many of these conditions can be unilaterally insisted upon the United States.

(1) Further American economic aid will be disbursed by American forces by direct distribution to the people.

(2) Land reforms and inequitable rent collection in areas receiving our aid will immediately come in for reform and effective modification.

(3) Military forces will be unified under a joint command.

(4) Military pay and police compensation will be administered by the United States when we are the source of funds.

(5) American free speech guarantees shall forthwith control all areas subject to aid by the U.S.

(6) New elections and a new Constitution will forthwith be promulgated, allowing all parties and factions to enter candidates on a one-man, one-vote basis.

(7) Negotiations will forthwith be undertaken between all conflicting factions in North and South Vietnam.

(8) Conditions agreed upon by an all Vietnam faction conclave shall forthwith form *conditions* for further American aid.

(9) *Pending* implementation of these new conditions, bombing North of the D.M.Z. will forthwith be staged down very substantially; troop replacement will abate and alternative plans will forthwith be drafted for *a substantial reduction of American forces* and their replacement with all *Vietnamese* forces.

(10) International control supervisors shall be effectively implemented.

(11) American expenditures in support of the war will forthwith be reduced from a near $40 billion annual level to an average annual expenditure of $5 billion.

Chapter 12—To Stay Or Not To Stay?

"Now let us assume that we lost Indo-China. If Indo-China goes, several things happen right away. The peninsula, the last little bit of land hanging on down there, would be scarcely defensible. The tin and tungsten that we so greatly value from that area would cease coming, but all India would be outflanked.

"Burma would be in no position for defense. . . .

"So when the United States votes $400,000,000 to help that war, we are not voting a giveaway program. We are voting for the cheapest way that we can prevent the occurrence of something that would be of a most terrible significance to the United States of America, our security, our power and ability to get certain things we need from the riches of the Indonesian territory and from South east Asia."—President Eisenhower at the Governors' Conference, August 4, 1953.

The national agony over Vietnam, with the exception of that felt by "liberals" like Mary McCarthy who can conceive of no reason for our presence in Vietnam, is derived from our failure to achieve readily and easily the goals we proclaimed for Vietnam. Mary McCarthy, unlike her heroines in *The Group*, who knew that storks don't bring babies, indicated clearly how she would resolve the complex problem of American involvement in Vietnam by saying. "I confess that when I went to Vietnam early last February (1967) I was looking for material damaging to the American interest and that I found it, though often by accident or in the process of being briefed by an official." Mary McCarthy is a brilliant, articulate author. Her book *Vietnam* is an accurate though limited and surface-bound indictment of what our current policies have produced. Unfortunately, Mary McCarthy and the others she mentions—Schlesinger, Galbraith, Fulbright, Kennan, and the congressional doves—would like us to get out of Vietnam but do not know how to *do* it. As the liberals' most effective spokesman on Vietnam, she portrays the dilemma thrown at those who advocate cut and run when she says:

"But now resting comfortably on this mountain of errors, he (the American official) looks down magnanimously on the critic and invites him to offer a solution. He is confident that the critic will be unable to come up with one. And in a sense he is right. If you say 'Get out'—the only sane answer—he pounces. 'How?' And he sits back smiling he has won. The tables are turned, and the critic is on the defensive. If he tries to outline a plan for a rapid withdrawal (conscious that 464,000 troops, plus their civilian supporting services, cannot be pulled out overnight—and what about the loyal Vietnamese—should they be left behind or do we owe them an airlift to Taiwan?), the plan inevitably appears feeble and amateurish in comparison with the massed power and professionalism of the war actually being waged."

Mary McCarthy falls for one of the oldest strategies in the debater's handbook, i.e., the false dilemma. The Administration has used this technique most effectively in the past several years by making the critic argue that there is no alternative to present policy except massive escalation of the war or unilateral American withdrawal. Any other alternatives have been disposed of by sleight of hand to indicate that they are minor variations of what he is doing. As we have seen, the Other War has been betrayed as military strategists have pursued one fruitless escalation after another. The Administration has for four years produced neither military victory nor peace negotiations. Administration policy is stuck on dead center, though, as will be discussed below, it is teetering on the edge of a major disaster.

Going back to President Johnson's statement at Johns Hopkins University on April 7, 1965, when he said we were in Vietnam "to strengthen world order . . . to slow down aggression . . . to improve the life of man in that conflict-torn corner of the world" and that "our objective is the independence of South Vietnam and its freedom from attack. We want nothing for ourselves—only that the people of South Vietnam be allowed to guide their own country in their own way." Let us see how any or all of these goals can be achieved in spite of three years of grievous error. To do this I propose to examine the explicit and implicit *how* which is essential to be able to make a choice in the "to stay or not to stay" dilemma. Either course is feasible and can achieve the basic goals. It is important at the outset to realize that the choices available to America are not con-

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fined to "cut and run" or "burn, baby, burn." President Johnson's goals are not unreasonable, nor is it unwise to pursue them on a realistic basis.

The leverage to get GVN acquiescence for our strategy exists, though like any of the steps set forth below it requires guts to use or implement. There is an entire spectrum of leverage available to the United States to accomplish the features of *how* to stay or not to stay. The important thing to remember about leverage in dealing with the GVN is that our actions do not have to be preceded by "May I?" Too often in the past we have played the role of Uriah Heep to avoid offending the tender sensibilities of our hosts. It is time to act like a mother-in-law. The means of leverage will be discussed after we look at the various steps in both the "to stay" and "not to stay" strategies.

First let us consider the to stay horn of the dilemma. I assume that in order to stay it is mandatory to lower the political pain of the war to our nation. The emotional, physical, and dollar costs connected with our presence must be reduced to a level where they can be tolerated. This can be done, and at the same time we can move toward the goals set forth by President Johnson. Six separate but closely related steps can be taken simultaneously. Each step produces a gain, reduces costs, and promotes a greater likelihood of success in achieving the goals. General MacArthur contended that "there is no substitute for victory." In a simpler time and place MacArthur's dictum made sense, but in Vietnam "victory is defeat"—that is, to pursue a MacArthur type of victory would put us in a situation like the one the doctor described when he said, "The operation was a success but the patient died." In reference to Vietnam, the patients may very well include both the United States and Vietnam. The first step (to be taken simultaneously with the others) is to stop all aerial warfare against North Vietnam except reconnaissance overflights. There are many reasons to justify this step. In the jargon of the Pentagon, the bombing of North Vietnam is not cost-effective. We are spending annually between $6 and $8 billion to continue the air war in North Vietnam. The justification for stopping the bombing is that bombing does not produce the advertised results in stopping or slowing infiltration. At no time has the aerial circus in North Vietnam been worth the price of admission. In fact, it has enhanced Ho Chi Minh's political control and has paved the way for the North Vietnam hawks to reject the substance of peace initiatives by the United States. The immediate cry of our air-power enthusiasts to proposals to stop the bombing is that "our soldiers and airmen would be perilously exposed." Baloney! Crocodile tears over the plight of ground forces are eyewash to cover up a vain desire to get more planes, more pilots, and more appropriations. The truth of the matter is that our troops suffer more from the bombing of North Vietnam—due to the lack of *suitable* airpower in *South* Vietnam—than does the enemy. The paid statisticians are quick to point out how much air power is available to support our troops in the South, in an effort to prove that there is no "shortage." The statistics lie. Tactical close air support for U.S. and ARVN troops in Vietnam is a tragedy. What tactical close air support is available is over-used and improperly applied.

The air war in North Vietnam is a costly fraud. A very small number of Air Force generals and Navy admirals with the unwitting assistance of congressional leaders have gained a great deal of power at the expense of the American public. It is interesting to speculate on what might have been done to avert the United States riots in 1967 and 1968—and perhaps those still to occur in 1968—with the money and resources wasted in the skies over North Vietnam.

The doves who advocated stopping the bombing have done so primarily on humanitarian grounds. This is admirable, but not really relevant. Until April 1968 the Administration dismissed the doves' argument by pointing out that previous pauses in the bombing did not produce a response from Hanoi. In this rebuttal the Administration again used the false dilemma to clear advantage. However, when the political disenchantment with the war was manifested by Senator McCarthy's successful challenge to the President's position, an open-ended though limited bombing pause was announced. This action clearly told Hanoi that President Johnson is not totally unresponsive to domestic political pressure even though in the past he responded like a puppet on a string held by the Joint Chiefs of Staff and Walt Whitman Rostow in impugning the motives of the doves who advocated stopping the bombing. This is the smoke screen the air-power enthusiasts have used to cover up an objective appraisal of their actions. It has been a slick operation. When Admiral Ulysses S. Grant Sharp (Commander in Chief, Pacific) and General John C. McConnell (Chief of Staff, U.S. Air Force) appeared before Senator Stennis' Senate Preparedness Subcommittee in August 1967 to sell more bombing, their testimony was a beautiful exercise in illogic. Sharp and McConnell played the "target" game to the hilt.

Announcing a bombing pause may gain the President some political advantage, but there is another, even more politically effective, tactic: just *stop!* Stop *all* bombing. No fanfare, no announcements. When the press gets around to asking why, a simple, truthful answer can be given: "Because the bombing does not promote our objectives in Vietnam." Let our friends and foes make of our actions what they will. Predictably, the enemy will use our action for propaganda purposes, but in their inner circle there will be confusion. Our "friends" will be forced to cease criticizing. Curtailing the domestic and foreign noise level about bombing *has* to be a plus.

To sum up and re-emphasize, the main reason for stopping the bombing is: *it does not work!* The political capital, both foreign and domestic, which can be acquired by stopping all bombing is ancillary to the main reason, though by no means unimportant. To his credit, Secretary McNamara tried to point out the facts to Senator Stennis' subcommittee, but to no avail. The air-power case is specious, but like clever trial lawyers its pleaders used emotion, not reason, to win their case.

The second step is literally more down to earth. It is: eliminate all illegal land rents and agricultural taxes in Vietnam, which would do more to strangle the GVN personnel who feed on corruption than any single course of action we could adopt. Getting the GVN to go along with the idea would require the kind of politicking (not necessarily originated in the United States, but a type we understand quite well) we have avoided up to the present time in Vietnam. Proceeding on the valid assumption that *all* politicians like to cut taxes, it is possible to use the Upper and Lower Houses of the GVN to force Thieu and Company to do what we want. Support for legislation to eliminate illegal land rents and agricultural taxes can be bought cheaply, much more cheaply than our own congressmen are bought. To deny that ours or theirs cannot be bought is to deny reality and history.

The legislation needed would be simple and relatively easy for the United States to enforce. The bill must call for a *popularly* elected hamlet or village council to pay the legitimate land rents and associated charges to the land owner. In this sense, the elected council would serve as the broker for the peasant and could be counted on to observe the statutory 25 per cent limitation on land rent. Because money would change hands, the GVN must be kept out of the transaction. The problem of determining an accurate estimate of the total crop can be solved by including in the bill a positive incentive for production. This second aspect of the bill would replace the agricultural taxes levied against the farmers. Since they are unfair, difficult to collect, and an unreliable source of revenue, these taxes fail all three of Adam Smith's canons of taxation. Out of the total revenues collected by the GVN only 11 or 12 per cent is provided by the agricultural taxes and yet the piastre value of the taxes collected is almost equally offset by the cost of collecting them because of the graft and the expensive overhead of the tax-collection system. Needless to say, the Vietcong make excellent propaganda use of the GVN agricultural tax irregularities.

In order to avoid agricultural taxes the peasant would be required to sell his rice to a private outlet at a competitive price, and then he would be given a receipt indicating how much he had sold and what price he had received. He would then present the receipt to his hamlet council in order to receive his production bonus, which would be based on how much he *would have paid the GVN in taxes* for that amount of production. Furthermore, the more rice sold, the greater his production bonus. Instead of being penalized, the peasant would be encouraged to increase his crop, thereby offsetting the decline in rice production that has made it necessary for the United States to export larger and larger amounts of rice to South Vietnam at considerable expense to the U.S. taxpayer.

In addition, inventory control would be possible because the sales receipts could be totaled to find out how much rice is actually available in South Vietnam. In the past we have had no way of knowing how much rice was on hand because we depended on GVN statistics. As a result we have exported tremendous amounts of rice, which has ended up in the hands of the Vietcong or been sold to Communist China. And finally, by providing a record of the peasants' rice production, the receipt slips could be used to determine the amount of rent he must pay to the landowner. Furthermore, the hamlet council's disbursements to the peasant for his marketed rice could be used to provide a rational and realistic figure for U.S. economic assistance to the hamlet. In other words, the total production bonuses paid by a hamlet council would equal the amount given to the hamlet for economic assistance.

Central to this entire idea is an open and above-board activity conducted by the *elected* representatives of the local people. Historically in Vietnam there are ample precedents for this action. The old saying that the emperor's edict stops at the hamlet gate derives from the fact that hamlet improvements were generated by the people themselves from the proceeds of a "common" piece of land to which the residents donated some of their labor and resources. The honesty of the peasant in dealing with his neighbors is sufficient to make the plan work. From a cost standpoint, if this program were applied it would produce an annual reduction of $85 to $100 million in current U.S. economic assistance. By making the peasant's production-bonus payment directly through the hamlet council and providing the hamlet council with the funds for development it would be possible for the first time in the history of American foreign aid to get 100 cents on the dollar.

Obviously, the decision how to use the economic-assistance money should be left to the people of Vietnam, who sensibly made this kind of decision without the benefit of a central government for thousands of years before we stuck our nose into their business. Certainly this idea does not "promote" or "pave the way for the GVN." On the other hand, it does achieve LBJ's goal of allowing the Vietnamese people to "guide their own country in their own way."

The third step addresses the problem created by the lack of upward social mobility in South Vietnam. As we have seen in the discussion about the GVN, anyone who comes from the rural or urban poor is unable to get a better job, be promoted beyond the rank of sergeant, attend high school, and so forth. In the Viet-cong the opportunity to go as high and as far as their talents will take them is a powerful recruiting incentive among the rural and urban poor. The educational elite which dominates the GVN/ARVN is a reactionary clique, and it has consistently foiled all our attempts to "humanize" or to make the GVN responsive to the just demands of the citizenry. Somehow this domination must be broken if any sort of nation is going to emerge out of the carnage in Vietnam. I propose to achieve a "countervailing" power to break this domination.

As always in trying to achieve a goal, the mechanics of "how" are crucial. Simply stated, the proposal entails the establishment of fifty high schools, junior colleges, and technical schools with at least one per province and a minimum of 1,000 students per school. Tied in with this program there should be a system of scholarships, grants, and so forth to provide the children with advanced education at U.S. colleges and universities. This is one thing we *do* know how to do. America's capacity to educate youth has the highest applicability for Vietnam, although it has scarcely been used; instead, our aid to education has consisted of building schools which in turn have merely served to provide recruits for the Vietcong.

Immediately the critics will say that such a program cannot be accomplished. There are barriers of language, selection of students, and physical facilities. To the critics, I say that not only can it be done, but that the United States, in an equally hazardous and complex situation, has done it before. The case I have in mind is the "pacification" of the Philippines at the turn of the century. America can take pride in how the Philippine insurrection was quashed or why we became involved. It was a brutal application of military power. However, one feature of our effort is noteworthy and is appropriate to our present difficulty in Vietnam, and that is the education of the Philippine youth. At the insistence of William Howard Taft, who was the first U.S. governor of the Philippines, American soldiers served as teachers in the rural schools from 1899 to 1901. English was the sole medium of instruction. This program was so successful that Taft urged President McKinley to send a thousand teachers to the Philippines to teach the future leaders. McKinley agreed, and in the spring of 1901 a thousand American civilian school teachers arrived in the Philippines aboard the U.S. Navy transport, USNS Thomas (the teachers were henceforth known as the "Thomasites").

The people of the Philippines enthusiastically embraced education for their children. Rural schools were built on private initiative with private funds. The result of this effort was the training of future leaders of the Philippines, who were able in 1946 to run their own country—and to defeat, without U.S. help, a Communist-inspired insurgency.

I propose that we do the same thing again—that is, train and educate the most promising children of Vietnam without regard to their economic status or the political ideologies of their parents. The physical plants to house the students already exist in the form of the many base camps which have been vacated since the Communist Tet offensive. As in the Philippines, the medium of instruction should be English—American English. It is the language of commerce, the language of capitalism, and more importantly the language of free political institutions. Each CAP presents an eloquent testimonial to the linguistic capabilities of the peasant children, and no fancy testing devices are needed to locate the brightest children. Even the most mediocre teacher is able to identify the brilliant pupil. And as for the teachers, it is not unreasonable to suppose that, from among the stateside dissenters and the International Volunteer Services a sufficient number of intelligent people might be recruited for such a program. If President McKinley could round up a thousand Americans who were willing to teach in the Philippines at the turn of the century, it is not unlikely that LBJ or his successor could do the same today.

An American-trained "infrastructure" is capable of defeating the Vietcong and successfully opposing the predatory incursions of the GVN. Lest the reader think that this idea has value only in the long run, it is necessary to point out some of its short-term advantages. The history of warfare is filled with examples of "son swapping" to keep the peace between warring tribes, and in Vietnam, the hamlet children would literally become "hostages to the future." The peasant parents of a child invited to attend our schools would incur an obligation, not by any demand on our part, but due to the cultural code of their society. Providing education for the peasant child is not like giving away a bar of soap. This feeling of obligation could be exploited to provide us with intelligence about the enemy. Security would have to be provided for the school compounds, but this would be neither impossible nor unworthwhile. If the peasant's child were in the school there would be a high likelihood of getting the few informants needed to foil the Vietcong if they should choose to destroy the school. Furthermore, if the Vietcong should succeed in destroying one of the schools, the subsequent alienation of the peasant could also be exploited against the Vietcong.

Mary McCarthy might deplore the Machiavellian approach, as she has before, but babies aren't brought by storks. Furthermore, history indicates clearly that feudalism was finally broken due to training which created craftsmen who gained a measure of power because they became essential to their feudal masters. Until the people of Vietnam have sufficient power they will remain subject to the whims, caprice, and power ploys of whatever elite exists to exploit them. Education is not a panacea for the ills of Vietnam, but without the type of education I have described President Johnson's goals are useless political rhetoric.

The imperative to undertake an educational program can be observed in any Vietcong hamlet. In those hamlets *all* children attend school. The Vietcong are preparing now for their future control of Vietnam by attending to the education of the children in the "liberated" areas. Education in the rest of South Vietnam is a travesty. The GVN policy of selective education is inadequate to provide capable, intelligent leaders in sufficient numbers to govern South Vietnam. The GVN has adopted their present policy because they seek control of, not support of, the people. I might add that during World War II one of the first things the Japanese did when they occupied various countries was to close the schools. The Japanese know—as do the GVN—that it is much easier to control an uneducated population than one able to evaluate, consider, and reject authoritarian government.

The fourth step entails an acceptance by the United States of the responsibilities for the refugees and the civilian casualties which have resulted from our improvident application of military force. Indiscriminate defoliation, artillery, and bombing create refugees and cause casualties. It would be reassuring to our military establishment if this were not so, but unfortunately it is true—and the Vietnamese people know it. The GVN is intellectually, emotionally, and physically incapable of coping with this problem. It does no good to play the "trickle down through GVN channels" game to discharge our responsibility to the innocent civilians, and to do so is to deny everything our nation represents. The refugees and casualties are *our* mistakes, and if we are not to lose the war by default we must pay for those mistakes. We have under our control military-engineering resources capable of building suitable, sanitary, warm, and dry housing for a million refugees in less than thirty days. This action would be small recompense for the mess we have made of their lives. "Refugee renewal" or construction of housing would be but the first step, to be followed by other measures such as the establishment of cottage industries to help the refugees regain their health and dignity as human beings. We would have to run the effort, as the GVN cannot be counted on to look after their own people. There are those who will argue that this would make it more of an American war. The point is academic. The relevant fact is that failure to do what is human will make it a *lost* American war. Obviously Dr. Que, who is the head of the Relief and Welfare Ministry, should be invited to participate, along with his minions, but their participation or lack thereof is not an operational consideration. With American leadership and direction it would be possible to get at least seventy-five cents value on the dollar from the thirty million appropriated by Congress to aid the refugees as opposed to the current two to three cents return. If our national image and pride could sustain the results of incarcerating the Nisei (Japanese Americans) in concentration camps during World War II, we certainly can live with the opprobrium of keeping the GVN and Vietcong from exploiting the refugees. It may not have been our policy to create refugees, but we did it; and if staying in Vietnam is to have any meaning, this group of people must be cared for.

The related problem of civilian casualties also requires action. At the present time there are only approximately 750 doctors in Vietnam and more than half of them are on duty with the ARVN. The magnitude of civilian casualties due to the war is hard to grasp. The number of civilian fatalities and casualties in Vietnam requiring medical attention beyond first aid—that is, treatment at a hospital—is proportionately comparable to thirty-five million Americans. This problem is not going to be solved overnight. Many private physicians from the United States and other free-world countries are doing what they can, but their efforts are clearly inadequate. Vietnamese doctors are available, but to get them to come to Vietnam to treat their countrymen the U.S. must guarantee to protect them from the GVN. For example, there are 1,200 Vietnamese doctors practicing medicine in Paris and another 800 to 1,000 elsewhere in the world. They are unwilling to live in Vietnam subject to the caprice and whim of Thieu and Ky and their warlord generals.

The hospital facilities to support the "repatriated" Vietnamese doctors are available *if* U.S. casualties are lowered and are treated in a somewhat different fashion from the current method. This point will be discussed in conjunction with the appropriate military actions for the "to stay" strategy.

The fifth step involves taking control over *direct* American aid. USAID through CORDS, currently turns American economic and material assistance over to either a GVN ministry or to a province chief. This system does not work. If our aid is to be meaningful we must insure that projects are completed and that resources are not diverted to line the GVN's pockets. In step two I outlined a method for funding local budgets which would generally be confined to hamlet areas

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that are reasonably secure or can be made so. Keeping in mind the picture of security as a series of concentric circles, direct American aid could be applied in increasing amounts as we moved out from the center of the circles, for that is where the action is and where the Other War must be fought and won or lost. Food production in the outer rings will remain inadequate as long as the Vietcong remain a credible threat. This gap must be closed if the people are not to be lost by default. Quite obviously the devastation occasioned by the Communist Tet offensive in the cities must be repaired, but in a much different way than we have used before. Simply stated, instead of taking the GVN on faith, our assistance should be conditional. There is no need for the United States to underwrite or subsidize the efforts of "Operation Recovery." What needs to be done is to apply a grant-in-aid approach to the GVN's rebuilding effort. For example, the GVN announced that each family whose home was destroyed by the Vietcong or the U.S./ARVN military forces would be given $40 to $86 plus materials to rebuild their home. Leaving aside the equity of the subsidy, I propose that our support be limited to 50 per cent of the amount expended by the GVN and that reimbursement for our share take place *after* the construction is completed. This means we would help, but we would not pay until the job was done. Failure to maintain this type of control over U.S. funds and assets will leave the cities in a protracted state of chaos. As sure as the sun rises in the east, if we provide funds to the GVN for rebuilding the cities it will never be done. Unless we are prepared to turn our back on the suffering caused by our and the Vietcong's actions it is necessary to be hard to be human.

Related to this step is the necessity to gain control over the funds we provide to maintain the GVN budget. As a starter in this area the ancient Oriental skin game—the pay list—must be eliminated. Currently the ARVN Corps commanders receive the piastres to pay their troops on the basis of a "head count, i.e., the Corps commander says he has so many colonels, majors, captains, sergeants, and privates—no names, just numbers. The "phantom battalions" this system produces are well known yet rarely acknowledged by our authorities.

If we are to stay, *each* ARVN soldier must have a pay book. In this pay book his name, rank, serial number, and authorized pay must be noted. The book would be the property of the individual, who would have to present it to receive his pay. This "system" could be established by our Saigon military bureaucracy rather easily if they would get up out of their overstuffed chairs. If the military bureaucracy does not know how to do it, it is suggested they look up how General "Vinegar Joe" Stilwell did it with the Chinese *armies* under his command in World War II—and his total paymaster force numbered less than fifty persons. Stilwell's experience in dealing with Oriental troops has never been fully appreciated by our army, but it is not too late to learn from the successes of the past. Parenthetically, it should be noted that the Chinese forces under Stilwell fought well because they were properly led and received the material benefits to which they were entitled. In the ARVN, outside of the "palace guard" units, the pay, to put it mildly, is irregular. Regularizing the pay of the ARVN is worth the effort, and the beauty of the action is that we would be able to turn the process back to the ARVN in two or three months. Once the ARVN trooper, be he from the regular army, Regional Forces, or Popular Forces, received his due pay, he would be unlikely to stand for swindling. As long as a person does not know his rights it is easy to swindle him, but once he knows his rights and receives them it is well-nigh impossible to withdraw them.

The sixth and final step is the adoption of a realistic military strategy that takes account of the political realities in South Vietnam and is designed to promote our stated political objectives. This strategy would include the following:

(1) Reduction of our force level in Vietnam to 250,000 troops.

(2) Closing ten of the twelve tactical high-performance aircraft bases and redeploying three-fourths of the aircraft and supporting personnel to the United States with the remaining one-fourth transferred to Thailand.

(3) Moving three of the four U.S. Navy aircraft carriers from "Yankee Station" off North Vietnam to the waters of South Vietnam to provide tactical close air support, and redeploying the fourth one back to the United States.

(4) Turning over, to provide the initial increment, seventy of the one hundred-plus "base camps" to house the refugees.

(5) Closing seven-eighths of the massive post-exchange system operating in Vietnam.

(6) Immediate redeployment of one full division each to Okinawa, the Philippines, and Korea to establish a strategic reserve.

(7) Immediate deployment of forty-five of the remaining seventy-plus U.S. maneuver (infantry and air cavalry) battalions to mobile positions in the countryside to provide protection to the rural population.

(8) Retaining approximately three full divisions as a mobile reserve in South Vietnam to exploit tactical situations on the security periphery.

(9) "Adopting" and taking over direct control of forty-five ARVN battalions to assist in the security of the population periphery. These battalions would operate as an integral element of the U.S. maneuver battalions.

(10) Merging and placing the Regional and Popular Forces under direct U.S. command to form a massive Combined Action Program with a U.S. contribution of approximately 60,000 troops. This force would be used to provide relevant and credible military security in 3,500 to 3,750 of the so-called "C" "D" and "E" hamlets.

(11) Using the remaining Regional and Popular Forces (approximately 30,000) to provide security for the refugee camps.

(12) Turning over the responsibility for the DMZ to the ARVN.

(13) Leaving the responsibility for security in the cities to the National Police.

Lieutenant Colonel Corson on Lieutenant Colonel Corson—Marine With Revolution on His Mind

(By Shelby Coffey III)

Lt. Col. William R. Corson is a retired Marine who looked back in anger, wrote a book on Vietnam in 1968 called *The Betrayal* and thereby pitched the Pentagon into a flurry of threats and promises. He's more. He's also a child of the tough side of Chicago who entered college at 15. He has led Marines in combat in three wars, is getting a Ph. D. in economics, and was one of that special, romantic breed of tough idealists who quietly fought the Cold War in Asia. He is one of America's leading experts on revolution. He still consults for the Pentagon on "matters of national security" but refuses to take a fee. Glittering names sprinkle his conversation like fragments in a meteor shower . . . "And then I told Jack Kennedy in the White House" . . . "Fermi told me I'd never be a physicist because I was too pragmatic" . . . (on the phone) "Tell Gen. (Maxwell) Tayor to shove it . . . "

A friend calls him "one of the hardest sons of bitches ever to come down the pike" and Corson quotes him approvingly.

If it weren't for the bitterness and the "many prices I paid" the whole tale of William Corson would read like a chapter out of some Captain America fantasy, complete with cape and M-16, with intellectual brilliance and barracks curses.

When Bill Corson, 43 and filled with irony and anger and even hope, reviews what has gone before, these are among the things he enumerates as having part of it:

He carried the fuse of the first hydrogen bomb in the trunk of his car from Port Chicago to Oakland, California in 1953.

He was in charge of Marines assigned to guard American negotiators at Panmunjon, in case the enemy tried to overrun the negotiations.

He played golf on a monthly basis with one of the top communist espionage agents in the Far East.

He was one of the first Americans to tour Hiroshima and Nagasaki after the atomic bombs fell and this "had a great effect" upon him.

He led the Marine "Combined Action" pacification program in Vietnam which produced what his admirers claim to be our only victory in that war. The 78 hamlets that Corson's troops worked with held fast during the major Tet offensive in 1968. As far as anyone can tell.

At the moment, Bill Corson lives in comparative quiet in Chevy Chase, Md. with his second wife and two sons. Dark crescents of fatigue usually underline his gray eyes. He smokes heavily, dresses in somber suits, refers to Robert E. Lee as his military hero and thinks Jesus Christ was a perfect man, "even though I'm not a Christian."

He is getting his Ph. D. in Chinese money policies (from American University) and has been lecturing at Howard in economics. But there again controversy has tinged his position as it has much of his life.

His voice has the texture of pouring sand, an officer's voice at a briefing of apple-cheeked second lieutenants.

And sometimes, just to make sure you remember who you're talking to, the voice will slide into something like "I could kill you in eight seconds . . . But I don't have the instinct for that sort of thing anymore."

"The colonel, though sometimes scary and what he might call Machiavellian, is not a Spook."—Mary McCarthy in her book *Vietnam* after visiting Corson.

Sorry about that, Mary. But Bill Corson was Spookier than Halloween. A "Spook", in common parlance, is a CIA agent. Not long after the Korean conflict, Corson took a "quick course in Chinese" and began to fulfill special assignments for "the Company." Six, nine, twelve-month assignments in "Asia—that's all anybody needs to know—as far west as Pakistan."

Now and again, lecturing to classes and different groups, he will use examples from those days, like the Nationalist Chinese team of commandoes which was questioned so thoroughly by personnel bureaucrats just before their mission that, shaken into Hamlet-like self-doubts, they were all captured behind the Bamboo Curtain within 24 hours.

And Corson will illustrate how selective terrorism can quash a revolution by remembering the actions of Ngo Dinh Diem's secret police in the Vietnam of the late 50s. He remembers how the police would come into a village, line up every 20th man against a wall and—seemingly with no malice or reason—shoot them to death. The enemy National Liberation Front, Corson says, could make little headway with the thoroughly cowed population.

There are hints of more personal violence, mentions of men who had their hands chopped off in order to seize briefcases locked onto their wrists. Corson alludes, evades, remembers. You conjure images: . . . "I told Jack Kennedy" . . . the Chambers of Might in the Pentagon . . . quiet brutal reports to graying policymakers in the CIA . . . the striking of Satanic bargains in the Orient . . . the sheer endless labor of the new languages, the unreliable contacts . . . Corson

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lets the images grow one minute. He knocks them down the next.

"We were whores," says Corson, staring gloomily into a glass of cheap bourbon and water at home, "cleaning up the garbage of America's mistakes."

The brutal imagery of the ambivalent lover. The almost flirtatious hints of what *really* went on.

One acquaintance who has known a number of the military men who carried out "special assignments" for the CIA sees them as a *type*. The greatest public success achieved by any member of the group was Air Force Maj. Gen. Ed Lansdale's discovery in 1952 of Ramon Magsaysay in the Philippines. (Magsaysay was President of the Philippines when the Communist revolt there was crushed.)

A lot of the military-Agency men in Asia through the 50s tried to duplicate that success, tinkering with revolution and counterrevolution in different countries. The acquaintance feels that this type had the almost cliched qualities of idealism, romanticism and cynicism in common. "As much as they might like to curse everything and threaten to quit or threaten to write a book, they'd be back up in the hills in a month if they thought it would accomplish anything."

But beyond this deadly business that baffles and intrigues, serious personal consequences could result. For example, when Corson was off on the half-year and year-long tours in Asia, his family didn't know where he was, didn't know if he was dead or alive. Corson was divorced from his first wife in 1964, and he counts the marriage as "a casualty of the Cold War . . . that was just one of the prices many people playing games with the Communists in Asia paid. One of the prices for keeping this country afloat."

Looking surprisingly like a scaled-down George C. Scott with his broken nose, thin lips, and high forehead topped by graying curly hair, Bill Corson is explaining the intricacies of being a slumlord to his economics class at Howard. The class sits in rapt attention while he shows how two men can keep selling a $100,000 house back and forth to each other and clear over $60,000 every two years. Corson is not an orthodox teacher. Metaphors sprinkle his discussion of abstracts; he constantly tries to relate theory to "the real world."

He is not professionally popular with the economics teachers at Howard, and they recommended that his one-year contract as a lecturer not be renewed. But after the class several students stick around to talk about the economics of the ghetto.

"I'm a slum kid myself," says Corson. "I can understand what they're talking about."

But Bill Corson was a very special slum kid who had a powerful angel. His parents were divorced when he was 2; he spent some of his childhood with his grandparents in Chicago and had a newsstand at the age of 10. When he was 14, he took off for a year of banging around the country, a year of picking fruit and learning how to gamble. As a migrant worker, he met a number of blacks and considers it possibly "the most revealing period" of his life. Finally, Corson relates that he was carved up in a knifefight in which a good friend, dying in Corson's arms, told him to go back home and fight things out.

Corson went to work for the *Chicago* Daily News, where publisher Frank Knox, later Secretary of the Navy, started a reclamation program on the bustling young man. At Knox's urging, he took an examination and became a scholarship student in math and physics at the University of Chicago, where Knox was on the Board of Trustees.

When World War II broke out Corson joined the Marines as a reaction against his Phi Gamma Delta fraternity brothers, who were all taking the "clean sheet route," joining the Navy, traditional wartime haven for the upper crust.

He served as an enlisted man in the Pacific campaigns in Guam and Bougainville, became a Gunnery Sergeant, and was part of a commando team designated to pick up Japanese atomic scientists—until it was found out that the Japanese were still laboring in the Dark Ages of nuclear development.

After the war Corson went back to the University of Chicago and concentrated on economics for a year, after Dr. Enrico Fermi helped him decide physics was not his field. Suffering from malaria, picked up in the Pacific, he went to the University of Miami to teach and study economics and became embroiled in another controversy as a result of the "Joe McCarthy influence" that was frightening academics during those years.

Corson says he never meant to be a crusader but was somehow the leader of a group that refused to be intimidated by such overreactions as a Florida State Legislature ban on discussing segregation in the classroom.

After writer Mary McCarthy (who later went to Hanoi at the invitation of the North Vietnamese) visited him in the hills above Danang in 1967 to see what his pacification program was up to, she quoted him as telling her that he had thrown a newspaperman down the stairs in Chicago for "calling me a Communist and a Fascist in the same breath." Actually, he says, that happened in Florida and helped lead to Corson's rejoining the Marine Corps in 1950. Corson says Miss McCarthy may have gotten her facts wrong because during the course of their conversation he asked her to stay the night with him. She refused and he accused her of lacking the proper romantic spirit. "She would have enjoyed it," laughs Corson today, "but she trotted back to safety in Saigon."

Not long after, an incident occurred that gave Corson "the reason to get up at 5 a.m. every morning" to write his own book on the war. A young Marine in the pacification program—"a fine monument of a man"—was mortally wounded, and Corson was with him as he waited for the evacuation helicopter.

"He said to me, 'Colonel, doesn't anybody care?' I told him they did. He asked me why someone didn't tell them the truth about the war. I said I would. And he grabbed me by the arm and said 'Colonel, do it!' Then he died, right there in my arms."

Upon return from Vietnam, Corson had planned to retire but was asked to serve in the Pentagon because of his Asian experience. When he finished *The Betrayal*, he filed it with the Department of the Navy, which passed it along. Then what he calls "the treatment" started.

"People would tell me I was a shoo-in for General, there was a medal in the mill, I was slated to go to the War College . . . then they started to get nasty and some apple-cheeked lieutenant would start to make threats . . . Then they threw the Big Knife and tried to hold up my retirement."

The "crunch was on," and Corson's new wife and children were worried. But not Bill Corson. He slept well. "When you've been The Enforcer, you know how the game is played. Generals forget the rules. They think they can do anything."

He broke the story to *The Washington Post*. As embarrassing national stories bedeviled the Pentagon, the Pentagon retreated. In July of 1968 he became a private citizen. Five days later his book was published, to generally high praise. In a concise style, sometimes Menckenesque in its rage, he blasted the Vietnamese government, American involvement and Army strategy. Some of the conclusions about subjects of which he did not have first-hand knowledge are reputed to be dubious, points to quibble over. But the book made something of a splash. As one Marine still in the Pentagon puts it, "He ought to thank the Corps for helping publicize the damn thing."

Corson, for his part, says that certain figures in the Johnson Administration were the ones who really didn't want to see it published, men whose careers depended on the Vietnam war going well. He claims that the book was brought up in one of the "ad hoc Security Council" meetings and was finally dismissed as not being too harmful since, as one of the members reputedly put it: "Nobody reads books anymore."

Growing heated over what is happening in the Pentagon, over vested interests at large and the men who can think of nothing except to "cover their asses," Corson calls the building "a bucket of vomit."

Gesturing to huge rows of white paperback books in his den, Corson says, "There are all the Chinese books on revolution. In Chinese. I've read them . . ."

The subject of revolution is still one of Corson's major concerns. The jargon of revolution and mathematics sometimes clutters his conversation. He thinks America may be in the embryonic stages of a revolution and is in fact working on a new book about students and blacks and how they fit into the social elements necessary for revolution.

Mr. Speaker, again, I want to emphasize that we have been calling for such steps for years. On February 2, 1966, I made a direct plea to President Johnson for a settlement of the Vietnam issue. This was followed by another letter on June 28, 1966. During this time the escalation continued. On January 30, 1967, I made still another plea. This was again followed by a fourth letter on August 8, 1967. As before, the same policy of more and more fighting with fewer and fewer results was followed by the President. On March 14, 1968, I addressed my last letter to President Johnson. Seventeen days later President Johnson announced his pending retirement. Unfortunately, our disastrous Vietnam policy did not retire, however, and as the Paris talks stumbled at the start, the military solution was still foremost in our plans.

On July 19, 1968, I addressed my first letter to Vice President Humphrey under the assumption that he would be the next Democratic presidential candidate. This was followed up by a second letter on September 10, 1968. I would now like to insert relevant excerpts from all of these letters—excerpts which clearly show the frustration of many Members of Congress during the past few years.

Congress of the United States,
House of Representatives,
Washington, D.C., February 2, 1966.

Hon. Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: * * *

1. Our bombing in North Vietnam has been reasonably ineffective, so certainly an abatement for a while longer would not jeopardize our troops in the South. It might even help since there is evidence to indicate that the North bombing stimulated troop movement to the South.

2. *We should utilize the United Nations* to assist in bringing the Communists to the conference table. I am pleased to see our current action in this regard, and we should hang in and fight for a hearing. In the alternative, we should urge the Geneva Conference of 1962 to arbitrate.

3. We have involved North Vietnam in this matter as they should be. *There is no reason now why we should not directly recognize as a fact the Viet Cong as the dominant enemy force in South Vietnam of ¾ of the country-*

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side and a substantial minority of the population—any force which can potentially tie up a half million American men deserves to be formally beckoned to the council table.

The next steps are obvious. Since we don't have total victory in mind in South Vietnam, we must work toward the development of a peaceful *workable Administration*. This necessarily means a *coalition* type of government where *all factions can be represented. If we're not working for self-determination and representative government, we've got no business being where we are.*

Since coalition government is, therefore, the inevitable foreseeable chess move on the table of peace, I would think that the Administration's next move would be to *develop a projected workable program among our allies, our various American constituencies and the constituencies which are fighting on our side in South Vietnam.*

I would liken to some degree, the situation in Vietnam with the Civil Rights movement in this country. Certainly the spirit of the southern Negro here would not have been kindled had it not been for substantial northern influfience, infiltration and leadership. That spirit certainly will not die if that northern infiltrating force is now removed since there are many southern souls which have been seared. Likewise in Vietnam, *certainly the Communist force is the antithesis of Civil Rights*. However, it is a doctrine of hope for some who have never known our type of liberty and justice. We have to face the fact that it is more probable than not that many people in South Vietnam have had their poverty stricken souls burned with zeal and hope of communism and to think that we can bomb this hope out of their system is not in accord with human nature.

This does not mean that we have to forsake Southeast Asia for Communism. It means that we have to make our Foreign Aid programs work. We have to make meaningful programs within the framework of private enterprise development in foreign lands and if we are unable to succeed given a reasonable chance, we can't banish people to poverty and warlord domination forever in an effort to protect only ourselves from what we consider to be a contaminating worldwide philosophy.

We can overcome Communist threat only by developing workable international programs that will, in fact, give all people a reasonable measure of the economic success of mankind.

Were we to adopt and spell out this very workable American philosophy which underlies, but is not expressed in most of our foreign policy, I believe we could consolidate nearly all Democrats behind the Administration in International affairs. I know you must feel ill at ease having all of the enemies of your Great Society, such as the Young Americans for Freedom, beat the drums so loudly for current foreign policy actions.

In a word, we need a new massive effort by only you to further articulate our foreign policy. The Country yearns to give you full support.

Very truly yours,

ROBERT L. LEGGETT,
Member of Congress.

JUNE 28, 1966.

HON. LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I certainly wish to commend you on the open forum meeting you scheduled in the Cabinet Room last Wednesday afternoon. The conference was productive for several reasons; it was small; members were present not in our normal committee packing order when all conversation by tradition necessarily emanates from the top; you honored each member present by expressly soliciting his opinion; and finally you followed the exchange by an uncanned spontaneous rationale of our current posture and you were great. I do believe that you have a considerable group in the Congress of enomous mental horsepower, which horsepower is employed unutilized running tread mills a large part of the time. The normal awesome chasm between the White House and the Congress makes this horsepower unavailable to you unless you solicit it out.

Considering that nobody really knew why we were called to your office in advance. I thought the conference went well and was spontaneous. Some could have done better if forewarned of the subject matter.

You received suggestions which on the whole were more aggressive than passive. Suggestions were made to blockade Haiphong and the Mekong, take out Hanoi-Haiphong P.O.L., some expressly made no suggestions relying on your leadership. Reasons for increased activity were based mainly on impatience of the folks back home.

You partially concluded by observing that really not many legitimate new options were presented to you at the meeting. You pointed out that the political and military war phases had taken an upswing. Economically you mentioned the devaluation of the Piaster and that Diplomatically all was negative.

You are concerned about slipping national support for our Vietnam foreign policy. The rightness of any position does not depend on 51% support on any one particular day, but on the average it is imperative that you keep the people behind you.

* * * * *

JANUARY 30, 1967.

HON. LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Having just returned from my District, I am compelled to advise you of a growing concern in California about our domestic budget.

Last year, as you know, the Congress evidenced a strong feeling that—with our escalating commitment and casualties in Southeast Asia—unless we had substantial "butter" augmenting the Great Society budget, our overseas military effort would lose popular support. *I want to caution you that the same reasoning that militated last year in favor of a balanced "guns and butter" budget prevails this year.* Frankly, it was all I could do last week to keep half a thousand Poverty Program aides from rebelling against our Viet Nam program which is forcing such drastic curtailment of our domestic programs. Their real concern is that the coalition now controlling the Congress will not authorize nor fund even the meager programs you call for.

Unfortunately, we were slow to realize last year that in spite of our efforts for a domestic budget, the war budget escalation was spiraling upward astronomically. As you recall, a preliminary effort to balance the budget, raising $4 billion, occurred when the Administration requested and obtained an abatement in excise tax reductions and our economy was placed more on a current "pay-as-you-go" basis. A second preliminary effort toward balance was conceived in the program of Participation Sales Certificates to liquify our mortgage assets in the amount of $4 billion. This program tended to confound the normal business economy and was abated until the last few months. In July an effort to increase deficit spending by $4 billion was held down to $2 billion as the Debt Limit was set at $330 billion. Next followed the panic effort to withhold $3 billion of appropriated funds for domestic programs and the suspension of the Investment Tax Credit to recover $1 billion-plus during this fiscal year. I was amazed to discover this morning that in your effort to withhold $3 billion, you were actually withholding $4.5 billion of appropriated funds. We are just now feeling the effects of your action in the country. In addition, during the year we disposed of better than $1 billion of surplus stockpile materials. *Just to satisfy an escalating Viet Nam budget, therefore, we borrowed, transferred, taxed and diverted better than $16½ billion.*

Your current grave dilemma was created last year when the $57 billion Defense Budget was deliberately limited to cover only a war program to end this June 30. Such an early termination of hostilities, of course, was only a remote, long-shot possibility at that time. This possibility has now faded to the vanishing point and the partial result of last year's defective planning is the $12 billion Defense Supplemental Appropriation request you submitted last week. As long ago as last February, the necessity for an augmentation was anticipated. My newsletter of October 17, 1966 (copy enclosed) outlines the budget problem as I viewed it in lay fashion last year. Our present position is that, while the budget was nearly in balance at year's end, with the current Defense Supplemental we will be $12 billion out of balance. A real crisis is approaching since the Debt Limit will be exceeded next month by current spending less receipts.

I do not want to support a tax on a tax increase and leave an $8 billion deficit. Nor can I, in good conscience, support an increase in the Debt Limit because I strongly believe that my children's children should not be saddled with the responsibility of paying for the Viet Nam "police action."

Likewise, I cannot endorse further marketings of our domestic paper assets, though I will not object to the sales that were approved last year.

I believe I can offer a solution vastly preferable to the drastic reduction of spending in the domestic sector you have just proposed; that is, *withhold spending in the military sector.*

You will recall that our Defense Budget stood at $41.2 billion in fiscal 1960. Primarily because of our Viet Nam commitment it will mushroom to $75.5 billion, including pay increases, in fiscal 1968. Secretary McNamara's cost reduction program, including the closing of unneeded military bases, should offset the portion of this mammoth increase which was caused by the wage-price spiral. Thus, as I see it, the $34.3 billion increase must be attributed directly to Viet Nam. I realize it would be next to impossible to cost account the Viet Nam effort; therefore a budget differentiation is the only practicable yardstick. Since we had a defense budget escalation for the last fiscal year in the magnitude of $10 billion and since both the '66 and '67 budgets had to be supplemented at midyear by more than $10 billion, we have no reason to believe that the '68 defense budget will not similarly require augmentation, bringing Viet Nam war costs to substantially more than $3 billion per month. I am not satisfied that this nation or the Communist world really believes that the United States is prepared to wage this kind of an endeavor indefinitely.

Since the United States represents a $750 billion economy and Viet Nam, North and South together, but $1 billion, it would seem reasonable to me that we should cut our defense budget substantially in half for the war in that country.

The effect of saving $12 to $18 billion would be to bring into balance our budgets for the next two years. We would still have a 1,000 per cent overkill capability in the war theatre and, since real estate there is not important, a substantial contraction of our land war and bombing efforts might be the very "olive branch" that would demonstrate that the greatest nation on earth is not entirely mesmerized at the prospect of totally squashing this Southeast Asian ant.

As I view it, in spite of Pentagon economics, we have all of the faucets opened full tilt and there is no one who can predict the flow—this because we are trying to fight a "Great Society" war. One year ago we had a "green force" of fighting men in the field. The same condition prevails today because of General Westmoreland's one year rotation policy. I personally support the one year rotation policy and giving our men all of the support and comforts possible. *Unfortunately, this is all very expensive*. By the extravagant flexing of the American purse, we have bought the war away from the South Vietnamese and turned the effort into an American war, hoping to bring it to a conclusion quickly. According to Harrison Salisbury's account, even if we annihilate Hanoi, the North will persevere. I believe we must take a dramatic new tack to show them that suicide is not their only course. Our military machine apparently is prepared to fight everything except the "suicidal proclivities" of the Orient. If a man is perched on the ledge of a building, ready to leap, I don't think a prudent policeman would storm out on the ledge with all the weaponry at his command. You would use a multifaceted approach to the situation, with much trepidation, using reasoning, negotiation and, at the appropriate moment, perhaps force in proper proportion.

The alternative to contraction in Southeast Asia is rather *dismal*. We're not going to withdraw. To wipe out the Northern urban areas would have little effect but to increase the fanaticism in the South. Neither is it sensible, in my view, to continue our present course because I foresee a substantial stalemate at least until the '68 elections. If such is the case, the party in power will be stampeded out of office and, unfortunately, the new President might regard his victory as a mandate to level the Northern urban areas. This could easily lead to World War III. But *it need not happen*.

I have predicted in the past that 1967 can bring a substantial end to Viet Nam hostilities. This will not happen automatically. We must not be hypnotized by the numbers game. Though the United States-Viet Nam dead ratio is now running more than a favorable 1 to 12, the figures are more like 1 to 3 when you average in the South Viet Nam dead. *If you average in 25,000 Americans wounded last year as compared to the few enemy wounded who are evacuated, it is subtly apparent that Allied Forces have as many people carried off the battlegrounds as do the Communists*. We have annihilated better than 50,000 persons identified as Viet Cong during the past year. The unidentified Viet Cong dead and wounded undoubtedly surpass this figure considerably. Unfortunately, though, the enemy forces are heavily augmented by the activities of infiltrators and others engaged in covert activities which have resulted according to Secretary McNamara in a net buildup of 25,000 enemy forces to 275,000 over the past year.

I believe our efforts in the Mekong Delta in 1967 will bring us close to victory over the enemy in the South. When the Mekong sweep is over I would support our gradual withdrawal of great land forces, returning the initiative to the South Vietnamese lest we get bogged down for two decades in mop-up and rehabilitation operations.

I think there is real merit in the contraction program spelled out by Senator Fulbright and Bernard Fall. The smallest nation in Southeast Asia is having real sport whipsawing the largest nation in the world. If you recall, our purpose in moving heavily into Viet Nam was merely to keep from being pushed into the Tonkin Gulf and to reinspire the South. I think we have now accomplished this objective. With a proper balance of Asian forces, I believe a peace could be determined.

In retrospect I think we can also say that were we to foresee two years ago our present circumstance we would have chosen perhaps Thailand for the all out war againt communism. I say this considering that the war is primarily responsible for the political tide at home and the loss of Great Society programs. We are also apparently fighting for a deceitful, non-nationalistic, undemocratic and basically an irreligious group in South Viet Nam who would sooner desert an army or profiteer than stand up for principle. I believe in our effort to affix responsibility on Hanoi, we have totally underestimated the boiling domestic civil strife which is a substantial causative factor of the current turmoil.

As I see it, the consensus of thinking Americans is ebbing toward these views.

I respectfully remain,

Very truly yours,

ROBERT L. LEGGETT,

Member of Congress.

AUGUST 8, 1967.

Hon. LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to you once again to express to you my reservations concerning the direction in which you are leading our Great Society.

After achieving a pinnacle of performance in 1964 and 1965 we have plummeted from a sensational record of performance for people to a myopic obsession with our commitments to an obscure country in Southeast Asia. As we attempt to prove our point in Vietnam with American bodies and dollars, our once supreme influence in the balance of the world appears to be floating from our grasp.

From an original police action involvement based on a philosophy of support for South Vietnam main action units, we have evolved into a full scale commitment of our own forces. Today we no longer hear of ARVN main force units at all.

Where are the 600,000 ARVN forces we have praised so strongly? I understand that they are now primarily involved in pacification—50 battalions of them? An ARVN battalion averages only 300 to 400 men. Thus the major pacification effort of the ARVN army could only involve about 17,500 men. Where is the rest of the army? I am certainly not satisfied that these forces are being utilized in any way approaching satisfactory.

I was concerned early this year that we were escalating to no place in Vietnam. *Certainly we are chalking up military victories—but they are the types of military victories that could continue for 12 to 15 years according to the best informed—our General Lew Walt—without bringing the war to a successful conclusion. And this is the official prognosis.*

In last Thursday's tax message to the Congress you stated that this Nation has a solemn pledge that its sons and brothers engaged in the conflict shall never lack all the help, all the arms and all the equipment necessary for their mission. With that you announced that at least 45,000 more men will go to Vietnam this fiscal year, but you know very well that General Westmoreland, who is now leading our strategy has asked for two or three times this number. It is only a matter of time before his request will be granted in full.

You stated in your message that for the reasons set forth expenditures in Vietnam may now exceed our earlier estimates. In this regard I would refer you to ten pages of Secretary McNamara's testimony before our House Armed Services Committee last January. The Secretary apologized profusely for the $12 billion budget error of fiscal 1967, but pointed out that this was done in an effort to avoid over budgeting and further because last summer (1966) the full dimensions of Southeast Asia were not known. He stated that there was then a wide range of uncertainty and we could not determine with precision the number of men required, plus aircraft, materials, etc. The Secretary continued that now, with several years of combat experience, we have a much better understanding. In contrast he stated that when the 1968 budget was prepared we could look forward to the leveling off of our forces. He stated that since we now can project our requirements with confidence, we are programing until fiscal 1969 funds will be available.

Though I think Secretary McNamara is the best administrator the Department of Defense has had, I didn't believe the Secretary really had the situation in hand in 1965, and his prognosis turned out to be in error by $11 billion. I didn't believe the prognosis in 1966 and neither could I accept the statements referred to at the time they were made.

In January of 1966 I asked Secretary McNamara if he had developed contingency budgets in the event that the war did not end as planned in June of 1967. He replied at Page 7431 of our declassified hearings "the answer is NO . . . The level of operations that can be supported by this budget through fiscal 1967 is quite high. I'm not at all sure that we will meet it. If we don't we will have asked for more money than we needed." Despite this positive statement we were called upon to provide $12 billion in Southeast Asia supplemental funds early this year.

I was amazed when, in your tax statement last week, you pointed up in spite of the foregoing that Defense expenditures for Vietnam are up $4 billion plus wage increases for the current fiscal year, that we had overestimated our '68 income by $7 billion generally, and that we underestimated our total expenses by $8.5 billion. We are making these revised estimates just 30 days into the new fiscal year!

On the basis of our past inability to control our budget escalation I would project that by the middle of the current fiscal year, in January, we will again be considering a $10 billion increase over your current negative projection, with a total Defense cost of $90 billion. Directly or indirectly Vietnam, I am sure, accounts for 50 percent of our Defense expenditures and this is provable both by the supplemental budgets and by the billions omitted from our regular Defense budget.

I know that it has been your continuous position that the American economy can withstand much more of a Defense expenditure. I don't think so. I remarked on this situation in a speech a few months ago when we enacted the Defense Authorization Bill.

* * * * *

MARCH 14, 1968.

Hon. LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: For the sixth time in three years I want to give you my views on the state and future state of our economy. From a situation 10 years ago when the United States was floundering in Life Magazine looking for a national purpose, we now find ourselves 10 years later with so many national purposes and programs, domestic and international, that not only are our young people bewildered, but so is the Congress of the United States.

We have survived economically over the past year by in fact borrowing the price of the war. Our debt limit is at near maximum. We cut highway trust fund expenditures under a guise of controlling inflation while we have record construction unemployment—that Treasury purchases government securities funding the debt with surplus annual trust funds is a measurable "information gap".

As a member of the Presidential Delegation pledged to your re-election in California. I want to be reassured on a continuous

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basis of the course of our Nation. The guide posts of near doom which I see for our Administration in the foreseeable future can be catalogued as follows:

1. Over the next 60 days you will probably elect to double up on your bet in Viet Nam increasing our force level to 625,000, or more, paying little heed to the fact that the odds and cards are stacked against you.

You will plunge ahead on an iron will formula little noting that 49% of the Nation is expressly not with you and many can't make up their mind. You will ignore the fact that you have three incurable problems.

(a) a substantial cleavage in your American war support.

(b) a substantial cleavage of support in Viet Nam for the Saigon government.

(c) no unified Defense Command in Viet Nam.

Only by controlling freedom of expression can this situation be modified.

The stock market will further tumble and so will your national support.

* * * * *

Charges of politics will confuse some issues.

In August without Secretary McNamara closely managing and curtailing. Defense expenditures and with the escalation which undoubtedly I see as inevitable, you will suddenly announce to the country that national economics are in bad shape. * * *

In September the Viet Cong will blast away again and refugee ranks will swell to 3 million. Our assessment of their "line of battle" has not changed over the past 4 months in spite of the fact that they suffered 43,000 dead as of last week with at least twice that number permanently injured in the TET surge. The reason as General Wheeler said in the press "these V.C. forces could have been recruited in December and January". For years we have never shown any deterioration in the ranks of the enemy for death and wounds, nor for those defectors in the Rallier Program. The reason is possibly because the V.C. and civilian forces are so hopelessly confused that it makes little sense to try to bookkeep something that doesn't exist.

Over the past 60 days one-half of the 100 plus U.S. A.I.D. teams, one-half of the 600 plus Revolutionary Cadre teams and one-half of the ARVN pacification battalions (numbering 54) are in the cities dislodged from position or not accounted for.

As I understand, refugees have increased over 100,000 in every corps sector in excess of 650,000 total, evacuating 75,000 destroyed homes over the past 60 days—swelling total refugees to over 2 million or nearly 15% of the population.

General Westmoreland knows the enemy can do this again, and the only uncertainty today is "when".

We started escalating back in '63 when we were expending $10 million per week and the ARVN had a near balance of power. We started bombing when we noticed 10,000 North Viet Nam troops in the southland and we were stalemated. Last month we ran 28,000 sorties and spent $3 billion. Last year we dropped 12 tons of bombs for every square mile in North and South Viet Nam and our best estimate today is that the North have over 60,000 troops in the south, 50 tanks and over 100 pieces of tracked equipment. We dropped more total tons of bombs last year than the total tonnage by ship through Hanoi and Haiphong. In my newsletter this week I diagnosed the war as follows:

"I also told the press and other media that the war in Vietnam would not terminate in our favor until there was a 'balance of fanaticism'—the fanaticism certainly was not about to come from American boys deployed 180 degrees from America for 12 months; the fanaticism must come from the South Vietnamese themselves. Until General Thieu and Ky can purge themselves of corruption (a big order) and stimulate fanatic belief in Democracy in the people equal to Viet Cong zeal, we are destined to failure. We achieve this 'fanaticism balance' then I think by slowly strengthening the responsibility of the South Vietnamese. They must make representative government work, purge themselves of corruption, stop political censorship and persecutions, learn to live without the $¾ billion American AID dollars, defend their own cities and fight their own battles. We can give them the supplies they need, but not our boys!

"If an Asian balance of forces were established only then would we be in a position to talk peace.

"After using primitive weapons for 15 years, the Viet Cong now receiving new Soviet bombers, Soviet tanks and Soviet rockets really don't want to talk peace today.

"This balance of fanaticism might be very difficult if not impossible to create, particularly, considering that better than one half of the AID teams, revolutionary cadres, and one half the ARVN South Vietnamese Army have evacuated the rural areas to save the cities.

"The Soviets match American might in South Asia with $1 for every $10 we expend—on this basis we're not winning and we might as well admit it—this is not the kind of a poker game in which you double up when you lose.

"It profits the United States very little to win (if we could) the Communist war in Vietnam over a $1 billion economy, and lose the war by default in the Arab world and South America where we also have commitments.

"It will gain us little to desecrate our own economy and young manpower over the next ten years only to later recognize that the Soviet Navy and Merchant Marine is dominant in the Mediterranean and around the world.

"While the United States has become mesmerized in the Far East, the Middle East Arabs have polarized around the Soviets. While the United States has over invested in Vietnam, our lack of attention to Europe has caused a major weakening of NATO and caused the British to withdraw from the Far East placing an inexorably heavy burden on American forces.

"Hawks in Washington today are urging a naval blockade of North Vietnam. This action will result not only in confrontation, but Naval major engagements with the Soviets. The Soviet submarine force can virtually nullify our ship supply line to South Vietnam in a few months. We could reciprocate, but the strategic consideration is that ships are absolutely required to support our ½ million American boys—to my knowledge the Soviets have no boys involved.

"To support our boys by a land invasion of the north would likewise be foolhardy and a contradiction of the advice of Ike and MacArthur. Such an invasion could only be supported with nuclear weapons and then the war zone would automatically become intercontinental . . .

". . . This does not mean that the United States has to knuckle under to the Soviet bloc, because by past experience we are able to surpass them militarily or economically on a direct confrontation. What I do mean is that when we challenge the Soviets vicariously, we are only as good and strong as the intermediary country we support . . . ."

Through March of 1968 we have lost 19,800 American boys in the Viet Nam battle and 119,700 wounded—exceeding the 33,629 Korean battle deaths and 103,000 wounded.

As a result of the new Viet Cong successes and new refugees your policy will come under further attack. Massive party defections threaten! McCarthy zooms! The South Vietnamese government will de facto collapse. Newsweek, Wall Street Journal, New York Times, Life, Time and Saturday Evening Post all warn you of the consequences of your commitment hypnotism.

Near the end of September, the hot summer will be over, the Nation will have experienced more riots, more demonstrations because of poverty, jobs, failure of Congress to act on the draft, national convention delegates, teachers salaries than ever before in history.

Provisions of the Riot Commission for $2 billion monthly expenditures and other promises to rectify the same will fall on deaf ears as Congress socks in under Republican leadership to once again limit spending to $139 billion. An und. privileged nation rises up and marches on a "do nothing" Congress.

Gold stores deplete $5 billion below the level considered dangerous!

The elections will be held in confusion, issues will be obfuscated and an eruption might occur against the party in power.

* * * * *

As a result of the United States holding to commitment, it is concluded that:

(1) Over-emphasis of United States on Asia resulted in curtailment of United States interaction with Europe—deterioration of NATO.

(2) NATO deterioration misled Soviets who misled Nasser that resulted in Israeli War and polarization of Arab Nations around the Soviets.

(3) This action including the closing of the Suez caused Britain to contract east of the Suez. The United States lost its biggest SEATO partner.

* * * * *

(5) Nations of the world viewing the $1 billion David, bringing the American Goliath to its knees, gain a new respect for communism and civil wars are viewed as such. United States is subject to economic ridicule around the world!

(6) Johnson goes into martyred isolation.

You could hopefully make me wrong.

Very respectfully,

ROBERT L. LEGGETT,
Member of Congress.

JULY 19, 1968.

Hon. HUBERT H. HUMPHREY,
Vice President,
The White House,
Washington, D.C.

DEAR MR. VICE PRESIDENT: With small doubt, you will be nominated by the Democratic Party for President next month. Three days before he died, I was campaigning with Bob Kennedy in California. He expressed concern about your ability to win as our nominee next November. I suggested that if someone of international stature, who had a reputation for a staged down balanced commitment in Vietnam and the rest of the world joined you on the ticket, we might be able to get the party back together. He didn't disagree.

* * * * *

As far as Vietnam is concerned, you recall I wrote you several weeks ago indicating that General Westmoreland had testified before my House Armed Services Committee that infiltration of South Vietnam was taking place at the rate of 240,000 to 360,000 men a year. If this is so I must say that the letter from General Abhrams read by the very fine Hale Boggs at the convention was totally fraudulent when he said that "all Hell would break loose" if we stop the bombing.

I say if you can believe General Westmoreland the only way that infiltration could increase would be for us to send Liberty ships to the north to help them out.

I say, therefore, that it is incumbent upon you to prevail upon the President to totally terminate the bombing in the north; risk the consequences; start meaningful negotiations, and if meaningful negotiations are undertaken it is possible that the American people will not want to disturb the progress by changing Administrations. I am sure this is what Ambassador Goldberg is saying.

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In conclusion, at this time and on the face of the current record, I want to congratulate President Nixon for the enunciation of principles he has made thus far. I believe the principles stated are different than those enunciated by the last administration. The President is associated in the middle of a bad law suit—fortunately, I believe he is developing a new theory of the case.

The President must remember that time is not on his side. The GVN will pull every trick in the book to avoid making the hard decision that will mean a new constitution for SVN. If possible, they will seduce you, Mr. President, away from your declared principles. I would hope that you develop over the next 60 days a meaningful schedule of disengagement.

As opposed to the escalation to no place and later disaster of the last administration, I wish you well as we deescalate to some place hopefully.

(Mr. LEGGETT asked and was given permission to revise and extend his remarks and to include extraneous matter.)

PATENT LAW REVISION

(Mr. BOB WILSON asked and was given permission to extend his remarks at this point.)

Mr. BOB WILSON. Mr. Speaker, in September 1959, I introduced H.R. 9190, to clarify the authority of the Commissioner of Patents to compile, publish, and disseminate certain information relating to patents, and reintroduced this legislation in 1961 as H.R. 3472. Reports received at that time from the Departments of Commerce, Justice, and Navy, and the Atomic Energy Commission indicated that these agencies were favorably disposed toward this legislation.

The last major revision in the patent laws was more than a decade ago, and having long been interested in the question of general patent law revision, I am glad that the House and Senate Judiciary Committees in the past 2 years have held extensive hearings on omnibus patent revision bills. Such legislation has been introduced in the Senate this year by Senators MCCLELLAN and DIRKSEN. I am very pleased that section 11 of chapter I of these bills, S. 1246 and S. 1569, contains the language of my 86th and 87th Congress bills and am today introducing a companion House bill to the Dirksen and McClellan bills.

PAPER MESS IN THE FINANCIAL COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, as a member of the Banking and Currency Committee of this House, and as one deeply interested in matters affecting our economy, I am becoming more and more concerned over the "paper mess" that is apparently strangling the financial community.

This logjam has been the cause of the stock exchanges' decision to curtail trading to various extents since August of 1967.

There are uncleared transactions in the financial community of an estimated $3 billion or more.

Only recently some $3 million of securities were "lost" for several days.

There is increasing fear on the part of the public of the possible theft of securities in the community. This concern is so pressing that thought has been given to legislation for the fingerprinting of employees.

Nowhere do I find that the financial community repudiates these allegations, and it is ironic to me that this lack of capacity to cure the problem falls within that segment of our economy that acts for the public and in fact solicits the public to invest its money in American industry. Among these are the very industries that should solve the problem.

When I talk to the financial industry, I talk to the whole cycle from the underwriter to the corporate transfer agent to the trading broker and I find that this entire industry has been woefully lacking in handling its administrative problems. In fact, there has been very little articulation between the banks and brokers for the proper handling of the securities throughout the pipeline of activity under existing technology.

There is a need for reliable and efficient handling of data as well as for the free flow of securities. Stock certificates have been a way of life for our investing public for as long as any member of this House can recall. They have been an accepted instrument of legal ownership and monetary value and are in fact a legal document which security holders have held with pride as their documentary evidence of ownership and participation in the economic growth of this country. At best estimates, there are nearly 30 million people who own stock in American enterprises. The stock certificate has been an emblem of pride that the investing public has in its partnership in the American dream.

Obviously, what is needed is the adoption of that technology which can handle the data extraction process for the financial community. That technology exists today and for the foreseeable future in optical scanning. Along with that it is imperative that the present stock certificates be made, in the words of the people consulting in this field today, "Machine Readable."

Much time has been wasted in this direction with emotionalism, gimmickry and even, I suspect, self-interest to propose "Mini Certificates" and other impractical substitutes for the present untold millions of certificates now outstanding. These alternatives would serve no useful purpose. They would merely compound the problem and debase the safety of our present securities. It would add an impossible burden of cost and time to replace the untold millions of certificates outstanding.

The solution to me is obvious; the need is immediate and the "requirements for standardization within the financial industry to accelerate the flow of data and securities is imperative." The technological means exist and certainly in a country as progressive as ours, the intelligence for implementing the solution certainly exists.

It seems a travesty to think that the segment of our economy that so freely recommends to the public ways and means of investing their money in our way of life can be so incapable of seizing upon a quick and economical solution to these urgent problems.

I warn that the concern of the public will intensify as the delays from uncleared transactions continue. Further, I warn that unless remedial action is taken in good conscience and with common sense, this Congress will feel impelled to investigate the matter on its own initiative.

It is unthinkable that such a condition should continue for even one more day.

BILL TO STRENGTHEN GOVERNMENT ROLE IN MANAGING THE QUALITY OF OUR ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, I am introducing two bills today, H.R. 12264 and H.R. 12265, which will strengthen and broaden the Federal Government's role in managing the quality of our environment.

The purpose of these two bills is to help establish in the Executive Office of the President and the Congress a new set of priorities in national policy, emphasizing the creation, restoration, and maintenance of a habitat in which people can live more healthful lives and better enjoy their physical surroundings.

A new set of priorities is needed not because sound economic growth is less important, but because our past industrial productivity and recent technological advances have been so successfully applied that we have overreached our ability to control their environmental side effects. As population continues to grow—demanding more and more goods and services—there is constant increase in pollution, noise, destruction of scenery, clogged streets, and cluttered neighborhoods.

America is strongly committed to a high level of material well-being. But I firmly believe she is just as strongly committed to living conditions which include fresh air, quietude, easy access to the beauty of the countryside, and broader cultural experiences in our cities.

The two measures, which I today introduce, would: First, create in the President's Office a new Council of Environmental Advisers to assist the President in formulating environmental policies; and, second, establish a counterpart Joint Committee on Environmental Quality in the Congress which would study critical resource problems and recommend to appropriate standing committees the most practicable means of fostering an environment of quality.

By the year 2000, the population of the United States will reportedly rise from the present 200 million to somewhere between 300 and 340 million. Ac-

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cording to a report of the National Academy of Sciences, this magnitude of growth poses a serious environmental challenge:

> To accommodate [this population] will require, by the year 2000, additional urban facilities equivalent to all of those already in existence. . . . This calls for an entirely different view of our cities and their resource requirements than if we think only of ameliorating specific rises step-by-step as they arise. Complete urban renovation, the creation of new and better living clusters throughout the country, and better and more diversified use of suburban and rural space are a big order; but it is an order that is practicable, necessary and urgent. There is no simple "best" solution. A variety of solutions must be tried, and for all of them the resource component (including clean air and water) will be central.

The future needs we must obtain from our environment seem almost limitless.

First. In 1950 there were less than 17 million acres of land included in urban areas. By 1960 this number had increased to over 21 million acres, and it is expected to be double that amount by the year 2000. Roughly 80 percent of the population is expected to live in urban areas by 1980. This expansion will place open land for beauty and communion with nature and witnessing the change of seasons at a premium, unless we can develop a national land planning procedure which gives equal weight to recreation, transportation, residential and industrial land uses.

Second. The 300,000 miles of electric power transmission lines in service today occupy nearly 4 million acres of land. If the present pattern of construction continues, by the turn of the century both the old and new lines will require roughly 7 million acres of land, together with wide rights-of-way. There undoubtedly will be community dissatisfaction over the environmental impact of these additional lines unless agreement can be reached beforehand on the establishment of protected utility corridors.

Third. There are presently over 3.5 million miles of roads and streets in the United States, representing about 1 mile of road for every square mile of land. The total land area covered by these roads and their rights-of-way is estimated to be about 24,000 square miles—equal to the area of the State of West Virginia. The 41,000-mile Interstate System now under construction will consume a land area approximately the size of Rhode Island. Apparently this is only the beginning, and we can therefore foresee greatly increased competition for space between highways, men and their cars.

Fourth. Federal surveys have shown that about one-fourth of all outdoor recreation is and will continue to be dependent on water. Participation in swimming, fishing, boating, ice skating, and water skiing accounted for 2.8 billion activity days in 1965 and is projected to increase to 7.7 billion by 2000. Nationwide there would probably be enough water to serve the recreation needs beyond 2000 if the supply were equally available to all the people. But, as anyone living in a metropolitan area realizes, there is a serious imbalance in the location and types of recreation water and the concentration of population. For example, in recent hearings on the development problems of San Francisco Bay the head of the California Resources Agency indicated that of 276 miles of shoreline only about 10 miles are open to the public.

Fifth. One of the most serious "environmental offenders is noise from all sources, but particularly from trucks, motorcycles, sports cars, helicopters and private as well as commercial aircraft. In a recent study of noise in Boston schools, a mean reading of 78 decibels was recorded in a school playground in downtown Boston. In Wellesley, a suburb, the noise level was only 58 decibels. Thus, children in city schools are exposed to noise intensities much greater than the suburban children. A number of surveys have established that the control of downtown noise is one of the most troublesome problems in achieving more satisfactory living conditions in our urban areas.

These are only a few of the issues of environmental deterioration to which serious consideration is now due. As was shown in a recent edition of the Saturday Review entitled "The Fouling of the American Environment," the catalog of problems goes on and on.

> Every day the nation's automobiles spew into the air enough pollutants to equal in weight a lane of cars stretched bumper-to-bumper from New York to Chicago.
>
> Not a single river system in the entire United States is free of pollution.
>
> Even the remotest national parks are beset by major traffic problems.

The editors rightly claim that these and thousands of other pieces of evidence are danger signs "enough to persuade even the most skeptical citizen that the American environment is being subjected to a vast debasement from which literally no one can escape."

Mr. Speaker, there are many aspects of air and water pollution with which the Congress and executive branch are already deeply involved. But the overall environmental crisis is so far-ranging, and inclusive of all resources, that nothing short of a broad new effort by the Federal structure can meet the American concern for improved physical surroundings—from the ghetto to the shores of Santa Barbara.

It is noteworthy, I think, that the Brookings Institution in a volume entitled "Agenda for the Nation" recommended to the President a major strengthening of administration machinery for environmental policy review. Perhaps because of this prestigious influence, President Nixon has now established by Executive order a Cabinet-level Environmental Quality Council, which he has indicated will coordinate and direct a government attack on all forms of environmental pollution. Mr. Nixon will head the Council himself, and other members will include the Vice President and the Secretaries of Agriculture; Commerce; Health, Education, and Welfare; Housing and Urban Development; Interior; and Transportation.

This was a commendable step by the Nixon administration, but I fear that it falls far short of the type of action contemplated by the Brookings Institution. The shortcomings of the Council also were clearly spelled out in testimony received by the Senate Interior Committee during recent hearings on several councilor bills.

Neither the President nor his Cabinet Secretaries have the time and energy to serve effectively on additional interdepartmental councils. What the President's Office needs instead is an adversary body which—free of other responsibilities—can gather advice and information and then present the President and his Cabinet with alternative solutions to critical as well as long-range problems.

If my first bill, H.R. 12264 is enacted, it will establish a council composed of three independent members who as a result of their training and experience, and with the help of adequate staff, could analyze and interpret environmental data of all kinds on a wide number of problems, appraise ongoing programs and activities of the various Federal departments and then recommend national environmental policies designed to restore and maintain an environment of quality and productivity for all Americans.

A concerted attack on environmental problems requires effective coordination between the executive and legislative branches. Therefore an effective channel of information exchange and comparative study must exist. If my second measure, H.R. 12265, is enacted it will establish a corresponding joint congressional committee for similar purposes, thus enabling the two branches to interact on an equally sophisticated basis.

In conclusion, Mr. Speaker, it is my judgment that these two measures are complementary and will provide the Federal structure with the kind of new machinery needed to meet the burgeoning challenges and environmental crises that are so clearly demanded by the times.

PRISONERS OF WAR: GENERAL AMNESTY

(Mr. RARICK asked and was given permisson to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, in recent weeks there have been a number of newsstories about the 75-year-old Rudolf Hess, former Deputy Chancellor of Germany, now serving a sentence of life imprisonment at Spandau Prison—a sentence passed by the so-called war crime tribunal following World War II.

In a statement to the House on the subject of "Historical Blackout" on April 24, 1969, I described Hess as possessing the most important historical disclosures of any man now alive concerning the second great war. This belief invites two questions: Why has not the American Historical Society secured his testimony concerning the history of World War II? Why has not our Government taken the initiative in bringing about a general amnesty for all prisoners of war in various countries suffering prolonged imprisonment, in many instances under dubious circumstances of trial and morality of sentence? More importantly, why not liberate the truth?

Today our eyes are focused upon our boys languishing in North Vietnamese prison camps. But, we must not forget those men still being held as prisoners from the Korean war and World War II.

For background on this crucial subject, I urge reading a notable resolution adopted in 1962 at the annual meeting of the American Coalition of Patriotic Societies that makes specific requests of the President of the United States in the premises.

In view of our recent experience as regards the *Pueblo* in North Korea and in Vietnam, the indicated resolution is more applicable today than when first adopted. Certainly, the time has come to end the points of discord among Western nations over so-called war criminals by means of a general amnesty.

Everyone who has investigated the so-called war crimes trials of 1945–46 and thereafter understands full well that in many cases the accusers included among their number persons who were more chargeable with crimes against humanity than those whom they sentenced.

More than 5,000,000 civilians, mostly women and children, vanished in the Soviet march toward Berlin in 1944 and 1945. Subsequent to this Soviet butchery, for which none were charged—let alone convicted, vast numbers of fugitives from the Baltic countries, who had fled into the American zone as a supposed sanctuary, were turned back at bayonet point into Soviet hands, many to be executed and others to face lifelong slavery. Although the circumstances of the Katyn massacre of thousands of Polish officers in cold blood by Soviet executioners were definitely established by competent United States and neutral investigators, no Soviet officials were ever brought to trial for that or any other comparable crime. Instead, they sat as judges and accusers at Nuremberg and at other so-called war crime tribunals.

Mr. Speaker, now that our country has a new administration seeking ways to improve international relations and to restore the laws of civilized international dealings, the time is opportune for action by our Government in bringing about a general amnesty.

In making this recommendation, I do so as one who not only fought in Europe as a soldier in World War II, but also as one who had the experience of being a prisoner of war in a German prison camp, fortunately my country was victorious.

The indicated resolution follows as part of my remarks, including an article by F. J. P. Veale of Brighton, England, distinguished lawyer and authority on the laws of war. Also a newsstory from Time magazine:

World War II Prisoners of War: General Amnesty

Whereas, In the 19th Century and early 20th, the patient work of the Congress in fostering international law codifications and digests and the contributions of such distinguished scholars as Francis Leiber and John Bassett Moore made the United States preeminent in movements to civilize the laws of war; and

Whereas, Since 1917 progressively reckless actions within the Executive Branch of our government in the conduct of foreign relations has served to sacrifice that long-continued preeminence; and

Whereas, World War II ended more than 15 years ago with the peoples of all lands pleading for a "lasting peace", but instead of peace the strongest nations face each other in undisguised hostility which makes harmonious relations among the nations of the West imperative; and

Whereas, Focal points of discord in the form of numerous World War II prisoners of war in various countries undergoing cruel and unusual punishment, including slave labor, serve to impair these relations; and

Whereas, The "war crimes tribunals" that tried so-called "war criminals" after World War II were not impartial courts but agencies of vengeance, created and operated by victor governments through the influence of elements desiring to flout lawful procedure by the "trial" of the defenseless vanquished, which "trials" trace back to Stalin's barbarous proposal at Teheran in 1943 for the mass murder by firing squads, as soon as captured, of the leadership of the only country in Europe capable of keeping out the communist hordes; and

Whereas, The operations of some of the so-called "war crimes tribunals", bound neither by the salutary rules of evidence nor the principles of justice embodied in the U.S. Constitution, were marred by revolting reversions to the most primitive savagery as well as appalling miscarriages of justice, for which the tragic case of Major Walter Reder is but one example; and

Whereas, Those "war crimes tribunals" not only failed to fulfill the hopes placed upon them but, on the contrary, created pernicious precedents for despotic governments in justifying the extermination of all those under their jurisdiction who venture to oppose, in any way, their tyrannical hand and, unless formally repudiated, these "trials" will remove all restraints from the most brutal and ruthless conduct of war in the future, as has been tragically illustrated in Korea, East Germany, Poland, Hungary, Africa and Cuba;

Resolved, That the American Coalition of Patriotic Societies:

1. Deplores the dreadful retrogression into barbarism, illustrated by post-World War II "war crimes tribunals" and "trials", especially those at Nuremberg and Tokyo, as a form of vengeance antagonistic to Western civilization, contrary to the enlightened conscience of mankind, and counter to an informed understanding of the laws of liberty; and

2. Demands repudiation of the post-World War II "war crimes tribunals" and "trials" to prevent the ultimate destruction of civilization through progressive reversion to primitive warfare; and

3. Respectfully requests the President of the United States to:

a. Grant an immediate amnesty to all persons who may still be suffering imprisonment under United States jurisdiction as the result of "war crime trials";

b. Urge the good offices of our government to secure a similar general amnesty on the part of all World War II Allied Powers, both West and East;

c. Urge the precedent of post-World War II "war crimes tribunals" "trials" be repudiated unilaterally;

d. Use the good offices of our government to secure a similar repudiation on the part of all other countries involved; and

4. Urges the associated societies of the Coalition to give serious consideration to the grave implication of the precedents set by post-World War II "war crimes tribunals" and "trials", for which study two books by F. J. P. Veale, Advance To Barbarism and War Crimes Discreetly Veiled (Devin-Adair Co., 23 East 26th Street, New York 10, New York) are commended.

[From the Social Justice Review, February 1968]

A Solution of the Rudolf Hess Mystery: Why Did Churchill Write: "Hess Came to Us With Something of the Quality of an Envoy"

(By F. J. P. Veale)

The most sensational mystery of the Second World War concerned the question of Rudolf Hess' motivation when in May 1941 he appropriated a fast military plane and absconded to Britain. This baffling mystery is now being replaced by the equally baffling mystery why his release after twenty-seven years in captivity should still be met by such unyielding opposition.

The strength of this opposition can be estimated from the strength of the appeals for justice for Hess which to date it has successfully withstood.

During his lifetime no man had greater influence on public opinion in the Western World than Sir Winston Churchill who a couple of years after the end of the war made his opinion on the subject clear in the second volume of his book, *The Second World War*, in which on Page 49 he wrote:

"Reflecting on the whole of this story, I am glad not to be responsible for the way in which Rudolf Hess has been and is being treated. He came to us of his own free will and, although without authority, had something of the quality of an envoy."

Since these words were written several decades ago, the demand for justice for Hess has been frequently expressed in the newspapers controlled by the late Lord Beaverbrook, the most powerful Press Baron in Britain, and in many other influential newspapers. Hess' release was urged on widely different grounds, legal and humanitarian. Among those who appealed was the able Jewish journalist, Bernard Levin, who pointed out in the *Daily Mail* of March 2, 1965, Britain could not disclaim responsibility for Hess' continued captivity because for three months out of every twelve he was in British custody, so that during this annual period of three months, the British authorities had always been able to release Hess on their own initiative.

In spite, however, of repeated reminders of the subject and in spite of the veneration with which the views of Sir Winston Churchill are held by his countrymen, the British public has remained callously indifferent to Hess' fate. This is indeed strange in a land where a profound regard for justice is loudly expressed and where retribution as a purpose of punishment is dismissed as a relic of barbarism. The indifference of the German people to Hess' fate is more understandable because so many Germans find it impossible to feel sympathy for a man who was an intimate friend of Adolf Hitler whose career brought down on them so many woes.

NOT GUILTY, BUT

No one of course either in Britain or Germany now professes to believe that Hess was guilty of any crime. The collection of legal mountebanks known as the Nuremberg Tribunal felt itself bound to acquit Hess of all the charges brought against him except the charge of having planned and waged a war of aggression. And no one any longer regards this as anything more than a pseudo-offence invented in 1945 to provide a pretext for putting to death the leaders of the vanquished, the reason being that this alleged crime has since 1945 been committed by such still respected statesmen as Sir Anthony Eden when he ordered the invasion of Egypt in 1956 and by the late saintly pacifist Pandit Nehru when he attacked Goa in 1965. If Rudolf Hess is a justly condemned war criminal because he planned and waged a war of aggression, then these two gentlemen should have been sent to join him in "the very

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harsh and inhumane conditions" of Spandau Prison.

In view of the now tacit agreement that Hess is an innocent man, those who oppose his release have prudently preserved an unbroken silence to all appeals that he should at least receive justice. We are thus left to guess the motives which inspire their stubborn resistance. The popular opinion is that it is feared that if Hess were released he would disclose the plans which he had made when he flew to Britain in 1941 which would embarrass or implicate many people of high rank living in Britain.

This explanation is utterly inadequate to account for such adamant opposition to Hess' release. Most of the people in Britain known or believed to be opposed to a continuation of the war in 1941 whom Hess might have intended to visit in that year, have long since died. It is impossible to believe that anyone now feels deep concern to preserve the reputations of a few obscure and elderly men.

ET TU . . .

Sir Winston Churchill in the passage of his book quoted above describes Hess as having flown to Britain with somewhat of the character of an envoy. This suggests that by the time of writing he had learned that Hess came to Britain on the invitation of someone with authority. *The essence of the problem therefore is, who invited him to come?*

To answer this question, it is necessary to bear in mind what has long been the distinctive characteristic of the British Secret Service.

In the times of Queen Elizabeth, her great minister, William Cecil, Lord Burghley, organized a wonderfully efficient secret service to protect her against Roman Catholic plots. When Mary Queen of Scots sought refuge in England from her own subjects, Burghley surrounded her with a network of spies and agents provocateur. Many historians believe that the celebrated Casket Letters which provided the basis of the charges against Mary were forgeries of Burghley's secret service. It has even been suggested that the signature on the warrant for Mary's execution was a forgery. If this were so, it would certainly account for Elizabeth's indignation when she learned that the execution had taken place: it is a fact that for weeks she shut herself away and refused to speak to Burghley or any of her ministers.

From the earliest times the leaders of the English secret service have always allowed themselves the widest latitude in interpreting their orders. Believing that Elizabeth's life and throne would never be safe so long as her cousin Mary was alive, from loyalty to Elizabeth they disregarded her scruples and in her interests relentlessly sent the unfortunate Queen of Scots to her death.

This is not to say that the English secret service was more unscrupulous and ruthless than the contemporary secret services on the Continent. Mendacity and perfidy have always been the stock weapons of the secret service agents of all nations. The only distinctive characteristic of the English Secret Service is the freedom it exercised in interpreting its orders in accordance with the spirit rather than the letters of these orders. During the Protectorate under the leadership of the billiant organizer, John Thurlow, the English secret service was raised to a level of unrivalled efficiency. It is said that the fullest details of the plots of the Royalist refugees on the Continent were frequently reported to Oliver Cromwell before the first steps could be taken to carry them out.

THE BOOKMAKERS

We know beyond question that their traditional right to use their own initiative was exercised by the leaders of the British Secret Service during the First World War. When in 1916 the Irish patriot, Roger Casement, was condemned to death, to foil the efforts being made to secure a reprieve Sir Basil Thomson and Sir Reginal Hall, the heads of British Naval Intelligence, entirely on their own initiative circulated copies of passages which they said they had found in a diary among Casement's possessions listing various people with influence, including the King, the Prime Minister, Mr. Asquith, and leading members of his cabinet, the Archbishop of Canterbury, and the American ambassador, Mr. Page.

The fact that all applications to examine this alleged diary were rejected for over forty-three years supports the view, still maintained by some, that these passages were forgeries. If accepted as genuine, these passages showed that Casement was a homosexual. Thomson and Hall adopted this subterfuge in order to show that Casement was unworthy of sympathy and by blackening his reputation to prevent posterity from revering his memory as a martyr for Irish liberty.

THE MAPMAKERS

The British Secret Service during the Second World War acted with similar freedom from control by its executive government. On the 27th of October, 1941, President Roosevelt delivered a widely-publicised speech in Washington in which he announced that there had recently come into his possession a secret Nazi map of South America disclosing Hitler's plans for the invasion and conquest of that continent. Whatever may be the truth of the Casement Diary, there can be no question that this map was an impudent fake. Roosevelt himself never referred to its existence again and it was not produced in evidence at the Nuremberg Trials where it would have established the charge that the Nazi Government was plotting wars of aggression in even the most remote parts of the world.

Whether this map ever existed outside Roosevelt's imagination remained a mystery until 1963 when the well-known British author, Montgomery Hyde, published a book *The Story of British Intelligence during World War II*, (New York, Farrar, Straus & Co., 1963) in which he claimed that the American President was bamboozled by the Britsh Secret Service with a clever forgery and the story that this map had been stolen from a courier of the German Embassy in Rio de Janeiro by a British agent.

At that time Churchill's hopes of being able to entangle the United States in the war depended entirely on his being able to retain Roosevelt's goodwill. It is impossible to believe that he would have approved this trick because if the truth had come to light Roosevelt would naturally have been furious at having been led to make a fool of himself just before a presidential election. There can be no doubt that in this matter the British Secret Service played this trick on Roosevelt entirely on its own initiative.

Bearing in mind the story of Hall and Thomson's dealings with the alleged Casement Diary and the story of the faked map of South America, it is not difficult to suggest an explanation why years after the end of the Second World War Sir Winston Churchill should refer to Hess' coming to Britain in 1941 "with something of the quality of an envoy."

THE "ENVOY" MAKERS?

When Hitler assumed power in 1933 Germany was honeycombed with communist cells, by various so-called Leftist "resistance" movements and by groups of officers of the Reichwehr hostile to the Nazi regime. When war broke out in 1939 the British Secret Service covered Europe with a network of agents who naturally spared no pains to contact all these underground groups in order to weaken Germany's powers of resistence. Early in 1941 the rumor spread that Hitler had decided to invade the Soviet Union in spite of the opposition of many of his colleagues, led, so it was said, by his intimate friend and adviser, Rudolf Hess. We have only to assume that a successful effort was made by a British secret agent, through some German traitor in a high position, to contact Hess.

The strength of a chain is the strength of its weakest link. Some may think that Hess would have been an unlikely choice for the role planned for him. His devoted loyalty to Hitler and the National Socialist Party was well known: his integrity was unquestionable. He was known as a man of indominable courage, strong-willed and obstinate, reserved and secretive. By many he was regarded as eccentric. Once such a man had been convinced that by visiting Britain with peace proposals he would be serving the true interests of Hitler, of the Party and of Germany, nothing would turn him from his resolve. The thought of the personal dangers he would face on such a mission and the risk he would run of being misunderstood by his colleagues and friends would act on him as an incentive. He was of the stuff of which martyrs are made: he was a political fanatic to whom self-sacrifice for itself would appeal.

No doubt the conspirators had to play their cards skillfully. They were aided by the fact that Hess was as profoundly ignorant of the political situation in Britain as Hitler himself or any of his colleagues. Hess had met several members of the British peerage at the Nuremberg Rallies and was easy to convince that the Duke of Hamilton, for example, exercised political influence. We know from Hess' book that he intended to visit the Duke and made a crash landing in a field in Scotland near Dungavel, the Duke's country seat.

Probably a letter was conveyed to Hess from some member of the Scotch peerage whom he had met suggesting that he should visit him and assuring him that the British Government would carefully consider any proposals for a peace settlement he might bring with him. More probably perhaps a forged letter in these terms was conveyed to him. In either case Hess was led to believe that a visit by him to Britain would be welcomed by the British Government. Regarding this invitation as a challenge to his courage, utterly ignorant of the political situation in Britain and obsessed with an urge to self-sacrifice, Hess appropriated a fast plane and set forth for Scotland. On landing he was immediately arrested and subjected to a ruthless examination regarding Hitler's plans to invade the Soviet Union. Thereafter he was kept in strict military custody until he was sent to Nuremberg to be "tried" as a war-criminal.

It is quite certain that neither Churchill nor any member of his cabinet knew anything beforehand of the invitation made to Hess to visit Britain to discuss a peace settlement. When after the end of the war Churchill learned that Hess had flown to Britain as an unofficially invited envoy, he felt that the whole story was highly discreditable, and expressed his thankfulness that he had not been in any way responsible.

In official circles in Britain at the present time it is feared that if the full truth came to light most people would share the view of Sir Winston Churchill. True, Hess had only his own credulity and self-willed folly to blame for the grim fate which he has suffered. Still this provides no excuse for pretending that Hess was a war-criminal and keeping him in captivity for twenty-seven years, long after this pretence had been abandoned. It was decided therefore that Hess must be prevented from disclosing the full truth which could only be achieved by keeping him in prison until the deliberately contrived "very harsh and inhumane conditions" of his captivity (to quote Churchill's description of them) led to his death.

JUSTICE IN OUR TIME?

If this explanation be accepted, it is no longer a mystery why Sir Winston Churchill

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should have referred to Rudolf Hess as having something of the quality of an envoy and why all efforts to obtain belated justice should have been so strenuously resisted.

[From The Time, Sept. 16, 1966]

WEST GERMANY: THE COST OF INCARCERATION

Something was dead in each of us,
And what was dead was Hope.

—BALLAD OF READING GAOL.

Nearly two decades ago, seven men stepped hopeless from a van in the red brick forecourt of Berlin's Spandau Prison. They were the senior survivors of the 22 Nazis brought to trial for major war crimes at Nürnberg. Their compatriots in crime—among them Luftwaffe Boss Hermann Göring and Wehrmacht Chief Wilhelm Keitel—had escaped imprisonment by either suicide or the noose.

Today only three of Spandau's original postwar prisoners remain: Youth Leader Baldur von Schirach, 59; Armaments Minister Albert Speer, 61; and the most mysterious of Hitler's odd coterie, Deputy Führer Rudolf Hess, 72. To keep this trio confined, Russia, France, Britain and the U.S. still maintain a special four-power commission, and on a monthly rotation send 79 civilians, officers and men to run Spandau.

The annual cost of operating the six-acre complex is $106,750—a tab that is picked up by the Bonn government as war reparations. That is a high price per man to pay for incarceration, but at midnight, Sept. 30, the cost will rise even higher when Speer and Von Schirach are released after completing their 20-year sentences. Only Lifer Hess will remain in the costly keep.

Happy to Try. Tall, hollow-eyed Rudolf Hess has been a prisoner ever since the night of May 10, 1941, when he shocked the world by parachuting from a Messerschmitt fighter onto the Duke of Hamilton's estate in Scotland. His mission, he claimed, was to end the war between "the great Nordic nations" Britain and Germany. Hess did not have the approval of Hitler for his peacemaking mission, and indeed was quickly denounced by the Führer as "crazy." Hess remains convinced of the sacredness of his mission. "True, I achieved nothing," he wrote. "I could not save the people, but it makes me happy to think that I tried."

Thinking is about all that Hess does these days. Unlike Speer and Von Schirach, who busied themselves in the Spandau garden and read voluminously (Speer raised exemplary gladioli; Von Schirach memorized passages from Dante's *Divine Comedy*), Hess, for the most part, lies on the floor of his 7-by 10-ft. cell, clad in grey shirt, brown corduroys and wooden clogs, and practices yoga. During exercise periods, he marches listlessly about the yard in a black overcoat with a white numeral 7 stenciled on its back. Sometimes he reads the Frankfurter Allgemeine or the Communist Neues Deutschland.

Though allowed to see his family, Hess adamantly refuses to do so. He does, however, write a permitted 1,300 words a month to his family. "It is beneath our dignity to meet," he explained by letter to Wife Ilse, 66, who runs a small *Gasthaus* in Bavaria's Allgäu Alps. Belatedly, Hess has become a freedom lover. "I would never again put a bird in a cage," he wrote to Ilse. "Only now do I fully understand why the Chinese and Japanese, when fate is especially kind to them, go to the market, buy a bird, open the door of the cage and let him fly away. One day I will do this too."

Not very likely. The Western Allies have proposed that Spandau be closed and Hess transferred to a less costly jail. But the Russians have a veto, and in their wariness toward the West are not likely to sympathize with moves to reduce the costs of incarceration.

DARTMOUTH STUDENT GATHERS PETITION OF 2,000 NAMES ON BIAFRAN POLICY

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, I was visited this morning by a student from Dartmouth College who had come to Washington to find out what the United States is doing to bring about an end to the war between Biafra and Nigeria, and what more we could be doing.

This student, whose name is Chester Husted, carried with him a petition listing three areas in which the Federal Government could be doing more to alleviate the suffering in this area. The petition was signed by more than 2,000 persons from the small town of Hanover, N.H., and from several surrounding communities.

Mr. Speaker, I would like to include the text of the petition in the RECORD at this point. Quite a number of resolutions have been introduced in the House expressing Congress' concern over the course of events in Biafra and Nigeria, including my own resolution, House Concurrent Resolution 127, introduced with the gentleman from Ohio (Mr. LUKENS) and others. It is my own belief that the Government can do more to reduce the hunger and starvation of these people, without getting militarily or politically involved in the conflict.

A SEARCH FOR SOLUTIONS—STUDENT'S ATTITUDE REFRESHING

A word of praise is also due to Mr. Husted for his efforts to get support for the petition, and to see if the U.S. Government might more effectively bring about an end to the war. The concern which he has shown reaffirms my belief that despite the disorders on many campuses today, most of the younger generation of students are still actively interested in finding the solutions to the problems which face our Nation and the world.

Text of petition follows:

The war in Nigeria/Biafra is now in its twenty-second month. Because the Biafran people have proved that they are prepared to fight to the last man rather than submit, the war may last interminably, resulting in an even more acute famine that has reached huge proportions because of the Nigerian blockade. Statistics show that thousands of men, women, and children are dying daily of starvation and malnutrition.

We, the undersigned, believe that a massive effort on the part of every sector of the United States government and the United Nations should be undertaken to save the people of Nigeria/Biafra. We realize that it is within the capabilities of the United States in cooperation with other nations, within or without the United Nations, to alleviate the mass suffering that is taking place as a result of the conflict. We are aware that our government has been considering the situation, as evidenced by the following: the State Department has sent representatives to Nigeria/Biafra to obtain facts on the war; members of Congress have visited the area on fact-finding missions; resolutions have been drawn up in the House and Senate, and individual statements have been made by several members of Congress calling for greater U.S. initiative in the direction of promoting a cease-fire. Furthermore, a limited amount of financial support and cargo aircraft has been provided by our government to the relief organizations such as the Red Cross and Joint Church Aid.

However, these efforts have not been sufficient, because the people of Biafra are still dying by the thousands. It is time that our government take immediate positive action to a much greater extent. Our government can work in cooperation with other nations in a number of ways:

1. Launch a massive airlift of food and medical supplies into the distressed areas. Many of the obstacles to relief flights have been removed by Lagos and Biafran authorities, and international cooperation can erase the remaining barriers.
2. Confer with and apply diplomatic pressure upon the nations who are supplying arms to either side to initiate an agreement among them, in particular Great Britain, the U.S.S.R., and U.A.R., and France concerning a cessation of arms shipments and other military aid as a logical step toward a cease-fire.
3. As mentioned above, seek international agreement on settling the crisis through the United Nations General Assembly. The United Nations has shown a hesitation to act that parallels the failure of the United States to take sufficient measures to save the civilian victims of the Nigeria/Biafra conflict.

There is no longer time to hesitate. In the interest of humanity, immediate action is imperative.

HIGHWAY SAFETY: COMMENTARY NO. 5

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, as the fifth in my series of commentaries on Highway Safety, I wish to present the following statistics on highway fatalities. These figures represent death. They illustrate the urgent need for drastic action to make our roads safe.

In 68 years since the invention of the horseless carriage, almost 2 million people have lost their lives in auto accidents. This count does not include the millions of people maimed for life with physical or mental injuries.

Mr. Speaker, I present the following table for the benefit of my colleagues and the other readers of the RECORD, with the hopes that their reactions will result in a more concerted, constructive, and effective effort to reduce this needless carnage:

Special Subcommittee on the Federal-Aid Highway Program

MOTOR VEHICLE DEATHS

Year	*Total deaths*
1912	3, 100
1913–17 (average)	6, 800
1918–22 (average)	12, 700
1923–27 (average)	21, 800
1928–32 (average)	31, 050
1933	31, 363
1934	36, 101
1935	36, 369
1936	38, 089
1937	39, 643
1938	32, 582
1939	32, 386
1940	34, 501
1941	39, 969
1942	28, 309
1943	28, 823
1944	24, 282
1945	28, 076

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Special Subcommittee on the Federal-Aid Highway Program—Continued

MOTOR VEHICLE DEATHS—Continued

Year	*Total deaths*
1946	33, 411
1947	32, 697
1948	32, 259
1949	31, 701
1950	34, 763
1951	36, 996
1952	37, 794
1953	37, 955
1954	35, 586
1955	38, 426
1956	39, 628
1957	38, 702
1958	36, 981
1959	37, 910
1960	38, 137
1961	38, 091
1962	40, 804
1963	43, 564
1964	47, 700
1965	49, 163
1966	53, 041
1967	53, 100
1968	55, 200
Total 1900 through 1968	1, 721, 000

Source: National Safety Council.

THE PRAYER BREAKFAST: A TIME FOR SPIRITUAL RENEWAL

(Mr. HORTON was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, spiritual decay is a symptom of our times. All of us—our colleagues in the House, men in business, and those who attempt to keep attuned to the hectic pace of modern life—find it almost impossible to squeeze a moment of solitude and quiet into our schedules.

Each day is a rush, from the moment we awake to the moment we go to bed. And yet, a great urgency for spiritual renewal is becoming more important. We feel a need for meditation, for a chance to take stock of ourselves as men, for a perception into the chaos around us.

A man who realized this and encouraged gathering together for prayer was Abraham Vereide, who died May 19. Abraham Vereide has been called the father of the prayer breakfast. Dr. Vereide knew of men's need to seek spiritual direction and guidance in their personal and business lives.

Here on Capitol Hill, the Senate and House have various prayer breakfast groups. I was privileged as were many of my colleagues to attend one on April 27, headed by Abraham Vereide, possibly the last before his death.

At a time when the need for prayer is becoming more and more important, I think it appropriate to share with my colleagues the remarks of Abraham Vereide on that occasion as he spoke on the concept of the prayer breakfast:

REMARKS BY DR. ABRAHAM VEREIDE, APRIL 27, 1969

This enterprise was an idea, a concept, that came to me after considerable prayer on behalf of the nation and my own City of Seattle in 1935. Leaders must lead by precept and example. A leader must be led and in order to be led aright he must be led by God. Said St. Paul, "As many as are led by the spirit of God, they are the sons of God," and so we began to pray meaningfully, "Our Father, who art in heaven . . ." It meant the yielding to God and discovering Him as our Father and each other as brothers—as members of the same family—who would surrender our own stubbornness and our own wills to the will of God and become harmonized and unified in His plan and purpose, saying, "Thy kingdom come . . ." His reign, His will, must be the ultimate everywhere. About Jesus it was said, "The Word became flesh and dwelt among us."

Words, ideas, concepts became a living reality in Jesus and as we became alive and vitalized both in mind and spirit, in right identification with Jesus, we began to concretize the spiritual direction and to close the gap between theory and practice. City leadership, county and state, became God's agents for a new city and a new state, beginning with the individual and his own enterprises. We found God's way to be the workable way. We found God's plan to be a solution everywhere to the degree that men would follow it and yield to Him and the invasion of His spirit into human personality.

From concepts to demonstration—we are here today with the Senate and the House, Republicans and Democrats, the Executive Department and men of affairs, as well as these representatives from Spain, all telling the same story and joyfully sharing their experiences and passing on the good news to others.

Similar groups on every continent bear witness to the efficiency of the idea of teamwork with God and men to make the impossible possible and the human dreams and aspirations the happy solution in every clime, nation and in individuals.

The following item I frequently mention as the historical and Biblical background for the Breakfast Groups:

The first Breakfast Group was inaugurated beside the Sea of Galilee with a group of fishermen and discouraged businessmen. They were greeted by Jesus who inquired about their success and then gave them the instruction to "cast their nets on the right side of the boat"—doing business the right way—when a huge success was accomplished.

He invited them for breakfast having prepared that breakfast himself and built a fire that they might warm themselves and find the physical comfort needed. Then in congenial fellowship he asked them the searching question, "Do you love me?" This he asked three times and then gave them the challenge, "Feed my sheep," referring to childhood, youth and maturity.

The real text of life is love and this love must be manifest. The evidence of love is the right attitude expressed in service and helpfulness. The motivating force in life must be love."

Mr. Speaker, on May 19 columnist David Lawrence had an excellent article in the Washington Star on Abraham Vereide which vividly demonstrates his "lasting legacy in the form of prayer breakfast groups." The article follows:

PRAYER BREAKFASTS ARE A MEMORIAL

(By David Lawrence)

Abraham Vereide—The father of the prayer breakfast movement—who helped to create hundreds of prayer groups throughout the United States and in 70 countries of the world, has just passed away at his home in Washington at the age of 82.

Few men in American history, inside or outside the church, have exercised as much influence as did Dr. Vereide through the banding together of laymen of all religions to seek spiritual guidance in their personal and business life.

Dr. Vereide was responsible for the establishment in 1941 and 1942 of the Senate prayer breakfast and the House prayer breakfast, each of which meets weekly while Congress is in session. There are no sermons preached by ministers, but a member of the group acts as the leader at each meeting. All discussions are off the record.

The Senate and House groups hold a presidential prayer breakfast each year, which is attended by several hundred guests, including the President of the United States and high officials from all branches of the federal government.

There are gubernatorial prayer breakfasts annually in 47 states. In a number of states, regular gubernatorial prayer breakfasts are held similar to the weekly meetings of groups in the Senate and House.

Abroad, the movement has taken hold on every continent. In recent years, the chief of state has participated in annual prayer breakfasts in countries like Canada, Brazil and Korea.

The groups are nondenominational and nonsectarian. Persons of all faiths are invited to join in the prayer breakfasts. While the spread of the movement has been facilitated by the International Christian Leadership organization, founded by Dr. Vereide, each breakfast group in every city, state or country is spontaneously organized and operates on its own.

Dr. Vereide served for a number of years as a Methodist minister, and was for four years associate general superintendent of the Goodwill Industries of America. It was in 1935 that he put into motion the idea of the prayer breakfast group, setting up the first one in Seattle, Wash. As the movement spread, the International Christian Leadership was founded in 1947 as an instrument to encourage formation of the groups worldwide. Its basic budget of less than $80,000 dollars a year is provided by contributions from individuals who are in the groups.

Today there are in the City of Washington alone about 40 prayer breakfast groups. Many of them are in the federal agencies, where the staff of a commission or department organizes a weekly prayer breakfast meeting. In groups throughout the country, members include judges as well as business and professional men and state and city officials. The attendance varies somewhat from week to week, but generally between 15 and 25 persons are present. This affords an opportunity for an intimacy of expression between individuals such as is not ordinarily developed.

The meetings usually begin at 8:30 a.m., and during the first half-hour of breakfast, there are conversations back and forth across the table. Both Republicans and Democrats participate. At 9 o'clock, the member who has been designated to lead presents a paper for 15 minutes, after which there is 15 minutes of discussion followed by a closing prayer.

Over the years, some close friendships have been built up in these meetings, including a better knowledge and understanding of each other between members of opposite parties. Frankness prevails, and the emphasis is on conscience and adherence to moral principles.

Even after some members of the House and Senate have left office, they frequently come back to the prayer breakfast meetings. The same experience is reported by those who attend the prayer breakfasts in the executive branch of the government here as well as in several of the parliamentary governments of the world.

Dr. Vereide's achievements have been known to a relatively small number of people, but he has left behind a lasting legacy in the form of prayer breakfast groups. It is likely not only to live on, but to grow as the movement continues to expand among the people on every continent of the globe.

Last February I drew the attention of my constituents to a renewal of prayer services in our Nation's Capital and I would also like to share those sentiments with you:

[From the weekly column for Feb. 9, 1969, by Congressman FRANK HORTON]

PRAYER IN THE CAPITOL

". . . May it be our aim, as we meet daily in this historic chamber, to meet the needs of struggling humanity, to strengthen the ties that bind free men together, and to find the way to peace among the nations of the world. . . ."

With these words, Reverend Edward G. Latch, Chaplain of the House of Representatives, recently opened a legislative day in the House. Prayer is a traditional part of both Houses of Congress, just as it is a part of American heritage.

The First Amendment to the Constitution says, "Congress shall make no law respecting an establishment of religion. . . ." This phrase was designed, not to discourage religion, but to assure the equal freedom of worship to all.

Unfortunately, many people have taken this phrase to mean that God has no place in our Government.

While the Constitution does prohibit the establishment of any religion by Government, it in no way precludes those in Government from expressing their personal religious beliefs and exercising religious rights.

The Constitution does not require the government to turn its back on religion, to the point where prayer and religious beliefs have no place in the lives and ceremonies of public officials.

Down through the years our leaders in Congress and in the White House have prayed in the manner of their choice for inspiration and guidance in carrying out their responsibilities.

Prayer was offered at the convention in Philadelphia which produced our Constitution. Prayer is offered as each house of Congress opens its daily session.

In 1955 Congress provided its members a special non-sectarian chapel. This room, with an accent on simplicity, gives the men and women who must make the gravest decisions for America and the world a place to worship.

The chapel is designed for private meditation and prayer, not for a general assembly.

The focal point of the chapel is a large stained glass window which shows George Washington kneeling in prayer. The altar and prayer bench are of white oak.

With all the turmoil in our country today it would be well to look to the words of our First President:

"While just government protects all in their religious rights, true religion affords to government its surest support."

President Nixon's inauguration was one the first times since George Washington that a full-scale worship service has been a part of the inaugural program.

Prior to the swearing-in ceremonies on the Capitol steps, about 750 persons attended a prayer service at the State Department Auditorium.

Mr. Nixon also has initiated a Sunday worship service at the White House. The President's efforts are an example all of us can follow in bringing about a spiritual renewal in our country.

Another monumental spiritual event was the annual Presidential Prayer Breakfast which Mrs. Horton and I attended. The President and Vice President and their wives attended along with a large majority of Congressmen and Senators.

A notable aspect of the breakfast was that, for the first time, every one of the newly-appointed Cabinet members attended with their wives.

Reverend Billy Graham was the main speaker at a subsequent Presidential breakfast the same morning attended by 2,000 invited guests.

The past few weeks in Washington have brought a refreshing injection of spirituality and perspective into an America which has suffered from chronic shock, crises and tragedy for more than a decade.

"To a crisis of the spirit," Mr. Nixon said inauguration day, "we need an answer of the spirit."

The country is in need of spiritual therapy. The renewal of worship and prayer in the routine of government is most encouraging.

REDUCTIONS IN DEFENSE SPENDING

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, there is widespread discussion on the subject of cuts in military expenditures. There are those who would make drastic reductions in defense programs. Such a proposal has been debated in the Democratic caucus. It is very desirable to find ways to save money in all agencies of Government—not just in Defense. I would hope that the entire Congress can work together toward that end. I feel that more could have been accomplished heretofore had a keener interest been shown in this subject by the membership when appropriations bills were under consideration. It is an inescapable but unfortunate fact that few Members attend House sessions which are considering appropriations measures, and fewer still make an effort to reduce expenditures when these bills are under debate.

It would appear from some of the statements that are now being made that the record of the House on savings is not good and that we have, to an extent, failed in our responsibility. This is not borne out by the facts. The recommendations of the Appropriations Committee have consistently reflected reductions in budget estimates. Last year, the Appropriations Committee of the House cut $15 billion from expenditures; $5 billion of the reduction was in Defense spending. This agency sustained one of the highest percentage cuts among all agencies of Government.

To those who now wish to direct efforts for reductions in expenditures primarily toward the military, let me point to the fact that, taking into consideration the Vietnamese war and the higher costs of defense due to wages and inflation, we actually have the smallest level of defense spending we have had in years. Defense spending without these added factors is less than it was in the early 1960's, in times of comparative peace. As a result of this situation, badly needed modernization of ships and aircraft has been delayed for several years. This is a dangerous delay which is becoming more aggravated with each passing day.

The Russians have not made a corresponding reduction in their level of defense. They spend approximately twice as great a percentage of their gross national product on defense as we do. They are spending about as much in dollar value as we spend, and Russia, by virtue of lower wages and better conrol of inflation, gets more for a defense dollar than we do.

It must be pointed out—and this statement will be sustained at the highest levels in the Pentagon—if large arbitrary cuts are made in the current defense budget, there is no alternative but to accept substantial troop cuts. This would necessarily mean that U.S. commitments worldwide would have to be reduced. Or would also mean further delays in modernization. I would hope that those who insist on large reductions in defense costs at this time would do us the kindness to enumerate what specific U.S. commitments should be dropped and where retrenchments in modernization should be made. Failure to do this would leave us in a most irresponsible position which I think would be unbecoming to Congress.

Let me reiterate: Congress does not need to apologize for its record in saving money. The House has faced up to its responsibilities as a legislative body. We cannot control the actions of the other body of Congress, nor can we administer the funds which Congress appropriates.

We should not be asked to accept blame for cost overruns or even for waste where other agencies of the Government have direct responsibility for administration of programs and we have none.

We can investigate; we can uncover facts; we can write limitations and we can hold appropriations to the lowest level consistent with proper operation of Government agencies. In this area we can strive to do a better job, but let us not assume the blame for acts beyond our responsibility.

STUDY ON CHEMICAL AND BIOLOGICAL WARFARE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the study which has been ordered on chemical and biological warfare by President Nixon can serve a useful purpose, and its desirability was concurred in by Army officials in charge of the program in the Pentagon. The study can produce needed information and help to clear the atmosphere. There have been some responsible statements on the subject, some loose talk, and many sensational articles, some of which undoubtedly were based more on imagination than fact.

It would be a highly desirable thing if conferences also could be held with the Russians in an effort to curtail or eliminate chemical and biological warfare programs. This, of course, is a possible outgrowth of the President's study. Russia is the world's leading power in chemical and biological capability.

The Russians ratified the Geneva Conference against the use of poison gases, but did so with the reservation that it was not binding if other nations, presumably the United States, failed to ratify the treaty. We have not done so.

For some strange reason, it has been extremely difficult to get simple facts set forth on chemical and biological war-

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fare, and in those instances where the facts are made known, it is doubly difficult to get them printed. For years there has appeared to be a conspiracy of silence about the need for capability in this type of warfare for the defense of the United States. But throughout this period, any horror story applicable to chemical and biological agents could be certain to receive front page scare headline treatment.

I do not question the motives of those who are genuinely concerned about this problem, but sometimes I wish they would also familiarize themselves with the facts. The facts are important both to the proponents and opponents of chemical and biological warfare. These are dangerous agents and they must be handled with care. Equally important is the fact that without both knowledge and capability in their use, America's defenses could be jeopardized.

The current testing program is the smallest in years. The figure of $330 million, which has been used as the level of U.S. participation in C–B activities, is made up largely of munitions; that is, tear gas and defoliants for use in Vietnam. It should be emphasized that U.S. studies in this field are aimed principally at the development of incapacitants which neither maim nor kill.

All warfare is terrible and it is something which should be avoided wherever possible with honor. But there seldom appears to be concern about the horrors which attend other kinds of warfare comparable to the concern expressed about the use of chemical and biological agents. Napalm is used extensively in Vietnam with results which are brutal and terrifying. Those not killed maybe horribly burned. By contrast, tear gas, which is a chemical weapon in use in Vietnam, has not killed a single person, but its use has made it possible to save the lives of women and children and others who were hostages of the Vietcong, and it has saved the lives of Americans who, by using tear gas, were able to force out Vietcong who were dug in or who were hiding in tunnels, thus avoiding exposure of our own forces to enemy fire. The catastrophe of death and destruction which would be rained by nuclear weapons is not even under question. Apparently there are no headlines to be gained by attacking this type of warfare.

Symbolic of the scare stories that circulate and which are picked up and repeated without regard to accuracy is the current one that we could have been subjected to the risk of hundreds of thousands of deaths by a tired railroad engineer's misjudgment of a curve in the track or an aimless shot at a passing freight train by a boy testing his new rifle. This refers to the proposed disposal of outdated nerve gas. A train wreck, even if it occurred despite the triple and quadruple safety precautions which would be taken during cross-country shipment of nerve gas, would not have one chance in a hundred of releasing nerve gas on the countryside. A rifle shot from a boy or a saboteur or a fool would have no effect because it would not penetrate the containers in which the gas would be transported. Incidentally, there have been cross-country shipments of gas munitions before and nothing happened. The danger is in keeping, not in disposing, of outdated or obsolescent nerve gas.

One writer has warned of the danger from chemical munitions stored at Denver 3 miles from the end of a runway at the civilian ariport, a runway which was not there when the munitions first were stored. In the same breath, he complains because the Army wants to remove the chemicals for disposal. This is typical of the inconsistant statements which have been directed at the program.

The reason for the proposed disposal of the outdated gas is simple enough. We do not need it. It is old gas. It is obsolescent and is becoming dangerous to store. Depositing it in old hulls in the bottom of the sea far from shipping lanes is the safest and cheapest way to dispose of it permanently.

All the questions about the disposal of the surplus nerve gas have been carefully researched. It is not a simple problem but the answers about procedures and safety are convincing enough to any reasonable person who is interested in facts.

The story is repeated apparently with gloating by some horror seekers that we possess enough nerve gas to kill every person in the world a thousand times over. We do possess enough to kill every person once, but they would have to be lined up and innoculated one by one—a most unlikely occurence. No such mass kill could possibly occur even in war.

By the same token, we possess enough bullets to kill every human being in the world several times over, but no one seems to be apprehensive about such an occurrence. We have expended enough munitions in Vietnam to have killed every person in the world had each round been destructive to its full capability. Yet there seem to be a great many North Vietnamese and Vietcong left even in that small part of the world. Perhaps I should also touch on the deaths that could be wrought by atomic explosions from weapons now in our arsenal. They could also kill every person on earth several times over, and are much more likely to do so than chemical or biological weapons.

The one point which those who would have us eliminate chemical and biological weapons from our defense inventory almost never touch upon is Russia's capability in this field. It is estimated by those who are experts and who have possession of the facts—and I stress fact rather than rumor—that Russia has 10 times the capability in this field than we have. If we fail to continue our testing in this field, and if we further weaken our relative capability, we expose ourselves more and more to danger of attack with these weapons. I have seen nothing which provides assurance that Russia may not someday bypass the very obvious risk of mutual destruction through nuclear war and gamble on something different and cheap and very effective like chemical and biological weapons. A 10-to-1 ratio of superiority in attack capability must be considered more tempting than a 1-to-1 ratio as in the case of nuclear weapons.

LITCHFIELD, CONN.'S, 250TH ANNIVERSARY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, from July 3 to July 6 the Connecticut town of Litchfield—one of the Nation's oldest and most historic communities—will celebrate its 250th anniversary. From 1958 through 1964 I had the honor to represent Litchfield in the Congress, and as the town's 250th birthday approaches, I think the time is appropriate to consider national as well as local commemoration of the Litchfield heritage.

Litchfield's contributions to our national experience reflect that community's remarkable affinity for order and careful planning. From the date of original settlement in 1719, the citizens of the town committed their full energies and resources to the harmonious development of American business, American religion, American education, and American politics. The fruit of their good works constitutes a proud and unique heritage. For example, Litchfield's Tappan Reeve Law School, founded in 1744 as the Nation's first professional law school, produced in its 59 years of existence no less than two Vice Presidents, six Cabinet officers, 26 U.S. Senators, 90 Members of Congress, six Governors of Connecticut, 10 Governors of other States, three Justices of the U.S. Supreme Court and 10 chief justices of State supreme courts. The stamp of a Litchfield education on the Nation's growth can also be seen in the contributions of such men as Vice President John C. Calhoun, educator Horace Mann, inventor Samuel F. B. Morse, and artist George Catlin. All these men and the Nation as well were the beneficiaries of Litchfield's social commitment to higher education and a higher public morality.

The following article written by John P. Conway and published in the Waterbury Republican's Sunday magazine narrates in greater detail Litchfield's historic past and its anniversary program:

LITCHFIELD GIRDS FOR BIRTHDAY CELEBRATION

(By John P. Conway)

Historic Litchfield with its wide, tree-lined streets, its black-trimmed, white colonial houses on carefully-tended lawns, a New England showplace of about 7,500 year-round residents, typically quiet and serene . . .

But from July 3 through July 6 Litchfield will explode with excitement. With some anxiety officials expect 75,000 persons to pour in to help celebrate the town's 250th anniversary, an event that has been planned for the past year and a half.

Other historic homes in Litchfield include the Julius Deming Home, built in 1793 with palladian window over portico; the Benjamin Hanks Home, built for the clockmaker in 1780; the Ephraim Kirby House, built in 1773; the house of Lynde Lord, Sr., high sheriff of Litchfield Country, built in 1771.

Perhaps one of the most photographed buildings in Litchfield is the historic Congregational Church, built in 1829, the third Meeting House of the First Ecclesiastical Society. This was erected apparently from the designs by Levi Newell of Southington. Abandoned in 1873 to make room for a fourth church, this is a Gothic structure. It was eventually returned to the original site and carefully restored. It is considered one of the

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finest examples of early 19th Century architecture.

Even Litchfield's jail is historic, and, perhaps, the only jail in the country with a bank attached to it. This dignified and well-kept, building at the junction of North and West Sts., was built in 1812 of the same type brick used at old Newgate Prison in Granby. The first town jail, of hewn logs, was on the north side of East St. beyond the Torrington Rd. British prisoners were confined in the old jail during the Revolution.

Special services at all churches in Litchfield on July 6 will recall the influence of the clergy throughout the town's history. The most famous was the Rev. Lyman Beecher, pastor of the Congregational Church from 1810 to 1826. His sermons attracted wide attention including his famous series known as "Six Sermons on Intemperance," delivered in 1826. The first Temperance Association in America was formed in Litchfield in 1789, and Beecher's later sermons carried the message of this association, setting the country thinking.

Said Rev. Beecher: "I wrote under such power of feeling as never before or since. I didn't set up for a reformer any more than this: When I saw a rattlesnake in my path, I would smite it." Rev. Beecher was the father of Henry Ward Beecher and Harriet Beecher Stowe who wrote "Uncle Tom's Cabin." His homesite is marked on North St.

Another colorful minister in Litchfield, during the Revolution, the Rev. Judah Champion, more than lived up to his name. At one point in the war the entire country was alarmed with news that Lord Cornwallis with a fleet was beating toward the American coast.

Col. Tallmadge happened to be passing through Litchfield at the time with a cavalry regiment. He and his troops attended Sunday service and heard Rev. Champion invoke the wrath of heaven thus:

"O Lord! We view with terror the approach of the enemies of thy holy religion. Wilt thou send storm and tempest, to toss them upon the sea, and to overwhelm them upon the mighty deep, or to scatter them to the uttermost parts of the earth. But, peradventure, should any escape thy vengeance, collect them together again, O Lord, as in the hollow of thy hand, and let thy lightnings play upon them."

Taking a deep breath, the minister continued: "We beseech thee, moreover, that thou do gird up the loins of these thy servants who are going forth to fight thy battles. Make them strong men that 'one shall chase a thousand, and two shall put ten thousand to flight.' Hold before them the shield with which thou was wont in the old time to protect thy chosen people. Give them swift feet, that they may pursue their enemies, and swords terrible as thy destroying Angel, that they may cleave them down when they have overtaken them. Preserve these servants of thine, Almighty God, and bring them once more to their homes and friends, if thou canst do it consistently with thine high purposes. If, on the other hand, thou hast decreed that they shall die in battle, let thy spirit be present with them, and breathe upon them, that they may go up as a sweet sacrifice into the courts of thy temple, where are habitations prepared for them from the foundations of the world."

Litchfield also claims another Revolutionary War hero as a son, Ethan Allen of Ticonderoga fame. Allen spent much of his youth and early manhood around Cornwall and Salisbury and was involved in iron mining. About 1765 he went to New Hampshire.

The hardy band of pioneers formed an organization called the Green Mountain Boys and appointed Allen the commander. Early in the Revolution the strategists planned the capture of the British fortress on Lake Champlain and by common consent Allen was chosen to lead the assault.

It was a peaceful May morning in 1775 when Allen and his small band of marauders entered the fort at Ticonderoga, and thundered at the door of the commander that he surrender the garrison. By whose authority? "In the name of the great Jehovah and the Continental Congress," shouted Allen, waving a sword and threatening the commander with instant death.

Again in the Civil War, Litchfield men answered the call and trained at the now peaceful Camp Dutton on Chestnut Hill. The 19th Conn. Regiment later known as the Second Conn. Heavy Artillery, was recruited and trained on Chestnut Hill.

In 10 battles this regiment gave a good account of itself but suffered bloody losses at Cold Harbor and Manassas. Of 280 men from Litchfield 77 died. Each week the sad tidings were delivered through the village. Three sons of the Wadhams family, living on Harris Plains, were killed within 14 days.

From war to banking, Litchfield is steeped in history. The First National Bank, attached to the jail, dates back to 1814 when a charter for a bank was sought in Hartford. The town gave its support and this became a hot issue.

Political feeling ran high in Connecticut at the time and the promoters of the project enlisted the strong Federalist feelings to get the branch of the Phoenix Bank of Hartford established in Litchfield with Col. Tallmadge the first president. Thus in 1864 the First National Bank, the sixth oldest bank in the state, was incorporated. And the history of this, and other, banks "from wampum to credit cards" will be recalled during the celebration.

For months leading up to this observance, men around town have grown beards which will be judged the afternoon of July 4 at the White Memorial Foundation grounds. Other events scheduled that day include bell ringing at 2 p.m., followed by a band concert at the foundation grounds; "Know Your Town" tours and the massive fireworks display on Chestnut Hill at 9 p.m. Rudolph J. Schaefer of the brewery, who had a farm in Litchfield for about 20 years, donated $1,000 for the fireworks, along with red and white uniforms for beer garden waiters at various points.

A big opening dance at 9 p.m. July 3 will help kick off events at Community Field. Two huge floors under canvas are set up for a costume ball for older residents and a regular dance for younger people. Two bands will play and a central buffet between tents with beer garden will cater to everyone. Other events July 3 include the opening of the industrial and agricultural exhibit; the DAR fashion show on the foundation grounds; the Connecticut Furniture exhibit at the historical society.

A children's parade will be held at 9:30 a.m. July 5 with the larger parade "Cavalcade of Yesterday and Today" scheduled for 2 p.m. Exhibitions will continue and there will be a square dance jamboree at 8 p.m. and a baseball game played at 6 p.m. at Community Field.

Family picnics are planned on July 6 from noon until time for the community sing and concert on the foundation grounds from 2:30 to 4:30 p.m. A polo game will be played at Keefe's Stables starting at 2 p.m. Events will taper off toward late afternoon to end the four-day observance.

Along with events, many souvenirs will be offered at shops and stores including beer mugs, plaques, hats and pennants. According to Mrs. Newell Rogers, in charge of publicity, a cookbook of old Litchfield County recipes, which has been on sale since June 1, will also be sold in town. Some recipes date back to the early 19th Century.

The official Central Committee of the town planning the event faced many staggering problems; food and lodging for instance. According to Fisher, professional caterers will set up stands at all major sites to feed the crowds expected.

Lodging, though, is another thing. The Westleigh Inn, built in 1760 as a private home, now operated as a private hotel-dining room, has but 12 guest rooms and three dining rooms capable of serving 150 persons at a sitting. The building, incidentally, still has the original hand-hewn wood-pegged beams. Since 1954 it has been operated by two New York men. Scenes of Litchfield, including several by A. Sheldon Pennoyer, are displayed in the inn.

Said Fisher, "We expect to have a map pinpointing towns within a 25 mile radius where rooms will be available." Visitors who intend to stay a few days will have to travel to outlaying cities like Hartford and Waterbury for hotel accommodations.

Traffic should be bumper to bumper through the town during the celebration and State Police have been working to solve this headache. Special traffic patterns have been set up with parking areas marked off. Town residents will have special stickers, or other identification, to permit them to drive to their homes.

Said Fisher, "This has been a total town effort and there has been wonderful cooperation. We worked with an official Central Committee of 25 and an Executive Committee of seven. We were fortunate in getting some very astute people to help. And all this has been planned to remind us of our long heritage."

Fiercely proud of its legacy, a tasteful mixture of past and present after 250 years, Litchfield plans to pull all the stops for four days to boast of this legacy and visitors are more than welcome.

From early indications and from events scheduled, the celebration will be long remembered in and around Litchfield. It should certainly surpass the 200th anniversary celebration held in 1920 when 10,000 persons including Gov. Marcus H. Holcomb came to join in the observance.

In 1920, His Worship, the Mayor of Litchfield, England, Henry G. Hall, the cathedral sister city of the Northwestern Connecticut town, regretted he could not attend the celebration but sent a resolution of congratulations on vellum for the observance.

But Mrs. A. G. Millard, present mayor-council of Litchfield, England, will be on hand for this bash in new ceremonial robes, accompanied by her husband, and Col. Sir Stuart M. Mallison, the lord lieutenant of Essex. She will take part in all events, ride in a stagecoach with First Selectman Leonard W. Hutchinson, review the big parade and be honored with a 15-gun salute. Danbury's British Colonial-dressed guard, "The Fourth of Foot," will be on hand to escort Mrs. Millard.

Already, thousands of silver and bronze medallions, struck for the celebration, have been sold and more will be auctioned off in shops and stores. Designed by Capt. Herbert S. Jones (USN–Ret.) and Postmaster S. Woodruff Clark, the medallions bear the town seal on one side and the figures of an Indian and proprietor on the other side.

The new official town flag, deep blue trimmed in gold, displaying the town seal, will be carried at the head of the big parade July 5, another will fly over the Town Hall during the observance, and a third will be flown at the 3,500-acre White Memorial Foundation grounds where many special events will be held.

The four-day event will feature agriculture and industrial exhibits, a DAR fashion show, an early Connecticut furniture show, a concert, a community sing, bell ringing, town tours, square dance jamboree, a massive display of fireworks on Chestnut Hill near Camp Dutton, the Civil War training grounds, and, of course, services in all churches.

Actually, anyone who visits Litchfield on

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July 3 when exhibits open at 11 a.m., on White Memorial Foundation grounds, can take in continuous events through four days right up to late afternoon of July 6.

The observance is being held this year instead of next because though the town was settled in 1720, permission to settle was granted in 1719 to Lt. John Marsh of Hartford, Deacon John Buell of Lebanon and others. Actually, as early as 1715 Buell explored the area in the southern foothills of the Berkshires north of Waterbury and west of Farmington.

The name Litchfield has been translated to mean "field of the dead," traced back to the Dioclesian persecutions of the Christians in the Fourth Century. Litchfield, Conn., still retains the "T" in the name though the English town dropped what was considered the "quaint spelling" many years ago.

Though there are at least 100 historic houses in Litchfield they will not be open during the four-day celebration. However, the annual open house for the benefit of Litchfield Junior Republic will be held July 13. "Houses will then have markers outside and will be pinpointed on a map, said Robert L. Fisher, committee member. "We couldn't very well ask people to open their homes with up to 75,000 people expected in town."

Theme of the big parade from South St. to Community Field will be "Cavalcade of Yesterday and Today." The parade will step off at 2 p.m. with 24 bands scheduled to march, including the popular Mattatcuk Fife and Drum Band. Among the 24 floats entered will be one depicting the early days of the Tapping Reeve Law School, claimed as the oldest school in the country; another based on Miss Sarah Pierce's Female Academy for Women, and others entered by towns in the county.

Some 70 pieces of furniture having a history of manufacture or use in Northwestern Connecticuit between 1750 and 1850 will be exhibited at the Litchfield Historical Society Building. Several pieces are attributed to Silas Cheney, early 19th Century Litchfield cabinetmaker. Many are documented by entries in surviving account books kept by Cheney from 1799 to 1821. Also shown will be furniture made at Norfolk, Woodbury, New Milford, New Hartford and Barkhamsted. An illustrated catalog will be on sale at the society headquarters.

A continuous four-day exhibition, mainly agriculture and industrial, will be held at the White Memorial Foundation grounds. Called "Panorama of Change," it will consist of "action exhibits showing the evolution of all factors of life in Litchfield over the past 250 years. It will feature the evolution of power from the ox and waterwheel to combustion and atomic engines," said Henry Krebser, Litchfield County 4-H Club agent and chairman of the exhibit.

Said Krebser: "There will also be exhibits on transportation, illumination, electric power, communication, water systems, banking, Indian culture, and a complete saw mill operation. The banking exhibit will cover everything from wampum to credit cards."

The town, especially that section around the Village Green designated a historic landmark by the General Assembly in 1959, will be decked out in flags and bunting donated by several area firms. The store fronts have been all spruced up with boxes built by boys from the Junior Republic containing red, white and blue flower patterns planted by members of the Litchfield Garden Club.

From its settlement in 1720, when it was called Bantam, a corruption of an Indian name Litchfield has shown an affinity for order and careful planning. Henry Ward Beecher, one famous son, wrote: "They laid out their streets and staked off the village common with such generous breadth that they remain the delight of the residents and the admiration of strangers to this day. They made such liberal provision for education and religion that the settlement soon became noted for the excellence of its schools and the commanding influence of its pulpit."

Earlier, the Rev. Dan Huntington, who came from Yale in 1788 to become third pastor of the Congregational Church, wrote: "A delightful village on a fruitful hill, richly endowed with its schools, both professional and scientific, with its venerable governors and judges, with its learned lawyers and senators and representatives, both in the national and state departments."

Indeed, it seemed for years the legal brains of the nation all were honed at Litchfield and the Tapping Reeve Law School. Founded in 1744 by Judge Tapping Reeve, the school operated for 59 years. From 1798 when Reeve was appointed a judge of the Superior Court, James Gould from Yale, a former student of Reeve, continued its operation through 1833. During those years some 1,100 young men were prepared for the bar.

Some famous graduates included Aaron Burr and John C. Calhoun, both Vice Presidents of the United States; Horace Mann, the educator who reorganized the public school system in the country; Samuel Finley Breese Morse, inventor of the telegraph; Junius Smith, father of transatlantic steam navigation, and George Catlin, the Indian painter. He began as amateur artist while at the law school.

Other distinguished graduates included six Cabinet officers; 26 United States senators; 90 members of Congress; six governors of Connecticut; 10 governors of other states; three justices of the Supreme Court and 10 chief justices of states.

American law was in its formative stages when Reeve and Gould were teaching at the school. A comprehensive curriculum, covering the entire field of jurisprudence, was later divided into 48 titles or subjects. The school set the pattern for legal training through daily lectures, periodic examinations and the moot courts. The school, a one-room building a few hundred feet from Reeve's house, was considered the fountainhead of lawyers in this country.

Though its claim to being the first law school in the country is disputed by a claim from the College of William and Mary in Williamsburg, Va., in Litchfield the local claim is accepted as fact. The law school was closed in 1833. In 1930 a group of lawyers, including Chief Justice William Howard Taft, bought the property, restored the one-room school then gave it to the historical society.

Another famous school in Litchfield during that golden era was the Female Academy operated by Miss Sarah (or Sally) Pierce. Opened by Miss Pierce in 1792, the academy attracted thousands of women from all parts of the country. Miss Pierce ran the school for 40 years and it did not long survive her retirement. She had devoted her life and energies to the Academy.

Her school and its popularity rivaled that of Judge Reeve's Law School. The presence of so many law students in town must have attracted many of the young women to Litchfield. One law school student quoted Mrs. Reeves as saying: "The young ladies all marry law students." Then she added: "But it will take two or three years for the young crop to become fit for the harvest."

Early maps of Litchfield show streets still in use today, although the names have changed. The main streets, North, South, East and West Sts., intersect at the Village Green, originally the site of the Meeting House, the court and the school. Around this center the town developed.

Until 1751 Litchfield grew slowly. But then it was chosen as the county seat and from that year until 1873 all the courts of the county met there. In 1873 there were changes in the judicial system. Yet as the county seat, Litchfield had become important from a legal, commercial, social and educational standpoint.

During the American Revolution Litchfield was an important military depot and a natural point for changing horses, the crossroads between Boston, Hartford and Albany, and New York City, New Haven and Albany. Washington made several trips through Litchfield on his way to Wethersfield and Newport for consultations with the French, stopping once at the Shedon Tavern, and again at Oliver Wolcott's.

Oliver Wolcott, one of the signers of the Declaration of Independence, will be honored July 4 at a 10:30 a.m. observance on the Village Green. A governor of Connecticut, Wolcott is credited with masterminding the toppling of the lead statue of King George III at Bowling Green in New York aided by the Sons of Liberty, then hauling it to Litchfield by oxcart where it was melted down in his orchard. Records show that 42,088 musket balls were cast by Litchfield women who "melted majesty to fire at the king's troops." Wolcott's house still stands in Litchfield.

It was his son, Oliver Wolcott, Jr., also a governor of the state, who planted 13 sycamores shortly after the Revolution and named them for the original 13 states. One designated Connecticut stands today in front of St. Anthony's Church on South St.

Another historic home, now privately owned like most of the others, is one on North St., once occupied by the dashing Col. Benjamin Tallmadge, classmate and intimate friend of Nathan Hale at Yale, and chief of the Secret Service during the Revolution. Built in 1775 by Thomas Sheldon, a short distance from the tavern, this house was occupied by Tallmadge in 1782. A successful merchant after the war, he also, represented Connecticut in Congress for 16 years. It was Tallmadge who took charge of and escorted British Maj. John Andre to his execution for complicity in the treason of Benedict Arnold, a duty that troubled him.

The square house with mansard roof, built by Elisha Sheldon in 1760, was later operated as a tavern by his son, Samuel. It was here Washington stayed during one of his trips through town. Later the house was owned by Dr. Lemuel Hopkins, the eccentric physician and one of the "Hartford wits." Uriah Tracy, Federalist politician and U.S. senator from Connecticut, added the entrance porch with palladian window under the direction of William Spratt, pioneer Connecticut architect-builder.

TAX SHARING ACT OF 1969

(Mr. BUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUSH. Mr. Speaker, I am introducing today the Tax Sharing Act of 1969 which provides for proportional annual payments from Federal tax revenues to the States on virtually an unconditional basis.

The expenditures of the States keep increasing but their sources for revenue are becoming less and less. So we are faced with a choice—an exciting opportunity—to strengthen the Federal system by restoring the climate in America where creativity and problem solving is encouraged at the State and local level.

For years we have been following the same unimaginative methods of solving our domestic social problems, advancing the basically ineffectual idea that if a highly centralized program failed, the next step for achieving success would be through doubling the expenditure. Yet, despite an ever-increasing commitment, we have not made significant inroads into the solutions of our problems. And, at the same time, we have forced prudent State administrators to follow Federal priorities rather than their own and we have robbed the States of their best talent by bringing their best administrators to Washington.

There is an alternative. We could encourage the States to become a viable and equal partner in the problem solving. We could create a climate whereby local people would address themselves to the most urgent local problems and not to those problems that appear essential to this level. And, if we do this we will be spending the estimated $40 billion needed for Federal aid to the States in the 1970's more efficiently.

I am always hearing, "Oh, but in the 1930's the States failed when it comes to States responsibilities." And these people have a point. But, should we say, "Let's junk our whole system" because of some weaknesses or should we redouble our efforts by working to support an enlightened federalist system?

We have the talent. We have the resources. We have the will to solve our domestic problems effectively, but to do so requires local answers. This bill in providing the States with some of the resources they so desperately need will help get them on the road toward providing the services their residents expect of them.

JOE McCAFFREY'S BROADCASTS

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALEY. Mr. Speaker, I am happy to have the opportunity to say for the public record something I have said in private on many occasion and that is that if one really wants to know what is going on—or why something is not going on—in the Congress of the United States, the simple way to find out is to tune in on Joe McCaffrey's broadcasts.

If there is in all of Washington a newsman who knows his subject more thoroughly, and who reports on it more accurately and more concisely, than Mr. McCaffrey, I certainly am unaware of his or her existence. And I say in all earnestness that those of us in the Congress are fortunate that Joe McCaffrey's specialty subject is the Congress itself. We are fortunate because there are too many members of his profession who do report on congressional activities, but who do so sketchily and frequently inaccurately because, for one reason or another, they do not have full knowledge and full understanding of the Congress itself. This kind of reporting is responsible in large degree for the fact that the Congress is misinterpreted and misunderstood by the people at large and for the fact that its prestige as one of the three coordinate branches of the Government has been diminished in recent years.

But it is not this kind of reporting that we get when we listened to Joe McCaffrey, who is observing the 25th anniversary of his entry into the broadcast news field in Washington. We get from him—and I hope we will continue to get from him for many more years—thoroughly knowledgeable, completely factual reporting, based not only on his detailed knowledge of his subject but on the fact that he is a working reporter who does not attempt to cover his beat by telephone, or reading and rewriting wire service reports, but instead comes to the Capitol every weekday, contacts his wide variety of sources, assembles his own information, and writes his own copy.

I happily commend Joe McCaffrey for his diligence and competence and say sincerely that his career in Washington might well be a model for every newsman who undertakes the task of covering the complex business of the Congress or the other branches of our Government.

ACTIVITIES OF THE HOUSE REPUBLICAN TASK FORCE ON EARTH RESOURCES AND POPULATION

(Mr. BUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and Population of which I am privileged to be chairman has addressed itself to the many problems related to the future demands on our resources as a result of the fantastic population growth facing us in the remainder of this century and the health, education, and welfare of our citizens in learning to cope with the financial, social, and pyschological stress that this population explosion exerts.

My colleagues, Messrs. CARTER, FREY, FULTON, GUBSER, HORTON, LUKENS, McCLOSKEY, MOSHER, PETTIS, POLLOCK, REID, VANDER JAGT, WOLD, and I have held informal hearings with Dr. Philander P. Claxton, special assistant to the Secretary of State for population matters; Dr. Donald Dunlap, assistant and science adviser to the Secretary of the Interior; Dr. William Pecora, Director, U.S. Geological Survey; Dr. J. L. McCue, Acting Director, Office of Marine Resources; Dr. S. Fred Singer, Deputy Assistant Secretary for Science, Department of the Interior; Dr. Gary London, Director of Health Services, OEO; and Dr. R. T. Ravenholt, Director, Population Service, AID. We held these hearings and will hold more in order to learn what programs now exist in our various agencies that are attacking the problems of world population and the depletion as well as the pollution of our resources. We have also learned about some of the future plans these agencies are programing and what congressional support will be needed in order to combat the human suffering and smothering of economic growth that will result if action is not forthcoming in the immediate future, preferably this 91st Congress.

As a result of our preliminary explorations into these problem areas, we have been inundated with books, periodicals, and articles as well as letters pertinent to the subjects. We have accumulated quite a library and I offer any of the material to my fellow colleagues.

We have been told that overpopulation is more of an economic and political problem than a medical problem and that most people talk of the population problem in terms of food when the most important point is the effect of population growth on economic development. We learned about family planning on a worldwide basis; that only 10 to 12 countries now have an efficiently functioning family planning program. In the United States a study of 5 million women who were below the poverty index who were not seeking pregnancy was made. Adding together all services by OEO, HEW, and each State, these 5 million women are just under 80 percent of the women who are not being serviced by anyone. Of 3,000 counties in the United States, only 1,000 report some type of service. Of these 1,000, there are 3.7 million women, but only 2.9 million women are being helped. Seventy-five percent of all services are in seven counties and 50 percent in eight counties.

There is a major problem with unwanted births because of the lack of education, availability of services, and the distribution of materials pertaining to sexual intercourse, prenatal care, and the responsibilities of parenthood. This lack can no longer remain a void in our efforts to improve man's pursuit of happiness. This void must be filled. The work and studies that have already been executed by AID, OEO, HEW, the Ford Foundation, the Rockefeller Foundation, the Pathfinder Fund, the Victor Fund, the Milbank Memorial Fund, the Hugh Moore Fund, and others show that by filling this void the largest and most significant element of our population problem can be practically eliminated. Certainly this is not the panacea to the problem but it is the most direct thrust we can make with the best results for our efforts.

Our hearings with the Department of the Interior and the materials available from the subcommittee hearings on advanced research and technology of the Committee on Science and Astronautics, the subcommittee hearings on oceanography of the Committee on Merchant Marine and Fisheries, the subcommittee hearings on conservation and natural resources of the Committee on Government Operations and the ad hoc Subcommittee on Urban Growth of the Committee on Banking and Currency, plus the myriad of articles accumulating in our task force office all point toward the inevitable frustrations experienced by Alice in Wonderland having to run fast in order to stand still.

All of our brightest hopes for future food supplies from marine, mineral, and other resources; for the anticipated applications of our technological advances realized from our earth resources satellite program to better manage our land and oceans; and for the advances in reclamation and recycling of our existing resources will barely sustain the demands of our population by the turn of the century if our present rate of population growth continues.

We owe ourselves and future generations a strong economic growth and a better standard of living for each and every citizen. We on the task force recognize these problems and have just begun

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searching for innovative and creative solutions.

ARMS TALKS AND MIRV

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, on Monday of this week, in a speech before this body, I expressed concern over the delay in strategic arms talks with the Soviets and what this might portend for the arms race. I pointed out to my colleagues that we stood at a very critical juncture in the arms race and that now was the time to sit down and call a halt to any further escalation.

What especially bothers me are Soviet and American intentions to develop a MIRV missile, a sophisticated multiple warhead weapon that will signal a new escalation in the arms race and make any future arms agreement immensely more difficult if not impossible.

Mr. Speaker, we must act and act now to check any further arms spiral. This week the President is meeting with the National Security Council to discuss our bargaining position and set a date for commencement of talks. I would hope that the President, in his wisdom, will decide that we can begin talks on July 31. Any further delay may put us beyond the point where an agreement on MIRV could be reached. I would further urge the President to seriously consider the proposal for an immediate and mutual moratorium on MIRV testing with the Soviets pending a formal agreement. And finally, I would urge our negotiating team to the talks to put MIRV at the top of the agenda.

Mr. Speaker, at this point in the Record I wish to insert an editorial and article from today's Wall Street Journal on MIRV and arms talks. I think both the editorial and article present a forceful argument for the case I have attempted to make.

The articles follow:

[From the Wall Street Journal, June 18, 1969]

The Arms Race and MIRV

In nearby columns the reader will find an attempt to untangle some of the skeins of the debate over strategic nuclear posture in general and multiple warheads in particular. One does not need to run with the outspoken doves to recognize that MIRV is a highly dangerous technical development and a very special case.

As a matter of fact, we have never subscribed to the fuzzy notion that the key to progress on arms control is for the U.S. to demonstrate its good faith. Rather, we think the chance of a really meaningful arms agreement rests on a strictly hardnosed bargain between the U.S. and the Soviet Union.

Nor do we think much of the vaunted "action-reaction cycle" as the ultimate explanation of the arms race. Certainly it's true that both the U.S. and the Soviets deeper sense each is reacting to the inexorable advance of technology. The "action-reaction" explanation is not one that can be turned on its head; who will say straightaway, as this talk so often hints, that if the U.S. unilaterally stops its developments the Soviets will automatically do likewise?

We do strongly believe, however, that the U.S. and the Soviets must do whatever they can to stop the arms race. Even allowing that the actual chances of an eventual agreement can be improved by a certain amount of preparation, we have not been happy with the Administration's apparent slowness in completing arrangements for Soviet-American arms talks. It is encouraging that the U.S. has now reportedly proposed a starting date of July 31.

MIRV would be a logical first item in any arms talks, since future stability depends on both sides possessing a secure deterrent, and MIRV is a large step toward the ability for each to destroy the other's deterrent forces. But the U.S. development of MIRV is already in its final flight tests. Once the tests are completed, a MIRV limitation agreement would be vastly complicated by inspection issues. Thus a number of Senators have asked that the Administration halt the tests pending the forthcoming negotiations.

In reply, Dr. John S. Foster, Pentagon research chief, has argued that the U.S. needs to proceed with its present MIRV schedule because the Soviets might upgrade their aircraft defenses into a full-scale ABM. Yet such upgrading surely would require some amount of lead time, and apparently we already can start to deploy MIRV within a few months.

Defenders of MIRV also argue that a mutual moratorium might have been a good idea at one time, but that it is now too late to stop at a point where both sides are confident the other does not already have the weapon. While there is some disagreement about the precise status of the Soviet MIRV program, everyone seems to agree the U.S. is substantially ahead. At this point, in other words, it is the Soviets who would suspect that the U.S. has perfected the weapon.

That means that the U.S. could experiment with an announcement that it is suspending its tests for a limited period contingent on Soviet reciprocation. It could also stress that, whatever its progress in separating and targeting the warheads, it has not experimented with multiple warheads of the huge size necessary to attack Soviet deterrent forces. In this situation, the Soviet reaction would tell us whether it's already true that "the genie is out of the bottle."

Thus we think the Senators trying to shift the debate away from ABM and toward MIRV has a strong case. If the political obstacles to a MIRV holdback prove too high, indeed, they may want to consider offering to defer to the Administration's judgment on ABM provided it postpones the MIRV tests. Because of its huge destabilizing potential, MIRV is the truly urgent issue.

For multiple warhead technology is more dangerous than other arms developments now on the public horizon, and at the same time one on which a suspension seems reasonably feasible. The United States has a lead in the key technology. As long as development remains in the testing stage, a moratorium by mutual example could be unilaterally supervised merely by watching Soviet tests. Since arms talks are about to start, an announced moratorium could be for a limited period, pending formalization through negotiations.

We do not think much of the prospects of disarmament by mutual example as a general rule, and still less of unilateral holdbacks as a method of arms control. But the case for a carefully designed exception is seldom likely to be stronger than it is regarding MIRV.

[From the Wall Street Journal, June 18, 1969]

Missile Debate: The Real Villain Is MIRV

(By Robert L. Bartley)

The great missile debate of 1969 has been a debate about the wrong missile.

Or anyway, that's the strongest impression that sticks as a journalistic onlooker comes up for air after immersion in the literature the strategic controversy has engendered. Prospects of avoiding a nuclear exchange between the United States and the Soviet Union are not directly menaced by defensive antiballistic missiles. From the standpoint of avoiding this holocaust a far more serious threat arises from the offensive multiple warhead missiles both sides apparently are developing.

This week multiple warheads have finally been brought to the forefront of the strategic debate, at least momentarily. A halt in U.S. tests of MIRV (for multiple independently targetable re-entry vehicles) is being sought by a group of Senators led by Clifford Case and Edward Brooke. At best, though, MIRV remains a side issue in the ABM debate, which has spawned political, emotional and personal impediments that seem to make it unlikely any MIRV decision will rest on especially rational grounds.

The problem is that it's not enough to work the wonder of stopping the nuclear arms race; the additional trick is to stop it at a level conducive to future stability. It will make an enormous difference, to take a pointed example, whether nuclear arms are frozen when both sides have second-strike capability, or when both have first-strike capability.

UTTER DESTRUCTION

Mutual second-strike capability, the current posture between the U.S. and USSR, means that each side can absorb the worst nuclear blow the other can mount, then still retaliate overwhelmingly. Since a first blow would be suicidal, this posture helps promote stability.

Mutual first-strike capability, by contrast, would mean each side could so utterly destroy the other that the attacked power could not even effectively retaliate. Each would know that if it shot first it would win, but that it would lose if the other got off the first salvo. That deterrence that has so far helped prevent nuclear war would no longer pertain; in any crisis the present pressure toward stability would be quite reversed.

To preserve any pretense of deterrence in such a situation, each side probably would have to adopt fire-at-warning policies, threatening to fire its retaliatory forces in the 15- to 30 minutes between when a first strike would appear on radar and when it would hit. This constant state of alert would involve an obvious and destabilizing increase in the risks of nuclear war by accident.

The distinction between these postures is by no means academic, for it appears there's a real chance that the advance of technology will take us out of the area of mutual second-strike capability and into an era of mutual first-strike capability. If anything like this does happen, the principal villain will not be ABM but MIRV.

With MIRV each rocket launcher would have, say, three warheads. Thus it could attack three of the enemy's launchers. In other words, one missile with three warheads could take out three missiles with nine warheads. Theoretically, two sides with equal numbers of missiles could wipe out the other's retaliatory missiles with only a third of its own force. Whoever fired first would win.

In practice, to give things for small favors, a first strike is scarcely so simple. Since no missile system works perfectly, for one thing, such a blow would require many more missiles than simple arithmetic suggests. Opponents of the ABM have argued that because of unreliability and other factors, the possible mid-1970s force of 500 Soviet SS-9 missiles with MIRV would not be enough for a first strike against the approximately 1,000 U.S. Minutemen.

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Such calculations, though, have been impressively attacked by Albert Wohlstetter, a leading strategic specialist at the University of Chicago. He notes, to take one example, that ABM opponents have ignored that most missiles that prove unreliable do so either at launch or shortly thereafter. So a power mounting a first strike would know almost immediately which missiles failed, and could quickly send a second salvo against the remaining targets. Thus he calculates only 5% of the 1,000 Minutemen would survive an attack by 500 SS–9s, an impressive testimonial to the essential effect of MIRV.

Even total destruction of the Minuteman force, however, would not in itself prevent retaliation. The U.S. deterrent forces are "mixed," including not only land-based Minutemen, but also aircraft and Polaris submarines. This mixed posture is specifically intended to complicate any attacker's problems, and also to guard against sudden breakthroughs in any one field. A true first strike against the U.S., as Dr. George W. Rathjens has recently written, would require not only that the Soviets destroy the Minutemen, but also that they be "highly confident of also destroying the other components of our retaliatory strength essentially simultaneously, a possibility that is all but incredible."

Faced with such argument, Secretary of Defense Melvin Laird has retreated somewhat from his earlier invocations of a Soviet first strike. He now says that if the Russians continue their present developments, "the survival of two of the three major elements of our strategic offensive forces, namely the bombers and the land-based ICBMs, could be gravely endangered. To rely on only one of the three major elements would, in my considered judgment, be far too risky, considering the stake involved, which is the very survival of our nation."

In other words, the Secretary currently argues that the U.S. cannot ignore a threat to the Minuteman missiles if it wants to preserve the full stabilizing effects of a mixed force. If Minutemen were neutralized, a technical breakthrough in anti-submarine warfare would open thoughts of a successful first strike. The mixed force is in jeopardy because one of its components, the land-based missiles, is already obviously subject to that kind of destabilizing breakthrough, which is MIRV.

MR. PACKARD'S TESTIMONY

To be entirely precise, MIRV is a large step toward first-strike capability only when combined with warheads large and accurate enough to attack hardened launcher silos. While the U.S. is ahead in MIRV technology, the multiple warheads it's developing for Minuteman III and Poseidon missiles are apparently not large enough to be especially useful as a counterforce weapon. In Congressional testimony, Deputy Defense Secretary David Packard said the Minuteman is not a first-strike weapon with or without MIRV, and elaborated, "some of the considerations involve estimates of accuracy and weapons size, and I would be very glad to go into that with you in detail. I cannot do it in open session."

The Soviet SS–9 missile apparently can carry a warhead load some 25 times greater than the Minuteman can. Estimates of a MIRV system for SS–9 center on three warheads, each of 5 megatons, or 250 times the size of the bomb dropped on Hiroshima. The Soviets have other smaller ICBMs, and apparently U.S. intelligence once mistakenly expected them to taper off SS–9 deployment. Since the 5-megaton warheads would seem superfluous in a second strike against cities but ideal for a first strike against missile silos, Defense Department planners find continued deployment of the SS–9's highly threatening.

Both sides have long known how to make larger rockets and larger warheads, though, and the technical key to a first strike against land-based missiles is MIRV. Senators now starting to stress a curb on MIRV developments also stress its inspection difficulties. At present, with both sides still testing MIRV, each can monitor the other's efforts. A moratorium could be easily supervised. But once the systems are perfected, no agreed limitation could be easily enforced without unlikely on-site inspections. MIRV would be a reality, and all of its destabilizing effects would be upon us.

The missile debate has not concentrated on MIRV, of course, but on the ABM. The effects of ABM on stability are far less clear-cut. An all-out defense of cities is uniformly considered destabilizing, because it could facilitate a strike by shooting down the few retaliatory missiles to survive an initial onslaught.

Proponents of the ABM nonetheless consider a light city defense a stabilizing factor, because it would guard against attack by a minor nuclear force such as Mainland China is expected to develop by the mid-1970s, and against a small accidental launch. An ABM can also be considered stabilizing if it protects missile forces, as the current Safeguard is supposed to do. Indeed, ABM proponents believe it would help offset the destabilizing three-for-one effect of MIRV, because an attacker would have to insure penetration of the defense by targeting several warheads on each of his enemy's launchers.

Opponents of the ABM often agree that defense of the deterrent would not upset the strategic balance. But they contend the Safeguard program is not actually adapted to that end, because it is a carryover from city defense plans and tries to combine defense of the deterrent with a light shield over cities. They seem to feel any defense of the cities is destabilizing for one thing, it would force the other side to counteract it by developing MIRV.

The latter argument, in a sense, only stresses that the emphasis in the strategic debate has been misplaced. The reasons ABM became the focus of the debate seem largely political and personal. MIRV was the cost-effective pet of former Secretary of Defense Robert McNamara, whom the ABM critics generally consider an ally of sorts. Secretary McNamara also proposed the first ABM deployment, but with an obvious distaste that hardly prevented his congressional friends from attacking it.

More generally, critics of the ABM actually are less interested in any particular missile system than in establishing effective Congressional control of the Pentagon budget. They want to demonstrate that Congress can intelligently review and even reject Pentagon proposals. MIRV, an ongoing program for some time, would be an inconvenient target for such a demonstration. ABM development is not so far along, and the attack on it was all the more convenient because of suburban displeasure with ABM sites under the old Sentinel program.

Some leading ABM foes do not want to sacrifice the momentum they have gained on that issue by taking on MIRV as well or instead. Sen. William Fulbright recently told the Washington Post that the ABM has "become a symbol of this body's attempt to control the spending on arms." Rather than confuse the issue with MIRV, he suggested, "we should stay right on the ABM until it's disposed of."

A PRESIDENTIAL TEST

On the other side of the debate, President Nixon seems to have permitted the ABM issue to shape up as a test of his Presidential leadership. A suspension of the MIRV tests with the ABM vote still pending would make it look as if the President had been faced down. It might endanger his prospects in the ABM fight, as opponents of the system would probably assume the Soviets would reciprocate with their own MIRV slowdown, and would use this as an argument against the ABM.

MIRV has become prominent in the debate, in short, only after positions on both sides have been pretty well frozen. Yet if MIRV development continues both here and in the Soviet Union, it would seem that little stability will be gained by stopping ABM development. And if MIRV development is stopped by agreement of mutual example, the current mutual second-strike capability will be preserved regardless of what the two sides decide about limited ABM deployment for such reasons as protection against minor nuclear powers.

The ABM may be a technical flop and an enormous waste of money, as its opponents contend. But in promoting stability in the nuclear arms race, the ABM does not matter nearly as much as the intensity of the debate has suggested. What does matter is MIRV.

HOUSING BREAKTHROUGH

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I was pleased to read in today's New York Times about an historic agreement that will enable this Nation to move one step closer to meeting its housing needs. According to the Times report, the United Brotherhood of Carpenters and Joiners of America has signed an agreement with the Stirling Homex Corp., to allow journeymen to work at housing sites assembling units manufactured by the corporation. The union has also agreed to assist in the operation of centers to train workers for the company's housing factories.

This is the first time a national building trade union has agreed to supply labor for both a housing factory and housing sites. I think the United Brotherhood of Carpenters and Joiners is to be commended for altering its practices in light of our national housing shortage and the need for mass production. I would hope that the other building trade unions will follow suit so that HUD's Operation Breakthrough will become a reality. As Housing Secretary Romney has outlined it, Operation Breakthrough will profitably make use of the assembly line system, with its mass production techniques, to build hundreds of thousands of good quality, low cost units all over the country. But the success of Breakthrough is largely dependent on the effective cooperation of State and local governments—especially with respect to zoning ordinances and building codes—and labor and management—especially with respect to mass production techniques.

I would like to call to the attention of my colleagues the Times article to which I have referred, and also an article appearing in the June issue of Nation's Cities entitled "New Directions at HUD," by Secretary George Romney. The latter article discusses Operation Breakthrough and the model cities program.

The articles follow:

[From the New York Times, June 18, 1969]

BUILDING UNION AIDS MASS HOUSING DRIVE

(By William Robbins)

Washington, June 17.—Two small but significant steps toward meeting manpower

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needs for the mass production of housing were taken today when the carpenters' union entered into a pair of agreements with a housing manufacturer.

Such mass production, experts say, is required to overcome the nation's housing shortage.

The president of the carpenters, who have traditionally resisted assembly line techniques, signed a contract to provide journeymen to work at housing projects assembling units manufactured by the Stirling Homex Corporation of Avon, N.Y. At the same time, the carpenters agreed to help operate centers to train workers for the company's housing factories.

The company produces houses in modular, or cubical, units that its representatives say can be coupled together at job sites in as little as three hours.

The contract was signed by Maurice Hutcheson, general president of the United Brotherhood of Carpenters and Joiners of America, and David Stirling, president of the company, at a news conference. George Romney, Secretary of Housing and Urban Development, made a brief appearance.

Secretary Romney termed the labor agreement a "significant national contract," and praised the carpenters for "modifying their normal practices."

Theodore W. Kheel, the New York labor mediator, who helped negotiate the contract, termed it a historic agreement. He noted that this was the first time a national building trades union had obligated itself to supply labor for both a housing factory and sites.

The carpenters' union, under a contract signed last September, already represented workers in the company's factory in Avon, a suburb of Rochester.

Under the new contract, the union is obligated to supply journeymen at job sites for work under its jurisdiction. For its part, Stirling Homex agreed to employ only union labor for carpentry and other trades and to pay at current wage scales in the areas involved.

Implying that the new contract was a pilot plan looking toward wider agreements, Mr. Hutcheson said:

"It is a real beginning of business and labor joining hands to provide the mighty weapon of private enterprise to help resolve the housing crisis."

Peter Terzick, treasurer of the union, later phrased the commitment more strongly. He said:

"This is the trend that is developing. We are in it, and we are in it to go all the way."

The first training center to be established under the plan will be set up at the Sterling Homex plant in Avon, Mr. Stirling, the company president, said.

The agreement providing for it is a tripartite arrangement, with the National Urban League entering into the planning and execution. Through the training center, Mr. Hutcheson and Mr. Stirling said, housing factories can draw workers from among area residents, including ghetto dwellers.

Manpower and costs have long been considered the two major obstacles to meeting housing needs. Union and company representatives at the news conference reported gains toward alleviating both problems.

The training centers, they said, would tap a new source of labor for housing factories, which require lower degrees of skills than conventional construction. Wage rates in the Avon plant now average $4 an hour, which is likely to be attractive to the untrained and unemployed, but are considerably lower than scales in most areas for the skilled trades.

Stirling Homes is now producing two-bedroom to four-bedroom houses at costs of $10,000 to $13,500, exclusive of land, Mr. Stirling said.

[From Nation's Cities, June 1969]

NEW DIRECTIONS AT HUD

(By George Romney)

(NOTE.—George Romney is Secretary of the U.S. Department of Housing and Urban Development, a former governor of Michigan, and one-time chairman of the board of American Motors Corp. This article is adapted from a speech which had been scheduled for delivery at the Fourth Annual Congressional City Conference of the National League of Cities in April. The conference was cancelled because of the death of former President Eisenhower.)

Last year Congress set a 10-year timetable for realizing the goal of a decent home in a decent neighborhood for every American family. Congress determined that the goal could be met by building or rehabilitating 26 million housing units in 10 years, including six million publicly assisted units for low- and moderate-income families. In response to that mandate, the National Municipal Policy adopted by the National League of Cities in New Orleans last December called for the beginning of 600,000 units in 1969.

I see no reason to challenge those figures in terms of need. But I have challenged some of the rosy claims that it will be a simple matter to meet the need.

And I am also convinced that one of our greatest opportunities for a breakthrough in urban development lies in the specific field of housing. This is an opportunity not only for HUD. It is an opportunity for the nation.

Housing, more than almost any other area of the economy, offers the greatest potential for job creation, business development, economic growth, environmental improvement, and human betterment.

Congress has given HUD a large kit of useful tools—some old, some new—some proven, some untried. We will use them. They may, in time, require some refinements, and later we may need some new ones.

But producing an economic and technological breakthrough of the magnitude our housing needs require will not be easy. It cannot be accomplished overnight. We will have to stop and then reverse some damaging, even crippling trends.

For the hard fact is that we, as a nation, have been failing to keep up with our annually increasing needs for more housing—let alone cutting into the backlog of our unmet accumulated needs.

In the last three years, 1966 through 1968, we needed over five million new units of nonfarm housing to take care of the increased number of families, to offset losses from the housing supply, and to meet migration demands. We needed five million more units—but we started less than four million.

The result is a three-year net deficit of more than one million housing units. We aren't even building enough to stand still.

One answer to the problem is within our grasp. Through the combined efforts of government and the private sector, we must learn to apply modern management practices and advanced technology to the production of housing.

Why couldn't we profitably make use of the assembly line system, with its mass production techniques, to build hundreds of thousands of good quality low cost units all over the country?

Before we go to the national corporations and ask what they can produce, we are asking each major city and state how many units are needed. By pooling those figures we should be able to bring together a sufficient volume of demand to attract the interest of private corporations on a national scale.

In the past, laws and customs limited production to one building at a time. The housing industry was prevented from applying modern management and modern technology because of the fragmentation of the housing market into a lot of little local markets.

Of course, a major obstacle to mass production of housing is the differing zoning ordinances and building code restrictions in various parts of the country—indeed, within the same metropolitan area. It will be necessary for the participating states to bring about greater uniformity or flexibility so that a housing corporation can use the same set of standards to produce units acceptable in any state or city—perhaps performance standards rather than specifications of materials.

To initiate this program—which I believe capable of producing from 250,000 to 350,000 additional units a year within a couple of years—I held a meeting of governors and major city mayors on May 8. I do not believe this housing effort will require strong centralized direction once it has been given momentum. Nor do I visualize that the proposal would involve federal spending beyond that already planned for the mortgage interest subsidy program voted last year. Outside of administrative costs, federal spending would be limited to subsidy payments to keep the mortgage interest rate for home purchasers down as low as 1 per cent—depending upon their family incomes.

As you know, the Nixon Administration is taking rigorous action to curb inflation. Eventually, I am confident that the steps we are taking will lower current interest rates. Otherwise, of course, the $200 million proposed in the '69–'70 budget for interest payments would subsidize fewer units than we need.

This proposal is not our only approach to the housing problem. HUD is also initiating a new housing research project authorized by the 1968 Housing Act. Called Section 108, the program specifically directs the secretary to select five communities where innovative housing techniques will be used to build 1,000 units annually for five years. The act directs that the housing be built on government-owned land, thus freeing the experiments from building codes and other constraints.

If successful, the experiment could also contribute significantly to meeting our national housing goal.

I firmly believe that industry and government face a new era in housing. Our housing needs are acknowledged to be of such a dimension, and the relationship of housing to other phases of urban life so interwoven, as to make imperative a coordinated effort and understanding and contribution on many levels. This will involve industry, research organizations, social scientists, state, and local authorities, the federal government, and above all, the people who will live in the houses we build.

The traditional mainspring of American progress is individual initiative, where each man is free to develop himself and reach his full potential.

We must move decisively to make that tradition a living reality for all Americans—not just most Americans. And within the spirit of that tradition, we must combine national-state-local legislative mandates and government resources with the resources of the private sector.

By private sector I mean more than industry and business. I mean also the cooperation and participation of voluntary associations such as the National League of Cities. I mean individual Americans: responsible, concerned, and actively sharing in the activities that will determine their futures. I view these groups and individuals, perhaps, as our most neglected resource.

When we talk about participation by all levels of government and by the private sector, it is not a question of "either/or." It must be "both/and!" It cannot be a diversion of resources.

We in this Administration—with your support and understanding—are seeking to develop a mutually reinforcing partnership among governments, the business community, and Americans as individuals.

Government has the responsibility to encourage, catalyze, and stimulate private, voluntary effort—but never to replace it. Our goal is to open wide the channels through which Americans, on a self-help basis, can more fully meet their own needs and solve their own problems. In doing this, they will in large measure be solving this nation's urban problems.

In his Inaugural Address, the President stressed the great need "to reach beyond government, to enlist the legions of the concerned and the committed."

Under his leadership a new national effort is underway to encourage voluntary action in a range of critical areas. This program, as it emerges, will be no substitute for government action. But it will generate a dynamic involvement of those who were previously uncommitted. It will create and expand a massive national resource—too long neglected and under-utilized.

It will mean, we believe, an increment in our available resources that can make the difference between losing ground and going forward. It will be a program that both reflects and capitalizes diversity of Americans.

This voluntary action approach exemplifies the type of solutions sought by the President to fundamental problems that confront the Nation. He is carefully and prudently seeking paths which do not rely chiefly on the centralization of power and action in the federal government.

Too frequently, in the past, the most appropriate roles of the various levels of government have not been clearly understood or respected. Nor have some jurisdictions assumed their full responsibility and most effectively deployed their resources.

First of all, it should be recognized that the modern federal system calls for constructive and candid cooperation, involving a partnership with other levels of government in mutual problem solving. The tendency for each level of government to go its separate way had to be overcome. In large part, I think this has been accomplished. This spirit of cooperation, when moved beyond rhetoric and into practice, promises to ease many of the frustrations we all have experienced in transmitting urban programs from the federal to the local level—which is in the homes and streets of the cities.

In the words of your League—"The city is the urban system." It does represent government closest to the people—in fact, our first and still most organized system for citizen participation. It is, in the last analysis, the city that must define and adopt community goals or objectives and go about achieving them.

The city, however, needs help. The federal government is doing a great deal—and we will do all we can to see that it does it better. State government, after years of neglect, is now becoming more responsive to urban needs. We intend to encourage greater state participation and recognize their partnership with us in support of your efforts.

As the states participate more fully in urban problem solving, they will inevitably become more responsive to the demands of our changing environment. Their resources will become more available to urban concerns in urban areas. They will, increasingly, free the cities from statutory restrictions on local authority and relieve unreasonable revenue limitations and debt ceilings. Problems of the city fully shared by the state will lead to enlightened state behavior toward its cities.

Frequently, cities and people far from the state and national capitals feel their voices are muted, or go unheard. Let me reassure you on that count.

First, I can report that there is a sincere spirit of accommodation and willingness to cooperate among all members of the Council for Urban Affairs. We want to be alert to your voice, and to be responsive. In this connection I want to re-emphasize what I said in January at my "advise and consent" hearing: "I visualize my principal responsibility in the Nixon Administration as the one who will speak out for the needs of the cities" with consistency and force.

Second, I want you to know that at the Department of Housing and Urban Development your needs and interests and views will always be considered. We will attach great significance to your reactions to proposed new regulations. But we want to do more by way of direct consultation on the administration of HUD programs and policy matters that affect your cities.

Because of the breadth of our urban concerns, and the urgency of the problems we deal with, I am convinced no other department in government has a greater, more promising opportunity than ours.

When we talk of expanded production and increased economic opportunity, however, we cannot think in terms of numbers alone. We must think in terms of people—especially the citizens of the inner city.

The problems of the inner city and its people can no longer be separated. Nor can they be contained within neighborhood boundaries. The problems have an impact on the entire city—indeed, the entire metropolitan area. Our solutions, therefore, cannot be centered merely on the slums.

I do not subscribe to the view, held by some, that we should not try to rehabilitate the ghetto. Many families simply do not want to leave the homes of their fathers, and the neighborhood in which they were born. Rather than suffer the pains of dislocation, every effort should be made to make their homes and environment more attractive and livable.

At the same time, however, we must step up the pace of de-concentrating low-income housing. Cities must be able to lease housing for low-income families throughout the metropolitan area, especially where there are job opportunities.

Here in Washington, we are cooperating with the Department of Transportation in planning an urban and interurban transportation network which will maintain a number of options to the inner-city resident. He will have some choice—which he has not had before—in selecting the place where he lives, works, educates his children, and enjoys his leisure hours.

We must implement this kind of activity as we continue to upgrade our older and blighted neighborhoods. In effect, we must carry water on both shoulders—not stress one approach at the expense of the other.

I am well aware of the criticism and doubts which have been expressed about the Model Cities program. We have recently issued some new guidelines [see accompanying article] to eliminate some of its drawbacks, including the limitation to 10 percent of the population. The guidelines should strengthen the program and make it more effective.

To be successful, we recognize, of course, that it must have the full support of a strong and competent local government, and a more than token participation of the people living in the area. This is the "widespread citizen participation" mandated in the law.

Let me emphasize this point: A Model Cities program must reflect a true partnership among city government, local people who have an intimate knowledge of local needs, plus the people from the wider community whose resources and skills can help to revitalize the area.

A successful Model Cities program requires not only public investment—federal, state, and local—but also the visible commitment of financial and manpower resources from the private sector.

The department has examined the Model Cities program in depth, and President Nixon has given to the Urban Affairs Council direct responsibility for interdepartmental policy.

We ask you to support and endorse the changes we have made in the original concept. With your help and guidance we can realize its impressive potential in developing the capacity of local governments to understand and solve problems on a systematic basis.

Many critics have pointed to the absence of a national system of priorities as one of the major factors contributing to the urban crisis. They argue that this nation needs—and at this time in history demands—a uniform policy for urbanization which is both acceptable and practical.

I do not dispute this contention.

I agree that if we are to allocate the nation's resources fairly and fruitfully, we do need a National Growth Policy. No one contests the elements that would constitute such a policy. The greatest problem now is the undisciplined and unstructured growth of existing metropolitan areas.

At this juncture, I do not think it would be useful to get into a discussion of a national land use policy. But I do think we ought to give high priority to such problems as internal migration, the concerns of small towns and the creation of new towns, as well as the problems of the inner city.

The development of an orderly national plan to meet accepted goals is another test of the intergovernmental process. In the words of your own Municipal Policy, unguided urbanization is a most pressing challenge to the nation.

The directions we adopt are critical. They must be sound, yet flexible. They must be balanced, yet viable.

I believe President Nixon's decision to create the Council for Urban Affairs is a significant step toward the development of a sound national policy. It is a strategic forum to consider the various alternatives, and to determine how best to focus on our priorities.

The establishment of the White House Office of Intergovernmental Affairs under Vice President Agnew is another indication that we are heading in the right direction—and that we mean what we say!

To say that we are now ready to submit firm recommendations would be premature. But we can examine some ideas that I believe to be valid in a discussion of a national urbanization policy.

One is the Appalachian concept of growth centers. We must learn to integrate fundamental principles of economic geography into our public policy. The Appalachian program has demonstrated that it can be done.

We also need to define more clearly the roles government can play at its various levels. And we need to tighten and strengthen our delivery systems to help local governments. This is true of all federal assistance programs, not excluding my own department.

HUD was organized primarily through statutory authorization rather than on a functional basis. We are now carefully reviewing the organization process with a view to consolidating related programs to increase the effectiveness of their impact and the speed of their delivery.

An example of this effort is the realignment of federal regional offices. The locations were selected specifically on the basis of how the federal government can best serve the cities.

This is our goal—to serve the cities best. We do not intend reorganization to stand in the way of progress. We want to be able to do more with what we now have. To provide greater service and assistance is the watchword of this Administration and of my department.

It is important to remember, however, that the federal government, including HUD,

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is limited in the extent to which it can offer technical as well as financial assistance. But as we move ahead you can be sure that we in HUD will continue to utilize fully the expertise of our national and regional staff in our efforts to help the cities.

Further, we want to insure the continuity of technical assistance to local governments through the states by placing a firmer base under the Title IX program for urban information and technical assistance. We welcome your support of this and other projects, including the Urban Observatories.

Because of the unique relation of HUD with the National League of Cities, we not only look to you for support but for your continued counsel and guidance in seeking to transform the cities of America into models for a richer urban life.

Secretary Romney's Statement on Model Cities

The Model Cities program is an ambitious effort. It seeks to coordinate a vast array of federal programs, to concentrate their impact on specific depressed urban neighborhoods, and to make local governments stronger and more flexible.

My Committee on Model Cities of the Council for Urban Affairs has been intensively examining the program. Its study has shown that the program's goals are sound, but that there have been critical deficiencies in its administration which call for immediate correction. Among them:

Federal agencies have not been sufficiently responsible to local proposals reflecting specific local conditions.

In developing their proposals, local authorities have been hindered by uncertainty as to the amounts of funds that would be available from the federal departments.

Few effective attempts have been made to secure the involvement of state governments.

Federal guidelines have forced cities to set "model neighborhood" boundaries that often have been arbitrary, and that have created unnecessary divisions among Model Cities residents.

The President has approved the recommendations of the Urban Affairs Council that the Model Cities program be revised in the following important respects:

(1) The Council for Urban Affairs will assume direct responsibility for interdepartmental policy affecting Model Cities.

(2) Secretaries of the departments involved will have personal supervision of their departments' funding of Model Cities proposals, and will reserve program funds specifically for that purpose. This will ensure the availability of departmental funds for Model Cities, and will give local authorities a better idea of the amount and kind of funds they can expect from the various departments for their Model Cities plans.

(3) Administration of the program will be fed into the reorganization of the regional federal offices, now underway. One effect of this will be to facilitate interdepartmental coordination at the regional level. In the past, variations among the federal offices in program procedures, headquarters locations, and structures of authority, have handicapped well-intentioned federal officials and confused local officials, thus seriously compromising the Model Cities program at the city level.

(4) Greater efforts will be made to involve the state governments in the Model Cities program. Lack of state involvement has proven a critical deficiency because many of the federal funds needed for Model Cities are administered through state agencies. Our aim will not be to add another administrative layer between the cities and the federal government, but to make better use of the states' resources, experience, and perspective. Model Cities is intended to be and will remain a local government program centered upon the mayor's office with a continued requirement for adequate citizen involvement.

(5) The 10 per cent population restriction on the size of the target neighborhoods will be dropped. This guideline has been administered haphazardly in the past and has hindered progress at the local level. Eliminating this guideline does not mean that the program will be expanded citywide within each city. Its purpose will remain that of focusing resources on particularly poor and blighted neighborhoods, but local officials will be given greater latitude in drawing program boundaries that conform to local conditions.

(6) Priority consideration will be given to those cities that successfully enlist the participation of private and voluntary organizations in their Model Cities plans. The increased flexibility in establishing program boundaries will make it easier for these organizations to contribute.

(7) Local governments will be asked to establish clear priorities in developing their Model Cities proposals, and to strive for "comprehensiveness" only in the programs' five-year planning cycle. Many cities have interpreted Model Cities legislation and administrative guidelines requiring a local "comprehensive" plan of attack on blight and poverty in their target neighborhoods as requiring proposals to immediately attack every conceivable problem with these neighborhoods. This obviously would be unworkable; what is important is that city governments set clear priorities for attacking their problems so that they can make rapid and substantial progress toward solving their most urgent problems, rather than dissipating their resources in a vain effort to solve all. This Administration will completely scrutinize applications to eliminate unwise or unnecessary proposals.

With these revisions, I feel that the Model Cities program can help us to achieve two important goals—a more rational and creative federal-state-local system, and city governments that are more flexible and responsive to the needs of their citizens. We must realize that elimination of blight and poverty in our central cities cannot be accomplished overnight. It will be a hard and often frustrating struggle, but Model Cities does offer us the means of better using our present resources, and thus taking an important step in that direction.

LEAVE OF ABSENCE

By unanimous request leave of absence was granted to:

Mr. Kleppe (at the request of Mr. Gerald R. Ford), for June 19, on account of official business with House Committee on Agriculture.

Mr. McKneally (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business.

Mr. Zwach (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business.

Mr. St. Onge, for June 18, and 19, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Leggett, for 1 hour, today; to revise and extend his remarks and include extraneous matter.

Mr. Harsha, tomorrow, for 10 minutes; to revise and extend his remarks and to include extraneous matter.

(To the following Members (at the request of Mr. Kleppe), to revise and extend their remarks and to include extraneous matter to:)

Mr. Weicker, for 30 minutes, on June 24.

Mr. Halpern, for 5 minutes, today.

Mr. Meskill, for 60 minutes, on July 2.

(The following Members (at the request of Mr. Pryor of Arkansas), to revise and extend their remarks and include extraneous matter:)

Mr. Farbstein, for 30 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Farbstein, for 30 minutes, on June 19.

Mr. Tunney, for 60 minutes, on June 25.

Mr. Diggs, for 30 minutes, on June 25.

Mr. Flood, for 60 minutes, on July 16.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Joelson.

Mr. Hechler of West Virginia and to include extraneous matter.

Mr. Lennon, in the Committee of the Whole today, immediately following Mr. Fountain on the last amendment offered by Mr. Adams.

(The following Members (at the request of Mr. Kleppe) to extend their remarks and include extraneous matter:)

Mr. Poff.
Mr. Zwach in two instances.
Mr. Derwinski.
Mr. Wyatt.
Mr. Stanton.
Mr. Ayres.
Mr. Schwengel.
Mr. Johnson of Pennsylvania.
Mr. Wyman in two instances.
Mr. McKneally in two instances.
Mr. King in three instances.
Mr. Buchanan.
Mr. Don H. Clausen.
Mr. Cleveland in two instances.
Mr. Vander Jagt.
Mr. Davis of Wisconsin.
Mr. Collier in three instances.

(The following Members (at the request of Mr. Pryor of Arkansas) and to include extraneous matter:)

Mr. Cabell.
Mr. Eilberg.
Mr. Long of Maryland in two instances.
Mr. Fraser in five instances.
Mr. Culver in two instances.
Mr. Moorhead in four instances.
Mr. Gaydos in three instances.
Mr. Matsunaga in two instances.
Mr. Edmondson in three instances.
Mr. Philbin in six instances.
Mr. Farbstein in six instances.
Mr. Lowenstein in six instances.
Mr. Powell in three instances.
Mr. Rarick in four instances.
Mr. Biaggi.
Mr. Boland.
Mr. Jacobs.
Mr. Patten.
Mr. Nichols.
Mr. Hungate in two instances.

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Mr. Anderson of California.
Mr. Gilbert in two instances.
Mr. Gibbons in two instances.
Mr. Koch in three instances.
Mr. Celler in two instances.
Mr. Gonzalez in three instances.
Mr. Steed in two instances.
Mr. Conyers in five instances.
Mr. Donohue.
Mr. Clark in two instances.
Mr. Tunney in two instances.
Mr. Mollohan in two instances.
Mr. Bolling.
Mr. Rogers of Florida in five instances.
Mr. Byrne of Pennsylvania.
Mr. Dulski in three instances.
Mr. Mann in three instances.
Mr. Fountain in two instances.
Mr. Hagan in two instances.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 123. Joint resolution to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates; to the Committee on Veterans' Affairs.

ENROLLED JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 782. Joint resolution making further continuing appropriations for the fiscal year 1969, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1104. An act for the relief of Thi Huong Nguyen and her minor child, Minh Linh Nguyen; and

S. 1531. An act for the relief of Chi Jen Feng.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and joint resolution of the House of the following titles:

H.R. 2667. An act to revise the pay structure of the police force of the National Zoological Park, and for other purposes.

H.J. Res. 782. Joint resolution making further continuing appropriations for the fiscal year 1969, and for other purposes.

ADJOURNMENT

Mr. PRYOR of Arkansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 24 minutes p.m.) the House adjourned until tomorrow, Thursday, June 19, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

864. A letter from the Chairman, Board of Trustees, Legal Aid Agency for the District of Columbia, transmitting the ninth annual report of the Agency for the year June 1, 1968, through May 31, 1969; to the Committee on the District of Columbia.

865. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; to the Committee on Interior and Insular Affairs.

866. A letter from the president, National Safety Council, transmitting a report of the audit of the financial transactions of the council for 1968, pursuant to the provisions of section 15 of Public Law 259, 83d Congress; to the Committee on the Judiciary.

867. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the community action program administered for the Office of Economic Opportunity by the Pinal County Community Action Program, Inc., Coolidge, Ariz., under title II of the Economic Opportunity Act of 1964; to the Committee on Education and Labor.

868. A letter from the Administrator of General Services, transmitting a revised prospectus proposing construction of the Federal Bureau of Investigation Academy at Quantico, Va., pursuant to the provisions of section 7a of the Public Buildings Act of 1959 (73 Stat. 480); to the Committee on Public Works.

869. A letter from the Administrator of General Services, transmitting prospectuses which propose acquisition of space under lease arrangement pursuant to the provisions of Public Law 90–550 (82 Stat. 944); to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 12237. A bill to provide a code of ethics for Federal judges, including Supreme Court Justices, by amending chapter 11 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. BARRY:

H.R. 12238. A bill to amend section 245 of title 18, United States Code, to make it a crime to deny any person the benefits of any educational program or activity where such program or activity is receiving Federal financial assistance; to the Committee on the Judiciary.

H.R. 12239. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 12240. A bill to designate certain lands in the Pelican Island National Wildlife Refuge, Indian River County, Fla., as "wilderness"; to the Committee on Interior and Insular Affairs.

By Mr. HAGAN:

H.R. 12241. A bill to end discrimination in the availability of Federal crop insurance; to the Committee on Agriculture.

By Mr. HANLEY:

H.R. 12242. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HUTCHINSON:

H.R. 12243. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MACDONALD of Massachusetts:

H.R. 12244. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any persons to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

By Mr. MESKILL:

H.R. 12245. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 12246. A bill to amend title 39, United States Code, to exclude from the U.S. mails as a special category of nonmailable matter certain obscene material sold or offered for sale to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York:

H.R. 12247. A bill to prescribe standards for congressional redistricting, and for other purposes; to the Committee on the Judiciary.

H.R. 12248. A bill to provide for the protection of children against physical injury caused or threatened by those who are responsible for their care; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 12249. A bill to amend chapter 34 of title 38, United States Code, in order to authorize educational assistance loans to veterans to supplement educational assistance allowances paid to such veterans under such chapter, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROGERS of Colorado:

H.R. 12250. A bill to amend sections 2, 17, and 38 of the Bankruptcy Act with respect to the discharge of debts; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 12251. A bill to provide for nationally uniform minimum standards and eligibility requirements for public assistance and for a supplemental family allowance program; to the Committee on Ways and Means.

By Mr. STANTON:

H.R. 12252. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce

By Mr. STEIGER of Arizona:

H.R. 12253. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce

By Mr. VANDER JAGT:

H.R. 12254. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. BENNETT:

H.R. 12255. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

H.R. 12256. A bill to impose an excess profits tax; to the Committee on Ways and Means.

By Mr. BRASCO:

H.R. 12257. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BRINKLEY:

H.R. 12258. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

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By Mr. BUSH:

H.R. 12259. A bill to provide for the sharing with the State and local governments of a portion of the tax revenues received by the United States; to the Committee on Ways and Means.

By Mr. CLANCY:

H.R. 12260. A bill to provide for special programs for children with learning disabilities; to the Committee on Education and Labor.

By Mr. CONYERS:

H.R. 12261. A bill to amend the District of Columbia Election Act to permit individuals 18 years of age or older to vote in elections held in the District of Columbia; to the Committee on the District of Columbia.

H.R. 12262. A bill to amend the Voting Rights Act of 1965, and for other purposes; to the Committee on the Judiciary.

H.R. 12263. A bill to amend title 28, United States Code, section 753(e), to eliminate the maximum and minimum limitations upon the annual salary of reporters; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 12264. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 12265. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. FRIEDEL (by request):

H.R. 12266. A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier safety programs to insure the safe operation of commercial motor vehicles and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12267. A bill to amend the Interstate Commerce Act to strengthen and improve the enforcement of Federal and State economic laws and regulations concerning highway transportation; to the Committee on Interstate and Foreign Commerce.

H.R. 12268. A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier programs to enforce the economic laws and regulations of the States and the United States concerning highway transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Tennessee:

H.R. 12269. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 12270. A bill to amend the Internal Revenue Code of 1954 to provide that a portion of an individual's wages, salary, or other income shall be exempt from levy to enforce the payment of Federal taxes; to the Committee on Ways and Means.

By Mr. MAYNE:

H.R. 12271. A bill to authorize the Secretary of Commerce to conduct research and development programs to increase knowledge of tornadoes, squall lines, and other severe local storms, to develop methods for detecting storms for prediction and advance warning, and to provide for the establishment of a National Severe Storm Service; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 12272. A bill to amend the U.S. Housing Act of 1937 to increase by $1,000 per room the statutory limit on the cost of a low-rent housing project; to the Committee on Banking and Currency.

H.R. 12273. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. MORTON:

H.R. 12274. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. MURPHY of Illinois:

H.R. 12275. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. PODELL (for himself, Mr. Barrett, Mr. Bell of California, Mr. Blackburn, Mr. Caffrey, Mr. Chappell, Mr. Dingell, Mr. Edwards of Louisiana, Mr. Fulton of Tennessee, Mr. Gonzalez, Mr. Grover, Mr. Gude, Mr. Hays, Mr. Kluczynski, Mr. Kyl, Mr. Meskill, Mr. Michel, Mr. Montgomery, Mr. Mosher, Mr. Patten, Mr. Preyer of North Carolina, Mr. Vander Jagt, Mr. Waldie, Mr. Whalen, and Mr. Yates):

H.R. 12276. A bill to amend the Legislative Reorganizatiton Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. RYAN:

H.R. 12277. A bill to amend the Economic Opportunity Act of 1964 to permit the use of funds, services, and personnel in connection with programs assisted thereunder for voter registration activities; to the Committee on Education and Labor.

By Mr. STEIGER of Arizona:

H.R. 12278. A bill to provide for adequate annual financing of deficit operating costs which accrue to the Grand Canyon Hospital by the provision of hospital services and facilities to park visitors and employee-residents within Grand Canyon National Park; to the Committee on Interior and Insular Affairs.

By Mr. TUNNEY:

H.R. 12279. A bill to promote the orderly adjustment of tobacco production and marketing; to the Committee on Agriculture.

By Mr. BOB WILSON:

H.R. 12280. A bill for the general revision of the patent laws, title 35 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 12281. A bill to amend the Small Business Act to make crime protection insurance available to small business concerns; to the Committee on Banking and Currency.

H.R. 12282. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Internal Security.

H.R. 12283. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYMAN (for himself, Mr. Watkins, and Mr. Schadeberg):

H.R. 12284. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER:

H.R. 12285. A bill to establish a National Commission for Protection of the Environment, and for other purposes; to the Committee on Government Operations.

By Mr. ROGERS of Florida (for himself, Mr. Sikes, Mr. Pepper, Mr. Kyros, Mr. Barrett, Mr. Hathaway, Mr. Wyman, Mr. Brinkley, Mr. Whalley, Mr. Broomfield, Mr. McCloskey, Mr. Donohue, Mr. Chappell, Mr. Van Deerlin, Mr. Hamilton, Mr. Hechler of West Virginia, Mr. Blanton, Mr. Moss, Mr. Adams, Mr. Friedel, Mr. Gettys, Mr. Madden, Mr. Burke of Florida, Mr. Fulton of Pennsylvania, and Mr. Tunney):

H.R. 12286. A bill to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities; to establish further standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the United States; to encourage the study and improvement of the care, handling, and treatment and the development of methods for minimizing pain and discomfort of laboratory animals used in biomedical activities; and to otherwise assure humane care, handling, and treatment of laboratory animals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HANLEY:

H.J. Res. 783. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BRASCO:

H.J. Res. 784. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. CONYERS:

H.J. Res. 785. Joint resolution authorizing the President to proclaim August 20, 1969, as "Afro-American Heritage Day"; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois:

H.J. Res. 786. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LIPSCOMB:

H. Con. Res. 291. Concurrent resolution to provide for the printing of inaugural addresses from President George Washington to President Richard M. Nixon; to the Committee on House Administration.

By Mr. CASEY (for himself, Mr. Gross, Mr. Pickle, Mr. Hall, Mr. Cabell, Mr. Waggonner, Mr. Griffin, Mr. Kuykendall, Mr. Gettys, and Mr. Rarick):

H. Res. 442. Resolution relating to the recovery of Government funds improperly expended for private purposes by Adam Clayton Powell, Representative in Congress from the State of New York; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FULTON of Tennessee:

H.R. 12287. A bill for the relief of Daniel Dumuk Aguila and his wife, Norma Aguila; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 12288. A bill for the relief of Magdalena C. Benedictos; to the Committee on the Judiciary.

By Mr. McCLURE:

H.R. 12289. A bill for the relief of Mr. Caleb Carter; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

148. The Speaker presented a petition of the Board of Supervisors, Chautauqua County, N.Y., relative to taxation of State and local government securities, which was referred to the Committee on Ways and Means.

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SENATE—*Wednesday, June 18, 1969*

The Senate met at 12 o'clock noon, and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we rejoice that Thou hast brought us to this day of service in this place. Send Thy light into our inmost souls. Make our hearts a sanctuary wherein Thy spirit dwells. By Thy strength enable us to keep our minds keen, our thinking straight and true, our emotions under Thy control, our wills under Thy discipline, having in remembrance Him whose meet it was to do the will of Him who sent Him, and in whose name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 17, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations and withdrawing a nomination were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Lt. Gen. William Beehler Bunker, Army of the United States (major general, U.S. Army) to be placed on the retired list in the grade of lieutenant general, which nominating messages were referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated, beginning with "New Reports."

POST OFFICE

The bill clerk read the nomination of Harold F. Faught, of Pennsylvania, to be an Assistant Postmaster General.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

SECURITIES AND EXCHANGE COMMISSION

The bill clerk read the nomination of James J. Needham, of New York, to be a member of the Securities and Exchange Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 224 and 225.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROPOSED INTERNATIONAL CONFERENCE ON A PATENT COOPERATION TREATY

The joint resolution (S.J. Res. 90) to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation therefor was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 90

Whereas all countries issuing patents, and especially countries such as the United States having an examination system, deal with large and constantly growing numbers of patent applications of increasing complexity; and

Whereas in any one country a considerable number of patent applications duplicate or substantially duplicate applications relating to the same inventions in other countries, thereby increasing further the volume of applications to be processed; and

Whereas a resolution of the difficulties attendant upon duplications in filings and examination would result in more economical, quicker, and more effective protection for inventions throughout the world thus benefiting inventors, the general public, and government; and

Whereas a treaty for international patent cooperation providing a central filing, search and examination system should provide a practicable means of resolving the difficulties arising out of the duplications in the filing and examination of patent applications; and

Whereas governments concerned with international patent problems have spent a number of years in consultation and in the development of a draft treaty for international patent cooperation to alleviate these problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State and the Secretary of Commerce, in consultation with other concerned departments and agencies, are authorized to take all necessary steps to organize and hold a diplomatic conference to negotiate a Patent Cooperation Treaty in Washington, District of Columbia, in fiscal year 1970.

Sec. 2. There is authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $175,000 for the purpose of defraying the expenses incident to organizing and holding such an international conference. Funds appropriated pursuant to this authorization shall be available for expenses incurred on behalf of the United States as host government, including without limitation personal services without regard to civil service and classification laws, except that no salary rate shall exceed the maximum rate payable under section 5332 of title 5, United States Code; employment of aliens, printing and binding without regard to the provisions of any other law; travel expenses without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under section 5707 of title 5, United States Code; rent or lease of facilities in the District of Columbia or elsewhere by contract or otherwise; hire of passenger motor vehicles; and official functions and courtesies.

Sec. 3. The Secretary of State and the Secretary of Commerce, or either of them, are authorized to accept and use contributions of funds, property, services, and facilities for the purpose of organizing and holding such an international conference. For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted by the Secretary of State or the Secretary of Commerce under authority of this Act shall be deemed to be a gift, devise, or bequest to or for the use of the United States.

Sec. 4. The head of any department, agency, or establishment of the United States is authorized on request, to assist with or without reimbursement the Department of State and the Department of Commerce in carrying out the functions herein authorized, including the furnishing of personnel and facilities.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report

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(No. 91–233), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

Senate Joint Resolution 90 authorizes the Secretary of State and the Secretary of Commerce, in consultation with other interested parties, to arrange to convene an international conference to negotiate a Patent Cooperation Treaty and further authorizes the appropriation of $175,000 for this purpose.

BACKGROUND

As a result of U.S. initiative, an international study to find means of simplifying the issuance of patents for any given invention in other countries was begun in 1966 and the drafting of a patent cooperation treaty started in 1967. According to the executive branch this process has now evolved to the point where it is feasible to plan an international conference in 1970 hopefully to conclude a final treaty on patent cooperation.

The executive branch feels that for a variety of reasons the United States should host this conference: (1) U.S. initiative started the process: (2) U.S. nationals file more patent applications abroad than the nationals of any other countries; and (3) the United States has not hosted a conference in the industrial property field since 1911. Moreover, it can be expected that the delegations of 40 to 45 countries, plus interested international intergovernmental and nongovernmental organizations will, while in the United States, spend an amount equal to or more than the $175,000 provided in Senate Joint Resolution 90, thus providing a balance-of-payments benefit to the United States.

For the budgetary reasons, it has become the practice of the Department of State to request special legislation in the case of major diplomatic conferences to be hosted by the United States, rather than funding these from its appropriation for international conferences and contingencies. Precedents, together with the amounts authorized, include the 11th World Health Assembly, 1958, ($400,000), the Fifth NATO Parliamentarians Conference, 1959 ($100,000), the World Food Congress, 1963 ($300,000), the 22d World Health Assembly, 1969 ($500,000), and the Water for Peace Conference, 1967 ($900,000).

The text of Senate Joint Resolution 90 corresponds to that of Public Law 89–799 which authorized the Water for Peace Conference.

COMMITTEE ACTION AND RECOMMENDATION

The proposed legislation was submitted by the Department of State by letter dated January 16, 1969, and referred to the Committee on Foreign Relations on January 21. On March 17 a further letter was received reaffirming the Department's interest in this legislation and accordingly it was introduced by Senator Fulbright (by request) on April 3.

On May 27, the committee held a public hearing which is printed in the appendix for the information of the Senate. Representatives of the Departments of State and Commerce were witnesses supporting the resolution. One witness, Mr. Leonard J. Robbins, speaking for himself, appeared in opposition to the proposed treaty and therefore the conference. The committee also received favorable communications from Senator John L. McClellan, chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Judiciary Committee and from the Chamber of Commerce of the United States.

On June 10, after considering the testimony, the committee ordered Senate Joint Resolution 90 reported favorably to the Senate. The committee stresses that the Senate is not being asked to pass on the draft treaty at this time. No draft treaty is before the Senate. If a treaty should be concluded at the proposed conference it will come before the Senate in due course and will then be judged on its own merits. All that is involved in Senate Joint Resolution 90 is to provide the authority to host a conference on this question. The committee was told that such a conference would take place in any case, whether the United States hosted it or not. The committee found the reasons advanced by the executive branch for having the conference in the United States valid and recommends that the Senate pass Senate Joint Resolution 90 at an early date.

FEDERAL GOVERNMENT'S PARTICIPATION IN INTERNATIONAL EXPOSITIONS HELD IN UNITED STATES

The bill (S. 856) to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(a) international expositions, when properly organized, financed, and executed, have a significant impact on the economic growth of the region surrounding the exposition and, under appropriate international sanction, are important instruments of national policy, particularly in the exchange of ideas and the demonstration of cultural achievements between peoples;

(b) in view of the widely varying circumstances under which international expositions have developed in the United States, the different degrees to which the Federal Government has assisted and participated in such expositions, and the increasing number of proposals for future expositions, the national interest requires that Federal action concerning such expositions be given orderly consideration; and

(c) such orderly consideration is best achieved by the development of uniform standards, criteria, and procedures to establish the conditions under which the Government hereafter will (A) recognize international expositions proposed to be held in the United States, and (B) take part in such expositions.

FEDERAL RECOGNITION

SEC. 2. (a) Any international exposition proposed to be held in the United States shall be eligible on application from its sponsors to receive the recognition of the Federal Government upon a finding of the President that recognition will be in the national interest. In making such a finding the President shall consider—

(1) a report by the Secretary of Commerce which shall include (A) an evaluation of purposes and reasons for the exposition, and (B) a determination that guaranteed financial and other support has been secured by the exposition from affected State and local governments and from business and civic leadership of the region and others, in amounts sufficient in his judgment to assure the successful development and progress of the exposition;

(2) a report by the Secretary of State that the proposed exposition qualifies for consideration of registration by the Bureau of International Expositions (hereafter referred to as BIE); and

(3) such other evidence as the President may consider to be appropriate.

(b) Upon a finding by the President that an international exposition is eligible for Federal recognition, the President may take such measures recognizing the exposition as he deems proper, including, but not limited to—

(1) presenting of an official request by the United States for registration of the exposition by the BIE;

(2) providing for fulfillment of the requirements of the Convention of November 22, 1928, as amended, relating to international expositions; and

(3) extending invitations, by proclamation or by such other manner he deems proper, to the several States of the Union and to foreign governments to take part in the exposition, provided that he shall not extend such an invitation until he has been notified officially of BIE registration for the exposition.

(c) The President shall report his actions under this section promptly to the Congress.

FEDERAL PARTICIPATION

SEC. 3. The Federal Government may participate in an international exposition proposed to be held in the United States only upon the authorization of the Congress. If the President finds that Federal participation is in the national interest, he shall transmit to the Congress his proposal for such participation, which proposal shall include—

(a) evidence that the international exposition has met the criteria for Federal recognition and, pursuant to section 2 of this Act, it has been so recognized;

(b) a statement that the international exposition has been registered by the BIE; and

(c) a plan prepared by the Secretary of Commerce in cooperation with other interested departments and agencies of the Federal Government for Federal participation in the exposition. In developing such a plan, the Secretary shall give due consideration to whether or not the plan should include the construction of a Federal pavilion and, if so, whether or not the Government would have need for a permanent structure in the area of the exposition. In the event such need is established, the Secretary may include in his plan a recommendation that, as a condition of participation, the Government should be deeded a satisfactory site for the Federal pavilion, in fee simple and free of liens or other encumbrances. The Secretary shall seek the advice of the Administrator of the General Services Administration to the extent necessary in carrying out the provisions of this subsection.

ESTABLISHMENT AND PUBLICATION OF STANDARDS AND CRITERIA

SEC. 4. (a) The Secretary of Commerce is hereby authorized and directed to establish and maintain standards, definitions, and criteria which are adequate to carry out the purposes of section 2(a)(1) and section 3(a) of this Act; and

(b) Standards, definitions, and criteria established by the Secretary and such revisions in them as he may make from time to time shall be published in the Federal Register.

SEC. 5. The President may withdraw Federal recognition or participation whenever he finds that continuing recognition or participation would be inconsistent with the national interest and with the purposes of this Act.

SEC. 6. Nothing in this Act shall affect or limit the authority of Federal departments and agencies to participate in international expositions or events otherwise authorized by law.

SEC. 7. Section 8 of Public Law 89–685 is hereby repealed.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Mr. MANSFIELD. Mr. President I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–234), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

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MAIN PURPOSE

The main purpose of the bill is to establish an orderly procedure by which the Federal Government determines its endorsement of and participation in international expositions to be held within the United States. To that end, the bill calls on the President to make certain findings upon which to base official recognition of a domestically proposed international exposition and, after such recognition, to submit to Congress such proposals as may be considered appropriate for Federal participation. Actual participation in any exposition can be authorized only by the Congress.

To a considerable extent, the bill consists of provisions previously included by Congress in acts authorizing Federal participation in individual international expositions.

BACKGROUND

The need to develop a uniform approach to international expositions held in the United States developed in the late 1950's when a number of communities—frequently on a competitive basis—proposed to stage such events and the demands for Federal recognition and participation multiplied. As early as 1959, the Committee on Foreign Relations reported a resolution which proposed a study to determine, among other things, whether the United States should consider membership in the Bureau of International Expositions (BIE). Since that time, the U.S. Congress has authorized Federal participation in the following so-called international expositions in the United States: Century 21, Seattle, 1962 ($9,900,000); New York World's Fair, 1963–64 ($17,000,000); San Antonio HemisFair, 1968 ($6,750,000); and Interama, Miami, continuing ($5,870,000). In addition, U.S. participation in Expo 67 at Montreal was funded at $9,300,000 and the Osaka (Japan) Expo 70 is funded at $10,000,000.

The frequency and costs of such major international undertakings led the committee chairman in 1965 to initiate correspondence with the Bureau of the Budget concerning the desirability of laying ground rules for U.S. participation in, and endorsement of, such ventures. S. 856 is largely a result of this initiative.

The first step toward developing a national policy in this field was taken last year when, after review, the executive branch recommended and the Senate approved U.S. accession to the 1928 convention establishing the Bureau of International Expositions (BIE). The convention divides international expositions into different categories and kinds and applies a table of frequency to each. Parties to it are prohibited from participating in an international exposition unless it is sanctioned by the BIE.

There remained the second step of domestic procedures and organization to deal with international expositions proposed to be held in the United States and S. 856 complements the international convention in this regard.

WHAT THE BILL DOES

S. 856 finds (*a*) that properly organized, financed and executed, international expositions can be important instruments of national policy; (*b*) that the national interest requires that Federal action with respect to such expositions should be given orderly consideration; and (*c*) that this can best be achieved by the development of uniform standards, criteria, and procedures.

Section 2 concerns procedures for obtaining Federal recognition for a domestically proposed international exposition. The President is authorized to extend such recognition of proposals after receiving reports from the Commerce Department on financial and other support from the State and local officials and business and community leaders of the State and city involved, and from the State Department that such proposal is qualified for BIE registration. Upon making this finding, the President may present an official request to the BIE for registration, provide for fulfillment of the requirements of the BIE convention, and extend official invitations to foreign and State governments to participate in the exposition.

Section 3 concerns Federal participation which cannot take place except with congressional authorization in each case.

The President in transmitting to the Congress any proposals for such participation is required to include in evidence that the requirements of section 2 have been met and that the exposition has been registered with the BIE. He is also to submit a plan for Federal participation prepared by the Commerce Department in cooperation with other interested departments and agencies of the Federal Government. This plan shall give due consideration to the possibility of constructing a Federal pavilion of a permanent nature. In this event the Government should be deeded a satisfactory site in fee simple, and free of liens or other encumbrances.

Other sections of note are section 5, which authorizes the President to withdraw Federal recognition if he finds it inconsistent with the national interest and section 7, which repeals, as no longer required, the section of the HemisFair Act in which the Congress declared it to be the policy of the United States that, hereafter, U.S. participation shall not be authorized in any international fair, exposition, celebration or other international exhibition proposed to be held in the United States unless such exhibition is registered in the first category by an established international organization.

Finally section 8 authorizes the appropriation of such sums as may be necessary to carry out the purposes of the act. The Department of Commerce estimates these expenses to range from $100,000 to $150,000 a year, not including the cost of major feasibility studies.

COMMITTEE ACTION

A draft of this legislation was considered by the Committee on Foreign Relations in 1968 in connection with its approval of the Convention on International Expositions. It was subsequently introduced by Senator Mansfield (by request) as S. 3737 but there was no opportunity to take action. The present legislation was submitted by the Secretary of Commerce on January 15, 1969, introduced by Senator Fulbright on February 4, and endorsed again by the Department of Commerce in a letter dated April 18. On May 5 the committee held a public hearing at which J. William Nelson, Director of the U.S. Expositions Staff, U.S. Department of Commerce, testified. His prepared statement together with supplemental information requested is printed in the appendix to this report. On June 10. 1969, the committee ordered S. 856 reported favorably to the Senate.

The committee knows of no opposition to this measure which has now been endorsed by two administrations.

In view of the approaching bicentennial of the United States and prospect of an international exposition being associated with it, the committee feels that there is some urgency in enacting S. 856 in order to enable the U.S. Government to deal intelligently with such proposals. Accordingly the committee recommends that the Senate take prompt and favorable action on S. 856.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there further morning business? If there is no further morning business, morning business is closed.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps program in Grand Rapids, Mich., under title IB of the Economic Opportunity Act of 1964, Department of Labor (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the community action program administered for the Office of Economic Opportunity for the Pinal County Community Action Program, Inc., Coolidge, Ariz., Office of Economic Opportunity (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation To Authorize the Secretary of the Interior To Engage in Feasibility Investigations of Certain Water Resource Developments

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of Audit of the National Safety Council

A letter from the Office of the President, National Safety Council, transmitting, pursuant to law, a report of the audit of the financial transactions of the National Safety Council for the year 1968 (with an accompanying report); to the Committee on the Judiciary.

Report on Lease Arrangement Prospectuses of the General Services Administration

A letter from the Administrator, General Services Administration, reporting, pursuant to law, on prospectuses, which propose acquisition of space under a lease arrangement; to the Committee on Public Works.

Report on Revised Prospectus Which Proposes Construction of the Federal Bureau of Investigation Academy, Quantico, Va.

A letter from the Administrator, General Services Administration, reporting, pursuant to law, on a revised prospectus which proposes construction of the Federal Bureau of Investigation Academy at Quantico, Va. (with accompanying papers); to the Committee on Public Works.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Acting President pro tempore:

S. 1104. An act for the relief of Thi Huong Nguyen and her minor child, Minh Linh Nguyen;

S. 1531. An act for the relief of Chi Jen Feng; and

H.J. Res. 782. Joint resolution making further continuing appropriations for the fiscal year 1969, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mrs. SMITH, from the Committee on Aeronautical and Space Sciences:

William A. Anders, of California, to be Executive Secretary of the National Aeronautics and Space Council.

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

Carlos Garcia Camacho, of Guam, to be Governor of Guam; and

Melvin H. Evans, of the Virgin Islands, to be Governor of the Virgin Islands.

By Mr. LONG, from the Committee on Finance:

K. Martin Worthy, of Maryland, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service);

William Henry Harrison, of Wyoming, to be a member of the Renegotiation Board;

William Scholl Whitehead, of Virginia, to be a member of the Renegotiation Board;

Donald E. Johnson, of Iowa, to be Administrator of Veterans' Affairs; and

John R. Petty, of New York, to be an Assistant Secretary of the Treasury.

By Mr. EASTLAND, from the Committee on the Judiciary:

Anthony J. P. Farris, of Texas, to be U.S. attorney for the southern district of Texas;

Charles E. Robinson, of Washington, to be U.S. marshal for the western district of Washington;

Doroteo R. Baca, of New Mexico, to be U.S. marshal for the district of New Mexico;

Thomas F. Turley, Jr., of Tennessee, to be U.S. attorney for the western district of Tennessee;

Royal K. Buttars, of Utah, to be U.S. marshal for the district of Utah;

Lincoln C. Almond, of Rhode Island, to be U.S. attorney for the district of Rhode Island;

David J. Cannon, of Wisconsin, to be U.S. attorney for the eastern district of Wisconsin;

Dean C. Smith, of Washington, to be U.S. attorney for the eastern district of Washington;

George Harrold Carswell, of Florida, to be U.S. circuit judge for the fifth circuit;

Donald E. Lane, of the District of Columbia, to be associate judge, U.S. Court of Customs and Patent Appeals;

Seagal V. Wheatley, of Texas, to be U.S. attorney for the western district of Texas;

John L. Bowers, Jr., of Tennessee, to be U.S. attorney for the eastern district of Tennessee;

Otis L. Packwood, of Montana, to be U.S. attorney for the district of Montana;

J. Pat Madrid, of Arizona, to be U.S. marshal for the district of Arizona;

George L. Tennyson, of South Dakota, to be U.S. marshal for the district of South Dakota;

Edward J. Michaels, of Delaware, to be U.S. marshal for the district of Delaware; and

Christian Hansen, Jr., of Vermont, to be U.S. marshal for the district of Vermont.

By Mr. DIRKSEN, from the Committee on the Judiciary:

John C. Meiszner, of Illinois, to be U.S. marshal for the northern district of Illinois.

By Mr. DODD, from the Committee on the Judiciary:

Gaetano A. Russo, Jr., of Connecticut, to be U.S. marshal for the District of Connecticut; and

David W. Williams, of California, to be U.S. district judge for the central district of California.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the board of directors of the National Rifle Association of America, supporting sound policies and practices for our public forest lands; to the Committee on Agriculture and Forestry.

A resolution adopted by the board of directors of the National Rifle Association of America, urging passage of H.R. 1048 and S. 670, dealing with the hunter safety program; to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S. 632. A bill for the relief of Raymond C. Melvin (Rept. No. 91–238).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 1932. A bill for the relief of Arthur Rike (Rept. No. 91–239); and

S.J. Res. 88. A joint resolution to create a commission to study the bankruptcy laws of the United States (Rept. No. 91–240).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

S. Con. Res. 17. A concurrent resolution to recognize the 10th anniversary of the opening of the St. Lawrence Seaway (Rept. No. 91–241);

H.R. 4600. An act to amend the act entitled "An act to incorporate the National Educational Association of the United States," approved June 30, 1906 (34 Stat. 804) (Rept. No. 91–242); and

H. Con. Res. 114. A concurrent resolution commemorating the 20th anniversary of Dartmouth College (Rept. No. 91–243).

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment:

S. 2416. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 91–244).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 152. A bill for the relief of Dr. Joaquin Juan Valentin Fernandez (Rept. No. 91–246);

S. 1087. A bill for the relief of Vernon Louis Hobert (Rept. No. 91–247);

S. 1704. A bill for the relief of Lillian Biazzo (Rept. No. 91–248);

H.R. 1437. A bill for the relief of Cosmina Ruggiero (Rept. No. 91–252);

H.R. 1939. A bill for the relief of Mrs. Marjorie J. Hottenroth (Rept. No. 91–253);

H.R. 1960. A bill for the relief of Mario Santos Gomes (Rept. No. 91–254);

H.R. 2005. A bill for the relief of Lourdes M. Arrant (Rept. No. 91–255);

H.R. 5136. A bill for the relief of George Tilson Weed (Rept. No. 91–256); and

H.R. 6607. A bill to confer U.S. citizenship posthumously upon Sp4c. Klaus Josef Strauss (Rept. No. 91–257).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 690. A bill for the relief of Chong Phil Lee (Rept. No. 91–249);

H.R. 1632. A bill for the relief of Romeo da la Torre Sanano and his sister, Julieta de la Torre Sanano (Rept. No. 91–258); and

H.R. 2336. A bill for the relief of Adela Kaczmarski (Rept. No. 91–259).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 1128. A bill for the relief of Chong Suk Stroisch (Rept. No. 91–250); and

S. 1677. A bill for the relief of Augusto G. Usategui, doctor of medicine (Rept. No. 91–251).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, with amendments:

S. 853. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes (Rept. No. 91–260).

AUTHORIZATION FOR EXPENDITURE FROM CONTINGENT FUND OF THE SENATE

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution (S. Res. 212); which was referred to the Committee on Rules and Administration:

S. Res. 212

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the 91st Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

SENATE CONCURRENT RESOLUTION 33—FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS (REPT. NO. 91–245)

Mr. EASTLAND, from the Committee on the Judiciary, reported an original concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens, and submitted a report thereon, which report was ordered to be printed, and the concurrent resolution was placed on the calendar, as follows:

S. Con. Res. 33

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended (66 Stat. 204; 8 U.S.C. 1251):

A–13388850, Berger, Harry.
A–14605579, Ma, Yiu Kay.
A–11598081, Pung, Wone.
A–5145324, Alcala-Salcedo, Apolinario.
A–6815221, Bader, Louis William.
A–4324674, Barrera-Cabrera, Jesus.
A–4973740, Bergh, Christian Herman.
A–1975504, Abrams, Samuel S.
A–3212791, Candanoza-Leza, Rogelio.
A–4858345, Kalogres, Atanasios.
A–2843283, Klingbeil, Bernard Michael.
A–5121888, Lum, Mee.
A–5987386, Martinez-Venegas, Pedro.
A–3173420, Rojo-Estrada, Ramon.
A–2628682, Tercero-Flores, Manuel.
A–9836945, Lai, Sung Wong.
A–12649506, Wong, Kim Taw.
A–14585059, Chin, Goon You.
A–5433208, Papuzynski, Walter John.
A–1050706, Tahir, Ahmed.
A–17878251, Rodriguez, Jose Roman.
A–5665371, Soares, Jacintho Perreira.
A–17185939, Wong, Harry.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

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By Mr. FONG:

S. 2429. A bill for the relief of Levani D. Damuni;

S. 2430. A bill for the relief of Felipe Cardinas Mejia;

S. 2431. A bill for the relief of Hoon Kyubyuk Kiem; and

S. 2432. A bill for the relief of Lucilo Mejia Bolaoen; to the Committee on the Judiciary.

By Mr. DODD:

S. 2433. A bill to amend title 18, United States Code, to protect the people of the United States against the lawless and irresponsible use of firearms, and to assist in the prevention and solution of crime by requiring a certification for the possession of firearms, and for other purposes; and

S. 2434. A bill for the relief of Giuseppe Comparato, Grazia Comparato, Angelo Comparato, Giancarlo Comparato, Giuseppina Comparato; to the Committee on the Judiciary.

(The remarks of Mr. Dodd when he introduced the bill (S. 2433) appear later in the Record under the appropriate heading.)

By Mr. COTTON:

S. 2435. A bill for the relief of Theresa de Jesus Martins; and

S. 2436. A bill for the relief of Maria Isabel Amorim; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2437. A bill to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MAGNUSON:

S. 2438. A bill to exempt from the interest equalization tax certain acquisitions made before the enactment of the Interest Equalization Tax Act; to the Committee on Finance; and

S. 2439. A bill for the relief of Tait Stevedoring Co., Inc.; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 2440. A bill to amend and expand the veterans' direct home loan program under section 1811 of title 38, United States Code; to the Committee on Banking and Currency.

(The remarks of Mr. Javits when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SCHWEIKER:

S. 2441. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. NELSON:

S. 2442. A bill for the relief of Dr. Lombardo Santiago; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 2443. A bill for the relief of Dr. Silvio Mejia Millan; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 2444. A bill for the relief of Elizabeth C. Cruz; to the Committee on the Judiciary.

By Mr. SYMINGTON:

S. 2445. A bill for the relief of Michael, Miriam, Ronit, Amir, and Zohar Chen; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. Brooke, Mr. Cooper, Mr. Cotton, Mr. Gurney, Mr. Kennedy, and Mr. McIntyre):

S. 2446. A bill to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities; to establish further standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the United States; to encourage the study and improvement of the care, handling, and treatment and the development of methods of minimizing pain and discomfort of laboratory animals used in biomedical activities; and to otherwise assure humane care, handling, and treatment of laboratory animals, and for other purposes; to the Committee on Labor and Public Welfare (by unanimous consent); and, if and when reported, to the Committee on Commerce, if so desired.

(The remarks of Mr. Javits when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MILLER:

S. 2447. A bill for the relief of Diane Lynn Maas and Paul Francis Maas; to the Committee on the Judiciary.

S. 2437—INTRODUCTION OF THE AVIATION FACILITIES EXPANSION ACT OF 1969

Mr. MAGNUSON. Mr. President, at the request of the Secretary of Transportation. I am introducing, for myself and Mr. Cotton, a bill to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

I ask unanimous consent that the letter of transmittal, the section-by-section analysis of the bill, and the summary be printed in the Record at this point.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter of transmittal, section-by-section analysis, and summary will be printed in the Record.

The bill (S. 2437), to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, introduced by Mr. Magnuson (for himself and Mr. Cotton) (by request), was received, read twice by its title, and referred to the Committee on Commerce.

The material presented by Mr. Magnuson follows:

The Secretary of Transportation,
Washington, D.C., June 16, 1969.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a proposed bill "To provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes", together with analyses.

The proposed Aviation Facilities Expansion Act of 1969 would carry out the program recommended by the President in his message to the Congress for a major expansion of the Federal programs for airport and airway development. It would express the Federal Government's commitment to a ten-year airway facilities program of $2.5 billion, and a ten-year ariport grant-in-aid program of $2.5 billion.

To support the expanded program level, the bill would establish a Designated Account in the Treasury financed principally from revenues derived from existing and proposed aviation fuel, air passenger, and air cargo taxes.

The bill would repeal the Federal Airport Act but reenact its substance in title II. It would authorize a total of $1.25 billion in Federal aid for airport planning and development over the next five years—$180 million in fiscal 1970, $220 million in fiscal 1971, and not to exceed a total of $850 million for the three fiscal years 1972, 1973, and 1974.

The proposed program of $180 million for fiscal year 1970 would be distributed as follows:

$140 million for grants to airports serving both air carriers and general aviation, $35 million of which would be set aside for airports located in areas designated by the Civil Aeronautics Board as large hubs.

$25 million in grants to aid in the development of airfields used solely by general aviation.

$10 million in grants to planning agencies to assist them in conducting airport systems planning.

$5 million for grants to states to carry on airport planning and development activities.

The scope of Federal airport planning would be broadened to include terminal area requirements as well as projects eligible for grants-in-aid. The new National Airport System Plan would provide a ten-year projection and be revised at least once every two years.

Airport terminal buildings are a responsibility of local airport authorities, and the bill suggests ways in which those authorities can meet that responsibility.

The burden of financing future air transportation facilities should not be borne by the general taxpayer. The users of the system should assume that responsibility since they are the direct beneficiaries. Accordingly, title III of the bill would establish a revised and expanded schedule of taxes as follows, the revenues from which would be placed in the Designated Account and used only to defray costs incurred in the airport and airway programs:

A tax of eight percent on airline tickets for most domestic flights, an increase of three percent over the existing tax;

A new tax of $3 on passenger tickets for most international flights beginning in the United States, including flights to and from Alaska and Hawaii;

A new tax of five percent on air freight waybills; and

A tax of nine cents a gallon on fuels used by general aviation, in lieu of the present effective tax of 2 cents per gallon on gasoline.

This new tax schedule would generate about $569 million in revenues in fiscal year 1970, compared with the revenues of $295 million under existing taxes.

It is anticipated that revenues obtained from the proposed aviation user taxes would have to be supplemented by appropriations from the general fund of the Treasury. That supplement would amount to about $600 million in fiscal year 1970, and thereafter would decrease steadily as the growth of aviation produces increased revenues from the user taxes. Appropriations from the general fund would always be necessary to pay the costs of the airway system attributable to military use.

Finally, the bill would require the Secretary of Transportation to complete within two years a study of appropriate methods for allocating the costs of the airport and airway system among the users of the system.

In submitting this legislation, I wish to stress the views of the President, as stated in his message, that the revenue and expenditure programs are mutually dependent, and that prudent fiscal management requires that we increase revenues concurrently with any action to authorize expenditures.

I urge early and favorable consideration of these proposals. The Bureau of the Budget has advised the enactment of this legislation would be in accord with the President's program.

Sincerely,

John A. Volpe,
Secretary of Transportation.

Section-by-Section Analysis S. 2437

Sec. 1. *Short Title.* This section cites the Act as the "Aviation Facilities Expansion Act of 1969."

Sec. 2. *Declaration of Policy.* This section sets forth the finding of Congress that the

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Nation's airport and airway system is inadequate to meet current and projected growth in aviation; that the civil users of air transportation are capable of making a greater contribution to the expansion and improvement of the system through the payment of increased user taxes; that airports should consider passenger charges as a means of financing the development of terminal area facilities; and that for fiscal years 1970 through 1979, the annual obligational authority for airways expansion and improvement should be no less than $250,000,000, and that the total obligational authority for airport assistance through fiscal year 1979 should be $2,500,000,000.

TITLE I—AIRPORT AND AIRWAYS FINANCING

Sec. 101. *Establishment and Administration of Designated Account.* This section establishes in the United States Treasury an airport and airways designated account from which funds are to be made available, as provided by appropriation acts, for meeting obligations of the Federal Government incurred under the grant programs for airport planning and airport development established by Title II of the Act, and obligations incurred under the Federal Aviation Act of 1958 relating to the acquisition, establishment, improvement, maintenance and operation of the Federal airways system. It appropriates to the account amounts equivalent to air transportation and aviation fuel taxes revised in Title III which would go into effect on July 1, 1969. It also provides for the appropriation to the account of such additional sums as may be required to make expenditures for the purposes for which the account is established.

Sec. 102. *Highway Trust Fund.* This section amends the highway trust fund provisions in section 209 of the Highway Revenue Act of 1956. Subparagraphs (A) of sections 209(c)(1) and (3) of the Highway Revenue Act presently provide for the transfer to the highway trust fund of taxes collected under sections 4041 (taxes on diesel fuels and special fuels) and 4081 (tax on gasoline) of the Internal Revenue Code. Under the amendment in section 102, taxes on the sale or use of special fuels in motor vehicles or motorboats imposed by section 4041 of the Code, and taxes on the sale or use of gasoline under section 4081 which is not used in aircraft would continue to be transferred to the highway trust fund. However, in recognition of the cost of Federal expenditures for airport development and the operation of the airway system, the amendment adds a new paragraph (5) to section 209(c) of the Highway Revenue Act to provide for the exclusion from the highway trust fund of taxes transferred to the airport and airways designated account under section 101 of this Act.

Sec. 103. *Cost Allocation Study.* This section requires the Secretary of Transportation to complete within two years a study and report respecting the appropriate method for allocating the cost of the airport and airway system among the various users.

TITLE II—AIRPORT DEVELOPMENT

Sec. 201. *Definitions.* This section contains definitions of seventeen different terms used in Title II of the Act.

Sec. 202. *National Airport System Plan.* This section directs the Secretary to publish within two years of the date of enactment of the Act, and to revise thereafter at least once every two years, a National Airport System Plan setting forth, for at least a ten year period, the airport development necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense, and to meet special needs of the postal service. It directs the Secretary in formulating the Plan to consult with the Civil Aeronautics Board, the Post Office Department, the Federal Communications Commission, the Department of Defense, the Secretary of the Interior, the Federal Power Commission, and other Federal agencies as appropriate, and with State agencies and comprehensive planning agencies, and with airport operators, air carriers, and others in the aviation industry.

Sec. 203. *Planning Grants.* This section authorizes the Secretary to make grants for airport system planning to areawide planning agencies designated pursuant to the provisions of section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966, and to any public agency for planning with respect to the development of a specific airport. The bill contemplates the establishment of a five-year program. The total funds obligated for the planning grant program could not exceed $50,000,000. The total funds obligated in any one fiscal year could not exceed $10,000,000, and no grant could exceed two-thirds of the cost incurred in the accomplishment of the project. No more than 10 percent of the funds available for planning grants in any one fiscal year could be allocated for projects within a single state. The Secretary and the Secretary of Housing and Urban Development are directed to develop jointly procedures designed to preclude duplication of their respective planning assistance activities and to ensure that such activities are effectively coordinated.

Sec. 204. *Federal-aid Airport Program.* This section authorizes the Secretary, within the limits established in appropriation acts, to make grants for airport development by grant agreements with sponsors in aggregate amounts not to exceed the following:

$140 million in fiscal year 1970 and $180 million in fiscal year 1971 for developing airports served by air carriers certificated by the Civil Aeronautics Board, and for developing airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having a high density of traffic serving other segments of aviation.

$25 million in each of the fiscal years 1970 and 1971 for developing airports serving aviation other than air carriers certificated by the CAB.

$805 million for the period fiscal years 1972 through 1974 for both programs referred to above.

Sec. 205. *Distribution of Funds, State Apportionment.* Subsection (a)(1) of section 205 provides for the apportionment each year of funds made available in fiscal years 1970 and 1971 for air carrier and reliever airports as follows:

$67.9 million for fiscal year 1970, and $87.3 million for fiscal year 1971, to the states in accordance with the area-population formula presently used in the administration of the Federal Airport Act.

$2.1 million for fiscal year 1970, and $2.7 million for fiscal year 1971 to Hawaii, Puerto Rico, and the Virgin Islands on a 40 percent, 40 percent, 20 percent ratio.

$35 million for fiscal year 1970, and $45 million for fiscal year 1971 for airports located in areas the CAB designates as large hubs (distributed on the basis of the number of passengers enplaned in each large hub).

$35 million for fiscal year 1970 and $45 million for fiscal year 1971 to be distributed at the discretion of the Secretary.

Subsection (a)(2) of section 205 provides for the apportionment each year of funds made available in fiscal years 1970 and 1971 for airports serving segments of aviation other than CAB certificated air carriers as follows:

$18,375,000 to the states in accordance with the area-population formula referred to above.

$375,000 to Hawaii, Puerto Rico, and the Virgin Islands on a 40 percent, 40 percent, 20 percent ratio.

$6,250,000 to be distributed at the discretion of the Secretary.

Subsection (a)(3) of section 205 provides for the apportionment of amounts appropriated for making grants for airport development in fiscal years 1972, 1973, and 1974 as subsequently prescribed by Congress. Subsection (a)(3) also provides that if amounts made available for apportionment in 1970 or 1971 are less than the amounts stated in paragraphs (1) and (2) of section 205(a), the amounts available shall be apportioned in accordance with the ratios indicated in those paragraphs for the particular year in question.

Section 205 further provides that amounts apportioned to a state or large hub area are to be available to that particular state or hub area for a period of two fiscal years, only for projects applicable to that particular state or hub area. If, after the two years elapse, a portion of such an amount remains unobligated, it is added to a fund comprised of the amounts authorized by section 205(a) to be distributed at the discretion of the Secretary. Except in the case of certain projects sponsored by the United States, however, the Secretary may use amounts placed in the discretionary fund only in accordance with the general purposes for which they originally were appropriated (air carrier airports, hub area airports, etc.).

Sec. 206. *Submission and Approval of Projects for Airport Development.* This section set forth guidelines and procedures for the submission and approval of projects for airport development. Project applications may not propose airport development not included in the current National Airport System Plan. Also, all proposed development is to be in accordance with technical standards issued by the Secretary. Before he approves a project, the Secretary must be satisfied that certain project sponsorship requirements have been or will be met, that the project includes provision, as appropriate, for the installation of landing aids specified in section 207(d), and that fair consideration has been given to the interests of communities in or near which the project may be located. No airport development project involving the location of an airport, airport runway, or runway extension is to be approved unless the sponsor certifies to the Secretary that it has held public hearings, or afforded the opportunity for such hearings, for the purpose of considering the economic, social and environmental effects of the airport location and its consistency with the goals and objectives of such urban planning as has been carried out by the community.

Sec. 207. *United States Share of Project Costs.* This section establishes a general rule that the United States share payable on account of any approved airport development project submitted under section 206 shall not exceed 50 percent of the allowable project costs. An increased share (no greater than 75 percent) is allowable in the case of a project in a state containing unappropriated and unreserved public lands or nontaxable Indian lands, a project in the Virgin Islands, or elements of a project such as the installation of certain lighting systems used in aid of aircraft navigation and land required for approach light systems.

Sec. 208. *Project Sponsorship.* This section requires that the Secretary receive a number of assurances prior to his approving a project for airport development. They are designed to assure, among other things, that airports to which a project relates will be available for public use on fair and reasonable terms without unjust discrimination, and will be suitably operated and maintained. Also requirements are included respecting project accounts and records, a fee structure for facilities and services provided to airport users, the removal or mitigation of airport hazards, and the availability of airport facilities for certain use by military aircraft and areas on the airport for use in connection with air traffic control activities conducted by the Federal Government.

Sec. 209. *Grant Agreements.* This section prescribes procedures pertaining to the consummation of grant agreements which are

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to be followed by the Secretary subsequent to the approval of a project application for airport development.

Sec. 210. *Allowable Project Cost.* This section sets forth the elements of a project for airport development toward which the Secretary may not devote amounts appropriated to carry out the provisions of the grant-in-aid program established in section 204. Among those project costs not allowed are the costs of construction of that part of an airport intended for use as a public parking facility for passenger automobiles, and the costs of construction of any part of a hangar or of any part of an airport building, except such of those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport. A project cost is to be allowable only if it is a necessary cost and, in most instances, only if it is incurred subsequent to the execution of the agreement to provide financial assistance, and in connection with airport development accomplished after the execution of the agreement. The allowable costs of a project may include any necessary costs of formulating the project not included in a project authorized under section 203, including costs of acquiring land, which were incurred subsequent to May 13, 1946 (the date of enactment of the Federal Airport Act).

Sec. 211. *Payments.* This section prescribes guidelines to be followed by the Secretary in making payments under the terms of a grant agreement for airport development. It includes guidelines respecting payments to be made in advance of the accomplishment of the airport development to which the payments relate and the recovery of such part of such advance payments for which the United States receives no benefit due to a failure to complete a project or to accomplish the airport development within a reasonable time.

SEC. 212. *State Agencies.* This section authorizes the Secretary to make grants to agencies designated by the states for the purpose of assisting those agencies in carrying out state programs for airport planning and development. A five-year grant program is contemplated. The total funds obligated for such grants could not exceed $25 million. The total funds obligated in any one fiscal year could not exceed $5 million. To be eligible to receive a grant, a state agency must be empowered to acquire property necessary to establish or develop airports, prepare a statewide airport system plan, undertake airport development or provide financial assistance for carrying out such development to public agencies within the state, and disburse to sponsors within the state payments made pursuant to agreement under section 209. Funds available each fiscal year for the purpose of making such grants would be apportioned among the states in accordance with an allocation formula based on state population and area. Amounts apportioned to a state which are not obligated by grant agreements at the expiration of the fiscal year for which it was apportioned, would be added to the discretionary fund established by section 205(b) and be available for use for the purposes stated in section 204(1) (grants for the development of airports served by CAB certificated air carriers and "reliever" airports).

No more than $80,000 of the funds made available to any one state in any fiscal year could be used for administrative expenses. For the purpose of section 212, the term "state" is defined to include Puerto Rico, the Virgin Islands, and Guam, as well as the several states and the District of Columbia. The provisions of the section would not apply, however, with respect to any project for airport development submitted by an agency of the United States Government.

Sec. 213. *Performance of Construction Work.* Under this section construction work on any approved project for airport development would be subject to inspection and approval by the Secretary in accordance with regulations prescribed by him. Also, all contracts in excess of $2,000 for work on projects for airport development approved under the Act which involve labor would be required to contain provisions establishing minimum rates of wages as predetermined by the Secretary of Labor in accordance with the Davis-Bacon Act.

Sec. 214. *Use of Government-Owned Lands.* Under this section, the Secretary may request the head of any Federal agency having control over lands reasonably necessary for carrying out a project for airport development under the Act, or for the operation of any public airport, including lands reasonably necessary to meet future development of an airport in accordance with the National Airport System Plan, to convey such property interests therein to the public agency sponsoring the project in question or owning or controlling the airport. The agency head receiving such a request, upon determining that the request conveyance is not inconsistent with the needs of his agency, is required, with the approval of the President and the Attorney General, to execute any instruments necessary to make the requested conveyance. At the option of the Secretary, property so conveyed is to revert to the United States in the event it is not developed for airport purposes or used in a manner consistent with the terms of the conveyance. In a case where only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyances, only that particular part shall, at the option of the Secretary, revert to the United States.

Sec. 215. *Reports to Congress.* This section requires the Secretary to make annually a report to the Congress describing his operations under Title II of the Act during the preceding fiscal year.

Sec. 216. *False Statements.* This section makes it a felony to make, with the intent to defraud the United States, false statements, representations, or reports in connection with certain matters respecting project applications or projects approved by the Secretary.

Sec. 217. *Access to Records.* This section authorizes the Secretary to establish record-keeping requirements applicable to recipients of grants under the Act, and provides that the Secretary and the Comptroller General shall have access for the purpose of audit and examination to books and records of recipients that are pertinent to grants received under the Act.

Sec. 218. *General Powers.* This section empowers the Secretary to issue such orders, make such regulations, conduct such hearings and investigations, and perform such other acts, consistent with the provisions of Title II, as he deems necessary to carry out his powers and duties under Title II.

TITLE III—USER CHARGES

Sec. 301. *Amendment of 1954 Code.* This section provides that references in Title III of the bill to amended sections or other provisions are to sections or other provisions of the Internal Revenue Code of 1954.

Sec. 302. *Tax on Aviation Fuel.* This section amends section 4041 of the Internal Revenue Code (relating to tax on special fuels).

Present law. Under present law a tax of 4 cents a gallon is imposed on special motor fuels (such as benzol, benzene, etc.) sold for use or used as a fuel for the propulsion of a registered highway motor vehicle. Special motor fuels sold for use or used for the propulsion of a motorboat, airplane or motor vehicle (other than a registered highway vehicle) are taxed at the rate of 2 cents a gallon. No tax is imposed on certain designated fuels such as kerosene (jet airplane fuel).

The amendments made by section 302 of the bill are designed to change the rate of tax applicable to the use of fuel in airplanes. Section 4041 is reorganized by adding a new subsection (c) which deals with the taxation of fuels used in certain aircraft.

Noncommercial Aviation. The new subsection (c) of section 4041 imposes a tax on fuel sold for use or used in an aircraft in noncommercial aviation.

Paragraph (1) of section 4041(c) imposes a tax on any liquid (other than gasoline) at the rate specified in paragraph (2) sold for use or used as a fuel in an aircraft, if the aircraft is used in noncommercial aviation. Under present law, special motor fuels are taxed at the rate of 2 cents a gallon if sold for use in any aircraft, whether the aircraft is used in commercial or noncommercial aviation. Moreover, under present law, no tax is imposed on kerosene (jet fuel), gas, oil, and fuel oil sold for use or used in airplanes. Under Title III, all liquids, including kerosene, etc., would be taxable if sold for use or used in noncommercial aviation. No tax would apply to special fuels sold for use or used in commercial aviation and the tax on gasoline used in commercial aviation would be refunded, since separate user charges are imposed on commercial aviation under section 303 of this bill which increases the present tax on air fares and imposes a new tax on air freight charges.

Paragraph (2) of section 4041(s) specifies the rate of tax imposed on all liquids (other than gasoline) sold for use or used as a fuel in an aircraft used in noncommercial aviation. The rate of tax is 7 cents a gallon for the period July 1, 1969, through June 30, 1979.

Paragraph (3) of section 4041(c) imposes an additional tax at the rate specified in paragraph (4) on gasoline sold for use or used as a fuel in an aircraft, if the aircraft is used in noncommercial aviation. Section 4081 now provides for a 4-cent-a-gallon tax on the sale of gasoline by the producer or importer. This additional tax on gasoline used in noncommercial aviation will result in the same rate of tax per gallon imposed on gasoline as the rate of tax on other fuels in noncommercial aviation.

Paragraph (4) specifies the rate of tax imposed by paragraph (3) on gasoline sold for use or used in noncommercial aviation. The rate of tax is established at 3 cents a gallon for the period July 1, 1969, through September 30, 1972, and at 5½ cents a gallon for the period October 1, 1972, through June 30, 1979. Thus, when added to the 4-cent-a-gallon tax on gasoline imposed by section 4081, which rate is scheduled to be lowered to 1½ cents after September 30, 1972, the rate of tax on gasoline used in noncommercial aviation will be the same per gallon as that imposed on all other fuels used in noncommercial aviation under paragraph (1).

Paragraph (5) of section 4041(c) defines the term "noncommercial aviation" for purposes of chapter 31 to mean any use of an aircraft other than by a person engaged in the business of transporting persons or property for compensation by air while in the course of such business. The term does not include the movement of aircraft for purposes of flight training or engineering tests by a person engaged in the business of transporting persons or property by air.

Additional Tax. Subsection (d) of section 4041 provides for the imposition of an additional tax if a liquid is subject to a tax at a higher rate on the actual use made of such liquid than the rate levied on its sale. This additional tax is equal to the difference between (a) the tax imposed on the sale of such liquid and (b) the tax payable at such higher rate on the use thereof.

Rate Reduction. Subsection (e) of section 4041 provides that on or after October 1, 1972, the taxes imposed on special fuels (including diesel fuel) sold for use or used in registered highway motor vehicles will be reduced from 4 cents a gallon to 1½ cents a gallon, and that the tax imposed on special fuels sold for use or used in nonregistered motor vehicles or motorboats will be reduced from 2 cents a gallon to 1½ cents a gallon.

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Under existing law, a similar rate reduction is scheduled to take effect on the same date. Under present law the rate reduction would also apply to special fuels for aircraft. However, the conforming amendment removes airplanes from the sections affected by the rate reduction.

Exemptions. Subsections (f) and (g) provide for the same exemptions from the taxes on special fuels as are provided under present law.

Farm Use. Paragraph (1) of section 4041(f) provides that no tax shall be imposed under section 4041 on any liquid sold for use or used on a farm for farming purposes. This exemption applies with respect to all farm uses of special fuels whether used in a motor vehicle, aircraft, or motorboat.

Paragraph (2) of section 4041(f) continues the present definition of the term "use on a farm for farming purposes".

Supplies for Vessels or Aircraft. Subsection (g) provides that no tax is to be imposed under section 4041 on any liquid sold for use or used as supplies for vessels or aircraft, within the meaning of section 4221 (including the reciprocity provision of section 4221(e)(1)). In general, this exemption applies to military ships and planes, fishing vessels, and vessels engaged in foreign trade.

Conforming and Technical Amendments. Subsection (c) of section 302 of the bill makes a conforming amendment and a technical amendment to present subsection (b) of section 4041.

Paragraph (1) of subsection (b) amends code section 4041(b) by striking all references to "airplanes" to make it clear that a liquid sold for use, or used, in an airplane is not to be taxable under that subsection.

Under present law, the tax on special motor fuels applies to a liquid sold for use, or used, as a fuel "for the propulsion of" a motor vehicle, motorboat, or airplane. Section 302(b)(2) of the bill amends section 4041(b) of the code by deleting the phrase "for the propulsion of" and replacing it with the word "in". This change conforms section 4041(b) to the language of present section 4041(a), relating to tax on diesel fuel (sold for use or used in a diesel-powered highway vehicle) and to the proposed section 4041(c). This is not intended to be a substantive change from present law, since it conforms the statute to the interpretation given present sections 4041 (a) and (b) by existing Treasury regulations.

Sec. 303. *Amendment of Tax on Transportation of Persons by Air and Imposition of Tax on Transportation of Property by Air.* This section amends subchapter C of chapter 33 to increase the existing tax on air passenger fares, impose a new tax on certain transportation of persons by air which begins in the United States, and to impose a new tax on air freight charges. Section 303 divides subchapter C into two parts. Part I contains the taxes on transportation of persons by air and Part II contains the new tax on the transportation of property by air.

Air Passenger Fares. Subsection (a)(1) of section 303 of the bill makes two amendments to section 4261 (relating to imposition of tax). The first provides for a 3-percent increase in the existing tax on amounts paid for transportation of persons by air, thereby changing the rate of tax from 5 percent to 8 percent. The second amendment adds a new subsection (e) to section 4261 to impose a new tax on certain transportation of persons by air. The new tax is imposed at a flat rate of $3.00, and applies, in general, to transportation that presently is not subject to tax. It applies to most international flights beginning in the United States. It also applies to all flights between the contiguous United States and Hawaii, Alaska, or outlying possessions of the United States. The higher rate imposed by the first amendment and the new tax imposed by the second amendment applies, as appropriate, to transportation which begins after June 30, 1969, and before July 1, 1979. Thus, the increased rate and the new tax apply if the transportation begins after June 30, 1969, regardless of when the amounts for the transportation are paid.

Subsection (a)(2) of section 303 of the bill adds a new paragraph (4) to existing section 4262(c) (relating to definitions) to provide that the term "transportation" include layover or waiting time and movement of the aircraft in deadhead service. The purpose of this provision is to make clear that amounts paid for layover and waiting time and for the movement of the aircraft in deadhead service, whether or not stated or billed separately, are subject to tax.

Subsection (a)(3) of section 303 of the bill repeals the exemption from the tax on transportation of persons by air provided by present section 4263(d). That exemption currently applies to transportation by aircraft having a gross takeoff weight of less than 12,500 pounds and a passenger seating capacity of less than 10 adult passengers including the pilot, except when the aircraft is operated as a part of an established line. These carriers, as well as other air carriers, benefit from the Federal programs relating to airways and should bear their share of the costs.

Subsection (b) of section 303 of the bill adds new part II to chapter 33 to impose the new tax on the transportation of property by air. The tax under subsections (a) and (b) of section 4271 is imposed at the rate of 5 percent on amounts paid for transportation which begins after June 30, 1969, and before July 1, 1979.

Subsection (a) of section 4271 provides that the tax is applicable to amounts paid within or without the United States for transportation of property by air from one point in the United States to another.

Subsection (b) of section 4271 provides that, when property is transported from a point without the United States to a point within the United States, the tax shall apply to the amount paid within the United States for that part of the transportation which takes place within the United States. Thus, amounts paid outside the United States for the transportation of property by air from a point without the United States to a point within the United States are not subject to tax. The determination of whether the amounts paid for transportation are paid within or without the United States will in general conform to the rules applicable to the tax on amounts paid for transportation of property by land, water, and air which was in effect prior to August 1, 1958, and the corresponding rules applicable to the present tax on transportation of persnos by air.

The tax imposed by subsections (a) and (b) of section 4271 applies only to amounts paid to a person engaged in the business of transporting property for hire by air.

Subsection (c) of section 4271 provides that payments for layover or waiting time or deadhead movement of an aircraft are taxable, whether or not separately stated or billed.

Subsection (d) of section 4271 provides that the tax imposed is to be paid by the person making the payment subject to tax.

Subsection (e) of section 4271 defines the term "person engaged in the business of transporting property for hire by air" to exclude freight forwarders, express companies, or similar persons, if such persons engage others to transport the property. Thus, if a shipper engages a freight forwarder to transport property, the tax is not levied on the payment by the shipper to the freight forwarder. It is imposed on the freight forwarder when he pays the carrier, and the tax is computed on the basis of the amount so paid.

Section 4272 provides for exemptions from the tax on amounts paid for transportation of property by air. Subsection (a) of section 4272 provides for an exemption with respect to amounts paid for the transportation of property in the course of exportation (including shipment to a possession of the United States) by continuous movement, and in due course so exported or shipped. Movement is not continuous if in the course of such movement the property transported is processed, fabricated or similarly treated.

Subsection (b) of section 4272 provides that the tax on transportation of property by air shall not apply to amounts paid for transportation of property to or from an international organization, as defined in section 7701(a)(18), or the Red Cross.

Subsection (c) of section 303 makes a conforming change in the heading of subchapter C of Chapter 33 of the Internal Revenue Code of 1954 to incorporate the new tax on transportation of property by air.

Sec. 304. *Technical and Clerical Amendments.* Subsection (a) of this section amends section 6421(a) (relating to nonhighway use of gasoline) by adding a new sentence at the end thereof. This sentence provides that, in the case of gasoline used as fuel in commercial aviation after June 30, 1969, a full refund, instead of the present 50 percent refund, of the manufacturers tax imposed on such gasoline will be paid to the ultimate purchaser thereof.

Subsection (b) of section 304 of the bill amends section 6421(e) (relating to exempt sales) by adding a new paragraph (3) at the end thereof. This new paragraph provides that no refunds of gasoline tax will be made with respect to gasoline used in noncommercial aviation. This is necessary so that gasoline and special fuels used in noncommercial aviation will be taxed at the same rate.

Subsections (c), (d), and (e) of section 304 of the bill amend section 4292 (relating to State and local government exemption), section 4294(a) (relating to exemption for nonprofit educational organizations), and section 6415 (relating to credits or refunds to persons who collected certain taxes) to extend the provisions of such sections to the tax on the transportation of property by air imposed by section 303 of the bill.

Subsection (f) of section 304 of the bill makes a conforming amendment to subparagraph (A) of section 6416(a)(2) (relating to exceptions).

Subsection (g) of section 304 of the bill amends section 6416(b)(2) (relating to special cases in which tax payments considered overpayments) as follows:

Paragraph (1) of subsection (g) amends section 6416(b)(2) to make a conforming change to continue the allowance of certain refunds with respect to taxes imposed on the sale of any special fuel under section 4041.

Paragraph (2) of subsection (g) amends subparagraph (G) of section 6416(b)(2). Subparagraph (G) of section 6416(b)(2) presently provides for credit or refund of tax paid on the sale of diesel fuel or special motor fuels if the vendee either resold the fuel, used it on a farm for farming purposes, or used it in other than a motor vehicle, motorboat, or airplane. Subparagraph (G), as amended, provides for a credit or refund of tax paid on the sale of a special fuel under section 4041, whether such sale occurred on, before, or after June 30, 1969, if the vendee either used such fuel for other than the use for which it was sold, resold such liquid, or used it on a farm for farming purposes. However, the credit or refund will not exceed the amount of the tax so paid less the tax applicable under section 4041 on the use actually made of such liquid on the date used.

Paragraph (3) of subsection (g) strikes out subparagraphs (I) and (J) of section 6416 (b)(2), which provide special rules for determining the amount of overpayment, since they are no longer necessary in view of the amendment of subparagraph (G) of section 6416(b)(2), discussed above.

Paragraph (4) of subsection (g) makes a conforming change to subparagraph (M) of section 6416(b)(2), which provides for credit or refund of tax paid on the sale of gasoline

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which is used or sold for use in the production of special fuels.

Subsection (h) of section 304 of the bill makes a conforming change to section 4082 (c) of the code, which permits a producer or importer of gasoline to use gasoline free of tax in the production of other gasoline or of special motor fuels.

Sec. 305. *Effective Dates.* This section sets forth the effective dates of the amendments and repeals contained in Title III of the bill.

Subsection (a) of section 305 of the bill provides that the amendments and repeals made by section 303 of the bill, relating to tax transportation by air, are to apply to amounts paid for in connection with such transportation which begins after June 30, 1969.

Subsection (b) of section 305 of the bill provides that the amendments and repeals made by Title III of the bill with respect to taxes on gasoline and special fuels are to apply to sales or uses thereof after June 30, 1969.

Subsection (c) of section 305 of the bill provides that all other amendments made by Title III of the bill are to take effect on July 1, 1969.

TITLE IV—MISCELLANEOUS

Sec. 401. *Procurement Procedures.* This section amends the Federal Aviation Act of 1958 to authorize the Secretary to negotiate without advertising purchases and contracts for technical or special property related to, or in support of, air navigation that he determines to require substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would likely result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property.

Sec. 402. *Repeal and Saving Provisions.* This section repeals the Federal Airport Act, but continues in effect all determinations, regulations, contracts, grants, and privileges issued, made, granted, or allowed to become effective under that Act.

SUMMARY OF S. 2437

1. DESIGNATED ACCOUNT

Establishes in the Treasury an airport and airways "designated account" (see section 101) from which funds are to be made available, as provided by appropriation acts, for meeting obligations incurred under the grant programs for airport planning and airport development established by Title II of the bill, and obligations incurred under the Federal Aviation Act relating to the planning, research and development, construction, operation, and maintenance of the Federal airway system. It appropriates to the account amounts obtained from the aviation user tax measures contained in Title III of the bill (see paragraph 10 below), and provides for the appropriation to the account of such additional sums as may be required to make expenditures for the purposes for which the account is established.

2. COST ALLOCATION STUDY

Requires the completion within two years of a study and report respecting the appropriate method for allocating the cost of the airport and airway system among the various users (see section 103).

3. AIRPORT SYSTEM PLANNING

Requires the Secretary (see section 202) to publish, and revise at least every two years, a plan setting forth for at least a ten-year period the type and estimated cost of airport development necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics.

4. AIRPORT PLANNING GRANTS

Authorizes the Secretary (see section 203) to make grants for airport system planning to areawide planning agencies designated under the Demonstration Cities and Metropolitan Development Act of 1966, and to any public agency for planning with respect to the development of a specific airport. In effect, the bill esttablishes a five-year program. The total funds obligated for the program could not exced $50 million, and the total funds obligated in any one fiscal year could not exceed $10 million. No grant could exceed two-thirds of the cost incurred in the accomplishment of the project.

5. FINANCIAL AID FOR AIRFIELD DEVELOPMENT

Authorizes the Secretary (see section 204) to make grants for airport development by grant agreements as follows:

$140 million in fiscal year 1970 and $180 million in fiscal year 1971 for developing airports served by air carriers certificated by the CAB and for developing "reliever" airports.

$25 million in each of the fiscal years 1970 and 1971 for developing airports serving aviation other than air carriers certificated by the CAB.

$805 million for the period fiscal years 1972 through 1974 for purposes set out in the above two items of this paragraph.

6. DISTRIBUTION OF FUNDS FOR AIRFIELD DEVELOPMENT

a. Air carrier and reliever airport funds (fiscal years 1970 and 1971)

Provides for distribution of the amounts set out in section 204 for air carrier and reliever airports as follows (see section 205(a) (1)):

$67.9 million for fiscal year 1970, and $87.3 million for fiscal year 1971 to the states in accordance with the area-population formula presently used in the administration of the Federal Airport Act.

$2.1 million for fiscal year 1970, and $2.7 million for fiscal year 1971 to Hawaii, Puerto Rico, and the Virgin Islands on a 40 percent, 40 percent, 20 percent ratio.

$35 million for fiscal year 1970, and $45 million for fiscal year 1971 for airports located in areas the CAB designates as large hubs (distributed on the basis of the number of passengers enplaned in each large hub).

$35 million for fiscal year 1970, and $45 million for fiscal year 1971 to be distributed at the discretion of the Secretary.

b. General aviation airport funds (fiscal years 1970 and 1971)

Provides for distribution of the $25 million for general aviation airports in each of the fiscal years 1970 and 1971 as follows (see section 205(a) (2)):

$18,375,000 to the states in accordance with the area-population formula referred to above.

$375,000 to Hawaii, Puerto Rico, and the Virgin Islands on a 40 percent, 40 percent, 20 percent ratio.

$6,250,000 to be distributed at the discretion of the Secretary.

c. Air carrier and general aviation airport funds (fiscal years 1972 through 1974)

Provides for the apportionment of amounts appropriated for airport development grants for fiscal years 1972, 1973, and 1974 as subsequently provided by law (see section 205 (a)(3)).

7. PROCEDURES FOR ADMINISTRATION OF GRANT PROGRAM FOR AIRPORT DEVELOPMENT

Continues in effect for the grant program for airport development nearly all of the procedures for administering the existing grant-in-aid program under the Federal Airport Act. Generally (see section 207), the United States share payable on account of any airport project could not exceed 50 percent of the allowable project costs.

8. GRANTS TO STATE AERONAUTICS AGENCIES

Authorizes the Secretary (see section 212) to make grants to agencies designated by the states for the purpose of assisting those agencies in carrying out state programs for airport planning and development. Participation by the states would be optional. Total funds obligated for such grants could not exceed $25 million, and the total funds obligated in any one fiscal year could not exceed $5 million. Grants would be apportioned to states in accordance with the area-population formula.

9. OTHER CHANGES TO THE EXISTING FEDERAL-AID AIRPORT PROGRAM

Makes Indian tribes eligible to receive financial assistance for airport development (see section 201(11)).

Includes in the definition of "airport development" (see section 201(2)) navigation aids used by aircraft taking off from, or landing at, a public airport.

Includes in the definition of "airport development" land needed for future airport development.

10. AVIATION USER TAXES

Establishes in Title III a new and revised schedule of aviation user taxes as follows:

Increases the existing passenger ticket tax from 5 percent to 8 percent; imposes a new tax of $3 on passenger tickets for most international flights beginning in the United States, and for flights between the contiguous 48 States and Hawaii, Alaska, or outlying possessions of the United States (see section 303(a)).

Imposes a new tax on air freight waybills of 5 percent (see section 303(b)).

Provides a full refund to air carriers of the four cents per gallon gasoline tax (see section 304(a)).

Increases the effective tax rate on gasoline used by general aviation from the present two cents per gallon to nine cents per gallon (see section 302(a)).

Imposes a new tax on other fuels used by general aviation of nine cents per gallon (see section 302(a)).

ADDITIONAL COSPONSORS OF BILLS

S. 1075

Mr. ALLEN. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Nevada (Mr. Bible), the Senator from Idaho (Mr. Church), the Senator from Wisconsin (Mr. Nelson), the Senator from Colorado (Mr. Allott), the Senator from Idaho (Mr. Jordan), the Senator from Wyoming (Mr. Hansen), the Senator from Oklahoma (Mr. Bellmon), and the Senator from New Mexico (Mr. Anderson) be added as cosponsors of the bill (S. 1075), to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 1461

Mr. HRUSKA. Mr. President, at the request of the Senator from North Carolina (Mr. Ervin), I ask unanimous consent that, at its next printing, the name of the Senator from Arizona (Mr. Goldwater) be added as a cosponsor of the bill (S. 1461), to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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S. 1506

Mr. TYDINGS. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Alabama (Mr. ALLEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oregon (Mr. PACKWOOD) and the Senator from Rhode Island (Mr. PELL) be added as cosponsors of the bill (S. 1506), to provide for improvements in the administration of the courts of the United States, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 1508, S. 1509, S. 1510, S. 1511, S. 1512, S. 1513, S. 1514, S. 1515, S. 1516

Mr. TYDINGS. Mr. President, I ask unanimous consent that, at their next printing, the name of the Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of the bills (S. 1508, S. 1509, S. 1510, S. 1511, S. 1512, S. 1513, S. 1514, S. 1515, and S. 1516), a series of bills to provide for improvements in the administration of the courts of the United States.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 1942

Mr. COTTON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Nebraska (Mr. HRUSKA) be added as a cosponsor of the bill (S. 1942), to amend the Internal Revenue Code of 1954 to encourage the construction of facilities to control water and air pollution by allowing a tax credit for expenditures incurred in constructing such facilities and by permitting the deduction, or amortization over a period of 1 to 5 years, of such expenditures.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2116

Mr. AIKEN. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Georgia (Mr. TALMADGE) and the Senator from Alabama (Mr. ALLEN) be added as cosponsors of the bill (S. 2116), to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act; and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2355

Mr. BURDICK. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Montana (Mr. METCALF), the Senator from Main (Mr. MUSKIE), and the Senator from Maryland (Mr. TYDINGS) be added as cosponsors of the bill (S. 2355) to establish an advisory commission to make a study and report with respect to freight rates.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2360

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Rhode Island (Mr. PELL) be added as a cosponsor of the bill (S. 2360), to enlarge the boundaries of the Grand Canyon National Park in the State of Arizona.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2391

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from Nevada (Mr. CANNON) be added as a cosponsor of the bill (S. 2391), to provide for the more effective coordination of Federal air quality, water quality, and solid waste disposal programs, for the consideration of environmental quality in public works programs and projects, for the coordination of all Federal research programs which improve knowledge of environmental modifications resulting from increased population and urban concentration, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2393

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from New Hampshire (Mr. MCINTYRE) be added as a cosponsor of the bill (S. 2393), to authorize the Secretary of the Interior to study the most feasible and desirable means of protecting certain portions of the tidelands, Outer Continental Shelf, seaward areas, Great Lakes of the United States, and the adjoining shorelines thereof as marine preserves, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF RESOLUTION

S. RES. 211

Mr. BROOKE. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from Connecticut (Mr. RIBICOFF) be added as a cosponsor of the resolution (S. Res. 211), seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and all suspension of test flights of reentry vehicles.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CIVIL SERVICE RETIREMENT CREDIT FOR AIR TRAFFIC CONTROLLERS—AMENDMENT

AMENDMENT NO. 45

Mr. MONTOYA. Mr. President, on March 20, 1969, I introduced a bill, S. 1610, to allow credit under the Civil Service Retirement Act to certain Federal employees for service in Federal-State cooperative programs in a State. I made extensive remarks at that time as to the need for this legislation to correct inequities in the civil service retirement system that has existed for many years.

At the time I introduced S. 1610, it was my intent that the measure also apply to air traffic controllers who formerly worked for a municipal- or State-owned tower which was later taken over by the Federal Government. I so stated in my remarks in introducing S. 1610.

It has since been called to my attention, however, that the bill as written may, in fact, not cover these individuals. To insure that they are included in the provisions of S. 1610, I am today submitting an amendment intended to be proposed by me to that bill and I ask that it be printed and properly referred to the appropriate committee.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on Banking and Currency.

Mr. MONTOYA. Mr. President, as background for the need for this legislation, Mr. President, I think it is worth noting that originally cities not only built their own airports but operated their own air traffic control towers. In 1938, Congress enacted the Civil Aeronautics Act which created a Federal system of airways. Since that time, the Federal Government has been taking over the operation of the city-owned towers. Each time the Federal Government takes over one of these towers, some employees lose their municipal or State retirement benefits.

For some employees this amounts to only a few years. Among extreme cases is the following involving two controllers who worked at the St. Paul Airport tower, which was taken over by the Federal Government in 1963. Each of these employees, I am told, had 17 years of service as employees of the St. Paul/Minneapolis Metropolitan Airport Commission. After 20 years, they would have been entitled to the Minnesota State employee retirement benefits. But as it was, the State merely gave them back their contribution to the State retirement fund. They are now Federal employees, perform the same work, at the same location, and serving the same public. Only the name of their employer has changed, but in the change they have lost 17 years of retirement benefits.

The employees did not ask for a transfer to the Federal payroll; they were just told. They continue doing the same job.

The FAA presumably intended to take over all of the responsibilities and obligations due these employees when it assumed operation of the tower. It did assume obligation to pay their salary, but it overlooked their loss of municipal or State retirement benefits.

The employees affected are perfectly willing to pay into the retirement fund amounts representing the years of service for which they would be credited. Inasmuch as this inequity was brought about through Federal action, it should be corrected by Federal action. My bill would permit them to buy into the Federal retirement system under civil service after they have been in the employ of the Federal Government for at least 5 years. They will be getting nothing free. They will be paying in for every year's coverage they get and will receive coverage only for those years during which they spent performing the services which will now be covered. This is only just.

It is estimated that this amendment would affect some 400 or 500 persons at the most.

Mr. President, I ask unanimous consent that the text of my amendment be

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printed at this point in the RECORD and I urge prompt action on S. 1610, as amended.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be printed in the RECORD.

The amendment, intended to be proposed by Mr. MONTOYA, is as follows:

AMENDMENT NO. 45

On page 2 strike out lines 4 through 9 and insert in lieu thereof the following: "of any public corporation, state, municipality, or entity or instrumentality thereof, the operation or function of which was assumed by, and the employment of the worker or employee was assumed by, the United States or any Department or Agency thereof; but only if—"

THE NEWSPAPER PRESERVATION ACT—AMENDMENT

AMENDMENT NO. 40

Mr. BROOKE. Mr. President, I rise today to address a subject which is of increasing concern to me—the preservation of newspapers in cities where pressures are great to merge them with their closest competitors. On April 29 of this year, I submitted a series of amendments to Senate bill 1520 which was introduced by my very able colleague, Senator INOUYE. I have carefully reviewed the Inouye bill and my amendments in light of their effect on the newspaper industry as a whole and have concluded that additional amendments are necessary and would be in the best interests of the newspaper industry and the public which it serves.

Present antitrust laws prevent the merger of two or more newspapers when the effect of such a merger would be to lessen competition. An established, judicially created exception to these laws permit a merger when one of the newspapers involved is deemed to be a "failing company." The latter term has been carefully defined in court decisions, beginning with the landmark International Shoe decision. The latest case, Citizen Publishing Company et al. against United States, prompted the introduction of S. 1520. The rationale for the "failing newspaper" exception is that it is better to permit a declining newspaper to merge, than to allow its demise.

The Inouye bill would alter established court doctrine defining a failing newspaper and would permit newspapers to enter into joint operating arrangements—whereby certain activities of the two newspapers involved could be combined—under circumstances that would not be permitted by the Citizen case. My original amendments were designed to codify established antitrust principles set forth in the International Shoe decision by the Supreme Court. The amendments which I submit today—in lieu of the amendments which I submitted on April 29—would retain the Inouye bill definition of a failing newspaper. I have concluded, after lengthy consultations with industry representatives and Justice Department officials, that the definition contained in S. 1520 is adequate, provided the bill clearly specifies the scope of such joint operating arrangements. Newspapers which are not failing in the International Shoe sense would nevertheless be able to join together for certain limited purposes. A complete merger would only be permitted where the criteria set forth in International Shoe were satisfied.

I believe that certain limitations must be placed on the activities which newspapers utilizing joint operating arrangements are permitted to pursue. More specifically, the amendments which I introduce today would preclude such newspapers from engaging in price fixing and profit pooling. The first activity is a per se violation of the Sherman Act, and, therefore, my amendment merely incorporates existing law. To permit price fixing by participants in a joint operating arrangement would be to sanction anticompetitive behavior by one sector of our economy when it has been effectively denounced in other sectors. The Justice Department has indicated its view that price fixing and profit pooling cannot be condoned and I share this belief.

What then are the activities that newspapers would be permitted to engage in if the Inouye bill were passed with my amendments? First, a joint Sunday edition would be permitted, as well as certain joint activities which are presently performed by each newspaper's business department. Examples of the latter would be time-sharing on a single computer, and, under certain circumstances, the joint use of advertising sales. There would also be the opportunity for shared printing and distribution facilities, as well as a cost-justified combination advertising rate provided that each newspaper initially establishes its advertising rate independently of its competitors.

Certainly, the activities enumerated above enable participating newspapers to achieve economies of scale far beyond those which are presently realizable. To go further would be tantamount to permitting mergers where the requirements of International Shoe had not been met. I am confident that the Congress will not endorse a dilution of these fundamental, established antitrust principles.

My amendments would also exempt existing joint operating arrangements which violate the provisions of the amended act from civil suits under sections 4 or 16 of the Clayton Act. It is my feeling that newspapers which have entered into joint operating arrangements in the past and which do not comply with the guidelines set forth in the amended act, should not be subjected to treble damage litigation. They proceeded in good faith, on the understanding that such arrangements were legal and they should not bear the burden of such damages.

My amendments would also declare a 6-month moratorium on suits by the Justice Department, thus giving newspapers presently engaged in joint operating arrangements an opportunity to bring their operations within the scope of permissible activities.

In conclusion, I believe that the amendments intended to be proposed by me which I submit today will permit joint activities where economies of scale can be realized and adverse anticompetitive consequences do not arise. By retaining the established antitrust principles in the area of mergers, further economic concentration in the newspaper industry can be prevented and the goal of preserving a healthy national press can be furthered. My amendments are in accord with the concerns of the Justice Department and I hope they will receive careful consideration in the development of any legislation in this area.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 18, 1969, he presented to the President of the United States the following enrolled bills:

S. 1104. An act for the relief of Thi Huong Nguyen and her minor child, Minh Linh Nguyen; and

S. 1531. An act for the relief of Chi Jen Feng.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

William R. Burkett, of Oklahoma, to be U.S. attorney for the western district of Oklahoma for the term of 4 years, vice B. Andrew Potter.

Doyle W. James, of Colorado, to be U.S. marshal for the district of Colorado for the term of 4 years, vice William H. Terrill.

John P. Milanowski, of Michigan, to be U.S. attorney for the western district of Michigan for the term of 4 years, vice Harold D. Beaton, resigning.

James W. Norton, Jr., of North Carolina, to be U.S. marshal for the eastern district of North Carolina for the term of 4 years, vice Hugh Salter.

William L. Osteen, of North Carolina, to be U.S. attorney for the middle district of North Carolina for the term of 4 years, vice William H. Murdock.

Fred C. Sink, of North Carolina, to be U.S. marshal for the middle district of North Carolina for the term of 4 years, vice E. Herman Burrows.

Keith S. Snyder, of North Carolina, to be U.S. attorney for the western district of North Carolina for the term of 4 years, vice William C. Medford, deceased.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, June 25, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF HEARINGS ON HEALTH ASPECTS OF THE ECONOMICS OF AGING

Mr. MUSKIE. Mr. President, as chairman of the Subcommittee on Health of the Elderly, of the Special Committee on Aging, I announce that the subcom-

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mittee will hold hearings on July 17 and 18, 1969, at 10 a.m. on each day, on "Health Aspects of the Economics of Aging." The room will be announced at a later date.

The hearing will continue the work done by the full Committee on Aging on April 29 and 30, when survey testimony was taken. The Senator from New Jersey (Mr. WILLIAMS), committee chairman, explained that the overall purpose of the inquiry was to: establish an overview of the many economic pressures that affect aged and aging Americans, and to focus attention on the personal economics of individuals who—in the final decades of their lifetimes—discover that fixed incomes and lifetime savings are either totally inadequate or barely enough for marginal life.

The committee heard from witnesses who described the economic pressures to which Senator WILLIAMS referred. Much of their testimony discussed the findings of a task force which—1 month before the hearing—issued a working paper called "Economics of Aging: Toward a Full Share in Abundance." That document emphatically made the point that the economic security of aged Americans, now and in the future, is far from assured.

That same working paper—and several of the witnesses heard in April—also discussed the special importance of health care costs to the elderly. Their concern is well-founded. Medicare, essential and useful as it is, pays for only about 40 percent of the aggregate health care costs of older Americans.

In addition, there is great concern about steadily rising health care costs, problems related to long-term care, and unique difficulties of the lives of the "old" elderly, those well past 75.

Senator WILLIAMS suggested earlier in the year that the Subcommittee on Health of the Elderly could perform a useful service by giving intensive study to health issues related to the economics of aging. Accordingly, I have decided to conduct the hearings on the days indicated above.

ADDRESS BY SENATOR TYDINGS ON VIETNAM LESSONS

Mr. MANSFIELD. Mr. President, the senior Senator from Maryland (Mr. TYDINGS) delivered a most thoughtful address at the commencement proceedings of Goucher College on June 15, 1969. The address reflects the type of sincere and deep questioning of basic premises that is so meaningful and necessary for a full understanding of where we are, how we got here, and where the country is going.

I commend the address to the Senate, and I commend the Senator from Maryland for contributing so meaningfully to the current dialog.

I ask unanimous consent that the address and an editorial commenting on this position, published in the Baltimore Evening Sun of June 16, 1969, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. FOREIGN COMMITMENTS: THE LESSONS OF VIETNAM

(By Senator JOSEPH D. TYDINGS)

As George Kennan, the former U.S. Ambassador to Yugoslavia and the Soviet Union, has pointed out: America has a marked proclivity to "disregard the obvious lessons of history."

After four years of agony and bloodshed, a majority of the American people have finally accepted the fact that the war in Vietnam was a tragic mistake. At least, we are agreed as a nation that we must extricate ourselves from this unfortunate conflict, that the dying and destruction must be stopped. But what lessons will our leaders and the public draw from this war?

Will the principles and perceptions upon which our disastrous Vietnam policy was based be repudiated and revised, or will there be future Vietnams? Will we seek to redefine America's role in the international community, or will we merely write off Vietnam as the inept execution of a basically sound approach to world affairs?

On the answers to these questions rests no less than our fate as a free nation and a world leader.

Therefore, though the urgent task of bringing the fighting in Southeast Asia to a conclusion remains, it is imperative that we begin to explore the meaning and policy implications of our Vietnam experience.

Reviewing the rationale for our intervention in Vietnam and the costs of that intervention—the 41,000 Americans dead, the 116,000 men wounded, the more than $100 billion spent—the great lesson of that war is clear. The nation with the most powerful military establishment in the world, despite a terrible loss of men and materials, was unable to defeat the forces of revolutionary nationalism in one of the smallest nations of the world.

Whatever the terms of the peace settlement in Paris, there is no avoiding the harsh fact that the United States has lost the war. For we did not intervene in Vietnam to defeat a national enemy—North Vietnam could never be regarded as a threat to our territorial integrity. We intervened to defeat a revolutionary force; to show the world once and for all that "wars of national liberation" could never succeed.

Needless to say, we have demonstrated just the opposite. It is now clear that we will experience a great deal of difficulty defeating national revolutionary movements, the very movements we can expect to encounter throughout the underdeveloped world in the coming decades.

Our misguided belief that we could achieve our objectives in Vietnam revealed the fictitious picture of the political world with which we have been operating.

To begin with, we harbor an unrealistic view of international Communism. In 1947, when the Truman Doctrine of Soviet containment was postulated, opposing Soviet expansion committed us to opposing communism anywhere in the world. For, in the immediate post-war period, international Communism was indeed a monolith directed by a paranoid from Moscow.

However, this is clearly no longer the case. Communism has become polycentric, with each nation and movement—to a greater or lesser degree depending on its proximity to Russia—pursuing its own interests.

This point has been repeated so often it has become a cliche. Yet somehow, these words have failed to force a realization of the inadequacy of justifying our interventions with the simple slogan that we are "stopping Communism"—the explanation offered for our military interventions in the Dominican Republic and Vietnam.

In addition, we have developed a distorted understanding of revolution. Just as we have convinced ourselves that all Communist movements are created by a world-wide conspiracy directed from Moscow or Peking, we have tended to view revolutions in terms of conspiracies of foreign origin imposed upon unwilling peoples.

Thus, we tend to intervene against all radical revolutionary movements for fear that China or the Soviet Union is behind them. And conversely, we are inclined to intervene on behalf of all governments opposed to radical revolution, because these governments—whatever their own merits—no matter how oppressive to their own people—are also opposed to Communism.

As a result, we run the risk, in the words of political scientist Hans Morganthau, of becoming "an antirevolutionary power, after the model of Metternich's Austria of 150 years ago . . . . defending a status quo that we know to be unjust and in the long run indefensible."

If we are to construct a more promising policy with respect to these national revolutionary movements, we must face more squarely the harsh realities of the underdeveloped world.

First, these revolutionary movements are not a passing phenomenon. Rather they can be expected to appear in ever greater numbers in Asia, Africa, and Latin America over the next 20 years, particularly as the famines resulting from over-population become widespread. And this would be the case even if Karl Marx's Communism were to completely disappear as a political force tomorrow.

For these movements are spawned by the misery and indignity that increasingly afflict the great majority of peoples in the third world.

The conditions for revolution are a product of the desperate poverty reflected in per capita incomes of less than $100 a year in many countries; of a population explosion which has outdistanced food supplies to a point where 10,000 human beings starve to death every day in the underdeveloped nations; of governing elites and military juntas that exploit nations for their own private gain and refuse to initiate desperately needed economic and social reforms.

In short, the prospect is one of world-wide upheaval in which Vietnam will merely be viewed as an early success.

Second,—and this is a fact Americans have a particularly difficult time accepting—revolutionary activity in many areas may represent the only hope for rescuing the people in many underdeveloped nations from their unending misery.

We forget that less than 200 years ago, under conditions far less repressive, our forebears adopted violent revolution as the only means for redressing our grievances against the British colonial empire.

Some of these nationalistic revolutions of the past 50 years have been Communist—in Russia, China, and Cuba. Others have been non-Communist, as in Mexico and Turkey, Venezuela and Indonesia.

For, as economist Robert Heilbroner has explained, "It is not Communism, either as a system of philosophy or as a particular party, that makes the crucial difference, but a political movement that has the courage, conviction, and ruthless energy to carry through a program of modernization from top to bottom."

Thus, it should not be concluded that only Communism can induce development in the backward nations. Rather, it is reform and progress that appear to be essential in many of these nations, and nationalist movements can be led by Communists and non-Communists alike.

The third reality that must be faced is that these nationalistic movements, either violent or non-violent—whether Communist or non-Communist—will certainly be anti-American unless we change our policies. For the unhappy fact remains that, in recent years, we have consistently opposed these nationalist movements and provided backing for all established status-quo governments and groups, from Batista to Trujillo to Thieu—regardless of their relative merits.

To deal with these national revolutions, the United States has 3 basic policy options.

First, we can continue our present policy of supporting anti-revolutionary activity wherever radical movements threaten existing governments. Hopefully, the prospect of an unlimited succession of Vietnams will be sufficient to deter us from this course.

In the short run, it promises only continued American involvement in costly wars we cannot win.

In the long run, it will mean defaulting the leadership of these national revolutions to Moscow and Peking. Paradoxically, we will bring to pass by our own actions the very results we intervened to prevent.

Second, we can adopt a neo-isolationist posture, abjuring contact with the underdeveloped nations and concentrating on the readiness of our own defenses.

While the simplicity of this approach can make it tempting, a Fortress America isolated in a hostile world would force us to be so security minded we would run the risk of becoming a police state. Again our actions would be promoting the very thing we fear most.

Third, we can follow what I believe to be the only constructive course. This is a policy of neutrality towards nationalistic movements—a neutrality that ceases to oppose all revolutions as such, but which preserves our prerogative to differentiate revolutionary regimes we can support from those we cannot.

Such a policy does not demand that we endorse governments that are vehemently anti-American, or that we forswear political and military support for conservative governments threatened by subversion from other nations—as long as these governments enjoy the support of the people as a whole.

But it will involve several serious policy changes: We will have to accept revolutionary nationalist movements as one of the procedures most likely to lead many of the developing nations out of backwardness; we will have to cut off military assistance to reactionary regimes and discontinue our clandestine efforts to undermine revolutionary movements; if we continue our present aid policy, and I have serious reservations about that policy, we will have to extend economic aid and technical assistance to all governments, revolutionary or not, providing they do not constitute a direct threat to our national security.

Needless to say, such a policy will be difficult to implement; relying upon empirical analysis rather than reflexive anti-Communism as a basis for action cannot help but be more complex.

But even more difficult will be the task of selling such a policy to the American people. For if we are to succeed, several long-cherished myths must be attacked in the process.

First, the myth of American omnipotence must be destroyed. Despite our enormous military might, we simply do not have the power to determine to our liking the outcome of every international event. There is not an American solution for every world problem. Vietnam ought to represent conclusive proof of this truth.

Second, we must recognize that our capitalistic system and democratic values—while successful in the American context—are not necessarily best suited to the specific needs of other nations. We extol the virtues of pluralism at home, yet have great difficulty accepting it on an international scale.

Finally, we will have to disabuse ourselves of the notion that all international situations lend themselves to being conclusively "won" or "lost."

Throughout our history, we have alternated between demands for our enemies' "unconditional surrender" and thoroughgoing isolationism. If we are to survive in an age of revolution and nuclear weapons, we must reconcile ourselves to the fact that most successful diplomacy occurs on that ambiguous middle ground where clear-cut victories and defeats are denied all parties.

So the challenge to this generation of Americans is clear: As we move towards what will hopefully be the rapid conclusion of the war in Vietnam, we must begin to sort out the lessons of that conflict in the search for a more effective foreign policy.

History does not permit a nation an unlimited number of mistakes and false starts. We have already been operating for too long with a policy rife with myths and wishful thinking.

All of us—you and I—must actively participate in the urgent national task of redefining America's role in the world.

I say all of us, for the urgency of the times permits no bystanders.

As the poet Dante puts it:

"The hottest places in hell are reserved for those who, in time of great moral crisis, maintain their neutrality."

CLIMBDOWN

There's a ring of cold, hard truth to Senator Tydings's insistence that this country "has lost the war" in Vietnam. Certainly it is not easy to find what has been won. No convincing military victory is ours, no enemy is decisively turned back, no stable nation stands clearly rescued from invaders. The old domino argument—that the American presence in Vietnam was somehow propping up the little nations strung westward to India—has vanished in the mists to join the World War I cry that we were making the world safe for democracy. At any rate, President Nixon himself no longer presses upon us such tired words. Instead he is pulling out 25,000 troops as a start, but the big job ahead is bringing the American people around to an understanding that a mistake has been made and that losses, however painful, must now be cut.

That is where Senator Tydings helps lead on toward a sounder policy for the future. He reduces the new understanding, admittedly "difficult," to three points. American omnipotence, he says first, must be recognized for the "myth" it always has been and still is today. Second, while capitalism as a system serves this country well, its success must not blind us to other systems better suited to the peculiar needs of other countries. Finally, and here is the point many Americans still find bewildering, "winning" and "losing" no longer carry the once clear-cut meanings of an earlier day. "We must reconcile ourselves to the fact that (in a nuclear age) most successful diplomacy occurs," the Senator says, "on that ambiguous middle ground where clear-cut victories and defeats are denied all parties."

This advice is not only good but timely. For it is the "middle ground," and heaven knows it's "ambiguous," toward which American negotiators are now reaching in Paris. Specifically, the search for an answer to the question—who shall rule South Vietnam?—which is at least not totally unacceptable to either side. Not a glorious prospect, no. This country went into Vietnam with larger but less realistic notions, and it is in their exposure as unreal that Senator Tydings calls the war "lost." What we may have won is the beginning of a firmer grasp on American limitations and on the possibility that the rest of the world is not necessarily willing, in every way, to be faultlessly 100 per cent American. It is not a happy lesson but it may prove more durable than some we have been taught before.

"SPIRIT, WILL, AND DIGNITY"—TRIBUTE TO CPL. DONALD A. TURSO, U.S. MARINE CORPS

Mr. DIRKSEN. Mr. President, I recently had sent to me a tribute to Cpl. Donald A. Turso, U.S. Marine Corps, who at the age of 21 years gave his life for his country. It is entitled "Spirit, Will, and Dignity." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

SPIRIT, WILL AND DIGNITY

(Tribute to Cpl. Donald A. Turso)

Oh God, help me to see again the will, spirit and dignity that made this country free.
Let me see the spirit of 1776, and the fighting men on Bunker Hill.
Let us not forget the suffering of Valley Forge or the gallantry of the Alamo.
Let me see again the battles of Bull Run and the bravery of the men in Blue and Grey.
Let me see the Great Emancipator at the battlefields of Gettysburg.
Let me see Teddy and his riders going up San Juan,
Whose sons later were the spirit of the Marne.
Let me see the Yankee Doodle Boys, marching up Broadway,
With George M. Cohan leading all the way.
Let me not forget the 7th of December,
Those of Pearl Harbor we shall remember.
Let me not forget the spirit of Corregidor or Bataan.
Let me not see again the anguish of man.
Let me see again Old Glory rising on Iwo Jima,
Let me see again the landing at Normandy, Salerno, and let us not forget Casino.
Let me see again the battle of the Bulge,
And that brave American who said "NUTS".
Let me see again in far away Korea,
Yes and now in Little Viet Nam.
Oh God I pray that I am worthy of that Spirit, Will and Dignity,
Of those who made the great sacrifice for me and Old Glory.

FLOOD PREVENTED

Mr. BURDICK. Mr. President, earlier this spring floodwater plagued many areas in the Midwest, especially North Dakota. Many towns suffered damage from floodwaters. Not Cavalier, N. Dak.

Residents of Cavalier were protected from floodwater by the Tongue River watershed project.

An account of this instance of flood prevention was reported by Ron Ross in the May 17 issue of the Farmer. Ross reported:

> Best visible result was the Tongue River itself at Cavalier. The day *The Farmer* visited the town, on April 18, the Red River was 14 to 20 miles wide at some points. At Minot, the Souris River was creating devastating damage. On the Sheyenne, the Minnesota, the Big Sioux and other midwest rivers, flood waters were threatening—at times breaking—dikes. In Cavalier? The Tongue meandered through the town as peacefully as you might expect it to on a lazy dry August afternoon. The upstream efforts were paying off.

Mr. President, the Tongue River watershed project was one of the 60 pilot projects authorized by the Con-

XUM

gress in 1954. Efforts of local citizens made it possible. They could have turned it down.

This news account of flood prevention in the spring of 1969, 15 years after the project was authorized is strong evidence of benefits derived by local people from the upstream watershed program. I ask unanimous consent that the news account from the Farmer be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAMING THE TONGUE—NO FLOOD WATERS IN THIS WATERSHED

(By Ron Ross)

Residents of Cavalier, N. Dak. could yawn or shrug their shoulders when flood experts warned Red River Valley towns to expect high water this spring.

First glance at a map makes you wonder how they could possibly be complacent. Cavalier lies on the western edge of the Valley, in Pembina County. The Tongue River rolls directly through the center of town, on its way to the Red.

That geography should have set the stage for the same frantic, high-priced and energy-eating diking and sandbagging efforts that were prominent in every Valley town from Wahpeton to Winnipeg.

Nine years ago, panic no doubt would have set in. Flood waters probably would have won over efforts to shut it out. Damage likely would have exceeded the $380,000 yearly average then occurring. But, that was before the Tongue River was taken to task; before the Tongue River Watershed Project became one of the nation's first demonstrations of positive flood control on small watersheds. Positive flood control means stopping as much water as possible at its source, and the rest before it gets far enough downstream to mess up the countryside.

It's that type of flood control that voids the necessity of dikes and sandbags for the 2,000 citizens of Cavalier, neighboring Bathgate and 400 farmers living in the 280,000-acre watershed of the Tongue. With local efforts and cost-share funding from the federal government, it could mean the same thing for other Valley communities.

Creating the control on the Tongue are 10 dams that required 2¼ million cubic yards of fill, 13 miles of floodways, 35 miles of channel improvement, 200,000 acres where crop residues are left to catch runoff, 2,500 acres of shelterbelts, 7,000 acres of strip-cropping, 56 acres of grass waterways, 230 farm ponds and 2,600 acres of pasture, grown under special water management practices. Best estimates are that potential damage has been cut by 75% since the project was completed in 1961, at a total cost of about $4 million. Local funds contributed came to about $1 million.

Best visible result was the Tongue River itself at Cavalier. The day The Farmer visited the town, on April 18, the Red River was 14 to 20 miles wide at some points. At Minot, the Souris River was creating devastating damage. On the Sheyenne, the Minnesota, the Big Sioux and other midwestern rivers, flood waters were threatening—at times breaking—dikes. In Cavalier? The Tongue meandered through the town as peacefully as you might expect it to on a lazy dry August afternoon. The up-stream efforts were paying off.

Forming of the Tongue River Watershed Project was made possible, initially, by the Federal Small Watershed Program, passed in 1954, explains Joe Porter, SCS District Conservationist in Pembina County. The project was one of 60 pilot projects selected throughout the country.

A watershed, simply expressed, in an area—a few hundred acres to several million—from which water drains into a specific creek or river. "Everyone lives in a watershed. The challenge is to use the natural boundaries of the watersheds to establish a flood prevention and erosion control program," Porter says.

Cavalier mayor Bob Olson was a member of the city board back in 1954, and an enthusiastic supporter of that challenge. "We naturally had some resistance," he told The Farmer. "Any time you're asking for extra money you have resistance. But, since the project was completed, we haven't heard one complaint.

"The project does more than control floods," he continues. "When Cavalier voted to contribute $17,000 to the project, we were given the right to take our water supply from Renwick Dam. Since we started using that water, we've been able to abandon three city wells. That saves us about $2,500 a year in upkeep."

Lyle Miller, a former Cavalier businessman, also served on the city board during the first few years of the watershed developments. "Watershed projects are the answer to flood control and soil conservation, as well as recreation," he says.

The Renwick Dam, close to Cavalier, provides swimming, water skiing and fishing, as well as flood control and the city water supply. An additional benefit this year will be grass greens on the local golf course. Water for irrigating the course will come from the dam.

Three of the ten watershed project dams are multi-purpose, Porter explains. This also resulted from local efforts. Federal regulations call for flood control only. But the voters agreed to spend $18,000 extra ($6,000 per dam) for special devices for the floodwater release systems, so that water can be held in the reservoirs all summer. Regulations call for all water in nine of the dams to be emptied in the fall. Renwick Dam must be lowered about half way by March 15.

Farmers benefit both directly and indirectly from the watershed developments. The Tongue River crosses the farm of Don McConaghy. "We've never had a serious flood threat to the farm since the new channel was dug," he comments.

Opening the Renwick Dam and letting the water out just as spring thaws begin helps clear snow out of the riverbed, he continues. "It flushes the channel to the Pembina River, getting the flow started."

"We have legal drains on our farm that drain the northwest part of the county. Before the rechanneling, we didn't have an outlet. The drains were clogged and silted in. As a result, our farm often flooded," says Jim Bartron, a supervisor of the Pembina Soil Conservation District. "After the new channel was dug, we were able to clean out the drains. The water now goes into the Tongue."

"Water would have been knee-deep all over my farmstead this spring without the new channel," says Edward Werner, who also lives adjacent to the new channel. "Before we completed the rechanneling, we had water problems every time we got a soaking rain. In 1950, the water went right through the barn. I opened the doors on both ends and just let it run through."

Mrs. Kenneth Knuth, office manager-secretary of the Pembina County Water Management Board, is as enthusiastic as any of the men about the watershed developments. On a large map in her office are the outlines of six other proposed watershed projects in Pembina County. She is optimistic that, within a few years, controlled drainage will be a reality on every acre in the county.

Farmers also contribute—and benefit—from soil conservation practices. "They are becoming more aware that dams alone can't control floods," Porter emphasizes. "Some of the water must be stopped before it gets to the river."

"We think the efforts of these farmers could double the expected 50-year life of the watershed dams," Porter comments. "Amount of silt washed into the reservoirs can be minimized."

Farmer Loran Hoff agrees. "We have to farm this way. Otherwise, what do we have? What good is the soil that fills the channels and the dams?" Hoff, who farms north of the Herzog Dam, cover-crops all summer-fallowed land. He has planted single rows of trees in fields at 37 to 40-rod spacings. He leaves trash on the topsoil whenever possible. "Without good farming practices, the dams would soon become useless," he contends.

"Conservation farming practices are beneficial to the watershed dams. But farmers should remember that the primary benefits of wind and water erosion controls are to them," says Allen Smith, another farmer who operates above the dams. "Benefits to the dams, however valuable, are secondary," he says.

HERE'S HOW WATERSHED ACTION STARTED

How does a community start the action to get a watershed development underway?

Joe Porter, Pembina County, N. Dak. SCS district conservationist, points out that, first of all, federal law stipulates that each project must be a local undertaking, with federal aid—not a federal project with local assistance. Initiative for all projects must come from within the watershed.

Federal funds may be made available up to 100% of the cost flood prevention construction, including dams, channels and floodways. Up to 50% of the cost of drainage practices may be cost-shared.

For a watershed project to be eligible under Public Law 566, basic rules include:

Size—250,000 acres (unless several watersheds that are part of a larger watershed are planned together).

Dams and other water retention structures—12,500 acre-feet maximum capacity. Additional storage, up to 25,000 acre-feet, may be built into the structure for irrigation, municipal or recreational purposes.

Sponsoring organizations must be authorized by state law to carry out, maintain and operate works of improvement. Sponsors of the Tongue River Project include the Pembina County Soil Conservation District, Cavalier County Soil Conservation District and the Pembina County Water Conservation and Flood Control District.

Cost-benefit ratio must be favorable. In other words, the benefits that will be realized must be more than the damage that has been occurring from flooding. In the Tongue River Project, each dollar invested returns about $1.50 in measurable protection and flood prevention benefits. Using the water for recreation, irrigation and municipal use, as has been done in the Tongue River Project, creates a much better cost-benefit ratio.

Local sponsors must: Acquire all land, easements or rights-of-way necessary for a project. They must be willing to assume their share of the cost and maintain and operate the improvements after installation. Sponsors also must obtain soil and water conservation program agreements for at least 50% of the land above each retention reservoir.

THE GREEN THUMB PROGRAM

Mr. FULBRIGHT. Mr. President, in Arkansas and in a number of other States the Green Thumb program, which is administered by the National Farmers Union, is proving to be very successful.

The Green Thumb program is particularly significant because it has given an opportunity for many of our older citizens, frequently from rural areas, to participate in constructive and worthwhile community service activities.

Just as an example, to date, Green Thumbers have built, rebuilt, or refurbished more than 350 parks, including 61 roadside parks in Arkansas. As a result of the fine work which the Green Thumbers are doing on city, county, and State parks, travelers, picknickers, campers, and local residents are now able to enjoy these parks.

Mr. President, a report on Green Thumb activities during the first quarter of 1969 was recently issued, I ask unanimous consent that it be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

First Quarterly Summary Report for 1969 of Green Thumb Activities

This report covers the first four months of operating activities under our 1969 Green Thumb contract.

We were authorized to employ 2,073 green thumb worker trainees in 14 states this year (282 in Arkansas, Indiana, Minnesota and Wisconsin; 142 in New Jersey, Oregon and Virginia; 98 in Kentucky; and 70 in Nebraska, New York, Oklahoma, Pennsylvania, South Dakota and Utah).

This was achieved despite the March staff and board meetings. There were some delays in the hiring process because of very bad weather conditions and a planned delay in hiring in Indiana and Kentucky. By the end of April, 1,947 worker trainees were actually working which is about 94 percent of our total strength. It is estimated that by this time, however, we are up to about 97 or 100 percent of our full strength.

The staff of Green Thumb has spent many weeks in planning projects with state and local agencies, recruiting, screening, interviewing workers with the Employment Service, arranging physical exams, setting up training sessions, making referrals to rehabilitation and other agencies, counseling with green thumbers and assisting with personal and job problems involved in launching new projects. Special efforts were made to achieve balance between the concern for the individual green thumber and his problem and accomplishment of attractive community projects.

This year Green Thumb staff has worked with other manpower agencies to assist in developing a coordinated manpower plan. After consultation with the Department of Labor office Green Thumb has helped to give leadership in many of the Cooperative Area Manpower Planning Committees. For example: Wayne Vance, our Indiana Green Thumb State Director, has served as the Chairman of the local Cooperative Area Manpower Planning Committee.

Our Green Thumb State Directors have attended many Cooperative Area Manpower Planning and Technical Action Planning meetings to help coordinate our plans with other efforts. They have also worked with State Employment Services, Community Action Programs, Concentrated Employment Programs, Highway State Park Conservation and Forestry Departments, State Commission on Aging, and hundreds of County, City and other local governmental agencies. Most of these meetings and contacts were to develop new projects, special spring plantings, and training, social, and employment service for Green Thumb workers.

Green Thumbers have assisted in several emergency situations this quarter. They have assisted in flood control and repair and cleanup of damaged areas; Green thumbers were called upon in South Dakota for emergency help when a wind storm broke off and uprooted more than 40 trees in a park. In Arkansas a search effort was made when a local resident was lost in the woods for several days. Our green thumbers assisted local officials in helping to find this elderly citizen.

In the City of Glenhaven, Wisconsin, Green Thumbers assisted in flood control efforts. The Mayor and the Civil Defense Director contacted our Wisconsin Green Thumb State Director asking for assistance in patrolling dikes, maintaining pumps on a 24-hour basis during this emergency situation. This effort involved two crews staying one week each. The men traveled at least 150 miles away from their communities. Housing and food was supplied by the City of Glenhaven.

Green Thumbers have restored several historical sites in the 14 States. These projects have made a real contribution to the community. Restored historical sites bring tourists and their money into low-income rural communities. Our green thumbers recognized their efforts as not only helping to earn money and to restore their own well-being, but also they see it as being of historic significance.

Green Thumbers have worked on 350 roadside parks. In some areas, these parks have been part of a conscious effort to encourage tourist travel, especially in Minnesota, Arkansas, Wisconsin and Oregon. A dramatic example of the impact of Green Thumbers work is in Newton County, Arkansas, one of the nation's poorest counties. The development of several beautiful roadside parks by Green Thumbers has been the key to economic development and community betterment effort through beautification which is literally bringing that county out of poverty through the growth of the tourist business. This rural county of about 5,000 population had no industry, no doctor; nurse, or pharmacy, only one paved road, and even uses horses and a boat to deliver mail to families living in the hills. Green Thumb was the only federal anti-poverty manpower or economic development project and with 14 workers, was the biggest employer in that county. The development and beautification of the one paved road with roadside parks, overlooks, and dogwood plantings has attracted a large flow of tourists to Newton County, and was instrumental in the location of "Dogpatch USA" (a sort of mid-America Disneyland developed by Al Capp). Tourist business is booming, Dogpatch and other tourist businesses have become major employers, the bank has moved from an old wooded building to a new cement office building, and the community has been able to finance a Clinic-Hospital and will have a doctor next month.

In Wisconsin, 93 roadside parks have been worked on; and in Minnesota some 83 roadside parks have been worked on and improved. The tourists and vacationers have been using these parks, attracting critical monies for the economic development of these areas. The Upper Great Lakes Regional Commission (the Commissioners are the three Governors) has submitted their budget proposals to Congress this year which includes $1 million to this program, under their direction, would develop roadside and overlooks and other projects along the scenic route. The Commission's staff say that the reason the Commission has put roadside development program employing older low-income people into their bill is the economic success of the Green Thumb program in adjacent areas in Minnesota and Wisconsin.

To date, Green Thumbers have built, rebuilt or refurnished more than 350 parks. These parks, of course, are used by all the people in the area and tourists as well. Low-income families usually make greater use of these parks than higher income families. Many areas had no roadside parks whatsoever until Green Thumb came along.

As a result of the fine work which our Green Thumbers are doing on city, county and state parks, travelers, picnickers, campers, and local residents are now able to enjoy much more confortable surroundings in all our states.

The measurement of the impact of Green Thumb upon the lives of the workers and the families is more difficult to describe than the number of new parks built, but is the most important goal of Green Thumb.

For example, one crew is composed of patients from the state mental hospital, who are released during the day to work on Green Thumb.

New Jersey has done other significant rehabilitation, as well as many of the other states. Many Green Thumbers and their families are now receiving food stamps as a result of special counseling and training.

Special reports later this year will focus on these social services, employment efforts, and the human factors involved in Green Thumb.

COMMENCEMENT ADDRESS BY BEN S. GILMER AT UNIVERSITY OF GEORGIA

Mr. TALMADGE. Mr. President, the commencement season just past brought forth many and varied comments about the current wave of disorders and rioting on the Nation's campuses. One of the most outstanding addresses that I have had the opportunity to read was delivered at the University of Georgia by Ben S. Gilmer, former president of Southern Bell Telephone & Telegraph Co. and present president of American Telephone & Telegraph Co., at the graduation exercise there on June 7.

Labeling campus anarchists as "counterrevolutionaries," and accusing them of being unequipped to bring about constructive change, but only to demand it, Mr. Gilmer criticized students who would tear down the framework of our society in the name of revolutionary change. He challenged all young people instead to work out solutions to our problems in ordered, rational fashion.

He called on the graduates to accept the challenge, to become true revolutionaries, the "new adventurers," whom he correctly described as "people who really keep things moving."

I invite the attention of the Senate to Mr. Gilmer's eloquent and forceful address, and ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Commencement Address by Ben S. Gilmer

This I know is a day to which all of you have pointed your efforts and energies for a long time. I congratulate you and am honored to be with you on this great day in your lives.

So many long honored customs of college life have been challenged of late I would not have been surprised to see the abolition of the commencement speaker become one of them. Fortunately for me this did not turn out to be the case, and I am happy to join with you in the enjoyment of this day.

Most commencement speakers, I suspect, are under no illusions as to how long their words will be remembered—and I am no exception. Who, for example, spoke at my own graduation and what he said have long since slipped from memory.

At the same time there is a certain solemnity about these occasions that moves one to look long and earnestly within himself for that one portion of wisdom with which life may have endowed him that might have some meaning to the new generation to whom his own will shortly pass the torch.

XUM

In recent years that search has become a particularly trying one, for they have been years in which some members of your generation have been loudly asserting that they trust no one over 30, such protestants at the same time giving very little indication as to why anyone over 30 should trust them.

With each succeeding graduating class, it would appear, the generation gap grows wider and the wider it grows the greater the risk that the commencement speaker will fall in.

Nonetheless I suspect that nearly every commencement speaker—up until this year at any rate—has secretly harbored the hope that somehow he might find the words that will convey to his younger audience that he—perhaps in some measure understands the aims of youth, that, he shares them with undiminished ardor in spite of the passing years.

This rapport once established, his audience will, he hopes, hear his words with open minds—and perhaps even heed some of them.

Thus most commencement comment on youth to youth falls into a predictable pattern: applaud youth's aims, deplore its methods.

You will forgive me, I trust, if this year—I abandon the pattern. To my mind rapport between the generations will be better served by candor than by strained efforts at ingratiation. At the risk, then, of being characterized as a quaint survivor from a bygone era, I am going to tell you precisely what I think.

Briefly, I am not with it. What has been happening on many of our campuses over the past few months—or rather what the newspapers have chosen to tell us about what has been happening on our campuses I find deplorable.

And what aims are served by vandalism and violence I readily confess I do not understand. If the impulse to these actions springs, as I have heard it alleged, from youthful idealism, it is misplaced idealism and certain to defeat the very aims it professes to serve.

Not freedom but a new authoritarianism is surely the most likely consequence of such excesses. Nor is it very likely that expanded participation in decision-making will be extended to those who by their actions demonstrate they do not know how to handle the responsibilities they already have.

Let me say at the outset that I would have preferred to talk with you today about almost any other topic than the current campus turmoil. Avoidance however, would serve no useful purpose and indeed would be interpreted as joining with those who seem to believe that if something is ignored it will cease to exist.

Among my colleagues in the business world, utter consternation seems to be the most common reaction to the recent highly publicized events on some of our nation's most distinguished campuses.

It is an altogether understandable reaction but not to my mind a very helpful one. For these events can no longer be dismissed as isolated phenomena. Nor can we take comfort in the thought that they are "un-American," the product of an alien conspiracy.

And while it is true that the actual perpetrators of the violent acts we have been reading about probably constitute but a small fraction of the current campus generation, we simply cannot take lightly the fact that the politics of violence has moved from the streets to a site we had assumed was reserved for calm inquiry and rational discourse.

The consequences of these events for the colleges involved may be tragic or hopeful, depending on their response. But my concern runs beyond the prospects of particular institutions and goes to the implications of these events to the future course of American society.

Down through the years Americans for the most part have been willing to resolve their differences—and accept the consequences within a commonly accepted framework of order and due process.

On our campuses as in our cities, violence signals the breakdown of this tradition. But what is more disturbing is the realization that the recent disorders may be but surface symptoms of a more widespread infection.

This infection shows itself in what appears to be an increasing disposition to escape the responsibilities of citizenship and the risks of participation either by seeking refuge in private comforts or at the other extreme, by an equally irresponsible disposition to translate the most agonizingly complex problems into simple confrontations between "them" and "us."

I addressed myself to this development on a like occasion a year ago and what was said then can be repeated now with no less conviction: To my mind this resort to unreason—in whatever guise it appears—is the most dangerous trend of our time.

It jeopardized what has been and remains our country's greatest strength—and that is the capacity to govern ourselves.

This resort to unreason shows itself, too, in what seems to be an increasing preoccupation with power, power exercised not through the conventional political process but by obstructing the normal operations of society.

Power thus exercised can dramatize dissent and discontent, but it can also undermine the orderly processes on which the dissenters themselves will depend once their discontent is assuaged. The continued use of this kind of power can only lead to the progressive degeneration of the political process in this country, to the death of freedom. This is, as well, the most likely consequence to our nation's goals and—more particularly—to the quickened aspirations of youth.

Those goals cannot be achieved or those hopes realized in an angry society, divided by contention and embittered by frustration.

Only a coherent society, uniting all its elements in a context of commonly accepted political process, can gather its resources and marshall its energies on the scale the future will require.

It is time, then, that men and women of reason and conscience everywhere made it plain that this society cannot countenance and will not reward the willful exercise of power to obstruct its legitimate processes.

But clearly it is not enough to decry violence unless at the same time we are ready to take account of the causes that inspire it.

Clearly we must ask ourselves, what is wrong with youth or what is wrong with us and the world we have made that has produced so deep an estrangement between so many of our young people and the major institutions of American life.

I raise the question not out of concern for the current crop of campus saboteurs but for the far larger number of their contemporaries who may take as dim a view of violence as I do but whose anger, albeit contained, is anger all the same.

You will tell me, I suppose, that there is sufficient evidence of injustice in the world to warrant anger and that the occasions for youth's estrangement are not really that hard to find:

A sad and apparently interminable war and its tragic costs in lives and resources. . . .

The evidence in the midst of affluence that millions of our fellow citizens have not shared in America's expanding opportunity. . . .

The fact that so many of the people in our greatest cities live ugly lives. . . .

The apparent hypocrisy of a society dedicated to no higher aim than a continuous expansion of personal consumption.

But we have experienced these occasions before. Indeed it is hard to recall a time when we have been without them or their counterparts.

So, without the slightest implication of doubt about the depth and sincerity of the convictions of young people on the issues I have recited, let me say that it seems to me the explanation lies elsewhere.

There are in my observation as many different interpretations of youth's mood as there are interpreters and I claim no special insight in this regard. There does, however, seem to me to be two interrelated elements in the current mood that are unique to these times.

The first is a feeling, apparently widely shared in your generation, that the prospect ahead is a sadly empty one, that the expected course of your lives offers very little worthy of high purpose and very little promise of opportunities for a sense of real accomplishment.

And the second is a sense of frustration in the face of institutions so large, so complex, so apparently impersonal that they afford little prospect that what one man does will make very much difference.

Were these impressions valid, this ceremony, normally the most hopeful of occasions, would be a sad one indeed. Nor will they be made otherwise by any simple assertion to the contrary by me, however deeply I might feel it.

Nonetheless I shall risk. Your own discontents dramatize the fact that there is much unfinished business in our society that is worthy of the best that is in you.

Who, if not you, is going to see to it that our onrushing technology is shaped to humane ends.

Who, if not you, is going to bring order and civility—and, yes, greatness—back to our great cities.

Who, if not you, is going to rationalize our outmoded structure of local government so that it meets the needs of the final third of the twentieth century.

Who, if not you, is going to assure the adequacy of public services, health, education, transportation, waste disposal—for a population that by the century's end will number 360 million.

Who, if not you, will see to it that we have an education system in this country that denies to no one the ability to grow to the limit of his personal capacity.

Who, if not you, will see to it that our institutions—our colleges and corporations, our churches and city halls—do not become ends in themselves, that they develop a continuing capacity for renewal in the face of changing needs.

I raise these questions in order to suggest that I profoundly believe—and that is that there are new worlds to conquer and that those new worlds do not lie in the outer reaches of space but close at hand.

But the conquest of these new worlds, I must quickly add, cannot be achieved by slogans. They will not yield to marches and manifestoes or to simple fervor unsupported by competence. They will yield only to the patient exercise of our rational faculties.

Those who think otherwise are not the revolutionaries they proclaim themselves to be. Rather are they—in the opinion of an M.I.T. professor whose name I cannot pronounce but whose views I share—counter-revolutionaries—a romantic remnant, historically obsolescent, unequipped to change the world, equipped only to demand that it be changed.

Today's world, stubbornly complex as it is and growing more so, will exact a hard discipline from those who seriously hope to have a hand in changing it. In short, it will take competence.

What satisfactions will derive from accepting the challenge of acquiring that competence will not include the satisfactions of self-dramatization.

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Those of you who do accept that challenge will be in fact the true revolutionaries—with a better warrant to that term than those of your contemporaries who have appropriated it for themselves.

Today our society faces a serious shortage of true revolutionaries—men and women with the competence and patience to face complexity unafraid. Those we have are without exception over-burdened. In an age of increasing leisure, their work week grows longer and their lights burn later than those of their colleagues. Such vacations as they manage are, as often as not, interrupted by some emergent crisis.

No sector of society has a monopoly on their talents. You will find them in the Federal Government and in municipal agencies and you will, I am glad to say, find them in business.

You will not read their names in headlines—they look much the same as you and me—but it is to them we owe the fact that things work as well as they do. On them our hopes depend that things are going to work better. They are the "new adventurers."

What manner of men are they?

First of all, they know their business but never deceive themselves that they know all they need to know.

They are not "mere technicians." They know that in this world of ours there are no simple answers any more, that any plan or program, however, plausible in the abstract, must meet the test of human needs and that those needs are varied, more often than not competing and must somehow be resolved in an outcome that, while it may be best for all, may be fully satisfactory to none.

And they know, too, that the consequence of attempting too much, like the consequence of doing too little, is failure. Finding what is right is an arduous process of matching needs with resources, of rigorously assigning priorities that distinguish between what must be done, what can be done and what had best be put off until tomorrow. In short, they know that social ends depend on economic means.

Finally, I think I should say that the men and women I have been talking about are not very different from you and me.

They are not a new breed of men, a specially constituted elite somehow genetically equipped to manipulate the mysterious control system of our complex society.

What most distinguishes them from the rest of men is their confidence that change can be managed—can be because must be and their belief that what one man does about it can in fact make a great deal of difference.

They are for the most part modest men. Somehow, though, wherever they are—in a business, a government agency, a town hall—they seem to generate about themselves an atmosphere of excitement. They do so because—if only by the smallest increments—where they are things are moving.

I invite you to join the "new adventures." Compared to the number of people who are simply along for the ride, the number of people who really keep things moving in this world is small indeed. We need more.

I would like to conclude with a few words about those institutions which together comprise what you may call the establishment. I suppose the telephone company is one of them.

If my own experience is any guide, there is as much diversity within the establishment, if there is such a thing, as there is any place anyone might want to look.

Forces for change, not all of it good, contend with forces for stability, not all of it bad, in a state of continuing dynamic tension.

Is there room in the establishment—in my own business, for example—for adventure? If I say, yes there is, I must also remind myself that we have a continuing obligation to ask ourselves, is there room enough? We must and we do because our future depends in the final analysis on an asset that appears nowhere on our balance sheet, the innovative capacity of our people, their ability to sense and respond to society's new demands, their ability not merely to react to change but to lead it.

Finally, it appears to me that it is time for a general de-escalation of the rhetoric we apply to the current problems of our society. Surely no nation on earth has experienced so many "revolutions" and so many "crises" as we have over the past few years. Yet somehow we have survived.

Looked at in perspective, not every change is a "revolution" and not every problem a "crisis." I suggest that the application of a more moderate terminology to current problems would contribute to our confidence that they can—with the patient application of good sense and good will—be managed and managed effectively.

At the same time if we could rid ourselves of some of the stereotypes that dominate so much of our thinking these days—the disposition of people like me to address people like you as "youth" and of you perhaps to think of me as "business"—if we could come to see each other, not as generalized classifications of humanity but as individuals, each with his own talents, each with his own hopes, and both with so much in common, we would be taking a long step toward strengthening in our country that sense of community that has been its greatest asset and that, should we lose it, would be its greatest loss.

Thank you very much. My very best wishes to all of you.

RUSSIA TURNS BACK THE CLOCK

Mr. JACKSON. Mr. President, I have long believed that in trying to make wise decisions on national security issues, it is important to understand the nature of the adversary. I have been pointing out that as I assess the Soviet Union, it is an opportunistic, unpredictable opponent with rapidly expanding military capabilities, and that, far from moving away from Stalinism, there are increasing signs within Russia of a move to the right—toward a domestic hard line.

In this connection, I wish to draw to the attention of Senators the timely and highly informative articles by Anatole Shub on the theme "Russia Turns Back the Clock," which have been appearing in the Washington Post.

Anatole Shub was recently expelled from the Soviet Union after being Moscow correspondent of the Washington Post for more than 2 years.

These are the first five articles in what I understand will be a series of 10.

Mr. President, I ask unanimous consent that these five articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, June 13, 1969]

RUSSIA TURNS BACK THE CLOCK—SOVIET LEADERS REJECT REFORM, CAST FUTURE IN A STALINIST MOLD

(By Anatole Shub[1])

For two years, I have watched Russia's rulers grimly attempt to turn the clock back. In part, I believe, it has been a reversion to Stalinism, although there has been no purge of Communist leaders, and the political prisoners number scores of thousands, rather than millions.

In part, it has been a throwback to older tradition—to Russia as the "gendarme of Europe," the guardian of absolutism and orthodoxy, its armies on permanent maneuvers, poised to menace democracy and national independence beyond Russia's own frontiers.

However, the most striking "return" to past ways has had more tragic dimensions. For, as I left Moscow, many Soviet friends had come to believe that the present Kremlin rulers are leading Russia down the same melancholy path as the Romanov czars took a century ago.

By all accounts of those who have dealt with them, the men who deposed Nikita Khrushchev in 1964 are cynical, crude, narrow-minded, frightened for their own privileges. They have shown themselves unable and increasingly unwilling to risk the reforms, small or large, required to meet the complex needs and aspirations of an ever more literate, sophisticated Russian society.

The present rulers quickly turned their backs on the progressive evolution in Yugoslavia, which Khrushchev had fitfully sought to emulate. They used armed force to strangle Czechoslovakia's peaceful democratization, which was pointing Russia herself a way out of the vicious circle of power, privilege, terror and fear created by Lenin, Trotsky, and Stalin. None of the Russian leaders himself stepped forward as a Soviet Dubcek or Tito.

Instead, the Kremlin bosses—Brezhnev, Suslov and Shelepin in the Party machine; Grechko, Yepishev and Yakubovsky in the army; Andropov, as well as the faceless professionals of the KGB (security police), Russia's "invisible government"—have turned increasingly to repression and reaction, xenophobia and mystification. They appear to be counting on the fears and prejudices of the "dark people," the traditional mob of Russia's tragic history—and they are plunging the country's finest spirits into despair.

Yet their oppressive, anachronistic system cannot produce meat, apartments or happy smiles even for the "dark people." The sense of suffocation and choking among the educated is matched by the sullenness and permanent irritability of the masses. For both, alcohol is often the sole relief. Abortions, ulcers, high blood pressure, psychosomatic illness are the toll exacted on an incalculable scale.

Should present policies prevail, many intelligent Russians feel that the likeliest result—once the unemasculated generation born after Stalin's death reaches manhood—will be a violent explosion. Such explosions have been frequent in Russian history, and have often brought only greater tragedy.

The contrast is striking between the atmosphere now and that of the autumn of 1963, when I first visited the Soviet Union. Although even then hopes were no longer as high as in the euphoric mid-1950's, an eager, curious youth was still being raised—officially—in the ambivalent yet stimulating spirit of de-Stalinization.

BRILLIANCE EMERGED

Late in 1962, Alexander Tvardovsky's progressive monthly Novy Mir had published the most important book of the Soviet era: "One Day in the Life of Ivan Denisovich," by Alexander Solzhenitsyn, who finally spoke for the scores of millions murdered or imprisoned under Stalin.

Thousands thronged to hear the brilliant, aristocratic poetry of Andrei Voznesensky and the more poignant ballads of Bulat Okudzhava. Yevgeni Yevtushenko publicly denounced "the heirs of Stalin" and mourned the victims of anti-Semitism in "Babi Yar." Perhaps more important, Dostoyevsky, who had foreseen it all, was available and readable again.

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[1] Anatole Shub, after more than two years in the Soviet Union as Moscow correspondent of The Washington Post, was recently expelled by the Soviet authorities. In this series he presents his personal observations and conclusions.

XUM

After an entire generation in which Russia had been "the dark side of the moon," its scientists, artists and social scientists had renewed contacts with the real world of the West. It was under Khrushchev and Anastas Mikoyan (eased out in 1966) that the ideas of economic reform later loosely labeled "Libermanism" were first solicited and publicly aired.

Soviet foreign policy in 1963 seemed similarly promising. In spite, or because, of the Berlin and Cuba confrontations, Russia was basking in the glow of the nuclear test-ban treaty, a symbol of Khrushchev's readiness to meet the West part-way. "Peaceful economic competition with capitalism," "overtaking the United States in consumption of meat, milk and butter," were still official promises (although the unreformed economic system gave scant hope of ever fulfilling them).

Literate Russians had to understand, too, that the break with the China of Mao Tse-tung and Liu Shao-chi, the attack on Peking's doctrines of permanent revolution, then represented, at least potentially, a vehicle for justifying ultimate reconciliation with the West.

OUTLOOK IN 1967

Even in April, 1967, when I returned to Moscow to live, there remained some grounds for cautious optimism. The new Kremlin leaders had already halted de-Stalinization, stepped up the missile race, committed Soviet arms to the Vietnam war, and sent Andrei Sinyavsky and Yuli Daniel to the Potma concentration camp.

Yet the new leaders' style seemed cautious and modest (much like that of the early Stalin), and their promises of better farm incomes and rationalized industrial management seemed saner and tidier than Khrushchev's impulsive projects.

For the 50th anniversary of Lenin's revolution, Western, Czechoslovak and East German consumer goods were imported in large quantities. They made Moscow and Leningrad, at least, seem nearly as normal to the transient visitor as Potemkin's typical villages specially constructed to please Catharine the Great. Many optimistic Russians, as well as foreigners, believed inspired stories that Sinyavsky and Daniel would be amnestied, that Pasternak's "Doctor Zhivago" would be published, that Solzhenitsyn's new novels would be permitted to appear in Novy Mir.

Looking backward, it seems that the Jubilee Year was largely a put-on, with the Kremlin leaders on their best behavior chiefly to avoid domestic or international scandal. Svetlana Stalin was not impressed and left the country. U.S. Ambassador Llewellyn Thompson, although he never said so publicly, had privately concluded by the summer of 1967 that "the wrong gang" was in power.

TURN FOR WORSE

In fact, there was an obvious turn for the worse with the Middle East war. Not only KGB and military intelligence agents but Politburo members had directly helped provoke the conflict by spreading the verifiable lie that Israeli troops were massing to attack "progressive" Syria.

In the wake of Israel's victory, reactionaries in Russia, the Ukraine, Bessarabia and the Baltic states launched a fierce "anti-Zionist" campaign, which continues unabated. It was recognized by both Jews and anti-Semites to be potentially as lethal as Stalin's murderous drive against "rootless cosmopolitans" (1948–53). Even in civilized Leningrad, Jews say the climate now is "the worst since 1952."

The pretensions of the Jubilee Year ended with the Moscow trial of Yuri Galanskov and Alex Ginsburg in January, 1968. "Vigilance" became the watchword at the "historic" April plenum of the Party Central Committee, which proclaimed an open season for the KGB, MVD and cultural hatchetmen. The invasion of Czechoslovakia finally crushed the evolutionary hopes of Russia's "loyal liberals"—hopes which had been so earnestly formulated by the Soviet nuclear physicist, Academician Andrei Sakharov.

TREND SINCE AUGUST

From Aug. 20, 1968, onward, it became clear that, so far as the Kremlin summit was concerned, there could no longer be serious talk of a "liberal" or even a "moderate" faction. As a seasoned neutral diplomat sadly observed, "The struggle is between the conservatives and the reactionaries"—between plodding, coarse, relatively cautious old Stalinists and more dynamic, ambitious younger apparatchiki.

Last October, the classic signs began to appear of a grim, intense struggle for Kremlin power, involving various leaders, factions and patronage groups, the rival machines of the Party, Army, KGB, and MVD (civil police). The "winning combination" has yet to emerge, although I suspect it will within a year. Meanwhile, the victims have been individuals and national groups striving for basic rights throughout the vast multinational empire occupied by Soviet garrisons from the Vltava to the Ussuri.

CURBS ON INTELLECTUALS

The fate of a brilliant young Tatar physicist, R. K. Kaliyev, shows how swiftly and drastically times changed. Last year, Kadiyev and a colleague presented to an international conference in Tbilisi startling new astronomical and space researches confirming and deepening Einstein's theory of relativity. There have been few comparable discoveries, anywhere, since Einstein first suggested the theory. Za Kommunism, newspaper of the Dubno Atomic Research Institute, was proudly hailing Kadiyev's feat as recently as Nov. 22, 1968.

Today, Kadiyev sits in Tashkent jail, the chief defendant at a secret trial of ten Tatar intellectual leaders who have been struggling for the return of their people to the Crimean homeland from which Stalin deported them in 1944. It was to attend the trial of Kadiyev and his comrades last month that the gruff, fearless Ukrainian democrat, former Maj. Gen. Pyotr Grigorenko, went to Tashkent—in full knowledge that he, too, would be arrested.

The KGB and MVD have decimated the hardly little Moscow underground, the activist civil liberties movement led by Grigorenko and Pavel Litvinov. At the same time, the better known "loyal liberals" of the cultural and scientific community are being successively restricted, demoralized and removed from positions of influence—with the reported ouster of Tvardovsky from Novy Mir only the latest case in point.

Yet the Kremlin rulers have not succeeded in establishing the kind of "order" they seem to crave, the order which Marx in his time called "the peace of the graveyard." Instead, like the Romanov czars before them, they have been sowing dragons' teeth. For with each new act of repression, they are creating new oppositionists, turning nonpoliticals into politicals, liberal evolutionists into potentially radical revolutionists.

Five months after the invasion of Czechoslovakia, a young Soviet army engineer lieutenant named Llyin boarded the crimson night train from Leningrad to Moscow. The next day, he borrowed a police uniform from a relative—and on Jan. 23, 1969, inside the Kremlin's Borovitsky Gate, fired shots almost surely intended for Brezhnev.

STILL UNEXPLAINED

Although Ilyin's act may well be a milestone in Russian history, Soviet officials have not explained it to this day. Instead, tipsters for the contending Kremlin factions have, from the start, been circulating two rival accounts. According to the conservatives, Ilyin was a Soviet Oswald, a "paranoid" loner, and has already been, or soon will be, officially certified as insane. According to the reactionaries, the lieutenant from Leningrad was part of a "counter-revolutionary gang," with accomplices high in the Soviet army, MVD and elsewhere, all of whom will soon be exposed and brought to trial.

For their part, Russian democrats have compared young Ilyin with both the Decembrist rebel officers of 1825 and the Populist revolutionary terrorists of czarism's last four decades. They have drawn heart from the story that Ilyin, interrogated personally by Andropov as to why he did it, replied: "Chtob razbudit Rossiyu" ("To wake up Russia").

There is absolutely no way to verify which, if any, of these stories may be true. For in Brezhnev's Moscow, no foreigners, and indeed very few Russians, ever know anything for certain about matters of importance—and hardly much more about matters most countries regard as trivial.

It is precisely such knowledge, on the part of the Soviet peoples and the world, that the Stalinist system (only partly modified under Khrushchev) was constructed to prevent. The system is still operating, barbed wire, microphones and all, under Stalin's heirs.

[From the Washington (D.C.) Post, June 14, 1969]

RUSSIA TURNS BACK THE CLOCK—KGB SURROUNDS FOREIGNERS

(By Anatole Shub)

A typical official "public" Moscow occasion: April 22, 1969, the 99th anniversary of Lenin's birth, with a "festive meeting" at the modern, Western-equipped Kremlin Palace of Congresses.

Only a dozen foreign correspondents and three dozen diplomats show up, including two Chinese who come just to stomp out later. The rest of the foreigners stay home because, since the off-the-cuff Khrushchev days, such occasions have been tedious and predictable—seen one, seen 'em all.

We walk in through the Kremlin's Troitsky Gate and show KGB plainclothesmen and uniformed Kremlin guards our passes: the permanent identity card and the specially issued pass for this meeting. We show the passes again to other security men at the Palace doors, and climb the stairs to the second balcony. On the way up, we pass several hundred plainclothesmen coming down to pose as workers in the audience below. We show our passes twice more to KGB ushers before reaching our seats.

The treat of the day is a report read by Ivan Kapitonov, the Party secretary for cadres. Like most Soviet speeches since Stalin shaped the form, it resembles the liturgy of a fundamentalist sect, with a few dubious statistics to add scientific sheen. The jargon is wearily familiar and so is Kapitonov's essential message.

Every day in every way everything is getting better, he says. We're the tops and utopia would be around the corner (although not in your lifetime) if not for the monsters, fiends and demons in the United States, Germany, Israel, China, Yugoslavia, Rumania and most of the rest of this sinful world. ("Imperialists, revanchists, militarists, deviationists, right and left opportunists," etc.)

On stage behind Kapitonov, all the famous "fighters for Marxism-Leninism" seem either bored or preoccupied. Brezhnev looks as sleepy-eyed, Kosygin as mournful, Shelepin as tense as ever. The so-called news of the day is provided by the Rumanian "fraternal guests," Nicolae Ceausescu and Ion Gheorghe Maurer, who grimly decline to applaud attacks on themselves. (Soviet television avoids them.)

Yet both the Soviet rudeness and the Rumanians' silent defiance are true to form, and the only real interest is stimulated by two uniformed men at the rear of the stage:

XUM

Marshal Andrei Grechko, the Defense Minister, and Gen. Alexei Yepishev, his chief political commissar. Both are animated and excited. They talk, talk, talk, throughout the 80-minute speech. (Are they discussing the May Day military parade, which is about to be canceled for the first time in 50 years?)

A colleague passes me a pair of binoculars. "Can't see a thing," I say, "I'm blind." A moment later, as the plainclothesmen below applaud Russia's superior "socialist democracy," my friend replies: "No, we are the halt. They are the blind." And that is so.

The foreigner in Moscow—diplomat, correspondent, exchange scholar or businessman—lives in a state of permanent disability, inflicted by the KGB.

Except for the highest diplomats of major countries who have mansions and a few privileged permanent residents, all foreigners live in a few large segregated compounds. These ghettos are surrounded by high wire fences and patrolled 24 hours a day by KGB men in blue police uniforms.

Anyone who enters or leaves must pass at least one police booth, equipped with special telephones. Russians "unlicensed" to deal with foreigners are stopped and questioned. At night the compound courtyards are floodlit. Embassies are similarly guarded. Apartments and offices are frequently searched.

Foreigners cannot travel more than 25 miles outside Moscow without permission, which must be formally requested at least 48 hours in advance. Only about 100 Soviet cities or towns are actually open, and there are some like Tomsk, which foreigners have not seen in 40 years.

You can go to some of the open cities only by air, some only by rail, some only by certain routings, even when more convenient possibilities exist for Soviet citizens. At times major cities are open to transient tourists but closed to resident diplomats and newsmen—as Leningrad was throughout March 1969, and most of Siberia has been since.

In all tourist hotels, as well as in every foreigner's Moscow apartment or office, there are microphones, not all subtly hidden. Sometimes, the bugging produces farce. When a recent American visitor reached his Rossiya Hotel room and asked me about possible laundry and dry cleaning, a maid swiftly appeared at the door to inquire: "Do you have anything to wash or iron?"

It is less amusing when a visiting television producer, whom KGB men from the Novosti press agency are trying to blackmail, is told late one afternoon in the Moscow woods at exactly what hour we expect him for dinner and what other guests have been invited.

Telephones are tapped continuously—normally on tape, occasionally with a live monitor. The tape is apparently audited every few days—judging from my wife's experience in picking up the dead phone and complaining that the instrument was continuing to beep even with the receiver down. Three days later, it stopped. When the monitors are on, you must shout, and the other party seems to be on Mars.

PRIVACY DIFFICULT

All phones of foreigners and licensed Russians are linked into common circuits. To talk to an unofficial Russian, therefore, discreet foreigners will try calling from a toll booth—although not those near the compounds, which are also tapped. However, the homes and phones of suspected dissidents and intellectuals generally are also bugged—so sometimes they will prefer calling you from an unlisted pay station. Names are rarely used.

Recently, the KGB has developed a new system for dealing with such brazen attempts at private life. The Russian calling you from a toll booth gets through only on the third or fourth try. What with busy signals and dead lines, this can take 10 or 15 minutes—enough time for the KGB to trace the toll booth, tap the call and put a trail on your caller.

Resident foreigners are not followed so much as they are surrounded. The indispensable local helpers—secretaries, translators, photographers, drivers, housemaids, repairmen, movers—can only be procured through a misnamed "Service Bureau" controlled by the KGB.

All its employes are subject to periodic interrogations. Many are decent people and some fall ill after such humiliating sessions. A Russian helper who is too helpful, friendly or loyal to his foreigners is removed from the service. Some, however, are only too eager to report, or invent, anything.

The material thus assembled by the KGB is often fed to the Soviet press, which is used to warn foreigners (and their Soviet acquaintances) by means of abusive personal attacks.

Since most foreigners spend nearly all their time in one compound or another, with other foreigners, officials, semi-officials or local employes, the KGB has little need to trail them in the obvious way. However, when a foreigner does try to break out of "the first circle," the secret police is ready. If he tries to elude surveillance by taking a cab, the KGB often has special taxis and other follow-cars, ready outside the compounds.

One young woman, who had acquired too many Russian friends, was in an apparently ordinary taxi when it suddenly pulled over to a curb, where two KGB men jumped in from either side. They drove her to a room laden with food and drink, which she refused to touch, and then grilled her for four hours. She wisely left Moscow by air two days later. But even before she had left, the Moscow "fink" network was spreading the tale that she had been photographed in bed with a Russian.

THE SQUEALERS

The finks are a special danger, which some foreigners recognize too late. Some are "licensed" Russian pseudo-intellectuals, some belong to the world of so-called underground art, some are members of Moscow's permanent foreign colony. For various reasons, they have chosen to aid the KGB in return for special privileges—the ability to meet foreigners, obtain hard currency, travel abroad, live outside the compounds.

The genuine Russian intellectuals, from sad experience, know the finks better. I shall never forget the fear which suddenly pierced the face of novelist Vassily Aksyonov, to whom I had just been introduced at a mammoth reception, when one such person moved in on us. Aksyonov excused himself quickly, and I never saw him again.

Such, then, is the atmosphere of peace and friendship which the KGB unofficially provides for the foreigner. Official treatment is scarcely better. The Soviet Foreign Ministry Press Department controls, rather than informs, correspondents. Its employes spend most of their time minutely scrutinizing the correspondents' reports and whatever material the KGB may make available. To telephone news queries, their usual replies (if they answer the phone at all) are "read Pravda" or "we have not been informed."

CALLED FOR WARNINGS

Most correspondents are invited to the heavily guarded Ministry only for admonitions, warnings or expulsions. A few friendly collaborators from the permanent colony, however, are called in at strategic moments to be told "off the record" that the Warsaw Pact maneuvers are "strictly routine," that reports of re-Stalinization are "completely false," and similar fables.

Now and then the Department's sleek, agile chief, Leonid Zamyatin, calls a press conference to push some particular Soviet line. After his statement, questions from serville Soviet, Bulgarian, Polish and East German correspondents are favored. Westerners' questions are evaded. But when the question is embarrassing, the normally unflappable Zamyatin does not hesitate to rage at the questioner, sometimes before a live television audience.

News conferences arranged for officials of other ministries and agencies are even less rewarding. Most of these bureaucrats are less worldly than Zamyatin, begin with long reports largely repeating what has been in the papers for weeks, and answer only written questions, carefully screened by Zamyatin or an aide. Quite a contrast to the days when Khrushchev regularly sought out foreign newsmen for banter and arguments—not to mention the revolutionary days when Lenin phoned them personally.

NEWS-BUYING RACKET

The wretched performance of Zamyatin's office and the rising power of the KGB have led to a singular Soviet racket. Desperate Western media executives, nervous about domestic rivals, compete to buy news and services from the Novosti agency, which handles Soviet propaganda abroad. A 40-minute talk with a medium-level official costs $50, "escort" service on trips outside Moscow $30 to $50 a day, plus special charges. Western television networks paid $500 each last month to have Novosti cameramen photograph the TU-144 supersonic airliner.

Foreigners who regularly prime Novosti's propaganda pump are rewarded with inside tips—often accurate though rarely earthshaking, such as when the Central Committee may be meeting next. Very often, however, the tips are KGB plants—as when Novosti men last October signaled that Kosygin was about to resign.

Similar mixed blessings are dispensed by Victor Louis, a Soviet citizen who does not bother to conceal his affiliations. Nominally a correspondent of the London Evening News, he is also on the hard-currency payroll of perhaps half a dozen other Western bureaus in Moscow, who chalk him up as "special research services." Sad to say, apart from information published in the Soviet press, the great majority of what emerges from Moscow as news from "Soviet sources" originates with either Louis or a Novosti tipster.

BLIND KITTENS

Ironically, however, these and other disabilities imposed on foreigners are less grave than those the Kremlin rulers impose on the Soviet peoples, and on themselves. According to Khrushchev, Stalin warned his heirs that without him they would be "blind kittens." He was right. For Russia's Orwellian nightmare state not merely keeps the ordinary Soviet citizen incredibly ignorant, but ends by blinding the Soviet leaders—Stalin in his own time, the current group even more.

It is not merely the inquisitorial censorship, the jamming of foreign broadcasts, the Iron Curtain barring travel, the ubiquitous presence of the KGB and similar "administrative measures." It is, rather—in the opinion of many observers—the crude, total, saturation propaganda of the Big Lie and bigger silence, the atmosphere of sycophancy, bluff, flattery and mutual self-deception in "higher circles" which help lead Politburo mediocrities to accept and perpetuate such nonsense as Lysenko's biology or (lately) Jim Garrison's Kennedy "plot."

Khrushchev had the peasant good sense to venture out, to travel widely at home and abroad, to elicit, even provoke contrary opinions from uninhibited foreigners. Nearly all the men who deposed him (Shelepin may be an exception) seem to be stay at-homes by choice, who prefer to sit with one another around the familiar green baize tables in the Kremlin and at the moldy yellow Central Committee building on Staraya Ploshchad. More than half the Politburo members and alternates have never spent as much as a month in the West in all their lives.

The results of such self-inflicted blindness were apparent not only in the political botch during the invasion of Czechoslovakia, but in the Middle East a year earlier—when Brezhnev, Kosygin and Podgorny cruised for three days on a destroyer in the Gulf of Finland on the very eve of the war.

Czechoslovak, Yugoslav and Italian Communists have reported amply on the coarseness and cynicism of "Lyonka" Brezhnev, "Petka" Shelest and some of the other leaders. Two anecdotes from our experience illustrate how, personal qualities aside, the system itself may be their worst enemy.

A sculptor encountered at a Moscow cocktail party had recently been compelled to deal at some length with Pyotr Demichev, the Central Committee secretary in charge of culture. What sort of a man was Demichev, foreigners eagerly asked. Was he liberal, conservative, Stalinist?

"He is absolutely nothing, nothing," the sculptor replied. "He has no views of his own whatever."

Then how does he make decisions? "He listens to his advisers," the sculptor said, naming several rising *apparatchiki* in their late 30s and early 40s.

What are the advisers' views, then? "They have no views either. They know less about art, literature or music than a provincial high school student."

In that case, how do the advisers know what to advise Demichev? "Very simple," the Russian replied, wiggling his nose and cocking his ear. "They sniff the political winds."

PERMISSION DENIED

On the other hand, Ekaterina Furtseva, the Minister of Culture and briefly an alternate Politburo member under Khrushchev, is a woman of some cultivation. A playwright recently spent three hours arguing with her for permission to accept an invitation to the West. They had both screamed and cried in Russian fashion; they had gotten on well for years, she liked his writing, but the answer was no and she could do nothing about it.

But why, a friend asked him, is she not the Minister of Culture? "Yes, but there are others above her."

Is a simple trip abroad such a big decision? "Yes, in our country it is a very big decision—top level."

But if she likes your writing so much, why at least didn't she attend the premiere of your play? "She wanted to, but she was afraid."

Furtseva afraid? If even she is afraid, who then is not afraid?

"Ah," the writer said, "at last you are beginning to understand Soviet Russia."

[From the Washington (D.C.) Post, June 15, 1969]

Russia Turns Back the Clock—Dissident Couple Feels Constant KGB Pressure

(By Anatole Shub)

Giselle Amalric is a tall, slender tatar beauty who would make eyes turn on Fifth Avenue, where she might be taken for Balanchine's freshest ballerina. With her jet black hair, fair skin, deep almond eyes and modest natural grace, she is herself, at 25, a more miraculous work of art than any she can ever create. Giselle is a painter, and has been painting portraits, mostly of foreigners, ever since her husband Andrei, 26, a dissident historian, was barred from serious work by the KGB. Giselle's portrait of Sherry Thompson, the former American ambassador's daughter, is now in the Thompson's home in Washington, a gift from his embassy colleagues.

Of all the human beings we met in Russia, Giselle touched us most deeply—especially my wife Joyce, who saw her far more often, and whose fate cross the Amalric's at a dramatic moment on the evening of May 7, 1969. Giselle took Joyce to two or three other studios of underground artists, abstract or semiabstract. These then passed her on—in Moscow underground-railway fashion—to still other painters and sculptors, and to various open, allegedly "private" exhibitions and abortive public ones (closed by the KGB minutes after they had opened). So this story is mainly from Joyce's notes even when she is not directly quoted.

But first a word about Andrei. Slight and frail, hollow under the cheekbones and ribs, nearsighted, he is smaller than his father or his grandfather, whose pictures we saw. He was born in the war years, underfed in the postwar years, orphaned at an early age, had already spent two years in Siberian exile—and had the coolest political mind I encountered in Russia (perhaps because an ancestor came from France with Napoleon's Grande Armee).

We rarely talked about current events—Czechoslovakia, will-Brezhnev-last and the like. Nor did we talk much about the persecutions of Yuri Galanskov, Pavel Litvinov and other fellow democrats. Instead, Andrei liked to ruminate (over Giselle's strong, hot tea) on Russia's tragic history, the contradictions of his culture, the indefinable essence of the national character.

I recall, for example, Andrei's clinical dissection of the classic history of Russian civilization by Prof. Paul Miliukov, the Constitutional Democrat who became foreign minister after czarism fell in March, 1917. "Miliukov proved," Andrei said, "that the territorial expansion of the Russian empire went hand in hand, for centuries, with the suppression of Russian freedoms. But then he imagined that he and his liberal friends could fix everything simply with a Western constitution. And, when he became foreign minister, the first thing he did was reaffirm czarist claims to Constantinople!"

TROUBLE AT SCHOOL

Andrei's passion for historic truth caused his first troubles. At Moscow University, he produced a dissertation which showed that many of the cultural glories of the 9th century Kievan Russia had not been immaculately conceived, through the unique genius of the Slavs, but came directly from the higher civilization at Byzantium. The Party line was just the reverse. Andrei's professor, impressed by his research, suggested that he submit merely the dry facts and omit his "controversial" conclusions. Andrei refused. The professor declined to approve the dissertation. Andrei protested—and was expelled from the university.

When, outside the university, he began associating with other young rebels, the KGB moved in. Andrei's room was searched and he was exiled to Siberia, allegedly for possession of pornography. Giselle went with him.

Late one winter afternoon, Giselle told Joyce "how her father had moved to Moscow after the war to find work. How the parents and five children lived in one room. How her mother would check if the children were asleep before going to bed with her father. How the Moscow children taunted her: 'Tatarka, Tatarka.' and stained her skirt. How, soon after she met Andrei, he was sent away.

"She told her parents she would join him. But he was Russian. 'If you go,' her father said, 'never come back again.'

"She went anyhow. In Siberia, they decided to marry, but the license cost 1.50 rubles, and they had no money. So they went to a nearby kolkhoz and both worked all day and earned two rubles. They were married, and had 50 kopecks left over to buy sugar for their tea . . ."

For a while after they returned from exile, Andrei could do freelance writing, unsigned, on safe historical and cultural subjects. But, after he began appearing outside the courthouses where other democrats were being tried, this work was cut off. The KGB tried to get him on charges of parasitism, or unemployment. But he found a job delivering newspapers (salary: 22 rubles monthly) and later became secretary to a blind man.

LIVE IN OLD BUILDING

Andrei and Giselle lived in an old, probably pre-Revolutionary apartment house in the Arbat section—just behind the glass-fronted Kalinin Prospect skyscrapers (still not quite completed) which impress visitors with the modernity of the Brezhnev era. Like most Soviet city dwellers until recently, they lived in a "communal" apartment—where half a dozen families, one small room each, share a common kitchen and bath. Among their neighbors, one was tepidly sympathetic, two were nasty busybodies, and the woman next door was an alcoholic.

Nevertheless, the little crowded room in which Andrei and Gisselle lived was an oasis of taste and integrity, especially for Joyce: "After a while, I no longer noticed the six bells on the front door of what was once a five-room apartment. I stopped noticing the peeling plaster in the long corridor, the steamy communal kitchen on my right, the black pipes and broken enamel in the bathroom, the loud conversations of the families living behind each closed door.

"Their room was at the far end: a bed, three chairs, a piano from Andrei's grandmother, a clothes closet, two bookcases, an old typewriter, a radio-phonograph, a small desk which also served as dining table. But once I was inside, I could look all around, up and down three walls at their small, fine collection of modern paintings—all by unofficial Russian artists, including two of Giselle's best—and forget the 'realism' beyond the door and outside the window."

The pressure on the Amalrics mounted with the arrest of Pavel Litvinov and other friends. In Giselle's dreams each night, she was a hunted animal, pursued by riflemen or Siberian wolves. She painted more and more quickly—she did Joyce, my son Adam, Allison Kamm, daughter of the New York Times bureau chief, diplomats' wives, anyone else we could send her way—to scrape up enough money to escape the Moscow nightmare.

They found a small country shack, without heat, running water or electricity, where they hoped to move for the summer. Even there, KGB men began "asking around." But in Moscow, Giselle explained, the strain was simply too great. Whenever Andrei went out, she never knew if he would be "taken" and never return. In the country, Andrei could paint the roof and she would wash their clothes in the stream and wring them out on the rocks. So they stocked up enough sugar, flour, rice and fat to last the summer, and prepared to leave on May 8. The evening before, Joyce dropped in to say goodbye:

"I rang the bell as usual. Andrei came to the door, and there was another man, too. I thought the other man was on his way out. But suddenly the door closed behind me, and the man was behind me, too. 'Worst time,' Andrei whispered. Along the dark corridor, I wondered why. And then I opened their door—oh God!

"Their books and papers and records were strewn all over the floor. Giselle was by the window, all white with large frightened eyes. Seated at the desk was a stranger writing, and behind Giselle was another man, half-smiling. Leaning on the piano were two dirty, sullen thugs.

"I propelled myself toward her and kissed her on the cheek. 'What's the matter?' She just looked around and said nothing. Andrei put his arms around her shoulders . . ."

QUESTIONED BY POLICE

So my nonpolitical American wife, who had come to Russia to see Oistrakh play and Plisetskaya dance, was questioned by the KGB—who was she, what was she doing there. Terrified, she at first tried to conceal

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her identity, then finally produced a driver's license. They had said at first that they would release her once she had identified herself—then made her wait until someone from the Foreign Ministry arrived. She waited outside, under guard, in the corridor—she could not bear to see Giselle frightened and their room full of police.

"What's going on?" Joyce asked one guard. "What have they done wrong?"

"You don't know?"

"I know that she is a very good painter. She did my portrait."

"An abstract?" The KGB man smiled cynically. Joyce felt ill.

Suddenly the bell rang. The policemen looked at each other. In came Henry Kamm with his 12-year-old daughter. Joyce leaned straight against the wall to let them by. Henry's half-smile of recognition turned serious: "What's going on here?"

"What are you doing here?" one of the agents demanded.

"We have come to say goodbye. My daughter brought them some chocolates because her portrait was painted and she liked it."

"Where are the chocolates?"

Allison went into her small shopping bag and brought out a pretty box of chocolate.

"Is that all there is in there?" The girl turned her bag upside down.

"All right," a KGB man said, "give us your identification and just wait. All of you, get inside the room. You're disturbing the neighbors out here. Inside!"

Andrei came out. "You cannot order them into the room. These are my friends and I will invite them. This is still my home." He looked at Joyce, Henry and Allison. "Please do come in. Giselle will make us tea, as always."

The man from the Foreign Ministry ultimately arrived and began going over the same questions. Giselle brought tea, opened up one of the packages of sugar, put it in a decanter and served it. The two toughs were still leaning on the piano. Henry asked who they were. "They are the official witnesses to the search."

PREPARE DEPOSITIONS

The man from the Ministry began trying to compose an official deposition for each of the visitors. There were arguments about what language it would be in, and who would compose it.

"My friends," Andrei said, "I just want to give you some advice. It is not necessary to sign anything in any language if you don't want to."

The man from the Ministry was irritated: "Why do we need that outburst?"

"These are my friends," Andrei said, "I want to inform them of their rights."

"Are they diplomats?"

"No."

"Fine," the Ministry man said, "let's search what's in their pockets." (Diplomats are immune from official searches, but private citizens are not.)

Joyce began emptying her bag—lipstick, hairbrush, bath lotion, cigarettes. Henry was much calmer. ("You forget," he later explained. "I grew up in Nazi Germany.") He refused to be searched unless an American Embassy officer came to witness the proceedings.

"All right," one of the KGB men *said*, "let's forget the search and get on with the deposition."

Some 10 minutes later, Joyce was able to leave, taking Allison downstairs with her: "I kissed Giselle, I don't know how many times. Andrei, with a guard, walked us down the long dark corridor to the front door. I kissed him goodbye and he whispered: "I think we'll meet again."

"I cannot write their story," Joyce wrote a friend next day. "I know the broad outlines, the facts, but I don't know the fear they live with each day. How they stand above the swamp, with their shoulders back and their eyes full of affection? How did it ever occur to them to try and live as two proud, honest human beings? And where did these two young, slender people ever get the courage to live every day committed to a sense of beauty and human dignity—with their phone tapped and two microphones hidden in their one little room?

"I don't know yet if they were arrested or let go. But even if they are let go this time, there will be another 'search' and another Siberia—if not next month, then the month after."

OTHERS ARRESTED

On the day the Amalrics' room was being searched, their friend, Maj. Gen. Pyotr Grigorenko was arrested in Tashkent—where he had gone in solidarity with Crimean Tatars on trial. A few days later, Ilya Gabai, a Tatar intellectual in Moscow, also was seized.

A few days after that, the KGB got to work on Joyce. They operated through some of Moscow's best-known underground artists. Some may be finks but most were probably too frightened to refuse cooperation with the secret police—so that initials will be used here instead of actual names.

I was away in Yugoslavia, due back Monday evening, May 19. The preceding Thursday, the phone rang at 9:30 a.m. In English, a Russian voice said clearly: "Joyce, I'm D.B. We met at M.'s studio. I'm from Leningrad. Remember?"

She didn't at first. Then she recalled a giant with long curly hair and a black beard, whom she had actually met at the studio of another painter, R., a reformed alcoholic whose talent had been destroyed. ("When I drank," R. explained, "I couldn't do anything. But since I've stopped, there seems to be no point in doing anything. I do just enough to buy bread.")

The man with the beard had left R.'s studio with Joyce and offered to take her to see M.—even better known among diplomats and the collectors of Moscow's permanent colony. "Yes, I do remember," Joyce told her caller, "you have a beard . . ."

"I want you to see some of my own paintings," D. B. said.

"Fine—sometime next week."

"No. I go back to Leningrad Sunday. Either today or tomorrow."

Next day at one o'clock, Joyce suggested.

"No," D. B. said in Russian, "after two. At the Byelorussian station, Goodbye."

Joyce put down the phone shaking: "This had never happened before. No painter had ever called me to come over except L. Z., who was quite official and even allowed to go to Paris. No painter had ever given his full name on the phone. To each one I wanted to see, I had to be brought by someone he trusted. And to meet in the railroad station—where in the station? and 'after two'—when after two—2:15, 3 o'clock, 4? What's more, he had given me his address when I first met him—it was a Moscow address, not a Leningrad address. And why did it have to be before Sunday, when Tony gets back Monday night?"

WARNED BY A FRIEND

Fortunately, one of the few Russians she trusted completely came by that day. "Don't go, Joyce," he said, "it's a provocation."

He recalled the numerous cases in which foreigners had been lured to interrogations, doped or drugged, photographed in compromising poses contrived by the KGB, subjected to blackmail of various kinds.

So the next day, Joyce went off to see some Americans in the morning and returned home at 2:30. The maid said a Russian had called four times.

The phone rang again soon afterward. This time it was A. F., one of the best-known "unofficial" painters—much of his work has been exhibited abroad. A. F. is middle-aged, solid, normal, sober, and a steady worker. He paints every day from 9 to 2, and sells as efficiently as he paints.

"Can you come to see me?" A. F. asked Joyce.

"Of course. How about next Monday?"

Joyce heard A. F. say to someone else: "Only next Monday." Then, into the phone to her: "No, that's too late. Can't you make it before Sunday night?" Once again, the Sunday deadline.

She said she would call back Saturday and let him know. A bit later, the babysitter informed Joyce that the night before, there had been two other calls from what she described as "idiot painters." But A. F. was hardly an idiot or a fink.

A Russian girl friend came by. "Don't go." she advised.

"But A. F. is so well known. He couldn't be put in the position of provoking me," Joyce mused.

"Why not? He's not all that famous. And you don't know how they want to provoke you. It's a very easy thing to get someone, even A. F., to get you to come over."

OFFICE IS SEARCHED

Later in the day, going over to The Washington Post office for some mail, Joyce noticed that it had been searched—desk drawers and file cabinets open. In the evening, yet another painter phoned. This time it was the wife of M., who was also a painter in her own right. She told Joyce that a friend, a girl from a Western embassy, had promised to visit her studio but had not appeared. Could Joyce please provide her phone number? After all, Mme. M. had spent the whole afternoon waiting.

Funny, Joyce thought, Russians never complain of waiting—they go anywhere and wait anyplace, two hours means nothing to them. Mme. M. had been at home in her studio—hardly a great inconvenience. And why did she use the phone, and give her full name and patronymic?

Saturday morning, Joyce called A. F. at 11. Why did he have to see her so urgently? He could not say.

"Must I really come before Monday?" she asked.

"Well—Monday morning would be all right." (Strange—he always worked in the morning, and permitted visitors only after lunch.) Joyce said she would try to make it around noon.

And then the embassy girl came, pale and tense: "I didn't go to Mme. M. because I was followed the minute I left the compound. I tried to lose them by stopping at the bathroom in the Rossiya Hotel, but they followed me there, too. So I decided to come home."

The girl was frightened. There had been a new wave of attempts to blackmail diplomats from other embassies, and Alice—who had recently accompanied her and Joyce to a private exhibition—had just been forced to leave the country.

Joyce decided not to see A. F. at all. But later that Saturday the phone rang again.

"This is D. B."—the blackbeard who had started it all—"Why didn't you show up?"

"I couldn't," Joyce replied. "I'm afraid that, since you're leaving tomorrow for Leningrad, I just won't be able to see your paintings."

"That's all right," said D. B. "I've changed my plans. I won't leave until Wednesday. Why don't you come Monday morning sometime?"

Joyce stayed home, or with trusted friends, until I returned on Monday evening. The phone calls ceased Monday morning. Next day, I was invited to the Foreign Ministry where, on Wednesday morning I was ordered to leave the Soviet Union within 48 hours. After my departure, Joyce was under constant, intensive surveillance until her own departure with the children a fortnight later.

On June 12, the government newspaper Iz-

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vestia, in an article signed "K. Petrov" (probably a KGB pseudonym), accused me of "carrying out antigovernment agitation among Soviet citizens" by meeting with "certain persons whose activity is of interest to our investigative and judicial organs." The attack said I used Joyce for such meetings, alluded to her visit at the Amalrics' apartment and made much of her frightened brief attempt to conceal her identity.

"K. Petrov" also saw fit to attack as "emigre rabble" my father, David Shub, 81, a lifelong Social Democrat who escaped from Siberian exile to the United States in 1908. He laughed when I told him that Izvestia had called him an "arrant Trotskyite"—for he knew Trotsky quite well before 1917, and detested him even more than he had mistrusted Lenin in Geneva years earlier.

We do not know whether Giselle and Andrei have safely reached their country shack, or have been "taken." We do know that they promised to come into Moscow for the traditional July 4 reception at the American ambassador's residence—to which they have always been invited ever since Giselle painted Sherry Thompson's portrait. If they are free, they will surely come.

[From the Washington (D.C.) Post, June 16, 1969]

Russia Turns Back the Clock—New Stalinists Fail To Break the Spirit of Soviet Liberals

(By Anatole Shub)

The United Nations proclaimed 1968 "Human Rights Year," and the KGB, Russia's secret police, began its celebration early. In January, two young democrats, Yuri Galanskov and Alex Ginsburg, were placed on trial. Another young man, Alexei Dobrovolsky, had decided after a year in prison to turn state's evidence, and in his testimony disclosed the larger aims of the KGB and its political sponsors.

"I was brought up to worship Stalin," Dobrovolsky said. "It was the de-Stalinization campaign, and the mistakes of Khrushchev that turned me bitter against Soviet power."

TOO LATE TO GO BACK

Slowly but inexorably over the past four years, Khrushchev's successors (nearly all of whom entered the Central Committee at Stalin's 1952 Party Congress) have sought to restore the "glories" and "security" of the old Stalin days. They have sought to silence the basic questions about the Soviet system that Khrushchev had, perhaps inadvertently, raised at the 1956 and 1961 Party Congresses. The tempo of re-Stalinization and repression has quickened since 1968, particularly since the invasion in August of Czechoslovakia.

However, most serious Moscow observers believe it is too late, and too dangerous, to go back to full-blooded Stalinism, under which a fourth of the population, including millions of Communists, perished or spent long years at forced labor. The de-Stalinization of 1956–64, as well as the brief "openings to the West" symbolized by the "spirits" of Geneva (1955), Camp David (1959) and the Moscow test-ban treaty (1963), left indelible traces on the minds of Russia's educated younger generation.

The official effort to turn back the clock has attracted greater attention than the considerable resistance to it, or the signs that each new repression and especially the Czechoslovak tragedy, have made more and more Soviet citizens lose hope of peaceful reform "from above." In short, re-Stalinization—like the autocracy, orthodoxy and Russification of Alexander III (1881–1895)—appears to be sowing seeds of revolution.

Already, the repression has begun to create, as Czarism did a century ago, a pantheon of heroes and martyrs among the revolutionaries—most of whom were loyal critics, at most, of the regime in Khrushchev's day.

THE TURNING POINT

The major turning-point was, surely, the decision five years ago to arrest the writers Andrei Sinyavsky and Yuli Daniel, who were tried and condemned to years at forced labor in February, 1966. The criminal prosecution of Sinyavsky and Daniel took place despite protest petitions and letters signed by virtually every important intellectual in Moscow—and, according to unimpeachable sources, against the contrary advice of Mikhail Suslov, the Kremlin's veteran ideologist.

Suslov argued that the writers should be punished only by political means—such as expulsion from the writers' union—as Boris Pasternak had been, because of "Doctor Zhivago," in 1958.

The Sinyavsky-Daniel trial not merely began the process of disillusion among older loyal liberals and young writers, but created directly a revolutionary heroine of qualities which Western propaganda agencies, with all their millions, could never have dreamed of finding and building up synthetically.

The heroine is Daniel's wife, Larissa, who began by taking the notes on the trial of her husband and Sinyavsky which were summarized for foreign newsmen at the time and which young Ginsburg then put together, with other documents, in the famous "white book" on the trial. When Larissa began visiting her husband at the Potma concentration camp (often trudging 10 miles through mud to reach it), she was quick to report maltreatment of Daniel and other political prisoners, and the hunger strikes and other actions they had undertaken to obtain their legal rights.

MODEST AND GENTLE

Larissa surprised me when I first met her outside the trial of Ginsburg and Galanskov. I had expected an embittered, hard person of passionate intensity, somewhat in the mold of Rosa Luxembourg or La Passionaria. Instead, Larissa proved to be a frail, soft-spoken woman of unusual gentleness, modesty and simplicity.

A Swedish colleague asked her why she was risking trouble for herself when her husband was already suffering at Potma. Larissa looked at him a moment, uncomprehending, then shrugged her shoulders and answered very quietly: "I cannot do otherwise."

Both Larissa and Pavel Litvinov (a stronger, bolder person) knew they were certainly risking their jobs, and possibly their freedom, in issuing their famous denunciation of the Ginsburg-Galanskov "witch trial." But they could not have lived with themselves had they remained silent. I shall never forget Pavel whispering in my ear just after the convictions were announced, reminding me that Galanskov had written in his underground magazine Phoenix 66: "I know we shall lose the first battles, but I am equally sure we shall ultimately win the long hard struggle to establish democracy in Russia."

KNEW OF RISKS

Larissa and Pavel were equally aware of the personal risk when they went out on Red Square last Aug. 25 to demonstrate against the invasion of Czechoslovakia. They were not alone in recognizing that the fate of Czechoslovak democratization was crucial for the destiny of Russia itself. Virtually the entire Moscow intellectual community, and even some Intourist guides and Soviet journalists, placed huge hopes in the "Prague spring"—and were profoundly distressed when the Kremlin decided to crush it.

Yet the resistance of most of the intellectuals, inured to fatalism and a tragic view of life, was private and passive. Many refused to sign even the vaguest statement of approval of the Kremlin's act. Yevtushenko sent telegram of protest.

Larissa, Pavel and a half-dozen selected friends chose actively to bear witness. For they believe profoundly that the liberation of the Russian people from despotism must begin with the self-liberation of individuals from the oppressive fear through which Stalin held Russia in thrall for a quarter of a century. By setting examples of personal courage as well as integrity, the new revolutionaries expect, as did their forebears a century ago, to inspire or to shame others into stepping forward—and they have.

Larissa, Pavel, Gen. Pyotr Grigorenko and their comrades are determined, by all legal non-violent means, personally to confront and expose the contradictions of the Brezhnev regime. All their activities have been designed to dramatize the contrast between the letter of Soviet law and the arbitrary, unscrupulous reality of KGB–MVD practice, between the promises of de-Stalinization made at the 1956 and 1961 Party congresses and a Kremlin policy striving plainly since the winter of 1965–66 toward re-Stalinization.

The rebels' strategy of peaceful confrontation is aimed only secondarily at world public opinion generally, or at foreign Communist Parties in particular (although it has had great influence on the Italian and French Parties). The more important aim is to stir the consciences of Soviet citizens—even if this must perforce be accomplished mainly through the reports of Western newsmen in Moscow, beamed back to Russia by foreign radio.

The expulsion of two Western correspondents in the past eight months, and the continuing harassment of others, stems largely from the fact that we had been reporting the protests and demonstrations of democrats whom the regime likes to represent as "common criminals" and "psychopaths." Believers in older creeds would consider many of these people, and notably Larissa Daniel, to be saints. They are certainly the finest, bravest people I met in Russia.

In their struggle against unequal odds, a struggle to maintain integrity as well as to confront the regime's contradictions, the new revolutionaries have not hesitated to challenge even the meanest abuse of Soviet laws and regulations. Yuli Daniel, in his more than three years at the Potma camp, has led one protest and hunger strike after another against illegal ill-treatment of fellow prisoners, denial of guaranteed visiting privileges, interference with the prisoners' mail, diminution of food rations, and other infringements of official regulations.

GINSBURG'S HUNGER STRIKE

Other political prisoners, condemned in Moscow and Leningrad in the secret trials of the past two years, have joined him in these efforts—and made their protests known, through friends still at liberty, to the United Nations, Western Communist Parties and the world press.

Alex Ginsburg, also at Potma, began a personal hunger strike last May 16 in protest against the authorities' persistent refusal officially to register his common-law marriage—and thus permit the woman he loved to visit him once a month, as wives and husbands, children and parents are authorized to do by Soviet law.

Larissa Daniel, sentenced to Siberian exile, has made no protests. But friends who went to visit her in May were shocked by her silent martyrdom, and impressed by her fierce insistence on maintaining her dignity.

Larissa, who had already spent months in Moscow's historic Lefortovo Prison, arrived last Dec. 31 at a little settlement of 1500 people called Chuna, which had arisen a decade ago on the site of a forced-labor camp dismantled under Khrushchev. Chuna is some 150 miles west of Bratsk, location of the great hydroelectric power station.

When Larissa arrived, after the slow, hard journey across Siberia, there was no place for her to stay. She was put up the first two nights in the unheated MVD prison. The temperature then was 50 degrees below zero centigrade (68 degrees below zero fahrenheit).

LIFE IN EXILE

In exile, which is a milder form of punishment than forced labor, the only legal restriction on the prisoner is on movement outside the designated area.

In benighted Czarist days, Lenin hunted, fished and wrote his most serious books in exile at Shushenskoe in Siberia. Trotsky, Stalin and other revolutionaries also found exile a not altogether unpleasant experience—and many of them managed to escape, some several times.

Exiles today are obliged to find work with the help of the authorities—and some have obtained more or less dignified employment. Pavel Litvinov, a physicist by profession, has been working as an electrician in a coal mine in the Chita region. Friends say Pavel, who is 31 and physically strong, does not mind the work and is greatly respected by the miners, for he is the first "political" they have ever met.

Larissa, however, is a translator (English, French, Polish, Czech) and there are no publishing houses in Chuna. Teaching school has been prohibited to exiles, (since Czarist times) for fear that they might "infect the younger generation." So the MVD gave Larissa a job as an apprentice joiner in a timber factory. Her actual work was hauling lumber, six, seven and eight feet long, from the yard outdoors into the factory. The timber, wet from the snow outside, was twice as heavy.

LARISSA'S PROBLEMS

Larissa did this work for four months, from January to April, and then could not go on. She had developed severe gastritis, and a recurrence of old liver troubles. She was losing weight rapidly. The local doctor told her: "You cannot go on with this work. It will kill you." She went to the local MVD, reported the doctor's diagnosis, and asked for other work.

In the window of the local post office, Larissa had seen a notice saying that a postman was needed for mail deliveries. The mail sacks would be heavy, Larissa thought, but deliveries would be only twice a day and the work would be easier than in the lumber yard. Alternatively, she asked for a job inside the timber factory assembling window frames—which was not easy, but would at least be indoors, where there was heating. The local MVD turned down both requests.

When her friends from Moscow came to visit, they were shocked by Larissa's appearance and begged her not to resume work in the lumber yard. They offered to support her in exile, just as they had bought the small peasant house in which she lives. But Larissa is a woman of pride. She had worked and earned her own keep for twenty years, and she was not now—at 38—going to change her ways. Besides, without work, without her husband and 16-year-old son (whom she had ordered to stay in Moscow and continue his studies), life would be unbearable. There was also the risk, although many discounted it, that the authorities could further prosecute Larissa for parasitism or unemployment.

FRIENDS' PLEAS FAIL

Larissa's friends returned to Moscow and sought an appointment at the central Ministry for Internal Affairs. They reminded MVD officials that she was competent in four languages, and requested permission for translation work to be sent out to her from Moscow.

MVD officials took a typically Soviet ambiguous position. They said: "If you can find publishing houses in Moscow which are willing to sign a labor contract with her, then we would make no formal objection."

Friends and relatives tried for a month to find a publishing house willing to consider concluding an agreement with a political exile to do translations (as Lenin and his wife had translated works by Sidney and Beatrice Webb for St. Petersburg publishers). No Moscow publisher dared, in May 1969, give work to Larissa Daniel.

For the neo-Stalinist "vigilance" campaign in the press and culture had made even mild dissent in official media well nigh impossible. The campaign to "rehabilitate" Stalin was gathering force. His former victims, and the dedicated opponents of his dreadful heritage, responded by creating a remarkable underground press of their own.

[From the Washington (D.C.) Post, June 17, 1969]

RUSSIA TURNS BACK THE CLOCK—NEW IDEAS CIRCULATED IN SECRECY

(By Anatole Shub)

At the Stalin shrine in his mountain birthplace at Gori, Soviet Georgia, a venerable guide told me in April, 1968, there had been 186,000 visitors the year before, mainly official delegations. However, she announced cheerfully, "we expect many more" in the future.

The official Soviet press has certainly been doing its best to help business at the late dictator's shrine. From pop weeklies like Ogonyok to elite Party manuals like Agitator, the official media have been active (particularly during 1969) in "restoring Stalin's place" as an outstanding military strategist, economic planner and friend of literature.

Victims, of Stalin's terror, formally "rehabilitated" under Khrushchev, have been condemned anew, while even supporters of the notorious geneticist, Trofim Lysenko, have again received official encouragement.

At the same time, the "new wave" writers of the Khrushchev period have been under unceasing pressure—and not merely the conscious de-Stalinizers like Alexander Solzhenitsyn.

Andrei Voznesensky, by nature no more political a poet than e. e. cummings, has not had a book published in three years and has been prohibited from traveling to the West for two years.

Bulat Okudzhava, whose sorrowful ballads would probably sell millions of records if the Kremlin permitted even one, has put poetry and music aside and is writing a novel on the Decembrist rebels of 1825. The novel is surely destined either for his desk drawer or for that unique Soviet institution, *samizdat,* or self-publishing, in which perhaps three carbon typescripts by the original author proliferate, reader by reader, into hundreds of copies passed from friend to friend.

Samizdat has become indispensable to thinking Soviet citizens as the Kremlin rulers have turned increasingly obscurantist and barred access to outside sources of information. They have restricted travel abroad, cut back cultural exchange programs, promoted suspicion of foreign tourists, and, upon invading Czechoslovakia, resumed jamming of foreign broadcasts.

Thus, samizdat, with its crowded onionskin pages, has come to perform the functions of a free press. In the last two years, the content of samizdat publications has been shifting radically from cultural to purely political themes—from banned literary works to protest manifestos and translations of foreign anti-Communist classics.

A remarkable samizdat effort was the "Chronicle of Human Rights Year in the Soviet Union," composed and distributed as the repression gathered force in 1968 and early 1969. The "publishers" and "reporters" of its six fat issues managed to assemble data and texts on arrests, searches, Party sanctions, trials, protests and demonstrations in Moscow, Leningrad, Gorki, Pskov, Kiev, Kharkov, Lvov, Riga, Talinn, Dubno, Obninsk, Novosibirsk, and the Potma concentration camp.

The pages of this chronicle, along with other samizdat texts, disclose not only the extent of the current "vigilance" campaign but also the character of the Soviet citizens and group waging silent, passive or active resistance to it.

MANY WITH REASONS

The protests of some groups come as no surprise—the strongly-knit Evangelical Baptists, the Ukrainian and Baltic intellectuals resisting Russification, Jews reacting against official "anti-Zionism," Tartars struggling to regain their Crimean homeland, writers defending their comrades Sinyavsky, Daniel and Solzhenitsym, the millions of former victims of Stalinism and their families.

Some of the episodes recently reported to samizdat publishers have been sensational, if difficult to verify.

From Novosibirsk came word that on the night of Aug. 25, 1968, slogans condemning the invasion of Czechoslovakia appeared on the walls of public buildings in Akademgorodok, the "Academic Village" in which thousands of the Soviet Union's most brilliant scientists are concentrated. (It is indisputable that the Kremlin was unable to persuade more than a handful of aging scientists anywhere publicly to approve the invasion.)

From Riga last winter came an even more disturbing report. Young Latvian nationalists, it was said; had raided a town police station and seized several dozen machine guns.

"Even if the claims of the raid are exaggerated," one Moscow dissident commented, "it is interesting that they have issued automatic weapons to the civil police." (Only picked KGB security troops and army soldiers in their garrisons have had them before.)

Yet, apart from the obvious opposition groups and the occasional sensational episode, three things stand out about the Soviet resistance or civil liberties movement.

REBELS ARE YOUNG

There is, first, the relative youth of the active rebels. With some prominent exceptions, most of those seized or prosecuted in recent years have been under 30. A high proportion have been university students, and among the messages of approval received by Pavel Litvinov and Larissa Daniel, after they had condemned the January 1968 "witch trial," there was even a letter from 24 grade-school children.

Second, there is evidence of an unusual solidarity among the rebels of various kinds in different parts of the vast Soviet Union, and between the active rebels and more cautious, "respectable" members of the Soviet scientific and cultural community.

For example, a Moscow samizdat publication recently reported the sympathetic critique by a group of Estonian engineers on academician Andrei Sakharov's 1968 blueprint for coexistence, which they thought underemphasized moral and religious needs. There are numerous other examples, such as the appeal by 99 Moscow mathematicians, including a dozen Lenin Prize winners, on behalf of their persecuted scientific colleague, Alexander Yessenin-Volpin (son of the great poet Sergei Yessenin).

Third—and most intriguing—is the degree to which both active opposition and doubt have already begun to penetrate what Communists call the "organs"—the agencies of repression such as the KGB, the MVD, the army and the "special" branches of the Party machine. The rollcall of rebels arrested, prosecuted or dismissed from their posts includes not only army officers and local Communist Party and youth officials, but former KGB investigators and the sons of serving KGB officers.

On lower levels, the doubts of many security agents about their activities are only too plain. They have been expressed in numerous dialogues with dissidents, some of which I have personally over-heard. Having seen the pendulum swing from Stalinism to de-Stalin-

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ization and back to re-Stalinization, beset by conflicting demands for "vigilance" and "socialist legality," the KGB cadres are painfully aware that with each change at the top, medium-rank and lower officials have been made the scapegoats, while many Stalin intimates among the "big bosses" have emerged unscathed.

At higher levels, the situation is even more ambiguous. There is sufficient evidence to suspect that top intelligence and security officials—probably in the KGB, and MVD, but perhaps also in the GRU (military intelligence) and "special" department of the Party Secretariat—may be protecting and abetting oppositional movements, under the classic guise of infiltrating and "controlling" them.

WEST GETS PROTEST

The uninterrupted flow of samizdat manuscripts to the West (and thereby back to Russia by foreign radio) is a history in itself. Some of the pages of that history are perfectly straightforward, as when Russian democrats pass their protest petitions to Western newsmen outside courthouses.

But there have been numerous episodes, involving collaboration between Soviet and Western intelligence agents and informal understandings between police and dissidents, which seem to come straight out of the pages of Dostoyevsky and Conrad.

Certainly, many top KGB and GRU officers know better than to believe the optimistic pap presented in Pravda. To give but one first-hand example: the very day before my expulsion from the Soviet Union, one veteran agent complimented me on recent articles (officially labeled as "slanderous") and declared that the present leaders were "hopeless," that the situation would probably get worse for 10, perhaps 15 years until, finally and suddenly, "It will all be swept away."

He hoped that, with the urbanization and domestication of Russia's peasant masses, the revolution would come without violence—as in Czechoslovakia after Novotny fell—but feared that a devastating explosion was at least as probable.

DOUBLE GAME HINTED

There are, thus, grounds for believing that the Soviet security services may already be engaged in the same, classic double game as the notorious Fourth Department of the czarist Okhrana—which led to police informers assassinating numerous ministers and, ultimately, to a police-financed demonstration which set off the revolution of 1905.

Awareness of these complexities may well explain the gingerly manner in which the Politburo has approached the case of Lt. Ilyin, the army officer in MVD uniform who tried to shoot Brezhnev inside the KGB-guarded Kremlin gates last Jan. 23.

The political leaders' dilemmas are multiple and tortuous. Some of them were too deeply involved with Stalin's crimes and blunders to permit de-Stalinization to develop further, as Khrushchev had intended. On the other hand, other (notably Podgorny, Polyansky and Shelepin) were themselves too closely associated with Khrushchev—both in public de-Stalinization and behind-the-scenes patronage struggles—to permit too sharp a repudiation of the men and measures of 1954–64. This conflict of interest in the Politburo is reproduced a thousandfold in Party, police and propaganda offices throughout the country.

EX-PREMIERS SURVIVE

The broader dilemma goes beyond individual ambitions. It involves what one of Moscow's wisest diplomats calls "the Freudian blood oath" of Stalin's heirs: "Having killed the father (Stalin) and symbolically sacrificed one guilty son (Beria), the remaining sons, to insure mutual survival, vowed no further bloodshed among one another." The physical survival of four former Soviet Premiers—Molotov, Malenkov, Bulganin and Khrushchev—would support this analysis.

Every Soviet Communist knows that the blood purges of the 1930s—which claimed more than 700,000 Party members and more than 1000 delegates to the 1934 Party Congress—began with Stalin's demands for physical reprisals against a few minor oppositionists inside the party. Their opposition had, in turn, been stimulated by the harsh repressions of the security police and Stalin's Party agents in collectivizing agriculture. Once the terror machine started rolling, it spared neither Party cadres nor Politburo members.

Thus a return to the mass murders of the Stalin era is probably unthinkable to nearly all (if not necessarily all) the high Party, police and army leaders. Knowing this, Soviet dissidents have been willing to take risks and broaden their activities in the climate of what true Stalinists consider "half-measures."

TOP GROWS OLDER

At the same time, the self-preservation in high office of the "Class of 1952," can soon lead to collective senescence at the top. It has prevented a rejuvenation of the Party, police and army machines themselves. The aging Kremlin rulers can hardly appeal to potentially unruly youthful masses for "action from below," in the manner of Mao Tse-tung's Cultural Revolution. They lack the naturally authoritative personality who might stably preside over radical reforms "from above," as Marshal Tito has done in Yugoslavia.

In graver crises, decisive Russian rulers in living memory have combined political repression with far-reaching economic concessions. This was the policy of the last capable czarist Premier, Fyodor Stolypin, before he was murdered by a double agent and Rasputin's inept creatures took over. Similarly in 1921 Lenin, while suppressing political dissidence, inaugurated the liberal NEP or New Economic Policy, which brought seven prosperous years to which older Soviet citizens still look back as a golden age.

However, the present Kremlin rulers have failed to make the serious economic reforms which their advent seemed to herald. The Soviet economic mess is the fertile soil nurturing the seeds of revolution.

CARELESS EXPLOITATION OF NATURAL ENVIRONMENT

Mr. BAKER. Mr. President. I have recently read in the alumni magazine of the University of Tennessee an adaptation of a speech delivered in November of last year to the Tennessee Academy of Sciences by Dr. A. J. Sharp, professor and former head of the university's biology department.

In this speech Dr. Sharp addresses himself to the careless exploitation of our natural environment that has come about through the reckless application of scientific and technological advances. More importantly, however, he discusses with unusual cogency the pervasive social attitudes that are responsible for this increasingly dangerous situation and the kinds of broad changes that must come about in our individual and institutional thinking.

Mr. President, I ask unanimous consent that the article entitled "Can Man Survive in an Artificial Environment?" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Can Man Survive In an Artificial Environment?

(By A. J. Sharp)

One of the most serious concerns of mankind today should be the attitude of all men—especially scientists—toward the environmental crisis confronting society. When I observe the ignorance of, and apathy and indifference to, an ever-more-rapidly deteriorating environment in which our descendants, indeed, may not survive, I know that time for discussion is short and that time for action is overdue.

The seriousness of the situation is emphasized by a 1967 report of the Food and Agricultural Organization of the United Nations which states that per capita food production had failed to increase in 1965 in the world as a whole and had actually declined in the developing regions. I hope this dramatic message may help you to visualize the seriousness of our *most critical* problem. I say this advisedly, well aware that many would declare that inadequate control of the nuclear bomb constitutes our most dangerous problem.

Even though we may properly control the use of atomic energy and survive, we have no guarantee of more than a subhuman standard of living unless we either retard human reproduction or more rapidly increase production of foods, particularly proteins, or preferably both.

The mechanisms for doing both are well-known in most educated societies, but they are rejected or not applied more widely because of the ignorance, tradition, and natural conservatism in the less developed countries, and the ofetn more subtle influences among the more enlightened. It is these frames of mind that I wish to examine with you.

TECHNOLOGY CONFUSED WITH SCIENCE

Members and friends of the scientific community are assumed to be educated and, more important, intelligent. Yet there is a frame of mind among them (also present in society in general) which confuses technology with science and, worse yet, assigns to practitioners of both god-like potentialities. I believe there is a difference between a scientist and a technician even though the boundary may be obscure.

The objectives of the latter are more limited; his job is to find techniques for solving a particular problem without necessarily giving thought to the impact of those techinques on society and its environment.

In contrast, a scientist should not only seek new ideas, new data, and new applications, but try to integrate this new material into a better knowledge and understanding of our environment and of our place in the universe. They should make an effort to see all of the ramifications and the implications of this new material in regard to the continuing and, hopefully, successful operations of the system of which we are a part.

I would like to use a crude analogy—that our picture of our universe is like a huge, relatively unfinished jigsaw puzzle of which most of the pieces are not only missing but hidden. Our jubilation should come, not so much from finding these hidden fragments as from placing them where they give us a more meaningful and useful scheme of our universe. I am implying that the scientist should not only make discoveries, but that he also has an obligation to see the broad meaning of his revelations and to help educate society for their rational and safe use. And I see no reason why a technician should not take off his "blinders" and perceive the same obligation.

There are those who will argue that science and technology are amoral. Although I agree with this philosophy, I cannot accept that frame of mind which permits the scientist and technician to lack morality. I feel that, in part, it is this point of view among us which permits these crises to be initiated and to grow in intensity until they seem ready to—and may eventually—overwhelm us.

EXAMPLES OF PROBLEMS

I would like to use several rather simple illustrations to show how ignorance, thoughtlessness, or selfishness, either singly or together, contribute to the origin and severity of these crises.

Biologists without sufficient study have introduced exotic species into a region to provide better hunting or fishing or to retard erosion, only to find that the introductions created more problems than they solved and in no way ameliorated the political pressures which stimulated the biologists to make the initial change (as a prime example, the use of the kudzu vine to control erosion of roadside banks, in many places led to the death of nearby trees).

Engineers often build roads or dams in fertile valleys or natural areas with little or no thought as to their effect on the agriculture, social economy, or wildlife therein.

Refrigeration scientists led to the increase in the temperatures of ground waters to the point where the native aquatic organisms in the area perish.

The Corps of Army Engineers facilitated the drainage of the Everglades and a few years later are reversing the process by building dams and levees.

Atomic scientists permitted the pollution of the atmosphere with radioactive materials, the full genetic effects of which are not yet adequately known.

Industrial technicians are responsible for increased concentrations of dust, smoke, gaseous hydrocarbons, and other noxious materials in the air, many of the harmful physiological effects of which are well-known, particularly if one has emphysema or some other respiratory trouble.

Chemists, and even biologists, have encouraged the widespread use of insecticides and other agricultural chemicals until the levels of these materials are rising in the bodies of midocean organisms and even the penguins of Antarctica. (It is little known that chlorinated hydrocarbons in the food chain have affected the calcium metabolism of certain raptorial or predatory birds to the point that the thinness of their eggshells poses a threat to their survival.)

Sanitation scientists contribute to the destruction of shore-environments and the decay of ponds, even large lakes.

Further examples, of which there are many, are unnecessary.

ATTITUDES AGGRAVATE PROBLEMS

Part of our difficulty is derived from frames of mind concerning the nature of education required for training our citizens for handling the increasingly complex problems of the future. One deplorable attitude is that which resents and resists nonconformity and change. I personally find no pleasure in nonconformists who use differences for no other purpose than a means of egotistically calling attention to themselves. At the same time we must remember that every cultural advancement of importance has been suggested or made by an individual who has dared to depart from the current theories and beliefs on a basis of brilliant insight or of solid study and thought. We must have a frame of mind which not only permits but encourages intelligent diversity in all fields of endeavor.

Another hazard in regard to current views of education is the tendency to equate the gathering of information and/or the memorization of facts with sound education. The useful citizen, be he scientist or housewife, should be capable of interpreting and integrating factual materials in such a way that he understands more fully the nature of his environment and his place in the universe.

These habits of thought cannot be encouraged in our students impersonally by machines alone, or by teachers who understand neither the necessity of dialogue between student and instructor nor the extreme importance of independent thought. This type of education cannot be had cheaply. The right kind of teacher and the space required are expensive; but in view of the complex problems confronting us and our children, we cannot afford to settle for less than the highest quality. We must inculcate in the minds of our citizens not only an insistence on the best education possible but a willingness to pay for it.

We are failing to educate in another respect which soon may give us serious problems. Technicians have increased automation which with a large number of available laborers has greatly augmented the amount of time available for leisure and recreation. Education for proper use of this excess time should pay great dividends in reduced crime and in the pursuit of scholarly avocations including science. Contributions from amateurs and hobbyists have proven of value in every field.

WE MUST EXAMINE STATUS SYMBOLS

We should also educate for that frame of mind which insists that we critically evaluate all the things we hear or see or do. It is time that we carefully examine our status symbols and our philosophy of "keeping up with the Joneses" and see what they are doing to us and our environment. We might ask:

Can we individually afford autos in terms of resource-use, air pollution, and the covering of soil by asphalt and concrete with the concurrent loss of agricultural acreage and decrease in underground water reserves?

Can "lily-white" clean laundry be obtained without excessive use of water and the detergents damaging the aquatic environment?

Can the public accept merchandise without paper cover and not insist upon huge newspapers?

Can we afford the land for the production of tobacco and of grain for alcoholic beverages, both of which are detrimental to health and use resources which might produce additional food for starving children?

Is an electric dishwasher more important than the purity of the water with which we fill it?

I think I begin to understand our youth in their protest against our worship, not only of the dollar but of fashions, automobiles, beauty aids, electric golf carts, brassieres, motor boats, and many other status symbols. Advertisers emphasize the desirability of many unneeded commodities in an attempt to entice us to compete with our neighbors by their purchase. It is our job to critically view the advertising in terms of the real necessity of the commodity, the effect of its manufacture and use on society and our environment, and to educate our children to do the same.

ANOTHER DANGEROUS FRAME OF MIND

We have another dangerous frame of mind: that which permits us to believe that regardless of how we mistreat the environment, some god, whether it be technology or a spiritual one, will "bail us out." I am reminded of a statement, much-used by but not original with my mother: "The Lord helps only those who help themselves." A refusal to understand our obligations in this matter could be most tragic.

One of our problems has been that we have visualized ourselves, man, as a god, a manipulator of our environment rather than a part of it; and many of our manipulations are having curious and harmful results. I would like to paraphrase a statement of Aldo Leopold made years ago: abuse the environment when we regard it as a community belonging to us. When we see the environment as a community to which we belong, we may be able to use it with love and respect.

Perhaps a phase of this same psychology is the attitude that it cannot happen to me, or that it cannot happen here. When you consider the speed of communications and the rapid changes taking place today, no one is guaranteed immunity from the injurious consequences of mistakes made either by himself or by others. It may be that changes are being made too rapidly, without time to fully assess the total and long-range effects of one before another is attempted. We are headed toward a totally artificial environment without any proof that human cultures can exist or persist under such conditions.

In a partial summary, may I suggest that we need frames of mind:

That do not worship science and technology without equivalent emphases on the liberalizing influences of philosophy, ethics, history, and other such disciplines.

That strive for adequate support for keeping the earth's environment suitable for a civilized society, perhaps at the expense of being first on the moon or Mars.

That realize the great importance of education in organismal and environmental sciences to an understanding of our universe, and to controlling and retarding the deterioration of our milieu.

That recognize good teaching as being as (perhaps more) important as research.

That encourage young and "have-not" nations first to make inventories of and to get a critical understanding of their natural resources before they are destroyed by exploiters, rather than to pursue intensively the more expensive and often spectacular laboratory phases of science.

That understand that our problems are indeed complex, and that no simple solution will substitute for one that is well-considered and integrated.

That realize that we are not immune from disaster and that it can strike here and now.

There are many other frames of mind which would enhance not only our chances of survival but our quality of living. It is clear that should we fail to insure civilized man's survival there is absolutely no point to most of our objectives of today.

The most awful part of what I have to say is this: the nature of the universe guarantees a penalty for every wrong decision, if not in the present generation, then in the future. To ignore this fact is sheer madness. I am reminded of the observation of an unknown Greek philosopher: "Those whom the gods would destroy, they first make mad."

ABM DEPLOYMENT

Mr. CRANSTON. Mr. President, the Senate has spent some time this week discussing the testing and deployment of MIRV's, and the unfortunate effect such developments would have on the prospects for agreement with the Soviet Union on limiting strategic weapons.

In the course of these discussions, a number of us have noted the intimate relationship between MIRV's and ABM's and have reiterated our concern that ABM deployment—like that of MIRV's—would act to fuel the strategic arms race and to reduce hopes for arms limitation. This probable consequence of ABM deployment was recently pointed out by the distinguished Senator from Maine (Mr. MUSKIE) in a cogent article published in the New Republic magazine of June 7.

After reviewing objections to the ABM based on its uncertain cost and doubtful technical feasibility, Senator MUSKIE aptly comments:

> The final and most important question about Safeguard is the effect of its deployment on the arms race . . . The first priority for United States policy-making—

he continues—

> should not be deployment of the Safeguard system, but renewal of the arms talks with the Soviet Union.

I strongly endorse this stress on the importance of testing the path of negotiation before we embark on a possibly irrevocable commitment to new weapons systems.

As the Senator from Maine notes in his article:

> Safeguard would not be comparable to divisions or task forces. It would be a ponderous program which would threaten to become a self-fulfilling prophecy.

This statement could be applied equally well to MIRV's, and it is largely for this reason that I oppose further testing of MIRV's by both sides, or any deployment of ABM's until we have at least tried the potentially more effective route to national security which is offered by strategic arms limitation talks.

In order that Senator MUSKIE's article may be more readily available to all Senators, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY STOP ABM DEPLOYMENT?

(By Senator EDMUND S. MUSKIE)

The debate over deployment of the latest version of the anti-ballistic missile system has an air of unreality about it. The alphabet soup array of systems designations (ABM, ICBM, MIRV, PAR and MSR) provides an aura of mystery and suggests that only the weapons specialists are competent to make judgments on the merits of the proposal. The projected costs of the system (up to $25 billion a year by the mid 1970's), the size and power of warheads in the system (1 megaton for the Spartan and 1 kiloton for the Sprint), and the calculations of casualties in an ICBM–ABM–ICBM exchange between the United States and the Soviet Union (over 100 million on each side) deaden the senses.

There is a danger that familiarity with the numbers and the letters of the debate will breed a fatalistic acceptance of the system, not because the Congress or the citizens of the United States want it, but because they are uncertain as to the alternatives.

The numbers and the letters are important because they tell us how far we have gone in the development of sophisticated engines of destruction. They tend to confirm our worst suspicions and fears about man being dominated by the products of his technological genius. They are symbols of man's capacity to destroy himself and the earth on which he lives.

Violence is not new on our planet, but the complexity of systems to implement violent instincts are new. Changing techniques of weaponry are not new, but the speed of change is new. We are caught in a paradox in which long lead-times to develop and deploy weapons systems reduce the time available for us to decide whether or not we want or need the systems. Continuous obsolescence undermines our confidence in weapons systems, but fear of the unknown makes it difficult for us to say no to any ingenious proposal which offers the promise of military security.

Members of the Senate are wrestling with the question of how they should vote on the ABM authorization and appropriations amidst a constantly shifting series of arguments, claims and questions: is ABM necessary? What are its real objectives? Will it work? and, what will it do to the arms race?

The Nixon Administration has shifted its arguments for an ABM system from those used to support the "thin system" proposal offered by the Johnson Administration. The Sentinel proposal called for protection against a possible Chinese attack in the 1970's, coupled with a capacity to expand into a thick system designed to protect the United States against a Soviet attack. The Safeguard system proposal is predicated on a straight-line projection of Soviet ICBM capability which, it is claimed, will give the Soviets "superiority" by the mid 1970's.

I have grave doubts about the projections used to support the Administration's position. They are based on questionable assumptions about current Soviet activities, in which limited deployment of the Talinn anti-aircraft missile system and the Galosh (Nike-Zeus type missiles) deployment around Moscow have been interpreted as a major Soviet ABM program. They are also based on a projection of maximum capability for the Russian SS–9 missile program, a program which would have to be greatly improved to present a real threat to our Minuteman ICBM system. Finally, the emphasis on ABM has shunted aside alternative, and potentially cheaper, methods of deterring Soviet first strike threats.

The Safeguard system is being sold as a "thin system" directed at a potential Soviet threat, with secondary protection against the Chinese, but the Administration's escalating justification for the system raises real doubts as to the ultimate size of the system. In his March 14 statement, President Nixon stressed restraint in developing the Safeguard program. He suggested the possibility of cutting back at a later date. Secretary Laird and Deputy Secretary Packard have repeatedly implied a long-range goal of full deployment.

In addition, President Nixon observed in his April 18 news conference that he did not "know what (the Soviet) intentions are, but we have to base our policy on their capability." That statement, it seems to me, opens the door to a substantial expansion of the ABM system, far beyond anything projected in this year's Administration requests.

One is driven to the conclusion that the Congress and the nation are being asked to make "one easy down payment" on a monstrous defense system whose costs will dwarf today's expectations.

Coupled with questions as to why and what we are being asked to buy is a doubt as to its feasibility as an effective and convincing deterrent. The Safeguard system is extraordinarily complex, involving a combination of radar, computer, missile and nuclear warhead technology which cannot be fully tested in advance of actual use.

It is not enough to say that we developed the hydrogen bomb in spite of the doubters. That weapon did not include the support systems whose functioning is essential to the performance of the Spartan and Sprite missiles. The hydrogen bomb did not have to be designed to cope with counter-measures which will change in time.

In evaluating the need for the Safeguard—even if one were to accept the assumptions of the Administration about the Soviet and Chinese threats—one must not be misled by undue optimism about our technological capacity. In the event of a nuclear missile exchange, there could be no long, complicated check-list and count-down such as we use in our space shots. At this point I cannot accept the contention of some supporters that the system would be virtually fail-safe.

The final, and most important question about Safeguard is the effect of its deployment on the arms race.

That question must be examined within the context of action and reaction between the United States and Russia. Deployment of the Safeguard system, particularly when viewed against the background of MIRV (Multiple Independent Re-entry Vehicle) development, is bound to strengthen the hand of Soviet military leaders who will argue for increased capacity to meet the United States "threat" to their security. Soviet leaders are just as likely to base their policy on our capability, rather than our intentions, as is President Nixon.

Our military leaders make straight line projections on military planning, calculating maximum Soviet capacity and minimum United States capacity. The Russians make the same projections in reverse. Unchecked, policies based on those mutual projections will inevitably result in an unending upward spiral of arms and terror. Under such circumstances neither the United States nor Russia will be in a position to restrain other countries in the arms race.

The first priority for United States policy-making should not be deployment of the Safeguard system, but renewal of the arms talks with the Soviet Union. One need not be under any illusion as to the difficulty of such talks to recognize their importance to the cause of peace or the redirection of our resources to important domestic needs.

Furthermore, the arms talks should not be complicated by a *fait accompli* of Congressional action on deployment of the ABM. A vote against ABM would cause problems for our negotiators. A vote for ABM would raise even greater obstacles to successful negotiations.

Modern missile systems are not simple items which can be moved like pawns in a chess game. Once initiated, they have a momentum of their own, compounded of military strategy, military-industrial-political commitments, technological fascination and uncertainty about alternative steps. Safeguard would not be comparable to divisions or task forces. It would be a ponderous program which would threaten to become a self-fulfilling prophecy.

The ABM debate marks a watershed in our national approach to defense policies. For the first time in many years we have an opportunity to slow down the pace of technological-military development, to give the country time to breathe and to work out—if possible—the problems of nuclear threats with the Soviet Union. The Administration has an opportunity to take its cue from the kind of discussion which has been going on in the Congress, under bi-partisan auspices, and to shift its attention and its efforts to the negotiating table before it is committed to an uncertain and dangerous course which appears certain to accelerate the arms race.

In the final analysis, the ABM question becomes one of determining what kind of society we want. Do we want a seething, crippled, fortress America, or do we want a rational, creative and constructive society in which our intentions are clear and our capability for peaceful pursuits are unquestioned? Safeguard threatens to produce the former; halting Safeguard deployment and concentrating on arms control promises the latter.

RETURN OF VIETNAM VETERANS TO CIVILIAN LIFE

Mr. JAVITS. Mr. President, a week ago the President announced that the withdrawal of 25,000 American troops from Vietnam would begin within 30 days, and held out the hope of further reductions in the 540,000-man American force. Even without this reduction in the troop level, over 1 million GI's will be returning to civilian life this year, at a rate of approximately 90,000 a month.

The time has come for Congress to take a close look at the welcome which our country will be giving the men returning home, and at the veterans benefits which will be available to them. Since World War II, our country has maintained a commitment to these young men who have devoted years of their lives to their country and have risked their lives in its service. In order to continue to honor this commitment to its fullest. we must make sure that the GI bill of today is in keeping with the needs of the veterans of today, and that the results it achieves are in the best interests both of the individual veterans and of our Nation.

The veteran of today deserves benefits which are comparable to those that the veterans of the Second World War and of the Korean war were offered. The veteran returning from Vietnam took leave of his home, his friends and his family, and often interrupted his education or delayed his career plans, in order to join our Armed Forces overseas. We must not allow the division over our role in Vietnam to keep us from uniting in an effort to provide the veteran with the full range of benefits he deserves.

In order to insure that our country meets its obligation to today's veterans, I have concerned myself with three pieces of legislation which would improve GI benefits in the areas of housing, employment and education.

I am introducing today a bill which would increase the availability of GI home loans by expanding the authority of the Veterans' Administration to make direct loans.

In February I introduced the "Veterans Employment and Relocation Assistance Act of 1969," which would help veterans to find meaningful employment anywhere in the country.

And in January I cosponsored a bill introduced by the Senator from Texas (Mr. YARBOROUGH) which would increase the educational benefits available to returning veterans.

These three bills will assist the veteran to obtain decent housing at a price he can afford, to pursue a civilian career of his own choice, and to resume or further his education. They will be particularly beneficial for disadvantaged GI's returning to slum and poverty areas, for whom the present GI bill is inadequate. At the same time that these bills will be assisting the individual veteran, they will be helping to solve our country's housing problems and by raising education and job levels, will be helping to ameliorate the problems of poverty and alienation which are of such importance.

The Veterans Housing Act of 1969 which I am introducing today would expand the direct loans provision of the GI bill so that veterans would be able to take advantage of GI home loans even during periods or in areas of housing credit shortages. The present GI bill entitles veterans to a VA-guaranteed home loan of up to 60 percent of the value of the house, or $12,500. But the VA does not make these loans; it merely guarantees them. The veteran must arrange for a loan himself through a bank or other lending institution. If no bank is willing to make the loan, the VA-guarantee becomes useless.

During periods of credit shortages such as one we are now experiencing, banks prefer to invest their funds in ventures far more profitable to them than GI loans. In 1947, after World War II, 488,000 loans were guaranteed by the VA. In 1955, after the Korean war, a peak of 643,000 loans was guaranteed. In 1968, only 211,000 VA-guaranteed loans were made.

The Veterans' Administration is presently authorized to make direct loans to veterans in rural areas or small towns whenever the Administrator finds that private capital is not generally available in the area. The Veterans Housing Act of 1969 would expand the authority of the Administrator to make a direct loan to any veteran who is unable to obtain adequate housing credit as will enable him to realize the purposes of the home loan program. Such conditions occur where there are abnormally high interest rates, or a general shortage of a more permanent nature in a particular area of the country.

It is my feeling that shortages in housing credit should not be allowed to deprive the returning veteran who is otherwise eligible for a GI loan of the opportunity to purchase or construct a home. The Veterans Housing Act of 1969 would enable the veteran to take advantage of the GI home loan benefits to which he is entitled.

The Veterans Employment and Relocation Assistance Act of 1969, which I introduced earlier this session, seeks to help Vietnam veterans find jobs which match their skills and to provide financial assistance where relocation is necessary. This legislation takes advantage of the unusually high degree of mobility enjoyed by young men when they return from the service to civilian life, and seeks to make use of the occupational skills which they acquired while in the service.

Indeed, for many veterans from disadvantaged areas, the skills they learn in the armed services are the only vocational skills they have. What a personal tragedy—and for the Nation, what a waste of manpower—if they return to urban ghettos or rural poverty areas only to find that there is no market for these skills. We must not allow these young men—many of whom return home feeling self-confident for the first time in their lives—to become the victims of a cruel economic geography. They must be given the means to move where the jobs are.

The Employment and Relocation Assistance Act would require the U.S. Employment Service to establish a national center for the compiling and matching of employment opportunities throughout the country with the skills of individual veterans. A veteran who is unable to find suitable employment in his home area would be able to take advantage of openings elsewhere by being provided with transportation expenses for interviews and a moving allowance if he takes the job as a result of the interview.

As many as 10,000 veterans a month could be assisted by this program, at an annual cost of about $35 million. This figure is based on maximum allocations of $100 for each interview and $300 for each relocation.

This program offers the unique opportunity to redirect a segment of our population away from areas of high unemployment, whether in urban slums or rural depressed areas, at a time when the problems of unemployment and poverty are paramount. It provides the chance to match job openings with newly acquired skills, at a time when the importance of meaningful employment is becoming increasingly evident. And it offers equal opportunity to any veteran willing to seek it, at a time when significant opportunities are notably lacking in many areas and to many people.

I have requested that hearings be held on this bill as soon as possible, in order that the vital assistance it provides would be available to the veterans returning from Vietnam now.

For returning veterans whose first need is education rather than jobs, I have cosponsored a measure, introduced by Senator YARBOROUGH, which would substantially raise the educational assistance benefits provided under the present GI bill.

Under the bill which I am cosponsoring to raise veterans' education benefits, the allowance for a single veteran attending school full time would rise from $130 to $190 a month. Corresponding increases would be made for veterans attending school part time and for those with dependents.

At present, GI education benefits frequently do not serve those who are most in need of them. Times have changed and costs have skyrocketed since the GI bill was enacted, but education benefits have not kept pace. Under present law, a single veteran can receive an allowance of $780 for attending college full time for 6 months. Yet the average tuition at better known colleges for 6 months is $840, or $60 more than the veteran's allowance. In addition to his tuition, the veteran must pay for his room and board as well as books, clothing, and other living expenses. The GI bill is thus of great benefit to the middle-income veteran whose parents can afford to finance his education. But it is of little help to the disadvantaged youth who must support himself and whose education is a sacred obligation to this Nation.

Of the 2.7 million Vietnam veterans who have reentered civilian life, only 521,000, or less than 20 percent, have enrolled in training programs or resumed their education. This is far below the 50 percent of veterans who went to school under the GI bill after World War II or the 42 percent who participated after the Korean war.

President Nixon recently asked the new Director of the Veterans' Administration to investigate the reasons behind the great drop in numbers of veterans who are going to college under the GI bill. It would appear that one of the key reasons will be found to be the inadequacy of present benefits. Youths who are not financially independent to begin with, simply cannot afford to take advantage of the educational benefits offered by the GI bill as it now stands.

Hearings will be held on this bill on June 24, 25, and 26. If passed, it would go a long way toward helping disadvantaged veterans to obtain the education and job training required to allow them to find decent jobs and earn substantial incomes for the rest of their lives.

These three bills to aid veterans would have social and economic benefits far above their costs. It has been proven that investments made in housing, education, and proper job placement are paid back

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to America many times over in the form of increased taxable income and decreased unemployment and welfare payments—and social tension and disorder. The returning veteran presents an excellent opening to contribute to a solution of the Nation's critical problems of poverty and lack of opportunity for minority groups.

If this chance is used correctly, it could yield untold benefits in the form of social dividends and national stability. If this chance is missed, the resulting frustration and anger could only further polarize an already strained nation.

REMEMBERING ROBERT KENNEDY

Mr. TYDINGS. Mr. President, John Herling has written a moving remembrance of our friend and colleague, the late Senator Robert F. Kennedy. Mr. Herling's article was published in the Washington Daily News on June 3, 1969.

Because it is such an excellent and personal account of the late Senator Kennedy, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO BOB, WITH LOVE

By John Herling

(Note.—Senator Robert F. Kennedy, 42, D-N.Y., was shot by an assassin June 5, 1968—one year ago Thursday—in Los Angeles. He died 25 hours and 28 minutes later.)

Even when a friend dies, friendship doesn't.

A year ago Bob Kennedy was hit, and for a while the earth became a flat and barren moon. Without Bob, the situation became unacceptable, as he used to say about matters that were not to be tolerated.

After a while, it became clear that this was not the way to take it. The warm and embracing pressures of memory began to restore the world and his spirit to those left behind.

My mind goes back a dozen years when Bob began to function on Capitol Hill against "improper practices in labor or management." Many of his friends who certainly today care about him as much as, say, Walter Sheridan and several co-workers do, did not know him then. But to many of us who saw him in action then, his virtue as a man and his social concern to alleviate the human conditions were quite apparent.

Then, as later, the record was full and clear. He threw his arm around the helpless to protect them against the powerful corrupt and against the corrupters of others. Men with that kind of power hated his kind of power and sought to tear him down.

Bob Kennedy was direct as well as subtle. Being both was not contradictory in him. Once officials of one of the nation's biggest corporations appeared before him, as general counsel, and then Sen. John Kennedy, a member of the Senate Investigating Committee. The corporation men, surrounded by high-priced flacks, were defending themselves against the evidence. First they tried to brush it off. Finally, "we didn't think it was illegal," their lawyers said softly. "But you admit it was not ethical," Bob shot back. The corporation men were astounded. Ethical shmethical. What kind of talk was that? Some ruthless!

Almost every day Ethel was there in that Senate Caucus Room, watching, reacting, glorying, happy. When she was absent for any length of time it was only to have a baby. The reporters covering the hearings became Ethel watchers and adorers.

Once he had expressed interest in meeting a friend of mine in the labor movement. So I brought her and her children around to his basement office in the old Senate Office Building. The spectacle of a beautiful family, other people's too, was for him sheer delight. His gentle questioning put them at ease. "Their father must be a great man," he said to the mother, Esther Peterson, later to become an Assistant Secretary of Labor.

Another time a big children's party was going on all over Hickory Hill. We brought our niece and her 4-year-old child. He greeted Kevin with the close attention of a man who had some of his own. Kevin, who likes conversation to be relevant, gave him a brief hello. "Any swings around here?" Kevin demanded, pointing significantly toward one under a tree. Exercising his power, Bob gave him a slight kick in the tail, "Swing," he said.

In June, 1964, a few weeks after his brother Ted was seriously hurt in a New England plane crash, Bob, Ethel and their three older children went on a scheduled trip to Berlin and Poland. In Warsaw and Cracow some of us beheld for the first time Bob Kennedy as the universal symbol. The excited street crowds grabbed him, crushed him with love. "Why didn't you bring the other children?" And then, they should, as friends of the family, "How is your brother, Ted?" Bob thanked them, reassured them. "He's okay now. It was narrow. But he'll make it."

PROPOSED LIMITATION OF FARM PRICE SUPPORT PAYMENTS

Mr. CRANSTON. Mr. President, because I feel so strongly that the proposal to limit farm price support payments is a hasty and ill-conceived idea which should be defeated, I wish to state my reasons well in advance of the Senate debate on the amendment.

I believe there must be a total revision of present farm policies. Their net effect is to reduce production of food and fiber. In an ill-fed, ill-clad world, with millions of poor people crying out for food and clothing, our policy should be to encourage the growing of food and fiber, not to discourage it.

We must devise policies that will permit our farmers to plant and harvest all the crops within their great abilities to produce, and make a decent living for their efforts.

The prohibition on planting the basic commodities and the subsidization of diverted fields are not in the national interest. If the economics of the price system have failed to satisfy all our people's needs for farm products, then we should seek to cure the system.

I join in the search for a rational food policy. I pledge my efforts to help the farmer grow what his land will best yield, with a fair profit on his product. That goal will not be easy to achieve. Unlike factories, farms produce slowly and they can be changed only over several years.

The solution to our farm problem will involve a gradual transition from our present program. Perhaps the greatest criticism I have of the $20,000 limitation of payments amendment passed recently by the House is that it seeks to bring about that change not gradually, but precipitately.

Cotton is the major price-support commodity in California, the third-ranking State nationally in cotton production. California growers are efficient, usually producing at least 2 bales per acre and sometimes double that. But they also face high production costs per acre.

Since the acreage allotment program in cotton is mandatory, cotton growers are unable to decrease average costs by increasing production. Thus, they lose approximately $40 a bale, or $80 per acre, on the world market. Under the current price-support program, the California grower receives approximately $147 per acre—which is his salvation and his profit.

Our Government's policy is to keep domestic cotton price equal to world market price, not protected as is the case with many industries.

What would happen to California agriculture if the $20,000 limitation were suddenly to apply to cotton? Of the total 704,000 cotton acreage allotment in the State, 331,000 acres, or nearly half the total cotton acreage, would be affected by the $20,000 limitation. In other words, the farmer would lose money if he continued to plant cotton on a third of a million California acres presently devoted to cotton production.

What then would he plant? Next to California cotton fields, one finds alfalfa, wheat, barley, rice, sugar beets, and safflower, to mention most of the annual crops. Converting a third of a million cotton acres of California's rich and highly productive land into those other products would surely depress farm prices for annual crops across the board, causing chaos on the farms and in the small towns of our State.

The only other alternative would be to leave the land unused, and it would be unconscionable to allow land to lie fallow at a time when hunger and malnutrition are national and worldwide problems.

The $20,000 limitation would make it unprofitable to plant much more than about 200 acres of cotton. Yet even under Federal reclamation restrictions, a husband and wife can obtain irrigation water for 320 acres as a family-sized farm.

To force a sudden transition from present cotton plantings makes little sense for another reason. Much of California's cotton is grown on the west side of the San Joaquin Valley. That area will be radically transformed by the irrigation water brought in by the California Aqueduct now under construction.

With imported water replacing the expensive deep wells, new crops will replace the present pattern of planting. Tree fruit, citrus, nuts, grapes, and truck farming can be expected to replace the present less profitable annual crops. But this transition, which has already begun, will match the gradual expansion of the water distribution system. In 5 or 10 years, cotton production on the west side may well decrease substantially.

To plunge now into thousands of acres of idle or unprofitable land, to force on our farmers, farmworkers, and rural communities a minor local depression due to precipitous and ill-advised action hardly fits the sensitive and thoughtful practicality which should direct our national policy.

In the House debate on the $20,000 limitation, proponents of the plan pointed to the study of payment limitations made

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by John A. Schnittker, former Under Secretary of Agriculture. The general conclusion of Schnittker's analysis was that the $20,000 limitation would not have "serious adverse effects on production or the effectiveness of production adjustment programs." This conclusion was used by proponents of the limitation to justify their argument.

In his discussion of the effect the limitation would have specifically on cotton, Schnittker proposes other legislation as necessary to maintain an effective cotton program if the limitation should be passed.

For instance, unless the "snap-back provision" were repealed, the adoption of a limitation on price support would lead to a situation where the Commodity Credit Corporation would acquire most of our cotton crop and then have to sell it on the open market at a loss.

Yet we cannot expect the "snapback provision" to be repealed by a simple amendment to an appropriation bill—it is clearly legislative in nature.

Schnittker also points to the need for a change in the acreage allotment program if support payments are limited. Part of the justification for subsidizing cotton growers is the mandatory limitation on the number of cotton acres we allow a farmer to plant. If we are to limit so drastically the price support program, then we should correspondingly relax the prohibition on the farmer's right to plant as much cotton as he wishes. This change also will require additional legislation.

We must find a fair and effective way to eliminate present huge subsidy payments to a handful of farmers. But the $20,000 amendment, which would cause a reduction in production and bring chaos to our farms, is not the way to do it. There should be a limitation on payments, perhaps modeled after the present Sugar Act. I believe we should encourage the production of food and fiber, instead of telling our farmers not to grow products.

But any change in our farm program must be comprehensive and must involve a gradual transition from the present system. The $20,000 limitation on payments meets neither criteria. It would create an intolerable dislocation in California cotton which could have far-reaching adverse effects on all of California agriculture.

DISTRICT COUNCIL ENDORSES FREDERICK DOUGLASS HOUSE MEMORIAL

Mr. HART. Mr. President, the Nation honors its greatest citizens not only in its history books, but also with living memorials that give inspiration to our generation and the future. We have taken special pains to preserve as historical sites the buildings and places intimately associated with the lives and great works of our national heros.

Frederick Douglass was one of our greatest citizens, as a slave, as a leading black abolitionist, and as a statesman. He was probably the most important American Negro of the 19th century. His home, Cedar Hill, stands today in the Anacostia section of Washington, D.C.

In 1962, Representative CHARLES DIGGS and I were successful in transferring Cedar Hill to the parks and memorials system of our National Capital. Under the care of the National Park Service, the house is to be restored and opened for the benefit of the public. As a completed historic site it will deepen and balance the representation within the National Park System of the contributions of our country's black citizens to the history and culture of the Nation.

The act which President Kennnedy signed in 1962 authorized $25,000 for restoration work at Cedar Hill. However, detailed study of the house has since revealed extensive damage as a result of termites, dry rot, and storms. To properly restore the house and grounds and provide for meaningful interpretation of this historical landmark will require $450,000 under current estimates.

Senator HUGH SCOTT and I, together with Representative DIGGS and Representative SHIRLEY CHISHOLM, have introduced proposed legislation to amend the 1962 act, authorizing the full funding needed to complete the Cedar Hill project. I am urging the administration to support the project, and I hope the Committee on Interior and Insular Affairs will give this important legislation prompt attention.

On May 28, 1969 the District of Columbia City Council held a special session at the Frederick Douglass house. The meeting was accompanied by remarks of Mayor Walter E. Washington, as well as dramatic readings and musical selections by the Frederick Douglass Junior High School choir. As the special event of the evening, Council Member Stanley J. Anderson introduced a resolution endorsing the purpose of my bill to restore Cedar Hill. I ask unanimous consent that the Council's resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

FREDERICK DOUGLASS HOME: A NATIONAL MEMORIAL—RESOLUTION 69–37

Whereas, Frederick Douglass exemplified the finest qualities in his rise from slave to statesman and is a symbol of courage and determination to Black people everywhere who are currently seeking a positive future based on a distinguished past.

Whereas, he was honored by three American Presidents: Grant, Garfield, and Harrison by appointments to high offices and by the enthusiastic support of multitudes on this continent and in Europe. He was Advisor to President Abraham Lincoln and President John F. Kennedy honored him by signing a Bill on September 5, 1962, to include Cedar Hill in the National Park System.

Whereas, Frederick Douglass was vigorous throughout his life in his activities to bring this nation to its highest nobility and was not deterred by his personal success from his intention to be "an unflinching, unflagging, and uncompromising advocate and defender of the oppressed."

Whereas, Cedar Hill, the home where he spent the last seventeen years of his life and received the high and lowly of the world who made the pilgrimage to see him is located here in the Nation's Capital.

Whereas, it is administered by the National Park Service, U.S. Department of the Interior.

Now, therefore, be it resolved by the District of Columbia City Council, that:

Section 1. The City Council of the District of Columbia affirms the designation of Cedar Hill to be a landmark of national historical significance and particular meaning for the residents of the city.

Section 2. Endorses the efforts now being undertaken to have this house restored and brought to the attention of the Nation.

Mr. HART. Mr. President, following the special meeting, Councilman Stanley J. Anderson has written to me expressing his deep interest in this project. As he says:

> The history of the black man in the western hemisphere, in terms of his contributions to the growth of this nation, is not visible.

Proper completion of the Cedar Hill restoration project will be a significant step in bringing needed balance to our history. I ask unanimous consent that Mr. Anderson's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GOVERNMENT OF THE DISTRICT OF
COLUMBIA CITY COUNCIL,
Washington, D.C., June 16, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: As a native Anacostian and member of the D.C. City Council, I have had the pleasure of fulfilling a lifelong dream. On Wednesday, May 28, 1969 at 7:00 P.M. on the grounds of the Frederick Douglass Home in Anacostia, I submitted a resolution to the D.C. City Council calling for the restoration of "Cedar Hill" as an historical monument.

This gesture was made to show our support for several pending bills introduced by Congresswoman Shirley Chrisholm, Congressman Charles C. Diggs and Senators Philip Hart and Hugh Scott, which call for the authorization of appropriations to be used for the restoration of this home.

Washington, D.C. is world renown for its statuary of great men and significant events. It is a mecca for travelers throughout the world who come to learn about the seat of our government and who relive the history of this nation through the monuments on display.

The history of the black man in the western hemisphere, in terms of his contributions to the growth of this nation, is not visible. The importance of Federick Douglass' life as an abolitionist, a statesman, a public servant and as a black man who rose from a state of servitude to that of advisor to kings and presidents, needs to be placed on this nation's agenda.

What more fitting way to do this than by adding the Federick Douglass Home as a lasting memorial to a great man who exemplified the hopes and aspirations of the black American.

I therefore urge you to support the pending legislation to establish Cedar Hill as a national landmark in commemoration of this great American, Frederick Douglass.

Sincerely,
STANLEY J. ANDERSON,
Councilman, D.C. City Council.

Mr. HART. Mr. President, the home of Frederick Douglass deserves our veneration as one of the most significant memorials in our Nation's Capital. It should become a major point of interest

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for the millions of Americans who visit Washington each year to view the major shrines of our national history.

But for the moment, the house on Cedar Hill stands empty, boarded up for public safety. It stands thus as a symbol of neglect rather than respect.

It is my hope that the 91st Congress will take action to make this empty house again a living home and fitting memorial to this great, free American, who is a "symbol of courage and determination to black people everywhere who are currently seeking a positive future based on a distinguished past."

COMMITTEE ON BANKING AND CURRENCY MAY HAVE TO STUDY NEED FOR REGULATION OF BANK INTEREST RATES

Mr. McINTYRE. Mr. President, over the past weekend two of the leaders of our Government concerned with financial policy made statements regarding the recent increase in the prime rate of interest charged by our Nation's commercial banks.

The distinguished Senator from Alabama (Mr. SPARKMAN), chairman of the Committee on Banking and Currency, stated that the prime rate increase will have an adverse effect on housing, small business, and consumers generally. I would point out that these three areas are ones which have, in recent years, been the subject of a great deal of congressional attention and work—work which is now threatened by the unilateral acts of the commercial banks.

I ask unanimous consent that a statement from Senator SPARKMAN's office, entitled "Good Sense of Bankers Ought To Prevail Against High Interest Rates," be printed in the RECORD at the conclusion of my remarks.

At the same time, Secretary of the Treasury David Kennedy, appearing on a TV network interview program, stated with respect to the latest increase that he had not been consulted by the commercial banks before they increased their rates.

Mr. President, I would point out that the rates which banks pay to their depositors are currently regulated by the Federal Government. Thus the cost of deposits is kept down and protected from competition by the Federal Government, while the price which borrowers pay is left to the discretion of the banks themselves.

There are very few factors so closely related to the trend of inflation in our economy as the interest rates charged by commercial banks. And yet, in an age when the people of this Nation look to their Federal Government to put a stop to runaway inflation, there is no other item so little under Federal guidance as commercial interest rates.

The Secretary of the Treasury is now asking the Congress to maintain a surtax, with the avowed aim of controlling inflation. I believe that inflationary control through tax policy by itself is incomplete without similar control over the cost of money.

It seems to me that interest rates must be reduced as quickly as possible. I join with Senator SPARKMAN in calling upon the bankers of this Nation to voluntarily reduce their rates. I hope that his appeal will find an agreeable reception in the banking community, which understands so well the disaster which inflation brings.

If, however, the recent increase in the prime rate is not reversed, we on the Committee on Banking and Currency may have to consider legislation placing interest charges under Federal control. I will be willing to introduce such a bill.

Surely such legislation would be a preferable alternative to general wage and price controls. Surely it would be preferable to a futile effort to stem inflation by means of a new surtax which would be doomed to failure because of its lack of impact on interest rates. And surely such legislation would come as welcome and long overdue relief to the homeowners, small businessmen, and consumers who will suffer the greatest harm from the latest rate increases.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

GOOD SENSE OF BANKERS OUGHT TO PREVAIL AGAINST HIGH INTEREST RATES, SAYS SPARKMAN

WASHINGTON, D.C., June 16.—The good sense of the bankers of this nation "ought to prevail" in reversing the trend that has seen prime interest rates move to 8½%, Sen. John Sparkman (D., Ala.) said yesterday.

In broadcast interviews released yesterday, the Chairman of the Senate Banking and Currency Committee said the rise to 8½% to best customers of a substantial number of banks is "terrible, uncalled for, unnecessary and ought to be reversed."

Sparkman called improbable assertions by some segments of the banking industry that the prime rate would not affect mortgages, consumer loans, or small business customers.

"There is simply no way of carrying this out for a particular class and not having it adversely affect housing, small business, consumers generally—the ordinary people who have to depend upon credit to carry on," Sparkman said. "There are lots of them in this country, including the farmers, those who want to buy houses, small businesses, consumers generally. They are bound to be adversely affected."

Sparkman said he feared wage-price controls if the rising interest rate trend continues and if the Federal income surtax is not extended.

ECONOMIC DEVELOPMENT IN RURAL AMERICA

Mr. HRUSKA. Mr. President, many pressing problems and current crises are receiving the attention of the American people and are the focus of public concern. Our casualties and expenditures for the Vietnam war have made it the third largest war in our history. Our cities have been subjected to rioting and burning. Our colleges and universities are encountering widespread discontent and disorder. National crime has been climbing at an unprecedented rate. Inflation is eroding the value of the dollar.

However, one of the greatest tragedies of America today is the decline of rural America. This decline is not a violent occurrence. It is not an inflammatory event. But, it is a disruption of society equal to those events that receive national publicity. An age of technology and urban growth does not require a depressed rural economy, and the outmigration of rural Americans cannot be assumed to be the result of a preference for the advantages of the city.

A national survey taken during November 1968, by International Research Associates, disclosed that 70 percent of the persons who live in small towns and 75 percent of those who live in rural areas are satisfied and prefer to live there, but that only 27 percent of the present large-city residents are happy with their choice. In fact, when given a choice, 81 percent of those interviewed said they would prefer to live in small towns and rural areas. How many unhappy people there now must be enduring their urban existence, deprived by economic forces of a choice because of lack of employment opportunities in rural America.

In my own State of Nebraska, the number of farms has dropped in the last 11 years from 100,000 to 76,000 and is expected to continue to decline. Agricultural employment has been reduced by more than 43,000 people.

As the farm population dropped, the need for services performed by businessmen and tradesmen of our small towns and cities also declined. Masses of people began leaving for urban centers.

This outmigration of rural Americans has created additional problems in our cities and compounded those already existing. History has clearly shown that migration to the cities is not the solution for many of our rural dwellers.

Another matter must be considered. In a democracy, the dignity and free will of the individual is held in highest esteem. A fundamental purpose of a democratic society must be to protect these values. Yet these values are being seriously eroded by the economic forces which are compelling the migration from rural America to the urban centers.

If we are to solve this problem we must explore every avenue, develop constructive and imaginative programs which take account of the preferences of the people, and we must renew our dedication to provide a safe and decent life for all Americans, both rural and urban.

Economic development is the key, but that will require industrial growth as well as regional programs and regional organizations with the ability and the power to transform the economy.

I joined as a cosponsor of the Rural Job Development Act of 1969 because I believed that it offered a meaningful program to encourage additional industry to locate in rural America. Hearings have been held on this bill, and hopefully the Congress will act on it this session.

Besides the efforts to provide incentives for industrial development, hopeful and vigorous signs of regional planning can also be seen. A good example is Vision–17.

Vision–17 is a private corporation devoted to the economic development of 17 counties in southeast Nebraska. It is supported mostly by private funds, and the management is provided by Northern Systems Co., a subsidiary of Northern Natural Gas Co.

Vision–17 contains nearly 10,000 square miles and more than 370,000 people. It seeks to raise the quality of living of the area to a level that will attract and retain young Nebraskans.

Mr. Carroll Thompson, vice president for community development for Vision–17, recently wrote an article in the May 3, 1969, issue of the Nebraska Farmer entitled "Wanted: New Rural-Urban Communities in Southeast Nebraska." It is an excellent article, and I commend it to the attention of all thoughtful people interested in the development of rural America.

I wholeheartedly agree with Mr. Thompson when he says:

> Government can build the roads, aid the planning, encourage the new industry, and do many more things. But it can't create the new jobs alone, nor instill the new vision that is needed to fuel this change. That has to come from individuals determined to shape a private economy that can respond to this new challenge to rural Nebraska.

Mr. President, I ask unanimous consent that Mr. Thompson's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Wanted: New Rural-Urban Communities in Southeast Nebraska

(By Carroll Thompson)

A big new dose of old-fashioned neighbor-helping, streamlined to today's needs, is needed if Nebraskans of today are going to build a better life for Nebraskans of tomorrow.

The neighbor-helping needed comes under a new name today. It's called regional economic development. But it's just a 1969 version of the same spirit that drove pioneers to help one another build homes, harvest crops, and develop communities together. The jobs they tackled together were too big for them to do by themselves. So they recognized that fact and they worked together.

Today's jobs in economic development are too big for any one town or county. Modern teamwork is required. That can be accomplished only through regional programs and regional organizations with the ability and power to transform the economy. And the economy must be transformed or Nebraska will continue to have many of its people under-employed and a lack-luster image.

In the 1950's 90% of the growth in employment in the U.S. occurred in metropolitan areas. In the 1959–64 period, 72% of that growth was in metropolitan areas. Today 30% of the nation's people live in the rural areas, but half of our poor people live there.

NEBRASKA NEEDS INDUSTRY

What's the problem for us? Industry and service jobs are where the good wages are. And Nebraska does not have enough industry, which seeds the service jobs.

Louis Malotky of the Farmer's Home Administration said it well when he spoke of the solution he recommends:

"We do not envision that every crossroad or village will become a growing metropolis. We do, however, see rural America developing on an area or regional basis. We see manufacturing and service jobs and other employment opportunities increasing outside of the big metropolitan areas. We see housing programs tailored to the small community. We see a larger investment in public services and greatly improved public administration and planning in rural America."

To make the changes Malotky is suggesting, we need to begin by building new rural-urban "communities." These will band together several existing communities, or several counties in most cases, for the purpose of speeding economic development. These new "communities," or economic development regions within the state, can be structured on the basis not of miles, but of people with like interests who can gain from working with one another.

COMMON INTEREST IMPORTANT

The economic development region should contain an existing growth center within it, or two or three growth communities. There should also be common interest among the people in the area in development of the economy based on the shared assets of the several communities and the rural area. There should be a common interest in, and benefit to be gained from, development of public transportation facilities, highways, health facilities, recreation areas, educational institutions and services, and public services, and industry.

Vision-17, the new direction in economic development being taken by the 17 counties in southeast Nebraska today, has the potential to be one of these new rural-urban "communities." It is a private corporation, supported mostly by private funds, which is initiating a broadly-based program for economic and community development. Hugh Wilkins, Geneva, is the president of the group, with management provided by Northern Systems Company, a subsidiary of Northern Natural Gas Company.

Vision-17 land stretches from the west line of York county to the Missouri River, and from the Platte River south to Kansas. It contains nearly 10,000 square miles and more than 370,000 people.

Can this be a new rural-urban community? Can it be a community where there is an ongoing program to develop one level of services for all citizens of the area; where the roads in one part are as good as in the other; where there are good industry jobs within 10 miles of anyone's home? Or does it have to go on as it is, with the per capita income being cut in half when you cross some county lines? With opportunities for higher paying factory jobs being virtually non-existent in some parts of the area, while there is a labor shortage in other parts?

Vision-17 says this can be changed.

Change will do two tremendously important things. It will raise the quality of life for the whole of the area to a standard young Nebraskans can live with. A recent check in Pawnee county showed that 99 of every 100 high school graduates are planning to leave the area. The county has lost 60% of its population in the past 60 years. The new "community" will change that. And it will also help America solve its urban problems. For if the rural areas quit sending their sons and daughters to the urban areas, the cities may be able to cope with the populations they have.

There is nothing in the new "community" concept that is foreign to Nebraskans. In fact, it simply calls for the application of the tried and true facts of life we have learned to live with. We want a lively economy that offers good jobs. We want public services and facilities of high standard furnished at the least possible cost.

We can have these in larger "communities," but we can't get them by going ahead as we are.

Who starts the Ball rolling?

It has to be a team effort, with government and the private economy cooperating. Nebraska state government has done its job by setting up planning blocks. These can be the building blocks for our new "communities." But government cannot do the job alone. It can only set the stage for action, and help coordinate and direct the flow of action. The principal action has to come from private initiative through the private economy. Government can build the roads, aid the planning, encourage the new industry, and do many more things. But it can't create the new jobs alone, nor instill the new vision that is needed to fuel this change. That has to come from individuals determined to shape a private economy that can respond to this new challenge to rural Nebraska.

Nebraska should have six of these new "communities." Omaha and its area is one. Vision-17 is a second. Others could be formed in the northeast; the south-central; the western Nebraska area; and in the north central. This would give each area the muscle to tackle the problems facing Nebraska, and all of rural America.

LAKE SUPERIOR

Mr. NELSON. Mr. President, nationwide, the public insistence for action for clean water is making itself heard. Americans are rapidly coming to accept and demand acceptance of an ecological ethic which says no one has the right to pollute the air, the water, the land.

Just one more instance of this has been the widespread citizen concern expressed in the States surrounding Lake Superior that this valuable, and as yet relatively unpolluted resource be protected in perpetuity. Clearly, there is broad public support for the Federal Government and the States to take adequate steps now, through the Federal-State pollution control enforcement conference now underway on Lake Superior, to assure that this last pure Great Lake will be protected in perpetuity. The cost to society of doing otherwise will be immense. Future generations who will view and use an increasingly dirty lake would suffer even more than we.

One of the most important steps that could be taken now to assure the success of the conference would be for the Governors of Minnesota and Wisconsin to immediately initiate a request to the Secretary of the Interior that intrastate pollution be declared a matter of conference jurisdiction.

With this step, there would be absolutely no question that pollution, no matter how it was defined, intrastate, or interstate, could be dealt with by the conference.

As it is now, the conference could well be prevented from dealing with major Lake Superior pollution sources simply because they may be defined as "intrastate." The supreme irony would be to see this priceless international resource destroyed decades from now because of a legalism that prevented adequate protective measures.

The Lake Superior conference was called in January by former Secretary of the Interior Stewart Udall. However, the Secretary's authority in a conference which he has called extends only to pollution that has moved interstate. In Lake Superior, there is serious intrastate pollution as well. This is a matter which can readily be brought under jurisdiction of the conference, but only at the request of the Governors.

The fact is that for years the Governors have been as aware as the Secretary that there has been a growing pollution threat to the lake, and had ample time in which to initiate a conference call. Yet they did not, and to this date, have not cleared the way for all pollution of the lake to be covered.

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I urge the Governors to take the step now to make sure that all pollution sources can be acted on by the conference.

RETIRED SENIOR OFFICERS

Mr. MURPHY. Mr. President, in recent days, many have directed their attention to possible abuses of the spirit of the law by retired senior military officers who were employed by industrial concerns which are under contract to the Federal Government, particularly to the Department of Defense. Many of these outstanding industrial corporations are located in California, and as such I am very familiar with the fine work they do in contributing to our national security.

A part of their great technical capabilities is provided by retired senior military officers in their employ. It has been properly stated in the past that what a manufacturer really has to sell is the sum total of the talents and capabilities of its people. I think it is inappropriate that retired military officers who have devoted so much to their country, are in the prime of life from a career perspective and who offer the greatest possible expertise in military matters should be brought under improper and unfair attack.

One of these retired officers, Col. R. P. Alexander, U.S. Army, retired, of La Jolla, Calif., wrote to me on March 28, 1969, on the subject. Any speech I might make along these lines could certainly not better say what the problem of the retired military officer and defense contractor is. Colonel Alexander is articulate and strikes to the heart of the matter and is to be congratulated on his concise review of this important situation.

Mr. President, I ask unanimous consent that Colonel Alexander's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 28, 1969.

Senator GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: This letter is written to give you my reaction to recent statements and inferences by Senator Proxmire which I consider unfair and deceptive in nature. The issue concerns retired senior military officers now working in defense industry. Since I am one of those named in this accusation my only recourse in defense is through your good offices as my representative in the U.S. Senate.

The implication made by Senator Proxmire is that all the retired officers he named are selling to the active military establishment on behalf of their respective employers. This is not true, nor is it anything like being true. Unlike the senator from Wisconsin, I do not presume to speak for all these officers. I speak only for myself. I have been engaged in systems analysis work for the Convair Division of General Dynamics Corporation since shortly after I retired from active duty. This work involves what we call "mission analysis" which is essentially an interpretation of how the military will be organized and under what doctrine they would conduct operations, either peacekeeping or combat, in the post-1975 time period. To do this type of analysis it is essential that the analyst have an extensive military education and some actual combat experience to provide him with a background of knowledge from which he can study and forecast the future. In my case for example, I had 25 years of active duty experience as an Army engineer, paratrooper, aviator and logistician, have studied aviation in general and military air operations in particular for over 20 years. The results of my work are made available to Convair design engineers (and in some cases the military, free of charge). Convair needs people like me so they can understand the environment in which their aircraft will be expected to operate in the 1975–85 period. Furthermore, my company must possess a high degree of military expertise in order to "understand the problem" and remain in a competitive position in the future. A fair question would be "how is industry to obtain their requisite military expertise"? It appears to be that there are several ways to obtain it.

1. Depend upon regular employees who have in the past been called up for periods of active duty. This is not a good solution since the experience gained by such people, although useful, is generally limited. Also, it follows that these people generally have occupied rather junior positions in the military during their brief periods of service.

2. Send analysts and engineers to serve with the military in the field and request their attendance at military colleges and universities. Although there is a tendency these days to invite representatives from industry to attend some short technical courses conducted by the military, this is not widespread. The idea of sending civilians into the field to learn from the military is not good, probably unworkable and illegal.

3. Recruit active duty military who have the education and experience needed. Very little of this is done as it is considered, and rightfully so, unethical on the part of industry. The services have severe current problems with career personnel retention and skimming the best people by industry would become very unpopular.

4. Hire retired military officers. Looks like the best solution and is mutually advantageous to both parties. I have no objection to current restrictions against selling and personally would not be interested in sales even if it were permitted. I have never met another retired officer who had any interest in selling to DOD agencies.

Naturally, the added income I receive from my employer is a welcome addition to retired pay. However, there are other important reasons why I enjoy my work, both physical and psychological. Basically, I hope that my research will assist the U.S. forces to obtain, in future years, weapons systems which are both effective and more reliable and whose life cycle costs will be lower than past and current materiel.

In conclusion, I do not agree with Senator Proxmire's statement that the employment of so many senior retired military officers by defense industry is "shocking and dangerous to our country". There may be some abuses and if so they should be dealt with individually. A shot gun attack on a group of people who have served their country well serves no useful purpose. I cannot help but wonder what motivates such pontification on the part of a U.S. Senator.

Since it would be useless to correspond directly with Senator Proxmire, I hope that this information has given you some basis for defending our case in the halls of the Senate.

Sincerely,
COL. ROWAN P. ALEXANDER,
U.S. Army, Retired.

"IDOLS, IDEALS, AND INDUSTRY"—COMMENCEMENT ADDRESS BY DR. MARC WEERSING

Mr. HOLLINGS. Mr. President, I was recently honored to be present for the graduation exercises of my alma mater in Charleston, S.C.—The Citadel. On this occasion, the commencement speaker was my friend, Marc Weersing, president of Presbyterian College, in Clinton, S.C.

Dr. Weersing entitled his talk, "Idols, Ideals, and Industry," and in it he offered compelling comments on our contemporary society. At one point, Dr. Weersing stated:

> Identification of idols and ideals must be matched by a new sense of industry if we shall be a part of the answer to the problems of our times, rather than a part of the problems themselves.

I could not agree more. I found his entire presentation not only interesting, but informative, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

IDOLS, IDEALS AND INDUSTRY—THE CITADEL COMMENCEMENT ADDRESS, MAY 31, 1969

(By Marc C. Weersing)

It is both a signal honor and cherished privilege that you afford me today in becoming an honorary member of The Citadel Alumni Association. I am most grateful. The opportunity presented in bringing this commencement address is one which literally chills and cheers me. There is a chill because of our crisis times. There is a cheer because of the hope we all have for victory after crisis.

Robert M. Hutchins, former President of the University of Chicago, has described our contemporary society in this fashion. He said, "It is like a little boy, who was impressed by foam and fury, debris and dust. He asked Santa Claus for a volcano—and he got it."

Another author or historian has cryptically observed, "This is a day when executives still have their names on the doors of their offices. Once they were placed there on burnished brass plates, now they are put on 'in water color.' "

However, we may view our times and tensions, our troubles and our traumas, three ideas come clear with consistency and constancy. A person who graduates from The Citadel or any college will dramatically face these ideas. They are inescapable. They are thrust upon us. They force their way into our creed and conduct, our belief and behavior, our minds and our manners.

Either we will worship at the shrines of idols—or,

We will, with might, maintain our ideals—

Either we shall work out our life with industriousness and devotion, or we shall be a drain and plague in society.

The first citizen of America, our President, highlighted the primary needs of our time in his inaugural address, when he said, "We find ourselves rich in goods but ragged in spirit—reaching with magnificent precision for the moon, but falling into raucous discord on earth—To the crisis of the spirit we need an answer of the spirit—We cannot learn from one another until we stop shouting at one another." Richard Nixon.

George Romney, *on America:* "Our founding fathers did not hand any generation of Americans a neatly packaged, ready-made America. Instead they handed us a set of tools—principles and institutions—for us to use in shaping the kind of nation we want. The people must win and rewin America in every generation."

A man who has "stood in the gap" on one of America's great campuses, which has literally been shaken until her teeth rattled, recently wrote, "The battle is between the forces of anarchy, and the citadel of reason, our enemies are cowards, they must resort to violence, lies and deceit." W. L. Hayakawa.

OUR SUBJECT: "IDOLS, IDEALS AND INDUSTRY"

I. There are idols in our itme, which are

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being worshipped, to the hurt of our society. Hopefully, we will not worship in this way.

The *first* is the idol identified as *scientism.* There are worshippers of this false God who give the impression that science will save us. On the contrary, this idol will not just go away because we wish it so. Anyone involved in education knows that science and scientists have been a great boon to our civilization. Yet we would be foolhardy if we did not realistically recognize that science can and does damn as well as save. Who can forget that Joseph Goebbels, the architect of science for Hitler's war machine, was a first-rate scientist? He owned a Ph. D. degree, was a scholar of the highest order, and yet used science for ignoble ends. Increasingly, as individuals and as a society, we shall be forced to mold the results of scientific endeavor into a blessing for mankind or it will become an ambassador of death. The age of the atom is here. It will be creative and bless us, or, it will be a curse and will be used to blow our world to bits. The future belongs to those who will not worship this false God.

The *second* of the current idols is the emphasis on material or physical expansion. Because a thing is bigger, it is not necessarily better. Yet, we are almost suffocated by what are blasts of emphases currently bombarding us. The word is, "We must have more, and we shall thereby be better." We must have more and we shall get it by fair means if possible, but by force and foul means if necessary. Good men often are being deluded by this foolish fancy. From the cradle to the grave the incessant emphasis has become, "larger homes, bigger companies, giant enterprises, and a growing gross national product." Even our colleges and universities have not entirely escaped what seems to be a mania for great size. Greatness in size is never a guarantee for goodness. It can be an idol.

The *third* idol is the impersonalness of much of the conduct of the affairs of life today. Perhaps it cannot be helped, and yet, we have thrown in the towel too readily. The restlessness, resentment and even the rioting, about which we hear so much, are basically a result of the refusal of men to become mere blobs on a piece of paper, a card with a number for the computer, a faceless name in human relationships. You may be certain that we shall never succeed so long as we worship at the shrine of impersonalness. The human equation is a factor in finding the solution of society's problems in any era, our own included.

The *fourth* idol of our day was described by a famous author as, "the idea of freedom as a sacred cow." The word and idea we call freedom has been debased in our presence until it is hardly recognizable. Any reading of a current magazine or newspaper carries ample evidence of the debaucle we are witnessing. Freedom is not for anarchy, and yet, we have anarchists who claim their action flows from freedom. Freedom is not for irresponsible action, yet there are devotees of this type of behavior. Freedom is not for destruction, but there are those who seem to believe destruction is freedom's goal. This concept of freedom is an idol and should be known by its true name, a false god. One has freedom only to be the best he can be, to do the greatest good he can accomplish, to build for the good of men.

"It is a troubling fact that few Americans can view their land without wondering whether it is not somehow going to hell and to heaven at the same time. The world's richest, strongest nation has never deserved its superlatives more. Yet rarely has it felt so racked and confused, so unable to yoke its power to its problems," (*Time*, January 24, 1969). *Also,* "Perhaps for the first time we have been forced to face the ambiguities and the ambivalence of all human action. More specifically, tell me the shrine at which a man worships, and I will predict his future without possible errors. Learn to recognize the idols, and we shall then be one long step on the way to a confident future and a certain goal which is worthy of our striving. Sincere men do not worship willingly at the shrine of false gods.

II. Take the next step with me. If there are idols to be avoided, there are also ideals to which we may well bring our choices. Standards for our values, goals for our striving, and purposes to which to bring our powers—these are "musts."

The first ideal, it seems to me, lies within the area of *discovering a disciplined freedom* as we move toward worthy goals for our world and ourselves. We revel in the ideal of freedom, but we must eventually reach the conclusion that freedom maintained, means freedom properly directed. There is no more sublime concept portrayed in language than in the simple and profound word "duty." The person who accepts the freedom involved in opportunity accepts also the discipline involved in productivity. One is never free to waste or abuse, if he cherishes achievement. The individual who is given opportunity to reach adopted goals, is obliged to prepare himself to take the necessary steps to reach the goals. "Wishing alone, will never make it so." Careful analysis, deliberate decisiveness, deduction of every effort—these are the ingredients which make true freedom a reality, make realization of goals a possibility. The flight from disciplines, the improper response to authority—these always precede failure. Let me urge you, therefore, to never allow yourselves to rest until you have discovered a disciplined freedom as an ideal.

The second ideal involves a heightened sense of the need that exists, for the investment of ourselves, even to the point of sacrifice, for the good of our world. In church circles this is called stewardship. In the civic clubs it is called service. In the military it is called "devotion beyond the call of duty." By whatever name we call it, there is evidence that our world has unbelievable but genuine need. Many of our world's people have no hope or ability to meet the need. They must have help, or helpless and hopeless, they will destroy the possibility of world peace or stability. Our world cannot long endure half starved and half fed, half educated and half ignorant, half healthy and half sick, half slave and half free. The clear call today is for pioneers to teach the ignorant, to help the hungry to feed themselves, to heal the sick and to liberate the captives. Our earth is no longer a world. It is a neighborhood. What happens in Asia is happening on our street, on our block, within seeing and hearing distance of our homes and families. Our own nation is no exception. We have need of stewards. Response to this need will never be easy. It will always be necessary. I urge you not only to discover a disciplined freedom, but also the joys and satisfactions of sacrificial investment of yourselves to meet and solve the needs of our world.

The third ideal relates to the maintaining and strengthening of the *ideal of the dignity* and even the sacred nature, of the individual person. A former president of Yale University said it this way, "For 9,000 years society has depended upon individuals for those creative achievements of mind and spirit that have guided it along the path of civilization. The spark from heaven falls. Who picks it up? The crowd? Never. The individual? Always. It is he and he alone as artist, inventor, explorer, scholar, scientist, spiritual leader or statesman, who stands nearest to the source of life and transmits its essence to his fellowman. Wisdom and virtue cannot be forced from a crowd as eggs from chickens under electric lights. There is no such thing as general intelligence. There is only individual intelligence. And there is no such thing as public morality. There is only a composite of private morality." There is a revolt against facelessness. It is a revolution for identity, for self-respect and for dignity. We shall irreparably lose the struggle if we lose the person. We shall lack the power to prevail if the individual is inundated in the great swells of development which are upon us. I may be only one, but I am one. I cannot do everything, but I can do something, and I will do it. So it goes, and nothing yet has been able to change it. It shall continue to be so. This is our hope, our ideal.

The fourth ideal is found in the familiar word of the divine author of faith. He said, "You shall know the truth and *the truth shall make you free.*" We are inheritors of and debtors to the Hebrew-Christian tradition. More than any other system of tradition it has insisted we must ask at every moment and each turn in the road, "Is it true?" "Is it in harmony with things as they should be?" "Does it describe our world as it really is, and does it describe the way in which man must go, if he wishes to arrive victoriously?" It is truth alone which will liberate us. We are to become "stalkers of meaning," dissatisfied, restless until the truth is known. Liberty and learning must lean on each other for support if we shall save either one and not lose both. General Dwight D. Eisenhower and great President of this nation once said it this way, "It takes no great brains to be an atheist. Any stupid person can deny the existence of a supernatural power because man's physical senses cannot detect it. But there cannot be ignored, the influence of conscience, the respect we feel for moral law, the mystery of first life on what once must have been a molten mass, or the marvelous order in which the universe moves about us on this earth. All of these evidence the handiwork of a beneficent deity. For my part, that deity is the God of the Bible and of Christ, His Son."

III. Identification of idols and ideals must certainly be matched by a new sense of industry if we shall be a part of the answer to the problems of our times, rather than a part of the problems themselves.

A large percentage of you shall shortly find yourselves actively participating with other members of the Armed Forces in the defense of our nation. The genius of significant living is still very much as Edison is said to have defined it, "Ninety-nine per cent perspiration and one per cent inspiration." Industriousness cannot be achieved easily since we live in a day of great affluence on the one hand, and a day of great despair and disillusionment on the other. Nonetheless, the future belongs to those who have found the part they are to take; who are doing the work for which they are best endowed; who are satisfied that they are filling a vital need; who are meeting their obligations and standing up to their tasks. The days of blood and sweat, yes and even tears, may not yet be past. "The hallmark of courage," writes Rollo May, "in our age of conformity is the capacity to stand on one's own convictions—not obstinately or defiantly nor as a gesture of retaliation, but simply because these are what one believes."

Sir Owen Seaman has described it in his poem entitled, "Between Midnight and Morning."

"Ye that have faith to look with fearless eyes
Beyond the tragedy of a world at strife,
And trust that out of night and death shall rise
The dawn of an ampler life;
Rejoice, whatever anguish rend your heart,
That God has given you a priceless dower,
To live in these great times and have your part
In freedom's crowning hour;
That you may tell your sons who see the light
High in the heavens—their heritage to take—
'I saw the powers of darkness put to flight,
I saw the morning break.' "

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Another poet has matched creed and courage in this confession:

"On the far reef the breakers
Recoil in shattered foam;
And ever the sea behind them
Urges its forces home;
Its chant 'If triumph surges
Thro all the thunderous din,
The wave may break in failure,
But the tide is sure to win.'

"O mighty sea thy message
in changing spray is cast;
Within God's plan of progress
It matters not at last,
How wide the shores of evil,
How strong the reefs of sin;
The wave may be defeated,
But the tide is sure to win."

These are idols, false gods, which must be avoided at all costs. There are ideals to be accepted and activated. Industriousness, despite affluence or despair, must characterize conduct in life's affairs.

The catalytic agent in all of this is illustrated by a story out of military history, said to be a true story. The battle had gone badly for the American troops. A group of men, with a sergeant in command, had been separated from the main body of soldiers. Sure annihilation seemed the only prospect for them. Time for planning was short. The sergeant ordered the men to line up, side by side. There were about thirty of them. The sergeant said, "You men know the trouble we're in. If we're going to get out of this trap, we've got a job to do. I want some volunteers for scout duty. It will be dangerous. You may not get back. We're going to have to find the location of the enemy and a way back to our own army. You don't have to volunteer. No one will think less of you if you don't do it. But I'm going to turn around and count to twenty. Anyone who wants to volunteer for this dangerous mission, take three steps forward." The sergeant turned around. Slowly he counted. He reached twenty and turned around.

There they stood, all thirty of them, still in a straight line. And then it happened. The sergeant said things, as only sergeants can say them, to the men. His face was red, his neck veins stood out, he was angry, ashamed and mortified. As he was drawing fresh breath to start again, a shy but courageous private 1/c said, "But Sir, we all took three steps forward."

Our congratulations to you and the congratulations are warm. They come with appreciation. We wish for you, that you may live all of your life, that you may achieve significance and that you may find the truth that sets you free. May you always *"take three steps forward."*

THE PESTICIDE PERIL—XVII

Mr. NELSON. Mr. President, public concern about the threat to our environment to man himself from the use of persistent, toxic pesticides stretches from the highest levels of the Federal Government to State legislatures and now even to town boards.

Secretary of Health, Education, and Welfare Robert Finch recently announced the establishment of a Commission on Pesticides and Their Relationship to Environmental Health. President Nixon has created an interdepartmental Council on Environmental Quality with Cabinet status and has assigned the pesticide problem as a top priority item.

Arizona and Michigan have already banned the use of DDT in their States. A citizens petition to ban DDT is under active consideration in Wisconsin. Many other States throughout the Nation have similar measures pending before their legislatures.

Now the Huntington Town Board, Long Island, N.Y., has recognized the danger pesticides pose to the environment and has banned the use of DDT and other chlorinated hydrocarbons within the town.

In a letter I recently received, Huntington Town Supervisor Jerome A. Ambro said:

> We are proud to have taken this precedent-shattering step and can only fervently hope that other municipalities and governmental units will follow suit.

Mr. President, I ask unanimous consent that Mr. Ambro's letter, a report from the June 9 issue of Newsday, and several other news clippings on the commendable action of the town of Huntington be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HUNTINGTON, N.Y.,
June 12, 1969.

Senator GAYLORD NELSON
Senate Office Building
Washington, D.C.

DEAR SENATOR NELSON: I was very interested to read a number of your inserts in the *Congressional Record* under the general title "The Pesticide Peril," and happy to note that a legislator of your stature is in the forefront of the critical battle against the indiscriminate use of pesticides.

Because of your knowledge and activity in this area, I thought that you would be pleased to learn that on Tuesday, June 3rd, 1969, the Huntington Town Board approved the nation's first ban on DDT and other hard pesticides to be enacted on a Town-wide level. Anxious to protect our environment from the deleterious effects of toxic poisons, we acted to outlaw the use of DDT and two other chlorinated hydrocarbons, dieldren and aldrin, within the Town.

Although we anticipate revision and amendment of the ordinance in light of future scientific research, we are proud to have taken this precedent-shattering step and can only fervently hope that other municipalities and governmental units will follow suit.

For your information, I am enclosing a copy of our new ordinance (Chapter 33 of the Consolidated Code of the Town of Huntington) and a number of press clippings that appeared as a result of our action.

If there is anything that we can do to aid in the passage of your proposed legislation, we would be most happy to do so.

Sincerely,

JEROME A. AMBRO,
Supervisor.

CODE OF THE TOWN OF HUNTINGTON

CHAPTER 33. PESTICIDES

Section 33–1. Findings and purpose

While the value of pesticides in controlling undesirable insects, fungi and rodents has been well established, the widespread and sometimes indiscriminate use of pesticides, especially those pesticides which do not degrade rapidly after use, has resulted in serious major problems by disrupting the ecological balance, causing permanent injury or death to fish and wildlife, and by posing potential threats to the health and welfare of the people. It is necessary, therefore, in order to protect the health, safety and welfare of the residents of the Town of Huntington, to find a solution to such problems. It is the purpose of this Chapter to monitor the build up of pesticide residues in the environment, fish and wildlife and man, and to foster and stimulate control of those pesticides that will break down in the air, soil and water more rapidly after use than those presently in use.

Section 33–2. Prohibition

It shall be unlawful for any person, firm or corporation to spray with any of the following: Dieldrin, Aldrin, Dichlorodiphenyltrichloroethane (DDT), or a combination of any of the above listed chemicals.

Section 33–3. Penalties

Any person, firm or corporation who violates any portion of this Ordinance shall be deemed guilty of a violation, and upon conviction, thereof shall be punished by a fine not exceeding Two Hundred Fifty ($250.00) Dollars, or by imprisonment for a period not in excess of 15 days or both.

[From Newsday, June 9, 1969]

BANNING DDT

The Huntington Town Board merits praise for alertness in voting to ban the use of DDT and other "hard" pesticides within the town, but the menace posed by these chemicals will never be controlled if this sort of legislation is enacted only at the town level.

The problem is one that should be attacked by the Congress and by state legislatures. In 1948, Sweden awarded the Nobel Prize to the Swiss chemist who developed DDT, but earlier this year Sweden became the first nation in the world to ban the use of the chemical. In the 21 years between the prize ceremony and the ban, the Swedes examined the growing body of evidence testifying to the danger of DDT and changed their minds about this "miracle" pesticide.

DDT and other "hard" pesticides are effective killers, but they are also enduring and indiscriminate. They do not break down into harmless compounds. Instead, they linger in the soil for years, contaminating the vegetation and the wildlife that feeds on the vegetation. Sen. Gaylord Nelson (D-Wis.) has been leading the fight in the Congress for a nationwide ban on DDT, but his bills have never gotten out of committee. In April, the Department of Health, Education and Welfare established an expert advisory committee to study the health hazards posed by pesticides. This federal action came seven years after the late Rachel Carson first made the pesticide menace widely known in her book "Silent Spring." The initial flurry of concern stirred by that book soon subsided, but evidence of the danger posed by DDT has continued to accumulate. These pesticides threaten the earth's ecological balance. The Huntington Town Board has recognized this danger. It is a sad reflection on the alertness of the Congress when a town board has to do its work.

[From the Long Island (N.Y.) Press, May 23, 1969]

STRICT PESTICIDE CURBS PENNED INTO HUNTINGTON TOWN CODE

(By Estelle P. Sammis)

A complete uniform code of all Huntington Town's ordinances and local laws will be the subject of a public hearing next Monday at 8 p.m. at the Oldfields Junior High School auditorium, Greenlawn Road, Greenlawn.

As part of the proposal, the town would repeal all existing codes, laws and ordinances on the effective date of the new code. The proposed code includes totally new laws governing the use of pesticides and definitions and penalties for both loitering and trespass.

Other sections dealing with garbage, debris on lots, littering, waterways and safety of water skiers, dog control and general littering would be tightened, according to Town Attorney Arthur Goldstein.

All of the town's zoning laws, including a new zoning map and table, are included in the proposed code, together with all town highway traffic regulations.

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Huntington adopted a new zoning ordinance several months ago and its legality has since been questioned by Charles Matthews, attorney for Thomas Manno, the principal applicant for a controversial shopping center at the northeast corner of Route 110 and Northern State Parkway.

Town Councilman Richard D. Kinsella, lone Republican member of the town board and an original supporter of the shopping center zoning, last week refused to vote for the code hearing. He said he was "suspicious" that it might be a means of validating the questioned zoning ordinance.

A majority of the town board and its legal staff say that zoning ordinance is legal, but despite its recent date, must be included in the consolidated code to give it completeness and continuity.

Conservationists, who constitute an ever-growing segment of population and influence in the town, are expected to give strong support at the hearing to the new chapter limiting the use of pesticides.

Imposing a penalty of $250 and/or 15 days in jail; the pesticide section recognizes the value of some in the control of fungi and rodents. It cites that "the sometimes indiscriminate use of pesticides, especially those which do not degrade rapidly after use, has resulted in serious major problems by disrupting the ecological balance, causing permanent injury or death to fish and wildlife and posing potential threats to the health and welfare of the people."

The new law is aimed at fostering the use of pesticides that will break down in the air, soil and water.

The proposed law would ban the use of 16 commercial sprays and insecticides, including the most commonly known DDT.

Other conservation features of the ordinance include protection and propagation of shellfish, establishment of no-firearms districts, ban on filling streams, ponds, lakes and water-courses, removal of vegetation, plants, shrubs and flowers, and gravel excavations.

Huntington Supervisor Jerome A. Ambro, who authorized the preparation of a consolidated code for the town early in his administration last year, says it is "designed to recognize, protect and cherish the irreplaceable beauty and benefits of our natural environment."

[From the Suffolk (N.Y.) Sun, May 23, 1969]

Town Proposes Pesticide Law

Huntington.—The town has proposed a new pesticide law and a change in its littering law, under a proposed consolidation of codes:

The proposed law on pesitcides prohibits the use of DDT and 15 other pesticides that have cumulative and residual effects. The proposed law will be discussed at a public hearing June 2. Under the law, any person, firm or corporation would be prohibited from spraying with any of the chemicals. The penalty would be a maximum fine of $250 or imprisonment for up to 15 days.

Supervisor Jerome A. Ambro said the law was framed after a federal bill now before the Congress. Ambro said he feels that if the law is passed, it will be the most progressive law against pesticides on Long Island.

Ambro said the list of pesticides is not a firm one and can be amended after the public hearing. One amendment he might suggest is the elimination of Servin, which is said to chemically break down quickly, from the list. Servin has been recommended in many instances as a substitute for DDT.

[From the Long Island (N.Y.) Press, June 3, 1969]

Proposed Pesticide Ban Hotly Debated in Huntington

A proposed ban on the use of DDT, Chlordane and other chlorinated hydrocarbons caused the biggest buzz last night as the Huntington Town Board held a public hearing on a consolidated code combining all local laws enacted since 1939.

Scores of regulations—ranging from zoning and waterways to traffic stop signs—were ignored by most of the 200 persons attending the hearing in Greenlawn who were there to take sides for and against pesticides.

Opposing a ban on the use of pesticides were nurserymen, tree experts and members of commercial garden groups.

Kenneth Deegan, a Huntington attorney, said he was retained by the Long Island nurserymen, arborists, gardeners, farm bureau and pest control associations.

Giving testimony for him against local controls were Dr. James Dewey of Cornell University, Dr. Austin Frishman, a medical entomologist, and Dr. Philip Spears, technical adviser to the National Pest Control Association. They claimed the dangers from pesticides are far less than the dangers pests pose to people.

But DDT was called "a contaminant and danger to everything that lives" by Dr. Charles F. Wurster, chairman of the Science Advisory Committee Environmental Defense Fund Inc. of Brookhaven National Laboratory.

Dr. Wurster praised Huntington for taking "a national lead" in barring insecticides which he said threaten extinction of many species of birds and the collapse of many major fisheries. He charged at the meeting that many of those opposed to the controls had "vested business interests."

Supervisor Jerome A. Ambro said the pesticide clauses are "an attempt to safeguard the community for future generations by pointing out the deleterious effects of toxic poisons."

The absence of several attorneys who had challenged Huntington's zoning in the courts was construed to portend possible litigation against the entire ordinance. The presence of an attorney at a hearing prevents him by law from challenging the validity of the legal notice by which it was called, the observers agreed.

The board reserved decision.

[From Newsday, May 27, 1969]

Huntington Proposes Ban on DDT

(By Frances Cerra)

Huntington.—The town has proposed a law to ban the use of DDT and a host of other so-called hard pesticides in the town. If approved, the law would be the broadest such ban in the U.S.

The proposed law, which will be discussed at a public hearing June 2, would prohibit any person, firm or corporation to spray with any of 16 chemicals including DDT, Dieldrin, Endrin, Aldrin and Sevin. The penalty would be a maximum fine of $250 or imprisonment for up to 15 days or both.

"I think the use of a broad spectrum of insecticides which have cumulative and residual effects should be banned," said Town Supervisor Jerome A. Ambro in explaining the reasons for the law. "We should set a precedent for the towns, the county and the nation."

Jack Foehrenbach, a senior analytical chemist for the State Conservation Department who has studied the effects of DDT on Long Island shellfish, said the town should have prohibited possession, and not just use, of the chemicals. "If it's in your garage, you're going to use it," he said. "They're going to have to catch people actually spraying and then analyze the spray. People shouldn't have them in the first place." Ambro conceded that Foehrenbach might be right and emphasized that the law could be amended after a public hearing.

The chemical structure of DDT and other "hard" pesticides, known chemically as chlorinated hydrocarbons, breaks down very slowly or not at all after application, and the chemicals seep through the ground into water supplies. At present, according to Foehrenbach, shellfish in the area contain minute amounts of DDT, and other scientists have blamed the large-scale deaths of Lake Michigan salmon in 1968 on DDT spraying. Other scientists have attribtued an increased incidence of possibly cancerous tumors in mice to very high dosages of DDT. However, a U.S. Department of Agriculture official recently told a Senate subcommittee investigating the effects of DDT that it is "indispensable for life as we know it today."

Michigan has an indefinite ban on the use of DDT, with tougher penalties than those proposed in Huntington; Arizona has halted the sale or use of DDT for at least one year, and hearings are under way in Madison, Wis., on a petition to outlaw the pesticide in that state.

The Huntington law would go further by adding other pesticides to the ban. Anthony Taormina, the chief wildlife biologist for the conservation department on Long Island, said he disagreed with the proposed ban on one pesticide. "I wouldn't agree with all of those," he said, "particularly Sevin, which does break down rapidly." However Ambro said that the list is not firm and could be revised.

[From Newsday, June 5, 1969]

Other Long Island Towns Study Ban on DDT

Officials of several Long Island towns said yesterday that they are studying the possibility of passing anti-DDT laws similar to the one adopted by the Town of Huntington on Tuesday.

But in other towns, a lukewarm reaction indicated little likelihood that the insecticide, which some naturalists believe is threatening some species of wildlife, including the American eagle, with extinction, will soon be prohibited throughout Long Island.

"We're not interested," said Supervisor Harry J. Kangieser of Islip. But Shelter Island Supervisor Evans K. Griffing said that his township was concerned about DDT. "I personally would like to see a ban on all those hard chemicals," he said. He referred to insecticides that do not break down easily but remain in the environment long after they are used.

Hempstead Town Presiding Supervisor Ralph G. Caso said that he had instructed his staff to study both the scientific and legal feasibility of such a law in Hempstead. But he refused to commit himself. Nassau County Executive Nickerson said that he would ask his health department for a recommendation on the possibility of a county law banning the chemical. While the Nassau County Health Department and the county agricultural extension service recommend against the use of DDT, a health department spokesman said he did not think that a county law was needed because of the lack of agriculture in the county compared with Suffolk.

Donal Mahoney, deputy supervisor of the Town of North Hempstead, said that the issue had not been raised there, even by the conservationist groups that usually lead such movements. "But I believe the town would consider a law if it is warranted," he said.

In addition to prohibiting the use of DDT, the Huntington board voted, 4–0, to outlaw dieldrin and aldrin, two pesticides whose staying power is similar to DDT's. A Huntington group made up of landscapers, sod growers and pest exterminators condemned the new law yesterday, pointing out that the state agriculture commissioner has not banned DDT, and said that local anti-DDT laws could put New York State "in the condition of medieval Europe with every petty tyrant dictating his personal opinion on the free movement of trade and community service."

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[From the Suffolk (N.Y.) Sun, June 3, 1969]

Pesticide Ban Draws Fire

(By Becky Klock)

Huntington.—A public hearing erupted Monday night on the issue of a pesticide ban after 300 persons had listened quietly through 32 other chapters of a town ordinance recodification proposal.

"We have a vested right to live. You say we have a vested right to commit suicide," said Alex McKay of the Huntington Audubon Society to a group of residents who spoke against the proposed ban.

Most people at the hearing favored the board's proposal to ban the use of eight pesticides in the town. Former Supervisor Robert J. Flynn commended the board "for having accomplished something I would have liked to accomplish."

However, some disagreement was expressed over Chapter 33 of the code—the chapter dealing with pesticides.

Kenneth Deegan, an attorney, criticized the board for not holding a separate hearing on the pesticide ordinance. Deegan said he represents several groups, including the Long Island Nursery Men, the Long Island Arborist Association, the Long Island Farm Bureau and the Long Island Pest Control Association.

"I am deeply disturbed," Deegan said, "that something which maintains this beautiful town of Huntington has been put to public hearing with everything from littering to dogs."

Deegan also noted that if the ordinance is passed, it will be unique in New York State and, therefore, surely deserved a special hearing.

Under the proposed ordinance, eight chemicals would be banned. Maximum penalties for violation would be a $250 fine and 15 days in jail. The eight chemicals are considered "hard chemicals" which do not break down quickly or lose their toxic characteristics.

Deegan argued that there cannot be an absolute prohibition on pesticides.

Dr. James Dewey, pesticide coordinator for the State College of Agriculture at Cornell University said that in some instances there is no satisfactory alternative for the pesticides which will be banned.

[From Suffolk (N.Y.) Sun., June 4, 1969]

Huntington Board Bans Three Pesticides

(By Becky Klock)

Huntington.—The town board approved Tuesday the codification of all town ordinances, including one that bans the use of three "hard" chemical pesticides, among them DDT.

Chapter 33, the controversial pesticide ordinance in the code, originally outlawed 16 chemicals but the total was later shaved to eight which are considered persistent and particularly toxic.

Before the board meeting Tuesday that figure was again reduced and now includes only the three that Supervisor Jerome A. Ambro called "the most persistent, most toxic and most harmful of the pesticides: DDT, aldrin and dieldrin."

Kenneth Deegan, attorney for half a dozen Suffolk agricultural and pest control groups, also criticized the revised ordinance, stating that he felt the town had no legal power to pass legislation in an area in which New York State already has passed broad legislation.

"Mr. Ambro is going to make a criminal out of every housewife in the Town of Huntington who pushes the button on a spray can containing these ingredients," he said.

Ambro admitted that enforcement of the law may be difficult but that he hoped "people of good will and good faith will cooperate. That doesn't mean that we won't try to enforce it, but we will have to get the cooperation of the nurserymen as well as the homeowners."

He said that he is not satisfied with the ordinance as it stands and anticipates "constant revision and amending. We must have spent a good hour last night on termites. It was obvious we couldn't ban all termite controls so, although chlordane is a "hard" pesticide and should be banned, it was approved because it can substitute for DDT in that case."

Ambro said that the board opposes pesticides that were used on what he called a "broad spectrum" basis, such as DDT. "Chlordane can be used, selectively against subterranean termites, by sticking a tube under the foundations and inserting it that way. We left it out of the ban for that reason.

"I don't think this imposes any problems on the nurserymen, farmers or agriculturist of this town. We must remember that the quality of the environment is paramount," he said.

The board passed the entire codification with our approving votes and one abstention. Richard D. Kinsella, the board's only Republican, did not vote. He said he supported the idea of codification, but thought the board was "mighty presumptive to hold a public hearing 16 hours ago and assume everyone in the town of Huntington has had time to study it (the code)." He said he felt that separate hearings should have been held.

In other business the board appointed Ruth H. Brown as director of the town's senior citizens program and also authorized applications, one to conduct a feasibility study for expanded bus transportation, the second for a grant to extend present bus lines.

Beginning Tuesday, the Third District Court will convene in the town board meeting room until court facilities have been enlarged and refurbished.

Ambro added that, even with the scope of the ban limited to three pesticides, it is "precedent-shattering." He said that the board had agreed, in the wake of a boisterous public hearing Monday night, to take on the problem of pesticides "in smaller bites. All three (pesticides) have non-persistent, quickly-decomposing substitutes."

At the public hearing more than 100 nurserymen, farmers and agriculturists, accompanied by an attorney and several experts in the field of pest control, argued that the ban would put them out of business in Huntington as well as leave the way open for invasions of heretofore-controllable insects.

Robert H. Brewster, a county agent with the Suffolk agricultural extension services, reiterated Tuesday the stand he had taken Monday evening. "I'm opposed to banning pesticides, period."

Brewster said that he did not object to regulation or restriction of usage by inexperienced gardeners and homeowners but added, "This anti-pollution can't be achieved by bans. I think its a shame that Huntington residents will be deprived of controlling 14 insects against which these three materials are recommended. There are no substitutes I know of."

[From the Long Island (N.Y.) Press, June 5, 1969]

Huntington Takes the Lead

More far-sighted than states and localities across the land, Huntington Town has banned the use of DDT and two other "hard" pesticides, dieldrin and aldrin. Supervisor Jerome A. Ambro's determined efforts did much to assure passage of the ban.

The "hard" pesticides do not dissipate with time. As they accumulate, they threaten all forms of life on land, in the sea, and in the air. DDT has even been found in the bodies of penguins in arctic wastes far from agricultural sources. It is a global menace, recognized and prohibited only by Sweden and two U.S. states—not including New York.

New York City has gone only part way. Its Park Department stopped using DDT, substituting safer pesticides. Six years after the President's Scientific Advisory Committee urged a ban, Washington yielded to pressure and has just started another two-year study of DDT.

Now that one Suffolk town has acted, others may follow, but real protection can come only when all cities, states and nations ban DDT.

[From Newsday, June 4, 1969]

Huntington Bans DDT: Enforcement a Problem

(By George DeWan)

Huntington—The next time that little old lady next door toddles out to her back yard to spray the nasty bugs on her rose bushes she may be breaking the law. But she probably will get away with it.

The little old lady will be flirting with the law because the use of DDT and two other so-called hard pesticides was banned in Huntington yesterday as the town board voted 4–0 to adopt a lengthy town code, effective June 22, incorporating all of its ordinances into one two-volume package.

The pesticide ban came within 24 hours of a public hearing at which opposition to such a prohibition numbered support by a 3–1 ratio. However the list of eight pesticides included in the proposed ordinance was reduced to three, DDT, dieldrin and aldrin, in the law passed yesterday. "These are the most toxic, the most persistent and have the most effect on the environment," Supervisor Jerome Ambro said after the board meeting. "And there are nonpersistent substitutes for them."

The next problem, however, is enforcement of the law, which applies to use of the pesticides, not possession or sale. "There is an enforcement problem," Ambro admitted. "People of good will and good faith will cooperate. But that doesn't mean that we will not attempt to enforce it ourselves through our code compliance bureau."

The bureau is headed by Donald Dilworth. Dilworth said that emphasis of the five-man bureau would be on the professionals, such as nurserymen, who use an estimated 85 percent of the DDT. Speakers at the hearing indicated that DDT is widely used as a base in insecticides sold for home use.

"We'll have to check occasionally with the commercial people to see what kind of pesticides they are using," Dilworth said. "But I hardly see where the little old lady in the back yard is going to come to our attention." The law carries a fine of up to $250 and 15 days in jail for violators.

Councilman Richard Kinsella, the lone Republican on the Democratic-controlled town board, abstained from voting on the town code.

There is no state ban on DDT or other pesticides and the Cooperative Extension Service of Cornell University, which guides New York State's official agricultural pesticide policy, does not favor banning DDT, according to a recent fact sheet.

[From the Suffolk (N.Y.) Sun, June 9, 1969]

DDT Talk Is Turning Into Action

(By Ann Carl)

Some enlightened people are beginning to do something about DDT in the environment. They're not just talking about it any more.

Last month Sweden banned DDT. At about the same time two American states—Arizona and Michigan—also banned it. Hearings have been held in Wisconsin for similar legislation.

Sixty West Coast scientists have urged Gov. Reagan of California to do the same. Meanwhile, the Department of Health, Education, and Welfare has appointed a task force to study pesticides. The new Council for Environmental Quality has given the evalua-

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tion of DDT-like compounds a number one priority.

But the first town in the United States to translate into action its concern about the dangers of adding more DDT to our ecosystem is Huntington, Long Island. In a 4–0 decision last week, it passed an ordinance which will prohibit the use of DDT, and two other chlorinated hydrocarbons, dieldrin and aldrin. This came about in spite of organized opposition from nurserymen and exterminators, and the threat of legal action.

"The present town board," Supervisor Jerome Ambro said, "is vitally interested in the issues of conservation, and we're anxious to get laws on the books that will protect our environment—while we're still in office."

Huntington has other firsts in conservation that have been subsequently taken up by other towns. It was the first to make use of the enabling legislation to set up conservation advisory councils. It was this council, in fact, which recommended the present pesticide ordinance. It has also—with the help of the Huntington Audubon Society—inventoried its ponds, open lands, wetlands and other natural resources.

Last year, the town objected to the state's massive aerial spraying with the insecticide Sevin for the gypsy moth. And it is on record as opposing the siting of a nuclear power plant along its shores. Another project it has taken on is an attempt to return the head of Cold Spring Harbor to its earlier, more natural, marine character.

Part of the objection to the DDT ordinance arose from a misunderstanding. The list of prohibited pesticides was taken from one research by ACTION for the Preservation and Conservation of the North Shore, and also included, before the error was caught, a similar list ACTION had made of permissible chemicals. Both nurserymen and exterminators saw all avenues closed to them.

Dr. Charles Wurster recommended that the list be cut to DDT, dieldrin and aldrin. This would leave alternatives for every nurseryman's use and chlordane for exterminators.

But there simply is no longer a case for using DDT, according to Dr. Wurster, of the Department of Biological Sciences, State University at Stony Brook, and a founder of the Environmental Defense Fund. "Its dispersion throughout the world far from its original source, its concentration—or magnification—throughout the biological food chain, and its lethal and long-term effects upon fish and wildlife are now well-documented. And provocative studies indicate detrimental liver metabolism and possible carcinogenisis in man."

In answer to arguments in support of DDT, made by such opposition witnesses as Dr. James Dewey of Cornell and Dr. Austin Frieshman of Farmingdale's State Agricultural and Technical Institute, Dr. Wurster pointed out there are no adequate state or federal regulations for its use.

A good part of the reason for the change toward action to ban DDT is the Environmental Defense Fund tactic of taking agencies using DDT or dieldrin to court (in Michigan, Wisconsin and New York) where statements of the chemical companies have not stood up under cross examination by scientific experts. EDF counsel Victor Yannancone Jr., of Patchogue, has tried to demonstrate that "the entire world population is presently being used as the involuntary subject of an uncontrolled experiment." As Alex McKay, Huntington Audubon Society president, pointed out at the hearing, "Human beings now hold such high concentrations of DDT in their fatty tissue, they would not be fit to eat by Food and Drug standards."

One problem for nurserymen, as Thomas Patterson, of Pan-Field Nurseries in Huntington, demonstrated, is that certain insecticides are required by the state before nursery stock is sold, no matter what a nurseryman might feel is best. The Conservation Council of New York State, however, has organized a campaign to get legislation passed in the next Legislature that would ban "DDT and the seven most persistent hard pesticides in the state." Sen. Bernard Smith will conduct hearings. Suffolk County has had a temporary ban for three years. Nassau long ago saw the light and uses more expensive pyrethrums.

[From the Long Island (N.Y.) Press, June 4, 1969]

Huntington Becomes First Town To Ban Use of DDT

Huntington yesterday became the first town in the state to ban the use of DDT and two other pesticides, and officials said they hoped other municipalities would follow the lead.

The action was part of a consolidated code of all town laws enacted over a 30-year period, governing waterways, zoning, building, loitering, traffic and scores of other regulations.

Town Councilman Richard D. Kinsella refused to vote, calling the action "too hasty—only 16 hours after last night's public hearing."

Supervisor Jerome A. Ambro said the "* * * to cooperate by trying to meet them part way."

The three banned chemicals are DDT, dieldrin and aldrin. Ambro said chlordane can be effectively used by injection to combat subterranean termites and therefore would be less harmful than "wide-spectrum" pesticides which "kill many more things than the harmful pest they are aimed at."

At a public hearing on the entire code Monday night, commercial plant and garden interests retained an attorney and marshalled a team of experts to testify that pests, including bats, cannot be controlled without pesticides.

[From Newsday, June 9, 1969]

Banning DDT

The Huntington Town Board merits praise for alertness in voting to ban the use of DDT and other "hard" pesticides within the town, but the menace posed by these chemicals will never be controlled if this sort of legislation is enacted only at the town level.

The problem is one that should be attacked by the Congress and by state legislatures. In 1948, Sweden awarded the Nobel Prize to the Swiss chemist who developed DDT, but earlier this year Sweden became the first nation in the world to ban the use of the chemical. In the 21 years between the prize ceremony and the ban, the Swedes examined the growing body of evidence testifying to the danger of DDT and changed their mind about this "miracle" pesticide.

DDT and other "hard" pesticides are effective killers but they are also enduring and indiscriminate. They do not break down into harmless compounds. Instead, they linger in the soil for years, contaminating the vegetation and the wildlife that feeds on the vegetation, Sen. Gaylord Nelson (D.–Wis.) has been leading the fight in the Congress for a nationwide ban on DDT, but his bills have never gotten out of committee. In April, the Department of Health, Education and Welfare established an expert advisory committee for the study the health hazards posed by pesticides. This federal action came seven years after the late Rachel Carson first made the pesticide menace widely known in her book, "Silent Spring." The initial flurry of concern stirred by that book soon subsided, but evidence of the danger posed by DDT has continued to accumulate. These pesticides threaten the earth's ecological balance. The Huntington Town Board has recognized this danger. It is a sad reflection on the alertness of the Congress when a town board has to do its work.

THE CONGLOMERATE MERGER MOVEMENT

Mr. HART. Mr. President, a fact of human nature—or certainly of a politician's nature, I suspect—is that praise of another man sometimes tends to be a bit self-serving.

There is more than a little of that, I admit, in my unanimous consent request today that the speech of Attorney General John N. Mitchell of June 6, 1969, be inserted following my remarks.

As Senators are aware, about 5 years ago, alarmed by the growth of economic concentration and its impact on the Nation, the Subcommittee on Antitrust and Monopoly began an in-depth study. It was at these hearings that the conglomerate merger movement surfaced and its profound effect on industrial concentration was explored.

The hearings never won any page-1 headlines, for while much of the information turned up was indeed startling it was not the type that could catch the imagination of the average man on the street.

Statistics were dull—as statistics seem usually to be to all but economists. The subject was fearsomely complex. The threat was veiled.

But as this study went on, it became increasingly clear to the few dozen persons—or at most the few hundred—that followed the proceedings that the threat to our Nation of this movement was great.

We became aware that the growth of the conglomerate and concentration was a matter which would effect not merely the economic structure of our Nation but could—and was—reaching down to touch communities and individuals.

Further, I became convinced that the means of halting the march of the conglomerate lay in existing law. Unfortunately, it was an opinion not generally held. Especially it seemed not to be embraced in the high echelons of the Department of Justice.

Things seem to be changing with the advent of Mr. Mitchell and Richard McLaren, Chief of the Antitrust Division of Justice. Cases brought in recent months indicated that present law was to be tested against the conglomerate.

The speech by Attorney General Mitchell makes it clear that the action thus far was a reliable hint of a deeply held philosophy in the Department.

The philosophy is so akin to my own that it is a bit embarrassing—as I said—to compliment the Attorney General. But nine volumes of subcommittee hearings do tend to give sufficient reason for both of us to believe we are right.

And I am delighted that the Attorney General plans on putting our words to the greater test—by bringing the cases under present law to court.

If all goes well, this will be the quickest way to disarm the conglomerate threat and stop the alarming movement toward overall industrial concentration. If we are proven to be wrong by the court, it will make altering present law a job that can be done more effectively.

There being no objection, the speech was ordered to be printed in the Record, as follows:

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THE CONGLOMERATE MERGER MOVEMENT

(Address by Hon. John N. Mitchell, Attorney General of the United States, delivered before the Georgia Bar Assocation)

INTRODUCTION

I would like to thank Mr. Jones and the members of the Georgia State Bar Association for your kind invitation to attend your annual meeting here in Savannah.

The topic to which I will address myself this morning is the present and future application of the federal antitrust laws; particularly this Administration's policy toward current corporate merger trends.

It is now almost 80 years since the passage of the Sherman Act. It was our federal government's first major legislative program designed to combat the undue concentration of industrial and financial power.

The Sherman antitrust act reflects a fundamental national commitment that the freedom and viability of an open marketplace is the most efficient and most reliable guarantor of economic prosperity.

Its simple prohibition of "any contract, combination or conspiracy in restraint of trade" remains our guide.

Under our federal antitrust policies in the ~~last 80 years~~, our gross national product has increased to $800 billion. Our national income, in terms of current prices, has grown 12 times. Our economy is vigorous. Our businessmen are showing record profits. Our average family yearly income has increased from $3031 to over $7500 in the last two decades.

Thus, the evidence strongly supports our belief that the antitrust laws have served us well, perhaps more successfully than the 1890 Congress could have envisioned.

We have constructed a complex economic structure which successfully reflects adherence to the political and social principles of our free society.

We have not succumbed to the cartel theories of Europe. Neither have we found it necessary to impose government regulation on more than one-eighth of our economy.

But I believe that the future vitality of our free economy may be in danger because of the increasing threat of economic concentration by corporate mergers.

CONCENTRATION TRENDS

While the dimensions of the current merger movement have received widespread publicity, permit me to refresh your memory.

The number of corporate mergers has more than doubled in the last two years, reaching a total of over 4,000 in 1968. More importantly, these mergers have involved an increasing number of large firms.

Acquisitions of firms with total assets of over $10 million rose from 100 in 1966 to nearly 200 in 1968. The value of the assets of these acquired firms rose from $4 billion in 1966 to over $12 billion in 1968. Based on first quarter prediction for 1969, the value of acquired assets may reach $18 billion this year.

Many of the first being acquired are of substantial size. At the beginning of 1968, there were about 1300 firms with assets of over $25 million. Had it not been for acquisitions during the past decade, these firms would now number well over 1900.

From 1948 to 1966, only five firms with assets of over $250 million were acquired. In 1967 alone, six such firms disappeared via acquisitions; and in 1968, the number rose to 12.

The nation's largest firms are playing an increasingly prominent role as acquiring, as well as acquired, corporations. Thus, in 1968, 74 of the 192 acquisitions of companies with assets over $10 million were made by companies among the nation's 200 largest firms.

In 1948, the nation's 200 largest industrial corporations controlled 48 percent of the manufacturing assets. Today, these firms control 58 percent, while the top 500 firms control 75 percent of these assets.

The danger that this super-concentration poses to our economic, political and social structure cannot be over-estimated. Concentration of this magnitude is likely to eliminate existing and potential competition. It increases the possibility for reciprocity and other forms of unfair buyer-seller leverage. It creates nationwide marketing, managerial and financial structures whose enormous physical and psychological resources pose substantial barriers to smaller firms wishing to participate in a competitive market.

And, finally, super-concentration creates a "community of interest" which discourages competition among large firms and establishes a tone in the marketplace for more and more mergers.

This leaves us with the unacceptable probability that the nation's manufacturing and financial assets will continue to be concentrated in the hands of fewer and fewer people—the very evil that the Sherman Act, the Clayton Act, the Robinson-Patman Act, and the Celler-Kefauver Amendment were designed to combat.

OTHER DANGERS OF CONCENTRATION

You may ask why I, as Attorney General, offer a statement of the Administration's position on mergers here, in Savannah. One might suggest that this speech should be delivered to bankers and corporate managers in New York or Chicago or Los Angeles.

I am speaking here precisely because most of you represent economic interests—distant from the centers of financial and managerial power—which may be injured by the current merger trend.

This Administration believes that one of the great benefits of an open marketplace is the active participation and control by as many of our citizens as possible in their own economic well-being—not just a small segment of our population in certain cities.

An urban area should have a substantial influence over its local economy. Its businessmen should have an opportunity to be suppliers. Its lawyers should have the opportunity to act as counsel. Its unions should have the opportunity of negotiating in their own community, for their workers. And its consumers should have the opportunity to exercise local economic options in their choice of competing goods and services.

After all, the ultimate beneficiary of the antitrust laws is the average consumer. In smaller communities, where sources of supply tend to be limited, the consumer may soon find many of his purchasing alternatives diminished.

We do not want our middle-sized and smaller cities to be merely "branch store" communities; nor do we want our average consumers to be "second class" economic citizens.

THE HISTORY OF MERGERS

The history of the merger movement after World War II mainly involved horizontal mergers—mergers between direct competitors—and vertical mergers—those between firms which are in a direct line from raw materials to sales.

From 1948 to 1951, horizontal and vertical mergers amounted to 62 percent of all merger activity.

The Department of Justice increased its enforcement of Section 7 of the Clayton Act and the Celler-Kefauver Amendment. This amendment prohibits any acquisition whose "effect . . . may be substantially to lessen competition." Then they slowly declined: horizontal and vertical mergers represented 48 percent of all mergers from 1952 to 1959; 39 percent of all mergers from 1960 to 1963, 22 percent from 1964 to 1967 and only 9 percent in 1968.

Conversely, conglomerate mergers—including product extension mergers—sharply increased from 38.1 percent of all mergers from 1948 to 1951; to 91 percent of all mergers last year.

Furthermore, it is increasingly clear that the acquiring companies—in an effort to diversify—are often the leaders in one or more highly concentrated markets.

About one-third of all manufacturing is carried on in industries where four companies account for over 50 percent of production. In 14 percent of all manufacturing 4 firms account for more than 75 percent of production.

These facts require us to move aggressively to counteract this trend.

But, before I go into greater detail as to the dangers posed by the merger movement, let me point out what mergers do *not* do.

They do not necessarily increase efficiency and profits. Studies show that, in general, the relative profits of medium size businesses are as large as those of giant firms.

Corporate bigness does *not* necessarily stimulate the most imaginative scientific research. Recent studies show that the medium size firm tends to be more productive in its scientific research precisely because it is not in a dominant position.

It has also been argued that the large firm, because of its concentration of talent and other resources, is better able to market goods and services that the public wants. But this, too, is not proven by the facts.

For example, leading firms in two of our most highly concentrated industries—automobiles and razor blades—only offered the American consumer important new products in response to aggressive foreign competition.

Thus, our experience has been, that the American consumer is not always benefited by the very large corporation. Indeed the evidence indicates that bigness may frequently favor the status quo.

Of course, we know that, in some industries, the large corporation is a recognized necessity for effective competition due to the requirements of large capital investment and complex distribution mechanism.

THE SPECIFIC DANGERS OF CONGLOMERATE MERGERS

(1) One of the most easily understandable dangers posed by the conglomerate merger is reciprocity—when a diversified corporation favors with purchases firms which purchase from it.

We know reciprocity is widely practiced.

For example, a poll of 300 purchasing agents by Purchasing Magazine in 1961 revealed that reciprocity was a significant factor in the buyer-seller relations of 51 percent of the companies surveyed and of 78 percent of those companies with a sales volume of more than $50 million.

Reciprocal arrangements may take a number of forms. A diversified corporation may keep records of which firms purchase from it and in what amounts and then apportion its purchases among them.

In addition, there may be overt favoritism where a small corporation, hoping to receive favorable treatment from one of the conglomerate's subsidiaries, channels its purchases to the conglomerate corporation.

(2) A more complex but equally troublesome danger in the conglomerate merger movement is the elimination of potential competition.

It has always been assumed that in our free market a businessman should be encouraged to enter an industry where profits and other conditions make his competition attractive. This should be particularly encouraged in a highly concentrated industry because such industries average substantially higher profits than unconcentrated industries.

But super-concentration, coupled with conglomerate corporate structures and large financial capabilities, discourages the prudent businessman from entering such an industry.

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This elimination of potential competition tends to maintain the inflated price structure in a concentrated industry.

For example, we have evidence that the only significant seller of natural gas in a regional market reduced its rates by about 25 percent when it became clear a new competitor was ready to enter that market.

The elimination of potential competition has other aspects. The large conglomerate, with its broad financial base, should have the capability to become a new and effective competitor in a spectrum of industries. And yet, instead of starting a new, or purchasing a small firm and converting it into a significant competitor, the tendency has been for the large conglomerate to purchase a leading corporation; and thus to add its weight to an already entrenched market situation.

(3) Large conglomerate mergers also pose substantial dangers to free competition by the expansion of nationwide marketing structures, capital resources and advertising budgets. Such a structure may offer a diversified firm a physical advantage over its competitors in terms of volume discounts on transportation and advertising.

For example, as the Supreme Court pointed out in the *Procter & Gamble* case, large advertisers receive substantal discounts from communications media. As a multi-product producer, the conglomerates may enjoy substantial advantages in both advertising and sales promotion. It may also purchase network programs on behalf of several products, enabling it to give each product network exposure at a fraction of the cost per product that a firm with only one product would incur.

Thus, the conglomerate corporation, if it acquires a dominant firm in another industry, must by necessity capitalize on its own success and imagination in detriment to the smaller, single line, firms in the industry.

(4) Another danger posed by the current merger trend is what is known as a "community of interest." But it is not a formal agreement but merely the recognition of common goals by large diversified corporations.

This situation derives as much from common sense as from economics. It posits that large diversified corporations may have little interest in competing with each other in concentrated markets. For, if the food subsidiary of corporation A agressively competes with the food subsidiary of corporaton B, then the electrical subsidiary of corporation B may start a price war with the electrical subsidiary of corporation A. Thus, it may be in both A's and B's interest to maintain the status quo and not to engage in the type of aggressive competition which we expect in a free marketplace.

The danger—the danger of a community of interest—becomes even more substantial when one realizes that the 200 largest manufacturing corporations are diversifying so quickly, that at the present rate, a significant number will soon be facing each other in several markets. And if, as we believe to be the case, they may conrol even more of the nation's manufacturing resources than the 58 percent last reported, we may soon be in a position where demands for more government regulation could be called for.

CONCLUSION

The matters I have outlined to you this morning form the basis for our serious concern over the present large corporation merger movement. Certainly, some of the issues are open to argument. If we all agreed on our premises and our facts there would be no disputes.

But, taken together, I think that the Celler-Kefauver amendment and its legislative history, the case law and current economic facts clearly support the Department of Justice's enforcement program.

As you know, we do not have to make an iron clad factual case. The Supreme Court has told us that: "The core question is whether a merger may substantially lessen competition, and (this) necessarily requires a prediction of the merger's impact on competition, present and future . . . (Section 7 of the Clayton Act) can deal only with probabilities, not with certainties . . . and there is certainly no requirement that the anticompetitive power manifest itself in anticompetitive action before Section 7 can be called into play. If the enforcement of Section 7 turned on the existence of actual anticompetitive practices, the congressional policy of thwarting such practices in their incipiency would be frustrated."

Therefore, let me give you some of the probabilities:

—The Department of Justice may very well oppose any merger among the top 200 manufacturing firms or firms of comparable size in other industries.

—The Department of Justice will probably oppose any merger by one of the top 200 manufacturing firms of any leading producer in any concentrated industry.

—And, of course, the Department will continue to challenge mergers which may substantially lessen potential competition or develop a substantial potential for reciprocity.

Some may regard these three probabilities as something of an expansion of the published antimerger Guidelines of the Department.

But we believe that, under today's circumstances, these probabilities are clearly authorized by present antitrust law.

The results of this policy, I hope, will be to achieve the type of voluntary compliance we now have in most of the antitrust field. We only oppose about 20 out of every thousand mergers because the vast majority are not anti-competitive. Most lawyers understand our principles and persuade their clients to abide by them.

The benefits of this policy should be readily apparent. By halting the trend toward concentration, we remove what we believe is an inadvisable alternative of outright government regulation as is now applied to public utilities, communications and other highly concentrated industries. We will stimulate our most reliable economic regulator-free competition.

We will insure that consumers and businessmen everywhere will continue to participate fully in our prosperity. We will, despite expected criticism, be carrying out the mandate of this Administration to reflect the hopes and aspirations of all Americans for a free society.

EDUCATIONAL OPPORTUNITY GRANT FUNDS RESTORED

Mr. NELSON. Mr. President, I commend the decision of the Appropriations Committee to restore the $16 million to the educational opportunity grant program, which had been cut from the appropriation during last year's House-Senate conference.

The educational opportunity grant program has been a landmark among the countless educational programs approved by the Congress. It has recognized the simple truth that to be poor is to have no money and that direct grants to students from poverty circumstances are indeed necessary if they are going to be able to attend postsecondary institutions. Whatever the terms, loans and work by themselves do not provide sufficient support to students from families often excessively burdened by credit—who know the value of work but can hardly meet the rising costs of higher education solely through their own efforts.

With the passage of the educational opportunity grant program in the 89th Congress, there was a promise to help finance the higher education of countless students who previously had been denied that opportunity.

Colleges and universities took the legislative commitment seriously. They found talent where it was previously felt not to exist. They provided encouragement to students where it was lacking and made commitments to young people that if they achieved well in secondary school, there would be the possibility of funds to finance postsecondary training.

Without the $16 million, the hopes of thousands of students to enter college this next fall would be frustrated.

With considerable logic, the youth of America question the will of the older generations to meet social ills and educational and manpower needs. Let it not be said that this body has not lived up to its responsibility.

Wisconsin had some 6,325 students who were considered eligible for new educational opportunity grants next fall. Due to the fund reduction, only 2,400 could be served, as compared with 4,700 new students who entered the program last fall. However, with this $16 million restoration, nearly 1,000 additional grants will be available to Wisconsin students.

Much of the information concerning the impact of the $16 million reduction was not available when the House considered the supplemental appropriations bill. Knowing the full implication of that reduction, I hope the House will agree that the Congress has a commitment to restore these funds and will approve the $16 million figure during the conference meeting on this bill.

I ask unanimous consent that letters on the educational opportunity grant program that I have recently received from Wisconsin State University, Eau Claire; Wisconsin State University-Stevens Point; Stout State University, in Menomonie, and Wisconsin State University, Superior, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Wisconsin State University,
Eau Claire, Wis., June 10, 1969.

Hon. Gaylord Nelson,
Senate Office Building,
Washington, D.C.

Dear Senator Nelson: This appeal is on behalf of financially deprived students who without an Economic Opportunity Grant will not realize the chance to pursue higher education. Also, Wisconsin State University—Eau Claire is deeply concerned with the problems of the financially handicapped who are deprived of the very opportunity that might free them from their dependent existence and enable them to realize human resource potential through higher education.

Today, indigent families must have supplementary sources to help finance their children's higher education. The cost of higher education for students at this University (as is similar to all 65,000 students attending Wisconsin State Universities) has increased

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approximately 28% for resident students and 36% for non-resident students over the past two years. Special efforts have been made to recruit and retain students from extremely low income families to attend this University. One thousand two hundred ten students, or about 19% of the full-time undergraduate enrolled students were need recipients (need recipients were identified as eligible by formula from the Office of Education—Department of HEW), of Economic Opportunity Grants. In addition to this, our research indicates, based upon family income of EOG recipients over the past four years as reported on College Scholarship Financial Need Analysis forms, a greater polarization of family incomes seems to be developing. This polarization can perhaps be attributed to little or approximately no income gains on the part of the indigent, while middle income families ($10,000 to $15,000 per annum), have realized income gains with national inflation and productivity. Thus, the economic gap seems to be growing.

Some might consider it a breach of faith by the federal government in not continuing the investment in potential human development when one considers the following:

1. The Joint Appropriations Committee has reduced 78% the initial year EOG awards that would have helped the "poor" for the coming 1969–70 academic year.

2. The "poor people" usually are seldom good credit risks for Guaranteed Loans; thus, the program being administered at the discretion of bankers becomes meaningless to those who most need financial help. With current interest rates, it is only academic whether the Guaranteed Loan Program will be functioning this fall term.

3. Some needy students at this University will be deprived of a National Defense Student Loan as the tentative allocations for the coming academic year will be about $6,600 less than last year, or about a 5% reduction.

4. Undergraduate full-time enrollment at this University has increased over the past two year period from 6,296 students to 7,900, or about a 21% student enrollment increase.

It seems incongruous that while educational costs are constantly rising, student enrollment is mushrooming, and culturally deprived and low income students are being identified and encouraged to attend universities; that at the same time, when student aid is needed most, Congress would delete and curtail. Would reason not dictate that restoration and expansion be a commitment for needy students?

It might be difficult to statistically summarize the "typical" student who receives an Economic Opportunity Grant. However, the following facts resulted from a study of the 1968–69 EOG initial year freshman student recipients. The total number of student recipients was 391.

Median effective family income (using CSS formula)	$2, 890
Median number of dependent children	5
Median grade point average (1 semester grade report) (4.0=A)	2. 21
Number from farm families (30 percent)	118
Number from business (11 percent)	42
Nonfarm or business (59 percent)	231
Freshman receiving these awards (98 percent)	383

It may be somewhat presumptuous to draw many conclusions in identifying the typical student who received an Economic Opportunity Grant; however, the typical initial year EOG recipient at this University as indicated from the study would in all probability be a freshman from a large family, having a very low disposable income, and is successful in his academic standing. Also, most of these students would not have enrolled nor would they be continuing students if this grant program was not available.

This University has not experienced any confrontation from student activists or other left-wing groups. Likewise, EOG recipients have presented no disciplinary problems—their goal is to pursue higher education and become meaningful contributing members of our society.

For a meaningful grant program, this University needs a "supplementary" EOG allocation of $100,000 if we are to offer an opportunity of higher education to students from impoverished families.

Your kind attention to this appeal will be deeply appreciated by students who were given an opportunity of a higher education through the EOG program.

Sincerely,

ROBERT D. SATHER,
Associate Director of Student Financial Aids.

JUNE 9, 1969.

Senator GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SIR: As my staff and I assess the need from reading the many applications for financial aid in 1969–70, the reductions in federal funding approach tragic proportions. It would appear to be impossible to fund the assessed need of our qualified applicants. I have deemed this tragic because these are eager, alert, ambitious Wisconsin students. Many of them represent the rural poor of our state, particularly the northern half of Wisconsin.

In my judgment the legislative intent implicit in the language of the Educational Opportunity Grant legislation includes all children from economically deprived homes. Since many of our applicants are from rural areas they display the qualities and characteristics of the relatively isolated rural poor. They do not resemble the descriptive literature which addresses itself to the ghetto areas. The economy of a small central or northern Wisconsin farm permits the appearance of reasonable economic comfort, but is wholly inadequate for a fixed cost, immediate payment operation such as higher education. Many of these families are accustomed to a low cash return, long term mortgage kind of operation. The sudden demand for annual cash outlays of $1,000 to $2,000 for the education of a son or daughter simply is impossible to meet. I would consider such families as coming within the scope of the E.O.G. legislation. Coupled with these demands are those of the Wisconsin Indian population, a few negro applicants from the Milwaukee Core area, the Mexican Americans who came into the area following the crop, and the surprisingly large number of applicants from homes without a father. The combined impact of these demands is large. The potential return from making education available to these students promises to be even larger.

At present we have already over committed the funds available for 1969–70. There are many applications pending which became complete since our first round of decisions. Unless we are able to increase the funding levels (especially in the initial year allocations) of the E.O.G. program, I will be unable to assist these needy students. Frankly, I find it difficult to tell them in convincing tones that their need is less important than weather satellites, space probes or Viet Nam. Neither do I find it logical to say that they would have been supported if they had applied one year earlier. The affluence which surrounds them belies our plea of inadequate funds. Our system of priorities may be wrong, but surely funding is available.

In 1968-69, I was able to bring 391 new recipients into our program at WSU-Stevens Point. At the present level of funding I must reduce the 1969-70 quota to approximately 200 new recipients instead of expanding to nearly 425. The cumulative effect of this reduction is such that those denied may not return as applicants the following year. In Wisconsin we have done a reasonably effective job of convincing counselors and students that any good student may pursue further education. We can only deliver on that expectation if the state and federal funding levels grow with the enrollment increases. Recent research which I have undertaken clearly demonstrates that some capable youth continue to be lost due to inadequate funding.

This past academic year I was able to assign a staff member to interviewing all initial year E.O.G. recipients. His comments convince me that we are selecting deserving and appreciative recipients. They are not riotous nor ridiculous. Their goal is self-improvement and upward mobility. Such goals are wholly consistent with our national traditions. I wholly support and commend any efforts which you pursue that lead to expanded funding for the E.O.G. Program and related student assistance programs such as the National Defense Student loans.

Sincerely,

ROBERT G. ROSSMILLER,
Director of Student Financial Aids.

STOUT STATE UNIVERSITY,
Menomonie, Wis., June 9, 1969.

Hon. GAYLORD NELSON,
U.S. Senate Building,
Washington, D.C.

Dear Senator: It has been brought to my attention that you are co-sponsoring a bill that would increase the level of funding for the Educational Opportunity Grant Program.

The students at Stout State University have certainly benefited from this program. Last year we had 324 students receiving assistance under this program. Of this 324, 283 came from families of a gross income of $6,000 or less. Let me assure you that these are very diligent students, most of whom are working part-time to help finance their education. They have both accepted and needed federal assistance to receive a college education. I sincerely believe they have accepted their responsibility as students as well.

For the next academic year, Stout State University received 53% of the funds requested under the EOG program. Your efforts in helping raise this level of funding will immensely help our student body.

If I may provide any information that would aid your endeavor, I will be most happy to do so.

Sincerely,

Dr. JOSEPH M. LARKIN,
Director of Financial Aids.

WISCONSIN STATE UNIVERSITY,
Superior, Wis., June 9, 1969.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SIR: As you are undoubtedly well aware, the Educational Opportunity Grant Program suffered a drastic cut in its funds. Because of this, and your interest in education, I felt that you would be interested in some facts that affect your constituents and their children.

Wisconsin State University-Superior, although the smallest of the state universities, draws many of its students from economically deprived areas of northern Wisconsin and Michigan as well as the northeastern part of Minnesota. Because of this, a large percentage of our students are able to establish large amounts of need. For the 1968–69 academic year, there were 109 applicants who applied for financial aid, but because of a shortage of EOG funds, we were not able to help them. Allowing for our normal attrition, we will still have 93 of these people still eligible for an I.Y. EOG. If one takes these students, plus the regular renewal awards and the projected freshmen awards for the 1969–70 academic year, we could logically expect in the neighborhood of 325 qualified applicants for EOG.

The new policy of the DHEW for awarding EOG is to give as many maximum awards as possible. This cuts down on the number of students one may logically help with limited dollars.

Our request for academic 1969–70 was based on the aforementioned 325 students and amounted to $313,590. The regional review panel recommended $119,073 for Initial Year grants and $79,564 for renewal. Our final award from Washington was $143,266. Of this amount, $63,768 was designated as I.Y. EOG and $79,498 to be awarded to renewal grants. Using 325 students, these figures indicate that the average EOG award should be $440. IY grants to entering freshmen have averaged $650. One can readily see that we will run out of money for I.Y. EOG's to upperclass and renewal money before all applicants' needs are met if we make maximum awards as proposed by the DHEW. We expect a minimum shortage of $68,000 or 104 students whose need will not be met with maximum EOG awards.

Your consideration and requests to the proper agencies to increase the amount of award dollars to your constituents will be gratefully appreciated by these deserving students. I state deserving because we at Wisconsin State University-Superior have an exceptional group of students who believe in dialogue and cooperation with the university staff. Differences that occurred have always been resolved without recourse to disruption of the academic process or violence.

Sincerely,

Robert F. Comstock,
Director of Financial Aid.

THE 85TH BIRTHDAY ANNIVERSARY OF DR. PETR ZENKLE

Mr. CURTIS. Mr. President, on June 13 one of the world's great fighters for freedom celebrated his 85th birthday. I regret that the Senate was not in session on that date so that his anniversary could have been properly noted and commemorated.

I refer to the venerable Dr. Petr Zenkle, who now lives in the United States but who was the last vice premier of free Czechoslovakia. Dr. Zenkle was for a number of years lord mayor of Prague, the capital city of his native land, and was also chairman of the political party which elected Eduard Benes as President of the Czechs.

His fight for freedom was simple and yet cast in the classic mold. To him, as to many of his fellow Czechs, maintaining freedom meant only one thing—to fight those who would take it away with every recourse, both physical and moral, available.

He was such a man. So noted was his fierce dedication to freedom that the invading Nazis threw him into the dreaded and notorious concentration camp at Dachau where he spent the years of World War II. After that conflagration he returned to his homeland where once again he moved to prominence in the forefront of those reestablishing Czechoslovakia as a free and independent state.

The freedom they so deeply desired and for which so many Czechs had so valiantly fought was short-lived, however. The Soviet might soon made its presence felt and the iron hand of tyranny clamped down on his country again. This time Dr. Zenkle fled to the United States to escape the same fate that befell his good friend and comrade, Jan Mazaryk, the foreign minister.

Mr. President, his birthday is worth noting not only because in so doing we are paying tribute to a great man, but also because it reminds all of us how fleeting freedom is and how quickly it can be lost.

All Americans were horrified—but not surprised—at the events of last summer in Czechoslovakia. We felt that sense of tragedy that one finds in a Greek play. We watched the struggles of these noble people, the students, the workers, the intellectuals, the writers, and the housewives, to assert even a tiny degree of freedom, and then to widen the chinks that appeared in the solid wall upon which the monolith of Soviet communism is erected.

We watched, we hoped, we prayed for their success. But I think that deep down in all of us there was that sense of foreboding, that keen and deep realization that their efforts were doomed, that their will—no matter how fierce—was no match for the tanks and guns and massed soldiers of the oppressor. I think that with most of us, looking back now, it was a feeling of watchful waiting, wondering not whether the blow would fall, but rather when the blow would fall—and how complete the disaster would be.

Even today, from reading the American press, I do not think we have any comprehension of how total the crushing blow was in Czechoslovakia.

There have been few stories in American papers about the crude brutality of the invading Hungarian and Bulgarian Armies who marched in support of the Soviets.

There have been few stories such as those that appeared in the London newspapers or in Paris, of how village leaders who might be tainted with a desire for freedom were simply called out, lined up, and shot by the invaders.

There have been stories in most European newspapers, however, detailing the completeness, and the ruthlessness of these invaders.

The life of Dr. Zenkle has been and is a lesson to all of us who would think in terms of freedom and tyranny living side by side. It can be done, but only if those who enjoy freedom are willing and able to fight to preserve it. If at any time or for any length of time we become so confident of our own freedom that we fail in our vigilance, then we risk losing that freedom.

The sands of history are strewn with the wreckage of nations where the people allowed themselves to be lulled into complacency, in the belief that freedom is an inherent right that cannot be taken away.

ADDRESS BY SENATOR KENNEDY AT ROUGH ROCK DEMONSTRATION SCHOOL

Mr. MONDALE. Mr. President, on June 2, 1969, the distinguished senior Senator from Massachusetts spoke to the first graduating class of the Rough Rock Demonstration School on the Navajo Reservation.

He told the 28 graduates that their school "is demonstrating that the American Indian wants to control his own destiny." Rough Rock, he said, "stands for pride and self-determination, pride in oneself, pride in one's heritage, pride in one's differences."

In these few words, my colleague has pointed to the true significance of this innovation in Indian education. For Rough Rock's distinguishing feature is that it is run entirely by an all-Navajo School Board, elected from the local communty. It is an experiment in community control. I visited Rough Rock in March of this year; I carried away the conviction that in its 2½ years of existence, the school has demonstrated a remarkable ability to deal with some of the worst aspects of boarding school life.

It is one of the few examples of an Indian school which is totally controlled by Indian parents, which encourages the "Navajoness" of its students, and which is run by administrators who are not callous or indifferent to the special problems of the students.

Unlike most other Indian schools, Rough Rock has a program of bilingual education. This program has undoubtedly been aided by the school's ability to successfully recruit Navajo teachers—almost one-half of its faculty consists of Navajos; at the BIA schools on the reservation, there are usually no more than one or two Navajo teachers. The fact that the young Navajo child is initially instructed in his native language eases some of the psychological stresses inherent in these schools.

In order to alleviate the shortage of dormitory personnel and the loneliness of dormitory life, the school instituted a dorm-parent program. Parents are employed in the dorms in 6-week stints. This improves the ratio of aides and emphasizes the idea that the schools should provide substitute parents.

Parents are also urged to visit their children frequently and to stay in the dorms; rooms are always available for such visits.

In addition, Rough Rock has also taken many steps to emphasize the importance of Navajo culture and history, both to the children and to the community.

The school has a center devoted to the production of Navajo stories for use in the school system which has already produced several books of stories. It also has an active arts and crafts program, for both the children and adults living in the community. Navajo women serve in the school as teachers aides in the early grades; these women tell stories in Navajo to the children and teach them crafts such as weaving.

The history of the Navajo people is an important part of the school's curriculum. The history of the American Indian is rarely taught in other schools with Indian children.

It is difficult to overestimate the importance of what has occurred at Rough Rock. Granted the power to completely control the education of their children, the Navajos in that community decided that they wanted their children to grow up as Navajos, as well as Americans.

Mr. President, I ask unanimous con-

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sent that Senator Kennedy's excellent speech to Rough Rock's first graduates be printed in the Record, together with a story from the school's paper concerning his visit, and a brochure describing the school.

There being no objection, the items were ordered to be printed in the Record, as follows:

"Ya—ta—hay" (greetings): Today is a very important occasion for all of us.

It is an important day for myself because it has provided me with an opportunity to visit the most important experiment in education for American Indians; and to fulfill a commitment made by my brother last spring. I am especially pleased that Kathleen Kennedy could join us today. She has often reminded me of her rewarding experiences at Rough Rock last summer and her respect and affection for the Navajo people.

It is an important day for the Navajo tribe because it is the 101st anniversary of the signing of the treaty of Bosque Redondo, and the return of the Navajo people from captivity to their homeland.

It is an important day for Rough Rock because its first graduating class is assembled to receive their diplomas.

It is an important day for the graduating class because you represent the accomplishment as well as the promise of the Rough Rock School.

What is the significance of the Rough Rock School?

Where does it stand in the perspective of the history of your people, and what does it symbolize?

In 1848 a treaty was signed by the Mexican and United States Governments which placed all Navajo land and people under the jurisdiction of the United States.

As you know the Navajo people had no part in those proceedings.

Shortly thereafter a fort—appropriately named Fort Defiance—was built in the heart of Navajoland, and the effort began to first contain, then subjugate and finally relocate and imprison the Navajo Indian Nation.

Soldiers moved across the country-side, burning fields of corn, destroying homes and sheep, leaving the people no choice but to flee, surrender or die. The massive slaughter in Canyon Del Muerto is one of many examples of the ruthless military tactics used. In one case alone, over 90 women and children were killed as the soldiers ricocheted bullets off the cave roof down onto the people.

Finally starved into submission, the surviving Navajos surrendered in the winter and spring of 1864.

Nearly 7,000 Navajos made the 300-mile march from their homeland to Fort Sumner, New Mexico. For four long years "the people" suffered greatly in concentration camp captivity. Nearly 2,000 died of pneumonia and dysentery. Those who ran away were captured and enslaved by the Mexicans.

Perhaps the greatest hurt of all was the gnawing homesickness for their homeland, the land of the "four mountains."

Finally, the voice of "the people" was heard in Washington. A new treaty was signed and the long walk back to their homeland began.

The journey back is indelibly recorded in Navajo history.

What horses and wagons were available carried the young, the aged and the infirm.

The rest traveled on foot.

The hardships were severe, but they were going home and a new spirit of hope was born.

The land had been returned to "the people" and "the people" to their land.

One hundred years later Rough Rock was born and like the treaty of 1868 symbolizes the hopes and aspirations of the Navajo people in their fight for self-determination and self-fulfillment.

Similar to the "long march" with Rough Rock a new spirit of hope and excitement was born.

It marks the opening of a new era in the return of education to "the people" from which it had been taken.

Like the treaty of Bosque Redondo, it is a landmark in the history of the Navajo tribe.

After years of deportation and degrading captivity in Government boarding schools, the Navajos have taken the first important step toward regaining control over their educational destiny. And in so doing Rough Rock stands as a symbol for the improvement and liberation of Indian education throughout the Nation.

There is a very important truth fundamental to an adequate understanding of Rough Rock.

It is an old truth not a new one.

Let me illustrate it with a story.

It was almost 200 years ago that the leaders of Virginia, having signed a treaty with six Indian nations, offered to educate six of their sons.

The chiefs, although responding with thanks, rejected the offer, citing a previous experiment with white man's education.

Their children had come back from the white man's schools said the chiefs:

". . . bad runners, ignorant of every means of living in the woods, unable to bear the cold or hunger; they knew neither how to build a cabin, take a deer, or kill an enemy; spoke our language imperfectly; were therefore neither fit for hunters, warriers, or counselors; they were totally good for nothing."

Perhaps, the Indians said, the governors would send a dozen white children to learn at the hands of the Indians.

"We will take great care of their education," promised the chiefs, "instruct them in all we know, and make men of them."

We can no longer ignore the lesson of this exchange.

We must develop schools and educational programs like Rough Rock that no longer presume that cultural difference means cultural inferiority.

Rough Rock stands for pride and self-determination, pride in one self, price in one's heritage, pride in one's differences.

Let me summarize what I feel Rough Rock is telling this Nation, not just in words, but more importantly, in deeds.

It is indeed a demonstration school—it is demonstrating that;

—The American Indian wants to control his own destiny;

—The American Indian respects his own heritage and wishes to shape his own future out of that unique heritage;

—The American Indian has made and will continue to make very important contributions to the development of our national culture, character, and conscience.

—Perhaps most important, as my brother Robert stated in his speech at Window Rock last spring—"The American Indian is reaching for his own version of American life and this definitely does not mean a repudiation of his past or a desire for total assimilation.

"The great and difficult challenge of Indian education is to help each Indian student find his own version of American life so that he can meet the challenges and complexities of life with versatility and grace."

This has been the goal of Rough Rock and will continue to be, for it is a difficult and never-finished task.

And the task belongs not only to the Rough Rock community but also to the graduating class today. You must be the leaders for developing the new Rough Rocks—you must meet the larger challenge of developing a Navajo education program across the reservation, for you are the soul of Rough Rock in the flesh.

Perhaps an example taken from one of your beautiful Navajo ceremonies could best explain what I mean.

This excerpt is part of the "Song from the Mountain Chant":

"At the foot of Black Mountain, there amid the encircling mountains, the holy man laid down his child. Atop the mountain there were two gods, who spoke aloud as they watched. 'Who learns our songs shall be our child.' "

You the graduates, are the children of 'Black Mountain'.

You have learned the songs of the gods—now you must teach us to listen and to sing.

I wish you all well in this most important endeavor.

[From the Chinle (Ariz.) Rough Rock News, June 6, 1969]

TED KENNEDY VISITS ROUGH ROCK

Sen. Edward M. Kennedy, D-Mass, landed at Rough Rock's dirt airstrip Sunday, went on a tour of Navajo homes on Black Mesa, talked to school board members and addressed the Demonstration School's graduating class Monday morning.

"Rough Rock is demonstrating that the American Indian wants to control his own destiny," the senator told the 28 graduates, the first to leave RRDS. "You must be the leaders for developing the new Rough Rocks. You must meet the larger challenge of developing a Navajo education program across the reservation."

Kennedy arrived at Rough Rock at 6:30 p.m. Sunday and left immediately in a three-vehicle caravan for the top of 8,300-foot Black Mesa, where he visited the homes of John Honnie, Frank X. Begay and Ned Todechine and stopped and talked to a sheepherder on the way.

"Where do your children go to school?" the senator would ask. "How often do you see them?"

RRDS Director Dillon Platero interpreted for Kennedy, who is chairman of the Senate subcommittee on Indian education.

At the Honnie home, Kennedy talked for about 15 minutes to Lorene Honnie, a graduate of Chilocco Indian School and a student at Navaho Community College.

"Do the people think the Rough Rock school does what it should?" he asked.

"I think people are happy with it," she answered.

In a Sunday night meeting that lasted from 10 to 11:45 p.m., Kennedy talked with school board members and was given four recommendations from them:

The Senate subcommittee, which is to be disbanded June 30, should continue its work for an indefinite period.

The subcommittee should recommend that more schools like Rough Rock be established.

The subcommittee should recommend a better method of funding for such schools.

A high school should be established at Rough Rock that would continue bilingual bicultural education programs started in elementary grades.

Accompanying the senator was 17-year-old Kathleen Kennedy, daughter of the late Sen. Robert Kennedy. She worked for six weeks as a volunteer last summer in Rough Rock's summer program.

The caravan that made the trip up the winding, 10-mile trail to the homes on Black Mesa included one truck carrying a television crew from CBS News.

Kennedy said in his talk to the graduates that the trip gave him "an opportunity to visit the most important experiment in education for American Indians, and to fulfill a commitment made by my brother last spring."

"We must develop schools and educational programs like Rough Rock that no longer presume that cultural difference means cultural inferiority," he said.

"As my brother Robert stated in his speech at Window Rock last spring, 'The American Indian is reaching for his version of Ameri-

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can life and this definitely does not mean a repudiation of his past or a desire for total assimilation.' "

About 500 people packed the gym at the Demonstration School where graduation ceremonies were held. Platero translated Kennedy's remarks into Navajo.

The Senator left Rough Rock Monday for a mental health meeting in Window Rock, where he would also speak.

ROUGH ROCK DEMONSTRATION SCHOOL

Rough Rock Demonstration School, located in the heart of the Navajo Reservation, strives to achieve quality education by teaching both traditional Navajo customs and modern skills in a school controlled by the people of Rough Rock. At the school's birth in 1966, the members of the all-Navajo school board elected by the people decided that their school would offer the best education for both Navajo and Anglo life—a both-and choice rather than an either-or choice. The board members want the children to be proud of who they are.

With its basic principles of local control and bilingual, bicultural education, Rough Rock Demonstration School is serving as a model for other schools. In the Navajo community of Canoncito, N.M., the people are planning for a school similar to Rough Rock while some schools in California, South Dakota, Minnesota and Hawaii have already started using various ideas first put into practice at Rough Rock.

In trying to develop the best kind of education for Navajo children, the school offers subjects found in any good school and subjects especially for Navajos: English reading and writing, oral English, Navajo reading and writing, oral Navajo, science, mathematics, social studies, health, Navajo culture and history, home economics, industrial arts, Navajo arts and crafts, music remedial reading and physical education.

The teaching of Navajo subjects doesn't diminish the stress the school places on courses that provide children with vital skills for modern living.

Local control and parental involvement are achieved in many ways at Rough Rock—the parents working in 10 classrooms, the parent advisory board for the four primary groups, the school board, the nine parents who live and work in dormitories for eight-week periods, home visits made by teachers, the monthly school-community meeting, the local people who take arts and crafts training. Parents who share classroom experience with their children are more inclined to support education at home.

Although the school believes that children benefit more by living at home and attending school on a day basis, 274 of the 408 preschool through eighth-grade students must live in dormitories because of distance and poor roads. As a start toward a change to day schools, however, Rough Rock runs four buses (vans) daily, mainly to pick up Headstart and kindergarten students. A few older children ride the buses and some 20 others either walk in or ride with relatives. Another 44 attend from the employes' compound.

Because the school must operate dormitories, it attempts to make them as homelike as possible. Four mothers live in the girls dorm for eight-week periods as substitute parents while four fathers and one mother do the same in the boys dorm. Not only do children benefit, but the dorm parents receive an income boost ($40 a week) and their ties to the school are strengthened through learning more about it. Navajo stories told in dorms provide entertainment and education in Navajo culture. Recreation includes team sports, horsemanship, Indian dancing and seven other recreation clubs.

Being a community school, Rough Rock tries to help community people overcome their common problems through both short-range programs—hay and coal at-cost sales—and farsighted ones, such as economic development, basic education and crafts training. An average of 30 uneducated adults attend basic education classes each week while another 10 persons pursue high school diplomas through the General Educational Development (GED) program.

Because a toy shop and poultry farm were only partly successful, the emphasis in economic development has shifted from business development to small-scale cottage industry based on the school's arts and crafts program, which provides intense training for 36 people a year. By buying local crafts for resale, the school encourages training graduates to produce crafts at home.

Spearheading a host of other programs is the Rough Rock Development Project, which helps community people in areas they specify. This includes range and livestock management and agricultural experimention as well as helping the local chapter and community action committee gain operating income, stability and effectiveness. The project also assists the community in taking advantage of programs offered by the Navajo Tribe, the Bureau of Indian Affairs and other agencies.

Because a major goal of the school is to teach children Navajo skills, the school's Navajo Curriculum Center works to bring into print some of the rich cultural materials of the Navajo people. Five books have been published while supplementary materials and five other books are being prepared. Medicine men, community leaders and famous Navajo storytellers supply the basic information while a Navajo speaker, an English-speaking writer, two Navajo illustrators, an audio-visual specialist and an experienced editor and publisher perform technical work to prepare the publications. At the same time teachers advise and assist in the development of the bilingual, bicultural curriculum that they use.

We believe the flexible, experimental education at Rough Rock Demonstration School has far-reaching implications, not only for present students but for the future of the Navajo People and others who should have the right to determine their own destinies. As the school continues to develop new ideas and extend proven programs, learning from its successes and failures and those of others in Indian education, it looks toward a future in which Navajos can be proud of their heritage while successfully coping with the surrounding world.

Rough Rock Demonstration School's work is to make that future a secure reality.

BOSTON GLOBE AND WALL STREET JOURNAL EDITORIALS ON MIRV

Mr. BROOKE. Mr. President, I invite the attention of the Senate to two exceptionally perceptive and informed editorials published this week in the Boston Globe and the Wall Street Journal.

In a lead editorial this morning, and in an accompanying article by Robert L. Bartley, readers of the Wall Street Journal were informed unequivocally that "The great missile debate of 1969 has been a debate about the wrong missile." As the writer then goes on to point out:

> The problem is that it's not enough to work the wonder of stopping the nuclear arms race; the additional trick is to stop it at a level conducive to future stability.

This, Mr. President, is what the debate in the Senate yesterday and the day before was all about. If we cannot stop MIRV then no method of arms inspection, and therefore of enforcement, will work. Both sides will live in constant and increasing fear of what weapons the other side might be deploying. We will enter not only a far more accelerated and costly stage of nuclear weapons development, but an infinitely more unstable one as well.

As the editorial in the Journal expressed so clearly:

> Because of its huge destabilizing potential, MIRV is the truly urgent issue. . . . (W)e think the Senators trying to shift the debate away from ABM and toward MIRV have a strong case.

Likewise the Boston Globe, in its lead editorial on Monday of this week, expressed the concern of a growing number of Americans when it noted that "(E)ven if funds for Mr. Nixon's limited deployment of the ABM system are delayed as they should be, this would have no meaning if the MIRV tests are ended successfully. When that happens, there will be a whole new set of rules."

Mr. President, I ask unanimous consent that these two excellent editorials and the article from the Wall Street Journal be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Boston Globe]

THE HYDRA-HEADED MONSTER

This will be a crucial week in Washington for the security of both the nation and the world. It is crucial because it involves the whole future of the nuclear arms race, and because action in the U.S. Senate, sparked by Massachusetts' Sen. Edward W. Brooke, can have great impact on the outcome of talks on arms reductions between the United States and the Soviet Union.

Late last week, after repeated prodding both from Moscow and in this country, Secretary of State William P. Rogers and Soviet Ambassador Anatoly Dobrynin reached agreement to schedule those talks for the end of July. This was a laudable, if much-postponed, first step, but it would have been far more praiseworthy had it been taken last year.

For as a result of the long delay, we are perilously close to the point at which any negotiations held on controlling nuclear arms will be as meaningless and unproductive as a funeral ceremony performed by wraiths for the soul of a dead world.

And the reason we are so close to this perilous point is that for the past several months, both the United States and the Soviet Union have been testing multiple reentry vehicles which, after they are deployed, could end any possibility of controlling them.

Into a "splash net" of Ascension Island in the South Atlantic we have been firing MIRV's (multiple independently targeted reentry vehicles), each of which can fire anywhere from three to a dozen warheads, each of these in turn capable of wiping out a city.

Into a similar "splash net" off the Kamchatka Peninsula in the Pacific the Soviet Union has been testing a less sophisticated but almost as deadly (how dead is dead?) form of multiply warhead known as MRV, which might be adapted for the Soviet Union's large SS–9 inter-continental missiles.

There may be no more than a month left before the tests are completed. And unless they are halted by both sides before their completion, it will be too late to stop these terrible weapons of destruction. It will be too late because, unlike all present nuclear weapons, an international agreement to control them, even if it could be reached, would be impossible to enforce.

It would be impossible to enforce because only thoroughly-going on-site inspection by the other country all over a nation's area and indeed the oceans could determine whether the agreement was being carried out. On-site inspection has been the stumbling block in the past for getting Russian agreement to controls.

As of this precious moment, it is no longer needed. Today's electronic methods of surveillance, with radar and satellite photographs, can accurately pinpoint missile sites, thus ensuring unilateral inspection. What they cannot show is how many warheads with which a given missile is equipped. Nor would they be of much use for missile sites on the bed of the oceans.

For the past year, the question of the antiballistic missile system (ABM) has been building up as the biggest issue for this nation since the Tonkin Gulf Resolution, which gave President Johnson the blank check he needed to escalate the war in Vietnam.

It is important that President Nixon's proposed Safeguard ABM system be defeated. But the MIRV's are many times more critically dangerous, and the fateful decision on them may be reached before even the ABM issue is settled, and without the people even knowing about it.

All these matters will be discussed at length beginning today, behind closed doors and properly so, by the National Security Council in Washington.

Meanwhile, a proposed resolution put forward by Sen. Brooke (R-Mass.) and a similar one by Sen. Clifford P. Case (R-N.J.), are gathering strength in the U.S. Senate. Well they should. Sen. Brooke's resolution calls for an immediate moratorium by both the United States and the Soviet Union on further flights tests of the MIRV. This goes to the heart of the matter, and must be passed as quickly as possible.

For even if funds for Mr. Nixon's limited deployment of the ABM system are delayed as they should be (and Sen. Brooke has voted against ABM deployment funds five times), this would have no meaning if the MIRV tests are ended successfully. When that happens, there will be a whole new set of rules.

We have, indeed, come to the end of this international game of chicken. Only Senate action, and soon, has a chance of persuading the White House that it is time to take the leadership for world peace by abandoning the hope of "bargaining weapons" that have long since lost all meaning for the human race.

[From the Wall Street Journal, June 18, 1969]

THE ARMS RACE AND MIRV

In nearby columns the reader will find an attempt to untangle some of the skeins of the debate over strategic nuclear posture in general and multiple warheads in particular. One does not need to run with the outspoken doves to recognize that MIRV is a highly dangerous technical development and a very special case.

As a matter of fact, we have never subscribed to the fuzzy notion that the key to progress on arms control is for the U.S. to demonstrate its good faith. Rather, we think the chance of a really meaningful arms agreement rests on a strictly hardnosed bargain between the U.S. and the Soviet Union.

Nor do we think much of the vaunted "action-reaction cycle" as the ultimate explanation of the arms race. Certainly it's true that both the U.S. and the Soviets react to the other's arms advances, but in a deeper sense each is reacting to the inexorable advance of technology. The "action-reaction" explanation is not one that can be turned on its head; who will say straightaway, as this talk so often hints, that if the U.S. unilaterally stops its developments the Soviets will automatically do likewise?

We do strongly believe, however, that the U.S. and the Soviets must do whatever they can to stop the arms race. Even allowing that the actual chances of an eventual agreement can be improved by a certain amount of preparation, we have not been happy with the Administration's apparent slowness in completing arrangements for Soviet-American arms talks. It is encouraging that the U.S. has now reportedly proposed a starting date of July 31.

MIRV would be a logical first item in any arms talks, since future stability depends on both sides possessing a secure deterrent, and MIRV is a large step toward the ability for each to destroy the other's deterrent forces. But the U.S. development of MIRV is already in its final flight tests. Once the tests are completed, a MIRV limitation agreement would be vastly complicated by inspection issues. Thus a number of Senators have asked that the Administration halt the tests pending the forthcoming negotiations.

In reply, Dr. John S. Foster, Pentagon research chief, has argued that the U.S. needs to proceed with its present MIRV schedule because the Soviets might upgrade their aircraft defenses into a full-scale ABM. Yet such upgrading surely would require some amount of lead time, and apparently we already can start to deploy MIRV within a few months.

Defenders of MIRV also argue that a mutual moratorium might have been a good idea at one time, but that it is now too late to stop at a point where both sides are confident the other does not already have the weapon. While there is some disagreement about the precise status of the Soviet MIRV program, everyone seems to agree the U.S. is substantially ahead. At this point, in other words, it is the Soviets who would suspect that the U.S. has perfected the weapon.

That means that the U.S. could experiment with an announcement that it is suspending its tests for a limited period contingent on Soviet reciprocation. It could also stress that, whatever its progress in separating and targeting the warheads, it has not experimented with multiple warheads of the huge size necessary to attack Soviet deterrent forces. In this situation, the Soviet reaction would tell us whether it's already true that "the genie is out of the bottle."

Thus we think the Senators trying to shift the debate away from ABM and toward MIRV have a strong case. If the political obstacles to a MIRV holdback prove too high, indeed, they may want to consider offering to defer to the Administration's judgment on ABM provided it postpones the MIRV tests. Because of its huge destabilizing potential, MIRV is the truly urgent issue.

For multiple warhead technology is more dangerous than other arms developments now on the public horizon, and at the same time one on which a suspension seems reasonably feasible. The United States has a lead in the key technology. As long as development remains in the testing stage, a moratorium by mutual example could be unilaterally supervised merely by watching Soviet tests. Since arms talks are about to start, an announced moratorium could be for a limited period, pending formalization through negotiations.

We do not think much of the prospects of disarmament by mutual example as a general rule, and still less of unilateral holdbacks as a method of arms control. But the case for a carefully designed exception is seldom likely to be stronger than it is regarding MIRV.

[From the Wall Street Journal, June 18, 1969]

MISSILE DEBATE: THE REAL VILLAIN IS MIRV

(By Robert L. Bartley)

The great missile debate of 1969 has been a debate about the wrong missile.

Or anyway, that's the strongest impression that sticks as a journalistic onlooker comes up for air after immersion in the literature the strategic controversy has engendered. Prospects of avoiding a nuclear exchange between the United States and the Soviet Union are not directly menaced by defensive antiballistic missiles. From the standpoint of avoiding this holocaust a far more serious threat arises from the offensive multiple warhead missiles both sides apparently are developing.

This week multiple warheads have finally been brought to the forefront of the strategic debate, at least momentarily. A halt in U.S. tests of MIRV (for multiple independently targetable re-entry vehicles) is being sought by a group of Senators led by Clifford Case and Edward Brooke. At best, though, MIRV remains a side issue in the ABM debate, which has spawned political, emotional and personal impediment that seem to make it unlikely any MIRV decision will rest on especially rational grounds.

The problem is that it's not enough to work the wonder of stopping the nuclear arms race; the additional trick is to stop it at a level conducive to future stability. It will make an enormous difference, to take a pointed example, whether nuclear arms are frozen when both sides have second-strike capability, or when both have first-strike capability.

UTTER DESTRUCTION

Mutual second-strike capability, the current posture between the U.S. and USSR, means that each side can absorb the worst nuclear blow the other can mount, then still retaliate overwhelmingly. Since a first blow would be suicidal, this posture helps promote stability.

Mutual first-strike capability, by contrast, would mean each side could so utterly destroy the other that the attacked power could not even effectively retaliate. Each would know that if it shot first it would win, but that it would lose if the other got off the first salvo. That deterrence that has so far helped prevent nuclear war would no longer pertain; in any crisis the present pressure toward stability would be quite reversed.

To preserve any pretense of deterrence in such a situation, each side probably would have to adopt fire-at-warning policies, threatening to fire its retaliatory forces in the 15-to-30 minutes between when a first strike would appear on radar and when it would hit. This constant state of alert would involve an obvious and destabilizing increase in the risks of nuclear war by accident.

The distinction between these postures is by no means academic, for it appears there's a real chance that the advance of technology will take us out of the era of mutual second-strike capability and into an era of mutual first-strike capability. If anything like this does happen, the principal villain will not be ABM but MIRV.

With MIRV each rocket launcher would have, say, three warheads. Thus it could attack three of the enemy's launchers. In other words, one missile with three warheads could take out three missiles with nine warheads. Theoretically, two sides with equal numbers of missiles could wipe out the other's retaliatory missiles with only a third of its own force. Whoever fired first would win.

In practice, to give thanks for small favors, a first strike is scarcely so simple. Since no missile system works perfectly, for one thing, such a blow would require many more missiles than simple arithmetic suggests. Opponents of the ABM have argued that because of unreliability and other factors, the possible mid-1970s force of 500 Soviet SS–9 missiles with MIRV would not be enough for a first strike against the approximately 1,000 U.S. Minutemen.

Such calculations, though, have been impressively attacked by Albert Wohlstetter, a

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leading strategic specialist at the University of Chicago. He notes, to take one example, that ABM opponents have ignored that most missiles that prove unreliable do so either at launch or shortly thereafter. So a power mounting a first strike would know almost immediately which missiles failed, and could quickly send a second salvo against the remaining targets. Thus he calculates only 5% of the 1,000 Minutemen would survive an attack by 500 SS–9s, an impressive testimonial to the essential effect of MIRV.

Even total destruction of the Minuteman force, however, would not in itself prevent retaliation. The U.S. deterrent forces are "mixed," including not only land-based Minutemen, but also aircraft and Polaris submarines. This mixed posture is specifically intended to complicate any attacker's problems, and also to guard against sudden break throughs in any one field. A true first strike against the U.S., as Dr. George W. Rathjens has recently written, would require not only that the Soviets destroy the Minutemen, but also that they be "highly confident of also destroying the other components of our retaliatory strength essentially simultaneously, a possibility that is all but incredible."

Faced with such argument, Secretary of Defense Melvin Laird has retreated somewhat from his earlier invocations of a Soviet first strike. He now says that if the Russians continue their present developments, "the survival of two of the three major elements of our strategic offensive forces, namely the bombers and the land-based ICBMs, could be gravely endangered. To rely on only one of the three major elements would, in my considered judgment, be far too risky, considering the stake involved, which is the very survival of our nation."

In other words, the Secretary currently argues that the U.S. cannot ignore a threat to the Minuteman missiles if it wants to preserve the full stabilizing effects of a mixed force. If Minutemen were neutralized, a technical breakthrough in anti-submarine warfare would open thoughts of a successful first strike. The mixed force is in jeopardy because one of its components, the land-based missiles, is already obviously subject to that kind of destabilizing breakthrough, which is MIRV.

MR. PACKARD'S TESTIMONY

To be entirely precise, MIRV is a large step toward first-strike capability only when combined with warheads large and accurate enough to attack hardened launcher silos. While the U.S. is ahead in MIRV technology, the multiple warheads it's developing for Minuteman III and Poseidon missiles are apparently not large enough to be especially useful as a counterforce weapon. In Congressional testimony, Deputy Defense Secretary David Packard said the Minuteman is not a first-strike weapon with or without MIRV, and elaborated, "some of the considerations involve estimates of accuracy and weapons size, and I would be very glad to go into that with you in detail. I cannot do it in open session."

The Soviet SS–9 missile apparently can carry a warhead load some 25 times greater than the Minuteman can. Estimates of a MIRV system for SS–9 center on three warheads, each of 5 megatons, or 250 times the size of the bomb dropped on Hiroshima. The Soviets have other smaller ICBMs, and apparently U.S. intelligence once mistakenly expected them to taper off SS–9 deployment. Since the 5-megaton warheads would seem superfluous in a second strike against cities but ideal for a first strike against missile silos, Defense Department planners find continued deployment of the SS–9s highly threatening.

Both sides have long known how to make larger rockets and larger warheads, though, and the technical key to a first strike against land-based missiles is MIRV. Senators now starting to stress a curb on MIRV developments also stress its inspection difficulties. At present, with both sides still testing MIRV, each can monitor the other's efforts. A moratorium could be easily supervised. But once the systems are perfected, no agreed limitation could be easily enforced without unlikely on-site inspections. MIRV would be a reality, and all of its destabilizing effects would be upon us.

The missile debate has not concentrated on MIRV, of course, but on the ABM. The effects of ABM on stability are far less clear-cut. An all-out defense of cities is uniformly considered destabilizing, because it could facilitate a first strike by shooting down the few retaliatory missiles to survive an initial onslaught.

Proponents of the ABM nonetheless consider a light city defense a stabilizing factor, because it would guard against attack by a minor nuclear force such as Mainland China is expected to develop by the mid-1970s, and against a small accidental launch. An ABM can also be considered stabilizing if it protects missile forces, as the current Safeguard is supposed to do. Indeed, ABM proponents believe it would help offset the destabilizing three-for-one effect of MIRV, because an attacker would have to insure penetration of the defense by targeting several warheads on each of his enemy's launchers.

Opponents of the ABM often agree that defense of the deterrent would not upset the strategic balance. But they contend the Safeguard program is not actually adapted to that end, because it is a carryover from city defense plans and tries to combine defense of the deterrent with a light shield over cities. They seem to feel any defense of the cities is destabilizing for one thing, it would force the other side to counteract it by developing MIRV.

The latter argument, in a sense, only stresses that the emphasis in the strategic debate has been misplaced. The reasons ABM became the focus of the debate seem largely political and personal. MIRV was the cost-effective pet of former Secretary of Defense Robert McNamara, whom the ABM critics generally consider an ally of sorts. Secretary McNamara also proposed the first ABM deployment, but with an obvious distaste that hardly prevented his Congressional friends from attacking it.

More generally, critics of the ABM actually are less interested in any particular missile system than in establishing effective Congressional control of the Pentagon budget. They want to demonstrate that Congress can intelligently review and even reject Pentagon proposals. MIRV, an ongoing program for some time, would be an inconvenient target for such a demonstration. ABM development is not so far along, and the attack on it was all the more convenient because of suburban displeasure with ABM sites under the old Sentinel program.

Some leading ABM foes do not want to sacrifice the momentum they have gained on that issue by taking on MIRV as well or instead. Sen. William Fulbright recently told the Washington Post that the ABM has "become a symbol of this body's attempt to control the spending on arms." Rather than confuse the issue with MIRV, he suggested, "we should stay right on the ABM until it's disposed of."

A PRESIDENTIAL TEST

On the other side of the debate, President Nixon seems to have permitted the ABM issue to shape up as a test of his Presidential leadership. A suspension of the MIRV tests with the ABM vote still pending would make it look as if the President had been faced down. It might endanger his prospects in the ABM fight, as opponents of the system would probably assume the Soviets would reciprocate with their own MIRV slowdown, and would use this as an argument against the ABM.

MIRV has become prominent in the debate, in short, only after positions on both sides have been pretty well frozen. Yet if MIRV development continues both here and in the Soviet Union, it would seem that little stability will be gained by stopping ABM development. And if MIRV development is stopped by agreement or mutual example, the current mutual second-strike capability will be preserved regardless of what the two sides decide about limited ABM deployment for such reasons as protection against minor nuclear powers.

The ABM may be a technical flop and an enormous waste of money, as its opponents contend. But in promoting stability in the nuclear arms race, the ABM does not matter nearly as much as the intensity of the debate has suggested. What does matter is MIRV.

THE SAFEGUARD ABM

Mr. JACKSON. Mr. President, in his testimony and supplementary comments to the Committee on Armed Services, Prof. Albert Wohlstetter, of the University of Chicago, has done some important and impressive work in exposing the careless and defective calculations of certain opponents of the Safeguard ABM deployment.

In this connection, I invite the attention of Senators to Professor Wohlstetter's perceptive letter of June 11 to the New York Times in response to a letter written by Dr. George Rathjens of MIT.

The two letters were printed side by side in the New York Times of Sunday, June 15, 1969. I ask unanimous consent that the exchange of letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Letter of Dr. George Rathjens

To the Editor:

You recently carried a story about Albert Wohlstetter's criticisms of an estimate I made that 25 per cent of our Minuteman force could be expected to survive a pre-emptive attack by a Soviet SS–9 missile force in the mid-1970's. Mr. Wohlstetter is reported to claim that the "correct" number is 5 per cent.

I have dealt with Mr. Wohlstetter's criticisms in a classified letter, but also feel I should comment on them publicly.

First, there is the question of whether I used the right "hardness" for Minuteman silos in my calculation. I used a chart released by Deputy Secretary of Defense Packard and data made available by former Deputy Secretary of Defense Nitze on Nov. 8, 1967.

One cannot determine unambiguously either the hardness of a Minuteman silo or the accuracy we expect with MIRV's from this data. However, by using both releases one can derive a probability for a Minuteman silo being destroyed without knowing the exact hardness. This I did. Any error in estimation of hardness is irrelevant because it is offset by a compensating difference in estimation of accuracy.

PLAUSIBLE THREAT

Second, it is alleged that I made an error in assuming four one-megaton [MT] warheads per SS–9 missile rather than three five–MT warheads as Mr. Wohlstetter assumed. My statement for Senator Albert Gore's subcommittee was prepared before anyone had suggested that the Soviet Union could employ the latter option with the SS–9. I saw no reason to change it, since I continue to regard a payload of less than three five-MT warheads as a plausible threat and because the difference is small compared with the following more important points.

The major difference between Mr. Wohlstetter's analysis and mine is with respect to the extent to which the Russians could retarget some of their missiles to take account of failures of others.

Mr. Wohlstetter has assumed perfect information would be available to them about missile launch failures, failures during powered flight, and failures in separation and guidance of the individual warheads, and that they would be able to use that information with the high confidence required to make a pre-emptive attack a rational choice. I have assumed they would not be able to obtain and use information about such failures in a timely fashion. This accounts for most of the difference in our estimates of Minuteman survival.

There are five far more important points to be made.

There is no hard evidence that the Russians are determined to build a capability to effectively attack our ICBM's.

If they wish to do so, they can build such a capability by the mid-1970's.

If they do so, implementation of the Safeguard plan could be offset by a very small additional Russian effort. Even an expanded Safeguard system would be less satisfactory than other alternatives for strengthening our retaliatory capabilities.

Even if the Russians built the capability to destroy our Minuteman force, pre-emptive attack by them would be madness unless they could discount completely the possibility that we might launch some Minutemen before the arrival of their ICBM's, and unless they could be highly confident of also destroying the other components of our retaliatory strength essentially simultaneously, a possibility that is all but incredible.

The most effective means of insuring the continued viability of the Minuteman force is early agreement to stop MIRV testing and to preclude a large build-up in Soviet ICBM strength. Negotiations to achieve these ends clearly merit higher priority than the deployment of Safeguard.

GEORGE W. RATHJENS.

CAMBRIDGE, MASS., *June 5, 1969*

LETTER OF PROF. ALBERT WOHLSTETTER

To the Editor:

Responsible scientists like Drs. Bethe and Ruina, who feel we can delay starting ABM to protect Minuteman, testify that "any one . . . system, bombers, Polaris, Minuteman, has its own vulnerability;" that we need all three; that a threat to Minuteman concerns us gravely. One key issue then is whether that threat will develop by 1976 or 1977 when at the earliest Safeguard will be shaken down—or whether it is safe to wait years for a better ABM.

A disparate variety of calculations by Drs. Rathjens, Weinberg, Wiesner, and Lapp purport to show that it is safe to wait, that an attack by 500 Russian SS–9 missiles would leave untouched anywhere from one-fourth to three-quarters of our Minutemen.

They claim to square with official intelligence. Such confident inferences by scientists carry great authority and ought to be made with the utmost professional care. But despite their widely publicized claims, it is they (not those who would start ABM) who are careless of pre- as well as post-Nixon intelligence, and quite casual in their calculation.

They attribute to an SS–9 in the late 1970's poorer combinations of bomb yield, number of MIRV's, and accuracy than intelligence expects in the early 1970's; and compound these errors by presuming poor Russian tactics or higher blast resistance than designed.

BASIS FOR CALCULATION

In a note to me on his calculations, Dr. Rathjens assumed our silo could resist overpressures two-thirds higher than its design performance; and derived a probability some three-fourths too high that it could survive a 1–MT burst. He bases his probability calculations on doubtfully relevant 1967 testimony about U.S. attacks on adversary silos of unspecified hardness with a range of destruction probabilities. Dr. Rathjens applies the low end of this range to late 1970 SS–9's attacking our silos—which hardly fits a proof that "the most worrisome projections" leave us nothing to worry about. The other end of the range yields roughly the appropriate lower survival probability.

Dr. Rathjens assumes only four one-MT MIRVs in the late 1970's SS–9. But (a) more than four one-MT MIRVs were attributed by pre-Nixon intelligence to the SS–9 in the early 1970s; and (b) an alternative of three 5–MT MIRVs is now public. 500 SS–9s equipped with either of these MIRV options could destroy about 95 per cent of Minuteman if the Russians use well-established techniques for reprogramming missiles to replace known failures. Using no reprogramming at all, the 1–MT MIRV force would destroy 92 or 93 per cent of Minuteman. The ability of the five-MT force to destroy 95 per cent of Minuteman presumes only half the failures after launch are replaced—a figure well within the state of the art.

Even limiting the use of information to missile malfunctions before or during launch; the five-MT MIRV force would leave only 8 or 9 per cent surviving. These numbers are intrinsically uncertain—sensitive especially to changing accuracy.

400 SS–9s with one-MT MIRVs and accuracies better by only 250 feet would destroy more Minutemen than 500 with the accuracy expected in the early 1970s.

Dr. Rathjens' belief that variants of Safeguard help retaliation less than available alternatives is based on estimates of costs of these alternatives which I find as casual as his calculations on the threat to Minuteman.

Finally, unlike him, I don't believe a stable, monitorable agreement to limit strategic offense and defense would freeze ABM at zero. ABM can counter improvements in offense accuracy unlikely to be monitored; and can protect population against smaller powers that violate or do not sign the agreement. I doubt the Russians would accept a total ban on ABM.

ALBERT WOHLSTETTER,
University of Chicago.

LOS ANGELES, *June 11, 1969.*

NATIONAL TRAILS

Mr. MONDALE. Mr. President, the signing last October by President Johnson of the National Trails System Act signified the successful end of a long struggle which began legislatively on May 20, 1964, with the introduction by the Senator from Wisconsin (Mr. NELSON) of a bill to protect the Appalachian Trail.

It was the need to protect the Appalachian Trail, which was threatened by highway development and urban encroachment, that stimulated Senator NELSON to introduce his first legislation in 1964. And it was the success of the Appalachian Trail Conference that convinced the Congress that not only should the Appalachian Trail be protected but also that other trails across the country should be developed and protected in a similar way.

The end result is the national trails system, first proposed in Senate bill 827 introduced in 1967 by Senator NELSON and Senator HENRY JACKSON, which already includes the 2,000-mile Appalachian Trail and the rugged Pacific Crest Trail in the West. The act also designated for study and possible future inclusion in the system 14 other major scenic or historic routes across the country.

In an excellent article in the June–July issue of National Wildlife, published by the National Wildlife Federation, Senator NELSON describes the unique recreation opportunities for the Nation which such trails system will provide, and also eloquently describes the urgent need for the system in view of the fact that our green open space is rapidly being gobbled up by highways, buildings, and parking lots.

I ask unanimous consent that this very informative and interesting article by the Senator from Wisconsin be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRAILS ACROSS AMERICA

(By GAYLORD NELSON, U.S. Senator from Wisconsin)

This summer when I go hiking along one of my favorite forest paths in northern Wisconsin, a new feeling of optimism will go with me—a feeling I hope is being shared by all Americans who love our nation's outdoors.

That reassurance springs from the National Trails System Act signed into law last year by President Johnson.

Our kids aren't going to learn about the outdoors from a car window. They have to *see* our natural surroundings as the first settlers did to really appreciate this wonderful country.

That's why, when a hiking enthusiast buttonholed me in Washington five years ago and complained bitterly that his beloved Appalachian Trail was in danger, I became interested in a law that would protect "his trail" as well as set up a national system. It took four years, and many people, to get the job done.

Hiking trails provide the entire American family with perhaps the most economical, most varied form of outdoor recreation. So this new law gives us a much needed opportunity to preserve and more widely enjoy many significant parts of our country's natural heritage.

The National Trails System will require some years to assemble. But even a beginning represents a major breakthrough for conservation and wise outdoor recreation development. The goal is to provide *all of us*, no matter where we live, with easy access to a wide variety of trails suited to our tastes and needs—whether we are grandparents on a Sunday stroll, kids on bicycles or horseback, or veteran hikers.

The system will move toward this objective through two major programs.

NATIONAL SCENIC TRAILS

Two great trails already exist. The world-famous *Appalachian Trail* extends 2,000 miles across the East, and the even longer, more rugged *Pacific Crest Trail* across the West. These continuous routes will be uniformly marked, their rights-of-way clearly defined and protected by easements or government land purchase. Essential shelters will be maintained.

The Appalachian will be a foot trail. The Pacific Crest will serve hikers and horseback riders or pack animals. No motorized vehicles are allowed—except in emergencies. The National Park Service is in charge of the Appalachian Trail; the United States Forest Service, the Pacific Crest.

As a next step, 14 other major scenic or historic routes are to be studied by the Bureau of Outdoor Recreation as National Scenic Trails. This means that at long last a number of old trails, rich in natural splendor or deeply woven into the nation's history,

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will be saved before all of them are obliterated by the impact of our industrial society.

Many, in fact, are now mostly under concrete, but some remain in the back country—old, almost forgotten paths worn deep by the feet of Indian warriors, trappers or traders, or grass-covered ruts in the prairie where once rolled the wheels of covered wagons.

NATIONAL RECREATION TRAILS

High priority is given to developing a variety of paths for various uses in or near our proliferating metropolitan areas. Two out of three Americans now live in urbanized communities; in 30 years, it will be three out of four.

As green open space is gobbled up by highways, buildings and parking lots, the people—especially the youngsters—have less and less place to hike, jog, ride bicycles or horses, or birdwatch, study plants and animals, sketch or photograph natural surroundings. We have built fabulously expensive automobile expressways, but have almost completely neglected those who like to move on foot, even though walking and hiking are the most economical and second most-popular form of public recreation.

National Recreation Trails are intended to meet this urgent human need. The possibilities for such trails are almost endless—if we use our imaginations and plan ahead. Our goal should be hundreds of miles of recreation trails in and around each major city. I have long felt that there should be a place to hike, to enjoy a natural environment, not more than an hour away for every American.

These trails are to be planned by local and state governments; those which meet the standards for National Recreation Trails will be eligible for Federal cost-sharing from the Land and Water Conservation Fund.

FOR BICYCLES, TOO

Urban trails are relatively inexpensive and can be built quickly. A number of small-scale demonstration projects undertaken in 1966 have already produced happy results. In congested Arlington, Virginia, just across the Potomac River from Washington, D.C., bicycle riders can now escape the perils and fumes of highway traffic by using an all-weather trail which runs for several miles along a creek, through existing park land most of the way, to the river. The Federal cost, matched by state and local funds, was only $48,000. In Seattle, Washington, a Federal investment of $49,500, matched by the University of Washington, created a nature trail through a marshy wildlife area to an island bird sanctuary and arboretum.

A GOOD START

The new law provides only a framework, of course, one which must be filled out by Federal, state, and local planners—with much help from conservation-minded citizens.

"This is a new kind of pioneering," one Federal planner told me. "It's exciting. We're getting all kinds of suggestions from all kinds of groups—Boy Scouts, women's clubs, historical societies and, of course, from many trail clubs."

The Appalachian Trail is a continuous footpath which runs along the backbone of the Appalachians from Mount Katahdin, Maine, to Springer Mountain, Georgia. Its hikers move among green, primitive surroundings much of the way, or have views of pleasant farm valleys—yet most portions of the trail are not far from great cities along its route.

There is a human angle, too. The trail owes its existence to the volunteer work of many outdoor clubs and individuals along its way. These enthusiasts, banded together as The Appalachian Trail Conference, have managed the trail, built shelters, marked it with the well-known A-over-T signs, and published maps and guidebooks.

RIGHT-OF-WAYS NEEDED

Since the trail crosses private lands for about two-thirds of its length, agreements had to be maintained with landowners to preserve the right-of-way. This became increasingly difficult in recent years due to the intrusion of roads, housing and commercial developments.

Under the new law, the Appalachian Conference will continue to be the principal guardian of the Trail—and I believe this volunteer idea can become a key to the success of other national hiking trail systems. Volunteers at the Appalachian Conference have done a remarkable job of developing and maintaining the trails. Thousands of people, young and old, have been involved in the efforts. This principle of participation should be extended to all trails.

People should feel that they have a stake in maintaining the trails, keeping them clean and attractive. Learning how to "brush out" a trail properly isn't difficult, and it gives one a close-up understanding of some aspects of conservation. Picking up trash is a long-lasting lesson that man shouldn't thoughtlessly desecrate the good earth. I know of young families who take responsibility for maintaining portions of the Appalachian Trail because they believe such work builds character by involving youngsters with nature, giving them a sense of man's responsibility toward his environment.

The second grand-scale model, the Pacific Crest Trail, is both a hiking and riding route for 2,300 miles, from Canada to Mexico, along the high ridges of the Cascades and the Sierra Nevadas. It offers some of the most dramatic and sublime mountain landscape in the world. As four-fifths of the trail is on Federally-owned land, the right of way can be established easily.

"The Pacific Crest passes include a generous share of the continent's most verdant forests, tallest and oldest trees, highest peaks, and most breathtaking waterfalls. The unique golden trout and almost extinct giant condor call them home. . . . Abandoned mines, old frontier towns and other relics of pioneer days still remain," says "Trails in America" a nationwide study.

TRAILS UNDER STUDY

It seems probable that the first two additional national scenic trails Congress will consider will be the Potomac Heritage and the Continental Divide. Surveys indicate both routes are "nationally significant", and the Bureau of Outdoor Recreation is now making in-depth studies. Each trail would provide its own, distinctly different outdoor experience.

The Potomac Heritage Trail would follow the banks of this history-rich river for 825 miles, from its headwaters in the mountains of Pennsylvania and West Virginia, past Washington, D.C.—where it would interconnect with a proposed system of metropolitan area trails—and on through tidewater country, still reminiscent of Colonial days, to Chesapeake Bay. No other trail in America offers such a concentrated scenic, cultural, natural and historic assortment.

The Continental Divide Trail would stretch for 3,082 miles through the grandeur of the Rocky Mountains from the Canadian border to Silver City. New Mexico. It would provide a wide range of both wilderness and western history experience, enabling riders and hikers to sample majestic mountain scenery, Indian reservations, and the Spanish-flavored Southwest. Most of the route is on Federal lands.

Twelve other potential scenic or historic trails await systematic study. All of them played a part in shaping the life of this country. They are:

Old Cattle Trails—such as the Chisholm Trail—over which the herds of Longhorns moved from the range of southern Texas to shipping points in Kansas.

Lewis and Clark Trail, 4,600 miles from St. Louis, Missouri, to the mouth of the Columbia River on the Pacific (trail includes return by alternate route).

Natchez Trace, first used by Indians, then traders, became the main early-day route between Nashville, Tennessee, and Natchez, on the lower Mississippi River.

North Country Trail, 3,170 miles, from the Appalachian Trail in Vermont through northern states to the Lewis and Clark Trail in North Dakota.

Santa Fe Trail, the 800-mile wagon route between Independence, Missouri, and Santa Fe in the Mexican Southwest.

Oregon Trail, the 2,000-mile pioneer route from Independence, Missouri, to Portland, Oregon.

Long Trail, 250 miles, from Massachusetts through Vermont to Canada.

Mormon Trail, the 1,200-mile route of the exodus from Nauvoo, Illinois, to Salt Lake City, Utah.

Mormon Battalion Trail, 2,000 miles from Mount Pisgah, Iowa, to Los Angeles, California.

Kittanning Trail, across the Allegheny Mountains, from Shirleysburg to Kittanning in Pennsylvania.

Gold Rush Trails in Alaska.

El Camino Real, the King's Road of Spanish Florida.

FUTURE RECREATION TRAILS

Specific plans for this part of the national system originate with local and state governments, and are just getting under way. And here I strongly believe in aggressive citizen involvement. We have done virtually nothing with recreation trails in this country mainly because state conservation departments with a few exceptions, haven't had the imagination or vision to plan them. One state conservation director once told me, "We don't build hiking trails because we have so few hikers."

He was putting the cart before the horse. How can there be hikers unless they have some place to go? And he obviously did not realize that making it easy for people to get out into the countryside, to learn about natural resources on their feet, is vital to conservation.

When conservation departments are stimulated to look systematically for potential trails in their states, they will be astonished by the number and variety available. After all, a good trail doesn't take much room. For example, along the Brule River in my state are the deep-worn paths left by Indians and fur traders. They are only a few feet wide and meander through the woods. To protect such a strip of history with easements, mark it, put it on a map, and keep it passable is fairly simple and should not be a very expensive task.

Several years ago I made a rough study of some of the more obvious trails we might develop in Wisconsin. When we put them on a map it showed a network totaling 3,000 miles! Running mainly along river banks, lake shores, and through state and national forests, these trails would put a hiking path within reach of virtually every family in cities, suburbs and small towns.

Long, continuous trails are not essential, however. Sites for many short ones, possibly 5 to 15 miles long, can be found in any state. Once developed, they become in effect linear parks where oncoming generations can learn the vital fabric of the earth, its vegetation and its creatures, through their own eyes, ears, hands and feet. Personally, I believe that every trail should have tree collections at suitable intervals—small plantations, perhaps only an acre, where youngsters could see every tree native to their state, each one identified with a plaque giving its name and important characteristics.

WHAT WILL TRAILS COST?

The National Trails System Act authorizes appropriations of $5,000,000 for acquiring lands and easements for the Appalachian Trail, and $500,000 for these purposes for the Pacific Crest Trail, most of which already is on public land. The total investment will be relatively modest. A splendid nationwide network of all types of trails can be established for less than the cost, say, of a few hundred miles of superhighway.

The Federal share of the National Trails System is to be financed from the Land and Water Conservation Fund, as available and appropriated. As states complete their comprehensive outdoor recreation plans and proposals, including those for trails, they may apply for cost-sharing grants from the Fund.

FUND NOT ENOUGH

One trailblock, however, is that more conservation and recreation projects have been authorized than can be readily financed by the Fund. It isn't that the nation is overcommitted on projects—quite the contrary. Rather, the sights of the Fund have been set *too low*.

Congress recently sought to correct this by earmarking $200 million a year for five years for the Fund from Federal off-shore oil revenues—again, if appropriated. Even so, the massive task of saving and restoring our natural environment cannot be mastered unless we use general funds for this purpose on a much larger scale.

Still, conservationists should be optimistic. A more concerned, more constructive attitude is taking hold. I keep in mind a cold weekend one October when I hiked over a fine new trail being completed through the Chequamegon National Forest near Lake Superior. The work was being done by a group of college students who wanted that trail for themselves and others. Twenty-five of them invested their Saturday in trimming out brush, hauling off fallen trees and leveling hummocks. By the end of a long day they had created a pleasant 7-mile footpath where none had been before.

That kind of spirit can give America the trails it needs—and the trails can give us more of the America we need.

SPEECH BY WALTER J. McNERNEY, PRESIDENT, BLUE CROSS ASSOCIATION

Mr. RIBICOFF. Mr. President, several committees and subcommittees of the Senate, including the Subcommittee on Executive Reorganization, are deeply concerned with the problems facing those responsible for the delivery of health care.

There are no easy answers in this field. But we are fortunate in that many dedicated individuals and groups are hard at work at developing solutions to the difficulties of organization, financing and delivery of health care.

Walter J. McNerney, president of the Blue Cross Association, is one such individual. In a recent speech before the Group Health Institute annual meeting in New York, he gave a very impressive summary of the problems. His remarks on the subject of the prepaid group practice of medicine bear special attention.

I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE HEALTH ADMINISTRATION ESTABLISHMENT: UNDERACHIEVER

A serious discrepancy exists in the relative investment our nation is making in the delivery of health care and biomedical research. As a result, we know a great deal about diagnosis and treatment of illness, but less than we should about how to translate our know-how into effective service at a reasonable price. Also, the health establishment, excessively preoccupied with old values and yesterday's problems, lacks the flexibility and motivation to create the right setting or to capitalize on opportunities that exist.

Last year the Federal government spent approximately $1.6 billion on biomedical research. During that same year, it earmarked—but spent less than—$18 million for research on ways to improve delivery of health services. In a market where significantly less than 50 percent of the new expenditures for health are translated into new services or modernization, the disparity is devastating in terms of both human compassion and economic soundness.

The essential fault cannot be ascribed to Congress. It is indeed true that past Congresses have generously appropriated money for biomedical research, with funds often exceeding requests of the Administration. But, for the most part, members of Congress are not health experts. It is to be expected that as members of a wealthy society, confident of overcoming challenging problems through massive infusions of money, they would feel that major health appropriations would bring concrete benefits to individuals and to their communities. Further, Congressmen are members of a society only now emerging from a long period of consumer unassertiveness (with the help of more effective mass media and more widespread education). They proceed gingerly in health matters for fear of interfering in quality of care (or, perhaps, risking some sort of personal retribution). Thus, it is natural for legislators to avoid significant involvement in the highly-charged problems of health care financing and organization.

The fault lies within the field of health. It is here, primarily, that heavy emphasis has been placed on professional versus consumer rights. The illusion that a noncompetitive economy can become efficient largely through the good intentions of practitioners and institutions given semi-monopoly power through licensure is still being perpetuated. It is here that we see emphasis on new hearts for the hundreds while millions suffer from lack of preventive care.

The example cited is symptomatic of the fact that our scientific acumen has badly outstripped our delivery know-how. Furthermore, massive infusions of research money from The National Institutes of Health, Medicare or Medicaid or from other quarters without corresponding attempts to improve the delivery of care, will simply heighten the problems we face. This is not to imply that we can arbitrarily stop spending or make wholesale cuts in health expenditures. As we already have seen, undercare can be result. The health system, like the economy as a whole, is in delicate balance. Expenditures must be coupled with more imaginative delivery systems, and this concept must evolve more rapidly than to date.

There are signs that the need for more effective delivery of health services is enjoying wider appreciation and that more dramatic changes in health care are in prospect for the next five years than we have seen in the last 20. While ready answers are not easily at hand, there are signs that health problems will be conceptualized and solutions will be sought by consumers, as well as by practitioners, drawing upon the help of task-oriented experts who are as much concerned with results as with processes. To put it another way, a strong dose of anti-intellectualism in health administration matters, which we have experienced in recent years, may be on the wane.

FORCES CALLING FOR CHANGE

Where do we see the signs of these changes? A good place to start is the population receiving health services. The orientation of the young needs little elaboration. The majority of them are wed less to gradualism than their elders. They are more inclined to act now when problems, such as access to care among the poor, become apparent, and they are less impressed with institutional form than with payoff. As access to and influence over health grow, these points of view will become increasingly influential. The growing number of medical students and allied professions interested in community medicine—whether in a neighborhood health center, a hospital, or the Peace Corps—suggests that receptiveness to these points of view within the health establishment will increase in the near future.

A second influential group, smaller in size but similar in impact, is the poor and near poor. Blue Cross asked Louis Harris to study the health problems of the total population last year. This and other surveys reveal that the poor—in relation to the average citizen—have a significantly greater incidence of major and minor medical complaints and less insurance. Also, the poor have a pervasive fear of major medical episodes and a despair about reasonable access to care. Surprisingly, the poor appreciated the value of specialty care as well as the non-poor and discussed the hazards of air and water pollution as well as the extensive use of pesticides in agriculture.

At the 1969 National Health Forum, sponsored by the National Health Council several of the ghetto residents who participated in the discussions gave unanimous support to programs that would cut through old ways to produce health professionals below the doctor level who might attend to their needs. They expressed great impatience with a system that requires upwards of ten years to produce a doctor—and doesn't produce doctors for their neighborhoods. "We may see them occasionally, but never the same one twice," they said. Obviously, the poor have a strong interest in change, and they, like the young, express a sense of urgency which the principals of the establishment lack thus far.

The gainfully employed who are supporting the poor and the young are also pressuring for change through both the public and private sectors. For example, in California, all of the major unions have combined to form a California Council for Health Plan Alternatives. Its general objective is to seek out and bargain for more effective means of organizing, operating, and financing health services. Recognizing the susceptibility of health services to inflation, its members see this problem as a matter of degree and not in terms of absolute license to justify rapidly increasing deductions from payroll to pay for the same or similar services, which often fall far short of full health care. With less formal organization, thousands of working groups around the country are concerning themselves with costs and effectiveness of care. By now, the story is a familiar one to all of you.

Importantly, several key consumer groups again are beginning to focus on the effectiveness of the total health system on a national scale and now just how it might affect a given subgroup or locality. For example, Walter Reuther has launched an exhaustive inquiry into the whole structure of our health system and the reasons lying behind its less than superior overall performance, as measured by mortality and morbidity experience (as the world's wealthiest nation), its low efficiency in some parts and its shortcomings in reaching out consistently to the disadvantaged. The AFL–CIO is similarly concerned. A key underlying assumption of these groups is that, whereas more money will be needed to do the job, much more can be done with the money we are now spending. The proposition is slowly emerging that adequate care for everyone is

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well within reach, provided old institutional inertias can be overcome.

The government is now hardly a casual bystander. With obligations under Medicare and Medicaid—in addition to its manifold investments in research, education, and capital structure—it is vitally interested in effective care, especially in this era of tight budgets and heavy non-productive war expenses. Reflecting the mood of the working population, the poor and the young, as well as the needs of government as a purchaser of care, there is now more talk of the need for discipline within the system. Out of this comes greater interest in preventive care, less fragmentation of service, more appropriately placed incentives, better planning, and the like. There is less inclination to spend money without at first speculating on how it is to be spent.

Also, there is renewed interest in universal health insurance. We can expect some bills this year and more next. If not before, the issue is likely to be a major consideration in the 1972 Presidential election. What the specific outcome will be one cannot fathom at this time. However, whatever devise is agreed upon to raise the funds, we can be certain that there will be deep consideration given to the system on which it is spent.

Accentuating this quest for better delivery of care is the changing nature of medical practice itself and the changing setting within which it is practiced. The complexity of services needed for the treatment of chronic disease and the proliferation of specialties both call for organization—as do the problems experienced by the poor and well-to-do alike in getting care in an increasingly urban environment, replete with transportational and jurisdictional hurdles.

CHANGE UNDERWAY

The pressures calling for greater productivity and greater access are obvious. Even if slowly, the health establishment has finally accepted the need for organizational and financial reforms.

The hard output statistics portraying rapidly rising costs, differential utilization rates among the haves and have nots, and widely varying uses of human as well as material resources have been convincing. However, it is important to understand that a gradual change in economic philosophy has been occurring. At the root of many debates on medical economics over the years, has been the basic disagreement over whether the health system was, like many other segments of the economy, essentially self-regulating. Those that said that it was, spoke in terms of minimum regulation, deductibles and co-pay provisions so as to involve every individual in every transaction as well as the desirability of many different patterns of payment and provision of care, etc. With greater resources involved, more visibility and higher stakes, it has become apparent that with the absence of both true competition and genuine consumer choice and with the social, if not economic, necessity of focusing on need as well as demand—self-regulation is significantly lacking. The assumption that well-meaning professionals can carry the day is not valid. Solutions to large scale problems of productivity and allocation require more basic pressure than personal or professional idealism alone can muster, particularly if each transaction is prepaid. Once this is accepted, the door is open to debate over substitute controls which can give the system greater predictability. We are at this stage.

The challenge facing us is to construct a flexible and publicly-accountable organizational-type model which exploits the assets of both the public and private sectors, moderates the wide range of choices without backing into the trap of "one best way," and recognizes the need to keep decisions as close as possible to the problems involved.

Most health professionals are aware that there are no simplistic solutions and consensus on the merits of any given intervention or combination is low. Furthermore, individual doctors and hospitals in casting their votes on solutions face the dilemma of balancing their own needs against the needs of the system.

One major approach involves the planning of health programs and facilities. As opposed to entirely self-appointed growth, decisions should be made relative to community need on a community-wide basis. Potentially, a proper system could establish a reasonable capital structure and focus program on gaps as well as overlaps. Both would go a long way toward improving the system. Achievement of effective planning is another matter. Aside from the issue of local pride, there are strategic considerations of process, authority, structure, and scope. Currently, planning is proceeding along several axes, i.e., PL 89–749, Regional Medical Programs, Hill-Burton, areawide planning agencies. Medical, hospital, and insurance organizations—as well as state governments and other groups—are jockeying for power within these frameworks. The net result is very little control. The speed with which legislation was conceived left even the Federal government badly fragmented. Prospects for rapid progress are dim although long-range prospects are brighter.

Attempts are being made to develop incentive reimbursement formulas under contract between purchasers of care and providers. As an emergency measure during World War II, it may have been justifiable to pay hospitals on a cost plus or charge basis, but under more normal conditions, it is not. Several experiments are under way or being proposed, such as payments according to work standards or preagreed target rates. Several prototypes deserve evaluation, but in any event, it is important that the provider share risk and thus be given incentive to innovate, that the rates are pre- rather than post-agreed, that the structure be reasonably simple and that the agreements be struck through negotiation and firm bargaining. Progress has been slow. Hospitals and allied institutions appear to enjoy the economic weightlessness of full payment, subject mainly to post-audit, and they face the prospect of negotiating cost parameters with large contractors with some trepidation.

In doctor payment, the swing to a usual and customary basis puts a great deal of stress on the restraints of peer performance and its impact has yet to be fully measured.

The much-discussed process of utilization review—in which judgments are made by doctors largely regarding the proper site of care, relevancy of services utilized and appropriateness of stay—has great potential. With computers it is now possible to print out comparisons within and among providers regarding performance relative to preset criteria of effectiveness by diagnosis, age, and sex. At the least, computers can help to make comparisons without reference to criteria. Up to now, the manual labor required to judge cases and the essentially claim-type work demanded of busy doctors has resulted in little effective control over either under- or over-use of facilities and services. It remains to be seen whether well-documented data in attractive format, easily retrieved from memory files, will change the situation or whether resistance will then be based more on the professional's inherent distrust of the norm.

Accreditation is being expanded in scope but to date has been concerned with minimum standards rather than efficient use of resources. Plans are under way to examine administrative as well as professional practices.

Of Major importance is whether most or relatively few health services are to be prepaid. Use tends to follow prepayment. Benefit structures that concentrate on acute services invite overuse of these services at the expense of alternate, more effective and less expensive services. Currently, approximately 40 per cent of the health care dollar is prepaid. The average will have to be at least 80 percent before physicians can begin to deal successfully with pressures from patients or their families to minimize their out-of-pocket expenses. Growth of benefits has been slow but steady. A few leading industries are approaching 50 to 60 percent effectiveness, but those with limited resources, often small in size, still lag appreciably behind.

The problem of access is being fought along three fronts. Primarily through formal or informal planning (e.g., PL 89–749 and The Regional Medical Program), efforts are being made to congregate services so that preventive, acute, and rehabilitative care can be obtained in a reasonably compact location and through a reasonably well organized program. The so-called campus concept built around a medical center or a smaller teaching hospital is a case in point. Expanded ambulatory programs and conveniently located doctors' office buildings are another case in point. However, fragmentation is still a major problem for the poor and rich alike. Lacking education on use of services and mobility, the poor are particularly handicapped—to the point where undercare is common even when government support for care is available. Out of this realization, a Polaris program has arisen (the second front), called the neighborhood health center program, where an attempt is being made to build and consolidate many ambulatory services under one roof, tuned to the needs of the surrounding population.

Finally, one sees concerted efforts being made to develop health benefit programs for the poor and the near poor through Medicare, Medicaid, and Model Cities, while the long debate on universal health insurance begins. Closely allied efforts involve attempts to improve social security payments, welfare payments, workmen's compensation, and unemployment insurance and to explore such ideas as the guaranteed minimum wage, negative income tax, family allowances, job training, and public works programs. The attack is multilateral and proceeding cautiously, slowed by the prospective costs, low assurance on relative merits of alternative approaches and a hesitancy about how well the money will be spent.

Overall, we see that attempts are being made, through selective intervention, to introduce more order into the system through use of various incentives, parameters and negotiation and employment of a gamut of legal, fiscal, and professional means. An overall concept is lacking, but at least the time has arrived when the system—as opposed to the individual practitioner or institution—has come in for its share of attention. The stage is set for the development of national goals in the Office of the President or the Secretary of Health, Education, & Welfare, and periodic evaluation of progress toward them. The stage also is set for debate on the real issues: public versus private roles and how to balance such conflicting forces as uniformity versus variety, standardization versus innovation, centralization versus decentralization of decision making and the like.

IMPEDIMENTS OF PROGRESS

This is not to imply that the going will be easy. Health institutions respond slowly. For example, with the diffision of authority existing among boards, administrations, and medical staffs in hospitals, progress tends to be rapid when heroic, sharply-defined effort or technique is involved, but glacial when through programs are involved, even though they may have greater life-saving potential. How many administrators will stick their necks out on any major issue when prevailing staff or board sentiments runs roughly counter? How many pathologists will be in-

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terested in sharing facilities with neighboring institutions when their role and income might be adversely affected?

The matter is further complicated by excessive specialization among supporting skills in and out of the hospital. Each new skill which supports doctors develops a society with its own uniforms, standards, codes, associations, officers, and so forth, whose demands often challenge the job at hand. Acquisition of skill and pursuit of quality are the justifying targets of these demands, but often the result is to make the institution a holding company for specialties narcissistically concerned with their own needs to a significant degree. Coordination of effort directed at a given patient or program is hard to achieve. A preoccupation follows with form rather than with substance.

In a medical center, the problem is compounded by the disassembly of the university of which the medical school and teaching hospitals are a part. We now see the cult of the specialist and the technologist in full flower. Is it surprising that students are asking what the University stands for, with respect to complex human and community problems whose solutions require a commitment, a point of view and the coordinated insights of several disciplines? Is it surprising that medical centers which straddle ghetto areas remain excessively preoccupied with esoteric research projects? Should we be surprised to see such enthusiastic pursuit of challenging cures with so little interest in prevention, although the payoffs for the community favor the pap smear over the transplanted heart? Why have technical skills not been relegated to supporting personnel who, like the military corpsman in Vietnam, could be entrusted to perform a wide scope of functions well, and if he works at it, ultimately can become a doctor?

The causes are neither malicious intent nor a malevolent spirit. The technician or professional does not conspire against the institution. He simply devours it, unless the institution is strong and unless it stands for something meaningful. Needed are clearly enunciated goals, proper incentives, and sound structure. Universities and health institutions built on the concept of fatuous egalitarianism, where all licensees have an equal voice, are in for a bad time. It is no accident that there have been marches on both.

It is also no accident that the neighborhood health program was initially conceived and implemented outside of HEW by young men deeply concerned with the poor. These young men had decided that the only way to get the program off the ground was through bypassing the establishment as much as possible—whether the establishment was seen in the form of public health agencies, hospitals, planning agencies, or professional societies.

THE CONCEPT OF GROUP PRACTICE

The concept of group practice and how it has been debated is a good case in point. Group practice represents one impotrant attempt to provide focus and to strengthen production through coordinated effort, whether in the form of a loose confederation of physicians or in the form of a well organized group operating on a prepaid basis. And the concept has had rough going—particularly prepaid group practice.

We have seen an encouraging growth in consumer prepaid group practice multispecialty plans in recent years. But why has overall progress, on the basis of percentage of population enrolled, been slow, particularly when planning, utilization review, and other worthy efforts to achieve greater access and productivity have provided less than a full answer to currently pressing problems?

In part, the answer lies in forces typical of those afflicting every institution. Physicians have not been trained to think in group terms outside the hospital. There are conflicts within groups, on a professional or administrative basis, which verify for some the fact that group practice cannot work. From the public's point of view, there is often frustration with benefit gaps or with need for excessive travel to get service. Some may chafe under the narrower range of choice of physician than one finds in the community as a whole, even if it is realized that this is one price one pays for quality. A few others may still associate group practice with services to the poor, while deriving satisfaction, if not status, out of their own personal doctor or doctors.

While prepaid group practice is in a minority pattern, one would expect to see some of these and other attitudinal and substantive problems arise. However, one would not expect emotional, often vitriolic attacks on the concept, from the professional community. And, yet, this is what we have seen over the past 30 years and we still see it today. The antagonists see prepaid group practice as unethical, inimical to the quality of care, restrictive of freedom of choice for the consumer, and the end of professional freedom.

It is not my purpose to refute such nonsense. Any group that equilibrates freedom and ethics with lack of structure, or rationalizes a threat to the pocketbook with the excuse of threat to quality, ultimately depends on reasons that wear down through sheer lack of substance, although, admittedly, the refutation of this nonsense has been slow in coming. Perhaps, a sick consumer can be forgiven for being more than ordinarily slow-witted.

It is essential to point out that this type of attack is symptomatic of a deep seated problem. It represents the unthinking application of old remedies to new and different problems; it ignores the facts of significant social and economic changes; it confuses personal aspirations with community good, and, at times, it even reflects class or some other equally distasteful bias. These attitudes are difficult to get at, even for the well community, because often the point of view is sincerely held while resting on self-deception or, perhaps, more frequently, on ignorance of the essential needs of modern medicine and an urbanized society. Whatever, it is unacceptable to today's generations, who are properly suspicious of hypocrisy and less than full candor. The image of a solo practitioner earning $200,000 in lonely splendor while a local medical society or hospital fights the development of a neighborhood health center simply won't go.

Prepaid group practice, then, is more than a technique; it is a battleground. It must be given a chance to succeed, for one thing, because it makes sense, but even more importantly, because the type of rationalization that opposes it must be rooted out for the sake of medicine and the community. In essence, we need more research and development in the area of delivery of services, but as a corollary, we also need the courage to implement what we already know.

Let us recall that the pressures for productivity, less fragmentation and greater access are growing. A scheme that is built on a service benefit, includes a broad scope of services with a heavy accent on prevention, contemplates a close working relationship between ambulatory and bed care, involves a utilization review structure that spans an episode of illness, keep decisions close to the problems involved, and features a prenegotiated rate within which the system will live, cannot be that bad. In fact, it seems to bear directly on the key economic problems we face while respecting the need of the practitioner to make important clinical decisions. If it is not worthy of evangelistic support, at least, it deserves a fair crack at the market. In passing, it might be noted that the well-known Kaiser group practice prepayment plan met 76 percent of the cost of medical services for its subscribers and that the cost of these services has been rising less than one half as fast as for the nation as a whole. Admittedly, a select population is involved, but the challenge is still there.

LOOKING AHEAD

Prepaid group practice can serve as a useful device for looking ahead as well as over one's shoulder. Its slow growth is related partly to the fact, perhaps, that many of its proponents have been too brittle and too intense, possibly overreacting to the heavy propaganda against it. The cause sometimes assumed religious fervor and the liturgy sometimes seemed too stereotyped. One result was that faults as well as claims were at times exaggerated. In fact, with a full, unrestricted play of consumer and professional forces, prepaid group practice will likely emerge as one of several formats, more applicable to certain settings than others.

I should like to suggest that a more pragmatic and flexible approach might hasten the day of a new equilibrium:

First, the merits and demerits of prepaid group practice must be stated more eloquently in topical language that can be widely understood. It costs less. While provision is made for coordinated care for all members of the family, a control and incentive structure is created that holds promise of efficiency and effectiveness. It has been estimated that $500 million to $1 billion could be saved annually on hospital payments alone through the elimination of paperwork if an inclusive rate payment were instituted. What would a per capita payment across the board save?

Second, every effort should be made by management and labor to include dual or multiple choice clauses in labor contracts so that what form of payment and/or practice is desired is left, in part, at least, to the individual employee. Thus, the consumer and doctor exercising free choice would decide on proper patterns as opposed to the promulgation by power groups of legislation or through concerted political pressure to outlaw or regulate against certain forms of group practice. The essential issues are economic, not professional.

Third, artificial impediments to natural evolution should be struck down and struck down now. For example, the laws or regulations in 17 states prohibiting consumer-owned and operated prepaid group practice are anachronisms, if they ever had validity. Federal and state money, both grants and loans, should be available to all community oriented and operated health institutions, including organized groups—and not focused solely or primarily on the construction or expansion of bed facilities. It should be clear by now that without proper balance between, for example, ambulatory and bed facilities, program emphasis will be distorted and diseconomies will arise. Payments under such programs as Medicare and Medicaid should be made on a per capita basis with as little red tape as possible. I am not talking about special favors. Prepaid groups are well able to stand on their own feet, as they should. I am talking about unstacking the deck.

Fourth, there should be continued evaluation of the impact of various forms of group practice on use factors and costs. We lack sufficient yardsticks to do the job convincingly at times, and we even lack a common language, but let's reveal what we can while improving our techniques.

The Blue Cross Association has applied for an HEW grant to examine use and cost patterns under group practice and solo practice arrangements. For those who think the issue of prepaid group practice is dormant, I should recall that the study application elicited at least three resolutions condemning it at the annual meeting of the American Medical Association. Our application still stands.

Fifth, and finally, among other points that might be mentioned, it is time for greater unity of program and purpose among community-oriented and owned institutions.

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Closer coordination of those who are dedicated to better health as a primary goal would have a strong and beneficial effect. It is time, for example, for Blue Cross to work more closely with community-oriented prepaid group practice. As most of you know, Blue Cross packages benefits with HIP in New York and GHA in Washington, D.C. To the comprehensiveness of program of these groups is added the considerable strength of out-of-area coverage and transfer rights. Hopefully, we will also be able to look forward to Blue Shield's encompassment of per capita payment, as Blue Shield, too, reflects changing community and professional interests.

Ideally, the hospitals and the groups should be joined. It is incredible that more hospitals have not taken the initiative in establishing a group or groups geared to provide a full range of services, if for no other reason than to tear down the economic curtain between ambulatory and bed services, and to join the physician more meaningfully and accountably in the administration of health care. Whereas certain separations exist for reasons that have nothing to do with quality or efficienty, it is becoming increasingly evident that the future development of group practice and a variant form—neighborhood health centers—will rely heavily on an institutional basis.

I have made primary reference to prepaid group practice implying a comprehensive and tightly organized scheme. However, it is important to encourage better organization and financing of practice, whatever the form. The old style at Henry Ford Hospital and the new style being so ingeniously implemented at Harvard are both valid. Perhaps, a few medical center facilities can be teased into playing a community role. And the group practice without walls experiment in Washington, D.C., deserves support.

Citing prepaid group practice is a useful way to point out how far in some cases ossification still is, but a half a loaf is better than none and, more importantly, the chief targets should be such things as proper incentive, better coordination and effective control—not a given chassis *per se*. If there are any principles other than these, two deserve quick reference.

First, no form of practice deserves long range support unless it attempts to serve the whole community. Extolling low use and cost data on the basis of serving preferential populations may make sense in arithmetic terms but not in community terms. Second, the ownership should be primarily by those affected, i.e., subscribers.

In conclusion, a major challenge facing the health system is to purge itself of its old fogies in a more avid pursuit of greater productivity and effectiveness. Other challanges are to face up honestly to the unmet health needs that are extant among rich and poor alike, to seek institutional forms that can balance effectively the sometimes conflicting aspirations of professionals and consumers of care, and to weight alternate programs (including food, housing, employment) in terms of results rather than nostalgic references. Also, let us hope that we can be realistic about the fact that we live in an economy of scarcity and that there is a limit on what people will spend on health. For those who moralize about controls, or still feel offended at hearing health discussed in terms of public policy or economics, let us remember that we are talking not about whether, but about how the limits are to be established.

ADDRESS BY ATTORNEY GENERAL MITCHELL BEFORE TENNESSEE BAR ASSOCIATION

Mr. BAKER. Mr. President, the Tennessee Bar Association's 88th anniversary convention was held last week in Gatlinburg, Tenn. The highlight of the convention was an address by the Honorable John N. Mitchell, Attorney General of the United States.

The Attorney General spoke of several issues of special concern to all of us, including the violence and disorder that have plagued our Nation in recent days. I believe his remarks are timely and worthy of the thoughtful consideration of Senators, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY HON. JOHN N. MITCHELL

INTRODUCTION

It is a great pleasure for me to leave the humidity and heat of Washington to come down to the beautiful Smoky Mountains and talk to the 88th Annual Convention of the Tennessee Bar Association; and, as you may know, the current heat we have in Washington has little to do with the weather.

1. Violence in America

The topic about which I will talk this evening is a broad topic—the increasing disrespect for our system of law on the college campuses, in our core cities, and on the streets of our urban and suburban areas.

It has become fashionable in some circles to say, for example, that violence is "as American as cherry pie." But this begs the question. While it may be true, historically, that this nation has had sporadic periods of internal violence, we have never accepted physical force as a legitimate means to achieve a political or social goal.

It seems to me that the danger today comes from those who justify physical violence—not as a sporadic or symbolic protest as did Thoreau—but as the only form of protest: as the only consistent and acceptable method of forcing their demands upon the majority.

There are those on our college campuses who argue that administrators will listen only after buildings are seized and students injured.

There are those among our black community who argue that the white community will listen only after arson and looting have occurred.

There are those in our urban areas who argue that the dropout juvenile mugger and the disadvantaged adult bandit are, in some unconscious way, bringing to our attention their plight.

And several months ago, an eminent criminologist even suggested that society should arrange a formal truce with the organized criminal syndicate because all efforts, so far, to weaken organized crime have failed.

I sympathize very deeply with—and I suppose I do not understand completely—the resentment and hatred that are throbbing in our colleges and in our cities. Because of my age and background, I suppose I cannot fully appreciate the depth of resentment held by students who wish more of a voice in their own affairs and of minorities who wish to participate fully in American prosperity.

But I reject, this Administration rejects, and you must reject the alternative of physical brutality. Broken limbs, damaged lives and scarred buildings cannot be weapons of negotiation. Social progress must be achieved through our peaceful political processes which are rooted in simple humanity, intelligent awareness and discussion, and sufficient economic resources.

For in this chaotic decade, I must pose to those who advocate lawlessness the query of Mr. Justice Holmes:

"Behind every scheme to make the world over lies the question, what kind of world do you want?"

The kind of world that I want, that this Administration wants and that most Americans want, is a nation of political stability, social advancement and economic growth firmly rooted in "equal justice under law."

Since January 20, as Attorney General, I have made several priority decisions and policy statements in an effort to achieve the kind of world we want; and I should like to detail them for you briefly.

2. Street crime

Perhaps street crime is, in the long run, our greatest problem. The latest FBI statistics show that serious crime in the United States increased 17% in 1968 over 1967 to 4.6 million serious crimes—or three-fourths of a million more than in 1967.

The increase is not limited to any particular area of the nation and is concentrated in our urban-suburban metropolitan areas.

It was up 22% in metropolitan regions of one million and up 25% in areas from 500,000 to one million.

Furthermore, juveniles now account for a majority of crimes against property and the juvenile rate is growing faster than the juvenile population.

As Attorney General, I can tell you that street crime in our cities and suburbs and the fear of street crime is changing the fabric of our society, and is forcing our citizens to change their traditional living patterns. They stay off the streets at night. They shy away from helping strangers. They are distrustful and insecure in their own neighborhoods.

This is an area where the federal government has little enforcement power. Here, we must rely on the states and cities for their cooperation. The federal government can offer advice and technical assistance—and we can offer funds.

Our federal leadership in the national effort against street crime will come primarily from the Law Enforcement Assistance Administration in the Justice Department.

President Nixon has strongly supported my request to Congress for a record $300 million appropriation for the next fiscal year for the Law Enforcement Assistance Administration. Most of this money will go to the states in block grants to be distributed to urban areas, to be used, in one form or another, to aid the administration of justice on the broadest scale.

We need *more* police and they must, in most cities, be better educated and trained. We need *improved* juvenile facilities and educational programs to stop our youth from turning to the streets. We need *more efficient* justice so that those who are arrested will be tried promptly and either convicted or acquitted. We need a complete overhaul of most prison systems with rehabilitation facilities, psychiatrists, and social workers to assure that the prisoners of today will not be—as four out of ten are expected to be—the prisoners of tomorrow.

But our attempts to decrease street crime have another aspect which is even more important—solving the root causes of common law crime in our cities. It is simply not an accident that the highest incidence of crime occurs in the ghetto where poor housing, poor education, and lack of employment opportunities are more prevalent than in other parts of our urban-suburban areas.

Here too, President Nixon has supported substantial programs. He has proposed a $2.5 billion hunger program designed to insure, once and for all, that our citizens have an adequate basic diet. He has reorganized the Job Corps retraining program for disadvantaged youths and eliminated some of the less efficient aspects. He has continued the Head Start program for the educationally underprivileged and transferred it back to the Department of Health, Education and Welfare where it belongs. He has maintained the Office of Equal Opportunity, mainly as an experimental laboratory to try for new solutions. He has asked for a $700 million appropriation for the Model Cities programs in an attempt to rebuild our inner cities and offer the local residents some control.

Voluntary Action

We hope that the states and cities, in attempting to solve our national crime problem, will invite private industry and nonprofit organizations to participate in meaningful anticrime programs under the guidance of government officials and professional organizations.

The voluntary sector of our community offers an enormous reservoir of money and manpower to help in non-police functions, such as juvenile programs, narcotics rehabilitation programs, and work training programs for prisoners.

Therefore, we have been working, for the last three months, with major private organizations in an effort to form a united anticrime fund.

This fund would have two main purposes: to collect money from the private sector and to distribute this money to professional groups and volunteer organizations for local anticrime programs.

As President Nixon said in his inaugural address: "We are approaching the limits of what government alone can do . . . we must reach beyond government and enlist the legions of the concerned and the committed."

We know that private citizens can help. In Royal Oak, Michigan, retired businessmen, corporation executives, and lawyers have volunteered to establish a successful program working with juvenile offenders on probation.

The Jaycees has started a promising program to establish local chapters in prisons which emphasize education and job training. The Jaycees then take responsibility for the prisoner after he is released to see that he obtains employment and helps him to adjust to civilian society.

These are some of our plans so far in the street crime category.

3. Organized crime

Now, I would like to discuss our organized crime program.

We will spare no effort to attack this nationwide organization of racketeers who corrupt our youth with illegal narcotics, who taint our public officials with bribes and corruption, who pervert the outstanding ideals of the labor union movement, who employ murder and torture to collect their debts, and who, in a very real sense, prey mainly on the poor and less educated segments of our population.

President Nixon has asked the Congress for a record $50 million appropriation to launch a meaningful nationwide campaign against organized crime, utilizing all the weapons at our disposal.

Almost all of this money will be used to increase the Strike Forces, a relatively new concept in organized crime investigations. These Strike Forces are now in eight cities and a year from now they will be in an additional 13 cities.

The Strike Force is composed of investigators and lawyers from the FBI, the Justice Department, the Bureau of Narcotics and Dangerous Drugs, the Internal Revenue Service, the Secret Service and other agencies. This unified interdepartmental approach has proved extremely successful. In one city alone we have been able to obtain 30 indictments in an attempt to permanently eliminate an established organized crime syndicate.

Our tactic is to spread an intricate and well manned net of federal law enforcement, ranging from minor tax violations, to extortion and common law crimes to narcotics and gambling violations.

One of our most useful tools in the investigation of organized crime is wiretapping. Since I became Attorney General, I have reversed the previous Department policy and have authorized wiretaps of organized crime syndicates. For example, one tap led to the seizure of a $6 million shipment of heroin in New York City and to the arrest of a number of alleged narcotics importers. Another wiretap in the midwest led to the seizure of counterfeit money and to the arrest of four alleged counterfeiters.

I strongly believe in the right of privacy and I recognize the abuse to which wiretapping may be subjected. That is why I personally review each application and why I believe, in general, that court supervised wiretapping in the best approach.

But we must balance the equities. We must protect our homes and offices from unnecessary invasions. We must protect our communities from organized gangsters.

4. Racial disorders

As opposed to organized crime, the racial violence in our cities is disorganized and sporadic. It erupts without warning. It is rooted in the hostility of unfulfilled promises and the bleakness of ghetto life.

It will only be removed when all Americans recognize that minority citizens must be granted equal rights to education, to employment, to housing, and to the full enjoyment of our society.

Nevertheless, in the interim, civil disorder cannot be ignored. And while, of course, massive force is a solution, it is not a solution which we endorse except under the most extreme circumstances.

What is needed is intelligent and sensitive law enforcement; and to be frank, an ability to roll with the punches without pushing the panic button.

The Department has formed an emergency task force which is composed of experienced lawyers and members of our Community Relations Service.

When a local situation appears tense, we quietly dispatch our task force to see if it can be of aid to local political leaders, law enforcement and courts in handling possible disorders. While civil disorder is basically a local affair, a major riot has such national repercussions—including the possibility of federal troops—that we think we have an interest in helping local officials to cool the situation.

In the last several months, the Department of Justice has co-sponsored meetings with local police chiefs on how to handle possible civil disorder. These meetings, for example, have stressed the importance of community relations activities between the police and the local ghetto residents.

We have stressed that community relations programs should not be pro forma rituals. They should be conducted on a wide scale so that as many police and as many minority leaders as possible talk to each other—not at each other—in an attempt to bridge the hostility that frequently incites disorders.

Until now, I have been discussing crime and disorders in our urban areas. As a final comment, I would like to discuss the disorder in our universities.

5. The idea of the university

The American university educational system is one of our proudest achievements.

James Russell Lowell once noted:

"It was in making education not only common to all, but in some sense compulsory on all, that the destiny of the free republics of America was practically settled."

Or, as the Commission headed by former Solicitor General Archibald Cox reported:

"A university is essentially a free community of scholars dedicated to the pursuit of truth and knowledge solely through reason and civility . . . resort to violence or physical harassment, or obstruction is never an acceptable tactic for influencing decisions in a university."

THE STUDENT MOVEMENT

To date, we have had disturbances on more than 200 campuses—about nine per cent of the colleges in the country. In only a small number of such disturbances was there any severe physical violence and bloodshed reported. The total arrest rate, of 2,300, is less than four one-hundredths of one per cent of all of our students.

While accurate statistics are not available, it is believed that less than two per cent of our students have engaged actively in any disruptions causing physical or property damage.

It might be convenient to look at these statistics and suggest that the situation has been exaggerated. I think not.

Society has a way of selecting symbols and it is no accident that some of the most violent demonstrations have occurred at some of our most highly regarded universities—California, Wisconsin, Harvard, Cornell, Duke, Columbia—the universities to which we point with pride as among the leaders of our higher educational system.

Furthermore, it is undeniable that, while violence-prone activists represent a small percentage of our students, some of their actions have struck a responsive chord to a whole generation: so responsive, in fact, that the activists receive at least tacit support or neutrality from many other students.

A decade ago we saw the "silent generation" going quietly from the university to earning a living. Today, we have the "involved generation" who are interested in the problems of our society. They are active in civil rights, in poverty, in hunger, in education for the poor, in job retraining, and in partisan politics. I welcome this generation's demand that the university not be an extraterritorial community removed from society, but that it and its members deeply involve themselves with the problems of the day.

But if they are to assume a role as adult activists in a community, they must also assume the obligations that go with adult citizenship. And one of the primary obligations upon which we exist is a simple maxim, carved above an entrance of the Justice Department in Washington, which says:

"Law alone can give us freedom. Where law ends, tyranny begins."

Campus militants, directing their efforts at destruction and intimidation, are nothing but tyrants. But there are others who share the blame by failing to act—university administrators must take firm and immediate action to protect the rights of faculty members to teach and of other students to learn. Faculty members should stop negotiating under the blackmail threat of violence. Apathetic students should stand up for the rights of those who wish to pursue civility and scholarship in the academic community. To the extent that they remain neutral or refuse to act, they are all accessories to the tyranny we are now witnessing.

The time has come for an end to patience. The time has come for us to demand, in the strongest possible terms, that university officials, local law enforcement agencies and local courts apply the law.

I call for an end to minority tyranny on the nation's campuses and for the immediate reestablishment of civil peace and the protection of individual rights.

If arrests must be made, then arrests there should be. If violators must be prosecuted, then prosecutions there should be.

It is no admission of defeat, as some may claim, to use reasonable physical force to eliminate physical force. The price of civil tranquility cannot be paid by submission to violence and terror.

THE CONSTITUTIONAL RIGHT TO DISSENT

The genesis of our current student problems is thought to lie in our encouragement of lawful dissent.

The right to express disagreement with the acts of constituted authority is one of our fundamental freedoms. The First Amendment expressly protects "the freedom of speech" and "of the press" and "the right of the people peaceably to assemble, and

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petition the Government for a redress of grievances."

As one Supreme Court Justice has described it:

"The right to speak freely and to promote the debate of ideas is . . . one of the chief distinctions that sets us apart from totalitarian regimes."

And as Mr. Justice Brennan has said:

"The vigilant protection of constitutional freedom is nowhere more vital than in the community of American schools. The class room is particularly the 'marketplace of ideas'."

THE LIMITS OF DISSENT

But there are definite limits beyond which these First Amendment guarantees may not be carried.

The Supreme Court has flatly rejected the argument "that people who want to propagandize protest or views have a constitutional right to do so whenever and however they please."

Only two months ago, the Supreme Court ruled that the right of students to engage in peaceful protests does not include the right to disrupt the educational process.

Thus it is clear that students do not enjoy any special prerogative to interfere with the rights of other students or, as the Supreme Court has said: ". . . conduct by the student in class or out of it . . . is . . . not immunized by the constitutional guarantee of freedom of speech."

The right to be a student carries other fundamental rights than the right to dissent. Among these valuable rights which must also be protected, are the right to use research facilities, free from occupation by demonstrators; the right to use libraries free from seizure by dissidents; the right to consult with administrators free from having one's personal file and records destroyed; the right to study in an atmosphere of "reason and civility."

WHAT SHOULD BE DONE

Having briefly defined the problem, I feel obligated to offer a few suggestions on what can and should be done to resolve it.

My jurisdiction, as you well know, is limited to the application of federal law. Our concept has always been that, unless we in the federal government have a clear mandate, we permit the states and the municipalities to deal with law enforcement problems. The clearest mandate we have, so far, is the anti-riot provisions of the 1968 Civil Rights Act. It prohibits persons from crossing state lines with intent to incite riots.

We have substantial information confirming the widely accepted belief that several major university disturbances have been incited by members of a small core of professional militants who make it their tragic occupation to convert peaceable student dissatisfaction into violence and confrontation.

These circumstances can only lead to the conclusion that this hard core is bent on the destruction of our universities and not on their improvement.

You can be assured that these violence-prone militants will be prosecuted to the full extent of our federal laws.

We are also collecting a great deal of information about student disorders and those who cause them.

We are offering this information to state and local law enforcement officials operating in jurisdictions where campus disorders may occur.

No society, including an academic society, can survive without basic agreement by a great majority of its members as to the fundmental precepts upon which it operates.

The first precept for any academic community must be to outlaw terror.

The second premise is that students, faculty and administration officials should all participate, in some measure, in the decision-making process. What this means, at a minimum, is that university administrators must offer a serious forum for responsible student criticism—and more than that, it must be clear to the students that their grievances will be honestly considered and will not be lightly dismissed under the procedural ruse of an artificial dialogue.

Third: universities must prepare for prospective violence. It is no longer acceptable for a university administration to claim, after the events of this year, that they were taken unawares—that they acted in panic and that their mistakes can be blamed on the alacrity with which the demonstration developed.

Here, too, the entire university community should be consulted since it is the censure or approbation of a majority of this community which will determine the course of student violence.

If, as has been done at some universities, the majority overwhelmingly rejects minority violence, the militants are left isolated except for brute physical power.

In any event, the university administrator should, in anticipation of the outbreak of a disturbance, consult with local law enforcement officials and courts on the methods of handling various disturbances. Preparation and coordination by these parties may well eliminate the disturbance and will assure the timely application of any required counter-force.

Fourth: if all else fails and a major disturbance does occur, university officials should consider applying immediately to a court for an injunction.

This approach has been used in the last six weeks with increasing success—at Howard and George Washington Universities in Washington, at Columbia University in New York and at several other schools. The civil injunction appears to have several advantages. It carries the judicial authority of the courts rather than the administrative authority of the police. It carries the certain knowledge that violators will be prosecuted for contempt on the motion of the court rather than the frequent hope that the university will grant an amnesty and decline to prosecute for common law crime violations. It does not permit a continuing dialogue under the threat of more violence.

The injunction takes the university out of the law enforcement business, where it does not belong, and replaces it with the court which is better suited for this purpose.

Let me be specific: University officials are not law enforcement experts or judges. When a violent outbreak occurs, they should not take it upon themselves to decide how long the violence should endure and what rights should be trampled upon until local government is called in. For minor demonstrations, which involve no serious disruptions, the university should have the viability to decide for itself what the best solution may be.

But when people may be injured, when personal property may be destroyed, and when chaos begins, the university official only aids lawlessness by procrastination and negotiation. The university is not an extraterritorial community and its officials have the obligation to protect the rights of the peaceful students on its campus by use of the established local law enforcement agencies and the courts.

CONCLUSION

I should like to conclude this address by asking our citizens to consider the words of Rousseau:

"If force creates right, the effect changes with the cause: every force that is greater than the first succeeds to its right. As soon as it is possible to disobey with immunity, disobedience is legitimate; and the strongest being always in the right, the only thing that matters is to act so as to become the strongest. But what kind of right is that which perishes when force fails?"

ALASKA OIL DEVELOPMENT: INTERNATIONAL AND LOCAL IMPLICATIONS

Mr. STEVENS. Mr. President, the Senator from Washington (Mr. JACKSON) recently delivered an address before the World Trade Club of Seattle. He discussed Alaska oil development—international and local implications.

Senator JACKSON's comments indicate that he shares the concern over the development of Alaska oil expressed by many other individuals of my State's petroleum resource and the fact that the gravity for oil development in our country is swinging northward, altering the balance of world power especially as it relates to petroleum.

Senator JACKSON's interest and concern, as well as his thoughtful analysis, are welcomed by all who are watching the development of Alaska's petroleum industry.

I ask unanimous consent that his important address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ALASKA OIL DEVELOPMENT—INTERNATIONAL AND LOCAL IMPLICATIONS

(Address by Senator HENRY M. JACKSON)

A casual observer would suspect that the oil industry had a working agreement with those interested in world trade. The companies seem to find oil only in remote areas of the world—as far away from markets as possible. In fact, it appears that the oil industry has a preference for extremes in both geography and temperature. The two main areas of activity and attention are the Middle East Deserts where temperatures soar to 130 degrees and now, the Northern Slope of Alaska where temperatures fall to 70 degrees below zero. Of course nature, and not the oil industry, is responsible for the location of oil and the fact that oil is today one of our largest commodities in world trade.

The recent oil discovery on the North Slope of Alaska appears to be the largest discovery of oil on the North American continent since the 1930's, if not in all time.

There is still a great deal of uncertainty as to how much oil is actually there. One experienced firm of consultants has estimated the discovery at 5 to 10 billion barrels on the basis of an analysis of wells actually drilled. These same figures have been confirmed by a number of the companies active in the area. Officials in the Department of the Interior say that 40 billion barrels is more realistic. Some private estimates run as high as 100 billion barrels.

If the North Slope turns out as rich as experts estimate, it could well be the largest oil discovery in the hemisphere's history. The largest discovery in the United States to date is the East Texas field. It is estimated at 6 billion barrels. The Maracaibo field in Venezuela is estimated at 30 billion barrels. Only two fields in the world have been larger: One in Kuwait, and one in Saudi Arabia.

When we consider that the total proved recoverable reserves in the entire United States at the moment is about 30 billion barrels, the discovery in Alaska, even if it does not develop into the mammoth figures that some people suggest, will, at a minimum, constitute a very major addition to U.S. oil reserves.

By way of comparison, since World War II, the industry has drilled about 200 times the exploratory footage in Texas that it has drilled in Alaska. This, to a layman, suggests that even with the recent discoveries the full potential of this area has yet to be explored.

The extent of the discovery may be seen in

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the amounts of money, time and effort the oil industry is willing to invest to get a piece of the action. For example, freight moved by cat train costs $160 per ton. Freight moved by air costs $240 per ton. Wages are 50 to 75 percent higher than in the lower 48 States. Well drilling costs are as high as $4.5 million per well. This compares with $70 to $80,000 for land based drilling in Texas and California, and $500,000 for offshore well drilling in the Gulf of Mexico.

We will soon have a concrete indication of the extent of the reserves when we see the prices which the oil companies pay this Fall for a block of State leases which will be sold on a competitive basis. Depending on how much acreage the State actually puts up for sale, the lease revenues may reach a billion dollars. By way of contrast, the present record in the U.S. for a competitive lease sale is the $600 million paid for leases in the Santa Barbara Channel.

Even after reviewing these figures, it is still difficult to appreciate the magnitude of the Alaska oil development. In its entire history, about $400 million in gold was taken out of the Klondike area. A very conservative production rate of one-half million barrels a day on Alaska's North Slope would produce this same amount of mineral wealth in *one year!*

It is, therefore, perhaps not premature to speculate as to the impact of this major new energy resource. As you know, one of the major problems faced is moving the petroleum to markets at competitive prices.

The major companies are already studying alternative means and routes for transporting the oil to market. The first production from the Prudhoe Bay area is expected to be available for marketing in 1972. It is anticipated that this oil will move from the Northern Slope of Alaska through a Trans-Alaskan pipeline to an all weather port in Southern Alaska—probably Valdez—for shipment to the western portion of the United States.

The proposed 48-inch pipeline will be the largest ever built in the world. As planned, it would span 800 miles and would cost a reported $900 million. Initially, it will handle 500 to 750,000 barrels-a-day. The pipeline would have an ultimate capacity of moving in excess of 2 million barrels-a-day. By way of comparison, the current consumption of the West Coast region is only 1.7 million barrels-a-day.

I might add that one of the companies involved—Atlantic Richfield—has already begun construction on a 100,000 barrel-a-day refinery at Cherry Point near Bellingham in Whatcom County. The refinery will presumably utilize Alaskan crude shipped from the southern terminal of the Trans-Alaskan pipeline. The Trans-Alaskan pipeline could also provide the route through which Northern Slope crude could be trans-shipped to Japan if the volumes and economics permit Alaskan crude to participate in the world oil market on the basis of price and security of supply.

The first market impact of the oil discovery in Alaska will, however, be felt on the West Coast of the United States. This area has been a crude-deficit area in the past, and the difference between domestic supply and demand has been met through imports. When and if it comes, the Alaskan crude will not come in as a trickle. On the contrary, the cost of transportation facilites, as well as the cost of operating on the North Slope, requires it to be a large-volume operation if it is to be economical. We can, therefore, expect that the flow of oil from Alaska will be measured in terms of millions, not thousands, of barrels per day.

At the moment, we can only guess as to the impact of Alaskan crude on the West Coast market, but it seems reasonable to assume that the growth in imports into this area will be curtailed at least in the first few years after the Alaskan crude comes to market. Perhaps a more reasonable line of speculation would be that the West Coast area may no longer be considered as a separate region for U.S. oil policy. It may well be integrated with the United States as a whole because its special status as a crude-deficit area apparently will soon be circumstance of the past.

It appears that the oil industry believes that its discoveries in Alaska will be far greater than could be absorbed by the U.S. West Coast market. I'm sure you are all familiar with an experiment which will be conducted later this summer. Humble Oil Company, with participation by other companies, has purchased the largest tanker in the U.S. Fleet—the U.S.S. Manhattan—and refit it for a test run through the long sought Northwest Passage. If this "$30 million gamble," as the companies describe the experiment, proves successful, Northern Alaska, and indeed Northern Canadian oil can be marketed to the Eastern Coast of the United States and to Europe in a most direct and economical manner.

The benefits of an open, year-round Polar sea route include increased U.S. self-sufficiency in oil; a U.S. tanker fleet which by 1980 would be 2½ times its present size; and the opening of other mineral resources in far Northern Alaska and Canada.

It is now becoming clear that there is a great deal more to the Northwest Passage project than oil. An open Northwest Passage could create an international trade route that will have a profound influence on the rate of Arctic development and the patterns of worldwide trade. It will mean the fulfillment of a long-felt need for a shorter and more direct route from Europe to the Far East. At a recent press conference, industry spokesmen noted that the present mileage from London to Tokyo (without the Suez Canal) is about 14,670 miles. Even with the Suez Canal in operation, the mileage is 8,585—plus the Canal toll. On the other hand, the Northwest Passage route between the same points is something less than 8,000 miles.

The central fact about the Northwest Passage is *not* the technical difficulties nor the hostile weather. The central fact is its *key* position. Defense planners have known the importance of the Arctic for years. Today the planners of commerce must take it more seriously.

With its central position, the Northwest Passage could become the catalyst which opens up the resources of far northern Alaska and Canada to the world. A year-round sea route in this area could do what the railroads did for the western United States before the turn of the century.

Dr. Charles Jones, the President of Humble Oil Company, recently discussed the development of other mineral resources of the Arctic. He said:

"The mining industries of the Arctic are still in the infancy stage, primarily due to the transportation problems.

"A dramatic example of the possibilities is the fabled Mary River iron ore deposits on Baffin Island. Exploratory drilling has established an ore body there of high enough quality to feed directly into the furnaces of the world's steel centers.

"Other deposits of tungsten, lead, zinc, nickel, and especially copper await development."

In the event that the oil industry's $30 million dollar Northwest Passage gamble does not pay off, the industry may turn to a direct pipeline across Canada to the East Coast, or by ship to the Puget Sound region and then by pipeline to the Mid-West and the East Coast.

It is tempting to speculate as to the impact of Alaskan oil on the market structure in the United States and in the world. There are, however, a great many factors which will influence both the rate, the nature and the impact of development. These factors make speculation dangerous.

The first of these, of course, is the nation's oil import policy. I'm sure you are all aware that President Nixon has underway an intensive, fundamental review of our oil import policies. The review will take into consideration the impact of the new discoveries in Alaska. Those of us in the Legislative Branch who have responsibilities in this area will, of course, view the study findings with interest.

A second factor involves the wise use and conservation of Alaska's resources and the resources of the Arctic region as a whole.

The interplay and the relationship between development and conservation is an old problem that has acquired new significance in recent years. The answers of the past tended to stack the deck in favor of unimpeded and, often, unthinking resource development and exploration. Historically, the competing and contending forces of the marketplace did not pay much, if indeed any, attention to conservation, to the maintenance of environmental values, and to the needs of future generations.

Past practices and the old philosophy are not satisfactory anymore. If development is to proceed, it must proceed in harmony with environmental values and sound conservation philosophy. Some of the problems of current concern are the routing, the design, and the safety features of the proposed pipeline. Others are whether the production of oil on the fragile Arctic environment can proceed without pollution and without causing irrepairable damage to other resources.

Another area of concern is the risk of collision and oil spillage involved in sending huge tankers through the Northwest Passage or through the Bering Strait.

Finding answers to these and other problems are matters of concern to the American people, to the State of Alaska, and to the Federal government. If satisfactory answers are not found, it is clear that the pace of development will be slowed.

At my request, officials and representatives of the major oil companies which are active in Alaska, recently met with members of the Senate Interior Committee and with representatives of major conservation organizations to discuss ways to minimize the impact of oil development and technology on Alaska's unique scenic, wilderness, and fish and wildlife resources.

As a result of that meeting, the oil industry and representatives of major conservation organizations have formed *ad hoc* working committees which meet on a regular basis.

In my view these meetings mark an historic and unprecedented effort. Finding ways in which new technology and new development may proceed with a minimum amount of damage to the environment is one of the greatest challenges our nation and the world faces.

Assuming that the technological, the conservation, and the trade policy issues associated with Alaska's oil development can be resolved, it is clear that there will be major impacts on international trade and on the structure of geopolitics.

One thing is clear. Because of the recent discoveries on Alaska's North Slope, the center of gravity for oil development is swinging Northward. And this is altering the balance of world power—especially as it relates to petroleum.

The Arctic Circle—once thought of as a barren waste land—is now becoming the key area for exploration and development. And as this occurs, the importance of the Middle East and other politically unstable areas is lessened.

One of the most significant features of the North Slope discovery is that it is "American" oil. It is subject to the jurisdiction of the United States alone. This means freedom from foreign strife, insecurity, and shakedowns for larger royalties.

It would indeed be an anomaly if this remote area at the top of the world could be the source from which the United States could resume its role as a net exporter of energy. Of course, the enormous demands of the rapidly growing U.S. market suggests that the United States itself will be needing all the oil we can find in Alaska and a great deal more. For example, the U.S. petroleum consumption is growing at a rate of 3.7 percent a year. This means that in the next 5 years we will consume 10 billion barrels of oil.

Those of us who live on the Puget Sound have to concern ouselves with the many questions related to Alaska's oil development. How they are resolved will play a large part in determining the role our region will play in the development of Alaska's potential. The center of gravity for the development of oil and other mineral resources is in the process of shifting from the Far East and elsewhere towards Alaska. As this shift continues, Seattle and the Puget Sound are placed in an increasingly advantageous trade and commerce position.

In the past, Seattle and other ports on the Puget Sound have been characterized as the "Great Gateway *to* Alaska and the Orient." Today this process is being reversed. Bellingham and the ports of the Puget Sound are now becoming the "Gateway" *to the rest* of the United States and the rest of the world for the resources and the products of Alaska and the Orient.

DRUG ABUSE IN WASHINGTON METROPOLITAN AREA

Mr. TYDINGS. Mr. President, yesterday the Committee on the District of Columbia continued its hearings on Metropolitan Washington area drug abuse with a comparative study of approaches to the narcotics problem in Washington and Baltimore.

I could not help but be impressed by the imaginative measures taken by public officials in Baltimore to deal with their narcotics problem. Indicative of the outstanding work done by law enforcement officials in the Nation's sixth largest city is the fact that the crime index for Baltimore is down 2.2 percent for the first 5 months of this year as opposed to the corresponding period of 1968.

In the particular area of enforcement of narcotics laws, efforts in Baltimore have far outstripped those made in our Nation's Capital. Because of a joint concentrated attack on the narcotics problem by both police and prosecutors, the number of narcotics arrests in Baltimore are projected to be 133.4 percent higher in 1969 than they were in 1968. In addition, so far this year, Baltimore police have arrested 19 major suppliers of illegal drugs. I am distressed that there has been no comparable law enforcement effort here.

Baltimore officials have also had an outstanding record in the treatment of narcotics addicts. Just this year, the Maryland legislature passed the "comprehensive drug abuse control and rehabilitation act" that provides for a drug abuse authority starting July 1 to develop and coordinate the drug abuse effort in the State.

Yesterday we heard testimony about two significant rehabilitation efforts in Baltimore. One is a program for drug addicts on parole run jointly by the State department of parole and probation and the State department of mental hygiene. The other is the man alive methadone maintenance program. There is no program comparable to either in the District of Columbia.

I should like to insert in the Record two documents from this morning's hearings. One is the statement of Donald D. Pomerleau, Baltimore's outstanding police commissioner, outlining the police efforts to combat narcotics traffic. Since Commissioner Pomerleau assumed his position in September 1966, he has made the Baltimore department a model for other metropolitan police forces to follow.

The other document is the Comprehensive Drug Abuse Control and Rehabilitation Act for the State of Maryland. This act was written by Steven V. Sklar, a member of the general assembly from Baltimore, who has a keen grasp of the narcotics problem.

I ask unanimous consent that both documents be printed in the Record.

There being no objection, the documents were ordered to be printed in the Record, as follows:

A Practical Plan for Narcotic Control in Baltimore

(By Commissioner Donald D. Pomerleau)

The extent of the contribution made by narcotics and dangerous drugs to the incidence of crime in the urban area, unfortunately, is unknown. The technology available to the criminal justice system has not been used to provide this information. Thus, our speculations must necessarily be qualified when measuring the relationship of narcotics to crime in general. Now that the Omnibus Crime Bill is a reality, however, there is hope that in the foreseeable future this void will no longer exist. Comprehensive state-wide plans for the improvement of the system will of necessity address themselves to all facets—maybe we will be able to marshal our collective resources in this manner. Then each of us having agencies in the system may more intelligently direct our efforts toward a better resolution of the problems which face us.

There is no question, however, that the traffic in narcotics and dangerous drugs contributes significantly to the incidence of crime. We have all heard that the expensive habit of addiction causes many to turn to crime in order to support their addiction. Our files reflect considerable activity of this sort. It is not uncommon to find addicts extensively involved in burglary, larceny, and prostitution to support what is reported to be a very costly habit.

While developing short- and long-range plans for the improvement of law enforcement in Baltimore City during the past several years, it appeared to us—the top management of the Police Department—that we needed to take a new look at our narcotics enforcement posture. There was complete agreement on the staff that a more aggressive approach to the enforcement of our narcotics laws would prove beneficial to the overall community. The detail of this new posture was then unknown; however, it seemed to us that no one in the law enforcement field had been particularly successful in this area of responsibility. Certainly the Federal Bureau of Narcotics and Dangerous Drugs cannot do the job by themselves. The Bureau of Customs of the U.S. Treasury Department while functioning in an exemplary manner is restricted to traffic at ports of entry. And lastly, it was obvious to all that State, County, and Municipal law enforcement agencies were not coping with the problem.

As we evaluated activities of other urban areas, it seemed to us that they shared in our predicament. In the final analysis it was decided that we would attack the problem on a very broad basis, that is, department wide. No longer would we confine our activities to the specialist unit commonly referred to as the Narcotics Squad. Obviously they were not capable of coping with the problem. My Narcotics Unit had at that time (late 1966), as they now have, fifteen men assigned. I found that only two of these officers had ever received any formal training in the area of narcotics and dangerous drugs. Immediate steps were taken to improve the education and training of these men; however, this has been a rather difficult experience because appropriate resource agencies are severely limited. The Federal Bureau of Narcotics was doing all it could, under limited circumstances, to assist local law enforcement. The Federal Government was in the process of developing a new bureau under the U.S. Department of Justice which would encompass both the Federal Bureau of Narcotics of the Treasury Department and the Bureau of Drug Abuse Control of Health, Education and Welfare. As this reorganization progressed, we were able to train more and more men at the Federal Bureau of Narcotics and Dangerous Drug's School here at the seat of government, and today we have thirty-eight graduates. This training will be continued as spaces are available.

I have said previously that the Narcotics Unit of my department has only fifteen men assigned, and we do not have any plans to increase it in number. In my opinion, and this is concurred in by my principal staff and command officers, we could not make a significant contribution if we assigned fifty men or if we assigned one hundred men to one specialized unit. To me the obvious solution was to train as many officers as possible within the field forces so they all could take intelligent, official police action involving narcotics in their respective areas of responsibility.

Today in my department the Narcotics Unit no longer becomes directly involved with the addict, the runner, or a low level supplier. They are, and should be, specialized with a primary responsibility of seeking out the importers, the suppliers and distribution points. They need to function so that they are effective in cutting off the supply. Under our concept all other levels of narcotics enforcement are conducted by officers of the field forces—that is, the Patrol and Criminal Divisions, and our Tactical Section.

When planning this endeavor, I found needless barriers to cooperative efforts between field and staff forces. The word was out that officers of the Patrol Division do not involve themselves in narcotic enforcement—"This is for the Narcotics Squad at Headquarters." I found that some of the officers were willing to refer or simply ignore such cases. On the other hand, I found officers who were quite willing and eager to enforce narcotics laws. In either case, I found that they possessed little or no expertise in the area. This was not their fault; they had never been given an opportunity to acquire the necessary knowledge. Additionally, men of the force could not obtain warrants for search and seizure and/or arrests in the cases of vice without first receiving approval from their Captains. This too stifled individual initiative and relegated many officers to the posture of being mere responders to calls for service rather than recognizing the ills about them and taking intelligent police action when warranted.

These barriers were removed—through direct communications with my men and publically through the media. No longer need they check with anyone at headquarters—no longer need they receive the Captain's permission to obtain a warrant. Quite the contrary—I expect them to develop their cases efficiently and lawfully, and to be complete and total police officers.

Concurrent with this, I made arrangements with the Federal Bureau of Narcotics to hold 3-day training sessions on narcotics and dangerous drugs in my city. They have provided outstanding professional instruction and have assisted me immensely in motivating the force. These 3-day seminars were initially attended by police officers,

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policewomen, sergeants assigned to district (precinct) plain clothes squads, and selected personnel from our Tactical Section. We have now completed three of these seminars, another started today, and five more are scheduled and will be completed by the fourteenth of November of this year. Our training facilities are limited but we are using a National Guard Armory. Our classrooms are crowded as we have sixty students in attendance. We would prefer to have classes of thirty or thirty-five, but we must move forward in this education and training process. While once there were two men in the sixth largest Police Department in the nation who had some background in the field of narcotics, there are now thirty-eight graduates of the Bureau of Narcotics course held here in Washington, one hundred eighty graduates of the 3-day seminars, sixty in the current class, and there will be sixty assigned to each of the classes as currently scheduled. We intend to continue this training opportunity until all of our patrolmen, sergeants, lieutenants, and captains (3765) have received this exposure.

The concept of the "total officer" has been well accepted by the force. The men recognize the contribution they are making to problem resolvement. They are eager, highly motivated, and dedicated—our arrest statistics reflect this.

To enhance the relationship which exists between local and federal authorities, I have assigned five of my officers to work with and out of the office of the Federal Bureau of Narcotics and Dangerous Drugs in our city. As we develop our resources, this number will be increased. These men will not remain in this assignment for an indefinite period as it is my intention to rotate men out of this environment to the field at district level, and at the same time bring in new men for the assignment at the federal facility. The advantages of this should be apparent—persons who have developed individual trust and respect, have worked together, socialized together, and call each other by their first names are much more likely to possess a high esprit de corps than those who have not had this exposure.

While the incidence of crime reportedly continues to ascend in many urban areas, we are pleased to say that index crime in the city of Baltimore has decreased by 2.2% during the first five months of this year when compared to the same period of time in 1968. As one of our major newspapers reported. "Of all reported crimes in the first five months of this year, burglaries took the most dramatic drop, reversing a fifty per cent rise in 1968 over 1967. The 8,435 burglaries reported are 2,177 fewer than last year." This is an interesting development. We are hopeful that as we broaden and improve upon a refined attack on crime these figures will improve still further. Much remains to be done but we are making progress—and we shall make more.

Comparison of arrests for narcotic violations by year Baltimore Police Department [1]

1966	430
1967	618
1968	772
1969:	
1st 5 months	751
Projected total	1,802

[1] Prepared by Crime Analysis Unit, Planning and Research Division.

ARREST FOR NARCOTIC VIOLATIONS BY YEAR, POLICE DEPARTMENT, BALTIMORE, MD.

	1966	1967	1968	1969
Narcotic arrests	430	618	772	1,802
Percent		+43.7	+24.9	+133.4

[1] Prediction based on ratio of increase for 1st 5 months, 1969.

ARREST OF NARCOTIC VIOLATORS BY DIVISIONS OF THE BALTIMORE CITY POLICE DEPARTMENT BY YEAR AND PERCENT

	1966	1967	1968	1969 [1]
Patrol division	50.3	41.3	58.9	68.8
Criminal investigation division	49.7	58.7	41.1	31.2

[1] Based on 1st 5 months, January–May 1969.

Comparison of arrests of narcotic violators by divisions of the Baltimore Police Department by the year and percent [1]

	Percent
1966:	
Patrol division	50.3
Criminal investigation division	49.7
1967:	
Patrol division	41.3
Criminal investigation division	58.7
1968:	
Patrol division	58.9
Criminal investigation division	41.1
1969 (1st 5 months):	
Patrol division	68.8
Criminal investigation division	31.2

[1] Prepared by Crime Analysis Unit, Planning and Research Division.

Persons arrested for narcotic drug violations for 1st 5 months of 1969 listed by degree of participation, police department, Baltimore, Md.

Supplier [1]	19
Peddler [2]	140
Abusers [3]	552
Other [4]	40

[1] Supplier: Major violator wholesaler, dealing with large quantities—Oz., Lbs., etc.

[2] Peddler: Deals in small quantities at street level.

[3] Abuser: Includes addicts, marihuana users and other prohibited drugs.

[4] Others: Non-addict, non-abusers arrested for contributing to disorderly houses.

House Bill 1257

An act to add new Article 43B to the Annotated Code of Maryland (1968 Supplement), to follow immediately after Article 43A thereof, and to be under the new title "Comprehensive Drug Abuse Control and Rehabilitation Act," to create the Comprehensive Drug Abuse Control and Rehabilitation Act to combat [effect] "the effects" of all forms of drug abuse through a statewide program of education, treatment and rehabilitation and to repeal Section 306B of Article 27, and all other sections of the Annotated Code which are inconsistent with the provisions of this Act.

(NOTES OF EXPLANATION: *Italics indicate new matter added to existing law.* Roman matter indicates amendments to bill. Lightface brackets indicate matter stricken out of bill. There are no revisions or amendments to section 1. Quoted words in title indicate an amendment to the title.)

Comprehensive Drug Abuse Control and Rehabilitation Act

1. Declaration of Purpose.

The Legislature finds and determines, based in part upon the report of the Maryland Commission to Study the Problems of Drug Addiction, as follows:

(a) The human suffering and social and economic loss caused by all forms of drug abuse are matters of grave concern to the people of the State. The magnitude of the cost to the people of the State for police, judicial, penal and medical care purposes, directly and indirectly caused by drug abuse, makes it imperative that a comprehensive program to combat the effects of drug abuse be developed and implemented through the combined and correlated efforts of federal, state, local communities and private individuals and organizations.

(b) A comprehensive program of compulsory treatment of drug addicts is essential to the protection and promotion of the health and welfare of the inhabitants of the State as well as to discourage the violation of laws relating to the sale, possession and use of narcotics and other dangerous drugs. Drug addicts are estimated to be responsible for one-half of the crimes committed in the City of Baltimore alone and the problem of drug addiction is rapidly spreading into the suburbs and other parts of the State. This threat to the peace and safety of the inhabitants of the State must be met. Not only crime, but unemployment, poverty, loss of human dignity and of the ability to fill a meaningful and productive role in the community, as well as damage to the physical and mental health of the addict himself are all by-products of this spreading disease. The drug addict needs help before he is compelled to resort to crime to support his habit. The drug addict who commits a crime needs help to break his addiction. A comprehensive program of treatment, rehabilitation and after-care for drug addicts can fill these needs.

(c) Experience has demonstrated that drug addicts can be rehabilitated and returned to useful lives only through extended periods of treatment in a controlled environment followed by supervision in an after-care program. The purpose of this Article is to provide a comprehensive program of human renewal of drug addicts in rehabilitation centers and after-care programs. The comprehensive program provided by this Article is designed to assist the rehabilitation of drug addicts. It applies to addicts who are not accused of crimes, as well as addicts convicted of crimes. The program is further designed to protect society against the social contagion of drug addiction and to meet the need of drug addicts for medical, psychological and vocational rehabilitation, while safeguarding the liberty of individuals against undue interference.

2. Definitions.

As used in this article—

(a) "the Authority" means the Drug Abuse Authority.

(b) "the Center" means the Drug Addiction Rehabilitation Center.

(c) "the Council" means the Advisory Council on Drug Abuse.

(d) "drug abuse" means any misuse by any person of or dependence by any person on any drug whose use is either prohibited or regulated by Section 276, Section 313A, and Section 313B of Article 27 including, but not limited to, narcotic and non-narcotic drug addiction and narcotic and non-narcotic drug habituation.

(e) "drug addiction" means a physical and psychological dependence on any drug enumerated in Section 276, Section 313A, and Section 313B of Article 27.

(f) "drug addict" means a person exhibiting the symptoms of drug addiction or who by reason of the repeated use of any drug enumerated above is in imminent danger of becoming addicted to that drug; provided, however, that no person shall be deemed a drug addict solely by virtue of his taking of any such drug pursuant to a lawful prescription issued by a physician in the course of professional treatment for legitimate medical purposes.

(g) "narcotic drugs" means those drugs enumerated in Section 276 of Article 27.

(h) "non-narcotic drugs" means those drugs enumerated in Section 313A and 313B of Article 27.

3. Advisory Council on Drug Abuse.

(a) *There is hereby created and established a council to be known as the Advisory Council on Drug Abuse, to consist of the State Superintendent of Schools, the Commissioners of Mental Hygiene,* [*the Director of State Department of Social Services, Corrections, Health, Labor and Industry*] Health, Labor and Industry and Correctional Services, the Director of the State Department of Social Services, the Director of the State Department of Parole and Probation, the Chairman of the State Parole Board, *the director of the Authority, and the Mayor of the City of Baltimore* [*or his duly designated representative*] *each to serve as permanent ex officio members and nine members to be appointed by the Governor from the general public. One of the members from the general public shall serve as chairman and one such member shall serve as vice-chairman upon designation by and at the pleasure of the Governor. Each of the ex officio members may designate a representative* [*of his department or agency*] *to act on his behalf* [*of*] *on the Council.*

(b) *The term of office of each of the appointive members of the Council shall be for three years, provided, however, that of the members first appointed three shall be appointed for terms which will expire on December 31, 1970; three for terms which will expire on December 31, 1971; three for terms which will expire on December 31, 1972. Vacancies shall be filled by appointment for the unexpired terms. The appointive members shall continue in office until their successors are appointed and have qualified. An appointee shall be eligible for re-appointment.*

(c) *The Council shall meet at least every third month in each year, and special meetings may be held at the call of the chairman. The Authority shall provide housekeeping, secretarial and consultant services to the Council. The Council shall submit an annual report to the Governor and the Legislature.*

(d) *The members of the Council shall receive no compensation for their services but shall be reimbursed for all expenses actually and necessarily incurred by them in the performance of their duties as herein set forth within the amount made available by appropriation therefor. The members of the Council appointed from outside state government shall not be deemed state employees.*

(e) *The Council shall have no executive or appointive duties. It shall advise the Governor and the Authority in connection with:*

(1) *formulation of a comprehensive plan for long-range development through the utilization of federal, state, local and private resources of adequate services and facilities for the prevention and control of drug addiction, diagnosis, treatment and control of drug addicts and the revision from time to time of such plan.*

(2) *the promotion, development, establishment, coordination and conduct of unified programs for education, prevention, diagnosis, treatment, rehabilitation and control in the field of drug abuses in cooperation with other federal, state, local and private agencies.*

(3) *the evaluation of existing and planned programs and facilities administered by the Authority.*

4. Drug Abuse Authority.

(a) *There is hereby created in the Department of Mental Hygiene the Drug Abuse Authority. The Authority shall consist of three members who shall be appointed by the Governor with the advice of the Commissioner of the Department of Mental Hygiene, and by and with the advice and consent of the Senate. The term of office of each such member shall be for four years; provided that the members first appointed shall serve for terms of two, three, and four years, respectively, from January first next succeeding their appointment, and provided, further, that any member appointed to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the remainder of the unexpired term of the member whom he is to succeed. An appointee shall be eligible for reappointment.*

(b) *The members of the Authority shall devote their whole time and capacity to their duties as such members. They shall receive an annual salary to be fixed by the Governor within the amount made available therefor by appropriation, and shall be allowed their actual and necessary expenses in the performance of their duties hereunder.*

(c) *The Governor may remove any member of the Authority for cause after an opportunity to be heard. A statement of the cause of his removal shall be filed by the Governor in the office of the Secretary of State.*

(d) *The Governor shall designate a member of the Authority as* [d] *Director to serve as such during the pleasure of the Governor. The* [d] *Director shall direct the work of the Authority and shall be the chief executive officer of the Authority.*

(e) *The Authority shall submit an annual report to the Department of Mental Hygiene which shall be forwarded to the Governor and the Legislature and shall be made public. It shall also submit such additional reports as may be requested by the Department, the Governor, or the Legislature.*

5. Powers and Duties of the Authority.

Any exercise of its powers and duties by the Authority shall be made subject to the approval of the Commissioner of the Department of Mental Hygiene.

The Authority shall:

(a) *Survey and analyze the State's needs and with the advice of the Advisory Council on Drug Abuse authorized pursuant to this Article, formulate a comprehensive plan for the long-range development, through the utilization of federal, state, local and private resources, of adequate services and facilities for the prevention and control of drug abuse and the diagnosis, treatment and rehabilitation of drug abusers and from time to time revise such plan.*

(b) *With the advice of the Council promote, develop, establish, coordinate and conduct unified programs for education, prevention, diagnosis, treatment, after-care, community referral, rehabilitation and control in the field of a drug abuse, in cooperation with such other federal, state, local and private agencies as are necessary and, within the amount made available by appropriation therefor, implement and administer such programs.*

(c) *Direct and carry on basic, clinical, epidemiological, social science and statistical research in drug abuse either individually or in conjunction with other agencies, public or private and, within the amount made available by appropriation therefor, develop pilot programs. In pursuance of the foregoing and notwithstanding any other provisions of law, the Authority is empowered to establish, direct and carry on experimental pilot clinic programs for the treatment of drug addiction and of the condition of drug addicts, which programs may include the administration, under medical supervision and control, of maintenance dosages of addicting drugs.*

(d) *Provide education and training in prevention, diagnosis, treatment, rehabilitation and control of drug addiction for medical students, physicians, nurses, social workers and others with responsibilities for drug addicts either alone or in conjunction with other agencies, public or private.*

(e) *Provide public education on the nature and results of drug abuse and on the potentialities of prevention and rehabilitation in order to promote public understanding, interest and support.*

(f) *Disseminate information relating to public and private services and facilities in the State available for the assistance of drug abusers and potential drug abusers.*

(g) *Gather information and maintain statistical and other records relating to drug abusers and drug abuse in the State. It shall be the duty of every physician, dentist, veterinarian or other person who is authorized to administer or professionally use those drugs enumerated in Section 2 of this Article, or apothecaries, hospitals, clinics, dispensaries or persons authorized to dispense such drugs and all public officials having duties to perform with respect to such drugs or users of such drugs to report and supply such information in relation thereto as the Authority shall by rule, regulation or order require.*

[(h) *Have the power to make agreements, including but not limited to, agreements with public and private agencies, to do or cause to be done that which may be necessary, desirable or proper to carry out the purposes and objectives of this Article within the amounts made available therefor by appropriations, gift, grant, devise or bequest.*]

(h) Have the power to enter into agreements and joint financial arrangements, including but not limited to agreements and arrangements with public and private agencies, to do or cause to be done that which may be necessary, desirable or proper to carry out the purposes and objectives of this article including but not limited to construction and staffing of facilities, within the amounts made available therefor by appropriations, gift, grant, devise or bequest.

(i) *Have the power to establish and operate rehabilitation centers and such other facilities as the Authority may deem necessary or desirable for the care, custody, treatment, after-care and rehabilitation of drug addicts certified to the care and custody of the Authority pursuant to the provisions of this Article.*

(j) *Designate, or establish, maintain, and operate, medical examination or other facilities for alleged drug addicts for the purpose of determining whether such persons are drug addicts and for the purpose of providing care and custody of alleged drug addicts with respect to whom court proceedings are pending.*

(k) *Designate or establish, approve and coordinate facilities and services within the State to offer treatment, care and rehabilitation for* persons exhibiting *the effects of drug abuse, and establish and develop standards, regulations, methods of treatment, and all other conditions of hospitalization and post-hospitalization* [so] to be *employed.*

(l) *Have the power to assign or transfer any drug addict certified to its care and custody pursuant to this Article to the facilities or supervision of any department or agency of the State, or to any person, association or corporation providing facilities or services approved by the Authority pursuant to procedures prescribed by law and policies adopted by the Authority, and agreed to by the head of the department, agency, person, association or corporation to the facilities or supervision of which such drug addict is to be assigned or transferred; provided, however, that any addict so assigned or transferred shall nevertheless continue to be under the jurisdiction of the Authority* [*; and that no drug addict committed to the care and custody of the Authority pursuant to Section 9 of this Article shall be assigned or transferred to any correctional institution and that no addict committed to the care and custody of the Authority pursuant to Section 12 and Section 13 of this Article shall receive initial in-patient hospitalization immediately followng an order of commitment at any facility other than the Drug Addiction Rehabilitation Center.*]

(m) *With the approval of the Director of the Department of Budget and Procurement, accept on behalf of the State, any gift, grant, devise or bequest, whether conditional or un-*

conditional. All moneys so received shall be paid into the State Treasury and shall constitute a special fund to be used under the direction of the Authority for the purposes of this Article.

(*n*) *Make rules and regulations for the exercise of its powers and the performance of its duties.*

(*o*) *Have the power to conduct private and public hearings, administer oaths or affirmations, subpoena witnesses, compel their attendance, examine them under oath or affirmation and require the production of any books, records, documents or other evidence; and the Authority may designate any of its members or any [member of its staff to exercise any such powers]* other person to administer oaths and affirmations in any proceedings or hearings.

(*p*) *Have the power to employ and at pleasure remove the Superintendent of any facility established and operated by the Authority pursuant to the provisions of this Article, and any secretary, counsel, consultants or such other personnel as it may deem necessary for the performance of its functions, and fix their compensations within the amounts made available by appropriation therefor.*

(*q*) *Prepare and submit a budget.*

(*r*) *Have and exercise all powers necessary or proper to effect any or all of the purposes of the Authority pursuant to this Article.*

6. Drug Addiction Rehabilitation Center.

(*a*) *The Authority shall [establish] provide* for *an institution to be known as the Drug Addiction Rehabilitation Center, which shall be reserved and devoted exclusively for the study, care, treatment, cure and rehabilitation of persons addicted to the use of drugs who are admitted thereto pursuant to the provisions of this Article.*

(b) *The Authority shall [acquire or construct]* designate, or establish, *and equip suitable buildings, structures, and facilities for the Center within the amount made available by appropriation therefor.*

(c) *The Authority shall establish [priorities]* policies and priorities *for admission to the Center among each of the methods of admission provided by this Article and shall make rules and regulations for the government of the Center and the management of its affairs. The supervision, management, and control of the Center and the responsibility for the care, custody, training, discipline, employment and treatment of the patients confined therein shall be vested in the Authority.* However, the authority may delegate any or all of the responsibilities enumerated in this subsection.

7. Other Facilities for In-Patient Care.

Notwithstanding any other provisions of this Article, pursuant to rules and regulations established by the Authority, the Superintendent of any facility approved by the Authority pursuant to Section 5(k), may receive and retain therein as a patient any drug addict suitable for care and treatment who voluntarily applies therefor or, if such person be under the age of twenty-one years and unmarried and a dependent or in the legal custody of his parent, legal guardian or next of kin, such application may be made on behalf of such person by such parent, legal guardian or next of kin. If it be the judgment of the Superintendent of such public facility that it is in the best interest of any such drug addict, he may be retained therein for a period not exceeding thirty days for the purpose of care and treatment. At any time after ten days from the date of admission of any such drug addict to such public facility the Superintendent may discharge any such drug addict[,] *who has recovered [or, if not recovered is not suitable for treatment in such facility.]* or who is deemed not suitable for treatment in such facility[.]; however, this provision shall not preclude such patient from filing a petition pursuant to section 9 of this Article.

8. Authority-Operated Facilities Not Deemed Correctional Facilities.

Any rehabilitation center, medical examination facility, or such other facility or facilities as may be established and operated by the Authority pursuant to the provisions of this Article shall be mental hygiene facilities within the Department of Mental Hygiene and not deemed correctional facilities for any purpose.

9. Commitment to the Authority of Persons Not Charged or Convicted of a Crime.

(*a*) *A Judge of the Supreme Bench of Baltimore City or of the Circuit Court of the various counties who has jurisdiction within the judicial district where an alleged drug addict, as defined in this Article, resides or where he may be found, may certify such drug addict in a civil proceeding to the care and custody of the Authority in the manner hereinafter provided; except that no person presently committed to the care and custody of the Authority under court order, and no person who has pending against him any criminal action or proceeding and no person presently confined in a correctional institution shall be certified to the Authority pursuant to this section.*

(*b*) *[Any person believing himself to be a drug addict, or whom an alleged drug addict may reside or at whose house he may be, or the husband or wife, father or mother, brother or sister, or the child or the nearest relative available or anyone who believes that a person is a drug addict may apply for an order certifying such person to the care and custody of the Authority by presenting a verified petition to the appropriate court.]* Any person believing himself to be a drug addict, or the husband or wife, father or mother, brother or sister, or the child or the nearest relative of the alleged addict, or anyone residing in the same house of an alleged addict, or any physician who believes that a person is a drug addict may apply for an order certifying such person to the care and custody of the Authority by presenting a verified petition to the appropriate court.

[*(b–1)*] (b) (1) *The petition filed pursuant to Subsection* (b) *shall contain the following:* (*i*) *the name, title and address of the petitioner,* and his relationship to the alleged addict.

[*(ii)*] *the name of the person who is believed to be a drug addict.*]

(ii) The name, address, telephone number (if any), birth date, birthplace, age, sex, marital status, occupation, and a physical description of the person believed to be a drug addict.

(*iii*) *statements supporting the belief that the person alleged to be addicted is in fact a drug addict as defined in this Article.*

[*(iv) the address, telephone number (if any), birth date, birthplace, age, sex, marital status, occupation, and a physical description of the person believed to be a drug addict.*]

[*(v)*] (iv) *a statement that the person believed to be a drug addict is in need of care, supervision and treatment on an in-patient basis.*

[*(b–2)*] (b) (2) *When such a petition is presented, the court may examine the petitioner or any witness under oath and shall determine whether there are reasonable grounds to believe that the person in whose behalf such application is made is a drug addict. If the court determines that there are reasonable grounds to believe that such person is a drug addict and if such person is not also the petitioner, it shall issue an order in accordance with subsection* [*(b–3)*] (b) (3) *of this section. When the alleged addict is the petitioner and the court determines that there are reasonable grounds to believe that such person is a drug addict, the court shall immediately proceed in accordance with subsection* [*(b–5)*] (b) (5) *of this section. The State shall be a party in all proceedings pursuant to this section and shall act on the relation of the petitioner. The State's Attorney shall represent the State.*

[*b 3*] (b) (3) *An order issued pursuant to this section shall direct the alleged drug addict to appear at a specified time before the court for a determination whether there are reasonable grounds to order him to undergo a medical examination at a facility designated by the Authority. The court shall direct that such order and petition be served upon the alleged drug addict personally or by registered mail and the court may further direct that such order and petition be served personally or by mail upon the husband or wife, father or mother, or next of kin of such alleged drug addict.*

[*b 4*] (b) (4) *If the alleged drug addict does not comply with such order, the court shall issue a warrant and shall direct any peace officer or police officer in the State commanding such officer* (*i*) *to take the alleged drug addict into custody, and* (*ii*) *to bring such alleged drug addict promptly before the court for a determination whether there are reasonable grounds to order him to undergo a medical examination at a facility designated by the Authority. The alleged drug addict shall not be subjected to any more restraint than is necessary for the purposes specified in the warrant. Such peace officer or police officer shall exhibit the warrant to the alleged drug addict, and inform him of the purpose for which he is being taken into custody. If the court is not then in session, the alleged drug addict may be held for a reasonable time at a facility designated by the Authority or at any other detention facility until such time as the court is in session. In such case, the director or head of the facility or his duly appointed representative shall advise the alleged addict of the nature of the proceeding, the reason for his detention and that he will appear before a judge at the next court session in connection with the allegation that he is a drug addict. Such person shall also inform the alleged addict that he has the right to the aid of counsel at every stage of the proceedings, and if he desires the aid of counsel and is financially unable to obtain counsel, counsel shall be assigned by the court, and that he is entitled to communicate free of charge, by telephone or letter, in order to obtain counsel and in order to inform a relative or friend of the proceeding.*

[(b–5)] (b) (5) *Upon the appearance of the alleged drug addict the court shall provide such alleged addict with a copy of any paper not yet served upon him and shall explain that, if the court finds reasonable grounds to believe that such person is a drug addict, it shall order him to undergo a medical examination at a facility designated by the Authority. The court shall then advise the alleged drug addict that if such medical examination is ordered he shall appear before the court after such examination as provided in subparagraph* (*iii*) *of subsection* [(b–6)] (b) (6) *of this subsection, and, if the petition and the report of medical examination set forth reasonable grounds to believe that he is a drug addict, he may thereafter be certified to the care and custody of the commission pursuant to subsection* (*e*) *of this section, and that he shall have a right to a hearing prior to such certification. If the alleged drug addict appears without counsel, the court shall advise him that he has the right to the aid of counsel at every stage of the proceedings and that if he desires the aid of counsel and is financially unable to obtain counsel, then counsel shall be assigned. The court shall allow the alleged drug addict a reasonable time to send for counsel and shall adjourn the proceedings for that purpose. The court shall inform the alleged addict, if he is being held in custody, that he is entitled to communicate free of charge by letter or telephone, in order to obtain counsel and in order to inform a relative or friend of the*

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proceeding. If the alleged drug addict does not desire the aid of counsel, the court must determine that he waived counsel having knowledge of the significance of his act. If the court is not satisfied that the alleged drug addict knows the significance of his act in waiving counsel, the court shall assign counsel.

[(b-6)] (b) (6) *If after such appearance of the alleged addict, (i) the court is satisfied that there are reasonable grounds to believe that such person is a drug addict it shall issue an order directing such person to appear on a specified date and place for a medical examination in accordance with subsection (c) of this section. A copy of such order shall be given to such person and a copy of such order and of any order or warrant issued in accordance with subsections* [(b-3)] (b) (3), [(b-4)] (b) (4), or [(b-7)] (b) (7) *of this subsection shall be furnished to the Authority; (ii) if the court has reason to believe that such person will fail to appear for the medical examination, the order shall make provision commanding any peace officer or police officer of the State to take such person into custody and deliver him promptly to the place specified for the medical examination; (iii) any order issued pursuant to this subsection shall direct such person to appear before the court within seven days exclusive of Saturdays Sundays and holidays after his admission for the medical examination.*

[b7] (b)(7) *If the alleged drug addict fails to appear as directed by an order pursuant to subsection* [b6] (b)(6), *and the court is satisfied that timely service has been made or that service cannot be effected with due diligence, it may issue a warrant directed to any peace officer or police officer in the State commanding such officer (i) to take the alleged drug addict into custody and (ii) to bring such alleged addict promptly to a specified place for a specific purpose, which shall be the same place and purpose specified in the said order.*

(c) *The Authority shall establish procedures for the conduct of medical examinations pursuant to this section and shall provide for the use of accepted medical procedures and tests. Upon conclusion of the medical examination, the persons conducting such medical examination shall promptly transmit a report thereof to the court which directed the medical examination. If after reviewing such report the court is not satisfied that there are reasonable grounds to believe such person is a drug addict, it shall dismiss the petition and discharge such person. If after reviewing such report the court is satisfied that there are reasonable grounds to believe such person is a drug addict, it shall proceed as hereinafter provided.*

(d)(1) *The court shall promptly advise the alleged drug addict that the petition and the report of the medical examination set forth reasonable grounds to believe that he is a drug addict, shall give him a copy of the report, and explain that if he is found to be a drug addict he shall be certified to the care and custody of the Authority pursuant to subsection (e) of this section. The court shall then advise the alleged drug addict that he has a right to a hearing before the court or a jury trial as provided in this section. If the alleged drug addict appears without counsel, the court shall advise him of his right to counsel and proceed in regard thereto as provided in subsection* [b5] (b) (5) *of this section.*

(d)(2) *When no application is made for a hearing before the court or a jury trial by or on behalf of the alleged drug addict, the court shall, if satisfied that such person is a drug addict, immediately issue an order certifying such person to the care and custody of the Authority pursuant to subsection (e) of this section.*

(d)(3) *Upon demand of such alleged drug addict or anyone on his behalf, the court shall, or it may upon its own motion, issue an order directing the hearing of such application before the court, or if requested before a jury at a time and place specified in such order. Such order shall be served upon the parties interested in application and upon such other person as the court, in its discretion, may name. If the alleged addict or anyone on his behalf elects a hearing before the court, he shall not in addition be entitled to a jury trial. At the time and place mentioned in such order or at such other time or place as the court may designate, the court or jury shall proceed to hear the testimony introduced for and against such application, and the alleged drug addict may be examined, if deemed advisable. The court may issue subpoenas for attendance of witnesses at the hearing or trial and the alleged drug addict shall have the right to have subpoenas issued for such purpose. At the hearing or trial the alleged drug addict shall have the right to be represented by counsel, to present witnesses on his behalf, and to cross-examine witnesses. For the purpose of this section, in a proceeding in which the alleged addict's spouse is the petitioner, no communication made by the alleged addict to such spouse shall be deemed confidential within the provision of statute or other law relating to confidential communications between husband and wife. If, from the facts ascertained upon the hearing, the proofs produced, the petition, and the report of the medical examination, the jury, or, if there be no jury, the court shall determine by a preponderance of the evidence that such person is a drug addict, the court shall immediately issue an order certifying such person to the care and custody of the Authority for the period provided in subsection (e) of this section.*

(d)(4) *If an alleged drug addict under this section be under the age of twenty-one years* [an] and, *unmarried and a dependent or in the legal custody of his parent, legal guardian or next of kin, the court shall serve on such parent, legal guardian, or next of kin, copies of all orders served on the alleged addict, and the court may require the presence of such parent, legal guardian, or next of kin at any stage of the judicial proceedings under this section.*

(e)(1) *The duration of commitment to the Authority shall consist of the total of all periods of in-patient and out-patient care, and shall be an unspecified perod which shall commence and terminate as provided in subsection (e)(2) of this section. The court shall not fix the minimum or maximum length of the period.*

(e)(2) *The period shall commence on the date the order of certification is made and shall terminate upon the first to occur of (i) the discharge of such drug addict by the Authority as rehabilitated, or (ii) the expiration of a period of seven years from the date such period commenced. However, the period of the initial in-patient care received by an addict immediately following an order of commitment under this section may not exceed two years. If on the first anniversary of the order of commitment the addict is still receiving initial in-patient care, the Authority must apply for and receive an order from the committing court approving further in-patient care.*

(e)(3) *Whenever the Authority shall conclude that a person committed pursuant to this section is not a fit subject for rehabilitation, the Authority shall return such person to the committing court for an order terminating the commitment.*

(f) *Unless the alleged drug addict otherwise requests, all proceedings under this section shall be private and shall be conducted in closed sessions. The court shall order all papers made part of any proceeding under this section to be filed in the* [county] appropriate *clerk's office* of the Supreme Bench of Baltimore City or the Circuit Court of the County, *sealed, and exhibited only to the parties to the proceedings, or someone properly interested, upon further order of the court.*

(g) *The court may, in an appropriate case, direct the detention of an alleged drug addict in any detention facility designated by the Authority pending proceedings pursuant to this section.*

10. Preservation of Rights.

The determination that a person is a drug addict and the subsequent civil commitment under Section 9 shall not be deemed a criminal conviction. No facts or results of any proceeding, examination, test, or procedure to determine that a person is a drug addict shall be used against such person in any proceeding.

11. Contriving to Have Person Unlawfully Adjudged Drug Addict: Misdemeanor.

Every person who knowingly contrives to have any person adjudged a drug addict under Section 9 unlawfully or improperly shall be guilty of a misdemeanor, punishable by a maximum $1,000 fine or a maximum of three years imprisonment or both.

12. Commitment to the Authority of Persons Convicted of a Crime.

(a) *Upon conviction of a defendant of any crime in any court of this State having competent jurisdiction, if it appears to the presiding judge by any reason that the defendant may be a drug addict, and the judge elects to proceed herein, such judge shall adjourn the proceedings, suspend the imposition of sentence, and order the State's Attorney to file a petition in the Circuit Court for that judicial district instituting a civil proceeding for the commitment of the defendant to the care and custody of the Authority.* However, no person may be eligible for commitment under this section if he is presently serving a sentence in a correctional institution, is awaiting sentencing on [another conviction] a conviction of a crime punishable by more than ten years imprisonment or death, except larceny, or has other criminal charges pending against him.

(b) *In any commitment proceeding pursuant to this section, the provisions of subsection (b)(1) through subsection (e)(1), subsection (f), and subsection (g) of Section 9, and Section 10, and Section* [10] 11 *shall apply; provided, however, that any provision enumerated above which is inconsistent with any provision of this section shall not apply.*

[(c) *No person may be eligible for commitment under this section if he is presently serving a sentence in a correctional institution on another conviction, is awaiting sentencing on a conviction of a crime punishable by more than ten years imprisonment or death, except larceny, or has other criminal charges pending against him.*]

[(d)] (c) *Upon a determination that such person is a drug addict, the committing court shall certify such person to the care and custody of the Authority for a period commencing on the date the order of certification is made and terminating upon the first to occur of (i) the discharge of such drug addict by the Authority as rehabilitated, or (ii) the expiration of a period of ten years from from the date such period commenced. However, the period of the initial in-patient care received by such addict immediately following an order of commitment under this section may not exceed three years. If on the second anniversary of the order of commitment such addict is still receiving initial in-patient care, the Authority shall advise the committing court whether in-patient care should be continued. The court may then affirm the commitment or terminate it and refer the addict to the court of his criminal conviction for the resumption of the pending criminal proceedings.*

[c] (d) *Every drug addict certified to the Authority pursuant to this section shall receive initial in-patient* [*care*] hospitaliza-

tion following an order of commitment *at the Center exclusively. If after sixty days following receipt at the Center of an addict committed pursuant to this section, the Authority concludes that the addict, because of excessive criminality or for other relevant reason, is not a fit subject for confinement or treatment in the Center, the Authority shall return the addict to the committing court for termination of the commitment and referral to the court of the addict's criminal conviction for the resumption of the pending criminal proceedings.*

[*f*] (e) *A certification of a drug addict to the Authority pursuant to this section shall in no way void the criminal conviction in the court where the proceedings were adjourned to commence commitment proceedings under this section. If, at the expiration of the maximum period of commitment pursuant to this section, the Authority is unable to certify that an addict is rehabilitated, the Authority shall return such addict to the committing court for ultimate resumption of the pending criminal proceedings. In the above situation and in any instance when the Authority returns an addict to the committing court for ultimate resumption of pending criminal proceedings, such addict shall receive full credit toward the service of any sentence which may be imposed for any time spent in institutional custody from the commencement of his commitment proceedings to the date of the termination of the commitment.*

[*g*] (f) *Upon the determination that a defendant in a commitment proceeding pursuant to this section is not a drug addict, the court shall so certify and return the defendant to the court of the pending criminal proceedings for such further proceedings as that judge deems warranted.*

13. Commitment to the Authority of Persons Serving Sentences in Correctional Institutions.

Upon the approval of the State Parole Board, an inmate serving a sentence in any penal or correctional institution within this State who deems himself a drug addict may institute a proceeding for commitment to the Authority by voluntarily filing a petition with the circuit court for the judicial district where such penal or correctional institution is situated. No such inmate serving a sentence for a crime punishable by more than ten years imprisonment or death, except larceny, or who has other criminal charges pending against him, shall be eligible for commitment under this section. All conditions and provisions contained in subsection (b) [*and subsection* (d)] *through subsection* [(*g*)] (f) *of Section 12 shall apply to commitments pursuant to this section; provided, however, that where reference is made to "the court of criminal conviction" and "the resumption of pending criminal proceedings," it shall be interpreted to mean for purposes of this section "the penal or correctional institution in which the inmate was serving a sentence" and "the resumption of the unexpired sentence."*

14. Conditional Out-Patient Release.

(a) *Any person who is certified by court order to the care and custody of the Authority pursuant to this Article shall be conditionally released from institutional custody and receive out-patient care and services whenever the Authority determines that he has made sufficient progress to warrant such release; provided, however, that if the Authority is unable to make such determination after the expiration of the period for initial in-patient care as provided for in this Article, the Authority shall return such person to the committing court for further action pursuant to this Article.*

(b) *Whenever any patient is to be conditionally released by the Authority, the Authority shall give written notice to the committing court within ten days of the pending release.*

(c) *Any person who is conditionally released as an out-patient shall, while on release, remain in the legal custody of the Authority. The period of every such conditional release shall be a minimum of three years in which the out-patient shall comply with the rules, regulations and conditions of such release as determined by the Authority. The Authority may designate any* individual, *agency or group, public or private, to supervise approved after-care programs for out-patients; provided, however, that the Department of Parole and Probation shall be designated by the Authority to supervise such programs of any out-patient who was certified to the Authority pursuant to Section 12 and Section 13 of this Article.*

(d) *Upon the determination that any person conditionally released has violated any conditions of his release, the Authority may certify that such out-patient is not a fit subject for rehabilitation and order the return of such out-patient to the committing court for further action pursuant to this Article, or upon the determination of a violation of conditional release, the Authority may order the return of such out-patient to institutional care. In either of the above circumstances, the Authority, by its officers or agents, or any police or peace officer, is hereby authorized to return to its physical custody any out-patient who has violated the terms of his conditional release. The period of return to institutional care may not exceed one year, after which the Authority may conditionally release the person pursuant to the provisions of this section or return him to the committing court for further action pursuant to this Article. Whenever a person conditionally released is returned to institutional care, the Authority must give written notice to the committing court within five days of such return.*

15. Discharge of Addict as Rehabilitated.

(a) *If at any time the Authority is of the opinion that a person committed to its care and custody pursuant to this Article has abstained from the use of addicting drugs for at least three consecutive years while an out-patient and has otherwise complied with the conditions of his release, the Authority shall discharge such person as rehabilitated.*

(b) *Whenever any out-patient is to be discharged as rehabilitated, the Authority shall file a certificate of discharge with the committing court, at least ten days before the effective date of such discharge.*

(c) *Any person certified to the Authority pursuant to Section 12 or Section 13 of this Article who is discharged by the Authority as rehabilitated shall be returned to the committing court by the effective date of discharge. Upon such person's return, the committing court shall order the termination of the pending criminal proceedings without imposition of sentence if a commitment under Section 12, or the unconditional suspension of the unexpired sentence if a commitment under Section 13.*

(d) *Whenever any person certified to the Authority pursuant to Section 9 of this Article has not been discharged as rehabilitated by the Authority at the expiration of the maximum seven year period, the Authority shall file a certificate of non-rehabilitation with the committing court.*

16. Available Space Required for Commitment.

Notwithstanding any provision of this Article, no commitment to the care and custody of the Authority pursuant to this Article shall be ordered until such time as the Authority has designated a place or places for the reception of committed persons and has certified that space is available and personnel are adequate therein.

17. Escape or Attempted Escape from Institutional Custody.

Any person committed to the care and custody of the Authority pursuant to the provisions of this Article who escapes or attempts to escape while committed to institutional custody for examination or in-patient treatment shall be guilty of a felony pursuant to Section 139 of Article 27.

18. Establishment of Drug Abuse Programs in Correctional Institutions.

The Authority may establish and maintain, in cooperation with the Department of [Correction] *Correctional Services, or other appropriate correctional or penal agency, programs for the prevention and treatment of drug abuse and the rehabilitation of drug addicts in any correctional or penal institutions within this State.*

19. Authority Approval of Facilities, Services, and Treatment.

(a) *No facility, institution, organization or individual, private or public, shall treat any person seeking treatment for the effects of drug addiction or any form of drug abuse, or extend any treatment, service, or method of rehabilitation to any such person unless so approved and authorized by the Authority. Such approval shall be granted pursuant to rules and regulations of the Authority which shall provide for periodic review of such approval.*

(b) *An application for the approval of the Authority shall be filed with the Authority. If the Authority proposes to disapprove the application, it shall afford the applicant an opportunity to request a public hearing. If so requested, a public hearing shall be held and may be conducted by one or more members of the Authority, as the Authority shall determine.*

20. Liability of Public Officers.

In the performance of acts and duties required by this Article, any member or employee of the Authority, any peace officer, health officer, physician, superintendent of an institution, State's Attorney, or other person charged with or performing such acts or duties pursuant to this Article, shall have the same immunity from liability as have other public officials.

21. Authorization to Release Information to the Authority.

All employees, agencies, boards, commissions or other bodies of the State or any of its political subdivisions, are authorized to and shall release any records, reports, statements, notes, and other information dealing with the problem of drug addiction to the Authority upon request of the Authority. This includes the release of names of individuals with drug problems.

22. Confidentiality of Information Assembled by the Authority.

(a) *All records, reports, statements, notes and other information which has been assembled or procured by the Authority for purposes of research and study and which name or otherwise identify any person or persons shall be confidential records within the custody and control of the Authority, and may be used only for the purposes of research and study for which assembled or procured.*

(b) *It is unlawful for any person to give away or otherwise to divulge to a person or persons not engaged in such research and study for the Authority, any of such records, reports, statements, notes, or other information, which name or otherwise identify any person or persons. Any person who violates any provision of this subtitle is guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars ($50.00).*

(c) *Access to and use of any such records, reports, statements, notes, or other information also are protected and regulated by the provisions of Section 101 of Article 35 and Section 10 of Article 75C.*

(d) *Nothing in this section applies to or restricts the use* OR *publicizing* OF *statistics, data or other material which summarize or refer to any such records, reports, statements, notes or information in the aggregate and without referring to or disclosing the identity of any individual person or persons.*

23. Effect of Creation of a Secretary of Health.

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In the event that a new Department of Health and Mental Hygiene *administered by a Secretary of Health is created by subsequent law, both that Department and Secretary shall be substituted for any reference made within this Article to the Department of Mental Hygiene and its Commissioner.*

24. Severability Clause.

If any clause, sentence, paragraph, section or part of this Article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

25. Any section or subsection of the Annotated Code of Maryland, and in particular Section 306B cf Article 27, which are inconsistent with the provisions of this Act are hereby repealed to the extent of any such inconsistency.

SEC. 2. *And be it further enacted*, That this Act shall take effect July 1, 1969.

LET US GIVE CREDENCE AND CREDIBILITY TO OUR GOVERNMENT'S FIRM POLICY AGAINST GENOCIDE

Mr. PROXMIRE. Mr. President, genocide is a crime which has been perpetrated by man against man throughout history. Although man has always expressed his horror of this heinous crime, little or no action had been taken to prevent and punish it.

The years during World War II witnessed the most diabolically planned and executed series of genocidal acts ever before committed. This time there was to be more than mere condemnation. A feeling of general repulsion swept over the world, and following the war manifested itself in the General Assembly's resolution of December 1946. This provided the General Assembly with a legal instrument designed not only to prevent genocidal acts but also to punish the guilty.

From the first drafting of this resolution the United States played a prime and important role in promulgating the Genocide Convention. Pursuant to this resolution a draft convention on genocide was prepared by the ad hoc Committee on Genocide in the spring of 1948, under the chairmanship of the U.S. representative on this committee. The draft was again discussed by the Economic and Social Council in July and August 1948 in Geneva, and then in the Legal Committee of the General Assembly at its third regular session in Paris, where again the U.S. delegation played an important role in the formulation of the draft convention.

On December 9, 1948, the General Assembly unanimously adopted the convention to outlaw genocide, which was signed by the United States 2 days later. When signing, the United States representative said, in part:

> I am privileged to sign this convention on behalf of my Government, which has been proud to take an active part in the effort of the United Nations to bring this convention into being.
>
> The Government of the United States considers this an event of great importance in the development of international law and of cooperation among states for the purpose of eliminating practices offensive to all civilized mankind.

Again, the strong position of the U.S. Government for ratification of this treaty was contained in the forwarding letter from President Truman to the U.S. Senate. In this letter, President Truman said:

> By the leading part the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime.

But have we done anything about it? The answer is, unfortunately, "No."

This has been a matter before the Senate body since that day, June 16, 1949, and since the time that hearings were held on the Genocide Convention in 1950 no action has been taken on it. Our Government does not condone genocide; and our people do not condone genocide. Let us at last give credence and credibility to our policy against genocide by ratifying the Genocide Convention.

THE PRICE OF PLAYING NUCLEAR ROULETTE

Mr. MONTOYA. Mr. President, in the next few weeks, it appears we will have our last precious opportunity to stabilize and head off the dangerous upward turn in the arms race through negotiation. As a cosponsor of Senate Resolution 211, which expressing the consensus of the august body of the Senate that the scheduled arms talks in Geneva can be expedited, and further that deployment of MIRV systems can be forestalled, I should like to add a few additional comments on the extreme seriousness of this vital issue.

Several months ago, the American people were greatly relieved when the Nixon administration announced that the United States would be a participant in arms control talks with the Soviet Union, to take place in the late spring or early summer of this year. However, in accordance with recent pronouncements, it seems that our negotiators will not be convening in the Geneva talks before late summer or early fall.

Apparently the reasons for the "fence-straddling" on the part of the Nixon administration, lies in the fundamental difference between the Secretary of Defense and the Secretary of State as to the Soviet intentions and evaluations of their capabilities. While the Secretary of State, Rogers, foresees that it may be possible that both the Soviet Union and the United States could abandon the ABM and MIRV, and the testing should we proceed with arms talks; Secretary of Defense Laird is playing that well known pastime now known as "nuclear roulette" in the cellars of the Pentagon. Secretary Laird's attempts to "sell" the American people on the ABM have been less than tragically successful, because public confidence in the use of ABM has been steadily eroding to almost a complete lack of confidence in both Secretaries. As a result of this, it appears that the Secretary of Defense is trying a last-ditch campaign to sell the public on the ABM project using a new approach in his public relations hard sell and that the Soviet Union is definitely going for a first-strike capability based upon this, and that we must, therefore, tie the arms negotiations to alleged political considerations and concessions in Vietnam and in the Middle East, so that progress can be achieved in all of these crucial areas.

Mr. President, while some of the finer details and nuances of Secretary Laird's line of reasoning appear to be missing now, I have, nevertheless, heard enough backfield playing to be frightened over the outcome for the citizens of our Nation. It requires little prescience to see that, in the interim, we will be induced to covertly proceed with full-speed in tests and deployment of both the ABM and MIRV. With no progress in negotiations at Geneva, Congress may be induced and yes even be stampeded to approve full funding of ABM, rather than approaching the problem of research and development of the ABM on a sane sensible approach to budgetary requirements.

It must be clear that the defect in Secretary Laird's proposals and theories is that it is always necessary and crucially important for us to control new weapons in the very early stages, while under the implications of new development and perfection of new weapons systems, proposed by both Secretaries, sensible arms control becomes impossible or at least more intricate and difficult to resolve, and therefore could bring us to the point of no return; that is, destruction of our great society.

Mr. President, for these and many other reasons it is urgent that we press forward to achieve progress in arms control toward peace. Never in history has our past and our future been brought into focus and of the utmost importance. The greatest of all errors and sheer folly would be committed if we all ignore this call to destiny.

The one-sided contrivance of Secretary Laird—even by its tone and substance—is brinkmanship to its utter extreme. What is more alarming, however, is that someone should assume the most ticklish stance in the form of international indifference and alter the dreams and hopes of many millions in reaching an agreement with the Russians on arms control. Similar actions on the part of the Russians could certainly produce similar effects on us, thereby increasing the momentum toward the building of ABM and related weapons systems in both countries which will carry us and the world to the annihilation of all mankind.

Mr. President, do we have a right to play the fool and "gambler's chance" with the future of our country and all mankind? Must we forever dance to "nuclear roulette" in the darkness of a cellar? Each of us must know that this will bring terrible things to all of those who love this Nation and this world. The share of the responsibility for such a calamity shall lie at the threshholds of those in the world who by their foolish and ill-conceived means deliberately invite an arms buildup that can plunge us all into complete annihilation.

We are slowly proving that Rousseau was right when he said that the common interest matters less to the players and actors than the peculiar advantage at which they aim. I therefore submit that

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in nuclear and any other type of "gamesmanship," the game can be changed only by playing it fairly and properly by negotiation. It is necessary that the players' aim be at transforming the game. Most certainly when the "game" happens to be today's greatest and most crucial moral and political issue. The uncertainties of the "game" prevent us from knowing what it will take to bring the players away from their "cellars," however, these uncertainties should and must not deter us from wanting to reach the stage of negotiations promised us time and again, leaving us the alternative, which is total annihilation.

There is a double price one must pay for waiting until the problems appear. First, one must repair what one has failed to prevent—the price of delay—and second there is the cost of retrospective reflection when the end result is contrary to what we wish to achieve—for this is certainly to be the result when we fail to proceed right now on our promise to negotiate arms control.

Our great and honored former Vice President, Hubert Humphrey, whose name is synonymous with the ardent pursuit of great strides forward in the limiting of the spread of nuclear weapons, has clearly stated:

> The urgency of our present problem—to prevent a further round of the nuclear arms race before it is irreversibly launched—cannot wait upon the solution of political disputes that have been many years in the making—and will be many years, if not generations, in solving . . . . If we have learned anything from our experience in two decades of deadly confrontation with the Soviets, it is that uncertainty in the strategic balance produces not agreement but fear and nuclear escalation which makes agreement more difficult.

As our former Vice President also keeps telling us, patience and hard work in the past have reaped rewards in limiting the arms threat. Among his many impressive dramatic achievements he cites—during the past 8 years are:

Total disarmament has been achieved in Antarctica;

Testing of nuclear weapons has been banned in three environments;

The risk of atmospheric contamination has been halted;

Outer space has been ruled out for nuclear weapons;

Latin America has been quarantined against atomic arms;

A curb has been placed on the spread of nuclear weapons technology through the nonproliferation treaty;

Work has started on securing a second environment—the seabed—from encroachment by weapons of mass destruction;

We have offered to move toward regional arms control in Europe;

We are seeking to negotiate a program of Regional Arms Control in the Middle East;

In order to insure and verify the integrity of arms control agreements, we have developed an elaborate and effective system of detection, inspection, and surveillance.

Mr. President, so that all of us may avail ourselves of the utmost opportunity to scrutinize Mr. Humphrey's very exacting and intelligent analysis of the need for proceeding at once with arms control negotiations, I ask unanimous consent that an excerpt from an April 3 speech which he delivered in Washington, D.C., be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONTOYA. Mr. President, I am certain that President Nixon would not knowingly allow himself to be caught up in a flood of unplanned specious reasoning. For it is vain for us to cry peace, peace on both sides of the ocean while we continue to rattle sabres and missiles, ABM's and XYZ's across the seas and in to one another's faces. Americans are rising every day in increasing numbers asking in the name of intelligence and reason in a growing dread of the perils involved by further delays in arms talks. The need for prompt and bold action in getting them underway is upon us. The day is here and mankind's technological superiority being so great that it is far ahead of our political capacity. We can overcome this by getting the coordination of our Secretaries of State and Defense and have the Nation recognize the need for us to bring about our political approach into the proper perspective and in line with our technology.

Mr. President, in our hard and unsparing efforts of the long past looking toward meaningful disarmament, we have entered into responsibilities with high resolve as brave and high-spirited people, as the legatees of this great Nation, conscious of our duty to our Nation and the world. So, it must be now, today. We cannot avoid meeting the great issues and grappling with them from day to day. We must determine now to meet them and fulfill our destiny. Perhaps Communist intransigence may foil our earnest efforts, if so we will at least be checkmating an upward spiral in the arms race. It is unforgivable for us as a nation to refuse to face this important and senseless complicated challenge.

Finally, Mr. President, I believe that a decision to proceed now with talks in Geneva—together with prompt ratification of the nuclear nonproliferation treaty now pending in the Senate—is a natural position urged by the majority of the citizens of this great Republic of ours. Such an approach will carry a message of this Nation for peace and will carry great weight with the Soviet Government as well as the nations of the world. These actions will relieve the dread of arms competition escalating, the greatest unsettler of all of the peoples of the world.

If there is one thing I wish I could have answered in my prayers, it is that we may find some way to lessen this deadly curse of arms competition so that we may meet the unfulfilled needs of our people and the world from hunger, intellectual wants, rebuilding cities; ad infinitum. High above and beyond material benefits whatever they may be, are those values giving us peace and the blotting out of all internal and international suspicions and absolute justice. There is only one thing, in my opinion, that can do this—disarmament. I cannot believe that these lofty aims are impossible. I only know, that it is necessary and I, therefore, together with others, utter my prayer to the Almighty for its fulfillment.

Exhibit 1

Excerpts From a Speech by the Honorable Hubert H. Humphrey, April 3, 1969

We now stand at a critical moment—a rare opportunity to break the upward spiral of strategic weaponry which has dominated U.S.-Soviet relations since the dawn of the atomic age.

We have had reason to believe for many months that the Soviet leaders are willing to begin bilateral negotiations over the control of offensive and defensive strategic weapons. Only the tragic Soviet intervention in Czechoslovakia kept these talks from beginning last fall.

I have no illusions about the difficult nature of these negotiations. When responsible leaders of great nations approach their vital security interests, they do so with great caution. I know our leaders will not agree to anything that endangers our national security. And I make the same assumption about the Soviet leaders.

But I also assume that the Soviet leaders would not lightly enter into these talks with us. If that assumption is wrong, of course, all bets are off.

But we must believe, until their actions demonstrate otherwise, that the Soviets understand the compelling reasons for ending the nuclear arms spiral—a process which is not only expensive and dangerous, but one which has become meaningless in terms of securing for either side a decisive military advantage.

We must pray that the Soviet leaders see the futility and folly of pursuing further a course which cannot possibly add either to their security or to ours, but which will instead lead all mankind closer to the brink of nuclear disaster.

It is, therefore, vitally important that we understand the urgency of beginning these bilateral talks as rapidly as possible.

I do not agree that these negotiations should await progress in settling more general political problems. The imperative of our present circumstances—that of preventing the next round in the nuclear arms race before it is irreversibly launched—cannot await the solution of political disputes many years in the making, and that will be many years, if not generations, in solving.

It is especially important that prior to the negotiations we exercise great restraint in word and action on matters relating to strategic weapons.

It is primarily for this reason that I have opposed the decision to proceed with a modified deployment of the anti-ballistic missile system. I remain unconvinced that the security. of our second-strike forces required such action at this time.

More than this, however, there remain severe questions about the efficacy of the Safeguard system in comparison to other steps which might be taken to protect our ICBMs or to strengthen our Polaris fleet—steps which would avoid moving to the next level of nuclear weapons technology.

My concern for restraint in word and action prior to U.S.-Soviet negotiations also causes me to regret very much those statements imputing to the Soviets a commitment to achieve a first-strike capability in strategic nuclear weapons.

In a world where our Polaris fleet is constantly on station, in a world where we have proceeded very far in the development of multiple independently targeted reentry vehicles, I do not believe the Soviets could seriously delude themselves into thinking a first-strike capability was possible.

These statements, moreover, necessarily arise from a series of assumptions of long-

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term Soviet behavior, assumptions which by their nature can be neither proven nor disproven at this time and which remain, to say the least, a matter of considerable debate among our intelligence community.

Secretary Clark Clifford, for example, reached quite different conclusions as to the Soviet strategic posture less than three months ago. And Secretary of State Rogers clearly raised doubts about the reliability of these forecasts of a Soviet first-strike capability when he stressed the negotiability of the Safeguard system in any future arms control talks.

These forecasts of Soviet strategic intent—statements which depart markedly from earlier U.S. pronouncements—can only raise doubts in the Soviet mind about *our* strategic objectives. And we know from the past that doubt or uncertainty on either side about the strategic goals of the other has been a principal stimulus to the nuclear arms spiral.

A far more prudent course, in my opinion, would be one which avoided raising spectres of massive Soviet strategic commitments until we have determined through direct talks their actual willingness or unwillingness to decelerate the arms race. Then we will not have to speculate on such critical matters. We will know.

I trust we are wise enough to understand that within the Soviet government, as within our own, are found widely varying opinions and beliefs on the issue of strategic weapons. We must, it seems to me, be exceedingly careful not to erode through ill-considered statements or decisions the influence of those Soviet leaders who may be advocating a more rational policy of controlling the strategic arms race—those men who now seem to favor bilateral talks with the United States. For we can never doubt the Soviet Union's capacity to propel the arms race to new and more dangerous heights if saner and more rational heads do not prevail—just as the Soviets cannot doubt our ability to do likewise.

That is why our efforts must be directed toward beginning the negotiations as promptly as possible and in an atmosphere as conductive as possible to meaningful progress.

Let me also observe at this juncture: I would hope that our government would enter into these bilateral talks with a truly comprehensive proposal, one that raised all major issues for negotiation and which did not unilaterally restrict the flexibility and freedom of our negotiators.

Some people cannot conceive of the possibility that the two nuclear giants could ever reach an enforceable agreement to halt the arms race. These people may be right.

But even great powers with different values and different political and social systems share at least some areas of common interest. Manifestly the first area is a shared interest in survival.

Perhaps this does not respond to the highest ambitions of our hearts and minds. Perhaps it is no great compliment to the human race that it took nuclear weapons to teach us that lesson. But survival is an excellent place to start. It establishes the fact that the great powers today stand, in the most fundamental sense, on common ground. And from this, much that is sane and good can flow.

No doubt bilateral arms control talks with the Soviet Union will be difficult. No doubt they will take some time. More likely than not, they will have their ups and downs. But given the terrible risks to which the U.S., the Soviet Union and much of the world's populations will be exposed if the arms race proceeds unimpeded, we have the obligation—in the most profound sense of the word—to try.

Whatever we do has an element of risk—Isn't it time to take some risk for peace?

In all of this there is expectation—possibly premature but pregnant with hope for a world where the cold war is but a memory—where arms races are behind us—where peaceful engagement and reconciliation are the order of the day, East and West.

I think I know as well as any man just how hard it will be to get from here to there.

I know how many powerful traditions must be confined to history's junkyard—and how much new history must be made.

I know, too, that with all the will and all the energy we can summon, with the clearest vision and the most creative imagination, we cannot reform relations which others do not want to reform, or which they fear to reform.

But let history record that America was not the country which denied the people of this planet a chance for survival.

Let this nation boldly take the lead in working for arms control and disarmament—nuclear and conventional, global and regional—for peaceful settlement of those disputes which do arise among nations—for an atmosphere in which governments can at last devote maximum energies and resources to the needs and aspirations of their own peoples.

Let future generations read and know, that in a period of danger, uncertainty and peril—we had the extra measure of courage and character which challenged us to try.

This is the opportunity which now awaits us. I pray that we do not let it slip away. I pray that we are willing to take the risks for peace which can gradually transform the fragile balance of terror into a covenant of trust among nations.

For only as we succeed in replacing terror with trust, fear with faith, and suspicion with confidence can we expect to fashion the foundations of world order that are necessary for survival in the nuclear age.

MR. RICHARD P. CRANE, SR., RETIRES FROM WATERBURY CITY PLAN COMMISSION

Mr. DODD. Mr. President, after 25 years of dedicated service, Mr. Richard P. Crane is retiring from the City Plan Commission of Waterbury, Conn.

Mr. Crane served as chairman of the commission for 19 years and as a member for the 6 preceding years. This was a quarter century of great change for communities all across the Nation, and Dick Crane was the person most responsible for keeping Waterbury in the mainstream of progressive civic activity.

He represents the best of the group of people in this country who give so generously of their time and of themselves to help their communities. In addition to his arduous and time-consuming work on the commission and his own business, Mr. Crane has quietly served in many other civic endeavors. I know of no one who better exemplifies the truth of the statement, "If you want a job done, give it to a busy man," than Richard P. Crane.

I ask unanimous consent to have printed in the Record an editorial published in a Connecticut newspaper commending Dick Crane for his 25 years of service to the city of Waterbury.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Waterbury American, June 13, 1969]

Crane's Retirement

Many physical changes have taken place in Waterbury during the quarter-century that Richard P. Crane has served on the City Plan Commission. Some have been favorable, while others have pointed up the city's need for new rules for orderly future development. During the 19 years that he served as chairman and the six prior years as a member of the commission, Crane has sincerely worked for betterment of the city. It has been a time-consuming task, and the many controversies involved because of the nature of the commission's work made it even more difficult.

Crane is retiring from the commission at a time when the city is in the process of acquiring the long-awaited comprehensive plan of development, and he can leave with a feeling of ease because this most important project of the commission is now being fulfilled. New commercial development in the downtown and outlying areas, the new highway system, and heavy residential developments have changed the city so extensively that new rules for traffic patterns, development and zoning are needed. The city needs to know now, more than ever before, exactly what type of development is desirable and feasible in each specific area.

One of Crane's greatest accomplishments for the city came through his leadership in efforts to get a regional airport to serve Waterbury. Although this was not a City Plan Commission project, the development of the airport can be linked directly to future progress in city development. Through the Chamber of Commerce and through his leadership in the industrial and business community. Crane fought for some 20 years for state and federal funds for construction of the airport. These efforts required an immeasurable amount of time for writing letters, making official contacts and organizing campaigns. Now the regional airport is under construction in Oxford. It will serve ultimately as a new economic stimulus for Waterbury and the surrounding area.

In seeking a successor to Crane, Mayor George Harlamon should keep in mind the important role that City Plan Commission can play in determining the city's future. He should pick a leader who has a deep interest in development and planning, who is knowledgeable about the community and who has had experience which could be helpful to the commission. This should not be a political appointment, nor should popularity determine the selection. Ability, dedication, and a deep interest in betterment of the city are the basic requirements.

Crane gave long and dedicated service to the city. His record of service on the commission will in all likelihood never be equaled again. He deserves thanks from the city for his devotion to this assignment.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The Bill Clerk. A bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that I may do so without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

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The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

(Subsequently, the Senate modified this order to provide for the Senate to adjourn until 11 a.m. tomorrow.)

ORDER FOR ADJOURNMENT FROM THURSDAY, JUNE 19, UNTIL 11 A.M.; FRIDAY, JUNE 20, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m., Friday, June 20, 1969.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUGHES ON FRIDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Friday, after the conclusion of the prayer and the disposition of the Journal of the preceding day, the distinguished Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 40 minutes.

The **PRESIDENT** pro tempore. Is there objection? The Chair hears none and it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I wish to retain the floor, but with that proviso, I should like to yield to the distinguished Senator from Connecticut (Mr. DODD) for not to exceed 5 minutes.

The **ACTING PRESIDENT** pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. I appreciate the courtesy of the majority leader.

S. 2433—INTRODUCTION OF THE FEDERAL GUN CERTIFICATION ACT OF 1969

Mr. DODD. Mr. President, I take the floor today to continue a fight I first started 8 years ago. In early 1961 I directed the Senate Subcommittee To Investigate Juvenile Delinquency to study the increasing use of firearms in America's booming crime wave. We found that thousands of deadly weapons were finding their way into the hands of America's felons, rapists, and drug addicts by mail order and by over-the-counter sales to out-of-State residents.

I introduced my first gun bill in August of 1963 and in the intervening years I implored the Congress to stop the madness that characterized the gun traffic across our State lines. Those of us on the committee who fought for interstate firearms controls had few friends during the long years between 1963 and 1968. We had held hearings and worked on the legislative solution to this problem for 7 years.

But the country was not ready for it.

Then we witnessed a series of political assassinations that shocked the Nation and the Congress.

Then we slowly began to get support for the kind of gun laws we needed.

I am grateful for the support that was received, but unfortunately it was not soon enough and it did not contribute enough.

But we did ultimately pass a good gun bill that was long overdue. The Gun Control Act of 1968 marked the first time in America's history that effective controls were put on the interstate traffic in firearms. We had successfully frozen the 200 million guns that exist in America today within the boundaries of the various States.

But we needed more. I had introduced a second bill that would have complemented the Gun Control Act of 1968 which would have enabled us to find out who owned the existing millions of guns.

But the support of the Johnny-come-latelys faded fast and my second bill died in committee. As a result, with increasing frequency we are finding out, too late, that many of these 200 million guns are possessed by assassins, robbers, and habitual drunks, those who kill and maim.

So, the problem has not yet been fully met.

The Gun Control Act of 1968 provides for interstate controls over the acquisition of firearms and let me say that I believe that those controls will effectively deter persons from acquiring firearms for misuse in those interstate channels that were formerly available to them.

I refer to the mail order and over-the-counter, nonresident sources of firearms which no longer are available to the juvenile, the criminal, and the mentally incompetent.

I cannot be content, however, to let the matter rest only half done. The problem of firearms abuse in the United States increases with each passing day and the lives of innocent Americans are snuffed out wantonly by the gun killer who now accounts for 65 percent of our Nation's murders.

Mr. President, the legislation that I introduce today provides for a Federal Certificate of Eligibility to possess any fire arm. I shall ask unanimous consent that a copy of the bill and a brief resume of its provisions be printed in the RECORD at the conclusion of my remarks.

Just as one would establish his credentials in seeking to purchase narcotic or prescription drugs, I propose that current and prospective gun owners establish their status as responsible, noncriminal citizens before being allowed to possess a gun.

Briefly this act requires that persons who possess firearms on the effective date of this firearms act obtain from the Secretary of the Treasury a certificate which would evidence their eligibility to possess firearms.

In applying for a certificate, an applicant would submit identifying information on himself and the firearms that he possessed.

A certificate would not be granted to felons, fugitives, mental incompetents, drug addicts or drug abusers, nor to dishonorably discharged veterans, illegal aliens, or citizens who renounce their citizenship.

In addition, juveniles under 18 years of age could not obtain certificates, and minors could not obtain a certificate other than for rifles and shotguns.

Ammunition could not be sold to a noncertificate holder.

With this proposal we would insure that noncriminal, responsible, mature citizens would be in lawful possession of firearms.

We obtain a license to drive an automobile without inconvenience and I see no more burden involved with respect to the obtaining of a certificate to possess firearms.

A certificate initially obtained would be valid for life, unless revoked because of the holder's falling into one of the prohibited classes by virtue of his actions.

The fee to obtain a certificate is $1, no matter how many firearms the applicant possesses.

A person purchasing a firearm from a licensed dealer would furnish a copy of his certificate and the dealer would record the certificate number and retain it as part of the records which he is now required to keep by Federal law.

Transfers of firearms between nonlicensees would be regulated and the information furnished to the Secretary.

This is certainly not unreasonable or burdensome.

I believe that such an approach is reasonable and necessary if we hope to curb crimes of violence in America.

There are an estimated 200 million guns in the hands of American citizens today and none of us really knows just who are America's gun owners.

I believe that the time has come to take a firm stand on this controversial and emotional issue.

We can no longer afford the expense of inaction.

In March the Federal Bureau of Investigation released crime statistics for 1968 and compared those figures with 1967.

Simply put, murder is up 14 percent and murder by gun accounts for 65 percent of these murders.

Aggravated assault by gun is up 24 percent, twice the overall increase in aggravated assaults.

And armed robbery has increased 34 percent over 1967.

I know that there are those who will argue that controls such as those I now propose are a State responsibility. But let us examine the inaction of the States over the last 40 years.

Less than 10 of the States now require either a license or a permit to purchase or possess a firearm and in all but three of those States, the controls are limited to handguns.

Apparently our State legislatures have not had the resources to move effective firearms controls through their legislative mills.

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Perhaps the prime reason for inaction at the State level is the grass roots lobbying of the National Rifle Association, which for as long as I can remember has opposed State and local efforts to enact effective controls over the purchase and possession of firearms.

Unfortunately, I believe, the combined efforts of the National Rifle Association and the gun industry have succeeded over the years and the result is the current gross lack of firearms controls in the majority of our States.

For almost a year a committee of the Connecticut Legislature had worked on a drafting of firearms legislation to strengthen Connecticut's gun laws. Their efforts were intended to bring about a measure of control that would not infringe upon the rights of responsible citizens, but which would be effective, enforceable and meet the needs of the State.

I appeared before that committee last August and again in May of this year to give them the benefit of my experience with the gun control issue over the last 8 years. I was convinced that their efforts were in the best interest of Connecticut's citizens including her sportsmen.

The legislative approach that was reasoned out was objective and would have been effective, if enacted. However, in the waning days of the legislative session, a full-scale, all-out campaign was waged by the Connecticut gun industry to defeat the legislation and that effort signified, in my judgment, its death knell.

Lengthy advertisements were taken in Connecticut newspapers by the gun industry and those advertisements purported to analyze the provisions of the bill that the Judiciary Committee had recommended to the legislature.

It goes without saying that those advertisements, sponsored by the gun industry were instrumental in the overall effort to kill the gun bill to which so much time and effort had been devoted in Connecticut.

The self professed voice of the "public interest," the gun industry, the gun nuts and the so-called sportsmen again prevailed due in large measure to the fact that the majority of the people of Connecticut, who in fact favor enactment of reasonable, enforceable, and effective controls had no concerted voice to present their support for the bill.

Needless to say, Connecticut's proposed firearms legislation was killed and the tireless efforts of her concerned legislators went for naught.

This same scene is repeated throughout the country every time State or local officials proposed firearms controls. Only the cast of characters changes from State to State.

Until the terrible assassinations of 1968, the irresponsible and unwarranted actions of a few have undermined the efforts of the majority to work its will. And by any reading of the public pulse, effective gun controls such as those I discuss today are supported by the vast majority of our ctizens.

This is abundantly clear, yet the inability of the majority to present a united and concerted supportive effort, as the gun lobby has done in its opposition, has resulted in the failure of the majority of our State legislatures to enact effective gun controls.

In my judgment the reasonable alternatives to State inaction is Federal action under the commerce powers of the Constitution to provide these necessary and proper firearms controls, so that the safety and well-being of all of our citizens can be secured and assured.

As with all of the gun bills that I have proposed in the last 6 years the inclusion of rifle and shotgun controls will be a major area of controversy.

During debate on the Gun Control Act of 1968, the public was browbeaten with the sporting weapon argument. It was told that firearms would be confiscated, that the hunting and shooting sports would wither and die.

The phony arguments were repeated ad nauseam.

None of these things has come to pass. Nor are they likely to. Quite the opposite has been true for the hunter and sportsman. There has been an increase in both categories and there is every reason to believe it will continue.

The sportsman is not and has never been a threat. A gun in the hands of a true sportsman never has been a problem.

It is the guns that got into the hands of the others on the ruse that they were sportsmen while the lobby swayed public opinion that are plaguing us today.

With tight restrictions on handguns, murders and bank robberies with long guns are on the increase.

In civil unrest the authorities now find the culprits armed all too often with sporting weapons and sophisticated foreign military surplus rifles piled into this country by the gun runners during the years they fought the legislation that would keep them out.

Inflamed students no longer show the restlessness and frustration that is a part of their student days with annual spring panty raids. They now arm themselves, take over university buildings, assault professors, and destroy the educational facilities.

They have answered the call to arms issued by the gun runners in exploiting unrest solely to increase gun sales.

The warnings issued by both me and my colleagues in 1963, 1964, 1965, 1966, and 1967 went unheeded.

It has all come to a regrettable end.

The very hallmark of civilization, education and the university, is being torn apart by boys with guns. Reason, persuasion, and the democratic process have given way to the primitive philosophy of the frontier that a good gun is better than a good argument.

It seems some of them think they can go out and shoot themselves an education with an old fowling piece, some used hardware junked by a foreign army years ago, or a pot metal pistol not good enough for straight shooting but just bad enough to kill.

Things could get worse if we do not do something to make them better.

It is difficult for reasonable men to comprehend the fierce objections of the gun lobby to these controls.

Certainly rifles and shotguns are sporting weapons.

But they are also deadly weapons.

The rifle and shotgun in the wrong hands are tools of violence.

There is not a day that goes by in the United States that does not witness holdups or armed robberies with either a rifle or shotgun as one of the weapons used by the perpetrators.

All one has to do is glance at the daily newspapers of the Nation. Mass carnage and maimings seem to be the order of the day especially with regard to our sporting rifles and shotguns.

The following headline of early January set the tempo for recent months: "Slayer of Four, Cornered, Kills Himself." A .22 caliber semiautomatic rifle was used in this mass murder.

Another headline in April vividly summarized another bizarre mass killing. "Pennsylvania Turnpike Sniper Slays three, Wounds 18, and Kills Self." A high-powered rifle was the instrument of death in these senseless killings.

Scenes of killings and woundings have been repeated virtually every week in this country since the first of the year.

A man in Milwaukee, Wis., went on a shooting spree in a factory from which he had been fired and wounded or caused injury to 14 persons. Fortunately his spree with a shotgun did not result in a mass murder, but he was eventually killed by the police.

In another instance within the last 2 weeks a Nebraskan, armed with a .22 caliber rifle, embarked on a reign of terror which resulted in the wounding of seven people.

There is no area of the country that has not experienced the abuses to which I have just referred. Our gun problem is not confined to any one large metropolitan area nor to a score of them. Rather our problem of firearms abuse in America is nationwide and if we are to curb it, then we must apply firearms controls that are uniform and nationwide in scope.

The lives and property of decent, law abiding Americans are threatened each day by gunmen armed with these so-called sporting weapons and I believe that it is time that we make an all-out effort to curb these acts of violence.

What I propose in this bill would not seriously inconvenience the law abiding citizen. It would require that he apply for a certificate of eligibility to possess a firearm.

It would vest the regulatory authority with the Secretary of the Treasury and would require that he issue a certificate to any person who does not fall within the prohibited class.

What I am proposing is that we provide additional tools to implement and enforce the Gun Control Act of 1968.

That act makes it unlawful for a Federal licensee to sell a gun to a felon, or a fugitive or a drug abuser or a mental incompetent. But it does not require that the licensee take any positive action to

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determine whether the purchaser is in one of the prohibited classes.

However, if a purchaser possesses a certificate of eligibility to buy guns, as my new bill requires, then the dealer is secure in the knowledge that he has made a lawful sale.

If a prospective purchaser does not have a certificate, then the dealer could not sell to him lawfully.

This is simple, expedient and effective.

In view of the current crime picture in this country, I see no other alternative than to press for the enactment of the type of Federal controls contained in my proposed "Federal Gun Certification Act."

If these controls are enacted, they will work and they will reduce gun crimes in America.

If experience under a gun law is any yardstick of its measure of success, let me cite a recent and most graphic example.

Toledo, Ohio, recently enacted a tough local firearms ordinance.

Toledo is a city that is just 1 hour's drive from Detroit, Mich.

At one time, before the enactment of the Gun Control Act of 1968, Toledo and its gun runners were a major source of guns for Detroit's criminal element.

Not long ago, Toledo was a wide-open city. There were virtually no restrictions on sale of firearms, as was the case throughout the State of Ohio. One store alone supplied 7,000 guns to residents of the Detroit area in the year following the riot in that city and 90 out of every 100 crime guns in Detroit came into that city from Ohio.

Toledo passed a tough city gun permit ordinance that went into effect at about the same time as the Gun Control Act of 1968. The result was that the traffic in Toledo guns to Detroit has dried up almost completely, most of the gun shops engaged in the firearms traffic across the State line have disappeared and the gun crime rate in Toledo dropped dramatically.

This is a classic case of local and Federal law working hand in hand.

In the first 8 months following the effective date of the Toledo permit ordinance, when compared with the 8 months previous;

Murders by handguns dropped 58 percent;

Armed robberies with pistols and revolvers decreased 43 percent; and,

Aggravated assaults with handguns decreased 49 percent.

Such facts need no elaboration.

Their message is clear.

Good gun laws do help reduce and prevent gun crimes.

Mr. President, the Senate should, in my judgment, heed this message and get on with the task of providing those necessary and proper controls over the sale and possession of firearms, under the commerce powers of the Constitution, so that American lives will not be taken needlessly in our homes and on our streets.

Mr. President, I introduce the bill for appropriate reference and ask unanimous consent that a letter dated May 16, 1969, from John J. Burkhart, chief counsel, department of law, city of Toledo, Ohio, be printed in the RECORD at this point. The letter outlines in detail the success of the Toledo Handgun Ordinance. I also ask unanimous consent that a summary of the bill and the text of the bill itself be inserted in the RECORD at this point.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, summary, and letter will be printed in the RECORD.

The bill (S. 2433) to amend title 18, United States Code, to protect the people of the United States against the lawless and irresponsible use of firearms, and to assist in the prevention and solution of crime by requiring a certification for the possession of firearms, and for other purposes; introduced by Mr. DODD, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Gun Certification Act of 1969".

SEC. 2. (a) Title 18, United States Code, is amended by inserting after chapter 44 the following new chapter:

"CHAPTER 44A—CERTIFICATION OF FIREARMS

"SEC.
"931. Definitions
"932. Certification of Firearms Owners
"933. Form and Manner of Obtaining Certificate
"934. Collection of Firearms Transfer Information
"935. Unlawful Acts
"936. Penalties
"937. Compensation for Firearms Sent to the Secretary; Periods of Amnesty
"938. Disclosure of Information
"939. Administration
"940. Exceptions

"SEC. 931. DEFINITIONS

"As used in this chapter—

"(1) The term 'firearm' means a weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, but such term does not include a firearm as defined in chapter 53 of the Internal Revenue Code of 1954, or an antique firearm as defined in section 921 of this title.

"(2) The term 'Secretary' means the Secretary of the Treasury or his delegate.

"(3) The term 'licensed dealer' means any importer, manufacturer, or dealer licensed under the provisions of this title.

"(4) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

"(5) The term 'purchase' means to buy or otherwise acquire ownership.

"(6) The term 'sell' means give, bequeath, or otherwise transfer ownership.

"(7) The term 'possess" means asserting ownership or having custody and control, and such term does not include (A) possession by a common or contract carrier licensed pursuant to the law of any State or of the United States engaged in the lawful transportation of a firearm, or (B) possession of a firearm for a lawful purpose which is occasional, brief, and subject to immediate termination upon the demand of a person who claims legal title or rightful possession.

"(8) The term 'transfer' means to sell, assign, pledge, lease, loan, bequeath, give away, or otherwise cause the lawful title or rightful possession of a firearm to vest in another.

"(9) The term 'transferor' means a person who transfers, and the term 'transferee' means a person in whom the lawful title or rightful possession of a firearm vests when a transferor transfers a firearm, except that neither the term 'transferor' nor 'transferee' applies to a person who claims lawful title or rightful possession of a firearm as (A) a common or contract carrier licensed pursuant to the law of any State or of the United States engaged in the lawful transportation of such firearm, or (B) a transferee whose possession of such firearm is for a lawful purpose and is occasional, brief, and subject to immediate termination upon the demand of a person who claims legal title or rightful possession.

"(10) The term 'Certificate' means a Federal Certificate of Eligibility to Possess a Firearm.

"(11) The term 'crime punishable by imprisonment for a term exceeding one year' does not include (a) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate, or (b) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemanor and punishable by a term of imprisonment of two years or less.

"(12) The term 'State' includes each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

"(13) The term 'fugitive from justice' means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

"Sec. 932. Certification of firearms owners.

"(a) Each person who possesses any firearm on the effective date of this chapter shall within 120 days following such date, unless he sooner sells such firearm, obtain a certificate in accordance with the provisions of this chapter.

"(b) Each person who purchases a firearm after the effective date of this chapter shall within 120 days after such date or prior to such purchase, whichever is later, obtain a certificate in accordance with the provisions of this chapter.

"Sec. 933. Form and Manner of Obtaining Certificate

"(a) Each person desiring to obtain a certificate shall file an application with the Secretary. Each such application shall be in duplicate and in such form as the Secretary shall prescribe, and shall include at least the following information:

"(1) the name, address, date and place of birth, and social security or taxpayer identification number of the applicant;

"(2) the name of manufacturer, the caliber or gage, the model and the type, and the serial number of any firearm possessed by the applicant;

"(3) the name and address of the transferor from whom the firearm was or is to be acquired and the date and place of the transfer; and

"(4) the date on which the application is made.

"(b) The original application shall be signed by the applicant and filed with the Secretary, together with a fee of $1, either in person or by certified mail, return receipt requested. The Secretary shall prescribe convenient locations for the filing of such

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applications. The duplicate shall be retained by the applicant. A duplicate of an application shall be temporary evidence of eligibility to possess a firearm for a period of 90 days from the date appearing on such application, unless such application is sooner denied.

"(c) Upon filing a proper application and payment of the prescribed fee, the Secretary shall issue to a qualified applicant a certificate which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle such applicant to possess a firearm, except that the Secretary shall deny a certificate to any applicant—

"(1) who is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) who is a fugitive from justice;

"(3) who is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954);

"(4) who has been adjudged a mental defective or who has been committed to any mental institution;

"(5) who in the case of a rifle or shotgun, is less than eighteen years of age, or in the case of any other firearm, is less than twenty-one years of age; or

"(6) who has been dishonorably discharged from the Armed Forces;

"(7) who, having been a citizen of the United States, has renounced his citizenship; or

"(8) who, being an alien, is illegally or unlawfully in the United States.

The Secretary shall number each Certificate issued by him under this chapter.

"(d) The Secretary shall approve or deny an application for a Certificate within 90 days from the date appearing on such application.

"(e) The Secretary is authorized to make necessary arrangements for the revocation of any Certificate issued under this section if the holder is subsequently determined to be ineligible to possess a firearm pursuant to subsection (c) of this section.

"(f) Any person whose application for a Certificate is denied and any holder of a Certificate which is revoked shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the Certificate was revoked.

"Sec. 934. Collection of firearms transfer information.

"(a) Each licensed dealer who sells or delivers a firearm, after the effective date of this chapter, to any person, other than another licensed dealer, shall obtain from such person his Certificate or temporary evidence of eligibility and shall record the number of the Certificate or date appearing on the temporary evidence of eligibility as part of the records required to be kept by such dealer pursuant to section 923(g) of this title.

"(b) Each person, other than a licensed dealer, who transfers a firearm, after the effective date of this chapter, shall forward to the Secretary within 5 days from the date of such transfer the following information:

"(1) the name and address and the number of the Certificate of the transferee;

"(2) the name of the manufacturer, the caliber or gauge, the model and the type, and the serial number of the firearm; and

"(3) the name and address and Certificate number of the transferor and the date and place of the transfer.

"(c) A licensed dealer shall not take or receive a firearm by way of pledge or pawn without also taking and recording during the term of such pledge or pawn the Certificate number of the person from whom he has taken or received the firearm. If such pledge or pawn is not redeemed the dealer shall within 5 days notify the Secretary and inventory the firearm in his own name as part of the records required to be kept by section 923(g) of this title.

"(d) The executor or administrator of an estate containing a firearm shall promptly notify the Secretary of the death of the Certificate holder and shall, at the time of any transfer of the firearm, return the Certificate to the Secretary. The executor or administrator of an estate containing any firearm held by an ineligible person shall promptly relinquish the firearm, without penalty for any prior failure to comply with the provisions of this chapter.

"(e) A certificate holder who possesses a firearm shall within 10 days notify the Secretary of his change of address or of a loss, theft or destruction of the firearm, and, after such notice, of any recovery.

"(f) A licensed dealer shall not sell ammunition to a person for use in a firearm without requiring the purchaser to exhibit a Certificate or temporary evidence of eligibility and noting the Certificate number or date appearing on the temporary evidence of eligibility on the records required to be maintained by the dealer pursuant to section 923(g) of this title.

"(g) The provisions of subsections (a) and (b) of this section apply to purchases and transfers of firearms otherwise exempted under section 940(5) of this chapter.

"Sec. 935. Unlawful Acts

"(a) It shall be unlawful for any person—

"(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) who is a fugitive from justice;

"(3) who is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954);

"(4) who has been adjudged a mental defective or who has been committed to any mental institution;

"(5) who, in the case of a rifle or shotgun, is less than 18 years of age or in the case of any other firearm is less than twenty-one years of age;

"(6) who has been dishonorably discharged from the Armed Forces;

"(7) who having been a citizen of the United States has renounced his citizenship; or

"(8) who being an alien is illegally or unlawfully in the United States to possess a firearm.

"(b) It shall be unlawful for any person to possess or purchase any firearm without a Certificate or a valid application for such a Certificate.

"(c) It shall be unlawful for any person to transfer any firearm to any other person who does not possess a Certificate or a valid application for such a Certificate.

"Sec. 936. Penalties.

"(a) Whoever violates any provision of sections 932, 934, and 935 shall be punished by imprisonment not to exceed 2 years, or by a fine not to exceed $2,000, or both.

"(b) Whoever knowingly falsifies any information required to be filed with the Secretary pursuant to this chapter, or forges or alters any Certificate or temporary evidence of eligibility, shall be punished by imprisonment not to exceed 5 years or a fine not to exceed $10,000, or both.

"(c) Except as provided in subsection (b), no information or evidence obtained from an application or Certificate required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued by the Secretary, shall be used as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application containing the information or evidence.

"Sec. 937. Compensation for firearms sent to the secretary; periods of amnesty.

"(a) Any person (1) who lawfully possessed a firearm prior to the operative effect of any provision of this chapter and who becomes ineligible to possess such firearm by virtue of such provision, or (2) whose Certificate is revoked under this chapter, shall surrender such firearm to the Secretary and shall receive reasonable compensation for the firearm upon its surrender to the Secretary.

"(b) The Secretary may declare such periods of amnesty for the voluntary relinquishment of firearms as he determines will carry out the objectives of this chapter.

"(c) The Secretary is authorized to pay reasonable value for firearms voluntarily relinquished to him.

"Sec. 938. Disclosure of information.

"Information contained on any certificate or application therefor shall not be disclosed except to the National Crime Information Center established in the Department of Justice, and to law enforcement officers requiring such information in pursuit of their official duties.

"Sec. 939. Administration.

"(a) The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter.

"(b) When requested by the Secretary, Federal departments and agencies shall assist the Secretary in the administration of this chapter.

"(c) In order to carry out his responsibilities under this chapter, the Secretary is authorized to obtain the most modern and efficient automatic data processing equipment for the collection, storage, and retrieval of information received by him.

"Sec. 940. Exceptions.

"The provisions of this chapter shall not apply to the possession, purchase or transfer of any firearm by or to (1) the United States or any department or agency thereof, (2) any State or political subdivision of a State, or any department or agency thereof, (3) any civilian officer or employee of the United States, a State, or any political subdivision thereof, in his official capacity, (4) any member of the Armed Forces of the United States or the National Guard of any State, in his official capacity, (5) a resident of a state if (A) the Secretary has determined that such State has enacted legislation of general applicability requiring firearms certification comparable to the firearms certification under this chapter and has published the name of such State in the Federal Register, and (B) such resident furnishes at the time of purchase or transfer of a firearm proof of compliance with such State certification, or (6) except as specifically provided by this chapter, any licensed dealer."

(b) The table of contents to "Part I. Crimes" of title 18, United States Code, is amended by inserting after

"44. Firearms 921

a new chapter reference as follows:

"44A. Certification of Firearms....... 931".

SEC. 3. The provisions of chapter 44A of title 18, United States Code, as added by section 2(a) of this Act, shall take effect upon enactment except that sections 934 and 935 shall take effect 120 days after such date of enactment.

The summary of the bill, presented by Mr. DODD, is as follows:

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Brief Summary of the Provisions of Senator Dodd's Proposed "Federal Gun Certification Act"

1. The bill provides that a person who possesses a firearm on the effective date of the Act obtain within 120 days (unless he elects to sell the gun), a "Federal Certificate of Eligibility to Possess a Firearm".

2. It provides that a person who purchases a firearm must obtain a Certificate prior to such purchase.

3. In applying for a Certificate the applicant must submit the following information to the Secretary of the Treasury:

(a) Name, address, date and place of birth, social security or taxpayer identification number of applicant;

(b) Name of the manufacturer, the caliber or gauge, the model and the type and serial number of any firearm;

(c) Name and address of the person from whom the firearm was or is to be obtained and the date and place of the transfer; and,

(d) Date on which the application was made.

4. The application for a Certificate is valid as temporary evidence of eligibility to possess a firearm for a period of 90 days unless it is rejected by the Secretary because of the applicant's status in one of the following classes of proscribed persons:

(a) A person under indictment for or convicted of a crime punishable by a term of imprisonment exceeding one year;

(b) A fugitive from justice;

(c) An unlawful user of or addicted to marihuana, a depressant or stimulant drug or a narcotic drug;

(d) An adjudged mental defective or a person committed to a mental institution;

(e) In the case of a rifle or shotgun, a person under 18 years of age and in the case of all other firearms a person under 21 years of age;

(f) A person dishonorably discharged from the Armed Services;

(g) A person, who having been a citizen of the United States, renounces his citizenship; and,

(h) An alien who is illegally or unlawfully in the United States.

5. None of the above classes of persons in Item 4 may lawfully possess a firearm.

6. The Secretary is given the authority to revoke a Certificate if the holder subsequently falls into one of the classes outlined in Item 4.

7. In sales or deliveries of firearms involving Federally licensed dealers, the transaction would be lawful if made to a Certificate holder and the transaction would be recorded by the dealer and the information including the Certificate number retained in his records.

8. All private transfers of firearms would be regulated in the following manner:

(a) The transferor within five days would be required to forward to the Secretary the following information:

(1) Name, address and Certificate number of the transferee;

(2) Identification of the gun (as in 3(b) above); and,

(3) Name, address and Certificate number of the transferor and the date and place of the transfer.

(b) Lawful transfers could only be made between Certificate holders.

9. A licensed dealer may not sell ammunition to a non-Certificate holder.

10. Unlawful acts include possession or purchase without a Certificate, transfer or sale to a non-Certificate holder and possession by one of the classes of proscribed persons outlined in 4(a) through (h).

11. General penalties prescribed are: 2 years maximum imprisonment and $2,000 in fines, or both. Penalties for furnishing false information to avoid complying with the Act's provisions are 5 years maximum imprisonment or $10,000 in fines, or both.

12. Exceptions: Residents of states with comparable firearms certification systems are exempted provided that they furnish proof of state certification to a licensed dealer when so required by the Act's provisions.

The letter, presented by Mr. Dodd, is as follows:

City of Toledo, Ohio,
Department of Law,
May 16, 1969.

Hon. William C. Mooney,
Chief Investigator, U.S. Senate, Juvenile Delinquent Subcommittee, Old Senate Office Building, Washington, D.C.

Dear Mr. Mooney: I am enclosing herewith a copy of Toledo's Gun Control Ordinance, adopted August 12, 1968, and also a summary of offenses involving handguns from August, 1967, through March 1969. This summary of offenses with handguns was prepared by the Bureau of Identification of the Department of Police of the City of Toledo and was prepared with the use of the computer system of Toledo.

I am also enclosing a copy of the Toledo Police Department monthly report for March, 1969, bearing the signature of Anthony Bosch, Chief of Police of the City of Toledo.

The summary of offenses involving handguns shows some startling things. If you compare the eight months preceding the adoption of Toledo's Handgun Ordinance in August of 1968 with the eight month period following the passage of our handgun ordinance, you will find the following:

MURDERS

From December, 1967, through July, 1968, there were 20 murders, 12 of which were committed with handguns.

From August, 1968, through March, 1969, there were 9 murders committed, 5 of which were committed with handguns.

This represents a decrease in the total number of murders committed from August, 1968, through March, 1969, of 55% and for the same period the murders committed by handguns decreased 58.34%.

ROBBERIES

From December, 1967, through July, 1968, there were 778 robberies, 222 of which were committed with handguns.

From August, 1968, through March, 1969, there were 537 robberies committed, 127 of which were committed with handguns.

This represents a decrease in the total number of robberies committed from August, 1968, through March, 1969, of 30.98% and for the same period the robberies committed by handguns decreased 42.79%.

AGGRAVATED ASSAULTS

From December, 1967, through July, 1968, there were 293 aggravated assaults committed, 109 of which involved the use of handguns.

From August, 1968, through March, 1969, there were 242 aggravated assaults committed, 55 of which involved handguns.

This represents a decrease in the total number of aggravated assaults committed from August, 1968, through March, 1969, of 17.41% and for the same period the aggravated assaults committed involving handguns decreased 49.09%.

CARRYING CONCEALED WEAPONS

From December, 1967, through July, 1968, there were 101 offenses of carrying concealed weapons committed, 79 of which involved handguns.

From August, 1968, through July, 1969, there were 90 offenses of carrying concealed weapons committed, 57 of which involved hand guns.

This represents a decrease in the total number of carrying concealed weapons offenses committed from August, 1968, through March, 1969, of 10.90% and for the same period the carrying concealed weapons offenses involving handguns decreased 27.85%.

I think you will agree with me that these figures are startling in view of the rising crime rate throughout our country. While we make no claim that Toledo's decreasing crime rate is the sole result of the handgun ordinance, we nevertheless feel that the passage of that ordinance has played a most important part in the success we have had in our town in fighting crime in the streets.

Other factors are involved. We have increased the size of our police force. We have had full cooperation with the courts in the prosecution of offenders, and we have had a vigorous crime enforcement program going on by our police department for some time.

The City of Toledo has issued approximately 15,000 plus identification cards to applicants under the handgun ordinance. There have been only 40 rejections of applications, mainly on the basis of histories of mental illness. The balance were rejected for criminal records, which made the applicant ineligible.

There have been 48 prosecutions of violations of the handgun ordinance and 48 convictions. The average penalty assessed is $150.00 plus 90 days in jail.

The newspapers, and television and radio stations have been extremely cooperative and enthusiastic in their support of the Toledo ordinance. They have given full publicity to the statistics and details of convictions and results of trials. I think that this has played a major role in Toledo's success. The word has gone out that if you are caught with a gun on the streets of Toledo you are going to go to jail.

At the present time there are several bills pending in the General Assembly of the State of Ohio and hearings have commenced on them wherein a similar law is being proposed for the state of Ohio. We just recently testified in behalf of such a bill and we are running into the usual opposition of the National Rifle Association, which is very strong in our state. Anything you or your committee can do to help us pass an effective statute in Ohio will be more than appreciated.

The particular bill in question is House Bill #184 and is now pending in the House Judiciary Committee. I am enclosing a copy of the bill for your information. There are several things in the bill which we think need to be strengthened or clarified but the bill has had only its first hearing and if it is voted out of committee, it will undoubtedly be greatly modified and changed to where you won't recognize the original bill.

If you have any thoughts on the matter, we would appreciate it if you would convey them to us so that we can pass this information along to the Judiciary Committee with whom we have a good working relationship.

If there is anything you need or want from us, please don't hesitate to call upon us. We would like to have you come to Toledo to see for yourself our operation under Toledo's handgun ordinance. We have established an office called the "Office of Gun Control" with a full time staff for the processing of applications. The Police Department has maintained good records and does as much as it can to investigate the applicants before applications are approved.

Our only problem is that our jurisdiction ends at the city limits and the gun dealers outside the city over whom we have no control are doing a landoffice business. This is where the need for statewide control legislation is so apparent to us, but it is not so apparent to some members of the House Judiciary Committee.

Please feel free to call us at any time.

Sincerely,

John J. Burkhart,
Chief Counsel.

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TOLEDO POLICE DIVISION

	Monthly report				Year to date				March 1969 total	
	March 1969		March 1968		1969		1968		1968	
	Offenses	Clearances	Offenses	Clearances	Offenses	Clearances	Offenses	Clearances	Offenses	Clearances
Murder, nonnegligent manslaughter		100.0	4	100.0	3	100.0	10	70.0	22	72.7
Negligent manslaughter, auto	2	50.0			6	50.0	3	166.6	16	106.3
Rape, force only	5	80.0	11	63.6	17	47.1	29	75.9	86	77.9
Robbery	49	20.4	103	32.0	164	23.8	302	34.4	1,027	28.1
Aggravated assault	26	92.3	24	70.8	78	89.7	107	80.4	419	84.5
Burglary, breaking and/or entering	257	29.2	376	23.4	741	24.3	1,002	27.4	3,631	30.4
Larceny, $50 and over value	268	17.2	196	14.8	812	14.7	529	14.0	2,763	14.0
Larceny, under $50 value	558	25.4	608	33.1	1,474	26.3	1,587	29.0	8,369	25.0
Auto theft	118	61.0	106	22.6	377	39.8	359	21.7	1,424	35.0
Total, class No. 1 offenses and attempts	1,283	29.2	1,428	28.2	3,672	26.1	3,928	28.3	17,757	27.2

	Number
Safety director	3
Chief's office	10
City manager's office	1
Deputy chief, detectives	3
Deputy chief, police	1
Captain, academy	3
Deputy chief, identification and records	3
Deputy chief, traffic	3
No. 1 station	1
Crime prevention bureau	3
Dispatchers office	2
City journal office	1
Prosecutor's office	2
Toledo Blade	1
Civil service commission	1
Toledo Municipal League	1

	Number	Percent
Serious offenses reported:		
March 1969	723	
March 1968	820	
Down	97	−11.8
3 months, 1969	2,192	
3 months, 1968	2,338	
Down	146	−6.2
Total offenses reported:		
March 1969	1,283	
March 1968	1,428	
Down	145	−10.2
3 months, 1969	3,672	
3 months, 1968	3,928	
Down	256	−6.5
Clearances:		
March 1969	29.2	
March 1968	28.2	
Up		+1.0
3 months, 1969	26.1	
3 months, 1968	28.3	
Down		−2.2
High police districts:		
Unit 11	102	
Unit 12	96	
Unit 9	87	

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

The Senate resumed the consideration of the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The question is on agreeing to the committee amendment beginning on page 70, which the clerk will state.

The bill clerk read as follows:

On page 70, after line 3, strike out:

"SEC. 401. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $192,900,000,000; *Provided*, That whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations thereon, the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on expenditures and net lending, and the limitation set forth herein shall be correspondingly adjusted.

"(b) The Director of the Bureau of the Budget shall report periodically to the President and to the Congress on the operation of this section. The first such report shall be made at the end of the first month which begins after the date of approval of this Act; subsequent reports shall be made at the end of each calendar month during the first session of th Ninety-first Congress, and at the end of each calendar quarter thereafter."

And, in lieu thereof, insert:

"SEC. 401. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $187,900,000,000: *Provided*, That such amount shall be increased or decreased by the aggregate amount by which the sum of expenditures and net lending in said fiscal year are greater than or lesser than the sum of expenditures and net lending in the fiscal year ending June 30, 1969, for—

"(1) items designated 'Open-ended programs and fixed costs' in the table appearing on page 16 of the budget of the United States for the fiscal year 1970 (House Document Numbered 91–15, part I, Ninety-first Congress);

"(2) the item designated 'Special Southeast Asia support' in the table appearing on page 27 of that budget; and

"(3) programs of aid to schools in federally impacted areas, under the Acts of September 23 and September 30, 1950 (20 U.S.C., chs. 13 and 19).

"(b) The President shall reserve from expenditure and net lending, from appropriations or other obligational authority heretofore, herein, or hereafter made available (including amounts made available to carry out programs to which title IV of the Elementary and Secondary Education Amendments is applicable), such amounts as may be necessary to effectuate the provisions of subsection (a).

"Such reservations by the President shall be in amounts sufficient to insure reductions of not less than $1,900,000,000 in expenditures and net lending, below the amounts recommended in the April review of the 1970 Budget, or programs other than those designated in subparagraphs (1), (2), and (3) of subsection (a).

"(c) In the administration of any program as to which—

"(1) the amount of expenditures or net lending is limited pursuant to subsection (a), and

"(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure or obligation (as determined by the President) shall be substituted, in the application of the formula, for the amount appropriated or otherwise made available."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum; and I ask unanimous consent that I be recognized thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2440—INTRODUCTION OF THE VETERANS HOUSING ACT OF 1969

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to amend the expanded veterans direct home loan program under section 1811 of title 38 of the United States Code.

I think that the whole problem of how to deal with returning veterans is now coming into focus again, with the announced withdrawal of 25,000 American troops from Vietnam, and further withdrawals which seem to me to be clearly indicated. Even without that reduction in Vietnam troops, over 1 million GI's will be returning to civilian life this year at the rate of approximately 90,000 a month and, therefore, we must take a close look at what is happening to them.

I am glad to see that the occupant of the chair at the present moment is the Senator from California (Mr. CRANSTON) who is now conducting a series of hearings on a very important phase of this particular matter of veterans' rehabilitation.

There are three measures in which I have joined, one of which I am introducing today and the others I have introduced before.

The one today would increase the availability of GI home loans by expanding the authority of the Veterans' Administration to make direct loans. There has been at least a 50-percent falloff because of high interest rates and the unavailability of credit in the amount of veterans' loans which have been made this year.

Mr. President, it seems to me that we must do our utmost to correct that situation.

Also, I have introduced a Veterans' Administration Relocation Assistance Act of 1969 to help veterans find jobs, which I cosponsored with the Senator from Texas (Mr. YARBOROUGH). Also an increase in the education benefits available to returning veterans, which is

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in a series of bills now being considered under the chairmanship of the Senator from California (Mr. Cranston).

I wish to point out the essentiality of seeing all of these three matters, so far as veterans are concerned; jobs, housing, and education. The veteran is entitled to the social and economic benefits which he has been denied by virtue of withdrawing from ongoing activities and giving his life as well as his time to the Armed Forces of the United States.

We should get back, in return, greater national stability, if we do the right thing by our returning veterans.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2440), to amend and expand the veterans' direct home loan program under section 1811 of title 38, United States Code, introduced by Mr. Javits, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 2446—INTRODUCTION OF THE HUMANE LABORATORY ANIMAL TREATMENT ACT OF 1969

Mr. JAVITS. Mr. President, I introduce for myself and Senators Brooke, Cooper, Cotton, Gurney, Kennedy and McIntyre, the Humane Laboratory Animal Treatment Act of 1969. It is the purpose of this bill to provide for the humane care, handling and treatment of laboratory animals and to encourage the study and improvement of the care, handling and treatment, and the development of methods for minimizing pain and discomfort, of laboratory animals used in biomedical activities.

A companion measure is being introduced today in the House of Representatives by Representative Paul Rogers of Florida and more than 20 Members of that body. I joined with Representative Rogers in sponsoring a similar proposal in the 90th Congress. This bill was prepared in collaboration with the Humane Society of the United States, the American Humane Society and the New York State Society for Medical Research, and has their active support.

I supported the present animal protection legislation, Public Law 89–544, when it was originally enacted and have subsequently supported needed funding for its efficient administration. We all expected that the system of care would have to be completed to do what all wished done—for the present regulations only take care of the animal to the threshold of the research laboratory but not beyond.

The goal of this measure is to complete the structure of law for the protection of laboratory animals.

Although this measure is similar to the bill that I introduced in the 90th Congress, in response to the opinion of many interested Americans there is a basic modification. The bill I now introduce has been revised so that it does not transfer responsibility for the administration of any part of Public Law 89–544—the Laboratory Welfare Act of 1966—from the Department of Agriculture to the Department of Health, Education, and Welfare. I wish to emphasize that the animal dealer and laboratory regulations provided under Public Law 89–544 are neither repealed nor absorbed into the extended program provided for by this bill—which now takes the care of the animal beyond the threshold of the research laboratory—and the Department of Agriculture will continue the work it has initiated. Also, it should be noted that although Public Law 89–544 protects only six species—dogs, cats, monkeys, guinea pigs, hamsters, and rabbits—the bill I am introducing would protect any living warm-blooded vertebrate animal which is used or intended for use in connection with biomedical activities. Other revisions in this legislation clarify various portions of the bill, to strengthen it and avoid some past misunderstandings.

I might add that I was further impelled to introduce this legislation by the encouragement given me in 1966 during the debate on the animal protection legislation then before the Senate—now Public Law 89–544—when Senator Warren Magnuson, chairman of the Senate Commerce Committee and floor leader of the debate, stated with respect to a measure then pending very similar to the Rogers-Javits bill which I introduced in 1966, that he was "very hopeful that the Committee on Labor and Public Welfare will report the Senator's bill."

Senator Magnuson further indicated—

> That bill would add to the whole objective. We could then really do something about this very serious problem of animal welfare which we have in the United States.

This legislation represents an earnest effort by humanitarians and the scientific community to reach a realistic understanding of the purpose animals should play in biomedical research and a basic appreciation of the valuable role these animals serve on behalf of mankind.

Medical research involving the use of laboratory animals has contributed to bringing about a significant reduction in human suffering and mortality rates, but also this research can and must be conducted under proper and humane conditions for the animals concerned—both are compatible and feasible. A mark of our civilization is how we treat those creatures who cannot speak for themselves.

Mr. President, I ask unanimous consent that the bill be referred to the Committee on Labor and Public Welfare; and as a part of the same unanimous-consent request, I ask unanimous consent that, should the Committee on Commerce wish to review the bill after the Committee on Labor and Public Welfare shall have reported it out, then the Committee on Commerce may have that right.

The PRESIDING OFFICER. The bill will be received and without objection, referred as requested.

The bill (S. 2446), to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities; to establish further standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States, and by recipients of grants awards, and contracts from the United States; to encourage the study and improvement of the care, handling, and treatment and the development of methods of minimizing pain and discomfort of laboratory animals used in biomedical activities; and to otherwise assure humane care, handling, and treatment of laboratory animals, and for other purposes, introduced by Mr. Javits (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare (by unanimous consent); and, if and when reported, to the Committee on Commerce, if so desired.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

The Senate resumed the consideration of the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, this is the third day on which the Senate has given consideration to the second supplemental appropriation bill of 1969. There has been one rollcall vote thus far, on one amendment. There are at least four amendments, of which I am aware, yet to be offered, and there may be more. Following the disposition by the Senate of this bill, of course, we still must go to conference with the House.

I say this to premise a statement which I am now going to make to the effect that while I do not want to be arbitrary with any Member of the Senate, I think I shall feel constrained to object to any request to speak out of order under rule VIII today.

Mr. President, the staff on both sides of the aisle may wish to alert Senators to that fact, so that they will not come to the floor expecting to make a 10- or 15- or 20-minute speech out of order but will be informed that an objection will be made if a unanimous-consent request to waive rule VIII is submitted.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceed to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I am willing to delay the discussion of the Yarborough amendment yet a little while. But I am also ready to have a vote on that amendment, up or down, and I am not too concerned which way the Senate goes. I happen to be the Senator who is trying to manage the bill, and I shall support the committee position on the amendment, but I am ready for a vote.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I simply want to say, that if Senators opposed to

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the committee amendment wish to speak, somebody had better show up pretty soon, else I am going to call off the quorum and let the Chair put the question. Time is wasting and there is much work to be done.

Now, does the Senator from Alabama wish me to yield to him for a question?

Mr. SPARKMAN. Not for a question.

Mr. BYRD of West Virginia. For a unanimous-consent request only?

Mr. SPARKMAN. Yes; and I would like to make some very brief remarks.

Mr. BYRD of West Virginia. Just a moment. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Alabama for a unanimous-consent request only.

NATIONAL HOUSING GOALS

Mr. SPARKMAN. Mr. President, on March 10, 1969, Mr. Leon N. Weiner, president of Leon N. Weiner & Associates, Inc., of Wilmington, Del., and past president of the National Association of Home Builders, presented a very fine speech to the 38th annual convention of the National Housing Conference.

I ask unanimous consent that his speech be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

NATIONAL HOUSING GOALS—THE PUBLIC AND PRIVATE SECTOR STAKE

(Address by Leon N. Weiner, president of Leon N. Weiner & Associates, Inc.)

The 1968 Housing Act spelled out our national housing goals. In addition to quantification of the low and moderate income units needed in the next decade, it focused attention on the total housing requirements of our nation.

It further spelled out, in rather great detail, a procedure for making the production of the housing a "living goal." I seriously commend a careful reading of Title XVI of this Act, because Title XVI requires a "plan."

This "plan," according to the Act, shall spell out the "number" of new or rehabilitated units which need to be provided, with or without government assistance, during each year of the ten year period. Further, it is to show the number of such units to be provided under each of the various Federal programs designed to assist in the provision of housing.

The "plan" shall also indicate the reduction in the number of substandard housing units during the ten years and each year thereof; shall provide estimates of the cost of carrying out the various Federal programs; make recommendations with regard to the legislative and administrative actions needed or desirable to achieve the objectives of the plan. The plan shall contain a projection of the residential mortgage market needs and prospects during the coming year—including a fairly detailed report, together with such recommendations for making these funds available.

But, in addition to a plan, the 1968 Housing Act calls for a process of check-up and periodic annual reports. The Act spells out that the reports shall include compraison of the results achieved, together with the objectives set forth for the same periods; an analysis of the failure to reach the objectives if, indeed, they were not achieved during that year—indicating the reason for the failure, the steps being taken to realize the results during the remaining years, and any necessary revisions.

The Act calls for detailed reports with regard to residential mortgage market needs, flow of mortgage funds, analysis of monetary and fiscal policies required to implement the "plan" and its impact upon the domestic economy (including, I am sure, the effects of inflation!), as well as making the necessary recommendations toward achieving the total ten year program.

The big question, of course, is: "Are these national housing goals achievable?" Can this nation provide twenty-six million housing units in the next decade? Can we provide the six million units for low and moderate income families, as well as the twenty million others called for in the 1968 Housing Act and in the plan? The answer, in my opinion, is a resounding "Yes!"

There are many who doubt our ability as a nation to accomplish the goals. . . . and there are all too few who have carefully analyzed, digested, and applied their thinking toward making these goals alive and dynamic. There are few who question the need. There are, however, many who doubt—many who think the goals are too high or unrealistic, or who find themselves overwhelmed by the obstacles and impediments.

CAN INDUSTRY PRODUCE THE REQUIRED HOUSING?

Let us examine these questions: Can the present industry, structured the way it is, meet the task of doubling the production of housing units? Isn't the present industry inefficient, fragmented, archaic, and obsolete in its organization and technology? Wouldn't this nation be better off having government actually undertake the total program? Shouldn't we concentrate on development of huge new government or quasi-government agencies which will overcome the obstacles and accomplish major new breakthroughs such as have been achieved in the aerospace industry? Why don't we manufacture houses the way we do so many other consumer goods—by developing national markets and mass producing all the housing at greatly reduced costs?

Recently, numerous studies and proposals have been advanced on many of these questions—including the Douglas Commission Report, the Kaiser Committee Report, and many HUD experiments and some demonstration programs, some of which are still in process.

What are some of the facts? Are there any clear and simple answers? The present housing industry has demonstrated its ability to produce and meet the housing markets of this country. Since World War II, the housing inventory of this nation has been doubled. More than thirty-five million units have been added to the supply. There has been a constant introduction of new materials and technology, and it is being absorbed as rapidly as the marketplace will accept it. Rather than being inefficient, numerous studies have indicated a fantastic level of efficiency and effectiveness in a highly competitive free market environment. There are really few people who honestly believe that this nation would be better off having the government actually undertake the total production of housing. The private sector can, has, and will continue to demonstrate its ability to produce more efficiently and effectively. This is not to negate the need for a real and working partnership between the private and public sectors.

The turnkey program, the Section 23 Leasing Program, and similar related programs have already demonstrated this in part. Modifications of and improvements of moderate income housing programs and third sector participation with non-profit sponsors can further increase production in this area. Congressional, as well as regulatory shackles, will have to be removed from many of these programs, but we have already seen some results in the HUD accelerated multi-family processing program. Hopefully, this trend will continue.

The problems of local market decisions, of the middle class aspirations of low and moderate income families, of growing policies directed against huge concentrations of "project" type housing enclaves, all make the solutions of mass "factory" produced housing complex and unacceptable. Local market design decisions—including community desires as well as the aspirations of low and moderate income families, are very strong indeed. We cannot ignore these factors. Changes will be relatively slow and gradual. While many new and innovative experiments in this direction will be undertaken, and some may prove successful, the history of this course of action as an overall solution suggests it is a long way off. The recent Battelle Institute study for the AFL-CIO Building Trades' Department contains an analysis of many of the problems down that path. This important study describes in great detail—both the trends and techniques in the construction of housing as it is practiced. To ignore these studies and the practical applications in the field is simply the kind of wishful thinking which many of us have indulged in at some time during our careers in the housing industry. The facts, however, simply will not be refuted.

We simply cannot look for new technology and techniques and dramatic breakthroughs to solve these problems immediately, but must face the realities of the present and skillfully and constructively use the tools and resources presently available.

The housing industry should be regarded as a national resource and so nurtured and developed so as to maximize its effectiveness in achieving our national goals. The industry itself is really quick to change to new types of organizations. It can and will arise to meet the needs, provided that the economic incentives are available and realizable. If we regard the present knowledge and skills, as well as organization of the housing industry in this fashion, we need not wait to see whether new forms, new structures, new conglomerates, new agencies are either workable or feasible. It is important to move forward on all fronts.

On Sunday, March 9, just yesterday, before the Third Annual Conference of Regional Councils in San Francisco, Mr. Samuel C. Jaskson, Assistant Secretary for Metropolitan Development of HUD, in his first major address since taking office, urged the Regional Councils to be less concerned with the technology of construction and more with the actions necessary to produce sites, community facilities, and services. Jackson told the Conference that ". . . your advice, counsel, and action is needed now to do away with discriminatory zoning practices, outmoded, or over-specialized building codes, and development standards that drive up the cost of housing."

What, then, are some of the major impediments to achieving our national goals, aside from the organization of the industry and its technology? These include, among others, land and sites, manpower, cost and supply of materials and, of course, the fundamental and crucial problem of adequate long-term capital credit and governmental subsidy. *It becomes very difficult to properly evaluate which impediment is most crucial*, but anyone in any housing program knows that land, suitably located with adequate facilities and at a reasonable price, is one of the most dif-

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ficult to resolve. Zoning codes and their administration, as well as a fantastic lack of advance installation of roads and transportation, sewers, water supply, schools, and other fundamental facilities, have contributed to skyrocketing land costs.

THE NEED FOR LAND POLICIES

The development of a national urban growth policy, or a national urbanization policy, or an urban land policy has certainly been projected onto the front burner for serious and critical consideration.

Secretary of HUD, George Romney, on March 4, 1969, before the meeting of the National Association of Counties, spoke of the recognition of "a need for a national urban growth policy—one which will include consideration of internal migration, the concerns of small towns, the development of new towns, as well as the problems of the inner city."

There is no question about a basic need for the development of such policies—but a word of caution is also needed. Just as there will not be any magic or all encompassing breakthrough in construction technology which will produce miracles, neither can we expect answers from some of the magic "solutions," such as advocated by Marian Clawson, an official of Resources for the Future, Inc., who stated at the 2020 Conference in New York on January 31, "I am convinced that no really significant change can be made in the process of urban and suburban growth—unless there is a major program of public acquisition of land and a major intrusion of public agencies into the land conversion process."

An examination of current suburban land-use policies, based primarily upon negative and exclusionary principles and administered by public agencies, is enough to raise the word of caution. Those of us who have had practical experience with the suburban "mind," a very powerful influence in the shaping of land use policies, well know that even a metropolitan approach will not resolve the critical question of how, when, and where publicly owned land shall be disposed. Add to this the critical problem of the relationship between such publicly acquired lands and any or all privately owned land, and it becomes even more difficult to resolve.

There are those who regard new communities as the ultimate answer. A recent report by a professional association task force stated their belief that, "New communities will offer new types of environments, free from the worst irritants and pressures of metropolitan areas, in which people will have a better chance to work toward ending the dangerous divisions between black and white, rich and poor, and young and old that are increasing in the United States today." What a beautiful world that would be! Our present patterns of growth have produced many problems and, hopefully, again, new communities may help to prevent such things as urban sprawl. We need to be concerned with urban sprawl. The causes have inter-relationship with our growth patterns. Equally, before significant and major contributions can be made with respect to new communities, we must resolve the economics not only in the feasibility of the new community itself but in the need for jobs and services without which no community can survive.

My deepest concern is that, in the search for new answers, we fail to heed the words of Assistant Secretary Jackson. . . . that we forget the day-to-day fight for sites, community facilities, and services. If we are to achieve our national housing goals, our urban land policy needs to zero in on short range workable programs *now*, utilizing all the tools, techniques, and powers which can make the necessary land available today, tomorrow, and next year—while carefully examining and experimenting with innovations, testing them in practice, and carefully culling those which cannot or will not work in our American society from those that will produce results. Assistant Secretary Jackson certainly put his finger on the problem. Those of us involved in the day-to-day fight for sites realize that deep down and underlying many of the other problems is the issue of color. Mayor Walter Washington stated that, in his opinion, the name of the game was fair housing practices. Few communities are ready to be that frank. In one community, for example, the name of the game was "historical architectural compatibility," and the problem allegedly was how to get approval of the site for a high-rise building which did not have shutters or wrought iron ornamentation which happened to be characteristic of this community.

One of the significant steps forward in the day-to-day fight for sites is the requirement in the Housing Act of 1968 for a housing element in connection with the 701 grants. This needs to be further deepened and expanded. If we are to have national housing goals, we must have state housing goals, county housing goals, and municipal housing goals—each of which, in turn, constitutes the component sections of a national goal. Without these local goals, we cannot fully succeed.

MANPOWER AND MATERIALS TO MEET THE GOALS

Can we provide the manpower to double the production of housing units in our nation—in order to meet our national goals?

An effective manpower training program and the smashing of previous employment practices, together with the introduction of new component technology, will offer solutions toward that problem. The major impediment has been to convince many involved people that there are critical manpower shortages and that streamlined training programs and elimination of racial barriers are fundamental to overcoming this impediment. The training of additional manpower must be regarded as an opportunity for added employment and not as competition for the jobs of those already employed in the construction industry. The need is great for both the long term replacement of the mechanics in our industry whose average age has increased drastically in the last ten years, as well as for the vastly increased number of man hours of production which will be needed to satisfy the sharply increased expansion of housing supply.

No one, at this moment in our history, could speak about housing without referring to the inflationary and runaway price patterns of building materials and, most especially, lumber. The phenomenal rise of lumber prices in one short year has nearly doubled the cost of this essential building product. The causes are complex and confusing but, once again, the solutions lie in an examination of the problem with the production of our housing goals as an ultimate objective. If this involves major changes in other national policies, such as the supply of timber from our national forests which have more than half of the nation's resources, or an embargo on shipment of logs to Japan, or a strengthening of the small mill producers by extensive government loans in order to increase their ability to add to the supply, then the steps to achieve this must be consciously undertaken as part of the policies necessary to achieve our housing goals.

RESOLVING MORTGAGE CREDIT PROBLEMS

Finally, and without attempting to elaborate any additional and contributing impediments, the most crucial matter of mortgage credit and funding of the housing programs becomes the major stumbling block to meeting our national housing goals.

First, with respect to appropriation. . . . If the Congress believes in the housing goals it has established—and particularly in the programs which require subsidy—it cannot restrict and squeeze the life out of the funding for the programs it has approved.

There was certainly strong bi-partisan support for the 1968 Housing Act. One could argue that the "rent supplement" program never received proper funding because of its narrow margin of victory in the Congress, but, surely, the Section No. 235—Homeownership Program, and Section No. 236—Moderate Rental Programs did not have that history. A word about the subsidies for programs such as Section No. 235—Homeownership and the Section No. 236—Moderate Rental Programs. We believe that this type of subsidy program is constructively oriented to the consumer. Our industry has not looked for subsidy for itself. Too often, people have considered programs such as the FHA Middle Income Housing Program as a direct subsidy. True, it involved federal intervention in the financing process, but no home builder nor homeowner received public funds and, even the cost of administering the FHA program, has been minimal. As a matter of fact, a careful examination of the history of FHA will show that it has not been an expense in the government program but actually returned funds to the Treasury.

Secondly, despite much discussion and many motions toward providing housing with the necessary shelter and incentives—toward attracting long and even short term capital to the industry to give it a competitive position in the capital markets of our nation, we are today, once again, on the verge of a major crisis in both cost of and supply of mortgage credit. Pension funds, one of the major sources of long term credit, continue to plow billions into spectaculative stock market issues—bypassing the fixed interest rate return of mortgages. The Federal Reserve Board openly admits to its failure to provide protection to the relatively weak competitive position of residential mortgages.

In 1966, when the tight money crunch virtually ground housing production down to a level equivalent to less than forty percent of the 2.6 million units needed to achieve our housing goals, many long hours were spent in looking for solutions. Too few proposals have been put into effect and too few people today understand that our housing goals will not be achieved unless the mortgage credit problems are resolved.

LOW AND MODERATE IN RELATION TO ALL HOUSING

There are many in this nation who feel deeply concerned about housing the low and moderate income families. There are an increasing number who understand the sense of urgency and need to move effectively and vigorously to accomplish this part of our national goals. Those of us who have had any contact with the urban core problems in cities and towns are especially conscious and place strong emphasis on the low and moderate income family needs in housing.

There is, however, a great danger of divisiveness and polarization in our nation if we fail to provide housing opportunity to our other citizens as well. The Kerner Report, with all of its insight, understood and underscored this danger. While emphasizing the low and moderate income programs, let us not fall into the trap of blindly setting other housing requirements as the opposition.

If funds need to be allocated, let them come from the Apollo program or from other sources, rather than from other housing programs. If we are to continue to support tax shelter through depreciation and other incentives to produce low and moderate housing, we must not make the mistake of excluding other housing needs. I cannot too strongly urge our most serious consideration of this course of action.

COMMITMENT AND ACTION FOR ATTAINMENT

What is needed is a sense of commitment. What is needed is the development of conscious policies of priorities. What is needed is a program of action to really make the housing goals into "living goals."

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There is no question that, without this sense of commitment, the national housing goals become, once again, simply a statement of the desirable which, like so many other good things, would be shelved till later. We cannot and will not achieve our housing goals unless and until we apply ourselves—the private sector, the public sector, and the people's sector to implementation of the "plan." In a recent speech, Charles B. Reeder, Senior Associate Economist of the Dupont Company, raised the question whether we will achieve twenty-six million additional dwellings by 1978. His answer was that it would be something less. He said, "What won't be produced in the 1970's is most of the six million subsidized units called for by the Housing Act of 1968. The reasons these won't be produced are (a) the goal is unrealistic to begin with, and (b) the incentives offered are totally inadequate to get a task of this magnitude done. The goal of six million subsidized units is not supported by basic economic analysis. It represents the number of housing units that Washington would like to see produced in order to give every poor American a decent home—a worthwhile aim, but hardly the basis for a forecast." This is a challenge. While this may be but one man's opinion of the problems facing our nation in meeting its housing goals, it certinly indicates the magnitude and nature of the problem.

In his Letter of Transmittal dated January 17, 1969, in which he sent the first annual report on national housing goals to the Congress of the United States, President Johnson says, ". . . .The housing goals of the 1968 Act are firm national commitments. I urge the Congress, State, and local officials, and concerned individuals to give careful consideration to this report."

If the "plan" needs to be revised, let it be done consciously and deliberately and not by default. Those of us in this nation concerned with housing must keep the housing goals as "living goals."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAYH in the chair). Without objection, it is so ordered.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

The Senate resumed the consideration of the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

The Chair is advised by the parliamentarian that under the previous order the Senator from West Virginia has the floor.

Mr. BYRD of West Virginia. Mr. President, it is my understanding that the distinguished Senator from Rhode Island is ready to present the case for the amendment of the Senator from Texas (Mr. YARBOROUGH); therefore, I relinquish my right to the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I thank the Senator from West Virginia for his courtesy. I am sorry that Senator YARBOROUGH is not available to call up his amendment, however, I am delighted to act in his stead.

The PRESIDING OFFICER. The Senator may proceed.

Mr. PELL. Mr. President, I ask unanimous consent that the senior Senator from California (Mr. MURPHY) be added as a cosponsor of amendment No. 44.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 44

Mr. PELL. Mr. President, I call up amendment No. 44 and ask that it be stated.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Texas (Mr. YARBOROUGH) on behalf of himself and other Senators, proposes an amendment, as follows:

The proposed section 401 of the bill is amended (1) by striking out in lines 19 through 22, page 71, "(including amounts made available to carry out programs to which title IV of the Elementary and Secondary Education Amendments is applicable)", (2) by striking "and" in line 13, page 71, (3) by striking out the period at the end of line 16, page 71, and inserting in lieu thereof a semicolon and the word "and", (4) by inserting after line 16, page 71, the following new paragraph:

"(4) the programs to which title IV of the Elementary and Secondary Education Amendments of 1967 (Public Law 90–247) is applicable."

and (5) by striking out "and (3)" on lines 3 and 4, page 72, and inserting in lieu thereof "(3) and (4)".

Mr. PELL. Mr. President, amendment No. 44 contains the exemption of educational programs from statutory budget cuts.

To give this action some historical perspective it should be noted that section 406 of the Elementary and Secondary Education Amendments of 1967 exempts all educational programs in the Office of Education from statutory budget ceilings.

Last year the Senate was called upon to recommit the bill which created this exemption for educational programs, with instructions to delete that specific exemption. This move was defeated by a record vote of 58 to 11.

The amendment we are considering today would reaffirm the action previously taken by the Senate to permit the Congress to decide the level of spending for education.

The supplemental appropriations bill as reported exempts uncontrollable expenditures from the budget ceiling which would be imposed and directs the President to reserve from appropriations such amounts as may be necessary to keep expenditures below that ceiling; thereby requiring the reductions to be taken from controllable expenditures. The amendment transfers education appropriations from the controllable category to the uncontrollable category.

On a more general point, I think that enactment of section 401 as written may constitute an abdication of legislative responsibility on the part of the Senate. The legislation as passed by the House reserved to the Congress the right to appropriate such sums as it deemed to be necessary for particular programs. The final responsibility for how much was to be spent in any program was reserved to the Congress. The language of the committee amendment to the House bill turns full responsibility for determination of the amount to be spent on any program over to the Bureau of the Budget and the White House.

If the committee language is enacted, we may find ourselves in the position of appropriating certain sums for a specific program. However, that appropriation would have no effect whatsoever unless the Budget Bureau decided to take notice of the congressional intent. Does not appropriating money with one hand and then permitting the Bureau of the Budget to withhold expenditures on the other hand constitutes an act of bad faith; for example in the field of education we promised the American people that we will spend funds for library resources and textbooks, but at the same time we allow the Bureau of the Budget to withhold those funds and decide on its own priorities.

The Congress of the United States is given primary legislative authority by the Constitution. The power of the President under the Constitution with respect to legislation is simply to approve or disapprove acts of Congress. By enacting legislation giving the President the authority to make a second review of our legislation we are abdicating authority the Constitution vested in the Congress. Indeed, we are supplementing the Constitution by giving the President an additional veto power over acts of Congress.

The Constitution gives the President only one veto. When we enact legislation permitting the President to reserve funds from our appropriations we are giving him a second chance to approve or disapprove our legislation.

What this amounts to is the item veto. And the Constitution does not permit the item veto on legislation. The President must approve or disapprove an entire act of Congress. He may not pick and choose among parts of a bill that is enacted. When we permit the President to pick and choose from among our appropriations we are in effect giving him item veto authority.

Senators who are concerned with the power of the Presidency should be fearful of granting the President such extraordinary power as the item veto.

In a more parochial vein I speak now as chairman of the Subcommittee on Education and point out a further reason for opposition to section 401(b). Last year the Congress enacted a provision of law which reserves to itself the authority to decide how much Federal money was to be spent on education. Title IV of the Elementary and Secondary Education Amendments of 1967 was amended to provide that all appropriations for education programs would remain available for obligation until the end of the fiscal year for which they were appropriated.

That amendment removed from the executive branch any statutory authority to impound or freeze education funds.

That act was not intended to place education above all other areas of Government concern, but since the pending legislation dealt only with education legislation, the provision dealt only with education. With the enactment of that legislation Congress stated, as policy, that the President should not have statutory authority to impound or freeze funds appropriated by Congress. If education funds are to be cut, then the Congress ought to do it in the proper appropriation acts, and, I might add, take responsibility for those cuts. The Congress should not sidestep the issue by passing a general budget cut and then let the President take the responsibility for cutting specific areas such as education.

Section 401(b) of the supplemental specifically overrides the exemption Congress enacted last year with respect to education. Since this legislation overrides the exemption for education legislation we are now in a position, by acting upon the pending Yarborough amendment, where each of us will be called upon to stand up and be counted as for or against education. And we do this after we have seen schools closed down in Youngstown, Ohio, we have seen school years shortened in many cities across the country, we have seen schools that are literally falling down from age in every big city in this country and we have 5 million disadvantaged children who need special education programs. We also have about 6 million handicapped children who need special education programs. Is this the time to allow a cut in education funding?

The property taxpayers in this country simply cannot and will not significantly increase local taxes to support education in this country. In my opinion the Federal Government has never carried its rightful share of the responsibility for education. However, we have been taking steps in the right direction in the last 4 years. The American people want more and better quality education for their children. Yet they cannot afford to provide that education from local revenues. The education needs of the children of this country are far too important to slight by passing general budget cut legislation when the specific needs for assistance under specific programs should be analyzed by the Appropriations Committee and by the Congress.

As chairman of the Education Subcommittee I cannot stand by in silence and let the Senate of the United States ignore today's education needs, nor acquiesce as this body diverts itself of its proper responsibility with respect to those needs. Therefore, I would urge my colleagues to consider section 401(b) very carefully and ask these questions: First, should we continue a policy of legislating in appropriations acts in spite of our own prohibition against such legislation; second, should we relinquish primary responsibility for legislation by abdicating to the President powers which the Constitution does not grant him; third, do we want to close our eyes to the education needs of the Nation's children and elude our responsibility by enacting a general budget cut without a review of the needs of our children for education.

I would submit that the answer to each of these questions by most of us would be "No"; and if all three questions were put together I hope the answer would be a resounding "No."

Mr. President, I would ask for the yeas and nays on the amendment.

Mr. BYRD of West Virginia. May I advise the Senator that there are not sufficient Senators in the Chamber at the moment.

Mr. PELL. Mr. President, I withdraw that request.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask that the yeas and nays be ordered on the amendment.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, may I ask the Senator from Rhode Island whether or not any other Senators will appear in behalf of the Yarborough amendment?

Mr. PELL. The Senator from New Mexico (Mr. MONTOYA) would like to be heard.

In addition, I ask unanimous consent that the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I am ready for a vote.

Mr. PELL. Is the Senator from New Mexico being notified?

Mr. BYRD of West Virginia. That is up to someone else.

Mr. PELL. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I rise in support of the pending amendment, of which I am one of the cosponsors, but I want to say at the very outset that the fact that we are sponsoring this amendment should not be a reflection on the able leadership of my good friend from West Virginia (Mr. BYRD), who has brought this bill to the Senate, and who has done a very fine job in bringing before the Senate a good bill, a well considered piece of legislation.

I would like to state that I completely support the language included in the vocational education amendments of last year which exempted our crucial education programs from the strictures of the Revenue and Expenditure Control Act.

As you know, the wording of the Senate exemption language made the exemption a permanent one—effective not only for fiscal year 1969 but for all future years, unless specifically negated by subsequent legislation. And the House-passed version of the second supplemental appropriations measure now before us also protects the exempt status of education from this expenditure limitation. In short, we in Congress have recognized the urgent demand and need for funding educational programs—from elementary through graduate school.

Mr. President, I see no reason for Congress to reverse itself and backtrack on the principle it has endorsed of giving education the priority that it needs. The desperate need for expanded educational programs has by now been well documented and established. The unfulfilled promise of education for all is now our challenge and one to which we must accord top priority. But if education is to increase in the program sense, it follows that it must also increase in the financial sense.

If we move to repeal this language from the measure, it will weigh heavily on our consciences that large numbers of our boys and girls will fail to attain their full development. Not having a particular competence to get started in the world and to contribute to the life and economy of our Nation may turn out to be the single most important event in the lives of our youth.

Both precedent and commonsense tell us that our strength, creativity, and further growth depend upon our capacity to develop the talents and potentialities of our valuable human resources. Both precedent and commonsense also tell us that the few dollars we invest today in education are a capital investment which will pay off handsomely in social and economic dividends tomorrow.

This is a time in America for reason and restraint—but it is also a time for responding to and finding solutions to our major problems. If we can design a system to put a man on the moon, we can zero in on insuring that our educational programs live up to our expectations. The current climate in America places upon each of us awesome new demands for sound leadership and intelligent, constructive action. The goal of educational fulfillment is immediate and pressing; it cannot be evaded if we are to preserve the vitality of America.

I urge my distinguished colleagues not to create an educational crisis by pulling the rug out from under the young people of our country. There is little question that their education should appear in the highest ranks of our national scale of priorities. And by protecting the exempt status of education in this legislation, we shall all of us share in the excitement of

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achieving beneficial results in this crucially importan' field.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DIRKSEN. Mr. President, I recall one leadership meeting at the White House with President Nixon, at which time we were discussing a ceiling on expenditures and discussing the overall budget ceiling.

I recall that a Cabinet officer was there seeking to entreat with everybody that he needed another $275 million for a particular function and activity in his department.

No one could deny that what he had in mind was a very desirable thing, and almost imperative in some sense; and, without putting words in the mouth of the President, he said, "Well, that's fine. If you need $275 million, just find some other spot in this budget where they can take out $275 million, so it can be done under the budget ceiling."

In other words, nothing was sacred, and everything could be cut except the uncontrollable items.

So that way, for the purposes of net lending and net loans, most of the items are there, and you can dip in, take out, and add; and that is precisely what the Senate committee did when they brought in this bill.

Now it is proposed to make an exemption here for the Office of Education, which involves a matter of $3 billion. Obviously, the Williams amendment so far as personnel are concerned cannot be made to apply.

Well, if we are going to make an exception, why not apply it to the so-called impacted school areas? Why not also do it with respect to school lunches? Why not do it with respect to all the public works projects that are in this bill? Why have any sacred cows at all?

But if we are going to pick out a sacred cow here—and already the telegrams indicate that a very effective school lobby is under way in behalf of this effort embodied in the Yarborough amendment—I sincerely hope that the Senate does not treat the Appropriations Committee quite like that, after all the effort that they have put into the bill.

I know, as a matter of fact, that the distinguished Senator from West Virginia (Mr. BYRD), who is the manager of the bill, and the Senator from South Dakota (Mr. MUNDT), who is the minority manager of the bill, did sit down with the Director of the Budget to work out the language that the committee finally brought in here, for purposes of submission to the Senate.

Now, out of the clear sky, the old Morse amendment, with which we lived in other days, is resurrected once more, and a tearful entreaty is made that this has got to be done to round out the education of the youngsters of America.

There is a lot of school money in this bill, and if a little cut is necessary, or money has to be reserved by the President somewhere along the line, I have an idea it can stand it, and, in the interest of the solvency of this country, we should have no sacred cows whatsoever.

That is the reason this amendment ought to be defeated, for if it is not, in logic and with justification, any Senator can stand up here and pick out something in the bill and say, "I would like to have that exempted," and he can make a pretty good case for it.

I hope the amendment will be rejected.

Mr. PELL. Mr. President, I should like the RECORD to show that under the committee amendment to the House bill the impacted aid program remains exempted. The amendment to the reported bill which I am presenting on behalf of the Senator from Texas (Mr. YARBOROUGH) would reinforce or repeat an action taken by the Senate in October of last year, by a vote of 58 to 11.

Mr. BYRD of West Virginia. Mr. President, lest there be a misunderstanding about my position in this instance, or about my support for education, let me say that, to the best of my recollection, I have supported every education bill that has passed the two Houses of Congress since I have been in Congress, over a period of 17 years. Prior to that, I supported every educational measure that passed the State legislature of my State, when I served in both houses there for 6 years.

I first attended school in a little two-room schoolhouse back in Mercer County, W. Va., about 45 years ago. I grew up at a time when there was no Federal assistance to education such as we have today. I went to college while I was serving in the State legislature, and I attended law school at night, over a period of 10 long years, while serving in the two Houses of Congress, in Washington, to earn an LL.B. degree.

I do not say this with the idea that it is something that I should boast about, or that I should be applauded for. I merely say it, Mr. President, to indicate my deep feeling for education. I know the worth of an education. I know the value of it. I have worked as hard as any individual ever worked, I would suppose, to get what little education I have. It has not been easy. I had to get most of my education after I had started raising a family, and I know what it is to have to study through the long evenings, past midnight, and on Sundays, when I would like to have been out with my family taking an afternoon drive around the countryside. I know what it is to have to pore over those boring books and get an education the hard way. So I am very sensitive when it comes to making cuts in educational appropriations.

I like to think that I have done as much as, if not more than, any other individual to promote education in the District of Columbia. I have been kicked around a little bit here, when I was chairman of the Appropriations Subcommittee for the District of Columbia for 8 years—longer than any other Senator has held that post in the last half century—but I did more, I think, than any other Senator has done for education in the District of Columbia. I took moneys from other programs and put them into the education budget because I felt that the least we could do would be to give the children in the District of Columbia the opportunity to develop to the utmost whatever potential is within each child.

So, I, too, am a friend of education. I am not one who would close his eyes to the educational needs of the Nation's children. I never have done it. I am not doing it today, and I do not intend to do it tomorrow or the next day.

I voted for the educational amendment which was sponsored by our quondam colleague, Mr. Morse. I voted for it; but that was in a different context of circumstances. But when the committee held hearings on this bill, Mr. Mayo, the Director of the Bureau of the Budget, came before the committee and said that the language that was included in the education amendments of last year should be removed, for this reason: If the President is forced to make a reduction in controllable expenditures as a result of this bill we are about to pass, and if he should allocate a share of the cut to each of the departments in the Government, and for example, should say to Agriculture, "You are to cut this much," and should say to Commerce, "Your quota is this much," and should say to the Justice Department, "Your quota is this much," and should say to HUD, "Your quota is this much," and should say to the Department of Transportation, "Your quota is this much," and should say to the Department of Health, Education, and Welfare, "Your quota is this amount"—let us say it is $200 million—the Yarborough amendment would, in its practical effect, require that almost the entire cut would have to come out of health.

Why? Because the welfare programs are already open ended. There is very little we can do to control them unless the basic law is changed.

Education cannot be touched because education is being accorded preferential treatment by the amendment. But open season can be declared on health programs because they have no such status. So, the Secretary of Health, Education, and Welfare would have to say, "Well, we cannot cut welfare, because those programs are uncontrollable."

He would say, "We cannot touch education, because that has been made an untouchable by the education amendments of last year and the Yarborough amendment. Therefore, we will have to take our whole quota out of health."

What does that mean? It means cuts in research programs for cancer, heart disease, and arthritis, cuts in the air pollution and water pollution areas, Hill-Burton hospital construction, and so on. All cuts would have to be made in health.

So, let us put this matter in its true perspective. All the committee is trying to accomplish is what Mr. Mayo asked to be done, and that was that the Office of Education, which is in the controllable expenditure area otherwise, be taken out of that preferred position. And it is the only area of controllable expenditures in the Government which has been so exempted and given this priority status by Congress.

If Congress, through the enactment of the pending bill, effectuates a reduction in expenditures of at least $1.9 billion, the President will not have to make any cuts. But if Congress fails to do so, and if the President then has to make a $1.9 billion cut, all we are saying and all Mr. Mayo was saying is that the President may be permitted to establish

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priorities, and that the Secretary of Health, Education, and Welfare may establish priorities and that they will no longer be forced to choose among health programs, to make reductions, but can, rather, make a choice between education and health programs. In other words, no longer would all education programs be given priority over all health programs, but under the committee language the President could decide which education programs have priority over which health programs and vice versa.

So, that is all we are asking. We are asking that this one area of controllables be removed from the untouchable category.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. MILLER. Mr. President, I appreciate what the Senator has been saying. Do I correctly understand the amendment to relate to only one particular area of education, and that it does not cover the whole field of education?

It is my understanding that it does not relate to higher education. It does not relate to Headstart. It does not relate to manpower training and development programs, all of which are part of the education picture. It only relates to one area of education.

Mr. BYRD of West Virginia. That area under the jurisdiction of the Commissioner of Education.

Mr. MILLER. The Senator is laying great stress on his support for education. I would like to think that I share his support of education. However, this is not just an education matter. It is only a part of the education picture. It is not a matter of making education untouchable. It is a matter of forgetting about some very important areas of education such as the manpower training and development programs, Headstart, and others, and looking at only one part of the education picture.

Is that not the point of the Senator?

Mr. BYRD of West Virginia. That is exactly right, as I understand the Senator.

The amendment of the Senator from Texas applies to subsection (b) of the provision establishing a limitation on fiscal year 1970 outlays. That subsection would not become effective unless we in the Congress are unable or unwilling to reduce President Nixon's proposals for controllable spending in fiscal year 1970 by the $1.9 billion required. If we in the Congress exercise our responsibilities and establish our priorities so that controllable spending does not exceed the $84.3 billion we have set as a limit—within the overall limit of $191 billion—there will be no need for the President to make any further reductions.

However, if we cannot so establish our priorities, if our appropriation and legislative actions result in controllable spending in excess of the $84.3 billion we have established as a limit, we will then have forced the President to make the choices we have proved unwilling or unable to make.

For 1970 spending we will have approved, item by item, amounts for agriculture, for housing and urban development, for public works, for natural resources, for health, for education, for poverty, for the administration of justice and fighting crime, for foreign relations and foreign aid, for revenue collection and customs, for military—non-Vietnam—defense, and for everything else which we believe is of so high priority that we cannot reduce any of them. We will then tell the President that he must choose—that he must cut where we could not cut.

But the amendment of the distinguished Senator from Texas says to the President, in effect:

> Even though all of these controllable spending items are so important that we in the Congress could not cut them by enough to come within the limit we have established, education is more important than any of the others. You may cut defense, you may cut agriculture, you may cut health, and so on, but you may not cut education below our approved amount.

Thus, the Senator's amendment says that even though these payments for education may not be of a fixed or open-ended, or mandatory type, the President has to nonetheless consider them so.

The Appropriations Committee, in approving the language that would be deleted by this amendment, did not want to single out education. Let me stress that the Appropriations Committee did not want to single out education. But the committee was faced with the fact that education had already been singled out by the education amendments of last year, and the committee's language was drafted for the purpose of removing its preferential position so that education and all other controllable spending items would be on an equal footing. The preferential status for education was conveyed by Public Law 90–576, approved October 16 last year.

That law, among many other provisions, amended the Elementary and Secondary Act as follows:

> SEC. 401. The provisions of this title shall apply to any program for which the Commissioner of Education has responsibility for administration, either as provided by statute or by delegation pursuant to statute. Amendments to Acts authorizing such programs shall not affect the applicability of this title unless so specified by such amendments.
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> * * * * *
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> SEC. 406. Notwithstanding any other provision of law, *unless expressly in limitation of the provisions of this title,* funds appropriated for any fiscal year to carry out any of the programs to which this title is applicable shall remain available for obligation until the end of such fiscal year.

This last section limits the President's authority to carry out the purpose of title IV of the pending second supplemental appropriation bill unless we "expressly" provide otherwise. The amendment of my friend from Texas would remove such expressed provision.

As I have said, if we cannot fulfill our responsibilities to cut the required $1.9 billion, the President will have to do the job for us. On the basis of the cutback actions taken last year, under the Revenue and Expenditure Control Act of 1968, the President will apportion among the various departments and agencies the amounts which he will have to reduce. In this process, the Secretary of Health, Education, and Welfare, along with other Cabinet officers, will undoubtedly be directed to reduce 1970 spending by a certain amount below what we in the Congress will have specifically approved. Now, I know I am being repetitious, but I want to say again that the Secretary of Health, Education, and Welfare will look at the three major areas covered by his programs:

First. Welfare: He will find almost all of these expenditures are for public assistance grants which depend on State laws and caseloads, and under existing law the 1970 outlays will be mandatory or uncontrollable.

Second. Education: If the Senator's amendment carries, the Secretary will find that he cannot under the law I cited just a few moments ago, reduce any programs of the Office of Education.

Third. Health: These programs represent the only area where the Secretary would have some discretion, and hence he would have to take almost all of his budget cuts here. We in the Congress would have told him that we consider all education programs of higher priority than all health programs, and that means we will have directed that his cuts be made in such activities as food and drug control, air pollution, mental health centers, regional medical programs, Hill Burton hospital construction, Indian health facilities, and the National Institutes of Health—covering cancer, heart, stroke, and neurological diseases, arthritis, child health and development, and similar research activities. I have already stated that I share the feeling of many of my colleagues that education is of prime importance to the future of this Nation. At the same time, I find it a little difficult to understand that everything that the Government does in education is more important than everything it does to prevent disease and to improve the health of our people—and also more important than everything it does in every other area of controllable spending. I believe the Senator's amendment should be rejected, and I hope it will be rejected.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. KENNEDY. On the point that the distinguished Senator from West Virginia has raised, in trying to suggest that if we adopt the amendment of the Senator from Texas and the Senator from Rhode Island we are going to have to reduce the total numbers that are listed in section 401(a), the $187.9 billion, by a relative increase in any additional amounts that are spent in the fields of education——

Mr. BYRD of West Virginia. No, I did not say that.

Mr. KENNEDY. The point I am interested in is that under the amendment of the Senator from Texas, it is my understanding that if there are any kinds of increases in the fields of education, the ceiling of $187.9 billion will increase; and that, therefore, we really are not comparing education to health in terms of the total moneys that will be expended. For the language of the bill says that the ceiling shall be $187.9 billion,

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"provided that such amount be increased or decreased by the aggregate amount" by which there are increases in the "uncontrollable" items, of which education would be one, under the amendment.

What is only being done is perhaps demonstrating additional interest or concern in terms of education by placing it in the proposed legislation as an express uncontrollable. But, certainly, in terms of expenditures, we would not necessarily be reducing any funds that would be used in health or in the Bureau of Indian Affairs or any of the other worthwhile areas.

Mr. BYRD of West Virginia. I say, respectfully, that the Senator has missed the point of my argument, which is this: If this bill is passed with the expenditure reduction of $1.9 billion intact, this means that either Congress or the President must make at least this amount of reduction. If Congress makes the $1.9 billion reduction——

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I am getting to the point.

If Congress makes that reduction, the President does not have to; but if Congress does not make it, the President has to. So if the President has to do this, he may have to allocate a certain portion of that forced reduction to HEW. If he does that, HEW cannot touch welfare, because most welfare items are open-ended and uncontrollable. That only leaves education and health HEW cannot touch education if the amendment of the Senator from Texas is adopted, because we will have said, "That is an untouchable. Don't put your finger on one red penny." So, then, whatever reduction allocation is given to the Department of Health, Education, and Welfare to make, all will have to come out of health. It is just that plain and that simple.

Mr. KENNEDY. But the point remains that even if we include in this bill the Yarborough amendment, which has been brought up by the Senator from Rhode Island, in the total picture of increases and cuts the President may want to make some recommendations or cuts in other areas. He certainly can make that kind of adjustment. But adding the amendment of the Senator from Texas to the bill in no way will mean that, per se, there will be a reduction in the fields of health.

I think that the point is important, because some persons may have erroneously gathered from what the Senator from West Virginia mentioned earlier that, if we were to add the amendment of the Senator from Texas, automatically we were going to have to cut back on these health programs. No one says that the same amounts must be cut from the whole Department of Health, Education, and Welfare whether or not the amendment passes. Any, cutting back which may have been planned for education need not be made elsewhere in HEW. I suppose there would be those—and certainly I am one—who could reasonably assume that the President might find other areas for cutting back, such as the ABM or other areas depending on the kinds of priorities he might choose. I think it would be unfortunate if the Members of this body were to gather that the only area in which the President was going to be able to reduce expenditures was in the field of health.

This is something which is unclear from what the Senator from West Virginia stated earlier. If I am mistaken in that impression, I am glad to have it corrected.

Mr. BYRD of West Virginia. Mr. President, the Senator is correct when he says that by virtue alone of the adoption of the amendment offered by the Senator from Texas, we would not be saying, per se, that cuts have to be made in health. He is preeminently correct, and I hope I did not leave that impression.

But if the amendment is adopted, and if the President has to allocate some cuts to HEW—he might not have to; he might take them all out of Defense; he might take them all out of Agriculture; he might take them all out of public works—but if he distributes this cut around so that everybody takes a little bite of it, then some of it would go to HEW. If he does that, then the Senator's amendment would, in effect, say, "Take it all out of health, because all education programs are on a pedestal, and all health programs are candidates for surgery."

Mr. COOK. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. COOK. In our discussion the other day, when we talked about the controllable and the uncontrollable aspects of the budget, we were discussing the fact that we had gotten ourselves into a position where we were almost admitting that well over $115 billion of the $187.9 billion was almost uncontrollable. By the adoption of this amendment, would we not just be increasing the amount of funds we would have to put in the category of being uncontrollable by the body that is supposed to control funds of this nature?

Mr. BYRD of West Virginia. We would, and we would be going one step further. We would not only be saying that an additional area is exempt, but we also would be saying, for the first time, that a controllable area is exempt.

The other items that we have exempted in the bill—I think 100 percent of them—are either unpredictable as in the case of Southeast Asia support; or mandatory and fixed, such as interest on the national debt; or uncontrollable, such as public assistance grants and veterans' pensions, compensation, insurance, and so forth. But we have required that the controllables, which will amount to $86.2 billion, are all available for whatever cuts the President has to make, with the exception of one controllable item—the Office of Education.

We are saying that one controllable item here—which is not open ended, not fixed, not mandatory, and not necessarily unpredictable, as are farm price supports in the face of unpredictable weather, unpredictable markets, and so forth—will be moved over into the uncontrollable category. It will be a fiction. We will say, "It is controllable, but thou shalt not touch it."

Mr. COTTON. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. COTTON. I sympathize with much that the Senator has said. The Senator from New Hampshire has served for a considerable number of years on the Appropriations Committee, and he has always served on the Subcommittee on Health, Education, and Welfare.

If the Senator thinks that this amendment is a sacred cow, I can inform him, from personal experience, that there already have been sacred cows; and if this amendment is rejected, those sacred cows will be frozen in.

For example, this Senator is particularly interested in the title III funds of the Defense Education Act—and, incidentally, so are the superintendents of schools and the school officials in every State of which I know.

Mr. President, those funds have to be matched. The school authorities are eager to get those funds for use in equipping the schools in their respective States and they eagerly match every dollar we give them. On the other hand, the funds under the Elementary and Secondary School Act are all Federal funds. The States and the local communities do not have to produce a nickel for them. Those funds are all earmarked so that they go for many purposes, some of which are highly essential and some of which are not highly essential.

For some reason or other the Office of Education and, during the last few years the administration, have absolutely refused to ask for any money under title III of the Defense Education Act. Instead, they want to give it all to the Elementary and Secondary School Act.

We in the subcommittee have fought successfully to put back a small part of what we used to furnish under title III of the Defense Education Act. I shall not go into detail but it is a highly effective part of Federal assistance to education. We fought it through last year and succeeded in getting a small amount put back. The sum was a few million dollars. It used to be over $100 million; it went down to $70 million; then it became less than that, until they cut it all out. They always add it on to these other programs. We were able to get a few million dollars back, but every dollar we put in we took from somewhere else, some of it from the elementary and secondary school program, and some of it from other programs. We came out with the same but it was the will of the subcommittee, then it was approved by the Committee on Appropriations, and then the Senate, and we carried it through conference; and for the second consecutive year we were able to get that money.

Mr. President, if this amendment is not adopted we in the Senate will have fixed it so that we cannot have a nickel for that program. We cannot have the option in the Committee on Appropriations of putting some money in that program if we take it from another program. These moneys are not untouchable. As a matter of fact, the subcommittee of which the distinguished Senator from Washington is now chairman has a record of holding down these funds. If we have gone wild anywhere we have gone wild on NIH and some of those very worthy projects. The money

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has gone there to a great extent. If this amendment is not agreed to the door will be closed and the hands of the subcommittee and the Committee on Appropriations will be tied.

Even if this amendment is agreed to, none of these funds are untouchable by the committee and the Senate. There still remains a check. If I am not mistaken, if money is appropriated and it is given to the President, no power on earth can make him spend it if he does not want to. That is why I support the amendment.

Mr. BYRD of West Virginia. Mr. President, what the Senator has said is just as applicable to public works projects. We may appropriate moneys for public works projects but that does not mean they have to be or will be spent.

The Senate can do whatever it wishes to do in this matter. I do not have any particular feeling one way or the other. I am here today trying to manage the bill. I support the committee position and in this instance I think the committee is right.

Mr. President, I wish to read what Mr. Mayo had to say during the hearings:

> Mr. Mayo. The reason we have mentioned specifically including amounts made available to carry out programs under the Elementary and Secondary Education Amendments, is that that is the only law, to my understanding, where, in substantive language, it says that the President, in effect, can't touch the education funds; that they are exempt from the ceiling by virtue of substantative language.
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> You could have erosion of the whole ceiling idea if bill after bill has substantive language that says, "Well, this takes precedence over any expenditures."
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> But the whole Office of Education is a $3.7 billion exemption which isn't something we can sneeze at.
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> * * *
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> I just wanted to make clear to all of you what we are trying to do, and I felt it necessary to mention the Elementary and Secondary amendments just because it is the only exception that I am aware of that, in effect, has tied the hands completely of the President in terms of areas that he can touch or can't touch in the so-called controllable area.

Mr. President, I have received telegrams today. I am sure the same telegrams have gone to other offices. I certainly would not speak in derogation of the people back in the States who sent the telegrams. If I were a State superintendent of schools I would be contacting my Senators also, and if I were a Governor of a State I would be contacting my Senators. I do not know how much good it would do in most instances but I might contact them. The Office of Education has been busy overnight. But if the health people back home know what the Senator's amendment might do to health programs—not directly of course but in effect—we would get calls and telegrams from the departments of health back in the States and I am not sure the Governors would be choosing sides as between education on the one hand, and health on the other.

I recognize and appreciate the appeal which the amendment has. It holds the same appeal for me. I think I have yet to vote for the cut of a single penny in the Office of Education. However, I am simply trying to support a position here which I think brings the equities up to where on one side they equal the equities on the other side, and gives the President an opportunity to establish priorities and say what should be cut and what should not be cut.

Mr. President, that completes my presentation and I am ready to vote.

Mr. PROUTY. Mr. President, I have the highest respect for the distinguished Senator from West Virginia. I think there is no other Member of the Senate who is more diligent, dedicated, competent, or who works harder at the job of being a Senator than my distinguished friend from West Virginia. I regret, therefore, that I cannot go along with his thinking in this respect. I do associate myself very definitely with the remarks just made by the distinguished senior Senator from New Hampshire (Mr. Cotton), who is a member of the Committee on Appropriations.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PROUTY. Mr. President, in October of last year, during consideration of the vocational education amendments, the Senate approved an exemption of all education programs from the strictures of the Revenue and Expenditure Control Act.

This exemption was based upon the sound principle that education programs are among our Nation's highest priorities. I supported this mandate of priorities during consideration of the vocational education amendments. I now support continuation of the exemption of educational programs from any ceiling on Federal expenditures.

This year the House Appropriations Committee considered, but fortunately did not accept, Bureau of the Budget suggestions to repeal Office of Education expenditures from budgetary ceilings. The Committee on Appropriations has incorporated these Bureau of the Budget suggestions with regard to all Office of Education programs, except the impact aid for federally affected areas.

I cannot see the logic of exempting one Office of Education program while leaving other OE programs under funding restraints. Neither can I see the logic of having the Senate adopt language which may lead to budgetary savings at the expense of OE programs. The future of our Nation's children is at stake.

In the absence of the amendment proposed by the distinguished Senator from Texas, the present language of the Senate version of H.R. 11400 could destroy the utility of appropriations for educational programs which exceed the current budget estimates now before Congress. These requests have already come under scrutiny as being inadequate, and in view of this, I do not believe that language which allows further cuts would be in our Nation's interests.

While I am generally sympathetic to the objectives of the Revenue and Expenditure Control Act, I think its application to educational programs would be penny wise and pound foolish.

Mr. DOMINICK. Mr. President, will the Senator from West Virginia yield?

The PRESIDING OFFICER (Mr. Hughes in the chair). Does the Senator from West Virginia yield to the Senator from Colorado?

Mr. BYRD of West Virginia. I yield.

Mr. DOMINICK. Mr. President, I am going to be brief. I have been given the opportunity to serve on the Educational Subcommittee ever since I became a member of the Committee on Labor and Public Welfare, and I have enjoyed it. I think that the programs have been good. I think that we have worked them out carefully. We need some changes in them, and we are working on them now.

Personally, I believe that education is one of the great national priorities in this country; but I am concerned with this amendment and I would like either the Senator in charge of the bill or the proponent of the amendment, perhaps, to answer some questions.

Mr. BYRD of West Virginia. On which side is the Senator? Does he know yet?

Mr. DOMINICK. I do not know yet. That is what I am trying to find out. That is why I said either one.

Mr. BYRD of West Virginia. Let the Senator from Rhode Island answer. I have said enough.

Mr. DOMINICK. If the President is to make cuts, it is my understanding that he can point to HEW and make cuts out of the HEW program, as suggested by the Senator from West Virginia. It is also my understanding that he would probably be able to make cuts in the higher education program. Is that correct?

Mr. PELL. That is not correct. All of the activities under the Commissioner of Education are included in the present exemption. But, so far as going down and making cuts in the health programs, the President is not directed to HEW, he need not make any cuts in HEW programs, but could turn to the Defense Department, the Department of Transportation, or in the Commerce Department—wherever he wants.

Mr. DOMINICK. I understand that, but I understood from the wording of the amendment that the Senator was exempting only the ESEA program. Is that correct?

Mr. PELL. That is not correct. It continues the exemption on all programs under the Commissioner of Education.

Mr. DOMINICK. So that every program, whether higher education or lower education, is included as an exemption in the budgetary limitation.

Mr. PELL. All educational programs under the Commissioner. There are some educational programs in Defense and some of so-called educational programs under Labor.

Mr. DOMINICK. Yes; but I meant the ones under the Office of Education.

Mr. PELL. Right.

Mr. DOMINICK. Then, if all those educational programs are included, is there any other area which the Senator can think of, other than Health, on which I serve as ranking member of the sub-

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committee, where they could make cuts in HEW if it seemed advisable to them?

Mr. PELL. Very small areas, such as the Office of the Secretary, but it will still remain the President's prerogative to decide, as the Senator from Massachusetts pointed out, where in the whole budget the cuts will be made, and the decision will be made, whether to take the "pound of flesh" out of Health, or out of one of the other Government agencies.

Mr. DOMINICK. The thing that concerns me, and still does concern me, I might say, which is why I wanted more time to be able to ask some of these questions, is a situation in which the Executive is asked to make an x number of dollars cut, whatever it may be; and then the inclination, by and large, which I believe was followed by our previous President when this kind of restriction was put on, is to make cuts in all the agencies and thereby try to make the impact minimal on each one of them. That would be the normal thing, and one that I think is most essential be done. Where the President has a number of agencies which he thinks are important, and we except this agency from cuts, then we have, as someone put it earlier, a "sacred cow" which is not subject to this kind of action. Cuts can only be made in the health field, which is a political problem for anyone, and this is going to be very difficult for him to carry out.

Thus, what we are, in effect, doing is to exempt HEW totally from the areas within which the President might properly ask, under the law that we pass, for an allocation of the funds which need to be reduced. Is that correct?

Mr. PELL. That would be a matter of choice. The President might well decide to make a cut in NIH, or he might find other offices in which to offset a cut.

Referring to the Senator's point about a "sacred cow," there are other "sacred cows" already exempted, including our own legislative branch.

Mr. DOMINICK. That is correct, in the impacted area A funds. I am sure that the Senator from Rhode Island, under whom I serve, and with great pleasure, as he is chairman of the subcommittee, recognizes the problem with impacted area A funds, but I feel something has to be done about the proposal on cutting out the class B allocation of funds. In my particular State, and I am sure in many others, it will totally ruin our lower educational system and we have got to do something about it. So that exemption, I think, is perfectly legitimate. The area B funds are an area in which there are no funds proposed, and which we must do something.

It also strikes me that the funding in other areas in the educational field is probably not adequate.

It is not adequate, in my opinion, because I feel that education is a priority item. But I would hesitate to say, when we are looking at a child's upbringing, we are going to take education first and not include in it some of the other things, such as the health program that he is talking about, and a variety of other cultural programs which we have been trying to form to encompass the whole man concept. That is what bothers me. We seem to have put the people in such a terrible bind in this question. Frankly, I am no further along in my thinking on how to handle this problem than I was earlier.

The Senator from West Virginia (Mr. BYRD) pinpointed magnificently the very problem I am talking about. It is really a tough problem to try to solve.

Mr. PELL. I appreciate the problem with which the Senator from Colorado finds himself confronted. While I am no great admirer of Ralph Waldo Emerson, who said:

> A foolish consistency is the hobgoblin of little minds.

If the Senator has not been able to make up his mind, I would hope that he would vote the same way he did last October.

Mr. BYRD of West Virginia. Mr. President will the Senator yield?

Mr. DOMINICK. I yield.

Mr. BYRD of West Virginia. If the Senator is still in doubt, I suggest that the safest thing to do would be to stay with the committee.

Mr. DOMINICK. There are opposing recommendations from both sides, which is what I expected.

Let me ask one more question; then I shall be glad to yield the floor. Do I correctly understand the committee bill as it is written to mean that if Congress takes the necessary action itself to reduce appropriations to the level proposed, the President then would not have to do anything?

Mr. BYRD of West Virginia. The Senator is correct.

Mr. DOMINICK. Fundamentally, that is the congressional authority that we are supposed to exercise. Is that not also correct?

Mr. BYRD of West Virginia. That is correct.

Mr. DOMINICK. Then what we are asking ourselves is: "Can Congress exercise enough responsibility to be able to take this action?" If we can, the President does not have to become involved in this problem.

Mr. BYRD of West Virginia. That is correct.

Mr. DOMINICK. I personally feel that more funding is needed than is suggested for health; that more funding is needed than is suggested for education, certainly in impacted areas; and probably in a number of other areas that I could point out.

The Committee on Armed Services is in the process of marking up the military authorization bill. It is one of the most difficult things I have been through in a long time. I do not think we have reached any decisions, but we are surely examining the bill very carefully. Obviously, efforts will be made both in committee and on the floor of the Senate to make changes in the proposed authorizations.

If we defeat this particular amendment, it seems to me that we will be saying that Congress is unwilling to discipline itself in order to get down to the figure that we think we ought to have. I would ask the Senator from West Virginia if that is not a valid statement.

Mr. BYRD of West Virginia. Yes, if the Senator refers to the committee amendment. I think that point can be made also of the whole enforced reduction. We are saying that if Congress does not have the necessary willpower or courage or foresight, or whatever might be required, to make at least a $1.9 billion reduction in controllable items, the buck is then passed to the President.

We are saying that about the whole bill, but we do have a responsibility, and we will have an opportunity to make this reduction ourselves.

Last year—I refer to fiscal year 1968—Congress reduced appropriations in the amount of $5,567 million. However, that amounted to only a $1,907 million cut in expenditures.

Mr. DOMINICK. I understand that.

Mr. BYRD of West Virginia. But in fiscal year 1969 Congress cut appropriations in the amount of $13,188 million. This amounted only to $3,803 million in expenditure cuts.

So if Congress were to make reductions in fiscal 1970, which I think it will overall—I think the public is demanding expenditure cuts—and if we are to judge by the experience of the past 2 years, certainly Congress will be making cuts that are commensurate with, or even in excess of, the reduction required in this bill.

Mr. DOMINICK. In terms of figures, can the Senator tell me how much the appropriations would have to be cut in order to get down to the expenditure level as proposed in the bill?

Mr. BYRD of West Virginia. I do not think any definite figure could be set, but I will again cite the action of the Congress in fiscal 1968 as an example almost on target. It cuts $5,567 million from appropriations. That resulted in an expenditure cut of $1,907 million—exactly what we are seeking here, except for the seven million.

Mr. DOMINICK. I thank the Senator.

Mr. BYRD of West Virginia. So what I am saying is that Congress or the President will have to make about three times as much reductions in appropriations as would be the resultant impact on expenditures.

Mr. MAGNUSON. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virgina. I yield.

Mr. MAGNUSON. I am sure the Senator from West Virginia will be glad to advise the Senate on this matter. I attended the meetings. I did not vote for the language we have in this respect, but I voted to have the bill reported finally. I know there must be some good reason for this, but the Senator suggested the figure of $1.9 billion. How did he arrive at $1.9 billion? If we are going to take $1.9 billion out of expenditures, the Senator must have gone somewhere and taken some here and some there and some from some other place in order to reach that figure. I think that is why we are groping around here. Some of us would like to see some items cut. Others do not want to see cuts made in other

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items. I think it would clear up matters a great deal if the Senator told us what items were deleted to make the $1.9 billion; what part came from education, what part from health, what part from public works, what part from any other items, to arrive at that figure. I could have asked the Senator at the meeting, but I did not get a chance to.

Mr. BYRD of West Virginia. I might answer that by simply saying, "Read the CONGRESSIONAL RECORD of what was stated on the floor yesterday and the day before." Senators who were present in this Chamber yesterday and the day before know the answer as well as I can explain it. I am not infallible, but I have done my best to explain it.

Mr. MAGNUSON. Can the Senator quote the RECORD?

Mr. BYRD of West Virginia. Yes; the Senator can quote ad infinitum, but all one has to do is read the RECORD. I do not say that disrespectfully.

Mr. MAGNUSON. I know.

Mr. BYRD of West Virginia. But anyone who reads the CONGRESSIONAL RECORD will have the answer; but I will state it again.

Mr. MAGNUSON. I have been holding hearings, myself, on appropriations for the last 4 or 5 days. We have not had much chance to be on the floor ourselves. We have been dealing with another "small" bill called defense appropriations.

Mr. BYRD of West Virginia. What the Senator says is true. All Senators cannot be on the floor at all times. I realize that, and I am sorry that I spoke as I did to the Senator.

Let me see if I can explain it in this way again. Last year the President's budget estimate was in the amount of $186.1 billion. Congress enacted legislation to force a $6 billion reduction, bringing the ceiling down to $180.1 billion. There was to be a $6 billion reduction in expenditures. Some items were exempted at the time, and other items were exempted later.

This year the committee sought to bring about what would amount again to a reduction of about $6 million in controllable items.

Mr. Nixon made a $4 billion reduction in the Johnson budget, and that was pretty difficult to do. The Nixon budget is $192.9 billion. The Johnson budget was $196.9 billion. So the President squeezed whatever water he could out of the budget, and squeezed it $4 billion worth. That left $2 billion that we sought to get at here to make a reduction total of $6 billion.

I perhaps should have prefaced all this by confronting the Senate with what it would have if we took the House proposal. If we were to take the House proposal, we would set the ceiling at $192.9 billion. That represents the President's budget estimate. We would take that as the ceiling, and we would say, "That is it. There are no programs exempt. Support for Southeast Asia is not exempt. Social security is not exempt. Railroad retirement is not exempt. Civil service retirement is not exempt. Foreign Service retirement is not exempt. Veterans pensions are not exempt. Interest on the national debt is not exempt. Farm price supports are not exempt. Postal operations are not exempt. Mandatory civilian and military pay increases are not exempt. Nothing is exempt. We have a $192.9 billion ceiling, and that is it. If Southeast Asia costs go up, make cuts elsewhere. If Treasury bill rates go up after Christmas, causing interest on the debt to rise, Mr. President, you have the last 6 months in the fiscal year in which to make an offsetting reduction somewhere else. You may have to cut off twice as many people in the last half of the fiscal year to reach an average for the whole year but the ceiling is rigid. You can make up your own mind. You can take it out of education. You can take it out of health. You can take it out of poverty. You can take it out of the manpower training programs. You can take it out of farm price supports. You can take it from anywhere you want to, but the total of Federal expenditures, controllable and uncontrollable, must stay within the $192.9 billion."

That would be unworkable, the committee felt.

Mr. MAGNUSON. Why? Why not let him make the decision?

Mr. BYRD of West Virginia. Very well. Support for Southeast Asia was estimated, as of May 20, to be $25.2 billion next year. This may be a controllable item, but it is certainly unpredictable. Let us say the war in Southeast Asia heats up, or next March, let us say, President Nixon comes to us and says, "Members of Congress, we have to make additional expenditures, which would be $2 billion above the $25.2 billion, for 1970 in Southeast Asia." Well, we would give it to him, but he would be faced with the $192.9 billion ceiling. He would have to cut out $2 billion in expenditures from other programs to stay within the $192.9 billion ceiling. The only way that ceiling could be raised, under the House bill, would be through Congressional action or inaction, and if Congress appropriated the additional moneys in response to the President's request, this would not constitute action by the Congress in the context of the House language. If the Congress appropriated an amount in excess of or less than the amount requested by the President, this would then constitute action by Congress to the degree that it varied from the President's request.

So, as I say, the President would have to make offsetting reductions elsewhere to stay within the House ceiling.

That would put him in a terrible straitjacket. I can then hear the telephones ringing: "Mr. President, don't cut my public works program. Mr. President, don't cut my poverty program. Mr. President, don't cut my farm price support. Mr. President, don't cut the education program; take it from somewhere else, but not here."

The Senate committee was confronted with this problem, so the Senate committee has sought to come up with an alternative; and in that alternative, we have tried to bring about roughly a $2 billion cut in expenditures which, when added to the $4 billion cut made by the President already, would make about the same size cut made last year.

I do not think there is any Senator in this body who would venture to wager that if the Appropriations Committee had not worked out some proposal providing for some kind of expenditure reduction some Senator on the floor would not have had us do it right here. We felt it was better, therefore, to work out a proposal in the committee than to try to hammer it out on this floor. So this was the best we could do.

This, I hope, explains the $2 billion target.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. If I may just finish one statement.

The exact figure of $1.9 billion comes from reducing the President's budget of $192.9 billion by $5 billion, to $187.9 billion, which would be a ceiling, and then by adding to that ceiling the estimate of the amount by which the expenditures in 1970 for uncontrollable items would exceed the amount spent in fiscal year 1969 for uncontrollable items, and the very best, latest, and most up-to-date estimate we could get from the Bureau of the Budget is $3.1 billion, as being the amount by which the uncontrollables next year will exceed the uncontrollables this year.

So we exempt that $3.1 billion, which in effect raises the $187.9 to $191 billion. That would be the new ceiling; and then the $191 billion, subtracted from the President's revised budget estimate of $192.9 billion, leaves $1.9 billion. That is how the figure was arrived at.

Mr. MAGNUSON. As I understand the Senator, then, he takes as his base figure that which we did last year. Is that correct?

Mr. BYRD of West Virginia. I see nothing wrong with that.

Mr. MAGNUSON. Assuming that Congress is going to do with the appropriations that which we did last year.

Mr. BYRD of West Virginia. Yes.

Mr. MAGNUSON. Namely, $6 billion under the budget.

Mr. BYRD of West Virginia. I will tell you why we did that.

Mr. MAGNUSON. But the Nixon budget is considerably less than last year's budget; so to arrive at the $6 billion, you would have to cut expenditures still further, would you not?

Mr. BYRD of West Virginia. I will tell you why we did that. We thought the President had reduced the budget as much as he could, getting $4 billion.

Mr. MAGNUSON. Yes; that is what I think.

Mr. BYRD of West Virginia. I will tell the Senator why we took $6 billion: Not only because that is what Congress enacted last year as a forced reduction, but also because it has worked out in practice just about that way. Congress and the President together actually made about a $6.7 billion reduction in expenditures in fiscal year 1969; but the increase in uncontrollables has reached $6.2 bil-

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lion, which, except for the difference of $.5 billion, washed out the expenditure. So the one just about balances the other.

We take the same figure, $6 billion, and have an alternative to what the House of Representatives has proposed which we think is uncertain, indefinite, and unworkable.

Mr. KENNEDY. Mr. President, I should like to discuss with the Senator from Rhode Island the relationship between the authorizations and the appropriations for the Office of Education.

As I understand it, since 1967, going through 1968, 1969 and then fiscal year 1970, in President Johnson's budget and now in the present administration's budget, we have had rather dramatic and significant reductions in education appropriations relative to authorizations. First of all, the absolute amount of funds appropriated or requested has recently been dropping. Second, with regard to those funds authorized, we have seen a very dramatic reduction in the percentage of funds which have actually been appropriated of those that were authorized.

Mr. PELL. That is my understanding of the sad history of education authorizations, appropriations, and budget requests.

Mr. KENNEDY. Mr. President, I should like to read some figures, in each case referring to fiscal years. In 1967, there was authorized $4,638,921,402, and appropriated $3,676,595,967. Percentagewise, that means that in 1967, 84 percent of the funds that were authorized for Office of Education programs were actually appropriated.

In 1968, approximately $6.4 billion was authorized, and approximately $4.1 billion was actually appropriated, giving us 63 percent of the authorized funds actually appropriated.

In 1969, there was $7.4 billion authorized, and only $3.6 billion actually appropriated, making 49 percent of the authorization that was appropriated.

In 1970, $8.8 billion is authorized, and $3.5 billion, or 40 percent, was recommended in President Johnson's budget.

In 1970 under the Nixon budget, we still have the same authorization, which is $8.8 billion, but we have only $3.2 billion requested, which is only 36 percent of the funds that was authorized for the Department of Education.

This is extremely serious and genuine cause for alarm, when we see such sharp cutbacks in percentage of authorizations actually appropriated or requested—and in absolute appropriations in an area as critical as education. When we talk about including the Yarborough amendment in this bill, what we are really saying is that a cut back to 36 percent of authorizations is certainly too much, and that above all, we do not want the figure reduced any further.

As to the question of whether this is an unreasonable kind of position to take, given the history of this provision, which shows that the Office of Education was permanently exempted last year and that the House retained the exemption and did not knock it out in this bill, I think that this really dramatizes the significance and the importance of the Yarborough amendment in terms of priorities and in terms of the priority we place on education.

Mr. PELL. That would appear to me to be absolutely correct.

In addition to that, if there was ever an item that should be all growing, it is education, where the demand, the number, and the needs are moving upward with far more unpredictability than I would hope would farm support prices, interest on the national debt, and other so-called uncontrollable items.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. PELL. Certainly.

Mr. SYMINGTON. In support of the position taken by the Senator from Massachusetts, we have been hearing this afternoon the cost of the Vietnam war and of course want to support our men. But it is my understanding that cost is less than one-third of the total military budget; and we all know, based on superb work done by the Senator from Wisconsin in the Joint Economic Committee, that there is heavy waste in the military budget.

A figure had been given that the original budget for ammunition alone in Vietnam—and I certainly want to see as much ammunition as is necessary out there—was more than double the total amount of Federal money, primary and secondary, requested for aid to education.

When I called attenion to this matter, the answer was, "Yes, but we have heavily cut the money for ammunition, primarily because of the reduction in B–52 raids."

So I looked into that, and found it correct; but after that reduction, the remaining amount appropriated was still more than double the total requested for primary and secondary education.

As the Senator knows, I am one who for many years, on this floor, has been advocating a reduction in expenditures. But I believe a reduction in expenditures for further education of American youth at this time would be just as inadvisable as a reduction in military expenditures, where now it is so clear we have much waste, would be advisable.

I thank the Senator.

Mr. PELL. Mr. President, I concur with the Senator from Missouri and point out that the amendment merely continues the present practice of exempting education.

I ask unanimous consent at this time to add to the list of names of 36 Senators already cosponsoring the amendment the names of the junior Senator from Connecticut (Mr. RIBICOFF), the junior Senator from New Hampshire (Mr. MCINTYRE), and the junior Senator from Washington (Mr. JACKSON).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation of expenditures—not authorizations, not appropriations, but expenditures—by the Office of Education covering the years 1965 through 1970.

I also ask unanimous consent to have printed in the RECORD a tabulation covering expenditures by the Department of Health, Education, and Welfare for health programs in those same years.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

OFFICE OF EDUCATION

	1965	1966	1967	1968	1969	1970[1]
Controllables:						
Elementary and secondary:						
BA	97	1,308	1,457	1,668	1,477	1,415
Outlays	68	937	1,365	1,479	1,370	1,402
Higher education:[2]						
BA	653	1,124	1,541	1,260	812	796
Outlays	162	373	777	1,058	1,057	1,083
Vocational education:						
BA	166	253	278	263	248	279
Outlays	124	132	244	259	242	255
All other programs:						
BA	192	209	283	378	577	518
Outlays	128	113	230	309	386	597
Subtotal, controllables:						
BA	1,108	2,894	3,559	3,569	3,114	3,008
Outlays	482	1,555	2,616	3,105	3,055	[1] 3,337
Uncontrollables:						
Impacted areas:						
BA	390	438	469	530	521	202
Outlays	350	410	447	506	406	400
Vocational education, permanent:						
BA	7	7	7	7	7	7
Outlays	7	4	6	6	7	7
Land grant colleges, permanent:						
BA	3	3	3	3	3	3
Outlays	3	3	3	3	3	3
Subtotal, uncontrollables:						
BA	400	448	479	540	531	212
Outlays	360	417	456	515	416	410
Grant total:						
BA	1,508	3,342	4,038	4,109	3,645	3,220
Outlays	842	1,972	3,072	3,620	3,471	[1] 3,747

[1] Nixon budget proposals.
[2] Including construction loans and grants.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—HEALTH PROGRAMS 1965-70

[In millions of dollars; omits medicare, medicaid, etc., which are uncontrollable]

	1965	1966	1967	1968	1969	1970[1]
Health manpower (medical schools and health professions student):						
BA	(2)	119	196	164	172	218
Outlays	(2)	25	62	72	109	161
NIH and NIMH (including St. Elizabeths Hospital) (cancer, heart, arthritis, and other diseases):						
BA	1,071	1,248	1,406	1,738	1,586	1,600
Outlays	790	914	1,156	1,457	1,436	1,606
Hospital construction (Hill-Burton):						
BA	267	303	314	293	258	154
Outlays	203	200	208	259	232	278
Direct care (PHS and Indian hospitals):						
BA	127	141	155	167	185	192
Outlays	126	132	147	159	185	190
Partnership for health:						
BA			4	141	176	214
Outlays				63	146	186
Regional medical programs:						
BA		25	45	59	62	100
Outlays			4	24	51	87
Other public health:						
BA	461	419	572	376	390	356
Outlays	284	322	444	365	389	384
Total:						
BA	1,926	2,255	2,692	2,938	2,829	2,834
Outlays	1,403	1,593	2,021	2,399	2,548	2,892

[1] Nixon budget proposals.

[2] Not separately identifiable.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. DOMINICK. Mr. President, would the Senator mind reading those figures into the RECORD for the benefit of those Senators who are present?

Mr. BYRD of West Virginia. Certainly. Mr. President, for the health activities of the Department of Health, Education, and Welfare, the outlays in 1965 amounted to $1.4 billion. In 1970, the outlays for health activities will amount to $2.9 billion. In other words, the expenditures were doubled for health activities in the period 1965 to 1970.

The outlays by the Office of Education for education in the year 1965 was $842 million. That figure starts lower, of course, than the expenditures for health in that year. However, in 1970, education expenditures had risen to $3.7 billion, which is roughly 400 percent higher for education than in fiscal year 1965, as compared with an increase of about double for the health activities in the same period.

Again by way of comparison, the final figure in fiscal year 1970 for education is $3.7 billion and $2.8 billion for health.

Mr. TYDINGS. Mr. President, I rise to urge the Senate to amend title IV of H.R. 11400 to continue to exempt educational programs from the strictures of the budget ceiling.

When the educational exemption was enacted last October, the Congress properly placed itself on record as recognizing the importance of education to our national development. In effect, we were telling the executive branch that our national priorities demanded that needed budget cuts come elsewhere.

The House-passed version of H.R. 11400 preserves the exempt status of education from the expenditure limitation. However, the phrase, "including amounts made available to carry out programs to which title IV of the Elementary and Secondary Education Amendments is applicable," found in section 401(b) of the Senate version of H.R. 11400 constitutes a specific negation of the education exemption.

If enacted, this phrase will serve as a Senate invitation to the Bureau of the Budget to impound increases for education. Congress may vote in the Labor-HEW Appropriation Act of fiscal year 1970 and use these funds for other programs. In view of the urgent need to improve and expand American education, such a development would indeed be tragic.

Therefore, it is my fervent hope that we will move to amend title IV of H.R. 11400 to remove this dangerous phrase.

Mr. President, our Nation has made great strides in increasing the availability of a college education. Years ago a college degree was an accoutrement of social class, a privilege reserved for the rich. As our Nation grew, so did the number of colleges and universities. Government made a tremendous contribution to this growth in higher education. Today, any academically qualified student is virtually assured of admission to college.

But the assurance of admission does not mean that the academically qualified student is assured of a college education. Tuition charges and educational expenses are substantial, even at public universities; and each year these expenses rise 5 to 10 percent. Many students are unable to meet the costs of college. Thus, in America today, a financial test is still imposed on those who would seek a college education.

Many forms of financial aid are provided by the Federal Government for meeting the costs of college. But for some qualified students, this aid is not enough. In many cases it is simply impossible for the student and his family to make up the difference. I believe that the Government has an obligation to help, through the educational opportunity grants program, to make college education truly available to all.

Not only does EOG close the financial gap, but the direct grant it offers may be the decisive factor in convincing the qualified student that college can be a reality for him. For those in the backwash of our prosperous economy, the prospect of 4 years of financial struggle, and incurring debt of thousands of dollars, all for the seemingly remote possibility of securing a share of the economic well-being that has heretofore passed him by, may appear an insurmountable obstacle. An EOG grant to such a student can not only assure him that the costs will be met if he does his part, but it can also serve as a certification of our faith in him, to convince him that the commitment to college he is about to make is a worthwhile one.

The restoration of $16 million to the educational opportunity grants program will mean that, for the coming academic year, college education will be available to 32,000 more students. Every day we spend over five times that amount in pursuit of "victory" in Vietnam—in the form of brief control of a barren jungle hill, or impermanent vindication of a questionable foreign policy.

In contrast, this supplemental appropriation for EOG will be spent to build, rather than to destroy, the lives of our youth. It will be a lasting investment in America.

In strict economic terms alone, the benefits of such an investment are great. With the increased earning power of college graduates, the recipients of EOG grants will be able to make better lives for themselves and their families. And they will make a substantially greater contribution to our economy as a whole.

But perhaps even greater than the economic benefits are the social ones. We have always been proud to say that ours is an open society, in which everyone has the opportunity to advance freely. But for too long, that promise has been an empty one. A college education is an important tool which the deprived can use to take advantage of the opportunity for free advancement. But to those for whom financial requirements bar the door to college, true freedom of opportunity is indeed a myth. The resulting disillusionment and apathy not only poisons the lives of those directly affected, but weakens American society. Self-respect for all Americans can only come when the hopelessness borne of economic deprivation is eradicated.

The educational opportunity grants program is structured so as to be optimally effective in making available a college education. First, a student is only eligible if the costs of his education are not covered by other available forms of aid and self-help. This insures that Federal funds are spent only on those who would not otherwise be able to go to college. Thus, as the student continues through college, it is less likely that he will need an EOG grant. In fact, of the 123,000 students who received an EOG grant during the 1966-67 school year, only 28,200, or 23 percent, will be receiving a grant 3 years later, in the coming 1969-70 school year. Yet without the initial grant, college would have been impossible for all of these students.

Second, the recipient must match his EOG grant with aid from other institutional sources. The program thus promotes cooperation and coordination among various institutional sources of aid, and encourages the private sector to contribute its share.

Third, since work-study funds now qualify for matching EOG grants, the Government aid provided to the recipient takes the form of enabling the student to help himself. Between one-fourth and one-third of the funds used to match EOG grants are provided by work study. In those cases where self-help is not enough, EOG makes up the difference—but still lets the student make a full contribution on his own.

In addition, the EOG program serves all our citizens, black, Indian, oriental, and caucasian—if they have the requisite financial need. In fact, a high percentage, almost 75 percent of EOG recipients are not Negroes. And it enables them to attend all kinds of institutions; 60 percent of the recipients attend public universities, and 40 percent attend junior colleges.

We must not forget that a college education, which the educational opportunity grants program makes available, may not be the appropriate tool with which all the economically deprived can improve their lot. But those with financial need who are qualified for college must not be shut out of American life. The restoration of $16 million to the educational opportunity grants program means that the door to full participation in our society will be opened wide.

Mr. HARRIS. Mr. President, I rise in support of the amendment introduced by the distinguished senior Senator from Texas. Without a favorable vote on this amendment, we will undo one of the most constructive steps taken last session when we supported the principle that the education programs passed for the benefit of our Nation's children and youth should be exempt from any administrative cuts necessitated by spending limitations.

Last year, by exempting these education programs from such cuts, we stated clearly that education was to be given a top priority. Are we ready so soon to repudiate this action?

If we do, our actions will speak very clearly for us. We will say to the young people who are only now beginning to benefit from the educational programs designed to enhance the educational opportunities of the disadvantaged that we do not think these programs are really worth protecting.

We will say to educational administrators, on the State and local levels, who thought they could plan based on certain projected levels because these were programs specifically exempt from cuts, that you cannot count on Congress because we removed this assurance at the first opportunity which presented itself.

It is indeed a paradox that while enjoying the fruits of unequalled prosperity, this Nation may spend less for education next year. The need for increasing our commitment to the continued improvement of our educational system has not lessened, and we must not weaken our commitment to this worthwhile objective.

I hope this amendment will be adopted so that we may be certain that the education of our youth is to remain as one of the top priorities of this Nation.

Mr. BYRD of West Virginia. May we have a vote, Mr. President?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Rhode Island (Mr. PELL) on behalf of the Senator from Texas (Mr. YARBOROUGH), and other Senators to the committee amendment on page 71 of the bill. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Utah (Mr. MOSS) is absent on official business.

I also announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), and the Senator from Texas (Mr. YARBOROUGH), would each vote "yea."

The result was announced—yeas 52, nays 54, as follows:

[No. 37 Leg.]

YEAS—52

Allen
Bayh
Brooke
Burdick
Cannon
Case
Church
Cotton
Cranston
Dodd
Dominick
Eagleton
Fong
Fulbright
Goodell
Gore
Gravel
Griffin
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mathias
McCarthy
McGovern
Metcalf
Mondale
Montoya
Murphy
Muskie
Nelson
Pastore
Pell
Percy
Prouty
Randolph
Ribicoff
Schweiker
Scott
Spong
Symington
Tydings
Williams, N.J.
Young, Ohio

NAYS—43

Aiken
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cook
Cooper
Curtis
Dirksen
Dole
Eastland
Ellender
Ervin
Fannin
Goldwater
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Long
Mansfield
McClellan
Miller
Mundt
Packwood
Pearson
Proxmire
Russell
Saxbe
Smith
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—5

Anderson
McGee
McIntyre
Moss
Yarborough

So the amendment offered by Mr. PELL on behalf of Mr. YARBOROUGH and other Senators to the committee amendment on page 71 was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I wish to thank the Senator from West Virginia (Mr. BYRD) for the courtesy, care, and handling of the amendment. I also wish to pay great credit to the Senator from Texas (Mr. YARBOROUGH) for without his original impetus-groundwork and message to so many of our colleagues this amendment would not have carried. I regret that he could not be with us today, but even in his absence, he played a very important role in the passage of this measure.

Mr. BYRD of West Virginia. I thank the Senator for his remarks. The Senator is to be congratulated for his excellent presentation of the matter here today. I wish to express congratulations to the distinguished Senator from Texas, in absentia, who did an excellent job yesterday in lining up sponsors for the amendment. Had he not done so, the amendment may not have fared quite so well today.

PROGRAM

Mr. DIRKSEN. Mr. President, I wish to ask the manager of the bill whether he can anticipate how many other amendments are pending.

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. GURNEY in the chair). The Senate will be in order.

Mr. MANSFIELD. Mr. President, may we have the Chamber cleared.

The PRESIDING OFFICER. The Chair requests that the Chamber be cleared of all unnecessary personnel.

Mr. YOUNG of Ohio. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. YOUNG of Ohio. Mr. President, I can see a number of attachés who do not have any business here. I ask that the order of the Chair be enforced.

The PRESIDING OFFICER. The Sergeant at Arms is requested to carry out the order of the Chair.

The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I thought perhaps the manager of the bill could inform Senators as to other amendments he anticipates.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. In response to the query from the distinguished and very able minority leader, I think I should state that the vote now recurs on the committee amendment as amended.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. I think I should ask for a rollcall on the committee amendment as amended because we have to go to conference with the amendment.

Then, I would anticipate a vote on the committee amendment repealing section 201 of the Revenue and Expenditure Control Act of last year. That measure deals with the 3-out-of-4 vacancies proposition. I assume the able Senator from Delaware will oppose the amendment and I would further assume that we might have a rollcall vote thereon.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of Delaware. The Senator is correct. Inasmuch as the merits of our argument are recognized the Senate might just reject the amendment.

Mr. BYRD of West Virginia. I would anticipate a rollcall vote on the amendment to be offered by the distinguished Senator from New York (Mr. JAVITS).

I would hope we could have those three votes and if we can I think the chances might be good, if the hour is not too late, for us at that point to have a final vote on the bill.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. MAGNUSON. I have an amendment on which I presume there will be a rollcall vote.

Mr. DIRKSEN. Mr. President, that would make four yea-and-nay votes, and we have two orders recognizing Senators who wish to make speeches.

Does the Senator anticipate finishing the bill today?

Mr. BYRD of West Virginia. I wish to say that my earlier anticipation of finishing the bill today is becoming more clouded by the minute.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

The Senate resumed the consideration of the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I would like to express the hope that we can now proceed to vote on the committee amendment as amended.

The PRESIDING OFFICER. The question is on——

Mr. MAGNUSON and **Mr. JAVITS** addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, I send to the desk an amendment to the committee amendment and ask that it be stated.

The assistant legislative clerk read as follows:

> After line 16, page 71, insert the following new paragraph 5:
>
> "(5) the programs of health under the Department of Health, Education, and Welfare."

Mr. MAGNUSON. Mr. President, I shall be very brief. My amendment is the same as the amendment offered by the Senator from Rhode Island, except that it applies to health and other programs of the Department of Health, Education, and Welfare.

Since the other amendment was accepted, mine may be somewhat in self-defense. I think that we who handle the HEW appropriation are going to be placed in an unfortunate position if it is possible for the President to cut the HEW budget, which he may well do, and take it all out of health programs.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. DIRKSEN. Why not include public works and the school lunch program?

Mr. MAGNUSON. I might.

Mr. DIRKSEN. Let us put in all the rest.

Mr. MAGNUSON. I might put in public works.

Mr. President, it is difficult for me to differentiate between health and education. I think they go hand in hand. As in the case of many Senators, I have tried to do my part and have accepted the responsibility for the health, education, and welfare of the Nation. I do not think we have gone too far on appropriations for health. I have been associated with this matter for a long time. The first bill I introduced in Congress that was passed was in 1938; it established the Cancer Institute. I was then a Member of the House of Representatives. The Senate passed this bill unanimously. As I recall, the bill was introduced in the Senate by the distinguished Senator from Washington, Homer Bone. The bill had 95 cosponsors out of 96 Senators. One can understand, therefore, why it passed unanimously. That was the beginning of the National Institutes of Health, which was more or less devoted, at that time, to military research—and it was doing a fine job—but it was the beginning also of all those important nonmilitary medical programs we now call the National Institutes of Health.

I remember we finally got the then-enormous sum of $1 million to start it, because it was during the war. There was a very distinguished resident of Maryland, a widow, whose husband had died of cancer, and she donated the land in Bethesda where the NIH is now located and where her house still stands. The Bethesda Naval Hospital, which became a part of this great complex, is located there too.

Over the years, even during the war years, we kept alive a program of Government research—a program that has been greatly expanded since. The Government, of course, has not done it all, but it has been responsible in many cases for putting the seed money into laboratories, medical schools, and other schools which have done such good work in so many fields.

As a result, good doctors, good laboratories, and trained personnel working in all the various programs made possible the increase in life expectancy of the American people by 7.6 years in the past 17 years alone. That is worthwhile, is it not? If only the life insurance companies would adjust their rates accordingly! Just think of it—7.6 years longer to live. Yet, there are those who suggest that this may have been too much. Sometimes we do get carried away emotionally on the subject of health. But I say Government expenditures along this line have been most worthwhile over the years.

Mr. President, the Appropriations Subcommittee on Labor and Health, Education and Welfare, under the able chairmanship of the former Senator from Alabama, Mr. Hill, has done a good job in keeping this money flowing. I suspect that Congress will not be miserly this year, but if the budget on health is apt to be cut disastrously, it will slow up some projects that we know are now in the process of bearing fruit.

Mr. COTTON. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, I want to say that I favor the Senator's amendment. I have been on the Appropriations Committee for 9 years, and during all of those 9 years I have served on the Subcommittee on Health, Education, and Welfare, 7 of those 9 years as ranking minority member.

I had the privilege of working with our beloved former Senator from Alabama, Lister Hill. We sought to be reasonable and not to be carried away by emotion, as the Senator from Washington just touched upon. For instance, last year, when he had to face the fact that in dealing with the artificial kidney, we were dealing with a situation where, at present, doctors are compelled to decide who lives and who dies because of the fact that there are only so many kidney machines available and research is going forward now to try to make them general so that we do not have to confine them to certain individuals. That research has not been completed.

I am confident that under the leadership of the Senator from Washington, with whom I have been privileged to work with all these years, the committee will handle this most carefully.

I have constantly been in the position of keeping down appropriations, but this is in a very sensitive area, a humane area, and I feel that it is one which is in an entirely different category from public works, or any other.

I commend the Senator from Washington for offering the amendment, and heartily support it.

Mr. MAGNUSON. I thank the Senator. We have made so much progress that it goes almost unnoticed—people take it for granted. We have abolished many of the TB wards in the 179 veterans hospitals in this country. There are, of course, a few TB patients left, but we used to have large wards all over the country. We have also made great progress in heart diseases and in all kinds of nervous diseases.

One reason I am concerned about this—and I am going to tell the Senator from West Virginia that we are going to be reasonable—is that I do not want to be limited in advance if we need to do something new and dynamic in the field of health.

One of the things that very few people in this country realize is that every other bed in a veterans hospital is a mental case. Just think of that—every other bed in a veterans hospital is a mental case—50 percent. Many people walking around, who do not have the benefit of a veterans hospital, are also victims of mental illness. We are making great progress in that field through research. Federal Government funds are being used to test tranquilizers and the whole program of

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mental health. We hope, of course, that the proportion of Federal funds can be cut down.

One other thing, we used to be able to do research directed to this program. I am just citing some examples. If a person lost a leg, it would take weeks and months before he could be fitted with an artificial leg. Sometimes it took a year.

Now we have a new process evolving, through funds available for research, where a man can be fitted with an artificial leg in 3 weeks.

We have got a long way to go in the field of cancer. I am somewhat disappointed in the rate of progress, but it is a fact that we have saved literally thousands of lives with what we have learned so far.

The so-called Pap test for women, for example, has saved literally hundreds of thousands of lives because we had the seed money available for research.

Mr. AIKEN. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. AIKEN. I was necessarily absent from the floor yesterday and did not hear the debate, but I am wondering why, if a reduction in appropriations for expenditures for fiscal 1970 is so desirable, should not the Senate face up to the situation and limit appropriations for each department for 1970 instead of including the limitation as an amendment—virtually an amendment—to a supplemental bill for 1969 which applies only to appropriations which are expendable during the next two weeks? Why do we not face up to that——

Mr. MAGNUSON. I thoroughly agree with the Senator.

Mr. AIKEN. And assume our proper responsibility?

Mr. MAGNUSON. I was sure that we would not do that on the supplemental but we did. We had to do something. I will say to the Senator from West Virginia that we had experience with an alternate. If I had my way, I would have cut the language out altogether and gone to conference.

Mr. COTTON. As a matter of fact, will this not be a vote of no confidence in ourselves?

Mr. MAGNUSON. Yes.

Mr. AIKEN. Absolutely.

Mr. MAGNUSON. I agree with the Senator, but as long as welfare is exempted, and as long as education is exempted, we cannot fail to exempt health as well.

I do not want to be in the position, since I handle the multibillion-dollar appropriation bill for HEW, of having the cuts taken out on health.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield, that is the argument I was making against the preceding amendment.

Mr. MAGNUSON. I do not disagree with the Senator on the basis that we had to have an alternative to the House provision. We would be better off if the House had done nothing. We are going to save money, but I will not know which programs should be cut out and which should not be cut until our subcommittee holds hearings.

Mr. AIKEN. If the House limitation of $192.9 billion was wrong, is the Senate limitation of $187.9 billion better? How does that make it better?

Mr. BYRD of West Virginia. The answer is not that easy. It is not a matter only of saying that $192.9 billion is wrong and $187.9 billion is right. It is a question also of whether we want to take $192.9 billion and say, "that is it. There are absolutely no exemptions from that. Whether they are uncontrollable, mandatory, unpredictable, fixed—whatever—there are no exemptions."

I think I understood it was also said that what we should have had from the committee was nothing; we should just have stricken the House provision and gone to conference. Well, we have been doing that too long. The Senate has an equal responsibility to legislate here. Let us do what we ought to—that should be the approach—and then go to conference and wrestle with it there. I do not want to go to conference after doing nothing except to strike the House provision. I have been in conferences with the House Members. They are tough. If the Senate wants a reduction in Federal expenditures, it should take a stand. If it does not want a reduction, it should take a stand. If it wants to present an alternative for the House-Senate conferees, that alternative should be hammered out on the anvil of discussion. The committee has proposed an alternative to the harsh proposal offered by the other body. The Senate now can vote as it wishes on that alternative. I will not lose sleep tonight over the Senate's decision. I have already lost sleep over it. Senate conferees should go to conference with a definite proposal in a matter of this nature unless it wishes to agree with the House proposal. That is why we have wrestled and worked on this, so we can go to the conference and say, "Here is the Senate's proposal. Now let us sit down and reason together"—in the words of a former President—"and resolve our differences." But to merely strike it out and go there would result in our being at the full mercy of the House, which has perhaps had rollcall after rollcall, in committee and on the floor. I think we ought to try to come up with something we think is better. The House conferees may prevail in conference, but they will have to prevail through persuasion and by showing us they have a better proposal than that which the Senate has developed. Perhaps the end result will be a modification and blending together of the two proposals.

Mr. MAGNUSON. I am sure the Senator from West Virginia will agree that the Senator from Washington has a job to do on the Appropriations Committee, too.

Mr. BYRD of West Virginia. Yes; and the Senator from Washington does it well.

Mr. MAGNUSON. I have been on the Appropriations Committee for many, many years. What I was bothered about was that we are now just starting on HEW appropriations. The House has not passed that bill. I do not want to see, in a supplemental bill, rules and guidelines that tie our hands in advance. We would be waiving our responsibility to make our own decisions, based on the facts and evidence relating to Health, Education, and Welfare. That was the only thing that bothered me about it. I think I should do what I have proposed—if the Senator wants to put a limitation on my appropriation after I bring the appropriation before the Senate, the Senate can work its will. Right now I agree with the Senator that when we start on the Health, Education, and Welfare appropriation, with the bill as it now stands, health is going to be at a disadvantage.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield on this point, the Senate and House can still make cuts in excess of the $1.9 billion if desired. The Senator's committee can still make cuts regardless of what is provided here.

Mr. MAGNUSON. Does the Senator mean the Senate does not have to follow this?

Mr. BYRD of West Virginia. The Senate can cut or not. It does not bind the Senate's hands. But the reduction will have to be made by someone—the Congress or the President.

I think there is good argument in having this matter thrashed out on the supplemental appropriation bill. We are almost at the end of the fiscal year. We are almost at the beginning of the new fiscal year. This is the time to enact a forced reduction in Federal spending, so the President and the Congress both will know at the beginning just how much of a cut will have to be made during the fiscal year. If Congress waits until the new fiscal year is half gone before making a decision to enact a forced spending reduction, the implementation of that reduction will be more difficult and the swing of the ax will have to cut deeper to make the whole year average come out the same as if action had been taken at the start of the new fiscal year. Now is the time, and the best time, to make that decision, before the new year starts on July 1. If the Senator does not wish to vote for a reduction now, it is perfectly all right with me.

Mr. MAGNUSON. I am sure it will be all right with the Senator. The Senator and I each vote our own way in accordance with our own conscience. We have done this for a long time. As a matter of fact, one of the nice things about the Senate is that it does not seem to change the respect of Senators for each other for them to vote their honest opinions, which may be different.

I would not have brought this matter up if it were not for the fact that the two big items of HEW are exempt. Yet here is health standing vulnerable by itself. I know what we have done in the field of health. I know the Senate wants to do what it can. We will do our share in keeping appropriations at a reasonable level.

For years, I handled the Independent Offices appropriations. Last year that bill was cut a great deal. Over the years we have cut about $6 billion out of that bill. Those cuts are sometimes easier to do there than in the field of health.

I am not going to be emotional about it, but I cannot separate health and education in this country. I think they go together. That is why I submitted the amendment.

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Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

IN THE MATTER OF THE MINORITY LEADER

Mr. GOODELL. Mr. President, on the morning of January 15, 1969, Dr. John H. Knowles, an eminent Massachusetts physician, was invited to Washington by the then Secretary-designate of Health, Education, and Welfare, Robert H. Finch, and offered the position of Assistant Secretary of Health and Scientific Affairs, the No. 1 health job within the gift of the executive branch to give a medical doctor.

Dr. Knowles accepted.

Since that offer was made and accepted, one hundred fifty-three days have come and gone and yet the matter of Dr. Knowles' appointment has never come before the Senate of the United States.

The question, of course, is why?

Is it, Mr. President, a question of Dr. Knowles' qualifications?

Obviously, the Secretary of Health, Education, and Welfare does not think so. The President of the United States does not think so. The American Public Health Association, the Association of American Medical Colleges, the American Nurses Association, and the American Hospital Association—they, together, do not think so. Nor do I believe that a majority of the Senate, if given the opportunity to do so, would do anything less than vote overwhelmingly to confirm Dr. Knowles as Secretary of Health and Scientific Affairs, and thereby enthusiastically endorse his qualifications.

If I may, Mr. President, let me tell you why I believe Dr. Knowles deserves, if nothing more, a chance to be considered by the Senate of the United States.

First, on the basis of his record alone, he is unquestionably qualified to be the Secretary of Health and Scientific Affairs.

Qualified, because as Director of the Massachusetts General Hospital, Dr. Knowles, in assuming the leadership of a great hospital, helped to make it even greater. That quality, the quality of leadership, is of vital importance to the top health job in the U.S. Government.

Qualified, because during the 7 years he has been director of Massachusetts General, Dr. Knowles has sought to broaden the ways in which a hospital can serve the needs of a great city, and his success in this critical area is acknowledged by even his critics.

Qualified, because Dr. Knowles, though responsible for administration, has never lost sight of a doctor's first calling—caring for his patient's needs. This able man sets aside 2 months out of every year to work as a physician in the wards of Massachusetts General.

Qualified, because with all of his responsibilities, as varied and as difficult as they are, Dr. Knowles has still found the time to write more than forty papers and a textbook on respiratory physiology, while at the same time becoming a cardio-pulmonary specialist.

Qualified, because as a member of the American Medical Association, Dr. Knowles has participated in many long-range planning studies to improve the quality of medical help in this Nation, and knows, perhaps better than most of his peers, that the AMA can make an even greater contribution to national life.

Qualified, because as a sometimes lecturer at Harvard University, Dr. Knowles understands the critical need for more physicians in the United States, and the great difficulties we are going to encounter unless we can find a way to interest more young men and women in the medical profession.

For all of these reasons, and more, I believe that Dr. Knowles is more than qualified to be Secretary of Health and Scientific Affairs.

Qualified to assist in the more than a dozen pieces of legislation which must be considered for extension in the area of health this year and which desperately needs the help of a man like Dr. Knowles.

Qualified to give valued counsel on the more than 100 bills already introduced this session of the Congress on matters pertaining to health and which clearly indicate the sense of priority the Members of Congress give to this vital area.

Qualified to help determine the ways and means by which the Government can most effectively invest over $13 billion in medical research and health-care funds; an investment in the future health security of this Nation.

Qualified to give expert leadership to the policy direction of medicare and medicaid, as well as helping to bring before the bar of public opinion those doctors who have excessively profited by overcharging medicare and medicaid patients and who have in the process robbed the taxpayers of this country.

If so highly qualified a man as Dr. John Knowles has not been nominated, it is then incumbent upon the Members of this body to ask the question, "Why?"

Mr. President, I have considerable regard for my distinguished colleague and our minority leader, Senator DIRKSEN. Few men equal his accomplishments in a congressional career spanning nearly 40 years. He has been a friend of Presidents and a leader in the U.S. Congress.

Through dedication to hard work and a disciplined mind, Senator DIRKSEN quickly rose to prominence as a leader in the other body to which he was first elected. His colleagues recognized him as an expert on the tasks he chose to master.

The test of any man's desire for leadership often rests in his determination to overcome physical affliction. Indeed, the crucible of physical affliction has often foreshadowed the rise of men to leadership positions. So it was with Senator DIRKSEN. He confounded medical experts predicting loss of his eyesight. He retired from the other body, spending 2 years to recover from his affliction. Then he ran for the U.S. Senate, defeating another minority leader in a race most thought he would lose.

Dedication. Discipline. Determination. These qualities brought Senator DIRKSEN to the Senate, and they soon propelled him to the position of minority leader. Each of us remembers specific occasions when Senator DIRKSEN's leadership qualities made meaningful contributions to our Nation's progress. I especially remember his constructive leadership role in obtaining the passage of meaningful civil rights legislation.

But leadership also bears the earmarks of another quality in a democracy. The quality is simply to allow those who are led to be effectively heard.

Why is it that the nomination of Dr. Knowles has not been sent to the Senate for consideration? Why is it that Members of this body have not been permitted to work their will on this vital matter?

There are two reasons. The American Medical Association and the minority leader of the U.S. Senate.

No one organization, no one man should be permitted to dictate or to veto a Presidential appointment of one so eminently qualified as Dr. Knowles. Yet, this is clearly the case in the present instance.

The American Medical Association, through its president, has expressed opposition to Dr. Knowles' appointment. Senator DIRKSEN has said he would block that appointment if the President submits it to the Senate.

Speaking only for myself, as an individual Senator, I would like to have the opportunity to debate the qualifications of Dr. Knowles in this Chamber. I do not believe that is too much to ask of the distinguished Senator from Illinois. I challenge the minority leader, my leader, to advise President Nixon and Secretary Finch that he will no longer arbitrarily block consideration of Dr. Knowles' appointment. I challenge the minority leader to allow the Senate to work its will.

One hundred and fifty-three days have passed, and one of the Government's most important positions remains unfilled. Others have waited; I have waited. I will wait silently no longer.

I stand here now, as a matter of conscience, to oppose the leader of my party in the Senate.

I stand here now, because I believe very deeply in two principles.

I believe in the right of the President to nominate those men he believes can do the best job.

I believe in the right of the Senate to work its will on persons nominated by the President.

These principles, essential facets of our Government, are being violated, and the confidence of the American people, the ultimate strength of any democracy, is being shaken.

There are many rumors to the effect that the appointment of Dr. Knowles is now dead. If that is so, the democratic process has lost a battle and the public interest has suffered a grievous defeat.

I believe it is in the best interest of the American Medical Association and Senator DIRKSEN to say they are unafraid to have Dr. Knowles' appointment openly considered by members of the U.S. Senate.

The appointment of Dr. John Knowles should rest on its merits.

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MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 265. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies;

H.R. 1808. An act for the relief of Capt. John W. Booth III;

H.R. 2037. An act for the relief of Robert W. Barrie and Marguerite J. Barrie;

H.R. 2209. An act for the relief of Carlo DeMarco;

H.R. 3373. An act for the relief of Giuseppe Delina;

H.R. 3377. An act for the relief of Frank Kleinerman;

H.R. 3560. An act for the relief of Arie Rudolf Busch (also known as Harry Bush);

H.R. 3666. An act to amend section 336(c) of the Immigration adn Nationality Act;

H.R. 4658. An act for the relief of Bernard L. Coulter;

H.R. 5107. An act for the relief of Miss Maria Mosio;

H.R. 5337. An act for the relief of the late Albert E. Jameson, Jr.;

H.R. 9946. An act to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the Board of Education of Lee County, S.C.;

H.R. 11069. An act to authorize appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes; and

H.R. 11235. An act to amend the Older Americans Act of 1965, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 9946. An act to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the Board of Education of Lee County, S.C.; to the Committee on Agriculture and Forestry.

H.R. 11069. An act to authorize appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1808. An act for the relief of Capt. John W. Booth III;

H.R. 2037. An act for the relief of Robert W. Barrie and Marguerite J. Barrie;

H.R. 2209. An act for the relief of Carlo DeMarco;

H.R. 3373. An act for the relief of Giuseppe Delina;

H.R. 3377. An act for the relief of Frank Kleinerman;

H.R. 3560. An act for the relief of Arie Rudolf Busch (also known as Harry Bush);

H.R. 3666. An act to amend section 336(c) of the Immigration and Nationality Act;

H.R. 4658. An act for the relief of Bernard L. Coulter;

H.R. 5107. An act for the relief of Miss Maria Mosio; and

H.R. 5337. An act for the relief of the late Albert E. Jameson, Jr.; to the Committee on the Judiciary.

H.R. 11235. An act to amend the Older Americans Act of 1965, and for other purposes; to the Committee on Labor and Public Welfare.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

The Senate resumed the consideration of the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to perfect my amendment, which was drawn in a hurry, with a modification that states more clearly my intended meaning.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the proposed modification.

The assistant legislative clerk read as follows:

> On page 71, at the end of line 25, add a comma and the following: "except that no such reservation may be applied to health programs of the Department of Health, Education, and Welfare,".

The PRESIDING OFFICER. The amendment will be so modified.

Mr. MAGNUSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I am in a position which I think forces me to oppose the amendment. I do so because if we are to be serious about enforcing a Federal expenditure reduction on ourselves and on the administration, then we cannot continue to exempt one after another of the very important programs in which we all believe and many of which are our favorites.

The committee started out by exempting unpredictables such as support of the war in Southeast Asia, mandatory and fixed items such as interest on the national debt, and uncontrollables such as farm price supports and public assistance grants.

The committee then took the remaining controllables and said they had to be cut by $1.9 billion. But each time from here on out that he removes one of the controllables and puts it into the exempt class, we do not do anything to the $1.9 billion reduction figure, but we do narrow by that much the remaining controllable category from which that $1.9 billion has to be cut.

So, in the vote which was taken a moment ago, the Senate said in effect that $3.7 billion of that $84.3 billion which was in the controllable category is going to be removed from that category and exempted from any forced reduction.

The Senate is now being asked by the distinguished and able Senator from Washington to remove an additional $2.9 billion from that category that it, too, along with the Office of Education, may be given preferential status. So, the cheese is becoming a little more binding all the time.

I am just as much in favor of expenditures for health as is any other Senator. I do not recall ever having voted to cut an expenditure, but I have voted to increase expenditures. My worthy colleague is now taking the position I took a while ago when I said, "If you take the Yarborough amendment, you are going to open up health for larger cuts."

I am glad that the distinguished Senator from Washington stated in his own presentation here that that is precisely what we would now do unless we have this amendment in addition to the one already adopted.

We can carry this even further and say that we ought to exempt farm price supports. We can say that we ought to exempt vocational rehabilitation. We can say that we ought to exempt IDA—the economic International Development Association. I voted against the appropriations for IDA in the committee. However, "what is done, 'tis done."

We can go on down the line and say, "We want a $1.9 billion reduction, but we want to exempt everything from that reduction. We do not want to make a cut anywhere."

So, we march up the Hill and say we have got to have a $1.9 billion reduction. We march up the Hill with the banners flying, bugles blaring, and the drums beating and we thrill to the tumultous cheers of the multitude along the wayside as we pass.

Then we about face and march down the Hill and say, "We do not want to cut here and we do not want to cut there or somewhere else."

That is the position we will be in if we continue to lift out of the controllable category those very worthy programs and activities such as health and education. What will be the next program for favored treatment in this discriminatory pattern? I thought Senators were against discrimination.

We either have to mean what we say, that we want to make a reduction in controllable Federal expenditures, or we must say, "We stand for an overall reduction in Federal spending, but do not believe us. We are just kidding. We do not mean what we say. We are not going to let you touch this or that item."

That being the case, I have to oppose the amendment.

It is just like opposing motherhood and the flag and God. Fortunately, I have never been put in a position yet of opposing those three. However, if we continue at the rate we are going, we may find that there is nothing else left to oppose.

I have to oppose the amendment and stand by the will of the committee if the committee's proposal is to mean anything.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. COOK. Mr. President, I must confess to the Senator from West Virginia that as a freshman Senator, this reminds me of the many times I watched the activities of the Congress of the United States when it said to the President that it had to cut the budget by so much money. Then, everyone sat in the Senate and proceeded to put it all back.

I think that many of the people listening today may well be missing the point that we have said to the President of the United States that we want the budget cut from what it was under the last recommendation of a little over $200 billion. And all of a sudden we come along and say in the pending bill that it shall not exceed $187.9 billion with the exception of some uncontrollables. Then we add

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other uncontrollables and still other uncontrollables.

It is kind of like saying that we have a nation that really wants a tax reduction and a reduction of the budget, but somehow or other we want the wide highways, free beer, and motherhood. Somehow or other we cannot have all three. Somehow or other when the day of reckoning comes, the reckoning really will be to the effect that we will have opened up everything. And when it comes to appropriations, we would have cut out all of the controllables and made our budget to tally uncontrollables.

I can only say to the Senator from West Virginia that he is fighting a great and wonderful battle. However, in my argument with the Senator 2 days ago when we talked about the controllables and uncontrollables, it really means that we sit here and say that out of some $187.9 billion, the Senate is capable of controlling some $80 billion and totally incapable of controlling the remainder.

I think it becomes quite a game that we play. I am not certain how it appears in the newspapers when published, but it is a little disillusioning.

Mr. BYRD of West Virginia. Mr. President, I appreciate the remarks of the Senator.

The pending amendment has as much appeal as the last amendment agreed to by the Senate. However, if we are going to make expenditure reductions, we will have to cut out some programs in which we all believe.

I think we have to remember that there are a lot of housewives who go to the butcher shop each week and see the prices on breakfast bacon going up and up and up. Inflation is taking pennies out of the dollar.

Federal spending constitutes a major cause of inflation in this country, and we must do something to half it.

Congress imposed a surtax. I voted against that. I would vote for a surtax if I were convinced that the Federal Government had done everything it could possibly do to stop wasting money on programs and activities that are not meritorious and to improve the efficiency in administration of others. Thus far, I am not convinced that it has done this.

If we are serious about fighting inflation and about the need for raising taxes and taking money away from American businesses and the working man and woman to fight inflation, we have to be equally serious about curbing our appetite for more and larger Federal programs and Federal expenditures. The soundness of the dollar both at home and abroad is at stake. The equity of our actions against those we force on businesses and consumers by siphoning off some of their earnings in taxes is an issue. If we are to defend the value of the dollar, we must defer many things until a more appropriate time, no matter how desirable they might seem. This is what Congress is asking wage earners to do with the income tax surcharge. It is what we are asking businesses to do with both the surcharge and the pending repeal of the investment tax credit, and it is what we have to do to the growth of Federal spending.

If we raise taxes and raise spending too, we continue to place a double bite on our people both through taxes and increased prices.

The way to help all our people, but particularly those with low incomes, with fixed incomes, and with no available reserve of savings, is to get control of the trend on ever-increasing prices we all have to pay just to live. We cannot get the cost of living under control if we continue to spend a little more here and a little more there in the hundreds of places where we all agree a little more might be desirable. We must distinguish between what we have to do and what we might like to do if conditions were favorable. Conditions are not favorable when prices are rising and when our action of a little more here and a little more there will be self-defeating by making it even more difficult for our people to buy the essentials of life. I am talking about that housewife who, in the face of a fixed income or a low or moderate income, would like to put some breakfast bacon on the table once a week, but who, because of spiralling prices, is prevented from doing so.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. MAGNUSON. We are not determining the health appropriation in this amendment or in this bill. We may eventually cut the health appropriations even more than the Senator from West Virginia suggests by his amendment. We just did not want health to be in a position different from that of education and welfare.

Mr. BYRD of West Virginia. I am aware of that.

Mr. MAGNUSON. I say that we are not determining the health appropriation today. We are going to determine that after hearings.

As for the woman who goes to the market, I want to see that she is alive and healthy, too.

Mr. BYRD of West Virginia. So do I.

Mr. MAGNUSON. And that her children have every opportunity to have the best of medical care and research.

Mr. BYRD of West Virginia. The Senator does not stand in a position different from that of the Senator from West Virginia, in that respect.

Mr. WILLIAMS of Delaware. Mr President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I concur in the argument that the Senator from West Virginia is making today. I only wish I had been able to convert him yesterday. The argument I made yesterday is valid today. Once Members start selecting their pet programs for exemption they have a job to argue against selecting others.

The Senator from Washington has brought up a proposal to exempt the health program. He made a very good argument. An equally good argument can be made for several other programs.

For example, yesterday Congress did exempt price-support programs for agriculture products. Congress exempted all of the Commodity Credit Corporation expenditures, the food for peace, the school lunch program, and so forth. Congress has exempted all public assistance grants, including medicaid. Congress has exempted the Post Office Department. Congress exampted itself, the legislative branch, from any controls in Government spending. Congress has exempted the judiciary along with many others, and these were controllable items—just as controllable as are the items involved in the pending amendment.

I say that as one who will not support the Senator from Washington, but I did not support the exemption for those other programs either.

I think that once we move into the area of selecting those to be exempted Congress will end up exempting everything and end up with no control and no ceilings. I said yesterday—and I repeat—that we need valid expenditure ceiling, but with all due respect, we do not have one before us now, with or without the amendment of the Senator from Washington. The amendment of the Senator from Washington may open the door a little wider; but the big barn doors are open now, and I do not see any difference in opening another door. Congress has already claimed that it wants to cut spending, but when the chips are down it does not want to cut spending on any of its pet programs.

Mr. HARRIS. Mr. President, I support the amendment of the distinguished Senator from Washington (Mr. MAGNUSON). It seems to me that no governmental activity is entitled to more special attention than health. This is true of all of the health programs administered by the Department of Health, Education, and Welfare. It is particularly true of the Indian Public Health Service. I call the attention of Senators to a statement I made on March 26, 1969, on the introduction of S. 1691, pointing out the serious problems caused in the Indian Public Health Service by last year's limitation on personnel. We should not make this worse. I hope the amendment will be adopted.

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). The question is on agreeing to the modified amendment of the Senator from Washington to the committee amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Utah (Mr. Moss) is absent on official business.

I also announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. McINTYRE), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from New

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Hampshire (Mr. McIntyre), the Senator from Utah (Mr. Moss), and the Senator from Texas (Mr. Yarborough) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. Saxbe) is detained on official business.

The result was announced—yeas 45, nays 47, as follows:

[No. 38 Leg.]

YEAS—45

Aiken
Bayh
Bible
Brooke
Burdick
Cannon
Case
Cotton
Cranston
Dodd
Dominick
Eagleton
Fong
Fulbright
Goodell
Gore
Harris
Hartke
Hatfield
Hollings
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
McCarthy
McGovern
Metcalf
Mondale
Montoya
Muskie
Nelson
Pastore
Pell
Prouty
Randolph
Ribicoff
Schweiker
Spong
Symington
Tydings
Williams, N.J.
Young, Ohio

NAYS—47

Allen
Allott
Baker
Bellmon
Bennett
Boggs
Byrd, Va.
Byrd, W. Va.
Church
Cook
Cooper
Curtis
Dirksen
Dole
Eastland
Ellender
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
McClellan
Miller
Mundt
Murphy
Packwood
Pearson
Percy
Proxmire
Russell
Scott
Smith
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—8

Anderson
Gravel
Hart
McGee
McIntyre
Moss
Saxbe
Yarborough

So Mr. Magnuson's modified amendment to the committee amendment was rejected.

Mr. DIRKSEN. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MUSKIE. Mr. President, if I may have the attention of the Senator from West Virginia, the action which the Senate has just taken on the last two votes suggests to me the wisdom of including in the Senate provision on the limitation of spending a provision which is found in the House bill. I would like to refer the distinguished Senator from West Virginia to page 70, lines 7 through 14. I have at the desk an amendment covering this point, but I should like to discuss it with the Senator first.

If I may read the language, for the benefit of the Senate, it is as follows:

Provided, That whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations thereon, the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on expenditures and net lending, and the limitation set forth therein shall be correspondingly adjusted.

Mr. President, we have heard persuasive and eloquent arguments this afternoon urging us to exempt education and health from the limitations imposed by the bill. We are just at the beginning of the appropriations process in Congress, and we will be considering many appropriations bills before we are through. It therefore seems to me that we should include in the bill a realistic recognition of the fact that, from time to time, individual Senators will want to ask the Senate to consider adjustments based upon the merits of, say, water pollution, education, and various other programs. I think it is wise to adopt a ceiling at this point, recognizing the President's recommendations and undertaking to set a benchmark for us to follow. We know, if we are intellectually honest about it, that from time to time, during the course of this session, we may want to consider variations from the President's budget recommendations which may or may not breach the ceiling.

The language I have read here, which was included in the House bill, gives us a procedure for handling it without being dishonest about it.

Thus, I should like to propose the amendment and would like to get the reaction of the distinguished Senator from West Virginia.

I have discussed it with him earlier and he seemed somewhat receptive to this approach.

Mr. BYRD of West Virginia. Mr. President, I think that the distinguished Senator's suggestion is a very important contribution here. Unless this is done, the President—certainly the Congress—would not be kept informed as to the expenditure impact resulting from increases cuts in or appropriations that Congress might make.

I think it is important that Congress be kept informed of the expenditure impact of its appropriation actions.

I would ask the Senator if he would be willing to go one step further. I am glad he has called this to our attention. I think the proviso should be in the bill and I wonder whether he would go one step further and add subsection (b), which was stricken from the House language, and which merely states that the Director of the Bureau of the Budget will make these reports beginning the first full month after the passage of this act, and each month thereafter, during the first session, and then once each quarter thereafter, through the end of the fiscal year, so that the Director of the Bureau of the Budget will not have to inform the Congress of the expenditure impact immediately following each appropriation cut or appropriation increase but he will have a time set forth in which he would be expected to make such a report to the Congress and the President.

Mr. MUSKIE. Yes. I think the Senator's suggestion is well taken. I would be happy to include it in my amendment.

Mr. BYRD of West Virginia. So, Mr. President, if the Senator will so modify his amendment, I will gladly accept it as modified.

Mr. PASTORE. Mr. President, will the Senator from West Virginia yield at that point?

Mr. MUSKIE. Mr. President, my amendment is at the desk and I offer it at this time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 71, after line 16, insert:

"*Provided further*, That whenever action, or inaction by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations thereon, the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on expenditures and net lending, and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That the Director of the Bureau of the Budget shall report periodically to the President and to the Congress on the operation of this section. The first such report shall be made at the end of the first month which begins after the date of approval of this Act; subsequent reports shall be made at the end of each calendar month during the first session of the ninety-first Congress, and at the end of each calendar quarter thereafter."

Mr. BYRD of West Virginia. Mr. President, this simply requires that the Director of the Bureau of the Budget inform the President and Congress at certain intervals as to the impact we have made through our cuts or increases in appropriations on the $1.9 billion expenditure reduction required by the bill.

Mr. COTTON. Mr. President, will the Senator from Maine yield for a question?

Mr. MUSKIE. I yield.

Mr. COTTON. The Senator's amendment, if adopted, will it automatically eradicate from the bill the two rather inconsistent provisions which have just been adopted?

Mr. MUSKIE. No. This amendment does not touch that at all.

Mr. COTTON. It does not change the ultimate amount fixed as a goal by the Senate in the bill.

Mr. MUSKIE. The Senator is correct.

Mr. COTTON. I wish it would eradicate these other actions, not the goal, but the inconsistent provisions we have adopted.

I highly commend the Senator for offering the amendment. I am entirely for it. I think that this matter of setting up a ceiling works exactly opposite to what is intended because every Member, consciously or subconsciously, thinks that he can vote for any kind of appropriation he wants to and that because there is a ceiling, it is not going to do any harm because the President or someone else—some nebulous authority somewhere—will balance the books. The result is that we simply promote our own irresponsibility.

I felt that the entire House provision was much superior to what has been proposed by our committee in the Senate. I wish the Senator's amendment had started as a clean slate. I shall take pleasure in supporting it.

Mr. MUSKIE. I may say that I was tied up elsewhere, or I would have offered it earlier this afternoon. It might have forestalled some of the action taken.

I think this amendment will assure

orderly consideration of any changes the Senate wants to make in any appropriation bill as we go through the entire process in the weeks ahead.

Mr. COTTON. I certainly commend the distinguished Senator from Maine for his proposal.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. MUSKIE. I yield.

Mr. CURTIS. I read the language in the House bill. I followed the amendment offered by the distinguished Senator. But I am not sure I understand how it works. Suppose in a given appropriation bill Congress saw fit to disallow a request, say, of $100 million for something within the President's budget. What would happen if the amendment the Senator proposes were the law?

Mr. MUSKIE. Then the Director of the Budget, as I understand it, must report to the President and to the Congress his estimate of the effect of such action on expenditures and net lending and on the limitation set forth in the bill.

Mr. CURTIS. Aside from reporting it, what else happens?

Mr. MUSKIE. The language reads:

> The limitation set forth herein shall be correspondingly adjusted.

Mr. CURTIS. That is what is unclear. Does it mean, then, that if the Congress saves $100 million in one instance, the budget ceiling is thereby lowered $100 million, or does it mean that that saving does not go to the taxpayers or to the Treasury, but makes it possible to raise some other item in the appropriation process? I do not think it is clear what the language, that the ceiling shall be appropriately adjusted, means. Adjusted to what?

Mr. MUSKIE. As I understand it, it is the duty of the Director of the Budget to keep a running record of the net impact and net result of the adjustments in appropriations made by the Congress from the President's budget estimates. Those figures should be available to us on a running basis, but, in any case, under the second part of the amendment, we would have a formal report at the end of each month.

Mr. CURTIS. But what does that change? That is my question.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MUSKIE. May I answer the question first? What is changed, if there is a change, is the spending ceiling.

Mr. CURTIS. Changed in what way? If the Congress saves some money, if the Congress declines to appropriate, say, $100 million, does the ceiling then come down $100 million, or does the ceiling remain the same and that money is available for some other purpose?

Mr. MUSKIE. As I understand it, it would go up or down depending on the nature of the adjustment Congress has made. Let me say this is language from the House bill. I am not certain of the House interpretation of the language, but, as I read the language—and this is what attracted me to it—I think the effect is to change the ceiling up or down depending on action the Congress takes with respect to each appropriation bill.

Mr. CURTIS. So the more we save in the appropriation process, the lower the overall ceiling becomes?

Mr. MUSKIE. That is as I understand it.

Mr. CURTIS. I think it is most unclear what it means.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. COTTON. I will ask the distinguished Senator from Maine if it does not mean exactly this: that every time the Senate cuts an appropriation, every Senator knows he is reducing the aggregate appropriations for the year, or at least at that point he is reducing them by so much, and every time we exceed it, everyone who votes for it knows he is voting to push up the aggregate spending for the year. Consequently, there is an incentive every time we vote, either because we are pushing it up or we are doing the praiseworthy thing, in most cases, of reducing the ultimate spending.

Mr. MUSKIE. That is exactly as I understand it.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. CURTIS. If it is true that our actions on an appropriation bill result in exceeding the President's budget, and we therefore raise the ceiling established in this act by that much, which means that we have no ceiling—that we have a ceiling until we vote money to raise it—does not the language become meaningless?

Mr. MUSKIE. No. I agree that that is the effect, but I say that does not render the action taken today meaningless, in my judgment. We are setting the ceiling. The Senator knows, from the experience we had in the Senate last year, that the setting of the ceiling did not act as a prohibition, subsequently, against increases in spending by the Congress—we approved increases for controllers in our airport towers, for example.

I am saying here, let us set a ceiling, which operates as an inhibition as much as it did last year, but if we subsequently change it, as I read the language, we get the impact in figures from the Director of the Budget. The country gets it. The President gets it. We get it for whatever influence it will have on our votes on those appropriations.

Mr. CURTIS. I commend that part of the amendment which directs the Bureau of the Budget to send down that information. I think it is a good thing for the Congress to have, and I think it is a good thing for the public to have, and I think it is a good thing for the President to have. We call it a ceiling, but it is a sort of telescoping process—if the Congress continues to increase appropriations, the ceiling always goes up.

Mr. MUSKIE. I do not think it changes what it is going to be, anyway. I may say to the Senator I think it is a recognition of the realities at this point.

Mr. CURTIS. I think, in light of the language adopted, what the Senator is saying is correct—you cannot have a ceiling and have holes in it.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. COTTON. It is not a fact that this is not a ceiling, because it never has been and it never will be? It is a goal. I think the Senator, in his earlier remarks, referred to a hallmark. But it is a goal rather than a ceiling. It is a goal we set for ourselves. We know, and everyone who knows the appropriating process knows, that is all it is and all it was last year. But the people do not know it. I agree with the Senator that this approach is the most honest, and also puts every Senator on his clear duty and notice that when he casts a vote he is either bringing that goal nearer or else he is pushing it away. Therefore, we are not divesting ourselves of personal responsibility.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MUSKIE. May I make one comment in response? Then I will yield to the Senator from Florida.

To do otherwise is to suggest that we adopt as a ceiling the President's budget estimate. That is delegating to him the appropriation process. We have the duty, and the privilege, I think, of evaluating these budget estimates for ourselves and passing judgment on them, increasing them or decreasing them; and we do both. It seems to me that by setting a ceiling as a goal, and still preserving the realistic recognition of our own duty and still continuing a role in the appropriation process, we are being realistic and honest.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. HOLLAND. I want to call attention to the fact that we are talking about two different things. The proposed ceiling is a ceiling on expenditures. The matter which will be reported to us and which we might otherwise not know is the question of how our reduction or increase of appropriations—not expenditures—will be reflected in the expenditure budget for 1970.

That is information we need to have. It is information that does bear on the success of our efforts. I think this is a good proposal. However, we should very carefully distinguish between the two things, because the amendment would provide that when Congress exceeds or goes under the request of the President for appropriations or other budgetary proposals—as for contractual authorizations—that fact should be reported by the Bureau of the Budget to the President, and the Budget Bureau should report to the President and to Congress how that action affects the expenditure budget for 1970. Otherwise, we will not know that.

Suppose we pass an appropriation bill in October, as we have done many times, and the appropriation was not designed, in the beginning, to be spent in 1 year, but we know now that the 1 year's portion is going to be spent over a lesser period than 1 year. The Director of the Budget will know when he will begin to approve payments from that appropria-

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tion—in other words, when the administrative setup has been completed—and can report to us how much will be expended out of that appropriation prior to June 30, 1970.

I think this is a good provision, and something like it is the only way in which we will be able to keep up with the effect on the expenditures budget of our own action on the appropriations budget. I wish to make that point very clear.

Mr. MUSKIE. I think the Senator from Florida. The Senator is a member of the Appropriations Committee, and more experienced at interpreting this kind of language than I; so I appreciate having his comments as a part of the legislative history.

Mr. MUSKIE. Mr. President, this is the second straight year that members of the Appropriations Committees have recommended that Congress impose limitations on expenditures, and there are strong arguments for such limits in light of the inflationary pressures on our Nation's economy.

But arbitrary ceilings threaten to cut the budget of the hunger programs while millions starve, to lower investments in education programs when the education of so many of our young people is clearly inadequate and to undermine the commitments we have made to water pollution control programs, housing construction, medical care, summer jobs, and poverty programs. Most of these programs have not even been funded at half of their authorized levels. Crying needs have gone unanswered.

All of us are aware of these needs. Many of us have gone before the Appropriations Committee to request higher appropriations for programs to which we are deeply committed; others will make similar requests later in the session.

America faces a problem of priorities, and Congress has taken the lead in trying to carve out America's new priorities and to implement them. We are already restricted in our efforts to deal with the critical problems that face the Nation by the pressures of inflation, and it would be a grave mistake to further restrict our options by imposing the strict ceiling on expenditures which the committee has recommended.

The ceiling is retained as a goal, but this amendment incorporates the House-passed provisions that congressional decisions on increasing or decreasing appropriations for particular items may adjust the ceiling up or down.

The President has made cuts in the budget, and the Congress should respect his decisions in setting an initial ceiling. tion is on agreeing to the amendment of the budget and increases in others that the Congress may wish to make in the next few months. There is no reason why we should tie our hands this early. Therefore, I urge the Senate to accept the alternative language which I now offer.

The PRESIDING OFFICER. The question is on agreeing to amendment of the Senator from Maine.

The amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, as I understand it, the pending vote is on the Byrd committee amendment, as it has been modified by all the exceptions that have been thought of up to this point. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILLIAMS of Delaware. Mr. President, I am one who has advocated a ceiling on Government spending. I think we need a ceiling on expenditures. I was the author of the first expenditure ceiling which went through Congress last year as part of the tax increase bill.

I said then and I feel now that when Congress considers the question of increasing taxes it is just as important that Congress consider what it is going to do with spending as well as what it is going to do with bringing in additional revenue; and if we were only going to raise taxes for the purpose of bringing in $8 billion or $10 billion more to pour into the spending stream, as far as I am concerned we are only defeating the purpose and creating more inflation. I happen to be one who thinks that many of the private citizens have as much intelligence and sense about how to spend their dollars as does some bureaucrat in Washington.

The so-called ceiling we have before us today is a ceiling in name only. I shall vote against it. I will not be a party to supporting a principle which apparently seeks to give to the American people the idea that Congress is launching an economy drive and that we are putting a ceiling on expenditures. In reality Congress is doing nothing of the kind, but rather here today the Senate has laid the groundwork for the largest spending spree that has ever been conceived, greater than those of either the Johnson administration or the Kennedy administration.

I wish to review briefly just what these exemptions for various programs mean mathematically; and if anyone wishes to take exception to my figures as we go along and point out where I am in error I shall be glad to yield at any time because I think this is one of the greatest farces ever suggested, as far as the American people are concerned.

We start out with the committee proposal of a ceiling of $187.9 billion on expenditures for fiscal 1970, as compared with the ceiling that was projected in the House of Representatives amendment of $192.9 billion.

On the surface that looks as though the Senate were saving $5 billion. But let us see what we are doing.

No. 1, we start out, on page 71, paragraph (1), where we find reference to the open ended programs and fixed costs in the table appearing on page 16 of the budget of the United States. They are exempted to the extent that the expenditures for those programs in fiscal 1970 exceed the 1969 level.

Let us refer to page 16 of the budget. As the first item there we find social security, medicare, and social insurance trust funds. This exception adds $2.9 billion as an expected increase over the 1969 budget. That automatically—and I emphasize the word automatically—raises the committee ceiling of $187.9 billion by $2.9 billion, and we now have a ceiling of $190.8 billion.

The next item exempted is interest on the national debt. That is projected at $800 million over 1969; so that adds another $800 million, and we now have a ceiling of $191.6 billion.

The next item exempts all civilian and military pay increases. These are the ones that are supposed to go into effect July 1 and were referred to in the President's message yesterday. In 1969 there was nothing for that item, because these salary increases do not go into effect until July 1, 1969, but the cost of these increases is projected as an extra $2.8 billion for the 1970 fiscal year; so, therefore, that is another automatic increase, bringing the ceiling up to $194.4 billion.

The next exemption is the public assistance programs, including medicaid. That adds another $1.1 billion, and we have a ceiling now of $195.5 billion.

Farm price support programs are estimated in this budget as being $500 million less than last year; so we subtract the $500 million and are back to $195 billion—although I might add that there is a big doubt in my mind as to whether that item will materialize as a savings.

The next two items cancel out, because postal operations add $100 million and then there is an item designated "other"—I have no idea what the "other" means except that it involves projected expenditures of $1.5 billion next year—supposedly representing savings of $100 million there. But when these tabulations are considered there is a $195 billion ceiling on the bill now before us.

Then we take the amendment of the Senator from Maine that has just been agreed to, and we find both ends of the barn open and the roof off. The American people should know we have no ceiling whatsoever, so why try to kid them. Let me read it.

This says:

> That whenever action, or inaction by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations thereon, the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on expenditures and net lending, and the limitation set forth herein shall be correspondingly adjusted.

That means the flexible ceiling will be raised automatically to cover any expenditure increase which this Congress may approve. In addition, under the Muskie amendment the ceiling automatically rises by the inaction of Congress on a recommendation of the President asking for new revenues.

Now, what are some of the proposals the President has made? He suggested that we raise postage rates effective July 1 of this year, which will bring in $519 million additional revenue. I have as yet to see any bills on the floor of the Senate to raise those rates, and every Senator knows they are not going to be raised, at least effective July 1. That automatically—and I emphasize again

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the word automatically—adds $519 million to this flexible ceiling. So we are back to a $195.5 billion ceiling.

Now, it is true that when you move over to the amendment exempting Southeast Asia costs in section 2 of the committee's bill, the budget projection on page 27 indicates there will be a $3.4 billion reduction on that item, and if that reduction materializes it will reduce the ceiling correspondingly. But even then we will have the figure of $192.1 billion as a ceiling.

Then there are other exemptions added here today. The Senate has exempted HEW, or a good substantial part of HEW. I have no idea exactly what that extra exemption means; however, I understand that this one action is well in excess of $1 billion.

Congress has exempted the impacted areas, which adds another $200 million.

We have been unable to get any estimate on section 2 of the committee bill as to what the net increase would be, but I understand it is in excess of a billion dollars.

Under any circumstances, we have a ceiling of approximately $195 billion. Under the committee proposal there will be a higher spending ceiling than even President Johnson proposed, and he was no piker when it came to talking about spending the taxpayers' money.

I certainly will not be a party to approving any such farce.

I think we need expenditure control; however, it is certain that no expenditure control is involved here.

I refer to another item in President Johnson's budget—and that is all this bill relates to, President Johnson's budget, not the Nixon budget—the President recommended an increase of social security taxes of $1.6 billion next year.

I have as yet to hear anyone come up and say, "I am recommending or introducing a bill to raise the social security taxes." By our inaction or failure to act on the President's request it automatically adds another $1.6 billion to the budget.

Then there is a budget proposal to add a user's tax on the airwaves—$400 million. That has been suggested by both Presidents, and I have as yet to hear any enthusiasm in that direction. There is $400 million involved in that proposal, and unless Congress acts this represents another budget change.

When we get through, a $200 billion spending level is permissible under the pending bill without any further action by Congress, and we never have to change the ceiling.

I have discussed this with the officials of the Bureau of the Budget, and this is their interpretation. I have said, "I want no misunderstanding of your interpretation if this bill is passed as it is reported by the Senate or by the House."

We have a situation now in which the House bill and the Senate version are the same on these automatic esculations. So the language will not be in conference. Therefore this interpretation will stand regardless of what the conferees may wish or not wish to do.

The Muskie amendment was the language of the House amendment.

The committee bill is in fact a floating ceiling. It floats up as Congress sees fit to increase spending. I would say that this version of a so-called spending ceiling is a spendthrift's dream. I certainly want no part of it. It serves but one purpose, and that is to fool the taxpayers.

I shall vote against it. I hope that at some later date Congress will recognize what it has done and that an opportunity will be afforded to correct today's action. Certainly we have no spending controls here, at least so far as I can see. I say that as one who has worked as much in this area as some of the rest.

These interpretations are not just mine but are also the point of view of the committee and the Director of the Budget.

My only suggestion is that if the Senate insists on approving the committee's recommendation it add one more amendment. That is an amendment which would be equally popular. Why not say in that amendment that the Senate loves mothers and all of the little children. People like that, and it would be as effective as what the Senate is doing here.

Mr. BYRD of West Virginia. Mr. President, I have a great deal of admiration for the Senator from Delaware. I admire his courage and tenacity. I admire his knowledge in this and other fields. I admire him as a very honorable opponent in this contest in which we have been engaged for the last 2 or 3 days. However, the Senator used the word "farce."

I do not think any Senator who supports the committee provision thinks he is engaging in a farce or that he is perpetrating anything on the Members of the Senate or that he is trying to fool the American people.

Mr. WILLIAMS of Delaware. Mr. President, I do not say that the Senator is intentionally promoting a farce. I expressed my high opinion of the Senator yesterday. I only refer to the committee proposal as it is now before us. Perhaps "farce" is a harsh word. Perhaps it would be better just to say it is not worth the paper it is written on.

The fact remains that this has no effect whatsoever, I do not care what language is used.

Mr. BYRD of West Virginia. Mr. President, the Senator has every right to place whatever interpretation he wishes on what the committee has done.

I just want to say in closing before we vote on the amendment that what the Senator from Delaware really wants is a deeper slash, and that is all right. I do not criticize him for that. He also wants to exempt fewer activities from the cuts, and I do not criticize him for that. But we went up this Hill and down on yesterday and the day before.

I simply want to say in summation that what the committee is doing here is recognizing that some items are unpredictable, such as the war in Southeast Asia, and that others are mandatory, fixed, or uncontrollable. I do not agree with the figures that the Senator has been using. The Senator has been using the figures from the budget document that came up here on January 15.

I am using the latest figures. Any Senator may call the Bureau of the Budget if he wishes and get the figures I have used. That is not too important at this point; however, except that those who read the Record must be put on notice that the figures the Senator is using are old figures and out of date.

Mr. WILLIAMS of Delaware. Mr. President, the figures I used in my arguments are the figures referred to in the committee amendment. I quote the source. It is on page 71, lines 9 and 10—House document numbered 91–15, part I, 91st Congress.

The committee amendment refers to the budget of the United States. Here it is. I challenge the Senator from West Virginia to show anywhere in his committee amendment or in any other amendment attached thereto where it refers to any figures other than those in the budget of the United States. How accurate those figures are is beside the point.

Those are the figures to which the Senator's committee referred. Those are the figures I am quoting. Far be it from me to defend the accuracy of President Johnson's figures, but those are the ones to which the committee referred.

Mr. BYRD of West Virginia. Mr. President, the bill does not refer to figures. It refers to items. The "items" that appear on page 71 of the bill identify the items, such as the war in Southeast Asia, interest on the national debt, mandatory civilian and military pay increases, price supports, Commodity Credit Corporation, veterans benefits.

It refers to the items but not to the figures. We said all of this yesterday and the day before.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I do not want to quarrel with the Senator from West Virginia whom I respect, but he is in error. To prove my point, I ask unanimous consent to have printed in the Record the part on page 71 of the bill from line 1 through line 12. It speaks for itself.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Provided, That such amount shall be increased or decreased by the aggregate amount by which the sum of expenditures and net lending in said fiscal year are greater than or lesser than the sum of expenditures and net lending in the fiscal year ending June 30, 1969, for—

(1) items designated "Open-ended programs and fixed costs" in the table appearing on page 16 of the budget of the United States for the fiscal year 1970 (House Document Numbered 91–15, part I, Ninety-first Congress);

(2) the item designated "Special Southeast Asia support" in the table appearing on page 27 of that budget;

Mr. WILLIAMS of Delaware. The figures I quoted are taken from page 16 of that budget. If there are other figures I respectfully ask that the Senator from West Virginia incorporate them in the Record at this point. I cannot find them.

Mr. BYRD of West Virginia. Mr. President, the Senator has read into the Record the language which refers to the items designated at such and such a page in such and such a document. The language did not refer to figures therein and could not because the figures will change.

There still are several days in fiscal year 1969. We do not know exactly what the expenditures will finally be. I do not care what book is cited. All we are saying in this language is that the $187.9 billion shall be exceeded by the amount by which the uncontrollable expenditures in fiscal year 1970 exceed the amount spent in fiscal year 1969. We state that we are exempting certain items, and we go to the budget document to find out what those items are. The Senator has read them: Support for Southeast Asia, interest on the national debt, social security, and so on. Those are the items. But the figures in that book were sent up here on January 15. The figures I have here came from the Bureau of the Budget on May 20, and yet even these latest figures are subject to change.

Why try to tell the people that the figures in that document of January 15 are the final figures? I do not say that about these May 20 figures, but these do bring us to a closer estimate of the overall situation as it today stands.

Mr. WILLIAMS of Delaware. The Senator will not dispute the fact that regardless of what the final figure may be when 1969 ends, to the extent that fiscal 1970 exceeds them the projection referred to is an automatic increase. The Budget Director's office said that is the way they are going to interpret the committee amendment.

I respect the Senator from West Virginia, but I disagree with him on this point. I am ready to vote, but I shall vote against the amendment. As I stated earlier, I will not use the word "farce"; I will not say it is not worth the paper it is written on; but I have been in a barn without a roof and never got as wet as the American people are going to get soaked under this bill.

Mr. BYRD of West Virginia. Mr. President, regardless of what happens in the category of the uncontrollables, we cannot control here today what is going to happen to the interest on the national debt. We will have to pay it. We do not appropriate it every year. It already has been appropriated. We cannot, by our action on an appropriation bill, reduce the amounts for social security. They already have been appropriated. We cannot reduce, by our actions on appropriations, the amounts to which we have already committed ourselves for price support programs. We might change it a year from now through legislation, but we cannot change the price supports expenditure through appropriations. These are then uncontrollables.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I will not yield at this time, but I will be glad to yield later.

These are areas in which we really have no control unless we change the basic laws. We have to appropriate whatever we are committed to appropriate. But there are other areas which are controllable and in which we can execute reductions.

We are not putting anything over on anybody, and nobody will get wet because of the holes in the roof of the barn that has both doors open. The committee is simply saying that, so far as the controllables are concerned, Congress and/or the administration must make not less than a $1.9 billion reduction under the President's estimates in fiscal year 1970.

It is written in here to that effect, and it is as plain as the nose on the Senator's face. I shall read it:

> Such reservations by the President shall be in amounts sufficient to insure reductions of not less than $1.9 billion.

Now, that is in the controllables. Who would expect us to reduce the expenditures in the uncontrollables? All we can do is reduce the expenditures in the controllables. If the Senator wants to force Congress or the President to reduce those controllable expenditures by an additional $5 or $10 billion, let him offer his amendment, and we will vote on it. But that is all we can do. That is all God's angel's can expect us to do—to cut or to raise the expenditures in those items which are controllable and which annually come before Congress for its decision. Parenthetically, may I say that of the $210 billion in the 1970, only $143.8 billion will be within reach of, and subject to, congressional action.

Mr. WILLIAMS of Delaware. Mr. President, I shall not delay this vote. We have debated this amendment for 2 days.

The Senator spoke of noncontrollable expenditures, and then he mentioned price support programs. These are controllable expenditures. It is expected that next week a bill will be before the Senate—the House already has acted on it—to limit to $20,000 the payments to any one farmer under the agriculture program. If the Senate sustains the House action it will make a difference of approximately $200 million in the cost of administering the program, and half of this savings will be into the next fiscal year.

Mr. BYRD of West Virginia. That is what we are talking about.

Mr. WILLIAMS of Delaware. There are other controllable items which have been exempted under the committee bill. Why exempt the legislative branch? Why exempt the judiciary? These are items which can be controlled, and in my opinion we will have to control them if we really are going to bring expenditures down to the level where we can afford them. I would dislike to see a tax bill go through Congress unless we can assure the taxpayers at the same time that this Congress is not going to use all that additional revenue just to expand the spending programs.

I recognize the difference between the opinions of the Senator from West Virginia and myself, but that is my interpretation of this committee bill; and so far as I am concerned I am ready to vote.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table of budget outlays estimated as of May 20, which was secured from the Bureau of the Budget. This is the table of statistics from which I have been quoting while the Senator from Delaware has been resorting to the figures used in the January 15 budget document.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BUDGET OUTLAYS (ESTIMATED)

[In billions of dollars]

	Fiscal year 1969	Fiscal year 1970	Fiscal year 1970 change
Grand total	185.6	192.9	+7.3
Uncontrollables and special support of Southeast Asia	−103.6	−106.7	+3.1
Special support of Southeast Asia	(29.2)	(25.2)	(−4.0)
Open-ended programs and fixed costs:			
Social security, medicare, and other social insurance under existing law	(39.3)	(42.1)	(+2.7)
Interest	(15.6)	(16.4)	(+.8)
Civilian and military pay increase		(2.8)	(+2.8)
Veterans' pensions, compensation, and insurance	(5.7)	(6.1)	(+.3)
Public assistance grants (including medicaid)	(6.3)	(7.2)	(+.9)
Farm price supports (Commodity Credit Corporation)	(4.3)	(3.6)	(−.8)
Postal operations directly related to mail volume	(.5)	(.5)	
Legislative and judiciary	(.4)	(.4)	
Other	(1.9)	(2.1)	(+.2)
Federal aid to schools in impacted areas	(.4)	(.4)	
Remainder after deducting above uncontrollables and special support of Southeast Asia	82.0	86.2	+4.2
Included in remainder:			
Department of Defense	(49.0)	(52.5)	(+3.5)
Other	(33.0)	(33.7)	(+.7)
Included in remainder figures: Prior-year contracts and obligations	(17.6)	(18.9)	(+1.3)

Mr. ALLOTT. Mr. President, I will not detain the Senate more than a few minutes. I have been a member of this committee for some time, and I do not feel that I can permit the exchange that has occurred to go by without making some remarks.

I have a great deal of respect for the distinguished Senator from Delaware. At this time I say to the distinguished Senator from West Virginia that he has handled this bill with the greatest of thoroughness—probably the greatest thoroughness and capability of anyone whom I have ever seen handle it—and I pay my respects and my compliments to him for what he has done.

However, I must say—and this is the reason why I speak at this time—that I think he is in error in his interpretation of the bill—or at least of lines 1 to 10 on page 71 of the bill—and I think that in that respect the Senator from Delaware is entirely correct.

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The key words are those that occur on line 4, and those are the figures—the sum of expenditures. The sum of expenditures, when coupled with the words in the following paragraph, subparagraph 1, referring particularly to House document numbered 91–15, part 1, 91st Congress, in my opinion, do exactly what the Senator from Delaware has said. I think that the Senator from West Virginia, on further reflection, might believe that his restriction of his interpretation, that it refers only to items, is too strict an interpretation and one which he would not want to follow. However, I believe every one of us understands what the nature of this is.

The real question is going to be whether this Senate and this Congress in subsequent bills reflects and adheres to some kind of disciplinary program of restraint in spending. This is the key to the entire situation.

There are a few of us here, particularly those who serve on the Committee on Finance—I am not on the Committee on Finance but I serve on the Committee on Appropriations—who know the problems we face. I might add that I am very concerned and I intend to speak at some length on the floor of the Senate about the extent to which the Federal Government is earmarking itself to death. I shall expand on that thought to some extent later.

We now have a situation where actually defense appropriations are eliminated. Under the circumstances most of them at least are not controllable in my mind. Technically they are controllable, but under the situation in which we find ourselves today as realists they are not controllable except within narrow limits. If those items are included as uncontrollable, which they are for the most part, then today Congress is left really with control of only $20 billion out of a total budget of something like $191.9 billion.

In my own previous statements, I have been very generous, and I have said we had as much as $30 billion of controllable items. If one were to take the higher figure, it is shocking and alarming that this Congress has permitted itself to get into a box through trust funds, through commitments, and through contract authority. These are items I shall discuss later. Congress has gotten itself into a box really where we have control over only $20 billion in the Federal budget.

Mr. CURTIS. Mr. President, will the Senator yield for an observation?

Mr. ALLOTT. I yield.

Mr. CURTIS. Mr. President, I wish to commend the distinguished Senator from Colorado for mentioning this very important item.

As a member of the Committee on Finance, and before that the Ways and Means Committee in the House of Representatives, this matter has worried me for a long time. What we are required to spend this year is not the result of decisions that are made this year or by this Congress. It is largely the result of the decisions that have been made during the last 25 years, accumulative in nature, with built-in programs, commitments to people, commitments to communities, to industries, and to foreign countries. The long-range effect of the votes that we cast for or against legislative proposals that set Government programs into motion are more far-reaching than we realize. We sometimes have heard talk of the many new programs started under the Johnson administration. That is true. But I predict we will not feel the effect of all of those programs for possibly 10 years.

Mr. ALLOTT. I thank the Senator very much. Of course, he is entirely correct. I shall mention two or three of these matters, Mr. President.

I forget how much we have appropriated to date for the rent supplement program. I shall not mention a figure because it escapes my mind. However, the fact is that one must multiply that amount by 40 years in order to realize the impact it has on our budget.

In this particular bill, for example, we are making a commitment to IDA, the International Development Association, for $160 million, which is only one part of three payments we will make, making a total of $480 million, which is a half billion dollars. So we have already earmarked for future Congresses for next year and the 92d Congress that will come in after that, $160 million, and they will have no choice but to pay.

The same thing is true in this bill. We have $50 million in the bill for section 235 funds, and $50 million for section 236 funds. But let us not fool ourselves a bit about this matter. For practical purposes it may be diminished somewhat. What we are committing ourselves for on this part of the section 235 funds is as follows. They have already had $25 million, so that makes $75 million for this fiscal year on each of the section 235 and section 236 funds. That is a total of $150 million for this year.

Let us not deceive ourselves. What we are committing ourselves to by doing so is that by giving them the contract authority we are committing ourselves to that sum of $150 million for 40 years in the future, which may be diminished slightly as the incomes of some people rise and perhaps they do not take full advantage of it.

Mr. President, we are painting ourselves into the corner. If any man ever painted himself into the corner, this Congress is painting itself into the corner and past Congresses have painted themselves into a financial corner from which it will be very difficult to remove ourselves. The taxpayers' revolt which we hear about, read about, and get letters from our constituents about, and about which they talk to us, arises from exactly such things as this.

I do support the amendment of the committee because I believe that the provisions on line 24, and subsequent lines, adequately protect us; and they will have a good go at it in conference also.

I thought this was an appropriate place to say I do agree with the interpretation of the Senator from Delaware, and also to call attention of the Senate to this matter because there has been some disposition on the floor of the Senate, as we have seen today, to go back to the old spending habits and then realize that we only have $20 billion left in controllable items that this Congress can act on each year. We had better watch the barnyard door if we expect to have a barn in which to keep the horses in the future.

AMENDMENT NO. 42

Mr. TALMADGE. Mr. President, I call up my amendment No. 42 and ask that it be stated.

The PRESIDING OFFICER (Mr. SPONG in the chair). The amendment will be stated.

The assistant legislative clerk read as follows:

> The proposed section 401 of the bill is amended by striking out "and" in line 13, page 71 and by striking the period at the end of line 16, page 71 and inserting in lieu thereof a semicolon, the word "and," and the following new subsection:
>
> "(4) the item designated 'Veterans benefits and services' in the table appearing on page 69 of the budget of the United States for the fiscal year 1970 (House Document Numbered 91–15, part I, Ninety-first Congress)."

Mr. TALMADGE. Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, as reported by the Committee on Appropriations of the Senate, the exemptions for the Veterans' Administration programs from the proposed limitation on fiscal year 1970 outlays would only include veterans pensions, compensation, and insurance.

This would not include the billion-dollar medical and hospital program and the essential services directly required for the administration of all the veterans programs.

Accordingly, I propose an amendment which will clearly exempt all veterans benefits and services.

This amendment is entirely consistent with the Senate's agreement to the conferees' report to accompany the bill which became the Revenue and Expenditure Control Act of 1968. At that time, the language regarding veterans programs was expanded by the conferees to attain the result proposed in the accompanying amendment in order to make certain that the veterans medical program and necessary services would not be jeopardized by an inflexible limitation on budgetary outlays.

Mr. President, the Vietnam war produces approximately 75,000 new veterans each month. The Congress has passed legislation offering a wide range of well-deserved benefits to the veterans. Demands on every major program of the Veterans' Administration are greatly increased over last year. In the medical program alone during the first 9 months of 1969, more than 14,000 more veterans were admitted to VA hospitals than during the same period in 1968—and yet—Mr. President, under the personnel for-

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mula in the Revenue and Expenditures Control Act of 1968, the VA was forced to operate its hospital system with 5,000 fewer employees than they had in 1968—which, mind you, was the same number of employees which they were operating with on June 30, 1966.

The other workload increases in the Veterans' Administration comparing the first 9 months of fiscal years 1968 and 1969 are:

Outpatient visits, up 286,679.

Dental exams, up 22,043.

Dental treatments, up 15,500.

New prosthetic appliances, up 22,844.

Social work caseloads, up 6,999.

Mental hygiene clinic cases, up 3,905.

Clinical laboratory weighted work units, up 5,197,661.

Prescriptions filled, up 1,003,013.

Compensation and pension claims, up 226,113.

Education applications and authorizations, up 445,455.

Education counseling actions, up 22,547.

Loan gurantee appraisal requests, up 18,336.

Guardianship beneficiaries, up 61,357.

Contact personal interviews, up 112,992.

Contact telephone interviews, up 1,787,097.

Incoming mail, up 4,209,047.

Senators should not forget, Mr. President, that the casualties of the Vietnam war are being treated promptly in Veterans' Administration hospitals without the necessity of building a single new hospital. These new patients have been absorbed in the general workload of the Veterans' Administration and we are all happy and proud of that fact, but we cannot permit this agency, in the middle of a war, to suffer a cut that will impair its operations.

Mr. President, there is another factor which has increased the workload in the Veterans' Administration.

When the servicemen came home from World War II they sat around in barracks for a week, and had plenty of time to be counseled. Today, when they come back from Europe, Korea, or Vietnam, they are right out of the service. Now the VA goes to Vietnam.

The Veterans' Administration maintains a staff of 10 contact representatives at seven locations in Vietnam. As of April 30, 1969, a total of 718,164 soon to be discharged GI's had been oriented on their potential GI benefits. Since the inception of this program more than 77,000 personal interviews have been conducted and almost 30,000 actual applications for benefits have been filed by GI's before departure from Vietnam. VA representatives assigned to duty in Vietnam are all volunteers and their tours are for 6 months' duration. Two VA contact representatives have been killed in Vietnam while carrying out their responsibilities.

The VA is conducting a comprehensive bedside assistance program while wounded GI's are still hospitalized in 115 military hospitals. During fiscal year 1968 more than 7,000 visits were made to military hospitals and personal interviews were conducted with 61,867 disabled servicemen. Vocational rehabilitation applications totaled 20,269 and claims for compensation approximated 25,000.

Preseparation group orientation on benefits is provided at 288 military separation points each month. During fiscal year 1968 almost 8,000 visits were made to these separation points by VA contact representatives, over 496,000 servicemen were oriented, and 70,265 personal interviews were conducted.

Certainly, Mr. President, our brave young veterans are entitled to the full range of benefits already granted by the Congress—and they must receive proper service for their future needs. I for one, Mr. President, intend to see that this solemn commitment is fulfilled because there has been no ceiling on death or injury in Vietnam and I do not believe the people of this Nation want the Congress to place a ceiling on the compassion our country has for its veterans, and the agency which must look after these men.

Mr. President, I ask unanimous consent to have printed in the Record various telegrams on the subject received from national commanders of veterans organizations.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Washington, D.C.,
June 16, 1969.

Hon. Herman E. Talmadge,
U.S. Senate,
Washington, D.C.:

The Veterans of Foreign Wars of the the United States wholeheartedly supports your effort to insure that veterans benefits and services will not be curtailed at a time when casualties in Vietnam and the return of 75,000 veterans to civilian life each month imposes increasing burdens on the Veterans Administration. We have urged your colleagues in the Senate to support amendment of the second supplemental appropriation bill, 1969 (H.R. 11400), to add veterans services to exemptions, including veterans benefits, already approved by the Senate Committee on Appropriations.

We appreciate your strong support of the Nation's commitment to its veterans.

Richard Homan,
National Commander, Veterans of Foreign Wars.

Washington, D.C.,
June 16, 1969.

Hon. Herman Talmadge,
Old Senate Office Building,
Washington, D.C.:

The Disabled American Veterans commends you for your efforts in behalf of the Nation's veterans and strongly supports your amendments to exempt veterans benefits and services form the spending ceiling proposed by H.R. 11400.

Wayne L. Sheridon,
National Commander, Disabled American Veterans.

Washington, D.C.,
June 16, 1969.

Hon. Herman E. Talmadge,
Senate Office Building,
Washington, D.C.:

The veterans of World War One are deeply concerned over certain provisions of H.R. 11400 as reported by the Senate Committee on Appropriations. Payments of pensions, compensations and insurance are excluded from proposed limitations on fiscal year 1970 outlays. However, the billion dollar medical-hospital program which treats almost 800,000 sick and disabled veterans each year and other essential services for benefits already voted by the Congress are not exempt from the proposed bill.

The total veteran population has soared over 27,000,000 veterans this year and with 75,000 new veterans being added to the rolls each month from the Vietnam war unprecedented demands are being made on VA facilities. There are alarming backlogs of cases at practically all VA regional offices and over 14,000 more veterans were admitted to VA hospitals in the first nine months of fiscal year 1969 than during the same period in fiscal 1968.

The Veterans of World War One strongly favor the amendment which you plan to offer to H.R. 11400 exempting all veterans benefits from the ceiling which is proposed by the bill.

Victor V. Miller,
National Commander, Veterans of World War I, U.S.A. Inc.

Washington, D.C.,
June 16, 1969.

Hon. Herman E. Talmadge,
Senate Office Building,
Washington, D.C.:

The American Legion strongly supports your amendment to H.R. 11400 to remove VA from spending and personnel ceilings on budget expenditure for fiscal year 1970 so that the veterans programs will not be further jeopardized.

Approval of your amendment will assure that VA will be able to carry out its mission to war veterans and their dependents.

Between 70,000 and 80,000 new veterans, many of them disabled, are returning to civilian life each month from the Vietnam war. This, together with increasing workloads in benefits and services to all war veterans is severely impairing VA's ability to effectively administer its programs. The cost of war and veterans benefits—a delayed cost of war—are essential obligations of our Government, and on behalf of the American Legion I thank you for your effort to preserve these programs.

William C. Doyle,
National Commander, the American Legion.

Washington, D.C.,
June 16, 1969.

Senator Herman E. Talmadge,
Senate Office Building,
Washington, D.C.:

H.R. 11400 as reported by the Senate Committee on Appropriations will severely hamper the future operations of the Veterans Administration hospital program which treats approximately 800,000 sick and disabled veterans each year. H.R. 11400 as reported by the committee exempts benefit payments to veterans and their dependents for pensions, compensation and insurance, but does not exempt hospital and other operations essential to serving our Nation's veterans. There are critical backlogs of cases at most Veterans Administration regional offices brought about by the discharge of 75,000 new veterans each month from the Vietnam war. The Veterans Administration cannot be expected to handle this soaring new workload at 1966 funding and personnel levels. AMVETS strongly support the amendment you plan to offer which would exempt all veterans benefits and services from the ceiling proposed in the bill.

Joseph V. Ferrino,
National Commander, AMVETS.

Mr. BYRD of West Virginia. Mr. President, I want to thank the distinguished Senator from Georgia for offering the amendment which really carries out the full intent of the committee. I think that possibly it was an oversight that we did not exempt all of the programs which were exempted last year under the Veterans' Administration. That certainly was the intent of the committee, and the Senator from Georgia is rendering a valuable service in offering his amendment. I thank him for calling the error to my attention.

I feel sure that the amendment should and will be adopted and, therefore, Mr. MUNDT and I are willing to accept it because, as I said before, it merely fulfills and rounds out the exact intent of the committee when it placed the veterans programs in the exempt category of uncontrollable items under the bill.

Mr. TALMADGE. I thank the Senator from West Virginia for his generous remarks and the other members of the subcommittee for accepting this amendment. I felt certain that neither members of the Appropriations Committee nor the Senate meant to cut back on hospital services and benefits for our wounded veterans returning from Vietnam at this time.

Mr. BYRD of West Virginia. That is correct. What the Senator's amendment would do would be to assure that this act will exempt exactly what was exempted last year, with respect to those items under the Veterans' Administration.

Mr. MUNDT. Mr. President, let me say to the chairman of the subcommittee and to the distinguished Senator from Georgia that I am very happy to support some of the veterans organizations, who have called the attention of the subcommittee to this matter; but it was a misinterpretation on our part because we thought we had done precisely what the Senator's amendment will now accomplish. We intended to do that. The Talmadge amendment will button it down firmly and strongly. I assure the Senator from Georgia that the subcommittee will fight the valiant battle in conference to be sure it will still be in the bill.

Mr. TALMADGE. I thank the distinguished acting minority member of the subcommittee.

Mr. BYRD of West Virginia. Mr. President, the Senator from Georgia discussed this with the able Senator from South Dakota (Mr. MUNDT) and with me, and we agreed that we would accept it. We are happy to do so.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 42) of the Senator from Georgia (Mr. TALMADGE).

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended, beginning on page 70 of the bill.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Utah (Mr. MOSS) is absent on official business.

I also announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is detained on official business.

The result was announced—yeas 80, nays 9, as follows:

[No. 39 Leg.]

YEAS—80

Aiken
Allen
Allott
Baker
Bellmon
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cotton
Dirksen
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Goodell
Gore
Gravel
Griffin
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGovern
Metcalf
Miller
Mondale
Montoya
Mundt
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Spong
Stennis
Stevens
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Young, N. Dak.
Young, Ohio

NAYS—9

Bennett
Cook
Cooper
Curtis
Gurney
Hansen
Packwood
Thurmond
Williams, Del.

NOT VOTING—11

Anderson
Bayh
Cranston
Fulbright
McGee
McIntyre
Moss
Russell
Saxbe
Sparkman
Yarborough

So the committee amendment, as amended, beginning on page 70 of the bill, was agreed to.

The PRESIDING OFFICER. The clerk will state the last committee amendment that was not agreed to.

The assistant legislative clerk read as follows:

On page 73, after line 5, insert a new section, as follows:

"SEC. 503. Section 201 of the Revenue and Expenditure Control Act of 1968 (Public Law 90-364, approved June 28, 1968), is hereby repealed."

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, it is my understanding that there will be some controversy on the proposal embodied in the pending committee amendment, and I should like at this time to ask, with the approval of the manager of the bill and the distinguished senior Senator from Delaware (Mr. WILLIAMS), that there be a time limitation on the amendment of 30 minutes, the time to be equally divided between the two Senators.

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, I have no objection to that. All I want is a rollcall vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. WILLIAMS of Delaware. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, it is my further understanding that immediately upon conclusion of the vote on the pending proposal, the distinguished senior Senator from South Carolina (Mr. THURMOND) will obtain the floor to deliver a speech of approximately 30 minutes.

Therefore, I ask unanimous consent that, when the pending matter is disposed of, the amendment to be offered by the distinguished Senator from New York (Mr. JAVITS) be laid before the Senate and made the pending business for tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, I shall attempt to be brief.

This amendment by the committee would repeal section 201 of the Revenue and Expenditure Control Act of last year—Public Law 90-364.

What did that section do? It said that only three out of every four vacancies occurring in the executive branch could be filled, until such time as the overall level of Federal employees was equal to the level of June 30, 1966. It also required that that June 30, 1966, level had to be maintained, once it was reached.

In the testimony before our subcommittee, it was stated by Mr. Mayo and by various department heads and agency representatives that this section 201 had worked a great hardship upon the agencies, that it had been overly stringent, and that in some instances it had caused the agencies to have to expend more money to do the same amount of work than they would have had to expend otherwise. In other words, it ended up costing the Government money in some instances rather than saving money.

For example, the Bureau of Customs was unable to examine all mailed packages, and, as a consequence, it was estimated that the loss in revenue was between $30 million and $40 million.

The Social Security Administration, because it could not fill all of the vacancies that it needed to fill, had to resort to much overtime, and the result was that the agency spent $6 million more in over-

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time than it would have had to spend to do the same amount of work on a regular worktime basis.

The Bureau of Internal Revenue, it was indicated, had lost an estimated $500 million in revenue because of the fact that it was restricted by this section from filling needed positions; and it was also estimated that if the section remains unrepealed, the Bureau of Internal Revenue may lose up to $1 billion in revenues in the forthcoming fiscal year.

Secretary of the Treasury Kennedy has noted that he is faced with the problem of "having professional and upper grade personnel do their own clerical work and typing because of vacancies not being filled at the clerical levels." He has "also had to resort to the costly practice of overtime and use of intermittent—casual—employees, since these are exempt from the ceiling."

Secretary of Transportation Volpe has said that aging facilities of the St. Lawrence Seaway have been maintained only through the use of increased overtime. Furthermore, it has been reported that a number of agencies, contrary to official policy, are resorting to expensive contracting-out of jobs that should ordinarily be done in-house. Moreover, there have been complaints from Federal employee unions that in some installations military personnel are being substituted for civilian personnel in the Department of Defense.

In summation, then, everyone recognizes the validity of the desire to reduce the number of Federal employees. So there is no criticism of the idea behind section 201, but all too often it simply has proved to be unworkable and self-defeating; it has proved to be overly restrictive on some agencies; it has been too rigid, and it has brought about an inefficient utilization of employees; and it has in some instances resulted in higher costs rather than savings, as I have already pointed out; and so both Presidents, Mr. Johnson and Mr. Nixon, have expressed their opposition to it.

The 1970 estimates as submitted by President Nixon and by President Johnson have in both instances assumed the repeal of section 201 of 90-364, and have assumed its repeal at the beginning of fiscal year 1970, the new year.

The House just within the waning days of last month passed two appropriation bills, one making appropriations for the Departments of Post Office and Treasury, and the other making appropriations for the Department of Agriculture. In both of those bills, the other body repealed section 201 for those departments only, and for 1 year only. So, what we are doing here in the bill before the Senate is repealing section 201 permanently and all the way across the board.

I must say that I think Congress accomplished some good in having this section in the law for 1 year.

Some good has resulted. The employment limitations have compelled the closing of a number of marginal installations which should have been closed out sometime ago. An arbitrary limitation enacted by the Congress has been used as the lever to offset the political pressures—sometimes emanating from the Congress itself—which have often forced the continuation of marginal activities.

As bad as it is, the law has also provided some good managers with the incentive to come up with ingenious approaches and new ideas. Moreover, in the past, dollar limitations—due to changing circumstances—have not always prevented agencies from hiring more employees than would be consistent with efficient management oversight. Much hiring can take place near the end of the fiscal year to boost employment levels for the start of the next fiscal year. This higher employment can then be used to justify more dollars since the yearend level of employment must be "annualized." Therefore, some type of personnel constraint, in addition to the dollar constraints, may well be desirable. However, it should relate to agency programs and priorities, and should not be determined by an arbitrary formula.

The President in this administration has already gone on record as saying that he intends to cut Federal employment as much as is advisable and feasible and economical, and that he does not want this restriction in the law which is unduly stringent upon some agencies, more so than upon others. I think we should give him a chance to make good on his promise.

The present administration, I am told, in testimony before the committee and otherwise, has cut the number of Federal employees from the figure envisioned in the Johnson budget by approximately 48,000.

The Johnson budget would have increased the number of Federal employees by 43,000, it has been said, whereas the Nixon administration states it is going to cut that figure out entirely and further reduce employment by 5,000. That makes a total of 48,000 fewer employees than the Federal Government would have had under the Johnson budget, so the testimony states. In other words, the 2,650,000 figure as of June 30 for full time permanent employees will be dropped to 2,645,000.

The Nixon administration says it is going to follow through with the employees reductions Congress wants, but that it does not want to be strait-jacketed by section 201.

I urge that the Senate affirm the committee action and repeal section 201 so that we do not have to do it piecemeal in every appropriation bill that comes before the Senate, as the House is already endeavoring to do.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself such time as I need.

Last year Congress passed the law the purpose of which was to allow the Government to replace but three out of every four retirees. It gave the Director of the Bureau of the Budget the authority to make those cuts in any agency which he thought would least disrupt service to the people.

One department could be given increased employees while the cuts were being made in less essential services, or the reduction could come from some overstaffed agency.

The approval of the language of that bill had been agreed upon by the Secretary of the Treasury and the Director of the Budget.

The bill was passed. The fact that it has served as some handicap to various departments in itself is commendable because they need a little handicap. Our civilian employment had exceeded the three million figure. If we now repeal this measure we might as well recognize that the Senate is approving another merry-go-round of increased Government personnel.

I was interested in, but not at all amused by, the statement of the Secretary of the Treasury, Mr. Kennedy, when he claimed the Treasury lost $500 million as a result of this law and would lose $1 billion next year unless it were repealed.

I said to him:

> I suppose then we can reduce the budget by $1.5 billion if we repeal this law and then you can pick up the extra revenue.

He said:

> Well, that was just a guess.

It is the same kind of a guess and the same kind of irresponsible statement—and I emphasize the word irresponsible—as when he said that if we do not pass the surtax there would be price and wage controls.

Both statements were made at a time when he should have been thinking rather than speaking.

But for the moment let us assume that the Secretary was serious in saying that he needed these employees to collect the taxes and serve the people in the Customs Service. Then why did they add 2,745 employees in the Agriculture Department last month instead of hiring more revenue agents?

We already have as many employees in the Agriculture Department as we have farmers. After all, they are spending, not collecting money.

The Interior Department last month added 1,418 employees.

If they needed the employees in the Treasury Department why were they not added there? But they put the 1,400 extra employees in the Interior Department.

In the Post Office Department 2,324 were added, and 707 employees were added in the civilian department of the Army.

Why, if they needed them in the Treasury Department, did they not add them there? Or better yet, why did they not put to work some of the employees they already had?

The Treasury Department has several hundred employees selling E bonds to the workingmen at 4¼ percent interest which, in my opinion, is immoral at a time when the Government itself is paying 6.5 percent interest to anyone who has $1,000 to invest. But did they cut back employees in that department? Not at all. They add employees in every category but where they say they need them. They always come back and threaten a loss of service if anyone dares suggest that the operation could be more efficient.

That goes for this administration as well as for the other administration. President Johnson promised he would

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cut the number of employees without any urging from Congress. In fact, the bill which I had passed was President Johnson's Executive order which he issued but then promptly ignored.

President Johnson said when he issued that Executive order that he had more employees on the payroll than were needed. He criticized the padding of the public payrolls at the taxpayers' expense and said that he was issuing that Executive order to cut the number of employees back to the 1966 level. Instead he added an additional 40,000 employees. I suppose those employees were considered necessary to find out whom he could lay off.

Every time anyone talks about cutting the number of employees we find that they have put on more until this restriction was placed in the law. Certainly it has pinched. I would like to see it pinch them a little more.

The issue is very clear here today. Do we really want to reduce the level of Federal employment? That goes for Congress as well as the executive branch. Just this afternoon the Senate had to clear the Senate Chamber in order to hear what was going on because some of the surplus employees in the Senate offices were here loafing, and we could not even find a way for Senators to get to their seats.

Let us put the employees we have to work during the hours they are on the job. If they stop loafing during the day they will not have to work all of this overtime.

Let us reject the committee amendment, and let us keep the heat on.

I call attention to the fact that under the 1970 budget the Agriculture Department wants another 3,400 employees.

I do not know what they are doing with all of these employees in the Agriculture Department unless they plan to put on the public payroll all of the little farmers that they are trying to break with some of their absurd programs.

The 1970 budget requests are for 46,000 employees. How many of these 46,000 were to be added in the Treasury Department? About 10 percent, and all of the rest of them were to be added to the spending agencies. They would be spending twice as fast as the 7,000 employees than the Treasury Department could collect it.

I repeat, the Director of the Budget has the authority under the existing law to allocate the cuts in any area he wishes, and to assign employees in an area where they are most needed.

Both President Johnson and President Nixon have said that there is an overstaffing in many of these agencies. Let us start rolling them back.

It has been admitted that since the present law has been in effect Federal employment has been reduced by at least 60,000 employees.

This involves an annual saving of $600 million, and that is no guess. It costs at a minimum about $10,000 annually for every employee put on.

I hope the amendment is rejected and the present law is retained.

I will say to the Senator from West Virginia that I am glad he has presented this issue. It is clear cut here—repeal the law in its entirety or make up our minds that we will keep it.

This is the time for the Senate to stand up and be counted.

Let us cut out this piecemeal job. Earlier this afternoon the Senate removed any ceiling on spending. The least it can do is to keep a ceiling on the number of employees.

So far as I am concerned I am willing to yield back the remainder of my time. Let us vote.

Mr. BYRD of West Virginia. Mr. President, a moment ago, I referred to the appropriation bill passed by the House as the Post Office and Civil Service appropriation bill. What I meant to say was the Treasury and Post Office appropriation bill.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HOLLAND. I think the Senator from Delaware is entitled to know this: In the Agriculture Department, that increase of employees has to do with the nutritional aides that are being employed to try to help give a better level of information as to what is sound nutrition to the poor people who are being served by that department. I see no way we can avoid that.

So far as the Agriculture Subcommittee is concerned, speaking as one member, I do not see how we can do that job without repealing the effect of this law as to the Agriculture Department.

Mr. BYRD of West Virginia. Mr. President, I yield back the remainder of my time.

Mr. WILLIAMS of Delaware. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Allen in the chair). All time on the committee amendment is yielded back.

The question is on agreeing to the committee amendment on page 73, lines 6, 7, and 8. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Cranston), the Senator from Mississippi, (Mr. Eastland), the Senator from Louisiana (Mr. Ellender), the Senator from Arkansas (Mr. Fulbright), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from Georgia (Mr. Russell), the Senator from Alabama (Mr. Sparkman), and the Senator from Texas (Mr. Yarborough), are necessarily absent.

I also announce that the Senator from Utah (Mr. Moss), is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Cranston), the Senator from Louisiana (Mr. Ellender), the Senator from New Hampshire (Mr. McIntyre), the Senator from Utah (Mr. Moss), the Senator from Alabama (Mr. Sparkman), and the Senator from Texas (Mr. Yarborough), would each vote "yea."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. Goldwater) and the Senator from Ohio (Mr. Saxbe) are detained on official business.

The result was announced—yeas 61, nays 24, as follows:

[No. 40 Leg.]

YEAS—61

Aiken
Allott
Baker
Bennett
Bible
Boggs
Burdick
Byrd, W. Va.
Cannon
Case
Church
Dirksen
Dodd
Eagleton
Ervin
Fong
Goodell
Gore
Gravel
Griffin
Harris
Hart
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mathias
McClellan
McGovern
Metcalf
Miller
Mondale
Montoya
Mundt
Murphy
Muskie
Nelson
Pastore
Pell
Percy
Prouty
Randolph
Ribicoff
Schweiker
Scott
Smith
Spong
Stennis
Stevens
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Young, N. Dak.

NAYS—24

Allen
Bellmon
Brooke
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Gurney
Hansen
Hartke
Hatfield
Javits
Jordan, Idaho
Mansfield
Packwood
Pearson
Proxmire
Thurmond
Williams, Del.
Young, Ohio

NOT VOTING—15

Anderson
Bayh
Cranston
Eastland
Ellender
Fulbright
Goldwater
McCarthy
McGee
McIntyre
Moss
Russell
Saxbe
Sparkman
Yarborough

So the committee amendment on page 73, lines 6, 7, and 8, was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to reconsider the vote by which the committee amendment on page 73, repealing section 201, was agreed to.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order the clerk will state the amendment offered by the Senator from New York (Mr. Javits), after which the Chair will recognize the Senator from South Carolina.

The Legislative Clerk. The Senator from New York (Mr. Javits) proposes for himself and Mr. Nelson, Mr. Brooke, Mr. Case, Mr. Goodell, Mr. Mathias, Mr. Hart, Mr. Tydings, Mr. Williams of New Jersey, Mr. Eagleton, Mr. Cranston, Mr. Young of Ohio, and Mr. McCarthy an amendment as follows:

> On page 16, line 25, strike out the figure "$7,500,000" and insert in lieu thereof "$55,000,000".

The PRESIDING OFFICER. Under the previous order this amendment (No. 40) becomes the pending business.

Mr. BAKER. Mr. President, I send to the desk an amendment to title 4 of the pending bill and ask that it be stated.

The PRESIDING OFFICER. There is an amendment now pending.

Mr. BAKER. I ask unanimous consent that the pending amendment be laid aside and that the Senate proceed to the consideration of the amendment which I have sent to the desk.

The PRESIDING OFFICER. Without

objection, the pending amendment will be laid aside and the clerk will state the amendment offered by the Senator from Tennessee.

The LEGISLATIVE CLERK. The Senator from Tennessee (Mr. BAKER), for himself, the Senator from Tennessee (Mr. GORE), and the Senator from Alabama (Mr. SPARKMAN) proposes a new paragraph at the end of title 4 as follows:

> Expenditures by the Tennessee Valley Authority out of the proceeds from its power operations, from the sale of any power program assets, or from power revenue bonds, notes, or other evidences of indebtedness shall not be subject to any limitations imposed by this title.

Mr. BAKER. Mr. President, this exemption would have nothing to do with appropriated funds. It has to do only with internally generated funds of the Tennessee Valley Authority which they earn.

This proposal was accepted by the Senate last year, and I understand it may be accepted by the manager of the bill this year.

The amendment would exempt from any limitation on Federal expenditures imposed by the pending bill the power operations of the Tennessee Valley Authority.

Mr. President, I wish to assure my colleagues that this amendment does not derive from any parochial interest on the part of the junior Senator from Tennessee to protect the Tennessee Valley Authority from being required to bear its fair and proportionate share of any expenditure reductions that may result from an expenditure limitation that I favor as an earnest commitment of the Congress to fiscal responsibility. As I hope to explain, the power operations of TVA are unique in their nature and in their funding. The Congress last year passed a virtually identical amendment to exempt TVA power operations from the provisions of the Revenue and Expenditure Control Act of 1968.

Mr. President, the Tennessee Valley Authority undertakes two separate and distinct functions in the seven-State region that it serves. One of these two functions is essentially a conservation program, in which TVA plans and constructs flood control projects, creates reservoirs for municipal water supply, industrial use and recreation, promotes fish and wildlife populations, encourages enlightened agricultural and forestry practices, and so on. All of these activities are financed with funds appropriated annually by the Congress out of the general funds of the Treasury.

The second function of TVA is its function as sole supplier of power within those parts of the seven States of the region that it serves. Since 1959, the power operations of TVA have been wholly self-financed. Whereas the conservation activities of TVA are financed with annual appropriations, the power activities of TVA are financed entirely out of revenues derived from the sale of power and from the issuance by TVA of revenue bonds and notes, bonds and notes which must be approved by the Secretary of the Treasury but which do not bear the full faith and credit of the Federal Government.

In addition to financing its own power operations, Mr. President, the Tennessee Valley Authority makes annual payments into the Treasury of the United States out of its net power earnings. These annual payments are a repayment of the original investment of appropriated funds that was made prior to the 1959 amendment that authorized self-financing. TVA also makes an annual payment as a return or dividend on the outstanding appropriation investment. In 1968, TVA paid into the Treasury, out of its net power earnings, $61.9 million, which represented a reduction by $15 million of the original investment and a dividend payment of $46.9 million.

The amendment that I have proposed would in no way exempt the conservation-related activities of TVA from the expenditure limitation. The revised budget request of the new administration for these nonpower operations is for an appropriation of $49,750,000. These funds would not be affected by my amendment and would be subject to any reduction made necessary by the expenditure limitation.

What my amendment would exempt from the expenditure limitation is the TVA power program, which is wholly financed out of power proceeds and borrowings. TVA, during 1970, will be the sole supplier of an estimated 97.9 billion kilowatt hours to an area of 80,000 square miles. TVA generates power and transmits it to wholesale distributors who in turn sell the power to domestic and industrial users throughout the valley. TVA also supplies power directly to a few large industries and to several government agencies such as the Atomic Energy Commission—that require enormous amounts of electrical energy for their operations. The Board of Directors of TVA must anticipate the rapidly expanding power needs of the region and continue the construction of the new generation and transmission facilities that will be required to meet that need. In 1970 TVA will have under construction five nuclear generating units and three fossil-fueled units. Any artificial or arbitrary restriction of those projects would have the most serious consequences on the obligation of TVA to anticipate and to provide for the legitimate power needs of the region.

Mr. President, last year the Senate accepted an amendment to the Williams-Smathers substitute, which eventually became the Revenue and Expenditure Control Act of 1968, an amendment identical in effect to the one I have introduced today. Unfortunately, that amendment was stricken in conference. However, the same amendment was later offered to the Rivers and Harbors Act of 1968 and was accepted by both Houses. It is now a part of Public Law 90–483.

Mr. President, any reduction in the power operations of the Tennessee Valley Authority would not result in any saving to the Treasury or to the American taxpayer. Net power earnings would simply increase in the short-term and would accumulate in the treasury of TVA, not in the Treasury of the United States. The capacity of TVA to plan for and to provide the future power needs of the region, of which TVA is the sole supplier, would be seriously jeopardized.

Mr. President, I reiterate for the sake of emphasis that nothing in my amendment would affect the nonpower operations of TVA that are financed out of appropriated funds; these projects would as it were take their lumps along with those of every other Federal agency. My amendment would affect only those expenditures made out of other than appropriated funds, that is, out of power proceeds and borrowings by TVA that are not backed by the faith and credit of the Government. The principle justification for this amendment is not that TVA's power operations are vitally important to millions of Americans—which they are—but rather that these power operations pay their own way and are not financed through the appropriation and expenditure of general public funds.

Mr. BYRD of West Virginia. Mr. President, this item was exempted last year by Congress. The Senator discussed the matter with the Senator from South Dakota (Mr. MUNDT), who is the ranking minority member of the subcommittee, and with me. Mr. MUNDT and I have agreed to accept the amendment and to take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee (Mr. BAKER).

The amendment was agreed to.

Mr. BAKER. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

PROGRESS ON WASHINGTON'S RAPID TRANSIT SYSTEM

Mr. TYDINGS. Mr. President, the pending supplemental appropriation bill contains $18.7 million to begin construction on the long overdue Washington metropolitan area subway and rapid mass transit system. Appropriation of this money now, together with matching appropriations enacted in previous years, will make possible an immediate and substantial beginning of the subway system.

Last week the Senate and House Committees on the District of Columbia held extraordinary joint hearings to consider legislation which will provide the billion dollars of Federal money necessary to complete financing of the entire 97-mile Washington area transit system. This Federal assistance will match local government contributions and bonds financed from farebox revenues totaling more than $1.4 billion.

The rail transit system these funds will create will be a model for the entire Nation, will provide essential transportation for Federal employees and provide a vital link of the balanced transportation system Washington so desperately needs.

In order to expedite the progress of that legislation through Congress, I have scheduled an executive session of the Committee on the District of Columbia for 8 a.m., July 1, to consider and, hopefully, to report that billion-dollar Federal authorization. If we can meet the timetable I propose, the full Federal share of the subway rapid transit system costs can be authorized by the Senate well before the August recess. With comparable expedition by the House of Representatives, we may be able to secure enactment of this legislation by both Houses before the fall.

The $18.7 million contained in this supplemental appropriation bill today, however, is the first step on the long journey to the completion of the subway system. That journey has been too long delayed by differences which must be compromised to create a balanced transportation system for Washington.

As I indicated last week during the hearings on the full Federal share of subway costs, if money is not appropriated this year to begin the subway system, the entire Washington metropolitan area rapid mass transit plan may collapse. Costs are rising at a rate of $90 million a year. That is a quarter of a million dollars a day.

As Chairman Fred Babson, of the Washington Metropolitan Area Transit Authority, testified at our hearings last week, if inflation requires recomputation of the suburban shares of the subway cost and an upward adjustment of the Federal cost, the delay of the rapid transit system in Washington will not be a matter of months or years, but perhaps even of decades.

That is why the money contained in the supplemental appropriation bill is vitally important to the future of the entire subway system.

In view of the transportation crisis facing the Washington metropolitan area, and in view of the fact that the $18.7 million in this legislation is the keystone of a balanced answer to that crisis, it is fair to say that this supplemental appropriation bill may prove to be the most important legislation Congress will enact in this session, perhaps in this entire decade, for the Washington metropolitan area.

The PRESIDING OFFICER. Now, the question recurs on the amendment offered by the Senator from New York (Mr. JAVITS), which is the pending business before the Senate.

SUPREME COURT JUSTICE DOUGLAS AND GAMBLING LINKS OF THE PARVIN FOUNDATION

Mr. THURMOND. Mr. President, I want to announce that I am going to make a speech against Supreme Court Justice Douglas, and if any Senator is interested in replying, I shall be glad to stay here as late as necessary and debate the question.

Mr. President, much attention has been directed toward the gambling interests held by the Albert Parvin Foundation in the period during which Mr. Justice Douglas was president of the foundation, but there has yet been no systematic presentation of these interests. While gambling is a legitimate enterprise in Nevada, its past, and to a degree its present, is inseparable in the public mind with gangsterism and corruption. The history of most of the major casinos, including those associated with the Parvin Foundation's interests, has been intertwined with the worst elements in American society. Even in cases where such casinos have come under legitimate ownership and management, the public suspects, rightly or wrongly, that persons with criminal records are still involved in the operation. These public suspicions are confirmed by the statement of J. Edgar Hoover that Nevada's organized gambling "occupies a position of major importance in the scheme of organized crime and racketeering"—New York Times, November 26, 1966.

If a private investor wishes to expose himself to such suspicion for the sake of legal gaming profits, he has every right to do so. However, an Associate Justice of the U.S. Supreme Court can only bring the Court into disrepute by associating himself with the profits of such enterprise, and I again call for his resignation.

Mr. President, I intend to show here today that the Parvin Foundation profited handsomely from its gambling interests. The very basis of the funds which Justice Douglas was administering in the name of so-called charitable causes was deeply rooted in the gaming business, with all the associated activity that brings it in deep disrepute.

I will show here today that the Parvin Foundation's links to gambling went far beyond the mere holding of gambling stocks in its portfolio. Indeed, the two men who can be identified as responsible for the foundation's financial management, Albert Parvin and Harvey Silbert, were closely identified with the actual management of the Fremont Casino—Parvin as a casino owner, and Silbert as the father-in-law of another casino owner, whose record will be shown later in this address.

Parvin and Silbert also arranged a $750,000 mortgage loan from the foundation for their company, Parvin/Dohrmann, at a time when money was tight. This loan has come under scrutiny by the Internal Revenue Service. It was the object of a stockholder's suit, which, if it had reached the Supreme Court, would have required Justice Douglas to disqualify himself.

In addition, Parvin and Silbert allowed Ed Levinson to become a $100,000 employee of Parvin/Dohrmann, and to purchase 40,000 shares of P/D stock, with full knowledge that Levinson had been notified that he faced possible criminal charges for "skimming" operations at the Fremont Casino.

In addition, Parvin and his associates in P/D held private interests in at least five other Las Vegas casinos.

Finally, the Parvin Foundation recently quadrupled its investment in P/D stock by selling out at a high speculative price brought on by questionable manipulations and rumors of increased gambling activity.

I

Mr. President, I shall take up these points one by one, and spell them out in complete detail. But first, it is noteworthy that the original capital of the Parvin Foundation was derived from the proceeds of the sale of Albert Parvin's stock in the Hotel Flamingo in 1959. No hotel and casino had a worse reputation than that of the Hotel Flamingo, which was originally built and operated by the notorious Bugsy Siegel. Siegel's ownership was ended in gangland fashion when he was murdered by a hidden assassin. It passed through various hands before Albert Parvin acquired a substantial interest in it in the 1950's. He donated 2,085 shares of Flamingo stock worth $1.6 million to set up the foundation. The public records are not clear, but this stock appears to have been converted to other holdings. In 1964, the foundation listed on its tax return in the category of "other assets" an interest in the "Hotel Flamingo custodian account," worth $1.1 million. This account was substantially liquidated in 1967 without any explanation.

I make no allegations concerning the Hotel Flamingo, except to point out that the fundamental basis of the Parvin Foundation was a substantial interest in a hotel and casino which bore the worst possible image in the public mind and in many newspaper and magazine articles over the period, and is, indeed, almost the primary example of a notorious enterprise.

II

Mr. President, the second link of the Parvin Foundation to gambling interests was some 31,291 shares of stock in the Parvin/Dohrmann Co.—as of 1967 tax returns—listed at a book value of $450,000. This stock was sold between November 1968 and March 1969. The March sale consisted of 21,719 shares at $91.75 per share, for a total of $1,999,324, according to the Associated Press. It should be noted that this price is a speculative value, up from $38 per share last October. The rise is apparently related to the sale of Parvin/Dohrmann to a new management group headed by Delbert Coleman, which is rumored to be aggressively interested in expanding gambling operations. Indeed, a large portion of the stock was purchased and held briefly by the Fund of Funds Proprietary Funds, Ltd., an international enterprise with gambling interests in the Bahamas. The Nevada Gaming Commission forced the sale of the FOF interests in Parvin/Dohrmann.

The history of this stock since the change of ownership has been that of a fantastic rise to $141 high, due to the rumors. The Securities and Exchange Commission and the American Stock Exchange forced a suspension in trading because the chief purchaser, Coleman, failed to disclose all relevant information concerning the transaction. A principal item which he failed to disclose was the participation of the Funds of Funds.

Thus, the record shows that the Parvin Foundation profited handsomely from questionable speculation related to international gambling activities.

III

Mr. President, the third link of the Parvin Foundation to gambling interests concerns its relation to Fremont Casino, Inc. In 1966, when the link to the Fremont Hotel was first revealed, Harry

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Ashmore, serving as a spokesman for the Parvin Foundation, was quoted by Newsweek as saying that the trust arrangements effectively insulated the foundation from the operation of any Las Vegas "enterprises."

A careful examination of the corporate structure of the Parvin-Dohrmann Co., shows that this statement is not true. In the first place the foundation's bloc of Parvin/Dohrmann stock resulted in Parvin/Dohrmann profits going directly to the foundation. More important, however, is the close identification of the principal members of the board of the foundation with the actual operations of the casino at the Hotel Fremont.

The board of directors of the Parvin Foundation, before Justice Douglas resigned, consisted of the following: Justice Douglas, president and chairman; Albert Parvin, vice chairman; Harvey Silbert, secretary-treasurer; Harry Ashmore, director; Robert Hutchins, director; Robert Goheen, director; Sidney M. Davis, director.

The decisive personalities in this group appear to be the vice chairman and the secretary-treasurer, if we may assume that Justice Douglas paid little attention to the gambling interests in the foundation's portfolio. Mr. Ashmore, Dr. Hutchins, and Dr. Goheen are academic figures, who presumably are representing the interests of the Center for the Study of Democratic Institutions and Princeton University. Albert Parvin, according to the press, managed the foundation's portfolio for 7 years until the Internal Revenue Service questioned his management; Harvey Silbert, as secretary-treasurer, handled the finances and the records of board decisions.

But Parvin and Silbert also were two of the key officers in the other Parvin enterprises until last January. The principal corporation is the Parvin/Dohrmann Co., a Delaware corporation. Parvin/Dohrmann owned 100 percent of the stock of three other corporations: among others, Albert B. Parvin & Co., the Dohrmann Co., and the Fremont Holding Co. The Fremont Holding Co., in turn, owns 100 percent of the assets of the Fremont Hotel, Inc., which is the management operations of the hotel itself. The casino in the Fremont Hotel—which in the past has accounted for over half of the operation's business—is leased out to a separate corporation, legally separate from Parvin/Dohrmann, called Fremont Casino Corp. It is the Fremont Casino Corp. that most concerns us, because it is the legal entity charged under its Nevada licenses with operating the gambling enterprises at the Fremont Hotel.

The board of directors of the Parvin/Dohrmann Co. before its sale in October 1968 were as follows: Albert Parvin, president and chief executive officer; Harry A. Goldman, chairman of the board; Maxwell L. Rubin, director; Harvey L. Silbert, vice president; E. Parry Thomas, treasurer; N. J. Goldman, assistant secretary; Jules Berman, director; W. L. Vogler, director; R. I. Furbush, director.

This board of directors was controlled by Parvin, Harry A. Goldman, and Silbert, who together owned more than 40 percent of the stock.

The salaries of the leading executives were as follows: Parvin, $97,500 per year; Harry Goldman, $95,000 per year; N. J. Goldman, $50,417 per year.

It ought to be added for the record here that N. J. Goldman is the son-in-law of Harvey Silbert, a material relationship. Thus, for all practical purposes, Parvin/Dohrmann was controlled by Parvin, the two Goldmans, and Silbert.

Now we come to the significant point; namely, the operation of the Fremont Casino. As I already pointed out, the Fremont Casino facilities were leased by Fremont Hotel, Inc. to a separate corporation called Fremont Casino Corp., not owned by Parvin-Dohrmann.

The ownership of the Fremont Casino Corp.—and thus the management operation for the casino—consisted of the following: A. B. Parvin, 135 shares, 45 percent, $135,000; Harry A. Goldman, 135 shares, 45 percent, $135,000; N. J. Goldman, 30 shares, 10 percent, $30,000.

Thus, it is clear that the managerial base of the Parvin Foundation, the Parvin/Dohrmann Co., and the Fremont Casino Corp. consist of the same small group of associates; namely, Parvin, the two Goldmans, and N. J. Goldman's father-in-law, Silbert.

Thus, it seems incredible that Harry Ashmore could insist that the various trust arrangements isolated the foundation from the operation of any enterprise in Las Vegas. For it is clear that not only was the operation of the Fremont Casino identified with the same managerial group, but the actual ownership of the casino operating entity was not even diluted by the spread of stock ownership in the Parvin/Dohrmann Corp.

It should be pointed out that the relationship between Parvin/Dohrmann and the Fremont Casino was so close that it was attacked in a stockholder's suit in the Court of Chancery of the State of Delaware, Kaufmann against Parvin and others. This suit resulted in a settlement which, among other things, resulted in a revision of the lease arrangements with the Fremont Casino in order to protect the other stockholders of Parvin/Dohrmann. This settlement included a stipulation that the terms of the lease be revised every year if necessary "so as to eliminate all profit to Fremont Casino Corp. from the operations of the Fremont Casino." In addition, the Fremont Hotel, Inc. was given a stock option agreement to purchase the Casino Corp. under certain conditions.

These changes were the result of a stockholder's complaint that the lease arrangements were not produced as a result of "arms-length negotiations." The board of Fremont Hotel consisted of Parvin, Harry Goldman, and two employees, while the board of the Casino consisted of Parvin and the two Goldmans. It is clear, therefore, that even the courts of Delaware have recognized that the relationship among the members of this group was too close to protect the public interest.

IV

The fourth link of the Parvin Foundation to gambling interests is the mortgage which the foundation granted to the Parvin/Dohrmann Co. in December 1967. In 1962, the Parvin/Dohrmann Co. bought some property on Wilshire Boulevard in Los Angeles and took out a mortgage of $764,000 that was due on December 31, 1967.

When December 1967 arrived, the economy was suffering a tight money market. Nevertheless, the mortgage had to be refinanced. At this point, Parvin turned to a convenient source of funds which he controlled with his associates; namely, the Parvin Foundation. In December 1967 the Parvin/Dohrmann Co. remortgaged the Wilshire Boulevard property for $750,000 at 7½ percent interest.

According to the latest income tax returns, the Parvin Foundation still holds this mortgage outstanding, despite the increased interest of Parvin/Dohrmann in gambling operations. According to various press reports, this self-dealing transaction is presently under close scrutiny by the Internal Revenue Service to see whether any wrong-doing was involved. I will not presume to judge this transaction before this investigation is complete.

However, the questionable nature of this transaction resulted in court action against Albert Parvin and Parvin/Dohrmann Co., charging that Parvin's dual role in the foundation and in the company was a conflict of interest. This court action was part of the suit Kaufmann against Parvin et al., mentioned above. The stipulation of settlement arrived at in this suit did not touch upon this claim; but the action does serve to illustrate how complicated financial maneuvers frequently are brought into court and point out the impropriety of a Justice of the Supreme Court undertaking obligations which might result in occasions when he would have to disqualify himself when suits such as this might reach the Supreme Court.

V

The fifth link between the Parvin Foundation and gambling interests is evident in the transaction whereby Parvin/Dohrmann purchased the Fremont Hotel. The principal stockholders before the sale were Ed Levinson and Edward Torres. The unsavory background of these men is well known and was discussed on this floor on June 5 by the junior Senator from Nebraska (Mr. CURTIS). It is important to understand, therefore, that not only did Parvin and his associates take over a hotel and casino that was a scene of scandal and notoriety, but they took the operators of this enterprise into their own business. The downpayment for the purchase of the Fremont Hotel was raised by selling 125,000 shares of Parvin/Dohrmann stock to the following:

Edward Levinson (40,000 shares)	$560,000
Richard Levinson (5,000 shares)	70,000
Lester Siegelbaum (5,000 shares)	70,000
Edward Torres (50,000 shares)	700,000
Bryant Burton (25,000 shares)	350,000
Total	1,750,000

In addition, Parvin/Dohrmann entered into the contract to pay Edward Levinson and Edward Torres each $100,000 a year as comanagers of the Fremont

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Hotel. Another owner, Bryant Burton, was to be retained as legal counsel for $25,000 per year. It was stipulated that Levinson and Torres would be cogeneral managers of the hotel but would have nothing to do with the casino operations.

The question immediately arises as to why Levinson and his associates would be retained in the operation of the hotel but not the casino, which had been operating profitably under their management. I think we may draw a conclusion from the fact that the IRS had already informed Levinson and Torres of the possibility of criminal action against them for gross understatement of the casino revenues, that is, so-called skimming operations for mobster activities. Obviously, if they were convicted of this crime, they would no longer be eligible for the casino licenses which they held, and their substantial investment in the Fremont would go down the drain.

The key point is that Parvin and his associates had full knowledge of the IRS's proposed action. In the Kaufmann suit, Parvin and his associates admitted that they had such knowledge. If Parvin and Silbert knew about the possibility of criminal action against their new associates, how could Justice Douglas fail to know? As it turned out, in May 1967, Levinson and Torres were indeed indicted for understating revenues to the extent of several million dollars. Levinson did not contest the charge and was fined $5,000. The case against Torres was dropped, because Levinson at the same time dropped a suit against the Department of Justice for eavesdropping on his conversations with Bobby Baker in the Fremont Hotel.

As a result of this conviction, it was no longer appropriate for Levinson to continue on the Parvin-Dohrmann payroll. His contract was terminated with separation pay of $250,000, making a total of $375,000 paid to him under the contract. Torres continued as general manager.

It also became appropriate for Levinson to sell his 40,000 shares of stock in Parvin/Dohrmann. In the Kaufmann suit, it was charged that Levinson disposed of this stock "to friends and acquaintances," at $14 a share, the price he paid for it 2 years earlier, although the market price at time of sale was more than double. Kaufmann alleged that this sale was arranged by Harvey Silbert. Torres is presently a stockholder of record for 63,000 shares.

Thus, we see that the Parvin/Dohrmann Co. willingly and with full knowledge, allowed two notorious gangsters to be put on their payroll and even allowed them to participate in the company itself.

VI

The sixth link of the Parvin Foundation to gambling interests consists in the widely held private gambling interests of Parvin, Silbert, and the two Goldmans. I have already pointed out that the original assets of the Parvin Foundation came from Albert Parvin's interest in the Hotel Flamingo. But Parvin and his friends had many other interests in the casinos in Las Vegas, not connected with Parvin/Dohrmann. At various times, the private interests of the Parvin group included the Mint Casino, the Four Queens Casino, the Aladdin Hotel Casino, the Sands Hotel Casino, and the Riviera Hotel Casino.

In the Four Queens Casino, Harry Goldman held a 4.5 percent interest; Parvin, a 3.5 percent interest; and N. J. Goldman, a 1 percent interest. In the Aladdin Hotel Casino, Parvin held 2 percent and Goldman held 5 percent. In the Sands, Parvin held a 2 percent interest, later increased to 5 percent; Harry Goldman had a 2 percent interest; Maxwell Rubin, mentioned earlier as a director of Parvin/Dohrmann, had a 2 percent interest; and Bryant Burton, legal counsel to the Fremont Hotel, had a 1 percent interest. Again, the Sands is one of the most notorious of the Las Vegas casinos because of its association with Frank Sinatra. At this time, Sinatra had a 9-percent interest in the Sands—before his gaming license was revoked by the Nevada Gaming Commission in 1963 on the grounds that he "catered" to the underworld. In the Mint Casino, Harry Goldman held 114 shares.

The most interesting case, however, is that of the Riviera Hotel Casino, which figures in the recent Parvin/Dohrmann stock boom. At various times, the Parvin group had held up to 17.2 percent of the Riviera Hotel Corp: In June 1968, controlling stock of the Riviera Hotel Corp. was purchased by Edward Torres, Harry Goldman and Harvey Silbert, Jerome Mack and E. Parry Thomas Goldman, Silbert, and Thomas were directors and Torres was an employee of Parvin/Dohrmann Co., but the Riviera stock was purchased by them as individuals. Shortly after the sale of Parvin/Dohrmann to the Coleman interests, the Riviera owners proposed selling 60 percent interest in the Riviera to Parvin/Dohrmann. This proposed sale, which has not yet been consummated, and which is under study by the SEC and the Nevada Gaming Commission, has often been cited as one of the reasons which created the interest in the zooming Parvin/Dohrmann stock.

So we see that not only were there material relationships between the Parvin Foundation and the gambling interests associated with Parvin/Dohrmann, but that the principal officers of the Parvin Foundation—other than Mr. Justice Douglas—were well known as proprietors in their own right of many gambling enterprises. Clearly, any separation of the Parvin Foundation from gambling activities is purely a legal fiction.

Mr. President, there are a number of exhibits which shed light on the transactions I have discussed, and I ask unanimous consent that the following be printed in the RECORD at the conclusion of my remarks.

First, the stipulation of settlement in the Court of Chancery of the State of Delaware in Kaufmann against Parvin, et al.;

Second. The public release of the Parvin/Dohrmann Co. of May 8, 1969, which tells many of the operations involved in the transfer of ownership; and

Third, two recent articles on the Parvin/Dohrmann Co., one from Newsweek magazine of June 2 and another from Business Week magazine of June 14, 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits A, B, and C.)

EXHIBIT A

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE IN AND FOR NEW CASTLE COUNTY

ALBERT KAUFMANN, PLAINTIFF, AGAINST ALBERT R. PARVIN, HARRY A. GOLDMAN, MORRIS J. GOLDMAN, L. M. HALPER, MAXWELL L. RUBIN, HARVEY L. SILBERT, E. PARRY THOMAS, PATRICIA JOY PARVIN, SARA FREEDMAN, EDWARD LEVINSON, EDWARD TORRES, BRYANT R. BURTON, FREMONT HOTEL, INC., AND PARVIN/DOHRMANN COMPANY, DEFENDANTS

Civil Action
No. 2468

STIPULATION OF SETTLEMENT

Whereas, the above-entitled action is brought by the plaintiff as a stockholder of Parvin/Dohrmann Company (hereinafter referred to as the Company) on behalf of the Company and the public stockholders thereof against the individual defendants abovenamed; and

Whereas, the complaint in the above-entitled action, as supplemented and amended, assets claims on behalf of the Company and the public stockholders thereof against the individual defendants above-mentioned, and

Whereas, defendants Albert B. Parvin, Harry A. Goldman, Norris J. Goldman, L. M. Halper, Maxwell L. Rubin, Harvey L. Silbert, E. Parry Thomas, Edward Levinson, Edward Torres and Bryant E. Burton have appeared and answered except for L. M. Halper who is now deceased and who did not answer (the other named defendants not having been served), and have denied all said claims and have asked for judgment dismissing the complaint as supplemented and amended; and

Whereas, the plaintiff's attorneys, in and by discovery proceedings had under the Rules of this Court and pursuant to stipulation by the respective attorneys, have examined the documents, records and books of accounts deemed to be relevant and material to the issues of this action, have taken the depositions of defendants Albert B. Parvin, Harry A. Goldman, Norris J. Goldman, Harvey L. Silbert, Edward Torres and Bryant R. Burton; and

Whereas, the parties hereto are in agreement that it is desirable to settle and terminate this action and avoid the expense and consumption of time which would be caused by further burdensome and protracted litigation, and that the best interests of the Company and all of its stockholders would be served by effecting a compromise and settlement of this action and disposing of it finally and on the merits on the basis set forth herein;

Now, therefore, and subject to and conditioned upon the approval thereof by this Court, pursuant to Rule 23.1 of the Rules of this Court, the undersigned parties hereby stipulate and agree to this action be compromised and settled upon the following terms:

1. The promissory note from the Company to Sara Freedman and the Patricia Joy Parvin Trust in the sum of Five Hundred Thousand ($500,000) Dollars, due in ten (10) years from the date of its issue and bearing nine (9%) percent a year interest, the maturity of which the payees have the right to accelerate at the end of five years from the date of its making, shall be modified by giving the company the right to prepay such note at the end of the aforesaid five year period, provided that the company can secure the funds for the pre-payment of said note at an interest rate of less than seven and one-half (7½%) percent per annum. If the Company cannot secure said funds for less than seven and one-half (7½%) percent, then the loan may remain in existence in accordance with its terms for the full

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period of its term, but the interest rate thereon for such remaining term shall be reduced to seven and one-half (7½%) percent. The defendants undertake to secure the agreement of the payees of the note to the foregoing modification.

2. All business dealings between the Company and the Four Queens Hotel and Casino or the Riviera Hotel and Casino, in which casinos defendants Parvin, Harry A. Goldman, Norris J. Goldman and/or Harvey L. Silbert have a financial interest, so long as any one of the aforementioned individuals has a personal interest in either one of the aforementioned casinos and such individual is at the same time an officer, director, employee, and/or stockholder owning more than 1% of the outstanding stock of the company, shall be approved by a majority of three members of the Board of Directors of the Company having no financial interest in any of the aforementioned casinos or in the Fremont Casino Corp. Such persons shall be designated as the "Independent Committee" of the Board of Directors of the Company, and initially, shall consist of E. Parry Thomas, Maxwell L. Rubin and Jules Berman. Suitable methods of exercising control over such business dealings, by said Independent Committee, will be formulated with the approval of the attorneys for the plaintiff.

3. The lease presently in existence between Fremont Hotel, Inc. and Fremont Casino Corp. shall be reformed so that it will contain a provision that it is cancelable at the option of Fremont Hotel, Inc. on only (60) days' written notice to Fremont Casino Corp. but then only on condition that Fremont Hotel, Inc. or its designee purchase all of the outstanding capital stock of Fremont Casino Corp. pursuant to the Stock Option Agreement of June 27, 1966 between Fremont Hotel, Inc. and the stockholders of the Fremont Casino Corp., and that the lease be further reformed to provide that there will be an annual review of the rental to be paid by Fremont Casino Corp. to Fremont Hotel, Inc. by the independent certified public accountants for Fremont Hotel, Inc., with the rent to be changed at the end of each year, if necessary, so as to eliminate all profit to Fremont Casino Corp. from the operations of the Fremont Casino. The form of modification of the lease shall be submitted to the attorneys for the plaintiff for their approval.

4. The aforementioned Stock Option Agreement between Fremont Hotel, Inc. and the stockholders of Freemont Casino Corp. shall be modified to give Fremont Hotel, Inc. the right to exercise the option to purchase the stock of Fremont Casino Corp. at any time during the term of the aforementioned lease. The form of modification of the option agreement shall be submitted to the attorneys for the plaintiff for their approval. The determination as to whether the option should be exercised shall be made by a majority of the members of the Independent Committee of the Board of Directors mentioned above.

5. Fremont Hotel, Inc. will at an appropriate time make an application to the Gaming Commission of Nevada for a gaming license to operate the casino in the Fremont Hotel presently being operated by Fremont Casino Corp. The time at which this application is to be made shall be determined by a majority of the members of the Independent Committee of the Board of Directors mentioned above, except that a majority of the Board of Fremont Hotel, Inc. or a majority of the Company's Board shall have the right to make such an application at any time prior to such determination by the Independent Committee of the Board if it so desires.

6. The Company, in entering into this Stipulation of Settlement, intends thereby, as sole stockholder of Fremont Holding Corporation, which is sole stockholder of Fremont Hotel, Inc., to compromise and settle and to dispose of on the merits any claim in this action which may technically be the claim of Fremont Hotel, Inc. and to bind Fremont Hotel, Inc. to the terms of this Stipulation.

7. This stipulation of compromise and settlement, together with a motion for its approval, will be submitted promptly after its execution to the Court of Chancery of the State of Delaware and pending the determination by said Court of the motion for approval, all proceedings in this action shall be held in abeyance.

8. If this stipulation of compromise and settlement and the motion made thereon are approved by the Court, judgment shall be entered in this action in due and proper form:

(a) approving this stipulation of compromise and settlement and adjudging the terms hereof to be fair, adequate and proper and directing consummation thereof;

(b) dismissing as against all defendants who shall have entered an appearance prior to such dismissal, all claims alleged in the complaint herein, as supplemented and amended, on their merits with prejudice;

(c) barring prosecution of all the claims involved in this action hereafter in this or any other jurisdiction;

(d) reserving jurisdiction over the consummation of the settlement.

9. If the compromise and settlement herein proposed is not approved by this Court, this stipulation and all proceedings hereunder shall be considered as canceled and void and shall be of no force or effect, and all parties to this action and stipulation shall stand in the same position without prejudice as if the stipulation and application had not been made and submitted to the Court for its consideration and approval.

10. Neither this stipulation nor the motion made pursuant to it nor any proceedings pursuant to either shall be construed or deemed to be evidence or an admission on the part of any defendant of any liability or wrongdoing whatsoever nor shall said stipulation or motion be offered in evidence as such.

11. Plaintiff's attorneys, Cohen, Morris and Rosenthal, of Wilmington, Delaware, and Wolf Popper, Ross Wolf & Jones, of New York, New York, have rendered valuable services to the Company and its stockholders and are entitled to compensation therefor. Plaintiff's attorneys will apply to the Court to fix and award counsel fees as compensation for the services they have rendered in connection with this litigation and for reasonable out-of-pocket disbursements, and the Company has agreed to pay such amounts as the Court shall approve. Plaintiff's attorneys agree that they will limit their fee request to Twenty-eight Thousand ($28,000) Dollars, exclusive of out-of-pocket expenses, and the Company agrees that it will not oppose a fee in this amount and reimbursement of such expenses.

Dated: October 16, 1968.

Of Counsel:

Wolf, Popper, Ross, Wolf & Jones, By: Donald N. Ruby, New York, N.Y.

Cohen, Morris and Rosenthal, By: Irving Morris, Attorneys for Plaintiff, Wilmington, Del., Potter, Anderson & Corroon, By: Richard Corroon, Attorneys for Defendant Parvin, Dohrmann Company, Wilmington, Del., Morris, Nichols, Arsht & Tunne, By: Richard L. Sutton, Attorneys for Appearing Defendants other than Parvin/Dohrmann Company, Wilmington, Del.

EXHIBIT B

RELEASE OF PARVIN/DOHRMANN CO., MAY 8, 1969

The Parvin/Dohrmann Company announced that it was informed today by the Securities and Exchange Commission that the temporary suspension order respecting its securities will not be extended beyond the opening of trading on May 12, 1969. The American Stock Exchange informed the Company that trading in its securities will resume on May 12, 1969. On April 17, 1969, the American Stock Exchange halted trading in securities of Parvin/Dohrmann Company. On May 5, 1969, the Securities and Exchange Commission ordered the temporary suspension of exchange and over-the-counter trading in its securities for the ten-day period May 6 to 15, inclusive. On May 8, the Company furnished the following information to the Commission and the Exchange respecting the change of control of the Company and certain subsequent events.

A. ORIGINAL PURCHASE BY COLEMAN GROUP FROM PARVIN-GOLDMAN INTERESTS

In early October 1968, Delbert W. Coleman commenced discussions with Messrs. Parvin and Goldman leading to the agreement (signed by him on October 25, 1968) to purchase 300,000 shares of Parvin/Dohrmann at $35 per share from Mr. Parvin (187,502 shares), Mr. Goldman (108,000 shares) and the Joy Parvin Trust (4,498 shares).

During the period of negotiation, based on personal financial advice that it was not in his best interests to undertake by himself the purchase of all these shares, Mr. Coleman formed a group of Associates (hereafter defined) to join with him as purchaser of the 300,000 shares. On October 28, 1968, the sellers deposited certificates for the 300,000 shares in escrow with First National City Bank, New York, and Mr. Coleman and his Associates deposited cash and/or letters of credit (supported by certificates of deposit) totalling $10,500,000. The sale and purchase of the 300,000 shares was not consummated until January 13, 1969, following satisfaction of the various closing conditions in the Agreement, including required approvals of the Nevada licensing authorities.

Mr. Coleman's Associates consisted ultimately of 21 persons or entities to whom Mr. Coleman assigned rights under the Agreement for the purchase of a total of 143,200 shares out of the total 300,000 shares of Parvin/Dohrmann. The members of the group and their individual allotments were substantially fixed by Mr. Coleman approximately in the last two weeks of October, 1968, and all of them paid for the shares purchased by them except Mr. Scott, the President, who was assigned his allotment of 4,000 shares in December 1968. Mr. Scott remains indebted in the amount of $140,000 to Mr. Coleman for those shares. The members of this group, their backgrounds and their allotments of shares were previously disclosed in a release of the Company on March 27, 1969, and are set forth in Exhibit 1 hereto.

B. OTHER TRANSACTIONS IN COMPANY STOCK BY MR. COLEMAN AND OTHERS

During the period December 13, 1968, to March 28, 1969, Mr. Coleman purchased 51,000 additional shares of Common Stock of Parvin/Dohrmann stock for himself, his children, and his family corporation at prices ranging between $71 and $107 per share. Substantially all of these purchases were effected on the Amex. A complete schedule of these transactions is attached as Exhibit 2. Neither Mr. Coleman nor this family interests has sold any shares of Parvin/Dohrmann stock, except as noted below. Of this total of 51,000 shares, 10,100 shares were purchased through Jesup & Lamont on March 17 (2,100 shares) and March 18 (8,000 shares) at prices ranging between $94 and $104 per share. The high and the low prices on the American Stock Exchange were $102 and $93 on March 17, and $104¼ and $99⅜ on March 18, 1969. The purchases were executed pursuant to Mr. Coleman's authority to buy a maximum of 10,000 shares on March 17 at such prices as the broker in his discretion should determine. Since only 2,100 shares were purchased on March 17, Mr. Coleman gave an order for up to 8,000 shares on the same basis for March 18. The shares were purchased partly in light of the publication

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on March 16 of an article in a financial publication containing adverse comments respecting the Company. Subsequent to these purchases, Mr. Coleman learned that on or about March 17, 1969, Jesup & Lamont had sent a letter to certain of its clients commenting favorably on the Company's stock.

In December 1968, Mr. Coleman's mother purchased and sold (through orders placed by Mr. Coleman) a total of 3,700 shares of Common Stock and incurred a net loss of approximately $2,500. A schedule of her transactions is attached hereto as Exhibit 3. The buy orders were executed over the Amex and the sell order was executed by a non-member of the Exchange. The 3,700 shares were sold on a single day and 2,500 of these shares were purchased the same day.

On March 12, 1969, Mr. Coleman borrowed $2,500,000 from Toronto Dominion Bank, Toronto, Canada, to enable him to pay his U.S. income taxes. The loan is secured by a pledge of 100,000 Parvin/Dohrmann shares held by him and his family interests.

The Company is informed that certain of the Associates or persons affiliated with them purchased stock of the Company both prior to and after the October 25, 1968 agreement.

C. CONTACTS WITH INVESTMENT FUNDS AND BROKERS

In February 1969, representatives from Jesup & Lamont met the principal officers of the Company in Las Vegas. As a result of this meeting arrangements were made by Jesup & Lamont for representatives of some of its customers (including some representatives of investment funds) to visit the Company's Las Vegas hotels and casinos in April 1969. Hotel and meal expenses totalling about $3,300 were paid by the Company.

Representatives of Mesirow & Co., another brokerage firm, at their own expense, visited with members of the Company's management in Las Vegas in February 1969.

D. STARDUST ACQUISITION

Mr. Coleman was aware through newspaper articles that the Hughes organization bid to acquire the Stardust had been frustrated by the Justice Department. With this knowledge, on January 23, 1969, Mr. Coleman called M. B. Dalitz, President of the Stardust, who owned 95.5% of Karat, Inc., the owner and operator of the Stardust, and told him that Parvin/Dohrmann was interested in acquiring the stock of the Stardust. The owners of the remaining 4.5% of the stock of Karat, Inc. were Milton Jaffe, Allen Sachs, and Alvin Benedict.

Mr. Dalitz and Mr. Coleman arranged to meet on January 24, 1969, in Los Angeles to negotiate. The negotiations were completed on January 24 and a Letter of Intent reflecting the proposed acquisition of Parvin/Dohrmann was executed. The Letter called for a purchase price of $15 million for the stock of Karat, Inc.

Immediately after execution of the Letter of Intent, William C. Scott, President of Parvin/Dohrmann, who attended the meeting went to the Company's financial public relations representatives and they prepared a release concerning the Stardust acquisition. This release was published on Monday, January 27, 1969, before trading began on the Annex.

This release failed to mention anything concerning the mortgage obligations of Karat. A clarifying release set forth Karat's $30,000,000 mortgage debt.

Certain of the Coleman purchases were made on January 22 and 27, 1969, as set forth in Exhibit 2.

E. RIVIERA NEGOTIATIONS

In June 1968, controlling stock of the Riviera Hotel corporation was purchased by Edward Torres, H. A. Goldman, Harvey L. Silbert, Jerome Mack and E. Parry Thomas. Some of these persons had previously been smaller stockholders of the Riviera. Messrs. Goldman, Silbert and Thomas were directors and Mr. Torres was an employee of Parvin/Dohrmann Company at the time of this transaction, and all of them are stockholders of the Company. Mr. Torres presently manages the Fremont and Aladdin Hotels and Casinos for the Company under an employment agreement expiring in 1971, and owns of record approximately 63,000 shares of the Company.

Between October 25, 1968 (the date of Mr. Coleman's agreement to purchase the 300,000 shares) and early April 1969, the possibility of the Company's acquiring the Riviera Hotel and Casino in Las Vegas was often mentioned, but the Company rejected any serious negotiations up until early April.

The Company's release on March 27, 1969, stated that it had no specific acquisitions under consideration and was not then engaged in any negotiations.

In the week of April 7, Mr. Silbert prepared and delivered to Mr. Scott a contract for the sale of the 60% interest in the Riviera represented by him and his associates, Messrs. Goldman, Mack and Thomas on the terms that he and his people were willing to accept. There have been no further negotiations between the parties, but the Company hopes to resume negotiations as soon as possible.

F. REPORTS FILED WITH SEC

Two days after Mr. Coleman closed the purchase of the 300,000 shares of the Company on January 13, 1969, there was mailed to the Commission a Schedule 13D (reflecting the change in control of the Company) which did not include all the required information. In particular, the Schedule 13D did not include information regarding Mr. Coleman's Associates. Mr. Coleman and the Company have represented to the Commission that all the information required by Schedule 13D will be filed promptly. Questions have been raised as to whether initial filings under Section 13(d) and under Section 16(a) of the Securities Exchange Act of 1934 should have been prompted by the signing rather than the closing of the October 25, 1968 agreement to purchase the 300,000 shares. In the opinion of counsel, the filings were required only after the closing.

The Company stated that it did not file the certified financial statements of Karat, Inc. (the recently acquired subsidiary which owns and operates the Stardust Hotel) for the three years ended September 30, 1968, as called for by the Commission's rules, because certified statements were not available for the two years ended September 30, 1967, even though the purchase contract provides that such financials would be made available. Certified financial statements have been filed for the year ended September 30, 1968. Karat, Inc. was privately held prior to its acquisition by the Company.

In February, 1969, the Company filed a Form 8–K for the preceding January which reflected the change in the majority of directors of the Company. At the request of the Commission, an amendment to such Form 8–K was prepared and, on or about April 17, 1969, mailed to the Commission and the Amex. The amendment includes additional information regarding the change in control, copies of the purchase agreement covering the 300,000 shares referred to above, copies of the form questionnaire furnished by the new directors of the Company, and certain other items.

Mr. Coleman stated that in reporting his purchase of the Company's stock to the Commission, one purchase was overstated by 200 shares and another purchase was understated by the same amount. Amendments to the appropriate filings with the Commission will be filed shortly.

G. PAST EARNINGS REPORTS

In September or November of 1968 the prior management of the Company issued releases containing estimates of substantially increased earnings for the year 1968. On January 10, 1969, William C. Scott became President. Based on his prior investigations, he had doubts at that time as to the adequacy of the Company's reserve for bad debts and as to certain other matters but made no public disclosure of these doubts by reason of the much greater need in his mind to devote all his time and attention to pressing management and operating problems of the Company instead of immediately making the examination of accounts receivable and appraisal of real estate necessary to establish the reserves and write-offs that might be expected to be made in respect to the year 1968. The Company's audited figures were not available until early April 1969 when they were promptly released to the public. The audited figures confirmed his doubts in that $3,779,582 of bad receivables were written off against 1968 income and the Company incurred extraordinary charges of $2,504,520 as a result of the write-off of assets related to the Company's Los Angeles based operations. Consequently, the Company incurred a net loss for 1968 of $3,090,799.

FUTURE PLANS

The Company presently does not plan to dispose of any substantial portion of its assets or to change the nature of its business, except that the Company intends to dispose of its non-operating real estate properties which are recorded on its books in the total amount of $3,056,534. Except for the Riviera matter referred to above, the Company is not conducting any merger or acquisition negotiations.

EXHIBIT 1

Name and address	Occupation	Number of shares
Allen & Company, Inc., 30 Broad St., New York, N.Y.	Member of New York Stock Exchange	6,000
William C. Bartholomay, 175 West Jackson Blvd., Chicago, Ill.	President, Olson & Bartholomay, Inc. (insurance agency).	2,000
Barbara B. Bernstein, 147 Dempster St., Evanston, Ill.	Wife of Russell Bernstein, partner, Mesirow & Co., Member of New York Stock Exchange.	3,000
Sol W. Cantor, 200 Central Park South, New York, N.Y.	Chairman, Interstate Department Stores, Inc.	4,000
E. K. Cork, Suite 1700, 44 King St. West, Toronto 1, Ontario, Canada.	Vice president and treasurer, Noranda Mines Ltd.	500
F. O. F. Proprietary Funds, Ltd.,[1] 19 Rue de Lausanne, Geneva, Switzerland.	Investments	81,000
Kleiner, Bell & Co., incorporated employees pension plan, 9756 Wilshire Blvd., Beverly Hills, Calif.	Pension plan—Member of New York Stock Exchange.	2,000
Kleiner, Bell & Co., incorporated profit-sharing trust, 9756 Wilshire Blvd., Beverly Hills, Calif.	Profit-sharing trust—Member of New York Stock Exchange.	3,000
Marshall Korshak, 5555 South Everett St., Chicago, Ill.	Lawyer	1,000
Sidney R. Korshak, 69 West Washington St., Chicago, Ill.	do	10,000
John J. Louis, Jr., Room 862, 135 South La Salle St., Chicago, Ill.	Chairman, Combined Communication Corp.	2,000

See footnote at end of table.

EXHIBIT 1—Continued

Name and address	Occupation	Number of shares
L. G Lumbers, 37 Old Forest Hill Rd., Toronto 7, Ontario, Canada.	Vice president, Noranda Mines Ltd	1,000
Lotte Mirisch, Beverly Hills, Calif	Wife of Hal Mirisch, motion picture producer	1,000
Donald Peters, 21 Birchwood Rd., Hinsdale, Ill.	Labor consultant	200
Alfred Powis, Suite 1700, 44 King St. West, Toronto 1, Ontario, Canada.	President, Noranda Mines Ltd	1,000
RNS Corp., 1500 North Dayton St., Chicago, Ill.	Family corporation of Louis J. Nicastro, president, Commonwealth United Corp.	9,000
Jill St. John, 1326 Beverly Estate Dr., Beverly Hills, Calif.	Actress	1,000
William C. Scott, 120 North Robertson Blvd., Los Angeles, Calif.	President, Parvin/Dohrmann Co	4,000
Stephen-Leedom Corp., 295 Fifth Ave., New York, N.Y.	Carpet manufacturer	10,000
Jane D. Stevenson, 366 Glengrove Ave. West, Toronto 5, Ontario, Canada.	Wife of William Stevenson, executive, Noranda Mines Ltd.	500
Rubina M. White, 53 Thorncliffe Park Dr., Apartment 2008, Toronto 17, Ontario, Canada.	Wife of Herbert White, vice president, the Toronto Dominion Bank.	1,000

[1] These 81,000 shares were privately placed by F.O.F. Proprietary Funds, Ltd., in April 1969, on the demand of the Nevada Gaming Control Board.

EXHIBIT 2.—PURCHASES BY DELBERT W. COLEMAN & ASSOCIATES

The Coleman purchases fall into four categories: Coleman, personally; Coleman, as trustee of a trust for the benefit of his daughter, Susan; Coleman, as trustee of a trust for the benefit of his son, Neil; and Enness Realty Corporation, a corporation owned by Coleman and his children/

Trade date	Number of shares	Price per share	Broker
A. Personal account of Delbert W. Coleman:			
Oct. 25, 1968	60,362	35	Private purchase from Parvin et al.
Jan. 22, 1969	[1] 800	71½	Kleiner, Bell & Co., Inc.
Mar. 4, 1969	[2] 4,000	85	Private purchase from Bryant Burton.
B. Susan Coleman trust:			
Oct. 25, 1968	20,000	35	Private purchase from Parvin et al.
C. Neil Coleman trust:			
Oct. 25, 1968	20,000	35	Do.
D. Enness Realty Corp :			
Oct. 25, 1968	56,438	35	Do.
Dec. 13, 1968[3]	500	84¼	Mesirow & Co.
Do.[3]	500	84½	Do.
Dec. 16, 1968[3]	700	85	Do.
Dec. 13, 1968[3]	800	85½	Do.
Dec. 24, 1968	100	72	Thompson & McKinnon.[4]
Do	100	73¾	Do.
Do	800	74	Do.
Do	300	74¼	Do.
Dec. 27, 1968	400	81½	Mesirow & Co.
Do	100	81	Do.
Dec. 31, 1968	500	82	Do.
Do.	1,500	82½	Do.
Do.	500	81½	Do.
Dec. 17, 1968	100	79¾	Arthur Lipper Corp.[5]
Do	900	80	Do.
Do	100	80¼	Do.
Do	400	81	Do.
Do	100	81	Do.
Do	100	81½	Do.
Do	100	81¼	Do.
Do	100	81¼	Do.
Do	100	81½	Do.
Do	100	82	Do.
Do	200	82½	Do.
Do	200	83	Do.
Do	300	84	Do.
Do	2,200	85	Do.
Jan. 7, 1969	200	68	Mesirow & Co.
Do	800	68½	Do.
Jan. 10, 1969	200	68	Do.
Do	300	68½	Do.
Jan. 17, 1969	100	69	Do.
Do	1,900	70	Do.
Jan. 27, 1969	200	85⅞	Mesirow & Co.
Do	500	86	Do.
Do	300	86½	Do.
Do	1,000	89	Do.
Jan. 22, 1969	100	71¾	Kleiner, Bell & Co., Inc.
Do	2,400	73	Do.
Do	100	73½	Do.
Do	400	74	Do.
Do	2,000	74	Do.
D. Enness Realty Corp.—Con.			
Jan. 28, 1969	200	88	Mesirow & Col
Jan. 27, 1969	2,000	91	Kleiner, Bell & Co., Inc.
Do	100	91⅛	Do.
Do	500	91¼	Do.
Do	400	91½	Do.
Jan. 29, 1969	100	87⅜	Mesirow & Co.
Do[3]	400	87⅝	Do.
Jan. 30, 1969	200	88½	Do.
Jan. 29, 1969[3]	700	90	Do.
Feb. 6, 1969	500	98½	Do.
Feb. 7, 1969	400	95	Thompson & McKinnon, Inc.[4]
Do	500	95	Do.
Do	100	94½	Do.
Feb. 11, 1969	200	97	Mesirow & Co.
Feb. 7, 1969[3]	100	95½	Thompson & McKinnon, Inc.[4]
Do[3]	400	96	Do.
Feb. 12, 1969	500	93	Mesirow & Co.
Feb. 13, 1969	800	92½	Do.
Do	200	92	Do.
Feb. 14, 1969	500	89½	Do.
Mar. 14, 1969	500	98½	Do.
Mar. 17, 1969	1,000	94½	Jesup & Lamont.
Do	1,000	94½	Do.
Do	100	94	Do.
Mar. 18, 1969	300	100½	Do.
Do	2,700	100	Do.
Mar. 17, 1969	500	94	Mesirow & Co.
Do	400	93¼	Do.
Do	100	93⅜	Do.
Mar. 18, 1969	300	104	Jesup & Lamont.
Do	100	102	Do.
Do	100	102¼	Do.
Do	100	102½	Do.
Do	100	102¾	Do.
Do	200	103	Do.
Mar. 18, 1969	100	103¼	Jesup & Lamont.
Do	500	103½	Do.
Do	100	103⅝	Do.
Do	800	103¾	Do.
Do	200	103⅜	Do.
Do	200	103	Do.
Do	100	103	Do.
Do	300	102¾	Do.
Mar. 18, 1969	200	102	Jesup & Lamont.
Do	1,100	102	Do.
Do	100	101½	Do.
Do	400	101	Do.
Mar. 28, 1969	3,000	107	Do.
Total	102,638		

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[1] After subtracting 1,200 shares purchased by Coleman as agent for Harry and Stuart Korshak (500 shares each) and Louis H. and Grace Nesenkop (200 shares) paid for by them.

[2] After deducting 1,000 shares purchased from Burton by Coleman as agent for Sidney Korshak

[3] Indicates as of trade dates per broker's confirmation.

[4] Thompson & McKinnon is the firm used by Brand, Grumet & Seigel, Inc., of New York City with whom the purchase order was placed.

[5] In addition, Mr. Coleman placed an order with Arthur Lipper Corp. for an additional 5,000 shares which were immediately transferred to the account of Joseph Sheehan, an employee of Allen & Co., Inc. Mr. Sheehan paid Arthur Lipper Corp. directly for these 5,000 shares.

EXHIBIT 3.—PURCHASES AND SALES BY MR. COLEMAN'S MOTHER

Trade date	Number of shares	Price per share[1]	Broker
Purchases:			
Dec. 13, 1968	1,100	85	Mesirow & Co.
Do	100	84	Do.
Dec. 20, 1968	1,000	85	Do.
Do	500	84½	Do.
Do	800	84	Do.
Do	200	84¾	Do.
Total	3,700		
Sale: Dec. 20, 1968	3,700	85	Allen & Co.

[1] Prices do not reflect brokers' commissions.

EXHIBIT C

FOUNDATIONS: PARVIN WHO?

Parvin/Dohrmann. It sounds like a neighborhood real-estate partnership, or maybe the brand name of an electric motor car that became extinct in 1904. It is, rather, the name of Wall Street's wildest, hottest common stock. Parvin/Dohrmann has gone from $22 to a peak of $141 in less than a year. It is under investigation by the Securities and Exchange Commission and the Commissioner of Baseball. And it has been owned—either directly or through organizations they control—by people as disparate as Supreme Court Justice William O. Douglas, Oakland Athletics owner Charles Finley, actress Jill St. John, mutual-fund titan Bernard Cornfeld and the city treasurer of Chicago.

Parvin/Dohrmann is in a line of business that is neither quaint nor commonplace. Besides hotel supplies and Los Angeles real estate, the company owns and operates three casino-hotels in Las Vegas, the Fremont, Aladdin and Stardust, and is trying to buy a fourth, the Riviera. Justice Douglas' connection with the company, to be sure, is entirely indirect. Since 1960, he has been president of the Albert Parvin Foundation of Los Angeles, receiving over the last seven years about $12,000 annually as the only paid officer in the charitable fund. The foundation, in turn, recently has had its principal assets invested in 31,291 shares of Parvin-Dohrmann, a company that until early this year was headed by Los Angeles businessman Albert Parvin. Parvin's links to gambling enterprises go back to the 1950s, when he owned the Flamingo casino-hotel. He is also founder and chief angel of the foundation bearing his name.

With Washington still in an uproar over the resignation of Supreme Court Justice Abe Fortas for his acceptance of $20,000 a year from financier Louis Wolfson, Douglas' connection with gambling money—however remote—was cause enough for talk. This was especially true because Parvin had been officially named as a co-conspirator with Wolfson—though not as a defendant—in a trial last year that resulted in Wolfson's conviction for securities fraud. The Fortas case, of course, also involved a foundation—Wolfson's. By last week, other delicate questions had emerged.

Justice Douglas, when questioned by Los Angeles Times reporter Ron Ostrow in 1966, gave every impression of denying that the Parvin Foundation's income derived from gambling activities. He said he wasn't a member of the foundation's finance committee, but he thought that a first mortgage on the Flamingo casino-hotel, which had been donated by Albert Parvin, "was owned for a brief period but disposed of." At the same time, Pulitzer Prize-winning newspaperman Harry Ashmore, who is a director of the Parvin Foundation, insisted that various trust arrangements isolated the foundation from the "operation of any . . . enterprise in Las Vegas." Yet Internal Revenue documents examined by Newsweek's John J. Lindsay last week show that the foundation's main source of income at the time both men were speaking was the Flamingo mortgage, which was generating $28,000 in revenues a month to the small foundation and which was still in the foundation's investment portfolio at the time it filed its last report covering the year 1967. The foundation also owned 5,000 shares in a corporation that had casinos in Las Vegas and Lake Tahoe. And through its holdings of Parvin/Dohrmann stock, the foundation had an interest in the Fremont, casino-hotel, which P/D had bought in June 1966.

TOO MUCH

Late last week, the Parvin Foundation announced that with "deep regret" it had accepted the resignation of Justice Douglas. The expanded activities of the foundation, Douglas told the board, was becoming "too heavy a workload" for him. The resignation may well end the Justice's increasingly embarrassing connection with the Parvin operations. But it is not likely to end the public interest in Parvin/Dohrmann.

That interest dates back to late October, when Delbert Coleman, a Chicago businessman, whose varied interests include an investment in the Atlanta Braves baseball club, bought a 300,000-share controlling block of stock in P/D at $35 a share from Albert Parvin and his family trusts (192,000 shares), and Parvin's partner, Harry Goldman (108,000 shares). The partners sold, the 69-year-old Parvin told Newsweek's John Dotson last week, because they wanted to retire. "I wanted out," said the short, stocky Parvin, "I had had all I wanted of business." Parvin immediately took off for an East African safari, and Parvin/Dohrmann's stock immediately took off.

The American Stock Exchange price for P/D had been around $38 a share when Parvin and Goldman signed the sales agreement. By the time Parvin got back from his safari, the price was up to $52, and by the time all technicalities were completed and the deal was closed Jan. 10, the price was up to $80. It kept right on soaring, even though the company in April reported a loss for 1968 of $3 million, even though the Amex suspended trading in the issue for several weeks in April (it continued to trade over-the-counter) and even though the Securities and Exchange Commission, charging P/D with failure to disclose relevant information, suspended all trading for one week earlier this month. In fact, only after the Nevada Gaming Control Board indefinitely suspended plans of the company to acquire the Riviera a couple of weeks ago did the stock finally break from near its $141 high. It closed last week at $88.25—still a handsome gain from Coleman's purchase price of $35.

Craze: Many Wall Street experts attribute this phenomenal performance to the current speculative craze for gambling-resort stocks. The craze is powered by rising numbers of tourists leaving rising amounts of money at the gambling tables, plus the entry into gambling of Howard Hughes. Hughes has bought six Las Vegas casinos in the last two and a half years. The access of new efficiency and Hughes's glamour have sent the shares of public companies that have acquired casinos (Continental Connector, Lum's, Benguet Consolidated) zipping all over the market.

But there is doubtless a second market factor at work in the rise of Parvin/Dohrmann. It is what experts call "sponsorship"—the powerful buying of a stock by big important names with big important money.

First, there is Coleman himself, a man who established a reputation as an operator as head of Seeburg Corp., a Chicago jukebox company that he left only last year. But, as the SEC forced P/D to reveal this month, Coleman was not acting alone. He only bought 157,000 shares of the original block of stock himself, parceling out the rest to, among others, Allen & Co. (headed by multimillionaire Charles Allen), Bernard Cornfeld's fabulous successful Fund of Funds mutual fund and William Bartholomay, president of the Atlanta Braves. Actress Jill St. John and Chicago City Treasurer Marshal Korshak got some stock, too. Cornfeld's Fund of Funds, because of casino investments in the Bahama Islands, was later required to resell its 81,000 shares by the Nevada gambling board. The shares were snapped up by the Oakland Athletics' Charles Finley and a number of prestigeous institutions. Coleman, meanwhile, has continued buying P/D in the open market. The role of Coleman, Bartholomay and Finley in P/D touched off an investigation by Baseball Commissioner Bowie Kuhn.

Given important buying like this, the rise in P/D stock prices was almost certain. The future of the company, however, is not. On the one hand, P/D faces continued scrutiny by the SEC, and Nevada's Clark County district attorney, whose jurisdiction covers Las Vegas, late last week launched an investigation of his own. On the other hand, P/D's loss last year was caused by a one-shot write-down of company assets, and the company has already reported a bullishly handsome profit of $1.02 per share in the first quarter of 1969. There is the chance for a killing or a debacle, in order words, just as there is at one of the company's crap tables.

BUFFETED PARVIN/DOHRMANN PREPARES FOR A NEW GAME

If the merger proposed last week between Parvin/Dohrmann Co., the much-publicized owner of three Las Vegas hotel-casinos, and Denny's Restaurants, Inc., operator of 1,200 fast-food service outlets, goes through, the big winner will be P/D's wheeling and dealing chairman, Delbert W. Coleman.

An Akron-born lawyer, Coleman has been in the limelight because of the sky-rocketing performance of P/D stock, propelled by massive insider and institutional trading. Coleman holds 207,000 shares which he presumably would be free to sell sometime after mid-October, the earliest the P/D-Denny's deal can be consummated. Denny's is offering four of its shares for one of P/D's, which at the recent $35 price for Denny's could bring Coleman a $19-million profit. The proposal provides that Coleman will be neither an officer nor director in the merged corporation.

Others would share Coleman's fortune. When he agreed last Oct. 25 to buy 300,000 shares of P/D—25% of the company—from Harry A Goldman, the concern's chairman, and Albert B. Parvin, president, at $35 a share, Coleman also was acting for some associates. Included were a group of mutual funds and luminaries such as actress Jill St. John; Chicago lawyer Sidney R. Korshak; William C. Bartholomay, president of the Atlanta Braves baseball team; Allen & Co., the large New York investment house; Alfred Powis, president of Noranda Mines, a Canadian concern which years ago bought out a Coleman-controlled company; and Rubia M. White, wife of a vice-president of Toronto-Dominion Bank, which lent Coleman $2.5-million to pay his 1968 income taxes.

Coleman's biggest partner was F. O. F. Proprietary Funds, Ltd., which was allotted 81,000 shares. But the fund was forced to sell its shares in a private placement this April when the Nevada Gaming Control Board objected to its ownership. It is part of the holdings of Bernard Cornfeld's Switzerland-based Investors Overseas Services, Ltd., empire which already held interests in Resorts International, a company with gambling interests in the Bahamas. The fund apparently sold its holdings for $90 a share, thus becoming among the first to cash in handsomely on P/D's stock play.

UP AND AWAY

P/D's shares rose abruptly soon after Coleman signed the deal with Parvin and Goldman. By the time it was consummated on Jan. 13, the stock had soared to 68½. The shares kept climbing even after P/D reported a loss of $2.49 a share for 1968. The loss was cushioned, however, with the announcement that the company earned a first-quarter profit of $1.02 a share, and on May 13 the price moved to a high of 141½.

Shares declined sharply, but only temporarily, when the Nevada Gaming Control Board said it would issue no more casino licenses to P/D until the state scrutinized operations of its present three hotel-casinos—the Fremont, Stardust, and Aladdin. This apparently stalled P/D's contemplated purchase of the Riviera hotel-casino.

Authorities could have turned on a caution light for several reasons, among them the attention attracted to P/D by investigations of the Securities & Exchange Commission, the American Stock Exchange, and even the commissioner of baseball. Gaming officials probably were also upset that P/D would have been buying a 60% controlling interest in the Riviera from a group that included three then P/D directors and one of its employees, Edward Torres. Torres now owns 63,000 P/D shares, manages its hotel operations, and is still a Riviera owner.

In mid-April, the American Stock Exchange halted trading in P/Ds shares, and trading started over the counter. On May 5 the SEC ordered a temporary halt to OTC activity in the stock. The ban was lifted May 12, but not before the company was forced to spell out details of Coleman's purchases and the names of his associates—something he had failed to do because of what he called "an oversight."

In addition to notoriety from its own actions, P/D was buffeted by related attacks on the Albert Parvin Foundation, set up by P/D's former president with revenues from P/D stock and from shares in other corporations with gambling interests. The foundation's only paid officer was Supreme Court

XUM

Justice William O. Douglas, who resigned the position last month.

NEW DAY

Parvin/Dohrmann currently is being run by 32-year-old William C. Scott, Jr., a "very close friend" of Coleman's. Scott predicts the company will turn out to be a classic turnaround situation.

Scott entered the scene last October when Coleman asked him to review the operations of the Los Angeles-based corporation consisting of Albert Parvin & Co., an interior design company; the Dohrmann Co., a 119-year-old hotel supply and equipment-making concern; and the Aladdin and Fremont hotels in Nevada. Before the month ended, Coleman agreed to buy into P/D.

Scott, now P/D's president, was then the youngest partner in the accounting firm of Arthur Anderson & Co. He says he found a company rich with promise and opportunity, but completely lacking in top management and financial controls. Only Parvin and Goldman were permitted to make decisions, yet Goldman had been sick all year, and Parvin had lost interest in the company.

As an indication of the bad state of affairs, Parvin predicted on Sept. 26 that the company would show a profit "three times 1967, maybe four times." This would have worked out to earnings of between $1.50 and $2 a share, instead of the loss actually shown.

OPPORTUNITY

Scott saw that the hotel-casinos were raking in money—he figures the Fremont for a year and the Aladdin for six months brought in $1.80 a share—and more could be expected with improved controls and the addition of more hotels. However, the company's other operations were eating up the profits.

Since taking over on Jan. 10, Scott has done much to put things in shape, including tightening financial controls on the Aladdin and Fremont as well as the Stardust, which P/D purchased this year. For the first quarter Scott reported a profit of $1.4-million or $1.02 a share. With the 1,450-room Stardust and its popular Lido show in the company now, he expects even better results for the year.

Equally enthusiastic about P/D's future is Harold Butler, president of Denny's. He is a high-school dropout who expects his chain to earn $5.7-million on sales of $90-million for the year to end June 27.

The combination with P/D, Butler says, fits perfectly. Denny's, which plans to add 674 units in two years, is a big user of restaurant equipment, which P/D builds. "We can throw tens of millions of dollars into the company to fill production lines," he says. The cash flow expected will approximate $20-million in the second year of combined operations and will help Denny's expansion as money gets tighter.

Butler says Scott is shaping up P/D so fast that he expects the hotel-casinos alone will earn $7-million this year. Based on this estimate, he feels the operation is worth four shares of Denny's stock, and he is unconcerned about recent gyrations of P/D stock. On Tuesday, it closed at $107¼ a share.

Coleman, meanwhile, is hanging on to his P/D stock, and claims he has never sold any. The original distribution of 300,000 shares was bought with associates, and each took out his portion. In addition, he bought 50,500 additional shares between Dec. 13 and Mar. 28 at prices between $68 and $107.

Coleman, 42, has been an aggressive operator for years. In 1956 he bought into Seeburg Corp., the automatic vending machine company, and expanded its sales from $25-million to nearly $100-million. But he failed in efforts to turn Seeburg into a conglomerate, and last year sold out to Commonwealth United Corp., a diversified West Coast entertainment-based company. His other interests include a share of the Atlanta Braves baseball team and a seat on the American board of Noranda Mines, Ltd.

TWO VIEWS

Coleman has both ardent backers and vehement detractors.

Very much in his camp is Louis J. Nicastro, president of Seeburg under Coleman, who has remained with the company since its acquisition by Commonwealth United.

"Del Coleman specializes in financial management, and I've never seen anyone so fast in the ways of financial imagination and creativity," says Nicastro. Such warmth is natural; he made $4.5-million on the sale of his Seeburg stock to Commonwealth. In addition, Nicastro's family foundation got 9,000 of those P/D shares at $35, which will mean a $1-million profit if the sale to Denny's goes through.

Less charitably inclined toward Coleman is Sidney M. Katz, formerly president of Kay Instruments. Katz sold Kay to Seeburg and worked for Coleman for a year. "My education under Mr. Coleman was fascinating, extensive, painful, and expensive," says Katz. The two men disagreed on the management of the division, and Katz left. Kay then was sold by Seeburg for a "very substantial loss."

Another Seeburg executive describes Coleman as "a financial wizard," but he adds that "as far as operating a business, which technically requires the confidence of a large group of people, he isn't much interested."

TEAM

All of this may explain why Coleman has let Scott handle P/D's day-to-day operations while he functions as a $1-a-year chairman from a suite in New York's Carlyle Hotel. "Coleman is the idea man, and we are in touch with each other daily. But he has given me total control," says Scott.

While the combination with Denny's was being proposed, Coleman and Scott had been sifting through a long list of new names for Parvin/Dohrmann, hoping to find one to improve its public image.

"We have the list down to about 12 names," Coleman says. "It will be something with a recreational sound to it." Whatever the choice, and if it operates under that name as a division of Denny's, the company seems almost fated to remain in the spotlight. Corporate historians, in fact, will find fascinating bits of the past to amuse themselves. For example, when P/D bought its first Las Vegas hotel-casino, the Fremont, on June 30, 1966, the sellers financed the sale.

P/D paid $1,581,250 in cash and $9,656,000 in notes. But it raised the cash down payment and a bit more for working capital by selling the shareholders of Fremont 125,000 shares of P/D at $14 a share.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

The Senate resumed the consideration of the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

AMENDMENT NO. 47

Mr. SPONG. Mr. President, this afternoon I submit an amendment to the supplemental appropriations bill and ask that it be printed and lie on the table. I will call it up tomorrow to provide much needed funds for certain educational programs conducted in the Distrist of Columbia. In reporting this bill, the Appropriations Committee eliminated $7 million of previously authorized endowment for Federal City College and its companion institution, the Washington Technical Institute. The annual interest on these anticipated funds—$360,000—has been earmarked for two worthwhile and important programs conducted at these institutions: the cooperative extension program of Federal City College and the mechanical arts program of the Washington Technical Institute. The amendment would restore to this bill $360,000, the amount needed and anticipated for these programs during their second year of operation.

Mr. President, these two programs are comparable to programs which have been operated in the past by various land-grant colleges throughout the country. They are basically self-help programs designed to enable lower income citizens to provide more adequately for themselves and their families. The mechanical arts program consists essentially of vocational training. The cooperative extension program involves education in the fields of homemaking, nutrition, family living, adult and consumer education. The institutions involved provide the vehicles for administration of these programs.

These kinds of programs have proven their value in the past. Their self-help approach is one which Congress has justly fostered in other areas. Their importance at this time of unrest and need should not be underestimated. And their particular significance in the urban context should be appreciated. These programs help the urban poor become more independent of public support and enable them to become more productive members of society. During its first year of operation, for example, the extension program brought needed advice and training to more than 800 families—more than 4,000 individuals—in the District of Columbia. With the income from the $7 million endowment, officials have anticipated expanding the program threefold during its second year. The amendment would enable them to proceed with this expansion.

In light of difficulties which Federal City College has experienced during its first year, it should be stressed that the cooperative extension program is not an integral part of the college's regular curriculum, does not directly involve its regular undergraduate or graduate student body, and is not conducted on the college's campus.

In closing I would like to emphasize that in proposing the appropriation of $360,000 for these programs, I do not view this as a substitute for the full $7.24 million endowment previously authorized under Public Law 90–354. The House appropriated the endowment, which was authorized in lieu of a land grant, and so this will be a matter for discussion in conference. However, I would want to be assured that the extension work would be continued. Adoption of this amendment will accomplish this.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

Mr. SPONG. Mr. President, I ask unanimous consent that a letter I received from the Cooperative Extension

Service be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COOPERATIVE EXTENSION SERVICE,
Washington, D.C., June 16, 1969.

Hon. WILLIAM B. SPONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: This letter is in response to your letter regarding the $7.24 million endowment for the land grant status of the Federal City College.

The endowment authorized by Congress (PL 90–354) called for appropriations in lieu of land to be used to establish agricultural and mechanical arts programs for the citizens of the District of Columbia. This is a fund appropriated only once which by law must be invested in Government securities and bonds. The interest in the amount of approximately $360,000 is to be used for land grant programs. Such programs include the traditional agricultural and mechanical programs, as well as adult education programs for homemakers and citizens. Washington Technical Institute which shares half (50%) of the endowment uses its funds to develop mechanical arts programs. Initial efforts have resulted in developing such programs as engineering, environmental science, and pollution abatement. The Federal City College uses its half in agricultural programs in training future extension workers, 4–H leaders, and nutrition educators. The funds are also used in extending educational opportunities off-campus to citizens of the District in a variety of areas.

The endowment funds are not used to pay the salaries of the regular teaching faculty of Washington Technical Institute and the Federal City College. The staff carrying out the land grant programs are not the same staff teaching the regular academic programs. These land grant programs are administered from our offices at the Mt. Vernon Square site, a half mile removed from our building at 425 Second Street which serves as the campus for our student body. This program has been free of any disturbances and may be considered one of the most successful sponsored by the college.

As a land grant college we also receive the United States Department of Agriculture extension funds as does every state of the union to carry on specific Cooperative Extension programs in such areas as 4–H youth development, home economics, and nutrition education. The following was stated in the hearing on the Department of Agriculture appropriations for 1970:

During the current fiscal year the Federal City College has available $75,000 provided in the 1969 appropriation and $38,400 provided for the expanded nutrition program. Programs of family living and nutrition for low-income families are underway, as are 4–H youth programs.

An Extension family center has been established in the far Northeast in the Lincoln Heights area in cooperation with the National Capital Housing Authority. Local programs are conducted there to serve people near their homes. Federal City College is planning with the Mayor's office to include Extension work in the model cities area.

The $275,000 increase requested in the budget will be used to conduct programs in four additional community locations. The program provided will serve 10,000 members of low-income families through direct involvement in family living programs and 12,000 youth through involvement in youth programs. Also, the staff plans to make increased use of radio, television, and other mass media.

As we are completing our first six months in these programs we have seen that our predictions were indeed valid. Recognizing Nutrition Education as a dire need in Washington, D.C. the Cooperative Extension Service has initiated several programs to help in this area. Already more than 4,000 people in 800 families have been reached in our Nutrition Education program. Twenty-seven women, selected and trained by extension home economists, have returned to their own communities in order to assist low-income families in improving their diets. The program took on broader implications when some of the aides testified before the Select Senate Committee on Nutrition and Human Needs, and others appeared on TV and radio broadcasts.

As a part of Consumer Education lessons, housewives learned the techniques of buying groceries during on-the-spot-training sessions in local supermarkets.

In an effort to follow our programs in Nutrition Education, a telephone answering service has been established. Three-minute "mini-lessons" on improved family living are presented, followed by an opportunity for specific requests from the caller. These calls are followed up with the mailing of pertinent materials in an effort ot keep a continuing contact with the community.

With particular emphasis on pioneering the use of 4–H programs in urban areas, over 1,500 D.C. youth have become involved in clubs which help them to help themselves. It has been possible to use existing mechanical, electrical, horticultural, home economic, and beautification materials developed by national 4–H offices for use in urban settings. For instance, training in mechanics originally used in rural settings on farm machinery have been used in urban areas on automotive projects. 225 4–H members from the 50 states, Canada, and Japan were joined by two District of Columbia members for the 5-day National 4–H Youth Conference. In this connection the youth participated in "A Day on Capitol Hill" where they visited with Congressman Nelsen and Senator Prouty.

The programs at the Extension family center have included Family Financial Planning, Family Clothing Clinics, and Parent Education. Through continued use of these programs and the institution of additional ones, the center's aim is to assist families to more effectively utilize economic, material, and personal resources.

At the Lorton Correctional Institute, our programs have developed to include a full freshman curriculum beginning July 1, 1969, in order to enable the inmates to be paroled to the Federal City College as well as other area colleges with the advantage of having college experience behind them. As it has been found that over 70% of parolled inmates end up returning to Lorton, the hope is that this will reduce that high rate of recidivism considerably.

As the Director of Cooperative Extension in the District of Columbia and Dean of Community Education at the Federal City College. I work closely with the other 50 states in the direction of these programs. My former experience as Assistant to the Administrator of the Federal Extension Service assures me that they would concur with me that in less than one year of operation we have carried out effective, successful programs generally associated with extension service and we are pleased with the results.

The need for land grant programs in the District of Columbia is indeed great. The interest from this endowment which is estimated to be $360,000 in the first year, would enable us to triple our efforts in these areas.

Sincerely yours,

EUGENE WIEGMAN,
Director, Cooperative Extension Service,
Dean, Community Education.

ADDITIONAL COSPONSOR OF AN AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the name of the able and distinguished Senator from Alabama (Mr. ALLEN), who presently presides over this Chamber with a degree of skill and dignity "so rare as a day in June," be added as a cosponsor of the amendment which was earlier offered by the Senator from Tennessee (Mr. BAKER) and accepted by the majority and minority managers of the bill, to exempt from the limitations, imposed by the appropriations bill which we are now considering, those expenses of the Tennessee Valley Authority paid out of the proceeds of its power operations, and so forth.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, as modified, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 48 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 19, 1969, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate June 18, 1969:

DIPLOMATIC AND FOREIGN SERVICE

John G. Hurd, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Venezuela.

Joseph Palmer 2d, of Maryland, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Libya.

Adolph W. Schmidt, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

Terence A. Todman of the Virgin Islands, a Foreign Service Officer of class two, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 18, 1969:

POST OFFICE DEPARTMENT

Harold F. Faught, of Pennsylvania, to be an Assistant Postmaster General.

SECURITIES AND EXCHANGE COMMISSION

James J. Needham, of New York, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1973.

WITHDRAWAL

Executive nomination withdrawn from the Senate June 18, 1969:

IN THE ARMY

Lt. Gen. William Beehler Bunker, O19402, Army of the United States (major general, U.S. Army) to be placed on the retired list in the grade of lieutenant general under the provisions of title 10, United States Code, section 3962, which was sent to the Senate on May 23, 1969. General Bunker died June 5, 1969.

EXTENSIONS OF REMARKS

MILWAUKEE CHILDREN'S HOSPITAL'S 75TH ANNIVERSARY

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. DAVIS of Wisconsin. Mr. Speaker, I take this opportunity today to bring to the attention of my colleagues in the House of Representatives and other civic-minded citizens who will read this issue of the CONGRESSIONAL RECORD, a significant date in the history of Milwaukee Children's Hospital. It was on June 18, 1894, that the dream, courage, and vision of seven dedicated women became a reality with the opening of the hospital for the care of sick and needy children. Milwaukee Children's Hospital was then and remains today, 75 years later, the only independent, nonprofit, nontax supported volunteer hospital in Wisconsin maintained exclusively for children who are provided care regardless of creed, color, national origin, or ability to pay.

The original 10 bed hospital was founded in a rented former residence by Milwaukeeans Mrs. Carol Allis, Mrs. Clara Adler, Mrs. Frank Falk, Mrs. Eleanor Simpson, Mrs. Charles Catlin, Dr. Frances Sercombe, and Miss Alice Bradley. The facility they began has grown during its 75-year history in successive steps to keep pace with demand for its services and to remain abreast of medical progress. Today, the hospital is a modern 200-bed teaching hospital that is the center of pediatric patient care and professional education in Wisconsin. It enjoys a reputation of having one of the finest orthopedic sections of any children's hospital in the world. The so-called Milwaukee brace, designed and perfected by a member of its medical staff has gained worldwide acceptance in the correction of deformities caused by scoliosis.

Milwaukee Children's Hospital is one of just 21 such voluntary hospitals in our great Nation that offers complete patient care for children within a medical school environment. It is affiliated with the Marquette Medical School, and is approved by the Joint Commission on Accreditation of Hospitals, approved by the American Medical Asociation for internship and residency training; approved by the American Dental Association for dental residency training, and approved by the Wisconsin State Board of Nursing for its program of nursing of children. In addition, it conducts several paramedical educational programs.

The hospital epitomizes volunteer service, Judeo-Christian charity, individual dignity, and community service without reliance on taxes.

Milwaukee Children's Hospital in the first 10 months of its history served only 23 patients. Last year, a total of 9,252 youngsters were treated as inpatients and an additional 34,309 visits were recorded in its 41 specialty clinics on an outpatient basis. Those clinics are supported by the United Community Services and are manned by members of the hospital's medical staff who donate their time and professional know-how to aid the less fortunate who come to them for help.

During the illustrious history of the hospital there have been 13 civic-minded women who gave freely of their time and energies to act as president of the board of directors. The following, all representing families long prominent in Milwaukee, Wis., and national service activities are to be commended for their dedication: Mrs. Frank Falk, Mrs. F. E. Finney, Miss Alice Bradley, Mrs. Charles Catlin, Mrs. Emelie Nunnemacher, Mrs. Jackson B. Kemper, Miss Paula Uihlein, Mrs. William C. Frye, Mrs. Michael J. Cleary, Mrs. Alfred J. Kieckhefer, Mrs. Cyrus L. Philipp, Miss Catherine B. Cleary, and Mrs. Erwin C. Uihlein, who presently holds that office.

The volunteer board of directors continues today as in the past to benefit from men and women representative of the leaders in all walks of life in the community. The concept of community service on a volunteer basis that guided the founding group continues under the present administration of Edward J. Logan, a man of long and distinguished experience in the hospital field. There are six auxiliaries with a total membership of 350 women who work without compensation in the hospital helping it through many and varied activities.

Truly, Milwaukee Children's Hospital is representative of the type of community organizations that quietly, efficiently, and effectively have played such a tremendous role in making our Nation great.

It is a beacon, too, to those in foreign lands who seek new ways to improve their own Nation's health. And each volunteer, each professional coming to the Milwaukee Children's Hospital to learn and observe departs enriched by what he or she has seen.

It is a pleasure to direct your attention to the contributions Milwaukee Children's Hospital has made to a better way of life for all of us generally and our children specifically.

SENATE PAGE PAUL THOMAS TUCKER DELIVERS MEANINGFUL VALEDICTORIAN ADDRESS AT 1969 CAPITOL PAGE SCHOOL COMMENCEMENT

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 18, 1969

Mr. RANDOLPH. Mr. President, it has been my privilege to have sponsored a number of young West Virginians who have served as pages in the Senate and who have attended the Capitol Page School. Today, I salute the incumbent Paul Thomas Tucker, of Weirton, W. Va.

As Paul moves into the final week of his service of a year and a half—including the second semester of his junior year and all of his senior year at Capitol Page School—it is appropriate that we extend to him congratulations on his achievements and express gratitude for his exemplary performance both as a Senate page and as a student.

Paul, son of Mr. and Mrs. Fred Tucker, graduated as valedictorian of his Capitol Page School class this year and earned a Harvard Universtiy scholarship. He will enter Harvard in September following a summer vacation with his family. I know I express the sentiments of Senators and staff and Paul's associates in the group of pages when I say that his efficient and willing services and his friendly and courteous manner will be remembered. He has our best wishes in his future endeavors.

Paul's valedictory address at the Capitol Page School commencement, held in the House Ways and Means Committee auditorium on June 9, was well structured and was a meaningful and challenging presentation. It was delivered in the forceful manner that has marked this young man's history as a high school oratorical contest winner on several occasions in West Virginia.

Mr. President, I ask unanimous consent to have the text of Paul Thomas Tucker's valedictory address at the 1969 Capitol Page School commencement printed in the RECORD.

There being no objection, the speech was ordered printed in the RECORD as follows:

> We stand at the foot of a hill. It is the hill of brotherhood, the hill of human greatness, the hill of world unity. Every generation before us has tried to climb that hill and each has done better than the one preceding it, but no generation has ever reached the top. Tonight, as we receive our diplomas, we begin the ascent of that long hill, and we now ask ourselves if we shall be the first to reach the peak. Past generations are watching us; future generations are depending on us. One false step will send us crashing to the bottom.
>
> In recent years much has been said and much has been written about my generation. Many people, it seems, doubt my generation's ability to achieve success. They look to the future with dismay. I look to America's future as a time when my generation will learn to temper power with wisdom, ideas with action, and hatred with justice. I look to America's future as a time of new horizons, new ideals, and new perspectives.
>
> I feel certain that the majority of the members of my generation feel as I do when I say that I believe in freedom for all. I believe in peace on earth. I believe in compassion for my fellow man. I believe in my generation. It is because of this belief in the capabilities of my generation that I now submit that we can reach the top of that hill. The ascent will be a difficult one. The road is rough and littered with the remnants of generations that have faltered by the wayside.
>
> Our success in reaching the peak will not be a question of ability, for ability we have.

XUM

It will not be a question of time, for we are young and time is on our side. It will rather be a question of devotion. Will we as a generation be sufficiently devoted to the tasks of achieving freedom and justice for all and peace among mankind? The answer to this question lies with us and it is a question that cannot long remain unanswered. For we shall never reach the top of that hill unless we now begin to climb. We can no longer afford to sit back and watch things happen; we must move forward and make things happen. We must have perserverance in our efforts; we must have devotion to our cause; but, above all, we must have strength in our convictions. If it is cowardice to attempt to talk instead of fight, then let me be a coward. If it is weakness to want to save human lives rather than destroy them, then let me be weak. I do not agree with those who say it is a sign of weakness to be opposed to fighting. I submit that it takes greater strength to talk than it does to fight, and I believe that my generation has that strength.

But I must now warn all enemies of America, all opponents of freedom and justice, that they shall find in our generation the strongest of adversaries. If we must fight, then fight we will, and we will win.

As I look through the audience tonight, I see many members of my parents' generation, and I thank you now for all you have given us. You have left us a nation the prosperity and strength of which no generation has ever seen before. It can only be with the deepest sense of gratitude to you that we now accept these diplomas for we know that we could not be taking even this first step without your help. But it is now necessary that we ask you to give us even more. I appeal to you to have faith in our potential, and I appeal to you to help us when we are in need of help. Give us knowledge so that we might know; give us strength so that we might be strong.

And so, I now say to you, the members of the graduating class of 1969, that we can reach the summit of that hill of brotherhood. With an unfaltering courage, an unflagging devotion to purpose, and a never-ending thirst for the right, we must seek new dimensions of human understanding. To act without haste, to judge without prejudice, and to search without fear, these must be the goals of my generation.

HOUSE JOINT RESOLUTION 486

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. ANDERSON of California. Mr. Speaker, I would like to bring to the attention of my colleagues a resolution by the city of Lawndale, Calif., urging the creation of a Presidential Commission between the United States and Mexico to help control the flow of narcotics and dangerous drugs between our two countries.

This resolution asks the President to set up a joint commission with the Mexican Government as Congressman DICK HANNA and I proposed in House Joint Resolution 486.

Mr. Speaker, it is my hope and that of many people in California that President Nixon can be persuaded to take the necessary steps to set up such a Commission. In the southwestern part of the United States the smuggling of narcotic drugs and dangerous drugs into the country poses the largest single problem for the collectors of the customs and the Federal courts.

I am including in the RECORD a copy of the resolution by the city of Lawndale and a copy of the bill we have introduced:

RESOLUTION NO. 961

Whereas, the most effective way to stop the illicit traffic in narcotics and dangerous drugs into our community is to cut off the supply at its source, there should be established a joint presidential commission between the United States and Mexico to undertake an action program to control the flow of narcotics between the two countries, and

Whereas, in 1959, the Board of Supervisors of the County of Los Angeles requested President Eisenhower to establish a control commission to which he responded by sending a fact-finding team to Los Angeles and other cities to investigate the drug traffic problem, and

Whereas, in 1962, President John F. Kennedy called the first White House Conference on Narcotics and Drug Abuse, and, while there was much discussion and debate, little action resulted, and

Whereas, in March, 1968, Supervisor Kenneth Hahn urged President Lyndon B. Johnson to continue to seek at the presidential level the establishment of a joint commission with, but he could not include it in his program at that time, and

Whereas, in 1947, a joint presidential commission was established to set up controls for hoof and mouth disease which was plaquing cattle on both sides of the border, such a commission is even more needed for the health and safety of our young people whose lives are daily influenced by the ready supply of marijuana, barbituates and other dangerous drugs which must be cut off by striking at the steady stream of illicit traffic across the border of Mexico.

Now therefore, be it resolved, that the City Council of the City of Lawndale, California respectfully requests the President of the United States, the Honorable Richard M. Nixon, to establish a commission with the President of Mexico, the Honorable Gustave Diaz Ordaz, to halt the illicit flow of narcotics and dangerous drugs between our two countries, and

Be it further resolved that copies of this resolution be forwarded to Secretary of State William P. Rogers, Attorney General John N. Mitchell, Secretary of Health, Education, and Welfare Robert H. Finch and to both California Senators and Representatives in the Congress who represent the County of Los Angeles.

Approved and adopted on this 2nd day of June, 1969.

ARTHUR GRIFFIN,
Mayor.

Attest:

GALE F. DREITBACK,
City Clerk.

H.J. RES. 486

Joint resolution to request the President to negotiate with the Mexican Government for the purpose of setting up a joint United States-Mexican commission to investigate the flow of marihuana, narcotic drugs, and dangerous drugs between the United States and Mexico

Whereas Mexico is the primary source of supply for narcotic drugs and dangerous drugs brought into the southwestern part of the United States; and

Whereas these narcotic drugs and dangerous drugs are subsequently distributed throughout the United States; and

Whereas 100 per centum of the marihuana seized by the enforcement officials in the southwestern part of the United States comes from Mexico; and

Whereas the smuggling of narcotic drugs and dangerous drugs into the United States poses the largest single problem for collectors of the customs and for the Federal courts in the southwestern part of the United States; and

Whereas the use of narcotic drugs and dangerous drugs by juveniles has greatly increased due to the easy accessibility of such drugs from Mexico: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is requested to initiate negotiations with the Government of Mexico for the purpose of setting up a joint United States-Mexican commission to investigate and to recommend appropriate solutions concerning the flow of marihuana, narcotic drugs, and dangerous drugs between said countries.

DEATH OF DAVID WEIDNER IN VIETNAM

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, June 18, 1969

Mr. FULBRIGHT. Mr. President, I recently received a letter from Mr. Jack B. Harrison of Hazelwood, Mo., with which he enclosed a moving poem which he had written following the death of a young friend in Vietnam. Mr. Harrison's poem helps to bring home the impact of this war on the tens of thousands of families across this land who have lost their loved ones in this tragedy.

I ask unanimous consent to have his letter and the poem printed in the Extensions of Remarks.

There being no objection, the letter and poem were ordered to be printed in the RECORD, as follows:

HAZELWOOD, MO.,
May 26, 1969.

Senator J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR MR. FULBRIGHT: The attached was prompted by the death in Vietnam of David Weidner, St. Louis, on May 12th last.

I have known young Weidner and his family since before he was in grade school.

I, with many others, feel this war was not fought to win, and has become a burdensome and unhappy drain on our manpower and financial resources.

I appreciate your efforts and thoughts in regards to seeking the proper solution to an end.

Sincerely,

JACK B. HARRISON.

IN RETROSPECT

From Asia comes a sullen sound,
And dark clouds drift against the sky;
We tread upon a foreign ground—
In valleys low, on mountains high.

So far from home, and yet the call
To town and village, near and far
Goes out, and young men strong and tall
Are wont to taste the wrath of war.

Call back those few years, if we will—
Remember him we called our son;
The plans we made and would fulfill,
When he was just a little one.

Remember only years ago
We camped beside a crystal stream;
His eyes were bright in campfire's glow—
The culmination of a dream.

Adventure all alone with Dad—
And as I helped him with his line;
I thought if he were all I had,
I would be rich, since he was mine.

Turn back the clock, bring back those days
  And give us but another year;
To wander down those old byways
  With him whose memory we hold dear.

Should we not question those who hold,
  Our future lies beyond the sea;
Should we believe what we are told,
  Although our thoughts do not agree.

And, though we march in foreign lands,
  We feel the course is wrong;
And ask if this be worth the gift
  Of our sons, brave and strong.

J. B. Harrison.

TOWARD A NATIONAL URBAN POLICY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, at the 1969 Syracuse University Honors Convocation, Daniel P. Moynihan delivered one of the most important statements I have read on the need to develop a national urban policy and the social and governmental challenges which now confront our cities. Stressing that groups are now registering demands on a groupwise, rather than individual basis, that many of the new issues shall have to be resolved in policy, rather than program terms, and that the United States today does not have an urban policy. Dr. Moynihan then went on to delineate what he termed "the fundaments of urban policy." It is that portion of his speech in which Dr. Moynihan suggested 10 basic considerations to be borne in mind when constructing an urban policy, which I insert in the Record for the information of the Members of Congress:

THE FUNDAMENTS OF URBAN POLICY

It having long been established that with respect to general codes of behavior eleven precepts are too many, and nine too few, ten points of urban policy may be set forth, scaled roughly to correspond to a combined measure of urgency and importance.

1. The poverty and social isolation of minority groups in central cities is the single most serious problem of the American city today. It must be attacked with urgency, with a greater commitment of resources than has heretofore been the case, and with programs designed especially for this purpose.

The 1960's have seen enormous economic advances among minority groups, especially Negroes. Outside the South, 37 percent of Negro families earn $8,000 per year or more, that being approximately the nation median income.

In cities in the largest metropolitan areas, 20 percent of Negro families in 1967 reported family incomes of $10,000 or over. Nonetheless, certain forms of social disorganization and dependency appear to be increasing among the urban poor. Recently, Conrad Taueber, Associate Director of the Bureau of the Census reported that in the largest metropolitan areas—those with 1 million or more inhabitants, "the number of black families with a woman as head increased by 83 percent since 1960; the number of black families with a man as head increased by only 15 percent during the same period." Disorganization, isolation, and discrimination seemingly have led to violence and this violence has in turn been increasingly politicized by those seeking a "confrontation" with "white" society. Urban policy must have as its first goal the transformation of the urban lower class into a stable community based on dependable and adequate income flows, social equality, and social mobility. Efforts to improve the conditions of life in the present caste-created slums must never take precedence over efforts to enable the slum population to disperse throughout the metropolitan areas involved. Urban policy accepts the reality of ethnic neighborhoods based on choice, but asserts that the active intervention of government is called for to enable free choice to include integrated living as the normal option.

It is impossible to comprehend the situation of the black urban poor without first seeing that they have experienced not merely a major migration in the past generation, but also that they now live in a state almost of demographic siege as a result of population growth. The dependency ratio, in terms of children per thousand adult males, for blacks is nearly twice that for whites, and the gap widened sharply in the 1960's.

Children per 1,000 adult males

White:	
1960	1, 365
1966	1, 406
Negro:	
1960	1, 922
1966	2, 216

It is this factor, surely, that accounts for much of the present distress of the black urban slums. At the same time, it is fairly clear that the sharp escalation in the number of births that characterized the past twenty-five years has more or less come to an end. The number of Negro females under age five is exactly the number aged 5 to 9. Thus the 1980's will see a slackening of the present severe demands on the earning power of adult Negroes, and also on the public institutions that provide services for children. But for the decade immediately ahead, those demands will continue to rise—especially for central city blacks, whose median age is a little more than 10 years below that for whites—and will clearly have a priority claim on public resources.

1967 Negro female population

Age:	
Under 5	1, 443, 000
5 to 9	1, 443, 000
10 to 14	1, 298, 000
15 to 19	1, 102, 000
20 to 24	840, 000

2. Economic and social forces in urban areas are not self-balancing. Imbalances in industry, transportation, housing, social services and similar elements of urban life frequently tend to become more rather than less pronounced, and this tendency is often abetted by public policies. The concept of urban balance may be tentatively set forth: a social condition in which forces tending to produce imbalance induce counterforces that simultaneously admit change while maintaining equilibrium. It must be the constant object of federal officials whose programs affect urban areas—and there are few whose do not—to seek such equilibrium.

The evidence is considerable that many Federal programs have induced sharp imbalances in the "ecology" of urban areas—the highway program, for example, is frequently charged with this, and there is wide agreement that other, specifically city-oriented programs such as urban renewal, have frequently accomplished just the opposite of their nominal objectives. The reasons are increasingly evident. Cities are complex social systems. Interventions that, intentionally or not, affect one component of the system almost invariably affect second, third, and fourth components as well, and these in turn affect the first component, often in ways quite opposite to the direction of the initial intervention. Most Federal urban programs have assumed fairly simple cause and effect relationships which do not exist in the complex real world. Moreover, they have typically been based on "common sense" rather than research in an area where common sense can be notoriously misleading. In the words of Jay W. Forrester, "With a high degree of confidence we can say that the intuitive solution to the problems of complex social systems will be wrong most of the time."

3. A least part of the relative ineffectiveness of the efforts of urban government to respond to urban problems derives from the fragmented and obsolescent structure of urban government itself. The Federal Government should constantly encourage and provide incentives for the reorganization of local government in response to the reality of metropolitan conditions. The objective of the Federal Government should be that local government be stronger and more effective, more visible, accessible, and meaningful to local inhabitants. To this end the Federal Government should discourage the creation of paragovernments designed to deal with special problems by evading or avoiding the jurisdiction of established local authorities, and should encourage effective decentralization.

Although the "quality" of local government, especially in large cities, has been seen to improve of late, there appears to have been a decline in the vitality of local political systems, and an almost total disappearance of serious effort to reorganize metropolitan areas into new and more rational governmental jurisdictions. Federal efforts to recreate ethnic-neighborhood based community organizations, as in the poverty program, or to induce metropolitan area planning as in various urban development programs, have had a measure of success, but nothing like that hoped for. The middle class norm of "participation" has diffused downward and outward, so that Federal urban programs now routinely require citizen participation in the planning process and beyond, yet somehow this does not seem to have led to more competent communities. In some instances it appears rather to have escalated the level of stalemate.

It may be we have not been entirely candid with ourselves in this area. Citizen participation, as Elliott A. Grause has pointed out, is in practice a "bureaucratic ideology," a device whereby public officials induce nonpublic individuals to act in a way the officials desire. Although the putative object may be, indeed almost always is, to improve the lot of the citizen, it is not settled that the actual consequences are anything like that. The ways of the officials, of course, are often not those of the elected representatives of the people, and the "citizens" may become a rope in the tug-of-war between bureaucrat and representative. The bureaucracy increasingly gets its way, and acquires a weapon against the elected officers of "representative" government, but it is not clear that it gets its results. A process of cooptation, of diminished rather than enhanced energies, somehow seems to occur.

Something like this may have happened to those groups seeking to influence opinion on matters of public policy which have been openly or covertly supported by the Federal government. This is a new practice in American democracy. It began in the field of foreign affairs, and has now spread to the domestic area. To a quite astonishing degree it will be found that those groups which nominally are pressing for social change and development in this area are in fact subsidized by Federal funds. This occurs in protean ways—research grants, training contracts, or whatever—and is done with the best of intentions. But, again, with what results is far from clear. Can this development, for example, account for the curious fact that there seems to be so much protest in the streets of the nation, but so little, as it were, in its legislatures? Is it the case, in

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other words, that the process of public subsidy is subtly debilitating?

Whatever the truth of this judgment, it is nevertheless clear that a national urban policy must look first to the vitality of the elected governments of the urban areas, and must seek to increase their capacity for independent, effective, and creative action. This suggests an effort to find some way out of the present fragmentation, and a certain restraint on the creation of Federally-financed "competitive governments."

Nathan Glazer has made the useful observation that in London and Tokyo comprehensive metropolitan government is combined with a complex system of "sub-governments"—the London Boroughs—representing units of 200,000–250,000 persons. These are "real" governments, with important powers in areas such as education, welfare, and housing. In England, at all events, they are governed through an electoral system involving the national political parties in essentially their national postures. (Indeed, the boroughs make up the basic units of the parties' urban structure.) It may well be there is need for social inventions of this kind in the great American cities, especially with respect to power over matters such as welfare, education, and housing which are now subject to intense debates concerning "local control."

4. A primary object of Federal urban policy must be to restore the fiscal vitality of urban government, with the particular object of ensuring that local governments normally have enough resources on hand or available to make local initiative in public affairs a reality.

For all the rise in actual amounts, Federal aid to State and local government has increased only from 12% of State-local revenue in 1958 to 17% in 1967. Increasingly, State and local governments that try to meet their responsibilities lurch from one fiscal crisis to another. In such circumstances, the capacity for creative local government becomes least in precisely those jurisdictions where it might most be expected. As much as any other single factor, this condition may be judged to account for the malaise of city government, and especially for the reluctance of the more self-sufficient suburbs to associate themselves with the nearly bankrupt central cities. Surviving from one fiscal deadline to another, the central cities commonly adopt policies which only compound their ultimate difficulties. Yet their options are so few. As James Q. Wilson writes, "The great bulk of any city's budget is, in effect, a fixed charge the mayor is powerless to alter more than trivially.'' The basic equation, as it were, of American political economy is that for each one percent increase in the Gross National Product the income of the Federal Government increases one and one-half percent while the normal income of city governments rises half to three-quarters of a point at most. Hence both a clear opportunity and a no less manifest necessity exist for the Federal Government to adopt as a deliberate policy an increase in its aid to urban governments. This should be done in part through revenue sharing, and in part through an increase in categorical assistance, hopefully in much more consolidated forms than now exist, and through credit assistance.

It may not be expected that this process will occur rapidly. The prospects for an enormous "peace and growth dividend" to follow the cessation of hostilities in Vietnam are far less bright than they were painted. But the fact is that the American Gross National Product grows at a better than a billion dollars a week, and we can afford the government we need. This means, among our very first priorities, an increase in the resources available to city governments.

A clear opportunity exists for the Federal government to adopt as a deliberate policy an increase in its aid to state and local governments in the aftermath of the Vietnam war. Much analysis is in order, but in approximate terms it may be argued that the present proportion of aid should be doubled, with the object that the Federal government contribution constitute one-third of state and local revenue on a permanent basis.

5. Federal urban policy should seek to equalize the provision of public services as among different jurisdictions in metropolitan areas.

Although the standard depiction of the (black) residents of central cities as grossly deprived with respect to schools and other social services, when compared with their suburban (white) neighbors requires endless qualification, the essential truth is that life for the well-to-do is better than life for the poor, and that these populations tend to be separated by artificial government boundaries within metropolitan areas. (The people in between may live on either side of the boundaries, and are typically overlooked altogether.)

As a minimum, Federal policy should seek a dollar-for-dollar equivalence in the provision of social services having most to do with economic and social opportunity. This includes, at the top of the list, public education and public safety. (Obviously there will always be some relatively small jurisdictions—"the Scarsdale school system"—that spend a great deal more than others, but there can be national or regional norms and no central city should be forced to operate below them.)

Beyond the provision of equal resources lies the troubled and elusive question of equal results. Should equality of educational opportunity extend to equality of educational achievement (as between one group of children and another)? Should equality of police protection extend to equality of criminal victimization? That is to say, should there be not only as many police, but also as few crimes in one area of the city as in another? These are hardly simple questions, but as they are increasingly posed it is increasingly evident that we shall have to try to find answers.

The area of housing is one of special and immediate urgency. In America, housing is not regarded as a public utility as it is in many of the industrial democracies of Europe, but there can hardly be any remaining doubt that the strong and regular production of housing is very nearly a public necessity. We shall not solve the problem of racial isolation without it. Housing must not only be open, *it must be available*. The process of filtration out from dense center city slums can only take place if the housing perimeter, as it were, is sufficiently porous. For too long now the production of housing has been a function not of the need for housing as such, but rather of the need to increase or decrease the money supply, or whatever. Somehow a greater regularity of effective demand must be provided the housing industry, and its level of production must be increased.

6. The Federal Government must assert a specific interest in the movement of people, displaced by technology or driven by poverty, from rural to urban areas, and also in the movement from densely populated central cities to suburban areas.

Much of the present urban crisis derives from the almost total absence of any provision for an orderly movement of persons off the countryside and into the city. The Federal government made extraordinary and extraordinarily successful efforts to provide for the resettlement of Hungarian refugees in the 1950's and Cuban refugees in the 1960's. But almost nothing has been done for Americans driven from their homes by forces no less imperious.

Rural to urban migration has not stopped, and will not for some time. Increasingly, it is possible to predict where it will occur, and in what time sequence. (In 1968, for example, testing of mechanical tobacco harvesting began on the East Coast and the first mechanical grape pickers were used on the West Coast.) Hence, it is possible to prepare for it, both by training of those who leave, and providing for them where they arrive. Doubtless the United States will remain a nation of exceptionally mobile persons, but the completely unassisted processes of the past need not continue with respect to the migration of impoverished rural populations. There are increasing indications that the dramatic movement of Negro Americans to central city areas may be slackening, and that a counter movement to surrounding suburban areas may have begun. This process is to be encouraged in every way, especially by the maintenance of a flexible and open housing market.

But it remains the case that in the next thirty years we shall add one hundred million persons to our population. Knowing that, it is impossible to have no policy with respect to where they will be located. *For to let nature take its course is a policy.* To consider what might be best for all concerned and to seek to provide it is surely a more acceptable goal.

7. State government has an indispensable role in the management of urban affairs, and must be supported and encouraged by the Federal Government in the performance of this role.

This fact, being all but self-evident, tends to be overlooked. The trend of recent legislative measures, almost invariably prompted by executive initiatives, has been to establish a direct Federal-City relationship. States have been bypassed, and doubtless some have used this as an excuse to avoid their responsibilities of providing the legal and governmental conditions under which urban problems can be effectively confronted.

It has, of course, been a tradition of social reform in America that city government is bad and that, if anything, state government is worse. This is neither true as a generalization nor useful as a principle. But on the other hand, by and large, state governments, with an occasional exception such as New York, have *not* involved themselves with urban problems, and are readily enough seen by mayors as the real enemy. But this helps neither. States must become involved. City governments, without exception, are creatures of state governments. City boundaries, jurisdictions, and powers are given and taken away by state governments. It is surely time the Federal establishment sought to lend a sense of coherence and a measure of progressivism to this fundamental process.

8. The Federal Government must develop and put into practice far more effective incentive systems than now exist whereby State and local governments, and private interests can be led to achieve the goals of Federal programs.

The typical Federal grant-in-aid program provides its recipients with an immediate reward for promising to work toward some specified goal—raising the educational achievement of minority children, providing medical care for the poor, cleaning up the air, reviving the downtown business district—but almost no reward for actually achieving such goals, and rarely any punishment for failing to do so.

It is by now widely agreed that what Federal grant-in-aid programs must reward is dissimulation. By and large the approach of the Federal Government to most urban problems is to provide local institutions with money in the hope they will perform but with no very powerful incentives to do so.

There is a growing consensus that the Federal Government should provide market competition for public programs, or devise ways to imitate market conditions. In particular, it is increasingly agreed that Federal aid should be given directly to the consumers of the programs concerned—indi-

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viduals included—thus enabling them to choose among competing suppliers of the goods or services that the program is designed to provide.

Probably no single development would more enliven and energize the role of government in urban affairs than a move from the monopoly service strategy of the grant-in-aid programs to a market strategy of providing the most reward to those suppliers that survive competition.

In this precise sense, it is evident that Federal programs designed to assist those city-dwelling groups that are least well off, least mobile, and least able to fend for themselves must in many areas move beyond a *services* strategy to an approach that provides inducements to move from a dependent and deficient status to one of independence and sufficiency. Essentially, this is an *income* strategy, based fundamentally on the provision of incentives to increase the earnings and to expand the property base of the poorest groups.

Urban policy should in general be directed to raising the level of political activity and concentrating it in the electoral process. It is nonetheless possible and useful to be alert for areas of intense but unproductive political conflict and to devise ways to avoid such conflict through market strategies. Thus conflicts over "control" of public education systems have frequently of late taken on the aspect of disputes over control of a monopoly, a sole source of a needed good. Clearly some of the ferocity that ensues can be avoided through free choice arrangements that, in effect, eliminate monopoly control.

9. The Federal Government must provide more and better information concerning urban affairs, and should sponsor extensive and sustained research into urban problems.

Much of the social progress of recent years derives from the increasing quality and quantity of government-generated statistics and government-supported research. However, there is general agreement that the time is at hand when a general consolidation is in order, bringing a measure of symmetry to the now widely dispersed (and somewhat uneven) data-collecting and research-supporting activities of the Federal government. such consolidation should not be limited to urban problems, but it must surely include attention to urban questions.

The Federal government should, in particular, recognize that most of the issues that appear most critical just now do so in large measure because they are so little understood. This is perhaps especially so with respect to issues of minority group education, but generally applies to all the truly difficult and elusive issues of the moment. More and better inquiry is called for. In particular, the Federal government must begin to sponsor longitudinal research designed to follow individual and communal development over long periods of time.

It should also consider providing demographic and economic projections for political subdivisions as a routine service, much as the weather and the economy are forecast. (Thus, Karl Taueber has shown how seemingly unrelated policies of local governments can increase the degree of racial and economic differentiation between political jurisdictions, especially between central cities and suburbs.)

Similarly, the extraordinary inquiry into the educational system begun by the U.S. Office of Education under the direction of James S. Coleman should somehow be established on an ongoing basis. It is now perfectly clear that little is known about the processes whereby publicly-provided resources affect educational outcomes. The great mass of those involved in education, and of that portion of the public which interests itself in educational matters, continue undisturbed in the old beliefs. But the bases of their belief are already thoroughly undermined and the whole structure is likely to collapse in a panic of disillusion and despair unless something like new knowledge is developed to replace the old. Here again, longitudinal inquiries are essential.

Much of the methodology of social science originated in clinical psychology, and perhaps for that reason tends to be deficiency-oriented. Social scientists raise social problems, the study of which can become a social problem in its own right if it is never balanced by the identification and analysis of social successes. We are not an unsuccessful country. To the contrary, few societies work as hard at their problems, solve as many, and in the process stumble on more unexpected and fulsome opportunities. The cry of the decent householder who asks why the profession(and the news media which increasingly follow the profession) must be ever preoccupied with juvenile delinquency and never with "juvenile decency" deserves to be heard. Social science like medical science has been preoccupied with pathology, with pain. A measure of inquiry into the sources of health and pleasure is overdue, and is properly a subject of Federal support.

10. The Federal Government, by its own example and by incentives should seek to add to the amenities of the urban environment.

Although there is little that can be stated with confidence in this area, it is hardly to be disputed that most American cities are far uglier than they need be, and that part of this ugliness is allowed, if not indeed rewarded by Federal programs.

Social peace is a primary objective of social policy. To the extent that this derives from a shared sense of the value and significance of the public places and aesthetic value of the city, the Federal government has a direct interest in encouraging such qualities.

Daniel J. Elazar has observed that while Americans have been willing to become urbanized, they have adamantly resisted becoming citified. Yet a measure of this process is needed. There are not half a dozen cities in America whose disappearance would, apart from the inconvenience, cause any real regret. But to lose one of those half-dozen would plunge much of the nation and almost all the immediate inhabitants into genuine grief. Something of value in our lives would have been lost, and we would know it. The difference between those cities that would be missed and those that would not be resides fundamentally in the combination of architectural beauty, social amenity, and cultural vigor that so sets them apart. It has ever been such. To create such a city and to preserve it was the great ideal of the Greek civilization, and it may yet become ours as we step back ever so cautiously from the worship of the nation state with its barbarous modernity and impotent might. We might well consider the claims for a different life asserted in the oath of the Athenian City-State:

> We will ever strive for the ideals and sacred things of the city, both alone and with many;
>
> We will unceasingly seek to quicken the sense of public duty;
>
> We will revere and obey the city's laws;
>
> We will transmit this city not only not less, but greater, better and more beautiful than it was transmitted to us.

INDEPENDENCE DAY SALUTE TO ISRAEL

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. POWELL. Mr. Speaker, the State of Israel is a tribute to the very idea of national independence. Israel has maintained a vigilant watch over her framework of democratic ideals and institutional structure since her independence on May 15, 1948. It would almost seem unnecessary to note this historic event. Each and every day is a testament to Israel's ability to remain a viable nation despite the many obstacles which beset her.

Israel's strength must be viewed in light of her receptiveness to the ideals of democracy, and also in terms of the historical setting. The forefathers of the Israelis were the ancient Hebrews who made the journey to Canaan under the hand of Abraham. Four hundred years later they again journeyed back to the Promised Land—Israel—led by Moses.

The long and arduous search for the promised land has continued since the Jewish people lost control of their country to the Romans. Through the 20 centuries that have passed they have carefully preserved their identity, heritage, and unity. I suppose the most obvious example of Israel's tradition would be the maintenance of the Jewish religion and the Hebrew language.

In the path of Israel's development have come economic, political, and social progress which, relative to their scale, are perhaps unparalleled in recent history. Economic development has been especially phenomenal. If we look at the first days of Israel's independence, the economy at that time stood close to the level of that of other developing countries. Israel was far down the scale in degree of economic development when compared with Western European countries, and only about a quarter of that of the United States. Since that time Israel has achieved a relative economic position superior to that of some Western European countries. Indeed, it has outstripped countries like West Germany, Holland, and Finland on a per capita basis. Small though she is, Israel today maintains her status as a power in the Middle East and seems likely to remain in that position for some years to come.

Agricultural development is most impressive. The amount of land under cultivation has almost tripled since 1948. About 412,000 acres are presently under cultivation. Just 20 years ago only 75,000 acres were under cultivation. At the same time Israel has moved to diversify her economy, by increasing the role of industry. By 1967 farming contributed only 10 percent of the national income, while mining and manufacturing accounted for 25 percent.

With Israel's economic achievements have come important steps toward political and social progress. She has maintained a particularly close attachment to parliamentary democracy founded on the freedom and responsibility of government. The Israelis zealously guard freedom of worship, speech, association, assembly, and the press.

As a world power Israel has maintained excellent relations with the United States and the world community within the United Nations, despite the unfortunate conflict with her Arab neighbors.

In closing, Mr. Speaker, may I express the hope that the peace which we all desire may soon come to the Middle East.

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Given peace for all the nations of the area, Israel has much to offer in leading the way to economic and social progress.

THE FUTURE OF AMERICAN POLITICS

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. JOHNSON of Pennsylvania. Mr. Speaker, one of my constituents, and a good friend, Samuel E. Leshner, of Bradford, passed away on June 9, 1969. He recently retired from the clothing business, and though over 70 years of age, enrolled as a student of political science at the Bradford campus of the University of Pittsburgh. One of his assignments was to write his concept of "The Future of American Politics." His family has been kind enough to send me a copy of his statement, which I am pleased to submit for the RECORD, as follows:

THE FUTURE OF AMERICAN POLITICS—A POINT OF VIEW

(By Samuel E. Leshner)

Nothing, it seems to me, is a more powerful and direct expression of human nature than politics. The form of government may differ from nation to nation and from period to period throughout human history, but the challenges and temptations are strangely similar. And so are the human responses—in terms of motivations, frustrations, satisfactions and the like. Wherever and whenever people swarm, the need for leadership exists—if only to direct traffic and establish the claims of identity and common purpose. This is as true of a college class or club or clique as it is of a university itself vis-a-vis other universities. And it is as true of a village and county and state as it is of a nation among nations.

Heaven knows, this is an obvious statement of fact. And it is no less obvious that wherever the need for leadership exists potential leaders emerge and present themselves—in numbers that forever exceed the situation's immediate requirement. And with that begins the contest, the conspiracy, the power struggle—however gigantic or minuscule—however deft or ruthless—however profane or noble. The struggle, no matter where the arena and no matter what the terms, is inevitable. It is a struggle to achieve power—and thereafter to hold onto its scepter in the face of those who would snatch it away.

The history of man could be written—and in fact largely has been—in terms of this power struggle. From sword and poisoned cup and guillotine to betrayals in smoke-filled rooms, the mechanics may differ from time to time and place to place but the nature of the contest and the need for at least some degree of conspiracy remain more or less constant.

There is also the persistent and seldom submerged contest between the leaders and the led. For blood and sweat and tears are needed for support and survival—and it is the lot of the led to supply them. In modern terms, it costs money to support a government—its needed operations and its self-determined payrolls—and that means revenues mostly too little and too late out of taxes forever too high. From this usually one-sided contest between king and subjects—or between bureaucrat and taxpayer—there can be little or no retreat. And even where the government is of the people, by the people and for the people, the built-in contests show no signs of perishing from the earth. . . .

And so the pulling and hauling that identifies our American political scene, from the precinct level to the highest towers of our Federal government. Hence, the divisions that all too often exceed the limitations of wholesome debate, the fractures that threaten fragmentation in areas where greater unity of purpose is needed; hence the corruptions engendered by political power; hence the costly collisions and collusions among forces; the conspiracies that would influence elections, government investments leading to waste; hence, even social upheavals and leading court decisions based as often upon changing political considerations as upon the law of the land.

Truly we live in troubled times. Our ship of state rides with shivering timbers in a storm-tossed political sea. Sometimes as we read our papers and magazines and follow the network's political newscasts we are moved to say with the spirit Ariel in Shakespeare's *Tempest*, "Hell is empty; and all the devils are here!"

What, then of the nation's political future—of the system which has survived a number of earlier and certainly serious storms? Will it collapse under the assault of even more rugged circumstance? Are its days, like those of other political experiments, definitely numbered? Or will its system of built-in checks and balances, its comparatively commodious response to the changing needs of people, survive and continue in service to the affluent society which it undeniably helped to create and bring to fruition.

The answer as I see it—and I hasten to suggest that I am hardly an expert—is reflected solely in the answer to another question: What of human nature? Has human nature, not alone on these shores, but in the world at large enough goodness and faith and idealism—mixed in with common sense—to deal fairly with itself, meaning the other fellow along with oneself? Or is mankind deeply and irretrievably convinced that there is no god but power and no throne and scepter but money?

Old Benjamin Franklin, stepping outside after attending the birth of our nation, identified our form of government as: "A republic, if we can keep it!" And his "we" meant you and I. Uncle Ben also said another thing worth remembering and applying to the situation in our country and the world today. He told the Constitutional Convention, already beginning to haggle over political considerations, "Gentlemen, we'd better hang together, or we'll all hang separately."

And that's just about as far as I fell I can afford to go in the direction of prophecy. The people of this country and the leaders we elect to office can certainly hang together. Or—we can hang separately. The choice is up to us. Our political system is ready to oblige us either way.

ALABAMA INTERNATIONAL MOTOR SPEEDWAY AT TALLADEGA, ALA.

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. NICHOLS. Mr. Speaker, I am extremely pleased that Mr. Bill France, of the Daytona International Motor Speedway, has selected my congressional district and particularly my home county, to construct a new motor speedway. The first speed tests are scheduled to begin early in August and the first weekend of racing is now set for September 13 and 14.

I hope that any of our colleagues who are racing fans will plan to come to the Alabama International Motor Speedway at Talladega for the inauguration of this fine track. This article, which appeared in the Birmingham News recently, gives more details about the track and I include it in the RECORD at this point:

TICKETS BEING MAILED—FIRST TESTS SET AT TALLADEGA AUGUST 9

(By Clyde Bolton)

The first lap at speed at Alabama International Motor Speedway apparently will be turned in two months.

Roger Bear, promotions director for the 2.6-mile super-track, said Ford and Goodyear will begin a week of tests on Aug. 9.

Firestone, the other principal builder of stock car racing tires, probably will follow the next week, he said.

Bear said the track had not been informed who the driver or drivers for the tests would be.

Tire companies normally run tests well before a major Grand National event in an attempt to come up with a proper compound for the particular track. Racing teams, such as Ford's sometimes lease a track for practice, too.

The first weekend of racing at the $4 million speedway is Sept. 13–14. The Bahama 400, a Grand Touring race, is set for that Saturday with the Talladega 500, a Grand National event, the next day.

Bear said construction continues on schedules. Paving is well under way and steps for the grandstands have been installed.

Mailing of tickets has begun, and the demand indicates a crowd of 100,000 for the Talladega 500, Bear said.

Although no ticket count has been made, the money taken in indicates advance sales are just below those of the Daytona 500 at a comparable date, he said.

The Daytona 500 drew the South's largest sports crowd, 101,000. Bear said AIMS anticipates more of a day-of-the-race sale than Daytona normally has, though.

Plenty of tickets are available. Ticket order blanks can be acquired by writing to Ticket Dept., Alabama International Motor Speedway, Talladega, Ala.

EXCERPTS FROM ADDRESS BY CLARENCE PALMBY, ASSISTANT SECRETARY OF AGRICULTURE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. ZWACH. Mr. Speaker, one of the most informative, factual statements that has recently been issued from the Department of Agriculture was given in an address by the Assistant Secretary for International Affairs and Commodity Programs, Mr. Clarence Palmby, at Kansas City on May 27.

Mr. Palmby spoke at the Third National Feed Production School held in conjunction with other functions of the American Feed Manufacturers Association.

The contents of this entire message provides the base or cornerstone for Congress to consider as we develop plans or conduct hearings on a new farm pro-

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gram to replace the expiring one at the end of 1970. I have taken the liberty of editing the address and repeating these entire sections that I believe are most pertinent. Copies of the complete address can be secured from the Department. The excerpts follow:

Excerpts From Address by Clarence Palmby, Assistant Secretary of Agriculture, May 27

Total feed grain utilization, stoked by increased animal units in the United States and stepped up rates of feeding, is running at a record level. This heavy domestic consumption of feed grains this year will more than off-set a 23 percent decrease in exports. Total utilization is exceeding 1968 production by almost 5 million short tons—which will bring the prospective carryover to 44 million tons, as compared with about 48 million at the beginning of the 1968/69 season.

Corn has accounted for much of the increased disappearance of feed grains this year. "Free" stocks on April 1 were less than 2.0 billion bushels and were well below prospective April-September requirements. That will mean some withdrawal of stocks from the loan program or from CCC inventory. The corn carryover is now expected to be reduced to around 925 million bushels—about 20 percent less than on October 1, 1968.

The October 1 carryover of grain sorghums, if disappearance estimates are realized, will be slightly larger than last season but below the 1962–66 average.

Demand for high protein feeds also has been comparatively strong this year. Consumption of these feeds in October–March was up 6%.

Wheat feeding this year is expected to total around 200 million bushels, about a third larger than last year and the most since World War II. The corn and wheat price margin has greatly narrowed, as April prices reveal. That month farmers received $2.13 for 100 pounds of wheat—only 13 cents more than corn. With corn prices expected to hold firmer this summer than last, seasonal weakness in wheat prices at harvest time would further reduce the margin and stimulate heavy wheat feeding this summer.

PROSPECTS IN 1970'S BASICALLY FAVORABLE

I want to turn now to the subject assigned me here today—the world feed situation in the 1970's. Let me say right off that prospects are basically favorable. There will be problems and some of them are potentially serious, but I think the favorable factors will outweigh the less favorable.

The brightest single factor in the world feed situation ahead is the economic growth that is taking place all over the globe. In my opinion this growth will continue in the 1970's and beyond.

The U.S. Growth rated, as measured in terms of gross national product per capita, is increasing at an annual rate of about 4½ percent a year. Europe's rate is rising at about 2 percent. Japan is registering a phenomenal increase of about 12½%. And what may be highly significant from the standpoint of the future is the growth of the less developed countries, which as a group have a surprisingly high growth rate of about 3 percent.

We know that a strong economy encourages high consumption of feed. The cause-and-effect chain works this way: Economic growth supports jobs and purchasing power. Ability to buy stimulates diet upgrading—usually reflected in increased consumption of red meats and poultry. This increased consumption, in turn, calls for enlarged herds and flocks, which mean increased use of feedstuffs. The currently heavy consumption of feedstuffs in the United States basically reflects a prosperity situation, although favorable price ratios also are playing a role.

What's encouraging about world economic growth is the big potential that exists abroad. Most foreign countries have far to go before they even approach America's consumption of red meats and poultry.

U.S. Consumption of red meats is the world's fifth largest. We are exceeded in our meat-eating only by Uruguay, New Zealand, Argentina, and Australia. With an annual consumption of about 180 pounds per person—and further expansion in prospect—our consumption compares with 138 pounds in Great Britain, 124 in West Germany and Austria, 71 in the Soviet Union, 67 in Italy, and only 20 in Japan. As you can see there's much room for further expansion of meat consumption and U.S. feed sales.

U.S. consumption of poultry meat has been running at about 48 pounds, whereas Europe's rate ranges downward from 23 pounds in France and 20 in Great Britain to 9 in Denmark, Japan's poultry consumption is only 6 pounds per person.

We are vigorously exploiting these possibilities through the market promotion work being carried on cooperatively by trade groups and the Department of Agriculture in some 70 countries. This program, another of the favorable long-term factors of the 70's, is helping us capitalize on the trade-expending climate that economic growth is creating around the world.

Our own strong agricultural plant is one of the most favorable factors we have going for us as we head into the 1970's. Nowhere in the world is there such an ideal combination of soil and climate as we have in the U.S. These natural blessings, plus a superb technology, have enabled us to produce feed grains and soybeans more efficiently than any other country.

It is universally recognized that the United States is the world's most reliable supplier of feedstuffs. That reputation will continue to stand us in good stead in a world that is almost desperately eager to enjoy the good things that science and technology can make available. But our strategic position does not give us a "lock" on a big importer, such as Japan, just because that country up to now has looked to us as a major source of supply. Our efficiency gives us an advantage in the fight for export markets only if we statisfy our foreign customers with dependable supplies at reasonable prices.

It would be hard to overemphasize that expression "reasonable prices." Our preeminent place as a supplier of feedstuffs has been built on a pricing policy that allowed our products to compete. We get into trouble only when we deviate from that policy. Three years ago, we set price supports for soybeans at a level that was too high. The effect was to increase competition for soybeans and products both here and abroad. What happened: Fishmeal imports have cut into soybean meal demand in this country. Fishmeal imports will replace 750,000 tons of soybean meal equivalent this year. Another competitor is a synthetic product—urea—which this year will also replace 750,000 tons of soybean meal equivalent. Abroad, we ran into increased competition from sunflower seed, reapesse, and fish meal and oil.

So this year the Department of Agriculture had to decide whether to continue a price support policy that was damaging the soybean industry or to resume a course that would permit growth. The decision was to reduce the support level. Decisions always are difficult when farm prices are concerned, but in this instance the longtime welfare of soybean farmers and the industry generally called for a change.

Efficiency in feed production has been a major factor in holding down farmers' livestock production costs. The comparisons between what farmers pay for feed and for other items of cost are startling. In 1968 farmers paid 24 percent *more* for buildings and fencing than in 1954; they paid 55% *more* for farm machinery; they paid 80% *more* for wages. But for feed, they paid 9 percent *less* than in 1954. Consumers gain from this, of course. When livestock producers can produce at lower input cost, they produce more product at lower cost.

PROBLEMS

But as I mentioned earlier, there are some problems that will create trouble for the feed industry in the 1970's. Many of these problems, as today, involve our export markets in one way or another.

Protectionism, of course, is high on the list of the problems we face. Protectionism hits us several ways, as can be demonstrated by examining the situation in our largest single market for feedstuffs—the European Community.

The Community's common agricultural policy for grains sets producer prices at levels well above world prices—about two-thirds above, as a matter of fact. These prices are insulated from the influence of world prices by means of fixed threshold or import prices maintained by levies that vary with changes in world prices.

An important ingredient of the system is a built-in preference for trade among member countries of Community grains as compared with grains from outside countries. The preference established for producers is maintained by keeping threshold prices—the prices that must be paid for non-Community grain—above prices at which trade takes place among Community countries.

Surpluses produced under the stimulus of the high protected Community prices are disposed of in the commercial world market for what they will bring. This is done by means of export subsidies which the Community refers to as "restitutions." By whatever name they hurt us in other countries. Let me cite two examples:

In the Japanese fiscal year that ended March 31, 1968, the United States sold Japan 108,000 short tons of barley; France sold Japan about 14,000 tons. In the fiscal year ending in 1969, however, U.S. barley sales dropped to only 9,000 tons, but France's sales—reflecting wide use of "restitutions"—soared to 500,000 tons.

About two weeks ago Taiwan purchased 1.7 billion bushels of French feed wheat from the European Community at a price of $47.85 per metric ton, delivered to Taiwan. This fire sale price represented an export subsidy greatly in excess of the actual selling price at French ports. The lowest possible price for U.S. soft wheat delivered to Taiwanese ports for nearby delivery is about $65.00 per metric ton.

The feed wheat purchased by Taiwan from the Community replaces U.S. No. 2 yellow corn or Thai maize in feed formation. The price for U.S. corn delievered to Taiwan for the same period is about $65.00 per metric ton.

The poor business judgment being exercised by the Community in offering feed wheat at irresponsible prices is impossible to explain.

Year after year the Community has increased the target price for corn and grain sorghum to force a greater substitution of domestically produced wheat and barley for imported corn and sorghum, as well as to encourage corn producers through denaturing subsidies to utilize more wheat as animal feed. As a result of these and other moves, the use of feed wheat in the Community has increased from an average of 4.5 million short tons in the 1956–60 period to 7.7 million last year.

The competitive position of grain sorghum in three major Community markets—West Germany, Netherlands and Belgium—has been badly crippled as the threshold price differential between corn, grain sorghum and barley has been narrowed. As a result Community-produced barley and wheat have nearly completely replaced grain sorghum in livestock and poultry rations in the Community.

The Community's policy of protectionism also has encouraged imports into the Community of many other feed ingredients as substitutes for cereals. The import charges for such ingredients as cowpeas, manioc, corn gluten meal, corn gluten feed and numerous other items encouraged substantial increases in their importation and use in feed formulation.

It could be that soybeans, the U.S. miracle crop, is also running into protectionist problems in Europe. Let me say a few words about it.

We have had a trade with the Community in oilseeds, vegetable oils and meal of almost $500 million annually. But the policy makers in the Community are now debating a proposal that may greatly damage that trade. Specifically, the proposal as recommended by Dr. Mansholt, Vice President of the European Community Commission, would constitute an internal tax of $60 a metric ton on vegetable and marine oils and $30 a metric ton on oil cakes. The tax on oils would be aimed at discouraging the consumption of margarine in lieu of butter. The tax on meal would have the objective of bringing the price of meal more nearly in line with cereals and to discourage further increases in milk production.

The United States has vigorously opposed this proposal. We have made it known to officials of the Community and of the member countries that such a tax would seriously affect our trade and U.S.-Community relations. We have advised them that if the tax should be adopted, the United States will move swiftly to restore the balance of trade advantage between us. All in all, it's the most serious protectionist problem yet faced by American agriculture.

What feed use patterns can we look for in the Community in the 1970's?

There are signs that the Community is taking a closer look at its agricultural programs. I heard many expressions of concern from business and industry leaders while in Europe on my recent trade trip. That's encouraging. But a person would have to be far more optimistic than I am to see any early, meaningful change in the protectionist pattern that the Community has set for its agriculture. I am afraid that until the Community, the United States, and other trading nations decide that national farm policies, as well as tariffs and nontariff barriers, should be negotiated, we can look for a continuation of the protectionist problems we have had to face up to in recent years.

Rising competition will be a problem in the 1970's.

Production gains continue in most of the surplus producing countries. As compared with the early 1960's, Argentina has upped corn production by 44 percent and France by 97 percent. France has stepped up barley output by 25 percent, and Canada by 89 percent. The Soviet Union has expanded production of sunflower seed, which competes with our soybeans and cottonseed. Canada has boosted wheat production by 21 percent and Australia by 75 percent. And so it goes.

Crop production also is rising in most of the developing countries, but notably in India, Pakistan, and the Philippines. In these countries, there has been a marked expansion in use of fertilizer and machinery. There has been improvement in irrigation, storage, and transportation. There has been establishment of extension services and production credit. New strains of wheat and rice are making an extremely significant contribution.

The dwarf wheat developed in Mexico already has spread rather far in Asia. In India and Pakistan, Mexican wheat now covers about 15 to 20 percent of the total wheat acreage. Wheat production in West and South Asia in 1969 may be about 20 percent higher because of the new wheat varieties. Such increases really are a tremendous achievement, especially so for countries that are always walking a nutritional tightwire.

However, there are several factors that will probably impede expansion of the new wheat. A substantial part of available irrigated acreage has already been planted to dwarf varieties; farmers lacking reliable irrigation cannot afford the risk of borrowing money for fertilizer and chemicals required to produce the new grain. As production increases, farm prices may fall and the priority given to agriculture by the governments of these countries may lessen. Unless the marketing and distribution facilities are improved, price declines may give farmers much less incentive than at present to adopt the new vareties and produce more with them.

When we talk about increasing competition, let's not forget feed wheat, which is becoming a growing factor in world grain trade.

Several things are stimulating feed wheat use. I have already discussed the protectionist policies of Western Europe, which encourage wheat production over and above usual food and feed requirements. There is the increasing production of Mexican hybrids in the developing countries, which probably will mean some reduction in their demand for coarse grains as well as some decline in the food-aid drawdown on wheat supplies of the United States, Canada, and Australia. Also, there is the U.S. wheat program, which allows market prices of wheat to come closer to coarse grain prices than was the case some years ago.

How much wheat we'll feed in this country in the 1970's is rather hard to estimate at this time. The 200 million bushels that we'll feed this year reflect some rather unusual situations—heavy wheat supplies all over the world, smaller world volume of trade, the withdrawal of Japan from our market for several weeks, a dock strike. It is conceivable that these influences brought prices of wheat and coarse grains closer together than we would normally expect, even with the type of wheat program that we have. Assuming that we continue with wheat and feed grain programs of the type we now have, we certainly will feed substantially more wheat than the 50 to 60 million bushels fed in the late 1950's. It is conceivable that in future years the United States may feed substantially more than the 200 million bushels that will be fed this year.

There are two technological developments taking place in the United States. Their full potential cannot be fully visualized at this time, but both must be recognized as possibilities of major magnitude as they may affect future feed formulation. These are: (1) The development of hybrid wheat, and (2) the near perfection of high selective amino acid corn.

It is entirely conceivable that during the decade of the 70's, the traditional Midwest cropping pattern may be changed to accommodate high yielding hybrid wheat varieties and high selective amino acid corn.

If high yielding hybrid wheat varieties are further perfected, it is entirely possible that this grain may in increasing volume find its way into feed channels, possibly at the expense of the old standby—corn.

If commercial high selective amino acid corn is further perfected, it is possible that an increasing volume of this new ingredient may find its way into feed formulation and to a degree at the expense of soybean meal and or other high protein ingredients.

It will be interesting to note the change in cropping patterns, not only in the United States but in other countries as still more technical breakthroughs become a reality.

Aside from the possible effects of new technology, use of feed wheat in the industrialized countries as a whole is expected to increase in total as well as in relation to use of coarse grains for feed. Projections of the Organization for Economic Cooperation and Development indicate that use of bread grains, mainly wheat, in the OECD countries will show an increase of about 40 percent by 1975, as compared with 1961–63. The OECD countries include Canada, the United States, the European Community and other Western European countries, Japan, Australia, and New Zealand. The OECD also estimates that feed wheat use in 1975 will be equivalent on a tonnage basis to 11 percent of coarse grain use as compared with 8 percent in 1961–63.

A few other statistics may be of interest. For the developed countries as a whole, grain consumption this year is estimated at 608 million short tons, of which 76 percent or 464 million short tons can be identified as indirect consumption. Of these developed countries, the United States is by far the largest feeder. Our use of grain for feed and industrial use accounts for 38 percent of the world total. Next is Western Europe, with 25 percent; the USSR with 21; Eastern Europe with 10; Canada with 4; and Japan with 2.

IN CONCLUSION

Well, these are the things—favorable and less favorable—that will shape the feed situation in the 1970's. Altogether, it's an encouraging future that feed producers and the feed industry are heading into.

Here at home our population continues to expand. We're now a nation of 202 million. We are adding 2 million people each year. That's equivalent to adding two Metropolitan Kansas City Areas to our population annually.

With our expanding human numbers, we are not only eating more meat and poultry in total, but also more per capita. As compared with the late 1950's, our consumption of all red meats has increased by 17 percent—and beef by 33 percent. Poultry meat consumption is up 34 percent. These substantial increases far more than offset moderate declines in consmption of fluid milk and eggs.

The export situation for fed grains is less bright than the domestic picture. It appears now that our feed grain exports will gain at a rate of 6 to 7 percent a year in the early 1970's. *I would hasten to add that this projection is subject to change without further notice.* The 6 to 7 percent increase, however, means exports in 1975 of about 27 million short tons as compared with 18.0 million this current marketing year. Assuming that we maintain our present access situation in the European Community, we estimate that soybean exports in 1975 will be about 430 million bushels as compared with 285 million this year and that shipments of soybean meal will be over 4.0 million tons, as compared with 2.7 million this year.

So I say again: It's an encouraging future that American feed producers and the American feed industry face in the years immediately ahead. And it's a satisfying future. Feed producers and the feed industry are essential parts of a livestock economy that is doing so very much to make American agriculture great. You should feel proud—and I'm sure you are—to be part in these fast-moving days of some really important action.

CONGRESSIONAL DUTIES LEAVE NO TIME FOR LAW PRACTICE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. HUNGATE. Mr. Speaker, the law partnership of Hungate & Grewach, formed in 1956, is being terminated June

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30, 1969. Congressional duties leave no time to devote to the practice of law.

While a century ago, Abraham Lincoln may well have been right in his statement that—

> Give our clients to understand that the election of a President makes no change in the firm of Lincoln and Herndon. If I live I'm coming back sometime, and then we'll go right on practicing law as if nothing had ever happened.

A great many changes have occurred in that time, including what we pay our public servants. Since coming to Congress, my annual share of partnership earnings has always been less than $4,200. The recent pay increase has completely convinced me that Members of Congress should devote all their time to congressional duties and not engage in activities for outside income. I would think the same rules should be applied to the Supreme Court.

The partnership association was terminated as it had been conducted in the past 13 years—on a note of friendship and cordiality. My partner, Pete Grewach, has purchased my interest in the partnership and will continue to practice law in the present location of the Hungate & Grewach law office in Troy, Mo.

PPBS AND THE CONGRESS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. TUNNEY. Mr. Speaker, I would like to bring the attention of my colleagues to a speech given in Cincinnati recently by Robert L. Chartrand, who is with the Science Policy Research Division of the Library of Congress.

The occasion for the speech was the 35th annual National Planning Conference of the American Society of Planning Officials and covered the use of a planning-programing-budgeting system in the Congress.

Mr. Chartrand's knowledge of this area makes his remarks of special interest to Members of Congress. It follows:

THE QUEST FOR CERTAINTY: PPBS AND THE CONGRESS

(By Robert L. Chartrand)

(NOTE.—The views expressed in this paper are those of the author and are not necessarily those of the Legislative Reference Service nor the Library of Congress.)

The importance of delineating plans, programs, and a budget which are realistic and responsive to the needs of the Nation is an unquestioned factor of our civilization. So diversified are the national requirements for measures which can ensure security against external and internal threats, as well as a sustained pattern of improvement in the standard of living, that all necessary resources must be marshalled to achieve the desired effectiveness in governing. Where traditional planning-programming-budgeting objectives and procedures do not suffice, innovative replacements must be conceived. The derivation of such objectives and procedures cannot be fanciful nor nostalgic. The quest is for certainty . . . certainty in planning for and attaining an identifiable future.

While the Federal Planning-Programming-Budgeting System (PPBS) is generally considered to be a creature of the executive branch, its effect has permeated all sectors of government. The Congress, in fulfilling its constitutionally imparted duties in authorizing and appropriating fiscal monies, has accorded only modest attention as yet to the nature and impact of PPBS. Hearings have been held, debate in both chambers has occurred, and individual Members have addressed themselves in speeches and writings to the "new" system. In spite of these activities, much remains to be accomplished in orienting and educating the legislators to the potential of PPBS.

The pressures upon the decision-maker to render meaningful judgments have increased with the complexity of our society. A concomitant trend has been the need of the governmental manager for information that is accurate, timely, comprehensive, and relevant. The importance of creating and employing management tools such as PPBS was underscored by President Johnson in his comments on the introduction of the Planning-Programming-Budgeting System on a governmentwide basis:

"The objective of this program is simple: to use the most modern management tools so that the full promise of a finer life can be brought to every American at the least possible cost.

"This program is aimed at finding new ways to do new jobs faster, better, less expensively; to insure sounder judgment through more accurate information; to pinpoint those things we ought to do less; to make our decision-making process as up to date as our space-exploring equipment."[1]

In order to achieve an improved level of performance, there must be competent manpower to design, test, and implement the new systems. This has come to pass within the executive branch through the efforts of the Civil Service Commission seminar series and special courses of study conducted arranged by the National Institute of Public Affairs at several universities (e.g., Carnegie-Mellon University, University of California at Irvine, and Princeton University). More than 1,000 Federal personnel now have received various forms of PPBS training.

Comparable efforts to alert legislative branch staff persons have not been initiated. A number of Congressmen have raised the issue of establishing a congressional analytical support capability. Questions such as these have been asked: should an independent systems analysis center for the Congress be created? Under whose aegis should such a center function? Should each committee maintain its own staff of experienced analysts capable of assessing the work of selected executive departments and agencies? Should steps be taken to communicate to the two Committees on Appropriations and other concerned congressional elements *all* of the background reasoning and identifiable options developed during the budgetary process by a given agency?

The criticality of providing Congress with expertise sufficient to at least minimally evaluate the budget as presented is concerning many public and private thinkers. Policy choices will rest upon the availability of certain key data. In *The Year 2000*, authors Kahn and Wiener assert the need for:

". . . a new sophistication in methodology. We have begun to assemble statistical time-series both to plot trend lines and to extrapolate likely developments . . . Along with time-series, we have begun to construct 'models' or likely combinations of trends and developments in order to uncover the connections and causal relations between variables."[2]

First of all, Congress must understand the essence of PPBS; the system features four distinctive characteristics:

1. It focuses on identifying the fundamental objectives of the Government and then relating all activities to these (regardless of organizational placement);

2. Future year implications are explicitly identified;

3. All pertinent costs are considered; and

4. Systematic analysis of alternatives is performed. This is the crux of PPBS. It involves (a) identification of Government objectives, (b) explicit, systematic identification of alternative ways of carrying out the objectives, (c) estimation of the total cost implications of each alternative, and (d) estimation of the expected results of each alternative.[3]

Second, the problem of multiple-year planning must be addressed. The utility of a "rolling 5-year plan," introduced in the Department of Defense in 1961, in all areas of national planning has been challenged. In testimony before the Special Subcommittee on the Utilization of Scientific Manpower of the Senate Committee on Labor and Public Welfare, Henry Rowen (then Assistant Director of the Bureau of the Budget) noted that some nonmilitary Federal components long had employed multiple-year planning, but with a discernible difference:

". . . these earlier plans have lacked something very important. They lacked tying the specific accomplishments which were spelled out in those plans to the finances required to accomplish them in a very specific, precise, and detailed way. They weren't really operational, they were sort of dreams for the most part, things that would be nice to have."[4]

At this juncture, the ability of Congress in the budget review to ascertain the long-range impact of a program on the national budget is sharply circumscribed. Program expansion or contraction all too often is chancy at best. Participation in the reformulation of program objectives seldom involves congressional action backed by analytical expertise. Dr. Bertram M. Gross describes the present PPB-style of systems analysis as "*a systematic way of thinking about nonsystems.*"[5] Little wonder that the Congress, in its search for order and an understandable mode of operation, is hard put to perceive the true nature and significance of PPBS.

Third, the Congress would like to understand more fully—clearly and concisely, and not cloaked in the jargon of the technocrat—what PPBS means to the executive branch budgeteer and how congressional functioning in the authorization-appropriations cycle will be affected. Change in the traditional methods of budget preparation, submission, and review has a deleterious effect on the certainty of the end result. The concern of the Members of Congress regarding this disconcerting possibility has been expressed, and caused the authors of *Congress Needs Help* to make this observation:

"Congress should develop an improved ability to test in advance the *relative* effectiveness of alternative courses of action. Cost-effectiveness analysis has become a standard tool of American management. Because effectiveness must be measured in tangible results affecting people, it cannot be measured solely in accounting terms. What is needed is operations analysis, disclosing what people get from alternative expenditures of time, effort and money."[6]

And so a situation is developing where increasing numbers of Congressmen and staff assistants are becoming aware of the existence of PPBS, but through a glass darkly. Most professional forums do not deal with PPBS in the congressional milieu. A notable exception to this is the recent volume entitled *Information Support, Program Budgeting, and the Congress*. The result of a two-day seminar sponsored by the American Enterprise Institute for Public Policy Research, this book explores the effect of the new system on Congress.

During the course of the seminar, Dr. Werner Z. Hirsch of the University of Cali-

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fornia at Los Angeles pointed out that program budgeting assisted the decision-maker at three levels:

[1] On the highest level it can be used to help select a budget mix composed of such large program areas as national security, social development, economic development, law and order, and administration—and still give special consideration to the major programs within each of these areas.

[2] On the second level, program analysis can help to determine the best mix of subprograms and sub-subprograms, regardless of whether they are parts of one or more larger programs.

[3] Finally, there is the relatively low-level decision concerned with inputs, i. e., determining the most efficient way of obtaining a given program objective.[7]

Dr. Hirsch then proceeded to opine that Congress should address itself primarily to the first two decision tasks, but has been handicapped in performing effectively. Enumerated as the three deficiencies which prevent Congress from utilizing program budgeting in its decision process: "lack of analytical information; lack of a method to integrate information to give an overall perspective of the budget; and lack of a procedure to review and evaluate the performance of the various agencies and the specific programs within the agencies." [8]

Another problem which has caused congressional brow furrowing is the increasing number of Federal missions which transcends fulfillment by a single executive branch department or cognizance by a single appropriations overseer. Examples of these are numerous—and increase with each passing year—e.g., education, oceanography, and urban development. In many instances, traditional dialogue between the department and the legislative counterpart is thwarted. One corrective device for studying a given problem and posing solution alternatives has been the presidential commission, but this does not directly improve the dilemma facing the Congress as it seeks to evaluate objectives (or progress) and allocate funds.

In the past few years, terminology has been introduced in proposed legislation to use systems technology to attain "strengthened management practices." For example, during the 90th Congress, this phrase was included in H. R. 12048 which would amend further the Foreign Assistance Act of 1961, as prepared by Representative John V. Tunney of California:

"The Congress believes that United States foreign aid funds could be utilized more effectively by the application of advanced management decision-making, information and analysis, automatic data processing, benefit-cost studies, and information retrieval." [9]

Another congressional gambit was in the area of devising better program evaluation mechanisms. Several legislators have been concerned with the absence of assertive control over program performance and what is being achieved with the tax money being spent. A number of bills has been introduced both in the 90th and 91st Congresses calling for the use of "objective, scientific, and empirical analysis" in evaluating all Federal programs and activities. This would be achieved through the establishment of an Office of Program Analysis and Evaluation and its legislative counter-mechanism, a Joint Committee of Congress on Program Analysis and Evaluation.[10]

In his contribution to the seminar, Dr. Richard F. Fenno of the University of Rochester pointed out that appropriations subcommittees make their decisions on the basis of sampling information, which is of three kinds: program information, confidence information, and support information. Time constrains the Members to reviewing new programs and expansions of old programs. Dr. Fenno speaks of "uncertainty reduction," and cites the type of executive branch activity aimed at achieving this:

[1] Maintenance of year-round, informal contacts between administrator and subcommittee member or between budget officer and committee staff member;

[2] The rehearsals held in the agency prior to committee hearings;

[3] The tending of subcommittee member complaints;

[4] The careful obedience to the language of intent in last year's committee report;

[5] The reading of last year's testimony for clues;

[6] The attentiveness to clientele complaints; and

[7] The attempts to compromise intra-agency or interagency conflict and enforce loyalty to the executive budget.[11]

The form which the budget takes—and here the role of PPBS comes into full play—may largely determine what the committee on appropriations will discuss with the agency representative. Is *program* to be stressed, or will it be such object expenditures as travel and equipment? The frame of reference, then, is the key. The very nature of the executive-legislative appropriations conversation—and which element enjoys the intellectual advantage—hinges on where the budgetary presentation emphasis is placed.

The role of the Appropriations Committee may be affected in three ways by PPBS, suggests Dr. Fenno:

[1] Will PPBS in any way keep appropriations subcommittees from having the kind of sampling-type conversations with executives which legislators find advantageous?

[2] Will PPBS help subcommittee members to pursue their traditional mode of decisionmaking?

[3] Will PPBS open up new types of legislative-executive conversation that will be advantageous to subcommittee members? [12]

The ramifications of greater congressional awareness and understanding of PPBS are significant, for many departures from past established practices and executive-legislative budgetary interactions could ensue. A topic still hotly debated involves the extent to which congressional inquirers should have access to preliminary budgetary information. Implicit in the section on "Budget Information" in the "Final Report" of the Joint Committee on the Organization of the Congress [13] is enhanced congressional access to departmental fiscal data. The General Accounting Office, in this case, is to be the instrument for collecting, storing, processing (often with computers), and providing to the Congress such information as is requested.

Congressional understanding of the role of automatic data processing (ADP) in the analytic function has improved markedly in the recent past, but some confusion still exists regarding the way in which this tool can be—and should be—used for optimum effectiveness. Dr. Alain C. Enthoven, Assistant Secretary for Systems Analysis of the Department of Defense, established a framework within which the use of ADP should be considered:

"One of the primary advantages of the computer to the systems analysis function is to permit us to examine a much larger number of alternatives in a shorter period of time than would be otherwise possible. This is especially important in the case of very complex and interrelated systems where hand calculations would limit the time available for the more important work of analysis." [14]

As the Congress has turned its attention to the impact of systems planning and computer technology on the Nation and those who must govern, its elements have begun to move to comprehend better the nature and uses of the innovative tools and techniques. The Senate Special Subcommittee on the Utilization of Scientific Manpower was the first committee group to solicit comment from qualified persons on the strengths and shortcomings of the new system. Commentary was received from experienced managers in the PPBS area at the national level (e.g., Rowen and Enthoven), the Federal departmental level (e.g., William Gorham of HEW and Joseph A. Kershaw of OEO), and from the States (e.g., Vincent J. Moore of New York and Roger Schrantz of Wisconsin).

Exploratory hearings in the PPBS realm also were held by the Subcommittee on National Security and International Operations of the Senate Committee on Government Operations. Chairman (Senator) Henry M. Jackson of Washington opened the sessions by emphasizing that ". . . our Senate subcommittee has had a continuing interest in the role of budgetary process in helping plan and control national security policy." [15] Next, he stated his belief that the subcommittee could perform a useful function by a "frank stock-taking of the benefits and costs of the planning-programming-budgeting system." [16] The subcommittee was presented with detailed testimony by Charles L. Schultze, then Director of the Bureau of the Budget, and Dr. Enthoven. This commentary reflected a top level assessment of PPBS policy, management experience, personnel selection and performance, evaluation procedures, and individual department and agency experience.

Eight committee prints have been issued during the 1967–1969 period by the subcommittee. These are wide-ranging in subject matter, and reflect contributions from both the public and private sectors:

1. "Official Documents."
2. "Initial Memorandum."
3. "Selected Comment."
4. "PPBS and Foreign Affairs."
5. "Budget Bureau Guidelines of 1968."
6. "Program Budgeting in Foreign Affairs: Some Reflections."
7. "Interim Observations."
8. "Rescuing Policy Analysis from PPBS."

In September of 1967, the Subcommittee on Economy in Government of the Joint Economic Committee commenced a series of hearings on "The Planning-Programming-Budgeting System: Progress and Potentials." With the focus on improving management in government, Senator William E. Proxmire of Wisconsin, the chairman, called attention to Federal responsibility for handling approximately 175 billion dollars annually and the need for the best possible control mechanisms:

"Certainly at a time when approximately 30 percent of our national income flows through the public sector, it is of the utmost importance that our policymakers be armed with the best possible tools for evaluating the effectiveness of our public programs and expenditures." [17]

Discussion regarding the intrinsic worth of PPBS was sustained, with advocates of the new system claiming "that for the first time it provides decision-makers with a rational basis for choosing between alternative policies," while those critical of PPBS viewed its advocates "as a new breed of technocrat who think [sic] the computer can take the politics out of decision-making." [18] Testimony was presented by representatives of such civilian agencies as the Department of the Interior, the Department of Housing and Urban Development, and the Department of Health, Education, and Welfare. Metropolitan and State applications of PPBS also were described for the subcommittee; examples were New York City and the State of Wisconsin. The future of PPBS in various surroundings was discussed by government and private sector witnesses.

In addition to holding hearings, the Congress also has begun to inject wording which requires Federal program managers and State/local program planners to utilize certain guidelines, procedures, and documenta-

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Footnotes at end of article.

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tion as they carry out various experimental and operational projects. An excellent treatment of this trend is contained in *Encouraging Improved Planning in State and Local Government: The Federal Role,* recently published by the State and Local Finances Project of The George Washington University.[19] For various public legislation, Dr. Selma J. Mushkin and her co-authors have outlined the "analytical planning process requirements" and "analytical documents required by the federal government as a product of the planning efforts." The significance of highlighting this type of legislative encouragement or coercive direction should not be overlooked. Many major pieces of legislation require the type of analytical planning which has become synonymous with PPBS; for example, the Highway Planning and Research Program (P.L. 85–767), the Omnibus Crime Control and Safe Streets Act (P.L. 90–351), and the Elementary and Secondary Education Act (P.L. 89–10).

The demands upon contemporary government management to plan better, budget more knowledgeably, and develop programs responsive to the needs of society are increasingly burdensome. Full use must be made of the PPBS criteria, guidelines, formats, and procedures as they have been developed during the past decade and tested by various Federal components. The congressional responsibility to confront the PPBS phenomenon is two-fold: first, there must be a continuing evaluation by the Congress of the efficacy of PPBS as an executive branch management instrument; and second, appropriate congressional elements must move to utilize where desirable the program presentations inspired by the PPBS contributions to the Federal agency budget documentation.

The success of the Federal Planning-Programming-Budgeting System is contingent not so much upon the directives which establish and perpetuate it as upon the spirit with which it is enacted. No planning system will be without fault, nor lacking in detractors. Today, there must be the opportunity for a candid examination of the alternatives for determining our future as a Nation. The potential of PPBS in projecting and arriving at a desired future condition is great, and must be seen and seized by the executive and legislative leadership. This action can result in ascertaining more decisively the linkage between then and now.

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[9] U.S. Congress. House. H.R. 12048. A Bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes. (90th Cong., 1st sess., August 2, 1967). p. 38.

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[13] U.S. Congress. Senate. Joint Committee on the Organization of the Congress. Final report. (89th Cong., 2nd sess., Report No. 1414, 1966). p. 27–30.

[14] Scientific manpower utilization, 1965–66, *op. cit.*, p. 149. [Remarks of Alain C. Enthoven].

[15] U.S. Congress. Senate. Committee on Government Operations. Subcommittee on National Security and International Operations. Planning-programming-budgeting. Hearings before the Subcommittee (90th Cong., 1st sess., August 23, 1967). p. 1 [Remarks of Senator Henry M. Jackson].

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[17] U.S. Congress. Joint Economic Committee. Subcommittee on Economy in Government. The Planning-programming-budgeting system: progress and potentials. Hearings before the Subcommittee (90th Cong., 1st sess., September 14, 1967). p. 1 [Remarks of Senator William E. Proxmire].

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LEGISLATIVE QUESTIONNAIRE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. PATTEN. Mr. Speaker, every year since 1966, I have mailed a legislative questionnaire to every home in the congressional district I represent—the 15th of New Jersey.

I believe it is essential that a Congressman keep abreast of the legislative views of his constituents. I am eagerly looking forward to their replies on some of the more important issues facing America.

The questions are:

Would you support a proposed "New System of Federal Taxation," which would revise and/or eliminate the number of deductions now available, but would impose a low tax on all taxable income of all persons, thereby providing a more simplified tax system?

Do you feel that the present Electoral College should be abolished and be replaced with a system that would elect the President by direct popular vote?

Should a Cabinet-level Department of Consumer Affairs be created to protect consumers?

What impression has the Nixon Administration made on you so far?

Would you approve of a "Preventicare" program that would provide a free medical examination every year after 50 years of age?

Do you believe that the voting age should be lowered from 21 to 18 years of age?

Do you support the Administration's proposed $8 billion "Safeguard" anti-ballistic missile (ABM) plan?

Concerning the Vietnam conflict, do you favor (select one):

(a) A continuation of the present military policy?

(b) A unilateral withdrawal of 50,000 U.S. troops who would be replaced by a like number of South Vietnamese troops?

(c) Limiting U.S. military efforts to protecting population centers in South Vietnam?

(d) None of the above 3 selections—insert your alternate choice below.

Do you feel that disarmament talks between the U.S. and the Soviet Union would be fruitful?

Are you concerned about the reported danger of a "military-industrial complex?"

RINGING OF THE BELLS

HON. DON. H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, in view of the fact that, in 2 weeks, all citizens of this great country will be celebrating Independence Day, I would like to take this opportunity to bring to the attention of my colleagues an outstanding tribute that is to be paid to the United States on the 193d anniversary of the signing of the Declaration of Independence by the city of Petaluma, in my district in California. I am inserting a copy of Mayor Helen Putnam's proclamation, and the city council resolution, proclaiming the "Ringing of the Bells," in the RECORD.

The content of the resolution needs repeating over and over again in these troubled times. I, therefore, encourage every Member of Congress to read it and further suggest you ask all of the political entities and subdivisions of your respective congressional districts to adopt and implement similar resolutions. The resolution follows:

Resolution 5233 Approving Proclamation Issued by the Mayor Regarding "Ringing of the Bells," and Urging Citizens to Comply

Introduced by Councilman Jack W. Cavanagh, Jr., at a regular meeting of the City Council of the City of Petaluma on the 2nd day of June 1969.

Whereas, Helen Putnam, Mayor of the City of Petaluma, has issued a proclamation reading as follows:

"PROCLAMATION—CITY OF PETALUMA

"Whereas, one hundred and ninety-three years ago on July Fourth, fifty-six freedom loving men penned democracy's greatest manifesto, The Declaration of Independence; and

"Whereas, the Declaration of Independence embodies our proven and great American principles and represents the foundation of our nation and people. This was a divinely inspired document voicing what our nation's founders believed would be a new order of the ages; and

"Whereas, on July Fourth each year Petaluma citizens pause with the rest of the country to pay tribute to the founding day of our nation and to reaffirm our deep and unwavering belief in our rich American heritage and principles; and

"Whereas, we must, however, do more than make this a day of rest and vacation. We must let the rest of the world know that we do 'hold these truths to be self-evident; that all men are created equal, that they are endowed by their Creator with certain inalienable rights. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.'

"Now, therefore, I, Helen Putnam, Mayor of the City of Petaluma, do hereby proclaim a citywide *'Ringing of the Bells'* for four minutes at 11:00 a.m., Pacific Daylight Time, on July Fourth as a solemn tribute to our national unity and our undying devotion to our country and for what it stands."

Whereas, this Council heartily concurs in the statements made hereinabove;

Now, therefore, be it resolved that this Council strongly urges the citizens of the City of Petaluma to comply with the citywide "Ringing of the Bells" for a period of four minutes at 11:00 a.m., Pacific Daylight Time on July 4, 1969.

A CHALLENGE BUT NO APOLOGIES

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. GIBBONS. Mr. Speaker, I would like to call to the attention of the House an editorial entitled "A Challenge but No Apologies," by Mr. James A. Gallery, editor of the Palmetto Press, Palmetto, Fla.

While the editorial is directed primarily to graduates, it applies to all Americans, for it points out so well what a proud heritage we have, and that we must not take our heritage of freedom lightly.

I commend this splendid editorial to all of the Members of the House, as follows:

[From the Palmetto (Fla.) Press, June 12, 1967]

A CHALLENGE BUT NO APOLOGIES

Traditionally, Commencement oratory fills the air with "challenges, opportunities, and awesome responsibilities," and variations thereof, reminding graduates that they will be called upon to provide leadership and assume significant functions in the years to come.

This, perhaps, is as it should be, because it is fundamentally true in a general sense, if not specifically applicable to each and every graduate.

In recent years, however, another ingredient has been added to the repertoire of charges presented to graduates by individuals of a peculiar school of thought that more or less amounts to an apology for "the mess we've made of things, we're sorry, and we're relying on you to straighten them out."

It is with this lately-introduced concept that we take issue, making no claim to having yet produced a Utopia or having equitably solved each and every problem encountered in the past 25 years or so.

Admittedly there are serious and baffling foreign and domestic questions that are yet to be resolved, and indeed the best efforts of us all will be required to find meaningful and equitable answers.

Acknowledging all this, we would like to remind today's graduates that we have managed to maintain a democratic society and a free enterprise system that, despite imperfections and outspoken, strident critics, have produced the most powerful and affluent nation in the world, one that is both envied and coveted by foreign powers of varying proportions.

Consider, 1969 graduate: you live in a land of political, social, religious, and economic freedom that permits the widest possible latitude of expression and opportunity within the framework of a form of government designed to protect the rights of the majority, basic to the functioning of a democratic society.

You have been given the opportunity of obtaining an education and the extent to which you have capitalized on this opportunity has been largely a matter of your own volition.

These are some of the basic heritages that your parents, grandparents, and great-grandparents have managed to preserve for you, not without considerable personal sacrifice including the bearing of arms and enduring the inanities of war.

We have not succeeded in abolishing warfare, nor is it likely that you will, as long as there are forces in this world that are determined to inflict opposing viewpoints at whatever the cost in human lives.

We have not succeeded in eliminating poverty; again, it is not likely that you will either, within the frame-work of a free society. For a free society is a dynamic one and its technological advances in the various enterprises sometimes result in temporary displacement of people dependent upon the former system for their livelihood.

More significantly, perhaps, is the fact that experienced social workers can document a number of welfare cases in which the recipients apparently prefer the welfare status to one of gainful employment for which they are well qualified. Thus, the problem is one of motivation rather than circumstance.

Which leads to a major lesson we have learned repeatedly in foreign and domestic matters over the past quarter-century or so.

Americans always had a tendency to view most problems through glasses tinted with enthusiastic and optimistic idealism. That is to say, we have presumed that the application of our own institutions and aspirations will strike an immediate and responsive chord in peoples within and without our own physical boundaries.

And we have been disappointed, if not outright confounded, when the recipients of our "gifts," in the form of cash, credits, loans, counsel or what have you, have gladly accepted the loot but, through applying a different set of values, misunderstanding, lack of adequate preparation or background, or just plain lethargy, have evidenced a preference for the former condition.

No, allegiance cannot be instilled nor a level of aspiration raised by an external force however sincere the intent, and it has little permanent value until such time as the initiative stems from within, whether it be a nation or an individual.

In the realm of ideas—political, social, economic, per se—you may have already learned there is hardly anything novel about 20th century concepts except the catch-word or variation.

"God Is Dead?" The ancient Hebrews expressed the thought frequently during the Babylonian captivity and other times of stress. Before and after that, the Phoenicians, Egyptians, and Greeks "buried" what they deemed "ineffectual" Gods with almost monotonous regularity.

"Commune-ism?" Again, the Hebrews and other nomadic tribes practiced this politico-economic theory in its purist, non-militant sense as did 17th and 18th century American colonists.

On the other hand, there is little difference between the Marxist-Lenin-interpreted "Common-ism" (we prefer to spell it that way) ruled over by a totalitarian dictatorship and the former iron-clad Czar-ist regimes. Roles have been changed but the end result is the same.

"Generation Gap?" A Bible student recently reminded us that King David had to call out the Israeli Army on three different occasions to put down revolts led by his own three sons.

"Make Love, Not War?" He didn't put it exactly in those words, but the late Neville Chamberlain returned from the Hitler-dominated conference in 1937 with a "Peace in our time" accommodation for handing over Czechoslovakia to the Nazi despot.

Two years later, Chamberlain's nation was plunged into its darkest hour of peril that might have been avoided—or postponed until Britain was better prepared—had the Prime Minister taken a firmer stand at Prague. At least that's what German historians of the era say.

The "Establishment?" Well, what'll you have? The Soviet Union has one, as does Cuba, Red China, Nigeria, and assorted "emerging" nations and tribes all over the world. By whatever name, it merely serves as a vehicle through which order is maintained and desired goals attained or strived for.

The absence of any "Establishment," of course, represents absolute anarchy, heretofore "enjoyed" by cannibals and other aborigines almost exclusively.

No, there isn't a concept without precedence, save in the scientific world where new theories and refinements of older ones occur almost daily. Infrequently, however, are they equated with social matters. (What, for example, is the relationship between a lunar landing and, say, urban renewal?) Furthermore, scientists are a little leary of generalizations with regard to human behavior because homo sapiens happens to be of such a variable nature.

Thus, graduates, we make no apologies for your heritage. Challenges? Yes. Opportunities? Certainly, particularly in the area of human relationships where, individual identities are being muted by an increasingly-computerized society.

Nonetheless, in a land of liberty, you have a tremendous advantage over the caged-in, spoon-fed static variety.

In your deliberations, don't be reluctant to examine what's gone before simply because it represents a former endeavor. After all, that's the basis of all learning and a most logical reference in studying "new" problems.

We salute you and wish you Godspeed in the venture of your choosing. Don't, however, take your heritage of freedom lightly. "Born Free" is a claim that cannot be made by more than two-thirds of the world's population today, and it's infinitely less costly and painful to preserve than redeem.

HONORING OUR RETURNING VETERANS

HON. CHARLES S. JOELSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. JOELSON. Mr. Speaker, although many decry the fact that our veterans are not accorded their due honor, few do anything to try to remedy the matter. For that reason, I am particularly pleased to insert the following articles from the Evening News of June 14, 1969. This newspaper circulates in the congressional district which I represent, and I think it particularly appropriate that the article appeared on Flag Day. Me-

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morial Post 9458 is to be congratulated on its work in spearheading the program. The article follows:

BLOOMINGDALE PARADE TO HONOR 200 RECENT VETS

BLOOMINGDALE.—Over 200 veterans of the armed forces, who served in and since the Korean War, will be honored Monday night with a parade and recognition night sponsored through the joint efforts of the Bloomingdale VFW and the Tri-Boro veterans.

"We hope to start a fire here in Bloomingdale that will spread all over the country," committee member Fred Shepherd told The News. "General (William) Westmoreland said that nobody is showing recognition to the veterans. So three of us got together and sent him a letter." Shepherd said in explaining how the project got started.

"We've gotten tremendous cooperation," Shepherd said. "It seems all four services want this. And Rep. Charles Joelson promised to enter it in the Congressional Record for posterity."

TO REPRESENT GENERAL

Westmoreland is sending a full colonel as a personal representative. He is with the Joint Chiefs of Staff.

Memorial Post 9458, VFW, of Bloomingdale, will join with VFW and American Legion posts from Butler, Kinnelon and Bloomingdale which form the Tri-Boro Post, for the event.

The parade will begin sharply at 7 p.m. in front of the municipal building on High Street, Butler. The veterans will lead the parade and will fall out at the reviewing stand at Sloan's Park in Bloomingdale. The route will be from the Borough Hall down Park Place, turning right onto Main Street, into Bloomingdale, and then to the park.

Arthur "Bud" Bossard is general chairman. Herman Rickman will be general grand marshall.

BANDS TO MARCH

The 1st Army Band, 3rd Naval District Band and Air Force Band from McGuire AFB will march, joined by a color guard of Marines. Members of the Women's Army Corps are expected to participate.

Many state and district Legion and VFW leaders will participate.

Carl Whritenour will act as master of ceremonies at a program planned at the reviewing stand following the parade. Warren Hopper will welcome the veterans. Invocations will be given by the Rev. John V. Bolin of the Church of our Lady of the Magnificat, Kinnelon. The benediction will be offered by the Rev. Hugh McNeilly of the Bloomingdale Methodist Church.

Commander Joe Franko of the Bloomingdale VFW post, Commander Dick Larkin of the American Legion Post and Commander Roger Snyder of Butler will be assisted by the mayors of the three boroughs in presenting gifts to the veterans.

THE 3D DIVISION APPLIES NEW CONCEPTS TO OVERCOME PROBLEMS OF WAR

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. STEED. Mr. Speaker, the forces of the 3d Marine Division operating in South Vietnam are applying new concepts of amphibious warfare in a nuclear environment against guerrilla opposition.

Extensive use of helicopters logistically have characterized these efforts under the direction of Brig. Gen. Frank E. Garretson, commanding general, Task Force Hotel, the forward operating headquarters of the division.

Two articles in Sea Tiger, Navy-Marine Corps publication, give graphic details:

THE 3D DIVISION APPLIES NEW CONCEPTS TO OVERCOME PROBLEMS OF WAR

(By GySgt. John Conick)

VANDEGRIFT COMBAT BASE.—Time and distance factors for helicopters created new problems in Operation Dewey Canyon.

To meet the problems, staff officers of the 3d Marine Division developed new applications of amphibious techniques.

Operation Dewey Canyon conducted by 9th Marines just northwest of the Ashau Valley, was centered 27 miles southeast of Vandegrift and about 30 miles west of Hue.

Every Marine and every pound of equipment, supplies and ammunition had to be helicopter transported to the battlefield.

"Our main problem was helicopter turn-around time," said Brig. Gen. Frank E. Garretson, commanding general, Task Force Hotel with headquarters here. "To do this we positioned, in forward areas, a small logistical support activity and a limited refueling capability."

The forward supply activity cut down flying time for helicopters delivering ammunition and rations to assaulting units particularly in bad weather. The refueling capability permitted gunships to spend more time on station, orbiting and working in the combat area.

"Vandegrift continued to be our main logistic supply point," Gen. Garretson continued, "but in near-critical or emergency situation, or if the weather closed in, we were in a position to support our units more effectively because of the shorter helicopter turn-around time."

Helicopters using the forward installations travel five to eight miles instead of the 27-mile one-way distance from Vandegrift to assaulting units. A considerable saving in time.

"Weather was another factor in our considerations. Our early experience in the northern Ashau Valley complex indicated that at times it cleared or was satisfactory there for helicopter operations hours before weather lifted at Vandegrift. When this occurred, our copters went over or around the clouds and began to work several hours earlier," observed Garretson.

Disposal cargo slings were devised to speed operations. It was no longer necessary for helicopters to linger in the landing zones to retrieve slings from the units on the move. This lessened the enemy's opportunity to spot the unit's location as well as cutting down hovering time in zones subject to enemy small arms, mortar or artillery fire.

Senior officers in this operation remarked that in addition to disposable slings we could use disposable containers for everything lifted to front line troops in order to minimize helicopter usage. As an example, the 2½ gallon plastic water container is considered essential. The heavy, World War II, five-gallon water can has outlived its usefulness in present day helicopter operations.

Another important addition to the forward area of Dewey Canyon Operation was the Air Support Radar Teams (ASRT). The equipment is composed of highly sophisticated radar and electronic computing equipment that enables pilots to drop bomb loads on targets without actually seeing them. ASRT is also used to guide helicopters to ground units during bad weather when visual flight rules cannot be used. And it can be used to assist in parachute delivery of supplies.

CH-47 Chinook helicopters of "B" Co., 159th Assault Helicopter Bn., 101st Airborne Division, gave Marine flyers of the 1st Marine Air Wing a major assist when a record 1,047,000 pounds of cargo was moved from Vandegrift to assaulting units in Operation Dewey Canyon, Feb. 18.

"The NVA threw about 40 rounds at us," recalled Simpson, "but we managed to fire almost 50 rounds at them."

"The Marines have devised a method to move supplies by getting maximum loads and utilization from our helo's," said Army Capt. David Anderson (61 Moonglo Circle, Columbia, S.C.), liaison officer. "They always have something to do. There is no such thing as piecemeal helicopter operations."

An Army Counter-Mortar Radar Team was also displaced to a forward position in the Dewey Canyon operation. The counter mortar team enables Marine artillery to immediately return heavy and accurate fire on enemy artillery and mortar positions foolish enough to keep firing for any length of time.

"Although the 9th Marines have been heavily engaged, we've continued to bring in new replacements and Marines returning to units in the field after R&R (Rest and Recuperation Leave).

"Outbound flights have carried end-of-tour men to rear areas. We have added special helo flights to meet these needs as necessary," concluded Garretson.

PRESENT WARFARE ADAPTING TO LOCALE

(By CWO L. F. Nadolny)

VANDEGRIFT COMBAT BASE.—The war in Northern I Corps has been likened to amphibious warfare in a nuclear environment applied against guerrilla forces by Brig. Gen. Frank E. Garretson, commanding general, Task Force Hotel, the forward operating headquarters of the 3rd Marine Division here.

He also spoke with pride of the men carrying the battle to the enemy and how the limiting effects of the monsoon season are being met.

"The North Vietnamese Army has largely resorted to guerrilla tactics in recent months. The wide dispersion of our units as we seek these elusive enemy elements is a page from a nuclear warfare text. We would disperse in much the same manner if we faced nuclear weapons," he explained.

The tactical area of responsibility of the 3rd Marine Division covers over 600 square miles in Northern I Corps. Division units are spread from Cua Viet on the Gulf of Tonkin in the east, along the Demilitarized Zone to the Laotian Border in the north and west, to the upper regions of the Ashau Valley in the south.

"We have retained our amphibious character despite the fact that we are operating from land bases instead of helicopter carriers and other convoy elements lying off shore," said the General.

As an example he cited what in Marine Corps parlance is known as a floating dump (offshore supply ship). In a conventional, across the beach amphibious assault, the Logistics Support Activity (LSA) would call for needed supplies from the floating dump. The supplies would be delivered to the beach by landing craft and perhaps trucked to the requesting unit.

"Here at Vandegrift we are not living from the sea. We have stockpiled our floating dump ashore near the LSA. Whatever is needed can be quickly positioned on a helo pad, picked up by helicopter as an external load, and delivered to the requesting unit in the jungle or on a mountain peak. This is an adaptation from our amphibious vertical envelopment concept," he pointed out.

Historically, the Marine Corps began experimenting with helicopters shortly after World War II. During the Korean War, the Marine Corps used helicopters for medical ovacuations, reconnaissance insertions and limited troop deployments. The ever changing and expanding concepts of vertical envelopment are evolutions of these early efforts.

"We haven't hesitated at all to use Army developed helicopter techniques," Gen. Gar-

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retson stated with a smile. "Most notable of these are the helicopter dependent fire support bases on mountain peaks and the swift insertion of helicopter-borne troops for cordon operations."

Monsoon type weather in Northern I Corps on occasion hampers and slows helicopter operations. Rain, clouds, and fog sometime combine to bring the ceiling to the ground and visibility to within feet. During these periods pilots sit and wait for even a momentary break in the weather.

"I'll tip my hat to our young pilots. Given any kind of a minimum opportunity, particularly in case of emergency evacuations, they will fly through cloud covered mountain passes at 1,200 feet and less, and follow streams along mist-shrouded valley floors to reach their destinations," he said in tribute.

Perhaps the hat should also be tipped to Major Gen. Raymond G. Davis, commanding general, 3rd Marine Division, and Garretson. Despite the weather, on only rare occasions has either missed daily visits to units in the bush. Riflemen and cannoneers all across Northern I Corps have come to know them by sight.

When weather prevents normal helicopter resupply, fixed wing transport aircraft and helicopters may para-drop rations and ammunition to waiting units.

"Operating above the cloud cover at 5,000 feet and directed by radar, our para-drops have been on target and recoverable at least 50 per cent of the time. This means that bad weather slows us up but it certainly doesn't stop us," observed Gen. Garretson.

During the current monsoon season, bad weather has inhibited operations for several periods of four and five days. Some division positions encounter "in and out" weather conditions. In this situation helicopters will orbit the position and deliver external loads in the landing zone during momentary breaks in the cloud cover.

The esteem he holds for the troops fighting in the jungles and mountains was evident as Gen. Garretson said, "The ability of small unit leaders and commanders to organize quickly and be prepared for anywhere from two hours to 30 days in the bush is fantastic."

"Loyalty of the riflemen to each other and to the unit, especially while in contact with the enemy, is of the highest possible order. Many with wounds of varying degree of severity refuse evacuation until the contact is clearly broken. It is a mark of them as men and as Marines."

A number of 3rd Marine Division fire support bases have been continuously occupied since their construction and Leathernecks have taken advantage of the time to improve their circumstances. Gen. Garretson grinned as he spoke of their accomplishments.

"We expect our men to use the material at hand to improve their bunkers. Such things as filling ammo boxes with dirt are common. But it takes a little extra effort to build stairways of empty shell casings up steep slopes."

KENT STATE UNIVERSITY AND THE SDS

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. STANTON. Mr. Speaker, I think it would be of interest to my colleagues who are concerned with peacekeeping activities on university campuses to know how Kent State University, in my district, handled this problem this past year.

Under the capable leadership of President Robert White, Kent State met this problem with remarkable results. This was done despite the presence of many—at times up to 100—nonstudent agitators from other areas. It was also done despite the Students for a Democratic Society's high priority to "bring down" Kent State University.

I am attaching a copy of a letter that I received from a reporter, William G. Armstrong, who wrote a series of articles concerning this subject. I am also placing in the RECORD the two articles that Mr. Armstrong wrote covering this subject in depth. It is my hope that the two articles might have points which other universities could share.

The material follows:

BEREA, OHIO,
June 6, 1969.

HON. J. WILLIAM STANTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STANTON: As the Kent State University academic year draws to a close, it might be well to pause and review the peace-keeping activities of university officials during this unusually turbulent time.

As violence of major proportions rocked hundreds of American campuses, raining destruction and injury on the property and person of those involved—and causing some of them to shut their doors to even serious students—Kent State University remained open and remarkably well-ordered.

This, despite the fact of the presence of many—at times up to 100—non-student agitators from other areas, and Kent State University's high priority on Students for a Democratic Society's list of schools to "bring down."

Long hours of in-depth planning went into the maintenance of peace on campus this year, and the deep concern of Kent State officials, as well as their brilliant reaction to crises which arose, precluded violent demonstrations on a massive, disruptive scale. As a reporter for both The Daily Kent Stater and the Kent-Pavenna Record Courier, I was privileged to observe some of this planning and see it go into effect. Consequently I grew to have a great deal of respect for those who were calling the shots under heavy pressure in the students' best interests.

Kent State remained open this spring, despite repeated threats against the personnel and the physical plant; the Administration, under Pres. Robert I. White, merits a word of praise for this. I am enclosing two articles from the Record Courier which illustrate the usage of one of the most effective methods of averting campus uprisings—the use of temporary restraining orders. As can be seen from the articles, they were employed in a special selective usage at KSU.

Yours sincerely,

BILL ARMSTRONG.

RESTRAINING ORDERS WERE USED FIRST AT KENT STATE UNIVERSITY

(By Bill Armstrong)

Temporary restraining orders (TROs) were issued April 9 by Portage County Municipal Court against the five major leaders of Students for a Democratic Society (SDS) who took part in a demonstration at the Kent State Administration Building the previous day. All five persons are non-students.

This legal technique—in a special usage first employed at KSU—may prove to be the key to the prevention of future large-scale disorders on American college campuses.

TROs have been used at other colleges primarily to break up demonstrations or sit-ins already in progress, such as at Howard and Dartmouth during April. Kent State, however, is the first university at which they have been used to enjoin certain persons from coming onto the campus.

The order is analogous to that issued by a judge in labor disputes merely on the threat of a worker strike. It has the effect of prohibiting the persons from appearing on campus for any reason, merely as a result of statements or actions considered violent and dangerous.

If for any reason the persons reappear while the injunction is in effect, they are in contempt of court and are subject to immediate arrest. Under such circumstances, there is no jury trial—the penalty is determined solely by the judge.

The idea for using TROs in this manner was conceived last fall by Barclay D. McMillen of the KSU political science department while he was teaching a class in Constitutional Law.

Use of the injunction, however, has met with some local controversy, since it is naturally regarded as a very powerful weapon of the court.

Ralph Oates, KSU director of student conduct, said that he gives qualified endorsement to using TROs.

"I think the injunction is good if used sparingly," he said, adding that he hoped issuance of further injunctions would not prove necessary.

The order of disciplinary action which Oates said he would prefer to follow is in three steps: university disciplinary proceedings; if those fail, or are disrupted, then civil arrests may take place; and lastly, if arrests do not control the demonstrators, then injunctions.

It has been pointed out, though, that in the situation of non-students participating in violent disruptions, the university cannot act internally against them.

Barclay D. McMillen, special advisor on student rights, said he favors use of injunctions mainly against these non-students, whose declared purpose for being on campus is to cause disruptions.

He noted that continued use of TROs against troublesome non-students gradually reduces the number of persons able to participate in any further disturbances.

Political science professor Byron G. Lander expressed a somewhat different point of view. He maintained that universities should use great discretion in applying legal sanctions as severe as TROs, and that Kent State did not exercise that discretion.

Lander added that restraining orders particularly should not be used as an "anticipatory action," as he claims they were at KSU. He stressed that TROs should only be used "with a great deal of discretion and solely as a last resort."

Robert Matson, vice president for student affairs, suggested in a Record-Courier interview May 12 "preventive rules," which would give universities power to restrict certain speakers and organizations from campus.

Matson made it clear that these should only be used "when there is sufficient evidence of conspiracy (by said persons) against the university."

Apparently, however, the courts have been successful in KSU's case in the attempt to keep certain SDS leaders off campus. Of the five originally served injunctions—Rick Erickson, Howard Emmer, Colin Neiburger, George Gibeaut and Jeff Powell—none has been illegally on campus since.

The only time they were on campus was April 16, during the Student Conduct Board hearings at the Music and Speech Center. Disruption of those hearings resulted in 53 arrests.

The restraining order was modified for the five CDSers, according to the Court of Common Pleas journal entry, for the sole purpose of their acting as witnesses in the Conduct Board hearings.

A highly ranked university aide speculated that other regional SDS leaders who would have considered coming to Kent to help were sufficiently scared or warned by what happened to the leadership here that they decided not to come.

Injunctions: Answer to SDS

(By Bill Armstrong)

Court injunctions seem to have been the answer to problems in several universities throughout the nation this spring.

At Kent State, the Students for a Democratic Society (SDS) leaders who were barred from campus have gone elsewhere—some to other schools in Ohio. This is one reason why it has been suggested that state-wide authority be given to the Attorney-General to enjoin "hard-core" revolutionaries from all state-supported universities.

Besides the effect of keeping state universities free of violence, the effect of temporary restraining orders (TROs) against campus revolutionaries may also eliminate the clamor in legislative chambers for restrictive and much-feared regulations of university administrations.

Many college administrators have called for "local autonomy" in handling their own problems, and this may prove to be a good compromise.

Much of the legislation that has been proposed this year, administrators feel, could jeopardize control over local affairs and impair the free functioning of an academic community.

Perhaps lawmakers were remembering W. B. Yeats' "The Second Coming" as they flooded the hoppers of state and national legislatures this year with bills to curb college-age protestors. Yeats wrote:

"Things fall apart. The center cannot hold. Mere anarchy is loosed upon the world. The blood-dimmed tide is loosed, and everywhere the ceremony of innocence is drowned. The best lack all conviction, while the worst are full of passionate intensity."

As major institutions faced the spring offensive of SDS, they quickly picked up the use of temporary restraining orders to control it.

University authorities agree about the potency of such injunctions and the net positive aspects of using them.

First, their use does not necessitate university disciplinary action so the orders are equally good when issued against non-students, who reportedly have been at the root of much of the trouble at several schools, including Kent.

Secondly, a court order can immediately remove the disruptors from campus and keep them away. Violators are subject to immediate arrest and sentencing without a jury trial, because the judge issuing the order exercises sole jurisdiction in the matter.

Thirdly, most of the usually bold campus revolutionaries have some measure of respect (or fear) of the court's power, and realize that defiance of a TRO—even by setting foot on campus—may quickly put them behind bars.

Fourth, schools can avoid calling in outside police forces and can have the brunt of the blame absorbed by the court system. This distracts the attention of the rebels from the university, and gives them a vaguer, much less familiar target.

Where violations of the injunctions occur, as at Dartmouth and Columbia recently, what one professor described as "instant justice" can be dealt.

The judge, acting alone, determines the penalties for violators; at Dartmouth, those who violated the injunction were given 45-day sentences.

The use of injunctions at Columbia this spring was described by Prof. Edward Kalajian at a conference on "Student Protest and the Law" at Ann Arbor, Mich., two weeks ago:

"It was first used in connection with a sit-in which occurred in the Columbia College Admissions Office on April 14 and 15, by a group of black students and non-students.

(Note that the injunction use against non-students at Columbia occurred after the KSU disturbances and the resultant court order here.)

"This group vacated the premises at 2 a.m. as soon as their attorneys were provided with copies of the injunction.

"On April 17, a group, estimated to exceed 200 students and non-students, occupied Philosophy Hall in an SDS-sponsored sit-in. That group vacated the premises less than an hour after the university's injunction was served in the building."

Kalajian then described a building occupation which took place two weeks later, involving several hundred of the same group:

"They refused to leave when warned that they were violating the injunction against disruptive demonstrations.

"However, as soon as they heard that the court had signed a writ of body attachment, directing the sheriff of the City of New York to bring them before the court on charges of criminal contempt, they scurried from the building after covering their faces with cloth to conceal their identities."

It now seems clear to some observers that the cure for campus demonstrations may be spreading from one university administration to another as quickly as the disease itself spread earlier in the year.

There are currently two schools of thought circulating in universities as to the future measures of discipline to be invoked. Clearly, universities' student conduct codes as presently written are not equipped to handle revolutionary violence; they will have to be revised.

Some persons would agree with KSU's student conduct director, who maintains a preference for internal discipline and arrests—in that order—before temporary restraining orders.

Others say that TROs are the key to quelling and averting future trouble at universities and that they should be served to all self-declared revolutionaries.

The chief task now before the universities is to cool down the state legislatures and convince them that problems are locally soluble.

INDEPENDENCE DAY SALUTE TO MOROCCO

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. POWELL. Mr. Speaker, it was just a short 13 years ago, on March 2, 1956, that Morocco celebrated its liberation from French colonial rule.

The kingdom of Morocco is situated at the northwestern corner of Africa and is bounded on the north by the Mediterranean Sea. On the east and the southeast it is bounded by Algeria. By means of comparison the kingdom is a bit larger than the State of California—169,999 square miles.

The United States has attempted to assist the developing country economically. In 1961, for instance, Moroccans were faced with an agricultural crisis and the United States responded to their request for aid with wheat and animal foodstuffs to the value of $23 million. When crop failures in 1961 affected an estimated two-thirds or three-quarters of the grain, a relief scheme for the peasants was hastily improvised.

Over the years since Morocco's achievement of independence, there has been a growing contrast between the traditional and the modern. While the population is predominantly agricultural and pastoral, there are a number of large and prosperous new towns.

Casablanca is not only the capital, but is "the commercial, financial, and industrial heart of the country," as John Gunther has written in "Inside Africa."

Morocco is an active and respected member of the international community. It is a member of the United Nations and of that organization's specialized agencies. Morocco participated in the Belgrade conference of "noncommitted" nations. Morocco's approach to foreign relations may be understood as a blend of neutralism, pan-Arabism, and pan-Africanism.

Morocco has been striving to overcome the numerous complex problems which confront new states. The country has made remarkable political progress, establishing a constitutional monarchy in 1962 and electing its first parliament in 1963. Political stability and gradually improving economic conditions auger well for the country's future.

Mr. Speaker, I extend my belated warm and hearty congratulations to the Moroccan people as they march forward together.

WILLIAM F. PUTNAM

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. BOLAND. Mr. Speaker, William F. Putnam, president of the Springfield Television Broadcasting Corp., is justly celebrated for the editorials he delivers over television station WWLP in my home city of Springfield, Mass. Mr. Putnam's editorials broadcast daily are not the tepid sort characteristic of many television stations. Chary of the FCC, afraid to bruise the sensibilities of any group of listeners, many television stations turn out editorials designed to please everyone and annoy no one. Mr. Putnam's editorials are different—dramatically different. Frank, straightforward, written in a brisk and lively style, his editorials take explicit stands on controversial issues. They stir the kind of discussion and debate any community needs to arrive at rational decision in controversial problems. Mr. Putnam and WWLP are to be commended for community service.

The Brattleboro, Vt., Daily Reformer has published an editorial paying tribute to Mr. Putnam. With permission, Mr. Speaker, I put this editorial in the Record at this point:

[From the Brattleboro (Vt.) Daily Reformer, June 2, 1969]

Hello There, Mr. Putnam

One of our favorite editorial writers is not a newspaperman. So our admiration of the daily stint he subjects himself to is without bias. Except that we are probably biased in favor of his speaking his convictions, his sense of fairness and his ability to provoke other people to think for themselves.

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William Putnam is owner and manager of a TV station, channel 22, operating out of Springfield, Mass. Editorial comment is not frequently heard from TV stations or from the networks. But William Putnam's editorials come over the air daily, and have for more years than any other TV editorial writer. He calls the shots as he sees them—on local, state and national affairs. His editorials are well researched; he deals with facts; his style is concise and pungent.

We may be wrong, but we are inclined to think that his task is harder than ours—which may be one of the reasons why most TV stations shy away from editorials, along with other reasons designed to avoid annoying advertisers, the FCC or their listeners. Their listeners, of course, include politicians who can exert pressure against renewal of TV licenses.

As we were saying, Mr. Putnam's editorial task may be harder than that of a newspaper editorial writer—because the TV editorial is three-dimensional while the newspaperman's is two-dimensional. What we mean is that the newspaperman's job comprises himself and his typewriter, while the TV man's has the added factor of appearance before the camera to deliver his message personally.

It is difficult for us old hot-metal hacks to appreciate what must go on in the mind of a TV editorial writer when he moves from his typewriter to face the camera. Let's say that on a particular occasion he is teeming with disgust for some politician's high-handed self interest, or filled with the frustration all of us feel when Congress or the state legislature ignores a pressing public need, like tax reform.

On such occasion, the TV editorial writer faces the camera in order to reach and warn the listening and viewing public. But what does he actually face in order to deliver his impassioned comment? He is facing a big black camera operated by some sloppy Joe who couldn't care less about what is being said. On all sides of him are four walls, within which the heat from the lights is probably unbearable, and where the constant movements of the camera and light crews make him wonder if he is just mumbling to himself or really reaching "those people out there" at the end of the air waves.

So, as a constant viewer and listener to William Putnam's daily editorials we pay our respect to a fellow editorial writer who puts his faith in the democratic system on the line. He spells out its rottenness when he sees the system being corrupted by politicians who place themselves above it, and he is a working conservationist in that he tries to help conserve the best of the past while urging reasonable innovations in tune with our times.

It's a thankless job. But we think it is important.

SOUTH VIETNAM'S REFUGEES

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. BUCHANAN. Mr. Speaker, the Christian Science Monitor published on June 4 an article on South Vietnam's refugees written by Elizabeth Pond, the paper's special correspondent in Saigon.

Despite its somewhat unfortunate headline "Aid 'Too Little Too Late'?" this article is the fairest, best balanced, and most factual presentation of this program ever to come to my attention. The writer has made an extraordinary effort to describe the intricacies of a program which is attempting to help the Vietnamese refugees in the midst of war under tenuous security conditions and with the very limited manpower and resources available to the Ministry of Health, Social Welfare, and Relief of the Government of Vietnam.

The article has only one shortcoming which I would like to correct. It states that only 430 million piasters, or one-third of 1 percent of Vietnam's national budget, is available to the social welfare branch of the ministry. It fails to mention that the Ministry's own funds are supplemented by 3.2 billion piasters, the equivalent of $27.1 million from the American Aid Chapter of the Agency for International Development.

In addition approximately $30 million worth of AID-financed surplus food and other commodities are distributed to refugees, orphanages, homes for the aged, and other needy persons.

In 1969 total American assistance to the refugees will amount to more than $60 million.

The article from the Christian Science Monitor follows:

SOUTH VIETNAM'S REFUGEES: AID "TOO LITTLE, TOO LATE"?

(NOTE.—There are 1.3 million refugees in South Vietnam. The government appropriates one-third of 1 percent of the national budget to helping them. But, concerned officials point out, there is still no concept of their long-term rehabilitation into a structured society. This problem, they say, has not yet been faced.)

(By Elizabeth Pond)

SAIGON.—The refugee program in Vietnam is at the critical point where it is, or should be, moving from emergency relief to long-term rehabilitation. But at the moment it appears headed for a "too little, too late" rating.

This is not to denigrate either the Herculean relief effort that has been made so far or the dedicated few on both the Vietnamese and the American sides who have labored to feed and shelter the millions of refugees the Vietnam war has created.

Officials point out with some pride that this is the first time in history that wide-scale care for war-created refugees has been instituted while the war was still in process.

Even so, the refugee problems are staggering in that they have a low-priority rating when pitted against continuing military operations, intensified peace negotiations, and political skirmishing in Saigon. Also they may well create the conditions all over again for a new Communist insurgency.

LEADERS DEPLETED

Any war is disruptive. A civil war is especially brutal. A guerrilla civil war reinforced by massive artillery and air power may be the most cruel of all (short of some nuclear holocaust). And a war that has raged intermittently for a quarter of a century defies comprehension in its results.

Apart from the dead, this war has bled the country of several generations of leaders, displaced up to a third of the population, rent the social fabric, destroyed villages and placed villagers in urban slums and worsening health conditions.

In all it has produced at least 4 million refugees, 300,000 physically disabled, 20,000 to 50,000 prostitutes, more than 90,000 orphans, and no one knows just how many juvenile delinquents and predelinquents.

One sees the evidence daily—the dirty homeless shoeshine boy in Saigon, the apathetic old man in a refugee camp with nothing to do, the widow in her late 20's who has lost both legs and whose two children are in hospitals with wounds.

COMMUNIST ZONE FLED

But the situation now is vastly improved over two years ago or even a year ago, as a brief chronology shows.

The first wave of refugees in the post-French period was the 900,000 northerners (primarily Roman Catholics) who left the Communist north after the division of Vietnam in 1954. They built new villages in the south and were for the most part successfully resettled within three years.

The next wave came when the National Liberation Front (NLF) began its guerrilla war in the early '60's. By mid-1965 the numbers of new refugees, the majority of whom were fleeing NLF terror, had reached some 600,000.

These, however, were not so fortunate as the earlier refugees. They did not have the political glamour of the anti-Communist northerners, nor were they Catholics coming to a hospitable Catholic regime. They were instead an unwelcome burden to a government that had no tradition of social welfare or public services, that was paper thin in administrators, that was only beginning to restabilize itself after the 1963 assassinaton of President Ngo Dinh Diem, and was fighting for its life on the battlefield.

The refugees were ignored as well by the Americans, who were fully occupied with the military side of introducing combat troops to Vietnam.

In late 1965 a minimal stopgap program of aid to refugees at last was begun. In early 1966 a special Commissariat for Refugees was established by the South Vietnamese Government.

In the beginning of 1967 the big U.S. military sweeps such as "Cedar Falls" and "Junction City" were inaugurated in III Corps, with villagers forced to move from their homes as large NLF-controlled areas were cleared and turned into free-fire zones.

More serious quantitatively was the explosion of bitter large unit warfare in the Demilitarized Zone (DMZ) area. As U.S. and South Vietnamese troops sought to meet the threat of main-force North Vietnamese units with frontal assaults, new refugees were created at a rate of 10,000 and 20,000 per week. One operation cleared 10,000 villagers out of a battle area within four days.

I Corps quickly became the critical area for refugees. In a matter of months half a million people or 20 percent of the area's 2.5 million were refugees — not cumulatively, but simultaneously. Some were forcibly moved against their will by U.S. soldiers, some fled the cross fire or especially American bombing and free-fire zones of their own volition.

OFFICIALS NOT NOTIFIED

Frequently, for reasons of military security, refugee officials were not notified in advance when a clearing operation was planned and could not prepare for the sudden influx. More than once a responsible American official was first informed of incoming refugees by radio from the helicopter transporting the refugees.

Arguments over the military efficacy of such operations go on ad infinitum. One school argues that this massive relocation deprived the NLF of porters, rice growers, and recruits, as was finally proved in late 1968.

Another school argues that the shifts as conducted were simply irrelevant to the main objective of counterinsurgence: security for the population.

Whether the relocation was necessary or not from a military point, it did take place, and took place with a speed and under conditions that made it impossible to care for the refugees adequately.

In refugee camps there were repeated acute water shortages; some near starvation; widespread malnutrition; extended breakdowns of distribution either through sheer lack of cadres or through division of goods and money; overcrowding; hazardous sanitary and health conditions; an absence of schooling for 90 percent of the I Corps refugee children; a frequent absence of farmland, jobs, job opportunities, and vocational training for adults. Above all, there was a lack of security, as Viet Cong attacks on the camps amply illustrated.

Furthermore, despite, real concern in the Refugee Commissariat, Saigon — and province chiefs — tended to view the refugees with suspicion as Viet Cong sympathizers, which many of them were.

PRESSURE ON CHIEFS

Then a combination of things happened. On the Vietnamese side the Commissioner for Refugees put pressure on the I Corps province chiefs to support the program. Refugee officials were allotted more gas for transportation. Mobile distribution teams began to fill the wide gaps left by inadequate local cadres.

On the American side, the 1967–69 Kennedy subcommittee hearings spotlighted the plight of the refugees and brought considerable pressure on the Johnson administration to step up the American effort.

The vast American logistical system was then geared up to service the refugee program, and Americans began exercising more control over relief commodities in provincial warehouses, so reducing illegal diversion of supplies.

Then any progress in meeting the needs of the refugees was shattered during February, 1968, with the countryside Tet offensive of the NLF and the North Vietnamese Army (NVA).

In this and the subsequent May and August offensives almost a million more people were made homeless, whether from the NLF-NVA attacks or from the heavy counterfire of allied bombing and artillery in the cities. The planned refugee program, itself an emergency operation, had to be subordinated to even more of a crash program.

SWEEPS HALTED

But Tet also brought an end to the widescale creation of refugees by allied military operations. Multidivisional sweeps were halted as American troops were pulled in to defend the cities. And this effect was reinforced by the tactical preferences of the new U.S. commander in Vietnam, Gen. Creighton W. Abrams. The order went out to avoid creating more refugees by military operations, and with some exceptions this principle has been adhered to since.

By fall of 1968 the allies had begun a counteroffensive into the countryside, in the three-month accelerated Pacification Campaign. With the NLF stripping the countryside of guerrillas and political cadres to serve main-force units, the allied push met less resistance than anticipated and succeeded dramatically in its aim of widening the area of government "presence."

Thus the stage was set by the beginning of 1969 to get on with the return to villages or permanent resettling of the longer-term refugees that had always been the intended goal of the refugee program.

The bulk of the 1968 refugees, many of whom remained in their home areas and were employed but simply needed help in rebuilding their homes, were on their feet again. And widening government "control" in the countryside (or at least lessening NLF control) opened the way for older refugees to move back to their villages.

SUCCESSES REPORTED

This program now is in operation. But it has its drawbacks: The majority of the 215,000 who have returned to their villages or were resettled permanently in 1969 are still 1968 refugees, not the earlier ones. And the refugees themselves are reluctant to move back in many cases, as they are not persuaded that security exists.

Because of this some observers fear that the program may turn into yet another massive forced relocation, though there is no evidence of this so far.

But the resettlement program has successes, too. Along the coast of I Corps, new fishing cooperatives are beginning to work well. In the Mekong Delta villagers have begun drifting back from open fields to the wooded canals and roadsides they had left years before because of continuous infiltration by NLF snipers and subsequent allied bombing and artillery strikes.

The ambitious Pacification Campaign for this year calls for reducing the present 1.3 million unsettled refugees (the unofficial number runs somewhat higher) to one million by this fall. Refugee officials hope to bring it down even lower, to 600,000.

Meanwhile, conditions at the temporary camps are being improved. U.S. funds devoted to refugee programs in the narrow sense are considered adequate now by officials. More than 40 percent of refugee children are reported in school.

TOLERABLE CONDITIONS

The well-known Cam Lo camp south of the DMZ has a new irrigation system that should make the surrounding land arable for the first time in the two years refugees have lived there. U.S. Army and Marine medics have supplemented the less than 150 civilian doctors serving the countryside.

Yet serious problems remain. Insecurity is the worst, especially in the three southern provinces of I Corps, where the poorly defended refugee hamlets have come under repeated NLF attacks by both direct and indirect fire this year. Disease and high infant mortality have been reported in individual camps.

Seventy percent of the camps (and 90 percent of those in I Corps) are still rated deficient by refugee officials in terms of overcrowding, water, jobs, classrooms, clinics, and/or security.

But there have not been epidemics, nor has there been starvation. Rudimentary living conditions at least are on the whole much more tolerable now than they were in 1967.

Vietnam is fortunate. It is a fertile land, rich in natural resources—except in the inland mountains—and 90 percent of the population lives in the delta and coastal plain.

People do not starve when they are neglected. And Vietnam is fortunate in the resilience and ingenuity of its people, who have maintained their identity and cohesion over a millennia of sporadic wars.

The future remains an ominous question mark, however.

What happens when a family—and tradition—oriented society is torn from its roots on the scale that has occurred in Vietnam? What happens to children who have been removed from the discipline of fathers, village society, and quiet lives as buffalo herdboys to the urban slum world of theft and prostitution?

How does a nation rebuild after so much death and anguish?

URGENCY VOICED

Getting beyond charity to "social reform" and "real planning" was what the Health, Social Welfare, and Relief Minister, Dr. Tran Lu Y, called for in an interview.

His deputy for social welfare, Dr. Ton That Niem, said the same thing in different words. Until now refugee and welfare programs have been "conditioned by the war," he commented. There has not yet emerged any program of prevention or development. Yet "the poverty of people" is what the Communists feed on.

An American official summed up the need as the rebuilding of a social infrastructure to replace that shattered by the war, one that would encourage development and yet not violate traditional local customs, and practices.

All officials spoke with urgency. All agreed that the problem had not even been faced yet.

In part this is a question of money. The social welfare branch of the ministry had its proposed budget sliced in half this year—down to 430 million piasters ($3.6 million), or one-third of 1 percent of the South Vietnamese national budget.

DRASTIC CUTS IN PROGRAM

This has meant severe reductions not only in relief programs, such as orphan assistance, but also drastic cuts in planned community and day-care centers that were to have been the core of long-term community development.

This affects many more people than just refugees and ex-refugees, while the impact on those once dispossessed is likely to be proportionately greater.

But beyond money is the deeper question of concept—and a program to implement that concept. The U.S. has accepted and is discharging a responsibility for emergency help to refugees.

It has not yet, at least as evidenced in the total refugee and social welfare program, accepted a responsibility to promote long-term rehabilitation of these people into a restructured society. Nor has the South Vietnamese Government done so. Meanwhile, the NLF is waiting in the wings.

COMMENCEMENT ADDRESS, HOLLINS COLLEGE, 1969

HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. POFF. Mr. Speaker, I was much impressed with a newspaper report of a speech delivered by Dr. John A. Logan, Jr., president of Hollins College, situated in the congressional district I am privileged to represent. I made it my business to acquire a full copy and having read it I find it even more meaningful than the newspaper story suggested. I would like to share it with my colleagues, and under leave to extend my remarks, I include the text in full in the RECORD at this point:

COMMENCEMENT ADDRESS BY DR. JOHN A. LOGAN

Members of the Graduating Class, the remarks I bring to you today arise out of a genuine concern for the future of my profession. My profession is teaching and scholarship, even though as a college president I teach seldom, and no longer do research in my field of academic specialization. I have not changed my profession, but simply my role in it; as an administrator, my task is to preserve and enhance the environment for learning by students and faculty at this college, and the vast majority of my colleagues in other institutions conceive of their mission in the same way.

This has been an especially trying year for college presidents. No one envies them their job any longer. There was a time, not so many years ago, when the busy man of affairs used to think longingly about retiring to the tranquil groves of academe to preside as a benign autocrat over a peaceful company of scholars, old and young, removed from the hurly-burly of the world. Not so nowadays. The college president find himself catapulted into the arena of social upheaval, at the focal point of the anguish of our so-

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ciety. An embattled figure, he endures abuse and vilification, assaults on his privacy and even his person, and he is necessarily and intensely unpopular with at least some of the numerous constituencies whose divergent interests he is trying to serve and to reconcile. He is today's archetype of the antihero, beleaguered and battle-weary.

No wonder then, that so many college presidents are retiring from the fray to more congenial pursuits. In the space of a few weeks this year, five presidents of large state universities resigned their positions, all giving reasons which included some variation of the plea of "presidential fatigue" which Elvis Stahr, former Secretary of the Army, and more recently president of Indiana University, made upon leaving to take his post as president of the Audubon Society. Ray Heffner, who was an undergraduate at Yale with me, is leaving the presidency of Brown University after three years in office because, as he put it, "I have simply reached the conclusion that I do not enjoy being a university president." His tenure was not marked by any outbreaks of violence, but one can assume that this outward calm was achieved by prodigious expenditures of energy and influence.

My old friend, Douglas Knight, is leaving Duke University after six years, the last two of them harrowing in the extreme. He has referred to the "sometimes savage" demands made on the president and his family, and obvious reference to the fact that his home was occupied by demonstrators for several days, part of which time he was lying upstairs seriously ill.

Three of the five campuses of the City University of New York are currently without chief executives. The president of one of these, Buell Gallagher of CCNY, resigned twice this year. In April he announced his intention of leaving in protest against crippling budget cuts by state and municipal governments. This month he left precipitously in the face of political pressures arising out of his handling of rioting by black and Puerto Rican students, which led to pitched battles with whites and the destruction by fire of a college auditorium.

At the present moment, there are 80 to 100 four-year colleges and universities seeking new presidents. Among them are some of the most prestigious institutions in the country. Swarthmore has just announced a successor of Courtney Smith, who was tragically felled by a heart attack in the midst of a violent confrontration with black students demanding social programs at this Quaker institution with a venerable tradition of reasonableness, highest intellectual standards, and above all, non-violence.

Sooner or later, all these posts will be filled, but how well and for how long are crucial questions. The average tenure of college presidents is dropping alarmingly. In 1960 the average was 10 years, in 1968 it was just under 6. My eight years at Hollins seem brief to me, but I am among the veteran incumbents in this kind of post. The lack of continuity in leadership that these statistics reveal is a serious matter in itself, but perhaps more disturbing is the fact that so many of these able and dedicated men are leaving the profession entirely. They are not only weary, but profoundly disillusioned at the manifest impossibility of maintaining institutional integrity under present circumstances.

Some of you may have read the front page article in last Sunday's New York Times about the "new breed" of college president being sought these days. As one wit described it, they are no longer looking for Clark Kerr, but for Clark Kent. Superman or not, the search is for men who can "stand up to students," who will have no hesitation about calling in the police, and who have what President Nixon recently described as "backbone."

All of this reveals some fundamental misconceptions about the actual powers of the president, and the mode of governance of most of our better colleges and universities. No president or his administration will long exercise authority without the active support of the faculty. Faculty power is a fact, especially in those areas of most intense concern to dissident students. Faculties must make the decisions about curricular matters which determine whether courses shall be "relevant" in the sense students are demanding, or whether a genuine concern with good teaching will return to the university. Faculty standards dictate a "publish or perish" policy, faculty decisions determine whether to accept research contracts from what the radicals call the "military-industrial complex." The same can be said of giving academic credit for ROTC, or establishing separate black studies programs with open admission, no grades, non-academic teachers, and so on.

The president can have all the "backbone" in the world, but if his faculty fails to assume its rightful share of the responsibility, an appearance of institutional spinelessness is inevitable. Harvard's confrontation with the SDS over ROTC this spring is a case in point. President Pusey acted quickly after the expiration of his twelve-hour ultimatum to use police to end the sit-in. When he went to the faculty for confirmation of the penalties levied against the demonstrators, the faculty waffled and tried to have it both ways, by voting censure on both the students and the administration for their actions. The vacillation of the Cornell faculty similarly reflected a confusion about their own most fundamental interests.

It is difficult to see how any faculty can countenance the use of force by student dissidents. One of the most clearly established principles in American jurisprudence is that the right of dissent extends to every form of speech, and includes the right to picket peacefully, or to stage mass demonstrations, so long as there is no interference with the rights of others, no obstruction of normal traffic or business, no breach of any reasonable law, and no violence or destruction. This is true of our civil society, and observance of these principles is especially important in institutions of higher learning.

Many of you will remember about the famous incidents during the early years of the University of Virginia. Thomas Jefferson, the earliest champion of public higher education, and one of the most eloquent spokesmen for personal liberty, described his ideal of university governance in a letter of August, 1825:

"Our University goes on well. We have passed the limit of 100 students some time since. As yet it has been a model of order and good behavior, having never yet had occasion for the exercise of a single act of authority. We studiously avoid too much government. We treat them as men and gentlemen, under the guidance mainly of their own discretion. They so consider themselves, and make it their pride to acquire that character for their institution."

Shortly thereafter, however, a serious riot occurred, in which faculty members were insulted and manhandled by masked student revellers. The University authorities took swift action, with resulting changes in policy which Mr. Jefferson described in a second letter three months later:

"We have no further fear of anything of the kind from the present set, but as at the next term their numbers will be more than doubled by the accession of an additional band, as unbroken as these were, we mean to be prepared, and to ask of the legislature a power to call in the civil authority in the first instant of disorder, and to quell it on the spot by imprisonment and the same legal coercions provided against disorder generally committed by other citizens, from whom, at their age, they have no right to distinction."

Student unrest has become a national issue, as both Mr. Nixon's statements and those of the Attorney General and members of Congress testify. Every local politician can expect enthusiastic agreement from his constituents for any attack on the shocking events on our campuses. * * * They issued statements saying that the fundamental causes of unrest arise from impatience at slow progress in dealing with national problems such as Vietnam, poverty, and racism. While there is much truth in these assertions, it is no excuse for a failure to take stronger measures to put our academic house in order.

Very important values are at stake, including the essential freedom of the university. Federal intervention in campus disciplinary questions has already come in the form of statutory provisions for denying Federal aid to students arrested in civil disturbances. This is a notable extension of the police power through the spending power, and may be only a prelude to much more extensive erosion of institutional autonomy by many levels of government.

The image of higher education among the poulation at large is in a sorry state, and support for our colleges and universities is imperiled. In a narrow sense, this means money. Some business corporations are reducing support, and many alumni are in a state of impotent outrage. One cannot expect that after the war in Vietnam is over, a bonanza of public funds will rescue our colleges. Their priority in the scale of national concerns is dropping with their prestige.

But far more than money is involved. To use an overworked word, our "credibility" is in question. The considerable respect our institutions of higher learning have enjoyed is declining, and with it much of our potential as a humanizing influence. How can one expect that anti-intellectualism will not flourish in the society at large, when it is openly tolerated on campuses? Surely it is evident that the minority of student radicals are aiming not at reform, but at the destruction of the university. They are often abetted and encouraged by a few members of the faculty who have clearly abandoned any pretense of objectivity, who have deserted scholarship substituted dogma for reasoned argument. These are few in number, but they have forfeited every claim to consideration under the ordinary canons of academic freedom. The preservation of freedom in any community assumes the existence of appropriate constraints against its destruction. There must be order as well as freedom, in due balance.

We must not lose sight of the fact that the essence of the college or university is that it is the place, above all other places, where the truth is sought. The truth as we know it is never perfect, never final. The university does not possess it, but it values it above all else. It believes in facts, and searches them out. It maintains a vigilance against the abuse of facts, against dishonesty in any form.

This search proceeds through experiment and observation; it is refined through debate and reasoned argumentation. Violence does not lead to truth, nor does the kind of confrontation politics which are practiced by the New Left. Furthermore, these tactics can only lead ultimately to repression, for chaos invites tyranny. If these things happen, we will have lost the precious fruits of centuries of struggle for freedom of inquiry and expression.

I return in closing to the college presidency. Aside from the personal compassion I feel for the many good men who have been mangled by ugly events and by the accountability they must assume for things manifestly beyond their control, I worry about the future of our noble profession. I speak again

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as the scholar and teacher, who feels strongly that his vocation is to aid in the search for truth which is the necessary foundation for action in behalf of constructive social change. Our society needs our colleges and universities as never before, and our colleges and universities need leaders who are educators, not martinets. Good men will come forward if they can be assured of support from their faculties and from the moderate majority of students. At the moment, in too many institutions, such support is at best passive and unorganized.

Some of you may feel that you have been deprived of something vital to your education, that you have been out of the mainstream of your generation by having spent four years at Hollins, where the only disruption of classes was caused by the Hong Kong 'flu, and the only destruction was the loss of the dairy barns in a fire that was clearly an act of God. As you have gathered from my remarks, I could not disagree more thoroughly, and I submit that it is no accident that your experience was atypical in this regard. This is hardly an apathetic campus, and we have faced many questions which divided us. Nor have you failed to address yourselves to the great issues of our times. But we have remained a genuine community, with a tacit understanding that every view will be heard, that every question can be rationally discussed and acted upon in an atmosphere of mutual respect and tolerance. Sometimes the tolerance has worn thin, but it has never yet broken. Sometimes the leprous rage that infects our nation has appeared among us, but it has never dominated an issue here. Great changes have taken place in your years at Hollins—in the structure of student government and in its powers, in the shape of the curriculum, in the rules that govern student life, in the size of the college and its physical facilities.

The most remarkable thing about Hollins is not its academic excellence, but the fact that everyone connected with it cares so intensely about it in a positive and constructive way. Even those in our midst who most passionately wish it to be different, do so out of affection rather than revulsion.

It is no small thing that we have not lost our capacity to laugh, and rarer still, that we have not lost our capacity to love.

I wish you every success in the adventures which await you, and wish you Godspeed.

MAURITIUS 1 YEAR LATER

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. POWELL. Mr. Speaker, when Sir Seewoosagur Ramgoolam's Independence Party triumphed at the pools on March 12 last year, the prophets of doom announced in a chorus of voices that the little island in the midst of the Indian Ocean did not have a chance to survive as an independent nation. Prior to independence there had been considerable violence between the Creole and Indian communities. Commentators presumed that the withdrawal of British protection could only result in wholesale rioting. Happily enough, the communal rioting that wracked the island prior to the option for independence was not repeated. Indeed the general atmosphere of the island has been cordial.

Traditionally, the Mauritian economy was, and still is, based on sugar. In an effort to reduce economic dependence on a single product, the government has considered and is now acting upon several means of diversification. Because of the location of the island, consideration has been given to the development of a free port that would serve the Indian Ocean area in much the same way that Hong Kong serves the Far East. Since the level of technical training is considerably higher than many other countries of the third world, there is a strong possibility that light industries devoted to producing finished products from imported raw materials may develop. Because of the great beauty of their semitropical island, Mauritians hope that it will develop into a tourist center.

Unlike many of the emerging nations, Mauritius has a very high level of education. There are enough persons trained in the professions and the civil service ranks among the most competent by any standard. There are no less than 32 newspapers in a number of languages.

Refusing to adopt a dogmatic foreign policy, Prime Minister Ramboolam has pursued a foreign policy of nonalinement. His country has joined the Organization of African Unity and enjoys cordial relations with the United States. Indeed, Mauritius has cooperated with the United States, allowing the island to be used as a satellite tracking station for the American space program.

It is truly edifying to see so much accomplishment in only 1 year. Perhaps if those prophets of doom had taken a closer look at the human resources that the Mauritians had available to them rather than one or two unfortunate incidents, they might not have been so pessimistic in considering Mauritius' future.

THE GREAT AMERICAN COUNTRYSIDE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. ZWACH. Mr. Speaker, I am vitally concerned that the attention of the administration and Congress be brought to the problems of rural America. There is a very close relationship between the economic and social forces starting at the country or rural level and the consequent public recognition of the so-called urban crisis. Many studies have been made regarding the poverty problem, and one of them identifies 40 percent of the low-income people as living in our rural areas. There are about 70 million people living on the farms, or in villages or cities with less than 15,000 population. If we have 20 million total impoverished Americans, then 14 million of them must come from the 70 million referred to above. The logic of this startling figure can be quickly ascertained when we recall that these people have historically had in recent years about two-thirds of the per capita income of city dwellers.

Some concrete work is underway to show and to lead the way in using the resources of the countryside in order to provide a better balance of people, incomes, and opportunity in our Nation. Much good work has been performed by Mr. G. B. Gunlogson, Racine, Wis., on this possibility. He has recently completed a booklet on this subject, and I am inserting a portion of that report here. Complete copies of this presentation can be secured from my office or by writing directly to Mr. Gunlogson, 400 Cross Creek Road. The title of this work is "Redistribution of People."

The material referred to follows:

THE GREAT AMERICAN COUNTRYSIDE

This is the heart of all our natural resources. It comprises more than 98 percent of the United States in land area and living space. It includes more than 16,000 towns and cities up to 15,000 in population . . . 2,800,000 farms and the most efficient agriculture in the world . . . nearly 3 million miles of surfaced highways . . . 200,000 miles of railways . . . 250,000 miles of gas transmission lines . . . electric power everywhere . . . thousands of parks and recreation areas, lakes, rivers, mountains . . . more than 70 million people.

These 16,000 towns and cities are the gateways to the country. Much of the vitality, the planning, and the progress in the countryside are centered around its small cities. They provide business services, educational, health, social, and recreational facilities, and opportunities. The country towns are the gateways not only to all our land resources but to a highly diversified economy.

Farming is by far the most important industry in the country; but the farm population is down to about 10 million, while 60 million people live in the towns and small cities. Together this population is little more than one-third of the nation's total, yet it occupies more than 98 percent of the United States. In this vast countryside complex there are almost unlimited opportunities for industrial development, business and service enterprises, recreational facilities, schools, homesites, and congenial living conditions for millions of additional people.

Actually, a great deal of progress is already under way. Vast physical improvements have been made. The acre yield of some of the basic crops has been doubled and trebled during the last 30 years. All this has gone on without attracting much public attention, yet it has probably contributed more to our basic resources than all the skyscrapers built during this period. More than 7,000 country towns and cities now have modern highways, power, improved educational health and recreational facilities—often better than found in big cities.

In much of the countryside and in thousands of its small cities, the record of literacy and school attendance is higher than in New York or Philadelphia. These enriched resources and physical improvements can bring a new era of development to the countryside.

NATURAL RESOURCES THAT ARE VITAL TO HUMAN WELFARE

The extent of our dependence on natural resources is something that has never been measured or fully defined. It is usually equated in terms of production of food, forests, and minerals. We have looked on land, not as something of which we are a part, but rather as a purely negotiable and profit-producing asset.

The relationship of land and human ecology brings us to one of the most critical questions concerning our future. To what extent can man be alienated from the natural world and still retain the qualities of a human being?

In the world we live in today, we may need more than ever the aspiration and regeneration which only the good earth can give. The

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urge to seek relaxation and enjoyment amidst woods and waters is universal. This year it is estimated that there will be 150 million admissions to national parks and areas under the supervision of the National Park Service. Many more will be seeking enjoyment and relaxation in state parks and other areas away from big cities.

People living in big cities have the means invariably also have country homes or spend frequent vacations there. The very poor reach there only through charity or not at all.

Millions of boys and girls go to camps and to farms for brief periods. There are many organizations, some national in scope, that provide funds to enable city children to enjoy these experiences. But there are too many other children in big cities that have never heard the sounds of birds and little animals in their native habitat nor breathed the fresh air of the woodlands.

This pattern of development is essential if we are going to utilize effectively our total natural resources. It is no less important for the future of industrial development. The countryside is the source of most of our fresh water supply. Notwithstanding the present danger of pollution from certain agricultural chemicals originating in areas of highly intensive farming, the earth itself is a vital factor in the recharge cycle of water. Pollution of all kinds is easier to control, and some of the processes are automatic. The process of photosynthesis is an important factor in reducing air pollution. Woodlands and croplands reduce noise.

Only recently professional planners for urban areas have been advocating the benefits of "greenbelts" adjacent to these areas, but for most big cities it is too late and too expensive to apply this concept. We have just begun to explore how important the green chemistries of the countryside are to not only human well-being but to the future progress of industry as well. Technology cannot transform the nature of man, but it can ruin his environment.

THE COUNTRYSIDE MOVEMENT WOULD BRING MAJOR OPPORTUNITIES TO PEOPLE AND INDUSTRY

1) There is no other way to make our total natural resources and living space available to the greatest number of people. It would help to relieve the large cities of the pressure and problems from excessive population. It would make the countryside a more valuable economic partner of the cities and a better customer of their services.

2) It would produce a stronger and broader base for a new and sustained economic progress for the whole nation. Jobs can be created in the countryside far more economically than in big cities. In fact, countless jobs would be created automatically once the countryside movement gets under way.

3) Markets for a wide assortment of industrial goods would expand. People employed in small cities and in the country buy more automobiles, appliances, sporting equipment, and consumer hardgoods than big-city dwellers. The margin of spendable incomes is higher, and people can live better on smaller incomes.

4) Nowhere else are there to be found greater future opportunities for industry and new business development. Nowhere else is investment safer. Nowhere else is there a more geographically diversified market for almost every kind of product and service. Here are green earth, ample living space, and all the vital resources to sustain the highest standard of living to be found anywhere in the world.

Studies covering a large number of industrial plants opened in small cities within the last few years have revealed some significant facts. In general, the attitude of the workmen is better than in big-city plants. They have more pride in their place of work. More of them own their homes and take more interest in the total welfare of the community. They are stable and responsible.

These advantages may be more important than is generally recognized by industry or the local community. Similar surveys in different sections of the country are now under way. They will be of much value to industry as well as all small cities.

People in the country are learning that a good town must provide business services, educational, health, social and recreational facilities, and opportunities for young people. To support such a town requires the cooperation of all the interests in the community.

5) Farmers, too, would have as much or more to gain than anyone. It could bring more local processing and packaging of farm products, as well as increase local consumption and demand for various products of the land. It would mean more local opportunities for farm families, and there would be more incentive to build for the future. Farming would become increasingly related to the total land economy.

6) More than at any other time in our history, the whole nation needs the countryside. Almost wherever we look in the world, there is war or the threat of war. This year billions of dollars are going into defense and to fight a war in Asia. Despite these great expenditures and efforts, it may be assumed that a growing number of intercontinental missiles are zeroed in on every big city in the country. Whatever our defense calculations may be, the nation's ultimate survival would be in the countryside.

STIMULATING A NEW SPIRIT OF ADVENTURE

The first gain would come from the stirring of individual initiative and imagination. The effect would be something like that of the Homestead Act of 100 years ago, the discovery of gold in the western states, or the concentration of industry during the World War. It would automatically lead to redistribution of people.

What is needed to bring about this rebirth in America is not so much the expenditure of vast sums of public funds, but rather that of understanding and information. We need to rediscover the countryside again as it is today and not as it was a generation ago. The total countryside needs to be defined and made known to the public. It needs more aggressive selling of all the things it has to offer for better living.

The term "rural" or "rural America" when used to define the total countryside as it is today—that vast body of America outside the boundaries of big-city complexes—is an unforunate term. It tends to perpetuate an image and background that go back before the turn of the century. "Rural America" is decadent, whereas the "modern countryside" is the future of America.

MANY POSITIVE FORCES ARE GAINING MOMENTUM

Not long ago Ambassador Karl Rolvaag, former Governor of Minnesota, wrote: "Sooner or later the rush from country to the cities, and now from the cities to the suburbs, will return to an exodus back to the countryside." A large number of leaders in industry and government have recently expressed the need for a better balance between the urban and countryside economies. During the last year or two, various bills have been presented in Congress designed to aid this movement.

One of these would establish a Commission that could help bring to public attention a wide range of viewpoints concerning causes and solutions of problems that confront both cities and countryside. It could help give direction to the many discordant policies and forces that have tended to widen the urban-countryside gap. It is hoped that this measure may lead to a Congressional Committee on Countryside Affairs.

Everywhere there are area development units and organizations. State and federal agencies, colleges, churches, and others are becoming increasingly active in this movement. There is now being established a national association of citizens for countryside development. This will provide the total countryside with new representation and a voice at the national level. It will serve as an agency for education and promotion at both the community and national levels.

Improvements in the physical assets have been and are being realized, including modern highways, power, education, health, and recreation facilities. Fortunately, these developments are taking place at just the time when population and social pressures are building to painful heights in the big cities. This is the new and better future which all America should be lookng forward to.

"THE TWO-EDGED SWORD" IS SUBJECT OF SBC PRESIDENT'S ADDRESS

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. CABELL. Mr. Speaker, I would like to insert in the RECORD the following address by Dr. W. A. Criswell, of Dallas, Tex., before the recent Southern Baptist Convention in New Orleans, where he was reelected president of the convention.

Dr. Criswell is a great spiritual leader who is in his 25th year of service at the First Baptist Church in Dallas and is in his 45th year in the ministry. He has contributed greatly to making the First Baptist Church in Dallas, with its 15,000 members, one of the largest churches in the world.

The address follows:

THE TWO-EDGED SWORD

(By W. A. Criswell)

The Roman legions conquered the civilized world with the double-edged sword. With it they overwhelmed the heretofore invincible Greek Phalanx. Fearlessly charging the enemy at close quarters, they outmaneuvered the spearman with their long javelins, the cavalry with their frightened horses, and even the footmen with their heavy armor. These legions could and did cut armies to pieces.

The fearsome and formidable weapon had a cutting edge on both sides. It was two-edged. This sword is a picture of the Word of God: "For the Word of God is quick, and powerful, and sharper than any two-edged sword . . ." (Hebrews 4:12). It is a type of the message of Christ: "And out of his mouth went a sharp two-edged sword . . ." (Revelations 1:16).

The Christian religion has two sharp, cutting edges. One edge is faith, the other is works. One is believing; the other is doing. One is evangelism; the other is ministering. The Christian religion is a great communication; it is a great compassion. It is a great conviction; it is a great commitment. It is a great doctrine; it is a great deed. It is a great message; it is a great ministry. It is a great speech; it is a great sympathy. It is a sublime word; it is a heavenly work. It is an eloquent propaganda; it is a glorious practice. It is a noble orthodoxy; it is a magnificent orthopraxy.

These are the two hemispheres of the Christian religion. Separated, they bleed themselves white. Together, they are a glory before the Lord. Cleave the message from the ministry and the whole becomes dust and ashes before our eyes. Joined with unbreakable links they become the work of God unto salvation and with the power of Christ in the redemption of human life.

Our ministry and message must be to the whole man. Half a religion is not enough. A whole man needs a whole religion. True

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Christianity involves both the body and the soul, the head and the heart, the inward and the outward life. A theological dualism that separates the temporal from the eternal, the physical from the spiritual, the soul from the body, this world from the world to come, is alien to the mind of Christ. A person is a whole being, a total personality and is to be ministered to as such.

In this life we cannot separate soul and body and even in the life to come the regenerated spirit is to be reunited with the resurrected, glorified body. Both make up the total person. The soul is not to be lodged in its place and the body in another. Loving lost souls we minister to human needs. We seek a balanced ministry of evangelism and social responsibility. True pietism and social action are not opposites. Only the monk seeks to disengage himself from the tensions and trials of society. To become involved with the problems of mankind is to follow the example of Christ who came not to be ministered unto but to minister.

The Christian must express himself in two directions: vertical and horizontal, toward God and toward man. Our relationship to God is incomplete until it manifests itself in better relationships with men. Faith and works are inseparable halves of genuine Christianity. Neither is a substitute for the other. Faith without works is dead. The Saviour who died for us and by whose atoning grace we are saved is the Saviour who answers prayer in giving us daily bread.

We are to deliver the whole gospel of Christ. We are to preach Jesus born of a virgin, the child of prophecy; Jesus dying for our sins according to the Scriptures; Jesus raised from the dead for our justification; Jesus interceding in heaven for us sinners; Jesus coming again in power and great glory.

But we are also to preach Jesus moved with compassion on the multitudes; Jesus preaching hope to the poor; Jesus healing the sick and cleansing the leper; Jesus feeding the hungry and strengthening the weak. In the message of Christ there is no conflict between the Good Samaritan attitude toward the weary world and the salvation of the soul by the blood of the Crucified One. Both are a part of the gospel.

The Christian faith is more than words, doctrines, sermons. It is also loving dedication in human service, offering hands of help. It is the translation of the word, the speech, the idea into reality that gives the message power and relevancy. A gifted scientist one time showed me on a table in his laboratory a glass model he had worked out for the breaking up of molecules in crude oil into high powered gasoline. He then took me to the window of his study and showed me a full square mile of heavy industrial, chemical installation, then humbly, simply said, "This", pointing to the laboratory table of glass tubes and condensers, "is that," pointing to the gigantic plant. The idea translated into reality gave it pertenancy. The idea unapplied is worthless.

Herein is a marvelous thing. All the great ideas of spiritual revelation are active, atomic and dynamic; never static, passive, nor dormant. The idea of God as the "Logos" in John 1:1 is the revelation of the active God that we know in creation and re-creation, the God of expression toward which Plato and Philo reached in their philosophy. God necessarily moves, advances. He never recedes. His creation is followed by redemption. His redemption is followed by sanctification. His sanctification is followed by glorification. Convulsions of nature and nations disorders and dissolution of social orders impede Him not. God's sovereign purposes move inexorably on. It is His will that His saints shall possess the earth.

The idea of "faith" in Hebrews, chapter 11, is above all things dynamic. "By faith Noah . . ." How do we know he had faith? Because "he prepared an ark to the saving of his house." "By faith Abraham . . ." How do we know he had faith? Because "when he was called to go out into a place which he should after receive for an inheritance, obeyed; and he went out, not knowing wither he went." "By faith Moses . . ." How do we know he had faith? Because "he refused to be called the son of Pharoah's daughter, choosing rather to suffer affliction with the people of God, than to enjoy the pleasures of sin for a season."

The idea of "love" in the Bible is ever expressive, moving, ministering. We know God loves us because He sent His son to die for us (I John 4:9). He who loves God must love his brother also (I John 4:21). Loving our brother is a form of loving and worshipping God, a way of serving the Lord.

If there is any reality in the truth we have heard in sermons and in lessons it is because we have seen it, experienced it, done it, proved it. As long as the message is only words and sentences it is nothing. Argue, discuss, preach, debate as we may, it still is nothing but breath and sound. The great sermon, the mighty avowal, is still just language until it assumes the form of flesh and blood. It is God incarnate, God in the flesh, who is Immanuel, God with us. It is the truth translated into life and deed that is really truth.

Herein is a glory of glories of the Christian religion. All the truth of the Christian message is demonstrable truth. It is truth that takes effect in changed lives, new hopes, new aspirations. "If any man be in Christ he is a new creature" (II Corinthians 9:17). It is truth that becomes flesh and bones as the Lord Jesus raised from the dead. It is truth that can be handled and seen, proved and tested. The son of a Professor of Systematic Theology in a Seminary said to his illustrious father one morning: "Dad, why did you never tell me about the power of the gospel to change human life?" The father replied, "Son, I have sought to tell you through all the years!" The youth replied, "Well, father, somehow I never saw it until last night down at the rescue mission."

Bible religion is experimental religion, heartfelt religion, life-changing religion, soulsaving religion. It is a religion that sings—

"Saved by the blood of the Crucified One,
 All praise to the Father, all praise to the Son,
 All praise to the Spirit, the great Three in One,
 Saved by the blood of the Crucified One."

And it is a religion that sings—

"'Tis the old time religion
 Makes me love everybody.
 It will take us all to heaven,
 It's good enough for me."

"Everybody."

"Red and yellow, black and white
 They are precious in His sight.
 Jesus loves the many people of the world."

Is there anything wherein we can say, "This is Christianity, come and see?" Many of us would point to the great convention, thrilling with the verdict, "This is the faith!" But Jesus never mentioned it, nor did He ever refer to it. Some of us would point to the glorious, sermonic peroration, rising with its inspiration to exclaim, "This is the faith!" Jesus never mentoned it, nor did He ever refer to it. Others of us would point to the imposing cathedral and following its pompous service reply, "This is the faith!" Jesus never mentioned it, nor did He ever refer to it. But He did have something to say about a cup of cold water, seeking the lost sheep, knocking at the door, honoring a despised Samaritan.

This is our heavenly calling, to translate the sermon into flesh and blood, soulwinning and brotherhood, to match the deed with the doctrine, to minister to the needs of the people.

"A local pastor of great austerity
 Climbed upon his high church steeple
To be nearer God, that he might hand
 God's word down to the people.
In his day God said, 'Come down and die.'
 And he called out from his steeple,
'Where art thou, God?' and the Lord replied,
 'Down here among my people.' "

Jesus' ministry was decidedly, emphatically two-fold: meeting spiritual needs and physical needs. Forgiving sins and feeding the hungry were a part of his dedicated work.

The needs of the world greatly concerned Jesus. The poor, the sick, the unclean, the outcast and the needy were ever on his heart. "Jesus filled with compassion" is ever His endearing name. He drove the money changers from the temple of prayer. He condemned the Scribes and Pharisees for their piety without godliness, their orthodoxy without righteousness.

It was Jesus himself who taught us to pray, "Thy kingdom come, Thy will be done on earth as it is in heaven." The whole range of human life—our unseen motives and our outward relationships—are to be brought into obedience to Christ. He commands us to feed the hungry, heal the sick, visit the imprisoned, clothe the naked, liberate the oppressed, love the unlovely. Part of the discipleship of Jesus is lifting the destitute out of the gutter, bridging the gulf between races and answering the cries of the helpless. The loving deed in Christ's name may be a more effective witness for the Saviour than the mouthing of pious platitudes and threadbare cliches.

The early church, also, shared that two-edged ministry. The apostles gave themselves to prayer and the ministry of the word while the deacons assumed the responsibilities of caring for the poor and serving tables. Through the years since, the churches and their leaders have been true to those dual responsibilities. List the famous preachers and you will have a roster of men who battled for social betterment. Charles G. Finney, who had last century's greatest revival, was the most outspoken preacher of his days against slavery. Charles H. Spurgeon sought to alleviate the plight of the helpless poor in industrial England. Dwight L. Moody in America and F. B. Meyer in England were the champions of homeless children. Billy Sunday was the greatest foe to the liquor traffic the world has ever seen.

On the mission field the story is no different. The missionaries have led the way in social service. William Carey secured passage of the law in India abolishing the cruel practice of throwing children into the Ganges River. He later led India to pass a law abolishing the religious rite whereby a widow was forced to self-immolation on the funeral pyre of her husband. David Livingston moved the whole earth against African slave traders. He wrote in his diary just before he died on his knees, this sentence. "All I can say in my solitude is this, may God's blessing rest upon any man, Englishman, American or Turk, who will help to heal this open sore of the world." Adoniram Judson warred against the despotic East India Company.

Nor has the record of our Southern Baptist Convention been any different. Our messengers in assembled convocation have spoken out time and again concerning the social and political issues of the day. We have forcefully and emphatically voiced our convictions concerning war and peace, disarmament, human rights and liberties, race, poverty and crime. Were we to do different now it would be to change the course of our own history.

We are not to cower before the world and the onslaughts of Satan as though we were craven slaves. We are to press the battle against the enemies of God and of mankind.

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Putting on the whole armor of the Almighty we are to hold in our hand the double-edged sword of the Spirit, the Word of God, the saving, changing, gospel of Christ. The sword is an offensive weapon. The two-edged sword is for attack. Christ expected His gospel to march, go, move, conquer, attack.

We have been thrust into a world of conflict and tension with a two-edged sword, not a staff. In the closing day of our Lord's earthly ministry, Luke records this conversation between Jesus and his disciples: "When I sent you without purse, and scrip, and shoes, lacked ye any thing? And they said, Nothing. Then said he unto them, But now, he that hath a purse, let him take it, and likewise his scrip: and he that hath no sword, let him sell his garment, and buy one" (Luke 22:35-36).

The prophetic outline of Christian history is replete with warnings such as our Lord's, "In the world ye shall have tribulations." The fulfillment of these prophecies is written in tears, blood, agony, martyrdom and death. The Christian soldiers have battled paganism, heathenism, materialism, secularism, sensualism, racism, and atheism and the riding powers of spiritual darkness. We are ever just one generation from total eclipse. We are in a war from which there is no discharge. We shall be the church triumphant in heaven someday but we are the church militant now.

Satan has cast down the gauntlet to our generation. He has defied and defamed God and dared us to resist. Our days are like those described as "a flood after the woman, that he might cause her to be carried away of the flood." We are battling for our very existence in the earth. Baptists and Christian believers everywhere face a flood tide of evil that seeks to down us, bury us. Satan has not only blunted our attack but stopped our forward thrust.

Even statistics alarm us in pointing out our diminishing percentage of believers in the earth. Some say that 185 years ago 25% of the world's population was evangelical Christian. Today it is 8%. By 1980 it will be 4%. By the year 2000 it will be 2%. And what of the next century? Last year on all of our mission fields Southern Baptists baptized 65,000 converts. But 65,000,000 souls were born. Carry out that ratio in geometrical progression through a few years and the flood-tide of pagan darkness in the world becomes impenetrable.

Nor is Satan done. He is ploughing us up in our own country and among our own people. He is demolishing our institutions and tearing our social fabric apart with the sordid inroads of crime. For every dollar we spend on our churches we are forced to spend $12,000 on crime and filth. And as though this were not evil enough, he has raised up a brand of vipers that sink their fangs into the very heart life of our republic. It is called "The New Left." J. Edgar Hoover described it in this way:

"The mood of the New Left and its philosophy of life is one of defiance, hostility, and opposition to our free society. It seeks to destroy, not to build. Its whole approach is one of negativism—to critize, belittle, denigrate the principles on which this nation was built. Cynicism, pessimism and callousness are its mottoes. As its heart, the New Left is nihilistic and anarchistic.

"Basic to the New Left's mood is the idea that contemporary American society (contemptuously called the "Establishment") is corrupt, evil and malignant and must be destroyed. It must—along with its Judaic-Christian values—be liquidated."

The evil, vicious implementation of this New Left can be dramatically illustrated in the college radicals who are seeking to destroy our institutions. Respect for the rights of others can return to the campus only as brave administrators confront these armed militants with the simple but firm demand that they be a cooperating part of the academic community or get out. And as the President of Notre Dame said, "You have fifteen minutes in which to decide!"

The Director of the Federal Bureau of Investigation makes this appeal to us: "Never have the churches lived in a time of greater opportunity to exhibit the importance of faith in God and of obedience to His will, and never in the history of our generation would their failure to do so be more calamitous."

In the name of God, we accept the challenge to resist. In Christian commitment, in a common determination, we shall march together, work together, struggle together, strive together. We have no time to divide, not now; we have no time for petty accusations and arguments, not now. Our very life is at stake.

The best defense, the strategists say, is an offense. Press the attack to the enemy. Carry the war to the foe. Alexander the Great was asked, "How did you conquer the world?" He replied, "By never turning back!"

> "Like a mighty army
> Moves the church of God;
> Brothers, we are treading,
> Where the saints have trod;
> We are not divided,
> All one body we,
> One in hope and doctrine,
> One in charity."

The mystic William Blake said it for us:

> "Bring me my bow of burning gold,
> Bring me my arrows of desire.
> Bring me my spear, O clouds, unfold,
> Bring me my chariot of fire.
> We shall not cease from battle strife,
> Nor shall the sword sleep in our hand,
> Till we have built Jerusalem,
> In the fair and pleasant land."

American and Christian civilization lie in the balance. If we fail here we fail everywhere. If we fail now, we, for our part, have failed for all time. Armageddon is at our door. I lived through World War II. Listen to the men who fought through that terrible holocaust: General of the Army, Dwight D. Eisenhower: "There is implied no limit to the capacity of science to reach the maximum destructive effect . . . The only hope for the world as we know it is in complete spiritual regeneration, a strengthening of moral fibre. And again: "I'm convinced from what I know of world conditions that the only hope of our day is a religious revival." General of the Army Douglas MacArthur: "We have had our last chance. If we do not now devise some better system, Armageddon will be at our door. The problem basically is theological and involves a spiritual recrudescence of human character. It must be of the spirit if we are to save the flesh."

At a banquet in Dallas for Speaker of the House Sam Rayburn, I was invited to lead the invocation and was seated by the side of the illustrious American statesman. In his address, after describing the frightful possibilities of the atomic bomb, he dramatically turned to me and said, "I am not a preacher, Sir, but I believe that if the world and its civilization are not to be destroyed, we must have a resurrection of the old time religion." The applause was deafening. He later joined the little Primitive Baptist Church near Bonham, Texas, from which church he was buried with the President of the United States in attendance.

There is so much to be done in these trying days and so little time in which to do it, that the exigencies of the hour should drive us to our knees in supplication. Every church should be shocked out of its complacency and lethargy. Working together we should face a new day of commitment to our heavenly assignment. Marching together we should seek openness of heart and life and love to all men everywhere. Striving together we should be of one mind in presenting the gospel as applicable to all men and able to save all the uttermost. Living together we should shine as lights of the Lord in a dark world, adorning the gospel in word and in deed.

Our spirit and our preaching should be positive, not negative. Up, not down. Onward, not backward. Victorious, not defeated. Optimistic, not pessimistic. Our Lord spoke of trials but also of triumph: "In this world ye shall have tribulations, but be of good cheer, I have overcome the world." We should pray to lift up the hearts of men, not cast them down. We should be evangels preaching the good news to our generation; all this with heavenly answers, not with questioning doubts that darken the hopes of men. We should be preaching not what we do not believe, but what we do believe.

This is a critical hour and the only way out is up. Modern men are weary with being told what they cannot believe. They want to know what, if anything, they can believe. They are not interested in an emasculated, anemic, denatured Christianity, offered to them as a concession to this supposed modernity of mind. They are frank to say that if the church is just another conglomerate of social welfare agencies, if the Bible is so unreliable you cannot accept it as really true, if the Christian faith is based on a gigantic fraud about a man who didn't really rise from the dead, then there is no use trying to modernize all this mess. Just throw it out and be done with it. This is what uncounted numbers of students have done. This is what uncounted numbers of business men have done. If you persist in handing out stones when people ask for bread, they will quit coming to the bakery. When you give serpents for fish and scorpions for eggs, the market is ready to close.

But we are under no compulsion to be party to so disastrous a course. Some of us have a deep-seated fear that we shall become like other denominations who, stressing the so-called "social" gospel (there is but one gospel according to Galatians 1:6-9), have lost their institutions, forsaken their missionary zeal, given up their soul-winning passion, and have died in their churches where they have not closed them altogether. But we need not be that way, nor shall we become so if we remain true to the basic assignment of the Great Commission and follow the divine pattern set by our Lord and His apostles. The extension of applied Christianity to social issues, making the world a better place to live in, must ever be the fruit of a personal, individual relationship with Jesus Christ. Our social action must have its roots in Christ's redemptive message. The agnostic, the atheist, the infidel, the unbeliever can engage in social action—and many times do. But the Christian labors in an altogether different kind of a framework and from an altogether different motive. Loving God we love and serve our brother. But loving God must always be first.

The Christian message is one with an emphasis. Jesus taught and preached with an emphasis. He himself said there is a first commandment, then a second. It is this in His Great Commission, there is order, as well as content and one is as inspired as the other. The first order is to make disciples, to win men to Christ. That command is the only imperative in the Greek sentence in Matthew 28: 19-20. All the other words are supporting participles.

We have a first and a primary task, that of evangelizing the world. Jesus explicitly said so. With gratitude for the moving hand of God in our midst, making us sensitive to social needs, yet we must not be blinded to the fact that the New Testament places the emphasis upon the proclamation of the gospel of redemption (I Corinthians 15: 1-4). The church must ever remember that its major task is to meet man's most serious need, the regeneration of the soul.

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Modern denial for the need of such a gospel is loud and vociferous. The blasphemous deniers state their case bluntly, rudely brutally. They say if you have tractors to move mountains you don't need faith. If you have penicillin you don't need prayer. If you have positive thinking you don't need salvation. If you have the state you don't need the church. If you have manuals on science you don't need the Bible. And if you have an Edison or an Einstein you don't need Jesus. They define life in terms of material values. But the gospel message addresses itself to a far deeper human need, the need of regeneration, the need of a changed heart, the need of solving the spiritual problem of sin. Tractors, penicillin, manuals on science, affluence, governmental agencies cannot teach it, nay, are objectly helpless before it.

The Christian religion is essentially a message of redemption. It's fundamental purpose is to deliver us from the bondage of sin. It is not in the first place an ethic, although it is ethical. It is not in the first place a theology, although it is theological. It is not in the first place reformational, although it carries with it social, cultural, and political reforms. It is first and above all redemptive. "He was delivered for our sins and raised for our justification."

This truth can be poignantly seen in a symbol of the church. The symbol of the church is not a burning bush. It is not two tablets of stone. It is not a seven branched lampstand. It is not a halo around a submissive head. It is not even a golden crown. It is a rugged, bloody cross. A cross in all its naked hideousness as the Roman would have it. A cross in all its philosophical irrationality as the Greek would have it. But a cross in all its power to save as Paul preached it (Galatians 6: 14).

"Have you been to Jesus for the cleansing power,
Are you washed in the blood of the Lamb?
Are you fully trusting in his grace this hour,
Are you washed in the blood of the Lamb?"

Paul came to Rome to preach the gospel at the center of the civilized world. Rome was a city of slavery, but he did not center his preaching against slavery. Rome was a city of lust but he did not center his preaching on moral reform. Rome was a center of economic injustice, but he did not center his preaching on the distribution and equality of wealth. Rome was a city of violence, of bloody gladitorial combat, but he did not center his preaching against the inhumanity of man to man. Rome was a city built on the spoils of war, but he did not center his preaching on pacifism. Paul preached the power of the cross to save and these cruel enemies of God and of man fell in their day. Evangelism will have a changing effect upon the social conditions of man. The power of the gospel in itself provoked social action—the decay of the coliseum for gladitorial combat, the outlawing of crucifixion, of the exposure of children, of selling into slavery, of imprisonment for debt, of degradation of womanhood, of a thousand other social ills.

Shall we change the gospel message that Paul preached? Update the Bible? Modernize the Saviour? Re-define God? Update to what date? Re-define to what definition? God does not change. Sin does not change. The need of regeneration does not change. Our involvement with the structure of society in its political, cultural and educational tensions, must not blind our hearts to the primary need for conversion, for a personal relationship with Christ.

The modern, secular pre-occupation of the church with economic and political considerations makes it just one other reforming agency of which there are ten thousand. Emphasize the secular and we become like a multitude of other clamoring voices and of no particular, distinctive use. We have no special mission. If the church is just another social agency, why bother with the church? If the minister is just another social worker, why bother with being a minister?

But the true church and the true minister are something more and beyond. They represent God as a light in a dark world. The church is not the church when it is merely a political platform. The church is not the church when it is merely a center of social activity. The church is not the church when it is merely decorating the pig pen instead of getting the prodigal out of it and at home where he belongs. The church is not the church when it is merely denouncing, scolding, castigating, browbeating, condemning.

The church is truly the church when it is preaching to lost, hopeless men the message of hope and salvation, the redeeming grace of God in Christ Jesus. The church is truly the church when it is evangelizing, converting to the faith, winning to Christ. The church is truly the church when it is theologizing, indoctrinating, teaching the mind of God as it was in Christ Jesus. The church is truly the church when it is ministering encouraging, helping, lifting up the spirits of downcast men. The church is truly the church when it is facing the problem of sin, battling frustration, disease, hopelessness, despair, death. The church is truly the church when it is pointing men to the Lamb of God that taketh away the sin of the world. The church is truly the church when it is worshipping the Lord God and exalting Jesus our Saviour. The church is truly the church when it is appealing for a disciplined life, free from the lusts of the flesh and of the world. The church is truly the church when it reminds the saints that we are citizens of two worlds, this world and the world which is to come and that we are to glorify God in both.

George W. Truett said in his immortal address on the steps of our national capital, "Every organization and agency of the churches should keep aflame with the passion of New Testament evangelism . . ." If we fail in our social work, agencies of the government both national and local will take it up. But if we fail in our evangelistism assignment there is no other agency to preach the gospel God will remove our lampstand.

As long as Southern Baptists do not embrace an anemic; enervating theology; as long as Southern Baptists maintain an unswerving commitment to the Bible as the inspired Word of God; as long as Southern Baptists believe that men are lost without Christ and that our assignment includes reaching all men with the saving gospel; as long as Southern Baptists repudiate the subtle heresy of universalism, that all are saved anyway; as long as Southern Baptists preach that Jesus died for our sins and rose again for our justification and that sinners can come to God for forgiveness and redemption in Him; as long as Soutern Baptists preach evangelistic sermons and offer an invitation, preaching for a verdict; then our social action will not sidetrack us.

But when we cease to believe the Bible doctrine of judgment and hell, we shall become universalists and not evangelists. When we cease to believe that Jesus is God in the flesh, Immanuel, we shall be unitarians and not trinitarians. When we cease to strive to convert the heathen and work only for an institutionalized Christianity, we shall be Westernizers and not Christianizers. When we cease to believe that the Bible is the Word of God we shall be apostates and not apostles of the faith. When we cease to believe that we are called to win souls, we shall be no longer fishers of men but keepers of the aquarium. When we cease to believe in the heavenly mandate of the Great Commission, we shall be dead and not alive.

With few exceptions, our churches, our pastors, our people are committed to the delivery of the whole message of Christ. We have dedicated ourselves to the creation of the brotherhood of the redeemed bought by the blood of the Crucified One. We are building the real and true temple of God with jade from the East, coral from India, ebony from Africa, ivory from the hands of the white man and pearls from the isles of the sea, all encircled with the rainbow promises of God. We are waiting for, praying for, working for and believing in the coming of the King and the Kingdom, even as He taught us to pray, "Thy Kingdom come thy will be done on earth as it is in heaven."

TOGO AFTER 9 YEARS OF INDEPENDENCE

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. POWELL. Mr. Speaker, last April, the citizens of Togo celebrated the ninth anniversary of independence from France. These 9 years, often tense, always ebullient, have witnessed one of the most exciting examples of nation-building in modern Africa.

What kind of people are the Togolese? They are like Gen. Etienne Eyadema, President of the Republic, who acquiesced to the demand of the people that he remain in office despite his personal desire to retire from government. They are men of courage like Avoumissodo Etou, over 75 years of age and blind, who can comment after his long life that "each time it rains, the good Lord and the good earth give us enough to eat." They are the people of Gbodjomé who taxed themselves to build a health clinic rather than wait for government aid.

Of the Republic of Togo, the best way to describe it is "booming." In its annual report, the American Embassy noted that "Lomé—the capital and leading port city—offers an outstanding opportunity for manufacturers to take advantage of: First, Togo's central location for the West African market; second, a relatively abundant labor market; third, customs exemption for imports of raw materials and reexport of finished products; and fourth, liberal tax and other benefits for newly established firms." The largest industry is a phosphate mine and washing plant in the southeastern part of the country. It was started just a few years ago, and last year exports totaled about 1.3 million tons and accounted for about 10 percent of the government's revenues. In the future Lomé looks forward to the growth of the mineral industry, hopefully at its current breathtaking pace. In an effort at diversification, the Datcha textile mill has been expanded and conceivably may ultimately be the major supplier of textiles to the large consumer market of West Africa.

It would be fatuous to contend that Togo is without problems or that the future will be rosy without further concerted and sustained effort on the part of the people. But the fact is that the people of Togo are determined to disprove the all-too-common arguments heard in Paris and Washington that Togo's future is to be no more than that of an African-style banana republic. Considering the

efforts that the Togolese have expended in the past it would appear that the so-called experts will be proved wrong and General Eyadema and Avoumissodo Etou will be vindicated.

MARTIN LUTHER KING—THREAT TO NATIONAL SECURITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. RARICK. Mr. Speaker, the FBI has replied to urging by a Washington gossip columinst that J. Edgar Hoover be removed from office because of unauthorized wiretappings on Martin Luther King. The reply is that Bobby Kennedy—then Attorney General—had authorized the FBI wiretapping on King's phone as part of a "national security" investigation.

National security can only be interpreted that the suspect's actions and associations were deemed a threat, active or potential, to the American people.

Those fully informed of King's true mission have remained silent too long. We cannot permit this distorted image of Dr. King to continue by hiding his true role. The Dr. Jekyl and Mr. Hyde must be exposed.

If history is to be factual, let it record his promoted plaudets, but also give equal exposure to the truth—his actions, confidants, and financiers—which were acknowledged even by Bobby Kennedy as a threat to our country and our form of government.

The American people are convinced that someone is hiding the full story on Martin Luther King. They want all the truth so they can decide for themselves what he really was.

Mr. Speaker, I call again on President Nixon to authorize J. Edgar Hoover and the FBI to make public the full file on King's activities, his confidants, and financiers, so our people will know why he was even regarded as dangerous by Robert F. Kennedy.

Several news clippings follow my remarks:

[From the Washington Evening Star, June 18, 1969]

FBI CLAIMS KENNEDY OK'D TAPPING OF DR. KING'S PHONE

(By Lyle Denniston)

A top official of the FBI has claimed that official wiretapping of Dr. Martin Luther King Jr. had the advance approval of the late Atty. Gen. Robert F. Kennedy.

Clyde A. Tolson, the bureau's associate director, defended the legality of the much-criticized tapping of King's phone in a letter dated Monday.

The letter was sent to Carl T. Rowan, a columnist for The Star, and was intended as an answer to an article Rowan wrote for last Sunday's edition, attacking FBI Director J. Edgar Hoover for the electronic spying on King. A copy of the letter was sent to the editor of The Star.

"For your information," Tolson wrote to the columnist, "the wiretap on Martin Luther King Jr. was specifically approved in advance in writing by the late attorney general of the United States, Mr. Robert F. Kennedy."

FIRST REVEALED IN HOUSTON

Tolson added that the monitoring device "was strictly in the field of internal security, and, therefore, was within the provision laid down by the then President of the United States."

The first public revelation that King had been the subject of FBI wiretapping came earlier this month in a federal court hearing in Houston.

Robert Nichols, a special agent in the FBI office in Atlanta, testified that he had supervised a device attached to the telephone lines at King's home there.

The wiretap apparently was installed sometime in 1964, and there have been indications that the wiretapping continued for some time after that, perhaps until shortly before King's assassination April 4, 1968. Kennedy was attorney general from January 1961 until Sept. 3, 1964.

If the wiretapping had the specific approval of the attorney general, and if it was used as part of a "national security" investigation, it apparently was not operated in violation of legal restrictions in effect at the time.

ROWAN BLASTS HOOVER

Tolson's letter seemed clearly designed to show that both aspects of legality had been met by the FBI. His letter was prompted by comments by the columnist that Hoover had been flouting the law by permitting the wiretap on King's phone. Rowan directly accused Hoover of "abuse of contempt for the law."

Branding this a "malicious" and "scurrilous" article, Tolson invited Rowan to give his answer wide publicity.

The FBI's new defense of itself seemed likely to start a new round of public dispute over the official responsibility for the use of electronic listening devices.

Three years ago, Hoover and Robert Kennedy, then a U.S. senator from New York, traded public charges that each other was responsible for approval of the use of hidden microphones, as opposed to direct wiretap, for investigation.

KENNEDY RELEASED LETTER

At that time, the late senator made public a letter to him dated Feb. 17, 1966, from Courtney A. Evans, who had been assistant FBI director while Kennedy was attorney general.

While Kennedy relied on that letter to help him make the point that the use of hidden microphones was not Kennedy's responsibility, the letter did carry a paragraph which suggests that Kennedy had been involved directly in approving the use of wiretaps.

The paragraph read: "On Jan. 10, 1961, while you were attorney general designate, a memorandum was delivered to you furnishing a summary on the use of wiretapping by the FBI in serious national security cases. Thereafter, individual requests in these serious national security cases for wiretap authorization were sent to you by the FBI for approval. These were the only wiretap authorization which were ever submitted to you."

Evans, now a Washington lawyer, said last night that he simply had no recollection about whether a wiretap authorization directed at King had ever been involved in his discussion with Kennedy.

INTEREST SAID TO FLAG

If the King wiretap was installed any time during 1964, and if it did have approval by the attorney general, that could have come only from Kennedy or his successor, Nicholas deB. Katzenbach.

Katzenbach could not be reached immediately for comment on the matter.

Aides to Kennedy suggested last night, during 1964, the period after the assassination of his brother, President John F. Kennedy, the attorney general's interest in some of his official affairs flagged.

At the time, Katzenbach, was Kennedy deputy at the Justice Department.

A later attorney general, Ramsey Clark, has told reporters that he personally had never given approval for wiretapping on King. Clark also has said he required the FBI to tell him every three months the names of people being monitored electronically and that King's name was never reported to him in that category.

NO DOCUMENT INCLUDED

If the wiretapping had continued until shortly before King's death, it would have been in operation during Clark's leadership of the department.

Tolson's letter to Rowan, while saying that the wiretap on King had been "specifically authorized" by Kennedy, did not say directly that King himself was the subject under investigation.

In addition, Tolson did not include with his letter a copy of the specific document upon which the claim of authorization apparently was based.

Testimony at the Houston hearing appeared to indicate that King himself was the subject of the investigation, and that this was the reason that his telephone had been tapped for long periods of time.

A Justice Department spokesman, asked whether there was any document to support the claim in Tolson's letter, declined a direct answer last night. However, the spokesman referred to a statement issued by the department earlier this month which had said that Hoover was "accurate in every respect" when he had repeatedly told Congress all wiretaps had been authorized in advance and in writing by the attorney general in office at the time the tapping was proposed.

The spokesman thus appeared to be implying that Tolson's letter also was an accurate description of authorization.

[From the Manchester (N.H.) Union Leader, June 17, 1969]

TWO KINGS MARTIN LUTHER

(By Paul Scott)

WASHINGTON, June 16.—Public airing of the FBI's recordings of private conversations Dr. Martin Luther King conducted with his protest advisers could go a long way toward changing the image of the slain civil rights leader.

Summaries of the recordings, as revealed to members of a House Appropriation Subcommittee, headed by Representative John J. Rooney (D-N.Y.), clearly indicate that King was in direct contact with one of the most influential communists in the U.S.

With leads obtained from their electronic eavesdropping, the FBI was able to confirm that this Kremlin agent, whose influence extended into the highest ranks of the Communist Party, USA, was one of King's ghost writers and chief advisers on protest strategy.

In addition to the evidence gained from the King recordings, the FBI succeeded in taking several photographs of the civil rights leader meeting with this covert communist operator at one of the major U.S. airports.

King, whose assasination in Memphis, Tenn., in April, 1968, is still carried as an "open investigation" by the FBI, was first put under government surveillance in 1961 when the late Robert Kennedy was Attorney General.

Although Kennedy after leaving the Justice Department denied any knowledge of King's surveillance, FBI and Justice Department records show he authorized the inquiry during a conference attended by FBI Director J. Edgar Hoover, then Deputy Attorney General Nicholas deB. Katzenbach, and another high-ranking FBI aide.

The surveillance of King, now under fire by several large East Coast newspapers, was the outgrowth of information that the FBI

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agents obtained during its investigation of another national security case.

When King's name was mentioned several times by one of the persons under surveillance in the case, it was decided that the civil rights leader should be placed under close observation.

The FBI inquiry, which continued for several years, involved King's trips to Sweden and East Germany as well as his preparations to lead the so-called "Poor Army Campaign" to disrupt Washington.

FOR THE RECORD

These and other still secret details of King's activities were revealed by FBI Director J. Edgar Hoover to members of the Rooney subcommittee shortly before the civil rights leader was slain.

Deeply concerned about King's plans to disrupt Washington, the legislators had requested the briefing so they would be prepared to blunt his assault on Congress should that become necessary.

So alarming was the FBI's data on King that the lawmakers took the extraordinary step of briefing House Speaker John McCormack. This information along with other material furnished by the FBI caused McCormack to make extensive preparations, including the alerting of military units, to defend the Capital against King's plans to cause massive disruption.

The House Democratic leaders, all strong supporters of the late President Kennedy, were reputedly shocked at the gutter-type language King used in private conversations about the late President.

Other recordings in the FBI files dealt extensively with his private life, according to the legislators, and showed that there were two Kings—one the public knew and the other known only to his closest friends and the FBI.

King's leadership task was to give the over-all movement "motion" and an acceptable "image" that would attract millions of negroes, young people, the poor, clergy, and those disenchanted with the Vietnam war.

His tactics in changing his protest leadership from one of civil rights to anti-war, and poverty, and anti-government during the closing days of his life were part of this grand strategy.

MORE TO COME

Whether most of these FBI recordings, since many of them deal with national security cases still under investigation, will ever be revealed by the Nixon Administration is conjectural.

Should supporters of King, however, pump new life into the stalled drive in Congress to create a national holiday honoring him, demands could become forthcoming from anti-King legislators that Hoover be called to testify. If that occurs, the "Martin Luther King tapes" could become big news.

For now, the only public confirmation of the King recordings comes from Houston Federal Judge Joe Ingraham's hearing involving the case of former heavyweight boxing champion Cassius Clay.

Testimony by FBI agents in the Houston hearing revealed that conversations of King and Clay were recorded. In one instance, Judge Ingraham pronounced it a matter of national security and refused to let it be made public.

Clay, convicted of draft dodging in June, 1967, and sentenced to five years in prison, is appealing his conviction. The U.S. Supreme Court ordered Ingraham to hold a hearing to see whether illegal wiretaps testimony was used to convict Clay.

Both the movement to mark King's birthday as a national holiday and the Houston court hearing clearly indicate that the final chapter in the Martin King story is yet to be written.

FEDERAL EDUCATION PROGRAMS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. BROOMFIELD. Mr. Speaker, I wish to join with parents and educators throughout the Nation in urging that appropriations for Federal education programs be increased over the amounts requested.

A recognition of the need for budgetary restraint in these times of high taxes and critical inflation must be complemented by a recognition of priorities. Education deserves top priority, in my opinion. No other domestic program has so much meaning and impact for so many people and for the future of America.

If we can educate more children to be "achievers," we can go a long way toward successfully coping with human problems like apathy and despair in the ghetto, underemployment, crime, interracial hatred, and the size of the welfare rolls. And we will have more and better trained people to apply their technical knowledge to the world population problem, to the need for revolutionary agricultural developments like miracle rice, to the housing problem, and so on.

Congress has enacted the laws providing for critical, innovative programs, and the school districts and States have gotten these programs underway. We must not renege on our commitment. We must not recognize the need and then insure that it will not be met. Dr. Ira Polley, superintendent of public instruction in Michigan, states his case well:

> State legislatures are being called upon to vote new taxes and shoulder an even larger share of educational costs; and most are meeting their responsibilities. They should not be expected, in addition, to pick up worthwhile programs which the Congress has started and then discarded. . . . If the Governor's 1969–70 budget is passed the Michigan Legislature will have raised its contribution to K–12 education by fifty percent over 1965–6; if the President's budget is passed as presented, the Congress in the same period will have *decreased* its contribution over five percent.

Meanwhile, the cost of just keeping federally initiated programs going has increased. Michigan educators have repeatedly stressed to me that they need more Federal money each year to meet normal "cost-of-program" increases, even if they do not expand any programs. The costs of staffing and equipping programs steadily rise. The salaries of Michigan teachers have gone up an average of 10 percent over the past year. In the case of ESEA title I funding, which largely goes for paying professional staff, this means that Michigan needs approximately $3 million more to maintain the program. In light of this, the proposed $4 million increase is hardly impressive. And this is one of only a limited number of programs in which Michigan stands to gain at all.

So far in 1969, local taxpayers in Michigan have rejected 45 percent of all millage proposals and 68 percent of all bond proposals. Hard-pressed local school districts are increasingly looking toward the State government for help. My colleagues know, I am sure, that this experience is typical and that the financial crisis in the public schools bears on what the Federal Government should be doing in this area.

While all levels of government are making these really tough decisions about education budgets, the affected children are growing up. Time waits for no man. I have no doubt that my colleagues are keenly aware that precious, irreplaceable time in the individual child's development can be lost and are giving full weight to what this means for the children and for the larger society they will enter.

Following is a summary of the educational programs of particular concern to the citizens of Michigan and, especially, of the 18th Congressional District.

ESEA TITLE I

Financial assistance to local educational agencies for the education of children of low-income families—authorization, $2,359,554,470; requested appropriation, $1,226,000,000; fiscal year 1969 appropriation, $1,123,127,000.

Michigan educators are gratified that an increase over fiscal year 1969 is proposed for this title, particularly because they experienced a decrease last year. But they have serious questions about its ability to meet wage and product cost increases and its real impact when spread over the whole State. The Detroit schools, for example, serve the largest city in the State and face one of the gravest financial crises in the Nation. The deputy superintendent of schools in Detroit estimates that the increase for them will be "insignificant." Because of Detroit's fiscal crisis, Federal funding has provided the only moneys the public schools could use for program improvement.

Mr. John G. Fernane, director of projects in the Berkley School District, poignantly refers to the "annual game of fiscal roulette" in expressing his disappointment about the steadily decreasing funding for the title I program in Berkley. He points out that categorical Federal aid has permitted the school district to do what simply would not have been possible if only local and State funds could be relied upon.

Title I is designed to perform an immense task—to improve the educational level of educationally deprived children. We have voted to extend ESEA for only 2 years to give ourselves and the administration the chance to evaluate its success and develop a better law. The State of Michigan is conscientiously building on past successes and correcting past failures in title I programs. When we consider education programs for the 1970's, I hope we will be able to evaluate what ESEA did do and not what what it might have done if it had had more money.

ESEA TITLE II

School library resources, textbooks, and other instructional materials—authorization, $206,000,000; requested ap-

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propriation, $0; fiscal year 1969 appropriation, $50,000,000.

Dr. E. Burrows Smith, chairman of the department of romance and germanic languages and literatures at Wayne State University and a member of the Royal Oak School Board emphatically states about Federal library-support programs:

> Rarely has the expenditure of so little money had such a wide impact and brought so many benefits to school children, college and university students, researchers and the general public.

Similarly, State education administrators have stressed to me that this is one program which definitely provides clear and tangible benefits.

I think it is particularly significant that in Michigan not only have title II moneys been able to provide updated and creative materials for the teaching of all children, and particularly the disadvantaged and mentally retarded, but it also has enabled libraries to be established in schools which previously had none. Dr. Polley points out that 16 percent of the elementary schools in Michigan still do not have a centralized library and 45 percent do not yet have a professionally trained librarian.

ESEA TITLE III

Supplementary educational centers and services—authorizations, $556,500,000; requested appropriation, $116,393,000; fiscal year 1969 appropriations, $164,876,000.

As in the case of title I, we are talking about dynamic, developing programs rather than static acquisitions of facilities, equipment, and materials. The loss of $1,900,000 in funds for grants and $147,000 in funds for administration will necessitate reducing the budgets of most Michigan title III programs by 40 percent. Over 1.7 million schoolchildren will be affected. Michigan's title III projects have been successful. If this significant cut is approved, these 53 projects will be terminated or crippled after only a few years of life.

Michigan's projects range from help for the mentally retarded to help for the potential school dropout, from help for the child in the city to help for the child in the rural community. The differential education project in my congressional district has received widespread recognition for its innovation and creativity. An elementary school principal from Madison Heights tells me:

> Educators from many cities and states across the nation have visited to observe first hand the new and impressive programs initiated here.

The educators from this school district are confident that, if they can continue to be funded, what they are doing will have a national impact.

A key element in title III is the development of new educational techniques, the evaluation of their operational success, and the dissemination of the results of these evaluations. A reduction in funds at this critical time in the development of these projects will have, I believe, serious implications for millions of other children.

NDEA TITLE III

Financial assistance for strengthening instruction in science, mathematics, modern foreign languages, and other critical subjects—authorization, $290,000,000; requested appropriation, $0; fiscal year 1969 appropriation, $78,740,000.

This program has been found to be popular and valuable in Michigan for several reasons: First, it reaches into all types of school districts; second, the local matching fund requirement insures the concern of the local school people for what is being done with the money; third, the requirement that the money be used for equipment and materials is an incentive to local school districts to make acquisitions in this area. The facts supplied by Dr. Polley attest to the program's popularity: Local school districts have requested twice the available amount of Federal money; the number of projects submitted each year since the program was enacted a decade ago has ranged from 480 to 575; an average of 93.2 percent of the public schools have participated.

Michigan will lose $3,400,000 in grants and $86,000 in administrative funds if the proposed budget is approved. This is the only Federal money which the schools can use for the purchase of equipment.

A constituent says:

> As a taxpayer I want my dollar's worth in education. I feel that my dollar has been well spent in the NDEA Title III program.

Urging full funding for this title, title II, ESEA, and title VI, HEA, another constituent writes:

> All over this country, the salaries of our teachers are being increased and we expect that this will result in an improvement in the quality of faculties. However they must also be provided with materials that will provide the more efficient and effective utilization of their time and training.

NDEA TITLE V–A

Guidance, counseling, and testing; identification and encouragement of able students—part A: State programs—elementary and secondary schools and junior colleges—authorization, $40,000,000; requested appropriation, $0; fiscal year 1969 appropriation, $17,000,000.

This year, Michigan suffered a decrease of $300,000 in grant funds. If the requested appropriation is approved, the grant allocation to Michigan will drop from $700,000 to zero. This will mean that some recently instituted guidance and counseling services will be seriously or fatally crippled, since they cannot continue to operate without some Federal assistance. And, already, because of reductions in the current budget, efforts to extend these services to the remaining school districts with none at all have been restricted.

As an urban State, Michigan has given particular attention to providing counseling for inner-city youth to encourage and guide them toward acquiring the necessary skills and education to participate fully in the society. Helping disadvantaged youth to develop constructive direction to their lives is completely in accord with the social goals of this administration. Furthermore, in our complex society, youth from all backgrounds can use competent assistance in making the decisions which will maximize their potential contribution to society.

In a comment typical of those I have received, the director of student services of the Rochester Community Schools writes:

> Many pilot studies and newly inaugurated programs from elementary school through junior college levels are in critical stages of growth. It is very likely that with the complete withdrawal of support many of these programs will collapse and the investment made to this point will be lost as well as the anticipated future benefits.

I concur with his view about lost investment and question whether we will make a genuine saving by not capitalizing on our investment in these new programs.

A counselor who participated in a program which was discontinued because of inadequate funds writes:

> "I regretfully left behind my children and parents in great need of the services provided by the program (the area has a great many one parent homes, children who have to cope with poverty difficulties, and high school dropout rate, etc.).

And, representing a somewhat different segment of the society, a psychologist in private practice writes:

> In my practice I have experienced the problems that have been caused by the lack of competent counseling in the schools. Only in the last few years have I noticed some improvement. This I feel has been the result of NDEA.

LIBRARY SERVICES AND CONSTRUCTION ACT

Dr. Polley points out that, as a result of Federal aid and in anticipation of continued support, libraries in the State of Michigan have hired more staff, initiated services, and expanded facilities, including through rental. In addition, the State has responded to the Federal presence by increasing its own level of spending in this area. Audio-visual specialists and librarians throughout the State express concern for funding for all library-support programs in ESEA and HEA, as well as LSCA, pointing out shortages of librarians and materials at all levels.

If the drastic reductions of funds for library support and construction are approved, the evidence is that the result will be a sense of disappointment and suspicion of the Federal Government's real interest in and recognition of the educational function of libraries.

HIGHER EDUCATION

Student financial assistance: economic opportunity grants, national defense student loans, college work-study. Administrators of institutions of higher education in Michigan have expressed to me their almost desperate concern about student financial assistance programs. As Dr. D. B. Varner, Chancellor of Oakland University in my District, puts it, they are "in deep trouble."

Impending reductions in appropriations are only part of their problem. The $16 million reduction in EOG funds to be used for the 1969–70 academic year is already a fait accompli. Available money for the various programs has to accomodate both renewals and initial loans or grants, and the ability to award first-year assistance has become gravely

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limited. Disadvantaged students have greater difficulty in competing for assistance from other sources, such as private scholarship funds and private lending institutions.

The investment in the upward bound program and similar programs the schools have developed is endangered. It is now estimated that many students who have been successfully motivated by these programs to pursue their education after high school simply will not be able to get the money to go on.

In the consideration of appropriations for higher education at a time when budgetary restraint is necessary, I would give very high priority to student financial assistance. What the colleges have to offer the student and what the college graduate has to offer society will be lost, if young people with the potential for success cannot afford to go to college.

There are several other critical areas of interest. Students who are engaged in the long and expensive advanced training which is mandatory for the medical professions are apprehensive about reductions in the Federal health professions loan program.

College administrators in my area advise me that they have been able to use to great advantage moneys from title VI–A, HEA, financial assistance for the improvement of undergraduate instruction—equipment. The impact of the availability of funds to purchase modern, specialized equipment and materials has extended to curricula and basic instructional approaches. And these acquisitions have enabled instructors to maximize their teaching competence.

Title II–C, HEA, provides funds to the Librarian of Congress to strengthen college and research library resources. A constituent has pointed out to me that he feels an attempt to save money in this area will be "shortsighted," because it would "cost research libraries across the country many times this amount, since each library would be required to duplicate the work which is now performed as a centralized service."

Finally, I was also impressed by a letter from Dr. William C. Stewart, president of the Walsh College of Accountancy and Business Administration in Detroit, in regard to the elimination of funds for fiscal year 1970 for title I, section 104, HEFA. He has worked for 4 years to prepare for the construction of a facility in the 18th Congressional District which would permit graduates of community colleges to take their junior and senior years in business administration. He points out that no collegiate institution offering a BA in business administration exists in this suburban area of Detroit with over 2,000,000 residents. Without the HEFA grant on which Walsh College has counted, it will not be able to fill this need.

VOCATIONAL EDUCATION

Last year Congress reaffirmed its support for vocational education by amending the Vocational Education Act of 1963 to include innovative programs and new formulas for distributing funds to certain categories of need. Michigan educators deeply appreciate this expression of continued support, but are apprehensive that Congress will not carry through with the financial support necessary to making the programs meaningful.

Because of the categorical aid formulas, some Michigan school systems anticipate receiving less Federal money for vocational education in fiscal year 1970 than in fiscal year 1969 unless the authorizations are fully appropriated. It is estimated that a minimum of $75,000,000 above the budget request is needed for the States even to continue programs at their present levels.

I have also received correspondence about the damaging effects of not funding the work-study program. Although $35,000,000 was authorized for both 1969 and 1970, the program has been effectively killed by lack of actual and requested appropriations. It was able to survive in 1967 only through a transfer of $10,000,000 from OEO. The Office of Education has advised me that it believes elimination of the program will be partially offset by the Neighborhood Youth Corps in OEO and by the cooperative education program written into the 1968 amendments. Comparing the total of $70,000,000 authorized for the work-study and cooperative education programs with the $14,000,000 requested for cooperative education only, I doubt whether the recognized benefits of the work-study program can be retained without an appropriation for fiscal year 1970.

DAWDLING ON THE SURTAX

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks, I am pleased to insert the following interesting editorial on the surtax which appeared in the Journal-News of Nyack, N.Y., on Tuesday, June 10, 1969:

DAWDLING ON THE SURTAX

Not many weeks ago Congress was complaining that it didn't have enough work to occupy its energies because President Nixon's budget and program weren't yet in hand.

What's the excuse now?

In particular, what excuse is there for dawdling on the President's request for an extension of the surtax?

The House Ways and Means Committee was expected to act on it during the past week, but it didn't. Meanwhile, the days flick off the calendar and the tax will expire June 30 unless extended.

President Nixon has asked that it be continued at its present rate of 10 per cent through Dec. 31, then cut to 5 per cent for the first half of 1970, after which it would be dropped.

We happen to agree with the President that the proposed extension is necessary both as a source of revenue and as a brake on inflation.

But, whether one agrees with that view or not, the Ways and Means Committee remains culpable for prolonging an uncertainty that is clouding a lot of planning, both in and out of government.

Appropriation bills cannot be intelligently considered—nor can many major components of the proposed federal budget—when prospective federal income remains unclear.

Corporate budgets and planning, declarations of estimated tax, payroll deduction systems, the stock market—all are left in a state of uncertainty and confusion as the surtax question drifts closer to the deadline.

If Congressional leaders are holding off on the surtax for bartering purposes with the White House on unrelated issues and programs, the ploy is unexcusable. But the procrastination is no less inexcusable for any other reason, including inertia.

HOSPITAL AND HEALTH SERVICES

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. PHILBIN. Mr. Speaker, recent Federal health programs, including medicare, medicaid, Hill-Burton Act, and related programs, are of greatest importance to the American people, and this Congress must be prepared without delay to take broad, sweeping action to round out a total, health-hospital program that will be truly adequate to do the tremendous job that has to be done in the interest of the people of the country, their health, and social well-being.

I will not discuss in detail what we have done to date, or what we have failed to do, or the many respects in which what we have done may have fallen far short of reaching the goals that we must reach to make proper provision for the health and hospital needs of the American people.

The passage by the House of H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1969, presents striking evidence of the growing concern in the Congress over the problem of adequate medical facilities. I am proud to be a cosponsor of this legislation.

These are tremendously important needs, as those of us in the Congress who have long worked on these problems well recognize.

I think it is becoming increasingly recognized also by the country that the great needs that have sprung up in these areas in recent times, and the fantastically unbelievable, rapid rise and incredible escalation of medical and hospital needs and costs must be dealt with directly, speedily, and most comprehensively on a crash basis, by this Congress, if we are to avoid the charge of failure and neglect on the part of the Congress to measure up to its responsibility in relieving the American people of the inadequacies of service and the astonishingly high, unbearable costs of these vital services which they face today.

I know that a great many earnest, well-meaning groups, public-spirited leaders and people have worked tirelessly for Federal health-hospital programs in the past, and I do not wish to criticize any of them, because they all acted from finest motives and in their time made great contributions which everyone appreciates.

However, there is no question but that in the first instance, most of these programs have not been adequately con-

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ceived, and we have come into a period of crisis in relation to medical and hospital services in this country where accelerated crash programs are necessary to prevent truly chaotic conditions that are now rapidly developing.

Our medical services are the greatest in the world. We have some of the finest doctors and hospitals in the world, real leaders in these fields. Yet it must be faced by this Congress now that the way the costs of medical services and hospitalization are skyrocketing in this country day after day, month after month and year after year, that the time is now at hand where only the very wealthy can afford to be sick, and have the means to pay the huge, hospital bills that are entailed for treatment and hospital care these days.

Yes, the rich can pay these costs, and the poor, providing they are lucky enough to get into a hospital these days, can usually fall back on public welfare. But most of the hard-working, industrious, honest people of this country, who comprise an overwhelming number of the active workers, small businessmen, professional groups, and other members of our great middle class and skilled workers, are literally weighted down, totally unable to bear the high, current costs that are related to being ill in this great society that we hold up as being the richest and most powerful in the world.

For example, I have a friend and constituent who recently became an emergency patient in one of the greatest hospitals in the country, located in my own State. He was hospitalized in a medium-size room in this famous hospital with two other men. All three patients were quite sick, and required expert care around the clock. The cost of the room alone, not including medical or nursing service, medicines, biologicals, use of operating rooms, and so forth, was for each one of these men, $80 per day, or a total charge per day for this one medium-sized room of $240, or a total of $1,680 per week for one hospital room.

Added to this, of course, was the cost of nurses around the clock which would be $210 per week per nurse, or $630, for round the clock nursing for 1 week.

I realize that the rates in all hospitals may not be so high as the one just quoted. However, they are going up very rapidly and are reaching a point where it is almost impossible, even for people with the most generous health coverage to meet the payments without paying substantial amounts out of their own pockets.

In any case, these amounts are far more than their incomes permit, and far more than their insufficient resources allow.

This is happening in every sizable community throughout the Nation, and is a very serious situation that is not only putting intolerable burdens on the gainfully employed, but even greater ones upon the retired classes, and the municipalities and States that have to pay these high costs for the indigent, the helpless, and those with no means to provide for themselves.

I know that there are some who believe that medicare should have been set up on a different basis, and that a national health insurance program, privately based and federally subsidized, might have been a better way across the board of handling these medical and hospital programs.

But we are facing conditions now, not a theory, and we do not have time to waste. We must move just as fast as we can, first, to provide adequate hospital accommodations which must be set up very rapidly if we are to meet the needs; second, to set up new techniques and systems for handling these costs on the basis of sound insurance principles covering every contingency.

Congress has already spent a great deal of time studying these questions so that there is considerable know-how, both currently available and procurable upon request, to round out the information required to set up new programs, supplement and modernize the old, and fill the gaps that have been created by the unanticipated demands that have grown up by reason of the population explosion and the improvement in the state of the arts of science and medicine that have evolved so many new treatments and methods that are very costly, to be sure, but that have to be utilized, if the American people are to secure the benefits to which they are entitled of new scientific advances and medical techniques.

I have not referred to so-called rest homes and other places providing domiciliary care for the elderly that are a necessary part of any worthwhile medical system in this country.

The facts show that there are the greatest limitations and changes in this field, as well as great variations in standards, and unfortunately in all too many cases, in a large percentage of these domiciliary institutions there are glaring deficiencies in providing proper, expert service and good care in highest standard, well-constructed, modern-type buildings, where service and care of this kind should and must be dispensed.

We cannot have our elderly, or our incapacitated people living in fire traps, and ill-kept, unkempt, dirty surroundings in buildings that cannot pass elementary public inspection as proper homes for human beings.

I do not want to belabor this point, but it is a very important one because it involves our elderly people who, after a long lifetime of hard work, and devoting themselves to the upbringing, support and education of their families, find themselves in their later years becoming sick and disabled without adequate living environments and without adequate care and treatment, and without money or resources or insurance to pay for the total treatment they do get.

I do not like to use the word "massive," because perhaps it is overdone in describing social and other national needs these days, but I can conceive of no other way to express the idea of needs in this combined medical-hospital area than to say that they can be achieved only by a "massive," urgent, highly accelerated attack upon the entire problem and all its ramifications which spread over a wide area of medicine, hospitalization, and domiciliary care in this Nation. Such an attack will take huge funds?

This Congress can no longer ignore these insistent critical demands and I hope that our appropriate committees which may well be directly concerned with the development of new approaches and measures for improving handling medicare will give these questions the green light, and not consider them in the ordinary way, or even in the routine way that may entail some delay, and rather put consideration and action on these questions on a mandatory, crash basis, because time is of the essence here, and we do not have a moment to spare, since the time is coming before long when we will be engulfed by new, developing needs, pressing in upon us from the inadequacy of the tools, and systems we have set up in these areas, and by new gigantic costs far more than those which beset us today, which could even stagger the imagination and cause much hardship.

To be sure, these needs cannot be approached in any routine, casual fashion. Above all, they must not be allowed to take on dilatory characteristics. They must be pressed with real resolve to come up with some answers as quickly as possible, which will reject picayune solutions, and feeble efforts, and strike out with boldness, with a sense of emergency, and with the willingness to provide the money, whatever it is, to do this great humane job that must be tackled with full realization that it has to be done as soon as this Congress can do it, and as soon as this Government can put these new laws into effect, because adequate care at reasonable costs for human beings is something that cannot wait for routine legislative machinery to slowly grind out results while we are faced with a combination of inadequate existing facilities and excessive costs.

Let us get going fast to provide adequate, decent medical and hospital care for the American people, and let it not be said that we have not done our job, and have not measured up to the needs of the American people in this advanced 20th century for adequate and modern medical and hospital care under efficient, well-financed, suitable plans and costs to do this greatest social job of the century.

CORRECTING THE BALANCE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. ROSENTHAL. Mr. Speaker, the New York Times, in an editorial "Correcting the Balance," recently addressed the problems of legislative-executive relations, particularly in foreign and defense affairs.

The editorial expressed agreement with the conclusions of the recent Congressional Conference on the Military Budget and National Priorities which proposed a better congressional review of the entire military budget process but also of the

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basic decisions on where our national priorities lie.

The editorial follows:

CORRECTING THE BALANCE

Although President Nixon naturally refrained from identifying those critics of the military whom he challenged in his Colorado speech, members of Congress have been quick to pick up the gauntlet. Rejecting the President's vaguely addressed strictures on isolationism, unilateral disarmament, and an "open season on the armed forces," they show every intention of mounting a sharper and more profound opposition than any Mr. Nixon has yet confronted as President. This is a new installment in a perennial classic of American history—the power struggle between the legislative and executive branches, especially in foreign policy.

Strong support for this interpretation is to be found in the June issue of The Progressive, the entire content of which is devoted to the proceedings of the Congressional Conference on the Military Budget and National Priorities. While all but one of the 36 Representatives and nine Senators who took part in those proceedings in March were Democrats, their approach is philosophical and institutional rather than partisan. Fearing "the transformation of the United States into a different sort of civilization—into a national security state," they call for watchdog committees to analyze all military spending and investigate the whole military-industrial establishment, as well as a Joint Committee on National Priorities to establish a revised order of the country's interests.

Since the Vietnam war and the whole doctrine of the "containment" of Communism are basic in the arrangement of such priorities, it is obvious that the conferees and their supporters want a much greater foreign policy role for Congress than it has lately enjoyed. To their number must be added many others who question the Pentagon's judgment on the antiballistic missile system; others who are appalled that the C-5A transport is to cost the taxpayers $2 billion more than Congress had been told it would, and still others who resent the Defense Department's bland denials that it had been testing nerve gases in Utah when it certainly had.

There is no immutable position to be taken on the question of legislative-executive balance, because no perfect balance is possible. But when either branch gets too far out in front, an adjustment is clearly in order. We agree with the Congressional conferees that, at least as far as the Pentagon is concerned, the time has come for such a correction.

OIL INDUSTRY LEADER POINTS TO THE RECORD

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. EDMONDSON. Mr. Speaker, one of the leading executives and spokesmen of the petroleum industry in the United States is a distinguished constituent, W. W. Keeler, who is chairman of the board of the Phillips Petroleum Co.

Mr. Keeler recently addressed a letter to the stockholders of Phillips which sets the record straight on a number of questions which have been raised in attacks currently being launched against the American petroleum industry.

The record cited in the Keeler letter provides a strong defense for the historic depletion rate allocated to oil and gas in this country. It also proves conclusively that prices on oil and gas have remained relatively stable during the recent 10-year inflationary period which has seen the average price for all items included in the Consumers Price Index go up by 21 percent.

The Keeler letter should be read carefully by all serious students of the depletion rate question, and by all objective observers of the American petroleum industry and its record.

The text follows:

PHILLIPS PETROLEUM CO.,
Bartlesville, Okla.

W. W. KEELER,
Chairman of the Board.

DEAR STOCKHOLDER: Issues vitally affecting the petroleum industry are now the focus of more public attention—in the press and in Congress—than for many years.

For example, wholesale tax reform plans have made tax provisions related to the petroleum industry, such as 27½ percentage depletion, the subject of widespread discussion and comment. A petition to allow a special import quota for a proposed refinery in Maine has brought about a Presidential Commission to review the entire oil import control program. Prices of crude oil, natural gas, and petroleum products are in the spotlight. The recent, unfortunate offshore oil spill accident at Santa Barbara, California, not only has focused unreasonable attention on offshore drilling practices but also has stirred up other controversies regarding oil industry matters.

The serious problems of the petroleum industry concern you as a stockholder of Phillips. Also, because they affect our nation's energy supply and its security, they concern you as a citizen. Although the industry has seemed on the defensive in relation to these problems, the facts show that from the key standpoint of best serving the vital interests of our nation and petroleum consumers, the industry has a strong and justified position on every one of them. The comments which follow are intended not only to brief you on important aspects of some vital petroleum industry issues, but also to encourage you to look more deeply into them.

Critics attack percentage depletion as one of several tax provisions alleged to be "loopholes." Percentage depletion is not a "loophole." Congress, after searching inquiry, incorporated percentage depletion into our Federal tax laws 43 years ago for specific purposes. Today, despite constant Congressional review, the provision remains virtually unchanged.

Minerals, such as petroleum, by nature have a dual character. In the earth, they are part of their owner's capital assets. When produced and sold, part of the value received represents capital, and part income, making it difficult to establish an equitable taxation basis. In keeping with the basic principle that income but not capital should be taxed, Congress adopted the principle of percentage depletion which today applies to over 100 minerals, including oil and gas, as a means of fairly taxing the income derived by extractive industries.

A compelling reason for adoption of percentage depletion was to supply an incentive for owners of capital to accept the great risks involved in the search for and development of mineral resources which are so essential to our economy and security. History shows the incentive has worked well in achieving its purpose. It would be risky to discard or weaken a system which has worked well over a long period of years in supplying petroleum and other essential minerals.

Critics maintain that the oil industry does not pay its fair share of taxes. This simply isn't true. In addition to income taxes, the petroleum industry pays a number of other direct taxes. One of these, the severance tax, is paid only by industries which extract natural resources. The fact is that in 1966 (the latest year for which figures are available) the oil industry paid $2.5 billion in direct taxes, which amounted to 5.1 cents for every dollar of gross revenue. The direct tax burden for all U.S. business corporations was only about 4.5 cents per dollar of gross revenue, or about 10% less than petroleum's.

Percentage depletion has benefited the consumer by helping keep petroleum prices low. That the consumer is the beneficiary is clearly shown by the oil industry's profit record. Over the 20-year period through 1966, the earnings of U.S. petroleum companies averaged 12.5% of invested capital, versus 12.7% for all manufacturing companies. Of the 25 leading U.S. industrial corporations on the basis of sales, seven are petroleum companies. But not one of these petroleum companies is in the first 75 on the basis of return on invested capital.

Critics charge that because of the percentage depletion provision, petroleum producers recover their costs many times over. The fact is that although the oil industry realizes about $1 billion a year through the operation of this provision, it invests about $5 billion a year in the U.S. in searching for and developing new petroleum reserves.

The principal objective of the oil import control program is to help insure our national security. Unlimited importation of oil would discourage exploration and drilling efforts of the domestic petroleum industry and critically impair its ability to supply our national demands when foreign sources were cut off. In the event of another international war, which, considering the nuclear standoff of the major powers, could well be nonnuclear and of long duration, the position of the United States would be critical. To realize the danger in relying on foreign oil, we have only to recall that oil movements through the Suez Canal have been cut off twice in the past 15 years.

Another result of inadequate import controls would be a weakening of our national economy due to the decline of the domestic petroleum industry. The economic impact would be felt by numerous levels of government deprived of tax revenue, and by several industries and thousands of small businessmen who rely on a healthy petroleum business for their existence. The outflow of capital to other nations, resulting from increased emphasis on exploration outside the United States and payments for increased imports of foreign oil, could seriously damage our nation's balance of payments position and thus further weaken our economy.

Weakening both our national security and economy is a high price to pay for what would amount at best to only a small savings for consumers in prices of petroleum products. Moreover, the savings to customers would disappear within a short period of time. Already 21% of our nation's oil supply is from foreign sources. If we become dependent on oil from foreign nations we know from experience that the foreign countries would then increase the price of their oil.

Facts show that existing petroleum industry provisions and programs have been working exceedingly well in providing consumers reasonable prices for petroleum products. For 1968, the average price of all items included in the Consumers Price Index had risen 21% over the 1957–1959 base period. Yet, the average nation-wide retail price of gasoline in 1968, exclusive of taxes, was only 6% higher than the 1957–59 average. The price of crude oil in 1968 was 2% lower.

A person cannot properly evaluate the critical significance to our national interests of the factors which I have discussed in this letter by examining them only one at a time. They must be considered as a combination in relation to the effect on our nation's en-

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ergy policy. For what is of overriding importance to the national interest is the net effect of all of these factors in fulfilling huge coming demands for petroleum.

Petroleum—oil and gas—supplies 75% of our nation's energy needs. The U.S. government predicts that demand for petroleum will rise by 50% of current levels by 1980 and will more than double between now and the end of the century. Yet, despite the coming requirements, proved domestic reserves of crude oil declined during 1968 for the second year in a row and now stand at the lowest level in 10 years.

As for natural gas, exploratory drilling for this vital energy source in the U.S. has declined by over one-half in the past 10 years, mainly because Federal regulation of natural gas producers has kept natural gas prices unrealistically low. Since 1954, the year Federal regulation of producers began, the ratio of natural gas reserves to annual production has declined from 23 to 1 to less than 15 to 1. In 1968, for the first time in history, U.S. natural gas production exceeded new reserves added, and total proved reserves of this resource declined. In a statement to a Congressional subcommittee this past April, John F. O'Leary, director of the U.S. Bureau of Mines, said: "We are beginning to discern already the outlines of a major shortage of natural gas." In response to questioning in the hearing, he estimated that by next winter natural gas distributors will be unable to provide service to new customers because of supply shortage.

It is no surprise that U.S. petroleum reserves are decreasing when it is realized that total exploratory drilling in the U.S. has declined more than 30% in the last 10 years. The petroleum industry needs greater incentives rather than reduction of incentives if our nation is to have sufficient, reasonably priced, reliable supplies of petroleum essential to its future security and economic strength.

I hope my comments will encourage you to learn more about these issues. If you desire supplemental information on them, please write to me at the Company's headquarters in Bartlesville. I hope also that you will communicate these facts to your friends, associates, and community and governmental leaders, and put special emphasis upon their vital influence on our nation's future energy supply.

Sincerely yours,

W. N. KEELER.

JUNE 2, 1969.

PRESIDENT'S MESSAGE ON AIRPORTS AND AIRWAYS

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1969

Mr. BROWN of Ohio. Mr. Speaker, any traveler who has spent limbo-like hours amid the echoing commotion of an airport lobby or seated aboard one of those graceful giants whose takeoff has been nowadays predictably delayed knows something of the problem to which the President has addressed himself. That traveler, initially bemused over the fact that men capable of landing on the moon are having increasing difficulty flying to the next city, has had his bemusement changed to consternation as his unproductive vigil wears on. And the airlines, as helpless as the passengers they serve, are equally victims of an increased air traffic that has too long gone unprepared for, too long been denied the facilities necessary to assure fulfilment of air transportation's promise of saved time.

With another hundred million persons yet to join our population before this century closes, and with the increasing dependence upon the air mode of travel and transport, the current frustrations of air travel threaten to go beyond mere discomfort to disruptions of economy-shattering proportions. This threat cannot be allowed to become reality, and that is why the President's message is so welcome.

The President's proposals look to both an alleviation of the present congestion and a prevention of future problems by an infusion of funds into airport construction and improvement and into a continued study and planning of new and better airport systems. His outline of the means of financing this program with a tax on users presents what I have long believed to be the most effective and equitable apportionment of this added burden. Surely the slight increase in costs to those who use and those who supply air travel will be paid with small complaint if the results are an end to the frustrations and expense of these counter-productive delays.

The picture of a long line of revving jets is today an unfortunate reality. No one is laughing anymore at the paradoxical juxtaposition of man's technological prowess with his helplessness—what first looked like slapstick has become absurd, and portends a tragedy unless halted. The President's suggestions aim at making this picture but an unpleasant memory to the air travelers of the future.

KOSCIUSZKO'S GARDEN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. DERWINSKI. Mr. Speaker, on this Sunday, June 22, 1969, the Kosciuszko's Garden dedication will be held at the U.S. Military Academy at West Point, N.Y.

In conjunction with this historic program I insert into the RECORD a brief history of Kosciuszko's Garden at West Point by Maj. Gen. Charles G. Stevenson, retired:

[From the Polish Weekly Straz, February 1969]

THE "BITTERSWEET" STORY OF KOSCIUSZKO'S GARDEN

In the year 1778, elements of the Continental Army established a garrison and erected fortifications at West Point to deny the linking up of British forces moving north and south along the Hudson River. This key fortress, which served for a time as the headquarters of Gen. Washington, was designed and constructed under the supervision of Col. Thaddeus Kosciuszko, renowned Polish patriot and military engineer. Many of its original components have been preserved through the years and others are in the process of being archeologically surveyed with a view to accurate restoration prior to the Bicentennial celebration of the American Revolution. The military post at West Point, New York, home of the United States Military Academy, has been continuously garrisoned since its establishment and is the oldest active installation of the United States Army.

Early during his two-year tour of duty at West Point, Colonel Kosciuszko fashioned with his own hands a small fountain in the midst of a garden he planted on a terrace in the west shore cliffs overlooking the Hudson River. The garden was said to have been Kosciuszko's favorite retreat and a place where, as one writer stated, he "dreamed of his beloved and distant land." The fountain was described as a "curious water fountain with spouting jets and cascades." Jets, in the form of irontulips are still installed and functioning. They are not the original jets.

From 1780 until the Academy was established at West Point in 1802, the garden apparently was forgotten. Then in the summer of 1802, Cadet Joseph Swift, first cadet to graduate from West Point, and Lt. Alexander Macomb repaired the garden and fountain, according to Swift's memoirs. The name "Kosciuszko" was cut into the lip of the basin at the pool and is still legible.

PRESIDENT MONROE VISITS GARDEN

Swift also wrote that President James Monroe "met officials of the Academy in the Garden of Kosciuszko."

Cadets, mostly seniors, contributed out of their own pockets toward upkeep of the Garden. Some classes in those years up to 1842 contributed 25 cents each month; later others gave 48 cents, and in some years the contribution was 67 cents each month. With the small classes it is obvious not much was given to upkeep.

In 1858, the historian, Benson J. Lossing, paid a visit to the garden and later described it as "a beautiful and romantic spot, shaded by a weeping willow and other trees, and having seats for those who wished to linger." With the passage of time, the willow and the wooden seats have disappeared. Still remaining, however, are identifying marks of a more permanent nature. In the mid 1850's, the words "KOSCIUSZKO'S GARDEN 1779" were etched in the rock face above the north end of the garden and a hundred years later, a plaque was installed above that inscription which reads:

KOSCIUSZKO'S GARDEN BUILT 1778

This Garden was constructed as a retreat by Colonel Thaddeus Kosciuszko, Polish Patriot, fortifications engineer for the Continental Army 1776–1783, during his tour of duty for the purpose of constructing fortifications at West Point.

Through the years the garden has periodically been renovated, replanted and tidied by interested cadets and post personnel, but the absence of any continuing maintenance has resulted in a loss of the original beauty for which the site was noted. This neglect was compounded during the early 1960's when two construction projects in the vicinity of the garden impeded access to it. One of these projects, a major addition to the West Point Army Mess on the cliff above the garden, further resulted in cluttering the site with debris from the area above the garden. The other effort, construction of a ramp from the level of the Plain past the garden on the river, or east, side to the cadet athletic facilities on the river level below, did however serve to open the garden spot to view daily by the many cadets enroute to and from their physical training classes.

In 1964, the Superintendent took steps to have the garden, its approaches and surroundings restored to their original condition within the limits of the use of government funds and personnel for such purposes imposed by regulations. Under the Post Engineer's supervision, a general cleanup of the area was accomplished to include the repair of paths and old stone steps leading into the site, the cutting away of brush,

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vines and sapplings, and the planting of new trees in places designed to enhance the appearance of the area. However, the planting of flowers and shrubs and the installation of a rock garden and other decorative items necessary to recover the real beauty of the original garden and preclude water erosion of the terrace lie without the realm of restoration and maintenance effort that can be undertaken with appropriated funds.

It is estimated that a sum of $2,000 would be required to purchase and install initial plantings, rock formations, fountain fittings and benches and to landscape the site and its entrances considered necessary for full restoration. The garden could then be maintained in perpetuity with an annual outlay of approximately $500. The total amount required then to provide for the garden's initial restoration and its perpetual maintenance would be $12,000 of which $10,000 would form a maintenance endowment fund.

DETAILS OF PROPOSAL

The Superintendent, United States Military Academy, has approved a proposal submitted by the Polish American Veterans of Massachusetts, Inc. pursuant to a resolution adopted at its annual convention in June, 1967.

Under the proposal, the Veterans will sponsor a drive to raise the sum of $12,000 of which about $2,000 will be spent for initial plantings, including rock gardens: placing of benches and other renovation and restoration work. The balance of $10,000 will be invested by the Superintendent's Fund and the income therefrom amounting to about $500 annually will be used for maintenance work, all work will be done under the supervision of the Engineer, United States Military Academy.

It is appropriate, Mr. Speaker, that we keep in mind the unique historic points such as this since the greatness of our country depends upon the accomplishments of the past and the contribution of great heroes such as Gen. Thaddeus Kosciuszko to the founding of our Nation and to its progress and preservation.

QUAKERS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. JACOBS. Mr. Speaker, "Sticks and stones can break my bones, but words will never hurt me."

Churchill said:

> You see these dictators on their pedestals surrounded by the bayonets of their soldiers and the truncheons of their police. Yet in their hearts there is unspoken, unspeakable fear.
>
> They're afraid of words and thoughts; words spoken abroad, thoughts stirring at home, all the more powerful because forbidden. These terrify them. A little mouse, a little, tiny mouse of thought appears in a room and even the mightiest potentates are thrown into panic.

Does that sound like America?

Then why, in the land of the free must one be brave simply to stand on the steps of his Capitol and quietly remind us to remember that once there were 35,000 living, breathing, laughing kids who are no more because of a war to protect freedom in Vietnam where there is no freedom to protect?

What kind of logic tells us a transparent gallery shield against the sneak attack of a maniac inside this Chamber is unnecessary separation between people and Government, while a rule against the free speech of an unobstructing few outside this building is indispensable to security?

Mr. Speaker, it is the function of security to protect lives, not egos.

Yet, from the steps of their Capitol, without blocking anyone's way, Quakers go to jail for making public the identity of our war dead, after the John Birch Society receives a prize from the American Legion for doing the same thing in Indianapolis.

Mr. Speaker, the document reads:

> No law . . . abridging the freedom of speech . . . peaceably to assemble and to petition the Government.

It does not read, "Unless the Speaker and Vice President think otherwise."

Mr. Speaker, a quarter of a century ago Pastor Niemoller said of Nazi Germany:

> They came after the Jews. And I was not a Jew. So I did not object.
>
> Then they came after the Catholics. And I was not a Catholic. So I did not object.
>
> Then they came after the trade unionist. And I was not a trade unionist. So I did not object.
>
> Then they came after me. And there was no one left to object.

Now it is the United States of America, 1969, and against the wishes of our Founding Fathers and nearly every other American, first they come after the Quakers. And I am not a Quaker. But I do object.

THE KOCHUBIYEVSKY CASE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. EILBERG. Mr. Speaker, statistics frequently fail to tell us all. Thousands die. Thousands suffer. Thousands are enslaved. Millions die. Millions suffer. Millions are enslaved. The statistical litany drones on but frequently fails to touch us.

It is only in the story of one man's fight for liberty, one man's fight for freedom that we come to know in any visceral way and therefore, any real way, the truth behind the statistic.

Sadly Russian anti-Semitism is nearly as ancient as Russian history itself. That this anti-Semitism is now reflected in the Union of Soviet Socialist Republics' international animosity toward Israel is an unfortunate, but logical extension, of this deep-rooted prejudice.

Russia has not concealed her enmity toward Israel, but of late the Soviets continue to insist that anti-Semitism has been eradicated from their national life.

Just as the Marxist promise that the State would wither away has proven false, this claim too cannot stand the white light of careful examination.

There recently has come to my attention the case of Boris I. Kochubiyevsky, a young Ukrainian Jew, who survived the slaughter of Babi Yar, immortalized by Evgeny Evtushenko's moving poetry.

The tragic plight of Mr. Kochubiyevsky is not unique among the Jews of the Soviet Union. As visitors to Russia have indicated, many Jews desire to emigrate to Israel. Of course, the authorities deny them this right. However, Mr. Kochubiyevsky's case is distinctive in that he has made a courageous appeal to the public.

This is but another sad example pointing up the contradictions between Soviet assertions and practices. Despite Premier Alexei Kosygin's statement in December 1966, that families who want to be reunited with relatives abroad would "find the door open," as well as constitutional guarantees and international treaties to which Russia is a party, the Soviets continue to maintain barriers against Jewish emigration.

But I would prefer to permit Mr. Kochubiyevsky to speak for himself. For the RECORD then I submit first a brief history of his case, and then Mr. Kochubiyevsky's moving letter to Secretary General Leonid Brezhnev and First Secretary of the Ukrainian Communist Party Piotr Shelest:

THE CASE OF BORIS L. KOCHUBIYEVSKY

Boris Lvovich Kochubiyevsky was born in Kiev, the Ukraine, in 1936. His parents were killed by the Nazis at Babi Yar, the charnel house on the outskirts of Kiev where tens of thousands of Jews were slaughtered in September 1941.

The boy was brought up in an orphanage and attended a trade school. Later, he received an engineering degree from the Kiev Polytechnical Institute. He had no Jewish education or culture and his wife, Larisa Aleksandrovna Kochubiyevsky, is non-Jewish. Still, his experiences as a Jew in the Soviet Union made him always aware of his Jewish origins.

In June 1967, at a meeting organized at his factory to protest "Israeli aggression," Kochubiyevsky heatedly rejected the official line and upheld Israel's right of defense. At a subsequent meeting of his factory trade union, his action was discussed and he was asked to resign, which he refused to do.

At a memorial meeting at Babi Yar in February 1968, Kochubiyevsky once more overtly contradicted an official Soviet line. This time he protested the Soviet policy of minimizing or even keeping silent about the Jewish massacre at Babi Yar.

In May 1968, he finally succumbed to pressure and resigned his job. That summer, he and his wife applied for exit permits to Israel; they were refused. But in November, they were given permission to leave and were told to appear at the passport office on November 28 to pick up their documents. That morning, however, their apartment was searched and many of his letters were seized, among them protest letters written to Soviet authorities.

The following week, Kochubiyevsky was arrested. His wife, after refusing pressures to leave him and divorce him, was expelled from the Teachers College where she was a student, and from the Komsomol. His arrest was based on Article 187, Chapter 1, of the Ukrainian criminal code, and it cited his statements at the above-mentioned occasions.

On January 20, 1969, his pretrial examination was concluded by the local prosecutor's office and submitted to the court—where, however, it was sent back for further investigation. The court stated that the evidence was insufficient to support the charge that he intended to disseminate anti-Soviet slanders.

The petition to the United Nations signed on May 20, 1969 by fifty-five Soviet intellectuals, calling for an investigation of "the

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repression of basic civil rights in the Soviet Union," protests the trial and sentence of Kochubiyevsky the week before to three years in prison.

[Text of Kochubiyevsky letter]

NOVEMBER 28, 1968.

To: The Secretary General of the CPSU Central Committee—Brezhnez The First Secretary of the (Ukraine CP) Central Committee—Shelest.

Copy: To the Investigator of the Prosecutor's Office of the Shevchenko Region of the city of Kiev—V. V. Doroshenko.

From: The accused of slander against Soviet reality—B. L. Kochubiyevsky, Jew.

I am a Jew. I want to live in the Jewish State. This is my right, just as it is the right of a Ukrainian to live in the Ukraine, the right of a Russian to live in Russia, the right of a Georgian to live in Georgia.

I want to live in Israel.

This is my dream, this is the purpose not only of my life, but also of the lives of hundreds of generations which preceded me, of my ancestors expelled from their land.

I want my children to study in a school in the Hebrew language. I want to read Jewish papers, I want to go to a Jewish theatre. What is bad in this? What is my crime? Most of my relatives were shot by the fascists. My father was killed and his parents were killed. Were they alive now, they would stand at my side: Let me go!

I have appealed with this request many times to various authorities and I have achieved only this: Dismissal from my job; the expulsion of my wife from the Institute; and, to crown it all, a criminal charge of slandering Soviet reality. Of what does this slander consist? Is it slander that in the multi-national Soviet State only the Jewish people cannot teach its children in Jewish schools? Is it slander that in the USSR there is no Jewish theatre? Is it slander that in the USSR there are no Jewish papers? Incidentally, no one even denies this. Perhaps it is slander that for over a year I have not succeeded in obtaining an exit permit for Israel? Or is it slander that people don't want to talk to me, that there is no one to complain to? Nobody reacts. But even this isn't the heart of the matter. I don't want to be involved in the national affairs of a State in which I consider myself an alien. I want to go away from here. I want to live in Israel. My wish does not contradict Soviet laws.

I have an affidavit from relatives; all the formalities have been observed. Is it for this that you are starting a criminal case against me?

Is it for this that a search has been made at my house?

I don't ask you for recommendations for mercy. Listen yourselves to the voice of reason:

Let me go!

As long as I am alive, as long as I am capable of feeling, I shall devote all my strength to obtain an exit permit for Israel. And even if you should find it possible to sentence me for this—I shall anyway, if I live long enough to be freed, be ready even then to make my way even on foot to the fatherland of my ancestors.

KOCHUBIYEVSKY.

GI KILLED ON SECOND TOUR: FIRST CHILD DUE NEXT MONTH

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. LONG of Maryland. Mr. Speaker, S.Sgt. Benjamin L. Lewis, Jr., a fine young man from Maryland, was recently killed in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD:

GI KILLED ON SECOND TOUR; FIRST CHILD DUE NEXT MONTH

Mrs. Beatrice Lewis, 22, is expecting her first child next month.

But last Thursday, the father-to-be, Army Staff Sgt. Benjamin L. Lewis, Jr., was blown up by a Viet Cong bobby trap while he was on patrol, the Defense Department announced yesterday.

Sergeant Lewis, a 26-year-old Baltimorean who was a native of Washington, was killed two months after arriving in Vietnam on his second tour of duty.

WORSE THAN BEFORE

He was part of a four-man advisory team stationed near the Cambodian border to help train South Vietnamese soldiers. Sergeant Lewis wrote his wife that "living conditions are worse" than during his first 12-month stint in Vietnam in 1965.

A graduate of Eastern High School, in Washington, where he was captain of the varsity basketball team and a member of the baseball team, Sergeant Lewis enlisted in the Army soon after graduation nine years ago.

His wife, who will celebrate a lonely 23d birthday next week, said he was made a staff sergeant last year and had intended to make the Army his career.

Sergeant Lewis had been stationed at Fort Dix, N.J., and Fort Benning, Ga., and had been stationed in France and Germany.

Mrs. Lewis, the former Beatrice Artis, lives at 1710 North Montford avenue.

In addition to his wife, Sergeant Lewis is survived by his parents, Benjamin F. Lewis, Sr., of Washington, and Mrs. Mabel McNeal of Baltimore; six sisters, Miss Lela Lewis and Mrs. Patricia Lockett, both of Washington, Mrs. Betty Moore, Miss Mary Alice Lewis, Miss Sarah McNeal, and Miss Mona Lisa McNeal, all of Baltimore; a brother, Jerome Lewis, of Washington and a grandmother Mrs. Leah Hart, of Baltimore.

SAMUEL MOSS, JR.

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. BIAGGI. Mr. Speaker, I was honored today by a visit in my office with Samuel Moss, Jr., president of the Bronx chapter of the National Association of Retired Civil Employees. Last December, an article appeared in the Bronx Press-Review concerning this energetic gentleman. As a tribute to Mr. Moss, I should like to include this biographic article in the RECORD at this point.

The article is as follows:

PARKCHESTERITE, 80, GIVEN DEGREE OF JURIS DOCTOR

The Jr., behind the name of Samuel Moss can be a little misleading. The Parkchesterite, recently awarded the degree of Juris Doctor by George Washington University, Washington, D.C., is 80 years old.

When Mr. Moss was graduated with a Bachelor of Law degree from the George Washington University School of Law he wasn't a beardless youth. He was 53. It's because he was an outstanding student 27 years ago that he is given the Juris Doctor degree retroactively now.

Mr. Moss, who last April was admitted to practice before the Supreme Court of the United States, is a member of the District of Columbia Bar and of the Court of Military Appeals.

Retired from government service since 1957, Mr. Moss Jr. was employed as an attorney examiner with the Interstate Commerce Commission and as a Navy Department official for a period of 20 years.

The Parkchester man is president of the Bronx chapter of the National Association of Retired Civil Employees and is a member of the Federal Bar Association, the Bronx Old Timers, Grand Street Boys Association, Golden Legion of Cooper Union, Eternal Lodge, F. & A.M.; PS 109, Manhattan, Alumni Association; and the Bronx Brush and Palette Society.

Mr. Moss finally has retired, but the decision came hard. After he left government service he worked for a time as general traffic manager and commerce counsel for several motor carriers in the Metropolitan area.

Nowadays his time is taken up to a large extent by his art hobby. He attends courses in Brooklyn College.

The octogenarian, who lives at 1596 Unionport Rd., has a subhobby of making pencil sketches of U.S. Presidents and of their wives. He presented such portraits to President and Mrs. Kennedy and President and Mrs. Johnson and treasures their letters of thanks. He plans to sketch President Richard Milhous Nixon and Mrs. Nixon after the Inauguration.

Some of his pieces were placed on exhibit in the Bronx Council on the Arts display in the lobby of the Bronx County Building.

Pop art? That's not for him. Maybe great grandpop art.

DORRY WOLLSTEIN, OF HAWAII, BRIDGES GENERATION GAP WITH TOP ACADEMIC RECORD

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. MATSUNAGA. Mr. Speaker, much has been said about the so-called generation gap represented by college students today. College students have understandably been characterized as members of the youth generation. We ought to remember, however, that also included in the ranks of college students are a significant number of "older people", who, in many cases, have made determined efforts to complete their formal education beyond the high school level.

On June 8, Mrs. Dorry Wollstein, a constituent from my State, graduated from the University of Hawaii with the highest academic average from the College of Arts and Sciences. She achieved a 3.9-grade point average out of a possible 4.0. Mrs. Wollstein's story, I believe, is noteworthy in several respects. For one, she represents a significant number of middle-aged persons now matriculating in our various colleges and universities to "keep up" or "get in" with the exponential knowledge explosion which has come to characterize the post-World War II period. Moreover, she has shown, by her example, that "older people" can adjust well to college life. And, finally, in her own way, she represents the rising social consciousness for helping needy people in our country today.

I am sure that my colleagues will want to join me in congratulating Mrs. Wollstein on her notable achievements. With the hope that my colleagues will gain some meaning in reading more about Mrs. Wollstein's college career, I am pleased to submit for inclusion in the RECORD an article which appeared in the Honolulu Star-Bulletin of May 9, 1969.

MIDDLE-AGED COED HAS HIGHEST GRADES

(By Judy Chase)

Whoever said that mature students have difficulty adjusting to college life didn't know Dorry Wollstein.

Twenty-five-plus years after her high school graduation, Mrs. Wollstein made up her mind to get what she always wanted but couldn't afford—a formal education.

This June 8, at the age of 45, Mrs. Wollsein will be graduated from the University of Hawaii with a 3.9-grade point average, the highest in the College of Arts and Sciences.

"When I first enrolled at the University," she said, "I naturally spotted all the mature students first."

(Approximately 10 per cent of the students enrolled on the Manoa campus full-time this spring are over age 30, according to a University spokesman.)

But Mrs. Wollstein said she soon found that "the young people relate just as naturally to mature persons on campus as to other young people."

About having the highest standing in the College of Arts and Sciences, she said: "Of course, I was thrilled.

"And my husband (John, a high school teacher) was very, very proud. I saw the expression in his eyes, and I knew he meant it."

Mrs. Wollstein also has the distinction of being the first classical Greek major in the University's history.

Mrs. Wollstein originally took Greek to meet the language requirement, because she thought it would be "exciting" to be able to read the New Testament in Greek.

"My intention was to be a psychology major," she said, "but, as it turns out, I got caught up in Greek and philosophy courses and only ended up taking two psych courses.

"I suppose it is the universality and timelessness of Greek thought that intrigues me.

"There is nothing that we think, feel, say or do today that doesn't relate back to the ancient Greeks.

"For instance, I've just finished an undergraduate thesis in which I endeavored to show that the new morality has its roots in Aristotle's ethics."

Mrs. Wollstein said she would like to teach classical Greek at the University level some day, so she is hopeful that she will be able to begin graduate study in her field this fall.

But this depends on whether the Classics Department can begin offering a master's degree by that time.

If not, Mrs. Wollstein said she will probably continue working at the Salvation Army Facilities for Children, where she has been assisting in the religious education program and doing private tutoring on a part-time basis while in college.

All this in addition to fulfilling her role as a wife.

How did she do it all?

"Well, it's terribly important that your husband be in full accord with what you're doing, as mine is.

"And you have to learn little tricks—like carrying a textbook with you everywhere you go."

UTAH HIGH SCHOOL STUDENTS TAKE OVER SCHOOL GROUNDS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. BURTON of Utah. Mr. Speaker, at a time when the Nation's newspapers have been full of reports of campus disorders and of students taking the law into their own hands, it is refreshing to read about a high school where students have been motivated to do something specific for the benefit of their community. Such a news headline came across my desk recently from the Ogden Standard-Examiner, Ogden, Utah. It concerns the 1,700 students at Ogden's Ben Lomond High School who gave an effective lesson in civic pride and responsibility. I commend the article regarding their "takeover" of the high school campus, and other nearby public property, to the attention of my colleagues:

FIRST "ALL SCOTS DAY" GAINS PRAISE FROM CITY OFFICIALS

Ben Lomond High School's 1,700 students gave some of their college colleagues across the nation an effective lesson in community responsibility this week.

For about three and one-half hours Tuesday morning, the students took over their high school campus and assorted other pieces of public property throughout the northern part of the city.

But their motives—and accomplishments—differed dramatically from some of the takeovers occuring on college campuses throughout the country.

The Ben Lomond students acted for a positive purpose: to cleanup the winter's accumulation of debris on school grounds, parks and other areas—some of it deposited by their careless and thoughtless elders.

HIGHLY SUCCESSFUL

And their "takeover"—termed highly successful—brought words of praise from public officials, educators and a few home owners who benefited from their show of civic pride and responsibility.

"I hope other student bodies will follow this lead," said Mayor Bart Wolthuis in commenting on the outcome of what students and faculty hope will be the first "All Scots Day" at Ben Lomond.

The activity was the idea of Ben Lomond students and faculty who intended it—in the words of one paintbrush-wielding youngster—to "show people there's at least one entire student body in this country with some sense of responsibility."

The students moved out on their cleanup campaign following a breakfast at the high school. Most were on the job by 8:45 a.m.

About half of them augmented city crews cleaning parks streets and other public property north of the Ogden River which generally is the area served by Ben Lomond High School.

"And they did a tremendous job," reports city parks Supt. Clair Bennett. "They cleaned up every park north of the river and most of the streets.

"They were well organized and did an excellent job," Mr. Bennett said. "Those students have a lot on the ball."

He said their help saved the city taxpayers several hundred dollars.

CLEANED YARDS

The remainder of the student body cleaned up the yards of several widows and elderly people in the northern part of the city.

One group found one woman whose home needed painting. While most of the group went to work scraping off the old paint, others went to stores in town and collected six gallons of exterior house paint.

By noon the home had a new coat of paint.

The students capped the day's activities with a carnival and swimming at their school.

"It was heartwarming to see this exhibition of community responsibility by our young people," Mayor Wolthuis said. "I hope others will show a similar pride in other communities."

DON JOHNSON

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. SCHWENGEL. Mr. Speaker, today I submitted a statement to the Senate Finance Committee supporting the nomination of Don Johnson as Veterans' Administrator. Don is from Iowa's First Congressional District and we certainly are proud of him. I include in the RECORD at this point my statement made this morning:

STATEMENT OF CONGRESSMAN FRED SCHWENGEL

Mr. Chairman, members of the committee, it is a distinct honor and a pleasure to be able to join in recommending Don Johnson to this important committee for the position of Administrator of the Veterans Administration.

President Nixon could not have made a better selection. Don is extremely well qualified for the position of Veterans Administrator. As you know, he has been active in veterans affairs since he completed his service in the Armed Forces after World War II. Since joining the American Legion, he has held the office of district commander, state commander, and in 1964–1965 he served as national American Legion Commander. In this office he not only served the interests of all veterans but served his country as well.

But Don Johnson's qualifications are not limited to his participation in the activities of a veterans organization.

First of all, Don Johnson is a hard working and capable individual who is a successful businessman. He will bring sound administrative experience to the Veterans Administration. In addition, he will bring his imaginative, but thoughtful leadership, needed now more than ever as we try to meet the problems of many of our boys returning from Vietnam to civilian life.

Don Johnson also brings to the Veterans Administration the perspective of a man who has been involved in community activities and civic affairs.

An article which appeared in the several newspapers after President Nixon nominated him summarized the qualities of Don Johnson this way.

"He is a strong believer in the virtues of hard work, unswerving patriotism, loyalty, devotion to family, to duty and to constitutional freedoms and rights. But he recognizes his is not the only interpretation of the true worth of these values and he has as deep a respect for the rights of others as for his own. He has a sympathetic understanding of the other fellow's position and uses the gentle but firm persuasion method to win people to his point of view when differences concern him."

Iowans are proud of Don Johnson. They recognize his outstanding qualifications. They know of his contributions toward making

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Iowa and his home town of West Branch a better place to live. They recognize and appreciate that the nation now has the opportunity to benefit from his talents.

We from the First District of Iowa are especially proud that one of our residents has been honored as Don Johnson has. It is appropriate, too, to note that he comes from West Branch, Iowa, the home town of one of our great Presidents, Herbert Hoover.

I have not dealt in detail with Don's biography. It reveals a distinguished career of public service and dedication to home and country and is well known. So what I have tried to do instead is point to the qualities of Don Johnson which make him such an outstanding appointee.

To indicate the high regard held for Don Johnson, I would like permission to insert at this point in the record a sampling of the editorial comment on his nomination.

Mr. Chairman, in conclusion I want to express my whole-hearted and enthusiastic support for this nomination. I am confident that this committee, after the hearing record is complete, will appreciate the background of this outstanding man and will recommend approval of his nomination to the Senate.

He'll Get the Job Done

Donald Edward Johnson's appointment by President Nixon as director of the Veterans Administration is indeed, as Johnson remarked, a challenging one.

And the public service record of this 45-year-old citizen of West Branch, Iowa (1960 population, 1,053)—which also gave to the nation's service the late President Herbert Hoover—would indicate he can fulfill the assignment.

In itself, the VA is a mammoth operation, with a budget exceeding $7 billion. And the President has enlarged the challenge to the Iowan at the outset with a directive that he find out why Vietnam War veterans are not taking advantage of benefits.

As a first assignment, Johnson, former national commander (1964–65) of the American Legion, is to head a new President's Committee on the Vietnam Veteran. It is designed to tailor existing veterans benefit programs to needs of fighting men returning from service in Southeast Asia.

Johnson is energetic, and a sort of signal of his determination might be seen in his comment that Mr. Nixon has stressed there must be planning for returning veterans, and "if it takes a new program . . . that's what we must come up with."

Johnson has held several governmental advisory posts and filled numerous other leadership roles in this state and in his own community.

He was president of the West Branch Chamber of Commerce when only 24. He is an orphan whose father died in World War I.

The Johnsons have nine children. The oldest, now 20, is serving with the armed forces in Vietnam.

One might say Johnson has been in training for this job since he served as a combat infantry sergeant with U.S. forces in the European theater in World War II. He was decorated for bravery.

The choice is an excellent one for several reasons. Donald Johnson is, as Iowa Sen. Jack Miller has observed, a man of high ideals and personal integrity who well understands the problems of veterans and has a unique capacity for getting people to work together. He can be relied upon to do an oustanding job.

[From the Tipton Conservative, June 12, 1969]

The Right Man

Don Johnson, by any test that you might use, will make an outstanding director of the Veterans Administration. He has shown administrative ability, both from his own business and as former National Commander of the American Legion and he has the kind of forceful, outgoing personality that the position requires. But beyond this he believes in the men who have served their nation in time of conflict and he believes in the country which they served.

He will be a useful member of the Nixon administration. Johnson speaks well and is a forceful personality. He is now a seasoned politician and he has survived the rigors of an unsuccessful campaign for governor quite well. Some of the lessons he has learned have not been without pain, and they have tempered his political judgment. He is ready for the job.

The waiting for official confirmation that he was to be nominated as a director of the VA was long and must have been a little annoying for, until the President makes his announcement, all the other assurances, no matter how gratifying, are not final.

Johnson had been considered for the post from the beginning. There was a time, nearly a month ago, when it was felt that he had the inside track. Then, when no announcement came, other names were more prominently mentioned—names of men of considerable ability and stature. Johnson, with many good friends in Washington, could only wait. Now that the waiting is over there will be hearings and not all of those who check his credentials will be favorable to Johnson.

Johnson, by his record and through his personality, will be his own best advocate. We are certain that he will continue to serve his nation with ability.

[From the Iowa City Press-Citizen, June 9, 1969]

New VA Head

The first major appointment of an Iowan in the Nixon administration has gone to Donald E. Johnson of West Branch. Named head of the Veterans Administration Thursday, Johnson has had solid backing for the position from Iowa Republicans and others in the group.

The appointment is of great interest in this area and not only because Johnson is a longtime resident and known well to hundreds, if not thousands, of his neighbors. It is of particular interest, also, because one of the Iowa City area's major institutions is Veterans Hospital, one of the 166 hospitals and 200 clinics in the VA system, the nation's laregst medical program.

In a long career of public service, Johnson has concentrated on matters concerning veterans, a fact which gives him particular insights into his new position. He has worked principally through the American Legion, largest of the country's veterans organizations, and he has served that organization's members at every level from the local post to national commander. His ability and interest was recognized early in the Legion, for he became Iowa state commander in 1952, only six years after being discharged from World War II army service which included combat in Europe.

As VA head, Johnson will direct the largest independent agency of the federal government with more than 170,000 employes and annual expenditures of more than $7 billion. It serves the country's nearly 27 million veterans and their families, making up almost half the national population. Besides its hospital system, the VA administers a massive life insurance, loan, education and training, and pension and disability compensation programs.

It is a challenging position. In accepting the post, Johnson maintains his participation in public service, this time in an appointive federal position. The prominence of the positions he's held, his strong run for the Republican gubernatorial nomination in 1968, his age of 45, assure that he'll receive prominent attention for other state and national positions, elective or appointive in the future.

Johnson the Right Man

President Nixon would have had to look far, wide, long and hard to find anyone better suited to head the Veterans Administration of the United States than the man he selected, Donald Johnson of Iowa.

Johnson symbolizes the U.S. war veteran and the things he stands for and Iowans know him not alone for his hard work in the American Legion, where he has served well in every capacity from rank and file member to national commander, but also for his willingness to pitch in and help with civic and governmental affairs.

As a candidate for the Republican nomination for governor last year he conducted a vigorous and high-level campaign, coming in second in a three-man race. He accepted defeat gracefully and pitched in to help the Republican ticket win in November.

His travels throughout the nation and the world as national commander of the American Legion in 1964–65 have provided him with the broad outlook that will be helpful in the vitally important new position he will assume upon confirmation by the senate.

Even though he has devoted a good share of his waking hours since returning from the European theater in World War II to Legion affairs, Don Johnson has found time, with his wife, Jean, to rear a family of nine children and to make a success in business. His selection by President Nixon, we predict, will prove to be a wise one.

WITHDRAWAL FROM VIETNAM

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. McKNEALLY. Mr. Speaker, I am pleased to include in the Record the following fine editorial which appeared in the Journal-News of Nyack, N.Y., on June 10, 1969, with reference to the President's recent decision to withdraw 25,000 American troops from Vietnam:

Withdrawal From Vietnam

As might have been expected, doves in the United States Senate are critical of the announced decision of President Nixon to withdraw 25,000 American troops from Vietnam. They would pull out many more of our men this year—some of them, indeed, would call home all our forces.

The criticism is more than unrealistic—it borders on the hypocritical, and even that is stating the case mildly.

What the President has proposed is a prudent good-faith withdrawal, with minimum resultant danger for either the Vietnamese people or the American soldiers who must remain in Vietnam until a peace agreement can be negotiated and mutually accepted.

Upon the President rests both the military and political responsibility for the aftermath of any withdrawal from Vietnam. He should not, in the discharge of that responsibility, be the target of carping criticism by peace-vote seekers in either the Senate or the House.

KOCH NEWSLETTER

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. KOCH. Mr. Speaker, today I am sending to my constituents my second newsletter. The report is being sent to approximately 200,000 postal patrons; it discusses my efforts in the Congress during the last 90 days—since I issued my first newsletter on March 15. It also gives the results of the questionnaire contained in my first newsletter.

For the benefit of my colleagues, I should like to submit my June 18, 1969, report for printing in the CONGRESSIONAL RECORD. I might note that the newsletter contains two pictures, one of me in front of my storefront office in New York City and another depicting my participation in the Quaker reading on the steps of the Capitol.

The text of the newsletter reads as follows:

So much has happened in the last three months since my first newsletter to you.

We are moving ahead very quickly on the mass transit trust fund bill which was my first major bill and remains my prime domestic legislative concern. At this time, 75 Congressmen have co-sponsored the bill and Secretary of Transportation John A. Volpe, with whom I recently met, has given his support for the concept and need of a trust fund.

As a member of the Science and Astronautics Committee, I recently opposed my Committee's action in giving NASA $204.9 million more than President Nixon had requested for 1970 manned space flight operations. I support our space activities, but because of our pressing domestic needs, I oppose the increase, both in Committee and in the House.

I was asked to attend the Paris Air Show with my Committee at the end of May. I had thought of this trip as a serious one. And, in addition to attending the Air Show, I had planned to meet with Members of the French Ministries of Transportation, Postal Service, and Housing. However, after discussing my plans with a number of friends, I decided not to go since a serious trip to the Paris Air Show just is not believable.

The one trip I have taken as a Congressman at my own expense was to Charleston, South Carolina last month at the invitation of Ralph Abernathy, Coretta King and the Southern Christian Leadership Conference. I was asked to lend my support to local hospital workers who are on strike seeking to obtain union recognition from the State for the purpose of collective bargaining and decent wages. I support their right to bargain collectively just as I walked a picket line with the New York City hospital workers in 1961 who were then being denied the same right of collective bargaining.

Believing that every Congressman should file a net worth statement annually, I did so with the Committee on Standards of Official Conduct. I was one of two Congressmen who made this public disclosure; of the 87 attorneys in the Congress, 5, including myself, withdrew from the private practice of law.

Taxes, tax reform and inflation are surely leading concerns of the 17th C.D. residents. And in view of the enormous tax burden, local, state and federal borne by the taxpayers of New York City, it is understandable why we hear so often that we are "on the edge of a taxpayers' revolt."

A number of Congressmen, myself included, met with Secretary of the Treasury David M. Kennedy to discuss tax reforms and to hear from him the reasons for extending the surtax. At that meeting we made it clear that we would consider not voting for the surtax extension unless there were the assurance of substantial tax reform.

I am a co-sponsor of major tax reform legislation which closes a dozen major loopholes such as the oil depletion allowance, tax free interest on municipal bonds, hobby farms and unlimited charitable deductions which the wealthy use to evade their fair share of the tax burden.

Almost every Congressman has introduced a number of bills to provide tax relief for the low and middle income taxpayer and I would like to acquaint you with the terms of some of the tax and social security bills which I have introduced:

(1) a bill to increase each personal exemption from $600 to $1200. (The personal exemption has not been increased since 1948, yet the cost of living has increased almost 50%).

(2) a bill to increase the standard deduction from 10 to 14 percent and to increase the maximum allowable deduction from $1,000 to $1,800.

(3) a bill to give single individuals who maintain their own homes the same tax rates as those now entitled to head of household status.

(4) a bill to remove the family income limitation ($6,000) for working mothers who seek to deduct childcare expenses.

(5) a bill to remove the income limitation for those who are eligible for social security benefits and who continue to work.

Candor requires that I acknowledge that tax reform and tax relief always face strong opposition from powerful lobbies which resist the closing of special interest loopholes and the Treasury Department which never likes to see its revenues reduced. Therefore, if you support any of the tax proposals listed above, send a letter to Chairman Wilbur Mills of the Ways and Means Committee and Congressman Jacob Gilbert one of New York's Representatives on that Committee, urging their support. It is important if your letter is to have any effect that it be sent immediately while the Committee is still reviewing the various tax reform proposals.

MILITARY SPENDING AND NATIONAL PRIORITIES

The proposed budget for national defense for fiscal year 1970 is $77.5 billion. I have been told by some veteran Congressmen that for the first time since the days of President Truman, the Congress is questioning the policy assumptions that account for a military budget that represents almost 50% of our total spending at the federal level. I count myself among those who think it is high time we make a fresh examination of our military expenditures if we are ever to substantially reallocate our resources to pressing domestic needs. This Congressman, along with others, does not intend to leave such matters solely to the "experts." We have learned from our tragic Vietnam involvement that the "experts" do not always know best.

President Nixon has recently branded those critical of our military spending as "neo-isolationists." He has missed the point. What has happened is that many people are beginning to painfully realize that the elimination of poverty and the renewal of our cities may be more important to the interests of our national security than our preoccupation with war and armaments. This is not neo-isolationism—it is a matter of democratic self-preservation and we must get on with it before it is too late.

As you may have read, I co-sponsored a Congressional conference and report on the military budget and national priorities which has concluded "that the most urgent challenge confronting Congress is to reassert control of the military bureaucracy and the policy decisions it has preempted."

To avoid an unnecessary escalation of the arms race before holding arms control talks with the USSR, I have opposed the proposed deployment of the Safeguard ABM system and the installation of multiple independently targetable re-entry vehicles (MIRV) on our offensive missiles. I believe that we should suspend MIRV tests with an announcement that they would not be resumed so long as the Soviet Union refrained from testing its multiple warheads.

In another area of weaponry, Representative Richard D. McCarthy of Buffalo has joined me in introducing a resolution calling for the establishment of a commission to study the ecological effects of our chemical warfare employed in Vietnam with a view to curtailing the use of chemical and biological weapons.

And on the Floor of the House, I have continued to oppose supplementary appropriations for the further prosecution of the Vietnam war which has already cost the lives of almost 40,000 Americans and $100 billion. On May 15, I introduced a resolution with seven other Congressmen calling on the President to immediately withdraw 100,000 U.S. soldiers from Vietnam and to seek an immediate ceasefire. The recent announcement of President Nixon ordering the withdrawal of 25,000 U.S. troops was a first step—a halting first step but one in the right direction. We all should urge the President by letter to propose an immediate ceasefire to stop the killing on both sides and undertake a further withdrawal of troops now.

The estimates on how much can be saved by judiciously cutting the military budget without endangering our defenses range from six to ten billion dollars, exclusive of the 20 billion dollars that would be saved if the Vietnamese war were terminated. It is my intention to work to reduce the military budget. How grand it would be for the cities of this country if 30 billion dollars were spent on their reconstruction rather than continuing to spend that same amount for destructive purposes.

MARCH 15 QUESTIONNAIRE RESULTS

All responses received were tabulated; the results are as follows:

[In percent]

1. Cease-fire: Favor an immediate ceasefire in Vietnam:

Yes	74
No	26

2. Selective conscientious objector:

Agree with the Koch proposal to grant selective C.O. status to those opposed to a particular war and who have refused to serve to date	62
Oppose giving the selective C.O. status to those who have refused service to date but favor granting such status to those objectors who face military service in the future	4
Oppose any form of selective conscientious objector status	34

3. Mass transit:

Favor Koch proposal for a Mass Transit Trust Fund to be financed by the 7% auto excise tax	86
Favor the establishment of a Mass Transit Trust Fund, but oppose financing it with the auto excise tax	8
Oppose the establishment of a Mass Transit Trust Fund	6

4. Smoking: Favor the FCC's proposed ban on cigarette advertising on radio and TV:

Yes	76
No	24

(64% of the respondents agreed with the Brigadier General and 36% with the Candy Man.)

SUMMARY OF MY ACTIVITIES IN NEW YORK

In Murray Hill, working with concerned citizens, we were able to stop the intended demolition of houses by the federal government which wants to build a post office at 31st Street and Lexington Avenue. We saved the homes of more than 300 people for at

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least another year and maybe longer. In the meantime, I have high hopes that a relocation assistance bill which I am co-sponsoring will be passed in time to help the Murray Hill residents if they are eventually required to move.

In the United Nations-Tudor City area, again working with concerned citizens, we were helpful in inducing the City Planning Commission to preserve the residential nature of Tudor City.

I have registered my protest with Con Edison opposing their plan to construct a huge fossil fuel burning plant and two new immense nuclear power plants. I have urged that they apply to the federal government for an increase in their allotted supply of comparatively pollutant free natural gas and I have offered to introduce the necessary federal legislation to accomplish that. I am awaiting their reply.

Two town meetings were held, one at Julia Richmond High School on "housing" and the other at P.S. 104 on "crime." Two more town meetings will be held in other parts of the District during 1969.

Members of my staff have presented my views before the Board of Estimate and the City Planning Commission on substantial matters affecting our District. In addition, they regularly attend meetings of the local planning boards and other community organizations.

I try to be at a different subway entrance every Friday morning handing out my most recent statement on what I hope is a matter of importance to you. I would appreciate your introducing yourself to me when you next see me there some morning.

SUMMARY OF MY ACTIVITIES IN WASHINGTON

Introduction of an Urban Revenue Sharing Act which would establish the right of urban areas to share directly in Federal income tax collections set aside in a trust fund and divided on a per capita basis.

Introduction of a bill to establish a Commission on Marihuana to examine the medical, social and legal questions pertaining to the use of marihuana and to provide conclusions and recommendations for intelligent public discussion and legislative action on all levels—local, state and federal.

Introduction of the Police Compensation Act of 1969 to improve the quality of law enforcement by providing temporary federal aid for police salaries during the current period of local fiscal crisis.

Appearance before a subcommittee of the House Education and Labor Committee, testifying that the federal government should not play schoolmaster with its funds and opposing legislation which would assert federal control over the campuses by withholding federal funds in cases of campus disorder.

Co-sponsorship of legislation requiring the federal government to assume 90% of the cost of welfare and medicaid so as to remove a major burden from the taxpayers of the City of New York.

JOHN FITZGERALD KENNEDY

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. BYRNE of Pennsylvania. Mr. Speaker, the Honorable Paul D'Ortona, president of the city council of Philadelphia, has brought to my attention Resolution 142, which was adopted by the council at a meeting on May 29, 1969, memorializing the Congress of the United States to designate the birthday of the late President, John Fitzgerald Kennedy, a national legal holiday. I am honored to commend this resolution for the consideration of my colleagues:

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO DESIGNATE THE BIRTHDAY OF THE LATE PRESIDENT, JOHN FITZGERALD KENNEDY, A NATIONAL LEGAL HOLIDAY

Whereas, The death of John Fitzgerald Kennedy, the 35th President of the United States, numbed the hearts of the people of the World; and

Whereas, From his inauguration to his death at the age of 45, President Kennedy never relaxed his efforts to move the country toward new plateaus of security, justice and opportunity; and

Whereas, His devotion to high purposes will never be abandoned by those who wish for a World in which every man can better his lot and live in dignity; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memorialize the Congress of the United States to designate May 29th, the birthday of the late President, John Fitzgerald Kennedy, a National Legal Holiday.

Resolved, That certified copies of this Resolution be forwarded to the President of the United States, the Vice-President, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and to all the members of the Congress from Pennsylvania, as evidence of the concern of this legislative body.

Certification: This is a true and correct copy of the original Resolution adopted by the Council of the City of Philadelphia on the twenty-ninth day of May, 1969.

PAUL D'ORTONA,
President of City Council.

Attest:

CHARLES H. SAWYER Jr.,
Chief Clerk of the Council.

INTERNATIONAL LABOR ORGANIZATION CONFERENCE

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. AYRES. Mr. Speaker, as a congressional adviser to the International Labor Organization Conference in Geneva, Switzerland, I have had the opportunity to observe the acceptance with which the delegates from 114 nations received our viewpoints on affairs affecting labor and industry.

I am pleased to report that the international climate for our opinions has improved over preceding years.

I was also most pleased to see the excellent reception that the remarks that our new Secretary of Labor received during the present conference in Geneva. George P. Shultz's fame as an international economist had preceded him and his words were well heeded particularly by the 70 members of Cabinet rank who attended the conference.

Included in his speech to the 1,300 delegates was a message from the President of the United States. President Nixon's interest and concern in this field dates back to the time that he was a member of the Education and Labor Committee of this body. I am most happy to report that it was attentively listened to and made a strong impact on the delegates.

Mr. Shultz has authored several books about displaced workers, collective bargaining and the labor market and they were well known to the assembled delegates. He also had made several economic surveys abroad.

The expertise that he brought to this conference earned us the respect of all. I know that my colleagues would be interested in learning of these viewpoints. For this reason, I include them with these remarks. They follow:

Mr. Shultz (*Secretary of Labor, United States*)—It is a privilege for me to be present and join in celebrating the fiftieth anniversary of the ILO.

Mr. Möri, may I extend to you my warmest congratulations and best wishes on becoming the first Workers' delegate to be elected President of a session of the International Labour Conference.

Just ten years ago a distinguished predecessor of mine, James P. Mitchell, carried a letter from President Eisenhower to this body reaffirming my country's support of the ILO.

Today, I have the honour and pleasure of conveying from President Nixon to your Director-General, Mr. David A. Morse, the renewed testimony of the President's appreciation of the work and goals of this Organisation. I should like to read now from that letter:

"On behalf of all my fellow Americans, I am happy to applaud the International Labour Organisation on its half-century of dedicated service to humanity.

"Since the founding conference in Washington in 1919, the basic guiding principle of ILO's membership has been to advance the dignity of man. And history attests that there is no finer way of achieving this goal than through meaningful and rewarding labour.

"The United States is proud of the role our citizens have played in the creation and life of this Organisation. And we are grateful for the distinguished service of its Director-General, David A. Morse, who has given over two decades of effective leadership to its worthwhile programmes. We consider ourselves privileged to have been able to aid in the preservation of ILO in its difficult and critical years from 1939 to 1945.

"And we take great satisfaction from having been the nation selected as the site of the Conference which adopted the Declaration of Philadelphia in 1944. Today, we reaffirm the basic tenets upheld by this document and recommit our nation to the course it charted.

"We pledge our fullest support to the ILO as it works to meet the challenges of new member States, striving to translate the social vision of its founding fathers into material benefits for their peoples.

"We offer support for the World Employment Programme which continues to offer practical solutions to the problems of employment to enable all men to share more fully in the fruits of a rapidly expanding world economy.

"Heartened by the past and encouraged by the promise it offers, we rededicate ourselves to the ILO as an instrument toward the realisation of lasting human peace through the attainment of economic and social justice for peoples everywhere.

"(*Signed*) RICHARD NIXON."

Today marks my own second appearance this year in support of the International Labour Organisation. At Temple University's celebration of the twenty-fifth anniversary of the Declaration of Philadelphia and of the fiftieth anniversary of the founding of the ILO, it was my pleasure to speak on the same programme with two other Americans who have for years been active and steadfast supporters of the Organisation. I refer to George Meany, President of the AFL–CIO, and Edward Neilan, who has for long been

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the Employers' delegate from the United States.

The Declaration of Philadelphia affirmed that "all human beings, irrespective of race, creed, or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity". Today we go a step beyond the "right to pursue" and we affirm, in the words of the Director-General in his commendable proposals for a World Employment Programme: "We can make no headway in raising incomes and standards of living for the majority of the world's working population unless we can create the conditions in which incomes can be earned and improved—through more productive work."

Jobs, we agree, are the key to a decent standard of living, and their creation is a central feature in the process of economic development.

The United States is not ordinarily categorised as underdeveloped, yet we share with most nations of the ILO the special problems of developing countries. In the United States our most difficult development problem is how to help disadvantaged individuals become contributing members of society.

We at one time believed that this goal could be achieved through simple reliance on the process of economic growth. It is true, of course, that the capacity of a nation to provide its citizens with adequate employment and income depends ultimately upon the development of industry and the harnessing of the forces of technology. However, we now recognise that economic growth of itself does not mean that the problem of jobs and income will be adequately solved. We know that we must give special attention to enlarging the productive capacities of the labour force and to assuring that each individual has the opportunity to use his abilities to the maximum extent. To attain this objective requires not only new approaches to training and education but also an awareness that management skills are a key factor in the effective use of human and physical resources.

This task is equally demanding for both highly industrialised and developing nations, although the nature of the problem will vary from case to case. In the United States, we have made a firm commitment to identify those workers who have been denied the full range of job opportunities and to develop new channels to employment and income.

Help for the disadvantaged worker is, therefore, given high priority by President Nixon's Administration. Although average unemployment is now at a relatively low level for the United States, we are not content with the success of the average. Unemployment among young Negro Americans in large cities is far above the average and our concern for this group typifies our concern for all the specific groups in our nation whose situation is worse than the national average.

Some of these youngsters drop out of school and seek jobs before they are equipped for the world of work. One of our programmes provides after-school work so that the influence of family poverty as a cause of early termination of schooling will be reduced. Where the youngsters drop out of school and refuses to return, we try to provide him with a mix of basic education, job skills and social skills. In some cases we use residential facilities to overcome the destructive effects of home environments.

These efforts are aimed at what we call the hardcore unemployed — usually persons whose environment and experience have made them think of themselves as rejects. They are the most difficult to persuade that they can get and hold a job. For the training of this group the Government offers to reimburse employers for extraordinary expenses. Many employers participate in this programme without reimbursement.

We are making a start on child-care centres so that mothers may work with the knowledge that their children are adequately cared for.

The eradication of old, time-hardened practices that continue to erect special barriers against the Negro and other minority groups is one of our prime objectives.

Racial unrest in the United States has become more apparent today in part because of the massive efforts, at long last, to remedy the underlying causes. But whatever the difficulties, we are completely determined to make equal opportunity for all a living reality. The whole world has a stake in solving the problem of racial discrimination, and we are proud to be involved in this process. Racial tensions, of course, are not peculiar to the United States, though our open society and modern, uncensored communications may make them more painfully visible.

Those are a few of our programmes. In all, the Government budget will provide training opportunities in the coming year for more than a million persons, over and above what is provided normally by employers and regular school systems.

But there are other aspects to a manpower programme to improve and use effectively the skills of the work force. A comprehensive system of job vacancy information is helping us to focus more sharply on the targets for which training is needed. We are also improving the placement process. Computers as an aid in processing information about job openings and manpower resources are increasingly important in achieving swifter matching of man and job.

We have begun to decentralise the operation of our manpower programme. We believe that, although central direction is important, the complexity of our economy makes it essential to energise and enlist the services of smaller geographic and political entities—in our case, the states and the cities in those states. That will help ensure that the cities and the states have the kinds of training and related services that will best fit their needs as well as those of the nation. It will also help attain local participation in the planning and achievement of national economic goals.

Developing these disadvantaged as well as other human resources is part of our total economic and social policy. To quote from a report by the Organisation for Economic Cooperation and Development, "an active manpower policy has the special advantage of being expansionist with regard to employment and production, but anti-inflationary with regard to cost and prices".

Manpower programmes can increase the effective supply of labour, increase output and thereby advance the ability of the economy to match output and demand. In so doing, they provide another tool in the fight against inflation.

The new emphasis on manpower policy as an instrument of social equity and economic balance is consistent with knowledge about key factors in economic development. Growth is related not only to direct monetary investment in capital goods but even more deeply to investment in human resources. A striking demonstration of that point was made a few years ago by Edward F. Denison, a scholar in this field. He estimated, for the period 1950–1962, that in the United States education had contributed 25 per cent of the growth rate in product per person employed.

We all know that the temptation to defer investment in human resources is great, especially if a large labour supply, including child labour, is readily available. The influence of education and training on output is a long-range one, dispersed over a long period, and appreciation of the economic and social benefits requires a long view. The temptation to defer this investment is a temptation to be avoided, both in terms of the society at large and of the interests of individual human beings.

Special mention should be made of the role of management skills in the process of economic development. The ILO has made a significant start in this field, but much remains to be done, even in addition to what is now being done by the Turin Centre and the International Institute for Labour Studies.

For many years, the general assumption was that management and labour relationships were dominated by a sharp functional distinction. Increasingly, however, we recognise the common interdependence of all components of human resources. It is appropriate, therefore, that the ILO should have taken steps to recognise the importance of the competence and commitment of management to the achievement of economic and social goals.

The need to make progress as regards the quality of management, keenly felt and widely recognised throughout the world, leads naturally to thought about a strategy for management education. The need exists in a wide range of organisations, including business, publicly-owned enterprises, government and universities. I should like to call attention to current discussions about the creation of an international school of administration to be located in Europe, suggesting what could be a central element in that strategy.

The label "international" was chosen deliberately, since the objective is to set up an institution of the first rank, attractive to the best scholars and students throughout the world. The proposal deals with an institution devoted to advanced research, Ph. D. education, continuing education of university staff and the development as well as diffusion of better means for teaching or research. The institution would have a broad outlook: economics, behavioural sciences and applied mathematics would provide an intellectual basis; a consortium of universities would provide institutional sponsorship; and international faculty, members at large as well as permanent and semi-permanent members would guarantee a continuous flow of ideas and permit world-wide mobility of students. The objective would be to influence the aspirations of scholars, students and universities, including their organisation and patterns of work and, through them, to achieve a magnificent impact on management.

Any effort to establish such an institution should draw on the full range of international competence and experience. The United States, through its private as well as public institutions, would be an enthusiastic partner in such an endeavour. If the necessary efforts are forthcoming we may all capitalise on the growing realisation that a rise in the intellectual quality of leadership is an important means for raising standards of living.

In the fifty years since this Organisation was founded, the world has been transformed. New nations have been established, new technology has changed our expectations of what is attainable for the working people of the world. Over this period, the ILO, based on the tripartite principle, has proved its ability to contribute to the achievement of the grand and common objectives that link the fates of all nations.

Today we look not to the past fifty years, but to the tasks and opportunities ahead. The ILO has played and will continue to play a vital role in giving increased dignity to work and the working people. The government of the United States joins in rededication to this universal objective.

May I wish God-speed to the ILO as it embarks on its second half-century.

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A REALISTIC STRENGTHENED STUDENT LOAN PROGRAM IS IMPERATIVELY NEEDED

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. DONOHUE. Mr. Speaker, I am certain that the President and every Member of Congress is deeply concerned with providing, at the earliest possible moment, a more realistic and effective Federal-State guaranteed student loan program.

The reenergized operation of such a program is vitally needed by the parents and eligible children of our middle-income families who have been too long and too greatly overlooked in this and other areas of appropriate Federal Government assistance.

I urge and I hope that the President will very shortly submit his recommendations for a strengthened, workable loan program and that the Congress will overwhelmingly approve such a program in the near future.

An excellent article emphasizing the imperative need and urgency for such a program, by the noted columnist, Sylvia Porter, appeared in the June 16, 1969, issue of the Worcester, Mass., Telegram newspaper, and I am most pleased to include it at this point. The article follows:

CREDIT SQUEEZE HITS STUDENT LOAN PLAN

(By Sylvia Porter)

One absolutely dreadful result of the latest explosive upsurge in interest rates and brutal squeeze on credit is the near-death of the much-touted federal-state guaranteed student loan program, designed primarily to help middle-income families.

And this threat of extinction comes at precisely the moment when applications for these loans are headed for their yearly peak—July and August.

In bluntest summary, the question facing the banks and hitting the student borrowers is: how can a bank possibly afford to lend money to students at today's federally-prescribed maximum of 7 per cent?

How can they indeed? . . . When the interest rate to the nation's prime borrowers has been kicked up to a staggering 8½ per cent—meaning the effective rate to these most-favored borrowers is at least 10-1 per cent? . . . When regular commercial bank loans to students stretch up to 15 per cent in annual interest? . . . When repayments on practically all types of loans begin almost immediately while repayments on loans under the guaranteed student loan program may not begin for five years or more? . . .

Putting it even more bluntly: unless the loan terms are substantially sweetened and very soon, the program is dead.

LAUNCHED 4 YEARS AGO

When the guaranteed loan program was launched four years ago, its terms seemed rich enough. Specifically, students attending any accredited college, business or vocational school may borrow up to $1,500 (the maximum is $1,000 in some states) each year they are in school. If the "adjusted" family income of the student is less than $15,000 a year, the federal government will pay the full 7 per cent interest while the student is in school and until repayment begins 9 to 12 months after graduation or completion of study.

With these terms the architects of the program were confident $1 billion or more a year would be loaned. In contrast, during the past school year the actual figure was $641 million and all estimates for this coming year are now utterly unrealistic. Similarly, nowhere near the estimated 923,000 students who are projected to get loans this coming school year will actually receive financial help—unless spectacular changes occur in the loan terms or the money markets.

PROPOSALS DEBATED

An insider report is that the administration is debating a package of legislative proposals to save the program. The package could include a hike in the rate ceiling on the loans from the current 7 per cent to, say, 9 to 9½ percent or slightly more—a level at which the banks could break even; or the complete elimination of any rate ceiling on this type of loan; or proviso for payment of a federal "incentive" fee to banks for each loan; or the addition of "points" which many banks are already charging in order to get around state usury laws.

I am not one bit ignorant about the factors behind the historic climb in interest rates. I know it is a reflection of today's enormous inflationary demand for credit and the federal reserve system's efforts to curb the price-wage spiral by limiting the supply of credit. I recognize that our banks have been forced into an awful bind and that what they are paying for funds to lend is just as startling as what they are charging for the funds they in turn lend.

But I submit that it would be a disgrace in this era if literally hundreds of thousands of students are prevented from going to college or vocational school because of our anti-inflation program—and a great danger to our entire society. We must keep the student loan program working through this money crisis.

ELIMINATION OF POLLUTION MUST HAVE HIGHEST PRIORITY

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks in the RECORD, I include a pertinent statement by Mrs. Hugh F. Stoddard of the Nashua River cleanup committee of Groton, Mass., before the Senate and House Committees on Public Works.

I heartily commend and compliment Mrs. Stoddart for her leadership and splendid contributions to the solution of the massive, compelling problems of eliminating pollution in the Nashua River Basin, and in the contiguous river drainage basins, that must be speedily purged of filth, slime, sewage, industrial wastes, and other pollutants, if the beautiful area embraced by these rivers, bodies of water, and adjoining communities are to be cleansed, purified, redeemed, and rehabilitated to their former, natural, scenic beauty, and their enjoyable utility as sources of wholesome recreation and conservational features so indispensible to our unrivaled beautiful New England countryside.

The banishment of all pollution, physical, moral, cultural, and ideological, is one of the highest priorities of this confused, restless age, and we must not cease our determined efforts until this big job is done—and done thoroughly and right. The Federal Government, the State governments, and the local governments—all—must work together effectively, if the great job is to be properly and expeditiously accomplished.

The material follows:

STATEMENT BY THE NASHUA RIVER CLEAN UP COMMITTEE TO THE SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, SENATE COMMITTEE ON PUBLIC WORKS; PRESENTED BY MRS. HUGH F. STODDART, COORDINATOR OF THE NASHUA RIVER CLEAN UP COMMITTEE, GROTON, MASS.

I am Mrs. Hugh F. Stoddart, Coordinator of the Nashua River Clean Up Committee representing the 250,000 people in the 31 cities and towns in the interstate Massachusetts and New Hampshire Nashua River watershed. The Nashua River Clean Up Committee has been working for clean water in the Nashua River since July 1, 1966, the day the River became septic, turned grayish black and released a putrid stench. The Committee is made up of the citizens of this region and has received the enthusiastic support of service, social and sports organizations, local, state and federal officials and the news media.

The Nashua River Clean Up Committee is particularly interested in recommendation number six of S. 1090: *Demonstration of a river basin approach to implement established water quality standards.* We are also interested in number five, assistance to States for the establishment and implementation of comprehensive environmental control policies, and in number eleven, establishment of a New England trust.

We have been advised by the New England Regional Commission and the New England River Basins Commission that the Nashua River has been chosen to be the Demonstration River for this program, and we wholeheartedly support their choice and recommendation. The clean up of the Nashua River would not only successfully demonstrate the effectiveness of a river basin approach to implement the water quality standards, but would dramatically demonstrate the tremendous impact on the region's economy that the complete restoration of a stream would have. The fact that no stream in the United States has been cleaned as a result of widespread but thinly dispersed funds under the Federal Water Quality Act only points out the increased need for a Model River Demonstration Program where the federal government would focus its attention on one river basin. This is a tremendously exciting and promising approach to water quality improvement and economic development.

The Nashua River Clean Up Committee understands that the primary reason for the legislative package proposal known as S. 1090 is to increase and enhance the economic development of New England by providing supplementary funds to the states to be used to solve problems specific to the region. It also understands that the six governors of New England who, with the Federal Co-Chairman, comprise the New England Regional Commission, have carefully studied regional problems of mutual interest and concern, and have agreed on the priority of the problems' importance and need for solution. The Nashua River Clean Up Committee is very pleased that the six governors and the Federal Co-Chairman are stressing the importance of water and related land resources to the viable economic development of this region; particularly, the Nashua River.

An unhappy and unproductive characteristic of New England is heavily polluted streams with waste land bordering them. Nowhere else but in New England will one find land along the rivers worth less than land inland. According to the 1965 U.S. Army Corps of Engineers Report, *Water Resource Plan for the North Nashua River Basin*

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"Present sources of water are inadequate to meet current demands. If the economies of Fitchburg and Leominster with their heavy industrial bases are to continue to prosper, additional sources of water supply must be developed." A clean river, particularly in such a small watershed, would help meet these demands and encourage prosperity. The River has become an open sewer, a menace to health and a debaser of land values. For example: an owner of land along the Nashua River in Pepperell, Massachusetts was given an FHA appraisal of $12,000 for his property in the winter of 1966, followed by a no-value reappraisal in the summer due to the nuisance condition of the River. The River is presently as useless as the land that adjoins it. The water is used for two purposes only: a carrier of industrial waste and municipal sewage. People cannot boat, fish, or swim in it; nor can it be used for water supply or irrigation; nor can the land along it be claimed for useful purposes.

We believe that the Nashua River possesses all of the necessary ingredients for a successful demonstration program. It is an interstate river and reputedly the most grossly polluted river in New England. It is a complex river combining problems of low flow, slow movement, varied industrial wastes, sludge deposits, algae, combined sanitary and storm drains, thermal pollution and dams. It is a relatively small stream flowing 47 miles from its origin in central Massachusetts to its confluence with the Merrimack River in southern New Hampshire, and drains an area of 530 square miles. Most of the land along the River is rural, wooded, undeveloped, with only a few concentrated municipal areas. Its very size and character lends itself well to a successful and efficient comprehensive program. 11 million dollars of federal monies combined with the 9–14 million dollar state and local share would change this River from an open sewer into a major asset. Essentially, the 11 million dollars would guarantee the federal government's share for the construction of the waste water treatment facilities needed to raise the quality of water to its proposed future highest use and initiate innovative technical and technical training approaches necessary for water quality improvement. The Commonwealth has matching funds available and promised on a priority basis for the Nashua River. The polluting cities, towns and industries are all proceeding on or ahead of schedule to meet their various compliance requirements, and in each instance are appropriating their local financial share.

Perhaps the most important ingredient for a successful Model River Demonstration Program are people. The people in the Nashua River watershed form the right combination of powerful forces to guarantee the success of this Program. These forces are: positive local political leadership; willing industries; inter-agency cooperation; a sympathetic news media; and an enthusiastic and organized citizenry who have dedicated themselves to the restoration of the Nashua River.

Proof of the interest and effectiveness of the citizens and their leaders who organized to work for clean water in the Nashua River (The Nashua River Clean Up Committee) may be found in the records of the governors of New Hampshire and Massachusetts. Governors King and Volpe were presented with pollution protest petitions in 1966 by the top elected officials of the cities and towns along the Nashua River in the company of all of the region's state senators and representatives. Shortly after the presentation of this petition, the Massachusetts Clean Waters Act was passed establishing the Division of Water Pollution Control and authorizing the bond issue of 150 million dollars over a period of 10 years for the construction of waste water facilities. The Committee believes that it played an important role in the successful passage of this bill and of a later amendment which made it possible for the state to pre-finance the federal government's share of municipal and regional construction costs.

More proof of citizen interest may be found in the highly publicized 1966 news stories of former Secretary of the Interior Udall's and Senator Kennedy's visit in Fitchburg with 500 Nashua River watershed citizens following their inspection tour of the polluted Nashua River.

Additional proof of citizen interest and effectiveness may be found in the records of the Department of the Interior and the Massachusetts Division of Water Pollution Control. The 1966 Merrimack River Project of the Department of the Interior describes some of the activity of the Nashua River Clean Up Committee to improve water quality standards for the Nashua River. The 1967 Division of Water Pollution Control's summary of the public hearing on the Nashua River contains detailed information about the Nashua River Clean Up Committee's efforts and successes to achieve clean water. A record breaking turn out of citizens at the Nashua River Water Quality Standards Hearing presented testimony persuasive enough to cause the State to raise the proposed requirements for water quality on the main stem of the Nashua River.

A record of the Committee's effectiveness for clean water may also be found in the office of the U.S. Army Corps of Engineers. Primarily through the Committee's efforts, the Corps has been persuaded to include low flow augmentation in their planned reservoir system for the North Nashua River.

When it became known last month that the New England Regional Commission had chosen the Nashua River for demonstration of river basin approach to implement established water quality standards, the Nashua River Clean Up Committee met with a representative from the New England River Basins Commission (the agency designated by the Commission to coordinate this program) to determine what it could do to best assist in the implementation of this Demonstration Program. The advice received was to form a watershed association with land trust capabilities. The Committee began organizing such a group with the assistance of a broad spectrum of people and organizations in the watershed. Such an organization will come into being this year and will be ready to assist the New England River Basins Commission in the implementation of a Model River Demonstration Program.

The organization will also establish a greenbelt along both sides of the River. This greenbelt will help protect the River from further pollution, increase the value of the adjoining property, provide a buffer zone for developing communities, help protect our watershed, provide wildlife habitat, aid in flood prevention and protection, and provide water oriented recreation for the second most densely populated region in Massachusetts. Because the River is still so badly polluted that almost no building exists along it and because land values are so low, we now have this fleeting moment in time to save this land from misuse. The proposed New England trust could assist the organization in achieving that goal which would be an additional boon to the economy of the area.

We can no longer afford to have our River be used for just manufacturing waste and as a municipal sewer. We can no longer afford to have the land along the River be a wasteland. For the communities in our watershed to grow and to prosper and to provide a suitable environment for this growth and prosperity, this open sewer must be restored to an important multi-use river benefiting all the citizens in the watershed.

TESTIMONY OF J. SINCLAIR ARMSTRONG

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. LOWENSTEIN. Mr. Speaker, earlier this month, when Mr. J. Sinclair Armstrong, a former Assistant Secretary of the Navy, appeared before the House Appropriations Subcommittee on Defense, a series of most unusual events took place. Mr. Armstrong tried to testify as a representative of a broadly based group of unusually public-spirited businessmen called Business Executives Move for Vietnam Peace. He did not get to read very much of his testimony.

Mr. Armstrong is a man of talent and distinction. He was President Eisenhower's Assistant Secretary of the Navy. He is the executive vice president of the U.S. Trust Co., one of the largest trust companies in this country. No one has ever suggested that he has not served his country loyally and well. It seems most unfortunate that a man of such achievements, with so fine a record of public service, was not permitted to finish testifying before the subcommittee. Much might have been learned from such an exchange, by all concerned.

We are all, of course, grateful to Mr. Armstrong for his public service, and for his concern about the public good. I want, further, to express to him the gratitude of many of his fellow countrymen for his courageous contributions to the national debate about American policy in Vietnam.

Many Members have asked about the events surrounding Mr. Armstrong's appearance before the subcommittee and have indicated they would like to read his testimony. The relevant documents follow:

BUSINESS EXECUTIVES MOVE FOR VIETNAM PEACE

(Statement of J. Sinclair Armstrong, on behalf of Business Executives Move for Vietnam Peace, on the Appropriation Request for the Vietnam War, June 9, 1969)

Business Executives Move for Vietnam Peace is an organization of 2,500 owners and executives of American business corporations in forty-nine states who seek by open and lawful means to bring about an end to U.S. participation in the War in Vietnam.

My own credentials to address you are not impressive compared to those of any of the Military Sponsors of Business Executives Move for Vietnam Peace. However, I do come here with a background of service in the Naval Reserve in World War II and as Assistant Secretary of the Navy during two years of the Eisenhower Administration. I am a life member of the Navy League of the United States and a member of the Advisory Council of its New York Chapter.

My business experience has been in law and finance, and includes four years as a member of the Securities and Exchange Commission (two as its Chairman), also under President Eisenhower, and ten years in my present position as an Executive Vice President of the United States Trust Company of New York (whose official views I do not purport to speak for on this occasion).

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OUR POSITION AGAINST THE VIETNAM WAR

We conceive that War to be a material and moral disaster for the U.S., and our participation in it to be contrary to our country's economic and strategic interests.

From the moral point of view, the killing and wounding of hundreds of thousands of human beings in a tiny country on the other side of the globe that could not possibly endanger the security of the U.S. weighs on our national conscience. The losses of our own precious fighting men, about 42,000 killed and 230,000 wounded so far, is a senseless and cruel drain of our nation's most valuable human resource.

In our third National Meeting, held in Washington, D.C., on Tuesday, May 6, our members voted unanimously to seek immediate withdrawal of all U.S. armed forces from Vietnam.

We have attempted to present that opinion, and an outline of a specific plan for bringing about such withdrawal, developed by our Executive Committee and National Council, with advice of our Military Sponsors, to the President, the Secretary of State, and the Presidential Assistant for National Security Affairs. We invited each of them to address our National Meeting, or to send a representative to hear our views and state the Administration's position. We have been rebuffed by them, up to now.

Accordingly, we deem it an especially valuable privilege to present this brief statement to this Committee of the Congress.

OUR MILITARY CREDENTIALS

Business Executives Move for Vietnam Peace is privileged to have as expert advisors a distinguished group of retired officers of field and flag rank. Among these is one who has served with the Joint Chiefs of Staff, the distinguished former Marine Corps Commandant, General David L. Shoup.

In his article, "The New American Militarism", The Atlantic Monthly, April, 1969, General Shoup said: "For years up to 1964 the chiefs of the armed services, of whom the author was one, deemed it unnecessary and unwise for U.S. forces to become involved in any ground war in Southeast Asia". That was the expressed view of the late General of the Army Douglas MacArthur. "In 1964 there were changes in the composition of the Joint Chiefs of Staff, and in a matter of a few months the Johnson Administration, *encouraged by the aggressive military,* hastened into what became the quagmire of Vietnam."

President Nixon said to the graduating class at the Air Force Academy, on June 4, "On the home front you are under attack from those who question the need for a strong national defense and indeed see a danger in the power of the defenders . . . It is open season on the armed forces".

Business Executives Move for Vietnam Peace does not attack the armed forces. We favor immediate withdrawal from Vietnam in aid of U.S. strategic defense and vital national interests. We rely on traditional views of U.S. military leaders, which we deem much sounder than the present leaders' views.

THE APPROPRIATION REQUEST FOR SOUTHEAST ASIA OPERATIONS

The Budget of the U.S., FY 1970, pages 73 and 74, states $23,025 million as recommended budget authority ("NOA") for "special Southeast Asia" and $25,733 million (including $336 million "economic assistance") outlays for special Southeast Asia in fy 1970, and military personnel in Southeast Asia, 639,000 in fy 1970.

Secretary of Defense Clifford's Defense Budget and Posture Statement, delivered in January to this Committee, which has not been changed by Secretary Laird so far as we know, calls for the level of operations and personnel requested in the FY 1970 Budget document, for Southeast Asia.

Business Executives Move for Vietnam Peace urges this Committee to reject this request for NOA of $23 billion and rescind obligational authority heretofore granted to spend $25¾ billion on the Vietnam War in fy 1970.

We urge this Committee to hand this request back to the Administration, and to require a new estimate based on a planned, phased, complete withdrawal from Vietnam of all U.S. forces beginning at once.

We do not have sufficient detailed data nor any staff to estimate precisely what this reduced amount should be. In view of the diverse considerations involved in such a withdrawal and the difficulty of making a precise estimate of its cost (recalling my own experience as Assistant Secretary of the Navy for Financial Management and Comptroller of the Navy), I believe that $12.5 billion is a prudent estimate of the cost savings that could be made.

Economic Factors Urging Immediate Termination of the Vietnam War

The national economy is endangered by the excessive defense and space spending. Such a large proportion of our economic effort—10% of GNP—is going into non-productive activity. The effect of this is destabilizing to a free economy.

This has led, building up fast since 1964, to U.S. financial troubles. There were serious deficits brought on by the War—(unified) budget deficits of $5,916 million in fy 1964, $1,618 million in 1965, $3,790 million in 1966, $8,790 million in 1967, and the whopping deficit of $25,187 million in fy 1968, for a cumulative five-year deficit of $45,301 million.

In parallel with this fiscal instability, consumer prices began running up rapidly in 1964 and are still advancing at the fastest pace in American economic history (at March, 1969, 125.6 of 1957–1959 base index of 100, and an increase from 119.5 during the previous twelve months—a 5% annual rate).

With enormous U.S. military expenditures overseas and trade balances declining, accompanied by heavy loss of monetary gold, the integrity of the dollar in international finance came under a cloud for the first time.

The growing non-competitiveness of American industry led to its failure to hold even the American market. This condition must be regarded as of the gravest importance. In the 1968 Annual Report of the United States Steel Corporation is a discussion—pages 32–38—on International Competition. On page 35 a bar chart shows Steel Import Penetration of Domestic Market increasing from 7% in 1964 to 17% in 1968. The Corporation says: "Moreover, although U.S. technology and productivity are improving, in an increasing number of industries they no longer seem sufficiently superior to offset our hourly employment cost disadvantage. Further, technological gains here can soon be matched or sometimes surpassed overseas, when capital is available. In addition, plant and equipment costs are much lower abroad. Thus the U.S. has a fundamental international competitive cost disadvantage—a disadvantage likely to worsen before it wanes."

This adverse condition of American industry cannot be repaired as long as the present level of non-productive activity is sustained. The Vietnam War is an important part of that non-productive activity.

The Congress enacted a 10% surtax to reduce the deficit, and the monetary authority has brought about tight money. Interest rates have risen to historic highs. The prime corporate lending rate was 7½% but many banks were quoting 8½% brokers' loan rates in New York on June 6.

The unavailability of credit has curtailed vital national programs for housing, education, and the like. Wage increases to offset price increases have continued to spiral. Military spending for non-productive purposes has pumped money into the economy without accompanying consumer and capital goods.

As this has gone along, an economic instability has developed that threatens to require more controls. The Congress has already been asked by President Nixon to continue the surtax and to abandon the investment credit that serves as an inducement to industry to modernize outdated capital facilities and equipment. (Neither of these restrictive tax measures would be needed if $12.5 billion could be taken from the Defense Budget by ending the Vietnam War.)

With the country running out of bank credit and with interest rates very high, surely the next steps will have to be direct wage and price controls and allocations of materials. There is beginning to be felt a considerable body of responsible business opinion that *unless the Vietnam War is promptly ended* and unnecessary defense spending curtailed, wages and prices will have to be frozen and vital materials allocated. This would lead to re-establishment of all the old "OPA" apparatus with which business and labor struggled, of necessity, during World War II. It would lead to a statist society. And in that statist society, where would be the economic liberties that we Americans hold dear? The freedom of competitive enterprise for business, the freedom of collective bargaining for labor, would be lost to Government controls in Washington. The economics of the situation tell us that the Vietnam War should be ended now in the vital interests of our free American society.

CONSTITUTIONAL POSITION

President Nixon also said at the Air Force Academy on June 4:

"And there can be no question that we should not spend unnecessarily for defense. How much is necessary? The President of the United States is the man charged with making that judgment."

President Nixon is right that we should not spend unnecessarily.

Unfortunately, with many of the same military and diplomatic advisors on Vietnam as President Johnson had, such as Generals Westmoreland and Wheeler, and Ambassadors Bunker and Lodge, President Nixon seems to be making very little progress, either at Paris or on the bloody battlefields.

But the President is not the only man "charged with making that judgment."

The Congress has the power "to lay and collect taxes", "to provide for the common defense", "to raise and support armies", and "to declare war" (none has been declared against Vietnam). U.S. Constitution, Article I, Section 8, "Powers of the Congress".

The President is "Commander-in-Chief of the Army and Navy" and "shall from time to time give to the Congress information on the state of the union and recommend to their consideration such measures as he shall judge necessary and expedient". Article II, Sections 2 and 3.

Constitutional responsibility for these decisions clearly falls on the Congress. They must not be taken by the President nor abandoned by the Congress.

The decision of the Congress on whether to continue the Vietnam War—and to permit other mistaken adventures of intervention like Vietnam to be commenced by the President—will have vital implications for the future. If the Congress says "no" to these military adventures, free enterprise in a free economy will survive and prosper in America. If the Congress is acquiescent, condoning them and appropriating money for them, that free society is doomed.

So, we, Business Executives Move for Vietnam Peace, urge the Congress to review the Defense Posture and Budget for FY 1970 and revise the Budget so as to deny the President the appropriations with which to continue the Vietnam War. We urge this in the vital interests of the United States.

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Mr. Robert A. Maslow,
Business Executives Move for Vietnam Peace,
Baltimore, Md.

Dear Mr. Maslow: In accordance with your request, your appearance has been scheduled before the Subcommittee on Defense Appropriations at 11:45 o'clock on June 9, 1969, in Room H-140 of the Capitol.

Due to the limited time available and the number of individuals who wish to testify, it is possible to allot only 15 minutes for your oral testimony, including the testimony of those who may accompany you.

It is requested, in the interest of time, that oral testimony be confined to one representative for the group. Other witnesses may have their statements submitted for inclusion in the printed hearings. The Subcommittee also urges that the size of groups be held to a minimum.

Prepared statements, ten copies of which should be furnished the Committee at the time of the hearings, should be limited to about six *letter-size pages, typed only on one side of each page*.

A witness list, showing the name and title of the witnesses to be printed in the hearings, should also be submitted in triplicate at the time of the hearing.

Although maps, pictures, graphs, groups of telegrams, petitions, etc., may be submitted for the information of the Committee, it is not feasible to include them in the printed record. A summary listing, however, may be submitted for the record.

Sincerely yours,
R. L. Michaels,
Staff Assistant, Defense Subcommittee.

Partial Transcript of the Hearings of the House Appropriations Subcommittee on Defense, June 9, 1969

Mahon. As a former Assistant Secretary of the Navy, of course, you recognize that all of this discussion we are having in this country about the desirability of our being in the war is weakening the country at the Peace Conference and is weakening our posture in Vietnam. I think you agree to that.

Armstrong. Sir, I don't believe the effort that we are making to extricate the United States from a commitment that is very damaging to our economic and stategic position if in any way weakening America. I believe, Sir, we are strengthening America.

Mahon. I am not talking about America in the long run or in a certain context. You know that our opponents, if they feel that we are just about ready to pull out, will not make major concessions toward a peace or acceptable compromise. If we had had large organizations during the World War II and World War I of American citizens tending to undermine the war effort, we would not have done as well in those wars, I assume. Would you agree?

Armstrong. Sir, the situation here is entirely different. We were fighting a war in which we had been attacked by Japan in W.W. II. But there is not any question that a tiny country ten thousand miles from here, 17 million Asiatics are threatening the security of the United States and in the meantime we are drawing the vital resources of America . . .

Mahon. You feel that we should just place our forces on ships and get out of Vietnam, generally speaking?

Armstrong. Yes, sir . . .

Mahon. You are a former Assistant Secretary of the Navy and yet the present Secretary of the Navy and the Secretary of Defense and the Joint Chiefs of Staff tell us that what you are saying is wrong.

Armstrong. Yes, sir.

Mahon. That we should bring this war to an honorable conclusion is much to be desired . . . We cannot flee in confusion from our commitments.

Armstrong. Sir, I believe when you made a mistake it is very honorable to admit it . . .

Mahon. Mr. Armstrong, we are not sitting here for purposes of arguments with the witnesses who appear before us. We are seeking information and the views of witnesses.

Armstrong. No, sir, and I thank you very much for hearing me.

Mahon. I would like to say further for the record that you state that you speak for 2300 businessmen. I assume that *these* 2300 businessmen *didn't* have the opportunity to read your statement. This doesn't represent precisely the views probably of all these 2300 businessmen. I doubt that they have ever all met together and discussed these issues.

Armstrong. No, sir. Excuse me, that is not correct.

Mahon. I say not all of them. May be a small group or maybe several hundred.

Armstrong. We have had three conventions here, sir, including one on the sixth of May. The position I speak for . . .

Mahon. How many were here on the sixth of May?

Armstrong. 350. Our resolution was circulated and we presented a memorandum signed by 750 members to the White House on this position. . . . Excuse me for correcting you on the record.

Mahon. I don't think you are correcting me. I said I was satisfied that 2300 members had never met at one time and agreed on these statements and you say that 300 plus did meet.

Armstrong. On the sixth of May. We were visited and addressed by many very distinguished members of the House and Senate on that occasion. . . . We were addressed by Representative Findley, by Senator Yarborough and Senator Fulbright and Senator Cooper, all of whom are supporting our point of view on this subject. We believe we are a very responsible group of people.

Mahon. I wouldn't think even the Senators you named support precisely what you have said.

Armstrong. No, sir.

Mahon. I hesitate to agree that what you have said is completely in keeping with the views of the Senators you named.

Armstrong. That is right, sir, but on the question of the immediate commencement of a phased and complete withdrawal from Vietnam, this has been submitted to our membership and has the broad approval of our 2300 members.

Mahon. I wish you would submit for our attention the precise wording of the submission. Everybody is in favor I would hope of the honorable end of the war at the earliest possible moment.

Armstrong. It was published in an advertisement in Section 4 of the *New York Times* on a recent Sunday and I will submit that for the record.

June 9, 1969.

Hon. George H. Mahon,
Chairman, House Appropriations Committee,
The Capitol, Washington, D.C.

Dear Mr. Mahon: Mr. J. Sinclair Armstrong has told me of certain questions which you raised about his testimony and this organization. I respond, with sadness that in a Congressional hearing the loyalty and integrity of a witness such as Mr. Armstrong should be questioned in ways which sound reminiscent of the Joseph McCarthy era.

I understand that you questioned how long "BEM," as we call this organization for short, has been in existence. We started in August 1967 and held our first national meeting in Washington, D.C., on September 27, 1967. At that meeting Senator Thurston B. Morton, Republican, Kentucky, and permanent chairman of the Republican National Convention, said "The last three years have witnessed a disastrous decline in the effectiveness of American foreign policy. The root cause of the trouble is the bankruptcy of our position in Vietnam." He stated that he was wrong in supporting increased American involvement in Vietnam. The newspapers that day and the next gave much space to his speech. The attached booklet of proceedings of the meeting and the montage of newspaper headlines is submitted as proof of my statement.

Prior to the formation of BEM I was active in getting business executives and owners to sign an Open Letter to President Johnson which was advertised in *The Washington Post* in February 1967 and in *The New York Times* on May 28, 1967 (Copy attached). These led to the formation of BEM. In the Open Letter and in BEM's literature it has been stressed that the signers or members stood for ending American participation in the Vietnam War and that we support the principles of the Geneva Agreements of 1954.

Mr. Armstrong showed me two days ago the statement which he presented to your committee this morning and I found it completely in accord with the position of BEM.

I enclose the resolution which was unanimously adopted by the Emergency Meeting of BEM held in Washington at the Hotel Mayflower on May 6, 1969. I enclose a program of that meeting which was attended by between 300 and 400 persons. On May 7th, our Executive Committee and National Council agreed on six specific steps to recommend to the Administration and Congress to carry out now. The heart of the May 6th resolution and the May 7th stops were embodied in an advertisement which was run in *The Washington Post* on May 12th and in *The New York Times* on May 18th. I enclose a copy. Copies of this ad were sent to everyone of our over 2500 members. Not one of them has questioned me, or, so far as I know, any member of the Executive Committee or National Council about the appropriateness of it. It is in accord with the position that we held all along.

Instead of trying to throw doubt upon whether Mr. Armstrong properly represented the position of BEM and its members, it seems to me that it would have been in accord with the democratic process if you had addressed yourself to some of the problems which he raised and which confront this country and the world. In particular, we business executives know that when a policy is not bringing the desired results it should be changed. Some of us do not understand why we claim to be fighting for the right of the people of South Vietnam to determine their own destiny when they are being governed by a group of generals in Saigon who fought on the side of the French against those of their countrymen who were fighting to throw off foreign domination, and who restricted the candidates in their last presidential election and who refused to allow peace candidates to run.

I understand that you accused Mr. Armstrong of endangering the Paris peace talks and endangering our men in Vietnam. If you feel that way towards him you should feel it towards all of us in BEM. We feel it is you who are making our men risk their lives for no good reason. I cannot speak for all of us in BEM as some joined because they felt it wrong to use American men and dollars in a land war in Asia, others joined because they were against the U.S. trying to be the world's policeman; others, because they were morally incensed by powerful America supporting the reactionary side in what they considered to be a civil war and supporting it in ways which are turning much of the population of the country against us.

We in BEM have not taken our position lightly. We have considered informed military views and have among our military sponsors General David M. Shoup, retired (in 1962) commandant of the Marine Corps; General Samuel Griffith, USMC (retired); Admiral Arnold E. True, USN (ret.). These officers and others fully support our position. They have friends in the conflict. And they are critical not only of such operations as

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"Hamburger Hill" but also of our intervention in the Vietnam situation. They and we are calling for the United States to end its military participation in the Vietnam War.

We have attempted to influence President Nixon to change the Johnson policy but apparently with no success. Many of us here contributed to political campaigns, some of us very substantially. Many have made public statements such as the 36 on the enclosed sheets. If we cannot persuade the President to change U.S. policy, then we will do all we can to persuade the Congress to create conditions which will force him to change. If this Congress will not act, then we shall try to change the make-up of the next Congress. We will do this to save American lives and the free economy of our beloved country.

Sincerely,

HENRY E. NILES,
Chairman, Business Executives Move For Vietnam Peace.

TITLE IX—A NEW DIMENSION IN FOREIGN AID—II

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. FRASER. Mr. Speaker, the Agency for International Development has difficulty interpreting the will of Congress just as any Government agency does.

John Schott describes the problem of interpreting the law dealing with political development in the less developed countries. This section of the law is known as title IX of the Foreign Assistance Act.

As Congress proceeds with hearings on foreign aid for fiscal year 1970, Professor Schott's paper will help our understanding of the interaction between AID and the Congress. I enclose it herewith:

INTERPRETATION OF TITLE IX

To whom and to what does AID respond—to the specific wording of the legislation, to the explanatory reports of the House Foreign Affairs Committee on that provision, to the intent of the authors and sponsors of the legislation who will question the Agency on its response? Indeed, given a raft of policy priorities and increasingly limited resources, to whom on the Hill does the Agency choose to respond—a Bradford Morse or a Wayne Morse, a Fraser or a Fulbright?

The legislation itself—were it to be taken seriously—is enough to cause consternation among officials responsible for its implementation. To play upon the vagueness of the mandate and to analyze its language would be the height of pedantry. But key words such as "maximum participation" which is to be assured, and "democratic . . . institutions" which are to be encouraged, bewilder rather than elucidate the thoughtful operator astonished as he is by the complexity of the developmental process and the diverse and often incompatible objectives he is instructed to pursue. How does one determine when "maximum participation" has been achieved? What are the characteristics of a "democratic private . . . institution"?

To modify this basic mandate, initially thought to be too ethnocentric and overly generalized, by stating that programs designed to carry out the purposes of this title should "recognize the differing needs, desires, and capacities of the people of the respective developing countries and areas" is not to clarify the edict. Which people? Whose needs? How many desires? What capacities? To further suggest that it is "indigenous institutions" which should be developed prompts a wonderful semantic game of defining such an institution—let alone the more practical problem of identifying one which satisfies the demand that it meet a country's "particular requirements for sustained economic and social progress."

In general policy pronouncements emanating from A.I.D., the words "as appropriate" or "where appropriate" are usually employed in recognition of the diversity of the situations applying in the underdeveloped parts of the world. No such modification appears in the lanaguge of Title IX. Yet responsible implementation of the provision requires an assessment in depth of individual country situations to determine the applicability of this title. When, under what circumstances, in which sectors and geographical areas is an increase in popular participation actually desirable? In many country situations, should not primary attention be focussed upon improving the *quality* of participation rather than upon means to increase the *quantity* of it? Increasing participation and consequent demands on a political system without a corresponding increase in the capacity of the system to acknowledge and meet at least a portion of them could prove disfunctional, destabilizing, blatantly irresponsible, and in no one's interest—"the people," the host-government or the United States.

To turn to the HFAC reports on this title and its subsequent amendment is far from helpful.[1] Indeed, further confusion can result by what some consider an implied expansion of the mandate. The text of Title IX refers only to "democratic private and local governmental institutions." Yet the first report implicitly recognized that such institutions are functionally inseparable from institutions at other levels of the society and suggests that the goals of Title IX can best be achieved "through the building of democratic private and public institutions on all levels—local, state, and national." Both Title IX itself and an early section of the report suggest that popular participation is a desirable goal insofar as it contributes to "economic development." Whether it is to be considered a "good unto itself"—as may be argued—is not clear. Yet at the very end of the report, the Committee advises A.I.D. that the objectives of Title IX may involve a "change in the approach of the Agency," that it should develop new criteria in the area of institutional development to judge the success of its efforts, and that it should evaluate its assistance efforts "not only in economic terms, but in terms of the extent to which our aid encourages democratic processes." Here it might appear that the Committee intends economic and political development to be seen as distinguishable, albeit reinforcing, goals, both of which are to be pursued concomitantly and with equal vigor within a redesigned foreign aid program.

Owing to the generality which characterizes statutory law, Executive Branch determination of Congressional intent often entails resort to private consultation with the legislation's sponsors or to a more subtle examination of their public utterances. To follow this procedure with respect to Title IX results in a further expansion of the mandate. The two principal proponents of Title IX—Congressmen F. Bradford Morse (R., Mass.) and Donald M. Fraser (D., Minn.)—appear to view Title IX as not just a new priority item in the foreign aid program, but as heralding a new U.S. foreign policy stance towards the Third World. Undercutting the two myths cited previously, Fraser has suggested that "A basic reorientation in our thinking is required to put social and political evolution as the first concern [of our foreign assistance program] with economic aid playing the supporting role rather than the other way around."[2]

Morse has been equally emphatic. "The deficit in our thinking about development has been that we have concerned ourselves principally with but one aspect: economics. Increasingly we are discovering that this is inadequate. It is not enough merely to provide more economic resources . . . We must give equal attention to the development of human resources, in short with political development."[3]

To follow a mandate described in these terms, political development would become either of co-equal importance with economic development, or the primary objective of the foreign aid program. The implications of this are far-reaching. They may be seen to suggest that the U.S. Government conscientiously seek to support overtly the processes of social and political change in the Third World. In so doing, it must also attempt to build or strengthen those institutions—whether economic, social or political—which will regularize and constructively contain this process within a responsible or "democratic" framework.

PITTSBURGH'S 339TH MEDICAL HOSPITAL RESERVE UNIT TOPS FOR 1969

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. MOORHEAD. Mr. Speaker, I am very pleased that the 339th Medical Hospital General in Pittsburgh has been selected to receive this year's award as the outstanding large unit by the Reserve Officer's Association.

The honor comes to Col. George R. Gallagher and his men who have exhibited in this training year a sincere concern, interest, and devotion to the health care of their patients which will eminently qualify them to take care of the sick and wounded should their unit be called to duty.

This is no less a testament to the various Pittsburgh hospitals who have assisted the men of the 339th in their preparation for duty, and I would like to take this opportunity to also compliment them in this endeavor.

Sincere congratulations are in order for all concerned.

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[1] See Foreign Assistance Act of 1966, Report of the Committee on Foreign Affairs, House Report No. 1651, 89th Congress, 2d Session, and Foreign Assistance Act of 1967, Report of the Committee on Foreign Affairs, House Report No. 551, 90th Congress, 2d Session.

[2] Donald M. Fraser, "New Directions in Foreign Aid," *World Affairs*, Vol. 129, No. 4 (March, 1967), p. 250. Earlier in the same article Fraser states: "There is increasing evidence that the major shortcoming in the developing nations lies in their political and social structure. Until we address ourselves to this reality, little progress will be made. The formulation should be inverted. The problem of the developing nation requires attention to the social and political structures. These must be changed to release the energies of individual men and women who want to improve their lot. This will lead to economic progress." *Ibid.*, pp. 245–246.

[3] *The Congressional Record*, February 27, 1967.

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SURTAX "COMPROMISE"

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. DULSKI. Mr. Speaker, there is considerable debate about the proposed surtax extension and the so-called compromise which has been suggested.

The basic need, as I have said before, is a major reform of our tax system and elimination of the many loopholes and inequities.

An editorial in the June 16 edition of the Buffalo, N.Y., Courier-Express takes an interesting view of the situation as follows:

SURTAX "COMPROMISE" BAD GIMMICK

The so-called compromise designed to win extension of the 10 per cent federal surtax—as worked out by the Republican White House and a clique of holdover Southern Democratic czars in the House of Representatives—is an impudent affront to every American citizen who is caught in the relentless wage-price squeeze.

In the words of Rep. Henry Reuss (D.-Wis.), it won't satisfy anyone. While there is no question but that several million low-income, poverty line families should and must be granted some form of tax relief or income incentives, the log-rolling deal on surtax extension is not the way to do it. Tax relief for low-income families—along with taxation of notorious tax avoiders in high-income brackets—belongs in an over-all package of tax-reform legislation aimed at the basic Internal Revenue tax-rate law.

Some of the most optimistic apologists for the surtax have long since stopped claiming it has checked inflation up to this point. They say that it may do so in the future but they now put the emphasis on the need for revenue to create a large budget surplus.

If there are any "tentative" signs that the devastating inflationary fever may have slackened, these signs are not the work of the surtax; they are the result of outrageously high interest rates depressing such key industries as construction. But the Commerce Department index of 12 closely-watched series of economic indexes shot to new highs in April—84 per cent of these key indicators expanded compared with 38 per cent in March. And consumer prices are running at an annual rate of 6.5 per cent compared with 4.5 per cent in the last quarter of 1968.

The surtax adds to inflation rather than cooling it because it forces labor unions and business managements to inflate the prices of goods and services in order to keep up with the tax drain. Because the surtax is never likely to work unless a whole series of factors are applied in balance—including wage and price controls or strict guidelines—it should be dropped.

If the question is replacement revenue—and it seems to be—then Rep. Wilbur Mills, chairman of the taxwriting House Ways and Means Committee, should face up to the "gut" issue and present an honest tax-reform bill. Plugging current leaks could easily provide a substitute for the the estimated $10-billion yield from the war surtax, in conjunction with the excess war-profits tax which, at an 85 per cent rate, would bring in about $10-billion alone.

At the bitter end, it is the Vietnam war which is the root cause of wage-price inflation. Unlimited defense-production profits have been permitted twice as long—more than six years—as they were during the Korean conflict. Certainly a balanced anti-inflation program is vital, but a year of "gradualism" has achieved little.

LEGAL AND MORAL REASONS FOR THE ACTIONS OF JUDGE GEORGE CROCKETT IN THE NEW BETHEL INCIDENT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. CONYERS. Mr. Speaker, we as a society have reached the point where we must decide whether or not we are finally ready to make the necessary commitments to protect the life and well-being of the citizens of this Nation who have for too long a period of time been denied many of the rights to which they are entitled under the Constitution. One of the most fundamental areas of our concern must be the observance of the civil liberties of individuals who are detained by police officers and, by virtue of their lack of affluence, find that proper legal counsel is unavailable to them. We must impress upon our police officers and legal officials the fact that they must obtain evidence only through constitutional and legally acceptable means. It is in this context that I wish to redirect my colleagues' attention to the incident at the New Bethel Baptist Church. It is my belief that the actions of Recorder's Court Judge George Crockett with regard to this incident were indicative of the type of regard for the rights of accused persons which is necessary if the judicial process in this Nation is ever to become just and fair, and if the safeguards of the rights of the accused which are built into the Constitution are ever to become relevant to the cases of all Americans who find themselves detained by police officers; especially during the crucial period before and during arrest.

I have asked that a statement by Judge Crockett be included in the RECORD along with a report by the Law Committee, New Detroit, Inc., so that my colleagues might be made more aware of the need for constant vigilance in the protection of the constitutional rights of all Americans, without regard to race or economic status. They follow:

STATEMENT BY JUDGE GEORGE W. CROCKETT, APRIL 3, 1969

The distortions of fact and the confusion over this Court's actions in the recent events at New Bethel Church compel me to make certain facts clear. I am personally deeply affronted by reports and stories which have clearly and deliberately twisted the truth and the law in this matter.

More serious than any harm to me personally is the profound damage being done to this Court and to our entire community by those who would use this tragic affair to intensify community hostilities which are already so deep and divisive.

The actions taken by me in my capacity as presiding judge, following the New Bethel Church shootings and the mass arrests, were legal, proper and moral. Indeed, it is precisely because I followed the law, equally and without partiality, that questions and accusations are being raised. If I were to have reacted otherwise, if I were to have ignored my judicial and constitutional responsibilities and followed the often accepted practices of condoning long police detentions, of ignoring prisoners' rights to counsel and of delaying the hearing on writs of habeas corpus, possibly the adverse publicity about Judge Crockett may have been averted. But in doing so, justice would have been denied.

I deplore the senseless shooting of the policemen. I also deplore the armed assault on a church, particularly a church occupied by men, women and children, whom we must presume to be innocent until and unless evidence to the contrary is presented. I deplore, too, that so many innocent people were rounded up by the police, incarcerated for many hours in violation of their rights as citizens, and that some officials who are sworn to enforce equal justice have complained because I have done so.

Michigan law requires—does not suggest, but requires—that "any judge who willfully or corruptly refuses to consider an application action, or motion for habeas corpus, is guilty of malfeasance in office."

Moreover, "any justice of the Supreme Court and any judge of a Circuit Court may issue a writ of habeas corpus . . . upon his own motion whenever he learns that any person within his jurisdiction is illegally restrained of his liberty." By statute, Circuit Court, as used in this rule, includes Recorder's Court.

Justice last Sunday demanded a prompt judicial examination and processing of the persons arrested. If there was any sound legal basis for their detention, they were detained; otherwise they were entitled to be released and they were released upon reasonable bond.

Let us review the sequence of events following the shooting of the officers and the storming of the church by police, which occurred some time before midnight Saturday.

At 5:00 a.m. I was called—not by the police but by Representative Del Rio and Reverend C. L. Franklin, the church's pastor, who came to my home and awakened me. As presiding judge of this Court for the day, I went immediately to the police station. I requested a list of the prisoners and was told—about six hours after they were taken into custody—that police didn't know whom they were holding.

I then talked with Commissioner Spreen who agreed to furnish a list. He also agreed to set up a courtroom on the first floor of the police station. I requested that the Prosecutor be called, and Assistant Prosecutor Jay Nolan arrived. The press was present. Mr. Nolan, the police and I agreed on the processing of the prisoners. They were to be brought immediately outside the temporary courtroom in groups of 10, beginning with the women. But they appeared before me individually and each was interviewed separately by me in open court.

The cases of 39 arrestees were then heard and determined as follows:

Fifteen Detroit residents were released on $100 personal bond to reappear at noon.

One man (the church janitor) was discharged with consent of the Prosecutor.

One man from Ohio was released on $100 personal bond and ordered to reappear at noon.

Twenty-two persons from out-of-town were remanded to custody until noon.

All persons released on personal bond appeared at noon as directed.

Further hearings were terminated by the entrance of the Wayne County Prosecutor who, in the presence of the Court, issued verbal orders to the police countermanding a court order. The Prosecutor, in the presence of the Court, prevented the police from producing any further arrestees for the hearing.

I have condemned the Prosecutor's action as not only contemptuous, but also as having racial overtones.

Subsequently, in a letter to presiding Judge Robert E. DeMascio dated April 1, I declined to press the formal contempt charge. To pursue the contempt proceeding, I felt, would aggravate the already tense community confrontation.

Moreover, the Prosecutor himself, after the contempt incident, and before the Court reconvened at noon and after the Court reconvened, himself released or requested the release of some 130 arrestees.

It is essential to emphasize that the vast majority of those released, approximately 130 persons, were released with the Prosecutor's concurrence. Despite this fact, the press has several times referred to my actions in terms of "unwarranted leniency". There was no unwarranted leniency.

By noon, the number of prisoners whose disposition was under question had been reduced sharply. Out of approximately 142 persons arrested, only 12 remained to be processed. Two of these prisoners I ordered held without bond because there was evidence to do so. Another I released on $1,000 bond after his attorney said he would vouch for him.

The other 9 prisoners were those who, police said, had positive nitrate tests. On this question, I hold that such tests are unconstitutional when taken without the presence of counsel or at least upon advice to the prisoner that he is entitled to counsel at this critical step in his interrogation. For me to have held those 9 men, without objective evidence and under those circumstances, would have been improper. The police had many hours to identify those nine men. They should know who they are. If those men committed a crime, the police must gather evidence to make a case that will hold up in court. They still can do so if their investigation warrants it.

I am most anxious that criminals be apprehended, tried and brought to justice. But I will not lend my office to practices which subvert legal processes and deny justice to some because they are poor or black.

I understand, of course, why the hue and cry arose. An angry Prosecutor, lacking police evidence or testimony which might produce a probable suspect, and resentful that ordinary and undemocratic police practices were challenged, chose to divert public attention to Judget Crockett. And some of the media, particularly the Detroit News, picked up that lead and began their campaign to help the police and the Prosecutor's office continue their efforts to dominate and control the courts and legal processes. The judiciary cannot allow its independence to be threatened in this fashion.

Finally, and regretfully, let me repeat that this whole case does have racial overtones.

Can any of you imagine the Detroit Police invading an all-white church and rounding up everyone in sight to be bussed to a wholesale lockup in a police garage? Can any of you imagine a church group from, let us say, Rosedale Park, being held incommunicado for seven hours, without being allowed to telephone relatives and without their constitutional rights to counsel? Can any of you justify the jailing of 32 women all night long when there was admittedly not the slightest evidence of their involvement in any crime? Can anyone explain in other than rascist terms the shooting by police into a closed and surrounded church?

If the killing had occurred in a white neighborhood, I believe the sequence of events would have been far different. Because a terrible crime was committed, it does not follow that other wrongs be permitted or condoned. Indeed, constitutional safeguards are needed even more urgently in times of tension than in ordinary times.

The best guarantee to avert the kind of social disaster that occurred in Detroit in 1967 is prompt judicial action with strict observance of constitutional rights.

I intend to continue to maintain law and order in my court by dispensing justice equally and fairly, by protecting each individual's rights, and most importantly, by upholding the independence of the judiciary and the dignity of this court.

If the real dangers to our community are to be uprooted, let the news media and all other forces of truth and justice concentrate on the underlying causes of crime and social disorder as described by the Kerner Commission and as identified by virtually every responsible commentator in America. The causes are steeped in racism . . . racism in courts, in our jails, in our steets and in our hearts.

* * *

THE NEW BETHEL REPORT: "THE LAW ON TRIAL"

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Gilbert Donohue, Professor of Law, University of Detroit Law School.

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Arthur L. Johnson, William R. Keast, Ph. D., Raymond W. Krolikowski, Senator Emil Lockwood, Ralph T. McElvenny, Roland A. Newhort, William T. Patrick, Jr. (President), John S. Pingel, Hon. Curtis Potter, Rev. Robert L. Potts.

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INTRODUCTION

The tragic events of March 29, 1969 at the New Bethel Church have considerably increased racial tensions in our community. To a significant extent the reporting of events subsequent to this incident as they involve the Recorder's Court have contributed to the divisiveness.

In making the statement public, New Detroit seeks to act as a reconciler in the Detroit community through the education of the public to a greater understanding of the laws involved in the case. The integrity of our Constitutional order rests on public support and such support cannot exist without public understanding. Our city desperately needs mutual trust and confidence. Self-government cannot exist without self-discipline. All authority must be accountable. Such mutual trust, self discipline and accountability can be encouraged by greater understanding of our laws and of the role of the judiciary in interpreting and applying them.

At the outset we emphasize that the question is not whether the Judge's rulings were legally flawless. In the interpretation and application of Constitutional standards regarding detention, probable cause and the right of counsel, there is no "perfect ruling."

In evaluating the Judge's rulings, the only legitimate inquiry is whether such rulings had reasonable basis in the law. A judge need not be perfect, for the appellate process assures a remedy for those who dispute a ruling.

In our opinion there is more than merely a justifiable basis for his conduct and exercise of judicial discretion. There is little question that Michigan law placed upon this Judge, as a presiding judge of the Recorder's Court, the responsibility of being available for and making a judicial inquiry into challenges of illegal detention.

Accordingly we adopt the position paper hereto annexed in the hope that, with the understanding that a knowledge of the facts and of the law brings about, our community will be reconciled and reunited. In the name of the rule of law, we urge all in our community to respect and defend the independence and the integrity of the judiciary. Only in this way can we preserve, protect and defend the liberty and security of every person in our City.

STATEMENT OF FACTS

The relevant facts as presented to Judge George W. Crockett appear to be:

1. The Detroit Police Department was called to the New Bethal Church shortly before Midnight on March 29, 1969 as the result of a shooting in which tragically one police officer was killed and another wounded. The police subsequently took into custody some one hundred and forty-two persons who were found inside the Church.

2. Approximately six hours later, the Presiding Judge of the Recorder's Court for the City of Detroit was contacted by two private citizens, and told that the Detroit Police had taken upwards of a hundred people into custody including at least thirty women, some of whom were accompanied by children; that all of the persons were being detained at the First Precinct Station and had been refused permission to make phone calls or otherwise contact attorneys, relatives or friends.

3. The Judge then proceeded to the First Precinct Station where he met with the Detroit Police Commissioner and requested a list of all of those held in custody so that their names could be inserted on a Writ of Habeas Corpus which he had prepared. The Judge also requested and was granted a room for the hearings on the Writ, and he asked that the Wayne County Prosecutor be notified of such hearings.

4. The Habeas Corpus proceedings commenced at 6:40 A.M. Sunday morning and were open to the public. The cases of thirty-nine suspects were then heard and determined as follows: fifteen Detroit residents were released on One Hundred Dollar personal bond to reappear at noon; one man (the Church janitor) was discharged with

the consent of the Prosecutor; one man from Ohio was released without bond and ordered to reappear at noon; twenty-two persons from out-of-town were remanded to custody until noon.

5. The Judge then ordered the release of another Detroit resident on One Hundred Dollar personal bond. At this point the Prosecuting Attorney entered the room and countermanded the Court's order releasing this suspect. Notwithstanding the Court's warning of contempt proceedings, the Prosecutor in the presence of the Court directed the police to retain the suspect in custody and further ordered that no additional suspects be brought before the Court. The Court had no alternative but to recess.

6. At noon of the same day, the Court reconvened and approximately one hundred and thirty prisoners were released either at the request of the Assistant Prosecuting Attorney or with his consent. The sixteen suspects who were ordered to reappear did so.

7. The Assistant Prosecuting Attorney requested an adjournment of the hearing for twenty-four hours on seven of the remaining suspects—four of whom had tested positive on a nitrate test; one who, though not tested, was believed to have had nitrate traces on his hands; and two others who showed no signs of nitrate but were wanted by the Assistant Prosecutor for further investigation.

8. The Court denied the motion and granted the Writ releasing the seven suspects on the grounds that the People did not show probable cause to hold them and that the Police violated the Constitutional rights of some of the suspects by denying the right to counsel during the administration of the nitrate tests.

Based upon the foregoing facts, certain legal issues are raised. These issues relate to (1) the Court's prompt inquiry at the police station of the allegations relating to the incommunicado detention of the suspects; (2) the issuance of the Writ of Habeas Corpus; and (3) the release of seven suspects over the Assistant Prosecutor's objections.

At the outset of this discussion we must emphasize that the question is *not* whether Judge Crockett's rulings were legally flawless. In the interpretation and application of Constitutional standards regarding detention, probable cause, and the right to counsel there is no "correct" ruling. The very complexity of these problems demand that a judge be given wide latitude in his judgments, for only he has full access and exposure to all the relevant facts. Thus, in evaluating Judge Crockett's rulings based upon the evidence presented to him, the only legitimate inquiry is whether such rulings were plausibly based in the law.

I. THE PRESIDING JUDGE OF THE RECORDER'S COURT HAD THE AUTHORITY OF LAW TO GO TO THE POLICE STATION TO INQUIRE AS TO THE ALLEGATIONS THAT PEOPLE WERE THERE BEING ILLEGALLY DETAINED

At approximately 5:00 A.M. on Sunday morning, March 30, 1969, Judge George W. Crockett, Jr. was awakened at his home by a State Representative, James Del Rio, and the pastor of New Bethel Church, Reverend C. L. Franklin, and told "that a homicide had occurred at or near New Bethel Church . . . sometime around midnight of last evening; that the Detroit Police had taken upwards of a hundred people into custody including at least thirty (30) women, some of whom were accompanied by children; that all of the arrested persons were being detained at the First Precinct Station and had been refused permission to make phone calls or otherwise contact attorneys, relatives or friends; that these prisoners were not being held pursuant to any warrant or other court order."[1] As Presiding Judge of the Recorder's Court, Judge Crockett was "charged with the general supervision and superintendence of the work of the Court."[2] Subsection (c) of that rule also requires that applications for Writs of Habeas Corpus be presented to the Presiding Judge.

We believe that Judge Crockett's response to the complaints of Representative Del Rio and Reverend Franklin must be viewed in the context of his duties as Presiding Judge. The purpose of a Habeas Corpus proceeding "is to cause the release of persons illegally confined, to inquire into the authority of law by which a person is deprived of his liberty . . ."[3] The importance of these proceedings in preventing any prolongation of an illegal detention has been explicitly recognized in Michigan. Writs of Habeas Corpus are returnable "forthwith, *or at the nearest available time or place*" (Emphasis added).[4] Moreover, the Michigan Supreme Court recently held that in the protection of a criminal suspect's rights, "Magistrates of Michigan . . . (are) on legal duty at all times; Sunday, holidays or no."[5] It appears that these specific mandates, which show no reference for either the hour or the day, create a duty in a Presiding Judge notified of an illegal confinement to determine whether immediate judicial intervention is required to preserve the rights of citizens within his jurisdiction.

The facts which confronted Judge Crockett in the early morning hours of Sunday, March 30, 1969, illustrate precisely the kind of exigent circumstances which makes the twenty-four hour on-call availability of judges necessary. The law does not require that the one hundred and forty-two (142) persons being held at the police station be without remedy until Tuesday morning (Monday was a court holiday), since this would subordinate the rights of the individual to mere formalities.

II. THE JUDGE HAD THE AUTHORITY OF LAW IN ISSUING THE WRIT OF HABEAS CORPUS WHETHER IT BE DEEMED TO HAVE BEEN UPON THE ORAL APPLICATION OF TWO CITIZENS OR UPON HIS OWN MOTION

Substantial controversy has surrounded Judge Crockett's issuance of the Writ of Habeas Corpus for the one hundred and forty-two (142) persons held at the First Precinct Police Station. From this controversy the serious charge that the Judge abused his judicial responsibililties has emerged. The import of this charge warrants a thorough examination of the pertinent law.

Under Section 600.4316 of Michigan Compiled Laws, a judge empowered to grant the Writ of Habeas Corpus may do so upon "proper application." The application "may be brought by or on behalf of any person restrained of his liberty."[6]

Thus, either Representative Del Rio or Reverend Franklin *could have* brought a formal complaint requesting the Writ. Nevertheless, Judge Crockett chose to bring the Writ in his own name. Whether this decision was made in order to save time or for some other reason is immaterial. Since it was Del Rio and Franklin who brought the facts to the Judge's attention and requested that the Judge act, in a real sense they were the complaining parties. Although Section 712.3 of the Michigan Court Rules envisions a formal written application for a Writ of Habeas Corpus, it is reasonable to conclude that under the circumstances the oral application was sufficient and that Del Rio and Franklin did "properly apply" for the Writ. This view is consistent with that of the commentators Honigman and Hawkins stating, "the form and sufficiency of all pleadings must be determined 'by construction of the rules which will secure substantial justice on the merits . . .'"[7] Consequently, if the Recorder's Court Judge is deemed *not* to have the power to issue a Writ on his own motion a liberal interpretation of the oral application is appropriate. "(T)echnical defects in the pleadings should not forestall relief if an illegal detention is . . . brought to the judge's attention."[8]

Still another basis for the propriety of the Writ issued in this case is found in the language of M.C.L.A. § 600.4307 giving *"any* person" (including the Judge) the right to bring an action for Habeas Corpus. The breadth of this provision elevates the scrupulous protection of the Constitutional rights of those detained over technical standing requirements.

Finally, we must go to the provisions of Michigan Court Rule § 712.7 which grant at least some Michigan judges the power to issue Writs on their own motion:

"Any Justice of the Supreme Court, any judge of the Court of Common Pleas, and any judge of the Circuit Court may issue a writ of habeas corpus, or an order to show cause, upon his own motion whenever he learns that any person within his jurisdiction is illegally restrained of his liberty."

The question remains whether a judge of the Recorder's Court of the City of Detroit has the powers enumerated in Court Rule § 712.7. Some guidance is provided in M.C.L.A. § 726.17 which sets forth the powers of a judge of the Recorder's Court with respect to Habeas Corpus. It read as follows:

"The judge of said Recorder's Court *shall possess the same power to grant writs of habeas corpus,* returnable before himself, to adjudicate thereon, and do all acts in vacation touching any suit or proceeding in said court, as is now, or may be possessed by the Judges of the Circuit Courts of the State, in matters before said Circuit Court." (Emphasis added.)

While we have found no case which challenges the power of a Recorder's Court judge to issue a Writ of Habeas Corpus on his own motion it is arguable that the use of the word "grant" in § 726.17 as opposed to the word "issue" suggests that a Recorder's Court Judge is denied the power clearly conferred upon judges of both the Circuit Courts and the Court of Common Pleas. This interpretation is not supported by the purport of the legislation establishing the Recorder's Court which has sought to equate that Court's powers with those of the Circuit Courts. The general jurisdictional section of the statute creating the Recorder's Court is M.C.L.A. § 726.11. Among other things, it empowers the Court to: "do all lawful acts which may be necessary and proper to carry into complete effect the powers and jurisdiction given by this act, *and especially to issue all writs and process, and to do all acts which the circuit courts of this state, within their respective jurisdictions, may, in like cases, issue and do by the laws of this state . . ."* (Emphasis added.)

On the basis of the foregoing analysis, we conclude that the Writ of Habeas Corpus issued by Judge Crockett, whether it is deemed to be upon the oral application of Del Rio and Franklin or his own motion is supported by the laws of Michigan.

III. THE JUDGE'S RELEASE OF SEVEN SUSPECTS, NOTWITHSTANDING THE OBJECTION OF THE ASSISTANT PROSECUTOR, IS AUTHORIZED BY LAW

It is important to note that on Sunday, March 30, 1969, there were actually two sessions at which persons held in custody were brought before the Court. The first session (hereinafter, Morning Session) convened at approximately 6:40 A.M.[9] and was recessed at about 8:00 A.M. The second session (hereinafter, Afternoon Session) reconvened at noon and continued through the afternoon.

During the morning Session thirty-nine cases were heard. Fifteen Detroit residents were released from custody on One Hundred dollar personal bond and one Ohio resident was released on his personal bond. All sixteen were ordered to reappear at noon. Twenty-

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two persons from out-of-town were remanded to custody.[10] Only one person, the Church janitor, was discharged and this was with the consent of the Assistant Prosecutor. By virtue of these actions and the Prosecutor's actions, final disposition of the Writ of Habeas Corpus was postponed for several hours until noon.

At the commencement of the Afternoon Session the Assistant Prosecutor, Jay Nolan, informed the Court that the police had released "upwards of a hundred people" in accordance with the understanding he had with the Court because their investigation determined that "we had no basis to hold them." [11] Of those arrested at the time of the hearing neither the Assistant Prosecutor nor the Court knew exactly how many people had been taken from the New Bethel Church.[12]

Contrary to the reporting at the time, it is now clear that virtually all (142) of these persons were released by or at the request of the Assistant Prosecutor. Thus, if there is any dispute it must involve the release of the seven persons whom the Assistant Prosecutor sought to retain in custody. As to these seven the question is: did the prosecution offer sufficient legally obtained evidence against these persons to establish probable cause that each had committed a crime? If such evidence was not offered to the Court, the detention of such persons was improper and the Judge was obliged to order their release.

Recognizing that the Court must rule upon the legality of a detention based only upon the evidence offered at the Habeas Corpus Hearing an examination of such evidence is required. Against two men the Assistant Prosecutor offered no evidence other than the fact that each was inside the Church when taken into custody. A third man had been taken from the Church; although he refused to take a nitrate test there was evidence that a police detective saw a "speck" of nitrate on his hands. As to the remaining four suspects who had been taken from the Church, the paraffin nitrate tests showed positive signs of nitrate on their hands.

If the seven suspects in question were lawfully under arrest by Constitutional standards at the time of the hearing, their continued custody was legal and the Writ should have been denied. On the other hand, if they were not under arrest or if the arrests were not made upon probable cause, further restraint would be in violation of their Constitutional rights. The question could be easily disposed of if we can conclude that there was sufficient legal cause to justify the arrest of all one hundred and forty-two persons found in the New Bethel Church. In such instance each of the seven men were lawfully arrested and their continued detention on the same basis as the arrest would be proper. This position is not without appeal and it merits substantial discussion.

A. Were the seven suspects under lawful arrest at the time they were taken into custody at the New Bethel Church?

This aspect of the discussion is devoted to the concept of "arrest" as it relates to various preconditions set forth by the courts and the United States Constitution. We are aware of the terms, "arrest for investigation" and "limited detention" which imply a lesser standard of cause and a narrower invasion of liberty. Such concepts, if valid, provide a reasonable incubation period during which the detention may mature into a full blown arrest. Insofar as these terms are applicable to the situation at hand they are discussed in another portion of this paper.

The principle that it is better to allow some guilty men to go free than to subject citizens to easy arrest is deeply embedded in the Fourth Amendment.[13] As a consequence, the notion of "probable cause" is an essential safeguard to the individual liberties of every American citizen. Yet while the Bill of Rights protects a person from arbitrary invasions of his person or property, it authorizes arrests where the officer has probable cause to believe that a person has committed a felony. Thus, if the police had probable cause to believe that each of the seven suspects in question had committed a felony at the time they were first taken into custody, it follows that they had probable cause to hold these men and the Writ should have been denied.

In this case the police responded to a call for help by a wounded officer. When they arrived at the scene they found two seriously injured policemen—one officer later died in the hospital.[14] According to Commissioner Spreen's statement, which was given to the Judge during the early morning conference at the police station, responding police units "entered the New Bethel Church, Philadelphia and Linwood, and the responding officers were met with a hail of gunfire. When additional officers arrived at the scene, they were successful in entering the church under fire and effected the arrest of many of the participants . . . three rifles, three hand guns and a quantity of ammunition have been confiscated. A group of persons are in custody for questioning in the matter." [15]

If we assume these facts to be true, the officers had probable cause to believe that *a felony had been committed*. Moreover, they had probable cause to believe that *the felony had been committed by some person or persons in the New Bethel Church*. The question remains, however, whether this nature of probable cause was sufficient to justify the arrest of all one hundred and forty-two (142) persons.

In examining this question we are not insensitive to the difficult circumstances which confronted the police. The situation was most volatile—it was late at night in an area of substantial social unrest. An attempt to properly isolate and interrogate the one hundred and forty-two (142) possible assailants and witnesses may have been dangerous as well as impractical. In addition, the crime involved was a most serious one which warranted vigorous pursuit of the criminals.

As Mr. Justice Jackson pointed out in his dissent in *Brinegar v. United States*,[16] when the public interest is great and the offense grave, the courts will strive hard to sustain actions by the police which are fairly executed and in good faith. However, exigent circumstances can do no more than justify a liberal construction of probable cause; they cannot dissolve the requirement. "(I)f subjective good faith alone were the test, the protections of the Fourth Amendment would evaporate, and the people would be 'secure in their persons, houses, papers, and effects' only in the discretion of the police." [17]

One basic principle which must remain inviolate is that guilt is personal. In the absence of evidence of conspiracy each person is entitled to be judged only upon the evidence against him as an individual. Group guilt or guilt by association has no place in our law. Speaking for the majority in the *Brinegar* case, Justice Rutledge stated:

> "The history of the use, and not infrequent abuse of the power to arrest cautions that a relaxation of the fundamental requirements of probable cause would 'leave law abiding citizens at the mercy of the law officers' whim or caprice.' "

Thus, "the constitutional validity of an arrest depends upon whether, at the moment the arrest was made, the officer had probable cause to make it—whether at that moment the facts and circumstances within his knowledge and of which he had reasonably trustworthy information, is sufficient to warrant a prudent man to believe that *the suspect* had committed or was committing an offense." (Emphasis added.)[18]

It has been repeatedly emphasized by the Supreme Court, that where there are numerous actual or potential suspects, without further evidence of individual guilt, *all of them may not be arrested*, nor may any one be arrested at random. In Wong Sun v. United States,[19] an informant had said that "Blackie Toy," the proprietor of a laundry on Leavenworth Street, had sold an ounce of heroin. There were several Chinese laundries on this street, and apparently more than one Toy. It was held that the arrest of one of them was unlawful because there was no showing that the officers "had some information of some kind which had narrowed the scope of their search to this particular Toy." (Emphasis added).

Similarly in *Mallory v. United States*,[20] involving a rape by a masked individual, the only three persons who fit the general description of the rapist and who had access to the basement where the rape occurred were arrested. The court said: "Presumably, whomever the police arrest they must arrest on 'probable cause.' *It is not the function of the police to arrest, as it were, at large and to use an interrogating process at police headquarters in order to determine whom they should charge before a committing magistrate on 'probable cause.'* " (Emphasis added).

While the police had at the New Bethel Church one hundred and forty-two (142) suspects, it was never shown to Judge Crockett by the Prosecutor that they had information at the time of the detention as to any person or persons which could narrow the focus of guilt to meet probable cause standards. The very fact that all one hundred and forty-two (142) persons including the women and children were taken into custody and that all but ten were ultimately released by the police or the Prosecutor because they "had no basis to hold them" [21] fails to support any contention that the police had probable cause at the time of the arrest. Since the Assistant Prosecutor presented no evidence to the Court which would distinguish the seven suspects he sought to retain from the rest of the persons taken from the Church en masse, it must be assumed that the Assistant Prosecutor's concession of no probable cause was equally applicable to them at the time they were taken into custody.

This conclusion does not suggest that the police are helpless in such situations. Had the prosecution introduced any evidence that the shooting had occurred from inside the Church in the presence and view of all the persons inside, it is possible that sufficient inferences of a conspiracy among such persons could be elevated to probable cause. Similarly, had the prosecution offered any evidence which would connect the guns or ammunition with any person or persons, probable cause may have existed. Unfortunately, there was no such evidence presented. Instead, the Assistant Prosecutor's sole reliance on the mere presence of each suspect in the Church was made clear throughout the Transcript.[22]

As a result of the foregoing analysis we conclude that in the absence of evidence and coherent argument to establish a conspiracy among the one hundred and forty-two (142) persons taken from the New Bethel Church, a ruling that there was no showing of probable cause to justify the arrest of any of these persons is amply supported in the law. Consequently, as to those suspects whose continued detention was sought with no further cause than their presence in the Church (only five of the seven showed signs of nitrate), a finding of no probable cause and a granting of the Writ of Habeas Corpus was justified. A more detailed discussion of

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the release of the two non-nitrate suspects further supports the propriety of the Court's actions.

One of these suspects was a resident of New York. The Assistant Prosecutor asked the Court to retain custody over this man for a short period of time so that the police could check for a criminal record. At this point the Court stated:

The COURT. It is not solely whether this man has a record. What is there you think justifies this Court in detaining this man? What relationship does this man have to the alleged criminal acts or act?

Mr. NOLAN. Your Honor, he was arrested in the premises where the—after the shooting on the street and the officers undertook to enter and there was firing inside there. Other than that, that is the extent of what I have.

* * *

The COURT. All you have against this man is that he was among the hundred who were attending whatever the affair was and he is from New York?

Mr. NOLAN. Yes, sir.

The COURT. Is that all?

Mr. NOLAN. Yes, sir.[20]

At this point the Judge ordered the suspect released and Mr. Nolan requested that the Court maintain jurisdiction over the person by placing him on bond. The Court asked defense counsel whether he would agree to such a procedure; counsel opposed the suggestion. The Court pointed out that it had no authority to confine the suspect to Detroit by way of personal bond and released him because the prosecution had "not shown anything to establish some probable cause to indicate that this man is guilty." [21]

The other non-nitrate suspect was Alfred Hibbitt. The Assistant Prosecutor requested a 24-hour adjournment. Defense counsel asked the purpose for which the prosecution sought to hold the suspect and the Assistant Prosecutor stated:

Mr. NOLAN. In the alternative, his physical presence will not necessarily contribute to our investigation. I want to be frank with the Court. Our concern is that after we—with the possibility of a showup, there could quite likely be a showup. But other than that, we don't intend to question him or give him a nitrate test or anything like that. He had his.[25]

Ultimately, with the assurance of the defense counsel that the suspect could be produced if called, the Court released Mr. Hibbitt on $1,000 personal bond. Over a week later, the Prosecutor's office issued a warrant on Mr. Hibbitt and in accordance with the Court order he voluntarily gave himself up to the police without incident. Based upon the foregoing facts we conclude that the Court's release of these men was totally consonant with the law.

B. Was there legal cause to hold the five suspects who revealed evidence of nitrate while they were in custody?

At a Habeas Corpus hearing the prosecution must show probable cause to hold the suspect at the time of the hearing. This fact indicates that there may have been a legal basis to find such cause against the suspects who revealed particles of nitrate from the paraffin test. Three issues are raised by Judge Crockett's ruling as to these men: 1) does the existence of nitrate on the hands of a suspect combined with the presence at the Church provide probable cause that he was involved in the shooting?; 2) may the results of the nitrate tests be used to show probable cause if they were taken after an arrest made with less than probable cause?; 3) may the results of the nitrate tests be used if such tests were taken while the suspect was being held incommunicado and not advised of his right to counsel?

After an extensive colloquy with the Assistant Prosecutor and defense counsel,[26] the Court discharged one of the suspects who had tested positive for nitrate on the paraffin test administrated by the police. The Court stated:

"You still have the right to get a warrant if you have sufficient evidence to show probable cause and you have the right to come back to this Court and I am sure that any judge of this Court will give you a warrant under those conditions. For the present *you fail to show probable cause and the police have violated a Constitutional right of this defendant.*" [27] (Emphasis added.)

It is not absolutely clear whether the Court released this suspect (and the other four) because even with the nitrate test there was no probable cause or on the grounds that the nitrate tests were unconstitutionally administered and without them there was no probable cause. Since he referred to the tests as "impermissible" [28] the latter interpretation is probably the correct one. However, we will evaluate the first alternative as well because it is material to the development of the whole question of probable cause.

1. Was there probable cause to believe that the suspects evidencing nitrate traces committed a crime?

Although the Supreme Court has indicated in *Mallory* v. *United States* and *Wong Sun* v. *United States* that there can be no probable cause where the evidence points equally to several suspects all of whom could not be guilty, the discovery of nitrate traces on five persons found inside the Church adds materially to the likelihood that each was involved in the shooting. Whether it adds enough depends, of course, on the reliability of the nitrate test. If it is reasonably reliable and it may be legally considered, a finding of probable cause is appropriate.

The theory of the test is that nitrates contained in gun powder often become embedded on the surface of the skin after a gun is fired. To perform the test, layers of warm liquid paraffin, interleaved with layers of gauze for reinforcement, are brushed or poured on the suspect's skin. The warm sticky paraffin opens the skin's pores and picks up any dirt and foreign material present at the surface. When the paraffin cools and hardens, it forms a cast which is taken off and processed with certain chemicals. If blue dots appear, it provides evidence that the suspect has recently fired a weapon.

In practice, however, the authorities are virtually unanimous that the test is entirely unreliable. *The President's Commission on the Assassination of President Kennedy* (Warren Report) pointed out that in experiments run by the F.B.I. it was shown that, "A positive reaction is . . . valueless in determining whether a suspect has recently fired a weapon." [29] One reason for this is that "contact with tobacco, Clorox, urine, cosmetics, kitchen matches, pharmaceuticals, fertilizers, or soils, among other things, may result in a positive reaction to the paraffin test." [30]

Henry W. Turkel, M.D., the coroner for the City of San Francisco, ran independent and controlled tests and he concluded: "It is doubtful that anyone would have sufficient trust in the dermal nitrate test to bring a criminal charge or institute a criminal proceeding on the strength of the findings of this test alone . . . In sum total . . . the test (is) less than worthless." [31] Finally, he points out that:

"The inspectors of the Homicide Detail of the San Francisco Police Department were questioned as to their recollection of cases in which paraffin glove tests served in any degree to incriminate or clear a suspect or defendant. Not one instance was recalled where it served a positive role, despite their cumulative forty-nine years on the detail."

On the basis of the foregoing facts, we conclude that the nitrate test is sufficiently unreliable to warrant a finding that a positive result on such test without other substantial evidence does not establish probable cause to believe a suspect has been involved in a shooting.

2. May the results of the nitrate tests be used to show probable cause if they were taken after an arrest made on less than probable cause?

Assuming the positive results of the nitrate tests would provide sufficient cause to hold the suspects at the Habeas Corpus hearing, serious Constitutional questions are involved in the use of such tests here. The record leaves little doubt that the nitrate tests were administered *after* the suspects had been removed from the Church to the police station. In fact, the Assistant Prosecutor requested additional time from the Court to complete these tests (it is noteworthy that the tests were performed even though the Judge specifically denied this request and asked that no tests be given prior to the Habeas Corpus hearing).[32] Thus, if the original detention is deemed to have been an illegal arrest, the evidence which derives immediately from such an arrest is considered the "fruit of the poisonous tree" and it may not be used for any purpose in the prosecution of the arrestee.[33]

If, on the other hand, the detention which led to the nitrate tests was proper even though there was insufficient probable cause to authorize an arrest by Constitutional standards, the evidence might be considered. This result is possible if we can conclude that the police had a legal right to remove the suspects from the Church to the police station without placing them under full arrest. Herein we must discuss the concept of a "limited detention."

To some courts an arrest invoking the Fourth Amendment standards occurs as soon as a person is taken into custody and restrained of his full liberty, even for a short period of time.[34] There is, however, authority for the position that every detention of an individual does not constitute an arrest. These courts would make a distinction between an arrest and an investigatory detention and permit the detention "on grounds less stringent than the probable cause requirement for an arrest." [35] Inasmuch as the Supreme Court declined to decide whether persons may be detained for investigation on less than probable cause,[36] the question is open.

Recently, the highest court in New York endorsed the practice of reasonable investigatory detentions stating that, "The public interest requires that such interrogation (while a citizen is restrained of his liberty) not be completely forbidden so long as it is conducted fairly, reasonably, within proper limits and with full regard to the rights of those being questioned." [37] The Second Federal Circuit put it more strongly:

This prerogative of police officers to detain persons for questioning is not only necessary in order to enable the authorities to apprehend, arrest, and charge those who are implicated; it also protects those who are readily able to exculpate themselves from being arrested and having formal charges made against them before their explanations are considered." [38]

Even more to the point the *Vita* court stated at p. 534 "the plain unvarnished fact that without such power society would often find itself helpless to solve crimes and protect its members." The same concern for public safety is reflected in the Uniform Arrest Act, a statute proposed in 1942 by the Interstate Commission on Crime (adopted in three states) which permits the police to detain for questioning any person against whom the officer has a reasonable suspicion.[39]

The case which confronted the Detroit Police at the New Bethel Church provides a

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Footnotes at end of article.

perfect example of a situation where a detention for investigation might be appropriate. At the time of police entry they had no way of knowing which persons of the one hundred and forty-two (142) found in the Church had been involved in the shooting. Moreover, to question all one hundred and forty-two (142) persons at the Church may have been as dangerous as it would have been chaotic. Under the circumstances the removal of these persons to the police station where screening, sorting and questioning could be carried out in a more orderly fashion was reasonable. The importance of preserving material witnesses is recognized in Michigan as in other states by conferring upon the Judge the power to order the custody of such a witness. In view of all of these facts we believe that the police action taken at the New Bethel Church in regard to the detention and subsequent relocation of persons for whom there was insufficient probable cause was not unreasonable.

Assuming then that a pre-arrest detention was appropriate so that the police could pursue a prompt and thorough course of investigation, we must consider whether the discovery of nitrate traces on five of the suspects was a legitimate part of the detention. In this case the nitrate tests were performed at about 9:00 a.m. Sunday morning,[40] that was after the Morning Session and about nine hours after the detention began. This fact raises the important issue of time. The purpose of permitting a pre-arrest detention is to afford the police an opportunity to complete some preliminary investigations which may result in probable cause to arrest. Yet even the few courts which have advocated such detention powers have been emphatic that the detention be brief. The Uniform Arrest Act states, "the total period of this detention shall not exceed two hours." [41] The detention approved of in *United States* v. *Rundle,* [42] was "reasonably brief . . . only five to ten minutes." The New York Court also expressed a concern for the duration of the detention approving a one hour detention and emphasizing the need for brevity by stating, "Lengthy detention on mere suspicion breeds abuse of those safeguards which a civilized society must erect to protect even the most reprehensible of its members." [43]

Only the *Vita* case provides language which might justify the nine hour detention of the suspects *prior* to finding probable cause. In that case, they approved an eight hour detention where the circumstances justified it and where the "investigation was conducted with dispatch . . ." [44]

These authorities cast substantial doubt upon the legality of the nine hour detention prior to the discovery of evidence which may have permitted a finding of probable cause. Under the law, a pre-arrest detention must result in either release or arrest upon probable cause within a short period of time. If the suspect is detained beyond that point he is considered under illegal arrest and evidence which derives therefrom (e.g., positive nitrate results) cannot be used. In this case, however, the detention of one hundred and forty-two (142) persons complicates the investigatory process substantially. There may have been some reason why the paraffin tests could not have been administered sooner. In any event, the mere passage of time under these extraordinary circumstances should not preclude the evidence.

Unfortunately, the other safeguards were ignored during this prolonged detention. Each court which has authorized the use of investigatory detention has insisted upon the zealous protection of the suspect's Constitutional rights. The New York Court concluded its opinion as follows:

"We hold merely that a suspect may be detained upon reasonable suspicion for a reasonable and brief period of time *for questioning* under carefully controlled conditions *protecting his Fifth and Sixth Amendment rights. Mass detentions for questioning are never permissible.*" (Emphasis added.) [45]

Not only does this case involve a "mass detention" which runs afoul of the law, but during the detention the suspects were held *incommunicado* and without being informed of their Constitutional rights. Judge Crockett's emphasis of this point at the Habeas Corpus hearing was quite legally sound. Moreover, the suspects in issue were not merely *questioned* during the detention. The courts have made it clear that even when a pre-arrest detention is lawful the police may not search the suspect without probable cause.[46] A nitrate test is clearly beyond "questioning." Although the Supreme Court has probably conferred the power to take a nitrate test against the will of the suspect, such a test, like the taking of a blood sample, would be considered a search and the requirement of probable cause *prior* to the test is explicit.[47] The search and extraction of nitrate traces from the skin is not conceptually different from the search of one's pockets for a gun. Thus, we must conclude that upon any theory of pre-arrest detention, the Court's ruling that the nitrate tests in this case were impermissible was consistent with the law on this point.

One last possibility must be discussed with regard to the prosecution's legal right to further detain suspects without probable cause. This relates to the concept of arrest for investigation which is a rather unsubtle variation of a "pre-arrest detention."

Professor Wayne LaFave, appointed by the American Bar Association to study arrest procedures in the United States, reported that in Detroit "arrests for investigation" were a common practice.[48]

The importance of this fact is that the concept of arrest for investigation implies, as does pre-arrest detention, that at any time of the detention the police have insufficient evidence to justify an arrest for a specific crime. The difference is that under the arrest for investigation practice, the police detention is thought to be a matter of "right" and few if any safeguards are afforded. The Detroit Bar Association has been concerned with this problem for years and as early as 1960 the Special Civil Rights Subcommittee sought to end the practice in Detroit. The problem was so great in fact that they reported somewhat proudly that the number of "illegal arrests" in Detroit were being reduced by almost 25% (nevertheless they considered about 31% (or 13,000) of all arrests that year as being without probable cause and therefore illegal).[49]

This history makes it clear that when Judge Crockett refused to allow continued detention solely to permit investigation, he was not breaking new ground in insisting that the practice was illegal. Not only had the Civil Rights Subcommittee sought to eliminate such arrests but a well-publicized report from Washington, D.C. declared in 1962 that arrests for investigation were unconstitutional, unwise, and unnecessary.[50] It pointed out further that in well over 90% of the cases the police ultimately released the suspect without even bringing charges.[51]

LaFave's article further indicates how the practice of holding suspects for the purpose of investigating them has been effectively sanctioned by the Detroit Courts and the Prosecutor's Office. If a Writ of Habeas Corpus was brought by or on behalf of a person held in investigatory custody, it was the practice of the Prosecutor to request and the Court to grant an adjournment for up to seventy-two hours so that the police might complete their investigation. This is precisely the technique employed by the Assistant Prosecutor who in at least one case asked the Court to adjorun for twenty-four hours so the police could check the record of an out-of-state suspect.[52]

In view of the long history of unhampered power of the police to arrest suspects for investigation, it is understandable that both the Prosecutor and the police were disturbed and surprised by Judge Crockett's refusal to permit this illegal method of investigation. Moreover, any rebuke of the police which may be implicit in the holding that the arrests were improper may be unfair in the face of reasonable reliance on the assumption that the Detroit Judiciary would continue to ratify the practice that the Prosecutor's office sanctioned.

However, notwithstanding the good faith of the police in "removing" the suspects en masse to the police station, the validity of the conduct must be viewed in terms of the individual rights involved. In addition, the long acceptance of a liberal policy toward investigatory arrests should not have affected Judge Crockett's analysis of the Constitutionality of the practice. Indeed, the Canons of Judicial Ethics of the American and Michigan Bar Associations require that a judge resist pressures from whatever source in applying the mandates of the Constitution. Canon Three states: "It is the duty of all judges in the United States to support the Federal Constitution and that of the State whose laws they administer: in doing so, they should fearlessly observe and apply the fundamental limitations and guarantees."

The law on arrests for investigation is not equivocal; an arrest cannot be made for investigation without charging the defendant with the commission of a legally defined crime.[53] Moreover, suspects cannot be arrested and booked on technical charges necessary to give the police time to work on the investigation.[54] [55] The Horsky Report at p. 60 referring to the efficacy of arrests for investigation, on less than probable cause, concludes that "the prosecutor cannot introduce in evidence articles taken from the prisoner—not even his fingerprints." The reasoning of the Horsky Report is directly applicable to the nitrate test results and such evidence is unavailable to the Prosecutor.[56]

Finally, we cite the thoughtful opinion of Judge Sobeloff in a case strikingly pertinent to the one at hand:

"In ordering the issuance of an injunction we have not blotted from our consideration the serious problems faced by the law enforcement officer in his daily work. His training stresses the techniques of the prevention of crime and the apprehension of criminals, and what seems to him to be the logical and practical means to solve a crime or to arrest a suspect may turn out to be a deprivation of another's constitutional rights. And where one policeman is killed and another wounded, the police and the public, too, are understandably outraged and impatient with any obstacle in the search for the murderer. While fully appreciating the exceeding difficult task of the policeman, a court must not be deterred from protecting rights secured to all by the Constitution.

"The Police department is society's instrumentality to maintain law and order, and to be fully effective it must have public confidence and cooperation. Confidence can exist only if it is generally recognized that the department uses its enforcement procedures with integrity and zeal, according to law and without resort to oppressive measures. Law observance by the police cannot be divorced from law enforcement. When official conduct feeds a sense of injustice, raises barriers between the department and segments of the community, and breeds disrespect for the law, the difficulties of law enforcement are multiplied." [57]

In view of our analysis of the issues involved we conclude: First, that the nitrate tests were not sufficiently reliable evidence to require a finding of probable cause to hold the suspects. This conclusion is supported by the apparent lack of confidence in such tests shown by the Prosecutor's office. Al-

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Footnotes at end of article.

though they had positive test results they neither sought a warrant nor brought a charge. Second, that even if the tests were *prima facie* probable cause, the tests were taken in such a questionable time and manner that their exclusion by the Judge was fully justified.

3. May the Results of the Nitrate Tests Be Used if Such Tests Were Taken While the Suspect Was Being Held Incommunicado and Not Advised of His Right to Counsel?

The Court's ruling in this regard was primarily based upon *Wade v. United States,*[58] a recent United States Supreme Court case which held that a line-up for identification purposes was a "critical" stage which entitled the suspect to the presence of counsel. Thus, if the taking of a paraffin nitrate test is analagous to a line-up in that the lawyer is needed to assure fairness of the procedure, the police committed Constitutional error in failing to offer each suspect the assistance of counsel. On the other hand, if a nitrate test is closer to fingerprints, where the method of taking them is well established and the reliability recognized, no counsel is required. The courts have not yet resolved this issue and the Judge's ruling might well turn upon factual considerations relating to the specifics of nitrate testing and not legal rules. In this regard the well-known deficiencies of the test may be a relevant factor in that a knowledgeable attorney could assure that foreign materials are not touched by the suspect. One court has lent credence to the Judge's position, however, as it refused admission of the results of such a test after specifically distinguishing it from fingerprinting.[59] Although this judgment is probably the most questionable of those discussed, we must conclude that Judge Crockett's ruling was not so far afield of the established law in this area as to warrant even the slightest implication of incompetency or impropriety.

IV. CONCLUSION

The Judiciary is not so sacred that it is beyond criticism. Every judge of this land has an obligation to the people and the right of citizens to disagree with or protest any ruling is ingrained in our political system. However, when the criticism turns to vituperative accusation, and the integrity and competency of a judge is challenged, we think there is a special need for sober examination of the situation. Now Detroit is disturbed that much of the criticism surrounding Judge Crockett's rulings after the New Bethel shooting has been provoked by inaccurate reporting of facts and inadequate understanding of the law. We hope that this memorandum will be helpful in dispelling widespread misapprehensions of fact and law, explaining the judicial role in our legal system and restoring calm and perspective to our society.

Not every lawyer or judge will agree with every ruling made by Judge Crockett. There has never been a judicial ruling yet that has met with unanimous approval. Yet neither legal disagreement nor the frustration resulting from our inability to immediately solve every crime and catch every criminal can justify a personal attack upon a Court which has exercised its authority in good faith and with the support of state laws and the United States Constitution. Based upon our examination of the facts and law involved in this case, we are convinced that Judge Crockett's actions were taken in good faith with ample legal basis. We hope that this will be the end of the matter.

Concurring Report—With Comments

I concur with the majority report's conclusion that Recorder's Court Judge George W. Crockett, Jr. was not guilty of judicial misconduct in his handling of the 142 arrestees resulting from the horrible events at the New Bethel Church.

To state it positively, I believe that under applicable law Judge Crockett acted within permissible and accepted limits of judicial discretion in holding court at the precinct station and in his decision of the several legal and factual issues that came before him on that Sunday.

Since the majority and I now agree in substance on the validity of Judge Crockett's conduct with respect to his convening of court early Sunday morning, his issuance of the Writ of Habeas Corpus and his decision to release the so-called "nitrate suspects" on the evidence (or lack of it) then before him, I shall confine my remarks to the arrest issue (without detracting in any way from the conclusion stated above) and to comments that I think should be made.

I cannot accept the main thrust of the majority as to the original arrests. After all discussion is sifted, I interpret them to conclude that the arrests were probably unlawful. I refuse to decide that issue. We don't know that we have all pertinent facts (and the majority proceeds only on the facts presented to Judge Crockett) and I would leave final determination to a proper tribunal where all the facts are presented and tested. This is one area that likely will be thoroughly explored in any later trial of those who were arrested in the church.

But I don't think the legality or illegality of the arrests is necessarily pertinent to Judge Crockett's hearings on the Habeas Corpus Writ. Obviously, if the original arrests were unlawful the continued detention could not be justified. But I am not at all sure that Judge Crockett made any such determination. At least his conduct in holding some and bonding others is not consistent with such a ruling.

But assuming the arrests were lawful under present Constitutional law, the persons in custody were entitled to know the charges against them and have a speedy hearing as to the lawfulness of their continued detention. When Judge Crockett learned early on Sunday morning that there were no charges and no evidence to support a charge, he acted within the permissible bounds of judicial discretion in discharging the janitor and ordering others to return at noon.

By noon, most of those arrested had been released and Judge Crockett had to decide only as to the few remaining. And he could act then only on the basis of the evidence presented to him. While some judges and lawyers might differ with the conclusions he reached, there is no sound basis for saying that there was any judicial impropriety in the action he took.

COMMENTS

1. The confusion inherent in a mass arrest situation

Ever since July of 1967, various groups have been working on plans for handling mass arrests and the processing of prisoners in the event of another emergency. At least one of these plans called for the establishment of temporary court facilities in the several precincts to facilitate the speedy processing of arrested persons. It is obvious that these plans have not been perfected and communicated to the necessary officials. I suggest we waste no further time and put the plans in order so that all concerned will know the ground rules under which they will work. I agree that in emergencies the court should be taken to the precinct if safe to do so, but I do not agree that court should be held in a police station. Any coordination and advance planning should take this into account.

While I have concluded that Judge Crockett had a Constitutionally valid base for his decisions, I cannot say that other judges could not have decided differently and also been legally correct. The facts and circumstances always enter into and control the Constitutional accuracy of a decision as to the violation of a given individual's rights. When the facts are confused or unknown, the circumstances in dispute and the pressures great, it is not surprising that reasonable judicial minds might vary in their conclusions. But the judge on the spot can only make them on the basis of the evidence properly before him.

I am seriously concerned with the possible consequences of the majority conclusion that the original arrests in the church were probably unlawful. We don't yet have all the facts necessary to decision, but most of us have heard the police network tape which reported shooting from the church. If the police on the scene reasonably believed this to be true, I believe they were fully justified in entering and securing the church, using only the force necessary to do so. To say as some have said that any further investigation must have been conducted on the scene seems to me to require that we must invite a riot rather than make the necessary arrests and conduct the investigation and court hearing in a protected area. I do not believe that this is good sense or good law.

2. The nitrate suspects

As stated above, I agree with the majority that Judge Crockett faced issues of law and fact which he decided within the bounds of permissible judicial decision. This is not to say that all lawyers and judges would agree with his conclusions. But the right to decide necessarily includes the right to be wrong. And this is the reason for appellate courts. I have no doubt that the Constitutionality and reliability of nitrate testing in the absence of counsel for the accused will be decided soon—perhaps as a result of this incident. Until it is decided, lawyers and judges will differ as to what that decision should be. But Judge Crockett was acting as a judge and not an interloper when he made his decision to refuse to consider the nitrate evidence in determining probable cause for continued detention.

CONCLUSION

If this city is not to be permanently divided, then we must hold fast to the rule of law and not of men. If we don't, the only alternative is law enactment and enforcement by brute force. An independent judiciary is an indispensable part of our rule of law and must be preserved and defended. It may need reforming and enlargement, but it must remain. If it does not, our liberties go with it. I have yet to meet the man or group of men to whom I would entrust the power to decide my rights and privileges independently of the law. Have you?

FOOTNOTES

[1] Certificate On Habeas Corpus Hearing, March 30, 1969, page 2–3, hereinafter "Certificate."

[2] *Rules for the Recorders Court of the City of Detroit* (Feb., 1955), Rule I.

[3] *People* v. *McCager,* 367 Mich. 116 (1962).

[4] G.C.R. 712.5.

[5] *People* v. *Hamilton,* 359 Mich. 410, 416 (1940).

[6] M.C.L.A. § 600.4307.

[7] M.C.R.A. § 712.3, Commentary p. 127.

[8] M.C.R.A. § 712.3, Commentary p. 127.

[9] Certificate 6.

[10] Certificate 7.

[11] Transcript 11.

[12] Transcript 11, 69.

[13] *Henry* v. *United States,* 361 U.S. 98, 104 (1959).

[14] Certificate 5.

[15] Certificate 5.

[16] *Brinegar* v. *United States,* 338 U.S. 160, 183 (1948).

[17] *Beck* v. *Ohio,* 379 U.S. 89, 97 (1964).

[18] *Beck v. Ohio, supra.*

[19] *Wong Sun v. United States,* 371, U.S. 471, 481 (1963).

[20] *Mallory v. United States,* 354 U.S. 449, 456 (1957).

[21] Transcript 11.

[22] Transcript 41, 44, 57.

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[33] Transcript 41, 42.

[34] Transcript 43.

[35] Transcript 39.

[36] Transcript 45–51.

[37] Transcript 51.

[38] Transcript 58.

[29] Warren Report, p. 561.

[30] Warren Report, supra.

[31] 46 *Journal of Criminal Law and Criminology* 281, 283 (1955).

[32] Transcript, 49–50.

[33] *Wong Sun v. United States*, 371 U.S. 471, 485 (1963).

[34] *United States v. Mitchell*, 179 F. Supp. 636 (D.C. 1959).

[35] *United States v. Rundle*, 274 F. Supp. 364 (1967).

[36] *Rios v. United States*, 364 U.S. 253 (1960)

[37] *People* v. *Morales*, 290 N.Y.S. 2d 898 (1968).

[38] *United States* v. *Vita*, 294 F. 2d 524, 530 (1961).

[39] Uniform Arrest Act § 2, 28 *Virginia L. Rev.* 351, 321 (1942).

[40] Transcript 47.

[41] Uniform Arrest Act, Section 2 (3), *supra.*

[42] *United States* v. *Rundle, supra*, p. 369.

[43] *People* v. *Morales, supra*, p. 907.

[44] *United States* v. *Vita, supra*, p. 531.

[45] *People* v. *Morales, supra*, p. 907.

[46] *United States* v. *Rundle, supra*, p. 370.

[47] *Schmerber* v. *California*, 384 U.S. 768 (1966).

[48] "Detention Investigation by the Police: An Analysis of Court Practices," *Wash. Univ. L. Quar.*, June 1962, p. 338.

[49] 28 Detroit Lawyer 21, 22 (1960).

[50] Kamisar, Book Review, 76 *Harv. L. Rev.* 1502, 1504 (1962).

[51] *Report and Recommendations of the Commissioner's Committee on Arrests for Investigation, District of Columbia*, (Horsky Report) 1962 p. 58.

[52] Transcript 41.

[53] *Collins* v. *United States*, 289 F. 2d 129 (5th Cir. 1961).

[54] *Staples* v. *United States*, 320 F. 2d 817 (5th Cir. 1963).

[55] *Manual* v. *United States*, 355 F. 2d 817 (5th Cir. 1965).

[56] See also *Bynum* v. *United States*, 262 F. 2d 465 (1958).

[57] *Langford* v. *Gelston*, 364 F. 2d 197 (1966) at p. 204.

[58] *Wade* v. *United States*, 388 U.S. 218 (1966).

[59] *Brooke* v. *People*, 339 P. 2d 993 (1959).

IMPROPRIETIES OF JUSTICE DOUGLAS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. WYATT. Mr. Speaker, I was as shocked as the gentleman from Oklahoma (Mr. EDMONDSON) was when I read press accounts of an article just published in Playboy magazine authored by Supreme Court Justice William O. Douglas. Congressman EDMONDSON, yesterday, commented upon the gross inaccuracies and distortions in the article. I commend him for his scholarship in bringing this to the attention of the Members.

The truly shocking aspect of this incident is the total attitude of a Justice of the Supreme Court toward an agency of the U.S. Government in a field of interest which is frequently before the Supreme Court for decision. Justice Douglas has clearly disqualified himself from any participation in cases involving water resources by his open, flagrant opinions, appearing in Playboy, opinions which are based upon such shoddy research.

Columnist James J. Kilpatrick wrote a suitable comment upon this sordid incident in last evening's Washington Evening Star, and I herewith bring it to the attention of my colleagues:

JUSTICE DOUGLAS' ARTICLES FOR PLAYBOY DECRIED

South Carolina's Senator Thurmond had a tough time on the floor the other afternoon, trying to build his case for the resignation of Justice William O. Douglas. It was not, to speak truth, the senator's most shining hour, though it might have come off better without the incessant interruptions of Senator Kennedy. Yet Thurmond was right: Douglas ought to resign.

It is not a matter of one thing, or two things, or three. The extra-curricular activities of this busy jurist are one fuzzy thing after another. Nothing patently illegal. Nothing covert or crooked. But Douglas flirts with impropriety with a brand of arrogance all his own. He does not exactly disgrace the robe he wears; he merely leaves it a little bit soiled.

There is, for example, the matter of Douglas, the freelance writer, contributor to Playboy magazine. The current (July) issue of Hugh Hefner's effulgence, intended for sophomores of all ages, carries a lengthy article by the Justice, this one dealing with the dam-building sins of the Corps of Engineers.

It is Douglas' fourth contribution to Playboy in a span of eighteen months. His first article, on invasions of privacy, appeared in December of 1967. A second, on water pollution, appeared in June of 1968. A third, on civil liberties, ran in Playboy for January, 1969. Now this.

Viewed on their merits, the articles are unexceptional. There is not an original idea in them, but they are well documented and strongly presented. If any other conservationist or libertarian had written them, one might remark only his astonishment that Playboy should have published the pieces. And there's the rub. Hefner didn't buy these essays for their content; he bought them for their byline. And that's what Douglas sold.

Now, Playboy isn't obscene. By definitions Douglas helped to write, it sails to the windward of the law. The magazine is a lumpy concoction of bare bosoms, first-rate writing, he-she jokes, and Professor Hefner's portentous advice to the lovelorn. It makes millions. It attracts letters and articles from Senators, bishops, and assorted literati. (Next month: Frank Church.) Mainly it attracts aging sportsmen, out to ogle the centerfold bunny.

The point is that Playboy simply is no place for an associate justice of the United States Supreme Court to propound his views on public affairs. If such a publication is not beneath Douglas's dignity, it is beneath the Court's dignity. It is almost immaterial to inquire what Douglas was paid for the articles. (He won't say; I have asked.) What Hefner bought for his money was some of the respectability of the highest court in the land. That isn't for sale.

The Playboy pieces aren't Douglas's only contributions to belles letters. As Senator Paul Fannin of Arizona has disclosed, he did a free-lance article on folk singing for the March issue of Avant-Garde, the latest enterprise of Ralph Ginzburg. Whatever may be said of the Playboy contributions, this exercise for Avant-Garde was plainly an impropriety: Ginzburg is a notorious pornographer, denounced by five of Douglas's colleagues as a panderer.

Much has been written about Justice Douglas's part-time executive duties as president of the Parvin Foundation, yet much remains obscure. He resigned in April from the $12,000 job. It is a legitimate inquiry to ask what he did to earn the money. Mr. Justice Douglas isn't saying.

Between 1965 and 1967, the Parvin Foundation gave $70,000 to the Center for the Study of Democratic Institutions, an offshoot of the Foundation for the Republic. Douglas is chairman of the Center. He has received plump stipends from both the Center and the Foundation.

It is too much. The Supreme Court is—or ought to be—the most revered institution in our public life. The nine men who sit on that court have an obligation for propriety beyond the obligations of other men. Those who can't measure up ought to stand down. If that shoe fits Douglas—and it does—let him put it on.

COMMENDATION TO U.S. SENATOR ROBERT P. GRIFFIN

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. VANDER JAGT. Mr. Speaker, the Michigan State Senate, having as its membership 20 Republicans and 18 Democrats, on May 21, 1969, unanimously adopted a resolution commending U.S. Senator ROBERT P. GRIFFIN for his straightforward approach to the Fortas case.

It is proper that the State senate take this action because all of us in Michigan do take pride in the way Senator GRIFFIN conducted himself during the entire Fortas matter.

I submit the full text of the resolution for inclusion in the RECORD, as follows:

SENATE RESOLUTION No. 64

A RESOLUTION OF COMMENDATION TO U.S. SENATOR ROBERT P. GRIFFIN

Whereas, The role played by Senator Robert P. Griffin in the Supreme Court drama involving Justice Abe Fortas has not only increased the stature of Senator Robert Griffin in the eyes of the citizens of the State of Michigan and the citizens of the United States of America, but has also elevated the United States Senate to its rightful position as an equal branch of government of the United States government; and

Whereas, Senator Robert Griffin's persistent course of action in scrutinizing the activities of Justice Abe Fortas and insisting upon the traditional role of checks and balances by the three major branches of the federal government have not only vindicated the constitutional form of government of our United States of America, but has also once again emphasized the dominant role that the legislative process should play in a democratic system of government; and

Whereas, Senator Robert P. Griffin's calm, deliberate and legal approach to the problems indicated by the Fortas case shows the need for the type of senator such as portrayed by Senator Griffin; now therefore be it

Resolved by the Senate, That the members of the Michigan Senate express great pride in the statesmanlike conduct of Senator Robert P. Griffin in the Fortas matter and along with all the citizens of the State of Michigan pay tribute to the wisdom, fortitude and judicial-like calmness by which Senator Robert P. Griffin conducted himself in this trying situation in that his conduct can only mean, and rightfully so, a maturity befitting a great member of a great deliberative body, the United States Senate, and that added honor and prestige has been bestowed not only upon Senator Robert P. Griffin but also the State of Michigan by this outstanding United States Senator from the State of Michigan; and be it further

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Resolved, That a copy of this resolution be transmitted to Senator Robert P. Griffin.

Adopted by the Senate, May 21, 1969.

BERYL T. KENYON,
Secretary of the Senate.

SERVICES OF HOME MAINTENANCE WORKER SHOULD BE PROVIDED UNDER MEDICARE PROGRAM

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. GILBERT. Mr. Speaker, I want to call to the attention of my colleagues in the House, my bill, H.R. 10296, which will amend title XVIII of the Social Security Act to authorize payment under the program of health insurance for the aged for services furnished an individual by a home maintenance worker—in such individual's home—as part of a home health services plan.

Medicare has provided some needed medical services to most of our senior citizens. In addition to hospitalization and outpatient care, it also provides for some services in the patient's own home. There is one aspect of this service, however, which I feel must be strengthened. Home health services provided under title XVIII of the Social Security Act—medicare—do not include home maintenance service. Home maintenance service includes help with shopping, cooking, laundry, and housecleaning. This is the simplest and least expensive form of help which could prevent or postpone placement of an aging person in a hospital, nursing home or other institution. Frequently, such services on a part-time basis will not only make it possible for the elderly person to remain in familiar surroundings within his own home and in his own community but, in addition, it can save the community the cost of more expensive forms of care.

At the present time, the medicare legislation provides home maintenance care to an older person only when it supplements personal care such as feeding, bathing, transfer in and out of a wheelchair, and so forth. However, a person with a serious heart condition or disabling arthritis might be able to take care of his own personal needs but not be able to shop, cook, or do housecleaning and laundry.

Today's aging were yesterday's labor force. Today's senior citizens are the men and women who throughout their working years have supported themselves, educated their children, and have been productive members of society. Today there are over 19 million persons, aged 65 and over in the United States, most of whom have been forced to retire from their jobs. In my own city, New York, there are over 1 million senior citizens. Many older persons live in isolation, their children have moved away, and their friends have died. Most live on extremely limited incomes. The approaching disappearance of the three-generation household and the extension of the retirement years have created an urgent need for creative planning to keep the aging in their own homes. This is desired by most of our senior citizens.

In contrast with Scandinavia and Great Britain, home help services, designed to permit the aged to remain in their own homes, have not been given sufficient opportunity to develop in this country. Patients in many kinds of institutional settings could be cared for in their own homes, provided services are available. One recent study in Syracuse, N.Y., financed by the U.S. Public Health Service, showed that "21 out of every 100 patients in nursing homes could have been appropriately cared for at a less intensive level of care, such as home care"; and "23 out of every 100 persons in domiciliary homes could have been living in semi-independent living units, had such facilities been available in the community."

Mr. Speaker, I repeat that our senior citizens deserve a realistic choice between remaining in familiar surroundings with the help needed, or institutionalization. To give the senior citizen the most appropriate care as part of a medical plan will be used for those who must have that kind of intensive care. Let us be realistic, and give the senior citizens the care they need and spend the taxpayers money only for essential services. I urge my colleagues in the House to give their support to my bill, H.R. 10296.

COMBATTING THE NEW LEFT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. RARICK. Mr. Speaker, the true mood of our young people can best be judged by their individual expressions.

Mr. Mike Connelly is a junior in business administration, pursuing prelaw, at Louisiana State University in Baton Rouge, La. He is also president of the Louisiana State University Chapter of the Young Americans for Freedom.

Recently Mike presented a talk to the Baton Rouge Rotary Club which I feel is worthy of consideration by our colleagues. With young men like Mike Connelly for our future leaders, I feel our country will be in capable hands.

I include his speech in the RECORD at this point:

COMBATTING THE "NEW LEFT"

(By Mike Connelly) [1]

The other night as I was thumbing through the new issue of Reader's Digest I came upon an article of great significance to me. It was a eulogy written by an anguished father to the son he had lost on the battlefield in Vietnam, and as I read it, I knew that it was going to make my task before you today much easier. The man who wrote the article was rededicating himself to the principles that his son had died for, and I found myself making the same rededication. Upon reading the article for the first time I felt a sense of failure. I felt as if I had failed this young soldier and failed my country. Why, I asked myself, did he have to die on a distant battlefield while I stayed at home, safe from the bullets that had ripped his body?

But then as I reread the article for a second time I began to realize the full significance of what his father was trying to say. I realized that the field of combat his son died upon is only one of the battlefields that America must fight on. And as he fulfilled his duty against the Vietcong, I must fulfill mine against an enemy at home, an enemy just as dangerous and one which is not being adequately met.

His enemy carries a Communist made rifle while mine carriers a picket sign with a Communist inspired slogan upon it. His enemy fires rockets and artillery rounds, while mine hurls Molotov cocktails and rocks. His enemy storms the barricades of freedom in a liberty seeking country in Southeast Asia, while my enemy hurls himself against the barricades of America's cherished institutions. And while his enemy seeks to tear the American flag from its lofty perch and drag it through the mud of a rice paddy, my enemy seeks to burn our flag in front of the eyes of the world.

Yes, the conclusion is obvious, the enemy is the same whether he wears the uniform of a Communist or Nazi soldier or the unorthodox garb that is characteristic of the New Left. They all seek the same objectives, the destruction of our country and the liberty it holds so precious.

So it is to defeating this enemy, wherever he may be found, that I have rededicated myself. I stand before you today as a representative of a new group of young Americans. A group that shares my inherent belief in the principles of the greatest nation the world has ever known.

We are prepared to go on the offensive, here on the L.S.U. campus and on campuses all over the country. No longer will we tolerate the misdeeds of a violent minority that hides behind the sacred guarantees of our constitution while it seeks to destroy the very institutions that were constructed by it.

And what of our enemy, who are they and what do they believe? Well, the Students for a Democratic Society, which seems to speak for the New Left, has as its professed goal the destruction of the establishment. That means you and I, gentlemen, and everything we believe in. It includes our economic and political systems as well as our belief in God and our very moral fiber. And what do they offer as an alternative? Well, I guess it was summed up best by one of SDS's own national leaders when he said that "we seek to destroy the establishment in the hope that out of the rubble something better will emerge". When asked what that something better might be, he said they hadn't thought about that yet. Well, I have thought about it and I can readily predict what will come about if the New Left has its way with America. It will be Communism or Facism or some other form of tyranny that seeks to end forever the God-given rights of man.

And what about their methods? Well, the New Left has adopted the old Communist supported philosophy that the end justifies the means. We all saw the pictures of the Democratic convention in Chicago when chaos and violence reigned supreme. Where Vietcong flags flew side by side with the black flag of anarchy and the blood red flag of Communist inspired revolution, and then when the demonstrations flared into the inevitable violence that accompanies New Left events, the press and the presidential commission had the utter audacity to term it a police riot. I believe I would have swung a pretty mean billy club myself if someone had shouted obscenities at me for twenty-four hours and showered me with everything from eggs and tomatoes to golf balls with spikes in them to homemade spears.

Yet as vicious as the New Left was at Chi-

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[1] Talk presented to Baton Rouge Rotary Club, Wednesday, May 21, Capital House, Baton Rouge. Mr. Connelly is a Junior in Business Administration at L.S.U., pursuing a pre-Law degree. He is President of the L.S.U. Chapter of Young Americans for Freedom and represents that organization in this speech.

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cago, it is nothing to what they are doing on the campuses of America's first educational institutions. As a student this is what concerns me most. I recently returned from a trip to Washington, D.C., where I attended a conference on S.D.S. There were students from all over the country there, from such campuses as Berkeley, San Francisco State, Columbia, and Chicago, and from them I learned the real story of S.D.S. These were students who had listened with sympathy to the promises of student rights that S.D.S. had offered. They had seen the problems that truly exist on many campuses and they had yearned to find a cure.

Yet now they were banning together to face an even greater problem, that of the self-imposed tyranny of the New Left. I heard many stories and they both shocked and frightened me. They were stories of beatings and the threats of beatings given to conservative students, and of the open violence at San Francisco State, Columbia, and so many other campuses. Stories of harassment of professors and administrators, be they conservative or liberal, who refused to do the bidding of a minority of militant students. They talked of the complete lack of freedom of speech at such places as Berkeley and New York University, where virtually anyone not on the far left cannot speak without being shouted down, humiliated and threatened with physical violence.

The students I talked to have become disillusioned with and fearful of SDS, and finally they have become angry and in some cases militant. Who can blame them? I certainly cannot. It is not hard to become disillusioned with an organization whose national leadership opposes American involvement in Vietnam, yet supported the Russians invasion of Czechoslovakia as an internal Russian affair. Inconsistent, you say, not really when you consider that almost half of the delegates to SDS's recent national convention were also members of the Chinese Communist Progressive Labor Party.

Perhaps you think that it cannot happen here. There is an SDS on the campus now and a so-called Student Liberal Federation which has adopted many of SDS's programs. Already there have been instances of guest speakers on the campus being shouted down, and the use of violence against conservative students. The Student Liberal Federation has decided not to follow the rules and regulations set down by the university. And the other night the SLF brought a member of SDS's national executive committee to speak on the campus. Need I say more?

But, gentlemen, you see before you one student among many that is not going to stand by and let the forces of anarchy have their way here at L.S.U. Two new organizations, the Young Americans for Freedom and the Collegiate Conservative Union, have been formed on the campus with the primary objective of mobilizing students to counteract the New Left.

Our program is relatively simple. Through the Collegiate Conservative Union we plan to launch a philosophical attack on the chaotic ideas of the New Left. Through the use of literature supplied by our national organization, the Intercollegiate Studies Institute, we plan to flood the campus with the writings on the philosophy of our nation, and through the Young Americans for Freedom we plan to expose the hypocrisies of the New Left, and force them to do battle on grounds where they will surely be defeated. The first issues of The Collegiate Conscience have appeared on the campus. It is a conservative newspaper that not only exposes the New Left, but offers realistic alternatives to their program. YAF will do many other things, too. Included among these are the bringing in of nationally known speakers, the staging of patriotic rallies supporting our country and, if necessary, we will stand in the doorways of our campus buildings to keep SDS from destroying them.

In short, gentlemen, we offer a new philosophy to our students. It is a philosophy of positive action. A philosophy of patriotism, pride, honor, and responsibility. We do not ignore the problems of our nation, our state or our university, but we do believe that there are no problems so great that our nation cannot solve them through its established institutions without the destruction of those institutions!

As a student I cannot help but favor an increase in student rights, but I favor them only if they come with an increase in student responsibility. Responsibility, that is a word the New Left seems to have excluded from its vocabulary. My fellow students cannot and will not exclude it from ours. It is too much a part of the nation that we love.

We are Americans and proud to say it. We do not try to hide the lump we get in our throats as the National Anthem is played or the stars and stripes pass in review.

Patriotism is not just a word to us, it is a way of life. There will be no American flags burned in our presence, and no funds will be collected on this campus to aid the Vietcong. Our university is a part of our country and we intend to see that it fulfills its obligations not only to the students who come here for an education, but also to the people and government that support it.

We want the doors of our university opened to all opinions, and we will respect the rights of others to disagree, for this is a part of our heritage. But we will not glorify treason by calling it dissent, and we will not stand by quietly as someone advocates the violent overthrow of our country. We cannot condone violence in any form against our university or country.

Too much blood has been lost and too many tears shed in defense of America for us to allow the university to be used as a staging ground for the destruction of our society. We will not allow ourselves to forget the sacrifices that your generation and the generations before you have made for us. And we pledge to you that our campus will remain open and our nation free.

With your help our movement can perhaps spread to other campuses, and enlist the support of all students that feel as we do. We are going to turn off the New Left, and with the help of all Americans and the principles of our nation as our guide, we will turn on a bright new tomorrow.

So we return now to the story of a young man who should be here with me today. He and many like him could testify to the greatness of America. But they could not be here because, you see, they have already given their testimony with their lives. They died at Bunker Hill, Gettysburg, Iwo Jima, and Korea, and they are dying now in a place called Vietnam. Throughout two centuries and countless battles our countrymen have died for America, now it is time we started living for it.

CONGRESSIONAL ROLLCALL NIGHT BASEBALL GAME

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. CLARK. Mr. Speaker, this year's record crowd at the eighth annual Congressional Rollcall Night Baseball Game is a tribute not only to the good sportsmanship of the Members of Congress who participate in this great annual event, but it is also a tribute to the hard work of a lot of people here on Capitol Hill.

The Congressional Secretaries Club board and the baseball committee really pitch in every year to make this annual event a success and their efforts for the most part go unnoticed.

Through the years there has been one man in particular who has labored long and hard to keep things moving on the diamond and on the Hill, and that man is John "Skip" Maraney of the House Clerk's staff. Skip was on the original baseball game committee back in the days when our former colleague, Carroll Kearns, of Pennsylvania, and Sid Yudain, of Roll Call collaborated to get the national pastime back into our National Legislature.

Skip has performed a variety of chores for this event, and this year his performance in making all the congressional game arrangements was as usual excellent.

So, Mr. Speaker, to Skip and his associates on the staff, let me say thanks for a good job well done.

ROTC STUDY

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. KING. Mr. Speaker, the ROTC is an institution that every college and university should be proud to have on its campus. Without ROTC, the United States would have had an extremely difficult time finding the officers necessary to lead our military forces in defense of American freedom in World War II, in Korea, and now in Vietnam. The service academies cannot begin to supply the number of officers needed in times of national emergency.

Recently, there have been outbursts against the Reserve Officer Training Corps on several of our college and university campuses. Some of the universities have gone so far as to yield to the demands of a small handful of SDS-type malcontents by reducing the ROTC to an extracurricular activity without benefit of academic credit.

Fortunately, the United States is not without academic leaders who are willing to condemn current trends and developments with respect to the downgrading of the ROTC. An exchange of correspondence concerning the retention of the ROTC program at Cornell University has recently been called to my attention, and I would like to share it with my colleagues. Attached is a memorandum from Prof. Gordon P. Fisher to Dean L. Linscott of Cornell University and Dean Linscott's reply regarding the ROTC study at Cornell.

Mr. Speaker, this correspondence has been brought to my attention by Maj. Gen. Laddie L. Stahl, USAR, the commanding officer of the 98th Division, a training division consisting of 3,200 officers and enlisted men. General Stahl has been an outstanding military officer since receiving his commission in 1942. Since resigning from the Regular Army in 1954, General Stahl has been employed by the General Electric Co. and is presently the manager—Research and Development Application Service, Research and Development Center.

Under unanimous consent I submit for

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inclusion in the CONGRESSIONAL RECORD, as follows:

MAY 19, 1969.

Re the ROTC Study.
To: Dean L. Linscott.
By: Gordon P. Fisher.

It may have come to your attention that I have been asked to serve on the Faculty committee on R.O.T.C. Knowing of your interest in this matter, I am asking your assistance in striving to reach a point of view that is broadly representative of Faculty opinion.

It would be most helpful to me to have your views on the R.O.T.C. question in general and a statement of your fundamental concern. In addition to other views, I would welcome your comments on three points particularly:

(1) Should universities support R.O.T.C. programs and engage in the education of regular and reserve military officer candidates? Why?

(2) Assuming that the answer to (1) is yes and well-supported by argument, should *Cornell* be so engaged? What, in your view, are the *really compelling* philosophical reasons for Cornell to maintain an R.O.T.C. program? Should it be left to other universities such as Texas A & M, V.P.I., etc. which are more receptive, perhaps because of their roots in a military tradition, to carry on R.O.T.C. education? (For example, the provision of military scholarships to Cornell students is not to my mind a *compelling* reason, although it is certainly part of the price to be paid for abolishing R.O.T.C.)

(3) If R.O.T.C. programs should continue at Cornell, hopefully with some enthusiasm and honest cooperation to insure their respectability within the University, what changes, if any, in the content and mechanics of the program would you like to see made? Which are vital? Which should receive top priority? In parallel, what steps could the University administration and other academic departments take on their side to enhance military officer education and its position in the University?

I shall be most grateful for your considered response. In responding, please tell me also whether you would object to having your statement exposed to the full Committee. I am indebted to those of you who already have sent me statements of your views. Please feel free to extend this invitation to any of your faculty colleagues.

MAY 28, 1969.

To: Prof. Gordon P. Fisher.
From: Dean L. Linscott.
Re: The ROTC Study.

Thank you for your memo of May 19 regarding the ROTC study. I am happy to forward an opinion to you on this matter. Feel free to expose the statement to the full committee if you so desire.

I will comment on the three points you mentioned first.

(1) The universities of the nation *should* support ROTC programs and engage in the education of regular and reserve officer candidates. In my opinion, mankind has not progressed sufficiently to eliminate the need for defensive mechanisms, and it is not likely in the foreseeable future that the situation will change. Therefore, the armed forces purpose is to defend the nation, uphold the constitution, and act as directed by civilian authority in the best interests of this nation and the world. Members of the services are participating in a necessary and an honorable profession. (Excesses, mismanagement and other deficiencies present in any organization are not in question at the moment.)

I think we ought to assume as a fundamental principle that civilian authority should prevail over the military because of the inherent power of a military organization. In other words, civilian influence and control of the armed forces should be a national concept, a part of the check and balance system to be maintained intact or even strengthened. Military forces, especially of this nation, do not initiate action unilaterally. Armed forces are instruments of civilian policy. Major confrontations nearly always stem from civilian diplomatic failures. In view of our present global commitments it is amazing to me that incidents of small confrontations, which may or may not have been the result of unilateral military indiscretion, have been so few in number. Indeed, this fact is highly complimentary of the judgments exercised by our armed forces.

If the armed forces, acting under civilian direction and influence, perform their missions in the best interests of the United States and hopefully the world, as directed by civil authority and do so in a spirit of protection and defense and not aggression, it seems to me that they are a moral force and hold a necessary and legitimate place in our society. Thus, universities have the same responsibilities to the armed forces as they have to any special interest group—medicine, engineering, agriculture, business, law, industry, labor, etc. The argument against specialized education or training of the military by universities can be applied with equivalent logic to all of these groups. Some say let the military conduct their own specialized postgraduate education programs and keep the military off the campus. Others may say let the sociologists conduct their own specialized postgraduate educational programs and keep the sociologists off the campus. Accept one argument and it seems you should accept the second.

A second compelling reason stems from the philosophy of civilian control and influence of the military and other necessarily authoritarian agencies. To disengage universities from the military will cause a situation of inbreeding and seclusion which ultimately may foster sharp confrontations between civilian and military agencies at grass roots as well as top levels. We should keep civilians close to and within the military structure who can appreciate the military point of view, yet convey effectively to the armed forces a sense of civilian purview and objectivity. I can testify that the Reserve Officer fulfills this role.

A third argument, although not critical, is one to consider. If universities condone and accept vocal extremist groups as a legitimate part of their systems (some of which groups publicly advocate the destruction of constitutional authority and the nation, by whatever means possible) then it seems the universities are bound to accept and support organizations with opposing views (some of which are sworn to defend the nation and constitutional authority) if indeed they are to be called universities.

(2) The answer to (1) was yes, hopefully supported by satisfactory argument. Should Cornell be so engaged? *Yes*. We should have military officers from universities *which are not* heavily vested in military tradition for reasons indicated in (1). Numbers of officers graduating from Cornell, of course, are insignificant. But Cornell is considered by some to be a bell-wether university—"the most western of the eastern and most eastern of the western." Ill considered action by Cornell could have inordinate consequences. The principle as stated in (1) is the key. If the answer to (1) is yes, Cornell as a leader should give active support to ROTC programs. A second reason, Ezra Cornell wanted a university where one could study any subject—a present day impossibility. I think he really wanted a university of free expression with balanced programs. I do not see ROTC as a threat to *any other* Cornell program while retaining value and validity in its own right.

The suggestion has been made to let Texas A & M, V.P.I. etc. produce our military officers. Since the Ivy league produces so many leaders in government and politics are we indeed suggesting that the Midwestern and Southern schools develop those men who have to clean up after the failures of our protegés? Isn't this an example of the "inequities" that some of our students and faculty have been so concerned about?

(3) The military has given honest cooperation to this University in the past and gives every indication of being willing to do so in the future. In return they should be allowed to perform their teaching role by the university without unwarranted harassment.

Military curriculum should be left to the faculty committee on military curriculum and the military. We have no convincing evidence that the military at Cornell are operating in any manner inconsistent with Cornell traditions. If you find evidence to the contrary, my suggestion is that the military will encourage dialogue and bilateral action for improvement. I am impressed by the general lack of criticism by students of military courses, the manner of presentation, and of the professional competency of the military professors. I say that there is no real problem with the ROTC at Cornell.

In summary, I think it would be a serious error for this University to remove ROTC from the campus. To do so would serve no creditable or legitimate purpose, in my opinion.

SENATE—*Thursday, June 19, 1969*

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, whose splendor fills the world, whom we would worship in the beauty of holiness, and whom we can find in the holiness of beauty, who art ever saying "he that hath ears to hear, let him hear" mercifully quicken all the senses with which Thou hast endowed us, that each may be an opening door into the presence of the Eternal. However few or many our days, we thank Thee for life itself and that we may serve Thee here. Receive, O Lord, the dedication of energies, that amid the round of daily duties we may keep ever before us the vision of the higher kingdom which Thou hast revealed in Thy Son who went about doing good, and in whose name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 18, 1969, be dispensed with.

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The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1647) to authorize the release of 100,000 short tons of lead from the national stockpile and the supplemental stockpile, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 6543) to extend public health protection with respect to cigarette smoking and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 6543) to extend public health protection with respect to cigarette smoking, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, pending the arrival of the distinguished senior Senator from New York (Mr. JAVITS), I ask unanimous consent that there be a brief period for the transaction of routine morning business, and that statements therein be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following measures on the calendar: Calendar Nos. 212, 226, 231, 232, and 233.

The VICE PRESIDENT. Without objection, it is so ordered.

ELIMINATION OF DUTY ON CRUDE CHICORY ROOTS

The Senate proceeded to consider the bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots, which had been reported from the Committee on Finance with an amendment, on page 2, after line 14, insert a new section, as follows:

SEC. 3. (a) Section 403(d) of the Social Security Act is repealed.

(b) Section 403(a) of such Act is amended by striking out "(subject to subsection (d))" in the matter preceding paragraph (1).

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-223), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF HOUSE BILL

The bill as it passed the House, and as it has been approved by the Committee on Finance, would make permanent the existing temporary suspension of duty on crude chicory roots.

COMMITTEE AMENDMENT

The Committee on Finance has added a new section to the bill which would repeal the limitation on Federal participation in aid to families with dependent children. Under present law, this limitation is scheduled to become effective on July 1, 1969.

ELIMINATION OF DUTY ON CRUDE CHICORY ROOTS

Public Law 85–378, approved April 16, 1958, provided for the suspension of duty on crude chicory (except endive) for a period of 2 years. This legislation also provided that the duty on chicory, ground or otherwise prepared, would be 2 cents per pound for the period during which the duty on crude chicory was suspended. This suspension of duty on crude chicory and reduction in the duty on ground chicory has been successively extended on a temporary basis as follows:

Public Law 86–441, April 22, 1960;
Public Law 86–479, June 1, 1960;
Public Law 88–49, June 29, 1963; and
Public Law 89–439, May 31, 1966.

The temporary duty treatment for crude and ground chicory provided in Public Law 98–439 will terminate on June 30, 1969.

No chicory has been grown in the United States since 1954 and domestic processors of chicory depend on imports of crude chicory. The temporary suspension of duty on crude chicory and the temporary reduction in duty on ground chicory provided in Public Law 85–378 and extensions thereof provided domestic producers of ground chicory with a 2-cents-per-pound rate differential between imports of crude chicory on which they depend and imports of ground chicory with which they compete. The 2-cents-per-pound rate differential has been in effect since Public Law 85–378 was approved on April 16, 1958.

As a result of the Kennedy round of trade negotiations, the regular rate of duty on crude chicory under item 160.30 of the tariff schedules is being reduced from 1 cent per pound to 0.5 cent per pound in 5 annual stages, the last stage scheduled to become effective on January 1, 1972. The existing rate of duty (except for the temporary suspension) is 0.8 cent per pound. Similarly, the regular rate of duty on ground chicory under item 160.35 of the tariff schedules is being reduced from 2.5 cents to 1.5 cents per pound in 5 annual stages as a result of the trade agreement reached in the Kennedy round. The existing rate of duty on ground chicory (except for the temporary reduction to 2 cents per pound) is 2.1 cents per pound, the final stage of the reduction to 1.5 cents per pound to become effective on January 1, 1969.

Thus, unless H.R. 8644 is enacted, the existing regular rates of duty on crude and on ground chicory provided by item 160.30 and 160.35, respectively, will become effective on July 1, 1969, and under these circumstances, the differential between the rates of duty on crude and ground chicory will be reduced from the present 2 cents to 1.3 cents per pound on July 1, 1969, and to 1 cent per pound on January 1, 1972, the final stage of the Kennedy round reductions.

The Committee on Finance is unaware of any objections to this bill, and no objection was received from the interested departments and agencies.

REPEAL OF LIMITATION ON FEDERAL PARTICIPATION IN AID TO FAMILIES WITH DEPENDENT CHILDREN

During its consideration of the Social Security Amendments of 1967, the House Ways and Means Committee recommended a major new approach to the reduction of dependency in the program of aid to families with dependent children. The basic features of the new approach included work training, work incentives through earnings exemptions, and day care for the children of working mothers. To insure that States would rapidly implement this major new program, the committee placed a limitation on Federal participation in aid to families with dependent children. The limitation, which would have become effective in January 1968, was related to the proportion of children who were receiving AFDC because of the absence of a parent from the home.

The Senate Committee on Finance endorsed the basic approach of the House bill—the reduction of dependency through employment—but it proposed a broader and more comprehensive work incentive program. The committee felt that in view of these major changes, it was no longer necessary to place a limitation on Federal participation in AFDC. The Senate version of the social security amendments contained no such limitation.

While the House conferees were unwilling to have their limitation deleted, they did agree to delay its effective date until July 1, 1968.

As signed into law, the Social Security Amendments of 1967 placed a limitation on Federal participation in aid to families with dependent children (the "AFDC freeze") related to the percentage of the child population under age 18 receiving welfare because of the absence of a parent from the home. The percentage of this type of child represented of the total child population was to be calculated during the base period (January to March 1968). For each calendar quarter beginning July 1968, the "freeze percentage" was to be multiplied by the child population on the previous January 1 to determine the total number of children receiving AFDC because of an absent parent for whom there would be Federal matching. The limitation thus allowed for an upward adjustment only once annually, in recognition of the growth of the State's total child population. Despite the limitation, the States would still be required under Federal law to provide assistance promptly to every needy child meeting the State's eligibility standards—but the entire cost of assistance to children in excess of the limit would be borne by the States and localities, with no Federal matching.

In 1968, the Senate again voted to repeal the AFDC freeze as an amendment to the bill which became the Revenue and Expenditure Control Act of 1968. At that time, litigation in several States (related to duration of residence requirements and the eligibility of families to receive assistance when there was a man in the house not married to the mother of the family) threatened to modify State eligibility requirements and add substantial numbers of new AFDC recipients to the rolls. At the same time, Federal funds had not even been appropriated to initiate the work incentive program.

The House conferees again refused to repeal the limitation. They did agree to postpone the effective date for 1 year (until July 1, 1969) and to make special provision for increases in the AFDC rolls by the second quarter of calendar year 1969 as the result of—

any decision by a court of the United States of competent jurisdiction in any case or controversy in which there is decided the issue of the validity, under the United States Constitution, of any law, rule, regulation, or policy of a State under which aid to families with dependent children is denied to individuals otherwise eligible therefor because of failure to meet duration of residence requirements or because of the relationship between a male individual and the mother of the child or children with respect to whom such aid is sought.

At the time the conferees acted, it was anticipated that the Supreme Court would soon rule on the duration of residence and man-in-the-house cases, and that the decisions, if they ruled out these eligibility requirements, would be based on constitutional grounds. However, only the decision to eliminate the man-in-the-house rule was made in 1968—and that ruling was made on statutory, rather than constitutional grounds.

It was not until April 21, 1969, that the Court handed down a decision that would force States to eliminate eligibility requirements based on length of residence. This decision was made on constitutional grounds. Last year's decision affected 18 States; this year's would affect some 40 States.

The Department of Health, Education, and Welfare has estimated that an increase in the AFDC rolls ranging from 200,000 to 400,000 recipients might result from the elimination of the man-in-the-house rule; another 100,000 to 200,000 AFDC recipients might be added to the rolls as a result of the elimination of duration-of-residence eligibility requirements.

For the most part, under present law there would be no Federal participation on behalf of the children added to the rolls as the result of the Supreme Court's decisions. Children added who would have formerly been ineligible under a man-in-the-house rule are not covered by the special provision added to the law last year, since the Court's decision was made on statutory rather than constitutional grounds. Last year's special provision was aimed at adjusting the AFDC limitation to take into account cases added because of court decisions; the added cases were to be measured in the second quarter of 1969. But since the Court's decision on duration-of-residence eligibility requirements was not made until April 21 of this year, most additional cases relating to this decision will be added to the rolls after the second quarter of 1969, and will be in excess of the freeze limitation.

There is another important consideration. The basic purpose of the original House limitation was to provide a strong incentive for the States to move rapidly to implement the work incentive program. Neither the Federal administrators nor the States have done so. Implementation of the program has been so slow that the new administration was able to reduce the budget requests for the work incentive program by $35 million simply on the grounds that the funds could not be used.

The Department of Health, Education, and Welfare estimates that the limitation in existing law would reduce Federal participation in AFDC by $322 million in fiscal year 1970.

For these reasons, the committee recommends a third time that the limitation on Federal participation be deleted.

EMPLOYMENT OF ALIENS IN A SCIENTIFIC OR TECHNICAL CAPACITY BY THE SECRETARY OF COMMERCE UNDER CERTAIN CONDITIONS

The bill (S. 1173) to authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce to the extent he determines to be necessary, and subject to adequate security investigations and such other investigations as he may determine to be appropriate, and subject further to a prior determination by him that no qualified United States citizen is available for the particular position involved, is authorized to employ and compensate aliens in a scientific or technical capacity at authorized rates of compensation without regard to statutory provisions prohibiting payment of compensation to aliens.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–235), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

S. 1173, which was introduced at the request of the Secretary of Commerce, would authorize the Secretary to employ aliens in a scientific or technical capacity without regard to statutory provisions prohibiting payment of compensation to aliens. Such a prohibition is contained in section 502 of the Public Works Appropriation Act, 1969, approved August 12, 1968, Public Law 90–479 (82 Stat. 705). A similar provision has been carried in one of the appropriation acts for several years, and it is assumed that it will be repeated in the future.

In requesting this legislation, the Department of Commerce has indicated that on various occasions the only persons qualified and available for certain highly specialized scientific and technical positions in the Department, could not be employed because they were not citizens of the United States. The proposed measure would permit the employment of aliens in such circumstances, subject to adequate security investigations and to a prior determination that no qualified citizen of the United States is available for the position.

The Department has cited various specialized fields of scientific and technical endeavor of concern to the National Bureau of Standards, the Environmental Science Services Administration, and the Bureau of the Census in which the supply of talented and experienced individuals appears to be more plentiful abroad than in this country. In countries such as Sweden and Switzerland active research has continued in certain areas of science and technology that are no longer particularly attractive to American students, but are important to the Department's programs. However, nationals of these nonalined countries cannot now be employed by the Department. Enactment of S. 1173 would enable the Department to utilize the services of these foreign experts when U.S. citizens with suitable qualifications are not available.

Legislation similar to S. 1173 has been enacted giving various other agencies authority to employ aliens with special qualifications or for specific purposes without regard to statutory prohibitions. Seven examples of such legislation are cited in the letter from the Comptroller General included later in this report.

The statement of purpose and need for S. 1173 that was transmitted to the Conggress by the Department of Commerce follows:

STATEMENT OF PURPOSE AND NEED

The proposed legislation would authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity without regard to statutory provisions prohibiting the payment of compensation to aliens. Such employment would be subject to adequate security investigations and to a prior determination that no qualified U.S. citizen is available for the particular position involved.

On various occasions, agencies for the Department of Commerce engaged in scientific or technical work have found that the only persons qualified and available for certain highly specialized positions are not citizens of the United States. However, in many cases these individuals cannot be employed by the Department due to provisions in appropriation legislation which prohibit, with certain stated exceptions the compensation of aliens from appropriated funds. The current prohibition is contained in section 502 of the Public Works for Water and Power Resources Development and Atomic Energy Commission Appropriation Act, 1969, approved August 12, 1968 (Public Law 90–479) and applies to all appropriations for the current fiscal year.

The need to utilize the services of these talented foreigners is due in part to the general shortage of scientists and engineers in this country. More significant, however, is the fact that some of the Department's technical programs are outside the popular or currently fashionable areas of modern science, and, therefore, are not particularly attractive to American students and scientists. In many such fields, the supply of talent is much more plentiful abroad.

For example, the National Bureau of Standards (NBS) has experienced great difficulty in recent years in recruiting physicists trained in atomic spectroscopy. At the same time, the demands upon NBS for precise data on atomic properties, obtainable through spectroscopic studies, have increased sharply. Such information is essential in interpreting astrophysical data associated with the space program, in measuring and understanding plasmas such as those involved in thermonuclear fusion research, and in understanding the physical processes involved in rocket propulsion.

Though American universities have been producing few trained personnel in this field, spectroscopy has continued to be an active field of study and research abroad. Among the major producers of atomic spectroscopists is Sweden; however, Swedish nationals may not be employed by NBS under the present statute.

A similar situation exists with respect to applied mathematics, where the general shortage of trained mathematicians is aggravated by the lack of individuals interested and qualified in certain specialized branches of mathematics. The Bureau of the Census, for example, recently was denied the services of an exceptionally well qualified statistical consultant with extensive experience in censuses and surveys because the individual was a citizen of Sweden. NBS has been unable to recruit persons skilled in numerical analysis. This is a relatively new mathematical field in the United States, but is increasingly important because of the applicability of these techniques to the analysis of extremely complex problems in science and technology. One of the most valuable sources of trained personnel in this field is Switzerland, but NBS is precluded from the employment of Swiss nationals.

The varied programs of the Weather Bureau of this Department's Environmental Science Services Administration frequently require unique combinations of talent that are extremely rare. For example, the Weather Bureau recently needed physicist-meteorologists with specialized experience in the measurement and analysis of atmospheric ozone. Two well qualified candidates were found to be available—one from Switzerland and one from India. Neither could be employed under the present statute. Sweden, which has produced world renowned meterologists

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and has an international Institute of Meteorology, also is "out of bounds" for recruitment to fill the highly specialized needs of the Weather Bureau.

Numerous other cases might be cited from a Swedish specialist on the rheological properties of paper, who would have been ideally suited to a position at NBS, to an Egyptian oceanographer, who had exceptional qualifications for general circuation research with the Weather Bureau. The proposed legislation would enable the Department to take full advantage of such unique and long-sought combinations of talent and experience from abroad whenever suitably qualified U.S. citizens are not available.

Authority similar to that here sought was granted by the 88th Congress to the Smithsonian Institution. In earlier action, the Congress exempted the National Aeronautics and Space Administration and the Department of Defense from the prohibitions against employment of noncitizens. The Department of Agriculture, the Immigration and Naturalization Service, and the Public Health Service also are among the various agencies authorized by the Congress to employ aliens for certain necessary purposes.

COMMITTEE CONSIDERATION

A similar bill, S. 1291, was introduced in the 88th Congress at the request of the Secretary of Commerce. It was favorably reported by the committee with amendments to insure that an adequate security investigation be conducted, and that the rates of pay for alien employees be consistent with the pay received by U.S. citizens in comparable positions. The amended bill was passed by the Senate, but no action was taken in the House.

S. 905, which was introduced in the 89th Congress at the request of the Secretary of Commerce, incorporated the amendments previously adopted by the Senate. That bill was favorably reported by the committee, passed by the Senate, but again received no action in the House.

The present bill, S. 1173, is identical to S. 905 which passed the Senate April 21, 1965.

COST OF BILL

There will be no additional cost to the Government as a result of the enactment of S. 1173.

TENTH ANNIVERSARY OF THE OPENING OF THE ST. LAWRENCE SEAWAY

The concurrent resolution (S. Con Res. 17) to recognize the 10th anniversary of the opening of the St. Lawrence Seaway was considered and agreed to, as follows:

S. Con. Res. 17

Whereas the Saint Lawrence Seaway, as a joint project of Canada and the United States, has been of inestimable benefit to the United States and the entire North American Continent; and

Whereas the tenth anniversary of the official opening of the Saint Lawrence Seaway occurs on June 26, 1969; and

Whereas the Governors of the eight States bordering on the Great Lakes plan to sponsor appropriate ceremonies during the period from June 26, 1969, through July 7, 1969, to observe the tenth anniversary of the Saint Lawrence Seaway: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes the great benefits the Saint Lawrence Seaway has provided in stimulating economic development and prosperity not only within the region of the Great Lakes-Saint Lawrence Seaway system, but throughout the entire United States and the North American Continent, and commends the celebration, during the period from June 26, 1969, through July 7, 1969, of the tenth anniversary of the opening of the Saint Lawrence Seaway to all Americans.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-241), explaining the purposes of the concurrent resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the concurrent resolution is to provide that the Congress recognize the great benefits the St. Lawrence Seaway has provided in stimulating economic development and prosperity not only within the region of the Great Lakes-St. Lawrence Seaway system, but throughout the entire United States and the North American Continent, and to commend the celebration, during the period from June 26, 1969, through July 7, 1969, of the 10th anniversary of the opening of the St. Lawrence Seaway to all Americans.

STATEMENT

The anniversary will occur on June 26, 1969. During the 2-week period, June 26 to July 7, 1969, festivities will be held by the eight Great Lakes States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, as well as by the Canadian Provinces of Manitoba and Ontario.

A Governors' committee, 10th anniversary, St. Lawrence Seaway, has been formed; and the Great Lakes Commission has been designated to serve as the central coordinating agency for the event.

In addition, the Departments of State, Transportation, Commerce, and Defense are cooperating in planning and presenting the program.

The completion of the St. Lawrence Seaway—formally dedicated on June 26, 1959, by President Eisenhower and Queen Elizabeth—represents a milestone of major progress in creating a stronger economic link between the United States and markets, people, and nations around the globe.

Authorized by the so-called Wiley-Dondero law in 1954, Public Law 83-358, the completed waterway also stands as a symbol of joint United States and Canadian efforts to build, improve, and modernize the St. Lawrence Seaway for the mutual benefit of the people of both countries.

Stretching 2,342 miles into mid-continent North America, the St. Lawrence Seaway has opened to the populous, resource-wealthy heartland vast, new opportunities of world commerce.

During the first 10 years, both in terms of tonnage and value of shipments, the seaway has confirmed time and again the wise investment that it was.

The committee is of the opinion that the concurrent resolution has a meritorious purpose and accordingly recommends favorable consideration of Senate Concurrent Resolution 17.

THE NATIONAL EDUCATIONAL ASSOCIATION OF THE UNITED STATES

The bill (H.R. 4600) to amend the act entitled "An act to incorporate the National Educational Association of the United States", approved June 30, 1906, was considered, ordered to a third reading, read a third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-242), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this legislation is to amend the act of incorporation of the National Education Association of the United States so as to eliminate the board of trustees and transfer the present duties of that body to the executive committee of the association.

STATEMENT

An identical bill of the 90th Congress, S. 2628, passed the Senate June 28, 1968.

The National Education Association is an organization which through its local, State, and territorial affiliates represents more than 1,748,000 teachers. The membership includes teachers, administrators, and professors at the primary, secondary, and college level, both public and private. It has had a Federal charter since 1906.

The act of June 30, 1906, conferred a Federal charter on the National Education Association of the United States.

This bill would amend the act of incorporation in a manner recommended by the governing bodies of the association. The amendments proposed by H.R. 4600 are in response to resolutions adopted by the representative assembly composed of approximately 7,000 delegates.

H.R. 4600 was introduced at the request of the National Education Association in response to resolutions passed by the representative assembly in 1966 and again in 1967. It has been approved by the executive committee and the board of directors of the National Education Association.

Under the present NEA charter as amended, there exists a cumbersome structure which results in a degree of isolation of the membership from the executive secretary who is the chief administrative officer of the association.

Under section 12 of the charter, the powers of the active members are vested in and exercised by a representative assembly composed of delegates selected by the State and local affiliates of the association.

Between meetings of the representative assembly and subject to the authority and direction of that body, a 90-member board of directors is charged with all general policies and major interests of the association except those entrusted to the board of trustees and the executive committee. The board of directors consists of at least one member from each State, Commonwealth, and the District of Columbia.

An 11-member executive committee considers and acts on general policies and professional interests of the association between meetings of the board of directors. Its membership includes the NEA officers, two members chosen by the board of directors, and four members elected at large by the representative assembly.

Under section 7 of the charter, a seven-member board of trustees has charge of the association's permanent fund, elects the secretary of the association and fixes the compensation and the term of his office. The board includes the president ex officio and four members elected by the board of directors for 4-year terms.

H.R. 4600 simply amends the act of incorporation of the National Education Association to eliminate the board of trustees and transfer the present duties of that body to the executive committee of the association. The representative assembly wishes to lodge such responsibilities with the executive committee, which body is, for the most part, elected on an annual basis by the representative assembly. Under the existing charter, the asembly can express no direct voice in the selection of the board of trustees.

The bill also would amend the charter to confer upon the association express powers to sell or mortgage its property. These are powers which were expressly held by the as-

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sociation prior to the act of 1906 and which apparently were inadvertently ommitted from that act. Accordingly the statement of powers has been revised to include all those granted under the general incorporation laws of the District of Columbia relating to educational organizations.

THE 200TH ANNIVERSARY OF DARTMOUTH COLLEGE

The concurrent resolution (H. Con. Res. 114) commemorating the 200th anniversary of Dartmouth College was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–243), explaining the purposes of the concurrent resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the concurrent resolution is to express the congratulations of the Congress of the United States to Dartmouth College on the occasion of the 200th anniversary of its founding, and to extend the hope of the people of the United States that Dartmouth College will continue to grow and prosper in centuries yet to come.

STATEMENT

Dartmouth College was established in New Hampshire in 1769 by grant of a royal charter from King George III of England. Following this, Eleazar Wheelock became the founder and first president of the college, with the principal intent of educating Indians and converting them to Christianity.

It was precisely 50 years later that Chief Justice John Marshall of the U.S. Supreme Court rendered his landmark decision in the Dartmouth College case—a case which had been argued before the Court by the then distinguished Senator from New Hampshire, Daniel Webster.

This college which was described in 1819 by Daniel Webster as "a small college—and yet there are those who love it," has grown into a great institution serving the educational needs of more than 3,000 students. Dartmouth College today has endowments valued at more than $130 million and expends more than $20 million per year for education and general operating purposes.

Dartmouth provides a wide and modern curriculum in the liberal arts. The college also includes a school of medicine which dates back to the year 1797, the Thayer School of Engineering established in 1871, and the Tuck School of Business Administration founded in 1890.

The committee is of the opinion that House Concurrent Resolution 114 has a meritorious purpose and accordingly recommends favorable consideration of the resolution.

Mr. McINTYRE. Mr. President, I am delighted that the Senate has shown its recognition of the outstanding place which Dartmouth College holds in American education by its passage today of House Concurrent Resolution 114, expressing the Congress congratulations to Dartmouth on its 200th birthday.

A great former Member of this body, Senator Daniel Webster, once said of Dartmouth that "it is a small college, but there are those who love it."

As a graduate of Dartmouth College in the class of 1937, and as a Senator from New Hampshire, I count myself in the ranks of those who, having been touched by Dartmouth, love it deeply. I thank the Senate for its recognition of Dartmouth today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar, beginning with "New Reports."

There being no objection, the Senate proceeded to consideration of executive business.

The VICE PRESIDENT. The nominations on the executive calendar will be stated, beginning with "New Reports."

NATIONAL AERONAUTICS AND SPACE COUNCIL

The assistant legislative clerk read the nomination of William A. Anders, of California, to be Executive Secretary of the National Aeronautics and Space Council.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

GOVERNOR OF GUAM

The assistant legislative clerk read the nomination of Carlos Garcia Camacho, of Guam, to be Governor of Guam.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

GOVERNOR OF THE VIRGIN ISLANDS

The assistant legislative clerk read the nomination of Melvin H. Evans, of the Virgin Islands, to be Governor of the Virgin Islands.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF THE TREASURY

The assistant legislative clerk proceeded to read sundry nominations in the Department of the Treasury.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

VETERANS' ADMINISTRATION

The assistant legislative clerk read the nomination of Donald E. Johnson, of Iowa, to be Administrator of Veterans' Affairs.

Mr. MILLER. Mr. President, I am most pleased to give my unqualified and enthusiastic support to Donald E. Johnson to be Administrator of Veterans' Affairs.

He is one of Iowa's leading citizens and will do an outstanding job in this highly important position.

I ask unanimous consent that there be placed in the RECORD at this point a statement of Mr. Johnson's background and qualifications, a statement in his support by his Congressman, the Honorable FRED SCHWENGEL of Iowa, and various editorials from Iowa newspapers endorsing his nomination by the President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND OF DONALD E. JOHNSON

The nomination of Donald E. Johnson to be Administrator of Veterans Affairs was announced by President Nixon on June 5, 1969.

Born in Cedar Falls, Iowa, June 5, 1924, Mr. Johnson moved to West Branch, Iowa, in early childhood. He was a student at Iowa State University immediately before and after his World War II service, and also attended the Eastern Oregon College of Education in La Grande.

He enlisted in the Army in 1942, and served in combat with the 89th Infantry Division in the European Theater of Operations. He was discharged from service in 1946 as a Sergeant. His decorations include the Bronze Star, and the Croix de Guerre awarded by the Belgium Government.

Active in veterans affairs for the past 23 years, Mr. Johnson has held nearly every elective office in his West Branch Post of The American Legion, and also served as District Commander. He was elected Department Commander for the State of Iowa in 1952, and on September 24, 1964, was named National Commander of The American Legion.

He has been president since 1961 of West Branch Farm Supply, Inc., and also of D. J. Services, Inc. He is secretary-treasurer of S. & J. Poultry Co., Inc., in West Branch and Waterloo, Iowa. He was formerly chairman of the board for Protein Blenders, Inc., of Iowa City, vice-president of ME–JON Fertilizers, Inc., of Oxford, Iowa, and secretary-treasurer of Johnson Hatcheries, Inc., in West Branch.

He was voted "Iowan of the Year" by radio and television broadcasters in 1965.

In 1954–55 he was chairman of the Governor's Committee on Merit in Employment. From 1958 to 1960 he was an advisory member of the U.S. Commission on Civil Rights. In 1954, and again in 1957, he headed the Iowa fund drive for Crusade for Freedom.

In his hometown he has served two terms on the city council, and was twice president of the West Branch Chamber of Commerce. He headed the West Branch Heritage Foundation from 1965 to 1966, and has been active in P.T.A. and Scout work.

Mr. Johnson and his wife, the former Mary Jean Suchomel, were married October 13, 1947. They are the parents of nine children, three girls—Julie Jean, Joan Marie and Beth Ann—and six boys—Alan Donald (now with the "Green Berets" in Viet-Nam), David James, Brian Edward, Kevin Laird, Kurt Arthur and Robert Conway.

STATEMENT OF REPRESENTATIVE FRED SCHWENGEL

Mr. Chairman, members of the committee, it is a distinct honor and a pleasure to be able to join in recommending Don Johnson to this important committee for the position of Administrator of the Veterans Administration.

President Nixon could not have made a better selection. Don is extremely well qualified for the position of Veterans Administrator. As you know, he has been active in veterans affairs since he completed his service in the Armed Forces after World War II. Since joining the American Legion, he has held the office of district commander, state commander, and in 1964–1965 he served as national American Legion Commander. In this office he not only served the interest of all veterans but served his country in many ways through philanthropic endeavors.

Don Johnson's qualifications are not limited to his participation in the activities of a veterans organization.

First of all, Don Johnson is a hard working and capable individual who is a successful businessman. He will bring sound administrative experience to the Veterans Administration. In addition, he will bring his imaginative, but thoughtful leadership, needed now more than ever, we try to meet the problems of many of our boys returning from Vietnam to civilian life.

Don Johnson also brings to the Veterans Administration the perspective of a man who has been involved in community activities and civic affairs.

An article which appeared in the several newspapers after President Nixon nominated him summarized the qualities of Don Johnson this way.

"He is a strong believer in the virtues of hard work, unswerving patriotism, loyalty, devotion to family, to duty and to the constitutional freedoms and rights. But, as noted in any important publication, he recognizes his is not the only interpretation of the true worth of these values and he has as deep a respect for the rights of others as for his own. He has a sympathetic understanding of the other fellow's position and uses the gentle but firm persuasion method to win people to his point of view when differences concern him."

Iowans are proud of Don Johnson. They recognize his outstanding qualifications. They know of his contributions toward making Iowa and his home town of West Branch a better place to live. They recognize and appreciate that the nation now has the opportunity to benefit from his talents.

We from the First District of Iowa are especially proud that one of our residents has been honored as Don Johnson has. It is appropriate, too, to note that he comes from West Branch, Iowa, the home town of one of our great Presidents, Herbert Hoover.

I have not dealt in detail with Don's biography. It reveals a distinguished career of public service and dedication to home and country. That record is well known. So what I have tried to do instead is point to the qualities of Don Johnson which make him such an outstanding appointee. The logical choice.

Mr. Chairman, in conclusion I want to express my whole-hearted and enthusiastic support for this nomination. I am confident that this committee, after the hearing record is complete, will appreciate the background of this outstanding man and will recommend approval of his nomination to the Senate.

[From the Iowa City (Iowa) Press-Citizen, June 9, 1969]

NEW VA HEAD

The first major appointment of an Iowan in the Nixon administration has gone to Donald E. Johnson of West Branch. Named head of the Veterans Administration Thursday, Johnson has had solid backing for the position from Iowa Republicans and others in the group.

The appointment is of great interest in this area and not only because Johnson is a longtime resident and known well to hundreds, if not thousands, of his neighbors. It is of particular interest, also, because one of the Iowa City areas major institutions is Veterans Hospital, one of the 166 hospitals and 200 clinics in the VA system, the nation's largest medical program.

In a long career of public service, Johnson has concentrated on matters concerning veterans, a fact which gives him particular insights into his new position. He has worked principally through the American Legion, largest of the country's veterans organizations, and he has served that organization's members at every level from the local post to national commander. His ability and interest was recognized early in the Legion, for he became Iowa state commander in 1952, only six years after being discharged from World War II army service which included combat in Europe.

As VA head, Johnson will direct the largest independent agency of the federal government with more than 170,000 employees and annual expenditures of more than $7 billion. It serves the countrys nearly 27 million veterans and their families, making up almost half the national population. Besides its hospital system, the VA administers a massive life insurance, loan, education and training, and pension and disability compensation programs.

It is a challeging position. In accepting the post, Johnson maintains his participation in public service, this time in an appointive federal position. The prominence of the positions he has held, his strong run for the Republican gubernatorial nomination in 1968, his age of 45, assure that he'll receive prominent attention for other state and national positions, elective or appointive in the fuure.

[From the Davenport (Iowa) Times-Herald, June 8, 1969]

HE'LL GET THE JOB DONE

Donald Edward Johnson's appointment by President Nixon as director of the Veterans Administration is indeed, as Johnson remarked, a challenging one.

And the public service record of this 45-year-old citizen of West Branch, Iowa (1960 population, 1,053)—which also gave to the nation's service the late President Herbert Hoover—would indicate he can fulfill the assignment.

In itself, the VA is a mammoth operation, with a budget exceeding $7 billion. And the President has enlarged the challenge to the Iowan at the outset with a directive that he find out why Vietnam War veterans are not taking advantage of benefits.

As a first assignment, Johnson, former national commander (1964–65) of the American Legion, is to head a new President's Committee on the Vietnam Veteran. It is designed to tailor existing veterans benefit programs to needs of fighting men returning from service in Southeast Asia.

Johnson is energetic, and a sort of signal of his determination might be seen in his comment that Mr. Nixon has stressed there must be planning for returning veterans, and "if it takes a new program . . . that's what we must come up with."

Johnson has held several governmental advisory posts and filled numerous other leadership roles in this state and in his own community.

He was president of the West Branch Chamber of Commerce when only 24. He is an orphan whose father died in World War I.

The Johnsons have nine children. The oldest, now 20, is serving with the armed forces in Vietnam.

One might say Johnson has been in training for this job since he served as a combat infantry sergeant with U.S. forces in the European theater in World War II. He was decorated for bravery.

The choice is an excellent one for several reasons. Donald Johnson is, as Iowa Sen. Jack Miller has observed, a man of high ideals and personal integrity who well understands the problems of veterans and has a unique capacity for getting people to work together. He can be relied upon to do an outstanding job.

[From the Cedar Rapids (Iowa) Gazette, June 7, 1969]

JOHNSON THE RIGHT MAN

President Nixon would have had to look far, wide, long and hard to find anyone better suited to head the Veterans Administration of the United States than the man he selected, Donald Johnson of Iowa.

Johnson symbolizes the U.S. war veteran and the things he stands for and Iowans know him not alone for his hard work in the American Legion, where he has served well in every capacity from rank and file member to national commander, but also for his willingness to pitch in and help with civic and governmental affairs.

As a candidate for the Republican nomination for governor last year he conducted a vigorous and high-level campaign, coming in second in a three-man race. He accepted defeat gracefully and pitched in to help the Republican ticket win in November.

His travels throughout the nation and the world as national commander of the American Legion in 1964–65 have provided him with the broad outlook that will be helpful in the vitally important new position he will assume upon confirmation by the senate.

Even though he has devoted a good share of his waking hours since returning from the European theater in World War II to Legion affairs, Don Johnson has found time, with his wife, Jean, to rear a family of nine children and to make a success in business. His selection by President Nixon, we predict, will prove to be a wise one.

[From the Tipton (Iowa) Conservative]

THE RIGHT MAN

Don Johnson, by any test that you might use, will make an outstanding director of the Veterans Administration. He has shown administrative ability, both from his own business and as former National Commander of the American Legion and he has the kind of forceful, outgoing personality that the position requires. But beyond this he believes in the men who have served their nation in time of conflict and he believes in the country which they served.

He will be a useful member of the Nixon administration. Johnson speaks well and is a forceful personality. He is now a seasoned politician and he has survived the rigors of an unsuccessful campaign for governor quite well. Some of the lessons he has learned have not been without pain, and they have tempered his political judgment. He is ready for the job.

The waiting for official confirmation that he was to be nominated as director of the VA was long and must have been a little annoying for, until the President makes his announcement, all the other assurances, no matter how gratifying, are not final.

Johnson had been considered for the post from the beginning. There was a time, nearly a month ago, when it was felt that he had the inside track. Then, when no announcement came, other names were more prominently mentioned—names of men of considerable ability and stature. Johnson, with many good friends in Washington, could only wait. Now that the waiting is over there will be hearings and not all of those who check his credentials will be favorable to Johnson.

Johnson, by his record and through his personality, will be his own best advocate. We are certain that he will continue to serve his nation with ability.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

RENEGOTIATION BOARD

The assistant legislative clerk proceeded to read sundry nominations to the Renegotiation Board.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection the nominations are considered and confirmed en bloc.

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U.S. CIRCUIT JUDGE

The assistant legislative clerk read the nomination of George Harrold Carswell, of Florida, to be U.S. circuit judge for the fifth circuit.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

U.S. DISTRICT JUDGE

The assistant legislative clerk read the the nomination of David W. Williams, of California, to be U.S. district judge for the central district of California.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

U.S. COURT OF CUSTOMS AND PATENT APPEALS

The assistant legislative clerk read the nomination of Donald E. Lane, of the District of Columbia, to be associate judge, U.S. Circuit Court of Customs and Patent Appeals.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, is is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the Keystone Job Corps Center for Women under the Economic Opportunity Act of 1964, Drums, Pa., Office of Economic Opportunity, dated June 19, 1969, (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the Community Action Program under title II of the Economic Opportunity Act of 1964, Kansas City, Mo., Office of Economic Opportunity, dated June 19, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on problems arising from the manner and extent to which Federal funds are granted for State highway safety programs, Federal Highway Administration, Department of Transportation, dated June 19, 1969 (with an accompanying report); to the Committee on Government Operations.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Walter J. Link, of North Dakota, to be U.S. marshal for the district of North Dakota.

By Mr. JACKSON, from the Committee on Armed Services:

Haakon Lindjord, of Washington, to be an Assistant Director of the Office of Emergency Preparedness.

By Mr. SCHWEIKER, from the Committee on Armed Services:

Spencer J. Schedler, of New York, to be an Assistant Secretary of the Air Force; and

J. Ronald Fox, of Massachusetts, to be an Assistant Secretary of the Army.

Mr. THURMOND. Mr. President, from the Committee on Armed Services I report favorably the nominations of 86 flag and general officers in the Army, Navy, and Marine Corps. I ask that these names be placed on the Executive Calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Brig. Gen. William H. Booth, and sundry other U.S. Army Reserve officers, for promotion as Reserve commissioned officers of the Army;

Brig. Gen. John C. Baker, and sundry other Army National Guard of the United States officers, for promotion as Reserve commissioned officers of the Army;

Brig. Gen. Laurence B. Adams, Jr., and sundry other Army National Guard of the United States officers, for appointment as Reserve commissioned officers of the Army;

Brig. Gen. John R. Carson, and sundry other Army National Guard of the United States officers, for promotion as Reserve commissioned officers of the Army;

Maj. Gen. Patrick Francis Cassidy, Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President; to serve in the grade of lieutenant general;

Col. Manley Glenn Morrison, U.S. Army, for appointment in the Regular Army of the United States, in the grade of brigadier general;

Maj. Gen. Henry Augustine Miley, Jr., Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President; to serve in the grade of lieutenant general;

Brig. Gen. Hal Bruce Jennings, Jr., Army of the United States (colonel, Medical Corps, U.S. Army), for appointment as the Surgeon General, U.S. Army, and for appointment to the grade of lieutenant general;

Maj. Gen. Arthur William Oberbeck, U.S. Army, to be assigned to a position of importance and responsibility designated by the President; to serve in the grade of lieutenant general;

Lt. Gen. Richard G. Weede, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. Frederick E. Leek, U.S. Marine Corps, for commands and other duties determined by the President; for appointment to the grade of lieutenant general while so serving; and

John D. Chase, and sundry other officers, for promotion in the U.S. Navy.

Mr. THURMOND. Mr. President, in addition to the above I report favorably 1,790 promotions and appointments in the Army in the grade of colonel and below; 339 appointments in the Navy in the grade of lieutenant commander and below; and 3,743 promotions in the Air Force in the grade of lieutenant colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The VICE PRESIDENT. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Charles E. Abbey, and sundry other officers, for promotion in the Regular Air Force;

Arthur L. Freeman, and sundry other officers, for promotion in the Regular Army of the United States;

Charles Feuerbacher, for appointment in the Regular Army;

Michael E. Gillett, for appointment in the Regular Army;

Jimmie H. Akridge, and sundry other persons, for appointment in the Regular Army of the United States;

Tracy T. Cottingham, and sundry other scholarship students, for appointment in the Regular Army of the United States;

David A. Akerman, and sundry other distinguished military students, for appointment in the Regular Army of the United States;

James A. Allphin, and Jerry W. Ford, graduates from Navy enlisted education program, for assignment in the U.S. Navy;

Wendell M. Oals, and sundry other enlisted personnel, for promotion in the U.S. Navy; and

Lt. (jg.) Robert S. Logan, and sundry other officers, for promotion in the U.S. Navy.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By The VICE PRESIDENT:

A concurrent resolution from the House of Representatives of the State of South Carolina; to the Committee on Banking and Currency:

"A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO INVESTIGATE THE RECENT INCREASE IN THE PRIME INTEREST RATE AND TO ENACT SUITABLE LEGISLATION TO CONTROL SUCH INTEREST RATE

"Whereas the cost of borrowing money soared to a new high Monday, June 9, 1969, when major banks across the country increased their prime lending rate to eight and one-half per cent; and

"Whereas an increase from the previous seven and one-half per cent high has been expected by some in the banking community

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but the size of increase surprised and dismayed many; and

"Whereas this increase may possibly cause chaos throughout the economy of this country; and

"Whereas this increase will probably greatly curtail the building industry as well as many other facets of our economy: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

"That Congress be memorialized to investigate the recent increase in the prime interest rate and to enact suitable legislation to control such interest rate, be it further

"*Resolved,* That copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, each member of the House of Representatives of Congress from South Carolina, the Clerk of the Senate of the United States and the Clerk of the House of Representatives of the United States.

"State of South Carolina,
in the House of Representatives.

June 10, 1969.

"I hereby certify that the foregoing is a true and correct copy of a Resolution passed in the House of Representatives and concurred in by the Senate.

"Inez Watson,
"*Clerk of the House.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 11069. An act to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes (Rept. No. 91-261).

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, with amendments:

S. 912. A bill to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado (Rept. No. 91-263).

By Mr. TYDINGS, from the Committee on the Judiciary, with amendments:

S. 952. A bill to provide for the appointment of additional district judges, and for other purposes (Rept. No. 91-262).

SENATE RESOLUTION 213—INCREASING THE LIMIT OF EXPENDITURES FOR HEARINGS BEFORE THE COMMITTEE ON ARMED SERVICES—REPORT OF A COMMITTEE

Mr. STENNIS, from the Committee on Armed Services, reported the following original resolution (S. Res. 213); which was referred to the Committee on Rules and Administration:

S. Res. 213

Resolved, That the Committee on Armed Services hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $20,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the legislative Reorganization Act, approved August 2, 1946.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GOLDWATER (for himself and Mr. Fannin):

S. 2448. A bill to authorize the Secretary of the Interior to waive conditions in three patents issued to Prescott College, Prescott, Ariz.; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

S. 2449. A bill for the relief of certain civilian personnel employed by the Navy Department, for expenses incurred incident to temporary duty performed at the Navy Yard, Philadelphia, Pa., in 1942; to the Committee on the Judiciary.

By Mr. DODD:

S. 2450. A bill to amend the Internal Revenue Code of 1954 to provide an incentive for the establishment, expansion and improvement of apprenticeship programs by allowing an income tax credit for expenses of such programs attributable to classroom instruction by qualified instructors; to the Committee on Finance.

(The remarks of Mr. Dodd when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PROUTY:

S. 2451. A bill to extend, consolidate, and improve programs for elementary and secondary education, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Prouty when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. YARBOROUGH:

S. 2452. A bill to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other offices in the uniformed services; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Yarborough when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. WILLIAMS of New Jersey (for himself, Mr. Javits, Mr. Hart, Mr. Scott, Mr. Kennedy, Mr. Bayh, Mr. Brooke, Mr. Case, Mr. Dodd, Mr. Eagleton, Mr. Fong, Mr. Goodell, Mr. Gravel, Mr. Harris, Mr. Hartke, Mr. Hatfield, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. McCarthy, Mr. McGovern, Mr. Mathias, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Muskie, Mr. Packwood, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Ribicoff, Mr. Schweiker, Mr. Stevens, Mr. Tydings, and Mr. Young of Ohio):

S. 2453. A bill to further equal employment opportunities for American workers; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Williams of New Jersey when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HART (for himself, Mr. Javits, Mr. Scott, Mr. Kennedy, Mr. Brooke, Mr. Bayh, Mr. Case, Mr. Cranston, Mr. Dodd, Mr. Eagleton, Mr. Fong, Mr. Goodell, Mr. Gravel, Mr. Harris, Mr. Hartke, Mr. Hatfield, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. McCarthy, Mr. McGovern, Mr. Magnuson, Mr. Mathias, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Ribicoff, Mr. Schweiker, Mr. Stevens, Mr. Tydings, Mr. Williams of New Jersey, and Mr. Young of Ohio):

S. 2454. A bill to provide improved judicial machinery for the selection of juries, and for other purposes;

S. 2455. A bill to authorize appropriations for the Civil Rights Commission and for other purposes; and

S. 2456. A bill to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. Hart when he introduced the bills appear later in the Record under the appropriate heading.)

By Mr. HARTKE:

S. 2457. A bill to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of cooperative community programs for patients with kidney disease and for the conduct of training related to such programs; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Hartke when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HATFIELD:

S. 2458. A bill to authorize the Secretary of the Interior to engage in feasibility investigation of certain water resource development proposals; and

S. 2459. A bill to authorize the Secretary of the Interior to engage in feasibility investigation of certain water resource development proposals; to the Committee on Interior and Insular Affairs.

By Mr. McGEE (by request):

S. 2460. A bill to provide for improved employee-management relations in the Federal services, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EASTLAND:

S.J. Res. 125. Joint resolution to limit jurisdiction with respect to actions against the Congress, either House thereof, any committee thereof, and Members and employees thereof, acting within the scope of their official duties; to the Committee on the Judiciary.

(The remarks of Mr. Eastland when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 2450—INTRODUCTION OF A BILL PROVIDING A TAX CREDIT FOR AN APPRENTICESHIP PROGRAM

Mr. DODD. Mr. President, I introduce for appropriate reference a bill designed to meet industry's demands for skilled labor by providing a tax credit for an apprenticeship program.

There is a critical shortage of manpower at both ends of the employment spectrum. At one end, engineers, scientists, and other skilled specialists and professionals are sorely needed.

At the other end, industry faces diminishing reserves of skilled tradesmen.

There are several reasons why the numbers of diemakers, carpenters, and ironworkers are waning.

More young people are going to college. Of those not college bound, military service interrupts orderly replacement programs in which they might participate. And, finally, industry has not yet made a large-scale attempt to recruit poverty-level Americans.

Industry demands more skilled labor. Unskilled labor demands better jobs. This bill which I introduce today meets those needs by providing a tax credit for the expenses of establishing an apprentice-job instructor program.

While there have been previous attempts to introduce analogous legislation, none has focused exclusively on an approved apprenticeship-instructor program. This bill is limited to a Depart-

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ment of Labor approved apprentice-instructor program in which a tax credit is given to an employer, trade association, or combination of employer-union for the amount expended for instruction of the apprentice.

The credit is not allowable unless the participating business, association, or union-business association can show an acceptable number of job instructors are available. The job instructors will be volunteers who work with the apprentice and who have completed an approved course in teaching methods. The course must meet standards prescribed by the Secretary of Labor.

The job instructor is the key which distinguishes this bill from other legislation which has attempted to provide a tax credit to accelerate hiring. He is an older, interested counselor who wants to help his young fellow worker.

The phasing out of the Job Corps indicates that the administration and a majority of the Senate doubt the effectiveness of federally funded and administered job training programs.

This bill is an alternative. The private sector with its great resources and practical know-how, will have an incentive to recruit and train previously unskilled Americans.

At the same time it personally involves older Americans, immensely proud of their craft, in the worthy task of training and helping young people.

I hope it will be possible for the Senate to take prompt and favorable action on this legislation.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2450), to amend the Internal Revenue Code of 1954 to provide an incentive for the establishment, expansion, and improvement of apprenticeship programs by allowing an income tax credit for expenses of such programs attributable to classroom instruction by qualified instructors, introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on Finance.

S. 2452—INTRODUCTION OF A BILL TO EQUALIZE RETIREMENT BENEFITS FOR COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE

Mr. YARBOROUGH. Mr. President, I introduce a bill to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services.

The commissioned corps of the Public Health Service is the oldest medical service of the Federal Government. It has a long and proud history and distinguished record of achievement. Its work of protecting and advancing national health, alleviating human suffering, guarding against the dangers of disease and improving and prolonging human life, started with the enactment of legislation to establish a Marine Hospital Service in 1789. In 1889, Congress officially established the commissioned corps along military lines, with titles and pay corresponding to Army and Navy grades.

It then became one of our country's uniformed services.

An officer of the commissioned corps may serve in clinical medicine, epidemiological fieldwork, laboratory of clinical research, or public health administration. He could be assigned to Vietnam, to the Pribilof Islands in the Bering Sea, or to Africa—to a Coast Guard vessel, to Alaska, or to an Indian reservation. He is part of the Public Health Service team which has the ultimate responsibility of safeguarding the Nation's health.

The chief professional career officer for the commissioned corps is the Surgeon General, and incidentally, I was disappointed to hear of the planned retirement of the present Surgeon General, Dr. William H. Stewart. Dr. Stewart has performed admirably as Surgeon General, and I know he will be sorely missed by all those who have had the honor and privilege of working with him. I wish him every success in his new career as chancellor of Louisiana State University's Medical Center.

Mr. President, at the present time the Commissioned Corps of the Public Health Service is the only uniformed service whose members do not have available to them the same formula for computation of retired pay as do the other uniformed services. All other members of the uniformed services can use their years credited to them for basic pay purposes, before June 1, 1958—not to exceed 30 years—in computing retired pay. This credit is only applicable after an officer becomes eligible for retirement—that is, after 20 years of active duty. Passage of my proposal would correct a serious inequity and would accord commissioned officers of the Public Health Service a retirement benefit they rightfully deserve.

Similar legislation was introduced recently in the House of Representatives by Representative JOHN E. MOSS, H.R. 10138. In 1967 this legislation was recommended for enactment by the former Secretary of Health, Education, and Welfare, Mr. Wilbur J. Cohen, and cleared the Bureau of the Budget.

I ask unanimous consent that the bill and an explanation of the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and the explanation will be printed in the RECORD.

The bill (S. 2452) to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 211(a) of the Public Health Service Act (42 U.S.C. 212(a)(4)) is amended by inserting the word "plus" after the semicolon at the end of clause (ii), and by adding after clause (ii) the following new clause:

"(iii) the number of years of service with which he was entitled to be credited for purposes of basic pay on May 31, 1958, or (if higher) on any date prior thereto, reduced by any such year included under clause (i) and further reduced by any such year with which he was entitled to be credited under paragraphs (7) and (8) of section 205(a) of title 37, United States Code, on any date before June 1, 1958;".

SEC. 2. The amendments made by this Act shall apply in the case of retired pay for any period after the month in which this Act is enacted.

The material furnished by Mr. YARBOROUGH follows:

EXPLANATION OF A BILL TO EQUALIZE RETIREMENT BENEFITS FOR COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE

Before June 1, 1958, commissioned officers of the military services retiring with less than 30 years of active service could use their years of service for basic pay purposes (not to exceed 30) in computing their retired pay. For example, an Army officer before entering on active duty in the regular component had four years of inactive service in the reserve component. After 26 years of active service he retired. At that time he had 30 years of service for basic pay purposes, 26 years of active service and four years of inactive service. Thus, this officer can use the 30 years of service for basic pay purposes multiplied by 2½% to compute his retired pay.

Under section 11(a) of Public Law 85–422 this formula for computing retired pay was modified to provide that officers could use the years of service for basic pay purposes with which they were credited on May 31, 1958. However, on and after June 1, 1958, only active service could be credited for the computation of retired pay, with the exception of physicians and dentists who are credited for retired pay purposes with the four or five years authorized for basic pay purposes under paragraphs (7) and (8) of section 205(a) of title 37, United States Code. This formula for computing military retired pay can be presently found in section 1405 of title 10, United States Code.

The formula for computing retired pay of Public Health Service officers which would be authorized under the bill is identical to the formula which is provided for military personnel under said section 1405.

As paragraph (1) of section 211(a) of the Public Health Service Act authorizes retired pay credit for each year of active service and as each year of active service performed before June 1, 1958, would also be credited under clause (iii) as proposed by the bill, it is necessary to reduce the number of years which would be authorized under clause (iii) by such years of active service in order to avoid dual crediting of the same period of service.

Moreover, the years of service proposed to be authorized under clause (iii) must be further reduced for those medical and dental officers who before June 1, 1958, were entitled to be credited for basic pay purposes with the four or five years which are authorized under paragraphs (7) and (8) of section 205(a) of title 37, United States Code and which are also authorized to be credited for retired pay purposes under clause (iii) of said section 211(a). Otherwise, a dual crediting of service would occur.

Section 2 of the bill would provide that the new formula for computing retired pay applies, if it results in greater retired pay, to officers retired before the date of enactment of the bill, but that such increases in retired pay would commence only with the month following the month in which the Act is enacted.

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S. 2453—INTRODUCTION OF THE EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself, Senator Javits, Senator Hart, Senator Scott, Senator Kennedy and 29 other Senators, I introduce a bill to strengthen and broaden the enforcement powers of the Equal Employment Opportunity Commission.

The goal of assuring equal employment opportunity for all our citizens was made a national commitment when Congress enacted title VII of the Civil Rights Act of 1964. Unfortunately, however, the machinery we created for achieving this goal was not in all respects equal to the commitment.

The deficiency in the 1964 act was that the Equal Employment Opportunity Commission, which was established to administer title VII, was not given the authority to issue judicially enforceable cease and desist orders to back up its findings of discrimination based on race, color, religion, sex, or national origin. Its authority in such cases has been limited to conciliation efforts.

As a consequence, unless the Department of Justice concludes that a pattern or practice of discrimination is involved, the burden of obtaining enforceable relief rests upon each individual victim of discrimination, who must go into court as a private party, with the delay and expense that entails, in order to secure the rights promised him under the law. Thus, those persons whose economic disadvantage was a prime reason for enactment of the equal employment opportunity provisions, find that their only recourse in the face of unyielding discrimination is one that is financially prohibitive.

A further consequence is that the Commission's lack of enforcement authority reduces its ability to achieve compliance through conciliation efforts. Obviously a respondent will be less willing to cooperate in arriving at a satisfactory resolution of a discrimination complaint when he knows that the Commission's power is merely exhortative. The experience of the Commission has substantiated this conclusion, for the fact is that its conciliation efforts have been unsuccessful in more than half of the cases in which it has found that discrimination has occurred.

Under this state of the law, the Government's guarantee of equal employment opportunity is not a credible one. It is, therefore, our inescapable responsibility to demonstrate to those to whom we have promised equal employment opportunity that our promise is backed by adequate enforcement provisions.

For this purpose, our bill provides the Equal Employment Opportunity Commission with the power to conduct administrative hearings and issue cease-and-desist orders should its conciliation efforts fail. Such orders would be enforceable in the U.S. courts of appeals, where suitable judicial review could be obtained. Similar procedures have long been available to other administrative agencies, and there is clearly no valid reason for any longer depriving this Commission of similar machinery for performing its assigned responsibilities.

The bill which we introduce today also contains other significant provisions. By extending the Commission's jurisdiction to include employers of eight or more employees, as well as to employees of State and local governments, it would insure the application of the national policy to substantial areas of employment which are now excluded. The bill would also consolidate equal employment opportunity efforts of the Federal Government. The Office of Federal Contract Compliance of the Department of Labor, and the equal employment opportunity activities of the Civil Service Commission, would be transferred to the Equal Employment Opportunity Commission. These provisions should serve to give effect to a unified national policy with respect to equal employment opportunity, while avoiding unnecessary duplication and overlap.

It is my hope that through this bill we will finally act to make the Commission a truly effective instrument for eliminating discrimination in employment and thereby fulfill our commitment to make this goal a reality for all Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2453), to further equal employment opportunities for American workers, introduced by Mr. Williams of New Jersey (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 2453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Employment Opportunities Enforcement Act".

Sec. 2. Section 701 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e) is amended as follows:

(a) Strike "twenty-five" wherever it appears therein and insert in lieu thereof "eight".

(b) In subsection (a) insert "governments, governmental agencies, political subdivisions" after the word "individuals".

(c) In subsection (b) strike out "a state or political subdivision thereof" and insert in lieu thereof "the District of Columbia".

(d) In subsection (c) beginning with the semicolon strike out through the word "assistance".

(e) At the end of subsection (h) insert before the period a comma and the following: "and further includes any governmental industry, business, or activity".

Sec. 3. Subsections (a) through (d) of section 706 of the Civil Rights Act of 1964 (78 Stat. 250; 42 U.S.C. 2000e–5, a–d) are amended to read as follows:

"(a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 703 or 704 of this title.

"(b) Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by a member of the Commission, alleging that an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, has engaged in an unlawful employment practice, the Commission shall serve a copy of the charge on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the 'respondent') and shall make an investigation thereof. Charges shall be in writing and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after such investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any person who makes public information in violation of this subsection shall be fined not more than $1,000 or imprisoned for not more than one year, or both. The Commission shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred and twenty days from the filing of the charge or, where applicable under subsection (c) or (d), from the date upon which the Commission is authorized to take action with respect to the charge.

"(c) In the case of a charge filed by or on behalf of a person claiming to be aggrieved alleging an unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall take no action with respect to the investigation of such charge before the expiration of sixty days after proceedings have been commenced under the State or local law: *Provided,* That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by certified mail to the appropriate State or local authority.

"(d) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law, unless a shorter period is requested.

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to act under such State or local law to remedy the practice alleged.

"(e) A charge under this section shall be filed within 180 days after the alleged unlawful employment practice occurred and a copy shall be served upon the person against whom such charge is made as soon as practicable thereafter, except that in a case of an unlawful employment practice with respect to which the person aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by or on behalf of the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

"(f) If the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission and to the person aggrieved, which determination shall not be reviewable in any court, the Commission shall issue and cause to be served upon the respondent a complaint stating the facts upon which the allegation of the unlawful employment practice is based together with a notice of hearing before the Commission, or a member or agent thereof, at a place therein fixed not less than five days after the serving of such complaint. Related proceedings may be consolidated for hearing. Any member of the Commission who filed a charge in any case shall not participate in a hearing on any complaint arising out of such charge, except as a witness.

"(g) A respondent shall have the right to file an answer to the complaint against him and with the leave of the Commission, which shall be granted whenever it is reasonable and fair to do so, may amend his answer at any time. Respondents and the person aggrieved shall be parties and may appear at any stage of the proceedings, with or without counsel. The Commission may grant such other persons a right to intervene or to file briefs or make oral arguments as amicus curiae or for other purposes, as it considers appropriate. All testimony shall be taken under oath and shall be reduced to writing.

"(h) If the Commission finds that the respondent has engaged in an unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons aggrieved by such unlawful employment practice an order requiring the respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), as will effectuate the policies of this title: *Provided*, that interim earnings or amounts earnable with reasonable diligence by the aggrieved person or persons shall operate to reduce the backpay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Commission finds that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons alleged in the complaint to be aggrieved an order dismissing the complaint.

"(i) After a charge has been filed and until the record has been filed in court as hereinafter provided, the proceeding may at any time be ended by agreement between the Commission and the parties for the elimination of the alleged unlawful employment practice, approved by the Commission, and the Commission may at any time, upon reasonable notice, modify or set aside, in whole or in part, any findings or order made or issued by it. An agreement approved by the Commission shall be enforceable under subsection (k) and the provisions of that subsection shall be applicable to the extent appropriate to a proceeding to enforce an agreement.

"(j) Findings of fact and orders made or issued under subsections (h) or (i) of this section shall be determined on the record.

"(k) The Commission may petition any United States court of appeals within any circuit wherein the unlawful employment practice in question occurred or wherein the respondent resides or transacts business for the enforcement of its order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall cause notice thereof to be served upon the parties to the proceedings before the Commission, and thereupon shall have jurisdictioin of the proceeding and of the question determined therein and shall have power to grant such temporary relief, restraining order, or other order as it deems just and proper, and to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of the Commission. No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission, its member, or its agent, and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(l) Any party aggrieved by a final order of the Commission granting or denying, in whole or in part, the relief sought may obtain a review of such order in any United States court of appeals in the circuit in which the unlawful employment practice in question is alleged to have occurred or in which such party resides or transacts business, or in the United States Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission (and to the other parties to the proceeding before the Commission) and thereupon the Commission shall file in the court the certified record in the proceeding as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (k), the findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and the court shall have the same jurisdiction to grant such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Commission. The commencement of proceedings under this subsection or subsection (k) shall not, unless ordered by the court, operate as a stay of the order of the Commission.

"(m) The provisions of the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' approved March 23, 1932 (47 Stat. 70 et seq., 29 U.S.C. 101–115), shall not apply with respect to proceedings under subsection (k), (l), or (o) of this section.

"(n) The Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by the general counsel of the Commission.

"(c) Whenever a charge is filed with the Commission pursuant to subsection (b) and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to preserve the power of the Commission to grant effective relief in the proceeding the Commission may, after it issues a complaint, bring an action for appropriate temporary or preliminary relief pending its final disposition of such charge, in the United States district court for any judicial district in the State in which the unlawful employment practice concerned is alleged to have been committed, or the judicial district in which the aggrieved person would have been employed but for the alleged unlawful employment practice, but, if the respondent is not found within any such judicial district, such an action may be brought in the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28, United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a judicial district in which such an action might have been brought. Upon the bringing of any such action, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law. Rule 65 of the Federal Rules of Civil Procedure, except paragraph (a) (2) thereof, shall govern proceedings under this subsection."

SEC. 4. (a) Subsections (e) through (k) of section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e–5, e–k) and references thereto are redesignated as subsections (p) through (v), respectively.

(b) In section 706(p), as redesignated by this section, strike out "permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance." and insert in lieu thereof the following: "permit the Commission to intervene in such civil action if the Chairman, with the approval of the Commission, certifies that the case is of general public importance.".

(c) Section 706(u), as redesignated by this section, is amended (1) by striking out "(e)" and inserting in lieu thereof "(p)", and (2)

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by striking out "(i)" and inserting in lieu thereof "(q)".

SEC. 5. Section 707 of the Civil Rights Act of 1964 (78 Stat. 261; 42 U.S.C. 2000e–6) is amended to read as follows:

"FURNISHING RECORDS

"SEC. 707. Any record or paper required by section 709(c) of this title to be preserved or maintained shall be made available for inspection, reproduction, and copying by the Commission or its representative, upon demand in writing directed to the person having custody, possession, or control of such record or paper. Unless otherwise ordered by a court of the United States, neither the members of the Commission nor its representative shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress or any committee thereof, or to a governmental agency, or in the presentation of any case or proceeding before any court or grand jury. The United States district court for the district in which a demand is made or in which a record or paper so demanded is located, shall have jurisdiction to compel by appropriate process the production of such record or paper."

SEC. 6. Sections 709 (b), (c) and (d) of the Civil Rights Act of 1964 (78 Stat. 263; 42 U.S.C. 2000e–8 (b)–(d)) are amended to read as follows:

"(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may, for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, engage in and contribute to the cost of research and other projects of mutual interest undertaken by such agencies, and utilize the services of such agencies and their employees, and, notwithstanding any other provision of law, may pay by advance or reimbursement such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

"(c) Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation of order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulation or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applicants were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if such application for an exemption is denied, bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief. If any person required to comply with the provisions of this subsection fails or refuses to do so, the United States district court for the district in which such person is found, resides or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply.

"(d) In prescribing requirements pursuant to subsection (c) of this section, the Commission shall consult with other interested State and Federal agencies and shall endeavor to coordinate its requirements with those adopted by such agencies. The Commission shall furnish upon request and without cost to any State or local agency charged with the administration of a fair employment practice law information obtained pursuant to subsection (c) of this section from any employer, employment agency, labor organization, or joint labor-management committee subject to the jurisdiction of such agency. Such information shall be furnished on condition that it not be made public by the recipient agency prior to the institution of a proceeding under State or local law involving such information. If this condition is violated by a recipient agency, the Commission may decline to honor subsequent requests pursuant to this subsection."

SEC. 7. Section 710 of the Civil Rights Act of 1954 (78 Stat. 264; 42 U.S.C. 2000e–9) is amended to read as follows:

"INVESTIGATORY POWERS

"SEC. 710. For the purpose of all hearings and investigations conducted by the Commission or its duly authorized agents or agencies, section 11 of the National Labor Relations Act (49 Stat. 455, 29 U.S.C. 161) shall apply: *Provided*, That no subpoena shall be issued on the application of any party to proceedings before the Commission until after the Commission has issued and caused to be served upon the respondent a complaint and notice of hearing under subsection (f) of section 706."

SEC. 8. (a) Section(a) (2) of the Civil Rights Act of 1964 (78 Stat. 255; 42 U.S.C. 2000e–2(a) (2)) is amended by inserting the words "or applicants for employment" after the words "his employees".

(b) Section 703(c) (2) of such Act (78 Stat. 255; 42 U.S.C. 2000e–2(c) (2)) is amended by inserting the words "or applicants for membership" after the word "membership".

(c) Section 703(h) of such Act (78 Stat. 257; 42 U.S.C. 2000e–2 (h)) is amended by striking out "to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, or national origin" and inserting in lieu thereof the following: "to give and to act upon the results of any professionally developed ability test which is applied on a uniform basis to all employees and applicants for employment in the same position and is directly related to the determination of bona fide occupational qualifications reasonably necessary to perform the normal duties of the particular position concerned: *Provided*, That such test, its administration or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, or national origin."

(d)(1) Section 704(a) of such Act (78 Stat. 256; 42 U.S.C. 2000e–3(a)) is amended by inserting "or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs," after "employment agency" in section 704(a).

(2) Section 704(b) of such Act is amended by (A) striking out "or employment agency" and inserting in lieu thereof "employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs,", and (B) inserting a comma and the words "or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee" before the word "indicating".

(e)(1) The second sentence of section 705(a) (78 Stat. 258; 42 U.S.C. 2000e–4(a)) is amended by inserting before the period at the end thereof a comma and the following: "and all members of the Commission shall continue to serve until their successors are appointed and qualified: *Provided*, That no such member of the Commission shall continue to serve (1) for more than sixty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted".

(2) The fourth sentence of section 705(a) of such Act is amended to read as follows: "The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, such officers, agents, attorneys, hearing examiners, and employees as he deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: *Provided*, That assignment, removal, and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362 and 7521 of title 5, United States Code."

(f) Section 705(g) (1) of such Act (78 Stat. 258; 42 U.S.C. 2000e–4(g) (1)) is amended by inserting at the end thereof the following: "and to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))".

(g) Section 705(g) (6) of such Act (78 Stat. 259; 42 U.S.C. 2000e–4(g) (6)) is amended to read as follows:

"(6) to direct its general counsel to intervene in a civil action brought by an aggrieved party under section 706."

(h) Section 706(g) of such Act (78 Stat. 259; 41 U.S.C. 2000e–4(g)) is amended by striking out the period at the end of paragraph (6) thereof and inserting a semicolon and by adding at the end thereof the following new paragraph:

"(7) to accept and employ or dispose of in furtherance of the purposes of this title any money or property, real, personal, or mixed, tangible, or intangible, received by gift, devise, bequest, or otherwise."

(i) Section 713 of such Act (78 Stat. 265; 42 U.S.C. 2000e–12) is amended by adding at the end thereof the following new subsections:

"(c) Except for the powers granted to the Commission under subsection (h) of section 706, the power to modify or set aside its findings, or make new findings, under subsections (i) and (k) of section 706, the rulemaking power as defined in subchapter II of chapter 5 of title 5, United States Code, with reference to general rules as distinguished from rules of specific applicability, and the power to enter into or rescind agreements with State and local agencies, as provided in subsection (b) of section 709, under which the Commission agrees to refrain from processing a charge in any cases or class of cases or under which the Commission agrees to relieve any person or class of persons in such State or locality from requirements imposed by section 709, the Commission may delegate any of its functions, duties, and powers to such person or persons as the Commission may designate by regulation, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter: *Provided*, That nothing in this subsection authorizes the Commission to provide for persons other than those referred to in clauses (2) and (3) of subsection (b) of section 556 of title 5 of the United States Code to conduct any hearing to which that section applies.

"(d) The Commission is authorized to delegate to any group of three or more members of the Commission any or all of the powers which it may itself exercise."

(j) Section 714 of such Act (78 Stat. 265; 42 U.S.C. 2000e–13) is amended by striking out "section 111" and inserting in lieu thereof "section 111 and 1114".

(k) Section 715 of such Act (78 Stat. 265; 42 U.S.C. 2000e–14) is amended to read as follows:

"Sec. 715. All authority, duties and responsibilities now vested in the Secretary of Labor relating to nondiscrimination in employment by government contractors and subcontractors and nondiscrimination in Federally assisted construction contracts are transferred to the Equal Employment Opportunity Commission."

Sec. 9. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new clause:

"(53) Chairman, Equal Employment Opportunity Commission."

(b) Clause (72) of section 5315 of such title is amended to read as follows:

"(72) Members, Equal Employment Opportunity Commission (4)."

(c) Clause (111) of section 5316 of such title is repealed.

Sec. 10. Sections 706 and 710 of the Civil Rights Act of 1964, as amended by this Act, shall not be applicable to charges filed with the Commission prior to the effective date of this Act.

Sec. 11. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following new sections:

"NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT

"Sec. 717. (a) All personnel actions affecting employees or applicants for employment in the competitive service (as defined in section 2102 of title 5 of the United States Code) or employees or applicants for employment in positions with the District of Columbia Government covered by the Civil Service Retirement Act shall be made free from any discrimination based on race, color, religion, sex, or national origin.

"(b) The Equal Employment Opportunity Commission shall have authority to enforce the provision of subsection (a) and shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities hereunder, and the head of each executive department and agency and the appropriate officers of the District of Columbia shall comply with such rules, regulations, orders, and instructions: *Provided*, That such rules and regulations shall provide that an employee or applicant for employment shall be notified of any final action taken on any complaint filed by him thereunder.

"(c) Within thirty days of receipt of notice given under subsection (b), the employee or applicant for employment, if aggrieved by the final disposition of his complaint, may file a civil action as provided in section 706 (p), as redesignated by this title, in which civil action the head of the executive department or agency, or the District of Columbia, as appropriate, shall be the respondent.

"(d) The provisions of section 706 (p) through (v), as redesignated by this title, as applicable, shall govern civil actions brought hereunder.

"(e) All functions of the Civil Service Commission which the Director of the Bureau of the Budget determines relate to nondiscrimination in Government employment are transferred to the Equal Employment Opportunity Commission.

"EFFECT UPON OTHER LAW

"Sec. 718. Nothing contained in this Act shall relieve any Government agency or official of its or his primary responsibility to assure nondiscrimination in employment as required by the Constitution, statutes, and Executive orders."

Sec. 12. Section 8(k) and section 11 of this Act shall become effective ninety days after the date of enactment of this Act.

Mr. JAVITS. Mr. President, I am pleased to join with the Senator from New Jersey (Mr. Williams), who is the distinguished chairman of the Subcommittee on Labor, in sponsoring a bill to give the Equal Employment Opportunity Commission the power to enforce, by way of cease-and-desist orders, the guarantee of equal employment opportunity contained in title VII of the Civil Rights Act of 1964. The bill introduced today is in many respects similar to S. 3465, the bill reported out of the Committee on Labor and Public Welfare last year. That bill, unfortunately, was not called up for action by the Senate. This year I am hopeful that the Committee on Labor and Public Welfare will complete its consideration of the bill promptly and in time for the Senate to act during this session of Congress.

This bill is a piece of unfinished national business. In title VII of the Civil Rights Act the Congress guaranteed to every American the right to be free from racial or religious or sex discrimination in employment. We also established a commission to administer the law but, unfortunately, as the result of compromises necessary to overcome a filibuster, we had agreed to strip the Commission of any effective power to enforce the act. Thus, under present law if the Commission is not successful in inducing voluntary compliance with the act, it is up to the person who was the subject of the unlawful discrimination to institute his own lawsuit against the employer or union guilty of violating the law, unless it can be shown that a pattern or practice of discrimination exists, in which case the Justice Department has the power to sue.

As a result of lawsuits brought by private parties and the Justice Department under present law, several important victories have been won in the courts. Accordingly, I believe that it would be unwise for us to eliminate entirely the right of private litigants to institute their own lawsuits to redress violations of the act. Yet lawsuits cannot be expected to take the place of effective governmental enforcement of the provisions of title VII.

I am, therefore, in full accord with the provisions of the bill introduced today which would give the Commission cease-and-desist order power similar to that given to the National Labor Relations Board, but would also preserve the right of private parties to institute their own actions. I am also in favor of the provisions of the bill which would expand the coverage of title VII to the employees of State and local governments. A similar expansion of coverage was included in S. 1667, the bill I sponsored in the last Congress, but I was not successful in having these provisions incorporated in S. 3465, the bill reported out last year by the Committee on Labor and Public Welfare. Had the bill been taken up, I intended to offer an amendment bringing State and local government employees under the act; and I ask unanimous consent that my individual views concerning this questiion, which were printed as part of the committee report last year, be reprinted in the Record.

There being no objection, the individual views were ordered to be printed in the Record, as follows:

Supplemental Views of Mr. Javits on S. 3465

This bill would close a wide gap in title VII of the Civil Rights Act of 1964. That act established, in principle, that discriminatory employment practices were unlawful, but failed to implement the national commitment to the ideal of equal employment opportunity by providing effective enforcement procedures. This bill, by giving the Equal Employment Opportunity Commission the power to issue cease-and-desist orders, would rectify the weakness in present law.

There is, however another gap in existing law which is not closed by the bill as reported out by the committee. Title VII of the Civil Rights Act of 1964 does not cover discrimination by States or local governments. While discrimination in employment by those agencies is clearly forbidden by the 14th amendment, under this bill, individual lawsuits would remain the only method of redressing discriminatory employment practices by a State or local government. To meet this problem I offered an amendment to the bill which would have made it an unlawful employment practice for a State or political subdivision thereof to engage in discriminatory employment practices and which would have permitted the Attorney General to institute an action against any State or political subdivision which followed an unlawful discriminatory employment policy. The purpose of this amendment is simply to lift the burden of redressing clear violations of the 14th amendment, in this case in the area of employment practices, off the shoulders of the individuals directly affected. The amendment was not novel, for the Congress has already authorized the Attorney General to institute actions against State or local governments guilty of other types of violations of the 14th amendment, such as discriminatory voting practices or maintaining segregated educational systems.

Unfortunately, by a vote of 9 to 7 the committee voted to table my amendment. I do not believe that the matter should be allowed to rest there; hence, I propose to offer the amendment when the bill is considered on the floor of the Senate.

There can be no doubt of the need for this amendment. The principle of the amendment has been endorsed by the staff director of the U.S. Civil Rights Commission and the com-

> mittees on Federal legislation and labor and social security legislation of the association of the bar of the city of New York.
>
> Thus, William L. Taylor, the staff director of the Civil Rights Commission, testifying before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary on August 14, 1967, stated with reference to the need for bringing State and local government employers under the Civil Rights Act:
>
> It is important to bring State and local government employment within the coverage of the Federal law for other reasons as well.
>
> First, discrimination in employment by State and local governments is clearly in violation of the 14th amendment to the Constitution of the United States. It is anomalous to exempt from the coverage of legislation aimed at discrimination in employment the category of discrimination which is directly in violation of the Constitution.
>
> Second, equal opportunty in public employment contributes to making government more responsive to the needs and interests of all groups in the population. The Federal Government, also, has a strong interest in seeing that this is done at the State and local governmental level inasmuch as large amounts of Federal financial assistance are administered by State and local public agencies.
>
> Similarly, the Association of the Bar of the City of New York Committee on Federal Legislation stated in its report published in the April 1966 issue of the association bulletin:
>
> Title VII exempts from its coverage both the United States and States or political subdivisions thereof. We are of the opinion that governmental institutions, above all others, ought to be prevented from discriminatory employment practices of the type covered by the act. Similarly, the exemption from the act of employment agencies of the United States and State and local governments (other than the U.S. Employment Service and the system of State and local employment services receiving Federal assistance, which are covered by the act) appears to us to be singularly inappropriate.
>
> We believe that Congress should enact appropriate statutory measures to make the substantive rule of fair employment applicable to these governmental units. If, in the interest of harmonious Federal-State relations, it should be deemed undesirable, for example, to give the Federal Commission direct enforcement authority over other governmental units, other appropriate means are available to Congress, such as, for example, a provision for a court action to be brought either by the Commission or the Attorney General.
>
> Several of the witnesses who testified on S. 1308 also stressed the need for providing an effective remedy against discrimination by State or local government units (hearings, p. 198).
>
> It is thus clear that a strong case for my amendment has been made.
>
> JACOB K. JAVITS.

Mr. JAVITS. Mr. President, today's bill includes several other very important provisions not included in S. 3465 last year. I refer to provisions bringing employers with eight or more employees under the act—present law covers only employers with 25 or more employees—and provisions which transfer the functions of the Office of Federal Contract Compliance and the Civil Service Commission with respect to equal opportunity for employees of Federal contractors, and the Federal Government itself, respectively, to the EEOC. These provisions are fine, in principle; the manner in which the Federal contract compliance program has been run so far certainly leaves much still to be done; nor has the Civil Service Commission been completely successful by any means in reducing the discrimination still practiced in many Government agencies. Giving direction and control of these programs to one agency could result in much more effective programs as well as much less overlap, duplication, and confusion for those who are required to comply with the law.

What concerns me is that this potential improvement can be realized if, and only if, the Commission is given sufficient funds to do the job. Unfortunately, the record so far does not provide reasonable assurance that that will be the case. Right now, without enforcement power, and without responsibility for the Federal contract compliance program or the program to end discrimination among Federal Government employees, the Commission is staggering under a backlog of cases. The backlog is such that it presently takes about 18 months to 2 years for the Commission to finally dispose of a case after a charge is first filed.

Under these circumstances if the Commission is given additional authority, without additional resources to carry out its responsibilities for title VII of the Civil Rights Act, the Federal Government's commitment to equal employment opportunity will become a farce. I note, in this connection, that the chairman of the Commission, William Brown, is entirely in accord with the position I have stated. Thus, two of the questions propounded to Chairman Brown by Senator KENNEDY in connection with the hearing to confirm his nomination, went into the possibility of switching the functions of the Office of Federal Contract Compliance to the EEOC. The questions, and Chairman Brown's answers were as follows:

> Q. What would be your reaction to switching the Office of Federal Contract Compliance to the EEOC?
>
> A. I would be in favor of switching the OFCC to the EEOC if, and only if, we were to have the enforcement powers that go along with that office as well as having the very substantial staff and budgeting which would be required.
>
> Q. If it were transferred, do you feel that the EEOC would need massive new staff and budget?
>
> A. Absolutely.

I expect that these questions will be gone into in further depth when hearings are held on this important legislation. Moreover, I want to emphasize my complete support for the principle of giving the Commission cease and desist order power. Despite the progress that has been made in recent years, discrimination in employment is still pervasive in the United States; over 15,000 cases were filed with the Commission last year. It should be perfectly obvious that we are not really going to make the decisive impact on this problem unless and until employers and even any unions involved in practicing discrimination understand that the Federal Government is just not going to tolerate it, and that the Government has the power and is willing to give and to implement the authority to stop it.

Mr. KENNEDY. Mr. President, I am pleased to join as a cosponsor in the newest version of the Equal Employment Opportunity bill because I believe that it is an attempt to provide a realistic and reasonable route for giving the Equal Employment Opportunity Commission the powers it needs.

I am, however, concerned that the present draft may give to the already overburdened Commission new powers, responsibilities, and jurisdiction, many of which are now located elsewhere in the Government, to which it could not possibly do justice without a massive infusion of new staff and financial resources. If the EEOC is to assume the duties of the Civil Service Commission's office of equal employment, the Labor Department's Office of Federal Contract Compliance, and the Department of Justice Civil Rights Division's employment functions, is to receive new jurisdiction over companies with 8 to 24 employees and State and local governments, and is to receive cease and desist powers, the presently inadequate budget of $9 million is going to become miniscule in comparison to need. Thus in our deliberations in committee we will be most interested in seeing what kind of commitment the administration is willing to make in terms of funding the new EEOC.

Unless there is assurance from the responsible agency, civil service, and budget officials than an adequate money request will be made, and that adequate staff positions at the required levels will be made available, then we would be doing the Commission a disservice by burdening it with all these new obligations. It needs cease and desist powers to do its present tasks properly, and if it were able to fulfill only this responsibility completely, we would have an improvement over the status quo. But to give it so much to do that its resources would be insufficient to undertake any of its functions successfully would be a betrayal.

Obviously a commitment from the administration is worthless without some sign of commitment from the Congress, and for that reason I think the bill ought to include an authorization level which demonstrates the range of funding that we believe is appropriate for the new duties of EEOC. Subject to further facts, I would not think that $50 million the first year, $75 million the second, and $100 million the third with an open-end authorization after that, would be out of line.

Certainly one of the priority goals for all of us is to assure that every American can not only get a job, but also that he can get the best job to which his abilities entitle him. That is the purpose of this bill, and that is why we must move immediately to secure its passage.

S. 2454, S. 2455, S. 2456—INTRODUCTION OF CIVIL RIGHTS LEGISLATION

Mr. HART. Mr. President, I introduce, for appropriate reference, three bills, each of which is a title of S. 2029, the Omnibus Civil Rights Act of 1969.

The first is to insure that litigants in State courts are guaranteed that juries

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are selected without discrimination as to race, creed, color, sex, national origin, or economic status.

The second removes the ceiling on appropriations for the Civil Rights Commission. The existing law limits any future appropriation to the 1968 figure.

The third bill extends the Voting Rights Act of 1965 until 1975. Without the extension, States would be free after August 1970 to reimpose restrictive voting practices.

A fourth title of S. 2029 which deals with Equal Employment Opportunities Enforcement is being introduced in amended form by the Senator from New Jersey (Mr. Williams) and the Senator from New York (Mr. Javits). I am happy to cosponsor that bill.

Cosponsors of the three bills which I am introducing include Mr. Javits, Mr. Kennedy, Mr. Scott, Mr. Case, Mr. Bayh, Mr. Brooke, Mr. Cranston, Mr. Dodd, Mr. Eagleton, Mr. Fong, Mr. Goodell, Mr. Gravel, Mr. Harris, Mr. Hartke, Mr. Hatfield, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. McCarthy, Mr. McGovern, Mr. Magnuson, Mr. Mathias, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Ribicoff, Mr. Schweiker, Mr. Stevens, Mr. Tydings, Mr. Williams of New Jersey, and Mr. Young of Ohio.

The VICE PRESIDENT. The bills will be received and appropriately referred.

The bills (S. 2454), to provide improved judicial machinery for the selection of juries, and for other purposes; (S. 2455), to authorize appropriations for the Civil Rights Commission and for other purposes; and (S. 2456), to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, and for other purposes, introduced by Mr. Hart (for himself and other Senators), were received, read twice by their titles, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 125—INTRODUCTION OF A JOINT RESOLUTION TO LIMIT JURISDICTION WITH RESPECT TO ACTIONS AGAINST THE CONGRESS, EITHER HOUSE THEREOF, ANY COMMITTEE THEREOF, AND MEMBERS AND EMPLOYEES THEREOF, ACTING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES

Mr. EASTLAND. Mr. President, the Supreme Court of the United States on Monday of this week handed down a decision challenging the right of one of the two Houses of the Congress to be the judge of its own membership. The prerogatives of the Senate, in this regard, are just the same under the Constitution as the prerogatives of the other Body. The Senate, therefore, cannot afford to allow this arrogation of power by the Supreme Court to itself to pass unnoticed.

Furthermore, the Supreme Court used language, in its decision in the Powell case, which amounts to an attempt to assert a general rule that officers and employees of either House of the Congress may be sued in their individual capacity for acts performed within the scope of their official duty. This, too, must be challenged because if we cannot protect our employees in carrying out their official duties, we cannot function effectively as a legislative body.

For these reasons, Mr. President, I introduce for appropriate reference a joint resolution to limit jurisdiction with respect to actions against the Congress, either House thereof, any committee thereof, and Members and employees thereof, acting within the scope of their official duties.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 125) to limit jurisdiction with respect to actions against the Congress, either House thereof, any committee thereof, and Members and employees thereof, acting within the scope of their official duties, introduced by Mr. Eastland, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 1933

Mr. HARTKE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Idaho (Mr. Church) be added as a cosponsor of the bill (S. 1933) providing for Federal railroad safety.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2225

Mr. AIKEN. Mr. President, some time ago I introduced, on behalf of the Senator from Nebraska (Mr. Curtis), the Senator from Florida (Mr. Holland) and myself, a bill (S. 2225) to strengthen voluntary agricultural organizations, to provide for the orderly marketing of agricultural products, and for other purposes.

I ask unanimous consent that, at its next printing, the name of the Senator from Alabama (Mr. Allen) be added as a cosponsor of the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

NOTICE OF HEARINGS

Mr. BIBLE. Mr. President, I wish to announce that hearings on the following bills have been scheduled before the Parks and Recreation Subcommittee of the Committee on Interior and Insular Affairs at 10 a.m. Tuesday, June 24, 1969, in room 3110, New Senate Office Building:

S. 89 to authorize the Secretary of the Interior to convey to the State of Tennessee certain lands within Great Smokey Mountains National Park and certain lands comprising the Gatlinburg Spur of the Foothills Parkway, and for other purposes.

S. 1686 relating to age limits in connection with appointments to the U.S. Park Police.

Anyone interested in testifying should advise the committee staff.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Charles H. Anderson, of Tennessee, to be U.S. attorney for the middle district of Tennessee for the term of 4 years, vice Gilbert S. Merritt, Jr., resigned.

Frank M. Dulan, of New York, to be U.S. marshal for the northern district of New York for the term of 4 years, vice James E. Byrne, Jr., resigned.

James M. Sullivan, Jr., of New York, to be U.S. attorney for the northern district of New York for the term of 4 years, vice Justin J. Mahoney, resigning.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, June 26, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NEW TECHNOLOGY IN THE OCEANS

Mr. MAGNUSON. Mr. President, the Navy this year recognized the major role of Seattle and the Pacific Northwest in ocean engineering and scientific advancement for defense when it held its Sixth Annual Symposium on Military Oceanography at the Seattle Center Playhouse.

Six hundred of the continent's outstanding oceanographers attended the symposium, held May 26, 27, and 28, at the invitation of Rear Adm. O. D. Waters, Jr., oceanographer of the Navy.

Dr. J. E. Henderson, director of the Applied Physics Laboratory, University of Washington, was the official host.

"New Technology in the Oceans" was the symposium theme and all sessions were closed with security clearance required of those attending since many of the presentations were classified. Classification did not apply, however, to Admiral Waters' opening remarks, to the noon luncheon addresses, or to the comments of session chairman, who included the three assistant oceanographers of the Navy. These were:

Rear Adm. T. B. Owen, Chief of Naval Research, a native of Seattle, who attended the public schools there and the University of Washington, and whose mother still resides in that city.

Rear Adm. A. S. Goodfellow, Deputy Chief of Naval Material, which has close connections with the Applied Physics Laboratory.

Capt. Edwin T. Harding of the Naval Weather Service Command.

Particular emphasis at the symposium was for the first time, placed on arctic research.

Presentations, accompanied by film, on varying aspects of this research were made by Mr. Allen R. Milne, Defense Research Establishment, Pacific, Victoria, British Columbia, operated by the De-

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fense Research Board of Canada; Dr. Waldo K. Lyon, Naval Undersea Research and Development Center, San Diego; Dr. J. B. Hersey, director, Maury Center for Ocean Sciences, Washington; Dr. K. L. Hunkins, Lamont-Doherty Geological Observatory of Columbia University; and others.

Admiral Waters noted, in his address, that emphasis of the Office of Oceanography during the coming year will be placed on deep submergence, biomedicine, and deep ocean technology.

Luncheon speakers at the symposium were Dr. Dixy Lee Ray, director of the Pacific Science Center, and Dr. Lauren R. Donaldson of the University of Washington.

Mr. President, I ask unanimous consent that the address of Admiral Waters, delivered at the opening of the Sixth Annual Symposium on Military Oceanography, on May 26, in Seattle, and entitled "State of the Navy in Oceanography," be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

STATE OF THE NAVY IN OCEANOGRAPHY

(Opening remarks by Rear Adm. O. D. Waters, Jr., oceanographer of the Navy, at the Sixth Annual Symposium on Military Oceanography, Seattle, Wash., May 26, 1969)

Mr. Chairman: It is a pleasure, though somewhat astounding to see this many eminent oceanographers gathered at one time in one place for a three day brain-picking session.

Oceanographers as a class are surely the world's greatest travelers and meeting attenders. But as trained environmentalists they have a tendency to be pretty selective about their traveling. Except where duty assignments are involved you are not likely to find an oceanographer in the Arctic Circle in the wintertime or in Florida in the middle of the summer. Too smart for that.

Take our host, Dr. Henderson, for example. Last I heard of him he was in La Spezia, Italy. An excellent springtime selection.

But come to think of it, Seattle is also noted as a very pleasant place to visit and I am sure that everyone of you will enjoy your short stay here.

If you do, give the lion's share of the credit to Joe Henderson and his staff at the Applied Physics Laboratory of the University of Washington. They have worked hard and well to organize both our working sessions and our leisure time activities.

I was going to put in a reference here to Seattle as the Oceanographic Capital of the Country. Truth is, I'm afraid my remarks might get back to friends of mine in San Diego, or Honolulu, or Norfolk or Miami. They all claim the same title.

Now since the subject assigned to me is "The State of the Navy in Oceanography" I will start with a few words on the State of the Nation.

A while back as you know the National Council on Marine Resources and Engineering Development was established by Congress to provide an organizational framework and increased momentum to marine science activities. The Council's Chairman is the Vice President.

In addition, the Commission on Marine Science, Engineering and Resources was established to make a study and recommend a permanent organization and a national marine science program. Their report is now before the Congress.

Let me read a short quotation from the report—

"Because instabilities in the world situation cannot be remedied quickly, military power will continue to be a central factor in world affairs. As naval technology increases, the depth and variety of undersea operations require detection systems of ever increasing power and complexity. Today's advances in military undersea advances in military undersea technology forecast an increasingly important role for U.S. defense and deterrence capabilities in the global sea. As the uses of the sea multiply, the Navy's defense mission will be complicated by the presence of structures, vehicles, and men. The resulting problems can be resolved only by the closest cooperation between civil and military users of the sea. Furthermore, military and civil science and technology for undersea operations can and should be mutually supporting, emphasizing the need for cooperative action."

"The Commission believes strongly that the Nation's stake in the uses of the sea requires a U.S. Navy capable of carrying out its national defense missions anywhere in the oceans, at any desired depth, at any time."

These two paragraphs and others I could quote indicate that the Commission had a clear understanding not only of the role of naval oceanography in national defense but of the importance of close cooperation between the Defense Department and whatever central civilian agency Congress might set up as a result of the report.

Additional effort by another agency would be welcome. But the important thing is that the programs be constructed to complement each other and so avoid duplication of effort at the taxpayers expense. As recognized by the Commission, we cannot of course abdicate our responsibilities, for the sea is our natural operating environment and the nation will accept no excuse if we fail to maintain an adequate security posture.

To us oceanography is merely a means to an end. Our efforts in this field account for more than one-half of the entire Federal program. The budget we have submitted for Fiscal Year 1970, which starts a few days from now comes to $278 million dollars.

When I mention dollar figures I should say that these are not just handed to us by people who think oceanography is a great thing. Every program fights its way through the budget cycles in competition with all other Navy efforts.

As the Navy's Oceanographer I have three double-hatted assistants whose authority in their primary jobs extends into wide areas of the naval establishment. These assistants are the Chief of Naval Research, the Deputy Chief of Naval Material for Development and the Commander of the Naval Weather Service.

Under these three Assistant Oceanographers plus myself as my own deputy for operations we have divided our program into three broad areas for management purposes. These areas are Ocean Science, Ocean Engineering and Development and Oceanographic Operations.

Under the Ocean Science Program our goal in this area is to advance our knowledge of the physical, chemical, biological and geological nature of the world's oceans and their bottom and surface boundaries. The program, which is requested at $60 million dollars this year, concentrates on research projects in support of high priority operational requirements. So there is considerable emphasis on underwater acoustics, oceanographic prediction and geophysics as they are related to submarine, and antisubmarine and amphibious warfare.

We are developing methods of predicting sound behaviour and thermal structure changes in the ocean by study physical, chemical and biological processes. The effort includes the study of ocean circulation, air-sea interactions and internal waves.

Geophysics research is concentrated mainly on understanding the bottom and the sediment and rock below it as they relate to sound reflection and hence the operation of our sonar systems.

In Marine Biology of our work is directed toward understanding the habits of various types of marine life which can degrade the performance of our equipment. A major concern is the deep scattering layer which masks submarine echoes.

The Ocean Science Program is carried out by academic and nonprofit institutions, industrial plants and our own Navy laboratories throughout the country. The University of Washington is a major performer in this program.

There are about a thousand scientists and a great variety of facilities involved in the program. Facilities include thirty-four ships, a variety of deep submersibles, stable platforms for work in deep water, monster buoys, airplanes, satellites and even ice islands.

Now a few words about Ocean Engineering and Development which is in the Fiscal 1970 budget at $102 million. This is our newest and fastest growing program and it is being developed in seven major areas:

1. Undersea search and location.
2. Submarine rescue and escape.
3. Salvage and recovery.
4. Diving.
5. Survey.
6. Environmental prediction.
7. Underwater construction.

We are having to build a broad base of new technology to provide these expanded capabilities. The technology base has been divided, for administrative purposes, into functional areas such as energy sources, materials and structural analysis, environmental support, sea floor engineering and so on.

The efforts involved in this Engineering program are well known to most of you here. The underwater search and location program involves a 20,000 foot vehicle in addition to unmanned devices.

Work on a fuel cell power plant is underway.

In Submarine Escape and Rescue we are putting our chips on a Deep Submergence Rescue Vehicle—DSRV for short. The contractor will deliver the first of these vehicles for testing late this summer. It will be transportable by air, surface vessel or submarine. These systems will permit us to respond quickly to the need to rescue personnel from any submarine bottomed above its crush depth.

Another remarkable vehicle in this program is the recently launched NR–1. This is a small nuclear powered submersible capable of sustained operations and we expect it to be a very valuable platform for undersea research. It will not go as deep as the DSSV I mentioned, but it will stay down till the crew tires out.

Our Salvage and Recovery efforts are aimed at developing the ability to raise objects the size of a submarine hull from depths down to 850 feet.

The Salvage program, in turn, is dependent on our Man-in-the-Sea program which includes the development of improved deep diving techniques. The Navy has pioneered in diving and developed the technique of saturation diving. As you know we have had recent difficulties. However we cannot give up on this. It is too important both to the Navy and to the private sector of our country. We intend to pursue Man-in-the-Sea to completion in order to give our operating forces the hardware and techniques they require for accomplishing useful work by divers to depths of 1,000 feet or more. Biomedical knowledge is critical here and we are working hard at it.

Underwater construction also is dependent to a great extent on the work being done in the diving and vehicle areas and these programs are all being pushed along together.

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The broad base of support for the Engineering program comes from Navy laboratories, industry and universities. Seventy percent of the money goes to private industry.

The overall objective of the program is to give us the ability to operate at any place and at any time within the oceans in support of our defense mission.

Our third and largest program area is Oceanographic Operations. It is at the $116 million level in Fiscal 1970. The work is carried out through the Oceanographer's largest field activity, the Naval Oceanographic Office and through the Commander of the Naval Weather Service Command acting as Assistant Oceanographer for Environmental Prediction Services.

This program consists of oceanographic and hydrographic surveys in all ocean areas and the dissemination of data to provide environmental information, forecasts, charts and publications to support such operations as Vietnam, POLARIS, ASW, Mine Warfare, Amphibious operations and fleet activities in general. Our charts and other publications are also supplied to the merchant marine, statuatory responsibility we have held since the early 1800's.

There is not time to even highlight Navy's efforts here. There are our coastal surveys in Far East waters and in the Mediterranean. Our deep ocean surveys result in the collection of hundreds of thousands of track miles of precise bathymetry, gravity, geomagnetic and sub-bottom seismic data annually.

Since our last Symposium, a year ago, we have, to mention first a few items:

Completed our hydrographic surveys along the coast of South Vietnam.

Conducted almost one-half million miles of deep ocean bathymetry and geophysical data collection.

Conducted a major underwater acoustic experiment in the Pacific called PARKA I. This was part of a continuing and broader project designed to establish the environmental factors which control long range sound transmission.

Flown 200,000 miles of geomagnetic surveys.

Launched the NR–1, the nuclear propelled submersible I mentioned earlier.

Launched the Sea Cliff and Turtle, two new ALVIN-type deep research vehicles with 6500 foot depth capablities.

Let the contract for our first catamaran hull research ship, to Todd Shipyard here in Seattle.

Taken delivery on two new survey and two new research ships.

Looking ahead to Fiscal Year 1970 I can think of these items:

We will have two new ships ready to turn over to universities in support of Navy's science program, and our four ships delivered in 1969 will commence operational surveys and support of Navy laboratory research here on the West Coast.

Our nuclear submersible will commence its shakedown, which will include scientific cruises, and we will launch our first two DSRVS.

If all goes well with our funding request to the Congress, we will procure a new aircraft to replace our two old ones engaged in airborne magnetic surveys.

And we will receive our first funding for our newly established National Oceanographic Instrumentation Center. This center uses an existing Navy facility and will expand to provide instrument development and reliability reference services, test and evaluation data and caliberation facilities for industry and non-military Federal agencies.

Our newly deveolped unmanned recovery vehicle CURV III, a 7000′ version of the device which recovered the unarmed nuclear weapon off Palomaris, will become operational.

In the present financial climate we can hope for only a minimum of new starts. In fact the only significant increase in program dollars will go to the development of a DSSV, a deep submergence vehicle designed to do many useful tasks down to a depth of 20,000 feet.

In general our emphasis in the coming year will be on Deep Submergence, Biomedicine and Deep Ocean Technology.

This is about all I can tell you in the time allotted me. The rest you can get from the experts assembled here.

I will conclude by inviting you all to the 7th Symposium on Military Oceanography to be held at the U.S. Naval Academy on 12, 13 and 14 May 1970. Your host will be the Naval Ship Research and Development Center.

Annapolis can also be a pleasant place in the Spring.

NEWSWEEK MAGAZINE WRITES ABOUT S. 9—COMPENSATION TO INNOCENT VICTIMS OF CRIME

Mr. YARBOROUGH. Mr. President, pending before the Committee on the Judiciary is my bill, S. 9, to establish a Commission To Compensate Innocent Victims of Crime. I view this matter—compensating victims of crime as well as punishing criminals—as one of highest importance; that is why I have been seeking action on my proposal since I first introduced it in 1965.

I am happy to note an article entitled "Help for the Victim," published in Newsweek magazine of June 23, 1969. This fine article serves to underscore the need for favorable action on the bill to provide aid to the innocent victims of crime. There is one error in the article. My bill covers only the District of Columbia and certain other federally administered territory. This error in jurisdiction does not detract from the entire article, however, and I urge Senators to read it.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HELP FOR THE VICTIM

On a balmy Monday evening in May of 1963, a middle-aged garmentworker named Sam Wasserstein parked his car on a Brooklyn street and strolled toward a store to buy some cigarettes. The street was both brightly lit and busy, so Wasserstein didn't sense anything menacing about the three young boys loitering at the end of the block. "Hey mister," called one boy as the man passed. "You gotta nickel?"

Wasserstein paused and, looking down at the pavement, dug into his pocket. At that instant the boy whipped out a .38-caliber revolver and, for no apparent reason, fired point-blank at his head. The bullet ripped into Wasserstein's left temple, passed behind his eye and lodged against his nose—rendering him permanently blind. "The lights went out forever the instant the bullet struck my eyes," he recalls.

The unprovoked attack left the 54-year-old family man virtually helpless, unable to find work, miserably dependent on the earnings of his wife and the charity of his eldest son. At the suggestion of a lawyer, however, Wasserstein took an original step. Since his 15-year-old assailant had just been released on parole after three years in and out of New York training schools, Wasserstein slapped the state with a $1.5 million suit charging negligence in the youth's supervision. Last year the Court of Claims awarded him $110,000, but three weeks ago an appellate court reversed the decision. That left Wasserstein exactly where he had been—blind, broke and bitter. "All the state gave me was a cane and a Braille wrist watch," he says. "In my opinion, anybody who is mugged and maimed should be compensated."

A growing number of lawyers and legislators agree. In their view, it doesn't require an acute social consciousness to recognize that society today takes better care of the criminal than the victim. Following a criminal's apprehension, the state assumes his food, clothing and housing needs, provides him with free hospitalization and psychiatric treatment and may even throw in some form of vocational training.

Meanwhile, his hapless victim can only collect reimbursement for his medical bills, lost wages or psychological damage by suing the crimnial—a process of dubious value since few criminals possess the means to satisfy such judgments (one reason why they become criminals). The paradox raises an interesting question: if personal protection is one of the obligations of a tax-levying society, does society also incur the responsibility to compensate the victim when that obligation has been faultily discharged?

CUES

Five states, at least, seem to think so. Over the past few years, New York, California, Maryland, Massachusetts and Hawaii have taken cues from an aid-to-victims program in Great Britain and adopted similar forms of compensation for victims of violent crimes (the New York bill was passed three years too late for Sam Wasserstein to benefit).

Similarly, Sen. Ralph Yarborough of Texas has introduced a bill calling for the creation of a Federal Violent Crimes Compensation Commission which, upon approving the claims of such victims, would provide up to $25,000 in assistance. The requirements would be similar to those for insurance claims—proof of actual loss from medical bills, diminished earning power and/or "pain and suffering." "Our major resources center upon the act of the criminal," says Yarborough. "Surely we owe as much assistance and concern for the victim."

The major political roadblock to such legislation lies in the geographical distribution of crime. In rural areas, the number of violent crimes committed in 1967 totaled 20,255; in cities, the figure soared to 285,662—more than a tenfold difference. Accordingly, states with small metropolitan populations and little crime are reluctant to help foot the compensation bill for the big-city states under Yarborough's proposal. Then there are those who contend that government bears neither a direct nor implied liability for personal injuries caused by the acts of others. The role of Good Samaritan, they argue, belongs to private groups.

Granted, certain segments of the private sector will leap to the aid of certain victims. Last month, for example, a Detroit policeman died from a bullet wound inflicted while he was scuffling with a motorist he had stopped for running a red light. Almost overnight, a publicity-shy group of wealthy Detroiters known as the 100 Club quietly took over the financial problems of his widow and two young daughters. Three days after the slaying, they presented the widow with a $1,000 check. The 100 Club will also pick up the mortgage on the family's home and all debts—and set up a trust fund for the children's education.

But for the overwhelming mass of victims without access to such succor, the avalanche of money problems that descends after such tragedies seems like cruel and unnecessary punishment. And while the price tag for relief can soar well above $25,000, even that sum may make the difference between hanging on and dropping out.

A poignant case in point is that of Park

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Huey, a 51-year-old Chinese grocery-store owner in the Hunter's Point ghetto of San Francisco. Since 1964, the frail-looking father of eight has been on the receiving end of as much violent action as a GI in a combat zone. Huey has been clobbered with an iron bar while trying to break up a fight in the store, stabbed in the face after he pursued a band of teen-age shoplifters, and shot during two separate robberies—the last of which left him near death.

HURT

Huey isn't sure whether his hospital insurance will cover the $1,200 in medical expenses caused by that attack. But what really hurt was the income lost while he lay in the hospital the store had to be closed until 3 p.m. each day, when his older children could get out of school and operate the business. Only last month, another armed-robbery attempt finally prompted Huey to put the store up for sale. What will he do now? "I don't even think about the future," he says wearily. "For my family's sake, I just want out."

Under Senator Yarborough's proposed compensation commission, Park Huey would probably be entitled to at least enough assistance to establish a new life somewhere else. The bill's chances, however, are considered something less than 50–50, if for no other reason than Congressional concern over its cost. Yet the prototype for the program—Great Britain's Criminal Injury Compensation Law has cost the country only $9.5 million in awards for the entire five years of its existence. Considering that the U.S.'s workmen's compensation system pays out more than $250 million annually for persons injured just at work, Yarborough's proposal sounds more feasible than some contend.

In any case, no such program will be able to compensate Sam Wasserstein for six years of gratuitously induced misery. Two weeks ago, Wasserstein was stricken with a major heart attack that left him in "serious" condition. "We are only praying to God," says his wife. "We're hoping He'll help."

THE NIGERIA-BIAFRA CONFLICT

Mr. KENNEDY. Mr. President, the civil war in Nigeria has overwhelmed the moral sensibilities of people throughout the world. In terms of human suffering and death among a civilian population, it has produced one of the greatest nightmares of modern times. Although a great deal has been done in recent months to check the mass starvation so prevalent last summer and fall, as the war continues, so does the suffering and death of the innocent—if not from malnutrition among those unreached by relief efforts, then from tuberculosis, anemia and other diseases which are rampant on both sides of the battle.

The persistent need for greater efforts to relieve the plight of the people is everywhere present in the battle areas—but I speak today because we stand on the brink of a sharp escalation in toll of suffering.

The mercy airlift of food and medicine into Biafra has stopped. The 3 million people supported by the airlift face starvation and death.

Earlier today the American members of Joint Church Aid—the international consortium of voluntary agencies which has operated the airlift with the International Committee of the Red Cross—sent a telegram to the President appealing for his help. The telegram reads as follows:

Joint church aid, U.S.A. members, heartened by news of plans to implement new route of increasing relief supplies by river and land for suffering women and children in blockaded Biafra.

However, we must call your attention to the fact that three million innocent civilians are totally dependent upon the combined airbridge of the churches and the Red Cross to sustain their lives.

Only one relief plane has been able to complete its mercy mission into Biafra since June 15 because of Nigerian Airforce harassment. With no stockpiles available, there is imminent danger of a rapid escalation in the deaths of thousands of children by starvation.

Capacity of equipment available for implementation of the fluvial route falls short of absolute minimum tonnage needed for survival. The burden of bringing in relief supplies will still be carried by the combined mercy airbridge.

Therefore, we urge in the name of humanity that the United States Government, all concerned nations, the United Nations, and the Organization of African Unity take the strongest possible action to obtain from both Nigerian and Biafran leaders the necessary safeguards to insure completion of relief flights at their former nightly levels immediately.

BERTRAM GOLD,
President, American Jewish Committee.
JAMES MACCRACKEN,
Church World Service.
Bishop EDWARD SWANSTROM,
Catholic Relief Service.

Mr. President, I support this appeal of the agencies, and commend their leaders for the initiative in calling to the attention of all of us a truly desperate situation.

I fully recognize the inevitable problems and limitations of carrying out an adequate relief mission under conditions of war—including the selfish political pressures from all sides to influence the concern and work of the relief agencies. But as a matter of conscience—and in line with our historic traditions—I believe the United States must do what it can to help implement and support the maximum relief effort possible. And we must also lend our effort to the cause of peace in the area.

And so I make these recommendations:

First, I urge the President to seek the support of other governments in appealing to the Secretary General of the United Nations to use the power and prestige of his office to gain an immediate resumption of the mercy airlift into Biafra.

I appeal especially to those great powers that so willfully pour arms into the area and needlessly prolong violence at the expense of innocent millions, to join this effort for humanity. Little of human dignity survives war in our time, but the beginnings of a meaningful peace can only be found in the civilized behavior of all toward their fellow man.

Second, I urge that our Government seek the cooperation of other governments and the parties to the conflict, in urgently requesting the Secretary General of the United Nations to convene in Geneva as soon as possible an International Conference on Nigeria-Biafra Relief.

I make this recommendation because of my deep concern that the current and long-term emergency relief needs, let alone those needs of reconstruction following the end of hostilities, can never be met through the existing relief mechanism or the political authority which finally assumes effective control of the areas touched by civil war.

A Geneva conference arranged by the Secretary General would, I feel, lend fresh perspective on the possibilities of expanding emergency relief operations, and on the approaches to the eventual task of reconstruction.

The conference should include representatives from UNICEF and other specialized agencies, the Organization for African Unity, the parties to the Nigerian civil war, other governments, the private voluntary agencies, the International Committee of the Red Cross, the League of Red Cross Societies and National Red Cross Societies in Africa.

Through the good offices of the Secretary General, the conference should make an effort to establish, immediately, a new and broader relief mechanism—acceptable to both sides.

It should be the function of this body to receive and channel relief contributions; to negotiate mercy agreements between the parties of the civil war, so long as hostilities continue; to supervise relief operations; to involve additional humanitarian agencies, especially National Red Cross Societies in Africa; and to strengthen relief corridors into areas of need, including daylight flights into the Biafran enclave and new routes over water and land.

Third, I urge the President to take the initiative in calling for early consultations among the Ambassadors to the United Nations from the Soviet Union, Great Britain, France, and our own country, on the question of an arms embargo and a general deescalation of the great powers involvement in the Nigerian conflict.

They should also pursue appropriate means to promote a cessation of hostilities, and negotiations leading to a political settlement under the auspices of an African heads of state committee.

Mr. President, in urging stronger American leadership regarding the situation in Nigeria-Biafra, I express the view of many Senators and millions of America's citizens. I cite no political or economic or treaty obligations to support this view. The mutual concern of America is simply the well-being of people caught in the passion of fratricidal war, the reconciliation of both sides, and the renewal of cooperation and progress among a people who have much to contribute to the building of all of Africa.

Let us act with others to pursue peace and relief in a troubled area—because it is right to do so, because it is unconscionable to remain silent, and because the hope of all mankind for a better world will be strengthened.

Mr. PEARSON. Mr. President, I commend the Senator from Massachusetts on his leadership in speaking out on this important subject.

For 2 long years the war between Nigeria and Biafra has raged on and on. Hundreds of thousands, perhaps even millions of lives have been tragically and needlessly lost primarily as a result of starvation caused by the blockade Nigerian forces have maintained around the secessionist Biafran state. During these many months a small band of dedicated humanitarians working through the Red Cross, UNICEF, and various church and charitable relief agencies have labored to keep going a mercy airlift that has prevented the starvation from becoming even more terrible than it already has been. Day in and day out, this makeshift air force has struggled to keep alive countless innocent victims of this war. Shortly after a Red Cross plane was shot down on June 7, however, the relief flights were halted and remain so today.

Our Government has slowly but steadily given increased support to relief operations on both sides of the firingline. Many of us in the legislative branch, however, feel that we can and should be doing much more. In January of this year, for example, I was privileged to introduce, along with the distinguished junior Senator from Massachusetts (Mr. BROOKE) and 59 of our colleagues, a resolution—Senate Concurrent Resolution 3—calling upon the administration to increase its support of the humanitarian programs that are so badly needed. In the 5 months that have passed since then, the President has appointed Dr. C. Clyde Ferguson as a special relief coordinator, and Dr. Ferguson has been extremely active in trying to bring the two sides together to reach some form of improved relief arrangements. Moreover, the administration responded favorably when queried by the Foreign Relations Committee about its official reaction to the language and intent of the relief resolution. Thus, some measure of progress has been achieved, though many other steps are yet to be taken.

Now word has come that Dr. Ferguson may have been successful in negotiating at least one relief shipment using the Cross River as a mercy waterway. Needless to say, if the press reports are true, this is most welcome news. I am sure that all of my colleagues who have been concerned with this problem join with me in commending Dr. Ferguson for his efforts and in expressing the hope that this is just the beginning of more such humanitarian deliveries. The use of a water corridor has many advantages over a continued reliance on air shipments, not the least of which is the fact that such a method is safer and more capable of delivering far larger amounts of food and medicine. If such a passageway can be used permanently and if agreement can be reached on land shipments as well, we may finally be on the way to solving the starvation and malnutrition crisis which has been engaging the conscience of the entire civilized world for the past year.

Thus, Mr. President, today's news makes it all the more urgent for the Congress to act upon Senate Concurrent Resolution 3 and thereby to make it clear to the administration and the world that we stand ready to give whatever material help is needed to make these agreements work.

One other point must also be kept in mind; namely, that until these agreements are finally and firmly established, expanded and proven, the main hope for the millions of men, women, and children who are threatened with slow extinction by starvation must remain with the mercy airlift run by the Red Cross and Joint Church Aid, U.S.A. And even if land and water routes eventually become a reality, the airlift will still have an important role to play. Thus it is vital that we do all we can to keep the planes flying.

Frankly, Mr. President, here too our Government must redouble its efforts. As mentioned earlier, these flights are now halted and even if the press reports of Dr. Ferguson's success are true, it may be weeks before this one shipment is delivered. As a result, we literally are out of time, and I, for one, am out of patience. Let us act immediately therefore to officially express our concern to both Nigerian and Biafran leaders over the impasse which has stopped the airlift. In the name of humanity we must call upon the United Nations, the Organization of African Unity and all other interested bodies to work together to obtain the necessary safeguards to allow the relief flights to resume at their previous nightly levels.

I can understand the Nigerian concern that these flights, if uninspected, might be used to ferry arms and I can understand the Biafran fear that their food may be poisoned if their supplies pass through Nigerian hands. But, frankly, I cannot comprehend how people as intelligent as the leaders of Nigeria and Biafra can continue to fail to devise a system for satisfying these concerns. I suspect that both sides on occasion have used the flights as a political tool or bargaining lever. While such tactics may be effective in achieving short run objectives they are reprehensible and it is time we said so in no uncertain terms. We have some measure of diplomatic leverage. Let us use it. Let us act to stop this senseless game of political bluff and bluster and bring to bear the concerted weight of world opinion. In this way we might at least get the relief flights started again. Hopefully, we will also work toward a cease fire and a permanent peace settlement, but they are larger questions that may take considerable time and time is the one commodity we do not have. Thus, I would suggest that our first efforts be concentrated on achieving a breakthrough on relief lest we fail to achieve even that by interweaving political and humanitarian questions more tightly than necessary.

Mr. President, I ask unanimous consent that the article from this morning's Washington Post announcing the new relief agreement be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIAFRA AGREES TO ACCEPT RELIEF THROUGH NIGERIA

Biafra announced yesterday its agreement to have relief supplies shipped to its people up the Cross River from the Nigerian-held town of Calabar.

The Biafran Overseas Press Division said in Geneva it was awaiting details of the vessels to be used and guarantees that Nigeria would not use the river channel for military purposes.

The Biafrans have rejected all previous plans to have relief supplies pass through Nigerian territory, saying they feared the Nigerians would poison the food.

Nigeria gave its approval to the river route Tuesday, following negotiations conducted in Lagos by President Nixon's special envoy, Clyde Ferguson.

Ferguson said in Washington yesterday that the supplies would be transported aboard the Dona Mercedes and the Dona Maria, two former U.S. landing ships now registered in Colombia.

He said the first shipment, aboard the Dona Mercedes, would be medical supplies. The ship, chartered by the International Committee of the Red Cross, was loaded at a U.S. port earlier, and is expected to arrive in Lagos Thursday, Ferguson said.

Ferguson stressed, however, that the two craft, each capable of carrying 900 tons of cargo, could not adequately supply the needs of Biafra's 3 million people. Relief flights to the secessionist state have been halted since Nigerian planes shot down a Red Cross flight on June 7.

Biafran authorities also announced yesterday that a new airstrip was being built for relief flights, and that they were willing to consider daylight flights to Biafra's existing airstrip at Uli-Ihiala for a limited time.

Nigeria has always said that relief supplies should be flown into the secessionist state only in daylight, after being inspected by Nigerian officials to insure that no weapons are involved.

POTENTIALLY A GREAT SECRETARY OF THE INTERIOR

Mr. DOLE. Mr. President, after stormy confirmation hearings and the expression of unwarranted misgivings by some, it is refreshing to read about the outstanding role the Secretary of the Intrior, Hon. Walter J. Hickel, is playing in the Nixon administration.

In the past few months, as many of us predicted, Secretary Hickel has emerged as a conscientious, aggressive, and resourceful leader of conservation.

He has made numerous remarkable strides, including efforts to protect wildlife, develop recreational areas, and to abate water pollution.

An excellent article published in the Wall Street Journal of June 18 tells of the Secretary's achievements and activities. I ask unanimous consent it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SURPRISING SECRETARY—HICKEL QUIETS CRITICS BY SHOWING GREAT ZEAL FOR CONSERVATION EFFORT—SKEPTICS ARE STILL DUBIOUS ON INTERIOR CHIEF, BUT HE ACTS ON OIL LEAKS, PARKS—LEANING ON A POWERFUL AIDE

(By Burt Schorr)

WASHINGTON.—Remember all those nasty things they were saying about Walter Hickel back in January?

Making him Interior Secretary would be like putting the fox in charge of the chicken coop; he might level Federal forests and give polluters a free hand with the nation's waterways; not a moose or an Indian would be safe; he would be a tool of the oil industry. And while Democratic Senators probed Mr. Hickel's private business dealings and his actions as Alaska's governor, the Senate delayed confirmation of his appointment, with the result that he was sworn in late.

But now, less than four months later, there has been a transformation in the Hickel image that amazes some onlookers. The Interior Secretary is looking more and more like a conservationist.

Protesting letters from conservation-minded citizens no longer pour into Senate offices. Conservation spokesmen now have kind—though still guarded—feelings about the Interior Department's new chief. "For the most part, he has made a good start," says Dr. Edgar Wayburn the Sierra Club's vice president for conservation; in January, that influential organization urged the Senate to reject Mr. Hickel as unqualified.

The wintertime opposition has been thawed by a series of Hickel moves to combat water pollution, develop parks and protect wildlife. A number of them seem to outdo the Secretary's Democratic predecessor, Stewart Udall, in conservationist zeal. Among other things, Mr. Hickel is trying to block an airport project that he fears would damage the Everglades National Park in Florida, and he has reversed a Udall action that would have permitted filling of Potomac River marshlands and also would have threatened a bird sanctuary.

Not everybody now loves Wally Hickel. But the ~~nasty words~~ about him are coming mainly from the same petroleum industry that Mr. Hickel was accused of coddling in his Alaska days.

"Wally Hickel" says a major oil-company representative here. "Frankly, the guy has us scared to death." Fumes a second: "Hickel has the tendency to get his mouth rolling 20 miles-an-hour before he gets his brain in gear."

One thing ruffling oil men's feelings is Secretary Hickel's order that drillers on Federal offshore lands must pay for cleaning up any pollution they cause—like the goo that spread over beaches and wildlife in California's Santa Barbara channel early this year. The oil men are also disturbed by his order that in such situations they must pay "reparations" to resort operators and other property owners with a financial stake in clear water.

DEPLETION ALLOWANCE QUESTIONED

Another irritant has been the Secretary's suggestion, in a television interview, that the Government might take some of the "high profits" out of oil operations on Federal lands by exploring such tracts itself. ("That would be socialism," complains an oil-company operative here.) On the same TV program, Mr. Hickel aslo suggested that maybe not all of the 27.5% tax allowance for oil depletion is justified—grating words to an industry that traditionally has regarded the Interior Department as attuned to its interests.

Nor is Secretary Hickel winning oil-industry friends with his contention that he knows "what's good for the industry better than a lot of oil executives do themselves." He has warned a number of oil men in private meetings that the industry is building up public resentment through its stiff-necked defense of the depletion allowance and slow response to water pollution dangers.

On many other issues, Mr. Hickel's stands differ sharply from those forecast by his early detractors. Soon after he took office, his support for strong coal mine safety and clean-water legislation scored points with Democratic lawmakers. "Very positive and constructive" was how Sen. Edmund Muskie of Maine, ordinarily no Hickel booster, described the Secretary's testimony on a bill to cope with oil leaks.

SAVING ALLIGATORS

More recently, Interior Department duplicating machines have been busy informing the press and the public of other Hickel concerns. Among them: The poacher threat to Florida Everglades alligators; preserving Pyramid Lake, Nevada, for its Indian owners; and providing a better deal for the Micronesian islanders who are wards of the U.S.

Coming soon: A Hickel plan to give new Eastern priorities to Federal park and recreation-area development, which has been concentrated in the West; a rejuvenation of the long-neglected Bureau of Indian Affairs; and a Government effort headed by the Interior Department to prevent oil operations from ravaging Alaska's northern wilderness.

The instigator of all this is the same man who stirred a furor last winter for declaring his opposition to "conservation for conservation's sake." (Mr. Hickel actually said he was against conservation "just for conservation purposes," but he has adopted the punchier press version in self-satirizing speeches.)

To Hickel fans, the furor was all a smear perpetrated by political enemies and biased journalists. At any rate, the Secretary now carefully asserts that "sound conservation demands wise and prudent use—without either waste or abuse—of our natural resources," a quote from Fred Seaton, Interior Secretary under Eisenhower.

Some skeptics here continue to doubt, however, that the rush of Hickel pronouncements really means a new champion has joined the battle to save man's environment from man.

"Obviously, he's trying to get across the idea that he's not an ogre," says one skeptical Hickel-watcher—former Secretary Udall. "But where's his program, where's his thrust? There are no significant signs of that yet."

Certainly some of the moves lately planned within the totem pole-guarded Secretarial suite have heavy overtones of political showmanship. During the Santa Barbara oil-leak emergency, one top Hickel aide frankly declared the need to "out-Udall Udall," recalls a former department official who was present. When the Secretary boated into the Everglades on what was billed as a simulated 'gator-napping expedition, he was followed closely by a noisy boatload of reporters and cameramen who had been urged to come along. (The alligators kept out of sight.)

A DIG AT UDALL

Clearly the Interior chief is out to set people straight on Wally Hickel. He wonders how the press came to cast him as the "black knight" and his predecessor, Mr. Udall, as the "white knight." After all, he says, the Santa Barbara oil lead resulted from Udall decisions, showing that "there's a lot more to running the Interior than climbing mountains and paddling canoes"—an obvious jab at Mr. Udall's well-publicized penchant for rugged outdoorsmanship.

(As their remarks suggest, relations between Messrs. Hickel and Udall are icy. The Secretary apparently regards last-minute oil import decisions and other final Udall actions as "time bombs" designed to embarrass him. Mr. Udall, who now heads an environmental planning firm here, simmers over his successor's failure to acknowledge the cordial personal note he left on his desk last Jan. 20.)

Whatever the motive, it's the Hickel style to get things done in a hurry. His aides busily seek out problems their boss can solve with a stroke of his pen—rather than get mired in the protracted negotiations that often precede important steps by the Federal bureaucracy.

"I can't be bothered with details," declares Mr. Hickel with his usual candor. "I like to sit up there in my office and get the big picture."

One man assigned to help assemble this "big picture" is Under Secretary Russell Train. If President Nixon intended to calm the Hickel controversy by naming a second-in-command of unquestioned caliber, as is widely believed, he appears to have succeeded. Mr. Train is a lawyer trained at Princeton and Columbia. He has served as a Congressional staff man, Federal tax judge and conservation leader, and he enjoys wide respect.

OVERSHADOWING THE BOSS?

Certainly, Secretary Hickel is making maximum use of his No. 2 man. Mr. Train's responsibilities include most department dealings with Congress and the Budget Bureau, plus handling of all environmental issues—a far larger role for an Under Secretary than at any time during the past eight years, department veterans say. In fact, Mr. Train now overshadows his boss in the eyes of some officials.

"Without Train, there wouldn't be a department," grumbles one dissatisfied Republican. "You can't present a case or an issue to Hickel. He's too impatient to listen to alternatives."

Adds the head of an important department subdivision: "Train is the only experienced, competent guy in the whole upper structure. He seems to be generating the forward movement. When I want a real gut decision at the department level, I go to him, not Hickel's people."

Such comments must be weighed against unusual preoccupations that have demanded Secretary Hickel's confirmation hearing, the Secretary and his staff found themselves plunged into the Santa Barbara crisis and urgent decisions on oil-land leasing. All this delayed key department appointments and increased the burdens on the Secretary's office.

However, such considerations fail to sway many of those who doubt Mr. Hickel has the stature needed for his high office. One persistent image problem seems to be the Secretary's public utterances. Though he's a forceful, humorous and sometimes-eloquent conversationalist, his syntax can become vintage Eisenhower when he's addressing an audience. Here's a sample from a TV-interview comment on possible Government exploration of Federal oil lands:

"It might be better if we went out and explored somewhat ourselves, the Federal Government, found out what was there, then negotiated royalties, and I think in there would take some of the risks out and also would take some of the high profits out that are there, and I think the very fact that they have taken these risks, and the Federal Government has assumed that they would, have caused this great feast and famine, and basically feast in the oil industry, and I think the approach should be changed."

A FARM BOY

When the occasion requires a word-for-word reading of a written text, the Secretary sometimes trips badly on pronounciation. In his coal mine safety plea to a House subcommittee,, "humanitarian" emerged as "hoomitarian" and "imminent" as "eniment."

"The Secretary is a Kansas farm boy, and he doesn't make any pretense of being Everett McKinley Dirksen," says a Hickel speechwriter in defense of his boss.

Mr. Hickel likes to lace his speeches with original jokes. But unlike Vice President Agew's self-satirizing efforts to poke fun at himself, (some of them the product of a professional gag-writer), his attempts often sound plain corny.

One current Hickel favorite is his explanation of how he came to be chosen for his post. As the Secretary tells it, the White House staff asked Mr. Nixon whom he preferred for Interior Secretary, and the President replied, "Oh, any Hick'll do."

To some, Mr. Hickel's style merely validates earlier predictions that a Cabinet post requiring sophisticated environmental control and natural resource judgments would be beyond his depth. As the sole Nixon Cabinet member who never attended a college class, the Interior chief makes no claims to intellectuality. Asked if he agrees with an aide's definition of him as a Populist, he explodes good-naturedly, "What the hell is a Populist?"

Mr. Hickel reads little outside official documents. The major exception is the Reader's Digest, which he says he has devoured from cover to cover every month for 25 years. "It's a pretty good way to come by a lot of knowl-

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edge. I tell people my college education is a Reader's Digest degree," he adds, fervently.

Still, if executive drive is Mr. Hickel's strongest card, as his Alaska career suggests, it may be just what the Interior Department needs.

For whatever the Udall years meant for National Park development, seashore preservation and scenic-rivers protection, important areas of the department's activity appear to have been neglected. While Secretary Udall appointed the first Indian head of the Bureau of Indian Affairs, he did little to revitalize its much-criticized uplift effort. And only after the West Virginia mine explosion last November did the former Secretary pay much attention to coal mine safety.

GETTING INDIANS' VIEWS

Mr. Hickel, for his part, believes the Indian agency needs not more money but more "Indian involvement." Soon he will announce a new Indian commissioner to head the bureau. Indians may also be named for the first time as assistant commissioner for economic development and to lesser executive posts in the agency. Then, the Secretary says, "We're going to ask the people on the reservations to tell us what they want, not the other way around."

A more ambitious idea beginning to take form under the Hickel regime is the plan to provide more National Park and recreation-area facilities for Eastern city-dwellers. Largely through accidents of history and geography, most such land holdings are located in the West, far from the biggest population centers, and are almost inaccessible to the urban poor.

"We have got to bring the natural world back to the people, rather than have them live in an environment where everything is paved over with concrete and loaded with frustration and violence," says the Secretary.

An initial step in this direction is the Secretary's proposal to create a national recreation area out of two seashore tracts forming the mouth of Lower New York Bay—Sandy Hook, N.J., and Breezy Point on New York's Long Island—as well as more than two dozen islands in nearby Jamaica Bay.

Looking further ahead, Mr. Hickel's men are considering a plan for spending $200 million annually on such urban-oriented projects over a five-year period. This would come atop an estimated $375 million needed to complete already authorized acquisition of Federal recreation land, mostly in the West.

ADVENTURE ON THE COLUMBIA

Mr. JACKSON. Mr. President, a team from the Everett, Wash., Daily Herald, my hometown newspaper, recently cruised approximately 900 miles down the Columbia River in a historic boating adventure.

Associate news editors Bill Lipsky and Bill Hill, along with Herald advertising man and experienced boatman Jack Schneider, with State and Federal representatives, entered the Columbia in early May in Canada, near Trail, British Columbia, in an 18-foot boat. Fifteen days later they came out on the Pacific Ocean near Fort Canby, Wash.

In a summary article, the Herald team related:

> We left the river feeling that the changes made along this regional, water necklace are good. Washington State and the Pacific Northwest could never have grown to their present stature without low-cost electric power, land irrigation and navigational improvement. Population pressures now mounting will require that we in the Northwest look even more closely to the Columbia for sustenance.

Along the way, the boaters traveled past and through facilities operated by the Bureau of Reclamation, National Park Service, Corps of Engineers, and Atomic Energy Commission.

The editors complimented the work of the agencies, but felt that closer coordination among various governmental bodies, particularly the States bordering the Columbia, is essential.

While en route down the long river, the Herald teams wrote daily articles for their Everett readers. I ask unanimous consent that the series be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

FIRST DAY: COLUMBIA RUN

The worst part of the trip, we told ourselves.

Five men in a pickup truck loaded with gear and towing our 18-foot Marysville-built Reinell boat over a 418-mile drive to Northport, high in northeastern Washington.

As soon as we dipped down out of Tumwater Canyon and passed Leavenworth, it got hot. But that's what is supposed to happen in this part of the state. Through wheat country, we saw fields of new, green growth alternated by dry sections of land over which skipped an occasional dust devil.

The Columbia looked as mighty as it is.

We met the big river where tiny Hawk Creek empties into the Columbia northeast of Wilbur. We followed the river north many a mile to Northport, ending a more than 12-hour day on the road.

There were several stops—for gasoline, chow and to look over potential boat landing sites.

With the plug pulled on Grand Coulee Dam, the huge Roosevelt Lake Reservoir is down by as much as 140 feet. This leaves, in places, a half mile of sandy beach on either bank. Many of the long-established boat landings, docks, swimming beaches and parks are a long hike from water.

But it's a hike nature lovers would enjoy.

We spotted deer tracks along the almost-Sahara-like stretches. Bird scratches galore. And even the modern trail of motorbikes.

At Northport, the first place we could safely put the boat into the river, we stopped to camp.

It took a bit of truck-driverish skill to back the pickup and trailer down to the water. Both Bill Hill, my coassociate news editor, and Dick Sellevold, our Seattle District Army Corps of Engineers representative from Edmonds, combined to get the truck into position.

Jack Schneider, another Heralder and our boat skipper; Don Richardson, from the State Tourist Promotion Division in Olympia, and I combined to dig one truck wheel out of the sand when the two drivers got stuck.

But it was only a minor inconvenience.

Afloat at last, the jaunty boat which has been dubbed Miss Print tugged eagerly at her lines.

Our Columbia cruiser was named by a friend of mine, Ken Tapert of Everett, who showed up at The Herald office at 6 o'clock the morning of our departure Friday with a fancy blue and white sign to post on the boat.

In deference to Ken, we've not only kept the name but added to it by using the radio code signal Typo for our truck. We have short-wave radios in both the truck and boat so we can coordinate refueling rendezvous.

Two of us bunked in the boat the first night; the others camped in a grassy park above. When the sun slid into the distant Puget Sound country, the sky overhead came alive with stars, a trillion or more.

And the Columbia murmured contentedly.

Ahead of us are approximately 800 miles of river-running and dam-hopping. The first problems—not major, we believe, but exciting—are the up-river stretches of white water. Then there is the matter of finding ways to beach the boat in the low water above the Grand Coulee.

With the river's first and biggest dam holding far less water back, we may find ourselves doing some backtracking. The Grand Coulee reservoir has been lowered so construction work can be done on a third powerhouse at the dam. When completed, the new generation equipment will make Grand Coulee once again the most powerful in the world.

SECOND DAY: COLUMBIA RUN

We're off!

The cross-state Columbia River expedition's first full day on the water was a rip-roaring success—even to the white-water rips our stout little boat leaped through from Canada to Kettle Falls.

With the 18-foot, inboard-outboard-powered motorboat launced at Northport, just below the Canadian border, the more than 800-mile trip to the Pacific Ocean was under way.

First, we turned up-river and bucked currents and rapids to the Canadian side of the mighty Columbia. Then, skipper Jack Schneider turned the boat around sharply and headed downstream.

Right off the bat, we found it easier on gas and lots faster going with the Columbia than against it.

Bill Hill turned his tape recorder on to pick up sounds of the river and to make vocal notes about points of interest. When the boat bounced into its first watery whirl, his calm was jolted, too.

"Golly-gee-whiz" (or something almost like that), Hill shouted at the recorder.

Once the first and relatively minor rapids were passed, our crew settled down to enjoy the spectacular scenery, to take photographs and to check our several references. We have maps and materials about the Columbia from a number of sources.

Included in our background data are old Army Engineers maps and the log of an Army lieutenant who made the river trip in 1881 in an Indian canoe.

One of the first sightings was the remaining three tiers of an old settler's cabin which was mentioned in river-mapping trip records of long-ago travelers.

The biggest impression of the first day cruise was not the kick-in-the-pants of the rapids. It was the many hours of an almost aloneness.

There were few signs of civilization along the way. Frequently the highway which borders much of the river was not visible from the water. There were no houses; only two humans were seen on the beach, Indians fishing from the shore.

Two deer were spotted on an isolated beach.

It was in this section we expect to encounter the roughest water, primarily because of the lowering of the Roosevelt Lake reservoir. Rapids which have been covered with the lake waters backed up by Grand Coulee Dam for 25 years are exposed now because of new construction at the dam.

We went over many sections of fast water today and three sets of rapids which had every one aboard checking their life jacket lashings.

The big one was Little Dalles Rapids.

A gasoline station attendant in Northport didn't help matters when he told us last night that he certainly wouldn't take a boat over them. But he added—when we blanched—that others regularly do.

So we did, too. Waves bounced four to five feet high, several of our crew claimed. Hill sat flat on the bow of the boat, strapped into position under the tripod of his movie

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camera with a life jacket wrapped around his middle.

The truck carrying gasoline for the boat and camping supplies had to detour away from the river for a number of miles because of a slide which blocked Highway 25 above Kettle Falls.

A big sand bar, also above Kettle Falls, is exposed by the low water. Wind whipped sand from it up the river like a gritty vapor.

Kettle Falls itself is cascading over rocks as it did a quarter century ago before Grand Coulee backed up the Columbia. Once a favorite Indian fishing spot, Kettle Falls today is attracting tourists by the score to see the long forgotten waterfalls.

When the Roosevelt Lake reservoir is raised later this summer, the falls again will vanish.

Because of the falls, we had to stop the boat upstream. Finding a place to beach the boat was difficult; finding a spot to pull it from the water was impossible.

So the boat was backtracked several miles upstream. With much radio message traffic between Missprint (our boat) and Typo (the truck), all hands got together on the west bank of the Columbia not too far above its junction with the Kettle River.

But the truck couldn't get down to the river channel so there was a long walk over sand and rocks carrying gas cans and camping gear. Dick Sellevold, our Army Corps of Engineers crewman, and I are the only admitted rattlesnake-conscious river cruisers. Both of us looked carefully before each footstep on our way back and forth over the beach rocks.

Don Richardson, the state tourist promotion division representative, is less concerned about snakes. After dinner, he scrambled about for worms under old logs and then headed for the river again to try his hand at fishing.

Fishing is one of the big attractions of this upper Columbia region. We've seen fish of some sort jump each evening and morning. And every small store—be it grocery or garage—has fishing gear for sale.

Anglers aren't the only recreationists who come to this high country. We've seen many state parks in excellent shape for summer campers but since we are early in the season there have been very few on the roads or in the parks.

Our boat trip down this mighty river is giving us all a feeling for history.

Everywhere we look are reminders of the days of Indians and trappers, traders and settlers.

And yet we realize that the pioneering period for much of this region isn't that old. One hundred years ago the eastern portion of the United States was thriving; historical societies already were collecting data on activities that went back generations.

In much of the remainder of the world, history of civilization already was calculated in centuries.

But along the Columbia 100 years ago, it was wild and woolley.

It's still a wide-open country with tree covered mountains reaching up from the banks of the upper Columbia and sagebrush prairies stretching away from the river's middle reach.

Tiny settlements of 100 years ago or less have prospered and died. Some have been moved or abandoned because of the backing up of river waters by the dams which began sprouting 32 years ago.

Some were launched in boom times as trading centers, portage points, railroad terminuses or mining communities. When the reason for the towns was ended, the towns simply dried up.

Conscientious explorers show locations of Indian villages, mining sites and individual settlers' cabins.

Some pinpoint China Camp, an area where Chinese laborers brought here to build railroads and then as mining workers once set up a community. Stone and earthen ovens used by the Chinese have been uncovered with the lowering of the upper Columbia River.

The U.S. Civil War was over when much of this area was still untamed. Some of the nation's Civil War heroes were sent here to control the "warring" Indians and to scout the great unknown wilderness.

Sherman Pass, the state's highest, was named after a Union Army general transferred to duty here. The ghost town of Miles was named after another general of the War between the States.

Fort Spokane, built on a plateau overlooking the Columbia and Spokane Rivers, was established as a military base for protection of settlers against the Indians. But the troops there found the Indians peaceful and nary a combat patrol was dispatched from the post.

In fact, the fort was turned into a resident school for Indians. It was used for the purpose for many years and then left idle.

It was only a few years ago that the National Park Service acquired the site. Much work has been done to restore old fort buildings and to display artifacts.

One of the present park service employes there, Lee Randall, is the grandson of an Army trooper who was stationed at Fort Spokane when cavalry and infantrymen manned the post. He recalls his grandfather describing life then as "hardship duty" for soldiers because of the isolation.

Within the lifetime of many persons still around, the Columbia River has changed drastically. The river and its surrounding lands is destined to change even more.

The recreational potential alone of the upper Columbia will attract more and more people, not only as visitors but as residents.

All of the newcomers will find its history fascinating.

Third Day: Columbia Run

This was a day of frustrations and sunburned noses for our down-river crew.

For one thing, the river cruising was upstream.

In order to make the first important portage—around Kettle Falls—we had to return to Northport to get the boat out of the water. Then after trailering the boat back to Kettle Falls, we made camp to do considerable map reviewing, river bank searching and questioning of area residents. This was in hopes of finding a boat launching site not far downstream from the falls.

If no access to the river is found it may mean more backtracking of our river route.

Mother's Day on the upper Columbia for we five "boating bachelors" set us to thinking of our wives and mothers. All of us, of course, made excuses galore prior to this trip because we'd be away on this holiday. Each of our gals has a big dinner date due when we get home.

We did raise our coffee cups in toast to the wives. Then, even that was spoiled when I found a flying ant swimming in my cup.

Kettle Falls has been quite a tourist attraction this weekend. Visible for the first time in years, it has brought scores of persons—particularly from the Spokane area—to the Colville-Kettle Falls region.

We've seen a number of rockhounds and amateur archeologists combing the now uncovered Roosevelt Lake bottom. The lake is scheduled to begin rising again soon, as work progresses on expansion of Grand Coulee Dam.

One of our crew, Don Richardson, reports that rockhounding is now one of the nation's most popular hobbies. He has done a bit of riverbank scouting himself in early morning and late evening.

But another crew member, Dick Sellevold, came up with a foremost interesting find.

At sunset last night, he scrambled back up the rocky riverbank with a handfull of rusted artifacts that included what looks like part of an old flintlock pistol. And since we aren't far from the site of one of early-day trading posts, it doesn't take much imagination to believe that it is part of some trapper's weapon.

We also passed the bones of a town protruding up from the sandy lake bottom.

The tiny town of Marcus was abandoned years ago when Grand Coulee Dam was built and Roosevelt Lake's reservoir backed up 151 miles to Canada. Now house foundations, the outline of old roads and the remains of a ferry dock show up where Columbia River waters have flowed for more than 25 years.

Marcus residents today live in a hamlet set back from the river.

The highlight of the boat trip back up the Columbia today was the return sprint through Little Dalles Rapids. Jack Schneider was as steady as ever at the wheel of our Marysville-built boat and because there were only three in the craft instead of four on the return trip, there was far less bounce.

After the double passage of the rapids, Bill Hill particularly enjoyed seeing the gasoline station attendant at Northport who earlier told us that he "sure wouldn't try that ride."

We've met several persons who have read of our Columbia River dam-hopping expedition plans. They've all been extremely interested and friendly.

One man, in particular, L. V. Downs, a U.S. Bureau of Reclamation executive from Ephrata, was camping with his wife near Kettle Falls when we arrived. He spotted our sleek boat and bright red Herald truck and came through the campgrounds to talk to us and offer suggestions.

Fourth Day: Columbia Run

Two husky loggers and a whopping big bulldozer tractor came to the rescue of our river expedition today.

Faced with an 80-mile trailer haul down river from Kettle Falls to the next boat launching site available, we scouted this area and gabbed with as many persons as possible in a short time, to seek an alternative route to water.

The tip for our time-saving launch operation came from L. V. Downs, the vacationing U.S. Bureau of Reclamation exec. we met in a national park. He suggested we talk to several local businessmen.

We did. And one of them, Howard Fox, Boise-Cascade Co. superintendent in Kettle Falls, quickly called in Tom Hiatt, log yard "super," and Larry Enwright, "cat" skinner.

The two big and friendly men arranged to meet us at the top of the 100-foot-plus sandy bluff leading down to the main channel of the Columbia which now courses in the center of Dry Roosevelt Lake.

There was no trailer hitch on the big tractor Enwright muscled up to the edge, so he improvised with a heavy bolt. Then he snapped our boat trailer, and 18-foot Reinell craft, on behind and started snaking down the steep and sugary sandbank.

It was quite a sight.

At the very rim of the steep beach, Jack Schneider, our boat skipper, scrambled into the "Missprint" and held on tight as the tractor driver stopped short and cut loose the line holding the boat on its trailer.

Swiftly but neatly, the Missprint slipped into the Columbia and we were afloat again.

This unique launching saved us the 80-mile trailer haul and half of what would have been a doubling back on this section of the river.

We head downstream from here for Grand Coulee Dam.

Before we readied for the next and long stretch of river running, we loaded the boat with camera gear for a quick dash back upstream to the foot of Kettle Falls. With plenty of spray over the bow, we got close enough for some spectacular movie and still shots.

Our campsite tonight is again in a National Park Service campground. Like the others we've seen, it's neat, clean and well equipped.

Park service employees are busy now, readying for the summer tourist season.

They are fixing up some of the winter-caused damage and clearing debris. And already they're encountering vandalism.

At Snag Cove Park above Kettle Falls, we saw where some thoughtless campers had pulled down a road stop sign to burn the post in the fire and use the sign as a cooking plate.

Fifth Day: Columbia Run

We knocked at the back door of Grand Coulee Dam today after boating through 151 miles of its Columbia River rear playground.

In reaching the upper side of the mightiest of dams on this mighty important river, we cruised from one climactic region to another.

We left timber country and entered wheat and sagebrush territory.

It was a high-speed run on the river for the first time but a dash marked by some quick halfback-like maneuvering by our boat skipper Jack Schneider.

The Columbia above Grand Coulee—lowered to a depth not seen for more than a quarter-century because of dam powerhouse construction—is pockmarked by floating debris. Small logs, tree limbs, chunks of wood of all kinds are floating in the main channel.

It's a boat pilot's nightmare right now and we did plenty of swerving to avoid clobbing either flotsam of jetsam.

Once again, a stranger came to the rescue of our expedition. This time to help us in leaving the river for the portage around Grand Coulee.

We had planned to pull the boat out at Keller Ferry landing, a spot about a dozen miles above the big dam. After roaring as close to Grand Coulee as possible, we charged back to Keller Ferry only to find the cove filled with a thick matting of debris and the bank steep and slippery.

While Jack cautiously edged the boat into the landing, I straddled the bow with a pike pole in hand to push the bigger logs aside.

Once the boat was steered onto the end of its trailer, our Army Corps of Engineers representative, Dick Sellevold, who is an ex-Seabee officer, climbed into the pickup driver's seat to pull the whole rig from the river. But the bank was too steep and the sand too loose. For a time we feared we were stuck.

Then along came Willard Pfaffle, a delightful upper Columbia character who has spent 29 years running the ferry across at Keller's Landing.

Pfaffle, who also operates Lakeside Marina just a jump away from the landing, backed his four-wheel drive truck down in front of our pickup, hooked on and helped pull everything out.

Then Pfaffle invited all of us up to his cabin to see his collection of pioneering paraphernalia. A former cowboy, trapper and miner, Pfaffle has a cabin which is decorated with animal skins, horn racks and the darndest mish-mash of frontier tools and souvenirs any of us had ever seen.

He apparently shows his cabin to anyone who comes along and his guest book has signatures of persons from all over the nation.

Before we reached the Grand Coulee area, we charged through what we expect to be the last of "white water" to encounter on this trip—Grand Rapids, which is above the confluence of the Spokane and Columbia Rivers.

It was quite a ride.

Schneider again steered us through standing atop his pilot's seat to get a better view of the rocks and rapids as we approached.

During this stretch, Bill Hill and our state tourist bureau official, Don Richardson, were paralleling the boat in our truck. They watched and photographed much of the bouncy passage.

Hill, during his day's driving stint, also was eager to report by radio that he had run over a rattlesnake on the road.

We on the boat were more pleased to encounter more pleasant wildlife. We saw deer drinking at the river's edge, ducks and geese flying ahead and away from the boat.

Shortly after we turned away from the higher, timbered area we spotted the remains of an old sawmill building noted on 1881 and 1908 Army Engineer maps. The small structure—made of stone and timbers—has been under nearly 100 feet of water for a quarter century now with the raised waters of Roosevelt Lake Reservoir.

We searched in vain with binoculars the new uncovered tableland area which was marked on the map as an Indian village near the mouth of the San Poil River. Here we didn't find any indication of life long since passed.

Sixth Day: Columbia Run

We dam hoppers portaged two of the big ones today.

After completing our jump around Grand Coulee—which included a motel stop-over and hot showers for a whiskery brunch of sunburned boater-campers—we roared on down to Chief Joseph Dam.

The boat pull-out at Chief Joseph was the easiest yet. River levels below Grand Coulee are much more normal and the boat ramp there was excellent.

It was a far cry from several of the launchings and landings we made further up river.

At Grand Coulee we saw the hustle and bustle of an expansion program costing millions of dollars and aimed at producing thousands of kilowatts of new electrical power.

The new powerhouse being built at Grand Coulee is part of a river use program extending up into Canada. A U.S.-Canada Columbia River treaty sets the stage for hydroelectric generation and flood control storage not before possible.

Grand Coulee—known to tourists for years because of its size and spectacular colored light display at night—will be lit up again soon.

To us river runners, it loomed large without lights as we snaked our truck and trailer rig down a dusty construction road at its base. Friendly flagmen and guard escort vehicles from the Bureau of Reclamation and the contractor helped slip us onto the road between huge trucks and trailers which thundered down with frightening regularity.

Not long after being launched, our boat "Miss Print" clipped a piece of floating log, putting a dent in one blade of the prop. But it was straightened by Jack Schneider, whose belt was held firmly by Dick Sellevold while he draped himself over the stern.

The run to Chief Joseph was highlighted by the spotting of more wildlife than ever before. One group of four deer posed prettily at the river's edge for pictures; geese, ducks and one eagle eyed the human intruders with little fear.

Chief Joseph Dam, an Army Corps of Engineers project was the scene of a reunion between Sellevold, our corps representative, with several men he has worked with in his engineering career.

The project's chief engineer, Jim Green, took Bill Hill and his cameras so close to Chief Joseph spillway that Bill got a breezy shower.

The dam is named after the famed Nez Perce Indian chief who when pushed to war with the U.S. Army clobbered its troops in a series of running engagements which military strategists have studied ever since.

Completed in 1958 with 16 of a potential 27 generators operating, the dam is primarily a hydroelectric facility.

Dam workers indicate that each facility has a personality all its own. We've found the first two different, all right, and we'll remember not only their massiveness but more minor facts or stories about them.

Grand Coulee leaks about 200 gallons of water per day, we were told. But that is considered exceptionally "tight."

And Grand Coulee, we've heard, will have an important role in the U.S. space age. The first pieces of the moon to be returned to earth will be tested in a laboratory deep within the big dam so that all outside influences can be avoided.

Chief Joseph Dam, we'll remember, because of rattlesnakes.

The rock beach in places between Chief Joseph and Coulee is a haven for rattlers. Sometimes the snakes drift down the Columbia and run against Chief Joseph Dam where they crawl up chains on the dam's upriver face.

Things are really moving at this Big Brother of dams.—Grand Coulee.

Construction of a huge new powerhouse at the dam is proceeding on schedule despite a battle against the Columbia River which relentlessly tries to break free.

Below the big dam, workmen are scrambling to stop washouts and land slides at the scene of some of the construction. A similar battle above the dam—where tons of earth and rock were dug out for a facing on the new powerhouse—was won.

On the upper side, the last of heavy equipment used to haul material away from below the regular waterline is being moved to higher ground.

And Roosevelt Lake Reservoir above Grand Coulee is rising again.

With the dam gates now holding more water back, the huge reservoir is filling at a rate of about six feet per day. Raymond Seely, chief of the power division at Grand Coulee, reports that the lake should be at a more normal depth by the first of June.

The unusual draw-down of reservoir waters—necessary for construction of the new powerhouse—will be matched again in 1973 when the lake will have to be lowered to do final inspection and work on the approximate. $400 million project.

The new powerhouse, which once more will make Grand Coulee the world's most powerful, is costing much more than construction of the full dam in the late 1930s.

Grand Coulee's original erection cost about $160 million. But costs of everything have gone up, it seems.

With the increased construction costs, however, has come a decrease in numbers of workmen needed for building such a facility. In the '30s when Grand Coulee was a'building, more than 3,000 men were at the dam site doing everything from clearing land to drilling holes in massive rock formations.

Now approximately 500 men are doing the work of installation of the new powerhouse. Improved equipment, for one thing, makes the difference.

Contractors doing work on the Coulee project will move about one million yards of rock and approximately ten million yards of earth from the north bank of the river to make room for the new powerhouse.

Much of that rock and earth is being hauled downstream in a 20-hour per-day parade of big trucks to create a near six-mile fill along one bank of the river.

The Grand Coulee power chief, Seely, said that the filling in of one bank of the river below the dam will make the channel more stable. In addition, the creation of new real estate below the dam will enable engineers to develop ultimately a parkway along the river bank, a parkway which could include public access to the river.

Seely also feels that once the powerhouse work is completed there will be less fluctuation in water level of Roosevelt Lake.

The height and condition of that big reservoir behind Grand Coulee is of importance to many individuals and organizations.

Grand Coulee Dam officials are on the spot for such things as increased siltration of river water resulting from a drop in the reservoir which causes bank sliding.

Many a housewife in the city of Grand Coulee has complained, as only housewives can, over the dirty water which comes from her tap for clothes washing.

And boaters who have ventured onto the lowered reservoir have found that debris on the bottom of the lake has dried with exposure and is floating as waters come back up again.

One of the agencies concerned with the Roosevelt Lake condition is the National Park Service, which has recreation-camping facilities at many points along the lake. One of its representatives in Grand Coulee said that no physical damage to any of the parks has been caused by the reservoir draw-down even though there was fear for a time about a section at Fort Spokane Park because of a massive landslide.

Park personnel indicate that the camping sites in this north-central Washington area have yet to reach a maximum use level. But they expect a boom in tourism soon because of such things as population growth in the state and improved east-west highways.

There are about 600 miles of shoreline on Roosevelt Lake, shoreline which is attractive to developers, speculators and vacation seekers. It has been reported that California interests have purchased many acres of such beach property in recent years, counting on just such a land boom.

Seventh Day: Columbia Run

We passed the third dam in our down-river expedition today but for a hot and blue-aired hour we feared we were stuck.

It appeared that the Columbia wouldn't let go of our trusty "Miss Print," the 18-foot Reinell boat with which we're dam hopping.

The run from Chief Joseph Dam to Wells Dam was smooth and pleasant. There was a stop at the site of historic Fort Okanogan, a quick and brief turn up the Okanogan River and then a ride past Brewster and Pateras and the first of the apple orchards.

At Wells Dam, the only possible pull-out point was at the upper edge of the Douglas County PUD structure. But it was on the river bank opposite from the highway.

Our escorting truck-trailer—radio coded "Typo"—reached the damsite and the day's duty driver—me—went looking for help. I found project engineer Herb Curtis down inside the dam, with the assistance of his secretary, Barbara Woodbury, a former Everett girl.

Curtis quickly showed me where to drive the truck across the top of the dam to meet the remainder of our crew.

But things got sticky then.

The truck was backed into position, the boat cranked up onto its trailer and with a roar we started out. The truck wheels dug into soft sand, the trailer wheels sunk into more sand and we went nowhere.

Once again, however, the good folk in this state came to our aid.

A helmeted dam worker saw our difficulty and backed down with a tractor to give the additional pull we needed.

So we are still one jump ahead of Old Columbia.

Before we arrived at Wells Dam, we stopped at the Fort Okanogan site. The fort, of course, was demolished years ago and most of its area is under the heightened waters of the Columbia.

High atop a nearby hill, however, is a Washington State Park Department museum which has a fine collection of artifacts, paintings and models dealing with the old fur trading post.

Superintendent of the Fort Okanogan Museum is Ralph David, a cordial man who was quick to tell us of the trading post, first opened in 1811. Fort Okanogan was an important terminus of the river-lake-trail route which led from the Okanogan to the Cariboo country in Canada.

David's wife, too, was most gracious and brewed us a cup of coffee while we chatted about the pioneering history of this area.

Leaving the museum, our river cruisers moved briefly up the nearby Okanogan River to view the old Wells Fargo building at the tiny community of Monse.

Then it was a high speed run down the Columbia with our cameras aimed at flocks of at least 200 Canadian geese which scurried ahead of the boat.

Those humans we met today were as interested as all others we've encountered in the details of our trip. And more here asked about conditions in the Columbia River's reservoir above Grand Coulee.

Residents on this side of the state's big hump seem to more fully realize the recreational potentials of the 600-mile shoreline Roosevelt Lake and other dam-created reservoirs on the river.

Their questions supported our newly acquired convictions that this upper Columbia region is indeed a land of promise. Today, it was announced from Washington, D.C., that additional federal funds have been appropriated for recreational development of the Roosevelt Lake area.

Eighth Day: Columbia Run

Into the land of apple orchards our river expedition moved today.

In doing so, we felt a twinge of regret because it seemed we were cruising into greater civilization and higher prices and less friendliness.

But that first impression certainly wasn't totally true.

We reached Wenatchee today after portaging Rocky Reach Dam, the fourth in our dam-hopping trip. And there is nothing all-cynical about this town. It's really gracious.

However, we do miss the more open spaces of the upper Columbia and the quicker move of folk there to greet strangers.

To get to Wenachee, we had another tough siege with a boat ramp—this time just above Rocky Reach Dam. We tried to pull the boat out near an Entiat park beach but found ourselves hung up on the remnants of an old warehouse foundation, now a few feet under water.

After much wrestling and cussin' and some advice from local residents, we found a better recovery site.

Rocky Reach Dam, a Chelan County Public Utility District hydroelectrical facility, is famous for its "look a salmon in the eye" fish-viewing room inside the dam.

Unfortunately, the turbid condition of the Columbia now due to excessive amounts of silt kept us from seeing many fish go through the dam's fish ladders.

We did get a kick out of teasing Rocky Reach personnel about the counter-claim of Chief Joseph Dam workmen, farther upstream.

There, Jim Green, project engineer, and others told us about the dam's near-tame marmots.

The marmots—or ground squirrels—appear each spring in the dam's fancy, green lawns to establish summer residence. By midsummer the furry little critters are so friendly, that Chief Joseph people argue their dam's motto should be "look a marmot in the eye."

The $273,100,000 Rocky Reach Dam's staff is not only fish conscious because of its fish ladder spy spot but because of a nearby fish rearing pond. There the PUD, with State Game Department help, is hoping to increase the salmon run in this part of the river.

Rocky Reach is becoming one of the more popular dams for tourists along this mighty river. The peak tourist year—reached not long ago—saw more than 300,000 visitors come to this site. And during the recent Wenatchee Apple Blossom Festival, 11,000 tourists came here during the two-day celebration.

Like many of the dams along the river, Rocky Reach is designed for expansion. Already work has begun on four more generators to add to the capacity of the seven now putting out power.

The big news when we hit Wenatchee today was the announcement from Washington, D.C., that the Army Corps of Engineers has recommended action to make the Columbia navigable as far upstream as this city.

Our corps representative on this trip, Dick Sellevold, was pleased, of course, by this word.

Sellevold, a Columbia history buff, also was eager as all get-out to talk to Jack Schneider's father, an East Wenatchee apple orchardist, about one of the old reports he came across in researching our expedition.

It was that recommendation—by a railroad executive to high national leaders—was made in 1921 and said that apple growing in the Wenatchee area would never be successful.

The senior Schneider, father of our Herald advertising salesman and boat skipper, snorted a reaction and then referred quickly to the current price and production of apples in this area.

'Nuff said.

Our camp last night was at Chelan Falls, in a sheltered Columbia eddy close to one of the oldest powerhouses on the river and near the gigantic and craggy canyon from which overflow waters of Lake Chelan are released into the Columbia.

Fish began jumping in the quiet waters at sunset and Bill Hill and Don Richardson quickly wetted lines. Richardson landed a squaw fish and Hill caught a Dolly Varden trout.

But even this first opportunity to try fishing couldn't keep them at it too long. We were all tired from a hot day on the river.

Schneider and I slept in the boat but that most restful rocking under the stars was disturbed at 3:30 in the morning when the rocking stopped.

The river level had dropped a couple of feet and we were high and dry on a sandbar.

We climbed out—wearing only our skivies—and started pushing. It was soon apparent that the boat was in no danger, the motor clear of the bottom, so went back to bed.

The Public Utility District in this upper Columbia region is angling for more fishermen, and for better steelhead trout to lure them here.

The bait is a half-million-dollar, new approach to fish rearing ponds.

A young fish biologist, David Prince, is managing the Douglas County-owned facility which is just above the confluence of the Okanogan and Columbia Rivers.

The rearing pond is a large, half-moon-shaped bypass of the Columbia which has been blocked at both ends by earthen dams.

Columbia waters can be let in and out of the pond, making a semi-natural rearing site for young fish.

Prince is a Washington State Department of Game fisheries manager who directs the state department's operation of the PUD-owned pond. This is the first full year of its operation.

Designed for rearing steelhead only, the facility will have 450,000 young fish planted there this year. After growth to size for release, the fish will be freed in the Okanogan and Methow Rivers.

Approximately 150,000 were turned loose in the Methow this season.

Prince is enthusiastic about his job, his first full management position. And although he knows he's on the spot because of the newness of this operation, he feels that it will be successful.

XUM

The pond, covering about 140 acres, is being tried as a replacement for the spawning and rearing grounds of the Columbia which have been destroyed by river changes.

Prince believes that the naturalness of this type of rearing pond will make stronger fish.

The biologist has worked hard to make this project worthwhile. From the eagerness, it appears that he almost babies his baby fish.

During last winter's heavy snows and extreme cold, Prince faced a crisis which could have meant disaster for his rearing pond.

The pond froze for a long period and then—because of melting snows which refroze—reached a point where there were three separate layers of ice and water. This caused the pond to lose its oxygen content, essential to the life of the fish.

Prince took his problem to officials of Chief Joseph Dam, upstream from his site. They, in turn, went clear to the Federal Power Commission in Washington, D.C., to obtain permission to release additional water through the dam.

The permission was gained, a two-foot surge of water was sent down from the dam, and the ice on Prince's pond was lifted enough to put the oxygen level back in balance.

Ninth Day: Columbia Run

The first big city in our river cruise was passed today and we plunged again into a Columbia remoteness.

At Wenatchee we felt a bit like celebrities when a Wenatchee Daily World photographer came out to meet us and take a picture which showed up on page one that night.

It was here, too, that we saw the first of the industrial complexes which dot the middle and lower Columbia. A large open hearth silicate producing plant was belching smoke below Wenatchee.

And then we slid by the Alcoa aluminum plant at Malaga. Here aluminum ingots are prepared which—after rolling elsewhere—are returned to the Puget Sound country for use in Boeing's big airliners.

Above Wenatchee are acres of fruit orchards with neat rows of trees which go down to the river's edge. Below Wenatchee we began seeing orchards of miniature trees, trees trimmed to a lower height so picking is much easier.

Portaging of Rock Island Dam at Malaga made it five dams down, two to go in our dam-hopping operation. After that, however, there are four more dams but each has locks so our 18-foot boat will be in the water constantly from Priest Rapids on to the Pacific Ocean.

Below Rock Island Dam, the Columbia courses between huge rock cliffs more than a mile apart which gives graphic evidence of the river's might and size in centuries past.

Dick Sellevold, our Army Engineer crewman, says that Indian legends tell of mammoth floods in the 1700s, and early trappers recorded similar floods which filled these canyons in the early 1800s.

The cliffs rise approximately 700 feet now above the Columbia, with basalt formations showing the pressures of volcanic action and earth upheavals in prehistoric times.

We put in for the night at Crescent Bar, about 10 miles from Quincy. Here the Grant County PUD and the Port of Quincy have cooperated to develop a fine campground and boating facility.

It was packed when we arrived, apparently a travel trailer club was meeting there.

The grandeur of the Columbia, its cliffs and deep waters was spoiled a bit for us by the teenie bopper at this resort who roared about on noisy motorscooters and danced to loud rock 'n roll music.

That was forgotten, however, in a short run back up the river to the base of Rock Island Dam.

We talked of the pioneering history of the area and speculated about the stories of the settlers years ago who cached saddlebags of gold near here when fleeing from Indians. The gold never has been found.

A flash of sunlight on something metallic at the base of a river cliff led us to the deserted site of a cattle baron's home and a tiny community. Rising waters behind Wanapum Dam caused the abandonment of the place.

The surprising discovery—and the source of the binocular attraction—was the nearly intact body of a World War II training airplane.

We were told later that an airstrip once existed near there so someone must have flown the plane in years ago.

The area was the site of what is called "the old Spanish castle" because of the cattleman who owned the spread had built a Castillian-type home there. We also found abandoned and broken old water wagons and wrecks of vintage automobiles.

Not far from Crescent Bar was the site of the original town of Trinidad.

Robert Gillette, manager of Grant County Public Utility District, who came with PUD executive Clarence Bagnell to greet us, said that Trinidad was an Eastern mail order promotion. Land in the now abandoned town was sold to speculators and settlers sight-unseen.

Public utility districts in this part of the state do things never attempted by the Snohomish County PUD.

They are involved in fish production and camping promotion as well as electric power transmission.

In most instances, however, the PUDs have the cooperation and assistance of other agencies, including the state.

Fish rearing ponds to retain steelhead and salmon runs are owned by Okanogan, Douglas, Chelan and Grant County PUDs.

The Washington State Game Department furnishes fisheries experts to direct them.

Grant County is in the resort business in a big way with ownership of the Crescent Bar facility. It is operated, however, by the Port of Quincy.

The large island in the Columbia River has a golf course, camp grounds, restaurant boat marina and swimming area.

Tenth Day: Columbia Run

The last of our portaging is over and sturdy, reliable "Missprint" is in the Columbia River to stay.

That is until Pacific Ocean waves splash at her bow.

Four more dams remain before our journey is ended but all four have locks so we'll cruise right through.

Portaging of Wanapum and Priest Rapids Dams—both Grant County PUD projects—involved towing the boat and trailer across tops of both dams. Grant County officials were most cooperative. They left a gate unlocked for us at the first dam and were on hand to help us at the lower dam.

The trip down from Crescent Bar took our crew through the last of the big and barren cliffs in this section of the river.

It was high on the face of one of those cliffs that what is believed to be the only standing petrified tree in the state was spotted. The upright tree trunk is partially buried in the canyon wall and partially free.

Ancient Indian writings also were found on the face of one of the rock walls.

Along this stretch of the river, too, was found the home of a couple of real pioneers, an elderly couple who have spent most of their lives in this rugged terrain.

The old man—with a stump of a pipe held firmly in his mouth—told of being brought to this Columbia homestead as a baby in his father's saddlebag. He said the saddlebag on the other side of the horse was filled with several puppies to balance the load.

A fine collection of petrified wood and Indian artifacts had been gathered by this man and wife and they gave several pieces of tree-turned-to-stone to Jack Schneider and Bill Hill.

An old Indian fishing spear found by the man in a cave had everyone of us glancing at the caves we spotted after that with the eagerness of anthropoligists on the prowl.

This was a real sagebrush campsite. The wind blew dust over and through everything; big black clouds rumbled across the skies.

And it started to rain just as we lit a lantern to eat our dinner of chili. The rain—the first we've encountered—kept up most of the night.

After dinner, we said a fond farewell to our Army Corps representative, Dick Sellevold. The Edmonds engineer, who has been a tremendous help and a welcome addition to our dam-hopping crew, is returning to Seattle.

But his replacement from the corps for tomorrow's trip through the AEC areas arrived in a rented car from Richland which Sellevold used to return to the Tri-Cities area airport. The new engineer, Patrick Keough, is another big, friendly man who should fit right in with our group—except that he's clean shaven.

At Vantage, where the cliffs are reduced to rolling, sagebush covered hills which dip to the river's edge, we found several good boat launching ramps and considerable civilization. The back-up lake above Wanapum is a popular water skiing and boating area.

It did seem a bit incongrous that a big sign reading "Danger, Rattlesnake Area" and only a few hundred yards away on the beach see dozens of pretty girls in the briefest of bikini bathing suits.

Dirty and bearded, we hardly fit in with the weekend crowd of sunbathers and picnickers. So we quickly shoved off again.

Our campsite was just above the bridge at Vernita which marks the beginning of the restricted area of the Atomic Energy Commission's Hanford Reservation.

Fish heading down the Columbia River and its tributaries face death in the spinning turbines of dams and from the same embolism (bends) which affects deepsea divers, changing depths too rapidly.

But many state and federal agencies are working hard to end these hazards.

We've seen some of these efforts during our dam-hopping cruise down the Columbia. And we've talked to many experts who are deeply involved in this work.

An experiment which is hoped will prevent young salmon and steelhead from being trapped in the dam turbines is under way this week at the new Ice Harbor Dam on the Snake River which joins the Columbia near the Tri-Cities.

The embolism danger—caused by excessive nitrogen content in the water from dam spillways—is forcing hatchery officials to delay releasing several million fish for the downriver migration.

But dam operators believe that once the full Columbia River dam system is completed and in proper use, the nitrogen problem will be solved.

Federal and state leaders involved in the construction and operation of the many dams on the Columbia and its tributaries know full-well that there is opposition to their work from conservationists and sports-commercial fishermen.

The dam forces are trying to protect fish runs.

However, fishing on the Northwest's mighty rivers probably will never be as it once was.

This doesn't necessarily mean that fishing will end. It will change. Migrations will be artificially induced, more fish will be hatchery started and pond reared.

The days of Indian fishing from rocks overlooking river rapids are gone forever. Reser-

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voirs behind the dams have eliminated that activity.

But the same reservoirs provide constant hydroelectric power sources, flood control and recreational-commercial boating routes.

The test under way this week on the Snake River involves use of a new river screen to divert migrating fish up to slots in a sluiceway which would pass them safely around dam turbines.

As many as 15 to 30 per cent of fish facing each dam without such facilities may die.

Two of the Northwest's newer dams—John Day and Little Goose—have large pipes which provide a dam bypass for fish. But all the older dams are without such equipment.

If the test at Ice Harbor is successful, similar slots and sluiceways could be installed at all other dams.

In our trip down the hundreds of miles of the Columbia from Canada to the Pacific, we've seen county, state and federal agencies cooperate to experiment with new fish-saving plans. We've seen artificial hatcheries and rearing ponds; we've looked at rearing ponds made in as natural a condition as possible. We have viewed fish ladders for upstream movement and pipes or concrete sluiceways.

Most active in much of this work—aiding the states of Washington and Oregon and their counties—have been the U.S. Army Corps of Engineers and the U.S. Bureau of Wildlife and Fisheries.

In connection with the Snake River turbine sluiceway experiment is a project to construct the world's largest steelhead hatchery. This is being built by the engineers to be operated by the fisheries bureau.

Eleventh Day: Columbia Run

Extension of upper Columbia navigation to Wenatchee is one step closer to reality with approval of the project by the chief of the Army Corps of Engineers.

This could eventually mean construction of the last possible dam—Ben Franklin—on the Columbia.

To open the river to navigation upstream as far as Wenatchee would necessitate channel improvements below Priest Rapids dam and installation of locks in three existing dams—Priest Rapids, Wanapum (owned by Grant County PUD), and Rock Island (owned by Cheland County PUD).

This observation was made by Richard P. Sellevold, project engineer, Seattle District, Army Corps of Engineers. Sellevold has been accompanying the Herald-Sun expeditionary force on a trip along the Columbia from Trail, B. C., to the mouth of the river.

There were two different plans recommended by the corps to bring navigation upstream to Wenatchee. Either, Sellevold says, is workable.

Plan Number 1 would include dredging of bars along a 57-mile stretch of the Columbia below Priest Rapids Dam, this plan calls for locks in Priest Rapids, Wanapum and Rock Island dams at a cost of $105 million.

On plan Number 2 the total cost of the project would be $107 million. This would include construction of the Ben Franklin lock and locks in the three other dams. If Ben Franklin Dam were constructed, Sellevold says, it would eliminate the need for most of the dredging of the channel.

Sellevold says Corps surveys indicate that maintaining the channel would be more economical with Ben Franklin Dam than without.

Opposition to the Ben Franklin project has stemmed mostly from conservationists who contend that the additional slack water is harmful to wildlife. It was in one of these slack water areas where we counted more more than 200 Canadian geese during our river trip.

A point the Bonneville Power Administration (BPA) raises is that Northwest power demands are steadily increasing. By 1974 there will be a demand for 83 per cent more power than there is today.

Ben Franklin would be a power producer.

Another indication of power needs is vividly evident in the construction of a third powerhouse at Grand Coulee.

At virtually all the dams on the Columbia, plans are in the hopper to increase their power output to meet the continuing increases in consumption.

At Chief Joseph Dam at Bridgeport there were provisions built in to increase its power output when the need arose. Eleven new generators will be installed here by 1976. This will bring the total generating units to 27.

It would seem that the Northwest is going to have more dams or more kerosene lamps as the population continues to expand.

Bonneville Power Administration surveys show that the annual increases in demands for electrical power are growing at the rate of about one million kilowatts. Ben Franklin's proposed 16 generating units would produce 3.7 billion kw annually.

As for the navigation project, Sellevold says the locks to be installed in the three existing dams would be 86 feet wide by 675 feet long. This brings us to a problem that has been kicked around for years.

Bonneville, first dam on the Columbia River, is the big bottleneck. Its locks are 10 feet narrower and 175 feet shorter than locks in The Dalles, John Day and McNary Dams.

Locks proposed in Priest Rapids, Wanapum, Rock Island and Ben Franklin (if it's ever built) would be of the larger variety.

Bonneville is a bottleneck on the Columbia.

But back when Bonneville was first proposed local interests fought a hard battle to get the locks enlarged to their present size. Now they are too small.

One river enthusiast advocates dynamiting Bonneville and "starting all over."

But the problem isn't that simple. There are advocates of a new dam with larger locks and advocates of simply larger locks.

There is a major item of work already planned as result of the Canadian treaty storage, and the advent of the peaking mode of operation of Columbia System power projects.

These plans include raising the spillway gates from 50 to 60 feet to regulate upstream peaking discharges from The Dalles and John Day dams. Individual gate hoists will be provided for six gates, according to D. W. Polivka, technical liaison officer for the Portland District, Army Corps of Engineers.

These modifications will raise the pool above Bonneville by about six feet, Polivka said, and will necessitate changes in fish ladders.

There is a possibility that a second powerhouse at Bonneville, now under study, could be so located to enable the corps to enlarge the locks.

Future of enlarged locks is hinged to construction of a second powerhouse planned for completion in 1977.

There's a stretch of water between the Vernita toll bridge and Richland that few public boaters have seen since the 1940s. This was the time of the Manhattan Project—the building of the world's first atomic bomb. It's best known today as the Hanford Works.

In passing through this 57-mile-long expanse of water, I couldn't help but wonder why these are restricted waters. Perhaps there has, and always will be, some danger in the handling of radioactive materials. Or it could be that too many boaters might wander ashore into areas where an unseen danger exists in the form of radiation.

Our boat and crew of four made the first such trip through the Hanford Works anyone in this area could recall in several years, aside from Corps of Engineers guided tours for conservationists.

Making the trip, aside from myself, were Don Richardson, Jack Schneider and Pat Keough, Army Corps of Engineers representative aboard for this stretch of river. Keough has been involved, along with Dick Sellevold, in survey and planning of this portion of the river's future. Bill Lipsky, fifth member of the expeditionary force, was wheeling our shore vehicle over this stretch of south central Washington landscape.

Within a short distance after entering the reservation we encountered the first two of nine nuclear reactors. Each covers a vast area and is identified by two tall smokestacks.

Less than 50 per cent of the facilities are in operation today and most important of these is the third complex downstream from the Vernita Bridge. This complex houses the Washington Public Power Supply System's generators which produce electricity by nuclear energy.

A large concrete structure on the river bank houses the pumps which carry water to the nuclear plants inland.

This was one stretch of the river all of our crew had looked forward to with great expectations. We expected to see an abundance of wildlife. This turned out to be two deer, sighted separately, a flock of 35–50 Canadian geese and some scattered pairs.

It was an extremely cold river ride and for the first time we encountered rain and difficulties in keeping camera lenses wiped clean.

Along the shore beside each of the nuclear plants were shoots of water, smaller, but resembling Old Faithful. These were described as a sort of relief vent for outfall water used as a coolant for the reactors.

Water flowing from the reactors, after the cooling cycle, is actually minute compared to the vast body of water this 95 degree discharge enters.

Such electricity-producing facilities, opponents of the proposed Ben Franklin Dam say, are much more "desirable than dams which produce power."

On the other hand, proponents of Ben Franklin Dam are saying that too many nuclear power-producing plants on the river are going to defeat the goals of conservationists whose aim is to preserve fish and wildlife.

Lowell Johnson, representing several groups opposed to the Ben Franklin Dam project which would be located a few miles upstream from Richland, talked with us the night before our trip through the Hanford area.

Johnson told us that this was not a good time of year to see the wildlife (deer and geese) along this stretch of the river. He was right. He also explained his groups' opposition to the Ben Franklin project—lack of need for additional electricity, destruction of a valuable refuge for wildlife, creation of more slack water on the Columbia and inundation of irreplaceable islands where goslings are hatched.

He also pointed out that many deer are dropping their fawns on islands to protect them from predators—man and beast. The two lone deer our party saw were on islands.

In the vicinity of the last deer sighting, we took a look at a grotesque remainder of a period 30-years in the past. The large shell of what was once a school house is about all that is left of the town of Hanford.

This once was a city of trailers and hastily built homes housing more than 50,000 workers on the Manhattan project. The school and a waterfront pumping house is about all that remains. A few hundred feet downstream is the Hanford ferry landing, long abandoned. Upstream an almost equal distance among some trees barren of leaves, a bald eagle circled a huge nest near the center of the grove.

This is the second bald eagle we have seen during this river trip. A third eagle was of the golden variety.

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Twelfth Day: Columbia Run

The big river we're cruising falls more than 1,000 feet from the Canadian border to the Pacific, but we've noticed little of the descent so far.

Today, however, we took a drop of 92 feet all at once.

It was our first passage through the locks of one of this river's 11 dams. The lower four dams only have locks.

The trip through the McNary Dam locks was uneventful but interesting. Our 18-foot boat, which has seemed mighty large in some of the upper Columbia's narrow stretches, felt like a tiny peanut all alone in the lock as the plug was pulled to let water, boat and crew fall rapidly and steadily.

A group of touring school children stood at the rails of the lock as we started down. They cheered and waved and we grinned like dime novel heroes.

Then several of the youngsters thought it would be fun to spit down into the chasm of the lock.

Our "public" immediately became our enemy.

To reach McNary Dam and to glide through beautiful Umatilla Lake and between it and John Day Dam, we cruised 100 miles down river from the Tri-Cities area. In the Tri-Cities we saw the first real evidence of the Columbia as a watery arterial for commerce.

Tall grain storage silos were everywhere for the transportation of Inland Empire wheat to the coast. And oil and petroleum facilities for holding of fuels bound upstream from Vancouver-Portland are seen in abundance.

Barges, too, and tugboats testify to the river traffic now picking up.

We met a river traffic cop, in addition.

An Oregon State Patrol boat—we're in the section of the Columbia which borders the two states—hailed us in midstream to check our safety equipment.

John Day Dam is our target for tomorrow. A new dam, it backs up waters to form Umatilla Lake reservoir.

This reservoir's waters can really kick up when the wind whistles down the Columbia. Army Corps of Engineers officials told us of bucking 8 to 10-foot waves during bad blows.

But the reservoir was as placid as a mill pond when we came through.

We passed several small towns, including one—called Arlington—which was relocated a year ago when the John Day Dam waters began rising.

Our Corps of Engineers representative during this portion of the trip is Ivan Donaldson, biologist with more than 30 years' service with the corps.

A history buff, Donaldson's stories of Columbia River pioneers and wildlife kept us fascinated for many an hour.

While in the John Day reservoir, Donaldson told us of last year's Operation Goose Egg. With waters rising rapidly, a force of boatmen and helicopter pilots rushed to the marshy islands and beaches to collect the eggs of geese which nest there.

More than 3,000 eggs were saved and taken to hatcheries in other areas.

Donaldson also explained something we had seen up river near Wanapum Dam. There on a tiny island were dozens of platforms atop 15 to 20-foot posts. The platforms are intended as geese nests but it's not yet certain that the geese will approve of the artificial homes.

Ahead of us—at Bonneville's Dam's fish ponds—may be an opportunity to see some of the big sturgeon raised there.

Donaldson reported that the sturgeon in the lower Columbia sometimes grow to a large size and live to an old age. Law prohibits catching any of the fish shorter than three feet in length or longer than six feet.

In 1951, an Indian fisherman snagged a sturgeon near the Dalles Dam which was 11½ feet long and weighed 900 pounds. It contained 150 pounds of roe.

Donaldson—by scientific examination of fin sections which tell age like tree rings—found the big fish to be 82 years old.

Indian fishing on this section of the Columbia may provide a hazard for our Marysville-built boat. It is reported to us that fishing nets frequently extend out into the river with little or no markings, so we're keeping wary eyes open.

A complaint about this Umatilla Lake reservoir was voiced by skipper Jack Schneider who sees a need for improvement of navigational aids. There are few hard-to-find channel markers.

Boating seems destined to increase in all of the Columbia's reservoirs. Most officials recognize the need, therefore, for more camping and boating facilities and better navigational ads.

Clarence Scammons is an unusual man. He lives where Columbia River breakers can be heard day and night. And, at 75, neither Scammons nor his wife would entertain the idea of moving away from their riverside acreage seven miles north of Vantage.

When Wanapum Dam was being built a short distance below Vantage, Scammons had some 200 acres of land which he gave up in connection with the Wanapum project. Unlike most people who have to sell off land which is to be inundated by reservoir waters, Scammons is by no means a bitter man. "I get along with everybody," he says.

Since 1950, Scammons has been pursuing a hobby of collecting artifacts, Indian relics and petrified trees which seem to abound on his remaining property which stretches westward from the river.

Lining the shore alongside his small cabin are tons of petrified logs. He estimates he has collected more than 50 tons of the trees and that many more remain on his land. The collection has been labeled as priceless by geologists.

Scammons came to the river in 1898 when his family moved to a town, now inundated by Wanapum reservoir, known as Spanish Castle or Cape Point. He likes to recall that he made the trip in a saddlebag counterweighted on the opposite side of the horse by a saddlebag full of small puppies.

Scammons came to this part of the river in 1932. Here's where he will stay.

Aside from his collection of petrified tree logs, Scammons also has a wide assortment of artifacts. An unusual item is an Indian salmon spear he found in a cave 50 yards from his cabin 20 years after moving into the cabin.

"I just never got around to exploring that cave," he said.

One of his treasures is a piece of petrified wood sliced by saw from a log and polished to a high lustre. He also collects some ununusal pieces of driftwood, an assortment of old trucks and thousands of arrowheads.

Visitors come to see Clarence Scammons collection by river and by car. The average is somewhere around 1,000 annually and there are no signs asking a contribution to the cause.

"Clarence wants only to share this wealth of historic trivia with everyone," Mrs. Scammons said. And geologists are glad he does. A visiting geological student termed the collection far more extensive than the one at Ginkgo State Park and "far more valuable for study."

Asked if a visitor could have a small sample, Clarence replied: "I've got lots of samples. Don't take those, I'll get some real good ones."

Thirteenth Day: Columbia Run

We trade sagebrush for evergreens today and passed through the last three dams on this whopper of a river.

After a night camped at the juncture of the Columbia and the John Day Rivers—where we fell asleep to the near barnyard-like cacklings of wild Chukers—we started a long and fast downriver trip which ended at the Washington State Park Department's Beacon Rock camp ground, above Vancouver about 25 miles.

The John Day area has the brownish-red tint to sun-exposed hillsides and velvety-green to shaded areas that typify much of the eastern slopes this time of year.

And yet only a few miles downstream we returned to the timbered hills of the western side of the state.

While looking at those barren hills, we were reminded by Army engineer biologist Ivan Donaldson of the story of John Day himself, a trapper and Northwest pioneer.

Day—for whom at least one city and a dam are named—was captured by Indians who stripped him and turned him loose in the desolate sagebrush where he wandered for weeks before being rescued.

On this section of the river we are following the route of famed explorers Meriwether Lewis and George Clark. Our full trip, however, follows the course of a much lesser known but important Army Engineer pathfinder, Lt. Symons, who charted the full Columbia in 1881, traveling downriver in an Indian canoe.

We have Lt. Symons' charts and log aboard our boat for comparisons.

In this same general area, near the mouth of the Deschutes River, we could see faint lines leading down to the river from hilltops which told an equally exciting story. They are the remnants of traces left by covered wagon wheels of pioneers who came over the hump to the Promised Land of the West Coast.

As we moved through the last three dams—McNary, The Dalles and Bonneville—we encountered more and more river traffic. Big tugs with pilot houses high atop derricks pushed huge barges upstream.

Indian fishermen scurried about in outboard motor boats checking their fishnets which extend out into the Columbia at many points, marked haphazardly with old tire inner tubes or floating bleach bottles. A pair of such fishermen proudly held up several big salmon—one weighing at least 35 pounds—for us to see.

Many wild fowl also were spotted between McNary and Bonneville. And on the beach, the expedition's truck driver of the day saw birds of another color—the season's first tourists. Auto license plates from many states are gathering at Columbia scenic points.

Towns are getting closer together, too. And we're now not far from Oregon's largest city, Portland. We passed Harvey Aluminum Company's plant at The Dallas, Ore., and saw the spot in Washington's Klickatat County, across the river, where Harvey plans to build a new aluminum facility.

Fourteenth Day: Columbia Run

Explorers Lewis and Clark slept not more than 100 yards from where we did last night during their historic trek west more than 163 years ago.

We thought of those famed men as we talked Columbia River history at our Beacon Rock campsite last night and again as we scrambled out of sleeping bags early today to head into the lower reaches of this mighty river.

Although the Lewis and Clark expedition of 1805–06 did much to firmly establish the United States claim to this Northwest area, other white men were here earlier and in just as an adventuresome way.

The Indians, of course, were here long before. Indian lore and hair-raising out-of-doors tales still are discussed.

Our Army Corps of Engineers representative in this area, Ivan Donaldson, told of a sighting only weeks ago of "Bigfoot," the half human-half-animal creature whose

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tracks and appearances have stirred much of the West for years.

Bigfoot didn't show up but we got up early and turned our trusty 18-foot Reinell boat into choppy water of the Columbia Gorge.

It wasn't long before we left the grandeur of the gorge for the hustle and bustle of lower river barge traffic. At the Camas-Washougal area, we began running past the first of a series of palatial riverbank homes.

At the outskirts of the Portland-Vancouver complex, we knew we were in civilization when a jet airliner roared low overhead in approaching the Portland International Airport.

The Port of Vancouver was busy.

All docks at the port were filled with ocean-going vessels and six more big ships hung at anchor in the stream. Included was one Norwegian cargo ship I've seen in Everett and a Japanese vessel which carries Far East automobiles to these shores.

Remember when Everett was the unloading port for European-built automobiles?

Not far below Vancouver, however, we again returned to more pastoral scenery.

Sauvie Island—a long and beautiful stretch of land—begins in the Columbia just below the Willamette River's mouth. The Army Engineer traveler with us now, Allen Terry, told us how the island received its name.

A Frenchman named Sauvie was hired by the Hudson's Bay Co. years ago to establish a dairy on the island, not far from the British trading company's Fort Vancouver location. He was to produce butter for sale by the British to the Russians much farther north in this great wilderness.

Sauvie's Island, at the time of the Lewis and Clark trek west was home for an estimated 2,500 Indians who lived an easy life on fish, wild fowl and the Wapato or wild potato which grew in abundance in the island's tiny lakes and marshes.

Diseases brought by the white men killed nearly all of the Indians. And a white man who planted carp in an upstream area set the stage for the end of the Wapato.

A spring freshet broke out his dam, sending his carp downstream. The fish soon spread over much of the lower river area and ate up all the wild potatoes.

That Sauvie Island area is believed to have been at one time, one of the largest wildfowl refuges in the West.

Lewis and Clark camped on Sauvie Island after boating down from Beacon Rock. Their journal tells of the men being unable to sleep because of the noise of geese and ducks at night.

Down near St. Helens, Ore., we passed Warrior Rock, a stony pinnacle named when a British military man, Lieutenant Broughton, encountered a fleet of 150 Indian war canoes there. The Britisher bluffed his way past the war party, however, and none of his small group of explorers was harmed.

Today's cruise gave us a contrast. We heard of and saw places of historical interest; and we viewed signs of atomic age progress.

One of the most modern of concepts we encountered was the atomic age plan for installation of a nuclear generation plant on the Columbia at a place near Trojan, Ore., not far from St. Helens, Ore., and Longview, on the Washington side. Testing already is underway for the plant's erection. This site is high on the priority list of about a dozen such sites in the Northwest.

Another of the high priority sites, of course, is near Deception Pass in upper Puget Sound.

The four dams on the lower Columbia all have locks through which vessels pass on their way upstream or downstream. McNary locks is the first encountered on the way downstream and it's a huge system, but far short of the dramatic "presentation" put on by the John Day Dam—largest single lift system in the world.

The Dalles locks compare somewhat with McNary but the real bug-a-boo is at Bonneville.

At Bonneville the approach is made down the swiftwaters of the old abandoned Cascade Locks nearly three miles upstream—just beyond the Bridge of the Gods.

If ever the small boat was in danger during our two-weeks Columbia River journey, it was here where the swift waters slammed the 18-foot Reinell hard against the concrete walls approaching the entry way.

Without a horn we were unable to signal the locks tender and there was no signal system such as we had found at the three other locks.

Our Corps of Engineers representative aboard at this time, Ivan Donaldson, a fisheries biologist and Columbia River historian, ascended a ladder on the locks wall after a precarious maneuver by Jack Schneider, our boat skipper.

Donaldson leaped for the rails as the current slammed the boat hard against the wall.

After some frantic moments the boat was finally secured to the wall on the left bank. There was a delay in lockage due to upstream traffic piled up below the dam.

Our small craft provided a thrill for a visiting elementary class as we struggled, quite desperately, to secure the boat once inside the small locks. The water here was nearly as swift as it had been at the approach.

After passing through the three huge locks farther upstream, with some drops well over 250 feet, the 41-foot drop at Bonneville was not very dramatic.

The locks are surprisingly small. They are 75 by 500 feet compared with 86 by 675 feet at the three other locks farther upstream. The difference of 11 feet in width is not nearly as noticeable as the difference of 175 feet in length.

Our small boat, alone in the locks during every passage, seemed crowded at Bonneville in comparison with the locks farther upstream. This is where the rub, literally, begins with barge traffic.

Bonneville Locks are a victim of planned obsolescence. Being the first dam on the river it establishes the size of loads to pass through the larger locks at The Dalles, John Day and McNary.

The Army Corps of Engineers continues to study new locks for Bonneville in connection with a second powerhouse. With approval of the corps' Chief Engineer in Washington and navigation upstream to Wenatchee, it hardly seems likely Bonneville locks are going to continue to "call the shots" on barge sizes.

There must be some kind of irony in the fact that though Bonneville's locks are the shortest, lowest and narrowest, it is the only one capable of passing ships with drafts of up to 15 feet of water.

Fifteenth Day: Columbia Run

We made our dash to the sea today.

And with the run from Longview to the Columbia River bar at the shore of the Pacific Ocean came an end to a 900-mile odyssey.

None of our crew really wanted it to end. The trip down one of the world's mightiest rivers was something we'll never forget.

We ended the journey on just as modern a navigational note as the beginning had been a pioneering one.

For much of our up river cruising we used the 1881 charts prepared by Army Engineer Lt. James Symons. The last 100 miles were covered with the aid of 1966 aerial photomaps made by present-day Army Corps of Engineers personnel.

Both were exceptionally accurate.

The final leg of our trip was begun after a night in a Longview motel. Our 18-foot boat, however, were berthed across the Columbia in Rainier, Ore., since Longview—a busy commercial port—has little in the way of pleasurecraft moorage.

Aboard for the last day was engineer Allen Terry, a dredging expert on the lower Columbia. He's also an old Merchant Marine seaman and a native of the southwest Washington area.

Terry pointed out the piling stub ends in dozens of river coves where fishing canneries and logging camps once abounded. He estimated that in past years there were hundreds of such small enterprises on the Columbia from the Vancouver-Portland area to Astoria.

Many of the river fishermen then used teams of horses to pull in nets which had been extended and circled by small boats. We saw the remnants of several barns and corrals at such sites.

And scattered between the logging and fishing camps were several little towns that had been rip-roaring centers of sin and relaxation for hard-working woods and rivermen in past years. The tiny communities are sedately quiet now.

The Columbia estuary can really kick up with high winds but we were fortunate in our trip to right down to our last docking at Ilwaco. The wind had been blowing gently from the east for two days.

But to make certain, Skipper Jack Schneider—at Terry's suggestion and invitation—pulled our boat up to the big Army dredge boat Wahkiakum in the center of the river upstream from Astoria.

The water was bouncy and we got a bit wet getting tied up. Several husky and life-jacketed Army Engineers men scrambled over the dredge's pipelines to help us with lines.

Then we climbed aboard the big dredge—built as a steam-powered vessel in 1913—to enjoy a warm cup of coffee with the captain.

With word that the mouth of the Columbia would be safe for several more hours, we soon left for the last few miles of our trip.

The engine revved up, we charged across the near five-mile mouth of the Columbia. Only a hundred yards or so from our destination, we brushed over the top of a new sandbar, kicked mud and sand with the prop and came to a quick stop to check for damage.

It was then that Bill Hill—driving the truck this day—called over the radio to urgently ask our location and the reason for our delay. He'd been considering telephoning the Coast Guard, he said later.

But things were fine.

We edged into an Ilwaco dock to be lifted from the water in grand style by one of the friendly operators of Ilwaco's many charter fishing businesses which have boat cranes.

The last day's run was under overcast skies, the second we had seen on the trip. But the cloudy gloom and the sadness of the journey's end didn't deter our enjoyment.

We met big oceanliners coming up river; we saw more pastorial areas; we watched dozens of fishermen casting lines from newly created beaches.

And we learned more history. Engineer Terry pointed out Puget Island in the lower Columbia, an island labeled after the same mariner whose name was given to our own inland sea.

Terry also showed us a rocky beach at the base of a cliff where explorers Lewis and Clark were marooned for six days by storms in 1805.

Lewis and Clark, Lieutenant Symons and other early river runners never had the comfort and safety we did in our trip. But we'll wager they were no more impressed by the mighty Columbia than we.

One can't help but cast a jaundiced eye at the idea a man and his wife can "run" the Columbia River in their cabin cruiser as routinely as going to the neighborhood grocery store.

But such an idea is often talked up.

Firsthand experience tells us there is nothing routine about boating the Columbia

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from Trail, B.C., to its mouth at Cape Disappoinment. There's not a man among the five aboard our 18-foot Reinell that will tell you this job is a routine one. If someone else should tell you to the contrary, consider these factors:

I spent two months planning our two week trip. Stretches of the river had to be "scouted" by car for a first-hand look at some precarious waters that have cost lives of unwary boaters and equipment.

Details had to be worked out for problems like portaging, gasoline supply and getting it to the boat, and personal contacts with people whom we could rely on to come to our rescue in event of overwhelming problems.

And there have been problems, and a lot of people have come to our rescue particularly on portaging where our positive traction truck could not handle the job of recovering our boat.

Our job has not been a race against time but one of documentation of river events in as safe and sane a manner as possible.

There have been some indications that all one has to do is put his boat in the water at Ilwaco, for example, and push the bow against the current.

This is true to a certain point. The first four dams up the Columbia from Ilwaco have locks. Bonneville, The Dallas, John Day and McNary dams. Through these locks one can boat all the way to Richland without any difficulty. But that's a long way from the Canadian border.

At Richland, there's a 57-mile stretch of water under control of the Atomic Energy Commission (AEC) and boating through this expanse of water is by permission only.

There are no facilities below or above the Priest Rapids Dam to take a boat out of the water or return it to water. The nearest place would be within few miles of the dam. But to do this would require a shore vehicle (as we are using) as this area is total desolation, except for the toll bridge at Vernita.

Here one could call a tow truck and trailer to effect portage, but our examination of this possibility indicated that no such service exists. If it had we would have faced the problem of boat size matching the trailer.

Not the least of problems one encounters is the business of refueling. We have carried five cans of gasoline (5 gallons sizes) and without our land vehicle it would have been impossible to maintain the supply.

In certain reaches of the river there are marinas but these are few and it's a long way between them. The distance between Richland and Grand Coulee where the seven dams without locks are located totals about 275 miles.

If present plans to install locks in Priest Rapids, Wanapum and Rock Island Dams materialize, 125 miles of additional boating pleasure will be added to the river. Then the boater can put in at Ilwaco and cruise 465 miles without pulling his boat from the water.

For the boating enthusiast who spends a lot of time on his vessel there's a boater's paradise in Lake Roosevelt (when the reservoir is full). Oddly enough there are few boaters per acre of water due primarily to sparseness at population in this section of Washington State.

Development of marinas has, however, been slow in coming. By the time the boating crowd discovers and converges on Roosevelt Lake there will no doubt be a surge in building of facilities to make boating more pleasurable in this area.

BACK AT HOME

With approximately 900 miles of Columbia River under our keel, we Herald dam hoppers feel convinced that Washington State and the Pacific Northwest has a watery asset second to none in the world.

The Columbia River flows 1,215 miles from its first beginning high in British Columbia Canada to the Pacific Ocean at Astoria, Ore. The drainage area includes much of Washington, Oregon, Idaho and British Columbia, and some parts of Montana.

More than 40,000 square miles of drainage area is in Canada and 219,500 square miles of drainage in this nation.

We cruised the mighty Columbia from above the U.S.-Canadian border to the river's five-mile-wide mouth at Astoria-Ilwaco.

The Columbia has changed drastically in the past 30 years.

Prior to that time, the river ran fast and free. Since then 11 dams have been constructed—there is talk of a 12th—to furnish hydroelectric generation, flood control, crop irrigation, and recreational-commercial waterways.

The river still runs fast though it is deeper because of backed-up waters, and it still runs reasonably free despite the dams.

We left the river feeling that the changes made along this regional, watery necklace are good. Washington State and the Pacific Northwest could never have grown to its present stature without low-cost electric power, land irrigation and navigational improvement.

Population pressures now mounting will require that we in the Northwest look even more closely to the Columbia for sustenance.

And it means that we will have to be aware also of those elsewhere who are looking to the Columbia.

Continued opposition to plans for diversion of Columbia waters to the Southwestern United States seems imperative.

Despite our pleasure in first-hand discovery of the benefits from Columbia changes, we see the need for more. And at the same time we see danger in alterations to the river that are not thought out, not weighed against possible side-effects of a detrimental nature.

After taking our small boat down much of the river's length, we see room for navigational improvements.

Following discussions with dozens of persons, we see a need for continued expansion of hydroelectric facilities.

We also believe that the river must play a role in new nuclear power generation.

And—without any contradiction with these other convictions—we feel there must be greater attention paid to the Columbia fishery.

A nation that can send men to the moon should have the scientific capability of controlling earthbound environments. The Columbia, as mighty as it is, can be twisted, turned, ruled and made compatible to the needs of humans and wildlife alike.

Certainly the river and the lands around it will never be the same. We marveled at the history of the Columbia as we cruised downstream.

Indians, pioneers, fish runs of a size that stagger the imagination. These are things of the past, things we should not forget but things that will not return.

In remembering, we should not despair.

The Columbia—if conservationists and industrialists will learn to more fully cooperate—can do something for everyone.

We found many shoals blocking such development:

Too strenuous a bias on the part of both conservationists and industrialists, provincialism by persons within counties of this state and those of other states in the Columbia basin, lack of long-range goals and planning, and that old bugaboo, governmental red tape and budget slashing.

We also saw beacons of encouragement.

Dedicated men of many agencies are aware of the Columbia's potentials and needs. We were impressed by the actions and aspirations of certain men in the Army Corps of Engineers, the Bureau of Reclamation, county public utility districts, sports and fishing groups, federal and state park departments and the federal and state wildlife organizations.

The Columbia River cruise with its dam-hopping and locks passages is over for our Herald news-photo team but the memory certainly will linger.

Information we gained will provide background for many stories to come.

Now that the trip is ended—with its share of frustrations and a big slice of adventure—we think back with great appreciation to many individuals and groups for assistance.

First and most importantly, Herald-Western Sun Publisher Robert Best gave us the go-ahead and encouragement.

Then the U.S. Army Corps of Engineers was quick to offer co-operation and to send five of its top men—river experts all—to accompany us during different phases of the trip.

Officials from the U.S. Bureau of Reclamation, Public Utility Districts in Chelan, Grant and Douglas counties provided valuable information and assistance.

We met fine cooperation from personnel of the National Park Service, the Washington State Park Department, the Washington Game Department and the U.S. Atomic Energy Commission.

Sen. Henry Jackson and Congressman Lloyd Meeds made inquiries for us of several federal agencies.

And many Snohomish County individuals and firms came to our rescue.

Larry Mayle, vice president of Reinell Boat Co., in Marysville, was the visionary who agreed with us about the trip's value at the outset. He furnished the 18-foot inboard-outboard motor boat with which we made the trip. That boat—we nicknamed it "Missprint"—now is on display at the House of Boats on So. Evergreen Way.

Then Bob Copeland, of Cords Auto Electric Co., supplied us with a kit of motor replacement parts to carry for emergencies. Luckily we had to use none of the parts.

Everett Coast Guardsmen offered advice. Everett Yacht Club Commodore Bob Phillips loaned us two walkie-talkie radios.

Many others were equally eager to help.

Without them, we'd have been in trouble.

THE MILITARY JUSTICE ACT OF 1968

Mr. ERVIN. Mr. President, the Wake Forest Intramural Law Review for May 1969, published an article written by me, entitled "The Military Justice Act of 1968."

Since the article explains the background and the provisions of this act, I ask unanimous consent that it be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MILITARY JUSTICE ACT OF 1968

(By SAM J. ERVIN, JR., U.S. Senator, North Carolina. A.B., University of North Carolina at Chapel Hill; LL.B., Harvard University)

It has been charged recently that military courts are to justice what military bands are to music. This was unquestionably true prior to enactment in 1950 of the Uniform Code of Military Justice,[1] and was to some extent truly under the Uniform Code. However, upon enactment last year of the Military Justice Act of 1968,[2] the first major reform of the military justice system in almost two decades, military justice attained virtual parity with civilian criminal justice. This article will discuss the major provisions of that Act, their background, and the promise they hold for significant improvements in the

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Footnotes at end of article.

brand of justice afforded by military criminal courts.

I. BACKGROUND

Prior to 1950 the American in uniform had been at the mercy of legal procedures little changed since before the Revolutionary War, procedures originally designed for mercenaries—not for citizen soldiers loath to give up the rights they were defending. So antiquated and unjust was the system that after World War II a great protest came from returning veterans demanding reforms which would guarantee to servicemen basic principles of due process of law. This outcry resulted in the adoption of the Uniform Code.[3] It represented a revolution in military law, and in many respects contained due process safeguards not then guaranteed in civilian courts. For example, the right to legally qualified counsel was made mandatory in general court-martial cases[4] thirteen years before the Supreme Court's famous *Gideon*[5] ruling in 1963 extended this right to state court felony trials. Servicemen under investigation for criminal offenses under the Code were entitled to be informed of the nature of the suspected offense, and to be advised that they need not make a statement, and that any statement made might be used in evidence against them[6] fifteen years before the *Miranda*[7] ruling secured these rights to suspects in state criminal proceedings.

During the eighteen years between the effective date of the Uniform Code and the enactment of the 1968 Act, however, many advances were made in the administration of criminal justice by civilian courts that were not reflected in similar advances in military court proceedings. In addition, extended experience with the Uniform Code had revealed defects and made apparent the need for its modification and reform. To correct those deficiencies and return military justice to the leading position in American law it had attained in 1950 with enactment of the Uniform Code, Congress enacted the Military Justice Act of 1968.

II. LEGISLATIVE HISTORY

When the President signed the Military Justice Act on October 24, 1968, the legislation had been the subject of two rounds of hearings in the Senate and one in the House of Representatives and intensive study and investigation by the Subcommittee on Constitutional Rights over a period of almost ten years. In spite of the controversial nature of many of the reforms and concerted resistance to some or all of them by the armed services virtually until the eve of enactment, the bill passed unanimously in both the Senate and the House. The progress of the legislation from idea to enactment is an interesting story; it may shed some light on why it did not happen earlier and why it happened so smoothly when it did.

In 1962, following hundreds of complaints from servicemen and their families and an intensive field investigation, the Subcommittee on Constitutional Rights held its first hearing on military justice.[8] Testimony was received from witnesses with a wide range of experience in military law, both within and outside of the military. After the hearings a comprehensive questionnaire was sent to each of the services which developed additional information on particular problem areas in military law highlighted by the hearings. The published hearings consisted of almost 1000 pages. A summary report of the hearings published in 1963[9] presented the Subcommittee's conclusions and recommendations.

Based upon this groundwork, I introduced on August 6, 1963, eighteen separate legislative proposals designed to protect the constitutional rights of servicemen and to perfect the administration of justice in the armed forces.[10] On September 25, 1963, Representative Victor Wickersham of Oklahoma introduced identical bills in the House of Representatives.[11] During the succeeding months these proposals were subjected to intensive study by both military and civilian experts. Alternative suggestions and revised language were submitted from many sources.

On January 26, 1965, shortly after the 89th Congress convened, I again introduced the eighteen proposals of the prior Congress[12] and later, on February 9, 1966, I introduced two much less inclusive proposals drafted and supported by the Department of Defense and introduced previously in the House of Representatives by Congressman Charles E. Bennett of Florida, who had long been interested in the rights of servicemen.[13] All of the Senate bills providing for changes in military law and administrative discharge proceedings were referred to the Senate Armed Services Committee, of which I am a member. Although there was no disposition to have Committee hearings on the bills, upon my urging the Committee Chairman agreed to appoint a special subcommittee of the Armed Services Committee to join the Subcommittee on Constitutional Rights in joint hearings on the bills, under my chairmanship, with the understanding, of course, that the bills could be reported to the Senate floor only by vote of the Armed Services Committee.

The joint hearings were held in January and March of 1966.[14] The Subcommittees received testimony from twenty-eight witnesses, including Assistant Secretary of Defense Thomas Morris, the Judge Advocate General of each of the military services, the judges of the Court of Military Appeals, law professors, and private practitioners of military law. The record extended over 1000 pages, including an extensive appendix, and over 200 pages of data submitted by the services in response to two additional detailed questionnaires.

In the months following these hearings, I drafted a bill to combine in one comprehensive package those proposed changes in military law which, over the course of the entire study, had proved to be necessary and beneficial. The result was that on June 26, 1967, I introduced an omnibus military justice bill, S. 2009 of the 90th Congress, consisting of five titles, title III of which was concerned with revisions of the court-martial system. Since most of the proposed revisions, including amendments to the Uniform Code to increase the right to legally qualified defense counsel and to provide lawyers as presiding officers in courts-martial, were extremly controversial within the armed services and were opposed by the Department of Defense, it proved impossible during the remainder of the first session of the 90th Congress to gather enough support on the Armed Services Committee to get the bills reported.

Subsequently, on March 14, 1968, Congressman Bennett introduced H.R. 15971, a bill supported by the Department of Defense designed to make a few non-controversial changes in court-martial procedures, but containing few of the more extensive reforms enbodied in S. 2009. The House Committee on Armed Services favorably reported the bill, with minor amendments,[15] and it passed the House of Representatives on June 3, 1968.

The bill, as passed by the House and sent to the Senate, in my view did not contain the minimum reforms necessary in any meaningful military justice legislation. However, because the bill did contain some revisions in court procedures desired by the Department of Defense, I was hopeful that it could be used as the vehicle for a more extensive reform bill. Because of the lateness of the second session of the 90th Congress it was apparent that passage of any bill at all might be jeopardized by Senate amendments objectionable to the Department of Defense. I therefore arranged several conferences with representatives of the Department of Defense, including Major General Kenneth J. Hodson, the Judge Advocate General of the Army, who was informally authorized to negotiate for all of the services, with a view toward reaching agreement on incorporating into the legislation the most essential provisions which had been recommended by the Constitutional Rights Subcommittee and included in S. 2009, and which I considered indispensable, but which were not contained in the House-passed bill. As a result of these conferences, I drafted a series of amendments to the bill. These amendments were carefully studied and discussed by each of the armed services and informally approved by them. On the basis of this informal service approval, the amendments were adopted by the Armed Services Committee; and the bill as reported by the Committee was then officially approved by the Department of Defense.

On October 3, 1968, the Senate unanimously passed the bill as reported.[16] Upon the urging of Congressman Bennett[17] and others, the House of Representatives unanimously accepted the Senate amendments on October 10, 1968.[18] Thus, the Military Justice Act of 1968, the first major revision of the military court-martial system since 1950, containing controversial amendments that many members of Congress had pressed for unsuccessfully for almost a decade, was passed by both Houses of the Congress without a single dissenting vote.

III. COURT-MARTIAL STRUCTURE UNDER THE UNIFORM CODE

Before discussing the changes in the court-martial system made by the 1968 Act, it may be helpful to describe briefly the three military criminal courts provided for by the Uniform Code: the general court-martial, the special court-martial and the summary court-martial.

The general court-martial, the highest military trial court, consists of not less than five members and a legally-trained law officer. This court is the court of general criminal jurisdiction which is normally used to try serious crimes and is empowered to adjudge all sentences authorized by the Uniform Code of Military Justice including life imprisonment and death. The law officer advises the court on legal matters and performs some of the functions performed by a judge in civilian criminal trials, although one of the non-lawyer members of the court is the presiding officer. Both the government and the accused are represented by legally qualified counsel and several levels of appellate review are provided. A verbatim transcript of the proceedings is made for review purposes.

The special court-martial, consisting of not less than three members, has jurisdiction over all noncapital offenses under the Uniform Code, but is limited to adjudging a maximum punishment of a bad conduct discharge, forfeiture of two-thirds pay per month for six months, or confinement for six months. A bad conduct discharge may not be adjudged unless a verbatim transcript of the proceedings and testimony has been made. The accused is not entitled to government appointed legal counsel and in most cases he is defended by non-lawyer "counsel." No law officer is detailed to the trial and, except in bad conduct discharge cases, no verbatim record is kept; hence, appellate review is severely limited by the haphazard and scanty nature of the record.

The summary court-martial consists of one non-lawyer commisioned officer who acts as prosecutor, defense counsel, judge and jury. The maximum punishment imposable by this court is reduction in rank, confinement for one month and forfeiture of two-thirds of one month's pay.

IV. MAJOR AMENDMENTS MADE BY THE MILITARY JUSTICE ACT OF 1968

In general terms the Military Justice Act of 1968 makes nine major changes in the Uniform Code of Military Justice:

Footnotes at end of article.

(1) It provides that legally qualified counsel must represent an accused before any special court-martial empowered to adjudge a bad conduct discharge; in other special courts-martial, legally qualified counsel must be detailed to represent the accused unless unavailable because of military conditions. In addition, a military judge must preside over a special court-martial empowered to adjudge a bad conduct discharge unless unavailable because of military conditions.

(2) It creates an independent judiciary for the armed services, composed of military judges who are insulated from control by line commanders and who will now preside over military trials with functions and powers roughly equivalent to those exercised by federal district court judges.

(3) It modernizes outmoded and cumbersome military trial procedures to conform more closely with federal court practices.

(4) It permits an accused to waive trial by the full court and to be tried by a military judge sitting alone, much as a civilian defendant can waive a jury trial and be tried by the judge alone.

(5) It strengthens the bans against command interference with military justice.

(6) It bars trial by summary court-martial—where there is no right to defense counsel, no independent judge, and no jury—if the accused objects.

(7) It transforms the intermediate appellate bodies from "Boards of Review" into "Courts of Military Review" with independent military judges.

(8) It authorizes for the first time a military form of release from confinement pending appeal.

(9) It extends the time limit for petitioning for a new trial from one to two years, and strengthens other post-conviction remedies available to servicemen.

A. Legally qualified defense counsel

Perhaps the most important provisions of the Act are those that increase the availability of legally qualified counsel to represent defendants before special courts-martial. For this reason, I shall discuss these provisions in somewhat more detail than the other provisions of the Act.

As noted above, the special court-martial is the intermediate military court, between the general court-martial which tries serious offenses and can impose heavy sentences and the summary court-martial which tries very minor offenses and is empowered to impose only minor punishments. Although the Uniform Code originally provided that an accused in a general court-martial must be represented by lawyer counsel,[19] it provided that an accused in a special court-martial may be represented by his own hired civilian lawyer or by a military lawyer of his selection "if reasonably available," or, otherwise, by an appointed nonlawyer counsel.[20] Since most servicemen cannot afford to hire a civilian lawyer and since the services (with the exception of the Air Force) have generally taken the position that military lawyers are "unavailable" for assignment as defense counsel in special courts-martial,[21] the overwhelming majority of servicemen tried by special courts are represented by nonlawyer officers who know next to nothing about military law. Since the special court-martial is the most used of the three military courts,[22] the absence of a requirement for lawyer defense counsel in these tribunals is particularly significant.

The justification for the failure of Congress in 1950 to require lawyer counsel in special courts-martial was that such courts were then considered to be in the nature of "disciplinary" proceedings without complicated legal procedures, empowered to try only less serious offenses and to adjudge limited punishments. Moreover, the military right to counsel in general courts-martial exceeded the right to counsel provided in most state and federal courts at the time of the enactment of the Uniform Code. Neither of these justifications is valid today. The special court-martial has evolved into a complicated legal proceeding, purporting to provide a full jury trial and to insure due process, and bound by legal statutes and precedents. Complex legal problems of admissibility of evidence, interpretation of laws and regulations, and instructions and charges arise frequently in these courts. Although the majority of special courts-martial involve such less serious and "non-civilian" offenses as AWOL, drunkenness, breaking restrictions and destruction of government property, special courts have jurisdiction to try all noncapital offenses under the Uniform Code and do often try such felonious crimes as manslaughter, grant larceny and aggravated assault. Moreover, although the six-months maximum confinement authority of such courts is not particularly great, they are empowered to adjudge a bad conduct discharge which is a lifetime liability since it carries a stigma equivalent to that of a dishonorable discharge adjudged by a general court-martial.[23] There is little question, then, that most special courts-martial are complex and serious enough proceedings to warrant a requirement that the accused be represented by a lawyer who understands the role of statutes and precedents, is familiar with legal defenses and the rules of evidence, and knows at least the basic concepts of constitutional law. It is sheer fantasy, in my view, to contend that a veterinary officer or a transportation officer who has read a few pages of the Uniform Code and the *Manual for Courts-Martial* can adequately represent a defendant in such a proceeding.

In addition, the right to counsel in civilian courts has greatly increased in the eighteen years since enactment of the Uniform Code. Under the decision in *Gideon v. Wainwright* [24] and related decisions, indigents in state and federal civilian courts are now entitled to free legal counsel in felony cases, and some federal and state courts have extended the right to nonfelony trials. Since the military has taken the position that the *Gideon* rule does not apply to courts-martial and has made no move to provide lawyer counsel in all special courts, the military now finds itself lagging far behind the civilian courts in respect to this vital constitutional guarantee. In fact, under a 1967 decision by the Court of Military Appeals applying the *Miranda* principles to military interrogation procedures,[25] the military is now in the anomalous position of providing a serviceman a lawyer during interrogation but not during his trial, if trial is by special court-martial.

I have long been of the opinion that lawyer defense counsel should be provided in all special courts-martial. I recognize that such a requirement would greatly increase the manpower needs of the JAG Corps in the services, and that there would be difficutly, in the Navy in particular, in providing lawyer defense counsel in special courts in geographically isolated commands and in ships at sea. However, I believe these logistical problems can be solved with enough effort and imagination,[26] and the manpower problems can be dealt with by expanding the JAG Corps and by using non-JAG military lawyers to serve as defense counsel in special courts-martial.[27]

Although the armed services for many years resisted any proposals for requiring lawyer defense counsel in special courts-martial, they finally agreed to support a proposal limited to special courts-martial empowered to adjudge bad conduct discharges. The House-passed bill contained such a provision. I felt, however, that such a limited requirement would not substantially remedy the serious problems posed by special courts-martial without lawyer defense counsel. It would not affect the Army at all, since the Army does not permit its special courts to adjudge bad conduct discharges.[28] The Air Force claims already to provide lawyers for the defense in all special courts.[29] Only the Navy would be affected, and the effect could be avoided altogether by not referring bad conduct discharge cases to special courts, as in the Army. I therefore found the House provision unacceptable. However, because of the admittedly serious manpower problems that would arise from a blanket requirement of defense lawyers in all special courts-martial, and because of the need to avoid a provision that would be flatly resisted by the armed services and might jeopardize passage of a military justice bill, I sought a compromise solution that would offer the most improvement possible under the circumstances. That compromise was agreed upon in the sessions with General Hodson and was embodied in the bill that was reported by the Senate Armed Services Committee and eventually was enacted into law.

The provision that lawyer defense counsel be mandatorily required only in special courts-martial empowered to adjudge bad conduct discharges was retained.[30] In all other special courts-martial lawyer defense counsel must be provided, unless waived by the accused, except when such counsel "cannot be obtained on account of physical conditions of military exigencies," in which case the commander ordering the trial in the absence of a defense lawyer must make "a detailed written statement, to be appended to the record, stating why [lawyer defense counsel] could not be obtained." [31] The Senate Report on the bill makes it clear that the requirement for lawyer defense counsel in special courts-martial not empowered to adjudge punitive discharges is intended to be mandatory except in the most unusual cases of genuine unavailability because of such things as geographical isolation or combat conditions.[32] The requirement that a written statement of the circumstances justifying unavailability be appended to the record is intended to subject command decisions not to detail lawyers to special courts to critical appellate scrutiny with a view to developing a line of decisions severely restricting resort to the unavailability exception.

It should be kept in mind that the exception in cases of unavailability and the provision for waiver by the accused do not apply in special courts-martial empowered to adjudge bad conduct discharges. In such trials, legally qualified counsel must be detailed to represent the accused without exception and with no provision for waiver by the accused. Many young servicemen are too immature to appreciate the value of legal counsel or to comprehend the permanent stigma of a punitive discharge, and should not be permitted to make a possibly unwise waiver under such circumstances, in my opinion.

I am hopeful that these provisions will substantially increase defense representation by lawyers in all kinds of special courts-martial while allowing the flexibility necessary to permit the armed services to build up their reservoirs of defense lawyers and solve their logistical problems. The Subcommittee on Constitutional Rights will monitor closely the manner in which these provisions are enforced over the next year or so to assure that the armed services endeavor to effectuate the intended reforms rather than evade them.

B. Military judges

Clearly the next most important changes made by the Act are those that increase the participation of law officers in courts-martial, enhance their prestige, and further safeguard their independence from unlawful command influence.

To increase the prestige of these legal officers who preside over courts-martial and

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to reflect more accurately their increased powers and functions under other provisions of the Act, the old designation of "law officer" is changed to "military judge" wherever it appears in the Uniform Code or elsewhere in the law.[33] These military judges will be commissioned officers who are members of the bar of a federal court or of the highest court of a state and who are certified for duty as military judges by the appropriate Judge Advocate General.[34] They will preside over courts-martial to which they are assigned much as a federal district court judge does, with roughly equivalent powers and functions. They will, for example, rule with finality on all questions of law, decide on requests for continuances, rule on challenges to members, instruct the members on the applicable law, and, under new provisions discussed below, conduct pretrial sessions without the attendence of members of the court for the purpose of ruling on preliminary matters and performing generally the functions performed in pretrial sessions conducted by federal district court judges.

As noted above, the Uniform Code has always required that a law officer be detailed to a general court-martial but not to a special court-martial. For the same reasons that I have felt legally qualified defense counsel to be necessary in special courts-martial. I have felt that law officers should be detailed to such courts, especially when they are empowered to adjudge bad conduct discharges. The armed services have opposed any such requirement, for the same reasons that they have opposed a requirement that lawyer defense counsel be detailed to all special courts-martial. However, in recent years, the Department of Defense has supported a proposed amendment to the Uniform Code to permit the trial to accused servicemen by general and special courts-martial consisting of a law officer sitting alone much as a federal district court judge may conduct a trial without a jury. The House-passed bill contained an amendment authorizing such trials (discussed below) and also contained a provision permitting the detailing of a law officer to a special court-martial for that purpose. Consequently, the bill provided the vehicle for a more extensive reform of the Uniform Code with respect to the assignment of law officers to special courts-martial; but, again, any amendments to that effect would need to be more or less acceptable to the armed services to avoid seriously diminishing the likelihood of eventual passage of the bill. This problem was the subject of extended discussion during the sessions with General Hodson and his associates. Again, we were able to agree on a compromise which was supported eventually by the Department of Defense and was included in the bill as passed by both houses and enacted into law.

The provisions of the Act relating to this subject require the assignment of a military judge to any special court-martial empowered to adjudge a bad conduct discharge, except when one is unavailable because of physical conditions or military exigencies, in which case a written explanatory statement by the convening commander must be appended to the record.[35] The Senate Report emphasizes that military judges must be assigned to all such courts, if at all possible, because of the seriousness of a punitive discharge, and particularly since, under other provisions of the Act, both the government and the defense will now be represented by lawyers in such trials.[36] It is contemplated that, as in the case of assignment of lawyer defense counsel to special courts-martial other than those empowered to adjudge punitive discharges, the unavailability exception will be reserved for cases of legitimate impossibility and that the appellate decisions on this provision will so insure.

In all other special courts-martial, military judges *may* be detailed, but need not be.[37] Although this is left to the unfettered discretion of convening authorities, I believe the use of military judges in all special courts-martial will greatly increase in the years ahead, particularly for the trial of cases involving factual and legal problems probably too difficult for a legally untrained special court-martial president to handle, and particularly since, under the provisions of the Act increasing the availability of lawyer defense counsel, most special courts-martial will now have lawyers representing both sides.

The stature and independence of military judges is sought to be enhanced by another provision of the Act which in effect enacts into law the general principles of the "independent field judiciary."[38] This system, which has already been adopted administratively by some of the armed services, involves the assignment of military judges in each service to a separate unit under the command of the Judge Advocate General of that service. The intent is to provide for the establishment within each service of an independent judiciary composed of experienced judge advocates certified for duty as military judges on general courts-martial, who are assigned directly to the Judge Advocate General of that service and responsible only to him for direction and fitness ratings, and who perform only judicial duties. Rules for designating and detailing military judges for duty on special courts-martial are left subject to regulations to be promulgated by the Secretaries of the services, thus permitting the establishment of special lists of junior judge advocates who can be utilized for other legal duties while serving as military judges of special courts-martial in preparation for later assignment to general courts-martial. I believe this system will greatly increase the quality and prestige of military judges and will further insure their independence from improper command influence by removing them from the normal chain of command.

C. Improvements in military court procedures

The Act reforms military trial procedures in a number of ways to streamline the heretofore cumbersome and unwieldly court-martial proceeding and bring it more nearly into line with criminal proceedings in federal district courts. A number of the changes are designed to reduce delay and unnecessary formalities. They include a requirement that a request by an enlisted defendant for non-officer members on the court must generally be made prior to the convening of the members,[39] a requirement that members be sworn in before the court convenes,[40] elimination of the troublesome and litigation-producing practice of permitting the military judge to confer in closed session with the members concerning the form of the findings,[41] authorization for the military judge or member-president of a court-martial to accept a plea of guilty and enter judgment thereon without the necessity of a vote by members,[42] changes in the method of record authentication,[43] and provision for a summarized record of some general courts-martial.[44] However, by far the most important provision, aside from the authorization of a single-officer trial without members (discussed in the next section), is the provision amending the Uniform Code to authorize the convening by the military judge of a pretrial session without the attendance of members for the purpose of disposing of interlocutory motions raising defenses and objections, ruling upon other matters that may legally be ruled upon by the military judge, holding the arraignment and receiving the pleas of the accused if permitted by regulations of the Secretary concerned, and performing other procedural functions which do not require the presence of court members.[45] The effect of the amendment, generally, is to conform military criminal procedure with the rules of criminal procedure applicable in the United States district courts and otherwise to give statutory sanction to pretrial and other hearings without the presence of the members concerning those matters which are amenable to disposition on either a tentative or final basis by the military judge.

A typical matter which could be disposed of at a pretrial session is the preliminary decision on the admissibility of a contested confession. Under present practice, an objection by the defense to the admissibility of a confession on the ground that it was not voluntary frequently results in a lengthy hearing before the military judge from which the members of the court are excluded, although they must still remain in attendance. By permitting the military judge to rule on this question before the members of the court have assembled, the members are not required to spend considerable time merely waiting for a decision of the military judge. If the military judge sustains the objection, the issue is resolved, and the fact and innuendoes surrounding the making of the confession will not reach the members by inference or otherwise. If the military judge determines to admit the confession, the issue of voluntariness will normally, under civilian and military federal practice, be relitigated before the full court.

This amendment merely provides a grant of authority to the military judge to hold sessions without the attendance of the members of the court for the purposes designated in the amendment and does not attempt to formulate rules for the conduct of these sessions or for determining whether or not particular matters not raised at such sessions shall be considered as waived. These are questions more appropriately resolved under the authority given to the President in article 36 of the Uniform Code to make rules governing the procedure before courts-martial.

D. Trial by military judge alone

Perhaps the most innovative and potentially beneficial provision of the Act is the one amending the Uniform Code to permit the convening of a general or special court-martial consisting of a military judge sitting alone much as a federal district court judge may try a case without a jury.[46] The armed services, which vigorously supported this provision, anticipate that this new procedure will result in a great reduction in both the time and manpower normally expended in trials by court-martial. For example, the vast majority of cases in which the accused wishes to plead guilty will probably be tried by these single-officer courts.

The amendment provides that a case may be referred to a single-officer court if the accused, before the court is assembled, so requests in writing, and the military judge approves. Before he makes such a request, the accused is entitled to know the identity of the military judge and to have the advice of counsel. The election is available in the case of a special court-martial, of course, only if a military judge has been detailed to the court.

This provision is modeled generally after Rule 23(a) of the Federal Rules of Criminal Procedure. It differs in a major respect, however, in that it does not require the consent of the convening authority to refer a case to a single-officer court, whereas Rule 23(a) requires that both the court and the government must consent to waiver by the defendant of trial by jury. There are significant differences between the military community and the civilian community which seemed to me to make such an exact parallel in procedures inadvisable. In federal civilian criminal trials the jury is selected from a broad base of eligible persons pursuant to a detailed federal statute designed to insure complete impartiality.[47] There are

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Footnotes at end of article.

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no such safeguards in the selection of the members of a court-martial. Furthermore, the command structure in the military presents a possibility of undue prejudicial influence over the court by commanding officers that is not present in civilian administration of justice. It would thus seem unwise to limit the election of the accused to avoid trial by a court-martial whose members he might consider to be prejudiced against him. In any case, the military judge, after having heard arguments from both trial counsel and defense counsel concerning the appropriateness of trial by a military judge alone, will be in the best position to protect the interests of both the government and the accused.

E. Protections against command influence

One of the most troublesome problems in the administration of criminal justice in the military is that of improper command influence exerted directly or indirectly, intentionally or inadvertently, by line commanders against members and legal officers assigned to courts-martial. It is perhaps also the problem less amenable to solution. The Uniform Code presently contains provisions designed to reduce such command interference by prohibiting convening authorities and other commanding officers from attempting to improperly coerce or influence the action of a court-martial or any reviewing authority, and prohibiting commanding officers from censuring or reprimanding the court or its members with respect to the action of the court.[48] These prohibitions have proved not to be sufficient, however, and the Act supplements them in several ways. It adds a provision that the performance of a serviceman as a member of a court-martial may not be evaluated in preparing an effectiveness, fitness of efficiency report on him or in determining his fitness for promotion, transfer or retention in the service, nor may a serviceman be given a less favorable rating or evaluation because of his zeal in acting as defense counsel in a court-martial.[49] In addition, the "independent field judiciary" system, discussed above, should insure the freedom of military judges from pressure by line commanders since they will be assigned to and responsible only to the Judge Advocates General of the services.

F. Limitation on trial by summary court-martial

An additional provision added to the Act by the Senate Armed Services Committee at my urging amends the Uniform Code to assure that a serviceman may not be tried over his objection by a summary court-martial, which, as noted above, consists of one commissioned officer and which affords literally no safeguards to the accused. Under the applicable provision of the Uniform Code as originally enacted,[50] a serviceman initially offered trial by summary court-martial for an alleged offense could refuse such trial and demand trial by special or general court-martial. On the other hand, if his commanding officer initially offered him nonjudicial punishment ("company punishment") for the offense and he elected to be court-martialed instead, he could not then refuse trial by summary court-martial if his commander decided to refer his case to such a court. The Act amends the Uniform Code to provide that a serviceman offered trial by summary court-martial for an alleged offense may demand trial by a special or general court-martial instead (where his rights will be better protected) without regard to whether or not he has first been offered company punishment for the alleged infraction.[51]

This provision is a compromise between those who favor retention of the summary court-martial as under present law and those, including myself, who would abolish it altogether. This compromise is no expression of confidence in the summary court, which I consider to be an inferior court in concept and procedure and in the quality of justice it dispenses. Until such time as the summary court-martial can be eliminated from the court-martial system, the amendment removes the present restriction on the right of a serviceman to refuse trial by such court.

G. Review and post-convention procedures

In addition to the above changes in trials by court-martial, the Act makes a number of changes in the post-convention remedies and protections afforded to servicemen and in the review structure. For example, it provides for the first time a form of release on bail after conviction pending appeal. For the convicted military accused, no practical provision for release during the period of appellate review now exists. The Uniform Code provides that a sentence to confinement begins to run from the date it is adjudged by the court, with the exception that periods during which it is suspended are to be excluded in computing the term of confinement.[52] The Court of Military Appeals has held that a suspension of a sentence makes the accused a probationer as to the part suspended, and that the suspension may not thereafter be vacated except after a hearing to establish that the accused has violated his probation.[53] Suspension of sentence cannot, therefore, be used effectively as a means of release pending appeal. In consequence, a convicted military prisoner must begin serving his sentence to confinement from the date it is adjudged, even though it ultimately may be reversed on appeal. If it is reversed by the Court of Military Appeals after undergoing the full range of intermediate review, the prisoner probably will have served the entire sentence by the time a decision is rendered. If reversal comes earlier, at the court of military review level, he will at least have served several months of the sentence before reversal.

The Act amends the Uniform Code to correct this situation by permitting the convening authority or certain higher commanding officers, upon the application of the accused, to defer the service of a sentence to confinement pending appeal.[54] The deferment would be terminated and the sentence would begin to run automatically when the sentence is approved upon review and ordered executed. The discretion exercised would be very broad and would be vested exclusively in the convening authority or the officer exercising general court-martial jurisdiction. Such officers would take into consideration all relevant factors in each case and would grant or deny deferment based upon the best interest of the individual and the service. The officer granting the deferment or, if the individual is no longer under his jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the individual is currently assigned, would have discretionary authority to rescind it at any time.

The Act also extends the time within which an accused may petition the Judge Advocate General for a new trial from one year to two years, and extends the right to all cases, not just those involving sentences to death, dismissal, a punitive discharge, or a year or more confinement, as under the present Code.[55]

Finally, the Act amends the provisions of the Uniform Code establishing boards of review to review court-martial cases by redesignating the boards as "Courts of Military Review" and by directing the establishment of a single Court of Military Review for each armed service to replace the several boards of review now existing in each of the services.[56] The amendment also provides that each Court of Military Review shall be composed of one or more panels and that each panel shall be composed of not less than three appellate military judges. In reviewing court-martial cases, the Courts of Military Review may sit as a whole or in panels, in accordance with uniform rules of procedure to be prescribed by the Judge Advocate General. Qualifications of the appellate military judges who may be assigned to the courts remain the same as the present qualifications for members of boards of review. Under the amendment, each Judge Advocate General will designate as chief judge one of the appellate military judges of the Court of Military Review established by him. The chief judge will determine on which of the panels of the court the appellate military judges assigned to the court will serve and which appellate military judge assigned to the court will act as the senior judge on each panel.

This amendment will, I believe, significantly enhance the prestige and independence of these appellate bodies, and will promote uniformity of decision and sound internal administration within the intermediate appellate structure of each service.

V. CONCLUSION

The Military Justice Act of 1968 represented unquestionably the most significant advance in military justice in almost two decades. When the reforms made by the Act are instituted on the effective date of the legislation later this year,[57] the brand of criminal justice administered by military courts will be equal to that of federal and state civilian courts in most respects. Of course, much will depend upon the good faith of the armed services in seeking to effectuate the reforms fully. From my discussions with representatives of the Department of Defense, particularly with General Hodson, whom I consider to be an excellent lawyer and a most enlightened administrator, I am convinced that we shall see great improvements in military justice in the years ahead in the areas affected by the Act. The Subcommittee on Constitutional Rights will be watchful to assure that this is so.

There is one major area of great concern to me, however, which the Military Justice Act does not touch at all. I refer to the procedures before "administrative discharge boards," which are established within the armed services ostensibly for administrative rather than disciplinary purposes, but which are empowered to adjudge punitive ("undesirable") discharges for acts or omissions which could—and often should, in my opinion—be the subject of courts-martial. The procedures before such boards are in perhaps greater need of reform than the court-martial structure. Because of the lateness of the Congressional session when the Senate began consideration of the House-passed military justice bill last year, I did not insist on inclusion of such reforms in the Military Justice Act of 1968. However, in light of the fact that the American Bar Association has recommended legislation to establish minimum due process standards in administrative discharge proceedings[58] and the fact that there have been assurances from the Department of Defense that some desired reforms in such proceedings may be obtained without opposition, I believe that legislation can be enacted this year in this vital area. I have reintroduced my earlier proposals on this subject,[59] and I intend to press for enactment of them or some reasonably similar reforms at the earliest possible time. Until we can assure our servicemen that they will not be discharged from the service and branded "unfit" or "unsuitable" or "undesirable" after a board proceeding in which they have no right to counsel, no right to confront their accuser and no right to review of the proceedings by someone trained in the law, we have not fully guaranteed them the basic rights that they are fighting to secure for us.

FOOTNOTES

[1] Uniform Code of Military Justice Act, 10 U.S.C. §§ 801 *et seq.* (1964) [hereinafter cited as UCMJ].

[2] Military Justice Act of 1968, Pub. L. No.

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90-632, 82 Stat. 1335 (1968) [hereinafter cited as MJA] (effective Aug. 1, 1969; see note 57 *infra*).

[3] Morgan, *The Background of the Uniform Code of Military Justice,* 6 Vand. L. Rev. 169 (1953); White, *The Uniform Code of Military Justice: The Background and the Problem,* 35 St. John's L. Rev. 197, 198–209 (1961).

[4] UCMJ art. 27.

[5] Gideon v. Wainwright, 372 U.S. 335 (1963).

[6] UCMJ art. 31.

[7] Miranda v. Arizona, 384 U.S. 437 (1966).

[8] *Hearings on the Constitutional Rights of Military Personnel Before the Subcomm. on Constitutional Rights of the Comm. on the Judiciary,* U.S. Senate, 87th Cong., 2d Sess. (1962).

[9] Senate Committee on the Judiciary, 88th Cong., 1st Sess., Report on Constitutional Rights of Military Personnel—Summary-Report of Hearings by Subcommittee on Constitutional Rights (Comm. Print 1964). The hearings and this summary report covered many areas in the administration of justice in the Armed Services other than the operation of the court-martial system, including administrative discharges, a JAG Corps for the Navy, and modernization and streamlining of the Boards for the Correction of Military Records.

[10] S. 2002 through S. 2019, 88th Cong., 1st Sess. (1963).

[11] H.R. 8565 through H.R. 8582, 88th Cong., 1st Sess. (1963).

[12] S. 745 through S. 762, 89th Cong., 1st Sess. (1965).

[13] S. 2906 and S. 2907, 89th Cong., 2d Sess. (1966).

[14] *Joint Hearings on S. 745 through S. 762, S. 2906, and S. 2907, Bills to Improve the Administration of Justice in the Armed Services, Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary and a Special Subcommittee of the Committee on Armed Services,* U.S. Senate, 89th Cong., 2d Sess. Pts. 1–3 and Addendum to Pt. 3 (1966) [hereinafter cited as *Joint Hearings*].

[15] The Report of the House Committee on Armed Services, H.R. Rep. No. 1481, 90th Cong., 2d Sess. (1968), states: "In order to be sure that the bill would be uncontroversial, letters were sent to many organizations and individuals, asking their opinions. In general, the bill was favored without comment. Where there were comments which were acceptable, the bill was altered slightly to accommodate the suggestions. There were some suggestions, however, which were outside the limited scope of the bill. These will have to be considered when the Subcommittee gives further consideration to the major problems of the Uniform Code of Military Justice when it takes the balance of the provisions of H.R. 226 under consideration." H.R. 226 was an omnibus bill introduced by Congressman Bennett which provided for reforms in the Uniform Code, somewhat similar to S. 2009.

The House Armed Services Committee approved two amendments to the bill as introduced. One of the provisions of the original bill would permit the accused to waive trial by a full court-martial and have the trial by the law officer alone. In United States v. Jackson, 290 U.S. 570 (1968) the provision of the Federal Kidnapping Act which provided for the death penalty by jury verdict was declared unconstitutional as interfering with the right to trial by jury. The Committee amended that section so that the jurisdiction of a law officer sitting alone would be limited to cases rendered noncapital before reference to trial. The second amendment removed the "in time of war" exception from the provision requiring legal counsel to represent an accused in a special court-martial where a bad conduct discharge may be adjudged.

[16] 114 Cong. Rec. 12032 (daily ed. Oct. 3, 1968).

[17] When the House considered the Senate amendments, Representative Bennett commented: Most of the Senate amendments are taken from legislation Senator Ervin, of North Carolina, and I have had pending for years. On January 10, 1967, I introduced H.R. 226, an omnibus bill of amendments to the Uniform Code of Military Justice. Five months later, Senator Ervin introduced his omnibus bill, S. 2009. These bills differed, but what Senator Ervin and I both were, and still are, striving for, were much needed reforms in the Uniform Code.

H.R. 15971 represents a culmination of Senate and House efforts to get these needed reforms enacted. The Senate studied legislation in this field for 8 years and held exhaustive hearings, and the Senate amendments, on the whole, are a product of those hearings. The House held hearings last year on the House version of this bill. The provisions of this bill as amended, are, therefore, not new to the Congress and most of them have been under consideration for years.

[18] 114 Cong. Rec. 9717 (daily ed. Oct. 10, 1968).

[19] UCMJ art. 27.

[20] *Id.* arts. 27(c) and 38(b).

[21] *Joint Hearings* at 912.

[22] *Id.* at 912, 937, 963.

[23] The Subcommittee on Constitutional Rights conducted a survey in 1966 of employers and personnel managers in the metropolitan Washington, D.C., area, and found that no distinction is made by such persons between bad conduct discharges, dishonorable discharges, and undesirable discharges. The consensus was that so many job applicants generally are available who have honorable discharges that there is no need to be concerned about the nature and circumstances of the various kinds of less than honorable discharges. Consequently, an honorable discharge is almost always required and any other discharge renders the applicant unacceptable.

[24] 372 U.S. 335 (1963).

[25] United States v. Tempia, 16 U.S.C.M.A. 629, 37 C.M.R. 249 (1967).

[26] Two feasible methods of providing lawyer counsel for ships which do not carry a lawyer have been used in recent years: establishment of "dockside courts" on larger ships with adequate court-martial personnel, and the use of "circuit-rider" lawyers assigned to larger commands who go to the smaller ships by boat or helicopter. The latter method would be useful for any kind of isolated command, as would the practice of transporting the accused, the witnesses, and other necessary personnel to commands where lawyers are present.

[27] Each year there are more than ten times as many JAG applications by graduating law students as the services can accept. Most unsuccessful applicants go into the military in nonlegal capacities. In the past, only the Navy has used non-JAG lawyers in courts-martial. This practice should be expanded in all the services.

[28] Reporters may not be provided in Army special courts-martial without approval from the Secretary of the Army. AR 27–145. Since a special court-martial cannot adjudge a bad conduct discharge unless a verbatim transcript is made, virtually all army special courts are disabled from adjudging bad conduct discharges.

[29] *Joint hearings* at 963.

[30] MJA § 2(5).

[31] *Id.* § 2(10)(B).

[32] S. Rep. No. 1601, 90th Cong., 2d Sess. 8 (1968).

[33] MJA §§ 2(1), 2(2), 3.

[34] *Id.* § 2(9).

[35] *Id.* § 2(5).

[36] S. Rep. No. 1601, 90th Cong., 2d Sess. 5–6 (1968).

[37] MJA § 2(9).

[38] *Id.*

[39] *Id.* § 2(7).

[40] *Id.* § 2(18).

[41] *Id.* § 2(9).

[42] *Id.* § 2(22).

[43] *Id.* § 2(23).

[44] *Id.*

[45] *Id.* § 2(15).

[46] *Id.* § 2(3).

[47] Act of March 27, 1968, Pub. L. No. 90-274, 82 Stat. 53.

[48] UCMJ art. 37.

[49] MJA § 2(13).

[50] UCMJ art. 20.

[51] MJA § 2(6).

[52] UCMJ art. 57(b).

[53] United States v. May, 10 U.S.C.M.A. 358, 27 C.M.R. 415 (1959).

[54] MJA § 2(24).

[55] *Id.* § 2(33).

[56] *Id.* § 2(27).

[57] MJA § 4 provides that the major amendments shall become effective "on the first day of the 10th month in which it is enacted," which will be August 1, 1969.

[58] Resolution approved by the House of Delegates of the American Bar Association, Philadelphia, Pa., Aug. 5–8, 1968. A bill embodying these recommendations has been introduced in the House of Representatives by Congressman Bennett. H.R. 943, 91st Cong., 1st Sess. (1969).

[59] S. 1266, 91st Cong., 1st Sess. (1969).

THE PESTICIDE PERIL—XVII

Mr. NELSON. Mr. President, the Washington Evening Star reported yesterday that Denmark will become the second country to ban the use of DDT in agriculture, forestry, and horticulture next fall.

Earlier this year, Sweden—the country who 21 years ago awarded the Nobel Prize to the Swiss chemist who developed DDT—was the first nation in the world to ban the use of the chemical.

Denmark's action was taken after a growing amount of evidence testified to the dangers to our total environment from continued use of persistent, toxic pesticides. The government's director of the Poison Control Agency said that farmers can easily switch to new, equally efficient, but less dangerous, insecticides to replace the estimated 50 tons of DDT poured every year on Denmark's fields and gardens.

It was also reported in this morning's Washington Post that the State Agriculture Commission in Michigan has taken the final steps in that State's ban on the use of DDT.

I ask unanimous consent that the articles from the Evening Star and the Washington Post be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Evening Star,
June 18, 1969]

Denmark To Ban Use of DDT in Fields, Forests

Copenhagen.—Denmark will follow Sweden's lead and ban the use of DDT in agriculture, forestry and horticulture next fall, the government's poison control agency announced today.

Agency director Poul Bonnevie, said farmers can easily switch to new, equally efficient, but less dangerous, insecticides to replace the estimated 50 tons of DDT poured every year on Denmark's fields and gardens.

Sweden is banning indoor use of DDT and forbidding outdoor use provisionally for a two year trial period.

The outdoor ban in Denmark is permanent

but Danes may go on using DDT as an indoor insecticide.

[From the Washington Post, June 19, 1969]

DDT Banned

The State Agriculture Commission in Michigan announced a limited ban on use of the pesticide DDT, and support for a DDT ban in California continued in the wake of charges that the chemical may threaten the balance of nature.

The Michigan Department said it was cancelling DDT registrations except for control of bats, mice and body lice by professional applicators and Government officials for public health uses.

In California, 150 scientists from six schools issued a statement urging a ban on DDT, expressing "deep concern" about the possibility it may damage human reproduction. Five other scientists defended the pesticide, but said its use should be minimized because of possible damage to fish and wildlife.

At least a dozen states have banned or are considering banning its use.

NO MORE HAMBURGER HILLS—BRING GENERAL WRIGHT HOME

Mr. YOUNG of Ohio. Mr. President, according to military intelligence at least 1,000 Vietcong have returned and taken over Ap Bia Hill sorrowfully known to American paratroopers who finally captured the hill, as Hamburger Hill. More than 60 young American GI's were killed and more than 308 wounded last month in repeated frontal assaults in the battle for that 3,000-foot hill in the A Shau Valley in South Vietnam a few miles from the border of Laos. After 10 days of terrific frontal assaults up the slopes of this hill under murderous enemy fire and then retreats downhill, this hill was finally captured. Then, a few days after capturing Hamburger Hill and destroying the Vietcong bunkers, orders were given almost immediately to abandon the hill. A U.S. command spokesman in Saigon said "there is no tactical reason for our forces to stay there."

The hill that our generals considered so important to capture by frontal assault was held but only for a few hours—long enough to evacuate our dead and wounded.

Now, it is surprising, in fact shocking, to read in a recent issue of the Washington Post that Maj. Gen. John M. Wright, Jr., commander of the U.S. 101st Airborne Division, has decided that he is prepared to storm the peak again if need be, General Wright told an interviewer:

> I am prepared to commit everything that it takes, up to the entire division, to do the job.

Mr. President, inconceivable as it may seem, if our generals in Vietnam should again be so callous over the welfare of GI's who do the fighting and dying to order an assault on Ap Bia Mountain, then let us hope that General Wright will personally lead that assault and be in the forefront of those young GI's to take part in it, and encourage them by his display of leadership and bravery. I suggest that Major General Zias who last month commanded the 101st Airborne Division in the attack on Hamburger Hill be assigned to accompany him.

Mr. President, it is almost unbelievable that our generals in Vietnam would again consider a suicide mission to capture a little hill of no strategic importance to the protection of our forces in Vietnam, and certainly not to the defense of our Nation. General Wright's astonishing statement is merely another indication of the thinking of our generals in Vietnam and of the generals of the Joint Chiefs of Staff who seem determined to continue our involvement in that immoral, undeclared war in Vietnam which has, in fact, become an American war.

Last month our colleague, Senator Edward "Ted" Kennedy, properly denounced the frontal attack on Hamburger Hill as a "senseless and irresponsible action." It would be not only senseless and irresponsible, but reprehensible and, in fact, well nigh criminal were even one American life to be lost in another battle for Ap Bia Mountain.

Mr. President, General Wright's irresponsible statements as reported in the press indicate to me, and I am sure to millions of Americans, that he does not possess the judgment and discretion that American citizens have a right to expect from those military leaders to whom the lives of their youngsters and husbands have been entrusted. It might be an excellent idea that he should without delay be removed from his command of the 101st Airborne Division and reassigned to a job where he can no longer direct irresponsible and senseless combat action which would needlessly and inexcusably result in loss of priceless lives of young Americans. Perhaps an assignment to take charge of a warehouse in some remote base in the United States would be more in keeping with General Wright's abilities, judgment, and discretion.

MEMORIALS OF OREGON LEGISLATURE

Mr. HATFIELD. Mr. President, I ask unanimous consent, on behalf of my colleague from Oregon (Mr. Packwood) and myself, that enrolled House Joint Memorials 16, 21, and 25, adopted by the House of Representatives and Senate of the 55th Legislative Assembly of Oregon, be printed in the Record.

There being no objection, the memorials were ordered to be printed in the Record, as follows:

House Joint Memorial 16

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas the people of the United States of America do not elect their own President but instead elect members of an electoral college who, according to the Constitution of the United States, have the supreme power to elect a President of their own choice; and

Whereas the electoral college stands between the people and the expression of their choice of a President; and

Whereas the will of the people may be disrupted or denied by the electoral college, which event would certainly lead to a crisis in our nation; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is memorialized to propose an amendment to the Constitution of the United States which would accomplish the following:

(a) Abolish the electoral college.

(b) Create a system for the direct election of the President of the United States by all the qualified voters of the nation.

(c) Require that the successful candidate must receive no less than 40 percent of all the votes cast for President to be elected; however, in the event no candidate received 40 percent of all the votes cast for President, then the two candidates receiving the highest number of votes cast would be candidates in a second election and the candidate receiving the highest number of votes in the second election would be adjudged successful.

(2) A copy of this memorial shall be sent to the presiding officer of the Senate and of the House of Representatives of the United States and to each member of the Oregon Congressional Delegation.

Adopted by House April 11, 1969.

Winton L. Hunt,
Chief Clerk of House.
Robert F. Smith,
Speaker of House.

Adopted by Senate May 20, 1969.

E. D. Potts,
President of Senate.

House Joint Memorial 21

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, respectfully represent as follows:

Whereas federal legislation has not yet been enacted to clarify the protection of water rights acquired under state laws and to preserve the historic authority of the states to control the acquisition and administration of water rights within their respective borders; and

Whereas federal court decisions threatening such rights and undermining such authority continue in effect; and

Whereas extensive committee hearings have been held by the Congress of the United States during the last several years with respect to water rights legislation; and

Whereas the United States Department of Agriculture, through the United States Forest Service, has by administrative order encroached upon the orderly administration of Oregon water laws by declaring a reservation in the Department of Agriculture over all water originating on or flowing across National Forest lands; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

That the Congress of the United States is urged to enact as soon as possible legislation that will:

(1) Clearly state that the Federal Government shall not be deemed to have acquired or reserved any water right as a result of the reservation or withdrawal of any public lands;

(2) Require compliance with state water laws by all federal agencies, licensees or project beneficiaries; and

(3) Adequately safeguard all water rights established under state laws against the action of federal agencies and their licensees; and be it further

Resolved, That copies of this memorial be sent to the Secretary of Agriculture, the Secretary of Interior, the Public Land Law Review Commission, and to each member of the Oregon Congressional Delegation.

Adopted by House April 30, 1969.

Winton L. Hunt,
Chief Clerk of House.
Robert F. Smith,
Speaker of House.

Adopted by Senate May 15, 1969.

E. D. Potts,
President of Senate.

HOUSE JOINT MEMORIAL 25

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, respectfully represent as follows:

Whereas federal aid to education is having an increasingly important impact on the financing of elementary and secondary education in Oregon; and

Whereas these funds are designed to stimulate various responses at the local level whether or not the particular category of aid meets the most pressing local needs; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is memorialized to provide advance funding of block grants for education under which states would follow general guidelines for use of such funds but would be able to avoid much duplication of effort and better to meet local needs.

(2) The Chief Clerk of the House of Representatives shall send a copy of this memorial to the President of the United States, and to each member of the Oregon Congressional Delegation.

Adopted by House May 13, 1969.

WINTON L. HUNT,
Chief Clerk of House.
ROBERT F. SMITH,
Speaker of House.

Adopted by Senate May 21, 1969.

E. D. POTTS,
President of Senate.

TERMS OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, so much has been said in reference to the Genocide Convention that I thought it would be helpful to explain, point by point, the terms of this convention.

The Genocide Convention contains 19 articles. Of these, the first nine are of a substantive character, and the remaining 10 are procedural in nature.

Article I carries into the convention the concept that genocide is a crime under international law. In this article the parties undertake to prevent and to punish the crime.

Article II specifies that any of the following five acts, if accompanied by the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, constitutes the crime of genocide:

First, killing members of the group.

Second, causing serious bodily or mental harm to members of the group.

Third, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

Fourth, imposing measures intended to prevent births within the group.

Fifth, forcibly transferring children of the group to another group.

This article, then, requires that there should be a specific intent to destroy a racial, religious, national, or ethnical group as such in whole or in part.

Article III of the convention specifies that five acts involving genocide shall be punishable. These five genocidal acts are—

The crime of genocide itself; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; and complicity in genocide. The parties agree in article IV to punish guilty persons, irrespective of their status.

In article V the parties undertake to enact, "in accordance with their respective constitutions," the legislation necessary to implement the provisions of the convention, the convention does not purport to require any party to enact such legislation otherwise than in accordance with the country's constitutional provisions.

Article VI makes it clear that any person charged with the commission of any of the five genocidal acts enumerated in article III shall be tried by a court of the state in whose territory the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those states accepting such jurisdiction. Thus, genocidal acts committed on American territory would be tried only in American courts. No international tribunal is authorized to try anyone for the crime of genocide.

By article VII the parties agree to extradite, in accordance with their laws and treaties, persons accused of committing genocidal acts.

Article VIII recognizes the right of any party to call upon the organs of the United Nations for such action as may be appropriate under the charter for the prevention and suppression of genocidal acts.

Lastly, article IX provides that disputes between the parties relating to the interpretation, application, or fulfillment of the convention shall be submitted to the International Court of Justice, when any party to a dispute so requests. As I mentioned earlier, the remaining articles are procedural in nature.

Mr. President, I point out the specific language of the articles to familiarize Senators with the provisions of this convention. It is my hope that by clarifying the technicalities involved, Senators will better understand that this convention calls for nothing more than an international indictment against the practice of genocide. It defines the crime of genocide, and it obligates states to take measures to prevent and punish genocide within their respective territories. With this better understanding it is my hope that the U.S. Senate will ratify the Genocide Convention in the near future.

LOW-COST HOUSING FOR THE POOR

Mr. HART. Mr. President, I invite attention to a unique labor contract aimed at providing low-cost housing for the poor which has been signed by the Detroit Building Trades Council and LeBon Home Corp.

We hear a great deal of talk nowdays about the need for low-cost housing. The National Commission on Urban Problems recently has called attention to this need, and the President's Committee on Urban Housing, in its report which was filed with the President of the United States in December 1968 went into great detail about the urgency of providing low-cost housing to the poor.

The project to which I call attention may be an indicator that we have started to do something about this need. The Metropolitan Detroit Citizens Development Authority—MDCDA—sponsor of the enterprise, and Mr. LeBon Walker, president of LeBon Home Corp., are to be highly praised for the work which has gone into this project.

Under the agreement which has been signed: First, wage levels are fixed somewhat lower than union scales; second, all employees of the builder will belong to the union, rather than separate unions by trades; third, employees of the builder will continue working in the plant and at the construction sites, even if there is a strike by any of the affiliates of the building trades councils; and fourth, the builders' employees, both black and white, will be blanketed into the new union.

I understand that this is the first contract of this kind in the Nation.

It is of interest that the project also is committed to involving black businessmen in the community into the housing construction industry. I understand that Mr. LeBon Walker, a graduate of Michigan State University, has had experience in accounting, housing, rehabilitation, mortgaging and construction. Yet, he is just 28 years of age. A prototype house has been constructed on Detroit's East side by LeBon Home Corp. A three-bedroom brick ranch model home which will sell for $11,700, including the lot, is the first of 250 homes which this company will build as a part of this project.

Mr. President, there is no doubt in my mind that we must find a way to harness the productive power of America to meet the most pressing unfulfilled need of our time. That need, as President Johnson said in 1967, is:

> To provide the basic necessities of a decent home and healthy surroundings for every American family now imprisoned in the squalor of the slums.

The Nation has proved that it can master space and can provide unparalleled abundance in the marketplace. We must now prove our national ability to provide this vitally needed low-cost housing.

Mr. President, I ask unanimous consent to have printed in the RECORD a description of the LeBon-MDCDA project, written by Dick Wright, and published in the Detroit Free Press of June 7, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FACTORY-BUILT MODULES USED—LEBON, MDCDA UNVEIL $11,700 BRICK RANCH MODEL

(By Dick Wright)

The problem of providing decent housing at a reasonable cost in the quantities necessary to meet the growing demand is a vast and complex one and many approaches to the problem are being explored.

One approach, which UAW President Walter Reuther termed a "most significant development," was unveiled this week in Detroit by DeBon Home Corp. and the Metropolitan Detroit Citizens Development Authority.

LeBon Home Corp. opened a three-bedroom ranch model home which carries a base price of $11,700 including the lot.

LeBon B. Walker, president of LeBon Home, said the model at 500 Clairpointe on

Detroit's lower east side is the first of 250 homes his company will build under a contract with the MDCDA.

Walker said that price includes a lot on Detroit property owned by the MDCDA and that monthly payments will range from $70 to $120—including mortgage, interest, taxes and insurance—depending on the income and family size of the purchaser.

"By utilizing the most advanced home-building technology and the modular method of home construction, we have produced a high-quality home at almost half the price comparable homes have been sold for," Walker said.

The furnished model, called the Clairpointe, will be opened to the public at noon Sunday. It will be open from noon to 8 p.m. on Sundays and 2 p.m. to 8 p.m. weekdays, except Thursdays.

The Clairpointe is made of two 12-by-50-foot modules which are built and finished in a factory.

Walker explained that the modular construction method is a systems approach in which a housing section is built complete with electrical wiring, heating, plumbing, appliances and, sometimes, even furniture.

The modules are completely manufactured and inspected at the factory and shipped to the home site by truck.

LeBon Home is now readying a plant for production of the modules at 19460 Mt. Elliot in Detroit.

Walker said that when production is under way, his plant will be able to turn out about four homes a day.

After the modules are shipped to the site, the sections are fitted together on the lot, electricity is tied to the power source and the plumbing is connected.

A prototype of the Clairpointe was erected on Bewick on the east side earlier this year.

"When we opened our prototype, few people in the industry expected that we could meet Detroit's stringent building codes," Walker said. "But we took that house apart and proved every piece of it."

The Clairpointe is a 1,200-square-foot brick ranch with three bedrooms, a large living room and dining area, and a kitchen equipped with oven-range, refrigerator and disposal.

Options include carpeting, color-coordinated furnishings, dishwasher, clothes washer and dryer, drapery and a variety of lighting combinations.

Walls are prefinished paneling and floors are vinyl. Walker said brand-name materials were used throughout the house.

"We achieve our savings in the construction technique, not in the quality of materials," Walker said.

The model home is very attractively furnished, but not lavishly. Ed Robinson, MDCDA executive director, said that furnishings cost about $4,500.

Robinson emphasized that these homes are not immediately available. LeBon Home has acquired a plant, but is still in the process of gearing it up for production.

Walker said the Clairpointe is just one of several floorplans and designs LeBon will offer. The company plans to cover the whole housing field, from townhouses to luxury homes.

Each LeBon design utilizes variations on four basic modules. In one design, for example, two modules are stacked to create a split-level home with three bedrooms and a bath upstairs.

Interiors feature beam ceilings, a variety of wall panelings and built-in appliances.

Walker predicted that modular home construction will revolutionize the housing industry. He said the demand of growing population and the need to rehabilitate crumbling urban neighborhoods require that American builders produce the equivalent of the entire 1960 housing supply in the next 20 years.

"The future for modular housing construction depends on our ability to build superior quality into a home, to utilize a greatly simplified assembly line building process which is much faster and more efficient than any other construction method and to project our costs exactly," he said.

"Since we know in advance precisely what our unit will cost per square foot, we can give our customers the full advantages of advanced cost planning."

Reuther, who is president of the MDCDA, said at the opening of the Clairpointe that it represents a "effort to demonstrate that it is possible to produce housing at a cost people can afford."

Reuther said the cost of conventional construction for the MDCDA in Elmwood Park 2 is about $18 a square foot. The LeBon model, he said, costs about $9 a square foot, or $10 a square foot including the land.

On the subject of land, Reuther proposed that a "land bank" of lots in the inner city and in suburban areas be built up for low-cost housing sites.

Otherwise, he said, the low-cost housing program faces the prospect of going through the "land speculators' meat grinder" and of having economies destroyed by higher land costs.

He said the LeBon development is a "significant beginning for expansion of factory-built housing."

CALIFORNIA CONDOR AND IVORY-BILLED WOODPECKER FACE EXTINCTION

Mr. YARBOROUGH. Mr. President, I invite the attention of the Senate to an article published in Life magazine of June 13, 1969, on the California condor and the struggle this magnificent bird is having for existence. Mr. James Fowler speaks from experience of their beauty and savagery. He, among others, is concerned that this species of wildlife may become extinct unless a special sanctuary is established for them.

In Texas, we are likewise concerned about many species of wildlife which are threatened with extinction because of man's technological progress. One such species is the ivory-billed woodpecker. For many years, most ornithologists considered the bird extinct until it was sighted in August 1967, in the Big Thicket area of Texas. If we fail to act soon to save the Big Thicket, the ivory-billed woodpecker will be seen by generations to come only as a stuffed exhibit in the Smithsonian Institution. S. 4, the bill to create the Big Thicket National Park in east Texas includes the major existing portion of the exhausted habitat of the ivory-billed woodpecker. Because of the analogy between the condor and the ivory-billed woodpecker, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIERCE MAJESTY OF THE CONDOR

BIRD TRAP WITH A DEAD DOLPHIN AND A NET SHOT FROM CANNONS

(NOTE.—Before Fowler and his expedition could mount a transmitter on the giant condor, they first had to catch one. At the base of a towering cliff they built themselves a blind, set out a dead dolphin as bait and settled down to wait.)

(By James M. Fowler)

At last a female condor began to show great interest in the bait. She landed on a promontory of rock almost directly above us, and pitched off down toward the beach, out of view. Out of the corner of my eye I saw her appear in front of one of the viewing holes we had left in the blind. I froze. She ambled over to the net, hesitated and backed off, suspicious. The net consisted of three small but very powerful mortarlike cannons set in the ground at a low angle. At the touch of a switch they would fire a huge 40 x 60-foot net over the entire bait area.

On the cliffs, other condors stared impassively at the proceedings. Finally the condor on the beach decided that it was safe and half ran to the carcass, wings held partly out. Another condor had landed and was now approaching the bait from the other side. They began to feed freely, pulling at the carcass of the 200-pound dolphin so determinedly that it flipped over after every bite. Suddenly some oyster catchers let loose with a long series of shrill calls, and I was afraid a fisherman must be coming. But the condors stayed. Five had approached the bait, and I decided to fire the net next time they were in good position. This would be four or five feet in front of the net. If they were farther away, they might be able to escape from under the net's edge before it settled. If they were closer, the tremendous impact of the cannon-powered net might slice their heads off. It would be best to wait until they were eating with their heads down.

Three of the birds were sitting on their haunches almost flat on the ground, apparently to get better traction for ripping and gulping at the meat. Grease from the dolphin made their heads glisten in the sun. One of the males had his head and neck at least two feet deep inside the carcass. All was perfect.

I touched off the cannons, and there was a dull boom. Net, sand, dust and feathers filled the air. When everything had settled, there were five condors under the net.

I burst from the blind so fast that I almost took part of it with me. I knew the panicked condors could go into a dangerous state of shock if we didn't get their heads covered. Once their eyes were covered, the condors would calm down almost immediately, but we had to act quickly.

Two of the females were so frightened that they lay under the net, not even trying to escape. They had already gone into minor shock. The others were still struggling. They had regurgitated their meal all over themselves—one of the most smelly and effective defenses one can imagine. There was only one way to get them out. Go under the net, grab them by the neck, and hold on.

It worked pretty well with the two females. As each bird was secured, it was placed under the shade of a tarpaulin to protect it from the hot sun. Finally, I went in after the largest and most dangerous male. His neck was like a snake, and although I caught hold of it, he twisted his neck inside the skin and lashed at my arm with lightning speed. He broke away and backed up against the net, hissing and daring me to try again.

Suddenly I faked a grab and managed to slip a sack onto his head long enough to get both hands around his neck. I got him out from under the net, but before I could tuck his giant wings under my arm, he used them as a lever and flipped me onto my back. I had visions of becoming condor dinner. But after one more stab of his beak, which missed my face by inches, I forced him into a sack. Then we began to itch. Our encounter with the condors had left us covered with an interesting collection of lice and mites. Some of them were large enough to draw blood, and already they were seeking shelter in our hair. We would have to take care of them later. Now the condors had to be taken to camp and placed in a darkened tent to calm them before we strapped on the transmitters that would chart their travels.

TO THE INCAS, A GOD

To the Incas, the condor was a god. Each morning he lifted the sun into the sky, and

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returned it each evening to a bottomless lagoon. When he became old and his plumage faded, he plunged into a sacred lake in the Andes and emerged vigorous and young again. Today, in these same mountains, the condor is facing extinction. The encroachment of man has deplenished the food supply of these giant vultures. Even along the seacoast of Peru and Chile, where sea lion carrion provides abundant food, they are in danger. Hunters pick them off as they drift idly on upcurrents of air. Government inspectors shoot them to protect the guana birds on the offshore islands. And as fishing ports and sea resorts multiply, feeding grounds are becoming more and more restricted. Last year, in an attempt to forestall their destruction, George Wallace, of the Explorers Club in New York, funded the first field study of the condor ever undertaken. The expedition, headed by Zoologist James Fowler, set up camp on a desolate stretch of the coast of Peru. By means of electronic tracking equipment such as a tiny transmitter which could be strapped to the back of a condor, Fowler discovered that many of the birds that feed along the coast actually nest in mountains as far as 100 miles away. The key to the preservation of the species, he believes, is the creation of a condor sanctuary along this threatened shore.

A RETURN TO RESPONSIBILITY

Mr. MURPHY. Mr. President, a distinguished constituent of mine, Frank G. Goble, has conducted a 6-year analysis of American society and its human problems. His conclusion, based on diligent research into human behavior is that our great Nation is in profound need of a return to responsibility—through a utilization of the American ethic as the result of strenuous application of our unique system of professional management.

Mr. Goble is founder and president of the Thomas Jefferson Research Center of Pasadena, Calif., and has a strong background in engineering, science, research, and management. His systems-management oriented study of the social problems we are so concerned about is an excellent piece of work, and I commend it to the Senate. Mr. Goble calls for a man-on-earth project to equal our man-in-space effort, I ask unanimous consent that his summary conclusions be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Return to Responsibility

This report is a summary of a six year analysis of American society and its human problems. It may be the first major attempt to apply powerful new problem solving methods of professional management to the solution of social problems. The most important of these new methods is the systems approach so successful in solving complex aerospace problems.

Our society's unparalleled technical success is demonstrated by our buildings, highways, schools, farm productivity and the deluge of new products enriching the lives of average Americans. Our annual production on a per capita basis far exceeds that of all other nations.

And yet, at the peak of our technical and material success, we face a moral crisis of a magnitude never before experienced. Not only has society failed to solve problems of crime, delinquency, mental illness, drug addiction, alcoholism, and war, but we have in most cases allowed these conditions to worsen. The estimated cost of social problems is now a staggering $181 billion annually.

The analysis disclosed that our technical success is not primarily the result of superior resources climate, low population density, or genetic superiority. The secret of technical success was found to lie primarily in the way we organize, train and motivate people. More specifically, our technical success is based on such essential elements as trained leadership, specific objectives, organizations, allocation of resources (emphasis), research and development, effective communications, and a sound theoretical understanding of the physical sciences. The elements essential to technical success scarcely exist in our effort to solve social problems.

Organizations seeking to solve human problems are tiny compared to our giant industrial corporations, or NASA which took us to the moon, or even the many organizations seeking to solve physical health problems. The emphasis in our educational system has shifted until today the average adult, even one with advanced academic degrees, has had little or no opportunity to study human behavior. Character education, once an important aspect of formal education, has also been significantly deemphasized.

Research and testing, such a vital part of our technical success, is absurdly inadequate in the social and psychological disciplines. Furthermore, most behavioral research is conducted by specialists rather than systems teams and testing under "real life" conditions is not common. This overspecialization is a serious handicap to the effective solution of human problems. There are frequent studies about social problems, but not many to solve social problems. In other words problem oriented research, taken for granted in industry, is not the normal procedure in university-supervised behavioral research.

Communications among disciplines and even among men in the same discipline is inadequate in social and behavioral research. There is a serious gap between discovery of new ideas regarding human behavior and their widespread application.

The close coordination among inventors, producers and merchandisers, so common in private industry, is generally lacking in the social sciences. Leadership of organizations seeking to solve social problems has been slow to recognize and apply the rapidly developing skills and techniques of the world's newest profession—Management.

A major research conclusion is that human problems are increasing because there is no widely accepted productive theory of human behavior. Instead of one theory, we have a number of conflicting and contradictory theories. Five of the major theories influencing present day society were analyzed and compared. These five are:

Organized Christianity, the American Ethic, Marxism, Freudianism and Behaviorism. It was discovered that this nation was not founded on the Christian, Protestant or Judeo-Christian Ethic but on a unique moral philosophy which we have termed the American Ethic. This ethic is compatible with Christianity, in fact compatible with all major religions, but it differs from the various religions in certain important aspects.

Scattered across the nation are pioneering innovators solving such problems as delinquency, alcoholism, mental illness, dope addiction, and even habitual criminality. These uncoordinated and unpublicized new methods to solve serious social problems represent a major breakthrough in the understanding of human behavior.

The one individual who has probably done the most to spark this breakthrough and incorporate its elements into a comprehensive theory of human behavior is Dr. Abraham Maslow. The breakthrough might also be described as a rediscovery of the American Ethic, but with important improvements which enable the ethic to be applied to important areas of social concern. The new understanding of man, sometimes described as Third Force psychology to distinguish it from the quite different theories of Freud and the Behaviorists, has demonstrated an ability to solve serious psychological and social problems.

Based upon the behavior breakthrough and the powerful methods of professional management, we now propose a national mobilization of resources to research, develop, package and merchandise specific practical solutions to human problems: a man-on-earth project to equal our man-in-space effort. We propose a return to Responsibility.

NATIONAL INSTITUTE OF BUILDING SCIENCES

Mr. JAVITS. Mr. President, on Thursday, June 12, 1969, I introduced with Senators Brooke, Goodell, Mondale, Nelson, Packwood, Scott, Tower, and Tydings, S. 2368, a bill to establish a National Institute of Building Sciences. Because of the many inquiries I received from those interested in this proposal, I ask unanimous consent that my introductory remarks of that day, along with the text of the bill, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Congressional Record, June 12, 1969]

Opening Remarks of Senator Javits

Mr. Javits. Mr. President, I introduce today, for appropriate reference, a bill to establish a National Institute of Building Sciences. I am joined in sponsoring this bill by Senators Brooke, Goodell, Mondale, Nelson, Packwood, Scott, Tower, and Tydings.

The establishment of such an institute will carry out recommendations contained in the reports of both the Douglas and Kaiser Commissions—national commissions which intensively studied the problems of urban housing.

The absence of an authoritative national source to advise the housing industry and local authorities as to the latest technological developments in building materials and construction techniques and to propose nationally acceptable standards for local building codes has proven to be a great obstacle to efforts to meet the national housing goals set forth in the Housing and Urban Development Act of 1968. Moreover, the lack of a system of uniform building code standards increases the cost of construction and inhibits innovation in building techniques. The resulting fragmentation in the housing industry is clearly not in the public interest.

This bill will establish a nongovernmental nonprofit corporation with a 15-man board of directors selected by the President from lists submitted by the National Academy of Sciences and the National Academy of Engineering. The directors will be selected so as to represent a wide variety of interests throughout the building industry and the National Academies will advise and assist establishing the Institute.

Among the powers and duties of the proposed National Institute of Building Sciences would be to develop and publish standards affecting all building materials; to develop and publish standards for use in local building codes; to promote and coordinate tests and studies of new building products and construction techniques; to provide research and technical services with respect to such materials and techniques; and, to assemble and coordinate to the extent practicable all present activities in this area.

The bill I introduce would authorize a $5 million Federal appropriation for each of the first 5 years of operation of the Institute. After that, it is hoped that the Institute will be largely self-supporting through fees and grants, although sufficient Federal funds are authorized to permit its operations to continue.

The need for such an authoritative national source of applied research in housing has been recognized by such groups as the American Institute of Architects and the Council of Housing Producers. It is recognized that the fragmentation in the housing industry—including the fragmentation caused by the multitude of differing local building codes and the differences in their application—must not be allowed to obstruct the development of new technologies and a mass market for the construction of low-cost housing and must not be allowed to defeat the national housing goals. Moreover, I believe that the establishment of this Institute can be of assistance to the current commitment of the Department of Housing and Urban Development to promote the development and institution of new low-cost housing technologies.

S. 2368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND DECLARATION OF POLICY

SECTION 1. The Congress finds that the lack of an authoritative national source to advise industry and public agencies with respect to the latest technological information about building materials and construction techniques and to propose nationally acceptable standards for local building codes is an obstacle to efforts by the building and construction industry to meet the national housing goals set forth in the Housing and Urban Development Act of 1968. The Congress further finds that the lack of uniform building code standards increases the costs of constructing housing and thereby reduces the amount of housing which can be provided; that innovations in building technology could check these increasing costs, reduce construction time, and improve the quality of housing constructed; and that the existence of a single authoritative institution to test and evaluate new building materials and construction techniques in accordance with nationally accepted standards could facilitate such innovations. The Congress declares that it is in the interest of meeting national housing goals that an authoritative non-governmental institution be created to establish technical standards and to advise all sectors of industry and government on matters relating to building technology, including the development and acceptance of innovations in building materials and construction techniques, and that such an institution should be established with the advice and assistance of the National Academy of Sciences and the National Academy of Engineering and with the greatest practicable participation of representatives of various sectors of the building industry, including labor and management, and technical experts in the building sciences.

ESTABLISHMENT OF INSTITUTE

SEC. 2. (a) There is authorized to be established a nonprofit corporation, to be known as the National Institute of Building Sciences (hereinafter referred to as the "Institute"), which shall not be an agency or establishment of the United States Government. The Institute shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Nonprofit Corporation Act.

(b) The National Academy of Sciences and the National Academy of Engineering (hereinafter referred to as the "Academies") are requested to (1) advise and assist in the establishment of the Institute; (2) recommend an organizational framework to encourage the maximum participation feasible of technical organizations and institutions now engaged in the development of standards for building materials and construction techniques, the promulgation and updating of building code requirements, and the advancement of building technology; and (3) recommend appropriate organizational rules and procedures, including the selection and operation of the technical staff. Such rules and procedures shall be based upon the primary object of promoting the public interest and shall insure that the widest possible variety of interests and experience shall be represented in the Institute's operations.

(c) The Institute shall have a Board of Directors (hereinafter referred to as the "Board") consisting of fifteen members appointed by the President, by and with the advice and consent of the Senate. In selecting persons to serve on the Board the President shall appoint members from lists of highly qualified persons prepared and submitted to the President by the Academies. Insofar as is practicable, the Board shall be representative of the various regions of the country, of the various sections of the building industry, of all levels of government, and of the various types of experience or training which is appropriate to the functions and responsibilities of the Institute.

(d) The members of the initial Board shall serve as incorporators and shall take whatever actions are necessary to establish the Institute under the District of Columbia Nonprofit Corporation Act.

(e) The term of office of each member of the Board shall be six years; except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, five at the end of two years, five at the end of four years, and five at the end of six years. No member shall be eligible to serve in excess of two consecutive terms of six years each. Notwithstanding the preceding provisions of this paragraph, a member whose term has expired may serve until his successor has qualified.

(f) Any vacancy in the Board shall not affect its power, but shall be filled in the manner in which the original appointments were made.

(g) The President shall designate one of the members first appointed to the Board as Chairman; thereafter the members of the Board shall annually elect one of their number as Chairman. The members of the Board shall also elect one or more of them as a Vice Chairman or Vice Chairmen.

(b) The members of the Board shall not, by reason of such membership, be deemed to be employees of the United States. They shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to this Act be entitled to receive compensation at the rate of $100 per day including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, equal to that authorized by law (section 5703 of title 5 of the United States Code) for persons in the Government service employed intermittently.

(i) The Institute shall have a President and such other officers and employees as may be appointed by the Board at rates of compensation fixed by the Board. No such officer or employee may receive any salary or other compensation from any source other than the Institute during the period of his employment by the Institute.

NONPROFIT AND NONPOLITICAL NATURE OF THE INSTITUTE

SEC. 3. (a) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

(b) No part of the income or assets of the Institute shall inure to the benefit of any Director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(c) The Institute shall not contribute to or otherwise support any political party or candidate for elective public office.

POWERS AND DUTIES

SEC. 4. (a) The Institute is authorized to—

(1) develop, revise, and publish standards affecting all building materials;

(2) develop, revise, and publish standards for use in local building codes;

(3) promote and coordinate tests and studies, and on the basis thereof publish its evaluation, of new building products, equipment, and construciton techniques and systems;

(4) promote and coordinate research with respect to building and construction technology;

(5) assemble, classify, and disseminate technical data relating to building and construction technology;

(6) enter into contracts with public or private entities to provide research and technical services with respect to specific building or construction materials, equipment, techniques, or related matters, and make reasonable charges therefor; and

(7) assemble and coordinate to the extent practicable, within a single voluntary institution, the activities of the various public and private agencies, institutions, and technical societies currently engaged in activities which the Institute is authorized to undertake under this section.

(b) In carrying out the duties under this section, the Institute shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, and may—

(1) obtain grants and receive donations from public or private sources to be used in the exercise of its functions;

(2) utilize, on a reimbursable basis, the services and facilities of any department or agency of the Government with the consent of the head thereof; and

(3) obtain by contract with public or private agencies or institutions, research, studies, or other assistance in furtherance of its functions.

REPORT TO CONGRESS

SEC. 5. The Institute shall submit an annual report for the preceding fiscal year ending June 30 to the President for transmittal to the Congress on or before the 31st day of December of each year. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this Act and may include such recommendations as the Institute deems appropriate.

APPROPRIATIONS

SEC. 6. (a) There is authorized to be appropriated for expenses of the Institute the sum of $5,000,000 for each fiscal year commencing after June 30, 1969, and ending prior to July 1, 1975; any amounts so appropriated to remain available until expended.

(b) For any fiscal year commencing after June 30, 1975, there are authorized to be appropriated to the Institute such sums, to supplement funds which are otherwise available to the Institute from fees, charges, grants, or otherwise, as may be necessary and appropriate to enable the Institute to carry out its functions under this Act.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 7. (a) (1) The accounts of the Institute shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits

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shall be conducted at the place or places where the accounts of the Institute are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Institute and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents and custodians shall be afforded to such person or persons.

(2) The report of each such independent audit shall be included in the annual report required by section 5. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Institute's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Institute's income and expenses during the year, and a statement of the sources and application of funds, together with the independent auditor's opinion of those statements.

(b) (1) The financial transactions of the Institute for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Institute are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Institute pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers and property of the Institute shall remain in possession and custody of the Institute.

(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Institute, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President and to the Institute at the time submitted to the Congress.

REPEAL, ALTERATION, OR AMENDMENT

SEC. 8. The right to repeal, alter, or amend this Act at any time is expressly reserved.

THE 100TH ANNIVERSARY OF DEATH OF AGOSTON HARASZTHY

Mr. MURPHY. Mr. President, on Sunday, May 11, at the Department of Agriculture in Washington, D.C., the American Hungarian Federation sponsored a commemorative session at the opening of the Agoston Haraszthy Centennial Exhibition. This exhibition commemorates the 100th anniversary of the death of Agoston Haraszthy—1812–69—who obtained from Europe and brought to California the cuttings for the high quality grapes which gave birth to the California wine industry.

Mr. President, it is a pleasure for me to join in paying tribute to this Hungarian-born pioneer whose initiative has meant so much to my State of California and to people everywhere who enjoy good wine.

I believe that the proceedings at the Agoston Haraszthy commemorative session would be of interest to our citizens. I ask unanimous consent that the following be included in the Record at this point in my remarks:

The invocation delivered by Rev. Dr. Edward L. R. Elson, Chaplain of the U.S. Senate.

The opening address by Mr. Jan Haraszthy, of Altadena, Calif.

A message from Gov. Ronald Reagan, of California.

A statement by Representative Don H. Clausen.

The remarks of the Right Reverend Zoltan Beky, D.D., bishop emeritus, chairman of the board of directors, American Hungarian Federation.

The remarks by Maynard A. Amerine, professor of enology, University of California at Davis, Calif., on the "Importance of Agoston Haraszthy's Activities for the Development of Viticulture in California."

There being no objection, the items were ordered to be printed in the Record, as follows:

Invocation Delivered by the Reverend Dr. Edward L. R. Elson, Chaplain of the U.S. Senate

Almighty God, who has given us this good land for our heritage, we give Thee thanks for the hero's valor, patriotic devotion and for the toil of hand and brain by which we have become great and strong. We thank Thee for the multitudes from the nations of the earth who have found here a haven of peace and brotherhood and life's fulfillment. We thank Thee for Thy servant whose memory we honor this day and for his vast contribution to this his adopted nation. As we treasure his memory, renew in us our dedication to the ideals and principles upon which the nation was founded, and by obedience to Thy laws equip us in our day to be the servants of all mankind. Let goodness and mercy abide in us that we may abide with Thee eternally.

Through Jesus Christ our Lord. Amen.

Opening Address by Mr. Jan Haraszthy, of Altadena, Calif.

I am deeply appreciative of the honor of being here today, not only because of my relationship to Agoston Haraszthy but also because of my close association with the results of his work.

Today, we of Buena Vista Winery very much feel his presence, from the gathering of the grapes from the vineyards he planted in Sonoma's Valley of the Moon so long ago, to processing them in the same two great stone buildings he built in 1857.

And he has left us a challenge—a challenge our California wine country tries to meet—to produce as fine a wine as this land of ours is capable.

But I also think he has left us a broader legacy—one of courage and enterprise and patience in seeking a goal, perhaps of adventure and the willingness to take a risk, but above all—of vision. And perhaps it is these qualities which are our true heritage from Americans of all nationalities, these qualities refined to meet the infinitely more complex and larger problems of today.

Message From Gov. Ronald Reagan, of California

Colonel Agoston Haraszthy can well be called the Father of the Wine Industry in California. Although the Mission Fathers brought to California the culture of vines and wine making for their mission uses it was not until Colonel Haraszthy was commissioned by Governor John Downey in 1861 to procure from Europe cuttings for really fine varieties of grapes for California, that the industry of wine making began to achieve success and to produce really fine wines.

Ever since that time, from the 300 varieties of grapes he brought to California and planted, the wine industry of our Golden State has been improving until in the past few decades California wines have become renowned around the world as second to none. Eighty-five percent of the wine produced and consumed in America comes from California, with California vineyards producing 160 million gallons of wine a year.

California's soil and climate are ideal for this industry, but we certainly acknowledge our debt to Colonel Haraszthy for launching the industry into worldwide fame.

Statement by Congressman Don H. Clausen on the Opening of the Agoston Haraszthy Centennial Exhibition, May 11, 1969, Washington, D.C.

I deeply regret that, due to a previous commitment, I cannot be with you in person today to honor Colonel Agoston Haraszthy; the "Father of Modern California Viticulture."

I am sure that when Colonel Haraszthy was commissioned by California Governor John Downey in 1861 to bring to California cuttings from Europe's best vineyards, he had no idea that he would become known as the "Father" of California's wine industry: an industry that 100 years later would produce over 80% of the wine consumed in America.

His move to Sonoma in 1857, has had a tremendous effect not only on that immediate vicinity, but on all of California's wine producing area. From the small start of a 16-acre vineyard grew a quality wine industry that is second to none in the world. From this small vineyard in the Sonoma Valley has grown a viable industry that now produces over 160 million gallons of wine annually.

Colonel Haraszthy's travels to Europe are now legend. From Liverpool to Marseille and Frankfort to Malaga, the Colonel and his son traveled, gathering many varieties of vines that they felt would grow in the rich soils of California. On his return, although unable to get the necessary funding needed to distribute the vines as he wished to, this determined Hungarian-American took it upon himself to spread the vines that he had acquired throughout California.

Now today he is being honored at the opening of this exhibit which will bear his name. I only wish that I could be there personally to honor this great man who has done so much for California's economic growth and development.

My congratulations to the American Hungarian Federation for making all this possible as a constant reminder of Colonel Haraszthy's contribution to the people of California, and particularly to those in my First Congressional District whom I am proud and privileged to represent here in the Congress.

Remarks of the Right Reverend Zoltan Beky, D.D., Bishop Emeritus, Chairman of the Board of Directors, American Hungarian Federation, at the Opening of the Agoston Haraszthy Centennial Exhibit at the Department of Agriculture

As Chairman of the Board of the American Hungarian Federation, I feel greatly privileged to open the Agoston Haraszthy Centennial Exhibition.

The material and the selections of this Exhibition were selected, prepared and col-

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lated by the untiring efforts and work of our able Vice President, who is also chairman of the Cultural Committee, Dr. Elemer Bako. This Exhibition, as you will see, consists of important historical documents, photographed replicas of original materials, like the annual reports of the Agricultural Division of the United States Patent Office (the predecessor to the present Department of Agriculture), books, scientific and popular articles and essays related to the creative activities of Agoston Haraszthy, both at Buena Vista, his original estate in Sonoma County, and other parts of the State of California as well.

Needless to say how happy we are, to have with us at this great occasion, Mr. Jan Haraszthy from Altadena, California, a direct descendant of the "Father of Modern Californian Viticulture." We regard it as a special honor that he is able to participate right after me in the opening ceremony of this excellent exhibition.

Also it is my pleasant duty to express my gratitude in the name of the American Hungarian Federation to the chairman of the board of United Press International, Mr. Frank Bartholomew, for his wisdom and dedication, his purposeful leadership and foresight in restoring the original Haraszthy estate to its earlier levels of productivity and thereby restoring also the fame of the great Agoston Haraszthy in our times.

We are also indebted to the Department of Agriculture for having provided us with these most proper facilities and location, as well as with their guidance and advice in connection with the preparatory work of today's program.

Finally, we wish to thank to Dr. Z. Michael Szaz who helped with the work of the Committee in bringing this event to the attention of official California and government circles and Mr. Laszlo B. de Simon, our decorator-artist whose selfless work and excellent artisanship greatly enhanced the materials collected by Dr. Bako. Special thanks are herewith extended to Mrs. Gabriella P. Koszorus for having lent her marvelous painting for this occasion.

Ladies and Gentleman! Herewith I declare the Agoston Haraszthy Centennial Exhibition open.

The Importance of Agoston Haraszthy's Activities for the Development of Viticulture in California

(By Maynard A. Amerine, professor of Enology, University of California at Davis)

The late 18th and 19th centuries were a period of intense interest throughout Europe in the biological sciences and particularly in the development of the grape and wine industry. Private citizens took a passionate interest in grape varieties and in methods of improving the processing of their wines. Experiment stations were established by local and national agencies and in many localities in France, Italy, Austria, Hungary and elsewhere. Their efforts were greatly stimulated by the development of botany as a full scaled branch of science. This then is the Hungarian background from which Agoston Haraszthy came.

Hungary was a land with a long viticultural history. Vines were planted there as early as the eighth to sixth century B.C. according to Nemeth. Thanks to its long viticultural history it is a land rich in native grape varieties. As a result of the numerous colonizing efforts of the Austro-Hungarian Empire most of the important grape varieties of western Europe found their way to Hungary. Haraszthy's native region, modern Croatia, is a land noted for its white wines and before he left there he had grown grapes for wine making. It is, therefore, no surprise that when Agoston Haraszthy arrived in California he immediately took interest in growing grapes. He planted his first vines in March 1850 in the area now known as Mission Valley, a few miles from the center of modern San Diego.

Grapes were first planted in San Diego county in 1769 or 1770 by the padres from Baja California. This had been the pattern at the missions they established in Mexico, Baja California, and later at the many missions in California. The variety they planted had been developed in Mexico, whether from rootings or seeds from Spain is not known. It is now called the Mission in California and Criolla in Latin America. It is a true *Vitis vinifera*, or European grape. Although it is vigorous and bears well, the fruit is poorly adapted to making good wine—it is a late-ripener and, therefore, low in acid. It also has a poor color.

Haraszthy obviously noted these defects because in 1850 he ordered vines from Europe and apparently they duly arrived and were planted in 1851. These were not the first direct importation of grapes from Europe. This honor may belong to Louis Vignes who had planted vines in Los Angeles in the 1830's. Fredericksen, Haraszthy's best biographer, gives credit to Vigne's successful importations as stimulating Haraszthy's interest in importation. Nevertheless, it is important to us because it is the first of the several importations of grapes from Europe by Agoston Haraszthy.

By 1852 he had left the San Diego area and settled in San Francisco and a second importation of vines (presumably some of those that arrived in San Diego in 1851) were planted near Mission Dolores in San Francisco that spring. It is this 1852 shipment which came from Hungary that is supposed to have contained the Zinfandel variety. Another shipment the same year from Malage in Spain apparently contained the Muscat of Alexandria variety.

The identity of the latter variety is not in doubt. It is planted in many places in Europe under this name. The identity of the Zinfandel is less easy to establish. So far as we know, and the great European ampelographys confirm this, there is no Zinfandel variety growing in Europe. There is a *Zierfandler* in central Europe but the description does not fit that of Haraszthy's California Zinfandel. Could it have been a cultivar of *Zierfandler* which Haraszthy renamed with the simpler spelling? Or, does Haraszthy's Zinfandel still grow in some remote vineyard in central Europe under the same or a different name? Perhaps we shall never know the answers to these questions. It is noteworthy, however, that Haraszthy's son, Arpad, writing about the history of the Zinfandel twenty years later, gives us no clues to this mystery.

What is important is that both of these varieties were subsequently widely planted in the state and were of the greatest importance to the development of the wine and raisin industries. In 1967, there were 22,569 acres of Zinfandel and 18,688 of Muscat of Alexandria planted in California. In 1968 I tasted wines made of Zinfandel grapes grown in South Africa! The Zinfandel variety has many attractive features which I have described in greater details elsewhere. It bears abundant crops. The wine has a fruity and recognizable aroma which has been described as berry- or raspberry-like. Contrary to common report it does not always mature early—its best wines profit by cask and bottle aging. Zinfandel is not without defects. It ripens unevenly. For our pioneers this was no defect. They were interested in high alcohol which uneven ripening makes possible. Today by careful selection of the vineyard site even this is no insurmountable defect. It is surely one of the two or three fine red wine grapes of California. The monetary value of the millions of gallons of California Zinfandel wine which have been produced and sold in the last 100 years cannot be measured in dollars; let alone in the pleasure it has brought to millions of Americans. Even if he did not actually import the Zinfandel, there is no doubt that it was Haraszthy who popularized its culture.

The Muscat of Alexandria is important as a raisin- and table-grape variety. It, too, under favorable conditions, bears well. Haraszthy does not seem to have followed this variety with as much interest as the Zinfandel—possibly because it did not come from Hungary but more probably because it makes miserable table wines. He probably dried some grapes himself and also introduced them to Briggs, this great raisin pioneer of California.

The introduction of these two varieties constitutes Haraszthy's first important contribution to California viticulture.

San Francisco did not prove to be a favorable location for a vineyard, primarily because of its cool foggy summers. This was the reason he purchased the Crystal Springs area about 15 miles south of San Francisco in 1853. The Zinfandels and Muscat of Alexandria and possibly other varieties from nurserymen in California and New York were planted there in 1854. Unfortunately, this area also proved to be somewhat too cool for optimum grape maturation and by 1857 he had purchased land near Sonoma.

Haraszthy's second and greatest influence on California viticulture is derived from the establishment of this vineyard and subsequently of its winery. The title "father of modern California viticulture" is undoubtedly due to the development of Sonoma as a major viticultural and wine-producing area.

Sonoma was not a new viticultural area. General Mariano G. Vallejo had settled there some twenty years earlier and had a vineyard and winery, but in the whole valley there were barely 50 acres of grapes in 1857—and these mainly of table grapes or of the Mission variety. We do not know why he chose Sonoma over Napa or Santa Clara or Livermore. But it was a wise choice because Sonoma is today one of the best wine grape areas in the state.

Activity at Buena Vista was most intense in 1857 when he moved there. Attila was in charge of the vineyard and the Crystal Springs vines were moved to Sonoma. A fine home was also constructed.

In the development of Buena Vista we see Haraszthy at his enthusiastic best. He not only planted vines and more vines (about 20 acres at Buena Vista in 1857) but he also induced his friends to plant vines (nearly 100 acres in 1857). The main inducement was undoubtedly his own personal persuasion. However, in 1858 he wrote a "Report on Grapes and Wines in California" for the California State Agricultural Society. This was practical and persuasive. It told how to plant a vineyard and it also predicted what the profits might be. It undoubtedly encouraged many settlers to plant a vineyard. He, himself, planted about 40 acres in 1858, 100 in 1860, and 200 in 1861. Following his leadership his friends also planted vineyards in the area.

This report is notable for his keen perception that testing grape varieties in various locations was the first step to improving the quality of California wines. He also recommended that American consuls collect and distribute vine cuttings at government expense. The foreign plant introductory activities of the United States Department of Agriculture were far in the future in 1857. He predicted this introduction of new varieties would lead to the production of so much fine wine and brandy in California that there would be no need to import wines, indeed, California wines would be exported. Alas, neither of these predictions has yet been fulfilled.

The Buena Vista winery was started later in 1857. It took the traditional form of a cave into the hillside. There were many advantages of this type of construction. Cali-

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fornia is often hot in the summer and fall. Wines mature much better and with less danger of spoilage at the cool temperatures cellars provided. Their higher humidity also reduced ullage. The cellar was expanded in 1858. And they were cheap to construct ($8.00 per month and board for Chinese labor). Thus, by planting he encouraged others to plant. He sold cuttings, advised on varieties, and displayed his own wines at fairs where he won prizes.

His most prestigious accomplishment was his European trip in 1861. The legislature passed legislation providing for a "Commission upon the ways and means best adapted to promote improvement and growth of the grape-vine in California." The resolution passed the Assembly on March 2, 1861 and the Senate concurred on April 1. The charge of the commission was: "to examine into and report upon the growth, culture, and improvement, of the grape vine in California . . . to collect together all the useful and valuable grape-vine, cuttings, and feed, for distribution among our people . . ."

The Commission consisted of Colonel John J. Warner, who was and did report on the situation in California, Mr. Schell, who was to report on South America, and Haraszthy who was to report on Europe. The ink was hardly dry on the governor's signature when Haraszthy took off for New York and Europe. So far as we know his was the only extensive report to be published.

His report was a book published in New York by Harper's in 1862: *Grape Culture, Wines and Wine Making*. In fact, the first part of the book is a diary of his trip. In a little over two months he visited the Burgundy district, Germany, Switzerland, Italy, Southern France, Bordeaux, Spain to Malaga, and by October, 1861 he was in Liverpool to sail home.

In the preface of his book he states that he conceived the idea to study grape varieties and methods of making wine in Europe, that he "communicated this view to the Governor, and offered my services to proceed to Europe, if he should think it desirable. *He approved my suggestion, and sanctioned the enterprise* . . ." He noted that the Legislature had not made any appropriation for the necessary expenses so he used his own "having been assured that my traveling expenses and money laid out for the purchase of the vines and trees would be refunded by the next Legislature." (Italics of the author)

His conclusion was: "That California is superior in all the conditions of soil, climate, and other natural advantages, to the most favored wine-producing districts of Europe." All that California lacked was varieties of grapes and care and science in the manufacture of wine. And he said "California can produce as noble and generous a wine as any in Europe; more in quantity to the acre, and without the repeated failures through frosts, summer rains, hailstorms or other causes." I consider these statements of Haraszthy his major contribution to California viticulture. They were made with twelve years experience in California. Even discounting Haraszthy's natural enthusiasm, they were the basis upon which the modern Californian wine industry is based.

His report stated that he had purchased 100,000 vines "embracing about 1,400 varieties." The number of vines appears correct but the number of varieties is probably too large because it included many duplicates. Frederickson states 300 is a better figure. Even so, it is an impressive number. As an example of his care he employed a gardener to accompany the shipment from New York to California. Haraszthy was obviously a selective purchaser of vines, choosing only the varieties he considered new and useful.

Although Colonel Warner was to report on grape growing in California Haraszthy includes an essay of 16 pages on the subject in his book. His diary and this essay occupied 158 pages of a total of 420. The remainder were devoted to translations of works on grape growing, wine making, sparkling wine production, raisin making, silk worm growing and sugar making (mainly from the German) of Leuchs, Dr. Gall, Rubens, Beyre, Lucas, Ziegler, of Philippi and Ekert. One, on sorghum was a reprint of Olcott's essay in English.

The vines and fruit trees duly arrived in January 1862. Haraszthy asked the Legislature for $12,000 and planned to distribute them on a statewide basis. The Legislature did neither and the vines ended up at Buena Vista. Doubtless a better distribution could have been devised. However, Haraszthy cultivated some of the best in his own vineyards and the rest were sold.

The trip must, however, be considered a success. The basic premise of Haraszthy that the variety of grape is *the* most important consideration was exactly the right one for a state saddled with the worthless Mission variety. Furthermore, the book recognized good wine where he found it and took a progressive look at cleanliness, new machinery and care in wine making.

The last five years in California found Haraszthy's Buena Vista changing hands. In March 1863 the Buena Vista Vinicultural Society was incorporated and Haraszthy became its superintendent. There were 400 acres in grapes at this time and the prospectus for the new corporation outlined plans for more: 3,500 acres by 1870 producing 2¼ million gallons by 1873, with 100,000 gallons of brandy and 95,000 of vinegar. The winery was at once enlarged. Considerable money was spent trying to produce sparkling wines. Neither the acreage or production figures were achieved.

By 1866 Haraszthy was no longer at Buena Vista but was operating a vineyard and winery northwest of Sonoma with his son Attila. There was an explosion in the distillery and one of his cellars burned. Haraszthy was in Nicaragua by the spring of 1868.

During these last years in California Haraszthy was often a spokesman for the California grape and wine industry, particularly in protesting government taxes. In 1865 he went to Washington on such a mission.

In retrospect, we can not measure with accuracy the total influence of Haraszthy on the California grape and wine industry, but it was very great. His enthusiasm for grape growing and wine making must have influenced many settlers. Even his failure in San Francisco and Crystal Springs was an achievement as it warned others not to plant in these areas. His success at Buena Vista was spectacular, thanks to this enthusiasm and organizing ability. His importation of grape varieties puts us in his debt for all time. His insistence on the importance of fine wine grape varieties was exactly right. It was not until 1880–1893 that Dean Eugene Waldemar Hilgard of the University of California carried out systematic studies on this subject. Haraszthy's thesis was abundantly substantiated by these experiments and by those conducted at the University since World War II. The winery at Sonoma was and is an outstanding accomplishment.

Finally, his son Arpad became a leader in the new wine industry which began about 1880 and made further important contributions to the California grape and wine industry.

VOTING RIGHTS

Mr. McGOVERN. Mr. President, I was deeply concerned to read in this morning's Washington Post a report that the Attorney General favors termination of the Federal Government's power under the Voting Rights Act of 1965 to send voting examiners to political subdivisions designated in section 4 of the act.

I think this would be a very costly error on the part of the Government, as well as a step backward in the continuing campaign to strike away legal barriers to full participation in our society.

The 1965 Voting Rights Act, with its provisions under section 6 for sending special Federal examiners into counties where patterns of voter discrimination exist, has been a most effective statute in promoting and protecting the right to vote—a right guaranteed to all citizens of this country by the 15th amendment. Since 1965, voter registration has increased 50 percent in the counties covered by the act. Dozens of Negro officials have been elected to State and local office once denied them through practices which abridged the right to vote among their people.

Few pieces of legislation in the history of this Nation have done more to provide for peaceful, orderly change. It would be foolish indeed to revoke the mandate of this historic legislation and to risk a revival of the odious voter-discrimination practices which have no place in this country, and which offend our present efforts to increase popular participation at all levels of the political process.

ATTEMPT TO STAMPEDE SENIOR CITIZENS ON STV

Mr. MURPHY. Mr. President, I have long been concerned with the welfare of America's senior citizens. In these inflationary times, the nearly 20 million older Americans living on fixed incomes are among those most painfully affected by rising costs. I have also been actively concerned with the entertainment industry for over 25 years, both as to production and distribution and reception by audience.

That is why I am so disturbed by what I consider a cynical attempt to capitalize on unfounded economic fears of this substantial segment of the American population by a group more interested in its own ledger sheets than in the welfare and enjoyment of the elderly.

I refer specifically to the "save free TV" campaign which has been launched by opponents of free-choice TV in order to thwart the initiation of subscription television. Subscription television—STV—has been duly authorized by the Federal Communications Commission after a 17-year debate.

The FCC had planned to start receiving license requests as of June 12, but has now agreed to delay issuance of any license until 60 days after the U.S. court of appeals rules on a suit brought by the theater owners and the Joint Committee Against Toll TV, to halt free-choice TV.

Not content with relying on the court to judge the issue, the aforementioned groups have launched an unbelievable advertising and propaganda campaign intended to stampede senior citizens into signing petitions and writing letters to Congress against STV television.

Some of these petitions, I am advised, are being delivered to Congress now.

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What alarms me is the deliberate attempt to distort the facts and unnecessarily scare senior citizens who already have more than enough problems to concern them in their sunset years.

For instance, those who would stop free choice TV, advertised in TV Guide recently:

> Pay TV (Free Choice TV) would compel you and your family to subscribe and pay for the same type of TV program you now receive free.

This is not true.

An examination of the rules established by the FCC clearly shows that no one will be compelled to subscribe to STV, that it will not eliminate any programs now shown on commercial TV and that, in fact, the FCC has taken elaborate precautions to assure that the proposed STV supplements, but does not compete with, or supplant, conventional television broadcasting.

Subscription television specifically is prohibited from showing dramatic programs with continuing plots, like "Peyton Place" or "Bonanza." Nor can it broadcast sports events now regularly shown on TV, such as baseball and football games, the World Series or football bowl events. Nor can STV—Free choice TV—charge for showing any movie that is more than 2 years old, according to the conditions laid down by the FCC.

However, many senior citizens, and others as well, are being told that they will have to pay to watch these staple items of broadcast fare—an absolute falsehood.

The FCC rules also require that STV cannot be introduced in an area unless the inhabitants can receive a class A signal from at least four commercial television stations, so that areas which have STV—free choice TV—will always have a choice of at least four free channels. Furthermore, any station licensed to broadcast STV must also provide at least 28 hours of free broadcasting per week to supplement the subscription fare.

The fear of excessive cost of subscription programing is not borne out by experience. Judging from experiments already conducted, STV—free choice TV—program prices will range from about 50 cents for some programs to $1 and $2 for others, for instance, a first-run movie. Since the person watching the show must use a patented decoder device to select the program he wants, he can only see the programs he chooses—and cannot run up a "big bill" by leaving the set on.

In my view, the scare campaign generated against STV is obvious, synthetic, and entirely without merit. It is my firm conviction that a successful STV—free choice TV—operation will, in fact, enhance the entertainment opportunities of all citizens, including our senior citizens, at less cost than is now possible.

Members of a golden years club, for instance, might well be able to watch an opera, symphony, or ballet at a very small fraction of the cost of a ticket to a live performance. In fact, STV may for the first time make it possible for older Americans to see performances now closed to them for economic reasons. And most important—the choice of the program is made by the viewer—not by some advertiser or network officer.

Certainly, the courts and the Congress have ability to judge the proposed system on its merits. It seems to me, Mr. President, that trying to conjure a wave of protest to support the position of STV or free choice TV opponents is a distinct disservice to our senior citizens and an attempt to use propaganda and pressure to influence both the regulatory bodies and the public.

Mr. President, the Wall Street Journal of May 5 printed what I consider to be a logical evaluation of this situation. I commend it to my colleagues and ask unanimous consent that the editorial, entitled "Let's Be Fair to the Public," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Let's Be Fair to the Public

Many movie theater marquees around the country now carry an additional line, "Save Free TV." It's a discouraging reminder that the foes of pay, or subscription, television still are active.

Although television stations and networks have been active in the opposition in the past, the attack now appears to be led by the theater owners. What disturbs them is that the Federal Communications Commission has authorized the start of subscription TV in June.

Obviously enough, the theater owners would like the Government to continue outlawing a potential competitor. Their approach, however, is the old one: That pay TV would be unfair to the public.

According to D. John Phillips, national co-chairman of the Joint Labor and Management Committee to Save Free TV, the advent of pay television is sure to kill off the free variety. This development, he goes on, "strikes against just about everybody. Once the public is strapped and must pay for TV, they'll have to spend more money for programs and have less for other things. They'll put less money in the bank, go to restaurants less often, buy less gas, use parking lots fewer times, and so on, down the line.

"This will affect employment as businesses fail, will lower real estate values, and lessen tax revenues overall."

In reality, the chances that pay TV could cause any such cataclysm are at best remote. Experiments with subscription service certainly have not shown that the idea is sure to be a smashing success. And pay TV will have to become extremely affluent before it could ever begin to outbid the present networks for sports events, top performers and other personnel.

If an overwhelming demand for subscription TV did develop, it would in part demonstrate a deep public dissatisfaction with the entertainment presently provided by free television and the movies. A moderate demand, which is much more likely, could even prod the TV and movie industries into fresh efforts to upgrade their products.

That, of course, is the way competition works. In fairness to the public, it's high time that more competition got into the picture.

FUTURE OF THE ATLANTIC ALLIANCE

Mr. MATHIAS. Mr. President, in recent years the problems of the Atlantic alliance have received attention in the United States primarily in response to General de Gaulle's gestures of grandeur and independence. As the French people elect new leadership, it is certainly timely for us to review the present state of and future alternatives for NATO and for our relations with the nations of Western Europe.

The Honorable Robert F. Ellsworth, our new Ambassador to NATO, discussed the opportunities for the Atlantic alliance in a thoughtful speech at Westminster College, Fulton, Mo., on May 10. Ambassador Ellsworth spoke at the conclusion of the week of dedication of the Winston S. Churchill Memorial and Library there.

This speech merits wide attention, and I ask unanimous consent to include it in the Record at this point.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Future of the Atlantic Alliance

In speaking about the future, I will need to speak about the past, because the past twenty years of the Atlantic Alliance have set a foundation for the future—although some of the grand visions of the last two decades have not been realized.

For example, a United States of Europe, the dynamic post-War vision of Jean Monnet, does not seem to be in the cards.

An Atlantic Union now would have little popular support on either side of the Atlantic.

The third grand vision of the past 20 years has not diminished; but its peaceful purpose still depends on the views and moves of the men in the Kremlin. That purpose—shared by all of our Allies—is the settlement of the problems of Europe left over from World War II: the Berlin problem, the German problem, and the tragic division between the peoples of Eastern and Western Europe—the division to which Churchill drew attention with his Fulton speech: "From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the Continent . . ."

Overcoming the armed division of Europe in two camps—East and West—continues to be one of the main tasks of the Atlantic Alliance. Such an achievement will not come suddenly, from one day to the next or perhaps even from one year to the next. It will likely come slowly, and as part of an intense process of negotiation, of consultation. For our own part, the President has pledged his willingness to enter an era of negotiation and has urged the Allies to consult fully and deeply with each other on the implications of anything that might affect the pattern of East-West relations.

The *process* of political and military consultation, the *process* of negotiation—*process* is a key word in viewing the future of the Atlantic Alliance, for NATO is the living institutional embodiment of a purposeful *process* of response to challenge and to felt need.

The other key word in our future, and a new word in the Alliance lexicon, is ecology: the relationship between man and his total environment. At the 20th Anniversary Session of the North Atlantic Council (the highest council of NATO) in Washington last month, the President said:

"The industrial nations share no challenge more urgent than that of bringing 20th century man and his environment to terms with one another—of making the world fit for man, and helping man learn how to remain in harmony with this rapidly changing world."

Let us look at the future of the Atlantic Alliance, then, in terms of process: a process involving defense, the search for relaxation of East-West tension, and the search for ways to control our environment.

But first let us look briefly at the past.

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Just twenty years ago, in May 1949, Winston Churchill spoke of the need for a North Atlantic Treaty Organization (NATO). At the time, Churchill was in the Opposition, just as he was when he made his "Sinews of Peace" speech in 1946 here in Fulton. He proclaimed:

"It is our plain duty to persevere steadfastly, irrespective of party feelings or national diversities, for only in this way have we good chances of securing that lasting world peace . . . on which our hearts are set."

That is still true today.

Some two years earlier, Congressman Richard Nixon was assigned to the special Herter Committee, the committee which laid the foundation for enactment of the historical Marshall Plan. Mr. Nixon has regarded his work on that Committee as the most important work he did during his years in Congress.

Twenty years later, President Nixon made it a very early order of business, in his new Administration, to visit Europe. His first stop was in Brussels, where he spoke to the North Atlantic Council. There the President restated his willingness to enter an era of negotiation with the Soviets and East Europeans, and he pledged full, deep and genuine consultation: a new spirit and process of cooperation within the Alliance. Some of our Allies in recent years have criticized the United States for failing to consult as fully as it might have. The President has made it clear that there will be no further grounds for such criticisms.

The President's two addresses to the North Atlantic Council—in Brussels in February and in Washington in April—were the first major policy addresses of his Presidency.

He reminded the Alliance in Washington:

"Two decades ago, the men who founded NATO faced the truth of their times; as a result, the Western world prospers in freedom. We must follow their example by once again facing the truth—not of earlier times, but of our own . . .

"NATO is needed; and the American commitment to NATO will remain in force and remain strong. We in America continue to consider Europe's security as our own."

As I see it, the people of this country have three clear interests in the Atlantic Alliance.

(1) Twice in this century America has been drawn into European wars. We are entitled to maintain a basic interest in preventing conflict in Western Europe, remote as that possibility is today. The great Churchill himself spoke in 1952 of ". . . the thousand-years' quarrel which has torn Europe to pieces . . ."

(2) The pursuit of a stable peace, not only with Moscow but also with the nations of Eastern Europe. Here the Atlantic Alliance must maintain cohesion and unity in approaching the difficult and potentially divisive issues affecting East-West relations.

(3) Development of closer and more effective relationships among the arts, the economies, and the technologies whose interdependence gives substance to our emerging common civilization.

Pursuit of peace depends above all on solid military security in the West, and our prospect for success in any arms limitation or force reduction negotiation depends direltly on the adequacy of our joint security arrangements in the Atlantic Alliance.

Thus, we must preserve military strength and political solidarity to deter aggression; and if it does occur, we must be ready to join in the common defense.

To be realistic, we must recognize that the Alliance today has problems on this score. Allies need to be strengthened through improvements which have been recognized as necessary, and which the Allies have agreed to undertake.

Let me make one thing clear: so long as the achievement of a European settlement remains a major piece of the unfinished business of our troubled world, the Atlantic Alliance must remain strong. President Nixon said recently:

"It is not enough to talk of flexible response, if at the same time we reduce our flexibility by cutting back on conventional forces."

With respect to the political processes of the Alliance, President Nixon said in Washington last month:

"It is not enough to talk of relaxing tension, unless we keep in mind that twenty years of tension were not caused by superficial misunderstanding. A change of mood is useful if it reflects some change of mind about political purpose. . . ."

He also said:

"It is not enough to talk of European security in the abstract; we must know the elements of insecurity and how to remove them."

The President has proposed a fundamental change for the Atlantic Alliance: a breakthrough to a new and deeper form of political consultation as a means of approaching these issues. Thus, in connection with the forthcoming strategic arms limitations talks with the Soviet Union, the President has pledged and asked for full, deep, and genuine and continuing Alliance consultation—for such talks will clearly involve not only our own security but also that of our allies.

The other major Alliance task for the future is the development of a framework to define community interests in our ecology—our total environment. As Admiral Rickover said last Wednesday, the problem of making wise future use of technology might be the paramount issue facing the people of all industrial democracies.

At the 1969 Washington Ministerial Session of the North Atlantic Council, the nations agreed:

"The members of the Alliance are conscious that they share common environmental problems which, unless squarely faced, could imperil the welfare and progress of their societies . . ."

There is much conventional wisdom about the problems of our environment and of our urban societies. Most of it tells us how difficult these problems are. A review of it shows how few are the solutions which we can be confident will really work, and how important it is that we find some way of exchanging views and ideas in an organized fashion designed to benefit those involved in formulating broad public policy on essentially internal problems. For instance, our own Defense Department, uninhibited by local regulations or traditions, has made significant advances in the design, construction and administration of hospitals on a "systems" basis. Studies might be made, similarly, of training and use of paramedical personnel; helicopter rescue service for accident victims; occupational and physical therapy; the movement of goods and people; heliport construction and operation; school construction; language teaching; and other education practices. This would stress the positive spinoff of defense efforts and could result in better mechanisms for transfer of the findings.

Other broad categories and headings suggest themselves for possible exploration within the entire Atlantic Alliance.

Environmental matters: urban planning, air and water pollution, urban and interurban transportation, conservation, leisure, the harnessing of technology, and the role of the private sector in all these fields.

Civil and social affairs: adapting Western institutions to the technological age; investigating the potential role of the private sector (for example, extension by European governments of tax advantages to contributors to foundations and other organizations seeking to improve the "quality of life.")

Educational matters: stimulating nonmilitary research and technology on an Atlantic basis; promoting equivalence of university entrance requirements and degrees to provide greater international academic mobility; updating and coordinating curricula to provide more meaningful conceptions of the past, present and future for future citizens of an interdependent world; plurinational Peace Corps-Vista-type projects; and modernization of educational theory and practice.

A 20-year-old international alliance is in some ways like a middle-aged university professor: both tend to resist major changes in their life styles. There has been a certain amount of resistance to involving NATO, as such, in environmental problems. But support for this dimension for the Alliance is growing.

By focusing the attention of the Alliance on these problems we do not of course mean to imply that only the members of the Alliance need to confront them. We would expect that Alliance efforts would be closely related to efforts in other international bodies with different memberships. But we are convinced that the Atlantic Alliance, being composed of many of the most advanced industrial countries, can play a major role.

One of the most intriguing and effective aspects of the new Alliance initiative will be the bringing together of the most responsible and knowledgeable officials having broad responsibilities cutting across such fields as education, urban development, technology, and pollution control. We hope that these men and women can cut through bureaucratic undergrowth and bring about workable, pragmatic solutions to problems of our technological age. Within our own government, for example, the Departments of Labor, and of Housing—as well as Mr. Pat Moynihan, Assistant to the President for Urban Affairs—have all expressed interest in the new Alliance initiative.

The new shape of the Atlantic Alliance is not yet here. The strategic arms limitation talks have not begun, nor have negotiations on European problems. The key processes, however, *are* underway: the Alliance was consulted on the President's decision to change the Sentinel ABM system to the more defensive and appropriate Safeguard system, and there is widespread understanding and universal appreciation within the Alliance.

The intense concern over environmental challenges has not had time to take concrete form within the Alliance, notwithstanding extensive conversations and discussions at Brussels and in national capitals.

But, in fact, there will be a new Atlantic Alliance. The future will bring "steadfast perseverance"—to use Churchill's phrase—"steadfast perseverance" in the maintenance of our overall defense strength. It will bring a deepening of the process of political consultation. And, the future will bring better understanding and control of our technology and our environment.

For of course our age is an age of very great peril. The central questions we face in the future are the questions of man's survival in the face of his weapons technology and the effects of his industrial technology on his environment. If we do survive, it will be because we have learned how to consult each other with regard to our political problems, rather than hurl weapons at each other; and because we will have learned to control our industrial technology—to make our world fit for man.

ABM

Mr. EAGLETON. Mr. President, there are obvious and disturbing similarities between the Safeguard anti-ballistic-

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missile system and its predecessor, the Sentinel.

The intelligence estimates on which the need for the Sentinel was justified were erroneous. The intelligence estimates used to justify the Safeguard, according to an article in the New York Times of June 18, are now disputed within the Government.

The cost estimates for the Sentinel escalated at frightening pace. So, too, are the estimates on the Safeguard. From the $6.6 billion figure of March, which did not include $1.2 billion for nuclear warheads, the estimate, according to the New York Times of June 18, has increased to $10.8 billion. The additional amount was acknowledged by Secretary Laird on May 22, in testimony before the House Appropriations Committee. He stated that the $7.8 billion estimate did not include the $500 million cost of extending the system to Alaska and Hawaii, nor did it include the $2.5 billion cost of research, development, and testing of the systems components. It must be noted that the new $10.8 billion estimate is preproduction. And as we are learning every day, preproduction estimates are very seldom accurate and never less than ultimate cost.

I ask unanimous consent that an article and a editorial from yesterday's New York Times be entered into the RECORD at this time.

I also ask unanimous consent that a compilation of editorials regarding the ABM controversy be entered into the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 18, 1969]

U.S. INTELLIGENCE DOUBTS SOVIET HAS FIRST-STRIKE GOAL—BUT JOINT BODY CONCLUDES MOSCOW DOES SEEK MORE THAN PARITY IN MISSILES

(By Peter Grose)

WASHINGTON, June 17.—The United States intelligence community has reportedly concluded that the Soviet Union is not now striving for the capability to launch a first-strike nuclear attack against this country but is probably seeking more than parity with the United States in missile strength.

At meetings last week of the United States Intelligence Board, which is presided over by the Director of Central Intelligence * * * civilian and service intelligence agencies are understood to have reached a consensus estimate of Soviet strategic strength for the coming two or three years.

Sent to the White House as the official judgment of the intelligence community, the detailed and secret survey seems bound to become embroiled in the current controversy over the opening of strategic arms talks with the Russians and the proposed deployment of an antiballistic-missile system.

The White House announced today that the National Security Council would meet tomorrow on arms policies. President Nixon is expected to disclose at a televised news conference at 7 o'clock Thursday night when and where the Administration proposes to open the new round of disarmament talks.

Meanwhile, in a related development, 40 Senators—only 11 short of a majority—joined together as co-sponsors of a resolution urging the President to seek agreement with the Soviet Union to halt testing of multiple-warhead missiles.

The signers included the Senate Democratic leader, Mike Mansfield of Montana, and the Democratic whip, Edward M. Kennedy of Massachusetts. Senator Edward W. Brooke, Republican of Massachusetts, was the chief author of the resolution, which was endorsed by a total of 27 Democrats and 11 Republicans.

SECURITY COUNCIL TO MEET

Critics of the Administration are fearful that Defense Secretary Melvin R. Laird and Pentagon strategists have drowned out Secretary of State William P. Rogers and other potential restraining voices—including the Central Intelligence Agency—in pushing for a stern negotiation position and for costly defense programs by in the critics' view, exaggerating Soviet nuclear capabilities.

Among Congressional opponents of the Safeguard anti-ballistic missile system, there is particular resentment at what they see as the Pentagon's highly selective, if not actually distorted, use of raw intelligence data to promote the pro-ABM position. The same resentment has been voiced privately by intelligence officials themselves.

It is in this context that the high-level consensus estimate of the entire intelligence community assumes special significance.

The United States Intelligence Board is a high-level coordinating group that meets weekly to correlate all the data available across the Government. Sitting on the board under Mr. Helm's chairmanship are representatives of the C.I.A.; the Pentagon's Defense Intelligence Agency; the intelligence branches of the Army, Navy and Air Force; the State Department, the Atomic Energy Commission and the National Security Agency.

These agencies agreed last week that the Russians appear to be moving rapidly, more so than expected several years ago, to strengthen their nuclear forces as a deterrent and are probably striving for more than equality of missile strength with the United States.

DESIRE AND INTENTION

But, in the board's judgment, this drive falls short of an effort to achieve a "first-strike capability"—the capability to destroy enough United States missiles in a first strike to prevent this country from launching an effective retaliatory blow.

The "desire" ultimately to acquire such a capability may be present in some Soviet policy-making circles, the board concluded, but both the capability and the specific intention to achieve it were ruled out for the foreseeable future.

This conclusion was reportedly stated in the formal "national intelligence estimate" without any dissenting footnotes from any of the participating agencies.

Pentagon strategists have repeatedly cited the threat of a Soviet first-strike capability to justify the need for the Safeguard ABM System.

NOT A DIRECT CONTRADICTION

The intelligence community's estimate minimized this threat, though it is not in direct contradiction with the official Pentagon view; Mr. Laird's statements raised the possibility of a Soviet first-strike capability by the mid-1970's, a time beyond the two or three years covered in the intelligence community's estimate.

Preliminary assessments prepared by the C.I.A. and made available to Congressional committees were understood to have come down far harder in rebutting Mr. Laird's arguments about Soviet capabilities.

According to reliable sources, Mr. Helms, aware of the political controversy surrounding the estimates, softened some of the language of the final survey—without altering the basic conclusions—to avert an unnecessary confrontation between the C.I.A. and the Pentagon.

The bureaucratic ordeal of achieving a consensus position among various Government agencies has stirred Congressional interest in the reliability of top-level intelligence and the means by which raw data are analyzed.

In policy controversies, particularly on strategic arms questions, individual agencies' tentative or preliminary assessments are portrayed as the latest authoritative intelligence as they are passed around among participants in the debate.

The purpose of the United States Intelligence Board is to provide a high-level forum for the entire intelligence community to meet and try to achieve a nonpartisan consensus for the President.

Mr. Helms acts as the spokesman for the community and the C.I.A. in policy-making counsels. Pentagon and State Department intelligence assessments can also be called to the President's attention independently by Mr. Laird, by the chairman of the Joint Chiefs of Staff, Gen. Earle G. Wheeler and by Mr. Rogers.

[From the New York Times, June 18, 1969]

THE COST OF ABM

Critics of antiballistic missile (ABM) deployment have now been confirmed by Defense Secretary Laird in their predictions that the so-called "thin" system would prove far more expensive, if built, than initial Pentagon figures indicated. Mr. Laird's latest figures, declassified from Congressional testimony, reveal that the antimissile system will cost $10.8 billion, twice as much as originally claimed and almost as much as the price tag originally put on one of the "thick" ABM systems long under discussion.

The cost of the original "thin" Sentinel ABM system proposed by the Johnson Administration in September 1967 was said to be $5.5 billion. The Nixon Administration's modified ABM system, Safeguard, was priced for Congress at $6.6 billion in March. It shifted Sentinel sites from urban areas to presumably less expensive nonurban locations. But it added omnidirectional radar and close-in defense of Minuteman ICBM silos, increasing the number of antimissile missiles from 700 to a reported 900 or more.

In May, the Defense Department acknowledged under Congressional and press questioning that it had been understating the price of the proposed Safeguard system by $1.2 billion by not including the Atomic Energy Commission's estimated bill for developing, producing and testing ABM nuclear warheads. The system's total cost then was put at $7.8 billion.

But on May 22, in testimony before the House Appropriations Committee that now has been published, Secretary Laird acknowledged that these figures included neither the $500-million cost of extending the Safeguard system to Alaska and Hawaii nor the $2.5 billion cost of research, development and testing of the system's components.

The present $10.8 billion total is still a preproduction estimate, of course. Most recent experience in procurement of complex new weapons systems is that actual production and construction costs usually exceed original estimates by substantial amounts, apart from the normal effects of inflation. In the end, it would not be surprising if the cost of a "thin" Safeguard defense proved to be substantially more than the heavy system under discussion during the Johnson Administration, which was priced by the Pentagon as purchasable for $13 billion.

Within reason, of course, cost should not be the determining factor in weapons decisions that could affect the life or death of the nation. But this is precisely what is wrong with going ahead on Safeguard: it is not a life-or-death matter. Its utility and workability are challenged by many experts. Even advocates of the "thin" ABM system agree with the original proponent of Sentinel, former Defense Secretary McNamara, that it has only "marginal" value. The Pentagon's obviously unreliable and vastly escalating cost estimates—from $6.6 to $10.8

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billion within about two months—make increasingly pertinent the question whether the possible marginal gain is worth the money, especially at a time when urgent civilian needs are going begging.

[From the St. Louis (Mo.) Post-Dispatch, Apr. 15, 1969]

Contradictions of Safeguard

The case for deploying the Safeguard anti-missile system has developed so many contradictions that the Nixon Administration would be well advised to lay the project aside for extensive re-examination.

Quite possibly the Administration could browbeat Congress into reluctantly granting the funds. But Mr. Nixon would be unwise to exercise that power. To undertake such a fateful escalation of the arms race without a substantial consensus behind it would alienate a large and important segment of public opinion, especially in the intellectual community. To invoke the sheer political muscle of the Pentagon and its allies in behalf of a highly questionable and costly program would deepen the frustration many Americans feel over their seeming inability to influence the course of events.

Secretary Laird says we must deploy the ABM system in order to protect our land-based missiles from a first-strike attack by the Russians. At the same time, the Administration cites the Russians' mild reaction as evidence that our plans are not provocative. Here is one contradiction. If the Soviets are not bothered by our ABM, it must be for one of two reasons. Either they are convinced from their own experience that it will not work—a conclusion concurred in by many of our own scientists—or they are not actually basing their nuclear strategy upon the ability to destroy our "deterrent." Either way, the case for Safeguard is fatally weakened.

Consider another contradiction. Secretary Laird presents Safeguard as absolutely vital to our national security in the years ahead. But Secretary of State Rogers is willing to bargain the ABM away, so he says, within the next few months. The Administration cannot have it both ways. If our defenses would be stripped naked without ABM, then no treaty to abandon it is justified. If ABM can be put on the bargaining table at the arms talks, then it can be laid on the shelf before the arms talks begin.

Secretary Laird was quite right in recognizing that his whole case for ABM rested on the premise that the Russians, in his words, "are going for a first-strike capability." As the debate has developed, however, it has become progressively clearer that the premise is not a fact but an assumption—a questionable assumption which even the Administration is now backing away from.

Scientific studies for Senators by Ralph E. Lapp argue very strongly that even by the most generous estimate the Soviets cannot acquire the power to knock out all our land-based missiles, which are only one part of our nuclear arsenal. If the Soviets could by a miracle acquire that power, we would still have left for devastating retaliation all our bombers, all our Polaris-Poseidon submarines, all our vast array of nuclear weapons based in Western Europe. To assume that every one of these weapons in our catalogue of overkill could be destroyed in one fell swoop is to wander in the realm of fantasy.

The truth is that Mr. Laird does not know, and neither does anybody else, that the Russians "are going for a first-strike capability." The same weapons which he chooses to regard as offensive in character can with equal reason be regarded as defensive, or "deterrent." Any huge nuclear force can be a first-strike force if it is targeted on the weapons of the other side. Our own enormous arsenal, which we claim is designed only for retaliation, may look like a first-strike force to somebody else.

What it all boils down to is that both superpowers possess far more nuclear weapons than they need to destroy each other, and neither, so long as sanity survives, can afford to use them. In these circumstances, no security will be gained by escalating the arms race another notch. Deploying Safeguard will not deter the Soviets from building more ICBMs; it is fare likelier to have the opposite effect. We need to negotiate an end to the race instead of running it through one more round of escalation.

[From the St. Louis (Mo.) Post-Dispatch, May 8, 1969]

Safeguard: Collapse of a Case

The longer the ABM debate goes on, the clearer it becomes that the central issue is not one of strategic imperatives, but of allocation of resources.

The case against deploying the ABM has now been restated by a distinguished scientific panel in a report for Senator Edward M. Kennedy. The case for has been restated by two scientists and a former head of the Joint Chiefs of Staff in a report to the American Security Council, an organ of the military-industrial complex.

Both reports leave the argument pretty much where it was. The fundamental question remains whether, in the present state of world affairs, the arms race, and our domestic social crisis, it is wise or necessary to commit the nation to an expenditure of eight to 20 billion dollars for more nuclear weapons.

The evidence seems to us overwhelmingly on the negative side, and to be buttressed by the constantly shifting grounds on which the Nixon Administration defends its decision to deploy the Safeguard system.

Thus the Kennedy report cuts the ground under Secretary Laird's crucial premise that the ABM is essential because the Soviets are "going for a first-strike capability." It does this so effectively that John S. Foster Jr., the Pentagon's research chief, is compelled to acknowledge that the Soviets cannot really hope to knock out all our offensive missiles at one fell blow. Dr. Foster has had to think up a new rationale. He says the ABM is necessary to give a future President time to consider how he should respond to a nuclear attack; by "protecting" some of our land-based missiles, he says, the ABM would obviate the necessity of instant, automatic retaliation.

But while Dr. Foster is advancing this feeblest of all rationales, the President's security adviser, Henry Kissinger, is spreading the sophisticated word that Safeguard is not directed against the Russians at all, but against the Chinese, just as the Johnson Administration originally said. Nobody, however, suggests that the Chinese are likely to achieve a first-strike capability. And if they are going for a second-strike capability, which can be exercised only against cities, then why is the Safeguard system being deployed around missile bases instead of around cities, as Mr. Johnson originally planned?

The Nixon Administration's confused and contradictory explanations for Safeguard all lead to one conclusion, that the decision to deploy it did not in fact flow from authentic considerations of strategic security. The decision was a pragmatic and political one, designed to satisfy the military-industrial pressures for initiating a new weapons system while inventing a new rationale for it that would, so it was hoped, mollify the developing opposition to Sentinel. For Mr. Nixon, the decision was a holding action, reflecting his reluctance, in the first few days of his Administration, to deny the Pentagon and its contractors what they had set their hearts on.

But there has to be a better reason than this for committing the nation to a vast increase in its nuclear overkill capacity at a time of grave internal crisis. The strategic case for Safeguard having collapsed, Congress should say what Mr. Nixon could not bring himself to say: *No!*

[From the St. Louis (Mo.) Post-Dispatch, May 7, 1969]

Oh, Yes, the Warheads

Opponents of the antiballistic missile have been saying all along that, judging by past performance, the Pentagon's estimate of costs for the Safeguard system would very likely turn out to be an understatement. That judgment has been verified sooner than might have been expected.

The Pentagon now acknowledges, in response to press inquiries, that the cost figure it has been using in testimony before congressional committees—6.6 billion dollars—was wrong by some 1.2 billions. It turns out that Pentagon spokesmen conveniently neglected to include the cost of the warheads. That is something like pricing a Cadillac without the engine.

This, we confidently predict, is only the beginning. The Union of Concerned Scientists which sponsored the research stoppage at M.I.T. last month, estimates conservatively that the $7 billion price tag on Safeguard "will more than double before completion." Which raises again a persistent question about the military establishment's techniques in selling arms expenditures to the public: When does simple misrepresentation become outright mendacity?

[From the New York Times, May 22, 1969]

ABM: The Central Issue

The great debate over the Safeguard anti-ballistic missile (ABM) system has ranged far and wide, but the central issue facing the Congress has been unwittingly clarified by the Pentagon's research chief, Dr. John S. Foster.

Dr. Foster asserts that Phase I of the project—defense of two Minuteman sites against possible Soviet attack—must be authorized this year or it could be outstripped by the Soviet buildup of big offensive SS-9 intercontinental missiles. A one-year delay now in starting Safeguard's Phase I would mean a two-year delay later in completion of the system from 1974 to 1976. The system, Dr. Foster argues, will be needed by 1974 because the Soviet Union is adding to its 200 or more SS-9's at a rate of about 50 a year.

Dr. Foster is frank to admit that "we do not know just how effectively" SS–9 warheads could attack Minuteman silos since "we do not know precisely their accuracy." Further, "we do not know how many SS–9's the Soviets will finally build," Dr. Foster adds, and "perhaps the Soviets themselves haven't decided."

But, the Pentagon's research chief argues, Moscow by 1974 could deploy 420 SS-9's. Soviet technological skill could by then equip each missile with three independently-targeted 5-megaton warheads, a guidance system accurate to one-quarter mile, a failure rate of only 20 percent and a device to replace failures. In that event, the 1,260 SS-9 warheads would have a capability of destroying 950 of America's 1,000 Minuteman silos.

These estimates represent a sharp upgrading of Pentagon figures released only two months ago and many scientists outside the Government are skeptical about them. Moreover, they argue that the Soviet Union, to achieve a first-strike capability and avoid nuclear suicide, would also have to acquire the means to destroy the American Polaris and strategic bomber fleets at one blow.

But there is another and simpler reply to the Administration's case. It is that the easiest and best way to head off a future Soviet threat to the Minuteman force would be to propose an immediate Soviet-American moratorium on deployment and testing of defensive and offensive strategic weapons.

If Moscow agreed, the Soviet SS-9 force would be frozen at less than 250 single-warhead missiles. Soviet development of MIRV warheads (multiple independently targeted re-entry vehicles) and further deployment of antimissile missiles would be halted. Safeguard deployment, no longer urgent, could be deferred. American development of MIRV and the Poseidon and Minuteman III missiles to carry it—planned to penetrate the heavy ABM system it was thought Moscow was building—would no longer be needed.

A moratorium—urged recently by Senators Mansfield, Percy, Cooper and Brooke—would freeze the present Soviet-American nuclear balance, which provides mutual deterrence and security to both sides. This summer's projected strategic arms limitation talks would then seek agreement on a more formal system and, ultimately, arms reductions.

Could the Soviet Union be trusted not to evade a moratorium? No such trust would be needed. Reconnaissance satellites and other intelligence now enable both sides unilaterally to detect any evasions large enough to alter the nuclear balance.

Heading off the next round in the missile race is essentially a matter of halting deployment of ABM's and, even more important, MIRV's—which threaten to multiply nuclear delivery vehicles on both sides many times over. America's interest lies in talking the Soviet Union out of building these systems. It is best done by offering to forgo them for the United States, not by forcing a race that is more than likely to become irreversible than to strengthen the American bargaining position in negotiating a standdown.

[From the St. Louis (Mo.) Review, Apr. 4, 1969]

While Priorities Wait—ABM Adds to Arms Proliferation

(By Barbara Ward)

Clearly, of all the things the Americans and the Russians could do together, or on parallel lines, to keep the planet safe for its human inhabitants, the most urgent and the most immediate is to avoid another upward twist in the arms spiral.

An ABM shield, beginning at $5 billion and rising to who knows what cost, is only part of the issue, the sharp tip of the iceberg above the diplomatic waters. The iceberg itself is the $120 billion a year spent by the Powers on their armaments. It is right to stop the further speeding up of the arms race which a new set of automatic, nuclear counter-missiles would set in motion. But it is even more urgent to begin going into reverse, to begin reducing the vast, unseemly burden of destruction carried by both sides.

Under Article VI of the Anti-Proliferation Treaty, both Great Powers bind themselves to take significant steps to limit their own arms. But the clause may simply be the rhetoric of a bargain between two giants who are chiefly concerned with keeping other peoples' weapons under control. Neither side has said much about actual reductions—by percentages of war budgets, by types of weapon, by matching withdrawals. Until they do, the hideous bulk of $120 billion worth of weapons will go on throwing a cold and ugly shadow across the nations' collective life.

The horror of this vast hemorrhage of resources is not only the obvious ones—the risk of atomic miscalculation, the escalatory risk, or, again, the sheer, inexcusable waste of so much potential wealth when children go hungry. The fact is, on any calculation of Atlantic national income over the next decade, the Western arms burden can be said to be quite tolerable in financial terms.

As this column has pointed out before, Atlantic wealth is growing by at least $60 billion a year. A couple of years' increment could cover the Atlantic arms budget completely. Extend the calculation to 1980, and the extra income each year—on top of the present annual combined national income of rising $20,000 billion—would be at least $600 billion a year. Out of an addition on this scale, any conceivable arms budget could be carried without disrupting a single other desirable use of income.

But it is precisely at this point that some of the deeper evils of our arms race become apparent. We do not extend to any other vast social pursuit the largely unthinking acceptance we give to the concept of defense. We seem unaware—and our leaders do not enlighten us—of the future resources we shall have available and how many blessed and useful things we could do with them—rebuilding cities, for instance, or educating the drop outs and the handicapped, unpolluting our stricken atmosphere, giving every elderly citizen an income which permits a quiet old age and a dignified death.

But with our mental block about virtually every large public expenditure except defense, we say: "How can we rebuild the ghetto when we have such an arms budget?" We do not say: "Next year, we shall have $60 billions in new resources. How should they be spent?"

At best we say: "With all this defense spending, we can only afford to help the poor at home. The poor abroad must look after themselves." We do not say: "Twice overkill is as good as four times overkill. Let us cut away $20 billion, add in next year's resources, double foreign aid, treble the new cities program, quadruple housing—and still come out with a bonus for ourselves."

In short, if we felt about any great human undertaking—education, urban renewal, health, anti-pollution—the instinctive acceptance we give to defense-spending, we would scale down the arms, transfer the resultant saving to life-giving projects and throw in a proportion of the resources which will be provided by future growth. We would demand from our leaders some "budget" of priorities for the Seventies, some sense of how and where so much rising wealth ought to be spent.

Until we make some such calculus, it is not surprising that so many young people around the world find our society grotesquely ugly. This vast apparatus of wealth, used so acceptingly for destruction, so grudgingly for the great creative purposes of society, finally seems to them unworthy and despicable. The clutter of consumption, the high-velocity advertising, the shining glass office buildings and, alongside, the rat-infested tenements—is all this, they ask, so worth defending that billions on arms are almost taken for granted? Give us instead a picture of true wealth. Give us something we can fully respect. But money and weapons, piled up without compassion and justice, command neither our loyalty nor our love.

[From Long Island Newsday, May 1, 1969]

Nixon's Albatross

The ugly thing hanging around the neck of the Nixon administration only looks like an albatross. It is really a Safeguard antiballistic missile.

The President has received generally high marks for the openness and honesty with which he has started his administration. But this generalization cannot be applied to the campaign being waged for the missile system. Already, Nixon's reputation has suffered enormously among scientists because of misrepresentations about Safeguard and his veto of a director for the National Science Foundation because he opposed Safeguard.

Under Secretary of Defense David Packard claimed that Dr. W. K. H. Panofsky had reviewed and endorsed Safeguard. Dr. Panofsky, a renowned radar expert, responded irately that his "review" took place after he happened to run into Packard at an airport—and that he opposed Safeguard.

The Pentagon told Senate inquirers that 21 members of the President's Science Advisory Committee had reviewed Sentinel with the Defense Department's research chief. It turned out that the review took place March 17 and 18—the week after President Nixon had announced his decision to proceed with the missile system in modified form. Some of the most influential members of this committee oppose Safeguard and resent being used in a public relations ploy designed to support it.

All this maneuvering and misrepresentation is a good example of how easily an argument for a bad cause is corrupted into a bad argument. Safeguard is a bad idea, for many reasons, and most independent scientists appear to oppose it. Nixon administration tactics are widening and intensifying hostility to the system—and to Nixon—within the scientific community.

Meanwhile, politicians from both parties and opinion makers of assorted idealogical hue are seconding and amplifying the dissent of the scientists. The Nixon administration has responded by getting tough. A White House aide is quoted in the New York Times as promising that "all the conventional and proper, the unconventional and improper means of persuasion will be used" to sell Safeguard to Congress.

Roger C. B. Morton, the new Republican national chairman, has threatened to make Safeguard a test of Republican orthodoxy and opposition to it a mark of shame on Democrats and Republicans alike.

Sen. Strom Thurmond, Nixon's Southern outrider, has branded as "defeatist" objections to the missile by Dr. Herbert York, Pentagon research chief in the Eisenhower administration.

Gerald Ford, the House Republican leader, has accused Safeguard's foes of really seeking unilateral disarmament.

Like poison gas, the sinister implication is being spread that Safeguard's foes are moved by a deficiency of patriotism. Scientists who show this lie up for what it is are being cynically used, and misrepresented. This is not, we imagine, the way the President wanted the Safeguard debate to go. But that is the way it is going, as the President's men are pushed toward extremism and cynical manipulation by the faultiness of the case available for their missile.

It is too late now for Nixon to cast off without embarrassment the missile that looks like an albatross. But Safeguard remains a mistake—a dubious and expensive venture that may or may not work if it is ever needed, and that will escalate the arms race in either case. Continuation of Safeguard is bad for the President, bad for the country and bad for a world already grotesquely oversupplied with nuclear weapons. Nixon should stop it, even at the cost of some embarrassment. Continuing with it promises to be a great deal more embarrassing in the months ahead, and in the history books.

[From the Portsmouth (Ohio) Times, Mar. 25, 1969]

Now a Supermissile Gap

The American people have survived two crisis "gaps." President Kennedy's missile gap and President Nixon's security gap were quietly filed away after their campaigns ended, but now we have a new gap.

Defense Secretary Melvin R. Laird has alerted the Senate Armed Services Committee about a supermissile gap.

Speaking in behalf of deployment of the antiballistic-missile (ABM) program sought by President Nixon, Laird said the Russians are continuing to build up its SS–9 force.

The SS–9 (Supermissile) is described as a missile with a 20 to 25-megaton warhead—

much larger than anything the United States has at the ready.

Secretary Laird said the ABM protection offered American missiles would have the desired effect on the Soviet Union of letting them know a "substantial number" of our missiles would survive any attack "and then destroy the attacker as a modern society."

David Packard, deputy secretary of defense, added that the ABM would be "a stabilizing influence in the long 'term' in the strategic relationship between the United States and the Soviet Union."

That's strictly a pipedream. And so long as military thinking dominates a nation's foreign policy, money is going to be poured into the bottomless defense well while that country caves in from domestic malnutrition.

The thin ABM around missile sites will expand into a thick shield. Then it will creep around population centers, first as a thin system and then a thick one.

All the while the missile arsenal is growing—just to keep pace—and $100 billion is gone. And there still will be no security.

It is up to the politicians in both America and Russia to override militaristic thinking and reach a meaningful reproachment.

It isn't the supermissile gap we're worried about, it's the diplomacy gap.

[From the Roanoke (Va.) Times, Apr. 5, 1969]

Glorious . . . or Purposeless?

The Army's chief scientist says a multiwarhead ABM is one of the "glorious goals of the future."

So is an end to the arms race, General.

Now if Gen. Austin Betts would care to try to convince us that only Washington, not Moscow, dreams of building a multiple warhead interceptor, possibly we could all better understand just what it is that the ABM race is going to accomplish. For if each side simply cancels out the other, as inevitably happens in a nuclear arms race, it is time that we stopped the whole silly ABM business.

Oh, we know—Defense Sec. Melvin Laird has suddenly discovered that the Soviets are building a new offensive missile that someday might be available in such massive numbers that the U.S. could be destroyed in a preemptive attack. But nobody has explained how Laird can forecast the Soviets' missile-construction timetables of a decade hence, or why such an interpretation of Soviet intentions was not made by civilian Pentagon leaders in the Johnson Administration, or why the Pentagon suddenly thinks bomber- and submarine-carried ICBMs would not still provide the needed second-strike deterrent.

Each day, it sometimes seems, brings a new explanation for ABM deployment. When the latest explanation is punctured, a revised rationale is always at the ready. In judging Soviet and Red Chinese intentions, the Pentagon assumes the worse—as it's paid to do. But in judging whether or not scientists can ever build nuclear-tipped defensive missiles that will actually intercept incoming missiles with pinpoint accuracy and with only a 15-minute warning, the Pentagon assumes the best—as it did with Vietnam, the Bay of Pigs, the F–111, ad infinitum.

Few scientists outside the Pentagon think the ABM will work, even against a stray missile accidentally fired by the Soviets or the dozen or so ICBMs that Red China might lob at us in the mid- or late-Seventies (when, we are supposed to believe, they would willingly invite instant annhilation of their own country in return for attacks by crude first-generation missiles that might or might not hit the handful of cities at which they were aimed).

If the Soviets think they can build a first-strike missile system, the Nixon Administration's modified ABM program—limited to a dozen offensive missile sites—will not cause them to shift course. Even if Moscow conceivably could someday develop a missile system that had the potential for simultaneously destroying all 1,000-plus land-based ICBMs and 646 Polaris- and bomber-carried ICBMs—and not even a Dr. Strangelove has yet figured a way to develop such a war machine—it is absurd to think that the U.S. would sit idly by and not redesign, expand and further diversify its own offensive missile system to counteract the whole thing.

The U.S. has 1,700 ICBMs, the Soviets only 1,100, based on latest available estimates. According to Deputy Defense Sec. David Packard, the Russians possess some 200 of their new super-missiles, the SS–9. Yet they would need 15 times that number to gain first-strike capability against our land-based missiles alone. Such a build-up would require huge Soviet expenditures, to say nothing of the costs of trying to design anti-submarine systems that also would be required if first-strike power were ever to be achieved.

If the U.S. is threatening to accelerate an ABM race simply as a means of forcing a Soviet halt to further offensive and defensive missile development, a case conceivably can be made for authorizing the start of planning for Mr. Nixon's so-called "Safeguard" system. On that point we are prepared to reserve judgment.

The Pentagon, however, appears to think that the Soviet Union presently is deluding itself into believing that it someday can destroy the U.S. without destroying itself and the world in the process. If Sec. Laird really believes that, a modified ABM system will be no defense against such madness. We will simply have to bankrupt ourselves, install unreliable ABMs around cities and missile bases, build more and more offensive missiles, bombers and submarines . . . and await the apocalypse.

[From the Milwaukee (Wis.) Journal, Apr. 14, 1969]

Escalating the Terror

Senators McGovern (D-S. D.) and Kennedy (D-Mass.) have accused the Nixon administration of using "terror tactics" to sell the Safeguard antiballistic missile system to congress and the American people. McGovern has complained that the country has "had a whole series of rationalizations for Safeguard from the administration. . . . Now it seems to me they are escalating the terror rather than giving us any enlightenment."

Defense Secretary Laird has argued for building the Safeguard system to protect American missiles from the continued deployment by the Soviet Union of its large SS-9 intercontinental ballistic missile, capable of carrying a 25 megaton thermonuclear warhead. Recently he said that the Russians were testing multiple warheads that would make the missile even more potent.

The Soviet's ultimate aim, he claims, is a first strike capability that could utterly destroy America's retaliatory power and leave it defenseless.

Scientist Ralph Lapp responds that even using the most dismal Pentagon estimates of Soviet capabilities it is unlikely that Russia could gain a first strike capability with the SS-9.

Such "fright" tactics are not unknown in the cold war. On the advice of the late Sen. Arthur Vandenberg (R-Mich.), President Truman in 1947 deliberately acted to frighten the American people about the danger of Soviet expansionism to push through congress the Truman doctrine of military and economic aid to Greece and Turkey.

Use of like tactics has led in many cases to reliance on militarism, defense and weapons as the simple answers to complicated problems of foreign policy, whether they be the Lebanon landing, the Bay of Pigs invasion, the occupation of the Dominican Republic or the Vietnam war.

Kennedy has pointed out that congress has been all too eager "to accept on faith the recommendations of the Pentagon."

Even if Laird is right about Russia's first strike capability, there is no way, given present technology, that a "thinly deployed" Safeguard system or an extremely expensive, "thickly deployed" ABM system could completely protect the United States from such an onslaught.

Congress should not succumb to any campaign of fear in considering the Safeguard proposition. Let it rather, by its action, show the new administration that it wants more vigorous efforts toward peace and disarmament, not more nuclear weapons unless they are justified by reason and proved need.

[From the Lewiston (Idaho) Tribune, Mar. 22, 1969]

Simple Ways To Bomb a Nation

The best and really the only fairly reliable defense against nuclear attack is an offense—the ability to respond in kind. It is the celebrated balance of terror under which neither side can dispose of the enemy without committing suicide.

But, other than the balance, based as much on fear as hardware, there is really no such thing as a perfect shield against nuclear attack or any great chance of one being developed.

It doesn't require technical knowledge to know that. Common sense will suffice. For example, as Dr. Ralph E. Lapp, a physicist who appeared at a Washington State University political institute this week noted, the ABM system currently proposed could not cope with massive dirty bombs exploded from rafts off the West Coast with the fallout drifting over the mainland. Nor could the ABM cope with nuclear weapons exploded from ships in dozens of American harbors. Or nuclear weapons erected piece by piece in a building in the heart of an inland city.

The proposed ABM system is a conventional response to a conventional nuclear attack (to use an extreme use of the word conventional). But there are no guarantees that anyone intent on doing this nation harm will deliver weapons in a nice, neat ballistic missile fashion susceptible to a nice, neat ballistic missile response.

Even if, at a cost of billions, this nation should be able to develop a workable ABM system (which many scientists doubt), there are numerous ways around it.

Play the game yourself. Assume that the Soviet Union and the Red Chinese have antiballistic missile systems, capable of stopping all conventionally-launched missiles from the United States. If it became your intention for this nation to strike first against them, try to think of the many ways you could penetrate their shield—relatively simple ways like smuggling the parts of a hydrogen bomb into their ports and major cities, or hitting them with fallout from afar.

But what if you knew that your success would be greeted with a counterattack on this nation? That would give you pause. That, and not hardware, is what would deter you.

And, if that would not deter you, it is unlikely that anything else would. You would then proceed to work around the enemy's futile sophisticated defense system.

An American ABM system might be able one day to cope for a time with *some* of the incoming missiles launched in the sophisticated fashion. But a sophisticated defense cannot always cope with an unsophisticated attack.

It would be far simpler and far less expensive to bolster what is already our best defense—the fear of U.S. retaliation. Rather than involve this nation's wealth, time and talent in the enormously expensive effort to develop something new, different and probably futile, America should concentrate on the far less expensive and far more reliable alternative—increasing the number of retaliatory missiles in our arsenal.

The mold for the Minuteman has already

been made. The development cost is behind us. Cranking out a few dozen more copies would be far less costly—and a good deal faster—than this naive scheme to bleed the taxpayers of billions for a system that no one can guarantee will work half as well as simply installing more ICBMs and thereby enhancing the enemy's fear of retaliation.

If there was ever any validity to that old right wing saw about the Communists trying to get America to spend herself to death, it would be ironic if the $80-billion-per-year Defense Department—rather than Medicare and higher teacher salaries—turned out to be the principal contributor to our economic downfall.

It is beginning to appear that the ABM system we need most is an Anti-Bankruptcy Move against our own military leaders.

[From the Anderson (S.C.) Independent, Apr. 4, 1969]

How Would Limited ABM Defense Forestall Insane Action by Chinese?

We take as our text today the assertion by President Nixon, to the National Association of Broadcasters, that his decision to go ahead and spend $6.5 billion on the Safeguard antiballistic missile system was necessary because "we find within the last third of a century that sometimes decisions by great powers, as well as small, are not made by rational men . . . Hitler was not a particularly rational man in some of his military decisions."

Now the existence of human irrationality, in high places as well as in low, is hardly a matter of debate.

But without making any invidious comparisons, we thinnk it well to inquire as to whether the ABM decision is itself a rational calculation which tailors means to the end we all seek—the security of our nation.

Consider first the specter, which ABM proponents keep raising, of the Red Chinese menace.

True enough, "the heathen Chinese is peculiar," but the fact remains that since seizing power in the late 1940s the Chinese Communists have, in their foreign relations, shown a remarkable restraint.

This is not to say that they have not committed aggression; they have, notably in Korea in 1950 and, a few years later in Tibet.

But the act of aggression, while much to be condemned, of course, is not in itself necessarily an "irrational" decision.

It can be, and in Korea and Tibet was, a rationally calculated move, and it may also be noted that notwithstanding Peking's pyrotechnic propaganda about our own alleged "aggression" in Vietnam, it has refrained—rationally, we might suggest—from inviting annihilation by sending its troops into Vietnam.

Nevertheless, let us suppose the worst.

Assume that, sometime in 1973 or after, the leaders of Red China are so irrational that they decide to unlease nuclear missiles upon the United States.

How in the name of rationality would our having spent $6.5 billion, or upwards of eight times that much money, on an ABM defense, possibly dissuade them?

Insane people do not understand the counsels of sanity; insane people are insane.

With our retaliatory capacity as of now, as Mr. Nixon himself points out, we could wipe out half the population of China.

Under no conceivable circumstances can Red China ever possess a "first-strike capability" which could knock out the ability to respond possessed by our nuclear submarines alone.

If the inevitability of obliteration could not affect an insane calculation, why should the possibility of a very limited defense affect it any more?

The Nixon decision bears the hallmarks not of rationality but of rationalization.

The President says it was also necessary "because we found that the Soviet Union had developed new weapons with great accuracy."

His Secretary of Defense, Melvin R. Laird, is developing his own weapon—"the technique of fear," as Sen. J. William Fulbright calls it—to peddle the Safeguard system.

Mr. Laird asserts that the Soviets "are going for our missiles, and they are going for a first-strike capability. There is no question about that."

But there are many questions about that.

The Soviet SS–9, from which Mr. Laird has suddenly unveiled the secrecy, was regarded by the Defense Department, and the Senate Armed Services Committee so informed, as a "second-strike" weapon. Which is it?

And how effective would the Safeguard system be against it?

As Foreign Relations Committee Chairman Fulbright observed, the Russians are not "very bothered" about the ABM, "because I am sure, they know, as nearly every witness outside the Pentagon knows, it is not much good."

The one thing we concede that it would be good for is the "military-industrial complex" whose "unwarranted influence." President Eisenhower warned against in his last message to Congress.

"The potential for the disastrous rise of misplaced power exists and will persist," the general correctly foresaw. It certainly exists and does persist in the Nixon administration.

[From the Michigan Catholic, Mar. 20, 1969]

Defensive Missiles Balk Disarmament

Given the growing opposition consensus against it and the almost universal scientific testimony to its futility, President Nixon's decision concerning the Sentinel ABM system may have been appropriate. It is appropriate, at least, if one buys the theory that a little bit of nothing is better than a whole lot of nothing.

We have been told and the administration seemingly agrees, that the Sentinel system would be useless against a massive Russian attack. It might prove effective against a Chinese attack which is non-existent now and would be real only if the Chinese were to attack before they possessed a Russian capability. And this is not likely.

Now, instead of locating the missiles near heavily populated areas which have reacted to possible placement near them as if the Sentinel were a hot potato, plans are to locate in two remote areas of Montana and North Dakota. Thus will some of our ICBMs be protected.

We also have been told that our second strike capabilities with ICBMs, even if we were attacked first, are overwhelming enough now to destroy any aggressor nation several times over. We might assume then that if Russia, or any other attacking nation, were to destroy even many of our ICBM sites, we still would be able to incinerate our enemy, only we would not be able to kick his ashes about very much.

The decision to go ahead limitedly and remotely may calm the real selfish fears of city dwellers who worry that a mistake in their own backyard would lead to their own private little doomsday. But this new Maginot line does not solve the problem of waste and misplacement.

So the initial investment is a mere $6 or $7 billion. That, however, would feed a lot of people, build a lot of homes, clear a lot of slums.

And it does not much matter that the ABM Sentinel system is called "Safeguard". A wasteful missile system by any other name is equally harmful.

It is not that our country should not be defended. It is that we've about gone beyond the point of defense. Only the balance of terror—that a mistake or miscalculation by one man on either side could wipe this beautiful planet out of the heavens—protects us.

In the light of this we opt for supervised disarmament, already suggested by the Soviet Union. Even our polluted air would go down better if no one has a nuclear button he can push.

It is still possible for Congress to waylay this expenditure before it gets into the ground. The administration has ignored congressional advice, now is the time for Congress to withhold its consent.

Our congressmen can prove that even the middle of the road can sometimes be dangerous.

[From the San Antonio (Tex.) Express, Mar. 24, 1969]

Weaknesses Begin To Show Up in Argument for Anti-Missiles

Phase Two of President Nixon's decision to deploy a "thin" anti-missile system has begun. It is the sharp criticism being aimed at the decision by the Senate Foreign Relations Committee, whose members include the Senate's ranking "doves."

On this issue, nearly half the Senate has stated its opposition to the Nixon decision. The committee is giving the Administration abundant opportunity to say why the decision was made as it was. Best point scored so far is that an intent to deploy is a trading point in talks with Russia. Russia is reputed to have deployed some anti-missiles and Defense Secretary Laird professes to believe the Russians are working on "something" that might jeopardize the American Polaris fleet.

It is difficult to argue with Laird that any error we make should be on the side of safety, but it is not difficult to argue that the ABM has few backers who say it will do what it is supposed to do. Fewer still think the cost estimates will remain as low as they are—which is horrendously high.

The thing that weakens the Pentagon argument is that both Laird and Deputy Secretary David Packard admitted Friday that U.S. experts don't know enough to protect cities—so the missiles will be deployed around offensive missiles in place now. Until Nixon made his decision, the argument was all for emplacement around cities and, in fact, that was the point of initial heated opposition.

We don't think the Russians think any more of anti-missiles than some of the American opponents. A better case needs to be made.

[From the Waynesboro (Va.) News-Virginian, Apr. 1, 1969]

No Such Thing as Limited ABM

Planning strategy for World War III is called "thinking about the unthinkable."

It is not just that a thermonuclear holocaust is too horrible to contemplate. It is that there are simply too many variables, possibilities and unknown quantities for anyone to know what would really happen should someone actually initiate a "missile exchange."

Underlying President Nixon's proposal for a limited antiballistic missile system to protect the nation's missile sites is one basic assumption—that an enemy, to have any hope of "winning," would have to give first priority to wiping out or crippling his opponent's retaliatory strength.

Thus it follows logically that an ABM system that guarantees—or makes an enemy believe it guarantees—that some of our retaliatory strength would survive a first strike would be an effective means of staying his hand and preserving peace.

The logic fails to hold up upon closer examination, however.

It conflicts with another basic assumption, which is that an enemy would have to shoot his entire nuclear wad in the beginning. While he might save a few missiles to mop

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up a few cities or other countries afterwards, if he hasn't obliterated his opponent, including his opponent's population centers as well as missile sites, in the first round, then he has failed.

The only feasible course for an aggressor would be to inflict as much punishment as he could in a first strike and hope that the second-strike punishment he would have to take would be at an "acceptable" level—say 20 or 30 million dead.

Thus Russia's missiles, should they ever come, would come not by twos or threes but in battalions. It is impossible to imagine that a president, faced with a radar horizon sparkling with the blips of hundreds of oncoming missiles due to explode all over the country in 15 minutes, would order that only our ABMs be fired. It is impossible to imagine this even if there were an ABM ring around every city.

Not unless there existed a 100 per cent perfect defense against a missile attack could a president hold back immediate, total retaliation—and a 100 per cent perfect defense is something that not even the staunchest advocates of the ABM claim is possible.

Because of this fact, the ABM has been put forward as a short-term defense against the Chinese, who at present have only a handful of intercontinental missiles.

But crazy as the Red Chinese seem to be, it is also impossible to imagine them wasting their few missiles against our missile sites and sparing our cities, while inviting devastating retaliation upon themselves.

Thus, it is argued, there can be no such thing as a limited ABM system. Either the nation foregoes the ABM entirely, or it must embark on a full-scale megabillion-dollar program to include the cities—and even this could be easily nullified by an enemy simply by doubling or tripling his missile-launching capability.

It is said that President Nixon is really using the ABM to get the Russians to sit down for some serious talks about disarmament. But it seems a terribly expensive and roundabout way to appeal to Russian logic.

Surely they have as many people thinking about the unthinkable as we do.

[From the Marquette (Mich.) Mining Journal, Apr. 1, 1969]

The ABM Issue

A matter which looms even bigger than the Vietnam war in its potential for influence upon the future safety of the United States is the ABM issue.

The letters stand for Anti-Ballistic Missile and refer to the plan for a defense system against enemy ballistic missiles which our government embarked upon in the Johnson administration. With a system of radars and anti-missile missiles, the project would try to shoot down enemy missiles before they could reach targets in this country.

President Nixon reviewed the ABM project and compromised on it. The Defense Department's start on construction of ABM installations in Eastern cities was drawing lots of public flak. Mr. Nixon's compromise suggests that the anti-missile missile batteries be set up at major missile installations in Montana and North Dakota to "protect our deterrent." That is, to protect our missiles from attack. The intention would still be to lessen the damage and deaths from a nuclear attack on the United States, but the political pressure building up against the ABM project might be lessened by not proceeding with deployment of ABMs in big cities.

Defense Secretary Melvin Laird has urged approval of the compromise plan in testimony before a Senate committee. The current effort is an end run around political opposition and widespread concern that this first "thin" ABM plan is really the first step in military strategy to construct an extremely costly "heavy" ABM system to attempt to defend most of the big population centers of the country.

Our reaction to the threat of nuclear missile attack up until recently has been reliance upon "massive retaliation" with our own intercontinental ballistic missiles to deter any aggressor. (The only nation capable of a massive nuclear missile attack upon us at present is Soviet Russia, but our defense leaders are increasingly concerned that Red China, with its nuclear capability, will develop the ability to attack with missiles with nuclear warheads. Our fears are stimulated by China's refusal to enter any nuclear control agreement.)

The ABM project is being opposed for a number of reasons:

1. An inherent distrust by politicians of the military, which traditionally wants to solve its problems of defending the nation by mustering a defense capability superior to any enemy's, and then using it, if necessary, to settle issues (by war) that won't yield to diplomacy.

2. The impossibility of knowing for sure whether an ABM will work until it is actually used, when it would be too late to do anything about its failure.

3. That it may be one more step in escalating the arms race with Russia. We get nuclear bombs, they get nuclear bombs. They build an ABM system; we build an ABM system.

4. The conviction that we are building toward a military holocaust that will destroy much of the human race with our stockpiling of nuclear weapons.

5. But especially and most importantly because our problems of living with Russia and Red China can only be solved by political solutions, not by nuclear weapons.

Americans who remember so well when Nikita Khrushchev sneaked atomic missiles into Cuba with the thought of confronting us with their deployment 90 miles from our shores, will be wary of believing that good will will keep Russia from starting a nuclear war.

But even if we both were to build an ABM defense system to match our deterrent forces of intercontinental missiles, the problem of preventing war still would remain. We cannot forever march step for step in an arms race and expect the deterrent and the deterrent defense to protect us by technology.

For that we must have leaders in the major nations who will accept restraints. We ourselves have not been without sin in this matter. We had nuclear weapons in Turkey, as close to Russia as Cuba is to us. We must somehow wage peace as extensively as we now commit ourselves to military hardware in the fragile hope that will avoid war in a troubled peace of military standoff.

[From the Lancaster (Pa.) Intelligencer Journal, Apr. 8, 1969]

Not Convincing

It is of course, entirely possible that Secretary of Defense Laird is correct when he says the Soviet Union is testing a triple warhead nose cone for the big SS9 rocket he considers a threat to U.S. missiles.

However the news is hardly surprising. This nation's 1,000 land-based Minuteman missiles now have only one warhead, but the U.S. plans to equip some of them with three warheads. Additionally, the U.S. testing of what it calls the multiple independently reentry vehicles (MIRV) has been under way since last year.

So it would be a logical step for Moscow to attempt to keep pace with the U.S. nuclear capability by putting triple warheads on the 500 SS9's it reportedly has deployed around Moscow.

However, Secretary Laird's announcement must be considered in context. His record for credibility has suffered of late. Last week, for instance, the Pentagon quietly went about correcting some testimony he and his deputy, David Packard, had given before the Senate Foreign Relations Committee. He said this nation's missiles could be disarmed or aborted after a launch. They can't.

Another inconsistency—Secretary Laird in his testimony to the Senate Committee supporting a proposed anti-ballistic system, said "With their large tonnage warheads, they (the Russians) are going for a first strike capability—there is no qeustion about that."

Yesterday, he said: "I've always made it clear that I do not believe the Soviet Union would be foolish enough . . . to go forward with a first strike."

It is probable that what Secretary Laird is attempting is to sway enough wavering Congressmen to support the Safeguard ABM system President Nixon has proposed. This is the system the president has modified from a $5.8 billion Democratic Sentinel into a $7.2 billion Safeguard whose mission it is to protect some of this nation's Minutemen in their silos in the northern United States.

The whole rationale of this proposed ABM system is illogical. If Russia is intending, as Sen. Russell intimated the other day, to build up its nuclear missile strength to such superiority that "they will not have to fire a missile but simply say 'this is it' ", then the ABM is a totally inadequate response.

If the Administration truly believes the Soviets want to be able to start a war without fear of reprisals, then there should be an immediate beginning on a 'thick' ABM system, offensive forces should be beefed up, and fallout shelters built for the country's inhabitants.

Until much more persuasive evidence is presented than has been presented so far, there is considerable doubt that either the Congress or the people of the U.S. will do otherwise than view the ABM's Safeguard of Sentinel, other than an expensive boondoggle.

[From the Ann Arbor (Mich.) News, Mar. 20, 1969]

U.S. Military Takeover Not Imminent, But . . .

President Eisenhower, in his leave taking of the presidency, warned his countrymen of the growing influence of the military-industrial complex. He also warned about the tendency of installed power to magnify itself.

The man who succeeded him, President Kennedy, is quoted as saying that there was scarcely a serious problem confronting the U.S. abroad in which the Pentagon did not advise him to use military force. Cuba is a notable example.

Against this backdrop of surging militarism in U.S. government the entire anti-ballistic missile (ABM) issue stands as a kind of exclamation point. Belatedly, the country and the Congress are coming to their senses about the staggering costs of the ABM system, and the type of thinking to which President Kennedy alluded.

Norman Cousins, writing in the Saturday Review, stated the problem in this way: "Is military power becoming an end in itself and a law unto itself? It is no answer to declare that the men at the head of (the defense establishment) are balanced, intelligent, sober, responsible. This is not the issue.

"The issue is whether a context of power is now being created beyond the ability of even the best men to change.

"At the Philadelphia Constitutional Convention of 1787–89 . . . it was decided to create good government through good laws and good structure. This meant preventing runaway power situations.

"Today, the system of checks and balances has become seriously impaired through both the massive spending power of the military and its ability to take actions and to create situations in the field that force the hand of the President."

Throughout the burgeoning Sentinel controversy, the Secretary of State has been a silent party. What are Americans to conclude

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as concerns who is calling the tune on the ABM? It is not the Congress, the body from which massive military appropriations must come.

Is it then the Executive, the man who proposes? Well, hardly, because we are led to believe that because the Soviet Union had taken initial steps to build their own ABM our own President's hand was forced and he had no other choice but to give the green light to the Sentinel backers.

Thus by process of elimination only the Pentagon is left. Its new occupant, Defense Secretary Laird, has been one of Sentinel's most vocal supporters.

The American system of checks and balances traditionally is thought of as three branches acting as brakes on each other. The institutions of the military have been part of this scheme of government only insofar as they have served civilian authority and true power was kept in the hands of qualified decision-makers. But if the executive and the judiciary and the legislative act as checks upon each other, who checks the power of the military?

This is the question Americans must ask of their government and the Nixon administration must resolve before matters of national security are beyond recall.

[From the San Francisco Chronicle, June 3, 1967]

Safeguard and the Secret Chart

Senator Stuart Symington, one of 49 ABM doubters in the Senate, says the Department of Defense is not making public what it admits in secret sessions about the Safeguard missile system.

If a secret Pentagon chart were released, the controversy over whether to deploy the ABM at a cost of $6 billion would in his view be resolved. He implies that the military would be sent back to their drawing boards for more research on the weapon.

It is frustrating to be told that the answer to a serious question in public controversy cannot be given to the public. All that the ordinary citizen can judge from Symington's statement is that secret information has evidently fortified his doubts. Since he is one of Congress' best informed men on defense matters, as a former Secretary of the Air Force and a former electronics industrialist, these doubts carry weight.

So what the secret chart shows is anyone's guess. Our guess, based on the interesting and presumably authoritative letter of Dr. Wolfgang K. H. Panofsky of Stanford which we published last Friday, is that the chart shows the Safeguard system to be ill-designed and inadequate to do the job it is touted to do—i.e., protect the U.S. Minuteman missile sites.

The number of ABM interceptors is so small that only a tiny fraction of an incoming force which might be a threat to Minuteman can be intercepted, Dr. Panofsky wrote. He charged that the Defense Department "has frightened us by a projected threat (from the Soviet SS-9 missile), but has hidden the extent by which the proposed Safeguard system could possibly decrease that threat."

In the view of this distinguished radiation physicist, who is the director of the Stanford Linear Accelerator Center, Safeguard "may or may not work." It is a "bad compromise"; its radar is much more vulnerable than the missile sites it is expected to defend, and it costs a great deal more than the value of the few Minutemen which, on optimum performance, it could save.

Conceivably, Dr. Panofsky does not know all that needs to be known in order to evaluate Safeguard. Senator Symington may not know, either. Certainly the public doesn't. But these two men are in a growing company of those who know enough about ABM Safeguard to have informed doubts, and it seems to us that the Senate has no more pressing obligation than ruthlessly to pursue these.

[From the Tupelo (Miss.) Journal, Apr. 7, 1969]

It's Defense That Nixon Needs To Run

President Nixon reportedly has about decided to be his own Secretary of State, leaning heavily on the Defense Department and the National Security Council for advice and using the man he appointed to the State post, Bill Rogers, largely for administrative matters within the department.

This is not a particularly new approach. A number of modern Presidents have, in effect, doubled as Secretary of State in policy making matters.

But it is new, and possibly quite dangerous, for President Nixon to lean so heavily on the Defense Department as his guide to a peaceful world.

For the Defense Department under Secretary Melvin Laird is creating the No. 1 "credibility gap" in the new administration.

And if his free-wheeling statements made without noticeable ability to back up their truthfulness continue, America may find itself in need of a costly overhaul of its defenses without the public support to foot the bill.

For once it ceases to believe what the Defense Department is saying, the public may fail to support even the most pressing military needs. Then not just the Nixon administration but the whole country could be in serious danger.

Laird was caught in his first apparently false statement on the ABM issue when he told a congressional committee that at least one scientist outside his department had supported the anti-missile defense network during a lengthy discussion with Laird.

That scientist, however, a few days later denied that he had ever discussed the issue in any detail with Laird, it being only rather casually mentioned when they met in an airport.

Then Laird undertook to discredit one of the most effective witnesses against the ABM, Herbert York, who was director of Pentagon research and engineering during the Eisenhower administration.

York said that the speed of action required to activate the ABM missiles against attacking nuclear weapons was such that the President could not be brought into the decision making process at all. One low level man in uniform would have to make the decision whether the nuclear ABM missiles were to be fired if they were to have any chance of shooting down the enemy missiles, he testified before Congress.

Secretary Laird then came up with the argument that York could be expected to oppose the ABM because he also had not thought the Polaris submarine missile would work.

York pointed out shortly in a telegram to Republican Congressman J. Sherman Cooper of Kentucky that he had at all times recommended to the Department of Defense that the Polaris submarine missile be developed and deployed.

The record indicated that York, not Laird, was telling the truth. And the credibility gap of the Nixon administration on military matters widened further.

Then it was disclosed that Laird had deliberately or otherwise misled the American public on the question of whether launching our anti-missiles would in effect be opening a nuclear war against America's own towns and cities.

The fact is that both the Spring and Spartan nuclear missiles which we would fire against attacking enemy missiles are armed before they are fired—meaning they are set to go off whenever they hit something. And they do not have any self-destruct system by which the ground crew could blow them up if they missed their target in the air.

Thus what is proposed is that American nuclear missiles be fired into the air ready to explode wherever they come down anywhere from 25 to 400 miles from the point of firing.

And in view of the number of missiles planned eventually for America's anti-missile defense network, we could end up hitting American people with more American nuclear missiles than the enemy could fire at us.

Adding to the significance of the growing credibility gap in the Defense Department are reports that the new administration already plans to spend $100 billion on new weapons alone.

Aides to President Nixon have stated that he plans to boost military spending by 1971 to $75 billion in addition to whatever Vietnam may be costing at that time.

Not even at the peak year of World War II did military expenditures in this country run so high.

And if President Nixon expects to sell Congress and the public on such expenditures, it is essential that he insist upon honesty and openness in Defense Department relations with the American people at all times.

Thus far we are not getting such an approach.

Rather, Defense Secretary Laird is operating more like a free-wheeling congressman who could depend on the other 534 members of the House and Senate to correct any misstatements or errors he might make.

This level of integrity is not adequate for a department which plans to boost annual military outlays to something like $85 to $90 billion a year for many years to come.

Thus if President Nixon has the time to take over any of his cabinet operations, the Defense Department seems to need his attention most.

[From the Salina (Kans.) Journal, May 3, 1969]

A Dash of Salt for ABM Histrionics?

The nation is divided on the anti-ballistic missile issue.

So are military men. So are scientists. And so are politicians.

For example, Kansas Senator James Pearson doubts the value of the program while Kansas Senator Bob Dole supports it. Both, incidentally, have excellent records of military service.

For as it is difficult to fathom, President Nixon has taken a tough line in behalf of the proposal. He is giving it an arm-twisting hard sell. Shades of Lyndon Johnson!

As part of that sell, Secretary of Defense Melvin Laird is going about the country evoking the Red Menace. We are being told, in effect, that the Russians can wipe us out if we do not go ahead with ABM installations. And if not the Russians, then the Chinese.

This may work. The Communists have been bogeymen 'for two generations. The Pentagon has secret information to which ordinary Americans are not privy. If the issue in truth is one of national security, the commander-in-chief should be supported.

Then again we have been fooled in such matters. History now reports that President Roosevelt helped bring about Pearl Harbor. The Tonkin Gulf incident which brought us full steam into the Vietnam war has been shown since to have been over-blown. The wars that were to stem the Red Tide in China, Burma, Korea and Vietnam have not done so.

We recall that past Presidents have traded on missile gaps that disappeared when they won office. We remember the vast sums wasted on Nike pits and ICBM silos—even here in Salina. We know about the costly aircraft that wouldn't fly and the missiles that didn't fire.

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Wolf has been cried too often. But then again, is the need for a Safeguard system genuine this time?

Unfortunately, we can't wait for history's verdict. Hindsight is ahead of us. The issue is now, for the Congressmen pressing.

However, in the light of sincere, patriotic and informed division of opinion about Nixon's ABMs, he should not be surprised if the histrionics of his helpers are taken with a dash of salt.

[From the Honolulu (Hawaii) Advertiser, Mar. 15, 1969]

WRONG ABM DECISION

President Nixon's decision to go ahead with a modified antiballistic missile system is a disappointment. He has found and taken a compromise middle course that will please few and accomplish little at a high cost.

The system may be another Maginot Line, as one senator suggested. More important is whether it will lead to greater long-range security dangers than it aims to prevent.

With his polished press conference style, the President did make his decision look as good as possible:

There was the new name, "Safeguard." The system will be away from major cities (presumably including Honolulu), protecting our offensive missiles instead of people. It is supposed to be security against Chinese missiles while no threat the Russians should take seriously. It won't lead to a costly "thick" system, he said.

Some may feel grateful the President didn't decide for the $40 billion thick system to go around our major cities. But he seems to have gone as far as he thinks is politically possible at this time.

Many of the questions about the ABM remain:

Highly reputable scientists, nationally and here, feel it is a relatively simple matter for even the Chinese to develop decoys and other aids to penetrate such a system.

President Nixon made the point it would at least serve as protection against any accidental firing of a Russian missile, presuming such a Soviet missile was aimed at our missile sites and not a city.

The odds on such an accident are probably as great as for one of our "Safeguard" nuclear missiles accidentally blowing up on the ground.

Furthermore, it seems obvious the first thing the Russians will do is give high priority to making missiles which, whether fired on purpose or by accident, would be designed to penetrate our ABM system.

So the next step would be a new system for us, followed by more sophisticated missiles for them, then another system for us, etc.

This is perhaps the saddest part about the President's decision, for even if labeled defensive it follows the old arms race path that at best can lead only to costly nuclear stalemate and at worst to total destruction.

Inevitably such defense system developments as these while starting out small ($6 billion, yet) have a way of expanding in size and cost.

We may or may not end up with a thick system.

We are virtually certain in the name of dubious, even dangerous, security to end up with a thinner checkbook to finance needier programs.

One does not envy President Nixon this kind of decision. Still it is what we elect presidents for, and it is a pity he did not try a more imaginative course.

As the ABM seem aimed at being more a political than a practical safeguard for the Johnson Administration, so it appears to be a compromise for Nixon.

The battle now moves to Congress where the President seems likely to face his first major struggle. The honeymoon is clearly over.

[From the Louisville (Ky.) Courier-Journal, Apr. 19, 1969]

HOLES ARE STARTING TO SHOW IN THE ARGUMENT FOR THE ABM

In their references to new and frighteningly powerful Soviet missiles, which they claim make the ABM Safeguard system vital to our survival, President Nixon and Secretary of Defense Laird are toying with something equally dangerous from a political viewpoint—revival of the credibility gap. Mr. Nixon simply cannot afford to have the public suspect that he is being less than completely candid about our defense spending. Yet the suspicion—and the evidence—is growing that the public is being hoodwinked about both the ABM and the Soviet SS-9.

In appealing for billions of dollars to begin development of the ABM system, both President Nixon and Secretary Laird declared that the anti-ballistic missile system had become necessary to counter Soviet development of a super-powerful, 25-megaton warhead missile, the SS-9. The ABM, they admitted, would not protect our cities against nuclear attack, and was not designed to. But it would prevent the SS-9 from destroying our Minuteman missiles in their concrete silos and thus robbing us of our ability to respond to an attack with a devastating counterattack.

To make his appeal to Congress more dramatic, Mr. Laird revealed information about the SS-9 that had previously been classified as secret by the Pentagon, including the claim that it carried a 25-megaton warhead that could demolish Minuteman silos within a wide area. President Nixon repeated this reference to the SS-9 warhead, and added that the ABM was also needed to protect us against weapons the Chinese might develop by 1973 or 1974.

INCONSISTENCIES AND HOKUM

But inconsistencies and signs of hokum are beginning to creep into this argument. As *Los Angeles Times* columnists Tom Braden and Frank Mankiewicz have pointed out, Mr. Laird's declassification of data on the SS-9 may have been dramatic but it was also unnecessary and misleading. There was no reason why the Pentagon should have classified the data in the first place, since it had already been published in 1968 in Jane's *All the World's Aircraft*, which is commercially published and circulated.

And the facts about the SS-9, as revealed by Jane's, and by our own CIA, are quite different from the scare statistics quoted by the President and Mr. Laird. It is by no means a super-weapon. In fact, as Braden and Mankiewicz point out, it is no more horrible and considerably less efficient than many weapons in our own arsenal. Indeed, it is quite comparable to the Titan I missile that we are now dismantling as obsolete.

Nor is there any proof, or even evidence, that the SS-9 carries the 25-megaton warhead mentioned by the President and Mr. Laird. Assistant Defense Secretary David Packard admitted to questioning Senators that "it might be 20 megatons," and the CIA report says flatly that it carries only a 5-megaton warhead. If this is so, the SS-9 poses no real threat to Minuteman sites, for whose protection the ABM is being urged.

Furthermore, the SS-9 was designed not for use against such hard targets but against cities, which the ABM is not intended to protect. Repeatedly, in their initial appeals for ABM, the President and Mr. Laird emphasized not our cities, and would not be deployed to protect cities. Yet in his Friday press conference President Nixon said it was needed to protect our cities against the possibility of a Chinese missile attack sometime within the next decade.

These are not the only holes in the ABM argument. Mr. Laird told the Senate that Russia is the only country to fire an ABM at an incoming missile. Yet former Defense Secretary Clark Clifford quoted Pentagon officials when he declared in his defense of the ABM that "as long as seven years ago we demonstrated we could destroy incoming missiles." In its plea for the ABM the Defense Department said it had consulted Dr. Wolfgang Panofsky, the noted Stanford physicist. Dr. Panofsky says flatly he was not consulted.

Someone, in brief, is not telling the truth. Someone is not levelling with the American people. The last time that happened it created a thing called the credibility gap, and the man trapped in it never quite managed to scramble out. It could happen again with the ABM.

[From the Boston Globe, Feb. 6, 1969]

WELCOME SIGNS OF ABM FREEZE

The unbelievable is happening. After nearly two decades of rubber-stamping Defense Department requests, the U.S. Senate is learning how to say "No." Hawk and Dove, Republican and Democrat, have served notice that they want more facts and figures on the controversial ABM Sentinel system—or else!

Many of the objectors are the same senators who only weakly opposed mere portions of the overall $1.2 billion ABM appropriation last year. But this year there is a difference. The folks back home in Chicago, Seattle and the north-of-Boston suburbs, where land procurement for the ABM sites is underway, are now acutely aware of this so-called "thin line" missile set-up.

The new Senate Majority Whip, Edward M. Kennedy, best summed up the view of his constituents and his colleagues alike when he called the present plans to deploy the ABM system in densely populated areas "a serious mistake," if not "a complete waste."

His request that President Nixon freeze the program while Congress resolves questions of site and effectiveness is reasonable and logical. The fact that the new Armed Services chairman, Mississippi Sen. John Stennis, readily agreed to hear scientific testimony on the effectiveness of the ABM is further justification for the immediate freeze Kennedy and other Senate critics ask.

Republican Sen. Everett M. Dirksen's statement that "it is time to take a cooler and more deliberate look at this proposal" provides bipartisan assurance of a searching review.

Perhaps the first question any Senate inquiry should demand a definitive answer to is the estimated cost of the "thin line." During Tuesday's debate Sen. Edward W. Brooke said the Pentagon told him the Sentinel system would cost $5.8 billion. Not so, said Sen. Stuart Symington, a former Air Force Secretary. His Pentagon sources, perhaps more reliable than Brooke's, put current estimates at $9.4 billion. And that, more than anything else, is why Sen. Charles Percy was speaking for more than his Illinois constituents when he warned: "We are on the brink of a decision whose magnitude in cost could be comparable to the Vietnam war. We should know what we are doing before we get into it."

Whatever the ultimate fate of the ABM system, the Senate's new-found critical voice on defense expenditures happily foreshadows the day when less money is spent on excessive armaments and more on the correction on social ills.

[From the Western News, Apr. 3, 1969]

HOW MUCH IS ENOUGH?

President Nixon's decision to modify his predecessor's plans for an anti-ballistics missile defense system and to proceed with construction of only two remote installations rather than the nation-girdling network proves that the chief executive is hardly more convinced of the need for the costly shield than are most Americans.

Officials of the Defense Department—

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under both Johnson and Nixon—are pressing for the ABM system because they believe it is their obligation to keep America the most powerful nation in the world. Neither a Republican nor a Democratic Secretary of Defense wants to go down in history as the man who let his nation's guard down so that it fell prey to a nuclear Pearl Harbor.

Many men in Congress feel, however, that even without an ABM system, American has sufficient power to retaliate after an attack and devastate the homeland of the attacker. Even now, the United States is said to have "over-kill" potential, power to inflict greater damage than any enemy could possibly recover from.

Because no reasonable commander-in-chief would order an attack in the expectation of such calamitous response, it is improbable that our present defense system will ever be unleashed in anger. Likewise the ABM would probably become only an unused monument to national preparedness.

The first two ABM sites at Great Falls and at Grand Forks, N.D., are expected to cost seven or eight billion dollars, a staggering cost but only a fraction of the total bill for the nationwide system.

This is a mighty large bill to hand to the American people for a weapons system that will provide little more deterrent than the existing arms.

If America already has the ammunition to wipe out an enemy population and the means to deliver that punch, added strength would seem to be an unnecessary cost.

[From the Deer Park (N.Y.) Suffolk Sun, Mar. 26, 1969]

Nuclear Weaponry: Never-Never Land

The Pentagon has wheeled out its biggest oral guns to frighten the American people into believing that without the Sentinel ABM system the nation will be helpless in the face of an all-out nuclear attack.

If Secretary of Defense Melvin Laird's on-again off-again pronouncements about troop withdrawals from Vietnam are an example of the military establishment's current reasoning, we place no stock in his pitch for the Sentinel. What he and the brass pass over lightly in this case is that the nation will be just as helpless in an all-out attack with the system installed. Therefore, why spend billions of dollars to hold up a false front?

How much solace can scores of millions of potential victims get from an educated guess that the ABM network might save enough Minutemen sites to mount a nuclear counterattack? Few of us would be left to restore our own rubble, much less crow over enemy losses.

The thinking that has created this never-never land of nuclear confrontation is aptly expressed by Edmund Stillman in the current issue of Horizon. Experience, he argues, is the club with which an elder generation beats the young—but if no one can truly say what happened, and why, in history, the experience of the outgoing elders is less relevant than they may care to think.

"What may assert itself as the wisdom born of sad experience," he writes, "may only be the elders seeking to redeem the shame or folly of their own youth in wholly distinct or inappropriate circumstances—to the cost of the young."

These are good words to remember, particularly for the people of Hiroshima and Nagasaki, and Americans who cannot forget.

[From the Cleveland Plain Dealer, May 1, 1969]

ABM Assessment in the Open

The Columbia Broadcasting System performed a commendable public service Tuesday night with a special hour-long television program devoted to full exposure of the antiballistic missile problem (ABM) in all its ramifications.

CBS examined every aspect and presented forceful speakers on both sides, those who believe the expensive—though modified—Safeguard system is necessary for the nation's protection and those who believe the United States is building up "overkill" apparatus at great expense and sacrifice.

CBS arrived at no conclusion.

But the whole issue was presented in neutral perspective for the public to assess.

A basic premise is that the United States government must protect the nation against attack from all directions. It has that awesome responsibility.

There is no argument there.

The argument is in the amount of money that should be diverted for this purpose and the extent of this designated defensive missile system.

Part of the debate is in semantics. President Nixon asks for a "sufficiency" of weapons, not necessarily a superiority. But if the layman is confused, so are the experts. On the CBS presentation, well-qualified scientists disagreed on the amount of defensive air hardware needed. Senators disagreed. How much is "sufficient?"

Scientists and military experts have gone to great lengths to explain how, in the case of surprise attack, our retaliatory power still would be great enough to knock out 70% of Russian cities and strategic warfare centers. This could happen, it is alleged, even though the United States suffered severe damage, possibly 50% destruction, in a sudden onslaught from the skies.

The situation calls for penetrating insight, not for a callous disregard for opposing opinion such as demonstrated this week by House Republican Leader Gerald Ford of Michigan who accused anti-ABM forces of advocating unilateral disarmament suggesting lack of patriotism.

Two avenues can be explored:

One is the possibility of suspending development of the $7 billion Safeguard ABM if Russia would halt deployment of its defensive arms system and cease testing its multiple warhead missiles. In that interim, negotiations on arms limitations of all kinds could proceed. This involves a trust in the Soviet Union, which many people are unwilling to grant. But it ties in with the next item.

This is the further development of the aerial spy system, via satellite photography and sophisticated radar, to keep tabs on Russia—and now Red China, too. This might be a protection against duplicity while any formal moratorium on weapon production was in force.

If such a moratorium seems "far out" it should be remembered that Russia and the United States did reach agreement on limited nuclear testing.

The two superpowers have stocked up enough weapons to destroy each other—and the world—several times over. The mad arms race, in order to end sensibly, has to involve good will as well as caution and preparedness. The potential destructive power, as filmed by CBS, is appalling. The goal must be to keep the United States strong enough to be respected as a world leader and at the same time share its talents and resources in peaceful pursuits of science, education, welfare and global progress.

[From the Chicago Daily News, May 1, 1969]

Ford Oversteps on ABM

House Minortly Leader Ford stepped out of a meeting with President Nixon on Tuesday and said that opponents of the antiballistic program are seeking a weak and disarmed America.

This kind of demagogic bombast contributes much less than nothing toward a rational resolution of the ABM problem. By slyly raising the patriotism issue it warrants the charge promptly raised of "McCarthyism."

Ford's implicit suggestion that the ABM decision should be left completely with the President and his military advisers ignores the fact that the issue thrusts far beyond the sphere of mere weaponry.

Many thoughtful, informed, patriotic Americans believe a choice is at hand between two major policy routes, one leading to a frantic, indefinitely protracted arms race, the other toward a disarmament agreement that may be within the world's grasp for the last time.

The American people deserve to hear this debate conducted in a reasonable manner.

[From the Miami (Fla.) News, Mar. 10, 1969]

Nixon's Decision: ABM Is No Answer to Missile Threat

Sen. Stuart Symington, who is one of the more military-minded members of the Senate, said at a subcommittee hearing on an antiballistic missile system that we have spent $23.3 million on missile systems that were later abandoned.

"We've been missile happy in this country for years," Symington said, and the senator should know, having once been secretary of the Air Force. His point was that the ABM system is likely to be obsolete before it is deployed.

It may be obsolete even on the drawing board. Dr. Hans Bethe, Nobel prize winning physicist, is one of a number of scientists who told the committee that the defensive missile system could be foiled in any number of ways.

Beyond its practical limitations, the ABM is questionable for other reasons. For one thing, it would be a highly negative answer to the Soviet Union, which has indicated it would prefer arms control discussions to the expense of installing a missile defense of its own. (The Russians have already deployed about 75 anti-missile missiles around Moscow, but they are of dubious value against a U.S. attack.)

These are matters which President Nixon is weighing as he prepares to state his administration's position on the ABM this week. The Johnson Administration had already decided to go ahead with a $7 billion so-called "thin" ABM system, but Mr. Nixon has interrupted its installation pending further study.

Dr. Jerome D. Weisner of the MIT calls the thin system "a bad joke." Ostensibly designed to counter a threat from Red China, it is really the base for a wider system which would cost upwards of $50 billion. Sen. George S. McGovern, one of many ABM critics in the Senate, says a "thick" system would be a "national blunder."

One big drawback to the ABM, as former Vice President Humphrey points out, is that it encourages military and political leaders of both nations to believe that someone can win a nuclear war. The only real answer to the doomsday threat of the missiles is an international agreement on arms control.

President Nixon has indicated he is interested in entering negotiations to that end with the Russians. The Russians have indicated they are ready. A decision to proceed with the ABM would be a crippling setback to the new President's professed quest for peace.

ABM Would Shield Nothing, Deter Nobody

Had any department of our government, except the Pentagon, come before Congress asking for an initial expenditure of $7–$9 billion for any program supported by so little in the way of hard evidence, logic, or common sense as has the proposed ABM system, that department would have undoubtedly been laughed off Capitol Hill.

But the Defense Department is so used to having its way with Congress that normally no revelations of waste and inefficiency, no evidence of misjudgement, no showing of egregious error is able to withstand its

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crunch. In a very real sense, the Pentagon has come to regard itself as what the New York Times recently called "a kind of military W.P.A. which requires ever-expanding appropriations, regardless of the world situation."

The proposed "Safeguard" antiballistic missile system may happily prove an exception to the general rule of Congressional spinelessness with respect to these appropriations. At last count, a slender majority of those U.S. senators who have committed themselves one way or the other oppose funding the program. Both of Alaska's senators are officially uncommitted. We hope they will vote "nay."

Defense Secretary Melvin Laird, who has carried the ball for the Nixon administration on ABM proposes to spend about $9 billion to protect two our our 11 offensive missile sites, the logic being that an enemy will know that our retaliatory capabilities are invulnerable for the foreseeable future, and will thereby refrain from attacking us. He has marshalled a series of unconvincing and, in certain respects, self-contradictory arguments to support his position:

Argument No. 1: The Soviet Union has upset the nuclear balance of power by deploying its own ABM system around Moscow, and proceeding with the development of large numbers of offensive missiles which will be difficult to detect.

Answer: The thin ABM system around Moscow is already regarded as obsolete by all U.S. experts. There are no known Soviet plans to extend this system to other areas or to ring its own offensive sites with ABMs. The offensive missiles now being developed by the Soviet Union are no threat to our bombers, some of which are always airborne, or our Polaris-equipped submarine fleet, which together with our missile sites, maintain our needed retaliatory capabilities.

Argument No. 2: Scientific opinion is "divided" on this matter, so why take chances?

Answer: Except for those scientists in the full-time employ of the Defense Department, scientific opinion in this country is hardly divided at all. It is virtually unanimously against the Laird position. In his testimony before the Senate Foreign Relations Committee, Laird was asked whether he had found any reputable scientists in the country to support his position. He mentioned two by name. It turned out he had chatted with one at an airport for a few minutes and had not contacted the other at all. Both opposed the Safeguard system.

Argument No. 3: There is "serious question" whether the Polaris system will be effective in the years to come. There are some things "the Soviets might do" indicated that satellites will never be able to detect submerged subs.

Answer: This is simply another bogeyman of fear spawned by Laird and his Deputy Defense Secretary David Packard in their recent Senate testimony.

Rear Adm. Levering Smith is director of the Navy's strategic systems projects. In a recent interview with the New Bedford (Mass.) Standard Times, he said he was "quite positive" that neither the present nor the next generation of Soviet submarines would be able to track submerged Polaris subs. He said the Navy is unaware of any new Soviet anti-submarine devices and that satellites will never be able to detect submerged subs.

Argument No. 4: The Safeguard system will be able to knock down a missile launched "by accident," and it will also be able to cope with the threat from Communist China for years to come.

Answer: Only two offensive sites will be protected from an accidental launch. The greatest danger from any such accident is not to our offensive capacity, since this will not be appreciably impaired by a single errant missile. The danger instead is to a given population center, which the Safeguard system will not protect.

Communist China is probably a generation or so behind the Russians in missile capability. Since there is no conceivable way the Soviets can threaten our retaliatory forces over the next several decades, it defies logic to insist that the Chinese will be able to do so.

It is crucial to remember that we are presently talking about a skeleton project. Loose talk about protecting our population centers or all offensive sights is talk that envisions appropriations of at least $30 billion. And by the time that electronic Maginot Line was complete, there would undoubtedly be talk of new billions to build new systems to meet new challenges.

We return to where we began. The proposed Safeguard system is a freak, even when placed in the company of several previous Pentagon monsters. The idea was conceived in error, has been perpetuated through self-deception, and is being peddled by thinly veiled appeals to terror and ignorance. It protects nothing and deters no one.

It closes no defense gap, missile or otherwise. The only gap it does affect is the credibility gap, and that it widens substantially.

We're against it.

[From the St. Petersburg Times, Mar. 15, 1969]

ABM: The President Makes a Tragic Decision

The worst fears of many Americans have been realized. President Richard Nixon has decided to deploy a $7-billion anti-missile defense system.

This decision will erode American security by:

Escalating the arms competition with the Soviet Union, which now may build more and better attack missiles or expand its small anti-missile defense around Moscow.

Diminishing the prospects for meaningful negotiations with the Soviet Union—a nation that Nixon acknowledges has been traditionally defense-oriented, not attack-minded.

Committing crucial American economic resources to new military hardware when the crisis of unmet domestic needs threatens internal security.

Compromising presidential control over nuclear decision-making by permitting a technically uncertain ABM system to work automatically in a sudden crisis.

Prejudicing the movement toward international arms control which began with the nuclear test ban treaty and continued with the nuclear non-proliferation pact approved this week.

But most important of all, Nixon's decision jams the rudder of American defense policy and turns it in a different direction.

Taken to its ultimate extension, an examination of defense theories in the nuclear age reveals this truth: The only credible defense is the ability to absorb a surprise nuclear attack and then mount a counter-attack that destroys the enemy utterly.

We possess that capability now. It has been our defense against Soviet attack during the entire nuclear missile era.

The last two secretaries of defense considered deployment of ABM to protect missile and bomber bases. Both rejected the idea firmly. Other, simpler, surer options are open, involving improvement of second-strike capability.

If that capability has been a credible defense against the sophisticated Soviet nuclear threat, why wouldn't it be fully credible against the primitive nuclear force that Red China can assemble in the next 10 years? The answer is that it would be.

And yet Nixon claimed his ABM system would be aimed at the Red Chinese threat in the next decade.

Sen. Richard Russell, D-Ga., put it succinctly: "The Chinese are not completely crazy. They are not going to attack us with four or five missiles when they know we have the capability of virtually destroying their entire country."

Nixon promises periodic "re-examination" of his system. But "re-examination" is nothing more than an escalator clause that provides an easy way to expand this thin system into a bigger, more expensive deployment. The Nixon system is only a beginning.

It was the first major decision of the Nixon Administration, and it was a tragic one. Only the good sense of congressional opponents can salvage reason in this historic debate.

Nixon Seeks Program Which Could Trigger Huge U.S.-U.S.S.R. Arms Race

Gratification over Senate passage of the nuclear nonproliferation treaty by 83 to 15 is diluted by President Richard M. Nixon's approval of a start on an antiballistic missile defense system aimed both at Russia and Red China. The treaty was in the bag and its approval was delayed only because Nixon chose not to take a position on it during the presidential campaign.

This treaty is important, of course, since the nations which now possess the bomb are more knowledgeable in the danger they pose and are less likely to employ them in a demonic moment.

Far more significant, however, is Nixon's skillfully contrived proposal for the ABM. Aware of the mounting resentment in the United States Senate against the Sentinel system and the whole massive military budget, Nixon made much of the fact he is seeking appropriations for only about half of the estimated $6 billion cost of the thin line system.

What is important here is that if Nixon's conception of the system as one aimed at defense against Russia as well as Red China is accepted, the door is opened for a major arms race between the two super powers.

With every new missile development in Russia the administration can return to Congress to get money to expand the system until it might amount to $100 billion and still offer no guarantee of adequate defense.

Many senators are properly incensed by what they deem to be the duping to which they have been exposed by the Pentagon. They still are not satisfied with the explanation offered for the Gulf of Tonkin and other incidents.

Certainly they know the Sentinel system was introduced in a sneaky way as solely aimed at Red China. Shortly the truth emerged and Nixon has now given it official sanction. It relates to both Russia and Peking.

Already some $3 billion has been spent on research for the antiballistic defense line. The additional $3 billion or $4 billion Nixon says he will seek would accomplish little toward missile defense, so it has to be a foot in the door.

The American public and many senators and representatives are sick of riding the Pentagon merry-go-round.

Who is so gullible as to suppose Russia will accommodate the United States by maintaining the kinds of weaponry which can be shot down from a well-publicized Maginot line? The proposed ABM system at best could result only in a struggle to keep even, with the result that after spending billions the United States and Moscow would wind up at the same level of standoff.

Nixon's proposal for the ABM offsets the good news of the Senate passing of the nonproliferation treaty.

[From the Miami Herald, Mar. 23, 1969]

Polaris Missile Force Must Not Be Slighted

Lost in the mumbo jumbo of Defense Secretary Laird's testimony on the proposed antiballistic missile (ABM) system before the Senate was a statement which throws a shadow over the nation's major nuclear deterrent—the Polaris submarine force.

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No weapon would seem more potent than these swift undersea craft capable of cruising great distances at considerable depths and in secret. They are known to mount 656 missiles. When these nuclear-propelled vessels are fully equipped with the superior Poseidon missile, they will be able to reach any target in strength from a distance of 3,500 nautical miles.

Former Secretary of Defense Robert McNamara favored deployment of the Poseidon submarine missile as an answer to a Soviet antimissile system. This would be far less costly and probably far more effective than the proposed $25 billion Nike-X antimissile system, abandoned in favor of the cheaper "thin" Sentinel coverage.

The Sentinel, it ought to be pointed out again, defends only land-based missile sites. In other words, the defense is of a deterrent, and not targets such as cities and factories.

Years ago, after Hiroshima, it was pointed out to the satisfaction of many Americans, that there is no complete defense against nuclear attack. The Pentagon still talks in terms of 40 million dead in the first enemy strike. But the nearest things to a defense is an effective submarine ballistic system.

Lost, as we were saying, in Sec. Laird's testimony before the Senate Armed Services Committee was the gloomy report that because of "new things that have taken place" the Polaris fleet probably would not remain "very free from attack" after 1972. An aide explained that the Soviet Union would have parity in the number of submarine-based missiles by 1974.

The only real defense against nuclear destruction is a political understanding that nuclear weapons will not be used. The next best answer, to repeat ourselves, is the established Polaris-Poseidon system. If this system is in jeopardy, the Senate will want to find out why, and how it can be strengthened.

The problem is not the Pentagon's ABM boondoggle, but a very real and potent defensive force already in being. Is it being slighted?

[From the Lewiston (Idaho) Tribune, Apr. 4, 1969]

A CYCLE OF MADNESS THAT MUST HAVE AN END

Listening to Defense Secretary Melvin Laird describe to his Senate audience the virtues of bigger, better ABMs, we got the feeling that it was a performance needing a psychedelic backdrop of swirling colors and lights, revolving patterns and words that recede and zoom and melt into other words with other meanings. It needed sound and beat and lightning flashes, for it was a performance designed not to inform but to excite, not to convince but to bedazzle.

There is little to be gained from a point-by-point argument over Mr. Laird's particulars, for what he offers is not fact but a premise, the premise that the evil men of the world are arrayed against us, and that we must move now to defend ourselves against anything they may do at any time in the future. It is to this thesis that we must now address ourselves, not to any orderly discussion of whether or not ABMs will work or whether or not we need them. It is an argument based not on logical discussion but emotional appeal, and it deserves the emotional response of outraged protest.

Mr. Laird admits, as did President Nixon before him, that there is no evidence that either Russia or China desires or is planning an attack on us. But because it is possible that they may, we must prepare against it. He admits that the ABM, no matter how ruinously expensive, will not protect us against a missile attack; but we must build it because we don't know anything better to do. And by implication we must build also every new weapon that is devised, not because it is needed, not because it will work, but because if we don't someone may take it as a sign of weakness and attack, or an attack will succeed that otherwise might have failed. . . .

We are being offered a world in which words lose their meaning. Only months ago we were being told that the ABM was absolutely vital for the protection of our cities; the same men now say that ABMs can't protect the cities and aren't needed for that purpose anyhow. Months ago these men were telling us that the missile sites for which we were spending billions were invulnerable to attack; now we are told we must have ABMs to protect these same sites from attack by other missiles. Only days ago Mr. Nixon assured us that only a few ABMs were needed because recent Russian history showed a nation primarily concerned with defense; now Mr. Laird warns that we cannot neglect any aspect of defense lest the Russians spring for our throat.

We are being offered a world in which spending for death leaves nothing to spend for life, in which our cities rot and our waters reek and our people groan from the burden of taxes, while we build more stately mansions underground from which to kill other men, frightened and frightening as ourselves. This is the cycle of madness, and somewhere, somehow, it must have an end.—The Louisville Courier-Journal & Times.

From the San Francisco Chronicle, Apr. 27, 1969]

THE TIME IS NOW

Senator John Sherman Cooper (Rep.-Ky.) has enlivened the Safeguard debate with a suggestion that President Nixon defer his proposed limited deployment of the anti-ballistic missile system pending discussions with the Soviet Union toward a disarmament agreement.

The suggestion had scarcely been uttered before its wisdom was reinforced by a curious coincidence in which the Nixon Administration, in Washington, and the Soviet Union, in the 17-nation disarmament talks at Geneva, put forward remarkably similar views on how such an agreement should be approached.

Washington spoke of a series of separate accords on limiting various weapons systems—one for submarine-fired missiles, another for land-based intercontinental ballistic missiles, another for anti-ballistic missile systems, and so on. The Soviets' chief delegate at Geneva said that Moscow has abandoned its early one-package plan and now favors a phasing-out approach—first a prohibition on the use of nuclear weapons, then a limitation of delivery systems, then a prohibition against bomber flights outside of national borders, and so.

That program, he informed the delegates, was specifically designed "to limit and exclude completely the possibility of a nuclear attack by one country against another" and "to promote an international atmosphere favorable to further disarmament negotiations."

U.S. officials are reported to have sniffed at the proposal as "nothing new" and to have pointed out the absence of any reference whatever to U.S. demands for on-site inspection to guarantee compliance. But the similarity of the Moscow and Washington positions is unmistakable—and the inspection issue may have become moot through development of reconnaissance by satellites. Senator Aiken of Vermont may have exaggerated somewhat in asserting that the system can "detect a postage stamp from 50 miles up," but its effectiveness was revealed by President Nixon himself when in his March 14 press conference he gave specific information that Moscow is ringed about with 67 ABMs.

Thus there is ample support for the optimistic appraisal that the time was never so propitious for disarmament talks, or so favorable toward the arguments of Senator Cooper, and other opponents of Safeguard, that postponement of any deployment would not only save billions but would head off a ruinous escalation of the arms race.

Supporters of Safeguard have apparently reached a similar conclusion. They have suddenly intensified a scare campaign in which the Defense Department speaks ominously of the Soviet Union's "first-strike capability" and Senator Strom Thurmond speaks fearfully of a "missile gap" in which he says the Soviets have more ICBMs than we have and—revealing that the gap is more anticipatory than real—"are catching up in all other areas of nuclear warfare."

[From the Riverside (Calif.) Enterprise, Mar. 27, 1969]

SUDDENLY, 8 FEET TALL

Defense Secretary Melvin Laird came out with some frightening testimony before a Senate Foreign Relation subcommittee, testimony that raises more questions than it answers.

In justifying the President's anti-ballistic missile decision, Secretary Laird said that the Soviets have embarked upon a policy which could give them the power to destroy America's retaliatory strength.

The Secretary said that the Soviets are deploying nuclear blockbusters and building a more sophisticated submarine fleet. He concluded that their ambition is to achieve a first-strike capability, "no doubt about that."

When did this happen? If the Secretary's comments are correct, then there has been some amazing intelligence gathered in just the last eight weeks or a grave threat to the national security was allowed to occur.

Committee Chairman J. William Fulbright responded, "Suddenly the Russians are becoming eight feet tall and they are about to overwhelm us." That is not an entirely unreasonable observation, given what prompted it.

For, when did the Soviets decide on getting into position to knock out America's nuclear arm in one fell sweep? Is this, in fact, a new policy? Or it it something that has always been an ultimate goal, to be worked toward if not realized? Is the U.S. after a similar first-strike capability?

Secretary Laird has to understand that this is quite a bit to throw at people, that there are those who might take him literally and get the impression that the Russians are bent on doing in the United States next week.

Also, the Secretary's view is hard to adjust to the fact that he speaks for an Administration which claims to be basing its relations with the Soviets on negotiations, not confrontations.

Either someone is dramatizing the Soviet ambitions or this nation is in dire straits.

And, to think, only months ago the reason offered for an ABM thin-line was that it was insurance against the Chinese doing something crazy. Now, it's because the Russians are supposed to be intent upon changing the entire balance of power, maybe just by suddenly wiping out this country.

If the ABM line thickens at the rate the justifications for it have proliferated, then within a few years there's going to be a missile site in every other backyard.

[From the Sacramento (Calif.) Bee, Apr. 16, 1969]

ANOTHER VIEWPOINT: THE VERSATILE ABM

One of the marvels of the ABM is the facility with which proponents of the system switch their rationalizations for it. When he appeared before the Senate Armed Services Committee, Secretary of Defense Laird preached the gospel of ABM as an indispensible defense against Soviet nuclear power. When he appeared before the Foreign Rela-

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tions disarmament subcommittee, he painted it as a "building block" toward disarmament. We must deploy the system, he seemed to be saying, in order to be in a position to agree not to deploy it.

The same flexibility, if that is what it should be called, has been exhibited by the Joint Chiefs of Staff. For years the JCS has been insisting that the national security demanded missile defense for at least 25 major cities. The "thin" system adopted by the Johnson administration was regarded by the joint chiefs as only a stepping stone toward a thick system covering the population centers.

Yet when the Nixon administration decided that the population cannot be protected and that the ABM should be deployed around Minuteman missile sites instead, the joint chiefs abandoned their position and embraced the new rationalization.

How much value is to be attached to a solemn determination of "security" needs by the military mandarins when it can be so readily alerted to fit the political needs of a new administration?

What made the Johnson version of the Sentinel system untenable, and caused work on it to be suspended, was not a military but a political fact—namely, the exploding opposition of suburbanites who did not want ABMs in their back yards. This was a blow to the Pentagon, whose public opinion engineers had expected the location of ABMs near some cities to produce irresistible demands for their location around all cities.

When the people displayed more common sense than they had been credited with, a new rationalization had to be hastily put together. The specter of a mad Chinese launching a missile attack on the cities had to be laid aside, and the old, reliable specter of a Russian assault on American civilization revived for one more run around the track.

When so many conflicting reasons can be advanced for an escalation of the nuclear arms race, that is cause enough to be skeptical of all of them.

[From the Riverside (Calif.) Enterprise, Mar. 24, 1969]

Down, Not Up

The Senate Armed Services Committee has made itself a televised forum for witnesses who support President Nixon's plea to deploy a modified system of anti-ballistic missiles.

The Senate Foreign Relations Committee is giving a televised forum to witnesses who oppose it. When the Senate decides whether or not to appropriate funds for the first two planned ABM sites, it will have to resolve this clash between two of its own committees.

Armed Services, with its generally hawkish bias on Vietnam and most other issues, is charged with the relatively narrow task of preserving America's military security. Foreign Relations has to deal with all the broader aspects of national security; armaments and strategic dispositions are a part, but only a part of the larger picture.

Buttressing the case for the ABMs, Defense Department witnesses painted for Armed Service committeemen an alarming picture of the Soviet missile buildup. Witnesses even were permitted—encouraged might be a better word—to reach back into the security stockroom and bring out material hitherto stamped secret. This, after all, is the Pentagon's big push.

Perhaps the Soviet buildup is as alarming as was depicted. But that is not the same as establishing that the best way to keep the country, and world, from destroying itself, is to embark on an intensified American buildup.

Somewhere, if armament races never stop, somebody is bound to throw a match and the stockpile will blow up. Who's safe, what country has a chance of "winning" once nuclear warheads are flying?

If the Soviets are getting near to a position of dangerous superiority, or even omnious first-strike capability, the obvious first U.S. effort should be to explore fully the prospects of negotiating the arms race down rather than jockeying it up.

And particularly at this time when the Soviets sound more interested in arms talks than they have for many years, and when they are pressed from behind by a belligerent Red China.

[From the St. Petersburg, (Fla.) Times, Apr. 7, 1969]

Nixon's ABM: Cold War of Another Kind

The Senate Foreign Relations Disarmament Subcommittee has stripped the fiction from President Nixon's anti-ballistic missile proposal. The Sentinel-turned-Safeguard stands naked of any validity and shivering in the cold blasts of truth leveled at it by the subcommittee.

The two most chilling indications that Nixon's ABM is a high-yield boondoggle came from Administration spokesmen themselves.

Secretary of State William Rogers told the subcommittee the Administration would "have no problem," in fact would "be delighted," to put the American ABM proposal on ice if the Soviet Union would dismantle its small ABM system around Moscow.

If that is so—and there is every reason to hope it is—then Secretary of Defense Melvin Laird was misleading the American people when he said this system is necessary to protect against the Soviet "offensive" threat that might develop in the mid-1970s.

If the American ABM can be traded for its Soviet counterpart, then it has nothing to do with an alleged Soviet intent to build an offense so strong it could overwhelm the American ability to counterattack. It has nothing to do with new intelligence alleged to indicate such an intent. It has nothing to do with changes in the Soviet SS–9 missile.

As for its other potential uses:

Deputy Secretary of Defense David Packard himself dismissed the Chinese threat as "not much further along than it was three years ago."

Protection against an accidental launch would be limited immediately to two Minuteman sites in the upper Midwest, and the urban centers of North Dakota and Montana, according to Administration presentations.

But there is an even more disturbing indication that the Administration is misleading the American people. Pressed to produce the list of non-Pentagon scientists he promised—a list supposed to offer names of independent experts who served as advisers on ABM—Packard produced only one name: Dr. Wolfgang K. H. Panofsky, a Stanford physicist.

Panofsky was called before the subcommittee, where he immediately set the record straight. His service as adviser was limited to a chance meeting with Packard in the San Francisco airport. He said, "I would like to state that I did not participate in any advisory capacity to any branch of the government in reviewing the decision to deploy the current modified Sentinel or Safeguard system."

Every credible indication is that ABM is unncessary, fabulously expensive, diplomatically disruptive, strategically provocative and technically uncertain.

But what makes the blood run cold is that the Administration apparently is willing to mislead the American people to justify the ABM.

[From the Hackensack (N.J.) Record, Mar. 31, 1969]

Reasons for Anger

The sheer horror of the national debate over the antiballistic missile—here we soberly discuss the instantaneous slaughter of scores of millions of human beings as if it were a problem in mathematics—is mitigated by the intensity of the opposition.

It is critically important that the tradition of giving the Pentagon its own way be challenged—challenged vehemently. The United States has already gone altogether too far in the direction of militarism. The New Yorker magazine quotes George Wald of Harvard, the Nobel laureate in biology, on the subject:

"How many of you realize that just before World War II the entire American Army, including the Air Corps numbered 139,000 men? . . . Now we have 3½ million men under arms: about 600,000 in Vietnam, about 300,000 more in support areas elsewhere in the Pacific, about 250,000 in Germany. And there are a lot more at home. Some months ago we were told that 30,000 National Guardsmen and 200,000 Reservists—so half a million men—had been trained for riot duties in the cities."

And last Monday in the Senate Sen. Stephen M. Young, D-Ohio, termed the United States the world's largest military-industrial complex. He continued:

"Ten per cent of the American labor force is involved in either military or defense-related employment. Approximately 22,000 of our largest manufacturing corporations are prime military contractors, while more than 100,000 firms contribute to some type of output to defense production.

"The United States is the world's largest exporter of munitions. Our annual expenditures for defense purposes, so called, far exceed the total amount spent for welfare, education and poverty programs."

And as Sen. Young said, the pressure now is building for vastly increasing military spending in the United States, the instant project being the $6-billion ABM system that no one can believe will remain within that estimate.

It is time for serious, thoroughgoing debate, not only concerning the ABM proposal but concerning the direction the country is to take. There is no question that the United States and the Soviet Union have right now the capacity to destroy each other and much of the rest of the world. And there should be no question that this country, with its enlightened traditions, should be leading the world into paths far from militarism.

The militarism we now have came out of World War II and a long series of crises that built one on another until we got to where we are. It is not necessarily any one's especial fault. It need not commit the nation to a course of lavishing its brains and its resources on machinery of death and destruction. Let the debate in the Senate—and in the country at large—be thorough, candid, and if necessary angry. We are under no compulsion to drift to disaster.

[From the Jamestown (N.Y.) Post-Journal, Mar. 27, 1969]

Power of the Military

There have been several shocking exposes recently in the nation's press pointing up the validity of the warning issued by former President Dwight Eisenhower some years ago when he cautioned Americans to beware of the industrial-military complex in this country.

The Washington Post has turned up "classified" documents detailing the massive propaganda campaign carried on by the Defense Department last year which it used in persuading Congress to appropriate initial funds for the controversial Sentinel Antiballistic Missile System.

Here is how the Defense Department operates as disclosed by the Washington Post: The Pentagon organizes favorably disposed scientists to manufacture magazine articles supporting the Sentinel system; senators and congressmen are given classified briefings by "high officials"; industrial firms and civilian

contractors riding on the Sentinel gravy train are mobilized to generate public opinion in favor of same; leading citizens in "impacted" communities are communicated with; transportable display exhibits, pre-taped voice commentaries, "information packets," visual aids and mockups are employed to spread the word that if only the nation will go on spending billions for ABM's, maybe casualties in a nuclear exchange can be cut from 100 million to 40 million. The campaign worked last year and it is expected it will have its impact again this year despite mounting opposition to the ABM system in Congress.

When the Washington Post uncovered the Defense Department's "public information" apparatus the Pentagon responded by saying that it was "standard procedure" and couldn't understand why anyone would get excited. Using the taxpayers' money to commit the taxpayers to vast new military expenditures has become so routine that the Defense Department doesn't care if the public knows about it or not.

One of the latest pieces of evidence pointing up the power of the military-industrial complex came in the revelation that the Department of the Army involved itself in an apparent conspiracy with defense contractors to propagandize in behalf of the Sentinel system.

Secretary of the Army Stanley R. Resor's hand was caught in this operation, in which the Army planned to conspire with defense contractors to "plant" articles favorable to the Sentinel in the nation's press.

We can be sure that once the ABM system has been deployed the Pentagon's propaganda machine will be busy again this time pushing for the development of an expensive decoy missile system and the packaging of greater destructive megatonnage in the missile warheads. That is the next step! It will be argued that an aggressor can afford to saturate a target with ten or more decoys to one armed missile, activating the ABM defense and causing it to expend most of its explosive payloads on unarmed attackers.

And the decoy system is not the end of the line either. Next we shall hear how the Soviet Union is going underground with all of its major industrial and defense facilities, its utilities and its key government bureau. Of course the U.S. will have to match this effort and one can imagine the billions and billions of dollars yet to be expended for this ever escalating arms race and military strategy.

Those who argue in favor of President Nixon's proposed modified ABM system saying that because it is of a defensive nature there is no threat to stimulating the arms race simply are ignorant of the facts of life as they are viewed and plotted by the military-industrial complex. They apparently are not aware that the decoy system comes next, followed by higher explosive payloads and eventually a movement of major facilities underground. But this is the way it is and the American people seem to be at the mercy of those powerful forces which propagandize the nation into submission at the taxpayer's expense.

ABM—VITAL TO DEFENSE

Mr. MURPHY. Mr. President. It is extremely difficult for many Americans and this Senator to understand those who have traditionally opposed the defense of our Nation—those, who today amidst a cloud of technical misinformation tell us it is wrong to provide for our national security in the 1970's. They have given the national debate on the Safeguard ABM as requested by President Nixon a very curious twist. Suddenly, it is wrong, they say, to devise and to maintain a force which will help prevent nuclear war; and to do so in a way which would not tend to quicken the much talked about arms race, but would merely defend and protect our military capability and make an attack less likely.

Much has been said as well about that "dreadful military-industrial complex" and its alleged outlandish profiteering. It is time to set the record straight on that score, too. Over the past 8 years, nearly every major defense and technologically oriented manufacturer in California has faced a reduction in sales, profits, and most important, in employment. Several have suffered the agonies of layoffs in the thousands. And there are few industries whose profits are controlled by law and Executive order like those of which I speak. It should be well noted that a 3-percent net profit is regarded as outstanding by executives in this field.

Mr. President, our late beloved General Eisenhower has been quoted by many from his farewell speech as he left the Presidency.

It is again high time to set the record straight—to quote from the meat and intent of his remarks. President Eisenhower's main thrust was toward our national security, with the assurance that at that time we had the national strength of character to bear the burdens of a prolonged and complex struggle, against any who might wish to destroy us.

In context, President Eisenhower said, and I quote:

> A vital element in keeping the peace is our Military Establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction.

He continued:

> We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily, the danger it poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which will enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle—with liberty the stake.

In other words, then as now, we cannot progress in the fight to achieve a better life for all Americans unless we are free to operate within a framework of security and safety which can be provided only by our great military and technical strength—not to make war, but to guarantee peace.

It is most difficult to understand how those who oppose the Safeguard ABM ever got so far afield from the words of Eisenhower—how they would have us gamble on our security.

Mr. President, the issue is simple: Faced with a rapidly growing Soviet nuclear force, which has now surpassed ours in number of land-based ICBM's in being and under construction; and the very real potential of a Chinese Communist nuclear armed ICBM, what are the most prudent actions to take?

An immediate answer might be—disarm. But even the most ardent advocate of disarmament surely would not seriously propose unilateral disarmament in the face of the present example of Soviet actions in Czechoslovakia and their consistently expanding nuclear armament. Should we hold arms limitation talks in missiles, bombers, and submarines, then? Most certainly. But, we must deal realistically with this most important situation. I fully hope discussions between the United States and the Soviet Union on arms limitation will proceed and possibly be completed before the first Safeguard site becomes operational. And, it seems clear the Safeguard not only will not interfere with such talks but, in the face of the potential Chinese Communist threat which must be considered by both the Soviet Union and the United States, the existence of a light defense may well make it easier for us to agree with the Russians on an arms limitation proposal. But arms limitation talks are, after all, only talks. It takes two sides to agree; meaningful agreement may be very difficult to attain and may take years. We are, as yet, uncertain concerning Soviet strategic motives, and there is sufficient evidence to prove the U.S.S.R. has, in fact, quickened her arms production. What then is prudent while we proceed with arms limitation discussions?

What are our goals? They are: First, to prevent nuclear war by insuring that any possible adversary recognizes the certainty of our deterrent capability; second, to do all that we can to slow the arms race, while at the same time making certain of our defense. In considering these goals, let me place the issue in its proper context. The Soviet nuclear force buildup is a reality—now. The Soviet ICBM force is there—now. It is at least equal to our ICBM force—now. That Soviet force is rapidly expanding—now. The Soviet Polaris-like submarine is being produced in great numbers—now. The Soviet Union has an ABM defense of a wide area surrounding Moscow—now. The proposed Safeguard system, if approved, would not be operational for another 4½ years.

Consider our first goal: To prevent nuclear war by insuring that any possible adversary recognizes the certainty of our deterrent capability, and therefore the utter futility of initiating nuclear war.

The possibility of the continued growth of Soviet nuclear forces to a point where a response on our part was required has been recognized for several years. The most recent review of that situation has convinced the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and the President that a response to preserve our deterrent strength must be initiated now. This review considered the Soviet threat that exists now, the time involved in our making an adequate response, and uncertainties in Soviet intentions. The response proposed is Safeguard. Phase 1 of the Safeguard deployment is a light defense of part of our Minuteman land-based ICBM force. In the annual reviews of the program promised by the President, subsequent actions of the Soviet Union and the status of the arms limitation talks will be carefully considered in determining which, if any, of the options available in phase 2 of the deployment it is appropriate to undertake. In my opinion, this light defense of our

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Minuteman ICBM's is a prudent step toward maintaining the adequacy of our deterrent. With annual reviews it will remain responsive to changes, up or down, in the Soviet offensive forces.

Safeguard clearly tells the Soviet Union that faced with the growing threat to the survival of our deterrent force, had we elected to increase the number of our deterrent weapons, our action could have been misconstrued as a threat to their nation. Safeguard, however, does not threaten the Soviet Union. And—the Soviet leaders know that. I repeat—the Soviet leaders know that. While meeting our second goal—it will not incite a Soviet reaction and thus add to the arms race nor will it in any way hinder the initiation of arms limitation talks. The Safeguard program has as one of its possible future alternatives a thin defense against attacks anywhere in the country. This is not part of the first phase of Safeguard and would be undertaken only if future developments prove it to be necessary. We do not know how to defend our cities against massive attacks such as the Soviet Union could launch, except by letting them know that we have the capability of retaliating with unacceptable destruction. We could protect them against light attacks which would be the best Communist China might do for some years. It is not necessary nor is it being proposed to make the decision now to deploy such a nationwide defense. That will be decided only when necessary.

Then, it is necessary to set the record straight on another important factor—cost. The American people have been confused and alarmed by the figures quoted by some of those who oppose the ABM. They would have us believe the President intends to open the money hydrant to pour some $30 billion, or even a hundred billion dollars into a program before the first phase of research and development is started. That, Mr. President, simply is not the truth. I submit there is a question of propriety in such rhetoric and when our citizens are already overtaxed, it is indeed cruel to raise the specter of an impossible financial burden in order to deny the President the Safeguard he needs. The President has asked for only $392 million to proceed with the initial steps toward deployment of Safeguard. This is less than the usual request for major programs and is a small price to pay for a step toward the continued security of our people.

Mr. President, if I may borrow from the vernacular of our youth, it is time to tell it like it is. Safeguard is simply a minimum prudent step to protect our deterrent capability in the face of a large and growing Soviet offensive nuclear strike capability. It is a step which will not quicken the arms race; it is a step which does not hinder arms limitation talks; it is a step which goes only so far as is required by the growth in the Soviet force; it is a step which is subject to annual review by the President and the Congress; and it is a step which must be taken now if we are to have any defense 5 years from now. It is a step which, I believe, the security of this Nation demands that we take.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, what is the pending question?

The VICE PRESIDENT. The pending question is on agreeing to the amendment offered by the Senator from New York (Mr. JAVITS).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

AMERICAN CASUALTIES IN VIETNAM

Mr. GORE. Mr. President, the Defense Department reports that for the week ending June 14, 335 American soldiers were killed in Vietnam and 1,695 were wounded.

This brings the total number of such casualties to more than 42,000 which have suffered in Vietnam since the inauguration of President Nixon.

Mr. President, this war must end. It must end because it is immoral and because it is wrong.

It must end too, because it threatens to destroy us.

I hope that the chairman of the Committee on Foreign Relations will consider convening the committee in public session in order to examine the question: What is the road to peace, and what policy, what action, would constitute a step toward peace, an appropriate policy for peace?

This, it seems to me, is the fundamental policy decision before our country today. We have been diverted from this principal issue by the attention focused upon the proposal to withdraw some 25,000 American soldiers from South Vietnam.

The key policy issue is whether the United States shall seek, and whether we will use our pervasive presence in South Vietnam to persuade a peaceful settlement through conciliation of the forces and factions in South Vietnam, or whether we shall persist in supporting and maintaining in power the reprisive Thieu-Ky regime.

Now that President Nixon has "ruled out" a military victory, the political process seems an appropriate, if not the only, procedure for peace. What procedure or policy would be most appropriate?

This deserves and requires our attention.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

The Senate resumed the consideration of the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield to the Senator from Virginia (Mr. SPONG) for the purpose of considering his amendment, and that consideration of my amendment shall follow immediately upon the disposition of the amendment of the Senator from Virginia.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT NO. 47

Mr. SPONG. Mr. President, I call up my amendment No. 47 and ask that it be stated.

The VICE PRESIDENT. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 17, line 11, strike out "$19,920,000" and insert in lieu thereof "$20,280,000".
>
> On page 18, line 6, after "grants," insert the following: "$360,000 which shall remain available until expended and shall be considered as interest earned on the sum authorized to be appropriated by section 108(b) of the District of Columbia Public Education Act, as amended (D.C. Code, sec. 31–1608) and shall not be considered as an amount appropriated under such section,".

Mr. SPONG. Mr. President, first, let me thank the distinguished Senator from New York for yielding to me at this time.

On yesterday, I filed a complete statement on this amendment along with certain correspondence pertinent to it.

Additionally I would only say to the Senate that this amendment appropriates, in lieu of land-grant-endowment appropriation for the District of Columbia, a sum equivalent to the income on such an endowment. This will enable the extension work in nutrition education, homemaking, consumer and adult education in the District of Columbia to be tripled in the next year. The fate of the endowment fund, which has passed the House, will be determined in conference. Regardless of what the conference decides, this type of extension education is badly needed at this time in the District.

I have discussed this with the Senator from West Virginia (Mr. Byrd) and others on the committee, and I would be pleased at this time to hear from the Senator from West Virginia with regard to it.

Mr. BYRD of West Virginia. Mr. President, the distinguished Senator from Virginia has discussed this matter with me and I have discussed it with the ranking minority member on the subcommittee. I think the Senator from Virginia (Mr. Spong) has made a fine presentation which has reflected a great deal of research and work on his part. I commend him for it. The ranking minority member and I have agreed to accept this amendment and go to conference with it.

Mr. SPONG. I thank the able Senator from West Virginia.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Virginia.

The amendment to the committee amendment was agreed to.

The VICE PRESIDENT. The question now recurs on the amendment of the Senator from New York (Mr. Javits) (No. 40).

Mr. JAVITS. Mr. President, I think that I shall go ahead, as some of the points with respect to this amendment are incorporated in a letter which every Member of the Senate has received, and deal with the basic problem.

Mr. President, the problem really involved here is the very deeply rooted one of reallocation of priorities in our country. I seek to reallocate an amount of $55 million, which is no great sum of money, considering the problems and the extent of our budgetary expenditures. Nonetheless, it is a significant example of what people like myself, deeply concerned with our big cities, as well as our smaller cities, and with what is happening to them, have been bringing up before the Congress.

Here we are, coming into the summer, with more than 1,500,000 young boys and girls, below the poverty line, 14 to 21 years of age, out of school; the question is, What is going to happen to them this summer? This question is complicated, of course, by unforeseen events which could take place. But we already know we have faced a condition of concern and disruption not only in colleges and universities, but in high schools as well, and hence we probably do not face a tranquil national situation.

In addition, we are very cognizant of the fact that in the field of housing, health, and education, we have tremendous divisiveness and many dislocations in the country. I need only mention the terrible struggle, so bitter and deep, over school decentralization in my own city of New York; the fact that, for lack of money, whole school systems have been shut down in other parts of the country, indicates the incendiary material that is upon us. In addition, the measures which we have taken in the poverty program, the manpower training program, and so many other programs, have given some opportunity, but by no means enough opportunity, to make a dent in the mounting of poverty in the country. Hence, all of the combustible materials are there, and the outlook seems bleak.

The question is, What kind of summer are we going to have? I do not know, but I do know that I am certainly against asking for trouble or paying somebody off not to create it. I feel that when we have ongoing programs which have proved their worth, which are modest in cost, and which are a constructive contribution to the way in which citizens in the poverty classification can be helped, we certainly ought to do everything we can to enhance these programs to provide for the constructive utilization of the time of our Nation's youth. No one knows better than I—who have had a lifetime of experience with all of these programs—that you simply cannot force money into these operations the way you would force food into the throat of a Strasbourg goose. But there must be some capacity to use them effectively.

Hence, both the Department of Labor, which, by the delegation of the Antipoverty Office, handles this particular matter, and the committees, and others, have done their utmost to ascertain what is really needed as compared with what is available. The real issue between my committee and myself and those who are supporting me—and I will read the list of the cosponsors of this amendment—is: Shall we provide what the Department says can be used effectively, or shall we provide what the mayors of the country, who are right on the firing line, feel can be used effectively?

We must bear in mind that, no matter what we provide in the Senate—and I, have served on the Appropriations Committee, just as has the Senator from West Virginia (Mr. Byrd) and the Senator from New Hampshire (Mr. Cotton), who are both in the Chamber—this matter will go to conference and some compromise will be hammered out. Or shall it be some figure in between?

Here are the bare bones of the factual situation: Last year there were, roughly speaking, 336,000 of these summer job slots. The reason why there were 336,000, and not something like 300,000, was that after an unbelievable struggle in the conference, with the tremendous aid of the Senator from West Virginia (Mr. Byrd), the Senator from New Hampshire (Mr. Cotton), and other members, it so happens that we got $13 million more than the House originally allowed. So we had 336,000 slots.

The target population is 1,500,000 youths between 14 and 21 in the poverty category. The Department of Labor says that if you add 24,000 more slots to the 336,000 slots already provided—making a total of 360,000 slots—then that's making a total of all they think they can effectively use. That would require that the added appropriation which is contained in the committee amendment be $10 million, instead of the $7,500,000 provided.

I will say this to the members of the committee: The department has been moving on this matter. At one time, its figure was $5.5 million additional. When the Appropriations Committee considered it, the amount was $7.5 million. The last figure which we received, which was just the other day, June 17, moved the figure up to $10 million.

I think it is a very significant approach to the question of a reallocation of priorities that the Department has been moving up its own figure as it has obtained more information.

The U.S. Conference of Mayors, which represents the mayors of 610 cities, happens to have been meeting in Pittsburgh this week. The conference feels that the cities need 136,500 slots. In fact, it adopted a resolution, which I agreed to report to the Senate, which was phoned in to me just yesterday, asking for $100 million, not for the $55 million which I have asked for, which is the appropriate translation of the 136,500 slots, at $411 into $55 million. They have asked for $100 million, based upon what they consider to be their best information.

The $55 million for 136,500 would stand in the place of the $7½ million for 16,000 to 17,000 slots which the committee bill would add, and in place of the $10 million for 24,000 slots which even the Department of Labor recommends. This number, 36,000 slots, is based on the actual survey of capability of use of the U.S. Conference of Mayors. It calls for 72,382 slots in the 50 largest cities in the country; and I put into the Record of last Monday a chart which analyzes that figure, and shows the additions required in each major city, so that Senators may identify and check our figures.

The 72,000 slots for the 50 major cities would cost roughly $30 million. I am giving these various cost figures, because I think each of them is meaningful.

In the smaller cities of the country, the mayors estimate that some 67,000 slots are required. Now, because the data has been slow in coming in, we have only been able to get samplings from the various States. However, we do have a sampling of a smaller city from practically every State. So I ask unanimous consent, Mr. President, that there be printed in the Record a revised chart which shows the findings of the conference of mayors as to the largest cities—which I have already presented—and also as to the smaller cities in each State.

There being no objection, the chart was ordered to be printed in the Record, as follows:

State	Major 50 cities	Slots needed	Small cities	Slots needed
Alabama	Birmingham	421		
Alaska				
Arizona	Phoenix	1,343		
Arkansas			Little Rock	600
California	San Francisco	642	Compton	200
	Los Angeles	2,401		
	San Diego	884		
	Oakland	1,232		
Colorado	Denver	233		

State	Major 50 cities	Slots needed	Small cities	Slots needed
Connecticut			Bristol	25
			Norwalk	50
			Burlington [1]	50
Delaware			Wilmington	200
Florida	Miami	501	Orlando	500
	Tampa	586	Fort Lauderdale	100
Georgia	Atlanta	420		
Hawaii	Honolulu	458		
Idaho				
Illinois	Chicago	8,846		
Indiana	Indianapolis	238		
	Fort Worth	270		
	Gary	370		
Iowa				
Kansas				
Kentucky	Louisville	1,080	Lexington	150
Louisiana	New Orleans	7,264		
Maine				
Maryland	Baltimore	2,363		
Massachusetts	Boston	814		
Michigan	Detroit	2,422		
Minnesota	Minneapolis	508		
Mississippi				
Missouri	Kansas City	350		
	St. Louis	1,200		
Montana			Billings	100
Nebraska	Omaha	188		
Nevada				
New Hampshire			Manchester	50
New Jersey	Jersey City	385		
	Newark	1,493		
New York	New York City	21,621		
	Buffalo	635		
	Rochester	461		
North Carolina			Charlotte	150
North Dakota				
Ohio	Toledo	82		
	Dayton	84		
	Columbus	456		
	Cincinnati	617		
	Cleveland	2,882		
	Akron	97		
Oklahoma	Oklahoma City	399		
	Tulsa	69		
Oregon	Portland	431		
Pennsylvania	Pittsburgh	1,343		
	Philadelphia	942		
Rhode Island				
South Carolina			Columbia	50
South Dakota				
Tennessee	Memphis	377		
Texas	Houston	970		
	Fort Worth	270		
	San Antonio	1,434		
	Dallas	495		
Utah	Salt Lake City	200		
Vermont			Burlington [1]	50
Virginia	Norfolk	616		
Washington	Seattle	285		
West Virginia			Wheeling	300
			Parkersburg	200
Wisconsin	Milwaukee	372		
Wyoming				
Washington, D.C		3,014		

[1] May not have a program, but could use it.

Mr. JAVITS. The important point, Mr. President, is that the mayors are the men on the spot. They know the worth of the program, and they know the target.

There is no longer any question of meeting the target. I wish we could change the priorities of our Nation so that we could meet the target of 1.5 million youth in the poverty category, through action by private business, voluntary organizations, and Government. It would take a considerably larger appropriation than we will get here, even if this amendment is agreed to. But still the target could not be met, because they simply cannot absorb them; the machinery is not available. Let us remember that this is mid-June, and we are figuring against a deadline after which it will not be possible to put the money to effective use.

So we have to adjust ourselves to what we can do rather than what is required. According to the mayors, what we should do, at the very minimum is provide $55 million for the 136,500 slots. And, as I have just indicated, the mayors have just passed a resolution, an excerpt from which I shall read, asking for $100 million. But they have been able to give me only figures to back up the $55 million, and that is why I have moved for that amount.

The resolution, adopted yesterday in Pittsburgh by the Conference of Mayors, reads in part as follows:

> Whereas, the federal government through on-going youth activities in supplemental appropriations to the Office of Economic Opportunity and the Neighborhood Youth Corps provided employment and recreational opportunities to thousands of inner-cities during the summer of 1968 and will do so again this summer; and
>
> Whereas, there has been inadequate attention given to problems of employment of youth between the ages of 14 and 16 by both government and industry; and
>
> Whereas, the funding of these important programs, which contribute to constructive summers for thousands, was and is inadequate for needs in the cities. . . .
>
> *Now therefore be it resolved that* the United States Conference of Mayors calls upon the President to request and Congress immediately to approve a supplemental appropriation of $100 million for the summer of 1969 for Office of Economic Opportunity Community Action Programs, summer Head Start, and summer Neighborhood Youth Corps;

This is the finding of the conference of mayors.

Mr. President, this is the fundamental issue before us. I should now like to turn, as juxtaposed to the mayors' view of what is required, to the Department of Labor's own view of what is required.

In a letter of June 17, 1969, supplied to Senator BYRD, but of which they were kind enough to let me have a copy, the Department says:

> The Department, after surveying its Regional Offices, estimates that it could effectively utilize an additional $10 million. These additional funds would provide 24,000 additional job opportunities for youth in the summer NYC program. When added to funds already available for the NYC program this year, the Department will have available approximately $149 million and approximately 360,000 slots.

Now, Mr. President, we should not forget that this still is targeted at 1.5 million youth—

> This compares to $126,676,730 and 340,043 slots available for summer NYC last year and represents an increase over last year of approximately 20,000 job opportunities.

Then they go on with the details of how the program operates, et cetera. I add to my quotation this paragraph, which I think is very important:

> The program becomes less flexible as the commencement of operations approaches—staff has been hired, arrangements for work stations, supervision, etc. have been made. However, the Labor Department estimates that meaningful work opportunities could be provided for the additional 20,000 youth if funds were made available in late June. Four thousand of these additional slots would provide the same level of opportunities as in the 1968 summer and the additional 16,000 would provide for some—

I emphasize that word "some"—

> of the pressing needs of particularly the larger urban areas.

We have obtained from the Department of Labor a breakdown of where these 20,000 or 24,000 opportunities would be provided, assuming that we got the $10 million. That $10 million, of course, is not in the bill—the bill calls for only $7.5 million. I should like to make just a few comparisons, if I may, in some of the most difficult and congested regions of the country.

Let us take, for example, the New York region, which is mine. The Labor Department's program would provide for 5,413 slots for New York, New Jersey, the Virgin Islands, and Puerto Rico.

It is interesting that the estimate of the mayors for the city of New York comes to 21,621 slots, or four times what is requested for the whole region. This is quite apart from the needs of Newark, Trenton, Buffalo, and other critical New York areas.

In the New England region, the 24,000 slots would provide for 362 additional slots, and yet Boston alone, according to the certification of its mayor, needs 635.

That the mayors have themselves been moving up their targeting is shown by the fact that in their resolution they seek $100 million while I am seeking $55 million. Also I call attention to the experience of the Senator from Missouri (Mr. EAGLETON).

Senator EAGLETON looked over our chart for the 50 largest cities, and found that the figure for two cities in Missouri, to wit, Kansas City and St. Louis, were 269 and zero, respectively, over and above what they were allocated by the basic appropriation, which was 800 for Kansas City and 1,080 for St. Louis.

He checked on those figures, and found that this information did not present the updated picture. I ask unanimous consent to have printed in the RECORD Senator EAGLETON's letter, in which he says:

> Therefore, I checked with authoritative sources in both Kansas City and St. Louis, and find that the number of additional slots those two cities could effectively utilize are as follows: Kansas City 350, St. Louis 1,200.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 17, 1969.

Re amendment to H.R. 11400 so as to increase funds available for the summer neighborhood youth corps program.

Hon. JACOB K. JAVITS,
Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATORS JAVITS AND NELSON: You are offering an amendment to H.R. 11400 which would increase the funding (from $7,500,000 to $55,000,000) of the summer Neighborhood Youth Corps Program.

I fully support your amendment and will vote for it because I am certain the $7,500,000 figure will not come close to doing the job which is needed to be done.

In support of your amendment you have had a table prepared by United States Conference of Mayors which purports to show the 1968 and 1969 enrollment levels in the program as well as the additional needs of the 50 largest cities in the United States.

The two Missouri cities on this list are Kansas City and St. Louis and your figures appear as follows:

NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM, 50 LARGEST CITIES, 1968 AND 1969, ENROLLMENT LEVELS

	Summer 1969			
	EOA original allocation (in jobs)	MDTA additional slots	Total all sources	Additional required
Kansas City	800	331	1,131	269
St. Louis	1,080	754	1,834	0

Especially insofar as St. Louis was concerned, I was very surprised that there were no additional summer job needs. Therefore, I checked with the authoritative sources in both Kansas City and St. Louis and find that the number of additional slots that those two cities could effectively utilize are as follows:

Kansas City	350
St. Louis	1,200

If you plan to introduce the table into the Congressional Record, I would appreciate it if you would also introduce this letter so as to correct the above-mentioned figures.

Yours very truly,

THOMAS F. EAGLETON,
U.S. Senator.

Mr. JAVITS. I also ask unanimous consent to have printed in the RECORD a telegram received by Senator CRANSTON's office from the executive director of the Los Angeles Economic and Youth Opportunities Agency, stating Los Angeles could use 5,000 additional slots, rather than the 2,401 slots which the Conference of Mayors' table originally indicated on the basis of information obtained weeks ago.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

LOS ANGELES, CALIF., *June 13, 1969.*

Senator ALLEN CRANSTON,
Senate Office Building,
Washington, D.C.:

At the enormous request of the board of economic and youth opportunities agency, we are submitting information in order that Senator Allen Cranston may initiate a supplementary appropriations for jobs for Los Angeles youth. The need is critical. Reports from public and private agencies and the state employment service shows less than 5 percent of youths already registered for jobs from poverty areas will find work with the current appropriation. School closes June 20th and we expect thousands more applications. Our agency working with public.

We can increase the number of employed youth in Federal programs at estimated cost of five million dollars which includes supervision and administration. We can add five thousand youths to the ten thousand currently being planned for.

MANUEL ARAGON, Jr.,
Executive Director, EYOA.

Mr. JAVITS. These additional slots for these three cities are not included in the $55 million appropriation which we seek through this amendment. As I say, we did not have from the Conference of Mayors itself the supportable data to back it up. However, the independent inquiry of this one Senator indicates why the mayors feel that $55 million is inadequate, and that their resolution indicates a need of $100 million.

My amendment was very substantially supported in the Senate by Senators who feel a very deep responsibility to do everything they can in this very modest recordering of national priorities to deal with this very urgent situation. The Senate should bear in mind that even if my amendment is agreed, we will be dealing with less one one-fourth of the target.

In addition to the Senator from Wisconsin (Mr. NELSON), the chairman of the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare the cosponsors of this amendment are the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the junior Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS), the Senator from Michigan (Mr. HART), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. YOUNG), and the Senator from Minnesota (Mr. MCCARTHY).

In each of those cases, Mr. President, what has appealed to my colleagues has been the real impact which we all seek to make and which can be made most effectively and efficiently on the basis of what can actually be utilized in respect of this very serious summer problem at the very minimal cost of $411 per slot. Certainly, we can hardly conceive of a program having any meaningful effect at all which could cost us less per person than that amount.

For example, in the smaller cities scattered throughout the country, surveys indicate the need for this kind of help.

By way of illustration, I refer to the following needs of a number of our smaller cities:

Little Rock, Ark	600
Compton, Calif	200
Bristol, Conn	25
Norwalk, Conn	50
Burlington, Conn	50
Wilmington, Del	200
Fort Lauderdale, Fla	100
Orlando, Fla	500
Lexington, Ky	150
Billings, Mont	100
Manchester, N.H	50
Charlotte, N.C	150
Columbia, S.C	50
Wheeling, W. Va	300
Parkersburg, W. Va	200
Burlington, Vt	50

The situation indicates that although they are small these figures have a saturation effect in this kind of program, and that effect goes down the roots right into the soil, which is our Nation. Therefore, there is a tremendous utility involved.

The program has been going on for several years. There was originally deep concern about the accountability of funds and the tightness with which controls would operate in this field. The Department—and we certainly have to accept their appraisal—is fully certain that the rules and regulations and accounting controls which they have put into effect assure that there will be honest accounting and honest handling and direct benefit from these programs.

In addition, the whole problem of overhead has now been streamlined, so that we have a direct relationship to the very modest cost between the input of money and the output of value to the individual recipients.

Mr. President, government should share the problems of people and make provision for them. I do not consider the path government takes to be wise if it involves solely confrontation and the use of power to suppress.

We should do our utmost to do what is honorable and reasonable in order to meet the needs of the people so that they have no need to revolt. We can no longer assume that if we do not, within our means, meet those needs, that the people must nevertheless be quiet.

Mr. President, I deeply feel that we obviously cannot meet the total target of 1.5 million, although that would be the optimum. However, certainly, we ought to do our utmost to meet the target which can be met, and that involves approximately one-fourth of the total.

We have the certification of the mayors, the men on the ground, as it were, as to what they can do. They have given us a certification now of $100 million.

As I have stated, I have only picked up that part of their figure which is directly supportable, and that is the $55 million contained in my amendment.

I deeply feel that, considering all of the circumstances which we face, the target number involved, the proven capability to get at least some of that target number, and the support given to the amount shown by the actual figures from the men on the ground, that this is a reasonable effort to reallocate a modest amount of resources for a very urgent

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program. Therefore, the amendment should be adopted.

There is one other consideration which I should like to mention in laying the matter before the Senate. It will be recalled that we are closing close to half of the Job Corps camps which deal with the same group, in the sense that the Job Corps camps take youths from 16 to 21 years of age.

Incidentally, in passing upon this amendment, it should be borne clearly in mind that this is one program which reaches the group from 14 to 16 years of age. This is a very critical point, because these very young persons, from 14 to 16, can be materially helped and are urgent applicants for this kind of assistance.

Referring again to the Job Corps, about half the Job Corps camps will be closed, releasing about 16,000 Job Corps trainees. The closing of these camps will save $100 million, according to the Secretary of Labor. Our analysis indicates that a minimum of 12,000 young persons will be caught in the transition as a result of the closing of the camps. These young people have not been assigned to other camps or enrolled in other manpower slots to which they could be moved. They have merely been sent back home, awaiting redirection.

Besides this number, there is a backlog of 3,000 applicants who were ready to be admitted to Job Corps camps but could not be admitted because of the closing of those camps. So there is a group of at least 12,000 who are certainly entitled to high priority consideration by Congress. In addition, a considerable amount of money will be saved by the closing of the Job Corps camps.

It seems to me that both these facts underlie the justice of the amendment we are now considering. It gives us a saving which is almost twice the amount that is being sought by the amendment and also indicates the urgent situation for these 12,000, which requires the intermediation of Congress.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. JAVITS. I am glad to yield to the Senator from Vermont.

Mr. PROUTY. I was under the impression that I was a cosponsor of the amendment of the Senator from New York. Through some inadvertence, my name does not appear as a cosponsor.

Mr. JAVITS. Mr. President, will the Senator let me correct that oversight? I ask unanimous consent that the Senator from Vermont (Mr. PROUTY) may be made a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, I commend the distinguished Senator from New York for offering the amendment and also for the strong, logical argument he has advanced in its support.

The need for more summer programs for youths this year is certainly great. Many young persons who will be eligible for new programs planned by the Department of Labor are not currently included in existing programs.

In rural areas, the situation may become particularly acute because the work opportunities offered by industry are lacking.

The figures used by the Conference of Mayors in ascertaining the number of additional slots necessary reflect these needs. Until such time as new programs are instituted by the Department of Labor, I do not think we can afford to let our Nation's youth spend an idle summer when they could otherwise be productively occupied.

I therefore endorse the amendment to provide for additional funding of this summer's training programs under the Neighborhood Youth Corps.

Mr. JAVITS. Mr. President, I could not be more pleased with the support and commendation of any Member of the Senate than I am with that of the Senator from Vermont. He is, as it were, second in command to me on the minority side of the Committee on Labor and Public Welfare. He is himself the ranking member of one of its principal subcommittees, the Subcommittee on Education, and altogether a deep student of this problem.

One other thing that Senator PROUTY has said is critically important to this argument—that is, in emphasizing the rural aspects of this matter. I am a big city Senator, though New York has enormous rural areas, and I do my utmost to represent them; however, essentially I am a child of the big city. But Senator PROUTY represents a constituency which represents the rural point of view; and I have tried to emphasize, through the mayors themselves, the impact of this situation on the smaller cities.

I am very grateful to the Senator for lending his personal support and prestige to the meaningful quality which is involved here to the urban areas, to the rural areas, and to the smaller cities.

Mr. President, other Senators may wish to speak; inasmuch as the manager of the bill is not present at the moment, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I have nothing to add to the comments I made the other day, except to express my support for this bill. I think it is urgently needed. It is a matter of high priority, and I can think of nothing that would provide more hope to the inner city areas, in the heat of the summer this year, then the chance to usefully employ the skills and abilities of these young people and give them a sense of being needed and wanted.

Mr. JAVITS. Mr. President, will the Senator yield for two questions?

Mr. PERCY. I am delighted to yield.

Mr. JAVITS. I value the Senator's opinion highly, and he comes from a very big city. Does the Senator feel now that this summer program has been articulated enough so that he would have confidence in the fact that it would be well and honestly administered, and that the maximum benefit would go to the consumer, as it were?

The Senator is always given, I know, to digging into these things personally. What is the Senator's feeling about the way this program is run in Chicago?

Mr. PERCY. The distinguished Senator has asked me to certify as to the efficiency and effectiveness of the Democratic organization in the city of Chicago, I suppose.

Mr. JAVITS. Not certify, but just to give a kind of general feeling as to how he feels about it.

Mr. PERCY. I feel that the need is so urgent that the 8,846 jobs which I understand would be available for the city of Chicago—a city of 3½ million—could be effectively used. There is broad citizen participation now in this type of program. Jobs would be equitably spread throughout the city. It would not be just a racial program. It would go to the unemployed white, also.

I will be in Chicago tomorrow, on both the South Side and the North Side, with the Puerto Ricans as well as some of our black youth, to personally see, once again, what the situation is now. As of the last time I visited, a few weeks ago, a program of this type could have been used. I wish it had been in effect earlier than this, but I think it would be better to do it now rather than wait and take the chance that we are not going to have adequate funds.

Even though the funds for this program are the same as last year, with the increasing population, and the increasing number of young people relative to the population, we are stepping backward if we do not increase funds when we should be putting higher priority on this type of program.

Yes, I believe it could be effectively used in the city of Chicago.

Mr. JAVITS. I am trying to draw on the Senator's particular expertise. The genius of the Senate is that we do have men and women of particular knowledge. The Senator has been a very important business leader; and part of the effort to deal with summer jobs is going to depend upon business—the National Alliance of Businessmen, for example. It is hoped that it will do much better this year than it did last year.

The question I ask the Senator, as a business leader, is this: Would the Senator, as such a leader, be encouraged to do more or less if we indicated our sympathy for expanding the program by doing somewhat more? Some might argue that if the Government does somewhat more, business will do less. I would like the Senator's view on that, as a business leader.

Mr. PERCY. I think the inclination would be for business to do more. I do not believe that any businessman would feel this is the kind of thing that should be done entirely in the public sector. He has a great responsibility, and there is a sense of public conscience on the part of the businessman.

I feel so deeply about this matter that I felt we should not just leave it to the public sector or just to the business community to provide jobs. I felt that in my own office we should do more. It is a very small office, with approximately 35 people. But we have just had report on board seven students we have selected who I feel are eminently qualified. They need employment; they will benefit tremendously by an intern program. I feel so strongly about it that I am underwriting the cost personally, because I do not have an adequate Senate allowance for it.

I believe this is the kind of thing we should all be doing. The business community should do its share, but we should do the proportionate share that should come from the public sector; because many public areas in our cities need help. Additional boys can be used for playground supervision. Additional volunteers can be used in hospitals. There are all sorts of areas where young people can be put to work and gain a skill.

I mentioned the other day, with respect to my own experience in summer employment, that I cannot think of anything that contributed more to my own sense of responsibility and knowledge. One can see how these young people feel at the end of a summer of idleness. Many of them are eager to get back to school. The kind of trouble young people get into really comes through the heat of the summer, from being out on the street, and from idleness when they are looking for things to do.

We should find constructive things for those minds and hearts and hands to engage in, rather than nonconstructice work as a diversion from the type of activity that may cost far more in the end than this modest investment in the future of young people.

Mr. JAVITS. I am grateful to the Senator for his assistance and support with respect to this amendment.

Mr. President, I yield the floor momentarily.

The PRESIDING OFFICER (Mr. BURDICK in the chair). What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar No. 4 on the Executive Calendar, broadcasting agreements with Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

RADIO BROADCASTING AGREEMENTS WITH MEXICO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate, as in Committee of the Whole, proceed to the consideration of Calendar No. 4 on the Executive Calendar (Ex. B, 91st Cong., 1st sess.).

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the agreements (Ex. B, 91st Cong., 1st sess.), agreements between the United States of America and the United Mexican States concerning radio broadcasting in the standard broadcasting band, which were read the second time as follows:

PART 1: PURPOSE AND SCOPE

Article I

Purpose

2. A. Each Contracting Party recognizes that the sovereign right of the other to use any of the channels in the standard broadcasting band is subject to the provisions of the International Telecommunication Convention and other applicable international agreements. The Parties further recognize that, in the absence of technical resources permitting the elimination of objectionable interference of an international character, agreement between them is necessary in order that the operations of their respective broadcasting stations may conform to technical standards acceptable to both.

3. B. In exercise of their sovereign rights, the United States of America and the United Mexican States have previously concluded agreements under which the establishment of their respective installations and the development of their services in the standard broadcasting band have been possible. Both Contracting Parties agree that any installations and services they may mutually agree upon at the time this Agreement is concluded and any that may be accepted in the future under the procedure established in this Agreement, shall be the subject of appropriate protection in accordance with the provisions of this Agreement.

4. C. Both Parties declare that the equitable and effective use of the standard broadcasting band and the protection of the mutually accepted installations and services are primary objectives of their governments and that to this end they seek to obtain the best coordination of the various technical elements involved in the development of such installations and services.

5. D. For the purpose of attaining these objectives, both Contracting Parties subscribe to this Agreement which contains the provisions that are to govern relations between the United States of America and the United Mexican States for the use of the standard broadcasting band, and they agree to take such action as may be necessary to ensure the observance of those provisions by private and other operating agencies recognized and authorized by them to establish and operate broadcasting stations in their respective territories in Region 2, as defined in the Radio Regulations (Geneva, 1959) of the International Telecommunication Union.

Article II

Scope

6. The following Annexes complete and constitute an integral part of this Agreement:

Annex I: Table of Clear Channel Priorities.

Annex II: Special Use of Clear Channels.

Annex III: Table of Shared Clear Channel Priorities.

Annex IV: Class IV Stations (Increase in power within the border zone).

Annex V: Specific Cases (Other than the special cases contained in Annex II).

Annex VI: Summary of Protected Signals and Interfering Signals on the Same Channel.

Annex VII: Summary of Protected Signals and Interfering Signals Between Adjacent Channels 10 kHz and 20 kHz Apart.

Annex VIII: Angle of Departure as a Function of Transmission Range.

Annex IX: Example of Computation of Skywave Signal Strength.

Annex X: Skywave Curves 10% and 50% of the Time.

Annex XI: Groundwave Field Strength Curves as a Function of Distance.

Annex XII: Characteristic Fields of Vertical Antennas.

Annex XIII: Kirke Method (equivalent distance) for Computation of Groundwave Field Strength.

Annex XIV: Maps of Estimated Effective Ground Conductivity.

Annex XV: Vertical Plane Radiation Characteristics of Omnidirectional Vertical Antennas.

Annex XVI: Joint Consultative Broadcasting Committee.

PART 2: DEFINITIONS, TERMINOLOGY, AND SYMBOLS

Article III

Definitions and Terminology

7. The terms and expressions used in the present Agreement which are not defined in this Part, are either defined in Article 1 of the Radio Regulations (Geneva, 1959) of the International Telecommunication Union and are used herein pursuant to such definitions, or are widely used and commonly accepted and are employed in this Agreement with their usual meanings.

8. Broadcasting in the Standard Band: A sound broadcasting service in that portion of the hectometric wave (medium frequency) band between 535 and 1605 kHz. The emissions in this service are intended for direct reception by the general public.

9. Station: A broadcasting station which operates in the standard broadcasting band.

10. Broadcasting Channel: A channel frequency band for a station with the carrier frequency at the center.

11. Clear Channel: A channel designated for the operation of Class I–A and Class II stations only.

12. Shared Clear Channel: A channel designated for the operation of Class I–A and Class II stations only.

13. Regional Clear Channel: A channel designated for the operation of Class III stations only.

14. Local Channel: A channel designated for the operation of Class IV stations only.

15. Class I Station: A station which operates on a clear channel or on a shared clear channel and is intended to render primary and secondary service over extensive areas and at relatively long distances. According to the extent of the areas to be protected. Class I stations are sub-categorized as Class I–A and Class I–B stations.

16. Class I–A Station: A Class I station that operates on a clear channel and has primary and secondary service areas protected by other stations on the same channel in accordance with the arrangements set forth in Part 5 in Annexes I and II. The protection of its primary service area by other stations on adjacent channels is determined in accordance with the provisions of this Agreement.

17. Class I–B Station: A Class I station which operates on a shared clear channel and has a primary service area which is protected by other stations on the same and on adjacent channels, and a secondary service area which is protected by stations on the same channel in accordance with the provisions of this Agreement.

18. Class II Station: A station operating on a clear channel or on a shared clear channel and intended to provide primary service to an area which, depending on the geographic location and the power utilized by the station, may be relatively extensive, but is limited by and subject to interference from existing Class I and Class II stations. Under the provisions of this Agreement, its primary service area is afforded protection assigned on the same and on adjacent channels, and from modifications in the operating characteristics of existing stations on the same and on adjacent channels, with the exception of Class I–A stations on the same channel.

19. Class III Station: A station which operates on a regional channel and is intended to provide service principally to one or several important centers of population and to the rural area contiguous thereto. The service area is determined by application of the provisions of this Agreement.

20. Class IV Station: A station which operates on a local channel and is intended to

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provide service principally to one city or town and to the suburban areas contiguous thereto. The service area is determined by application of the provisions of this Agreement.

21. Radiated Field Strength: The strength of the field, corrected for absorption, produced by a station in a specific direction at a distance of 1 mile (1609 meters) from its antenna.

22. Power: The power of a station is the unmodulated power supplied to the antenna system and is determined in accordance with the method described in Part 4, Article IX, Section A.

23. Protected Signal: The signal determined by the value of the normally protected contour, or the signal appearing on a reduced contour at the point where protection of such signal is to be determined.

24. Protection Ratio: The ratio of the protected signal to the maximum permissible interfering signal.

25. Necessary Bandwidth: The minimum value of the occupied bandwidth sufficient to ensure the transmission of information of the required quality.

26. Bandwidth: Commonly used expression to designate the "necessary bandwith".

27. Groundwave: A wave which is propagated along or close to the surface of the earth.

28. Skywave (reflected wave): A wave which is reflected by the ionosphere.

29. Skywave (reflected wave) signal, 10% of the time: The value of a skywave signal which is not exceeded for more than 10% of period of observation.

30. Skywave (reflected wave) signal, 50% of the time: The value of a skywave signal which is not exceeded for more than 50% of the period of observation.

31. Characteristic Field: The field strength, corrected for absorption, of a groundwave signal radiated by a station when the power fed into an omnidirectional antenna is 1 kW and the reference distance is 1 mile (1609 meters).

32. Antenna Performance: Replaced by the term "characteristic field".

33. Primary Service Area: The area in which the groundwave is not subject to objectionable interference.

34. Secondary Service Area: The area served by the skywave and not subject to objectionable interference. The signal is subject to intermittent variations in field strength.

35. Normally Protected Contour: The continuous line joining points where the field intensity has a value which determines the areas of primary or secondary service in the absence of interfering signals.

36. Reduced Protected Contour: A contour which results from the action of one or more interfering signals of higher value than the maximum permissible within the normally protected contour.

37. Maximum Permissible Interfering Signal: The maximum permissible value for an undesired signal determined at any point on the normally protected contour or on the reduced contour, as the case may be, and which maintains a ratio with the desired signal prescribed in this Agreement.

38. Objectionable Interference: Objectionable interference is that caused by a signal which exceeds the maximum permissible at the normally protected contour or the reduced contour, as the case may be, under the terms of this Agreement.

39. Daytime Operation: Daytime Operation means operation between the times of local sunrise and local sunset.

40. Nighttime Operation: Nighttime operation means operation between the times of local sunset and local sunrise.

Article IV

Symbols

41. The symbols to be used in this Agreement will have the following meanings:

English text	Spanish text	Definition
Hz	Hz	Hertz (c/s).
kHz	kHz	Kilohertz (kc/s).
W	W	Watt.
kW	kW	Kilowatt.
mV/m	mV/m	Millivolts/meter.
uV/m	uV/m	Microvolts/meter.
U	C	Unlimited time (day and night).
D	D	Daytime operation.
N	N	Nighttime operation.
ND	ND	Omnidirectional or nondirectional antenna.
DA	AD	Directional antenna.
DA-1	AD-1	Directional antenna: the digit indicates the same pattern, but not necessarily the same power, day and night.
DA-2	AD-2	Directional antenna: the digit indicates different patterns day and night, with either the same or different power day and night.
DA-N	AD-N	Directional antenna: the "N" indicates directional antenna used for nighttime operation only, omnidirectional day.
DA-D	AD-D	Directional antenna: the "D" indicates directional antenna used for daytime operation only.
S	S	Shared hours of operation with other cochannel broadcasting stations, when used in connection with the operating hours of a broadcasting station.
SH	HE	Specified hours of operation.
PO	OP	Present operation.
MEOV	VMOP	Maximum expected operating value.
Vide	Vease	See assignment on.
#	#	Even though the estimated (resulting) characteristic field would be (is) higher than the one specified, the specified field is maintained by adjustment of the actual input power to the antenna.
PN	NP	Previously notified but not implemented.

PART 3: GENERAL TECHNICAL PRINCIPLES

Article V

Characteristics of Emissions

42A. Class of Emission: A3.

43B. Assigned Frequency Band: 10 kHz (5 kHz band on each side of the carrier).

44C. Separation Between Channels: The 107 channels in the standard band shall be separated 10 kHz from each other. 540 kHz shall be the first and 1600 kHz the last.

45D. Frequency Tolerance: 20 Hz on either side of the assigned frequency. Nevertheless, both Contracting Parties recognize the desirability of implementing the tolerance of 10 Hz, in accordance with the Radio Regulations (Geneva, 1959) of the International Telecommunication Union.

46E. Determination of Power: Power is determined at the input to the tower or towers in the radiating system.

47F. Spurious Emissions: When the existence of an objectionable spurious emission has been demonstrated, the Contracting Party responsible for the station producing such emission shall take appropriate measures to eliminate it or reduce it to a level where it ceases to be objectionable.

48G. Modulation: The percentage of modulation must be maintained at such a level that objectionable spurious emissions will not be produced.

Article VI

Identification, Distribution, and Use of Channels

A. *Identification and Distribution of Channels.*

49. 1. *Identification:* The 107 channels of the standard band are identified by their carrier frequencies.

50. 2. *Distribution:* The channels are divided into four types as follows:

51. (a) Clear channels: 540, 640, 650, 660, 670, 700, 720, 730, 740, 750, 760, 770, 780, 800, 820, 830, 840, 860, 870, 880, 890, 900, 990, 1010, 1020, 1030, 1040, 1050, 1100, 1120, 1160, 1180, 1200, 1210, 1220, 1570 and 1580 kHz.

52. (b) Shared clear channels: 680, 690, 710, 810, 850, 940, 1000, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1500, 1510, 1520, 1530, 1540, 1550 and 1560 kHz.

53. (c) Regional channels: 550, 560, 570, 580, 590, 600, 610, 620, 630, 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590 and 1600 kHz.

54. (d) Local channels: 1230, 1240, 1340, 1400, 1450 and 1490 kHz.

55. B. *Use of Channels:* The various types of channels shall be used in the manner specified below (the operating characteristics are indicated in Articles VIII and IX).

56. 1. Clear channels:

Class I–A and Class II stations shall operate on clear channels. Class II stations shall be subject to the limitations resulting from the engineering standards or from the special arrangements set forth in this Agreement.

57. 2. Shared clear channels:

Class I–B and Class II stations shall operate on shared clear channels. Class II stations shall be subject to the limitations resulting from the engineering standards or from the special arrangements set forth in this Agreement.

*58.*3. Regional channels:

Only Class III stations shall operate on regional channels.

59. 4. Local channels:

Only Class IV stations shall operate on local channels.

Article VII

Classification of Stations

60. A. Stations are classified as follows:

61. Class I Stations: Stations assigned to operate on clear channels or shared clear channels. They are sub-categorized as:

1. Class I–A Stations.
2. Class I–B Stations.

62. Class II Stations: Stations assigned to operate on clear channels or on shared clear channels.

63. Class III Stations: Stations assigned to operate on regional channels.

64. Class IV Stations: Stations assigned to operate on local channels.

65. B. The definition of each class of station is given in Part 2; operating power for each class is prescribed in Article IX; the protection ratio and the protected contour, which determine the service areas, in Article VIII.

Article VIII

Protection and Interference

A. *Service Areas not Subject to Protection.*

66. No station need be protected from objectionable interference at any point outside of the boundaries of the country in which the station is located, except as may be provided elsewhere in this Agreement.

B. *Normally Protected Contour.*

67. The contours for each class of station which are to be protected by other stations on the same channel shall have the values set forth below:

1. *Class I–A Stations:*

68. (a) *Daytime operation:*

Value not defined since the protection is established by the limits on the intensity of the permissible signal, which has a specified value at any point on the geographic boundary of the country having the priority on the respective clear channel (see Article XIV, Section A, Part 2).

69. (b) *Nighttime operation:*

Value not defined since the secondary use of clear channels is limited to the assignments agreed upon by both Parties (see Article XIII, Section B) with the conditions of operations established in Annex II of this Agreement.

2. *Class I–B Stations:*

70. (a) Daytime: 100 uV/m, groundwave.

71. (b) Nighttime: 500 uV/m, skywave, 50% of the time.

3. *Class II Stations:*

72. (a) Daytime: 500 uV/m, groundwave.

73. (b) Nighttime: 2500 uV/m, groundwave.

74. The contours indicated are those which must be protected by other Class II stations.

4. *Class III Stations:*

75. (a) Daytime: 500 uV/m, groundwave.

76. (b) Nighttime: 2500 uV/m, groundwave.

5. *Class IV Stations:*

77. Daytime: 500 uV/m, groundwave.

C. *Protection Ratios.*

1. *On the same channel* (groundwave and skywave).

78. The ratio of the protected signal to the maximum permissible interfering signal is 20 to 1, subject to the following terms and conditions:

79. (a) No protection ratio shall apply to Class I–A stations (see Part 5).

80. (b) The protected signal is specified in Section B of this Article.

The interfering signal to be considered is:

81. (1) Groundwave in the case of daytime service.

82. (2) Skywave, 10% of the time, in the case of nighttime service.

2. *On adjacent channels:*

(a) Groundwave:

83. The protected signal for daytime and nighttime operation shall be 500 uV/m, groundwave and its ratio to the interfering groundwave signal shall be as follows:

Separation between channels:	*Protection ratios*
10 kHz	2 to 1.
20 kHz	1 to 30.

(b) Skywave:

84. No interference between stations on adjacent channels resulting from skywave transmission of an interfering signal will be considered.

D. *Maximum permissible interfering signal on the same channel.*

85. The following values are derived by dividing the values specified for the normally protected contours of each class of station in Section B of this Article by the protection ratio set forth in Section C, paragraph 1 of this Article:

Class of station	Day groundwave	Night skywave, 10 percent of the time
I-A	None (see this article, sec. B, par. 1 and pt. 5).	
I-B	5uV/m	25 uV/m.
II	25uV/m	125 uV/m.
III	25 uV/m	125 uV/m.
IV	25 uV/m	200 uV/m.

E. *Protection of Reduced Contour.*

86. When a reduction in the service area of a Class II or Class III station or in the daytime service area of a Class IV station has resulted from the acceptance at its normally protected contour of one or more interfering signals having values higher than that specified as the maximum permissible interfering signal, at the normally protected contour, a line describing the limit of the interference-free service area in the sector where the reduction in service occurs becomes the contour to be protected in that sector by a new signal.

F. *Objectionable interference at the Normally protected Contour or the Reduced protected Contour.*

1. *On the same channel.*

87. Objectionable interference shall be considered to exist or is to be expected when an undesired signal is stronger than:

88. (a) The maximum permissible interfering signal specified in Section D of this Article, if it is at the normal contour.

89. (b) The value resulting from the application of the method of calculation specified in Article XII if it is at the reduced contour.

2. *On an adjacent channel.*

90. Objectionable interference shall be considered to exist or is to be expected when an undesired signal is stronger than that resulting from the application of the protection ratios established in Section C paragraph 2 of this Article.

91. The procedure for the computation of objectionable interference and the degree thereof is set forth in Article XI.

PART 4: OPERATION AND COMPUTATION PROCEDURES

Article IX

Characteristics of Operation

A. *Calculation of power.*

92. The operating power of a station is the product of the square of the current at the point of input to the antenna and the resistance at that point. In the case of a directional antenna, the input point is the distribution point to the system.

B. *Power of the different classes of stations.*

93. Except for specific cases to the contrary set forth in this agreement, the limits of permissible power of the different classes of stations are as follows:

94. 1. Class I–A stations: 50 kW or more.

95. 2. Class I–B stations: from 10 to 50 kW.

96. 3. Class II stations: from 0.100 to 50 kW.

97. 4. Class III stations: from 0.100 to 25 kW.

However, in an area within 62 miles (100 km) of the common border, power in excess of 5 kW may not be used.

98. 5. Class IV stations:

Stations located 93 miles (150 km) or more from the common border: No greater than 1 kW day or 0.5 kW night.

Stations located at less than 93 miles (150 km) from the common border: No greater than 1 kW day of 0.250 kW night.

In all cases, the minimum power shall be 0.100 kW.

99. Powers for Class III and Class IV stations, other than those specified above, may be established by agreement between the Contracting Parties, subject to the provisions contained in other applicable international Agreements.

C. *Determination of characteristic field.*

100. The characteristic field will be determined using the curves in Annex XII. If, by application of the procedures set forth in Article XX, both Contracting Parties should agree to adopt standards for the measurement of field strength, the characteristic field may be determined by measurements following the procedure that may be adopted.

D. *Determination of the times of sunrise and sunset.*

101. 1. The times of sunrise and sunset on the 15th day of a calendar month, or the average time of sunrise and the average time of sunset for that month, adjusted, in either case, to the nearest quarter hour shall be considered the times of sunrise and sunset applying for all the days of that month.

102. Either Contracting Party may determine and apply the times of sunrise and sunset under the procedure set forth above, either at the locations of individual stations, or at the center of geographical areas designated by that Party. In the latter case, the times established for each area will apply to all of the stations in that area.

103. 2. As an exception to the operating times as determined in sub-paragraph 1 above, the Contracting Parties agree that limited operation before local sunrise or after local sunset with daytime facilities may be permitted subject to such terms and conditions as may be agreed upon between the Parties.

Article X

Determination of Radiated Field Strength Values

A. From an Omnidirectional Antenna.

1. *For groundwave.*

104. The value obtained by multiplying the characteristic field of the transmitting antenna by the square root of the power input to the antenna in kilowatts.

2. *For skywave.*

105. The value obtained by following the procedure outlined above, corrected in accordance with the vertical plane radiation characteristic of the antenna at the corresponding angle of departure determined from Annex VIII. The vertical plane radiation characteristic will be determined from the curves in Annex XV.

B. *From a Directional Antenna.*

1. *For groundwave.*

106. The value obtained from the horizontal plane radiation pattern of the antenna in the direction at which the strength of the received signal is to be determined.

2. *For skywave.*

107. The value obtained from the vertical plane radiation pattern in the direction at which the strength of the received signal is to be determined, at an angle of departure determined from Annex VIII.

Article XI

Computation of the Field Strength of a Received Signal

108. For computation of the field strength of a desired or undesired signal, as the case may be, the following procedures will be applied:

A. *Groundwave.*

109. 1. The chart in Annex XI, corresponding to the frequency of transmission is selected, and the curve from that chart is used corresponding to the conductivity of the path between the station and the point at which the field strength is to be determined. The field strength read from the curve for the distance from the station to the point at which the field strength is to be determined is that which would be produced by a station with a radiated field strength of 100 mV/m in the horizontal plane in the direction of the point under consideration. The value so determined is multiplied by the ratio of the radiated field strength of the station to 100 mV/m to obtain the field strength of the received signal.

110. 2. When several values of conductivity are presumed to occur along a propagation path, the "Kirke" or "Equivalent Distance" method of computation shall be used in computing the distance to a specified field strength contour, in conjunction with the charts in Annex XI. The Kirke method is described in Annex XIII.

B. *Skywave.*

111. Annex X is a chart containing curves which indicate the skywave field strength produced at various distances from a station with a radiated field strength of 100 mV/m. The 50% of the time curve is utilized for determining the field strength of a desired signal, the 10% of the time curve is used for determining the field strength of an undesired signal. The value read from the curve at the distance to the point at which the field strength is to be determined is multiplied by the ratio of the radiated field strength of the station to 100 mV/m to obtain the field strength of the received signal.

Article XII

Calculation and Protection of the Reduced Contour

A. *Reduced contour to be protected.*

112. The reduced contour to be protected, defined generally in Part 2, is the line joining all points within the normally protected contour where the ratio of the protected signal to an interfering signal from an existing co-channel station is 20 to 1.

B. *Computation of reduced contour.*

1. For daytime primary service of Class II, Class III and Class IV stations:

113. The reduced contour is drawn through all points where a ratio of 20 to 1 from the protected signal to the interfering signal is met.

2. For nighttime primary service of Class II and Class III stations:

114. The reduced contour will be considered to be a closed contour of uniform value, which encircles the station and has a value which may be determined by multiplying by 20 the value of the strongest interfering signal from an existing co-channel station as computed at the site of the protected station.

C. *Protection of reduced contour.*

115. At any point on or within the reduced contour, the strength of a new interfering signal from a co-channel station cannot exceed 70% of the value of the maximum existing interfering signal at that point, or one twentieth of the value of the normally protected contour, whichever is higher.

PART 5: PRIORITY AND USE OF CLEAR CHANNELS

Article XIII

Priority

116. A. Each of the Contracting Parties hereby recognizes the clear channel priorities of the other, as set forth in Annex I to this Agreement.

117. B. Neither Contracting Party shall make any nighttime assignment on clear channels upon which the other Party has priority under this Agreement, except as provided in Annex II.

Article XIV

Use of clear channels

118. A. Daytime Class II assignments by either Contracting Party on clear channels upon which the other Party has priority will be subject to the following conditions:

1. Permissible Hours of Operation:

119. Sunrise to sunset at the location of the Class II station. Exceptions to these hours of operation may be permitted in accordance with Article IX, Section D, paragraph 2.

2. Permissible Signal Intensity at the Boundary of the Country Which Has the Priority on the Clear Channel Involved:

120. Not more than 5 nV/m groundwave (exceptions are set forth in Annex II).

3. Permissible Power:

121. The permissible power will be 50 kW (exceptions are set forth in Annex II).

122. B. It is recognized and agreed by the Contracting Parties that the secondary use of clear channels permitted under the terms of this Agreement imposes no obligation on the Party having the clear channel priority to protect such secondary use, and that the Party having the clear channel priority retains full freedom to make such use of the clear channel upon which it has priority as it deems necessary to meet its domestic service needs.

PART 6: NOTIFICATION AND OFFICIAL LIST OF ASSIGNMENTS

Article XV

Notification

A. *Procedure.*

1. *General.*

123. (a) From the date of entry into force of the Agreement and throughout the period in which it shall remain in effect, any notification made by either Contracting Party shall be in accordance with the procedure set forth in this Article, and on the basis of the provisions contained in Section A of Article XVI. Such notifications shall be made for all new assignments and all deletions or modifications of existing assignments.

124. (b) To be valid, each such notification must be such that the new station, modification, or deletion proposed therein is in accordance with this Agreement.

125. (c) No notification containing Basic Information is required for assignments agreed upon and listed in the Annexes to this Agreement. Regarding the sending of Supplementary Information, as well as compliance with the other applicable procedural provisions, it will be considered that the other Contracting Party has received the notification of the Basic Information upon the date of entry into force of this Agreement.

126. (d) Except as may otherwise be specifically provided in this Agreement, changes in power, antenna characteristics, or location of an existing station may be made at any time, provided that such changes shall be notified in accordance with paragraphs (a) and (b) above. Stations making such changes are not required to afford greater protection to existing stations than that previously accepted.

127. (e) Each Contracting Party may, within forty-five days following the date of receipt of a notification, advise the Party making the notification of any objection it may have thereto under the terms of this Agreement.

128. (f) If the Supplementary Information required under paragraphs 2 and 3 of this Section does not accompany the Basic Information, and such Supplementary Information is received within the period specified in sub-paragraphs (b) of said paragraphs, the period during which objection may be made shall be extended to thirty days after the date of receipt of such Supplementary Information.

129. (g) Failure of the Contracting Party receiving a notification to object thereto within the period specified above shall be deemed to be an acceptance by that Party of such notification.

130. (h) The date of priority of a notification shall be determined by the date of receipt by the Notification-Exchange Agency specified under Section A of Article XVI of the Basic Information constituting the notification, provided the Supplementary Information with respect to such notification is also submitted within the periods provided in sub-paragraphs (b) of paragraphs 2 and 3 of this Section. If there is a conflict between two or more notifications, priority in the date of receipt thereof by the designated Notification-Exchange Agency shall govern.

2. *New assignments.*

(a) Basic Information.

131. In making any notification of a new assignment, the respective Contracting Party shall provide the following Basic Information which is essential to constitute a notification:

Frequency.
Class of station.
Location (city and state).
Power.
Time of operation.
Type of antenna (ND, DA–1, DA–2, DA–N, or DA–D).
Date of expected comencement of operation.

(b) Supplementary Information.

132. The Basic Information should be accompanied by the following Supplementary Information:

133. (1) For omnidirectional antennas:

Call sign.

Geographic location of the antenna, in degrees and minutes of latitude and longitude.

Electrical and physical dimensions (including those of the ground system).

Characteristic field (where the configuration and dimensions of the antenna and ground system are such that the characteristic field can not be predicted with the use of Annex XII, the estimated value of the characteristic field will be notified and full details as to the design and dimensions of the radiation system will be furnished, including a drawing if necessary).

134. (2) For directional antenna systems:

Call sign.

Geographic location of the midpoint of the antenna system, in degrees and minutes of latitude and longitude.

Electrical and physical dimensions (including those of the ground system).

Horizontal radiation pattern for daytime operation.

Horizontal and vertical radiation patterns for nighttime operation (the vertical patterns to be supplied only for directions in which protection is required for stations in the other country).

135. If the Supplementary Information is not provided at the same time as the Basic Information, it shall be submitted as soon thereafter as possible, but, in any event, not more than ninety days thereafter in the case of omnidirectional antennas or more than six months thereafter in the case of directional antennas.

3. *Modifications.*

(a) Basic Information.

136. In making any notification of a change in the assignment of existing station, the respective Contracting Party shall provide the following Basic Information which is essential to constitute a notification:

Nature of the change.

Date the change is expected to be put into effect.

Any revision of the Basic Information previously supplied.

(b) Supplementary Information.

137. The Basic Information should be accompanied by such revision of the Supplementary Information previously provided as may be necessary to make it conform to the change.

138. If such Supplementary Information is not provided at the same time as the Basic Information, it shall be submitted as soon thereafter as possible, but, in any event, not more than ninety days thereafter in the case of omnidirectional antennas or more than six months thereafter in the case of directional antennas.

4. *Deletions.*

139. A notification of the deletion of an existing assignment shall consist of sufficient information to identify the assignment deleted, including:

Frequency.
Call sign.
Location (city and state).
Power.
Effective date or anticipated date of cessation of operation.

5. *Dates of commencement of operation or cessation of operation.*

140. Each Contracting Party shall notify the date a station commences service, ceases operation, or puts a change into effect. Such notification shall be made within sixty days following such date.

B. *Transfer and Loss of Priorities.*

1. *Transfer of priorities.*

141. Any notification of a deletion of an existing assignment shall be deemed to be an abandonment by the notifying Contracting Party of any rights it may have with respect to such assignment, unless it simultaneously notifies a new station on the same frequency which would be, in effect, a substitution for the deleted assignment. Such Party will retain, on behalf of the substituted assignment, the obligations and rights of the deleted assignment, including the priority, provided, however, that the substituted assignment does not result in interference to existing stations in the other country in excess of that previously caused by the station whose assignment is deleted.

2. *Loss of priorities.*

(a) For change of frequency.

142. Except as provided in paragraph 1 of this Section, any notification of a change in an existing assignment that involves a change of frequency is, in effect, a deletion of the previous assignment, and will constitute the simultaneous notification of a new assignment, which notification will be given the priority corresponding to the notification of a new assignment.

(b) For not providing the Supplementary Information.

143. (1) An assignment which is included in the Annexes to this Agreement shall cease to have any effect if the Supplementary Information required by sub-paragraphs (b) of paragraphs 2 and 3 of Section A of this Article, as the case may be, is not furnished within the respective time period specified in such sub-paragraphs. The time periods mentioned should be counted from the date this

Agreement enters into force, in conformity with sub-paragraph (c) of paragraph 1 of Section A of this Article.

144. (2) Any other notification of a new or modified assignment shall cease to have any effect if the Supplementary Information required in paragraph 2 or in paragraph 3 of Section A of this Article, as the case may be, is not furnished within the respective time periods established in said paragraphs, beginning:

145. (i) On the date this Agreement enters into force if it was notified during the period between March 10, 1967, and the date on which this Agreement enters into force; or

146. (ii) On the date of notification of the Basic Information, if it was notified after the entry into force of this Agreement.

147. In exceptional cases, the time periods established in subparagraphs (b) of paragraphs 2 and 3 of Section A of this Article may be extended for a like period of time by a Contracting Party upon notice to the other Party, if the notice refers to assignments covered in said paragraphs or to assignments covered in sub-paragraph (c) of paragraph 1 of Section A of this Article. The notification submitted shall cease to have any effect if the Supplementary Information is not furnished before the end of one such extension of time.

(c) For not initiating the operation or not putting the change into effect.

148. Any notification, including those listed in the Annexes to this Agreement, with respect to which there has been furnished the Basic and Supplementary Information in the form and within the periods specified in this Agreement, shall cease to have any effect if, within two years after the date the Supplementary Information has been received, the station concerned has not actually begun to operate or has not put the change into effect. In special cases, arising from unusual circumstances, the effect of such notification may be extended for successive periods of six months, upon notice to the other Contracting Party within the effective period of the notification in question. Such notice must include detailed reasons to justify such extension.

149. (d) The provisions of sub-paragraphs (b) and (c) of this paragraph shall not be applicable to those assignments covered by special arrangements between the Parties, which are set forth in the appropriate Annexes to this Agreement.

Article XVI

Official List of Assignments

A. *Notification-Exchange Agency.*

150. 1. All notifications of new assignments, deletions, and changes in existing assignments, as well as objections to such assignments and other communications made according to Article XV of this Part shall be delivered by each Contracting Party through the entity which may be designated by the countries of the North American Region. Such entity will be the Notification-Exchange Agency for performance of the notification-exchange function subject to concurrence between the Contracting Parties effected by an exchange of written notices.

151. 2. Pending designation of an entity by the countries of the North American Region to perform the notification-exchange function, or, if after designation of such entity, it should temporarily or permanently fail to perform the notification-exchange function, such function shall be effected directly between the Contracting Parties until the designated entity performs its function.

B. *Recognition of accepted assignments.*

152. All assignments accepted before the date this Agreement enters into force shall continue to be accepted. All notifications inconsistent with the assignments set forth in the Annexes to this Agreement, or otherwise inconsistent with the terms of this Agreement, are hereby withdrawn, and such action will be confirmed through the notification procedure after entry into force of this Agreement.

C. *Establishment and Revision of the Official List of Assignments.*

1. *Establishment of the Official List.*

153. (a) For the purpose of establishing an Official List of Assignments, each Contracting Party will prepare and present to the other Party a list of its assignments as soon as possible, but, in any event, not later than 9 months after entry into force of this agreement. Said lists will contain the following information with respect to each assignment:

(1) Name of the country.
(2) Frequency.
(3) Call sign (if assigned).
(4) Location (city and state).
(5) Power.
(6) Type of antenna (ND, DA-1, DA-2, DA-N, DA-D).
(7) Time of operation.
(8) Class of station.
(9) Whether or not the assignment is in operation as notified.

154. With respect to (9) the following annotations will be used:

155. (i) "(under construction)": this indicates a new station which has not been notified as in operation.

156. (ii) "(P.O.: ——)": this is for the purpose of indicating the present characteristics of an existing assignment modified by a subsequent notification, whose operation with the new characteristics has not been notified. Where a change in frequency is involved, the listing of the assignment under the new frequency will have the annotation "(P.O.: ——— kHz)" and the listing under the existing frequency will have the annotation "(Vide ——— kHz)" showing the frequency of the proposed operation.

157. (iii) "(P.N.: ———, N.L. #—)": this is for the purpose of indicating the characteristics of a previously notified assignment when it is modified by notification of changed characteristics before the notification of the date of commencement of operation of the previous assignment.

158. (b) The lists to be exchanged in accordance with paragraph 1, sub-paragraph (a) of this Section will include every assignment starting with the information contained in the Appendix attached to the Recommendations of the North American Regional Broadcasting Engineering Meeting, January 30, 1941, as modified by subsequent notifications up to and including those set forth in the last Notification List of both Parties sent on or before the day preceding the date of entry into force of this Agreement, and as modified by the provisions of the Agreement between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcasting Band, Mexico, D.F., January 29, 1957, and as further modified by the assignments contained in Annexes to this Agreement. Those notified assignments which have not been accepted will be marked with the appropriate notation, such as "objection", "reservation", "being processed", etc., and they will be treated in accordance with the procedure contained in this Agreement.

159. (c) Each Contracting Party will transmit its comments to the other no later than six months after both Parties have received the respective lists. Such comments may include any questions either Party has with respect to any assignments included in the list of the other Party. Any questions which may arise with respect to either the assignments listed or with respect to their operating characteristics will be resolved by reference to the information used in preparation of the list as set forth in paragraph 1, sub-paragraph (b) of this Section, or by consultation.

160. (d) When both Parties have agreed upon the assignments which should be contained in each list, both lists will be adopted officially and will constitute the Official List of Assignments of both Parties. Such adoption will be made by an exchange of letters between the respective communications Agencies of the two Parties. Immediately thereafter copies of such Lists will be forwarded by both Parties to the Notification-Exchange Agency for the purpose of being registered as the Official List of Assignments.

161. (e) If either Contracting Party has failed to supply all or a part of the Supplementary Information referred to in paragraphs 2 and 3 of Section A of Article XV concerning any assignment notified before the day prior to the date this agreement enters into force, such party will supply said Supplementary Information as soon as possible based upon the first edition of the Official List. To that effect, such Party will proceed in the following order:

162. (i) Particular assignments specified by the other Party in a list to be furnished after this Agreement enters into force.

163. (ii) Assignments within 62 miles (100 kms) of the common border.

164. (iii) Other assignments that, due to their nature, are capable of causing objectionable interference to assignments of the other Party.

165. (iv) The remaining assignments.

2. *Revision of the Official List.*

166. (a) After adoption of the Official List in accordance with paragraph 1, sub-paragraph (d) of this Section, the Contracting Parties will exchange yearly editions of the Official List through the Notification-Exchange Agency. Each edition of the List will consist of the original, or master, List of Assignments of both Parties, as modified by subsequent notifications of new assignments, and modification and deletion of existing assignments. The individual listings of assignments contained in the editions of the List shall be in accordance with paragraph 1, sub-paragraph (a) of this Section.

167. (b) Every six months, each Contracting Party will forward to the other Party a supplementary list containing notifications made during that six-month period. Such supplementary list will be forwarded within one month after the close of each six-month period.

PART 7: RATIFICATION, ENTRY INTO FORCE, DURATION, AND TERMINATION

Article XVII

Ratification

168. This Agreement shall be subject to ratification by both of the Contracting Parties in accordance with their respective constitutional procedures.

Article XVIII

Entry Into Force and Duration

A. *Entry Into Force.*

169. This Agreement, which replaces the Agreement of January 29, 1957, will enter into force on the date of exchange of instruments of ratification. The exchange of instruments of ratification shall be carried out in Washington, D.C.

B. *Duration.*

170. 1. This Agreement shall remain in force for a period of five years, unless, before the end of such period, it is terminated pursuant to Article XIX, or is replaced by a new agreement between the Contracting Parties.

171. 2. If not replaced by a new agreement, or if not terminated at the expiration of the aforesaid five-year period in accordance with Article XIX, this Agreement shall remain in force indefinitely thereafter until replaced by a new agreement between the Contracting Parties or until terminated in accordance with the provisions of Article XIX.

Article XIX

Termination

172. A. Either of the Contracting Parties may terminate this Agreement by a written

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notice of termination to the other Party through diplomatic channels. The termination shall take effect one year after the date of receipt of such notice.

173. B. If either of the Contracting Parties considers that the other is acting or has acted in a manner incompatible with the provisions of this Agreement, consultations shall take place between the Parties concerning the matter. In the event that such consultations do not result in a solution of the problem to the satisfaction of both Parties, the complaining Party may proceed to terminate this Agreement. The termination shall take effect ninety days after the date of receipt of the written notice thereof.

Article XX

Revision

174. Changes in and additions to the technical standards, including the conductivity maps and the propagation curves, and in the notification procedure may be effected through diplomatic channels when such changes and additions, embodied in amendments or supplements to the appropriate Parts or Annexes, prepared jointly by designated officials of the two Contracting Parties, have been approved by the administrative agency or department of each Party having jurisdiction over broadcasting matters.

In Witness Whereof, the respective Plenipotentiaries have signed this Agreement.

Done at Mexico City, Distrito Federal, in duplicate, in the Spanish and English languages, each having equal authenticity, this 11th day of December, one thousand nine hundred sixty eight.

For the Government of the United States of America,

FULTON FREEMAN,
Ambassador Extraordinary and Plenipotentiary.

For the Government of the United Mexican States,

JOSE ANTONIO PADILLA SEGURA,
Secretary of Communications and Transportation.

Mr. MANSFIELD. Mr. President, the basic purpose of these related agreements is to minimize and control objectional interference by stations in one country to stations in the other.

The two treaties replace the 1957 agreement which took the committee 3 years to approve because of controversy over the prohibition on presunrise and postsunset operations by certain American daytime stations operating on Mexican clear channels.

The first of these agreements—on broadcasting—is an improved version of the old. It deals with channel assignments, power, directional antennas, classes of station, engineering standards, notification, and other technical matters. The second agreement—on presunrise-postsunset operations—removes the controversy from the old by permitting such operations.

The committee had a public hearing May 27 at which the Department of State and the Federal Communications Commission testified strongly in favor. A number of communications from the industry were received—all in favor of the agreements. Not a single objection was registered.

New agreements are needed since the old one and a protocol extending it expired December 31, 1967. There is no present treaty obligation between the United States and Mexico on this subject.

The new agreements will run for 5 years but continue in effect until replaced by a new one or unless a 1-year written notice of termination is submitted by one of the parties, so the present hiatus will not recur.

I ask the Senate to give its advice and consent to ratification of these agreements.

I ask unanimous consent to have inserted at this point in the RECORD portions of the committee report on this matter.

There being no objection, the excerpts from the committee report (Ex. Rept. No. 7) were ordered to be printed in the RECORD, as follows:

MAIN PURPOSE

These agreements concern the use of the standard broadcast band by the United States and Mexico.

The first agreement, referred to as the broadcasting agreement, governs this use by identifying and distributing channels, establishing classes of stations, prescribing technical standards, priorities, and procedures so as to minimize interference problems between the two countries. In general, it is very similar to the 1957 broadcasting agreement which it replaces.

The second agreement, referred to as the presunrise/postsunset agreement, permits daytime stations to operate for certain limited periods before sunrise and after sunset under regulations set forth in the agreement. This will allow for uniform sign-on and sign-off times for U.S. daytime stations operating on Mexican clear channels. This agreement is tied to the first one in that it can be effective only so long as the former remains in effect.

BACKGROUND

The pending two agreements replace an earlier agreement which was signed on January 29, 1957, entered into force on June 9, 1961, and expired on June 9, 1966. It was revived and continued in effect until December 31, 1967, by a protocol approved by the Senate on June 21, 1966. A second protocol which would have continued it in effect until December 31, 1968, was not acted on by the committee since final negotiations on the new agreements were in process.

The new agreements were signed on December 11, 1968, after more than 2 years of negotiations. While legally there has been no treaty obligation between the United States and Mexico since expiration of the first protocol, both countries have continued, according to the Department of State, "so far as administratively permissible, to conduct their broadcasting activities in *de facto* recognition of the provisions of the 1957 agreement."

The 1957 agreement took almost 3 years to obtain Senate approval because of opposition to a provision which prohibited presunrise and postsunset operations by daytime stations in the United States operating on Mexican clear channels. As already noted, the second of the new agreements relaxes this prohibition.

COMMITTEE ACTION AND RECOMMENDATION

On May 27, 1969, the Committee on Foreign Relations held a public hearing on the treaties and received the endorsements of the Department of State and the Federal Communications Commission. The record of the hearing is appended to this report together with those communications which the committee was specifically asked to include. In addition, the committee received many other communications from industry representatives, all of them supporting the agreements. Neither the committee nor the Department of State nor the Federal Communications Commission knows of any opposition to them. Moreover, throughout the negotiations the American delegation was assisted by representatives of the broadcasting industry.

Since the agreements are technical in nature the committee has necessarily relied on the testimony presented to it in recommending favorable action. The positive benefits flowing from the broadcasting agreement were summarized by former Ambassador James J. Wadsworth, Commissioner, Federal Communications Commission, as follows:

1. A number of class IV (local channel) stations located within 62 miles of the United States/Mexican border, have been precluded by the terms of the previous agreement from increasing daytime power, an opportunity afforded other stations in this class by Federal Communications Commission rules. The new agreement provides machinery under which power increases of the border stations may be effectuated.

2. A new full-time operation is permitted on 540 kilohertz, a Mexican clear channel, in Florida, an area where such operation was precluded under the predecessor agreement, and some minor gains have been achieved with respect to the conditions of operation of full-time stations permitted in the United States on other Mexican clear channels under the predecessor agreement.

3. Many outstanding objections of long standing regarding station assignments in both countries have been resolved, and satisfactory solutions have been reached in a number of cases with respect to proposed use, of certain frequencies in the southwestern part of the United States.

4. Its implimentation should reduce the number of conflicts which, under the predecessor agreement sometimes resulted from a lack of agreement on engineering standards applicable to particular station assignments, or from a lack of sufficient information as to the particulars of specific assignments.

5. No existing station will be required to change frequency or other conditions of operation upon entry into force of the new agreement.

The benefits from the presunrise/postsunset agreement are self-evident.

Another improvement in both treaties is the provision concerning duration and expiration. As did the predecessor agreement, they run for 5 years after entry into force but, unlike it, continue to remain in force until such time as replaced by a new agreement or unless terminated by a 1-year written notice from either party to the other party. This places these agreements on the same basis as the North American Regional Broadcasting Agreement (NARBA) to which Mexico is not a party but which for the United States complements the agreements now before the Senate. This will avoid future hiatuses such as the present between the United States and Mexico. On June 10, the committee ordered the agreements reported to the Senate.

In the opinion of the committee it is important that this hiatus be ended. The committee concurs with the views of the executive branch and the industry that these agreements deserve Senate approval and recommends that the Senate give its advice and consent to ratification.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Mr. President, will the Senator state whether or not the Federal Communications Commission was consulted on this matter?

Mr. MANSFIELD. Yes, and it gave its approval. There was no objection whatsoever.

Mr. PASTORE. I thank the Senator.

Mr. MANSFIELD. Mr. President, I ask that the agreements be considered as having passed through the various parliamentary stages up to and including the presentation of the resolution of ratification.

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The PRESIDING OFFICER. Without objection, the agreements will be considered as having passed through their various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolution of Ratification

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of two separate but related agreements between the United States of America and the United Mexican States, signed at Mexico City on December 11, 1968, namely:

(1) an agreement concerning radio broadcasting in the standard broadcasting band (535–1605 kHz), and

(2) an agreement concerning the operation of broadcasting stations in the standard band (535 kHz), during a limited period prior to sunrise ("pre-sunrise") and after sunset ("post-sunset").

(Executive B, 91st Congress, 1st session.)

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on this matter take place after the vote on the pending bill, the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

SECOND SUPPLEMENTAL APPROPRIATION ACT, 1969

The Senate resumed the consideration of the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, the subcommittee of which I am chairman conducted hearings on the bill before us over a period extending from April 14 until May 20. There are 1,376 pages of those hearings. During that period there was no request from any source to include moneys for the Neighborhood Youth Corps operations, there was no budget estimate, and there was no indication from the executive branch of its desire to have such moneys included. I say again, there was no budget request. Moreover, there were no moneys for this purpose in the act when it reached the Senate from the House of Representatives, there were no hearings by the House on this item, and there were no requests before the other body for such funds. As a consequence, the subcommittee not only had no evidence before it which would justify the need for an additional appropriation for this purpose; it also had no request for the funds.

Mr. President, it was during the markup in full committee on this bill that the matter was first brought to the attention of the members who were present. I had received a letter on that very day from the distinguished and able senior Senator from New York (Mr. Javits), requesting an additional $55 million. That was my first introduction to the desire on the part of Members of this body for consideration by the committee of funds for the Neighborhood Youth Corps.

At that committee meeting the able Senator from New Jersey (Mr. Case) presented the matter on behalf of himself and the Senator from New York (Mr. Javits). I stated then what I have stated now: The committee had no budget estimate, no testimony and no information on which to base a judgment. This does not mean that worthy programs cannot be brought before the committee at the 11th hour. It does not mean that at all. I am not saying that just because we have no budget estimate on an item, no request from the executive branch for moneys, or no hearings on an item, that such item is not a perfectly laudable one and that moneys would not be justified therefor.

I am saying that after the subcommittee had worked night and day over a long period of time, had listened to witnesses and pored over the testimony and, after having weighed the facts adduced, had decided on the final figure $4,456 million—which really amounts to about $4.40 for every minute since Jesus Christ was born—we were presented with a request at the 11th hour to add $55 million, which is not hay, either. Nevertheless, I am not saying that the program is not a good one.

But to come before the committee and ask for this kind of appropriation without justification other than a letter from the conference of mayors is, I think, a little more than one could expect of the committee. The Senator from Rhode Island (Mr. Pastore), who is one of the top-ranking members of the full committee, was present. He gave information to the committee that $7.5 million could be effectively, efficiently, and economically utilized for the program, and he urged that at least that amount be added. That being the case, I suggested that the committee accept an increase of $7.5 million and that the remainder of the money requested be rejected.

The Senator from Rhode Island appeared to think, I believed at that time, that that would be a fair approach to the matter and the most that could be hoped for under the circumstances, and the committee agreed on that figure. Mr. Pastore wanted more than $7.5 million, but he also was realistic concerning the circumstances.

Thus, today, we have come to the floor with $7.5 million in the bill, and it is again proposed that we raise the amount to the full figure of $55 million, an increase over the committee figure of $47.5 million, or approximately $1 for every minute since Rutherford B. Hayes was President.

I am not opposed to the Neighborhood Youth Corp program, Mr. President. I have had some very good reports from my State concerning the activities of the Neighborhood Youth Corps and so, therefore, I support the program.

So, on the day before yesterday, I met with representatives of the Labor Department and asked them, "What do you need? What can you effectively, efficiently, and economically utilize for this program? State it. State what you need. Lay it on the table."

The answer was, "We can utilize $10 million."

I did not make the suggestion as to what figure they should state. I did not think that was my business to do that. I said, "What do you need?"

Here is a request now for $55 million. I said to them, "What can you use? No matter what it is, tell me what it is. Lay it on the line."

They said, "$10 million."

I said, "Give me a letter to that effect."

Before I received that letter, the distinguished Senator from New York knew what was in that letter. This is not said in derogation of him at all; yet he received, or at least saw, a copy of my letter. There was no indication on the letter that a copy was being sent to anyone else. But he did receive a copy of it before I had even opened the envelope to read what was in it, he indicated to me in conversation that he knew its contents. Of course, the Labor people will hear about that. That is just an aside at the moment.

But in that letter, it is stated that the Department can effectively utilize an additional $10 million. I will read the letter in its entirety. It is dated June 17:

> Dear Senator Byrd: This letter is written in response to your request for the Department of Labor's position in connection with a proposed supplemental appropriation to be made available for use in the 1969 summer NYC program.
>
> The Department, after surveying its Regional Offices, estimates that it could effectively utilize an additional $10 million. These additional funds would provide 24,000 additional job opportunities for youth in the summer NYC program. When added to funds already available for the NYC program this year, the Department will have available approximately $149 million and approximately 360,000 slots.
>
> This compares to $126,676,730 and 340,043 slots available for summer NYC last year and represents an increase over last year of approximately 20,000 job opportunities.
>
> The NYC program operates in over 1,000 individual projects across the country. Operations have already begun in some States and are about to commence in the remainder of States.
>
> The program becomes less flexible as the commencement of operations approaches—staff has been hired, arrangements for work stations, supervision, etc. have been made. However, the Labor Department estimates that meaningful work opportunities could be provided for the additional 20,000 youth if funds were made available in late June. Four thousand of these additional slots would provide the same level of opportunities as in the 1968 summer and the additional 16,000 would provide for some of the pressing needs of particularly the larger urban areas.
>
> Sincerely,
>
> Arnold R. Weber,
> *Assistant Secretary for Manpower.*

Mr. President, so, here in the letter is the statement clearly stating that the Department can effectively utilize an additional $10 million.

I recognize the fact, as the Senator from New York has stated, that the mayors of cities are closer to the local situations than are the people in the

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Department of Labor. But in looking at the letter written by the conference of mayors and signed by John Gunther, executive director, I find that the conference says:

> We have made inquiries as to the cities' 1969 needs for summer Neighborhood Youth Corps slots beyond those allocated to them to date. The information we have received from the fifty largest cities shows that the total number of additional slots that these cities could effectively utilize this summer is 72,382.

It goes on to say:

> On the basis of our contacts with a sample—

It does not say how much of a sample or how many cities, whether two, three, one, or six cities. It simply says "a sample."

Continuing reading—

> On the basis of our contacts with a sample of the smaller cities, we estimate their need and capacity to utilize additional slots to be 50 percent above their present allocation. This would mean an additional 67,313 slots needed by the smaller cities.

So the estimate herein is based on a sample. And how was the estimate arrived at? We are not told.

Mr. President, I feel that, as chairman of the subcommittee having the responsibility for trying to manage this bill on the floor, I cannot, in good conscience, offer to accept more money than the responsible agency has indicated it can effectively utilize. That amount is $10 million. I am willing to accept that amount.

I know that the Senator from New York will be disappointed. I am sure that he would hope to see a larger amount accepted. But I think I must say that when we get this in conference we will do exceedingly well if we are able to come out with $5 million, in view of the fact that there were no budget estimates, no hearings in either body, and no funding requests before either the House or the Senate committee.

This is a tough battle we shall be waging. However, I am willing to accept, on behalf of the committee—and I have discussed it with the ranking minority member, the Senator from South Dakota (Mr. MUNDT)—the full amount of $10 million which can be effectively utilized, and this will be $2.5 million over the amount allowed by the Senate Appropriations Committee.

If the Department has said it could utilize $15 million, I would have offered to accept that figure. If it had said $20 million, I probably would have done so, because I know that there are many Senators other than myself who support the Neighborhood Youth Corps program. Even though the committee is at a disadvantage, in that it had no evidence on the matter during the hearings, no opportunity to ask questions there, and no supporting witnesses before it, I still am willing, therefore, to accept the amount which the Department stated it could utilize.

It said it could effectively utilize $10 million and I am willing to accept that.

I hope that the Senator will agree to the figure and that we can go to conference with $10 million.

Mr. PASTORE. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. PASTORE. First of all, a great deal of quiet diplomacy has taken place with reference to the item which we are discussing on the floor of the Senate today. As a matter of fact, my first contact with this subject came through a letter I received from the Senator from New York (Mr. JAVITS). I did not talk with the Secretary of Labor. The figures I had were figures contained in the letter I received from the Senator from New York. I not only spoke to him on the phone, but also to members of his staff. I suggested at that time that possibly the best way to initiate this subject before the committee was to have it sponsored by the Senator from New Jersey (Mr. CASE).

That is the historical, chronological order of what took place.

Now, if my good friend from New York persists in his amendment for the $55 million, naturally I shall vote for it, because he knows how sympathetic I am to this kind of program.

I have listened to his rationale, and he is always very rational and logical. I think the money can be wisely spent, even the $55 million. But we are here today not to win a battle; we are here to win a war. This is an unbudgeted item. It did not come up by way of a Senate document, nor did it come up by way of a budgetary estimate.

So when we were debating this matter within the full committee on the markup, I realized that there was little sympathy for the $55 million. I am not saying this for any partisan reason; as a matter of fact, the objections came more from the Senator's side of the aisle within the composition of that committee than they did from our side of the aisle. I realized that we were up against a very, very serious matter; that if it came to a vote, in all probability we would not even carry 10 cents. At that point, realizing, of course, that the art of politics is always the achieving of the possible, and realizing that we might be doomed to get nothing as against the $55 million, I pointed out to the committee that the Secretary of Labor had indicated that the amount he was asking for that he thought he could wisely use—this was based upon his communications with the various departments—was $7.5 million.

So I injected myself into the picture. I suggested to the Senator from New Jersey (Mr. CASE) that perhaps the best thing for us to do would be to take the $7.5 million, and then, if he chose to pursue it on the floor of the Senate, he could do that. That is what is happening here now.

I want to say to my friend from New York that here is where we are: We have come out of the Senate Appropriations Committee with a supplemental bill that has a provision which freezes in a cut of $1.9 billion, no matter what we do. We received from the House a bill with a provision which stipulated that we could not spend any more than $192.9 billion in fiscal 1970. That raises many, many problems. I know what the temperament of the House is. I have dealt with them in conferences. The Senator knows, too, because he has had that experience.

I do not know what we are going to do in the conference on this matter. I think I will be a member of the conference, because, after the Senator from West Virginia, I am the ranking member on the Democratic side. I do not know what we will be able to achieve in that conference, but we will have a tough row to hoe, because this is an unbudgeted item.

The Senator is suggesting that, inasmuch as the Secretary of Labor has revised his request to $10 million, we should accept this amount. What I am afraid of is that if the Senator from New York brings the amendment to a vote, and we by chance lose it, and there is a very good likelihood that we could lose, we could weaken our hand in conference. If the amendment to raise the amount to $55 million were defeated, the House conferees would have the best argument; namely, that there was no taste for this in the Senate. So rather than do that, I would prefer to go to conference with a fresh start.

I realize that $10 million is nothing like $55 million, and that $10 million could not do the job that $55 million could do. On the other hand, $10 million can do a better job than no dollars can do. That is the point I am making.

Without too much discussion on the floor, without too much controversy on the floor, I think that what we ought to do is to put our practical minds together on this matter and decide what our strategy should be. I am frank to say that if it comes to a vote, I shall vote for the $55 million. Whether a vote against it would even doom the $7.5 million, I am in no position to say. But the chairman of the subcommittee has made it his responsibility to contact the Secretary of Labor, who, in fact, is in charge and is the ultimate representative of the Government with reference to the efficacy of this program. The Secretary has said that he needs $10 million, and let us not forget that he is an appointee of the present administration. The chairman of the subcommittee is willing to accept that recommendation and take it to conference. Why is it not the better part of judgment at this moment to resolve it in that way and let him accept it and let us take our chances in conference?

I will be on that conference. I do not know what success I will have, but I will certainly hold out for it. I will bring out all of the arguments that we heard advanced by the Senator from New York on the floor of the Senate. He knows I do not give in too easily. I cannot promise what our success will be, but I believe, frankly, that our chances will be much better if we accept the $10 million than if we adopt the $55 million figure, and then go to conference and perhaps get nothing at all.

I say this realizing the fact that in some respects I am being the devil's advocate; but, in the final analysis, I would rather take the $10 million than lose the $55 million.

Mr. JAVITS. Mr. President, the Sena-

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tor from Rhode Island could never be the devil's advocate. I have served with him, and one could not have a better friend on the Appropriations Committee, or on any other committee, than JOHN PASTORE.

The Senator knows I have tremendous regard for his judgment. I would like to submit to him the details of what motivates me in saying I cannot do it. First and foremost is history. The difference between $7.5 million and $10 million is de minimis. If we are going to be dealing in those figures, I say it makes little difference. We are talking about 16,000 to 17,000 jobs at $7.5 million, and 23,000 to 24,000 jobs at $10 million, and we have a need for 136,500 certified by the mayors. So the orders of magnitude do not jibe.

Then, history troubles me. I would deeply appreciate the attention of the Senator from Rhode Island in this, because this is so much a part of our history. Last year I was on the Appropriations Committee, and I was a member of the conference, through the great kindness of the chairman of the Appropriations Committee, the Senator from Georgia (Mr. RUSSELL), and through the kindness of the Senator from Rhode Island (Mr. PASTORE) himself, as chairman of the subcommittee at that time. Last year the Senate voted $75 million for this very purpose, under, generally speaking, the same circumstances. It was necessary to get the conference report rejected by the Senate. We successfully did in that fight, which was an absolutely monumental struggle, in order to get $13 million, at long last, of that $75 million.

Based upon that history, I would be very ill-advised if I were to wash this thing out on that basis. I know that if I went ahead, the Senator from Rhode Island would fight as hard as I did. I think he will agree that I fought pretty hard.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. No one who understands the motivation and the sincerity of the Senator from New York, as the Senator from Rhode Island does, will question him. But, speaking of de minimis, I would rather gamble with a $10 million de minimis than with the failure of $55 million. That is what I am trying to say.

Mr. JAVITS. Coming as I do from the largest city in the country and knowing the temper of my people, let me say—and I know it is a risky thing to say, but I say it with my eyes wide open—I do not think the poor of my city would give me less than a 95-percent mandate to fight for the $55 million even if means losing the $10 million.

I think that it is simply a matter of dignity. We are either substantially right, or we are completely wrong, and I think we are substantially right.

I have told the Senator from West Virginia, and I will tell the Senator from Rhode Island, that there is a figure less than $55 million at which I am willing to be practical, but it cannot be $10 million, and if that is the best offer, we had better just go to a vote and forget it. Therefore, I should like to address myself to some of the merits of what the Senator from West Virginia has suggested.

The hearings and the testimony are troublesome, and the Senator from West Virginia makes, in my judgment, a very sound point on that. Unhappily for all of us, this is endemic in the kind of problem we face in the summer job field. We even faced it with the last administration, which was in office for a number of years, but also had no budget estimate and there was no testimony, et cetera. I was faced with the same problem then.

The reason is that you do not mobilize and understand your situation until very late in the game. The numbers of youth who will be around, the numbers that private enterprise is likely to employ, what your regular ongoing, year-round programs have been able to accomplish in terms of summer employment—all of that information does not become ascertainable until along about the middle of May or early June. So it is the kind of situation which is bound to come to the Senate, because that is where this bill is considered last and which is late blooming as it were, since you really do not know the facts until you get to the very end.

This is not unusual for this program, and I should like very much for the Senator from West Virginia to follow this. If Senators will look at page 2 of the committee report, they will see that the Senate bill is some $600 million over the House bill. The reason, very logically, is that, first, there are new budget estimates that come in between the time the House of Representatives passes its bill and the time the matter comes before the Senate; and, second, there are other emergency submissions of exactly this character, and the committee lists several: Flood control and prevention; the Inter-American Development Association—where the legislation was passed recently; veterans pension and readjustment benefits—which are automatic; medical care for veterans—which can never be anticipated too much in advance; and an item covering fire damage for the Atomic Energy Commission.

This is that kind of an emergency submission. That is the only basis on which I can put it. As a former member of the Appropriations Committee, I am very sympathetic with the Senator from West Virginia in his feeling about the evidence. That is why, perhaps a little unusually, we have literally put the case in, in facts and figures, right here before the Senate.

I account for that only because we just could not do it any sooner. There is no "latches" involved, as we lawyers say; it is just a late-blooming proposition. In addition, we have a new administration, and the Labor Department was completely preoccupied with its defense of the Job Corps camp closings, so that it spent weeks and weeks on that, and nobody could actually get at this problem. The best proof for that is that the Labor Department itself is very uncertain about its situation because, in a space of 10 days to 3 weeks, they went from $7.5 million to $10 million; and if we give them another 2 weeks, they will probably go to $20 million or $25 million. This is a matter of getting down to the grassroots and ascertaining what should be done.

There is another clue to what should be the proper amount here. I noticed with great interest that the Senator from West Virginia and the Senator from Rhode Island—though less so—used interchangeably two expressions in questioning the Labor Department: "What do you need?" and "What can you use?" Let us understand, the Labor Department is not passing on what they can use. They can use enough money to give summer jobs to 1.5 million kids, and they need that. The question is really, What can they operationally absorb? There we have a real difference between the Labor Department, which says they can operationally absorb $10 million, for roughly 24,000 slots, and the mayors, who are the men on the ground administering these programs, who say they can use effectively 136,000 slots and $55 million.

In addition, when you compare the figures of the Labor Department, which I did a little earlier, with the figures of the mayors, we begin to realize that the wideness of the disparity is heavily attributable to the fact that the Labor Department took it by regions, which is bound to give a very undue emphasis to the larger cities, and the mayors took it city by city.

For example, I used as an illustration region No. 2, which includes New York City, where its mayor certifies for 21,621 slots, but the Labor Department requests, for the whole region, only 5,413. Obviously, someone is being shortchanged here.

Finally, I should like to point out that the mayors have established detailed effective use figures for the 50 largest cities. I have not heard those figures challenged, though they have been in the RECORD since Monday. On that basis alone, the additional requirement—leaving the smaller cities out altogether—is for 72,382 slots, which would amount to a figure of about $30 million.

So the order of magnitude suggested by the committee is really completely out of line, considering the order of magnitude of what, in my judgment, we have proved in the way of hard evidence, in presenting this issue to the Senate.

Mr. President, a number of Senators are imminently leaving the city, waiting only to vote; and I hope very much that we can get to a vote very promptly. I ask for the yeas and nays on my amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. I ask unanimous consent that order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I am prepared to vote, as soon as the majority leader and the manager of the bill are ready.

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Mr. MANSFIELD. The Senator from Oklahoma wishes to be heard.

Mr. HARRIS. Mr. President, I would like to speak briefly in support of the amendment offered by the distinguished Senator from New York (Mr. Javits) and the distinguished Senator from Wisconsin (Mr. Nelson) to increase the Neighborhood Youth Corps to $55 million.

The need for this increase is accentuated by the support it has been receiving from the U.S. Conference of Mayors. This support is, of course, bipartisan and truly representative of all geographic areas.

I noted with interest figures furnished by the Conference of Mayors showing the need for 72,382 slots for youths in major cities and the need for 67,313 slots for youths in smaller cities. In my home State, the need has been indicated for 388 additional slots in Oklahoma City and 69 in Tulsa. Figures for the other 13 programs in Oklahoma are not available; however, with the nationwide increase in need, I am certain that additional funds are needed for these programs in smaller communities.

There are few, if any, needs more urgent, or objectives more desirable, than that of helping the disadvantaged youth of this Nation. To recognize and meet that need is not only the right thing to do; it is the smart thing to do as well.

Investment in these young people through the Neighborhood Youth Corps program can make the difference between a life of frustration and a life that is meaningful. This amendment truly involves an investment and not an expenditure. Our favorable experience with the GI bill is a good example of such an investment and how it pays back great dividends to the Nation, not to mention increased tax revenues.

The investment called for is only $400 per individual, which will enable young people to learn valuable skills and provide a viable alternative to idleness on the streets. Those who sense the future with optimism are not likely to turn with despair from the present.

Let us think, therefore, not in terms of "paying a price," but in terms of making an investment in our own future as well as in the future of these young people who will be served by this amendment.

I hope the amendment will be adopted.

Mr. JAVITS. Mr. President, I thank the Senator from Oklahoma (Mr. Harris) who speaks as a member of the President's Commission on Civil Disorders and who comes from a State that has a tremendously rural population, for supporting the amendment. The Senator from Oklahoma is an important member of the Democratic Party.

Reference was made to the 11th hour as to the way in which this matter was presented to the committee. I have already expressed my deep understanding of the problems of the Appropriations Committee.

So many of us from the cities of the country are worried that this may be the 11th hour for the cities. It is in an effort to make some contribution to the alleviation of their condition that could result in another very long and hot summer that I urge the Senate to support the amendment.

Mr. NELSON. Mr. President, if a Senator should rise and seriously suggest that we appropriate money for a space program designed to send men a third of the way to the moon and then leave them in space, he would be thought ridiculous. Or if we claimed to have a moon-landing program, but appropriated only enough for orbiting the earth, we would be thought silly.

Yet this is precisely the kind of absurdity we have been practicing for years now with our summer employment program. The need is documented. The documentation—gathered by the mayors of our 50 largest cities—is before the Senate. Distinguished private research organizations—such as Greenleigh Associates—have documented it as well. The summer youth employment program operated by the Neighborhood Youth Corps reaches only one-third of those who need jobs in the tense, hot summer months.

Which is more worthy a goal—reaching the moon in July or providing opportunity for those who face an American nightmare in the summer streets? Which is more crucial to the health and welfare of the Nation—not to say our domestic tranquillity—the moon, or job opportunities?

The amendment that the Senator from New York (Mr. Javits) and I offer today would not itself meet the need. It is too late to plan a program that is substantial. But it would provide the funds that the mayors of our leading cities say they can use efficiently, even at this late date. I urge Senators to consider the matter seriously, and to vote the needed funds, the full $55 million requested in this amendment, funds enough to employ an additional 136,000 young people this summer. The need is for 1,530,000 jobs. That is a Labor Department figure for those who will be 14 to 21 and unemployed and from poverty homes in cities this summer. The administration is supplying funds for only 336,000. The mayors say they can use efficiently funds for another 136,000 jobs. For these individuals it can make a lifetime of difference.

As a footnote, one might point out that the Federal training situation for young Americans has not been helped by the shutdown of half of the Job Corps program. About 3,000 have left closing Job Corps centers, and only 225 were employed in other programs, according to the Secretary of Labor, by May 24. And another 9,000 who would normally have been recruited and placed in centers by this summer, will be delayed until fall because of the freeze on Job Corps recruiting and processing ordered in April. All these young people require our special concern.

I urge the adoption of the amendment to H.R. 11400 to provide an additional $55 million for jobs for unemployed, disadvantaged youth this summer.

The Senator from California (Mr. Cranston) and the Senator from Missouri (Mr. Eagleton) have informed Senator Javits and me that cities in their States can use funds for summer youth jobs greater than the figures shown in the survey supplied by the U.S. Conference of Mayors. The survey was a conservative estimate and there is certainly an even greater need for summer jobs than the modest sum proposed in the pending amendment. I ask unanimous consent to have the correspondence with Senators Cranston and Eagleton printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., June 17, 1969.

Re amendment to H.R. 11400 so as to increase funds available for the Summer Neighborhood Youth Corps programs.

Hon. Jacob K. Javits,
Hon. Gaylord Nelson,
U.S. Senate,
Washington, D.C.

Dear Senators Javits and Nelson: You are offering an amendment to H.R. 11400 which would increase the funding (from $7,500,000 to $55,000,000) of the summer Neighborhood Youth Corps Program.

I fully support your amendment and will vote for it because I am certain the $7,500,000 figure will not come close to doing the job which is needed to be done.

In support of your amendment you have had a table prepared by United States Conference of Mayors which purports to show the 1968 and 1969 enrollment levels in the program as well as the additional needs of the 50 largest cities in the United States.

The two Missouri cities on this list are Kansas City and St. Louis and your figures appear as follows:

NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM, 50 LARGEST CITIES, 1968 AND 1969, ENROLLMENT LEVELS

	Summer 1969			
	EOA original allocation (in jobs)	MDTA additional slots	Total all sources	Additional required
Kansas City	800	331	1,131	269
St. Louis	1,080	754	1,834	0

Especially insofar as St. Louis was concerned, I was very surprised that there were no additional summer job needs. Therefore, I checked with the authoritative sources in both Kansas City and St. Louis and find that the number of additional slots that those two cities could effectively utilize are as follows:

Kansas City	350
St. Louis	1,200

If you plan to introduce the table into the Congressional Record, I would appreciate it if you would also introduce this letter so as to correct the above-mentioned figures.

Yours very truly,
Thomas F. Eagleton,
U.S. Senator.

Los Angeles, Calif.,
May 22, 1969.

Senator Allen Cranston,
Senate Office Building,
Washington, D.C.:

At the request of the Board of Economic and Youth Opportunities Agency, we are submitting information in order that Senator Allen Cranston may initiate a supplementary appropriations for jobs for Los Angeles youth. The need is critical. Reports from public and private agencies and the State employment service shows less than 5 percent of youths already registered for jobs from poverty areas will find work with the current appropriation. School closes June 20th and we expect thousands more applications. Our agency working with public agencies can increase the number of employed youth in Federal programs at estimated cost of five million dollars which includes supervision and

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administration. We can add five thousand youths to the ten thousand currently being planned for.

MANUEL ARAGON, Jr.,
Executive Director, EYOA.

Mr. BROOKE. Mr. President, we have heard repeated many times in this Chamber the grim statistics on urban unemployment, Negro unemployment, school dropouts, and increasing crime. We have been told repeatedly by mayors and social scientists, psychologists and program directors, that these and many other ills of our society are closely interrelated. Yet we have continued to condemn the rise in urban crime, to cut spending for social welfare programs, and to deplore the unrest which plagues our land.

Such efforts are counterproductive. If we would deal constructively with social ills, we must take steps to preserve and to extend to all Americans an appreciation for the values which our Nation has traditionally upheld. We can do this only by making all Americans aware that the social system can adapt and change itself to work for all our people.

The Neighborhood Youth Corps is a program designed with this very objective in mind. Under the present budgetary authority, 336,000 youths will be given meaningful employment this year. They will be employed in various capacities working for the cities and their agencies: They will work as recreation directors, laborers, and in other positions of assistance to the community. They will learn, as all young people with summer employment learn, the value of work and the advantage of a personal income. Many of them will use their wages to help support their families, and to further their own or their siblings' further education. The advantages which they and the community will derive from this program cannot be measured in dollar or social value, though the cost to the Government can be measured—a mere $411 per person.

Unfortunately, however, there are far more unemployed and eligible young people than there are positions and funds available. The Department of Labor estimates that more than 1.5 million youths will be eligible; yet under present funding, slots are available for less than 22 percent, or 336,000.

Significantly, on the basis of a request for information, the U.S. Conference of Mayors has estimated that the 50 largest cities alone could use 72,382 additional slots. A sample of smaller cities indicates that they could utilize 50 percent more positions than are presently allocated, or an additional 67,313 slots. The total number of additional slots which our Nation's cities could make available this summer is thus 139,695. At a cost of $411 per slot, the additional funding required is thus $55 million, the amount requested in the pending amendment.

In view of the great advantage which this program provides, and keeping in mind the rather minimal costs when compared with other Government programs, I sincerely hope that the Senate will give to the cities the amount of funds they believe they can use, and will agree to the pending amendment.

Mr. KENNEDY. Mr. President, I support increased funding for summer activities of the Neighborhood Youth Corps.

This summer 1.5 million youths who are 14 to 21 years old will be unemployed and eligible for Neighborhood Youth Corps summer programs. But unless additional funds are approved now by Congress, less than one-quarter of them will be able to participate.

In the long run, it would be a tragic waste of resources to leave these young people no choice but to spend the summer months out on the street without work.

A summer job gives the potential school dropout modest earnings which may make the difference in whether or not he returns to classes in the fall. It gives him a chance to develop pride and responsibility. It enables him to perform useful work for the community which would not otherwise be done. It helps to eliminate social and economic disadvantages. It provides an alternative to the aimlessness, and dissatisfaction and unrest—and to the trend toward crime and riots—which have afflicted so many of our youth.

Both for the practical reason of decreasing violence and for the moral reason of giving someone a chance to be a constructive citizen, adequate funding of the Neighborhood Youth Corps is important.

Communities across the Nation desperately need additional Youth Corps funding. The conference of mayors has polled its cities and concluded that even at this late date at least 136,500 more positions could be used effectively, if funds are approved within a short time. In my own State of Massachusetts, Boston requires 814 slots. In many other cities, the requirement runs into the thousands.

The Neighborhood Youth Corps summer program gives poverty-stricken American boys and girls the chance to develop the skills and work habits, the education and work experience necessary to compete in today's job market. It benefits the community by supporting work on necessary projects. It serves society by developing productive and responsible and committed citizens.

It is a good program, which urgently needs our support as we face the up-coming summer. I hope that the Senate approves greatly increased funds in the supplemental appropriation, and I support the pending amendment.

Mr. BYRD of West Virginia. Mr. President, I send to the desk a substitute amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment in the nature of a substitute.

The legislative clerk read as follows:

Strike out the numeral "$55,000,000" and insert in lieu thereof "$10,000,000".

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the substitute amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I move to lay that amendment on the table. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York (Mr. JAVITS) to lay on the table the amendment of the Senator from West Virginia (Mr. BYRD) in the nature of a substitute. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN voted in the affirmative.

Mr. BYRD of West Virginia. Mr. President——

The PRESIDING OFFICER. The motion is not debatable. The clerk will proceed with the rollcall.

Mr. BYRD of West Virginia. Mr. President, a parliamentary inqury.

The PRESIDING OFFICER. A parliamentary inquiry is not in order during a rollcall. The clerk will proceed with the rollcall.

The legislative clerk resumed and concluded the call of the roll.

Mr. KENNEDY. I announce that the Senator from Utah (Mr. MOSS), is absent on official business.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

On this vote, the Senator from California (Mr. CRANSTON) is paired with the Senator from Alabama (Mr. SPARKMAN).

If present and voting, the Senator from California would vote "yea" and the Senator from Alabama would vote "nay."

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA) would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER) is absent on official business.

The Senator from Hawaii (Mr. FONG) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting the Senator from South Carolina (Mr. THURMOND) would vote "nay."

The result was announced—yeas 46, nays 44, as follows:

[No. 41 Leg.]

YEAS—46

Aiken
Allen
Bayh
Brooke
Burdick
Cannon
Case
Cook
Cooper
Dodd
Eagleton
Fulbright
Goodell
Gore
Gravel
Griffin
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
McGee
McGovern
McIntyre
Muskie
Nelson
Packwood
Pell
Percy
Prouty
Ribicoff
Saxbe
Schweiker
Scott
Stevens
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—44

Allott
Anderson
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Church
Cotton
Curtis
Dirksen
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Goldwater
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
McClellan
Miller
Mundt
Murphy
Pastore
Pearson
Proxmire
Randolph
Russell
Smith
Spong

Stennis
Talmadge
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—10

Baker
Cranston
Fong
McCarthy
Metcalf
Mondale
Montoya
Moss
Sparkman
Thurmond

So Mr. Javits' motion to table the amendment of Mr. Byrd of West Virginia to Mr. Javits' amendment was agreed to.

Mr. JAVITS. Mr. President, I am prepared to vote on the basic amendment but first I wish to explain to the Senate what has occurred. I shall take only a moment.

Mr. BYRD of West Virginia. Mr. President, may we have order so Senators will know what the Senator is talking about.

The PRESIDING OFFICER (Mr. Hollings in the chair). The Senate will be in order.

Mr. JAVITS. Mr. President, we have argued all morning and the Record is very complete on the question of what to do about summer jobs for youth. I proposed an amendment with the distinguished Senator from Wisconsin (Mr. Nelson) and a group of cosponsors from both sides of the aisle for $55 million which represents 136,500 summer jobs at $411 apiece, which is based upon a survey of the U.S. conference of mayors. The survey sets forth names and places of cities and the number of slots required for the 50 largest cities and with supplementary data for smaller cities, all of which make up the total shown.

The Department of Labor advised me and the Senator from West Virginia (Mr. Byrd) that it could effectively use $10 million. They surveyed the situation according to regional offices, by region, and they came up with the $10 million figure, which I think is grossly inadequate and which the mayors think is grossly inadequate.

The Senator from West Virginia then moved to substitute the $10 million figure for my figure. I moved to table that amendment, not out of any disrespect, but only because I did not think it fair to ask Senators to vote against any increased figure for the program.

That measure has now been tabled and so my amendment comes before the Senate. I would like to add one note of history so the Senate will fully understand the situation.

Last year, in 1968, we made a similar fight. A similar measure was bitterly contested here and it was bitterly contested in the conference. It received the kind consideration of the Senator from Georgia (Mr. Russell) and the Senator from Rhode Island (Mr. Pastore). Although I was the junior member, I was a member of the conference committee. We voted for $75 million. The committee was very fair. As a result of the rejection of one conference report we finally got $13 million.

I submit, coupling what we are trying to accomplish with that history, that it should be remembered that the conference of mayors certifies this to us as the figure which can be effectively used, naming the 50 largest cities and slotting them by the amount to be made available to each city.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. STEVENS. Is this money designated for those specific cities or will it get outside of them?

Mr. JAVITS. The money is not earmarked, but I do not think there is any question about the fact that the Department will administer the proposal upon that same basis. I shall tell the Senator why. Their breakdown for their figures on the $10 million, which they did by regions, bears a relationship to the amount set up as the conference of mayors did. So the Department and the mayors would agree in order of magnitude although there may be minor differences.

Mr. STEVENS. My question really is whether this money is going to get out to the smaller States, or will it be used for the larger urban areas?

Mr. JAVITS. Not at all. The mayors gave us a figure of more than 72,000 slots for the larger cities, and more than 67,000 slots for the smaller cities.

Mr. BYRD of West Virginia. Mr. President, I shall be a little repetitious now in that I, too, want to say a bit about the history of this measure.

The subcommittee conducted hearings from April 14 through May 20 on this bill. It is a $4.4 billion bill. There was no budget estimate, there was no request from the executive branch, and there was no request by letter from any member or any individual, to my knowledge, to my subcommittee asking for consideration and addition of this amount.

On the day that we marked up the bill in full committee I was first introduced to the idea by letter from the distinguished and able Senator from New York (Mr. Javits), in which letter he requested an addition of $55 million for the Neighborhood Youth Corps, without testimony, without a budget estimate, without any hearings whatsoever. This amount, incidentally, represents approximately $1 for every minute that has passed since Andrew Johnson was President.

That is not to say that the program is not a laudable one, not at all. I support the NYC program. I have had good reports concerning it in West Virginia. I want to appropriate for it whatever moneys can be properly justified and effectively, efficiently, and economically utilized.

However, I think I would not properly measure up to my duty and responsibility as the chairman of the subcommittee if I supported now an effort to put into this bill $45 million more than the responsible agency says it can effectively use.

In the full committee, the Senator from Rhode Island (Mr. Pastore), who is a ranking majority member of the subcommittee, stated that the Department of Labor as of that date could effectively utilize $7.5 million for the program. I suggested we accept this figure and add it without any budget estimate, without hearings, and without testimony, but realizing there are many Senators here who sincerely want to see some money added for this program.

The full committee went along with the addition of $7.5 million under the circumstances. Here now today we have the request again for $55 million. On the day before yesterday I asked the Department of Labor to send someone to my office who could talk about this matter, and that was done. I asked the representative of the Labor Department: "How much can you effectively and efficiently and economically use for this program? You name it. Lay it on the line. Whatever it is, state it."

He said, "We can use $10 million."

I said, "Put it in writing."

He wrote a letter and here it is:

> Dear Senator Byrd: This letter is written in response to your request for the Department of Labor's position in connection with a proposed supplemental appropriation to be made available for use in the 1969 summer NYC program.
>
> The Department, after surveying its Regional Offices—

Mr. President, Senators will note that the Department went back to its regional offices following the action by the committee adding $7.5 million. I shall continue to quote from the letter:

> The Department, after surveying its Regional Offices, estimates that it could effectively utilize an additional $10 million.

Mr. President, that is all I shall read from the letter at this time. I have read the entire letter into the Record earlier.

That being the case, I wish to say to Senators who were not in the Chamber earlier, that I today offered to accept an additional $2.5 million over the $7.5 million appropriated by the committee so as to round out the full $10 million. I had discussed this with the ranking minority member of the subcommittee (Mr. Mundt), and he was willing to agree to accept $10 million, that being the amount the agency could effectively utilize. But as I stated earlier today, I cannot justify my support of $55 million for this program under all the circumstances I have related here.

The distinguished and able Senator from Rhode Island also took the floor earlier and stated his strong support for this program and stated he would vote for the $55 million if it came to that, but he also urged the able Senator from New York to accept my recommendation on the basis that there was no budget estimate and nobody downtown had appeared here, except at my request, to state a capability for even the $10 million. The Members of the House of Representatives never heard of this matter, never had hearings on it, and had no budget estimate.

The Senator from Rhode Island who has been in conference many times knows better than I that when one goes down that corridor and gets halfway between these two bodies with those men from the House of Representatives, without a budget estimate, without hearings, without testimony, and without a request from the executive branch, we are likely to come out on the short end of things, and we probably will not get anything.

I, as manager of the bill, or one who is attempting to manage the bill, have committed myself to support $10 million under these circumstances.

I did not want to vote against this

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amendment for the $55 million because that makes me appear as being against the NYC, and it puts other Senators in the same position. So, after having offered to accept the $10 million, and after having had that offer turned down, the only recourse I had was to offer a substitute amendment to make the amount $10 million.

The motion then was made to table my amendment. I would guess there were 10 Senators in the Chamber when the motion to table was made. There was no discussion on it. Senators came rushing in. Some went here, some went there, and some went somewhere else, as I do myself at times if I am not in the Chamber to hear the discussion and I have to ask a Senator or someone else what the vote is all about. And in fairness to Senators we cannot be on the floor all the time to listen to debate. Therefore, I feel that some Senators may have voted on this tabling motion not really knowing the background, the circumstances, or precisely what the parliamentary situation was.

I hope that no Senator will take umbrage at my saying that, because I have done it myself at times, not having heard the discussion and I, too, could be confused about the parliamentary situation.

Thus, Mr. President, I take this time now to state what happened, why it happened, and where we are at the present moment.

The Senate voted to table my motion. Had it voted against tabling the motion, we would now be voting on my substitute to add the $10 million. That has been tabled. Now if we are going to vote to add $55 million, Mr. President, I have to oppose that. I think that any Senator standing in my place today would have to oppose it. I am sorry to oppose it. I hope that other Senators will be opposed to adding $55 million now that they understand the circumstances in which we find ourselves.

Mr. HOLLAND. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. HOLLAND. Does not the Senator believe that any amendment on this subject placed in the bill by the Senate will have very little weight in conference unless it is supported by everyone in the Senate?

Mr. BYRD of West Virginia. It will have about as much chance as a snowball in Sheol.

Mr. HOLLAND. Mr. President, that is exactly my belief. I served on the conference committee both last year and before when this subject came up. The Senator from New York knows as well as everyone else what difficulties we were under. I think as has already been related, they started with a much larger figure. We had to be satisfied with $13 million last year, after all the conferees of the Senate stood by him regardless of what their votes were on the floor of the Senate. That being the case, I hope that the distinguished Senator from West Virginia will move now to reconsider the vote by which the Senate has barely voted to lay on the table his substitute amendment.

Mr. MUNDT. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. MUNDT. May I say that the Senator from Florida is thinking much faster than the Senator from South Dakota, as the Senator from Florida usually does. I was going to make precisely the suggestion he has just made to our distinguished chairman, that we still have that parliamentary recourse, that many of the Members of the Senate were not here to get the background discussion.

As ranking member on the Supplemental Appropriations Committee, I can say that what the Senator from West Virginia (Mr. BYRD) has said is precisely correct. He has been most accommodating, and most cooperative with the minority in the marking up of the bill and in his consideration of every issue. We sat around with the staff and tried to work out a common approach to this thing. He suggested—the Senator from Rhode Island (Mr. PASTORE) was unable to be present—in his absence that we put in the $10 million for this purpose.

I raised some objections, I may say, initially, because no hearings were held and nothing was done. Finally, out of profound respect for the Senator from Rhode Island, I said, "All right, let us take it on to the full committee," and I went along with that position at that time.

Mr. PASTORE. Mr. President, will the Senator from South Dakota yield at that point?

Mr. MUNDT. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. The Senator from South Dakota states the case very clearly and effectively. Naturally, we would all like to get the $55 million if it could be used effectively. There is no question about the fact that there is a need for it. If we took it to conference, no one will miss it, because by the time the President signs the bill, most of the summer will be over. But my prediction is this: From my experience in conference with the House, we will "huff" and we will "puff" and we will only blow ourselves down.

Mr. MUNDT. Mr. President, the Senator is exactly correct. May I point out that if all we do is to go to conference with the growing conviction on the part of House Members that the Senate writes on riders or ceilings and talks about economy, but shovels out the money in every direction as freely as possible, we will not have any impact on House Members. Certainly, they will be guided by the Department of Labor's capability to spend prudently the $10 million it has requested. Having yielded from nothing to $7.5 million, I am willing to yield from nothing to $10 million, if they can compromise on that figure.

Consider the $55 million. Of course the mayors would take the $55 million. I suspect they never got to the mayor of my little old hometown which has a population of 7,500, but if they wrote to him saying, "Can you use some money, 400 some odd dollars to a kid?" I guarantee the mayor would find enough boys to use that money. They may be spending their time now working, but the mayor would be able to find some who have not found jobs and he could probably build a case for that money. If we went out into the small rural areas, we could probably make a case for $155 million.

However, we have got to be reasonable in these matters. We will be confronted with a 10-percent surtax continuation. Some of those who will freely throw this money away now, will not vote for that, I suspect, and some of those who were opposed to the ceiling limitation are now putting this thing on. We will be up against some pretty hard financial decisions in this country.

If we can go for the $10 million which the Department of Labor says it can prudently spend, I believe that we can at least justify that amount on the basis that the administration and Congress would agree on it. But to go $45 million beyond that, just because we are spending someone else's money instead of our own, I think makes us look ridiculous in the eyes of the House and weakens our own case and may kill it in Congress.

I therefore suggest that we have a consideration of the vote which the chairman of the committee says he will propose.

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield?

The **PRESIDING OFFICER.** The Senator from West Virginia has the floor.

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from New York with the understanding that I do not lose my right to the floor.

The **PRESIDING OFFICER.** The Senator from New York is recognized, with that understanding.

Mr. JAVITS. Mr. President, we have argued this whole thing before, but obviously it has to be done again.

As I understand it, the motion to reconsider will be proper if made by a Member who voted with the prevailing side, and the Senator from Alabama (Mr. ALLEN) did. I gather he proposes to make the motion.

May the Senate understand the question so that it knows exactly what the situation is.

If we vote the $10 million, we can come pretty close to forgetting the whole thing. Remember, last year, out of the $75 million we got $13 million because we fought—and I fought like a tiger. We rejected the conference report once which—with all respect—would not have been there if at least a majority of the conferees had not agreed with it, and that wiped us out completely even though we had voted $75 million.

Mr. President, this is a battle. It is a battle which involves the cities of the United States. The cities of the United States are either going to fight for themselves in the Senate, or they will lose and they may go down the drain. This is an example of it.

Now we cannot just pass off this business of the U.S. Conference of Mayors—I did not write letters to individual mayors.

The U.S. Conference of Mayors certifies to the figures by cities, with the slots required. I have yet to hear it negated by anyone in this Chamber from those States, whether for or against this

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motion. The certification shows that in the 50 biggest cities, there are 75,500 slots required, and, therefore, at least $30 million is needed.

We do not think anything about voting $5 billion or $6 billion for agricultural price stabilization, which involves only 16 percent of the people of the United States. When are we going to wake up in the cities of this country and stand up for ourselves for what we need, especially when it is de minimus like this $55 million, and we think nothing of voting billions for defense and agricultural price stabilization, and for anything else under the sun, when this is needed immediately, for this summer, this hot summer, with a million and a half of them tough kids. We do not even meet one-fourth of the target.

It takes a fight. I am not a bit discouraged. When we walk down that hall, as the Senator from West Virginia (Mr. BYRD) has said, we will get our heads chopped off. But how much better it is to go down there with $55 million than with $10 million. The last time we went down there with $75 million, we got $13 million. We may have to turn down a conference report here. I anticipate that fully.

One wins in this struggle only if he fights. I intend, if I can manage it, to do it, but we must have some material to fight with; in order to do that, we must have this higher figure.

Mr. PASTORE. Mr. President, will the Senator from West Virginia yield to me so I may comment on the remarks made by the Senator from New York?

Mr. BYRD of West Virginia. The Senator from Alabama (Mr. ALLEN) has asked me to yield to him. I will yield to him a little later for the purpose of his making a motion, but in the meantime I will yield to the Senator from Rhode Island without losing my right to the floor.

Mr. PASTORE. Mr. President, just so we understand the history and chronology of this matter, the Senator from New York will recall that the $75 million of which he was talking was in a supplemental bill, on which I was a conferee. The Senator from Rhode Island was absent from the Senate at that time for reasons that I shall not go into now. That conference ended in a complete failure. The Senator fought and he fought and he fought, and we got nothing. That supplemental bill went off the board.

When I returned to the Senate, I reintroduced the item in a supplemental bill. I went to conference, and was able to get the $13 million. It was that amount over the previous nothing.

Mr. JAVITS. Is it not a fact that we had to turn down one conference report before we got it?

Mr. PASTORE. That is right; but the Senator got nothing. That is my point. The question here is, looking at the practicalities of this problem, what is the best thing to do at this time? In view of the fact that we have an unbudgeted item, knowing what is the temperament of the House, shall we go into conference with an item which may result in our ending up with nothing, or shall we go into conference with an item that is acceptable to the chairman and the committee, an item that the conferees will fight for?

The Senator from New York must understand that the conferees from the Senate who will go to the conference are not Senators who will vote for the $55 million. That fact will certainly weaken the case. The Senator will have only one friend there in conference, and that is PASTORE. That is not enough.

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield further, without losing his right to the floor?

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. All I say is that $10 million is de minimus. As I said on this point when there were fewer Members present on the floor, the poor of my city—and I warrant it is true of all of our big cities, whether it is Seattle or Chicago or any other big city—will say, "If that is the best you can do, Senator JAVITS, forget it."

Let us grow up and have some dignity about this. We do not have to go to the House with a tin cup in our hand. If that is the best I can do, I am willing to do it, and I know my people will back me 95 to 5, and I am sure the poor of every city will say it—"If that is the best you can do, forget it."

Mr. PASTORE. Is the Senator saying that if he cannot get $55 million, he would rather have nothing?

Mr. JAVITS. All I said is that we have to run this risk, because the poor people have dignity, too, and if all the Senate can do for a summer employment program is to allow $10 million when we face this issue, then my people will back me in risking a try at getting $55 million.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from West Virginia yield to me?

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from North Dakota without losing my right to the floor.

Mr. YOUNG of North Dakota. Mr. President, I cannot help but resent and take exception to what the Senator from New York had to say about the farmers of the country. They are the lowest paid people in the whole United States. The prices they receive today, which represents their wages, are lower than they were 20 years ago. The Senator ought to know, because he has been on the Appropriations Committee, that $1.5 billion of the agriculture appropriation bill is for family food and school lunches. This goes mostly to city people. The farmers get less than half of the agriculture budget for price supports. He says $7 billion is being thrown to the farmers, when they are the lowest income people in the whole country.

I am willing to help the cities, but I do not want the farmers to be treated in an objectionable or unfair way.

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. Mr. President, I yield, under the same conditions.

Mr. JAVITS. Mr. President, if I did say that, I apologize. I had no such intention. I was only comparing the orders of magnitude, as to what the people of the cities contend for and what the farmers contend for. I only pointed out that we have an enormous need here.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Florida under the same condition.

Mr. HOLLAND. Mr. President, further along the line just mentioned by the Senator from North Dakota, I want to call to the attention of the Senator from New York the fact that the cities are not forgotten by the Appropriations Committee. I have jotted down here just a few of the very generous appropriations we are making for the cities, and we ought to make them, and we are making them. One is for the model cities appropriation. That certainly does not apply to farmers or to rural areas. Another is for the open space appropriation, for spaces around the cities. Both of those are large appropriations. The third is for the urban transportation system, which is certainly not for the country areas and not for the farmers. The fourth is for urban public housing, which is certainly not for the farmers and not for the open areas.

There are many, many other appropriations, such as the special rent appropriation and the special provisions in the recent housing bill to pay interest to help dwellers in the cities to build their homes and the vast appropriations to build airports and harbors at the cities.

We are not blind to the needs of the cities, and I think the cities know that.

I have not even mentioned the aid we are giving to the police systems of the Nation. Of course, that applies largely to the urban areas.

The fact is—and I go back to a point I made a while ago—I want there to be in this bill the item which the administration says it can use; and the administration is not unsympathetic to this need. I would think the distinguished Senator from New York recognizes that fact, because he is a member of the party of that administration. The administration says $10 million is the most it can use.

I want to remind all Senators who are here of the fact that an amendment adopted here by a bare vote of the Senate, with just a small majority, is not going to have the weight in conference as would an amendment adopted by an almost unanimous vote of the Senate. I would hope that the Senate could vote with almost unanimity for the $10 million. I would be prepared to vote for that figure since the Department now says it can use that amount. It formerly had said it could use only $7.5 million.

As the Senator from West Virginia knows, I voted at the markup of the bill for that amount because the Department had said it could use it. The question is: Shall we go out of here with practically a unanimous show on the part of the Senate that it wants this program to be served by an amount which this administration says can be used, or shall we go out of here badly divided, to a conference where we know we are up against

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great difficulties, committed to an amount which cannot be used?

I think the position of the Senator from West Virginia is so strong, so unassailable, that I unhesitatingly support it. I hope the motion for reconsideration will be made, and that it will be adopted by the Senate, and that the Senate can then, with practical unanimity, vote for the $10 million amount.

Mr. BYRD of West Virginia. I thank the able and distinguished Senator. Such a motion will be made. The Senator from Alabama asked me to yield to him.

First, I yield to the Senator from Nevada (Mr. CANNON) with the understanding that I do not lose my right to the floor.

Mr. CANNON. Mr. President, I did not become aware of the so-called letter until a few minutes ago. Do I understand the administering agency says the maximum amount it can use is $10 million?

Mr. BYRD of West Virginia. That is correct, and the manager of the bill offered to accept that amount, but the distinguished Senator from New York would not agree to it.

Mr. CANNON. What would be the total amount available then for use in this program?

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I think the total amount, with the $10 million, would be $149,500,000, which would provide about 360,000 slots for summer jobs. My argument, just so the Senator gets the picture—I am not trying to be forensic about it—is that we have got a target of a million and a half to shoot at; the Labor Department certifies that. My amendment was based upon the findings, city by city, of the U.S. Conference of Mayors, which gives us a figure for effective use—just the same catechism as that of the Labor Department—of 136,500 slots, as against their 24,000 slots, making a total of $55 million instead of their $10 million.

That is the issue.

Mr. BYRD of West Virginia. Mr. President, in further response to the question of the Senator from Nevada, I shall read this additional sentence into the RECORD, which immediately follows what I had already read:

> When added to funds already available for the NYC program this year, the Department will have available approximately $149 million and approximately 360,000 slots.

Mr. CANNON. Does that increase the number of slots that were available last year?

Mr. JAVITS. It increases the number by about 14,000.

Mr. CANNON. It increases the total money?

Mr. JAVITS. It increases the total money; and, of course, the whole point we make is that we have now got a bigger target, and a more difficult situation.

Mr. CANNON. But the administration has said it can use only $10 million?

Mr. JAVITS. That is the amount they certify they can effectively use, that is a fact; we cannot get away from that.

Mr. CANNON. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I now yield to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I should like to state to the distinguished Senator from West Virginia that I asked him to yield for the purpose of permitting me to speak on the pending amendment at this time.

Mr. President, I voted to lay on the table the amendment offered by the distinguished Senator from West Virginia providing for $10 million, not because I favored the $55 million, but because I was against the increase to $10 million. The distinguished Senator from New York stated that he would prefer not to take the $10 million, that he regarded the increase from $7.5 to $10 million as a mere pittance.

Mr. JAVITS. Mr. President, will the Senator yield? I should like to give him my exact words.

Mr. ALLEN. I yield.

Mr. JAVITS. I said I regarded it as de minimus—not enough of a change in the order of magnitude to make it desirable.

Mr. ALLEN. If I misquoted the Senator, I apologize to him. The RECORD will show, I am sure.

At any rate, the distinguished Senator from New York was unwilling to accept the $2.5 million increase proposed by the Byrd amendment, and for that reason I voted not to force the $10 million on him. I would much prefer to see the issue presented to the Senate on the $7.5 million proposed in the bill, or the $55 million proposed by the Javits amendment. It was for that reason that I voted to table the $10 million amendment offered by the distinguished Senator from West Virginia (Mr. BYRD).

I would still prefer to see the issue presented to the Senate as $7.5 million or $55 million, feeling confident that the Senate would accept the $7.5 million figure. I feel that the $7.5 million is certainly all that should be appropriated, and I do not favor going to $10 million. Certainly, if the proposed $55 million is to be spent according to the provisions of the bill by September 30 of this year, it would be a problem to spend wisely that amount of money for the intended purposes in that time.

I feel that this attitude toward the expenditure of public funds, this feeling that $2.5 million, or $45 million, is a small amount of money, is a feeling or an attitude or a view that has contributed to getting the country in the terrible financial position that it is in today. So I am opposed to the $10 million amendment, and I am opposed to the $55 million, and I would prefer to vote against the $55 million at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (Mr. JAVITS).

Mr. BYRD of West Virginia. Mr. President, I move, by way of offering a substitute amendment, that the figure $55 million be stricken——

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. President, I withdraw my motion.

Mr. ALLEN. Mr. President, having voted with the prevailing side on the motion of the Senator from New York to table the amendment offered by the Senator from West Virginia, I now move that the Senate reconsider the vote by which that motion was agreed to.

Mr. JAVITS. Mr. President, a point of order. Does the Senator qualify?

The PRESIDING OFFICER. The Senator from Alabama voted on the prevailing side, and does qualify.

Mr. JAVITS. Mr. President, a parliamentary inquiry, if the Chair will indulge me.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is it appropriate to move to reconsider a vote on a motion to table.

The PRESIDING OFFICER. It is appropriate.

Mr. JAVITS. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to reconsider the vote by which the motion of the Senator from New York (Mr. JAVITS) to lay on the table the amendment in the nature of a substitute of the Senator from West Virginia (Mr. BYRD) was agreed to. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Utah (Mr. MOSS) is absent on official business.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New, Mexico (Mr. MONTOYA) would vote "yea."

On this vote, the Senator from Alabama (Mr. SPARKMAN) is paired with the Senator from California (Mr. CRANSTON).

If present and voting, the Senator from Alabama would vote "yea" and the Senator from California would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER) is absent on official business.

The Senator from Hawaii (Mr. FONG) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

The result was announced—yeas 52, nays 40, as follows:

[No. 42 Leg.]

YEAS—52

Aiken
Allen
Allott
Anderson
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Cotton
Curtis
Dirksen
Dodd
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Goldwater
Gravel
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
McClellan
Metcalf
Miller
Mundt
Murphy
Pastore
Pearson
Proxmire
Randolph
Russell
Smith
Spong
Stennis
Stevens
Talmadge
Tower
Williams, Del.
Young, N. Dak.

XUM

NAYS—40

Bayh
Brooke
Burdick
Case
Cooper
Eagleton
Fulbright
Goodell
Gore
Griffin
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
McCarthy
McGee
McGovern
McIntyre
Muskie
Nelson
Packwood
Pell
Percy
Prouty
Ribicoff
Saxbe
Schweiker
Scott
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—8

Baker
Cranston
Fong
Mondale
Montoya
Moss
Sparkman
Thurmond

So Mr. ALLEN's motion to reconsider the vote by which Mr. BYRD's amendment in the nature of a substitute was laid on the table was agreed to.

The VICE PRESIDENT. The question now recurs on the motion to table.

Mr. JAVITS. Mr. President, I suggest that it is unnecessary to have a rollcall vote on this question. The Senate has manifested its will. Therefore, if the Senator would make a unanimous-consent request to vacate the order for a rollcall vote, I will not object.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for a rollcall vote on the motion to table be vacated.

The VICE PRESIDENT. Is there objection to the unanimous-consent request that the order for a yea-and-nay vote on the motion to table be vacated? The Chair hears no objection, and it is so ordered.

The question now is on agreeing to the motion of the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JAVITS. As I understand the procedure, we are now to vote orally on the motion to table. The motion to table has been reconsidered; the order for the yeas and nays has been vacated. As I understand it, we vote on the motion to table. If that motion is rejected on a viva voce vote, then the floor is open for debate on the substitute offered by the Senator from West Virginia. Am I correct?

The VICE PRESIDENT. The Senator is correct.

Mr. JAVITS. I have not heard anyone call for a vote on the motion to table as yet.

Mr. BYRD of West Virginia. Mr. President, I withdraw my request.

The VICE PRESIDENT. The request for the yeas and nays has been withdrawn.

The question now is on agreeing to the motion to table.

The motion was not agreed to.

Mr. JAVITS. Mr. President, I would like recognition on the substitute.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and the nays on the substitute.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I shall not detain the Senate very long.

May we have order, Mr. President?

The VICE PRESIDENT. The Senate will be in order.

Mr. JAVITS. Mr. President, having scrambled and unscrambled these eggs in the course of the last few hours, and being back about where we started, I respectfully submit that it is not imposing upon the Senate to put this issue before it very clearly.

There are 50 cities in the country, the 50 largest cities—it is in the RECORD as of Monday; there is no question about this. We have the certification of the U.S. Conference of Mayors, city by city, of the number of slots that are needed, which the conference certifies can be administered effectively. The number of jobs is more than 75,000, which multiplied by $411 means at least $30 million.

Mr. President, if the Senate is going to settle for $10 million, this whole thing could easily be washed out into nothing. I do not know what the attitude is in the other body; the last time we were there, it was a tremendous struggle, and it took a number of weeks to work it out. First we had to go up the hill of a conference report, which the Senate rejected. The conference was absolutely deadlocked. Finally, as the Senator from Rhode Island has said, we came back; and with his tremendous help and due to my own stubbornness and the assistance of other members of the Appropriations Committee, we got $13 million. That was from $75 million.

The Department of Labor, which is the same Department of Labor, has had to close half the Job Corps camps for budgetary reasons. In the space of a few days, it escalated its own estimate to what could be used effectively from $7½ million to $10 million. It should be remembered that the committee put in $7½ million, because that is what the Labor Department had advised they could effectively use. Yet, within a few days thereafter, the Department of Labor came up with a $10 million figure. That is 33⅓ percent more. Give them another few days, Mr. President, and they will come up with $20 or $30 million.

The mayors are on the firing line here, and they understand the situation they face in their cities. They have certified this to the U.S. Conference of Mayors, and they think they are short; because the U.S. Conference of Mayors, only yesterday, in Pittsburgh, by formal resolution, asked for $100 million. My amendment would provide 72,000 slots for the larger cities, and practically every Member of the Senate has at least one of these cities in his own State. This number of slots is in addition to their estimate, based on samplings State by State, of more than 67,000 slots for small cities. Inasmuch as the big city list of 50 cities omits any smaller cities, some small cities must be involved somewhere. So it is 75,000 slots plus, at the very least.

Mr. President, the history of this conference is that if you go in with $10 million, you are likely to come out with nothing; and if they bring it back to the Senate with nothing or with some insignificant sum and we reject the conference report, people like myself will be told, "There is not much involved, anyway. There are only a few thousand jobs. Why do you not take the conference report and forget it? You are lost for this year."

Right now, we are not lost for this year. It may be that some Senators who voted to reconsider were unwilling to let the matter rest on the basis of a tabling motion and wanted, rather, to vote on the merits, up or down. I hope so, because this is a measure of elementary importance to the security of our country. Our country is gravely endangered from within. As a big-city Senator, I can tell my colleagues—I think it will be vouched for by every other big-city Senator, and that means practically all of us—that what happens in these cities could very well be determined by the extent to which the summer job program is effectively handled and the numbers it covers.

So, Mr. President, I feel that I am shooting for the main target on behalf of myself and my colleagues in respect of this particular vote.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. AIKEN. I would like to help the Senator in his very worthy objective, because I know he has the best of intentions, and I know that if we achieve the objectives, a great deal of good can be done. However, I do feel that $10 million is better than $7½ million, as far as it will go. I have a feeling that if we reject the $10 million, we may wind up with $7½ million, and that means we will get absolutely nothing in conference. If we take the $10 million, I believe the conferees will allow at least half of that, which will not go very far. It can go $5 million further than nothing at all.

For that reason, having observed the machinations of the Senate for quite some time, I feel that it would be to our best advantage to accept the $10 million.

Mr. JAVITS. Mr. President, the Senator knows that I not only respect him but also love him, and I say this to him with all seriousness. Unless we fight for this thing, nothing will come of it. And the only way we can show fight—I have been through this—is by sustaining a strong figure; otherwise the other body does not have any respect for it and it is approved with half a heart. Even at that time the chances are 50–50 that before we get any figure we will have to turn down one conference report.

In view of the fact that I think the $55 million figure, as I have read before the Senate in detail, is supported by many Senators having the view of the Senator from Vermont we should get something of substance out of it

I assure Senators, based on my experience, what will happen when they walk down that hall to the conference. I sat there not one time but 20 times, because we had this difficulty, and then we had to get the conference report rejected. Only then, with the marvelous support of the Senator from Rhode Island were we able to get $13 million out of the $75 million for which we voted.

On that record I submit that anyone feeling as the Senator from Vermont does should support me and not the Senator from West Virginia.

XUM

Mr. AIKEN. No one can say the Senator did not put up a worthy and commendable fight in this matter. However, I have an idea that when the conference report comes back I think I can assure the Senator from New York if it does not contain a substantial amount for this purpose I would not favor the conference report.

Mr. JAVITS. I thank the Senator.

Mr. President, I think the Senate has heard enough on this subject. I am prepared to vote.

The PRESIDING OFFICER (Mr. Eagleton in the chair). The question is on agreeing to the amendment of the Senator from West Virginia to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Utah (Mr. Moss) is absent on official business.

I also announce that the Senator from California (Mr. Cranston), the Senator from Minnesota (Mr. McCarthy), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that if present and voting, the Senator from California (Mr. Cranston), the Senator from New Mexico (Mr. Montoya), and the Senator from Alabama (Mr. Sparkman) would each vote yea.

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker) is absent on official business.

The Senator from Hawaii (Mr. Fong) and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

If present and voting the Senator from South Carolina (Mr. Thurmond) would vote "yea."

The result was announced--yeas 73, nays 18, as follows:

[No. 43 Leg.]

YEAS—73

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Cotton
Curtis
Dirksen
Dodd
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Goldwater
Gravel
Griffin
Hansen
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mundt
Murphy
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Smith
Spong
Stennis
Stevens
Symington
Talmadge
Tower
Tydings
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—18

Allen
Case
Cooper
Ealgeton
Goodell
Gore
Gurney
Harris
Hart
Jackson
Javits
Magnuson
Nelson
Saxbe
Schweiker
Scott
Williams, N.J.
Yarborough

NOT VOTING—9

Baker
Cranston
Fong
McCarthy
Mondale
Montoya
Moss
Sparkman
Thurmond

So the amendment of Mr. Byrd of West Virginia to the amendment of Mr. Javits was agreed to.

Mr. MANSFIELD. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, the Appropriations Committee has had its way. Let us understand that. The Appropriations Committee has had its way.

I shall look with the greatest interest to what they bring in as a result of the conference.

We are not through with this fight by a long sight. It is a long and continuing problem of the cities. This is an example of it.

I have been here a long time. I am not a bit bitter about it, but I just am saying that every word I speak I mean. I have been on the Appropriations Committee and it is a very powerful committee. It has had its way.

Now, let us see what they do with this in conference.

Thank you, Mr. President.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the yeas and nays on the amendment of the Senator from New York (Mr. Javits) as amended be vacated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I think we should have a vote on my amendment as amended. There are Members who voted "nay" on the substitute because, like myself, they had a sense of principle about it.

Therefore, if the motion for the yeas and nays has already been vacated—I do not know whether I spoke soon enough—I ask the Chair whether I did, and if I did not, I will ask for the yeas and nays again.

The PRESIDING OFFICER. The Chair informs the Senator from New York that the yeas and nays on the amendment of the Senator from New York as amended were vacated.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second, and the yeas and nays are ordered.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. Will the Chair please restate the motion.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York as amended by the Senator from West Virginia.

Mr. DIRKSEN. Mr. President, will the Chair state the substance of the motion.

The PRESIDING OFFICER. The $10 million amendment has been agreed to.

Mr. MANSFIELD. Vote.

Several Senators. Vote.

The PRESIDING OFFICER. If the Senate agrees to the amendment as amended, that is what it will be.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. HOLLAND. Mr. President, may I say that I think the duties of the conference committee will be made much simpler if the vote is practically unanimous in the Senate.

Mr. JAVITS. Mr. President, that is what I hope it will be.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

(At this point Mr. Byrd of Virginia took the chair as Presiding Officer.)

Mr. KENNEDY. I announce that the Senator from Utah (Mr. Moss) is absent on official business.

I also announce that the Senator from California (Mr. Cranston), the Senator from Louisiana (Mr. Long), the Senator Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Georgia (Mr. Russell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. Cranston), the Senator from New Mexico (Mr. Montoya), and the Senator from Alabama (Mr. Sparkman) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker) is absent on official business.

The Senator from Hawaii (Mr. Fong) and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

If present and voting the Senator from Hawaii (Mr. Fong), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 89, nays 1, as follows:

[No. 44 Leg.]

YEAS—89

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Curtis
Dirksen
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Goldwater
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Spong
Stennis
Stevens
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—1

Allen

NOT VOTING—10

Baker
Cranston
Fong
Long
Mondale
Montoya
Moss
Russell
Sparkman
Thurmond

So Mr. Javits' amendment as amended was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I have no intention of detaining the Senate, but before we move to the third reading, I ask unanimous consent that there be a small technical change made in an amendment which was offered by the distinguished Senator from Maine (Mr. MUSKIE) yesterday and accepted and which was adopted by the Senate.

I ask unanimous consent that the following words in that amendment: "and the limitation set forth herein shall be correspondingly adjusted" be deleted and that there be substituted the following words: "including the effect on the limitation as set forth herein."

I have discussed this with the able Senator from Maine, and we are both in agreement that this change in the amendment should be made.

The **PRESIDING OFFICER.** Is there objection to the request? Without objection, it is so ordered.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 11400) was read the third time.

The **PRESIDING OFFICER.** The bill having been read the third time, the question is, Shall it pass?

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, there is much in this bill for which I would like to vote, and I congratulate the Senator from West Virginia for the manner in which he has handled the appropriations that are in the bill. I am, however, going to vote "nay" on this bill because of the fact that it has two sections which I oppose.

One repealed the control which had been imposed on the number of civilian employees in the Federal Government, which action, in my opinion, was most unwise.

The second places an imaginary ceiling on the amount of expenditures for fiscal 1970, a ceiling which, in my opinion, will have no effect whatsoever as far as controlling expenditures is concerned.

I would not want to be a party to approving something which gives the impression that Congress has done something when, in reality, we have done nothing but approve an expression of good intentions.

The taxpayers should be on notice that as far as the Senate action is concerned there are to be no effective controls on either expenditures or the number of employees that are on the public payroll.

Mr. TOWER. Mr. President, of the many important areas covered by this supplemental appropriations bill, I have a particularly strong interest in that section dealing with the section 235 "homeownership" and section 236 "rental housing" assistance programs administered by the Department of Housing and Urban Development.

The Committee on Appropriations has recommended $50 million in contract authority for each of these deserving programs. The House allowed $40 million in each instance. However, I want to urge my distinguished colleagues to follow the Senate committee's recommendation, and restore the $10 million authorized for each program, thus bringing their funding levels up to the amounts authorized by the Housing and Urban Development Act of 1968. I feel that it is vitally important that we do this.

The 1968 act was the end result of almost 2 years of concentrated effort by the Congress to provide the means whereby our Nation's low-income families could have the opportunity to own and rent safe, decent, and adequate housing. The 1968 act created the 235 and 236 assistance programs, and thus this opportunity.

It is especially important that the act recognized, for the first time, the need for some kind of helping hand to those families who aspire to the basic American tradition of homeownership, but because of their limited financial means, cannot bring their hopes into being. Until the enactment of the homeownership assistance program in late 1968, this inherent desire of our low-income families to own their own homes was given little recognition, notwithstanding the many housing programs already on the books. This is why it is so important, in my opinion, that this program be given the chance to demonstrate its full potential.

The new rental housing assistance program, likewise, should be fully tried as an alternative to other low-income multi-family housing programs that have been relative ineffective because of their lack of acceptance and other shortcomings.

But I want to emphasize the very important focus of these two new programs as intended by the Congress. While private investment and the productive efforts of free enterprise are looked to to produce this housing, eligible families are still the beneficiaries of a Government subsidy on their behalf. The justification, and purpose, for this subsidy is clearly stated by the 1968 act's declaration of policy to be to "assist families with incomes so low that they could not otherwise decently house themselves."

In other words, the programs are intended to help deserving families acquire adequate housing in those instances where they cannot do so on their own. There are great numbers of these families in our country today, and for the most part, they are found in those neighborhoods where substandard housing conditions prevail. These are the families that these two new assistance programs should seek out. The programs would be misdirected, and their potential effectiveness diluted, if they are allowed to encompass families capable of paying for their own housing on the private market without outside assistance. I would urge that this be guarded against as the present backlog of applications is weighed against the funds to be made available. To not do so would also disillusion those true low-income families who for the first time are encouraged to believe that their housing needs have been recognized. This we can ill afford.

Mr. GURNEY. Mr. President, I intend to cast my vote "No" on the supplemental appropriations bill, and shall take a few minutes to explain my position.

My "No" vote does not indicate disagreement with the programs being funded in this supplemental bill.

It does emphatically indicate my disapproval of the amount of money in the bill.

The United States is now in the throes of one of the greatest inflationary periods in history.

It is faced with one of the most serious money crisis in the 200 years we have been a Nation.

All of us here know this.

People who are far more knowledgeable than I—economists, bankers, business people—some of these are literally scared to death as to what may arise in the weeks and months ahead, because of this money crisis.

Ordinary citizens who may not be aware of the niceties of national and international finance know about inflation. They write me every day about the rising prices of the basic necessities of life—food, shelter, and clothing.

They want something done about it.

That is what the election of 1968 was all about—at least in part.

The issues were three: Vietnam; crime; and, just as large on the domestic scene, money and inflation.

Of course, there is more than one factor in inflation.

But, again, all of us know that, above all, the principal cause of inflation, here and all over the world, has been a free-wheeling, big-spending policy on the part of a government.

For years, under the previous administration, that was the policy.

The new programs, the overall spending schemes of the past administration, were largely triggered and sparked by the White House.

But Congress shared in this overspending also. For not a single dollar of taxpayer money can be spent by the President or the departments without prior approval by Congress in appropriation bills.

It is way past time that we assumed our responsibility, which I submit we have not been doing in recent years.

I do not think we are shouldering our responsibility in this bill.

The House set a figure of $3,783,212,766.

In the bill we have upped that figure by $673,596,878.

In the past few days we have further upped this figure an unknown but certainly very considerable sum.

We have also amended the bill to practically do away with any ceiling. What we did yesterday was to put in an elevator-supported ceiling, going up and down as it pleases our will.

XUM

If I have learned anything in the 7 years I have been in Congress, it is that appropriations rarely go down; they always go up.

My people in Florida voted, in the 1968 election for the Presidency and the Senate, for responsible spending, for handling their tax money as they would their own.

I cannot vote for this supplemental appropriations bill and carry out my responsibilities to my constituents.

My vote will, therefore, be "No"—again not because I disagree with the programs funded herein but because I think we are spending too much money, which will further contribute to the fires of inflation.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the Clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Utah (Mr. Moss) is absent on official business.

I also announce that the Senator from California (Mr. Cranston), the Senator from Louisiana (Mr. Long), the Senator Arkansas (Mr. McClellan), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Georgia (Mr. Russell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that, if present and voting, the Senator from California, (Mr. Cranston), the Senator from Louisiana (Mr. Long), the Senator from Arkansas (Mr. McClellan), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Georgia (Mr. Russell), and the Senator from Alabama (Mr. Sparkman) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker) is absent on official business.

The Senator from Hawaii (Mr. Fong) and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

If present and voting, the Senator from Tennessee (Mr. Baker), the Senator from Hawaii (Mr. Fong), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 87, nays 2, as follows:

[No. 45 Leg.]

YEAS—87

Aiken
Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Curtis
Dirksen
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Goldwater
Goodell
Gore
Gravel
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Spong
Stennis
Stevens
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—2

Gurney
Williams, Del.

NOT VOTING—11

Baker
Cranston
Fong
Long
McClellan
Mondale
Montoya
Moss
Russell
Sparkman
Thurmond

So the bill (H.R. 11400) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized in the engrossment of the Senate amendments to make technical and clerical corrections.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Byrd of West Virginia, Mr. Russell, Mr. Pastore, Mr. Holland, Mr. Ellender, Mr. Mundt, Mr. Young of North Dakota, and Mrs. Smith conferees on the part of the Senate.

Mr. BYRD of West Virginia. Mr. President, I thank all Members of the Senate for their patience, understanding, cooperation, and courtesy throughout the debate on the second supplemental appropriation bill, 1969.

Mr. MANSFIELD. Mr. President, I note for the record that the report on the measure just adopted contains 111 pages. In addition, the hearings are nearly 1,400 pages long. I would venture to say that this entire record—as voluminous as it is—was within the quick grasp of the Senator from West Virginia (Mr. Byrd) as he steered this highly important funding bill to overwhelming Senate approval.

I make this point only to suggest that Senator Byrd is unexcelled in his preparation and in his presentation of any measure. His handling of this proposal was no exception. I should point out also that this is only the first year Senator Byrd has served as chairman of the Appropriations Subcommittee on Deficiencies and Supplementals. It hardly needs saying that he performed the task and managed the bill with the same careful diligence and outstanding legislative skill he has applied to all of his numerous accomplishments. I know he would protest that it was only his duty. But may I say that no Member of this body could have better exercised that responsibility.

In my opinion, Bob Byrd is a Senator's Senator. His abiding devotion, his great skill and competence have been an inspiration to many of us. As a leader in this body he has set an example for all. So with the passage of the highly complex and extensive supplemental appropriations measure, Senator Byrd has added another magnificent achievement to his already overflowing record of public service. The Nation is again in his debt.

Also to be commended is the Senator from South Dakota (Mr. Mundt), the ranking minority member of the subcommittee who contributed so much to the success of this measure. Others, too, played a vital role. Senator Yarborough, Senator Pell, and Senator Prouty are especially to be thanked for their successful efforts in behalf of our education programs. Senator Javits and Senator Magnuson are similarly to be thanked for their contributions to the debate and for urging their own strong and sincere views. In this respect I should also mention the efforts of the Senator from Delaware (Mr. Williams). His contribution, as always, was most enlightening and most constructive.

Finally, the Senate as a whole is to be thanked for the splendid cooperation of the membership in obtaining expeditious and efficient action today on this all-important measure.

RADIO BROADCASTING AGREEMENTS WITH MEXICO

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will go into executive session to vote on Executive B, 91st Congress, first session, the Radio Broadcasting Agreements with Mexico.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the yeas and nays on the agreements.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is: Will the Senate advise and consent to the resolution of ratification? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Utah (Mr. Moss), is absent on official business.

I also announce that the Senator from California (Mr. Cranston), the Senator from Louisiana (Mr. Long), the Senator from Arkansas (Mr. McClellan), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Georgia (Mr. Russell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. Cranston), the Senator from Louisiana (Mr. Long), the Senator from Arkansas (Mr. McClellan), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Georgia (Mr. Russell), and the Senator from Alabama (Mr. Sparkman) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker) is absent on official business.

The Senator from Hawaii (Mr. Fong) and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

If present and voting, the Senator

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from Tennessee (Mr. BAKER), the Senator from Hawaii (Mr. FONG), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The yeas and nays resulted—yeas 89, nays 0, as follows:

[No. 46 Ex.]

YEAS—89

Aiken
Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Curtis
Dirksen
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Goldwater
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Spong
Stennis
Stevens
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—11

Baker
Cranston
Fong
Long
McClellan
Mondale
Montoya
Moss
Russell
Sparkman
Thurmond

The **PRESIDING OFFICER**. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The **PRESIDING OFFICER**. Without objection, the Senate will resume the consideration of legislative business.

NATIONAL COMMITMENTS

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 118, Senate Resolution 85.

The **PRESIDING OFFICER**. The resolution will be read by title.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 85) expressing the sense of the Senate relative to commitments to foreign powers.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. **MANSFIELD**. Mr. President, if the distinguished chairman of the committee will allow me, I should like to make a preliminary statement which I hope will set the tone of the debate which is about to ensue and which will continue for the remainder of this week and into next week as well.

The Senate is about to begin consideration of the national commitments resolution. In the discussion of this measure, it is to be hoped that Senators will forget the center aisle. The question is not partisan; it is not even bipartisan. It is one of all-Senate concern which goes to the nature of the constitutional responsibilities of this body.

I hope, too, that this resolution will not be the occasion for the conduct of postmortems on past policies. What we might have done differently a few months ago, a year ago, a decade ago, is not at issue. This resolution is pointed not to yesterday but to the pattern of foreign relations which has emerged today and to the issues which will be upon us tomorrow.

In suggesting that recriminations over the past be eschewed, the leadership is not presuming to arrange in advance the form of discussion for the National Commitments resolution. Senators, of course, may choose to say whatever they wish and whenever they wish to say it on this subject as on any other. I would point out, however, that there has been an unusual availability of floor time this year. In scheduling future sessions, the leadership would be delighted to try to accommodate Members who may wish to go into other matters at length, whether the question is Vietnam, Western Europe, Latin America, or some other.

Insofar as this resolution is concerned, however, it is to be hoped that the discussion will focus on national commitments. What is involved is not what this administration or its predecessors may have done in the past. What is involved is a view of the responsibilities of the Senate in foreign affairs, now and in the future. What is involved is how obscure national commitments can lead from one step to another and eventually to tens of billions of dollars of cost and the tragic loss of lives in armed conflict. How can the Senate, working not against but with the President, see to it that these myriad commitments stem from a contemporary concept of national interest and international realities? How can we—together with the President—see to it that these commitments are useful tools for the peace of the Nation today rather than cumulative anachronisms which are rooted in the inertia of administrative practices? What can the Senate do, in short, as an elected and constitutionally responsible body, to work with an elected President—to assert the effective control of the people of this Nation over the foreign policies of this Nation? That is the essential subject of this resolution. It is a subject eminently worthy of the Senate's consideration. It is a subject which should engage the principal attention of the Senate.

Mr. **DIRKSEN**. Mr. President, I fully concur in the sentiment expressed by the distinguished majority leader. On those occasions when I have had opportunity to discuss Senate Resolution 85, I have constantly and emphatically counseled that it not be approached in a partisan or bipartisan manner and that the center aisle, as the majority leader has so well expressed it, not be taken into consideration when the resolution is considered.

This matter does involve the welfare of the country; and when I say that, we are not unmindful of the fact that by neither a sense of the Senate resolution nor a statute can the constitutional powers of the President be impaired. Notwithstanding all that, it will be very useful to consider the resolution.

Now, there have been before the Committee on Foreign Relations at least three resolutions in the 90th Congress and in the present Congress. I think one was Senate Resolution 115, one was Senate Resolution 187, and this one is Senate Resolution 85. Those resolutions differed somewhat, and I was not too happy about the text of the present resolution. That is why we had a party conference this morning, only for the purpose of having an informative discussion among the Members in the hope that we could agree on some kind of language that would have appeal for everybody.

I felt free, therefore, to discuss this matter with the majority leader this noon, and also with others. I trust that there will be extended debate on the subject—not too extended, but long enough for this story to get to the attention of the country.

So I concur with the majority leader that this matter should be approached at a high level, since the country is involved.

THE ABM SYSTEM

Mr. **STENNIS**. Mr. President, in this morning's Washington Post is an article bearing the headline "Hill Unit Backs Further Tests of ABM 'Brain.'" The story states, in effect, that a majority of the Research and Development Subcommittee of the Armed Services Committee had recommended that the ABM be approved only in a very limited way.

In order to keep the record straight—and that is the only reason why I bring up this matter—the subcommittee, under the chairmanship of the Senator from New Hampshire (Mr. McINTYRE), rendered a very fine service; but they did not make any report or recommendation at all so far as the ABM or any phase of it is concerned. I will read a few sentences from the unclassified portion of the subcommittee report. First:

> The subcommittee itself did not deal directly with the Safeguard ABM system.

The next paragraph begins—

> The chairman of the subcommittee has proposed an alternative to the Safeguard ABM proposal.

The next paragraph:

> The chairman of the subcommittee contends—

And so forth.

Further the report reads—

> The chairman maintains that this alternative would save hundreds of million of dollars . . . [and] The chairman contends that his proposal would save billions of dollars in misspent funds. . . .

These are references to the position of the Senator from New Hampshire. They utilize his position. I know that the Senator from New Hampshire is in no way responsible for the story that appeared in the newspaper.

Three members of the subcommittee joined in the following statement in the report:

> The undersigned recommend that when you bring the matter of the Safeguard ABM before the committee in mark-up, that the alternative suggested by the Subcommittee

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Chairman be considered among the suggestions which may come before the committee at that time.

Mr. President, I now yield to the distinguished Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I wish to say to the distinguished chairman that the action last Monday in the meeting of the ad hoc subcommittee, of which the chairman was good enough to name me chairman, was to the effect that three members of that subcommittee agree that at the appropriate time on the agenda of our full committee discussion on the military budget, that the full committee would give ample opportunity for the presentation of alternatives to the Safeguard system.

It is unfortunate that this article appeared. I do not know how these stories which are so incorrectly stated get in the newspapers.

Having served on this committee for 5 years, I understand the subcommittee is an arm of the full committee, and I understand why we must maintain security within our committee. What the chairman of the committee has said is accurate, and I endorse what he has said.

I thank the chairman for yielding.

Mr. STENNIS. I thank the Senator. I understand. We are marking up the bill, and we will get to this matter in time. This is a very large bill.

Mr. MURPHY. Mr. President, will the Senator from Mississippi yield to me so that I may make a comment with respect to this matter?

Mr. STENNIS. I yield.

Mr. MURPHY. Mr. President, I am so pleased that the chairman of the committee and the chairman of the subcommittee have raised this matter.

I notice that there is a story on the UPI wire so I sincerely hope, as a member of that subcommittee, that we can do all that is possible to clarify this situation. It is unfortunate that this item came out.

I thank the distinguished Senator.

S. 2457—INTRODUCTION OF THE KIDNEY DISEASE TREATMENT AND PREVENTION ACT OF 1969

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill to provide a comprehensive approach to kidney and kidney-related diseases. My bill, which has the endorsement of the National Kidney Foundation, proposes to establish cooperative and community centers for the treatment of people with kidney diseases, training of personnel, and the establishment of the nationwide prevention program.

Mr. President, each year, about 8 million Americans are afflicted with kidney diseases. Diseases of the kidneys, and diseases affecting these organs, rank among the major ailments which undermine or destroy good health. As the fifth leading cause of death in this country, the insidious nature of kidney diseases is reflected in the fact that many people who harbor infectious organisms in their urinary tract will have no warning of their disease until kidney damage is beyond repair. Of the nearly 8 million new victims each year, about 2,800,000 suffer hypertensive renal cardiovascular diseases causing 35 percent of deaths from kidney disease; about 2 million suffer infectious diseases causing 18 percent of deaths; and, about 3 million suffer other diseases such as hypersensitivity, calculi, urinary abnormalities, and others causing 26 percent of the deaths.

In terms of indirect costs of mortality—lost future income—kidney disease is the highest ranking killer, costing the country $1,500 million annually. Additionally, more than $1 billion has to be spent annually for hospital and nursing home care, professional services and drugs. Surprisingly, this exceeds the annual medical services costs for maternity care, or all forms of cancer.

It is heartbreaking to note that an estimated 8,000 Americans will die in 1969 who might otherwise have been saved if we had addressed ourselves at an earlier date to the problems of kidney disease. The 8,000 Americans that I speak of are those patients who doctors have determined are ideal candidates for treatment with the artificial kidney machine or transplantation.

Mr. President, we must address ourselves to this problem now. I hope that the distinguished chairman of the Labor and Public Welfare Committee, Mr. YARBOROUGH, will call for early hearings on this bill.

I ask unanimous consent that there be included in the RECORD at this point an article that appeared in the Washington Post just last Sunday entitled, "Artificial Kidney Puzzle: Who Lives? Who Dies?" I further request that the text of the bill be printed preceding the newspaper article.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and the article will be printed in the RECORD.

The bill (S. 2457), to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of cooperative community programs for patients with kidney disease and for the conduct of training related to such programs, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Kidney Disease Treatment and Prevention Act of 1969."

SEC. 2. Part B of title III of the Public Health Service Act is amended by adding at the end thereof the following new sections:

"ESTABLISHMENT AND OPERATION OF COOPERATIVE AND COMMUNITY PROGRAMS FOR THE PREVENTION AND TREATMENT OF KIDNEY DISEASE

"SEC. 319. (a) It is the purpose of this section to provide financial support through grants to public and other nonprofit schools of medicine, hospitals, agencies, and institutions to assist in the establishment and operation of cooperative and community prevention and treatment programs for patients with kidney diseases and for training related to such programs.

"(b) There are hereby authorized to be appropriated the sums of $12,000,000 in the fiscal year ending June 30, 1970; and $20,000,000 for each succeeding fiscal year until and including the fiscal year ending June 30, 1974 to enable the Secretary to carry out the purposes of this section and section 321 of this Act.

"(c) The Secretary shall, after consultation with the National Advisory Committee on Kidney Disease Programs (established pursuant to section 321 of this title), prescribe general regulations and guidelines concerning (1) eligibility of public or nonprofit agencies, institutions, or organizatons for grants under this section, (2) determination of costs with respect to which such grants may be made, (3) the terms and conditions under which such grants will be made, and (4) the assurance that all grants are coordinated with any existing regional plan for a kidney disease program in a particular area.

"(d) There is hereby established in the Department of Health, Education, and Welfare the Office of Kidney Centers, for the purpose of administering sections 320 and 321 of this Act and providing coordination of Federal activities in the prevention and treatment of kidney disease. The Secretary is authorized to appoint a Director and such additional personnel as are required to perform the responsibilities specified in this Act and such additional responsibilities as the Secretary may assign to the Office of Kidney Centers.

"(e) Subject to the regulations and guidelines established pursuant to subsection (c) the Office of Kidney Centers shall assist in establishing kidney center programs. This assistance shall consist of providing information, services, and grants for planning, training, construction, renovation, and percentage contributions toward the operation of kidney centers.

"(f) A 'kidney center' for the purpose of this section means:

"(1) a 'cooperative kidney center' established within or as a part of a medical school or hospital that has demonstrated a high level of professional competence in relevant medical disciplines. The purpose of the kidney center would be:

"(i) to train medical and supporting personnel;

"(ii) to provide transplantation treatment for patients with chronic uremia where this form of therapy is indicated;

"(iii) to provide dialysis treatment when medically indicated in connection with training, research, and transplantation;

"(iv) to engage in research and the development of new techniques;

"(v) to coordinate with and establish appropriate relations with one or more local community dialysis units (described in subsection (f)(2));

"(vi) and, to assure that knowledge and treatment of kidney disease will evolve in a balanced fashion;

"(2) a local 'community dialysis unit' established in conjunction with and in continuing relationship with a 'cooperative kidney center.' The purposes of a community dialysis unit would be:

"(i) to provide a central training and treatment facility for the care of persons having chronic kidney disease:

"(ii) to provide training and supervision to physicians, staff members, and to patients who are candidates for home dialysis;

"(iii) to foster and promote the availability and wider use of the equipment and techniques of home dialysis.

"(g) The amount of any grant to carry out the purposes of this section shall include:

"(1) 100 per centum of the costs directly related to the training of physicians, staff members, patients, and their families;

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"(2) 100 per centum of the costs for construction or renovation of existing facilities and for the necessary equipment to establish a kidney center under the provisions of subsection (f)(1);

"(3) 60 to 90 per centum of the costs for construction or renovation of existing facilities and for the necessary equipment to establish a community dialysis unit under the provisions of subsection (f)(2). The percentage contribution shall be determined on the basis of the economic status of the particular community involved pursuant to guidelines established by the Secretary.

"(4) 90 per centum in the first year of full operation, 60 per centum in the second year, and 30 per centum in the third year and thereafter of the operation and maintenance costs of cooperative kidney centers and community dialysis units established pursuant to this Act: *Provided, however*, That grants under this subsection may be in lesser amount if the Secretary determines that centers and units are capable of meeting a larger share of costs of operation.

"(h) Three years after the Secretary formally publishes notice in the Federal Register that applications will be received for grants under this section, the President will transmit to the Congress any recommendations he may wish to make concerning the program. In the event that no changes are made in the authorizing legislation, the program shall continue as authorized under this section and section 320.

"THE NATIONAL ADVISORY COMMITTEE ON KIDNEY DISEASE PROGRAMS

"Sec. 320. (a) There is hereby authorized a National Advisory Committee on Kidney Disease Programs. The Committee shall consist of four members currently in Government service and eight members, not otherwise in the employ of the United States, appointed by the Secretary and with regard to the civil service laws, who are leaders in the fields of the basic medical sciences related to kidney disease, kidney disease diagnosis and treatment, community health programs, or public affairs.

"(b) Each appointed member of the Committee shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be "appointed for the remainder of such term and except that the term of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, four at the end of the third year after the date of appointment. An appointed member shall not be eligible to serve for more than two terms.

"(c) Appointed members of the Committee while attending meetings or conferences thereof or otherwise serving on the business of the Committee shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(d) The Committee shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this section insofar as it pertains to kidney disease, or the diagnosis, treatment, and care of patients suffering from such diseases. After the Committee is established, it shall consider all applications for grants under section 320 which pertain to kidney diseases, or the diagnosis, treatment, and care of patients suffering from such diseases and shall make recommendations to the Secretary with respect to approval of applications for the amounts of such grants.

"(e) The Committee shall also review and make recommendations on kidney disease programs of departments and agencies of the Federal Government, including, but not limited to, those in the Veterans' Administration, the Public Health Service, and the Vocational Rehabilitation Administration, so that the methods, facilities, and programs of these administrative agencies can best be utilized in supporting programs for prevention and treatment of kidney disease. Particular attention shall be paid to the coordination of activities of these various agencies in a given region so as to insure adequate geographical distribution of services and avoid duplication of facilities and services."

Sec. 3. The head of each department, agency, and instrumentality of the United States is authorized and directed to cooperate with the Secretary of Health, Education, and Welfare, to the maximum extent possible, in carrying out the provisions of this Act.

Sec. 4. Except as otherwise specifically provided by any amendment made by this Act, there is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Sec. 5. The foregoing provisions of this Act shall become effective as of the first day of the first month which begins after the date of enactment of this Act.

The article, presented by Mr. Hartke, is as follows:

ARTIFICIAL KIDNEY PUZZLE: WHO LIVES? WHO DIES?

(By Stuart Auerbach)
Washington Post Staff Writer

At this moment, Mary Kesterson, a 35-year-old Maryland mother of four, is dying. Her family is searching for $14,000 to pay for artificial kidney treatments that could prolong her life.

Arabell J. Wheaton, 25, lay close to death last week until her family arranged for artificial Kidney treatments in New Jersey, where she used to live. The family spent more than $5000—their total savings—on treatments here.

Brian Kelly, 5 died this month at Georgetown Hospital of kidney failure followed by a rare series of complications. His hospital bill amounts to about $25,000 for the 63 days he was critically ill.

Francis Chesney Jr., 21, feels that he's going to die in a Harrisburg, Pa., hospital. His sister, a Catholic University student, lacks the money she needs to get him started in an artificial kidney program.

Evelyn (Evie) Robert, a 60-year-old Washington socialite, almost died of kidney failure 18 months ago.

Then her husband, former Democratic National Committee treasurer Lawrence W. (Chip) Robert, bought her an artificial kidney for about $2900. She donated it to George Washington Hospital with the condition that it remain available for her use.

It costs Mrs. Robert at least $30,000 a year for the twice-weekly treatments that keep her alive.

These cases involving residents of the Washington area illustrate a problem that agonizes the Nation's doctors—how to provide every American with the medical advances that are currently available.

Science has provided the artificial kidney—a machine that takes over when human kidneys fail and filters the poisons from the blood.

But no one has provided the money needed to treat the estimated 8000 Americans who each year need the machine to stay alive. Costs of home treatment—the least expensive method—average at about $4500 a year on top of the higher expenses of the first year when patients learn to use the artificial kidney.

The drugs, chemicals, coils, tubing and filters, which can only be used once, raise the cost of home treatment to as much as $50 each. Most patients need two a week.

Health insurance coverage is spotty. State and local funds are limited. And the Federal Government has cut back on a program it started three years ago to set up artificial kidney centers across the country.

The National costs are astronomical; once on an artificial kidney, a patient must continue treatment as long as he lives.

One White House committee estimated that a program to provide artificial kidney treatment for every American that needs it would cost $1 billion for the next six years and $300 million every year after that.

With the knowledge that artificial kidneys can prolong lives, Americans no longer sit still until they die of kidney failure.

"They know it's there and they want it," said Virgil Smirnow of the National Kidney Foundation here.

And doctors go to extraordinary lengths to keep patients alive in the hope they can get an artificial kidney.

Dr. Gilbert Eisner, for example, gives Mrs. Kesterson at the Washington Hospital Center the painful and temporary peritoneal dialysis treatment to remove poisons from her system. This 24-hour treatment uses a small tube in her stomach cavity to flush wastes, entails hospitalization and only works for a short time.

"A few years ago, this kind of prolongation of life was not worth it," said Dr. Eisner. "Now, with an artificial kidney, it is."

Some of the pressure for more and better artificial kidney treatment comes from Congress. The National Kidney Foundation office here receives an average of two queries a week from Congressmen whose constituents want to know where they can get treatment.

Relatives of four of the five cases detailed at the beginning of this article said they hoped any articles would trigger donations to help pay for the costly treatments.

The fifth, Mrs. Robert, is so thankful for her lifesaving treatment that she offered to do "anything people ask me to do. People are dying like flies."

George A. Baker, a Washington police detective and the brother of Mrs. Wheaton, organized fund drives here and in his sister's former home in Middlesex, N.J.

"She was so young, we couldn't sit by. We had to try to save her life," he said.

But relatives trying to find money for artificial kidney treatments find themselves on a heart-breaking merry-go-round of rejection.

VERY HARD

"It's very, very hard unless you're a millionaire," said Helen Kelly, mother of 5-year-old Brian.

"I talked to every agency listed in the phone book and some that weren't listed. I couldn't get any money," continued the divorced mother of four other children.

Carol Fleming has called all over the country trying to find a place for her brother, Francis Chesney.

"His will to live is gone. He just feels like he's going to die. He needs all kinds of help and I don't know what to do," she said after visiting her brother last weekend.

Even if funds were available, there are nationwide shortages of facilities and trained physicians to run artificial kidney programs.

Only about 2400 of the 3000 Americans who need artificial kidney treatments in a year get it. In Washington, Smirnow estimated that 300 persons a year need an artificial kidney. Only about 30 of them get the treatment.

Facilities here are limited. Smirnow said Washington is one of the only major metropolitan areas without a large kidney program.

The most active kidney center in the area is run at George Washington University Hospital, where Drs. Alvin E. Parrish and Norman

Kramer have cared for 26 patients in two years.

NOT ADVERTISED

"We haven't advertised the program," said Dr. Parrish. "Not too many people know we're doing it. We don't feel we could handle more patients."

Georgetown University Hospital, which started its program in 1950, concentrates on research and keeping patients alive until they can get a kidney transplant.

Some of their patients, such as Mrs. Robert and Chesney, must go elsewhere if they are to receive long-term, chronic artificial kidney treatment.

Now that the Federal Government has backed away from supporting long-term artificial kidney programs, most of its kidney treatment money goes toward transplant research.

In the long run, transplants may be the best way to treat patients with double kidney failure. There have been about 4000 kidney transplants since 1951, and doctors report that the survival rate is improving.

Current figures show that 90 per cent of the patients who receive kidneys from a brother or sister survive at least two years.

Transplants do not mean the end of artificial kidneys. The machines will still be needed to maintain patients until a donor becomes available.

As much as patients now clamor for artificial kidneys, the treatment does not insure a full and happy life. The record survival is about nine years. A recent study showed that 87 per cent of the patients survived a year on an artificial kidney.

Is it worth it?

Dr. Parrish admitted that he didn't know. "The patients that we have that are doing well think it is. But I don't know if the patients with trouble think it is."

Despite the drawbacks of the treatment, the question of who gets an artificial kidney—really, who shall live and who shall die—presents a painful dilemma for doctors.

Many communities have set up "life and death committees" that weigh such factors as a patient's general medical condition, age, value to the community and family responsibilities.

The George Washington program does not do this. Dr. Parrish said he takes anyone who has the money in the order they apply. And, he helps patients search for the money.

Even so, he admits it is "a bad situation" because it eliminates the very poor.

It also makes it possible for people like Mrs. Robert, who probably would be too old for most programs, and Mrs. Kesterson, who has a multitude of complicating ailments, to receive artificial kidney treatment.

The question of who shall live and who shall die will become more acute in the future, as science turns out more life-prolonging, but expensive tools such as the artificial kidney.

Without the kidney, Mary Kesterson, Arabell Wheaton, Evie Robert and Francis Chesney Jr. will die.

"That's it right there," said Linda Windsor, Mrs. Kesterson's sister.

"She knows if she doesn't get the machine, she's not going to live. If she doesn't get the machine, she just has no hope."

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ELIMINATION OF DUTY ON CRUDE CHICORY ROOTS

Mr. HARRIS. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which H.R. 8644, Calendar No. 212, was passed, together with the third reading.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The bill is before the Senate.

Mr. HARRIS. Mr. President, earlier today the Senate passed without objection H.R. 8644, a bill which came from the Committee on Finance. Since then I have been asked by unanimous action of the Committee on Finance to request that the bill come before the Senate for reconsideration so that there may be attached to it a noncontroversial amendment which would extend for an additional 2 years a provision in regard to the payment of the cost of repatriated Americans. The amendment is noncontroversial, and we have attached the amendment each year. The Committee on Finance unanimously recommends this action.

Mr. GRIFFIN. Mr. President, reserving the right to object, has this matter been cleared with the ranking minority member?

Mr. HARRIS. Yes, it has.

Mr. GRIFFIN. I thank the Senator.

Mr. HARRIS. Mr. President, I offer an amendment to the bill and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> At the end of the bill add the following new section:
>
> "SEC. ——. Section 1113 (d) of the Social Security Act is amended by striking '1969' and inserting in lieu thereof '1971'."

Mr. HARRIS. Mr. President, in 1961 the Congress added a new section to the Social Security Act authorizing the Secretary of Health, Education, and Welfare to develop plans and make arrangements for providing temporary assistance and care within the United States to U.S. citizens and their dependents who are identified by the Department of State as having returned, or been brought back to this country, because of destitution, illness, war, threat of war, invasion, or similar crisis and are without available resources. Under this legislation, the Federal Government may pay for reception and care when these individuals reach the United States, for helping them to reach a destination within the United States where they have friends or relatives, and for temporary assistance.

The original legislation was limited to 1 year in duration, it has since been extended several times. Under present law, the program is scheduled to expire June 30, 1969.

The 1970 budget contemplates that in fiscal year 1970, temporary assistance will be provided a total of about 500 cases, who have been repatriated because of destitution and sickness. The funds for these cases have been included in the 1970 original and revised budget.

Mr. President, this amendment will extend the program for 2 years, until June 30, 1971. By that time the Congress will have an opportunity to evaluate the program in the overall context of welfare legislation.

Mr. President, I ask that the Senate agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma (Mr. HARRIS). The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LONG, Mr. ANDERSON, Mr. GORE, Mr. HARRIS, Mr. WILLIAMS of Delaware, Mr. BENNETT, and Mr. CURTIS, conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. HARRIS. I move to lay that motion on the table. The motion to lay on the table was agreed to.

S. 2451—INTRODUCTION OF THE ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. PROUTY. Mr. President, on behalf of myself, the distinguished Senator from New York (Mr. JAVITS), the distinguished Senator from Colorado (Mr. DOMINICK), the distinguished Senator from California (Mr. MURPHY), and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), I introduce for the administration a bill to extend, consolidate and improve programs for elementary and secondary education. Since passage of the Elementary and Secondary Education Act in 1965, this body has consistently stood behind this statute which has done so much to aid the education of schoolchildren throughout the country. Authorization of this act will expire shortly, and this bill provides the needed extension and changes to keep it a strong and viable means for aiding education in elementary and secondary schools.

The bill I introduce for the administration consolidates several existing programs under a new title VIII of ESEA that will simplify the administration and operation of several related programs. Those included are titles II and III of ESEA and titles III–A and V–A of the National Defense Education Act of 1958, as well as section 12 of the National Foundation on the Arts and Humanities Act of 1965. These are all State grant

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programs which provide school library resources, textbooks, testing, guidance, and counseling, and supplementary educational centers and services. The States will now administer only one allocation for these purposes, determine their own needs and priorities, and thus provide better utilization of the Federal resources that they receive.

Additionally, more efficient State administration of federally assisted programs will be made possible by consolidating administration funds for any two or more education programs carried on within a State.

In extending title I of ESEA, this bill insures the continued success of the largest and most important Federal education program. The purpose of title I is to provide compensatory education for economically deprived children. Through this program supplemental funds are added to State and local efforts, giving additional redress to poor children who seek equal educational opportunities and ultimately, a chance to develop fully as self-reliant and effective citizens. In fiscal 1969, title I provided $1.12 billion for this purpose, and the continuation of this investment in the education of our poor citizens is essential to the future of this country.

The bill provides specific changes for assistance to children in institutions and a new system of State grants for migratory children based on the number of children actually served during a year. Additionally, the bill provides for use of the most recent data available for purposes of determining allocations under title I. This provision is important because unless the title I formula is changed to accommodate principles of advance funding, school districts will not have adequate time to plan their activities in advance of an academic year. Past experience has shown that educational gains can only be achieved through carefully planned and implemented programs. When differences exist between the Government fiscal year and the academic year, such planning is not always possible because schools have not yet received funds and may not even know the approximate amount to be received.

The bill also extends title V of ESEA, which has done a good job of improving the administrative capabilities of State educational agencies, and title VI, which has supplied resource centers and services to handicapped children. As the original sponsor of legislation for Early Education Assistance to the Handicapped, I am particularly pleased that extension of this title will now make it coterminous with all other titles of ESEA.

Extension of title VI will allow continued research in this area, as well as continued recruitment and training of teachers and physical training therapists. I would like to note an amendment to title VI included in this bill which will now allow for training of paraprofessionals in the handicapped field. This is an important change if we are to attempt to meet the need for trained personnel in the education of the handicapped.

Title VII, which provides bilingual education programs, is extended by this bill and amended to provide for the inclusion of Indians on reservations. These children, now trained in schools operated by the Bureau of Indian Affairs in the Department of the Interior, have long been neglected by many acts of the Federal Government. Their need for bilingual education is great, and this amendment will make them eligible under title VII for the first time.

The dropout prevention program, which seeks to develop systems for keeping potential dropouts in school, is redesignated as title IX—instead of VIII—and extended for 2 years. The bill also provides for the involvement of parents and community representatives in developing and operating programs through local advisory committees.

This bill extends programs of aid to federally impacted areas under Public Law 815 and Public Law 874. Originally passed in 1950, these programs provide aid to areas whose tax base is hurt by Federal Government installations. The bill includes an amendment to allow priority to go to entitlements due to category "A" children, since these are the families which use local school facilities but live and work on Federal property, thus creating a burden on the local resources. Priority to entitlements because of "A" children will enable those districts which are heavily impacted to receive the sums for which they are eligible before remaining funds are divided by districts where there is lesser impact of "B" category children.

Finally, the bill extends the Adult Education Act of 1966. It also authorizes joint funding of projects between the Office of Education and other agencies. This bill will thus extend and improve the range of programs in support of elementary and secondary education which Congress has passed over the years. Today the need for these programs is even greater than it was when first mandated by Congress, and I urge my colleagues to join in supporting their extension.

Mr. President, following my remarks I would like to have printed in the RECORD several documents related to this bill. I hereby ask that this bill be appropriately referred and I ask unanimous consent for insertion into the RECORD the full content of this bill, a section-by-section analysis of the bill, and a comparison of three bills now pending that would amend the Elementary and Secondary Education Act of 1965.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred; and, without objection, the bill, the documents, analysis, and comparison will be printed in the RECORD.

The bill (S. 2451), to extend, consolidate, and improve programs for elementary and secondary education, and for other purposes, introduced by Mr. PROUTY, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Elementary and Secondary Education Amendments of 1969".

TITLE I—CONSOLIDATION OF PROGRAMS

PART A—CONSOLIDATION OF TITLES II AND III OF ELEMENTARY AND SECONDARY EDUCATION ACT, TITLES III–A AND V–A OF NATIONAL DEFENSE EDUCATION ACT, AND SECTION 12 OF ARTS AND HUMANITIES ACT

SEC. 101. The Elementary and Secondary Education Act of 1965, is amended by redesignating title VIII (and references thereto in that Act or elsewhere) as title IX and by renumbering sections 801 through 807 (and references thereto in that Act or elsewhere) as sections 901 through 907, respectively, and by inserting after title VII the following new title:

"TITLE VIII—CONSOLIDATION OF SPECIAL STATE-GRANT PROGRAMS

"APPROPRIATIONS AUTHORIZED

"SEC. 801. (a) The Commissioner shall carry out a program for making grants to the States for the uses and purposes set forth in section 803 of this title.

"(b) For the purpose of making grants under this title, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1971, and for the succeeding fiscal year.

"ALLOTMENTS TO STATES

"SEC. 802. (a) (1) There is authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for payments to States under section 801(b). From the amount appropriated for any fiscal year pursuant to the preceding sentence the Commissioner shall allot (A) among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands an amount determined by him according to their respective needs for assistance under this title, and (B) to (i) the Secretary of the Interior the amount necessary to provide programs and projects for the purposes of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (ii) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purposes shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) From the sums appropriated for carrying out this title for any fiscal year pursuant to section 801(b), the Commissioner shall allot to each State an amount which bears the same ratio to the total of such sums as the number of children aged five to seventeen, inclusive, in that State bears to the total number of such children in all the States. The amount allotted to any State under the preceding sentence for any fiscal year which is less than its aggregate base year allotment shall be increased to an amount equal to such aggregate, the total thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being reduced to less than its aggregate base year allotment. For the purposes of this subsection, (A) the term 'aggregate base year allotment' with respect to a State means the sum of the allotments to that State for the fiscal year ending June 30, 1969, under titles II and III of this Act, part A of title III and part A of title V of the National Defense Education Act of 1958, and section 12 of the

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National Foundation on the Arts and the Humanities Act of 1965, as then in effect; (B) the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and (C) the number of children aged five to seventeen, inclusive, in each State and in all of the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated pursuant to section 801 shall be deemed part of its allotment under subsection (a) for such year.

"USES OF FEDERAL FUNDS

"SEC. 803. (a) It is the purpose of this title to combine within a single authorization, subject to the modifications required by the provisions and requirements of this title, the programs formerly authorized by titles II and III of the Elementary and Secondary Education Act of 1965, by titles III–A and V–A of the National Defense Education Act of 1958, and by section 12 of the National Foundation on the Arts and the Humanities Act of 1965, and, except as expressly provided otherwise by the this title, Federal funds may be used for the purchase of the same kinds of equipment and materials and the funding of the same types of programs as were previously authorized by those titles and that section.

"(b) Grants under this title may be used, in accordance with State plans approved under section 806, for—

"(1) the provision of school library resources, textbooks, other printed and published instructional materials, and laboratory and other instructional equipment, including audio-visual equipment and materials, for the use of children and teachers in public and private elementary and secondary schools of the State;

"(2) the provision of supplementary educational centers and services, including construction of public facilities when necessary, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models of regular public and private school programs; and

"(3) programs for testing students in the public and private elementary and secondary schools in the State, and programs designed to improve guidance and counseling services at the appropriate levels in such schools.

"(c) In addition to the uses specified in subsections (a) and (b), funds appropriated for carrying out this title and allotted to any State may, subject to the limitations specified in section 808, be used for—

"(1) proper and efficient administration of the State plan;

"(2) obtaining technical, professional, and clerical assistance and the services of experts and consultants to assist the State advisory council authorized by this title in carrying out its responsibilities; and

"(3) evaluation of plans, programs, and projects, and dissemination of the results thereof.

"PARTICIPATION OF PUPILS AND TEACHERS IN NONPUBLIC SCHOOLS

"SEC. 804. (a) Except with respect to uses described in section 803(c), funds appropriated pursuant to section 801 shall be utilized only for programs which to the extent consistent with law provide for the effective participation on an equitable basis of children and teachers in private elementary and secondary schools in the State which comply with the compulsory attendance laws of the State or are otherwise recognized by it through some procedure customarily used in the State.

"(b) In order to facilitate the policy set forth in subsection (a) the State educational agency shall take appropriate action to provide liaison with private elementary and secondary school officials in the State.

"PUBLIC CONTROL OF LIBRARY RESOURCES AND INSTRUCTIONAL EQUIPMENT AND TYPES WHICH MAY BE MADE AVAILABLE; PROHIBITION OF USE FOR RELIGIOUS INSTRUCTION OR WORSHIP

"SEC. 805. (a) Title to Library resources, textbooks, other printed and published instructional materials, and laboratory and other instructional equipment, including audiovisual equipment and materials, furnished pursuant to this title, and control and administration of their use, shall vest only in a public agency.

"(b) The library resources, textbooks, other printed and published instructional materials, and laboratory and other instructional equipment, including audiovisual equipment and materials, made available pursuant to this title for use of children and teachers in any school in any State shall be limited to those which have been approved by an appropriate State or local educational authority or agency for use, or are used, in a public elementary or secondary school of that State, and provision for the participation of private school pupils and teachers shall not include the construction or remodeling of private school facilities or the placement or use, on private school premises, of equipment under such circumstances that it becomes a fixture.

"(c) The library resources, textbooks, instructional materials and equipment, and educational services of all kinds made available pursuant to this title shall be used only for secular purposes and for instruction in secular studies and the use of such resources, textbooks, materials and equipment, or educational services for religious instruction or in connection with religious worship is expressly prohibited.

"STATE PLANS

"SEC. 806. (a) Any State which desires to receive grants under this title for any fiscal year shall submit to the Comissioner, through its State educational agency, a State plan for such year, in such detail as the Commissioner deems necessary, which sets forth an annually updated long-range program (covering such period, not less than 3 nor more than 5 years beginning with the fiscal year for which approval is sought, as the Commissioner may deem necessary) for carrying out the purposes of this title and describes how such programs will be carried out for the year involved, and which—

"(1) designates the State educational agency (which may act either directly or through arrangements with other State or local public agencies) as the sole agency for administration of the State plan;

"(2) provides that funds paid to the State from its allotment under section 802 will be expended solely for the purposes set forth in section 803 and only by public agencies and, in the case of supplementary educational centers and services (except for expenditures for uses specified in section 803(c)), only through grants to local educational agencies: *Provided*, That, in the case of a State educational agency that also is a local educational agency, its approval of a program or project to be carried out by it in the latter capacity shall, for the purposes of this title, be deemed an award of a grant by it upon application of a local educational agency if the State plan contains, in addition to the provisions otherwise required by this section, provisions and assurances (applicable to such program or project) that are fully equivalent to those that would be required of a local educational agency to which this proviso is inapplicable;

"(3) provides assurance satisfactory to the Commissioner that the requirements of sections 804 and 805 will be effectively carried out and sets forth in such detail as the Commissioner may deem necessary the criteria, methods, and procedures to be utilized in meeting these requirements;

"(4)(A) provides (i) estimates of the respective portions of the State's allotment under section 802 for the fiscal year involved that will be used for each of the activities specified in section 803(b), and (ii) estimates of any expenditures for that fiscal year from State and local sources for like purposes, and (B) in the case of a State plan for the fiscal year ending June 30, 1971, provides satisfactory assurance that the funds allocated for each of the uses authorized by section 803(b) from the State's allotment for such year shall not be less than 50 per centum of the State's allotment for the fiscal year ending June 30, 1969, for each such use under titles II and III of the Elementary and Secondary Education Act of 1965, titles III–A and V–A, including section 1008, of the National Defense Education Act of 1958, and section 12 of the National Foundation on the Arts and the Humanities Act of 1965, respectively.

"(5) provides that not less than 15 per centum of funds allocated for supplementary educational centers and services shall be used for special programs or projects for the education of handicapped children;

"(6)(A) sets forth principles and criteria for achieving an equitable distribution of assistance under the State plan, and for determining the priority of applications in the State for such assistance, giving appropriate consideration to (i) the geographic distribution and density of population within the State, and (ii) the relative need of children and teachers in different geographic areas and within different population groups in the State for the services, materials, and equipment provided under this title, and (B) provide for approving such applications in the order of priority so determined;

"(7) provides for adoption of effective procedures (A) for the evaluation, at least annually, of the effectiveness of programs and projects supported under the State plan, (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (C) for adopting, where appropriate, promising educational practices developed through such programs or projects;

"(8) is accompanied by the certification of the chairman of the State advisory council established pursuant to the requirements of section 807(b);

"(9) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, and (B) will be so used by the recipients of grant awards of the State agency as to supplement and, to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner by regulation) that would, in the absence of such Federal funds, be made by such recipients for educational purposes;

"(10) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State (including any such funds paid by the

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State to any other public agency) under this title;

"(11) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the areas served by the programs or projects supported under the State plan and in the State as a whole, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (7), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(12) provides that final adverse action with respect to any grant application (or amendment thereof) of a local educational agency or agencies shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing; and

"(13) contains satisfactory assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

"(b)(1) The Commissioner shall not approve any State plan pursuant to this section for any fiscal year unless the plan has, prior to its submission, been made public by the State agency and a reasonable opportunity has been given by that agency for comment thereon by interested persons. The State educational agency shall make public the plan as finally approved. The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency administering a State plan approved under subsection (a) (or administering the part of a State plan approved under subsection (b)), finds—

"(A) that the State plan has been so changed that it no longer complies with the provisions of this title governing the approval of the plan, or

"(B) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirement set forth in the application of a local educational or other public agency approved pursuant to such plan,

the Commissioner shall notify the agency that further payments will not be made to the State under this title (or in his discretion, that further payments to the State will be limited to programs or projects under, or parts of, the State plan not affected by the failure, or that the State educational agency shall not make further payments under this title to specified local or other public educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to the State under this title (or shall limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or payments by the State educational agency under this title shall be limited to local or other public educational agencies not affected by the failure, as the case may be).

"(3)(A) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under subsection (a) or with his final action under paragraph (2) of this subsection with respect to a plan approved by him under subsection (a), such State may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(B) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings.

"(C) The Court shall have jurisdiction to affirm the action of the Commisioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"STATE ADVISORY COUNCIL

"Sec. 807. (a) Any State desiring to receive payments under this title shall establish a State Advisory Council (hereinafter in this section referred to as 'the Council') which shall—

"(1) be appointed by the Governor or, in the case of a State in which there is a State educational agency headed by a board whose members are elected (including election by the State legislature), then by such board, and be broadly representative of the cultural and educational resources of the State, including but not limited to persons representative of—

"(A) public elementary and secondary schools,

"(B) private elementary and secondary schools,

"(C) urban education,

"(D) rural education,

"(E) higher education, including junior and community colleges,

"(F) the State library system,

"(G) areas of professional competence in dealing with children needing special education because of physical or mental handicaps; and

"(H) the general public;

"(2) advise the State educational agency on the preparation, and policy matters arising in the administration, of the State plan, including development of criteria for the allocation of funds within the State and the approval of applications under such State plan;

"(3) assist the State educational agency in evaluating programs and projects aided under this title;

"(4) prepare, and submit through the State educational agency to the Commissioner and to the National Advisory Council established pursuant to section 810, a report of its activities and recommendations, together with such additional comments as the State educational agency may deem appropriate, at such times, in such form, and in such detail as the Secretary may prescribe; and

"(5) obtain such professional, technical, and clerical assistance as may be necessary to carry out its functions under this title.

"(b) The Commissioner shall not approve a State plan submitted under section 806 unless it is accompanied by a certification of the Chairman of the Council that such plan has been reviewed by the Council. Such certification shall be accompanied by such comments as the Council or individual members thereof deem appropriate, and shall indicate whether the plan meets with the approval of the Council and, if not, the reasons for its disapproval. In the event of the disapproval of a State plan by the Council, the Commissioner shall not approve such plan until he has afforded the Council or its designated representative an opportunity for a hearing.

"PAYMENTS TO STATES

"Sec. 808. (a)(1) From each State's allotment under section 802 (or the part thereof made available to the State under section 806(b)) for any fiscal year the Commissioner shall pay to that State, if it has in effect a State plan approved pursuant to section 806 for that fiscal year, an amount equal to the amount expended by the State for the uses referred to in section 802 (a) and (b) in accordance with its State plan.

"(2) The Commissioner is further authorized to pay each State, from its allotment for any fiscal year, amounts necessary for the activities described in section 803(c), except that the total of such payments pursuant to this paragraph shall not exceed 7½ per centum of its allotment for that year or $175,000 ($60,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

"(3) Payments under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(b) In any State which has a State plan approved under section 806 and in which no State agency is authorized by law to provide library resources, textbooks, other printed and published instructional materials, or laboratory and other instructional equipment, including audiovisual equipment and materials, for the use of children and teachers in any one or more private elementary or secondary schools in such State, the Commissioner shall arrange for the provision on an equitable basis of such library resources, textbooks, other instructional materials, laboratory and other instructional equipment, or audiovisual equipment and material for such use and shall pay the cost thereof out of that State's allotment.

"(c)(1) In any State which has a State plan approved under section 806 and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, testing, or counseling and guidance services to, or to provide for effective participation in the use of supplementary educational centers and services by, children enrolled in any one or more private elementary or secondary schools in the State, the Commissioner shall arrange for the provision on the equitable basis of such service or services and shall pay the cost thereof for any fiscal year out of that State's allotment. The Commissioner may arrange for such services through contracts with institutions of higher education or other competent institutions or organizations, or by other appropriate methods.

"(2) In determining the amount to be withheld under subparagraph (1) from any State's allotment for the provision of such services, the Commissioner shall take into account the number of children in the area or areas served by such programs who are excluded from participation therein and who, except for such exclusion, might reasonably have been expected to participate.

"RECOVERY OF PAYMENTS

"Sec. 809. If within twenty years after completion of any construction for which Federal funds have been paid under this title—

"(a) the owner of the facility shall cease to be a State or local educational agency, or

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"NATIONAL ADVISORY COUNCIL

"SEC. 810. (a) The President shall, by March 31, 1970, appoint a National Advisory Council on Educational Assistance which shall—

"(1) review the administration of, general regulations for, and operation of, this title, including its effectiveness in meeting the purposes set forth in section 803;

"(2) review, evaluate, and transmit to the Congress and the President its evaluation of the reports submitted pursuant to sections 806(a)(11) and 807(a)(4);

"(3) evaluate programs and projects carried out under this title, and disseminate the results thereof; and

"(4) make recommendations for the improvement of this title, and its administration and operation.

"(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of twelve members, a majority of whom shall be broadly representative of the educational and cultural resources of the United States, including at least one person who has professional competence in the area of education of handicapped children. Such members shall be appointed for terms of three years, except that (1) in the case of the initial members four shall be appointed for terms of one year each and four shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. When requested by the President, the Secretary shall engage such technical and professional assistance as may be required to carry out the functions of the Council, and shall make available to the Council such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out its functions.

"(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President and the Congress not later than March 31 of each year. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.

"(d) Members of the Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding the daily rate applicable at the time of such service to grade GS–18 of the classified civil service, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"LABOR STANDARDS

"SEC. 811. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276–5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"DEFINITION OF 'EQUIPMENT'

"SEC. 812. As used in the phrase 'laboratory and other instructional equipment, including audiovisual equipment and materials', and as otherwise used in this title, the term 'equipment' means, subject to the limitations specified in section 805, equipment and materials (other than supplies consumed in use) suitable for use in elementary or secondary schools in providing academic instruction, and test-grading equipment for such schools and specialized equipment for audiovisual libraries serving such schools, and, in case of public schools, minor remodeling of laboratory or other space used for such materials or equipment."

REPEALS, AND TRANSITIONAL PROVISIONS FOR CONSOLIDATED PROGRAM

SEC. 102. (a)(1) During the fiscal year ending June 30, 1970, funds allotted to any State by the Commissioner of Education for such year under the programs referred to in section 803 (as enacted by section 101 of this Act) of the Elementary and Secondary Education Act of 1965 and available for expenses of administration (including expenses of advisory councils) of such programs, may, with the approval of the Commissioner, be used by the State for necessary expenses during such year for the preparation of a State plan, to be submitted to the Commissioner under section 806 of that Act for the fiscal year ending June 30, 1971, and for the establishment of a State advisory council pursuant to section 807 of such Act and its expenses in advising on the preparation of the State plan.

(2) There is hereby authorized to be appropriated to the Office of Education $60,000 for the fiscal year ending June 30, 1970, for planning and other preparatory activities of the Commissioner for the consolidated program enacted by section 101 of this Act, including review of an action on State plans submitted in that fiscal year for the succeeding fiscal year and including establishment and activities of the National Advisory Council on Educational Assistance.

(b) Effective July 1, 1970, the titles, or portions of titles, of Acts cited in section 803(a) of the Elementary and Secondary Education Act as enacted by this Act, and the second sentence of section 103(h) of the National Defense Education Act of 1958, are repealed.

CONFORMING AMENDMENT

SEC. 103. The definition section of the Elementary and Secondary Education Act of 1965, redesignated as section 901 of that Act by section 101 of this Act, is amended by striking out "and VII" and inserting in lieu thereof ", VII, and VIII", and this title, in the introductory phrase of that section and in paragraph (j) thereof.

PART B—AUTHORIZATION FOR CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS

SEC. 111. Title IV of the Elementary and Secondary Education Amendments of 1967 (Public Law 247, Ninetieth Congress), as amended by section 301 of Public Law 576, Ninetieth Congress, is amended (1) by striking out "AND EVALUATION" in the caption and inserting in lieu thereof ", EVALUATION, AND CONSOLIDATION OF ADMINISTRATIVE FUNDS" and (2) by inserting at the end thereof the following new section:

"CONSOLIDATION OF FUNDS FOR STATE ADMINISTRATION OF FEDERALLY ASSISTED PROGRAMS

"SEC. 407. (a) Notwithstanding any other provision of law unless enacted after the date of enactment of this section expressly in limitation of this section, the Commissioner may, upon application of a State educational agency administering or supervising the administration of any programs for which grants are authorized under any Act referred to in section 401, make a consolidated grant of Federal funds available for administration, by such agency, of any two or more such programs.

"(b) Funds paid under such a consolidated grant may be expended by the State educational agency only for the proper and efficient administration of the programs to which such funds relate but such agency shall not be required to account for the expenditure of such funds separately with respect to each such program.

"(c) The Commissioner shall not approve an application pursuant to subsection (a), unless he finds that the State educational agency making the application is prepared properly and efficiently to administer all of the programs with respect to the administration of which such application relates. Such agency shall undertake to provide such reports, in such form, and containing such information as the Commissioner may reasonably require to carry out his functions under this section and to keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(d) Prior to the end of any period for which such consolidated grant is available, the Commissioner may, in accordance with regulations, transfer to the several Federal appropriations in proportion to the contribution made from each to such grant, any excess of such grant over the amount determined to be necessary for the purposes of such grant. Any unexpended balance in such grant not so transferred shall, at the end of such period, revert to the general fund of the Treasury.

"(e) For the purposes of this section the term 'administration of a program' includes administration of a State plan (or its equivalent) approved by the Commissioner, including the activities of a State advisory council when authorized by an Act pursuant to which funds included in the consolidated grant have been made available, and including evaluation of plans, programs, and projects, and the dissemination of the results of such evaluation."

TITLE II—EXTENSION OF, AND OTHER AMENDMENTS TO, TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

EXTENSION OF TITLE I OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 201. (a) Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1972."

(b) Section 121(d) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "the succeeding fiscal year" and inserting in lieu thereof "the three succeeding fiscal years".

(c) The third sentence of section 103(a)(1)(A) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "for the fiscal year ending June 30, 1968, and the fiscal year ending June 30, 1969,".

(d) The second sentence of section 103(c) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "years ending June 30, 1968, June 30, 1969, and June 30, 1970," and inserting in lieu thereof "year ending June 30, 1968, and for each succeeding fiscal year,".

DESIGNATION OF RESPONSIBILITY FOR PROVISION OF SPECIAL EDUCATIONAL SERVICES FOR INSTITUTIONALIZED NEGLECTED OR DELINQUENT CHILDREN

SEC. 202. Section 103(a)(2) of title I of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following sentence: "Notwithstanding the foregoing provisions of this paragraph,

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upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency which does assume such responsibility shall be eligible to receive such portion of the allocation."

REQUIRING GRANTS FOR MIGRATORY CHILDREN TO BE BASED ON THE NUMBER TO BE SERVED

SEC. 203(a) The first sentence of paragraph (6) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is, effective with the first allocation of funds pursuant to such title by the Commissioner after the date of enactment of this Act, amended to read as follows: "A State educational agency which has submitted and had approved an application under section 105(c) for any fiscal year shall be entitled to receive a grant for that year under this part, based on the number of migratory children of migratory agricultural workers to be served, for establishing or improving programs for such children."

(b) The second sentence thereof is amended by striking "shall be" the first time it appears and inserting in lieu thereof "may be made"; and by inserting immediately before the period in such second sentence the following: ", except that if, in the case of any State, such amount exceeds the amount required under the preceding sentence and under section 105(c)(2), the Commissioner shall allocate such excess, to the extent necessary, to other States whose maximum total of grants under this sentence would otherwise be insufficient for all such children to be served in such other States".

USE OF MOST RECENT DATA UNDER TITLE I

SEC. 204. (a) The third sentence of section 103(d) of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination".

(e) Section 103(c) of such title is amended by inserting the following after "during the second fiscal year preceding the fiscal year for which the computation is made": "(or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available)".

MINIMUM GRANT ALLOWANCE TO LOCAL EDUCATIONAL AGENCIES

SEC. 205. Section 105(a)(1) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "$2,500" wherever it appears and inserting in lieu thereof "$10,000".

CONTENT OF STATE AND LOCAL EDUCATIONAL AGENCY REPORTS

SEC. 206. (a) The parenthetical phrase in clause (A) of section 106(a)(3) of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting "and of research and replication studies" immediately before the closing parenthesis.

(b) Section 105(a)(7) of such title is amended by inserting "(which in the case of reports relating to performance is in accordance with specific performance criteria related to program objectives)" after "such information".

STAGGERED TERMS FOR NATIONAL ADVISORY COUNCIL ON EDUCATION OF DISADVANTAGED CHILDREN; TECHNICAL ASSISTANCE

SEC. 207. (a) Section 134(a) of such title is amended by striking out, "within ninety days after the enactment of this title,".

(b) Subsection (b) of such section is amended by inserting after the first sentence thereof the following new sentence: "Such members shall be appointed for terms of three years, except that (1) in the case of the initial members appointed after January 20, 1969, four shall be appointed for terms of one year each and four shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only."

(c) Subsection (e) of such section is amended by striking out "annual report" and inserting in lieu thereof "annual reports" and by striking out "to be made no later than January 31, 1969".

TITLE III—EXTENSION OF, AND AMENDMENTS TO, OTHER PROVISIONS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT AND ACTS RELATED TO EDUCATION OF THE HANDICAPPED

PART A—AMENDMENTS TO TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

PROVISIONS TO ASSURE PARTICIPATION BY ALL ELIGIBLE STUDENTS

SEC. 301. Section 307 of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new subsection:

"(f)(1) In any State which has a State plan approved under section 305 and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in programs authorized by this part by children enrolled in any one or more private elementary or secondary schools of such State in the area or areas served by such programs, the Commissioner shall arrange for the provision, on an equitable basis, of such programs and shall pay the costs thereof for any fiscal year out of that State's allotment. The Commissioner may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

"(2) In determining the amount to be withheld from any State's allotment for the provision of such programs, the Commissioner shall take into account the number of children and teachers in the area or areas served by such programs who are excluded from participation therein and who, except for such exclusion, might reasonably have been expected to participate."

PART B—EXTENSION OF TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 310. Section 501(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out "each for the fiscal years ending June 30, 1969, and June 30, 1970" and inserting in lieu thereof "for each of the fiscal years ending before July 1, 1972".

PART C—EXTENSION AND AMENDMENT OF TITLE VI OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 AND OF OTHER ACTS RELATING TO EDUCATION OF THE HANDICAPPED

EXTENSION OF TITLE VI–A OF THE ACT

SEC. 320. (a) Section 602 of the Elementary and Secondary Education Act of 1965 is amended by inserting before the period at the end thereof the following: ", and for each of the two succeeding fiscal years".

(b) Section 603(a)(1)(B) of such Act is amended by striking out "for the fiscal year ending June 30, 1968, and the succeeding fiscal year,".

EXTENDING AUTHORITY FOR REGIONAL RESOURCE CENTERS FOR THE IMPROVEMENT OF THE EDUCATION OF HANDICAPPED CHILDREN

SEC. 321. Section 608(a) of the Elementary and Secondary Education Act of 1965 is amended by inserting after "1970" the following: ", and for each of the two succeeding fiscal years".

CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

SEC. 322. Section 609(j) of the Elementary and Secondary Education Act of 1965 is amended by inserting after "1970" the following: ", and for each of the two succeeding fiscal years".

RECRUITMENT OF PERSONNEL AND INFORMATION ON EDUCATION OF THE HANDICAPPED

SEC. 323. Section 610(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out "two" and inserting in lieu thereof "four".

EXTENSION OF HANDICAPPED CHILDREN'S EARLY EDUCATION ASSISTANCE ACT

SEC. 324. Section 5 of Public Law 90–538 (Handicapped Children's Early Education Assistance Act) is amended by striking out "the fiscal year ending June 30, 1971" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1972".

EXTENSION OF AUTHORIZATION FOR GRANTS FOR TEACHING IN THE EDUCATION OF HANDICAPPED CHILDREN; TRAINING OF SUBPROFESSIONAL PERSONNEL

SEC. 325. (a) Section 7 of the Act of September 6, 1958 (Public Law 926, Eighty-fifth Congress, 20 U.S.C. 617), is amended by inserting after "1970" the following: ", and for each of the two succeeding fiscal years".

(b) The second sentence of the first section of such Act (20 U.S.C. 611) is amended (1) by striking out "professional or advanced" before "training", and (2) by striking out "specialists" before "providing special services" and inserting in lieu thereof "special personnel".

EXTENSION OF AUTHORIZATION FOR RESEARCH IN EDUCATION OF THE HANDICAPPED

SEC. 326. The first sentence of section 302 (a) of the Act of October 31, 1963 (Public Law 164, Eighty-eighth Congress, 20 U.S.C. 618), is amended by inserting after "1970," the following: "and for each of the two succeeding fiscal years,".

EXTENSION OF AUTHORIZATIONS AND TECHNICAL AMENDMENTS IN PROVISIONS FOR TRAINING OF PHYSICAL EDUCATORS AND RECREATION PERSONNEL FOR MENTALLY RETARDED AND OTHER HANDICAPPED CHILDREN

SEC. 327. (a)(1) Section 501(b) of the Act of October 31, 1963 (Public Law 164, Eighty-eighth Congress, 42 U.S.C. 2698), is amended by inserting after "1970," the following "and for each of the two succeeding fiscal years,".

(2) Section 501(a) of such Act is amended by striking out "professional or advanced" before "training", and by inserting "educators or" before "supervisors".

(b)(1) Section 502(a)(1) of such Act 42 U.S.C. 2698a) is amended by striking out "two" and inserting in lieu thereof "four".

(2) Section 502(a)(1) of such Act is further amended by (A) striking out so much of the sentence as follows "organizations," and (B) inserting in lieu thereof "and to make contracts with States, State or local educational agencies, public and private institutions of higher learning, and other public or private educational or research agencies and organizations, for research and related purposes (as defined in section 302(i) of this Act) relating to physical education or recreation for mentally retarded and other handicapped children (as defined in section 302(a) of this Act), and to conduct research,

surveys, or demonstrations relating to physical education or recreation for such children".

PART D—EXTENSION AND AMENDMENT OF TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

EXTENSION OF BILINGUAL EDUCATION PROGRAMS

SEC. 330. Section 703(a) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the period at the end thereof the following: ", and for each of the two succeeding fiscal years".

APPLICATION TO INDIANS ON RESERVATIONS

SEC. 331. (a) Section 705 of the Elementary and Secondary Education Act of 1965 is amended by redesignating subsection (c) as subsection (d) and by inserting the following new subsection immediately after subsection (b):

"(c) From the sums appropriated pursuant to section 703, the Commissioner may also make payments to the Secretary of the Interior for elementary and secondary school programs to carry out the policy of section 702 with respect to individuals on reservations serviced by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The terms upon which payments for that purpose may be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the policy of section 702"

(b) Section 706(a) of such Act is amended by inserting the following before the period at the end thereof: "or, in the case of payments to the Secretary of the Interior, an amount determined pursuant to section 705(c)".

INCREASE IN MEMBERSHIP OF ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN

SEC. 332. The first sentence of section 707 (a) of the Elementary and Secondary Education Act of 1965 is amended by striking out "nine" and inserting in lieu thereof "fifteen".

PART E—EXTENSION AND AMENDMENT OF TITLE IX (FORMERLY VIII) OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

EXTENSION OF AUTHORIZATION FOR DROPOUT PREVENTION PROGRAMS

SEC. 341. Subsection (c) of the section redesignated as section 907 of the Elementary and Secondary Education Act of 1965 by section 101 of this Act is amended by inserting after "1970," the following: "and for each of the two succeeding fiscal years,".

INVOLVEMENT OF PRIVATE SCHOOL OFFICIALS IN PROGRAMS IN WHICH PRIVATE SCHOOL CHILDREN PARTICIPATE

SEC. 342. (a) The title of such Act redesignated as title IX by section 101 of this Act is further amended by adding at the end thereof the following new section:

"PARTICIPATION OF PUPILS AND TEACHERS IN NONPUBLIC SCHOOLS

"SEC. 908. In the case of any title or part of this Act which provides for grants to local educational agencies for programs or projects upon approval of the State educational agency and provides for the participation of private school children or teachers in the benefits of such programs or projects, the State plan or application shall provide satisfactory assurance that the State educational agency will, in approving applications of local educational agencies, assure that in the planning of such programs and projects there has been, and in the establishment and carrying out there will be, suitable involvement of private school officials in the area to be served by such programs or projects."

(b) The amendment made by subsection (a) shall be effective with respect to fiscal years beginning after June 30, 1970.

PROVISIONS WITH RESPECT TO PARENTAL AND COMMUNITY INVOLVEMENT

SEC. 343. Clause (2) of subsection (c) of the section redesignated as section 903 of the Elementary and Secondary Education Act of 1965 by section 101 of this Act is amended by inserting "(A)" after "authorities" and by inserting the following immediately before the period at the end thereof: "; (B) to involve parents and community representatives in the development and operation of such programs and projects through a local advisory committee or other appropriate means; and (C) to insure adequate dissemination of program plans and evaluations to parents, community representatives, and the public at large".

TITLE IV—EXTENSION AND AMENDMENT OF IMPACTED AREAS PROGRAMS

EXTENSION OF IMPACTED AREAS PROGRAMS

SEC. 401. (a)(1) Section 3 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1972".

(2) Section 15(15) of such Act is amended by striking out "1965–1966" and inserting in lieu thereof "1967–1968".

(b) Sections 2(a), 3(b), and 4(a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by striking out "1970" wherever it occurs and inserting in lieu thereof "1972".

EXTENSION OF SCHOOL ASSISTANCE IN DISASTER AREAS

SEC. 402 (a). Section 16(a)(1)(A) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1972".

(b) Section 7(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1972".

PRIORITY FOR CATEGORY "A" CHILDREN IN DISTRIBUTION OF FUNDS UNDER PUBLIC LAW 874

SEC. 403(a). Subsection (c) of section 5 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by inserting "(1)" immediately after "(c)", and by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, in the event of such insufficiency of funds for any fiscal year, the entitlements of local educational agencies with respect to children determined under subsection (a) of section 3 shall be fully satisfied prior to allocation of such funds with respect to entitlements under other provisions of this title (except section 6). Adjustments in the allocation of funds required by paragraph (1) with respect to section 3 (and computations required with a view to such adjustments) shall be made only with respect to children determined under subsection (b) of such section."

(b) The first sentence of section 5(c) of such Act is amended by striking out "If the funds appropriated for a fiscal year" and substituting in lieu thereof "Except as provided in paragraph (2), if the funds appropriated for a fiscal year".

(c) The amendments made by this section shall be effective with respect to appropriations for fiscal years beginning after June 30, 1969.

TITLE V—MISCELLANEOUS

EXTENSION OF ADULT EDUCATION PROGRAM

SEC. 501. Section 314 of the Adult Education Act of 1966 (title III of Public Law 89–750) is amended by inserting after "1970," the following: "and for each of the two succeeding fiscal years,".

INCREASE IN ADVISORY COMMITTEE MEMBERSHIP—COMMISSIONER NOT TO BE EX OFFICIO CHAIRMAN

SEC. 502. Section 310(b) of the Adult Education Act of 1966 (title III of Public Law 89–750) is amended by striking out "eight members consisting of the Commissioner of Education, who shall be Chairman, and seven other members", and inserting in lieu thereof "fifteen members, consisting of a chairman, designated by the President, and fourteen other members".

JOINT FUNDING

SEC. 503. Pursuant to regulations prescribed by the President, where funds are advanced by the Office of Education and one or more other Federal agencies for any project or activity funded in whole or in part under a statute for the administration of which the Commissioner of Education has responsibility (either as provided by statute or by delegation), any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

AMENDMENTS TO TITLE IV OF THE ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967 PROVIDING FOR EVALUATION OF EDUCATION PROGRAMS

SEC. 504. (a) Section 402 of the Elementary and Secondary Education Amendments of 1967 (Public Law 247, Ninetieth Congress) is amended—

(1) by inserting "(a)" after "Sec. 402.";

(2) by striking out "(1)" before "planning", and striking out "and (2) evaluation of programs or projects so authorized"; and

(3) by inserting the following new subsection at the end of such section:

"(b) Such portion as the Secretary may determine, but not more than 1 per centum, or any appropriation for grants, contracts, or other payments under any Act referred to in section 401 for any fiscal year shall be available to him for evaluation (directly or by grants or contracts) of the programs authorized by any such Act, and, in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly."

(b) The amendments made by subsection (a) shall apply to appropriations for fiscal years ending after June 30, 1969.

AUTHORIZATION TO PROVIDE TECHNICAL AND OTHER ASSISTANCE TO FACILITATE CONSOLIDATION OR SIMPLIFICATION OF APPLICATIONS, REPORTS, AND EVALUATIONS

SEC. 604. Sec. 303(a)(5) of Public Law 90–576 is amended to read as follows:

"(5)(A) may upon request provide advice, counsel, technical assistance, and demonstrations to State educational agencies, local educational agencies, or institutions of higher education undertaking to initiate or expand programs or projects (i) in order to enhance the quality, increase the depth, or broaden the scope of such programs or projects or (ii) in order to encourage and facilitate consolidation or simplification of applications, reports, evaluations, and other administrative procedures with respect to such programs or projects, and (B) shall inform such agencies and institutions of the availability of assistance pursuant to this clause;".

CLARIFYING AMENDMENT TO VOCATIONAL EDUCATION ACT WITH RESPECT TO STATE ADVISORY COUNCILS

SEC. 605. Section 104(b)(1) of the Vocational Education Act of 1963 is amended by inserting after "members of the State board are elected" the following: "(including election by the State legislature)".

The material presented by Mr. Prouty follows:

SECTION-BY-SECTION ANALYSIS OF THE ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

TITLE I—CONSOLIDATION OF PROGRAMS

Part A—Consolidation of titles II and III of Elementary and Secondary Education Act, titles III–A and V–A of National Defense Education Act, and section 12 of Arts and Humanities Act

Section 101 of the bill would amend the Elementary and Secondary Education Act of 1965 by redesignating title VIII (and references thereto in that act or elsewhere) as title IX, by making appropriate changes in the section numbering, and by inserting after title VII a new title VIII.

TITLE VIII—CONSOLIDATION OF SPECIAL STATE GRANT PROGRAMS

Section 801. Appropriations Authorized: This section of the new title would authorize the Commissioner to carry out a program for making grants to the States for the uses and purposes set forth in section 803 of the title.

This section would also authorize the appropriation of such sums as may be necessary for the purpose of making such grants for the fiscal years ending June 30, 1971 and June 30, 1972.

Section 802. Allotments to States: This section of the new title would provide for the appropriation, for each fiscal year, of an amount equal to not more than 3 per cent of the sums appropriated for payments to States. From this amount, allotments may be made to the Secretary of the Interior to provide programs and projects, under the new title, for individuals on reservations serviced by the Department of the Interior and to the Secretary of Defense for the benefit of children and teachers in overseas dependents schools of the Department of Defense. Allotments for the benefit of Puerto Rico, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands are also to be made from this amount.

The section would further direct the Commissioner to allot to each State from the sums appropriated for carrying out the new title, an amount which bears the same ratio to the total of such sums as the number of children, aged 5 to 17, inclusive, in that State bears to the total number of such children in all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him. The amount allotted to a State may, however, not be less than its aggregate base year allotment, defined as the sum of allotments to the State for the fiscal year ending June 30, 1969 under titles II and III of the Elementary and Secondary Education Act and title III–A and V–A of the National Defense Education Act and section 12 of the National Foundation on the Arts and the Humanities Act.

Subsection (b) of this section would authorize reallotment of portions of a State's allotment which the Commissioner determines will not be required by the State for a fiscal year.

Section 803. Uses of Federal Funds: This section states the purpose of the new title—to combine within a single authorization the program formerly authorized by titles II and III of the Elementary and Secondary Education Act, titles III–A and V–A of the National Defense Education Act, and section 12 of the National Foundation on the Arts and the Humanities Act. It also states that, except as expressly provided otherwise by the title, Federal funds may be used for the purchase of the same kinds of equipment and materials and the funding of the same types of programs as were previously authorized by those titles and that section.

Subsection (b) of this section specifies that grants under approved States plans may be used for—

(1) the provision of school library resources, textbooks, other printed and published instructional materials, laboratory and other instructional equipment, and audiovisual equipment and materials for the use of children and teachers in public and private elementary and secondary schools of the State;

(2) the provision of supplementary educational centers and services, including construction of public facilities when necessary, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models of regular public and private school programs; and

(3) programs for testing students in the public and private elementary and secondary schools in the State, and programs designed to improve guidance and counseling services at the appropriate levels in such schools.

Subsection (c) authorizes the use of appropriated funds for State plan administration, obtaining technical, clerical, and professional assistance, and evaluation of plans, programs and projects, and dissemination of the results thereof.

Section 804. Participation of pupils and teachers in non-public schools: The section of the new title requires that programs thereunder provide, to the extent consistent with law, for the effective participation on an equitable basis of children and teachers in private elementary and secondary schools. To facilitate this policy, the State educational agency (SEA) must provide liaison with private elementary and secondary school officials in the State.

Section 805. Public control of library resources and instructional equipment and types which may be made available; prohibition of use for religious instruction or worship: This section states requirements for public control of materials and equipment and restrictions on their use, including the following:

(a) Title to library resources, books, materials, and equipment furnished under the consolidated title, and control and administration of their use, must vest in a public agency.

(b) Such resources, books, etc., must have been approved by an appropriate SEA or LEA for use, or must be used, in a public elementary or secondary school of the State. Construction or remodeling of private school facilities is prohibited, and equipment may not be placed on private school premises under such circumstances that it becomes a fixture.

(c) Such resources, books, etc., may be used only for secular purposes and for instruction in secular studies and their use for religious instruction or worship is prohibited.

Section 806. State plans: This section of the new title provides that a State desiring to receive a grant under the consolidated title must for each fiscal year submit to the Commissioner a State plan which sets forth an annually updated long-range program for carrying out the purposes of the title and which—

(1) designates the SEA as the sole administering agency;

(2) assures that funds be expended only by public agencies for purposes named in the title; in the case of supplementary educational centers and services, such funds may be expended only through grants to local educational agencies;

(3) assures adherence to provisions for participation of private school children and teachers and to the limitations of § 805;

(4) provides estimates of the respective portions of the State's allotment that will be used for each of the principal components of the consolidated program and of expenditures for like purposes from State and local sources and assures that, for the fiscal year 1971, funds allotted for each eligible use will not be less than 50 per cent of the State's fiscal year 1969 allotment for such use under the programs consolidated in the new title;

(5) provides that, of the funds used for supplementary educational centers and services, 15 per cent will be set aside for education of handicapped children;

(6) sets forth principles for equitable distribution of assistance under the State plan, and for determining the priority of applications in the State for such assistance, giving appropriate consideration to geographic distribution and population density and the relative need of children and teachers in different geographic areas and within different population groups in the State for the services, materials, and equipment provided under the title;

(7) makes provision for effective procedures for evaluation, dissemination, and adoption of promising educational practices;

(8) is accompanied by the certification of the State advisory council;

(9) (10) (11) contains assurances with respect to non-commingling of Federal and State funds and maintenance of effort and provisions for fiscal and accounting procedures, reports, and record keeping;

(12) assures notice and hearing to local educational agencies before final adverse action with respect to a grant application; and

(13) assures that grants under the consolidated title will not be taken into account in determining the eligibility of any LEA for State aid.

Section 806(b) requires that, prior to submission of the State plan to the Commissioner, the State agency shall make the plan public and afford interested persons a reasonable opportunity for comment. The State agency is also required to make public the plan as finally approved. Notice and hearing must be afforded the State educational agency before the Commissioner finally disapproves a plan or any modification thereof.

Subparagraph (2) of section 806(b) makes provision for suspension of payments in case the State plan has been so changed that it no longer complies with the requirements of the title or, in the administration of the plan, there is a failure to comply substantially with any provision of the title or with any requirement set forth in the approved application of an LEA or other public agency. Subparagraph 3 provides for judicial review of action by the Commissioner with respect to State plan approval or suspension of payments.

Section 807. State Advisory Council: This section requires a State desiring payments under the new title to establish a State Advisory Council to be appointed by the Governor or, in the case of a State in which there is a State educational agency headed by an elected board, by such board. The council must be broadly representative of the cultural and educational resources of the State, including, but not limited to, persons representative of public and private elementary and secondary schools, urban education, rural education, higher education, the State library system, areas of professional competence in education of the handicapped, and the general public.

The council would be authorized to advise the SEA regarding the preparation and administration of the State plan, to assist the SEA in evaluation of programs and projects, and to prepare and submit reports of its activities and recommendations.

The Commissioner may not approve a plan unless it is accompanied by a certification of the Council that it has reviewed the plan; if the Council disapproves the plan, the Commissioner must afford it an opportunity for a hearing.

Section 808. Payments to States: This section authorizes the Commissioner to pay to each State having an approved plan, for its allotment, amount expended for authorized uses in accordance with the plan, except that payments for State plan administration, technical assistance, and evaluation may not exceed 7½ per cent of the State's allotment for that year or $175,000 ($60,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

This section also provides that, in any State which has an approved State plan and in which no State agency is authorized by law to provide library resources, books, equipment and materials for the use of children and teachers in any one or more private elementary or secondary schools in the State, the Commissioner shall arrange for such provision and pay for it out of the State's allotment.

The section further provides that, in any State which has an approved plan, and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, testing or counseling and guidance services to, or for effective participation in supplementary educatonal centers and services by, children enrolled in any one or more private elementary and secondary schools of such State, the Commissioner shall arrange for such provision, through contract or otherwise, out of the State's allotment. The amount to be withheld from a State's allotment is to be based on the number of children in the area served who are excluded from participation and, except for such exclusion, might reasonably have been expected to participate.

Section 809. Recovery of payments: This section provides for recovery of payments by the Commissioner in cases where facilities constructed under the title cease to be used for their original purposes or to be owned by a State or local educational agency.

Section 810. National Advisory Council: This section provides that the President shall, by March 31, 1970, appoint a National Advisory Council on Educational Assistance charged with the review and evaluation functions with respect to the new title. The Council is to be appointed by the President without regard to the civil service laws. This section specifies that the Council shall consist of 12 members appointed for three year terms, and that a majority of the members shall be broadly representative of the educational and cultural resources of the United States, including at least one person competent in the area of education of handicapped children. When requested by the President, the Secretary is authorized to provide technical, professional, and other assistance to the Council. This Council is directed to make an annual report of its findings and recommendations not later than March 31 of each year. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to the report.

Section 811. Labor Standards: This section sets forth the usual labor standards provisions applicable to construction projects assisted under the title.

Section 812. Definition of Equipment: This section defines the term "equipment" as used in the new title to mean equipment and materials suitable for use in elementary schools in providing academic instruction, and test-grading equipment for such schools and specialized equipment for audio-visual libraries serving such schools, and, in the case of public schools, minor remodeling of laboratory or other space used for such materials or equipment.

Section 102. Repeals, and Transitional Provisions for Consolidated Program: This section of the draft bill authorizes an appropriation of $460,000 to the Office of Education for FY 1970 for planning and preparatory activities (including action in FY 1970 on State plans for fiscal year 1971), and including establishment and activities of the National Advisory Council, and permits a State agency, with the Commissioner's approval, to use FY 1970 funds, allotted under the separate programs involved in the consolidation, for preparing a State plan for the consolidated program, and for establishing a State advisory council and for its expenses in advising on the State plan.

Subsection (b) of this section repeals, effective July 1, 1970, the individual titles, portions of titles, or Acts covered by the consolidation.

Section 103. Conforming Amendment: This section conforms the definition section of the Elementary and Secondary Education Act (redesignated as section 901) to include an appropriate reference to the new title.

Part B—Authorization for consolidation of State administrative funds

Section 111 of the bill adds to title IV of the Elementary and Secondary Education Amendments of 1967 a new section 407 authorizing the Commissioner, upon application, to pool in a single consolidated grant award for State administration funds available to a State educational agency for administration of any two or more education programs under any Act administered by him. Such agency need not account separately for the expenditure of such funds by program source. Provision is made for reports and disposition of unexpended balances.

TITLE II—EXTENSION OF, AND OTHER AMENDMENTS TO, TITLE I OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Section 201. Extension of title I of Elementary and Secondary Education Act of 1965: This section extends present programs under title I of the Elementary and Secondary Education Act of 1965 for two years through June 30, 1972. The definitions of Federal percentage (50 per centum) and low income factor ($3,000) and the authorization for set-asides for children on reservations served by schools operated for Indian children by the Department of the Interior are extended for the same two-year period.

Section 202. Designation of responsibility for provision of special educational services for institutionalized neglected or delinquent children: This section amends section 103 (a) (2) of title I of the ESEA to provide that a State educational agency which assumes responsibility for the special educational needs of institutionalized neglected or delinquent children, when the local educational agency in the State is unable or unwilling to provide such services, shall be eligible to receive the portion of the allocation to the local agency attributable to such children. If the SEA does not assume this responsibility, any other State or local public agency which does so is entitled to such portion.

Section 203. Requiring grants for migratory children to be based on the number to be served: This section amends section 103 (a) (6) of title I of the ESEA to require that grants to a State for programs under that act for migratory children of migratory agricultural workers shall be based on the number of such children to be served rather than the number residing in the State.

Section 203(b) would further amend section 103(a) (6) of title I of the ESEA to require the Commissioner to reallocate any excess of a State's maximum allocation for migratory children (over the amount needed for children served) to other States whose maximum allocation would otherwise be insufficient to serve all such children to be served in such other States.

Section 204. Use of most recent data under title I: This section amends § 103(d) of title I of the ESEA to authorize the Secretary to use the most recent reliable data available in determining the number of children, aged 5–17, inclusive, in families receiving an annual income in excess of the low-income factor from AFDC payments and the number of institutionalized neglected or delinquent children or children being supported in foster homes, in the event that caseload data for January of the fiscal year preceding the fiscal year for which the determination is made are not available to him by April 1 of the calendar year in which his determination is made.

This section also amends § 103(e) to give the Secretary the option to use the most recent satisfactory data available with respect to per pupil expenditures if data for the second preceding year are not available at the time of computation.

Section 205. Minimum grant allowance to local educational agencies: This section amends section 105(a) (1) of title I of the ESEA to provide that the minimum size of an eligible project shall be $10,000 rather than $2,500 as under present law.

Section 206. Content of State and local educational agency reports: This section amends section 106(a) (3) (A) of title I of the ESEA to require that the contents of research and replication studies must be included in the periodic State evaluation reports to the Commissioner.

This section also amends section 105(a) (7) to provide that reports by local educational agencies relating to performance shall be in accordance with specific performance criteria related to program objectives.

Section 207. Staggered terms for National Advisory Council on Education of Disadvantaged Children; technical assistance: This section amends section 134 of the ESEA to provide for staggered terms for members of the National Advisory Council on Education of Disadvantaged Children and to require that each annual report of the Council, not only the one due in January 1969, shall include its views as to which of the various compensatory education programs (including those not funded under title I) hold the highest promise.

TITLE III—EXTENSION OF, AND OTHER AMENDMENTS TO, OTHER PROVISIONS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT AND ACTS RELATED TO EDUCATION OF THE HANDICAPPED

Part A—Amendments to title III of the Elementary and Secondary Education Act

Section 301. Provisions to assure participation by all eligible students: This section adds a new subsection (f) to section 307 of the ESEA to assure participation by all eligible students, by providing that in a State in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in title III programs by children enrolled in any one or more private elementary or secondary schools of such State, the Commissioner shall arrange for such programs for such children and pay for them out of funds from the State's allotment.

Part B—Extension of title V of the Elementary and Secondary Education Act

Section 310 would extend title V of the ESEA (grants to strengthen State Departments of education) for two years through fiscal year 1972.

Part C—Extension and amendment of title VI of the Elementary and Secondary Education Act of 1965 and other acts relating to education of the handicapped

Section 320. Extension of title VI-A of the Act: This section amends section 602 of the

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Elementary and Secondary Education Act to extend for two years, through fiscal year 1972, the program of assistance to States for the education of handicapped children.

Authorization for appropriations for programs for handicapped children on reservations served by elementary and secondary schools operated for Indian children by the Department of the Interior and for programs for handicapped children in overseas dependents schools of the Department of Defense is made coextensive with the title VI–A authorization.

Section 321–323. Extensions of Other Provisions of title VI: Section 321, 322, and 323 extend for two years programs under part B of title VI of the ESEA (regional resource centers for the improvement of the education of handicapped children); part C of such title (centers and services for deaf-blind children); and part D of such title (recruitment of personnel and information on education of the handicapped).

Section 324. Extension of Handicapped Children's Early Education Assistance Act: This section extends through fiscal year 1972 the Handicapped Children's Early Education Assistance Act (Public Law 90–538).

Section 325. Extension of authorization for grants for teaching in the education of handicapped children; training of subprofessional personnel: This section amends section 7 of Public Law 85–926 to extend for two years the program of the education of handicapped children and further amends such act to permit training of subprofessional personnel.

Section 326. Research in the education of the handicapped: This section amends section 302(a) of Public Law 88–164 to extend for two years, through fiscal year 1972, the program of research in the education of the handicapped.

Section 327. Extension of authorizations and technical amendments in provisions for training of physical educators and recreation personnel: This section amends section 501(b) of Public Law 88–164 to extend for two years, through fiscal year 1972, the program of assistance for training of physical educators and recreation personnel for mentally retarded and other handicapped children. It also broadens the coverage of the section to include training of subprofessional personnel. Section 502 of the Act is amended by this section to permit research projects in physical education and recreation for handicapped children to be conducted directly or through contracts with public and private agencies.

Part D—Extension and amendment of title VII of the Elementary and Secondary Education Act of 1965

Section 330. Extension of bilingual education programs: This section amends § 703 of the Elementary and Secondary Education Act to extend for two years, through fiscal year 1972, the Bilingual Education Act (title VII of ESEA).

Section 331. Application to Indians on reservations: This section adds to § 705 of the Elementary and Secondary Education Act a new subsection authorizing provision of bilingual education program for individuals on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior.

Section 332. Increase in membership of Advisory Committee on Education of Bilingual Children: This section amends § 707(a) of the ESEA to increase the membership of the Advisory Committee on the Education of Bilingual Children from 9 to 15.

Part E—Extension and amendment of title IX (formerly VIII) of Elementary and Secondary Education Act of 1965

Section 341. Extension of authorization for dropout prevention programs: This section amends § 907(c) (formerly § 807(c)) of the Elementary and Secondary Education Act (as redesignated by the bill) to extend the authority for dropout prevention projects under that section for two years through fiscal year 1972.

Section 342. Involvement of private school officials in programs in which private school children participate: This section adds a new § 908 to the general provisions title (title IX, formerly VIII) of the Elementary and Secondary Education Act (as redesignated by the bill) to require that, in the case of any title or part of the Act which provides for grants for programs or projects upon the approval of a State educational agency in which private school children and teachers may participate, the State plan provide assurance of suitable involvement of private school officials in planning, establishment, and carrying out of such programs or projects at the local level.

Section 343. Provisions with respect to parental and community involvement: This section amends § 803(c)(2) of the ESEA to add a provision that, in administering the ESEA and any Act amended by it, the Commissioner shall require that effective procedures be adopted by State and local authorities to (1) involve parents and community representatives in the development and operation of programs through a local advisory committee or other appropriate means, and (2) to insure adequate dissemination of program plans and evaluations to parents, community representatives, and the public at large.

TITLE IV—EXTENSION AND AMENDMENT OF FEDERALLY IMPACTED AREAS PROGRAMS

Section 401 extends for two years, through fiscal year 1972, authority to provide financial assistance and school construction assistance to local educational agencies in areas affected by Federal activities (Public Law 81–874 and Public Law 81–815).

Section 402. Extension of school assistance in disaster areas: This section extends for two years, through fiscal year 1972, authority to provide financial assistance and school construction assistance to local educational agencies in cases of certain disasters under Public Law 81–874 and Public Law 81–815.

Section 403. Priority for category "A" children in distribution of funds under Public Law 874: This section amends § 5(c) of Public Law 81–874 to provide that, whenever appropriations are insufficient to meet all entitlements in full, the funds shall be applied toward satisfying entitlements under § 3(a), involving so-called "A" children, whose parents live and work on Federal property before funds are applied to entitlements under § 3(b) with respect to "B" children, whose parents do not live on, but work on, Federal property (or vice versa).

TITLE V—MISCELLANEOUS

Section 501. Extension of Adult Education Program: This section amends § 314 of the Adult Education Act to extend that Act for two years, through fiscal year 1972.

Section 502. Increase in advisory committee membership: This section amends § 310 (b) of the Adult Education Act to increase the membership of the Advisory Committee on Adult Basic Education from 8 to 15 and to provide that the Commissioner of Education need not be chairman of that body as is the case under present law.

Section 503. Joint Funding: This section provides that in any joint funding program in which the Office of Education participates, pursuant to regulations prescribed by the President, any one agency could be designated to act for all, a single non-Federal share could be established, and any technical grant or contract requirements inconsistent with similar requirements of the administering agency, or which the administering agency does not impose, could be waived.

Section 504. Amendments to Title IV of the Elementary and Secondary Education Amendments of 1967 providing for evaluation of education programs: This section amends title IV of the Elementary and Secondary Education Amendments of 1967 to authorize the Secretary to use up to 1% of appropriated funds in the education field for across-the-board program evaluation in lieu of the present authorization for an unlimited appropriation for evaluation. The amendment would apply to appropriations for fiscal years ending after June 30, 1969.

Section 604. Authorization to provide technical and other assistance to facilitate consolidation or simplification of applications, reports, and evaluations; This section amends § 303(a)(5) of Public Law 90–576 (dissemination of information, etc.. for education programs) to authorize the Commissioner, upon request, to provide advice, counsel, technical assistance, and demonstrations to State educational agencies, local educational agencies, or institutions of higher education in order to encourage and facilitate consolidation or simplification of applications, reports, evaluations, and other administrative procedures with respect to education programs.

Section 605. Clarifying amendment to Vocational Education Act: This section amends § 104(b)(1) of the Vocational Education Act of 1963, which provides that members of the State advisory council are to be appointed by the State board of vocational education if that board is elected, to specify that election for these purposes includes election by the State legislature.

SECTION-BY-SECTION COMPARISON OF BILLS AMENDING ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

H.R. 514	Administration bill	S. 2218
1. Sec. 101—Extends provisions of title I of ESEA for 2 fiscal years through 1972..	1. Sec. 201—Same.	1. Sec. 2—Same, except extension is for 4 years through June 30, 1974.
2 Sec. 103—Sec. 103(a)(2) ESEA is amended to provide that the State educational agency shall provide special education for institutionalized, neglected, and delinquent children—when LEA refuse or cannot.	2. Sec. 202—Same.	2. No provision.
3. Sec. 103(b)—Amends sec. 103(d) ESEA to require the Secretary to consider all children who are in correctional institutions when allocating funds for delinquent children.	3. No provision.	3. No provision.
4. Sec. 104—Amends sec. 103(a)(6) ESEA, requiring grants to a State for migratory children to be based on the number to be served, subject to the present maximum grant formula based on the number residing in the State.	4. Sec. 203—Same, except that Commissioner would be required to reallocate any excess of a State's maximum allocation for migratory children (over the amount needed) to other States whose maximum would otherwise be insufficient to serve all such children to be served in such other States.	4 No provision.

SECTION-BY-SECTION COMPARISION OF BILLS AMENDING ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—Continued

H.R. 514	Administration bill	S. 2218
5. Sec. 105—Amends sec. 103(d) (use of recent data under title I)—If AFDC caseload data are not received by Apr. 1 of the calendar year the Commissioner must make his determination, he may use the most recent data available to him. Also amends sec. 103(e) to give the option to use the most recent satisfactory data available with respect to per pupil expenditures if data for 2d preceding year are not available at the time of computation.	5. Sec. 204—Same.	5. No provision.
6. No provisions.	6. Sec. 205—Provides that the maximum size of an eligible project shall be $10,000 rather than $2,500 as under present law.	6. No provision.
7. Sec 106(a)—Amends sec 106(a)(3)(A) of ESEA on content of State and LEA reports: Results of research and replication studies must be included in the periodic State evaluation reports to the Commissioner. (b) Amends sec. 105(a)(7)—LEA reports shall be in accordance with specific performance criteria related to program objectives.	7. Sec. 206. (a) Same. (b) Same, but retains the requirement (deleted probably inadvertently, by H.R. 514) that LEA reports be in such form and contain such information as may be reasonably necessary to enable the SEA to perform its duties.	7. No provision.
8. Sec. 107—Amends sec. 134 ESEA to provide for staggered terms for the National Advisory Council, on the Education of the Disadvantaged; also requires that each annual report of the Council, not only the one due in January 1969, shall include its views as to which of the various compensatory education programs (including those not funded under title I, hold the highest promise.	8. Sec. 207—Same, but corrects an inadvertent technical omission in H.R. 514.	8. No provision.
9. Sec. 108—Amends sec. 105(a)(1) of ESEA to authorize salary bonuses for teachers ("combat pay") in schools eligible for title I assistance.	9. No provision. (Present law is construed to authorize such bonus if part of a program or project otherwise authorized under title I.)	9. No provision.
10. Sec. 109—Amends sec. 107(b)(2) of ESEA to exclude Wake Island from eligibility for certain administrative expenses.	10. No provision, but Wake Island is not now eligible under title I.	10. No provision.
Title II 11. Section 201—Extends title II ESEA (school library resources, textbooks, and other instructional materials) for 2 years, through fiscal year 1972.	Title III 11. No provision. (Title II included in consolidation, below.)	11. Sec. 3—Same as H.R. 514, except extension is for 4 years.
Title III 12. Sec. 301(a)—Extends title III ESEA for 2 years except sec. 305(c).	Title III 12. No provision. (Title III included in consolidation, below.)	12. Sec. 4—Same as H.R. 514, except extension is for 4 years.
13. Sec. 302—Adds a new subsec. (f) to sec. 307 ESEA to assure apricipation by all eligible students, by providing that in a State in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in title III programs by nonpublic school children the Commissioner may arrange for such programs for such children out of funds from the State's allotment.	13. Sec. 301—Same.	13. No provision.
Title IV 14. Sec. 401—Extends title V ESEA for 2 years.	14. Sec. 310—Same.	14. Sec. 5—Same except extension is for 4 years.
Title V 15. Secs. 501-504—Extends title ESEA (Handicapped) for 2 years.	15. Secs. 320-323—Same.	15. Secs. 6(a) and (6b). Same except extension is for 4 years.
15. Secs. 505, 506, and 507 extend the following authorities for 2 years through fiscal years 1972. (a) Grants for teaching in the education of handicapped children (Public Law 85-926). (b) Research in education of the handicapped (sec. 302 of Public Law 88-164). (c) Training of physical educators and recreation personnel for mentally retarded and other handicapped children (Public Law 88-164, title V).	16. Secs. 324, 325, and 327 extend the same authorities, plus the Handicapped Children's Early Education Assistance Act (Public Law 90-538), through fiscal year 1972.	16. Secs. 6(d) and 5(e) extend these authorities through fiscal year 1974.
16. Sec. 505(b) permits training of subprofessional personnel under Public Law 85-926.	16. Sec. 325(b)—Same.	16. No provision.
17. Sec. 507(a)(2) permits training of subprofessional personnel under title V of Public Law 88-164.	17. Sec. 327(a)(2)—Same.	17. No provision.
18. Sec. 507(b)(2)—Amends sec. 502 of Public Law 88-164 to permit research projects in physical education and recreation for handicapped children to be conducted through contracts with public and private agencies.	18. Sec. 327(b)(2)—Same.	18. No provision.
Title VI 19. Sec. 601—Extends bilingual education program for 2 years to 1972.	19. Sec 330—Same.	19. Sec. 7—Same, except extension is for 4 years.
20. Sec. 602—Adds a new subsection applying the bilingual program to children on reservations served by elementary and secondary schools for Indian children operated by Interior Department.	20. Sec. 331—Same, except to refer to schools operated or funded by Interior Department.	20. No provision.
21. No provision.	21. Sec. 332—Amends sec. 707(a) of ESEA to increase membership in Advisory Committee on Education of bilingual children from 9 to 15.	21. No provision.
Title VII 22. Sec. 701—Extends dropout prevention program for 2 years through fiscal 1972.	22. Sec. 341—Same.	22. Sec. 8—Same, except extension is for 4 years.
23. Sec. 702—Revises sec. 803(c) (dealing with Federal administration of ESEA and any act amended by it) to (1) remove the requirement of coordination, at the State and local level, of education programs with other programs having the same or similar purposes, including community action programs, and (2) to require Federal departments and agencies administering programs which may be coordinated with Federal education programs to coordinate their programs with such education programs.	23. Sec. 343—Amends sec. 803(c)(2) of ESEA to add a provision that, in administering the ESEA and any act amended by it, the Commissioner shall require that effective procedures be adopted by State and local authorities to (1) involve parents and community representatives in the development and operation of programs through a local advisory committee or other appropriate means and (2) to insure adequate dissemination of program plans and evaluations to parents, community representatives, and the public at large.	23. No provision.
Title VIII 24. Secs. 801 and 802—Extends for a period of 2 years, through fiscal year 1972, authority to provide financial assistance and school construction assistance for local educational agencies in areas affected by Federal activities (Public Law 81-874 and 81-815). Assistance for such agencies in cases of certain disasters is also extended.	24. Secs. 401 and 402—Same.	24. Sec. 9—Same, except extension is for 4 years.
25. Secs. 803 and 804—Amends Public Law 874 and Public Law 815 to authorize counting of children in public housing for purposes of those acts.	25. No provision.	25. No provision.
26. No provision.	26. Sec. 403—Amends sec. 5(c) of Public Law 874 to provide that, whenever appropriations are insufficient to meet all entitlements in full, the funds shall be applied toward satisfying entitlements under sec. 3(a), involving so-called "A" children, whose parents live and work on Federal property before funds are applied to entitlements under sec. 3(b) with respect to "B" children, whose parents do not live on, but work on, Federal property (or vice versa).	26. No provision.
Title IX—Miscellaneous 27. Sec. 901—Extends the Adult Education Act for 2 years to 1975.	27. Sec. 501—Same.	27. Sec. 1—Same, except extension is for 4 years.
28. No provision.	28. Sec. 502—Increases membership on Advisory Committee on Adult Basic Education from 8 to 15 and provides that the Commissioner need not be chairman.	28. No provision.
28. Sec. 902—Amends sec. 402 of E. & S.E. Amendments of 1967 by adding requirement that the Secretary transmit to the appropriate legislative committees reports on any contracts or grants for evaluation referred to in sec. 401 of the 1967 amendments.	28. No provision.	28. No provision.
29. Sec. 903—Provides that in any joint funding program in which the Office of Education participates any 1 agency could be designated to act for all, a single non-Federal share could be established, and any technica grant or contract requirements inconsistent with similar requirements of the administering agency, or which the administering agency does not impose, could be waived.	29. Sec. 503—Same.	29. No provision.
30. Sec. 904—Provides that no standard, rule, regulation, or requirement of general applicability prescribed for the administration of ESEA may take effect until 30 days after it is published in the Federal Register.	30. No provision.	30. No provision.
31. 905—Adds sec. 808 to authorize LEA's to use systems approaches to cost measurement, collection, and reporting in accordance with a specified Budget Bureau circular.	31. No provision.	31. No provision.

SECTION-BY-SECTION COMPARISION OF BILLS AMENDING ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—Continued

H.R. 514	Administration bill	S. 2218
32. No provision.	32. Sec. 504—Amends title IV of the Elementary and Secondary Education Amendments of 1967 to authorize the Secretary to use up to 1 percent of appropriated funds in the education field for across-the-board program evaluation in lieu of the present authorization for a separate appropriation for evaluation.	32. No provision.
34. No provision.	34. Sec. 604—Amends sec. 303(a)(5) of Public Law 90-576 (dissemination of information etc., for education programs) to authorize the Commissioner, upon request, to provide advice, counsel, technical assistance, and demonstrations to SEA's, LEA's, or institutions of higher education to encourage and facilitate consolidation or simplification of applications, reports, evaluations, and other administrative procedures.	34. No provision.
35. No provision.	35. Sec. 605—Amends sec. 104(b)(1) of the Vocational Education Act of 1963, which provides that members of the State advisory council are to be appointed by the State board if that board is elected, to specify that election for these purposes includes election by the State legislature.	35. No provision.
Consolidation of Special State Grant Programs		
Sec. 906—Amends ESEA by adding a new title IX entitled "Consolidation of Special State Grant Programs," consolidating into 1 State grant program titles II and III of ESEA and III–A and V–A of National Defense Education Act (NDEA). $1,000,000,000 each authorized to be appropriated for fiscal 1971 and for fiscal 1972 (sec. 901). Sec. 907 of the bill amends title VIII of ESEA to provide that funds appropriated pursuant to the superseded titles shall be considered funds appropriated pursuant to sec. 901 of the consolidated title.	Sec. 101—Amends ESEA by redesignating the present title VIII (General Provisions) as title IX and adding a new title VIII consolidating the State grant programs covere dby H.R. 514 and in addition, sec. 12 of the National Foundation on the Arts and Humanities Act. Such sums as may be necessary are authorized for fiscal 1971 and fiscal 1972. Sec. 102 of the draft bill, however, repeals the separate programs merged in the consolidated title. It further authorizes an appropriation of $460,000 to the Office of Education for fiscal year 1970 for planning and preparatory activities (including action on State plans for fiscal year 1971), and establishing a National Advisory Council, and permits State agencies, with the Commissioner's approval, to use fiscal year 1970 funds under the separate programs for preparing a State plan for the consolidated program, establishing an advisory council, and using it for advising on the State plan.	S. 2218 contains no consolidation.
The following summarizes the provisions of the consolidated title (references are to sections of such title):		
1. Allotments: Sec. 902 (a)(1) authorizes appropriation of amount equal to not more than 3 percent of the amount appropriated for State grants to be allotted to the Secretary of the Interior for the benefit of individuals on reservations served by BIA schools and to the Secretary of Defense for assistance to DOD overseas dependents schools, and among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. Allotments to individual States from sums appropriated for purposes of the title are based on the ratio of children aged 5 to 17, inclusive, in the State to the total number of such children in all the States, except that each State is assured an amount equal to its "aggregate base year allotment" defined, with respect to a State, as the sum of the allotments to that State for the fiscal year ending June 30, 1969, under titles II and III of ESEA and III–A and V–A of NDEA. (Sec. 902(a)(2)). Provision is made for reallotments (902(b)).	1. Sec. 802 (a)(2) is the same except that computation of the "aggregate base year allotment" takes into account inclusion of sec. 12 of the National Foundation on the Arts and Humanities Act in the consolidation.	1. No provision.
2. Uses of Federal funds: Sec. 903(a) declares it to be the purpose of the title to include within a single authorization programs authorized by titles II and III of ESEA and III–A and V–A of NDEA and provides that, except as expressly modified, Federal funds may be used for the purchase of the same kinds of equipment and materials and the funding of the same types of programs previously authorized by such titles.	2. Sec. 803(a) is the same.	No provisions.
Sec. 903(b) specifies the following uses: "(1) the provision of library resources, textbooks, other printed and published instructional materials, laboratory and other instructional equipment, and audiovisual equipment and materials for the use of children and teachers in public and private elementary and secondary schools of the State; "(2) the provision of supplementary educational centers and services to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary public and private elementary and secondary school educational programs to serve as models of regular school programs; and "(3) programs for testing students in the public and private elementary and secondary schools and in junior colleges and technical institutes in the State, and programs designed to improve guidance and counseling services at the appropriate levels in such schools. In addition, funds are authorized to be used for proper and efficient State plan administration, obtaining technical, professional, and clerical assistance, and evaluation and dissemination activities.	Sec. 903(b) is the same except that— (a) Use of funds for "construction public facilities when necessary" is expressly authorized; (b) the term "Public and private" in the 2d paragraph is shifted so as to follow "models of regular"; and (c) junior colleges and technical institutes are omitted	
3. Participation of private school children and teachers: Sec. 904 requires that programs under the consolidated title "provide for the effective participation on an equitable basis of children and teachers in private elementary and secondary schools." Specifically, the State educational agency (SEA) must provide liaison with private school officials in the State (sec. 904(b)) and, in approving projects, must obtain assurances of suitable involvement of local private school officials in planning and implementation of programs funded under the ESEA (sec. 904(c)).	3. Sec. 804 is the same as sec. 904 of H.R. 514, except that the provision regarding suitable involvement of private school officials in program planning and implementation, which in H.R. 514 is applicable to all relevant programs under ESEA rather than merely to the consolidated title, is reflected in a separate section of the consolidated title (sec. 342 of the bill). Sec. 804 specifies that provision for effective participation of private school children and teachers shall be made "to the extent consistent with law."	3. No provision.
Sec. 905 states requirements for public control of resources and equipment and restrictions on their use, including: (a) Title to resources, books, materials, and equipment furnished under consolidated titles and control and administration of their use, must be in a public agency. (b) Such resources, books, etc., must have been approved by an appropriate SEA or LEA for use, or must be used, in a public elementary or secondary school of the State. Construction or remodeling of private school facilities is prohibited. (c) Such resources, books, etc., may be used only for secular purposes and for instruction in secular studies and their use for religious instruction or worship is prohibited.	Sec. 805 is the same as sec. 905, plus a provision that equipment may not be placed on private school premises under such circumstances that it becomes a fixture (sec. 805(b)).	
Bypass provisions: Sec. 908 contains 2 so-called "bypass" provisions: 1. In any State which has an approved State plan and in which no State agency is authorized by law to provide library resources, books, equipment, and materials for the use of children and teachers in any one or more schools in the State, the Commissioner is directed to arrange for such provision and pay for it out of the State's allotment (sec. 908(b)). 2. Where no State agency is authorized by law to provide, or where there is a substantial failure to provide testing or counseling and guidance services or for effective participation in supplementary educational centers and services for the use of children and teachers in any 1 or more elementary schools of such State, the Commissioner is directed to arrange for the provision of such services out of the State's allotment (sec. 908(c)).	Sec. 808 (b) and (c) are to same effect	No provision.
4. State plans (sec. 906): A State desiring to receive a grant under the consolidated title must submit to Commissioner a State plan which— (1) designates the SEA as sole administering agency; (2) assures that funds be expended only by public agencies for purposes in the title; (3) assures adherence to provisions for participation of private school children and teachers (sec. 904) and limitations of sec. 905;	4. Sec. 806 is the same, except that it more clearly requires that the State plan be annually approved and that it— (a) include a long-range program, annually updated; (b) provide estimates of the respective portions of the State's allotment that will be used for each of the principal components of the consolidated program and of expenditures for like purposes from State and local sources (sec. 806(a)(4)(A));	No provision.

SECTION-BY-SECTION COMPARISON OF BILLS AMENDING ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—Continued

H.R. 514	Administration bill	S. 2218
(4) assures that funds allotted for eligible uses will not be less than 50 percent of the State's fiscal year 1969 allotment for each use under the programs consolidated in the new title; (5) requires that out of funds for supplementary educational centers and services, 15 percent be set aside for education of the handicapped; (6) sets forth principles for equitable distribution of assistance within the State, emphasizing geographic distribution and population density and relative needs of children and teachers; (7) provides for evaluation, dissemination, and adoption of promising practices; (8) contains certification of State advisory council; (9) (10) (11) contains assurances with respect to commingling and maintenance of effort and provisions for fiscal and accounting procedures, reports, and recordkeeping; (12) assures notice and hearing to LEA's before final action; and (13) assures that grants under the consolidated title will not be taken into account in determining State aid.	(c) limits the 50 percent floor guarantee (corresponding to sec. 906(a)(4) of H.R. 514) to fiscal year 1971; and (d) provides that in the case of supplementary educational centers and services, funds paid to the State will be expended only through grants to LEA.	
Sec. 906(b) provides for partial approval of a State plan	Contains no comparable provision	No provisions.
Sec. 906(c) provides for (1) notice and hearing to an SEA before the Commissioner finally disapproves a plan, (2) suspension of payments in cases of noncompliance with State plan and other requirements, and (3) judicial review of action by the Commissioner.	Sec. 806(b) is the same, except that (sec. 806(b)(1)) requires that, prior to submission of the State plan to the Commissioner, the State agency shall make the plan public and give interested persons a reasonable opportunity for comment and that the State agency shall make public the plan as finally approved.	
5. State advisory council: Sec. 907 requires a State desiring payments under the consolidated title to establish a State advisory council with the following characteristics: Appointed by the SEA. Broadly representative of the cultural and educational resources of the State and of the general public, including representation from public and private elementary and secondary schools, urban education, rural education, higher education and the State library system, and education of the handicapped. Authorized to advise the SEA regarding the preparation and administration of the State plan and assist the SEA in evaluation. The Commissioner may not approve a plan unless it is accompanied by a certification of the council that it has reviewed the plan; if the council disapproves the plan, the Commissioner must afford it an opportunity for a hearing (sec. 907(b)).	5. Sec. 807 is to the same effect, except that the Governor appoints the council unless the SEA is an elected body in which event it appoints the council. Specific provision is made for persons representatives of that general public.	5. No provisions.
6. Payments: Sec. 908(a) authorizes the Commissioner to pay to each State having an approved plan, from its allotment, amounts expended for authorized uses in accordance with the plan, except that payments for administration, technical assistance, and evaluation (sec. 903(c)) may not exceed 7½ percent of the State's allotment for that year or $175,000 ($60,000 in the case of Puerto Rico, etc.) whichever is greater. (See discussion of bypass provisions above.)	6. Sec. 808—Same.	6. No provision.
Sec. 909—Provides for recovery of payments in cases where facilities constructed under the title cease to be used for their original purposes or to be owned by a State or local educational agency.	Sec. 809—Same.	
7. National Advisory Council: Sec. 910 provides for a National Advisory Council on Educational Assistance to be appointed by the President by Jan. 31, 1970.	7. Sec. 810 is the same, except it need not be appointed until Mar. 31, 1970.	7. No provision.
8. Labor standards: Sec. 911 contains a labor standards provision applicable to construction projects assisted under the title.	8. Sec. 811—Same.	
9. Definitions: The term "laboratory and other instructional equipment," etc., is defined to include equipment suitable for use in providing certain specified subjects (sciences, mathematics, etc.), or for instruction in other subjects not involving religious instruction if there exists a critical need therefor, in public and private schools, test-grading equipment and equipment for audiovisual libraries, and, in the case of public schools, minor remodeling of laboratory and other space used for such equipment.	9. Sec. 812, similar except that it defines the term "equipment" to include equipment and materials suitable for use in elementary or secondary schools in providing academic instruction, thus avoiding the limitation to specific subject-matter categories as in H.R. 514. Bill also adds a reference to the new consolidated title to the definition section of ESEA to effect inclusion of the District of Columbia and the outlying territories in the consolidated program.	
Consolidation of State administrative funds. No provision.	Sec. 111 adds to title IV of the Elementary and Secondary Education Amendments of 1967, a new sec. 407 authorizing the Commissioner, upon application, to pool in a single consolidated grant award for administration funds available to a State educational agency for administration of any 2 or more education programs under any act administered by him. Such agency need not account separately for the expenditure of such funds by program source. Provision is made for reports and disposition of unexpended balances.	No provision.

NATIONAL COMMITMENTS

The Senate resumed the consideration of the resolution (S. Res. 85) expressing the sense of the Senate relative to commitments to foreign powers.

Mr. FULBRIGHT. Mr. President, I wish to thank the distinguished majority leader for what he said by way of introduction of this commitment resolution, Senate Resolution 85. He has taken an interest in this matter. As the leader of the Senate, of course, he feels the responsibility for reasserting the function of the Senate in our system of government. I am not speaking for him but believe he would agree that during the course of the years, beginning many years ago, the Senate has allowed an imbalance to arise within our governmental structure and that by a process of erosion and by a process of acceptance of executive action some of the most significant powers of the Senate have been lost or at least they have been neglected.

They are not permanently lost. The purpose of this commitment resolution is to reestablish the proper role of the Senate. I appreciate very much what the majority leader said a moment ago.

With regard to the comments of the Senator from Illinois (Mr. DIRKSEN), I certainly agree with him as to the need for extended debate and discussion of this resolution.

As I said last Monday on another matter, I do not believe in asking the Senate to act precipitately and suddenly or without due consideration on important matters. While this is only a sense-of-the-Senate resolution, I still regard it as one of the most important resolutions of its kind that has ever been before the Senate, certainly since I became a Senator.

In that connection, before I begin formal comments about the resolution, I would like to give a very brief bit of history on the resolution, because I wish to share the credit for having had it introduced with other Senators, and particularly the senior Senator from Georgia. Well over a year ago the Senator from Georgia and I were having a discussion at the luncheon table about various matters. I think at that time the particular matter we were talking about was the recent action that had taken place in the Congo. Of course, there is the background of that matter with what had taken place in Vietnam and the very tragic consequences there. The Senator from Georgia on many occasions has stated his position with regard to that engagement, going back to 1954, if not further, and he has stated it on this floor. He had recommended to President Eisenhower that we not even begin that first, very small participation in that conflict by sending a small contingent of advisers.

In any case, the idea that is encompassed in this resolution goes back quite a while. The Senator from Georgia and I discussed the matter and considered what would be a proper way to reassert what we thought to be the legitimate function of the Senate in participating in the making of commitments by the United States as a nation as distinguished from a commitment made by a particular official as to what his present policy would be so long as he was in office. These are a number of the distinctions I hope we shall develop in this debate.

What we have in mind are important commitments of the Nation, commit-

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ments which involve particularly the sending of armed forces, the sending abroad of armed men, in whatever branch of the forces they may be, to engage in hostilities in a foreign country. There is no question, as I shall point out later, about the use and participation of our Armed Forces in defense of the homeland, so to speak. That is not really involved in this resolution at all. The classic example, of course, is the one in which are involved at present—the commitment of over 500,000 men in Vietnam.

There are many smaller incidents, which I shall refer to later in trying to delineate what we have in mind.

When the Senator from Georgia and I discussed the matter, I suggested that he submit such a resolution because of his seniority and because he was at that time the chairman of the Committee on Armed Services. In any case, he requested that I do so, and I did, after consulting with him and submitting to him the original text, which he approved.

At that time a number of leading Members of this body approved the resolution which was submitted last year. After that resolution was considered by the Committee on Foreign Relations, a number of its members, particularly one, the former Senator from Iowa, Mr. Hickenlooper, wished to be more specific and offered a number of amendments, which were adopted. The committee then reported a resolution in slightly different form from the resolution now before the Senate.

I do not believe there is any great difference in meaning, because this is a sense-of-the-Senate resolution. It really is intended to affect the attitude of the Senate toward its responsibilities in the Government, and also the attitude of the President—present and future Presidents—toward the Senate. It is not—I repeat: not—offered as an amendment to the Constitution. It is not to be confused with a former proposal, which was known as the Bricker amendment and has often been mentioned in connection with this resolution. That was a proposal to amend the Constitution of the United States.

I say this because I think that when we seek to amend the Constituton by passing a law, it is quite proper, necessary, and essential to be precise in language, as distinguished from a statement of the sense of the Senate, which is intended to affect the attitude of the Senate toward its own functions and responsibilities, and also the attitude of the Executive, as well as that of foreign countries.

I have said this by way of background. I was absent from the Senate at times last year in connection with my campaign, and I did not wish to have the resolution taken up in my absence. The majority leader let it go over.

I submitted the original version which is now before the Senate, as to which I have also consulted again with the senior Senator from Georgia, the President pro tempore of this body, and he has approved the present version of the resolution.

With that background, I should like to give my comments.

Commenting on the President's power over matters of national security, a British observer wrote last year:

> In the circumstances it is misleading; to speak of a government of laws and not of men when discussing American national security policy. . . . If the President is not above the law, it is only because the law and practice have conceded him an almost unchallengeable position. Few other democratic countries would permit one man to wield so much power.[1]

That was written in 1968.

In 1968 American journalists asked Premier Kosygin to describe his job as Premier of the Soviet Union. The Premier suggested in reply that his interrogators were exaggerating the role of an individual leader.

He said:

> In our country, it is the collective that works. And herein lies our strength. If one makes a mistake, others set him right.[2]

That was said in a well-known interview published in Life magazine in 1968.

Premier Kosygin's words sound almost Jeffersonian by contrast with a statement made by former Secretary of State Dean Acheson in 1951, a statement which is representative of prevailing attitudes on the part of the executive branch of the U.S. Government. Mr. Acheson said:

> Not only has the president the authority to use the Armed Forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Constitution.[3]

We have, to be sure, a check on our President at 4-year intervals: we can throw him out. But within his term of office there is almost no restraint—except his own political discretion—on the President's power to commit the country to dangerous, and often irreversible, courses of action in foreign policy. It is a demonstrable fact, hardly debatable, that the President of the United States wields foreign policy powers far exceeding those of executives in many other democratic countries, possibly exceeding even the powers of the rulers of some nondemocratic countries, and far exceeding the intent of the framers of the American Constitution. In the words of the Foreign Relations Committee's report on the resolution now before the Senate:

> Our country has come far toward the concentration in its national executive of unchecked power over foreign relations, particularly over the disposition and use of the armed forces. So far has this process advanced that, in the committee's view, it is no longer accurate to characterize our government, in matters of foreign relations, as one of seaprated powers checked and balanced against each other.[4]

There has grown up a kind of conventional wisdom to the effect that the Constitution is virtually silent on the division of foreign policy powers between the Executive and Congress. Mr. Katzenbach, for instance, expressed the view that it was the framers' intention to leave this division of authority to be settled "by the instinct of the Nation and its leaders for political responsibility."[5] Similarly, in its comments this year on the resolution before us, the Department of State reiterated the view that the Constitution contained few provisions regarding foreign relations and that, accordingly—

> The relationship between the executive and legislative branches in this area has therefore developed in practice through a long series of situations calling for action by the President and by the Congress.

In fact, as the committee report points out, the framers of the Constitution gave us more specific and reliable guidelines for drawing the line of demarcation.

The resolution before us is addressed to the two areas of our foreign relations in which the Constitution is quite explicit as to the authority of Congress, the making of treaties and the initiation of war, both of which have passed very largely into the hands of the President. Lacking the force of law, this resolution, if adopted, will express a judgment on the part of the Senate that, with full allowance for the right—indeed the duty—of the President to repel an attack on the United States, any decision to initiate foreign hostilities, or to enter into engagements with foreign nations under which we might be required to go to war or to take some other highly significant action ought to be made in accordance with constitutional procedures, these requiring an explicit authorization on the part of Congress.

How the power to commit America to war has passed into the hands of the executive is reviewed in the committee report. It recalls the explicit vesting of the war power in the Congress by the framers of the Constitution, the general compliance with the intent of the framers throughout the 19th century, the limited incursions on congressional authority by Presidents Theodore Roosevelt, Taft, and Wilson, and the rapid acceleration of the trend toward executive predominance under Presidents Franklin Roosevelt, Truman, Eisenhower, Kennedy, and Johnson, to the point at which the real power to commit the country to war is now in the hands of the President and the intent of the framers has been, in the words of the report, "substantially negated."

The executive's position in recent years has been that, although it respects the authority of Congress to "declare war," it can conceive of no circumstances under which a declaration of war would be appropriate. Declarations of war, we are told, are inappropriate to limited wars—being somehow incompatible with the conduct of hostilities for limited objectives—and unthinkable in the event of an all-out nuclear war; they are, in the words of former Under Secretary of State Katzenbach, "outmoded in the international arena."[6] With both limited and general wars accounted for, I do not know what kinds of wars are left for Congress to declare.

At the same time that it has come to regard congressional authority as obsolete or inappropriate, the executive appears to regard itself as being, in any case, fully empowered to commit the United States to war.

When President Truman sent American Armed Forces to Korea in 1950 without congressional authorization, he made

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Footnotes at end of speech.

no public explanation of his use of the war power. An article in the Department of State Bulletin, however, published in July 1950, asserted:

> The President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof.

The article pointed to past instances in which the President had used the Armed Forces in what was said to be "the broad interests of American foreign policy" and also asserted that there was a "traditional power of the President to use the Armed Forces of the United States without consulting Congress."[7]

In the words of the committee report:

> Here, clearly expostulated, is a doctrine of general or "inherent" Presidential power—something which had not been claimed by previous Presidents.

As to the war in Vietnam the Legal Adviser to the State Department wrote the following in March 1966:

> There can be no question in present circumstances of the President's authority to commit U.S. forces to the defense of South Vietnam. The grant of authority to the President in Article II of the Constitution extends to the actions of the United States currently undertaken in Vietnam.[8]

President Nixon's administration has not yet given a clear indication of its position on the war power. The State Department's comments on Senate Resolution 85, however, suggest that the new administration's basic position will be substantially unchanged from that of its predecessors. The committee took particular note of the following assertion in those comments:

> As Commander in Chief, the President has the sole authority to command our Armed Forces, whether they are within or outside the United States. And, although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send U.S. military forces abroad without specific congressional approval.

Whether the administration believes that it has the authority not only to dispatch armed forces abroad but actually to commit them to hostilities is not clear. That distinction, however, is very close to being academic, inasmuch as the very presence of American forces in a foreign country is very nearly a de facto commitment to use those forces in the event of an outbreak of hostilities. It is the view of the Foreign Relations Committee that Congress' authority to initiate war necessarily extends to the authorization of any action, including the deployment of armed forces, which may have the effect of committing the United States to war. In the absence of such authority, the war power of Congress would be virtually meaningless.

The committee further believes, as it points out in its report, that declarations of war are neither obsolete nor are they the only appropriate means by which Congress can authorize the initiation of hostilities. In the words of the report:

> Joint resolutions such as those pertaining to Formosa, the Middle East, and the Gulf of Tonkin are a proper method of granting authority, provided that they are precise as to what is to be done and for what period of time, and provided that they do in fact *grant authority* and not merely express approval of undefined action to be taken by the President. That distinction is of the greatest importance. As used in the recent past, joint resolutions have been instruments of political control over the Congress in the hand of the President, enabling him to claim support for any action he may choose to take and so phrased as to express Congressional acquiescence in the constitutionally unsound contention that the President in his capacity as Commander in Chief has the authority to commit the country to war.

In addition to encouraging the Congress to reassert its constitutional war power, Senate Resolution 85 purports also to remind the Senate of its special responsibilities for the rendering, or withholding, of its advice and consent in the making of treaties. The committee's view of this matter is expressed in the following passage from its report:

> Great confusion has arisen in recent decades as to what exactly is required to make a formal, binding commitment. The traditional distinction between the treaty as the appropriate means of making significant political commitments and the executive agreement as the appropriate instrument for routine, nonpolitical arrangements has substantially broken down. The term "commitment" is now used to refer to engagements ranging from those contracted by treaties consented to by the Senate to executive agreements and even simple declarations. The latter are sometimes made in a casual, even heedless, way, often by officials subordinate to the President himself, and they seem at times to be made with something less than full consciousness of their implications. Sometimes the sense of binding commitment arises out of a series of executive declarations, no one of which in itself would be thought of as constituting a binding obligation. Simply by repeating something often enough with regard to our relations with some particular country, we come to suppose that our honor is involved in an engagement no less solemn than a duly ratified treaty. This is perhaps best described as a process of commitment by accretion.

Two recent examples will serve to illustrate these general propositions:

Under the SEATO Treaty the United States has two specific obligations to Thailand: under article IV, paragraph 1, to "act to meet the common danger in accordance with its constitutional processes" should Thailand be attacked, and, under article IV, paragraph 2, "to consult immediately" with our SEATO allies should Thailand be threatened by subversion. In fact, however, the presence of 50,000 American troops in Thailand combined with Thailand's involvement in the Vietnam war, have created a de facto commitment going far beyond the SEATO Treaty. The extent of our commitment to Thailand, from the viewpoint of the Executive, is shown in a joint declaration issued by Secretary of State Rusk and Thai Foreign Minister Thanat Khoman on March 6, 1962, in which Mr. Rusk expressed "the firm intention of the United States to aid Thailand, its ally and historic friend, in resisting Communist aggression and subversion." At the SEATO meeting in May of this year Secretary of State Rogers reaffirmed the Rusk-Thanat agreement as "a valid restatement of the responsibilities set forth in article IV (1) of the Treaty."

Quite obviously, this declaration constitutes a de facto commitment made by Executive agreement and far exceeding the obligations defined in article IV of the SEATO Treaty. It is clear from the language of the treaty that there is no automatic obligation to go to war in Southeast Asia, as strongly implied by the Rusk-Thanat-Rogers agreement, and it is very clear that the treaty does not give the President the authority to go to war without the consent of Congress—unless the "constitutional processes" referred to are regarded as something not involving Congress and its war powers. All that the treaty obligates us to do is to "consult" with our allies in the event of internal subversion such as has taken place in South Vietnam and, in the event of an act of international aggression, to act to meet the "common danger" in accordance with our constitutional processes. The latter, I contend, clearly require affirmative action by Congress, since Congress, and Congress alone, has the constitutional power to initiate war.

This interpretation of the SEATO Treaty is upheld by the legislative record, which also makes it clear that the framers of the treaty did not contemplate large-scale land warfare in Asia. In his testimony on the SEATO Treaty before the Foreign Relations Committee on November 11, 1954, Secretary of State Dulles said that the treaty was not intended to form a full-fledged counterpart to NATO. He said:

> We do not intend to dedicate any major elements of the United States Military Establishment to form an army of defense in this area.

And Mr. Dulles added:

> I believe that if there should be open armed attack in that area the most effective step would be to strike at the source of aggression rather than to try to rush American manpower into the area to try to fight a ground war.[9]

In response to a question by Senator MARGARET CHASE SMITH, Secretary Dulles commented as follows on the meaning of the treaty's provision pertaining to subversion:

> Well, article IV, paragraph 2, contemplates that if that situation arises or threatens, that we should consult together immediately in order to agree on measures which should be taken. That is an obligation for consultation. It is not an obligation for action.[10]

Again, when asked by Senator GREEN whether the SEATO Treaty committed the United States to help southeast Asian governments put down revolution, Secretary Dulles replied:

> No. If there is a revolutionary movement in Vietnam or Thailand, we would consult together as to what to do about it, because if that were a subversive movement that was in fact propagated by communism, it would be a very grave threat to us. But we have no undertaking to put it down; all we have is an undertaking to consult together as to what to do about it.[11]

I might add that this is obviously the reason why it was very late in the Vietnam war before the Secretary of State even ventured to say that our action was based upon the obligations of the SEATO Treaty. In the early 2 or 3 years of that conflict, he never did allege that we were

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Footnotes at end of speech.

there because of the SEATO Treaty. But after being hard-pressed, in the later stages, he did allege that the SEATO Treaty was the origin of that obligation and of the right to intervene.

An even more striking instance of military commitment by Executive action is provided by our successive agreements with Spain for the maintenance of bases in that country. In the case of Spain there was no treaty to build upon; the Executive had to start from scratch. Nonetheless, through a series of Executive agreements, but even more through the simple fact of having American forces stationed in Spain, we have been brought to a state of virtual military alliance with the Franco regime. The process began with an Executive agreement in 1953, a simple arrangement under which the United States acquired base rights in Spain in return for military supplies and equipment. The agreement contained no commitment for the United States to come to the defense of Spain. In response to Spanish importunities for a defense commitment, the agreement was substantially upgraded in 1963, when Secretary of State Rusk and Spanish Minister for Foreign Affairs Castiella issued a joint declaration asserting that a "threat to either country," and to their joint facilities, would be a matter of "common concern," in response to which each country would "take such action as it may consider appropriate within the framework of its constitutional processes." Except for the specific reference to the bases, this language, it will be noted, closely resembles the language used in our formal mutual defense treaties. The new bases agreement concluded this month, by simply extending the prior agreement, also thereby extends the Rusk-Castiella agreement of 1963.

More significant than any written agreements in committing the United States militarily to the Franco government is the very fact of the presence of American forces on Spanish soil. This was explicitly acknowledged in a memorandum which General Wheeler, acting under instructions from Secretary Rusk, gave to Spanish military authorities in November 1968. In that memorandum it is asserted:

> By the presence of U.S. forces in Spain, the U.S. gives Spain a far more visible and credible security guarantee than any written document.

Subsequently, this interpretation of the meaning of the American presence in Spain was disavowed by the Nixon administration, but since General Wheeler was talking about a de facto commitment arising out of the fact of an American military presence, the value of a verbal disavowal is questionable. One can disavow a written agreement; but I do not think one can disavow a fact.

American forces in Spain have engaged in joint military exercises with Spanish forces. In one recent exercise the "scenario" specified American counterinsurgency support for Spanish forces hard pressed by domestic insurgents. In effect, our forces were rehearsing the support they might provide to the Franco regime in the event of civil war or rebellion in Spain.

In another exercise, conducted in April 1969, Spanish, Portuguese, and American naval units conducted joint antisubmarine maneuvers. This exercise appears to have been designed for the purpose of assuaging Spanish annoyance over their exclusion from IBERLANT, the regional NATO naval command with its headquarters in Lisbon. Participation in IBERLANT would have given Spain the foothold in NATO which it has so long desired; failing that, the joint antisubmarine exercise with Portugal and the United States gives the Spaniards at least a toehold.

All these declarations and arrangements are de facto commitments on the part of the United States to the defense of Spain, possibly even against internal insurrection. In the Foreign Relations Committee's view, as expressed in its report:

> A military commitment to Spain could only be binding on the United States if it were the result of a treaty approved by the Senate. The making of such a commitment by means of an executive agreement, or a military memorandum, has no valid place in our constitutional law, and constitutes a usurpation of the treaty power of the Senate.

Although Senate Resolution 85 will not carry the force of law, it does express the judgment or opinion of the Senate as to the appropriate constitutional procedures for initiating war and undertaking commitments to foreign nations. At best, the resolution will help to create a new attitude within the Congress, an attitude of diligence in defense of congressional prerogatives, of caution and precision in legislative authorizations, of care in the oversight of the foreign activities of our Government, and of healthy skepticism toward the urgings and opportunities of the executive—especially those involving speedy action and sweeping grants of power.

In the long run, however, neither Senate resolutions nor any organizational or procedural devices are likely to restore congressional authority in foreign affairs. The restoration of constitutional balance will depend on decisions of a more fundamental nature, decisions as to the kind of country we want America to be and the kind of role we want it to play in the world. At present we are committed, or virtually committed, to a policy of unilateral military action in much of the world, to a policy of single-handedly maintaining what we believe to be a desirable balance of power, even though we must do so without significant allies, even to the extent of participating in other people's civil wars. If this is to be our course, if America is to try on its own to do all of the things that Wilson and Roosevelt hoped to accomplish through the collective power of a world organization but never even conceived of the United States undertaking alone, then the future can hold nothing for us except endless foreign exertions, chronic warfare, burgeoning expense, and the proliferation of an already formidable military-industrial-labor-academic complex—in short, the militarization of American life.

Under such circumstances, it is inconceivable that either federalism or independent legislative authority could long survive. Whatever lip service might be paid to traditional forms, our Government would soon become what it is already a long way toward becoming, an elective dictatorship, more or less complete over foreign policy and over those vast and expanding areas of our domestic life which in one way or another are related to or dependent upon the military establishment. If, in short, America is to become an empire, there is very little chance that it can avoid becoming a virtual dictatorship as well.

Only by being true to ourselves, by being the kind of country we set out to be in 1776, can we hope to maintain the vitality of constitutional government. We began our national life almost 200 years ago committed to the idea of making ourselves a decent example for the world. For a good part of our history, perhaps most of it, we adhered fairly consistently to that ideal, devoting our major energies and our resources to the development of our country and the needs of our own people. There is not the shadow of a doubt that the isolationism of the 19th century is obsolete and no longer feasible, but instead of recognizing that fact as something regrettable, we have seized upon it as if it were a blessing. Isolationism, after all, is really only another name for minding one's own business, and the only time that minding one's business is a bad thing is when others simply will not leave one alone.

Looked at in this way, a wise accommodation to the realities of the 20th century must be one of involvement in the world, to be sure, but of selective involvement, selective according to our interests and selective according to our resources—by which I mean our moral and intellectual as well as our material resources. Instead of making this kind of accommodation we have made ourselves ubiquitous in the world, as if there were no alternative to isolationism short of imperialism. I am reminded of the words of William James at the beginning of this century when it seemed as though America was embarked upon an imperial career. He wrote to Carl Schurz:

> What a role our country was born with, what a silver spoon in its mouth, and how it has chucked it away.[12]

I do not think we have yet chucked away the promise of America, although we are making impressive progress in that direction. I think it is still possible for us to restore the balance between foreign and domestic commitments. Power, it seems, has intoxicated us; it has caused us to mistake ambitions for interests, vanities for responsibilities. But perhaps we can still clear our heads of all this nonsense and learn to use our power with the temperance appropriate to a dangerous intoxicant, in which event it should be possible to restore some balance to our judgment and, with it, to our priorities and commitments. When these are in balance, it should not prove too difficult to restore the constitutional balance as well.

The resolution now before the Senate deals with the war power and the treaty power, exhorting Congress to reclaim

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Footnotes at end of speech.

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them. But the more fundamental point to be made is that neither federalism nor independent legislative authority—including the war and treaty powers—can long survive in a country chronically at war. We must decide what kind of a country we want America to be; that decision, more than any legislative enactments, will shape our lives and institutions.

Mr. President, I sincerely hope that the Senate will debate the pending resolution as long as it wishes and as thoroughly as it wishes.

I believe that the Senate will come to the conclusion that the Senate is a great body, that it has an important part to play in the Government of the United States, and that it can reestablish a balance which will go far toward calming the turmoil which affects so many different areas of life in this country. I think they are related to the function which the Senate should play but has not played as I believe it should have.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CHURCH. Mr. President, I compliment the able chairman of the Foreign Relations Committee for a very learned address in support of the commitments resolution. I hope to speak in support of the resolution later this afternoon.

However, I would like to say, since the Senator from Arkansas is one of the principal parents—if not indeed the father—of this resolution, that I believe it to be the most significant business the Senate is likely to consider at this session. I hope that it may mark the turning point from what has been a steady abdication of constitutional responsibility on the part of the Congress over a period of some 50 years, a turning point toward the commencement of a process by which Congress in general, and the Senate in particular, will begin to recover its constitutional prerogatives in the field of foreign policy and in the crucial matter of the commitment of American troops abroad.

I congratulate the Senator for his remarks.

Mr. FULBRIGHT. Mr. President, I thank the Senator. I look forward to his remarks on the subject. The Senator from Idaho had a great deal to offer in the committee on the resolution.

Mr. GORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GORE. Mr. President, I join the senior Senator from Idaho in complimenting the Senator for his address on the pending resolution.

I would like to advert, however, to the hope of the senior Senator from Idaho that the Senate began to exert its constitutional role. I respectfully submit that the Senate has already begun to do so.

The Senate was shocked—at least, a great many of us were shocked—at having been misled regarding the facts and circumstances of Tonkin Bay.

We undertook to exercise our power and influence to perform the role involved in advice and consent by traditional methods and found ourselves frustrated and ineffective.

It was then that the Senate Foreign Relations Committee under the leadership of its able chairman undertook to utilize the means of education and communication to go to the American people.

Perhaps the chairman will recall that on the first day of our hearings on the Vietnam war policy, the senior Senator from Tennessee made what some regarded as a bright statement—that we were undertaking to go over the head of the President to the American people. This is precisely what the committee did.

I think the hearings were enormously educational and very effective in stimulating debate, consideration, and assent at every level of our society—so much so that I think it is not too much to say that it was because of the influence of the Senate Committee on Foreign Relations, particularly its hearings, upon American public opinion that another major escalation of the Vietnam war was forestalled, and that the quest for victory, which was always a delusion under the circumstances, was abandoned, though not stated.

So in commenting upon the statement of the able senior Senator from Idaho, I want to suggest that the Senate already has taken, in the past 2 or 3 years, very effective steps to reclaim, regain, and reassert its constitutional power and its constitutional role and responsibility.

It has done so by utilizing methods not heretofore used by the Senate. Televised hearings, with distinguished witnesses under intense examination, constituted a drama that focused national attention and stimulated national debate such as would not have been possible otherwise.

Mr. FULBRIGHT. I thank the Senator for his comments. I agree with what he says. I think those hearings had a very beneficial effect.

But I believe the resolution makes explicit what I think may be implicit in what has happened and that many people have not been conscious of it. I think it will have a good effect on Senators who do not participate in those hearings, that it will have a good effect upon the Executive, and that it will be very helpful for those in foreign countries who become accustomed to accepting casual statements made by officials as commitments of the United States.

So it has many additional areas, although I think what the Senator has said about the hearings is quite correct.

Mr. GORE. I did not mean to imply in any respect that a committee of the Senate should be satisfied with what it has accomplished.

Mr. FULBRIGHT. I understand.

Mr. GORE. I think this is but the beginning of an effective reassertion. I doubt that the committee or the Senate should rest on its oars in any respect.

The processes of education, the powerful means of communication which are now available, must be utilized by this body. As I said to the Senator in the committee this morning, we are at another juncture which I think requires another major utilization of the processes of education and communication.

Mr. FULBRIGHT. I thank the Senator from Tennessee.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. McGEE. Mr. President, I want to pay tribute to the chairman of our committee for launching this colloquy and this consideration on the question that the Senator from Idaho has pointed up very well when he said it may well be the most important single consideration that this body will indulge this year. That might be a little strong, but I think its portent for the future is very deep.

I rise now with a series of questions not primarily to challenge my chairman as much as to spell out some of the difficult issues that I am sure he will agree are present in this matter. It is not easy to resolve this matter, and we should be certain that the record of this body is a full one on the ramifications of the issue of responsibility in foreign policy and the relativity of those questions in this particular time—that is, 1969 and 1970. It is in that spirit that I rise at this time.

As a matter of public record, I think there are serious misgivings about the resolution. The central question is indeed how we can most effectively, within our structure, assign responsibilities for foreign policy. Likewise, I believe it is imperative that in this body we understand clearly and sketch out specifically what the role of the Senate should be, and reasonably can be and must be, in the nuclear age. This is important. I think there has been too much tendency on the part of many of us to let it slip by because it was convenient to let that happen.

Those, I think, are the questions to which we should be addressing ourselves as we discuss the several issues here. With that prefatory comment in mind, I wonder whether the Senator from Arkansas could be a little more specific in terms of at what point, in what instances, and under what circumstances the language of the resolution would come into play.

I read from the resolution:

> That a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality . . .

I think it is important that the legislative history in this body be very clear on that. For example, to be specific, would this have been involved, let us say, in the dispatch of marines to Lebanon in 1958 by President Eisenhower? Should that have been preceded by this kind of affirmative action? Is that a part of the intent?

Mr. FULBRIGHT. In that case, I believe there had been what was called the Middle East resolution, had there not? It was in pursuance of that. Now, whether or not the form of that resolution was just as it should have been is a question. But Congress had played a part.

I would say that in the case of the Tonkin Gulf resolution—leaving aside

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now how it was procured—in form it was faulty, in that it undertook merely to approve anything he wished. It should have been in the form of a grant of authority to do something. That should certainly satisfy this resolution, if that is what the Senator means.

Mr. McGEE. The Senator does not mean by that, does he, that the Tonkin Gulf resolution—again leaving out the disagreements on what the resolution did or did not do at the time—was in violation of any procedures?

Mr. FULBRIGHT. No. If it had been in proper form of granting authority, it certainly would have been consistent with what I am trying to achieve here. It would have satisfied—as did the resolution in the Middle East—sometimes called the Eisenhower doctrine or the Middle East resolution. Congress played its part. It was consulted; it expressed itself.

There has been criticism by some of the authorities as to the precise form, that it always should be in the form of the grant of authority in order to satisfy the constitutional requirement. It must meet certain criteria, but I think I would not want to quibble about it. We might give advice, and it should be done in a slightly different way. That is different than the commitment with respect to the Spanish bases which we did not know anything about. That is a very important commitment. After I found out about it and its terms, particularly the last matter, I wrote a letter to the Secretary of State and I had conversations with him to the effect that if the Executive wished to renew it, the agreement should be in the form of a treaty so that the Senate could have an opportunity to pass on it.

At page 33 of the committee report, the committee seeks to deal with these criteria. If the Senator wishes, I would be glad to have that page printed in the RECORD.

Mr. McGEE. I thought that in light of the Senator's opening remarks it would be appropriate.

Mr. FULBRIGHT. Certainly. At page 33, there is set forth in detail the criteria that these resolutions should meet.

Mr. McGEE. It is appropriate that that material be printed in the RECORD.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD the material which appears on page 33 of the committee report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> The committee therefore recommends that, in considering future resolutions involving the use or possible use of the Armed Forces, Congress—
>
> (1) debate the proposed resolution at sufficient length to establish a legislative record showing the intent of Congress;
>
> (2) use the words *authorize* or *empower* or such other language as will leave no doubt that Congress alone has the right to authorize the initiation of war and that, in granting the President authority to use the Armed Forces, Congress is granting him power that he would not otherwise have;
>
> (3) state in the resolution as explicitly as possible under the circumstances the kind of military action that is being authorized and the place and purpose of its use; and
>
> (4) put a time limit on the resolution, thereby assuring Congress the opportunity to review its decision and extend or terminate the President's authority to use military force.

Mr. McGEE. I assume, then, that the dispatch of American marines through Thailand during the Laotian crisis in 1962 would come under earlier actions, perhaps the SEATO Treaty.

Mr. FULBRIGHT. The Senator raises a difficult question. I have just dealt with SEATO. It is a difficult treaty to be precise about. I just read a moment ago in my prepared remarks about that matter for this very reason.

As then Secretary of State Dulles said in presenting it, he did not understand it to mean an authority to send troops, except under certain provisions. One provision was only to consult. The other was that any action taken must be under constitutional processes, which I take to mean it should have congressional authority to send troops.

Mr. McGEE. So as to interpretation now, in that instance, it would have been a case where affirmative action by this body should have preceded the dispatch.

Mr. FULBRIGHT. I think so. Otherwise, in presenting that treaty to this body we were deceived by the Secretary of State, in that if sending troops was contemplated, he should not have described SEATO as he did.

Mr. McGEE. What were the elements then at stake? By that I mean, was there any urgency in terms of the Marines in 1962 when there was probing for a Laotian truce?

Mr. FULBRIGHT. I am not aware of the facts to the extent that I have an opinion on it. The Senator would have to relate the precise situation he is speaking of.

Mr. McGEE. I am speaking now of the dispatch of the Marines through Thailand at the time they were trying to work out a truce in the Laotian crisis in 1962.

Mr. FULBRIGHT. I apologize for not being as aware of the details as I perhaps should be.

I remember an occasion when a group of us were called to the White House prior to that time and consulted about whether or not we should authorize the President to send 30,000 troops into Laos, as I recall. All of those persons who were called down to the White House said it was a very bad idea, and he did not send them. That was prior to the occasion about which the Senator is speaking. That was in 1958, as I recall.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Can the Senator describe the situation?

Mr. CHURCH. Mr. President, I rise not to take issue with the implication in the Senator's question that there may have been an element of urgency involved in Laotian situation, but to say that the question itself really reaches to the heart of the argument in support of the resolution.

Whenever the President has dispatched American troops abroad, one must assume he felt there was urgency; but if the President has the power under the Constitution to commit American troops to battle in distant lands, whenever he feels there is an element of urgency justifying the action, then the war power which the Constitution invests in Congress has indeed passed to the President.

In other words, the exertion of such power cannot be justified on the ground that the President thought it urgent. The question is whether the power was meant to be exercised, under the Constitution, by the President or the Congress.

Mr. CHURCH. I think the only urgency that would justify Presidential action without congressional consent is the urgency of a clear and immediate danger to the security of the United States itself. In such a case, there is no argument about the fact that the President, as Commander in Chief, has the power under the Constitution to order American Armed Forces into action.

However, a foreign crisis that is remotely situated—that occurs in some distant land—cannot justify a Presidential decision to go to war, in the absence of congressional authorization. I think that is the nub of the argument.

If, whenever the President feels an urgent situation exists abroad, he is conceded the power to send American forces into action, then the provisions of the Constitution have been rendered meaningless. All the power would then lie in the Presidency.

Mr. McGEE. It occurs to me that far distant lands take on a different meaning in 1969 than they did in 1889. We have other problems that have raised their heads. That is what makes it so difficult. The matter probably comes down to a question of what is in the national interest. I have heard historians argue that Manchuria, a distant land, in 1931 may have had some bearing on the ultimate events that finally brought about Pearl Harbor. It is difficult to be firm on these matters and that is why I thought we should take time to spell them out.

Mr. FULBRIGHT. I do not think because Manchuria would have a relation to Pearl Harbor it would give the President authority to intervene in Laos.

Mr. McGEE. I was using a parallel to the Senator's reference to distant lands, which may have some relevance.

Mr. CHURCH. I would be the first to concede that urgent considerations might well justify a decision to go to war in a distant land, but I submit the Constitution intended that judgment to be made by the Congress, and for that reason vested the war power in Congress.

Mr. FULBRIGHT. The Senator is correct.

Mr. McGEE. Is it conceivable to send troops by Executive decision into a place like Laos in 1962, let us say, to avoid a war? We never know. It is conceivable that the Executive, in anticipation of this kind of crisis becoming more serious, might believe it could be arrested.

Mr. CHURCH. It is indeed conceivable that the Executive might act very wisely. On the other hand, the Executive might act foolishly. But the question is not whether the Executive acts wisely or foolishly. The question is, Does the President usurp the constitutional authority

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vested in Congress when he commits American troops to battle abroad, without the question coming before Congress, where the circumstances do not involve an immediate threat to the security of the United States?

If that question is answered in the negative, then the clear provisions of the Consitution are simply cast aside. If the question is answered in the affirmative, it follows that the pending resolution should be approved as a reassertion of congressional prerogative.

Mr. McGEE. Would it be fair to suggest that political scientists in the land are quite severely torn over the constitutional intent in this particular regard? It is not a matter now of where one stands on Vietnam, or whether he likes the President, but where that line is drawn. Most of us have spent a great deal of time talking to many students of the question, and they are pretty well torn up on it, too. That is the reason I would caution we be not quite so absolute in our judgment as to what real intent was there. I think a valid measure is what the times indicate should be done. We should either amend the Constitution, if that is our judgment, or we should take the proper steps in order to place it in a context that we believe would be the proper procedure under crisis situations.

Mr. FULBRIGHT. We are certainly not intending to amend the Constitution. If anything, this resolution seeks to bring the practices of our Government back to the Constitution. We are trying to be, one might say, stricter constructionists, if I may use that phrase which was so freely used last Monday with regard to the constitutional powers of Congress.

I do not believe the fact that the President may think something is urgent has anything to do at all with constitutional powers in this sense. It is a constitutional power. His actual power is in his power to order troops, as long as those troops will obey him. Of course, he can do that. They have done it that way in country after country. What we are trying to do in this debate is to preserve our constitutional system.

Mr. McGEE. If one wants to be a strict constructionist of the Constitution, as I reread the appropriate passages in the Constitution, strictly constructed, it leaves open the question of what the President can do, with three exceptions, does it not? They are the expenditure of money in this regard, in the execution of treaties, the signing of treaties, and, finally, in the declaration of war. That is the way it reads.

Mr. FULBRIGHT. There is so much misunderstanding of what it reads that I should like to read the parts in the Constitution which are pertinent to this; that is, section 8, which reads:

> The Congress shall have the power—

And then there are lots of things about taxes, and so forth. Then we come down to the part where the United States can declare war—

> To declare war, grant letters of marque and reprisal and make rules concerning captures on land and water;
>
> To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;—

Let me say there, that we are very careless with that phrase, too.

Continuing reading:

> To provide and maintain a Navy;—

Now this is the part which is grossly misunderstood:

> To make rules for the Government and regulation of the land and naval forces;—

Mr. President, if you read some of the statements I have made, we realize how they have been completely ignored.

Continuing reading:

> To provide for calling forth the militia to execute the laws of the Union, to suppress insurrections and repell invasions;—

That is what Congress has to do, not the President. The Congress has these powers.

Continuing reading:

> To provide for organizing, arming, and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Mr. President, actually, these are very broad powers. I think that many people in this country have come to the feeling that about half, or most of them, are Executive powers. That is one of the reasons why debate on this resolution should be developed. We have failed "to make rules for the government and regulation of the land and naval forces." At least we have not pursued that very far. I say that we have neglected many of the powers we should exercise, to which I plead guilty. I must plead guilty to having played my part in neglecting them, along with many others.

The President is the Commander in Chief. There is a very significant passage, which I have thought about, which Hamilton wrote. He, as the Senator knows, was a strong Executive man. That power was one of the main points of contention between him and Jefferson. Hamilton had this to say which I think is very significant and we should remember it, especially under these circumstances:

> The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and admiral of the Confederacy, while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

Mr. President, that is a very significant passage, I think, in interpreting what is meant here.

Now Jefferson, in a letter he wrote to Madison in 1799, wrote as follows:

> We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

Mr. President, I particularly emphasize that last phrase because that is another part of what we are arguing about right now: Those who are to spend and those who are to pay. Both of these gentlemen, it seems to me, agree that this language means what it says and that the President is simply Commander in Chief. He does not have the power to make the regulations and to say how the Armies are to be governed, and so forth. He is the Commander in Chief, once war has been declared. With that exception, we have already agreed that it is his duty to repel an attack or an invasion of the United States which may come suddenly and there might be no reasonable time to confer with Congress, in contrast to what the Senator considers an urgent situation. I confess that I have forgotten about the details of some movement in Laos 10,000 miles away. I do not believe he, under the Constitution, has authority to do that, unless it is in pursuance of a treaty or an agreement which Congress has participated in making.

Mr. McGEE. Mr. President, the referral back to the days of our Founding Fathers also calls to my mind that Hamilton and Jefferson, specifically Jefferson—a theorist on constitutional intent—became quite a different kind of advocate upon becoming President. It was Jefferson who reminded us that the Constitution probably should be overthrown or scrapped about every 30 years, to let the new generation write a new one that would be up to date——

Mr. FULBRIGHT. I would not object to our doing that.

Mr. McGEE. But what has kept it alive, which is the point, I think, is that each generation, at each interval in history, has generally updated the relevance of the Constitution to its times. I think that most constitutional students explain its survival—that is, for over 180 years—with such an approach undoubtedly, our Founding Fathers did not envisage the kind of nuclear age in which we now live, the shrinking of the time factor, or the erosion of the distance factor in the world, and all of that.

Therefore, I think it behooves us to address ourselves to the policymaking responsibility at this time, and try to determine where we should lay it. That is basic, I think. That was my suggestion to the chairman of the committee in regard to his allusion to Mr. Hamilton and Mr. Jefferson.

Mr. FULBRIGHT. Jefferson had something further to say on that. But first, however, before I refer to a further thought of Jefferson, may I say I think there have been a number of changes in the commerce clause, and so on, that were very drastic, and we have had a number of amendments to the Constitution. But on the question of warfare and the committing of our people and our young men, so long as we are a democracy, to fight in a foreign country, and the decision as to whether we should fight, I cannot see any excuse for changing that. I cannot see any reason why we should better trust the judgment of one man over that of the Congress. I reject that thought, along with a num-

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ber of others. But, with regard to the Constitution, I think it has served us well.

Mr. GORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. May I first quote a comment of Jefferson?

I read from page 11 of the report:

> Early in his term of office President Jefferson sent a naval squadron to the Mediterranean to protect American commerce against piracy, but it was not at first permitted to engage in offensive action against the Barbary pirates. On December 8, 1801, President Jefferson, having judged that offensive action was necessary, sent the following message to Congress:
>
> "Tripoli, the least considerable of the Barbary States, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean * * * with orders to protect our commerce against the threatened attack. * * * Our commerce in the Mediterranean was blockaded and that of the Atlantic in peril. * * *"
>
> Then, referring to the capture of one of the Tripolitan ships by the American ship *Enterprise*, Jefferson continued:

And I draw particular attention to this, in view of the Senator's comment:

> Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of this important function confided by the Constitution to the Legislature exclusively their judgment may form itself on a knowledge and consideration of every circumstance of weight.

There he was very careful to comply with the Constitution. I only wish that others of our Presidents had been as careful with the facts.

Mr. McGEE. Mr. President, may I respond to that in a very brief way? The net result of Thomas Jefferson's two terms was almost a 180-degree shift in his philosophy on the Constitution, and its intent. As Chief Executive, he became a very loose constructionist, even though he was a strict constructionist in theory at the outset. That is just the point I was making.

Mr. FULBRIGHT. May I say that every President has done that. Woodrow Wilson, who was such a scholar and advocate of the Constitution, in my view, when he became President became impatient, as is true of all Presidents, with the Congress. Not only our Presidents, but I think every executive in every government, whether it is the United States or anywhere else, becomes impatient with their legislative bodies; and a great many of them have succeeded in abolishing their congresses. I am trying to prevent that, if I can, in this instance.

Now I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, it seems to me our current situation may validate the wisdom of the Founding Fathers that there should be the involvement of the elected representatives of the people in making a decision to go to war.

A few days ago someone inquired of me if I thought wage controls, price controls, and rationing would be instituted as a check on inflation. Rightly or wrongly, my response was, quickly, "No." I thought that these powers, these restraints, could be applied only with the greatest of trouble when the country was unified in a war effort, but that, under our present situation, in which a large, at least a significant, portion of our people question the legality of the war—since the Congress did not declare it—question the morality of the war, there would not be sufficient public support and compliance to make the imposition of wage controls, price controls, and rationing feasible.

Whether my opinion was right or not, I cite this as an illustration.

I believe there is far more divisiveness in the country than would have been the case had the Congress been involved and Congress had declared war.

Mr. FULBRIGHT. I agree with the Senator. I think it is a very good point.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CHURCH. I would like to make one comment about the argument so often advanced, that has been well articulated here on the floor by the Senator from Wyoming, to the effect that times have changed, that the world is smaller, that nuclear arms have made the dangers greater, and therefore that, somehow, the Constitution has been outmoded, and that we ought to recognize it and catch up with the times.

Well, no one can question that the world has shrunk or that nuclear arms are very dangerous; but if this argument has any applicability at all, it relates to a situation where some sudden danger threatens the United States. In such a situation, no one contends that the President does not have plenary power to use the whole arsenal of weapons available to protect the United States.

So I just do not see how that argument bears on the resolution before us.

But if, as the Senator seems to suggest, the times have rendered the Constitution obsolete, if the Congress is no longer able to competently discharge its responsibilities for war and peace, then the remedy should properly lie with the amendment of the Constitution itself, because, as George Washington said in his Farewell Address:

> Let there be no change in usurpation. Although this in one instance may be the instrument of good, it is the customary way in which free governments are destroyed.

This is the very reason why so many of us are so deeply concerned. When Mr. Katzenbach, as spokesman for the President, came before us and, in effect, said:

> All of the power for war and peace rests with the Presidency; it inheres in the Presidency whether or not Congress acts.

Then I say the Constitution has been cast aside by usurpation. We ought not to let that happen. If we do, we permit the Presidency to become a Caesardom.

Mr. FULBRIGHT. The Senator has raised a question that emphasizes the point that such decisions by the Presidency today are much more important than heretofore, in the sense that we could be destroyed by nuclear weapons. Therefore, this question is more important, and, therefore, the validity of the Constitution and living up to it are of even greater importance than they were previously.

Before, a short-sighted or ill-informed President might make a decision that committed us to war and it would not be very disastrous. For example, we went into the Philippines and pushed around a little fellow, Aguinaldo, who thought he was trying to help us. He thought we were his friends. But that did not harm anybody except the Filipinos.

Today we run the risk of nuclear warfare and all its consequences. Therefore, I would say the collective judgment of Congress is even more important today, because of the consequences, than it was at the time the Constitution was written.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. McGEE. That is a very excellent point, but that point cuts both ways. I think urgency, again, is a key question of the nuclear age. It introduces a time factor and a geographic factor that were not present before. Our real problem is, Which is the lesser of the evil choices, possibly, that face us, for the simple reason that we have to choose where to repose such a frightening authority? The sensible issue is, Where can we most wisely repose that authority in the national interest and in the interest of the national security?

That is the tough one, and I do not think we will resolve it by simply saying that because the world is more complex and the decisions are more earth-shaking, therefore we should go back to the Founding Fathers in 1789 to discover the process that would bring us to the wisest possible decision and position. I think that avoids the issue. That avoids the question.

The Senator has put his finger right on the issue, and that is that the change in times in fact requires some other risk.

Maybe we do need to set up some other kind of system to cope with this situation. Maybe we should not trust the President. But all this says is that under the procedures that the Senator has been outlining, we probably play into the hands of indecision, or a decision that would be too late in some conceivable circumstances.

Mr. FULBRIGHT. Maybe the Senator is correct. I do not think he is. I do not wish to change the function of the Senate.

The Senator's comments remind me of a point made in a recent hearing, I believe it was by Mr. Kistiakowsky, that if we follow the suggestion of the present administration to create an ABM, we are going to give this decision to a computer, and we are not going to have anybody, the President or us, involved in it. We are just going to have somebody pushing a button.

That is one of the reasons he objected

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to the ABM. He does not trust computers any more than I do.

Mr. GORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GORE. He actually said that the computer must be programed months, perhaps 2 or 3 years, ahead of time. So it might not even be a sergeant who pushes the button; it might be some programmer, a computer punch-card operator, who unimaginatively sets up a situation some 2 or 3 years ahead of time that touches off a war.

Mr. FULBRIGHT. That calls to mind an article in this morning's paper that said the brains of the Minuteman had proved defective, that they did not last as long as they were supposed to; that the North American Rockwell Co. had not made the brains of the missile to last as long as they should have.

It is true this urgency the Senator from Wyoming is concerned about is leading some people—not the Senator from Arkansas, I might say—to want to delegate these powers to computers. I do not want to give the decision to a computer, any more than I want to give it to the President. I think it ought to stay where it is, and that is in Congress.

Mr. GORE. If the Senator will yield, I should like to refer to a situation that may afford a little levity, but nevertheless illustrates a danger.

Speaking of computer decisions, the wife of a Member of this body recently received a very handsome check from the Social Security Administration, as a survivorship and death benefit for the loss of her distinguished husband, whose voice is still heard here frequently.

Mr. McGEE. Mr. President, if the Senator will yield——

Mr. FULBRIGHT. I yield.

Mr. GORE. I should add, the check was returned.

Mr. McGEE. When I was visiting with a group of British students near Oxford several years ago, there was brought in to them a sheet purporting to show what new problems the next generation would be confronted with. The heading of one of the lead articles was, "Government Computer Resigns." They were going to have to find some other support.

I should like to say to the Senator from Arkansas that I think we are coming close to skirting around the real question here, which I think is desperately important: that times have changed the old war declaration processes. I mean it used to be, in the good old days, whenever that was, that somebody attacked somebody outright, and you had to have a quick session, and you declared war. But now we have been confronted by circumstances where wars can actually come into being because of, sometimes, unpredictable or at least risky circumstances.

Mr. FULBRIGHT. Will the Senator please give me a recent example?

Mr. McGEE. I think, for example, if the President of the United States had decided, instead of flying the airlift into Berlin in 1948, to run, rather than the airlift, let us say, a ground mission to break the Berlin blockade, at least we are told now, in hindsight, there almost certainly would have been a shooting match out of it. We would have been committed. Yet the action itself was not protested at the time. I have not heard it protested even in this dialog, to suggest that there the President exceeded his responsibilities.

He had to make a decision, and move, and yet that probably was the kind of a test that could not have been or would not have been formalized by a declaration of war.

Or it is conceivable in the case of Southeast Asia right now, where a formal declaration of war could actually freeze the situation and make it less viable in terms of the options that can still be available for trying to deescalate it.

I just think the situation has changed from the days when you could have Germans fighting Americans, or Americans fighting Japanese, in the old ways.

Mr. FULBRIGHT. The other side of that is that if the President had come to this body and asked for a declaration of war, and we would have had an opportunity to know all we know now, we would not have been there; there would not have been any war.

The three recent actual cases, not hypothetical, in which there has been an alleged emergency, which I think was not true, in the sense of calling for the circumventing of the Constitution—the Bay of Pigs, the Dominican crisis, and the Tonkin Gulf matter, there certainly was no threat to the United States.

To me, an emergency means there is some immediate serious threat to the United States. We are here to represent the United States. I did not think I was sent here to respond to an emergency that might threaten somebody in the Dominican Republic or North Vietnam. There certainly was no real emergency in the sense of a threat to the United States in either the Bay of Pigs, the Dominican crisis, or the Tonkin Gulf.

These are all real cases; they are not hypothetical. I think the consequences of all three were disastrous, and I think Congress should have been consulted about them. I cannot think of any case to support the Senator's position. I think the President can come here when there is a real emergency.

We are not talking, of course, about an attack upon the United States. We all grant that is an emergency, and that he is authorized—and is not only authorized, but I think has the duty as Commander in Chief—to use the Armed Forces to protect the United States itself.

However, to project that to any and every place in the world, because it is the President's idea that there might be some relationship to a threat to the United States, seems to me to go far beyond the meaning of the Constitution, or, in my view, even good sense, because I think Congress ought to make that decision.

Mr. McGEE. Would the Senator agree that had there been a declaration of war in Vietnam by our Government, by the Senate, that the situation would probably have been more risky in terms of world politics, than to leave it undeclared?

Mr. FULBRIGHT. I do not see that it would. Not only that, but I think it would have prevented much of the divisiveness here at home, because it would have been done in accordance with the constitutional process.

Mr. McGEE. I agree with that.

Mr. FULBRIGHT. I do not see how the situation could be any worse abroad. Vietnam is one of the worst wars we have ever been engaged in. I do not know why the Senator thinks it would have been made any worse than it has been, simply by declaring war instead of agreeing to the Tonkin Gulf resolution.

Mr. McGEE. It seems to me the possibilities are rather legion. Once you declare war, you affect the attitude and official acts of a great many nations that you would like to keep from interceding. You almost automatically induce a blockade; and once the blockade is in force, you have, then, the follow-up incidents beyond that. I think you then have frozen your flexiblities, that enable you to try to hold it in check, or even to deescalate it.

There again, it seems to me that in this nuclear age we have to be a little more restrained in that kind of circumstance, and I think it is a good case in point.

The Senator and I are assuming hindsight in terms of Vietnam, looking back now; but history did not give us that hindsight in 1964. One could not have foreseen the things that have happened now. A few claim they could have, but in fact we had to act at that moment, and make that kind of decision; and I suspect, in view of the dimensions of the Tonkin Gulf vote in this body, that a vote that would have gone a step further, a declaration of war, probably would not have been too much different somewhere around that same interval of time. But that again we cannot prove.

Mr. FULBRIGHT. Mr. President, if we had known the truth of what happened, I do not think there would have been any declaration of war. I was deceived. I was told untruths about what happened that precipitated that. It is hindsight whenever one has been deceived and lied to. It is hindsight.

Mr. McGEE. What is to change that circumstance in the pending proposal?

Mr. FULBRIGHT. It is true the Constitution does not guarantee that all our Presidents will come in and tell us the truth. I think most of them do. It is unusual when one does not. Of course, this was not the President. It was one of his spokesmen. The President did not personally appear.

There is no guarantee. Normally we are not told a lie. However, when we have open discussion and debate, the truth usually comes out. That is one of the main reasons we have debate. In that case we did not have debate. We accepted the statement.

This is what I was talking about last Monday. I had nothing against the then nominee. I was only saying what we all professed to believe in with regard to a nomination or whatever it may be, declaration of war, or even the passage of an act. However, strangely enough, sometimes there is urgency. We were told we had to do it immediately.

There is not anything very important about it. I still believe, I do not think it is old fashioned in that sense. I think it

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is the best way I know to elicit the truth and the facts and know what we are doing. I think that would have been much better.

I doubt seriously if there would have been any declaration of war if the facts had been on the table and we knew what we were doing.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CHURCH. Mr. President, it is unquestionable that the war in Vietnam is no less a war because it has not been declared.

I think that counting our casualties this month, they will exceed the total casualties in the First World War, making Vietnam the second largest foreign war in our history. Certainly, it is as much a war to those who are involved in it, even though it remains undeclared.

It appears to me that the Senator from Wyoming is arguing that Congress, under the Constitution, has the power to declare war, unless the President decides that the war shall not be declared.

I am quite certain that the Founding Fathers didn't mean that when they gave the war power to the Congress, because the debate at the Constitutional Convention turned on the need for placing such a grave decision in the hands of many elected representatives rather than one man. However wise he may be, it is too much power to entrust with one man. This was the conclusion reached by the Founding Fathers. This was the result of the Constitutional Convention.

However, the Senator argues that although Congress has the power to declare war, the President can go to war if he decides it should be undeclared. Such a proposition patently circumvents the Constitution, and I think there is no historical support for such an argument.

Mr. McGEE. Mr. President, I think the Senator will find executive decisionmaking in this field over the last 40 or 50 years.

I think the times require, very possibly, that we restructure the constitutional process in this day and age. I think this makes the point very well, because sometimes—and I think the Senator would concede this—it is conceivable that quick action in a number of very local and seemingly insignificant crises could do a great deal to head off something worse or much larger happening.

When it becomes a wrong action, it becomes a great mistake that has been made. When it goes right, we do not hear more about it.

Berlin worked very well. The stopping of the Cuban missile crisis went very well. It did not involve action by the Senate. Yet, the President was just as free to decide whether to shoot foreign vessels going to Cuba.

Mr. CHURCH. Mr. President, the two illustrations given are not pertinent to the pending resolution. In the first place, the Berlin defense was a responsibility we assumed under the NATO Alliance and under agreements made at the end of the Second World War.

Mr. McGEE. Except that it would commit us to war.

Mr. CHURCH. But our position in Berlin and Western Europe was taken under a treaty obligation which, approved by the Senate, as the Constitution prescribes, whereas in the second case the President was obviously acting in the immediate defense of the Nation, because of the couvert establishment by the Russians of large missile bases in Cuba which constituted a threat to the security of the United States.

Neither case conflicts with the purpose or intent of the pending resolution.

Mr. FULBRIGHT. Mr. President, the Senator made a suggestion with reference to a restructuring. Does the Senator contemplate offering an amendment to the Constitution to deal with the question?

Mr. McGEE. No, I am not proposing an amendment. I am suggesting that it might be more in order from the Senator's point of view and from the standpoint of what he is proposing here.

Mr. FULBRIGHT. It is not my point of view. I am not proposing to do it. But if the Senator believes it would be a more effective move by way of a constitutional amendment, I would be very interested to see it.

I have no idea of doing it. I think the present constitutional provision on this point is certainly adequate if we would live up to it. What I object to is the fact that we have departed from it. As I say, I share the blame along with many other Senators for not really asserting the Senate's proper role in the matter.

I am not blaming the President or anyone else. I am saying that this is the proper way we should go about it.

Mr. McGEE. With all due respect to the fact that we have this conflict, I realize that students of constitutional history and political science are divided on this. My suggestion is that such a step might be in order. I do not know. I am inclined for the opposite reasons to think it is not necessary, as the Senator knows. However, maybe this is what the Senate ought to be focusing on.

I noticed in an article in a very recent issue of the New Republic that Hans Morgenthau, for example, makes a very strong case for the power of the President in foreign policy, saying that in the emergence of our Constitution and its interpretation there is almost nothing that the President cannot do except to declare war, but that he can erode the congressional option in the field of war by acts in which he can commit troops. He even goes so far as to suggest that in the Tonkin Gulf joint resolution, if Congress had voted against the joint resolution, the President would have had other commitments he could have undertaken.

Mr. FULBRIGHT. Did he say he was opposed to the passage of the resolution?

Mr. McGEE. No, I am talking about the power in the Constitution.

Mr. FULBRIGHT. Did Mr. Morgenthau say that he was opposed to the passage of the resolution?

Mr. McGEE. Let me read exactly what he had to say about the resolution.

Mr. FULBRIGHT. I do not want the whole article.

Mr. McGEE. I will read two sentences.

Mr. FULBRIGHT. Was his conclusion in the article that he thought it was a resolution that should be passed?

Mr. McGEE. On page 18 he said:

> Resolution 85 is not an appropriate instrument for adjusting our real balance of power in foreign policy between the President and the Congress.

His conclusion is that it might serve a political use.

Mr. FULBRIGHT. He was in favor of its passage?

Mr. McGEE. As a political instrument. He thought it was ridiculous as an instrument in restoring balance, which he said was never there, was not intended to be there, and is not a part implicit in the Constitution itself.

I am not quarreling even with his conclusion. He wants to make sure that we are moving in the right areas and doubts that we are.

Resolution 85 will not achieve the purpose that he thinks we ought to be addressing ourselves to, and likewise it may even introduce some unintended implications. However, I will develop those in a speech a little later. I do not want to take the time of the Senator now.

Mr. FULBRIGHT. Mr. President, did the Senator say that he would not really quarrel with Mr. Morgenthau's conclusion which is that it would be a good thing to pass resolution 85?

Mr. McGEE. No, I did not quarrel with his conclusion that in his judgment resolution 85 was only a political crutch that had nothing to do with restoring power under the Constitution.

Mr. FULBRIGHT. This is a political body. I do not say that I quarrel with that. I said only that I was not seeking to change the Constitution. It was not a matter of engaging in an academic argument. I was seeking to change the attitude of Members of the Senate. I hope that future executives and also foreign countries will realize this. I think that would be most important.

I would judge that Mr. Morgenthau, having said he thought it would achieve that political purpose, would vote for this resolution if he were a Member of this body.

Mr. McGEE. Now we are speaking of the words.

Mr. FULBRIGHT. The Senator brought it up. I have read the article. My idea was that he was in favor of the resolution, which is the important thing. What we are dealing with here now is, Are we for or against the resolution?

Mr. McGEE. That is not what we were discussing at this point.

Mr. FULBRIGHT. I am inviting the Senator from Wyoming to bring in a constitutional amendment which would meet Mr. Morgenthau's idea of what should be done.

I do not say the Constitution is perfect. There may well be some way to make it better. I do not happen to know what that way is right now.

Mr. McGEE. I do not know what that way is. I think we may even be groping for it and hoping that somehow, in our exchange, we can shed a little more light on this. We all like to think that we make some contribution in that way. We may not. But I do think that we do not address ourselves to that question by avoid-

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ing the central issue that has been bandied about here this afternoon in our colloquy.

Mr. FULBRIGHT. I am not trying to avoid any issue. I do not know what issue I am avoiding.

Mr. McGEE. We were talking about the powers of the President in foreign policy and about how the Constitution had become warped and thrust out of balance of executive power and this sort of thing.

Mr. FULBRIGHT. I did not say the Constitution was warped—what concerns me is the use of it by the President and ourselves. The Constitution on this point, I think, still stands.

Mr. McGEE. That begs the question again, for the simple reason that those of us who disagree with the chairman on this particular issue believe that there has been no straining of the Constitution or no abuse of the Constitution through some of the executive decisions that have been made, that they are entirely in order under the Constitution.

The question really is, Is it wise in times as difficult as these, as the Senator from Idaho has said, to repose that much responsibility with the President? There may be some other option.

Mr. FULBRIGHT. Does the Senator really believe that the kind of commitment we have with the Spanish Government is correct, that it should have been made as it was, as an Executive agreement—not only an Executive agreement but also a secret Executive agreement—and that Congress should not have known anything about some of those provisions? Does the Senator really believe that?

Mr. McGEE. I am no apologist for the Spanish Treaty. I think that was a flagrant case of abuse.

Mr. FULBRIGHT. I thought the Senator just said it had not been abused.

Mr. McGEE. I think that was a flagrant case of abuse.

Mr. FULBRIGHT. I have difficulty in following the Senator.

Mr. McGEE. I am saying that we are trying to find a procedure for coping with the kind of problem to which the resolution purports to address itself. I am only suggesting that the resolution, in my judgment, does not seem to get at the root of the problem. Whether it takes a constitutional amendment, I do not know.

Mr. FULBRIGHT. I would be glad to have a suggestion from the Senator as to how to improve it. I am a man of very limited capabilities. I have done the best I can. I welcome the Senator's contribution. If he can think of something, he can offer it next Monday as a substitute, and I will listen to it with great interest.

Mr. McGEE. In the judgment of the Senator from Wyoming, I rather was impressed with the conclusion that the Senator from Arkansas reached in 1961. I thought the chairman had turned out an excellent piece on the question of executive power in foreign policy. I appreciate the fact that the Senator has changed his mind on this, but let me read into the RECORD what I think is persuasive in these times. This is from the article in the Cornell Law Quarterly, in 1961, by the chairman of the committee:

> I wonder whether the time has not arrived, or indeed already passed, when we must give the Executive a measure of power in the conduct of our foreign affairs that we have hitherto jealously withheld.

Then a second pungent paragraph:

> The source of an effective foreign policy under our system is Presidential power. This proposition, valid in our own time, is certain to become more, rather than less, compelling in the decades ahead. The pre-eminence of Presidential leadership overrides the most logical and ingenious administrative and organizational schemes.

I mention these because I think they are thoughtful. They may turn out in hindsight to be wrong conclusions, but I was impressed by them.

In that article it was also suggested:

> It is highly unlikely that we can successfully execute a long-range program for the taming, or containing, of today's aggressive and revolutionary forces by continuing to leave vast and vital decision-making powers in the hands of a decentralized, independent-minded, and largely parochial-minded body of legislators.

I assume that means the Senate.

In that article the Senator put his finger on what I believe is a basic problem here. It may be that we have to end up following the procedure that he is advocating at this moment, but I do not think we should jump into what he advocates now without carefully pondering what he advocated in 1961. I think it makes good political science sense. It was a thoughtful piece in depth, in my judgment. That is the reason why I believe those statements belong at this point in the dialog.

Mr. FULBRIGHT. It is perfectly proper for the Senator to put it into the dialog.

Of course, I am not a professor of constitutional law. I am a politician in the Senate. Under the circumstances of that time and the circumstances of the Middle East resolution—if I recall correctly, I opposed that resolution—I believe I voted against it. Actually I may have been absent at the time, but had a pair against it. If my memory is correct, I was against it.

However, I did state what the Senator has read, and under the circumstances of that time I felt that it was correct. We had then a President who was very reluctant to exercise Executive power and had been all during that period. He was almost the opposite in his approach to the exercise of power, as a President, from the one in the office when the present resolution was introduced. Of course, as the Senator knows, the circumstances under which we operate often, as of a given time, influence a judgment. However, in view of the experience of the relatively quiescent period of President Eisenhower and the very active period under President Johnson, there is no doubt that I have changed my mind as to which is the more dangerous to the welfare of the country. The restraining influence of Congress upon an overactive and overambitious President is the much safer course for the country.

Mr. McGEE. I very much respect the accumulation of the record that would prompt a change, because I think the ability to change one's mind is a measure of positive outlook on that.

Mr. FULBRIGHT. It is not only the changing of the mind but also the circumstances that surrounded and were in existence at the time of those statements.

I would say that I have often been questioned not only on this particular point, but on others, by people of different views; but, as men dealing with specific issues that come before a body such as this, I think we always have to make our judgments in the light of the circumstances as of the time the judgment is made. This is true of all kinds of issues—some of them the most controversial of recent years, such as racial problems, and so forth. The conditions change and the legislature changes, and the law itself is changed.

But in this case I do not see that that has any particular relevance to this resolution and the circumstances with which we are now confronted.

Mr. CHURCH. Mr. President, will the Senator yield at that point? I wish to make an observation and then ask a question.

Mr. FULBRIGHT. I yield.

Mr. CHURCH. Mr. President, earlier in the colloquy I believe an article by Hans Morgenthau was referred to, and it was stated that he approved of this resolution as a politcal matter; and the Senator from Wyoming said that was one thing, but the fact remained that the resolution could not change the Constitution, which is correct.

I believe the purpose of the resolution is a political one; that is to say, we would hope its passage would help to create a new congressional attitude toward foreign policy.

I have a speech which I intended to deliver this afternoon. We have reached the witching hour. It is 10 minutes after 5. In the course of that speech, I was going to make these remarks:

What, one may ask, could be expected to come of a new congressional attitude toward foreign policy? First, one may hope that it would encourage the Congress to show the same healthy skepticism toward Presidential requests pertaining to foreign relations that it shows toward Presidential recommendations in the domestic field. One may hope that the Congress hereafter would exercise its own judgment as to when haste is necessary and when it is not. One may hope that, in considering a resolution such as the Gulf of Tonkin resolution, the Congress would hereafter, state as explicitly as possible the nature and purpose of any military action to be taken and, more important still, that it would make it absolutely clear that the resolution was an act of authorization, granting the President specific powers which he would not otherwise possess. One may hope, finally, that the Congress would never again forget that its responsibility for upholding the Constitution includes the obligation to preserve its own constitutional authority.

In other words, I think this whole exercise is for the purpose of defining the constitutional issue, of reasserting

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the philosophy underlying the division of power, and to reaffirm that proposition. Otherwise, the debate would have no purpose. But if the debate does serve that purpose, and if it results in the approval of the resolution pending, then I think in the future the Senate will be much more inclined to take seriously the constitutional responsibility that I believe rests in this body in foreign policy matters.

If this is a political purpose, why this is a political body, and it is a relevant purpose, indeed, in my judgment.

Mr. FULBRIGHT. Mr. President, I hope the Senator will not give his speech today. It is now 10 minutes after 5. I hope he will save his speech until tomorrow, when there will be better attendance. The Senator has paid so much attention to this matter and he had so much to contribute to it in committee that if it does not prejudice his plans too much, I would hope he would save his speech and deliver it tomorrow or on Monday.

Mr. CHURCH. I have the problem of having already released the text of the speech to the press. I would be happy to put it over until later, perhaps tomorrow, with the understanding that I have already authorized its use today.

Mr. FULBRIGHT. We anticipated we would get on to this matter earlier. The majority leader did not realize how long the previous matter would take.

Mr. CHURCH. By all forecasts, it looked as if there would be ample time.

Mr. McGEE. I thought it was coming up last Monday.

Mr. CHURCH. I shall comply with the request of the distinguished chairman and put it over, with the understanding that the press already has the text and they are free to use it.

Mr. FULBRIGHT. I wish to make one further comment with respect to the statement of the Senator from Wyoming, because I now recollect more of my previous attitude. I refer to my attitude toward what was called the Middle East resolution. Those resolutions were, in effect, and I believe drawn that way, very much like the Gulf of Tonkin resolution. They were to give approval in advance—not a grant in authority, but approval in advance—to do anything the President wished to do.

As I recall, I said it was a bad practice. If the President had authority, and if he thought there was a threat to the security of this country, he should act and take the chance of not having consideration by Congress before the fact, but after the fact. He had to do whatever he thought it was his duty to do, and then we could judge whether or not that was in the Nation's interest. In other words, we would be free to say whatever we had to say about it. That is one of the things I said. I do not recall I said absolutely he knew he had the authority to do what he intended. I did not know what he intended to do at that time.

I think a similar argument was raised by the former Senator from Oregon with regard to the Formosa resolution. At that time I believe I voted for the Formosa resolution. But by the time the next one came around I had had a chance to look into the matter and I voted against it because I felt we should not be asked to give approval in advance.

If he has the authority the Constitution gives him—and it is up to him to decide—the authority and judgment as to whether the situation warranted action were his. To require him to take that chance makes him more responsible than if we give a blank check in advance. I think that is still true. If he has to answer for his actions without a blank check or approval in advance he will be a lot more careful how he uses it. I am not too clear as to exactly what I said, but I would be glad to look it up if the Senator wishes.

Mr. McGEE. My point in mentioning these particular paragraphs from the chairman's article in 1961 is not to quote him against himself at all. It is that it seems to me it was drawn at a far calmer moment and drawn so articulately that it says it better than I can and what it says is important.

This other paragraph, I notice, bears upon what we were just talking about. The chairman has serious misgivings about increasing the power of the President. I am mindful of the point the Senator from Idaho raised and which he raises in greater detail in his speech:

> The enhancement of president power is, as I have said, a disagreeable and dangerous prospect. It is seen to be a compelling necessity, however, when set against the alternative of immobility which can only lead to consequences immeasurably more disagreeable and dangerous.

I think this approach to the problem of where we lodge responsibility is the real question with which we are trying to come to grips. We think the decisionmaking power could be exercised by this body. I shall make a speech in which I shall point out how I think the Senate can recover a strong role in foreign policy. I shall raise doubts about whether this is the way to succeed. I would be inclined to think one of the reasons the Senate lost some of its authority is that we have not asserted ourselves in the positive way available to us. I do not see how we aid the strengthening of the role of this body by hiding behind Senate Resolution 85. I think it does nothing to insure that the Senate is going to act in meaningful and relevant ways. So far as we are concerned in the Senate, our role in foreign policy is whatever we say it is, really. Whatever we are really to work at and do, that is it. I think these colloquies illustrate that we are intending to assert an interest, a responsibility, and, hopefully, some foresight in looking down the road ahead of us, rather than spending all our time in the past in terms of things which have gone before; although I understand they do give us guidelines, so that we can learn from past mistakes.

Mr. FULBRIGHT. All this, in a sense, is an assertion that we will play that part. That is what it really amounts to.

Mr. McGEE. If we are going to terminate our colloquy this evening, we can resume it tomorrow, I take it?

Mr. CHURCH. Yes. I look forward to it with great expectation.

Mr. FULBRIGHT. We will do so after hearing the leader of the minority and several others. I anticipate, after that, that there will be considerable opportunity to continue this debate.

Having been standing here a long time, I am quite willing to call it a day, if the Senator is.

Mr. McGEE. I am willing to do so. I want to express my appreciation to my chairman——

Mr. FULBRIGHT. We will resume tomorrow, then.

Mr. McGEE. I want to express my appreciation to the chairman for his patience for indulging this rather tortuous and detailed debate——

Mr. FULBRIGHT. No, it is not tortuous at all. That is what debate is for. The Senator is doing exactly what I favor; namely, discussion of the issues involved. I would feel disappointed if the Senator did not engage in it.

As the Senator knows, we delayed taking this up at the Senator's request, for nearly a month, in order that he could be here. I am very glad that we did that and the Senator is here now and is doing exactly what he should do as a good Senator.

Mr. McGEE. Let me hasten to add that I was here for a couple of months when we were able to act on it, but we did not do so.

Mr. FULBRIGHT. That is correct.

Mr. McGEE. I would hope that we could be here when we finally can debate this at length.

Mr. FULBRIGHT. The Senator did request that we take it up before, but it just happened to conflict with some of his engagements at home, which is quite natural.

Now, Mr. President, may I inquire of the Chair if there has already been a unanimous-consent agreement to adjourn and reconvene tomorrow?

The ACTING PRESIDENT pro tempore. The Senate has a standing order to convene tomorrow at 11 o'clock a.m.

Mr. FULBRIGHT. Well then, Mr. President, I yield the floor.

FOOTNOTES

[1] Louis Heren, *The New American Commonwealth* (New York: Harper & Row, Publishers, 1968), p. 208.

[2] "Aleksei Kosygin, Premier of the U.S.S.R.," *Life Magazine*, February 2, 1968, p. 32B.

[3] *Assignment of Ground Forces of the United States to Duty in the European Area*, Hearing by Committees on Foreign Relations and Armed Services, U.S. Senate, 82d Cong., 1st Sess., on S. Con. Res. 8 (Washington: U.S. Government Printing Office, 1951), pp. 92–93.

[4] *National Commitments*, Report of the Committee on Foreign Relations on S. Res. 85, United States Senate, 91st Cong., 1st Sess. (Washington: U.S. Government Printing Office, 1969), p. 7.

[5] *U.S. Commitments to Foreign Powers* Hearings Before the Committee on Foreign Relations, U.S. Senate, 90th Cong., 1st Sess., on S. Res. 151 (Washington: U.S. Government Printing Office, 1967), p. 72.

[6] *Ibid.*, p. 81.

[7] *Department of State Bulletin*, vol. 23, No. 578, July 31, 1950, pp. 173–177.

[8] Leonard C. Meeker, "The Legality of United States Participation in the Defense of Vietnam," *The Department of State Bulletin*, March 28, 1966, p. 484.

[9] *The Southeast Asia Collective Defense Treaty*, Hearing Before the Committee on Foreign Relations, U.S. Senate, 83d Cong.,

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2d Sess., on Exec. K, 83d Cong., 2d Sess. (Washington: U.S. Government Printing Office, 1954), pp. 16–17.

[10] *Ibid.*, p. 25.

[11] *Ibid.*, p. 28.

[12] Quoted in Robert L. Beisner, *Twelve Against Empire: The Anti-Imperialists 1898–1900* (New York: McGraw-Hill Book Co., 1968), p. 48.

THE QUEST FOR PEACE

Mr. FANNIN. Mr. President—

> Our foreign policy must be clear, consistent and confident. This means that it must be the product of genuine, continuous cooperation between the executive and the legislative branches of this Government. It must be developed and directed in the spirit of true bipartisanship.

With these words, Mr. President, our 34th President, Dwight D. Eisenhower, addressed our Nation upon his taking the oath of office in January of 1953.

The key word in this statement of foreign policy as it applies to us here in the Senate, Mr. President, is "cooperation"—the cooperation that has existed between the legislative and executive branches and the character of our traditional foreign policy that partisanship stops at the water's edge.

Today, Mr. President, we are being called to act upon a resolution. This sense-of-the-Senate resolution purports to clarify the term "national commitment" which it says has become obscured in recent years.

Mr. President, I desire to record my opposition to this resolution because I believe the exact opposite effect will result from its passage.

I have examined the report submitted by the Senator from Arkansas (Mr. Fulbright), chairman of the Senate Foreign Relations Committee, and I find several items there which disturb me a great deal.

Before I get into that, however, I think it is important that we note the difference between what this resolution is supposed to do and what it appears to do.

I have already stated the prima facie objective of the resolution, but I wonder if that is the real objective. Why is the chairman of the Senate Foreign Relations Committee so concerned over this matter at this juncture? I am not quite able to fathom the differences in the current situation and that of say, 1964, when the Gulf of Tonkin resolution was brought before this body by the same distinguished Senator.

I am aware of the defense presented in the committee report accompanying this resolution; but I also find the defense to be somewhat deficient in important areas, as well as giving rise to some fairly basic questions. So, Mr. President, perhaps it is best that we turn our attention to this report.

COMMITTEE REPORT

In my consideration of the merits of this resolution, the first question which came to mind was: How does this resolution propose to deal with such a situation as was presented during July and August of 1964, commonly referred to as the Gulf of Tonkin incident?

Mr. President, I was not in the Senate at that time. My good friend and colleague from Arizona, Barry Goldwater was busily engaged in pursuing the Presidency and I in attempting to attain his seat in the U.S. Senate. I think it probably pertinent to recognize that the actions we are talking about, relating to the Tonkin incident, must be considered against the background of an incumbent President who was planning his campaign for that fall, and the fact that we were not nearly so deeply committed in men and material in Vietnam as we are now.

As an aside, it must be noted that even while President Johnson was making a speech in Akron, Ohio, saying:

> We are not about to send American boys 9,000 or 10,000 miles away from home to do what Asian boys ought to be doing for themselves.

It was evident to many others, including my colleague from Arizona, that the war could not be won there—indeed even continued—without a substantial increase in our outpouring of resources. He had the courage to stick to this even though it was unpopular.

Mr. President, I do not make the charge that there were those who deliberately turned their eyes away from the facts on that occasion here in the Senate. There may have been a political blind spot here or there, but essentially I am sure everyone was trying to do what he thought to be right. My point is that while the evidence which was presented here—and I have gone through the Record to see for myself what the Record revealed—was presented sincerely, there were those, including the distinguished Senator from Arkansas, I believe who took a different position.

I bring this up here now, Mr. President, merely to point out that once the doctrine of fallibility has been accepted—the possibility that they may be wrong again must not be ruled out.

The items in the text that concern me, Mr. President, are those places where the committee report seems to take great pains over a relatively simple semantic difference. As an example: On page 23 of the committee report which deals with the Tonkin resolution, there are these words:

> More important, however, than what was thought about the war power was the *paucity* of thought about it . . . Although the language of the resolution (Tonkin) lends itself to the interpretation that Congress was consenting in advance to a full-scale war in Asia should the President think it necessary, that was not the expectation of Congress at the time.

I do not understand this construction in the report, Mr. President, when I look at the preceding page—page 22—of the report.

In reading the debate, I came across this quotation in the Congressional Record, volume 110, part 14, page 18409. It seemed clear to me then. It seems clear to me now. I cannot understand why it is not clear to the others.

How can one say there was a "paucity" of thought about the war power question when possibly half of the debate on this subject on August 5 and 6 dealt with this very question? How can one say the intent of Congress was not clear when the distinguished Senator from Arkansas expressed that intent and expectation?

May I quote from the Record:

> Mr. Cooper. We confirm the power that the President now has to defend our forces against an immediate attack.
>
> Mr. Fulbright. We are in effect approving of his use of the powers that he has. That is the way I feel about it.
>
> Mr. Cooper. Then, looking ahead, if the President decided that it was necessary to use such force as could lead into war, we will give that authority by this resolution?
>
> Mr. Fulbright. That is the way I would interpret it. . . .

It concerns me, Mr. President, that almost this same exchange is presented on page 22 of the committee report, and then page 23 says there was a "paucity" of congressional thought about the resolution, and the chairman of the Foreign Relations Committee, who is a most able scholar, fails to recognize his own interpretation of the "expectation" of Congress. I am sure the Senator can answer that everyone was "hoping"—in that sense of expectation—that a war would not ensue; but I hardly believe that it is accurate for the report to give the impression that the Tonkin resolution was passed without Congress, in effect, knowing what it was doing. I believe the distinguished Senator from Kentucky's (Mr. Cooper) questions on that point do not permit such a semantical evasion. Everyone "hoped" a war would not happen, but no one "knew" that it would not. The resolution was undertaken—as the Record shows—with the full understanding that the President had such power should he choose to use it. In fact, the Senator from Arkansas immediately makes the point:

> If a situation later developed in which we thought the approval should be withdrawn, it could be withdrawn by concurrent resolution. That is the reason for the third section.

I am sure the distinguished Senator who served for many years on the bench knows far better than I, that the section of the Record I have quoted would be considered its legislative history. Such history is simply not subject to being reinterpreted at a later date when circumstances are neither corroborative nor convenient.

MILITARY CIRCUMSTANCE

Another argument advanced at the time of the Gulf of Tonkin resolution was this—again I quote the Senator from Arkansas (Mr. Fulbright) from the Congressional Record, volume 110, part 14, page 18410:

> Under modern conditions of warfare—and I have tried to describe them, including the way the Second World War developed—it is necessary to anticipate what may occur. Things move so rapidly that this is the way in which we must respond to the new developments. That is why this provision is necessary or important.

This, Mr. President, was offered as the rationale for allowing the President some latitude in selecting his permissible "constitutional" responses in the summer of 1964.

Now I have looked, and looked carefully, in the committee report to find evidence of the advances in technology

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that caused the Senator to shift his position. Surely there has been some change in the general situation that makes the Senator feel that now it is no longer necessary to allow the incumbent President this latitude. Can the committee present evidence to show that the "things which move so rapidly" in 1964, move more slowly now? Is the Senator, in this report, suggesting it is no longer necessary to anticipate what may occur?

I recognize that later in the report there is some recognition given to the responsibility the President has as Commander in Chief to respond to a sudden attack upon the United States. However, I am sure proponents of this resolution are aware of the widespread interpretation of this resolution to "handcuff" the present administration, as it were, to the Senate Foreign Relations Committee.

The distinguished Senator from Wyoming (Mr. McGee) makes this point well in his minority views when he says:

> Regardless of the intent of its sponsors, Senate Resolution 85 is already being interpreted from the outside as (a) an attack on the preceding Administration for its policies in Vietnam, (b) a warning to this and future Administrations in the same area, and (c) an apology for the unsuccessful efforts of the Senate in thwarting previous policy "mistakes".

My distinguished colleague from Wyoming says:

> The implications of Senate Resolution 85 are heavily laden with overtones of neoisolationism.

I just note this in passing that the committee report, ordered to be printed April 16, 1969, makes the first public use that has come to my attention of the term "neoisolationism" as used by the Senator from Wyoming (Mr. McGee). I might presume to call to the attention of the distinguished chairman—who professed to be personally wounded by President Nixon's use of the term "new isolationists" in his May speech to the Air Force Academy—that a member of his own committee, and his own party, apparently used the term some considerable time in advance of the President.

PRESIDENTIAL AUTHORITY

Mr. President, I note that the committee report has this sentence on page 32:

> The President, as we have noted, has unchallenged authority to respond to a sudden attack upon the United States.

I might suggest, Mr. President, that the sweeping and all inclusive language of Senate Resolution 85 seems to be a challenge to that authority. I am wondering if the Senator would be amenable to amendments to his resolution which spell out the exclusions to which he refers in the committee report.

It seems to me, Mr. President, that if the intention of this resolution is really to solve the distinction between the powers of Congress to declare war and the powers of the President as Commander in Chief, we are not likely to do it in a seven-line resolution that well may—in the words of the Senator from Wyoming "introduce mischievous elements, inspire misinterpretations, and demean both the high office of the President of the United States and the responsible role of the U.S. Senate in foreign policy."

The Senator from Wyoming states it most succinctly when he says this resolution "appears to invade areas of responsibility reserved under the Constitution for the President alone."

SPEED VERSUS HASTE

Finally, the committee report makes a difference which it characterizes as "useful," between speed and haste in these matters of great import.

The report says of the resolutions regarding Formosa, the Middle East, Cuba, and the Gulf of Tonkin that not one was a matter of the greatest urgency, and note this particularly, Mr. President—although it did not in each case seem clear at that time."

Mr. President, that sentence should forever be inscribed upon some silver plaque in defense of hindsight.

If I interpret the logic here presented correctly, we shall easily be able to distinguish whether we should act in haste or with speed if we can simply discover—in advance, Mr. President—which items are "matters of genuine urgency, even though they do not appear so at the time."

This suggests to me, Mr. President, that we are being called upon to pass a resolution which has many similarities to the ordinance passed by a small town which found itself in the dilemma of not having enough parking spaces on main street. The problem was neatly solved by using the empty spaces reserved in front of the fireplugs, with the provision of course, that each of the spaces so used "must be vacated not less than one-half hour before the occurrence of any fire."

Perhaps the Senate might consider instead a restrictive resolution limiting the power of the President to act, "except when he really needs to."

COOPERATION

To return to my first and paramount point, Mr. President, I wonder whether the sudden concern for this resolution to properly divide the powers of Congress and the President in these most important areas arises out of a change in administration, a change in importance, a change in temperament—if you will; rather than from any basic need to redefine these areas, or from some entirely new development in either technology or diplomacy.

Mr. President, I suggest that the words of President Eisenhower, which I quoted to begin this statement be considered carefully; particularly when our former President laid stress upon the "cooperation" between the executive and legislative branches of Government.

If we are to have cooperation, we need to debate real issues upon which it is possible to reach an understanding. Let us forbear when it comes to creating artificial and superficial differences which can only hinder in the development of a foreign policy of true bipartisanship.

ORDER OF BUSINESS

Mr. BYRD of West Virgina. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 23 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 20, 1969, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate June 19, 1969:

National Bureau of Standards

Lewis M. Branscomb, of Colorado, to be Director of the National Bureau of Standards.

U.S. District Judge

H. Emory Widener, Jr., of Virginia, to be U.S. district judge for the western district of Virginia, vice an additional position established by title 28, 372(b), November 6, 1967.

U.S. Attorney

Wayman G. Sherrer, of Alabama, to be U.S. attorney for the northern district of Alabama for the term of 4 years, vice Macon L. Weaver.

Evan LeRoy Hultman, of Iowa to be U.S. attorney for the northern district of Iowa, for the term of 4 years, vice Asher E. Schroeder.

Robert J. Roth, of Kansas, to be U.S. attorney for the district of Kansas for the term of 4 years, vice Newell A. George, resigned.

Donald E. Walter, of Louisiana, to be U.S. attorney for the western district of Louisiana for the term of 4 years, vice Edward L. Shaheen.

U.S. Marshal

Lynn A. Davis, of Arkansas, to be U.S. marshal for the eastern district of Arkansas for the term of 4 years, vice Alfred P. Henderson.

Melvin A. Hove, of Iowa, to be U.S. marshal for the northern district of Iowa for the term of 4 years, vice Covell H. Meek, retired.

Denny L. Sampson, of Nevada, to be U.S. marshal for the district of Nevada for the term of 4 years, vice Beverly W. Perkins.

Executive nomination received by the Senate June 18:

Diplomatic and Foreign Service

Terence A. Todman, of the Virgin Islands, a Foreign Service officer of Class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 19, 1969:

National Aeronautics and Space Council

William A. Anders, of California, to be Executive Secretary of the National Aeronautics and Space Council.

Governor of Guam

Carlos Garcia Camacho, of Guam, to be Governor of Guam.

GOVERNOR OF THE VIRGIN ISLANDS

Melvin H. Evans, of the Virgin Islands, to be Governor of the Virgin Islands.

DEPARTMENT OF THE TREASURY

John R. Petty, of New York, to be an Assistant Secretary of the Treasury.

K. Martin Worthy, of Maryland, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service).

VETERANS' ADMINISTRATION

Donald E. Johnson, of Iowa, to be Administrator of Veterans' Affairs.

RENEGOTIATION BOARD

William Henry Harrison, of Wyoming, to be a member of the Renegotiation Board.

William Scholl Whitehead, of Virginia, to be a member of the Renegotiation Board.

U.S. CIRCUIT JUDGE

George Harrold Carswell, of Florida, to be U.S. circuit judge for the Fifth circuit.

U.S. DISTRICT JUDGE

David W. Williams, of California, to be U.S. district judge for the central district of California.

U.S. COURT OF CUSTOMS AND PATENT APPEALS

Donald E. Lane, of the District of Columbia, to be Associate judge, U.S. Court of Customs and Patent Appeals.

DEPARTMENT OF JUSTICE

Anthony J. P. Farris, of Texas, to be U.S. attorney for the southern district of Texas for the term of 4 years.

Thomas F. Turley, Jr., of Tennessee, to be U.S. attorney for the western district of Tennessee for the term of 4 years.

Lincoln C. Almond, of Rhode Island, to be U.S. attorney for the district of Rhode Island for the term of 4 years.

David J. Cannon, of Wisconsin, to be U.S. attorney for the eastern district of Wisconsin for the term of 4 years.

Dean C. Smith, of Washington, to be U.S. attorney for the eastern district of Washington for the term of 4 years.

Seagal V. Wheatley, of Texas, to be U.S. attorney for the western district of Texas for the term of 4 years.

John L. Bowers, Jr., of Tennessee, to be U.S. attorney for the eastern district of Tennessee for the term of 4 years.

Otis L. Packwood, of Montana, to be U.S. attorney for the district of Montana for the term of 4 years.

Charles E. Robinson, of Washington, to be U.S. marshal for the western district of Washington for the term of 4 years.

Gaetano A. Russo, Jr., of Connecticut, to be U.S. marshal for the district of Connecticut for the term of 4 years.

Doroteo R. Baca, of New Mexico, to be U.S. marshal for the district of New Mexico for the term of 4 years.

Royal K. Buttars, of Utah, to be U.S. marshal for the district of Utah for the term of 4 years.

J. Pat Madrid, of Arizona, to be U.S. marshal for the district of Arizona for the term of 4 years.

John C. Meiszner, of Illinois, to be U.S. marshal for the northern district of Illinois for the term of 4 years.

George L. Tennyson, of South Dakota, to be U.S. marshal for the district of South Dakota for the term of 4 years.

Edward J. Michaels, of Delaware, to be U.S. marshal for the district of Delaware for the term of 4 years.

Christian Hansen, Jr., of Vermont, to be U.S. marshal for the district of Vermont for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Thursday, June 19, 1969*

The House met at 12 o'clock noon.

Rev. Father Vincent F. Hart, National Chaplain, Catholic War Veterans of America, offered the following prayer:

O God our Father, with full realization that humility is the virtue of the realist, for humility is truth, and pride, the vice of the unrealist, the self-deceiver, we the people of these United States of America beseech You to lavish at all times the salutary grace of realistic truth upon this House of Representatives. Wisdom is the final fruit of humility and truth, for wisdom is the awareness of the realities of existence.

Wisdom is the inexhaustible treasure to men, and those who acquire it win God's friendship, commended as they are to Him by the benefits of her teaching.—Wisdom 7: 14. *For wisdom is quicker to move than any motion; she is so pure, she pervades and permeates all things.*—Wisdom 7: 24.

Through Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 856. An act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; and

S.J. Res. 90. Joint resolution to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation therefor.

COMMUNICATION FROM THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER laid before the House the following communication from the Committee on Standards of Official Conduct; which was read and referred to the Committee on House Administration:

JUNE 18, 1969.

Hon. JOHN W. MCCORMACK,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On September 27, 1968 you referred to this Committee a letter from the Clerk of the House of Representatives reporting on his investigation of recording irregularities in roll calls taken on September 9, 10, and 16, 1968. You stated, "It seems to me that the allegations set forth in the Clerk's (the Clerk of the House) letter are matters that may come within the jurisdiction of the Committee on Standards of Official Conduct." The Committee interpreted this referral as a request for it to move on its own initiative as provided in the Rules of the House. Accordingly on October 1, 1968, the Committee directed its staff to inquire into these irregularities.

The first phase of the inquiry sought to fix the responsibility for the specific irregularities referred to in the letter from the Clerk of the House. In pursuing this, the need became apparent for an examination of roll call mechanics in general. The Committee now has drawn certain conclusions with respect to the specific irregularities but feels that until the institution of improved recording procedures, which it previously has recommended, it should continue to observe the working of the present system.

With respect to the responsibility for the irregularities referred, the Committee was satisfied that the Clerk of the House accurately reported the information he received. But, after deeper scrutiny of all facets of the situation, the Committee became convinced that the tally clerk's explanation, that he had made the specific erroneous entries "at the request of" another employee was not accurate. The Committee verified that the errors did, in fact, occur, but the most probable explanation is that the tally clerk's response to the Clerk of the House was an instinctively defensive reaction stemming from the complete state of exhaustion which he was experiencing at the time.

In the Committee's belief, several factors contributed to this condition in the tally clerk. At a point when legislative activity in the House was unusually high and with his assistant physically incapacitated and off the job, the tally clerk assumed the full burden of both positions. In the Committee's opinion, this burden was beyond his physical capacity to perform with accuracy, and led to impairment of his efficiency, culminating in the errors referred to as well as several others which were disclosed at about that time.

The Committee therefore reaffirms its earlier interim finding that neither the Member nor employees named in the original referral, nor any names subsequently disclosed, were parties to any complicity in these errors.

It may be argued that the tally clerk should have sought assistance during this period. Undoubtedly he would have done so had he recognized the effect the increasing work load was producing in his performance.

Addressing the larger matter of the entire system of tallying, the Committee has made what it feels is the most detailed analysis of the subject ever undertaken and has arrived at numerous statistical conclusions. All of these support the conviction that an unacceptably small percentage of the random error inherent in the present system is subsequently corrected by the Members. While these errors have had absolutely no effect on legislative results, they should be eliminated to the greatest extent possible. Early indications are that there has been some improvement in the 91st Congress to date in the correction of errors but not enough to obviate the need for a modernized system of roll call recording.

In view of the foregoing, the Committee renews its earlier recommendation for installation of a modernized voting system at the earliest possible date.

Sincerely,

MELVIN PRICE,
Chairman.
LESLIE C. ARENDS,
Ranking Minority Member.

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PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the independent offices and Department of Housing and Urban Development appropriation bill for fiscal 1970.

Mr. BOW reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ESCALATING U.S. TROOP WITHDRAWALS FROM VIETNAM

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, on June 17, I called to the attention of this House the significant statement of our former representative at the Paris peace talks, Cyrus R. Vance, who now calls for a "standstill cease-fire" in Vietnam. Today we have the statement of former Defense Secretary Clark Clifford who now proposes that there be a withdrawal this year of at least 100,000 combat soldiers and that those withdrawals escalate so that next year a comparable or even larger number would leave. The escalation to bring our soldiers home is the kind of escalation we can and should endorse.

Again, I would like to invite my colleagues to join with the seven Members of Congress who introduced House Concurrent Resolution 256 on May 15, 1969, calling upon the President to direct the immediate withdrawal of 100,000 U.S. troops and to propose an immediate cease-fire. In view of the recent statements of those who just a short time ago were responsible for our Vietnam policy, I hope many more will support our resolution.

GAO REPORT TO CONGRESS ON CONTRACTS

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, just this morning I received my 185th cosponsor to a bill I have introduced which requires the GAO to report to Congress on all contracts which run more than 10 percent above the original contract price. In light of current revelations, I think this is most significant. Members of the House of all political persuasions and every area of our country have joined me in sponsoring this essential measure. It will once and for all restore fiscal responsibility, strengthening the legislative branch of the Government so Congress may be apprised of exactly what is going on. I would like to commend those who have joined with me in this measure and urge those who have not to please do so.

RESOLUTION RESTORING TO ADAM CLAYTON POWELL CERTAIN RIGHTS AND BENEFITS

(Mr. DIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIGGS. Mr. Speaker, I have introduced today a resolution rescinding the provisions of House Resolution 2—91st Congress, first session; January 3, 1969—relating to the seniority of ADAM CLAYTON POWELL, JR., and restoring him to the seniority which he acquired by reason of his election to the 79th Congress on November 7, 1944, and succeeding congresses from the 18th District of New York. The resolution also directs the Clerk of the House to pay all the salary and allowances withheld from him as a result of his unconstitutional exclusion from the 90th Congress on March 1, 1967, as determined by the U.S. Supreme Court June 16, 1969.

Mr. Speaker, there are those who reacted in fear, anger, and frustration when this decision was announced. Some so reacted because of their personal antagonism toward Mr. POWELL; others so reacted because of the larger issue: the limitations imposed upon the House's capacity as a judge of its Members. These critics are entitled to their opinions. However, the highest court of our land has spoken decisively and in my view correctly. The integrity of this body is now spotlighted. If the House follows the suggestions of those who would defy this edict, its reputation as the citadel of law and order and justice will be sorely tarnished. I trust we will act accordingly.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 12290 RELATING TO SURCHARGE AND REPEAL OF INVESTMENT CREDIT

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Friday, June 20, 1969, to file a report on the bill, H.R. 12290, relating to the surcharge and the repeal of the investment credit, along with separate views, if any.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

VIETNAM POLICY

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute.)

Mr. CEDERBERG. Mr. Speaker, I have been noticing that we have been getting a lot of advice from some former architects of our Vietnam policy whose voices a year ago were strongly silent.

Mr. Harriman, who was a negotiator in Paris, and now the former Secretary of Defense Clifford are all giving their advice as to how to handle the Vietnam war. They were the architects of the policy that has been inherited by this administration.

I happen to be one who believed, and do believe, that former President Johnson was dedicated to trying to reach an honorable solution for Vietnam.

I also know that President Nixon is dedicated to trying to reach an honorable settlement in Vietnam.

As I read of the proposals by our negotiators in Paris asking for a free and open election under international supervision, I ask you what can be more fair than that?

The Communists are not interested in open and free elections because they cannot win in an open and free election. They are interested in a coalition, and if we have not had enough experience with coalitions and if we fail to recognize that for every coalition with the Communists they have ultimately taken over, and if we have refused to learn any lessons from history, then we do it at our peril.

As I read some of the statements from these former architects of this policy, I believe they are doing a disservice—and a disservice to the men who are serving there—and a disservice to the administration that is trying in as honorable way as we possibly can to get an honorable solution in this Vietnam.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman.

Mr. HAYS. Is the gentleman speaking of the statement that the former Secretary of Defense Mr. Clifford made last night?

Mr. CEDERBERG. I am speaking exactly of that.

Mr. HAYS. I would just like to say about Mr. Clifford that he had one great virtue as Secretary of Defense—he was able to make failure sound a lot more plausible than the previous Secretary of Defense.

Mr. CEDERBERG. I am not impugning anyone's motives at all.

I would just like to make the statement that in my opinion it is simply not in the best interest of our country that these former policy advisers make these statements at this time. I just do not think they are helpful.

VIETNAM POLICY

(Mr. KLEPPE asked and was given permission to address the House for 1 minute.)

Mr. KLEPPE. Mr. Speaker, I just want to compliment the gentleman from Michigan for his very timely and extemporaneous remarks. I think this is something that needed to be said, and he said it very well.

MAKING IN ORDER CONSIDERATION OF A JOINT RESOLUTION MAKING CONTINUING APPROPRIATIONS NEXT WEEK

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order any day next week to consider a joint resolution making continuing appropriations.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Reserving the right to object, Mr. Speaker, this would be a con-

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tinuing resolution to what date? Could the gentleman give us that information?

Mr. MAHON. The date to which appropriations would be continued has not been worked out. The gentleman from Ohio, the ranking minority member of the Appropriations Committee, and myself, with permission of the Appropriations Committee, are working with the leadership on both sides of the House to determine a date that might be suitable.

Mr. GROSS. We seem to be engaging in the old Army game of "Hurry up to wait." Would it not be wise, in the case of this continuing resolution, to date it to December 19, which is the Thursday before Christmas?

Mr. MAHON. It could be dated the 23d of December, just 1 day before Christmas Eve.

Mr. GROSS. Perhaps it would be better to add the 4 days that my friend from Texas suggests.

Mr. MAHON. It is imposible to know, but I do not think it would be practicable to set a date so far in advance. We need a target. We need to move forward with these bills. Of course, we have not had authorization on major bills which must be considered by the Congress.

Mr. GROSS. How about a termination date during the week between Christmas and New Year's Day. Would that be a good week to wind up this session of the House?

Mr. MAHON. When the resolution is before us, the gentleman's suggestion might be offered as an amendment. I realize there is a problem. We just have to do the best we can.

Mr. GROSS. I thank the gentleman for his explanation, and I shall await with bated breath to note the date you put on it.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

KENNEWICK DIVISION EXTENSION, YAKIMA PROJECT, WASHINGTON

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 440 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 440

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 742) to amend the Act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 440 provides an open rule with 1 hour of general debate for consideration of S. 742 to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, and for other purposes.

The purpose of S. 742 is to authorize the Secretary of the Interior to construct, operate, and maintain the Kennewick division extension on the Yakima project, Benton County, Wash. The Kennewick division extension will provide irrigation service to 6,300 acres of land now having only marginal utility and will enhance the upland game resources of the area.

The plan of development for the Kennewick division extension involves the use of existing capacity in the Chandler pumping plant discharge line and the 500-cubic-feet-per-second Kennewick main canal of the Kennewick division. Under the plan of works that is authorized by the bill an additional pumping unit will be installed in the existing Chandler pumping plant where structural provisions were made at the time of initial construction. This unit will be hydraulic turbine driven unless advance planning studies indicate that an electrically driven pumping unit will be more economical and advantageous. Water delivered by the enlarged pumping plant will be conveyed through the Kennewick main canal a distance of 6.7 miles. At that point the Kiona siphon will be constructed through which the water will be diverted and conveyed to the vicinity of the irrigable lands. A system of lined laterals, closed pipe laterals, and necessary relift pumping plants will be installed for delivery to the individual tracts in the service area. The construction of drainage works and operation and maintenance facilities as required will also be elements of the authorized plan.

Water supply for the extension will be derived from the natural flows of the Yakima River as augmented by return flows from upstream irrigation development. An average annual delivery requirement of 31,500 acre-feet is available and permits for its use have been obtained from the State of Washington.

The construction cost of the extension is estimated to be $6,735,000 based on January 1969 price levels. This cost also reflects the cost of lining or enclosing in pipe the distribution system. The investment cost, which is the basis for project evaluation, is $7,554,000, reflecting the inclusion of assigned costs in existing facilities. This amount is allocated to irrigation and fish and wildlife in the respective amounts of $7,421,900 and $132,800. The fish and wildlife allocation consists entirely of joint cost allocated to upland game enhancement and is, therefore, nonreimbursable as provided by the Federal Water Projects Recreation Act. During the 50-year repayment period following a 10-year development period, the water users repayment is estimated at $1,766,800. The remainder of the irrigation investment—$5,655,100—will be returned from surplus revenues of the Federal Columbia River power system. Studies of the financial position of that system indicate that revenues in this amount are in prospect for meeting this obligation concurrently with the end of the irrigator's 50-year repayment period.

Operation and maintenance charges which will be borne by the water users are estimated at $51,600 annually. The benefit-cost ratio, based on 3¼ percent interest and a 100-year period of analysis, is 2.8. If direct benefits only are utilized, the benefit-cost ratio would be 1.6.

Mr. Speaker, I urge the adoption of House Resolution 440 in order that S. 742 may be considered.

(Mr. LATTA asked and was given permission to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, the purpose of the bill is to authorize the construction and operation of the Kennewick division of the Yakima project.

This project will provide irrigation service to 6,300 acres of land now only marginally used. Upland game resources will also be enhanced. The benefit ratio, both direct and indirect is 2.8. When considering the direct benefit ratio only, the figure is 1.6.

The Kennewick division was envisioned when the total Yakima project was first begun over 60 years ago. A feasibility study in support of construction was submitted to the Secretary of the Interior in 1964; hearings were held during the 90th Congress. No organized testimony in opposition has developed; all local interests support the measure.

Construction will permit the use, through irrigation, of marginally useful sagebrush pasture to feed livestock and grow vegetable and fruit crops. The wildlife in the area should also increase.

Existing facilities, the Chandler pumping station and the Kennewick main canal will be utilized. An additional pumping unit will be constructed as well as the Kiana siphon to divert the water to the land to be irrigated. Water sources—the Yakima River, are sufficient for this additional use.

Electrical power for operating the pumping units will be obtained from the Federal Columbia River power system, available at a cost determined by the Secretary of the Interior under criteria applicable to other similar projects.

Estimated construction costs, at January 1969 price levels are $6,735,000; this amount is authorized by the bill. A 50-year repayment period, a standard feature, is included in the bill. Operation and maintenance charges will be borne by the water users; they are estimated at $51,600 annually; again this provision is a standard one.

There are no minority views. The Department of the Interior supports the construction of the project.

Mr. Speaker, I have no requests for

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time and I yield back the balance of my time.

Mr. **SISK**. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. **JOHNSON** of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 742) to amend the act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 742, with Mr. ANNUNZIO in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN**. Under the rule, the gentleman from California (Mr. JOHNSON) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. JOHNSON).

Mr. **JOHNSON** of California. Mr. Chairman, I yield to the gentleman from Colorado (Mr. ASPINALL), the chairman of the full committee, such time as he may consume.

Mr. **ASPINALL**. Mr. Chairman, the Kennewick division extensions that will be authorized by enactment of S. 742 will complete the development contemplated by Congress when it passed the act of June 12, 1948, authorizing the Kennewick division of the Yakima project. In this sense, the program we are considering today is not a new project. It is actually the completion of an undertaking that has been underway for more than 20 years. The record will show that Congress provided for this development when it authorized the Kennewick division in 1948, by including capacity in the canals and pumping installations that were then being constructed.

This bill will authorize the hardware for serving 6,300 acres of land that is now essentially useless, and to all intents and purposes, will complete the foreseeable irrigation development in the main Yakima Valley of Washington. While it is not a major development in terms of cost or acres served, it is no less vital to the continuing economic growth and development of this part of the State of Washington.

Mr. Chairman, any Member who will visit this valley would never again doubt the value of the Federal contribution to land and water resource development. On the lands where water has been supplied, one sees prosperous farms and homes, making possible related business and industry that in large measure support the fine cities of Yakima, Pasco, Kennewick, Richland, and numerous smaller communities. On immediately adjoining lands, where water has not been supplied, there is no significant use being made of the land and no wealth of any consequence comes from it.

Two days of hearings were held on this measure by the Subcommittee on Irrigation and Reclamation under the chairmanship of our colleague, the gentleman from California (Mr. JOHNSON). He will set forth for the Members some of the details of the physical plan, its costs and benefits. There are, however, some policy considerations, concerning which the Members should be advised, and I would like to mention them during the balance of my time.

The attention of the Members is drawn to the proposed committee amendment which will reduce the repayment period for the Kennewick division extensions from 56 years plus a development period to 50 years plus a development period. We are told that the administration recommended 56 years for this project because that was the term provided in the existing contract with the irrigation district covering the adjacent lands of the Kennewick division. The committee, in proposing to amend this term to 50 years, is simply being consistent with the practices followed by Congress exclusively and without exception since 1956; that is, to limit the payout period for reclamation projects to 50 years. The testimony shows that this does not work any hardship on anyone and that financial feasibility is assured from the surplus power revenues of the Federal power system. The use of such revenues for underwriting irrigation repayment has previously been authorized by Congress by the act of June 14, 1966, as amended.

As far as our committee can determine, there is no opposition to the enactment of this bill. The local people have indicated their willingness to meet the cost-sharing requirements to the limit of their ability in keeping with general law and policy laid down by the Congress. They have filed for and received appropriations from the State of Washington for the water rights that are necessary to assure proper functioning of the project. The program is completely nonpartisan in character and has been unequivocably endorsed by the Governor of Washington, as being one of the most favorable project opportunities in that State.

It should be noted again that this is not considered a major program, in the sense that it would offer serious competition for funds to those activities already authorized by the Congress. Accordingly, it might well be fitted into the construction programs without extreme budgetary stress or undue influence on the rate of progress on ongoing work. Be that as it may, the sponsors and supporters of this legislation are on notice from my committee that enactment of S. 742 does not imply that immediate funding will be forthcoming.

Mr. Chairman, the Members can be assured that the Committee on Interior and Insular Affairs has taken full notice of the backlog of water and land resource development projects that have been authorized but not funded for construction by the Bureau of Reclamation as well as the Corps of Engineers and the Soil Conservation Service. This is a matter of deep concern to all of us who are interested in building our national economy through more enlightened resource utilization. I believe that the time will shortly come when we shall see a realization by the executive branch that its present attitude toward the funding of growth programs such as this we are discussing today is self-defeating and shortsighted.

It is from this conviction, that I continue to support this and other well-designed and carefully evaluated water programs of the Federal agencies and which leads me to urge favorable consideration of S. 742 as proposed to be amended by the committee.

May I say that it will be my responsibility as chairman of the Committee on Interior and Insular Affairs to see to it in this session of Congress and in the next session of Congress that any authorizations we bring before the House of Representatives shall not go above that sum of money which is appropriated for this kind of work during the 91st Congress. By so doing we keep the balance that we have at the present time. This program can fit in very nicely to that sort of a program.

Mr. Chairman, in closing may I make this remark: The gentlewoman from Washington (Mrs. MAY) has been very patient and very helpful in the consideration of this legislation. It has been before our committee for at least 4 years and maybe as long as 5. This is a project that is good, as will be shown by those who follow me. Mrs. MAY had every right to expect the project would be considered as soon as possible. However, she let other projects which the chairman of the committee considered to have priority come first and she did it uncomplainingly. To me this is one of the fine examples of cooperation from a colleague in Congress, and I commend her once again for consideration.

Mr. **SAYLOR**. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of S. 742, as amended, a bill to authorize the Secretary of the Interior to construct, operate and maintain the Kennewick division extension of the Yakima irrigation project in the State of Washington.

In 1948, Congress authorized the Kennewick division of the Yakima project and at such time Congress also authorized the construction of extra capacity in the division's main canal to provide future irrigation of additional lands. The main canal was so constructed and has since carried as a deferred obligation extra capacity.

The purpose of this legislation is to provide for the utilization of the extra capacity initially contemplated by authorizing the construction, operation and maintenance of an additional pumping plant, construction of the Kiona siphon and a system of lined laterals, pipe laterals, the necessary relift pumping units to deliver an average annual requirement of 31,500 acre-feet of water and drainage facilities.

The total Federal investment in the

Kennewick division extension will amount to $7,554,700. Allocation of this Federal investment among the project purposes is divided as follows: $7,421,900 of the costs are allocated to irrigation purposes, and $132,800 of the costs are allocated to fish and wildlife enhancement. The costs allocated to fish and wildlife enhancement are nonreimbursable costs under the provisions of the Federal Water Project Recreation Act, while the costs allocated to irrigation are reimbursable without interest.

The repayment features of this project focus upon one of the disturbing and objectionable repayment policies we have established in the reclamation law as it is applied in this project. In this project, of the $7,421,900 allocated as irrigation costs, the water users will repay without interest during the 50-year repayment period the sum of $1,766,800 or only about 24 percent of the irrigation costs. The amount which the water users cannot pay, which is $5,655,100 will be repaid in the form of financial assistance from surplus power revenues of the Federal Columbia River power system. The objectionable and disturbing fact is, that this financial assistance is provided the water users without the payment of interest.

It has always been my basic understanding that a person or entity obtaining financial assistance incurred the obligation of repaying the principal plus interest. This is not what we are permitting in this legislation. In this case, the water users are repaying a portion of the irrigation costs without interest in accordance with basic reclamation law and the balance is to be repaid from surplus power revenues also without interest. Unfortunately, this type of financial assistance was specifically provided for in the act of June 14, 1966, as amended by the act of September 7, 1966.

This situation points up the need for legislation to establish a uniform Federal policy for the repayment of costs of Federal electric power projects and to provide the Secretary of the Interior with the authority to carry out such a policy. Mr. Chairman, I have sponsored such legislation in this Congress in the form of H.R. 661, which specifically prohibits the allocation or dedication of surplus revenues of Federal electric power projects without specific authorization of Congress.

Mr. Chairman, despite the objection which I have raised concerning this legislation, I intend to support the passage of S. 742, as amended.

Mr. JOHNSON of California. Mr. Chairman, at this time I yield such time as she may consume to the distinguished gentlewoman from Washington (Mrs. MAY).

Mrs. MAY. Mr. Chairman, I certainly deeply appreciate the courtesy of my colleague and friend, the gentleman from California (Mr. JOHNSON), in extending to me this time and I might also express my appreciation for the very bipartisan way in which this bill has been approached. I have had excellent cooperation from all members of the committee in passing this bill out of the committee to authorize a project which is so important to my district, and for which we have waited many years.

Mr. Chairman, as a House sponsor of the proposed Kennewick division extension of the Yakima project in the State of Washington, I rise in support of S. 742.

This project, which is located in my congressional district, will bring irrigation water to 6,300 acres of land south of the Yakima River near its confluence with the Columbia River between Benton City and Richland.

The present marginal lands will produce fruit and general row crops. Enhancement of wildlife resources will be substantial.

This project has an impressive benefit-to-cost ratio of 2.8 to 1.

It should be emphasized, I believe, that the Kennewick division was authorized in 1948. Capacity for an additional 7,000 acres of irrigation was originally built into the Kennewick division's main canal, and the authorization act of 1948 recognized the cost of the construction of such additional capacity as a deferred obligation. The total investment in the Kennewick division extension will be about $6.7 million.

May I also say, Mr. Chairman, that I am exceedingly gratified that today, at long last, this legislation has finally reached the floor of the House. The feasibility report was written in 1962. Authorizing legislation was introduced in both House and Senate in 1964, 1965, 1967, and 1969. The bill passed the Senate several times. Today it is before us in this Chamber for the first time, and I urge its approval.

All departmental reports are, as they were previously, favorable. The project has wide support throughout the area, and authorization has been urged by the Governor of my State, the Washington State Legislature, the Washington State Reclamation Association, and other organizations and individuals.

I also wish to express my deepest appreciation to the most distinguished chairman of the full committee, and to the equally distinguished chairman of the subcommittee, and to all other committee members, for their favorable action on this small, but very desirable irrigation project.

Mr. HALEY. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Chairman, I would like to say to the gentlewoman from Washington that normally I do not support these kinds of bills. However, I do want to say this: that the gentlewoman from Washington made a very fine presentation before the committee, and in doing so justified this project. I am just sorry that she does not have her own bill before us at this moment, but I understand that her bill is a similar bill to the bill before us.

Again, Mr. Chairman, I want to commend the gentlewoman for the fine presentation she made before our committee on this project.

Mrs. MAY. Mr. Chairman, I thank the gentleman from Florida very much for his remarks.

Mr. GERALD R. FORD. Mr. Chairman, will the gentlewoman from Washington yield?

Mrs. MAY. Mr. Chairman, I will be delighted to yield to our minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I thank the gentlewoman for yielding. I also wish to lend my full support and endorsement to this legislation.

As the gentlewoman from Washington knows, I have talked with the gentlewoman about this project, and I have told the gentlewoman that I fully support it. Subsequently, I will help at the proper time on an appropriation bill.

I am certain the House, as well as the other body, will take affirmative action. I hope that as quickly as possible we can also fund this project.

Mrs. MAY. Mr. Chairman, I thank the distinguished minority leader very much for his statement.

Mr. GOODLING. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I am happy to yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I just want to point out to the House that I believe here is one of the places where we are most inconsistent. I have said this over and over again—and I know the gentlewoman from Washington will not agree with me, and that a lot of the other Members will not agree with me—but the Department of Agriculture at the present time, as it has been doing for some years, is paying out huge sums of money to take land out of production because we already have too much land in production; yet, here we are putting 6,300 acres of land into production to produce more surplus crops and more problems.

I believe, as I said previously, that this is very, very inconsistent.

Mrs. MAY. Mr. Chairman, if I may respond to the gentleman on that statement. If we were talking about land to produce surplus problem crops the gentleman certainly would have an excellent point. However, Mr. Chairman, I am very familiar with this part of our country, of course, and this, as I pointed out in my statement, will be rowcrops and fruit trees, which of course are not a surplus commodity and are not included in the agricultural production control program.

I might point out also that dryland farming in my part of the country, as well as in other parts of the country, does produce crops that are under the direct payment program, for instance, wheat and grain crops.

When you put water on the land, you automatically then almost always rule out large production of surplus crops because it is frankly just not economical to raise wheat and feed grains on irrigated acreage.

So I would point out that the essential difference is in the commodity to which the land will be devoted.

Mr. GOODLING. I want to point out to you that I am not opposing your project. But I have an obligation to point out to Congress that at times we are very inconsistent and I am not so sure that this is not one of those cases.

Mrs. MAY. I will assure the gentleman on that. When water comes to the Ken-

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newick extension land I hope to be able to give the gentleman the absolute proof then.

Mr. HALL. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman.

Mr. HALL. Mr. Chairman, I thank the gentlewoman for yielding.

I want to compliment her on her presentation, and the committee on its action. I have been in this area and have boated and have hunted and fished and toured it. I have been impressed with the area in connection with the tricity area and the valley of fruit trees. With this great economical feasibility that has been demonstrated, I think all are to be complimented.

Particularly do I appreciate the distinguished lady for yielding for another reason. I would like to compliment the committee for including in its very excellent report the requirements as to funding and additional personnel requirement under Public Law 84-801, 70 Stat. 652.

This is over the signature of the present Under Secretary of the Interior, Mr. Train, submitting the departmental report for the Secretary of the Interior.

To my knowledge, this is one of the few times that this has been set out in tabular form. I think just as including ways and means and a termination date in all legislation would be beneficial if this were included in all legislation that comes before the House it would cut down on debate and it would enhance the consideration, to say nothing of the open rule under which we are operating.

I congratulate all hands on this approach to the matter.

Mrs. MAY. May I say to the gentleman from Missouri, I think the committee does deserve special praise for having presented the legislation in this excellent form for the full information of all Members of the House. I, too, congratulate them.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentlewoman from Washington has consumed 9 minutes.

Mr. SAYLOR. Mr. Chairman, I yield such time as he may require to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, I rise in weak support of S. 742, as amended, a bill to provide for the construction, operation, and maintenance of the Kennewick division extension of the Yakima project in the Pacific Northwest. The persuasive gentlelady from Washington has managed to overcome my original opposition to the project, but just barely.

The Kennewick division extension, as proposed in this legislation, will place in irrigation some 6,300 acres of the State of Washington at a Federal investment of $7,554,700. The project will call for the construction of an additional pumping plant, a syphon, a system of laterals, closed-pipe laterals, relift pumping plants and drainage works to deliver 31,500 acre-feet of water. The Federal investment in this extension of the Kennewick division is allocated $7,421,900 to irrigation and $132,800 to fish and wildlife enhancement. The costs allocated to the irrigation features of the extension are reimbursable without interest and the costs allocated to fish and wildlife enhancement are nonreimbursable. The committee has amended to provide that the reimbursable costs shall be returned to the Federal Government within the standard term of 50 years plus a development period rather than the 56-year period as initially sought in the bill. The benefit-cost ratio for the project is 2.8 to 1 for all benefits.

The interesting fact about this legislation is that one of the justifications advanced for its passage is that this is merely an extension of an existing project. Well, I just want to say this, if I may, Mr. Chairman, that the Northwest has been treated very generously by Uncle Sam ever since Franklin Delano Roosevelt, while on the campaign trail in the Pacific Northwest, pointed his finger in the general direction of nowhere and said there ought to be a dam there, and that was more than three decades ago.

I have the slight feeling, Mr. Chairman, that the Pacific Northwest does not really appreciate the kindness and generosity with which it has been regarded by the balance of the Nation, and perhaps for that reason, has no feeling of reciprocity when it concerns the problems of either the rest of the Nation or some of its nearby neighbors. Perhaps some resistance, or a slight slowdown to the continuation of these developments in the Pacific Northwest, might be helpful in creating a mood of reciprocity and recognition of the fact that the Pacific Northwest, after all, is part and parcel of the whole country.

Mr. JOHNSON of California. Mr. Chairman, I rise to support the passage of S. 742, as proposed to be amended by the Committee on Interior and Insular Affairs. In so doing, I too wish to call the attention of the Members to the fact that this measure does nothing more than complete the commitments to the people of the Yakima River Valley in the State of Washington that Congress first made in 1948 when the Kennewick extension was initially authorized.

As pointed out by the distinguished chairman of the full Committee on Interior and Insular Affairs, this project we are talking about today is not a major one in terms of dollars and cents. Although the estimated construction cost is only $6,735,000, the irrigation of 6,300 acres of land presently devoted to sagebrush and a very marginal winter wheat farming operation will result in important economic gain to the farms, towns, and cities of the adjacent region.

The works to be constructed, pursuant to the authorization contained in S. 742, consist of an additional pumping unit of 167 cubic feet per second in the existing Chandler pumping plant, and the canals, laterals, pipelines, drains, and relift pumping plants for delivery of the water from the Kennewick main canal to the individual farm units in the irrigable area. No new construction is authorized in connection with the main canal since capacity for handling the water supply for the Kennewick extensions was provided in this facility when it was first constructed. Similarly, there is no additional reservoir storage contemplated by S. 742 since an adequate water supply, for which an appropriation was granted by the State of Washington in 1931, is available from return flows and from the natrual flows of the Yakima River.

The costs of storage regulation and capacity in existing works constructed under prior authorizations, when added to the construction costs, results in an investment cost for economic and financial analysis of $7,554,700. This cost has been tentatively allocated to irrigation and fish and wildlife enhancement in the respective amounts of $7,421,900 and $132,800. The cost allocated to fish and wildlife is as a result of upland game benefits and is nonreimbursable in keeping with the provisions of the Federal Water Project Recreation Act of 1965.

Irrigation water users will repay the operation and maintenance costs of $50,960 annually and will contribute to the return of allocated investment cost in accordance with a repayment contract with the Secretary of the Interior. This contract will supplement the contract now in force with the Kennewick Irrigation District to which the newly irrigated lands will be added. This contract will provide for capital repayment for a term of 50 years after a 10-year development period in which no construction charges will be levied. During this period, the irrigators will return $1,766,800, amounting to 24 percent of the irrigation investment. The remainder, amounting to $5,655,100, will be defrayed by the available revenues of the Federal Columbia River power system which is operated and administered by the Bonneville Power Administration. As previously pointed out by our colleague, the chairman of the full committee, these revenues are clearly in prospect and their use has been sanctioned by the act of June 14, 1966, as amended.

Economically, the Kennewick division extension is well justified, having a ratio of benefits to costs of 2.8 based on total benefits and costs as of January 1969.

Mr. Chairman, my Subcommittee on Irrigation and Reclamation has considered the Kennewick division extensions at length. We have brought out a bill, S. 742, that embraces all of the policy precepts which have been set down by Congress for Federal reclamation projects. We have determined that there will be no conflict with the acreage limitation provisions of reclamation law, that there will be no production of crops which contribute to our surplus commodities problems, that power and energy for pumping are available from the Federal system, and that there is no objection to the development of the project of record.

For these reasons, I urge a favorable vote on S. 742 as a well qualified, carefully evaluated water and land resource development project that will be in the best interests of the national and regional economy.

Mr. Chairman, I have no further requests for time.

Mr. SAYLOR. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

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The Clerk read as follows:

S. 742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 12, 1948 (62 Stat. 382), is hereby amended as follows:

(a) Insert the words "and Kennewick division extension", after the words "Kennewick division" in section 1 and add the following items to the principal units listed in said section: "Kiona siphon" and "Relift pumping plants".

(b) Insert at the end of section 3 the following: "Costs of the Kennewick division extension allocated to irrigation which are determined by the Secretary to be in excess of the water users' ability to repay within a fifty-six-year repayment period following a ten-year development period, shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707): *Provided,* That section 5 of this Act shall not be applicable to the revenues derived from the Federal Columbia River power system. Power and energy required for irrigation water pumping for the Kennewick extension shall be made available by the Secretary from the Federal Columbia River power system at charges determined by him."

SEC. 2. No water shall be delivered to any water user on the Kennewick division extension for a period of ten years from the date of enactment of this authorizing Act for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 3. There are authorized to be appropriated for the new works associated with the Kennewick division extension $6,735,000 (January 1969 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein, as shown by engineering cost indexes, and, in addition, such sums as may be required to operate and maintain the extension.

Mr. ASPINALL (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that it be printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 4, strike out "fifty-six-year" and insert "fifty-year".

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ANNUNZIO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 742) to amend the act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, and for other purposes, pursuant to House Resolution 440, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM FOR THE WEEK OF JUNE 23, 1969

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip the program for the remainder of this week and the program for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the distinguished minority leader's inquiry, there is no further program for the balance of this week. I expect to ask to go over until Monday.

The program for next week is as follows:

Monday is District Day, and there are no District bills.

We have scheduled on Monday H.R. 12167, to authorize appropriations to the Atomic Energy Commission under an open rule with 2 hours of debate.

On Tuesday we will consider a House joint resolution making continuing appropriations for the fiscal year 1970. The gentleman understands the import of that.

Also, on Tuesday, the Independent Offices-Department of Housing and Urban Development Appropriations Act for fiscal year 1970 will be considered.

On Wednesday and for the balance of the week, we will consider H.R. 12290, relating to the surcharge extension and investment credit repeal, and other amendments to the Internal Revenue Code, which is subject to a rule being granted. We expect however to have the tax bill on the floor on Wednesday under a rule providing 4 hours of general debate, if it is granted.

For the balance of the week we will consider H.R. 7906, the Interstate Taxation Act, under an open rule, 2 hours of debate, making H.R. 906 in order as an amendment.

It is a pretty heavy program.

This program is announced subject to the usual reservation that conference reports of course may be brought up at any time and that any further program may be announced later.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman from Michigan yielding.

Mr. Speaker, I would like to inquire of the acting majority leader if under Monday's consideration of H.R. 12167, when the gentleman refers to an open rule and 2 hours of debate, does he mean it is open all the way or just the amendatory process is open and there are waivers of points of order in that rule?

Mr. BOGGS. Mr. Speaker, if the gentleman will yield, the rule has not been reported. The chairman of the distinguished Committee on Rules is on the floor and a member of the committee, the distinguished gentleman from Missouri (Mr. BOLLING).

I am advised that there were no waivers requested.

Mr. HALL. Mr. Speaker, I do appreciate that. As other Members have stated, we appreciate the Committee on Rules maintaining their prerogatives under the procedures of the House. If I recall correctly, this is the fourth really and truly open rule in a row we have had reported out. In my opinion that is commendatory.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, if I may have the attention of the distinguished acting majority leader, what about the independent offices appropriation bill? Will that come in under a rule? If so, will it be a closed rule? Does the gentleman have any idea?

Mr. BOGGS. Mr. Speaker, if the gentleman from Michigan will yield, I will defer to the gentleman from Missouri to answer that.

Mr. GERALD R. FORD. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, the bill will be coming in under a special rule, and it will have waivers. There will be three. They are occasioned by the fact that the three particular provisions on which points of order are waived are not yet authorized. The major one is the question of the appropriation for the space agency. The second one—I do not know whether it is of any magnitude or not—is the appropriation for the National Science Foundation. The third one is the appropriation for a portion—I understand approximately one-half—of the so-called Appalachian program. If the gentleman wishes me to describe the status of each, I will attempt to do so.

Mr. GROSS. No. If the gentleman will yield further, the question I would like to ask the gentleman from Missouri, a member of the Rules Committee, is, Who is making this request for waivers of points of order?

Mr. BOGGS. Mr. Speaker, the chairmen of the respective legislative committees make the request.

Mr. GROSS. All right.

Now, about the surcharge extension and other involvements, including the welfare provision in the tax extension

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bill—will that come in under a closed rule? Does the gentleman know?

Mr. BOGGS. Mr. Speaker, I would first deal with the gentleman's categorization of one provision of that bill, because I happen to know something about it. If the gentleman wants to call it a welfare provision, that is his business. I think it is something quite different from that.

My answer to the gentleman's question is that if the Committee on Rules in its judgment grants a rule that the chairman of the committee will request, it will come in as all tax bills have come in since the gentleman has been here, under a closed rule.

Mr. GROSS. Yes. I will say to the gentleman I have protested them too, and I will say this one ought to come in under some kind of modified closed rule, so that Members can offer amendments to the various portions of the bill to which amendments would be germane.

Mr. BOGGS. I have no authority to speak for the distinguished members on the great Committee on Rules, but I can say this to the gentleman: I shall request a closed rule, and I would hope it would be granted.

Mr. GROSS. I have no doubt of that. The gentleman from Louisiana always has in the past, and I am sure undoubtedly will in the interminable future.

Mr. BOGGS. It will prevail as it has in the past.

ADJOURNMENT TO MONDAY, JUNE 23, 1969

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

AID FOR SENIOR CITIZENS

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, I am today introducing two legislative proposals intended to aid our senior citizens, particularly those who are in the greatest need of financial assistance. Their plight is in need of immediate attention and action by Congress.

One bill is to amend the Internal Revenue Code of 1954, to provide that the first $5,000 of the income of an individual who is over 65 years of age shall be exempt from Federal income tax.

The other bill is to amend the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits with subsequent cost-of-living increases and a minimum primary benefit of $100.

As a Member of Congress, I have long been aware of and often voiced my concern over the needs of our senior citizens. As you know, it is estimated that there are over 20 million people over the age of 65 in the United States. Of these, about 5 million pay Federal income tax and far too many of these can ill afford to do so. The fact is that the present tax relief and exemptions, for the aged particularly, are completely inadequate.

The Treasury Department has admitted that the present income tax system applicable to the elderly is made exceedingly complex by the detailed and complicated rules involved in computing the retirement income credit. This computation requires an extra page on the tax return, and experience indicates that it is so complicated that many of the elderly do not understand it and therefore lose the benefits to which they are entitled.

Our tax laws are supposed to be, and should be, based on the ability to pay. Unfortunately, our lower- and middle-income taxpayers bear too much of the tax burden—at all levels of government—Federal, State, and local. In the past I have sponsored legislation to make adjustments in our tax laws. On February 17, 1969, I introduced H.R. 6721, a proposed amendment to the Internal Revenue Code of 1954 to provide a number of reforms in our tax laws. The measure I introduce today, to exempt the first $5,000 of income of those over 65 years of age from income tax, is in furtherance of that goal.

Of the more than 15 million adult Americans living in poverty approximately 6 million are over 65 years of age. Many of these people are having to exist on low fixed incomes. As a result of this situation many of our senior citizens, who should be enjoying the so-called golden years, are having to continue to work, to keep body and soul together, long past the age of retirement. The fact is, they just cannot afford to retire.

Those elderly who may have saved a little money through the many years of working and raising a family have seen their savings eaten into and wiped out by the continuous increases in cost of living. A wage earner in 1939 who was earning $100 per month and who has since retired would find that this same $100 would only have the purchasing power of $40 when compared to 1939. There are also a great many, who unable to work, must rely on welfare, their children, or charity to survive. And the situation is no better for many living on social security or some other form of retirement income.

While Congress properly increased social security benefits in 1965 and 1968, those benefits have been virtually wiped-out by the continuous rise in cost of living. There is an urgent need for Congress to adjust the social security benefits to bring them in line with the present cost of living and to provide for the future increases thereof.

It is unconscionable for this Nation to allow its retired workers to fall deeper and deeper into poverty, while the rest of the country—using what the retired generation has built—moves into greater and greater prosperity. The two legislative proposals I have introduced are designed to meet head on the financial problems of our senior citizens.

It is my fervent hope, Mr. Speaker, that these two legislative proposals will receive prompt consideration along with general tax reform. This legislation, tax reform, and an increase in social security benefits, is a must for this session of the 91st Congress.

REPRESSION IN SAIGON

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, despite the claims of two administrations that the United States is fighting to defend democracy in South Vietnam, true political freedom still does not exist for the people of that country. Numerous reports by journalists and private citizens who have visited South Vietnam continue to relate violations of the most basic civil liberties and freedoms, and the Saigon government of President Thieu continues to suppress non-Communist groups anxious to obtain a peaceful settlement of the war.

Most recently a report was issued by a private study team which visited South Vietnam in order to determine the extent of political freedom under President Thieu. The team was composed of many distinguished members, including our colleague, the gentleman from Michigan (Mr. CONYERS). The report, which has been printed in full on page 16259 of the June 17 CONGRESSIONAL RECORD, documents numerous instances of limitations on political and religious freedoms, the detention and interrogation of thousands of South Vietnamese suspected of being "sympathetic" to the National Liberation Front, and the denial of due process which has characterized the Saigon government's treatment of its non-Communist opponents.

Since the study team returned, other instances of denial of civil liberties and suppression of political freedom have been reported. The June 18 New York Times reported that four members of a liberal opposition group that had called for the formation of a non-Communist "government of reconciliation" to negotiate with the NLF had been ordered to report to the Saigon police for "questioning" on June 17. This action followed

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President Thieu's angry warning upon his return from the Midway Island Conference with President Nixon that—

> From now on those who spread rumors that there will be a coalition government in this country, whoever they be, whether in the executive or the legislature, will be severely punished on charges of collusion with the enemy and demoralizing the army and the people.

But, as Averell Harriman—our chief negotiator at Paris under President Johnson—said during the course of an interview with me last week:

> President Nixon has never said that he's opposed to a coalition. He's said that he's against the imposition of a coalition government, and, therefore, a discussion of a coalition government seems to be a perfectly normal thing to have go on.

Governor Harriman went on to express his disappointment at the fact that freedom of speech and press does not exist in South Vietnam, noting in particular his dismay at the closing of the 37th newspaper since President Thieu announced a little over a year ago that his government was going to cease censorship.

If the goal of the administration is, as President Nixon has said, to secure free elections in South Vietnam, we must as Governor Harriman has urged, insist that President Thieu "create a climate of freedom in order to let those elections be held." Governor Harriman pointed out that—

> We have got a very good method of talking to him and that is: unless you do this we're not going to continue a line of trying to support this government. Even after the 25,000 troops are out, there will be well over 500,000 Americans there. He won't last very long if we pull out our troops.

Perhaps the most eloquent statement of the importance of political freedom in South Vietnam came from the leader of the liberal opposition group which has been called in for "questioning," Tran Ngoc Lieng, who defended Truong Dinh Dzu, former presidential candidate, who has been imprisoned.

Mr. Lieng said:

> If the Government means to repress the genuinely nationalist organizations by this technique, the Communist will reap the benefits. The whole national movement will suffer as a result.

The contrast between this statement and the repressive promise of President Thieu that he will punish all who advocate a political settlement with the NLF indicates the imperative need for reform of the Saigon government.

U.S. SAVINGS AND LOAN LEAGUE OFFICIAL QUESTIONS BANKS SINCERITY IN FIGHT AGAINST INFLATION

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. ANNUNZIO. Mr. Speaker, one of the most unfortunate aspects of our current inflationary period is that funds are not available for home mortgages, thus denying the opportunity to millions of Americans to own their own homes.

The savings and loan industry of our country has been one of the reasons that we have such a high standard of housing in this country. However, savings and loans, which are extremely limited in investment opportunities, have been hit so hard by inflation that they do not have adequate funds for housing loans.

One of the major reasons that the savings and loans are in this bind is that the large banks in the country have pushed interest to record levels while at the same time attracting capital from various sources not available to the savings and loan associations.

Recently, Mr. Norman Strunk, executive vice president of the U.S. Savings and Loan League, speaking before the Virginia Savings and Loan League, charged that the commercial banks have not gone all out in the fight against inflation. I agree wholeheartedly with Mr. Strunk's position.

This afternoon the Banking and Currency Committee begins hearings on the latest increase in the prime interest rate by many of our largest banks. These will be extremely important hearings for something must be done to stem the inflationary spiral that takes money out of every pocketbook in America.

It is my hope that banking officials who will testify before the committee, as well as representatives of the Treasury and Federal Reserve Board, will assure the committee that they will take all necessary actions to prevent further increases in lending rates.

Banking officials, as well as the Treasury and Federal Reserve Board representatives, have stated time and again that the purpose in raising interest rates is to place a damper on lending activities and to control the money supply.

In theory, this may have some merit.

However, the big banks of our country are using the increase in interest rates to pad their own pocketbooks at the expense of the American people. Although the Federal Reserve Board has tightened credit expansion, thus giving banks an excuse to raise interest rates, the banks, as Mr. Strunk so correctly pointed out in his speech to the Virginia Savings and Loan League, have gone after funds from other sources. In actuality, it is most convenient for the big banks to have the Federal Reserve Board to tighten credit for this shuts off the money supply to many small banks which do not have the resources to compete for funds in other areas that are possessed by the big banks. Thus, the big banks are able to monopolize the lending field and use the interest rate hike as a sword over the head of borrowers.

Mr. Speaker, I am including in my remarks a copy of a press release on Mr. Strunk's speech because it so vividly describes the back-door methods that big banks are using to feed the fires of inflation while through the front door, they are constantly moaning about the effects of inflation:

NEWS RELEASE OF U.S. SAVINGS AND LOAN LEAGUE

A major upswing in business loans by the nation's big banks since the start of 1969 has helped to undercut the efforts of the Nixon Administration and the Federal Reserve Board to curb inflation, a savings and loan official declared today.

Norman Strunk, executive vice president of the United Savings and Loan League, said business loans by large commercial banks have been increasing at an annual rate of 14 per cent—"at a time when it was obviously in the interest of the fight against inflation and obviously the intended result of the Federal Reserve's tight money policy to have the banks cut down on credit expansion.

"In the four weeks ending May 28—just before the change in the prime rate—the large banks reporting weekly to the Federal Reserve increased their business loans outstanding by $1.1 billion—seasonally adjusted—or at an annual rate of 17 per cent. No wonder they ran out of money and had to raise their rate.

"The Federal Reserve exercises monetary policy largely through the commercial banking system. Since late December, it has been limiting the funds available to the banks and permitting an attrition in large denomination certificates of deposit on the premise that the big commercial banks would in turn limit loans to various borrowers. But the big banks have shown a casual disregard for the Federal Reserve objective by raising funds through unorthodox methods and boosting bank loans."

Strunk said, in a speech to the Virginia Savings and Loan League at The Homestead in Hot Springs, Va., that this sharp upsurge in lending has taken place among the large weekly reporting member banks of the Federal Reserve System. "The data do not reflect the activities of the smaller banks in the big cities or the banks in the smaller towns and cities," said Strunk.

"The small banks don't have access to Eurodollars, black market time deposits obtained by selling commercial paper by the parent holding company to get money into the banks or access to 'Virgin' dollars." The latter was a reference to dollars imported from the Virgin Islands branches of American banks at interest rates above legal ceilings in the United States.

Strunk said largely as a result of a deliberate Federal Reserve decision to curb bank lending and the resulting level of market interest rates that the large weekly reporting member banks had suffered a time deposit loss of about $6 billion since the first of the year with this run-off principally in the so-called large negotiable CDs. In the same period these banks had an increase in business loans of $2.6 billion.

"No wonder they are so short of funds they had to—or more accurately, perhaps—were able to raise the prime rate to 8½ per cent," said Strunk. "It appears to me, considering the inflation danger in this country and the need to cut back on business expansion—particularly that fed by borrowed money—that the large commercial banks are pretty much an undisciplined group.

"At a time when the presidents of the big banks have been wringing their hands publicly about the spread of inflationary psychology, bank lending officers have been pouring gas on the inflation bonfire. The lending policies of the big commercial banks thus have contributed to the worsening inflation spiral of recent months, and have increased the vulnerability of the economy to the threat of a serious recession."

Strunk warned that the present situation is repetitious of that which occurred in the last week of 1965. He recalled that the Federal Reserve Board then "bailed out" the bankers with an increase in interest ceilings on time and savings deposits.

"Now we seem to find the big city banks in the same situation: substantially overloaned, resisting the pressures of the Fed and the Treasury to cut down on loan expansion, suffering a big roll-out of funds from the time deposits and facing a greater drain, getting money to lend by pulling it in from Europe and other parts of the world. If the Federal Reserve bails out the bankers again it will be disastrous to home buyers

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and home builders and a major setback to the fight against inflation.

"You would think the big banks—of all our institutions—would have an understanding of the importance of the fight against inflation—that the big banks, of all institutions, would want to see the Nixon Administration succeed and would want to help his Administration win this war against inflation.

"But they seem to be hindering the Nixon Administration's anti-inflation program.

"Maybe the bankers don't know how to say 'No.' That's a switch from the classical stereotype of a banker. But they ought to say 'No' to some of these requests for credit. We in the savings and loan business had many loan officers that learned how to saw 'No' during 1966."

WHAT TO DO UNTIL THE POLICE COME

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLENBACK. Mr. Speaker, Frank Mankiewicz and Tom Braden are gentlemen who write a column which is normally carried in the Washington Post. They wrote a column that was published in certain other papers yesterday, but for some unknown reason this column did not appear in the Washington Post.

Mr. Speaker, I would like to place the column in the Record at this point:

What To Do Until the Police Come

(By Frank Mankiewicz and Tom Braden)

Washington.—Edith Green, Oregon's liberal congresswoman, is currently suffering the slings and arrows of liberal outrage for introducing a bill to quiet our campuses. College presidents, most of whom would support Mrs. Green on other issues, are attacking her bill as "unwarranted federal interference in university administration." They also believe that Congress ought not—indeed cannot—act against a generational revolt. In Mrs. Green's view, however, it is not a question of what Congress can do—it is a question of what it must do.

Members from both parties are trying to erect a rude shelter against the winds from back home. Every congressman is being told he must "do something about these kids." Mrs. Green's bill will permit him to point with pride without doing much to appease the hard-liners.

In fact, the Green bill would actually lessen the penalty now imposed by law against students involved in disorders. The present law revokes their federal scholarships (if they have them) for two years if they are convicted of a crime in the course of a "serious disruption." The new bill would permit the university to decide the length of the revocation—from one day to five years.

Otherwise, the Green bill permits universities to retain their autonomy. It provides that they must file a riot plan with the commissioner of education, but it does not require that the government must approve it. Wisely, it does require that the plan must be first considered by faculty, administration and students, but not that the university follow the plan if and when a riot occurs.

In short, Mrs. Green's forces have produced a bill which requires chiefly that universities take thought about the disorders they may be facing. Surely, the taking of thought is one of the things for which universities exist.

The reaction to the Green bill is, to say the least, mixed. HEW Secretary Robert Finch has no problem with the penalty provisions, which only ease slightly the existing law, but he is opposed to the requirement for filing a plan. He feels that plans have a way of becoming guidelines and that it is not reasonable to expect a plan to just lie around without some bureaucrat refining it or some congressman insisting on penalties for its violation.

Under the Green proposal, Finch would be in the position of denying federal funds to elementary and secondary school districts which do not meet their own racial desegregation plans but continuing to disburse funds to universities which bypass their own antiriot rules. His political instincts tell him this is not a happy prospect.

He would rather see these matters in the federal courts, if some way can be devised to create a federal jurisdiction, since the use of the injunction (with penalties for contempt for violation) against occupation of university buildings has proved an effective device this semester for quelling disturbances and at the same time taking the heat off the university administration.

The reaction of university administrators may show how little they read the public mind. They seem unaware, for example, of how easy it is today to make political points by attacking students—and college presidents. Congressional polls of constituents, even from districts which show heavy opposition, for example, to the ABM system or to the Vietnamese war, show a large majority anxious to crack down on the campus.

The college presidents also overlook the fact that universities, like farmers, missilemakers and those in other segments of the economy, are now heavy feeders at the public trough. Within the past few years the privately funded institution has become a thing of the past. There is only one college (Wabash, in Indiana) which is not receiving federal funds.

Meanwhile, at the Department of Justice, Atty. Gen. John Mitchell is prepared to move into the student protest arena with a special task force which the department says will use "military-type intelligence" to get at the leaders. If they are serious, that's the best news SDS has had in years.

A BILL TO ENCOURAGE HIGHER EDUCATION TO ADOPT GOVERNING RULES AND REGULATIONS

Mrs. GREEN of Oregon. Mr. Speaker it seemed to me it would be in the interest of the Members of this House, and to the constituents whom they represent, to have in this public document a copy of the legislation which is now under consideration by the House Education and Labor Committee. The welfare and well-being of colleges and universities is of vital national interest. The uproar about the uproar on the campuses is itself an indication of this fact, for it is only those issues regarded as crucial to a people which can so deeply stir emotion—as this one has. In the hope of clearing the air somewhat, I ask therefore that the proposed legislation itself be printed in the Record at this point so that each may read for himself the actual language of the proposal:

H.R. —

A bill to encourage institutions of higher education to adopt rules and regulations to govern the conduct of students and faculty, to assure the right to free expression, to assist such institutions in their efforts to prevent and control campus disorders, and to amend the Higher Education Act of 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education Protection and Freedom of Expression Act of 1969."

TITLE I—PREVENTION AND CONTROL OF DISRUPTIVE ACTS

STATEMENT OF FINDINGS AND PURPOSE

Sec. 101. (a) The Congress hereby finds that the primary responsibility for maintaining freedom of expression, public order, and the effective functioning of the educational process at American institutions of higher education rests with the trustees, administrators, and other duly-appointed collegiate officials.

(b) In light of the finding set forth in subsection (a), it is the purpose of this Act—

(1) to maintain within the scholarly community the basic American concepts of freedom of thought, inquiry, expression, and orderly assembly,

(2) to assist those who wish to pursue their education in a campus atmosphere free of disruption and violence,

(3) to afford encouragement and opportunity to administrators, faculty and students in working for orderly progress,

(4) to assist the academic community in maintaining institutions of higher education as centers for the free interchange of ideas, and

(5) to assure reasonable protection of the Federal investment in higher educational programs.

INSTITUTIONAL ACTION REQUIRED TO PREVENT AND CONTROL HIGHER EDUCATIONAL CONFLICTS AND DISRUPTIVE ACTS

Sec. 102. (a) Each institution of higher education (as defined in the first sentence of section 1201 of the Higher Education Act of 1965) which participates or proposes to participate in a program or activity receiving financial support, as set forth in section 104, from any department or agency of the United States shall file with the Commissioner of Education (hereinafter referred to as the "Commissioner") within sixty days following the enactment of this Act, or by January 1, 1970, whichever is later, or in the case of a new institution or one which has not previously applied for federal funds, at the time of filing its initial application for participation in such program or actvity, a certfication which affirms—

(1) the intention of the institution to take all appropriate actions to attain the purposes set forth in section 101(b) to prevent at such institution the occurrence, or to assure the timely termination, of actions which tend to defeat such purposes, and

(2) that rules and regulations have been or are being prepared which

(A) provide for an effective means to assure adequate opportunity for free expression, consultation and orderly discussion of educational and associated problems which affect and are of concern to trustees, administrators, faculty, and students of the institution; and

(B) set standards of conduct for students, faculty, other staff, and visitors on such property and facilities intended to accomplish the purposes of section 101(b) together with appropriate internal disciplinary procedures and sanctions to enforce such standards; and

(3) that such rules and regulations have been or will be published within the University and are or will be made available to the Commissioner upon request.

(b) If the Commissioner determines that an institution of higher education has failed to file the certification required by subsection (a), he shall immediately give notice to all Federal departments and agencies providing financial assistance for programs and activities at the institution. Thereafter, such institution shall not be eligible for the award of any Federal financial support as set forth in section 104, until such time as the Commissioner shall determine that such failure to file has been corrected.

(c) When the Commissioner determines that special circumstances exist which would make the application of the preceding subsection inequitable, unjust or not in the public interest, he may waive its application to the institution, in whole or in part.

(d) Any institution of higher education which is dissatisfied with the Commissioner's final action with respect to any matters arising out of this section shall have the same right of appeal under the same conditions as a State under section 608 of the Higher Education Act of 1965.

ASSISTANCE BY COMMISSIONER OF EDUCATION

SEC. 103. The Commissioner is authorized to provide, only upon request, appropriate technical and other assistance to institutions of higher education in carrying out the purposes of this Act.

FEDERALLY ASSISTED PROGRAMS COVERED BY ACT

SEC. 104. For the purposes of this Title, financial support includes all forms of Federal financial assistance including but not limited to research grants and contracts, fellowship grants, loans and grants for construction of facilities, grants for library resources and instructional equipment, grants for teacher training, and grants for curriculum improvement.

SEC. 105. Nothing contained in this Act shall be construed to authorize any department, agency, officer or employee of the United States to issue any rule, regulation, guideline or other published interpretations or orders with respect to the content of the rules and regulations referred to in Sec. 102 of this Act.

TITLE II—HIGHER EDUCATION AMENDMENTS OF 1969

SEC. 201 (a) Section 504 of the Higher Education Amendments of 1968 is amended to read as follows:

SEC. 504. (a) Whenever an institution of higher education has been subject to a substantial disruption and there are reasonable grounds to believe (1) that an individual attending, employed by, or teaching or doing research at such institution, who is receiving federal assistance under any of the programs specified in subsection (c), has engaged in conduct, after the date of enactment of this section (as amended), which involved the use of (or assistance to others in the use of) force or the threat of force or the seizure of property under control of such institution to prevent faculty, administrative officials or students in such institution from engaging in their duties or pursuing their studies, and (2) that such conduct was of a serious nature and contributed to such disruption, then such institution shall give notice to such individual and initiate proceedings to determine whether he engaged in such conduct. If the institution of higher education determines, after hearing, that such individual did engage in such conduct and that such conduct was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny for a period up to five years any further payment to, or for direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of that period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

"(b) No individual shall accept any payment described in subsection (c) during any period for which an institution has denied him such payments pursuant to a finding under subsection (a), and whoever knowingly violates this subsection shall be fined not more than $1,000 or imprisoned for not more than one year, or both, and shall be liable to the United States for the amount so accepted.

"(c) The payments referred to in the preceding subsections of this section are the following:

"(1) payments to students under a student loan program carried on by an institution of higher education under title II of the National Defense Education Act of 1958,

"(2) payments to students under a student loan program carried on by an institution of higher education under part C of title VII or part B of title VIII of the Public Health Service Act,

"(3) payments under the student loan insurance program under part B of title IV of the Higher Education Act of 1965,

"(4) payments under a college work-study program carried on under part C of title IV of the Higher Education Act of 1965,

"(5) payments of salary to teachers and other employees of institutions of higher education who are employed in connection with the training of volunteers for the Peace Corps or for service in domestic volunteer service programs carried on under Title VIII of the Economic Opportunity Act of 1964,

"(6) payments of salary to teachers and other employees of institutions of higher education who receive their salaries from funds made available under Title III of the Higher Education Act of 1965,

"(7) other payments to students or faculty members at institutions of higher education under fellowships, scholarships, traineeships, or research grants carried on with Federal funds.

"(d) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent disciplinary proceeding pursuant to existing authority, practice, and law."

(b) The amendments made by subsection (a) shall not be deemed to affect the applicability of Section 504 of the Higher Education Amendments of 1968, as in effect on the date of enactment of this act, with respects to acts committed prior to the date of enactment of this Act.

SEC. 202. (a) Section 427(a)(2) of the Higher Education Act of 1965 is amended by redesignating subparagraph (G) as (H) and by inserting after subparagraph (F) the following new subparagraph:

"(G) provides that, contingent upon certification by the institution at which the borrower is enrolled that he is in good standing, the loan will be paid in periodic installments (as prescribed by the Commissioner) which are geared to the borrower's rate of necessary expenditure, and"

(b) Effective July 1, 1970, Section 428 (b)(1) of such Act is amended by redesignating subparagraph (K) as (L) and by inserting after Subparagraph (J) the following new subparagraph:

"(K) requires that, contingent upon certification by the institution at which the borrower is enrolled that he is in good standing, the loan be paid in periodic installments (as prescribed by the Commissioner) which are geared to the borrower's rate of necessary expenditure; and"

You will note that the legislation is divided into two titles, the latter one of which is a revision of present law: section 504 of the Higher Education Amendments of 1968. The present law requires a mandatory 2-year suspension of Federal aid to any student or employee of the university convicted by any court of record of a crime "which involved the use of—or assistance to others in the use of—force, disruption, or the seizure of property under control of any institution of higher education" if the university also held a hearing and determines that "such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed."

The proposed gives far greater discretion to university authorities by eliminating the automatic 2-year suspension of Federal aid and permitting instead such suspension to range anywhere from 3 weeks up to 5 years. The proposed bill also differs from current law in covering Federal funds available not only under the Higher Education Act and NDEA, but those provided under such other acts as, for example, the Public Health Service Act.

Under title I of the proposed bill, an institution of higher education can be denied funds only when it has failed to file a certification affirming that a plan is on hand and would be available to the Commissioner upon his request. This means, in effect, that the college administrator makes the determination as to whether the institution is to be eligible for Federal funds. No militant group, by their riotous action, can penalize others and have the university funds cut off.

I have stated on many occasions my opposition to some legislation which has been put before the subcommittee calling for a cut-off of all Federal assistance from an institution experiencing a disruption which it is not able to bring under control, and when such institution does not act in a manner which the Commissioner of Education finds appropriate to deal with the disruption. This in effect puts in the hands of revolutionary students, seeking to destroy an institution, the power to make this determination by simply causing and/or prolonging a major disruption. Under such legislation, this entire institution could lose its funds because of the militants within SDS.

Under the bill cosponsored by 16 of us, the college president would have to elect not to file any certification in order for the institution to be ineligible for further funds. There is no other way. Once that certification has been filed, the plan must be available, upon request, but no one makes any determination as to the adequacy of its content; no Federal approval is required. In each of 50 different laws now on the books, a college or university is required to file a plan in order to be eligible for funds. The revised title I conforms to this precedent and is far simpler than most—the certification must be filed if the institution is to be eligible for any further funds. I repeat—it is not a cut-off of any existing funds.

Mr. Speaker, I feel we would be acting extremely irresponsibly both to the general public and the university community if we did not take those constructive steps which are within our power. I believe this bill which I and several of my colleagues on the Education and Labor Committee have proposed is temperate and responsible. It is the minimum we can do. It is obvious that public concern about campus violence is at an apex. As evidence of this concern I would like to place in the RECORD at this point just a few of the hundreds of letters I have

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received from all over the United States. I know these are representative of those being received by my colleagues. While I do not agree with every view expressed in every letter, I agree with the view that it is high time something was done. We have passed the threshold of tolerance in being patient with those out to destroy our universities. I think it appropriate to point out again that this represents only a small fraction of the mail I have received and, of that mail it represents the most moderate viewpoint.

Arlington, Va.,
March 20, 1969.

Hon. Edith Green,
Chairman, Special Education Subcommittee, House of Representatives, Washington, D.C.

Dear Mrs. Green: It is my understanding that your subcommittee is studying the disruptions by *some* students on our college campuses.

I earnestly hope that your efforts, and those of your committee, will result in some positive and prompt action by Congress to put an end to this destructive behavior.

As a taxpaying citizen, I am in favor of cutting off federal grants to those students involved in these disturbances.

The average citizen is burdened with heavy taxes, at a great personal discomfort in many instances, and I feel that it is outrageous that we must continue to support such un-American disorders.

With my appreciation and best wishes for your success, I am

Very truly yours,
Virginia V. Melton.

Hinsdale, Ill.,
March 31, 1969.

Representative Edith Green,
House Office Building,
Washington, D.C.

Dear Congresswoman Green: Congratulations on your announced intention to investigate student anarchists who are receiving federal loans! What they are doing to our campuses is deplorable; but to think we, as taxpayers, are *paying* them to do it is incredible! Please follow through.

Very truly yours,
Mrs. W. W. Hardy.

R. S. Bacon Veneer Co.,
Chicago, April 3, 1969.

Hon. Edith Green,
Chairman of the House Subcommittee on Higher Education, Rayburn House Building, Washington, D.C.

Dear Congresswoman Green: We understand you have announced intention to investigate student anarchists who are receiving federal loans, and we write to strongly urge hot pursuit of such policy.

It is one thing to consider that tax money is being wasted, but much worse to know that any small amount is going for the support of such people. If we are indeed going to allow such activities, we certainly should not at the same time finance them.

Thank you for your attention.

Sincerely,
George F. Wilhelm,
President.

Winchester, Mass.,
June 12, 1969.

Hon. Edith Green,
Chairman, Subcommittee No. 1, Special Subcommittee on Education, Committee on Education and Labor, Washington, D.C.

Madam: The situation on many university campuses in the United States today is, to me, most distressing. The lack of appropriate response and, in many cases, the taking of positions by university administrations which in effect condone violence and lawlessness has exceeded, in my opinion, all reasonable bounds.

I agree with and support the general principle that Government should not interfere with or dictate to educational institutions. On the other hand, I feel very strongly that public tax money should not be invested in any organization which condones, permits without punishment, or could be construed to support in any way, violence, lawlessness, or mob rule.

Therefore, I urge and respectfully request your support of legislation which would deny Federal funds of any sort to educational institutions which do not take action to assure without question the nonviolent, lawful conduct of all persons when at the educational institution. Further, I believe such legislation should withhold Federal scholarship funds from those individuals who willfully violate the laws of our free society.

All those with whom I have discussed this issue (made up largely of college alumni) agree, not only on the basic premise of the use of public tax money, but also on the need for such legislation. However, this letter can, of course, represent only my own personal opinion.

Very truly yours,
R. W. Detra.

June 18.

Congresswoman Edith Green,
House Education Committee,
Washington, D.C.

Dear Madam: The best thing for the federal government to do is to close the U.S. Office of Education and withdraw all federal funds of all kinds from colleges and universities.

Respectfully,
Prof. Harry Williams.

Grand Central Industrial Centre,
March 10, 1969.

Hon. Edith Green,
Chairman, House Subcommittee on Higher Education, Washington, D.C.

My Dear Congresswoman Green: Your announced intention to investigate student anarchists receiving Federal loans deserves the highest commendation. It is only by courageous action such as this that the current deplorable situation in our colleges and universities can be corrected.

Sincerely,
C. C. Moseley, *President.*

Albuquerque, N. Mex.,
April 30, 1969.

Representative Edith Green,
House of Representatives,
Washington, D.C.

Dear Representative Green: I am glad that you are upset too over the appalling campus riots, and that your Committee will hold hearings with regard to them.

If the Government's withholding of Federal funds to the various universities is not a good idea, then why cannot the funds be stopped to those individual students who participate in disruptions on campus? This would hurt only those who take part in the riots, sit-ins, lock-outs, etc., and the funds to others in the school (the innocent ones) and to the schools themselves would not be affected. Couldn't *this* be done?

I just cannot believe that there is nothing the Government can do to clear up the campus riots and allow professors who want to teach and students who want to attend classes to do so, free from threats of violence. If there is nothing that our Government can do to remedy the present horrifying situation, then we are indeed in a hopeless mess.

I am sure that if any other group of citizens behaved as have the militants on campus—brandishing highpowered rifles and knives, threatening violence, causing thousands of dollars of damage to tax-supported institutions or to any building, for that matter—they would have been relieved of their weapons and thrown into jail forthwith. No one I know can understand why universities are above the law of the land. We think it is high time the Justice Department took care of the criminal aspect of the situation, and that HEW cut off all funds to those who are taking part in these disgusting activities.

I am certainly glad that someone is investigating SDS. That has been put off far too long; I hope it can be ascertained where this well-heeled group is obtaining its "traveling" money, who is back of them and their subversive activities. Please don't let up until all the facts are known about them and about the Black Panthers. They pose a grave danger to our universities and to all the decent young people.

Respectfully yours,
Mrs. Charlotte C. Haynes.

Amarillo, Tex.,
May 7, 1969.

Mrs. Edith Green,
Salem, Oreg.

Dear Mrs. Green: I just heard you on our Channel 10 TV regarding Federal Aid to University students and the bill to eliminate the Federal help.

I agree! Why not all Federal aid to those not worthy. Keep it for the indigents of old age.

If the bill was passed and enforced, more of these people would search for work.

Why deduct it out of my paycheck and millions of others to encourage riots and "walks."

Also, if they want to fight load them all up and send them to Vietnam, and return the boys who have families and live by principles.

Mrs. Green, I hope you can get the job done. I'm behind you, and millions of others. We need women like you to speak up for the preservation of our country.

Respectfully,
Paronie Gaither.

Grand Central Industrial Center,
Glendale, Calif., March 21, 1969.

Hon. Edith Green,
House Office Building,
Washington, D.C.

My Dear Mrs. Green: Almost everyone in the U.S.A. is fed up with campus anarchy! Why isn't the U.S. Office of Education enforcing the new law requiring colleges and universities to cut off Federal aid to students convicted of taking part in disruptive activities?

When is Congress going to decide to call a halt to financing campus revolution with taxpayers' money? Timid University and College administrators and trustees must apparently be forced to take effective action to protect the rights of the majority of law-abiding students.

Positive action is overdue!

C. C. Moseley, *President.*

Mission, Kans., *March 17, 1969.*

Representative Edith Green,
House of Representatives,
Washington, D.C.

Representative Green: I am concerned (no, agitated)!! at my tax money being used for students who are only interested in keeping others from an education.

There is not a college in this country, I'll send my five sons to when they are of age to go until the faculty starts running the schools again. Meanwhile, don't use my money in the schools.

Mrs. Wm. R. Hill.

Birmingham, Ala.,
March 5, 1969.

Hon. Edith Green,
Chairman, House Subcommittee on Higher Education, Washington, D.C.

Dear Congresswoman Green: We who are interested in Higher Education certainly applaud wholeheartedly your intention to investigate student anarchists and particularly those receiving funds from the federal government.

Certainly it is time to cease underwriting the riots on the campuses, and what more effective treatment could be administered than to show people that if they receive scholarship funds or other aid, they must at least attend classes and show some signs of effort expended for education.

Blessings on you,

R. J. Stockman.

Gardner Manufacturing Co.,
Horicon, Wis., March 7, 1969.

Representative Edith Green
House Office Bldg.
Washington, D.C.

Dear Representative Green: I understand you announced your intention to investigate Student trouble makers in our colleges and universities throughout the country, to see if they are receiving Federal loans.

I sincerely hope you investigate these students and cut out Federal loans to these hard-core rebels. The majority of our students are good honest American boys and girls and are entitled to receive an education and should not be interrupted by hard-core revolutionarys who possibly get their orders from Moscow. I sincerely hope you get the support from our Representative Kastenmeier from our District here in Wisconsin and also our two Senators.

Sincerely,

John C. Gardner.

Lawrence D. Ruttle, M.D.,
Joliet, Ill., February 17, 1969

Representative Edith Green,
House of Representatives,
Washington, D.C.

Dear Mrs. Green: In the Sunday, February 16, Tribune there was a reprint of an editorial from the Washington Evening Star which outlined your position on the present problem of college students. As a father of three students presently in various universities and colleges around the country, I certainly agree with you wholeheartedly. I think that something must be done to give some backbone to the individuals who are responsible for governing our big universities such as Columbia and the University of Chicago. I do not think that they should take tax money, which all of them do to maintain themselves, and yet ignore the vast majority of the students whose lives are being disrupted by the relatively few, well organized, anarchists.

Fortunately, none of my children have been in schools where this type of problem occurred. If their studies were being disrupted, I certainly would feel called upon to attempt to recover something from the individuals who are supposed to be seeing to it that they get an education. It seems to me that we have gone so far with the idea of individual liberty that we have come to the point of individual license and this will eventually lead to complete disruption of our democratic society as we know it.

You who are leaders in our government have a duty to make it plain to our weak-kneed leaders in the universities that this kind of activity will not be tolerated. Keep up the good work.

Yours sincerely,

Lawrence D. Ruttle.

Dallas, Tex., *May 12, 1969.*

Congresswoman Edith Green,
U.S. Congress,
Washington, D.C.

Dear Mrs. Green: I have been told that you are a very shrewd and influential woman with good honest judgment and the ability to get things done in the educational department of our Government.

As you know, people throughout the United States are becoming more and more disturbed and worried about the riots in our universities and colleges; they are probably more concerned about this issue than any which has faced our nation in recent years. If this situation is allowed to further develop, there is a great danger that it will spread and that we will have riots in all walks of life.

There is an urgent need for a Federal law, to be effective 30 days after passage, that will impose stiff sentences on the leaders of organized riots. A ten year sentence at hard labor and a $25,000 fine should be imposed on all individuals unlawfully carrying destructive weapons such as bombs, guns, ammunition, knives, etc. This law should have teeth in it and be written so that the judges of the Supreme Court cannot find loopholes to let the Communist Black Panthers, criminals, killers and such receive light or suspended sentences.

Your powerful assistance in seeing that such a bill is put before Congress as soon as possible shall be deeply appreciated by the citizens of the United States.

Sincerely yours,

M. A. Clark.

Marseilles, Ill.,
March 12, 1969.

Hon. Edith Green,
House of Representatives,
Washington, D.C.

Dear Congresswoman Green: It is a pleasure to hear that at last some one in a position to be heard in Washington has taken a stand against the harrassment of an overwhelming majority of the students in many of our schools of higher learning by a few, many of whom are getting a free ride on scholarships or grants. From conversations with our two sons and their college friends and from listening to conversations between them and other students it appears there is always a group that is ready to use any excuse to make trouble.

Our youngest son worked part time and attended Southern Illinois University for four years whereas the older son worked full time while attending classes at junior college part time in Chicago and later in San Francisco signing up last semester to attend San Francisco State full time carrying a heavy load so that he might finish his education. He has been harrassed repeatedly and many times threatened, as he has gone to school when it was open so he could.

We commend you on your stand and only wish some of our own state representatives had the fortitude to back you on your stand.

Sincerely yours,

Evelyn Youmans,
Charles E. Youmans.

Edwin C. Johnson & Associates,
Chicago, Ill., April 23, 1969.

Hon. Edith Green,
House of Representatives,
Washington, D.C.

My Dear Mrs. Green: Someone in this country must take a firm stand against these over-strident university student demands. And that should be someone at the highest possible government level.

University officials have shown they are incapable of handling the problem—with few marked exceptions. They have been far too consistently permissive, which has led to nothing but further "non-negotiable" student demands.

Top government officials have been equally and inexcusably delinquent in taking a firm and uncompromising stand against student violence. We hope your Subcommittee study may put a halt to all this "wishy-washiness."

Attached are several letters on this subject—representing a citizen's viewpoint—which may be of interest to the Committee.

Sincerely,

Ed C. Johnson, Jr.

Riegelsville, Pa.,
March 8, 1969.

U.S. Representative Edith Green,
Chairman, House Subcommittee on Higher Education,
Washington, D.C.

Dear Madame: We would like to urge you to follow through on your announced intention to investigate student anarchists who are receiving federal loans.

While we are in favor of higher education for all and help for needy students, it is against everything we believe to allow anyone being given federal aid in the name of Education to demonstrate and bring havoc to a college campus.

Sincerely,

Dale Wood,
Virginia Wood.

Spokane, Wash.,
March 10, 1969.

Re Investigation of student anarchists.
Hon. Edith Green,
House Office Building,
Washington, D.C.

Dear Mrs. Green: I understand that you are Chairman of the House Subcommittee on Higher Education and that you have indicated that you intend to investigate student anarchists who are receiving federal loans.

I want to give you my support on this matter and encourage you to follow through on this statement that you intend to so investigate and we hope that as a result thereof that there will be no further subsidization of student anarchists.

May God bless you and continue on with your work.

Yours very truly,

Fred E. Woeppel.

Alexandria, Va.,
February 28, 1969.

Representative Edith Green,
Rayburn Building,
Washington, D.C.

Dear Congresswoman Green: I read with interest what you had to say about campus disorders, and I agree with you wholeheartedly. I am sure many millions of American tax payers are getting sick and tried of these disruptive students. Freedom of speech should end when it infringes on the rights of others. I believe I speak for many others. When I say I certainly don't want my tax dollars spent in financing their education whether as a loan or outright gift. Neither do I want my tax dollars paying the salaries of faculty members who are behind these students. I certainly don't intend to vote for any more education bonds until these students prove they are really interested in gaining a college education.

I am enclosing a newspaper account of what went on at San Francisco. It appeared in the Washington Post last Thursday, February the twenty-seventh. It just enraged me! It is high time that college and university administrators stop being so permissive and adopt a tough policy. Expell these students and faculty members who are hell bent on destruction, class disruption and closing down our schools. If a student doesn't want to go to school to learn, he should be expelled to make room for the earnest student who really seeks a higher education. It is time the constitutional rights of the majority of our students be considered. They have a right to attend classes without them being disrupted by radical students who evidently have no interest in learning. How can they? Their time is spent in disrupting, burning, destroying, breaking windows and demonstrating. They should be made to pay for these damages instead of the over burdened taxpayer. One wonders what kind of parents these students have!

I really didn't mean to write such a long letter, but I'm so angry, and hope that something will be done. Good luck to you in your hearings.

Sincerely,

Mrs. Ellen Mumford.

Corvallis, Oreg.,
May 15, 1969.

Hon. Edith Green,
Representative Office Building,
Washington, D.C.

Dear Mrs. Green: The majority of the citizens of this country are aroused, deeply concerned and even frightened about our educational chaos in this country. The states have traditionally been responsible for the governing policies of our schools, as they should be. In the past several years, the Federal government has through various paths obtained access to ways of more and more influence on the schools, removing them from state control. We believe these various ingredients that the federal government has added are the flamable materials that are exploding in our schools today. That is why we are seeking help on the federal level.

A national campaign extolling the virtues and financial gains made by an education has made it "the thing" to get everyone in college. There has been so much overlooked in this campaign.

(a) Motivation is necessary to learn and apply this knowledge usefully for the person learning and his country.

(b) Work skills must be learned also.

(c) An educated fool is really worse for himself and society than an uneducated one.

(d) A background of knowledge, self-discipline and ability to use your time and learning capacity constructively are prerequisites.

(e) The ability to live and work in close proximity to others, yet each remain on his individual level of seeking and learning.

Through vast federal programs, the aim has been to grab every body possible and stick them in college. These colleges and universities were not there to take the malcontents, the leaches of society; they were established to train in technical skills, badly needed in our society, or scientific knowledge and methods of investigation and knowledge of skills in communicating this knowledge to others.

Those who enter colleges and universities with a desire only to live easy and have fun; then someone will reward them handsomely for their effort by a large salaried job, are being so cruelly deceived. This is not life and it cannot be lived in this way.

We favor the following actions in the federal area concerning education:

1. Reduction of federal grants and tightening up on those eligible to receive federal aid for education. The proven willingness to study and work in a self-disciplined way. The willingness to perform work in some way while receiving help. The immediate stop to any aid and forfeiture of any future right to receive aid for anyone taking part in any type of campus disorder. This is insurrection and destruction of the liberties and properties of others.

2. Prosecution of all leaders of militant groups, under present laws or by passing new laws if needed. The cut off of assistant monies to schools who refuse to prosecute.

3. The removal of the research centers from university control. They may be next to universities (buildings etc. that have financed from federal grants made to construct them should be deeded to the federal government). These centers should be administered by businesses. Grants for study and research could be given to them and professors and students would be able to work in them but not control them. All university hangers-on would be barred and activity detrimental (demonstrations etc. by those so inclined) strictly and enforceably forbidden. Oak Ridge, Tennessee is a good example of a research institution.

4. There should be schools to teach the work habits, technical skills and develop the underpriveleged to be able to work in society but they should be geared to this level. Those graduates might be able to qualify for college or university training later.

5. To the extent that federal aid is used in providing teacher training, there should be the strictest controls and selection. The teachers of our young hold the future of our country in their hands. We have allowed the misfits, the drifters and malcontents to become teachers. Those who have just gone to college for three and a half years and suddenly realized they haven't really learned or accomplished anything of worth then decide, "I'll teach". The teaching profession should be upgraded. Tenure should be removed. Teachers who cannot prove their worth as teachers each year should be removed.

6. Whatever changes that are necessary should be made to stop this mad scramble to have the proper proportion of black and white in each school. Each child should have the best education for living and working in this society in a productive and useful way. Each taught and inspired and assisted in becoming men and women responsible for their own activities and using their own abilities and skills usefully for the community and nation. This is best done in some situations in integrated schools, sometimes in all white and sometimes in all black. Let us not lose the primary objectives of education.

We have too long followed the Pied Pipers who have played weird tunes for our people to dance to. It didn't take the black Americans long to learn—after they had gotten a segment of the population so committed to integration that even stretching the constitution was used—this was not workable or desirable. Now they want integration when it pleases and segregation when it pleases. Our nation cannot survive the continual Pied Piper approach. Our universities and colleges cannot exist and would have no reason to exist if students are to dictate the policies, studies and living arrangements.

Thank you for this opportunity to express our concerns. We remain,

Respectfully,

Mr. and Mrs. Robert L. Dowell.

Seaside, Oreg.,
May 10, 1969.

Dear Mrs. Green: I admire your firm stand on student anarchy and hope you do initiate legislation that will penalize these young radicals, many of them are in school using govt. funds—take that away and put them behind bars if they advocate overthrow of present governing school administrators. This is a wonderful country that is not perfect but it is the best one in the world today.

S. S. Wilcox.

Lincoln City, Oreg.

Dear Mrs. Green: I am a Republican but I have always admired your stand on many issues—especially in the realm of education and what is best for the young. So being a woman I am sending you these issues of Avant Guard that came to a young man here at Lincoln City. What has happened to our country? Have we all gone stark mad? Is filth of mind becoming daily fare—over the radio, magazines on the news stands, etc? Especially I am aghast to see what is happening at our universities. The radical speakers they permit there, the laxness in rules in the universities. It seems anything goes. Permissiveness seems to be the rule. They say it is only a small minority causing all the trouble. If so why will the rest—the majority of teachers and students—permit such things to happen? Are the faculty so spineless or do they secretly condone such happenings? I think it is high time we come to our senses and become aware of the direction in which we are so inexorably being carried, and clamp down on the senseless rioting etc. I saw the chaos caused by the students in Guatemala—the riots caused by perpetual students. I saw how they operate and believe me when I say the tactics are being used here. Ex-President Idigoras' book tells how they got control, how they thwart any Governor who tries to rule Guatemala. They can paralyze a country. I think any student who riots, burns and destroys should be arrested and expelled. Why should we pay for the education of the rebels who are bent on overthrowing our government by violence? I thought there was a law that punishes anyone who preaches overthrow of our country by violence. Yet the students are preaching such sedition.

Believe me when I tell you all of us are getting fed to the gills with what is happening and is the topic of conversation when we get together. We deplore it and resent paying taxes to educate the young and then to be daily reminded of the product being turned out by our schools. It makes one sick.

Sincerely yours,

Inez Makin.

W. Biddle Combs & Co., Inc.,
Portland, Oreg., March 18, 1969.

Dear Mrs. Green: We all realize that you are mighty busy with governmental problems but we certainly hope you'll take time to *do* something about these Student Demonstrations.

There is so much "wishy-washy" attitude among our College Presidents and Government Officials that the Poor Tax Payer doesn't get a Break.

We do hope you'll take a real Firm and Realistic Stand against these vandals and law breakers.

Thank you & good luck.

W. Biddle Combs.

Hillsboro, Oreg.,
May 27, 1969.

Hon. Edith Green,
U.S. Representative from Oregon,
Washington, D.C.

Dear Mrs. Green: I am enclosing a copy of an article taken from the magazine U.S. News and World Report dated May 26, 1969 for your review. My reason for writing you relative to this article is to ask you and all of the other members of Congress "What do you intend to do about a situation that is reportedly developing in the United States?"

I know *exactly* what I would do were I representing the people of Oregon. I would immediately press for legislation that would curb the activities of every individual that advocated what Michael Klonsky is suggesting the S.D.S. do. I cannot believe that if we ignore this kind of threat that it will eventually "wash" itself out—or that these young people must have an opportunity to "express" themselves. To me—this is a grave threat to my Constitutional rights of life, Liberty and the Pursuit of Happiness—and I, for one, am asking you to help me and my family, and all others who believe in these United States of America and for what our country stands—to pass legislation outlawing and removing from our midst this type of organization and individual.

So now—what are you going to do? Just where do you stand? Do you need more signatures and letters of individuals to let you know how we feel? Or, shall we all sit back and let the Michael Klonskys take over our country?

I would be most pleased to hear from you directly.

Yours for a continued strong U.S. Government,

E. D. Bittner.

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PORTLAND, OREG.,
June 17, 1969.

Representative EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR MRS. GREEN: Good for you!

All this chaos and destruction on campus has made the average taxpayer feel like having a revolt too.

Although unmarried and childless, I have always voted for educational bills—guess I had to struggle much too hard for my own education. However, I, and many others, have now developed such antipathy to the situations on campuses that I will not again contribute willingly until a change has been made.

Too many serious students and conscientious faculty members have been harassed and discommoded beyond all reason.

I very much resent such waste of taxpayers money.

I sincerely hope for the success of your timely and badly-needed bill.

A Republican admirer,
WELTHIA MOORE.

GREENWOOD, IND.,
February 28, 1969.

Hon. EDITH GREEN,
Washington, D.C.

DEAR REPRESENTATIVE GREEN: I hope you will continue to investigate student anarchists and all students who take part in a disruptive manner in the strife, turmoil and riots so common place now on college and university campuses.

Is the U.S. Office of Education doing anything about cutting off Federal aid to such students? *If not why not?*

Yours truly,
B. F. BARNARD.

P.S.—This letter needs no acknowledgment.

B. F. B.

NORBERT E. SCHMID INSURANCE AGENCY,
Cincinnati, Ohio, March 6, 1969.

EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSWOMAN GREEN: I understand you are considering undertaking an investigation into these student anarchists receiving federal loans who are disrupting our universities. I just wanted to encourage you to follow through on such actions. The general public should be informed on this matter, and I urge you to act quickly so we may stop financing our own destruction. Thank you for your time.

Sincerely,
NORBERT E. SCHMID.

GEORGE S. RICHARDSON, M.D., F.A.C.S.,
Roswell, N. Mex., March 6, 1969.

Hon. EDITH GREEN,
House Subcommittee on Higher Education,
House Office Building, Washington, D.C.

DEAR CONGRESSWOMAN: I have been acquainted with the fact that you have stated that you will investigate student anarchists who are receiving student loans.

I say, more power to you!

What can I do to help you?

Sincerely yours,
GEORGE S. RICHARDSON, M.D.

NEW YORK, N.Y.,
May 7, 1969.

The CHAIRMAN,
House Committee on Higher Education,
Congress of the United States,
Washington, D.C.

DEAR SIR: I am a student at Queens College in New York City. This may come as a surprise but I am not a radical, an Ad Hoc supporter, or a member of any type of SDS group. I do belong to a moderate group called Students for Queen College. I believe that a university has no place for radicals trying to impose their views in any way over the student body. I believe that no group has the authority to seize a building, nor to imprison anyone from the administration. I believe that police should be used to prevent and to keep order on a college campus when the administration fails by its efforts to control or police itself. I simply want the administration to administer, professors to teach, and students to go back to their primary reason for attendance . . . to study.

I recognize the need for change as well as the radicals. I do not however like nor recognize the way in which they go about trying to achieve their goals. Any victory gained when the administration is under pressure is no victory at all. When I should ever be in a position to propose change, it will be a peaceful solution acceptable to all parties involved. Students cannot change the world by these actions. They fail to realize that they are offering nothing to replace the very society that they are ripping apart.

Why does Congress put up with all this? Why should I feel like I am in a "war-zone" when I go to college? Why does my college president sit around and worry about making excuses to those politicians who appointed him? What is so difficult about meeting force with force. It is the only method left when presented with these so-called "non-negotiable demands".

As a regular student, I implore your committee to do something. Its silly to have a college administration that is not able to run a college. Rather than political appointees, let's have some able administrators.

JACK GILEAD.

JACKSON, MICH.,
March 12, 1969.

Hon. EDITH GREEN,
Washington, D.C.

DEAR MRS. GREEN: I am pleased to hear that you are investigating student anarchists who are receiving Federal loans. I know that all taxpayers are very upset at the way the leftist students are disturbing the orderly process of education for those who want to go to college, and are actually destroying the school property.

If there is any way that Congress can control this Communistic movement I feel that it should. Those of us who pay tuition and room and board to send our children to college, and our children who have worked hard and studied to have this opportunity for higher education should not be denied it by a small hard core group who have decided to overthrow the institutions because their communist-trained leaders have told them to.

They can be controlled thru scholarships and thru demanding that the colleges raise their entrance standards to where they used to be, so that students who really want an education can go, and those who just want to use the college as a rehearsal revolution before stepping out to destroy the cities can be kept out. Good luck to you and your subcommittee.

Sincerely,
PHYLLIS KORTEN.

WESTFIELD, N.J.,
March 13, 1969.

Hon. EDITH GREEN,
Chairman, Committee on Higher Education,
House Office Building, Washington, D.C.

DEAR CONGRESSWOMAN GREEN: I am writing to commend you for your announcement that your Subcommittee on Higher Education will investigate student anarchists who are receiving federal loans.

I hope this investigation will be made promptly and before much more of the taxpayers' money is ladled out to these youthful trouble-makers. As a taxpayer, I resent having what I manage to save taxed away from me for the benefit of this unpatriotic, lawless crew.

In my opinion, once these disrupters have been duly identified and given their day of self-justification they should be expelled from the universities which they have been attending and made 1-A with their local draft boards. Surely a student who seeks to destroy a university has less right to continue his enrollment there than does some earnest student who is too stupid or lazy to make the grade.

Be assured that there are many others who feel as I do. No loans—and, I would add, no gifts—for the revolutionaries.

Sincerely,
EVELYN S. WACHTER
Mrs. John H. Wachter.

ARLINGTON, VA.,
June 4, 1969.

Representative EDITH GREEN,
House of Representatives,
U.S. Capitol.

DEAR MRS GREEN: I don't understand how college presidents and students can consider themselves outside the law that everyone else is supposed to obey. I don't understand why the law shouldn't apply on the campus the same as everywhere else. I don't understand how Congress can contemplate granting any exception to the general body of law without destroying its own dignity and authority.

It seems to me that setting universities off as above the law is bound to create in young people contempt for all law. Their contempt could have unimaginable consequences.

It has often been said that if a college president brings in the police to enforce the law the students are made more dangerously militant. This excites their anger against the college.

Once in a while a simple solution is the best. May I suggest that Congress pass a law making a college president liable to a fine, perhaps jail, if he fails to report a law violation to the local authorities?

With such a law, the students couldn't get angry at him or the college, only the government.

Yours sincerely,
KENNETH DOLE.

MORRISON, ILL.,
May 14, 1969.

Re Student disorders and federal aid to disrupted colleges.

DEAR REPRESENTATIVE GREEN: Please keep up the good work. We must stop giving federal aid to colleges who keep on permitting students to disrupt, or damage property, also stop giving aid to students who are causing troubles in the colleges.

Get rid of the SDS leaders and others who riot.

Thank you.
LAURA K. WAGENECHT,
EDW. J. WAGENECHT.

ILLINOIS STATE UNIVERSITY,
Normal, Ill., May 11, 1969.

Hon. EDITH GREEN,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE GREEN: Although I teach at a university that remains relatively unaffected by the illegal disruptions of radical student and faculty protests, I wish to commend your decision to investigate, and possibly to propose legislation, to preserve and protect the integrity and the actual property of American colleges and universities, threatened by *illegal* demonstration of *political* unrest.

Sincerely yours,
RAY L. WHITE.

MAY 2, 1969.

DEAR REPRESENTATIVE GREEN: I liked your remarks quoted in the Boston Herald today.

I strenuously object to the subsidizing of campus riots or trespasses or disruptions. It would be wrong to take money from taxpayers and throw it in the ocean, but it is even worse to use it to support young people on campus who are more interested in interfering with the educational process than with getting the education that they are supposed to be seeking.

I am also disturbed about reports that there are radicals on some college faculties. I wish they could be fired!

Sincerely,

KENNETH B. BOND.

P.S. Howard ought to get rid of S.D.S. if they are going to get rid of R.O.T.C.

BROOKINGS, OREG., *February 9, 1969.*

Hon. EDITH GREEN,
U.S. House of Representatives,
Washington, D.C.

DEAR MRS. GREEN: After viewing the riots on various campuses it makes my blood boil to see the huge sums of money that is appropriated to these colleges that harbor known rioters. All faculty members that condone this sort of revolutionary activities should be replaced immediately.

Most of these riots are caused by Communist-oriented revolutionaries.

I hope you see fit to curb such activity. I think Dr. S. I. Hayakawa should be highly considered for UO or OSU.

Sincerely,

WALTER C. HALE.

THE 205TH ANNIVERSARY OF ARTIGAS' BIRTHDAY JUNE 19, 1969

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, today the Uruguayan people celebrate the 205th anniversary of the birth of their great patriot and liberator, José Artigas. At a time when we and our Latin American neighbors are devoting so much of our attention and energies to the need for orderly but rapid economic and social development in our hemisphere, it is appropriate and proper for us to pause and salute a man who not only fought for the independence of his own country but also dedicated his life to the freedom and well-being of people in all the Americas.

For nearly a decade until 1820, José Artigas fought against enormous odds to free his native Uruguay. But he always retained the vision and ideal of a free association of American nations working together toward the common goals of social justice and liberty. Early in the Revolution of the River Plate Provinces against Spanish rule, he declared:

> The liberty of America forms my system and to create it my only desire.

Even at the height of the Latin American struggle for independence, Artigas never wavered in his faith in the ability of the people to govern themselves, declaring in 1819:

> Let free peoples decide their own destiny.

Although this great soldier held almost absolute power in his own country and could easily have become dictator of much of the River Plate area, he refused to abuse the trust given him. His words are now engraved in the walls of the Legislative Palace in Montevideo:

> My authority emanates from you and it ceases in your sovereign presence.

Indeed, Artigas made the will of the people the basis of his leadership. Many years after the Revolution, he wrote:

> Taking the United States for a model, I sought autonomy for the Provinces, giving each State its own government, its own Constitution and flag, and the right to elect its representatives, judges and government from the citizens of each State."

In a letter of greeting to President Monroe in 1817, Artigas again referred to the public good and the advancement of freedom, saying:

> To their support, all my efforts are directed, aided by the sacrifices of thousands of my fellow citizens. Heaven grant our wishes.

José Artigas and the Uruguayan people endured great sacrifices to win their freedom. At a crucial moment in their struggle, thousands of his followers burned their homes and property and followed Artigas in a dramatic "exodus" into the rude interior of the country where they maintained their heroic resistance against foreign rule.

After a bitter 9-year struggle, José Artigas was defeated by an overwhelming combination of enemies and lived the remainder of his life in exile. However, through his inspiration, the Uruguayan people went on to win their independence and his ideas have endured and shaped the Uruguayan nation, with its proud tradition of democracy and justice.

The influence of José Artigas transcends Uruguay. His example and ideals, like those of Bolívar and San Martín, have become an integral part of Pan-Americanism—the fundamental belief that we in this hemisphere, citizens of free and independent nations, are nevertheless interdependent; that although we cherish our individual sovereignty, we also freely choose to work together in peace toward our common goals.

It is this belief that animates our joint efforts to achieve a better life for all our peoples. It is this sense of common purpose and tradition which leads us to band together in the defense of our freedom against foreign domination and alien ideologies.

Mr. Speaker, let us join today with the people of Uruguay in honoring one of the great American heroes—José Artigas.

CLARK CLIFFORD ON VIETNAM

(Mr. FINDLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, the proposal that U.S. ground combat forces be withdrawn from Vietnam by the end of 1970 made in an article in the current issue of Foreign Affairs Journal by Clark Clifford, President Johnson's Secretary of Defense, is another example of the courageous level-headed public service the American people have come to expect from Mr. Clifford.

It was the influence of Mr. Clifford, more than that of anyone else, which led to President Johnson's momentous decision of last March 31, and which earlier had led to the rejection of General Wheeler's request for 200,000 additional U.S. troops for Vietnam.

Mr. Clifford returned to public life as Secretary of Defense from private law practice, having earlier rendered long and distinguished service under President Truman.

His metamorphosis last year from hawk to dove on Vietnam was an experience undoubtedly shared by many others—myself, most certainly—but in his case the experience had tremendous impact upon the course of national policy.

What might have developed had he not succeeded Robert S. McNamara as Secretary of Defense? It is my belief the United States would have sunk even deeper into the Asian quagmire, perhaps even being pulled into an agonizing engagement with Communist China.

Clearly, Mr. Clifford's first assignment by President Johnson was to chair a task force that, in Mr. Clifford's own words was not instructed to assess the need for substantial increases in men and material; we were to devise the means by which they could be provided."

In any event, Mr. Clifford rendered great service in causing a halt to the U.S. combat buildup in Vietnam. He adds significantly to it by encouraging President Nixon to withdraw promptly and unconditionally not just 25,000 but all U.S. ground combat forces.

Just as Mr. Clifford exerted powerful and constructive influence as a chief officer of the Democratic administration of Mr. Johnson, he now exerts powerful and constructive influence on the Republican administration of Mr. Nixon. Although his influence now necessarily comes from outside the official circle, it is my hope that it will have the same profound effect as his earlier initiatives, reinforcing a decision Mr. Nixon hopefully has already made.

The text of Mr. Clifford's article as it appears in the July issue of Foreign Affairs follows:

A VIETNAM REAPPRAISAL: THE PERSONAL HISTORY OF ONE MAN'S VIEW AND HOW IT EVOLVED

(By Clark M. Clifford)

Viet Nam remains unquestionably the transcendent problem that confronts our nation. Though the escalation has ceased, we seem to be no closer to finding our way out of this infinitely complex difficulty. The confidence of the past has become the frustration of the present. Predictions of progress and of military success, made so often by so many, have proved to be illusory as the fighting and the dying continue at a tragic rate. Within our country, the dialogue quickens and the debate sharpens. There is a growing impatience among our people, and questions regarding the war and our participation in it are being asked with increasing vehemence.

Many individuals these past years have sought to make some contribution toward finding the answers that have been so elusive. It is with this hope in mind that I present herewith the case history of one man's attitude toward Viet Nam, and the various stages of thought he experienced as he plodded painfully from one point of view to another, and another, until he arrived at the unshakable opinion he possesses today.

Views on Viet Nam have become increasingly polarized as the war has gone on without visible progress toward the traditional American military triumph. There remain some who insist that we were right to intervene militarily and, because we were right, we have no choice but to press on until the enemy knuckles under and concedes defeat. At the other extreme, and in increasing numbers, there are those who maintain that the present unsatisfactory situation proves that our Viet Nam policy has been wrong from the very beginning. There are even those who suggest that our problems in Viet Nam cast doubt on the entire course of American foreign policy since World War II. Both schools

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share a common and, as I see it, an erroneous concept. They both would make military victory the ultimate test of the propriety of our participation in the conflict in Southeast Asia.

I find myself unable to agree with either extreme. At the time of our original involvement in Viet Nam, I considered it to be based upon sound and unassailable premises, thoroughly consistent with our self-interest and our responsibilities. There has been no change in the exemplary character of our intentions in Viet Nam. We intervened to help a new and small nation resist subjugation by a neighboring country—a neighboring country, incidentally, which was being assisted by the resources of the world's two largest communist powers.

I see no profit and no purpose in any divisive national debate about whether we were right or wrong initially to become involved in the struggle in Vietnam. Such debate at the present time clouds the issue and obscures the pressing need for a clear and logical evaluation of our present predicament, and how we can extricate ourselves from it.

Only history will be able to tell whether or not our military presence in Southeast Asia was warranted. Certainly the decisions that brought it about were based upon a reasonable reading of the past three decades. We had seen the calamitous consequences of standing aside while totalitarian and expansionist nations moved successively against their weaker neighbors and accumulated a military might which left even the stronger nations uneasy and insecure. We had seen in the period immediately after World War II the seemingly insatiable urge of the Soviet Union to secure satellite states on its western periphery. We had seen in Asia itself the attempt by open invasion to extend communist control into the independent South of the Korean Peninsula. We had reason to feel that the fate averted in Korea through American and United Nations military force would overtake the independent countries of Asia, albeit in somewhat subtler form, were we to stand aside while the communist North sponsored subversion and terrorism in South Viet Nam.

The transformation that has taken place in my thinking has been brought about, however, by the conclusion that the world situation has changed dramatically, and that American involvement in Viet Nam can and must change with it. Important ingredients of this present situation include the manner in which South Viet Nam and its Asian neighbors have responded to the threat and to our own massive intervention. They also include internal developments both in Asian nations and elsewhere, and the changing relations among world powers.

The decisions which our nation faces today in Viet Nam should not be made on interpretations of the facts as they were perceived four or five or fifteen years ago, even if, through compromise, a consensus could be reached on these interpretations. They must instead be based upon our present view of our obligations as a world power; upon our current concept of our national security; upon our conclusions regarding our commitments as they exist today; upon our fervent desire to contribute to peace throughout the world; and, hopefully, upon our acceptance of the principle of enlightened self-interest.

But these are broad and general guidelines, subject to many constructions and misconstructions. They also have the obvious drawback of being remote and impersonal.

The purpose of this article is to present to the reader the intimate and highly personal experience of one man, in the hope that by so doing there will be a simpler and clearer understanding of where we are in Viet Nam today, and what we must do about it. I shall go back to the beginning and identify, as well as I can, the origins of my consciousness of the problem, the opportunities I had to obtain the facts, and the resulting evolution of what I shall guardedly refer to as my thought processes.

II

Although I had served President Truman in the White House from May 1945 until February 1950, I do not recall ever having had to focus on Southeast Asia. Indochina, as it was then universally known, was regarded by our government as a French problem. President Truman was prompted from time to time by the State Department to approve statements that seemed to me to be little more than reiterations of the long-standing American attitude against "colonialism." If any of those provoked extensive discussion at the White House, I cannot recall. For the next decade, I watched foreign affairs and the growing turbulence of Asia from the sidelines as a private citizen, increasingly concerned but not directly involved.

In the summer of 1960, Senator John Kennedy invited me to act as his transition planner, and later as liaison with the Eisenhower Administration in the interval between the election and January 20, 1961. Among the foreign policy problems that I encountered at once was a deteriorating situation in Southeast Asia. Major-General Wilton B. Persons, whom President Eisenhower had designated to work with me, explained the gravity of the situation as viewed by the outgoing Administration. I suggested to the President-elect that it would be well for him to hear President Eisenhower personally on the subject. He agreed, and accordingly General Persons and I placed Southeast Asia as the first item on the agenda of the final meeting between the outgoing and the incoming Presidents. This meeting, held on the morning of January 19, 1961, in the Cabinet Room, was attended by President Eisenhower, Secretary of State Christian Herter, Secretary of Defense Thomas Gates, Secretary of the Treasury Robert Anderson and General Persons. President-elect Kennedy had his counterparts present: Secretary of State-designate Dean Rusk, Secretary of Defense-designate Robert McNamara, Secretary of the Treasury-designate Douglas Dillon, and me.

At President-elect Kennedy's suggestion, I took notes of the important subjects discussed. Most of the time, the discussion centered on Southeast Asia, with emphasis upon Laos. At that particular time, January 1961, Laos had come sharply into focus and appeared to constitute the major danger in the area.

My notes disclose the following comments by the President:

"At this point, President Eisenhower said, with considerable emotion, that Laos was the key to the entire area of Southeast Asia.

"He said that if we permitted Laos to fall, then we would have to write off all the area. He stated we must not permit a Communist take-over. He reiterated that we should make every effort to persuade member nations of SEATO or the International Control Commission to accept the burden with us to defend the freedom of Laos.

"As he concluded these remarks, President Eisenhower stated it was imperative that Laos be defended. He said that the United States should accept this task with our allies, if we could persuade them and alone if we could not. He added, 'Our unilateral intervention would be our last desperate hope in the event we were unable to prevail upon the other signatories to join us.' "

That morning's discussion, and the gravity with which President Eisenhower addressed the problem, had a substantial impact on me. He and his advisers were finishing eight years of responsible service to the nation. I had neither facts nor personal experience to challenge their assessment of the situation, even if I had had the inclination to do so. The thrust of the presentation was the great importance to the United States of taking a firm stand in Southeast Asia, and I accepted that judgment.

On an earlier occasion, in speaking of Southeast Asia, President Eisenhower had said that South Viet Nam's capture by the communists would bring their power several hundred miles into a hitherto free region. The freedom of 12 million people would be lost immediately, and that of 150 million in adjacent lands would be seriously endangered. The loss of South Viet Nam would set in motion a crumbling process that could, as it progressed, have grave consequences for us and for freedom.

As I listened to him in the Cabinet Room that January morning, I recalled that it was President Eisenhower who had acquainted the public with the phrase "domino theory" by using it to describe how one country after another could be expected to fall under communist control once the process started in Southeast Asia.

In the spring of 1961, I was appointed to membership on the President's Foreign Intelligence Advisory Board. In this capacity, I received briefings from time to time on affairs in Asia. The information provided the Board supported the assessment of the previous Administration, with which President Kennedy concurred. "Withdrawal in the case of Viet Nam," President Kennedy said in 1961, "and in the case of Thailand could mean the collapse of the whole area." He never wavered. A year later, he said of Viet Nam: "We are not going to withdraw from that effort. In my opinion, for us to withdraw from that effort would mean a collapse not only of South Viet Nam but Southeast Asia. So we are going to stay there." I had no occasion to question the collective opinion of our duly chosen officials.

After President Johnson took office, our involvement became greater, but so did most public and private assessments of the correctness of our course. The Tonkin Gulf resolution was adopted by the Congress in 1964 by a vote of 504 to 2. The language was stern: "The United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

When decisions were made in 1965 to increase, in very substantial fashion, the American commitment in Viet Nam, I accepted the judgment that such actions were necessary. That fall, I made a trip to Southeast Asia in my capacity as Chairman of the Foreign Intelligence Advisory Board. The optimism of our military and Vietnamese officials on the conduct of the war, together with the encouragement of our Asian allies, confirmed my belief in the correctness of our policy. In the absence at the time of indications that Hanoi had any interest in peace negotiations, I did not favor the 37-day bombing halt over the Christmas 1965-New Year 1966 holdiay season. I felt such a halt could be construed by Hanoi as a sign of weakness on our part.

In 1966, I served as an adviser to President Johnson at the Manila Conference. It was an impressive gathering of the Chiefs of State and Heads of Government of the allied nations; it reassured me that we were on the right road and that our military progress was bringing us closer to the resolution of the conflict.

In the late summer of 1967, President Johnson asked me to go with his Special Assistant, General Maxwell Taylor, to review the situation in South Viet Nam, and then to visit some of our Pacific allies. We were to brief them on the war and to discuss with them the possibility of their increasing their troop commitments. Our briefings in South Viet Nam were extensive and encouraging.

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There were suggestions that the enemy was being hurt badly and that our bombing and superior firepower were beginning to achieve the expected results.

Our visits to the allied capitals, however, produced results that I had not foreseen. It was strikingly apparent to me that the other troop-contributing countries no longer shared our degree of concern about the war in South Viet Nam. General Taylor and I urged them to increase their participation. In the main, our plea fell on deaf ears.

Thailand, a near neighbor to South Viet Nam, with a population of some 30 million, had assigned only 2,500 men to South Viet Nam, and was in no hurry to allocate more.

The President of the Philippines advised President Johnson that he preferred we not stop there because of possible adverse public reaction. The Philippines, so close and ostensibly so vulnerable if they accepted the domino theory, had sent a hospital corps and an engineer battalion to Viet Nam, but no combat troops. It was also made clear to President Johnson that they had no intention of sending any combat personnel.

South Korea had the only sizable contingent of Asian troops assisting South Viet Nam, but officials argued that a higher level of activity on the part of the North Koreans prevented their increasing their support.

Disappointing though these visits were, I had high hopes for the success of our mission in Australia and New Zealand. I recalled that Australia, then with a much smaller population, had been able to maintain well over 300,000 troops overseas in World War II. They had sent only 7,000 to Vietnam. Surely there was hope here. But Prime Minister Holt, who had been fully briefed, presented a long list of reasons why Australia was already close to its maximum effort.

In New Zealand, we spent the better part of a day conferring with the Prime Minister and his cabinet, while hundreds of students picketed the Parliament Building carrying signs bearing peace slogans. These officials were courteous and sympathetic, as all the others had been, but they made it clear that any appreciable increase was out of the question. New Zealand at one time had 70,000 troops overseas in the various theaters of World War II. They had 500 men in Vietnam. I naturally wondered if this was their evaluation of the respective dangers of the two conflicts.

I returned home puzzled, troubled, concerned. Was it possible that our assessment of the danger to the stability of Southeast Asia and the Western Pacific was exaggerated? Was it possible that those nations which were neighbors of Vietnam had a clearer perception of the tides of world events in 1967 than we? Was it possible that we were continuing to be guided by judgments that might once have had validity but were now obsolete? In short, although I still counted myself a staunch supporter of our policies, there were nagging, not-to-be-suppressed doubts in my mind.

These doubts were dramatized a short time later back in the United States when I attended a dinner at the White House for Prime Minister Lee Kuan Yew of Singapore. His country, which knew the bitterness of defeat and occupation in World War II, had declined to send any men at all to Viet Nam. In answer to my question as to when he thought troops might be sent, he stated he saw no possibility of that taking place because of the adverse political effect in Singapore.

Accordingly, I welcomed President Johnson's San Antonio speech of September 30, 1967, with far greater enthusiasm than I would have had I not so recently returned from the Pacific. I felt it marked a substantial step in the right direction because it offered an alternative to a military solution of the lengthy and costly conflict. Allied bombing of North Viet Nam had by now assumed a symbolic significance of enormous proportions and the President focused his attention on this. The essence of his proposal was an offer to stop the bombing of North Viet Nam if prompt and productive peace discussions with the other side would ensue. We would assume that the other side would "not take advantage" of the bombing cessation. By this formula, the President made an imaginative move to end the deadlock over the bombing and get negotiations started.

I, of course, shared the universal disappointment that the San Antonio offer evoked no favorable response from Hanoi, but my feelings were more complex than those of mere disappointment. As I listened to the official discussion in Washington, my feelings turned from disappointment to dismay. I found it was being quietly asserted that, in return for a bombing cessation in the North, the North Vietnamese must stop sending men and materiel into South Viet Nam. On the surface, this might have seemed a fair exchange. To me, it was an unfortunate interpretation that—intentionally or not—rendered the San Antonio formula virtually meaningless. The North Vietnamese had more than 100,000 men in the South. It was totally unrealistic to expect them to abandon their men by not replacing casualties, and by failing to provide them with clothing, food, munitions and other supplies. We could never expect them to accept an offer to negotiate on those conditions.

III

In mid-January 1968, President Johnson asked me to serve as Secretary of Defense, succeeding Secretary McNamara, who was leaving to become President of the World Bank. In the confirmation hearing before the Senate Armed Services Committee on January 25, I was asked about the San Antonio formula. The interpretation I gave was in accord with President Johnson's intense desire to start negotiations, and it offered a possibility of acceptance which I was convinced did not exist with the extreme and rigid interpretations that so concerned me. I said that I assumed that the North Vietnamese would "continue to transport the normal amount of goods, munitions and men to South Viet Nam" at the levels that had prevailed prior to our bombing cessation. This was my understanding of what the President meant by "not take advantage."

The varying interpretations of the San Antonio formula raised in my mind the question as to whether all of us had the same objective in view. Some, it seemed, could envision as satisfactory no solution short of the complete military defeat of the enemy. I did not count myself in this group. Although I still accepted as valid the premises of our Viet Nam involvement, I was dissatisfied with the rigidities that so limited our course of action and our alternatives.

I took office on March 1, 1968. The enemy's Tet offensive of late January and early February had been beaten back at great cost. The confidence of the American people had been badly shaken. The ability of the South Vietnamese Government to restore order and morale in the populace, and discipline and esprit in the armed forces, was being questioned. At the President's direction, General Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, had flown to Viet Nam in late February for an on-the-spot conference with General Westmoreland. He had just returned and presented the military's request that over 200,000 troops be prepared for deployment to Viet Nam. These troops would be in addition to the 525,000 previously authorized. I was directed, as my first assignment, to chair a task force named by the President to determine how this new requirement could be met. We were not instructed to assess the need for substantial increases in men and materiel; we were to devise the means by which they could be provided.

My work was cut out. The task force included Secretary Rusk, Secretary Henry Fowler, Under Secretary of State Nicholas Katzenbach, Deputy Secretary of Defense Paul Nitze, General Wheeler, CIA Director Richard Helms, the President's Special Assistant, Walt Rostow, General Maxwell Taylor and other skilled and highly capable officials. All of them had had long and direct experience with Vietnamese problems. I had not. I had attended various meetings in the past several years and I had been to Vietnam three times, but it was quickly apparent to me how little one knows if he has been on the periphery of a problem and not truly in it. Until the day-long sessions of early March, I had never had the opportunity of intensive analysis and fact-finding. Now I was thrust into a vigorous, ruthlessly frank assessment of our situation by the men who knew the most about it. Try though we would to stay with the assignment of devising means to meet the military's requests, fundamental questions began to recur over and over.

It is, of course, not possible to recall all the questions that were asked nor all of the answers that were given. Had a transcript of our discussions been made—one was not—it would have run to hundreds of closely printed pages. The documents brought to the table by participants would have totalled, if collected in one place—which they were not—many hundreds more. All that is pertinent to this essay are the impressions I formed, and the conclusions I ultimately reached in those days of exhausting scrutiny. In the colloquial style of those meetings, here are some of the principal issues raised and some of the answers as I understood them:

"Will 200,000 more men do the job?" I found no assurance that they would.

"If not, how many more might be needed—and when?" There was no way of knowing.

"What would be involved in committing 200,000 more men to Viet Nam?" A reserve call-up of approximately 280,000, an increased draft call and an extension of tours of duty of most men then in service.

"Can the enemy respond with a build-up of his own?" He could and he probably would.

"What are the estimated costs of the latest requests?" First calculations were on the order of $2 billion for the remaining four months of that fiscal year, and an increase of $10 to $12 billion for the year beginning July 1, 1968.

"What will be the impact on the economy?" So great that we would face the possibility of credit restrictions, a tax increase and even wage and price controls. The balance of payments would be worsened by at least half a billion dollars a year.

"Can bombing stop the war?" Never by itself. It was inflicting heavy personnel and matériel losses, but bombing by itself would not stop the war.

"Will stepping up the bombing decrease American casualties?" Very little, if at all. Our casualties were due to the intensity of the ground fighting in the South. We had already dropped a heavier tonnage of bombs than in all the theaters of World War II. During 1967, an estimated 90,000 North Vietnamese had infiltrated into South Viet Nam. In the opening weeks of 1968, infiltrators were coming in at three to four times the rate of a year earlier, despite the ferocity and intensity of our campaign of aerial interdiction.

"How long must we keep on sending our men and carrying the main burden of combat?" The South Vietnamese were doing better, but they were not ready yet to replace our troops and we did not know when they would be.

When I asked for a presentation of the military plan for attaining victory in Viet Nam, I was told that there was no plan for victory in the historic American sense. Why not? Because our forces were operating under three major political restrictions: The Presi-

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dent had forbidden the invasion of North Viet Nam because this could trigger the mutual assistance pact between North Viet Nam and China; the President had forbidden the mining of the harbor at Haiphong, the principal port through which the North received military supplies, because a Soviet vessel might be sunk; the President had forbidden our forces to pursue the enemy into Laos and Cambodia, for to do so would spread the war, politically and geographically, with no discernible advantage. These and other restrictions which precluded an all-out, no-holds-barred military effort were wisely designed to prevent our being drawn into a larger war. We had no inclination to recommend to the President their cancellation.

"Given these circumstances, how can we win?" We would, I was told, continue to evidence our superiority over the enemy; we would continue to attack in the belief that he would reach the stage where he would find it inadvisable to go on with the war. He could not afford the attrition we were inflicting on him. And we were improving our posture all the time.

I then asked, "What is the best estimate as to how long this course of action will take? Six months? One year? Two years?" There was no agreement on an answer. Not only was there no agreement, I could find no one willing to express any confidence in his guesses. Certainly, none of us was willing to assert that he could see "light at the end of the tunnel" or that American troops would be coming home by the end of the year.

After days of this type of analysis, my concern had greatly deepened. I could not find out when the war was going to end; I could not find out the manner in which it was going to end; I could not find out whether the new requests for men and equipment were going to be enough, or whether it would take more and, if more, when and how much; I could not find out how soon the South Vietnamese forces would be ready to take over. All I had was the statement, given with too little self-assurance to be comforting, that if we persisted for an indeterminate length of time, the enemy would choose not to go on.

And so I asked, "Does anyone see any diminution in the will of the enemy after four years of our having been there, after enormous casualties and after massive destruction from our bombing?"

The answer was that there appeared to be no diminution in the will of the enemy. This reply was doubly impressive, because I was more conscious each day of domestic unrest in our own country. Draft card burnings, marches in the streets, problems on school campuses, bitterness and divisiveness were rampant. Just as disturbing to me were the economic implications of a struggle to be indefinitely continued at ever-increasing cost. The dollar was already in trouble, prices were escalating far too fast and emergency controls on foreign investment imposed on New Year's Day would be only a prelude to more stringent controls, if we were to add another $12 billion to Viet Nam spending—with perhaps still more to follow.

I was also conscious of our obligations and involvements elsewhere in the world. There were certain hopeful signs in our relations with the Soviet Union, but both nations were hampered in moving toward vitally important talks on the limitation of strategic weapons so long as the United States was committed to a military solution in Viet Nam. We could not afford to disregard our interests in the Middle East, South Asia, Africa, Western Europe and elsewhere. Even accepting the validity of our objective in Viet Nam, that objective had to be viewed in the context of our overall national interest, and could not sensibly be pursued at a price so high as to impair our ability to achieve other, and perhaps even more important, foreign policy objectives.

Also, I could not free myself from the continuing nagging doubt left over from that August trip, that if the nations living in the shadow of Viet Nam were not now persuaded by the domino theory, perhaps it was time for us to take another look. Our efforts had given the nations in that area a number of years following independence to organize and build their security. I could see no reason at this time for us to continue to add to our commitment. Finally, there was no assurance that a 40 percent increase in American troops would place us within the next few weeks, months or even years in any substantially better military position than we were in then. All that could be predicted accurately was that more troops would raise the level of combat and automatically raise the level of casualties on both sides.

And so, after these exhausting days, I was convinced that the military course we were pursuing was not only endless, but hopeless. A further substantial increase in American forces could only increase the devastation and the Americanization of the war, and thus leave us even further from our goal of a peace that would permit the people of South Viet Nam to fashion their own political and economic institutions. Henceforth, I was also convinced, our primary goal should be to level off our involvement, and to work toward gradual disengagement.

IV

To reach a conclusion and to implement it are not the same, especially when one does not have the ultimate power of decision. It now became my purpose to emphasize to my colleagues and to the President, that the United States had entered Viet Nam with a limited aim—to prevent its subjugation by the North and to enable the people of South Viet Nam to determine their own future. I also argued that we had largely accomplished that objective. Nothing required us to remain until the North had been ejected from the South, and the Saigon government had been established in complete military control of all South Viet Nam. An increase of over 200,000 in troop strength would mean that American forces would be twice the size of the regular South Vietnamese Army at that time. Our goal of building a stronger South Vietnamese Government, and an effective military force capable of ultimately taking over from us, would be frustrated rather than furthered. The more we continue to do in South Viet Nam, the less likely the South Vietnamese were to shoulder their own burden.

The debate continued at the White House for days. President Johnson encouraged me to report my findings and my views with total candor, but he was equally insistent on hearing the views of others. Finally, the President, in the closing hours of March, made his decisions and reported them to the people on the evening of the 31st. Three related directly to the month's review of the war. First, the President announced he was establishing a ceiling of 549,500 in the American commitment to Viet Nam; the only new troops going out would be support troops previously promised. Second, we would speed up our aid to the South Vietnamese armed forces. We would equip and train them to take over major combat responsibilities from us on a much accelerated schedule. Third, speaking to Hanoi, the President stated he was greatly restricting American Bombing of the North as an invitation and an inducement to begin peace talks. We would no longer bomb north of the Twentieth Parallel. By this act of unilateral restraint, nearly 80 percent of the territory of North Viet Nam would no longer subjected to our bombing.

I had taken office at the beginning of the month with one overriding immediate assignment—responding to the military request to strengthen our forces in Viet Nam so that we might prosecute the war more forcefully. Now my colleagues and I had two different and longer-range tasks—developing a plan for shifting the burden to the South Vietnamese as rapidly as they could be made ready, and supporting our government's diplomatic efforts to engage in peace talks.

To assess the range of progress in the first task, I went to Viet Nam in July. I was heartened by the excellent spirit and the condition of our forces, but found distressingly little evidence that the other troop-contributing countries, or the South Vienamese, were straining to relieve us of our burdens. Although there had been nominal increases in troop contributions from Australia and Thailand since the preceding summer, the Philippines had actually withdrawn several hundred men. The troop-contributing countries were bearing no more of the combat burden; their casualty rates were actually falling.

As for South Vietnamese officials, in discussion after discussion, I found them professing unawareness of shortcomings in such matters as troop training, junior officer strength and rate of desertions. They were, I felt, too complacent when the facts were laid before them. I asked Vice President Ky, for example, about the gross desertion rate of South Vietnamese combat personnel that was running at 30 percent a year. He responded that it was so large, in part, because their men were not paid enough. I asked what his government intended to do. He suggested that we could cut back our bombing, give the money thus saved to the Saigon government, and it would be used for troop pay. He was not jesting; his suggestion was a serious one. I returned home oppressed by the pervasive Americanization of the war: we were still giving the military instructions, still doing most of the fighting, still providing all the matériel, still paying most of the bills. Worst of all, I concluded that the South Vietnamese leaders seemed content to have it that way.

The North had responded to the President's speech of March 31 and meetings had begun in Paris in May. It was, however, a euphemism to call them peace talks. In midsummer, substantive discussions had not yet begun. Our negotiators, the able and experienced Ambassador Averell Harriman and his talented associate, Cyrus Vance, were insisting that the Saigon government be a participant in the talks. Hanoi rejected this. President Johnson, rightly and understandably, refused to order a total bombing halt of the North until Hanoi would accept reciprocal restraints. Hanoi refused. With this unsatisfactory deadlock, the summer passed in Paris.

In Viet Nam, American casualty lists were tragically long, week after week. The enemy was not winning but, I felt, neither were we. There were many other areas in the world where our influence, moral force and economic contributions were sorely in demand and were limited because of our preoccupation with our involvement in Southeast Asia.

I returned from a NATO meeting in Bonn on Sunday evening, October 13, to find a summons to a White House meeting the following morning. There had been movement in Paris. There were no formal agreements, but certain "understandings" had been reached by our negotiating team and the North Vietnamese. At last the North had accepted the participation of the South in peace talks. We would stop all bombing of North Viet Nam. Substantive talks were to start promptly. We had made it clear to Hanoi that we could not continue such talks if there were indiscriminate shelling of major cities in the South, or if the demilitarized zone were violated so as to place our troops in jeopardy.

The President outlined the situation to his advisers. We spent a day of hard and full review. The Joint Chiefs of Staff were unanimous in stating that the bombing halt under

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these circumstances was acceptable. The State Department was authorized to report to Saigon that we had won a seat at the conference table for the Saigon government and to request the earliest possible presence of their delegation in Paris. I felt a sense of relief and hope; we were started down the road to peace.

These feelings were short-lived. The next three weeks were almost as agonizing to me as March had been. The cables from Saigon were stunning. The South Vietnamese Government, suddenly and unexpectedly, was not willing to go to Paris. First one reason, then another, then still another were cabled to Washington. As fast as one Saigon obstacle was overcome, another took its place. Incredulity turned to dismay. I felt that the President and the United States were being badly used. Even worse, I felt that Saigon was attempting to exert a veto power over our agreement to engage in peace negotiations. I admired greatly the President's ability to be patient under the most exasperating circumstances. Each day ran the risk that the North might change its mind, and that months of diligent effort at Paris would be in vain; each day saw a new effort on his part to meet the latest Saigon objection.

To satisfy himself that the bombing halt would neither jeopardize our own forces nor those of our allies, the President ordered General Creighton W. Abrams back from South Viet Nam for a personal report. Finally, on October 31, President Johnson announced that the bombing of North Viet Nam would cease, peace talks would begin promptly and Saigon was assured of a place at the conference table. However, it took weeks to get the Saigon government to Paris, and still additional weeks to get their agreement on seating arrangements.

By the time the various difficulties had been resolved, certain clear and unequivocal opinions regarding the attitude and posture of the Saigon government had crystalized in my mind. These opinions had been forming since my trip to South Viet Nam the preceding July.

The goal of the Saigon government and the goal of the United States were no longer one and the same, if indeed they ever had been. They were not in total conflict but they were clearly not identical. We had largely accomplished the objective for which we had entered the struggle. There was no longer any question about the desire of the American people to bring the Viet Nam adventure to a close.

As Ambassador Harriman observed, it is dangerous to let your aims be escalated in the middle of a war. Keep your objectives in mind, he advised, and as soon as they are attained, call a halt. The winning of the loyalty of villagers to the central government in Saigon, the form of a postwar government, who its leaders should be and how they are to be selected—these were clearly not among our original war objectives. But these were the precise areas of our differences with the Saigon government.

As Saigon authorities saw it, the longer the war went on, with the large-scale American involvement, the more stable was their régime, and the fewer concessions they would have to make to other political groupings. If the United States were to continue its military efforts for another two or three years, perhaps the North Vietnamese and the Viet Cong would be so decimated that no concessions would be needed at all. In the meantime, vast amounts of American wealth were being poured into the South Vietnamese economy. In short, grim and distasteful though it might be, I concluded during the bleak winter weeks that Saigon was in no hurry for the fighting to end and that the Saigon régime did not want us to reach an early settlement of military issues with Hanoi.

The fact is that the creation of strong political, social and economic institutions is a job that the Vietnamese must do for themselves. We cannot do it for them, nor can they do it while our presence hangs over them so massively. President Thieu, Vice President Ky, Prime Minister Huong and those who may follow them have the task of welding viable political institutions from the 100 or more splinter groups that call themselves political parties. It is up to us to let them get on with the job. Nothing we might do could be so beneficial or could so add to the political maturity of South Viet Nam as to begin to withdraw our combat troops. Moreover, in my opinion, we cannot realistically expect to achieve anything more through our military force, and the time has come to begin to disengage. That was my final conclusion as I left the Pentagon on January 20, 1969.

V

It remains my firm opinion today. It is based not only on my personal experiences, but on the many significant changes that have occurred in the world situation in the last four years.

In 1965, the forces supported by North Viet Nam were on the verge of a military takeover of South Viet Nam. Only by sending large numbers of American troops was it possible to prevent this from happening. The South Vietnamese were militarily weak and politically demoralized. They could not, at that time, be expected to preserve for themselves the right to determine their own future. Communist China had recently proclaimed its intention to implement the doctrine of "wars of national liberation." Khrushchev's fall from power the preceding October and Chou En-lai's visit to Moscow in November 1964 posed the dire possibility of the two communist giants working together to spread disruption throughout the underdeveloped nations of the world. Indonesia, under Sukarno, presented a posture of implacable hostility toward Malaysia, and was a destabilizing element in the entire Pacific picture. Malaysia itself, as well as Thailand and Singapore, needed time for their governmental institutions to mature. Apparent American indifference to developments in Asia might, at that time, have had a disastrous impact on the independent countries of that area.

During the past four years, the situation has altered dramatically. The armed forces of South Viet Nam have increased in size and proficiency. The political situation there has become more stable, and the governmental institutions more representative. Elsewhere in Asia, conditions of greater security exist. The bloody defeat of the attempted communist coup in Indonesia removed Sukarno from power and changed the confrontation with Malaysia to cooperation between the two countries. The governments of Thailand and Singapore have made good use of these four years to increase their popular support. Australia and New Zealand have moved toward closer regional defense ties, while Japan, the Republic of Korea and Taiwan have exhibited a rate of economic growth and an improvement in living standards that discredit the teachings of Chairman Mao.

Of at least equal significance is the fact that, since 1965, relations between Russia and China have steadily worsened. The schism between these two powers is one of the watershed events of our time. Ironically, their joint support of Hanoi has contributed to the acrimony between them. It has brought into focus their competition for leadership in the communist camp. Conflicting positions on the desirability of the peace negotiations in Paris have provided a further divisive factor. In an analogous development, increased Soviet aid to North Korea has made Pyongyang less dependent on China. The Cultural Revolution and the depredations of the Red Guards have created in China a situation of internal unrest that presently preoccupies China's military forces. The recent border clashes on the Ussuri River further decrease the likelihood that China will, in the near future, be able to devote its attention and resources to the export of revolution.

These considerations are augmented by another. It seems clear that the necessity to devote more of our minds and our means to our pressing domestic problems requires that we set a chronological limit on our Vietnamese involvement.

A year ago, we placed a numerical limit on this involvement, and did so without lessening the effectiveness of the total military effort. There will undeniably, be, many problems inherent in the replacement of American combat forces with South Vietnamese forces. But whatever these problems, they must be faced. There is no way to achieve our goal of creating the conditions that will allow the South Vietnamese to determine their own future unless we begin, and begin promptly, to turn over to them the major responsibility for their own defense. This ability to defend themselves can never be developed so long as we continue to bear the brunt of the battle. Sooner or later, the test must be whether the South Vietnamese will serve their own country sufficiently well to guarantee its national survival. In my view, this test must be made sooner, rather than later.

A first step would be to inform the South Vietnamese Government that we will withdraw about 100,000 troops before the end of this year. We should also make it clear that this is not an isolated action, but the beginning of a process under which all U.S. ground combat forces will have been withdrawn from Viet Nam by the end of 1970. The same information should, of course, be provided to the other countries who are contributing forces for the defense of South Viet Nam.

Strenuous political and military objections to this decision must be anticipated. Arguments will be made that such a withdrawal will cause the collapse of the Saigon government and jeopardize the security of our own and allied troops. Identical arguments, however, were urged against the decisions to restrict the bombing on March 31 of last year and to stop it completely on October 31. They have proven to be unfounded. There is, in fact, no magic and no specific military rationale for the number of American troops presently in South Viet Nam. The current figure represents only the level at which the escalator stopped.

It should also be noted that our military commanders have stated flatly since last summer that no additional American troops are needed. During these months the number of South Vietnamese under arms in the Government cause has increased substantially and we have received steady reports of their improved performance. Gradual withdrawal of American combat troops thus not only would be consistent with continued overall military strength, but also would serve to substantiate the claims of the growing combat effectiveness of the South Vietnamese forces.

Concurrently with the decision to begin withdrawal, orders should be issued to our military commanders to discontinue efforts to apply maximum military pressure on the enemy and to seek instead to reduce the level of combat. The public statements of our officials show that there has yet been no change in our policy of maximum military effort. The result has been a continuation of the high level of American casualties, without any discernible impact on the peace negotiations in Paris.

While our combat troops are being withdrawn, we would continue to provide the armed forces of the Saigon government with logistic support and with our air resources.

As the process goes on, we can appraise both friendly and enemy reactions. The pattern of our eventual withdrawal of noncombat troops and personnel engaged in air lift and air support can be determined on the basis of political and military developments. So long as we retain our air resources in South Viet Nam, with total air superiority, I do not believe that the lessening in the military pressure exerted by the ground forces would permit the enemy to make any significant gains. There is, moreover, the possibility of reciprocal reduction in North Vietnamese combat activity.

Our decision progressively to turn over the combat burden to the armed forces of South Viet Nam would confront the North Vietnamese leaders with a painful dilemma. Word that the Americans were beginning to withdraw might at first lead them to claims of victory. But even these initial claims could be expected to be tinged with apprehension. There has, in my view, long been considerable evidence that Hanoi fears the possibility that those whom they characterize as "puppet forces" may, with continued but gradually reduced American support, prove able to stand off the communist forces.

As American combat forces are withdrawn, Hanoi would be faced with the prospect of a prolonged and substantial presence of American air and logistics personnel in support of South Viet Nam's combat troops, which would be constantly improving in efficiency. Hanoi's only alternative would be to arrange tacitly or explicitly, for a mutual withdrawal of all external forces. In either eventuality, the resulting balance of forces should avert any danger of a blood bath which some fear might occur in the aftermath of our withdrawal.

Once our withdrawal of combat troops commences, the Saigon government would recognize, probably for the first time, that American objectives do not demand the perpetuation in power of any one group of South Vietnamese. So long as we appear prepared to remain indefinitely, there is no pressure on Saigon to dilute the control of those presently in positions of power by making room for individuals representative of other nationalist elements in South Vietnamese society.

Accordingly, I anticipate no adverse impact on the Paris negotiations from the announcement and implementation of a program of American withdrawal. Instead, I would foresee the creation of circumstances under which true bargaining may proceed among the Vietnamese present in Paris. Unquestionably, the North Vietnamese and the National Liberation Front would do so in the hope that any political settlement would move them toward eventual domination in South Viet Nam. But their hopes and expectations necessarily will yield to the political realities, and these political realities are, in the final analysis, both beyond our control and beyond our ken. Moreover, they are basically none of our business. The one million South Vietnamese in the various components of the armed forces, with American logistics, air lift and air support, should be able, if they have the will, to prevent the imposition by force of a Hanoi-controlled régime. If they lack a sense or a sufficiency of national purpose, we can never force it on them.

In the long run, the security of the Pacific region will depend upon the ability of the countries there to meet the legitimate growing demands of their own people. No military strength we can bring to bear can give them internal stability or popular acceptance. In Southeast Asia, and elsewhere in the less developed regions of the world, our ability to understand and to control the basic forces that are at play is a very limited one. We can advise, we can urge, we can furnish economic aid. But American military power cannot build nations, any more than it can solve the social and economic problems that face us here at home.

This, then, is the case history of the evolution of one individual's thinking regarding Viet Nam. Throughout this entire period it has been difficult to cling closely to reality because of the constant recurrence of optimistic predictions that our task was nearly over, and that better times were just around the corner, or just over the next hill.

We cannot afford to lose sight of the fact that this is a limited war, for limited aims and employing limited power. The forces we now have deployed and the human and material costs we are now incurring have become, in my opinion, out of all proportion to our purpose. The present scale of military effort can bring us no closer to meaningful victory. It can only continue to devastate the countryside and to prolong the suffering of the Vietnamese people of every political persuasion.

Unless we have the imagination and the courage to adopt a different course, I am convinced that we will be in no better, and no different, a position a year from now than we are today.

At current casualty rates, 10,000 more American boys will have lost their lives.

We should reduce American casualties by reducing American combat forces. We should do so in accordance with a definite schedule and with a specified end point.

Let us start to bring our men home—an let us start *now*.

A SALUTE TO FORMER CONGRESSMAN BERNARD W. "PAT" KEARNEY, ONE OF THE ORIGINAL AUTHORS OF THE GI BILL OF RIGHTS, ON THE 25TH ANNIVERSARY OF THAT HISTORIC LANDMARK LEGISLATION

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I take this time to point out that on Sunday, the 22d of June, we will be marking the 25th anniversary of the GI bill of rights, one of the historic landmark pieces of legislation passed by the Congress throughout the entire history of this great legislative body.

One of the co-authors of that GI bill was the gentleman from New York whom I had the privilege of succeeding in this body when I first came here back in 1959, Bernard W. Kearney, popularly known as "Pat" Kearney. I am happy to say that in spite of congressional redistricting, Congressman Kearney is still a resident of my congressional district, now living in Canandaigua, N.Y., at the other end of it from my home. He is enjoying a very vigorous and a very happy retirement, I am glad to say to his many friends in this House.

All of us who had the opportunity to participate in the advantages and benefits of the GI bill of rights, indeed, all the young men and women of America, who served in uniform, owe a very great debt of gratitude to "Pat" Kearney and to the other Members of the House who originated that legislation and saw it through to enactment.

We are proud to be able to pause on this historic occasion to salute them for what they did for us and for what they did for America.

Under leave to extend my remarks, I enclose an interesting article on "Pat" Kearney from a recent issue of the Canandaigua Messenger:

SIGNIFICANT DATE: 25TH ANNIVERSARY OF GI BILL IS MILESTONE IN NATION'S HISTORY

In a little more than three weeks, the people of the United States will celebrate the 25th anniversary of an event which has changed the social, economic and educational level of this nation.

This was the message brought to the Canandaigua Kiwanis Club yesterday by one of the men responsible for this event.

June 22 will mark the 25th anniversary of the GI Bill, Bernard W. (Pat) Kearney (Maj. Gen. ret.) reminded the Kiwanians at their weekly meeting.

General Kearney, who spends winter in Florida and summers in Canandaigua, was a member of Congress in 1944 and a coauthor of the Veterans Rehabilitation Act, which he first gave the name, the GI Bill of Right.

PRECEDENT SETTING BILL

"The precedent set by the signing of that first GI Bill a quarter of a century ago has turned the tide in the concept of what a government benefit can do for its people and their country," he said.

"The first GI Bill provided almost 16 million American veterans with precedent-setting benefits; benefits that allowed them to receive college educations or specialized training; that allowed them to purchase a home with little or no down payment; that provided medical care and looked after their economic well-being immediately following their discharge," and the tall, dignified former soldier-congressman.

The first GI Bill, signed by Franklin D. Roosevelt, and subsequent ones, signed by Harry S. Truman in 1952 and by Lyndon B. Johnson in 1966, gave benefits to some 26 million living American veterans, who with their families comprise almost half the country's population, he said.

But the real greatness of the three bills was not just in what it did to recognize what the veterans did for their country.

BENEFIT TO UNITED STATES

"There is another and more important side," he said. "We have actually made money from this investment. The economists who tally the cost, point out that out of an initial disbursement of $21 billion, we have exceeded a $60 billion return to the treasury in taxes.

"This was possible because of the increase in salaries the veterans made after receiving higher education and advanced technical training."

General Kearney, who represented the old 32nd district (Fulton, Hamilton, Montgomery, Schenectady and Otsego counties) for 16 years before retiring in 1959, was succeeded by Samuel S. Stratton who now represents the 35th district which includes Ontario County.

He said yesterday that in addition to the monetary benefits of the bill passed while he was in Congress, there are "other aspects" of it.

"The educational level of our nation has been enhanced by the opportunities afforded to our veterans through these GI Bills.

"The educational level of World War II and Korean veterans averages about two years above the level of men of the same age who are not veterans.

"As a result,' he said, "these men are also rearing families that are endowed with the desire for better and more education. The cycle is never ending."

The GI Bill, which led to higher education, better incomes, more teachers, scientists, doctors and trade and industrially trained men, also provided members of Congress, governors, cabinet members and even astronauts and a justice of the Supreme Court who had taken training under the GI Bill.

EVERYONE BENEFITED

"The American people had intended to grant benefits to our veterans out of appreciation for their gallant efforts during wartime," said General Kearney. "However, it was the people who in the long run became the beneficiaries."

"Yes," he concluded. "It is time for congratulations . . . congratulations for 25 years of understanding and compassion, of progress and achievement. It is a period of realization for the seeds we sowed back in 1944. We are reaping a harvest of rewards."

CONTINUED REPORTS OF POLITICAL REPRESSION IN SOUTH VIETNAM

(Mr. CONYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONYERS. Mr. Speaker, according to reports in yesterday and today's New York Times and Washington Post, President Thieu, of South Vietnam, is apparently launching a campaign against the leading advocates of peace and a stable government among his countrymen. His weapons are summonses, police questioning, and detention. The ultimate result if he continues this renewed campaign of political repression and press censorship will be a police state—a government without the support of the Vietnamese people which will require continued American involvement in Vietnam for its lifeblood.

I for one am not ready to support that kind of government and I hope that Members of this body would join with me in asking the President and the Department of State to investigate these continuing reports of repression.

I am speaking today from experience and discouragement that such reports persist and minimal notice is taken of them. Yesterday's New York Times reported that leading advocates of a "reconciliation" government representing "nationalist elements acceptable to both sides" have once again been called to national police headquarters in Saigon for questioning.

As a member of the U.S. study team on political and religious freedom in Vietnam I spoke with several of these individuals less than 10 days ago, and heard numerous reports on the techniques of interrogation used at the national police headquarters.

Our team saw Tran Ngoc Lieng, one of Saigon's most prestigious lawyers and the defender of former presidential candidate Truong Dinh Dzu now in prison for having advocated peace. Lieng is a man who has had the courage recently to head a committee calling for recession of the 5-year sentence against Thich Thien Minh, a leading Buddhist monk arrested in February for allegedly giving refuge to a known Communist at the Buddhist Youth Center. Lieng also stepped forth on June 4 as the head of the Progressive Nationalist Committee which called for a reconciliation government that would have popular support from the Vietnamese people. He is likewise an avowed anti-Communist. This is just one of the men apparently subject to reprisal for advocating what he believes is in the best interest of his country. Considering his involvement with both Dzu and Minh—both of whom now sit in jails—Lieng is fully cognizant of the risks he has been taking, but he continues to speak out on the absolute necessity of forming an effective and stable non-Communist political force in Vietnam.

However, as Senator MATHIAS stated only last week the time may fast be approaching when "a democratic assembly of non-Communist South Vietnamese leaders could only take place in jail."

I would hope that the Nixon administration might soon recognize the relationship between full and active political participation and protection of civil liberties for all Vietnamese and the ability of that country to fashion its own stable government.

Articles from the New York Times of June 18 and 19, 1969, follow:

FOUR OF OPPOSITION GROUP IN SAIGON ARE SUMMONED TO POLICE INQUIRY

(By Terence Smith)

SAIGON, SOUTH VIETNAM, June 17.—At least four members of a liberal opposition group that recently called for the formation of a "government of reconciliation" were ordered tonight to report for questioning by the National Police.

Summonses were delivered this evening by police officers to four members of the newly organized Progressive Nationalist Committee, a left-of-center group of students, intellectuals and members of the professions. They were ordered to appear before the chief of the special police at 9 o'clock tomorrow morning.

The summonses appeared to be the first step in a widely expected Government campaign against liberal political groups and persons.

In the last few days there have been reports from South Vietnamese sources that the Government was planning to take steps against groups that have been publicly calling for a softer negotiating position in the Paris peace talks.

President Nguyen Van Thieu warned of such a crackdown in a news conference last week on his return from Midway Island where he conferred with President Nixon.

I WILL PUNISH THEM

"From now on," the President said, pounding his fist for emphasis, "those who spread rumors that there will be a coalition government in this country, whoever they be, whether in the executive or the legislature, will be severely punished on charges of collusion with the enemy and demoralizing the army and the people. I will punish them in the name of the Constitution."

At the same time, President Thieu warned that action would be taken against any newspapers that distorted the news in a manner that would demoralize the nation. On Saturday, the leading English-language paper, The Saigon Daily News, was closed on such a charge. It was the 32d paper shut down by the Government for political reasons in the last year.

According to reliable South Vietnamese sources, the Government is planning to subdue the more militant elements of its opposition by issuing warnings to some politicians, and by arresting others suspected of maintaining contacts with Communists. More newspaper closings are expected.

The Progressive Nationalist Committee is headed by Tran Ngoc Lieng, the lawyer who defended Truong Dinh Dzu, a former presidential candidate now in prison for advocating a coalition government with the National Liberation Front, or Vietcong.

The committee first appeared on June 4, just four days before President Thieu was to confer with President Nixon. In a public statement, it called for the formation of a government of reconciliation that would be composed of "Nationalist elements acceptable to both sides."

The purpose of the reconciliatory government, according to the statement, would be to "prepare and organize elections to determine the political future of South Vietnam."

THIEU REPORTED UPSET

The statement was reported to have irritated Mr. Thieu, who was said to have felt that it was an effort to undercut his position on the eve of the Midway meeting.

At his news conference following the meeting, Mr. Thieu was asked if he planned to take any action against Mr. Lieng or members of his committee. He declined to answer the question with the explanation that he had not read the committee's statement, but he promised that he would look into the matter.

The summonses issued tonight were delivered to two deputy chairmen of the committee and to two members. Mr. Lieng did not receive one.

At his home tonight, Mr. Lieng said in an interview: "If the Government means to repress the genuinely nationalist organizations by this technique, the Communists will reap the benefits. The whole nationalist movement will suffer as a result."

Mr. Lieng said he would be surprised if he did not eventually get a summons. "They called me in once before, in February," he said. "That was when we had just begun to put the organization together. They questioned me for several hours and then released me."

Mr. Lieng said that his committee was not in favor of the formation of a coalition government as such. "The members of the reconciliatory government would not be Communists," he said. "They would be true nationalists acceptable to both sides."

The secretary general of the committee, Chau Tam Luan, a militant young professor, objected bitterly to the Government's action tonight. "The object of these summonses is to suppress opposition," he said, "to make people afraid to join us. This is a way of warning people, letting them know that if they join us they can expect a call from the police."

THE WRONG HORSE IN SAIGON

(By Tom Wicker)

WASHINGTON, June 18.—Tran Ngo Lieng is a slender, intense man who keeps a law office in his pleasant villa on a street snarling with motorbike traffic not far from downtown Saigon. As a lawyer, he defended Truong Dinh Dzu, the presidential candidate who was thrown in jail for advocating a coalition government with the National Liberation Front; as an activist, he is a member of a most unusual committee of Catholic and Buddhist leaders working to free Thich Thien Minh, a monk jailed on political charges; and as a politician, Lieng is the official leader of the Progressive National Committee, which advocates a new "government of reconciliation" for South Vietnam.

Lieng makes no effort to hide his dim view of the Thieu-Ky regime. Sitting under one of the revolving overhead fans that cool the high-ceiling Saigon villas even in the brutal heat of Southeast Asia, he was asked by one recent visitor whether the present Government had any support at all among the South Vietnamese people.

"Certainly not," Lieng replied, without hesitation. And when asked if he was expressing this and other pungent views for publication, he replied at some length that he was anxious to be quoted, that South Vietnam was in such bad shape that the consequences to him did not matter; what was important was that the world should know about the political repressions and lack of support of the Thieu-Ky regime.

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NON-COMMUNIST NATIONALISTS

Some informed Saigon political figures are not sure whether Lieng's patriotism or his political ambition moves him the most. For the moment, however, his activities have put him on a collision course with President Thieu; now Thieu has struck back by summoning four close associates of Lieng for national police questioning; and all of this suggests much of what is wrong with South Vietnamese politics and the American role in Saigon.

This is because Lieng is equally outspoken in his opposition to the Vietnamese Communists, is opposed to a coalition government because he fears the Communists would take it over, and believes that the real salvation of South Vietnamese freedom lies in "nationalist" forces that are not Communist but that give no real support to Thieu and his American-sponsored regime.

He compares such South Vietnamese nationalists to "grains of sand"—innumerable but separate. Defeating the Communists politically, Lieng believes, will require that they be unified behind leaders they respect and a program they can support—neither of which he finds in the Thieu-Ky regime. Hence, the Progressive Nationalist Committee's proposal for a "government of reconciliation," composed of men acceptable *both* to the N.L.F. and to non-Communists (Gen. Duong Van Minh is frequently cited as one such man), and empowered to prepare and organize elections to determine the political future of South Vietnam.

FOR POLITICAL COMPETITION

Lieng talked of these ideas politely and with restraint to a visiting American, but there was ample fire and brimstone in the remarks of two of Lieng's younger associates—Chau Tam Luang, secretary general of the committee and widely considered its "action man," and Le Duy Tam, who, ironically, perfected his fluent English while teaching Vietnamese for the State Department in Washington. Luang, at least, was one of those summoned by Thieu's national police.

Luang and Tam asserted in uncompromising language that the greatest political difficulty for nationalist forces is the adamant and overpowering American political, military and economic support for the Thieu regime. While that support continues, they bitterly insisted, few Vietnamese believe it possible either to oust Thieu or to force him to abandon the repressive police tactics that alienate the South Vietnamese people—much less persuade him to broaden the appeal of his Government by bringing into it Buddhist leaders or men like General Minh. And that, they said, is why it is so difficult to organize an effective non-Communist opposition, and why the real strength of non-Communist forces in Vietnam is not being organized for the ultimate "political competition" with the N.L.F.

If this is accurate (and many Vietnamese were eager to tell an American, a few weeks ago, that it was all too accurate), what a final, baleful irony may be added to the long and tragic record of American folly in Vietnam! If in backing the military-oriented, politically repressive Thieu regime against all pressures and until the last muffled groan, the United States succeeds only in easing the way for a Communist government in South Vietnam, the bankruptcy of cold war diplomacy will have been reached not with a bang but a whimper.

ON THE QUESTION OF MISPLACING VALUES

(Mr. MIZELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZELL. Mr. Speaker, I listened with a great deal of interest the last 2 days during the debate and while amendments were being offered to the legislation that was under consideration.

I am quite concerned about remarks made by those who opposed the bill. It was said that if we pass this legislation, we will be misplacing values where our youth are concerned. If we pass the legislation in its present form, we would be failing our young people and we had to live with our own consciences.

I do not question that the majority of those who voted in opposition to the bill did so out of concern and did so seriously, but those who spoke and insinuated we were misplacing values are questioning the integrity of those who supported the bill. To these, I address my remarks.

You have determined the way to protect our youth is by giving unlimited authority to regulatory agencies to ban advertising of a product that, if it is harmful to anyone, it is the user. And the accusations that have been made against it have not been proven.

While I disagree with these, nevertheless, they have made their grandstand play and now I challenge them to prove their sincerity and concern for our youth by presenting further legislation that would protect our youth from those things that are known to destroy the mind, body, and soul, and I challenge any of these to produce a record that shows a greater concern for the youth of our Nation than I have over the past 10 years; and no one has more confidence in the ability and sees more potential in our youth than I do.

But I disagree with the approach that shows real concern for our youth. The Scripture says, in Matthew 15, verses 17 and 18:

> Do not ye yet understand, that whatsoever entereth in at the mouth goeth into the belly, and is cast out into the draught? But those things which proceed out of the mouth come forth from the heart, and they defile the man.

I am concerned with things that I believe are of real value, and that is showing our young people that we are serious by setting the example for them, to give them that which will help them determine the things of value, that they might be able to choose for themselves the things that will give them those things that will lead to a happy and abundant life. You have made your grandstand play. If you fail to continue to crusade against those things that lead to immorality that poisons the minds of our youth and leads to destruction of the body, I, along with the youth of this Nation, will be waiting to see if you are serious, or have all of your beautiful words just been for the benefit of the headlines back home?

Have you really been the ones who have misplaced the true values? After all that has been said, do you really have a conscience that you can live with? If you fail to take action that will prove your sincerity, then you will have deceived the young people, and they will say that you have been straining at a gnat and swallowing a camel, and they will be right. We will be waiting.

AFTER MIDWAY

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LOWENSTEIN. Mr. Speaker, the President is to report again tonight to the American people on the situation in Vietnam. He cannot be unaware as he does so, that confidence in the implementation of the Midway Island agreement has been undermined, not by our opponents, but by our allies.

We were told after Midway that the American Government and the Government of the Republic of Vietnam had agreed to work together toward self-determination and political freedom for the people of South Vietnam.

Now we hear, courtesy of one of America's ablest foreign correspondents, Mr. Terence Smith of the New York Times, that when President Thieu returned to Vietnam, he summoned four leaders of the opposition to a police inquiry and warned:

> From now on those who spread rumors that there will be a coalition government in this country . . . will be severely punished on charges of collusion with the enemy and demoralizing the army and the people. I will punish them in the name of the Constitution.

Now what exactly was the extent of the subversion represented by the group whose leaders are being interrogated? They called for the formation of a government of reconciliation composed of nationalist elements from both sides. The head of this group made clear that he was not in favor of a coalition government as such. He said:

> The members of the reconciliatory government would not be Communists.

In other words, these four men are interrogated for being members of a group which would make considerable fewer concessions than those we have been led to believe would be acceptable to the President of the United States. Meanwhile, we are informed by Congressman CONYERS and others that repression is growing in South Vietnam and we know that major figures like Truong Dinh Dzu are still in jail for political statements that one would have thought would have led to their public commendation by President Thieu himself, if he understood and plans to live up to the Midway declaration.

In these circumstances, the best way that President Nixon can reaffirm his determination to stand by his report from Midway would be for him to announce tonight the withdrawal of further units of American troops. Clearly this would be the most effective way to show the South Vietnamese Government that he meant what he said at Midway; and it is long past time for that Government to understand that fact; if indeed it is a fact.

Nor should the President hesitate to announce further troop withdrawals on the discarded theory that to withdraw is to weaken our negotiations posture. The testimony of Ambassador Harriman and Mr. Vance and perhaps above all the article by former Secretary of Defense

Clifford, should have laid that notion to rest once and for all. Secretary Clifford's article will be inserted into today's RECORD by Congressman FINDLEY, and I hope all Members of the House and all concerned Americans will study it closely.

Finally, Mr. Speaker, we are confronted every day with new illustrations of the terrible waste of lives and resources that goes on unabated in Vietnam even as we talk about de-Americanizing the war while the Thieu government increases the repression.

We have the terrible new evidence provided by that invaluably energetic and resourceful reporter Miss Flora Lewis. Everyone should read her detailed account of the battles that have been raging around a distant incline considerably less publicized and apparently considerably more tragic than Hamburger Hill itself. Once again, the American people are indebted to Miss Lewis, and once again, we are reminded of the urgency of changing course in Vietnam. The article follows:

[From Newsday, May 27, 1969]

BLOOD-AND-THUNDER TACTICS

(By Flora Lewis)

NEW YORK.—On the eleventh try, American paratroops and South Vietnamese soldiers finally took the crest of Apbia mountain up near the border where South Vietnam, North Vietnam and Laos meet. Reports said the Americans, who lost 43 killed and 290 wounded in the 11-day series of bitter assaults, nicknamed the crest Hamburger Hill because it "chewed men up like meat."

Officers were quoted as saying that in a couple of weeks, when the current sweep in the A Shau valley below the mountain is concluded, the allied forces will withdraw and the North Vietnamese will undoubtedly move back to Hamburger Hill.

That's the way it usually happens on sorrowful hill after hill. I don't know whether that's what happened on Nui Coto, a mountain straddling the Cambodian-South Vietnamese border in the delta. When I left the area some weeks ago, the Allies were in the midst of their fourth major attempt in less than a year to take the peak. Military authorities wouldn't allow anything published while the latest drive was actually going on, but it must be over now.

The story is still worth telling. The mountain is part of an improbable range called the Seven Sisters that rises straight up out of the flat rice paddies. People who live in the hamlets at its feet don't go up Nui Coto. It is barren, littered with ton-sized stones that hide the entrances to deep caverns.

The people say demons and dragons with poisoned breath live in the caverns, but they and the Allied forces have long known that the Viet Cong camp there. For years there have been rumors that the biggest cave holds a battalion headquarters, a hospital, a radio room, telephone systems and huge warehouses stocked from nearby Cambodia. It may or may not be true. The mountain has scant strategic value, but it was a challenge that became an obsession.

For psychological reasons, American advisers thought Vietnamese forces ought to conquer the magic mountain. After a series of futile minor attempts, they launched a massive operation last July. First, there was a series of strikes by 24 B-52s, each plane releasing a string of 106 bombs. As an intelligence officer at American headquarters in the area told me, "It rearranged some rocks." Then jets, rockets and gunships sputtered at the granite while napalm and defoliation spray cleared off foliage below the cliffs.

A thousand men were sent in, some perched on the crest by helicopter. Many skittered down, only to be scooped up and ordered dropped on top again by angry commanders. The operation lasted a week. Results: 32 caves yielding four weapons, one flag, 23 booby traps and one dead Viet Cong. Cost including air strikes: something over $5,000,000.

It was an admitted fiasco. So the second try last November was on a much bigger scale. It lasted 12 days, cost very much more, and scored a total haul of six guns, two grenades, four wooden stamps, one inkpad, one antenna, a gasmask and 9 microphones. The third offensive was mounted in December. It straggled on for two months and produced more allied casualties, more frustration, little else.

The fourth try, in March this year, was organized by U.S. forces. American planners were optimistic at the start. "We've got more men, more supplies, better planning."

Some reporters who followed the Nui Coto story from the start estimated that the cost of the repeated assaults has now reached $1 billion, but that could not be confirmed. Nor is there a total casualty figure, though it's admittedly high. The results of the last try were a little better in the sense that more caves were entered, somewhat more weapons were found. But you couldn't say that battered Nui Coto had been taken out of the war, or even really taken. I asked some American officers involved why that particular, isolated mountain was worth so much, whether it really mattered to the war. They laughed harshly.

If they had been Alec Guiness on the River Kwai, or John Wayne, no doubt they would have said, "Because this is war, lady, you keep going." But they weren't actors, they were lieutenant colonels. Lieutenant colonels aren't supposed to comment on the obsessions and ambitions of generals. Still, there's nothing in the manual against a laugh.

Nui Coto and Apbia haven't been the only ones. There has still been no order to commanders in Vietnam to save men and avoid fruitless offensives while the haggling goes on in Paris to end a war no one can win.

This is one thing President Nixon and President Thieu can decide to do immediately when they meet on Midway. All it would do would be to save many lives and huge amounts of money. It wouldn't sacrifice an inch of territory or a comma in the eventual settlement or a bit of American prestige. It might only cost some general or colonel another blood-and-thunder tale to tell old friends when he retires.

AUDITING OF MILITARY PROCUREMENT WOULD NOT END THE ABUSES—H.R. 12107 WOULD

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. HARSHA) is recognized for 10 minutes.

Mr. HARSHA. Mr. Speaker, on Thursday, June 12, I introduced legislation designed to bring a desperately needed abrupt halt to secrecy and waste in military procurement.

As I had noted in previous floor speeches, much of this steadily expanding problem, with its competition restriction and dollar waste, stemmed directly from the old and rampant technique of the secretly negotiated, sole-source, noncompetitive contract.

As I had also noted, the prime, blanket alibi for this broadly used technique has been the too-long-permitted rationale known as "urgency of need for American forces in Vietnam."

Curiously, typically, the response of military procurement commanders to congressional charges of great waste via this simple device, has been the illogical no argument which says, in effect, "We are not wasting a single penny; the charge is groundless and politically inspired—but, even if we are wasting a few million dollars—and we may be as some may choose to see it—we are wasting it for our boys in Vietnam."

Among the other things that Congress and the people and the media are not supposed to know, presumably, is that some of this precedes our Vietnamese involvement, at least in concept and design and order; some of this equipment never reaches Vietnam; not all of it that does reaches "our boys," and some that does proves so badly designed that it does not function properly, or attracts the enemy and costs the lives of the men who carry it. The latter condition means the option of using it, producing further casualties, or to order it redesigned, producing further costs and delivery delays while the war goes on.

At the moment when I introduced my bill—now known as H.R. 12107 and assigned to the Armed Services Committee—I was aware of sincere suggestions and conscientious belief by many within Congress that the answer to the whole, sprawling military procurement problem might hopefully be found in improved and intensified auditing efforts by the Department of Defense and by the General Accounting Office.

I hasten to advise my distinguished colleagues who entertain that thought, that hope, that, in my own study of the military procurement problem—the study which increased my concern over that problem—I had long since realized that the ordering, or promising, of such audits could not possibly begin to be the answer; rather, that such orders, such promises, could and would only compound the problem.

Not only would such auditing promises or efforts fail to strike at the heart of this most basic of problems of the total problem of the threat of the military-industrial complex, but it would provide for the lulling of Congress, the people and the media into a false sense of security that the problem, at last, was under control—which it would not be; for the same practices and practitioners who have created the problem we now suffer would continue busily at work, practicing the same basic practices, alibiing the same basic alibis, beneath a slightly improved facade.

Such audits would, at best, therefore, be something worse, something more dangerous, than too little too late. Such audits, with the general belief that they would be effective to the point of protecting the public interest, would only create an entirely new, more far-reaching set of problems.

To say the least, in all respect to those who would consider improved or intensified auditing, the answer, such technique would not even begin to treat with the real symptoms of the most deeprooted disease of military procurement: competition restriction and dollar waste.

There are, indeed, innumerable cases

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in which, over the years, General Accounting Office auditing efforts, procedures, instructions, decisions and orders have been frustrated, circumvented, ignored and immasculated, and rendered ineffective, immobilized and meaningless. None, however, has better documented this fact than the case which, one June 4, I called to the attention of the House.

That was the classic case in which, on January 11, 1968, the Comptroller General, in a formal decision, declared "plainly illegal," an award by procurement personnel of the Air Materiel Area, Tinker Air Force Base, to Tridea Division of Conductron, fourth highest bidder in a field of seven for equipment known as AN/GPA-118. In that plainly illegal decision, the Comptroller General ordered cancellation of the $1,170,930 award to Tridea in favor of the $982,450 bid from Dayton.

Yet, the Tinker Air Force Base procurement people responded to this finding, this order, from the head of the General Accounting Office, so-called watchdog of Congress, by canceling their requirement for the equipment, their previous claim of "urgency of need" notwithstanding, and, that done, seeking to replace it with the purchase, for $1,000,000, of another piece of equipment, "BRITE 1" from ITT. Yet, no one, anywhere, was so much as even reprimanded, although Dayton Electronic Products carried its appeal to the Assistant Secretary of the Air Force.

If such peculiar military procurement conduct gives one cause to wonder about the military procurement attitude, if such action gives one cause to wonder about the attitude, determination and resolution of the General Accounting Office and the Comptroller General, let such person note, and consider well, the utterly incredible suggestion, on Friday, June 13, by the Comptroller General, before the Joint Economic Committee, that he believed the Pentagon was the best qualified monitor of its own spending.

Mr. Speaker, at this point, perhaps, I might well rest my case.

It is against examples such as these that we can only conclude that Congress, which must appropriate the money, and the people, whose heavily taxed dollars must be appropriated, must have more than a better watchdog, they must have a better lwa under which that watchdog can function in better service to the public welfare and interest. That, in short, is the meaning, the purpose, and the character of H.R. 12107.

My long-considered, carefully checked legislation would create a Presidentially-appointed 12-member Military Procurement Review Board within the executive branch of the Government. It would be vested with the necessarily vast responsibility and attendant authority to consider all of the facts, all of the evidence, all of the pitfalls, all of the dangers, all of the consequences, of all military procurement proposals—then approve or reject them while making, at least, an annual report to Congress, complete with any recommendations which, from daily, deep experience, the Board would deem essential for further legislation in the public interest.

It is both cynical and arrogant that, in testy response to congressional disclosures of that which, at best, is demonstrated indifference about military procurement, those in command proclaim, unctiously and piously, that they function strictly in accordance with the letter and the spirit of the laws which Congress has established. Yet curiously and significantly, they rail and bellow in professed pain and anguish at the slightest suggestion within Congress that Congress take a closer look at what they are doing or that, in concern for what they are really doing, Congress should tighten the law in the interest of better performance and its resultant savings of dollars and easement of the grip of the tightening noose which, under present law, the military-industrial complex has succeeded in skillfully affixing about the national jugular vein.

There could, indeed, be no more poignant testimony in behalf of the urgent need for the Military Procurement Review Board which H.R. 12107 would establish than such erratic conduct and verbal forays by those representatives of the military procurement element which, in fact and in practice, is really the great, hulking backbone of the ever-expanding military-industrial complex.

If, in frantically flailing about for a defensive mechanism, the military procurement people elect to blame Congress for establishing the laws which serve as the frame, backdrop and umbrella for the ever-more-odd actions of the procurement people, then, indeed, the Congress, in all logic, can only respond by enacting new laws to remove that frame, backdrop and umbrella which, too long, has protected the abuse of, if nothing more, common sense and sound business practice.

Military procurement personnel would render a distinct, much-needed public service if they would, in fact, begin to impose upon themselves some of the more basic, better-known, cost-and-production-conscious concepts of good business practices.

What military procurement people, from command echelon down, must, at last, begin to be made to appreciate and understand is that all they really have to offer as their alibi for official existence is the service of acquiring the best materiel in the least-expensive, most expeditious manner possible, and see that it is delivered to our forces in combat-ready condition.

In short, military procurement personnel must realize that it requires no special genius to spend vast sums of money, particularly when the spender labors under the misconception that the source of that money is virtually endless; but that a most particular genius is required to spend money wisely and well—particularly public money. Such personnel must realize, further, that, particularly when that money belongs to the American people who, collectively wealthy though they may appear to be, do, in fact, have limitations, not only in terms of economics, but in terms of endurance, patience, and tolerance regarding those in public life who dissipate it, even necessarily and wisely.

Meanwhile, it is more than obvious that H.R. 12107 is urgently needed, not only as remedial legislation for the problems and the abuses of the past and present, but as therapeutical legislation against the problems of the immediate future; for we stand, at this moment, at the critical milestone in U.S. military-political history in which the President and Commander in Chief has announced his decision to begin withdrawing our forces from the ever-more-unpopular conflict in Vietnam which, too long, has been the all-too-convenient alibi for the military procurement people and for their wasteful abuses in the all-too-convenient name of urgency of need for our men in Vietnam.

As the first 25,000 American troops are being prepared for that first phase of the presidentially ordered withdrawal from Vietnam, the stock alibi of "urgency of need in the interest of saving American lives in Vietnam" which in fact, has not held water, will now be transferred to the new alibi of "urgency of need in the interest of saving South Vietnamese lives in Vietnam."

In fact, it is even suggested that, actually, this urgency of delivery need may even be intensified on the claim that South Vietnamese forces, infinitely more reluctant than American forces to make contact with the enemy, emphatically inferior as fighters, and with infinitely less regard for sophisticated American-made-and-paid-for equipment and cost thereof, can be expected to permit more loss of that equipment than ever suffered by American forces.

At this point, then, it becomes something more than obvious that the military-industrial complex, created by World War II, sustained by the cold war, and expanded by Korea and Vietnam, has not the slightest determination to be diminished by U.S. troop withdrawal from Vietnam; quite the contrary, it is perfectly obvious that it fully intends to become perpetuated in power, ad infinitum, via the prime route of military procurement sustenance on the immediate alibi of the new course of events in and about Vietnam, U.S. troop withdrawal notwithstanding, and in the claimed interest of preparing for, God forbid, the Vietnams, or worse, of tomorrow.

In sum, therefore, it is quite apparent that the answer to the military procurement abuses which lie at the fatty heart of the rapidly expanding, even scandalous, problem of the military-industrial complex is no more to be found in so-called tougher auditing than in the tragic belief that, given an end to U.S. combat or support participation in Vietnam, those abuses, that problem—that awful threat to our traditional American system of governmental checks and balances, with its civlian control of the military—will somehow disappear of its own volition and initiative.

Mr. Speaker, it will not.

Quite the contrary.

It will become even the greater tail that wags the consequently ever-more subservient watchdog.

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And that is too great a risk—too great a threat—to the survival of this American Government and Nation as intended and as constituted by our Founding Fathers.

THE FAILURE OF THE DEPARTMENT OF AGRICULTURE TO ADMINISTER THE FREE FOOD PROGRAM

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today sent a letter to the Secretary of Agriculture, the Honorable Clifford M. Hardin, complaining of the failure of the Department of Agriculture to adequately administer the free food distribution—surplus commodity—program. The letter calls attention to the pending return to the U.S. Treasury by the Department of Agriculture of approximately $110 million in unspent money available for the free food program in fiscal 1969.

The documentation contained in the letter casts serious doubt on the sincerity of the President's May 7 commitment to the elimination of hunger and malnutrition. For many of the goals he set forth are false—goals which can be achieved at least in part with money and authority already available.

Let me cite four examples:

First, in that speech, the President called for the establishment of food programs in every county in America. There are currently 414 counties which do not have a food program and whose officials in most cases do not want to admit that there is a need for such a program in their county. A listing of these counties appears in exhibit No. 1. A total of 221 of these are among the 2,000 poorest counties in America. With the $110 million the Department of Agriculture is planning on returning to the Treasury, a federally administered surplus commodity program could be established in each of these 221 counties for a total annual cost of $5.9 million. This figure comes from the Department of Agriculture.[1]

Unfortunately, the Department has chosen to do nothing. It has refused to go into even one additional county beyond the initial 44 of the previous administration, all of which are among the poorest 1,000 counties in America. A listing of the 44 counties appears as exhibit No. 2.

Second, in the same message, Mr. Nixon also pledged to move "on a high priority basis" to establish cost-sharing arrangements with the counties for administrative expenses and to insure that all counties offered the "full range of available foods." The need for such a broadening of the number of available commodities carried by counties currently operating free food distribution programs is well documented in the breakdown of the number and types of commodities carried by county which appears as exhibits No. 3A and No. 3B. As of January fully one-third of the counties carried less than 18 of the available commodities. I am currently analyzing county-by-county data for April—data not analyzed by the Department of Agriculture—which I will insert in the RECORD next week.

Mr. Nixon subsequently asked Congress to appropriate $15 million for the new fiscal year to accomplish the above-stated objectives. There are currently 28 counties which have requested financial assistance to continue operating free food programs. There are 11 others which have requested assistance in order to begin a food program. A listing of the counties which have formally requested financial assistance appears as an exhibit No. 4.

I cannot understand why a cost-sharing arrangement is not being implemented this fiscal year with part of the $110 million. Nor can I understand why the Department is waiting to broaden the range of available commodities in counties with existing free food distribution programs. While the Department of Agriculture could not supply me with an estimate of the cost of cost-sharing or the expansion of the number of commodities, I am sure it is very minimal. After all, it has asked Congress for just $15 million to accomplish both these objectives as well as to establish federally administered surplus commodities programs in those counties without food programs.

Third, the President has requested authority from Congress to establish uniform national standards for eligibility in the food stamp program. Such standards are frequently irrational and discriminatory. This is well documented by the Department of Agriculture's recent "survey of State and county policies that restrict participation in the commodity distribution program."

(See exhibits Nos. 5, 6, and 7.)

In one Indiana county, for example, to be eligible for Federal food aid, a poor family cannot have a dog in their household. In another, a hungry woman is excluded on the grounds that she is "not fulfilling her obligations—as a wife"—if her husband walks out on her, returns, and then leaves again.

What is just as irrational and far more widespread is, that in dozens of counties, farm or others, workers are ineligible for food aid during those months of the year in which farmwork is available—apparently on the theory that jobs are available to everyone during these months. As a local representative of the Department of Agriculture indicated to my staff, the availability of farm jobs does little for the welfare mother, the aged and the disabled. Similarly, it does little for the farm laborer who cannot find a job. Then, too, as exhibit No. 8 suggests, the period of nonprogram operation does not always coincide with the peak period of employment.

The food stamp program was established by legislation and thus requires congressional approval to establish uniform standards. The free food distribution program was established by administrative action. The Secretary of Agriculture thus has the power to initiate now uniform standards for the commodities program. He however refuses to do so. This I cannot understand in view of the fact that proposed standards with regional variations have been drawn up by his staff.

Finally, the President, in that speech, called for a massive expansion of the food stamp program. Yet, the Department of Agriculture is planning on returning $30 million in money appropriated for the food stamp program for this fiscal year. It took a public letter from me to the Secretary of Agriculture focusing on this question to get him to fund even the 42 counties announced last week. In my letter today, I point out that 63 additional counties which have applications for food stamp programs could be funded this month from that $30 million, and at only minimal expense for fiscal 1970. A list of the counties which have formal applications for food stamp programs pending before the Department of Agriculture is found in exhibit number 9.

I can only come to one conclusion as to why the administration is planning on returning a total of $140 million in food stamp and surplus commodity money unspent to the Treasury at the end of the month. It desires to augment the budget surplus. It places greater emphasis on figures in an accountant's ledgerbook than on food in the stomachs of the hungry. I hope this is not the case.

The letter and exhibits follow:

JUNE 19, 1969.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Once again I am writing you concerning your Department's administration of the hunger program. And again, it is to point out the gap between rhetoric and action, between the President's promises concerning new hunger programs and your Department's administration of the existing programs.

The Congress can provide unlimited funding for hunger and open ended administrative authority, but it is the Department of Agriculture which in the last analysis must utilize these resources before a single hungry stomach can be filled as a result of a Federal hunger program.

My on-going investigation into the operation of the hunger program has revealed an apparent lack of commitment on the part of the Department of Agriculture in fighting hunger in America; for it reveals much that your Department can do to eliminate hunger that it is not now doing. I am writing to you to urge your Department to make use of its

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[1] According to the Department of Agriculture, the average cost of administering the 44 counties with federally administered food programs is $1.34 per person per month, or $16.08 annually (33% of the cost results from certification expenses, 27% from salaries, and 40% from food distribution expenses—warehousing, transportation, and hauling). This comes to $27,000 per county per year (average).

There are 107 counties in the poorest 1,500 counties, which do not have food programs. There are another 114 which rank from the poorest 1501st to the 2000th poorest county in America.

According to the Department, their 221 counties have similar characteristics to the 44 counties which now have federally administered food programs. The Department estimates that the annual cost of establishing a federally administered food program in all 221 counties would, therefore, be $5.9 million. The annual cost of such a program in the 107 counties would be only $2.9 million.

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authority and available revenue to do something now about hunger.

I was shocked to discover that your Department planned on returning $30 million in food stamp money unspent to the United States Treasury on June 30th. I could not believe that it was also planning on returning $110 million in free food money similarly unspent at the end of the month.

With 16 million hungry and malnourished in our country, I cannot understand why your Department is returning even one red cent. A budget surplus looks nice on an accountant's ledger, but we are talking about human lives. If you do not want to spend the $110 milion in free food money, give me authority over it for just one day. Better yet, give it to a starving mother in Mississippi, or an elderly blind couple in Virginia, or a child with a bloated stomach in Harlem—any of them could think of at least a hundred uses to which that money could be immediately put.

President Nixon, in his message to the Congress, placed great reliance on the direct food distribution program as the most flexible method of bringing a food program to every county in America by July 1970. In light of this, I cannot understand why your Department is planning to return free food money to the United States Treasury at the end of this month. Your Department should be moving to establish a Federally-administered program in each county which refuses to initiate a program of its own.

Unfortunately, your Department has chosen to do nothing. It has refused to go into even one additional county beyond the initial 44 of the previous Administration. Each of these was one of the 1,000 poorest counties in America.

There are currently 414 counties without a food program. According to information supplied me by your staff, if your Department moved to establish a Federally-administered surplus commodity program in every one of the 221 of the poorest 2,000 counties in America without a food program, the annual cost would be only $5.9 million. This is inconsequential compared to the $110 million you are planning to return to the Treasury. At the very least, you could move into the 107 of the poorest, 1,500 counties without a food program at a cost of only $2.9 million for an entire year.

Since your proposed food stamp bill would require all counties to initiate a food program by 1971, Federal administration of free food programs in these counties would only be an interim, measure but would have the salutary effect of allowing 16 million hungry to eat.

In that same message to Congress, Mr. Nixon also pledged to move "on a high priority basis to establish more distribution points, prompter and simpler certification, financing arrangements. . . ." and to ensure that all counties offered the "full range of available foods."

Instead of returning $110 million to the United States Treasury at the end of this fiscal year and awaiting Congressional appropriation of another $15 million to accomplish the President's promise, you should now implement administrative cost-sharing in the 28 counties which have formally requested financial assistance to continue the operation of their programs and in the eleven other counties which have requested financial assistance to begin a program. The establishment of such a cost-sharing arrangement in the latter 11 counties now could mean food programs in these counties before the end of the fiscal year.

You should require that counties currently participating in the free food program carry all 22 available commodities instead of only 10 or 12. Such a limited selection has resulted in an unbalanced diet for many thousands. At the very least, the minimum requirement for every county should be 18 commodities.

At the same time, the President has recommended to Congress that uniform standards of eligibility be established for the food stamp program to replace present standards which are frequently irrational and discriminatory.

In your recent testimony before the Senate Committee on Agriculture and Forestry, you pointed out that "nutritional needs are not required to reflect state. . . . standards nor do they recognize or respect state boundary lines".

This recommendation applies to the food stamp program which was created by legislation and, therefore, requires legislative authorization to establish uniform standards. But the surplus commodities program is not a legislative creation, and you, as the Secretary of Agriculture, have the authority to establish uniform standards of eligibility for this program.

I am informed that uniform national standards with regional variations have been drafted by your Department. I can see no reason for not promulgating these standards immediately.

At the very least, all free food programs should be required to operate the entire year. In dozens of counties, farm or other, workers are ineligible for food aid during those months of the year in which farm work is available—apparently on the theory that jobs are available to everyone during these months. But, as a local representative of your Department indicated to my staff, the availability of farm jobs does little for the welfare mother, the aged and the disabled. Similarly, it does little for the farm laborer who cannot find a job.

Finally, I am pleased that my previous letter resulted in the funding of 42 additional counties for the food stamp program. That letter dealt with your planned return of $30 million in unspent food stamp money to the United States Treasury at the end of this fiscal year. It suggested that the money be used to fund what was then 62 counties that had formally applied for food stamp programs.

I am informed by your Department that there remain 63 counties of which 20 are in the state of Idaho which have formal applications for food stamp programs pending before your Department. According to your Own Departmental estimates, the cost of funding these approximately 63 counties would be less than $6 million. With your Department returning $30 million in unspent food stamp money this fiscal year and requesting a $290 million increase in the authorization for the next fiscal year, it surely can afford to immediately fund these 63 counties.

I understand you are planning on "reviewing the funding situation" after the new fiscal year begins, and that additional counties will be funded at that time. May I suggest that the hungry and malnourished cannot wait for the beginning of a new fiscal year.

With kind regards, I am,
Sincerely yours,
LEONARD FARBSTEIN,
Member of Congress.

EXHIBIT 1

[From the U.S. Department of Agriculture, Consumer and Marketing Service, Washington, D.C.]

FAMILY FOOD PROGRAMS

Counties and independent cities without plans as of June 16, 1969

Counties	405
Independent cities (all in Virginia)	16
Total	414

California (1): Butte.

Colorado (4): Douglas, Jackson, Pitkin, Summit.

Connecticut (2): Fairfield, Middlesex.

Florida (14): Brevard, Charlotte, Citrus, Collier, Flagler, Indian River, Marion, Martin, Nassau, Osceola, Putnam, St. Johns, Sarasota, Seminole.

Georgia (1): Troup.

Idaho (28): Ada, Adams, Bear Lake, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Twin Falls, Valley, Washington.

Indiana (2): Newton, White.

Iowa (1): Fayette.

Kansas (76): Anderson, Barber, Barton, Brown, Butler, Chase, Chautauqua, Cheyenne, Clay, Cloud, Coffey, Comanche, Cowley, Decatur, Dickinson, Doniphan, Douglas, Edwards, Ellis, Ellsworth.

Finney, Geary, Gove, Graham, Gray, Greeley, Haskell, Jackson, Jefferson, Jewell, Kiowa, Lane, Lincoln, Linn, Logan, Lyon.

McPherson, Marion, Marshall, Miami, Mitchell, Morris, Morton, Nemaha, Ness, Norton, Osage, Osborne, Ottawa, Pawnee, Phillips, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell.

Saline, Scott, Seward, Sheridan, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, Wichita.

Louisiana (2): Bossier, Plaquemines.

Maryland (1): Calvert.

Massachusetts (4): Barnstable, Berkshire, Dukes, Nantucket.

Michigan (1): Midland.

Minnesota (12): Clay, Dodge, Fillmore, Freeborn, Goodhue, Martin, Olmsted, Rice, Wabasha, Watonwan, Wilkin, Winona.

Missouri (47): Adair, Andrew, Atchison, Audrain, Barry, Barton, Bates, Boone, Callaway, Camden, Carroll, Cass, Cedar, Chariton Clinton, Cole, Cooper, Crawford, Franklin, Gasconade, Grundy, Henry, Holt, Howard, Jasper, Johnson.

Laclede, Lafayette, Lawrence, Lincoln, Macon, Miller, Moniteau, Montgomery, Morgan, Newton, Pettis, Phelps, Platte, Pulaski, Randolph, Ray, Saline, Scotland, Taney, Vernon, Warren.

Montana (26): Carbon, Carter, Custer, Fallon, Fergus, Garfield, Golden Valley, Granite, Jefferson, Judith Basin, Liberty, McCone, Madison, Meagher, Park, Petroleum, Powder River, Powell, Prairie, Ravalli, Stillwater, Sweet Grass, Teton, Toole, Treasure, Wheatland.

Nebraska (14): Bort, Brown, Cherry, Cheyenne, Fillmore, Grant, Keya Paha, Kimball, Platte, Polk, Red Willow, Saline, Seward, Sioux.

Nevada (5): Douglas, Esmeralda, Lander, Nye, Storey.

New York (5): Chenango, Ontario, Putnam, Rockland, Sullivan.

North Carolina (1): Randolph.

North Dakota (3): Bowman, Renville, Slope.

Ohio (4): Delaware, Gallia, Hancock, Putnam.

Oklahoma (4): Beaver, Harmon, Major, Woods.

Oregon (1): Tillamook.

Pennsylvania (1): Adams.

South Dakota (1): Sully.

Texas (104): Andrews, Aransas, Archer, Armstrong, Bailey, Bandera, Baylor, Bell, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Burnet, Calhoun, Castro, Chambers, Clay, Coleman, Collin, Collingsworth, Colorado, Concho, Coryell, Crane, Crockett.

Deaf Smith, Denton, Donley, Ector, Edwards, Ellis, Erath, Fort Bend, Gaines, Garza, Gillespie, Glasscock, Gray, Gregg, Hall, Hansford, Harrison, Hartley, Hood, Hopkins, Hunt.

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Jack, Johnson, Kaufman, Kendall, Kenedy, Kerr, Kimble, Lamar, Lampasas, Llano, Loving, Lynn, McCulloch, McMullen, Mason, Menard, Midland, Mills, Mitchell, Montgomery.

Navarro, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Randall, Reagan, Reeves, Refugio, Roberts, Rockwall, Runnels, Rusk, San Saba, Schleicher, Shackelford, Sherman, Somervell, Stephens, Sterling, Sutton.

Taylor, Throckmorton, Uvalde, Van Zandt, Victoria, Wharton, Wheeler, Wichita, Winkler, Wise, Wood, Yoakum, Young.

Virginia (30): Alleghany, Augusta, Bedford, Botetourt, Campbell, Chesterfield, Clarke, Culpeper, Fauquier, Frederick, Hanover, Henrico, James City, King George, King William.

Lancaster, Loudoun, Mathews, Montgomery, New Kent, Orange, Prince George, Pulaski, Rockbridge, Rockingham, Shenandoah, Spotsylvania, Stafford, Warren, York.

(Independent Cities, Virginia) (16): Buena Vista, Clifton Forge, Colonial Heights, Covington, Fredericksburg, Galax, Harrisonburg, Hopewell, Lexington (New), Petersburg, Radford, South Boston, Staunton, Waynesboro, Williamsburg, Winchester.

Wisconsin (3): Green Lake, Jefferson, Walworth.

EXHIBIT 2

COMMODITY DISTRIBUTION—USDA OPERATED (44)—AS OF JUNE 3, 1969

Alabama (1): Elmore.

Florida (4): Columbia, De Soto, Glades, Holmes.

Georgia (4): Crawford[1] (no date), Glascock,[2] Schley, Webster.

Iowa (1): Allamakee.

Kentucky (1): Gallatin.

Louisiana (1): West Feliciana.

Montana (1). Wibaux.[3]

Nebraska (1): Knox.

South Dakota (2): Bon Homme, Campbell.

Texas (18): Cass, Cherokee, Comanche, DeWitt, Freestone, Goliad, Gonzales, Grimes, Hill, Jasper, Lee, Leon, Madison, Tyler, Walker, Waller, Washington, Willacy.

Virginia (10): Amherst, Appomattox, Bath, Isle of Wight, King and Queen, Nottoway[1] (July 1, 1969), Pittsylvania, Rappahannock, Richmond, Sussex.

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[1] Designated Food Stamp Program.

[2] Requested Food Stamp Program.

EXHIBIT 3-B.—NUMBER OF ADMINISTRATIVE UNITS DISTRIBUTING THE FOLLOWING NUMBERS OF FOOD CATEGORIES

	December 1968							January 1969						
			N.E.	S.E.	M.W.	S.W.	W.			N.E.	S.E.	M.W.	S.W.	W.
			Number of administrative units							Number of administrative units				
			155	403	381	274	115			153	402	373	273	112
			Percent of total administrative units							Percent of total administrative units				
Number of commodities distributed	Total administrative units	Percent of all units	11.7	30.3	28.7	20.6	8.7	Total administrative units	Percent of all units	11.7	30.6	28.4	20.8	8.5
22	15	1.1	0	15	0	0	0	6	0.5	0	3	1	0	2
21	156	11.7	5	45	64	26	16	92	7.0	2	25	47	9	9
20	185	13.9	7	80	48	21	29	249	19.0	9	64	48	104	24
19	174	13.1	20	57	45	45	7	289	22.0	8	123	40	86	32
18	152	11.4	17	63	42	24	6	249	19.0	40	91	62	42	14
17	126	9.5	23	46	42	9	9	135	10.3	20	41	51	11	12
16	117	8.8	21	20	49	13	14	99	7.5	12	29	49	4	5
15	101	7.6	24	7	32	30	7	67	5.1	22	14	20	8	3
14	154	11.6	14	35	32	63	10	46	3.5	19	5	15	5	2
13	84	6.3	11	25	17	27	4	35	2.6	9	3	15	3	5
12	33	2.5	6	8	7	7	5	23	1.7	7	3	8	1	4
11	16	1.3	5	3	2	4	2	10	.8	2	1	6	0	1
10	5	.4	0	0	1	2	2	4	.3	0	0	4	0	0
9	3	.2	0	0	0	2	1	4	.3	2	0	2	0	0
8	2	.2	1	0	0	0	1	2	.1	1	0	1	0	0
7	1	.1	0	0	0	0	1	1	.1	0	0	1	0	0
6	0		0	0	0	0	0	1	.1	0	0	1	0	0
5	1	.1	0	0	0	0	1	0		0	0	0	0	0
4	0		0	0	0	0	0	0		0	0	0	0	0
3	0		0	0	0	0	0	0		0	0	0	0	0
2	1	.1	0	1	0	0	0	0		0	0	0	0	0
1	0		0	0	0	0	0	0		0	0	0	0	0
0	3	.2	1	0	1	1	0	2	.1	2	0	0	0	0
Total	1,328	100						1,313	100.0					

EXHIBIT 3-A

SUMMARY OF COMMODITIES NOT DISTRIBUTED TO NEEDY FAMILIES

			December, 1968 (1,328 un ts)								January, 1969 (1,313 units)					
			N.E.	S.E.	M.W.	S.W.	W.				N.E.	S.E.	M.W.	S.W.	W.	
Number of administrative units in district			155	403	381	274	115				153	402	373	273	112	
Percent of total administrative units			11.7	30.3	28.7	20.6	8.7				11.7	30.6	28.4	20.8	8.5	
Commodities	Percent of all units	Total	Number of administrative units not distributing					Number of State agencies in which commodities not available	Percent of all units	Total	Number of administrative units not distributing					Number of State agencies[1] in which commodities not available
Flour	1.8	24	6	13	3	1	1	0	3.0	40	10	12	18	0	0	0
Chopped meat, canned	1.9	25	5	0	13	2	5	3	3.4	45	12	10	20	1	2	4
Vegetables, canned	2.1	28	5	5	12	4	2	3	2.8	37	13	3	13	5	3	4
Fruit and vegetable juice	3.1	41	6	9	11	11	4	3	5.6	73	8	8	53	2	2	4
Lard/shortening	3.8	51	4	31	12	0	4	0	6.6	87	7	37	35	0	8	1
Milk, evaporated	4.1	54	4	0	28	12	10	3	4.0	53	5	3	26	11	8	0
Rice	4.6	61	25	9	18	1	8	1	7.2	94	7	9	75	0	3	1
Milk, non-fat dry	4.7	63	12	15	25	7	4	0	6.2	82	10	24	33	11	4	4
Oats/wheat	5.2	70	16	0	17	29	8	4	5.0	65	17	5	13	27	3	3
Peanut butter	6.2	82	11	60	6	0	5	4	7.8	102	8	53	39	2	0	1
Egg mix	6.3	84	7	15	32	8	22	4	12.3	162	18	68	51	14	11	4
Cheese	8.0	106	5	56	21	7	17	0	10.0	131	11	55	39	9	17	0
Raisins/prunes	8.2	169	14	21	55	3	16	9	2.5	335	22	150	110	31	22	11
Potatoes, dehydrated	10.8	144	21	25	27	57	14	2	.5	177	46	33	63	25	10	4
Sirup, corn	11.2	149	62	11	44	18	14	2	9.1	119	35	11	42	18	13	4
Cornmeal	12.5	170	77	12	59	6	16	4	10.9	143	68	16	43	2	14	2
Butter/margarine	14.7	195	0	132	30	17	16	1	14.8	195	4	136	23	17	15	0
Beans, dry	19.6	264	98	64	75	16	11	6	10.2	200	112	21	57	5	5	4
Poultry meat, canned	46.0	611	89	129	255	84	54	11	1.6	546	81	73	236	91	65	4
Peas, dry	58.6	778	122	227	196	176	57	23	0.6	927	132	254	259	235	47	17
Grits, corn	59.3	788	146	134	309	85	114	32	68.3	766	135	136	296	85	114	30
Bulgur	77.3	1,026	143	360	192	263	68	28	77.8	1,022	143	357	191	266	65	24

[1] Florida, Georgia, Indiana not reported.

EXHIBIT 4

Counties which have submitted formal applications for financial assistance to the Department of Agriculture to pay for part of the local administrative cost of operating a Surplus Commodity Program, as of June 18, 1969:

[Per capita income rank]

Counties with no food program (11)

FLORIDA	
Collier	2,748
MISSOURI	
Barry	1,021
Clinton	1,601
Jasper	2,136
Macon	1,199
Newton	1,646
Saline	1,767
Taney	1,035
OKLAHOMA	
Harmon	2,702
TEXAS	
Montgomery	1,162
Victoria	1,843

Counties with a food program (28)

ALABAMA	
Shelby	859
St. Claire	587
FLORIDA	
Palm Beach	2,837
Union	374
KENTUCKY	
McLean	773
LOUISIANA	
Grant	401
MASSACHUSETTS	
Franklin	2,571
MISSOURI	
Lewis	1,534
Monroe	1,174
Pike	1,451
Ripley	368
NORTH CAROLINA	
Currituck	737
Hyde	183
Tyrrell	83
TENNESSEE	
Decatur	380
Carroll	638
Greene	727
Henderson	410
Madison	1,201
TEXAS	
Burleson	542
Lavaca	503
Milam	934
Newton	328
Polk	688
Red River	716
San Patricio	942
San Jacinto	164
Trinity	642
Walker*	714

*Walker County, Texas, withdrew its application subsequent to submission.

EXHIBIT 5

[From the Washington (D.C.) Post, May 26, 1969]

BIZARRE RULES GOVERN ISSUANCE OF HUNGER AID

(By Spencer Rich)

In one Indiana community last year, poor families were ineligible for Federal food aid if they had a dog in the household.

In another, a hungry woman could be excluded from getting surplus food—on grounds "the wife is not fulfilling her obligation"—if her husband walked out on her, returned, but then left again.

These are but two examples of the varied and often seemingly irrational eligibility requirements set by local communities for people seeking to participate in the Federal direct food distribution program.

These and dozens of other rules somewhat less quixotic were reported in the Agriculture Department survey taken early this year. The survey revealed a chaotic variety of conditions, with vastly different eligibility rules from one county to the next.

The Federal direct food distribution program operates in about 1400 counties and cities and reaches about 3.7 million persons. The Federal Government makes food available, but eligibility standards and actual distribution of the food are handled by state and local authorities.

The U.S. Government pays the entire food costs, so the local authorities need pay only for their administration—often relatively cheap because the food is frequently just handed out at a central depot.

Nevertheless, many of the local eligibility rules reported in the Agriculture Department survey appear designed to exclude rather than include the hungry.

In dozens of counties, farm or other workers were ineligible for food aid during those months of the year in which farm work was available—apparently without regard to their income during those months or to whether they were actually employed.

In San Patricio County, Texas, for example, an unemployed father could get food aid for his family only during December, January and February, because of the presumed availability of seasonal employment the rest of the year.

The Agriculture Department survey notes—somewhat sardonically—that the program there did operate year-round for the aged and disabled "and presumably for the blind."

In dozens of other counties, only those who were unemployable because of age, injury or mental unfitness, or who could prove they had tried to find work, could get food.

Residency requirements, some of great duration, were also imposed for the hungry in many jurisdictions, with Texas the most notable example. For example, Anderson County required a year's residence in the state and six months in the county; Denison, a year in each case.

Income limits for eligibility varied enormously. A family that could eat in one state would go hungry in another. A family of four in New York could get food aid if its income was no higher than $325 a month, but New Jersey, a short mile across the Hudson, had a $220 monthly limit. Louisiana had the lowest income limit—$165 for a family of four. (Maryland: $185; Virginia: $225.)

Families meeting all other requirements could still be excluded if they had more than a minimal amount of assets. Arizona allowed families to get food—provided they met all other tests—even if they owned a home worth up to $12,000 and had liquid assets of up to $1200; the figures were about half that for Arkansas.

Under certain conditions, farm families in the latter state could be denied Federal food if they had more than one milk cow, one hog, one "beef" and 90 pounds of mutton or goat per person.

Arizona showed these curious variations: A family with a guide dog was eligible if it had income up to $12 more than the normal limit and a family with a student in high school if it had income up to $10 more. (Presumably a guide dog costs more to support than a student.)

Navajo Indians usually received only 12 of the 22 commodities available from the Agriculture Department each month, because a state official reportedly explained, the capacity of the Indians' pickup trucks was too small to handle full packages. (Actually, only 380 of the 1400 participating counties in the nation give people 20 or more of the 22 available commodities, according to a March 17 report of the Food and Nutrition Committee of the President's Urban Affairs Council.)

The "dog in the house" rule, which applied in Indiana's Boone Township (Cass County), was probably the most exotic of all local rules, but Center Township in Indiana's Starke County sent in this summary of a rule of its own: "If one or both parents are drunks, they are excluded for the sake of the children."

EXHIBIT 6

SUMMARY

Survey of state and county policies that restrict participation in the Commodity Distribution Program:

1. Agencies that do not serve donated commodities to both public assistance and non-public assistance categories:

California: King, Lake, Merced, Tulare, and Yuba Counties.

North Carolina: Richmond County.

2. Agencies that provide commodities to unemployables only. (Sick, injured, mentally ill, etc.):

New Jersey: Hudson and Monmouth Counties.

Nevada: Clark County.

Indiana: Swanee and Wright Townships.

3. Agencies that provide commodities on a partial year or seasonal basis. (Farm labor, sharecropper, migrant workers, etc.):

South Dakota: Brule, Hutchinson, Hyde, Jerauld, and Union Counties.

California: Yuba County.

North Carolina: Columbus, Montgomery, and Pitt Counties.

Wisconsin: Lac du Flambeau Indian Reservation.

Missouri: Dunklin and Pemiscot Counties.

North Dakota: Foster, Ramsey, and Ward Counties.

Iowa: Allamakie, Cedar, Chickasaw, Iowa, Monroe, and Webster Counties.

Indiana: (townships are shown in the county in which they are located): Clark County (Union), Decatur County (Jackson), Fulton County (Aubeemulbee), Green County (Stafford and Washington), Johnson County (Pleasant), Lawrence (Spice Valley), Montgomery County (Ripley), Morgan County (Jackson), Ripley County (Otter Creek), Vermillion County (Vermillion).

4. Agencies that exclude from participation in the Commodity Program persons who are not citizens of the United States. None reported. (See Note.)

5. Agencies that exclude from participation in the Commodity Program unemployed persons over 18 who cannot show they are physically or mentally unfit to work:

Florida: Lee County.

California: Fresno County.

North Carolina: Burke, Lenoir, and Pitt Counties.

Nevada: Lincoln County.

Indiana: (townships are shown in the county in which they are located): Blackford County (Hartford City), Clinton County (Perry), Fountain County (Wabash and Mill Creek), Franklin County (Posey), Grant County (Center), Huntington County (Union and Huntington), Johnson County (Blue River), Lawrence County (Pleasant Run), Montgomery County (Ripley and Union), Noble County (Washington), Pulaski County (Monroe), Washington County (Jefferson and Jackson).

6. Agencies that exclude from participation in the Commodity Program public assistance recipients whose income or resources exceed the standards of eligibility (generally, public assistance recipients are eligible by definition):

Tennessee: Stewart, Washington, Carter, Marshall, and Carroll Counties.

California: Fresno, Kern, Kings, Merced, Sacramento, Santa Barbara, Stanislaus, Sutter, Tulare, Ventura, Yolo, and Yuba Counties.

North Carolina: Duplin, Hoke, Madison, Montgomery, Richmond, and Yadkin Counties.

XUM

Nevada: Clark County.

Pennsylvania: All Counties.

Indiana (townships are shown in the county in which they are located): Blackford County (Hartford City), Clark County (Silver Creek, Wood, and Oregon), Clay County (Harrison), Crawford County (Jennings), Dearborn County (Lawrenceburg), Decatur County (Adams and Washington), Dubois County (Columbia), Elkhart County (Concord and Elkhart), Fountain County (Mill Creek and Logan), Franklin County (Posey), Green County (Wright), Henry County (Spiceland), Huntington County (Union), Jackson County (Pershing), Jasper County (Marion), Jay County (Pike), La Porte County (Center and Pleasant), Lawrence County (Shawswick, Pleasant Run, Marion, and Perry), Monroe County (Polk), Montgomery County (Ripley), Morgan County (Jackson), Noble County (Albion and Wayne), Parke County (Rachoc), Porter County (Portage), Ripley County (Shelby), Scott County (Johnson), St. Joseph County (Portage and Penn), Sullivan County (Turman), Monroe County (Polk), Vermillion County (Clinton), Vigo County (Prairie Creek, Sugar Creek, and Fayette), Washington County (Polk and Jackson), Wells County (Harrison).

7. Agencies that exclude from participation in the Commodity Program unemployed persons who cannot show they have attempted to find work:

Florida: Lee County.

California: Tehama, Tulare, and Yuba Counties.

North Carolina: Burke, Carteret, Lenoir, and Pasquotank Counties.

Nevada: Churchill and White Pine Counties.

Virginia: All Counties.

Indiana (townships are shown in the county in which they are located): Blackford County (Hartford City), Clark County (Silver Creek), Fountain County (Cain and Mill Creek), Henry County (Greensboro), Huntington County (Union and Huntington), Jackson County (Carr), LaPorte County (Pleasant), Lawrence County (Guthrie), Montgomery County (Ripley and Union), Noble County (Albion), Pulaski County (Monroe), Ripley County (Otter Creek), St. Joseph (Portage and Penn), Vigo County (Prairie Creek), Washington County (Brown and Jackson), Whitley County (Columbia).

8. Agencies that exclude from participation in the Commodity Program persons who are considered to be employable who refuse work for which they are qualified and for which the prevailing wage would be paid:

Florida: Lee County.

Colorado: All Counties.

California: Fresno, Merced, Santa Cruz, Tulare, and Yuba Counties.

North Carolina: Burke, Carteret, Lenoir, Pasquotank, Washington, Wayne, Yadkin, and Sampson Counties.

Virginia: All Counties—Nevada, Churchill, Elke, Lincoln, Ormsby, White Pine.

Indiana (townships are shown in the county in which they are located): Carroll County (Deer Creek), Clark County (Silver Creek and Owen), Clinton County (Owen, Ross and Clay), Dearborn County (Sparta), Crawford County (Whiskey Run, Sterling, Union, and Ohio), Decatur County (Adams, Jackson, and Washington), DeKalb County (Union), Fountain County (Cain, Mill Creek, and Logan), Franklin County (Bloming), Green County (Wright), Henry County (Henry and Greensboro), Huntington County (Union and Huntington), Jackson County (Carr and Vernon), Johnson County (Blue River), Lagrange County (Clay), La Porte County (Center and Pleasant), Martin County (Mitcheltree), Monroe County (Washington), Montgomery County (Ripley and Union), Morgan County (Jackson), Noble County (Albion), Parke County (Rachoc and Jackson), Pulaski County (Monroe), Lawrence County (Pleasant Run), Ripley County (Otter Creek), Scott County (Lexington and Johnson), Starke County (Railroad, California, and Center), St. Joseph County (Portage, Penn, and Lincoln), Vermillion County (Vermillion), Vigo County (Prairie Creek and Fayette), Wabash County (Noble), Sullivan County (Haddon), Washington County (Jefferson, Brown, Washington, and Jackson), Whitley County (Columbia).

9. Agencies that have a required residence period in order to qualify for participation in the Commodity Program:

Florida: Santa Rosa County.

Nevada: Churchill, Clark, and Ormsby Counties.

Missouri: Green County.

Indiana (townships are shown in the county in which they are located): Blackford County (Hartford City), Cass County (Boone), Clark County (Charlestown and Owen), Clay County (Harrison and Lewis), Crawford County (Boone, Sterling and Liberty), Dearborn County (Sparta and Lawrenceburg), Dubois County (Marion), Fountain County (Jackson, Fulton, and Swanee), Fulton County (Aubeemulbee and Rochester), Green County (Riceland, Taylor, and Center), Jackson County (Salecreek) Jasper County (Marion, Union, and Democrat), Jefferson County (Saluda) Franklin County (Ray), LaPorte County (Center) Lawrence County (Bono and Spice Valley), Noble County (Albion and Wayne), Orange County (Stamper), Parke County (Howard and Adams) Pulaski County (Monroe), Scott County (Lexington (Starke County (Washington, Railroad and Center), St. Joseph County (Penn). Monroe County (Polk), Sullivan County (Jefferson), Vigo County (Prairie Creek, Lost Creek, and Fayette), Washington County (Washington).

10. Agencies that require employables to register with Employment Office prior to being certified for participation in the Commodity Program:

Florida: Lee County.

New Mexico: All Counties.

Colorado: All Counties.

California: King, Merced, Tehama, Tulare, and Yuba Counties.

North Carolina: Burke, Carteret, Transylvania, and Sampson County.

Nevada: Churchill, Elko, and Ormsby Counties.

Indiana (townships are shown in the county in which they are located): Clark County (Silver Creek), Crawford County (Sterling), Fountain County (Logan), Johnson County (Blue River), Noble County (Albion), Porter County (Pine), St. Joseph County (Penn), Washington County (Jackson).

11. Other policies not listed above that restrict certification of applicants for commodities:

Indiana: Boone Township, Cass County (insist that no dogs be in household).

Silver Creek Township, Clark County (if a husband leaves his family for a period of time, we will help if the wife tries to bring suit for support, but if he comes back when he gets ready and leaves again the wife is not fulfilling her obligation).

Marion Township, Dubois County (must show willingness to work and improve their conditions).

Center Township, Starke County (if one or both parents are drunks, they are excluded for the sake of the children).

(Note.—The State of Texas is reported to have some type of residence or citizenship requirement in practically all counties. Many counties require that public assistance recipients meet county standards. Some counties exclude public assistance recipients. A county report was not submitted as state manuals is in the process of revision.)

EXHIBIT 7.—STATE OF MONETARY STANDARDS OF ELIGIBILITY USED FOR CERTIFYING AN INDIVIDUAL OR A FAMILY AS BEING IN NEED OF FOOD ASSISTANCE

United States—Number of persons	Monthly allowable income by family size											
	1	2	3	4	5	6	7	8	9	10	Additional per person over 10	Allowable liquid assets
Alabama	$100	$120	$145	$175	$205	$235	$265	$295	$325	$350	$30	4 times allowable monthly income.
Arizona	107	155	202	232	261	287	338	338	338	338		$800 single; $1,200 for 2 or more.
Alaska[1]												
Arkansas	85	170	180	190	200	210	220	235	250	265	$15 with maximum of $325	$200 for 1; $400 for 2 or more.
California	169	205	237	292	348	404	451	497	535	579	$40	$1,000 for 1; $1,500 for 2 or more.
Colorado[1]												
Connecticut	140	185	235	280	335	365	395	420	445	470		$1,000 for 1 and $1,500 for 2 or more.
Delaware	100	140	180	215	250	285	310	330	350	370	$20	$420 for 1 to $1,190 for 10 plus $70 each additional over 10.
District of Columbia[1]												
Florida	115	160	220	250	280	305	330	360	395	420	$30	$600 for single; $1,200 for 2 or more.
Georgia	90	140	195	215	245	270	290	305	320	335	$355 for 11 or more	$800 for household of 1; $1,600 for household of 2 or more.
Hawaii[1]												
Idaho	132	170	212	238	266	297	330	351	381	411	$30 in excess of 10	$500 single; $1,000 for 2 or more.
Illinois	150	200	230	280	325	365	410	430	460	495	$30	$400 single; $600 for 2 plus $100 for each person through 10.
Indiana	130	185	230	275	315	355	395	435	470	500	$30	$600 single; $800 2; $900 3; $1,000 4 or more.
Iowa	130	200	250	295	330	370	405	455	490	540	$35	$750 single; $900 husband and wife; $100 each dependent through 9, maximum allowable liquid assets for household of 9 or more, $1,550.
Kansas[2]												P/A standards ($750 for 1; $1,250 for 2 or more).
Kentucky	110	140	170	200	230	255	280	305	330	350	$15	$500 for 1; $1,000 for 2 or more.
Guam	125	155	210	251	270	289	322	340	359	378	$397; $30 in excess of 11	$750 for 1; $1,000 for 2 or more.
Louisiana	110	130	150	165	185	220	240	275	295	315	$22	$500 for single; $1,000 family.
Maryland	100	140	165	185	220	240	265	290	315	340	$25	$300 per family; $500 additional for each person 65 years or over.
Maine	132	190	230	271	320	363	404	445	485	527	$41	$1,000 for 1; $1,200 for 2 or more.
Massachusetts	148	190	240	286	330	380	430	480	520	560	$40	3 times monthly scale.
Michigan urban	125	185	225	265	295	330	365	400	435	470	$35	$750 for 1; $1,000 for 2 through 5; $100 per person for 5 or more.
Michigan rural	100	160	200	240	270	305	340	375	410	445	$35	

Footnotes at end of table.

EXHIBIT 7.—STATE OF MONETARY STANDARDS OF ELIGIBILITY USED FOR CERTIFYING AN INDIVIDUAL OR A FAMILY AS BEING IN NEED OF FOOD ASSISTANCE—Continued

United States—Number of persons	Monthly allowable income by family size											
	1	2	3	4	5	6	7	8	9	10	Additional per person over 10	Allowable liquid assets
Minnesota	135	205	250	290	335	370	390	425	460	495	$30	$750 for 1; $1,000 for 2 or more plus $250 for each person over 65
Mississippi	90	130	155	180	210	230	250	270	290	310	$15	$500 for 1; $1,000 for 2 or more.
Missouri	140	190	230	270	310	350	390	430	470	510	$40	$750 for 1; $1,500 for 2 and above.
Montana	125	183	212	253	290	318	353	388	413	438	$25	$1,000 for single; $1,500 for 2 or more.
Nebraska	120	180	230	270	305	335	360	385	410	435	$25	$750 for single; $1,500 for 2 or more.
Nevada	138	175	215	260	305	335	375	420	445	475	$30	$750 for 1; $1,500 for 2 or more.
New Hampshire	154	180	215	244	272	301	315	342	370	397	$24	$1,000 single; $1,500 for married couple if not separated.
New Jersey	90	150	185	220	265	290	325	360	(3)	(3)	$40 each over 8	$1,000 for 1; $1,500 for 2.
New York	150	210	290	325	365	405	445	485	525	565	$40	3 times monthly scale.
New Mexico	110	150	180	215	245	275	305	345			$30	$250 for 1; $500 for 2 or more.
North Carolina	110	140	170	195	215	230	240	255	270	280	$15	$500 single; $700 for 2; $750 for 3; $800 for 4 or more.
North Dakota	140	185	260	295	330	365	385	415	440	460	$25	$1,000 per household.
Ohio	130	200	225	260	295	330	365	400	435	470	$35	$1,000 for 1; $1,500 for 2 or more.
Oklahoma	93	160	186	212	238	259	279	294	315	315		$350 single; $500 man and wife; $50 each additional; $600 maximum.
Oregon	128	193	221	258	288	328	357	386	411	426	$25	$500 single; $1,000 family.
Pennsylvania	130	195	235	275	315	345	385	425	465	505	$30	$1,000 for 1 person; $1,500 for 2 or more.
Puerto Rico [4]												P/A standards.
Rhode Island	130	175	205	245	285	325	365	400	435	470	Add $35 to income scale for each person over 10.	$1,000 for 1; $1,500 for 2 through 4; $1,750 for 5; $2,000 for 6; $2,250 for 7; $2,500 for 8; add $250 per person over 8.
South Carolina [1]												
South Dakota	125	175	215	250	285	320	355	390	425	455	$50	$1,000 for 1; $2,000 for 2; $300 for each additional.
Tennessee	95	130	165	200	240	275	315	350	385	420	$35	$500 single; $1,000 for 2 and 3; $1,250 for 4 or more.
Texas	110	150	170	190	210	230	250	270	290	310	$15	$300 single; $450 for 2; $50 additional person to $600.
Utah [1]												
Vermont	145	205	250	285	325	355	400	435	470	505	$35	$1,000 single; $1,500 married and not separated.
Virginia (min.)												
Virginia (basic)	125	160	195	225	250	275	300	325	350	375	$25	$500 for 1; $600 for 2; plus $50 for each additional person to $1,000.
Virgin Islands [2]												P/A standards.
Washington [1]												
West Virginia [1]												
Wisconsin	135	185	215	260	295	350	385	420	445	460	$30	$500 single; $750 man and wife; $100 each additional; $1,000 for 2 persons who are eligible for OAA.
Wyoming [5]	145	200	235	300	330	360	390	435	480	520	$40	$1,000 for 1; $1,500 for 2 or more.

[1] No program.
[2] Eligibility computed on public assistance budget.
[3] Exclusive of rent.
[4] Only PA and public health outpatients eligible.
[5] Wyoming—Indian reservation only.

Note: New Jersey—To the income scale is added an allowance for actual amount of rent paid and any other extraordinary expenses such as medical expenses. North Carolina—The counties also have the option of using State public assistance standards instead of the income scales listed. Oklahoma—If applicant has shelter expense in excess of $8 per month, additional allowance can be made up to $22.

EXHIBIT 8.—COUNTIES WHICH PROVIDE SURPLUS COMMODITY DISTRIBUTION PROGRAMS ON A PARTIAL YEAR OR SEASONAL BASIS

[Partial list]

State and county or township(s)	Dates of no program	Date of peak employment	Estimated span of crop season
Indiana:			
Clark, Union	July-September		
Decatur, Jackson	do		
Fulton, Aubeemulbe	do		
Green, Stafford, and Washington	do		
Johnson, Pleasant	do	Sept. 10	May 1 to Oct. 15.
Lawrence, Spice Valley	do		
Montgomery, Ripley	do		
Morgan, Jackson	do		
Ripley, Otter Creek	do	Sept. 10	Aug. 1 to Sept. 30.
Vermillion, Vermillion	do		
Missouri:			
Dunklin	September-October	June 15	May 1 to July 15.
Periscot	do		
North Dakota:			
Foster	July-September		
Ramsey	do		
Ward	do		
South Dakota:			
Brule	do		
Hutchinson	do		
Hyde	do		
Jerauld	do		
Union	do		
Texas: San Patricio	March-November	July 30	July 20 to Aug. 15.
Wisconsin: Lac Du Flambeau Indian Reservation	July-September		

EXHIBIT 9

Counties with formal applications pending before the Secretary of Agriculture for a food stamp program as of June 17, 1969:

Per capital income rank

State and County:	
Arkansas: Searcy	148
California:	
Madera	2164
Santa Cruz	2954
Florida: Dade	2956
Georgia:	
Bartow	1138
Clayton	2243
Effingham	588
Early	54
Fannin	635
Miller	137
Montgomery	400

Per capital income rank—Continued

State and County:	
Idaho: [1] Taylor	153
Louisiana: [2]	
Bossier [3]	1637
East Feliciana	58
St. Charles	1286
St. Mary	1531
Terrebonne	1442
Michigan:	
Alpena	2088
Kent	2940
Lenawee	2367
Emmet	1607
Minnesota: Travers	807
Nebraska: Burt [3]	1480
New Mexico:	
Catron	1720
Dona Ana	2019

Per capital income rank—Continued

New Mexico—Continued

State and County:	
Grant	1692
Hidalgo	1829
Luna	1977
Sierra	1765
Socorro	854
North Carolina:	
Johnston	306
Wayne	592
Vance	632
New York: Chenango [3]	2388
Pennsylvania: Fulton	1039
South Dakota:	
Deuel	640
Grant	827
Hamlin	460
Hand	782
Marshall	772
Potter	1227
Sanborn	719
Virginia: Surry	239

[1] The State of Idaho has submitted an application for the funding of at least 2 counties (there are 28 without food programs).

[2] The Department of Agriculture refuses to accept the five county applications from Louisiana counties as formal applications since the State has no funds with which to pay the local administrative share.

[3] Counties in which no food program currecently exists.

INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION WELCOMES NEW DIRECTOR, JOHN F. THOMAS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO), is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, the Intergovernmental Committee for European Migration is fortunate, indeed, to have as its Director, Mr. John F. Thomas of the United States.

Mr. Thomas assumed his duties in the Geneva, Switzerland, headquarters on February 19, 1969, after being unanimously elected as Director of ICEM during the 29th session of the Council on November 28, 1968.

ICEM, a 31-member government international organization, was established in 1951 and has helped resettle 1.6 million refugees and migrants in new lands and opportunities.

As a member of the House Judiciary Committee who has closely worked with ICEM and with John Thomas, I am proud that he is at the helm of this humanitarian organization which serves both people in need and countries in need of people. Mr. Thomas has enjoyed the respect and cooperation of all who have worked with him. His nomination by the United States is recognition of his ability both in the administrative and operational sectors of refugee assistance.

Mr. Thomas, born on January 24, 1907, in Minneapolis, Minn., is the fifth Director of ICEM since its creation in 1951. He is the fourth American to hold this position. During the past 25 years he has held important posts in various national and international organizations dealing with refugee resettlement and migration. Until recently he was the director of U.S. refugee affairs in Vietnam and previously director of the Cuban refugee program in the United States. After the end of World War II, Mr. Thomas worked successfully for United Nations Relief and Rehabilitation Administration and International Refugee Organization in Germany where he was responsible for the resettlement of thousands of displaced persons. The new Director of ICEM is well known to those who have been associated with the activities of ICEM since 1952, as he served in Geneva as Deputy Chief of Operations of ICEM until 1963. In 1957 he was awarded the Joseph E. Chamberlain Prize by the New York Committee on Refugees.

Since assuming the ICEM directorship in mid-February, Mr. Thomas has had extensive meetings with permanent delegates in Geneva of ICEM member governments, leaders of various governments, the United Nations High Commissioner for Refugees and his officials, and with leading representatives of the various voluntary agencies who are active in migration activities.

I know that Members of Congress and friends of ICEM welcome John Thomas to his new position and wish him well in his commendable endeavor.

THE SHAME OF AMERICA'S ALMOST NONEXISTENT MASS TRANSIT

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, across every industrially developed nation spreads a modern network of urban mass transit aimed at moving masses of people easily, swiftly, and comfortably. Only in the United States is the exception. In Japan, there is a fully developed, operating and profitable railroad passenger service. The Bullet Trains make a jest out of even the Penn Central's Metroliner, although I believe the latter is a fine beginning.

While our roadbeds are falling into increasingly unsafe disrepair, the Japanese built new roadbeds and trains. No grade crossings, long welded rails, and computer controlled traffic are their highlights. Profits are rolling in on these ventures. In Montreal and Moscow, marvelous subway systems make mass passenger travel a pleasure instead of a dangerous venture.

Several weeks ago in Paris, I drove for 2 hours to visit and inspect a new concept in air-cushioned intercity transportation known as the aerotrain. Riding in it, I found that it was at least 3 years ahead of anything we have here at home. The ride was smooth and the experimental car was comfortable, pleasant, and well appointed. The aerotrain rode on a solid concrete track, divided in the center, approximately one inch above the track. Certainly the technology involved did not seem to be beyond the reach of our Nation. Test models of the train had a speed of 285 miles per hour. This is indeed a concept that merits attention ahead of the SST.

Their metro, or subway, is just as great an advance over what we are suffering with here at home. While in Paris, I purposely visited the subway on two separate occasions. Once at the hour of 4 p.m., before the rush hour, and the second time at 6 p.m., during that rush hour. Lines were similar to those encountered in New York or even longer. A double line was required, one for purchase and one to give the ticket.

Tickets were 1 franc, or 20 cents. Even during the heavy rush, the crowd was extremely good natured. There was an effective system of crowd control so that only a limited number of people were permitted at one time on the subway platform. All others had to wait behind the gate, even after they had obtained their tickets. Trains arrived at frequent intervals—every 30 seconds. Subways were incredibly clean—windows and all. Stations were bright, cheery, and well decorated. There were few seats on each train, most of the space being devoted to standing room. Compared to the New York subways, the ride was silent, smooth, and swift. Every facility was well lit, and a pleasure to come in contact with. All in all, this is a system far superior to our own anywhere in the land.

What is happening meanwhile back in America? Already, American workers spend 13 percent of their time commuting or driving to work. The Secretary of Transportation states that this percentage could rise to 20 percent in 2 or 3 years. The state of America's urban mass transit is a national disgrace and sorrow. We are the richest nation on earth, and we cannot today travel rapidly with any consistency in large groups within the confines of megalopolis.

Instead of bullet trains, we have traffic jams of masses of automobiles which pollute the air and cover our landscape with junk. Our cities are literally choking on these gasoline guzzling dinosaurs, with all their attendant evils. Instead of better subways, we have 2 and 3 hour traffic jams. Instead of better passenger trains, we have more and larger concrete freeways which slash the intestines out of viable neighborhoods in our cities. Rather than STOL and VTOL aircraft, we have plans and significant government subsidization of the SST, which is the ultimate in noise pollution with its sonic boom.

We are going to turn around and find, very shortly now, that we have fallen completely out of the race to make our cities livable and workable. As people find it increasingly intolerable and impossible to function daily, our cities, which are fountainheads of wealth and population, will collapse. The rest of the Nation will inexorably collapse with them. Where will the SST be then? Flying shrieking across the land from one abandoned rubble heap to the other? Who will fly in it?

Disaster stares us in the face as a nation if we do not forthwith turn our priorities around. We do not require more highways, tearing the viability out of our cities and carrying more masses of cars across the land. We need a mass transit government trust fund exactly like the one highways have had for years. User taxes could and would easily pay for it. The Department of Transportation is studying such a plan now—ad infinitum, ad nauseum. What are we waiting for? A time has come for action, instead of further study. If they must study, let them go to Japan, which lay in ruins two decades ago. They will teach us how to build what we cannot do now.

I have joined the gentleman from New York (Mr. KOCH) and 73 other Members of the House in sponsoring a bill which would accomplish just such a purpose.

We can destroy the world with our weaponry. We are changing the face of the land with our constructions. We can destroy whole populations, including ourselves. But we still cannot do what they did years ago here in America, and what they are doing successfully overseas—move masses of people with smoothness and rapidity from one place to another on the ground. Let anyone who has been in a traffic jam recently argue with that statement.

THE SURTAX HOAX REVISITED

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, proponents of the surtax say it will lick inflation. Has it? Any housewife can tell you the answer. For the year April 1968 to April 1969 during which the surtax has been in effect, the consumer price index has gone up nearly 5½ percent. In March of this year it went up 0.8 percent, or at an annual rate of almost 10 percent. In April, the rise was almost as much, 0.64 percent, or at an annual rate of over 7½ percent.

Did the surtax prevent the continuation of tight money? The question would be funny if it were not so sad. With a prime interest rate at an unheard of, unprecedented, and indeed shocking 8½ percent, we reach the crowning proof of the futility of the surcharge as a weapon against tight money. The homebuilder and the home buyer are for all practical purposes put in the deepfreeze for the duration.

Has the surtax enabled us to keep our commitments to the poor, the untrained, the aged? Are we solving the problems of our cities? Every day we see evidence to the contrary. Job centers are being closed. A host of poverty programs lack full funding. The model cities program hardly gets off the ground. On almost every domestic front, the inaction of the administration is getting more and more inexcusable every day. Certainly the surcharge has not prevented the Government's efforts at solving our domestic problems from grinding down into very low gear indeed. And what did the advocates of the surtax say a year ago? The surtax would make it possible for us to win the battle of inflation. The surtax would bring a halt to tight money. The surtax would enable us to get moving in our efforts to cure urban blight, poverty, inadequate schools, and all the other domestic ills that we know of all too well.

What has the surtax accomplished? I could mention two statistics that some might point to with pride. Corporate profits are at a record level—at an annual rate of $96 billion before taxes in the first quarter of this year compared to an annual rate of $88.9 billion in the first quarter of 1968. After taxes the comparable figures are $53 billion this first quarter of this year compared to $49.1 billion the first quarter of 1968. Our corporations are indeed doing well.

Second, the President has been able to point with pride to the prospect of a balanced budget. But, I ask you, what good is a balanced budget when prices rise at over a half a percent each month? What good is a balanced budget when interest rates are so high that the homebuilder and the home buyer are completely stymied? What good is a balanced budget when there are over 2.5 million unemployed, many of them without sufficient education or training to be able to get decent jobs in the foreseeable future?

Clearly the surtax has proved to be the wrong medicine for the ailments of our Nation. Its cost has simply been added to the other costs most consumers, most taxpayers, have to bear.

Clearly, a responsible national policy must call for a far different tax program than has yet been presented to the Congress. Since the Ways and Means Committee has been holding hearings on tax reform from almost the beginning of the 91st Congress, we are more keenly aware than ever before of what some of the loopholes in our tax structure are. We know the enormous benefits the oil industry gets from the 27½ percent oil depletion allowance. We know how the multiple surtax exemptions afforded corporations are used as a tax reducing device by many large businesses. We know how high salaried corporation officials benefit because of the favorable tax treatment accorded stock options. The unlimited charitable contribution deduction is another loophole which favors the very wealthy. Our treatment of capital gains from property when transferred at death from one person to another likewise provides inordinate benefits to the wealthy. As the Ways and Means hearings revealed a number of foundations have abused their tax exempt status toward ends that are not consistent with the purposes for which their tax exempt status was provided for by law.

Clearly, it is high time that loopholes such as these be closed. This is a much sounder way of increasing Federal revenue than is retention of the surtax.

Finally, as the Vietnamese conflict continues, month after month, it is more important than ever that we in the Congress make certain that businessmen in this country do not profiteer. Defense contracts must be negotiated with far greater care than appears to have been the case many times within recent years. Defense spending cannot be done on a virtually blank check basis with billions appropriated by the Congress with appallingly little detailed study and debate. The possibility of an excess profits tax should be examined with care.

No one denies that we must fight inflation now. But it must be fought with tools appropriate for the task. The surcharge is clearly not such a tool. Let us be man enough to admit its failure. Let us let it die. Then let us get on with the task equipped with tools that are designed for the purpose and that are fair to all the American people.

ARAB DREAMS COLLIDE WITH SOVIET REALISM

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, in the past few days the Soviet Union seems to have come to a growing realization that Arab intransigency and growing extremism are a lighted fuse leading to further Middle Eastern conflict and a possible world war. Instead of accepting the reality of Israel and shifting their focus to internal development and meaningful negotiations, the Arabs again trumpet aloud to the world the fruits of their continued self-delusions.

Again we hear them drumming up the self-induced fury which made them think they could destroy Israel three times in the past. Once more they shreik of armed might, subscribing increasingly to the terrorist dictum of total military defeat and physical dismemberment of the Jewist state. No delusion could be more foolhardy, self-defeating, or dangerous to the peace of the world.

The Soviets have seemingly tried to defuse the powder keg they have so assiduously constructed with their arms supply policy to Nasser and his ilk. Mr. Gromyko received a reply, all right. It was a stinging rebuke to Soviet efforts to muzzle their destructive little clients, into whose hands they have placed more and better weapons than the Israelis destroyed and captured in 1967.

Now the Arabs again delude themselves by taking their own rhetoric seriously. Nothing is more foolish than a person with an infinite capacity for self-delusion. Nothing is more dangerous than an armed fool with the same affinity for believing what is palpably untrue. Never has the world seen such unlimited foolhardiness than the present spectacle of Nasser and others—prisoners of their own bombast.

One element, however, has been added to the powder magazine through which Nasser and his allies flit, waving torches and bellowing threats. There are major American and Soviet naval forces confronting one another in the Mediterranean. Another Middle East conflict could bring them into physical confrontation to support respective foreign policy positions taken by their governments. Then, only a small incident or accident would be the final Sarajevo. If the Arab States would sit down at the conference table with the Israelis and enter into immediate face-to-face negotiations Mrs. Meir has spoken of, much might be resolved—if the Soviets would make it clear to the Arabs that under no conditions could they expect major further Soviet assistance, particularly in a military showdown.

If another war should come, Israel, of course, will turn the Suez Canal area into an Egyptian graveyard—an awful way of finally convincing Nasser and his followers that Israel is and will continue to be. But to chance an international conflict is another matter entirely. I wonder what the Soviets are thinking? Is a world war worth another sop to Arab ego and deflated military reputations? Will the Soviets never learn and help us defuse the powder keg? I pray that they will.

THE HYDRA IS REBORN AMONG US

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, Greek mythology is at times a fascinating study, and never more so than now. According to such legends, one of the 12 tasks of Hercules was to end the existence of the Hydra, which was a nine-headed monster dwelling in the Lernean marshes near Argolis. Each time one of its deadly heads was cut off, two others grew immediately to replace it. A grusome little nugget from the fertile minds of the ancient Greeks. Until today.

For the Hydra has been reborn in a new, far more deadlier form. Technology is its father. Militarism is its mother. Geopolitics and the arms race are its grandparents. Its families on both sides are the respective Military Establishments of the United States and the Soviet Union. We are providing money for its development, testing, and deployment. In short, the Hydra is MIRV, or multiple intercontinental reentry vehicle—an ICBM with individually targeted multiple warheads. Its emergence and mutual deployment means the end of all possible hopes for meaningful international disarmament or inspection as we now understand the terms. Man thus takes another giant step toward the abyss of the last world war.

Both the United States and the Soviet Union are busily engaged in significant tests of MIRV, and I suppose the results will be satisfactory. Through the mist of camouflage maintained by the Defense Establishment, it is easy to ascertain that plans are already well advanced for emplacement of this system. Of course, the Soviets are replying in kind. Why, then, is there such debate?

Once Minuteman and Poseidon are

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fully MIRVed, there will be from three to a dozen warheads atop each missile, a multiple-pronged streak of megadeath, poised to leap outwards on its appointed mission. At present, spy-in-the-sky satellites, launched into Polar orbit, are capable of picking out individual telephone lines on the ground and overhearing individual telephone conversations—almost as good as our wiretappers here at home. Their growing effectiveness could conceivably be put to excellent use to attain meaningful international arms inspection. Each silo housing every missile can be detected, counted, and continually observed. MIRV dashes all such frantic hopes.

Why? Because no matter how sophisticated or ever-present, no spy in the sky can accurately reveal how many warheads are poised under each ICBM nose cone. There could be one city-killing warhead—three—or a dozen. Each side automatically is placed in a state of geopolitical jeopardy because the other side might be developing a true first strike capacity. Such multiple warheads could conceivably be targeted at individual missile silos, giving a potential enemy capacity to destroy the retaliatory force.

I fear it is already too late to prevent further final testing. Appeals along this line have already been made in the most eloquent manner—to no avail.

Where does this particular road lead us? Down a winding, crooked alley marked dead end and total mutual destruction. Odd, is it not? Hercules slew the Hydra in Greek mythology. But today, reborn, the Hydra rears its head of many horrors, bidding fair to reverse the mythical decision of so long ago. We have truly created the means of our own final destruction. The open pit yawns before us. Shall we avoid it, saved by commonsense or an instinct of self preservation? Will we make some attempt to enter into meaningful disarmament discussions with the Soviet Union? We should. We could. We must.

FEDERAL SUPPORT FOR BASIC SCIENCE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of the House a recent report of the committee on Federal legislation of the New York County Lawyers Association on the matter of long-range Federal support for basic science. The report follows:

REPORT ON BILLS DEALING WITH LONG-RANGE FEDERAL SUPPORT FOR BASIC SCIENCE

Concern for effective legal foundation for federal encouragement of scientific research goes far back in our history. Proposals for a national university and other national action for this purpose were made by some of our early Presidents.[1] The principal legal step taken to encourage science was adoption of the federal patent system.

During the twentieth century, it has been increasingly recognized that more extensive commitments were necessary, and they have been made.

At the present time, however, the scientific community believes that a crisis exists regarding federal support for scientific efforts because of indecisiveness in our commitments and cutbacks in the funding of projects previously undertaken.

This requires a rethinking of the adequacy of the legal foundation for federal scientific activity.

H.R. 35 would authorize appropriations for grants to institutions in this field, including relief from cuts in funds under other programs. This would help to provide flexibility to institutions in meeting their needs.

In our view, while this is desirable, the problem is more basic, and can only be met by a legal structure permitting long-term planning, and adherence to this without altering our support for science based on frequent changes in the fiscal outlook.

Advances in technology and applied science are dependent upon advances in basic research. These are often relatively less expensive, but find it more difficult to secure the necessary support because it takes more imagination to visualize the far-reaching implications involved.

Research aimed at bringing already available basic knowledge to bear for the solution of pressing problems is also of the highest importance.

The light which new discoveries can shed on basic processes is urgently needed to provide new ways of dealing with age-old problems confronting mankind. Many of these problems have become more urgent because of growing interdependence.

Today more than at any time in the past, immense challenges are confronting mankind. We now see ourselves for the first time as travellers together on a planet with a potentially limitless future and limitless tasks before us. To meet these challenges, and to involve all men in opportunities to meet them, a basic commitment to ongoing basic science is necessary. During the last third of this century the competition between more or less open and growing societies and those under tight ideological blinders is bound to continue. Indeed, many illusions in this regard were shattered by the Czechoslovak tragedy of August 1968. Entirely aside from considerations of defense, the ability of competing systems to provide greater opportunities and creative challenges will determine the political landscape of the future. For this reason as well, scientific progress in indispensable to hopes for a future world community of openness, peace, order and justice.

The inadequacy of our legal structure for these purposes is equally plain.

This has been made clear by the consequences of recent violent fluctuations in federal support for long-range research.

A unanimous 1969 report of a committee of the nationally representative New York Academy of Sciences on "The crisis facing American Science" reached the following sobering conclusions:

"Cutbacks are leading to the loss of substantial investments already made . . . New schools, hospitals and research centers are not being fully utilized, research that is now reaching a fruitful stage will have to be discontinued, and experienced research teams are being disbanded.

"The future supply of scientists is being adversely affected. Training programs for both scientific and technical personnel are being cut back severely.

"The pressing needs of our society, in many crucial areas, are failing to get the scientific attention they deserve."

We believe that in addition to appropriate short-range steps, such as H.R. 35, long-range correctives are needed.[2]

Under the statutes governing federal support for space exploration, it has been wisely recognized that decisions far more than one year in advance are indispensable to effective scientific endeavor. 42 U.S.C. § 2459 (a) provides: "Sums appropriated pursuant to this subsection for the construction of facilities, or for research and development activities, shall remain available until expended."

We recommend that this principle be adopted and consistently applied to federal programs concerning basic science wherever long-term projects requiring long-term planning are involved, without mid-program cutbacks unless based on defects in the program in question.

This would strengthen the basic legal structure for effective federal support for basic science, so vital to the future.

THIEU REGIME VIOLATES ITS OWN CONSTITUTION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, a report released by the U.S. study team on political and religious standards in Vietnam of which our distinguished colleague, the gentleman from Michigan (Mr. CONYERS) was a member—a private group sponsored by an interreligious ad hoc committee who recently returned from South Vietnam—as well as an article by Terence Smith in yesterday's New York Times, document the continuing shocking and outrageous action by the South Vietnamese Government to control political dissension within the country.

Newspapers are being shut down by the Government on charges of distorting "the news in such a manner that would demoralize the nation." Yesterday, the Saigon Daily News became the 32d paper to be closed in the last year because of political reasons.

Thousands of people are being arrested by the Thieu-Ky regime, many of whom have been detained or jailed without charge or benefit of trial. There is an estimate of at least 20,000 non-Communist political prisoners. Torture and physical abuse are widespread, especially in the detention and interrogation centers. The large majority of prisoners are held because they oppose the Government. The Government claims they are Communists—a label easily applied to any political opponent or undesirable, someone inimical to continuing Government control. Yet most are nationalists, caught between the barricades, whose only crime is their search for peace in their country.

One of the most well-known cases is that of Truong Dinh Dzu, who 2 short years ago ran in the South Vietnam national elections as the peace candidate, polling 18 percent of the vote, second only to the Thieu-Ky ticket which received 35 percent. On May 1, 1968, Dzu was arrested on charges of urging the formation of a coalition government as a step toward peace. In August, he was sentenced to 5 years of forced labor. And the NLF, as he suggested, is now participating in the Paris peace talks, but Dzu still remains in jail.

It is shocking that the United States is not only financing but supervising the construction and improvement of more correctional institutions intended to hold these political prisoners—a system which the Saigon government says is "based on the principles of humanity, charity, and equality."

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[1] Thomas Jefferson, Message of December 2, 1806, 1 STATE OF THE UNION MESSAGES OF THE PRESIDENTS 87–88 (Chelsea House 1966); John Quincy Adams, Message of December 6, 1825, id. at 246. 248–49.

[2] See Hornig, "United States Science Policy: Its Health and Future Direction," 163 Science 523 (2/7/69).

The South Vietnamese Constitution provides:

> Any restriction upon the basic rights of the citizens must be prescribed by law and the time and place within which such a restriction is in force must be clearly specified. In any event *the essence of all basic freedoms cannot be violated.* (Emphasis added.)

These constitutional protections become hollow, empty, meaningless words under the Saigon regime. Just 2 days ago, President Thieu proclaimed:

> From now on, those who spread rumors that there will be a coalition government in this country, whoever they be, whether in the executive or the legislature, will be severely punished on charges of collusion with the enemy and demoralizing the army and the people. *I will punish them in the name of the Constitution.* (Emphasis added.)

Is this then what we are defending and fighting for and for which so many of our young men have died?

SECRETARY STANS SUPPORTED

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, in his recent trips to Europe and the Orient, Secretary of Commerce Stans encountered some strong opposition to his proposal that the trading nations of the world hold an international conference to discuss limitations on textile imports. This attitude came as no surprise to those of us who have been working toward a solution of this problem over the years. After all, as the television commercials say, they "have a good thing going."

Textile imports in 1968 were double what they were in 1964 and better than triple what they were 10 years ago. Each month, we read about new records being set as a result of an overly generous trade policy which has made the United States the only free market in the world for all of the burgeoning production of wool and manmade fiber textiles. The nations which are flooding our markets with low-wage imports—made at wages and under working conditions which would be illegal in this country—are showing little or no inclination to cut back on their shipments to the United States.

But, Mr. Speaker, we are confident that Mr. Stans will succeed in his mission to bring these countries to the negotiating table where a reasonable plan which will restore order to world textile trade can be worked out. We are confident he will succeed, because he has the determination to do so, he has the firm backing of the President, and he has the support of the millions of Americans who depend upon the textile industry for a livelihood.

Since the time when Mr. Stans returned from Japan, a number of newspapers have commended him for the fine job he is doing, and I would like to insert at this point in the RECORD a few of the newspaper editorials which have come to my attention. As the Greenville News points out, the textile industry "asks only for an even break."

The editorials referred to follow:

[From the Greenville (S.C.) News, June 2, 1969]

TEXTILES ASK ONLY FOR EVEN BREAK

The latest round of what is expected to be an industry-wide series of wage increases, the eighth in about 7 years, should be a clear indication that the American textile industry intends to continue the battle for survival against competition in which the odds favor its competitors.

An industry which raises salaries and wages when many aspects of its future are anything but certain is viable, full of life and capable of fighting for quality and its share of the market at home and abroad. It is an industry with alert and daring leadership which is determined to have its share of the best workers and to attract young blood and imaginative executive material.

It is quite plain that the textile firms operating in this area are out to meet wage and salary competition resulting from expanding economic development and diversification, both of which the enlightened textile leadership of our time has helped to promote.

Further, the advance booking of exhibits and reservations for visitors to the first international textile machinery show in Textile Hall this fall is indicative that the industry is capable of originating and willing to accept innovations in products and production methods. These facts combine to increase worker productivity, which makes higher wages possible, and to raise quality and lower production costs, which makes American manufacturing more competitive in both the foreign and domestic markets.

The element of uncertainty in the industry which we referred to above is produced by the current condition of textile export-import trade, which definitely is against the American industry. Despite the benefits of the one-price system on cotton and negotiated voluntary quotas on some categories of goods effective at times in the past, well-developed countries like Japan and the Common Market nations have a tremendous competitive advantage in the United States and in the world market.

In addition, textiles is one of the fields in which the planners of the American foreign aid program have chosen to assist allies, former enemies and under-developed countries alike to build their own manufacturing economies. Taxes collected from American industry and workers have financed the growth of foreign competition.

These countries enjoy the advantages of low labor costs, unrestricted American imports on categories such as man-made fibers and finished garments and restrictions placed by their governments on incoming American goods.

This is why the textile industry of the United States is still asking for action which amounts to "protectionism" as distinguished from the long-held American ideal of "free trade." It also is why the Nixon administration through Commerce Secretary Stans and certain White House aides is trying to get voluntary international agreements on import quotas and why Congress is threatening to pass restrictive laws if the negotiations fail.

It is well, however, to understand just what the American textile industry is asking for and what it is not. In this light, its attitude is not as selfish as it may appear, what with profits running along at a fair clip and with expansion plans still in the works.

The industry has not asked for and neither the administration nor Congress is proposing prohibitive tariffs on imports which would raise their price above or even up to the level of the American goods which cost more to make. Nor is it asking for a rollback of the amount of foreign goods and garments coming into the United States each year.

Rather, the proposal is a system of quotas in each category of goods which would fix at a certain level the amount that would be permitted to come in under otherwise free trade conditions. The quotas would not be inflexible; some upward adjustment would be permitted from one year to the next, depending on domestic and foreign market conditions.

During the past few years, without quotas, foreign imports have increased as much as 27 per cent in a single year and the balance of textile trade deficits has risen from $766 million in one year to $1.1 billion the next. During one month imports were coming in at the rate of $1.5 billion a year.

The quotas the administration is seeking would be designed to place reasonable limits on imports, according to what the market can absorb, and to gain more nearly equal treatment for American exports in the foreign market. The most important aspect of the matter is that, with quotas, American manufacturers would know how much foreign competition they would have and could plan their production and marketing to meet it.

Given a few years of protection from grossly underpriced competition, American management and workers probably could improve their production efficiency to the point that they could compete on even terms without either tariffs or quotas.

Meanwhile, however, the competing foreign countries actually are practicing heavy-handed protectionism in behalf of their textile industries against American exports. They don't use words like quotas and tariffs for what they are doing, but the restrictions and special charges applied to American goods have the same effect.

So, what the textile industry is seeking really is no more than an even break with foreign imports. Surely it is entitled to at least that. And, as a matter of principle and fair play (omitting the element of gratitude for help rendered) the foreign interests the United States has assisted should be willing to compete on those terms.

Certainly, this country cannot allow its textile industry, which has a big role in the national defense strategy, to be weakened, much less destroyed.

[From the Lewiston (Maine) Sun, May 23, 1969]

FAIRER DEAL FOR TEXTILES

The Nixon Administration is taking a firm position on the problem of increasing textile imports which imperil not only the jobs of the American textile workers, but the existence of the industry itself. While there will be no precipitate action, the wheels have been set in motion to provide much needed relief. The news is good for Lewiston and Maine.

The new Secretary of Commerce, Maurice H. Stans, disclosed this week that the nations which sell textiles in the United States have been put on notice that unless they show a willingness to undertake voluntary limits on their shipments within three months this country "may have to look for other solutions." That is a broad hint of the possibility of quotas, a step which has a great deal of support in Congress.

Protectionism is not the objective nor desire of the American textile industry. It is willing to compete and only wants the opportunity to make a living. But it cannot contend with the flood tide of foreign textiles, made with far cheaper labor.

No industry spokesman could have dramatized the need for action more effectively than Secretary Stans' reminder that imports exceeded exports last year by $807 million, with incoming shipments of synthetics alone up 54 percent. The United States, he added, is the only free market in the world today for textiles, all other have bilateral or unilateral restrictions on imports. As a result, the

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U.S. industry and its 2.5 million employees are suffering.

The Secretary is proposing a conference of the nations involved under the auspices of the General Agreement on Tariffs and Trade in Geneva next fall. That means the American textile industry will have to continue struggling with the import problem, but at least, there is light at the end of the tunnel.

[From the New Bedford (Mass.) Standard Times, May 21, 1969]

Japan: All Take, No Give

Columnist Charles Bartlett wrote in The Standard-Times the other day, "The Japanese pursuit of equal rights without equal responsibilities is no longer realistic for a nation which has attained the world's second largest gross national product, a surplus of $1.3 billion in its American trade account, and a rosy prospect of continued economic expansion in a democratic framework."

In similar vein, Secretary of Commerce Stans, speaking in Tokyo recently, pointed out that "Japan has grown to the point where it no longer needs the protection and limitations appropriate to an insecure nation." * * *

Two examples will suffice.

Japan's auto industry is young and perhaps vulnerable, but it is managing to export more than 100,000 cars annually to the United States, while American autos, along with a significant portion of manufacturers and consumer goods of American origin, are excluded from Japan.

At the same time, Japan has flatly refused to establish voluntary quotas on textile exports to the United States, declining to accept the American position that our domestic industry needs protection. In other words, what is sauce for the goose is not necessarily sauce for the gander.

Additionally ironic is the fact that no Japanese would lose jobs as a result of the quota plan envisaged by the Commerce Department because it contains no "rollback" of textile imports such as has been sought by U.S. textile companies. Instead, the quota as proposed would be set at the 1968 import level, which included a record amount of textiles from Japan.

Since few other countries understand American thinking, and particularly the thinking of the American Congress, Japan may fail to realize the advantages of the voluntary quotas and the risk in rejecting some proposal of this type.

The last session of Congress indicated a great deal of rising protectionist sentiment in the United States. If round-table talks do not produce a voluntary solution in textiles, it is very likely that this session will pass legislation aimed not only at protecting that industry, but curbing imports in other areas as well.

Japan can afford to do better than adhere to this inflexible attitude and ought to, in the interests of the many areas of mutually beneficial trade that are possible between us.

[From the Wheeling (W. Va.) Intelligencer, May 22, 1969]

Wanting: Mounting Tide of Textile Imports Bares Trade Folly

Prior to 1960, an Associated Press Washington dispatch reports, this Country's exports of textiles far exceeded imports. Last year, however, the value of textile imports exceeded the value of exports by $807 million. Receipts of foreign synthetics alone were up 54 per cent.

Now Secretary of Commerce Stans says it may become necessary for the United States Government to impose textile quotas unless the exporting Countries agree to limit their shipments to this Country voluntarily.

Undoubtedly inflation has aggravated import competition on the American market. In the absence of a reversal of this trend, unfortunately nowhere in sight, it is futile to argue as the free traders do that the way for American manufacturers to cope with the import problem is to meet the price. Obviously, if American producers could do this they wouldn't sit idly by and surrender their home markets to imports while their own products were pricing themselves out of the export market. Hungry as they may be for sales they can't stay in business and operate at a loss.

It never has been clear to this newspaper why our manufacturers of competitive goods should be required to depend on the good offices of foreign producers. If quotas are necessary—and at best they provide only temporary relief—they should be imposed. Better still, why not return to the traditional American policy—abandoned in the first Roosevelt Administration—of equalizing competition by the imposition of appropriate import duties?

[From the Atlanta (Ga.) Journal, May 23, 1969]

Textile Problem

Secretary of Commerce Maurice Stans is touring Asia and endeavoring to curb the flow of textile imports into the United States. He is making a clear point that if the flood of foreign textile products are not curtailed voluntarily, a protectionist-minded Congress may enact legislation to require it.

Although his point was clear, Mr. Stans got a negative response from Japan, South Korea, Hong Kong and Taiwan.

The point is clear enough here.

The United States is the only major free market for textiles in the world. We become, therefore, a target for every nation which exports textiles.

It stands to reason that a steadily increasing flood of foreign textiles will have an adverse effect on our own domestic textile industry.

Secretary Stans projected a reasonable approach to the Asian nations. He would peg their textile imports at the 1968 figures. He wanted some assurance that the imports would not continue upward.

There is still a chance of working out a solution. It is clear that either an effective voluntary agreement must be worked out or that Congress must pass restrictive legislation.

We cannot permit the United States to be a dumping ground for foreign textiles to the detriment of our own textile industry.

[From the High Point Enterprise, May 21, 1969]

Textile Tiger Looms

Commerce Secretary Maurice Stans cautions a Hong Kong textile conference that Uncle Sam can get tough—very tough indeed—if pushed too hard.

The message, uttered politely, forcefully to Hong Kong cloth makers, was timely warning that the United States, faced with the burden of $250 million worth of cloth annually from that British Crown Colony, can become a textile tiger.

Quite understandably, there seems no enthusiasm out there for voluntary quotas on exports to the United States. Same is true of Japan, Formosa and South Korea, where Stans has already made clear American purpose to protect our textile industry from low-cost labor competition.

By now it should be evident to the Far Eastern textile manufacturers that it is to the mutual advantage of their own businesses, as well as ours, that agreement be reached on workable quotas by which they live and let live. This nation can't stand idly by and see its textile industry, already beset by cheap imports, undercut excessively by low-cost Asian fabrics entering their markets.

President Nixon has made clear his desire to avoid restrictive measures which could, in turn, hurt U.S. exports. Congress is under strong pressure to apply sharp import restrictions if some workable mutual agreement can't be reached, as Secretary Stans is earnestly intent upon doing.

Hong Kong, which sends 41 per cent of its textile exports to this country, is a principal offender—it is a painful decision for Hong Kong, but it is one that clearly has to be made.

ESSAYS WRITTEN BY RESIDENTS OF THE CITY OF HOBOKEN, N.J.

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, I am very proud to insert at this point in the Record three essays written by residents of the city of Hoboken, N.J. The essays in question represented the winning entries in a contest conducted by the local antipoverty organization, Hoboken Organization Against Poverty and Economic Stress—HOPES. I congratulate the three winners, Ida Mead, Richard J. Drexel, and John Murphy, and the executive director of HOPES, E. Norman Wilson, Jr., at whose suggestion I have fowarded copies to President Nixon at the White House.

Mr. Speaker, I hope all Members of this House and all persons who read the Record will take a moment to read these essays which, I think, point out the maturity of our young people.

The essays follow:

What I Would Do as President

(By Richard John Drexel, eighth grade, Joseph F. Brandt Junior High School)

There are many problems in the United States today. As President I would try to conquer these problems.

Like most Americans I believe one of our major problems is our large urban areas. I would seek new laws to build more and better homes for the citizens. I would have all old and damaged homes torn down. They would be replaced by soaring skyscrapers, recreation areas, and parks.

Another problem in the United States to me is transportation. New means for rapid and safe transportation in the United States must be developed. At the same time I would try to prevent this from creating a greater amount of pollution.

Our nation is a rich country and all should be able to have opportunities to share in the wealth. This to me can be accomplished by providing more and better jobs.

Our welfare system must be changed. The Federal government should have complete control of welfare and no American should receive if he has the capability to work.

As President of this great nation I believe that all Americans should be united. It is my belief that this can be done by simply accepting one as a friend no matter race, creed, or color.

I would always try to bring peace to our country and would also try to maintain peace in dignity. Peace today is a necessity and can only happen to us by being strong and united.

(By Ida Mead, 10th grade, Hoboken High School)

What I Would Do as President

There is a never ending line of problems to be had by a President, and for this reason the office of the Presidency must be, and so far has been, occupied by capable men who knew what they were getting themselves into when they promised to preserve, protect, and defend The Constitution of The United States of America. These men had to solve many problems and did so, just as our president is today.

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I feel that of the many problems a president has to overcome, the most important is that of world peace. As President of the United States I would try to overcome this problem, not only abroad, but in our own home land. Peace at home is so important. How can a president talk of helping other countries when his own country is unable to help itself? As president I would try to make the people realize that they all have the same rights, and that they were all put on this earth equal. No man is better than another. One may have more than another, but he had to work to get it. No one is just given something. Everyone has to work for what he wants. Of course, some people won't listen to reason, and usually these are the people who start all the trouble. If all men would realize this, then the problem would slowly be solved.

After the problem of peace seemed as if it was on the way to recovery, I would use all the power I have to try to build up our nation. I would build new homes wherever possible. Slums would be knocked down and our cities would be cleaned. Water and air pollution would be eliminated from our land. I realize all this takes money, but the money that we are wasting getting our boys killed in war could be saved if there was peace, and used for these purposes.

Also, as president, I would visit the cities and suburbs of the country which I am slowly building up. Not just the big cities, but the small, unknown ones also. I would talk with the people and get more ideas of what they want and I would try my best to give it to them. I feel that by the time I have ended my term I should have visited every state in the nation and talked with millions of people, most of whom I had gotten ideas. out of.

If I were ever elected president, and as president, I accomplished the things I mentioned above, I will feel, when I leave my office and watch as someone else, who feels he is capable of carrying on from where I left off, is sworn in as President, that I have helped if only a little, to ease the tension that was built up before I entered my office and that I have built up the nation that in my dreams I thought could never come true. And I will feel proud knowing that I have helped unite this great nation. After all, what good is a government if the people don't support it?

WHAT I WOULD DO IF I WERE PRESIDENT

(By John Murphy, 12th grade, Hoboken High School)

If I were President my chief concern would be to try for a just peace in Vietnam. It is a very unpopular war, in which we are losing many young Americans. I would try to encourage all United Nations members to put that as most important business at hand and work together for a just and lasting peace between all nations.

Next I would try to improve our image abroad by advising our tourists and business men who travel extensively to change the picture of the "Ugly American".

I would not allow America to be so one sided in the outbursts between the Arabs and the Jews. We should remain neutral.

At home I would first remember that in the last election the vast majority of voters showed a deep desire for law and order; I would ask for the retirement of certain members of the Supreme Court, who have made very unpopular decisions against law enforcement agencies. I would continue federal aid to education but would cut off aid to any College rioters, found guilty of violent protest.

I would continue most poverty programs but would have the government carefully supervise the spending of Federal Funds. I would try to cut all unnecessary funds and therefore lower the high taxes Americans now pay. I would not continue the exploration of Space because millions of dollars are spent trying to land on the moon. I would like to see this world become better, because most people think they can then go to the moon because the earth is very violent. I would spend the money on helping people to help themselves to become educated and better living standards. Also on scientific research in heart, cancer and retardation. The most important thing I would do as President is to try to do the best I can and to make this world a little better place to live.

THE AMERICAN HUMANICS FOUNDATION

(Mr. HALL was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALL. Mr. Speaker, in 1948 a group of youth and business leaders, led by H. Roe Bartle—at the time, executive of the Greater Kansas City Area Boy Scouts Council—aware of the fact that there was no curriculum or organization designed to train young people for professional youth leadership, decided to do something about it.

The American Humanics Foundation was created and charged with the responsibility of helping provide college preparation for young people who were willing to enter youth serving and teaching careers.

The foundation projects a special curriculum in human relations, leading to the degrees of bachelor of arts or science. It supplies the faculty and underwrites an accompanying program of field trips and professional relationships. It also gives loans and fund assistance to those who cannot complete their college years without such help.

Unlike most foundations, the American Humanics Foundation is made possible by joint gifts of many concerned citizens, rather than the wealth of a few.

American Humanics graduates are now serving with distinction as professional staff personnel for such programs as the Boy Scouts, boys clubs, probation and parole, YMCA's childrens hospitals, Girl Scouts, campfire girls, and others. More than 500 AHF graduates have taken their places as participating citizens in communities large and small, all across the Nation. They are found in 38 States, working in the mainstreams of most community activities, at least, the worthwhile ones.

With the appalling demonstrations being held on the campuses of some of our major universities, it makes one wonder what kind of leaders we are developing. I am happy to report that the American Humanics Foundation, recognizing that the leaders of tomorrow must arise from the youth of today, is on the job, leading the way as it has for the past 21 years. The foundation with its curriculum, faculty, and advisers, plus the carefully selected students, are among the 99 percent who "build the Nation's pillar deep, and lift her to the sky."

MISS LINDA GAMBACH WINS ESSAY CONTEST

(Mr. ARENDS was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ARENDS. Mr. Speaker, the Illinois Republican State Central Committee sponsors an intern program as a memorial to our late President Dwight D. Eisenhower.

The winners of an essay contest are given the opportunity of working with the Illinois Republican State Central Committee staff. In this way these young people, who are interested in governmental affairs, secure an insight into the political party machinery which plays such an important part in a free society such as ours.

Miss Linda Gambach, daughter of Mr. and Mrs. Arthur D. Gambach, 728 Grant Street, Chenoa, Ill., was one of these three essay winners. She is 20 years of age, a graduate of Chenoa High School and presently attending Lincoln College with political science as her major.

We are all very proud of her and we have every reason to be. Under leave to extend my remarks I am inserting her prize essay in the Record. It merits careful reading. It gives one an insight into the thinking of our young people—their awareness of present-day problems and their faith in proven values. The essay follows.

ESSAY BY MISS GAMBACH

President Nixon, in his inaugural address on January 20, 1969, emphasized again and again the idea of moving the United States of America "forward together" in unity. As President Nixon took office, an orderly transition of executive power took place. The question of the division of the nation which occurred before, during, and after the Presidential campaigns of both parties was spoken to by the President. His call for national unity invoked pride in America, a land where through the orderly transfer of executive position we "celebrate the unity which keeps us free." Mr. Nixon's rhetoric stirred us to remember the heritage we have been given, in which liberty and unity were principles to die for.

Thus having stirred Americans emotionally, did President Nixon stir us into any physical action? Did his address instill each of us with the motivation to do his part for the preservation of freedom and unity in America? Moving the nation "forward together" involves great responsibility on the part of government (the President), as well as the individual citizen. The task of creating unity in any group or organization is great. The individuals and organizations involved must first want to be united. Secondly, they must be willing to devote time and talents in order to become aware and to be able to appreciate what it is this moving "forward together" in unity actually involves. Thirdly, the individual citizen must be willing to give of himself—become involved in the cause of unity. Without a cause, more meaningful than man and his own interests, an individual is not really whole. Fourthly, after involvement comes the idea of challenge and adventure. Once an individual is involved he becomes aware and is able to appreciate both positive and negative aspects, and the idea of change begins to occur. Fifthly, when challenge is faced motivation occurs and research and new and possibly better ideas are created.

The United States is torn by disunity. Every group in our society seems to be primarily interested in its own goals. For example, todays young generation is a "searching" group of young people. They are searching for something more than materialistic values and occupational success. They want to be financially successful, but they are also looking for something deeper, a real meaning

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in life—a spiritual fulfillment. Young people today are looking for something they can really get involved with—a cause. The campus riots and demonstrations at Berkeley, Colgate, San Francisco and even the University of Illinois are the results of students looking for a cause. These students have found a cause, but they are restless and the cause they have found does not provide them with results which satisfy their need for a spiritual satisfaction. This restlessness results in riots, demonstrations and unrest some of which lead to violence.

The "Black Revolution" is becoming a great concern for the United States. Our union was almost torn apart by the "slavery question" during the Civil War. It was, in actual fact, divided (though not technically according to President Lincoln, who said the South was never out of the Union) between the North and South. Now the question of "Black Power" has risen again. This time the Blacks want their Constitutional rights and the freedom to live as citizens of the United States without fear of discrimination because of race. The "Black Movement" has risen out of a sense of disunity in our country. The Black man doesn't feel that he is really a part of the United States. He is alienated—a separate group unto himself. The Constitution provides for equality and justice for all, regardless of race, creed or color, but it seems to exclude the Black man. He is still discriminated against in many situations.

Another group in society which must be mentioned is the politicians—the Senators, Representatives, Governors, etc. There is disunity between these elected officials and the citizens they represent. There is often no exchange of opinions or ideas between our elected representatives in government and we the citizens. Even the average citizen at times feels alienated from his country. We have lost, at least for a time the sense of patriotism we once felt when the spirit of nationalism was high. Men would willingly enlist in the service to fight and die for the security and freedom of the country. The patriotic spirit of America seems to have changed and "draft protestors" are not willing to serve their country. They protest by burning their draft cards.

Not all disunity is bad though. Dissent, competition, individual initiative, etc. often help bring about much needed change. President Nixon's goal of moving "forward together" in unity is a goal which may be very hard to attain. He must pull together all the dissenting forces, angry Blacks, militant student leaders, draft card burners, average citizens and also government officials into one union—the United States of America.

The United States isn't as seriously in danger of a real physical division as in the Civil War, but spiritually the United States is becoming divided.

As President Nixon remarked in his inaugural address "The American dream does not come to thoes who fall asleep. But we are approaching the limits of what Government alone can do. Our greatest need now is to reach beyond government to enlist the legions of the concerned and the committed. What has to be done has to be done by Government and people together, or it will not be done at all.

"No man can be fully free while his neighbor is not. To go forward at all is to go forward together . . . Black and White together—as one nation."

CITIZENS ADVISORY COMMITTEE FORMED FOR CORPORATION FOR PUBLIC BROADCASTING

(Mr. BROYHILL of North Carolina asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROYHILL of North Carolina. Mr. Speaker, the Corporation for Public Broadcasting, established by Congress under the Public Broadcasting Act of 1967, is an independent, nonprofit Corporation created to develop and improve programing for educational public radio and television broadcasting.

Hon. John W. Macy, Jr., the distinguished former Chairman of the U.S. Civil Service Commission, became the first President of the Corporation last February. Since that time, the Corporation has actively begun to function in accordance with the purposes of the Public Broadcasting Act.

I have the honor to serve as the senior, ranking Republican member of the Subcommittee on Communications and Power of the Committee on Interstate and Foreign Commerce. Yesterday, Mr. Macy, along with the Honorable Frank Pace, Chairman of the Board of the Corporation, appeared before this subcommittee and gave a full complete, informative report on the activities as well as future plans of the new Corporation for Public Broadcasting.

As one member who had some doubts about this program at the outset, I was impressed in particular by Mr. Macy's discussion of the part to be played by the local managers of educational broadcasting as well as the local communities.

One of the steps along this line which has been taken by the Corporation has been the establishment of an advisory board of national citizen organizations representing community interests in a variety of fields—conservation, churches, PTA, 4–H, and many others.

The plan is that the Corporation will provide leadership as well as financial support to the local ETU's for programs. These programs would be available for broadcasting by the local stations if they so desire.

Local chapters of the organizations making up the national advisory group, could use the broadcasting of the programs in which they are interested as part of their own planned activity in the local community.

The first meeting of the national advisory group took place in Washington on May 17. A report of the meeting follows:

Eighteen National Citizens Groups Form Advisory Committee of Corporation for Public Broadcasting

Washington, D.C., June 17.—Eighteen national citizens organizations began participating today in what was characterized as a "sustained nationwide effort to involve the viewer and the listener in the future of this great national resource called public broadcasting."

The characterization was made by John W. Macy, Jr., President of the Corporation for Public Broadcasting, as he addressed a luncheon here marking the founding of CPB's Advisory Committee of National Organizations. The group, still in formation, is representative of a broad range of citizen interest.

Specifically, Mr. Macy urged local citizens groups to gear some of their community action programs to discussion of critical national issues broadcast over public radio and television stations. He said the ideal would be follow up programs on local public stations to pinpoint issues raised in national public affairs presentations. He pledged CPB cooperation with local public stations in efforts to "trigger hundreds of local 'town meetings' in communities across the country, simultaneously focusing on local variations of critical national problems."

The CPB president also urged the organizations to keep their membership informed of upcoming programs of national interest—such as Children's Television Workshop's "Sesame Street"— and pledged that their advice would be sought on the types of programs most needed to meet community needs. "In short," Mr. Macy said, "we want our communications to be of the two-way variety, because public service is our only product."

Organizations sending official representatives to the first meeting of the Advisory Committee of National Organizations, held at the Dupont Plaza Hotel, are:

American Association of University Women.
Consumer Federation of America.
Boy Scouts of America.
General Federation of Women's Clubs.
National Association for the Advancement of Colored People.
National Conference of Christians and Jews.
National Council of Churches.
National Council of Senior Citizens.
National Congress of PTAs.
National League of Cities.
National Conference of Mayors.
National 4–H Club Foundation.
National Education Association.
National Wildlife Federation.
National Audubon Society.
U.S. Jaycees.
National Catholic Office for Radio and Television.
League of Women Voters.

Mr. Macy noted that the final number of committee members would be kept low to allow for meaningful consultation.

The Corporation for Public Broadcasting, established by Congress under the Public Broadcasting Act of 1967, is an independent, non-profit corporation created to help develop public radio and television broadcasting through program and station support and establishment of interconnection systems.

Excerpts of Macy's remarks at Advisory Committee luncheon:

"In this age of communications, those of us in the business have sometimes been accused of doing all the communicating and precious little of the listening.

"With the formation of this Advisory Committee of National Organizations today, the CPB takes the first step in what I know will be a sustained effort to involve the viewer and the listener on a national scale in the future of this great national resource called 'public broadcasting.'

"The organizations represented here can all be characterized by their dedication to public service. Although you count membership in the millions, the hallmark of your public service is at the community level. It is there that you receive your strength and vitality as national entities. Organization members of the Advisory Committee have launched effective programs on virtually every major problem facing this country today: the evils of discrimination and malnutrition, the uneven quality of education and the consequent inequality of opportunities for decent employment, deterioration of our cities, pollution of our atmosphere and despoilation of natural resources, crime on the streets and dishonesty in the market place.

"These are negatives. But your organizations have approached them with positive solutions, each in your own way; each in accord with your own constituencies.

"In this approach to public service, you parallel the public broadcasting industry, and CPB itself. We, too, work at the national level to aid individual community stations—184 television and nearly 400 radio—in helping to isolate and solve local community problems. We want to make them strong local forces for public service through grants to

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help improve local programming, to enrich their staffs and strengthen their ties with, and bolster their support from, their own community. In addition, we want to supply them with diversity and excellence in national programming so that they are better able to entertain and evaluate, amuse and teach.

"In all this, we need your advice. We need the assistance of your members in communities throughout the country.

"Let me give you an example:

"The Corporation feels that there are many opportunities for local follow-through on national public affairs programs. A program produced under a CPB grant on the nationwide air pollution problem could be followed by a local presentation pinpointing the problem areas in a particular city or state. This approach would be immeasurably enhanced, in my view, if local chapters of the organizations here today were to participate. Perhaps they would focus their own action programs around such television and radio presentations, triggering, in essence, hundreds of local 'town meetings' in communities across the nation simultaneously focusing on local variations of critical national problems.

"One of the major areas of CPB program support is the Children's Television Workshop. Under initial grants from the U.S. Office of Education, the Ford Foundation and the Carnegie Corporation, CTW's 'Sesame Street' next November will begin a series of daily programs for the pre-school child over PTV stations. CPB is already aiding this vital project and hopes to increase its aid in the years to come.

"These imaginative programs represent a new concept in entertainment-education for children. They will employ colorful animations, and jingles to teach the very young basic letters and numbers and other concepts. What's more, these concepts will be introduced into the hour-long show featuring puppets and live entertainers as 'commercials,' four to six of them each day. Testing has been going on now for several months, and all indications are that this approach will be effective, because the children themselves like it and respond to it.

"Here, too, your local organizations should be alerted to the potential of these programs and others in other fields as they develop. In meetings to come, we hope to be able to show you films of programs under production to get your reaction, and hopefully to warrant your assistance in getting the word to local chapters.

"Following this meeting, we intend to write to each station manager, informing them of the formation of the Advisory Committee on the national level and of our plans for close cooperation. I will strongly suggest that they consider establishing similar Advisory Committees of local organizations, giving consideration to chapters of organizations in our national body.

"I hope that each one of you will give similar consideration to informing your state and local chapters of our plans, and I hope you will urge them to work with local stations and state networks, where they exist, in completing the cycle of constructive involvement between public broadcasters and organizations representing thousands of their viewers and listeners."

RHODESIA CONSTITUTION, RESPONSIBLE REPRESENTATION

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, tomorrow the people of Rhodesia go to the polls. By referendum, they will accept or reject their proposed new Constitution.

No matter what the result, we can expect a great outcry from the left when the voting is finished.

For that reason, and in view of my personal acquaintance with the beautiful country of Rhodesia and with its distinguished and resolute leaders, I call to the attention of our colleagues some facts which they will not hear elsewhere.

First, the path taken by Rhodesians in severing their connections with England is the same path pioneered by our forefathers two centuries ago. While our cherished independence was bought with blood, the Rhodesians have effected their new status without violence or bloodshed.

Second, their proposed new Constitution is submitted to the people in referendum—a far more democratic process than that by which our cherished Constitution was adopted. Remember that ours was ratified by legislatures or conventions, not by the people directly.

Third, when anguished cries from the negrophiles assail our ears, let us remember that neither the Iroquois, nor the Choctaw, nor the Cherokee Nations were seated in the Continental Congress. There are no Indian signatures on the Declaration of Independence. Nor to the Constitution. To this day we make a constitutional distinction between "Indians not taxed" and others. To this day we maintain reservations for the native Americans.

Mr. Speaker, our colleagues may do well to realize that in our own beginnings, the uncivilized tribes—dispossessed and ignored by European colonists who had built a civilization in their lands—were far more civilized than the uncivilized tribes similarly dispossessed by the European settlers of Rhodesia.

Where were the anguished cries in 1776? Surely someone must have realized that the Government being constructed in the newly independent United States would be ruled by the European colonists and not by the native savages who far outnumbered them.

So it is today in Rhodesia—with the exception that there is provision in the proposed Rhodesian Constitution for the eventual equal participation of the black African in the Government.

Such participation by our Indians our founders did not provide. While they realized that taxation without representation was tyranny, they were not blind to the fact that there is yet another side to the coin. Representation without taxation is absolute stupidity—leading inevitably to anarchy.

This we can see in our own land today, although most dare not admit the obvious truth. Only to the extent that individuals have an interest in the preservation of an orderly society should they have a voice in directing its course.

Our friends in Rhodesia recognize this truth—as did our own forefathers in their time.

In order that our colleagues may have ready reference to the actual provisions of the proposed new Rhodesian Constitution, I insert following my remarks the announcement released by the Government of Rhodesia and the introduction and summary of the proposed constitution, along with a news story from Johannesburg, South Africa:

[From Rhodesian Commentary, June 2, 1969]

Constitution Seeks Maintenance of Stable, Progressive Government

The proposed new Constitution epitomized a sincere search for a formula which would reconcile radical differences of race, culture and society of all the people and it sought to allow development of conditions under which the two main races could live in harmony without fear of dominance or subjugation, said the Prime Minister, Mr. Ian Smith, in a radio and television speech.

"The very essence of the Constitution is the maintenance of stable and progressive government. This is offered to you in large measure for as far ahead as we can see: thereafter it will be lodged safely in the hands of future generations."

Referendum Day will be Friday, 20th June.

Mr. Smith said he and Mr. Wilson, after the Fearless talks, agreed that the only point of difference was the appeal to the Judicial Committee of the Privy Council.

But after Mr. Thomson (the British Minister at the time responsible for Rhodesia) had talked with African leaders, this single point had grown into nine non-negotiable conditions.

ALMOST CONTEMPT

The new "obstacles" were unacceptable to the Rhodesian Government, and the Fearless proposals were left lying on the table. Since then, Mr. Smith said, Britain had shown no desire to explore the possibility of negotiating any of the Fearless terms.

Mr. Smith said his Government's last two messages to the British Government were treated "with indifference amounting almost to contempt."

Britain was obsessed with the question of majority rule and all else was subservient. The fact that Rhodesians did not want it and that it would be harmful was irrelevant.

The Government was not prepared to accept conditions which the British conceded were not necessarily in Rhodesia's best interests, but which would help Britain in her "ceaseless and vain" effort of trying to placate the Afro-Asian extremists.

[From Rhodesian Commentary, June 2, 1969]

Africans Can Earn Increasing Part in Government

The introduction to the White Paper on the Proposals for a New Constitution for Rhodesia States:

"The Government believes the present Constitution is no longer acceptable to the people of Rhodesia because it contains a number of objectionable features, the principal ones being that it provides for eventual African rule and, inevitably, the domination of one race by another and that it does not guarantee that government will be retained in responsible hands.

"The proposed new Constitution will ensure that government will be retained in responsible hands and will provide Africans with the right to play an increasing part in government as they earn it by increased contributions to the national exchequer. Moreover, the new Constitution will recognize the right of the African chiefs, as the leaders of their people, to take part in the counsels of the nation.

"The existing inequality in the treatment of the land rights of the races will be remedied. Provision will be made for the same protection to be given to the European Area as that given to the African Area. New Bills governing land tenure, which will replace the Land Apportionment Act [Chapter 257] and the provisions relating to Tribal Trust Land in the present Constitution, will be introduced into Parliament at the same time as the new Constitution. The provisions of the new Bills which are designed to protect land rights of Europeans and Africans will be entrenched in the Constitution.

"Power will be vested in the Legislature to

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delegate to provincial or regional councils or other bodies certain functions of government as and when such delegation is considered to be appropriate.

"The new Declaration of Rights will not be enforceable by the courts. The rights enshrined in the Declaration will be entrenched and will be safeguarded by the creation of a Senate and the vesting in it of power to delay legislation. In this important function the Senate will be advised by a special committee.

"As the Senate will be entrusted with the duty of upholding the Declaration of Rights no provision will be made for a Constitutional Council.

"In addition, the proposed procedure for constitutional amendments will ensure that the Senate will play a significant part in protecting the Constitution and the rights conferred by it."

[From Rhodesian Commentary, July 2, 1969]

Main Aspects of Proposals Outlined

PART 1—PROVISIONS OF THE CONSTITUTION

Chapter I—Head of State

Under a republican form of government he will be chosen by the Executive Council. Whatever form of government is adopted he will hold office for five years and be eligible for re-election for one further period.

Under a republican government he will be removable only on a resolution passed by two-thirds of the House of Assembly.

Chapter II—Legislature

A Senate with 23 members—10 European, elected by electoral college consisting of the European members of the House of Assembly from candidates nominated by European voters' roll; 10 African Chiefs, five each from Matabeleland and Mashonaland; and 3 persons of any race appointed by the Head of State taking into account the requirements of the Senate Legal Committee.

Senate Legal Committee: Not fewer than three members, majority being senators with legal qualifications. Function will be to examine legislation and statutory instruments vis-a-vis Declaration of Rights.

House of Assembly: Initially, 66 members—50 Europeans elected by Europeans on rolls of voters for 50 constituencies; and 16 African members, eight elected by Africans in four constituencies in Matabeleland and four in Mashonaland and eight elected by four tribal electoral colleges in each of the two areas.

Increase in African Members

In principle the number of African members in the Assembly will be in the same proportion to the total number of members as in the contribution by way of assessed income tax on income of Africans is to the total contribution by ways of assessed income tax on income of Europeans and Africans until the contribution by Africans amounts to one-half of the total contribution.

When the contribution of Africans exceeds sixteen sixty-sixths of the total contribution of Europeans and Africans the following procedure will ensue.

African members will be increased two at a time being one additional member for Matabeleland and one for Mashonaland, until the number of African members is equal to the number of European members.

The first increase of two African members will be allocated to the African members elected by tribal electoral colleges and the number of colleges will be increased accordingly. The second increase of two African members will be allocated to the members elected by the voters on the African rolls and the number of African constituencies will be increased accordingly. Subsequent increases will be made in a similar manner.

Every increase of two African members will be made in direct proportion to the increase in the contribution of Africans compared with the total contribution of Europeans and Africans in such a manner that when the contribution of Africans amounts to half the total contribution of Europeans and Africans at that time the number of African members will be equal to the number of European members.

The Delimitation Commission will be charged with the duty of calculating, from evidence supplied by the Commissioner of Taxes, whether there has been an increase in the contribution of Africans as compared with the total contribution of Europeans and Africans sufficient to warrant an increase in the number of African members.

In calculating the contribution of Europeans and of Africans, income tax will be deemed to include supertax. Taxation on companies will not be taken into account.

Language in Parliament

Proceedings in the Assembly will be conducted in English. Proceedings in the Senate will be conducted in English but, for the convenience of the Chiefs for an interim period, debates may be in Chishona and Sindebele as well as in English and provision will be made for the translation of any language used into the other two languages.

Legislation

Any Bill may originate in either House except a Money Bill or a private Bill, which may originate only in the House of Assembly.

Procedure: After a Bill originating in one of the Houses of Parliament has been passed by that House, it will be sent to the other House for consideration. That other House may pass the Bill with or without amendment or may reject it, provided that the Senate will not be able to amend or reject a Money Bill. If the Bill is passed without amendment, it will be presented to the Head of State for assent. If the Bill is amended, it will be returned to the House in which it originated, which House may accept or amend or reject any amendment made by the other House. After the Bill has been returned to the House in which it originated either House may by message to the other House, pursuant to a resolution, agree to any amendment or withdraw any amendment which has been made to the Bill.

Delaying Powers of Senate

The Senate will have the power to delay for 180 days the enactment of a Bill which has originated in the Assembly. Thereafter the Assembly may resolve that the Bill be presented to the Head of State for absent.

Where a Bill originating in the Senate has been rejected by the Senate or has lapsed and an identical Bill is introduced into and passed by the Assembly, if the Senate has not passed that latter Bill within a period expiring 180 days after the original Bill was introduced into the Senate or, if this period has expired within eight sitting days, the Assembly may resolve that the Bill be presented to the Head of State for assent.

The proposals deal with the functions of the Senate Legal Committee in regard to Bills and to subsidiary legislation and the summoning, prorogation and dissolution of Parliament.

Chapter III—The Executive

Executive powers: The executive government will be vested in the Head of State. He will act on the advice of the Executive Council or the Prime Minister or a Minister, as the case may require, except where the Constitution or any other law otherwise requires.

The Head of State will appoint the Prime Minister and in doing so will appoint the person whom in his discretion, he considers to be best able to command the support of the majority of the members of the Assembly.

The Head of State, on the advice of the Prime Minister, will appoint Ministers and Deputy Ministers who and may be removed from office by the Head of State acting on the advice of the Prime Minister.

Executive Council: To advise the Head of State. It will consist of the Prime Minister and such other Ministers as the Head of State, acting on the advice of the Prime Minister, may appoint.

Chapter IV—Judicature

The judicial authority wil be vested in a High Court and having such jurisdiction as will be prescribed by law.

Chapter V—Declaration of Rights

The new Declaration of Rights will follow the general pattern of the existing Declaration. It will be in a form which is more appropriate to a non-justiciable Declaration.

The preamble will state that it is desirable to ensure that every person enjoys fundamental rights and freedoms but will point out that there are responsibilities and duties expected of an individual who receives the protection of the State. The duty to respect the rights and freedoms of others and the public interest and to abide by the Constitution and the law and, in the case of citizens, to be loyal to Rhodesia will be included.

Right to life: The existing exceptions to this right will be extended to permit the use of force where it is reasonably justifiable in the circumstances for the purpose of suppressing terrorism.

Right to personal liberty: In order to cure an omission the exceptions to this right will be extended to cover arrests ordered by statutory tribunals, quasi-judicial authorities and commissions of inquiry in appropriate circumstances.

Preventive detention and restriction will be authorized in the interests of national defence, public safety or public order. An impartial tribunal will be established to review the case of a detainee within a period of three months, if he so requests, and in any case at intervals of not less than 12 months.

An accused person will not be entitled as of right to be released on bail before and during his trial.

The rights to protection from slavery and forced labour and from inhuman treatment will be retained as will the freedom of conscience.

Protection from deprivation of property: The existing provisions will be redrafted to provide that no person shall be deprived of his property unless such deprivation is authorized by law. As at present compulsory acquisition of property by the Government in circumstances where no compensation is payable will be restricted, but provision will be made for the compulsory acquisition of property by the Government in any circumstances so long as adequate compensation is paid.

Protection from search and entry: The existing provisions will be retained save that it will be specifically provided that a law may authorize the search of a person or the entry into or search of a dwelling-house in circumstances where there are reasonable grounds for believing that the entry or search is necessary for the prevention or detection of a criminal offence or for the lawful arrest of a person.

Protection of law: The existing provision will be retained except that the requirement that a person shall not be compelled to give evidence at his trial will be omitted. This requirement is, in any case, contained in the criminal law and should be subject to regulation by ordinary legislation to reflect current trends in criminal procedure.

Freedom of expression and of assembly and association: The existing provision permitting laws made for the purpose of regulating telephony, telegraphy, posts, wireless broadcasting and other matters will be extended to permit laws for the regulation of newspapers and other publications.

Freedom from discrimination: The existing provisions will be revised. Every person will be entitled to the enjoyment of the rights and freedoms in the new Declaration without unjust discrimination on the grounds of race, tribe, political opinion, colour or creed. Specific provision will be made permitting laws relating to African customary law, jurisdic-

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tion of tribal courts and restrictions on the ownership, occupation or use of land.

Public emergencies and disciplinary laws: As in the existing Declaration provision will be made that laws authorizing the taking of justifiable measures during a period of public emergency and disciplinary laws may contain provisions which are inconsistent with certain rights in the Declaration.

Oath of Loyalty

If a republican form of government is adopted persons required under the Constitution to take an oath of loyalty will take an oath to be faithful and bear true allegiance to Rhodesia.

Chapter VII—Amendment of the Constitution, etc.

Ordinary provisions: A Bill to amend the Constitution will require to be passed by the affirmative votes of two-thirds of the total membership of the House of Assembly and two-thirds of the total membership of the Senate:

Provided that, if such a Bill does not receive the required majority in the Senate, it may be reintroduced into the Senate after a period of 180 days, whereupon it may be sent to the Head of State for assent if it has received the affirmative votes of more than one-half of the total membership of the Senate.

Specially entrenched provisions: The procedure to amend the ordinary provisions of the Constitution will be followed in the case of specially entrenched provisions, save that, if the Bill does not receive the affirmative votes of two-thirds of the total membership of the Senate, the Bill will lapse.

Provisions specially entrenched:

(a) The composition of the Senate and the House of Assembly;

(b) The judicature;

(c) The official language;

(d) The Declaration of Rights;

(e) The procedure for amending the Constitution and the provisions of the laws concerning certain provisions of electoral and land tenure laws.

PART 2—ELECTORAL PROVISIONS

Chapter I

Chapter I deals with appointment and functions of the Delimitation Commission.

Chapter II—Qualifications

In Chapter II it is stated that the qualifications as to citizenship, residence, knowledge of English and ability to complete the prescribed application form for enrolment as a voter on any roll will remain as at present. An applicant must be 21 years of age or over.

The existing grounds for disqualification will remain. In addition, a person who is restricted or detained for more than six months will be disqualified for the period of his restriction or detention and for five years after his release.

A European who possesses the general qualifications and is not disqualified will be entitled to enrolment as a voter if he—

(a) Has an income of not less than £900 during each of the two years preceding the claim for enrolment or owns immovable property in Rhodesia valued at not less than £1,800.

(b) Has an income of not less than £600 during each of the two years preceding the claim for enrolment or owns immovable property in Rhodesia valued at not less than £1,200 and, in addition to the income or property qualifications, has completed four years' secondary education of a prescribed standard.

African voters: An African who possesses the general qualifications and is not disqualified will be entitled to enrolment as a voter if he—

(a) Has an income not less than £300 during each of the two years preceding the claim for enrolment or owns immovable property in Rhodesia valued at not less than £600; or

(b) Has an income of not less than £200 during each of the two years preceding the claim for enrolment or owns immovable property in Rhodesia valued at not less than £400 and, in addition to the income or property qualifications, has completed two years' secondary education of a prescribed standard.

Variation of Qualifications

The Head of State, acting on the recommendation of a commission, will be empowered to vary by proclamation from time to time the means and educational qualifications for the African roll in order that the differences between the qualifications for the European roll and the qualifications for the African roll are progressively reduced and eventually eliminated when the number of African seats equals the number of European seats in the House of Assembly.

Chapter III

Chapter III, dealing with elections for roll seats in the Assembly, says a European will not be eligible for nomination for an African roll seat and an African will not be eligible for nomination for a European roll seat.

Chapter IV

Chapter IV deals with Tribal Electoral Colleges.

Chapter V—Members of the Senate

European Senators

The procedure for the nomination of European senators will be similar to that for the nomination of candidates for election to the European seats in the House of Assembly save that a candidate will have to be nominated by not more than 50 or less than 30 persons enrolled on the European voters roll.

A candidate for election must possess the qualifications and none of the disqualifications for nomination as a candidate for a European roll seat in the House of Assembly save that he shall—

(a) Be not less than 40 years of age; and

(b) Have resided in Rhodesia for 10 years during the 15 years immediately preceding his nomination.

The electoral college will be composed of the European members of the House of Assembly. Each member of the electoral college will be entitled to one vote for every vacant seat of a European senator and may not cast more than one vote for any one candidate. The ballot will be secret.

Nomination of Chiefs

The Council of Chiefs will sit as an electoral college for the purpose of nominating and electing chiefs to the Senate. Candidates for election to the five seats reserved for Matabeleland chiefs will be nominated by members of the Council from Matabeleland and candidates for election to the five seats reserved for Mashonaland chiefs will be nominated by members of the Council from Mashonaland.

Procedure for election will be as for European members.

PART 3—LAND TENURE PROVISIONS

Chapter I—Classification of land

All land will be classified as the European Area, the African Area or National Land and the first two will at all times be approximately equal. Various small "islands" of land owned by persons of one race within the area of the other race will be eliminated but the rights of preesnt owners will be safeguarded. It has been calculated that this adjustment will result in the following acreages being allocated to the three categories of land—

(a) 44.9 million acres in the European Area;

(b) 45.2 million acres in the African Area;

(c) 6.4 million acres of National Land.

A board of trustees for each of the European and African areas will determine such transfers and exchanges of land between the land categories as may be desirable to meet changing circumstances and of ensuring that the permitted variations in the area of the respective categories are not exceeded.

Chapter II—European and African areas

Fundamental principles: The European Area shall be deemed to be an area in which European interests are paramount and the African Area shall be deemed to be an area in which African interests are paramount. The rights of Europeans and the restrictions on Africans in the European Area will be on a reciprocal basis to the rights of Africans and the restrictions on Europeans in the African Area.

Composition of Areas: The European Area and the African Area will consist of the following land—(a) privately owned land; (b) State land which may include—(i) forest areas; (ii) national parks; (iii) wild life areas; and will include, in the case of the African Area, Tribal Trust Land.

Residential Areas: The responsible Minister will have the power to declare any area of land zoned for residential purposes to be a non-racial residential area where persons of either race may own and occupy land for residential purposes.

Mining Rights: Any person may occupy land in the Area of the other race if he is granted a right under the mining laws and such occupation is for the purpose of exercising that right.

Certain rights acquired by Africans in respect of the occupation of mission land in the European Area which have been in existence for many years will be subject to registration and review and will lapse on the death of the holders.

Chapter III—National land

National Land will vest in the Head of State and will be inalienable but leasehold rights for periods not exceeding 99 years may be granted to persons of either race.

National Land may be occupied by persons of all races but the use of such facilities as may be provided may be regulated according to the race of the user.

Chapter IV

Chapter IV deals with the entrenchment of certain provisions relating to land tenure.

[From the Washington (D.C.) Evening Star, June 18, 1969]

RHODESIANS LIKELY TO VOTE FOR CHARTER

(By John Worrall)

JOHANNESBURG, SOUTH AFRICA.—The Rhodesian referendum Friday is confidently expected by most political observers to provide yet another triumph for the policies of Ian Smith and his ruling Rhodesian Front party.

Some 90,000 voters—5,000 black—are expected to vote overwhelmingly for a republic and a new constitution that will end the chance of a negotiated settlement with Britain and that will rule out the possibility of Africans achieving majority rule by constitutional means.

Yet there are straws in the Rhodesian wind indicating that although Smith may win his referendum, he may not win it convincingly enough to alter irrevocably Rhodesia's course into the future.

In the first place, this is the first time since the unilateral declaration of independence (UDI) in November 1965 that Rhodesians have had the chance to go into a secret ballot to say what they think about Smith and his party.

Many moderates argue that much potential opposition to the Rhodesian Front has been stifled in public; people are frightened to say what they think. In a secret ballot, the results could surprise.

Secondly, for the first time since the Rhodesian Front won a devastating victory in

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1964, there is an organized opposition among white voters.

This, rallied round a tough Cockney farmer, Pat Bashford, may well muster a quarter to a third of the voters to oppose the referendum.

Thirdly, and possibly most surprisingly, Smith is actively opposed by a vehement vocal right wing which claims that his proposals do not go far enough.

Many of the far-out right will abstain—one observer puts the number as high as one-third of the voters but this is probably stretching the point—and a few will actually vote against the proposals.

All of which means that Smith's "yes" vote could be reduced to below 50 percent of the total voting strength of 90,000. And if this assessment is correct, Smith will be in a dilemma.

Smith has admitted that when this constitution is implemented it will end hopes of a settlement with Britain, and Michael Stewart, Britain's foreign and commonwealth secretary, has heavily underlined this. Talks and dramatic meetings on British warships will be, it seems, over.

The most remarkable thing is the fact that ~~the vocal~~ majority of white Rhodesians will be glad about this total rupture of relations. There was always a fear on the right of the Rhodesian Front Party that Smith would somehow be persuaded to agree to a settlement which would lead to majority rule one day.

To them an infinity of sanctions, isolation, diplomatic nonrecognition, travel bans and the prospect of worse, is better than a handing over of rule to the blacks.

In three and a half years the Rhodesians have become used to isolation. They rather like it. They have found they can live with it. And it has not really been so lonely, with the friendly South Africans to the south and the Portuguese to the east, helping them with the housekeeping.

The Smith constitution closes the door on African hopes to take part effectively in the government of the country.

The assembly will have 50 white MPs and 16 Africans, eight of whom will be elected by state-employed chiefs and tribal headmen, and eight by direct African vote. Africans will have no influence over the election of white candidates. The multiracial senate is nothing much more than a rubber stamp.

The supreme cynicism of this document lies in the method of increasing the number of African MPs. This is related to African income tax contributions which at present run at about 1 percent. No increased African representation can take place till the African tax payments exceed 16-66ths of the total.

In a white dominated economy, the chances of Africans reaching this figure this century are nil. To make sure, however, Smith's plan will bring in new African members two by two until parity with whites is reached. Then the process stops dead.

To make doubly sure the state can vary the means and qualifications for African voters.

Land is being clamped tighter into the mould of apartheid with approximately half for the 4.5 million Africans and the other half for 215,000 whites. Even that proportion is subject to government edict.

Yet the black population is increasing by 3.5 percent every year and will be 10 million in 20 years time, while the whites may have doubled to a mere 400,000.

NEW CBS PROGRAM ORIGINATING IN NASHVILLE

(Mr. FULTON of Tennessee asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, my home district of Nashville—Davidson County has long been recognized as one of the Nation's leading recording centers.

Because of its prominence as a recording center, a number of syndicated television programs have originated from Nashville in recent years, and only recently it became a motion picture center.

It is my pleasure to report today that Nashville is the originating point for a new television network program, "Hee Haw," carried by the Columbia Broadcasting System.

Here in Washington, television reviewer Mr. Lawrence Laurent, of the Washington Post, had very kind words to say in behalf of the new program, and I was particularly pleased to read in Mr. Laurent's review that:

> The biggest inspiration that can be credited to "Hee Haw" . . . was to originate the program at WLAC–TV in Nashville, Tennessee.

Should this hour-long television series prove of lasting success, and I am confident it will, then Nashville can help expand our network television system, which is now basically confined to New York and Los Angeles, for its major productions.

For my fellow Members of the Congress who may have overlooked the review by Mr. Laurent, the text of his review is submitted at this time for inclusion in the Record:

"HEE HAW" SUMMERTIME COUNTRY COUSIN OF "LAUGH IN"

(By Lawrence Laurent)

"Laugh In" has a new country cousin called "Hee Haw" (CBS, Channel 9).

The comparisons between the two shows are endless. But then this is television's season of the country and western format and a "Hee Haw" under some title was inevitable.

Those who favor guitar strumming and singing with a heavy nasal flavor are being favored all over the dial. Glen Campbell is now an established superstar. Johnny Cash (ABC, Channel 7) is a summertime hit. Locally, Channel 7 fills the 6 to 6:30 p.m. block Monday through Friday, with Buck Owens, The Wilburn Brothers, and "Billy Walker's Country Carnival." A half-hour Porter Waggoner Show is seen on Saturdays (7 p.m., Channel 7).

Channel 20 has a 90-minute segment of country and western music on Saturdays, beginning at 5:30 p.m.

The biggest inspiration that can be credited to "Hee Haw" producers Frank Peppiatt and John Aylesworth was to originate the program at WLAC–TV in Nashville, Tenn. This provides ready access to the droves of top musicians who have created "the Nashville Sound." All types of recorded music now come from Nashville and that lovely city has escaped its outworn title as the "capital of country and western music."

(Even the old title was an inept description of a city that is neither country nor western.)

For all its simple adaptations of TV's most popular format, "Hee Haw" isn't a bad summertime show. No one apologizes for the antique flavor of the jokes. If anything there's pride in using "The Cornfield" for rapid fire bucolic gags and as one of the farmer-musicians said loudly: "This show's got more corn than the whole State of Kansas."

No one can argue with the claim.

But the jokes come so fast that the viewer has no time to reflect and groan. Before the viewer can react, four more jokes—of varying quality—will have assailed his ears.

The Rowan & Martin of "Hee Haw" are Buck Owens and Roy Clark. They're more musicians than comics, but there is an earnest eagerness to please that overcomes the lack of polish. In a quieter time in our national history, Owens and Clark would have been called "good old country boys" and it would have been a compliment.

For all the unkind words that are uttered by sophisticates about the machine-tooled, computer-arranged rustic entertainment, this form remains the most durable and the most popular in the United States. Professional hillbillies no longer resent the denigrating remarks about their skills. They simply gun their Cadillacs to the next meeting of the bank's board of directors.

The charm of country-western music and comedy is in its simplicity. Tens of millions enjoy it and several hundred thousand even admit to liking it.

"Hee Haw" is slick, professional production with color animation to interrupt the flow of harmless foolishness and a couple of pretty girls, in brief costumes, to distract the male viewer.

The show's only deception is its claim to having four writers—Jack Burns, George Yanok, Archie Campbell and Gordie Tapp (who performs as Cousin Clem). They're not really writers but they must have access to a file of country jokes that is big enough to fill the Library of Congress.

TRIBUTE TO RICHARD BATTLE, CITY HALL CORRESPONDENT FOR THE NASHVILLE BANNER

(Mr. FULTON of Tennessee asked and was given permission to extend his remarks at this point in the Record.)

Mr. FULTON of Tennessee. Mr. Speaker, Mr. Richard Battle, the city hall correspondent for the Nashville Banner, recently was named recipient of the Metropolitan Nashville Education Association award for his contributions to education in Metropolitan Nashville-Davidson County, Tenn.

Mr. Speaker, this is just one of many, many awards which Mr. Battle, through his astute observation, precise reporting and objective comment, has earned over many years as a journalist of known integrity and dedication.

It has been my pleasure to know Mr. Battle during many of his long years on the Nashville Banner, and there is without doubt no more conscientious and deserving journalist in America today than Dick Battle.

Mr. Battle has honored the Nashville Banner many times in the past as recipients of awards such as this, and he is a credit to our community.

COMMENCEMENT ADDRESS OF HON. JIM WRIGHT OF TEXAS AT HARTWICK COLLEGE, ONEONTA, N.Y., JUNE 8, 1969

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, it gives me a great deal of pride to include at this point in the Record—and thus to make available for the perusal of my colleagues in Congress—the very eloquent and thoughtful address of our beloved colleague, the gentleman from Texas, Jim Wright, to the graduating class of Hartwick College, Oneonta, N.Y., on June 8.

Jim's remarks are very sound and very relevant to our times. What he said was well received by the Hartwick graduates and could profitably be read and pondered by all Americans.

In addition to delivering the commencement address, Congressman WRIGHT was also honored by Hartwick by being presented with the honorary degree of doctor of laws in recognition of his outstanding public service through 14 years in this House, and for his brilliant leadership in the fight for better highways and for the maintenance of fresh and pure water supplies across our land.

The address follows:

TOWARD A UNIVERSAL ARISTOCRACY: HOW FAR WE'VE COME, AND YET TO GO

(Commencement address by Congressman JIM WRIGHT, Hartwick College, Oneonta, N.Y., June 8, 1969)

In the age group of today's graduating class, one out of five Americans will finish four years of college. Members of this class are among the fortunate 20 per cent.

What does that statistic say to you? How do you react to it?

Are you inclined, for example, to say: "How great! What a magnificent country this is that so large a number can finish college in America today!"?

Or do you find yourself saying: "Just 20 per cent? How sad! That means 80 per cent don't make it this far! What a shame that, in so rich a nation, we haven't been able to do better than this."?

Or is your reaction more personal? Would you instinctively think: "How lucky to be one of this fortunate number!"?

Any of the three could be correct. In fact, all three summations *are* correct. It depends entirely upon your perspective.

Any statistic, in order to have meaning, must be seen in relation to other statistics. It has to be compared with something.

It is perfectly natural, therefore, for members of my generation to point with pride at social phenomena which the present college generation may view as alarmingly inadequate.

As a point of reference, for 76 per cent of an age group to finish twelve years of public schooling and for 20 percent to progress through four years of college—as is the case in America this year—is a far better record than any nation has ever achieved in the history of humankind. For us, it represents a rapid gain.

Exactly one generation ago, when Congressman Sam Stratton and I were approximately your age, the percentage of our contemporaries who completed work for a bachelor's degree was only about one-fourth the percentage that do so today. And so, in the swelling ranks of academia, we see measurable and heartening progress.

It is natural, too, that those who've lived most of their lives in other countries, comparing our record with theirs, often regard America as the promised land. They can be extremely impatient with our impatience with ourselves.

Throughout the world as a whole, the proportion of college graduates in the ascending generation is not one in five as it is here but more like one in 250. And in some countries of Asia, Africa and Latin America it still is less than one in 1,000.

But it is equally natural for American youth, lacking any such basis for personal comparison, to compare existing conditions with the ideal and find them wholly unacceptable.

The older generation thinks of how far we've come. The younger thinks of how far we have yet to go.

Much has been said about a communications gap between the age groups. I think the heart of the matter is expressed in a line from a play, *The Angry Young Men*. A girl in tears is trying to explain to her father, a comfortable member of the British "establishment," why there is so little understanding between him and her militant, impatient young husband.

"Don't you see, father," she pleads, "you are *both* angry. You are angry because the world is changing so *fast*. And he is angry because the world is changing so *slowly*."

The nation's educational attainments offer only one, but one very good, gage to measure how far and how fast we have progressed toward the goal of which our fathers dreamed.

Thomas Jefferson believed that universal enlightenment was the indispensable key to solving social ills. In 1816, he wrote:

"Enlighten the people generally, and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day."

To measure how far we have come as a people, it is necessary to understand where we set out to go. In one important respect, our goal was different from that of any other major culture. We sought neither to destroy the aristrocracy nor to perpetuate it as an exclusive ruling class. We sought instead to *universalize* it.

Unlike the French and Russian Revolutions which strove to bring down the nobility and install a dictatorship of the proletariat, the American Revolution—and it is still in progress—set out to *expand* the privileged class until it shared its benefits with the humblest citizen of the land.

Ours was to be an aristocracy with a difference. Not an aristocracy to which some are born and others forever denied, but one to which *all* could aspire and which *most* could attain.

Our aim was not a snobbish aristocracy which derives its pleasure from exclusiveness, but one which constantly seeks to enlarge its membership. Not an aristocracy of special privilege, but one of universal privilege whose members qualify by self-preparation and by assuming the responsibilities which go with privilege.

Let's see just how far we have come, in recent years, toward that goal. Today's graduates, and those of your generation, may feel that our progress toward a universal aristocracy has been too slow. It would be normal for you to think this way.

Look back with me for one generation. In 1946, a politically active group of college age youth in my state adopted a series of resolutions which set teeth on edge, shocked the satisfied, alarmed the complacent, and frightened the staid and stuffy almost out of their senses. And what did those resolutions advocate? Let me tell you the most terrifying ones:

Federal aid to education;
Medical care for the elderly;
A full employment act;
A fair employment practices act;
An anti-lynching law;
And abolition of the poll tax!

In 1946, all of these were "radical" ideas. Today every single one of them has become the law of the land, and nobody thinks of them as "radical" or frightening.

There is a danger, I know, in one of my generation suggesting to those of yours that you should take pride in the accomplishments already achieved. The danger is that we both may fall prey to self-satisfaction and, looking to the glories of the past, lose sight of the needs of the present and the promise of the future.

But, at the risk of sounding like the Squire of Squaresville, let me ask you to consider only the past eight years—the years since the members of this graduating class were preparing to enter high school. There is abundant justification for pride!

Since February of 1961 we have witnessed 100 months of continuous economic expansion—the longest period of uninterrupted economic growth, unbroken by a major recessionary ripple, in the entire history of this or any other nation!

That isn't bad.

In these few short years, our Gross National Product has grown by better than 50 per cent—an all-time record for a period of such short duration!

Average family income has increased by 56 per cent and—even considering the increase in the General Price Index—the actual buying power of the average American family, after taxes, is up approximately 30 percent from 1961.

We have created the climate for a vibrant private economy in which business profits are up 57 per cent and individual savings have increased by almost 70 percent.

The economy has generated more than 12 million new and additional jobs. There are more than 75 million people gainfully employed in the United States, and unemployment—as a percentage of the population—is at an all-time low!

The last two Congresses have authorized more money for education, for health, and for air and water pollution control than *all* the Congresses in previous history combined.

And more has been done in the past four years—since this graduating class began college—to eradicate the evils of poverty than has been accomplished in any like period by any nation in history.

We still have a long way to go before the dream of equal opportunity for all is a reality. We have been slow to make the dream come true for some of our racial minorities. But think of how far we have come in just the last decade—farther than in all the Century since the Emancipation Proclamation! Ten years ago only 31 per cent of the young nonwhite Americans finished high school. This year it will be 62 per cent—exactly twice as many. Ten years ago only 4.5 per cent of their number finished four years of college, and today it is better than 10 per cent . . . more than twice as good.

No nation, no civilization, no organized society has ever achieved such remarkable gains in so short a period of time!

I mention these things not in an effort to make you satisfied. You should not be satisfied. If your generation were wholly satisfied with the progress our society has achieved, you would have little to give.

There are three basic ingredients which the young—in every succeeding era—must supply for society. These ingredients are idealism, innovation, and impatience. Even the latter—when not carried to a ridiculous extreme—can be a virtue, as hard as it is for some middle-aged Americans to recognize this fact. Impatience with the soluble evils of the age has forever been the spark which has fired the engine of Democracy.

My purpose is dwelling as I did upon the gains we have so recently achieved is simply to demonstrate that *the system is working*—not perfectly, to be sure, but far better than any other system civilized man has ever devised.

What our system boils down to is this: *Everybody* has the right to *have his say*. Nobody has the right to *get his way*. What too many people really mean when they say "the system isn't working" is that they are not getting their way. The system exists to guarantee that everybody may have a *voice*. It provides a forum in which that voice may be *heard*. It does not guarantee that any particular voice will be *heeded*.

Nobody has the right to go outside the lawful processes, to take the law into his own hands just to get attention or just to get his way. Whoever does this behaves in a very juvenile manner. Whatever his chronological age, he is *too immature for a college degree*. And, however impressive his academic attainment, he is too immature for a major role in society.

If we are crossing the ocean together in a ship, and some are dissatisfied with the speed

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under which we are moving, they certainly do not hasten progress by setting fire to the boat!

Indeed, youth should be dissatisfied with the progress society has attained. As good as our record is, it is not good enough.

The unfinished business of our age calls for the best that your imagination, your learning and your statesmanship can offer.

The times challenge us to make our cities not only habitable but happy. The teeming squalor of the ghettos will give way when we think not only of face-lifting but of home building.

It is not good enough merely to replace existing slums with glistening high-rise apartments whose rents are totally beyond the capacity of the slum dweller.

It isn't good enough merely to compensate the unemployed with begrudging monthly payments when government and industry together have the capacity to train the unemployed to the skills that have value in the market place.

It isn't enough that we have the busiest factories and the most automobiles of any nation in the history of mankind. We also should have the cleanest air and the purest water and be first in the quality as well as in the quantity of things our society produces.

It isn't enough to be the envy of the world. More important that we should be the inspiration of the world.

We can better boast when an atmosphere of public civility replaces the angry fanaticism that stalks some parts of our land, when our love of liberty is matched by our respect for law, and when all the streets are safe for women and children to walk without fear.

Each of these is a challenge which can be conquered. But they will not be conquered without your help—without your idealism, your innovations, and your intelligently directed impatience.

My generation also had its "bags" and its "hang-ups." When Sam Stratton and I were in college, the twin evils of the time were fascism and depression. If you properly accuse us of "materialism" and consider those of my generation too preoccupied with financial security, just remember that there was for us a burning idealism in the dream to broaden the base of America's aristocracy so that the *average family* need not know the pangs of economic want.

Perhaps I can understand at least a part of the disenchantment in your generation. Our institutions have become increasingly impersonal and people are in danger of becoming numbers, statistics only. So here is a challenge—to see somewhow that an ever more crowded and ever more computerized social structure does not rob life of the warmth, the friendliness and the graciousness of humanity.

Many of my generation share your revulsion for the pursuit of the fast buck, the hunger for power, the demands of status, the jungle of machines, the brutalizing of human values, the cold and growing impersonality of public institutions.

Somewhere along the line there *should* be time for graciousness, for serene reflection for courtesy, for generosity, for mercy. Somewhere along the line there *should* be a moment to . . . well, to do unto others as we'd have them do unto us.

As long as there are people, there will be a society. The only way to escape from society is to die. So let's make it a good society—a little more the way a gracious God meant it to be.

Do you dispute the system of values on which you were nurtured? Fine. Go ahead and question them. But before you simply discard them, create something better to put in their place.

For these are the values evolved by some 200 hip generations before you, generations who were not wholly satisfied by the older values.

So don't just sit there and curse the darkness. Light a candle.

The current generation of college graduates can approach society and its problems in one of three ways. You can *resign from society,* drop out, tune off, join the little cadre of self-indulgent drones who produce nothing, contribute nothing, blaze no trails and leave no footprints for anyone to follow.

Or you can *be at war with society,* adopt an attitude of unreasoning hostility and total mistrust for anyone who does not embrace your ideas fully and immediately, stage endless and senseless demonstrations against the very social order itself, follow the politics of disruption and in the end destroy the very machinery of the orderly Democratic process which alone can produce the solutions you claim to want.

Or you can do as the best from other generations have done. You can *participate as full-scale members* in the orderly electoral process, sharing with society your dreams and your hopes, your visions and your labors, and thus building a brighter and a better future for our land and for all mankind.

To our political institutions, bring your gifts of idealism and innovation and impatience. The years will temper the impatience and purify the spirit of innovation through the filter of wisdom. But let them not tarnish the idealism, for it is the leaven in the loaf, and without it we would perish.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Monagan (at the request of Mr. Podell), for Thursday, June 19, 1969, and Monday June 23, 1969, on account of official business.

Mr. Wolff (at the request of Mr. Podell), for Thursday, June 19, 1969, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gross, for 40 minutes, on Monday, June 23; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Jones of Tennessee); to revise and extend their remarks and include extraneous matter:)

Mr. Rodino, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Daniels of New Jersey, for 60 minutes, on June 25.

Mr. Lowenstein, for 60 minutes, on June 26.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dorn in two instances and to include extraneous matter.

Mr. Sandman and to include extraneous material.

Mrs. Green of Oregon, to extend her remarks immediately following those of Mr. Dellenback and to include extraneous matter.

(The following Members (at the request of Mr. Miller of Ohio) and to include extraneous matter:)

Mr. Hosmer in two instances.

Mr. Wyatt.

Mr. McDonald of Michigan.

Mr. Burke of Florida.

Mr. Taft in two instances.

Mr. Utt.

Mr. Cleveland in two instances.

Mr. Dellenback.

Mr. Bates.

Mr. Frelinghuysen.

Mr. Saylor.

Mr. Wold.

Mr. Brown of Michigan.

(The following Members (at the request of Mr. Jones of Tennessee) and to include extraneous matter:)

Mrs. Griffiths in two instances.

Mr. Jacobs.

Mr. Bolling in two instances.

Mr. Hanna in two instances.

Mr. Long of Maryland in two instances.

Mrs. Sullivan in two instances.

Mr. Ottinger.

Mr. Fraser in two instances.

Mr. Rarick in three instances.

Mr. Obey in two instances.

Mr. Evins of Tennessee in two instances.

Mr. Bennett in two instances.

Mr. Anderson of California.

Mr. Macdonald of Massachusetts in two instances.

Mr. Dulski in two instances.

Mr. Jones of North Carolina.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 856. An act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; to the Committee on Foreign Affairs.

S.J. Res. 90. Joint resolution to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation therefor; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. JONES of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, June 23, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

870. A communication from the President of the United States, transmitting amendments to the request for appropriations for foreign economic assistance transmitted in the budget for the fiscal year 1970 (H. Doc. No. 91–132); to the Committee on Appropriations and ordered to be printed.

871. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the Keystone Job Corps Center for Women, Drums, Pa., operated by the RCA Service Co., a division of the Radio Corp. of America, under a contract with the Office of Economic Opportunity, pursuant to the Economic Opportunity Act of 1964; to the Committee on Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EVINS of Tennessee: Committee on Appropriations. H.R. 12307. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–316). Referred to the Committee of the Whole House on the State of the Union.

Mr. MATSUNAGA: Committee on Rules. House Resolution 446. Resolution for consideration of H.R. 4284, a bill to authorize appropriations to carry out the Standard Reference Data Act (Rept. No. 91–317). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 447. Resolution for consideration of H.R. 11249, a bill to amend the John F. Kennedy Center Act to authorize additional funds for such Center (Rept. No. 91–318). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 448. Resolution for consideration of H.R. 12167, a bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 91–319). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 449. Resolution for consideration of H.R. 12307, a bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–320). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (for himself, Mr. Boggs and Mr. Byrnes of Wisconsin):

H.R. 12290. A bill to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low-income allowance for individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. ANNUNZIO (for himself, Mr. Blackburn, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Byrne of Pennsylvania, Mr. Carey, Mr. Daniels of New Jersey, Mr. Dent, Mr. Diggs, Mr. Fascell, Mr. Fulton of Tennessee, Mr. Halpern, Mr. Howard, Mr. Kluczynski, Mr. Lukens, Mr. Morgan, Mr. O'Neill of Massachusetts, Mr. Perkins, Mr. Ronan, Mrs. Sullivan, Mr. Thompson of New Jersey, Mr. Tunney, Mr. Whalen, Mr. Charles H. Wilson, and Mr. Yatron):

H.R. 12291. A bill to amend the Small Business Act to make crime protection insurance available to small business concerns; to the Committee on Banking and Currency.

By Mr. CLEVELAND:

H.R. 12292. A bill to amend title 23 of the United States Code to authorize certain federally owned real property to be made available to persons displaced as a result of highway construction; to the Committee on Public Works.

By Mr. DULSKI:

H.R. 12293. A bill to amend the act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital and for other purposes," approved September 5, 1962; to the Committee on Interior and Insular Affairs.

By Mr. EILBERG:

H.R. 12294. A bill to amend the Railroad Retirement Act of 1937 to provide for equal treatment of men and women with respect to eligibility for annuities on the basis of age 60 and 30 years of service; to the Committee on Interstate and Foreign Commerce.

By Mr. MAYNE:

H.R. 12295. A bill to authorize the Secretary of Commerce to conduct research and development programs to increase knowledge of tornadoes, squall lines, and other severe local storms, to develop methods for detecting storms for prediction and advance warning, and to provide for the establishment of a National Severe Storms Service; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 12296. A bill to provide equitable treatment to purchasers of U.S. savings bonds; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 12297. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces; to the Committee on Armed Services.

By Mr. O'NEILL of Massachusetts:

H.R. 12298. A bill for the relief of certain distressed aliens; to the Committee on the Judiciary.

By Mr. PODELL (for himself and Mr. Staggers):

H.R. 12299. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. RIEGLE:

H.R. 12300. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 12301. A bill to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STEIGER of Wisconsin:

H.R. 12302. A bill to amend the Military Selective Service Act of 1967 in order to provide for a more equitable system of selecting persons for induction into the Armed Forces under such act; to the Committee on Armed Services.

By Mr. UTT:

H.R. 12303. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 12304. A bill to amend the Internal Revenue Code of 1954 to permit coordination with corrective action by the States where exemption from tax is denied to certain organizations described in section 501(c)(3) of such code; to the Committee on Ways and Means.

By Mr. EVINS of Tennessee:

H.R. 12307. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes.

By Mr. HORTON (for himself, Mr. Morse, and Mr. Fraser):

H. Con. Res. 292. Resolution to provide for a permanent United Nations peacekeeping force; to the Committee on Foreign Affairs.

By Mr. DIGGS:

H. Res. 443. Resolution restoring to Adam Clayton Powell certain rights and benefits as a Representative in Congress; to the Committee on Rules.

By Mr. McCARTHY (for himself, Mr. Adams, Mr. Addabbo, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Burton of California, Mr. Clay, Mr. Conte, Mr. Fraser, Mrs. Hansen of Washington, Mr. Hicks, Mr. Lowenstein, Mr. McCloskey, Mr. Moorhead, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Rees, Mr. Reid of New York, Mr. Ruppe, Mr. St. Onge, Mr. Stokes, Mr. Vanik, and Mr. Waldie):

H. Res. 444. Resolution urging the President to resubmit to the Senate for ratification the Geneva Protocol of 1925 banning the first use of gas and bacteriological warfare; to the Committee on Foreign Affairs.

By Mr. WYLIE (for himself, Mr. Watkins, Mr. Clancy, Mr. Watson, Mr. Collins, Mr. Hunt, Mr. Schadeberg, Mr. Goodling, Mr. Zion, Mr. Roudebush, Mr. King, Mr. Scherle, Mr. Bray, Mr. Adair, Mr. Buchanan, Mr. Betts, and Mr. McClure):

H. Res. 445. Resolution relating to the recovery of Government funds improperly expended for private purposes by Adam Clayton Powell, Representative in Congress from the State of New York; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

227. The SPEAKER presented a memorial of the Legislature of the State of South Carolina, relative to an investigation of the recent increase in the prime interest rate and enactment of appropriate legislation to control interest rates, which was referred to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 12305. A bill for the relief of Jose Cristobald Tapia; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 12306. A bill for the relief of Michele and Ivana Tiriticco; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

149. By Mr. LONG of Louisiana: Petition of Rapides Parish School Board, Alexandria, La., relative to redress of grievance over a decision by the Fifth Circuit Court of Appeals; to the Committee on the Judiciary.

150. By the SPEAKER: Petition of Miss E. Hawthorne, and others, relative to the posthumous award of the Congressional Medal of Honor to Gus Grissom, Ed White, and Roger Chaffee; to the Committee on Armed Services.

151. Also, petition of Henry Stoner, York, Pa., relative to publication of an annotated version of the Constitution of the United States; to the Committee on Rules.

152. Also, petition of the Association of Indiana Counties, Inc., Indianapolis, Ind., relative to taxation of State and local government securities; to the Committee on Ways and Means.

153. Also, petition of the County Council, Greenville County, S.C., relative to taxation of State and local government securities; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

HUD ANNOUNCES RESEARCH PROJECT DESIGNED TO TAILOR PROGRAMS TO NEEDS OF SMALL TOWNS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. EVINS of Tennessee. Mr. Speaker, I am pleased to report that the Department of Housing and Urban Development appears to be devoting more of its resources to programs and policies designed to assist our smaller communities in achieving growth and progress.

This effort is directly related to the solution of the problems of our larger cities and metropolitan areas because, as we all know, the lack of economic development and employment opportunities in our small town and rural areas have helped to create the outmigration which has intensified the problems in our cities.

In this connection HUD has just announced a $150,000 research project designed to determine how HUD programs can be made more effective in our smaller communities.

Because of the interest of my colleagues and the American people in this matter of rural-urban balance, I place a copy of the press release concerning this research project in the RECORD:

BETTER DELIVERY OF HUD PROGRAMS TO SMALL TOWNS IS OBJECT OF STUDY

How Federal urban programs should be modified to support desirable improvements in community life in small towns is the goal of a $150,000 research effort announced today by Secretary George Romney of the U.S. Department of Housing and Urban Development.

The research will be carried out by the Jacobs Company, Inc., of Chicago, Ill., a management consultant firm specializing in all aspects of public administration and finance. The firm will study the physical, social, economic and governmental needs of small communities and make recommendations for adapting or developing HUD and other Federal programs to effectively meet such needs.

In announcing the one-year contract, Secretary Romney said that "properly designed programs of assistance, geared specifically to small communities, could result in substantial benefits both to present residents and to those members of our rapidly increasing and shifting population who would be attracted by the presence of economic, physical and social improvements in small-town America."

Secretary Romney noted that there are a variety of unmet needs among communities with populations under 50,000 which have not received adequate attention from other governmental levels.

"Until now," he said, "no systematic study relating the small town in the United States and the means to gain the most effective benefits from HUD and other Federal programs has been undertaken."

The Jacobs Company will employ the systems analysis expertise of the Planning Research Corporation to assure a comprehensive, indepth analysis of the small community, its problems and its needs, and the effectiveness and possible improvement in HUD programs.

The end product of this study will include three reports, devoted mainly to (1) an analysis of the basic characteristics, capabilities, and perceived problems of the small communities selected for study; (2) a statement of the problems and needs of the selected small communities as analyzed by the research teams; and (3) an analysis of Federal resources, both current and potential, for meeting the needs and problems of small communities.

The study also will investigate the possibility of developing a broadly based small community profile for use by HUD in further studies of small communities. Recommendations will be made on the feasibility of using a standardized profile form for continuing studies, the types of information which should be included based upon this research effort, and the ways in which existing information can be supplemented through these techniques.

The study will be supervised by HUD's Office of Small Town Services. This office was created to sharpen HUD's focus on less populous communities and to improve the delivery of program information and technical assistance to small town officials. It also has the responsibility for recognizing and analyzing needs of small cities and coordinating Federal, State, local and private efforts to meet those needs.

DEATH OF TOM McATEER, IDAHO STATE SENATOR

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Thursday, June 19, 1969

Mr. CHURCH. Mr. President, I have just lost, and the State of Idaho has lost, a fine and good friend. He was Tom McAteer, a State senator from Bannock County—a railroad man, a sportsman, and a courageous conservationist.

I have wanted, for a long time, to salute his work and his fine Irish integrity. Now—when he is gone—I come to the task and find that our mutual friend, Pierre Pulling, has captured in words what I have long felt about Tom.

Mr. President, I ask unanimous consent to have printed in the RECORD this eloquent tribute by Pierre Pulling to this important man, published in the Intermountain Observer of June 14, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOM MCATEER

(By Pierre Pulling)

The sudden death of Pocatello's Sen. Thomas McAteer was a jolt. It was not really surprising. Mac had been a strong man, and still seemed to be strong. But he had had a heart condition for some time, and everyone knows about strong men with weak hearts. They go out fast when they go.

There is a faint silver lining under the cloud. Mac was an enthusiastic field sportsman, and he was on a fishing trip at the drop-out. It's the way most of us would choose when we must Cross The Bar. Further, though Mac still had much to do, and the ability to do it, a lot of grain had been garnered. I know of little of his successful railroad work. I saw him as a conservationist and a legislator.

We first met as members of the now disbanded Bannock County Sportsmens Association. We both shifted to the South End Idaho Rod & Gun Club, ably organized and still competently led by Bill Reynolds.

Mac was a born-and-bred natural resources booster. He was a natural for State Senator. During his two sessions, he did as much for conservation as anyone could do. I can be plenty critical of politicians. "Horse trading" is inevitable, but can get disagreeable. Mac was a sharp trader. He kept no spavined mounts. Though his Irish wit was charming, his stance was solid as the mountains he protected. And his stature matched his mountains. He made no legislative blunders as I saw them. And I watched!

His friends, his Legislature, and his Idaho will miss Tom McAteer. Repeat, his work was not done, but he accomplished more than most of us can in the time that he had. It was rewarding to work for 20 years with a gentleman of such high caliber. Idaho's renewable natural resources are her most valuable possessions. Mac's influence on them will remain long after he and the rest of us are forgotten. And he will not be forgotten for a long time.

PROFESSIONAL PAY AND CONTINUATION BONUSES FOR JUDGE ADVOCATES IN THE UNIFORMED SERVICES

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. MOLLOHAN. Mr. Speaker, I have today introduced legislation authorizing professional pay and continuation bonuses for judge advocates in the uniform services.

In doing so, I want to note that retention of military attorneys has been drastically low in the Armed Forces for a number of years and, as a consequence, the services are woefully undermanned in the middle grades, that is, senior captains, majors, and junior lieutenant colonels. If this trend continues—and there is no reason to expect it will not—the Armed Forces will, in the near future, be staffed with the judge advocate departments consisting almost exclusively of very junior officers. To illustrate this, 62 percent of the Army's current judge advocate manning consists of lawyers with less than 3 years of legal experience. I should further point out that the Military Justice Act of 1968, which becomes effective August 1, 1969, requires 744 more experienced lawyers in the services to implement it in accord with the congressional mandate. You will note that I said 744 additional experienced lawyers, those in the grades which I have already pointed out as being woefully undermanned and for which there currently seems to be no near-term possibility of alleviating without additional incentives.

XUM

With regard to the bill I am introducing, I invite my colleagues' attention to the remarks in the Record by Mr. Olsen of Montana on May 27, 1969. In them, he graphically outlined the great disparity between the pay of uniformed attorneys to that of their civil service and civilian counterparts. In point fact, a lawyer major's top pay, even including the July 1, 1969, pay raise, ranges up to $5,000 per year less than his civil service counterpart or a civilian practitioner with like experience.

Attracting and retaining competent lawyers presents a serious problem much like the case of physicians. For, unlike the other skills in which the services may have retention problems, service lawyers are trained at their own expense. In point of fact, the Armed Forces are prohibited by law from training them. And, even after the Armed Forces recruit young lawyers and develop them to the point of full productivity, the services presently have no inducements which will attract them to a military career.

Lawyers, as they mature and gain experience, increase in ability and effectiveness. Actually, most of them reach their most productive years when those in most other skills and professions have passed their peak or nearly reached the age of retirement.

Nor is special pay or continuation bonuses for special skills or professions a novelty. Military physicians and dentists are currently authorized—dependent on their grade and experience—$100 to $350 per month plus longevity pay credit and continuation bonuses; veterinarians receive $100 a month in extra pay; and there are some 484 designated service skills and specialities that are accorded special pay and bonuses. Considering his special educational background and length of training needed to reach maximum effectiveness, military lawyers stand alone as a group for which there is neither inducement to enter the service nor incentive to stay. And, for those services not dependent upon present draft laws, the inability to attract lawyers will become even more aggravated if the present draft laws are changed.

In conclusion, my bill is an effort to alleviate the problem of attracting and retaining judge advocates in the Armed Forces. I am convinced that, unless drastic measures are taken soon to reverse the sharp decline in the retention of career judge advocates, we will have reached a point of no return.

WITHDRAWAL OF TROOPS IN VIETNAM

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, June 19, 1969

Mr. FANNIN. Mr. President, on behalf of the Senator from South Carolina (Mr. Thurmond), I ask unanimous consent to have printed in the Record a statement by him relating to the withdrawal of troops in Vietnam and an editorial entitled "One More Gesture," published in the Columbia (S.C.) State.

There being no objection, the statement and editorial were ordered to be printed in the Record, as follows:

Withdrawal of Troops in Vietnam

Mr. Thurmond. Mr. President, when President Nixon announced the withdrawal of 25,000 troops from Vietnam, I supported the President's measure. It is a risk, but it again demonstrates America's desire for peace. If North Vietnam does not reciprocate, then further withdrawals should be carefully reconsidered.

It is a calculated risk which is made possible only because of the Nixon Administration's vigorous efforts to step up the training and equipping of the South Vietnamese troops. If the bombing halt and the withdrawal of these troops does not convince Hanoi to negotiate for peace, then the world should be convinced once again that Hanoi does not want peace.

Mr. President, the State newspaper in South Carolina reflects these views in an excellent editorial. The distinguished Editor, Mr. William D. Workman, Jr. states:

> "Does Hanoi want peace? Then let the Communists respond to this overture by some show of accommodation. . . . Let us wait for some sign from Hanoi, if that is the President's decision, but let us not wait forever. If Hanoi wants war, then let us see that it is war she gets."

One More Gesture

The decision has been made to scale down the U.S. garrison in Vietnam, and hopes for peace have taken wing again. It is the nature of hope, as Alexander Pope observed, to spring eternal. And it is the nature of the enemy in Vietnam, one remembers glumly, to accept whatever concessions are offered and to give nothing in return.

This time, we are assured, it will be different. Already, Paris observers report, the enemy is showing a new willingness to negotiate an end to the war. Just the other day, it is said, Hanoi negotiators approached Washington negotiators and asked for elaboration on some point raised in the Nixon administration's peace proposals. This is widely interpreted as a mark of peaceful intent.

Perhaps it is, and then again perhaps it isn't. In Vietnam, history is on the side of the pessimist. More than once, Hanoi has been advertised as mellowing. More than once, Washington has sought to take advantage of this new reasonableness by making military concessions. And more than once, not to say always, Hanoi has proved to be just as unreasonable as before.

No better evidence of this comes to mind than the events surrounding the so-called bombing halt agreement. Then, too, it was alleged that Hanoi stood ready to participate in a mutual scaling down of the war. American bombers were grounded, and American hopes for peace took off on gossamer wings.

Hanoi had agreed, President Johnson announced, to desist from attacks on South Vietnamese cities and we had agreed to quit bombing cities in the north. In the end, of course, the "agreement" was observed to evaporate. American bombing stopped as promised, but the North Vietnamese soon resumed their shelling.

Critics of America's Vietnam effort never tire of insisting on some show of "good faith" by Washington and Saigon, and they never seem to be discouraged when allied concessions lead nowhere. Now, once again, the allies have agreed to de-escalate the war effort—this time on the ground. Twenty-five thousand GIs soon will be replaced by South Vietnamese troops, and the way is open for even larger American withdrawals in the next few months.

Does Hanoi want peace? Then let the Communists respond to this overture by some show of accommodation. For a start, they might revise their dumb-show performance in Paris, where they have been content so far to keep the peace talks bogged down in a tiresome dialectic. They might also respond on the battlefield. Military sources in Saigon expect a new enemy offensive, perhaps by the end of the month. If the Communists earnestly desire peace, then let it begin here. One word from Hanoi, and the proposed offensive could be stopped.

By the same token, one word from Washington and the awesome, irresistible military power of the United States could be brought to bear on North Vietnam—not in hesitant half measures, but in an unrestricted onslaught that would reduce the enemy's major cities and ports to rubble and obliterate North Vietnam's capacity to make war. Let us wait for some sign from Hanoi, if that is the President's decision, but let us not wait forever. If Hanoi wants war, then let us see that it is war she gets.

DANGER TO OUR CIVIL RIGHTS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. ANDERSON of California. Mr. Speaker, I would like to call to the attention of my colleagues a resolution which was recently adopted by the Council for Civic Unity in San Francisco with regard to the growing movement seeking abolition of the Emergency Detention Act, subtitle II of the Internal Security Act of 1950.

The resolution, with which I am in agreement, points out the grave danger to the civil rights of all Americans that the Emergency Detention Act contains. This act provides that, during periods of "internal security emergency, any person who probably will engage in or probably will conspire with them to engage in acts of espionage" can be incarcerated in detention camps without a trial to establish his guilt or innocence.

Mr. Curt Moody, Council for Civic Unity Director, stated:

> The experience of this country's injustice to our citizens of Japanese ancestry during World War II should be enough to make any thoughtful person recognize the dangers of such a law. Justice, if it is to be meted out, must acknowledge the right of an individual to his day in court. The law must deal with the individual, not a group identifiable by skin color or national origin.

I strongly urge my fellow colleagues to support H.R. 11373 and H.R. 1825, bills which have been introduced and would repeal title II of the Internal Security Act of 1950.

The resolution follows:

Resolution of San Francisco Council for Civic Unity

Whereas as members of the Board of Directors of the Council for Civic Unity, with knowledge of the experience of Japanese-American Citizens in emergency detention, we recognize the danger of Subtitle II of the Internal Security Act of 1950 (Emergency Detention Act), to the civil rights of all Americans, and

Whereas, we as American citizens of all nationalities, regret that sad part of our recent history, and

Whereas the Emergency Detention Act provides that, during periods of "internal security emergency", any person who *probably* will engage in, or *probably* will conspire with others to "engage in, acts of espionage" can be incarcerated in detention camps, and

XUM

Whereas a person detained under the Emergency Detention Act will not be brought to trial under law, but instead will be judged by a Preliminary Hearing Officer and a Detention Review Board, wherein the detainee must prove his innocence, but the government is not required to disclose evidence or produce witnesses to justify the detention, and

Whereas said procedures violate all constitutional guarantees and protections, of democracy, and are unnecessary, as existing laws and procedures are available and are completely adequate to safeguard internal security, and

Whereas such a law has ominous implications for the racial and ethnic communities because of past history and because of its approach to justice in group rather than individual terms, contrary to the best American traditions, Therefore be it

Resolved, That the Council for Civic Unity should utilize its available resources to oppose this measure and strongly commend the Board of Supervisors of the City and County of San Francisco for their opposition to Subtitle II of the Internal Security Act of 1950, and be it further

Resolved, That copies of this resolution be sent to all members of the Congress and to the Board of Supervisors of the City and County of San Francisco.

BELLE A. MANSFIELD

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mrs. GRIFFITHS. Mr. Speaker, 100 years ago, on June 18, 1869, Belle A. Mansfield, of Mount Pleasant, Iowa, became the first woman to be admitted to the bar in the United States. To honor this centennial year, the National Association of Women Lawyers, in cooperation with other national women's organizations has sponsored significant programs in each of the 50 States. As a woman lawyer, I am especially proud to bring attention to this historic occasion which made possible the many constructive contributions by American women in the field of law over the past century.

Arabella Babb Mansfield, more frequently referred to as Belle A. Mansfield, was the first female American licensed to practice law when the Supreme Court of the State of Iowa on June 18, 1869, granted such admission. Mrs. Mansfield was a graduate of Iowa Wesleyan and studied law with her brother in the law offices of a Mount Pleasant firm.

At the time of Mrs. Mansfield's application for admission to the Iowa bar, a statute provided that only white male persons could be admitted to the practice of law. A court decision was necessary and this was rendered by the Iowa Supreme Court stating that "the affirmative declaration that male persons may be admitted is not implied denial to the right of females." The words "white male" were deleted from the Iowa code on March 8, 1870.

Today, there are approximately 9,000 women lawyers in the United States. They have been admitted to all major law schools and are practicing in every State in the Union.

The commencement theme of Iowa Wesleyan University this June honored Mrs. Mansfield who served on the faculty of the university. The president of the National Association of Women Lawyers, Miss Ruth Gentry Talley, a Bogalusa attorney, participated in the baccalaureate program at the university. Additional celebrations are to be held in Iowa and other areas throughout the country under the auspices of the NAWL to commemorate this centennial year.

SAUGUS IRON WORKS

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. MACDONALD of Massachusetts. Mr. Speaker, I would like to call the attention of my colleagues to an event of historical importance. On June 21, 1969, the birthplace of the 319-year-old American iron and steel industry—the Saugus Iron Works in Saugus, Mass.—will become the newest national historical site of the national park system. I am especially proud because this landmark is located within my congressional district, and I want to thank the Members of Congress for approving my bill, H.R. 3323, which authorized this designation on April 5, 1968.

Situated on an 8-acre tract on the banks of the Saugus River, 10 miles north of Boston, the ironworks is the restoration of one of the earliest integrated iron producing communities in North America. Completed in 1954 after 6 years of extensive research and reconstruction, the restoration was financed by the American Iron and Steel Institute at a cost of more than $1.5 million.

The original Saugus Iron Works, built in 1650—130 years before the Revolutionary War—was considered the industrial wonder of its day. Its operations and equipment compared with the best in use in contemporary ironworks of Europe.

High on a bank above the ironworks is the home of the ironmaster. It is the only original building remaining at the site. The house was restored in 1915 by Wallace Nutting, a noted antiquarian.

For several years following the restoration of the ironmaster's house, attempts were made to move it to Greenfield Village at Dearborn, Mich. Local residents fought for its retention, and I was privileged to participate in these efforts to prevent the loss of this truly historic part of the Seventh Congressional District.

The restoration includes a replica of the 300-year-old forge where cast iron "sow" bars from the furnace were reheated and "beaten" into usable wrought iron. The reconstructed giant water wheels provide the power for the mill, the huge forge hammer, and the 17-foot bellows at the forge hearths.

In the museum near the ironmaster's house are relics found during the original excavation of the original ironworks. Here sections of the preserved water wheel constructed three centuries ago still show the craftsmanship of an early millwright. Tools on display were hammered from iron made at the mill and reveal the skills of the colonial craftsmen.

Although the mill operated only about 20 years, the skills learned at Saugus moved on with the craftsmen to other ironworks being established throughout the Colonies.

Beginning July 1, this national historical site will be open to the public, and I assure you that any visitor to the Saugus Iron Works will come away with a profound sense of its historical importance. I am very proud of this fine example of our American heritage, and I am certain that I share this pride with the people of Saugus and the surrounding communities.

CONGRESS CAN PREVENT DEFENSE WASTE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. BOLLING. Mr. Speaker, foremost among the public controversies these days is the matter of defense spending. An editorial in the Kansas City Star of June 11, 1969, places the matter in perspective. The Defense Department spends, but the Congress appropriates the money that is subsequently spent. The Congress, because of its unwillingness to reform and improve its procedures must accept a large share of the responsibility for the present condition. The editorial follows:

CONGRESS CAN PREVENT DEFENSE WASTE

The military continues to get its lumps, with the latest whack coming from Congress's joint economic subcommittee on economy in government. That bipartisan group of senators and representatives, headed by Sen. William Proxmire (D-Wis.), has charged the Defense department with wasting untold billions of dollars on weapons that had to be canceled because they failed to work. The subcommittee put it more formally:

"The federal government has not been adequately controlling military spending. As a result, substantial unnecessary funds have been spent for the acquisition of weapons systems and other military hardware . . . The wasteful, inefficient practices uncovered raised basic questions concerning the Defense department's management of its own affairs . . . The absence of effective cost controls . . . has resulted in a vast subsidy for the defense industry, particularly the larger contractors."

Every word of this statement and of the report from which it is taken, could be absolutely correct. But it does not tell the whole story.

Recently Sen. Stuart Symington (D-Mo.), observed that since the end of World War II, this country's taxpayers "have put up 953 billion dollars for national defense." The taxpayers provided the money, but Congress appropriated it. So the question is: Where does the responsibility of Congress end? When it votes billions for security?

We think not. The various congressional committees have large investigative resources. Yet over the years the committees concerned with military matters have generally accepted the recommendations of the Defense department—or at least those approved by the armed services committees—with little question. Nor has Congress insisted on tight procurement practices including a much greater proportion of contracts let by bidding instead of by negotiation.

Only in recent months, buffeted by the disillusionment of the Vietnam war, have members of Congress in general shown much interest in challenging the multibillion-dollar defense programs presented to them. And in the most noted instance—that of the antiballistic missile proposal—the challenging is as much for reasons of political ideology as for concern over the huge amounts of tax dollars involved.

We do not suggest that the Pentagon is blameless in frittering away some of the funds it seeks for the defense program. But we do not see a solution in any attempt by Congress to hold military planners altogether responsible. The lawmakers themselves—not men in uniform or their civilian chieftains—control the pursestrings.

Until Congress accepts and acts upon its responsibility for spending only what is necessary for defense, the conditions described by Senator Proxmire's subcommittee will continue to prevail. No amount of condemnation of the actual spenders can alter the fundamental, all-important fact that it is Congress that votes them the money to spend—much too often without insisting on effective safeguards against mismanagement and waste.

ADDRESS OF CONGRESSMAN WENDELL WYATT BEFORE THE NORTHWEST RIVERS AND HARBORS CONGRESS

HON. JOHN R. DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. **DELLENBACK**. Mr. Speaker, last week my able colleague in the House from Oregon's First District, the Hon. WENDELL WYATT, addressed the Northwest Rivers and Harbors Congress meeting at Salishan on the Oregon coast. His remarks were well made and should be of interest to every Member who is concerned with the orderly development of our water resources, and so I am placing his speech in the RECORD.

ADDRESS OF CONGRESSMAN WENDELL WYATT, REPUBLICAN OF OREGON, BEFORE THE NORTHWEST RIVERS AND HARBORS CONGRESS, SALISHAN LODGE, OREG.

No where is there more dramatic evidence of the failure and tragedy of the so-called "guns and butter" policy than in the proposed spending program of the Corps of Army Engineers for the coming fiscal year.

The conduct of the limited Vietnam war under such circumstances has resulted in a deeply discouraging quagmire, the release from which we are battling literally with our lives to achieve.

The business-as-usual attitude during this period on the American domestic scene resulted in repeated huge budget deficits, topped by the deficit of more than $25 Billion in fiscal 1968. This in turn has been the heart of the wave of inflation which has practically engulfed us. As a result of necessary efforts to attempt to withdraw our economy from the pressures of inflation, the Corps of Engineers under the Nixon Administration has submitted the most austere budget in recent memory. This has been necessary to protect and preserve the value of the dollar.

Inflation is rampant. It is eating steadily away at the resources of those who are least able to afford it, as well, certainly, at the resources of each American. Savings accounts, U.S. bonds, and life insurance have been systematically reduced just as surely as if the government were annually confiscating a regular percentage.

Any deflationary program is very painful. No one has devised a system of deflation which is painless or popular. But deflate we must if we are to recover control of our domestic economy. And so, important water programs such as that of the Corps must be reduced to the real danger point. Appropriations are cut, programs are stretched out and delayed. Important progress to meet the needs of our people is very seriously impeded.

Then, it is evident, the programs are dealt a further and very serious adverse blow by the spiral of rising costs. Reduction in appropriations, delays in appropriations, and stretching out programs makes them much more costly. Thus necessary procedures to attempt to cure inflation in the end offer substantial fuel to the cycle, thus one feeds the other, on and on.

Let's examine the details of where the Corps program presently rests. Remember, I am now making reference only to projects of the Corps of Engineers. Other agencies dealing with our water resources, including the Bureau of Reclamation, have their own funding problems, which are comparable to those of the Corps.

Looking at the Corps construction requests under the Nixon budget, we find that the total is just barely $627 Million. The Johnson budget figure represented a cut of $96 Million below the previous year. The Nixon administration made an additional $142 million cut. The resulting $627 million budget request is 27% less than the current fiscal year. This is the Corps' lowest request for construction funding in the past eleven years. General Koisch, in his testimony this spring before the House Public Works Appropriations subcommittee, pointed out that in consideration of the increased construction costs, this year's program actually represents a cut back of 42% from the 1967 level. He correctly adds that if funding continues at this level, we are going to be faced with a most serious situation in water resource development.

Testimony before this committee clearly indicates that one and one half billion dollars, nearly three times that proposed, should be appropriated this year to maintain the Corps' current development schedule.

The need for expansion, rather than reduction, of funds for water resources programs was amply shown by the testimony of over 1,500 witnesses before the Public Works Committee. The witnesses, testifying in regard to this year's appropriation bill, were requesting funds for unbudgeted projects and for increasing amounts on already-budgeted programs and projects. Over 150 Members of Congress were among those witnesses.

Only after a most thorough and exhaustive study and review have these projects been authorized by Congress for funding. This study must include full assurances of the economic justification for undertaking the work.

Each project must have been carefully reviewed by the concerned Federal agencies, and cleared with related agencies. Then they must have been studied by the appropriate legislative committees of the Congress before they receive authorization. Each project must conform to stringent criteria to make sure that the benefits to result from the project justify the expense. Many of these projects also require solid assurance of local cooperation before construction begins, including the commitment of the affected community to possible repayment of funds from benefits derived from the project such as from water supply and irrigation.

This year the Appropriations Committee has felt it is justified in funding new projects only on a very limited basis, due to the tight monetary situation. It has had to take this attitude despite the obvious justification and urgent need for the many projects coming before it for funds.

If additional evidence of urgency is needed, consider these figures. There is present backlog of active authorized civil works projects not yet under construction of the following:

114 Navigation Projects Costing $4,355,000,000.

281 Flood Control Projects Costing $4,061,000,000.

17 Multiple Purpose Projects costing $1,200,000,000.

40 Beach and Erosion control projects costing $60,500,000.

A total of 452 economically sound Corps-only projects, not yet under construction, totalling . . . nearly $10,000,000,000.

No one can justly argue that the Northwest has not and is not getting its fair share of the total national sum spent in this area. Even this year about 20% of the total Corps construction budget is for the North Pacific division. Most of this is, of course, being invested in the very large dams.

Our national water development needs are increasing even at a steeper rate than we are decreasing our expenditures.

It is projected that the continental United States alone will have a population of 300 million by 1995 and 400 million by 2020. Most of this fantastic increase will be centered in the large cities and their environs. These large urban centers currently contain about 72 per cent of our population in a land area of 2 to 3 per cent.

The increasing growth of these areas can only bring about more critical water and land use problems. Because our nation's water concentration areas do not conform to the areas of population concentration, in many areas in the near future it will be necessary to store, divert and redistribute available water supplies to make it available in the urban locales. These mounting problems will mean concentrated and cooperative efforts at local, state and Federal levels if growing industry and increased population are to be served.

Despite the tremendous benefits being realized from the Corps flood control projects, the assessment forecasts a rise in annual flood damage from $1.7 billion in 1966 to $5.0 billion by 2020, based on the current status of protection works.

Projections show the scope of future needs. In 50 years the tonnage carried on our waterways will increase 6 times what it is today. Pleasure craft for water sports and recreation will increase from today's 8 million to 30 million. This increased density of traffic means major improvements must be made to provide for safe and efficient handling of all this water traffic.

The same holds true for our future needs in the areas of hydro-power, water oriented recreation, and protection from erosion.

We have massive problems in the water resources development field today. But, looking at these projections, it is apparent that these problems are tiny compared to what they will be in the near future. Some of the most immediate needs can be met through projects already approved by Congress. But, in the long run, our greater needs must be anticipated, and plans formulated through an intensive investigation program.

Each year we must delay costs us dearly in terms of production and income. But overall it costs even more. The cost of construction is rising swiftly. According to the Association of General Contractors of America, construction which might have been completed by 1955 had risen 40% in cost by 1965. And the inflation spiral continues to climb. When we are forced by present circumstances to put off those works we could have completed in the 1960's, the financial burden of cost inflation will have tremendously increased by the 1970's. Combined with the loss of benefits from the delay, we will have been doubly penalized for having put off needed works.

One of the most serious barriers to creating informed public awareness of the water re-

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source development area is the omni-present, well-financed efforts of various special interest groups who maintain a continuing propaganda campaign in the effort to throw certain phases of this program into a bad light.

The term "pork barrel" has been used by these interests to brand particular projects to which they are opposed and, indeed, the entire resource program. The ability and integrity of the Corps of Engineers and other agencies are impugned. Congress is charged with waste, foolhardy spending, and sometimes even worse.

Suspicion and confusion in the public mind over water resource development can, in many instances, be pinpointed as coming from sensationalist elements in the press. "Pork barrel" grabs reader interest in headlines much more quickly than "Water Resource Development." Implications of Congressional horse trading and favoritism can be used much more readily to attract readership than can a responsible analysis of a particular project. This biased, slanted approach to reporting can only mislead the public and distract it from the true import of the water resources development program. When the government becomes suspect in this critical area, it can only deter us from essential work.

And it is clear above all that, despite this kind of press, our needs and performance in the water resource field will stand the most critical and careful scrutiny, if the analysis is fair, and the comment truthful. For the truth is that no other area of Federal concern is subject to more thorough review, more careful control and more competent and in-depth study than is our water resource development program.

The simple knowledge of this truth, sad to say, is not enough. Knowing the excellent judgment and performance of the Corps of Engineers is not enough. Assurance of a careful and objective review of Corps findings in the Congress is not enough. Knowledge of the checks and balances and the many considerations that go into preparing the budget for these works is not enough.

It is our duty to bring this knowledge into the open . . . to apprise our public of these facts . . . so they may know, as we do, that funds spent on water resource development projects are being spent wisely and in the advancement of essential national goals.

Public exposure to the full and honest facts of water resource needs is the perfect counter to the misleading words of the propagandists. And every opportunity must be taken to make these facts known. For without complete public confidence in the needs behind our programs, there is little hope of bringing them into line with our future national requirements. In the face of an ever-growing need, without public acceptance, we shall gain neither increased speed or expanded scope in water resource development.

In the face of what I consider to be an overwhelming case for maximum attention to proposed Corps projects, we have continual pressures from some to change the interest rates on re-payment.

Senator Proxmire of Wisconsin has, several times, brought this matter up on the Floor of the Senate. His proposal involves a sharp upward adjustment in the interest/discount rate factor used to estimate costs of Federal funding in proposed water resource projects. These estimates are presently developed from the average rate on outstanding long-term Government indebtedness.

As a substitute for this, Senator Proxmire would use the much higher estimated average rate of return obtained by private industry. Such a change would charge an exorbitant interest rate on a potential improvement, artificially raising the estimated cost and apparently making the improvement unjustifiable.

The theory behind Senator Proxmire's method of computation is that funds used to finance Federal projects are received from the private sector, and would be used for private investment if the projects were not built. Further, it considers the full Federal cost of the funds as a resultant loss in the private sector of our economy. An application of this theory would raise the discount/interest rate for project evaluation from the current level of about 4 and five-eighths (⅝) to between 10 and 15%.

According to Senator Proxmire, the use of this 10 to 15% factor would have resulted in benefit/cost ratios of less than 1 to 1 for such projects as the Illinois and Missouri levee system, the cross Florida Barge Canal, the Arkansas River Project and the Kaskaskia River project. Under this system, then, these projects would all have been scrapped, along with the others.

A massive and challenging task in developing its water resources confronts the nation. With vigor, vision, and determination, the job can be done. But in our path are great difficulties. Difficulties of straining to do the maximum under the most possible difficult conditions. We are paying the penalty for past economic mistakes. We must re-direct our priorities to permit the required job to be accomplished.

Only by joining together can we be successful.

NATURALIZED CITIZENS EXPRESS GRATITUDE IN UNUSUAL LETTER TO THEIR SON AT GRADUATION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. DULSKI. Mr. Speaker, in this commencement period, graduates and their families have mixed feelings. For most families, it is a time of great pride in their loved ones. For most graduates, it is a time of recognition of scholastic achievement.

A Buffalo, N.Y., couple, Mr. and Mrs. Vladislav A. Dujovic, 224 Ontario Street, are expressing their pride in a special way. Indeed, they are doing so through the medium of a very unusual tribute to their son, Borislav—Boris—who graduates this weekend from Riverside High School in Buffalo.

The Dujovics, immigrants from Yugoslavia who were naturalized as American citizens in 1963, have prepared a letter to their son.

This is not an ordinary letter, but it is rather a moving recollection of the hardships of the family during the years of oppression in Europe.

These proud parents, devoted to their adopted land, remind their son:

> Remember and be proud that your ancestors had always been allied with the United States of America and had fought side by side against all common enemies; they were bravely fighting and falling, thinking always that they would be victorious.
>
> The same struggle against the communists, begun by your ancestors and your grandfather in Yugoslavia, 1941, had continued with the Americans in Korea, and now in Vietnam where they are fighting and falling on the bloody battlefields, well aware of the dangers of communism for all mankind.

Mr. Speaker, this unusual graduation letter from grateful parents to their son has been printed in a booklet, along with copies of official letters they received upon their naturalization, as well as pictures of their ancestors, some of the pictures having been taken on the battlefields of Europe.

Following is the text of the letter from Vladislav and Anna Dujovic to their son, Borislav, upon his graduation this weekend:

> MY DEAR SON BORISLAV:
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> As you graduate from high school, I would like to express how very happy and overwhelmed with genuine fatherly joy I am, and I heartily congratulate you for having been able to finish your high school studies successfully. Your mother and sister, Vera, are also delighted and sincerely happy; both of them congratulate you also.
>
> Dear Borislav, on this solemn occasion I would like to remind you of some moments and events in the history of our family which might be necessary and valuable for you throughout the course of your life. I firmly believe that any young man should know the origin of his own family and his remote ancestors. In your case, this is a long, glorious story. Our ancestors belong to Montenegro (Crna Gora), now a southern state of Yugoslavia. In 1912 two small countries on the Balkan Peninsula, Serbia and Montenegro fought for their freedom against the Turkish and obtained it. Not only Montenegro and Serbia, but also Greece and Bulgaria joined us to crush and put down the Turks, which after five centuries freed the Balkan Area from Turkish rule. At that time, this Christian unity and alliance had been a glorious triumph of all Christian people living in the Balkan Peninsula. This was known as the Balkan War.
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> Hardly one year had passed since the people in Serbia and Montenegro were left in peace, when in July 1914, the Austro-Hungarian Empire declared war on Serbia. Immediately Montenegro went to help Serbia. This had been the beginning of the First World War. Besides Austro-Hungary, our enemies had been Germany, Turkey and later Bulgaria. They were known as the Central Powers. Our allies became known as the Great Entente, consisting of France, Czarist Russia, The United States of America, Great Britain and Italy. This crucial war lasted through four years, and in September 1918 the war ended with a victory on our side. During that time the people of Serbia and Montenegro became molded into one national group, known as Serbs. On behalf of King Peter I, the Regent Alexander proclaimed the formation of the Kingdom of all Serbs, Croats, and Slovenes on December 1, 1918. This was the time when our country had begun to be called Yugoslavia.
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> #### HITLER-MUSSOLINI PLUNDERING
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> DEAR BORIS: when Hitler and Mussolini started to ravage and plunder in Europe, as well as the Japanese in the Far-East, most of Europe began falling, one country after another under the forces of Hitler's military machine. Poland, France, Belgium, the Netherlands, Denmark, Norway, Austria, and Czechoslovakia had been victims and prey of the Axis Powers. In the southeast part of Europe, Hungary joined the Axis Powers along with Rumania and Bulgaria. Only Yugoslavia and Greece remained free for a while. Great Britain was fighting hard in the air and warding off the onslaught of the German air force. Yugoslavia was encircled on all sides, except for Greece in the South, by other enemy countries. Hitler gave an ultimatum to the Yugoslavian government, urging our country to join the Axis Powers and also urging us to allow free transportation and the shipments of war materials through our country for Rommel's army fighting in Africa . . . With sorrow Prince Paul and Premier Dragisa Cvetkovic signed

the pact, on March 25, 1941. The Serbian people as a whole, though they were helpless, could not reconcile with the shameful event. The idea of this act of our government would betray our old friends and Allies. The Yugoslav government was overthrown. On March 27, 1941 a new government, more patriotic than the last, had been formed from the most prominent political leaders in the country. The new Prime Minister was Dusan Simovic, a general. They proclaimed King Peter II as the legal head of Yugoslavia, although he was still a minor. Yugoslavia declared herself an enemy of the Axis Powers, and once again sided with our Allies of World War I.

Surreptitiously without declaration of war, on April 6, 1941, the German bombardiers (stukas) began their hellish pouring of bombs over the capital of Yugoslavia, Belgrade. The heavy bombardment took place very early in the morning at dawn. This was the same case as in the bombardment of Pearl Harbor in the Pacific, by the Japanese on December 7, 1941. Communists had been ordered, from Moscow, to aid the Germans by sabotaging our armies. At that time, Stalin and Hitler were very good friends and allies by the treaty of friendship signed by Ribbentrop and Molotov in Berlin, 1939. There fore, the Communists from the very beginning were the "Fifth Column" among us; going to the aid of the Germans.

YUGOSLAVIA IS DISMEMBERED

MY DEAR SON: I would like to tell you what happened to our country hence forward. Yugoslavia was mercilessly dismembered by the Axis military forces. The victors divided Yugoslavia among themselves: The Bulgarians occupied the cradle of our Serbian Culture, South Serbia (Macedonia); the Hungarians took Serbian Vojvodina, with the city of Novi Sad, Subotica, Sombor and many other towns; Albanian mobs occupied Kosovo and Methoja along with many countries that were controlled by the Italian fascists. In Croatia, Ante Pavelic, through the aid of the Italian fascists and Nazi Germans formed the Croatian government and an army which became known as the Ustasi. He declared himself an Axis Power and this declaration invited war with our allies. His second act was to kill all Serbs, Jews, and gypsies in Croatia. Over 725,000 people had been killed in the area occupied by the Ustasi. Our ancestral country. Montenegro (Crna Gora), was under the control of the Italian occupation troops. Only the pre-Komovo Serbia was left under the German command in Belgrade, after the crushing of our armies on the border of Yugoslavia.

On April 17, 1941, Yugoslavia was defeated by the Axis Powers. The King and the government of Yugoslavia fled to Cairo, where the Allied forces were stationed. About 133,000 of our Yugoslav military forces were taken immediately as prisoners, and the remainder were scattered in Serbia as well as in Montenegro. Fortunately, Dragoljub Draza Mihailovic, a staff army colonel, was not taken as war-prisoner. On May 8, 1941, Draza Mihailovic managed to come to the mountain Ravna Gora, in western Serbia, with most of his regiment intact. He immediately began reorganizing our armed forces. First, he deployed necessary military action to contact the army officers who did not surrender to the enemy. These underground guerrilla forces known as Chetniks, were in Serbia and Montenegro.

On June 22, 1944, the German troops received orders from Hitler to attack Russia. Then Yugoslav communists, under the leadership of Josip Broz "Tito" went into guerrilla movement in the mountains. This communist guerrilla movement started in the Serbia and Montenegro areas, which was already under the control of the Chetniks. At the time, the communists were almost insignificant, though they started to kill people who were supporting Chetniks.

MIRO DUJOVIC IS STAFF CHIEF

DEAR BORISLAV: In your ancestral country Montenegro, Aleksa J. Dujovic, county secretary; George M. Lasic, staff army major; Milija M. Lasic, professor; Miro V. Dujovic, captain; Branko Radevic, captain; Pavle Djurisic, captain; and many prominent citizens started to take action against the communist movement . . . Dragoljub Draza Mihailovic, who had already been promoted as a general, and nominated by our government in London as the chief of all our fighting forces within the borders of Yugoslavia, had nominated staff army Major George M. Lasic as commander of fighting forces in Montenegro. Captain Pavle Djurisic was nominated as a commander of fighting forces in the valley Lim-Sandzak. Miro V. Dujovic (picture #3), a 1st class Captain of the higher military academy, and Captain Branko Radevic were nominated as chiefs of staff in command of Montenegro. Your grandfather, Aleksa J. Dujovic (picture #1), as the chief of nationalistic propaganda department and adviser in the headquarters for Montenegro, from the beginning, had the strong belief that we ought to form an organization on military grounds to defend all of the people against the communists. He called on all people in Montenegro for support, and convinced them that the Axis Powers will be defeated and that our allies, Great Britain and United States of America will never allow our country to come under communist rule.

During that period, the communist forces, along with their leaders Josip Broz "Tito," Mosa Pijade, Arso and Blazo Jovanovic, Milovan Djilas, and many others who were driven from Serbia by the Chetniks into Montenegro, had massed their forces in and around the city of Kolasin. It was believed that there had been from 5,000 to 7,000 men. Even though they had already killed many innocent people in this part of the country, Aleksa J. Dujovic and George M. Lasic, on December 8, 1941, tried to reach an agreement with communist representatives, composed of Blazo Jovanovic, Mirko Vesovic, Djoko Mirasevic, and others, at a conference at Ptic (residence of the Dujovic families), urging them not to plunge the people in Montenegro into blood, as they were doing. Lasic and Dujovic also proposed that the Chetniks and communists unite together in defeating the Axis Powers, and afterwards deciding the future of Yugoslavia by a free election. This proposal was rejected by the communist representatives. Shortly after the conference, the communist partisans suddenly attacked the Chetniks on January 20, 1942. But being well prepared for action, the Chetniks defeated the communists badly, forcing Josip Broz "Tito," Mosa Pijade, Blazo Jovanovic, Milovan Djilas, and others into refuge in Croatia under the Ustasi rule.

WAR IN OCCUPIED YUGOSLAVIA

Under the leadership and courage of General Dragoljub Draza Mihailovic and other Chetnik leaders, the war was going on in occupied Yugoslavia. Underground Chetnik forces continued to fight in large and small detachments. They attacked the occupiers and their garrisons all over the country. They destroyed their bridges and railroad tracks. In this way they prevented the enemy from transporting war materials to Rommel's armies fighting in Africa. During those days, many Allied military leaders had praised our Chetnik forces as having greatly contributed to the victory. The first had been General Dwight D. Eisenhower, the supreme commander of the Allied fighting forces in North Africa, he said in his laudatory terms "American military fighting forces in Europe and Africa salute their brothers in arms." Then Admiral H. Harwood, commander of the Allied fleet in the Mediterranean Sea; General Glaude Auchinleck, commander of the British army in the Middle East; Marshal A. W. Tedder, commander of the air fleet in the Mediterranean Sea; General Allen Brook, chief of British staff headquarters; General Charles de Gaulle, head of free France, and General Giraud, commander of French forces in Africa.

In the mountains where the Chetniks had their headquarters with Draza Mihailovic, parachuted in a British military mission consisting of General C. D. Armstrong, Colonel Jasper Rootham and army Major Eric Greenwood. Later an American mission also was parachuted in, consisting of Major Walter P. Mansfield and Colonel Albert B. Seitza. This time on the part of America and Great Britain, the Chetnik groups of fighting forces had been given help in arms, supplies and military foodstuffs, which had been shipped in by parachutes in the free mountains . . . Nevertheless, Stalin was aware that Josip Broz "Tito" was working for him, and with the advice of Winston Churchill, Tito got ample help. In the territory of Croatia, in the communist headquarters, a British military mission under Brigadier Fitzroy Maclean and later Major Randolph Churchill (son of Winston Churchill) was parachuted in. . . . The Chetniks' fighting forces had been spread over a great territory of Yugoslavia, and they were able to help a great number of allied aviators, who, after bombing enemy installations in Rumania, Bulgaria, Hungary, as well as in Yugoslavia, were forced down by enemy guns and compelled to parachute from their planes. During the war years there had been saved 676 Allied aviators, who gradually were evacuated to their bases in Italy or elsewhere in the battlefields. Under the leadership of Josip Broz "Tito" the communist partisans did not even make an attempt to help downed American flyers. As an example, this picture shows one of the many groups of American flyers who were saved by the Chetnik forces.

CONFERENCE IN TEHERAN

In Teheran, on November 28, 1943, the Big Three: Churchill, Roosevelt, and Stalin had a conference. The Prime minister of Great Britain, on advice of his son Randolph Churchill, who was already in the communist headquarters along with Stalin, urged them to give full support to Josip Broz "Tito" and his "comrades." The Big Three decided to drop war supplies to General Draza Mihailovic; the same had been decided at a conference at Yalta and at Potsdam . . . After Italy surrendered on September, 1943, an Italian division in Montenegro, by the name of Venice, was willing to join the Chetniks and fight together with us against the Germans; but after the Teheran conference they suddenly abandoned our fighting forces, and sided with the communists, even the wounded Chetniks in hospitals were handed to them. Immediately the communists killed all wounded; among the wounded was Miro V. Dujovic (picture No. 3), your close kin. Miro had been sadistically tortured and butchered. Finally they force a knife through his gorge, and dragged him to the left bank of the Lim River, where his body was put in a marsh. This was just the beginning of the slaughter of the clan (brotherhood Dujovic The Dujovic clan had lost 35 members during the struggle against the fascist and nazis in World War II. Other people from the Vasojevici tribe also suffered, but the Dujovic clan carried one of the greatest burdens of suffering and death as never before in history. The Chief of Staff of Tito's communist forces was Peko Dapcevic; when he came from Croatia into Montenegro, he put on fire the house of your grandfather, Aleksa J. Dujovic, and slaughtered all in the home. In the same sense, during the fightings against the communists, many of your relatives fell in battle among them were young Lieutenant Dragisa T. Dujovic, (picture No. 4), age 25; Radoje D. Dujovic, age 22; Milan M. Dujovic, age 19; Millivoje M. Dujovic, age 41; and Saleta J. Dujovic, age 24 . . . Your grandfather Aleksa J. Dujovic hardly could face the tragedy of his family and of all the

Serbian people, and so he suddenly became very ill. Staff army Major George M. Lasic and most of the top men in the headquarters of Montenegro, Boka and Sanzak were aware that Aleksa was in a critical state of health. So they decided to transfer him to Serbia with his 18 year old son Vladislav (your father), hoping that in Serbia he will get better medical help. But this had been in vain; Aleksa J. Dujovic died in the city of Negotin on June 26, 1944. Two days before he died, Aleksa called a few of his friends and his son together and told them: "I am about to die, and I am glad that I will not survive to see the total destruction of my family and my people, whom we ourselves, with the help of our Allies brought to the brink of destruction." Your grandfather advised his son Vladislav to leave our native country in order to escape the death by the communist villains . . . At the same time, Germany had suffered a defeat in Africa and Italy, and they were retreating from Greece through Yugoslavia. Josip Broz "Tito" and Randolph Churchill fled to the Allied military forces in Italy, and from Italy "Tito" fled to Russia. When "Tito" arrived in Russia he asked Stalin to send General Tolbuhin and his red army from Bulgaria into Yugoslavia to help him overtake the opposition.

CHETNIK FORCES DECIMATED

Dear Borislav: From October 1944 to May 1945 the Chetnik military forces had been decimated by Germans. Croatian Ustasi, and the communists. After concentrating themselves in the Bosnian mountains with Draza Mihailovic, they made an effort to meet their allies in Italy and Austria by crossing over wide mountain ranges. On their long journey many died from exposure, starvation, exhaustion and typhus. Few groups succeeded in crossing the Soca River and arriving in Italy untouched. Other groups, totaling about 14,000, reached Austria by crossing the Drava River. They were met peacefully by British forces and placed in a refugee camp by the name of Vetrinje near Celovac. On May 23, 1945, British commander Major Williams Jonnson told the refugee troops to prepare themselves for transfer by train convoys into Italy where other Chetniks and Royal Yugoslav forces were . . . While on the train the Chetnik refugees were stopped in a tunnel bordering Austria and Yugoslavia, where 4,500 communist partisans with machine guns were waiting for them. They were taken in chains and brought in front of a firing squad at Kocevje Forest. This sinister deal, through British Major William Jonnson, was made on the part of our Allies. This slaughter was handled by communist Colonel Slobodan Penezic. You can compare this massacre of 14,000 Chetniks (at Kocevje Forest, Yugoslavia) with the massacre in Poland, at Katin Forest of 10,000 Polish officers by Soviet secret police, at the time when Stalin and Hitler were allies.

My Dear Son: You should remember that at Kocevje Forest, members of the Dujovic clan had also been slaughtered. Among the ones slaughtered were Mihailo D. Dujovic, age 28; Punisa D. Dujovic, age 23; George B. Dujovic, age 29; Ljubo B. Dujovic, age 24; Luka M. Dujovic, age 34; Vidak M. Dujovic, age 26; Dusan R. Dujovic, age 17; Djoko V. Dujovic, age 29; Djoko S. Dujovic, age 40; Dimitrije D. Dujovic, age 18; Batric I. Dujovic, age 26; Miladin I. Dujovic, age 17; Lakic I. Dujovic, age 25; Bozidar R. Dujovic, age 20; Djuro D. Dujovic, age 45; Batric M. Dujovic, age 40. Milos J. Dujovic (picture No. 2, brother of your grandfather Aleksa), while crossing through the mountains toward Austria, was captured by German and Croatian Ustasi. Some sources say that Milos was taken to Jasenovac and executed. The last innocent victim of the Dujovic clan had been your father's sister, 20 year old Emilija A. Dujovic (picture No. 6), the daughter of your grandfather Aleksa. She had been imprisoned by the communists in 1946 without any charge or guilt. This took place right after Josip Broz "Tito" had taken complete control of Yugoslavia. She was tortured severely and died soon after her martydom. Before she died her last prayer had been: "O Almighty God, did my brother Vladislav succeed in escaping and did he succeed in saving his own life?"

STRIVING TO AID OTHERS, TOO

The falling of our Serbjan brothers everywhere was the price we had to pay to prevent from being overtaken by the communists. At the same time, our people were striving to help other nations having freedom, as well as ourselves, from falling under the paws of two monsters of our time—Mussolini and Hitler.

Dragoljub Draza Milhailovic deciding not to flee from the country hid himself in the mountains. He was captured by communists in 1946 and tried. He was found guilty and executed by communists on July 17, 1946. The injustice made by communists in power (1946) toward our supreme commander in occupied Yugoslavia will rest in history as a classic example of the political mistakes of the Second World War. The president of the United States of America, Harry S. Truman, had recognized the contributions of the Serbian people. He recognized the victory of all of the fighting forces under General Dragoljub Milailovic when he most humanely decorated this Yugoslav war hero and leader with the highest medal of order and honor.

The text of the Presidential citation reads as follows:

"General Dragoljub Mihailovic distinguished himself in an outstanding manner as Commander-in-Chief of the Yugoslavian Army Forces and later as Minister of War by organizing and leading important resistance forces against the enemy which occupied Yugoslavia, from December 1941 to December 1944. Through the undaunted efforts of his troops, many United States airmen were rescued and returned safely to friendly control. General Mihailovic and his forces, although lacking adequate supplies, and fighting under extreme hardships, contributed materially to the Allied cause, and were instrumental in obtaining a final Allied Victory. March 29, 1948 (Signed) Harry S. Truman."

And from England: "I honour the memory of Draza Mihailovic as the first leader of national resistance to the Nazis within occupied Europe. By his courage he set an example which contributed to the ultimate defeat of Germany; and he set it in the darkest and most difficult times. His execution after the war was an act of gross and shameful injustice. Oxford, England, April 17, 1966. (Signed) H. R. Trevor-Roper."

FATHER WAS LONE SURVIVOR

The only person (among the men) of the Dujovic clan, over 17 years of age, who succeeded to save his life from communist villains was your father, Vladislav (son of your grandfather Aleksa). On advice given to me by Aleksa two days before he died, I proceeded to flee for Greece through territory being held by the Russian troops, Josip Broz "Tito", and Greek partisans led by would-be General Markos. In Salonika there had been British military forces. I arrived there on January 14, 1945. From Salonika the British transported me to Italy, where I lived several years in the camps of the displaced persons. There, in 1950, I met Anna Vukic (your mother) who also was from Yugoslavia, and I married her. So, my dear son Borislav, you had been born in Italy. At that time, 1951, there was in Italy a Norwegian commission which was connected with the immigration of displaced persons. And all of the Dujovic family left for Norway after securing a visa. We arrived in Norway in September and we settled in Kristiansand,S, where later your sister Vera was born. In July, 1955, your mother and father got in touch with the American Embassy in Oslo, and we declared to them that we wished to emmigrate to the United States of America. The American Embassy kindly met our wishes, and they allowed us to emmigrate to the United States. All of our family came to America in October 1956, and settled in the City of Buffalo, New York. In October, 1962, all of the Dujovic family became American citizens. On this solemn occasion the Governor of the State of New York, Nelson A. Rockefeller; Walter J. Mahoney; Senator Jacob K. Javits and Senator Kenneth B. Keating had expressed the traditional hospitality and their congratulations to the Dujovic family for becoming American citizens.

AS YOU GRADUATE TODAY—

Today, my dear son Boris, while you are finishing your high school studies with your fellow students, present will be only your parents and your sister Vera, without your many relatives and many dear ones. Your parents are very happy and congratulate you for your success, but they are also sorrowful because they can not share their happiness with many of our relatives who would be present if they were not dead. But this should not discourage you in the least because you are an American citizen. You should remember and be proud that your ancestors had always been Allied with the United States of America and had fought side by side against all common enemies; they were bravely fighting and falling, thinking always that they would be victorious. The same struggle against the communists, began by your ancestors and your grandfather in Yugoslavia, 1941, had continued with the Americans in Korea, and now in Vietnam where they are fighting and falling on the bloody battlefields, well aware of the dangers of communism for all mankind. Now all free men are aware that communism is not a myth, but an evident well known threat and activity of criminals, founded on lies, deception, smuggling, fear, terror, tears and blood among millions of innocent people in Russia, China, and elsewhere. Today, all men who desire and love freedom and peace will fight for the preservation of these rights. Willingly or unwillingly, communism will come to a confrontation. It is generally known at this time that the white and yellow communism have nuclear energy to produce better weapons in fighting, and it will not be easy to fight them to their defeat, but at the end they will be destroyed. The Almighty God and justice will prevail and we will win. When you arrive in our native country with American fellows as victorious men, we ask you, dear Boris, to visit the grave of your grandfather and many other of your relatives to tell them these words: "No, you are not defeated, you have won." Congratulations on your graduation.

With deep parental love and happiness.

Yours,

Vladislav and Anna Dujovic.

BROADCASTING 25 YEARS

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. SAYLOR. Mr. Speaker, this month marks the 25th year of broadcasting by one of America's leading commentators. Joseph McCaffrey has been reporting on the in's and out's and the up's and down's of the Washington scene with accuracy, rare insight, human compassion, and a fairness that is unequaled. I have had the distinct pleasure of being one of his regular listeners for many years and have had the double pleasure of appearing on one of his programs.

Accurate reporting of the myriad activities of the Congress of the United States with its 535 individualists, each one contending for time, space, and attention, is a demanding and incredibly delicate job. Joe McCaffrey has performed a distinct service to the Nation in choosing between the events and personalities for his nightly commentary. In the best tradition of broadcast journalism, he has served the public well and the Congress is in his debt for such reporting. I, along with many other Members of both bodies, wish Joe McCaffrey a happy anniversary in broadcasting and Godspeed in his continuing service to the Nation.

POWELL RULING SEEN AS DEFIANT GESTURE BY RETIRING CHIEF JUSTICE EARL WARREN

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. **EVINS** of Tennessee. Mr. Speaker, the Nashville Banner in a recent editorial discusses some pertinent and interesting points relating to the recent U.S. Supreme Court ruling in the matter of Representative ADAM CLAYTON POWELL.

Certainly this case raises some historic questions in the matter of the relationship between the judicial and legislative branches.

Because of the interest of my colleagues and the American people in this matter, I place the editorial in the RECORD.

The editorial follows:

SLAP AT CONGRESS AND SUCCESSOR—POWELL RULING IS WARREN'S FINAL DEFIANT GESTURE

"Each House shall be the judge of the elections, returns, and qualifications of its own members. . . .

"Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member."

So says the Constitution of the United States—

Article 1, Section 5. Notwithstanding which, the Supreme Court yesterday ruled that the House of Representatives improperly excluded Rep. Adam Clayton Powell (D.-N.Y.) from the 90th Congress in March 1967. In the court's view stated: "Since he (Powell) was duly elected by the voters of the 18th Congressional District and was not ineligible to serve under any provision of the Constitution, the House was without power to exclude him from its membership."

It is more than a shade difficult to reconcile the assignment of power asserted by the Constitution and the judicial ruling of nonpower in the same circumstances and the same hands at the same time.

The top tribunal overrode two lower court decisions to arrive at its own. Federal District Judge George L. Hurt on April 7, 1967, dismissed Powell's lawsuit to reverse exclusion, on the grounds that the court lacked jurisdiction in the matter. Applying the doctrine of separation of powers, he said that if the court ordered any House member, officer, or employe, to "do or not to do an act related to the organization of membership" of the House, the court would be "crashing through a political thicket into political quicksand." He added that he did not know of any other case where the question of separation of powers (between the legislature and the federal judiciary) was posed "with such stark clarity."

Subsequently, the U.S. Court of Appeals ruled unanimously that Powell could not challenge his ouster in the federal courts.

The presiding member of that three-judge panel was Warrent E. Burger, shortly to be seated as Chief Justice of the United States.

In refusing to intervene, then-Judge Burger did not dispute the matter of jurisdiction. He was motivated by his respect for Congress' right to make its own rules, and by the practicality of the case—asserted as a matter of constant concern. Speculating about a confrontation (on the separation of powers question) he later asked rhetorically: "What if we had ordered the House to seat Powell, and the House had refused? Could we have sent the Army up Capitol Hill to enforce it?"

That is among the questions unanswered. It also relates to the basic question for whose avoidance of a disconcerting area of conflict the Founding Fathers spelled out the guiding principle of a separation of powers.

The Supreme Court's (7 to 1) opinion—Justice Potter Stewart dissenting—was written and announced by Earl Warren. This was his last defiant gesture as he prepares to shed the robes of Chief Justice; to thumb his nose not only at Congress, but at the decision, as cited above, of the man who will succeed him in that top judicial capacity.

The question now is, if the legislative branch in its respective two houses does not have the powers delegated to it by the Constitution, regarding its own deportment rules and ethical standards, just what powers does it possess?

At least 534 members out of 535 in the 91st Congress must be pondering that question today.

MERCHANT MARINE AND SEAPOWER FOR PEACE

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. **PHILBIN**. Mr. Speaker, the adoption of the strong bill in behalf of the modernization and revitalization of American shipping and our American maritime fleet was a great step forward and I hope it will be followed up by every additional action this House and the Congress can take to strengthen our merchant marine fleet, and bring it up to competitive levels that will enable us to regain leadership in this field that we are fast losing to the Soviet Union.

I was pleased to note the optimistic note sounded recently by Mr. Ralph E. Casey, a Massachusetts native, valued friend, and esteemed vice president of the American Institute of Merchant Shipping, in a speech that he delivered and some remarks that he made at the maritime day dinner in Boston.

During the course of his remarks, Mr. Casey stated that our ships are becoming larger and more productive, and that soon some ships will replace the carrying capacity of three or four, and in some cases, as much as 10, conventional cargo vessels.

Mr. Casey is of the opinion that a properly financed and managed construction subsidy system could result in a shipbuilding boom which in truth would be a boon for this country, since it would result in increased employment in the shipbuilding industry and other industries.

Mr. Casey disclosed that 19 shipping companies are prepared to build 82 vessels costing nearly $1.2 billion, and when this program is carried out we will be well on our way to cutting down the lead in new merchant ships currently enjoyed by the Soviet Union and in maintaining our proper place at the top of world shipping.

This program would not only rehabilitate and rivive our shipping and shipbuilding industry, but it would spark a great deal of additional business for American ships, hence for American businesses of all kinds that would be able to rely upon American shipping to carry their goods to all parts of the world.

Let us have the strongest, most modern, and best merchant marine fleet in the world. It will give us needed sea power.

EXPLOSION AT DU PONT

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. **SANDMAN**. Mr. Speaker, on Monday of this week I conducted an on-the-site inspection of the Carney's Point plant of the Du Pont Co. in New Jersey, which was swept by explosions on June 4.

Contact also was made with New Jersey State and Federal officials who are charged with investigating such tragedies and their investigations have not disclosed any explanation for the explosions.

The Bureau of Engineering and Safety of the New Jersey Department of Labor and Industry reports:

> Thorough investigation indicates that the fire and explosion did not result from violations of the Explosives Act or the regulations promulgated by the Bureau under the Act.

It thus appears that the Du Pont Co., which has an outstanding safety record in its operations, took every essential precaution to prevent the tragedy.

I am satisfied that the company did everything possible to prevent such an occurrence and hereby present a detailed report furnished me by Du Pont officials:

REPORT BY DU PONT

Investigations or on-the-site inquiries by Federal and New Jersey State authorities, with full cooperation of Du Pont representatives—who are conducting their own investigation—have not disclosed any explanation for the explosions which wrecked a portion of Du Pont's Carney's Point, N.J., plant on Wednesday, June 4, 1969. The explosions resulted in the death of seven company employees and injury to 60 others. All but three of the injuries were minor, and the three were not considered serious. All but one returned to work without loss of time.

An as yet undetermined number of persons in nearby communities, including nearly a score of children in area schools, received what were apparently minor injuries mostly from broken glass and flying debris. This was caused by shock waves in the wake

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of the explosions, similar to a sonic boom. Effects of the blast were felt and caused some glass and vibration damage as far away as Wilmington, Del., about 3 miles away across the Delaware River.

The explosions occurred at 1:43 p.m. on the afternoon of June 4, when some 100 tons of in-process smokeless powder exploded. Two or three major blasts involved three 30-foot by 60-foot houses, each containing 50,000 to 75,000 pounds of smokeless powder awaiting final processing. The three buildings were obliterated, and a fourth facility on the 160-acre processing area was severely damaged. However, its contents did not ignite or explode.

Seven of 35 employees normally working in the powder area apparently were killed instantly. They were: Joseph A. Harrell, 44, a manufacturing area operator; and William L. Boyce, 26; Harry D. Green, 25; Elmer T. Hill, 44; Barry W. Moore, 23; Joseph Quinn, 30; and Lawrence P. Robillard, 25; all chemical operators in the powder department. All were New Jersey residents.

As far as Du Pont knows, it was in complete compliance with the law regulating the handling of smokeless powder. The plant is inspected regularly by both state and Federal authorities and always has received favorable reports.

The blast caused extensive damage to several other buildings on the 841-acre plant, including a nearby blending tower where the explosion was first thought to have originated. Manufacturing ceased throughout the plant following the explosion, and a previously conceived and oft-rehearsed disaster plan was put into effect immediately. This disaster plan had last had a full-scale rehearsal on May 23, 1969, which was credited for the swiftness with which the plant personnel responded in the June 4 emergency.

The first step after insuring the further safety of the plant was identification of the missing and the beginning of a search for these seven employees. Three bodies were recovered almost immediately, a fourth was not found until Thursday morning, and a fifth body was found on Friday. Because of the severity of blast damage in the immediate area, two bodies were not recovered despite intensive search. All seven were declared dead by Salem County Medical Examiner, Dr. Jonathan Hummel, at noon on Monday, and the search for the two missing people was halted. Investigation has shown that on the afternoon of the explosion there were two separate crews in the powder house area. One crew consisted of five workers. It was at one of the destroyed powder buildings. The other two-man crew was in the vicinity of another of the destroyed buildings.

Within minutes of learning the identity of the seven missing people, pre-arranged two-man teams departed for their homes to inform their families. These teams kept in constant touch with the families for an extensive period following the accident, keeping them informed of developments and aiding in all possible ways in funeral arrangements and other attendant family problems associated with a death in the family.

State Police, emergency ambulance and fire services from surrounding communities were at the plant and in the disaster area within minutes after the blast. Coast Guard and Navy helicopters also were on the scene in a matter of minutes.

An investigation by the Bureau of Labor and Industry of the State of New Jersey was launched almost immediately and a five-man team spent several days on the plant and in the surrounding community searching out all possible evidence.

A representative of the Department of Defense and one from Picatinny Arsenal in New Jersey, also conducted investigations.

More than 50 representatives of press, radio, and TV were let on the plant and thoroughly briefed about two hours after the explosion after assurances had been made for their safety. From that point on, Du Pont cooperated fully in making all facts available to the press as soon as they became known.

The company began accepting and recording calls on damage claims from residents and businesses in the surrounding communities almost immediately following the blast, and within four days had set up separate offices in Wilmington and Penns Grove, N.J., to speed the processing of all such claims.

As far as Du Pont workers are concerned, comparison of Du Pont's safety performance as measured against that of other companies by the National Safety Council shows it to be a national industrial leader in safe work. Based on the frequency rate of lost-time injuries (including fatalities) per million man-hours worked, on which the council bases its statistics, Du Pont frequency rate of injuries averages 10 times better than that for the chemical industry as a whole and 18 times better than that for all industry. In recognition of this, the council has awarded Du Pont its highest award, the Award of Honor, 25 times, which is more than any other company has received.

COMPARISON—INJURY FREQUENCY RATES

Year	Du Pont	Chemical industry	All industry
1956	0.43	3.38	6.38
1957	.35	3.55	6.27
1958	.33	3.56	6.17
1959	.36	3.32	6.47
1960	.41	3.71	6.04
1961	.39	3.26	5.99
1962	.31	3.31	6.19
1963	.28	3.32	6.12
1964	.27	3.13	6.45
1965	.48	3.36	6.53
1966	.26	3.78	6.91
1967	.39	3.55	7.22
1968	.36	[1] 3.74	[1] 7.35

[1] Estimated.

AFRO-AMERICAN STUDIES—A RED FRONT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. RARICK. Mr. Speaker, Bryn Mawr, the once fashionable finishing school for young ladies, has added to its faculty Herbert Aptheker, a leader of the Communist Party, as a visiting lecturer in the history department.

Reportedly, Aptheker, a leading Communist theoretician, and director of the Institute for Marxist Studies in New York City, will teach Afro-American history.

The elevation of Aptheker to a college professorship is disturbing in itself, but becomes revolting to consider his being employed as an expert in Afro-American history. Aptheker is a white, who has devoted most of his life to the Communist exploitation of black people. What qualifications could a Communist Party official possibly have to be an expert—either in African or American history? Or for that matter even an educator—his daughter, Bettina Aptheker, being a leader in the campus wars at the University of California and an admitted Communist youth leader.

The Aptheker affair can but suggest that the entire Afro-American studies movement has been inspired and promoted not to educate Negroes, but as an entree into schools to advance international communism in the United States.

Where black studies have been tolerated, the college administrators have encountered difficulty in securing experienced or qualified teachers—the reason perhaps being that there is no such subject.

We can surmise that where instructors have been obtained, they possess the similar expertise of Comrade Aptheker. That the entire program is but a ruse in order to get on campus as faculty, to then mix among the students where age and position becomes invaluable to promote greivances, encourage turmoil, and promote extremist courses.

Bryn Mawr and every other school that has buckled under to ideological education should reexamine their black studies movement as to the disservice they subject their students to, as well as to how they are damaging the reputation of their institution.

Bryn Mawr may have offered Aptheker's hiring to avoid conflict, but they may find his retention rewarded by confrontation.

Needed is for the alumni and parents of our college youth to start demanding some voice and participation in campus affairs.

Mr. Speaker, a recent AP release on Bryn Mawr, and a dinner program showing his association with Gus Hall, and a bibliography from the Dictionary of American Scholars, an excerpt from HCUA hearings and a newspaper clipping, follow my remarks:

[From the Washington (D.C.) Evening Star, June 17, 1969]

APTHEKER TO TEACH AT BRYN MAWR

BRYN MAWR, PA.—Herbert Aptheker, a leader of the American Communist Party, is moving to Philadelphia's Main Line in the fall to teach a course in Afro-American history at fashionable Bryn Mawr College, the college confirmed yesterday.

A spokesman for the predominantly women's institution said Aptheker, 54, has been named a visiting lecturer in the history department.

Aptheker, regarded as among the Communist's leading theoreticians, currently is director of the American Institute for Marxist Studies in New York. He has been a member of the Communist Party for three decades and was a member of its National Committee until it was dissolved in the early 1960s because of what he called "legal complications."

[From the Dictionary of American Scholars]

Aptheker, Dr. Herbert, b. New York, N.Y., July 31, 15; m. 42; c. 1. American History. Ph.D.(hist), Columbia Univ, 43; hon. Dr. Phil, Univ. Halle, 66. Guggenheim fel, 46–47; Ed, Polit. Affairs, 53–; Dir, Am. Inst. Marxist Stud, 64– Dir, New York Sch. Marxist Stud, 60– U.S.A., 42–46, Maj. AHA; Asn. Stud. Negro Life & Hist. (award, 39); Orgn. Am. Hist. Contemporary American thought. Publ; American Negro slave revolts, Columbia Univ. 43 & Int. Publ, 63; ed, Documentary history of the Negro people in the United States, Citadel, Vol. I, 62 & Vol. II, 64; auth, American foreign policy and the cold war, New Century, 62; ed, Marxism and democracy, 65 Marxism and alienation, 66 auth, Nat Turner's slave rebellion, 66 & ed, Marxism and Christianity, 68, Humanities; auth, The nature of democracy, freedom and revolution, 67 & ed, Autobiography of W.E.B. Du Bois, 68, Int. Publ. Add: 32 Ludlam Pl, Brooklyn, N.Y. 11225.

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Excerpt From Hearings Before the Committee on Un-American Activities—90th Congress, June 27 and 28, 1968

SUBVERSIVE INFLUENCES IN RIOTS, LOOTING, AND BURNING—PART 6

Mr. Montgomery [reads]. "Bettina Aptheker, 19, daughter of top Communist Party theoretician Herbert Aptheker."

She has since disclosed the fact that she has been a member of the Communist Party all her adult life. She makes no bones about being an avowed Communist.

[From the Washington Daily News, June 19, 1969]

Federal City College Prof Linked to Panthers

A District police captain yesterday told the Senate Permanent Investigations subcommittee that Jimmy Paul Garrett, whom he identified as director of the Black Studies program at Federal City College, was one of seven members of the Black Panther Party who purchased 75 handguns between Oct. 21, 1967 and April 3, 1968 at Shims Army Store in Reno, Nev.

Capt. John E. Drass, who said he had been on loan to the subcommittee from the police department to investigate the Black Panther Party, said that "several of these weapons were recovered in shoot-outs with law enforcement officials."

So far no plans have been announced by the subcommittee to call Mr. Garrett, and he has made no request to appear. He could not be reached for comment.

A college spokesman, Fred Scott, said officials have "no idea how valid the information is" and an investigation is under way. The FBI refused to comment.

[From Human Events, Apr. 16, 1966]

Many "Respectable" Liberals Lend Names to Aptheker Salute

On the page opposite, *Human Events* presents an intriguing list of over 220 names. They are sponsors of a testimonial dinner honoring Herbert Aptheker, Communist theoretician extraordinaire. Many of those listed are out-and-out Communists, but others are persons who have denied any Communist leanings. Many are leaders of left-wing causes in the United States who have been accorded great respect by the nation's news media and America's lawmakers.

Indeed, those putting on the program honoring Aptheker have tried to cloak the occasion in "bourgeois" respectability. Scheduled for Thursday evening, April 28, the dinner is to be held in the plush Sutton Ballroom of the New York Hilton. Engraved invitations have been sent out and those attending must RSVP.

The chairman of the program is Prof. Howard L. Parson, head of the philosophy department at the University of Bridgeport. Prof. Staughton Lynd of Yale University is featured as a speaker. (Prof. Lynd's respectability has just been raised a notch by the State Department, which has reissued him a passport in spite of the fact he violated passport regulations when he traveled to Hanoi to publicly denounce American resistance to communism in Viet Nam.)

Will Geer, who only recently was invited to participate in a poetry program at the Library of Congress in Washington, is listed as one of two "participating artists." America's Communist party chieftain, Gus Hall, who continually makes wild attacks against the U.S. government, is also a featured speaker, but he is referred to with dignity as "Mr. Gus Hall."

Among some other prominent persons paying obeisance to Herbert Aptheker are: C. Clark Kissinger, national secretary of Students for a Democratic Society; Prof. Eugene Genovese, the controversial Rutgers professor who publicly welcomed a Viet Cong victory; Robert W. Kenny, honorary chairman of the Lawyers Committee on American Policy Toward Viet Nam. (Sen. Wayne Morse [D.-Ore.] has continued to quote the "findings" of this committee to buttress his arguments that the United States should pull out of Viet Nam and, on December 20, NBC narrator Frank McGee called this group headed by Kenny "a large committee of responsible lawyers.")

Also, Prof. Frederick L. Schuman, whose books on International Politics have been standard classroom texts, appears as a sponsor; Jessica Mitford, author of *The American Way of Death;* the Rev. A. J. Muste, veteran pacifist and a central figure in the Fellowship of Reconciliation; Dr. Willard Uphaus, another self-styled pacifist; the Rev. Stephen Fritchman, a leading leftist in California; Prof. Anatol Rapaport, a key supporter of the teach-in movements.

None of these persons who has lent his name to a dinner honoring Herbert Aptheker can claim ignorance of his background. He is an admitted Communist who has been crisscrossing the continent preaching Marxism to college students.

According to testimony he has given to Congress and the U.S. government, he has been an active member of the CP since 1939. He has been teaching at schools conducted by the Communist party since 1940 when he was an instructor at the School for Democracy. This school was established by Communist teachers ousted from the public school system in New York City.

He was a member of the faculty of the Communist Jefferson School of Social Science from 1944 through 1956. Here's what the *Guide to Subversive Organizations and Publications*, put out by the House Committee on Un-American Activities, says about this "school"; ". . . The basic proposition of Marxism-Leninism taught and advocated by the school . . . is that our present form of 'capitalist society,' represented by the government of the United States, must be destroyed through a proletarian revolution and replaced by socialism under the dictatorship of the proletariat; that such revolution requires the use of force and violence; and that the leading force in such revolution . . . is the Communist party."

Aptheker, whose daughter Bettina is also an admitted Communist, has played a central role in defending Communists who have been convicted of teaching and advocating overthrow of our government by force and violence. Today, Aptheker continues his "teaching" role and is head of the American Institute for Maxist Studies.

It is this unusual fellow whom so many Americans wish to honor. One wonders (not too optimistically, it must be admitted) if the New York *Times* and other liberal newspapers, who are seized by apoplectic fits every time they discover a "right-winger," will seek to expose the extremists who honor Dr. Aptheker.

Aptheker Dinner Program

You are cordially invited to join in tribute to Herbert Aptheker on the occasion of his fiftieth birthday, publication of his twentieth book and the second anniversary of The American Institute for Marxist Studies. Thursday evening, April 28, 1966, Sutton Ballroom, The New York Hilton, Avenue of the Americas, 53rd to 54th Street, New York City. Dinner promptly at 7 p.m. Cocktails at 6. Cover $12.50. R.S.V.P.

PROGRAM

Chairman: Professor Howard L. Parsons, Head, Philosophy Department, University of Bridgeport.

Professor Eugene D. Genovese, History Department, Rutgers University Steering Committee, Socialist Scholars Conference; Mrs. Modjeska M. Simkins, Civil Rights Leader, Columbia, South Carolina; Mr. Gus Hall, Communist Party, U.S.A.; Professor Dirk J. Struik, Mathematics Department (Emeritus), M.I.T.; Mr. Carl Marzani, Writer and Publisher; Professor Staughton Lynd, History Department, Yale University; Miss Bettina Aptheker, Student Leader, University of California; Dr. Herbert Aptheker, Mr. Will Geer, Mr. Al Wood, and Participating Artists.

Herbert Aptheker Testimonial Dinner Committee, 20 East 30th Street, New York, N.Y. 10016, MU 9-4530.

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OIL DEPLETION ALLOWANCE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. LONG of Maryland. Mr. Speaker, the tax burden on the wealthy is theoretical. On the ordinary workingman it is real. Tax loopholes let the wealthy shrug most of this burden onto people in the middle and low income groups. Your constituents and mine may be paying more income tax than some millionaires.

And one of the grossest of these inequities is the 27½ percent oil depletion allowance. One of the most respected leaders of opinion in the Baltimore community, Mr. Gwinn Owens, has suggested that if this depletion allowance is not repealed, it should be balanced by giving the ordinary workingman "a life depletion allowance based on the same formula." At this point I insert a copy of his penetrating remarks, which were made in a WJZ–TV, Baltimore, commentary, in the RECORD:

COMMENTARY ON OIL DEPLETION ALLOWANCE

(By Gwinn Owens, WJZ–TV, Baltimore)

Do you know that there are oil tycoons in this country who earn literally millions of dollars a year and pay only a small change for income tax? This, it seems to me, ought to fry the dander of a steel worker or a school teacher who earns a few measly thousand and then has to kick back a large slice of this to the Internal Revenue Service. This situation has been gagging the pit of my stomach for years. Then this week I was soothed by a new idea: a tax plan that would be as fair to common ordinary working people as it is to common ordinary oil billionaires. I hope someone in a position of power is listening, or perhaps my Congressman has inadvertently tuned in.

First off, I must explain that the oil baron's avoidance of nasty old income taxes is all quite legal and sanctified by Congress. The tax escape hatch is something called the Oil Depletion Allowance. This provides that though a man may make a mint out of the gusher in his backyard, he doesn't have to pay taxes on all of it. Kindly old Uncle Sam recognizes that someday that bonanza will run dry. Consequently Congress, fighting poverty as always, reduces the oil man's taxes in order to hedge against the day when he is left with nothing but dry wells, memories and blue chips.

There is one flaw in the depletion theory. True, the well will someday run dry. But, symbolically, doesn't everyone's well run dry? You may eke out your living now as a taxi driver, a hardware salesman or a college professor. Someday, however, your well of strength, skill or brains will give out, and you will have no means of earning even next week's groceries. I see absolutely no difference between the wage-earner's well of life running dry and the oil man's well of petroleum running dry. The reason oil magnates get preferential treatment from Congress is simple: They have a lobby and the wage earner doesn't.

Consequently I suggest, in a modest lobbying effort of my own, that plain working people be given a life-depletion allowance based on the same formula as the Oil Depletion Allowance. Let the oil men keep their special privilege, but fair is fair. A life-depletion allowance would guard against the day when our well of vitality has yielded its last barrel of work.

JOB CORPS CENTER CLOSINGS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1969

Mr. CULVER. Mr. Speaker, on June 11, 1969, Mr. Marquis Childs, the distinguished columnist and Washington correspondent for the St. Louis Post-Dispatch, wrote the following column after visiting the Women's Job Corps Center in Clinton, Iowa. The Clinton center is one of the centers which President Nixon has ordered to be closed.

In my judgment, Mr. Childs' observations which appeared in the Washington Post are thoughtful and timely, and I would commend them to the attention of my colleagues. The text of the column follows:

CLOSING OF JOB CORPS CENTERS MAY BE A FALSE ECONOMY

(By Marquis Childs)

CLINTON, IOWA.—It looks as spic and span as the campus of a small Midwestern college. So far as order and neatness go, the Clinton Job Corps Center has it over most campuses in these times of protest and disruption.

The center, one of seven out of 17 for women trainees being closed down, has only two more months to go. Then the experiment housed in what was once a veterans' facility will be dismantled. After three years of operation, the learning out of this brief experiment will go into dusty files with the Nixon Administration taking a new tack in job training.

Economy is the principal reason for closing down 59 out of the total of 109 centers. The cost was high and the attack on the Job Corps program was mostly on that score. The General Learning Corporation (General Electric and Time, Inc.) operating the Clinton center is paid $5125 for each girl for a course of 11 months. Travel and a cash allowance bring the total to $8000.

Parents struggling to find the money after taxes to send their young to college were indignant. Why, for that much we could put our boy through four years at a good university—that was the theme in many letters of protest.

But this fails to take into account the goal of the Job Corps centers. That was to take young men and women from the bottom of the heap—rejects, those who had been denied all the advantages of the affluent society—and rehabilitate them. It was meant not merely training in skills to get a job but health, deportment, self-confidence, some knowledge of the world beyond the impoverished backwaters in which they had led a half-life.

Many of the girls had not seen a doctor or a dentist for 10 years or more. Some were so close to illiteracy that they were unable to pick their own name out of a list. They came from Muleshoe, Tex., Hickory Flat, Tenn., Big Shoe, Mont. One Indian girl's only address was the back seat of a junk car.

In these backwaters they would have been semi-literate drudges at best or at worst public charges whether in jail or in overcrowded hospital wards and whatever is today the

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equivalent of the poor house. The Indian girl is supervising 23 girls in a computer operation at a good salary. Of the 4000 who have gone through the course 75 to 80 per cent have been placed in jobs or they have qualified for the military or have gone back to school.

When the news came that the Clinton center would be closed the girls, ranging in age from 16 to 21, launched a two-day telethon on the center's closed circuit television system. The goal was to raise money to put over a protest. Stop smoking, was one of the appeals, give your cigarette money to help pay for telegrams. They sent wires to everyone they could think of who might have influence, from President Nixon to Pope Paul.

The Clinton community joined in. The president of the Chamber of Commerce went to Washington to plead for the center. While there was grumbling in this prosperous town with its expanding industrial development when the center was established, on the whole the reception has been good.

With 80 per cent of the trainees Negroes, most of them from the Deep South, it was an experiment to set them down in a community in which the resident Negro population is negligible. The complaint is that their boy friends, coming from nearby industrial centers, were raucous and badly behaved. Municipal Judge David Halbach has said that violations by the trainees and their friends of Iowa's strict alcohol beverage laws has been lower on the average than for the community itself.

Economy aside, an argument for cutting back the Job Corps centers and perhaps eventually phasing them out was to provide the job training in or near cities where work is available once the training has been completed. The revised program will be carried out largely by the National Alliance of Business Men. The budget for next year provides an increase from $200 million to $420 million for this purpose. The trainees will not be brought long distances so that transportation costs will be negligible.

A large question is still unanswered with this shift of emphasis. What about the rehabilitation of the boy or girl dumped at the bottom of the heap? The Job Corps centers have provided an environment as well as training on a seven-day a week basis with the goal of making up in a year for the deprivations of a lifetime.

Whether the rejects can survive on their own in an urban training center is highly doubtful, in the view of those who have been close to the experiment. The very fact of closing down the centers after only three years is another blow of rejection. And for those who have lived on the border of bare existence one more blow is too many.

"YOU OWE US"—COMMENCEMENT ADDRESS BY CONGRESSWOMAN LEONOR K. SULLIVAN AT UNIVERSITY OF MISSOURI AT ST. LOUIS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mrs. SULLIVAN. Mr. Speaker, my esteemed colleague from Missouri, the Honorable BILL D. BURLISON, graciously placed in the CONGRESSIONAL RECORD several days ago an editorial from one of the newspapers in his district, the Kennett, Mo., Daily Dunklin Democrat, commenting approvingly on some statements of mine in an address last week at commencement exercises of the University of Missouri at St. Louis. As a result of that insertion in the RECORD, numerous Members of the House have expressed interest in reading the text of my commencement address, and I am, therefore, taking this means of making it available for their perusal.

While I was deeply grateful to the university for awarding me an honorary doctor of laws degree, I approached the assignment of commencement speaker with some trepidation. It was probably the most difficult speech to prepare of any I have given in a long time. What does one tell a college graduating class in this unfathomable year of 1969? All of our traditional values are under bitter attack on every campus; all of the "truths" we accepted as valid a few years ago are questioned and disputed.

Nevertheless, after accepting the flattering invitation—an invitation presumably based on the assumption that you have some wisdom or insight or special experience or advice or perhaps even some good recipes to impart to the graduates—you cannot just stand up and say you do not know what to say that would mean anything to the young men and women earning bachelor's and advanced degrees.

According to the editorial about my speech which Congressman BURLISON placed in the RECORD, I "told it like it is." My only hope is that what I had to say about the obligations to the rest of us, of the 699 fortunate men and women receiving degrees that day, made a portion of the sense to them that my remarks seemed to make to many of the parents and over-30 friends of the graduates, when I outlined what I thought were some of the things these young people owe us for, and how they can go about repaying us.

The University of Missouri at St. Louis, one of the four campuses of the University of Missouri system, is a young institution, founded in 1963, but quickly established as a dynamic educational force in our community. Its chancellor since 1965 has been Dr. James L. Bugg, Jr. Virtually 99 percent of its student body comes from the Greater St. Louis metropolitan area, and most of the students are working part time or full time to meet college expenses. The graduates have truly earned their educations and it was an earnest and inspiring and serious-minded group to talk to.

Under unanimous consent, Mr. Speaker, I submit the text of my commencement address last week, as follows:

ADDRESS BY THE HONORABLE LEONOR K. SULLIVAN

I am deeply grateful to the University of Missouri for two great honors accorded me today. One of those honors, of course, is the award of an honorary degree which means far more to me than most of you can possibly imagine, for I did not have the opportunity as a young woman to earn an academic degree in the customary manner. There was no University of Missouri at St. Louis, and not much chance of a $35 a month telephone company clerk—that's $420 a year—being able to finance an education, which girls weren't supposed to have much need for anyway in those days.

But *I* always felt the need—and the desire—and I have always regretted not having had the opportunity the men and women of this graduating class have enjoyed, to achieve a college education. The degrees you will receive today may or may not make all of you rich of famous, or assure the capture of all of the prizes you seek in the pursuit of happiness. But I don't think any of you fortunate young people earning degrees at this commencement will *ever* have the occasion to regret the years you have spent on this campus, or the multitudinous bits and pieces of seemingly unrelated facts and information you have learned here. And, although you will probably remember little of what is said here today, I am sure you will always remember with deep satisfaction what this day has meant to you.

And that is why I say I have received two great honors today. In addition to my degree, the second honor is the privilege of participating in this never-to-be-forgotten moment in your lives, as you take giant steps forward, in status and in stature, in a society in which personal success and career satisfaction are rapidly becoming inseparably entwined with educational achievement.

Therefore, to have the opportunity to share in this day, as your families are doing, and as I am privileged to do, gives the day as much meaning to us as it does to you. For each of us of an older generation recognizes that you who are graduating know far more about the world in which you live than it was possible for *any* of us to know at your age. That is not to say that you know *enough*. No one ever does. But we count on you to build on the foundation of knowledge that you have acquired here, and to use that knowledge so that your children, a generation hence, will be better prepared to cope with the challenges of a future society certain to be different from that we know today, just as today's is far different from the world as it existed when your parents were as old as you are today.

Until a very few years ago—say, when the members of this Class of 1969 were freshmen—the traditional role of the commencement speaker was to welcome the members of a graduating class of a University into the Establishment, urge them to work hard during their forthcoming apprenticeships in the professions, and to be patient; that is, not to entertain brash expectations of taking over the top executive positions in business, industry, government, or any other field during the first few weeks or months or years of their new careers.

So much has happened so dramatically in these last few years the advice which might have been valid three years ago no longer seems relevant today. At some universities, in fact, the most appropriate comment a commencement speaker conceivably could make would be to thank the students for permitting commencement exercises to be held at all. On other campuses—and this is one—the students would deserve a grateful vote of confidence in their maturity for not having burned down the library and the administration building and for not having locked the dean in the boiler room.

Because of what has happened in so many colleges across the land, a sadness and a sense of shock and of failure pervade the academic community almost everywhere, and a sense of outrage pervades the public at large over the excesses which have occurred in some of our greatest institutions of learning. Repercussions are being felt daily in the Congress, where angry demands are being heard for a massive crackdown on all manifestations of collegiate defiance of authority and of law.

This, of course, is not "dissent". Dissent is precious to American freedom. But I think back only 2 years to a beautiful June day at another college in Missouri where I heard a distinguished American woman, the Honorable Patricia Roberts Harris, a legal scholar who had been serving our country with great effectiveness as our Ambassador to Luxembourg, make an eloquent commencement speech on the importance of dissent. Dissent, she said, must be protected and encouraged in all segments of our society, and particularly in our college communities.

A few months ago, however, while Mrs. Harris was serving as dean of a university law school, she was driven to resign her position in disillusion because of the excesses of some of her students in translating dissent into revolt, culminating in a student strike, and the complete shutdown of all classes.

Remembering that commencement speaker's subsequent rather harrowing experience with dissent turned into open warfare, I am not going to follow her lead as a commencement speaker and devote this final lecture of your undergraduate days to the subject of your right of dissent. Rather, I am going to risk stirring up some dissent here myself by talking about some of your *obligations* to the rest of us, instead of about your rights. You know enough about your rights already, I am sure. But what about us? What are *our* rights where you are concerned?

To put your obligations into just a few words, it is simply this:

You owe us.

All of you have been privileged to receive the incalculable benefits of a college education—which, from a purely monetary standpoint alone will mean many thousands of additional dollars in your lifetime earnings. That's not exactly what you owe us for—you'll pay taxes on those earnings and the government and the economy will get back many times over the public investment in your education.

What you owe us—what you owe to your families and to all of their "over-30" contemporaries, and to numerous politicians to whom you might sometimes ascribe the blame for most of our national ills—is the full use of all of your brains and energies, directed toward correcting those social ills you are so familiar with and oppose so deeply.

And you are not only invited, but are strongly urged, to exercise any resentments you hold against the so-called Establishment by using all of the channels of citizen expression to make it change in the directions you want it to go.

If I were to express a wish for your future happiness, it would be that you *retain* for the rest of your lives the feeling of *dissatisfaction* I know that most of you hold today over the lack of perfection in our social structure and in our political machinery. You cannot come to this point of a university degree without realizing that our society is in deep trouble of a rather unique kind.

Most of our problems—and this is true—most of the problems in our society today are the direct outgrowth of *solutions* of previous, and usually far more serious, problems. Think about that.

Just think back to the year in which most of the members of this Class of 1969 were born—1947—and think how different this country has become in your comparatively short lifetimes.

On the emotional issue of racism, discrimination, lack of full equality, just think back to the kind of completely segregated society which existed 22 years ago, at the time of the eye-opening report of President Truman's Civil Rights Commission. This historic report established the foundation on which all successful civil rights causes of the past generation have been fought and won.

The most segregated institution in our country 22 years ago was the armed services—now the most fully integrated. Housing was truly ghettoized not merely by price, but by force of law. Schools in much of the Nation were separate by race—by law. The jobs many of the students of this University are preparing to fill with dignity and pride and distinction were, in many instances, completely closed to the parents of many of the members of this student body.

Now the law of this land, instead of fostering and promoting and requiring discrimination by race, creed, color or sex, expressly prohibits these things. Twenty-two years out of history is an infinitesimal span of time—but the acomplishments of those 22 years in human progress in this country have been fantastically great. Your elders are still dizzy from the pace of the events which you may see now as only timid short steps to a long goal. The shock waves from the momentum of these events leave most adults overwhelmed and gasping. Some, of course, have been completely dismayed. They will never adjust.

But most Americans can adjust and are adjusting to new concepts of human relationships, and are paying the taxes—the very high taxes—to try to overcome in a few years the accumulated deficiencies of educational systems and housing policies and job training opportunities which go back, not generations, but centuries.

Four years ago, when most of you were graduating from high school, the Federal Government was just beginning its multibillion-dollar program of Federal aid to education. And now every school district in the land, and every college, are heavily dependent for their educational survival on those funds. Four years. And the politicians who brought it about did not do so by the waving of any wand, or by simply making a logical explanation of why it was needed. It was a long battle. Between the time of the passage of the first general aid to education bill in either House of Congress—by the Senate in 1949—and the enactment of such a law, 16 years had elapsed—most of your lifetimes.

You owe us for what was done—for having had the courage to fight for *your* education. And you must pay us what you owe us. You must pay us back by working now for what you know must be done to help others.

For, like it or not—like the idea or not—you are indeed now part of the Establishment. You are, or soon will be, the teachers, the engineers, the doctors, the accountants, the writers, the thinkers, the politicians, the bureaucrats, the social workers, the biologists, the do-ers, of which the Establishment consists. You may fret at your frustrations in trying to move mountains and change men's hearts; but you *can* chip and scrape at *both* objectives and truly make a dent. We did!

Humanity—all of your fellow citizens and the world of which you are a part—desperately needs your skills, your knowledge, and your abilities, in order to help us do things better than they have been and are being done.

Patient or impatient with the improvements which have been made in American society in your lifetimes, you now have the precious opportunity to exert an influence upon events and upon attitudes in this country.

You have proved your competence and your adaptability to hard tasks and to great challenges. Your presence here today as successful candidates for college degrees attests to your qualifications as well-educated young men and women.

You have many choices: You can slide comfortably, if you wish, into well-paying positions in which you can concentrate only on the objective of climbing the professional ladder to success by not "making waves"—that is, you can play the safe and cosy organization game; or—you can prod and push and inspire *your* contemporaries, as well as your elders, into reluctant changes in their own comfortable pursuits.

Some of you, I imagine, will take the easy road of least resistance—the path of the yes-man; others, I am sure, will seek the notoriety which comes from finding fault with every policy and concept which you encounter on the job or in the community, whether or not you have constructive ideas for improvements. Either path brings certain types of rewards, whether in monetary terms, or in the *vanity* values of personal publicity. What I would prefer to see most of you do, however, is to couple your recognition of the deficiencies in our society with a determination to try to find solutions which will work in the correction of those deficiencies. It is not an easy assignment.

In Washington, on each day that either House of Congress is in session, strident speeches are made in the House or Senate denouncing everything which is wrong in American life or in the world at large. Simultaneously, bills go into the hopper intended to bring about instant Utopia. Solutions are *so* easy, of course, when they are only intended to *sound* plausible. But will they "wash"? Will they work? Are they feasible? Are they Constitutional? At whose expense would they have to be achieved? Could they be administered? Could they be paid for?

Be critical—be dissatisfied with the deficiencies in our society—insist upon change for the purpose of bringing about improvement—criticize that which is wrong—hold to your ideals—*but*, also try to put the need for change in historical perspective; learn enough about *why* our problems exist and where they came from in order to be able to touch the right pushbuttons which will turn on the power-generating forces needed to accomplish changes and improvements. You can bring changes only as you *persuade*, not browbeat, your fellow citizens to accept and *pay for* those changes. Americans will never pay tribute to bad manners and arrogant demands.

While some commencement speakers worry over the future of America because of so much dissatisfaction and disaffection on our campuses, I think a companion worry has to be that, like so many college generations which preceded you, you may soon rut down into life's amenities and the satisfactions of your own careers and *forget* what you are now so angry about.

From a material standpoint, you all have it made—or will have it made in a reasonably short period of time in your chosen professions. The jobs are waiting, and the pay—to those of us who once earned $35 a month—is simply incredible. You will do all right financially, high taxes and all.

But just remember, that you owe us for your opportunities—owe us not your gratitude (although your families might find a little of that nice to hear) and not your uncritical acceptance or endorsement of everything we have done (because we have made many mistakes, as every generation has done) but you owe us the application of your good minds to the problems we have not as yet solved. And, as those problems are solved, the solutions themselves will create *new* problems which will tax your best brains.

What the people of Missouri and of the United States paid for in the creation of this University was the hope that your knowledge would now enable you to do for others far more than has been done for you. Don't ridicule our sentimentality, because in a few years, when your children are getting their degrees, you'll know how your families feel today—a warm and proud and happy feeling that they have given to this country an *educated* son or daughter who is equipped to do good. Don't let them down!

FUN ALONG THE COLORADO

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. WOLD. Mr. Speaker, on May 26, the centennial celebration of Maj. John Wesley Powell's epic exploratory trip down the Green and Colorado Rivers was launched at Green River, Wyo. There was a good deal of fanfare and there will be more to come.

Major Powell was visionary as well as practical. He had the wisdom to apply knowledge to reality and make predictions which have held up over the course of time.

Indeed, he was the first man to assess the impact reclamation would have on the fierce rivers of the inland plateau area.

But even he would probably have not guessed the impact that reclamation has had on the rivers down which he made his great journey.

At this point I include an article entitled "Fun Along the Colorado," from Reclamation Era, which enumerates some of the differences between his trip and what a traveler would experience today:

FUN ALONG THE COLORADO

If he could return today, 100 years after his epic river and canyon explorations, Major John Wesley Powell would not be too surprised at finding dams and reservoirs on the Colorado River system which he knew so well.

A perceptive man, Powell knew that American technology would make far-reaching accomplishments. For instance, he envisioned tapping the West's rivers for such benefits as irrigation and community use. And he was known to predict that hydropower generation would someday be one of the primary purposes of dams.

Nor would Powell be disappointed that the Colorado River and its tributary, the Green River, have not been wholly "preserved" in the condition he found them. He realized, probably better than any other man of his day, the critical value of water resources to the West's development. And he was constantly a zealous advocate of practical water purposes, whenever his story might enlighten someone.

Probably the Major would be astonished, however, by the way Americans have widely accepted new pastimes at water resource areas. This does not include fishing, which has been appreciated for centuries, nor boating, which seemingly held some promise in his day for increasing variety.

But Powell scarcely could have envisioned a boom in such ideas as people being rapidly pulled across water on two small pieces of wood—water skiing; or adding both skis and a kite for soaring a few minutes in the sky.

Both of Powell's boating trips, one in 1869 and the other in 1871–72, were made in heavy rowboats, each weighing over 1,000 pounds. When dangerous rapids were met, the preferred technique was to unload all gear and then to let down the boats with long ropes. Usually, one line was tied to the bow and another to the stern, with at least two men handling the lines.

BOAT LOSS

Occasionally a boat was pulled from their grasp by the swift current, and sometimes holes were knocked in the hulls by rocks, but the crew managed to improvise patches and to keep the boats afloat throughout the trip. In Lodore Canyon one of the explorer's boats was out of control before its occupants could make a landing, and it was broken apart by colliding with a midstream boulder.

Today's Flaming Gorge and Glen Canyon Dams, provide plenty of swift-flowing river for those who wish exciting river trips. Much lighter-weight craft, either of wood or rubber, is used today in place of the awkward boats of the Powell trip. Where rapids threaten, boaters can utilize the updated knowledge and experience, or they can usually run the rapids—in a carefully prescribed manner—rather than make a portage or line their boats. Danger still lurks in the violent rapids, but a river runner with exact knowledge and considerable experience can make it look easy.

Powell started his trips during May, knowing that the Green River would be high from spring runoff. The large flow carried him and his men over many hidden boulders, but it probably also contributed to the accident in Lodore Canyon when the river's swiftness threw the boat out of control.

By August, when Powell was in Grand Canyon he was riding on low flow, and the voyagers were continually plagued by high riverbed and exposed rocks.

FLOWS EVENED

The advantage today is that Flaming Gorge and Glen Canyon Dams have evened the flows, cutting down the tempestuous floods of spring and releasing water gradually throughout the year, or when needed. Boating is thus possible for a long season.

In another aspect—the mobility of the American public in getting to lakes for recreation purposes—Powell would be amazed. A lake located more than 5 miles out of town was almost too far away for a quick fishing trip in his day—unless, perhaps, it happened to be linked to town by railroad.

Because of their remote locations, Reclamation reservoirs built in the early part of this century were rarely considered for recreational use. But with the age of transporting boats behind the automobile, people began looking to these reservoirs for their "treasure house" of potential in fishing, boating, swimming, and sightseeing.

At Flaming Gorge Lake, named for the first canyon which Powell and his men boated into, swimming has become part of the routine of even such knowledgeable wildlife as deer, when they have a hankering to be on the other side of the lake. On seeing the animals swimming across, visitors take pleasure in a good deed by reporting the swimming deer for officials of the Utah and Wyoming State Game departments.

Most visitors to the Flaming Gorge recreation area were first thought to be from the nearest metropolitan area, Salt Lake City. But an analysis showed that more than half of the total are from distant States.

AND FISHING

Fishing is an interesting sport around Reclamation's Flaming Gorge Dam. Not only is fishing considerable in the reservoir, but when the gates on the dam were closed in 1962, ideal trout fishing took place in the sparkling trailwaters below the dam. The stream was converted from a muddy waterway to a clear, cold relatively stable river. The spectacular stream winds for 30 miles through picturesque forest lands, or isolated recreation areas in Daggett County, before entering Colorado and Dinosaur National Monument.

Last December a fish specialist said the Daggett County reach of the Green River deserves to be called "Utah's Blue Ribbon trout stream." And because trout growth and aquatic food production have continued to increase here, it would likely continue to have a favorable future for trout ranging up to around 6 pounds for 5-year olds.

Further along the route of Powell's voyage, a huge, beautiful reservoir was named, a few years ago, for the intrepid explorer. At this reservoir, Lake Powell, the administering agency, National Park Service, reports a 1968 jump of about 50 percent more visitors than the previous year. The 1968 total was 883,400 at this isolated lake backed up by Reclamation's Glen Canyon Dam. And because there are no nearby cities, more of these people drove from such distant points as Los Angeles, Phoenix, Denver, and Salt Lake City.

The superb scenery at Lake Powell is unsurpassed for variety. Facilities for all kinds of water-based recreation, including fishing, are in operation year-round. Particularly excellent this year is trout fishing just below the dam, rivaling that downstream from Flaming Gorge.

LAKE MEAD VISITORS

Chalking up the highest visitor figure of all Colorado River Basin reservoirs is Lake Mead, located near Las Vegas on U.S. Highway 95. Last year 4 million sun-seekers, fishermen and boaters showed up at this lake behind Reclamation's Hoover Dam.

Lake Mead also is associated with Major Powell because it was at the mouth of the Virgin River (now an arm of Lake Mead) that Powell terminated his 1869 voyage.

When Lake Mead is high, water backs into the gorge to Separation Canyon, where three men of the voyage climbed out of the canyon rather than face what they believed would be certain death in other violent rapids below. These three, the two Howland brothers and William Dunn, unfortunately were killed by Shivwits Indians after reaching the canyon rim.

Powell and his crew were exceptionally daring to do what they did. To explore this awesome river area had been considered an impossible feat before they undertook it, and indeed the task turned out to be almost unendurable.

Even when undertaken today—whether for sport thrills or futher study—boating the Green and Colorado Rivers still is an ominous challenge. And because of the need for proper knowldege and equipment, it is accomplished by only a few.

For Powell, it was an endeavor of scientific worth. And for him it would be a service, making possible a contribution of solutions to national problems, which few other men understood or tried to measure.

Continuing his hard pioneering work, and tackling tremendous obstacles he strongly spurred on the reclamation era for the Nation. So that today, Reclamation specialists with added knowledge have been able to forge ahead with constructing dams and related water facilities in many Western areas.

GAINS TOTALED

The 67-year old Federal Reclamation program has brought irrigation service to 10 million acres of land in the West, 8 million acres of which were irrigated in 1967. Total gross value of crops produced by farmers on these lands is $27 billion.

Also, 600 billion kilowatt hours of hydropower have been generated. Since 1950, $674 million in property damage, plus unnumbered people's lives, have been saved by structures controlling flooding rivers.

Guards against water pollution, enhancement of fish and wildlife areas, and preserving the scenic environment also are Reclamation project benefits.

Major Powell envisioned such assets as those. However, the water resource development which would amaze Explorer Powell most has come about in just the last few years—the outdoor recreation boom, and the tricks devised by fun-seekers for thrills at lakes and reservoirs.

For its part, Reclamation has constructed over 200 lakes which accommodate such activity, and serve many other useful purposes.

XUM

REPRESENTATIVE BURKE ANNOUNCES 1969 POLL RESULTS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. BURKE of Florida. Mr. Speaker, in announcing the tabulation of my annual questionnaire poll this week, the results indicate that the majority of my constituents favor repeal of the 10 percent surtax; increased military pressure on North Vietnam as a means to end the war; restoration of the national lottery draft system; and a constitutional amendment which would provide for the election of the President and Vice President by a simple majority of the people.

These results definitely indicate that the people residing in my congressional district are opposed to further tax increases and want less government spending. They are deeply concerned about the problems of inflation and feel they are now overtaxed.

As for Vietnam, the majority of the respondents indicated they would like the war to end but they do not want peace at any price. Instead the majority indicated they favor increased military pressure on North Vietnam to bring a conclusion to the war. Nevertheless, 26.6 percent in the district indicated that they would get out of the war regardless of a subsequent Communist takeover.

More than 218,000 questionnaires were mailed to the residents in Broward and north Dade Counties and I was pleased and gratified to see that more than 40,000 citizens responded. It is indicative to me that our citizenry is concerned and interested in their government.

The results of the questions were computed by percent and includes tabulations for the entire district as well as by distinct section. The questions and results follow:

QUESTIONNAIRE RESULTS, 1969

Questions	Entire district		Central Broward		South Broward		North Dade	
	Yes	No	Yes	No	Yes	No	Yes	No
1. Do you favor the renewal of the 10 percent surtax when it expires on June 30	17.0	83.0	15.7	84.3	18.7	81.3	16.8	83.2
2. Would you favor the 10 percent surtax if part of the revenue would be returned to local and State governments	30.0	70.0	29.2	70.8	34.7	65.3	26.5	73.5
3. If a satisfactory peace in Vietnam cannot be secured in the near future, would you favor [1]—								
a. Withdrawal of U.S. forces, even if this means Communist takeover	26.6		24.9		24.9		30.4	
b. Adhere to holding operations by joint United States-South Vietnam forces	20.5		20.6		22.3		18.5	
c. Increase military pressure on North Vietnam	52.9		54.5		52.8		51.1	
4. Should the power of the President to commit American troops to combat without specific approval of Congress be curbed	66.0	34.0	67.9	32.1	67.5	32.5	62.3	37.7
5. With respect to raising an army to defend the Nation, do you favor [1]—								
a. Continuing the draft in its present form	31.5		32.9		30.6		30.7	
b. Replacing the draft system with an all volunteer army	24.2		21.1		22.2		30.0	
c. Restoring the national draft lottery system established in World War II	44.3		46.0		47.2		39.3	
6. Should the United States adopt a 12-mile offshore territorial limit against those nations which impose more than a 3-mile territorial limit	93.9	6.1	94.4	4.6	94.3	5.7	91.1	8.9
7. Do you favor a law by the Federal Government to prevent strikes by public employees	72.0	28.0	77.8	22.2	68.5	31.5	68.9	31.1
8. Should presidential candidates be selected by national primaries, instead of party conventions	84.1	15.9	83.2	16.8	85.9	14.1	83.2	16.8
9. Do you feel the electoral college should be abolished and the President and Vice President be elected solely by the simple majority vote of the people	87.8	12.2	86.7	13.3	87.3	12.7	89.7	10.3
10. Do you believe the Federal Government should guarantee an annual income to heads of families, whether or not they are working	6.1	93.9	4.1	95.9	7.7	92.3	6.8	93.2
11. Do you favor limiting the number and type of questions to be asked in taking the 1970 census	75.2	24.8	82.4	17.6	71.6	28.4	70.1	29.9

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[1] Figures shown represent percentage of answers favoring each option shown.

QUESTIONNAIRE RESULTS—1969

[In percent]

Questions	North Dade						South Broward						Central Broward					
	Republican		Independent		Democrat		Republican		Independent		Democrat		Republican		Independent		Democrat	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
1. Do you favor the renewal of the 10-percent surtax when it expires on June 30	15.1	84.9	10.7	89.3	29.8	70.2	20.8	79.2	17.5	82.5	16.7	83.3	16.2	83.8	14.9	85.1	15.2	84.7
2. Would you favor the 10-percent surtax if part of the revenue would be returned to local and State governments	23.8	76.2	27.4	72.6	27.7	72.3	42.4	57.6	28.3	71.7	28.4	71.6	29.7	70.3	24.3	75.7	33.8	62.2
3. If a satisfactory peace in Vietnam cannot be secured in the near future, would you favor.[1]—																		
(a) Withdrawal of U.S. forces, even if this means Communist takeover	29.6		30.7		30.9		25.2		24.8		24.6		25.0		25.5		24.0	
(b) Adhere to holding operations by joint United States-South Vietnam forces	19.4		16.4		19.6		20.8		19.3		27.4		19.8		18.8		24.7	
(c) Increase military pressure on North Vietnam	51.0		52.9		49.5		54.0		55.9		48.0		55.2		55.7		51.3	
4. Should the power of the President to commit American troops to combat without specific approval of Congress be curbed	58.7	41.3	62.6	37.4	64.9	35.1	69.2	30.8	66.9	33.1	65.2	34.8	66.6	33.4	72.6	27.4	65.5	34.5
5. With respect to raising an army to defend the Nation, do you favor—																		
(a) Continuing the draft in its present form	31.0		27.5		33.5		29.1		27.3		36.3		35.1		31.3		29.2	
(b) Replacing the draft system with an all-volunteer army	29.8		31.8		28.4		20.6		20.9		26.3		20.3		18.2		27.1	
(c) Restoring the national draft lottery system established in World War II	39.2		40.7		38.1		50.3		51.8		37.4		44.6		50.5		43.7	
6. Should the United States adopt a 12-mile offshore territorial limit against those nations which impose more than a 3-mile territorial limit	95.9	4.1	93.7	6.3	80.2	19.8	95.4	4.6	95.6	4.4	91.1	8.9	95.3	4.7	96.1	3.9	94.6	5.4
7. Do you favor a law by the Federal Government to prevent strikes by public employees	84.4	15.6	60.2	39.8	63.2	36.8	76.0	24.0	69.2	30.8	55.4	44.6	86.8	13.2	69.1	30.9	65.0	35.0
8. Should presidential candidates be selected by national primaries, instead of party conventions	83.0	17.0	88.7	11.3	74.1	25.9	83.0	17.0	89.1	10.9	87.5	12.5	79.4	20.6	86.0	14.0	89.9	10.1
9. Do you feel the electoral college should be abolished and the President and Vice President be elected solely by the simple majority vote of the people	88.2	11.8	87.8	12.2	92.6	7.4	84.2	15.8	91.0	9.0	88.7	11.3	86.5	13.5	86.0	14.0	88.3	11.7
10. Do you believe the Federal Government should guarantee an annual income to heads of families, whether or not they are working	3.0	97.0	9.8	90.2	7.0	93.0	2.7	97.3	11.7	88.3	11.9	88.1	5.2	94.8	2.3	97.7	3.4	96.6
11. Do you favor limiting the number and type of questions to be asked in taking the 1970 census	75.8	24.2	74.9	25.1	61.4	38.6	73.0	27.0	73.9	26.1	66.9	33.1	84.4	15.6	84.2	15.8	75.5	24.5

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[1] Figures shown represent percentage of answers favoring each option shown.

REPRESSION IN VIETNAM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. ROSENTHAL. Mr. Speaker, we see every day in Vietnam how difficult it is to stop a war. War becomes a pattern, with smaller patterns within it. Military commanders fight for isolated hilltops, out of habit of fighting. The Saigon regime suppresses its opponents because that kind of political repression has become a pattern within the war. Even the killing becomes a pattern of so many dead this week, so many last week.

The war will end when we can break these patterns and recall our goals. We want a Vietnam which can rule itself in a manner its citizens think most likely to affect their safety and happiness. We want in Vietnam a government responsive to all elements of its national community and not a government we either impose or tolerate which is disruptive of such representation and responsibility.

It is clearer today than ever before that the present government in Saigon is without the support of its own people. That government exists and persists as a malodorous remnant of our earlier policy—now happily repudiated—of seeking a military victory. It is kept in power solely by American support. That support becomes the justification and the means by which political and religious freedom is ravaged, by which students, opposition leaders, and journalists are jailed, and by which extensive corruption is made possible.

Support for such a government demeans the sacrifices made by thousands of American war casualties, it demeans the serious and well-intentioned efforts by the American people to understand and help the Vietnamese people.

Ending American support for the Thieu-Ky government will certainly cause that government's early fall. This is the best indication that that government lacks any real basis of support among the Vietnamese. The sooner we make the hard decision to abandon these leaders whom we installed in an earlier, less enlightened period of American policy, the sooner we can end, with dignity and honor, our tragic involvement in the affairs of the Vietnamese people.

As long as we continue supporting the present government in Saigon, we will hamper the discussions among Vietnamese from which must develop the political institutions they need to govern themselves when our withdrawal is complete.

The most recent example of repressing political discussion in Vietnam came this week when the summoning by police of four leaders of an opposition organization, the Progressive National Committee, headed by Tran Ngoc Lieng. This committee was only formed on June 4 and its principal offense seems to have been its initial public statement favoring "a government of reconciliation" that would be composed of "nationalist elements acceptable to both sides."

This reasonable hope, which is so moderate that it might have been uttered by President Nixon himself, apparently irritated President Thieu, among others in the Saigon government.

President Thieu's attitude toward such political developments can be seen in a statement he made at the press conference held in Saigon after his meeting with President Nixon:

> From now on, those who spread rumors that there will be a coalition government in this country, whoever they be, whether in the executive or the legislature, will be severely punished on charges of collusion with the enemy and demoralizing the army and the people. I will punish them in the name of the Constitution.

This statement is the best reason for removing President Thieu and, if necessary, changing the Constitution so that normal political processes can return to Vietnam.

THE 25TH ANNIVERSARY OF THE GI BILL

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. MILLER of Ohio. Mr. Speaker, June 22d is a memorable date for almost 27 million Americans who have served in the Armed Forces of this country. Twenty-five years ago, on June 22, 1944, the first Servicemen's Readjustment Act, or GI bill, was signed into law. This landmark legislation was passed by the Congress without a single dissenting vote in the closing days of World War II.

On that date every man and woman who had served honorably in the uniform of the United States became eligible for assistance in a number of programs designed to help veterans in their readjustment to civilian life. The GI bill, however, could only provide the opportunity. As always, the individual still had to succeed in his schoolwork or vocational training; he was required to pay back his home, farm, or business loan.

The GI bill of World War II set a precedent. It made all Americans realize that for the sacrifices a fighting man must make for his country, we, too, had an obligation that must be met. The Nation realized that displacement from the normal social and economic environment of civilian life for a period of time by those who entered service had placed them at a disadvantage in our competitive society.

While no government, or people, could give back those years or repay the hardships experienced in wartime some means of equity could be provided. This was the objective of the GI bill.

Benefits were extended to Korean veterans and then to those serving during the Vietnam conflict. Over a million Vietnam-era veterans have already participated in education and training programs.

The GI bill has been an unqualified success, the entire Nation has benefited immensely. More than 380,000 new teachers, 84,000 new doctors, 30,000 new dentists, and 15,000 new nurses financed some or all of their education under the GI bill. In addition, over 3 million workers in trade and industry received GI bill training.

Home, farm, and business loans have stimulated economic development. Increased taxes from the higher wages and salaries earned by better-educated veterans have returned the Government's investment many times over.

On this silver anniversary of the first GI bill we should again acknowledge the tremendous debt our country owes to its war veterans.

The GI bills, past and present, should be viewed in their true light, as investments in human beings, our veterans, an investment that pays handsome dividends to all America.

THE BRAVE NEVER DIE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. FASCELL. Mr. Speaker, with the Vietnam war still with us our efforts for peace in other parts of the world often seem insignificant. But unfortunately, as we all know, other wars exist where men fight and die for freedom though we may hear less about them than Vietnam. When the efforts for peace have failed and we have been driven to war, we have been fortunate in maintaining our freedom. Not all nations, unhappily, maintain that freedom that once was theirs.

This past Memorial Day brought veterans of many different wars and Americans of many different origins together. An excellent tribute made by a Cuban-American, Manuel J. Reyes, Latin American News director of WTVJ-television, was presented to the veterans of the Spanish-American War in Miami, Fla. I am pleased to call to the attention of my colleagues the moving speech Mr. Reyes made in behalf of all Americans who have fought and continue to fight for freedom for the people in all nations:

> The Brave never die!
>
> This is why, death will never defeat the Veterans of the Spanish-American War! Those gallant men who in the year 1898, in the prime of their youth, renounced to all of life's wealth and as volunteers (the first volunteers of the United States' Army), went overseas to defend freedom.
>
> Strong men who with their fighting. placed the United States in a category of first world power and as a country of hope for the poor and the oppressed.
>
> Like I have done year after year, since I came into exile, I am here with you again. on this Memorial Day, to honor those who fell in 1898, fighting for the freedom and dignity of the human being.
>
> Cuba was one of the countries where you and your fellow-soldiers went on that noble task.
>
> This is why, today, as a Cuban and I am and will be until the day I die, even if I die at the last corner of the world, but as a Cuban, I want to unite my prayers to yours, with the greatest respect and admiration, as true brothers. I want to unite my prayers to yours on behalf of a country and a people who were not born to be slaves, on behalf of the Cuban people in the martyred island and in exile.
>
> Because, if my people were not silenced by terror and tyranny imposed over them, I

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know that if my people could talk, they would be here today, praying for those who fell at San Juan Hill in Oriente Province, so that Cuba could be free.

And it is because our brotherhood is sealed with the blood of those who, on your part or ours, joined in a common fighting action to free Cuba.

There was no other alternative at that time.

And today, faced with a similar situation, which has already prolonged itself for over ten years, the alternatives have disappeared little by little.

There is but one way left for the noble Cuban people in their fight to overthrow the tyranny: A way which you, united to the Cuban Freedom Fighters, bravely took in 1898. A way thru which there is no return and leads to a Spartan climax: Freedom or Ashes.

You helped to free Cuba during the past century. But today Cuba is living the worst tyranny of all its history.

The tragedy of the Cuban people is so great; the suffering of the Cuban mothers is so great; and despair of its best men is so great. . . . and at the same time, the courage of that same people is so great, that the only way left is freedom, or let Cuba as a whole be burnt to ashes thru the will of its people. So that from the ashes of Communism, a new Cuba, free, sovereign, independent and democratic, will arise.

And today, by joining my prayers to yours, two people who were born to be brothers, by praying to God for the eternal rest of those who gave their lives in the Philippines, in Puerto Rico and in Cuba; let's tell them that their sacrifice was not in vain. Let's tell them to rest peacefully in their graves . . . because their heirs, making their glorious history come alive again, have joined to proclaim at this cemetery, before their graves, a cry that will be heard in Cuba, a cry which will shake the island from one end to the other; a cry which will raise the people against the tyrant: Freedom or Ashes!

STAFF REPORT OF U.S. COMMISSION ON CIVIL RIGHTS

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. TAFT. Mr. Speaker, in the Washington Post this morning, there appeared an article by John P. MacKenzie inferring that the Attorney General was recommending against the extension of the Voting Rights Act of 1965. Since the Attorney General has not yet testified on the subject and is not quoted in the article, the inferences, and conclusions drawn from it are subject to serious question.

The need for extension of the act is clear and should not be confused or jeopardized by other legislation proposing changes or improvements in voting procedures on a nationwide basis. The tremendous progress made since the 1965 enactment of the act makes this clear, but it does not mean that the problems and practices necessitating its passage have vanished. This is testified to amply by a recent staff report by two attorneys of the U.S. Commission on Civil Rights, Mr. George Bradley and Mr. Richard Seymour, brought to my attention by a letter from Mr. Howard Glickstein, Acting Director of the Commission.

I include herewith the letter and staff report at this point in the Record:

U.S. Commission on Civil Rights,
Washington, D.C., June 16, 1969.

Hon. Robert Taft, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. Taft: I am sending you a copy of a Commission Staff Report on irregularities in the May 13 Municipal Elections in Mississippi which we have filed with Subcommittee No. 5 of the House Committee on the Judiciary. The facts presented and the issues raised in this report relate to the proposed extension of the Voting Rights Act of 1965.

Although a number of black candidates were successful, most notably Charles Evers who was elected mayor of Fayetteville, Mississippi, the report documents many instances of discriminatory practices which the Voting Rights Act of 1965 was enacted to eliminate. Another central finding of the report is that not one black candidate in counties where Federal Observers were present believed the election would have been run in a honest manner were it not for the presence of these observers provided for in the Voting Rights Act. In counties where Federal observers were not present, there was a division of opinion as to whether there had been an honest election.

I believe the report will be useful in demonstrating that the original objectives of the Voting Rights Act to enforce the 15th Amendment in those States were historically the right to vote had been denied on account of race and color still have not been achieved.

If I can be of any further assistance, please do not hesitate to contact my office.

Sincerely yours,
Howard A. Glickstein,
Acting Director.

May 13, 1969, Municipal Elections in Mississippi

(U.S. Commission on Civil Rights Staff Report)

Primary elections were held on May 13, 1969 by numerous Mississippi municipalities to choose candidates for the June 3, 1969 general election. The U.S. Commission on Civil Rights sent two attorneys to the state for a week to observe the elections and speak with many of the black candidates who sought political office and their supporters.

On May 13, 1969 Commission staff attorneys observed the conduct of the election in Fayette, Jefferson County; Woodville, Wilkinson County; Gloster, Amite County; Lexington, Durant, Goodman, and Pickens, Holmes County; and Belzoni, Humphreys County. Commission staff visited the polling places throughout the day and kept in contact with black candidates and their supporters in these cities. The rest of the week they spoke with black candidates and their supporters in other Mississippi towns. In all they spoke with black candidates or their campaign workers in 20 towns scattered among a total of 15 counties.

Most of the black candidates interviewed, regardless of whether they won or lost and regardless of whether they believed the election had been fair, believed that there would not have been as fair an election had it not been for the presence of the Federal Observers and the presence of numerous lawyers and others serving as poll watchers. Although there were criticisms of the manner in which the Federal Observers carried out their duties, not one black candidate in a county where Federal Observers were present believed the election would have been run in an honest manner were it not for the presence of these observers. In counties where Federal Observers were not present, there was a division of opinion as to whether there had been an honst election.

For convenience in reporting, the problems uncovered have been divided into four general areas:

1. Registration to vote.
2. Qualification as a candidate.
3. The conduct of the election.
4. The role of Federal Observers.

REGISTRATION TO VOTE

In many of the towns visited by the Commission staff, it was reported that black persons no longer have fears of adverse consequences if they register to vote. This was not true everywhere, however. In Woodville, for example, a black candidate stated that people were still afraid to register to vote in Wilkinson County. As an example of the fear that still exists in the Woodville area, he noted that when three college students from Michigan State University who served as poll watchers for black candidates during the election had to leave the town very late at night, local black residents insisted that they be escorted to McComb by the Deacons of Defense. In Itta Bena there were reports of threats to bomb a black candidate's headquarters the night before the election. A guard was placed around the headquarters by local black persons the entire night. It was also noted in Woodville that several candidates who had held jobs either with the school system or the county had recently lost their jobs as a result of seeking elective office or because they were actively involved with the NAACP. Their contracts were not renewed after their involvement had become common knowledge.

A black candidate in Moorhead, in Sunflower County, stated that some black persons were afraid to register to vote for fear that white persons would take economic reprisals against them. A similar reluctance to register was reported in rural areas of Quitman County by a black candidate for office in Marks.

Problems in registering to vote for the city elections were widespread. Difficulties were reported in Summit, Pike County; Bolton and Edwards, Hinds County; Clarksdale, Coahoma County; Durant, Lexington and Goodman, Holmes County and Leland, Washington County.

A black candidate for office in Summit stated that black persons desiring to vote had difficulty in finding the Summit city clerk in order to register with him. Under Mississippi law, a voter must register with the county registrar and with the city clerk in order to vote in municipal elections. Section 3211 of the Mississippi Code provides that the registrar "shall register the electors of his county at any time" and section 3374–61 makes this provision applicable to municipal clerks, who act as registrars for municipal elections. Until the deadline for registering for the primary election had passed, the city clerk in Summit, who has another full-time job, was only available for registration between 3 p.m. and 7 p.m. on Tuesdays and Wednesdays. In the future, however, the clerk in Summit has reportedly agreed to register voters at any time, except on Sundays. Pike, the county in which Summit is located, has not been designated for Federal Examiners. It was reported that the town clerk in Edwards is in his office only from 9 a.m. to 11 a.m. Monday through Friday. Thus, it is very difficult for people who work during the day to register in the city.

In several of the towns noted above, county clerks did not inform the newly registered voter that it was necessary for him to register in the city as well. Thus, large numbers of black persons were unable to vote in municipal elections because they had not registered in the city, even though they had registered at the county courthouse.

In one town where no primary was held, but where black candidates were running as independents, two black voters alleged that the city clerk was present when they registered with the county clerk, and that he told them he would take care of the city registration for them. He did not, however, and their ballots were challenged. One black voter was told by the same city clerk, when she saw him in 1966 after having been listed by the Federal Examiner, that she already was on the city books. Her name, however, was not on the list and thus her ballot was challenged.

In another town, witnesses reported that the county clerk harassed black persons who attempted to register with her. In July 1968, a local civil rights volunteer took a crippled black woman and four other black persons (two to register, and two to help the crippled woman) to the clerk's office. The clerk refused to allow the crippled woman to sit while she was registering, instead forcing her to walk from table to table for different parts of the registration process. This took about 15 minutes, the clerk asserting that, after all, the woman would have to stand while voting. On two occasions—July 1968 and February 1969—this clerk allegedly sent a deputy out to buy spray deodorizer while black persons were being registered.

Another widespread problem was that a large number of names listed by the Federal Examiners were not placed on the city rolls. As a consequence many persons who had been listed by the Federal Examiners had their ballots challenged, while others, anticipating challenge, did not cast ballots at all. Such problems were reported in Woodville, Wilkinson County; Vicksburg, Warren County; Edwards and Bolton, Hinds County; Clarksdale and Jonestown, Coahoma County; Itta Bena, Leflore County; Marks, Quitman County; and Lexington, Durant and Goodman, Holmes County. In some of these cases the Federal Examiners failed to transmit the names of persons listed by them to the appropriate city officials.

In March, local campaign workers discovered that the names of 150 black persons in Itta Bena who had registered with the Federal Examiner were not on the city lists. This was brought to the attention of the Civil Service Commission office in Jackson. That office allegedly was able to get 108 of the names placed on the city books for the elections, but apparently determined or assumed that the 42 others lived outside Itta Bena. At the May 13 primary, an additional 12 black persons were allegedly turned away because they were not on the city lists, although they too had been listed by the Federal Examiner.

In one town, persons listed by the Federal Examiner, but whose names were not on the registration books, were permitted to cast challenged votes. When a ballot is challenged, the Democratic Executive Committee decides whether to count it. The chairman of the Democratic Executive Committee in that town is alleged to have said, in reference to challenges by poll watchers for black candidates: "Let them challenge all they want because the challenge comes through me and I will handle them the way I want."

When the Federal Examiner arrived in Holmes County in March, he apparently made no effort to publicize his presence. Commission staff talked to many local black persons—candidates and campaign managers as well as voters—who did not know he was in Lexington until his presence was discovered by accident on his last day there. Predictably, he did not list anyone during his visit to Lexington.

Lack of such publicity was a widespread problem throughout Mississippi. Little or no advance publicity was given in any of the counties. While some civil rights leaders were apparently informed of the presence of Federal Examiners, in most cases nothing else was done. As could be expected, few persons were listed by the examiners. A list showing the counties in Mississippi where examiners were sent and the number of persons listed is attached.

QUALIFICATION AS A CANDIDATE

In several towns primaries were not held even though black candidates had sought to run and thought they had qualified. The absence of a Democratic Party Executive Committee in those communities required candidates to use a different procedure for qualifying and the black candidates were not informed of this procedure.

In Friars Point, for example, where the Justice Department subsequently on May 17 filed a suit, black candidates sought to qualify for the primary by filing their papers with the County Democratic Party Executive Committee. The local newspapers allegedly reported that the black candidates had qualified for the primary. Shortly before the primary, however, it was announced that the black candidates had not qualified for the primary, because they allegedly had not complied with certain statutory requirements. Despite the fact that they had allegedly filed their papers several weeks before the deadline for qualifying either in the Democratic primary or as independents, they were not notified that they had not qualified until after these deadlines had passed. The Justice Department suit charged that "without general notice to the public, [the defendants] altered the procedure for qualifying." This was done without obtaining the approval of the Attorney General as required by Section 5 of the Voting Rights Act of 1965.

In Centerville several black persons attempted to qualify to run in the May 13 primary for city positions. They filed the required notice with the city clerk in Centerville and with the Secretary of the Democratic Committee in Woodville. They were told by the clerk at the town hall in Centerville that the town did not have a primary election. They were not told, however, that there was a procedure for obtaining a primary election. To run in a municipal primary in a town without a Municipal Executive Committee it is necessary to petition the Chairman of the County Executive Committee to call a special meeting of registered voters. At this meeting a temporary Executive Committee is elected. This Committee runs the primary election. They learned from civil rights lawyers in Jackson, however, that even though they were unable to run in the Democratic primary they could qualify as independents if they obtained signatures from 75 registered voters. Three candidates were able to get the necessary signatures, even though they learned of this possibility the day before the filing deadline. Thus they were able to get on the ballot for the June general election. In North Carrollton, in Carroll County, and Pickens, in Holmes County, black candidates attempting to qualify as Democrats were told there was no primary and therefore had to qualify as independents. As in Centerville they were not told there was a procedure by which a primary could be held.

A black candidate in one town in Hinds County, however, was unable to qualify for election because she was unaware of the proper procedures to follow. She allegedly filed her papers to run for office with the town clerk before the filing deadline. Someone, however, told her that she had to take the papers to the Mayor. She returned to the town clerk, obtained her papers from him and took them to the Mayor who informed her that he had nothing to do with the election. She then went back to the clerk's office, but he had left. She returned the next day and gave the papers to the clerk, but was told that she was one day past the deadline and, therefore, the clerk refused to put her on the ballot.

In Woodville, black voters were totally excluded from a second unofficial "white primary." All the black candidates for the Democratic primary were defeated. However, black and white persons had qualified as independent candidates for mayor and alderman. Thus, there was a possibility that the white vote would be split since there were two white candidates and one black candidate for mayor and eight white and one black candidates for the five alderman positions. To avoid this, the county White Citizens Council sent a letter to all white voters asking them which white candidates they believed should withdraw from the race.

They apparently were at least partially successful, as it was reported that one of the white candidates for mayor had withdrawn his name. A copy of the letter is attached to this report. In contrast to the tone of the letter, a campaign poster is attached illustrating the slogan used by several black candidates in the area: "Don't vote for a black man. Or a white man. Just a good man. . . . Doesn't that sound good."

In Canton, some black candidates qualified to run in the Democratic primary; others running as independents will appear on the ballot in the June 3 general election. The city, however, allegedly redistricted the municipal boundaries eliminating a large number of black persons and adding a number of white residents. The city did not, as required by the Voting Rights Act of 1965, submit these changes to the Attorney General or the District Court in Washington, D.C. for approval. A suit was brought in Federal court and on May 10, 1969 the holding of a primary and general election was enjoined.

THE CONDUCT OF THE ELECTION

On the day of the primary, election irregularities occurred in a large number of communities in which black candidates ran.

Among the most frequent irregularities were restrictions upon the activities of poll watchers for black candidates. Title 14, section 3128 of the Mississippi Code states:

> Each candidate shall have the right, either in person or by a representative to be named by him, to be present at the polling place, and the managers shall provide him or his representative with a suitable position from which he or his representative may be able to carefully inspect the manner in which the election is held."

Despite this provision, election officials in Marks allegedly required poll watchers representing the black candidates to sit 20 feet from the election tables. From that distance, they could not see enough of what was happening to do more than tally the ballots voted. In Jonestown, the election officials at first challenged the right of the student volunteer poll watchers to be there. After reportedly telephoning an outside source, the officials allowed these poll watchers to remain, but seated them so far back of the polling place, at the insistence of the manager, that they could not see the names on the books and thus could not carry out all of the normal functions of poll watchers. In Leland, where no Federal Observers were present, the election officials also allegedly required poll watchers for the black candidates to stand so far away from the tables that they were unable to check the qualifications of voters. And, although section 3164 of the Code specifically provides that candidates and their representatives have the right to observe and inspect the counting of the ballots, the poll watchers in Clarksdale were not allowed near the machines or tally tables during the tally of votes. They protested, but were not allowed closer.

Although many municipalities across the State had black election officials working at the polling places, only a few had more than a token number of black persons, and the black persons working in the polling places were under the supervision of the white election managers. In Woodville, Clarksdale, and other cities, white election managers were reluctant to render assistance to illiterates, although the courts have held that the Voting Rights Act of 1965 requires that this assistance be given, and that illiterates be informed of its availability. *United States* v. *Louisiana*, 265 F. Supp. 703 (1966), *aff'd per curiam*, 386 U.S. 270 (1967). In Vicksburg,

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a black election official was told that she could not help illiterates who asked for her assistance in voting. She was told that the election manager would appoint someone to assist illiterates needing assistance. He invariably appointed one of the operators of the voting machines, all of whom were white, despite the voters' requests that a black election official assist them.

In Lexington, a black election official is reported to have told a student poll watcher that the election officials had been instructed not to give or offer help to voters until the voter needing assistance asked them. In polling places throughout the State, illiterate voters frequently seemed unaware that assistance was available, but quickly asked for it when poll watchers for the black candidates informed them of its availability. Instructions such as those allegedly given in Lexington deprive such voters of the means of voting as they wish.

Sec. 3272 of the Mississippi Code provides that voters who are blind or disabled "shall have the assistance of one of the managers or other person of his own selection" in the marking of his ballot. In one instance in Vicksburg, however, a poll watcher reported that a blind woman was denied assistance by the "person of her choosing"—her black sister. A white official insisted on casting her ballot for her.

In Itta Bena, white election officials assisting illiterates reportedly tried to influence the illiterates not to vote for the black candidates. It was also reported in Vicksburg, where no Federal Observers were present, that black voters who did not request assistance often had white election officials entering their booth under the pretense of giving assistance.

In Itta Bena, an armed white deputy sheriff, apparently there to maintain order, sat between the two tables being used for the election, allegedly harrasing black persons. As a result, some left without voting. The election officials made no effort to moderate his conduct. Also in that city, a white election official allegedly demanded that four black women give her their marked ballots, rather than place them in the box. The women now fear that their ballots were never counted.

In Vicksburg, one of the polling places for a largely-black area was reportedly changed without publicity. When black persons showed up at their regular polling place to vote, the lection officials stated that there had been a change, but refused to aid the voters in finding their proper voting place. As a consequence, many of these persons did not vote. In Greenwood, one black voter was not allowed to vote until she had "hounded" the election officials for several minutes, although her name was on the voting lists.

In Clarksdale, four black persons attempted to vote, but were turned away because their names were already marked as having voted. One of the student volunteers felt that some of these instances were explained by there being more than one person with the same name registered but the name appeared on the lists only once. At first, the election officials refused to permit the casting of a challenged ballot; later, they relented. A white voter in this situation was allegedly allowed to vote by machine upon his oral statement that he had not already voted. The officials ignored the challenge of the student volunteers. After that, a black voter in the same situation was also permitted to vote by machine.

A slightly different variation occured in Vicksburg. A number of voters of a predominantly black ward, and presumably also some in predominately white wards, were unable to find their names on any books; their names had apparently been dropped for some reason. When a poll watcher at this ward requested that these persons be permitted to cast challenged ballots he reportedly was told that this was not the custom in Vicksburg, apparently because the city used machines. It was not till 1:30 p.m., six and a half hours after the polls had opened, that paper ballots were furnished for those persons whose right to vote had been challenged, notwithstanding sec. 3170 of the Mississippi Code which dearly establishes the procedure for the challenging of ballots.

In Lexington, local officials of the municipal Democratic Executive Committee allegedly purged the names of 83 black persons and 67 white persons from the poll books shortly before the election. An overwhelming majority of black voters in Holmes County had registered by being listed by the Federal Examiner. Although the local officals refused to give a list of those purged to representatives of the black candidates, it is likely that most of the blacks purged from the poll books had been listed by the Federal Examiner. Sections 7 and 9 of the Voting Rights Act of 1965 establish an exclusive procedure, including provision for a prompt hearing, by which allegedly unqualified voters listed by a Federal Examiner may be removed from a list. Even if intended in good faith, the alleged purge of the names of black voters from the poll books violated the procedural safeguards provided by the Voting Rights Act.

To challenge unqualified voters effectively, a candidate normally needs to be able to inspect the poll books some time in advance of the election, searching for names of persons still on them who are not currently qualified to vote. Sec. 3211 of the Mississippi Code requires that the "registrar shall keep his books open at his office," and sec. 3374–61 renders this provision applicable to municipal clerks. In one town in Holmes County, a black representative of the local black candidates stated that he had on three occasions attempted to see the voter registration books maintained by the city clerk in the clerk's office at a local bank. On each of these occasions, access to the books was allegedly denied, on the ground that business was too pressing. When white volunteers came to look at the books the day before the election, however, the clerk produced them at once.

In Edwards, Mississippi the chairman and a few of the other members of the Municipal Democratic Executive Committee met without informing the black members of the committee. At this meeting they appointed a number of Negroes closely aligned with the white power structure in the city to serve as election officials and to aid illiterate persons in voting.

The Commission staff was unable to document an earlier report from Vicksburg that election officials had told hundreds of black voters that it was unnecessary to vote for two candidates, that they could cast a single ballot for the black candidates. This would have been contrary to the full slate requirement, and such ballots would not be counted.

THE ROLE OF FEDERAL OBSERVERS

Notwithstanding the general agreement among the black candidates interviewed, that the May 13 primary would have been far more unfair if the Federal Observers and volunteer student and lawyer poll watchers had not been present, there were serious problems arising frcm the manner in which some of the Federal Observers conducted themselves and from the policies under which they operated.

In Clarksdale, for instance, the Federal Observers frequently did not observe the assistance being given to illiterate black voters. In Goodman, they stationed themselves in a location from which it was impossible to see several of the voting booths, and consequently did not know when black voters in that part of the polling place needed assistance or when it was being given to them. Seats from which they could have observed all of the events in the polling place were available. In Woodville, the volunteer poll watchers on several occasions suggested to black voters needing assistance that Federal Observers were present, and asked if the voters wanted an observer present while they received assistance in casting their vote. At least one observer, when told by a poll watcher that a voter desired him to observe, stated "If the voter wants me, tell him to come over and get me."

In that town, a volunteer poll watcher—an out-of-state attorney—charged that the Federal Observers did not bother writing up a report of an incident in which a black woman was handed a ballot, walked over toward the booth, but appeared uncertain about what she should do. As she approached the table an election official reportedly took the unmarked ballot out of her hand and placed it in the box. Despite vocal protests by poll watchers about this matter, the observers apparently felt the issue was too frivolous to report. During the counting of the ballots, a Commission staff attorney noticed that the Federal Observers, at first, were making a brief notation as to the reason each time there was a ballot on which votes were not counted. Later in the evening, however, he noticed that they appeared to have lost their interest, and failed to do this on several occasions.

Black candidates and poll watchers at the Woodville election were extremely critical of the role of the Federal Observers. One student from Michigan State University, a poll watcher for one of the black candidates, charged that the Federal Observers challenged their right to observe the election. After the poll watchers showed them the Mississippi statute which did not prohibit out-of-state people from acting as poll watchers, the Federal Observers challenged their right to stand near the table where the ballots and ballot box were kept. In both instances the local election officials upheld the right of the poll watchers.

The Commission in its 1968 *Political Participation* report criticized the Department of Justice policy of "keeping the Federal presence as inconspicuous as possible" when observers were sent into polling places. It recommended that the Attorney General "should announce publicly in advance of the election that Federal Observers will be present and should assure that the observers are identified as Fedreal officials."

This recommendation has never been implemented, and the Department kept secret, until the last minute, the cities and polling places in which Federal Observers would be present for the May 13 election. The reasons stated by the Commission for its stand in 1968, however, remain true today:

"The subdivisions where the assignment of observers is warranted are those in which there is a likelihood of discrimination at the polls. It is important for Negro voters in these subdivisions to know that observers will be present to deter local election officials from subjecting Negroes who attempt to vote to discrimination and the harassment, indignity, and humiliation which accompany it."

The Commission's recommendation that the observers be identified as Federal officials has, similarly, not been implemented. Across the State during the May 13 election, Federal Observers failed to identify themselves by word or by any kind of sign or official insignia. In its 1968 report, the Commission stated that "identification of the observers [would] serve to confirm to Negro voters that they will be afforded comparable treatment with other citizens at the polls." Without identification of the observers and advance notice of their presence, black voters feel no

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such assurance. In one community visited by a Commission staff attorney, a black candidate did not know, two days after the election, whether a Federal Observer had been present. In Itta Bena, poll watchers for the black candidates knew that Federal Observers were present, but did not know which of the white persons standing about they were.

In its 1968 report, the Commission recommended that the Attorney General should "instruct Federal Observers that they have a duty to point out to local election officials irregularities affecting Negro voters. . . ." One of the reasons for this recommendation was that under the Department of Justice policy that observers should take "only such steps as may be necessary to fulfill the observational function", and that the irregularities they observe should be reported first to the captain of the observer team, and then to a Department of Justice attorney, who will take it up with election officials, [m]uch or all of the election day may elapse . . . before the matter is settled."

In the May 13 primary, the Federal Observers acted only as passive recorders of events, refusing at all times to speak to the election officials about even the most blatant discrimination against black voters. A Commission staff attorney in Woodville was informed by a lawyer from the Civil Rights Division of the Department of Justice that it was Department policy that the Federal Observers were to speak with no one.

This meant that no Federal agent monitoring the election would speak to local officials about even the most obvious irregularities until the Justice Department attorney assigned to that county or pair of counties returned to the particular polling place. In Itta Bena, this process allegedly took three hours from the first time an irregularity was brought to the attention of the Federal Observers by local poll watchers—at which time the observers admitted that the black voter turned away was fully qualified to vote—to the time when the Justice Department attorney arrived. In that time, a total of 26 voters in that situation had been turned away. Local candidates and their poll watchers were given no information telling them how to get in touch with Department representatives more quickly.

Neither the observers nor the local election officials informed voters that they could have assistance in voting and that Federal Observers could watch the assistance being given. Only if a voter asked for such assistance or if he was unable to write his name was he told that such assistance was available. Since many illiterates are able to write their names but not able to read and understand the ballot, this limited provision of information left many black voters, needing assistance, ignorant of the possibility that assistance could be given and that Federal Observers could watch it as it was being given.

Although the stated policy was that the observers should talk with no one, a Commission staff attorney saw the observers in Woodville engage in animated conversation with the white election officials on numerous occasions. They did not seem to speak with poll watchers, black candidates or any local black people, however. Two observers there also refused to speak to the Commission staff attorney when he asked one for the number of persons who had voted and the other—the one who had allegedly challenged the right of the poll watchers for the black canidates to be there—for his name.

Some of the local black persons understandably felt that the observers were in sympathy with the white community. At one point in the afternoon, several poll watchers and at least one black candidate asked the Commission staff attorney if he could not get the Federal Observers out of the balloting place. On reflection later, however, these same persons agreed that there would have been widescale fraud but for the mere fact of the observers' presence.

SUMMARY

The election of some black persons to municipal office in Mississippi is evidence that some changes have occurred in Mississippi since the passage of the Voting Rights Act of 1965. Even with these victories, however, virtually all cities and towns in Mississippi will still be governed by all-white local governments.

Interviews with observations by staff attorneys suggest that this is in part due to the following:

1. Many black persons in Mississippi still fear economic or other reprisals if they register to vote or openly support black candidates.

2. Officials in some cases have made registration difficult for black persons by narrowly limiting hours for registration, by failing adequately to inform applicants of procedures required to vote in municipal elections, and in some cases by actually misinforming them as to these requirements.

3. Black persons continue to be excluded from serving as election officials in most areas of the State surveyed.

4. Officials sometimes failed to assist or misinformed black candidates seeking to obtain places on the ballot, and some were unable to run in the primary as a result.

5. The Voting Rights Act of 1965 establishes procedures to be followed before local officials change election requirements or procedures or remove from the poll books persons listed by the Federal Examiners. In many instances throughout Mississippi, local officials took such actions without observing the Act or any of the procedural safeguards provided by the election laws of the State of Mississippi.

6. The Federal Government neglected to take adequate steps to inform citizens of the presence of Federal Examiners and thus examiners listed relatively few voters in recent months.

7. Some Federal Examiners failed to transmit the names of persons listed by them to city voting officials, and as a result many black voters throughout the State had their ballots challenged or were turned away from the polls.

8. Although most black candidates believed that the mere presence of Federal Observers improved the honesty of election procedures, a number of election irregularities occurred even where Federal Observers were present.

9. The effectiveness of Federal Obervers was limited by their failure to make their presence known to voters and by their failure to intervene at once when irregularities were observed.

U.S. GOVERNMENT MEMORANDUM, APRIL 3, 1969

To: Files.
From: David H. Hunter.
Subject: Mississippi voter registration.

Federal Examiners were in Mississippi to list persons to vote on four Saturdays in March. This was the only listing in Mississippi by Federal Examiners in 1969 prior to the holding of the municipal elections. A hyphen is used to indicate that no Federal Examiner was in the county on that date. The results are as follows:

County	Mar. 8	Mar. 15	Mar. 22	Mar. 29	Total
Amite	0	0	5		5
Benton		0	0		0
Carroll	0	1	1		2
Clay	0	0	0		0
Coahoma		0	0		0
De Soto		0	0		0
Forrest		0	0		0
Franklin		0	17	10	27
Hinds	0	35	43	80	158
Holmes	0	0	0		0
Humphreys		11	14	1	26
Jasper		2	1		3
Jefferson		8	0		8
Jefferson Davis		0	1		1
Jones		2	2		4
Leflore	22	58	78	108	266
Madison	0	19	68	68	155
Marshall	0	3	0		3
Neshoba		2	1		3
Newton		0	2		2
Noxubee		0	42	30	72
Oktibbeha		37	15	13	65
Rankin		0	0		0
Sharkey		9	18	10	37
Simpson	2	0	25	25	52
Walthall		13	5	22	40
Warren		12	8	16	36
Wilkinson		16	11	1	28
Winston		0	8	5	13
Total	24	228	365	389	1,006

MAY 20, 1969.

DEAR FELLOW CITIZEN OF WOODVILLE: Your local Citizens Council is gravely concerned about the political prospects in the Woodville Municipal General Election which will be held on June 3rd, and we feel sure that you, as a public spirited white citizen, are equally concerned.

First, may we emphasize the fact that we have no axes to grind nor political fortunes to favor or oppose as to individuals, but are taking this action purely and simply to endeavor to insure that white officials are elected on June 3rd.

As you doubtless know, the present prospects in the Mayor's race present two white candidates and one negro candidate. In the Alderman race, there are eight white candidates and one negro. In both instances, the negroes are thus virtually assured of election.

We feel that forgetting personal ambitions or desires, some of the white candidates should withdraw so that there will be only one white candidate for each office. It is our understanding that some of the candidates are agreeable to this, provided it can be ascertained which ones the majority of the white voters favor.

In an attempt to determine the wishes of the white voters of Woodville, we are therefore, conducting a "straw vote" election which we feel will be of tremendous assistance in working out a compromise—provided you, the voters, co-operate by taking part.

We are enclosing herewith an unofficial ballot which we ask that you mark in private, seal in the enclosed envelope, and return immediately by mail. You will note from the enclosure that there is no way your ballot can be identified, and your vote will thus be secret. As soon as possible, since the deadline for printing the Official Ballot is very near, we will open these envelopes and tabulate the vote—in the presence of all candidates or their representatives. From the resulting tally, we hope to be able to effect a compromise settlement of this grave issue which faces us all.

Please do not delay. Time is of the essence. Please mark and return the enclosed ballot today.

May we thank you in advance for your cooperation, and again assure you that our only motive in undertaking this project is public service in what we feel is the best interests of the Town of Woodvile.

Sincerely,
WILKINSON COUNTY CITIZEN COUNCIL.

STRAW BALLOTS[1]

FOR MAYOR, TOWN OF WOODVILLE

(*Vote for One*)

W. H. Catchings------------------------( )
Marvin N. Lewis------------------------( )

FOR ALDERMAN, TOWN OF WOODVILLE

(*Vote for Four*)

J. M. (Mac) Best-----------------------( )
Thomas M. Bryan------------------------( )
Pat Cavin -----------------------------( )
Cage Chisholm -------------------------( )
H. B. Curry----------------------------( )
Anthony David -------------------------( )
James (Jabbo) Herrington---------------( )
Brandon Inman -------------------------( )

[1] This is not an Official Ballot, but merely an attempt by the Citizens Council to ascertain the candidates preferred by the majority of the white voters of Woodville. See letter attached.

SUCCESSFUL FIRST SEA TRIALS OF U.S.S. "SEAHORSE"

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following letter:

AT SEA, NORTH ATLANTIC,
June 16, 1969.

The Honorable JAMES G. FULTON,
U.S. House of Representatives.

DEAR MR. FULTON: We are returning from the first sea trials of the USS *Seahorse* (SSN669), our 43rd attack type nuclear submarine. The ship completed all tests, including full power operation, both surface and submerged. The *Seahorse*, third United States ship and the second United States submarine to bear this name, was built by the Electric Boat Company, Groton, Connecticut.

The first *Seahorse* was a one-gun schooner purchased in 1812 for service on Lake Borgne near New Orleans. In 1815 she contributed to Andrew Jackson's victory in the Battle of New Orleans by repelling attacks of armed British launches and by helping to delay the advance of the British until the arrival of reinforcements to Jackson. She was run ashore and burned to prevent her falling into enemy hands.

The second USS *Seahorse* (SS304) was commissioned 31 March 1943. In World War II, she made eight war patrols and sank 20 Japanese ships for a total of 72,529 tons. She won nine battle stars as well as the Presidential Unit Citation. She was decommissioned 2 March 1946, stricken from the Navy Register in 1967, and sold for scrapping.

The new *Seahorse* is equipped with the latest navigation and electronics systems, and a computer-controlled weapons system which enable her to detect and attack targets at various distances. These characteristics, combined with her ability to operate at high speeds for long periods of time and the environmental independence provided by nuclear propulsion, make her a powerful weapon against surface ships and submarines alike.

In addition to the 43 attack type nuclear submarines, we also have 41 Polaris submarines, making a total of 84 nuclear submarines in operation. When all nuclear submarines presently authorized by Congress are completed, the United States will have an operating nuclear submarine fleet of 65 attack and 41 Polaris submarines, and a small submarine capable of exploring the ocean bottom.

Respectively,

H. G. RICKOVER.

JUDICIAL ETHICS BUT NOT UNDER EARL WARREN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. RARICK. Mr. Speaker, yesterday's Washington Star carries a significant story relating to the ethics or indifference thereto of the present members of the Supreme Court—interestingly enough the story does not seem to be intended for the wire services and the rest of the country.

For 15 years the trusting American people have been thoroughly brainwashed with the false idea that the Supreme Court is next to God in infallability, and sometimes, as in the school prayer decision, a little bit superior to the Diety. For 15 years the American people have had the totally perverted doctrine drilled into them that decisions of the Supreme Court are "the law of the land." For 15 years the Warren Court has been promoted as the finest thing since 1776.

But now, Mr. Speaker, the slips are showing. Justice Fortas, who almost became Warren's worthy successor, resigned in disgrace. Other Justices are shown to be business partners—sometime with judges of the lower courts whose decisions they review. Justice Douglas demeans the Court daily with his erratic and irresponsible conduct.

Given the opportunity to adopt its own rules of ethical conduct, a majority of the Court refused to do so. Like many of the other very strange decisions made behind the closed doors of these Justices, the real reason for their failure will probably never be known. Ostensibly, the majority felt that with an incoming Chief Justice, the views of the outgoing Earl Warren and the incoming Warren Earl Burger might not be the same on the question of judicial ethics. They were diametrically opposed on the question presented in POWELL against McCORMACK, as you know.

Considering the ethics of the justices of the Warren Court, we can hope that they will improve under the new Chief Justice—the question may not be too hot for him to handle.

A clipping from the Evening Star for June 18 follows:

HIGH COURT DEFERS ETHICS CODE ISSUE

Supreme Court justices will take no formal action to give up outside income until at least the fall, Chief Justice Earl Warren has disclosed.

Warren issued a brief statement yesterday saying the justices had talked over the issue of off-the-bench activities Friday.

Indicating the court was split on the question, he said "a majority of the justices agreed" to put off the issue until the next court term, beginning in October.

WON'T FILE REPORTS

What this means in practice is that, for now, the justices will not formally bind themselves to give up all income for outside services or to file any reports on their finances—obligations which lower federal judges were put under by the U.S. Judicial Conference a week ago.

However, each justice remains free to act personally on the question. Justice Thurgood Marshall, the newest member of the court, has done just that. His office announced yesterday that Marshall would "abide by" what the Judicial Conference demanded of lower court judges.

Repeating the idea that he, as a justice, is "not bound by" the conference's action, Mashall said he had decided to go along—with one exception. His annual financial statement, he said, will be filed with his fellow justices, not with the administrative office of U.S. courts.

The administrative office is the housekeeping agency for the federal judiciary. It will keep on file the financial statements which lower court judges will begin filing May 15.

SIMILAR ACTION URGED

Warren's brief statement yesterday made clear that he wanted the high court members to follow the example of the Judicial Conference, the policymaking body for the federal judiciary. He said he had "suggested the propriety of the justices taking similar action."

This apparently carried out a promise Warren had made to the members of the Judicial Conference last week. He apparently helped promote conference action by leaving the impression he would work for similar self-denials by the justices.

It seemed clear that Warren had wanted his colleagues to act before his retirement. However, he will leave office Monday without the court having taken a stand, as a body, on nonjudicial activities and compensation.

Warren said "some of the justices" had urged Friday that, since the end of the current term was nearing and since there will be two new members of the court in the fall, "no action in the matter should be taken before that time."

The chief justice will be succeeded Monday by Federal Judge Warren E. Burger. The other new justice on the court next fall will be the person President Nixon selects to replace Abe Fortas, who resigned amid a controversy over his off-the bench conduct.

The statement by Warren did not say how the justices had voted on the postponement issue and why some justices did not agree. A court spokesman said there would be no comment beyond Warren's statement.

While Marshall is the only justice to declare his willingness to abide by the express restrictions on outside income and financial reporting, Justice William J. Brennan Jr. has voluntarily given up all his outside activities, his office reported last week. He did so as a "personal decision," it was reported.

It is generally assumed that any attempt to impose restrictions on the justices would be resisted by at least two court members, Hugo L. Black and William O. Douglas.

Black has said he opposes any court "rule" on the matter, and he and Douglas said in a joint opinion three years ago that federal judges are accountable only to the Senate in impeachment proceedings.

Douglas' outside activities have been the subject of continuing congressional criticism. In response to part of that criticism, Douglas recently resigned his $12,000-a-year post as president of the Albert Parvin Foundation. He remains as board chairman of the Center for the Study of Democratic Institutions, which pays him at the rate of $500 a day while on center business.

XUM

SUPREME COURT DECISION

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. FLOWERS. Mr. Speaker, serious questions of the relationship of the three "separate" branches of our Federal Government are raised by the Supreme Court decision in the ADAM CLAYTON POWELL case. This holds promise of becoming another one of the Warren Courts' "infamous" decisions.

One of the cornerstones upon which our democracy was built was the principle of "separation of powers" of the legislative, executive, and judicial branches of Government. This principle is thrown to the winds in the decision by the Court.

From the beginning of our Nation, it has been a settled proposition that each House of Congress should be its own judge of the qualifications of its Members. Historically, this has not been limited to the named constitutional prerequisites or qualifications such as age, residence, and citizenship.

I must say that I am shocked by this interpretation, severely limiting the power of Congress, though certainly not surprised at it.

I am not even surprised at the language used by Justice Douglas in his separate concurring opinion when he refers to the case as one with "racist overtones." Could it be that this jurist would dismiss the fact that the final vote in the House on March 1, 1967, excluded Representative POWELL by 307 to 116? This liberal Court is dedicated to working its will upon society in our Nation through judicial interpretation, but I do not believe the Congress will sit idly by at this further invasion into the legislative field. In fact, if I read the mood of the other Members correctly, this could very well give the necessary impetus to various restrictions on the Federal judicial system.

For example, there is legislation now pending which would require reconfirmation of Federal judges at periodic intervals such as every 6 years. I favor this proposal and also one which would make retirement mandatory at age 70.

I have joined with a distinguished Member of the House, Congressman JAMIE WHITTEN, of Mississippi, in an effort to establish a permanent standing committee on the Constitution in the House of Representatives.

Nowhere in the Constitution, nor elsewhere, is the Supreme Court given the sole right to interpret the Constitution; but for years now its members have assumed that right, and so far have gotten away with it. Many of our problems have arisen because both the executive and a majority of the legislative body have stood by and let the Court assume the role of sole interpreter of the Constitution and thereby, in effect, rewrite it. Now a majority of the people seem to believe the Court has and is entitled to exercise such power. As Members of Congress, we all swear to uphold the Constitution; not as interpreted by Chief Justice Warren, Justice Douglas, or other Supreme Court Justices, but as it is written.

If we will consider the matter for a moment, we can easily see that if the three equal and coordinate branches of Government—legislative, executive, and judicial—the order in which they are listed in the Constitution—are to, in fact, be equal and coordinate, the Judiciary must not be permitted to continue to convince the public that it is the sole interpreter of the Constitution. All three branches are created by the Constitution, but if one is to determine the rights and powers of the other two as provided in the document—Constitution—creating them, and if the other two—in this case, the legislative and executive branches—accept such action as binding, it can only result in subservience to the Supreme Court and other Federal courts.

CONGRESSMAN GILBERT PROTESTS CLOSING BROOKLYN NAVAL APPLIED SCIENCE LAB

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. GILBERT. Mr. Speaker, a few days ago, I and other members of the New York delegation met to hear a Navy representative explain the reasons for the reduction in operations at the Naval Applied Laboratory in Brooklyn.

We listened very carefully, Mr. Speaker, and I must say in all candor that he did not make a very convincing case that the change was in the national interest. I continue to object to this decision and regard it as not only purposeless but wasteful. I would hope that the Navy will still show the wisdom to reverse this course.

The Naval Applied Science Lab was modernized just 2 years ago at the cost of a quarter million dollars. The Navy does not claim that it has superior facilities anywhere. At Brooklyn, the Navy has had opportunity to call on academic specialists from the country's best universities, a practice the Navy admits it will not be able to duplicate elsewhere. The move may cost the Navy as much as $30 million in abandoned facilities. The Navy has been, in fact, most vague about any advantages that would accrue to it by shifting the work done at this laboratory to some other location.

Most important, Mr. Speaker, the move will disrupt the lives of many New Yorkers. Some 350 will lose their jobs. Another 350 will be forced to relocate to cities that are not only unfamiliar to them, but which fail to provide equivalent service in schools, housing, and other vital needs. The personnel at the laboratory object strenuously to the transfers and I am sure that the Navy, by its decision, will lose valuable trained men.

I would also like to point out that a substantial contingent of minority group breadwinners have worked at the laboratory, as professional and skilled members of the staff. They cannot hope to receive equivalent working and living conditions elsewhere. For them, this decision is both unjustified and cruel.

Mr. Speaker, I do not believe the Navy should be allowed to make irresponsible decisions of this sort and I favor mobilizing the influence of this body to halt the move.

THE DUQUESNE TAMBURITZANS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. GAYDOS. Mr. Speaker, during my pre-law studies at Duquesne University, I was fortunate to witness the forming of a young group of performing students known as the Duquesne University Tamburitzans which specialize in a wide variety of folk dancing and singing. Since that time their fame has spread far and wide and in recent years they have achieved international acclaim.

I have just received from the Department of State a message from the American Embassy in Warsaw, Poland, and the American Embassy in Bucharest, Romania, proclaiming the success of their tour which is sponsored by the Department of State's cultural presentations program.

Through the years the Duquesne Tamburitzans have traveled abroad and have been most successful as good will ambassadors and have been instrumented in cementing relations with foreign countries. Judging from the recent reports they have done it again.

I submit for the RECORD and invite the attention of my colleagues to the message received from the American embassies from abroad:

> In a whirlwind visit of only one and one half days the Duquesne University Tamburitzans intrigued and charmed their Warsaw audience with a wide variety of American folk dancing and singing. Their performance on Monday night at the sold out Dramatyczny Theater was a complete success. The songs and especially the colorful dances they performed, such as the Western Hoe Down, their wonderfully Kicky Charleston, as well as their striking cheerleaders' number all brought about prolonged applause. The tap dance duo, the broadway medley, the authentic Indian dances and the square dance were all first rate and received with long applause. But the "rock" finale brought down the house with rhythmic clapping for encores.
>
> The costuming, the skill and vivacity of the youthful performers and the realization that this was an amateur group prompted favorable comment from many with one of Warsaw's major theater directors saying that this "was a fresh show, full of talent."
>
> As well as performing in Warsaw the Tammies visited the famous Mazowsze dancers at their training area located 25 kilometers from Warsaw. The Mazowsze put on almost a complete performance for them and the two groups had an opportunity to sing some songs together. There was lunch provided for them and as the bus pulled out of the drive the Mazowsze troupe sang a departing serenade.
>
> The group left for an extended tour of the Soviet Union early Tuesday morning.

XUM

American Embassy Bucharest

After a near-catastrophic beginning when the opening show had to be cancelled because their equipment failed to arrive on time, Duquesne University's Tamburitzans took the Bucharest public by storm Friday.

The young performers from Pittsburgh put on two shows yesterday in the Sala Palatului, Bucharest's largest and most prestigious hall, with barely 20 minutes between shows to mop their brows and recover their breaths. The late afternoon show was scheduled for the more than 3,000 tickets holders who had to leave in disappointment when Thursday's opening performance was cancelled. The regular evening show yesterday also was seen—and applauded stormily—by more than 3,000 persons, with people by the scores standing in the aisles for more than two hours.

The opening sequence of Texas dances, with their sprightly music, colorful costumes and fast-moving choreography captured the audience from the very beginning and it was evident that the Duquesne students maintained rapport with it from then on. By the large, the fast numbers attracted the greatest applause. It also was apparent that the Bucharest public was more familiar with—and appreciative of—some of the more recent aspects of American popular culture than its folkloric roots. Thus, the Charleston, the selections from broadway shows, the tap dancing by Barbara Harris and Mary Woolsey and especially the mod of the sixties won the greatest recognition. But what really brought the house down was the virtuoso violin performance of Romanian folk tunes by David Kolar, played as an encore. The audience broke into delighted applause on recognizing the tune after the first few bars and continued to chuckle and exclaim throughout the long complicated passages. The public also appeared particularly impressed by the beauty, richness and variety of the costumes. As lavishly-garbed numbers followed each other, there were repeated exclamations of "beautiful!" There the trim red-white-and-blue costumes of the Duquesne cheerleaders seemed to find particular favor.

On Saturday morning the group taped a television show and Saturday evening the Tammies are to be guests of the University of Bucharest's student culture house. They will give part of their show, and their hosts will reciprocate. With a performance by the Romanian doina folkloric ensemble. On Sunday the group leaves for performances in Poland and the Soviet Union.

MR. AND MRS. RIDDER PLEDGE TO LONG BEACH HOSPITAL

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. HANNA. Mr. Speaker, I would like to bring to the attention of my colleagues a man who has long been a friend of mine and who has once again demonstrated his strong sense of public responsibility. As publisher of the Long Beach Independent-Press Telegram, Mr. Herman Ridder has for years worked to keep the citizens of Long Beach well informed. Recently, he and Mrs. Ridder have benefited their community in another way. They have pledged to establish a half million dollar trust for the expansion program of St. Mary's Hospital.

Mr. Ridder said of his gift:

> It has long been the desire of Mrs. Ridder and myself to provide the people of Long Beach with the finest hospital facilities possible.

To achieve this goal the Ridders are contributing to the construction of a 10-story structure which will house some 230 patients.

Mr. and Mrs. Ridder can well be proud of the service they have done for Long Beach; and Long Beach is fortunate to have citizens like them.

THE NATIONAL PASTIME

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. OBEY. Mr. Speaker, as a person who has followed baseball with some affection since 1945, I can regretfully understand why a good many Americans, particularly the young, are becoming disenchanted with an operation that was once affectionately known as "the national pastime." I refer to baseball as "an operation" because it is becoming increasingly evident that the powers that be in baseball are rapidly turning a popular sport into a business operation based solely on the ability to turn a profit.

That baseball is no longer America's national pastime is indicated by a recent Louis Harris survey which shows that only 28 percent of the American public now considers baseball its favorite sport—a decline of 28 percent in the space of just 1 year.

Perhaps even more significant is Mr. Harris' statement that "baseball is weak in the under-30 age group."

What has caused this startling drop in baseball's popularity? Of course, it is true that other sports have been attracting more and more fans. And, in recent years, Americans have been using their additional leisure time to become active participants in such sports as golf and bowling. But, it is apparent that much of the public disaffection for baseball can be traced directly to the insensitivity of baseball's heirarchy to the public interest.

The moguls, as they are often called on the sports pages, have completely disenchanted millions of fans in Wisconsin and throughout the country by bouncing franchises around the country like ping pong balls. During the past year, the period during which baseball suddenly plummeted in fan appeal, the men who run the operation took another step backward. I refer to the cynical firing of American League umpires Al Salerno and Bill Valentine. These men in blue were given the pink slip, allegedly because they were incompetent. But there is overwhelming suspicion that Salerno and Valentine were sacked because they tried to organize their colleagues into a collective bargaining unit—a right which belongs to any and every American.

A number of inconsistencies substantiate the conclusion that the umpires were released by American League President Joe Cronin because their labor organizing activities violated the decadent business ethic of the baseball establishment. The firings came just 3 days after Valentine and Salerno launched a drive to set up an American League Umpires Association patterned after an organization established by National League umpires back in 1963. Cronin called the umpires incompetent; yet he allowed Salerno to perform on the field for 7 years and Valentine for 6. Cronin lent further incredulity to his charge of incompetence by offering Salerno a post as a scout for minor league umpires.

It would seem clear that Cronin made his decision to release the umpires purely on business grounds—albeit grounds which the majority of responsible businessmen would abhor. If the men who run baseball are going to run it solely as a business operation they should be treated as are other businessmen and subjected to the laws which affect other businesses. This includes antitrust laws.

I am joining with 16 other Congressmen and Senators in attempting to achieve justice for Mr. Salerno and Mr. Valentine, by supporting their case before the National Labor Relations Board. I also support Representative Clement Zablocki in his call for congressional review of the present antitrust exemption currently enjoyed by the baseball businessmen. If the baseball establishment remains unwilling to recognize its public responsibilities, Congress must be willing to recognize its own.

STOP FEDERAL WASTE

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. COLLINS. Mr. Speaker, the great challenge for Congress today is to stop inflation. The most effective action will come through a balanced budget.

The Dallas Morning News prepared an interesting editorial which makes an excellent suggestion. Today the average businessman is paying about 10 percent for commercial bank loans. Yet the Federal Government is loaning the rural electric people money at 2 percent.

It would seem more logical if rural electric companies would go out into the open market to finance their own paper with the loan being guaranteed by the Federal Government.

Here is this interesting editorial written in the Dallas Morning News on June 17, 1969:

> Lending money at 2 percent interest, although that money had to be borrowed at more than 6 percent, doesn't make sense. But that's what the federal government is doing.
>
> The U.S. Treasury now is paying an interest rate of a little over 6 percent on money it borrows. But that same money is being loaned to rural electric cooperatives in 35-year loans at an interest rate of only 2 percent yearly.
>
> Congress started this practice back in the 1930s, when agriculture was badly depressed and greatly in need of electrical utilities. At that time, the 2 percent charged electric cooperatives was about in line with what the U.S. government was paying for borrowed money.
>
> Now the rural picture has greatly changed. More than 98 percent of all farms have

electric service. Rural Electrification Administration borrowers have accumulated a net worth of about $1.4 billion, 26.8 percent of their total assets. Much of the REA electrical power is being sold to nonresidential consumers.

Yet, Congress is being asked to authorize $345 million in REA electric loans at 2 percent interest for the fiscal year which begins next July 1.

Taxpayers should insist that this subsidy be ended. Many of those whose taxes underwrite these loans have invested in investor-financed electric utilities with which coops complete; these individuals are being hurt two ways.

There is no excuse today for continuation of loans at interest rates established in the 1930s. Here is an opportunity for the federal government to save money and make rural electric cooperatives end unjustified dependence upon the U.S. Treasury.

CONGRESSMAN DON EDWARDS REMARKS ON LUMBER PRICES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. EDWARDS of California. Mr. Speaker, the housing crisis continues unabated throughout the United States, but with particular urgency in my congressional district in California.

One of the major problems is that of ever-increasing lumber prices. The steady increase in the price of lumber has increased the price of homebuilding to the builder and buyer by thousands of dollars. In fact low- and middle-income buyers are being priced out of the market.

David Young, president of the Building Industry Association of California, has outlined some of the problems of lumber prices in an article in the May 1969, issue of the Builders Journal. I include his excellent article in the Record:

My Trip to Japan To Study the Lumber Situation

(By David Young)

I made a trip during the past two weeks and used the lumber situation as an excuse. I had no time, really, to prepare a formal talk even though I prepared 14 pages of notes, so if you will bear with me I will skip over these notes as quickly as I can and just hit the highlights.

Our party consisted of seven large mill owners from Washington, Oregon and Northern California. None of their mills produce less than 50 to 70 million feet of lumber a year. The assistant Executive Director of the Western Forest Industry Association, Wayne Gaskins and Dr. Tom Hamilton, a research analyst for the Forest Division, were along as well as several wives.

During the two weeks we were gone we had one day that we didn't have a full schedule—and I mean a full schedule from 8:00 A.M. until 9:00 or 10:00 P.M.—and that was this past Sunday.

We first went to Maui for three days where the lumbermen had their normal convention. At this meeting, Joe McCracken, Executive Vice President, gave a report on the World Conference on timber held in Belgium. He said the entire lumber situation might be expressed in one word, "tight." There is just not enough lumber for the world. 90% of lumber, is raised in three countries, 50% in Russia, and between the United States and Canada there is 40%. The most disturbing factor in the balance of the lumber situation is the rise of Japan's demands. And this demand is not going to change much. Until this year, European demands had slightly decreased each year; however, last year they took a tremendous jump. The largest producer in Europe is Sweden which is going to double its supply this year but it will not come near to meeting the demand. European price has risen 5% in the last 18 months for the first time in four or five years. Their demands will increase this year approximately 2 billion board feet, or more.

ALLOWABLE CUT

The allowable cut in the United States is about 11½ billion board feet on public lands. This does not take into consideration the private lands. The largest holder of which is Weyerhaeuser. Crown Zellerbach and many others have varying amounts of timber land which they own and there is no governmental control on who they sell to or how much they cut or how they are managed. This is not the case in Japan, where all timber lands are rigidly controlled. On our public lands we will cut 11½ billion feet this year. In Idaho, Oregon, Washington and the Western timber areas, we will cut 8½ billion feet not counting Alaska. You can see where the big majority of our lumber comes from.

It is planned in the next 5 years to increase the allowable cut approximately one billion board feet per year. This is under the sustained yield law which means that we have a 100 year cycle which we will hold to unless it is changed. This has been the case for many years but we are working to change that now. It is felt by U.S. Forestry that it takes 100 years to grow a tree suitable for harvest—the independent operators, such as Weyerhaeuser and Crown-Zellerbach (they are the two largest) work on a 60 year cycle. They have found improved methods of growing a tree, fertilizing, etc., and we are hoping to get the Forestry Division, who is becoming more and more amendable to the idea, to cut back maybe not the 60 year cycle but an 80 year cycle. If this were to be done we could increase the allowable cut by double in the next four or five years in order to catch up. Most forestry experts feel that it would not be out of line. Of course, at the present time in the West, we are cutting more than is growing, but we do have a tremendous amount of virgin forest that has never been touched. This virgin forest has not increased in size, it is not improving in any way so it might as well be cut and new trees put in their place.

BOSTON SURVEY

We had a report from the Boston Research, whom the government had employed to study a way in which logs should be sold to Japan. As you might know, our government has worked very hard to sell anything to Japan that it can because of the unfavorable balance of trade. We were impressed with this fact when we were taken to the Embasy and briefed on the situation in Japan as it now exists. Last year we had a trade deficit of approximately 700 million dollars. This year the trade deficit is one billion dollars. You must understand that when we talk to the government about embargoes, etc., there are many other things that enter into it. Throughout the entire world we are working on a deficit trade balance, and Japan is one of the greatest and this is one of the big problems in any log control program. The Boston survey revealed some strong statistics. Japan each year since the war has increased its gross national product. The least year it had since the war was 12%— the last three years it has been 20% per year compounded. It is felt that with 12 to 20 years their gross national product per capita will equal ours.

JAPANESE HOUSING

In traveling around Japan it is hard to believe some of the living conditions you see. 20% of the families in Japan live in one room. Average is 3.6 people. 50% of the homes in Japan have no inside plumbing. The new homes that are being built in Japan vary in size, from 360 ft. to a large home of 640 ft. Most of these people would give anything to have a 500 square foot house. You must understand their method of financing is entirely different from ours. They have no FHA program, no VA program. To buy a $20,000 house, 600 ft., a working man must come up with a third of that in cash. He has no government program to furnish him this cash money, and no bank will take the majority of the loan. As a rule he works it out between three or four banks. It was a revelation to me, I thought they would have a program similar to our FHA/VA.

Overall industry in Japan has grown 60% in the last three years. A plywood mill we visited well demonstrated how this has been done. The owner of that mill was a man who had a small business but he had shown his ability to operate that business well. He now runs a 5 million dollar plywood mill and he is known as the owner and the president. He owns the majority other than the government and three banks. Yet his total investment in that 5 million dollar mill is 60 thousand dollars. The three banks and the government backed him to that extent as lenders. This is one reason the industry has improved 60% in three years.

The individual in Japan is now saving approximately 18% of his income even though their wages are not comparable to ours. The average daily worker on a construction project or in a mill, or plywood plant, earns between 7 and 8 dollars a day. The women earn between 5 and 6 dollars a day and 50% of the workers in the lumber and plywood mills are women.

There has been very little individual housing built. Most of it has all been built by the companies or by a contract outside of Tokyo where 3400 individual housing units are under construction. The lots are 30 by 40 feet and the land cost $2.00 per square foot. This is a 2½ hour bus ride from Tokyo or one hour and 15 minutes by fast train. These houses contain anywhere from 500 to 700 square feet. The lots are entirely surrounded by a retaining wall of stone. The houses sell from $11,000 the cheapest houses we saw, to $30,000. Price depends on the lot location because people who have to walk a mile to the train pay much less for the same house as the people who are near the train. Most of these people, work in Tokyo so it means at least a hour and 15 minute ride.

Last year in Japan they had 1,500,000 housing starts. As you know, that is the same number of starts we had. This year they expect to get 1,800,000. You know how much lumber they used last year in the way of logs and see what they are planning to do this year. They will get their 1,800,000.

I spent one day with a prefabricator—the largest prefabricator in Tokyo—owned by the Fugi banks group. They work in large combines and everyone seems to be owned by somebody else, as we are getting to in this country. This company will build 50,000 units in the next two years. Other large groups are going into housing, and are doing their research at this time. They feel that they must go to prefabrication, and much research is being done to find something to take the place of lumber. They feel that housing is going to be quite lucrative in the future as a manufactured item.

LOG SITUATION

Even though they are looking for a substitute for lumber it is felt that for the next five years their lumber demands will increase. I am sure you saw in the paper where Japan will take take 15% less logs next year than they took this past year. This is a partial result of a meeting with the foremost lumber men in the business. The Chairman of the Board Akira Gunji of Mitsui Lumber, is Mr. Lumber as far as Japan is concerned.

He said that next year they are going to use 15% less. He also said that within the next two weeks they would release 150 million feet they have in logs in Washington and Oregon. He said the only reason they haven't released them yet they are trying to work out some way so that they won't get adverse publicity. They bought these logs at about $110.00 per thousand and if they put them out for bid now they will bring $170.00 per thousand. You can understand his problem. He said, they won't make money out of them because they have already contracted for ships to haul these logs to Japan. At the present time there are approximately 26 ships running between Washington, Oregon, Northern California and Japan.

One of the men in our group sells logs to Japan—yet his mill produces about 215 million feet of framing lumber which is sent to Southern California each year. Three days before he made this trip he bought 70 million feet from the State of Washington. These areas within the State are not controlled by our national allowable cut. When he got to Japan they knew he had bought this 70 million feet and he was approached many times on our trip. They tried to get him to sign any kind of a contract where he would sell these 70 million he had bought. He refused on all points and the last offer he had before we left Osaka, was to go back and buy all he could and they would take any quantity at a guaranteed 15% net profit and sign a contract in that form no matter what was paid for the logs. Also he felt that they would go at least $50.00 more than they had ever gone before for logs. That could mean that in turn we would pay $50.00 more for lumber than we had ever paid before.

You know and I know that lumber has dropped approximately $8.00 a thousand but it is not going to drop much further. If you have lumber to buy you had better buy it now. In Osaka they have made land of about 390 acres, on the harbor and all mills are being moved to this location. Mills are being built as fast as they can build them with the most modern equipment they can find. Our mill owners from the north said that the new mills there are just as modern as ours and the Japanese get from 20 to 30% more lumber from a log than we do. They take the time to get the lumber from logs and we should do this also.

CONSTRUCTION METHODS

Concerning their construction in the field—joists are 1-½″ by 1-½″ with ½″ sheeting. Their span is 4 feet. The floor gives as you walk across it. Their rafters are 1-½″ x 2″. On these rafters they put beautiful tile roofs. Every Japanese house has a tile roof. Their exposed 4 x 4's must be straight and clear and there are about 3 per house. They demand that the lumber they use for housing have a good appearance where exposed. At least one room in the house should have a cedar ceiling and it is called P.O. cedar—that is Port Orford Cedar, even though it is their natural growth cedar. The Port Orford Cedar comes the closest to being what their natural growth lumber is. I saw one piece at a lumber auction—that was quite interesting. This one piece was 10″ by 16″ by 14′ long. Actually figured by the board foot this went for $3,000 per M feet. This, of course, was exceptional because they don't get pieces like this very often. This was a piece of Port Orford Cedar. Yet, the man in the yard told us that they told the people that it was natural growth lumber of their own land because that doubles the price.

The lumber bought for the individual house is never over four or five pieces at a time and then at a lumber auction. Every piece of lumber over the size of a 2 x 4 has its individual length, cross-section, grade and how many good sides written on its face. Each package that is bid will have approximately four pieces and a ribbon tied around it and a tag put on. The ribbon describes the contents. At the lumber auction you are given a cap with a number on it for identification. Each little bundle of lumber has the buyers name put on it. Of course, if you had a tract to build you would buy it in a different manner. Most of the tract builders own their own mills.

They cut the lumber down until they get pieces that are about a centimeter by a centimeter or ½ by ½ inch. This is used for lath. They plaster most of their houses today with a combination of mud and cement. Not too much structural strength but it is protected by a coat of good plaster on the outside. Many such houses have been there for hundreds of years. Most all of the beams of any size in the house have two sides of bark on them. A slab is removed from each side and the beam itself is the full tree. They shim where necessary under the joist.

GENERAL OBSERVATIONS

On the return trip I had detailed discussions with my traveling companions. I would say that two-thirds of them want an embargo on lumber. They are in the same boat we are. Buying logs from the national forest, they are having a bad time now. In fact plywood has dropped so much here in the last two weeks that half of the plants have closed. The day before yesterday, one of the fellows called his mill and they had shut down because ½″ sheeting plywood had dropped to $88.00. They were losing $12.00 per thousand.

Along that line, I might say of the mills in Japan, none of them are going to close temporarily because should they do so they are through for good. We could not understand this at first until we found out that when a boy gets out of high school and goes to work for a mill he has almost pledged himself for the rest of his life. He looks to that mill owner as a sort of father who is going to take care of him for life, and, the mill owner takes that responsibility. If he closes, the owner loses face—he will go broke before he will close. That's one reason. The other reason is that they borrow to buy the logs. When they make the lumber they borrow on it to pay for the logs. The bank will loan them the money on the lumber to pay for the logs because they don't want the mill to fail either. Right now—every mill there has a surplus stock of finished lumber, and they don't have too many logs. When they told us before we went that there was a surplus of logs it was not a true fact.

In Osaka, 30% of the lumber being cut is U.S. logs, but they don't have any surplus, they are working on a day to day basis and they have the ships there dropping them as they haul them up to the mill. The logs are dropped in the middle of the harbor and they are then taken over by a rafting company, who rafts these logs, and tows them into the storage ponds. In the new section of the harbor at Osaka they have thousands of acres of storage ponds. These were not built with concrete walls around them as decoration, they are going to put logs in them. Every mill owner there would rather cut U.S. logs than any other logs they can get.

CONCLUSIONS

We came to the following general conclusions after talking to each of the people in the party.

1. We won't run out of lumber this year in the United States. You will remember that before I left I had been told that in 60 to 90 days we would run out of lumber. We won't run out of lumber this year . . . Most of the mills have logs enough to last until they can get logs out in July and August from the high country. The price will not go lower—this is the concensus of the people I talked with the day before yesterday. It is down now about $8.00 but it is not going to go lower. And it will not peak out higher than it was last month.

2. Japanese operators will take every log—they are offered and they are in a position to pay up to $50 more than they have paid. We feel that the release of their 150 million feet of stock in the Northwest at this time, is more or less a smoke screen—to get us off guard. The log consumption in Japan will grow for the next 5 years, although they are working just as hard, if not harder than we are, to find a substitute for lumber.

3. The allowable cut will be increased this year and it will be increased each year for the next five years. It is going to take an appropriation of some size to get into the areas where the allowable cut can be taken out and we feel that this will be done.

4. The final conclusion by all including the mill owners themselves, was there isn't enough lumber in the world to satisfy the needs. At every opportunity you had better find a substitute for lumber and we had better cut back on our waste. We can take lessons from Japan in the way they cut their logs. We went up into the logging operations where they are working cutting these 8″ trees. They grow trees there like we grow corn in this country. When they go in at the end of 40 years they clear the site. They then go in and plant seedlings and start all over again. At the end of ten years they go in and thin it out and take everything that is not bigger than it should be at ten years and leave the other trees. We saw piles of logs this big around in the lumber mills and they get a 4 x 4 with a little slab on each side. That is everything they get out except for a little pulpwood. They save every bit. They even put the bark aside for fuel. After they cut the trees and leave the limbs the women move in behind them and take everything over a ¼″ in size and cut it up in bundles of a certain length. You can find them in any food store in Japan for about 40c American money. They cook a week on that bundle of limbs.

I haven't hit everything—I could go on for an hour or two—it was a very pleasant trip—I learned a lot but I don't think I came back with any real feeling of encouragement. I don't think the lumber situation can get any worse than it was say three weeks ago. The Japanese feel they can go $50 more for logs and that means we will pay $50 more but they are a little afraid to do so, because they are very much afraid of possible legislation—the Morse Amendment did nothing—but it did act as a warning. They are scared now because of this Morse Amendment, because of our being there, and other investigations that have been made so they are going to be very careful about who they buy lumber from. I don't think they are going to push us down too tight. I hope that is a bright spot in the whole thing.

WHAT GOOD GOVERNMENT MEANS TO ME

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. BROWN of Michigan. Mr. Speaker, today I would like to pay tribute to four fine young people from Battle Creek, Mich., who were judged the winners of a communitywide contest held in conjunction with Government Day—Michigan Week ceremonies in that city.

These students, accompanied by Mr. and Mrs. Floyd Oglesby, were rewarded by a 2-day trip to our Nation's Capital last week and I had the privilege of hosting them during part of their stay.

In this day when we have heard and

witnessed so many "child-like" acts by irresponsible individuals endeavoring to destroy our institutions of government and learning, it is gratifying to know that sixth, seventh, and eighth grade students like Rietta Whitman, Colleen O'Brien, Bob Martin, and John Attarian, learn at an early age the real meaning of citizenship. Each of these prize-winning essays entitled "What Good Government Means to Me," contains a thought-provoking and important message, and I would like to share them with my colleagues at this time:

What Good Government Means to Me

(By Rietta Whitman, sixth grade, Post Elementary School)

Every American citizen should appreciate and take pride in our government. For although it may not please everyone, you will have to admit it does a pretty good job in these troubled times.

Unlike Communist-ruled countries, it gives us the right to vote as we please and to print what we think in public. Our government is made up of a democracy in which no man is overrun by another and every person is equal.

In such places as Russia, Viet Nam, or Biafra many have little, if anything, to do with their government. For these and other countries are conflicted by war and have little to say about what is to happen to their life.

I can't help thinking many of these things might be prevented if they were to have a stable government such as ours.

Russia is one of many countries in which the people have nothing to say about what their government does. Ours is a government of the people, for we have the power and ability to change something our country might do.

My government means many things to me but most of all it means freedom. The freedom of just living and having no boundaries put upon our lives. Also the security of knowing that as bad as things might get, the government will try its best to have food and work for everyone for generations to come.

Our nation has been the home of immigrants and ones in need for hundreds of years. It has stayed as one while other countries have been upset and split apart by the destruction of war. Even through it all I think it has become stronger, as different countries and races have joined together in the combining of world peace. But even from the beginning, our government has had one of the biggest parts in making our nation what it is today.

What Good Government Means to Me

(By Colleen O'Brien, sixth grade, Fremont Elementary School)

Good government means a beautiful world to live in. It means to spend money where it needs to be spent; to clean up slum areas so people have a better place to live; to wipe out poverty; for all men to be created equal; to have beautiful lakes, parks, and cities. It means good education for all people; jobs so there won't be poverty; to stop riots and make it safe to walk down the streets at night; to spend more money on helping people who are starving; to spend more money on curing diseases of this growing world.

Good government means to stop wars; to have peace on the earth; for every person to be free; to react to the growing needs and problems of this growing population. It means to promote all ideas; to spend more money on hospitals and homes for people who can't take care of themselves. It means to find some other way to deposit waste and garbage instead of throwing it into beautiful lakes, streams, and rivers; to set away more land for National Parks so people will have somewhere to go. Good government means this to me.

What Good Government Means to Me

(By Robert Martin, eighth grade, Southwestern Junior High School)

People all over the world have dreams. The kind of dreams they have to believe in if they expect them to come true. A good government is like that. You must believe in it with all of your heart if it is ever to exist.

The good government is the one where the people all work together to make that government, because and only because they believe in what they are doing. You cannot have a good government, when all the people are fighting among themselves, all tearing at each other's throat to gain power.

Our country has had some fine leaders in its past. If we could combine the dedication, loyalty, wisdom and bravery of all these men and place it within the hearts of the people of our fine country, our government would be immortal.

Maybe things are meant to be as they are, I don't know; but I don't see how any being can survive without the inalienable rights granted to him by his Creator. The good government is the one in which the people are not afraid to fight for their rights and what they believe in.

To me, good government means being able to speak freely within reason, and stand up for what we believe is right to be able to walk on any street in town without the fear of being robbed or assaulted. The good government is when the people have an unlimited amount of faith in the local, state, and Federal law officers. As I said before, this kind of government cannot exist when the people are divided, and constantly criticizing law officers, politicians, and public officials. A man cannot concentrate on his work or do a good job, when he is continuously being ridiculed. A good government can bring you many rewards only when you fight for them, and it lasts only as long as you allow it to.

What Good Government Means to Me

(By John Attarian, seventh grade, Northwestern Junior High School)

To me, good government means fair and equal taxes for everyone, fair enforcement of the law, upholding every citizen's rights, and the protection of our society from those individuals who mistake license for liberty.

Also, fair and equal taxation would mean the taxation of all classes of society by the same percentage of income—with allowance for handicapped and otherwise incapacitated or disabled citizens. These taxes would also be collected from the churches and labor unions, for their members are citizens as well as members of their organizations and should fulfill the expectation of their government as citizens and share the responsibilities of citizens since they share the benefits.

Further, fair enforcement of the law would mean treating all classes of our society and all races with equality. Under good government, no class of society and no race—Caucasian or Negroid, to take the two most conflicting races—would be privileged or hold special rights. Under good government, no social class or race would be able to go unpunished for a crime that another class of society or race would be punished for. A treatment of all classes of society and all races with absolute equality would prevent one race or class from getting envious or arrogant because of inequality under the law and thereby help keep domestic peace.

Also, the upholding of every citizen's rights means no restriction of his religious convictions and no interference with his desires of employment. Good government also assures a citizen of his rights to freedom of speech and trial by jury. It also does not take advantage of a citizen, to accomplish its own means.

Finally, the protection of our society from those who mistake license for liberty means not allowing riots to take place and those who participate in them to get away with the crimes they have committed. The same applies to lynchings, gang fights, and the like. In short, good government would allow the citizen to walk down a street in peace, free of the threat of an attack or murder.

In summary, good government means taxation of all classes of society by the same percentage of income, treating all races and classes of society with equality, and protecting and upholding the rights of the individual citizen.

POLITICAL PERSECUTION IN SAIGON

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. MIKVA. Mr. Speaker, on June 17, 1969, at page 16259, my colleague from New York (Mr. Reid) inserted in the Congressional Record a report prepared by a study team recently returned from a trip to South Vietnam. That study team was composed of a number of prominent Americans including John Conyers, Congressman from the State of Michigan and my colleague on the Judiciary Committee. The report dealt with "limitations on political and religious freedom; the detention, interrogation, imprisonment, and treatment of prisoners; and legal standards and procedures," in South Vietnam. It also documented that extensive religious repression and political persecution exists, and that the citizens of South Vietnam—the very citizens we claim to be protecting in that war-torn nation—are the victims of the most arbitrary kind of military "justice." I commend the members of the study team for their thorough and thoughtful report. It provides even more food for thought to those who believe that it is worth fighting longer and losing more American lives to preserve in power a military clique which never would have come to power in the first place but for our intervention in South Vietnam.

Although no further documentation of the existence of political persecution in South Vietnam is really required, yesterday's New York Times carried a story which adds still further damning evidence against the actions of the Thieu government. The four individuals now in trouble with the Thieu government were among those talked to by the American study group. I insert the article at this point in the Record with the reminder to my colleagues that this is the government which we have expended so much blood and treasure to maintain in power. It is a sad thought.

The article referred to follows:

Four of Opposition Group in Saigon Are Summoned to Police Inquiry

(By Terence Smith)

Saigon, South Vietnam, June 17.—At least four members of a liberal opposition group that recently called for the formation of a "government of reconciliation" were ordered tonight to report for questioning by the National Police.

Summonses were delivered this evening by police officers to four members of the newly organized Progressive Nationalist Committee, a left-of-center group of students, intellec-

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tuals and members of the professions. They were ordered to appear before the chief of the special police at 9 o'clock tomorrow morning.

The summonses appeared to be the first step in a widely expected Government campaign against liberal political groups and persons.

In the last few days there have been reports from South Vietnamese sources that the Government was planning to take steps against groups that have been publicly calling for a softer negotiating position in the [illegible] peace talks.

President Nguyen Van Thieu warned of such a crackdown in a news conference last week on his return from Midway Island where he conferred with President Nixon.

I WILL PUNISH THEM

"From now on," the President said, pounding his fists for emphasis, "those who spread rumors that there will be a coalition government in this country, whoever they be, whether in the executive or the legislature, will be severely punished on charges of collusion with the enemy and demoralizing the army and the people. I will punish them in the name of the Constitution."

At the same time, President Thieu warned that action would be taken against any newspapers that distorted the news in a manner that would demoralize the nation. On Saturday, the leading English-language paper, The Saigon Daily News, was closed on such a charge. It was the 32d paper shut down by the Government for political reasons in the last year.

According to reliable South Vietnamese sources, the Government is planning to subdue the more militant elements of its opposition by issuing warnings to some politicians, and by arresting others suspected of maintaining contacts with Communists. More newspaper closings are expected.

The Progressive Nationalist Committee is headed by Tran Ngoc Lieng, the lawyer who defended Truong Dinh Dzu, a former presidential candidate now in prison for advocating a coalition government with the National Liberation Front or Vietcong.

The committee first appeared on June 4, just four days before President Thieu was to confer with President Nixon. In a public statement, it called for the formation of a government of reconciliation that would be composed of "nationalist elements acceptable to both sides."

The purpose of the reconciliatory government according to the statement, would be to "prepare and organize elections to determine the political future of South Vietnam."

THIEU REPORTED UPSET

The statement was reported to have irritated Mr. Thieu, who was said to have felt that it was an effort to undercut his position on the eve of the Midway meeting.

At his news conference following the meeting, Mr. Thieu was asked if he planned to take any action against Mr. Lieng or members of his committee. He declined to answer the question with the explanation that he had not read the committee's statement, but he promised that he would look into the matter.

The summonses issued tonight were delivered to two deputy chairmen of the committee and to two members. Mr. Lieng did not receive one.

At his home tonight, Mr. Lieng said in an interview: "if the Government means to repress the genuinely nationalist organizations by this technique, the Communist will reap the benefits. The whole nationalist movement will suffer as a result."

Mr. Lieng said he would be surprised if he did not eventually get a summons. "They called me in once before, in February," he said. "That was when we had just begun to put the organization together. They questioned me for several hours and then released me."

Mr. Lieng said that his committee was not in favor of the formation of a coalition government as such. "The members of the reconciliatory government would not be Communists," he said. "They would be true nationalists acceptable to both sides."

The secretary general of the committee, Chau Tam Luan, a militant young professor, objected bitterly to the Government's action tonight. "The object of these summonses is to suppress opposition," he said, "to make people afraid to join us. This is a way of warning people, letting them know that if they join us they can expect a call from the police."

TITLE IX—A NEW DIMENSION IN FOREIGN AID—III

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. FRASER. Mr. Speaker, when Congress initiates new programs, we often find roadblocks within an agency preventing the new program from getting a smooth start. This may be one trouble facing the congressional mandate for greater participation at the local level in foreign aid projects. At least John Schott, who has worked within AID, feels there are obstacles within the agency. His comments are important to us:

OBSTACLES WITHIN THE AGENCY

Whether this be the proper definition of Title IX, or whether a more modest or narrow interpretation of the statute is chosen, a number of institutional obstacles face the conscientious A.I.D. official who may wish to implement this mandate. Not the least of these are the internal restraints imposed by the current organization and staffing pattern of the Agency. From the standpoint of personnel requirements, the outlook for Title IX's implementation can appear bleak indeed. Despite the numerous reorganizations of foreign aid agencies—all of which were in part designed to shorn these agencies of antiquated skills and obsolete ideas—there lingers on in A.I.D. a large contingent of people unreceptive to the new approach to development encouraged by Title IX. For some of these, Title IX constitutes an implied criticism (if not threat) to project activities with which they have long been involved. To others, Title IX is perceived as additional Congressional encouragement of the narrow-gauged project activities to which they have devoted their life—the promotion of cooperatives, community development, public safety programs, "free" labor union development. For them, A.I.D. should simply multiply and intensify these efforts as its response to Title IX.

This narrow view of Title IX is ironically buttressed by many of the more sophisticated program officers and senior officials embued—so far as A.I.D.'s development activities are concerned—with a macro-economic approach toward development. After the effort of the early sixties to depoliticize the aid-giving process and to substitute hard nosed and politically "neutral" macro-economic criteria for the Agency's previous adhocism and security-consciousness, it was hard not to see Title IX as a regressive step. To many of these officials, the development activities of the Agency could be divided between those initiated as developmentally significant by A.I.D. programmers, and those smaller, special-interest project activities undertaken at the insistence of Congress. Title IX was considered another such outside, special interest group initiative—hopefully no more than a passing fad—which could be satisfied by relabeling (or perhaps multiplying) a few appropriate "grass-roots" activities already undertaken by the Agency. By so doing, no significant diversion of Agency resources would be necessary and no "start up" or "phase down" costs would be incurred by this annoying but transient, Title IX exercise.

To counter these and other hostile attitudes within the Agency toward Title IX requires the nagging persistence of interested Members of Congress. It also requires awareness at the most senior levels of A.I.D. that Title IX is important and that its objectives should conscientiously be pursued. But even with this, a government agency—constrained by civil service regulations and organizational inflexibilities—requires several years to re-train existing personnel and to recruit and absorb new personnel with the requisite imagination and expertise to administer so complicated and delicate a mandate as Title IX. This obstacle is proving difficult to surmount.[1]

ANOTHER SHOE FACTORY CLOSES—300 MORE OUT OF WORK

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. CLEVELAND. Mr. Speaker, earlier this week I received a telegram from the commissioner of the New Hampshire Department of Employment Security, Benjamin C. Adams, informing me of the closing of yet another shoe factory in New Hampshire.

On Monday of this week, the Jodi Shoe Co., in Derry, N.H., notified its 300 workers that the factory would be closed until further notice. The reason: inability to compete with the flood of low-cost, foreign shoe imports. Mr. Adam's telegram also said that many other shoe companies are on shaky grounds, and are considering closing or substantially reducing their operations.

Mr. Speaker, it is clear that the situation of the American shoe industry is continuing to deteriorate. Mr. Adams' concern is by no means ill-founded. The shoe industry is caught between a rising flood of low-cost, foreign shoe imports on one side, and the refusal of the Federal Government to recognize and alleviate the situation on the other.

Last week, I inserted in the RECORD a letter from Mr. Adams which explained

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[1] Several modest steps have been taken by A.I.D. in recognition of this personnel problem. Four regional seminars on Title IX are being held this fiscal year for senior A.I.D. (and a few State Department) officials, a six-week conference on Title IX was sponsored in the summer of 1968 under contract with the Center for International Studies of M.I.T. which was in part designed as a training exercise for twenty A.I.D. officials, several midcareer officers may attend a special course of instruction on Title IX-related matters at the Fletcher School of Law and Diplomacy next year, and some unfocussed thought has been given to changing civil service and other personnel restrictions so that people knowledgeable in these new fields can be recruited into the Agency.

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the situation in greater depth. For those of my colleagues who missed it then, his letter can be found on page 15449 of the June 11 RECORD.

Hundreds of thousands of American jobs are at stake here, and I urge the Congress and the administration to act now to stop the long slide of this important industry. For unless we do, Mr. Speaker, there is no question that shoe factories will continue to close their operations, and the industry will slowly but surely grind to a halt.

MORE THAN LAW AND ORDER

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. McDONALD of Michigan. Mr. Speaker, the recent mayoral elections in Los Angeles and Minneapolis and Tuesday's primary in New York have been closely linked by political analysts to the issue of "law and order."

Perhaps this was the case in the first two instances. Certainly, what happened in New York is not simply linked to this one issue, as the Wall Street Journal points out today in an excellent editorial.

Our cities are in trouble, and no city is in greater trouble than New York.

I commend this down-to-earth review of our urban problems to every Member of this body, and include the editorial from the Wall Street Journal of June 19, 1969, in the RECORD at this point:

MORE THAN LAW AND ORDER

The nationwide trend to the right, boosted by conservative victories in both the Democratic and Republican primaries in New York City this week, is more complex than it might appear. How healthy it is depends, we think, on which of its components are under discussion.

The New York upset follows mayoral election of "law and order" men in Los Angeles and Minneapolis. Interestingly enough, Mr. Yorty in Los Angeles and now Mr. Procaccino in New York are Democrats (Mr. Stenvig in Minneapolis is an independent.) Mr. Marchi, the Republican winner in New York, is the candidate of the state's Conservative Party he harped much less on law and order than did Mr. Procaccino, for whom the "safe city" issue was practically the sum of his campaign.

Now law and order is certainly a valid issue, which reflects the deep discontent of people all over the country with rising crime and disorder. The way some of the politicians go at it, though, leaves the impression that they think a police crackdown is all that is necessary to solve the problems of the cities.

Their rhetoric smacks more than a little of repressiveness, even police-statism, and we don't think the nation needs that. Indeed, we are not sure we want to see the conservative, or anti-liberal, cause, or whatever you want to call it, represented by men like the Messrs. Yorty, Stenvig and Procaccino. In contrast, both the mainstream Republicans and the New York Conservatives (their political paths seem to converge more and more) talk with a high degree of responsibility.

Beyond the law and order question as such, there is unquestionably a profound disaffection throughout the country with the whole long-dominant liberal establishment. Much of it the liberals have brought on themselves, but at least some of it has been beyond their, or anyone's control.

Consider the case of Mayor Lindsay, who was the candidate of both the Republican and Liberal Parties this week and who remains in the November race as the Liberal candidate. Conditions in New York have deteriorated under his four-year reign, and evidently certain of his attempted bureaucratic innovations have not proved particularly workable.

Yet Mr. Lindsay inherited a city that, like many other urban centers, was already a mess, the victim of years of neglect by political hacks. It was already overcrowded, plagued by vehicular and pedestrian congestion, air, noise and water pollution, greedy unions, an in-migration of unskilled poor people; the usual list. It is a little hard to imagine that any mayor could have done a great deal to stem the deterioration in the short space of four years.

The liberals' direct responsibility for the rot is nonetheless very considerable. As exponents of the prevailing political philosophy in Washington and numerous other governmental units for the past generation, they assumed attitudes and pursued policies that resulted in a lot of harm.

In New York, for one example, they would not hear of a residency requirement for welfare eligibility; that offended the sentimental view of the nature of man on which liberalism rests. But they were unprepared for the explosive aspects of the predictable inflow of the poor and unskilled and the spiraling welfare rolls.

In certain ways the liberals worsened the plight of the slum-dwellers. Their welfare system itself is demeaning, anti-incentive. In the name of public housing they tore down tenements and put up barracks-like apartments; the frequent upshot was that the poor did not get better housing but were dispossessed of what they had. The liberals' attacks on other urban problems were similarly inept.

Viewed as something far broader than a law and order issue, then, the developing anti-liberal trend has hopeful elements. The new people, whether they call themselves conservatives, Republicans—or in fact, liberals, many of whom are now disenchanted with the old ways—reject the paramountcy of government as chief problem-solver. With the installation of the Nixon Administration in Washington, this is becoming the mood from top down.

It is not just rejection, however, but a much more positive phenomenon. If the energies and initiatives of private institutions and private individuals can be unloosed after decades of being blanketed by government, then even the nation's admittedly grievous problems may begin to yield. Such, at any rate, we believe to be the salutary potential in the so-called turn to the right.

DWIGHT DAVID EISENHOWER

HON. WILLIAM H. BATES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. BATES. Mr. Speaker, I wish to add my voice to those who pay tribute to a great American.

General Eisenhower was one of our Nation's most patriotic and dedicated leaders of all time. His great contributions, both as a soldier and as a statesman, toward peace in the world will continue to inspire others to work for that cherished objective.

Ike was a tremendously human and understanding individual, whose sincerity and warmth of spirit will live on in the memory of everyone who was privileged to know him. I am especially grateful for the personal kindness and counsel he extended to me, both while he was in the military service and in the White House.

While the world shares the sadness of his passing, I know that former President Eisenhower's beloved family finds comfort in the knowledge that he was so widely admired, respected, and loved.

THE BERKELEY DISTURBANCE

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. UTT. Mr. Speaker, the police brutality charge, voiced by the tax-paid professors in California's higher education system, should be directed against the militants rather than the police.

The following factual and detailed account of the recent Berkeley disturbance was presented by Gov. Ronald Reagan in a talk to the Commonwealth Club in San Francisco on June 13, 1969. The accumulations of lethal projectiles on rooftops and other strategic spots prove this was no spontaneous uprising, but a carefully planned and executed operation—planned and directed by nonstudents of the university, many of whom have been associated with "filthy speech" movements and riots throughout the country—which should have gained the strong condemnation of every loyal citizen, and especially the university faculty, rather than their approval.

Mr. Speaker, I commend Governor Reagan for his speech, and urge that everyone read it. I include it herewith:

EXCERPTS OF SPEECH BY GOV. RONALD REAGAN

Many speakers of world renown have recognized the Commonwealth Club as one of the nation's preeminent sounding boards. You are a distinguished forum. Any speaker invited to address you gives great consideration to choice of subject, and certainly I have no intention of being an exception.

My problem, however, is how to choose between a number of tempting topics, a number of state issues all vital and all more or less controversial, such as California's crying need for true tax reform, which, incidentally, would give me a chance to explain why it should not be based on compulsory withholding of income tax.

There is one subject, however, which stands out as probably the most vexing and frustrating, not only to government, but to the people of California: the "people's park" controversy across the bay in Berkeley.

The volume of words already spoken and written on this subject have not resolved a number of confusing aspects. Many questions remain unanswered.

Is the University properly cast in the role of greedy land baron, ousting the poor homesteader? Did the University arbitrarily and unreasonably interfere with a citizens' volunteer effort at beautification of an unused vacant lot? Did the forces of law and order

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precipitate violence and engage in massive but unnecessary "overkill?" Were there no efforts on the part of the University to negotiate, conciliate or reconcile differences between the people and the University? Even more basic, was this just another episode in the nationwide wave of violence swirling about our campuses, and if so, do we just continue reacting, restoring law and order after the fires start and the rocks begin to fly? Of greatest importance: Is the nationwide campus ferment a single thing, a widespread youthful dissatisfaction with things as they are which occasionally trigger some of the more emotional into violence? Or are there two separate and distinct groups each with its own cause? Is there a silent majority, non-violent but with legitimate grievances and is there a separate rebellious minority promoting a real revolutionary cause, a group that seeks by deception to enlist on occasion the aid of that majority group?

I would like to attempt in this forum to put the "people's park" controversy into perspective, and at the same time try to find answers to some of the above questions.

In discussing the episode of the "people's park," two facets will have to be avoided. One, the case of James Rector who died of shotgun wounds. At this moment, the precise circumstances regarding his death have yet to be established officially by a coroner's inquest. For that reason, I feel it would be improper for me to comment. The other has to do with the numerous charges of nondemonstrators suffering injuries and arrest, and the allegations of mistreatment in the detention facilities at Santa Rita.

Certainly, the possibility of all of this must be recognized. There is no question but that part of the mob on that first day of violence intended only to be vocal and were caught in the crossfire as they tried to escape. Since all of this is under investigation again, comments here would be improper.

It can be said, however, that if any citizens' rights were violated, if officials were guilty of misconduct, then justice must be done and the guilty must be punished.

The cause of the controversy is a city block, roughly 450 to 250 feet, purchased by the University two years ago for $1.3 million as an eventual site for residence halls and research facilities. In the interim, it was to provide playing fields and recreation facilities very much needed on the Berkeley campus, since previous areas devoted to this purpose have been used for construction of new campus buildings.

The land has lain idle for more than a year, during which time no one thought of using it as a park. On April 4, it came up on the University's priority list approved for immediate development. On April 18, that classic example of four letter word journalism, the "Berkeley Barb" issued a call for its readers to gather on the coming Sunday, April 20, equipped with tools and shovels to convert for their own use the University property into a "cultural, political freak-out and rap center for the Western World."

It was made very plain: They were aware of the University's plans for immediate use of the property. We must depend on leaflets, the Barb and the official campus paper, The Daily Californian, for word as to their intentions, but they were pretty explicit.

The Barb said: "We will police our own park and not allow its occupation by imperial power." A handbill read: "We take a solemn oath to wage a war of retaliation against the University if it begins to move against the park. If the University attempts to seize $1.3 million worth of land, now claimed by the people, we will destroy $5 million worth of University property." Another handbill bluntly warned that even sending surveyors or posting "no trespassing" signs would be the signal for instant retaliation.

As a matter of fact, when the University did get around to posting "no trespassing" signs (51 of them), they were instantly torn down and burned.

The Daily Californian published an article by 27-year-old non-student, Arthur Goldberg—a name familiar in the free speech and filthy speech movement a few years ago. He praised the riots at Howard University and the University of Wisconsin and complained that not a thing was happening at Berkeley. His article then went into a tirade against Chancellor Heyns in connection with the University's plans for development, winding up with this arrogant and insulting demand: "Who the hell does the chancellor think he is? It is our park."

Ultimatums of this kind were the only answer the University received to its repeated efforts to enter into dialogue with these people. The chancellor had appointed staff members to make overtures, probably because a number of legitimate citizens and some students had joined in the work on the vacant lot under the impression that it was a volunter community project to pretty up an unused vacant lot.

The real leaders, of course, were Goldberg and a number of others whose records include participation in the Oakland Induction Center riot, the seizure of Moses Hall, the Chicago riots and last summer's bloody riot in Berkeley when many of the same people demanded that Telegraph Avenue be closed off and turned over to them as a park—perhaps "playpen" is a more appropriate word. The names are all on the police blotter: Mike Delacour, Stuart Edward Albert, Paul Glusman, William Miller, and Frank Bardacke—to name a few—none of them are students of the University.

The chancellor repeated several times his willingness to discuss the design of the development and its possible use by the adjacent community. But at no time did the squatters designate an individual or committee with whom he could communicate. The University's position was untenable.

Not enough has been said about the very real problem of legal liability. As owner of the property, the University was liable in the event of injuries in the use of the property, or if it became a public nuisance. The importance of this can be judged by the recent announcement that the City of Berkeley itself is in danger of losing its own liability insurance because of the recurring disturbances in the streets and around the campus. The property, incidentally, had already become something of a public nuisance. Police had been responding to frequent complaints of nightly rallies, mass singing, shouted obscenities, bonfires throughout the night, and the gathering of unsavory characters which so frightened some housewives they wouldn't even walk down the street on neighborhood errands. And now it has been learned that part of the lush greenery planted to make the lot a so-called sylvan glade turned out to be marijuana.

One hundred and thirty-two residents of the neighborhood have petitioned the University to end the use of the park by the squatters, and to go ahead with the University plans. In addition to the complaints already mentioned was one that the property was being used as a garbage dump and toilet. Again as a measure of the liability risk is the record of arrests that had already taken place at the site.

One involved a 21-year-old man, picked up for indecent exposure after the police found him sitting in the park, completely nude, in full view of park occupants and by-passers. There were arrests for narcotic violations, armed robbery and a number of juvenile cases, some for drunkenness—including a 14-year-old, loitering and sleeping in the park, and four cases involving juvenile runaways—one from as far away as Wisconsin.

We all continue to use the term park but the issue never had been one of whether there should be a park or even whether a park was needed. There are no shortages of parks in Berkeley, and by the end of the summer, the City will have completed a new park only two blocks from the disputed site. By their own statements, the leaders of this property take-over have made it plain their only purpose was political. They were challenging the right of private ownership of land in this country. They referred to the University's deed as a piece of paper that does not give the University the right to make use of this land.

All of the events I've mentioned—the attempts at communication, the ultimatums by the dissident group—took place in the short period from April 20 to the second week in May. D-Day came on May 15. Before dawn, at 4:45 a.m., campus police led about 65 law enforcement officers to the site. There had been a number of claims that the group would occupy the site physically, and forcefully prevent the University from going ahead with its own plans. About 75 individuals were found sleeping in the park and were warned they were trespassing. Only three refused to leave and had to be arrested on that charge. The building of the fence began at 6:20 a.m. and optimism reigned—there was no opposition. It began to appear that the police on hand were an unnecessary precaution but no one can deny the University would have been less than responsible had it not notified law enforcement of its intentions in view of the repeated threats of violent resistance.

Now what about the police themselves? What did they have in mind when confronted with this call for their services? Were they deliberately provocative, looking for trouble, trigger-happy? Hardly! In the past 11 months four major riots have erupted in Berkeley. All of them involve militants from the south campus area of Berkeley, a neighborhood that has become the most serious crime problem in that city. In these 11 months there have been eight major bombings or attempted bombings, nearly 1100 drug arrests, 750 in the south campus area alone. They have confiscated nearly 1000 sticks of dynamite, more than 200 pistols, rifles, shotguns and other weapons, dozens of Molotov cocktails and materials for making more. There have been dozens of arson attempts resulting in more than $800,000 damage including the fire that gutted Wheeler Auditorium. One policeman has been ambushed and shot; a dozen others have been fired upon. In last summer's Telegraph Avenue riot, two California Highway Patrolmen were the deliberate victims of fire bombings. Molotov cocktails were thrown at their feet. Engulfed in flames, they suffered serious burns requiring lengthy hospitalization. One of them has just recently been released from the hospital and is now able to do a little part-time work in the Highway Patrol office.

One of the attempted bombings involved a Berkeley police car in the official police parking lot. A homemade bomb employing a plastic base explosive was powerful enough that had it gone off it would have blown up not only the car and driver, but several adjacent buildings. In another bungled attempt—dynamite exploded but fortunately failed to rupture two large vats of highly flammable substance. Had this attempt been successful, Berkeley firemen are of the opinion that all of west Berkeley might have gone up in a holocaust.

All of this had to be taken into account as they were called into the street again.

By noon a total of 150 officers had been assigned to the area, 75 held in reserve, 75 on duty at the park site.

Meantime, back on the campus, a noon

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meeting had been scheduled for Sproul Plaza to hear a lecture on Israel and the Mideast crisis. This is a not unusual tactic. Permission is obtained through a student organization for a meeting which then abandons the original purpose. The crowd in the Plaza numbered more than 2,000 and some of them were obviously anticipating more than a routine discussion of an international crisis. A group of medics dressed in white uniforms, wearing Red Cross symbols, mingled in the crowd.

This has been normal procedure when a riot is planned or probable. There were nine speakers at the rally but no one mentioned Israel. The ninth speaker was Dan Siegal, UC student body president-elect. To use a trite phrase, it could be said that he appeared before an already-inflamed audience. Before he finished, they were screaming, raising clenched fists above their heads. Siegel has been charged with inciting to riot.

He wound up his speech saying, "Don't let those pigs beat (then a few unprintable words) out of you. Don't let yourselves get arrested on felonies." But he climaxed his speech shouting, "Let's go down and take over the park!" His admonition regarding felonies was not heeded, or perhaps it was just for the record.

The crowd was moving on a line of approximately 75 Berkeley police and California Highway Patrolmen. Someone kicked in the glass door of a bank on the way down; the window of an automobile was smashed. Rocks, bottles and other missiles were flying. Sheriff's deputies fell into line behind the marchers. From past experience, they knew that when the missiles started, those doing the throwing usually did it from the rear ranks. But not today—this was a mob.

Rocks, sticks, bricks and prepared jagged pieces of pipe and steel—some 18 inches long—rained down, thrown in end-over-end fashion into the police ranks from rooftops. The force with which they were thrown can be judged by one that smashed through the door of a police car. Cherry bombs exploded in the street, some with BB shot glued on to act as shrapnel. Officers went down under the barrage and were overrun.

This was no spontaneous eruption. The rooftops had been stockpiled with rocks and other missiles. There were similar stockpiles in nearby alleys. Heavy steel reinforcing bars—construction steel—had been cut into short, throwable lengths.

Sheriff deputies resorted to teargas, but the barrage from the rooftops and streets continued. The small contingent of police and patrolmen had been broken up into little groups and completely surrounded. A thrown knife struck a highway patrolman in the chest and penetrated to the bone. One had his helmet shattered by a chunk of broken concrete, others were hit in the face. Many suffered injuries that made it impossible for them to get up, let alone walk or defend themselves.

Out on the fringe of the battlefield, a police car was overturned and set on fire. Those who did it discovered a Berkeley police reserve officer, a member of this volunteer group for 20 years, who had been assigned to traffic duty. They surrounded him, throwing rocks at close range. Backed against a building, he went down and was literally being stoned to death in the ancient biblical manner. Lying on the ground, he drew his revolver. He did not fire it. At sight of the weapon, the mob fell back momentarily and persons inside the locked building opened the door enough to drag him inside.

The field commander of the Alameda County sheriff's office made the decision the riot was out of control. Deputies armed with shotguns were ordered into action. When they arrived, they literally had to step over the bodies of injured officers who couldn't be helped or moved because the few left standing were under severe assault, and literally fighting for their lives.

Now, to all those who are so quick to charge police brutality or over-reaction, let me call your attention to something that hasn't been mentioned. All of these officers, including those beaten to the ground, were armed with the regulation .38 revolver. None of them used those weapons or even drew from their holsters. And yet they have stated that only the arrival of the deputies and their use of the shotguns prevented the outright killing of isolated police and patrolmen.

As the afternoon went on, gas-dispensing vehicles spread teargas in an effort to disperse the crowd. One of these was put out of action by the mob. They even captured and looted a mail truck. Ambulances moved in and out of the area retrieving the injured. Militants overturned more vehicles and turned in false fire alarms and then stoned the firemen when they responded to the calls.

At the start of the noon rally, a total of 150 officers were on duty. By the end of the day, the total had reached 791, and this force was insufficient to guarantee the safety of Berkeley. The city manager, chief of police, mayor and sheriff joined in a request that National Guard forces be assigned to prevent further violence and disorder. The sheriff said he could no longer guarantee the safety of the city.

Three battalions of the 49th Infantry Brigade with supporting units were ordered to Berkeley and I signed emergency proclamations banning outdoor public assemblies and prohibiting loitering on the streets.

A total of 48 persons had been arrested on charges ranging from assaulting an officer to assault with a dangerous weapon, failure to disperse and refusing to leave University property. On the basis of casualties alone, it would seem the street people were out in front. Ninety-nine officers had been injured—18 requiring hospital treatment. The total for the street people was 43.

And yet, faculty groups in Berkeley and on distant campuses have publicly denounced the police and the use of the Guard. Others have challenged what they term "overkill" and taking their cue from these supposedly reasonable people, students have demonstrated in protest against the use of police and Guardsmen on campus.

No one can take pleasure from seeing bayonets in an American community or on a college campus. But the arrival of the Guard with bayonets brought almost total de-escalation of hand-to-hand fighting and violence. There were a few skirmishes—false bomb reports, maneuvers by the Guard and police units to disperse marching gangs of militants.

For four days, the Guard successfully kept the crowds moving and dispersed. Then, on May 20, a large crowd made a stand in Sproul Plaza. Repeated warnings failed to move them. The Guardsmen were being assaulted from the upper floors of one of the buildings. Chairs were being thrown down on their heads. The balcony of the associated student building was stockpiled with rocks and chunks of broken concrete.

All the warnings failed, and there was every indication that a direct assault was imminent. The field commander made a battlefield decision and called for a helicopter to make a teargas drop. The mob was told this had been done. Some left, but most remained.

There is no question that innocent people suffered the distress that goes with teargas. But there is also no question that horrendous tales exaggerated this episode beyond any resemblance to the true facts.

There also can be no question that the alternative to the gas—hand-to-hand combat between the mob and the Guardsmen—could have produced real tragedy.

By May 24, arrests had totalled 768, and 496 were non-students. Forty percent of those arrested were not even residents of Berkeley. Finally, on June 2, the University and local officials agreed order had been restored and the Guard could be withdrawn. They had put in 17 days at a cost to the taxpayers of $760,000. There is no way to assess the cost in damage, in injuries, and in loss of business to the community.

The issue is not closed. A "people's park" negotiating committee has finally surfaced to declare there will be no real peace in Berkeley until the fence comes down. If we are to judge by past history, when it suits their purpose an incident will be found or created as an excuse for intimidation through mass marches, demonstrations, and coercive tactics always with the potential for violence.

They have issued a 13-point manifesto. Some of those points are very significant and revealing.

"Young people leaving their parents will be welcome with full status as members of our community.

"We will turn the schools into training grounds for liberation.

"We will shatter the myth that U.C. is a sacred institution with a special right to exist.

"Through rent strikes, direct seizures of property and other resistance campaigns, the large landlords, banks and developers who are gouging will be driven out.

"Space will be opened up and living communes and revolutionary families will be encouraged.

"We will demand a direct contribution from business, including Berkeley's biggest business—the University, to the community until a nationwide assault on big business is successful.

"The people of Berkeley must arm themselves and learn the basic skills and tactics of self defense and street fighting.

"We shall attempt to bring the real criminals to trial; where this is impossible, we shall implement revolutionary justice.

"We will create a soulful socialism in Berkeley.

"We will unite with other movements throughout the world to destroy the racist-capitalist-imperialist system.

"We will create an International Liberation School in Berkeley as a training center for revolutionaries.

"We will protect and expand our drug culture."

I opened my remarks with some questions.

The decision is up to you as to whether the University arbitrarily and unreasonably interfered with an innocent, bucolic beautification project. And if it was the University that arrogantly refused to meet or conciliate.

I'll leave it to you to decide if the forces of law and order precipitated the violence.

Should the University—having invested $1.3 million of the people's money for a purpose approved by the University administration, its own Capital Outlay Review Board and the Board of Regents—turn this investment over to some newly-created corporation organized to put the property in the hands of those who sought to take it by force? Or should the University get on with the business of providing facilities for the education of our young people?

And that brings me to the final question. Is there a revolutionary movement involving a tiny minority of faculty and students finding concealment and shelter in the disappointment and resentment of an entire college generation that finds itself being fed into a knowledge factory with no regard to their individuality, aspirations or their dreams?

The answer is an obvious yes and the challenge to us is to establish contact with these frustrated young people and join in finding

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answers before they fall to the mob by default.

At this moment in California, the danger of this happening is very real. And why not?

When Chancellor Heyns was meeting with law enforcement officials and joining in their requests for police and National Guard protection, other chancellors in our system were endorsing protests and hunger strikes. Faculty groups were passing resolutions deploring police tactics without so much as making a phone call to learn the facts.

I am firmly convinced these represent a minority, but they are activists. The majority of faculty are scholars too busy with their own research and writing to engage in such extra-curricular activities. Are they also too busy to teach?

Young men and women go to college to find themselves as individuals. They see the names of distinguished scholars in the catalogue and sign for courses with the belief they will learn and grow and be stimulated by contact with these men. But all too often they are herded into classes taught by teaching assistants hardly older than themselves. The feeling comes that they are nameless, faceless, numbers on an assembly line—green cap at one end and cap, gown and automated diploma at the other. They want someone to know they are there—they aren't even missed and recorded as absent when they aren't there.

The symptoms of rising rebellion have been evident for some time. They no longer bother to vote in student elections. So that other tiny group with its revolutionary purpose elects the student body officers and editors who proceed to speak in the name of the University.

This generation—better informed, more aware—deserves much more.

First, those who administer and teach must make it plain they will not be coerced by threats of force. They must spell out in advance those kinds of misconduct they will not tolerate and that there will be *no* negotiation with any who threaten violence. But this is only for that revolutionary minority—the University can dispose of the threat they represent in a week if they will take a stand.

The greater problem has to do with those others and it begins with establishing communication. Their legitimate grievances must be understood and solutions must be forthcoming. "Publish or perish" as a University policy must be secondary to teaching. Research, a vital and essential part of the process, must not be the standard by which the University rates itself. Its function is to teach and its record must be established on the quality of graduates it offers to the world—not on the collecting of scholarly names in its catalogue.

The few subversives on our campuses will be a problem much easier to handle if the members of that so-called great silent majority have inner convictions, beliefs and confidence in our society and in us as adults.

LANHAM, MD., GI KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. LONG of Maryland. Mr. Speaker, Sp5c. Kenneth L. Bartley, a fine young man from Maryland, was recently killed in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD:

LANHAM GI KILLED IN VIET VILLAGE—SPECIALIST KENNETH BARTLEY AIDED MONTAGNARDS

Army Spec. 5 Kenneth L. Bartley, of Lanham, Md., who helped organize a band of Montagnards in the Central Highlands of Vietnam, was killed June 12 while defending their village, the Defense Department announced yesterday.

Specialist Bartley was a member of a Special Forces unit of the 4th Infantry Division, stationed a few miles south of Pleiku.

HELPED CONSOLIDATE HAMLETS

Specialist Bartley, who was 6 feet, 4 inches tall, was moved by the plight of the diminutive Montagnard mountain people who took great delight in the things he did for them, his father, Edward L. Bartley, said yesterday.

Mr. Bartley helped consolidate three Montagnard hamlets into a single village, while accompanied by his 4-foot 6-inch translator, whom he affectionately called "Shortie," the soldier's father said.

The 21-year-old Prince Georges county soldier had books sent from home to help his translator friend learn Spanish and German. The Montagnard already spoke three foreign languages.

"My son wanted to help those people. He was moved by their total poverty, and couldn't understand how they existed," his father said.

LOVED THE PEOPLE

His compassion for the Montagnard's developed to the point that he decided to extend his service an extra six months. "I guess you might say he loved the people," Mr. Bartley said of his son, who had already served nine months in Vietnam.

A 1966 graduate of Bladensburg Senior High School, Mr. Bartley attended Prince Georges Community College before enlisting in the Army in March of last year.

Specialist Bartley hoped to become a radio disk jockey. He was a friend of several radio personalities in Annapolis and Salisbury.

Besides his father, he is survived by his mother, the former E. Huldah Hibbs; a brother, Donald E. Bartley, at home; great-paternal grandmother, Mrs. Gertie Crowther, of Washington; his paternal grandparents, Mr. and Mrs. Lancelot W. Bartley, of Washington, and his maternal grandparents, Mr. and Mrs. C. B. Hibbs, of Sterling Park, Va.

ASTORIA'S BETSY ROSS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. WYATT. Mr. Speaker, in my hometown we have a lovely patriotic lady, Mrs. Chester "Jo" Love, who is fast becoming known as Astoria's Betsy Ross. She has been sewing replicas of various American flags, specializing in the American flag as it existed during the days of the Lewis and Clark expedition. Last November her Lewis and Clark flag flew over the National Capitol while she was attending a national Elks Emblem Club convention as an Oregon delegate. This fine lady has written an essay on Americanism. For the benefit of my colleagues and posterity, I submit it herewith for their consideration:

AMERICANISM

(By Josephine M. Love)

After having lived thru World War I, the Great Depression, World War II, Korea, the Cold War, and now Viet Nam, I find it rather difficult to define what Americanism truly is. How can decades of triumph, poverty, fear, and hope be expressed in a few minutes? Americanism cannot be pinpointed to one set of definitions, because everyone of us here today has seen different forms of Americanism during our lives . . . just as those who came before us and those who will come after us. It can only be said that it is an intangible word, a feeling that cannot be expressed. But that is what our whole foundation of living has been based on, intangible ideas, freedom, democracy . . . spirit of honor . . . spirit of truth . . . spirit of youth. Americanism, a word so intangible, yet so great that hundreds of thousands of simple people like you and me who will never be glorified, have suffered and died and lived for it. It is the spirit that pushed Lewis and Clark 2,000 miles thru unchartered wilderness to discover another ocean. It is the same spirit that led our grandmothers westward over barren, dusty prairies, bearing children, driving cattle, and fighting off Indians. All of us here today are mixtures of different kinds of Americanism, our ancestries, our lifetime experiences are all varied, yet we all know what Americanism is. It isn't merely going thru the motion of saluting the Flag or standing for the National Anthem . . . it is something inside of your self . . . and like my love, it grows with experience and age . . . so that it withstands temptation, poverty and fear . . . leaving only wisdom and hope.

J. EDGAR HOOVER AWARE OF SDS THREAT TO EDUCATION

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. DORN. Mr. Speaker, J. Edgar Hoover is well aware of the sinister, diabolical, and subversive threat of campus anarchists to the cause of education in the United States.

I commend the following article in the June issue of the FBI Law Enforcement Bulletin by the Honorable J. Edgar Hoover to the attention of my colleagues and to all the people of our country:

J. EDGAR HOOVER AWARE OF SDS THREAT TO EDUCATION

As the current academic year draws to a close, it should be readily apparent that the students in the New Left revolutionary movement are not on college campuses to seek education. Rather, this conglomerate of malcontents is engineering a drive to destroy our educational system.

More and more, the New Left is being controlled by the followers of Karl Marx through the Old Left organizations of the Communist Party, USA (pro-Moscow), the Progressive Labor Party (pro-Peking), and the Socialist Workers Party (Trotskyites). Not since the New Left came into being has the influence of Marxism-Leninism been so strong.

The Students for a Democratic Society (SDS), largest of the New Left groups, is rapidly gaining a definite Marxist-Leninist coloration. At the SDS National Council meeting in Austin, Tex., in March, one of the organization's top leaders was quoted as stating, "Our primary task is to build a Marxist-Leninist revolutionary movement."

While the New Left movement may or may not make the dean's list this year, it rates an A plus in revolutionary exploits. The SDS and its adherents have rocked campuses from coast to coast with violence, riots, and sabotage. At the SDS National Convention last summer a workshop on violence and explosives was held. Literature explaining how explosive devices can be manufactured and used against Selective Service installations, ROTC buildings, and university facilities has been distributed. The results are a disgrace to a society which owes its very existence to democratic processes under the rule of law.

Many of the criminal acts of the New Left were, and are, committed as expressions of rights under the first amendment. Corruption of the first amendment would be a better term for such antics. Certainly, free speech and dissent are not synonymous with despotic obstruction and force. The wild and insatiable demands of the New Left for unlawful power and its blind determination to silence and destroy all who stand in its way are tyrannical acts of the first order.

Under the first amendment, a person may hire a hall and speak on any subject to as many people as he can persuade to listen. However, he has no right to disrupt classes and assemblies and prevent other persons from hearing a speaker of their choice. Neither the New Left nor any other group shall be allowed to plunder, riot, and terrorize our educational institutions and impose its will upon a majority of students who do not share its views. Crime under the ivy-covered arches of a college campus is no more excusable than crime in our city streets.

SDS leaders know that if a revolution is to be brought about, they must inject more discipline and organization into the movement; the antidiscipline, freewheeling, individualistic, anarchistic mood of the New Left must be controlled and molded into a strong, centralized, Marxist-Leninist revolutionary force. The Old Left groups, of course, are working hard to capture at least a part of the movement.

The pro-Peking Progressive Labor Party (PLP) already has a strong beachead inside the national SDS. On some key issues, the PLP comes close to having enough strength to swing votes in national meetings. While considerable factionalism now exists within SDS ranks on "how to bring about a revolution," the pro-Peking, the pro-Moscow, and the Trotskyites all agree on one major point—students alone cannot bring about a revolution. One well-known communist youth leader wrote, "We must view the worker-student alliance as a mutual necessity and do everything in our power to insure its growth and endurance." The PLP and the Trotskyites also supported similar linkage of the students and "workers."

Not all SDS members accept the Old Left organizations. Many feel that SDS can promote a viable revolutionary youth program without stringent controls and free of parental tutelage from a foreign or internal Marxist party. Whether this is possible or not remains to be seen, and the answer may be decided at the SDS National Convention this summer, where this issue will be bitterly and hotly contested.

Meanwhile, a basic fact looms. Never before in this country has there been such a strong revolutionary Marxist movement of young people which is so eager to destroy established authority. Furthermore, the New Left movement has made it emphatically clear that mere change and revision are not its objectives. Armed with a long list of "non-negotiable" demands, its immediate goal is the complete overthrow and control of our educational system. We all know what its ultimate goal is.

Concessions and appeasements will not satisfy those bent on anarchy and nihilism. America should take note before it is too late.

John Edgar Hoover, *Director*.

EXPERTS SAY PRO-ABM STUDY ALTOGETHER UNCONVINCING

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. BROWN of California. Mr. Speaker, at the back of the editorial section of yesterday's Washington Post is a full page ad concerning the proposed Safeguard ABM system.

According to the ad—which was placed in the paper by the American Security Council—a special subcommittee recommends that—

> An American ABM system is the soundest insurance for peace—and against war—that the United States can buy in 1969 for its security and protection in the 1970's.

The recommendation is contained in a study, "The ABM and the Changed Strategic Military Balance: U.S.S.R. vs. U.S.A.," recently published by the Council.

Last month, I received a letter from Mr. John M. Fisher, the president of the American Security Council, asking my comments on his group's study, and I would like to place a copy of that letter in the Record at this point:

American Security Council,
Washington, D.C., May 5, 1969.

Hon. George E. Brown, Jr.,
House of Representatives,
Washington, D.C.

Dear Congressman Brown: I have enclosed for your information an advance copy of a special study on "The ABM and the Changed Strategic Military Balance: U.S.S.R. vs. U.S.A."

The 31-man study committee was co-chaired by Dr. Willard F. Libby, Nobel Prize winner; Dr. William J. Thaler, who developed the over-the-horizon radar; and General Nathan F. Twining, former Chairman of the Joint Chiefs of Staff. The other members of the committee are equally qualified in other areas of expertise pertinent to this complex subject.

We hope that the committee's factual analysis will be useful to you.

I would appreciate your comments on this study so that I might share them with the study committee members who worked so long and hard, without recompense, to complete this project.

Sincerely,

John M. Fisher,
President.

Mr. Speaker, I have always paid attention to all aspects—pro and con—of the ABM debate, and I proceeded to read through the American Security Council's "factual analysis." In doing so, I found that the report's authors generally resorted to gross distortions and confusingly misleading logic to present a case for ABM deployment.

However, I felt that before I undertook to answer Mr. Fisher's request for my comments, some additional—and more technical—critique was called for. So, I sent a copy of the report to the attention of two physics professors at the Massachusetts Institute of Technology who had been working and studying various aspects of ABM.

Dr. Vigdor L. Teplitz is an assistant professor of physics at M.I.T. From 1962 to 1964, he was associated with the radiation laboratory at the University of California at Berkeley; the next 2 years he spent with CERN, the European nuclear research program; since 1966, he has been on the staff at M.I.T.

Dr. Steven Weinberg is a professor of physics at M.I.T. He also is a consultant for the Institute for Defense Analyses and for the Brookhaven National Laboratory. Dr. Weinberg is a contributor to the recent book, "ABM: An Evaluation of the Decision To Deploy an Antiballistic Missile System," which was edited by Abram Chayes and Jerome G. Wiesner.

Over the past weeks, Drs. Teplitz and Weinberg prepared a detailed analysis of the American Security Council study, and last week, they sent me the following letter, in which they concluded that the study is "altogether unconvincing" and that I should "not use it as a guide in my thinking on the Safeguard ABM system." I now place a copy of their letter in the Record:

Massachusetts Institute of Technology, Department of Physics,
Cambridge, Mass., June 12, 1969.

Congressman George E. Brown, Jr.,
House Office Building,
Washington, D.C.

Dear Congressman Brown: At your suggestion we have read "The ABM and the Changed Strategic Military Balance U.S.A. vs. U.S.S.R." by Dr. Willard F. Libby, Dr. William J. Thaler, General Nathan F. Twining and others. We find it altogether unconvincing and suggest that you not use it as a guide in your thinking on the Safeguard ABM system.

Most of the text is devoted to an impassioned argument that the Soviet Union continues to work toward world domination and is devoting all available resources to that end. The conclusion drawn by the authors is that the United States must have a greater military effort than that of the Soviet Union. There is no attempt to consider the question of a "sufficient" military effort. The author's fear of the Soviet Union reaches something of a crescendo on page 44 in describing the goals of the Soviet military space program: ". . . 3) *to gain control of space*. There have been numerous references in Soviet speeches and official documents to indicate such an objective." (Our emphasis). A rather bold, but unlikely program. An argument used by the authors to fan the reader's fear of Soviet defensive capabilities (on p. 45) is: "It is also noteworthy that the U.S.S.R. has obtained valuable combat experience from the coordinated use of missiles and AA guns in North Vietnam." The space discussion is not balanced by any reference to the U.S. Air Force's $600 million per year space program. And no weight is given to any experience our B52 forces may have gained in overcoming defenses, in their Southeast Asia operations. The general tone of the large polemical part

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of the pamphlet is such that if the symbols U.S. and U.S.S.R. were interchanged the result would make about the same amount of sense and would be dismissed as typical propaganda.

In general, there is no serious argument that the Safeguard system is the proper response to the Soviet threat nor any serious discussion of its capabilities and limitations. Some of the specific weaknesses and inaccuracies of a more technical, rather than political, nature in the work are:

(1) Figure 3, comparing U.S. and Soviet ICBM strengths, compares numbers of missiles, not numbers of re-entry vehicles (possibly indicating a certain distrust of our Department of Defense which has decided to increase the latter and not the former). No discussion is given of the differences among missiles. There is, for example, no recognition of the similarity between the SS9 which the Soviets are deploying and the Titan which we are phasing out in favor of more "efficient" weapons.

(2) Figure 5, and the text on page 37, in comparing relative strengths of the two powers in submarine launched missiles include diesel powered Soviet missiles along with nuclear ones. The former need frequent surfacing to recharge batteries and are hence much more vulnerable and less useful weapons. Their projections of Soviet strength, here and elsewhere, always assume that the Soviet Union will maintain in operation, at great expense, older less effective weapons as they deploy newer ones. This seems a foolishly optimistic prediction although it results in misleading and frightening graphs.

(3) Figure 6 is again misleading, adding together both Soviet missiles aimed at Europe and missiles aimed at the United States, to compare with American ones aimed at the Soviet Union.

(4) Figure 7, labeled Soviet Defensive Missile Developments, in a pamphlet on the ABM, would lead the reader to believe there are eight Soviet ABM systems. There are not; there is only the embryonic Galosh system. The others are anti-aircraft systems.

(5) Page 34: The SS9 was not unknown to the Defense Department, according to the testimony of Alain Enthoven before the Senate Armed Services Committee last year.

(6) Page 34: After discussing the size of the SS9 warhead but *not* its accuracy, the authors go on to say, "Because of its size and accuracy the SS9 is regarded as a weapon designed to knock out American Minuteman ICBM's." This is not at all clear; two possible reasons for the size of the SS9 are (i) for use against large cities, and (ii) to explode at high altitudes above the range of the Sprints in the Sentinel system, with enough energy to cause destruction to urban structures on the ground. One would expect ABM proponents to seriously study this second possibility in arguing for Safeguard. The authors do not mention it.

(7) Page 51, again it is "clear" to the authors, with no discussions of the targeting accuracy of the SS9, that it is a counter force weapon.

(8) Page 51, the authors accuse the United States of ceding "the offensive space weapon arena" to the U.S.S.R. This ceding presumably refers to Soviet development of FOBS (Fractional orbiting ballistic missile system) which is an inaccurate weapon, not suitable for counter force use, but which may have some utility as a penetration aid against an ABM system. The authors, in general, do not seem to be able to conceive of, or at least to approve of, not building any weapons system it is physically possible to construct, no matter how small, or counter-productive, its contribution to our security.

In the small part of the work which concentrates on ABM systems there is a section on the need for a Missile Defense, no section on whether Safeguard fills that need, and an attempt to rebut some of the arguments against Safeguard.

(9) Page 55, the authors state flatly that Safeguard is a "point" defense. If this were true, Safeguard would have no long range Spartans and the Perimeter Aquisition Radar would be different or missing. This is not a matter of semantics; it is a matter, at best, of billions of dollars to be spent on new hard point elements of the Safeguard program and further billions responding to the Soviet response.

(10) On page 55, the authors also repeat the argument that Safeguard is for research and development. Research and Development is best done on Kwajalein or at White Sands where tests can be made. The only advantage in R & D of the present plans are for such marginal studies as on the effects of cold weather.

(11) On page 56, the authors equate not building Safeguard with "gambling on the assumption that defense technology will not eventually overcome offensive weapons systems." It does not bring us any closer to the far off goal of an effective ABM system to build an admittedly ineffective one.

(12) On page 56, the authors ask about the Soviets "Will they cease their own ABM efforts?" The Soviets have stopped ABM construction. After building the Galosh system with less than 100 missiles in it, they concluded it was a mistake and stopped. The authors are intent on us making a mistake with a 1000 missile system.

There are a plethora of other weaknesses in the authors' presentation. Many are connected with the great emphasis on political analysis and argument, itself open to much debate, and the relatively small attention paid to the technical question at hand. The fact that we have not addressed our remarks in details to their political analysis does not, of course, indicate that we find it sensible.

Please let us know if we can be of further assistance to you.

Sincerely yours,
VIGDOR L. TEPLITZ,
Assistant Professor of Physics.
STEVEN WEINBERG,
Professor of Physics.

Mr. Speaker, as both the MIT physics professors and I discovered, the American Security Council tends to utilize scare tactics rather than cold facts as a rationale for ABM. The Councils ad continues in that direction. The ad states that "a lack of national resolve" is the only thing stopping us from building ABM and that the "Russians will have us either by violence or by blackmailing us with the threat of violence, if we allow them to increase their nuclear superiority."

I believe that tactics such as those used by the American Security Council take the legitimate debate over ABM and turn it into a shambles. There is no simple way to resolve the ABM question; each side has many valid points backing up their respective positions. But, no one—on either side—is helped by the level of argument employed by the Council in its report and in its ad.

I am sending a copy of Drs. Teplitz and Weinberg's letter to Mr. Fisher with the hope that he indeed will take seriously these comments on his group's study. I would hope that all Members of Congress who have seen the Council's ad, or read the Council's study, will now consider the accuracy of the statements posed for the Council.

For those Members who have not seen the ad, I place it into the RECORD at this point:

BUT WHAT IF WE DO NOT BUILD THE SAFEGUARD ABM?

The answer is lodged in facts that may not show up as often as they should on newspaper front pages and in TV news broadcasts! It is concerned with the serious step-up in Russian missile production . . . with a world in which the Communists have taken the lead in nuclear weapons . . . and with the single *non*-Communist, *non*-military threat that may prove to be the cause of our downfall.

Make no mistake. *At this very moment the Soviet Union already is well ahead of the U.S. in overall strategic missile strength.* The most urgent matter before the Congress and the American people today is deciding what to do about it.

The American Security Council urges that *all* of the facts be given careful consideration . . . and believes that a carefully reasoned evaluation of those facts leads to a single, irresistible conclusion: America needs to begin building a Safeguard ABM missile defense system at once.

COMPARISON OF STRATEGIC MILITARY TRENDS

Although the American gross national product is almost twice that of the Soviet Union, the USSR has for years been spending up to 3 times more than we have in strategic military forces. The current trend warns us that *the Russians will have spent up to $100 billion more than us* on strategic weapons between now and 1975.

At this moment the total of Soviet strategic missiles is estimated at 2,750 compared with our own 1,710 (including ICBMs, intermediate and medium range missiles and sub-launched missiles). We're not building any more missiles. *They are!*

But that's not the whole story. By 1975 the Soviets will, at the present rate, have deployed close to 500 mammoth SS–9 nuclear rockets with 20 to 25 megaton warheads. Each missile will be about 25 times more powerful than our own present Minuteman missiles—each will be about 1,000 more powerful than the Hiroshima bomb.

The Soviet Union has a missile defense. *We do not!*

THE SOVIET UNION'S MOTIVES

It no longer is necessary to "suppose" that the Russians are aiming for strategic military superiority. We now *know* that their objective is clear strategic superiority because they have already passed the balance point and are still building at a rate that suggests an all-out *war economy*. In both word and deed, the Russians have shown that they regard the world struggle as a fight to the finish—a fight that the Soviets intend to win at *any* cost. Not a single political or military authority has been able to offer *any* reasonable explanation for the current Russian buildup of staggering destructive power, *except* in terms of deliberate, coldly calculated aggressive intentions . . .

. . . like the Soviet intentions *and what followed* in Czechoslovakia . . . Cuba . . . Vietnam . . . the Berlin Wall . . . Hungary . . . Poland!

The facts about this threat to our security have been carefully studied by a special Committee of distinguished Americans appointed by the American Security Council. Members of the Committee are outstanding experts in their respective fields. They include two Nobel prize winning scientists; the developer of the H-bomb; the developer

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of over-the-horizon radar; a former chairman of the Joint Chiefs of Staff; the general who headed the development of our own ICBM forces; the present head of the A.E.C.'s weapons division at Los Alamos; a former commander of the Strategic Air Command; a former chairman of the Atomic Energy Commission; a former commander of the Polaris Submarine fleet and 20 other such authorities whose combined credentials clearly establish them as the most qualified independent group ever to study this complex problem. None of them are "armchair strategists." They know what they are talking about. We believe their collective voice should be heard by every American!

THE ASC COMMITTEE'S RECOMMENDATION

The Committee has presented its findings and conclusions in the form of a highly readable 72-page book which, summed up, tells us this:

"An American ABM system is the soundest insurance for peace—and AGAINST war—that the United States can buy in 1969 for its security and protection in the 1970's."

The Committee urges that a dependable Safeguard ABM system can and MUST be built at once. Their report observes, "far from being an offensive weapon, the ABM is, in reality, insurance against war. It may well be, in fact, the single most important step the United States can take toward a real and lasting peace at this moment in history."

. . . and they further emphasize that *ABM has become a symbol of our determination to keep America strong. All major defense decisions in the next decade will probably be affected by the acceptance or rejection of ABM on Capitol Hill in the next few weeks!*

Can anything *stop* us from building a workable Safeguard ABM System? Just one thing: A lack of national resolve. It is ironic that—not technology . . . not "hardware" . . . not money . . . but *our failure to pull together for a strong America* might be the single factor responsible for our downfall.

As a matter of plain common sense, the Russians will *have* us either by violence or by blackmailing us with the threat of violence, if we allow them to increase their nuclear superiority. *History does not reassure us with a single instance of an aggressor nation that restrained itself, once that nation believed it could start a war and win!*

WHAT YOU CAN DO—RIGHT NOW

The Committee's 72-page book on the ABM and the Russian missile threat is written simply, in non-technical language. It will provide every concerned American with the facts he needs to decide about the Safeguard ABM system. You—*and your children*—should have and read this book.

You can order a copy simply by mailing the form below.

But you should do more. Tell your congressman how *you* feel about Safeguard. Call, wire, write, but be sure to make your voice heard! (If you do not know the names and addresses of your Senators or Representatives, call your local newspaper. They will be glad to give you this information.)

GIVE SAFEGUARD YOUR FINANCIAL SUPPORT

Equally important, you can help protect yourself, your family and your country by sending the largest contribution you can, together with the form below, so that we can use this money to purchase more advertising space, and to otherwise get the facts about Safeguard and the missile gap—to every corner of America.

The American Security Council was able to fund the basic study but needs *broad* citizen support for its "Operation Safeguard" educational program. Thousands of citizens have already helped pay for ads like this. But thousands more concerned Americans *must help*. Please mail the form below—with your check—today.

[Form referred to above not reproduced in the RECORD.]

WHAT IS THE AMERICAN SECURITY COUNCIL?

The American Security Council is a nonprofit research and educational association dealing solely with national security problems.

The ASC is bi-partisan and seeks the best qualified experts whether they be Republican or Democrat, liberal, moderate or conservative. This broad spectrum of participation is reinforced by the cooperation of 358 colleges and universities and 189 membership organizations representing millions of Americans in a separate series of studies called Peace and Freedom Through Cold War Victory.

By selecting experts on the basis of qualifications rather than political leanings, every ASC study has been accurate in its basic predictions. For example, the two preceding ASC studies on the changing strategic military balance accurately predicted the present adverse strategic military balance. These were prepared at the request of the House Armed Services Committee and published by that committee in 1967 and 1968.

These studies are possible only because experts on ASC committees understand the need and donate their services. Please help back these dedicated Americans.

SPECIAL ABM SUB-COMMITTEE OF THE AMERICAN SECURITY COUNCIL

Cochairmen

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Dr. William J. Thaler, Chairman, Physics Department, Georgetown University.

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Dr. Kenneth Watson, Professor of Physics, University of California (Berkeley).

Gen. Albert C. Wedemeyer, USA (Ret.), Chief U.S. Strategist, World War II.

Dr. Eugene P. Wigner, Physicist, Princeton University.

PROGRESSIVE PENOLOGY—THE PRISON JUNGLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. RARICK. Mr. Speaker, one of the marvels of the present day is oft given as the reform handling of our convicts and those incarcerated in detention facilities. Indeed, the emphasis is on rehabilitation in an effort to return the offender to the midstream of society as a useful citizen.

To this end, we have all but abolished in our prison system such archaic things as forced labor, solitary confinement, rigid discipline, and other forms of control which might be said to detract from the dignity of the prisoner as a human being.

The plain facts of life are that there are people who wind up in prison because they could not control themselves in a free society, and to control them for the protection of other members of the community, we must lock them up. There are others who are confined for either punishment or for rehabilitation. They are not identical, even if they are equal under the law.

In our refusal to recognize these truths, we have made the prison environment so permissive that it has become a veritable jungle. The inmates have literally taken over the institution.

One of the numerous instances of this foolishness made the papers here in Washington, although most receive no publicity. Four university students, sentenced to jail for criminal contempt of court after a college riot, pleaded for segregation from other less sophisticated but more experienced prisoners, and were safely locked away in two-man cells isolated from the lower class inmates.

Perhaps the highly theoretical penal reformers will one day learn from the many acts of homosexual violence and other strong-arm attacks by the jungle lords against their weaker prey. These experts may even become so enlightened as to suggest that if prisoners are handled under strict discipline, taught some-

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thing about earning a living, and given hard work to occupy their time and usefully employ their energies, they might actually return to society moderately reconstructed. At least they will not have once again demonstrated that even in prison they are tougher than society. And it is possible that their milder fellow inmates will be discharged as rehabilitated, rather than terrified, tormented, and sexually molested creatures.

A current news clipping as well as one 2 months ago follow:

[From the Washington Daily News, June 19, 1969]

Fear Sex Abuse—Four GW Students Get Special Cells

Officials considered sending four George Washington University students sentenced for criminal contempt to the Occoquan workhouse but decided not to after an inmate there claimed Monday he was the victim of a sexual attack.

Mr. Robert Montilla, assistant director of the D.C. Corrections Department, said yesterday District Court Judge Gerhard A. Gesell, who sentenced the four white men to serve two to five days of three month sentences in jail, had inquired about which facility they could be sent to, to insure their safety.

"He was worried about these young men being sexually assaulted," Mr. Montilla said. "He wondered where they could be sent where there was the greatest assurance they'd get through their time without being molested."

Some time Monday at Occoquan, which houses mostly misdemeanor convicts, an inmate who later alleged that he had been pressured from other prisoners to perform a sexual act climbed a water tower to escape from them, Mr. Montilla said.

"He was up there a couple of hours. We felt the best course was to wait him out, and he came down.

"We believe there was no sexual attack," he stressed.

But the incident was discussed with the judge in deciding ultimately where to place the four students, he said.

"For the short amount of time (they were to serve behind bars) it seemed to me the safest place would be in the D.C. jail," Mr. Montilla said. The four began serving the sentences at 7 a.m. Tuesday in two two-men cells at the jail, isolated from other prisoners.

"They wouldn't be in contact with other inmates," Mr. Montilla reasoned. There is less security at Occoquan, but what happened Monday "is a relatively isolated thing" there, he said. "Occoquan is not an unsafe place."

The facility, near the Lorton Reformatory complex, has about 170 inmates currently.

The D.C. Jail currently has 1,038 prisoners, with about two-thirds in single or double cells and one-third in dormitory housing.

Recent congressional hearings have disclosed that molestation of new prisoners, particularly whites, those who appear young frail and "not hip" to prison ways, is widespread at D.C. institutions.

Mr. Montilla said most sexual attacks tend to happen on buses carrying prisoners to the facilities, in the dorms, and places where close supervision is difficult.

The four students pleaded guilty to defying Judge Gesell's order to evacuate Rice Hall on the GW campus May 9 and were given three month sentences, of which all but a few days were suspended.

William Richardson, 19, of Glendale, Ariz., and Leonard P. Ganessi, 22, of 2517 K-st. nw., were to be released at 7 a.m. today. James Goodhill, 22, of 2112 F-st. nw., and Robert M. Young, 20, of Clifton, N.J., are to be released Saturday morning.

[From the Washington Post, Apr. 23, 1969]

Eight Held in Sex Attack on Youth

(By William N. Curry)

Eight D.C. jail inmates yesterday were charged with sexually assaulting a 16-year-old youth being held by U.S. marshals in the U.S. District Court holding cell last Friday.

The youth had been placed in the lock-up although the U.S. Code says that juveniles kept in jail must be "held in custody in a room or other place apart from adults if facilities for such segregation are available."

C. A. (Al) Butler, the chief deputy marshal for the District, said the cellblock has separate facilities and he normally uses them for juveniles. "A breakdown in communication" led to the youth's being placed with adults, he said.

The U.S. marshal transporting the youth from Florida to New York City did not tell local marshals the youth was under 18, Butler said. The youth did not look like a juvenile and Butler said there were no papers traveling with him.

A Justice Department spokesman said a form giving the youth's age as 17 accompanied him. He was born April 26, 1952, according to court papers.

Butler said, "There has been a tightening up of normal procedures to hopefully prevent a recurrence," The Justice Department spokesman said the chief U.S. marshal for the United States was investigating the incident.

The youth had been placed in the holding cell Friday afternoon. After rebuffing one sexual advance the youth, who is white, was homosexually raped by 10 to 12 black adults, police said.

When he was getting on a bus for the D.C. jail, where he was to have spent the night, the youth told marshals of the attack, Butler said.

Medical tests substantiated his claim, and yesterday Stephen M. Schuster Jr., the investigating assistant U.S. attorney, filed sodomy charges against the eight.

General Sessions Court Judge Justin L. Edgerton ordered the men, already in jail, held without bond.

Those charged were: Delano R. Tarlton, 18, of 154 3d st, nw.; Charles Canty, 23, of 278 15th st. se.; Kenneth Thomas Jr., 24, of 4269 Foote st. ne.; Michael E. Jones, 20, of 640 Rock Creek Church rd; Tyrone Parker, 21, of 1122 21st st. ne.; Larry Curtis, 21, of 5068 8th st. ne.; Tyrone Flowers, 20, of 418 D st. ne.; and Henry Smith Jr., 18, of 1343 F st. ne.

THE GOD GAP

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. RARICK. Mr. Speaker, the demagogs of reform and change who babble from habit to criticize our country and culture often seek to explain away their inadequacies with such vocal gymnastics as "generation gap" or "credibility gap."

The problem in our country today is not an age gap, nor is it a believability gap, but rather it is a complete departure from the basic fundamental truth of the creation and role of man.

It is a God gap.

A letter from Tom Bondhus of Big Lake, Minn.; a letter from Patricia Young of Vancouver, Canada; and a letter from the Methodist laymen of North Hollywood, Calif., follow these remarks:

Church of the Morning Star,
Big Lake, Minn., June 14, 1969.

John Rarick
Falls Church, Va.

Dear Congressman: In reference to your list of issues facing America.

Could they all be caused by a loss of self respect and conscience of our people?

Would it be fair to say that men without self respect or conscience would be more prone to be cowardly?

Would a dictator have less difficulty in badgering cowards than brave men?

We have a plague in this country because our President has ignored both the first and 13th amendment of our constitution and the 13th verse in God's law of freedom. Our Draft Director has written that God first took man's freedom. I quote General Hershey's book "Outline of Historical Background of Selective Service and Chronology" Chapter "Biblical Antecedents" I'll quote part; "And if one is to trace the ancestry of Selective Service he must go far beyond the history of early America, back to Biblical days. The first chapter of Numbers records in the first and second verses:" (1) And the Lord spake unto Moses in the wilderness of Sinai, in the tabernacle of the congregation, on the first day of the second month, in the second year after they were come out of the land of Egypt, saying, (2) Take ye the sum of all the congregation of the children of Israel, after their families, by the house of their fathers, with the number of their names, every male by their polls." After copying them he continues: "And the forty-sixth verse of the same chapter records that 603,550 men were subsequently "inducted" to go forth to war in Israel after being "registered" and "classified." That is as far as Hershey went. The term the Bible uses for draft is "Numbering" and that is why the book is called Numbers. Hershey seemed unaware of this and uninterested in the conclusion of the "Draft" God ordered to determine its successfulness as a military venture. In the 13th Chapter of Moses tells what God had in mind when He ordered Moses to call this draft, and 13 chapters still later we learn of their fate.

The conclusion was not what a good General would be expected to follow, because Moses didn't get a single man to fight out of that first draft and later those men all died.

They say you can tell about a person with the word association game. When Hershey quoted Numbers 1:2 "with the number of their names, every male by their polls;" He must have been thinking of the children of America as horses left out in the pasture over the winter, as he referred to them once. Then "their polls" might mean something to hitch a horse to. Had he been a freedom thinking American he might have thought of polls as a place to cast a ballot of vote, as yes or no.

The polls are referring to God's draft law; Exodus 30:12 "When thou takest the sum of the children of Israel after their number, then shall they give every man a ransom for his soul unto the Lord, when thou numberest them; that there be no plague among them, when thou numberest them.

13. This they shall give, every one that passeth among them that are numbered, half a shekel after the shekel of the sanctuary: (a shekel is twenty ge-rahs) an half shekel shall be the offering of the Lord." In Ex. 38:26 You will notice they all paid this ransom. We know this is the same draft because they are identified by the number that Hershey mentioned, their age, etc. If

they all paid the ransom to get out of fighting, there would be nobody to fight, as there wasn't. Numbers 14:2 records God didn't get a man, and boy was he mad, just read on. However God isn't stupid. God knows, it is better not to fight than to fight with a bunch of cowards, so God just waited until they all died and 38 years later God tried the draft again. This time God had an army of not less than ⅓ of 1% smaller then the first call and they were brave men. Why? is the question. The ansewer is: The men drafted first, had been out of Egypt only 13 months and felt safe under the forced service system or the bondage they had been trained to accept. Forced service turns a man's conscience into cowardliness, because when he is forced to serve by a threat of jail, he is twice a coward; once because he is afraid to fight as they were, and if God had forced them to fight they would be cowards the second time because they were afraid of what God would do to them if they didn't fight. With cowards one can only lose wars. God knows that if given the ransom; (a chance to pay a token to be excused) a man can not pay it if he believes the cause to be good; without admitting to himself that he is a coward. The men that did pay, in God's first draft were cowards and were used to admitting it to themselves, so they were able to pay it. That is why God waited until they all were dead and their sons were trained to be free men and think like free men.

The basic principle of the tyrant or dictator to control the people is; Turn them into cowards by destroying their conscience and self respect and they will not resist.

God's Law on the other hand; is based on the idea that a free man's vanity can be converted to bravery.

Even God could not force a man to be brave.

If conscience and self respect are removed from our people, isn't your list of problems an expected result?

Yours truly,

TOM BONDHUS.

VANCOUVER, BRITISH COLUMBIA,
CANADA.

THE GOD-GAP

The trouble with the world today is not the Generation Gap, the Credibility Gap or the Missile Gap, but the God Gap.

Man has become so pre-occupied with: doing his own "thing" that he has replaced spiritual values with the dogma of scientific humanism.

In reaching for the stars, man has forgotten the wonder of the universe.

In splitting the atom, we have taken unto ourselves credit for creating the atom.

Like the people of ancient Babel, we would build a Tower to the Heavens and sit upon His throne.

The cult of humanism is reflected in the "I-oriented" songs we sing, and which proclaim: "I Want You, I Need You, I love You."

On the other hand, when things don't go our way, we sing: "Stop The World I Want To Get Off" or "Make The World Go Away!"

This emphasis of man's "rights" to the exclusion of his "responsibilities" is nothing new. Perhaps the sin of Adam and Eve was born of their belief that it was their "right" to eat whatever fruit they pleased. Could be that they fancied themselves with squatters "rights" to The Garden of Eden!

Similarly, I see the "theory" of evolution as part and parcel of the scientific humanism which attempted to separate man from God. Like the child that pouts: "You're not my father" in a futile attempt to defy a parents authority, so man, in denying the existance of a Creator would defy His authority.

Yet to deny the order of the universe is as futile as commanding the rain to return to the sky or the sun to change places with the moon!

For man can no more command the sea and sky than he can conquer the inevitability of life and death.

In closing the God Gap then, we must first acknowledge the manifestation of divine order.

Only from this acknowledgment can we move on to appreciation enthusiasm, conviction, dedication, inspiration and ultimately the agape love which embraces all of humanity and which heals the wounds of racism, prejudice and selfishness.

Without an understanding of this progression, love can only remain a superficial, self-centered cult of sex-saturated humanism.

PATRICIA YOUNG.

MISSION OF THE CHURCH ACTIVITIES OF THE NATIONAL COUNCIL OF CHURCHES

No organization has rankled church members as thoroughly as the NCC (National Council of Churches). Perhaps the main reason it has upset so many church members in so many denominations is that it purports to "speak for 40 million members," none of whom had a choice in becoming a member.

Although the NCC claims to exist "more fully to manifest oneness in Jesus Christ as divine Lord and Savior . . ." (Preamble of NCC Constitution), its actions belie these noble words. Emphasis is predominatly political and, unfortunately, of the left wing variety.

In fact, so politically oriented is the NCC, that it is claimed to be operating illegally under federal law.

The NCC enjoys exemption from federal taxation because of its official commitment that it "shall not engage in influencing legislation or engage in lobbying," yet it has one of the most ruthless and powerful lobbying groups in Washington, and its efforts are nearly aways in support of socialistic legislation.

If you are contributing to The Methodist Church (now The United Methodist Church), you are contriubting to the NCC, because the Methodist Church is a contributing member of the NCC. If there is any doubt in your mind, just refer to the Methodist Discipline, Part VII, chapter XVI, paragraph 1595, and you will find that it states: "The Methodist Church is a charter member of the National Council of Churches of Christ in the United States of America. It has borne its proportionate share of financial support, . . ."

Financially, the NCC depends on member denominations for more than one-half of its budget. In 1965, member donations amounted to $7,114,478! Make no mistake about it—the NCC is big business. Since inception, the NCC has taken in more than $212,000,000! One wonders how much of this money has been spent on the following political activities supported by the NCC:

World Order Study Conferences which called for recognition of Red China.

Conferences and resolutions calling for the United States to disarm, withdraw from Vietnam and negotiate with the Communists.

General Board actions and testimony before Congressional Committees calling for the elimination of prayer and Bible reading from the Public Schools.

Urging more Foreign Aid and more Anti-Poverty Funds.

Issuing propaganda in favor of the United Nations and World Government.

Issuing propaganda against internal security committees and investigative procedures.

Attacks on the Profit Motive of Capitalism.

Telling the Congress of the United States that the U.S. should encourage efforts to bring armaments under international control.

Urging the extension of trade and travel with Red China, Eastern European Communist satellite countries, and the Soviet Union.

Protesting against the loyalty oath in the National Defense Act and Education Act.

Declaring that United States citizens should be prepared to subordinate their sovereignty to that of the United Nations.

Urging elimination of State and Local residence requirements for public assistance.

Sponsoring youth assemblies which blaspheme the sacred, such as in the play "For Heaven's Sake."

Paying for trips to the Soviet Union where NCC delegates are wined and dined by Soviet Secret Police agents.

Setting up a Commission of 25 members to organize racial demonstrations, make commitments, organize boycotts, and lobby in Congress for civil rights legislation.

Issuing reports stating that "resistance to civil authority is a valid course for Christians to take" when that Christian decides that a particular law is "unjust" and should be "disobeyed."

Hiring busses to carry lobbyists to Washington so that they could pressure their Congressmen as to how to vote on certain legislation.

Authorizing their representatives to appear before the National Convention platform committees of the Republican and Democratic parties to tell them what planks they should adopt.

How do these projects square with the NCC's claim that it exists "more fully to manifest oneness in Jesus Christ as divine Lord and Savior . . ."?

The fact is, they don't. Actually, the NCC's principal function is that of a Protestant Political Propaganda Hierarchy.

Just what can individual church members do to get rid of the NCC? Perhaps the most effective action would be to deprive it of its most vital need—money.

If church members who disagree with the actions of the NCC would simply withhold financial support to their Churches, this would dramatically reduce the flow of funds to the NCC. The NCC, in turn, would be obliged to curtail its activities.

We suggest that you become more fully informed about the NCC, and then decide for yourself whether you should continue supporting this organization through contributions to your Church.

Send for this release. (Letter No 87) addressing it to the address below. You should give this to Christian friends and pastors who should have this information:

METHODIST LAYMEN OF NORTH HOLLYWOOD,
NORTH HOLLYWOOD, CALIF.

PEOPLE WHO SERVE FOOD HAVE TO EAT TOO, ALSO

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. JACOBS. Mr. Speaker, the Capitol Hill food workers have formed an association for the purpose of achieving some semblance of justice in their wages and working conditions.

True to the unenlightened labor policies of the last century from which most of his policies spring, the Capitol Architect, through his agent, has threatened the job of a leader of the employees association on trumped up charges.

The plain fact is that while the Capitol

XUM

Architect squanders millions of the taxpayers dollars on wasteful projects, he has denied to these food workers not only what the very lowest standards call a living wage, but also the slight increase he himself promised them last November.

Mr. Speaker, people who serve food to Senators who "have to eat too" have to eat too, also.

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